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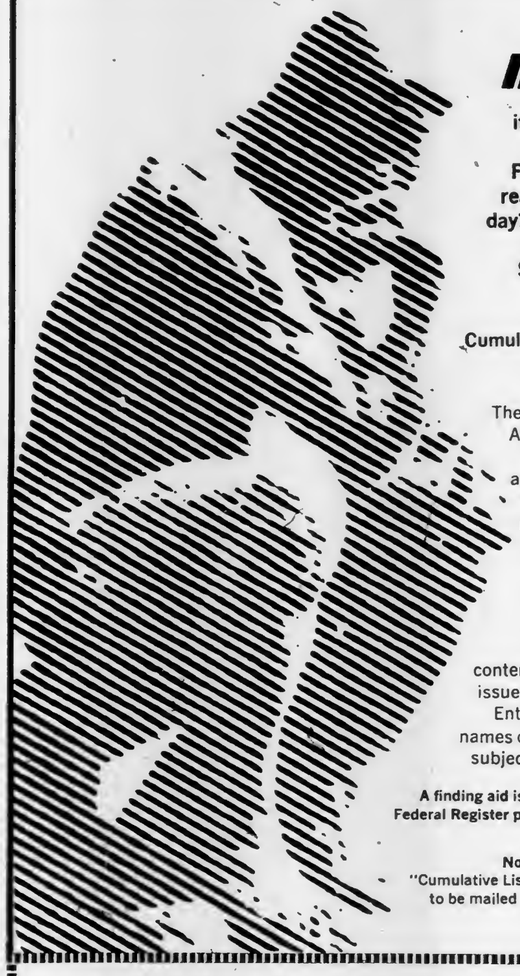
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This publication was prepared under the editorial direction of Rose Steinman, with Carol Blanchard and Loren Myers as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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2.52 Removed	36193
2.57 (a)(16) revised	4011
2.62 (b)(3) revised	9355
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2.68 (a)(1) revised; (a)(11) through (23) removed; (a)(24) through (27) redesignated as (a)(11) through (14)	14171
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2.86 (a)(13) added	15322
2.87 (a)(3) removed	15322
5.1 (a) amended	22333
6.16 Revised	15685
6 Appendix I amended	15685
16.3 Revised	2805
16.4 (c) revised	37091
(b) added	41709
20.2 Revised	19950
20.3 Revised	19950
20.4 (a) and (h) revised	19950
20.6 (i) amended	19950
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20.11 (a) amended	19950
20 Appendix I revised	19951
24.4 (d) revised	8354
25.11 (b)(1)(i)(C) revised	8354
25.15 (e) revised	8354
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26.110 (b), (d)(3) and (4) revised; (d)(5) added	18285
26.202 (x) amended	22826
26.301—26.302 Revised; eff. 5–1–77	26672
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29.3 (a) and (c) revised	24693
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29.123 Revised	18425
29.1001—29.1225 Revised	19952
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29.9251 Heading and text amended	18425
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47.47—47.68 (Subpart) Added	41075
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52.773 Table revised	15020
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52.981—52.985 Removed	34751
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52.1557 (d) and (e) revised	2370
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52.1612 Revised	15019
52.1614 Table revised	15019
52.1661—52.1674 (Subpart) Revised	16812
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52.2565 Table revised	15017
52.2601 Revised	15017
52.2602 Revised	15017
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52.2641 (a) revised; (b) added	15018
52.2642 (d) amended	15018
52.2644 Table revised	15018

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52.4021 Revised	15020
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52.5604 Revised	15018
52.5606 Revised	15019
52.5647 (d) and (e) revised	2371
52.5687 (d) and (e) revised	2371
52.6241 Amended	20389
52.6242 (c) amended	20389
52.6441—52.6451 (Subpart) Added	32225
52.6461—52.6474 (Subpart) Added	32227
53.19 (b) amended	14171
53.29 (c) revised	2074
53.102 Effective date postponed to 2-23-76	2371
53.104 Effective date postponed to 2-23-76	2371
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70.210 (e)(1) corrected	24694
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102.2 (j) revised	7751
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107 Revised	31163
107.60 (c) revised	37305
108.52 (b) revised	34006
111.62 (b) revised	34006
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201.43 (c) and (d) amended	20156
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201.48 (g) amended	20156
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201.58 (b)(12) and (13) added; (c) table 2 amended	20157
201.76 Table 5 amended	20158
201.78 (e) added	20158

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210.1 (c) amended	18426, 19198
210.2 (r) revised	3073
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(q-1) revised	23696
210.3 (b) revised; (b-1) and (b-2) added; (c) amended	18427
(c) amended; (b) revised; (b-1) and (b-2) added; correction	19198
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210.8 (e)(14) and (d) amended; (f) removed	18427
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210.10 (h) added	3073
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(a) revised; (b) through (h) redesignated as (c) through (i); new (b) added; (d), (f), and (g) amended; correction	19199
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215.2 (c) and (x-1) removed; (b), (e), (k), (l), (n), (r), (v), (y) and (z) revised; (d), (e-1), (j), (j-1), (u-1) and (aa) added	31173
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215.12 (b) removed; (a) and (d) revised; (f) amended	31175
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215.13a Added	31176
215.14a Added	31176
215.15 Revised	31177
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215 Appendix revised	7752
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220 Heading revised	34757
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220.1—220.3 Removed	32405
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220.2 Revised	34758
(u) corrected	36013
220.3 Revised	34759
220.5 Revised	34759
220.6 Heading amended	34758
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225 Revised	9533
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226.12 (h) revised	40110
226.24 (d) removed	2074
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226 Appendix A added	7751
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235 Added	32405
244 Removed	37305
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(f-1) corrected	30012
245.3 (a) and (c) amended	28783
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246 Revised	1744
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246.9 (b)(1) and (2) corrected	4251
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246.11 (b) corrected 4251
246.12 (a) corrected 4251
246.13 (b)(5) corrected 4251
246.16 (b) corrected 4251
246.21 (a) redesignated as (b); (b) and (c) redesignated as (c) and (d); new (a) added 4251
250 Authority citation corrected 26192
250.1 (b)(15) revised 8486
(a), (b)(13) and (17) revised; (b)(6) and (13 amended; (b)(18) added 24694
250.3 (g), (i), (j), (m), (n), and (n–1) revised; (o) amended; (n–2), and (w) through (z) added 24695
(g) amended; (j) and (x) revised 29408
(m), (n–2) and (o) corrected 26192
250.4 (b) amended 8486
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(b)(3) revised 29408
250.6 (m) revised 1488
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250.8 (a), (b), and (g) revised; (i) added 24696
250.10 (e) added 1489
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(f)(2) amended; (g) and (h) added 24697
250.11 Amended 4539
251 Removed 29408
265 Removed 22070
270.2 (ll) and (mm) redesignated (mm) and (nn); new (ll) added 18786
270.5 (b)(6) revised 4539
271.1 (a)(3) amended 7751
(p) revised; (q), (r) and (s) redesignated as (r), (s), and (t); new (q) added 11466
(n)(2) revised 18787
(a)(3) revised; (i)(2) amended 26193
271.3 Revised 18787
271.4 Revised 18790
271.6 (d)(2) revised 8027
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271.7 Revised 18792
271.10 (a) and (c)(1)(i) revised; (c)(1)(ii) removed; (c)(1)(iii) revised and redesignated as (c)(1)(ii); (c)(2)(iii) added 34761

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271 Appendixes B and E tables corrected 1268, 1269
Appendixes A, E, and F corrected 3073
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Appendixes C and D amended 18795, 18800
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Appendix D revised 27368
Appendix E revised 27369
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275.10 (c)(1)(ii) and (iii) and (d)(1) temporarily suspended 31803

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301.45–2c (b) amended 18055
301.48–2a Revised 19960
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301.52–2a Amended 7753
301.80 (b) amended 27372
301.80–1 Revised 27372
301.80–2 Revised 27372
301.80–2a Revised 11467
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301.80–3 Revised 27373
301.80–4 (d) amended; (e) and (f) revised 27373
301.80–5 (b) revised 27374
301.80–6 Amended 27374
301.80–8 Amended 27374
301.81–2a Amended 30338
331.1 Removed 32229, 32410
331.2 (Subpart) Added 8943
354.2 Revised 5804
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Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401.101 Appendix amended 1577, 1578, 4812, 5104, 7383, 8355, 21336
401.103 (a) amended 5104
(a)(2) and (a) table amended 23389
401.111 Amended 5105

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401.126 Heading revised; text amended 23387
401.135 Amended 22251
401.149 Revised 22251
401.152 Added 5104
401.153 Added 23388
402 Revised 22252
409.30 Appendix amended 34973
410 Revised 5106
411 Revised 36792

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622.15 (g) amended 13579
622.21 Amended 13579
622.30 (a) revised 13579
622.34 Revised 7935
622.35 (a) revised 13579
623.2 (a) amended 13579
623.3 Amended 13579
650.2 Revised 24976
650.4 Amended 24976
650.5 (a) revised 24976
650.7 (d) and (e) revised 24976
650.8 (a)(2) and (c) introductory text revised; (c)(6) added; (i) revised 24976
650.9 (b)(1)(i) and (2), and (c)(3) revised; (b)(3) removed; (b)(4) and (5) redesignated as (b)(3) and (4) and revised 24976
650.10 (c) revised 24977
650.11 (c)(9) and (15) removed; (c)(10) through (14) redesignated as (c)(9) through (13) and revised; (d)(2) revised; (g) added 24977
added 24977
650 Appendixes I, II, III, removed 24976
656 Added 23181
662 Removed 29656
663 Added 14172

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701.2 (c) amended; (d) revised 15022
701.6 (b) removed 15022
701.9 Amended 15022
701.10 (b) revised 15022
701.12 Revised 15022
701.13 (b) and (c) revised 15022
701.16 (j) amended; (l) added 15023
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701.24 Amended 15023
701.25 Revised 15023
711.29 Amended 8355, 8487
719.7 (b)(1) revised 20390
719.8 (b) revised 27374
722.73 (c)(5) added 32878
722.407 (e) redesignated as (f); new (e) added 31803
722.463—722.468 (Subpart) Heading revised 3271
722.467 Revised 3271
(b)(2) table corrected 6262
722.506 Amended 36193
722.507 (a) revised 36193
722.508 (a), (b)(4) and (5) revised 36193
722.509 (b) and (d) amended 36194
722.511 (h)(4) amended 36194
722.512 (e) revised 36194
722.558—722.564 (Subpart) Heading revised 1580
722.564 Revised 1580
722.704 (g) added 31178
722.709 (a) amended 31178
722.805 (b)(1) amended; (b)(2) revised 9540
724.2—724.4 Revised 4884
724.12—724.17 Centerhead and sections revised 4884
724.23 Revised 15023
724.27 Revised 15023
724.36 Revised 20886
725.72 (c)(4)(i) revised 36643
725.92 (b) revised 36643
726.11—726.21 Center heading revised 4539
726.11 Revised 4539
728.2 (j) added 35694
728.4b Added 16158
728.9 (b) amended; (c) revised 35694
728.10 Revised 9541
(a)(1) amended 35694
728.13 (b)(1) revised 35694
728.16 (a) amended 35694
728.17 (b)(1)(i) amended; (b)(4) and (5) revised; (b)(7) added 35694
729.11 (b) revised 36194
729.17 Revised 36194
729.32 (b) revised 1885
729.33 (d)(4) added 1885
729.43 (b)(4) added 1885
729.70 Added 36194
729.106 (Subpart) Heading added and section revised 14176
730.1501—730.1503 Revised 1043

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730.1505 Added	4012
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731.4 Added	22550
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775.17 (b)(1)(i) amended; (b)-(4) and (5) revised; (b)(7) added	35695
790 Nomenclature change	34247
791 Nomenclature change	34247
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905.126 (b) and (d) revised	7754
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905.560 (a)(7) and (8), (b)(7) and (8), and (c) revised	3282
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(a)(7) and (b)(7) revised	15829
(a)(5) and (b)(5) revised	18673
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905.561 (a)(2) revised	6262
905.563 (a)(4) revised	15829
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905.564 Added	42178
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905.566 Added	42179
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907.213 Added	4886
907.665 Added	5288
908.215 Added	14859
908.824 Added	10439
908.828 Added	14860
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909.214 (b) revised	35843
910.153 (e)(5)(iv) added	10440
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910.214 Added	38155
910.357 Added	41918
911.150 Added	42180
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911.329 (a)(3)(i) through (iii) revised	15685
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911.337 (a)(3) revised	7384
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914 Removed in part	30094
915.150 (d) added	42180
915.215 Revised	24977
915.317 (a)(2) table amended	3283
915.318 Added	21337
(a)(2) table amended; (a)(6) existing text designated as (6)(ii); (6)(i) added	34974
(a)(2) table amended	43155
916.110 Heading and (b) revised	22071
916.214 (a) revised	1043
916.215 Added	32410
916.348 (a)(2)(i) and (4)(i) revised	18805
916.349 Revised	20546
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916.350 (b) introductory text revised	31179
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917.149 Added	31180
917.214 Added	32411
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917.419 (a) introductory text and (a)(1), (3) and (5) revised; (a)(6) and (7) added	24577
917.440 Added	20547
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917.441 Added	21174
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922.316 Added	28785
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932.210 (a) revised	22551
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944.112 (a)(1) and (2) revised; (a)(3) added	15829
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944.204 (a)(3) revised	7384
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1901.451—1901.456 (Subpart J) Added 38157
1918 Subchapter I added 10441
1918.101—1918.150 (Subpart C) Added; supersedes 1804.51—1804.54 (Subpart C) and 1822.351—1822.353 (Subpart J) 10442
Heading corrected 14727
1927 Redesignated from 1861.71—1861.74 (Subpart E) and revised 40116
1955 Subchapter K and Part added 32698
1980.401 (d) added 20886
1980.411 (a)(14) revised 11807

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1980.424 (a) amended	20886
1980.432 Amended	39005
1980.434 (a) and (f)(1) amended	11807
1980.451 (f)(3) revised	11807
1980.452 Amended	11807
1980.470 Amended	11808
1980.496—1980.500 Amended	20886
1980 Appendixes B, C, and D amended	11808
2006–2012 (Subchapter Q) added	21176, 22928
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2024 (Subchapter R) Added	13933
2024.1—2024.21 (Subpart A) Added	13933

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51.3 (b) amended 18806
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73.1 (a) amended 5384
73.1a (a) introductory text and (a)(1) added 7743
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73.1c Added 5384
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73.4 Heading revised; text amended 5384
73.5 Amended 5384
73.6 Heading and text amended 5384
73.7 Amended 5384
73.8 (b) amended 5384
73.9 Added 4012
73.10 (a)(2) amended 5384
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73.11 Heading revised; text amended 5384
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92.24 (a) amended 18088
92.30 Amended 18088
92.34 (c) revised 18088
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94.8 (a)(1) revised 15000
94.9 (b)(1)(i), (b)(2) and (3) revised; (b)(4) added 15001
94.11 (a) amended; (b) revised 15001

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318.6 (b)(9) amended 23702
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319.145 Added 2630
319.281 (a)(1) amended 18089
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207.11 (b)(10) and (c)(8) added; (c) amended ---------- 37762
208.6 (b)(9) and (c)(8) added; (c) amended ---------- 37762
212.8 (a)(10) and (b)(8) added; (b) amended ---------- 37763
214.7 (a)(7) and (b)(7) added; (b) amended ---------- 37763
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243.8 (e) revised ---------- 29814

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244 Sec. 1 amended 8029
Sec. 7 amended 8029
Sec. 8 amended 8029
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253 Added 30112
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288.7 (a) and (d) amended 1271, 4899, 27313
(b) amended 29816
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288.10 (a) revised 29817
289.1 (d) added 41081
289.3 (a) and (b) revised 41081
293 Added 9306
298 CAB Form 298–C amended 28513
298.2 (d) revised; (n) through (t) redesignated as (o) through (t) and (v); new (n) and (u) added 28512
298.21 (c) amended 25890
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298.23 Revised 25890
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298.45 (a) revised 25890
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302.30 Heading and (a) revised 38497
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302.33 Revised 38497
302.38 (a) revised 10598
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302.205 (a) revised 41909
302.206 Existing text designated as (a); (b) and (c) added 41909
302.212 Heading revised; existing text designated as (a); (b) added 41909
302.215 (a) revised 41909
302.505 (a) revised 16931
310 Appendix B amended 28946
310.6 Revised 32579
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371.25 (a)(2) revised; (a)(3) added 42940
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372a.22 (b) and (d) revised; (f) added 35158
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372a.50 (a) revised 35159
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373.10 (b)(2) revised; (b)(3) added 42940
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378a.41 Revised 35162
378a.45 Added 35162
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378a Appendix B amended 35163
384.3a Added 20653
385.20 Heading and introductory text revised 1061
385.21 Heading and introductory text revised 1061
389.25 (h) and (j) revised; (x) added 37775
399.62 Added 41407
399.70 (Subpart F) Added 10599
399.85 Added 30113
399.101 Added 28947

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1206.401 Revised 9307
1207.735–101 (e) removed; (f)(18), (19) and (20) added 2632
(b) revised 31526
(f)(20) amended 31526
1207.735–200—1207.735–202 (Subpart B) Revised 2632
1207.735–303 (j) amended 31526
1207.735–305 Revised 2633
(b)(3) revised 31526
Technical correction 35479
1207.735–309 (d) added 2633
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1207.735–404 (a)(4), (b) and (d) amended; (g) revised; Appendixes A and C amended 31526
1207.735–502 (b)(1)(i) revised; (b)(2)(i) amended 31527
1213 Added 22930
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0.735–13 (d) added 34939
3 Revised 1584
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7 Added 8164

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30 Revised 9134
30.1 (a)(2)(iii) revised 29374
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30.20 (a) revised 42645
30.24 (a)(1) revised 42645
30.40 Revised 42645
30.55 (h) revised 42645
30.70 (c) corrected 2076
50.10 Revised 8767
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230 Revised 8472

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370	Supplement No. 1 amended	16161
371.19	(b) amended	16161
373.3	(a)(2) revised	16161
373.7	(i)(4) revised	16161
374.3	(c)(1)(ii) revised	16161
376	Supplement No. 3 revised	22931
377.1	(c)(3) amended; (d) added	2077
377.2	(d) revised; (e) amended	2077
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377	Supplement No. 2 revised	2077, 28259
378	Supplement No. 1 amended	23668
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388.14	Revised	18068
389	Heading and text revised	16161
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805	Added	23392

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1.33	Amended	4814
1.34	Amended	4814
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1.64	Amended	4814
2.7	(d) added	16453
2.11	(d) added	16453
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2.34	Amended	9860
3.25	(d) amended	9860
3.42	(g)(2) revised	8340
3.52	(e) revised	17723
4.1	(c) and (d) redesignated as (d) and (e); new (c) added	16453
4.2	(c) revised	9860
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4.9	(b)(7) revised	4815
	(b)(21) through (23) redesignated as (b)(23) through (25); new (b)(21) and (22) added	16453
13	Technical correction	26679
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15.332	Added	34594
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1030.605	(b) corrected	25891
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1110	Added	43127
1116	Revision deferred	18651
1207	Added	2751
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1207.2	Amended	15003
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1207.5	(d) introductory text and (f)(9)(iii)(B)(2) corrected	9307
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1207.7	(g) corrected	9307
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1500.85	(a)(2) revised	22935
1507	Revised	22935
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	Effective date statement corrected	5386
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1512.5	(b)(1), and (e)(2) and (3) amended; (c)(1) revised	1061
1512.6	(c) corrected	1061
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1512.19	(d)(1) amended	21631
1512.50	(Subpart B) Added	21631
1602.2	(h) revised; (i) added	16797
1607.6	Revised	12222
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1615.4	Figures corrected	1061
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1630.61—1630.63	(Subpart C) Authority citation corrected	1061
1632.31	Heading revised; (i) added	37776
1700.1	(a)(3) added; eff. 6-2-77	22266
1700.14	(a)(15) added	16948
	(a)(12) and (13) added; eff. 6-2-77	22266
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11 Added	29799
12 Authority citation revised	30587
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14 Added	28472
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240.14a-9 Note amended	19933
240.15a-4 Added	18290
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240.15b8-1 (c)(1) revised; (d) added	22824
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240.15b9-1 (e)(1) revised; (e) redesignated as (f) and corrected; new (e) added; (d) amended	22825, 39306
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240.15c3-1 (c)(1)(i) revised; (c)(1)(i), (c)(2)(iv)(C) and (vi)(B)(*1*), (ix) and (xiii) and (f)(1)(i) and (ii) revised	15844, 24119
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240.15Ba2-5 Added	28948
240.15Ba2-6 Added	28949
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240.17d-1 Added	18809
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6.14 (a)(1) and (c) revised 29100
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16 Added 13912
41.6 (h) added 22560
42.91 (a)(14(ii)(d) revised 37574
61.3 (c) revised 30114
61.5 (d)(1) revised 30114
64 Added 36203
102.21—102.27 (Subpart B) Added 31548
102 Technical correction 34743
130 Added 40608

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216 Added 26914

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503.6 (c)(1)(i) and (ii) revised 35480
505.15 Revised 41425

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603 Added 19102
606.735–71 (a) revised 33550
606.735–72 (a) amended 33550

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901 Added 26919
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903 Added 26920
904 Added 26920
905 Added 26920
906 Added 26921
907 Added 26922
908 Added 26922

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1003 Added 19211

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130 Revised 27962
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230.401—230.415 (Subpart D) Added 34239
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420 Revised 31531
420.300—420.310 (Subpart C) Added 33441
450.100—450.122 (Subpart A) Appendix amended 18235
470 Effective date confirmed 26856
473 Removed 26856
630.304 (b) revised 33253
630.501—630.519 (Subpart E) Revised 22813
630.513 (d) corrected 24347
630.901—630.903 (Subpart I) Added 43139
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635.101—635.128 (Subpart A) Appendix A removed 36204
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635.116 Removed 36204
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635.401—635.413 (Subpart D) Added 36204
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650.601—650.613 (Subpart F) Added 18297
655.407 (c) amended 36206
655.605 (c)(3) amended 36206
655.606 (b) corrected 23380
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655.608 (d) amended 36206
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655.803 (a) corrected 31532
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660.213 Revised 31197
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712.204 (g)(3) revised 24347
712.702 (d) revised 24347
750.302 (a) revised; (b) text designated as (b)(1); (b)(2) added 31198
750.306 (c) added 31198
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1250 (Subchapter C and Part) Added 23949

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10 Revised 33910
16.1 (e) revised 13917
16.2 (b)(2) and (3) revised 13917
35 Revised 28878
52 Added 41874
58.2 (b) revised; (c) removed 26856
58.3 Amended 20522
58.20 Added 20523
82 Redesignated as Part 3500 22560

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200.84b Amended 29141

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200.110 Amended 29141
200.111 (b) amended 29141
200.116 (d) amended 29141
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207.1 (j) added 14861
207.4 (a)(2), (b), and (c)(1) revised 41880
207.19 (c)(6) revised 41516
207.32a (b)(1) and (b)(2)(ii)(A) revised; (c), (e), and (f) amended; (j)(4) and (k) added 19935
(b)(2) introductory text, and (b)(2)(i) and (ii)(A) revised 41880
207.33 (b)(1) and (2) revised 41880
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232.17 Added 14861
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234.255 (a) amended; (b) revised 42949
234.259 Added 42949
234.525 (b) revised 41881

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234.530 (a) and (b)(1) revised 41881
235.1 (a) amended 42949
235.2 (d) revised 43140
235.35 (a) removed; (b) revised 43140
235.38 (h) added 43140
235.201 (a) amended 42949
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260 Added 34609
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271.60 Amended 41871
271.65 Amended 41871
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280.7 Added 24969

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310 Appendix Amended 21770

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410 Revised and redesignated as 861 15844
450 (Subchapter J and Part) Added 43332

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570.200 (a)(10) revised 20524
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570.406 (b) and (c) revised 36650
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865.401—865.410 (Subpart D) Added 20276
867 Added 43090
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880.102 Amended 42951
880.110 (c) revised 42951
880.114 (e) amended 42952
880.207 (b)(2) revised 42952
880.208 (j) revised 42952
880.210 (c)(3) revised; (e) added 42952
880.211 (a) and (b)(4) revised 42952
881 Revised 17488
882 Revised 19884
886 Heading revised 32687
886.201—886.213 (Subpart B) Revised 32687
888 Schedule A revised 14662
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891 Added 35662
891.501—891.505 (Subpart E) Added 25983

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3282.7 (u) revised 24971
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25.2512–2 (b)(1) amended 38769
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179.1 Revised; eff. 1–3–77 △38183
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179.101–1 (a) footnote 12 added △21476
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571.121 Std. No. 121 corrected 48512
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Joint meeting of the Council and the National Center for Productivity and Quality in Working Life to study regulation of the steel industry, Washington, D.C. (open), 9–8–76.... 35213; 8–20–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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Table of Effective Dates and Time Periods—September 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 1	September 16	October 1	October 18	November 1	November 30
September 2	September 17	October 4	October 18	November 1	December 1
September 3	September 20	October 4	October 18	November 2	December 2
September 7	September 22	October 7	October 22	November 8	December 6
September 8	September 23	October 8	October 26	November 8	December 7
September 9	September 24	October 12	October 26	November 8	December 8
September 10	September 27	October 12	October 26	November 9	December 9
September 13	September 28	October 13	October 28	November 12	December 13
September 14	September 29	October 14	October 29	November 15	December 13
September 15	September 30	October 15	November 1	November 15	December 14
September 16	October 1	October 18	November 1	November 15	December 15
September 17	October 4	October 18	November 1	November 16	December 16
September 20	October 5	October 20	November 4	November 19	December 20
September 21	October 6	October 21	November 5	November 22	December 20
September 22	October 7	October 22	November 8	November 22	December 21
September 23	October 8	October 26	November 8	November 22	December 22
September 24	October 12	October 26	November 8	November 23	December 23
September 27	October 12	October 27	November 11	November 26	December 27
September 28	October 13	October 28	November 12	November 29	December 27
September 29	October 14	October 29	November 15	November 29	December 28
September 30	October 15	November 1	November 15	November 29	December 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
Patent—Patent Office
TS—Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency
DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards' Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endownment for the Arts
NFAH/NEH—National Endownment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

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presidential documents

Title 3—The President

Memorandum of August 28, 1976

Decision on Honey Under Section 202(b) of the Trade Act of 1974

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, August 28, 1976.

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (PL 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the U.S. International Trade Commission (USITC) dated June 29, 1976, concerning the results of its investigation of a petition for import relief filed by several associations and independent firms producing honey in the United States.

I have determined that import relief for honey is not in the national economic interest of the United States.

Three Commissioners found that although commercial producers of honey, i.e. with 300 bee colonies or more, had operated profitably, such producers were threatened with serious injury caused in substantial part by increased imports. This finding did not cover the numerous beekeepers who produce honey as a hobby or as a sideline to other occupations. Moreover, firms processing, packing and/or marketing honey were found not to be injured or threatened with injury from increased import competition. Two of the five Commissioners voting in the case found no injury or threat of injury to any part of the industry.

The farm value of the total domestic honey crop in 1975 is estimated at $100 million, with about 60 percent accounted for by commercial producers. Commercial production has varied widely in recent years, depending on yield per bee colony, which is in turn affected by such factors as weather, pasturage, and pesticide losses. There is no idling of productive facilities and employment has increased.

Data reported by the Commission show that prices received by producers for bulk unprocessed honey in 1975 had declined from the all-time peak in 1974 but were still 27.7 cents per pound, or 154 percent above the 1971 level. In the same 5-year period, retail purchasers paid an increase of 34.4 cents per pound, or 94 percent. Per capita consumption declined, due at least in part to loss of a major part of the industrial market to lower price substitutes.

With increased costs and lower yields, honey producers showed a lower profit to sales ratio last year than in the boom year 1973. However, the net beekeeping profit before income taxes reported by commercial producers to the Commission for 1975 was 2.6 times the 1971 earnings.

Even with a good crop, domestic production of honey falls short of consumption. Imports have varied widely in the past, tending to even out consumption needs. With short crops in 1974–1975 and the 1976 crop expected to be nearly 50 million pounds below 1973, imports have risen. Efforts to increase stocks before a possible escape clause duty increase also contributed to the rise in imports in 1976.

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Tariff relief would be inconsistent with the national effort to reduce inflation. New restrictions would also expose other U.S. products to foreign claims for compensatory tariff reductions or retaliation against U.S. exports. While honey is a small item in our overall imports, increased protection would have an adverse effect on our bargaining position in bilateral consultations and multilateral negotiations of major importance to the U.S. economy.

After considering the material on honeybee pollination of domestic crops, I have concluded that pollination will not be jeopardized in the absence of import relief. However, in view of the widespread interest in this subject, I have instructed the Secretary of Agriculture to undertake additional research on the importance of pollination, to identify possible problem areas, and to recommend appropriate solutions as needed.

In taking action which differs from the action recommended by the Commission, I am required by Sec. 203(b) of the Trade Act of 1974 to report to Congress on the reasons underlying this action. This reportorial requirement is by itself of course appropriate. However, by Sec. 203(c) of the Trade Act, Congress has also attempted to empower itself with the authority to disapprove of such Presidential action by force of a concurrent resolution. Such legislative "vetoes" are considered by the Executive to be violative of fundamental constitutional precepts and thus without effect. The question is currently at issue in litigation which is being actively pursued by the Department of Justice.

This determination is to be published in the FEDERAL REGISTER.

Gerald R. Ford

THE U.S. DUTY ON HONEY IMPORTS

As required by Section 203(b)(2) of the Trade Act of 1974, I am transmitting this report to the Congress setting forth my determination that import relief for commercial producers of honey is not in the national economic interest. Since I have determined that the tariff remedy recommended by the United States International Trade Commission (USITC) should not be implemented, I am setting forth the reasons for my decision and other action I am taking in response to the widespread interest expressed by U.S. agriculture in honeybee pollination of U.S. crops.

In taking action which differs from the action recommended by the Commission, I am required by Sec. 203(b) of the Trade Act of 1974 to report to Congress on the reasons underlying this action. This reportorial requirement is by itself of course appropriate. However, by Sec. 203(c) of the Trade Act, Congress has also attempted to empower itself with the authority to disapprove of such Presidential action by force of a concurrent resolution. Such legislative "vetoes" are considered by the Executive to be violative of fundamental constitutional precepts and thus without effect. The question is currently at issue in litigation which is being actively pursued by the Department of Justice.

U.S. honey production, valued at about $100 million in 1975, has varied from year to year but has historically fallen below domestic consumption requirements. Imports have also varied widely, with the volume tending to even out consumption needs. The Department of Agriculture recently released its initial forecast for 1976 honey production, which indicates that for the third year in a row, the crop will be short, due in large measure to adverse weather conditions. The anticipation of low domestic production (nearly 50 million pounds below 1973) and the desire to avoid higher duties in the event of escape clause relief probably explains a significant part of the increase in imports of 1976.

The finding of threat of injury by three of the five Commissioners voting in this case covers only the commercial production and extraction of honey. It does not cover hobbyists and sideliners, i.e., producers with less than 300 colonies, and the Commission found unanimously that processors and packers were not injured or threatened with injury. With regard to the commercial producers, data reported by the Commission for 1971–75 show rising sales, no idling of productive facilities and an increase in employment. Commercial producers' employment totals an estimated 10,000 persons, whereas part-time beekeepers and hobbyists total 218,000.

Producers' stocks since 1970 have been low as compared with the previous decade. Total stocks reported for 1975 were only slightly higher than in 1973 and were ten percent below the 1970 level. Prices received by producers for unprocessed bulk honey in 1975 were two and one half times the 1971 level and were not far below the all-time high reached in 1974. Profits in 1975 were 162 percent above 1971 and were higher than for any year except 1973, when yields, which have an important impact on profits, were 31 percent higher.

Under the circumstances noted above, it is not anticipated that any substantial number of commercial producers or their employees are likely to seek adjustment assistance. However, any firms or workers who consider they can meet the statutory criteria can petition for such assistance under Title II, Chapters 2 and 3, respectively, of the Trade Act of 1974.

Import restraints would expose U.S. industrial and agricultural trade to compensatory import concessions or retaliation against U.S. exports. An increase in protection would also weaken the bargaining position of the United States in bilateral consultations, and multilateral negotiations in which we are seeking improved access to foreign markets for our producers.

The national economic interest requires continued emphasis on reducing the rate of inflation. A remedy threatening price increases would work at cross purposes with our stabilization goals.

In considering the effect of import restraints on the international economic interests of the United States, as required by the Trade Act of 1974, I have concluded that such restraints, while affecting only a small share of our total imports, would be contrary to the U.S. policy of promoting the development of an open and fair world economic system. The goal of this policy is to expand domestic employment and living standards through increased economic efficiency.

In the course of this investigation extensive material was received concerning the role played by honeybees in pollinating certain crops. While total honeybee colonies in the United States have declined over the past 25 years, the major causes are pesticides, decreased bee pasturage and changes in cropping patterns. Imports of honey were not a significant factor. While a considerable amount of research has been done on pollination, more information on certain aspects of the subject would be useful. I have, therefore, instructed the Secretary of Agriculture to initiate studies of the importance of pollination to U.S. agriculture and consumers, to identify possible problem areas and to recommend appropriate solutions, as needed.

[FR Doc.76-28796 Filed 8-30-76;5:08 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80

CFR Unit (Rev. as of April 1, 1976):

17	$6.00
18 Parts:	
1–149	4.85
150–end	4.10
19	5.65
20 Parts:	
1–399	$2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	*5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	4.95
2–29	4.05
30–39	3.45
300–499	3.60
600–end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

32 Parts:	
590–699	$3.10
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
40 Parts:	
0–49	3.15
41 Chapters:	
7	1.85
8	1.80
49 Parts:	
1–99	$1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1975):

42	$5.15
43 Parts:	
1–999	2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 25—ADVISORY COMMITTEE MANAGEMENT

Financial Records of Advisory Committees

On September 11, 1975, committee management regulations for the Department of Agriculture were published in the FEDERAL REGISTER (40 FR 42171) as new Parts 25 and 25A of the Code of Federal Regulations.

7 CFR Part 25 is amended by revising §25.27(b) to read as follows:

§ 25.27 Financial records.

• • • • • •

(b) When it appears that committee expenses will exceed the estimate given in the charter by $500 or 10 percent, whichever, is greater, the agency providing support services shall obtain prior approval for the expenditure of such additional funds from the Advisory Committee Management Officer. A memorandum shall be routed through the Office of Management and Finance justifying such increased expense estimates and requesting approval. The agency shall be notified of the disposition of the request by the Office of Management and Finance.

• • • • • •

Since this amendment is intended to relieve the agencies of the paperwork burden of requesting approval for minor increases in committee expenses, it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date: September 1, 1976.

Dated: August 27, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-25606 Filed 8-31-76;8:45 am]

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CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 411—GRAPE CROP INSURANCE

1977 and Succeeding Crop Years

On Wednesday, June 16, 1976, there was published in the FEDERAL REGISTER (41 FR 24382) a notice of proposed rulemaking by the Federal Crop Insurance Corporation which would amend the Grape Crop Insurance Regulations (7 CFR 411.1 et seq.) effective with the 1977 crop year. The public was given 30 days in which to submit written comments, views, or arguments on the proposed amendment, but none were received.

The document, as published, more clearly defined the method of adjustment of losses to be used in connection with those grapes which may be harvested at the discretion of the grower before reaching full maturity; extended the termination date for indebtedness to allow the insured more time to pay premium since the current date for termination is prior to the time many insureds received the proceeds from their crops; changed the closing date from November 15 to December 10 to more nearly conform to local farming practices and to allow the insured more time to decide on and select his crop insurance; made provisions for vineyards of less than two acres and production of under two tons per acre, previously uninsurable, to now be eligible for crop insurance under a prior agreement with the Corporation.

Section 411.6 of the document published in the notice contained the Application and Policy. It was felt that filing an application for grape crop insurance could be expedited if the standard application were used, as is the case with most other crops insured by Federal Crop Insurance Corporation, using internal procedures and methods for processing similar to other crops, and a new grape insurance policy developed utilizing the same provisions as are used in the current application and policy section. Other than editing and format revision, the substance and the provisions of the proposed regulations, published for the benefit of public response (41 FR 24382), remain unchanged.

Accordingly, the proposed regulations, amended as indicated above and effective with the 1977 crop year, were adopted by the Board of Directors of the Federal Crop Insurance Corporation.

Part 411 of 7 CFR is hereby revised for the 1977 and succeeding crop years to read as set forth below. The provisions of this part shall apply, until amended or superseded, to all continuous grape crop insurance contracts as they relate to the 1977 and succeeding crop years. The Grape Crop Insurance Regulations for the 1967 and Succeeding Crop Years, as amended, shall remain in full force and effect for the 1976 crop year.

Sec.
411.1 Availability of grape crop insurance.
411.2 Premium rates, production guarantees, and prices for computing indemnities.
411.3 Application for insurance.
411.4 Public notice of indemnities paid.
411.5 Creditors.
411.6 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 411.1 Availability of grape crop insurance.

Grape crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of § 411.1 through § 411.6 in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for grape crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 411.2 Premium rates, production guarantees, and prices for computing indemnities.

(a) The Manager shall establish premium rates, production guarantees, and prices for computing indemnities which shall be provided for on the county actuarial table on file in the office for the county. Such premium rates, production guarantees, and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Policy set forth in § 411.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 411.3 Application for insurance.

An application for insurance, on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. The closing date for the taking of applications shall be the December 10 immediately preceding the beginning of the crop year. However, the Corporation reserves the right to discontinue the taking of applications in any county, prior to the closing date for the filing of applications, upon its determination that the insurance risk involved is excessive. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 411.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of indemnities paid in the county.

§ 411.5 Creditors.

An interest of a person other than the insured in an insured crop by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the policy set forth in § 411.6.

§ 411.6 The grape insurance policy.

The provisions of the policy for Grape Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

GRAPE INSURANCE POLICY

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of his insured crop due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on grapes:

(a) "Acreage report" means the form prescribed by the Corporation for annually reporting all of the insured's acreage and share therein of grapes in the county.

(b) "Actuarial table" means the grape insurance forms and related material approved by the Corporation which are on file for public inspection in the office for the county and which show the production guarantees, prices for computing indemnities, and premium rates for the county.

(c) "Continuous land" means land which is touching at any point, except that land which is separated by only a public or private way shall be considered contiguous.

(d) "Contract" means the application, this policy, and the actuarial table.

(e) "County" means the county shown on the application and any additional insurable land in a local producing area bordering on the county, as shown on the actuarial table.

(f) "Crop year" means the period beginning with the date insurance attaches to the grape crop and extending through normal harvest time and shall be designated by the calendar year in which the grapes are normally harvested.

(g) "Harvest" means picking the grapes from the vines.

(h) "Insurable acreage" means either (1) the land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list for the county; or (2) the land owned or operated by a person to whom a farm classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(i) "Office for the county" means the Corporation's office serving the county or such office as may be designated by the Corporation.

(j) "Person" or "Insured" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured grapes at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the grape crop shall be deemed to be insurable.

(l) "Time of loss" means the earliest of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop in the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(n) "Ton" means 2,000 pounds.

(o) "Unit" means all the insurable acreage of grapes in the county which is located on contiguous land and, at the time insurance attaches for the crop year, (1) in which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or for any consideration other than a share in the crop on such land only shall be considered as owned by the lessee.

The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and reserves the right to consider any acreage and share reported by or for the insured's spouse, child, or any member of his household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Causes of loss.* (a) The insurance is provided against unavoidable loss of production occurring within the insurance period resulting from adverse weather conditions, flood, fire, wildlife, and earthquake.

(b) The contract shall not cover any loss due to (1) neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (2) failure to follow recognized good farming practices; (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project; or (4) any cause not specified as an insured cause in this policy.

3. *Grapes insured.* (a) Insurance attaches only to insurable varieties shown on the actuarial table and grown on insurable acreage (1) in which the insured has a share on the date insurance attaches; (2) on which at least 90 percent of a stand, based on the original planting pattern, has been maintained; and (3) on which the vines after being set out have reached the number of growing seasons shown on the actuarial table.

(b) Unless a written agreement is in effect between the Corporation and the insured, insurance shall not attach to either a unit of less than two acres or a unit with an average yield of less than two tons per acre.

4. *Life of contract and contract changes.* (a) The contract shall be in effect, for the first crop year specified on the application. Subject to the other provisions of this section, the contract shall continue for each succeeding crop year until canceled by either the insured or the Corporation. Insurance may not be canceled for the first crop year, but thereafter either party may cancel insurance for any crop year by giving written notice to the other by the September 30 immediately preceding such crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent; or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches in any year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall dissolve the joint entity.

(c) The contract shall terminate if the premium for any crop year is not paid by December 10 following the calendar year in which insurance attached: *Provided,* That the date of payment for a premium (1) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall also terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by the September 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract, as provided in subsection (a) of this section.

(f) For any crop year, the insured may change the price election which was in effect for a prior crop year by so notifying the office for the county in writing by the December 10 immediately preceding the crop year.

5. *Responsibility of the insured to report acreage, share, and yield.* (a) For each year of the contract, the insured shall submit an acreage report promptly after insurance attaches, but not later than a date established by the Corporation and on file in the office for the county. Such report shall include a designation of all acreage of grapes which is uninsurable under the provisions of section 3 above. A report of the preceding year's insurable acreage and the tonnage produced therefrom shall also be provided by the insured on a form prescribed by the Corporation when the acreage report for the current year is submitted.

(b) If the insured does not submit an acreage report by the date established by the Corporation, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero".

6. *Insurance period.* Insurance attaches each crop year on December 11 and ceases upon harvest or December 10 following the calendar year in which the insurance attached, whichever is earlier. If the insured purchases any acreage of grapes by January 5 of any crop year, insurance will be considered to have attached to such acreage on the preceding December 11, provided an inspection of the vineyard has been made and the acreage is acceptable to the Corporation. If the insured sells any acreage of grapes by January 5 of any crop year, insurance will not be considered to have attached to such acreage for that crop year.

7. *Annual Premium.* (a) The annual premium for each unit is earned and payable on the date insurance attaches and shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the premium percentage rate, times the insured's share on the date insurance attaches, and where applicable, applying the discount herein provided.

(b) Except as otherwise provided herein, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminiating any

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year in which a premium was not earned):

Percent premium reduction:	*Consecutive insurance years without a loss*
5 percent after	1 year
5 percent after	2 years
10 percent after	3 years
10 percent after	4 years
15 percent after	5 years
20 percent after	6 years
25 percent after	7 years or more

If the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made. If, at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, and 15 percent premium discounts in this section shall not thereafter be applicable until such cumulative premiums equal or exceed such cumulative indemnities.

(c) If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved; or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Notice of damage or loss.* (a) The insured shall report to the office for the county each damage to the grapes from an insured cause of loss within seven days after such damage becomes apparent, giving the date, cause, and estimated extent of such damage: *Provided, however,* That if a loss is to be claimed, the insured shall notify the office for the county immediately if the damage occurs within the seven day period before harvest commences or during harvest.

(b) If an insured loss occurs on any unit, the insured shall also notify the office for the county within 15 days after harvesting is completed on the unit, but not later than December 10 of the crop year.

(c) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(d) There shall be no abandonment of the grape crop to the Corporation.

9. *Claim for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation the production of grapes on the unit and that the loss has been caused by one or more of the hazards insured against during the insurance period, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. If the production harvested from a unit is commingled with the production harvested from any other acreage and the insured fails to keep separate records satisfactory to the Corporation of the acreage involved and the production from each, the Corporation may (1) allocate the commingled production as it deems appropriate; or (2) reject the claim for the unit without affecting the insured's liability for the premium.

(c) Losses shall be adjusted separately for each unit. The amount of loss on any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable guarantee per acre; (2) subtracting therefrom the total production to be counted for the unit; (3) multiplying this remainder by the applicable price per ton for computing indemnities; and (4) multiplying this product by the insured share: *Provided,* That the amount of loss shall be determined with respect to all of the insurable acreage and share; but, the amount of loss shall be reduced proportionately if the premium computed on all of the insurable acreage and share exceeds the premium computed on the acreage and share shown on the acreage report. *Provided, further,* That the insured share shall not exceed the share which the insured has in the grape crop at the time of loss or the beginning of harvest, whichever is earlier.

(d) The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, abandoned acreage, or acreage put to another use without the consent of the Corporation: *Provided,* That (1) the production to be counted for any acreage which is damaged by an uninsured cause, abandoned, or put to another use without the consent of the Corporation, shall be not less than the applicable production guarantee; (2) if the grapes are harvested before normal maturity, such production shall be increased by the factor determined by dividing the price per ton received for such grapes by the price per ton for fully matured grapes, as determined by the Corporation; and (3) no production will be counted for (i) grapes which the Corporation determines cannot, due to an insured cause, be marketed or if marketable would have a value of less than $35.00 per ton; or (ii) any unharvested insured acreage damaged by an insured cause if the appraised production, as determined by the Corporation, is 250 or less pounds per acre.

(e) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That such action must be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

10. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved and such event occurs after insurance attaches in any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

11. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

12. *Other insurance against fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either (a) the amount of insurance indemnity determined pursuant to this contract without regard to any other insurance; or (b) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

13. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity in any crop year, and the assignee shall have the right to submit the loss notices and forms as required by the contract.

14. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy

to the transferee for such crop year with respect to the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the transferor.

15. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment therefore is made by the Corporation and shall execute all papers required and take appropriate action to secure such rights.

16. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, or other disposition of all grapes produced on each unit and on any uninsured acreage of grapes in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

17. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

Adopted by the Board of Directors on August 4, 1976.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.76-25527 Filed 8-31-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Bartlett Pear Reg. 11, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Grade Requirement

This amendment, effective during the period August 27 through September 15, 1976, lowers quality requirements applicable to fresh shipments of Bartlett pears from the Medford District in Oregon by permitting the handling of such pears which fail to meet the U.S. No. 2 grade requirements on account of hail marks. This action recognizes the effects of recent hailstorms on the external appearance of Bartlett pears available for fresh shipment from the Medford District.

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that regulation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of current and prospective market conditions for Bartlett pears produced in the Medford District of Oregon. The lower quality requirements specified for fresh shipments of such Bartlett pears are consistent with the external appearance and available supply of such fruit.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment lowers requirements on the handling of such pears.

Order. In § 931.311 (Bartlett Pear Regulation 11; 41 FR 30094) the provisions of paragraph (a)(1)(i) through (a)(1)(iii) and paragraph (b) are amended to read as follows:

§ 931.311 Bartlett Pear Regulation 11.

(a) • • •

(1) *Minimum grade and size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1: *Provided,* That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided,* That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half;

(ii) Bartlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half;

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2⅛ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half.

• • • • • •

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title); "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods; the term "master container" shall mean those containers containing overwrapped consumer packages of pears; and the term "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, August 27, 1976, to become effective August 27, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-25604 Filed 8-31-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 11; Docket Nos. AO–251–A19, AO–266–A21, AO–195–A25]

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Order Amending and Merging Orders

7 CFR Part	*Marketing area*
1011	Appalachian.
1090	Chattanooga, Tennessee.
1101	Knoxville, Tennessee.

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FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Tennessee Valley order, which amends and merges the aforesaid orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Tennessee Valley marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Tennessee Valley order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Tennessee Valley order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1011.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the Tennessee Valley marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of the Tennessee Valley order, which amends and merges the aforesaid order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Tennessee Valley order; and

(3) The issuance of the Tennessee Valley order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; and Knoxville, Tennessee; marketing areas (Parts 1011, 1090, and 1101, respectively) shall be amended and merged into one order. Parts 1090 and 1101 shall be vacated. The handling of milk in the Tennessee Valley marketing area shall be in conformity to and in compliance with the following terms and conditions:

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1011.1 General provisions.

DEFINITIONS

1011.2 Tennessee Valley marketing area.
1011.3 Route disposition.
1011.4 Plant.
1011.5 [Reserved]
1011.6 [Reserved]
1011.7 Pool plant.
1011.8 Nonpool plant.
1011.9 Handler.
1011.10 Producer-handler.
1011.11 [Reserved]
1011.12 Producer.
1011.13 Producer milk.
1011.14 Other source milk.
1011.15 Fluid milk product.
1011.16 Fluid cream product.
1011.17 Filled milk.
1011.18 Cooperative association.

HANDLER REPORTS

1011.30 Reports of receipts and utilization.
1011.31 Payroll reports.
1011.32 Other reports.

CLASSIFICATION OF MILK

1011.40 Classes of utilization.
1011.41 Shrinkage.
1011.42 Classification of transfers and diversions.
1011.43 General classification rules.
1011.44 Classification of producer milk.
1011.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1011.50 Class prices.
1011.51 Basic formula price.
1011.52 Plant location adjustments for handlers.
1011.53 Announcement of class prices.
1011.54 Equivalent price.

UNIFORM PRICE

1011.60 Handler's value of milk for computing uniform price.
1011.61 Computation of uniform price.
1011.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1011.70 Producer-settlement fund.
1011.71 Payments to the producer-settlement fund.
1011.72 Payments from the producer-settlement fund.
1011.73 Payments to producers and to cooperative associations.
1011.74 Butterfat differential.
1011.75 Plant location adjustments for producers and on nonpool milk.
1011.76 Payments by handler operating a partially regulated distributing plant.
1011.77 Adjustment of accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1011.85 Assessment for order administration.
1011.86 Deduction for marketing services.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1011.2 Tennessee Valley marketing area.

The "Tennessee Valley marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the following counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed counties:

(a) In Tennessee, the counties of:

Anderson	Loudon
Blount	Marion
Bradley	McMinn
Campbell	Meigs
Carter	Monroe
Claiborne	Morgan
Cocke	Polk
Cumberland	Rhea
Grainger	Roane
Greene	Scott
Hamblen	Sequatchie
Hamilton	Sevier
Hancock	Sullivan
Hawkins	Unicoi
Jefferson	Union
Johnson	Washington
Knox	

(b) In Kentucky, the counties of:

Bell	Leslie
Breathitt	Letcher
Harlan	Perry
Knott	Whitley
Knox	

(c) In Virginia: (1) The counties of:

Buchanan	Scott
Dickenson	Tazewell
Lee	Washington
Russell	Wise

(2) The cities of:

Bristol	Norton

(d) In Georgia, the counties of:

Catoosa	Murray
Chattooga	Walker
Dade	Whitfield
Fannin	

(e) In West Virginia, the counties of:

McDowell	Mercer

§ 1011.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1011.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1011.5 [Reserved]

§ 1011.6 [Reserved]

§ 1011.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 50 percent of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13.

(b) A plant, other than a plant described in paragraph (a) of this section, from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers (except receipts at such plant by diversion from other order plants) and handlers described in § 1011.9(c) at such plant or diverted therefrom pursuant to § 1011.13 during the month is shipped from such plant as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) A plant that was a pool plant pursuant to paragraph (b) of this section in each of the immediately preceding months of August through March shall be a pool plant for the months of April through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(d) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), or (c) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) or (c) of this section which also meets the pooling requirements for the month under another Federal order unless such plant qualified as a pool plant pursuant to paragraph (b) of this section for each of the preceding months of August through March.

§ 1011.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which fluid milk products are shipped to a pool plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1011.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1011.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler of such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1011.7(e).

§ 1011.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants and other order plants;

(c) Whose receipts of fluid milk products from pool plants and other order plants do not exceed a daily average of 1,500 pounds during the month;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

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§ 1011.11 [Reserved]

§ 1011.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption, which milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1011.9(c); or

(3) Diverted from a pool plant in accordance with § 1011.13.

(b) "Producer" shall not include:

(1) A producer-handler as described in any order (including this part) issued pursuant to the Act;

(2) A governmental agency operating a plant exempt pursuant to § 1011.8(e);

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8) (iii) and the corresponding step of § 1011.44(b);

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(5) A person with respect to any milk that is received at or diverted from a plant that has automatic pool status pursuant to § 1011.7(c) in any month of April through July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March or unless such plant is a pool plant for the month on the basis of shipments to pool plants described in § 1011.7(a).

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1011.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of April through July, such milk may be diverted on any number of days;

(2) In any month of August through March, not less than two days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) In any month of August through March, the total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) In any month of August through March, the operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator;

(5) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(6) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (c)(5) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk; and

(7) Diverted milk shall be priced at the location of the nonpool plant to which diverted

§ 1011.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.40(b)(1)) for which the handler fails to establish a disposition.

§ 1011.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1011.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1011.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1011.18 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

§ 1011.30 Reports of receipts and utilization.

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1011.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1011.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1011.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1011.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1011.32 Other reports.

In addition to the reports required pursuant to §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1011.40 Classes of utilization.

Except as provided in § 1011.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1011.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.15; and

(6) In shrinkage assigned pursuant to § 1011.41(a) to the receipts specified in § 1011.41(a)(2) and in shrinkage specified in § 1011.4 (b) and (c).

§ 1011.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

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(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b):

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a)(7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a)(11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid mlk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1011.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1011.9(c) to another handler's pool plant shall be classified pursuant to § 1011.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1011.43 General classification rules.

In determining the classification of producer milk pursuant to § 1011.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1011.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1011.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1011.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1011.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1011.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1011.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), nad (3)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class II, and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other

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order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subject to the provisions of paragraph (a) (11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant poor plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii) (iii), and (iv) of this section, such subtraction shall be prorata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) and (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1011.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1011.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1011.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1011.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.44(a) (12) and the corresponding step of § 1011.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1011.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the vertification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1011.50 Class prices.

Subject to the provisions of § 1011.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.10.

(b) *Class II price.* The Clas II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1011.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1011.9 (c) at a plant that is outside the marketing area and more than 90 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the city halls in Bristol, Chattanooga, and Knoxville, Tennessee, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearest of the city halls in Bristol, Chattanooga, and Knoxville, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

(b) For fluid milk products transferred in bulk form between pool plants, a location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1011.44(a) (12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1011.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plant at which no location adjustment applies and then to other plants in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b) (2) of this section to each transferor-plant by the applicable location adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b) (3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1011.42(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1011.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1011.9(c) that were classified in each class pursuant to §§ 1011.43 (a) and 1011.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.44(a) (14) and the corresponding step of § 1011.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.44(a) (9) and the corresponding step of § 1011.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a) (7) (i) through (iv) and (vii) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk

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and butter fat subtracted from Class I pursuant to § 1011.44(a)(7) (v) and (vi) and the corresponding step of § 1011.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from class I pursuant to § 1011.44(a)(11) and the corresponding step of § 1011.44(b) excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handler fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1011.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(b) Add one-half the unobligated balance in the producer-settlement fund;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents.

§ 1011.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1011.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.71 1011.76, and 1011.77, and out of which he shall make all payments pursuant to §§ 1011.72 and 1011.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1011.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1011.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1011.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1011.9(c); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1011.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.71(a)(2) exceeds the amount computed pursuant to § 1011.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1011.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1011.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1011.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) Each handler pursuant to § 1011.9(a) who receives milk from a cooperative association as a handler pursuant to § 1011.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher; and

(2) On or before the 13th day of the following month for milk received during the month, not less than the uniform

price as adjusted pursuant to §§ 1011.74 and 1011.75, and less than any payments made pursuant to paragraph (c)(1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1011.73, the uniform price computed pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the uniform price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1001.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.60 for such handler shall include, in lieu of the value of other source milk specified in § 1011.60(f) less the value of such other source milk specified in § 1011.71(a)(2)(ii), a value of milk determined pursuant to § 1011.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30(b) and 1011.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distribution plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1011.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments

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to the producer-settlement fund pursuant to § 1011.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1011.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1011.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1011.9(c);

(c) Other source milk allocated to Class I pursuant to § 1011.44(a) (7) and (11) and the corresponding steps of § 1011.44(b), except such other source milk that is excluded from the computations pursuant to § 1011.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1011.76(a) (2).

§ 1011.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.73, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective date: October 1, 1976.

Signed at Washington, D.C., on: August 27, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-25629 Filed 8-31-76;8:45 am]

[Milk Order No. 33; Docket No. AO-166-A49]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Amending Order; Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1033.56, paragraph (a) is revised as follows:

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraph (b) of this section, the provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the immediately preceding month and a greater volume of fluid milk products, except filled milk, is disposed of in each such month from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1976.

Signed at Washington, D.C., on: August 27, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-25628 Filed 8-31-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

On page 13363 of the FEDERAL REGISTER of March 30, 1976, there was published a notice of proposed rulemaking relating to the proposed 1976 tobacco loan program. Interested persons were given until April 29, 1976, to submit written comments, suggestions, or objections regarding the proposed program. No comments were received relating to the regulations contained in 7 CFR, §§ 1421.420 through 1421.425.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops published at 41 FR 22334, and the Subpart—1972 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program Regulations, published at 37 FR 16930 are further supplemented for the 1976 crop of Flue-cured tobacco by revising the regulations contained in 7 CFR, §§ 1421.420 through 1421.425 and the title of the subpart to read as provided below.

Subpart—1976 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

Sec.
1421.420 Availability.
1421.421 Farm acreage interim loan rate.
1421.422 Rate of interest.
1421.423 Liquidation of loans.
1421.424 Delivery charge.
1421.425 Maturity of loans.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 107, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, and 1423).

§ 1421.420 Availability.

A producer desiring a farm storage loan on his eligible Flue-cured tobacco stored in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia must request a loan at the county ASCS office not later than November 1, 1976.

§ 1421.421 Farm storage interim loan rate.

The loan will be made at a rate of 80 cents per pound for regular varieties or 40 cents per pound for discount varieties on the quantity of eligible tobacco tendered as security for a loan under this subpart if the producer certifies the grade composition of such tobacco to be equal to or better than the average grade composition of a normal crop. If the producer certifies the grade composition to be below such average quality, the rate of loan shall be 15 cents less than the loan rate which would otherwise be applicable.

§ 1421.422 Rate of interest.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.423 Liquidation of loans.

(a) Section 1421.19 of the general regulations shall not apply to this program. Loans shall be liquidated by one of the following methods, at the producer's option: (1) Repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan. Repayment may be made by the producer, by the buyer, or by the Marketing Recorder upon sale of tobacco security the loan. (2) Delivery, as directed by CCC, during a period of approximately 1 week beginning immediately after the close of the 1976 auction marketing season to a cooperative association designated by CCC of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan.

(b) Notwithstanding the provisions of § 1421.23 of the general regulations, no deduction for storage charges will be made if the tobacco is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determined by the inspection service of the Agricultural Marketing Service, USDA.

§ 1421.424 Delivery charge.

Notwithstanding the provisions of § 1421.11 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.425 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on December 1, 1976.

Effective date: This amendment takes effect on September 1, 1976.

Signed at Washington, D.C., on August 26, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-25529 Filed 8-31-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A; Docket No. R-0043]

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Seasonal Credit

On June 23, 1976, the Board invited public comments to be submitted by July 23, 1976, on a proposed amendment to its Regulation A (Extensions of Credit by Federal Reserve Banks) that would provide more flexible conditions under which member banks with well-defined seasonal requirements for loanable funds would be permitted to borrow from Federal Reserve Banks (41 FR 26935). The purpose of the proposed amendment is to enable member banks to increase their ability to serve their communities by providing them with a reliable source of short-term funds during periods of increased loan demand or decreased deposits due to seasonal conditions.

After review and consideration of all comments received, the Board has decided to adopt the amendment in the form proposed. The amendment is effective immediately. The amendment provides that Federal Reserve credit will be available to a member bank to the extent that the member bank's seasonal needs exceed certain percentages of the bank's average total deposits in the preceding calendar year. Under the percentages established by the Board of Governors, a member bank will be required to provide for that part of its seasonal need that equals 4 percent of the first $100 million of deposits; 7 percent of the second $100 million of deposits; and 10 percent of any deposits over $200 million. At present, it is not anticipated that these percentages will be changed. However, any modifications in these percentages made by the Board would be announced by notice published in the FEDERAL REGISTER. Seasonal credit will not normally be available to banks with deposits of $500 million or more since such banks ordinarily have ready access to national money markets.

While member banks will be encouraged to arrange for seasonal credit in advance of their needs, the amendment does not require such prearrangement in order to obtain seasonal credit. In utilizing the seasonal credit provisions, member banks will be permitted to modify their credit arrangements with Federal Reserve Banks.

Net sales of Federal funds or purchases of liquid assets by a member bank will not be regarded as inappropriate while using seasonal credit as long as the sales and purchases represent the member bank's normal operating pattern. However, a member bank will not be permitted to borrow from the discount window for the purpose of increasing sales of Federal funds.

After review and consideration of all comments received, pursuant to its authority under section 4 of the Federal Reserve Act (12 U.S.C. 301) to prescribe regulations defining the conditions under which credit may be extended to member banks and section 13 of the Federal Reserve Act (12 U.S.C. 347) which authorizes Federal Reserve Banks to extend credit to member banks, the Board has decided to adopt the amendment in the form proposed. The amendment is effective in less than 30 days since the provision relieves existing restrictions of the Board's regulations and because the Board finds it in the public interest to make the amendment effective immediately in order to authorize the extension of Federal Reserve seasonal credit to member banks under these more flexible conditions as soon as possible.

V41171 SEP 1 76 UMI

Effective immediately, § 201.2(d) of Regulation A (12 CFR 201.2(d)) is amended to read as follows:

§ 201.2 General principles.

* * * * *

(d) *Seasonal credit.* Federal Reserve credit is available for longer periods to assist a member bank in meeting seasonal needs for funds arising from a combination of expected patterns of movement in its deposits and loans. Such credit will ordinarily be limited to the amount by which the member bank's seasonal needs exceed certain percentages established by the Board of Governors of the bank's average total deposits in the preceding calendar year. Credit will be available if the Reserve Bank is satisfied that the member bank's qualifying need for funds is seasonal and will persist for at least four weeks. To the extent practicable, member banks should arrange in advance for seasonal credit for the full period during which such credit is expected to be required. In making arrangements for such credit, a Reserve Bank may agree to extend credit for a period of up to 90 days,[1] subject to compliance with applicable requirements of law at the time credit is extended. However, in the event that a member bank's seasonal needs should persist beyond such period, the Reserve Bank will normally be prepared to consider a request by the member bank for further credit extensions under the seasonal credit arrangement.

* * * * *

By order of the Board of Governors, August 25, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-25602 Filed 8-31-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Project Review by Clearinghouses and Coordination of Planning in Multijurisdictional Areas in Accordance with OMB Circular No. A–95

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Part 309 of 13 CFR Chapter III, by revising § 309.17.

The purpose of the above revision is to comply with the provisions of revised OMB Circular No. A–95 which requires Federal agencies to publish in the Federal Register interim and final regulations implementing the requirements of the Circular. Interim regulations were published on April 29, 1976. The revision to 13 CFR 309.17 sets forth those EDA programs covered by the project notification and review requirements of Part I of the Circular and those programs which are exempt from such requirements. The revision also sets forth procedures for coordination of planning in multijurisdictional areas as required by Part IV of the Circular.

Because the material contained herein is a matter relating to the EDA grant and loan program and because this regulation is a general statement of EDA policy and is also an interpretative rule based upon general government policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding 13 CFR 309.17 to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 on or before October 1, 1976. All suggestions will be considered in revising or amending these regulations. Until such time as further changes are made, however, the amended regulation shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular A–107 and the interpretative guidelines as issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, Part 309 is hereby amended.

1. By revising § 309.17 in its entirety to read as follows:

§ 309.17 Project review by clearinghouses and coordination of planning in multijurisdictional areas in accordance with OMB Circular No. A–95.

This section sets forth requirements for review of certain applications for EDA assistance by State or areawide clearinghouses under Part I of OMB Circular No. A–95 (the "Circular") and procedures for coordination of planning in multijurisdictional areas under Part IV of the Circular.

(a) Under Part I—Project notification and review system.

(1) Prospective applicants for EDA assistance authorized by the Act for the following programs (cited by their numbers in the Catalog of Federal Domestic Assistance) must submit project notification to appropriate State and areawide clearinghouses for review and comment. Such project notification shall be made when the applicant determines it will develop an application and shall be in accordance with paragraph 2 of Part I of the Circular. State and areawide clearinghouses will perform their review of the proposed project in accordance with procedures set forth in paragraph 4 of Part I of the Circular. Certain exemptions to this requirement are listed in paragraph (a)(2) of this section:

11.30 Grants for public works and development facilities authorized under Title I of the Act (see paragraph (a)(5) of this section for further information regarding Public Works Impact Program grants); loans for public works and development facilities authorized under section 201 of the Act; and assistance authorized under section 403 of the Act in accordance with the criteria of sections 101 and 201 of the Act.

11.302 Grants for administrative expenses for planning and development organizations authorized under section 301(b) of the Act.

11.303 Technical Assistance authorized under Title III of the Act.

11.304 Grants for public works and development facilities authorized under Title I of the Act under criteria established pursuant to section 401(a)(6) of the Act with procedural variation as shown in paragraph (a)(5) of this section.

11.305 Assistance authorized under section 302(a) of the Act.

11.306 Assistance authorized under section 302(b) of the Act.

11.307 Assistance to eligible recipients authorized under Title IX of the Act with procedural variation as shown in paragraph (a)(6) of this section.

11.308 Grants for basic funding of Titles I and IV activities authorized under section 304 of the Act.

(2) Applications for the following types of assistance (cited by numbers in the Catalog of Federal Domestic Assistance or by U.S. Code citation) are exempt from the requirements of Part I of the Circular.

11.303 The following Technical Assistance authorized under Title III of the Act:

A. Grant amendments that do not involve substantive scope of work changes in projects.

B. Purchase orders costing $5,000 or less.

C. Projects in support of projects of national scope and impact or in support of demonstration projects having no identifiable local applicability and no applicable local impact.

D. Management assistance studies for individual business enterprises.

11.308 Grants for supplemental funding of Titles I and IV activities authorized under section 304 of the Act. However, basic grants are covered.

42 U.S.C. 3121 et seq. Assistance to federally recognized Indian tribes (see paragraph (a)(7) of this section for further information).

(3) Amendments to pending or approved projects, which amendments represent a significant change to such projects, must be submitted to the appropriate State and areawide clearinghouses, as required by EDA.

(4) EDA may not accept applications, except for Public Works Impact Program projects and for assistance authorized under Title IX of the Act, during the period for review by clearinghouses unless clearinghouse reviews are attached; however, EDA encourages prospective applicants to submit to EDA information copies of project notifications to clearinghouses.

(5) Applicants for Public Works Impact Program projects may submit applications simultaneously to the appropriate clearinghouses and to EDA. Clearinghouse comments will be submitted directly to EDA and EDA will consider such comments until it has finished processing the application.

(6) Eligible recipients for Economic Adjustment Assistance authorized under Title IX of the Act may submit applications simultaneously to the appropriate clearinghouses and to EDA. Clearinghouse comments will be submitted to EDA, and EDA will consider such comments while it is processing the application. When the application is for assistance to develop an adjustment strategy (i.e., a development grant) the clearinghouses will be invited to participate in the development of said strategy. When the Title IX application is for urgent assistance to develop the strategy or when the application is for urgent assistance to implement a completed adjustment strategy, and no clearinghouse comments have been received by the time the processing has been completed, EDA will request the clearinghouses to provide comments and allow them ten days additional time prior to taking final action on the application.

(7) Applications from federally recognized Indian tribes are not subject to the requirements of Part I of the Circular. However, Indian tribes may voluntarily submit project notifications to appropriate clearinghouses. EDA will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of tribal departments, divisions, enterprises, and entities, EDA will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this subsection from such tribal departments, divisions, enterprises, and entities be subject to review by such tribal coordinating mechanism as though it were a State or areawide clearinghouse.

(8) EDA will inform potential applicants for assistance under programs covered by this subsection of the requirements of Part I of the Circular in program information materials, in response to inquiries respecting application procedures, in preapplication conferences, or by other means which will assure earliest contact between applicant and clearinghouses.

(9) EDA will assure that all applications for assistance under programs covered by this subsection have been submitted to appropriate clearinghouses for review prior to their submission to EDA. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of Part I of the Circular. EDA will insure that all applications contain a State Application Identifier (SAI) number.

(10) EDA will notify appropriate clearinghouses within seven working days of any major action taken on applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74–7, Supplement 3 (November, 1975) will be used for this purpose.

(11) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and EDA approves the application substantially as submitted, EDA will provide the clearinghouse, in writing, with an explanation therefor.

(12) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, EDA will consult with the agency assisting the referenced projects prior to acting if it plans to approve the application.

(13) EDA will assure, in the case of an an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, EDA shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

(14) EDA will assure that applicants will comply with provisions of Title VI of the Civil Rights Act of 1964, as implemented by 15 CFR, Subtitle A, Part 8, and clearinghouses are encouraged to make applicants aware of their responsibilities under the Act.

(b) Under Part IV—Coordination of planning in multijurisdictional areas.

(1) Prior to recommending authorization of the geographic boundaries of an economic development district EDA Regional Offices shall provide a period of thirty days for the Governor(s) of the State(s) in which such district will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State(s). Where the State(s) has established such planning and development districts, the boundaries of economic development districts proposed to be authorized by EDA will conform to the local districts unless there is clear justification for not doing so.

(2) Where the State(s) has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the district proposed for authorization, major units of general local government and the appropriate Federal Regional Council in such proposed district will also be consulted prior to recommending authorization of the district to assure consistency with districts established under interlocal agreement and under related Federal programs. Overall Economic Development Planning documents submitted by potential economic development districts must reflect these policies and be distributed to all interested parties.

(3) EDA Regional Offices will notify the Office of Management and Budget, through the appropriate Federal Regional Council, of any proposed district authorization or district boundary adjustment and when such authorization or boundary adjustment is made, including in such notifications any justification as may be required under paragraph (a) of this section.

(4) EDA Regional Office review of planning grant applications will include an assurance that applicants for planning assistance have established coordinative arrangements with areawide clearinghouses in the same geographic area. If an applicant is not itself an areawide clearinghouse this assurance will include submission by the applicant of a memorandum of agreement between the applicant and the appropriate areawide clearinghouse(s) covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

(i) identification by the applicant of planning activities being carried on through related programs within the multijurisdictional area;

(ii) evidence of arrangements to assure coordination of planning for related activities within the multijurisdictional area (such arrangements might include joint funding, common boards, referrals or review procedures, information exchanges, joint use of personnel, etc.); and

(iii) evidence that planning being assisted will proceed from base data, statistics, and projections that are common to or consistent with those being employed for planning related activities within the area.

(5) Where an applicant has been unable to effectuate such an agreement as described in paragraph (b)(4) of this section, a statement must be submitted indicating efforts made to secure the agreement and the issues that prevented it. In such cases, the Regional Office, in consultation with the appropriate Federal Regional Council and State clearinghouse(s) will undertake, within a 30 day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

(c) EDA will assist potential applicants in carrying out their responsibilities under this section.

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10–4, 40 FR 56702)

Effective date: This amendment becomes effective on September 1, 1976.

[1] As provided in the law and in this part, the maturity of advances to member banks is limited to 90 days, except as provided in § 201.3(b) of this part.

V 41 171 SEP 1 76 UMI

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.)

Dated: August 26, 1976.

J. W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-25506 Filed 8-31-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N-0217]

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Subpart A—General

AMENDMENT AND CONFIRMATION OF EFFECTIVE DATE

Correction

In FR Doc. 76-23070, appearing at page 33249 in the issue of Monday, August 9, 1976, the eighth line in the second column on page 33251 should read "to the specific statement concerning mi-".

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Subpart B—Specific New Animal Drugs for Use in Animal Feeds

NICLOSAMIDE

The Food and Drug Administration approves a new animal drug application (100-670V) filed by Bayvet Corp., P.O. Box 390, Shawnee Mission, KS 66201, proposing safe and effective use of a niclosamide premix for the manufacture of a complete feed for the control of *Hymenolepis nana* infections of laboratory mice. The approval is effective September 1, 1976.

The Commissioner of Food and Drugs is amending Part 558 (21 CFR Part 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended by adding new § 558.367 to read as follows:

§ 558.367 Niclosamide.

(a) *Approvals.* Premix level of 66 percent granted to No. 000859 in § 510.600 (c) of this chapter.

(b) *Assay limits.* Finished feed 80 to 120 percent of labeled amount.

(c) *Conditions of use.* It is used in the feed of laboratory mice as follows:

(1) *Amount per ton.* 6.6 pounds (0.33 percent).

(2) *Indications for use.* Control of the mouse tapeworm *Hymenolepis nana.*

(3) *Limitations.* Feed daily for 7 consecutive days. Do not administer other drugs during treatment. If reinfection occurs, treatment may be repeated after 30 days. Do not feed to sick or debilitated animals or animals under severe stress. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism. When mixed according to directions and fed free choice, the feed will provide a daily dose of 500 milligrams per kilogram of body weight.

Effective date: This regulation shall be effective September 1, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 24, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-25516 Filed 8-31-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 609-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Virgin Islands Implementation Plan; Correction

In FR Doc. 76-20129 appearing on pages 28492 and 28493 of the FEDERAL REGISTER for Monday, July 12, 1976 section 52.2770 entitled, "Identification of plan," contains incorrectly numbered paragraphs. Paragraphs (c)(3) and (c)(4) of § 52.2770 are renumbered herein (c)(6) and (c)(7), respectively. These paragraphs also are revised herein to be explicit in wording. Therefore, the material which appeared under, "§ 52.2770 (c)(6) and (7) Identification of plan." should be revised to read as follows:

§ 52.2770 [Amended]

* * * * *

(c) Supplemental information was submitted on: * * *

(6) Revised Section 204-26 (Sulfur Compounds Emissions Control) submitted on January 21, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

(7) Amended revised Section 204-26 submitted on June 3, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

* * * *

The material appearing at the top of the first column of page 28493 beginning with, "2. a new . . .," remains unchanged.

Dated: August 20, 1976.

ERIC B. OUTWATER,
Acting Regional Administrator.

[FR Doc.76-25522 Filed 8-31-76;8:45 am]

[FRL 608-6]

PART 55—ENERGY-RELATED AUTHORITY

New Hampshire: Compliance Date Extension

On March 9, 1976 (41 FR 10071) pursuant to Sections 119 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*), the Regional Administrator proposed the issuance of a compliance date extension to Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire.

Interested parties were invited to comment on the proposed rulemaking by public notices appearing on March 19, 1976, and March 24, 1976, advertising a public hearing subsequently held on April 22, 1976, in Portsmouth, New Hampshire. Administrative and technical materials relating to the proposed compliance date extension were made available for public review in Concord, New Hampshire; Portsmouth, New Hampshire; Portland, Maine; and Boston, Massachusetts.

BACKGROUND

A brief description of the constraints upon and conditions under which EPA may consider and approve compliance date extension (CDE) requests follows.

On June 22, 1974, Congress enacted the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Pub. L. 93-319, 88 Stat. 246, 15 U.S.C. 791). Section 2(a) of ESECA as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), authorizes and directs the Administrator of the Federal Energy Administration (FEA) to prohibit until January 1, 1985, the use of petroleum products or natural gas as the primary energy source at certain power plants and major fuel burning installations. Section 3 of ESECA, an amendment to the Clean Air Act (42 U.S.C. 1857c-10) designated Section 119, provides that the Administrator of the Environmental Protection Agency (EPA) must make certain determinations and, contingent upon these determinations, take certain actions in response to issuance of FEA prohibition orders.

In the case of the CDE requested by the Public Service Company of New Hampshire for Units 4 and 5 of the Schiller Station, these determinations include:

(A) Establishing whether or not the aforesaid units have received FEA prohibition orders and will convert to coal as a primary energy source after September 15, 1973.

(B) Determining whether the ordered units can operate in compliance with any applicable New Hampshire air pollution control regulations when burning available grades of coal with air pollution control devices presently fitted on the units.

(C) Determining whether primary standards are being met in the Merrimack Valley Southern New Hampshire Interstate Air Quality Control Region (AQCR) for any air pollutant which Units 4 and 5 would, when burning coal, emit in excess of New Hampshire emission limitations. If a primary standard is not being met for such a pollutant in the AQCR, a regional limitation (RL) would apply and the ordered units could not convert to coal except in compliance with state emission limitations for that pollutant.

(D) Establishing if and under what conditions coal burning can cause air pollutant emissions in excess of New Hampshire emission limitations without causing violations of national primary ambient air quality standards (NPAAQS). Such conditions, which would prevent violations of the NPAAQS in the vicinity of the ordered units, are called primary standard conditions (PSC).

(E) Determining if and how the ordered units can come into full compliance with state emission limitations applicable to emissions from coal burning by December 31, 1978.

Based on the foregoing findings and determinations, EPA must:

(A) Where possible, design, propose, promulgate, and enforce PSC applicable to the FEA ordered units.

(B) Certify to the FEA the earliest date the ordered units can burn coal in compliance with any applicable RL and in compliance with any specified PSC.

(C) Review, monitor, and enforce a compliance plan which would bring the ordered units into compliance with state air pollution control regulations when burning coal prior to December 31, 1978.

Essentially, therefore, EPA must specify how and by what amount state air pollutant emission limitations applicable to an ordered source may be temporarily relaxed in an AQCR in which NPAAQS for that pollutant are not violated. Using this determination, EPA must certify to the FEA the earliest date such less stringent air pollution control measures (viz., the PSC) can be implemented by the source. A source must be able and prepared to comply with any temporarily relaxed state emission limitations before December 31, 1978 before ordered units can burn coal under a PSC.

PUBLIC COMMENTS

Seventeen separate statements were entered into the record of the public hearing held on April 22, 1976, in Portsmouth. Fourteen of these statements (including a joint resolution from the Maine legislature) opposed issuance of a CDE or conversion of Units 4 and 5 of the Schiller Station from oil to coal, and three statements expressed no position on conversion. No statement was presented which would favor the conversion or the granting of a CDE.

Many of those opposing the conversion referred to the economic penalties caused by the conversion to coal, probable air pollution nuisances (e.g., soot fall out), violations of state primary and federal secondary ambient air quality standards, temporary restrictions on the siting of new significant TSP sources, and other adverse environmental impacts (e.g., water pollution and solid waste disposal). Comments regarding high death rates due to cancer and high rates of lung disease in New Hampshire and Maine, and the possible adverse effect of increases in non-regulated air pollutants (e.g., trace metals) on these were also made. Section 119 of the Clean Air Act (§ 3 of ESECA) narrowly limits EPA's discretion in determining whether a CDE shall be issued. EPA may not refuse to issue a CDE if the statutory criteria of Section 119 are satisfied. The statutory criteria by which EPA must determine whether the Public Service Company of New Hampshire is entitled to a CDE have been outlined above and do not include considerations of many of the questions (e.g., nuisance conditions, violations of state or secondary standards) raised in the hearing record. Such questions are more properly raised and answered in the preparation and review of the environmental impact statement which the FEA plans for the proposed conversion.

RESPONSE TO PUBLIC COMMENTS

Several other questions were raised concerning the Administrator's proposal to grant a compliance date extension (CDE) to Units 4 and 5 of the Schiller Generating Station. These questions concerned findings necessary before the granting of a CDE and the conditions under which the proposed CDE would be approved. Responses to these questions are consolidated and summarized as follows:

Q. Will EPA require control of fugitive dust emissions from fly ash handling and disposal if these activities contribute to violations of NPAAQS?

A. These activities are controllable by conventional techniques, and therefore, should not limit the timely conversion of Units 4 and 5 of the Schiller Station from oil to coal. Because no portion of the New Hampshire State Implementation Plan appears to apply specifically to existing sources of this type, EPA did not consider fugitive dust from these activities in setting primary standard conditions and approving a compliance date extension for the ordered units. Through its permitting process, the State of New Hampshire may, at its own discretion, specify how and to what extent new or modified sources should be controlled. If it is demonstrated that fugitive dust sources cause or contribute to violations of NPAAQS, which the New Hampshire Air Pollution Control Agency cannot prevent, EPA may disapprove the New Hampshire State Implementation Plan to the extent that it does not adequately control such sources. EPA could then propose and promulgate air pollution control regulations which would correct this deficiency and therefore eliminate the problem.

Q. What corrective action will EPA take should particulate emissions from coal burning be greater than expected or should the resulting total suspended particulate (TSP) concentrations have been significantly underestimated?

A. EPA believes that the PSC proposed for the Schiller Station is sufficiently conservative to prevent violations of NPAAQS for TSP. The proposed PSC requires the collection of much emission and ambient air quality data. This data will be regularly reported by Public Service Company of New Hampshire and reviewed by the EPA. Should these data reviews show that the PSC is unsuitable, for whatever reason, the PSC will be modified. If a PSC is shown to be inadequate and cannot be modified in a manner which would allow continued coal burning, the ordered units would have to cease coal burning until an appropriately modified PSC could be applied or until the units could burn coal in compliance with the state implementation plan.

It should be noted also that the air pollution control agencies of New Hampshire and Maine may, under 40 CFR 55.07, petition the Regional Administrator to modify a PSC. Emission and air quality data collected by the Public Service Company of New Hampshire, and which may form the basis of such petitions, will be made available to the air pollution control agencies of these states upon request.

Q. Will EPA specify the extent, placement, and sampling frequency of the ambient air quality monitoring network proposed in the CDE?

A. Yes, EPA will specify the placement of ambient air quality monitors, their sampling frequencies, and the number of such monitors.

Q. What actions will EPA take in case of prolonged conditions of limited atmospheric mixing, perhaps leading to air pollutant concentrations at or above alert levels?

A. A source ordered by the FEA to convert to coal is in no case absolved from the responsibility to comply with those portions of an applicable state implementation plan which are devised to prevent air pollution emergency episodes. Should a state fail to require an ordered source (or for that matter any other source) to take appropriate corrective actions when air pollution alert levels are reached, EPA, under Section 303 of the Clean Air Act, retains concurrent authority which it will exercise when necessary.

Q. If violations of secondary national ambient air quality standards (NAAQS) are caused by the conversion to coal, will EPA consider approving variance requests for the Merrimack Valley-Southern New Hampshire, and Metropolitan Portland AQCRs?

A. If the Schiler conversion causes violations of secondary NAAQS in either of the above AQCRs, requirements imposed on any state implementation plan revision to liberalize air pollution control requirements in these AQCRs may be more stringent than requirements in

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areas where secondary standards are not violated. These more stringent requirements, or air quality analyses performed in compliance with them, might prevent plan revisions in the areas most impacted by the conversion of the Schiller Generating Station to coal. Variances might, however, be permitted in other portions of these AQCRs, provided, of course, that the variance applicant could show that excess emissions would not cause or contribute to any violation of NAAQS.

Q. The 24 hour concentration for total suspended particulate (TSP) referenced in the 24 hour primary NAAQS for this pollutant has been exceeded in the Merrimack Valley-Southern New Hampshire AQCR where the ordered units are located. Why, therefore, does no regional limitation apply to this conversion?

A. Ambient air quality data for the Merrimack Valley-Southern New Hampshire AQCR has been reviewed, and it is our finding that there is not a sufficient basis for applying a regional limitation. Two exceedances of TSP Primary National Ambient Air Quality Standards in 1975 which were recorded in the Merrimack Valley-Southern New Hampshire AQCR have been determined to be statistically unreliable.

Q. There are proposals to convert boilers at Pease Air Force Base to coal and to construct a sewage sludge incinerator in Portsmouth. As these activities may increase particulate emissions in Portsmouth, have they been included in setting primary standard conditions (PSC)?

A. The impact of these activities has not been included in setting the PSC for Schiller Generating Station:

(1) As presently proposed, the sewage sludge incinerator for Portsmouth would be operational no earlier than 1980. By this time, the Schiller Station must be in full compliance with all provisions the applicable state implementation plan.

(2) Conversion of fuel burning facilities at Pease Air Force Base (AFB) from oil to coal would be completed by May 1979, after the Schiller Station has attained full compliance with state emission limitations. As this activity is not the result of an FEA order and as the New Hampshire Air Pollution Control Agency indicates the conversion will involve new fuel burning units, a more stringent state particulate emission limit would apply to fuel burning equipment at Pease AFB after a conversion to coal. While Units 4 and 5 of the Schiller Station operate under a PSC, no additional atmospheric TSP loading should be allowed in the vicinity of Portsmouth, New Hampshire if maintenance of NPAAQS for TSP is to be assured. Compliance with particulate emission limitations of fuel burning sources at Pease AFB, whether burning oil or coal, should therefore be assured at all times.

Q. Has the impact of coal burning by the ordered units upon air quality (and particularly state ambient air quality standards) been performed for the period after December 31, 1978?

A. The New Hampshire State Implementation Plan allows coal burning sources to emit two to three times more sulfur oxides than oil burning sources. Evidence presented at EPA's public hearing indicated that increased sulfur oxide emissions resulting from coal burning at Schiller may approach or violate Maine's ambient air quality standard for sulfur oxides. Likewise, even assuming compliance with state emission limitations, particulate emissions from Units 4 and 5 may be greater when burning coal than when burning oil, and therefore, some increase in ambient TSP levels may be caused after December 31, 1978.

While EPA is aware that conversion of Units 4 and 5 of the Schiller Station may cause some deterioration of air quality in the post conversion period, no explicit evaluation of this deterioration has been prepared. Such evaluations are more properly conducted under Section 110 of the Clean Air Act as amended, which requires that federally approved state emission regulations provide both for the maintenance of NAAQS and the prevention of significant deterioration, and not under Section 119 which applies directly to the proposed conversion. Until it becomes appropriate to evaluate any deterioration in air quality through the former mechanisms, the environmental impact statement process is the forum most suited to identifying and assessing air quality degradation and other secondary impacts of the proposed conversion.

Q. The Administrator may evaluate the risk to public health of non-regulated air pollutants which may increase because of coal conversions. Has such an evaluation been performed for sulfates, which may increase because of the conversion of Units 4 and 5 of the Schiller Station, and other sources, to coal?

A. EPA only may invoke the provisions of the ESECA which apply to non-regulated air pollutants with respect to coal conversions reviewed by EPA under Section 119 of the Clean Air Act as amended. At this time, acid sulfate aerosols are the only such pollutants for which information is available sufficient to treat, in a limited fashion, significant risk to public health.

EPA has prepared a document analyzing the broad potential impacts of sulfates on public health and on regulatory programs. This document, Position Paper on Regulation of Atmospheric Sulfates (EPA-450/2-75-007, available from the National Technical Information Service), indicates that there are conflicting opinions over where and to what extent SO_x emissions, a precursor of acid sulfate aerosols, must be limited in order to address potential sulfate problems. With reference to the so-called significant risk provisions of the ESECA, and based on currently available health effects information, EPA has decided to apply this "significant risk" provision only with respect to sulfates. Under the significant risk provisions, EPA plans to restrict emissions of sulfate precursor pollutants—sulfur dioxide or particulate matter—if a converting plant is located in an area of high sulfate concentrations with high concentrations of particulate or sulfur dioxide.

While the Schiller Generating Station is located in a high sulfates area, no violation of primary NAAQS for particulates or sulfur oxides has recently been recorded in either of the two AQCRs (Merrimack Valley-Southern New Hampshire, and Metropolitan Portland) in which the plant might have local impacts. Therefore, it appears that the significant risk provision, applicable to sulfates, would not limit conversion of Units 4 and 5 of the Schiller Generating Station from oil to coal. Further, EPA need not complete a "significant risk" evaluation before the granting of a CDE because Section 119(d)(3) of the Clean Air Act as amended, allows the implementation of the significant risk provisions of the ESECA after a source has received a CDE.

Q. EPA proposes to attach an opacity limitation to operation of Units 4 and 5 under a compliance date extension (CDE); this opacity limit is undefined in the proposed rulemaking. Will EPA define an opacity limit before final approval of the CDE?

A. No. The purpose of an opacity limit would be to provide a ready and enforceable means of assuring continued compliance of the ordered units with the mass emission limitation specified in the PSC. This opacity limit will be based upon observations of plume opacity taken during stack tests soon after conversion of the ordered units to coal. It is by this means that opacity will be related to the particulate emissions limit set under the PSC and, thence, to maintenance of primary NAAQS for particulates in the vicinity of the Schiller Generating Station. At this time, there is insufficient information to definite an opacity limitation, consistent with the PSC, in any other manner.

Findings Under Section 119

The Administrator of the Environmental Protection Agency, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, approves a compliance date extension for the Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire (hereinafter referred to as "the source") from New Hampshire Air Pollution Control Agency (NHAPCA) Regulation 4, Revision II, which limits emissions of particulate matter based upon these findings:

(i) The source is subject to Section 2(a) FEA prohibition orders Nos. 050 and 051 for Units 4 and 5 respectively, and will convert after September 15, 1973, to coal as its primary energy source.

(ii) The Administrator, pursuant to Section 119(c)(2)(A) of the Clean Air Act, finds that the source cannot burn coal available to it in compliance with NHAPCA Regulation 4, Revision II.

(iii) The source can comply with all conditions upon which a compliance date extension may be granted for NHAPCA Regulation 4, Revision II, in that:

(a) No regional limitation for particulate matter is applicable since no violation of the NPAAQS for total suspended particulate matter can be substantiated in the Merrimack Valley-Southern New Hampshire Interstate AQCR;

(b) EPA has determined, after consultation with the NHAPCA, that the source must emit no more than 2.20 pounds of particulate matter per million BTU high heating value fuel input in order to assure (throughout the period that the compliance date extension will be in effect) that coal burning will not result in emissions which could cause or contribute to concentrations of particulate matter in excess of the national primary standard for particulate matter; and finds that coal of suitable ash content (roughly 10 percent ash by weight) is presently available; and

(c) The Administrator finds that the compliance plan submitted by the source on October 28, 1975, and as modified by EPA provides for compliance with NHAPCA Regulation 4, Revision II, on the basis of coal usage within 820 days of the FEA Notice of Effectiveness; that the compliance plan provides for compliance as soon as practicable, but no later than December 31, 1978; and that the compliance plan is therefore approvable under Section 119(c).

(iv) The source can comply with NHAPCA Regulation 5, Revision II, within 180 days of the service of a Notice of Effectiveness by FEA.

Compliance With Conditions Upon Which CDEs are Granted

A. *Compliance with primary standard conditions*

Compliance with the PSC determined by the Administrator as necessary to maintain NPAAQS for particulate matter will require the emission of not over 2.20 pounds of particulate per million BTU high heating value fuel input. The Administrator finds that compliance with this primary standard condition may be attained with coal available to the source after refurbishing particulate emission controls now in place at the source within 180 days of the service of the Notice of Effectiveness.

B. *Final compliance with extended air pollution requirements*

The Administrator has determined that the following dates for achieving full compliance (on the basis of coal usage) with air pollution requirements, which will be deferred by the CDE, provide for compliance as soon as practicable, as provided by Section 119(c)(2)(C):

Source	Location	Pollutant	Regulation involved	Date of adoption	Final compliance date [1]
Public Service Co. of New Hampshire, Schiller Generating Station, Unit No. 4.	Portsmouth, N.H.	Particulate matter.	New Hampshire Air Pollution Control Agency, regulation 4, revision II.	Mar. 21, 1974	Within 820 days of FEA Notice of Effectiveness.
Unit No. 5	do	do	do	do	Do.
Units No. 4 and No. 5.	do	Sulfur dioxide.	New Hampshire Air Pollution Control Agency, regulation 5, revision II.	June 26, 1973	Date coal burning commences.

[1] Increments of progress, enforceable against the source, to enable final compliance by the proposed date (including the date by which contracts will be entered into, initiation of on-site construction, and completion of on-site construction, etc., are available for public inspection during business hours at the U.S. Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, Mass. 02203.

Certification to FEA

The Administrator will certify under Section 119(d)(2)(B), 180 days from the service of a Notice of Effectiveness by the Administrator of FEA as the earliest date by which Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, can burn coal in compliance with all applicable primary standard conditions and regional limitations. This date, 180 days from FEA's service of a Notice of Effectiveness, represents the earliest date upon which the FEA can make its prohibition effective against this source. By this time, the source will have renovated existing dust collectors, will be prepared to show compliance initially and on a continuous basis with the primary standard conditions, and will also be prepared to report periodically on the effect of coal burning on ambient air quality in the Portsmouth, New Hampshire area.

This rulemaking is based upon the authority of Sections 119 and 301 of the Clean Air Act of 1970, as amended, (42 U.S.C. 1857 et seq.).

Date: August 20, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding a new Subpart EE as follows:

Subpart EE—New Hampshire

§ 55.1520 Compliance date extension.

The Administrator hereby issues a compliance date extension to the Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, Portsmouth, New Hampshire (the source), upon the following conditions:

(a) *Primary standard condition.* After 180 days from the FEA service of a Notice of Effectiveness to Schiller Generating Station Units 4 and 5, the source shall not burn coal which results in the emissions of particulate matter over 2.20 pounds of particulate per million BTU high heating value fuel input in accordance with the following schedule of compliance:

(1) Within 30 days after the service of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director a proposed schedule of actions and dates by which particulate collection devices now in place at the source would be returned to service and operated with a reasonable degree of reliability, as well as any additional measures and devices which would ensure the return of these particulate collection devices to reliable service.

(2) Within 90 days after the service of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, have existing particulate collectors in operational condition.

(3) Within 90 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit a proposal for a complete air quality monitoring network to be set up by the source as required by subparagraph (4)(D).

(4) Within 120 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, the air quality monitoring network must be installed and operating.

(5) Within 120 days after the service of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit for approval in writing to EPA Region I Air and Hazardous Materials Division Director proposed methods, procedures, and devices to be used to obtain the information required by subparagraph (4)(C).

(6) Within 180 days after the service of a Notice of Effectiveness to the Schiller Generating Station Units 4 and 5, complete installation of devices specified under (1)(A) and subsequently approved by EPA Region I as necessary and suitable for reliable operation of existing particulate collection devices.

(b) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 4, Revision II within 820 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1)(i) Within 30 days: submit for approval to the EPA Region I Air and Hazardous Materials Division Director contracts for supply of particulate emission controls and other equipment necessary for final compliance; (2) within 95 days: submit for approval to the EPA Region I Air and Hazardous Materials Division Director contracts for long term supplies of coal.

(2)(i) Within 65 days: enter contracts for particulate emission controls and other equipment necessary for final compliance; (2) within 125 days: enter contracts for long term supplies of coal.

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(3) Within 490 days: initiate on site installation of particulate emission control systems.

(4) Within 760 days: complete installation of particulate emission control systems.

(5) Within 820 days: Perform emission tests in accordance with 40 CFR 60 and submit reports showing final compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.

(c) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 5, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 5, Revision II within 180 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1) Within 150 days: submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director, contracts for coal to be burned during the compliance date extension period.

(2) Within 180 days: Comply with New Hampshire Air Pollution Control Agency's Regulation 5, Revision II.

(d) *Interim requirements.* The source shall comply with the following interim requirements prior to achieving compliance with Regulation 4, Revision II which are deemed necessary to assure continued compliance with primary standard conditions.

(1) As guidelines to continual compliance with the primary standard condition of 2.20 pounds of particulate per million BTU high heating value fuel input: (a) the source shall not violate an opacity limitation to be set by EPA Region I at the time of source testing; (b) the source shall not burn coal with an ash content exceeding 8 pounds per million BTU high heating value, 24 hour average.

(2) Within 60 days of commencing the use of coal in Units 4 and 5, source testing for particulate emissions will be performed using EPA Method 5 as specified in the FEDERAL REGISTER (36 FR 2488) as amended, on each of these units. Such tests or variations thereof shall be performed in a manner approved in writing by EPA Region I and a minimum of 15 days written notice will be given to the EPA Region I Air and Hazardous Materials Division Director prior to conducting such tests. A complete report containing all information pertinent to the performance of these stack tests will be submitted to the EPA Region I Air and Hazardous Materials Division Director within 30 days of completing such tests.

(3) Monthly records of air pollutant emissions for the Schiller Generating Station shall be kept and submitted to the EPA Region I Air and Hazardous Materials Division Director within 15 days of the end of each month. These records shall detail daily emissions from all units at the Schiller Station and shall, as a minimum, include for each steam generating unit:

(i) Fuel consumption for each day of the preceding month.

(ii) Analyses of the fuel consumed during each day: sulfur content, ash content, and high heating value.

(iii) For the stacks serving Units 4 and 5 only, hourly measurement of opacity, acquired with a continuous opacity monitor.

(iv) Estimates of bottom ash, electrostatic precipitator ash, and multiclone ash collected from each steam generating unit burning coal.

Methods, procedures, and devices, used to obtain or prepare the above data, must be approved in writing by EPA Region I prior to the use of coal in any unit of the Schiller Station.

(4) The source must submit for approval to EPA Region I Air and Hazardous Materials Division Director a proposal to install and operate an ambient air quality monitoring network in the vicinity of the Schiller Generating Station. This network must include monitors capable of measuring 24 hour average particulate concentrations, and EPA Region I, on its own authority and initiative, may direct that continuous sulfur dioxide monitors be co-located with particulate samplers and operated by the source. A complete monitoring network must be approved in writing by EPA Region I and installed and operating at least 60 days prior to the burning of coal in either Unit 4 or Unit 5. Monthly records of ambient air quality concentrations will be submitted to the EPA Region I Air and Hazardous Materials Division Director within 15 days of the close of each month and in a format prescribed by Region I.

(5) The source must submit a written report of any exceedances of primary or secondary National Ambient Air Quality Standards to the Director, EPA Air and Hazardous Materials Division, within 48 hours of the occurrence of such exceedances.

(e) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in Section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

[FR Doc.76-25372 Filed 8-31-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 51b—GRANTS FOR COMMUNICABLE DISEASE CONTROL

Deletion of Obsolete Reference

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends section 51b.2 of Part 51b, Title 42, Code of Federal Regulations, by revising the definition of "Communicable disease control program or project" in § 51b.2(d). Part 51b was added to Title 42, Code of Federal Regulations, in 1972 at a time when section 317 of the Public Health Service Act, 42 U.S.C. 247b, the applicable statutory provision, defined "communicable disease program" in terms of specified diseases "or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance." The reference to the Council recommendation was deleted from Section 317 by Pub. L. 92-449 in 1972; but the regulations were not similarly amended. Since the requirement for a Council recommendation has been eliminated from the statute, the reference to a Council recommendation is also being deleted from § 51b.2(d). The change is technical in nature in that an unnecessary and obsolete reference is being eliminated. Accordingly, delay in effective date and notice of proposed rulemaking procedures have been omitted as unnecessary in the issuing of the following amendment. Since this amendment is merely reflective of the statutory amendment, the effective date has been established as of the date of the amendment.

Effective date September 30, 1972.

Section 51b.2(d) of Part 51b is amended to read as follows:

§ 51b.2 Definitions.

(d) Communicable disease control program or project means a program or project which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary to be of national significance.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216.)

Dated: April 27, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: May 11, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-25525 Filed 8-31-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-790, Rm-2331]

PART 1—PRACTICE AND PROCEDURE

Contingent and Multiple Applications

In the matter of amendment of §§ 1.-517 and 1.520 of the Commission's Rules.

1. The Commission has before it a petition for rule making filed by the Joint Re-Regulation Committee of the Federal Communications Bar Association and the Communications Committee, American Bar Association (collectively "The Committee"). The petition seeks (1) to have § 1.520 of the Commission's rules (which precludes the filing of multiple applications) deleted and (2) to have a section added to permit the filing of applications for changes in existing station facilities by an assignee or transferee, contingent on the grant of the pending assignment or transfer applications.

2. On the first point, The Committee asks that § 1.520 be deleted as redundant. According to its research, that section has been given no effect beyond that which would be ordained by § 1.518 (which bars the filing of inconsistent or conflicting applications) and § 1.519 (which bars the filing of repetitious applications). In fact, we are told that the Committee has found no case in which the Commission relied upon § 1.520 as an independent ground for the action taken, that is without relying on §§ 1.518 or 1.519 as well. If it is incorrect, The Committee asks the Commission to indicate such other meaning as it gives to the rule.

3. We agree that if the rule serves no purpose it should be deleted. However, contrary to the belief of The Committee, § 1.520 does have a purpose. Both §§ 1.-518 and 1.519 overlap in part the proscription contained in § 1.520. As a result, § 1.520 can be and is cited as further support for actions taken under these other provisions. Beyond this, there are areas not covered by §§ 1.518 and 1.519. If, for example, a party seeks an increase in power for its daytime-only AM station and separately seeks to change to an unlimited time operation, these applications are not inconsistent or conflicting nor are they repetitious. Nonetheless, they should be joined into a single proposal under § 1.520 because they are multiple applications. Even though the rule has not been cited in reported cases to this effect, such has been the interpretation it has been given. From the Commission's procedural point of view, this is an important point. Without such a rule the Commission's processes could be clogged with applications divided into separate segments, the processing of each of which requires much the same study and analysis. Clearly, this result would be wasteful duplication.

4. There is another reason for retaining the rule and that is to be able to deal with situations where successive minor change applications are used in lieu of a single major change application. Again, there is waste and duplication, but also there can be an attempt to evade the rules applicable to major change applications. By way of example, the multiple ownership rules preclude grant of applications if the result would be the overlap of pertinent contours of commonly owned stations in the same broadcast service. The rule applies to applications for new stations and to major changes in facilities, but it does not apply to minor change applications. An attempt to evade the impact of a rule by filing a series of minor change applications cannot be permitted. It would vitiate the distinction between major and minor applications and could be an abuse of process. For this purpose as well, the rule is needed and therefore the petition for rule making is denied insofar as it relates to § 1.520.

5. The second aspect of the petition deals with what is said to be a need for a change in our policy of dealing with contingent applications. In a public notice of October 26, 1961 (FCC 61-1286) the Commission announced a policy of not accepting AM and FM applications for new stations or major modifications of existing stations which were contingent. This was designed to avoid the work of reviewing an application only to discover that it was ungrantable because the contingency ultimately was not resolved. However, this policy has not been applied to modification applications filed by an assignor or transferor (but to be implemented by the assignee or transferee) even though such applications are also contingent. Filing by the proposed transferee or assignee is not now permitted, but we are urged to allow this as this is the real party to look to, we are told, since the seller has no intention of implementing the change in facilities. The Committee's point is that relying on the selling party with no interest in the modification can give rise to problems in processing the application. To remedy this the Committee proposes a rule which allows such filings to be made on the same basis as those of transferors or assignors. The rule it proposes warns that if the sale does not take place, the filing fee would not be returned. The proposed rule also preserves the Commission's right to deline to process any such application where the circumstances so require.

6. In our view, there is no reason to refuse a buyer's application but to accept that of the seller; one is no more contingent than the other. While it could be argued that until consummation of the sale, the buyer has no legally recognizable interest upon which to base a filing, such a holding would be absurdly rigid under the circumstances. Nor is there any necessary conflict with our policy barring non-licensees from effectuating changes. While we could change our policy by simply announcing a willingness to accept such applications, we believe it would be preferable to adopt a rule. In particular, we believe that use of a rule would avoid confusion in the following of the new policy, and avoid misunderstandings, such as over its processing and the non-recoverability of fees. Except for minor changes in language, the proposed rule is acceptable and it shall be adopted and the section number 1.517 shall be applied.

7. Under the Administrative Procedure Act provisions of Title 5 of the U.S. Code, prior notice of proposed rule making is not required—see 5 U.S.C. 553(b)(3)(A)—as this rule change is related to agency practice and procedure.

8. Accordingly, pursuant to Sections 4(i), 303(j) and (r) of the Communications Act of 1934, as amended, it is ordered, that § 1.517 is added, effective September 8, 1976.

9. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding § 1.517 to read as follows:

§ 1.517 Contingent applications.

Ordinarily, contingent applications for changes in facilities of existing broadcast stations are not acceptable for filing. Such applications, however, may be filed under the circumstances cited below.

(a) Upon the filing of an application for the assignment of a license or construction permit, or for a transfer of control of a licensee or permittee, the proposed assignee or transferee may, upon payment of the filing fee prescribed in Section 1.1111, file an application or applications in its own name for authorization to make changes in the facilities to be assigned or transferred contingent upon approval and consummation of the assignment or transfer: *Provided*, That any application filed pursuant to this paragraph must be accompanied by a written statement from the existing licensee which specifically grants permission to the assignee or transferee to file such application: *And provided further*, That the filing fee will not be refundable should the assignment or transfer not be approved. The existing licensee or permittee may also file a contingent application in its own name, but fees in such cases are also not refundable.

(b) Whenever the Commission determines that processing of any application filed pursuant to paragraph (a), above, would be contrary to sound administrative practice or would impose an unwarranted burden on its staff and resources, the Commission may defer processing of such application until the assignment or transfer has been granted, and consummated.

[FR Doc.76-25494 Filed 8-31-76;8:45 am]

[FCC 76-789]

PART 73—RADIO BROADCAST SERVICES

Meters; Standards and Installation Requirements

In the matter of reregulation of radio and television broadcasting.

1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Part 73 of its Rules. These amendments will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

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2. The following rule changes are being made for the reasons specified in the standards and installation requirements of indicating instruments (meters) used at broadcast stations to determine operating power and evaluate transmission system performance.

(a) Since the construction, scale, and accuracy specifications for instruments used by AM, FM, or TV stations are essentially the same, the contents of existing §§ 73.39, 73.320, and 73.688, are being combined and unified in a new section within Subpart H to be designated as § 73.1215—Indicating instruments. The portions of the existing §§ 73.39 and 73.58 concerning remote antenna and common point RF ammeters is being consolidated in a new section; § 73.57—Remote reading antenna and common point ammeters.

(b) Existing specifications for indicating instruments refer to meters used to determine "plate" voltage or "plate" current, and to radio frequency antenna current. The term "plate" in the rules is in reference to vacuum tube transmitter technology. Modern transmitters may use radio frequency power amplifier devices such as transistors or klystrons to which the term "plate" current or voltage are inappropriate. The meter specification rules are amended so as to apply to measurements of any transmitter parameter essential in maintaining the operation within license specifications. Further, the amended rules will describe the types of meters now being regularly used for indicating transmitter output power directly.

(c) Four types of meter scales are described in the existing meter specifications: linear, square-law, logarithmic, and expanded. The scale specifications for square-law and logarithmic scale meters are the same, but actually the two meter scale types are entirely different. Meters with square-law scales have the spacing between the unit division lines compressed together at the lower range of the meter scale. This provides a more precise resolution of the meter indication when the meter pointer approaches the maximum meter range. Square-law meters are primarily used for determining radio frequency currents in AM station antenna circuits. Square-law meters cannot be accurately read at the lower third of the meter scale, therefore the rules require that normal indications fall within the upper two-thirds of the full scale range. Logarithmic scale meters have scales inverse to square-law meters. The spacings between unit divisions are expanded at the lower range of the meter and compressed toward the high limit of the scale. This type of meter permits the parameters being measured to be determined with about the same degree of absolute accuracy over the entire meter range. Logarithmic scale meters are primarily used to indicate radio frequency power or signal strength. Although the existing rules contain the same scale and useful range specifications for both square-law and logarithmic meters, the latter type meters can be used accurately over a greater percentage of the total scale range. The amended rules are relaxing the use of logarithmic scale meters accordingly.

(d) The existing rules prescribe the type of operating parameter to be measured with meters having various types of meter scales. For example, meters having expanded scales (spacing between unit divisions expanded at midrange and compressed at the extreme ends of the scales) are prescribed only for measuring radio frequency current. Such meters are particularly useful for measuring parameters at stations authorized to operate at more than one power level. There is no reason why meters of the required accuracy and scale resolution, regardless of scale type, cannot be used to indicate any operating parameter. Further, recently developed devices, used to determine antenna current, use linear scale meters rather than square-law scale meters. Specific restrictive references to uses of meters with the various scale types are being deleted.

(e) The specifications for meters with expanded scales require that the meter manufacturers must submit a showing to the Commission that the instruments have "acceptable" expanded scales. This showing is not required for any other type of meter, and the Commission has no procedure for "approving" meters for use by licensees or equipment manufacturers. This unreasonable and unnecessary requirement is being deleted.

(f) Paragraph (d) of § 73.39 contains the specifications for devices used to obtain "remote" readings of antenna and common point current as permitted in pargaraph (d) of § 73.58. Remote reading antenna and common point ammeters have been used for a number of years so that the transmitter operator could observe the station operating power without leaving his normal duty position. Remote reading ammeters can be used by a licensee without specific authorization. (Remote reading ammeters should not be confused with remote control meters.) All technical specifications for remote reading ammeter devices and operating procedures now contained in §§ 73.39 and 73.58 are being consolidated into a new § 73.57. The existing text is being editorially revised to conform to today's technology and to delete unnecessary, ineffective, or outmoded conditions, such as the requirement that the device manufacturer submit data under oath to the Commission concerning the accuracy of the remote reading device.

(g) The existing rules permit the use of the indications of the "phase" monitor for determining directional antenna base current or their ratios. When so used, calibrated charts must be provided showing the relationship between the monitor indications and the actual base currents. There has been misunderstanding of the rule as to the actual circumstances when the calibration charts are required. Further, antenna (phase) monitors of modern design indicate sample loop current ratios directly and cannot be conveniently calibrated to indicate the base current in each antenna element of a directional antenna system. Calibration charts were only required when the monitor meters were used for remote reading of antenna base currents. Stations frequently used the antenna monitor for remote indication of the antenna base current during periods of non-directional operation although the existing rule did not specifically provide for this procedure. There is no reason why the use of the phase monitor remote indication of non-directional antenna base current cannot be legitimatized, if calibrations can be independently made and maintained for each mode of operation. The amended rules so indicate.

(h) Subparagraph (d)(2) of § 73.39 requires that remote ammeters be calibrated to indicate within 2 percent of the regular meter over the entire range above one-third or one-fifth full scale (depending on the type of meter used). There is no practical or convenient way that this degree of calibration (tracking) accuracy can be checked by the licensee. To do so would require that the transmitter output power be varied from zero to that required to obtain full scale indications on the antenna ammeters. This power may be many times greater than the station's authorized power. The requirement is unrealistic and unnecessary. It is only essential to insure that the remote reading meters are calibrated and maintained to the required accuracy over the normal operating range for each of the station's authorized operating powers. The amended rules will specify the calibration requirements in this manner, but will require that when a station operates at more than one power level, the calibration must be checked and maintained at each of the authorized power modes used.

(i) The rules require that the coupling elements used to provide remote reading antenna or common point current indications be installed at the same point in the antenna circuit but below (transmitter side) the main ammeter. This requirement is intended to insure that the shunt effects of the coupling element does not affect the accuracy of the actual antenna current determination. However, sample loops mounted on the side of antenna towers are used as coupling elements for driving the antenna monitor, and obviously would not comply with the normal location requirements for sampling devices used in obtaining remote reading base current indications. The rules are being amended to indicate that antenna monitor sample loops mounted on the side of antenna towers can be used in obtaining remote reading base current indications.

(j) Since the same types of devices used for obtaining remote reading antenna and common point current are used for extension metering and remote control indications of these same parameters, it is appropriate that the same technical standards apply in all installations. Sections 73.67, remote control operation, and 73.70, extension meters, are being amended accordingly.

(k) The rules that require the installation of certain indicating instruments for AM, FM and TV stations, §§ 73.58, 73.257,

and 73.688, are being edited to provide parallelism in wording where appropriate, and conformity in paragraph content designations.

(l) The rules for AM and FM stations describe procedures for determination of power by the indirect method when the main antenna current or transmission line meter used for determining power by the direct method is taken out of service for repairs. The indicating instrument rules for TV stations include procedures for determining the aural transmitter operating power by the indirect method when the transmission line meter fails, but completely omits any similar guidance for determining operating power if the visual transmitter transmission line meter becomes defective. This oversight may have been due to the requirement that TV visual transmitter output power be determined at all times only by the direct method. A TV station experiencing failure of the visual transmission line meter would be required to have an immediate replacement available, or obtain specific authorization from the Commission to operate without such a meter, pending repairs. We are amending the rules to provide for the procedures licensees may follow when such a transmission line meter fails—adjusting operating power by maintaining normal operating parameters of the transmitter final amplifier stage. This same emergency procedure would be appropriate for maintaining the aural transmitter output power for transmitters using klystrons or other devices to which the "indirect" method of power measurement cannot be readily used.

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, IT IS ORDERED, That pursuant to Sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules and Regulations is amended effective September 8, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 24, 1976.

Released: September 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Section 73.39 is revised to read as follows:

§ 73.39 Indicating instruments—specifications.

See § 73.1215.

2. A new § 73.57 is added to read as follows:

§ 73.57 Remote reading antenna and common point ammeters.

Remote reading antenna and common point ammeters may be used without further authority according to the following conditions:

(a) Remote reading antenna or common point ammeters may be provided by:

(1) Inserting second radio frequency current sensing device directly in the antenna circuit with remote leads to the indicating instruments.

(2) Inductive coupling to radio frequency current sensing device for providing direct current to indicating instrument.

(3) Capacity coupling to radio frequency current sensing device for providing direct current to indicating instrument.

(4) Current transformer connected to radio frequency current sensing device for providing direct current to indicating instrument.

(5) Using transmission line current meter at transmitter as remote reading ammeter. See paragraph (c) of this section.

(6) Using the indications of the antenna (phase) monitor, provided that when the monitor is used to obtain remote reading indication of non-directional antenna base current, the monitor calibration can be independently made and maintained for each mode of operation.

(b) Devices used for obtaining remote reading antenna or common point current indications, except antenna monitor coupling elements, shall be located at the same point as, but below (transmitter side) the associated main ammeter.

(c) In the case of shunt-excited antennas, the transmission line current meter at the transmitter may be considered as the remote antenna ammeter provided the transmission line is terminated directly into the excitation circuit feed line, which shall employ series tuning only (no shunt circuits of any type shall be employed) and insofar as practicable, the type and scale of the transmission line meter should be the same as those of the excitation circuit feed line meter (meter in slant wire feed line or equivalent).

(d) Calibration of remote reading ammeters shall be made against their corresponding regular ammeters for each mode of operation as often as necessary to insure their accuracy, but at least once each calendar week, and:

(1) The result of such calibrations shall be entered in the station's maintenance log.

(2) In no event shall a remote reading ammeter be calibrated against another remote reading, extension, or remote control meter.

(3) Each remote reading ammeter shall be accurate within 2 percent of the value read on its corresponding regular ammeter.

(e) All remote reading ammeters shall conform with the specifications for regular antenna ammeters.

(f) Meters with arbitrary scale divisions may be used provided that calibration charts or curves are provided at the transmitter control point showing the relationship between the arbitrary scales and the reading of the main meters.

(g) If a malfunction affects the remote reading indications of the antenna or common point current, the regular antenna or common point ammeter may be read and the indications entered in the operating log once daily for each mode of operation in lieu of the requirements of § 73.113(a)(1)(iv)(a) pending the return to service of the remote reading antenna or common point ammeter.

3. Section 73.58 is amended to read as follows:

§ 73.58 Indicating instruments.

(a) Each AM broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for determining power by the direct and indirect methods, and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) A thermocouple type ammeter, or other device capable of providing an indication of radio frequency current at the base of each antenna element, meeting requirements of § 73.1215, shall be permanently installed in the antenna circuit or a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit so as to protect it from damage by lightning. Where a jack and plug arrangement is used, contacts shall be made of silver and capable of operating without arcing or heating, and shall be protected against corrosion. Insertion and removal of the meter shall not interrupt the transmissions of the station. When removed from the antenna circuit, the meter shall be labelled to clearly identify the tower in which it is used, and shall be stored in a location which is readily available to that tower. Care shall be exercised in handling the meter to prevent damage which would impair its accuracy. Where the meter is permanently connected in the antenna circuit, provision may be made to short or open the meter circuit when it is not being used to measure antenna current. Such switching shall be accomplished without interrupting the transmission of the station.

(c) Since it is usually impractical to measure the actual antenna current of a shunt excited antenna system, the current measured at the input of the excitation circuit feed line is accepted as the antenna current.

(d) The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in

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excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) If the defective instrument is an antenna base current ammeter of a directional antenna system, the indications required to be read and logged may be obtained from the antenna monitor pending the return to service of the regular meter, provided other parameters are maintained at their normal values.

(3) If the defective instrument is the antenna current meter of a non-directional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 73.51 (d), (e), and (f) during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter shall be used in determining operating power by the direct method pending the return to service of the regular meter.

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, information requested in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

4. Section 73.67(a)(6) is amended to read as follows:

§ 73.67 Remote control operation.

(a) • • •

(6) All remote control meters shall conform with the specifications prescribed for regular transmitter, antenna, and monitor meters. Devices used for obtaining remote control meter indications of antenna or common point current shall be installed according to the conditions described in paragraphs (a) and (b) of § 73.57.

• • • • •

5. Section 73.70(d) is amended to read as follows:

§ 73.70 Extension meters.

• • • • •

(d) That extension meters shall be installed for monitoring the DC input power of the last radio frequency amplified stage, and the antenna current for non-directional operation or common point current for directional operation. The installation and operation of these meters shall be in accordance with the requirements prescribed for their corresponding regular meters. Devices used for obtaining extension meter indications of antenna or common point current shall be installed according to the conditions described in paragraphs (a) and (b) of § 73.57.

• • • • •

6. Section 73.258 is amended to read as follows:

§ 73.258 Indicating instruments.

(a) Each FM broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for determining power by the indirect method; for indicating the relative amplitude of the transmission line radio frequency current, voltage, or power; and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) [Reserved]

(c) [Reserved]

(d) The function of each instrument shall be clearly and permanently shown in the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) [Reserved]

(3) If the defective instrument is the transmission line meter of a station which determines the output power by the direct method, the operating power shall be determined by the indirect method in accordance with § 73.267(a)(2) during the entire time the station is operated without the transmission line meter.

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 73.317 [Amended]

7. Section 73.317(a)(7) is deleted and designated as reserved.

8. Section 73.320 is revised to read as follows:

§ 73.320 Indicating instruments—specifications.

See § 73.1215.

9. Section 73.688 is amended to read as follows:

§ 73.688 Indicating instruments.

(a) Each television broadcast station shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for measuring the operating parameters of the last radio stage of the visual and aural transmitters necessary for determining the output power by the indirect method; relative amplitude of the transmission line radio frequency current, voltage, or power of both transmitters; and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) No specifications are prescribed at this time regarding the peak indicating device required by § 73.689.

(c) [Reserved]

(d) The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any one of these indicating instruments becomes defective, when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) [Reserved]

(3) If the defective instrument is the transmission line meter used for determining the output power by the direct method, the operating power shall be determined or maintained by the indirect method whenever possible or by using the operating parameters of the last radio stage of the transmitter during the time the station is operated without the transmission line meter.

(4) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

10. A new § 73.1215 is added to read as follows:

§ 73.1215 Specifications for indicating instruments.

The following requirements and specifications shall apply to indicating instruments used by broadcast stations:

(a) Linear scale instruments:

(1) Length of scale shall not be less than 2.3 inches (5.8 cm).

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) The maximum rating of the meter shall be such that it does not read off scale during modulation or normal operation.

(4) Scale shall have at least 40 divisions.

(5) Full scale reading shall not be greater than five times the minimum normal indication.

(b) Instruments having square-law scales:

(1) Meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear instruments.

(2) Full scale reading shall not be greater than three times the minimum normal indication.

(3) No scale division above one-third full scale reading shall be greater than one-thirtieth of the full scale reading. (Example: an ammeter meeting requirement (1) having full scale reading of 6 amperes is acceptable for reading currents from 2 to 6 amperes, provided no scale division between 2 and 6 amperes is greater than one-thirtieth of 6 amperes, 0.2 ampere.)

(c) Instruments having logarithmic scales:

(1) Meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear scale instruments.

(2) Full scale reading shall not be greater than five times the minimum normal indication.

(3) No scale division above one-fifth full scale reading (in watts) shall be greater than one-thirtieth of the full scale reading. (Example: a wattmeter meeting requirement (3) having full scale reading of 1500 watts is acceptable for reading power from 300 to 1,500 watts, provided no scale division between 300 and 1,500 watts is greater than one-thirtieth of 1,500 watts or 50 watts.)

(d) Instruments having expanded scales:

(1) Shall meet the requirements of paragraphs (a) (1), (2), and (3) of this section for linear scale instruments.

(2) Full scale reading shall not be greater than five times the minimum normal indication.

(3) No scale division above one-fifth full scale reading shall be greater than one-fiftieth of the full scale reading. (Example: an ammeter meeting the requirement (1) is acceptable for indicating current from 1 to 5 amperes, provided no division between 1 and 5 amperes is greater than one-fiftieth of 5 amperes, 0.1 ampere.)

(e) Digital meters, printers, or other numerical readout devices may be used in addition to or in lieu of indicating instruments meeting the specifications of paragraphs (a), (b), (c) and (d) of this section. If a single digital device is used at the transmitter for reading and logging of operating parameters, either (1) Indicating instruments meeting the above-mentioned specifications shall be installed in the transmitter and antenna circuit; or (2) a spare digital device shall be maintained at the transmitter with provision for its rapid substitution for the main device should that device malfunction. The readout of the device shall include at least three digits and shall indicate the value or a decimal multiple of the value of the parameter being read to an accuracy of at least 2 percent. The multiplier to be applied to the reading of each parameter shall be indicated at the operating position of a switch used to select the parameter for display, or on the face of an automatically printed log at least once each calendar day.

(f) No instrument which has been broken or appears to be damaged or defective, or the accuracy of which is questionable shall be used, until it has been checked, and if necessary repaired and recalibrated by the manufacturer or qualified instrument repair service. Repaired instruments shall not be used unless a certificate of calibration has been provided showing that the instrument conforms to the manufacturer's specifications for accuracy.

[FR Doc.76-25495 Filed 8-31-76;8:45 am]

[FCC 76-781]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Vessels of United States; Clarification

In the matter of amendment of Part 83 of the rules to clarify the vessels that are construed to be vessels of the United States for radio station licensing purposes.

1. We believe it would be helpful to the public if our rules specify with more clarity the categories of vessels that are statutorily eligible for the licensing by us of radio equipment on board.

2. Section 301 of the Communications Act, of 1934 as amended, (47 U.S.C. 301) provides, in essence, that we may license radio apparatus ". . . upon any vessel or aircraft of the United States." Additionally, § 1 (No. 725) of Article 18 of the International Radio Regulations (ITU Geneva 1976) provides that no transmitting station may be established by any private person or enterprise without a license issued by the "country to which the station in question is subject."

3. We have considered vessels of the United States to include those that are (1) in any way regularly numbered, documented or registered by United States Federal, State or local authorities; (2) located and home ported in American waters even if not required to be registered by any authority; or (3) those granted temporary (6 months or less) Provisional Certificates of Registry by a U.S. Consul overseas pursuant to 46 U.S.C. 446. We have not considered vessels of foreign registry, even if owned by American citizens to be vessels of the United States, nor have we considered vessels owned by Americans and never located in the United States to be vessels of the United States even if they are unregistered by foreign authorities. We have considered that the remedy for American vessel owners in the latter category is to have their vessels registered where primarily located, and to seek radio station operating authority from that country.

4. We have learned, however, that some foreign governments are unwilling, or unable to register vessels for American citizens because of domestic legal restrictions concerning alien owners of vessels in their waters or for other reasons. In those instances, it appears an American boat owner or operator is without any wherewithall for legally operating radio aboard the vessel. This situation is obviously not in the public interest. We believe that radio use on vessels should be encouraged for safety as well as navigational or other operational reasons.

5. In the interest, therefore, of better serving American citizens with radio operational authority, and to promote and advance maritime safety of life and property, we will henceforth grant radio station licenses for vessels that are located outside the United States and owned or operated by Americans when the vessel is not registered by any foreign authority and when the foreign authorities where the vessel is located or home ported is unwilling or unable to extend vessel registration and station licensing to the American owner or does not object to this regulatory action by us. Additionally, we will include in our rules a provision to inform applicants of the information they must furnish us in these circumstances.

6. We have consulted with appropriate officials in the U.S. Departments of Transportation and State and have been advised that they have no objection to this interpretation and regulatory action by us.

7. Accordingly, pursuant to authority contained in Section 4(i) and 303(3) of the Communications Act of 1934, Part 83 of the rules is amended below, effective September 8, 1976. Since this rule change is interpretive and constitutes a statement of general policy, the prior notice and other provisions of 5 U.S.C. 553 are unnecessary and do not apply.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Section 83.24 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new paragraph (f) as follows:

§ 83.24 Application precedent to authorization.

• • • • •

(f) An application by a U.S. citizen, national, or resident alien for a new station on a vessel not located in United States navigational waters shall include (1) a statement that the vessel is not documented or otherwise registered by any foreign authorities, and (2) a statement that the foreign authorities where the vessel is located, will not or cannot license the vessel radio equipment, or that they do not object to the licensing of the equipment by the United States.

[FR Doc.76-25496 Filed 8-31-76;8:45 am]

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1131; Amdt. No. 9]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of August 1976.

Upon further consideration of Service Order No. 1131 (38 FR 9232, 17845, 33399; 39 FR 8327, 19218, 41853; 40 FR 8823, 40518; and 41 FR 8480), and good cause appearing therefor:

It is ordered, That Service Order No. 1131 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1131 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

• • • • • •

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed or suspended by order of this Commission.

• • • • •

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25563 Filed 8-31-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Upper Souris National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective September 1, 1976.

§ 32.32 Special regulations; big game; for individual refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, North Dakota, is permitted from November 13 through November 21, 1976, inclusive. This open area, comprising 31,800 acres, is delineated on maps available at the refuge headquarters, Foxholm, North Dakota 58738 and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer and the following special conditions:

(1) Only those hunters having a special Federal Refuge permit will be permitted to hunt on the refuge.

(2) The area around refuge headquarters and secondary headquarters, as posted, are closed to hunting.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

MERLE O. BENNETT,
Refuge Manager, Upper Souris National Wildlife Refuge.

AUGUST 24, 1976.

[FR Doc.76-25508 Filed 8-31-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon; Correction

FR Doc. 76-22692 beginning on page 32750 in the issue of Thursday, August 5, 1976 is corrected by changing the effective date in the last paragraph on page 32751 from "June 30, 1976" to "June 30, 1977".

R. KAHLER MARTINSON,
Regional Director, Fish and Wildlife Service.

[FR Doc.76-25595 Filed 8-31-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Amendment of Proposed Expenses and Rate of Assessment for 1976–77 Fiscal Year

Notice was published in the August 24, 1976, issue of the FEDERAL REGISTER (41 FR 35722) of a proposal regarding expenses and rate of assessment of the Olive Administrative Committee for the 1976–77 fiscal period. Expenses proposed totaled $876,000, and the rate of assessment proposed was $14.00 per tone of olives handled. The proposal invited interested persons who desired to submit written data, views, or arguments in connection with the proposal to file such comments not later than September 10, 1976.

This notice amends the notice published August 24, 1976, to increase the amount proposed for administrative expenses from $876,000 to $891,000. No change in the rate of assessment is proposed.

All persons who desire to submit written data, views, or arguments in connection with this amended proposal should file them, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 27, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-25528 Filed 8-31-76;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 2

Proposed Handling Requirements

This proposal, designed to promote orderly marketing of Colorado Area No. 2 potatoes, would impose minimum quality standards and require inspection of fresh market shipments to keep undesirable lower quality potatoes from being shipped to consumers.

Consideration is being given to issuing a handling regulation, hereinafter set forth, which was recommended by the Colorado Area No. 2 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Area No. 2 Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1976 crop in Area No. 2 and of the marketing prospects for this season. Harvesting for fresh shipment is expected to begin in mid-September so the regulation should become effective near that time.

The grade, size, maturity and inspection requirements proposed herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

The proposed requirements this year would be U.S. No. 2 or better grade, with a minimum size of 2 inches for round varieties, 1⅞ inches for long varieties and 1½ inches for export. Size B may be shipped if U.S. No. 1, or better grade. Maturity requirements would be "moderately skinned" for all varieties, except that for the Russet Burbank and Red McClure varieties, any grade better than U.S. No. 2 must be no more than "slightly skinned." These maturity requirements would terminate on October 31.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are proposed.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 16, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 948.376 Handling regulation.

During the period September 26, 1976, through June 30, 1977, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1976, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(4) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable

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thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2" "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing' has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.7, Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 26, 1976, through June 30, 1977, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 26 through October 31, 1976, shall be not more than "moderately skinned."

Dated: August 27, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–25605 Filed 8–31–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 121f]

TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Proposed Rulemaking

Under the authority in sections 631, 632, and 634 of Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, 1434), the Commission of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to amend Part 121f of Title 45 of the Code of Federal Regulations by adding new §§ 121f.21 and 121f.22, and by deleting § 121f.30.

(1) PROPOSED ADDITION OF § 121f.21 (PRIORITIES)

The proposed § 121f.21 sets forth several program priorities for the award of new and continuation awards. Applications must contain descriptions of personnel preparation programs relevant to these priorities, as well as meeting other requirements in 45 CFR, Parts 100a and 121f. These priorities are in addition to the evaluation criteria set out in 45 CFR 100a.26(b) and § 121f.20.

The proposed § 121f.22 informs applicants that the priorities are not weighted or ranked in order of importance, and that the amount of money for each priority depends on the appropriation by Congress.

For fiscal year 1976, program priorities were published with the annual program announcement. This delayed the publishing of the program announcement by three to four months. By having the priorities in the regulations, the time for publishing the program announcement would be significantly lessened. These priorities have been established in the budget and, in testimony before Congress and would be unlikely to change over the next several years. The amounts of money allocated to each priority would possibly change from year to year but the priority would remain the same.

(2) PROPOSED DELETION OF § 1216.30 (APPEAL)

At the present time, 45 CFR 100a.27 provides that an application which is deferred or not selected for funding is not precluded from reconsideration or resubmission. Section 121f.30 gives an applicant in this program an overlapping opportunity to appeal. Such a separate system of control is too cumbersome and not the best use of the government's limited resources. However, this amendment is not intended to discourage appeals or decrease the number of appeals.

Pusruant to section 431(b) of the General Education Provisions Act, the Commissioner will provide interested parties an opportunity for commenting on this proposed regulation. Written comments and recommendations shall be sent to Director, Division of Personnel Preparation, Bureau of Education for the Handicapped, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. All relevant material must be received no later than forty-five days following the date of publication of this document in the FEDERAL REGISTER, unless the 45th day is a Saturday, Sunday, or Federal holiday, in which case the material must be received by the next following business day.

(Catalog of Federal Domestic Assistance 13.451, Handicapped Personnel Preparation)

Dated: July 2, 1976.

T. H. BELL,
Commissioner of Education.

Approved: August 11, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 121f of Title 45 of the Code of Federal Regulations is amended as follows:

1. A new § 121f.6 is added to read as follows:

§ 121f.6 General.

Each applicant is subject to the rules in Subpart B (Applications) of Part 100a of this chapter.

(20 U.S.C. 1431, 1432, 1434)

2. New §§ 121f.21 and 121f.22 are added to read as follows:

§ 121f.21 Priorities program areas.

The Commissioner awards funds under this part only for programs in one or more of the following program areas:

(a) *Early childhood education.* Preparation of educational personnel to serve handicapped children ages 0–6;

(b) *Severely handicapped.* Preparation of education personnel to serve the severely and multi-handicapped, particularly where the need for trained personnel is the greatest;

(c) *Paraprofessional.* Preparation of personnel (for example at community and junior colleges) to assist a professional in the education of handicapped children;

(d) *Physical education.* Preparation of personnel to provide physical education for handicapped children;

(e) *Recreation.* Preparation of personnel to provide therapeutic recreation services for handicapped children;

(f) *Interdisciplinary.* Preparation of personnel to work with handicapped children on an interdisciplinary basis;

(g) *General special education.* Preparation of personnel who will provide educational services to handicapped children;

(h) *Vocational and career education.* Preparation of personnel to provide career or vocational education for the handicapped;

(i) *Regular education.* Pre-service or in-service programs which prepare regular education personnel, physical education personnel, or recreation specialists, to provide services to handicapped children. These programs may include supportive services from special education personnel who work with handicapped children;

(j) *Developmental assistance.* Programs which provide post-doctoral training in the education of the handicapped;

(k) *Model implementation (special projects).* Programs which develop new models of instruction or prepare personnel for an innovative role in the education of handicapped children; and

(l) *Volunteers.* Preparation of volunteers, including parents, to assist in the provision of education to handicapped children.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.22 Priorities—funding.

(a) The priorities in § 121f.21 are not in order of importance and are not assigned relative weight in funding decisions.

(b) The amount of money available for each priority depends on the appropriation by Congress.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.30 [Removed]

3. Section 121f.30 (Appeal) is deleted.

[FR Doc.76–25524 Filed 8–31–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 700]

CONTINGENCY GASOLINE AND DIESEL FUEL RATIONING PLAN

Negative Determination of Environmental Impact

On May 25, 1976, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (41 FR 21918, May 28, 1976) to amend Chapter II, Part 10 of the Code of Federal Regulations, to establish new regulations with respect to gasoline and diesel fuel rationing, pursuant to sections 201 and 203 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6263.

Based upon an environmental assessment of the impact that might result from implementation of this plan during a severe energy supply interruption, FEA has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment." Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332 (2)(C).

Single copies of the environmental assessment on the gasoline and diesel fuel contingency plans are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IM, Room 3309, Federal Energy Administration, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment-Rationing Contingency Plan." Fifteen copies should be submitted. All comments should be received by FEA by September 21, 1976, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., August 27, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76–25537 Filed 8–27–76;1:21 pm]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76–21]

ANNUAL REPORT OF POWER SYSTEM TRANSMISSION AND DISTRIBUTION TECHNICAL DATA—NEW FPC FORM NO. 157

Extension of Time

AUGUST 24, 1976.

On June 30, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76–21 (41 FR 28416), calling for comments or suggestions in writing by August 30, 1976. Several motions for extensions of time within which to file comments in the above-designated rulemaking proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-entitled rulemaking proceeding is extended to and including September 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25548 Filed 8–31–76;8:45 am]

[18 CFR Part 2]

[Docket No. RM76–29]

POLICY STATEMENT CONCERNING ELECTRIC RATE SCHEDULE FILINGS AND THE REQUIREMENT FOR FILING OF COMPARATIVE RATE INFORMATION IN CERTAIN SITUATIONS

Extension of Time

AUGUST 24, 1976.

On July 29, 1976, the Commission issued a Notice of Proposed Statement of Policy in the above-designated docket (41 FR 32910), calling for comments not later than 30 days from the date of the Notice, or August 28, 1976. Several motions for extensions of time within which to file comments on the above-entitled rulemaking proceeding have been received.

Upon consideration, notice is hereby given that the time within which comments on the above-entitled rulemaking must be filed is extended to and including September 17, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25549 Filed 8–31–76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 2 and 3]

NONADJUDICATIVE PROCEDURES AND RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Disclosure of Material Pertaining to Consent Order Settlements

On June 16, 1976, the Commission received a petition for rulemaking from the Institute for Public Interest Representation, Washington, D.C. The Institute requested that the Commission amend its rules so as to require that all documents (other than confidential commercial or financial information contained therein), submitted by investigated parties in negotiating the proposed settlement of a pending investigation or complaint, be placed on the public record at the beginning of the 60-day period for public comment prescribed in Rules of Practice §§ 2.34 and 3.25(d), 16 CFR §§ 2.34 and 3.25(d).

In response to this request, notice is hereby given that the Commission, pursuant to 15 U.S.C. § 46(f), (g) and 5 U.S.C. § 552, is proposing to revise its rules governing disclosure of material pertaining to consent order settlements so as to make available for public inspection and copying, at the beginning of the period for public comment on provisionally accepted consent settlements, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act. Confidential commercial information, exempt under 5 U.S.C. § 552(b)(4), will not be disclosed under this proposal. Nor does this proposal extend to nonfactual negotiation

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documents submitted by investigated parties.

The Commission also solicits comments on the Institute's request that all documents submitted by the party, including nonfactual material reflecting the negotiating process and draft settlement proposals, be placed on the public record at the beginning of the comment period. The Commission is particularly interested in comments as to the effect of such disclosure on the negotiating process and the value of such disclosure for informed public comment.

In addition, the Commission is proposing to make a clarifying change in the wording of its rule governing confidential records of consent negotiations, so as to make explicit that such records, like other confidential records of the Commission, are subject to the Commission's Freedom of Information Act rules, found in Part 4 of this subchapter. Finally, the Commission proposes to add to Rule 3.25 (d) the provision for FEDERAL REGISTER publication of provisionally accepted consent settlements now found only in Rule 2.34.

1. Title 16 CFR Part 2, § 2.34, would be revised to read as follows:

§ 2.34 Disposition.

Upon receiving an executed agreement conforming with the requirements of § 2.32, the Commission may: (1) Accept it; (2) reject it and issue its complaint; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein any initial report of compliance submitted pursuant to § 2.33 on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act, and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by an interested person. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceeding.

2. Title 16 CFR Part 2, § 2.35. would be revised to read as follows:

§ 2.35 Confidentiality.

All negotiations and communications under this subpart will constitute a part of the confidential records of the Commission, except to the extent otherwise specifically provided therein, and subject to the provisions of §§ 4.10 and 4.11 of these Rules.

3. Title 16 CFR Part 3, § 3.25(d), would be revised to read as follows:

§ 3.25 [Amended]

* * * * *

(d) After the matter has been withdrawn from adjudication, the Commission may (1) accept the agreement; (2) reject it and return the matter to adjudication for further proceedings; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place it on the public record, together with any initial report of compliance submitted pursuant to § 2.33, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby, factual material reasonably related to the merits of the order that is not exempt from disclosure under the Freedom of Information Act, and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

Written comments on the proposed revisions and the Institute's further request may be sent to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street, NW, Washington, D.C. 20580, on or before November 1, 1976. Such comments will be entered on the public records of the Commission and will be available for inspection in Room 130 at the above address during normal business hours. The Institute's petition is now available for inspection at that address.

By direction of the Commission dated August 25, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-25623 Filed 8-31-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST NATIONAL BANK OF ATLANTA, ATLANTA, GA.

Acceleration of Registration

Whereas, The First National Bank of Atlanta has filed pursuant to section 12(b) of the Securities Exchange Act of 1934, as amended, and the Comptroller's regulations thereunder, with the Comptroller and the New York Stock Exchange, Inc., an application on Form F-1 for registration on such Exchange of 9% Capital Notes due July 1, 1984; and

Whereas, the authorities of said Exchange have certified to the Comptroller, pursuant to Section 12(d) of said Act and the Comptroller's regulations thereunder, that such class of security has been approved for listing and registration on such Exchange; and

Whereas, it has been requested that registration of such class of security be accelerated by making it effective prior to the expiration of thirty days after the date of receipt by the Comptroller of such certification; and

Whereas, acceleration appears appropriate in the public interest and for the protection of investors;

Now therefore it is ordered, That registration of such class of security shall become effective immediately on the New York Stock Exchange, Inc.

Dated: August 25, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-25609 Filed 8-31-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 14347]

FLORIDA

Proposed Withdrawal and Reservation of Lands

AUGUST 26, 1976.

The Fish and Wildlife Service, Department of the Interior, has filed an application for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the area for use as a headquarters site in connection with the management of the J. N. "Ding" Darling National Wildlife Refuge and as a wildlife-oriented public use area. The area is presently withdrawn for use by the U.S. Coast Guard; however, the agency has filed notice of intent to relinquish control and accountability of the land, with the exception of 6.32 acres, under number ES 16153.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 46 S., R. 23 E.
Sec. 21: Lot 1 and that part of Lot 2 lying eastward of a line running N. 0°00'20" E., F.W.Z. and situated 1,000 feet due west of the center of Sanibel Lighthouse.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.76-25591 Filed 8-31-76;8:45 am]

[NM 28667]

NEW MEXICO

Application

AUGUST 24, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 8, N½SW¼ and SW¼SW¼;
Sec. 17, W½NW¼ and NW¼SW¼;
Sec. 18, E½SE¼;
Sec. 19, N½SE¼ and SW¼SE¼.

This pipeline will convey natural gas across 1.918 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-25592 Filed 8-31-76;8:45 am]

ROSEBURG DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bureau of Land Management, Roseburg District Multiple Use Advisory Board, will meet at 8:30 a.m. on September 30, 1976, in the conference room at the Roseburg District Office, 777 NW. Garden Valley Boulevard, Roseburg, Oregon.

There will be a brief meeting at the District Office where the proposed 1977 Timber Sale Plan will be reviewed and a status report of major District programs given. Following this, there will be field trip to examine and discuss site preparation, reforestation, and timber production capability classification (TPCC).

The meeting will be open to the public, though other than Advisory Board Members and BLM participants will have to provide their own transportation. Time will be available for brief statements by members of the public, but those wishing to make oral statements must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to Chairman, District Advisory Board, in care of District Manager, Bureau of Land Management, 777 NW. Garden Valley Blvd., Roseburg, OR 97470.

JAMES E. HART,
Roseburg District Manager.

AUGUST 20, 1976.

[FR Doc.76-25594 Filed 8-31-76;8:45 am]

V41I171 SEP 1 76 UMI

[U-34282]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 23 E.,
Sec. 5, lot 3.

The needed right-of-way is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

AUGUST 24, 1976.

[FR Doc.76-25593 Filed 8-31-76;8:45 am]

Geological Survey

COAL MINING OPERATING REGULATIONS

Hearing: Adoption of Requirements of Reclamation Laws and Regulations of Wyoming

The hearing announced in the August 24, 1976, FEDERAL REGISTER, 41 FR 35717, on the Department of the Interior's proposed rule adopting the requirements of Wyoming's reclamation laws and regulations instead of the Federal laws and regulations, will be held on September 23, 1976, at the Hitching Post Inn, Coach Room A and B, 1700 West Lincoln Way, Cheyenne, Wyoming 82001. The hearing will begin at 9 o'clock a.m., and will be conducted by an Administrative Law Judge. The previous notice explains, in greater detail, the purpose of this hearing.

The meeting will be open to the public. Any person who wishes to testify at the hearing should notify the Chief, Office of Public Affairs, Bureau of Land Management, Cheyenne, Wyoming 82001 (Tel. No. (307–778–2220)). Persons planning to speak should plan to limit their remarks to 10 minutes, not 15 minutes as previously stated.

Dated: August 26, 1976.

W. W. LYONS,
Deputy Under Secretary, Department of the Interior.

[FR Doc.76-25492 Filed 8-31-76;8:45 am]

[Power Site Cancellation 336]

GREEN RIVER BASIN, UTAH

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 93 of April 16, 1925, is hereby canceled to the extent that it affects the following described land:

SALT LAKE MERIDIAN, UTAH

T. 2 N., R. 23 E.,
Sec. 13, SW¼SE¼ and SW¼;
Sec. 14, S½;
Sec. 23, NE¼NE¼.

The area described aggregates 560 acres.

The effective date of this cancellation is December 24, 1976.

Dated: August 24, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-25596 Filed 8-31-76;8:45 am]

Office of the Secretary

[INT DES 76-31]

DES MOINES RIVERFRONT DEVELOPMENT PROJECT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed acquisition and development of the Des Moines Riverfront and invites written comment within forty-five (45) days of this notice. Comments should be addressed to the Regional Director, Bureau of Outdoor Recreation, Mid-Continent Region, P.O. Box 25387, Denver Federal Center, Denver, Colorado 80225.

Lands totaling 650 acres will be acquired in the City of Des Moines, Iowa. The project would be financed with a Federal grant from the Land and Water Conservation Fund which would be matched with an equal amount of City money. The environmental statement discusses the immediate acquisition of 650 acres and the long-range proposal of the development of a 12-mile long river recreation corridor through the City.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C.
Office of Information, Bureau of Outdoor Recreation, Room 4024, Department of the Interior, Washington, D.C.
Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado
State Clearinghouse, Office for Planning and Programming, State Capitol, Des Moines, Iowa
City of Des Moines:
City Manager's Office, 1st and Locust
City Clerk's Office, 1st and Locust
Plan and Zoning Commission, Armory Building, East 1st and Des Moines
Des Moines City Libraries:
Main Library, 1st and Locust
East Side Branch, 2559 Hubbell
Highland Park Branch, 2nd and Euclid
Lincoln Heights Branch, 3516 SW 9th
Model Cities Branch, 1305 University
Westside Branch, 5000 Franklin

Dated: August 25, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior,

[FR Doc.76-25493 Filed 8-31-76;8:45 am]

OUTER CONTINENTAL SHELF ADVISORY BOARD—MID-ATLANTIC

Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–643, 5 U.S.C. App. I and the Office of Managmeent and Budget's Circular No. A–63, Revised.

The Mid-Atlantic Regional Board will meet during the period 10:00 a.m. to 2:00 p.m., September 17, in the Conference Room 4th Floor, Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia.

The meeting will cover the following principal subjects:

1. Report on mid-Atlantic sale #40.
2. Briefing on procedures for mid-Atlantic sale #49.
3. Status of implementation of operating order 15.
4. Status of OCS legislation.
5. Other business.

This meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by September 10 to the Mid-Atlantic Board Chairman:

Simon F. McHugh, Jr., Executive Assistant, Office of the Lt. Governor, Annapolis, Maryland 21404, 301/261–2523.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

AUGUST 26, 1976.

[FR Doc.76-25597 Filed 8-31-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A364]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Michigan Counties as a result of subfreezing temperatures during the period April 9 through May 20, 1976, in all 11 counties in addition to snow and rain April 11 and 12, 1976, in Kalamazoo County; hail June 24, 1976, in Manistee County; and snow April 25, 1976, and excessive winds May 4 through May 6, 1976, in Van Buren County:

Allegan	Manistee
Berrien	Mason
Cass	Oceana
Grand Traverse	Ottawa
Kalamazoo	Van Buren
Leelanau	

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than October 18, 1976, for physical losses and May 20, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C. this 25th day of August, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-25526 Filed 8-31-76;8:45 am]

Forest Service

LAND USE PLAN, MOHAWK UNIT, PLUMAS AND TAHOE NATIONAL FORESTS

Availability of Draft Environmental Statement; Correction

In FR Doc. 76–23439 appearing at page 34087 in the FEDERAL REGISTER of August 12, 1976, the third paragraph is corrected to change the date of transmittal to the Council on Environmental Quality from August 3, 1976, to August 18, 1976.

Dated: August 25, 1976.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.76-25505 Filed 8-31-76;8:45 am]

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the Pacific Northwest Forestry Research Advisory Committee for an additional 2-year period ending September 9, 1978.

This is a regional Forest Service advisory committee established by the Chief of the Forest Service on February 25, 1954, to consider broad questions of policy, programs, and procedure affecting the research in the Pacific Northwest Forest and Range Experiment Station, and to give the Station Director the benefit of its opinion.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with the duties imposed on the Department by law.

Dated: August 27, 1976.

J. W. DEINEMA,
Deputy Chief.

[FR DOC.76-25531 Filed 8-31-76;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CTAB PANEL ON ENERGY POLICY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the first meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Energy Policy will be held on Thursday, September 23, 1976, from 9:30 A.M. to 5:00 P.M., in Room 4830 and on Friday, September 24, from 8:30 A.M. to 5:00 P.M. in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution and E Street, N.W.)

The Panel previously existed as the Panel on Project Independence Blueprint and terminated (March 1975) upon submission of its report, *CTAB Recommendations for a National Energy Program.* It has been reestablished to assess the current energy situation from a private sector point of view and to provide an experienced and independent voice to assist the further development of a national energy program. Among other things, the Panel will review the ERDA National Plan for Energy, Research, Development and Demonstration, FEA's National Energy Outlook, and the evolving dialogue between the several segments of the Federal Government and the various regional interests.

The tentative agenda for September 23 includes briefings by:

(1) Council on Environmental Quality;
(2) The Office of Technology Assessment;
(3) National Governors Conference;
(4) Energy Research and Development Administration;
(5) Department of the Interior; and
(6) Federal Energy Administration.

The tentative agenda for September 24 includes:

(1) General discussion of the briefings on the 23rd and of the Panel's previous report.

(2) General discussion on the scope and objectives of several of the major energy studies currently underway in the private and public sectors.

(3) General discussion on future direction, objectives, and activities of the Panel.

The meeting will be open to public observation. The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DOC officials and invited participants. A limited number of seats will be available for the public and to the press on a first-come first-serve basis.

Copies of minutes and handouts will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring further information on the Panel or on individual meetings should contact Mr. William Dorn, Room 3877, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–3668.

Dated: August 17, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-25489 Filed 8-31-76;8:45 am]

PRIVACY ACT

Consolidated System of Records and Proposed New Routine Use

Correction

In FR Doc. 76–24465 appearing on page 35206 in the issue of Friday, August 20, 1976, the date that appears ahead of the signature on page 35206 now reading "August 8, 1976" should have read August 11, 1976".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARDIOVASCULAR AND RENAL ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Comtee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration an-

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cular and Renal Advisory Committee by nounces the renewal of the Cardiovas- the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond August 27, 1976.

Authority for this committee will expire August 27, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: August 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25518 Filed 8-31-76;8:45 am]

ENDOCRINOLOGY AND METABOLISM ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Endocrinology and Metabolism Advisory Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond August 27, 1976.

Authority for this committee will expire August 27, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: August 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25517 Filed 8-31-76;8:45 am]

Food and Drug Administration

[Docket No. 75G-0336]

LAND O'LAKES, INC.

Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 76-23348 appearing on page 33929 in the issue for Wednesday, August 11, 1976, the following line was omitted after the 4th line from the bottom of the first paragraph: "modified whey-partially delactosed and".

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0176]

CASE STUDY OF A YEAR-ROUND SCHOOL PROGRAM FOCUSING ON MIGRANT AND OTHER DISADVANTAGED CHILDREN

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644) 42 USC 2946, this agency announces the award of Contract Number HEW-100-76-0176 to Stanford Research Institute, Menlo Park, California, 94025, for a project entitled, "Case Study of a Year-Round School Program Focusing on Migrant and Other Disadvantaged Children." The purpose of this study is the evaluation of the effects of a year-round school program on: student achievement; teachers, parent and community reaction; and school budget. Special emphasis will be placed on disadvantaged and migrant children. The estimated cost of this contract is $134,624.00. The intended completion date is July 31, 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25581 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0162]

CONCEPTUAL ANALYSIS OF STATE ORGANIZATION FOR DEINSTITUTIONALIZATION OF THE DEVELOPMENTALLY DISABLED

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (P.L. 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0162 to Human Services Research Institute, 923 North Carolina Avenue, SW., Washington, D.C. 20003 for a research project entitled, "Conceptual Analysis of State Organization for Deinstitutionalization of the Developmentally Disabled." The purpose of this project is to identify and describe different ways in which state and local governments can organize to plan, budget, and deliver services to the developmentally disabled in the most appropriate care setting for each individual. The experiences of five states will be surveyed and evaluated. A report for state officials will be prepared. The estimated cost of this contract is $53,451.00 and the intended completion date is April 29, 1976.

Date: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25582 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0179]

DEFINITION AND MEASUREMENT OF INCOME

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0179 to Abt Associates Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138 for a research project entitled, "Definition and Measurement of Income." The purpose of this project is to review the theoretical base(s) and the practical application(s) of alternative income definitions, especially those used in Federal income-tested programs and in on-going income statistical series, in order to: (1) derive a set of basic income components associated with those definitions; (2) discuss the measurement problems related to and the methodologies required for the collection of detailed income data, according to those definitions, in a household survey; and (3) recommend research to develop improved methodologies for measuring detail income data. The estimated cost of this contract is $115,964 and the intended completion date is December 28, 1976.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25579 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0125]

THE DEVELOPMENT OF A CONCEPTUAL DESIGN FOR RESEARCH REGARDING FAMILY STRUCTURE AND SINGLE-PARENT FAMILIES AND THEIR RELATIONS TO HUMAN SERVICE DELIVERY

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0125 to Ocean Data Systems, 6000 Executive Boulevard, Rockville, Maryland 20854 for a research project entitled, "The Development of a Conceptual Design for Research Regarding Family Structure and Single-Parent Families and Their Relations to Human Service Delivery." The purpose of this conceptual design is to complete several small projects as a follow-on survey of single-heads of families, with minor children, as identified in the Survey of Income and Education (Bureau of the Census). The research will focus on selected aspects of single-parent families; research on "household" and "family" definitions in means-tested programs; and the relationship of "welfare" programs to the labor market constraints of these families. The estimated cost of this contract is $9,865.00 and the intended completion date is July 30, 1976.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25578 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0135]

MARITAL SEPARATION: ISSUES FOR SINGLE-PARENTS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0135 to Dr. Robert Weiss, c/o Laboratory of Community Psychiatry, Harvard Medical School, 58 Fenwood Road, Boston, Massachussetts 02115 for a research project entitled, "Marital Separation: Issues for Single-Parents". The purpose of this project is to conduct three distinct but related research projects looking into selected aspects of the single-parent family.

The first is the analysis of already collected data dealing with the social and emotional situation of the single-parent.

The second is preliminary research on the effects on children of separated parents under various parental arrangements for care, custody, and visitation. The third is a study of female single-parents, who are not on welfare. Among the topics to be studied are how these women manage financially, the function of employment in their lives, and how they combine the roles of breadwinner and mother. The estimated cost of this contract is $94,950.00 and the intended completion date is December 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25580 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0151]

POLICY CONSIDERATIONS IN CORRECTIONAL EDUCATION PROGRAMS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644), 42 USC 2946, this agency announces the award of Contract No. HEW-100-76-0151 to MetaMetrics, Inc., 3804 Legation Street, N.W., Washington, D.C. 20015, for a project entitled, "Policy Considerations in Correctional Education Programs." The purpose of this study is the development of a comprehensive description of correctional education programs within or under the Department's sponsorship, and to make recommendations regarding their: purposes; organizational location; operations; and relationship to other Federal corrections programs. The final production will provide the Department with a set of policy alternatives for the role of the agency in correctional education. The estimated cost of this contract is $29,800.00. The intended completion date is December 30, 1976.

Dated: August 18, 1976.

WILLIAM A. MERRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25577 Filed 8-31-76;8:45 am]

[Contract No. HEW-100-76-0020]

TRANSFER INCOME MODEL MAINTENANCE AND DEVELOPMENT

Contract Modification

Pursuant to Section 606 of the Community Services Act of 1974, (PL 93-644) 42 USC 2946, this agency announces the extension of Contract No. HEW-100-76-0020 to the Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037 for a research project entitled "Transfer Income Model Maintenance and Development." The purpose of this project is to maintain, improve, and expand the computerized TRIM model. Project tasks will include: creation and maintenance of TRIM data bases; updating of demographic, economic, aging, and transfer program parameters; improvements in model efficiency; development of user-oriented operational features; provision of technical assistance; design of data test files and standard test procedures; and development of relevant system documentation. This project is directed toward improved policy research methodology in the analysis of welfare costs and caseloads and on the impact of economic events and public programs on population subgroups, such as low-income and elderly persons. The estimated cost for the modification of this contract is $158,834.00.

The intended completion date is July 13, 1977.

Dated: August 18, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-25583 Filed 8-31-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and other activities of the Department of Health, Education, and Welfare relative to women, and to make recommendations to the Secretary on how to better the services of HEW's programs to meet the special needs of women, will meet on Thursday, September 30, 1976, from 8:30 a.m. to 6:00 p.m., and Friday, October 1, 1976, from 8:30 a.m. to 1:00 p.m. in Room 1137, HEW North Building, 330 Independence Avenue SW., Washington, D.C.

In addition to the introduction of new members, the agenda will include a review of the status of studies concerning teenage pregnancies and family planning; health problems of elderly women; six major programs on the impact of the female-headed household: AFDC, WIN, Title XX Social Security Act, Vocational Rehabilitation, Medicaid, and Food Stamps; educational problems of women; and accessibility of women to prestigious management training courses.

Interested persons wishing to address the Committee should contact the Executive Director by COB Monday, September 19. Phone: 202-245-8454.

Written statements received by September 21 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

SANDRA S. KRAMER,
Executive Director, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.76-25576 Filed 8-31-76;8:45 am]

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Establishment

The Secretary of Health, Education, and Welfare has determined the establishment of the Student Financial Assistance Study Group, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary and the Department concerning its administration of student financial aid programs. This study group is established in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. *Designation.* Student Financial Assistance Study Group.

2. *Establishment date and date of termination.* The Study Group was established August 27, 1976, and will terminate no later than one year from that date.

3. *Purpose.* To advise of ways and means to implement more effectively and efficiently the student financial aid programs administered by the Department.

4. *Public hearings.* To achieve maximum sensitivity to the concerns of provider institutions, the financial community, students and other interest groups, and the general public, the Study Group will hold public hearings at various geographic locations prior to the preparation of its recommendations. Notice of such hearings will be provided in the FEDERAL REGISTER and by mail to any individual who submits a written request.

5. *Membership.* The Study Group will be composed of from seven to twelve members expert in the field of management of public financial institutions, the application of data processing systems to public financial management operations, large-scale student financing systems, or higher education.

6. *Meetings.* Notice of all meetings, to be held approximately three times each month, will be given to the public in accordance with the Federal Advisory Committee Act.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

AUGUST 27, 1976.

[FR Doc.76-25730 Filed 8-31-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established by Section 133(a)(1) of Public Law 91-517, which was signed on October 30, 1970, to advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the Act and study and evaluate programs authorized by the Act with a view to determining their effectiveness in carrying out the purposes for which they were established.

Notice is hereby given, pursuant to P.L. 92-463 that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on September 15 and 16, 1976. The meeting will be in Room 1331 Switzer Building, 330 C Street, SW., Washington, D.C., from 9:00 a.m. to 5 p.m.

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Agenda: Review of Proposed Rule Making, Discussion of and Work on Annual Report, and Reports from Outside Groups.

This meeting is open for public observation.

Further information on the Council may be obtained from Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, Room 3070 Switzer Building, 330 C Street, SW., Washington, D.C. 20201, telephone: 202-245-0335.

MARJORIE H. KIRKLAND,
Acting Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled.

AUGUST 30, 1976.

[FR Doc.76-25885 Filed 8-31-76;12:05 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-76-624]

OPEN FORUM

Meeting

On May 12, 1976, a Delegation of Authority was published in the FEDERAL REGISTER (41 FR 19365). That delegation of Authority established the Assistant Secretary responsibility for consumer matters. By so doing the Department declared that one of its primary goals is to assure that the concerns and opinions of consumers are considered in formulating or modifying programs administered by the Department. Accordingly, the Assistant Secretary finds that it is appropriate in the public interest that an informal public forum be conducted with an opportunity for all interested persons to participate.

Accordingly, Notice is hereby given that an informal public forum will be held on Tuesday, September 7, at 10:00 A.M. in Conference Room (4202) at HUD, 7th and D Streets, SW., Washington, D.C. At the forum, we will introduce you to some of the people who staff our office, answer questions and seek views on which issues should be presented for public consideration at this time.

Issued at Washington, D.C. this 27th day of August, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-25622 Filed 8-31-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ANTITRUST AND EMPLOYMENT DISCRIMINATION SETTLEMENT PROCEEDINGS

Proposed Recommendation on Optimizing Public and Private Interests

CONSENT DECREE SETTLEMENTS

The Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States has under consideration the proposed recommendation set forth below.

The recommendation is intended primarily to enhance public participation through advance notice and comment in proposed consent decree settlements entered into by the Antitrust Division of the Department of Justice, the Equal Employment Opportunity Commission, and possibly other agencies.

All interested persons are invited to submit comments on the proposed recommendation in writing by October 1, 1976 to Stephen Klitzman, Staff Attorney, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. Comments will be available for public inspection at this address during normal business hours.

RECOMMENDATION; CONSENT DECREE SETTLEMENTS

A significant amount of agency litigation initiated by the Antitrust Division of the Department of Justice (AD) and the Equal Employment Opportunity Commission (EEOC) is settled in the form of consent decrees. Often, the terms of these settlements have a nationwide impact on persons beyond the immediate respondents.

Yet in the case of the EEOC the details of proposed settlements are not placed on the record for public comment. Nor does the Antitrust Procedures and Penalties Act of 1974 provide a completely adequate procedural mechanism for public participation in consent decree settlements of the AD.

The result has been continued public dissatisfaction, as much over inadequate agency procedures to obtain public participation in proposed consent decree settlements as over the merits of particular settlements.

Hence, the following recommendations are made to the AD and the EEOC with respect to their consent decree policies and procedures. In the case of the AD, the recommendations are believed to be consistent with, although more extensive than, the Antitrust Procedures and Penalties Act of 1974.

These recommendations are also commended to other agencies which use consent decree procedures, and, to the extent they are applicable, to those agencies which utilize contractual settlements of enforcement suits in a manner analogous to consent decree settlements.

The recommendations are designed to (1) improve agency consideration of proposed consent decree settlements; (2) insure meaningful public participation in such settlements through advance notice and comment; (3) enhance both the fairness and quality of consent decree settlements in the public interest; and (4) enhance public confidence in the integrity of the settlement process.

RECOMMENDATION

A. AGENCY PROCEDURES BEFORE A CONSENT DECREE SETTLEMENT IS ENTERED

1. Unless justified by emergency circumstances requiring immediate action to avoid irreparable injury, all settlements reached should be tentative.

2. Prior to submission of any proposed decree to Federal court, the agency should publicize in meaningful ways the tentative settlement and provide adequate time for comment by third parties. Appropriate methods to assure meaningful disclosure include publication in the FEDERAL REGISTER, in the news media, in trade or other special interest journals, as well as agency maintenance of registries and notification of interested persons and organizations.

3. The agency should prepare a statement of reasons for the proposed decree which, together with the original complaint, the decree and an agency assessment of impact on the defendant and affected [1] and aggrieved [2] persons, the agency should make available for public comment.

4. The statement of reasons should include a list and brief description of all briefs, memoranda and letters sent by the defendant to the agency and relating to the settlement, except documents or portions thereof containing confidential trade secrets or commercial or financial information as defined in 5 U.S.C. 552 (b) (4), the Freedom of Information Act.

5. The documents described in the statement of reasons should be available for public examination as provided in the Freedom of Information Act.

6. The agency, prior to submission of the proposed decree to the court, should reevaluate the tentative settlement in light of information provided by any commenters.

7. When the agency submits the decree to the court it should also submit all third-party comments, any agency response to the comments, the agency statement of reasons for the proposed decree, the original complaint and the agency impact statement.

B. AGENCY PRINCIPLES IN NEGOTIATING CONSENT DECREE SETTLEMENTS

While negotiating and before finally agreeing to any settlement, the agency should evaluate alternatives in view of the following principles:

1. The decree should provide some relief beyond merely reiterating the provisions of the governing statute.

2. (a) Less than complete relief, within the ambit of the complaint, should not be justified by the indefiniteness of the governing law except in unusual situations.

(b) Less than complete relief may be justified by uncertainty about the facts, provided (1) that the agency takes into account the possibility that an agency suit may make numerous private suits unnecessary; and (2) that the agency is reasonable in its judgment that the costs of eliminating factual uncertainty are likely to be high.

[1] An "affected" person is defined as one who has an immediate, economic interest in the violation at issue but who possesses no legal right to sue under the governing statute.

[2] An "aggrieved" person is defined as one who is "affected" and also in whom the law recognizes a legal power to sue against violations of the governing statute. This definition, however, is not intended to invoke any concepts of constitutional or statutory standing to challenge agency decisions.

3. The settlement should not be influenced by factors which are contrary to the purposes of the governing statute.

4. No settlement should be agreed to which will, in practical terms, prevent an aggrieved person with a right to sue under the governing statute from enforcing that right.

5. The agency should evaluate a proposed settlement in terms of the ability of aggrieved and affected private persons to protect their interests independently. The lesser that ability, the greater should their interests weigh in agency consideration.

C. JUDICIAL REVIEW OF CONSENT DECREES

Courts in considering whether to enter consent decrees should take into account the agencies' observance of the above procedures and principles.

Dated: August 30, 1976.

EMMETT J. GAVIN,
Executive Director.

[FR Doc.76-25795 Filed 8-31-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29439; Order 76-8-134]

EASTERN AIR LINES, INC.; DISCUSSION AUTHORITY

Order Deferring Action and Requesting Further Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of August, 1976.

Application of Eastern Air Lines, Inc., for authority to discuss, with other air carriers, possible agreements intended to bring about more efficient methods relating to the research, design, and procurement of needed future commercial aircraft types.

By application dated June 22, 1976, Eastern Air Lines requested authority to discuss, with other air carriers, what it characterized as "possible agreements intended to bring about more efficient methods relating to research, design, and procurement of needed future commercial aircraft types." Eastern indicated that these discussions would include, but would not necessarily be limited to, the establishment of an Air Transport Association procurement office, which would obtain carrier agreement "on the specifications and needs of the carriers for new aircraft."

In support of its request, Eastern contends that the present generation of aircraft being flown by U.S. carriers is rapidly becoming obsolete; that there is an urgent need for the development of a new aircraft type which is energy efficient and environmentally sound; that the cost to a single manufacturer to develop such a new aircraft type may run as high as $1 billion; and that the manufacturers are unlikely to assume these costs unless there is a reasonable prospect of their finding a substantial market for the resulting aircraft.

Allegheny Airlines and Texas International Airlines filed answers in support of Eastern's request.

Upon consideration of Eastern's request and all relevant facts, the Board has decided that it should defer action and request further comments. Decisions relating to the procurement of new or additional equipment by the carriers have traditionally been one of those sensitive competitive areas left to the discretion of individual airline management. The Board, therefore, is concerned with the potential anticompetitive implications of both the discussions contemplated by Eastern and any agreements which might arise out of them. On the other hand, there is widespread concern about both the need for aircraft which use fuel more efficiently and economically and which produce less noise and pollution emissions and the enormous financial outlays required to develop and manufacture such aircraft types. In light of these considerations, we believe that Eastern must more fully set out the specific items of discussion which are anticipated, the nature of the circumstances which prompted it to request discussion authority, why the desired objectives of the proposed discussions cannot be achieved through alternative, less anticompetitive means, and any other matters which will aid the Board in passing upon its request. The Board will also welcome additional relevant comments from other interested persons in response to Eastern's further filing.

Accordingly, it is ordered that:

1. Action in docket 29439 be and it hereby is deferred;

2. Eastern be and it is hereby given 28 days from the date of service of this order to submit further comments concerning the request set forth in docket 29439;

3. Interested persons be and they hereby are given 14 days from the date of the filing of further comments by Eastern to file comments thereto; and

4. This order shall be served on Eastern, Allegheny, Texas International, and all other certificated route and supplemental carriers, the Aerospace Industries Association, and the U.S. Departments of Justice and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25588 Filed 8-31-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF KOREA: COTTON TEXTILES

Announcing Additional Import Controls

AUGUST 27, 1976.

On June 26, 1975, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement with the Government of the Republic of Korea concerning exports of cotton, wool and man-made fiber textile products from Korea to the United States over a three-year period beginning on October 1, 1974. Among the provisions of the agreement, as amended, is one establishing consultation levels for categories not given specific limits. Under the terms of paragraph 17 the United States Government has decided to control such cotton textile products in Categories 42, 43, 62, and 63 for the remainder of the agreement year which began on October 1, 1975.

Accordingly, there is published below a letter of August 27, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entries into the United States for consumption or withdrawals from warehouse for consumption of cotton textile products in Categories 42, 43, 62 and 63, exported from the Republic of Korea during the twelve-month period which began on October 1, 1975, be limited to the designated levels. The levels of restraint set forth below for Categories 42 and part of 63 (other than shoe uppers) have been adjusted to account for overshipments in these categories during the previous agreement year which began on October 1, 1974 and for all entries in the current year from October 1, 1975 through May 31, 1976. The levels of restraint for Categories 43, 62 and 63 (shoe uppers) have been adjusted to account for entries during the period, October 1, 1975 through May 31, 1976. When the data are available, further adjustments will be made in all four categories for the period June 1, 1976 through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: September 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

AUGUST 27, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 1, 1976 and for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, to prohibit entry into the United States for consumption of cotton textile products in Categories 42, 43, 62 and

V41171 SEP 1 76 UMI

63 in excess of the following adjusted levels of restraint:

Category:		Adjusted 12-mo. level of restraint [1]
42	dozen	51,288
43	do	5,026
62	pounds	15,740
Pt. 63 (only T.S.U.S.A. No. 380.3980)	pounds	741,163
Pt. 63 [2]	do	180,678

The levels of restraint have been adjusted to reflect all entries made between Oct. 1, 1975, and May 31, 1976.

[2] All T.S.U.S.A. numbers in category 63 except T.S.U.S.A. No. 380.3980.

Cotton textile products in Categories 42, 43, 62 and 63, produced or manufactured in the Republic of Korea and which have been exported prior to October 1, 1975, shall not be subject to this directive.

Cotton textile products in Categories 42, 43, 62 and 63 which have been released from the custody of the U.S. Customs Service under the provisions of 19, U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 which provide, in part, that: (1) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010), as amended on December 31, 1975 (40 F.R. 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-25709 Filed 8-31-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Hearings To Determine Safe Level

In a previous FEDERAL REGISTER publication (41 FR 33636, August 10, 1976) the Consumer Product Safety Commission (hereinafter "Commission") announced that hearings would be held on September 13 and 14, 1976 to determine a "safe level" of lead in paint pursuant to the responsibilities of the Commission under the 1976 amendments to the Lead-Based Paint Poisoning Prevention Act. That notice gave general guidance concerning the procedures to be followed for this hearing and referenced the Commission's regulations for oral presentations regarding proposed consmer product safety rules (16 CFR Part 1109). The purpose of this notice is to provide additional procedural guidance concerning the conduct of these hearings.

The first notice concerning these hearings requires persons interested in participating to notify the Commission's Secretary (on or before September 3) at least ten days before the proceeding. At the time of such notification, interested persons should indicate the amount of time requested for their presentation and the names of persons making the presentation. After all persons interested in participating have contacted the Secretary, a presentation schedule will be announced.

All participants are required to have the text of their remarks, preferably in five copies, on file with the Secretary by close of business September 7. Interested persons may examine the prepared texts and, no later than 9:00 a.m. the day of the hearing, submit to the Secretary written questions which they believe should be addressed to participants on the basis of their prepared text. The Chairman will decide which questions should be addressed to the participants. Further, the Chairman has the right to consolidate similar or repetitive questions.

At the conclusion of each oral presentation the presenter may be questioned by the Commissioners or Commission staff. Such questioning will include the previously submitted written questions from interested persons as discussed above. At the end of the questioning by the Commission and Commission staff the next scheduled participants will be called upon to make an oral presentation. This precedure will continue until such time as all participants have had an opportunity to make an oral presentation. After all oral presentations are completed, and to the extent that time allows, participants will be allowed to comment on the content of the oral presentation of any of the other participants. If the Chairman believes that fairness or a balanced record require a reply from the participant upon whose presentation a comment or comments has been offered then such participant will be offered an opportunity for rebuttal or further explanation.

Further, any interested person has the opportunity to submit written materials relevant to the purposes of this hearing up to the close of business, September 24, 1976. Such submissions should be submitted to the Secretary, Consumer Product Safety Commission, eighth floor, 1750 K St., NW Washington, D.C. 20207. These submissions may be inspected at this address during working hours, Monday through Friday.

Dated: August 27, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-25608 Filed 8-31-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 609-5]

BAY TO BAY SANITARY DISTRICT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Bay to Bay Sanitary District, Lincoln County, Oregon.

The proposed action is to provide a wastewater treatment and disposal program for the Bay to Bay Sanitary District, located between Yaquina Bay and Alsea Bay, Lincoln County, Oregon.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Mr. Richard Thiel, Chief, Environmental Impact Section, M/S 443, US Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101 (telephone: 206-442-1595 or FTS 399-1595).

Copies are available for public inspection at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, DC 20460.
Newport City Library, Newport, Oregon.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25612 Filed 8-31-76;8:45 am]

[FRL 610-4; OPP-180081A]

COLORADO DEPARTMENT OF HEALTH

Amendment to Specific Exemption To Use DDT To Suppress Flea Vectors of Plague

On June 18, 1976, the State of Colorado sent a telegram to the Environmental Protection Agency (EPA) requesting a specific exemption for use of five (5) or ten (10) percent DDT dust to suppress populations of fleas which are vectoring plague on wild rodents and threatening the public health throughout the State; the Colorado Department of Health (hereafter referred to as the "Applicant") was to supervise applications, along with representatives of the Colorado office of the Center for Disease Control (CDC). After reviewing the application and other available information, and conferring with the Chief, Plague Branch, CDC, Fort Collins, the State of Colorado was authorized to use the DDT dust in this control program. Notice of the granting of the exemption was published in the Federal Register on July 26, 1976 (41 FR 30711).

However, on July 14, the Applicant requested that the specific exemption be amended to permit the use of DDT dust bait stations to treat rodents in specified areas. According to the Applicant, the plague bacillus, *Yersinia pestis*, has been confined in eastern fox squirrels in the Fort Collins area. It is anticipated that plague may become epizootic in these tree-dwelling squirrels in other cities of Colorado, including the Denver Metropolitan area where it was found in 1968.

The Applicant further states that a rodent habitat on the Fort Carson Military Reservation near Colorado Springs in El Paso County has been causing increased concern among U.S. Army environmentalists and CDC personnel who have requested that DDT be used for its residual effect against hazardous rock squirrel fleas. Therefore, the Applicant proposed that the amendment allow use of dust bait stations in specified areas, namely, urban areas and certain military reservations in Colorado; in addition, the amendment included discussion of the management of these bait stations.

After reviewing the application and other available information, EPA has determined that the specific exemption granted may be amended to include the following:

1. DDT dust bait stations will be used to suppress flea populations which are vectoring plague on wild rodents and threatening the public health in urban areas and military reservations in Colorado;

2. Use of DDT dust bait stations to suppress fleas on wild rodents shall commence as soon as possible and will be completed by September 30, 1976; and

3. The DDT in dust bait stations will be protected from the effects of weather insofar as possible. The bait stations will be serviced periodically and all stations will be collected and excess DDT disposed of properly at the end of the treatment period in each area.

All other conditions pursuant to the original specific exemption remain in force.

Dated August 26, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25616 Filed 8-31-76;8:45 am]

[FRL 609-8]

EAST BAY DISCHARGERS AUTHORITY WATER QUALITY MANAGEMENT PROGRAM PHASE I PROJECT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the East Bay Dischargers Authority Water Quality Management Program, Phase I Project, San Francisco, California.

The purpose of the Phase I Project is to eliminate six shallow shoreline discharges of treated, chlorinated sewage from the eastern shore of Lower and South San Francisco Bay. The existing Irvington and Newark sewage treatment plants would be abandoned and replaced by untreated sewage pump stations. Untreated sewage from these pumps stations would be conveyed by a force main interceptor to an expanded sewage treatment plant at the present Alvarado plant site.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region IX, Library, 1st Floor, 100 California Street, San Francisco, California 94111.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Information Copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.75-25613 Filed 8-31-76;8:45 am]

[FRL 609-7]

LIVERMORE-AMADOR VALLEY WASTEWATER MANAGEMENT PROGRAM

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statements (FEIS) for the Livermore-Amador Valley Wastewater Management, Alameda County, California.

The proposed action is to implement the wastewater management system which will export the Valley's sewage effluent to the East Bay Discharger's Interceptor for final discharge to San Francisco Bay.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 16, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

Copies of the FEIS are available for review and comment from: Environmental Protection Agency, Region IX, Water Division, W-1, 100 California Street, San Francisco, California 94111 (telephone: 415-556-0893).

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region IX, Library, 1st Floor, 100 California Street, San Francisco, California 94111.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25614 Filed 8-31-76;8:45 am]

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[FRL 610-1 PP45]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1830. Dow Chemical Co., PO Box 1706, Midland MI 48640. Proposes that 40 CFR 180.342 be amended by the establishment of tolerances for the insecticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities sorghum grain at 0.75 part per million (ppm), and sorghum fodder and forage at 1.5 ppm. Proposed analytical method for determining residues is by gas chromatography using hydrogen flame ionization detection. PM12 (202/755-9315)

PP 6F1829. Union Carbide Corp., 1730 Pennsylvania Ave. NW, Washington DC 20006. Proposes that 40 CFR 180.269 be amended by the establishment of a tolerance for residues of the insecticide aldicarb (2-methyl-2-(methylthio (propionaldehyde O-(methylcarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2(methylsufinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl) oxime in or on the raw agricultural commodity oranges at 0.3 ppm. Proposed analytical method for determining residues is by gas chromatography utilizing a flame photometric detector. PM12 (202/755-9315)

FAP 6H5141. Union Carbide Corp. Proposes that 21 CFR 561.30 be amended by the establishment of a regulation permitting the use of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl) oxime with a tolerance limitation of 0.6 ppm in dried orange citrus pulp as a result of application of the pesticide to the growing crop. PM12 (202/755-9315)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25618 Filed 8-31-76;8:45 am]

[FRL 610-2; OPP-50248]

PESTICIDES

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experiemntal use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 112 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4581-EUP-23. Pennwalt Corporation, Tacoma, Washington 94801. This experimental use permit allows the use of 1,390 pounds of the insecticide O,O-diethyl O-p-nitrophenyl phosphorothioate (parathion) on sorghum to evaluate control of greenbugs, aphids, sorghum midges, grasshoppers, and armyworms. A total of 5,560 acres is involved; the program is authorized only in the States of California, Colorado, Illinois, Iowa, Kansas, Missouri, Louisiana, Nebraska, New Mexico, Oklahoma, Texas, and South Dakota. The experimental use permit is effective from July 23, 1976, to July 23, 1977. A permanent tolerance for residues of the active ingredient in or on sorghum has been established (40 CFR 180.121).

No. 38338-EUP-2. University of Idaho, College of Agriculture, Aberdeen, Idaho 83210. This experimental use permit allows the use of 90 pounds of the fungicide chlorothalonil on potatoes to evaluate control of Early Blight; this program will provide a comparison of injection through a sprinkler irrigation system and conventional methods, with a check plot. A total of 46 acres is involved; the program is authorized only in the State of Idaho. The experimental use permit is effective from July 22, 1976, to July 22, 1977. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.275).

No. 6308-EUP-10. The Ansul Company, Weslaco, Texas 78596. This experimental use permit allows the use of 216 pounds of the herbicide monosodium acid methanearsonate on sugarcane to evaluate control of weeds, particularly grassy weeds. A maximum of 54 acres is involved; the program in authorized only in the States of Texas, Louisiana, and Alabama (for redistribution only). The experimental use permit is effective from July 22, 1976, to July 22, 1977. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25619 Filed 8-31-76;8:45 am]

[OPP-30120 (FRL 602-5)]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Correction

In FR Doc. 76-24555, appearing on page 35216 in the issue of Friday, August 20, 1976, the product name in the fifth, sixth and seventh lines of the first paragraph should appear as follows: "VISCO 3990 OIL AND WATERFLOOD OR SALTWATER DISPOSAL SYSTEM BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR".

[FRL 607-5]

REQUIRED PROVISIONS FOR SUBAGREEMENTS UNDER GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Open Meetings

Notice is hereby given that public meetings will be held to review drafts of possible revisions to Appendixes C-1 and C-2 to 40 CFR Part 35 Subpart E.

On March 4, 1976, the Environmental Protection Agency published as final rulemaking in the FEDERAL REGISTER Appendix C-1 (Required Provisions—Consulting Engineering Agreements) and Appendix C-2 (Required Provisions—Construction Contracts) to 40 CFR Part 35 Subpart E (41 FR 9340). The Preamble to the publication of those Appendixes requested comments on the clauses through May 15, 1976. EPA's review of the comments on Appendixes C-1 and C-2 indicates that some revision is justified. We have also determined that it would be helpful to have public participation in the review of draft revisions. These meetings are being called for that purpose.

The meeting on Appendix C-1 will take place on Thursday, September 16, 1976, and the meeting on Appendix C-2 will take place on Friday, September 17, 1976. Both meetings will convene at 9:00 a.m. in Room 2117, Waterside Mall (EPA Headquarters), 401 M Street SW., Washington, D.C. The drafts to be discussed will be made available in advance of the meeting to persons requesting them. Parties interested in obtaining copies of the drafts for review or in attending the meetings are requested to telephone the Grants Administration Division at 202-755-0860, so that appropriate arrangements can be made.

The comments received on Appendixes C-1 and C-2 are available for inspection by members of the public in the Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C.

Dated: August 26, 1976.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.76-25521 Filed 8-31-76;8:45 am]

[FRL 609-6]

SOUTHWEST LINCOLN COUNTY SANITARY DISTRICT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Southwest Lincoln County Sanitary District, Lincoln County, Oregon.

The proposed action is to provide a wastewater treatment and disposal program for the Southwest Lincoln County Sanitary District, located between the Cities of Waldport and Yachats, Lincoln County, Oregon.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976 and in accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.
Newport City Library, Newport, Oregon.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals who made substantive comments on the draft EIS or requested a copy of the FEIS as outlined in the CEQ Guidelines.

Dated: August 26, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.76-25615 Filed 8-31-76;8:45 am]

[FRL 610-3; OPP-180087]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use TEPP To Control Twospotted Spider Mite

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant"). The Applicant has been authorized to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening the commercial hop crop in three (3) counties of Washington. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, the two-spotted spider mite (*Tetranychus urticae*, Koch) is normally present in Washington hop yards. Current climatic and growing conditions are ideal for pest population buildup now. Although several miticides are registered for use on hops, Washington State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: 1) the spider mites were resistant to the other miticides; 2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or 3) the required preharvest interval excluded application at the time required. Ground pesticide applications were not feasible because of possible damage to hop foliage, lodged hops, and irrigation equipment. According to the Applicant, TEPP has prevented economic damage to the commercial hop crop by this pest in previous years.

The Applicant requested permission to treat the 22,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application application will be limited to Yakima, Benton, and Pierce counties. The pesticide will be applied by State-licensed commercial applicators under the Applicant's supervision; treatment should be terminated by September 30, 1976. A three-day preharvest interval will be maintained.

The State of Washington produces about two-thirds of the national hop crop. The Applicant stated that the potential economic loss from a major outbreak of the twospotted spider mite could reach $10,000,000, representing one-third of Washington hop production and 20% of the United States' production; further, the Applicant alleged that drought in the hop growing areas of Europe made the Washington hop crop especially important in world trade. The Applicant cited the following factors which contribute to relatively low probability of exposure of man to harmful residues of TEPP from hops: 1) raw hops are never consumed by humans and hops are kiln-dried following harvest; 2) one-fourth pound of hops are added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; 3) fermentation in the brewing vats results in additional breakdown of pesticide residues; and 4) a two-pound application on hops presents less residue potential to human than applications on six other food crops which have tolerance of 0.01 ppm. The dilution of 1 to 1,000 would allow establishment of a tolerance adequate to protect human health. The Applicant further stated that all data reviewed indicated no residue transfer from 3-day preharvest interval to finished beer.

However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. The Office of Endangered Species, U.S. Department of the Interior, has reported that the American Peregrine Falcon (*Falco peregrinus anatum*), an endangered species, is endemic within the three counties proposed for treatment.

After reviewing the application and other available information, EPA, has determined that (a) a pest outbreak of two-spotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Washington State; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of actual ingredient per acre;
(2) Total acreage treated shall not exceed 22,000 acres;
(3) A maximum of 44,000 pounds of actual TEPP will be applied;
(4) Treatment area is limited to the three counties listed in this notice;

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(5) No applications may occur within three (3) days of harvest of the hops;
(6) The Applicant is responsible for supervising all aerial applications;
(7) The Applicant is advised that the American Peregrine Falcon, an endangered species, is endemic to the treatment area and is at risk. Therefore, liaison shall be established among the Applicant and the Washington State Departments of Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and
(8) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce.

Dated August 26, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-25617 Filed 8-31-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-800]

AM BROADCAST STATION APPLICATIONS

Computation of Nighttime Service Area

AUGUST 26, 1976.

As a result of the recently announced "closed" season on the filing of applications for new standard broadcast (AM) stations and for major changes in existing stations, in the month of June 1976, we received 256 AM applications for new stations and major changes, whereas we received only 287 similar applications in the other eleven months of the year ending June 30, 1976. The drastic increase in the number of applications, coupled with our relatively small staff, requires that we search for methods of streamlining the processing of AM applications. After consultations with the Association of Federal Communications Consulting Engineers (AFCCE), we have concluded that one change is possible at this stage. This change is announced in this Public Notice; it will be applied immediately to all currently pending applications as well as those which are filed at the end of the "closed" season.

Currently, section 73.182(o) of our rules defines the nighttime service area of class II and class III stations to be the area within the locus of points at which the ratio of the station's groundwave field intensity to the RSS (using the 50 percent exclusion method defined in section 73.182(o) of our rules) of the 10 percent skywave signals of other co-channel stations is 20. Protection of this service area currently is accomplished by "clipping" studies, as presently performed involve an extremely rigorous technical procedure. Generally, it is necessary to determine by trial and error where the 20 to 1 ratio occurs and then to determine whether the signal from the proposed operation aggravates the interference (i.e., increases the RSS) at points along the locus of the 20 to 1 ratio.

AFCCE proposes, and we now adopt, a simplified procedure which we hope will eliminate much of the laborious and tedious work now required in "clipping" studies. Rather than using the trial and error method of determining the service area, the existing RSS at the station to be protected will be computed on a site-to-site basis. This RSS will be used to determine the nighttime limitation contour of the station instead of recomputing it at each point. Then, at each "clipping point", it will be necessary to determine only if the proposed operation would raise the previously calculated existing site-to-site RSS rather than recomputing the existing RSS at each "clipping point". This procedure is identical to the procedure currently used in protecting the nighttime operations of class II and class III stations in Canada and other countries under the North American Regional Broadcasting Agreement (NARBA). Unlike NARBA, however, measured values of radiation and conductivity will continue to be used.

We believe that the new procedure adopted here will result in a more expeditious processing of applications and provide, essentially, the same protection to a station's service area as at present. The Commission will, of course, continue to consider technical studies submitted which indicate inadequate protection to service areas of stations in accord with section 73.182(o) of our rules, but will not initiate such studies, as presently done, on a routine basis.

Action by the Commission August 24, 1976. Commissioners Wiley (Chairman), Lee, Hooks and Quello.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25498 Filed 8-31-76;8:45 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Omaha, Neb.

The following application specifies essentially the same facilities as those of station KOIL, Omaha, Nebraska, which has been ordered to cease operation on September 2, 1976. The Commission will accept other applications for consolidation with this application which propose essentially the same facilities. The Commission will also entertain requests for interim operations.

BP-20621 (New) Omaha, Nebr.
Webster-Baker Broadcasting Co.
Req: 1290 kHz, 5 kW, DA-N, U.

Pursuant to the provisions of section 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application must be tendered no later than October 20, 1976. Any requests for interim operation must be filed no later than October 20, 1976.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 25, 1976.

Released: August 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25499 Filed 8-31-76;8:45 am]

WIRELINE TELEPHONE COMPANIES AND RADIO COMMON CARRIERS

Physical Connection of Facilities and Interchange of Traffic

AUGUST 25, 1976.

The series of meetings conducted under the aegis of the Commission's Common Carrier Bureau concerning interconnection between the wireline telephone companies (WTCs) and the radio common carriers (RCCs), which furnish two-way radiotelephone service and one-way signaling service to the public, concluded on August 24, 1976. On that date a Joint Motion and a Memorandum of Understanding with attachments were filed with the Commission by the National Association of Radiotelephone Systems (NARS), to which many of the RCCs belong, American Telephone and Telegraph Company (AT&T), GTE Service Corporation (GTE), and United System Service, Inc. (United).

The Joint Motion requests the Commission to adopt an appropriate Order accepting a Memorandum of Understanding and its attachments executed by the joint petitioners and terminating the proceedings.

The Memorandum of Understanding by and between the joint petitioners, on behalf of the WTCs or RCCs which they may represent, sets forth the agreement which the parties to the Memorandum of Understanding have reached with respect to a series of issues concerning the physical connection of facilities and the interchange of traffic between WTCs and RCCs. These issues include: (1) principles of connection; (2) radio transmitter links; (3) connection facilities and arrangements; (4) organization, operations and administrative matters; (5) one-way signaling facilities; and (6) intercarrier payments.

The attachments to the Memorandum of Understanding consist of: (a) an illustrative Connection and Traffic Interchange Agreement with attachments thereto; (b) a statement of Bell System policy on telephone number assignment to RCC oneway signaling systems; (c) an AT&T memorandum to its operating companies concerning procedures for RCCs to report trouble on exchange access and private lines furnished to RCCs by the Bell System; (d) a joint WTC-NARS statement of policy concerning maintenance charges; (e) an AT&T memorandum to its operating companies concerning uniformity of and revisions to Directory Call Guide instructions and listings of RCCs in Yellow Page directories; (f) an AT&T memorandum to its operating companies which reviews federal excise tax procedures when communication services furnished by WTCs are used as components of a taxable service provided by RCCs; (g) a new dial paging service plan to be offered to the RCCs; and (h) a proposed AT&T tariff filing which would amend its Tariff F.C.C. No. 263 to offer to RCCs connection and interchange of interstate traffic by Bell System operating telephone companies and by other WTCs which concur in Tariff F.C.C. No. 263 and which, pursuant to the Memorandum of Understanding described above, would be filed with the Commission if and when the Commission enters an appropriate order terminating the interconnection proceedings.

A copy fo the entire August 24, 1976, joint filing by NARS, AT&T, GTE and United is available for public inspection during regular Commission business hours in Room 8316 of the Commission's offices at 2025 M Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25497 Filed 8-31-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COLUMBIA LNG CORP.

Synthetic Natural Gas Feedstocks; Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the June 9, 1976 petition of Columbia LNG Corporation (Columbia), a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of propane, butane or natural gasoline for SNG feedstock use after December 31, 1976, pursuant to 10 CFR 211.29 and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 24,500,000 barrels of propane, butane, or natural gasoline per year commencing January 1, 1977.

Columbia's Green Springs, Ohio, SNG facility is designed to produce SNG for 350 days of base loading service utilizing 6,125,000 barrels of feedstock per quarter for a total of 24,500,000 barrels of feedstock per year.

The petition requests the assignment of Dome Petroleum LTD, Alberta, Canada, as supplier for 3,500,000 barrels of feedstock for each quarterly period corresponding to a base period. The remaining 2,625,000 barrels of feedstock needed each quarter will be acquired through spot purchases of non-Canadian foreign propane and butane and purchases of Canadian and domestic surplus propane and butane as permitted by FEA.

Columbia is currently producing SNG from an allocation of propane, butane, or natural gasoline assigned to Columbia by FEA's Decision and Order dated November 24, 1975. The June 9, 1976 petition, if granted, would allow Columbia to continue operation of its Green Springs, Ohio, SNG facility after December 31, 1976, in a manner consistent with the November 24, 1975 Order.

A file containing all information and data filed in conjunction with Columbia's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding Columbia's petition will be accepted and considered if filed by September 29, 1976. Any person submitting written comments with respect to Columbia's petition should comply with the requirements of 10 CFR 205.33 of the FEA procedural regulations. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Allocation of Feedstocks for Columbia LNG Corporation's SNG Plant." Five copies should be submitted to FEA and one copy to Columbia LNG Corporation, 20 Montchanin Road, Wilmington, Delaware 19807, Attention Mr. John F. Sisson.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on Columbia's petition will be held beginning at 9:30 a.m., e.s.t., on September 30, 1976, in the Auditorium, Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., September 24, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through September 28, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., September 28, 1976, and must submit 50 copies of his or her statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on September 29, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision, made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., September 29, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comment on all written and oral presentations received by September 30, 1976, will be permitted through October 14, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, N.W.,

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Washington, D.C. 20461, Attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to Columbia and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on October 1, 1976, at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the Administrator's Reception Area, Room 3400, FEA, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 27, 1976.

[FR Doc.76-25625 Filed 8-27-76;4:39 p.m.]

INDUSTRIAL ENERGY CONSERVATION
Requirement for Corporations To File Information on Energy Consumption

The Federal Energy Administration (FEA) hereby gives notice that it is requiring any corporation which consumed at least one trillion British thermal units (Btu's) of energy within the United States in any of ten previously identified major energy-consuming industries in calendar year 1975 to provide information on its energy consumption to FEA by September 30, 1976, pursuant to instructions set forth in this notice. The requiremnet for providing this information is supported by the authority vested in section 376(b) of the Energy Policy and Conservation Act (the EPCA) (42 U.S.C. 6346(b)) and section 13 of the Federal Energy Administration Act of 1974, as amended, (15 U.S.C. 772).

The information today required to be filed will be used by FEA, pursuant to section 373 (42 U.S.C. 6343) of the EPCA, to identify each corporation which consumes at least one trillion Btu's of energy per year within any one of the most energy-consuming previously identified industries and which is among the 50 most energy-consumptive corporations within such industry. This action is one step in the program of industrial energy conservation established by Part D (42 U.S.C. 6341–6346) of Title III of the EPCA.

By notice issued March 20, 1976 (41 F.R. 12766, March 23, 1976), FEA established the priority ranking of major energy-consuming industries in the United States on the basis of their total annual energy consumption, as required in section 373 of the EPCA. Section 371(4) (42 U.S.C. 6341(4)) of the EPCA defines "major energy-consuming industry" to mean "a two-digit classification, within the manufacturing division of economic activity set forth in the Standard Industrial Classification (SIC) Manual by a code number, which the Administrator determines is suited to the purposes of [Part D, Title III of the EPCA]." The ranking in the notice issued March 20, 1976, of the top ten energy-consuming two-digit industries within the SIC manufacturing division, in descending order on the basis of their respective total annual energy consumption, is as follows:

Ranking	Industry	SIC code
1	Chemical and allied products	28
2	Primary metal industries	33
3	Petroleum and coal products	29
4	Stone, clay, and glass products	32
5	Paper and allied products	26
6	Food and kindred products	20
7	Fabricated metal products	34
8	Transportation equipment	37
9	Machinery, except electrical	35
10	Textile mill products	22

Total Btu's consumed by a corporation in all its operations are not the determining factor as to whether or not the corporation needs to respond to this notice. The requirement to file information exists with respect to each of the identified industries (the ten SIC-code industries listed above) in which a corporation consumed at least 1 trillion Btu's, as this figure is determined according to instructions set forth below. Energy consumed by the corporation which applies across SIC-code industry lines should be allocated among the specific SIC-code industries by the corporation in a reasonable manner. In addition, to avoid double-counting in the case of thermally self-generated electricity, a corporation's electricity consumption should be comprised only of purchased electricity and self-generated hydropower. For example, where a corporation consumes coal in its own thermal generation of electricty, the Btu's of the coal, but not the Btu's of the electricity, should be counted.

1. CORPORATIONS REQUIRED TO FILE

Any corporation which consumed within the United States at least one trillion British thermal units of energy, exclusive of energy consumed as feedstocks, in calendar year 1975 within any identified industry shall file information with FEA pursuant to the format described below.

2. DEFINITIONS

For the purposes of this filing requirement:

"Corporation" means a person as defined in section 3(2)(B) of the EPCA (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company) and includes any person so defined which controls, is controlled by, or is under common control with such person.

"Electricity" means all electricity except electricity thermally generated by the filing corporation;

"Identified industry" means any industry with a SIC Manual[1] classification of 20, 22, 26, 28, 29, 32, 33, 34, 35, or 37, as defined in the SIC Manual.

"Total energy consumption in 1975" means the sum of the Btu content of all energy sources not used as feedstocks consumed within the United States in an identified industry by the filing corporation in calendar year 1975; and

"United States" means the fifty States, the District of Columbia, Puerto Rico, and all territories and possessions of the United States, including the Outer Continental Shelf, as defined in 43 U.S.C. 1331.

[1] Office of Management and Budget, Standard Industrial Classification Manual (1972).

3. FORMAT

Corporation Name, Principal Office Address, Corporate Energy Coordinator.

Industries (SIC codes)	Total energy consumption by industry in 1975 [1]	Electricity percentage
20		
22		
26		
28		
29		
32		
33		
34		
35		
37		

[1] In trillion British thermal units.

I hereby certify that the above statements are true, accurate, and complete to the best of my knowledge.

Date_____

Signature and title of chief executive officer or other duly authorized executive officer.

4. DETERMINING TOTAL ENERGY CONSUMPTION IN 1975

a. Provide a figure, in trillion Btu's, for total energy consumption in 1975 in each of the identified industries, if such figure is one trillion Btu's or greater. Indicate by each figure provided the percent of each such figure which was electricity consumption.

b. In determining Btu content of any energy source except electricity, use actual Btu content for the energy source, if the energy source was purchased according to or with knowledge of its actual Btu content. Where the energy source was not purchased according to or with knowledge of its actual Btu content and in the case of electricity, determine Btu content by using the appropriate conversion factor in the following table:

Energy source:	*Conversion factor (Btu's/energy unit)*
Bituminous coal	23, 650, 000/short ton.
Anthracite	25, 400, 000/short ton.
Coke	24, 800, 000/short ton.
Ethane	3, 082, 380/bbl.
Propane	3, 847, 806/bbl.
LPG	4, 011, 000/bbl.
Natural gasoline	4, 620, 000/bbl.
Gasoline (including aviation)	5, 248, 000/bbl.
Special naphtha	5, 248, 000/bbl.
Kerosene	5, 670, 000/bbl.
Distillate fuel oil (including diesel)	5, 825, 000/bbl.
Still gas	6, 000, 000/bbl.
Petroleum coke	6, 024, 000/bbl.
Residual fuel oil	6, 287, 000/bbl.
Crude oil	5, 800, 000/bbl.
Natural gas, dry	1, 031/ft³.
Electricity	3, 412/kWh.
Other energy types (hogged fuel, bark, black liquor, off-gas, etc.).	(Determined by corporation).

c. In order to facilitate future verification by FEA of corporate data, if required, it would be desirable if all data used in determining total energy consumption in 1975 for each identified industry were retained by the corporation for at least two years. This data should be retained even if such consumption is determined to be less than one trillion Btu's.

4. CERTIFICATION

The data submitted should contain the affirmation, "I hereby certify that the above statements are true, accurate, and complete to the best of my knowledge." The individual who signs and certifies the data submitted must be the chief executive officer of the corporation or such other executive officer as authorized by the chief executive officer to sign for him for this purpose. In the latter case, the corporation must file with FEA a letter of authorization signed by the chief executive officer which identifies other officials authorized to certify the data for the corporation. A sample format for this letter is given in the appendix to this notice. Section 1001 of Title 18, U.S. Code, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

5. CONFIDENTIAL INFORMATION

A corporation which believes that any information provided to FEA in its response is a trade secret or commercial or financial information that is privileged or confidential and that disclosure of this information may cause significant competitive damage to it must inform FEA of this conclusion. Specifically, the corporation must (1) file, together with the response, a second copy of the response on which has been clearly indicated the information release of which the corporation believes would cause significant competitive damage, (2) indicate on the original response that it contains confidential information, and (3) file a concise statement which explains, item by item, the exact nature of the significant competitive damage which would result from the release of each item, and whether that item is customarily treated as confidential by the corporation and the industry. A detailed explanation of the competitive damage resulting from public disclosure—rather than general statements that an item is confidential—is needed by FEA to determine whether the item may be released. FEA retains the right to make its own determination regarding any claim of confidentiality. Prior to disclosing any information contained in the response which the Administrator determines is information described in 5 U.S.C. 552(b)(4), the Administrator will afford, pursuant to section 376(e) of the Energy Policy and Conservation Act (15 U.S.C. 956(e)), the person who provided the information an opportunity to comment on the proposed disclosure.

6. FILING PLACE AND DEADLINE

Information required to be filed by this notice should be addressed to Executive Communications, Room 3309, Federal Energy Administration, Box HM, Washington, D.C. 20461, and must be received prior to September 30, 1976. Both the information and the outside envelope should be identified with the designation "Industrial Energy Conservation—Corporation Identification".

(Energy Policy and Conservation Act (Pub. L. 94–163); Federal Energy Administration Act of 1974 (Pub. L. 93–275); E.O. 11790 (39 F.R. 23185)).

Issued in Washington, D.C., August 27, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

APPENDIX

DELEGATION OF AUTHORITY TO SIGN AND CERTIFY

_____
(Date of signing)

_____
(Name of corporation)

I, _____
(Name of chief executive officer)

hereby certify that I am the _____
(Title)

of the above-named corporation and that, as such, I am authorized to sign documents and to certify, on behalf of said corporation, the accuracy and completeness of all documents required to be submitted to the U.S. Government. Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the person(s) listed below, who is (are) executive officers of the above-named corporation. This delegation is effective until it is revoked in writing and the Federal Energy Administration is so notified.

_____
(Signature)

AUTHORIZED INDIVIDUALS

Name and Title	Extent of Authorization
_____	_____
_____	_____

[FR Doc.76-25626 Filed 8-27-76;4:39 pm]

INDUSTRY ADVISORY BOARD TO THE INTERNATIONAL ENERGY AGENCY; SUBCOMMITTEE A
Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94–163), notice is hereby provided of three separate meetings of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in New York on September 8 and 10, 1976, on September 9, 1976, and on September 15–16, 1976. The meetings will be held at the offices of Mobil Oil Corporation, 150 East 42nd Street, New York, New York. The agendas are as follows:

SEPTEMBER 8 AND 10—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including development of key topics/material to be presented at September 14–15 Reporting Company meeting.
3. Next meeting date/location.

SEPTEMBER 9—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including review of material to be presented at the September 14–15 Reporting Company meeting.
3. Emergency Management Manual.
4. Demand Restraint.
5. Comments by Secretariat on SEQ forecast.
6. Next meeting date/location.

SEPTEMBER 15—9:00 AM

1. Opening remarks.
2. IEA allocation systems test, including preparation of additional material required resulting from the September 14–15 Reporting Company meeting.
3. Next meeting date/location.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., August 26, 1976.

MICHAEL F. BUTLER,
General Counsel, Fedcral Energy Administration.

[FR Doc.76-25535 Filed 8-27-76;12:29 am]

NORTHERN ILLINOIS GAS CO.
Issuance of Order Assigning Propane for Synthetic Natural Gas Enrichment

The Federal Energy Administration (FEA) hereby gives notice that on August 20, 1976, FEA issued a Decision and Order to the Northern Illinois Gas Company (NI-Gas), Aurora, Illinois, assigning San Juan Oil Company as a base period supplier of propane for the elevation of the British Thermal Unit (BTU) enrichment of synthetic natural gas (SNG) to be producer at NI-Gas' Aux Sable, Illinois, SNG facility.

FEA issued the August 20, 1976, Decision and Order pursuant to 10 CFR 211.-12(e)(3), 205.30 et seq. and 211.83(c).

NI-Gas' Aux Sable SNG manufacturing facility uses naphtha feedstock in the reforming process. SNG produced in the reforming process is inferior in BTU heating content to that of the pipeline natural gas with which it is mixed. The propane enrichment stream, injected into the SNG after the reforming stage, provides the necessary additional BTU content to upgrade the SNG to meet pipeline quality standards of 1,030 BTU/MCF and to duplicate the standard flame characteristics of the pipeline natural gas. In accordance with the August 20, 1976, Decision and Order, NI-Gas is allowed to purchase and use 251,250 barrels of propane in any quarterly period corresponding to a base period, subject to the allocation level of ninety (90) per-

V41 I171 SEP 1 76 UMI

cent of the base period use, or 226.125 barrels of propane in any period corresponding to a base period (251.250×.90=226.125). The effective date of the Decision and Order is February 5, 1976.

In issuing the Decision and Order, FEA determined that the denial of the assignment would impose undue hardship and economic distortion on the operation of NI-Gas' SNG facility and would have a negative impact upon the public health, safety and welfare of NI-Gas' customers.

Copies of the August 20, 1976, Decision and Order are available for public viewing at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

In accordance with the provisions of 10 CFR Part 205, an aggrieved party may file an appeal of this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal. For purposes of these regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUUTLER,
General Counsel.

AUGUST 27, 1976.

[FR Doc.76-25603 Filed 8-27-76;3:51 pm]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 21, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act, or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Lines, Inc., Black Sea Shipping Co., CIA Transatlantic Espanola, S.A., Hellenic Lines Limited, Italian Lines, Lykes Bros. S.S Co., Inc., Nordana Line, Prudential Lines, Inc., Sea-Land Service, Inc., Transportacion Maritime Mexicana, S.A., Zim Israel Navigation Co., Ltd.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 10261, among the above-named carriers creates the U.S. South Atlantic Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement which permits the parties to confer and agree on rates, charges, classifications and related matters in the trade from U.S. South Atlantic ports (south of Cape Hatteras to Key West range) to Spanish, Portuguese and Moroccan Atlantic ports and to ports on the Mediterranean Sea, Black Sea, Sea of Marmara, Adriatic Sea and Gulf of Taranto and to all points in Europe, Morocco and all points in all countries bordering the Mediterranean Sea, Sea of Marmara, Adriatic Sea and Gulf of Taranto, whether moving on a through bill of lading or otherwise, to the extent cargo actually moves through ports covered by this agreement. It further provides that the individual members may take independent action upon forty-eight (48) hours notice to the other parties. The parties also may establish and maintain one or more common tariffs.

Dated: August 27, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25589 Filed 8-31-76;8:45 am]

[Docket No. 76-47; Agreement No. 10234]

CARGO REVENUE, POOLING, SAILING AND EQUAL ACCESS AGREEMENT—U.S. GULF/GUATEMALA TRADE

Order of Investigation and Hearing

Agreement No. 10234 is a cargo revenue, pooling, sailing and equal access to government-controlled cargo agreement between Delta Steamship Lines, Inc. (Delta), and Flota Mercante Gran Centroamericana, S.A. (Flomerca), in the trade from the United States Gulf ports in Key West, Florida/Brownsville, Texas range to ports on the Atlantic Coast of Guatemala.

Agreement No. 10234 was noticed in the FEDERAL REGISTER on May 4, 1976. A protest was filed by Sea-Land Service, Inc. (Sea-Land) alleging that Agreement No. 10234 should be disapproved or set down for hearing. Sea-Land asserts that the Flota Delta agreement could create a monopoly which will foreclose Sea-Land or any other carrier from entering the U.S. Guatemala trade. Furthermore, Sea-Land alleges that Agreement No. 10234 is unjustly discriminatory and unfair as between carriers in that it would prevent U.S. carriers from gaining access to U.S. exports in the Guatemalan trade.

Sea-Land's concern with Agreement No. 10234 is well taken. In addition to the discrimination and monopolization issues raised by Sea-Land, Agreement No. 10234 appears on its face to involve horizontal market division and horizontal price fixing (pooling, sailing, and tariff conformity with advance notice of rate changes earlier than statutorily required) which appear to be *per se* violations of the antitrust laws. The Commission must, of course, explore such antitrust questions *sua sponte* in order to discharge its active and independent duties to guard the public interest. *Marine Space Enclosures Inc. v. the Federal Maritime Commission*, 420 F.2d 577, 585 (D.C. Cir. 1969). Since "by its very nature an illegal restraint of trade is some ways 'contrary to the public interests", the proponent of an agreement involving illegal restraints of trade has the burden of demonstrating that the anticompetitive restraints are necessitated by a serious transportation need, an important public benefit, or a valid regulatory purpose. *FMC v. Svenska Amerika Linien*, 390 U.S. 238, 244 (1968).

Delta has attempted to justify this agreement by stating that it relieves Delta from the discriminatory effects of Guatemalan Decree 41-71. Delta asserts that there have been some instances when shippers have been inconvenienced by the lack of available vessels and further states that it will now be able to increase its frequency of service. However, an occasional shipper inconvenience and a modest increase in carrier availability do not amount to a serious transportation need or an important public benefit which could justify the anticompetitive provisions of this agreement. But even if the transportation needs are serious or the public benefits are important, there is doubt as to whether this agreement is necessary to fulfill those needs or secure those benefits. At a minimum the reasonable alternatives to such an anticompetitive agreement should be examined. In this regard, there is the question of whether the equal access provision of Agreement No. 10234 in and of itself is contrary to the public interest in that it is in furtherance of a discriminatory and anticompetitive law of the Government of Guatemala.

Finally, the Commission also questions the approvability of Article 8 of Agreement No. 10234 to the extent this article would preclude Delta from petitioning its own government for relief from any past, present, or future discrimination or injuries caused by the Government of Guatemala, it would appear to be contrary to the public interest within the meaning of section 15 of the Shipping Act, 1916.

Therefore, in order for the Commission to discharge its duties to protect the public interest, thoroughly examine the allegations of Sea-Land, examine the antitrust ramifications, and provide Delta and Flomerca an opportunity to demonstrate any needs for the anticompetitive restraints, an investigation and hearing will be ordered.

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 10234 is unjustly discriminatory or unfair as between carriers, shippers, exporters or importers of the United States, operates to the detriment of the commerce of the United States, is contrary to the public interest, or is in violation of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved or modified.

It is further ordered, That Delta Steamship Lines, Inc. and Flota Mercante Gran Centroamericana are hereby made respondents in this proceeding.

It is further ordered, That Sea-Land Service, Inc., is hereby made a petitioner in this proceeding.

It is further ordered, That the matter be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, to be held on a date and at a place set by the presiding Administrative Law Judge: *Provided, however*, That the said hearing commence on or before March 1, 1977.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearings be served upon respondents and petitioner.

It is further ordered, That any person other than respondents and petitioner, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25590 Filed 8-31-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-93]

BLACK MARLIN PIPELINE CO.

Order Denying Motion for Severance, Granting Motion for Additional Time and Clarifying Order

AUGUST 26, 1976.

By order of June 7, 1976, we set for hearing in the above-titled proceeding an application filed pursuant to Section 7(c) of the Natural Gas Act by Black Marlin Pipeline Company (Black Marlin) for a certificate of public convenience and necessity authorizing it to continue to operate previously constructed facilities. Black Marlin states that the purpose of such application is to allow it to continue receiving deliveries of natural gas into its pipeline system in order to enable it to transport natural gas at levels previously certificated by the Commission in its order issued June 13, 1966, in Docket No. CP66-333, 35 FPC 976.

The matter was set for hearing requiring that Black Marlin show cause why transportation of gas from sources not described in the previous certificate is not in violation of the Natural Gas Act. In order to obtain full information and insure the participation of parties who have an interest in the proceeding we joined both the producers who are delivering volumes from the area authorized in the previous certificate and the producers delivering gas from any other area. Gulf Oil Corporation (Gulf) was joined because Black Marlin represented that it had been receiving deliveries from Gulf at a tap installed on the Bolivar Peninsula. All were required to show cause why the transportation of gas from areas not described in the original certificate is not in violation of the Natural Gas Act. In addition, Gulf was ordered to show cause why volumes it proposes to develop adjacent to and which may be transported in the Black Marlin system should not be used to meet existing obligations to Texas Eastern Transmission Corporation under the warranty sale certificated in Docket No. CI64-26.

On June 28, 1976, Gulf filed a Motion for Partial Severance of this latter issue. Gulf states that the motion for severance does not relate to the order to show cause why volumes from its 696 acre lease previously dedicated [1] to Union Carbide Corporation (Union Carbide) and transported by Black Marlin are not transported in violation of the Natural Gas Act. Rather, Gulf states that it is requesting severance of the question whether acreage other than the 696 acre lease which may be contiguous to the Black Marlin system should be used in the Texas Eastern warranty sale. This, Gulf states, is addressed in the proceeding in Docket No. CI64-26, wherein the use of all dedications and drilling since 1971 to satisfy the warranty is in question.

We note that Gulf attached to the Motion for Partial Severance Exhibit No. SC-35 from the proceeding in Docket No. CI64-26. Therein are listed the offshore Texas leases of Gulf acquired since January 1, 1971, and the status of each. We note that there is no information regarding the feasibility of connecting these sources to the Black Marlin system. In addition, there is no information showing leases acquired by Gulf before January 1, 1971, whether they are dedicated and producing, and whether these leases may be connected to the Black Marlin system. This information is necessary in exploring the issues in this proceeding as set out in our June 7, 1976, order. Further, this information does not fall within Gulf's complaint that a portion of this proceeding relating to its operations would duplicate the show-cause proceeding in Docket No. CI64-26. After a thorough Staff review of our orders in Docket No. CI64-26, we note, that the Commission has not previously put into issue the question of whether Gulf should be required to connect to a certain pipeline (Black Marlin here) its contiguous acreage which is either undedicated (having been acquired either before or after January 1, 1971), presently producing gas for an uncertified sale in interstate commerce, or producing gas which is transported by Gulf and/or others in interstate commerce with no certification. Moreover, Staff review of the orders issued in this proceeding indicates that granting Gulf's motion to sever the issues in this proceeding would result in unnecessarily encumbering a proceeding in which the record has been closed with the issue of the disposition of the Black Marlin related leases. We will, therefore, require Gulf to provide this data, and will deny its Motion for Partial Severance.

Gulf states in its motion that it "would serve no purpose to dupicate the extensive testimony in that proceeding." (Motion of Gulf Oil Corporaion For Partial Severance, page 4) To avoid duplication of effort we note that Gulf may avail itself of Section 1.26(c)(3) of the Commission's Rules of Practice and Procedure which allows any party to present into a proceeding a true copy of evidence presented in another proceeding.

In order to allow Gulf time to file the above-mentioned data along with whatever necessary data regarding the Texas Eastern contract, which cannot be submitted by means of Section 1.26 of the Rules, we shall grant Gulf's Motion For Additional Time, also filed on June 28, 1976. In addition, we will adjust the hearing schedule accordingly.

The Commission's orders setting this proceeding for hearing do not constitute prejudgment of the issues to be decided in the proceeding in Docket No. CI64-26.

Finally, the order of June 7, 1976, needs clarification in light of the representation by Gulf that is currently making deliveries to Black Marlin from the well represented by Black Marlin as dry. (Motion of Gulf Oil Corporation For Partial Severance, page 2). That is, Gulf should also show cause why these volumes currently flowing into the Black Marlin system should not be immediately used to fulfill the warranty contract with Texas Eastern.

The Commission finds: (1) It is desirable and in the public interest that the June 28, 1976, Motion of Gulf Oil Corporation For Partial Severance be denied.

(2) It is desirable and in the public interest that the June 28, 1976 Motion of Gulf Oil Corporation For Additional Time be granted.

The Commission orders: (A) June 28, 1976, Motion of Gulf Oil Corporation For Partial Severence is denied.

(B) Gulf Oil Corporation is ganted additional time until September 20, 1976, to file the above-described evidence.

[1] Gulf states that the sale is under a contract dated April 1, 1967, and that initial deliveries began November 14, 1967.

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(C) The hearing scheduled for September 14, 1976, is postponed until October 19, 1976.

(D) The June 7, 1976, order in Docket No. CP75–93 is clarified to require that Gulf Oil Corporation show cause why volumes currently flowing into the Black Marlin Pipeline Company system should not be immediately used to fulfill the warranty contract with Texas Eastern Transmission certified in Docket No. CP 64–26.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25557 Filed 8–31–76;8:45 am]

[Docket No. ER76–92]

CENTRAL TELEPHONE & UTILITIES CORP.

Extension of Procedural Dates

AUGUST 26, 1976.

An August 13, 1976, the Commission staff filed a motion to extend the procedural dates in the above-designated proceeding. The motion states that the parties have no objection.

Upon consideration, notice is hereby given that the procedural dates in this proceeding are extended as follows:

Service of Staff Topsheet, October 27, 1976.
Settlement Conference, November 10, 1976.

The dates for service of Staff Testimony, Intervenor Testimony, Company Rebuttal, and Hearing are hereby deferred until further notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25560 Filed 8–31–76;8:45 am]

[Docket Nos. CP73–135, et al.]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Availability of Final Environmental Impace Statement

SEPTEMBER 1, 1976.

Notice is hereby given in the above dockets that on September 10, 1976, as required by Section 2.82(b) of Commission Order No. 415–C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. This FEIS deals with applications filed by Distrigas Corporation and Distrigas of Massachusetts Corporation in Docket Nos. CP73–135, CP74–137, CP74–227, CP76–9, CP76–280, and CP76–386 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria, for the construction and operation of an LNG importation terminal at Everett, Massachusetts, and for the sale in interstate commerce of the imported LNG in both liquid and vapor form.

This FEIS has been circulated to Federal, state, and local agencies and all parties to the proceeding. The FEIS has been placed in the public files of the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25444 Filed 8–31–76;8:45 am]

[Docket Nos. G–2801 and CI72–50; G–10020 and CI71–722]

GETTY OIL CO. (OPERATOR), ET AL. AND PHILLIPS PETROLEUM CO. (OPERATOR), ET AL,

Certification of Proposed Settlement Agreements

AUGUST 24, 1976.

Take notice that on July 19, 1976, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission for its consideration two separate settlement agreements and attendant hearing record in the matter of Getty Oil Company (Operator), et al. (Getty) in Docket Nos. G–2801 and CI72–50 and the matter of Phillips Petroleum Company (Operator), et al. (Phillips) in Docket Nos. G–10020 and CI71–722. The certification results from motions made by Getty, Phillips and Trunkline Gas Company (Trunkline) at the hearing held June 30, and July 1, 1976, and granted by the Presiding Administrative Law Judge.

The Getty and Phillips proceedings were consolidated by Commission order issued April 29, 1976. The proposed settlement agreements in each case are independent of each other.

In the Phillips proceedings gas production attributable to the interest of Phillips in the Erath Field, Vermilion Parish, Louisiana, is presently being sold to Columbia Gas Transmission Corporation (Columbia). Phillips claims that Trunkline is contractually entitled to Phillips' Erath Field Gas, 80% of which gas Trunkline is obligated to redeliver for Phillips' use. Under the Phillips Settlement Agreement Phillips' Erath Field gas would be apportioned one-third each to Columbia, Trunkline and Phillips. All participants to the Phillips' proceedings except the Commission Staff have agreed to the proposed Phillips Settlement Agreement.

In addition, the participants in the Phillips proceedings have concurred with a motion by Trunkline requesting that the Commission issue an interim order providing that Columbia and Trunkline would purchase Phillips' Erath Field gas on a 50–50 interim basis pending the Commission's action on the settlement proposal in the Phillips proceeding. As a part of this interim proposal both Columbia and Trunkline would agree to pay gas back to Phillips, to the extent necessary, in accordance with the Phillips Settlement Agreement from the date the Commission issues the requested interim order. Trunkline's agreement to the Phillips Settlement Agreement is conditioned upon favorable Commission action upon Trunkline's motion for interim order.

In the Getty proceedings gas production attributable to the interest of Getty in the Erath Field is presently being sold to Columbia. Getty claims that Transcontinental Gas Pipeline Corporation (Transco) is contractually entitled to Getty's Erath Field gas of which Transco is obligated to redeliver 9,300 Mcf of gas per day for Getty's use. The Getty Settlement Agreement provides that:

(1) on and after the date of a final order issued in these proceedings the daily volumes of gas production from the Erath Field, attributable to the total working interest of Getty, shall be apportioned fifty (50) percent to Columbia and fifty (50) percent to Transco and (2) at such time, and only at such time as production from Getty's interest in the Brazos Area (South Addition), Block A–76 Field, Offshore Matagorda County, Texas, is insufficient to fulfill the requirements of the Delaware City, Delaware, refinery of Getty Oil Company (Eastern Operations), Inc. because of *force majeure* conditions, as enumerated in the Transco-Getty gas sales contract on file with the Federal Power Commission under Getty's FPC Gas Rate Schedule No. 192, Getty shall be entitled to deliver to Transco for redelivery to Getty Oil Company (Eastern Operations), Inc. pursuant to that certain Gas Transportation Agreement between Getty and Transco dated August 7, 1970, for a period or periods not to exceed ninety (90) days (which days need not be consecutive) during any one calendar year up to 100 percent of Getty's interest in production from the Erath Field Unit, Vermilion Parish, Louisiana. In the event Getty exercises this option deliveries of gas attributable to Getty's interest, as set forth herein, to Columbia and Transco shall be proportionately reduced.

The Getty Settlement Agreement contains a condition which provides that Getty would agree to the proposal only if the effective date of the settlement, if approved by the Commission, is the same date as the effective date of the interim order moved for in connection with the Phillips Settlement Agreement. All the participants to the Getty proceedings have agreed to the Getty Settlement Agreement.

Any person desiring to comment on the proposed Settlement Agreements should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 27, 1976. Any reply comments should be filed on or before September 8, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25550 Filed 8–31–76;8:45 am]

[Docket No. RP76–93]

KENTUCKY WEST VIRGINIA GAS CO.

Extension of Time

AUGUST 25, 1976.

On August 12, 1976, the Commission Staff filed a motion to extend the date, fixed by order issued May 28, 1976, on which the Commission Staff is to serve top sheets on all parties in the above-designated proceeding. The motion states that all parties have been contacted and have no objections.

Upon consideration, notice is hereby given that the date for serving top sheets on all parties in the above-designated proceeding is extended to and including December 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25552 Filed 8–31–76;8:45 am]

[Docket No. CP76–476]

MOUNTAIN FUEL SUPPLY CO.

Application

AUGUST 25, 1976.

Take notice that on August 11, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76–476 for an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of six taps and appurtenant facilities for the sale of natural gas to consumers immediately adjacent to Applicant's interstate pipeline facilities in Colorado, Wyoming, and Utah and one tap as an additional delivery point to receive gas from the Birch Creek Field in Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to make the following sales:

Consumer	Volume (thousand cubic feet at 14.73 lb/in² g	
	Peak day	Annual
James D. James (Colorado), residential heating	2.3	180
Overland Development (Wyoming), 100 units, residential heating	180.0	24,000
Jerrold Richins (Utah), residential heating	3.0	239
Snyderville Water Treatment Plant (Utah), commercial space heating	10.8	916
James Mortenson (Utah), residential heating	3.1	201
Darlene Mortenson (Utah), residential heating	3.1	201
Durrell G. Strong (Utah), residential heating	3.0	200
Total	205.3	25,943

Applicant also proposes to construct and operate facilities at Big Piney, Wyoming, to receive 5,000 Mcf of gas per day and 1,095,000 Mcf of gas per year from the Birch Creek Field.

The sales taps are estimated to cost $2,825 and the field tap is estimated to cost $2,109, all of which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25553 Filed 8–31–76;8:45 am]

[Project No. 2323]

NEW ENGLAND POWER CO.

Application for Approval of Easements Over Project Lands

AUGUST 26, 1976.

Public Notice is hereby given that an application was filed on August 5, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by New England Power Company (Correspondence to: Mr. Edward A. Plumley, Vice President, New England Power Company, 20 Turnpike Road, Westborough, Massachusetts 01581) for Commission approval of a grant to the U.S. Department of Agriculture, Forest Service, of two easements over certain lands and waters of the Deerfield Project, FPC No. 2323, located in Bennington and Windham Counties, Vermont, and Berkshire and Franklin Counties, Massachusetts, on the Deerfield River.

Applicant proposes to grant an easement over 0.4 acre of project land in Wilmington, Vermont, on which the Forest Service would construct a bridge to replace an existing bridge over the Deerfield River. Applicant also proposes to grant an easement over a 1.5-acre, 66-foot-wide strip of project land in Searsburg, Vermont, on which the Forest Service would construct a road to provide access to certain parts of the Green Mountain National Forest.

Applicant states that the proposed uses of project lands would not affect project operations, and would be consistent with the approved recreational use plan (Exhibit R) for the project.

Applicant has requested the shortened procedure provided for under Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 20, 1976, file with the Federal Power Commission, 825 N. Capitol Street N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25558 Filed 8–31–76;8:45 am]

[Docket No. ER76–811]

PACIFIC GAS AND ELECTRIC CO.

Electric Rates; Suspension

AUGUST 25, 1976.

On July 26, 1976, Pacific Gas and Electric Company (PG&E) tendered for filing revised tariff sheets to Original

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Volume Nos. 1 and 2 of its FPC Electric Tariff.[1] For the reasons set forth hereinbelow, the Commission shall accept the tendered sheets for filing, suspend their effectiveness for two months, and establish hearing procedures to determine the justness and reasonableness of the proposed rates and charges.

PG&E requests that the instant filing be permitted to become effective on August 25, 1976. Such filing would increase annual revenues from the ten wholesale customers affected thereby[2] in the amount of $6,817,017 based upon the 12-month period ending July 31, 1977 (Period II). PG&E states that the principal reasons for the proposed increase are to assure coverage of current-year costs and to increase the Company's rate of return to a level deemed necessary to attract new capital required to install additional capacity. PG&E states further that the proposed rates would yield a rate of return of 10.10 percent.

Public Notice of the instant filing was issued on August 4, 1976, with comments, protests or petitions to intervene due on or before August 16, 1976.

On August 13, 1976, Sierra Pacific Power Company (Sierra Pacific) filed a petition for leave to intervene and a request for five month suspension. The Commission's review indicates that Sierra Pacific has an interest in this proceeding which is sufficient to warrant its intervention herein. Accordingly, the petition shall be granted.

On August 16, 1976, the Northern California Power Agency and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, California (collectively, NCPA) filed, in one pleading, a motion to reject, protest, request for hearing and for five month suspension, and a petition to intervene. NCPA contends that the overall rate of return claimed by PG&E is excessive. Further, says NCPA, PG&E's cost of service to its wholesale customers: is inflated because of its assignment of certain subtransmission facilities; overstates the Company's working capital requirements; reflects an improperly-computed income tax allowance; and includes a controversial "Good Government Fund." NCPA also contends that PG&E exercises "pervasive monopolistic activities" in its service area.

In support of its motion to reject the filing, NCPA contends that it is being subjected to a "price squeeze" at the present time since the rates PG&E charges NCPA are higher than the rates PG&E charges its large industrial customers. Absent a showing by PG&E that it costs substantially less to serve retail industrial customers, NCPA asserts, the rate increase proposed herein is unlawful on its face. Based upon its reading of the *Conway*[3] decisions, NCPA concludes that the proposed increase should be rejected until such time as the California Public Utilities Commission permits PG&E to raise its large industrial rates.

The Commission's review of PG&E's filing and NCPA's pleading indicates that there is no basis for rejection of the filing.[4] Rather, the "price squeeze" issue, like the cost-of-service issues raised by NCPA and noted above, is a matter for development at the evidentiary hearing hereinafter ordered. Accordingly, NCPA's motion to reject shall be denied. However, because NCPA has an interest in this proceeding which is sufficient to warrant its intervention herein, its petition to intervene shall be granted.

The Commission's review indicates that the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission shall accept for filing the revised tariff sheets, suspend their use for two months, and establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing the proposed tariff changes filed herein on July 26, 1976, and suspend the use thereof for two months until October 26, 1976, when they shall be permitted to become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of PG&E's tariff as proposed to be revised herein.

(3) Good cause does not exist to grant NCPA's motion to reject.

(4) Good cause exists to grant the petitions to intervene of Sierra Pacific and NCPA, as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in PG&E's FPC Electric Tariff as proposed to be revised by the subject filing.

(B) Pending a hearing and a final decision thereon, PG&E's filing is hereby accepted and suspended for two months, to become effective on October 26, 1976, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before January 24, 1977. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) PG&E shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(F) NCPA's motion to reject is hereby denied.

(G) Sierra Pacific and NCPA are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause the prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25554 Filed 8-31-76;8:45 am]

[Docket No. RP73-113]

TENNECO, INC.
Extension of Time

AUGUST 26, 1976.

On August 10, 1976, Tennessee Pipeline Company, a Division of Tenneco, Inc., filed a motion to extend the date for compliance with Ordering Paragraph B of Opinion No. 769, issued July 9, 1976, until 60 days following the Commission's order on Tennessee's application for rehearing of that Opinion.

Upon consideration, notice is hereby given that the time within which Tennessee must file data required by ordering paragraph B of Opinion No. 769 is extended to 60 days following the Commission's order on Tennessee's application for rehearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25559 Filed 8-31-76;8:45 am]

[1] Third Revised Sheet No. 1 and First Revised Sheet No. 2 to Original Volume No. 1; Second Revised Sheet Nos. 4, 28 and 29 and First Revised Sheet No. 2 to Original Volume No. 2.

[2] Sierra Pacific Power Company, City of Alameda, Bay Point Light and Power Company, California Pacific Utilities Company, City of Healdsburg, City of Lodi, City of Lompoc, City of Santa Clara, City of Ukiah, and City of Palto Alto.

[3] *Conway Corp.* v. *F.P.C.*, 510 F.2d 1264 (D.C. Cir. 1975), *aff'd* —— U.S. —— (No. 75-342, decided June 7, 1976).

[4] With respect to Commission rejection of filings, *see Municipal Light Boards of Reading and Wakefield, Mass.* v. *F.P.C.*, 450 F.2d 1341, 1345-1346 (D.C. Cir.), *cert. denied* 405 U.S. 989 (1971).

[Rate Schedule Nos. 147, et al.]

TEXACO INC., ET AL.
Rate Change Filings Pursuant to Commission's Opinion No. 699–H

AUGUST 24, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 2,1976	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	147	Northern Natural Gas Co.	Hugoton-Anadarko.
Do	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	32	Natural Gas Pipeline Co. of America.	Do.
Aug. 4,1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	313	El Paso Natural Gas Co	Permian Basin.
Do	Sohio Petroleum Co	83,87, 119	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Aug. 5,1976	Sun Oil Co	13	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Aug. 9,1976	do	262	United Gas Pipe Line Co.	Other Southwest.
Do	do	263	do	South Louisiana.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	128	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	5	Northern Natural Gas Co.	Do.
Aug. 11,1976	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	363	Montana-Dakota Utilities Co.	Rocky Mountain.
Do	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	43	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Aug. 16,1976	CRA International, Ltd., 5416 South Yale Ave., Tulsa, Okla. 74135.	3	United Gas Pipeline Co.	South Louisiana

[FR Doc.76-25465 Filed 8-31-76;8:45 am]

[Docket No. CP76-479]

TRANSCONTINENTAL GAS PIPE LINE CORP.
Application

AUGUST 25, 1976.

Take notice that on August 16, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76–479 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation for two years of natural gas in interstate commerce for Aluminum Company of America (Alcoa), a customer of North Carolina Natural Gas Corporation (NCN), which is a resale customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for Alcoa approximately 2,000 Mcf of gas per day purchased by Alcoa from Dynamic Exploration, Inc. (Dynamic), from production in the Gum Cove Field, Cameron Parish, Louisiana. The gas would be delivered to Applicant's South Black Bayou lateral pipeline in Cameron Parish for transportation to existing delivery points to NCN. NCN would deliver the gas to Alcoa for use in Alcoa's Badin, North Carolina, plant.

Applicant proposes to construct and operate tap facilities in Cameron Parish to receive the gas from Dynamic. The facilities are estimated to cost $10,500, which the application states would be reimbursed or would be caused to be reimbursed by Alcoa.

Applicant states that it would not be obligated to transport for Alcoa, under the instant proposal, on any day a quantity of gas, less quantities retained for compressor fuel and line loss, which, when added to (1) the quantities of gas transported under similar arrangements, if any, for other industries served by NCN, (2) quantities, if any, transported for NCN itself, and (3) quantities delivered to NCN under Applicant's Rate Schedule CD–2, would exceed NCN's authorized daily entitlement under Rate Schedule CD–2. Applicant would retain 3.8 percent of the volumes received for transportation as make-up for compressor fuel and line loss, which percentage, it is said is based upon Applicant's company-use factor for pipeline throughput to and within the rate zone in which the delivery fould be made. The proposed transportation rate is 22 cents per Mcf.

Alcoa would purchase gas from Dynamic at $1.50 per Mcf the first year and $1.53 per Mcf the second year. In addition Alcoa would pay Dynamic 25.0 cents per Mcf until Dynamic's capital investment in gathering, delivery, and metering facilities has been recouped and thereafter would pay 10.0 cents per Mcf for gathering, delivery, and metering services. Applicant states that it did not consider this natural gas supply to be available for purchase by it and did not attempt to purchase said gas because the Commission has given no indication that it would authorize with respect to other than newly discovered gas a sale of such duration to interstate pipelines at competitive intrastate prices.

An affidavit from Alcoa, included as an exhibit to the instant application, indicates that approximately 55 percent of the Badin works' process gaseous fuel requirements is used for direct flame applications in order to prevent contamination of superpurity aluminum, and approximately 45 percent is required for direct flame applications in which precise temperature control and flame characteristics are necessary. It is alleged that the natural gas required for these uses would be priority 2 uses within the contemplation of Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) but for the nature of Alcoa's contract with NCN.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25555 Filed 8-31-76;8:45 am]

[Docket No. CP76-480]

TRANSCONTINENTAL GAS PIPE LINE CORP.
Application

AUGUST 25, 1976.

Take notice that on August 16, 1976, Transcontinental Gas Pipe Line Corpo-

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ration (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-480 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a storage service to its customers from August 1, 1976, through July 31, 1977, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has arranged with Mid Louisiana Gas Company (Mid Louisiana) to obtain, subject to Mid Louisiana's existing storage requirements, approximately 2,000,000 Mcf of storage capacity, plus additional capacity of approximately 500,000 Mcf if available, with injections to be made into Mid Louisiana's Hester Storage Field, St. James Parish, Louisiana, commencing August 1, 1976, and continuing through the 1976 injection season and withdrawals primarily from April 1, 1977, through July 31, 1977. Mid Louisiana's proposal to render the storage service is the subject of Mid Louisiana's application filed in Docket No. CP76-427.[1] Applicant states that it has offered the storage service to its customers at a rate equivalent to that which Applicant would pay Mid Louisiana for the service, 27.394342 cents per Mcf at 14.7 psia of gas delivered to and received from Mid Louisiana. The stored gas would be from the customers' entitlements under Applicant's Rate Schedules CD, G, and OG.

Applicant proposes to render storage service in the following volumes:

Customer	Storage Volume (Mcf at 14.7 psia)
The Brooklyn Union Gas Company	201,435
Carolina Pipeline Company	24,840
Clinton-Newberry Natural Gas Authority	7,705
Commonwealth Natural Gas Corporation	54,685
Consolidated Edison Company of New York, Inc.	275,090
City of Danville	22,035
Delmarva Power & Light Company	46,445
Eastern Shore Natural Gas Company	19,420
Fort Hill Natural Gas Authority	10,080
City of Fountain Inn	1,330
City of Greenwood	7,295
City of Kings Mountain	3,475
City of Lawrenceville	4,150
City of Lexington	7,545
Long Island Lighting Company	126,370
North Carolina Natural Gas Corporation	119,525
Owens-Corning Fiberglas Corporation	8,465
Pennsylvania Gas and Water Company	39,760
Philadelphia Electric Company	126,355
Philadelphia Gas Works	135,305
Piedmont Natural Gas Company, Inc.	173,945
Public Service Company of North Carolina, Inc.	128,335
Public Service Electric and Gas Company	348,845
City of Shelby	9,835
South Jersey Gas Company	105,355
City of Union	4,745
Union Gas Company	16,580
United Cities Gas Company—Georgia Division	6,865
United Cities Gas Company—North Carolina and South Carolina Division	8,405
Total	2,044,220

The application states that no new facilities would be required to render the proposed service. Injections into and withdrawals from storage would be at the existing point of interconnection between the systems of Applicant and Mid Louisiana downstream of Applicant's Compressor Station No. 63 in St. James Parish or any other mutually agreeable point where the delivery of gas for exchange between Applicant and Mid Louisiana is authorized, the application states.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25556 Filed 8-31-76;8:45 am]

[1] Notice published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30397).

[Docket Nos. CP74-138, CP74-139, and CP74-140]

TRUNKLINE LNG CO. AND TRUNKLINE GAS CO., CALCASIEU LNG PROJECT

Availability of Staff Final Environmental Impact Statement

Notice is hereby given in the above dockets that on September 1, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. This FEIS deals with applications filed by Trunkline LNG Company requesting authorization pursuant to Sections 3 and 7 of the Natural Gas Act to import (CP74-139) liquefied natural gas (LNG) from Algeria to a proposed LNG terminal in Calcasieu Parish, Louisiana, and to construct and operate certain facilities (CP74-138) necessary to unload, store, revaporize and sell the natural gas to Trunkline Gas Company. This latter application seeks approval for the construction and operation of an unloading dock, three 600,000-barrel LNG storage tanks, vaporizer units, and other appurtenant facilities. Concurrent with these applications, Trunkline Gas Company filed an application seeking certification to construct (CP74-140) 45.8 miles of 30-inch diameter pipeline and a metering station in order to transport the revaporized natural gas to its mainline transmission facilities in Longville, Louisiana.

This FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its regional office located at 819 Taylor Street, Fort Worth, Texas 76102. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25277 Filed 8-31-76;8:45 am]

[Docket No. ID-1797]

WILLIAM A. LYONS

Application

AUGUST 24, 1976.

Take notice that on July 26, 1976, William A. Lyons filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman, Chief Executive Officer and Director, New York State Electric & Gas Corporation, Public Utility.
Director, Empire State Power Resources, Inc., Public Utility.

New York State Electric & Gas Corporation ("NYSEG") is a gas and electric corporation servicing customers in central, eastern and western New York State. In addition to serving retail customers, NYSEG also sells electricity at wholesale.

Empire State Power Resources, Inc. (ESPRI) is a joint venture by the seven major electric utility companies in New York State (including NYSEG) to acquire, construct, own and operate numerous large scale generating facilities and to supply substantially all the energy from such facilities to its sponsors (including NYSEG). The New York State Public Service Commission is presently considering the merits of the ESPRI proposal, no decision has yet been reached.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 15, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25551 Filed 8-31-76;8:45 am]

FEDERAL RESERVE SYSTEM

FLORIDA COAST BANKS, INC.

Acquisition of Bank

Florida Coast Banks, Inc., Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bank of Perrine, Miami, Florida and Bank of Cutler Ridge, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 26, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25599 Filed 8-31-76;8:45 am]

FLORIDA SHARES, INC.

Formation of Bank Holding Company

Florida Shares, Inc., Miami, Florida, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the Class A preferred voting shares of Florida Coast Banks, Inc., Pompano Beach, Florida. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 27, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25601 Filed 8-31-76;8:45 am]

BOSSHARD BANCO, LTD.

Formation of Bank Holding Company

Bosshard Banco, Ltd., Bangor, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.7 per cent of the voting shares of The First National Bank of Bangor, Bangor, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 26, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25598 Filed 8-31-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 111]

PORT OF SEATTLE COMMISSION

Approval of Application To Relocate Foreign-Trade Zone No. 5 to Terminal 106, Seattle, Washington

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following Order:

Whereas, the Port of Seattle Commission, Grantee of Foreign-Trade Zone No. 5, has made application (filed May 3, 1976) for authority to relocate Foreign-Trade Zone No. 5 from its present site at Pier 20 to Terminal 106, 44 South Nevada Street, Seattle;

Whereas, public notice of the application has been given and full opportunity has been afforded all interested parties to be heard (41 F.R. 19161, 5-10-76);

Whereas, an Examiners Committee has investigated the proposal and recommends approval of the application; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zone Act, as amended, and the Foreign-Trade Zones Board Regulations are satisfied and that the proposal is in the public interest;

Now, therefore, the Board hereby approves the relocation of Foreign-Trade Zone No. 5 from its present site at Pier 20 to its new site at Terminal 106, 44 South Nevada Street, Seattle. The Grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone.

Signed at Washington, D.C. this 25th day of August, 1976.

ELLIOT RICHARDSON,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[FR Doc.76-22507 Filed 8-31-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-21]

DRY WALL SCREWS

Notice and Order Concerning Procedure for Commission Action

Notice is hereby given that—

1. On July 21, 1976, pursuant to § 210.51(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(a)), the United States International Trade Commission investigative staff filed a motion to terminate investigation No.

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337–TA–21. On August 12, 1976, in conformity with § 210.53 of the Commission's Rules of of Practice and Procedure (19 CFR 210.53), the presiding officer issued his recommended determination that the Commission grant the motion of the investigative staff to terminate the investigation: Copies of the presiding officer's recommended determination, which has been served on all parties of record, are available for public inspection during the official working hours of the Commission at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Pursuant to § 210.54 of the Commission's Rules of Practice and Procedure (19 CFR 210.54), any party to the instant proceeding or any person or Government agency interested in the outcome of this investigation may file exceptions to the presiding officer's recommended determination and submit alternative findings of fact and conclusions of law to the Commission not later than the close of business on September 10, 1976. Documents setting forth such exceptions and alternative findings of fact and conclusions of law shall be in form and number as provided in § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as amended (41 F.R.17710).

3. Briefs filed supporting exceptions to the recommended determination of the presiding officer and supporting alternative findings of fact and conclusions of law shall be in form and number as set forth in § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as amended (41 F.R. 17710), and shall be no longer than 25 pages. Such briefs shall be filed with the Commission no longer than 25 pages. Such briefs shall be filed with the Commission no later than the close of business on September 17, 1976.

4. The Commission will not hear oral argument concerning this recommended determination.

By order of the Commission:

Issued: August 27, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-25585 Filed 8-31-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE (76-70)]

FLIGHT INVESTIGATIONS FOR THE JUPITER ORBITER PROBE 1981

Establishment of Advisory Subcommittee; Determination

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee to Review Proposals for Participation in the Flight Investigations for the Jupiter Orbiter Probe 1981 (JOP81) Mission is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: August 24, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-25540 Filed 8-31-76;8:45 am]

[Notice (76-71)]

STRATOSPHERIC RESEARCH ADVISORY COMMITTEE

Date and Place of Meeting

The Stratospheric Research Advisory Committee will meet at the Utah States University, Logan, Utah on September 13 and 14, 1976. The meeting will be held in the Walnut Room of the University Center from 9:00 a.m. to 5:00 p.m. on September 13 and from 8:30 a.m. to 4:30 p.m. on September 14. It will be open to the public.

The Stratospheric Research Advisory Committee advises NASA concerning the contents and direction of the NASA Upper Atmospheric Research Program. Topics under discussion at this meeting will include: NASA plans for assessment of CFM's; review of reports on Space Shuttel impact on the stratosphere; and design of a measurement strategy for stratospheric parameters.

For further information regarding the meeting, please contact Dr. David P. Cauffman, Executive Secretary, at Area Code 202/755-3685, National Aeronautics and Space Administration. Washington, DC 20546.

Dated: August 25, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-25539 Filed 8-31-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION (CAUSE) PROJECT DIRECTORS

Postponement of Meeting

The Project Directors' Meeting for the CAUSE Program that was scheduled to be held on September 9 and 10, 1976, at the Sheraton Park Hotel in Washington, D.C., has been postponed. The meeting has been rescheduled for October 12 and 13, 1976 and will be held at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. The times and agenda for this meeting are unchanged.

The meeting notice appeared in the FEDERAL REGISTER, Vol. 41, No. 159, on Monday, August 16 on page 34712.

For information concerning the meeting, please contact Dr. John A. Maccini at 202-282-7763.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-25534 Filed 8-31-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 26, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service, feasibility study for Forest Landowners Association, FCFS 01, single-time, Forest Landowners in Larimer County, Blk For. Co., George Hall, Maria Gonzalez, 395-6140.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Exporter/Agent Information System Survey, DIB-4064P, businesses, Laverne V. Collins, 395-5867, single-time, exporting and nonexporting

Bureau of East-West Trade, past participation statement, DIB-669P, on occasion, commercial exporters, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, executive high school internships evaluation instruments, NIE 159, single-time, potential students in executive internship program, Human Resources Division, Raynsford, R., 395-3532.

Office of Education, "peanuts" career education materials assessment, OE 534, single-time, Teachers, Counselors and Students, Human Resources Division, Raynsford, R., 395-3532.

Social and rehabilitation service, EPSDT developmental assessment survey, none, single-time, Warren Topelius, 395-5872.

Center for disease control, Cost-effectiveness study of 4 approaches to gaining public acceptance of influenza vaccine, none, human resources division, Reese B. F$_4$ 395-3532.

Social Security Administration, request for approval as a supplier of ESRD in the medicare program and request for advance approval as a supplier of ESRD in the medicare program, SSA-3402 3403, on occasion, ESRD facilities, Warren Topelius, 395-5872.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, 1976 IPP Users Survey, BLS 3074, single-time, recipients of WPI Information, Strasser, A., 395-5867.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Flight Instructor Refresher Clinics, none, on occasion, Industry Aviation Organizations, Warren Topelius, 395-5872.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Monitoring Report, DIB 661P, monthly, U.S. Exporters and Consuming Firms, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Quarterly Report of Mandatory Listing Activities, MA5-80, quarterly, State Employment Security Agencies, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Tobacco Marketing Quota Regulations, Burley, Fire, Air, Sun, Md. Flue-Cured Tobacco, on occasion, Warren Topelius, 395-5872.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Certification and Operations, Air Carriers and Commercial Operators of Large Aircraft, FAR 121, on occasion, Air Carriers/Commercial Operators, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-25680 Filed 8-31-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19660; 70-5887]

INDIANA AND MICHIGAN ELECTRIC CO.

Proposed Extension of Short-Term Borrowing Authority

AUGUST 25, 1976.

In the matter of Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana, 46801.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to obtain the consent of the holders of its outstanding cumulative preferred stock to approve a 4-year extension of I&M's authority under its Articles of Acceptance ("Charter") to issue or assume short-term debt in an aggregate principal amount exceeding 10%, but which, together with outstanding long-term unsecured debt, would not exceed 20% of IBM's total capitalization at any time. The proposed extension would commence January 1, 1977 and end December 31, 1980 and would be subject to the proviso that the principal amount of such short-term unsecured debt in excess of 10% of total capitalization outstanding on such date shall mature not later than June 30, 1981. I&M at present is permitted to issue or assume unsecured debt securities within the foregoing limit pursuant to an authorization expiring December 31, 1976 (order dated January 26, 1973, HCAR No. 17865). I&M requests the Commission's approval of this extension of borrowing authority. The actual issue and sale of securities related to such extension of borrowing authority will be subject to further authorization of the Commission.

I&M also proposes to amend its Charter to create authority for I&M to issue 4,000,000 shares of its Cumulative Preferred Stock with a par value of $25 per share. I&M's Charter presently authorizes I&M to issue 2,250,000 shares of cumulative preferred stock with $100 par value, of which 780,000 shares remain unissued to date. I&M states that a market for preferred stock priced at less than $100 per share recently has developed. Consequently, I&M states it believes that its ability to sell preferred stock on favorable terms will be strengthened by the creation of authority to issue additional shares of preferred stock with a par value of $25 per share.

The $100 par preferred and the $25 par preferred will be of equal rank and will confer equal rights upon the holders thereof, except as to the par value per share, the number of votes per share, and permissible variations among the series thereof as detailed below. The $100 and $25 par preferred will vote as a single class on matters on which the preferred stockholders may vote, but the holders of the $25 par preferred will have one-quarter vote per share. I&M's Board of Directors is empowered to issue series of the $25 par preferred and to fix the dividend rate, liquidation prices, redemption terms and prices and sinking fund provisions, if any, for such series, as it is currently empowered to do with respect to the authorized and unissued $100 par preferred.

I&M proposes to solicit proxies from its common stockholders and the holders of its $100 par preferred stock to be used at a special meeting of the common and preferred stockholders to be held on October 13, 1976. Holders of the I&M preferred stock will be asked to approve the I&M Charter amendment and the extension of the short-term borrowing authority in excess of 10% of I&M's capitalization. Approval of the Charter amendment requires the affirmative vote of a majority of the outstanding shares of I&M's common stock, voting as a class, and the affirmative vote of holders of a majority of the outstanding shares of I&M's Cumulative Preferred Stock, voting as a class. AEP, owner of all I&M's common stock, has indicated that it intends to vote all of such shares in favor of the Charter amendment. Approval of the extension of time to issue short-term debt in excess of 10% of capitalization requires the affirmative vote of the holders of a majority of the total number of outstanding shares of I&M's Cumulative Preferred Stock.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $48,900, including legal fees of $1,500.

Notice is further given, That any interested person may, not later than September 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration, as amended, insofar as it proposes the solicitation of proxies from I&M's preferred and common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies from I&M's preferred and common stockholders, be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

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For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25503 Filed 8-31-76;8:45 am]

[Rel. No. 9411; 812-3986]

TRANSAMERICA CAPITAL FUND, INC., ET AL.

Application

AUGUST 25, 1976.

In the matter of Transamerica Capital Fund, Inc., Transamerica Investors Fund, Inc., Transamerica Fund Sales, Inc., P.O. Box 2438, Los Angeles, California, 90051.

Notice is hereby given, That Transamerica Capital Fund, Inc. and Transamerica Investors Fund, Inc., (the "Funds") open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act") and Transamerica Fund Sales, Inc. (the "Underwriter"), the principal underwriter for the Funds, (collectively referred to as the "Applicants") filed an application on July 9, 1976 and an amendment thereto on August 2, 1976 pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 22(d) of the Act and the rules thereunder to the extent necessary to permit shares of the Funds to be sold without sales charge to recipients of life insurance death claim proceeds paid by certain life insurance companies. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

The Underwriter is wholly-owned by Transamerica Corporation, as are Occidental Life Insurance Company of California, Transamerica Life and Annuity Company, The American Life Insurance Company of New York, and Countrywide Life Insurance Company and certain other life insurance companies (the "Occidental Life Group"). The insurance salesmen who sell the Occidental Life Group policies also sell shares of the Funds through the Underwriter.

The offering price of shares of the Funds is currently the net asset value per share plus a sales charge, which ranges from 8% to 1% of the public offering price. Applicants propose that recipients of death claim proceeds from life insurance policies issued by the Occidental Life Group and any other life insurance companies which may become wholly-owned by Transamerica Corporation be permitted to invest those proceeds at net asset value in the Funds, within 60 days after payment of those proceeds.

Section 22(d) provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Applicants state that no special selling effort and no significant out-of-pocket expense will be involved in connection with such sales. In addition, Applicants assert that the elimination of a sales charge for such purchases will avoid a duplication of sales charges, since life insurance premium rates include a sales expense factor.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than September 20, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25502 Filed 8-31-76;8:45 am]

[Rel. No. 9415; 812-4013]

WHITE, WELD AND CO., INC.

Application

AUGUST 26, 1976.

In the matter of White, Weld & Co., Inc., One Liberty Plaza, 91 Liberty Street, New York, New York 10006.

Notice is hereby given that White, Weld & Co. Incorporated ("White, Weld") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting White, Weld from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9 (a) pending the Commission determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant is a registered broker-dealer under Section 15 of the Securities Exchange Act of 1934. To the best of Applicant's knowledge, Swiss Credit Bank owns approximately 41% of the voting securities of Societe anayme financiere de Credit Suisse et de White, Weld which owns approximately 30% of the capital stock (including approximately 25% of the voting securities) of White Weld Holdings, Inc. which owns 100% (except directors' qualifying shares) of the voting securities of Applicant. Applicant has entered into an agreement, dated as of August 1, 1976 to act as administrator and distributor (and, accordingly, would be deemed to be the principal underwriter) for White, Weld Government Fund Incorporated ("WW Government Fund") when WW Government Fund becomes an open-end, diversified management investment company registered under the Act.

On November 25, 1975, the Commission commenced an action in the United States District Court for the District of Columbia entitled *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.* (75 Civ. 1965) against various defendants, including Swiss Credit Bank, alleging violations of various provisions of the federal securities laws. Swiss Credit Bank, without admitting or denying any of the allegations of the complaint, has stipulated to the entry of a Final Order terminating the action against it with prejudice and entered into a Stipulation and Undertaking with the Commission.

The Final Order provides that Swiss Credit Bank shall not, directly or indirectly, make use of any means or instruments of transportation or communication or interstate commerce or of the mails to sell, offer to buy or sell, or carry or cause to be carried securities of the Progress Group (as defined in the Final Order) except in accordance with the provisions of Section 5 of the Securities Act of 1933. The order further provides that Swiss Credit Bank shall not transact business with any member of the Progress Group when such member is acting as a broker-dealer or investment adviser or is engaging in investment company activities unless such member has complied with the applicable registration requirements of the securities laws of the United States.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of an advisory board,

investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company if such person is by reason of any misconduct enjoined in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that, upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disporportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Notwithstanding the filing of its application, White, Weld disclaims that Swiss Credit Bank is an "affiliate", as that term is generally applied under the securities laws of the United States, or an "affiliated person" as that term is defined by the Act, of Applicant. However, were Swiss Credit Bank deemed to be an "affiliated person" of White, Weld by virtue of Section 2(3) of the Act, White, Weld would, to the extent that Section 9(a) of the Act is applicable by virtue of the entry of the Final Order against Swiss Credit Bank, be ineligible to serve or act in any of the capacities set forth in Section 9(a) by reason of Section 9(a) (3) of the Act.

White, Weld submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Final Order against Swiss Credit Bank, would be unduly and disproportionately severe as applied to White, Weld and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant this exemption. In support thereof, White, Weld represents that (i) the prohibitions of Section 9(a) would deprive WW Government Fund of the services of White, Weld as its principal underwriter and (ii) neither White, Weld, nor WW Government Fund participated in any of the alleged conduct set forth in the Commission's action.

The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to White, Weld in that White, Weld did not participate in any of the alleged conduct set forth in the Commission's complaint and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant the application of White, Weld for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by White, Weld to WW Government Fund, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(c) of the Act, that White, Weld is hereby temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Final Order against Swiss Credit Bank in *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, pending final determination by the Commission of White, Weld's application for an order exempting White, Weld from any of the provisions of Section 9(a) operative as a result of the entry of such Final Order.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statetment as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon White, Weld care of Stephen R. Volk, Esquire, 53 Wall Street, New York, New York 10005. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76 25501 Filed 8 31-76;8:45 am]

[Rel. No. 9416; 812-4012]

WHITE, WELD AND CO., INC.

Application

AUGUST 26, 1976.

In the matter of White, Weld & Co. Inc., One Liberty Plaza, 91 Liberty Street, New York, New York 10006.

Notice is hereby given that White, Weld & Co. Incorporated ("White, Weld") has filed an application pursuant to Section 9 (c) of the Investment Company Act of 1940 ("the Act") for an order exempting White, Weld from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9(a) pending the Commission's detremination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant is a registered broker-dealer under Section 15 of the Securities Exchange Act of 1934. To the best of Applicant's knowledge, Swiss Credit Bank owns approximately 41% of the voting securities of Societe anonyme financiere de Credit Suisse et de White, Weld which owns approximately 30% of the capital stock (including 25% of the voting securities) of White Weld Holdings, Inc. which owns 100% (except directors' qualifying shares) of the voting securities of Applicant. Applicant has entered into an agreement, dated as of August 1, 1976 to act as administrator and distributor (and, accordingly, would be deemed to be the principal underwriter) for Advance Investors Corporation ("Advance Investors") which will be converted, on August 30, 1976, from a closed-end, diversified investment company into an open-end, diversified investment company registered under the Act.

On November 25, 1975, the Commission commenced an action in the United States District Court for the District of Columbia entitled *Securitics and Exchange Commission* v. *American Institute Counselors, Inc. et al.* (75 Civ. 1965) against various defendants, including Swish Credit Bank, alleging violations of various provisions of the federal securities laws. Swish Credit Bank, without admitting or denying any of the allegations of the complaint, has stipulated to the entry of a Final Order terminating the action against it, with prejudice and entered into a Stipulation and Undertaking with the Commission.

The Final Order provides that Swiss Credit Bank shall not, directly or indirectly, make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell, offer to buy or sell, or carry or cause to be carried securities of the Progress Group (as defined in the Final Order) except in accordance with the provisions of Section 5 of the Securities Act of 1933. The order further provides that Swiss Credit Bank shall not transact business with any member of the Progress Group when such member is acting as a broker-dealer or investment adviser or is engaging in investment company activities unless such member has complied with the applicable registration requirements of the securities laws of the United States.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company if such person is by reason of any misconduct enjoined in or continuing any conduct or practice in connection with the purchase or sale of any security.

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Section 9(c) provides that, upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Notwithstanding the filing of its application, White, Weld disclaims that Swiss Credit Bank is an "affiliate", as that term is generally applied under the securities laws of the United States, or an "affiliated person" as that term is defined by the Act, of Applicant. However, were Swiss Credit Bank deemed to be an "affiliated person" of White, Weld by virtue of Section 2(3) of the Act, White, Weld would, to the extent that Section 9(a) of the Act is applicable by virtue of the entry of the Final Order against Swiss Credit Bank, be ineligible to serve or act in any of the capacities set forth in Section 9(a) by reason of Section 9(a)(3) of the Act.

White, Weld submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Final Order against Swiss Credit Bank, would be unduly and disproportionately severe as applied to White, Weld and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant this exemption. In support thereof, White, Weld represents that (i) the prohibitions of Section 9(a) would deprive Advance Investors of the services of White, Weld as its principal underwriter and (ii) neither White, Weld, nor Advance Investors participated in any of the alleged conduct set forth in the Commission's action.

The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to White, Weld in that White, Weld did not participate in any of the alleged conduct set forth in the Commission's complaint and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant the application of White, Weld for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by White, Weld to Advance Investors, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(c) of the Act, that White, Weld is hereby temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Final Order against Swiss Credit Bank in *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, pending final determination by the Commission of White, Weld's application for an order exempting White, Weld from any of the provisions of Section 9(a) operative as a result of the entry of such Final Order.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon White, Weld care of Stephen R. Volk, Esquire, 53 Wall Street, New York, New York 10005. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25504 Filed 8-31-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

AWARDS SUBCOMMITTEE OF THE GENERAL ADVISORY COMMITTEE

Meeting

AUGUST 30, 1976.

In accordance with the purposes of section 157b(3) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), the Awards Subcommittee of the General Advisory Committee has scheduled a meeting to discuss nominations received for the Enrico Fermi Award and the Ernest Orlando Lawrence Memorial Award of the USERDA. The Subcommittee will meet in executive session on September 14, 1976, beginning at 9 a.m. in the GAC office at 20 Massachusetts Avenue, NW., Washington, D.C. 20545.

The meeting will be in its entirety the exchange of opinions and the formulation of advice to the General Advisory Committee for recommendation to the Administrator relative to the nominations. The meeting will also include the review and discussion of classified documents. I have determined in accordance with subsection 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, that this meeting will consist of exchanges of opinions, and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); will consider material exempt under exemption (6) of 5 U.S.C. 552(b); and will also involve review and discussion of classified documents considered exempt under exemptions (1) and (3) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed during the course of this meeting will be inextricably intertwined with the discussion of the exempt material, and no separation of this material is considered practical; and it is essential to close this meeting to protect such material and protect the free interchange of internal views and avoid undue interference with Committee operations; and to protect classified information.

HARRY L. PEEBLES,
Deputy Advisory Committee, Management Officer.

[FR Doc.76-25838 Filed 8-31-76;10:30 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 134]

ASSIGNMENT OF HEARINGS

AUGUST 27, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 105566 (Sub-No. 121), Sam Tanksley Trucking, Inc., now being assigned November 12, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

AB-98 (Sub-No. 1) Claremont and Concord Railway Company, Inc., Abandonment Between Claremont and Newport, in Sullivan County, New Hampshire, now assigned September 8, 1976 at Newport, New Hampshire; will be held in the Newport Town Hall, Sunapee Street.

MC 124774 (Sub-No. 94), Midwestern Refrigerated Express, Inc., now assigned September 9, 1976, at Boston, Mass. is canceled and application dismissed.

MC-C-9027, Valdez Transfer, All-State Moving & Storage, Inc., and Colonial Moving & Storage, Inc.—Investigation of Operations and Practices, now assigned September 16, 1976 at Phoenix, Arizona is postponed to December 2, 1976 (2 days), at Phoenix, Arizona; in a hearing room to be later designated.

MC-F-12650, General Transportation, Inc.—Control and Merger—Fopa Transport, Inc. and MC 116457 (Sub-No. 15), General Transportation, Inc., now assigned September 20, 1976 at Phoenix, Arizona is postponed to December 13, 1976 (1 week), at Phoenix, Arizona; in a hearing room to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25569 Filed 8-31-76;8:45 am]

[AB 28 (Sub-No. 1)]

CENTRAL OF GEORGIA RAILROAD CO.

Abandonment of Operation Between Clayton and Ozark in Barbour and Dale Counties, Alabama

AUGUST 20, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by Central of Georgia Railroad Company of operations over its line of railroad between Clayton and Ozark, a distance of 39.0 miles, all in Barbour and Dale Counties, Ala., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because one of the major shippers on the line will continue to be served by Seaboard Coast Line, and diversion of the remaining traffic on the line to motor carrier would not result in a significant addition to levels of energy consumption or air pollution. While there are definitive plans for industrial development in the area, these plans are not reliant upon continued service on the line. The abandonment, therefore, is not expected to have a serious adverse impact upon rural and community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 1, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25573 Filed 8-31-76;8:45 am]

[AB 101 (Sub-No. 1)]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment of Its Line of Railroad Between Alborn, St. Louis County and Pengilly, Itasca County, Minnesota

AUGUST 20, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Duluth, Missabe and Iron Range Railway Company between Alborn, St. Louis County and Pengilly, Itasca County, Minn., a distance of 38.5 miles, and the reclassification from main branch line track to industrial switching of approximately 4.3 miles of trackage from the applicant's station at Calumet to a point one mile south and east of Pengilly, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because local environmental quality will be degraded only slightly due to a minor increase of energy consumption and air pollution resulting from diversion of existing rail traffic to motor carrier transport. Various governmental agencies are interested in acquiring the subject right-of-way for use as a recreational trail. No historical or major ecological effects are anticipated if the requested abandonment is approved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, on or before October 1, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25574 Filed 8-31-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 27, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER. FSA No. 43227—Joint Water-Rail *Container Rates—Far Eastern Shipping Company*. Filed by Far Eastern Shipping Company (No. 6), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf coasts, to ports in Singapore, Thailand and West Malaysia. Grounds for relief—Water competition.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25570 Filed 8-31-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

AUGUST 27, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before October 1, 1976. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the

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proposal. No rebuttal statements will be accepted.

No. MC 118831 (Sub-No. 1280), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina (except Charlotte, N.C.), to points in Illinois (except points in the East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri, (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateways at (1) any point in South Carolina and (2) Charlotte, N.C. and a point in its commercial zone. (2) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina to points in Illinois (except points in East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone. (3) *Liquid chemicals*, in bulk, from points in Richmond County, Ga., to points in Illinois (except points in the East St. Louis, Ill. commercial zone as defined by the Commission), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo. commercial zone as defined by the Commission), Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone.

(4) *Liquid chemicals* (except vegetable oils and fertilizers), from Lanett, Ala., to points in the territory described in (1) above. The purpose of this filing is to eliminate the gateways at (1) Richmond County, Ga., and (2) a point in the Charlotte, N.C. commercial zone. (5) *Liquid chemicals*, in bulk, from the plant site of Howerton-Gowen Company, Incorporated a Chesapeake, Va. (within the Norfolk, Va. commercial zone), to points in the destination territory specified in (1) above. The purpose of this filing is to eliminate the gateway at a point in the Charlotte, N.C. commercial zone. (6) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Howerton-Gowen Company, Incorporated at Chesapeake, Va., (within the Norfok, Va. commercial zone), to points in Arkansas, and to St. Louis, Mo. and E. St. Louis, Ill., and points in the Commercial Zone thereof as defined by the Commission. The purpose of this filing is to eliminate the gateways at (1) a point in Charlotte, N.C. commercial zone and (2) a point in Robertson County, Tenn. (7) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina (except Charlotte, N.C.), to points in the destination territory as specified in (6) above. The purpose of this filing is to eliminate the gateway at (1) any point in South Carolina (2) a point in the Charlotte, N.C. commercial zone, and (3) a point in Robertson County, Tenn. (8) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in the Charlotte, N.C. commercial zone, and (2) a point in Robertson County, Tenn.

(9) *Liquid chemicals*, in bulk, in tank vehicles, from points in Richmond County, Ga., to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in the Charlotte, N.C. commercial zone, and (2) a point in Robertson County, Tenn. (10) *Liquid chemicals* (except vegetable oils and fertilizer), in bulk, in tank vehicles, from Lanett, Ala., to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateways at (1) a point in Richmond County, Ga., (2) a point in the Charlotte, N.C. commercial zone and (3) a point in Robertson County, Tenn. (11) *Liquid chemicals*, in bulk, in tank vehicles, from Charlotte, N.C., and points in its commercial zone, to points in the destination territory specified in (6) above. The purpose of this filing is to eliminate the gateway at a point in Robertson County, Tenn.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 13, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such lettter-notices by number.

No. MC 2368 (Sub-No. E50), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 25, 1975, and republished, as corrected, this issue. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and north and west of a line beginning at the Virginia-West Virginia State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia State line, on the one hand, and, on the other, points in Virginia on and east and south of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 95 to junction U.S. Highway 33, thence east along U.S. Highway 33 to its termination at the Chesapeake Bay and points in Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to correct the territorial description.

No. MC 40215 (Sub-No. E4), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in California to points in the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, east and south of a line beginning at the North Dakota State line, and extending along U.S. Highway 83 to the Nebraska-South Dakota State line; Tennessee, Virginia, West Virginia, Wisconsin, Arkansas, except points in Little Hempstead, Nevada, Columbus, Lafayette and Miller Counties; from points in California on and west of a line beginning at the Pacific Ocean and extending along California Highway 116, to junction U.S. Highway 101, to junction Interstate Highway 5 to the International Boundary line between the United States and Mexico, to points in Colorado on and east of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71, to junction U.S. Highway 350, to junction Interstate Highway 25, to the Colorado-New Mexico State line; to points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; from points in California on and west of a line beginning at the California-Oregon State line, and extending along Interstate Highway 5 to junction California Highway 36, to junction U.S. Highway 101, to the Pacific Ocean, to points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, and extending along U.S. Highway 83 to junction U.S. Highway 83 to the Nebraska-Kansas State line, to points in Texas on and east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 287 to junction U.S. Highway 87, to junction U.S. Highway 84, to junction Texas Highway 16, to junction U.S. Highway 281, and extending along U.S. Highway 281 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Garden City, Pratt, Galena, Liberal, Englewood, Arkansas City, Coolidge, Manhattan, Salina, and Syracuse, Kans., and Ravenna, Ohio.

No. MC 40215 (Sub-No. E5), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Arkansas, District of Columbia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Upper Peninsula of Michigan, Minnesota, Missouri, New York, North Carolina, to points in Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 81 to the Nebraska-South Dakota State line; Ohio, Pennsylvania, points in South Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to U.S. Highway 183 to the South Dakota-Nebraska State line, Tennessee; from points in Colorado, on and east and north of a line beginning at the Colorado-New Mexico State line and extending along Interstate Highway 25 to the Colorado-Wyoming State line to points in Texas, Virginia, West Virginia; from points in Colorado on and west and south of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 25, to junction U.S. Highway 6, to the Colorado-Nebraska State line, to points in Iowa. The purpose of this filing is to eliminate the gateways of Garden City, Topeka, Kansas City, Concordia, Liberal, Marysville, Manhattan, Salina, Chanute, Coolidge, Kans., Ravenna, Ohio, Arkansas City, and Englewood, Kans.

No. MC 40215 (Sub-No. E7), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the District of Columbia, to points in Arizona, California, Colorado, Idaho, Kansas, Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 65 to the Missouri-Arkansas State line; Nebraska, Nevada, New Mexico, Oklahoma, Utah, Wyoming, South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 45 to junction U.S. Highway 14, to the South Dakota-Minnesota State line; to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271, to junction U.S. Highway 69, to junction U.S. Highway 59 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateways of Salina, Pratt, Garden City, Topeka, Marysville, Galena, Kansas City, Kans., Kansas City, Mo., and Ravenna, Ohio.

No. MC 107515 (Sub-No. E186), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished, as corrected, this issue. APPLICANT: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *unfrozen fresh and cured meats*, from that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 21, thence along Tennessee Highway 21 to the Tennessee-Kentucky State line, to the District of Columbia, and to points in Delaware, that part of Virginia on and east of U.S. Highway 1, that part of Maryland on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, thence along Interstate Highway 95 to Philadelphia, thence along Interstate Highway 78 to Seronton, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to Binghamton, thence along New York Highway 7 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of (1) any point that is both within 10 miles of Atlanta, Ga., and within the Atlanta commercial zone, as defined by the Commission (except Atlanta and (2) Gatesville, N.C.

NOTE.—The purpose of this correction is to indicate the correct origin territory.

No. MC 112520 (Sub-No. E92), filed October 23, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Georgia on and bounded by a line beginning at St. Simons Island and extending over toll road to Brunswick, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to Albany, to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 341 to the point of beginning, to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line at or near Moffett and extending along U.S. Highway 98 to Mobile to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Florida State line.

The purpose of this filing is to eliminate the gateway of Albany, Ga.

No. MC 112520 (Sub-No. E157), filed October 23, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, resins, stains, and paint materials*, in bulk, in tank vehicles, from points in Georgia on and bounded by a line beginning at Covington and extending along Interstate Highway 20 to Augusta, thence west along Interstate Highway 20 to junction U.S. Highway 78 to junction Georgia Highway 11 to Interstate Highway 20 to the point of beginning, at the points in Louisiana on and south of a line beginning at the Louisiana-Texas State line near Ged, La., thence along Interstate Highway 10 to Lake Charles, La., thence along Interstate Highway 10 to Baton Rouge, La., thence along Interstate Highway 12 to Ponchatoula, La., thence along Louisiana Highway 22 to Mandeville, La., thence along U.S. Highway 190 to junction Interstate Highway 10 to the Louisiana-Mississippi State line.

The purpose of this filing is to eliminate the gateway of Covington, Ga.

No. MC 113843 (Sub-No. E69) (Partial correction), filed May 5, 1974, published in the FEDERAL REGISTER issue of July 3, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (5) from Elmira, N.Y., to points in that part of Kansas on, south and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to Wichita, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Newark, N.J.

NOTE.—The purpose of this partial correction is to indicate the correct highway descriptions. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E94) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER issue of July 8, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Bos-

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ton, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Chicago, Ill., Green Bay, and Milwaukee, Wis., points in Indiana, Michigan, Ohio, and to Williamsport, Pa., and points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-New York State line at or near Fassett, Pa. and extending along Pennsylvania Highway 14 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

NOTE.—The purpose of this correction is to indicate the correct territorial description.

No. MC 113843 (Sub-No. E269) (Partial Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of June 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (7) from Blair County, Pa., to Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct territorial description. The remaineder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E480) (Partial correction), filed May 19, 1974, and published in the FEDERAL REGISTER issue of June 9, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* . . . (9) between those points in New Jersey bounded by a line beginning at Toms River and extending along U.S. Highway 9 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to the New Jersey-Pennsylvania State line, and bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 1 to junction New Jersey Highway 440 to the Hudson River, on the one hand, and, on the other, points in Ohio on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State line and . . . (59) from points in New Jersey, to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway to Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the destination territories in (9) and (59) above. The remainder of this letter-notice remains as previously published.

No MC 113843 (Sub-No. E507) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of October 2, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates*, (1) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the point of beginning, to points in Kansas and (2) from points in that part of Pennsylvania bounded by a line beginning at the U.S. Highway 15 at or near Lewisburg and extending along Pennsylvania Highway 192 to junction Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to U.S. Highway 15, thence along U.S. Highway 15 to the point of beginning, to points in Kansas. The purpose of this filing is to eliminate the gateway of Penn Yan, N.Y.

NOTE.—The purpose of this correction is to state the destination territory.

No. MC 113843 (Sub-No. E549) (partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of August 11, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (3) between those points in Pennsylvania west of U.S. Highway 15 and on, west, and north of a line beginning at Lewisburg, and extending along Pennsylvania Highway 45 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, those points in Massachusetts on and north of a line beginning at the Massachusetts-New York State line and extending along Massachusetts Highway 9 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 3, thence along Massachusetts Highway 3 to junction Massachusetts Highway 123, thence along Massachusetts Highway 123 to junction unnumbered highway, thence along unnumbered highway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate a correct highway description. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E559) (Partial Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of August 27, 1975 and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (2) between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Connecticut on, north, and east of a line beginning at the Connecticut-New York State line and extending along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Long Island Sound and (3) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct highway descriptions. The remainder of the letter-notice remains as previously published.

No. MC-113843 (Sub-No. E677) (Partial Correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of June 12, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (11) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct destination territory. The remainder of the letter-notice remains as previously published.

No. MC–113843 (Sub-No. E1057) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of July 22, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between those points in Michigan south and east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 60, to junction U.S. Highway 27 to the Michigan-Ohio State line, on the one hand, and, on the other, Salem County, N.J. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC–114019 (Sub-No. E440), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and such materials, supplies and equipment as are used in the manufacture of glassware*, (except commodities in bulk, and commodities requiring special equipment), (1) between points in Kentucky on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on the west of a line beginning at Windsor Beach, N.Y. and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania; (2) between points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, West Virginia and Fly, Ohio and extending to junction West Virginia-Ohio-Pennsylvania State lines, on the one hand, and, on the other, points in the Lower Peninsula of Michigan and Indiana; (3) between points in Pennsylvania, points within 30 miles of New York City and Philadelphia which are in New Jersey and Baltimore, Md., on the one hand, and, on the other, points in that part of Indiana on and south of Indiana Highway 28. Restriction: The authority described above is restricted to the transportation of the commodities described therein when moving from, to, or between glassware manufacturing plants, or warehouses or other facilities of such plants, or when moving from, to, or between warehouses, plants, or other facilities of food packing and processing plants. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC–114019 (Sub-No. E441), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible Dairy products and dairy supplies, butter and butter substitutes, eggs, cheese, buttermilk, frozen condensed milk, frozen cream and dressed poultry and rabbits*, (1) from points in that part of Kansas on and south of Kansas Highway 96 from Cokan to Great Bend and on and east of U.S. Highway 281 from Great Bend to the Kansas-Nebraska State line; points in that part of Nebraska on and east of U.S. Highway 281 from the Kansas-Nebraska State line to its junction with U.S. Highway 30, thence east along U.S. Highway 30 to the Missouri River, to points in New York, Pennsylvania, West Virginia, and points in New Jersey within 30 miles of New York City and Philadelphia, Pa.; Baltimore, Md., points in that part of Ohio on, north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to its junction with Ohio Highway 122, to its junction with Ohio Highway 725, to its junction with Ohio Highway 123, to its junction with Ohio Highway 73, to its junction with U.S. Highway 68, to the Ohio River; points in that part of Indiana on, north and east of a line extending from the Illinois-Indiana State line along Indiana Highway 14 to its junction with U.S. Highway 421, to its junction with Indiana Highway 26, to the Ohio-Indiana State line; and points in Lake, Kane, DuPage, Cook, Kendall, and Will Counties, Ill. (Lima or Columbus, Ohio)*; (2) from points in the above described origin territory to Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Michigan. (Lima or Columbus, Ohio and Chicago, Ill.)*;

(3) from points in that part of Missouri on and west of U.S. Highway 65 to points in New York, Pennsylvania, West Virginia, and points in New Jersey within 30 miles of New York City, N.Y. and Philadelphia, Pa.; Baltimore, Md., and points in that part of Ohio, on, north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to its junction with Ohio Highway 122, to its junction with Ohio Highway 725, to its junction with Ohio Highway 123, to its junction with Ohio Highway 132, to its junction with Ohio Highway 276 to its junction with Ohio Highway 32, to its junction with Ohio Highway 247, to the Ohio River; points in that part of Indiana on, north, and east of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 10 to its junction with U.S. Highway 421, to its junction with U.S. Highway 24, to its junction with Indiana Highway 124, to the Indiana-Ohio State line; and points in Lake, Kane, DuPage, Cook, Kendall, and Will Counties, Ill. (Lima or Columbus, Ohio)*; and Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. (Lima or Columbus, Ohio and Chicago, Ill.).* Restrictions: (1) Service to Detroit and Grand Rapids, Mich., is restricted to the transportation of the commodities described above when moving from, to, or between warehouses, and other facilities of retail food business houses; (2) Service to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. is restricted to the transportation of the commodities described above when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 114019 (Sub-No. E444) (Partial Correction), filed May 22, 1974, published in the FEDERAL REGISTER June 23, 1976, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (e) from points in that part of New York on and west of a

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line beginning at Lake Ontario and extending along New York Highway 269 to its junction with New York Highway 104, thence along New York Highway 104 to its junction with New York Highway 271, thence along New York Highway 271 to its junction with New York Highway 239, thence along New York Highway 239 to junction with New York Highway 78, thence along New York Highway 78 to junction with New York Highway 98, thence along New York Highway 98 to junction with New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Kentucky, West Virginia, Virginia, Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Erie County, Pa., or Chautauqua County, N.Y. The purpose of this correction is to correct the territorial description in part (e) above. The remainder of the letter-notice remains as previously published.

No. MC–114019 (Sub-No. E446), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such general merchandise as is dealt in by chain grocery stores, and supplies machinery, fixtures, and equipment*, incidental to the production, warehousing and sale thereof (except commodities in bulk and those requiring special equipment); from points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on, east and north of New York Highway 96 to Rochester, N.Y., to Detroit and Grand Rapids, Michigan. RESTRICTION: The authority described in (a) above is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses, and other facilities of retail food business houses; (b) Canned goods and agricultural commodities, (except commodities in bulk); from points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on, east and north of New York Highway 96 to Rochester, N.Y., to points in the Lower Peninsula of Michigan. RESTRICTION: The authority described in (b) above is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–115703 (Sub-No. E18), filed February 5, 1975. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James A. Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Machinery*, between Philadelphia, Pa. and Wilmington, Del., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks County, Pa. points in New Jersey within 35 miles of Philadelphia, Pa., and Philadelphia, Pa. (for Wilmington, Del.) (b) *Knitting machines, set up, and accessories* therefor when their transportation is incidental to the transportation of knitting machines, between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia (points in Berks County, Pa.*) and West Virginia (points in Luzerne or York Counties; Pa.*), on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 120257 (Sub-No. E2), filed May 12, 1974. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 5581, Dallas, Tex. 75222. Applicant's representative: K. L. Breeden, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54/64 to Guymon to junction Oklahoma Highway 136, thence along Oklahoma Highway 136 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

By the Commission.

GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25575 Filed 8-31-76;8:45 am]

[AB 12 (Sub-No. 25)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hazen and Fallon in Churchill County, Nevada

AUGUST 23, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of the Southern Pacific Transportation Company branch extending 15.8 miles between Hazen and Fallon in Churchill County, Nev., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. §§ 4321 *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic on the line is low and declining and the diversion of traffic to motor carriers upon abandonment would cause a minimal alteration of environmental quality. Although abandonment would limit the types of industries which would locate in the area and therefore not be commensurate with land use and developmental plans in the area, the action should not have a serious impact on community and rural development. Due to a number of circumstances, the success for significant industrial development in the area is doubtful. Several industrial sites are located adjacent to the line, but despite local efforts to attract industry, none are occupied.

Most of the right-of-way is owned in fee by the railroad but no interest exists, at this time, for State or local acquisition for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 4, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25572 Filed 8-31-76;8:45 am]

[Ex Parte No. 241; Exemption No. 121; Amdt. No. 2]

BALTIMORE AND OHIO RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

To: The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, Western Maryland Railway Company.

Upon further consideration of Exemption No. 121 issued March 29, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19,

Exemption No. 121 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25567 Filed 8-31-76;8:45 am]

[Ex Parte No. 241; Exemption No. 63]

BESSEMER AND LAKE ERIE RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25565 Filed 8-31-76;8:45 am]

[Ex Parte No. 241; Exemption No. 108; Amdt. 3]

CHICAGO & EASTERN ILLINOIS RAILROAD

Exemption Under Mandatory Car Service Rules

To: Chicago & Eastern Illinois Railroad Company, Consolidated Rail Corporation, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, The Texas and Pacific Railway Company.

Upon further consideration of Exemption No. 108 issued March 1, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 108 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25566 Filed 8-31-76;8:45 am]

[Ex Parte No. 241; Exemption No. 55 Amdt. 15]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire November 30, 1976.*

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25564 Filed 8-31-76;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

COLLEGE WORK-STUDY PROGRAM

Issuance of Guidelines

V41 171 SEP 1 76 UMI

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 175—COLLEGE WORK-STUDY PROGRAM

The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students who are in need of earnings to meet their costs of postsecondary education. Under the program grants are provided to eligible institutions of postsecondary education to enable them to create job opportunities for their eligible students. The institution may arrange employment in work for the institution itself (except in the case of proprietary institutions) or in work in the public interest for a public or private nonprofit organization. Up to eighty percent of the student's wages may be paid from the institution's Federal College Work-Study allocation, and the remaining twenty percent, plus any additional employer costs, is paid by the institution or the off-campus employer. The kinds of jobs being performed by College Work-Study students, both on campus and in the community, are vast in number and as varied as the needs of the student, the institution, and the community or area. During Fiscal Year 1976 over 3,200 institutions participated in the program and approximately 973,000 students were employed with earnings averaging $520 per student.

Students interested in applying for employment under the College Work-Study Program should contact the financial aid officer at the institution at which they are enrolled or which they plan to attend. The financial aid officer is responsible for determining student eligibility and arranging job opportunities. He determines the amount a student and his family should be expected to provide to meet the costs the student will incur at his institution. He then subtracts this expected family contribution from the total educational costs to arrive at the student's need. The student's need may be met totally or in part through earnings from College Work-Study employment. Often the earnings will constitute part of a student financial aid "package" in which several other forms of assistance, such as a National Direct Student Loan or a Supplemental Educational Opportunity Grant, may be included. The financial aid officer will attempt whenever possible to assign employment in the student's field of interest. However, since employment opportunities will vary depending on the type and size of institution and the area in which it is located, it may not always be possible for the student to be employed in a career related position. The most important factor is that the job, whatever its nature, provides a source of financial assistance to meet educational expenses.

Notice of proposed rulemaking was published in the FEDERAL REGISTER of October 14, 1975 (40 FR 48266–48277) setting forth regulations for College Work-Study Program, authorized by Title IV, Part C, of the Higher Education Act of 1965, as amended (42 U.S.C. 2751–2756). Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92–318), hearings were held in Washington, D.C., Dallas, Texas, and San Francisco, California, and comments were received on the proposed regulation. In addition, interested persons were invited to submit written comments and recommendations to the U.S. Office of Education, Room 2085, Federal Office Building Six, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. Written comments were received and considered.

A. *Summary of Comments—Office of Education Response.* The following oral and written comments were received by the Office of Education regarding the proposed regulation. In view of the volume of comments received, the Office of Education has summarized as many of the comments as possible under single headings. After a summary of such comments, a response is set forth stating the changes which have been made in the regulation or the reasons why no change is deemed necessary.

SECTION 175.2 DEFINITIONS

"Academic Year." *Comment.* One commenter requested clarification of the verb "complete" as it is used in this definition, questioning whether it implied a specific requirement upon a student to earn credits or to remain enrolled in a course from which he might otherwise choose to withdraw.

Response. The definition of an "academic year" is an attempt to define a period of time in a manner which will provide comparability among institutions using differing units of measurement for organizing instructional periods. Taken in context the verb "complete" clearly is used in a general sense as part of the definition of a unit of measurement: "• • • a period of time • • • in which a full-time student would normally be expected to complete the equivalent of • • •" Student eligibility requirements are included elsewhere in the regulations.

"Area vocational school." *Comment.* Two commenters requested that the reference to junior and community colleges in § 175.2(c)(4) be deleted and that they be specifically included in the definition of an "eligible institution." Another commenter questioned the ramifications for schools meeting the eligibility criteria under both the definitions "area vocational school" and "institution of higher education."

Response. Section 443(b) of the Higher Education Act of 1965, as amended, which sets forth the types of institutions eligible to participate in the Work-Study Program, stipulates that an eligible area vocational school shall meet the definition of section 8(2) of the Vocational Education Act of 1963. Since the language of the definition is mandated by statute, it cannot be changed by regulation. Furthermore, a single division of a junior or community college cannot qualify as both an area vocational school and an institution of higher education since a junior or community college qualifying as an institution of higher education can admit as regular students only persons having a high school diploma or the recognized equivalent, whereas a department or division of a "junior or community college" which qualifies as an area vocational school must admit as regular students both high school graduates and non-high school graduates.

Comment. Two commenters questioned whether a difference in meaning was intended in the use of the verbs "pursuing" in defining a full-time student and "carrying" in defining a half-time student.

Response. No difference was intended. In response to the commenter's suggestion, the term "carrying" will be used uniformly in both definitions.

"Good standing." *Comment.* Several commenters recommended that the definition of the term "good standing" be expanded to include a more precise standard than simply eligibility to continue in attendance in accordance with institutional standards and practices. These commenters noted that some public institutions are required by State law to permit any State resident to continue in attendance as long as he or she wishes, without regard to the student's academic performance.

Response. The commenter's recommendation has been adopted. The definition of "good standing" has been expanded to require that for purposes of student eligibility under the Work-Study Program, a student must be making measurable progress toward the completion of his course of study. Accordingly, a student who fails all of his courses cannot be considered in good standing for purposes of determining his eligibility for continued employment under the College Work-Study Program.

"Half-time student." *Comment.* One commenter suggested that for purposes of consistency the phrase "whether or not for credit" should either be deleted from the definition of a full-time student or added to the definition of a half-time student.

Response. The commenter's point is well taken; the phrase "whether or not for credit" has been deleted from the definition of a full-time student in § 175.2(k) of the final regulation. The definition of a half-time student is more detailed since it is one of the standards by which student eligibility is determined.

Comment. One commenter suggested that the minimum number of semester or quarter hours cited in § 175.2(1)(2)(i) of the proposed regulation as necessary to constitute a half-time academic work load should be increased from six to eight.

Response. The suggestion was not adopted as a requirement for all institutions; however the commenter's institution may use such a higher standard if it chooses to do so. The Office of Education has tried to develop a definition which will accommodate a wide variety of programs and institutions of postsecondary education. The standard for determining half-time student status is to be established by the institution, except that for this program it may not be less than the minimum set by the Office of Education.

Comment. Several commenters noted that institutions frequently have different standards for full-time (and half-time) student status at the graduate level as compared to their standards for undergraduates, often requiring an academic work load of fewer course hours than that required for undergraduates. Therefore, the commenters suggested that the definition of a "half-time student" should be expanded to include a lower minimum number of hours per term for graduate and professional half-time students.

Response. In accordance with the commenter's suggestion, definitions of the terms "graduate student" and "half-time graduate student" have been included in the regulations.

Comment. Two commenters suggested the inclusion in the regulations of a definition of "postsecondary student" to facilitate eligibilty determinations.

Response. The suggestion was not adopted. The Office of Education considers § 175.9 outlining student eligibility criteria to be sufficient to resolve any eligibility questions which may arise.

"Institution of Higher Education." *Comment.* Two commenters objected to the requirement set forth in § 175.2(m)(1) of the proposed regulation defining an institution of higher education as admitting "as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate." One commenter observed that many community colleges regularly enroll students in academic programs without reference to their graduation from high school or other certification. Another commenter noted that some institutions may enroll students who have failed to complete high school and have no recognized equivalent of a diploma, but are considered by the institution to be qualified for admission. One commenter questioned whether an institution following such a practice would be ineligible to participate in the College Work-Study Program and another suggested that the definition be amended to include institutions which admit primarily students with high school diplomas or the equivalent but also others whom the institution deems qualified.

Response. The definition to which the commenters object is set forth in section 1201(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1141(a)), and cannot be changed by regulation. It should be noted that section 1201(a)(1) of the Higher Education Act and § 175.2(q)(1) of the regulations require that institutions of higher education admit as regular students only persons having a high school diploma or the recognized equivalent. Therefore, any institution which admits as regular students persons who do not have a high school diploma or the recognized equivalent may not qualify as an institution of high education. In order to participate in the College Work-Study Program such an institution must qualify as an area vocational school.

"Proprietary institution of higher education." *Comment.* One commenter suggested that the resolution of eligibility questions could be facilitated if the definition included a definition of a six-month program of training.

Response. The commenter's suggestion has been adopted. A minimum standard for a six-month program of training has been included in the definition of a "Proprietary institution of higher education." Furthermore, a comparable definition has been added to § 175.2(q) with regard to a one-year program of training as well as the definition of a clock hour.

"Self-supporting or independent student." *Comment.* The proposed definition included a requirement that the student "has not lived or will not live for more than two consecutive weeks in the home of a parent during the calendar year." Most of the commenters felt that two weeks was too restrictive a period and many believed that such a limitation would be particularly harsh for veterans just returning from service, for students who became ill, or for a student recently separated from a spouse. Many commenters offered alternative periods of time for visits, varying from three weeks to four months, while others suggested adding a waiver for exceptional circumstances. One commenter objected to the $600 limitation on the amount of assistance a "self-supporting student" could receive from his or her parent(s), and suggested that it should be raised to a higher level. In addition several commenters were concerned that the definition did not make clear whether one or both parents should be deceased for a student to be declared "self-supporting."

Response. The definition of self-supporting or independent student is an attempt to define in objectively measurable terms the nature of a relationship which is essentially subjective rather than objective. This definition is one which is or will be used by the other programs of student financial aid administered by the Office of Education. It is recognized that the proposed definition is somewhat arbitrary, but for the sake of consistency with other programs it is not being changed. However, to accommodate the concerns which were expressed about this definition, provision was made in 175.12 to give the student financial aid officer at an institution the discretionary authority to determine in any particular case whether the relationship between a student and his parents is of such a nature that it is unreasonable to expect the parents to contribute towards the student's cost of education, regardless of whether that student qualifies as an independent student.

The intent of the provision concerning a deceased parent is simply to state the obvious: A student cannot be considered to be dependent on a deceased person. However, the death of one parent does not automatically make it unreasonable to expect the surviving parent to contribute towards the student's cost of education. Therefore, if there is a surviving parent, the test enumerated in the first part of the definition would have to be met with respect to the relationship between the student and the surviving parent before the student could be considered self-supporting or independent. Again, any hardship resulting from the definition may be rectified by the institution's financial aid officer.

SECTION 175.3 ALLOTMENT OF FEDERAL FUNDS TO STATES

Comment. Several commenters recommended that the method stated in former regulations and in § 175.3(b)(3) of the notice of proposed rulemaking by which the Commissioner exercises his discretion to allocate 10 percent of the College Work-Study appropriation after 2 percent has been withheld for allotment to institutions in Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, be phased out and that the Commissioner exercise his discretion by allocating this sum in accordance with the statutory formula under which the 90 percent initial allotment to the States is distributed.

Response. The Office of Education agrees that the current method of allocation needs revision and is currently reviewing alternatives, one of which is that suggested by the commenter. However, since any change would have a substantial effect on the amount of funds some institutions would receive, the Office of Education plans to publish any change in the allocation procedure as a notice of proposed rulemaking on which public comment will be invited.

Comment. Several commenters suggested that the formula set forth in § 175.3(b)(1) for computing the initial allotment to States should be amended to include students enrolled on at least a half-time basis in § 175.3(b)(1)(i) rather than only full-time students and others suggested that the family income cut-off level of $3,000 stated in § 175.3(b)(1)(iii) be raised to a higher level to reflect trends in the economy.

Response. These components of the allotment formula are set forth in the authorizing statute (442(b) of the Act, 42 U.S.C. 2752(b)); therefore the regulation may not be changed.

SECTION 175.5 INSTITUTIONAL APPLICATIONS

Comment. Some commenters questioned whether a difference in meaning was intended between the term "average cost of education" in § 175.5(a)(4) and "average cost of attendance" in § 175.5(a)(7).

Response. Section 175.5(a)(7) of the notice of proposed rulemaking was redundant and has been eliminated in the final regulation.

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Comment. One commenter questioned the use of the term "annual per student costs" in § 175.5(a)(4) and suggested that the costs to which it refers are intended to cover an academic year rather than a twelve-month period.

Response. The commenter is correct and the phrase has been changed to "per student costs * * * for an academic year" in the final regulation.

Comment. A number of commenters objected to the requirement of a justification of any per student costs for books and supplies in excess of $175 and for personal expenses in excess of $450 since they felt these figures were unrealistically low, inflexible benchmarks. Some suggested raising these amounts while others felt no specific dollar amounts should be stated. Another commenter suggested, as a substitute, a regulation setting guidelines an institution could follow in determining student costs for various budget items.

Response. The proposed regulation was not changed. These amounts are used as an average for all institutions across the nation, and the Office of Education does not consider them unrealistically low. It is recognized that some institutions may vary from the norm and that higher amounts may be justified in some cases. Furthermore, this requirement does not set fixed standard amounts which may not be exceeded, but merely requires that higher amounts be justified.

Comment. One commenter suggested that § 175.5(a)(4) of the regulation should include benchmark amounts for room and board not provided by the institution, and transportation costs as well as for books, supplies, and personal expenses.

Response. The Office of Education is currently planning to conduct a study which will have as its main purpose the establishment of parameters for these educational costs for use in the application review process. At present no fixed amounts have been established to be used as benchmark figures for these educational costs.

Comment. One commenter suggested that § 175.5(a)(5) and (6) should specify that the number of students to be employed is to be an estimated number.

Response. The commenter's suggestion has been adopted. To provide consistency in the listing of items to be included in the application, the adjective "anticipated" has been included in both clauses.

Comment. One commenter recommended that Federally Insured Student Loans made by the institution should not be included in the calculation (cited in § 175.5(a)(10) of the proposed rule) of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent year for which information is available, since, according to the commenter, these loans are made to fill unmet need caused by inadequate funding of other Federal programs.

Response. No change has been made in response to this comment. The statement made by the commenter could be claimed with respect to any institutional program of student financial aid and is therefore not limited to Guaranteed Loans only.

Comment. One commenter suggested that to provide consistency among program regulations governing the tripartite application, the College Work-Study regulations should include the request for average unmet need per student and justification of any amount in excess of $200 which was included in § 144.5(a)(12) of the notice of proposed rulemaking for the National Direct Student Loan Program.

Response. This item was inadvertently omitted from the College Work-Study notice of proposed rulemaking and has been included in the final regulation as the commenter suggested.

Comment. A number of commenters suggested that § 175.5 include specific reference to the terms and conditions for submitting the abbreviated application, referred to as the "short form," which institutions have been allowed to submit under certain conditions in requesting funds for FY 1976 and FY 1977.

Response. The suggestion of the commenters has been accepted and a new paragraph specifying terms and conditions for submitting a "short form" has been included in the final regulation.

Comment. One commenter suggested that the deadline for submitting the application be included in the regulation.

Response. The deadline for submitting the annual tripartite application is published each year in the FEDERAL REGISTER. Since various unforeseen factors may arise which could necessitate a change in the time of this deadline date from one year to another the Office of Education feels that annual publication of the date in the FEDERAL REGISTER is preferable to including it in the program regulations.

Comment. Some commenters felt the wording of § 175.5(b)(1) as related to the remainder of that subsection could be construed to mean that all correspondence on financial aid matters would be addressed to the president of the institution.

Response. The wording of this subsection has been revised in the final regulation to respond to the commenters' concerns.

SECTION 175.6 FUNDING CRITERIA

Comment. One commenter requested a definition of the term "reasonableness" as it is used in this section.

Response. No special definition was considered necessary. The term "reasonableness" as applied to the funding criteria in § 175.6 should not be construed as having any special meaning outside the normal usage of the term as defined in any modern dictionary. The Office of Education considers it an appropriate term to be used as an evaluation criterion by a panel of experts.

Comment. One commenter noted that § 144.6(g) of the notice of proposed rulemaking for the National Direct Student Loan Program calls for a review of the adequacy of the justification required in § 144.5 of any costs in excess of $175 for books and supplies and $450 for personal expenses, and of the explanation required for any unmet need per student in excess of $200. The commenter suggested that this criterion should be included for this program.

Response. This criterion was inadvertently omitted from the College Work-Study notice of proposed rulemaking and has been included in the final regulations as the commenter suggested.

SECTION 175.7 APPLICATION REVIEW AND APPROVAL OF REQUEST

Comment. Several commenters suggested that the term "qualified persons" as used in this section of the proposed regulations should be restated to specify experienced individuals who work directly with financial aid programs and also that the regulations should require the inclusion of practicing financial aid officers.

Response. The suggestion was not adopted. The Commissioner feels that the wording of this item in the proposed regulations expresses much of the commenter's intent. The regulation stipulates that the Commissioner shall convene panels of "qualified persons" to evaluate institutional applications; obviously, a person cannot be considered "qualified" unless he is conversant with the administration of student financial aid programs.

Comment. One commenter suggested that the final regulation should require the inclusion of practicing financial aid officers in the regional review process outlined in § 175.7(c) of the proposed regulation.

Response. The regional review procedure outlined in § 175.7(c) does not preclude the use of a panel of practicing financial aid officers if the regional office chooses to employ such a panel. In some instances, however, the issues involved in the review of the original panel's recommendation may be handled more expeditiously by direct negotiation between the regional office and the institution. Therefore, the option to use or not use a panel of practicing financial aid officers at this stage of the review process has been left to each regional office as it deems appropriate. In this context it should be noted that the regulation does stipulate that an institution may request a review of the region's recommendation by a national review panel.

Comment. One commenter felt the proposed regulation prevented the introduction of additional material at any point in the appeal process.

Response. The commenter is incorrect in his assumption. Additional information may be presented to the regional office when a review of the original panel recommendation is requested (45 CFR 175.7(c)). However, no new information may be presented to the national review panel, because the regional office should have been given the opportunity to act on any additional information prior to its presentation to a national review panel.

Comment. One commenter suggested that the regulation should require that the panel review guidelines be supplied to institutions as a guide to assist them in completing the application.

Response. The suggestion was not adopted. The panel review guidelines contain no requirements which are not included in the regulation and are an internal working document intended to assist panel members in the review process.

Comment. One commenter suggested that the time period for submission of a request for national review should be specifically stated in the regulation rather than using the phrase "within such time as may be specified by the Commissioner."

Response. As noted in the earlier comment on the deadline for submitting the application, various unforeseen factors may arise which could necessitate changes in deadline dates or in the time period between the original submission of the application and the convening of the national review panel. Consequently, it is considered inappropriate to include a specific time period in these regulations.

SECTION 175.8 INSTITUTIONAL AGREEMENT

Comment. One commenter suggested that the terms of agreement stated in the regulations should include an assurance by the institution that it will seek worthwhile job opportunities for students who are to be employed under the program.

Response. The Office of Education agrees with the goal expressed in this comment. However, since the institution agrees to administer the program in accordance with the regulations, which include this goal in § 175.1, it is not necessary to repeat it as a condition of the terms of agreement in § 175.8.

SECTION 175.9 ELIGIBILITY AND SELECTION OF STUDENTS

Comment. Some commenters felt that there was a conflict between the requirement stated in the proposed regulation that preference in the selection of students for employment under the College Work-Study Program be given to students with greatest financial need taking into account grant assistance provided from any public or private source, and the requirements for awarding a Supplemental Educational Opportunity Grant.

Response. The regulatory provision to which the commenter refers is identical to 444(a)(3) of the Act. This section appears in a sense to be incongruent with 413C(a)(2)(D) of the Higher Education Act of 1966, as amended, (20 U.S.C. 1070b–2) which stipulates that a Supplemental Grant shall be awarded only to a student who "would not, but for a supplemental grant, be financially able to pursue a course of study at such institution." We agree with the commenter's point that these sections appear to conflict. However, the conflict is caused not by the regulation but by the statute which the regulation merely repeats.

Comment. One commenter questioned whether the requirement of granting preference in the selection for employment under the program would preclude taking into account other factors such as the receipt of a student application by a deadline date, willingness and ability to work, previous aid awards, including total outstanding loan obligations, and academic factors such as grade point average and major.

Response. This statutory requirement need not be construed as preventing the institution from establishing and adhering to an application deadline date, or from meeting the need of a student in the preference category with other forms of aid if the student is in agreement or if College Work-Study employment is deemed inappropriate in considering the student's health, academic progress, schedule of classes, etc. However the other factors cited by the commenter (i.e., outstanding indebtedness, grade point average, and academic major) may be used only in making selections among students who have equal need after taking into consideration any grant aid they have received from any public or private source.

Comment. One commenter questioned whether the statutory preference requirement would permit priority consideration for "renewal" students over others who have a greater financial need.

Response. Priority consideration for students who have previously received aid is not permitted. However, in choosing among students who have an equal ranking in the preference category, an institution can use other factors.

Comment. One commenter questioned whether the regulations would preclude an institution from refusing to award any aid in instances where the institution was unable to meet the student's full need.

Response. If the disparity between the amount the institution can award a student and the amount the student needs is so great that it can easily be predicted that student will be forced to withdraw before the end of the academic period for which the aid is awarded, the institution would have justification for refusing to award the insufficient amount.

Comment. One commenter recommended deleting the requirement for granting preference in selection for employment to students with greatest financial need, taking into account grant assistance provided from any public or private sources. The commenter felt that knowledge of such grants may not be known to the financial aid officer at the time the student's need is assessed, and that this preference criterion would favor independent students at the expense of disadvantaged dependent students, and also favor graduate and professional students at the expense of undergraduates.

Response. As noted in the response to the first comment on this section of the regulations, the provision to which the commenter refers is identical to section 444(a)(3) of the Act and may not be changed in the final regulations. With regard to the commenter's first point, the institution would know at least the amount of the student's Basic Grant entitlement.

Comment. Several commenters objected to the provision contained in § 175.9(e) of the proposed regulation, § 175.9(f) of the final regulation, which requires the institution to make employment under the Work-Study Program or "equivalent employment offered or arranged for by the institution reasonably available (to the extent of available funds) to all eligible students in need thereof." They objected on the basis that such a requirement constituted undue interference in institutional affairs and that it would prevent the awarding of institutional employment on the basis of specific skills or academic ability without regard to need.

Response. The provision to which the commenters refer is identical to section 447(a)(7) of the Act and may not be changed in the final regulations. However, this statutory provision should not be interpreted as an attempt to introduce a needs test into all institutional student employment programs. Rather, this provision is intended to apply to those funds of the institution which it has set aside for the employment of needy students.

Comment. One commenter questioned the omission from the student eligibility criteria in § 175.9 of the requirement included in section 444(a)(3)(B) of the Act that the student show evidence of academic or creative promise. The commenter noted that it appeared among the student eligibility criteria in § 175.8 (Institutional Agreement). Another commenter recommended that this eligibility requirement be deleted entirely from the regulations on the grounds that the measurement of academic and creative promise across the range of participating institutions covers such a variety of skills and talents as to make this requirement unenforcible. Several commenters suggested that a definition of the term "evidence of academic or creative promise" should be included in the regulations.

Response. The omission from § 175.9 of the student eligibility requirement cited by the commenters was an oversight which has been corrected in the final regulations. Since this requirement is included in the Act, it cannot be omitted as the second commenter suggested. However, a definition of the term "evidence of academic or creative promise" has not been included since the Commissioner feels that decisions concerning a student's potential may be made by the institution using its own judgment.

Comment. One commenter recommended the deletion of the requirement of a high school diploma as one of the eligibility criteria for students in area vocational schools.

Response. The provision to which the commenter refers is required by 444(b) of the Act, and may not be changed in the final regulations. A further discussion of this point may be found in the responses to the comments on the definitions in § 175.2 of "area vocational school" and "institution of higher education."

Comment. One commenter suggested the inclusion in this section of the regulations of a statement defining student eligibility when the student is participating in a program of study abroad.

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Response. The commenter's suggestion has been adopted. A statement on student eligibility during participation in an eligible program of study outside the United States is included as § 175.9(c) of the final regulations.

Comment. One commenter questioned the term "actual cost of education" as it appeared in § 175.9(c) of the proposed regulation, and suggested that institutions should be permitted to use a set of standard or average costs to facilitate need analysis procedures, especially when large groups of students are involved.

Response. The use of such a set of reasonable standard or average costs in need analysis procedures is not necessarily precluded by the regulation for all types of costs. For those costs which are readily identifiable, such as tuition and fees, on-campus housing, and other amounts paid directly to the institution, actual costs should be used. However, with respect to amounts not paid to the institution, such as room and board off-campus, personal expenses and transportation, the institution may use estimates which approximate the amounts reasonably necessary for such purposes.

Comment. Several commenters objected to the requirement that the student affidavit noted in § 175.9(f) of the proposed regulation be signed in the presence of a notary or other person legally authorized to administer oaths or affirmations. One commenter suggested the regulations should specify that the content of the affidavit form could be integrated into other institutional forms and that other items could be included in the affidavit at the discretion of the institution.

Response. The regulation was not changed. Section 498 of the Higher Education Act of 1965, as amended (20 U.S.C. 1088g), requires the student to sign an "affidavit." An "affidavit" is a written statement made under oath or affirmation before a notary public or other person authorized under State law to administer such an oath or affirmation. With regard to the second comment, the affidavit may be integrated into other forms in a manner of the institution's own choosing, provided that it remains clearly identifiable as a document and is properly sworn.

SECTION 175.10 SPECIAL SESSIONS

Comment. One commenter felt that the definition of the term "half-time student" should be expanded to reflect the difference in the number of hours necessary to be considered enrolled half-time during a regular period of enrollment and during a special session. Another commenter suggested that § 175.10(a)(2) should include the requirement of acceptance for enrollment at the next regular session as well as the student's intention to continue, since at many institutions acceptance for enrollment during a summer session does not necessarily constitute acceptance for enrollment at the next regular session.

Response. A student will be eligible to participate in the College Work-Study Program during a summer vacation period or other periods of nonregular enrollment (special session), regardless of his enrollment status during that period, only if (1) he will be enrolled, or has been accepted for enrollment, as at least a half-time student at that institution for the regular session following such special session or (2) he will complete his course of study during such special session and was enrolled at that institution as at least a half-time student in the regulation session preceding the special session.

A student's eligibility to participate in the College Work-Study Program cannot be established solely on the basis of his enrollment status during a special session. The regulation has been clarified in response to the commenters' questions.

Comment. One commenter suggested that the term "other field experience education program" should be added to the several examples of a period of nonregular enrollment included in the first sentence of § 175.10(a) of the proposed regulation.

Response. The recommendation was not adopted. As indicated by the use of the phrase "such as," the several examples cited in the clause to which the commenter refers were not intended to be all-inclusive. There may be a number of different labels which could be attached to a period of non-regular enrollment; the regulations do not attempt to enumerate all of them.

SECTION 175.11 COST OF EDUCATION

Comment. One commenter suggested that an amount equal to 5 percent of the student's College Work-Study award should be added to the cost of education to account for the various costs the student may incur incidental to his College Work-Study employment.

Response. The suggestion was not adopted since no rewording of the proposed regulation was felt necessary to accomplish the purpose sought by the commenter. In satisfying the student's need, net earnings are considered as that portion of his financial aid package derived from Work-Study employment which are to be used to meet the student's cost of education. Costs incidental to employment are those amounts in addition to taxes which are subtracted from the gross earnings to arrive at the net. These costs will include costs of transportation to and from the job, meals during the work period, and other reasonable costs incurred as expenses of employment.

Comment. One commenter recommended that the section be amended to include a statement of allowable costs for students engaged in a program of study by correspondence.

Response. The recommendation was adopted. While correspondence schools may technically comply with the statutory definition of an institution of higher education for purposes of participation in the Work-Study Program, it seems unlikely that such schools could comply with the statutory and regulatory provisions of the program for a number of reasons, including the problem of entering into the appropriate arrangements for employment of students who are geographically dispersed around the country and the problem of exercising institutional responsibilities to oversee such employment. Therefore, while applications to participate will be entertained from correspondence schools, the institution's capabilities to administer such a program will be carefully reviewed in light of the special difficulties presented. Since such schools are potentially eligible, § 175.11 has been amended to include allowable costs relating to programs of study by correspondence. These allowable costs will include tuition and fees and also travel and room and board costs incurred specifically in fulfillment of a required period of residential training.

Comment. A number of commenters objected to the stipulation that transportation costs related to a program of study abroad could not be included as a cost of education.

Response. In response to the commenters' concern this section has been revised to provide that in the case of a student enrolled in an eligible program of study outside the United States his cost of education may not exceed his cost of education at the location of the campus of the institution he normally attends. In this regard institutions should also note the addition of § 175.9(c).

SECTION 175.12 EXPECTED FAMILY CONTRIBUTION

Comment. A number of commenters requested clarification of § 175.12(c) and suggested that this subsection be rephrased in more specific terms.

Response. The suggestion of the commenters was not adopted. In the past financial aid officers have frequently complained that the standards prescribed by the Office of Education for determining self-supporting student status did not permit them to exercise professional judgment in cases which seemed to them to warrant special consideration. In response to this frequently voiced complaint § 175.12(c) was written in general terms specifically with the intention of providing the latitude for the financial aid officer to exercise his professional judgment on a case-by-case basis.

Comment. One commenter suggested that the phrase "dependent children attending institutions of higher education" in § 175.12(a)(3) should be restated as "dependent children attending institutions of postsecondary education."

Response. The recommendation was not adopted. "Institution of higher education" is a statutory term with a specific meaning. "Institution of postsecondary education" is not included in the statute.

Comment. One commenter pointed out that § 176.12 of the Supplemental Educational Opportunity Grant regulations specifically includes the requirement that the financial aid officer shall take into consideration tuition incurred by dependent children attending elementary and secondary schools in determining the expected family contribution. The commenter objected to the omission of this item in the College Work-Study regulation as creating a double standard in determining eligibility for assistance under the two programs.

Response. The requirement in the Supplemental Grant regulation to which the commenter refers is set forth in the authorizing statute governing that program (section 413C(a)(2) of the Higher Education Act of 1965, as amended) and therefore must be reflected in the regulations for that program. Since this category of family costs is not specifically addressed in the authorizing statute for the College Work-Study Program, it is not specifically cited in the program regulations. However, such family costs may be one of the factors considered by the financial aid officer in calculating a family's expected contribution pursuant to § 175.12(a)(4).

SECTION 175.13 APPROVED NEED ANALYSIS SYSTEMS

Comment. A number of commenters recommended that the Uniform Methodology for Measuring Ability to Pay, developed by the National Task Force on Student Aid Problems, be adopted by the Office of Education as the only acceptable method of need analysis for the College Work-Study Program.

Response. The suggestion was not adopted. The annual review procedures outlined in § 175.13 of the final regulations will accommodate those systems which use the Uniform Methodology. However, the Commissioner does not wish to mandate the use of the Uniform Methodology to the exclusion of all other systems.

Comment. Some commenters objected to the inclusion of the Basic Grants and the Income Tax methods of calculating expected family contributions as approved need analysis systems.

Response. The proposed regulation was not changed. The Income Tax method of calculating expected family contributions and the method used by the Basic Grants Program are only two of several such methods or systems of need analysis approved for this purpose. No institution which objects to either method is required to use it.

Comment. One commenter questioned the omission in § 175.13(b) of the College Scholarship Service and American College Testing Program as specifically designated approved need analysis systems.

Response. The Commissioner has the statutory responsibility to provide basic criteria and schedules for the guidance of institutions in making awards to needy students. Prior to 1975, the regulations governing this program had approved certain, specifically named need analysis systems, without specifying any duration for approval, and had provided for the approval of other systems which produced comparable figures for expected parental contributions. The Commissioner has concluded, however, that he should review on an annual basis such need analysis systems as are used for dependent students and should publish each year a list of those systems which he has approved for use by institutions during the subsequent academic year. The proposed rule set forth the procedures and standards for such review and approval. The two systems cited by the commenter will be required to follow the annual review procedure applicable for all need analysis systems except Basic Grants and Income Tax.

Comments. One commenter suggested that the Office of Education should develop benchmarks for approving need analysis systems for independent students in a format similar to that for systems to be used with respect to dependent students. The commenter apparently assumed that any need analysis system developed for use with respect to independent students must follow the methodology of the College Scholarship Service.

Response. The suggestion was not adopted. At the present time the Commissioner does not plan to provide a set of criteria and schedules for the guidance of institutions in making awards to needy independent students. The elements which such a system must take into account are included in § 175.12(b) of the final regulations. To be approved by the Commissioner a proposed need analysis system for independent students must provide results which are comparable to those of currently approved systems. Although the College Scholarship Service System is among those which have received this approval, it is a misinterpretation of the regulation to assume that approval of all future systems is contingent upon their use of CSS methodology.

Comment. One commenter suggested that a family residence of $25,000 or $30,000 should not be included as an asset in computing the expected parental contribution of dependent students, and only the value of the residence in excess of that amount should be taxed as an asset.

Response. The suggestion was not adopted. The regulation governing the methodology for determining an expected parental contribution stipulates that only the net market or cash value of the parent's assets remaining after deduction of related debt and a standard asset reserve of $10,000 shall be considered. Thus in the case of a parent's home, the value of the house minus the mortgage, rather than the total value of the home, would be considered in the computations of the expected parental contribution.

Comment. One commenter suggested that the Commissioner encourage independent research of outside agencies in the area of measuring the ability of families to contribute toward the cost of postsecondary education and incorporate the results of such research into Federal need analysis system guidelines.

Response. The Commissioner does encourage such independent research and would welcome with great interest the results of any such research which may be brought to his attention.

SECTION 175.14 COORDINATION OF STUDENT FINANCIAL AID PROGRAMS, AWARD AMOUNT AND OVER-AWARD

Comment. A number of commenters objected to the inclusion of expected earnings from employment other than that provided under the College Work-Study Program in the listing of resources to be taken into account in determining the student's need. Many commenters felt that since the student may, under certain conditions, borrow under the Guaranteed Student Loan Program to meet this expected parental contribution, he should similarly be able to substitute outside earnings for the amount of his expected parental contribution. Others suggested that considering such earnings as a resource would penalize the ambitious student and stifle initiative when, as a result of obtaining additional employment, he found his aid package reduced.

Response. The proposed regulation was not changed. While many cogent points were put forth in the commenters' objections, the overriding concern with regard to eligibility for employment under the College Work-Study Program is a need for funds to meet educational costs. Since there are seldom, if ever, enough Federal dollars available to meet the needs of all eligible applicants, the Commissioner considers it imperative to assure that no needy student, regardless of which institution he attends, is denied aid while another student, in the same or another institution receives aid in excess of his need. A far greater inequity would result if one student were to be forced to abandon his education because of lack of funds than would result from denying another student an opportunity to exceed his need.

Comment. A number of commenters objected to the requirement that expected earnings from employment other than that provided under the Work-Study Program be considered as a student resource because of the difficulty involved in monitoring all institutional student employment, especially in a large institution.

Response. With regard to the administrative burden caused by this requirement, the statute permits an institution to use a portion of the funds granted to it as a payment in lieu of reimbursement for such administrative expenses. That statutory provision is incorporated in § 175.27(b) of the regulation. In choosing to participate in this program, institutions should be aware that they are accepting an administrative burden. Section 175.14 is an attempt to specify one portion of that burden. It is felt that the requirements stated in § 175.14 in connection with the avoidance of over-awards are basic to the concept of need, which is the central concept on which this program is built. The Office of Education considers institutional employment to be one form of student financial aid. Accordingly, an award of institutional employment which exceeds need is no different than an excess award in grant or loan funds. However in recog-

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nition of difficulties involved in administering this program, an institution will not be deemed to have violated this provision unless the overaward exceeds $100.

Comment. One commenter suggested that § 175.14(e) should deal more explicitly with the financial aid officer's responsibility for considering earnings the student may obtain from non-institutional off-campus employment.

Response. As noted in the response to the previous comment, the Office of Education feels it is reasonable to expect the institution to be aware of all opportunities for institutional employment and to consider anticipated earnings from such employment as a resource available to the student in determining eligibility for assistance under the College Work-Study Program. The Office of Education recognizes, however, that the institution cannot be expected to know about non-institutional off-campus employment the student may obtain unless it is informed of such employment by the student. Therefore, the requirement set forth in § 175.14(e) extends only to resources the institution itself makes available or other resources of which it should be aware.

Comment. A number of commenters objected to the limitation on the use of Guaranteed Student Loans to satisfy the expected family contribution, as stated in § 175.14(c)(2) of the proposed regulation, and proposed instead that a student be permitted to substitute a Guaranteed Student Loan for the expected parental contribution in all cases. Another commenter took the opposite viewpoint arguing that a Guaranteed Student Loan should be treated as a resource in all instances.

Response. No change was made in the proposed rule. Under the final regulation any Guaranteed Student Loan, except one for which a needs test is required for interest benefits, may be used as a substitute for the expected parental contribution. This procedure is considered to be consistent with the legislative history of the Guaranteed Student Loan Program, since such loans are considered to be loans of convenience permitting a family to make its expected contribution over a lengthened period of time. If a needs test is required for interest benefits, need is determined by subtracting an expected family contribution plus the sum of all other financial aid from a student's cost of education. Under such a procedure it would not be proper for the Guaranteed Loan to be used as a substitute for the expected family contribution.

Comment. One commenter suggested that the responsibility for determining a student's eligibility for Federal interest benefits on a Guaranteed Student Loan should rest with the financial aid officer rather than the lending agency from which the loan is received.

Response. The commenter's suggestion relates to statutory and regulatory provisions governing the Guaranteed Student Loan Program. Therefore, the change suggested by the commenter would have to be addressed in regulations for that program.

Comment. One commenter suggested that the requirement set forth in § 175.14(a) of the proposed regulation concerning the appointment of an official to be responsible for coordinating the College Work-Study Program with the institution's other student financial aid programs should be put into the form of an agreement to be accepted annually by the chief fiscal officer of the institution and circulated to department chairmen and other institutional officials. The commenter felt that such an agreement would be of value to the coordinator when reductions in financial aid packages were necessary as a result of overawards caused by departmental jobs, scholarships or loans.

Response. The suggestion was not adopted. Section 175.14(a) of the regulations requires that each institution shall appoint an official to be responsible for coordinating the College Work-Study Program with the institution's other student financial aid programs. The Commissioner feels that an institution should have discretion to carry out this requirement as the commenter suggests or in some other appropriate manner.

Comment. One commenter noted that a student could receive financial assistance in an amount greater than his financial need if the institution did not take into account, when awarding his financial aid, the amount of a Basic Grant which that student would be entitled to receive.

Response. The commenter's point is well taken. Therefore, § 175.14(c) has been amended to include as a "resource" the amount of funds a student is entitled to receive under the Basic Educational Opportunity Grants Program regardless of whether the student has applied for such funds. The practical effect of this provision is that an institution shall, when calculating a student's financial aid package, automatically include in that package the amount of the Basic Grant to which that student is entitled regardless of whether he has applied for such a grant. (See also § 175.9(f) of the regulation regarding the treatment of Basic Grant entitlements.)

SECTION 175.15 COORDINATION WITH BUREAU OF INDIAN AFFAIRS GRANTS-IN-AID

A notice of proposed rulemaking pertaining to the coordination of Office of Education sponsored student financial aid programs with Bureau of Indian Affairs grants-in-aid was originally published in the FEDERAL REGISTER of March 7, 1975, 40 FR 10086, as a proposed amendment to the regulations for the Supplemental Educational Opportunity Grant Program. This provision was republished as § 175.15 of the notice of proposed rulemaking for the College Work-Study Program. The final regulation for the Supplemental Educational Opportunity Grant Program was published in the FEDERAL REGISTER of August 27, 1976. The final regulation for the College Work-Study Program has been changed in accordance with the comments received for the Supplemental Educational Opportunity Grant Program. Furthermore, the comments received with regard to § 175.15 are basically the same comments received on the Supplemental Educational Opportunity Grant Program provision, and such comments were discussed in the preamble to the Supplemental Educational Opportunity Grant Program regulation.

SECTION 175.16 PROGRAM ELIGIBILITY

Comment. One commenter objected to the terms set forth in § 175.16(a)(2)(i) and (ii) under which College Work-Study funds may be used to employ students in operations for which an institution has chosen to use a contractor. These terms require that the contract between the institution and the private contractor must provide (i) that the contractor will utilize a specific number of the institution's students in carrying out the contract, and (ii) that the institution will select the students to be employed and determine each student's rate of pay.

Response. No change was made in the proposed regulation. The terms in the regulation cited by the commenter are intended to show that the students so employed are employees of the institution itself to the same degree as if the institution were performing the operation for which it has hired the contractor. Thus, the selection of students, the number to be employed, and the determination of their wage rate are functions which must rest with the institution.

Comment. Two commenters objected to § 175.16(a)(3) of the proposed regulation which prohibits College Work-Study employment in profit making activities engaged in by the institution which are not part of the institution's educational program.

Response. In response to the commenter's concern the final phrase in § 175.16(a)(3) has been expanded to include cultural and athletic programs of the institution as well as educational programs. The intention of this paragraph is to permit College Work-Study employment for the institution itself in any institutional facility being used for an institutional function, but to prohibit employment for the institution in profit making activities not related to the educational, cultural or athletic programs of the institution. The Commissioner deems it inappropriate for the Federal grant to an institution to be used for the employment of students in a profit making enterprise not related to the functions of the institution as an institution of higher education.

Comment. One commenter questioned whether the prohibition (included in § 175.16(b)(3) of the proposed regulations) on employment involving the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship would preclude the employment of students under the Work-Study Program in summer camps operated by religious organizations.

Response. If sectarian instruction and/or religious worship are an integral part of a camp program, no students may be employed at such a camp under the College Work-Study Program. This prohibition includes positions not involved in the programmed worship or instruction, such as life guards, recreation aides, etc., because the summer camp itself exists for a religious purpose; therefore no part of its operation is appropriate for inclusion under the College Work-Study Program.

Comment. Several commenters questioned terms in this section relating to off-campus employment, including the terms "public interest," and "reliable organization," and in general requested more specific guidance concerning eligible off-campus employment.

Response. Because of the multiplicity of employment opportunities with public or private nonprofit organizations this section has intentionally been written in general terms to provide latitude for the institution to develop innovative employment opportunities for its students and thereby to further one of the basic purposes of the program stated in § 175.1(b)(2) of the regulations. It is felt that the wording of this section in its current form will provide sufficient guidance to the institution while still permitting the broadest possible exercise of initiative in job development. Since each potential off-campus employer may pose new questions, institutions are urged to consult the student financial aid program staff in their regional Office of Education whenever guidance is needed.

Comment. One commenter suggested that the institutional responsibility relating to CWS employment for a public or private nonprofit organization implied a high degree of control over the off-campus agency and questioned its feasibility.

Response. The institution has the responsibility to insure that its College Work-Study Program is administered in accordance with the applicable statute and regulations. To the extent that this responsibility requires a review of the procedures of an off-campus agency at which its students are employed, such a review must be considered a part of its general responsibility for program administration. The history of the Work-Study Program over its past ten years of operation indicates that such responsibility is feasible. The Office of Education does not feel that the institutional responsibility for assuring adequate documentation of disbursements and supervision of work could constitute interference in the affairs of an off-campus employer.

Comment. One commenter suggested that the regulations should be amended to permit on-campus employment of Work-Study students by proprietary institutions.

Response. The suggestion was not adopted. Section 444(a)(1) of the Act provides that Work-Study employment may involve work for the institution itself, except in the case of proprietary institutions.

Comment. One commenter suggested that institutions should require each private nonprofit organization wishing to employ students under the College Work-Study Program to include as an addendum to its written agreement with the institution (cited in § 175.16(c)(1)) a copy of the Internal Revenue Service statement of approval of its tax-exempt status. Another commenter suggested that eligibility as a private nonprofit off-campus employer should be contingent upon approval of tax exempt status specifically under section 501(c)(3) of the Internal Revenue Code.

Response. These suggestions were not adopted. Eligible off-campus employers may include nonprofit private organizations that do not qualify for a tax exemption under section 501(c)(3) of the Internal Revenue Code. Furthermore, the Commissioner is not of the view that the type of documentation suggested by the first commenter should be required.

Comment. One commenter questioned whether the prohibition against the displacement of employed workers set forth in § 175.16(b)(1) would be violated if students were employed under the Work-Study Program to substitute for regular employees who are on strike.

Response. Section 444(a)(1)(B) of the program statute (42 U.S.C. 2754(a)(1)(B)) requires that work performed under the College Work-Study Program "will not result in the displacement of employed workers or the impairment of existing contracts for services." The Office of Education views the use of College Work-Study students to fill vacancies created as a result of a strike to be such a displacement and has amended § 175.16(b)(1) to reflect that view.

Comment. One commenter recommended that participating institutions should spend a greater portion of their Federal College Work-Study allocation on off-campus community service oriented jobs. To meet this objective the commenter suggested that 50 percent of all College Work-Study funds in excess of $300,000,000 per fiscal year should be earmarked for community service activities off-campus. The commenter also provided a number of suggestions intended to encourage institutions to expand their off-campus programs in community service areas. Another commenter suggested that institutions should be required to arrange College Work-Study jobs with nonprofit community service organizatons. A third commenter felt that additional emphasis should be included in the regulations on providing a worthwhile job experience for the student.

Response. The Commissioner disagrees with the specific proposal that 50 percent of all College Work-Study funds in excess of $300,000,000 per fiscal year should be earmarked for community service activities off-campus because of the disadvantage such an action would create for those students at institutions which find it difficult to operate off-campus programs. There is also a serious legal question as to whether the Commissioner would have the statutory authority to require that nonproprietary institutions provide any off-campus employment for their students.

With respect to the suggestion that additional emphasis be included in the regulations on providing worthwhile job experiences for students, it should be kept in mind that one of the program objectives set forth in § 175.1 of the regulations is the broadening of the range of worthwhile job opportunities for qualified students in employment for the institution itself (except in the case of proprietary institutions) and for public and private nonprofit organizations. However, the determination as to what constitutes a "worthwhile job opportunity" in the case of an individual student involves subjective judgments which could only be made by officials of the institution and the student, taking into account the student's goals and the various possibilities for employment under the program.

SECTION 175.17 ELIGIBLE EMPLOYMENT

Comment. A number of commenters objected to § 175.17(b) of the proposed regulation which stipulated that work performed for the institution itself by which the student satisfies a requirement of a degree or certificate shall not be considered eligible employment under the College Work-Study Program. A number of commenters cited examples in which a student could be receiving credit at his institution for a particular job performed for a public or private nonprofit organization off-campus, but the same credit-bearing work on-campus would be ineligible as College Work-Study employment.

Response. The intention of the proposed regulation was to prevent an abuse of the program in which students would receive pay for attending classes. However, the Office of Education recognizes the merit in the points raised by the commenters. In response to their concern, § 175.17(b) has been rewritten to permit employment for the institution itself in *work* which satisfies a requirement of a degree or certificate while still attempting to prevent any potential abuse cited above. However, in no event may students be paid for receiving instruction in a classroom, laboratory, or other academic setting.

Comment. One commenter suggested that the criteria for determining eligible employment set forth in § 175.17(a) of the proposed regulation seemed to conflict with the requirement that employment under the program must not result in the displacement of employed workers or the impairment of existing contracts for services.

Response. The Office of Education does not feel the two clauses cited by the commenter are in conflict and no change was made in the wording of the final regulation. The criterion for determining eligible employment in § 175.17(a) is an attempt, through a test of comparability, to determine whether a particular position can legitimately be considered "work."

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SECTION 175.18 ESTABLISHMENT OF WAGE RATES

Comment. A number of comments were received concerning the absence in the proposed regulations of a maximum wage rate for employment under the College Work-Study Program. Some commenters agreed with its omission and felt the determination should be left to the institution. However, a majority objected to its omission and felt a maximum wage rate should be established by the Office of Education and included in the regulations. Another suggested that it should be set annually by the Commissioner.

Response. It has been determined that there is no legal authority for the Office of Education to impose a maximum wage limitation.

Comment. One commenter suggested that the minimum wage rate permitted under the program should be set at $3.00 per hour.

Response. The commenter's suggestion was not adopted. The Commissioner is of the view that the minimum wage rates set out in the regulation which parallel the Federal minimum wage law are more appropriate.

Comment. Several commenters objected to the inclusion in the regulations of a minimum wage rate schedule higher than the subminimum wage which institutions are permitted to pay full-time students under the Fair Labor Standards Amendments of 1974 after receiving permission from the Secretary of Labor. Some commenters added that this requirement would create a situation in which College Work-Study students would receive higher pay for the same work than students in institutional employment programs. Others felt that the requirement that an institution seek approval from the Commissioner of Education in order to employ full-time students at the subminimum wage rate under the College Work-Study Program imposed an unwarranted duplication of effort upon the institution.

Response. In response to the commenters' objections, the final regulation has been changed to provide that if the Secretary of Labor has established a subminimum wage rate under provisions of the Fair Labor Standards Act for any category of students at an institution, such subminimum wage rate shall be the minimum wage rate for that category of students who are employed under the College Work-Study Program at that institution. It should be noted, however, that while the College Work-Study Program permits participation by students enrolled on at least a half-time basis, the subminimum wage provisions of the Fair Labor Standards Amendments of 1974 are addressed to the employment of full-time students only. Since institutions must make jobs under the program reasonably available to all needy students, there is the possibility of a situation in which full-time students and half-time students would receive different rates of pay for the same work.

Comment. One commenter assumed that the minimum wage rates stated in § 175.18(b) of the proposed rule would be required to be paid retroactively to the dates stated, if this section were to appear in the final regulations. With this assumption in mind the commenter suggested that the new minimum not be made effective until the coming academic or fiscal year.

Response. The suggestion was not adopted. Contrary to the commenter's assumption, the minimum wage rates included in § 175.18(b)(1) become applicable as of the effective date of the regulation. The wording of the final regulation has been revised to eliminate citations to dates occurring prior to its publication.

SECTION 175.19 LIMITATION ON THE NUMBER OF HOURS OF EMPLOYMENT

Comment. Many commenters objected to the inclusion in this section of the stipulation that during periods when a student's classes are in session the student may not work more than an average of 20 hours per week averaged over the period of enrollment for which the College Work-Study award was received. (One commenter endorsed the proposed limitation.) A number of commenters who objected felt that although few students would work more than 20 hours per week during periods when they were enrolled in classes, the financial aid officer should have the option to permit a greater number of hours in instances where the student's need, academic schedule, and other factors seemed to warrant it. Others felt that the proposed regulation would limit a student to an average of twenty hours per week if he were to enroll in a class or two during his summer vacation period. Many of the commenters argued that since Congress had, in the Education Amendments of 1972, removed a fifteen-hour average without replacing it with a higher average maximum number of hours, the insertion of a twenty-hour limitation was a violation of Congressional intent.

Response. In response to the concern expressed by the financial aid community at large on this issue, the final regulation has been revised to provide that, in exceptional circumstances, a student may be employed under the program for more than twenty hours per week during periods when his classes are in session. The financial aid officer may determine that such exceptional circumstances exist if, after considering all of the student's resources and all other financial aid the institution can make available to him, his need remains so great that it cannot be met with earnings from a job of twenty hours per week and that such extra work will not have a deleterious effect on his health and academic progress.

SECTION 175.20 EARNINGS ATTRIBUTABLE TO COST OF EDUCATION

Comment. Many commenters objected to the requirement in the proposed regulation that costs incidental to obtaining earnings under the program during summer vacation periods or other such periods when the student is not enrolled in classes may not exceed 20 percent of the student's gross income or $200, whichever is less. A substantial number of commenters argued that such a limitation would eliminate opportunities for summer employment especially for independent students and for those dependent students who lived away from home during periods in which their classes were not in session. Many alternatives were proposed for regulating the amount of maintenance costs which could be permitted from College Work-Study earnings and for differentiating between the amount to be allowed for dependent students living with parents and for independent students and dependent students not living with their parents.

Response. The Office of Education recognizes that a portion of a student's summer College Work-Study earnings will of necessity be required for summer maintenance costs. At the same time, however, it must be kept in mind that the purpose of this program as stated in the authorizing statute is to promote the part-time employment of students who are in need of earnings from such employment to meet their cost of education. If a substantial portion of a student's summer College Work-Study earnings were to be dissipated through summer maintenance expenses, this fundamental purpose for which the program was established would not be achieved. Normally, any dependent student employed under the program during his summer vacation period should be placed in a job which will permit him to live with his parents. In such a situation the limitation on expenditures for maintenance costs included in the proposed regulation is not unrealistic. In some instances, such as in the case of a student from a rural area, no employment opportunities may exist within commuting distance of his parents' home and in such cases a higher allowance for maintenance costs may be warranted.

In the case of an independent student whose need is analyzed on the basis of a twelve-month budget, the costs the student incurs during a summer vacation period are included in the computation of his need, and therefore should not be deducted from the amount he earns for that period.

The limitation on the amount of College Work-Study earnings which may be expended as costs incidental to obtaining employment during summer vacation periods or other periods of non-enrollment has been held at the level stated in the proposed regulation, except that the financial aid officer has been given the option to permit a higher level of such costs under exceptional circumstances. In such instances, as for example where the student is unable to live at home, the student's actual incidental costs may be deducted, except that in no event may such costs exceed 40 percent of gross earnings or $400, whichever is less.

SECTION 175.21 PAYMENTS TO STUDENTS

Comment. One commenter requested clarification of the use of payments in kind to students under the program.

Response. The institution may contribute its share of the compensation of any student employed under the College Work-Study Program in the form of services and equipment provided by the institution to that student employee. Any such payment must be supported by adequate documentation. In no case may any such payment consist of remittal of a charge assessed against the student exclusively because of his employment under the College Work-Study Program. Examples of permissible noncash payments include forbearance in the collecting of tuition or any portion thereof, room and board charges or any portion thereof, fees normally charged to all students, and the provision of books and supplies which are not normally furnished free of charge.

If the amount of the institution's noncash contribution is less than the required institutional share of the student's gross earnings, the institution must contribute in cash the difference between the required share of the student's gross earnings and the actual noncash contribution.

If the institution's noncash contribution to any one student in any one pay period exceeds 20 percent of that student's earnings in that pay period, the balance may be claimed as a noncash contribution toward that student's earnings during any subsequent pay period. For example, the institution may carry as a receivable all of a student's tuition for one semester and claim a noncash contribution equal to its share of that student's gross compensation for each pay period until the total of such shares equals the amount of tuition receivable.

All amounts claimed as noncash contributions must be supported by adequate documentation, such as acknowledgment of receipt signed by the student employee to support an amount credited to his account.

Comment. Two commenters objected to the requirement in § 175.21(c) of the proposed regulation that the institution obtain from the student a written acceptance of the award and the terms under which it is granted. Both commenters felt the requirement imposed an unnecessary administrative burden on the institution. One commenter suggested that, in a community college with an open-door admission policy permitting late enrollment, the requirement would cause an undue postponement in the CWS student's assumption of his duties and result in an inconvenience to the employer, or cause the employer to look elsewhere to fill a postion. Another comment was that since such a statement was not required for regular institutional student employment it resulted in a form of discrimination against needy, low-income students employed under the College Work-Study Program.

Response. The proposed regulation was not changed. The requirement set forth in § 175.21(c) provides the institution with a written acknowledgement that the student is aware of the rights and obligations of his award under the College Work-Study Program. The requirement is similar to one set forth in § 176.17(b) of the Supplemental Grant regulations and in § 144.15 of the proposed National Direct Student Loan regulations and in § 144.15 of the procorporated into the student's general statement of acceptance of the aid package.

SECTION 175.22 LIMITATION ON THE FEDERAL SHARE OF STUDENT COMPENSATION

Comment. One commenter questioned whether § 175.22(c)(1)(iii) authorized the assessement of an administrative fee to off-campus College Work-Study employees.

Response. The commenter's question appears to result from a misreading of this section. As indicated by the term "such organization" in § 175.22(c)(1), the costs of administration in excess of three percent cited in § 175.22(c)(1)(iii) may be recovered from the off-campus public or private nonprofit organization employing the student, if the off-campus organization agrees to pay such costs. No fee, compensation, or gratuity of any kind may be solicited or accepted from any student as a consideration or prerequisite for employment under the College Work-Study Program. This prohibition is set forth in § 175.23(b) of the regulations.

Comment. A number of commenters requested clarification of the meaning of § 175.22(d) and several questioned the statutory authority for including it.

Response. The paragraph questioned by the commenters is intended to prohibit an institution from making a profit on the off-campus portion of its College Work-Study Program. Section 441(a) of the Act states that the purpose of the Work-Study Program is to stimulate and promote the part-time employment of students who are in need of earnings from such employment to pursue courses of study at eligible institutions. It is not a purpose of the program to provide a source of profit for the institution. Section 444(a)(8) authorizes the Commissioner to include in his agreement with each participating institution such other provisions as he deems necessary or appropriate to carry out the purposes of this part. This paragraph of the regulations is intended to provide that any excess funds received from an off-campus agency shall be used either as later payments for students or to reduce the Federal share. The paragraph has been revised to clarify this intent.

Comment. One commenter described a situation in which off-campus agencies employing students would deposit funds at the beginning of the fiscal year with an institution to be held in trust by the institution and used to provide the 20 percent non-Federal matching share plus necessary employer costs. Under the arrangement any funds remaining with the institution at the end of the fiscal year were to be carried over to the next fiscal year and supplemented by an additional contribution from the off-campus agency sufficient to continue to provide a 20 percent non-Federal matching share plus employer costs. The commenter questioned whether § 175.22(d) would prohibit such a carryover arrangement and require that the Federal share of student compensation paid to students employed by off-campus agencies be reduced by the amount of the off-campus agency funds which remained on deposit at the institution at the close of the fiscal year.

Response. The carryover of off-campus agency funds held on deposit by the institution in the arrangement described by the commenter is not prohibited by § 175.22(d), nor is the refunding of any excess contributions to the off-campus agency.

Comment. One commenter, citing § 175.22(e) of the proposed regulation, requested a clarification of the procedures to be followed by an institution for requesting a Federal share in excess of eighty percent as a "developing institution."

Response. No change was made in the proposed regulation. No additional procedures for applying for a Federal share in excess of eighty percent will be required, since such a request will be part of the regular application process.

Comment. One commenter objected to the use of a standard based on parental income in determining institutional eligibility for a Federal share in excess of eighty percent under § 175.22(e)(1)(ii). The commenter felt that a criterion based on parental income would work to the disadvantage of institutions having a large percentage of self-supporting students.

Response. The regulation was not changed. The criterion in § 175.22(e)(1)(ii) stipulates that the Commissioner may approve a Federal share in excess of eighty percent if an institution demonstrates that at least fifty percent of its students enrolled on at least a half-time basis have parents whose annual adjusted gross income does not exceed $7,500 per year. This regulation is intended to provide an opportunity for institutions with a large proportion of students from historical conditions of great financial need to obtain additional Federal funds to meet the needs of those students. This regulation is based on an assumption that institutions with large proportions of such students typically and usually experience greater difficulty in raising funds to provide the institutional share of College Work-Study expenditures than do institutions whose students come from more prosperous families.

SECTION 175.25 MAINTENANCE OF EFFORT

Comment. One commenter questioned whether, in computing maintenance of effort, an increase in a program of State grants directly to students could compensate for a reduction in an institutionally administered grant program at a State supported institution. Another commenter suggested that because of necessary institutional administrative involvement in the administration of State scholarship programs, funds from such programs should be included as institutional funds in maintenance of effort calculations even when the selection of recipients is made by a State agency.

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Response. Section 494 of the Act sets forth a maintenance of effort requirement for the institution "in its own scholarship and student aid program." The purpose of this requirement is to insure that financial aid provided under the Work-Study Program will supplement, rather than replace, existing institutional student assistance programs. To be considered as part of its "own scholarship and student aid program" a source of aid must be under the control of the institution. As an index of determining institutional control the Office of Education asks whether the institution has responsibility for selecting the recipients and determining the amount of aid each will receive. Funds from a State scholarship program may be considered as institutional funds and included in maintenance of effort calculations in those instances where the institution chooses the recipients and determines the amount each recipient will receive. A program of State grants directly to students in which the institution did not choose the recipient or determine the amount of the grant would not be included in maintenance of effort calculations and therefore would not compensate for a reduction in amounts awarded from institutional programs.

Comment. One commenter suggested that the regulation should include provision for waiver of the maintenance requirement for public institutions when appropriations supporting such institutions are reduced.

Response. No change was made in the regulation. The intent of the maintenance of effort provision is to prevent Federal funds from being substituted for other funds, including other public funds.

Comment. One commenter suggested that the institutional matching share required for Federal student aid programs should be specifically included as "institutional funds" for maintenance of effort calculations.

Response. No change was made in the regulation. It is felt that the more all-inclusive terminology in § 175.25(d) is sufficient to indicate that the matching amounts cited by the commenter are to be included in maintenance of effort calculations.

Comment. One commenter recommended that Federally Insured Student Loans made by institutions be exempt from inclusion in maintenance of effort calculations if the capital for such loans was acquired from non-institutional sources such as loans from organizations external to the institution.

Response. The suggestion was not adopted. Provision is included in § 175.25 (b) (2) of the regulation for the institution to substitute alternate sources of aid in an amount equal to the average annual amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during its 3-year base period.

In addition to the above questions, the Commissioner has altered the language in § 175.25(b) (2) concerning a maintenance of effort waiver when the institution no longer participates as a direct lender in the Guaranteed Student Loan Program. This revision is made in order to clarify the point that such a waiver is to be granted by allowing an institution to maintain its three-year average through the inclusion of alternate sources of financing which normally would not be considered as institutional scholarship or student financial aid, rather than by permitting the institution to maintain a level of effort which is lower than its three-year average.

SECTION 175.26 TRANSFER OF FUNDS

Comment. One commenter recommended that the 10 percent transfer option cited in § 175.26 be expanded to include the National Direct Student Loan Program, as well as the College Work-Study and Supplemental Grant Programs.

Response. No change was made in the regulation. Section 496 of the Higher Education Act authorizes the transfer of funds only between the Work-Study and Supplemental Educational Opportunity Grant Programs. It does not include the National Direct Student Loan Program.

Comment. Two commenters suggested the inclusion of a regulation permitting a deficit expenditure to be recovered in the next fiscal year or a carryover to the next fiscal year of up to 10 percent of the institution's Federal Work-Study allocation.

Response. The suggestion was not adopted. The Commissioner lacks statutory authority to permit a deficit expenditure of a Federal College Work-Study allocation. If an institution has an unexpended balance in its Federal College Work-Study allocation for a given fiscal year, the unexpended amount will be reallocated to other institutions in the State.

SECTION 175.27 USE OF FUNDS

Comment. Several commenters objected to the three percent administrative expense allowance as inadequate and recommended that it be increased to five percent. One of the commenters suggested that the funds should be specifically earmarked solely for the administrative use of the institution's financial aid office.

Response. These suggestions were not adopted. Section 493 of the Higher Education Act sets the percentage of the administrative expense allowance, and provides that the funds are a payment in lieu of reimbursement for an institution's administrative expenses in operating the Work-Study Program. Since the amount is a payment for expenses presumed to have already been met by the institution, there is no requirement that the funds be spent for the same purpose for which the original expenses were incurred.

SECTION 175.28 FISCAL PROCEDURES AND RECORDS

Comment. A number of commenters objected to the five-year period of retention of records set forth in § 175.28(c) (2) as excessive. Some commenters questioned whether it would be permissible to dispose of records in a shorter period of time if they had been reviewed in a Federal audit and all audit questions were considered resolved by the Office of Education.

Response. The proposed regulation was not revised. The period of record retention is identical to the record retention requirements in section 434(a) of the General Education Provisions Act (20 U.S.C. 1232c(a)).

Comment. A number of commenters suggested that the requirements set forth in § 175.28(d) that program transactions be audited no less frequently than once every two years should be accompanied by a prescribed audit format and a procedure for reimbursing the institution for the cost of the audit.

Response. In response to the commenters' concern § 175.28 has been revised to require that the audit format prescribed by the DHEW Audit Agency shall be used in official audits of the institution's College Work-Study Program. Copies of this format may be obtained from the DHEW regional office serving the institution. While the Office of Education recognizes the validity of institutional complaints concerning the cost of a program audit, the authorizing statute does not permit the recovery of such costs in excess of the three percent payment in lieu of reimbursement for administrative expenses cited in § 175.27 of the regulation.

Comment. Several commenters questioned whether the regulations would apply retroactively and expressed concern about institutional liability for procedures not required by statute and which had not been included in previous regulations.

Response. The procedures for establishing the effective date of these regulations are set forth below. Prior to the effective date the institution remains responsible for administering the program in accordance with the terms of the statute and the relevant previously published regulations.

B. *Adoption of regulation.* After consideration of all comments, the Commissioner hereby adopts the proposed regulation which was published in the FEDERAL REGISTER on October 14, 1975 with the changes noted above. This regulation is set forth below.

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of

such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.463 Higher Education Work-Study (College Work-Study Program))

Dated: May 24, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: August 13, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 175 of Title 45 of Code of Federal Regulations is amended to read as follows:

Sec.
175.1 Purpose and objectives.
175.2 Definitions.
175.3 Allotment of Federal funds to States.
175.4 Allocation, reallocation, and payment of funds to institutions.
175.5 Institutional applications.
175.6 Funding criteria.
175.7 Appplication review and approval of request.
175.8 Institutional agreement.
175.9 Eligibility and selection of students.
175.10 Special sessions.
175.11 Cost of education.
175.12 Expected family contribution.
175.13 Approved need analysis systems.
175.14 Coordination of student financial aid programs, award amount and overaward.
175.15 Coordination with Bureau of Indian Affairs grants-in-aid.
175.16 Program eligibility.
175.17 Eligible employment.
175.18 Establishment of wage rates.
175.19 Limitations on the number of hours of employment.
175.20 Earnings attributable to cost of education.
175.21 Payments to students.
175.22 Limitations on the Federal share of student compensation.
175.23 Nature and source of institutional share of student compensation.
175.24 Federal interest in allocated funds.
175.25 Maintenance of effort.
175.26 Transfer of funds.
175.27 Use of funds.
175.28 Fiscal procedures and records.
175.29 Termination and suspension.
Appendix A Allotment of funds to States for fiscal year 1972.
Appendix B Model off-campus agreement.

AUTHORITY: Sec. 441-446 of Pub. L. 89-329, Title IV, 79 Stat. 1219, as amended (42 U.S.C. 2751-2756), unless otherwise noted.

§ 175.1 Purpose and objectives.

(a) The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students, particularly those with great financial need, who are in need of the earnings from such employment in order to pursue courses of study at eligible institutions.

(b) This purpose will be promoted through the development of student employment programs designed to meet the following objectives:

(1) Provide financial aid for eligible students through combining the earnings from part-time employment with other forms of financial assistance to enable students to meet their educational expenses without the necessity of incurring an unduly heavy burden of indebtedness; and

(2) Broaden the range of worthwhile job opportunities for qualified students in employment for the institution itself (except in the case of proprietary institutions of higher education) or for public or private nonprofit organizations.

(42 U.S.C. 2751-2756)

§ 175.2 Definitions.

For the purposes of this part:

(a) "Academic year" means a period of time generally of not less than 8 months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(b) "Act" means Title IV, Part C of the Higher Education Act of 1965, as amended.

(42 U.S.C. 2751-2756)

(c) "Area vocational school" means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(3) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(4) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree—if such a school is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in subparagraph (3) or (4) of this paragraph, it admits as regular students both persons who have completed high school and persons who have left high school. The term "State Board" as used in this definition means a State Board for vocational education designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(42 U.S.C. 2753; 20 U.S.C. 1248)

(d) "Basic Educational Opportunity Grants Program" means the program authorized by Title IV-A, Subpart 1 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070a)

(e) "Clock hour" means a period of time which is the equivalent of (1) a 50 to 60 minute class, lecture, or recitation, or (2) a 50 to 60 minute faculty supervised laboratory, shop training, or internship.

(f) "Dependent student" means a student who does not qualify as a "self-supporting or independent student" as defined in paragraph (w) of this section.

(42 U.S.C. 2751-2756)

(g) "Eligible institution" or "institution" means an institution of higher education, an area vocational school, or a proprietary institution of higher education.

(42 U.S.C. 2753(b))

(h) "Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11 and the amount which reasonably may be expected to be made available to him by his parents for such purpose.

(i) "Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11.

(j) "Financial need" means the difference between a student's cost of education and his expected family contribution.

(k) "Full-time student" means a student who is carrying any combination of courses, research, or special studies which, according to the standards and practices of the institution in which the student is enrolled, is considered full-time study.

(l) "Good standing" means, with regard to a student, that the institution in which the student is enrolled has determined that (1) the student is eligible, in accordance with its own standards and practices, to continue in attendance at the institution, and (2) the student is making measurable progress toward the completion of his course of study.

(m) "Graduate or professional student" means, in general, a student who is enrolled in an academic program of instruction above the college level which is provided at an institution of higher education. The term includes (1) that portion of any program involving a period of study beyond four years of study at the college level, or (2) any portion of a program leading to (i) a degree beyond the bachelor's or first professional degree, or (ii) a first professional degree, when at least three years of study at the college level are required for entrance into a program leading to such degree.

(42 U.S.C. 2751-2756)

(n) "Guaranteed Student Loan Program" means the student loan program

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authorized by Title IV, Part B of the Higher Education Act of 1965.

(20 U.S.C. 1071–1087–2)

(o) "Half-time graduate student" means a graduate or professional student who is carrying any combination of courses, research, or special studies which, according to the standards and practices of the institution in which the student is enrolled, is considered half-time graduate study.

(p) "Half-time undergraduate student" means an undergraduate student who is carrying a half-time undergraduate academic work load measured in terms of (1) the tuition and fees customarily charged for such half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; *Provided, however,* That such source work and activities amount to the equivalent of a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semester, trimester, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per academic year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock-hours per week for institutions which utilize clock hours to measure progress.

(20 U.S.C. 1088(c)(2))

(q) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) (i) is accredited by a nationally recognized accrediting agency or association, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, or (iii) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (iv) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

The term "institution of higher education" also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. For purposes of this part a one-year program of training means a program of study in which a student will receive supervised training totaling at least 900 clock hours of instruction. The term "institution of higher education" also includes any proprietary institution of higher education, as defined in paragraph (v) of this section which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees or other charges to such students.

(20 U.S.C. 1087–1(b), 1088(b) and 1141(a))

(r) "National Direct Student Loan Program" means the student loan program authorized by Title IV, Part E of the Higher Education Act of 1965.

(20 U.S.C. (1087 aa–ff))

(s) "National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States

(8 U.S.C. 1101(a)(22))

(t) "Nonprofit" as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(u) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes, in which case such person shall be considered a parent.

(42 U.S.C. 2751–2756)

(v) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years. For purposes of this part a six-month program of training means a program of study, which does not include such study by correspondence, in which a student will receive supervised training totaling at least 600 clock hours of instruction, or, in the case of a program offered by correspondence, a program of study requiring at least 600 hours of preparation.

(20 U.S.C. 1088(b)(3))

(w) "Self-supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for employment under the College Work-Study Program.

(42 U.S.C. 2751–2756)

(x) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(y) "Supplemental Educational Opportunity Grant Program" is the grant program authorized by Title IV, Part A, Subpart 2 of the Higher Education Act of 1965.

(20 U.S.C. 1070b)
(42 U.S.C. 2751–2756, unless otherwise noted)

§ 175.3 Allotment of Federal funds to States.

(a) *Initial allotments.* From sums appropriated to carry out this part for a fiscal year, not to exceed 2 percent will be allotted by the Commissioner among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs for assistance under this part. In addition to such sum, an amount will be reserved to provide Work-Study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved will be allotted to eligible institutions and shall be available only for the purpose of providing Work-Study assistance to such students. The remainder of the sums will be allotted among the States as provided in paragraph (b) of this section. For the purpose of computing this allotment, the Commissioner will use information for the most recent year for which satisfactory data are available to him.

(42 U.S.C. 2752)

(b)(1) *Initial allotment to States.* Ninety percent of the sums remaining after the allotment of funds under paragraph (a) of this section will be allotted as follows:

(i) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

(ii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 702(f) of the Higher Education Act of 1965—formerly section 103 (d)(3) of the Higher-Education Facilities Act of 1963) of such State bears to the total number of such high school graduates in all the States; and

(iii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in all the States.

(2) If the amount allotted to any State under subparagraph (1) of this paragraph is less than its allotment under section 442(b) of Title IV, Part C, of the Higher Education Act of 1965 for fiscal year 1972, additional sums will be allotted to each such State from the sums remaining to make its allotment for such year equal to its allotment for fiscal year 1972 under section 442(b). (See Appendix A for the amounts allotted to each State under such section 442(b) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead allot the remaining sums so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 442(b).

(3) The Commissioner will allot the sums remaining, if any, after the allotment of funds under paragraph (a) of this section and subparagraphs (1) and (2) of this paragraph, to those State(s) which received the lowest percentage of approved requests for funds as a result of the allotment under subparagraphs (1) and (2) of this paragraph so that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(c) *Reallotment.* The amount of any State's allotment which has not been granted to any institution at the end of the fiscal year for which appropriated will be reallotted by the Commissioner to those remaining States which received the lowest percentage of approved requests for funds under paragraph (b) of this section in such a manner that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(d) For purposes of paragraphs (b) and (c) of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(42 U.S.C. 2752)

§ 175.4 Allocation, reallocation, and payment of funds to institutions.

(a) *Allocation of funds to institutions.* When funds available for distribution among the institutions within a State are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including any reapportionments, bears to the total approved requests for that State.

(b) *Reallocation of funds.* Funds allocated to an institution which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State.

(c) *Payment of funds.* Funds will be made available for a specific period of time as determined by the Commissioner and may be payable in advance or by way of reimbursement on the basis of substantiated need and periodic fiscal reports submitted by the institution.

(42 U.S.C. 2756)

§ 175.5 Institutional applications.

(a) An institution that wishes to participate in the College Work-Study Program shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such application shall contain the following information and shall be in such form and contain such other information as the Commissioner may from time to time prescribe:

(1) The institution's requests for Federal student financial aid funds under this part, the Supplemental Educational Opportunity Grant Program, the National Direct Student Loan Program, and its anticipated disbursements under the Basic Educational Opportunity Grants Program;

(2) The institution's anticipated enrollment for the forthcoming academic year;

(3) The anticipated number of enrolled students eligible for employment under the College Work-Study Program;

(4) The institution's average cost of education, including a justification of per student costs in excess of $175 for books or $450 for personal expenses for an academic year;

(5) The anticipated number of students to be employed by the institution;

(6) The anticipated number of students to be employed by public and private nonprofit organizations other than the institution;

(7) An estimate of the average amount which reasonably may be expected to be made available by the parents of students at the institution who are expected to be eligible for employment under this part;

(8) The anticipated amount of student need to be met through employment under this part;

(9) The amount of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent academic year for which information is available;

(10) The anticipated amount of other financial assistance available to students with financial need at the institution, such as State scholarships, Veteran's Benefits, and off-campus employment;

(11) The average unmet need per student; if the average amount of unmet need exceeds $200, the explanation for this situation; and

(12) The qualifications of the professional personnel who will be administering the College Work-Study Program.

(b) The application shall be signed by the official authorized to submit the application and by the institution's Director of Student Financial Aid, and shall contain the name of the individual or official who shall be responsible for the receipt, custody, and disbursement of Federal funds.

(c) Notwithstanding the requirements of paragraph (a) of this section, an institution may file an application omitting the information required by subparagraphs (4) (7), (10), and (11) of paragraph (a) of this section if (i) it has received an allocation under this part for at least the two academic years prior to the academic year for which assistance is requested, (ii) it is requesting not more than 110 percent of its approved request for the previous academic year, and (iii) it has filed an application containing the information required by paragraphs (a) (4), (7), (10), and (11) of this section for one of the three preceding academic years.

(42 U.S.C. 2756)

§ 175.6 Funding criteria.

Institutional applications for funds under this part will be reviewed in accordance with the following criteria:

(a) The reasonableness of the institution's request for Federal student financial aid funds under this part (1) in light of its requests under the Supplemental Educational Opportunity Grant Program and the National Direct

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Student Loan Program, and (2) in relation to the institution's anticipated enrollment, its average cost of education, and the average expected family contribution of its students eligible under this part;

(b) The reasonableness of the institution's projections of its anticipated enrollment and of its average cost of education and the average expected family contribution of its students eligible under this part;

(c) The reasonableness of the anticipated number of students eligible for employment under the College Work-Study Program in view of the institution's anticipated enrollment;

(d) The reasonableness of the amount of the average compensation anticipated in relation to the average need per student at the institution, after taking into account other available student financial aid resources;

(e) The extent to which the institution has effectively utilized Federal financial aid funds allocated in previous years;

(f) The adequacy of the reasons provided by the institution pursuant to § 175.5(a) (4) and (11); and

(g) The extent to which the institution has effectively administered or made provision for the effective administration of the program, including effective coordination with institutional and other programs of student financial aid. In making this evaluation, consideration will be given to the adequacy of the qualifications and experience of the personnel designated by the institution to administer the program.

(42 U.S.C. 2756)

§ 175.7 Application review and approval of request.

(a) (1) The Commissioner will convene panels of qualified persons in each of the regions served by regional offices of the Office of Education to review applications submitted under this part by institutions situated in those regions. The review panel shall evaluate each institution's request for funds in accordance with the criteria set forth in § 175.6 and shall recommend an amount which it deems appropriate.

(2) No panelist shall participate in the consideration of any application from his own institution or any application from any other institution which he has prepared or assisted in preparing or in which he has any personal or financial interest.

(b) Institutions which file applications for funding under this part will be notified of the amount recommended by the review panel pursuant to paragraph (a) of this section. If the amount recommended is less than the institution's request, the reasons for such a reduction will be forwarded to the institution. The institution shall notify the regional office of the Office of Education serving the area in which the institution is located of any arithmetic or other technical errors with regard to the panel recommendations. The regional office will adjust the recommendation to correct such errors.

(c) If an institution wishes to request a review of the panel's recommendation for other than arithmetic and technical errors it shall submit a written request for such review to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. The request for review may include additional information relevant to the recommendation. The regional office will review such requests and will notify the institution in writing of its recommendation and the reasons therefor.

(d) (1) If an institution wishes a review of the regional office recommendation made pursuant to paragraph (c) of this section, it may request a review by a national review panel. Such a national review panel shall consist of institutional student financial aid officers from each of the regions served by the Office of Education and personnel of the Office of Education.

(2) A request for national review shall be submitted in writing by the institution to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. However, no additional information beyond that given to the regional office by the institution pursuant to paragraph (c) of this section will be considered.

(3) The national review panel will review such requests and notify the institution and the Commissioner of its recommendation and the reasons therefor.

(e) The Commissioner will establish an approved level of funding (approved request) for each applicant institution taking into consideration the recommendation of the relevant panel or regional office.

(42 U.S.C. 2756)

§ 175.8 Institutional agreement.

(a) An institution of higher education which desires to participate in the College Work-Study Program shall enter into an agreement with the Commissioner for that purpose. Such agreement shall:

(1) Provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself (except in the case of a proprietary institution of higher education) or work in the public interest for a public or private nonprofit organization under an arrangement between the institution and such organization, and such work:

(i) Will not result in the displacement of employed workers or impair existing contracts for services;

(ii) Will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee; and

(iii) Does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship;

(2) Provide that funds received by the institution under this part will be used solely for the purposes specified in, and in accordance with, the provisions of this part;

(3) Provide that in the selection of students for employment under the College Work-Study Program preference shall be given to students with the greatest financial need taking into account grant assistance provided such student from any public or private sources;

(4) Provide that employment under the College Work-Study Program shall be furnished only to a student who—

(i) Is in need of the earnings from such employment in order to pursue a course of study at such institution (taking into consideration the actual cost of attendance at such institution);

(ii) Shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(iii) Has been accepted for enrollment at the institution as at least a half-time student or, in the case of a student already enrolled in and attending the institution, is in good standing and in attendance there as at least a half-time student on an undergraduate, graduate, or professional level;

(5) Include provisions which specify that the institution will comply with the provisions of this part contained in § 175.25 relating to maintenance of effort and § 175.27 relating to costs of administration;

(6) Provide that the Federal share of compensation of students employed in the College Work-Study Program in accordance with the agreement will not exceed 80 percent of such compensation; except that, the Federal share may exceed 80 percent of such compensation if the Commissioner determines pursuant to § 175.22 that a Federal share in excess of 80 percent is required in furtherance of the purposes of this part;

(7) Include provisions designed to make employment under the College Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

(8) Include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this part.

(b) An agreement entered into pursuant to this part with an area vocational school shall contain, in addition to the provisions described in paragraph (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if the student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation.

(20 U.S.C. 2754)

§ 175.9 Eligibility and selection of students.

(a) *Eligibility.* A student enrolled in an institution of higher education is eligible for part-time employment under this part if such student—

(1) Is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Has been accepted for enrollment as at least a half-time student at the institution or, in the case of a student already attending the institution, is enrolled as at least a half-time student and is in good standing as an undergraduate, graduate, or professional student.

(3) Shows evidence of academic or creative promise and is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under this program; and

(4) Is in need of the earnings from such employment in order to pursue a course of study at the institution.

(b) *Eligibility of area vocational school students.* A student enrolled in an area vocational school is eligible for part-time employment under this part if, in addition to the conditions described in paragraphs (a) (1) through (4) of this section, such student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least 6 months to complete and which is designed to prepare the student for gainful employment in a recognized occupation.

(c) *Programs of study abroad.* A student participating in a program of study abroad will be considered to be enrolled in his "home" institution if (1) the program of study abroad is arranged or approved in advance by the home institution and (2) the student's academic performance during the program of study abroad becomes a part of his permanent academic record at the home institution in the same manner as if performed at that institution.

(d) *Need.* (1) In determining whether a student is in need as described in paragraph (a) (4) of this section, the institution shall take into account the student's actual cost of education at such institution as described in § 175.11 and his expected family contribution as determined pursuant to § 175.12.

(2) A member of a religious community, society, or order who by direction of his or her community, society, or order is pursuing a course of study in an institution or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

(e) *Institutional responsibility.* Each institution participating in the College Work-Study Program shall be responsible for determining the eligibility of the students participating in its program regardless of whether the students will be engaged in work for the institution itself or for a public or private nonprofit organization.

(f) *Selection.* An eligible institution shall make employment under the Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof. In the event that requests for employment exceed available funds, the institution shall give preference in the awarding of employment to those of its students with the greatest financial need. In determining such need the institution shall take into account grant assistance provided such student from any public or private source including grant funds which the student is entitled to receive under the Basic Educational Opportunity Grants Program, whether or not he has applied for such funds. The institution's selection procedures shall be uniformly applied, set forth in writing, and maintained in the files of the institution's office which selects student aid recipients. All applications for employment under this part shall be maintained on file by the institution as specified in § 175.28(c)(2).

(42 U.S.C. 2754)

(g) *Affidavit.* No employment may be made available under this part unless the student to whom it is made available has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such employment will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(42 U.S.C. 2754; 20 U.S.C. 1088g)

§ 175.10 Special sessions.

(a) During a period of nonregular enrollment (special session), such as a summer or equivalent vacation period or the full time work period of a cooperative education program, a student will be eligible for employment under the College Work-Study Program if he meets the eligibility requirements of § 175.9 and (1) was enrolled and was in attendance as at least a half-time student at the institution during the preceding period of regular enrollment (regular session at that institution and will complete his course of study during such special session or (2) will be enrolled, or has been accepted for enrollment, at the institution as at least a half-time student for the regular session following such special session.

(b) The institution may provide employment under this part to a student during a special session preceding a regular session during which the student will be studying at an eligible program of study abroad if the student otherwise meets the requirements of paragraph (a) of this section.

(c) If the institution provides employment under this part to a student during a special session in which he is not enrolled as at least a half-time student at that institution, it shall maintain a written record demonstrating that it accepted the student for enrollment as at least a half-time student during the following regular session and that the student accepted such offer; *Provided, however*, That the institution shall refrain from furnishing such employment to a student if it has evidence that he does not intend to honor his acceptance of such offer and shall immediately terminate such employment if it becomes aware of such evidence after the employment has begun.

(42 U.S.C. 2754)

§ 175.11 Cost of education.

(a) The amount required to enable a student to pursue his education at an institution of higher education includes amounts charged for tuition and fees, the amounts charged by the institution or the expenses reasonably incurred for room and board, books, supplies, transportation, and miscellaneous personal expenses, and expenses related to maintenance of a student's dependents.

(b) In the case of a student engaged in a program of study by correspondence, only his costs of tuition and fees shall be recognized as a cost of education for the purpose of this part: *Provided however*, That travel and room and board costs incurred specifically in fulfillment of a required period of residential training may be considered a cost of education for such a student.

(c) If a student is enrolled in a program of study outside the United States which has been determined to be an eligible program pursuant to § 175.9(c), his cost of education may not exceed his cost of education at his home campus.

(42 U.S.C. 2754)

§ 175.12 Expected family contribution.

(a) *Dependent students.* In determining the amount of income and net assets that should reasonably be made available by the dependent student, the student's spouse, and the student's parents to meet that student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, the student's parents, and persons for whom the parent may claim an exemption under section 151 of the Internal Revenue Code);

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(2) The number of dependent children of the student's parents;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student, the student's spouse, and the student's parents to contribute toward the student's cost of education.

(b) *Independent students.* In determining the amount of income and net assets that should reasonably be made available by a self-supporting or independent student and that student's spouse to meet such student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, and persons for whom the student or spouse may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student or the student's spouse to contribute toward the student's cost of education.

(c) Upon the request of a student who does not live with his parents, who visits his parents for periods of time no longer than those which are typical for adults visiting their parents, and who does not receive from his parents gifts which exceed in value the amounts typically given by parents as incidental gifts to their adult, nondependent offspring, the student financial aid officer shall make a determination as to whether the relationship between that student and his parents is of such a nature that it is unreasonable to expect the parents to contribute toward his cost of education, regardless of their ability to do so. The student financial aid officer shall make the reasons for such determination part of the institution's written records. In any event, before making such a finding, the student financial aid officer shall make such efforts as he deems appropriate to ascertain whether the student's parents are in fact willing to contribute toward the student's cost of education.

(42 U.S.C. 2754)

§ 175.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.12 of this part, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) *Dependent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12 (a), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 if such assets do not include farm or business assets and $25,000 if such assets do include farm and business assets, except that no more than $12,500 may be deducted from non-farm and non-business assets, and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(a), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (A) Increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (B) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(A) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(B) To the remainder obtained in subparagraph (A) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(C) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (B):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1,130+29 percent of the amount over $5,000.
$6,000	7,000	$1,420+31 percent of the amount over $6,000.
$7,000	8,000	$1,760+40 percent of the amount over $7,000.
$8,000		$2,160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2) (ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending post-secondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) *Independent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12 (b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in subparagraph (1) of this paragraph.

(d) *Application procedures for system approval.* Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) *Duration of approval.* Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

§ 175.14 Coordination of student financial aid programs, award amount, and over-award.

(a) *Coordinating official.* The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) *Total award.* The institution shall not award assistance under this part to a student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculation approved by the Commissioner pursuant to § 175.13; *Provided, however,* That in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) *Resources.* For purposes of paragraph (b) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes, but is not limited to, the amount of funds a student is entitled to receive under the Basic Educational Opportunity Grants Program, regardless of whether the student has applied for such funds, any waiver of tuition and fees, any scholarship or grant including Supplemental Educational Opportunity Grants and athletic scholarships, any fellowship or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (d) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, including any loan made under the National Direct Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(d) *Treatment of Guaranteed Loans.* (1) Except as provided in paragraph (d)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 175.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution if (i) the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or (ii) the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for the academic year.

(e) *Administrative responsibility.* The institution's responsibility under paragraph (b) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic year and/or special session during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than $100.

(42 U.S.C. 2754)

§ 175.15 Coordination with Bureau of Indian Affairs grants-in-aid.

(a) In determining the amount, if any, of College Work-Study compensation to be awarded to a student who is eligible for such employment and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice:

(1) A "package" of student assistance will be prepared, in accordance with § 175.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(2) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a)(1) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(3) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a)(1) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assist-

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ance. Except as provided for in subparagraph (4) of this paragraph, such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(4) If requested by an eligible recipient, the sequence of deductions provided in subparagraph (3) of this paragraph may be altered if such an alteration more adequately meets the need of that student.

(b) In determining the amount of financial need of students eligible for BIA grants-in-aid, the institution's student financial aid officer is encouraged to consult with BIA area officials who are responsible for administering BIA postsecondary financial assistance programs and are familiar with the individual financial circumstances of such students.

(42 U.S.C. 2754)

§ 175.16 Program eligibility.

(a) (1) *General eligibility of employment.* Work-Study programs conducted under this part may, except in the case of a proprietary institution of higher education, involve work for the institution itself, or work in the public interest for a public or nonprofit private organization. In the case of a proprietary institution of higher education the employment provided may involve only work performed in the public interest for a public or nonprofit private organization. For purposes of this paragraph a proprietary institution of higher education also includes any nonprofit organization owned or controlled by the proprietary institution or by the corporation, association, partnership or individual which owns or controls the proprietary institution.

(2) Work for the institution itself may include work performed in those institutional operations which are typically performed by the institution for its students but which the institution chooses to contract for, such as food service, cleaning, maintenance and security, if the contract between the institution and the private contractor supplying that service provides (i) that the contractor will utilize a specific number of the institution's students in carrying out the contract and (ii) that the institution will select the students to be employed and determine each student's rate of pay.

(3) If an institution is engaged in profitmaking activities such as the operation or rental of athletic fields, auditoriums, theaters, and parking lots and the performance of administrative functions in connection therewith, employment in connection with such activities shall not be considered work for the institution or work in the public interest except to the extent that such employment is connected with events conducted as part of the educational, cultural, or athletic programs of that institution.

(4) *Work in the public interest.* Work in the public interest means work that is devoted to the national or community welfare rather than that of a particular interest or group. In no event shall work be considered to be work in the public interest if (i) it is primarily for the benefit of the members of a limited membership organization (such as a credit union, a fraternal or religious order, or a cooperative), rather than for the public at large, (ii) it is to be performed for an elected official other than as part of the regular administration of Federal, State, or local government or, (iii) it is work for which the political support or affiliation of the student is a prerequisite or consideration for employment.

(b) *General limitations on employment.* Employment provided under this part—

(1) May not result in the displacement of employed workers, the impairment of existing contracts for services, nor the filling of positions that are vacant because the employer's regular employees are on strike.

(2) May not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship;

(3) May not involve any partisan or nonpartisan political activity associated with a candidate or with a contending faction or group in an election for public or party office;

(4) May not involve any lobbying on the Federal level; and

(5) Shall be governed by such conditions of employment, including compensation, as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, proficiency of the employee, and any applicable Federal, State, or local legislation.

(c) (1) *Agreement.* Work for a public or private nonprofit organization, other than work for the institution itself, must be evidenced by a written agreement between the institution and the employing organization containing the conditions of such work. (See Appendix B for a sample agreement.) The institution may enter into such an agreement only with a reliable organization with professional direction and staff.

(2) The institution will be responsible for ensuring (i) that any disbursements for work performed under such an agreement will be properly documented and (ii) that the work performed by each student will be properly supervised and in accordance with the requirements of this part.

(42 U.S.C. 2754)

§ 175.17 Eligible employment.

(a) *General.* In order for a position to be considered eligible employment under this part, the position must be one for which the employer normally has compensated other persons not employed under this part. If no other person has held or is holding that position for that employer, such a position is one for which most other employers would normally compensate persons holding that position.

(b) *Work for academic credit.* Work which is otherwise eligible employment is not made ineligible solely because it satisfies a requirement of a degree or a certificate pursued by the student.

(42 U.S.C. 2754)

§ 175.18 Establishment of wage rates.

(a) *Wage rates.* Compensation under this part shall be computed on an hourly wage rate basis for actual time on the job. Fringe benefits may not be included as part of such wage rate. Students may not be compensated on a salary, commission, or fee arrangement.

(b) (1) *Minimum rate.* Except as provided for in subparagraphs (2) and (3) of this paragraph, the minimum rate for a student employed under the Work-Study Program shall be $2.20 an hour until December 31, 1976, and $2.30 an hour after December 31, 1976, or such higher minimum wage as may be required under any applicable Federal, State, or local legislation.

(2) The Commission may approve a rate of compensation lower than that established under subparagraph (1) of this paragraph if exceptional circumstances warrant a lower rate and the approval of a lower rate is not precluded by law and is consistent with and promotive of the purposes of this part.

(3) If the Secretary of Labor has established a subminimum wage rate under provisions of the Fair Labor Standards Act for any category of students at an institution, such subminimum wage rate shall be the minimum wage rate under this part for those students.

(c) The wage rate established for each Work-Study position must meet the requirements of § 175.16(b) (5).

(42 U.S.C. 2754)

§ 175.19 Limitations on the number of hours of employment.

(a) Except as provided in paragraph (b) (2) of this section, Work-Study funds may not be used to pay a student for work of more than an average of 20 hours per week, averaged over the period of enrollment for which the student has received an award under this part during periods when classes in which the student is enrolled are in session, or for more than 40 hours per week during periods when such classes are not in session. Work during periods when such classes are not in session shall not be included in determining the 20 hour per week limitation.

(b) (1) An institution shall determine the number of hours which an eligible student may be employed under this program in accordance with its own standards and practices after considering (i) the extent of the student's financkil need, and (ii) the potential harm of a particular combination of hours of work and

hours of study on a given student's health or academic progress.

(2) Work-Study funds may be used to pay a student for work in excess of an average of 20 hours per week, but not more than 40 hours per week, if the institution determines that, in spite of the financial assistance made available to the student, the student's financial need remains so great that it cannot be met from earnings from a job of 20 hours per week, and that such extra work will not impair the student's health or academic progress.

(c) An institution may utilize its own funds to employ students in excess of the limitations set forth in paragraphs (a) and (b) of this section and a public or private nonprofit organization participating in the Work-Study program may similarly utilize its own or the institution's funds to employ students in excess of such hours. However, in neither case may any portion of a students' earnings for hours in excess of such limitations be charged to funds received under this part. Any such payments shall be taken into account in determining, pursuant to § 175.14(c), the resources available to the student.

(42 U.S.C. 2754)

§ 175.20 Earnings attributable to cost of education.

(a) The amount of compensation earned by a student under this part to be applied against the student's cost of education shall be the difference between the student's gross earnings and any required withholding of taxes and any costs incident to obtaining such earnings.

(b) (1) Except as provided in subparagraph (2) of this paragraph, for a summer vacation period or other such period during which the student is not enrolled in any classes, costs incident to employment shall be deemed to be the lesser of 20 percent of the student's gross earnings or $200.

(2) If a student is only able to obtain a job where his actual cost incident to employment exceeds $200 or 20 percent of the student's gross earnings, then such student's reasonable actual costs incident to employment may be deducted from gross earnings up to a limit of $400 or 40 percent of gross earnings whichever is less.

(c) Costs incident to employment include commuting costs between the student's home and his place of employment, the cost of meals at work, and, if the student does not live with his parents, any necessary rent and food payments.

(d) Net earnings, that is, gross earnings minus taxes and incidental expenses, shall be applied against the student's cost of education for his next period of regular enrollment at that institution.

(42 U.S.C. 2754)

§ 175.21 Payments to students.

(a) Payments to students shall be made at least once a month. The Federal share of each payroll disbursement must be made by check or similar instrument which may be cashed by the student on his own endorsement without further restriction. Accounting devices or procedures which result in the direct transfer of the Federal share of student compensation to expenses or bills are not permissible. The institution is responsible for ensuring that each payroll disbursement to any student represents the net amount of wages earned under the program during the previous payroll period whether the work is for the institution itself or for a public or private nonprofit organization. Funds for personal services shall be considered to have been obligated as of the time such services were rendered.

(b) If the institution's share of a student's compensation is paid by check, it shall be disbursed to the student in conjunction with the Federal share of such compensation. If the institution's share is paid in the form of tuition, fees, services or equipment for an academic period during which the student is employed, that share shall be contributed prior to the close of the student's final pay period. If such share is in the form of prepaid tuition, fees, services or equipment for a forthcoming academic period, the institution shall, prior to the close of the student's last pay period, give the student a statement indicating the amount of such tuition, fees, services, and equipment earned.

(c) Before making employment available under this part for any year to a student, the institution shall obtain from that student a written acceptance of the employment and a signed statement indicating that the student received notice of the amount of his College Work-Study award, of the nature and source of the other student financial aid made available to him through the institution, and of the fact that continued employment under the College Work-Study Program is conditional on the recipient's maintaining good standing in the course of study he is pursuing according to the regularly prescribed standards and practices of the institution which awarded the employment and on the recipient's carrying an academic workload sufficient to qualify him as at least a half-time student during the academic year.

(42 U.S.C. 2754)

§ 175.22 Limitations on the Federal share of student compensation.

(a) Except as otherwise provided for under paragraph (e) of this section, the Federal share of the compensation paid to students employed under this part from funds allocated to the institution pursuant to § 175.4 shall not exceed 80 percent.

(b) The Federal share of compensation for employment under this part shall be calculated on the basis of the hourly rate paid a student for actual time on the job. The following may not be included in determining the Federal share:

(1) Compensation which results from working more than 40 hours per week;

(2) Fringe benefits such as paid sick leave, vacation pay and holiday pay; or

(3) The employer's contribution to Social Security, workmen's compensation, retirement, or any other welfare or insurance programs which must be paid by the employer on account of a student employed under this part.

(c) If the institution arranges employment for its students with a public or private nonprofit organization, the agreement under which such employment is arranged pursuant to § 175.16(c) (1) may provide for the institution to recover from such organization (i) the non-Federal share of student compensation, (ii) any required employer contributory costs such as the employer's share of Social Security or workmen's compensation insurance to the extent that such costs are paid by the institution on account of the employment of its students by the organization under such agreement, and (iii) any costs of administration incurred by the institution in administering such agreement, either directly or through an agent, to the extent that such costs exceed 3 percent of the compensation paid to students under the agreement.

(d) Any funds an institution receives for a fiscal year under agreements with various employer organizations which exceed the cost the institution incurs in paying the non-Federal share of the compensation paid to its students and in administering the Work-Study Program (after taking into account the payment it receives for administrative expenses pursuant to § 175.27(b)) shall (1) be used to reduce on a dollar for dollar basis the Federal share of compensation paid to its students, (2) be held in trust for off-campus student employment in the subsequent fiscal year, or (3) be refunded to the off-campus organization which paid those funds to the institution.

(e) (1) The Commissioner may approve for an institution, pursuant to an application filed in accordance with § 175.5, a Federal share of up to 100 percent of the compensation paid to its students employed under this part if such institution (i) is designated as a "developing institution of higher education" in accordance with the provisions of Part 169 of this title (45 CFR Part 169), or (ii) demonstrates that at least 50 percent of its students who are enrolled as at least half-time students have parents whose annual adjusted gross income does not exceed $7,500 per year.

(2) A Federal share of 100 percent shall be applicable only to such compensation as is paid to students which is in excess of (i) the amount of compensation paid to students under this part during the twelve months ending on June 30, 1976, or (ii) for institutions not participating in the College Work-Study Program during the twelve months ending on June 30, 1976, such amount as may be specified by the Commissioner.

(42 U.S.C. 2754)

§ 175.23 Nature and source of institutional share of student compensation.

(a) An institution may use any source available to it to pay its share of the

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compensation paid to any students employed under this part. Such share may be paid to the student in the form of services and equipment (including tuition, room, board, and books) furnished by the institution. All amounts claimed as non-cash contributions shall be supported by adequate documentation, such as a receipt signed by the student employee. In no case may any such payment consist of remittal of a charge assessed against the student exclusively because of his employment under the Work-Study Program.

(b) No institution shall solicit or accept, or permit any public or private nonprofit organization with which it has an agreement pursuant to § 175.16(c) (1) to solicit or accept, from a student or a student's parents or spouse, any fee, commission, or compensation of any kind, or the granting of a gift or gratuity of any kind, as a consideration or a prerequisite for the employment of a particular student under the program.

(42 U.S.C. 2754)

§ 175.24 Federal interest in allocated funds.

Funds received by an institution pursuant to this part, excluding funds authorized for administrative expenses, are to be held in trust for the intended student beneficiary. Such funds may be used only for the purposes for which they were allocated and may not be pledged or hypothecated for any other purpose.

(42 U.S.C. 2751–56)

§ 175.25 Maintenance of effort.

(a) For each fiscal year for which it receives an allocation of funds under this part, the institution shall continue to expend, in its own scholarship and student aid programs, an amount which is not less than the average expenditure per year made for that purpose during the three fiscal years preceding the latest of the following dates or fiscal years: (1) The effective date of any agreement required by section 443 of the College Work-Study Program (42 U.S.C. 2753) or section 407 of the Educational Opportunity Grants Program (20 U.S.C. 1067) which was in effect on June 30, 1973, (2) the fiscal year for which the institution receives or received its first allocation of funds under the College Work-Study Program, (3) the fiscal year for which the institution received its first allocation of funds under the Educational Opportunity Grants Program (20 U.S.C. 1061–1067, 1069), or (4) the fiscal year for which the institution receives or received its first allocation of funds under the Supplemental Educational Opportunity Grants Program (20 U.S.C. 1070b–1070b–3 if the institution did not participate in the Educational Opportunity Grants Program in the fiscal year immediately preceding that fiscal year.

(b)(1) The Commissioner may waive the requirements set forth in paragraph (a) of this section for a fiscal year under special and unusual circumstances, such as, where the institution's inability to expend the amount required thereunder is attributable to (i) a withdrawal of funds from outside sources (for public institutions, public appropriations are not considered an outside source), or (ii) a decline in enrollment where the institution continued to expend in its own scholarship and student aid program on a per-enrolled-student basis an amount at least equal to the average amount expended per enrolled student during the three year base period.

(2) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section for a particular fiscal year because it withdrew as a direct lender under the Guaranteed Student Loan Program, the Commissioner may waive that portion of the failure that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period if (i) the institution provides financial assistance to its students in an amount equivalent to the amount it is required to maintain pursuant to paragraph (a) of this section through its own scholarship and student financial aid expenditures and by arranging alternative sources of such assistance, and (ii) the amount of alternative sources that is included does not exceed the amount that the Commissioner may waive.

(3) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section for a particular fiscal year because its authority to participate as a direct lender under the Guaranteed Student Loan Program was withdrawn by the Commissioner prior to July 1, 1976, the Commissioner may waive that portion of the failure for each such fiscal year prior to July 1, 1976 that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period.

(4) Where an institution has failed to meet the requirements set forth in paragraph (a) of this section because its authority to participate as a direct lender under the Guaranteed Student Loan Program was withdrawn by the Commissioner after June 30, 1976, the Commissioner may waive for that fiscal year that portion of the failure that is equivalent to the average amount of loans made by the institution as a direct lender under the Guaranteed Student Loan Program during the 3 year base period. The Commissioner may also waive that amount for future fiscal years if (i) the institution provides financial assistance to its students in an amount equivalent to the amount it is required to maintain pursuant to paragraph (a) through its own scholarship and student financial aid expenditures and by arranging alternative sources of such assistance, and (ii) the amount of alternative sources that is included does not exceed the amount that the Commissioner may waive.

(5) For purposes of this paragraph the Commissioner will consider that the institution has arranged alternate sources of assistance for its students if such assistance is provided to the institution's students pursuant to a written agreement between the institution and the funding source.

(6) For purposes of this section "fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(c) In order to obtain a waiver of the maintenance of effort requirement set forth in paragraph (a) of this section for a particular fiscal year, an institution shall submit to the Commissioner a request for such a waiver and a description of the circumstances justifying such a waiver.

(d) An institution's "own scholarship and student financial aid program" includes any expenditure of institutional funds for scholarships, grants, loans, tuition and fee waivers or remissions, and employment given to students enrolled at the institution at both the graduate and undergraduate level, whether or not such students are eligible to participate in the College Work-Study or Supplemental Grant programs. Funds given to the institution from an outside source to be used for scholarships or other forms of student financial aid, but with respect to which the institution has the authority to choose the recipients and the amount such recipients will receive, shall be deemed to be institutional funds. However, funds received from Federal sources to be used for student financial aid may not, in any event, be considered as part of an institution's own scholarship and student financial aid program for purposes of paragraph (a) of this section.

(e)(1) An institution may, in accordance with its stated practice, consider scholarships and other student financial assistance given to students who are dependents of faculty members or other employees of the institution as either student financial aid or employee benefits.

(2) An institution shall include fellowships and assistantships as part of its program of student financial assistance unless it is the stated practice of the institution to consider such holders of fellowships and assistantships as members of the institution's faculty. In such a case payments under such fellowships and assistantships need not be considered financial aid.

(3) An election of treatment under subparagraphs (1) and (2) of this paragraph shall apply to both the base year period and current year expenditures. A change of treatment will be permitted only with the express written approval of the Commissioner.

(20 U.S.C. 1088c)

§ 175.26 Transfer of funds.

(a) An institution may transfer up to 10 percent of its allocation for a fiscal year under the College Work-Study Program to its allocation of funds for that fiscal year under the Supplemental Grants Program to be used in accordance with the provisions of that latter program. Such transferred funds may be allocated by the institution between its allocations for initial and continuing grants as the institution sees fit. Similarly, an institution may transfer up to 10 percent of its allocation for a fiscal year under the Supplemental Grants Program to its allocation of funds for that fiscal year under the College Work-Study Program to be used in accordance with the provisions of this part.

(b) Any amount transferred pursuant to paragraph (a) of this section shall be reported on the annual Institutional Fiscal-Operations Report required by § 175.28(b)(2).

(20 U.S.C. 1088e)

§ 175.27 Use of funds.

(a) Federal funds allocated to an institution under this part may be used by the institution (1) to pay the Federal share of compensation for the services rendered by its eligible students employed in its eligible Work-Study Program, (2) as payments in lieu of reimbursement for its expenses in administering the program during the fiscal year, and (3) to transfer to the Supplemental Educational Opportunity Grant Program pursuant to § 175.26.

(b) An institution of higher education shall be entitled to use as payment in lieu of reimbursement for its administrative expenses for each fiscal year for which it receives an allocation under § 175.4 an amount equal to not more than three percent of the compensation earned by students, including the Federal share from its allocation for that fiscal year and the institutional share for both on and off-campus programs. However the aggregate amount paid to an institution in lieu of expenses for administration under this part and the Supplemental Educational Opportunity Grants Program plus the amount withdrawn for such purposes from the institution's National Direct Student Loan fund may not in the aggregate exceed $125,000 for any fiscal year.

(42 U.S.C. 2754; 20 U.S.C. 1088b)

§ 175.28 Fiscal procedures and records.

(a) *Fiscal procedures.* (1) The institution shall administer the College Work-Study Program in such a manner as to provide for an adequate system of internal controls. The various administrative procedures shall be divided so as to provide for a system of checks and balances under which no person will be responsible for all aspects of the program. The functions of authorizing payment and disbursing funds shall be divided in such a fashion that no office has responsibility for both functions with respect to any particular student aided under the program.

(2) If a fiscal agent is utilized by the institution, its function must be limited solely to the performance of ministerial acts.

(3) Physical segregation of cash depositories for Federal funds which are provided to an institution is not required. However, institutions shall give notice to any bank in which they deposit Federal funds of all accounts in that bank in which such funds are deposited. This notice can be accomplished in either of the following ways:

(i) Include in the name of the account the fact that Federal funds are deposited therein; or,

(ii) Send a letter to the bank listing the accounts in which Federal funds will be deposited. A copy of this letter must be retained in the institution's files.

(b) *Records and reporting.* (1) Each institution shall establish and maintain on a current basis, adequate records which reflect all transactions with respect to the program and shall establish and maintain such general ledger control accounts and related subsidiary accounts as are necessary to identify separately all transactions relating to the program. Such records shall:

(i) Be maintained in such a manner as to identify all program transactions separately from other institutional funds and activities;

(ii) Be reconciled no less frequently than monthly;

(iii) Include a weekly (or monthly) time record showing hours worked per day for each student. This form must contain a certification by an official of the institution (or off-campus agency) who is the student's supervisor stating that the student has worked the number of hours listed and whether the work has been performed in a satisfactory manner;

(iv) Include a payroll voucher containing sufficient information to support all payroll disbursements;

(v) Include a noncash contribution record to support by adequate documentation any payment or partial payment of the institution's share of the student's earnings which has been made in the form of services and equipment as permitted by § 175.23;

(vi) Afford ready identification of each student's account and the status thereof;

(vii) Be adequate to demonstrate the eligibility of every student aided under the program;

(viii) Indicate the amount of need determined for each student and the way that need has been met; and

(ix) Identify the institutional officer who made the determination of such need.

(2) An institution shall submit an annual Institutional Fiscal-Operations Report and such other reports and information in such form and at such times as the Commissioner may require in connection with the administration of this part and shall comply with such requirements as the Commissioner may find necessary to insure the correctness of such reports.

(c) *Retention of records.* (1) *Records.* Each institution shall keep intact and accessible records relating to the receipt and expenditure of Federal funds in accordance with section 434(a) of the General Education Provisions Act (20 U.S.C. 1232c), including all accounting records and related original and supporting documents that substantiate costs charged to the award and such records required by § 175.9(e).

(2) *Period of retention.* Except as provided in subparagraph (4) of this paragraph, the records specified in subparagraph (1) of this paragraph shall be retained for 5 years after the date of the submission of the annual Institutional Fiscal-Operations Report.

(3) *Microfilm copies.* An institution may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(4) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions; *provided*, however, that records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415 (b).

(5) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to the records specified in subparagraph (1) of this paragraph and to any other pertinent books, documents, papers, and records of the recipient.

(d) *Audits—non-Federal.* All of an institution's transactions involving its Work-Study Program funds shall be audited by the institution or at the institutions' direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and whether such transactions are in compliance with applicable laws and regulations. Such audits shall be performed in accordance with the Department of Health, Education, and Welfare "Audit Guide" for student financial aid programs, and shall be scheduled with reasonable frequency, usually annually, but not less frequently than once every two years, considering the size and the complexity of the activity of the program.

(e) Such audit reports shall be submitted to the regional office of the Department of Health, Education, and Welfare Audit Agency serving the region in which the institution is located for its review. The Audit Ageney and the Commissioner shall also be given access to records or other documents as may be necessary to review the results of such audits.

(42 U.S.C. 2754; 20 U.S.C. 1232c)

§ 175.29 Termination and suspension.

(a) *General.* If the Commissioner finds that any of the assurances or representations made by an institution in connection with the administration and operation of the College Work-Study Program is incomplete or inaccurate in any material respect or that there has been a failure to comply with any of the provisions of this part, he may, after giving the institution notice and an opportunity for a hearing, terminate the agreement entered into pursuant to § 175.8 or take such other actions as may be necessary and appropriate to protect the interest of the United States. The termination of the institution's participation in the program shall not affect the obligations previously incurred by either party under that agreement or this part. An obligation shall be considered to have been incurred as of the date a student worked, as specified in § 175.21(a).

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(b) *Notice of termination.* Proceedings with respect to the termination of the program shall be initiated by the mailing of a notice to the institution setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(c) *Suspension of assistance.* Subject to paragraph (e) of this section, assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(d) *Notice of suspension.* If the Commissioner determines that suspension of assistance during the pendency of a termination proceeding is necessary, notice of the suspension shall be mailed to the recipient (which may be included in the notice of termination). The notice of suspension shall: (1) Inform the recipient of that determination, (2) advise the recipient of the effective date of the suspension, and (3) offer the recipient an opportunity to show cause why such action should not be taken.

(e) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for that purpose.

(42 U.S.C. 2754)

APPENDIX A

ALLOTMENT OF FUNDS TO STATES FOR FISCAL YEAR 1972

Alabama	$5,802,379
Alaska	222,401
Arizona	2,163,160
Arkansas	3,357,696
California	19,625,311
Colorado	2,643,202
Connecticut	2,537,476
Delaware	520,542
District of Columbia	1,110,472
Florida	6,830,771
Georgia	6,390,308
Hawaii	796,559
Idaho	899,577
Illinois	10,371,320
Indiana	5,396,896
Iowa	3,925,939
Kansas	2,844,022
Kentucky	4,770,515
Louisiana	5,759,805
Maine	1,156,396
Maryland	3,549,625
Massachusetts	5,863,354
Michigan	9,157,777
Minnesota	4,773,195
Mississippi	4,885,174
Missouri	5,420,293
Montana	933,670
Nebraska	2,015,607
Nevada	335,527
New Hampshire	767,114
New Jersey	5,111,397
New Mexico	1,548,112
New York	16,923,121
North Carolina	8,181,440
North Dakota	1,067,895
Ohio	10,424,770
Oklahoma	3,522,127
Oregon	2,401,584
Pennsylvania	12,087,462
Rhode Island	995,991
South Carolina	4,483,023
South Dakota	1,185,126
Tennessee	5,964,544
Texas	14,171,730
Utah	1,532,910
Vermont	613,709
Virginia	$5,605,999
Washington	3,641,590
West Virginia	2,934,188
Wisconsin	5,012,671
Wyoming	416,528
Outlying areas [1]	4,748,000
Total	$237,400,000

[1] Outlying areas include Puerto Rico, Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands.

APPENDIX B

MODEL OFF-CAMPUS AGREEMENT

(*The paragraphs below are suggested as models for the development of a written agreement between an institution of higher education and a public or private non-profit organization which provides for employment of college students participating in the College Work-Study Program. Institutions and organizations may devise additional or substitute paragraphs which are not inconsistent with the statute or regulations.*)

This agreement is entered into between _____, hereinafter known as the "Institution," and _____ hereinafter known as the "Organization," a (*public organization*), (*private nonprofit organization*), (strike one), for the purpose of providing work to students eligible to participate in the College Work-Study Program.

Schedules to be attached to this agreement from time to time, bearing the signature of an authorized official of the Institution and of the Organization, will set forth brief descriptions of the work to be performed by students under this agreement, the total number of students to be employed, the hourly rates of pay, and the average number of hours per week each student will be utilized. These schedules will also state the total length of time the project is expected to run, the total percent, if any, of student compensation that the Organization will pay to the Institution, and the total percent, if any, of the cost of employers' payroll contribution to be borne by the Organization. The Institution will inform the Organization of the maximum number of hours per week a student may work.

Students will be made available to the Organization by the Institution for performance of specific work assignments. Students may be removed from work on a particular assignment or from the Organization by the Institution, either on its own initiative or at the request of the Organization. The Organization agrees that no student will be denied work or subjected to different treatment under this agreement on the grounds of race, color, national origin, or sex, and that it will comply with the provisions of the Civil Rights Act of 1964 (P.L. 88-352; 78 Stat. 252) and Title IX of the Education Amendments of 1972 (P.L. 92-318) and the Regulations of the Department of Health, Education, and Welfare which implement those Acts.

(*Where appropriate any of the following 3 paragraphs or other provision may be included.*)

(1) Transportation for students to and from their work assignments will be provided by the Organization at its own expense and in a manner acceptable to the Institution.

(2) Transportation for the students to and from their work assignments will be provided by the Institution at its own expense.

(3) Transportation for students to and from their work assignments will not be provided by either the Institution or the Organization.

(*Whether the Institution or the Organization will be considered the employer of the students covered under the agreement depends upon the specific arrangement as to the type of supervision exercised by the Organization. It is advisable to include some provision to indicate the intent of the parties as to who shall be considered the employer. As appropriate, one of the following two paragraphs may be included.*) [1]

(1) The Institution shall be deemed the employer for purposes of this agreement. It has the ultimate right to control and direct the services of the student for the Organization. It shall also determine that the students meet the eligibility requirements for employment under the College Work-Study Program, assign students to work for the Organization, and determine that the students do perform their work in fact. The Organization's right shall be limited to direction of the details and means by which the result is to be accomplished.

(2) The Organization shall be deemed the employer for purposes of this agreement. It has the right to control and direct the services of the student, not only as to the result to be accomplished, but also as to the means by which the result is to be accomplished. The Institution shall be limited to determining that the students meet the eligibility requirements for employment under the College Work-Study Program, to assigning students to work for the Organization, and to determining that the students do perform their work in fact.

(*Wording of the following nature may be included, as appropriate, to locate responsibility for payroll disbursements and payment of employers' payroll contributions.*) Compensation of students for work performed on a project under this agreement will be disbursed—and all payments due as an employer's contribution under State or local workmen's compensation laws, under Federal or State social security laws, or under other applicable laws, will be made—by the (Organization), (Institution), (strike one).

(*Where appropriate any of the following paragraphs may be included.*)

(1) At such times as are agreed upon in writing, the Organization will pay to the Institution an amount calculated to cover the Organization's share of the compensation of students employed under this agreement.

(2) In addition to the payment specified in paragraph (1) above, at such times as are agreed upon in writing, the Organization will pay, by way of reimbursement to the Institution, or in advance, an amount equal to any and all payments required to be made by the Institution under State or local workmen's compensation laws, or under Federal or State social security laws, or under any other applicable laws, on account of students participating in projects under this agreement.

(3) At such times as are agreed upon in writing, the Institution will pay to the Organization an amount calculated to cover the Federal share of the compensation of students employed under this agreement and paid by the Organization. Under such an arrangement the Organization will furnish to the Institution for each payroll period the following records for review and retention:

(a) Time reports indicating the total hours worked each week and containing the supervisor's certification as to the accuracy of the hours reported and of satisfactory performance on the part of the students;

(b) A payroll form identifying the period of work, the name of each student, his rate per hour, the number of hours worked, his gross pay, all deductions and net earnings, and the total Federal share applicable to each payroll; [2] and

(c) Documentary evidence that students received payment for their work, such as photographic copies of canceled checks.

[1] (It should be noted that although the following paragraphs attempt to fix the identity of the employer, they will not necessarily be determinative if the actual facts indicate otherwise. Additional wording which specifies the employer's responsibility in case of injury on the job may also be advisable, since Federal funds are not available to pay for hospital expenses or claims in case of injury on the job. In this connection it may be of interest that one or more insurance firms in at least one State have in the past been willing to write a workmen's compensation insurance policy which covers a student's injury on the job regardless of whether it is the Institution or the Organization which is ultimately determined to have been the student's employer when he was injured.)

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[2] (These forms, when accepted, must be countersigned by the Institution as to hours worked and satisfactory performance, as well as to the accuracy of the total Federal share which is to be reimbursed to the off-campus organization.)

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federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

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Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

On March 1, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 8797) a notice of proposed rulemaking for determining the eligibility of public services and certain public works to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974. Interested persons were given until March 25, 1976, to submit written comments. All comments with respect to the proposed rulemaking were given due consideration.

As a result of the coments received, the following changes were made:

1. A number of comments, including a joint comment by Senator William Proxmire, Chairman, Senate Committee on Banking, Housing and Urban Affairs, and Congressman Henry S. Reuss, Chairman, House Committee on Banking, Currency and Housing, indicated that the proopsed inclusion of sewage treatment works as an eligible activity was contrary to the Housing and Community Development Act of 1974. The Conference Report of the 1974 Act states (at page 128) that it "makes clear that the construction of a particular facility is eligible [under title I] only if previously eligible under any consolidated [categorical] program, except the public facility loan program or the model cities program, or specifically mentioned in the conference report." Sewage treatment works were not eligible under the basic water and sewer grant program and are not listed in the Housing and Community Development Act of 1974. Accordingly, the revisions to paragraph (a)(2)(vi) of § 570.200 and paragraph (a)(7) of § 570.201 which proposed the deletion of the exclusion of sewage treatment works have been eliminated.

There were many comments requesting details concerning the eligibility of the administration of sewage treatment facilities for funding under the community development block grant program. As the proposed eligibility of such facilities has been eliminated from consideration, the discussion of these issues is unnecessary.

2. In response to several comments, the language of the first paragraph of § 570.200(a)(8) has been clarified to indicate that public services, otherwise eligible, may be provided by State and local governments, quasi-public, private or nonprofit agencies selected by the applicant.

3. The language of paragraph (a)(8)(i) of § 570.200 has been clarified to indicate that public services must principally serve the needs of residents of areas where physical development activities are to be carried out with block grant assistance and may only incidentally be used to serve other residents of community.

4. A number of comments requested a definition of the term "area." Paragraph (a)(8)(i) of § 570.200 has been clarified to indicate that an "area" is a designated geographical area identified by census tracts or enumeration districts on maps which are a part of the Community Development Program submitted pursuant to paragraph (b) of § 570.303.

5. A number of comments referred to the statutory requirement that "other activities assisted under this Title are being carried out in a concentrated manner." Accordingly, paragraph (a)(8)(ii) of § 570.200 has been clarified to indicate that within the areas where public services will be provided, the physical development activities assisted by the community development block grant program must be carried out in a concentrated manner.

6. The language of paragraph (a)(8)(ii) of § 570.200 has been modified to provide a definition of the term "concentrated manner." The definition requires that the physical development activities are being carried out in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy in a geographically delineated area, such as an urban renewal area, a concentrated code enforcement and rehabilitation area, or similar area with a comprehensive, physical development program for neighborhood improvement, conservation, or preservation. The paragraph also has language clarifying which block grant activities are considered as physical development activities for the purposes of this section.

7. The language of paragraph (a)(8)(iii) of § 570.200 has been clarified to provide a definition of the term "not be otherwise available," which indicates that a public service shall either be a new service or a quantifiable increase in the level of a public service above that currently being provided from local sources. Any increase of funding provided by community development block grant program funds for an existing service is not to be used to compensate for the added costs of operating the public service at its current level due to inflation, salary escalations, and similar cost increases. The use of program funds to augment a public service currently being provided by local sources must result in an actual increase in the level of the service being provided to residents (e.g., a greater number of residents receive the service).

8. A number of comments referred to the statutory requirement that a public service support other activities. Accordingly, paragraph (a)(8)(iv) of § 570.200 requires that the applicant first make a determination that public services are necessary or appropriate to support physical development activities. The Department of Housing and Urban Development does not require that the applicant include the specific determination of support for each public service included in its application. Rather, the applicant, having determined that a proposed public service included in the Community Development Program pursuant to paragraph (b) of § 570.303 meets the support criteria, shall then indicate an appropriate relationship within the description of short term objectives in the community development plan summary pursuant to paragraph (a) of § 570.303. No additional documentation or submission will normally be required. The Secretary will accept the applicant's determination unless there is substantial evidence to the contrary, in which case, pursuant to paragraph (b)(1) of § 570.306, the Secretary may require additional information or assurances from the applicant prior to his determination of eligibility.

Several comments requested clarification whether paragraph (a)(9) of § 570.200, which permits the use of program funds to match other Federal grants, applies to public services provided under paragraph (a)(8) of § 570.200. If all the requirements of paragraph (a)(8) of § 570.200 are complied with, in such cases, then paragraph (a)(9) of § 570.200 would apply.

Several comments indicated support for local determination of the appropriateness of public services. This is included in paragraph (a)(8)(iv) of § 570.200.

Several comments were made regarding the eligibility of communitywide facilities pursuant to paragraph (a)(2) of § 570.200. As this was not the subject of the proposed revisions to the regulations, these comments were not appropriate for consideration in the current matter. These comments will be considered at such time as paragraph (a)(2) of § 570.200 is reviewed for potential revision.

This amendment to paragraph (a)(8) of § 570.200 is effective for all applications for entitlement and discretionary funds to be granted from appropriations for Fiscal Year 1977 and thereafter. All mid-program year amendments received by HUD on or after October 1, 1976, regardless of the Fiscal Year from which the funds were appropriated, are subject to these amended provisions of paragraph (a)(8) of § 570.200. Applications for entitlement and discretionary funds to be granted from appropriations for Fiscal Year 1976, regardless of the actual date of receipt by HUD, and mid-program year amendments to ongoing community development block grant programs received by HUD on or before September 30, 1976, are subject to the provisions of paragraph § 570.200 as published on January 19, 1976, in the FEDERAL REGISTER (41 FR 2766). The effective date has been delayed in order to provide advance notice to applicants of the revisions and to complete the review of entitlement and discretionary applications presently on hand or expected to be submitted to HUD in the near future.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

In consideration of the foregoing, 24 CFR Part 570 is amended by revising § 570.200(a)(8) to read as follows:

§ 570.200 Eligible activities.

(a) • • •

(8) Provision of public services which are directed toward improving the community's public services and facilities, including those concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreational needs, and which are directed toward coordinating public and private development programs. Such services may be provided by State or local governments, quasi-public, private, or nonprofit agencies selected by the applicant for funds provided under this Part. Public services must meet the following criteria:

(i) Public services must principally serve residents of those areas identified, by census tracts or enumeration districts, on the maps and in the Community Development Program submitted pursuant to § 570.303(b) in which physical development activities are to be carried out with assistance provided under this Part. Such services must be directed toward meeting the needs of residents of such areas and funds available under this Part for such services may only incidentally be used to serve other residents of the applicant jurisdiction.

(ii) The applicant's Community Development Program must indicate that within the areas referred to in paragraph (a)(8)(i) of this section, other physical development activities assisted under this Part shall be carried out in a concentrated manner. Such physical development activities include only those described in § 570.200(a)(1)-(5), (7), and (9)-(10). The phrase "concentrated manner" shall mean that the physical development activities are being carried out in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy in a geographically delineated area, such as an urban renewal area, a concentrated code enforcement and rehabilitation area, or similar area with a comprehensive, physical development program for neighborhood improvement, conservation, or preservation.

(iii) Public services assisted under this Part must not be otherwise available. For the purpose of this paragraph, "not be otherwise available" means a new service is being assisted or that there is a quantifiable increase in the level of a service above that currently being provided from local sources. Also, Federal assistance in providing or securing such services must have been applied for and denied or not made available pursuant to the provisions of § 570.607.

(iv) Such services must be determined first by the applicant to be necessary or appropriate to support the physical development activities identified within the same delineated areas set forth in the Community Development Program. The specific determination of support for each proposed public service in an application for assistance under this Part is not required to be included in the application. Rather, having determined that each public service to be included in an application complies with the support requirement, the applicant shall indicate the appropriate relationship within the description of short-term objectives in the Community Development Plan Summary pursuant to § 570.303(a). The Secretary will accept the applicant's determination unless there is substantial evidence to the contrary, as described in § 570.306(b)(1), in which case additional information or assurances may be requested from the applicant prior to a determination of eligibility by the Secretary.

(v) Effective date: (A) This amendment to § 570.200(a)(8) becomes effective as to all applications for entitlement or discretionary funds pursuant to Subpart D and Subpart E, respectively, of this Part, to be granted from appropriations for Fiscal Year 1977 and thereafter and for mid-program year amendments pursuant to § 570.305(a) to ongoing community development block grant programs received by HUD on or after October 1, 1976. (B) All applications for entitlement and discretionary funds pursuant to Subpart D and Subpart E, respectively, of this Part, to be granted from appropriations for Fiscal Year 1976, regardless of actual date of receipt by HUD, and all mid-program year amendments pursuant to § 570.305(a) received by HUD on or before September 30, 1976, shall be subject to the provisions of § 570.200(a)(8) as published on January 19, 1976, in the FEDERAL REGISTER (41 FR 2766).

• • • • •

(Title I of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq.; sec. 7(d) HUD Act, 42 U.S.C. 3535(d))

Effective date: This regulation shall be effective on September 1, 1976.

DAVID O. MEEKER, Jr.,
FAIA, AIP Assistant Secretary for Community Planning and Development.

[FR Doc.76-25536 Filed 8-31-76;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 1, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

REQUESTS FOR INFORMATION

Confidentiality of Business Information

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Title 40—Protection of Environment

[FRL 567–7]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Requests for Information; Confidentiality of Business Information

On May 20, 1975, the Environmental Protection Agency (EPA) caused to be published in the FEDERAL REGISTER a document (40 FR 21987) proposing to amend 40 CFR Part 2 by adding a new Subpart B entitled "Confidentiality of Business Information." Certain corrections and revisions to that document were made by a document published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28814). Interested persons were given until July 22, 1975, to submit written comments, suggestions, or objections. Some 60 comments were received; commenters included trade associations, business firms, environmental organizations, state agencies, and others. Full and careful consideration was given to all written comments received.

As promulgated below, the rule reflects a number of changes from the proposed rule. Many of these changes were suggested by comments on the proposed rule made by interested members of the public; others were found desirable in order to simplify and clarify various provisions, even though they were not specifically suggested by comments from the public. The changes do not introduce significant variations from the subject matter and issues presented in the May 20 and July 9, 1975, documents. A summary of the significant comments, the Administrator's responses to those comments, and the other changes that have been made appear as Appendix A. The Preamble to the May 20, 1975, document also discussed many of the issues presented by this rule-making proceeding.

The purpose of Subpart B is to establish and make known to the public the rules and procedures which EPA will use in handling information gathered by EPA which may be entitled confidential treatment for reasons of business confidentiality. The regulation represents EPA's attempt to devise a procedure which protects the interests of the businesses which furnish information to EPA, the interests of members of the public who request that EPA disclose such information, and the interests of EPA in carrying out its statutory missions. As stated more fully in the Preamble to the May 20 document, these various interests may from time to time be in conflict. Businesses have recently expressed concern that Federal agencies may disclose proprietary information the agencies possess and thereby harm the businesses. On the other hand, members of the public have asserted that understanding and criticizing Government proposals or decisions is difficult or impossible if the business data upon which the Government relied are unavailable for scrutiny. EPA understands the importance of both these arguments and, in addition, is aware that the continuing flow of information from businesses needed for sound EPA decisionmaking may be affected adversely if businesses do not feel that EPA gives full and fair consideration to their confidentiality claims.

Subpart B, as promulgated below, establishes procedures and substantive rules designed to: Limit the likelihood of inadvertent disclosure of confidential business information; afford businesses a fair opportunity both to assert a confidentiality claim and to substantiate the claim prior to an EPA ruling on the claim; allow a business to seek judicial review of an EPA ruling unfavorable to it; protect the interests of members of the public who request disclosure of business information under the Freedom of Information Act, 5 U.S.C. 552; and furnish guidance to those EPA officers and employees who must deal with confidentiality claims and requests for information while carrying out other important Agency business.

Subpart B consists of a series of generally applicable rules (§§ 2.201–2.213) and certain special rules which modify the general rules when necessary to implement several statutes under which EPA operates and which contain special provisions governing the treatment of business information.

A revision of Subpart A of 40 CFR Part 2 is also promulgated below. (Subpart A contains the Agency's basic regulations concerning the treatment of requests for information under 5 U.S.C. 552). Many of the changes to Subpart A are merely matters of style designed to more clearly set forth procedural rules which were stated in the earlier version of the subpart. Former § 2.107 has been redesignated as § 2.106, and a new § 2.107 has been added, dealing with the treatment of misdirected written requests and oral requests. The subpart has been revised in several places to indicate more clearly that a discretionary decision to withhold exempt documents should be based on a finding that the public interest would not be served by disclosure. Section 2.119(b) has been revised to indicate that matters exempt under 5 U.S.C. 552 (b)(8) or (b)(9) normally will not be disclosed as a matter of policy. Section 2.120 has been extensively revised to state additional examples of search and duplication efforts for which the fee will be the actual direct cost to EPA, to indicate items for which no charge shall be made, and to clarify the procedure to be used in considering requests for reduction of waiver of fees. Former § 2.121, which recited a statutory requirement concerning an annual report to Congress, has been deleted as unnecessary. Because the changes to Subpart A consist of rules of agency organization, procedure, or practice, and because public comment on these changes is unnecessary and would not serve the public interest, good cause is hereby found for promulgating the revision of Subpart A without use of the proposed rulemaking procedure of 5 U.S.C. 553(c).

Finally, minor changes to other parts in Chapter I of 40 CFR are also being made for the purpose of conforming these parts to the newly promulgated Subpart B of Part 2.

Accordingly, Chapter I of 40 CFR is amended as set forth below.

Effective date: These regulations shall become effective on October 1, 1976.

Dated: August 12, 1976.

RUSSELL E. TRAIN,
Administrator.

Chapter I of 40 CFR is amended as follows:

1. Part 2 is amended by revising Subpart A and by adding a new Subpart B, so that the Part reads as follows:

PART 2—PUBLIC INFORMATION

Subpart A—Requests for Information

Sec.
2.100 Definitions.
2.101 Policy on disclosure of EPA records.
2.102 [Reserved]
2.103 Partial disclosure of records.
2.104 Requests to which this subpart applies.
2.105 Existing records.
2.106 Where requests for agency records shall be filed.
2.107 Misdirected written requests; oral requests.
2.108 Form a request.
2.109 Requests which do not reasonably describe records sought.
2.110 Responsibilities of Freedom of Information Officers.
2.111 Action by office responsible for responding to request.
2.112 Time allowed for issuance of initial determination.
2.113 Initial denials of requests.
2.114 Appeals from initial denials; manner of making.
2.115 Appeal determinations; by whom made.
2.116 Contents of determination denying appeal.
2.117 Time allowed for issuance of appeal determination.
2.118 Exemption categories.
2.119 Discretionary release of exempt documents.
2.120 Fees; payment; waiver.
2.121–2.200 [Reserved].

Subpart B—Confidentiality of Business Information

2.201 Definitions.
2.202 Applicability of subpart; priority where provisions conflict; records containing more than one kind of information.
2.203 Notice to be included in EPA requests, demands, and forms; method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.
2.204 Initial action by EPA office.
2.205 Final confidentiality determination by EPA legal office.
2.206 Advance confidentiality determinations.
2.207 Class determinations.
2.208 Substantive criteria for use in confidentiality determinations.
2.209 Disclosure in special circumstances.
2.210 Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.
2.211 Safeguarding of business information; penalty for wrongful disclosure.
2.212 Establishment of control offices for categories of business information.
2.213 Designation by business of addressee for notices and inquiries.

Sec.
2.214–2.300 [Reserved].
2.301 Special rules governing certain information obtained under the Clean Air Act.
2.302 Special rules governing certain information obtained under the Federal Water Pollution Control Act.
2.303 Special rules governing certain information obtained under the Noise Control Act of 1972.
2.304 Special rules governing certain information obtained under the Safe Drinking Water Act.
2.305 [Reserved].
2.306 [Reserved].
2.307 Special rules governing certain information obtained under the Federal Insecticide, Fungicide, and Rodenticide Act.
2.308 Special rules governing certain information obtained under the Federal Food, Drug, and Cosmetic Act.
2.309 Special rules governing certain information obtained under the Marine Protection, Research and Sanctuaries Act of 1972.

AUTHORITY: 5 U.S.C. 301, 552, 553; secs. 114, 208, 301, and 307 of the Clean Air Act, as amended, 42 U.S.C. 1857c–9, 1857f–6, 1867g, 1857h–5; secs. 308, 501, and 509(a) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1318, 1361, 1369(a); sec. 13 of the Noise Control Act of 1972, 42 U.S.C. 4912; secs. 1445 and 1450 of the Safe Drinking Water Act, 42 U.S.C. 300j–4, 300j–9; secs. 10, 12, and 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136h, 136j, 136v; sec. 408(f) of the Federal Food, Drug and Cosmetic Act, as amended, 21 U.S.C. 346a(f); and secs. 104(f) and 108 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1414 (f), 1418.

Subpart A—Requests for Information

§ 2.100 Definitions.

For the purposes of this part:

(a) "EPA" means the United States Environmental Protection Agency.

(b) "EPA record" or, simply, "record" means and document, writing, photograph, sound or magnetic recording, drawing, or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and which is, was, or is alleged to be possessed by EPA. The term includes informal writings (such as handwritten notes, drafts, and the like), and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. The term includes documents and the like which were created or acquired by EPA, its predecessors, its officers, and employees by use of Government funds or in the course of transacting official business. However, the term does not include materials which are legally owned by an EPA officer or employee in his or her purely personal capacity. Nor does the term include materials published by non-Federal organizations which are readily available to the public, such as books, journals, and periodicals available through reference libraries, even if such materials are in EPA's possession.

(c) "Request" means a request to inspect or obtain a copy of one or more records.

(d) "Requestor" means any person who has submitted a request to EPA.

§ 2.101 Policy on disclosure of EPA records.

(a) EPA will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of persons in business information entitled to confidential treatment, and the need for EPA to promote frank internal policy deliberations and to pursue its official activities without undue disruption.

(b) All EPA records shall be available to the public unless they are exempt from the disclosure requirements of 5 U.S.C. 552.

(c) All nonexempt EPA records shall be available to the public upon request regardless of whether any justification or need for such records has been shown by the requestor.

§ 2.102 [Reserved]

§ 2.103 Partial disclosure of records.

If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed, after the exempt material has been deleted in accordance with § 2.119.

§ 2.104 Requests to which this subpart applies.

(a) This subpart applies to any written request (other than a request made by another Federal agency) received by any EPA office, whether or not the request cites the Freedom of Information Act, 5 U.S.C. 552. See § 2.107(a) and § 2.112(b) regarding the treatment of requests which are directed by the requestor to offices other than those listed in § 2.106.

(b) Any written request to EPA for existing records prepared by EPA for routine public distribution, e.g., pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination under § 2.111 is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are available to the public.

§ 2.105 Existing records.

(a) The Freedom of Information Act, 5 U.S.C. 552, does not require the creation of new records in response to a request, nor does it require EPA to place a requestor's name on a distribution list for automatic receipt of certain kinds of records as they come into existence. The Act establishes requirements for disclosure of existing records.

(b) All existing EPA records are subject to routine destruction according to standard record retention schedules.

§ 2.106 Where requests for agency records shall be filed.

(a) A request for records may be filed with the EPA Freedom of Information Officer, A–101, 401 M Street, SW., Washington, D.C. 20460.

(b) Should the requestor have reason to believe that the records sought may be located in an EPA regional office, he may transmit his request to the appropriate regional Freedom of Information Office indicated below:

(1) Region I (Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont):

U.S. Environmental Protection Agency, Freedom of Information Officer, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

(2) Region II (New Jersey, New York, Puerto Rico, Virgin Islands):

U.S. Environmental Protection Agency, Freedom of Information Officer, Room 1005, 26 Federal Plaza, New York, NY 10007.

(3) Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia):

U.S. Environmental Protection Agency, Freedom of Information Officer, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

(4) Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 504, 1421 Peachtree Street, NE., Atlanta, GA 30309.

(5) Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin):

U.S. Environmental Protection Agency, Freedom of Information Officer, 230 Dearborn Street, Chicago, IL 60604.

(6) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 1100, 1600 Patterson Street, Dallas, TX 75201.

(7) Region VII (Iowa, Kansas, Missouri, Nebraska):

U.S. Environmental Protection Agency, Freedom of Information Officer, 1735 Baltimore Avenue, Kansas City, MO 64108.

(8) Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming):

U.S. Environmental Protection Agency, Freedom of Information Officer, Suite 900, 1860 Lincoln Street, Denver, CO 80203.

(9) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territory of Pacific Islands, Wake Island):

U.S. Environmental Protection Agency, Freedom of Information Officer, 100 California Street, San Francisco, CA 94111.

(10) Region X (Alaska, Idaho, Oregon, Washington):

U.S. Environmental Protection Agency, Freedom of Information Officer, 1200 Sixth Avenue, Seattle, WA 98101.

§ 2.107 Misdirected written requests; oral requests.

(a) EPA cannot assure that a timely or satisfactory response under this subpart will be given to written requests that are addressed to EPA offices, officers, or employees other than the Freedom of Information Officers listed in § 2.106. Any EPA officer or employee who receives a written request for inspection or disclosure of EPA records shall promptly

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forward a copy of the request to the appropriate Freedom of Information Officer, by the fastest practicable means, and shall, if appropriate, commence action under § 2.111.

(b) While EPA officers and employees will attempt in good faith to comply with requests for inspection or disclosure of EPA records made orally, by telephone or otherwise, such oral requests are not required to be processed in accordance with this Subpart.

§ 2.108 Form of request.

A request shall be made in writing, shall reasonably describe the records sought in a way that will permit their identification and location, and should be addressed to one of the addresses set forth in § 2.106, but otherwise need not be in any particular form.

§ 2.109 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not sufficient to allow EPA to identify and locate the requested records, the EPA office taking action under § 2.111 will notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) EPA will make every reasonable effort to assist in the identification and description of records sought and to assist the requestor in formulating his request. If a request is described in general terms (e.g., all records having to do with a certain area), the EPA office taking action under § 2.111 may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fees payable by the requestor. Such attempts will not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§ 2.110 Responsibilities of Freedom of Information Officers.

(a) Upon receipt of a written request, the Freedom of Information Officer (whether at EPA Headquarters or at an EPA region) shall mark the request with the date of receipt, and shall attach to the request a control slip indicating the date of receipt, the date by which response is due, a unique Request Identification Number, and other pertinent administrative information. The request and control slip shall then be forwarded immediately to the EPA office believed to be responsible for maintaining the records requested. (If the records requested are believed to be located at two or more EPA offices, each such office shall be furnished a copy of the request and control slip, with instructions concerning which office shall serve as the lead office for coordinating the response.) The Freedom of Information Officer shall retain a file copy of the request and control slip, and shall monitor the handling of the request to ensure a timely response.

(b) The Freedom of Information Officer shall maintain a file concerning each request received, which shall contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information officer shall collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 2.111 Action by office responsible for responding to request.

(a) Whenever an EPA office becomes aware that it is responsible for responding to a request, the office shall:

(1) Take action under § 2.109, if required, to obtain a better description of the records requested;

(2) Locate the records as promptly as possible, or determine that the records are not known to exist, or that they are located at another EPA office, or that they are located at another Federal agency and not possessed by EPA;

(3) When appropriate, take action under § 2.120(c) to obtain payment or assurance of payment;

(4) If any located records contain business information, as defined in § 2.201(c), comply with subpart B of this part;

(5) Determine which of the requested records legally must be withheld, and why (see § 2.119(b));

(6) Of the requested records which are exempt from mandatory disclosure but which legally may be disclosed (see § 2.119(a)), determine which records will be withheld, and why;

(7) Issue an initial determination within the allowed period (see § 2.112), specifying (individually or by category) which records will be disclosed and which will be withheld, and signed by a person authorized to issue the determination under § 2.113(b). Denials of requests shall comply with § 2.113; and

(8) Furnish the appropriate Freedom of Information Officer a copy of the determination. If the determination denied a request for one or more existing, located records, the responding office shall also furnish the Freedom of Information Officer the name, address, and telephone number of the EPA employee(s) having custody of the records, and shall maintain the records in a manner permitting their prompt forwarding to the General Counsel upon request if an appeal from the initial denial is filed. See also § 2.204(f).

(b) If it appears that some or all of the requested records are not in the possession of the EPA office which has been assigned responsibility for responding to the request but may be in the possession of some other EPA office, the Freedom of Information officer who is monitoring the request shall be so informed immediately.

§ 2.112 Time allowed for issuance of initial determination.

(a) Except as otherwise provided in this section, not later than the tenth working day after the date of receipt by a Freedom of Information Office of a request for records, the EPA office responsible for responding to the request shall issue a written determination to the requestor stating which of the requested records will, and which will not, be released, and the reason for any denial of a request.

(b) The period of 10 working days shall be measured from the date the request is first received and logged in by the Headquarters or regional Freedom of Information Office.

(c) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by EPA under § 2.109 that his request does not reasonably identify the records sought, and the date that the requestor furnishes a reasonable identification.

(d) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by EPA under § 2.120 that prepayment of fees is required, and the date that the requestor pays (or makes suitable arrangements to pay) such charges.

(e) The EPA office taking action under § 2.111, after notifying the appropriate Freedom of Information Office, may extend the basic 10-day period established under subsection (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 10-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of EPA.

(f) Failure of EPA to issue a determination within the 10-day period or any authorized extension shall constitute final agency action which authorizes the requestor to commence an action in an appropriate Federal district court to obtain the records.

§ 2.113 Initial denials of requests.

(a) An initial denial of a request may be issued only for the following reasons:

(1) The record requested is not known to exist;

(2) The record is not in EPA's possession;

(3) The record has been published in the FEDERAL REGISTER or is otherwise published and available for sale;

(4) A statutory provision, provision of this part, or court order requires that the information not be disclosed;

(5) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b) and EPA has decided that the public interest would not be served by disclosure;

(6) Section 2.204(d)(1) requires initial denial because a third person must be consulted in connection with a business confidentiality claim; or

(7) The record is believed to exist in EPA's possession but has not yet been located (see subsection (h) of this section).

(b) Assistant Administrators, heads of headquarters staff offices, and Regional Administrators are delegated the authority to issue initial determinations. This authority may be redelegated; *provided*, that the authority to issue initial denials of requests for existing, located records (other than denials based solely on § 2.204(d)(1)) may be redelegated only to persons occupying positions not lower than division director or equivalent.

(c) [Reserved]

(d) Each initial determination to deny a request shall be written, signed, and dated, shall contain a reference to the Request Identification Number, shall identify the records that are being withheld (individually, or, if the denial covers a large number of similar records, by described category), and shall state the basis for denial of each record or category of records being withheld.

(e) If the issuance of the determination to deny a request was directed by some EPA officer or employee other than the person signing the determination letter, that other person's identity and position shall be stated in the determination letter.

(f) Each initial determination which denies, in whole or in part, a request for one or more existing, located EPA records shall state that the requestor may appeal the initial denial by sending a written appeal to the address shown in § 2.106(a) within 30 days of receipt of the determination.

(g) A determination shall be deemed issued on the date the determination letter is placed in EPA mailing channels for first class mailing to the requestor, delivered to the U.S. Postal Service for mailing, or personally delivered to the requestor, whichever date first occurs.

(h) When a request must be denied because the record has not yet been located (although it is believed to exist in EPA's possession), the EPA office responsible for maintaining the record shall continue to search diligently until it is located or it appears that the record does not exist or is not in EPA's possession, and shall periodically inform the requestor of the office's progress.

§ 2.114 Appeals from initial denials; manner of making.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in § 2.106(a).

(b) An appeal should be mailed no later than 30 calendar days after the date the requestor received the initial determination on the request. An untimely appeal may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter shall contain a reference to the Request Identification Number (RIN), the date of the initial determination, and the name and address of the person who issued the initial denial. The appeal letter shall also indicate which of the records to which access was denied are the subjects of the appeal.

§ 2.115 Appeal determination; by whom made.

(a) The General Counsel shall make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed, because a statute or a provision of this part so requires; or

(3) The record is exempt from mandatory disclosure but legally may be disclosed as a matter of Agency discretion.

(b) Whenever the General Counsel has determined under paragraph (a)(3) of this section that a record is exempt from mandatory disclosure but legally may be disclosed, the matter shall be referred to the Director of the EPA Office of Public Affairs. If the Director of the EPA Office of Public Affairs determines that the public interest would not be served by disclosure, a determination denying the appeal shall be issued by the General Counsel. If the Director of the EPA Office of Public Affairs determines that the public interest would be served by disclosure, the record shall be disclosed unless the Administrator (upon a review of the matter requested by the appropriate Assistant Administrator, Regional Administrator, or the Director of a Headquarters Staff Office) determines that the public interest would not be served by disclosure, in which case the General Counsel shall issue a determination denying the appeal.

(c) The General Counsel may delegate his authority under paragraph (a) of this section to a Regional Counsel, or to any other attorney employed on a full-time basis by EPA, in connection with any category of appeals or any individual appeal.

§ 2.116 Contents of determination denying appeal.

A determination denying an appeal from an initial denial shall be in writing, shall state which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record, and shall state the reason(s) for denial of the appeal. A denial determination shall also state the name and position of each EPA officer or employee who directed that the appeal be denied. Such a determination shall further state that the person whose request was denied may obtain de novo judicial review of the denial by complaint filed with the district court of the United States in the district in which the complainant resides, or in which the Agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 2.117 Time allowed for issuance of appeal determination.

(a) Except as otherwise provided in this section, not later than the twentieth working day after the date of receipt by the Freedom of Information Officer at EPA Headquarters of an appeal from an initial denial of a request for records, the General Counsel shall issue a written determination stating which of the requested records (as to which an appeal was made) shall be disclosed and which shall not be disclosed.

(b) The period of 20 working days shall be measured from the date an appeal is first received by the Freedom of Information Officer at EPA Headquarters, except as other provided in § 2.205(a).

(c) The Office of General Counsel, after notifying the Freedom of Information Officer at EPA Headquarters, may extend the basic 20-day period established under subsection (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 20-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the records from field facilities or other establishments that are separate from the office processing the appeal;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of EPA.

(d) No extension of the 20-day period shall be issued under subsection (c) of this section which would cause the total of all such extensions and of any extensions issued under § 2.112(e) to exceed 10 working days.

§ 2.118 Exemption categories.

(a) 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located record in EPA's possession shall be denied by any EPA office or employee unless the record contains (or its disclosure would reveal) matters that are—

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

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(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential (see Subpart B);

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (a) interfere with enforcement proceedings; (b) deprive a person of a right to a fair trial or an impartial adjudication; (c) constitute an unwarranted invasion of personal privacy; (d) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (e) disclose investigative techniques and procedures; or (f) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The fact that the applicability of an exemption permits the withholding of a requested record (or portion thereof) does not necessarily mean that the record must or should be withheld. See § 2.119.

§ 2.119 Discretionary release of exempt documents.

(a) An EPA office may, in its discretion, release requested records despite the applicability of one or more of the exemptions listed in § 2.118 (a)(2), (a)(5), or (a)(7). Disclosure of such records is encouraged if no important purpose would be served by withholding the records.

(b) As a matter of policy, EPA will not release a requested record if EPA has determined that one or more of the exemptions listed in § 2.118 (a)(1), (a)(3), (a)(4), (a)(6), (a)(8), or (a)(9) applies to the record, except when ordered to do so by a Federal court or in exceptional circumstances under appropriate restrictions with the approval of the Office of General Counsel or a Regional Counsel.

§ 2.120 Fees; payment; waiver.

(a) *Fee schedule.* Fees will be charged requestors for searching for and reproducing requested records, in accordance with the following schedule:

Record search time (EPA employees), $2.50 per half hour.
Computer programming time (EPA employees), $4.50 per half hour.
Reproduction of documents (paper copy of paper original), $0.20 per page.
Other costs of searching for or duplicating records (including such items as: computer system time; contractor computer programming time; reproduction of photographs, microforms, or magnetic tape; computer printouts; and transportation of records), actual direct cost to EPA.

No charge shall be made—

(1) For examination and evaluation of records which have been located and which are known to be among those requested;

(2) For the cost of preparing or reviewing letters of response to a request or appeal;

(3) If the total fee in connection with a request is less than $10.00, or if the costs of collecting the fee would otherwise exceed the amount of the fee;

(4) For search time or computer programming time by EPA employees, if less than one half hour of such time was required in connection with the request;

(5) For responding to a request for one copy of the official personnel record of the requestor;

(6) For furnishing records requested by either House of Congress, or by a duly authorized committee or subcommittee of Congress, unless the records are requested for the benefit of an individual Member of Congress or for a constituent;

(7) For furnishing records requested by and for the official use of other Federal agencies; or

(8) For furnishing records needed by an EPA contractor or grantee to perform the work required by the EPA contract or grant.

(b) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Environmental Protection Agency" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the appropriate EPA Freedom of Information Officer.

(c) *Prepayment or assurance of payment.* If an EPA office determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed $25.00, that office need not search for, duplicate or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this section. In such a case, the EPA office shall promptly inform the requestor (by telephone, if practicable) of the need to make payment or arrangements to pay. See also § 2.112(d).

(d) *Reduction or waiver of fee.* The fee chargeable under this section may be reduced or waived by EPA if the public interest would be served thereby. Reduction or waiver of fees shall be considered (but need not necessarily be granted) in connection with each request from a representative of the press or other communications medium, or from a public interest group. A request for reduction or waiver of fees shall be addressed to the appropriate Freedom of Information Officer or to the EPA office which is responding to the request for records. The latter office shall initially determine whether the fee shall be reduced or waived, and shall so inform the requestor. The initial determination may be appealed by letter addressed to the appropriate Freedom of Information Officer. The Director of the EPA Office of Public Affairs, or the Director's designee in an EPA regional office, shall decide such appeals.

§ 2.121–§ 2.200 [Reserved]

Subpart B—Confidentiality of Business Information

§ 2.201 Definitions.

For the purposes of this subpart:

(a) "person" means an individual, partnership, corporation, association, or other public or private organization or legal entity, including Federal, State or local governmental bodies and agencies and their employees.

(b) "Business" means any person engaged in a business, trade, employment, calling or profession, whether or not all or any part of the net earnings derived from such engagement by such person inure (or may lawfully inure) to the benefit of any private shareholder or individual.

(c) "Business information" (sometimes referred to simply as "information") means any information which pertains to the interests of any business, which was developed or acquired by that business, and (except where the context otherwise requires) which is possessed by EPA in recorded form.

(d) "Affected business" means, with reference to an item of business information, a business which has asserted (and not waived or withdrawn) a business confidentiality claim covering the information, or a business which could be expected to make such a claim if it were aware that disclosure of the information to the public was proposed.

(e) "Reasons of business confidentiality" include the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. The definition is meant to encompass any concept which authorizes a Federal agency to withhold business information under 5 U.S.C. 552(b)(4), as well as any concept which requires EPA to withhold information from the public for the benefit of a business under 18 U.S.C. 1905 or any of the various statutes cited in § 2.301 through § 2.309.

(f) [Reserved]

(g) Information which is "available to the public" is information in EPA's possession which EPA will furnish to any member of the public upon request and which EPA may make public, release or otherwise make available to any person

whether or not its disclosure has been requested.

(h) "Business confidentiality claim" (or, simply, "claim") means a claim or allegation that business information is entitled to confidential treatment for reasons of business confidentiality, or a request for a determination that such information is entitled to such treatment.

(i) "Voluntarily submitted information" means business information in EPA's possession—

(1) The submission of which EPA had no statutory or contractual authority to require; and

(2) The submission of which was not prescribed by statute or regulation as a condition of obtaining some benefit (or avoiding some disadvantage) under a regulatory program of general applicability, including such regulatory programs as permit, licensing, registration, or certification programs, but excluding programs concerned solely or primarily with the award or administration by EPA of contracts or grants.

(j) "Recorded" means written or otherwise registered in some form for preserving information, including such forms as drawings, photographs, videotape, sound recordings, punched cards, and computer tape or disk.

(k) [Reserved]

(l) "Administrator," "Regional Administrator," "General Counsel," "Regional Counsel," and "Freedom of Information Officer" mean the EPA officers or employees occupying the positions so titled.

(m) "EPA office" means any organizational element of EPA, at any level or location. (The terms "EPA office" and "EPA legal office" are used in this subpart for the sake of brevity and ease of reference. When this subpart requires that an action be taken by an "EPA office" or by an EPA legal office," it is the responsibility of the officer or employee in charge of that office to take the action or ensure that it is taken.)

(n) "EPA legal office" means the EPA General Counsel and any EPA office over which the General Counsel exercises supervisory authority, including the various Offices of Regional Counsel. (See paragraph (m) of this section.)

(o) A "working day" is any day on which Federal government offices are open for normal business. Saturdays, Sundays, and official Federal holidays are not working days; all other days are.

§ 2.202 Applicability of subpart; priority where provisions conflict; records containing more than one kind of information.

(a) Sections 2.201 through 2.213 establish basic rules governing business confidentiality claims, the handling by EPA of business information which is or may be entitled to confidential treatment, and determinations by EPA of whether information is entitled to confidential treatment for reasons of business confidentiality.

(b) Various statutes (other than 5 U.S.C. 552) under which EPA operates contain special provisions concerning the entitlement to confidential treatment of information gathered under such statutes. Sections 2.301 through 2.309 prescribe special rules for treatment of certain categories of business information obtained under the various statutory provisions. Paragraph (b) of each of those sections should be consulted to determine whether any of those sections applies to the particular information in question.

(c) The basic rules of §§ 2.201 through 2.213 govern except to the extent that they are modified or supplanted by the special rules of §§ 2.301 through 2.309. In the event of a conflict between the provisions of the basic rules and those of a special rule which is applicable to the particular information in question, the provision of the special rule shall govern.

(d) If two or more of the sections containing special rules apply to the particular information in question, and the applicable sections prescribe conflicting special rules for the treatment of the information, the rule which provides greater or wider availability to the public of the information shall govern.

(e) For most purposes, a document or other record may usefuly be treated as a single unit of "information," even though in fact the document or record is comprised of a collection of individual items of information. However, in applying the provisions of this subpart, it will often be necessary to separate the individual items of information into two or more categories, and to afford different treatment to the information in each such category. The need for differentiation of this type may arise, e.g., because a business confidentiality claim covers only a portion of a record, or because only a portion of the record is eligible for confidential treatment. EPA offices taking action under this subpart must be alert to this problem.

(f) In taking actions under this subpart, EPA offices should consider whether it is possible to obtain the affected business's consent to disclosure of useful portions of records while protecting the information which is or may be entitled to confidentiality (e.g., by withholding such portions of a record as would identify a business, or by disclosing data in the form of industry-wide aggregates, multi-year averages or totals, or some similar form).

(g) This subpart does not apply to questions concerning entitlement to confidential treatment or information which concerns an individual solely in his personal, as opposed to business, capacity.

§ 2.203 Notice to be included in EPA requests, demands, and forms; method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.

(a) *Notice to be included in certain requests and demands for information, and in certain forms.* Whenever an EPA office makes a written request or demand that a business furnish information which, in the office's opinion, is likely to be regarded by the business as entitled to confidential treatment under this subpart, or whenever an EPA office prescribes a form for use by businesses in furnishing such information, the request, demand, or form shall include or enclose a notice which—

(1) States that the business may, if it desires, assert a business confidentiality claim covering part or all of the information, in the manner described by paragraph (b) of this section, and that information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in this subpart;

(2) States that if no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the business; and

(3) Furnishes a citation of the location of this subpart in the Code of Federal Regulations and the FEDERAL REGISTER.

(b) *Method and time of asserting business confidentiality claim.* A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

(c) *Effect of failure to assert claim at time of submission of information.* If information was submitted by a business to EPA on or after [the effective date of this subpart], in response to an EPA request or demand (or on an EPA-prescribed form) which contained the substance of the notice required by paragraph (a) of this section, and if no business confidentiality claim accompanied the information when it was received by EPA, the inquiry to the business normally required by § 2.204(c)(2) need not be made. If a claim covering the information is received after the information itself is received, EPA will make such efforts as are administratively practicable to associate the late claim with copies of the previously-submitted information in EPA files (see § 2.204(c)(1)). However, EPA cannot assure that such efforts will be effective, in light of the possibility of prior disclosure or widespread prior dissemination of the information.

§ 2.204 Initial action by EPA office.

(a) *Situations requiring action.* This section prescribes procedures to be used by EPA offices in making initial determinations of whether business information is entitled to confidential treatment for reasons of business confidentiality.

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Action shall be taken under this section whenever an EPA office:

(i) learns that it is responsible for responding to a request under 5 U.S.C. 552 for the release of business information; in such a case, the office shall issue an initial determination within the period specified in § 2.112;

(ii) desires to determine whether business information in its possession is entitled to confidential treatment, even though no request for release of the information has been received; or

(iii) determines that it is likely that EPA eventually will be requested to disclose the information at some future date and thus will have to determine whether the information is entitled to confidential treatment. In such a case this section's procedures should be initiated at the earliest practicable time, in order to increase the time available for preparation and submission of comments and for issuance of determinations, and to make easier the task of meeting response deadlines if a request for release of the information is later received under 5 U.S.C. 552.

(b) *Previous confidentiality determination.* The EPA office shall first ascertain whether there has been a previous determination, issued by a Federal court or by an EPA legal office acting under this subpart, holding that the information in question is entitled to confidential treatment for reasons of business confidentiality.

(1) If such a determination holds that the information is entitled to confidential treatment, the EPA office shall furnish any person whose request for the information is pending under 5 U.S.C. 552 an initial determination (see § 2.111 and § 2.113) that the information has previously been determined to be entitled to confidential treatment, and that the request is therefore denied. The office shall furnish such person the appropriate case citation or EPA determination. If the EPA office believes that a previous determination which was issued by an EPA legal office may be improper or no longer valid, the office shall so inform the EPA legal office, which shall consider taking action under § 2.205(h).

(2) With respect to all information not known to be covered by such a previous determination, the EPA office shall take action under paragraph (c) of this section.

(c) *Determining existence of business confidentiality claims.*

(1) Whenever action under this paragraph is required by paragraph (b)(2) of this section, the EPA office shall examine the information and the office's records to determine which businesses, if any, are affected businesses (see § 2.201 (d)), and to determine which businesses if any, have asserted business confidentiality claims which remain applicable to the information. If any business is found to have asserted an applicable claim, the office shall take action under paragraph (d) of this section with respect to each such claim.

(2)(i) If the examination conducted under paragraph (c)(1) of this section discloses the existence of any business which, although it has not asserted a claim, might be expected to assert a claim if it knew EPA proposed to disclose the information, the EPA office shall contact a responsible official of each such business to learn whether the business asserts a claim covering the information. However, no such inquiry need be made to any business—

(A) which failed to assert a claim covering the information when responding to an EPA request or demand, or supplying information on an EPA form, which contained the substance of the statements prescribed by § 2.203(a);

(B) which otherwise failed to assert a claim covering the information after being informed by EPA that such failure could result in disclosure of the information to the public; or

(C) which has otherwise waived or withdrawn a claim covering the information.

(ii) If a request for release of the information under 5 U.S.C. 552 is pending at the time inquiry is made under this paragraph (c)(2), the inquiry shall be made by telephone or equally prompt means, and the responsible official contacted shall be informed that any claim the business wishes to assert must be brought to the EPA office's attention no later than the close of business on the third working day after such inquiry.

(iii) A record shall be kept of the results of any inquiry under this paragraph (c)(2). If any business makes a claim covering the information, the EPA office shall take further action under paragraph (d) of this section.

(3) If, after the examination under paragraph (c)(1) of this section, and after any inquiry made under paragraph (c)(2) of this section, the EPA office knows of no claim covering the information and the time for response to any inquiry has passed, the information shall be treated for purposes of this subpart as not entitled to confidential treatment.

(d) *Preliminary determination.* Whenever action under this paragraph is required by paragraph (c)(1) or (c)(2) of this section on any business's claim, the EPA office shall make a determination with respect to each such claim. Each determination shall be made after consideration of the provisions of § 2.203, the applicable substantive criteria in § 2.208 or elsewhere in this subpart, and any previously-issued determinations under this subpart which are applicable.

(1) If, in connection with any business's claim, the office determines that the information may be entitled to confidential treatment, the office shall—

(i) Furnish the notice of opportunity to submit comments prescribed by paragraph (e) of this section to each business which is known to have asserted an applicable claim and which has not previously been furnished such notice with regard to the information in question;

(ii) Furnish, to any person whose request for release of the information is pending under 5 U.S.C. 552, a determination (in accordance with § 2.113) that the information may be entitled to confidential treatment under this subpart and 5 U.S.C. 552(b)(4), that further inquiry by EPA pursuant to this subpart is required before a final determination on the request can be issued, that the person's request is therefore initially denied, and that after further inquiry a final determination will be issued by an EPA legal office; and

(iii) Refer the matter to the appropriate EPA legal office, furnishing the information required by paragraph (f) of this section.

(2) If, in connection with all applicable claims, the office determines that the information clearly is not entitled to confidential treatment, the office shall take the actions required by § 2.205(f). However, if a business has previously been furnished notice under § 2.205(f) with respect to the same information, no further notice need be furnished to that business. A copy of each notice furnished to a business under this paragraph (d)(2) and § 2.205(f) shall be forwarded promptly to the appropirate EPA legal office.

(e) *Notice to affected businesses; opportunity to comment.*

(1) Whenever required by paragraph (d)(1) of this section, the EPA office shall promptly furnish each business a written notice stating that EPA is determining under this subpart whether the information is entitled to confidential treatment, and affording the business an opportunity to comment. The notice shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact and date of receipt. The notice shall state the address of the office to which the business's comments shall be addressed (the appropirate EPA legal office, unless the General Counsel has directed otherwise), the time allowed for comments, and the method for requesting a time extension under § 2.205(b)(2). The notice shall further state that EPA will construe a business's failure to furnish timely comments as a waiver of the business's claim.

(2) If action under this section is occasioned by a request for the information under 5 U.S.C. 552, the period for comments shall be 15 working days after the date of the business's receipt of the written notice. In other cases, the EPA office shall establish a reasonable period for comments (not less than 15 working days after the business's receipt of the written notice). In all cases, the notice shall call the business's attention to the provisions of § 2.205(b).

(3) At or about the time the written notice is furnished, the EPA office shall orally inform a responsible representative of the business (by telephone or otherwise) that the business should expect to receive the written notice, and shall request the business to contact the EPA office if the written notice has not been received within a few days, so that EPA may furnish a duplicate notice.

(4) The written notice required by paragraph (e)(1) of this section shall invite the business's comments on the following points (subject to paragraph (e)(5) of this section):

(i) The portions of the information which are alleged to be entitled to confidential treatment;

(ii) The period of time for which confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently);

(iii) The purpose for which the information was furnished to EPA and the approximate date of submission, if known;

(iv) Whether a business confidentiality claim accompanied the information when it was received by EPA;

(v) Measures taken by the business to guard against undesired disclosure of the information to others;

(vi) The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

(vii) Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available;

(viii) Whether the business asserts that disclosure of the information would be likely to result in substantial harmful effects on the business's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the casual relationship between disclosure and such harmful effects; and

(ix) Whether the business asserts that the information is voluntarily submitted information as defined in § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

(5) To the extent that the EPA office already possesses the relevant facts, the notice need not solicit responses to the matters addressed in paragraphs (e)(4)(i) through (e)(4)(ix) of this section, although the notice shall request confirmation of EPA's understanding of such facts where appropriate.

(6) The notice shall refer to § 2.205(c) and shall include the statement prescribed by § 2.203(a).

(f) *Materials to be furnished to EPA legal office.* When a matter is referred to an EPA legal office under paragraph (d)(1) of this section, the EPA office taking action under this section shall forward promptly to the EPA legal office the following items:

(1) A copy of the information in question, or (where the quantity or form of the information makes forwarding a copy of the information impractical) representative samples, a description of the information, or both;

(2) A description of the circumstances and date of EPA's acquisition of the information;

(3) The name, address, and telephone number of the EPA employee(s) most familiar with the information;

(4) The name, address and telephone number of each business which asserts an applicable business confidentiality claim;

(5) A copy of each applicable claim (or the record of the assertion of the claim), and a description of when and how each claim was asserted;

(6) Comments concerning each business's compliance or noncompliance with applicable requirements of § 2.203;

(7) A copy of any request for release of the information pending under 5 U.S.C. 552;

(8) The office's comments concerning the appropriate substantive criteria under this subpart, and information the office possesses concerning the information's entitlement to confidential treatment; and

(9) Copies of other correspondence or memoranda which pertain to the matter.

§ 2.205 Final confidentiality determination by EPA legal office.

(a) *Role of EPA legal office.*

(1) The appropriate EPA legal office (see paragraph (i) of this section) is responsible for making the final administrative determination of whether or not business information covered by a business confidentiality claim is entitled to confidential treatment under this subpart.

(2) When a request for release of the information under 5 U.S.C. 552 is pending, the EPA legal office's determination shall serve as the final determination on appeal from an initial denial of the request.

(i) If the initial denial was issued under § 2.204(b)(1), a final determination by the EPA legal office is necessary only if the requestor has actually filed an appeal.

(ii) If the initial denial was issued under § 2.204(d)(1), however, the EPA legal office shall issue a final determination in every case, unless the request has been withdrawn. (Initial denials under § 2.204(d)(1) are of a procedural nature, to allow further inquiry into the merits of the matter, and a requestor is entitled to a decision on the merits.) If an appeal from such a denial has not been received by the EPA Freedom of Information Officer on the tenth working day after issuance of the denial, the matter shall be handled as if an appeal had been received on that day, for purposes of establishing a schedule for issuance of an appeal decision under § 2.117 of this part.

(b) *Comment period; extensions; untimeliness as waiver of claim.*

(1) Each business which has been furnished the notice and opportunity to comment prescribed by § 2.204(d)(1) and § 2.204(e) shall furnish its comments to the office specified in the notice in a manner reasonably calculated to result in receipt of the comments by that office not later than the date specified for receipt in the notice (or the date established in lieu thereof under this section).

(2) The period for submission of comments may be extended if, before the comments are due, a request for an extension of the comment period is made by the business and approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under 5 U.S.C. 552 is pending.

(3) The period for submission of comments by a business may be shortened in the manner described in paragraph (g) of this section.

(4) If a business's comments have not been received by the specified EPA office on the date they are due, that office shall promptly inquire whether the business has complied with paragraph (b)(2) of this section. If the business has complied but the comments have been lost in transmission, duplicate comments shall be requested.

(c) *Confidential treatment of comments from business.* If information submitted to EPA by a business as part of its comments under this section pertains to the business's claim, is not otherwise possessed by EPA, and is marked when received in accordance with § 2.203(b), it will be regarded by EPA as entitled to confidential treatment and will not be disclosed by EPA without the business's consent, unless its disclosure is duly ordered by a Federal court, notwithstanding other provisions of this subpart to the contrary.

(d) *Types of final determinations; matters to be considered.*

(1) If the EPA legal office finds that a business has failed to furnish comments under paragraph (b) of this section in a manner reasonably calculated to result in receipt of the comments not later than the date the comments were due, it shall determine that the business has waived its claim. If, after application of the preceding sentence, no claim applies to the information, the office shall determine that the information is not entitled to confidential treatment under this subpart and, subject to § 2.210, is available to the public.

(2) In all other cases, the EPA legal office shall consider each business's claim and comments, the various provisions of this subpart, any previously-issued determinations under this subpart which are pertinent, the materials furnished it under § 2.204(f), and such other materials as it finds appropriate. With respect to each claim, the office shall determine whether or not the information is entitled to confidential treatment for the benefit of the business that asserted the claim, and the period of any such entitlement (e.g., until a certain date, until the occurrence of a specified event, or permanently), and shall take further action under paragraph (e) or (f) of this section, as appropriate.

(3) Whenever the claims of two or more businesses apply to the same information, the EPA legal office shall take action appropriate under the particular circumstances to protect the interests of all persons concerned (including any person whose request for the information is pending under 5 U.S.C. 552).

(e) *Determination that information is entitled to confidential treatment.* If the

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EPA legal office determines that the information is entitled to confidential treatment for the full period requested by the business which made the claim, EPA shall maintain the information in confidence for such period, subject to paragraph (h) of this section, § 2.209, and the other provisions of this subpart which authorize disclosure in specified circumstances, and the office shall so inform the business. If any person's request for the release of the information is then pending under 5 U.S.C. 552, the EPA legal office shall issue a final determination denying that request.

(f) *Determination that information is not entitled to confidential treatment; notice; waiting period; release of information.*

(1) Notice of denial (or partial denial) of a business confidentiality claim, in the form prescribed by paragraph (f)(2) of this section, shall be furnished—

(i) By the EPA office taking action under § 2.204, to each business on behalf of which a claim has been made, whenever § 2.204(d)(2) requires such notice; and

(ii) By the EPA legal office taking action under this section, to each business which has asserted a claim applicable to the information and which has furnished timely comments under paragraph (b) of this section, whenever the EPA legal office determines that the information is not entitled to confidential treatment under this subpart for the benefit of the business, or determines that the period of any entitlement to confidential treatment is shorter than that requested by the business.

(2) The notice prescribed by paragraph (f)(1) of this section shall be written, and shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact of receipt and the date of receipt. The notice shall state the basis for the determination, that it constitutes final agency action concerning the business confidentiality claim, and that such final agency action may be subject to judicial review under chapter 7 of title 5, United States Code. With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the tenth working day after the date of the business's receipt of the written notice (or on such later date as is established in lieu thereof by the EPA legal office under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination, and to obtain preliminary injunctive relief against disclosure. The notice shall further state that if such an action is timely commenced, EPA may nonetheless make the information available to the public (in the absence of an order by the court to the contrary), once the court has denied a motion for a preliminary injunction in the action or has otherwise upheld the EPA determination, or whenever it appears to the EPA legal office, after reasonable notice to the business, that the business is not taking appropriate measures to obtain a speedy resolution of the action. If the information has been found to be temporarily entitled to confidential treatment, the notice shall further state that the information will not be disclosed prior to the end of the period of such temporary entitlement to confidential treatment.

(3) The period established in a notice under paragraph (f)(2) of this section for commencement of an action to obtain judicial review may be extended if, before the expiration of such period, a request for an extension is made by the business and approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under 5 U.S.C. 552 is pending.

(4) After the expiration of any period of temporary entitlement to confidential treatment, a determination under this paragraph (f) shall be implemented by the EPA legal office by making the information available to the public (in the absence of a court order prohibiting disclosure) whenever—

(i) The period provided for commencement by a business of an action to obtain judicial review of the determination has expired without notice to the EPA legal office of commencement of such an action;

(ii) The court, in a timely-commenced action, has denied the business' motion for a preliminary injunction, or has otherwise upheld the EPA determination; or

(iii) The EPA legal office, after reasonable notice has been provided to the business, finds that the business is not taking appropriate measures to obtain a speedy resolution of the timely-commenced action.

(5) Any person whose request for release of the information under 5 U.S.C. 552 is pending at the time notice is given under paragraph (f)(2) of this section shall be furnished a determination under 5 U.S.C. 552 stating the circumstances under which the information will be released.

(g) *Emergency situations.* If the General Counsel finds that disclosure of information covered by a claim would be helpful in alleviating a situation posing an imminent and substantial danger to public health or safety, he may prescribe and make known to interested persons such shorter comment period (paragraph (b) of this section), post-determination waiting period (paragraph (f) of this section), or both, as he finds necessary under the circumstances.

(h) *Modification of prior determinations.* A determination that information is entitled to confidential treatment for the benefit of a business, made under this subpart by an EPA legal office, shall continue in effect in accordance with its terms until an EPA legal office taking action under this section, or under § 2.206 or § 2.207, issues a final determination stating that the earlier determination no longer describes correctly the information's entitlement to confidential treatment because of change in the applicable law, newly-discovered or changed facts, or because the earlier determination was clearly erroneous. If an EPA legal office tentatively concludes that such an earlier determination is of questionable validity, it shall so inform the business, and shall afford the business an opportunity to furnish comments on pertinent issues in the manner described by § 2.204(e) and paragraph (b) of this section, if, after consideration of any timely comments submitted by the business, the EPA legal office makes a revised final determination that the information is not entitled to confidential treatment, or that the period of entitlement to such treatment will end sooner than it would have ended under the earlier determination, the office will follow the procedure described in paragraph (f) of this section. Determinations under this section may be made only by, or with the concurrence of, the General Counsel.

(i) *Delegation and redelegation of authority.* Unless the General Counsel otherwise directs, or this subpart otherwise specifically provides, determinations and actions required by this subpart to be made or taken by an EPA legal office shall be made or taken by the appropriate Regional Counsel whenever the EPA office taking action under § 2.204 or § 2.206(b) is under the supervision of a Regional Administrator, and by the General Counsel in all other cases. The General Counsel may redelegate any or all of his authority under this subpart to any attorney employed by EPA on a full-time basis under the General Counsel's supervision. A Regional Counsel may redelegate any or all of his authority under this subpart to any attorney employed by EPA on a full-time basis under the Regional Counsel's supervision.

§ 2.206 Advance confidentiality determinations.

(a) An advance determination under this section may be issued by an EPA legal office if—

(1) EPA has requested or demanded that a business furnish business information to EPA;

(2) The business asserts that the information, if submitted, would constitute voluntarily submitted information under § 2.201(i);

(3) The business will voluntarily submit the information for use by EPA only if EPA first determines that the information is entitled to confidential treatment under this subpart; and

(4) The EPA office which desires submission of the information has requested that the EPA legal office issue a determination under this section.

(b) The EPA office requesting an advance determination under this section shall—

(1) Arrange to have the business furnish directly to the EPA legal office a copy of the information (or, where feasible, a description of the nature of

the information sufficient to allow a determination to be made), as well as the business's comments concerning the matters addressed in § 2.204(e)(4), excluding, however, matters addressed in § 2.204(e)(4)(iii) and (e)(4)(iv); and

(2) Furnish to the EPA legal office the materials referred to in § 2.204(f)(3), (f)(7), (f)(8), and (f)(9).

(c) In making a determination under this section, the EPA legal office shall first determine whether or not the information would constitute voluntarily submitted information under § 2.201(i). If the information would constitute voluntarily submitted information, the legal office shall further determine whether the information is entitled to confidential treatment.

(d) If the EPA legal office determines that the information would not constitute voluntarily submitted information, or determines that it would constitute voluntarily submitted information but would not be entitled to confidential treatment, it shall so inform the business and the EPA office which requested the determination, stating the basis of the determination, and shall return to the business all copies of the information which it may have received from the business (except that if a request under 5 U.S.C. 552 for release of the information is received while the EPA legal office is in possession of the information, the legal office shall retain a copy of the information, but shall not disclose it unless ordered by a Federal court to do so). The legal office shall not disclose the information to any other EPA office or employee and shall not use the information for any purpose except the determination under this section, unless otherwise directed by a Federal court.

(e) If the EPA legal office determines that the information would constitute voluntarily submitted information and that it is entitled to confidential treatment, it shall so inform the EPA office which requested the determination and the business which submitted it, and shall forward the information to the EPA office which requested the determination.

§ 2.207 Class determinations.

(a) The General Counsel may make and issue a class determination under this section if he finds that—

(1) EPA possesses, or is obtaining, related items of business information;

(2) One or more characteristics common to all such items of information will necessarily result in identical treatment for each such item under one or more of the provisions in this subpart, and that it is therefore proper to treat all such items as a class for one or more purposes under this subpart; and

(3) A class determination would serve a useful purpose.

(b) A class determination shall clearly identify the class of information to which it pertains.

(c) A class determination may state that all of the information in the class—

(1) Is, or is not, voluntarily submitted information under § 2.201(i);

(2) Is, or is not, governed by a particular section of this subpart, or by a particular set of substantive criteria under this subpart;

(3) Fails to satisfy one or more of the applicable substantive criteria, and is therefore ineligible for confidential treatment;

(4) Satisfies one or more of the applicable substantive criteria; or

(5) Satisfies one or more of the applicable substantive criteria during a certain period, but will be ineligible for confidential treatment thereafter.

(d) The purpose of a class determination is simply to make known the Agency's position regarding the manner in which information within the class will be treated under one or more of the provisions of this subpart. Accordingly, the notice of opportunity to submit comments referred to in § 2.204(d)(1)(ii) and § 2.205(b), and the list of materials required to be furnished to the EPA legal office under § 2.204(d)(1)(iii), may be modified to reflect the fact that the class determination has made unneeessary the submission of materials pertinent to one or more issues. Moreover, in appropriate cases, action based on the class determination may be taken under § 2.204(b)(1), § 2.204(d), § 2.205(d), or § 2.206. However, the existence of a class determination shall not, of itself, affect any right a business may have to receive any notice under § 2.204(d)(2) or § 2.205(f).

§ 2.208 Substantive criteria for use in confidentiality determinations.

Determinations issued under §§ 2.204 through 2.207 shall hold that business information is entitled to confidential treatment for the benefit of a particular business if—

(a) The business has asserted a business confidentiality claim which has not expired by its terms, nor been waived nor withdrawn;

(b) The business has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;

(c) The information is not, and has not been, reasonably obtainable without the business's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding);

(d) No statute specifically requires disclosure of the information; and

(e) Either—

(1) The business has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position; or

(2) The information is voluntarily submitted information (see § 2.201(i)), and its disclosure would be likely to impair the Government's ability to obtain necessary information in the future.

§ 2.209 Disclosure in special circumstances.

(a) *General.* Information which, under this subpart, is not available to the public may nonetheless be disclosed to the persons, and in the circumstances, described by paragraphs (b) through (f) of this section. (This section shall not be construed to restrict the disclosure of information which has been determined to be available to the public.)

(b) *Disclosure to Congress or the Comptroller General.* Upon receipt of a written request in appropriate form, EPA will disclose business information to either House of Congress, to a committee or subcommittee of Congress, or to the Comptroller General, unless a statute forbids such disclosure. In making such a disclosure, EPA will inform the requesting body of any unresolved business confidentiality claim known to cover the information, and of any determination by EPA under this subpart holding that the information is entitled to confidential treatment.

(c) *Disclosure to other Federal agencies.* EPA may disclose business information to another Federal agency if—

(1) EPA receives a written request for disclosure of the information from a duly authorized officer or employee of the other agency;

(2) The request sets forth the official purpose for which the information is needed;

(3) EPA notifies the other agency of any unresolved business confidentiality claim covering the information, and of any determination under this subpart holding that the information is entitled to confidential treatment; and

(4) The other agency agrees not to disclose the information further unless—

(i) The other agency has statutory authority both to compel production of the information and to make the proposed disclosure;

(ii) The other agency has obtained the consent of each affected business to the proposed disclosure; or

(iii) The other agency has obtained a written statement from the EPA General Counsel or an EPA Regional Counsel that disclosure of the information would be proper under this subpart.

(d) *Court-ordered disclosure.* EPA may disclose any business information in the manner and to the extent ordered by a Federal court.

(e) *Disclosure within EPA.* An EPA office, officer, or employee may disclose any business information to another EPA office, officer, or employee with an official need for the information.

(f) *Disclosure with consent of business.* EPA may disclose any business information to any person if EPA has obtained the prior consent of each affected business to such disclosure.

(g) *Record of disclosures to be maintained.* Each EPA office which discloses information to Congress, a committee or subcommittee of Congress, the Comptroller General, or another Federal agency under the authority of paragraph (b) or (c) of this section, shall maintain a record of the fact of such disclosure for a period of not less than 36 months after such disclosure. Such a record, which may be in the form of a log, shall show the name of the affected businesses, the date of disclosure, the person or body to whom disclosure was made.

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and a description of the information disclosed.

§ 2.210 Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.

(a) Information which is not entitled to confidential treatment under this subpart shall be made available to the public (using the procedures set forth in §§ 2.204 and 2.205) if its release is requested under 5 U.S.C. 552, unless EPA determines (under subpart A of this part) that, for reasons other than reasons of business confidentiality, the information is exempt from mandatory disclosure and cannot or should not be made available to the public. Any such determination under subpart A shall be coordinated with actions taken under this subpart for the purpose of avoiding delay in responding to requests under 5 U.S.C. 552.

(b) Notwithstanding any other provision of this subpart, if any statute not cited in this subpart appears to require EPA to give confidential treatment to any business information for reasons of business confidentiality, the matter shall be referred promptly to an EPA legal office for resolution. Pending resolution, such information shall be treated as if it were entitled to confidential treatment.

§ 2.211 Safeguarding of business information; penalty for wrongful disclosure.

(a) No EPA officer or employee may disclose, or use for his or her private gain or advantage, any business information which came into his or her possession, or to which he or she gained access, by virtue of his or her official position or employment, except as authorized by this subpart.

(b) Each EPA officer or employee who has custody or possession of business information shall take appropriate measures to properly safeguard such information and to protect against its improper disclosure.

(c) Violation of paragraphs (a) or (b) of this section shall constitute grounds for dismissal, suspension, fine, or other adverse personnel action. Willful violation of paragraph (a) of this section may result in criminal prosecution under 18 U.S.C. 1905 or other applicable statute.

(d) Each contractor with EPA, and each employee of such contractor, who is furnished business information, by EPA under § 2.301(h), § 2.302(h), § 2.304(h), § 2.307(h), or § 2.308(l), shall use or disclose that information only as permitted by the contract under which the information was furnished. Any violation of this paragraph shall constitute grounds for debarment or suspension of the contractor or contractor's employee in question. Willful violation of this paragraph may result in criminal prosecution.

§ 2.212 Establishment of control offices for categories of business information.

(a) The Administrator, by order, may establish one or more mutually exclusive categories of business information, and may designate for each such category an EPA office (hereinafter referred to as a "control office") which shall have responsibility for taking actions (other than actions required to be taken by an EPA legal office) with respect to all information within such category.

(b) If a control office has been assigned responsibility for a category of business information, no other EPA office, officer, or employee may make available to the public (or otherwise disclose to persons other than EPA officers and employees) any information in that category without first obtaining the concurrence of the control office. Requests under 5 U.S.C. 552 for release of such information shall be referred to the control office.

(c) A control office shall take the actions and make the determinations required by § 2.204 with respect to all information in any category for which the control office has been assigned responsibility.

(d) A control office shall maintain a record of the following, with respect to items of business information in categories for which it has been assigned responsibility:

(1) Business confidentiality claims;

(2) Comments submitted in support of claims;

(3) Waivers and withdrawals of claims;

(4) Actions and determinations by EPA under this subpart;

(5) Actions by Federal courts; and

(6) Related information concerning business confidentiality.

§ 2.213 Designation by business of addressee for notices and inquiries.

(a) A business which wishes to designate a person or office as the proper addressee of communications from EPA to the business under this subpart may do so by furnishing in writing to the Freedom of Information Officer (A-101), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, the following information: the name and address of the business making the designation; the name, address, and telephone number of the designated person or office; and a request that EPA inquiries and communications (oral and written) under this subpart, including inquiries and notices which require reply within deadlines if the business is to avoid waiver of its rights under this subpart, be furnished to the designee pursuant to this section. Only one person or office may serve at any one time as a business's designee under this subpart.

(b) If a business has named a designee under this section, the following EPA inquiries and notices to the business shall be addressed to the designee:

(1) Inquiries concerning a business's desire to assert a business confidentiality claim, under § 2.204(c)(2)(i)(A);

(2) Notices affording opportunity to substantiate confidentiality claims, under § 2.204(d)(1) and § 2.204(e);

(3) Inquiries concerning comments, under § 2.205(b)(4);

(4) Notices of denial of confidential treatment and proposed disclosure of information, under § 2.205(f);

(5) Notices concerning shortened comment and/or waiting periods under § 2.205(g);

(6) Notices concerning modifications or overrulings of prior determinations, under § 2.205(h); and

(7) Notices to affected businesses under § 2.301(g) and § 2.301(h), and analogous provisions in § 2.302, § 2.303, and § 2.304.

(c) Businesses making designations under this section should bear in mind that several working days may be required for the dissemination within EPA of information concerning such designations.

§§ 2.214–2.300 [Reserved]

§ 2.301 Special rules governing certain information obtained under the Clean Air Act.

(a) *Definitions.* For the purpose of this section:

(1) "Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

(2) (i) "Emission data" means, with reference to any source of emission of any substance into the air—

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be "emission data" only to the extent necessary to allow EPA to disclose publicly that a soure is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any project, method, device or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

(3) "Standard or limitation" means any emission standard or limitation established or publicly proposed pursuant to the Act or pursuant to any regulation under the Act.

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this subpart.

(5) "Manufacturer" has the meaning given it in section 214(1) of the Act, 42 U.S.C. 1857f–7(1).

(b) *Applicability.* (1) This section applies to business information which was—

(i) Provided or obtained under section 114 of the Act, 42 U.S.C. 1857c–9, by the owner or operator of any stationary source, for the purpose (A) of developing or assisting in the development of any implementation plan under section 110 or 111(d) of the Act, 42 U.S.C. 1857c–5, 1857c–6(d), any standard of performance under section 111 of the Act, 42 U.S.C. 1857c–6, or any emission standard under section 112 of the Act, 42 U.S.C. 1856c–7, (B) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (C) of carrying out section 119 or 303 of the Act, 42 U.S.C. 1857c–10, 1857h–1;

(ii) Provided or obtained under section 208 of the Act, 42 U.S.C. 1857f–6, by any manufacturer, for the purpose of enabling the Administrator to determine whether such manufacturer has acted or is acting in compliance with the Act and regulations under the Act; or

(iii) Provided in response to a subpoena for the production of papers, books, or documents issued under the authority of section 307(a) of the Act, 42 U.S.C. 1857h–5(a).

(2) Information will be considered to have been provided or obtained under section 114 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 114, or if its submission could have been required under section 114, regardless of whether section 114 was cited as the authority for any request for the information, whether an order to provide the information was issued under section 113(a) of the Act, 42 U.S.C. 1857c–8(a), whether an action was brought under section 113(b) of the Act, 42 U.S.C. 1857c–8(b), or whether the information was provided directly to EPA or through some third person.

(3) Information will be considered to have been provided or obtained under section 208 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 208, or if its submission could have been required under section 208, regardless of whether section 208 was cited as the authority for any request for the information, whether an action was brought under section 204 of the Act, 42 U.S.C. 1857f–3, or whether the information was provided directly to EPA or through some third person.

(4) Information will be considered to have been provided or obtained under section 307(a) of the Act if it was provided in response to a subpoena issued under section 307(a), or if its production could have been required by subpena under section 307(a), regardless of whether section 307(a) was cited as the authority for any request for the information, whether a subpoena was issued by EPA, whether a court issued an order under section 307(a), or whether the information was provided directly to EPA or through some third person.

(5) This section specifically does not apply to information obtained under section 115(j) or 211(b) of the Act, 42 U.S.C. 1857d(j), 1857f–6c(b).

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, § 2.209, and § 2.211 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which is emission data or a standard or limitation is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Availability of information not entitled to confidential treatment.* Section 2.210 does not apply to information to which this section applies. Emission data, standards or limitations, and any other information provided under section 114 or 208 of the Act which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public notwithstanding any other provision of this part. Emission data and standards or limitations provided in response to a subpoena issued under section 307(a) of the Act shall be available to the public notwithstanding any other provision of this part. Information (other than emission data and standards or limitations) provided in response to a subpoena issued under section 307(a) of the Act, which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public, unless EPA determines that the information is exempt from mandatory disclosure under 5 U.S.C. 552(b) for reasons other than reasons of business confidentiality and cannot or should not be made available to the public.

(g) *Disclosure of information relevant to a proceeding.*

(1) Under sections 114, 208 and 307 of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2) In connection with any proceeding in which EPA contemplates taking action by means other than a decision made on the record after an opportunity for a hearing, information to which this section applies may be made available to the public under this paragraph (g)(2). No information may be disclosed under this paragraph (g)(2) unless it has first been determined to be eligible for confidential treatment under § 2.204 and § 2.205. No information shall be made available to the public under this paragraph (g)(2) until any affected business has been informed that EPA is considering making the information available to the public under this paragraph (g)(2) in connection with an identified rulemaking proceeding, and has afforded the business a reasonable period for comment (such notice and opportunity to comment may be afforded in connection with the notice prescribed by § 2.204(d)(1) and § 2.204(e)). Information may be made available to the public under this paragraph (g)(2) only if, after consideration of any timely comments submitted by the business, the General Counsel determines that the information is relevant to the subject of the proceeding and the EPA office conducting the proceeding determines that the public interest would be served by making the information available to the public.

(3) In connection with any proceeding in which it appears that a decision will be made on the record after an opportunity for a hearing, information to which this section applies may be made available to the public, or to one or more parties of record to the proceeding, under this paragraph (g)(3). An EPA office proposing disclosure of information under this paragraph (g)(3), shall so notify the presiding officer in writing. Upon receipt of such a notification, the presiding officer shall notify each affected business that disclosure under this paragraph (g)(3) has been proposed, and shall afford each such business a period for comment found by the presiding officer to be reasonable under the circumstances. Information may be disclosed under this paragraph (g)(3) only if, after consideration of any timely comments submitted by the business, the EPA office determines in writing that, for reasons directly associated with the conduct of the proceeding, the contemplated disclosure would serve the public interest, and the presiding officer determines in writing that the information is relevant to a matter in controversy in the proceeding. The presiding officer may condition disclosure of the information

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to a party of record on the making of such protective arrangements and commitments as he finds to be warranted. Disclosure to one or more parties of record, under protective arrangements or commitments, shall not, of itself, affect the eligibility of information for confidential treatment under the other provisions of this subpart.

(4) In connection with any proceeding in which it appears that a decision will be made on the record after an opportunity for a hearing, information to which this section applies may be made available to one or more parties of record to the proceeding, under this paragraph (g)(4). A party of record seeking disclosure of information shall direct his request to the presiding officer. Upon receipt of such a request, the presiding officer shall notify each affected business that disclosure under this paragraph (g)(4) has been requested, and shall afford each such business a period for comment found by the presiding officer to be reasonable under the circumstances. Information may be disclosed to a party of record under this paragraph (g)(4) only if, after consideration of any timely comments submitted by the business, the presiding officer determines in writing that (i) the party of record has satisfactorily shown that with respect to a significant matter which is in controversy in the proceeding, the party's ability to participate effectively in the proceeding will be significantly impaired unless the information is disclosed to him, and (ii) any harm to an affected business that would result from the disclosure is likely to be outweighed by the benefit to the proceeding and to the public interest that would result from the disclosure. The presiding officer may condition disclosure of the information to a party of record on the making of such protective arrangements and commitments as he finds to be warranted. Disclosure to one or more parties of record, under protective arrangements or commitments, shall not, of itself, affect the eligibility of information to confidential treatment under the other provisions of this subpart.

(h) *Disclosure to authorized representatives.* (1) Under sections 114, 208 and 307(a) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2)(i) A person under contract to EPA to perform work for EPA in connection with the Act or regulations which implement the Act may be considered an authorized representative of the United States for purposes of this paragraph (h). Subject to the limitations in this paragraph (h)(2), information to which this section applies may be disclosed to such a person if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract.

(ii) No information shall be disclosed under this paragraph (h)(2) unless the contract in question provides that the contractor and the contractor's employees shall use the information only for the purpose of carrying out the work required by the contract, shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office, and shall return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request by the EPA program office or whenever the information is no longer required by the contractor for the performance of the work required by the contract, nor unless the contract further provides that the contractor shall obtain a written agreement to honor such terms of the contract from each of the contractor's employees who will have access to the information, before such employee is allowed such access, nor unless the contract further provides that the contractor acknowledges and agrees that the contract provisions concerning the use and disclosure of business information are included for the benefit of, and shall be enforceable by, both EPA and any affected business having an interest in information concerning it supplied to the business by EPA under the contract.

(iii) Except to the extent that the EPA program office determines in writing that conduct of EPA activities would be seriously hampered by notifying affected businesses of disclosures proposed to be made under this paragraph (h)(2), no information shall be disclosed under this paragraph (h)(2) until each affected business has been furnished notice of the contemplated disclosure by the EPA program office, and has been afforded a period found reasonable by that office (not less than 5 working days) to submit its comments. Such notice shall include a description of the information to be disclosed, the identity of the contractor, the contract number, and the purposes to be served by the disclosure.

(iv) The EPA program office shall prepare a record of each disclosure under this paragraph (h)(2), showing the contractor, the contract number, the information disclosed, the date(s) of disclosure, and each affected business. The EPA program office shall maintain the record of disclosure, the determination of necessity prepared under paragraph (h)(2)(i) of this section, and any determination not to notify affected businesses prepared under paragraph (h)(2)(iii) of this section, for a period of not less than 36 months after the date of disclosure.

(3) A state or local governmental agency which has duties or responsibilities under the Act, or under regulations which implement the Act, may be considered an authorized representative of the United States for purposes of this paragraph (h). Information to which this section applies may be furnished to such an agency at the agency's written request, but only if—

(i) The agency has first furnished to the EPA office having custody of the information a written opinion from the agency's chief legal officer or counsel stating that under applicable state or local law the agency has the authority to compel a business which possesses such information to disclose it to the agency, or

(ii) Each affected business is informed of those disclosures under this paragraph (h)(3) which pertain to it, and the agency has shown to the satisfaction of an EPA legal office that the agency's use and disclosure of such information will be governed by state or local law and procedures which will provide adequate protection to the interests of affected businesses.

§ 2.302 Special rules governing certain information obtained under the Federal Water Pollution Control Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2)(i) "Effluent data" means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362(6))—

(A) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be "effluent data" only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

(3) "Standard or limitation" means any prohibition, any effluent limitation, or any toxic, pre-treatment or new source performance standard established or publicly proposed pursuant to the Act or pursuant to regulations under the Act, including limitations or prohibitions in a permit issued or proposed by EPA or by a State under section 402 of the Act, 33 U.S.C. 1342.

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this part.

(b) *Applicability.* (1) This section applies only to business information—

(i) Provided to or obtained by EPA under section 308 of the Act, 33 U.S.C. 1318, by or from the owner or operator of any point source, for the purpose of carrying out the objective of the Act (including but not limited to developing or assisting in the development of any standard or limitation under the Act, or determining whether any person is in violation of any such standard or limitation); or

(ii) Provided to or obtained by EPA under section 509(a) of the Act, 33 U.S.C. 1369(a).

(2) Information will be considered to have been provided or obtained under section 308 of the Act if it was provided in response to a request by EPA made for any of the purposes stated in section 308, or if its submission could have been required under section 308, regardless of whether section 308 was cited as the authority for any request for the information, whether an order to provide the information was issued under section 309(a)(3) of the Act, 33 U.S.C. 1319(a)(3), whether a civil action was brought under section 309(b) of the Act, 33 U.S.C. 1319(b), and whether the information was provided directly to EPA or through some third person.

(3) Information will be considered to have been provided or obtained under section 509(a) of the Act if it was provided in response to a subpoena issued under section 509(a), or if its production could have been required by subpoena under section 509(a), regardless of whether section 509(a) was cited as the authority for any request for the information, whether a subpoena was issued by EPA, whether a court issued an order under section 307(a), or whether the information was provided directly to EPA or through some third person.

(4) This section specifically does not apply to information obtained under section 310(d) or 312(g)(3) of the Act, 33 U.S.C. 1320(d), 1322(g)(3).

(c) *Basic rules which apply without change.* Section 2.201 through §§ 2.205, 2.207, 2.209 and 2.211 through 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which is effluent data or a standard or limitation is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Availability of information not entitled to confidential treatment.* Section 2.210 does not apply to information to which this section applies. Effluent data, standards or limitations, and any other information provided or obtained under section 308 of the Act which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public notwithstanding any other provision of this part. Effluent data and standards or limitations provided in response to a subpoena issued under section 509(a) of the Act shall be available to the public notwithstanding any other provision of this part. Information (other than effluent data and standards or limitations) provided in response to a subpoena issued under section 509(a) of the Act, which is determined under this subpart not to be entitled to confidential treatment, shall be available to the public, unless EPA determines that the information is exempt from mandatory disclosure under 5 U.S.C. 552(b) for reasons other than reasons of business confidentiality and cannot or should not be made available to the public.

(g) *Disclosure of information relevant to a proceeding.*

(1) Under sections 308 and 509(a) of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information to which this section applies because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), and (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively of this section.

(h) *Disclosure to authorized representatives.* (1) Under sections 308 and 509(a) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2–3) The provisions of § 2.301(h)(2) and (h)(3) are incorporated by reference as paragraphs (h)(2) and (h)(3), respectively, of this section.

§ 2.303 Special rules governing certain information obtained under the Noise Control Act of 1972.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Noise Control Act of 1972, 42 U.S.C. 4901 et seq.

(2) "Manufacturer" has the meaning given it in 42 U.S.C. 4902(6).

(3) "Product" has the meaning given it in 42 U.S.C. 4902(3).

(4) "Proceeding" means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act, except for determinations under this subpart.

(b) *Applicability.* This section applies only to information provided to or obtained by EPA under section 13 of the Act, 42 U.S.C. 4912, by or from any manufacturer of any product to which regulations under section 6 or 8 of the Act (42 U.S.C. 4905, 4907) apply. Information will be deemed to have been provided or obtained under section 13 of the Act if it was provided in response to a request by EPA made for the purpose of enabling EPA to determine whether the manufacturer has acted or is acting in compliance with the Act, or if its submission could have been required under section 13 of the Act, regardless of whether section 13 was cited as authority for the request, whether an order to provide such information was issued under section 11(d) of the Act, 42 U.S.C. 4910(d), and whether the information was provided directly to EPA by the manufacturer or through some third person.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, and § 2.209 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(f) *Reserved.*

(g) *Disclosure of information relevant to a proceeding.* (1) Under section 13 of the Act, any information to which this section applies may be released by EPA because of its relevance to a matter in controversy in a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information because of its relevance to a proceeding shall be made only in accordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), and (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively, of this section.

(h) *Reserved.*

§ 2.304 Special rules governing certain information obtained under the Safe Drinking Water Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Safe Drinking Water Act, 42 U.S.C. 300f et seq.

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(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Proceeding" means any rulemaking, adjudication, or licensing process conducted by EPA under the Act or under regulations which implement the Act, except for any determination under this part.

(b) *Applicability.* (1) This section applies only to information—

(i) Which was provided to or obtained by EPA pursuant to a requirement of a regulation which was issued by EPA under the Act for the purpose of—

(A) Assisting the Administrator in establishing regulations under the Act;

(B) Determining whether the person providing the information has acted or is acting in compliance with the Act; or

(C) Administering any program of financial assistance under the Act; and

(ii) Which was provided by a person—

(A) Who is a supplier of water, as defined in section 1401(5) of the Act, 42 U.S.C. 300f(5);

(B) Who is or may be subject to a primary drinking water regulation under section 1412 of the Act, 42 U.S.C. 300g–1;

(C) Who is or may be subject to an applicable underground injection control program, as defined in section 1422 (d) of the Act, 42 U.S.C. 300h–1(d);

(D) Who is or may be subject to the permit requirements of section 1424(b) of the Act, 42 U.S.C. 300h–3(b);

(E) Who is or may be subject to an order issued under section 1441(c) of the Act, 42 U.S.C. 300j(c); or

(F) Who is a grantee, as defined in section 1445(e) of the Act, 42 U.S.C. 300 j–4(e).

(2) This section applies to any information which is described by paragraph (b)(1) of this section if it was provided in response to a request by EPA or its authorized representative (or by a State agency administering any program under the Act) made for any purpose stated in paragraph (b)(1) of this section, or if its submission could have been required under section 1445 of the Act, 42 U.S.C. 300j–4, regardless of whether such section was cited in any request for the information, or whether the information was provided directly to EPA or through some third person.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.205, § 2.207, § 2.209, and § 2.211 through § 2.213 apply without change to information to which this section applies.

(d) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(e) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies to information to which this section applies, except that information which deals with the existence, absence, or level of contaminants in drinking water is not eligible for confidential treatment. No information to which this section applies is voluntarily submitted information.

(f) *Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.* Section 2.210 applies to information to which this section applies, except that information which deals with the existence, absence, or level of contaminants in drinking water shall be available to the public notwithstanding any other provision of this part.

(g) *Disclosure of information relevant to a proceeding.* (1) Under section 1445(d) of the Act, any information to which this section applies may be released by EPA because of the relevance of the information to a proceeding, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Release of information to which this section applies because of its relevance to a proceeding shall be made only in aecordance with this paragraph (g).

(2–4) The provisions of § 2.301(g)(2), (g)(3), (g)(4) are incorporated by reference as paragraphs (g)(2), (g)(3), and (g)(4), respectively, of this section.

(h) *Disclosure to authorized representatives.* (1) Under section 1445(d) of the Act, EPA possesses authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subpart. Such authority may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2–3) The provisions of § 2.301 (h)(2) and (h)(3) are incorporated by reference as paragraphs (h)(2) and (h)(3), respectively, of this section.

§ 2.305 [Reserved]

§ 2.306 [Reserved]

§ 2.307 Special rules governing certain information obtained under the Federal Insecticide, Fungicide and Rodenticide Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and its predecessor, 7 U.S.C. 135 et seq.

(2) "Applicant" means any person who has submitted to EPA (or to a predecessor agency with responsibility for administering the Act) a registration statement or application for registration under the Act of a pesticide or of an establishment.

(3) "Registrant" means any person who has obtained registration under the Act of a pesticide or of an establishment.

(b) *Applicability.* This section applies to all information submitted to EPA by an applicant or registrant for the purpose of satisfying some requirement or condition of the Act or of regulations which implement the Act, including information originally submitted to EPA for some other purpose but incorporated by the applicant or registrant into a submission in order to satisfy some requirement or condition of the Act or of regulations which implement the Act. This section does not apply to information supplied to EPA by a petitioner in support of a petition for a tolerance under 21 U.S.C. 346a(d), unless the information is also described by the first sentence of this paragraph.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.203, § 2.207, and § 2.210 through § 2.213 apply without change to information to which this section applies.

(d) *Initial action by EPA office.* Section 2.204 applies to information to which this section applies, except that the provisions of paragraph (e) of this section regarding the time allowed for seeking judicial review shall be reflected in any notice furnished to a business under § 2.204(d)(2).

(e) *Final confidentiality determination by EPA legal office.* Section 2.205 applies to information to which this section applies, except that—

(1) Notwithstanding § 2.205(i), the General Counsel (or his designee), rather than the Regional Counsel, shall make the determinations and take the actions required by § 2.205;

(2) In addition to the statement prescribed by the second sentence of § 2.205 (f)(2), the notice of denial of a business confidentiality claim shall state that under section 10(c) of the Act, 7 U.S.C. 136h(c), the business may commence an action in an appropriate Federal district court for a declaratory judgment;

(3) The following sentence is substituted for the third sentence of § 2.205(f)(2): "With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the thirty-first (31st) calendar day after the date of the business's receipt of the written notice (or on such later date as is established in lieu thereof under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination or to obtain a declaratory judgment under section 10(c) of the Act and to obtain preliminary injunctive relief against disclosure."; and

(4) Notwithstanding § 2.205(g), the 31 calendar day period prescribed by § 2.205(f)(2), as modified by paragraph (e)(3) of this section, shall not be shortened without the consent of the business.

(f) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(g) *Substantive criteria for use in confidentiality determinations.* Section 2.208 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(h) *Disclosure in special circumstances.* (1) Section 2.209 applies without change to information to which this section applies. In addition, under section 12(a)(2)(D) of the Act, 7 U.S.C. 136j(a)(2)(D), EPA possesses authority to disclose any information to which this section applies to physicians, pharmacists, and other qualified persons needing such information for the performance of their duties, notwithstanding the fact that the information might otherwise be entitled to confidential treatment under this subpart. Such authority under section 12(a)(2)(D) of the Act may be exercised only in accordance with paragraph (h)(2) or (h)(3) of this section.

(2) Information to which this section applies may be disclosed (notwithstanding the fact that it might otherwise be entitled to confidential treatment under this subpart) to physicians, pharmacists, hospitals, veterinarians, law enforcement personnel, or governmental agencies with responsibilities for protection of public health, and to employees of any such persons or agencies, or to other qualified persons, when and to the extent that disclosure is necessary in order to treat illness or injury or to prevent imminent harm to persons, property, or the environment, in the opinion of the Administrator or his designee.

(3) Information to which this section applies may be disclosed (notwithstanding the fact that it otherwise might be entitled to confidential treatment under this subpart) to a person under contract to EPA to perform work for EPA in connection with the Act or regulations which implement the Act, if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract. Any such disclosure to a contractor shall be made only in accordance with the procedure and requirements of § 2.301(h)(2)(ii) through (iv).

(4) Information to which this section applies, and which relates to formulas of products, may be disclosed at any public hearing or in findings of fact issued by the Administrator, to the extent and in the manner authorized by the Administrator or his designee.

§ 2.308 Special rules governing certain information obtained under the Federal Food, Drug and Cosmetic Act.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Federal Food, Drug and Cosmetic Act, as amended, 21 U.S.C. 301 et seq.

(2) "Petition" means a petition for the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting the pesticide chemical from the necessity of a tolerance, pursuant to section 408(d) of the Act, 21 U.S.C. 346a(d).

(3) "Petitioner" means a person who has submitted a petition to EPA (or to a predecessor agency).

(b) *Applicability.* (1) This section applies only to business information submitted to EPA (or to an advisory committee established under the Act) by a petitioner, solely in support of a petition which has not been acted on by the publication by EPA of a regulation establishing a tolerance for a pesticide chemical or exempting the pesticide chemical from the necessity of a tolerance, as provided in section 408(d)(2) or (3) of the Act, 21 U.S.C. 346a(d)(2) or (3).

(2) Section 2.307, rather than this section, applies to information described by the first sentence of § 2.307(b) (material incorporated into submissions in order to satisfy the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, as amended), even though such information was originally submitted by a petitioner in support of a petition.

(3) This section does not apply to information gathered by EPA under a proceeding initiated by EPA to establish a tolerance under section 408(e) of the Act, 21 U.S.C. 346a(e).

(c) *Basic rules which apply without change.* Section 2.201, § 2.202, § 2.207, and §§ 2.210–2.213 apply without change to information to which this section applies.

(d) *Effect of submission of information without claim.* Sections 2.203 (a) and (b) apply without change to information to which this section applies. Section 2.203(c), however, does not apply to information to which this section applies. A petitioner's failure to assert a claim when initially submitting a petition shall not constitute a waiver of any claim the petitioner may have.

(e) *Initial action by EPA office.* Section 2.204 applies to information to which this section applies, except that—

(1) Unless the EPA office has on file a written waiver of a petitioner's claim, a petitioner shall be regarded as an affected business, a petition shall be treated as if it were covered by a business confidentiality claim, and an EPA office acting under § 2.204(d) shall determine that the information in the petition is or may be entitled to confidential treatment and shall take action in accordance with § 2.204(d)(1);

(2) In addition to other required provisions of any notice furnished to a petitioner under § 2.204(e), such notice shall state that—

(i) Section 408(f) of the Act, 21 U.S.C. 346a(f), affords absolute confidentiality to information to which this section applies, but after publication by EPA of a regulation establishing a tolerance (or exempting the pesticide chemical from the necessity of a tolerance) neither the Act nor this section affords any protection to the information;

(ii) Information submitted in support of a petition which is also incorporated into a submission in order to satisfy a requirement or condition of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., is regarded by EPA as being governed, with respect to business confidentiality, by § 2.307 rather than by this section;

(iii) Although it appears that this section may apply to the information at this time, EPA is presently engaged in determining whether for any reason the information is entitled to confidential treatment or will be entitled to such treatment if and when this section no longer applies to the information; and

(iv) Information determined by EPA to be covered by this section will not be disclosed for as long as this section continues to apply, but will be made available to the public thereafter (subject to § 2.210) unless the business furnishes timely comments in response to the notice.

(f) *Final confidentiality determination by EPA legal office.* Section 2.205 applies to information to which this section applies, except that—

(1) Notwithstanding § 2.205(i), the General Counsel or his designee, rather than the Regional Counsel, shall in all cases make the determinations and take the actions required by § 2.205;

(2) In addition to the circumstances mentioned in § 2.205(f)(1), notice in the form prescribed by § 2.205(f)(2) shall be furnished to each affected business whenever information is found to be entitled to confidential treatment under section 408(f) of the Act but not otherwise entitled to confidential treatment. With respect to such cases, the following sentences shall be substituted for the third sentence of § 2.205(f)(2): "With respect to EPA's implementation of the determination, the notice shall state that (subject to § 2.210) EPA will make the information available to the public on the thirty-first (31st) calendar day after the business's receipt of the written notice (or on such later date as is established in lieu thereof under paragraph (f)(3) of this section), unless the EPA legal office has first been notified of the business's commencement of an action in a Federal court to obtain judicial review of the determination and to obtain preliminary injunctive relief against disclosure; provided, that the information will not be made available to the public for so long as it is entitled to confidential treatment under section 408(f) of the Federal Food Drug and Cosmetic Act, 21 U.S.C. 346a(f)."; and

(3) Notwithstanding § 2.205(g), the 31 calendar day period prescribed by § 2.205 (f)(2), as modified by paragraph (f)(2) of this section, shall not be shortened without the consent of the business.

(g) *Special procedure for advance confidentiality determinations.* Section 2.206 applies without change to information to which this section applies; however, no information to which this section applies is voluntarily submitted information.

(h) *Substantive criteria for use in confidentiality determinations.* Section 2.208 does not apply to information to which this section applies. Such information shall be determined to be entitled to confidential treatment for so long as this section continues to apply to it.

(i) *Disclosure in special circumstances.* (1) Section 2.209 applies to information to which this section applies. In addition, under Section 408(f) of the Act, 21 U.S.C. 346a(f), EPA is authorized to disclose the information to other persons. Such authority under section 408(f) of the Act may be exercised only in accordance

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with paragraph (i)(2) or (i)(3) of this section.

(2) Information to which this section applies may be disclosed (notwithstanding the fact that it otherwise might be entitled to confidential treatment under this subpart) to a person under contract to EPA to perform work for EPA in connection with the Act, with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, or regulations which implement either such Act, if the EPA program office managing the contract first determines in writing that such disclosure is necessary in order that the contractor may carry out the work required by the contract. Any such disclosure to a contractor shall be made only in accordance with the procedures and requirements of § 2.301(h)(2)(ii) through (iv).

(3) Information to which this section applies may be disclosed by EPA to an advisory committee in accordance with section 408(d) of the Act, 21 U.S.C. 346a(d).

§ 2.309 Special rules governing certain information obtained under the Marine Protection, Research and Sanctuaries Act of 1972.

(a) *Definitions.* For the purposes of this section:

(1) "Act" means the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. 1401 et seq.

(2) "Permit" means any permit applied for or granted under the Act.

(3) "Application" means an application for a permit.

(b) *Applicability.* This section applies to all information provided to or obtained by EPA as a part of any application or in connection with any permit.

(c) *Basic rules which apply without change.* Section 2.201 through § 2.207 and § 2.209 through § 2.213 apply without change to information to which this section applies.

(d) *Substantive criteria for use in confidentiality determinations.* Section 2.208 does not apply to information to which this section applies. Pursuant to section 104(f) of the Act, 33 U.S.C. 1414(f), no information to which this section applies is eligible for confidential treatment.

PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

2. By revising § 30.235(b) to read as follows:

§ 30.235 Disclosure of information.

* * * * *

(b) Any person who submits to EPA any information under this Part, and who desires that EPA not disclose any or all of the information, may place on (or attach to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "business confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. Applicants should also comply with further instructions in application forms concerning the assertion of confidentiality claims. See §§ 2.203 and 2.204 of this chapter.

* * * * *

3. By revising § 30.320(b) to read as follows:

§ 30.320 Use and disclosure of information.

* * * * *

(b) An assertion of entitlement to confidential treatment of part or all of the information in an application may be made using the procedure described in § 30.235(b). See also § § 2.203 and 2.204 of this chapter.

* * * * *

PART 40—RESEARCH AND DEMONSTRATION GRANTS

4. By revising § 40.155 (a) and (b) to read as follows:

§ 40.155 Availability of information.

(a) The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

(b) An assertion of entitlement to confidential treatment of part or all of the information in an application may be made using the procedure described in § 30.235(b). See also §§ 2.203 and 2.204 of this chapter.

* * * * *

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

5. By revising § 60.9 to read as follows:

§ 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§ 60.5 and 60.6 is governed by § 2.201 through § 2.213 of this chapter and not by § 2.301 of this chapter.)

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

6. By revising § 61.15 to read as follows:

§ 61.15 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by Part 2 of this chapter.

PART 79—REGISTRATION OF FUEL ADDITIVES

7. By revising § 79.3 to read as follows:

§ 79.3 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by Part 2 of this chapter.

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

8. By revising § 125.37 to read as follows:

§ 125.37 Public access to information.

Certifications issued pursuant to section 401 of the Act, the comments of all governmental agencies on a permit application, and draft permits prepared pursuant to § 125.37 shall be available to the public without restriction. The availability to the public of other information submitted by an applicant to the Administrator in connection with a permit application or which may be furnished by a permittee in connection with required periodic reports shall be governed by Part 2 of this chapter.

PART 167—REGISTRATION OF PESTICIDE-PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDES REPORTS, AND LABELING

9. By revising § 167.5(d) to read as follows:

§ 167.5 Pesticides reports.

* * * * *

(d) The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

PART 169—BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION

10. By revising § 169.3(c) to read as follows:

§ 169.3 Inspection.

* * * * *

(c) *Availability of information.* The availability to the public of information provided to, or otherwise obtained by, the Administrator under this Part shall be governed by Part 2 of this chapter.

* * * * *

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDES CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

11. By revising paragraph (c) of § 180.7 to read as follows:

§ 180.7 Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.

* * * * *

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408(d) are lacking or are not set forth so as to be readily understood. The availability to the public of information provided to, or otherwise obtained by, the Agency under this Part shall be governed by Part 2 of this chapter.

* * * * *

APPENDIX A—SIGNIFICANT COMMENTS, RESPONSES, AND OTHER NOTEWORTHY ITEM

The significant comments (in summarized form) received in connection with the notices of proposed rule making dated May 20 and July 9, 1975, 40 FR 21987 and 28814, on the subject of confidential business information, and the responses of the Administrator to those comments, are as follows:

1. Comment—The proposed rule does not adequately encourage EPA offices to use techniques that would allow some parts of allegedly confidential information to be made public (e.g., masking the business's identity or disclosing the data in aggregated form).

Response—Section 2.202(b) has been modified to emphasize the possibility of use of such techniques.

2. Comment—The proposed rule would preclude EPA from discretionary disclosures of information EPA has found to be entitled to confidential treatment. This is contrary to the public interest and will decrease EPA's flexibility.

Response—The Administrator disagrees with this comment. A provision that EPA could disclose information by exercise of discretion, even if the information had been found to be entitled to confidential treatment, would conflict with the basic approach of the regulation, which is that businesses are entitled to know the extent of the protection EPA will afford the information submitted by them.

3. Comment—The definition of "voluntarily submitted information" in § 2.201(i) of the proposed rule is unclear with respect to information submitted in connection with contracts and grants.

Response—The Administrator agrees with this comment. Section 2.201(i) of the rule as promulgated below now points out that information which an EPA contractor or grantee has contractually agreed to furnish is not voluntarily submitted information. Section 2.201(i) also now states that other information which EPA may require as a condition of considering contract bids, contract or grant proposals, or the like, as well as information furnished to EPA in connection with the administration of a contract or grant, may qualify as voluntarily submitted information.

4. Comment—Section 2.202(d) of the proposed rule would require disclosure of an item of information, if one statute required disclosure but another statute required confidential treatment of the same information. The regulation should require confidential treatment of an item of information whenever that result is required by any statutory provision.

Response—The Administrator disagrees with this comment. The first inquiry, in a situation where two statutes appear to require different results concerning the treatment of the same information, should be an examination to determine whether in fact there is a conflict. If there is a true conflict, however, the Administrator believes that the public policy in favor of disclosure of information should prevail.

5. Comment—The regulation should require that requests or demands by EPA for information should specifically alert a business to the possibility of asserting a business confidentiality claim and should warn the business that the failure to assert a claim may result in the information being made available to the public.

Response—The Administrator agrees with this comment. Section 2.203 of the rule as promulgated below now requires such a warning whenever EPA requests or demands information which is likely to be regarded as confidential.

6. Comment—There should be no requirement that a business assert its business confidentiality claim at the time of initial submission of the information. This will tend to increase administrative difficulties and will lead businesses either to submit less information or to submit it less willingly by focusing attention on the subject of confidentiality.

Response—The Administrator disagrees with this comment. EPA experience has shown that when a business submits information which the business regards as confidential but fails to place an appropriate marking on the information, administrative difficulties in dealing with the information are likely to result. Although the business may assume that EPA employees may afford the information confidential treatment, the EPA office which receives the information may not appreciate the need for confidentiality and may allow it to be publicly disclosed. Even if the EPA office which originally obtains the information is aware of the business's tacit confidentiality claim, other EPA offices which obtain access to the information may be unaware of the claim. A requirement that businesses assert their confidentiality claims at the time of submission of the information will greatly lessen the risk of inadvertent disclosure of information entitled to confidential treatment.

7. Comment—A business which fails to mark as confidential an item of information which it submits to EPA in the future should not be penalized by such failure. It should be able to assert its claim without penalty at any time unless the information has already been disclosed.

Response—Section 2.203 has been revised to provide that a business's failure to assert a claim when submitting information to EPA will not prejudice the business unless the EPA request or demand for the information notified the business of the consequences of failure to assert a claim. See also the Response to Comment 8.

8. Comment—A business may inadvertently or negligently fail to assert a claim at the time it submits information to EPA, even though it knew of the requirement and meant to assert a claim. Corrections of such errors should be allowed.

Response—Section 2.203 has been modified to provide that a business's failure to assert a claim when submitting information is not necessarily a waiver of the claim. The revised § 2.203 provides, however, that if, when soliciting the information, EPA afforded the business a fair opportunity to assert a claim, and if the information submitted in response was not accompanied by a claim, EPA will not make further inquiries to the business under § 2.204(c)(1). EPA will make administratively practicable efforts to associate later claims with the information in question, but cannot assure the success of such efforts. See also the Response to Comment 6.

9. Comment—The regulation should require a business to submit its justification for its claim of confidential treatment, not just the claim, when submitting information. This would permit speedier decisions if and when a request for release of the information is received by EPA.

Response—The Administrator disagrees with this comment. A provision has been added to § 2.204(a) which would encourage EPA offices to initiate the determination process as soon as it appears likely that requests for the information eventually will be received by EPA, even though they have not yet been received. This should produce speedier decisions. But to require detailed substantiation of a claim in every case at the time of submission of the information itself would inevitably slow the responses of businesses to requests for information, would in many cases cause businesses to expend needless effort, and would complicate EPA record-keeping unjustifiably.

10. Comment—Different formats for business confidentiality claims, each fairly elaborate, should be prescribed for information which is: (A) voluntarily submitted, (B) required to be submitted, or (C) submitted in connection with grants or contracts.

Response—The Administrator disagrees with this comment. This would be an unnecessary elaboration that would not effectively assist a business but would cause administrative difficulties for EPA.

11. Comment—In contrast to what is contemplated by § 2.204(a) of the proposed rule, EPA should never initiate the confidentiality determination with respect to an item of business information until and unless that item of information is the subject of a request for release under 5 U.S.C. 552.

Response—This comment ignores the possibility that EPA may have reason to desire to disclose business information in connection with standard-setting or other EPA activities. A procedure is needed to allow EPA, on its own initiative, to determine whether or not it may disclose business information. Moreover, the comment's advice, if followed, would not allow EPA to initiate the confidentiality determination process with regard to information which is certain or likely to be the subject of later requests under 5 U.S.C. 552, thus forcing businesses to submit comments under rigid deadlines when a request is actually received and slowing the handling of responses to requests under 5 U.S.C. 552.

12. Comment—Once EPA has determined that information is entitled to confidential treatment for reasons of business confidentiality, there should be no automatic reexamination of that determination merely because of the passage of time. Such a reexamination, with its attendant burden of rejustification of the claim by the business, should be commenced only when there is good reason to believe that the claim is no longer valid.

Response—The Administrator agrees with this comment and the criticized language in § 2.204(b) of the proposed rule has been deleted. As modified, the regulation provides that if an EPA office has reason to doubt the continuing validity of such a determination it will refer the matter to the EPA legal office for possible action under § 2.205(h).

13. Comment—Even if a prior determination states that information of a certain type is not entitled to confidential treatment, a business should be afforded the opportunity to seek judicial review of the validity and applicability of that determination.

Response—The Administrator agrees with this comment. Section 2.204 has been modified in various respects to provide that notice under § 2.205(f) will be given in every case where EPA proposes to disclose information which is known to be covered by a business confidentiality claim, unless such notice has previously been given to the business with regard to the same information.

14. Comment—Businesses sometimes compile or obtain information at the request of one Federal agency, only to have it requested later by another agency. If the agency at whose request the information was first compiled or obtained has determined that the information is entitled to confidential treatment, EPA should automatically honor such a determination.

Response—The Administrator believes that although other agencies' determinations are proper for consideration by EPA, EPA cannot commit itself to honor such determinations in every case. Differences in statutory provisions or disagreement concerning application of the law may require different conclusions on EPA's part.

15. Comment—Information should not be determined to be available to the public without consultation with a business merely because at some time in the past the information has been located in EPA files which

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were made available to the public. The placement of such information in such files may have been improper; moreover, the information may not actually have been disseminated.

Response—The Administrator agrees with this comment. Section 2.204(c) has been appropriately modified. Evidence of public dissemination of such information may bear on the question of whether the information is in fact confidential.

16. Comment—Initial determinations by an EPA office that an item of business information is not entitled to confidential treatment should be referred to the EPA legal office, just as are determinations that an item of information is or may be entitled to confidential treatment.

Response—The Administrator disagrees with this comment. EPA offices acting under § 2.204(d) are to make one of two determinations: either that the information clearly is not entitled to confidential treatment, in which case the business receives a notice under § 2.205(f), or that the information may be entitled to confidential treatment, in which case further inquiry is made and the matter is referred to an EPA legal office for a final determination. The first kind of determination will be made only where the EPA office can ascertain that EPA's position on the matter is already clear and that there is nothing further to consider.

17. Comment—The "procedural" denial contemplated by § 2.204(d)(1) is a "sham" that conflicts with the mandate of the Freedom of Information Act, 5 U.S.C. 552(a)(6), because it is not a good-faith decision on the merits. EPA offices should be required to make a substantive, yes-or-no decision on the merits within the 10-working-day period following receipt of a request under 5 U.S.C. 552. All information necessary for such a determination, including any comments an affected business might be allowed to make, should be considered at that stage.

Response—The Administrator disagrees with this comment. It is recognized that every effort should be made to provide decisions on the merits as expeditiously as possible. However, EPA now has on hand a great deal of business information, most of which has never been the subject of a business confidentiality determination; with regard to most of this information, the submitter businesses have never presented to EPA any justification for confidential treatment nor have they been given specific notice of the need to do so. Moreover, EPA does not expect to receive requests for release of much of the business information EPA possesses and will continue to acquire. The Administrator does not believe it will be possible in most cases to issue decisions on the merits before seeing the business's comments. Attempts to issue initial determinations on the merits without knowing the business's views would produce uninformed initial determinations and complicate the handling of appeals. As stated in the Response to Comment 9 the Administrator does not believe it is appropriate to require new submissions to be accompanied by a business's justification for its confidential treatment request. The Administrator finds that in most cases it will not be possible to locate the requested information, invite a business's comments, allow a reasonable time for preparation by a business of such comments, receive the comments, and issue a determination on the merits within the ten-working-day period after receipt of a request allowed by 5 U.S.C. 552(a)(6) for the issuance of initial determinations. Accordingly, in many cases it will be necessary to issue a "procedural" initial denial. As noted elsewhere, the regulation has been modified in various ways to make it more likely either that all information needed for a determination will be on hand when a request is received or that the determination will already have been made. Moreover, as EPA issues more confidentiality determinations (especially class determinations under § 2.207), the EPA position on entitlement to confidential treatment of various categories of information will become better defined, with consequent narrowing of the issues remaining to be decided. This will tend to increase the proportion of initial determinations on the merits issued under either § 2.204(b)(1) or § 2.204(d)(2) and decrease the proportion which must be "procedural" denials under § 2.204(d)(1).

18. Comment—EPA should not require a business to carry the burden of substantiating its assertion that an item of information is entitled to confidential treatment. An assertion of entitlement should be regarded as conclusive, or at least as prima facie, proof of entitlement.

Response—The Administrator does not believe that such an approach is justifiable under the judicial interpretations of 5 U.S.C. 552. An objective analysis of entitlement of the item of information to confidential treatment is required.

19. Comment—The period proposed for a business to prepare and submit its comments—15 calendar days from the date of a notice, under proposed § 2.204(e)—is too short, if meaningful comments by the business are desired. Problems with directing the notice to the proper corporate officials and the occasional absence on leave or travel of key officials, will cause great difficulty.

Response—The Administrator is conscious of the problems that may be posed in some cases by the deadline. On the other hand, the deadlines for this Agency's issuance of determinations prescribed by 5 U.S.C. 552 make impossible the allowance of a period such as 60 days (suggested by one comment) for a business to furnish its comments. The Administrator has determined that a period of 15 working days (Government business days) should be allowed. See also the Response to Comments 9 and 17.

20. Comment—There appears to be no logical reason why businesses should be required to submit substantiating comments within a period of limited length, at some inconvenience to them, if no request for the information is pending under 5 U.S.C. 552.

Response—The Administrator agrees with this comment. Section 2.204(e) has been accordingly modified. Additionally, § 2.204(e) and § 2.205(f) have been modified to indicate that if a request under 5 U.S.C. 552 is pending, neither the comment period nor the post-determination waiting period will normally be extended without the consent of the requestor.

21. Comment—In order to allow a business as much time as possible for preparation of comments, telephone notice should be given the business at the time EPA decides to issue the notice contemplated by § 2.204(d) to the business.

Response—The Administrator agrees with this comment, and § 2.204(e) has been modified appropriately.

22. Comment—Comments submitted by businesses in substantiation of their business confidentiality claims may include other business information which itself may be entitled to confidential treatment. The regulation should provide automatic entitlement to confidential treatment for comment information, if requested by the business.

Response—The Administrator agrees with this comment, and a new provision, § 2.205(c), has been added which incorporates the substance of the comment. This automatic entitlement to confidentiality will apply only if EPA possesses the information only because of its inclusion in substantiating comments and is grounded on the continuing need to obtain frank and full comments from businesses in order to promote sound determinations under this subpart.

23. Comment—The views of an EPA office concerning entitlement of an item of business information to confidential treatment, which under proposed § 2.204(f) are to be furnished to the EPA legal office for its consideration in issuing final determinations, should also be furnished to the affected business for comment.

Response—The Administrator disagrees with this comment. Requiring such disclosure would tend to reduce the candor of an EPA office's comments in many cases. There also would exist a substantial risk, in cases involving more than one affected business, of inadvertent disclosure to one business of allegedly confidential information submitted by the other. Moreover, in cases where speedy action is required (e.g., where a request under 5 U.S.C. 552 is pending), it is unlikely that an EPA office's comments would be received by the affected business in time to be used in the preparation of the business's comments. The Administrator notes, however, that § 2.204(e)(5) of the rule as promulgated below requires an EPA office to seek confirmation of its understanding of the pertinent facts.

24. Comment—The 10-calendar-day waiting period prescribed by proposed § 2.205(f) after a determination adverse to a business, during which the business may commence an action for judicial review, is too short a period for the obtaining of suitable counsel and the preparation and filing of suitable pleadings.

Response—The Administrator agrees with this comment and has modified § 2.205(f) to provide a period of ten working days, rather than ten calendar days, for initiation of judicial review action.

25. Comment—The proposed waiting period mentioned in Comment 24 above is too long. Five calendar days would be sufficient.

Response—The Administrator disagrees with this comment. EPA records contain business information concerning businesses ranging in size from very large corporations to sole proprietorships. Moreover, because of the number and scope of the various statutes EPA administers, the businesses whose information EPA holds are not concentrated in a few fields but come from many different industrial and commercial fields. The Administrator finds that businesses may in many cases require up to ten working days for purposes of retaining legal counsel, familiarizing counsel with the facts, determining whether to seek judicial review of EPA's determination, and preparing and filing necessary pleadings. 5 U.S.C. 552 requires that once EPA has determined that information is not exempt from disclosure and will be disclosed, it shall make the information available to the requestor with reasonable promptness. The Administrator believes that a waiting period of ten working days is not inconsistent with that requirement.

20. Comment—Proposed § 2.205(f) is improper to the extent that under it EPA proposes to disclose information when a business is in the process of obtaining judicial review of the adverse EPA determination. The 30-day period established by the proposed rule, at the end of which EPA would disclose information unless a court had ordered its continued withholding, improperly interferes with the role of the judicial system.

Response—The Administrator substantially agrees with the comment. The purpose of the proposed provision was to ensure that a business would expeditiously pursue its request for judicial review. A business could merely file a complaint and take no further action to obtain a speedy hearing on a motion for injunctive relief, were there not some spur to expeditious action. However,

the Administrator has concluded that a fixed period of time during which the contractor must obtain a judicial order in order to prevent disclosure is not the best way to solve the problem. Accordingly, the 30-day period has been eliminated from the regulation as promulgated below, but in its place has been substituted language which would result in disclosure of the information, in the absence of a court order prohibiting disclosure, after a business has failed to convince a court of the propriety of a temporary injunction against disclosure, or in cases where, after reasonable notice to the business, EPA determines that the business is not taking appropriate measures to obtain a speedy resolution of the matter. The substituted provisions should adequately protect the interests of those who have requested the information under 5 U.S.C. 552, while eliminating the objectionable features of the proposed rule.

27. Comment—Proposed § 2.205(g) should be modified to provide that the comment period and post-determination waiting period should be allowed to be shortened only in cases where disclosure of allegedly confidential business information would alleviate or assist in alleviating an imminent hazard.

Response—The Administrator agrees with this comment and has caused § 2.205(g) to be appropriately modified.

28. Comment—The authority of the various EPA legal offices to issue determinations, as set forth in § 2.205(i) of the proposed rule, is too broad. Regional Counsel should not be authorized to issue such determinations for similar situations are apt to lead to differing determinations.

Response—The Regional Counsel should be authorized to issue determinations in those cases where they are most familiar with the records and where action by them would eliminate organizational delays. Dissemination of decisions and consultation with the General Counsel will tend to minimize divergent results.

29. Comment—The Administrator or some member of his immediate staff, rather than the various EPA legal offices, should issue the determinations contemplated by § 2.205, § 2.206, and §2.207 since 5 U.S.C. 552 speaks of an appeal to the head of the Agency.

Response—The comment acknowledges that the Administrator himself cannot be expected to personally rule on each confidentiality claim and foresees delegation to a staff member. Which staff member performs this function under a delegation is a matter for determination by the Agency.

30. Comment—The regulation should provide that the appeal determination must be issued by a person other than the person who issued the initial determination, at least where requests under 5 U.S.C. 552 are concerned.

Response—The Administrator agrees that the same person should not issue both determinations but believes that this separation of functions should be provided for by the General Counsel, acting under § 2.205(i) of the regulation.

31. Comment—Section 2.206 of the proposed rule should be extended to allow advance confidentiality determinations even where the information concededly would not, if submitted for general use by EPA, constitute voluntarily submitted information.

Response—The Administrator disagrees with this comment. The purpose of an advance confidentiality determination is to allow EPA to obtain for its use information it could not otherwise obtain. Advance confidentiality determinations present problems for EPA (See Comments 33 and 34 below.) and thus should be employed when other procedures for determining confidentiality are inadequate.

32. Comment—A mechanism should exist for determining whether or not information would be voluntarily submitted information if submitted for general use by EPA.

Response—The Administrator agrees with this comment. Section 2.206 has been modified to allow such determinations.

33. Comment—Business information submitted to an EPA legal office for the sole purpose of obtaining an advance confidentiality determination should not be regarded as an "agency record" and, if the determination holds that the information is not entitled to confidential treatment, all copies should be returned to the submitter, even if a request for release of that information is pending under 5 U.S.C. 552.

Response—The Administrator disagrees with this comment. Although definitive judicial pronouncements on the subject are lacking, the Administrator believes that there is a substantial possibility that information held by an EPA legal office for purposes of examination in the course of issuance of an advance confidentiality determination under § 2.206 would be held by a court to constitute agency records under 5 U.S.C. 552. The Administrator believes that the issue of whether such documents would constitute agency records should be determined by a court. (EPA would disclose such information only pursuant to a court order.)

34. Comment—The regulation should provide that EPA should treat as confidential the fact that a business has submitted an item of information to EPA under § 2.206.

Response—The Administrator agrees with this comment insofar as it asserts that an EPA legal office (or other office) should not voluntarily disclose such a fact. However, the Administrator is of the opinion that in some cases where a request for disclosure of records concerning such submissions has been made under 5 U.S.C. 552, it might be legally improper to refuse to disclose such a fact. No change to the regulation is deemed necessary with respect to this comment.

35. Comment—Class determinations, as contemplated by proposed § 2.207, should allow prior comment by all businesses which might be affected by such a determination.

Response—The Administrator believes that in many cases such a requirement would preclude issuance of a class determination, since the identities of potentially affected businesses might be unascertainable. Section 2.207 has been modified to clarify the purpose and effect of class determinations. (See Response to Comment 37 below.)

36. Comment—An EPA office should not be allowed to make assertedly confidential business information available to the public in reliance on a class determination without prior notice to the business.

Response—The Administrator agrees with this comment. See the Response to Comment 13 above and the clarifying modifications which appear as § 2.207(d) of the rule as promulgated below.

37. Comment—Various terms in § 2.207 as proposed require clarification so that businesses will know what constitutes a "common fact situation," a "class," etc.

Response—The Administrator agrees that the proposed § 2.207 could have been stated more definitely, and the section has been rewritten to make more certain its purpose, applicability, and effect.

38. Comment—Certain of the substantive criteria proposed by § 2.208 are either irrelevant or else impossible to satisfy. Specifically, the provision in § 2.208(c) of the proposal concerning the "reasonableness" of a business's claim is unduly vague, and the reference to the "practices of other businesses" is irrelevant.

Response—The Administrator agrees with this comment. Section 2.208 has been rewritten to reflect this and several other changes suggested by comments, as well as to conform the section to other sections in which procedural changes have been made.

39. Comment—Proposed § 2.208(e)(1) improperly interprets judicial opinions concerning the proper criterion of competitive harm. Specifically, a business should not have to demonstrate either that the likelihood of harm is "substantial" or that the harm which would result from disclosure is "substantial."

Response—The Administrator agrees in part. The decision in "National Parks & Conservation Ass'n v. Morton," 498 F. 2d 765 (D.C. Cir. 1974), requires only a likelihood, not a substantial likelihood, that a business's competitive position will be substantially harmed by Government disclosure of an item of information. The section has been modified accordingly.

40. Comment—Section 2.208 is wrong in concerning itself with harm to a business's competitive position: the test should be whether the business discloses the information, not whether the Government's disclosure would harm the business's competitive posture.

Response—The Administrator believes that the "National Parks" case cited above precludes EPA from taking such an approach and that the test as now stated in § 2.208 is the proper one.

41. Comment—The regulation should list specific categories of information which are, and which are not, entitled to confidential treatment.

Response—The Administrator does not believe that it is now possible to issue comprehensive listings of the type urged by the comment. While it is desirable for businesses and the public to become aware of the types of information which EPA believes to be entitled or unentitled to confidential treatment, this can best be accomplished by issuance of determinations under § 2.205, § 2.206, and § 2.207.

42. Comment—Section 2.208 should not require a business to "prove a negative," i.e., it should not have the burden of showing that information is not readily obtainable by others.

Response—The Administrator agrees that businesses might find it extremely difficult to show that another person could not obtain information. However, it is clear that the availability to others of information is relevant to the determination. The section has been modified to eliminate the burden on the business of making an affirmative showing in this regard, but continues to require EPA consideration of the issue.

43. Comment—Some information a business guards zealously may nonetheless be available via court-ordered discovery in a legal proceeding. Availability via discovery should not negate a business's confidentiality entitlement.

Response—The Administrator agrees in part with this comment. Section 2.208, as promulgated below, explicitly treats this subject, and differentiates between information which would be routinely discoverable and that which would be discoverable only upon a showing of special need.

44. Comment—There may be situations in which although a business has taken no steps to preserve the confidentiality of an item of information, the information has not been disclosed outside the business. In such situations, the information should not be ineligible for confidential treatment.

Response—The Administrator disagrees with this comment. If no steps have been taken to safeguard the information, the importance to the business of confidentiality is at best questionable and the likelihood of prior unregulated disclosure is great.

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45. Comment—In many cases, disclosure of one item of information by itself might not cause substantial competitive harm to a business. But the cumulative effect of disclosures of several related, seemingly unimportant items of information could result in great competitive harm.

Response—The Administrator is conscious of this possibility and advises that an item of business information will not be determined to be ineligible for confidential treatment merely because its disclosure alone would not directly cause substantial competitive harm. The test is whether disclosure of the item of information would make substantial harm to the business's competitive position likely.

46. Comment—Disclosures under proposed § 2.209 to Congress the Comptroller General, or other Federal agencies should be brought to the attention of the affected businesses.

Response—Except where legitimate reasons exist for withholding from businesses the fact of such disclosures (e.g., where law enforcement would be hampered), the Administrator advises that there is no objection to informing a business that information has been disclosed to other branches or agencies of the Federal government. However, automatic notification to a business each time such a disclosure occurred would create administrative burdens for EPA offices which the Administrator finds not to be warranted. Section 2.209 of the regulation has been modified to provide that EPA offices shall maintain a record of disclosures of business information made to Congress, the Comptroller General, or other Federal agencies. Such information, insofar as it pertains to an affected business, will be disclosed on receipt of written request of that business, except where legitimate reasons exist for withholding it.

47. Comment—Disclosure of business information should not be made to Congress, its committees, or subcommittees unless a Congressional subpoena covering such information has been issued.

Response—The Administrator disagrees with this comment. Duly authorized requests from Congress, its committees, its subcommittees will be honored; and the requesting body will be informed of unresolved confidentiality claims and of determinations of entitlement to confidential treatment.

48. Comment—Section 2.210 of the proposed rule appears to allow EPA to first decide whether a request for business information would be denied under subpart B, and thereafter decide whether the information would be withheld for other reasons. The regulation should provide for parallel consideration of all possible bases for withholding information to avoid delays in response to requests under 5 U.S.C. 552.

Response—The Administrator agrees with this comment. Section 2.210, as promulgated below, has been revised accordingly.

49. Comment—The regulation should state penalties for improper disclosure of business information by EPA employees.

Response—The Administrator agrees with the general tenor of this comment. Section 2.211 of the regulation as promulgated below has been rewritten to remind employees of the criminal penalties for willful violation of applicable laws and to inform employees that improper disclosure of business information may be grounds for adverse personnel action.

50. Comment—The regulation should provide detailed rules for the handling within EPA of business information.

Response—The Administrator does not believe that a regulation is the most effective way in which to issue guidance concerning the details of handling the various kinds of business information possessed by various EPA offices. However, a new § 2.212 has been added to the regulation as promulgated below, which will allow the designation of "control offices" which have exclusive responsibility and authority to disclose certain categories of business information outside the Agency. Such control offices, if and when designated, shall also maintain information concerning confidentiality claims, determinations, and other pertinent materials under this subpart with respect to the items of information for which they are responsible.

51. Comment—The regulation should provide a mechanism by which a business may designate an agent for purposes of receipt of inquiries and notices under the subpart in order to lessen the likelihood of delay in responding to inquiries and notices (especially in cases involving large, decentralized businesses).

Response—The Administrator agrees with this comment. A new § 2.213 has been added to the regulation, as promulgated below, describing how a business may designate one person as its sole representative for such purposes.

52. Comment—The basic definition of "emission data" as proposed in § 2.301(a)(2) is too broad. It should not include descriptions of "hardware," nor the "details of a confidential process as it is being practiced."

Response—It is impossible to make intelligent reference to data concerning an emission of a substance into the air without referring also to the nature and location of the source of the emission. Section 2.301(a)(2) has been modified slightly to emphasize that information concerning the nature of the source is emission data only "to the extent necessary" to identify the source and to distinguish it from other sources.

53. Comment—By including in the definition of emission data "information necessary to determine the emissions which a standard or limitation permits a source to emit," the proposed regulation would in some cases require the disclosure of various information pertaining to stationary sources which a business may wish to maintain in confidence, such as raw material feed rates, production rates, or byproducts generated. This is improper and goes beyond the Congressional intent.

Response—This comment is based on the fact that in some cases, individual emission sources are subject to emission limitations expressed in terms of units of pollutant that may be emitted per unit of raw material processed or per unit of production. In order that the actual emissions during a period may be compared with the allowable emissions, it is necessary to know how many input or output units were processed by the facility during the period in question. Otherwise, a person would not know whether or not a source had complied with the emission limitation. In Section 110(a)(2)(F) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(F), Congress required that emission data concerning stationary sources be correlated with applicable emission standards or limitations and be made available for public inspection. [A similar provision, requiring that effluent data be "related to" applicable standards or limitations, is found in Section 308(b) of the Federal Water Pollution Control Act, 33 U.S.C. 1318(b).] The Administrator finds that Congress, by employing such language, desired that members of the public be able to know not only the actual emission figures, but also the emissions allowable under applicable standards and limitations. Accordingly, the Administrator disagrees with the comment.

54. Comment—The definition of emission data should include data concerning pollutants which result from emissions but which are not released directly from the source, i.e., data concerning substances which exist in the air as the direct result of the emission from a source of one or more other substances.

Response—The Administrator agrees with this comment. The regulation has been modified to incorporate the substance of this comment.

55. Comment—Emission data should not be defined to include data concerning "contemplated" emission sources.

Response—The meaning of "emission data" is significant because the Clean Air Act requires that emission data must be made available to the public notwithstanding any allegation that it is entitled to confidential treatment. The Administrator believes that the purpose of this statutory disclosure requirement is to enable members of the public to inform themselves in order that they may initiate, or participate on an informed basis in, proceedings by which standards and limitations under the Act are enforced. The definition of emission data should further this purpose. Section 2.301(a)(2) has been rewritten to state more clearly the relationship between the purposes to be served by disclosure of data and the coverage of the term "emission data." The reference to "contemplated" sources has been eliminated as unnecessary. As promulgated below, the definition of emission data includes data concerning actual (experienced) emissions, data needed to calculate emissions that were allowable under standards or limitations (to determine compliance), and information necessary to specify the identity and location of the source.

56. Comment—There should be no exclusion from the definition of emission data of information concerning products, methods, devices, or installations merely because they are developed and used solely for research purposes.

Response—The Administrator disagrees with this statement in large part, because the exclusion appears to be necessary in order to encourage research. However, the Administrator is of the opinion that information should be disclosed to the extent necessary to show that a source is (or is not) complying with applicable standards or limitations, or to substantiate the validity of an existing or proposed standard or limitation. The definition of emission data has been modified appropriately.

57. Comment—The "research" exclusion should cover even full-scale installations, not just laboratory- or pilot-scale installations, if in fact it is used only for research purposes.

Response—The Administrator agrees with this comment, and the rule as promulgated below has been appropriately modified. It should be noted, however, that it is not anticipated that many full-scale installations will be found to be used solely for research purposes. For example, a full-scale industrial installation which is intended to contribute productively to the output of a business would not be regarded as used only for research purposes once the installation is shown to function and is in fact contributing to the business's output.

58. Comment—Information pertaining to products being readied for introduction into a market (but not yet introduced) and information pertaining to ongoing research aimed at improving existing products on the market should not be automatically ineligible for confidential treatment and thus should be excluded from the definition of emission data.

Response—The Administrator agrees in part with this comment. However, such information must be available to the public to the extent necessary to indicate the source's compliance or non-compliance with

applicable standards or limitations, or to permit EPA to demonstrate the validity of an existing or proposed standard or limitation. The definition of emission data has been modified accordingly.

59. Under proposed § 2.301(e) (substantive criteria for confidential treatment), emission data should not be excluded automatically from eligibility for such treatment.

Response—The exclusion in question is specifically required by the Clean Air Act, sections 114, 208, and 307(a).

60. Comment—Emission data should be disclosed on request, without any consultation of the business which submitted it, to avoid delay.

Response—While the Clean Air Act clearly states that emission data must be made publicly available, it does not define the boundaries of the term. The Administrator finds that it is not unlikely that one or more businesses may disagree with the definition of emission data established in § 2.301(a)(2) and further finds that the business's procedural rights (submission of comments and opportunity to seek judicial review) should not be denied merely because EPA may characterize information as emission data.

61. Comment—Of the information to which § 2.301 applies, only those "trade secrets" which are "methods of processes" are entitled to confidential treatment, under the Clean Air Act and its legislative history, and the regulation should not allow confidential treatment for other information.

Response—The Administrator does not agree with this comment. The Congress supplied no definition of the terms it employed, and (as noted in the May 20, 1975, explanation of the proposed approach) the Administrator has been unable to conclude that the Congress intended to require public disclosure of the information which EPA must obtain from businesses in order to develop standards and perform its other emissions. Routine disclosure to the public of all that information would profoundly affect the business structure of the Nation in ways that have nothing to do with the purposes of the Clean Air Act.

62. Comment—Proposed § 2.301(g), pertaining to disclosure of information otherwise entitled to confidential treatment when the information is relevant to a matter in controversy in a proceeding, should allow such disclosure only in those proceedings which involve a public hearing, not in informal rulemaking proceedings.

Response—The Administrator disagrees with this comment but recognizes that the proposed rule failed to properly acknowledge the differences that exist between proceedings which are conducted on the record and with parties of record, on the one hand, and proceedings of an informal nature, on the other. There can be no limited disclosure under protective arrangements in an informal rulemaking proceeding; if information is to be disclosed at all, it must be publicly disclosed. This and other differences between the two classes of proceedings have led the Administrator to conclude that there should be separate procedures to be used in informal proceedings, and the regulation has been modified accordingly. Separate procedures have also been established in the regulation as promulgated below for disclosure in on-the-record proceedings when disclosure is proposed by EPA, on the one hand, and by a party to the proceeding other than EPA, on the other.

63. Comment—There should be no disclosure of the type contemplated by § 2.301(g) unless the business has the right, as part of the proceeding, to argue against disclosure.

Response—The regulation has been modified to make clear that a business has this right.

64. Comment—Information should be disclosable under proposed § 2.301(g) only if it is actually found to be relevant to a matter in controversy in the proceeding.

Response—The Administrator agrees with this comment, and the regulation has been modified appropriately.

65. Comment—Information should be disclosed under proposed § 2.301(g) only to those parties who have a "business or financial interest in the proceeding" or those who show that "the public interest would not be adequately served by EPA's representation."

Response—The Administrator disagrees with this comment. The Administrator does not believe that the proceedings will produce the most broadly based and useful results if relevant information is routinely withheld from parties who lack a business interest and who may have a different perception than that of the Administrator of where the public interest lies. The criteria for disclosure to parties adequately protect against frivolous requests.

66. Comment—Proposed § 2.301(g) should prescribe the protective measures that should be required as a condition of disclosure to parties.

Response—The Administrator believes that, given the variety of circumstances that arise in different proceedings, it is impossible to anticipate all problems. Details in this regard are, it is felt, best left to the sound discretion of the administrative law judge or other presiding officer.

67. Comment—The proposed rule's 10-day waiting period for the comments of a business on the proposed disclosure of information it submitted will unduly delay many proceedings. Moreover, where a delay in releasing information does ensue, in appropriate cases a corresponding delay in the proceedings should be granted for the benefit of the party which requested disclosure of the information. Finally, the existence of a court order requiring a proceeding to be completed by a certain date should be listed as another basis for shortening the normal 10-day comment period.

Response—The regulation, as promulgated below, now eliminates any reference to a fixed period for a business's comments and instead relies on the discretion of the administrative law judge or other presiding officer to set a comment period reasonable in the circumstances. With respect to suspending the proceedings pending decision on a request for information, this is also a matter that should be left to the presiding officer's sound discretion.

68. Comment—A business's comments on a proposed rule should not be disclosable under proposed § 2.301(g), because if a business believes its comments might be made public over its objections, it may refrain from submitting the comments.

Response—This comment may be based on a misunderstanding of proposed § 2.301(g), which is concerned with certain circumstances under which any information to which § 2.301 applies may be disclosed. (Proposed § 2.301 would apply only to information the production of which EPA may legally compel.) The Administrator does not believe that there is a basis for discrimination in treatment of information based on whether or not EPA obtained it in comments in a rulemaking proceeding.

69. Comment—Contractors should not be considered "authorized representatives" under § 2.301(h); the legislative history of the Clean Air Act and Federal Water Pollution Control Act (FWPCA) indicate that only EPA officers or employees may be regarded as authorized representatives.

Response—The Administrator disagrees with this comment. There is legislative history pertaining to the FWPCA which indicates, with reference to FWPCA section 308(a) (in which the term "authorized representative" is used in a different context and in a semantically different manner) that only EPA officers or employees may act as "authorized representatives" for the purpose of exercising a right of entry onto certain private premises. But in section 114(c), 208(b) and 307(a) of the Clean Air Act, and section 308(b) of the FWPCA, it appears clear that by authorizing disclosure to "officers, employees, or authorized representatives" of the United States (emphasis added), Congress meant something more than disclosure only to officers and employees. It also appears that the language in the legislative history of the FWPCA concerning rights of entry was based on a reference to section 208(a) of the Clean Air Act, where the right of entry is explicitly given only to officers or employees.

70. Comment—Information should be disclosed to an EPA contractor under proposed § 2.301(h) only if the affected business gives its prior consent.

Response—The Administrator disagrees with this comment, which would have the effect of nullifying disclosure to contractors (the rule elsewhere states that information may be disclosed if the business consents). Much of EPA's mission must be performed by use of the resources which contractors offer. If the comment was adopted, businesses could seriously hinder EPA efforts simply by refusing to consent to disclosure.

71. Comment—Information should be disclosed to a contractor under proposed § 2.301(h) only if the affected business has been given prior notice of the contemplated disclosure.

Response—The Administrator agrees that prior notice should be given except when to do so would impair the working of an EPA program. The rule as promulgated below has been modified accordingly.

72. Comment—Information should be disclosed to a contractor under proposed § 2.301(h) only if affected businesses are reasonably protected by the arrangements between EPA and the contractor.

Response—The Administrator agrees with this comment, and the rule as promulgated below has been modified to make more specific the contractor's undertakings, to require recordkeeping by EPA concerning disclosures, to require that the contract recognize explicitly the third-party beneficiary status of the affected businesses, to require EPA to determine that the disclosure is necessary for the contract work, and to require EPA to give affected businesses prior notice in most cases of disclosure of information in which they have an interest.

73. Comment—Before EPA discloses information to contractors under proposed § 2.301(h), an investigation should be made into any possible competitive conflicts of interest the contractor may have.

Response—The Administrator believes that the protective measures outlined in the Response to Comment 72 should adequately protect affected businesses in most cases, and notes that more stringent protective measures may be taken in conection with individual contracts.

74. Comment—Information should be disclosed to state or local governmental agencies under proposed § 2.301(h) only if the affected business consents or if the state or local agency agrees that the information shall not be further disclosed and that state or local public information acts shall not apply to the information.

Response — The Administrator disagrees with the comment. Many of the statutes for

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which EPA has the primary Federal responsibility (including the Clean Air Act) envision close working relationships between EPA and state and local pollution control agencies, and such statutes often assign significant responsibilities to state and local agencies. EPA desires to be able to provide such agencies with information it has which would be useful to them. However, the Administrator recognizes the fact that the other provisions of this subpart would afford inadequate protection to businesses if disclosure of information to state and local agencies were made without attention to the treatment that would be afforded to such information by them. Accordingly, the rule as promulgated below has been modified to provide that information may be disclosed to state or local agencies under § 2.301(h) only if the state or locality itself could have required the business to disclose the information, or if the state or locality has shown to EPA's satisfaction that the information will be adequately protected.

75. Comment — Various commenters raised the same points with respect to the definition of "effluent data" in proposed § 2.302(a)(2) as they raised with respect to the definition of "emission data."

Response—See Responses 52 through 61.

76. Comment—Various commenters raised the same points with respect to release of information relevant to a matter in controversy in a proceeding under proposed §§ 2.302(g), 2.303(g), and 2.304(g) as they raised with respect to proposed § 2.301(g).

Response—See Responses to Comments 62 through 68.

77. Comment—Various commenters raised the same points with respect to release of information to authorized representatives under proposed §§ 2.302(h) and 2.304(h) as they raised with respect to proposed § 2.301(h).

Response—See Responses to Comments 69 through 74.

78. Comment—Proposed § 2.307(g), which would have established special substantive criteria for use in connection with information obtained in applications for registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 et seq., would exceed the Administrator's authority and violate 7 U.S.C. 136h. Proposed § 2.307(g) would deny confidential treatment to certain categories of research data and related information, but 7 U.S.C. 136h, it is asserted, requires confidential treatment for some of that data. Confidentiality determinations should be made only on a case-by-case basis.

Response—The Administrator disagrees with this comment. However, for reasons unrelated to the comment, the special substantive criteria have been deleted from § 2.307. This action has been taken because, under P.L. 94-140, (November 28, 1975), 89 Stat. 751, the Administrator may not promulgate regulations which implement FIFRA without first submitting the regulations to an external review process. In view of the delay that would be involved in obtaining such review, the provisions concerning substantive criteria have been deleted. (On March 5, 1976, the General Counsel issued an interpretative determination concerning the entitlement of such information to confidential treatment.)

In addition to the changes to the proposed rule which are discussed in the Comments and Responses above, other noteworthy changes are:

(1) The definition of "entitled to confidential treatment" in proposed § 2.201(f) has been deleted as unnecessary.

(2) Definitions of "EPA office," "EPA legal office," and "working day" have been added to § 2.201.

(3) Section 2.202 has been modified to emphasize the need for alertness to the possibility that different types of information within a single document may require different treatment.

(4) Section 2.204(b) has been simplified by deletion of language which concerned the effect of a prior determination holding that an item of information is not entitled to confidential treatment. The treatment of such information is covered by § 2.204(d)(2).

(5) The rule has been modified in several places to emphasize the fact that two or more businesses may have an interest in preserving the confidentiality of the same item of information, and that it may be necessary to resolve separately the confidentiality claims of each business. See §§ 2.204(c)(1), 2.204(d), and 2.205(d)(3).

(6) The rule has been modified to acknowledge that a business may desire confidential treatment of an item of information only for a stated period, after which it would not object to public disclosure of the information. See §§ 2.203(b), 2.204(e)(4)(ii), 2.205(d)(2), 2.205(e), and 2.205(f)(1)(ii).

(7) The requirement that information must bear a confidentiality claim when submitted if waiver of the claim is to be avoided will apply to information received on or after the effective date of the rule, rather than only to information received on or after the 60th day after the rule's effective date. This change is justified by the fact that a claim will be determined to have been waived only if the business first had been warned specifically that it must assert its claim at the time of submission of the information.

(8) Section 2.204(c) has been modified to indicate that when a request under 5 U.S.C. 552 is pending and EPA must inquire whether a business desires to assert a confidentiality claim, any claim in response to that inquiry must be made not later than one working day after the inquiry is made. The Administrator has determined that this change will not impose undue burdens on businesses, because of the ease with which a claim may be asserted and the business's opportunity to designate a representative for the purpose of handling such inquiries (see § 2.213).

(9) Changes have been made in several places in the rule to indicate that although various deadlines must be met when there is pending a request for information under 5 U.S.C. 552, a less rigid timetable may be applied when no such request is pending.

(10) Section 2.204(e) of the rule has been modified to conform the list of topics to be addressed by a business in its comments more closely to the substantive criteria under § 2.208.

(11) Section 2.205(f) has been modified to confine to essentials the information which an EPA office must forward to the EPA legal office.

(12) Section 2.205(a) has been modified to provide a timetable for issuance of a final determination by an EPA legal office after a "procedural" denial of a request under 5 U.S.C. 552.

(13) Section 2.205(h) has been modified to more clearly set forth the procedure by which an EPA legal office may overrule or modify an earlier determination holding that an item of information is entitled to confidential treatment.

(14) A number of changes have been made to § 2.307 and § 2.308, designed to simplify their application and increase the extent to which they parallel language in other sections of the subpart.

(15) Section 2.309 has been rewritten to eliminate unneeded elaborateness and increase the extent to which the section parallels other provisions of the subpart.

[FR Doc.76-25620 Filed 8-31-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 1, 1976

PART V:

FEDERAL POWER COMMISSION

REPORT OF GENERATING PLANT, TECHNICAL, ENVIRONMENTAL AND OPERATING DATA

New Form No. 156

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FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-32]

REPORT OF GENERATING PLANT, TECHNICAL, ENVIRONMENTAL AND OPERATING DATA—NEW FORM NO. 156

Proposed Rulemaking

AUGUST 23, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and Sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 of the Federal Power Act,[1] that the Commission proposes to add Section 141.68 to Part 141 of the Approved Forms under the Federal Power Act to provide that new FPC Form No. 156 be required for reporting. The proposed new form would be entitled "Report of Generating Plant, Technical, Environmental, and Operating Data."

During a period of critical energy needs, such as the nation is experiencing today, the public interest requires that the Commission have available to it current and continuing information on the operations of electric utilities generating electricity. The interests of those companies regulated by the Commission also require an efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form No. 156 is designed to incorporate into a readily retrievable data processing system some of the information currently elicited by FPC Form Nos. 1[2], 1F[3], 1M[4], 4[5], 4A[6], 12[7], 12A[8], 12D[9], 67[10], and 423[11].

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the related schedules within the current FPC Form Nos. 1, 1F, 1M, 4, 4A, 12, 12A, 12D, 67, and 423 would then be eliminated for these respondents.

Proposed Form No. 156 would consist of 59 schedules to be numbered as follows: 601, 603–623, 625–638, 641–645, 647–660, 665, 854–855 and 857.

The data collected on Schedules 601, 603–605, 607–615, 630–634, 637, 638, 641–645, and 660 would provide the Commission with information currently submitted on Form Nos. 1, 1F, 1M, 12, 12A, and 12D, on plant construction cost and annual production expenses of nuclear, hydro, combined cycle, internal combustion, gas turbine, and pumped storage electric generating plants. The schedules would also provide data on plant design, plant and unit additions, jointly owned plants and units, plants and units under construction, and plant and unit retirements. There would be some instructional changes in the new schedules. Otherwise, no new data would be required.

Schedule 606 would collect plant dependable hydroelectric capacity and potential energy. The data to be collected on Schedules 616–629, and 649–659 include environmentally related information about the design and operating of steam-electric plants having an installed generating capacity of 25 megawatts or greater. The new data to be required by Schedules 616 and 617 (relating to boilers serviced by common fuel feeder systems), by Schedules 618–620 (relating to the design relationship between boilers and stacks), and by Schedules 622 and 623 (relating to the design relationship between boilers and flue gas cleaning equipment) would be reported only once. Follow-up reports would be required only to reflect changes to data previously submitted. The information to be reported on Schedules 625 and 626 (relating to the operation of plant cooling systems) and on Schedules 650 and 651 (relating to monthly and annual boiler operation, including fuel usages) would be required annually. Data similar to that required by these proposed schedules is currently filed on Form No. 67. The collection of this information in this new format would provide the Commission with a greater understanding of the operating practices of steam-electric plants for use in assessing their environmental impact.

Schedule 635 would provide monthly information on net generation, fossil fuel consumption, and stocks from all electric utility power plants as is currently reported on Form Nos. 4 and 4A. It is proposed that the respondents be provided with a printed record of data currently in the Commission files on plant codes, generating type, fuel type, and installed generating capacity. Plant code, generating type, and fuel type are to be entered by the respondent onto the schedule for identification. No new significant data would be required, with the exception of the following: the magnitude of the units for reporting certain data would be changed (for example: KWH to MWH; tons to 1,000's of tons); the data item lists would be expanded to allow more explicit utilization of data base; and, plant status which was previously included in the general instructions would be submitted by the respondents in a specified data field.

The data to be collected monthly on Schedule 636 would deal with the cost and quality of fossil fuels delivered to electric power plants having a combined steam electric combustion turbine and internal combustion engine capacity of 25 megawatts or more. Specifically, the new information to be submitted on Schedule 636 would include: (1) The length and the expiration date of the original contract under which each fossil fuel purchase is made; (2) the mode of transportation used to deliver fuel requirements; (3) the identification of gas quantities purchased interstate (as opposed to intra-state); and (4) information on whether coal shipments have been washed. This new information would be submitted along with the same data currently filed on Form No. 423.

The purpose of Schedule 647 would be to obtain information concerning the outages, and reasons therefor, of generating units. Reliability analysis of electric systems requires comprehensive statistical data on generating plant outages (scheduled and unscheduled). At the present time, the Commission has no official periodic, comprehensive source of outage data. Therefore, the new information to be submitted on Schedule 647, to be furnished by all systems, would provide the Commission with a large statistical base and would be immediately available to Commission staff.

Schedule 648 would require certain operating information on a system's plants at the time of system peak load. This data is presently collected on Schedule 1 of the Form 12. Schedule 665 would require plant transformer data also presently collected in the Form 12.

All data and information submitted pursuant to the proposed form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge according to the Commission's Rules of Practice and Procedure (18 CFR Part 1).

It has been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the forms used to create the tape, would be required only from those respondents having over 2,000 MW of installed capacity, and that the manner of the preparation of the tapes be left to the discretion of those respondents. For all other respondents, an original and four copies of each completed Form No. 156 would be required to be filed with the Commission.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, not later than October 22, 1976, data, views, and comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing submissions requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The staff, in its discretion, may grant or deny written requests for conference prior to or subsequent to the filing of formal submittals.

The proposed amendments to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued pursuant to the authority granted the Commission by the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311.[12]

Effective for the reporting year 1976, the Commission proposes to amend Part 141, Statement and Reports (Schedules), in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new Section 141.68 prescribing new FPC Form No. 156, Report of Generating Plant, Technical, Environmental and Operating Data, in the form set out in Attachment A hereto. New § 141.68 will read as follows:

141.68 Form No. 156, Report of Generating plant, technical, environmental and operating data.

Form 156 is designed to collect generating plant design, technical, and operating data on boilers, turbines, generators, transformers, stacks, fuel-feeders, cooling facilities, flue-gas cleaning equipment along with plant cost and expense data, fuel use and cost, and plant and unit operating efficiencies for steam-electric of 25 megawatts or greater, installed capacity, and similar data where applicable on conventional hydroelectric, pumped storage, gas turbine, and internal combustion of 10 megawatts or greater installed capacity. Limited data is collected for plants of lesser installed capacity.

The filing of this data, as defined in the detailed instructions of this form, is annually on or before May 1 for the previous calendar year; monthly on or before 10 days after 1st of the following month; or monthly on or before 45 days after the 1st of the following month.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

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[1] 41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c(b), 825c(c), 825h, 825j.

[2] 18 CFR 141.1 (1975).
[3] 18 CFR 141.2 (1975).
[4] 18 CFR 141.7 (1975).
[5] 18 CFR 141.22 (1975).
[6] 18 CFR 141.23 (1975).
[7] 18 CFR 141.51 (1975).
[8] 18 CFR 141.52 (1975).
[9] 18 CFR 141.55 (1976).
[10] 18 CFR 141.59 (1975).
[11] 18 CFR 141.61 (1975).

[12] Supra, note 1.

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Docket No. RM76-32

Attachment A

FEDERAL POWER COMMISSION

BUREAU OF POWER

REPORT OF GENERATING PLANT
TECHNICAL, ENVIRONMENTAL, AND OPERATING DATA

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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0000, 1000

FPC Form 131
(5-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	

LEVEL I
GENERAL INSTRUCTIONS
FOR THE
PREPARATION AND SUBMISSION
OF PUBLIC USE SCHEDULES

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(5-76)

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

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1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III - Detailed (applicable to individual schedules).

3. Separation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

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5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

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II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

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G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II - General Subject Instructions.

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III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

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B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

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FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. (Insert here the name of the attester)

being first duly sworn according to law, certifies that he is (Insert here the official legal title of attester)

of (Insert here the exact legal title or name of respondent); that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents thereof; that to the best of his knowledge, information and belief, all statements and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19__, to and including _____, 19__.

(Signature of attester)

Subscribed and sworn to before me

this _____ day of _____, 19__.

NOTARY PUBLIC

(SEAL)

FIGURE III-1. ATTESTATION OF ATTESTATION

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterick, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

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E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact point between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

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combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (△) that does not occupy a character position within the data field. For example: NN△NNN

The fractional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11△667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

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illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12△333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429△48 and the number $45,237 would be entered as 45237△00

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

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The respondent must use the approved values and is also cautioned not to alter the units of measure (e.g., MMcf or KW) defined in the Detailed Instructions.

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V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data field title
*

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To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

b. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

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The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

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VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

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DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

- At the end of each line on the schedule, key a line terminator symbol (@).
  Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- Do not key data fields which are preprinted, including data field separators.
- Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- Do not key lines in which the resondenc has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted △. (The only valid indication of a decimal point is the preprinted △. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 6 of page 2 of a hypothetical Schedule 99.

Data Field Type:

a	n	n	n	n	n	n	n	n	n	n

Data Field Length:

35	10	10	8.2	3.3	10	10	10	10	10	10

Data Field Contents:

MIDWESTERN INTERNATIONAL 350 ▲ 673.21 24▲2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record –

0099000216AMIDWESTERNbINTERNATIONAL|350|▲|67321|24200|750000|||550000|622490|

B Record –

0099000216B3575829400|@

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:

|	4F	12-7-8

Data Line Terminator:

@	7C	4-8

I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/seriel number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

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LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

ELECTRIC UTILITY/INDUSTRIAL/LICENSEE SCHEDULES

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APPENDIX 1. List of Electric Utility/Industrial/Licensee Schedules

Schedule Number	Schedule Name
0601	Plant Owner - Operator Data
0602	General Information - Plants
0603	Generating Unit Joint Ownership
0604	Hydroelectric Plant Design Data
0605	Hydroelectric Generating Unit Design Data
0606	Hydroelectric Plant Capability Data
0607	Pumped Storage Plant Design Data
0608	Pumped Storage Generating Unit Design Data
0609	Pumped Storage Plant, Separate Motor Driven Pumps, Design Data
0610	Internal-Combustion and Gas-Turbine Plant Design Data
0611	Internal-Combustion and Gas-Turbine Generating Group Design Data
0612	Steam-Electric Plant Design Data
0613	Steam-Electric Generating Unit Design Data, Turbine Design Data
0614	Steam-Electric Generating Unit Design Data (Generating Data and Cooling Facility)
0615	Boiler Design Data
0616	Common Fuel-Feeders by Boiler
0617	Boilers Served by Fuel-Feeder Systems
0618	Stack Descriptive Data
0619	Boilers Served by Stacks
0620	Stacks Associated with Boilers
0621	Flue-Gas Cleaning Equipment - Design Data
0622	Boilers Served by FGCE
0623	Boiler FGCE Equipment
0625	Plant Cooling System Characteristics
0626	Plant Cooling Water Source Data
0627	Plant General Water Use Data
0628	Plant Water Treatment Settling Pond Discharge Data
0629	Plant Sewage Effluent Treatment Design Data
0630	Combined Cycle Plant Data
0631	Steam-Electric Plant Capability Data
0632	Small Plant Design Data and Costs
0633	Small Plant Generating Group Design Data
0634	Annual Plant Capacity - Output and Fuel Data
0635	Monthly Power Plant Data
0636	Plant Fuel Cost and Quality Data
0637	Annual Large Plant Fuel Data
0638	Internal-Combustion and Gas-Turbine Plants Costs and Expenses
0641	Hydroelectric Plant Costs and Expenses
0642	Pumped Storage Plant Costs and Expenses
0643	Steam-Electric Plant Costs and Expenses

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Schedule Number	Schedule Name
0644	Small Plant Costs and Expenses
0645	Annual Small Plant Fuel Data
0646	Annual Industrial Power Plant Data
0647	Annual Large Plant Unit Performance Data
0648	Annual Peak Demand Data by Plant
0649	Plant Fuel Consumption and Quality - By Month
0650	Annual Boiler Fuel Use and Operation
0651	Monthly Boiler Fuel Consumption and Peak Operation
0652	Boiler Flue-Gas Cleaning Equipment - Operational Data
0653	Chemicals Used in Plant Cooling and Boiler Water
0654	Plant Disposal of Combustion Cycle Products
0655	Plant Combustion Cycle Additives
0656	Annual Plant Environmental Data
0657	Water Temperature and Flow at Seasonal Peaks
0658	Cooling System Operational Data
0659	Plant Projection Data
0660	Plant Capacity and Generating Unit Changes
0661	Annual System Energy Accounting and Peak Load (Small Systems)
0662	System Net Dependable Capacity at Time of Annual Peak
0663	Transmission Line Data
0664	System Substation and Transformer Data
0665	Plant Transformer Design Data
0666	Conversion Apparatus and Special Equipment
0667	Distribution Transformer and Capacitor Data
0668	Electric Watthour Meter Data
0676	System Energy Transactions Between Other Systems (Small Systems)
0679	System Net Generation, Energy Transfers and Peak Loads by Month (Small Systems)
0680	System Load Data for Specified Weeks - AM
0681	System Load Data for Specified Weeks - PM
0682	System Future Changes in Firm Power Transfers
0683	System Energy and Peak Load Forecast
0684	Distribution of System Load in Service Area
0686	All-Electric Home Consumption Data
0687	Community Characteristics for Given Schedules
0688	Rate Schedules Energy Characteristics
0689	All-Electric Homes Customer and Total Bills Data
0690	All-Electric Homes Annual Bills
0691	Typical Net Monthly Bills - Commercial Service
0692	Typical Net Monthly Bills - Residential Service
0693	Typical Net Monthly Bills - Industrial Service
0694	Retail Rate Level Changes
0699	System All-Electric Home Rate Designation Data
0700	Licensed Project Recreation Data - Part I
0701	Licensed Project Recreation Data - Part II
0702	Licensed Project Recreation Data - Text
0703	Licensed Project Recreation Data - Part III
0705	Monthly Industrial Power Plant Data

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Schedule Number	Schedule Name
0706	Licensed Project Recreation Data - Part IV
0708	System Generation
0709	System Purchases or Sales for Resale
0710	System Interchange Power
0711	System Transmission of Electricity For or By Others
0712	System Borderline Receipts and Deliveries
0713	System Ultimate Consumer Deliveries and Losses
0714	System Net Generation, Energy Transferred, and Associated Peak Demand By Month
0852	System Maps and Diagrams
0854	Hydroelectric Storage Reservoir Curves
0855	Hydroelectric Power Plant Diagrams and Curves
0856	Map of Distribution of System Load In Service Area
0857	Steam-Electric Plant One-Line Diagrams

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I. GENERAL INFORMATION

These instructions apply to the following schedules:

- Electric system design and operation data
- Electric generating plant design and operation data
- Licensed projects data

The groups of Power System and Gensrating Plant schedules represent a comprehensive selection of data covering partinent operational and technical information of the respondents.

Systems are assigned a Type code by FPC depending on the degree with which their electric generation facilities meet their own requirements and the requirements of other systems:

Type I - a system for which the operating utility owns, leases, or purchases installed capacity to meet directly that system's total load requirements as well as any Type II or III system's load requirements by way of contract either in part or in total. The system generally has plans for additional installed capacity to meet its projected load requirements, as well as, Type II or III system's projected requirements. Bulk power transmission systems may also be designated as Type I.

Type II - a system for which the operating utility owns, leases or purchases installed capacity to meet directly that system's load requirements only in part and generally do not plan additional installed capacity to meet projected total load requirements. These systems may be called "partial requirements customers" of other systems. Small isolated systems may also be designated as Type II.

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Type III - a system for which the operating utility does not own, lease, or purchase installed capacity to meet directly any of that system's load requirements. These systems may be called "total requirements customers" of other systems.

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ELECTRIC POWER SYSTEMS DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with transmission/distribution facilities	0663,0664, 0666-0668	1,1F,1M 12	May 1st
2	All utilities serving cities with a population of 2,500 or more	0694	82	Within 60 days of new or changed rate schedule
Annual Submissions				
1	All Type I systems	0662,0680-0684, 0708-0714,0852, 0854-0856	1,1F, 1M,12, 12A,12D	May 1st
2	All Type II and III systems	0676,0713,0852	1,1F, 1M,12, 12A,12D	May 1st
3	All Type II and III systems with "net energy for system" greater than 5000 MWH for the previous year.	0679	12A	May 1st
4	All Type II and III systems with "net energy for system" less than 5000 MWH for the previous year.	0661	12D	May 1st
5	FPC specified electric utilities	0686-0693,0699	3,3A	January 21st

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ELECTRIC GENERATING PLANT DESIGN AND OPERATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with generation facilities	0601-0605,0607-0623,0625-0633,0665	1,12, 12A,12D 67	May 1st
2	All systems with hydroelectric generation facilities	0606	12	May 1st
Annual Submissions				
1	All systems with generation facilities	0634,0648,0660	12	May 1st
2	All systems with generation facilities	0649-0659,0857	67	May 1st
3	All systems with generation facilities	0647	New	May 1st
4	All systems with generation facilities	0637,0638,0641-0645	1,1F,1M	May 1st
5	Industrial Plants with installed capacity less than 5 MW	0646	12C	May 1st
Monthly Submissions				
1	All systems with generation facilities	0635	4	10 days after 1st of following month
2	Industrial Plants with installed capacity greater than 5 MW	0705	4	10 days after 1st of following month
3	All systems with generating facilities	0636	423	45 days after 1st of following month

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LICENSED PROJECT RECREATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Biennial Submissions	All FPC Licensed Projects	0700-0703, 0706	80	March 1st of each odd numbered year for the two years ending as of December 31st of the previous year

Each schedule is identified by a schedule number and title (see Appendix 1, List of Electric Utility/Industrial/Licensee Schedules.

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submissions will be prepared in conformity with the Uniform Systems of Accounts where applicable for Electric Utilities and Licensees prescribed by the Federal Power Commission, and all accounting words and phrases are to be interpreted in accordance with said classification. If the respondent is not under the jurisdiction of the Commission and does not keep its books in accordance with the above-mentioned Uniform Systems of Accounts, the schedules shall be completed with the actual accounts maintained being substituted, where necessary for the accounts listed.

B. SELECTED DEFINITIONS

The following definitions pertain to the Electric Utilities, Industrial Plant, and Licensee Schedules:

1. Ambient Temperature: The temperature of the surrounding cooling medium, such as gas or liquid, which comes into contact with the heating parts of the apparatus.

2. Border-line Deliveries: Energy delivered by a system to ultimate customers of another system with no "wheeling" involved.

3. Border-line Receipts. Energy received by ultimate customers of a respondent directly from another system for the account of the respondent with no "wheeling" involved.

4. Capability. The capability of a system, plant, or unit is defined as the load-carrying ability at the specified power factor and for the indicated time interval independent of the other characteristics of the load. In general, plant capability is determined by design characteristics; physical condition; adequacy of the prime mover; prime mover steam supply; operational limitations, such as cooling and circulating water supply and temperature, ambient temperature; and head and tailwater elevations.

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5. Demand Interval. The period of time over which the demand is measured. Each system shall report load data on the basis of integrated demands for 60-minute clock-hour intervals. When demand data are not available on this basis, please make adjustments, if possible, to approximate the integrated demand for 60-minute clock-hour intervals; otherwise, report demand interval used.

6. Dependable Capacity. The dependable capacity of a generating plant or group of plants is defined as the load-carrying ability for the time interval and period specified when related to the circumstances of the load to be supplied. In general, a plant's dependable capacity is influenced not only by factors affecting its capability, but by such factors as the duration of the system peak, position on the load curve where the plant is to be operated, and the plant's operating power factor.

7. Electric Respondent. Any electric utility, industrial producer, or other organization ultimately responsible for reporting of electric data to the Federal Power Commission.

8. Electric Plant. A unit or group of units of the same or different generating types considered to be at the same physical site.

9. Electric System. The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

10. Electric Utility. All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, state projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

11. Generating Group. Generating units at one plant may be grouped for a number of reasons: separate powerhouses on the same pond; common header steam plants, gas-turbines

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controlled through a common control house (cubicle), internal-combustion units which are treated as one per group, and similar physical characteristics within generating type for small plants.

12. Generating Type. Internal-combustion, gas-turbine, steam-electric, hydro-electric, and pumped storage, are the basic generating types. Nuclear, geothermal, fossil and waste are treated as fuels for steam-electric. The combined cycle generating type is comprised of steam-electric and gas-turbine types.

13. Generating Unit. A unit consisting of a turbine and an electric generator or a reciprocating engine and an electric generator. There may be more than one turbine or reciprocating engine mechanically coupled to one electric generator but this remains a single unit. A cross-compound steam electric plant consists of two units, since both turbine/generator combinations are mechanically separate.

14. Heat Rate. A measure of generating station thermal efficiency, generally expressed as BTU per net kilowatt-hour. It is computed by dividing the total BTU content of the fuel burned (or of heat released from a nuclear reactor) by the resulting net kilowatt-hours generated.

15. Industrial. Producers having generating plants for the purpose of supplying electric power required in the conduct of their industrial operations. Mining, manufacturing, and stationary plants of railroads and railways for active power is included.

16. Installed Capacity. Total of the capacities as shown by the nameplates of similar kinds of apparatus such as generating units, turbines, synchronous condensers, transformers, or other equipment in a plant, station, or system.

17. Large Generating Type (Large Plant). Steam-electric with installed capacity of 25 MW or greater; or hydroelectric, pumped storage, internal-combustion or gas-turbine each of 10 MW or greater.

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18. Licensee. Any person, State, or municipality licensed under the provisions of Section 4 of the Federal Power Act, and any assignee or successor in interest thereof.

19. Load Factor. The ratio of the average load over a designated period to the peak load occurring in that period.

20. Municipality. A city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

21. Net Dependable Capacity. Includes dependable capacity of a systems generating plants plus the net of firm power purchases.

22. Net Energy for System. The sum of system net generation and energy received from other systems, less the energy delivered to other systems for resale and equal to the sum of system losses, unaccounted for energy, and ultimate consumer sales.

23. Other Electric Respondents. Any other person or organization required to report electric plant, system, or licensed project data. A contractual power pool falls in this category.

24. Pumping Energy. The energy measured as input to a pumped storage plant for pumping purposes.

25. Run-of-river. Those hydroelectric plants whose operation cannot be regulated over a period of more than a few hours, either from storage at site or above, but whose operation is, in general, controlled by the volume of flow which must be utilized as it occurs, or be wasted.

26. Small Generating Type (Small Plant). All steam electric with installed capacity less than 25 MW; or hydroelectric, internal-combustion or gas-turbine each less than 10 MW.

27. Source of Water. This refers to the proper name and type of the natural water body from which water is withdrawn for the stated purpose. It is not limited

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solely to the nature of the water body. Thus, the Mississippi River as a source of water should be reported as "Mississippi River" and NOT as "river water".

28. Storage. Those hydroelectric plants whose operations can be varied as desired because of storage at site or above. Such regulation may be weekly, monthly, or seasonal.

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III. GENERAL INSTRUCTIONS

A. GENERATING GROUP CONCEPTS

The term "generating group" appears in the schedules in reference to steam-electric, hydroelectric, internal-combustion, gas-turbine, and small plant design data.

- o Steam-Electric Generating Group is defined as those generating units grouped by virtue of being served by a common steam header, or a cross-compound configuration, or the simple case of a single boiler and generating unit combination. Data must be submitted for each generating unit even though some units may be similar in design.
- o Gas-Turbine and Internal-Combustion Generating Group. For gas-turbine units, a generating group is defined as any collection of gas-turbine generating units that are controlled from the plant control room through a single control house (cubicle). In the case of a single unit having unique characteristics, assign a generating group I.D., then complete the schedule for that unit. Internal-combustion units are reported as a single unit to the group.
- o Power House Generating Group is defined as those hydroelectric and pumped storage generating units grouped within a single power house at a plant site. Two power houses on the same pond are two groups. The majority of hydroelectric and pumped storage generating units are within only one powerhouse. Grouping of units is not by like unit design and design data must be submitted for each unit.
- o Small Plant Generating Group is defined as those generating units grouped by virtue of like unit design under all generating types and design data is only submitted once for one unit within the group. A group may contain only one unit.

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B. RESPONDENT ASSIGNED UNIQUE CODING

The majority of schedules which require submission of generating plant data call for the use of codes to identify components or groups of components within a plant. Most of the codes defined as "respondent assigned" are to be the respondents commonly used designation if such a designation exists. These codes must be unique within the type of equipment being defined within a plant. If necessary the respondent must assign a new code to establish this uniqueness. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify the component (or group of components) on all schedules. It is also necessary that the same code be used in reporting from year to year. Because of this, the respondent must maintain a record of the assigned codes to achieve consistent reporting.

Examples of components or groups of components which require respondent assigned codes are shown below:

- Generating Group I.D.
- Generating Unit I.D.
- Boiler I.D.
- Flue-Gas Cleaning Equipment I.D.
- Fuel Feeder I.D.
- Stack I.D.
- Cooling Facility I.D.
- Transformer Bank I.D.

Each I.D. above is unique within the generating type except Transformer Bank I.D. which is unique within a plant. For each plant (or given geographic site) there may be one or more generating types (e.g., steam-electric, gas-turbine, etc.). Most of the respondent assigned I.D. codes are for the steam-electric generating type.

In a few cases specified in the schedule Detailed Instructions, the respondent is requested to assign numeric sequential codes and maintain these codes from year to year.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		1 of 2

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the data to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DRCG (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (INETOR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		2 of 2

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this data field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0601	PLANT OWNER - OPERATOR DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the ownership of electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities which operate generating plants. In the case of joint ownership, only the plant operator need complete this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Name of Party Holding Interest (A35): Enter the name of each person holding an interest in the plant. Complete one entry (i.e., line, in this case) for each party for each plant. For example, a plant having six joint owners would require six complete logical entries. Abbreviate if necessary. When the person operating the plant is different from the owner, enter the correct code in data field 4, "Nature of Interest", and leave data field 3, "Per Cent Interest" blank. When the operator is also one of the joint owners, complete only one entry. (IDNAME)
3	Per Cent Interest (N3.2) PCT: Enter the percentage of interest in plant (for example, the amount of a joint ownership) held for each person entered in data field 2 above.
4	Nature of Interest (A2): Enter the abbreviation best describing the nature of the interest in plant for each party entered in data field 2 above. Enter only one of the codes, from the Register of Data Standards, TYESIN.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0603	GENERATING UNIT JOINT OWNERSHIP	1 of 2

I. DESCRIPTION

This schedule is used to collect data only for electric generating units which are jointly owned by two or more persons.

II. GENERAL INFORMATION

A. This schedule shall be submitted only by all electric utilities generating plants, and only if per cent interest between generating units is different than that reported on Schedule 0601. Only the plant operator need complete this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete a separate entry for each unit and each owner. For example, a plant with two jointly owned units, each having three joint owners, would report six entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type from the following list: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent (as defined in the General Instructions for Electric Utility Respondents) of which the jointly owned unit is a member. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter a unique generating unit identification code assigned by the respondent to each generator within the plant. This is the designation commonly used by the respondent. This particular code must be used on schedules referring to this generator at all times. (IDEQPT)
5	Unit Capacity (N5.2) MW: Enter the installed capacity of each jointly owned unit in megawatts (generator maximum nameplate rating).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0603	GENERATING UNIT JOINT OWNERSHIP	2 of 2

Data Field Number	Instructions
6	Per Cent Ownership (N3.2) PCT: Enter the percentage of ownership represented by each entry for a unit-owner combination.
7	Name of Owner (A35): Enter the name of each joint owner of each unit within the plant. Abbreviate if necessary. (IDNAME)
8	Name of Operator (A35): Enter the name of the operator of each jointly owned unit. (IDNAME)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on design parameters of hydroelectric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydroelectric installed capacity of 10 megawatts or greater during the subject year. Do not report pumped storage data on this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Kind of Plant (N1): Enter "1" for run-of-river, or enter "2" for storage. (INETOR)
4	Construction Type (A1): Enter "C" for Conventional; "S" for Semi-Outdoor; or "P" for Full Outdoor. (TYCONS)
5	Year Constructed (N4): Report the year in which construction originally began, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Report the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
7	Drainage Area (N7) SQMI: Enter the drainage area (in square miles) of the plant.
8	Most Favorable Condition Capability (N5.2) MW: Report the net plant capability under the most favorable operating conditions.
9	Most Adverse Condition Capability (N5.2) MW: Report the net plant capability under the most adverse operating conditions.
10	Estimated Average Annual Potential Output (N12) MWH: Enter the estimated average annual potential output on the basis of present installed capacity.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	2 of 3

Data Field Number	Instructions
11	Stream Flow Year Used (N4): Specify which year of stream flow may be used to determine both the magnitude and distribution of the average potential output. (TMYEAR)
12	Output 50 Per Cent Load (N10) MW: Enter the MW output for 50 per cent load.
13	Estimated Overall Water Use at 50 Per Cent Load (N7) CFS/KW: Report overall water use (in C.F.S. per KW) under headwater conditions which approximate average conditions.
14	Gross Head - 50 Per Cent Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 13 above.
15	Net Head - 50 Per Cent Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 13 above.
16	Output 75 Per Cent Load (N10) MW: Enter the MW output for 75 per cent load.
17	Estimated Overall Water Use at 75 Per Cent Load (N7) CFS/KW: Report estimated overall water use (in C.F.S. per KW) at 75 per cent load under headwater conditions which approximate average conditions.
18	Gross Head - 75 Per Cent Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 17 above.
19	Net Head - 75 Per Cent Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 17 above.
20	Output Full Load (N10) MW: Enter the MW output for full load.
21	Estimated Overall Water Use at Full Load (N7) CFS/KW: Report estimated overall water use (in C.F.S. per KW) at full load under headwater conditions which approximate average conditions.
22	Gross Head - Full Load (N7) FT: Enter the gross head (in feet) which corresponds to the water use data reported in data field 21 above.
23	Net Head - Full Load (N7) FT: Enter the net head (in feet) which corresponds to the water use data reported in data field 21 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0604	HYDROELECTEIC PLANT DESIGN DATA	3 of 3

Data Field Number	Instructions
24	Method of Operation (N1): Enter "1" for automatic or remote control; "2" for semi-automatic; or "3" for manual method of operation. (TYPLOP)
25	Number of Future Units (N2) NO: Enter the number of future units provided for in the present plant.
26	Capacity Future Units (N5.2) MW: Report the total capacity of all future units reported in data field 25 above.
27	Planned Ultimate Generating Capacity (N5.2) MW: Report the planned ultimate generating capacity for the plant.
28	Full Level Pond Area (N6) ACRE: Enter the area (in acres) of the pond at normal full pond level (in acres).
29	Maximum Drawdown (N4) FT: Report the maximum drawdown (in feet) from normal full pond level.
30	Storage From Maximum Drawdown (N8) ACFT: Report the storage or pondage (in acre feet) from maximum drawdown.
31	Full Gross Head (N5) FT: Enter the gross head (pond elevation minus tailwater elevation; in feet) with full pond and full station load.
32	Full Effective Net Head (N5) FT: Enter the effective net head (gross head minus intake and conduit losses in feet) with full pond and full station load.
33	Normal Full Pond Elevation (N5) FT: Report normal full pond elevation as measured (in feet) above mean sea level.
34	Pond Elevation in Estimate (N5) FT: Enter the pond elevation (in feet) used in estimating water use in data fields 13, 17 and 21 above.
35	Storage Location ID (N2): Enter the unique numeric identification code (1 through 4) assigned (by the respondent) sequentially to each developed storage location above site. Up to four possible storage locations can be entered in data fields 35, 36, and 37. (NECADL)
36	Drainage Area (N5) ACRE: For each of the corresponding storage locations identified, enter the drainage area (in acres).
37	Hydro Usable Volume (N9) ACFT: For each of the corresponding storage locations identified, enter the usable storage volume (in acre feet).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on hydroelectric generating units (waterwheels and generators). Do not include pumped storage units on this schedule.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydroelectric installed capacity of 10 megawatts or greater during the subject year. Do not report pumped storage data on this schedule. Repeat data fields 4-29 for each unit within a plant.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code, assigned by the respondent to each group within the plant. Report only those generating units which belong to this particular power house. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique generating unit identification code, assigned by the respondent. This is the respondent's commonly used designation for the unit. This code is to be used whenever referring to this generating unit. (IDEQPT)
5	Auxiliary Unit Indicator (N1): Enter "1" if the generating unit is an auxiliary unit; "0" if a main unit. (INTOMO)
6	Design Head (N4) FT: Enter the design head (in feet) of the waterwheel associated with each generating unit.
7	Gross Static Head (N4) FT: Enter the gross static head (in feet) of the waterwheel associated with each generating unit. This refers to gross head with pond full.

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DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	2 of 3

Data Field Number	Instructions
8	Unit RPM (N4) RPM: Enter the operating speed (in RPM) of the waterwheel associated with each generating unit.
9	Design Head Maximum Capacity (N6) HP: Enter the maximum capacity (in horsepower), at design head, of the waterwheel associated with each generating unit.
10	Type of Runner (A1): Enter the abbreviation for waterwheel runner associated with each generating unit, from the Register of Data Standards, TYWRRN.
11	Overload Capacity (N3) PCT: Enter the continuous overload capacity (in per cent) of each generating unit.
12	Voltage (N6) KV: Enter the voltage of each generating unit (in kilovolts).
13	Indicate Attended/Unattended (N1): Is the waterwheel attended or unattended? Enter "1" for attended; "2" for unattended. (INTTOR)
14	Waterwheel Type (N1): Enter the type of waterwheel associated with each generating unit. Use one the the following codes, from the Register of Data Standards, TYWPR: 1 = Horizontal 2 = Vertical 3 = Inclined
15	Waterwheel Year Installed (N4): Enter the year in which the waterwheel associated with each generating unit was installed, in the format YYYY. (TMYEAR)
16	Indicator Waterwheel New (N1): Was the waterwheel new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 17 or 18 below. (INTOMO)
17	Waterwheel Year Manufactured (N4): Enter the year in which the waterwheel was manufactured only if the answer in data field 16 above is "no" and waterwheel was not rebuilt when installed, in the format YYYY. (TMYEAR)
18	Waterwheel Year Rebuilt (N4): Enter the year in which the waterwheel was rebuilt if the answer to data field 16 above is "no" and if the waterwheel was rebuilt when installed, in the format YYYY. (TMYEAR)
19	Waterwheel Manufacturer (A4): Enter the abbreviation for the manufacturer of the waterwheel associated with each generating unit, from the Register of Data Standards, IDMFEQ.

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PROPOSED RULES

RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0605	HYDROELECTRIC GENERATING UNIT DESIGN DATA	3 of 3

Data Field Number	Instructions
20	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate rating generating capacity (in MVA) of each generating unit.
21	Nameplate Rating (N5.2) MW: Enter the nameplate rating generating capacity (in MW) of generating unit.
22	Power Factor (N1.2) NO: Enter the nameplate rating power factor of each generating unit.
23	Generator Phase (N1) NO: Enter the phase of each generating unit. Report "1", "2", or "3".
24	Generator Frequency (N2) HZ: Enter the frequency of each generating unit. For example, report "60" or "25" Hertz.
25	Generator Year Installed (N4): Enter the year in which each generating unit was installed. (TMYEAR)
26	Indicator Generator New (N1): Was the generating unit new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 27 or 28 below. (INTOMO)
27	Generator Year Manufactured (N4): Enter the year in which the generating unit was manufactured if the answer to data field 26 above is "no" and if the generator was not rebuilt when installed, in the format YYYY. (TMYEAR)
28	Generator Year Rebuilt (N4): Enter the year in which the generating unit was rebuilt if the answer to data field 26 above is "no" and if the generator was rebuilt when installed, in the format YYYY. (TMYEAR)
29	Generator Manufacturer (A4): Enter the abbreviation for the manufacturer of each generating unit, from the Register of Data Standards, IDMFEQ.

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PROPOSED RULES

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on hydroelectric plant dependable hydroelectric capacity and potential energy.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with systems designated as Type I.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. General instructions and definitions.

1. The data to be reported are intended to present a realistic picture of the potential energy and capacity of system hydroelectric plants under the specified flow conditions. The data to be reported should be based upon an assumed schedule of system operation that would permit serving the maximum possible annual system load with existing facilities and arrangements for purchase or sale of firm power, assuming a continuance of the relative seasonal and hourly variations of load that occurred during the year of this report. Contracts for purchase or interchange of off-peak energy also may be taken into account in determining the magnitude of the seasonal load that could be carried by the system and the necessary scheduling of system operations, provisions for necessary maintenance scheduling and reserve capacity to be supplied by own system should be taken into account.

2. The information to be reported under adverse flow conditions should, in general, be based on stream flows equivalent for the year giving the most adverse flow conditions of record during the critical period of system operation. Where stream-flow records indicate that the most adverse flows are not likely to occur except at long intervals of time and are likely to be of a very short duration, the figures used in determining the capacity and energy available from hydro plants may be modified, treating such abnormal limitations as emergency conditions to be covered by the reserve capacity; such modifications, however, should be fully explained. Any system which maintains comparable data based on flows during a year which would give the minimum potential annual output, or based on minimum flow or output for each month, may report on whichever basis it believes will present the most realistic condition for its system. The basis of reporting should be fully explained in the space provided and footnotes.

3. Information to be reported under average or median flow conditions may be made on the assumption of the recurrence of flows equivalent to a year which would give the average annual potential output or may be based on median flow or output for each month, or average flow or output for each month, whichever it is believed will present the most realistic condition for its system. The basis of reporting should be fully explained in footnotes.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	2 of 3

4. "Run-of-river" refers to those plants whose operations cannot be regulated over a period of more than a few hours, either from storage at site or above, but whose operation is, in general, controlled by the volume of flow which must be utilized as it occurs or be wasted.

"Storage" refers to those plants whose operations can be varied as desired because of storage at site or above. This regulation may be weekly, monthly, or seasonal.

"Total available energy" refers to the maximum potential output of the existing hydro-generating facilities on the basis of the regulated stream flow, regardless of whether such output can be fully utilized in serving system load or by transfer to other systems. The monthly distribution of storage energy should be such as to permit the serving of the maximum annual peak load under the conditions outlined in instruction 1. However, where required releases for irrigation, navigation, flood control, and other water-use are controlling, the monthly distribution of available energy should reflect the effect of such requirements and full explanation should be given in footnotes.

"Capability" in any month is the machine capability under the most adverse conditions to be expected in that month under the assumed flow conditions without respect to the energy available or the characteristics of the load to be served other than the power factor conditions normally to be expected.

"Dependable capacity" in any month is that capacity that can be relied upon for serving system load and firm power commitments on the basis of the energy available in that month and its use as limited by the characteristics of the load to be served.

5. Dependable hydroelectric capacity as used in this power system statement is intended to be the capacity value of the system hydroelectric plants in serving together with the other available system capacity, the maximum annual system peak load under the conditions given in instruction 1. For any specified period, on the basis of complete utilization of available storage energy over the critical flow periods, it represents the difference between the peak load for that period and the maximum other capacity required. Where a portion of storage energy is scheduled to be held as a reserve for emergency use only the dependable capacity should also include the reserve capacity value of such energy reserve.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5). Enter the code, from the Register of Data Standards, IDPLNT.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0606	HYDROELECTRIC PLANT CAPABILITY DATA	3 of 3

Data Field Number	Instructions
2 (Key)	Type of Flow Condition (N1): Enter either "1" for adverse conditions, or "2" for median or average conditions, as explained in instructions C.2 and C.3 in General Information section. Initial submission must have both conditions, requiring two schedules per plant. (INETOR)
3 (Key)	Data Year (N4): Year for which data is reported. Report year, in the format YYYY. (TMYEAR)
4	Basis for Reporting Flow Data (A50): As explained in instruction C.2 in General Information section. (IDDESC)
5 (Key)	Month (N2): Enter the code, from the Register of Data Standards, TMMOYR.

NOTE: Enter energy figures in data fields 6 and 7 for storage plants, in data field 8 for run-of-river plants.

6	Natural Flow (N6) MWH: Enter energy from natural flow for each storage plant.
7	Storage (N6) MWH: Enter energy in storage. When energy is drawn from storage, show as positive quantity; when energy is stored, show as negative quantity, as explained in General Instructions.
8	Run-of-River (N6) MWH: Enter energy for each run-of-river plant.
9	Total Available (N6) MWH: Total available energy, sum of data fields 6 and 7 above for each storage plant and quantity in data field 8 above for each run-of-river plant.
10	In Storage End of Month (N6) MWH: Change in storage based on entry in data field 7 above.
11	Machine Capability Run-of-River (N5.2) MW: For each run-of-river plant only.
12	Machine Capability Storage (N5.2) MW: For each storage plant only.
13	Dependable Capacity (N5.2) MW: As defined in instruction C.4 of General Information.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	1 of 4

I. DESCRIPTION

This schedule is designed to collect data on design parameters of pumped storage plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with pumped storage electric installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3	Pumped Storage Conventional (N1): Enter "1" if the plant being reported herein is part of a combined pumped storage and conventional operation; if not, enter "0" (i.e., pure pumped storage). (INYONO)
4	Year Constructed (N4): Enter the year in which plant construction began, in the format YYYY. (TMYEAR)
5	Year Last Unit Installed (N4): Enter the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
6	Type Construction (A1): Enter "C" for Conventional; "S" for Semi-Outdoor; or "F" for Full Outdoor. (TYCONS)
7	Power Factor (N1.2) NO: Report power factor to be expected at time of system peak in per unit.
8	Net Capability at Maximum Head (N7) MW: Report the net plant capability at maximum head.
9	Net Capability at Minimum Head (N7) MW: Report the net plant capability at minimum head.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	2 of 4

Data Field Number	Instructions
10	Annual Generation (N11) MWH: Report the estimated average annual generation.
11	Pumping Energy (N11) MWH: Report the estimated average annual pumping energy.
12	Method of Operation (N1): Enter "1" for automatic or remote control; "2" for semi-automatic; and "3" for manual. (TYPLOP)
13	Number of Future Units (N2) NO: Enter the number of future units provided for in the present plant configuration.
14	Capacity Future Units (N5.2) MW: Report the total capacity of the units listed in data field 13 above.
15	Planned Ultimate Generating Capacity (N5.2) MW: Report the total planned ultimate generating capacity of the plant.
16	Output Amount - 50 Per Cent Load (N7) MW: Specify output at 50 per cent station load.
17	Estimated Water Use - 50 Per Cent Load Maximum (N4) CFS/KW: Report the estimated water use at 50 per cent station load, under maximum head conditions.
18	Estimated Water Use - 50 Per Cent Load Minimum (N4) CFS/KW: Report as in data field 17 above, except under minimum head conditions.
19	Output Amount - 75 Per Cent Load (N7) MW: Specify output at 75 per cent station load.
20	Estimated Water Use - 75 Per Cent Load Maximum (N4) CFS/KW: Report as in data field 17 above, for 75 per cent station load.
21	Estimated Water Use - 75 Per Cent Load Minimum (N4) CFS/KW: Report as in data field 18 above, for 75 per cent station load.
22	Output Amount - Full Load (N7) MW: Specify output at full station load.
23	Full Load - Maximum Head (N4) CFS/KW: Report as in data field 17 above, for full station load.
24	Full Load - Minimum Head (N4) CFS/KW: Report as in data field 18 above, for full station load.
25	Overall - Maximum Head (N5.2) PCT: Overall conversion effi-

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	3 of 4

Data Field Number	Instructions
25 (cont'd)	ciency (kilowatt hour output divided by kilowatt hour input) under maximum head conditions.
26	Overall - Minimum Head (N5.2) PCT: Report as in data field 25 above, but for minimum head conditions.
27	Full Station Load Pumping - Maximum (N7) MW: Full station load pumping under maximum head conditions.
28	Full Station Load Pumping - Minimum (N7) MW: Report as in data field 27 above, but for minimum head conditions.
29	Upper Pond Area (N6) ACRE: Area of upper pond at normal full pond level.
30	Lower Pond Area (N6) ACRE: Area of lower pond at normal full pond level.
31	Maximum Drawdown - Upper Pond (N4) FT: Maximum drawdown from normal full pond level of upper pond.
32	Maximum Drawdown - Lower Pond (N4) FT: Maximum drawdown from normal full pond level of lower pond.
33	Upper Pond Storage (N8) ACFT: Report, for the upper pond, the storage or pondage from maximum drawdown.
34	Lower Pond Storage (N8) ACFT: Report, for the lower pond, the storage or pondage from maximum drawdown.
35	Normal Upper Pond Elevation (N5) FT: Report the normal full pond elevation of the upper pond (above mean sea level).
36	Normal Lower Pond Elevation (N5) FT: Report the normal full pond elevation of the lower pond (above mean sea level).
37	Gross Maximum Head (N5) FT: Specify the gross maximum head under full station load (upper pond elevation minus lower pond elevation).
38	Gross Minimum Head (N4) FT: Specify the gross minimum head under full station load (upper pond elevation minus lower pond elevation).
39	Net Maximum Head (N4) FT: Report the effective net maximum head under full station load (gross head minus intake and conduit losses).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0607	PUMPED STORAGE PLANT DESIGN DATA	4 of 4

Data Field Number	Instructions
40	Net Minimum Head (N4) FT: Report the effective net minimum head under full station load (gross head minus intake and conduit losses).
41	Upper Pool Storage (N4) MWH: Enter the storage in upper pool.
42	Upper Pool Storage - Hours (N4) HR: Enter the storage in upper pool as a measure of the hourly use of net plant capability.
43	Pump Starting Method (A35): Enter a brief description of the pump starting method. Abbreviate if necessary. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on pumped storage generating units (including waterwheels of hydroelectric turbine pumps, generators or generator/motors).

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with pumped storage installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Do not report separate motor-driven pumps on this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code, assigned by the respondent to each group. Report only those generating units which belong to the same generating group, on a single page of this schedule. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique generating unit identification code, assigned by the respondent to the units within each plant. This is the commonly used designation, and should always be used when referring to this unit. (IDEQPT)
5	Indicate Unit Auxiliary/Main (N1): Is the generating unit an auxiliary or main unit? Enter "1" for auxiliary; "2" for main. (INSTOR)
6	Indicate Attended/Unattended (N1): Is the generating unit an attended unit? Enter "1" for attended; "2" for unattended. (INSTOR)
7	Unit Design Head (N4) FT: Enter the design head (in feet) of the waterwheel associated with each generating unit.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	2 of 3

Data Field Number	Instructions
8	Gross Static Head (N4) FT: Enter the gross static head (in feet) of the waterwheel associated with each generating unit. This refers to gross head with pond full.
9	Operating Head as Turbine (N4) RPM: Enter the operating head (in RPM) of the waterwheel as a turbine.
10	Operating Head as Pump (N4) RPM: Enter the operating head (in RPM) of the waterwheel as a pump.
11	Maximum Capacity (N5.2) HP: Enter the maximum capacity (in horsepower) at design head of the waterwheel.
12	Runner Type (A1): Enter the abbreviation for runner (waterwheel) associated with each generating unit, from the Register of Data Standards, TYWWRN.
13	Waterwheel Type (N1): Enter the type of waterwheel associated with each generating unit. Use one of the following codes, from the Register of Data Standards, TYWWPR. 1 - Horizontal 2 - Vertical 3 - Inclined
14	Year Installed (N4): Enter the year in which the waterwheel associated with each generating unit was installed, in the format YYYY. (TMYEAR)
15	Indicator New When Installed (N1): Was the waterwheel new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 23 or 24 below. (INYONO)
16	Year Manufactured (N4): Enter the year in which the waterwheel was manufactured only if the answer to data field 15 above is "no" and waterwheel was not rebuilt when installed, in the format YYYY. (TMYEAR)
17	Year Rebuilt (N4): Enter the year in which the waterwheel was rebuilt when installed, in the format YYYY. (TMYEAR)
18	Waterwheel Manufacturer (A4): Enter the abbreviation for manufacturer of the waterwheel associated with each generating unit, from the Register of Data Standards, IDMFEQ.
19	Indicator Generator/Motor (N1): Is the unit a generator or generator/motor? Enter "1" for generator; "0" for generator/motor. (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0608	PUMPED STORAGE GENERATING UNIT DESIGN DATA	3 of 3

Data Field Number	Instructions
20	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate rating (in MVA) of each generator.
21	Motor Nameplate Rating (N6) KVA: Enter the nameplate capacity rating (in KVA) of the generator or generator/motor.
22	Nameplate Rating (N5.2) MW: Enter the nameplate rating generating capacity (in MW) of each generator.
23	Power Factor (N1.2) NO: Enter the nameplate rating power factor of each generator (in per unit).
24	HP Power Rating (N5.2) HP: Enter the nameplate capacity rating (in horsepower) of the motor.
25	Voltage (N5.2) KV: Enter the voltage of the generator or generator/motor (in kilovolts).
26	Phase (N1) NO: Enter the phase of each generator or generator/motor. Enter "1", "2", or "3".
27	Frequency (N2) HZ: Enter the frequency of each generator or generator/motor. For example, report "60" Hertz or "00" for DC.
28	Year Generator Installed (N4): Enter the year in which each generator or generator/motor was installed, in the format YYYY. (TMYEAR)
29	Indicator New When Installed (N1): Was the generator or generator/motor new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data field 30 or 31 below. (INYONO)
30	Year Manufactured (N4): Enter the year in which the generator or generator/motor was manufactured if the answer to data field 29 above is "no" and if the unit was not rebuilt when installed, in the format YYYY. (TMYEAR)
31	Year Rebuilt (N4): Enter the year in which the generator or generator/motor was rebuilt if the answer to data field 29 above is "no" and if the unit was rebuilt when installed, in the format YYYY. (TMYEAR)
32	Generator/Motor Manufacturer (A4): Enter the abbreviation for the manufacturer of each generator or generator/motor, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0609	PUMPED STORAGE PLANT SEPARATE MOTOR-DRIVEN PUMPS, DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on separate motor-driven pumps installed at pumped storage generating plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with pumped storage installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Power House Generating Group ID (A5): Enter the unique power house generating group identification code assigned by the respondent (as defined in Part III of the General Instructions for Electric Utility Respondents). (IDEQPT)
4 (Key)	Motor-Driven Pump ID (N2): Enter the unique identification code assigned (by the respondent) sequentially to each motor-driven pump within the generating group. Once assigned, this code must be used to identify the pump on each submission. (IDEQPT)
5	Pump Type (N1): Enter the code, from the Register of Data Standards, TYPUMP.
6	Horsepower Name-plate Rating (N6) HP: Enter the name-plate capacity rating of each separate motor-driven pump.
7	MVA Name-plate Rating (N6) MVA: Enter the name-plate capacity rating of each separate motor-driven pump.
8	Phase (N1) NO: Enter the phase of each separate motor-driven pump (enter "1", "2" or "3").
9	Frequency (N2) HZ: Enter the frequency, or D.C., whichever applies, for each separate motor-driven pump (i.e., report "60" Hertz or "00" for DC).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0609	PUMPED STORAGE PLANT SEPARATE MOTOR-DRIVEN PUMPS, DESIGN DATA	2 of 2

Data Field Number	Instructions
10	Operating Speed (N4) RPM: Enter the operating speed of each separate motor-driven pump.
11	Power Factor (N1.2) NO: Enter the power factor for each motor-driven pump.
12	Voltage (N5.2) KV: Enter the voltage for each motor-driven pump.
13	Year Pump Installed (N4): Enter the year in which each separate motor-driven pump was installed, in the format YYYY. (TMYEAR)
14	New When Installed Indicator (A1): Was the pump new when installed? Enter "1" for yes; "0" for no. If the answer is no, complete data fields 15 or 16 below. (INYONO)
15	Year Manufactured (N4): Enter the year in which the pump was manufactured only if the answer to data field 14 above is "no" and if the pump was not rebuilt when installed, in the format YYYY. (TMYEAR)
16	Year Rebuilt (N4): Enter the year in which the pump was rebuilt if the answer to data field 14 above is "no" and if the pump was rebuilt when installed, in the format YYYY. (TMYEAR)
17	Manufacturer (A4): Enter the code for the manufacturer of each separate motor-driven pump, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0610	INTERNAL-COMBUSTION AND GAS-TURBINE PLANT DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design characteristics of internal-combustion and gas-turbine electric generating equipment.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for electric generating plants with internal-combustion and gas-turbine equipment of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; "GT" for gas-turbines. If a plant is equipped with both types of units, report each type separately using the same plant code in data field 1 above. (TYPLPW)
3	Construction Type (A1): Enter the abbreviation, from the Register of Data Standards, TYCONS.
4	Indicator Plant for Peak Load (N1): Enter "1" if the plant is designed for peak load service; if not, enter "0". (INYONO)
5	Year Originally Constructed (N4): Enter the year in which the plant was originally constructed, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Enter the year in which the last unit was installed at the plant, in the format YYYY. (TMYEAR)
7	Power Factor (N1.2) NO: Enter the power factor condition (in per unit) normally expected at time of system peak. Note: The capabilities reported in data fields 8-10 below must be based on the power factor entered in data field 7.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0610	INTERNAL-COMBUSTION AND GAS-TURBINE PLANT DESIGN DATA	2 of 2

Data Field Number	Instructions
8	One-Hour Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of one-hour duration. Note: This entry must be based on the power factor condition normally to be expected at time of system peak, as entered in data field 7 above.
9	Two-Hour Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of two-hour duration. Note: This entry must be based on the power factor condition normally expected at time of system peak, as entered in data field 7 above.
10	Continuing Load Net Capability (N5.2) MW: Enter net plant capability (in megawatts) for loads of continuous duration. Note: This entry must be based on the power factor condition normally expected at time of system peak, as entered in data field 7 above.
11	Operation Method (N1): Enter one of the following codes for the method of plant operation: "1" - automatic; "2" - semi-automatic; and "3" - manual. (TYPLOP)
12	Number Future Units (N2) NO: Enter the number of future units provided for in present plant.
13	Capacity of Future Units (N6) MW: Enter the capacity (in megawatts) of future units provided for in present plant.
14	Ultimate Generating Capacity (N7) MW: Enter the planned ultimate generating capacity (in megawatts) of the plant.
15	Indicator Power Station (N1): If the internal-combustion or gas-turbine plant is located at a power substation, enter "1" in this data field; if not, enter "0". (INYONO)
16	Land Area for Existing Plant (N4) ACRE: Enter the land area (in acres) in use for the existing plant. Include land for generating plant, fuel storage areas, waste, disposal areas, etc.
17	Land Area for Ultimate Plant (N4) ACRE: Enter the total land planned or estimated (in acres) to be required for new units or new plant facilities at this location.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0611	INTERNAL-COMBUSTION AND GAS-TURBINE GENERATING GROUP DECISION DATA	1 of 3

I. DESCRIPTION

This schedule is designed to collect data on internal-combustion or gas-turbine generating groups.

II. GENERAL INFORMATION

A. This schedule shall be submitted annually by electric utilities for all plants with internal-combustion or gas-turbine installed capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data field on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Note that this schedule defines elements for generating groups. For gas-turbine units, a generating group is defined as any collection of gas-turbine generating units that are controlled from the plant control room through a single control house (cubicle). In the case of a single unit having unique characteristics, assign a generating group I.D., then complete the schedule for that unit. Internal-combustion units are reported as a single unit to the group.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; "GT" for gas-turbine, TYPLPW.
3 (Key)	Internal-Combustion Gas-Turbine Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to each generating group. Note: See General Information, II-C. (IDEQPT)
4	Combined Cycle Steam-Electric Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to the steam-electric generating group that operates in combined-cycle with this gas-turbine generating group. (IDEQPT)
5	Generating Unit ID (A5): Enter the unique identification code, assigned by the respondent to each generating unit. (IDEQPT)
6	Year Prime Mover Installed (N4): Enter the year in which the engines or turbines were installed, in the format YYYY. (TMYEAR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0611	INTERNAL-COMBUSTION AND GAS-TURBINE GENERATING GROUP DESIGN DATA	2 of 3

Data Field Number	Instructions
7	Prime Mover Cycle Type (A2): Enter one of the following codes for the basic cycle of each group of engines or turbines: (TYPLPW) GO - Open cycle gas-turbine 12 - Two-cycle internal-combustion engine 14 - Four-cycle internal-combustion engine GC - Closed cycle gas-turbine
8	Indicate Belted or Direct Connected (N1): Enter the type of connection of prime mover to generator as follows: Enter "1" for belted; "2" for direct. (INETOR)
9	Rated Horsepower (N7) HP: Enter the rated capacity (in horsepower) of the gas-turbine or intenel-combustion prime mover.
10	Generator Nameplate Rating (N5.2) MVA: Enter the nameplate capacity ratiog (in MVA) of each generating unit (within the group being reported).
11	Nameplate Rating (N5.2) MW: Enter the nameplate capacity rating (in MW) of each generating unit (within the group being reported).
12	Power Factor (N1.2) NO: Enter the nameplate power factor rating of each generating unit (within the group being reported).
13	Operating Speed (N6) RPM: Enter the generating speed (in RPM) of each generating unit (within the group being reported).
14	Voltage (N3.2) KV: Enter the voltage (in KV) of each generating unit (within the group being reported).
15	Phase (N1) NO: Enter the phase of each generating unit (within the group being reported). Enter "1", "2", or "3".
16	Frequency (N2) HZ: Enter the frequency of each generating unit (within the group being reported). For example, report "60" Hertz.
17	Generator Year Installed (N4): Enter the year in which the generator group was installed, in the format YYYY. (TMYEAR)
18	Indicator Generator New When Installed (N1): Was the generator(s) new when installed? Enter "1" for yes; "0" for no. If the answer is "no", complete data fields 19 and 20 below. (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0611	INTERNAL-COMBUSTION AND GAS-TURBINE GENERATING GROUP DESIGN DATA	3 of 3

Data Field Number	Instructions
19	Year Generator Manufactured (N4): Enter the year in which the generator(s) were manufactured, only if the answer to data field 18 is "no", in the format YYYY. (TMYEAR)
20	Year Generator Rebuilt (N4): Enter the year in which the generator(s) were rebuilt, only if the answer to data field 18 is "no", in the format YYYY. (TMYEAR)
21	Generator Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ.
22	Fuel Consumption - 50 Per Cent Load (N6) BTU/KWH: Enter the design fuel consumption of the engine or turbine when operating at 50 per cent load.
23	Output - 50 Per Cent Load (N10) MW: Enter the output (in megawatts) of the generator at 50 per cent load.
24	Fuel Consumption - 75 Per Cent Load (N6) BTU/KWH.
25	Output - 75 Per Cent Load (N10) MW.
26	Fuel Consumption - Full Load (N6) BTU/KWH.
27	Output - Full Load (N10) MW.
28	Turbine Inlet Air Temperature (N4) DEGF: Enter the inlet air temperature (in degrees Fahrenheit) of gas-turbine units only.
29	Turbine Inlet Gas Temperature (N4) DEGF: Enter the inlet gas temperature (in degrees Fahrenheit) of gas-turbine units only.
30	Turbine Exhaust Gas Temperature (N4) DEGF: Enter the exhaust gas temperature (in degrees Fahrenheit) of gas-turbine units only.
31	Prime Mover Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is designed to collect general design data on steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity, including nuclear, of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPINT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3	Construction Type (A1): Enter one of the following codes: "C" for conventional; "S" for semi-outdoor; or "F" for full outdoor. (TYCONS)
4	Amount of Land in Use (N6) ACRE: Enter total land requirements for generating plant, substation(s), fuel storage area, waste disposal area, and land used by cooling facilities.
5	Year Plant Constructed (N4): Enter the year in which original construction began, in the format YYYY. (TMYEAR)
6	Year Last Unit Installed (N4): Enter the year in which the last generating unit was installed, in the format YYYY. (TMYEAR)
7	Number of Future Units (N2) NO: Enter the total number of future units planned for installation.
8	Capacity Future Units (N5.2) MW: Enter the total capacity, in megawatts, of all future units.
9	Planned Ultimate Generating Capacity (N5.2) MW: Enter the total ultimate generating capacity of the plant in megawatts.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	2 of 3

Data Field Number	Instructions
10	Condenser Water Source (A20): Report the name of the water source for the plant condenser units. (IDDESC)
11	Land Area for Ultimate Plant (N9) ACRE: Enter the projected land area in acres for the plant at ultimate size.
12	Minimum Available Condenser Water (N7) CFS: Enter the minimum amount of condenser water available to the plant in cubic feet per second.
13	Period Capability Limited (N3) DY: Enter the number of days (during one calendar year) when plant capability is normally limited by condenser water or ambient temperature.
14	Time of Year Capability Limited (A7): Enter the three character alphabetic codes for the beginning and ending months of the period when plant capability is limited by condenser water or ambient temperature. For example, if the period begins in July and ends in September, enter "JULSEP." The full list of abbreviations for the months of the year is printed in the Register of Data Standards, TMMOYR.
15	Energy Output - 50 Per Cent Load (N6) MW: Enter the output in megawatts for the plant at one-half load, assuming the most efficient combination of units.
16	BTU Consumption - 50 Per Cent Load (N6) BTU/KWH: Enter the half-load fuel consumption in BTU per net kilowatt-hour of station output.
17	Energy Output - 75 Per Cent Load (N6) MW.
18	BTU Consumption - 75 Per Cent Load (N6) BTU/KWH.
19	Energy Output - Full Load (N6) MW.
20	BTU Consumption - Full Load (N6) BTU/KWH.
21	Indicator Use of Steam (N1): Enter one of the following codes: "1" for sold or supplied to other departments; "2" for sold or supplied to industrial companies. (INETOR)
22	Coal State (A2): Enter the abbreviation for the state from which principal coal procurements were made, from the Register of Data Standards, IDSTAT.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0612	STEAM-ELECTRIC PLANT DESIGN DATA	3 of 3

Data Field Number	Instructions
NOTE:	In data fields 23-25 below, report data for continuous use fuels only. Do not enter data for flame stabilization or start-up fuels.
23	Coal BTU (N5) BTU: Enter the average BTU per pound of coal as fired.
24	Oil BTU (N6) BTU: Enter the average BTU per gallon of oil fired.
25	Gas BTU (N5) BTU: Enter the average BTU per cubic foot of gas as fired.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0613	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA, TURBINE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design characteristics of steam turbines installed at electric generating plants.

I. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric (including nuclear) installed capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For cross-compound units, report separately for high-pressure section and low-pressure section.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Assign a unique identification code to the "generating group" of which the associated generator is a member. This code need be unique within each plant only. In order to maintain the integrity of the data, this code must be associated with the same generating group from schedule to schedule and from year to year. Please keep records of these permanently assigned codes. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Assign a unique identification code to each generator within the plant. This code should be the commonly used designation. (IDEQPT)
5 (Key)	Turbine ID (A5): Assign a unique five-character identification code for each turbine within the plant. For cross-compound units report the high and low pressure sections separately, prefacing the identification codes with "H" or "L", respectively. (IDEQPT)
6	Turbine Maximum Rating (N5.2) MW: Enter the maximum nameplate rating of the turbine unit. If installation is dual rated, enter the rating for the turbine-generator only.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0613	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA, TURBINE DATA	2 of 2

Data Field Number	Instructions
7	Casing Type (A2): Code for type of casing, as follows: (TYTURB) TC = Tandem-compound CC = Cross-compound SC = Single casing TU = Topping unit NC = Noncondensing
8	Throttle Steam Pressure (N5) PSIG: Enter the throttle pressure of each turbine unit. For dual rated installation, enter for turbine-generator only.
9	Operating Speed (N7) RPM: Enter operating speed of each turbine.
10	Throttle Temperature (N4) DEGF: Enter throttle temperature.
11	Reheat Temperature (N3) DEGF: Enter the steam temperature of reheat stage of turbine, if applicable.
12	Exhaust Pressure (N2.2) IN/HG: Enter the exhaust pressure of the turbine.
13	Full Load Steam Rate (N6) LB/KWH: Enter the steam rate of turbine at full load.
14	Full Load Heat Rate (N8) BTU/KWH: Enter the heat rate of turbine at full load.
15	Turbine Manufacturer (A4): Enter the abbreviation for the turbine manufacturer, from the Register of Data Standards, IDMFEQ.
16	Year Turbine Installed (N4): Enter the year when turbine was installed, in the format YYYY. (IMYEAR)
17	Indicator New When Installed (N1): Enter "1" for yes, "0" for no. (INYONO)
18	If Not New, Year Turbine Manufactured (N4): Report if "no" answer to data field 17 above, in the format YYYY. (IMYEAR)
19	If Not New, Year Turbine Rebuilt (N4): Report if "no" answer to data field 17 above, in the format YYYY. (IMYEAR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATING DATA AND COOLING FACILITY)	1 of 3

I. DESCRIPTION

This schedule is designed to collect data on the design parameters of generators and cooling facilities at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric installed capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. The steam-electric generating group is defined as being composed of those generating units and boilers with a common steam header.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only, TYPLPW.
3 (Key)	Generating Group ID (A5): Enter the unique identification number, assigned by the respondent for the steam-electric generating group to which each unit reported in data field 6 belongs. See Part III of the General Instructions for Electric Utility Respondents. (IDEQPT)
4	Steam Energy Source (N2): Enter the two-digit numeric code for nuclear, geothermal, and fossil fuel steam sources for the generator-turbine group identified in data field 3 above, from the Register of Data Standards, TYFUEL.
5	Combined-Cycle Gas-Turbine Generating Group ID (A5): If the generating group identified in data field 3 above operates in combined-cycle with a gas-turbine unit, enter the gas-turbine group identification code. (See Part III of the General Instructions for Electric Utility Respondents.) (IDEQPT)
6 (Key)	Generating Unit ID (A5): Enter the unique commonly used designation for the generating units included in the generating group identified in data field 3 above. (IDEQPT)
7	Indicator Unit Auxiliary/Main (N1): Enter "1" if the unit is auxiliary; "2" if the unit is main. (INETOR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATOR DATA AND COOLING FACILITY)	2 of 3

Data Field Number	Instructions
8	Turbine-Generator Capability (N6) MW: Enter the maximum gross capability (in megawatts) of the associated turbine-generator.
9	Hydrogen Pressure (N4) PSIG: Enter the hydrogen pressure (in PSIG) of the associated turbine-generator.
10	Minimum Nameplate Rating (N7) MW: Enter the minimum nameplate capacity rating (in megawatts) of each generating unit.
11	Maximum Nameplate Rating (N7) MW: Enter the maximum nameplate capacity rating (in megawatts) of each generating unit.
12	Minimum Hydrogen Pressure (N2.1) PSIG: Enter the hydrogen pressure (in PSIG) associated with the minimum nameplate rating reported in data field 10 above.
13	Maximum Hydrogen Pressure (N3) PSIG: Enter the hydrogen pressure (in PSIG) associated with the maximum nameplate rating reported in data field 12 above.
14	Coolant Type (A1): Enter the abbreviation for the coolant used in each generating unit, from the Register of Data Standards, TYCLGN.
15	Power Factor (N1.2) NO: Enter the nameplate power factor of each generating unit.
16	Voltage (N4.2) KV: Enter the voltage (in KV) of each generating unit.
17	Phase (N1) NO: Enter the phase of each generating unit. Enter "1", "2", or "3".
18	Frequency (N2) HZ: Enter the frequency of each generating unit For example, report "60" Hertz.
19	Operating Speed (N4) RPM: Enter the operating speed (in RPM) of generating units.
20	Manufacturer (A4): Enter the abbreviation for the manufacturer of the generating unit, from the Register of Data Standards, IDMFEQ.
21	Year Installed (N4): Enter year when generating unit was installed, in the format YYYY. (IMYEAR)
22	Indicator Generating Unit New When Installed (N1): Enter "1" if the generating unit was installed new; if not, enter "0". (INYONO)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0614	STEAM-ELECTRIC GENERATING UNIT DESIGN DATA (GENERATOR DATA AND COOLING FACILITY)	3 of 3

Data Field Number	Instructions
23	Year Manufactured (N4): Enter the year generating unit was manufactured if not installed new, in the format YYYY. (TMYEAR)
24	Year Rebuilt (N4): Enter the year the generating unit was rebuilt if not installed new, in the format YYYY. (TMYEAR)
NOTE:	Data fields 25-27 below, cross-reference the turbine-generator unit to the cooling facility type and the associated condenser.
25	Cooling Facility Type (A3): Enter the code for the type cooling facilities associated with each turbine-generator unit, from the Register of Data Standards, TYCLCD.
26	Cooling Facility ID (A5): Enter the unique identification code, assigned (by the respondent) of the cooling facility associated with each turbine-generator unit. (Same code as on Schedule 0625, data field 3.) (IDEQPT)
27	Temperature Rise (N2): Enter the designed temperature rise across the condenser. (Degrees Fahrenheit).
28	Rate of Flow (N6): Enter the designed rate of flow through the condenser. (CFS).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect data on the general design characteristics of fossil fuel-fired boilers at steam-electric generating plants and data where applicable on boilers at nuclear generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utility plants with steam-electric including nuclear generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Report the appropriate fields on this schedule for all steam-electric units including those operated in a combined-cycle with a combustion turbine and nuclear units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only, TYPLPW.
3 (Key)	Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to the generating group of which the boiler is a part. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique boiler identification code, assigned by the respondent to each boiler. Report only a single boiler in each entry, do not combine two or more boilers in a single entry. This should be the respondent's commonly used designation. (IDEQPT)
5	Information Status (N1): Enter the following codes for the type of report: (TYSTOP) 1 - Placed in operation during the year 2 - Altered during the year 3 - Not previously reported on this schedule 4 - Amended report
6	Manufacturer (A4): Enter the abbreviation, from the Register of Data Standards, IDMFEQ. If the abbreviation for the

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DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	2 of 4

Data Field Number	Instructions
6 (cont'd)	manufacturer is not found in the Register of Data Standards, enter the name in data field 7 below.
7	Name Other Manufacturer (A35): If the name of the manufacturer is not included in the Register of Data Standards, enter the name of the manufacturer in this data field, abbreviate if necessary. (IDNAME)
8	Year Installed (N4): Enter the year in which boiler was placed in service, in the format YYYY. (TMYEAR)
9	Maximum Continuous Steam Capacity (N9) MLB/HR: Enter the maximum continuous steam capacity (in 1000 pounds/hour) of each boiler.
10	Rated Pressure (N4) PSIG: Enter the rated pressure (in PSIG) of each boiler.
11	Boiler Rated Steam Temperature - Initial (N4) DEGF: Enter the initial rated steam temperature (in degrees Fahrenheit) for boiler.
12	Fuel Type (N2): Enter the code for principal fuel burned, from the Register of Data Standards, TYFUEL.
13	Coal Consumption (N4.2) TON/HR: Enter the design fuel consumption of coal (in tons/hour) at 100 per cent rating.
14	Oil Consumption (N4.2) BBL/HR: Enter the design fuel consumption in oil (barrels/hour) at 100 per cent rating.
15	Gas Consumption (N4.2) MCF/HR: Enter the design fuel consumption of gas (in 1000 cubic feet/hour) at 100 per cent rating.
16	100 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 100 per cent load.
17	75 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 75 per cent load.
18	50 Per Cent Load Efficiency (N3.2) PCT: Enter the boiler efficiency (in per cent) at 50 per cent load.
19	Total Air Flow (N6.2) CFM: Enter total air flow (in standard cubic feet/minute) including excess air at 100 per cent load.
20	Excess Air (N3) PCT: Enter per cent of excess air used at 100 per cent load.

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DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	3 of 4

Data Field Number	Instructions
21	Indicator Wet/Dry Bottom (N1): For coal fired boilers only. Enter "1" for wet bottom; "2" for dry bottom. (INETOR)
22	Indicator Flyash (N1): If there is flyash reinjection, enter "1" for yes; if not, enter "0". (INYONO)
23	Type of Firing (A4): Enter the code, from the Register of Data Standards, TYBLFR.
24	Name of Other Type Firing (A20): If the type of firing is not specified in the Register of Data Standards, enter the name of "other type". Abbreviate if necessary. (IDDESC)
25	Indicator Burn Coal (N1): Enter "1" if boiler is equipped to burn coal; if not, enter "0". (INYONO)
26	Number of Days to Convert Coal (N3) DY: If the answer to data field 25 above is "yes", but equipment changes or maintenance are required to burn coal, state time period (in days) for completion of such changes or maintenance.
27	Indicator Continuous Coal Burning (N1): Enter "1" for yes, if the boiler is capable of burning coal continuously; if not, enter "0". (INYONO)
28	Explain Not Burning Coal Continuously (A20): Enter a brief description of the reason that the boiler cannot burn coal continuously. (IDDESC)
29	Coal Capacity Derating (N3) PCT: Enter the derating (per cent) of related generator capacity when burning coal.
30	Indicator Oil Burning (N1): Enter "1" for yes, if the boiler is equipped to burn oil; if not, enter "0". (INYONO)
31	Indicator Continuous Oil Burning (N1): Enter "1" for yes, if the boiler is capable of burning oil continuously; if not, enter "0". (INYONO)
32	Oil Capacity Derating (N3) PCT: Enter the derating (per cent) of related generating capacity when burning oil.
33	Indicator Gas Burning (N1): Enter "1" for yes, if the boiler is equipped to burn gas; if not, enter "0". (INYONO)
34	Indicator Firm Gas (N1): If gas is available on a firm basis, enter "1"; if not, enter "0". (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0615	BOILER DESIGN DATA	4 of 4

Data Field Number	Instructions
35	Gas Capacity Derating (N3) PCT: Enter the derating (per cent) of related generating capacity when burning gas.
36	Boiler Rated Steam Temperature - Reheat (N4) DEGF: Enter rated steam temperature (in degrees Fahrenheit) to reheat boilers.
37	Year Boiler Manufactured, If Not New (N4): If applicable, enter the year, in the format YYYY. (IMYEAR)
38	Year Boiler Rebuilt, If Not New (N4): If applicable, enter the year, in the format YYYY. (IMYEAR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0616	COMMON FUEL-FEEDERS BY BOILER	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the configuration of fuel-feeders common to multiple boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fueled steam-electric generating plants having common fuel-feeder systems for two or more boilers and which have installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. A common fuel-feeder system is defined as a system which supplies any one type of fuel to more than one boiler by means of common distribution equipment. As an example, a plant having two boilers, both served by the same feeder systems for each of three different fuels, would report six common fuel-feeder systems.

D. Complete, in full, a separate entry (i.e., a separate line, in this case) for each boiler served by a common fuel-feeder system.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A3): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which receives fuel from a common fuel-feeder system. (IDEQPT)
5 (Key)	Fuel-Feeder ID (A5): Enter the unique identification code assigned by the respondent to each fuel-feeder system which serves the boiler being described. (IDEQPT)
6	Type Fuel-Feeder System (N2): Enter the code for the fuel-feeder system, from the Register of Data Standards, TYFUEL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0617	BOILERS SERVED BY FUEL-FEEDER SYSTEMS	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on the configuration of fuel-feeders common to multiple boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fueled steam-electric generating plants having common fuel-feeder systems for two or more boilers and which have installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. A common fuel-feeder system is defined as a system which supplies any one type of fuel to more than one boiler by means of common distribution equipment. As an example, a plant having two boilers, both served by the same feeder systems for each of three different fuels, would report six common fuel-feeder systems.

D. Complete, in full, a separate entry (a separate line in this case) for each unique combination of a boiler, fuel-feeder system, and fuel type.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	Fuel-Feeder ID (A5): Enter the unique identification code assigned by the respondent to each fuel-feeder system at the plant. Once assigned, always use the same code when referring to this fuel-feeder system. (IDEQPT)
4	Fuel Type (N2): Enter the code for the type of fuel associated with each fuel-feeder system, from the Register of Data Standards, TYFUEL.
5 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which each boiler associated with the common fuel feeder system is a member. Once assigned, always use the same code when referring to this generating group. (IDEQPT)

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DETAILED INSTRUCTIONS: SCHEDULE 0617	BOILERS SERVED BY FUEL-FEEDER SYSTEMS	2 of 2

Data Field Number	Instructions
6	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which receives fuel from a common fuel-feeder system. Once assigned, always use the same code when referring to this boiler. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0618	STACK DESCRIPTIVE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of stacks associated with fossil fuel-fired boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Include on separate sheet a stack orientation diagram showing the position of stacks by stack number to correspond with the identification given in data field 3 below. Show true North on the diagram.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the correesponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	Stack ID (A5): Enter a unique stack identification code for each stack assigned by the respondent. This code is to be used whenever referring to this stack. (IDEQPT)
4	Installed Cost (N7) MDOL: Enter the installed cost of each stack at plant (in 1000 dollars).

NOTE: Cost should be reported as the original costs recorded on the utility's books of accounts and unitized as prescribed in the Federal Power Commission List of Units of Property effective January 1, 1961. It is realized certain items are not specifically unitized in the referenced list of property units. In this case the most accurate figure available is desired. In the case of stacks without foundation, include the stack cost plus those added costs which are essential to the stack operation and support.

5	Height Above Ground (N4) FT: Enter the height (in feet) above ground elevation.
6	Inside Diameter (N3) IN: Enter the inside diameter (in inches) of the flue at top of stack.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0618	STACK DESCRIPTIVE DATA	2 of 2

Data Field Number	Instructions
7	Non-Circular Stacks (N3) IN: If stack is not round (i.e., square, oval, etc.), enter the equivalent circumference of the inside diameter (in inches) of the flue at the top of stack.
8	Flue-Gas Rate at 100 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 100 per cent load.
9	Flue-Gas Rate at 75 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 75 per cent load.
10	Flue-Gas Rate at 50 Per Cent Load (N5) CFM: Enter the flue-gas rate (in actual cubic feet per minute) at top of stack at 50 per cent load.
11	Exit Gas Temperature at 100 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 100 per cent load.
12	Exit Gas Temperature at 75 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 75 per cent load.
13	Exit Gas Temperature at 50 Per Cent Load (N3) DEGF: Enter the exit gas temperature (in degrees Fahrenheit) at 50 per cent load.
14	Exit Gas Velocity 100 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 100 per cent load.
15	Exit Gas Velocity 75 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 75 per cent load.
16	Exit Gas Velocity 50 Per Cent Load (N4) FPS: Enter the exit gas velocity (in feet/second) at 50 per cent load.
17	Distance to Next Stack (N3) FT: Enter the distance (in feet) to the next stack (center to center).
18	Orientation of Stacks (N3) DEGC: Enter the orientation (in degrees clockwise from true North) of the line of stacks.
19	Indicate If Diagram (N1): Enter "1" if a diagram is submitted separately; "0" if not. (INYONO)

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R2S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0619	BOILERS SERVED BY STACKS	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the interrelationship between stacks and the boilers (i.e., steam generators) served by them at electric generating stations.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants having installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete in full a separate entry (i.e., a separate line, in this case) for each combination of stack and boiler served. Thus, for a plant having three stacks each of which serves three boilers, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Stack ID (A5): Enter the stack identification code for each stack at the plant. This must be a unique code assigned by the respondent. The same code must be used on all schedules when referring to the same stack. Also, the same codes are to be used from year to year. (IDEQPT)
4	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group with which the stack being described is associated. (IDEQPT)
5	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler served by a stack. Complete in full a separate entry (i.e., a separate line, in this case) for each boiler served by each stack. (IDEQPT)

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R2S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0620	STACKS ASSOCIATED WITH BOILERS	1 of 1

I. DESCRIPTION

This schedule is designed to collect data on the interrelationship between boilers (i.e., steam-generators) and the stacks associated with them at electric generating stations.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants having installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete in full a separate entry (i.e., a separate line, in this case) for each combination of boiler and associated stack. Thus, for a plant having three boilers served by three stacks, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler at the plant. (IDEQPT)
5	Stack ID (A5): Enter the unique identification code assigned by the respondent for each stack associated with each boiler being described. (IDEQPT)

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PROPOSED RULES

R2S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0621	FLUE-GAS CLEANING EQUIPMENT - DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of flue-gas cleaning equipment installed at steam-electric generating plants.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment and which have total installed steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Whenever "combination FGCE" occurs (data field 4 below) do not report the data for separate units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	FGCE ID (A5): Enter the unique identification code assigned by the respondent for each flue-gas cleaning collector connected to the plant. Once assigned, the same code must always be used when referring to this equipment on all schedules and from year to year. (IDEQPT)
4	FGCE Type (A4): Enter the abbreviation, from the Register of Data Standards, TYFGCE.
5	Mechanical Type 1 (A4): If the collector is mechanical, enter the appropriate abbreviation from the Mechanical FGCE Collector Code specified in the Register of Data Standards, TYFGCE.
6	Mechanical Type 2 (A4): If the collector is mechanical, as coded in data field 4 above, and more than one type of mechanical configuration is used in series, report the second type in this field. Use the same abbreviation as referenced in data field 5 above, TYFGCE.

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R2S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0621	FLUE-GAS CLEANING EQUIPMENT - DESIGN DATA	2 of 2

Data Field Number	Instructions
7	Design Efficiency (N2.2) PCT: Report the design efficiency of the FGCE unit (as a percentage to two decimal places).
8	Rate Mass Emission (N5) LB/HR: Enter the mass emission rate of the FGCE unit (in pounds per hour). Pounds per hour = Grains per Actual Cubic Foot x Actual Cubic Foot per Hour / 7000 Grains per Pound
9	Year Placed in Service (N4): Enter the year in which the FGCE unit was placed in service, in the format YYYY. (IMYEAR)
10	Installed Cost (N6) MDOL: Report the installed cost of FGCE unit (in 1000 dollars). See the General Instructions for Electric Utility Respondents for further information on reporting costs.
11	Manufacturer (A4): Enter the appropriate FGCE manufacturers abbreviation for the collector listed in data field 3 above, from the Register of Data Standards, IDMFEQ.
12	Name Other Manufacturer (A35): If the code "OTHE" is entered in data field 11 above, enter the name of the manufacturer in this data field. Abbreviate only if necessary. (IDNAME)

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PROPOSED RULES

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0622	BOILERS SERVED BY FGCE	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the interrelationship of flue-gas cleaning equipment (FGCE) and the boilers (i.e., steam-generators) served by it at electric generating stations.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment and which have total installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete, in full, a separate entry (i.e., a separate line, in this case) for each combination of FGCE and boiler served. Thus, for a plant having three units of FGCE, each of which serves three boilers, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	FGCE ID (A5): Enter the flue-gas cleaning equipment collector identification code. This must be a unique code assigned by the respondent and maintained from schedule to schedule, and from year to year. (IDEQPT)
4 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group which is associated with the FGCE unit being described. (IDEQPT)
5	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which is served by FGCE. Complete in full a separate entry (i.e., separate line, in this case) for each boiler served by FGCE identified in data field 3 above. (IDEQPT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0623	BOILER FGCE EQUIPMENT	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the interreletionship between boilers (i.e., steam-generators) and the associated flue-gas cleaning equipment at electric generating stations.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having flue-gas cleaning equipment (FGCE) and which have total installed generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete, in full, a separate entry (i.e., a separate line, in this case) for each combination of boiler and FGCE. Thus, for a plant having three boilers, each of which is served by three FGCEs, complete nine entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the steam-electric generating group of which the boiler being described is a member. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler which is associated with FGCE. Complete, in full, a separate entry (i.e., a separate line in this case) for each associated FGCE collector. (IDEQPT)
5 (Key)	FGCE ID (A5): Enter the flue-gas cleaning equipment collector identification code. This must be a unique code assigned by the respondent and always used when referring to this equipment. (IDEQPT)
6	FGCE Type (A6): Enter the abbreviation for the flue-gas cleaning equipment type, from the Register of Date Standards, TYFGCE.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	1 of 4

I. DESCRIPTION

This schedule is used to collect data on the design characteristics of steam-electric plant cooling facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Cooling facilities are defined as cooling towers, cooling ponds, or once-through cooling facilities or any combination of the above which provides cooling water to a unique set of condensers.

D. The costs called for should be reported as the original costs reported on the utility's books of accounts and untitled as prescribed in the Federal Power Commission List of Units of Property effective January 1, 1961. In case certain items are not specifically untitled in the referenced list of property units, the most accurate figure available is required. The costs should include amounts for such items as pumps, piping, canals, ducts, intake and discharge structures, dams and dikes, reservoirs, cooling towers, and appurtenant equipment. The costs of condensers should not be included.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3	Cooling Facility ID (A5): Assign a unique identification code to each cooling facility within the plant. A cooling facility is defined as a once-through, pond, tower or any combination of the above which provides cooling water to a unique set of condensers. Once assigned, this code must always be used in referring to this facility from schedule to schedule and from year to year. (IDEQPT)
4	Indicate Combination Cooling Facility (N1): Enter "1" if this is a combination facility (i.e., a facility made up of more

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	2 of 4

Data Field Number	Instructions
4 (cont'd)	than one of the cooling types defined in the Register of Data Standards, TYCOOL. Two towers or a tower and a pond are two examples of combination facilities. If the facility consists of only one such cooling type, such as a single pond, enter "0". (INYOND)
5	Total Cooling Capability (N11) MW: Enter the total cooling capability of this particular facility. If this is a combination facility, enter the sum of the cooling capability of each once-through, pond or tower.
6	Percentage Year Used in Combination (N3) PCT: If this is a combination facility, enter the percentage of the year the component parts of the facility are used in combination. If not combination, leave blank.
7	OTC Equipment ID (N2): Enter the respondent assigned sequence number, beginning with 01, for the once-through cooling equipment being described. This same number must be used when reporting future modification to this set of information and on other schedules supplying related data. On Schedule 0626, this value must be used in data field 4. (IDEQPT)
8	OTC Equipment Type (A3): Enter the appropriate cooling type, such as OTP for once-through, fresh, from the Register of Data Standards, TYCOOL. This value must be input upon Schedule 0626, data field 5.
9	OTC Designed Withdrawal Rate (N4) CFS: Enter design rate of withdrawal at full load, for once-through configurations only.
10	OTC Intake Direction from Plant Center (N3) DEGG: Enter the direction, from the center of the plant (in degrees, clockwise from true North) of the intake location associated with each once-through configuration.
11	OTC Intake Distance from Plant Center (N4) FT: Enter the distance from the center of the plant from the intake location associated with each once-through configuration.
12	OTC Intake Distance from Shore (N3) FT: Enter the distance from the shore of the water body to the intake location associated with each once-through configuration.
13	OTC Average Distance Below Surface (N3) FT: Enter the average distance below water surface of the intake location associated with each once-through configuration.
14	OTC Outfall Direction from Plant Center (N4) DEGG: In degrees from true North, for each once-through configuration.

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DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	3 of 4

Data Field Number	Instructions
15	OTC Outfall Distance from Plant Center (N3) FT: For each once-through configuration.
16	OTC Outfall Distance from Shore (N4) FT: For each once-through configuration.
17	OTC Average Outfall Distance Below Surface (N2) FT: For each once-through configuration.
18	OTC Installed Structure Cost (N4) MDOL: Report the installed cost for each once-through configuration as explained under General Information, II. D (in 1000's of dollars).
19	Indicate if OTC Diffusers Used (N1): Enter "1" for yes, "0" for no. If yes, reply in data field 20 below. (INYONO)
20	OTC Diffuser Use Explanation (A20): Briefly explain diffuser use. (IDDESC)
21	OTC Equipment Installation Year (N4): Enter the year the facility was installed, in the format YYYY. (TMYEAR)
22	Percentage Year OTC Used Independently (N3) PCT: Enter the percentage of the year this OTC facility is used independently for any other cooling facility.
23	Cooling Pond Equipment ID (N2): Enter the respondent assigned sequence number, beginning with 01, for the cooling pond being described in this entry. As indicated for data field 7 above, this value must appear on Schedule 0626, data field 4.
24	Cooling Pond Equipment Type (A3): Enter the cooling pond type, such as CP for cooling pond, from the Register of Data Standards, TYCOOL. This value must also be used on Schedule 0626, data field 5 when reporting source water data on this particular cooling pond.
25	Indicate if Spray Ponds Used (N1): Are spray ponds used? Enter "1" for yes, "0" for no. (INYONO)
26	Pond Total Surface Area (N5) ACRE: Enter surface area of cooling pond facility.
27	Pond Total Volume (N6) ACFT: Enter volume of cooling pond facility.
28	Pond Installation Costs (N6) MDOL: Report the installed cost of cooling pond facility, as explained under General Information, II. D (in 1000's of dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0625	PLANT COOLING FACILITY CHARACTERISTICS	4 of 4

Data Field Number	Instructions
29	Pond Installation Year (N4): Enter the year pond was installed, in the format YYYY. (TMYEAR)
30	Percentage Year Pond Used Independently (N3) PCT: Enter the percentage of the year that this cooling pond equipment is used independently of any other cooling equipment, i.e., not in combination.
31	Tower Equipment ID (N2): Enter the respondent assigned two-digit sequence number, beginning with 01, for the cooling tower being described in this entry. As indicated for data field 7 and 23 above, this value must be repeated whenever this information is modified. This same value must be specified in data field 4 of Schedule 0626 when reporting source water data for this cooling tower.
32	Tower Equipment Type (A3): Enter the cooling tower type, such as WCT for wet cooling tower, from the Register of Data Standards, TYCOOL. This same value must be input upon Schedule 0626, data field 5.
33	Tower Type Draft (N1): Enter type of draft of cooling tower, "1" for mechanical, or "2" for natural draft. (INETOR)
34	Tower Length (N3) FT: Enter length of cooling tower.
35	Tower Base Diameter (N3) FT: Enter diameter of base of cooling tower.
36	Tower Height (N3) FT: Enter height of cooling tower.
37	Tower Water Cooling Range (N2) DEGF: Enter the water cooling range of cooling tower; that is, the number of degrees the water is cooled within the equipment itself.
38	Tower Installation Costs (N5) MDOL: Enter the installed cost of cooling tower, as explained under General Information, II. D (in 1000's of dollars).
39	Tower Installation Year (N4): Enter year this tower was installed, in the format YYYY. (TMYEAR)
40	Percentage of Year Used Independently (N3) PCT: Enter percentage of year this tower is used independently of any other cooling facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0626	PLANT COOLING WATER SOURCE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the sources of steam-electric plant cooling water supply.

II. GENERAL INFORMATION

A. This schedule shall be submitted for all plants operated by an electric utility with a steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Complete a separate entry (data fields 1-14) for each cooling facility and source of water combination. For example, two sources of water and three cooling towers would require five entries.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Cooling Facility ID (A5): Enter the unique identification code assigned by the respondent to each cooling facility as defined in data field 3 of Schedule 0625. (IDEQPT)
4	Cooling Equipment Identification (N2): Enter the cooling equipment identification for once-through, pond, or towers as defined in data fields 7, 23, and 31 of Schedule 0625. (IDEQPT)
5 (Key)	Cooling Equipment Type (A3): Enter the code identifying facility type, from the Register of Data Standards, TYCLCD. This code must correspond to the value defined in data fields 8, 24, and 32 of Schedule 0625.
6 (Key)	Water Source Name (A25): Report the full, proper name of the source of cooling water for the facility identified in data field 3 above. Abbreviate, if absolutely necessary. (IDDESC)
7	Dependable Flow (N9) CFS: Enter the "7-day, 10-year dependable flow" for once-through cooling facilities or cooling ponds only. This refers to the seven-day average low flow

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0626	PLANT COOLING WATER SOURCE DATA	2 of 2

Data Field Number	Instructions
7 (cont'd)	discharge expected to occur not more frequently than once in ten years.
8	Average Flow (N7) CFS: Enter the average flow for once-through facilities or cooling ponds only. If average flow is not available for the subject year, an estimate may be made based on flows of previous years.
9	OTC Discharge Into Another Water Body - Explanation (A40): Enter a brief description of discharge to water bodies other than the original source, for once-through facilities only. (IDDESC)
10	OTC Discharge Other Than Downstream - Explanation (A40): Enter a brief description of discharge other than downstream from the water intake locations of once-through cooling facilities only. (IDDESC)
11	Annual Use (N3) DY: Enter the number of days cooling facility is used during report year.
12	Other Uses of Pond (A40): Enter a brief description of other uses of cooling pond, such as fishing, boating, hiking and camping, residential or industrial development. (IDDESC)
13	Location of Blowdown Discharge (A25): Enter the name of the receiving water body for each cooling tower. (IDDESC)
14	Indicate Licensed Project Jurisdication (N1): If source water or water into which discharge is made is under jurisdiction of a Federal Power Commission licensed project, enter "1"; if not, enter "0". (INYONO)
15	Licensed Project Number (A5): Enter the code for the licensed project, if indicated in data field 13 above, from the Register of Data Standards, IDLPRJ.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0627	PLANT GENERAL WATER USE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect several general categories of water-quality related data from steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data fields 2-12 and 15-16 refer to specifications set forth in the applicable licensee or permits and not to the actual or design operation of the plant.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Downstream Distance (N5) FT: Enter the distance (in feet) which the mixing zone extends downstream from the point of discharge.
3	Shore Distance (N4) FT: Enter the distance (in feet) which mixing zone extends from the shore.
4	Summer Maximum Temperature - Outfall (N2) DEGF: Enter the summer maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
5	Summer Maximum Temperature - Mixing (N2) DEGF: Report the summer maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.
6	Summer Temperature Limit - Outfall (N3) DEGF: Enter the summer maximum allowable temperature (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
7	Summer Temperature Limit - Mixing (N2) DEGF: Enter the summer maximum allowable temperature (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0627	PLANT GENERAL WATER USE DATA	2 of 2

Data Field Number	Instructions
8	Winter Maximum Temperature - Outfall (N2) DEGF: Enter the winter maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
9	Winter Maximum Temperature - Mixing (N2) DEGF: Enter the winter maximum allowable temperature rise (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
10	Winter Temperature Limit - Outfall (N3) DEGF: Report the winter maximum allowable temperature (in degrees Fahrenheit) of cooling water at the outfall to the receiving water body.
11	Winter Temperature Limit - Mixing (N2) DEGF: Enter the winter maximum allowable temperature (in degrees Fahrenheit) of cooling water at the limit of the defined mixing zone.
12	Frequency of Monitoring (A1): Enter the frequency of temperature monitoring of cooling water effluent. Enter "C" for continuously, "H" for hourly, "D" for daily, or "O" for other. (TYFREQ)
13	Licensed Project Water Use Indicator (A1): If source water or water into which discharge is made is under jurisdiction of Federal Power Commission Licensed Project, enter "1"; if not, enter "0". (INYONO)
14	Licensed Project Number (A5): Enter the code for the licensed project, if indicated in data field 13 above, from the Register of Data Standards, IDLPRJ.
15 (Key)	License Authority Type (N1): Enter the type of authority issuing licenses or permits for water use, from the Register of Data Standards, TYGWMA. If more than one authority is involved, enter the type in successive licensing authority type fields.
16	License Authority Description (A25): For each licensing authority type listed in data field 15 above, enter the name of the authority in the adjacent data field 16. (IDDESC)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0629	PLANT SEWAGE EFFLUENT TREATMENT DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule will collect information on treatment and disposal of plant sewage effluent by steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with steam-electric generating plants with a capacity of 25 megawatts or greater during the subject year. Note that data fields 6-11 are intended to collect the designed effluent treatment parameters of the system.

B. Respondents shall complete all data fields on this schedule annually.

C. If respondents have more than one sewage facility, data for each facility would be reported in separate entry.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Disposal Type (A2): Report the type of disposal used for plant sewage: "PS" for public sewer, "ST" for septic tank, "SW" for surface water body, or "OT" for other type. (TYSWDS)
3	Other Sewage Disposal Explanation (A20): If "OT" is entered in data field 2 above, enter a brief description of the other plant sewage disposal type. Abbreviate if necessary. (IDDESC)
4	Water Body Receiving Discharge (A20): Report both the name and the type of water body receiving plant sewage disposal discharge (e.g., enter "Mississippi River", not "Mississippi" or "River"). (IDDESC)
5 (Key)	Indicator Time of Observation Before/After (N1): This is a preprinted data field. "1" indicates data obtained before treatment; "2" indicates data obtained after treatment. (INETOR)
6	Basic Oxygen Demand (N2) PPM: Enter the basic oxygen demand (in parts per million).
7	pH (N2) pH: Enter pH reading.
8	Phosphates (N3) PPM: Enter phosphate value (in parts per million).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0629	PLANT SEWAGE EFFLUENT TREATMENT DESIGN DATA	2 of 2

Data Field Number	Instructions
9	Name Other Quality (A20): Enter a brief description name of any other pertinent method of evaluating treatment of plant sewage effluent. (IDDESC)
10	Other Quality Amount (N3) NO: Enter the quantitative measurement of value scale associated with data field 9 above.
11	Other Quality Units (A5): Enter the unit of measurement associated with data fields 9 and 10 above. (TYUNMS)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0628	PLANT WATER TREATMENT - SETTLING POND AND DISCHARGE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on discharges of ash and boiler water blowdown to natural water bodies by steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For boiler water blowdown which does not actually go to a settling pond, but goes directly into a natural water body, complete data fields 8, 9, 10, 11, and 12 and enter zeros into data field 2, Pond Number.

D. Report only the final discharge pond or ponds which discharge into natural water bodies. Do not report on ponds which discharge into other ponds.

E. Do not report discharge between ponds.

F. If the pond discharges to a public sewer or if the pond dissipates by seepage into the ground or by evaporation, do not complete data fields 8, 9, 10, 11, and 12 but enter appropriate codes into data field 5, Method of Discharge.

G. "Ash Settling" ponds include both bottom ash and flyash ponds.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Pond Number (N2): Enter a two-digit unique identification number assigned by the respondent, to each separate settling pond being reported for the plant identified in data field 1 above. Enter zeros when reporting discharges where no settling pond is involved. (IDEQPT)
3	Pond Type (N1): Enter one of the following codes when data field 2 above is non-zero: (INETOR) 1 = Boiler Water Blowdown Pond 2 = Ash Settling Pond (including bottom and flyash) 3 = Combination of 1 and 2 above If data field 2 above is zero, leave this data field blank.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0628	PLANT WATER TREATMENT - SETTLING POND AND DISCHARGE DATA	2 of 2

Data Field Number	Instructions
4 (Key)	Discharge Identification (N1): Enter a unique single digit numeric code, 1 through 9, assigned by the respondent. This code is used to identify each discharge being reported. This is not an event oriented report and if conditions vary for a given discharge, worst conditions are to be reported. (NRCADL)
5	Method of Discharge (A2): Enter one of the following codes for each discharge identified in data field 4 above: (TYSWDS) SW = Natural surface body of water SG = Seepage into ground PS = Public sewer SV = Evaporation RC = Recycled back into water treatment system
6	Evacuation Procedure (A20): Describe briefly the evacuation procedure or cleaning method for each pond. (IDDESC)
7	Cleaning Frequency (N3) NO/YR: Enter the number of times pond is cleaned annually.
8	Estimate pH (N2) pH: Enter pH value for water as it is discharged from the pond and not as it stands in the pond.
9	Suspended Solids (N3) PPM: Enter the suspended solids value (in parts per million) for water as it is discharged from the pond and not as it stands in the pond.
10	Surface Area (N8) ACRE: Enter the pond surface area (in acres).
11	Discharge Volume (N9) CFY: Enter the discharge volume (in cubic feet per year). This is the volume discharged to a water body whether or not a settling pond was actually used.
12	Water Body Receiving Discharge (A20): Enter the name of the water body and its type as in data field 11 below. (IDDESC)
13	Source of Sluicing and Cleaning Water (A30): Complete this data field only for ash settling ponds. Give the name of the water body as well as its type (e.g., "Mississippi River" rather than "River of Mississippi"). Abbreviate if necessary. (IDDESC)
14	Amount of Ash Treated (N7) TON: Enter (in tons per year) the quantity of ash treated or handled during the year. Include both flyash and bottom ash.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0630	COMBINED-CYCLE PLANT DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the configuration of gas-turbine and steam-electric units operating in combined-cycle.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants having combined-cycle installed steam-electric generating capacity of 25 megawatts or greater and gas-turbines of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. On the lower half of this schedule, please enter a brief description of the operation of the combined cycle plant. Include a schematic of the plant configuration. Submit the schematic as an attachment.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Combined Cycle Generating Group ID (A5): Enter the unique identification code initially assigned by the respondent to this particular combined-cycle generating group. This code must always be used when referring to this equipment from schedule to schedule and from year to year. (IDEQPT)
4	Combined Cycle Gas-Turbine Generating Group ID (A5): Enter the unique identification code assigned by the respondent to each group of gas-turbines operating in combined-cycle at the plant being described. If more than one such group exists at the plant, complete a separate line on this schedule for each group. Note: The identification codes assigned in this data field must correspond to those assigned to the Gas-Turbine Generating Group in Schedule 0611, data field 3 and Schedule 0614, data field 5. (IDEQPT)
5	Combined Cycle Steam-Electric Generating Group ID (A5): Enter the unique identification code assigned by the respondent to each group of steam-electric generating units operating in combined-cycle at the plant being described. If more than

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0630	COMBINED-CYCLE PLANT DATA	2 of 2

Data Field Number	Instructions
5 (cont'd)	one such group exists at the plant, complete a separate line on this schedule for each group. Note: The identification codes assigned in this data field must correspond to those assigned to the Steam-Electric Generating Group in Schedule 0614, data field 3. (IDEQPT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0631	STEAM-ELECTRIC PLANT CAPABILITY DATA	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on the net capability of steam-electric plants under operating conditions as listed in the detailed instructions below.

II. GENERAL INSTRUCTIONS

A. This schedule will be submitted by electric utilities for all plants with steam-electric installed capacity of 25 megawatts or greater during the subject year (including nuclear plants).

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data fields 7 and 8 refer to net plant capability (as defined in General Instructions for Electric Utility Respondents) based on power factor conditions normally to be expected at time of system peak.

D. The preprinted values of Condition Code, data field 3, should be interpreted as follows:

1 With largest generating unit out of service
2 With largest boiler unit out
3 With all equipment in service

Enter date, in data field 4, appropriate to the Condition Code.

On each occurrence of data fields 1-4 there will be three occurrences of data fields 5-7. The preprinted values of Duration, data field 5, should be interpreted as follows:

1 One-hour duration
2 Two-hour duration
3 Continuous duration

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0631	STEAM-ELECTRIC PLANT CAPABILITY DATA	2 of 2

Data Field Number	Instructions
3 (Key)	Condition Code (N1): This is a preprinted data field. See General Instruction II D. (TYSTON)
4	Power Factor (N1.2) NO: Report the power factor for each type of condition (specified in data field 3 above) in per unit.
5	Duration (N1): This is a preprinted data field. See General Instruction II D. (TYLDDR)
6	Capability - Not Limited (N5.2) MW: Report the net plant capability under the condition and duration specified in data fields 3 and 6. "Capability" in this case, refers to plant operation when not limited by condenser water or ambient temperature.
7	Capability - Limited (N5.2) MW: Report the net plant capability under the condition and duration specified in data field 3 and 6 above. "Capability" in this case refers to plant operation during periods when limited by condenser water or ambient temperature.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0632	SMALL PLANT DESIGN DATA AND COSTS	1 of 2

I. DESCRIPTION

This schedule is designed to collect general design data on small electric generating plants as defined in General Information, II-A below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small electric generating plants as follows: Steam-electric generating types with less than 25 megawatts of installed generating capacity (maximum nameplate rating) during the subject year; hydro-electric, pumped storage, internal-combustion, and gas-turbine generating types with less than 10 megawatts of installed generating capacity (maximum nameplate rating) during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and the changed values, additions, and deletions.

C. If any plant is equipped with combinations of steam, hydroelectric, pumped-storage, internal-combustion or combustion turbine equipment, report each generating type separately using the same plant code in data field 1.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type as follows: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion
3	Year Originally Constructed (N4): Enter the year in which plant construction began, in the format YYYY. (TMYEAR)
4	Year Last Unit Installed (N4): Enter the year in which last unit was installed, in the format YYYY. (TMYEAR)
5	Nameplate Rating (N5.2) MVA: Enter the nameplate rating (in MVA) of the plant.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0632	SMALL PLANT DESIGN DATA AND COSTS	2 of 2

Data Field Number	Instructions
6	Ultimate Generating Capacity (N5.2) MW: Report the planned ultimate generating capacity (in megawatts) of the plant.
7	Full Load (N6) BTU/KWH: Enter the fuel consumption (in BTU per kilowatt-hour) of fuel burning plants when operating under full load conditions.
8	Hydroelectric Drainage (N5) SQMI: Report the drainage area (in square miles) of hydroelectric installations.
9	Hydroelectric Pondage (N4) ACFT: Report the usable pondage or storage (in acre-ft) at the site of the hydroelectric installation.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0633	SMALL PLANT GENERATING GROUP DESIGN DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the design parameters of generating units installed at small electric generating plants as defined in II. A. below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small plants with installed generating capacity (maximum nameplate rating) as follows: Steam-electric, less than 25 megawatts; hydroelectric (including pumped storage); internal-combustion and gas-turbine with less than 10 megawatts during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type as follows: (TYPLFW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion
3 (Key)	Small Plant Generating Group ID (A5): Enter the unique identification code, assigned by the respondent to each generating group. Complete one entry for each generating group composed of identical units. (As defined in Part III of the General Instructions for Electric Utility Respondents.) (IDEQPT)
4	First Generating Unit ID (A5): Enter the respondent's commonly used designation for the first generating unit in the group defined in data field 3 above. (IDDESC)
5	Number of Units (N2) NO: For each entry (i.e., generating group) enter the number of identical units making up the group.
6	Generator Unit Nameplate Rating (N5.2) MVA: Enter the maximum nameplate capacity rating of the typical (i.e., one of the identical units) unit in the generating group.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0633	SMALL PLANT GENERATING GROUP DESIGN DATA	2 of 2

Data Field Number	Instructions
7	Nameplate Rating (N5.2) MW: Enter the maximum nameplate capacity rating of the typical (i.e., one of the identical units) unit in the generating group.
8	Power Factor (N1.2) NO: Enter the nameplate rating power factor of the typical (i.e., one of the identical units) unit in the generating group (in per unit).
9	Operating Speed (N4) RPM: Enter the operating speed (in RPM) of the typical unit in the group.
10	Voltage (N3.2) V: Enter the generator voltage of the typical unit in the group.
11	Phase (N1) NO: Enter the phase of the generator, i.e., enter either "1", "2", or "3".
12	Frequency (N2) HZ: Enter the frequency (generator) of the typical unit in the group. For example, "60" Hertz.
13	Year Unit Installed (N4): Enter the year in which the last unit of the group was installed, in the format YYYY. (IMYEAR)
14	Indicator Unit New (N1): Were the units new when installed? Enter "1" for yes; "0" for no. (INYONO)
15	Year Manufactured (N4): If the answer to data field 14 above is "no", enter the year in which the units were manufactured, in the format YYYY. (IMYEAR)
16	Year Rebuilt (N4): If the answer to data field 14 above is "no", enter the year in which the units were rebuilt, in the format YYYY. (IMYEAR)
17	Waterwheel Design Head (N6) FT: Enter the design head (in feet) of the waterwheel associated with the typical unit, if hydroelectric.
18	Efficiency for Hydroelectric (N3.2) CFS/KWH: Enter the efficiency factor of the typical unit, if hydroelectric.
19 (Key)	Fuel Type (N2): For each fuel type burned enter the code, from the Register of Data Standards, ITFUEL. Report only the three major fuels burned, listing primary fuel first, if multiple types are used. Do not include fuels for flame stabilization and start up.
20	Heat Rate (N6) BTU/KWH: For each fuel type listed, enter the full load fuel consumption (in BTU per kilowatt hour).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0634	ANNUAL PLANT CAPACITY - OUTPUT AND FUEL DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on installed capacity, generation and fuel usage for all electric generating plants, including nuclear and hydroelectric as well as fossil fuel-fired plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all electric generating plants whose generation is included in systems designated as Type I.

B. Respondents shall complete all data fields on this schedule annually.

C. If any plant is equipped with combinations of hydro, pumped storage, steam-electric internal combustion, or gas-turbine units, then each generating type should be reported separately using the same plant code in data field 1. However, steam-electric and gas-turbine units operating in combined cycle should be reported combined.

D. The respondent should complete either data field 7 or data field 8 depending upon the situation of the plant being reported.

E. In reporting data fields 14-16, all fuels, including those used for minor uses such as flame stabilization should be considered.

F. For jointly owned units, report only the respondents share of total capacity, gross generation and net generation. All other owners must report the same way.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for type of generation from the following list: Note: See General Information, II-C. (TYPLFW) HY = Hydroelectric (conventional) ST = Steam-Electric HP = Hydroelectric (pumped storage) GT = Gas-Turbine IC = Internal Combustion CC = Combined Cycle
3	Nameplate Rating (N5.2) MW: Enter the total installed generating capacity for each type of generation (as defined in

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DETAILED INSTRUCTIONS: SCHEDULE 0634	ANNUAL PLANT CAPACITY - OUTPUT AND FUEL DATA	2 of 3

Data Field Number	Instructions
3 (cont'd)	data field 2 above) as of the end of the subject year. Use maximum nameplate ratings. Include both main and auxiliary units.
4	Capacity Main Units (4.1) MW: Enter the total installed generating capacity of main generating units only, for each type of generation (as defined in data field 2 above) as of the end of the subject year. Use maximum nameplate ratings.
5	Capacity Auxiliary Units (N4.1) MW: Enter the total installed generating capacity of auxiliary or house generating units only, for each type of generation (as defined in data field 3 above) as of the end of the subject year. Use maximum nameplate ratings.
6	Gross Generation (N11) MWH: Enter the total annual output of all main generating units and all auxiliary generating units for each type of generation (as defined in data field 2 above) for the subject year.
7	Number of Employees (N4) NO: Enter the total number of employees for each type of generation at year end (as defined in data field 2 above). See also data field 8 below.
8	Average Annual Number of Employees (N4) NO: If a group of employees attend more than one type of generation, enter the approximate average number of employees assignable to each type of generation (as defined in data field 2 above) for the year.
9	MWH of Plant Use (N7) MWH: Enter the total amount of the energy, reported in data field 6 above, consumed during the subject year for plant light and power and for plant auxiliaries. Energy for synchronous condenser operation in plant may also be included in data field 9 if it is treated as "plant use" in respondent's books. Do not include energy used for pumping in pumped storage plants (see data field 10 below).
10	Pumping Energy (N5.1) MWH: Enter amount of energy used for pumping during the subject year, for pumped storage plants only.
11	Net Generation (N10) MWH: Enter net generation for each type of generation (as defined in data field 2 above) for the subject year. This amount should be the difference between gross generation (data field 6 above) and pumping energy (data field 10 above).

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Data Field Number	Instructions
12	Maximum Net Peak Demand (N10) MW: Enter the maximum net 60-minute peak demand on plant during subject year.
13	Hours to Load (N4) HR: Enter the number of hours plant was connected to load during the subject year.
14	Composite Average BTU - All Fuels (N7) BTU: Report for subject year in BTU.
15	Composite Fuel Cost Per KWH (N4.2) DOL/KWH: Enter the composite cost per KWH of all fuels burned during the subject year.
16	Heat Rate Efficiency (N5) BTU/KWH: Enter the composite heat rate (in BTU/KWH) for thermal plants for the subject year; for hydroelectric plants, leave blank.

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DETAILED INSTRUCTIONS: SCHEDULE 0635	MONTHLY UTILITY PLANT DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on installed capacity, net generation, fossil fuel consumption and stocks from all electric utility power plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utility power plants.

B. Respondents shall complete data fields 1-6 on this schedule monthly and complete data fields 7 and 8 when fuel type entered in data field 4 is gas, oil or coal.

C. One logical entry (i.e., one line) must be completed for each fuel type within the prime mover type. For example, a steam-electric plant using coal, oil and gas for generation during a given month must complete three separate logical entries on this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for prime mover generator type, as follows: (TYPLTW) HY = Hydroelectric (conventional) ST = Steam-Electric HP = Hydroelectric (pumped storage) GT = Gas Turbine IC = Internal Combustion CS = Steam, Combined Cycle CG = Gas Turbine, Combined Cycle
3	Plant Status (A1): Enter the abbreviation for plant status, from the Register of Data Standards, TYSTOS.
NOTE:	For data fields 4-8: Report fuel types in data field 4 and related data in data fields 5-8. If the respondent is unable to break down any data by fuel type, leave the data field blank for that particular fuel type. After reporting data for all data fields for each prime mover, report total plant data for data fields 5 and 6, entering code "99" in data field 4.
4 (Key)	Fuel Type (N2): Enter the type of fuel associated with the prime mover generator type entered in data field 2 above, from the Register of Data Standards, TYFUEL.

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DETAILED INSTRUCTIONS: SCHEDULE 0635	MONTHLY UTILITY PLANT DATA	2 of 2

Data Field Number	Instructions
5	Installed Generating Capacity (N7.1) MW: Where possible, enter the installed generating capacity (in megawatts) for each fuel type within each prime mover type. Enter capacity as of the end of the subject month. The capacity should represent the total of the manufacturer's generator nameplate ratings at the end of the month, exclusive of auxiliary or house units. Where a generator nameplate shows two or more ratings, use the maximum rating.
6	Net Generation (N10.1) MWH: Enter the net generation (i.e., gross less use by power plant for auxiliary equipment) for each prime mover and fuel type combination. To report negative quantities refer to General Instructions, Level 1.
7	Quantity Fuel Consumed for Generation (N7.1) NO: Enter the actual or estimated amount of fuel used for each prime mover and fuel type combination during the subject month. Enter only the quantity of fuel used in generating electric energy, including fuel for maintenance of standby service. Report in the following units: coal, 1000 short tons; fuel oil, 1000 42-gallon barrels; gas, 1000 Mcf.
8	Fuel Stocks - End of Month (N8.1) NO: Enter coal and fuel oil (in the same units of measure as data field 7 above) held for electric energy generation, including regular stocks at the plant and in cars or barges at the plant site. Amounts held in central storage yards should also be included and footnoted.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect data on the cost and quality of fossil fuels delivered at electric generating plants on a monthly basis.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants which have a total combined steam-electric, combustion turbine and internal combustion engine powered generating capacity of 25 megawatts or greater during the reporting month.

B. Respondents shall complete all the data fields on this schedule monthly.

C. Units of fuel to be reported separately, in each logical entry, for the month are total quantities representing individual laboratory analysis, combination of samples, or any other basis used for determining payment for each fuel supplier for the total receipts for the month.

D. Do not report negative quantities of zero values to reflect inventory adjustments, etc. Use footnotes to explain any such descriptions.

E. Notice that one logical entry can contain data for one type of fuel only, therefore some of the data fields would always remain blank (i.e., if the data is for "coal" data fields 23-28 will be blank).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Month Code (N2): Enter the two-digit numeric code for month (i.e., January 01, October 10, etc.) as specified in the Register of Data Standards, TMMOYR.
3	Purchaser Entry ID (N3): Enter sequential number, assigned by the respondent to each fuel purchase (i.e., purchase one would be 001, purchase ten would be 010). (NRCADL)
4	Generating Type (A2): Enter one of the abbreviations for "type of generation", from the following list: (TYPLPW) ST - Steam Turbine GT - Gas Turbine IC - Internal Combustion
5	Purchase Type (A2): Enter the abbreviation for type of purchase from the following list. Note: The purchase type for gas would be different than coal and oil. (TYPLPR)

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DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	2 of 4

Data Field Number	Instructions
5 (cont'd)	Coal & Oil Purchases, use only the following codes: S - for "spot" purchase; NC - for new or newly renegotiated contract purchase under which deliveries were first made during the reporting month; CE - for contract purchases under which the price is changed from the price of the previous delivery under an existing contract due to provisions for automatic price adjustment; or O - for all other contract purchases. For gas purchases, use only the following codes: I - for "interruptible", F - for "firm"; and OP - for "off peak".
6	Length of Original Contract (N2) YR: Enter the total number of years during which fuel was to be delivered under the existing contract.
7	Time Until Expiration (N2) YR: Enter the number of years remaining before the existing contract expires. Round to the nearest year (i.e., if the contract duration involves seven months or more, round up to the higher year; for less than seven months, round down to the lower year).
8	Mode of Transportation (A2): Enter the major mode of transportation as specified in the Register of Data Standards, TYTRAN.
9	Generic Fuel Type (N2): Enter fuel type code for coal, oil and gas as provided, from the Register of Data Standards, TYFUEL.
10	Specific Fuel Type (N2): Enter the code for type of fuel (from the Register of Data Standards, TYFUEL) within the Generic Fuel Type specified in data field 9 above (i.e., anthracite which is a type of coal -- the code for anthracite will be reported in this data field, as in data field 9 above, since the Generic Fuel Type is coal).
11	Quantity (N7) NO: Specify quantities in units of a thousand (use thousands of tons for coal, thousands of barrels for oil and other liquid fuels and thousands of Mcf for gas). For example, if 213,000 tons of coal is delivered during the reporting month, report 213. Show separate quantities for each class of fuel. To derive the quantity, group all fuels

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DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	3 of 4

Data Field Number	Instructions
11 (cont'd)	received within the month from the supplier for which the price was based upon a given or related set of laboratory analysis. For quantities of fuel received from a given supplier during the month for which no laboratory analysis is made, report on the basis of the last previous laboratory analysis upon which price paid was determined for that supplier or on the basis of contract specifications or estimates, and specify in a footnote the basis used.
12	BTU Content (N6) BTU: List the average BTU content of each fuel in terms of BTU per pound of coal, BTU per gallon for oil (and other liquid products), or BTU per cubic foot for gas.
13	Sulfur Content (N2.2) PCT: Show sulfur content of each unit-of-fuel in terms of per cent sulfur by weight. Show accurate to nearest 0.01 per cent.
14	Ash Content (N2.1) PCT: Show ash content of each unit-of-fuel in terms of per cent sulfur by weight. Show accurate to nearest 0.1 per cent.
15	Purchase Cost (N4.1) DOL: Enter the cost in cents per million BTU FOB Plant. Show accurate to the nearest 0.1 cent.
16	Coal Type (A1): Enter the abbreviation from the following list for the type of coal mine: (TYMINE) S - Surface Mined U - Underground Mined G - Underground Portion Greater than Surface Portion P - Surface Portion Greater than Underground Portion
17	BOM District Number (N2): Enter the code for BOM coal producing district number from which the coal originated, from the Register of Data Standards, IDCLDS.
18	Coal State of Origin (A2): Enter the abbreviation for state in which the coal was produced, from the Register of Data Standards, IDSTAT.
19	Mine County Code (N3): Enter the code for county from which coal originated, from the Register of Data Standards, IDC.
20	Indicator Coal Washed (N1): Enter "1" for yes if the coal washed before consumption; if not, enter "0". (INYONO)
21	Coal Company Name (A35): Enter the name of the coal company that mined the coal, abbreviate if necessary. (IDNAME)
22	Coal Mine Name (A26): Enter the name of coal mine, abbrev if necessary. (IDNAME)

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DETAILED INSTRUCTIONS: SCHEDULE 0636	MONTHLY PLANT FUEL COST AND QUALITY DATA	4 of 4

Data Field Number	Instructions
23	Oil Supplier (A35): Enter the name of the oil supplier, abbreviate if necessary. (IDOLSP)
24	Oil Refinery Name or Port of Entry (A35): Enter the name of the oil refinery or port of entry, abbreviate if necessary. (IDNAME)
25	Gas Pipeline Supplier (A35): Enter the name of the gas pipeline supplier, abbreviate if necessary. (IDRESP)
26	LNG Port of Entry (A35): Enter the port of entry if the fuel is LNG, abbreviate if necessary. (IDNAME)
27	Indicator Interstate (N1): Enter "1" if the price of the purchased gas is regulated by the Federal Power Commission; if not, enter "0". (INYONO)
28	Gas Producing State (A2): Enter the abbreviation for the state in which purchased gas is produced, from the Register of Data Standards, IDSTAT.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0637	ANNUAL LARGE PLANT FUEL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the cost, quality, and quantity of each type of fuel burned at fossil fuel-fired and nuclear generating facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all steam-electric, including nuclear, internal-combustion and gas-turbine as follows: Steam-electric (including nuclear), generation of 25 megawatts or greater; internal-combustion and gas-turbine facilities, 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Complete one entry (data fields 1-12) for each type of fuel burned at a plant during the subject year.

D. Quantities of fuel burned (data field 6) and average cost per unit of fuel burned (data field 9) should be consistent with charges to expense accounts 501.00 and 547.00, as reflected in data field 10.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter the type of generation associated with each type of fuel reported, as follows: (TYPLPW) ST = Steam-Electric IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Fuel Type (N2): Enter the code for each type of fuel burned, from the Register of Data Standards, TYFUEL.
4	Fuel Use Indicator (N1): Code for nuclear fuel only: "1" for initial load; or "2" for supplementary load. (INETOR)
5	Fuel Unit (A4): Enter "TONS" for coal, "MCF" for gas, "BBL" for oil, or "KG" (kilograms) for nuclear. These units of measure are standard and should not be altered when reporting fuel. (TYUNMS)

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DETAILED INSTRUCTIONS: SCHEDULE 0637	ANNUAL LARGE PLANT FUEL DATA	2 of 2

Data Field Number	Instructions
6	Quantity Fuel Burned (N9) NO: Enter the quantity of each type of fuel burned during the subject year. As specified in data field 5 above, report all coal quantities in tons (2,000 pounds), all fuel oils in barrels (42 gallons), gas in MCF (million cubic feet), and nuclear fuel in kilograms.
7	Average BTU Per Unit (N7) BTU: Enter the average BTU content of each type of fuel listed in data field 3 above. Report coal in BTU per pound; all fuel oils in BTU per gallon; gas in BTU per cubic foot; and nuclear fuel in BTU per gram.
8	Average Cost Per Unit Delivered (N6.2) DOL: Enter the average cost (in dollars and cents per ton, barrel, MCF, or kilogram) of each type of fuel as delivered F.O.B. plant during the subject year.
9	Average Cost Per Unit Burned (N6.2) DOL: Enter the average cost (in dollars and cents per ton, barrel, MCF, or kilogram) of each type of fuel as burned at plant during the subject year.
10	Cost Per Million BTU (N3.2) DOL/MBT: Enter the cost (in dollars and cents per million BTU) of each type of fuel as burned at plant during the subject year.
11	Fuel Cost Per KWH Generated (N2.2) MIL/KWH: Enter the cost (in mills per kilowatt hour) of each type of fuel per kilowatt hour of energy generated.
12	BTU Per KWH Generated (N5) BTU/KWH: Enter the average heat rate (in BTU per KWH) of each type of fuel burned at plant during the subject year.

PROPOSED RULES

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0638	INTERNAL-COMBUSTION AND GAS-TURBINE PLANT COSTS AND EXPENSES	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on costs and expenses associated with internal-combustion and gas-turbine electric generating plants.

II. GENERAL INFORMATION

A. This schedule will be submitted by electric utilities for all plants with internal-combustion or gas-turbine generating capacity of 10 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas-turbine units functioning in combined cycle with conventional steam units should be reported on Schedule 0643, Steam Electric Costs and Expenses.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "IC" for internal-combustion engines; or "GT" for gas-turbines. If a plant is equipped with both types of units, complete a set of data fields for each type of generation. (TYPLPW)
3	Land and Land Rights Costs (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N9) DOL: Enter the amount (in dollars).
5	Equipment Cost (N9) DOL: Enter the amount (in dollars).
6	Total Plant Cost (N10) DOL: Enter the amount (in dollars) for the total plant cost.
7	Cost Per KW Installed Capacity (N5.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
8	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses (in dollars) incurred in the operation of the plant.
9	Fuel Expenses (N10) DOL: Enter plant production expenses (in dollars) for fuel.

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DETAILED INSTRUCTIONS: SCHEDULE 0638	INTERNAL-COMBUSTION AND GAS-TURBINE PLANT COSTS AND EXPENSES	2 of 2

Data Field Number	Instructions
10	General Expenses (N8) DOL: Enter any production expenses (in dollars) not otherwise classified on this schedule.
11	Electric Expenses (N8) DOL: Report operating expenses (in dollars) as detailed in Federal Power Commission Accounts 548.00 and 549.00.
12	Miscellaneous Power Expenses (N8) DOL: Enter all miscellaneous power expenses (in dollars) associated with plant productions.
13	Rent Expenses (N8) DOL: Enter the total of all expenses for rent (in dollars) associated with plant production.
14	Maintenance Expenses - Supervision and Engineering (N8) DOL: Report all maintenance expenses (in dollars) associated with supervision and engineering.
15	Maintenance Expenses - Structures (N8) DOL: Enter all expenses (in dollars) associated with maintenance of structures.
16	Maintenance Expenses - Electric Plant (N8) DOL: Enter all expenses (in dollars) associated with maintenance of the electric plant.
17	Maintenance Miscellaneous Power Expenses (N8) DOL: Enter the maintenance miscellaneous power expenses (in dollars).
18	Total Production Expenses (N10) DOL: Enter the total amount (in dollars) for all production expenses.
19	Expenses Per Net KWH (N5.2) MIL/KWH: Enter expenses (in mills) per net kilowatt hour.

PROPOSED RULES

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0641	HYDROELECTRIC PLANT COSTS AND EXPENSES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on costs and expenses associated with hydroelectric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with hydroelectric generating capacity of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

C. The items under cost of plant, data fields 3-9, represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses".

D. If any plant is equipped with combinations of hydro-electric and steam, internal combustion, or gas-turbine equipment, each type should be reported as a separate plant on the appropriate cost and expense schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Preprinted "HY" indicating hydroelectric generation. For internal Federal Power Commission processing only. (TYPLPW)
3 (Key)	Land and Land Right Cost (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N9) DOL: Enter the plant cost of this item (in dollars).
5	Reservoirs, Dams, and Waterways Cost (N9) DOL: Enter the plant cost of these items (in dollars).
6	Equipment Cost (N9) DOL: Enter the plant cost of equipment (in dollars).
7	Roads, Railroads, and Bridges Cost (N8) DOL: Enter the total plant cost of these items (in dollars).
8	Total Plant Cost (N10) DOL: Enter the amount of the total plant cost (in dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0641	HYDROELECTRIC PLANT COSTS AND EXPENSES	2 of 2

Data Field Number	Instructions
9	Cost Per KW Installed Capacity (N6.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
10	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses incurred in the operation of the plant (in dollars).
11	Water for Power Expense (N8) DOL: Report the amount of all water for power expenses (in dollars).
12	Hydraulic Expenses (N8) DOL: Enter the amount for hydraulic expenses (in dollars).
13	Electric Expenses (N8) DOL: Report the total (in dollars).
14	Miscellaneous Hydraulic Power Generation Expenses (N8) DOL: Enter the total of all miscellaneous hydraulic power generation expenses (in dollars).
15	Rent Expenses (N8) DOL: Enter the total of all expenses for rents associated with plant production (in dollars).
16	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter the total of all supervision and engineering expenses incurred in the maintenance of the plant (in dollars).
17	Maintenance Expenses - Structure (N8) DOL: Enter the total of all expenses associated with the maintenance of structures (in dollars).
18	Maintenance Expense - Reservoirs, Dams, and Waterways (N8) DOL: Enter the total of all expenses incurred in the maintenance of reservoirs, dams and waterways (in dollars).
19	Maintenance Expense - Electric Plant (N8) DOL: Report the total for the maintenance of electric plant (in dollars).
20	Maintenance Expense - Miscellaneous Hydraulic Plant (N8) DOL: Report the total incurred in the maintenance of miscellaneous hydraulic plant.
21	Joint Multiple Use Operating Expenses (N5) DOL: Enter the joint or multiple use operating expenses (in dollars).
22	Joint Multiple Use Maintenance Expenses (N5) DOL: Enter the joint or multiple use maintenance expenses (in dollars).
23	Total Production Expenses (N10) DOL: Enter the total of all production expenses (in dollars).
24	Expenses MILS Per Net KWH (N4.1) MIL/KWH: Enter the joint or multiple use maintenance expenses (in mils).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0642	PUMPED STORAGE PLANT COSTS AND EXPENSES	1 of 3

I. DESCRIPTION

This schedule is used to collect data on costs and expenses associated with the construction, operation, and maintenance of pumped storage plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with pumped storage generating capacity of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

C. Include in the total for data field 24 (Pumping Expenses) the cost of energy used in pumping into the storage reservoir. When the item cannot be accurately computed, leave data fields 24, 27, and 28 blank. If these fields are not completed, submit an attached statement detailing the following: the company's principal sources of pumping power, the estimated amounts of energy from each station or other source that individually provides more than 10 per cent of the total energy used for pumping, and production expenses per net KWh as reported herein for each source described. Stations and other sources which individually provide less than 10 per cent of total pumping energy may be grouped. If contracts are made with others to purchase power for pumping, the supplier, contract number and date of contract should be stated. DO NOT append any additional information to the actual schedule of costs and expenses.

D. Data fields 3-9 represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses".

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Preprinted "HP" indicating type of plant as pumped storage. For internal Federal Power Commission processing only. (TYPLPW)
3 (Key)	Land and Land Rights Cost (N9) DOL: Enter the amount (in dollars).
4	Structures and Improvement Cost (N9) DOL: Enter the amount (in dollars) of the cost of structures and improvements.

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DETAILED INSTRUCTIONS: SCHEDULE 0642	PUMPED STORAGE PLANT COSTS AND EXPENSES	2 of 3

Data Field Number	Instructions
5	Reservoirs, Dams, and Waterways Cost (N9) DOL: Enter the plant cost of these items (in dollars).
6	Waterwheels, Turbine, and Generation Cost (N9) DOL: Report the plant cost of all waterwheels, turbines, and generators (in dollars).
7	Accessory Electric Equipment Cost (N8) DOL: Report the plant cost of any accessory electric equipment (in dollars).
8	Miscellaneous Power Plant Equipment Cost (N8) DOL: Enter the plant cost of any miscellaneous power plant equipment (in dollars).
9	Roads, Railroads, and Bridges Cost (N8) DOL: Enter the plant cost of these items (in dollars).
10	Total Plant Cost (N10) DOL: Enter the total plant cost (in dollars).
11	Cost Per KW Installed Capacity (N6.2) DOL/KW: Report the cost per kilowatt of installed capacity (in dollars and cents).
12	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expense incurred in the operation (in dollars).
13	Water for Power Expenses (N8) DOL: Report the amount of all water for power expenses (in dollars).
14	Pumped Storage Expenses (N8) DOL: Enter the total for pumped storage expenses (in dollars).
15	Electric Expenses (N8) DOL: Report the total (in dollars).
16	Miscellaneous Power Generation Expenses (N8) DOL: Enter the total of all miscellaneous pumped storage power generation expenses (in dollars).
17	Rent Expenses (N8) DOL: Enter the total of all expenses for rents associated with plant production (in dollars).
18	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter the total of all supervision and engineering expenses incurred in the maintenance of the plant (in dollars).

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DETAILED INSTRUCTIONS: SCHEDULE 0642	PUMPED STORAGE PLANT COSTS AND EXPENSES	3 of 3

Data Field Number	Instructions
19	Maintenance Expenses - Structures (N8) DOL: Enter the total of all expenses associated with the maintenance of structures (in dollars).
20	Maintenance Expenses - Reservoirs, Dams, and Waterways (N8) DOL: Report the total of all expenses incurred in the maintenance of all reservoirs, dams, and waterways (in dollars).
21	Maintenance Expenses - Electric Plant (N8) DOL: Report the total for the maintenance of electric plant (in dollars).
22	Maintenance Expenses - Miscellaneous Pumped Storage Plant (N8) DOL: Enter the total associated with the expense of maintaining the miscellaneous pumped storage plant (in dollars).
23	Production Expenses Before Pumping Expenses (N8) DOL: Enter the production expenses before pumping expenses (in dollars).
24	Pumping Expenses (N10) DOL: Report the total expense incurred in pumping (in dollars).
25	Joint or Multiple Use Operating Expenses (N5) DOL: Enter the joint or multiple use operating expenses (in dollars).
26	Joint or Multiple Use Maintenance Expenses (N5) DOL: Enter the joint or multiple use maintenance expenses (in dollars).
27	Total Production Expenses (N10) DOL: Enter the total of all production expenses (in dollars).
28	Expenses Per KWH (N4.1) MIL/KWH: Enter expenses per net kilowatt-hour (in mills).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	1 of 3

I. DESCRIPTION

This schedule is used to collect data concerning costs and expenses of steam-electric plants, operations fueled by nuclear power, and gas-turbine units functioning in combined cycle with conventional steam units. Selected plant operating parameters are also included in this schedule.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants as follows: Steam-electric (including nuclear or combined cycle) with installed generating capacity of 25 megawatts or greater. List steam and gas-turbine units operated as a combined cycle operation separately, if part of a multi-unit plant.

B. Respondents shall complete all data fields on this schedule annually.

C. If the respondent operates a generating plant which uses nuclear power, please append: (a) a brief explanatory statement concerning accounting for the cost of power generated including any attribution of excess costs to research and development expenses; (b) a brief explanation of types of cost units and with respect to the various components of the fuel cost, and (c) such additional information as may be informative concerning the type of plant, kind of fuel used, fuel enrichment by type and quantity for the reporting period and other physical and operating characteristics of the plant.

D. The item under cost of plant, represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production expenses do not include Purchased Power, System Control and Load Dispatching, or Other Expenses classified as "Other Power Supply Expenses".

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLPW)
3 (Key)	Land and Land Rights Cost (N10) DOL: Enter the amount (in dollars).
4	Structures and Improvements Cost (N10) DOL: Enter the amount (in dollars) for costs of structures and improvements.
5	Equipment Cost (N10) DOL: Enter the amount (in dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	2 of 3

Data Field Number	Instructions
6	Total Plant Cost (N8) MDOL: Enter the total plant cost (in thousands of dollars).
7	Cost Per KW Installed Capacity (N6.2) DOL/KW: Enter the cost per kilowatt of installed capacity (in dollars and cents).
8	Operation Expenses - Supervision and Engineering (N8) DOL: Enter all supervison and engineering expenses (in dollars) incurred in the operation of the plant.
9	Fuel Expenses (N10) DOL: Enter fuel expenses (in dollars) incurred during plant production.
10	Coolants and Water Expenses (N8) DOL: Report the production expenses (in dollars) incurred related to coolants and water. This element should be completed by nuclear plants only.
11	Steam Expenses (N8) DOL: Enter steam production expenses (in dollars).
12	Steam from Other Sources (N8) DOL: Enter expenses (in dollars) related to steam from other sources.
13	Steam Transferred - Cradit (N8) DOL: Enter the expense (in dollars) of steam transferred.
14	Electric Expenses (N8) DOL: Report the amount (in dollars).
15	Miscellaneous Steam or Nuclear Power Expenses (N8) DOL: Enter the miscellaneous expense (in dollars) incurred in the production of either steam or nuclear power.
16	Rent Expenses (N8) DOL: Report all rent expenses (in dollars) associated with plant production.
17	Maintenance Expenses - Supervision and Engineering (N8) DOL: Enter all supervision and engineering expenses (in dollars) related to maintenance of production facilities.
18	Maintenance Expenses - Structures (N8) DOL: Enter expenses (in dollars) related to maintenance of structures.
19	Maintenance Expenses - Boiler-Reactor (N8) DOL: Report the expense (in dollars) incurred in the maintenance of boiler or reactor plant.
20	Maintenance Expense - Electric Plant (N8) DOL: Enter expense (in dollars) incurred in maintenance of electric plant.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0643	STEAM-ELECTRIC PLANT COSTS AND EXPENSES	3 of 3

Data Field Number	Instructions
21	Maintenance Expense - Miscellaneous Steam or Nuclear (N8) DOL: Enter expense (in dollars) related to miscellaneous steam or nuclear plant.
22	Total Production Expenses (N10) DOL: Report the total (in dollars) of all production expenses.
23	Expenses Per Net KWH (N5.2) MIL/KWH: Enter all expenses (in mills) per net kilowatt hour.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0644	SMALL PLANT COSTS AND EXPENSES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on annual operations of small electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all small plants operated by all classes of respondents. Small plants are defined as steam-electric of less than 25 megawatts, internal-combustion or gas-turbine; conventional hydro and pumped storage plants of less than 10 megawatts installed capacity. If any plant is equipped with combinations of steam, hydro, internal-combustion or gas-turbine equipment, each should be reported separately using the same plant code in data field 1.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Registar of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type from the following: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas-Turbine
3 (Key)	Data Year (N4): Year for which data is being reported, in the format YYYY. (TMYEAR)
4	Non-Fuel Operating Expenses (N10) DOL: Enter production expenses (in dollars) for operation of plant for report year, excluding fuel expenses.
5	Maintenance Expenses (N8) DOL: Enter production expenses (in dollars) for maintenance of plant during the report year.
6	Total Production Expenses (N9) DOL: Enter total production expenses (in dollars) for report year.
7	Production Expense for Fuel (N9) DOL: Enter production expenses (in dollars) for fuel for report year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0644	SMALL PLANT COSTS AND EXPENSES	2 of 2

Data Field Number	Instructions
8	Plant Cost (N10) DOL: Enter the total cumulative cost (in dollars) of plant installation.
9	Cost per KW Installed Capacity (N6.2) DOL/KW: Enter the plant cost (in dollars and cents) per kilowatt of installed capacity.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0645	ANNUAL SMALL PLANT FUEL DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on fuels used at small electric generating plants, as defined below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil-fuel fired small electric generating plants as follows: steam-electric with less than 25 megawatts of installed generating capacity (maximum nameplate rating) during the subject year; internal-combustion or gas-turbine with less than 10 megawatts of installed generating capacity (maximum nameplate rating) during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter "ST" for steam-electric; "IC" for internal combustion engine; or "GT" for gas turbine. (TYPLPW)
3 (Key)	Fuel Type (N2): Enter the code for type of fuel used at plant during the subject year, from the Register of Data Standards, TYFUEL. Note: Complete one entry for each type of fuel used within each plant.
4	Fuel Quantity (N4) NO: Enter the quantity of each type of fuel consumed at plant during subject year. Report in the unit of measurement entered in data field 5 below.
5	Unit of Measure (A5): Enter the abbreviation for the unit of measurement for each quantity of fuel reported in data field 4 above, from the Register of Data Standards, TYUNMS.
6	Cost Per Million BTU (N4.2) DOL/MBT: Enter the annual average cost, in cents per million BTU, for each quantity of fuel reported in data field 4 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0647	ANNUAL LARGE PLANT UNIT PERFORMANCE DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect the data concerning unit performance of generating units for the reporting year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all large generating plants which have steam-electric generating capacity of 25 megawatts or greater and hydroelectric including conventional and pumped storage, internal combustion, and gas-turbine of 10 megawatts or greater.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key).	Generating Type (A2): Enter one of the abbreviations for type of generating unit, from the following list: (TYPLPW) ST = Steam-Electric HV = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine CS = Steam (combined cycle) CC = Gas Turbine (combined cycle)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent for each generating group. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique identification code assigned by the respondent to the generating unit. Each generating unit is to be reported in a seperate entry. (IDEQPT)
5	Hours On Line (N4) HR: Enter the number of hours during which the unit was actually on line.
6	Hours Available (N4) HR: Enter the number of hours during which the unit was not actually on line but was available for service.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0647	ANNUAL LARGE PLANT UNIT PERFORMANCE DATA	2 of 2

Data Field Number	Instructions
7	Maintenance Hours (N4) HR: Enter the total number of hours the unit was unavailable for service due to maintenance outages. A Maintenance Outage is the removal of a unit from service to perform work on specific components which could have been postponed past the very next weekend. This is work done to prevent a potential forced outage and which could not be postponed from season to season.
8	Planned Outages (N4) HR: Enter the total number of hours the unit was on scheduled outages. A Planned Outage is the removal of a unit from service for inspection and/or general overhaul of one or more major equipment groups. This is work which is usually scheduled well in advance (e.g., annual boiler overhaul, five-year turbine overhaul).
9	Unit Heat Rate (N5) BTU/KWH: Enter the annual average heat rate (BTU/KWH) for all units except Hydro.
10	Net Generation (N8) MWH: Enter the annual net generation of the unit during the subject year. Refer to General Instructions for reporting negative values.
11	Fuel Type (N2): Enter the code for the type of fuel that can be used, from the Register of Data Standards, TYFUEL. If unit can use more than one type of fuel, use combination code.
12 (Key)	Outage Sequence Number (N3): Enter a unique outage number assigned sequentially to each outage for each unit. As many as '6' outages per unit can be reported in one set of data by filling out same information (i.e., plant code, Gen. type, etc.) on first line. (NRCADL)
13	Outage Begin Date (N6): Enter the two-digit numeric code for the month, day and last two digits of the year, in that order, for outage beginning. (TMDATE)
14	Outage Time-of-Day (N2): Enter the hour of the day, on 24-hour time, the outage began, i.e., 2:00 PM = 14, etc. (TMHRDY)
15	Number of Outage Hours (N4) HR: Enter the number of hours during which each unit was on outage.
16	Cause of Outage (N3): Enter the code for the cause of outage from the Register of Data Standards, TYOUTC.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0648	ANNUAL PEAK DEMAND ON PLANT	1 of 2

I. DESCRIPTION

This schedule is used to collect data on annual plant operation at the time of system or pool peak.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all electric generating plants whose generation is included in systems designated as Type I.

B. Respondents shall complete all data fields on this schedule annually.

C. For jointly owned units, report only the respondents' share of capacity, capability, and plant demand at the time of the system peak load. All other owners must report the same way.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter one of the abbreviations for generating type, from the following list: (TYPLPW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine CC = Combined Cycle
3 (Key)	Indicator System or Pool (N1): Enter "1" if the data is for a single system; or enter "2" if the data is for pool or combined systems. (INETOR)
4	Peak Load Time (N2): Enter the time (in 24 hour clocktime) of the system peak load of the year. For example, 8 A.M. must be reported as 08 and midnight must be reported as 24. (TMHRDY)
5	Peak Load Date (N4): Enter the month and day, in the format MMDD, of the system peak load of the year. For example, January 1 must be reported as 0101 and December 31, must be reported as 1231. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0648	ANNUAL PEAK DEMAND ON PLANT	2 of 2

Data Field Number	Instructions
6	Demand Interval (N2): Enter the demand interval (in minutes) of the system peak load of the year), from the Register of Data Standards, TYDMIN.
7	Installed Capacity (N5.2) MW: Enter the total maximum nameplate rating of installed capacity (in megawatts) of generating units which were carrying load or operating as spinning reserve, in the plant, at the time of the system peak load of the year.
8	Net Plant Capability (N8) MW: Enter the net plant capability of the plant at the time of the system peak load of the year. Complete this field whether or not the plant was carrying load or was maintained as reserve at that time. Include the capacity of equipment which was out of service for maintenance or repair at that time and exclude the capacity of requirement not maintained in condition to operate for regular or emergency service. The "capability" of a plant refers to its load-carrying ability at the specified power factor and indicated time interval independent of other characteristics of the load. "Net plant capability" refers to the maximum load-carrying capacity normally available at time of system peak (station use deducted) for a period of one-hour.
9	Net Plant Demand (N8) MW: Enter the integrated net demand on the plant for the interval during which the system peak load of the year occurred.
10	Type of Service (A2): Enter the abbreviation for type of service, from the Register of Data Standards, TYUTSV.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0649	MONTHLY PLANT FUEL CONSUMPTION AND QUALITY	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the quantity and quality of fossil fuels consumed monthly at electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all fossil fuel-fired electric generating plants having a capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Complete one line of data for each month and each type of fuel consumed at plant. Annual totals and weighted averages are also required. Fuel quality values, in data fields 5-8, should be reported as weighted averages for the month, to the nearest 0.1 per cent (based on weight of fuel consumed). These values should be reported on an "as burned" basis. If quality is available on "as received" basis, or if fuel is a blend of two or more types of fuel with distinctly different qualities (e.g. Eastern and Western coal), this should be described in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Month (N2): Enter the correct code for the month, from the Register of Data Standards, TMMOYR.
3 (Key)	Fuel Type (N2): Enter the code for each type of fuel consumed at plant, from the Register of Data Standards, TYFUEL.
4	Consumption (N5.3) NO: Enter the monthly quantity (in the units specified below) of each fuel consumed at plant. Report quantities consumed in the following units: Coal - 1000 tons, Oil - 1000 barrels (42 gallon barrels), Gas - 1000 Mcf, rounded to three decimal places.
5	Btu Content (N6) BTU: Enter the weighted average heating value (in units specified below) for each quantity of fuel reported in data field 4 above. Report as follows: Coal and other solid fuels - Btu/Pound Oil and other liquid fuels - Btu/Gallon Gas and other gaseous fuels - Btu/Cubic foot

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0649	MONTHLY PLANT FUEL CONSUMPTION AND QUALITY	2 of 2

Data Field Number	Instructions
6	Sulfur Content (N1.3) PCT: Enter the average sulfur content (in percent of weight) for each quantity of coal or oil or other solid and liquid fuels reported in data field 4 above, rounded to three decimal places.
7	Ash Content (N2.2) PCT: Enter the average ash content (in percent of weight) for each quantity of coal or other solid fuels reported in data field 4 above, rounded to two decimal places.
8	Moisture Content (N2.1) PCT: Enter the average moisture content (in percent of weight) for each quantity of coal or other solid fuels reported in data field 4 above, rounded to one decimal place.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0650	ANNUAL BOILER FUEL USE AND OPERATION	1 of 2

I. DESCRIPTION

This schedule is used to collect data on fuel usage and operation factors of fossil fuel-fired boilers at steam-electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Repeat data field numbers 4-10 to the number of boilers in plant. Submit one schedule for each plant.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by the date field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the "Generating Group". (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to each boiler in the plant. (IDEQPT)
5	Coal Consumption (N4.3) MTON: Enter the annual coal consumption, in 1000 tons, of each boiler listed in data field 4 above.
6	Heavy Oil Consumption (N4.3) MBBL: Heavy oil consists of F04, F05, F06, or crude oil. Enter the annual heavy oil consumption, in 1000 barrels, of each boiler listed in data field 4 above.
7	Distillate Oil Consumption (N4.3) MBBL: Distillate oil is defined as fuel oil #2 (F02). Enter the annual distillate oil consumption, in 1000 barrels, of each boiler listed in data field 4 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0650	ANNUAL BOILER FUEL USE AND OPERATION	2 of 2

Data Field Number	Instructions
8	Gas Consumption (N4.3) MMCF: Enter the gas consumption, in 1000 Mcf, of each boiler listed in data field 4 above.
9	Total Operation Hours (N4) HR: Enter the total number of hours of boiler operation during year.
10	Capacity Factor (N3.2) PCT: Enter the capacity factor (percent) of the boiler using the following equation: $\frac{\text{(Pounds of steam produced during the year)}}{\text{(Maximum steam capacity in lbs/hr) X (Total hours in year)}} \times 100$

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0651	MONTHLY BOILER FUEL CONSUMPTION AND PEAK OPERATION	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the monthly fuel consumption and operation at peak periods of fossil fuel fired boilers at steam-electric generating plants.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by electric utility plants with fossil fuel-fired steam-electric generating capacity of 25 megawatts or greater during the subject year, for each boiler which operated or consumed fossil fuels for generation or standby service.

B. Respondents shall complete all data fields on this schedule annually.

C. Data fields 19-22 refer to 'System' peak weeks or lowest power period for 'System' and not to the plant or unit.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group associated with the boiler unit specified in data field 4 below. "Generating Group" is defined in the General Instructions - Electric Utility Respondents. (IDEQPT)
4 (Key)	Boiler ID (A5): Enter the unique identification code assigned by the respondent to the boiler being described in data fields 5-22 below. (IDEQPT)
5 (Key)	Fuel Type (N2): Show the type of fuel consumed in the boiler shown in data field 4 above. Enter the code, from the Register of Data Standards, TYFUEL.
6	January Amount (N4.3) NO: Enter the amount of fuel consumed in January for the type of fuel specified in data field 5. Report coal consumption in (1000 tons), oil in (1000 bbls), and gas in (1000 Mcf).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0651	MONTHLY BOILER FUEL CONSUMPTION AND PEAK OPERATION	2 of 2

Data Field Number	Instructions
7-17	February Amount - December Amount (N4.3) NO (each field): Enter the amount of fuel consumed for the month specified in the data field title. See data field 6 above, for further instructions.
18	Period (N1): This is a preprinted data field for Federal Power Commission internal processing only, (TMSNYR) 4 = Winter Peak Week 2 = Summer Peak Week 0 = Lowest Power Period Week
19	Weekday High Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of highest system output (weekdays), from the Register of Data Standards, TYBLOL.
20	Weekday Low Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of lowest system output (weekdays), from the Register of Data Standards, TYBLOL.
21	Weekend High Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of highest system output (weekends). The weekend period extends from midnight Friday to midnight Sunday, from the Register of Data Standards, TYBLOL.
22	Weekend Low Output (N1): Enter the appropriate boiler operation code for the consecutive four hours of lowest system output (weekends), from the Register of Data Standards, TYBLOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0652	BOILER FLUE-GAS CLEANING EQUIPMENT - OPERATIONAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the operation of flue-gas cleaning equipment associated with steam-electric boilers.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants operating flue-gas cleaning equipment and having steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): This is a preprinted data field for Federal Power Commission internal processing only. (TYPLFW)
3 (Key)	FGCE ID (A5): Enter the unique identification code assigned by the respondent to each flue-gas cleaning collector in the plant. (IDEQPT)
4 (Key)	Type FGCE Code (A4): Enter the abbreviation for type of flue-gas cleaning equipment, identified in data field 3 above, as specified in the Register of Data Standards, TYPGCE.
5	Total Hours (N4) HR: Total hours for the year during which all electrical bus sections are energized and while boiler is operating (electrostatic types only).
6	Efficiency (N2.2) PCT: Tested efficiency of unit, rounded to two decimal places.
7	Date Tested (N6): Show the day, month, and year when the FGCE unit was tested, in the format MMDDYY. (TMDATE)
8	Not Fully Operational Hours (N4) HR: State number of hours during year when precipitator is not fully operational while boiler is operating (electrostatic or combination FGCE types only)

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DETAILED INSTRUCTIONS: SCHEDULE 0652	BOILER FLUE-GAS CLEANING EQUIPMENT - OPERATIONAL DATA	2 of 2

Data Field Number	Instructions
9	Efficiency When Not Fully Operational (N2.1) PCT: Estimated efficiency during periods when boiler is operating but when precipitator is not fully operational (electrostatic or combination FGCE types only).
10	Estimated Efficiency Annual Factor (N2.1) PCT: Estimated efficiency at annual operating factor (if no test during year).
11	Desulfurization System Hours (N4) HR: Hours of service during year of desulfurization system, if operational.
12	Name Other FGCE Type (A2Ø): If "OTHE" is entered in data field 4 above, enter the name of the other type. (IDDESC)
13	Other FGCE in Service Hours (N4) HR: Enter the number of hours in FGCE the unit reported in data field 12 was in service.
14	Unusual Operating Conditions (A2Ø): Briefly explain, in the 20 characters provided, any unusual operating conditions associated with the FGCE unit being described. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0653	CHEMICALS USED IN PLANT COOLING AND BOILER WATER	1 of 1

I. DESCRIPTION

This schedule is used to collect data on chemical usage in the cooling system and boiler water make-up system at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all the data fields on this schedule annually.

C. Note that the chemical codes contained in the Register of Data Standards are in some cases generalized. For example, a single code is to be used for phosphate, disodium phosphate, and trisodium phosphate. Also, the code for chlorine is to be used for both chlorine and sodium hypochlorite. Finally, note that there are separate codes to be used for liquid or dry H_2SO_4 and some other chemicals commonly used in both states.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Indicator Water Type (N1): Enter "1" for boiler water makeup; or enter "2" for cooling water. (INETOR)
3 (Key)	Chemical ID (N4): Enter code, from the Register of Data Standards, TYCHEM.
4	Amount Used (N8) NO: Enter the quantity of each chemical used during the year. Note that all chemicals are to be reported in pounds with the exceptions of hydrazine (gallons) and liquid sulfuric acid (gallons).
5	Chemical Title (A25): Enter only the names of chemicals not found in the Register of Data Standards list of codes for "Chemical ID", (data field 3). Do not enter chemicals for which the quantity used was less than 100 pounds or an equivalent liquid measure. (IDDESC)
6	Amount Used (N8) MTON: Enter the quantity (in 1000 tons) of each chemical (indicated in data field 5 above) used during the year. Note that no quantities less than 100 pounds or an equivalent liquid measure need be entered.
7	Units Reported (A5): Enter the abbreviation for units of measurement used for each chemical reported, from the Register of Data Standards, TYUNMS.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0654	PLANT DISPOSAL OF COMBUSTION CYCLE PRODUCTS	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the impact of fossil fuel combination-cycle product disposal operations at steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacities of 25 megawatts or greater, and which consumed coal and/or oil during the subject year. Solely gas-fired plants need not report this schedule.

B. Respondents shall complete all data fields on the schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Product Type (N1): Enter the code, from the Register of Data Standards, TYCBBP.
3	Total Amount Collected (N9) MTON: Enter the total quantity in 1000 tons) of each product collected for the year. For fly-ash and bottom-ash the total should approximate the amount of ash and other non-combustible matter in the coal consumed minus the amount of ash emitted to the atmosphere.
4	Amount Sold (N8) MTON: Enter the quantity (in 1000 tons), of each product sold for the year.
5	Paid Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) for each product for which disposal was paid during the year.
6	Amount to Landfill (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed to landfill during the year. Note that this includes the filling in of low lands or artificial ponds even though the ash may have been transported to the fill area by water.
7	Water Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed by water disposal during the year. Note that this includes only those quantities of products discharged into bodies of water for dispersion.

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DETAILED INSTRUCTIONS: SCHEDULE 0654	PLANT DISPOSAL OF COMBUSTION CYCLE PRODUCTS	2 of 2

Data Field Number	Instructions
8	Other Disposal Amount (N8) MTON: Enter the quantity (in 1000 tons) of each product which was disposed of by any method not detailed in data fields 4-7 above.
9	Other Disposal Method (A20): Enter a brief descriptive name of the method used associated with the quantity in data field 8 above. Abbreviate if necessary. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0655	PLANT COMBUSTION CYCLE ADDITIVES	1 of 1

I. DESCRIPTION

This schedule is used to collect data on additives used in the combustion cycles of steam-electric plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all oil or gas fired plants with steam-electric generating capacity of 25 megawatts or greater. Only those plants which used combustion cycle additives during the reporting year need submit this schedule.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Name of Additive (A25): Enter the name of any combined cycle additives used. Three lines are provided for entry of the names of additives for each plant. (IDDESC)
3	Quantity of Additive (N7) MTON: Enter the associated quantity (in 1000 tons) for each additive named in data field 2 below.
4	Additive Unit (A5): Enter the abbreviation for unit of measure associated with the specific quantity in data field 3 above, from the Register of Data Standards, TYUNMS.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on the revenues and expenses associated with air quality control.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with a steam-electric generating capacity of 25 megawatts or greater during the year reported.

B. Respondents shall complete all data fields on this schedule annually.

C. All expenses and revenues are to be reported in units of $1000. Additive amounts should be reported in units of 1000 tons, to nearest 0.01 thousand tons.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Data Year (N4): Year for which data is being reported. (INYEAR)
3	Combined Cycle Additive - Amount of Limestone (N3.2) MTON: Report amount of limestone additive used (in 1000 tons), rounded to two decimal places.
4	Combined Cycle Additive - Amount of Dolomite (N3.2) MTON: Report amount of dolomite additive used (in thousands of tons), rounded to two decimal places.
5	Byproduct Purity of Sulfuric Acid Per Cent (N3) PCT: Enter purity of any sulfuric acid collected from combustion cycle (in percent by weight).
6	Air Quality Flyash Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to flyash collection and disposal. Do not report the combined cost of flyash and bottom ash disposal. If only one figure is available, estimate separate amounts (in 1000 dollars).
7	Air Quality Bottom Ash Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to bottom ash collection and disposal, as above (in 1000 dollars).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	2 of 3

Data Field Number	Instructions
8	Air Quality Sulfur Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to sulfur and sulfur product collection and disposal (in 1000 dollars).
9	Air Quality Other Collection - Disposal Expenses (N8) MDOL: Enter expenses charged to collection and disposal of any other products (in 1000 dollars).
10	Other Air Quality Control Expenses - Explanation (A20): Enter a brief description of other air quality control and maintenance expenses incurred during year. (IDDESC)
11	Other Air Quality Control Expenses (N8) MDOL: Enter air quality control expenses for operations described in data field 10 above. Do not include "incremented cost" of low sulfur fuels or capital costs of air quality control equipment installed (in 1000 dollars).
12	Air Quality Total Expense (N9) MDOL: Enter total air quality control expenses for year (in 1000 dollars).
13	Air Quality Flyash Sales Revenue (N8) MDOL: Enter revenue from sales of flyash (if sold as flyash) (in 1000 dollars).
14	Air Quality Bottom Ash Sales Revenue (N8) MDOL: Enter revenue from sales of bottom ash (if sold as bottom ash) (in 1000 dollars).
15	Air Quality Intermingled Sales Revenue (N8) MDOL: Enter revenue from sales of intermingled flyash and bottom ash (in 1000 dollars).
16	Other Air Quality Control Revenues - Explanation (A20): Enter a brief description of other air quality control revenues or by-product sales. (IDDESC)
17	Air Quality Sulfur and Byproducts Sales Revenues (N8) MDOL: Enter revenue from sales of sulfur and sulfur byproducts (in 1000 dollars).
18	Other Air Quality Control Operating Revenues (N9) MDOL: Enter revenue from other air quality control operation or byproduct sales, as described in data field 16 above (in 1000 dollars).
19	Total Air Quality Control and Byproduct (N9) MDOL: Enter total annual revenue from air quality control operations and byproduct sales (in 1000 dollars).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0656	ANNUAL PLANT ENVIRONMENTAL DATA	3 of 3

Data Field Number	Instructions
20	Incremental Cost of Low Sulfur Fuel (N8) MDOL: Report the incremental costs incurred when purchasing low-sulfur fuel for meeting air quality control regulations (in 1000 dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0657	WATER TEMPERATURE AND FLOW AT SEASONAL PEAKS	1 of 1

I. DESCRIPTION

This schedule is used to collect data on conditions at steam-electric plant cooling water supply sources during the months of system peak power loads in summer and winter seasons.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. All entries should reflect the actual operations of the plant during the year and not the design characteristics.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Type Peak (N1): Complete two entries for each plant with distant seasonal peaks. Enter one set of figures for the winter peak month and one set for the summer peak month. Enter (in data field 2) "1" for winter, or "2" for summer, or "0" for no seasonal peak. Note that the field refers to utility or system peak and not to that of the plant. (TMSNYS)
3 (Key)	Peak Load Month (N2): Enter the code for the peak load month in each logical entry, from the Register of Data Standards, TMMOYR.
4	Maximum Water Temperature at Diversion (N2) DEGF: Enter the maximum water temperature at the diversion of the natural water body supplying cooling water for plant. This refers to the temperature prior to any effect by the plant or diverting facilities.
5	Maximum Water Temperature at Outfall (N2) DEGF: Enter the maximum water temperature at the outfall to the natural water body receiving cooling water from the plant. This refers to the temperature of the cooling water immediately before it joins the water body. It includes the effects of all devices used to reduce the temperature.
6	Average Flow in Receiving Water (N5) CFS: Enter the monthly average flow (in CFS) in the receiving water body for each peak month reported. For tidal water bodies disregard this data field.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0658	COOLING SYSTEM OPERATIONAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect operational data on plant cooling systems.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts, or greater, during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Data fields 5, 6 and 7 refer to lakes, reservoirs, streams, wells, estuaries and oceans supplying the cooling water and receiving the final discharge. Cooling ponds and cooling towers are considered to be a part of the plant and withdrawals and discharges between these facilities and the plant should not be reported. Make-up requirements are an exception to this condition. The operation and maintenance expenses should include such expenses for pumps, ponds, cooling towers, fans, cooling water intakes and outlets, piping, and other costs associated with cooling water operation. The operation and maintenance expenses for condenser operation should not be included. Costs should be in accordance with the Federal Power Commission Uniform System of Accounts prescribed for Public Utilities and Licensees. The cost of chemical additives should be excluded from the operation and maintenance expenses and shown separately as indicated.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Cooling Facility ID (A5): Enter the unique cooling facility identification code assigned by the respondent. This code is the same code used on Schedule 0625, data field 3 and Schedule 0626, data field 3.
3 (Key)	Cooling Facility Type (A3): Code identifying cooling facility type as found in the Register of Data Standards, TYCLCD.
4 (Key)	Combination System Indicator (N1): Is this system a combined system? Enter "1" for yes; "0" for no. (INYONO)
5	Combined Use Indicator (N1): If combined systems are used independently, enter "1" in this data field; if not, enter "0". (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0658	COOLING SYSTEM OPERATIONAL DATA	2 of 2

Data Field Number	Instructions
6	Cooling System Average Withdrawal Rate (N3.2) CFS: Enter average annual rate of withdrawal of cooling water from water supply sources.
7	Cooling System Average Discharge Rate (N3.2) CFS: Enter average annual rate of discharge of cooling water into receiving water bodies.
8	Average Rate of Water Consumption (N2.2) CFS: Enter average annual rate of consumption of cooling water (i.e., must include quantities of water withdrawn after make-up purposes).
9	Cooling Water Operation-Maintenance Expenses (N7) MDOL: Enter the annual cooling water operation and maintenance expenses (in 1000 dollars).
10	Cooling Water Chemical Additives Cost (N7) MDOL: Enter annual cost of chemical additives used in cooling water operations (in 1000 dollars).
11	Boiler Water Operation-Maintenance Expenses (N7) MDOL: Enter the annual boiler water operation and maintenance expenses for boiler water makeup and boiler water blowdown treatment (in 1000 dollars).
12	Boiler Water Chemical Additives Cost (N7) MDOL: Enter annual cost of chemical additives used in boiler water makeup and boiler water blowdown treatment (in 1000 dollars).
13	Generating Capacity (N11) MW: Enter generating capacity served by cooling facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	1 of 6

I. DESCRIPTION

This schedule is used to collect data related to current steam-electric plant operating conditions, and projected conditions five years in the future and ten years in the future.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with steam-electric generating capacity of 25 megawatts or greater during the subject year.

B. Respondents shall complete all data fields on this schedule annually.

C. Where used in this schedule current year means the year for which the data is reported; not the year in which date is submitted. The first forecasted year pertains to the current year plus 5 years, and the second forecasted year pertains to the current year plus 10 years.

D. When completing this schedule, enter the plant code and the plant name in data fields 1 and 2, respectively. Show all data for the current year in logical entry number 1 (lines 6-16); show all projected data for the first forecasted year in logical entry number 2 (lines 18-28); and show projected data for the second forecasted year in logical entry number 3 (lines 30-40). Note: Data reported for projected years must reflect yearly not cumulative totals.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the full name of the plant, from the Register of Data Standards, IDPLNT.
3 (Key)	Projected Year (N4): In the first logical entry (lines 6-16) enter the current year. In the second logical entry (lines 18-28) enter the first forecasted year (current year plus 5 years). In the third logical entry (lines 30-40) enter the second forecasted year (current year plus 10 years). (TMYEAR)
4	Indicator Future or Current (N1): In logical entries 2 and 3 enter a "1" if projected data pertains to a totally new plant scheduled for operation during the 10 years forecasted. Enter a "2" if projected data pertains to a plant which operated during the current year. (INETOR)
5	Total Generator Groups (N3) NO: In logical entry number 1 show the total number of boiler-generator groups installed at

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DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	2 of 6

Data Field Number	Instructions
5 (cont'd)	the plant as of the end of the current year. A boiler-generator unit refers to any combination, i.e., one boilar and one generator; two boilers and one generator; one boiler and four generators, etc., operating as a unit.
6	Number Operating Generator Groups (N3) NO: Enter the number of generating groups in operation during the subject year. "Generating groups" are defined in the instructions to data field 5 above.
7	Total Nameplate Capacity (N7) MW: Enter the total nameplate generating capacity (in megawatts) at maximum hydrogen pressure, of the generating groups enumerated in data field 5 above.
8	Total Land Requirements (N8) ACRE: Enter the total land (in acres) in use for plant. Include land for generating plant, substations, field storage areas, waste disposal areas, cooling facilities, etc.
9	Number Planned Generator Groups (N2) NO: Enter the number of new generating groups planned for installation in future years only.
10	Total New Nameplate Capacity (N7) MW: Enter the total nameplate capacity, (in megawatts) at maximum hydrogen pressure, of the new generating groups enumerated in data field 9 above, only.
11	Planned Land Requirements (N6) ACRE: Enter the total land (in acres) planned or estimated to be required for new plant or new units in future years only.
12	Quantity Coal Consumed (N4.3) TON: Enter the total quantity (in 1000 tons) of coal consumed at plant during the subject year.
13	Coal Btu Content (N5) BTU: Enter the annual weighted average heating volume (in Btu/pound) of the coal entered in data field 12 above.
14	Coal Sulfur Content (N1.2) PCT: Enter the weighted average sulfur content (as a percentage to two decimal places) of the coal entered in data field 12 above.
15	Bureau of Mines District (N2): Enter the numeric code only for the source of coal entered in data field 12 above. Enter the code for the Bureau of Mines coal producing district,

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	3 of 6

Data Field Number	Instructions
15 (cont'd)	from the Register of Data Standards, IDCLDS. If coal is received from more than one producing district, show the percentage received from each district, in a footnote.
16	Coal State (A2): Enter the abbreviation for the state in which the coal was mined, from the Register of Data Standards, IDSTAT.
17	Quantity Residual Oil Consumed (N6.2) BBL: Enter the total quantity (in 1000 barrels) of residual oil consumed at the plant during the subject year.
18	Residual Oil BTU (N6) BTU: Enter the annual weighted average heating volume (in BTU/gallon) of the residual oil entered in data field 17 above.
19	Oil-Sulfur Content (N3) PCT: Enter the annual weighted average sulfur content (as a percentage) of the residual oil entered in data field 17 above.
20	Residual Oil Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the residual oil (entered in data field 17 above) which was of domestic origin. The sum of this data field (20) and data field 21 must equal 100 per cent.
21	Residual Oil Per Ceot Imported (N3) PCT: Enter the percentage representing that part of the residual oil (entered in data field 17 above) which was of imported origin. The sum of this data field (21) and data field 20 must equal 100 per cent.
22	Distillate Oil Quantity Consumed (N5) BBL: Enter the total quantity (in 1000 barrels) of distillate oil (No. 2) consumed at plant during the subject year.
23	Distillate Oil Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the distillate oil (entered in data field 22 above) which was of domestic origin. The sum of this data field (23) and data field 24 must equal 100 per cent.
24	Distillate Oil Per Cent Imported (N3) PCT: Enter the percentage representing that part of the distillate oil (entered in data field 22 above) which was of imported origin. The sum of this data field (24) and data field 23 must equal 100 per cent.
25	Quantity Crude Consumed (N3.3) BBL: Enter total quantity (in 1000 barrels) of crude oil consumed at plant during the subject year.

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DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	4 of 6

Data Field Number	Instructions
26	Crude-Sulfur Per Cent (N3) PCT: Enter the annual weighted average sulfur content (as a percentage) of the crude oil entered in data field 25 above.
27	Crude Per Cent Domestic (N3) PCT: Enter the percentage representing that part of the crude oil (entered in data field 25 above) which was of domestic origin. The sum of this data field (27) and data field 28 must equal 100 per cent.
28	Crude Per Cent Imported (N3) PCT: Enter the percentage representing that part of the crude oil (entered in data field 25 above) which was of imported origin. The sum of this data field (28) and data field 27 must equal 100 per cent.
29	Firm Basis Gas (N5) MMCF: Enter the quantity of gas consumed (in 1000 MCF) which was supplied on a firm (i.e., non-interruptible) basis.
30	Interruptible Gas (N5) MMCF: Enter the quantity of gas consumed (in 1000 MCF) which was suppliad on an interruptible basis.
31	Gas Consumption - Total (N6) MMCF: Enter the total quantity of gas (in 1000 MCF) consumed at plant during year. This entry must equal the sum of data fields 29 and 30 above.
32	Gas BTU (N4) BTU/CU FT: Enter the annual weighted average heating value of the gas entered in data field 31 above.
33	Particulate Emissions (N3.3) MTON: Enter the total plant particulate emissions (in 1000 tons/year) estimated for the subject year by the following method. Complete for each unit: (fuel ash content minus bottom ash collected) times (1 minus control technique efficiency expressed as a decimal). Sum up emissions from all fossil fueled units. Include non-ash carbonaceous matter resulting from oil burning.
34	Sulfur Oxides (N3.3) MTON: Enter the total plant sulfur oxide emissions (in 1000 tons/year) estimated for the subject year by the following method. Complete for each unit (sulfur content of fuel minus sulfur content of product removed) times 2. Sum up emissions from all fossil fueled units.
35	Nitrogen Oxides (N6.3) MTON: Enter the total plant nitrogen oxide emissions (in 1000 tons/year) estimated for the subject year by the following plant emissions notes: Pulverized Coal, dry bottom firing (181 pounds per ton of coal); Pulverized Coal, wet bottom firing (30 pounds per ton of coal); Cyclone

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DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	5 of 6

Data Field Number	Instructions
35 (cont'd)	of oil); Gas (390 pounds per 100 Mcf). Subtract nitrogen oxide reduction by a control technique. If plant data indicates a rate different from any of these given here, use it.
36	Heat Rejected to Air (N4.3) BSTU: Enter total heat (in billion BTU/year) rejected to air by plant during subject year. This refers to estimated heat emission with flue gases.
37	Quantity Stack Scrub Waste (N3.3) MTON: Enter the total quantity (in 1000 tons/year) of stack gas scrubbing waste at plant during subject year. Note: An entry in this data field (37) requires an entry in data field 38 below.
38	Description - Stack Scrubbing Waste (A20): Enter a brief description of the type of stack gas scrubbing waste for which a quantity was entered in data field 37 above. (IDDESC)
39	Quantity Annual Ash Waste (N3.3) TON: Enter the total combined quantity (in 1000 tons/year) of both flyash and bottom ash collected at plant during subject year.
40	Cooling Water Source (A20): Enter the source of plant cooling water. Include both name and type of water body. For example, enter "Mississippi River," not "Mississippi." (IDDESC)
41	Per Cent Capacity Served - Once Through (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by once through cooling systems.
42	Per Cent Capacity Served - Wet Cooling Towers (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by wet cooling towers.
43	Per Cent Capacity Served - Dry Cooling Towers (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by dry cooling towers.
44	Per Cent Capacity Served - Cooling Ponds (N3) PCT: Enter the percentage representing that portion of total plant generating capacity (as reported in data field 7 above) served by artificial cooling ponds or lakes.
45	Average Water Withdrawal (N5) CFS: Enter the average annual/ water withdrawal (in CFS) from the water body during the subject year.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0659	PLANT PROJECTION DATA	6 of 6

Data Field Number	Instructions
46	Average Flow Through Condenser (N5) CFS: Enter the average annual water flow (in CFS) through condensers at plant during subject year.
47	Temperature Rise (N2) DEGF: Enter the design temperature rise (in degrees Fahrenheit) across condenser at plant during subject year.
48	Water Return (N5) CFS: Enter the average annual water return (in CFS) to the water body at plant during the subject year.
49	Evaporation Loss (N5) CFS: Enter the amount of direct and indirect evaporation losses (in Cfs) of cooling water at plant during year. This refers to direct evaporation and drift from cooling system plus induced evaporation in diversion channels and in the receiving water body. If plant data is not available use the following equation: Losses = 0.0086 X Withdrawal.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0660	PLANT CAPACITY AND GENERATING UNIT CHANGES	1 of 2

I. DESCRIPTION

This schedule is designed to collect data on changes in status of existing generating units and new units made operational during the subject year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all existing generating plants and units and new units made operational during the subject year.

B. Respondents shall complete all data fields on this schedule in their first submission only if there is a change to unit status (data field 5 of detailed instructions). On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Generating Type (A2): Enter the abbreviation for generation type from the following list: (TYPLPW) ST = Steam-electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas Turbine
3 (Key)	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group associated with the unit undergoing modification. (IDEQPT)
4 (Key)	Generating Unit ID (A5): Enter the unique number assigned by the respondent to each generating unit in the plant. (IDEQPT)
5	Unit Status (A4): Enter the abbreviation for unit status, from the Register of Data Standards, TYSTPL.
6	Name of Purchaser or Lessee (A35): If unit has been sold or leased to another, enter the name of purchaser or lessee. (IDNAME)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0660	PLANT CAPACITY AND GENERATING UNIT CHANGES	2 of 2

Data Field Number	Instructions
7	Address of Purchaser or Lessee (A22): Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name of the purchaser or lessee (IDCITY).
8	Installed Capacity Before Modification (N5.2) MW: Enter the installed generating capacity (maximum nameplate rating in MW) of each unit after modification or any other changes mentior 1 in data field 5 above.
9	Installed Capacity After Modification (N5.2) MW: Enter the installed generating capacity (maximum nameplate rating in MW) of each unit after modification or any other changes mentioned in data field 5 above.
10	Plant Net Capability After Modification (N5.2) MW: Enter the plant total net capacity after modification in MW.
11	Date of Change (N6): Enter the two-digit numeric code for the month, the day of the month, and the last two digits of the year, when the changes occurred, in the format MMDDYY. (TMDATE)

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UMI

R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	1 of 3

I. DESCRIPTION

This schedule is used to collect data on step-up transformers installed at electric generating plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with electric generating capacities as follow:

Steam-electric (including nuclear) - 25 megawatts or greater
Internal combustion and gas-turbine - 10 megawatts or greater
Hydroelectric (including pumped storage) - 10 megawatts or greater

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Note that the information requested applies to banks of identical transformers and their relationship to plant generating units.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N3): Enter the code, from the Register of Data Standards, IDPLNT.
2 (Key)	Bank ID (A3): Enter the unique identification code assigned (by the respondent) to each bank of transformers in the plant. Once assigned, the same code must always be used for the same banks. (IDEQPT)
3	Number of Identical Transformers (N2) NO: Enter the number of identical transformers in the bank which are currently in service.
4	Number of Identical Spares (N2) NO: Enter the number of identical transformers in the bank which are used as spares.
5	Bank Type (A4): Enter the abbreviation for each transformer bank, from the following list: (TYTRBK) 2WND - Two Winder 3WND - Three Winder AUTO - Auto Transformer
6	Phase (N1) NO: Enter transformer phase, "1", "2", or "3".

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R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	2 of 3

Data Field Number	Instructions
7	Frequency (N2) HZ: Enter transformer frequency, in Hertz.
8	Primary Connection (A1): Enter the code for the type of primary bank connection, from the following list: (TYTRCN) Y - Wye D - Delta V - Vee C - Wye Grounded Z - Zig Zag O - Other
9	Secondary Connection (A1): Enter the code for type of secondary bank connection, from the listing in data field 8 above. (TYTRCN)
10	Tertiary Connection (A1): Enter the code for type of tertiary bank connection, from the listing in data field 8 above. (TYTRCN)
11	Primary Normal Capacity Rating (N6) MVA: Primary capacity of a single transformer at normal rating.
12	Secondary Normal Capacity Rating (N6) MVA: Secondary capacity of a single transformer at normal rating.
13	Tertiary Normal Capacity Rating (N6) MVA: Tertiary capacity of a single transformer at normal rating.
14	Primary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the primary maximum continuous rating of single transformer with forced cooling, if installed.
15	Secondary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the secondary maximum continuous rating of single transformer with forced cooling, if installed.
16	Tertiary Maximum Continuous Rating With Forced Cooling (N6) MVA: Enter the tertiary maximum continuous rating of single transformer.
17	Primary Voltage (N5.2) KV.
18	Secondary Voltage (N5.2) KV.
19	Tertiary Voltage (N5.2) KV.
20	Primary Bank Capacity (N5.2) MVA.

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R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0665	PLANT TRANSFORMER DESIGN DATA	3 of 3

Data Field Number	Instructions
21	Secondary Bank Capacity (N5.2) MVA.
22	Tertiary Bank Capacity (N5.2) MVA.
NOTE:	Data fields 23, 24, and 25 must be the same codes already assigned (by the respondent) on the associated plant schedules.
23 (Key)	Generating Type (A2): Enter the abbreviation for the generation type associated with the transformer bank, from the following list: (TYPLFW) ST = Steam-Electric HY = Hydroelectric (conventional) HP = Hydroelectric (pumped storage) IC = Internal Combustion GT = Gas-Turbine
24	Generating Group ID (A5): Enter the unique identification code assigned by the respondent to the generating group which is associated with the transformer bank being described. (IDEQPT)
25	Generating Unit ID (A5): Enter the unique identification code assigned by the respondent to the generating unit which is associated with the transformer bank being described. (IDEQPT)

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UMI

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	1 of 3

I. DESCRIPTION

This schedule is used to collect data on storage reservoirs. This information shall be furnished when reservoirs or effected plants were:

(a) Constructed, purchased, or leased, and placed in operation by the respondent during the year, or

(b) Operated by the respondent prior to the year covered by this statement but not reported to this Commission in the form prescribed below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities with reservoirs under their jurisdiction.

B. Respondents shall submit this schedule with appropriate diagrams and curves on the initial submission for a reservoir. Thereafter, all respondents shall submit this schedule annually, with diagrams and curves showing changes that have occurred during the reporting period, or indicating that no changes have occurred.

C. The data on this schedule shall be reported by plant for each reservoir. However, reservoirs which are not located at a plant site shall be reported for the closest plant to which storage is provided. Curve number (1), Elevation – KWH (at site) and the name of plant site as illustrated in Addendum A, will be committed for this condition.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the plant name, from the Register of Data Standards, IDPLNT.
3	Reservoir Name (A35): Enter the name of the reservoir being reported upon. (IDNAME)

Note: A "1" must be entered in one and only one of the following data fields (4, 5 or 6) below:

4	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the reservoir named in date field 3 above, if not, enter "0". (INYONO)

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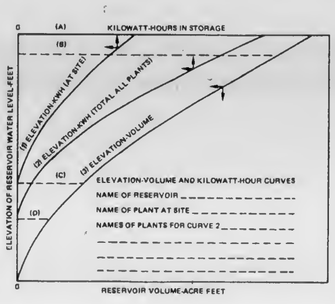
RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	2 of 3

Data Field Number	Instructions
5	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "0". (INYONO)
6	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 7 below may be committed); if not, enter "0". (INYONO)
7	Elevation Volume and Kilowatt Hour Curves: Provide this indicated data in this space. If this space is not adequate, the document should be attested to the schedule. The following items are requested: (1) Furnish "Elevation - Volume" and "Elevation Kilowatt-hour" curves for each storage reservoir on the system that can provide monthly or seasonal storage. A form for showing these data is illustrated in the accompanying sketch. (2) In addition to the foregoing curves, show (a) the maximum water level without spill (to be furnished for operation without and with flash boards if used), and (b) the maximum water level at which the reservoir is normally carried; (c) the minimum water level of the reservoir for plant operation at the site, and (d) the minimum water level to which water can be drawn for use at other plants; and (e) capacity-head curves for plants having large variations in head. Elevations should be referred to U.S.G.S. datum (or to the same datum as used in plant layout sketches). (3) Furnish "Operating Rule Curves" for each of the foregoing reservoirs, in the form in which they are available, and state period for which curves are applicable. See Addendum A for an illustrative diagram.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0854	HYDROELECTRIC STORAGE RESERVOIR CURVES	3 of 3

"ELEVATION-VOLUME" AND "ELEVATION-KILOWATT HOUR" CURVES



ADDENDUM A

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(5-76)

RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0855	HYDROELECTRIC POWER PLANT DIAGRAMS AND CURVES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on conventional and hydroelectric and pumped storage power plants. This information shall be furnished for qualified plants which were:

(a) Constructed, purchased, or leased, and placed in operation by the respondent during the year, or

(b) Operated by the respondent prior to the year covered by this statement but not reported to this Commission in the form prescribed below.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for plants with conventional hydroelectric pumped storage installed generating capacity of 10 megawatts or greater.

B. Respondents shall submit this schedule with sketches, curves and photographs included on the initial submission for each plant. Thereafter, all respondents shall submit this schedule annually, with maps and diagrams showing changes in the system that occurred during the reporting period, or indicating that no changes have occurred.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the name of the plant, from the Register of Data Standards, IDPLNT.

Note: A "1" must be entered in one and only one of the following data fields (3, 4 or 5) below:

3	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the plant identified in data field 1 above; if not, enter "0". (INYONO)
4	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "0". (INYONO)
5	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 6 below may be ommitted); if not, enter "0". (INYONO)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0855	HYDROELECTRIC POWER PLANT DIAGRAMS AND CURVES	2 of 2

Data Field Number	Instructions
6	Sketches, Diagrams and Photographs: Provide the indicated data in this space. If this space is not adequate, the documents may be attached to the schedule. The following items are requested: (1) For each hydroelectric plant of 10 megawatts installed capacity or greater furnish: (a) A panoramic sketch of the project, and a profile sketch of the plant layout showing elevations referred to U.S.G.S. datum, if such datum is available. Show for the dam its material and type, maximum height, total length, thickness at base, and length of spillway section. Furnish curves showing headwater and tailwater elevation, in feet, plotted against total discharge, including plant use in cubic feet per-second. (b) A photograph of the plant if available. (2) If available, furnish for all hydroelectric plants of 10 megawatts installed capacity or greater, curves showing the relation between over-all water use in cubic feet per second and gross plant load in megawatts, from minimum to full load at a constant gross head with approximates for the average head. The gross head should be stated.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0857	STEAM-ELECTRIC PLANT ONE-LINE DIAGRAMS	1 of 2

I. DESCRIPTION

This schedule is used to collect one-line diagrams to illustrate the station data within a steam-electric plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities for all plants with a steam-electric generating capacity of 25 megawatts or greater.

B. This schedule shall be submitted with completed diagrams on the initial submission for a plant. Thereafter, it shall be submitted annually with completed diagrams showing changes that have occurred during the reporting period, or indicating that no changes have occurred.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
2	Plant Name (A35): Enter the plant name, from the Register of Data Standards, IDPLNT.

Note: A "1" must be entered in one and only one of the following data fields (3, 4 or 5) below:

3	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the plant identified in data field 1 above; if not, enter "0". (INYONO)
4	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "0". (INYONO)
5	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 6 below may be ommitted); if not, enter "0". (INYONO)
6	One-Line Diagrams: Using the provided diagrams, illustrate the plant operating configurations by inserting the identification codes (respondent commonly used designation) for all stacks, flue-gas cleaning equipment, boilers and generators which have been used in reporting this equipment to the FPC.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0857	STEAM-ELECTRIC PLANT ONE-LINE DIAGRAMS	2 of 2

Data Field Number	Instructions
6 (cont'd)	In the case of boilers and generators, the code is to be presented in combination with the generating group code identifying the group the boiler or generator is a part of. The order is to be: Generating Group Code Boiler or Generator Code

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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UMI

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDAQCR

DATA ITEM LIST TITLE: ID, AIR QUALITY CONTROL REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES AIR QUALITY CONTROL REGIONS OF THE US AS DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY.

DATA ITEM LIST SOURCE: US ENVIRONMENTAL PROTECTION AGENCY

DATA ITEM LIST	CODE	ABBREVIATION
ALABAMA AND TOMBIGBEE RIVERS	1	
COLUMBUS-PHENIX CITY	2	
EAST ALABAMA	3	
METROPOLITAN BIRMINGHAM	4	
MOBILE-PENSACOLA-PANAMA CITY-SOUTHERN MISSISSIPPI	5	
SOUTHEAST ALABAMA	6	
TENNESSEE RIVER VALLEY-CUMBERLAND MOUNTAINS	7	
COOK INLET	8	
NORTHERN ALASKA	9	
SOUTH CENTRAL ALASKA	10	
SOUTHEASTERN ALASKA	11	
ARIZONA-NEW MEXICO SOUTHERN BORDER	12	
CLARK-MOHAVE	13	
FOUR CORNERS	14	
PHOENIX-TUCSON	15	
CENTRAL ARKANSAS	16	
METROPOLITAN FORT SMITH	17	
METROPOLITAN MEMPHIS	18	
MONROE-EL DORADO	19	
NORTHEAST ARKANSAS	20	
NORTHWEST ARKANSAS	21	
SHREVEPORT-TEXARKANA-TYLER	22	
GREAT BASIN VALLEY	23	
METROPOLITAN LOS ANGELES	24	
NORTH CENTRAL COAST	25	
NORTH COAST	26	
NORTHEAST PLATEAU	27	
SACRAMENTO VALLEY	28	
SAN DIEGO	29	
SAN FRANCISCO BAY AREA	30	
SAN JOAQUIN VALLEY	31	
SOUTH CENTRAL COAST	32	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDCLDS

DATA ITEM LIST TITLE: ID, COAL DISTRICTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES COAL AND LIGNITE PRODUCING COUNTRIES AND STATES OF THE US.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
EASTERN PENNSYLVANIA	01	
WESTERN PENNSYLVANIA	02	
NORTHERN WEST VIRGINIA	03	
OHIO	04	
MICHIGAN	05	
PANHANDLE	06	
SOUTHERN NO. 1	07	
SOUTHERN NO. 2	08	
WEST KENTUCKY	09	
ILLINOIS	10	
INDIANA	11	
IOWA	12	
SOUTHEASTERN	13	
ARKANSAS-OKLAHOMA	14	
SOUTHWESTERN	15	
NORTHERN COLORADO	16	
SOUTHERN COLORADO	17	
NEW MEXICO	18	
WYOMING	19	
UTAH	20	
NORTH DAKOTA-SOUTH DAKOTA	21	
MONTANA	22	
WASHINGTON	23	
PENNSYLVANIA ANTHRACITE	24	
POLAND	25	
SOUTH AFRICA	30	
AUSTRALIA	35	
CANADA	40	

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDCNSR

DATA ITEM LIST TITLE: ID, US CENSUS REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS CENSUS REGIONS FOR REPORTING AND SUMMARIZING OF CENSUS DATA.

DATA ITEM LIST SOURCE: US BUREAU OF CENSUS

DATA ITEM LIST	CODE	ABBREVIATION
NEW ENGLAND	01	
MIDDLE ATLANTIC	02	
EAST NORTH CENTRAL	03	
WEST NORTH CENTRAL	04	
SOUTH ATLANTIC	05	
EAST SOUTH CENTRAL	06	
WEST SOUTH CENTRAL	07	
MOUNTAIN	08	
PACIFIC	09	
NON-CONTIGUOUS	10	
HAWAII	11	
ALASKA	12	

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2,SEP 15, 1973 AND FPC

DATA ITEM LIST	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999
OFFSHORE, ZONE 1, LOUISIANA	22991	LA991
OFFSHORE, ZONE 2, LOUISIANA	22992	LA992
OFFSHORE, ZONE 3, LOUISIANA	22993	LA993
OFFSHORE, ZONE 4, LOUISIANA	22994	LA994

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDLOCA

DATA ITEM LIST TITLE: ID, POWER LOAD CONTROL AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER LOAD CONTROL AREAS OF THE US.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CENTRAL MAINE POWER COMPANY	001	
CONNECTICUT VALLEY ELECTRIC EXCHANGE	002	CONVEX
CONSOLIDATED EDISON COMPANY OF NEW YORK	003	
NIAGARA MOHAWK POWER COMPANY	004	
NEW BRUNSWICK ELECTRIC POWER COMMISSION	005	
ONTARIO HYDRO	006	
RHODE ISLAND-EASTERN MASSACHSEITS-VERMONT ELECTRIC CONTROL	007	REMVEC
SAQUENAY POWER SYSTEM	008	
THE SOUTHERN COMPANY	008	
TAPOCO, INC	009	
PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION	009	PJM
SAVANNAH ELECTRIC POWER CO	010	
TENNESSEE VALLEY AUTHORITY	011	TVA
BIG RIVERS	012	
FLORIDA POWER CORP	013	
TAMPA ELECTRIC CO	014	
FLORIDA POWER & LIGHT CO	015	
VERO BEACH	016	
JACKSONVILLE ELECTRIC AUTHORITY	017	
ORLANDO UTILITIES COMMISSION	018	
SOUTH CAROLINA PUBLIC SERVICE AUTH	019	
SOUTH CAROLINA ELECTRIC & GAS CO	020	
DUKE POWER CO	021	
CAROLINA POWER & LIGHT CO	022	
YADKIN, INC	023	
VIRGINIA ELECTRIC POWER CO	024	
ALLEGHENY POWER SYSTEM	025	
AMERICAN ELECTRIC POWER SYSTEM	026	
KENTUCKY UTILITIES CO	027	
OHIO EDISON SYSTEM	028	
SO INDIANA GAS & ELECTRIC	029	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDLPRJ

DATA ITEM LIST TITLE: ID, LICENSED PROJECTS/DEVELOPMENTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES FPC LICENSED PROJECTS AND ASSOCIATED DEVELOPMENTS. THE PROJECT IDENTIFICATION IS GIVEN FIRST, FOLLOWED BY THE DEVELOPMENT. THE CODE FORMAT IS PPPPD WHERE P=NUMERIC PROJECT CODE AND D=ALPHABETIC DEVELOPMENT SUFFIX.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
KERR	0005	
KERR FLATHEAD LAKE	0005A	
GREEN ISLAND PROJECT	0013	
GREEN ISLAND PROJECT GREEN ISLAND	0013A	
TWIN FALLS HYDRO PRO	0018	
TWIN FALLS HYDRO PRO TWIN FALLS RESERVOIR	0018A	
SODA	0020	
SODA SODA	0020A	
BIG CREEK	0067	
BIG CREEK POWERHOUSE SHAVER LAKE	0067A	
BIG CREEK POWERHOUSE FLORENCE LAKE RESER	0067B	
POTTER VALLEY	0077	
POTTER VALLEY LAKE PILLSBURY	0077A	
POTTER VALLEY VAN ARSDALE RESER	0077B	
MITCHELL DAM	0082	
MITCHELL DAM MITCHELL DAM	0082A	
KERCKHOFF	0096	
KERCKHOFF KERCKHOFF LAKE	0096A	
CHIPPEWA RESERVOIR	0108	
CHIPPEWA RESERVOIR	0108A	

(CONTINUED)

PAGE: IDLPRJ-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDMFEQ

DATA ITEM LIST TITLE: ID, PLANT EQUIPMENT MANUFACTURERS

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE MANUFACTURERS OF VARIOUS TYPES OF ELECTRIC POWER PLANT EQUIPMENT.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	000000	UNSP
AMERICAN AIR FILTER COMPANY,INC.	000010	AAFC
ALLIS-CHALMERS	000020	AC
ASSOCIATED ELECTRIC	000030	AE
ALCO	000040	AL
ATM	000050	AM
AMERICAN STANDARD,INC.	000060	AMST
AMERICAN LOCOMOTIVE	000070	AR
ASEA	000080	AS
ATLAS	000090	AT
THE BABCOCK AND WILCOX CO.	000100	BCW
BROWN-BOVERI	000110	BB
BELCO POLLUTION CONTROL CORP.	000120	BELC
BALDWIN-HAMILTON	000130	BH
B.L.H.	000140	BL
BROS	000150	BR
BUSCH-SULZER	000160	BS
BRUSH	000170	BU
BUELL ENGINEERING COMPANY,INC.	000180	BUEL
BABCOCK-WILCOX	000190	BW
CAT	000200	CA
COOPER BESSEMER	000210	CB
CECO	000220	CC
CHICAGO PNEUMATIC	000230	CO
COMBUSTION ENGINEERING INC.	000240	CE
CROCKER	000250	CK
CLEVELAND	000260	CL
CONNELLY	000270	CO
RESEARCH-COTTRELL,INC.	000280	COTT
CAP	000290	CP
CATERPILLAR	000300	CR
CAR	000310	CR
CURTIS-TERRY	000320	CU
DELAVEL	000330	DB
DIESEL ENGINE CO	000340	DE

(CONTINUED)

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDNPSR

DATA ITEM LIST TITLE: ID, NATIONAL POWER SURVEY REGION

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED NATIONAL POWER SURVEY REGIONS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
NORTHEAST	1	NE
EAST CENTRAL	2	EC
SOUTHEAST	3	SE
WEST CENTRAL	4	WC
SOUTH CENTRAL	5	SC
WEST	6	W

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REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPADD

DATA ITEM LIST TITLE: ID, PETROLEUM ADM FOR DEFENSE DIST

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS PETROLEUM ADMINISTRATION FOR DEFENSE DISTRICTS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
DISTRICT 1 (INCLUDES: CT,DE,DC,FL, GA,ME,MD,MA,NH,NJ,NY,NC,PA,RI,SC, VT,VA,WV)	1	
DISTRICT 2 (INCLUDES: IL,IN,IA,KS, KY,MI,MN,MO,NE,ND,OH,OK,SD,TN,WI)	2	
DISTRICT 3 (INCLUDES: AL,AR,LA,MS, NM,TX)	3	
DISTRICT 4 (INCLUDES: CO,ID,MT,UT, WY)	4	
DISTRICT 5 (INCLUDES: AK,AZ,CA,HI, NV,OR,WA)	5	

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REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPLNT

DATA ITEM LIST TITLE: ID, ELECTRIC POWER PLANTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER GENERATING PLANTS REPORTING TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST (TO BE FURNISHED BY BUREAU OF POWER)	CODE	ABBREVIATION

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPPAR

DATA ITEM LIST TITLE: ID, PRIMARY PLANNING AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS ELECTRIC POWER PRIMARY PLANNING AND OPERATING AREAS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
AMERICAN ELECTRIC POWER SYSTEM	1	AEP
ALLEGHENY POWER SYSTEM	2	APS
CENTRAL AREA POWER COORDINATION GROUP	3	CAPCO
CALIFORNIA POWER POOL	4	CAPP
CINCINNATI-COLUMBUS-DAYTON POOL	5	CCD
COLORADO POWER POOL	6	CULOPP
FLORIDA (SERC SUBREGION)	7	FLA
ILLINOIS-MISSOURI POOL	8	IMP
KENTUCKY-INDIANA POWER POOL	9	KIP
MID-AMERICA POWER POOL	10	MAPP
MISSOURI-KANSAS POOL	11	MOKAN
MIDDLE SOUTH UTILITIES SYSTEM	12	MSU
NEW ENGLAND POWER POOL (NPCC SUBREGION)	13	NEPOOL
NEW MEXICO POWER POOL	14	NMPP
NORTHWEST POWER POOL	15	NWPP
NEW YORK POWER POOL (NPCC SUBREGION)	16	NYPP
PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION	17	PJM
PACIFIC NORTHWEST COORDINATION AREA	18	PNCA
ROCKY MOUNTAIN POWER AREA	19	RMPA
SOUTH CENTRAL ELECTRIC COMPANIES	20	SCEC
SOUTHERN COMPANY SYSTEM (SERC SUBREGION)	21	SUCO
TENNESSEE VALLEY AUTHORITY (SERC SUBREGION)	22	TVA
VIRGINIA-CAROLINAS (SERC SUBREGION)	23	VACARS
WESTERN ENERGY SUPPLY AND TRANSMISSION ASSOCIATES	24	WEST
WISCONSIN-UPPER MICHIGAN SYSTEMS	25	WUMS

(CONTINUED)

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REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDPWSA

DATA ITEM LIST TITLE: ID, POWER SUPPLY AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS POWER SUPPLY AREAS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST (NAMES NOT YET ASSIGNED TO AREAS)	CODE	ABBREVIATION
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30A	
	30B	
	31A	
	31B	
	32A	
	32B	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDREGN

DATA ITEM LIST TITLE: ID, FPC REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED REGIONS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
NEW YORK	1	N
ATLANTA	2	A
CHICAGO	3	C
FORT WORTH	4	F
SAN FRANCISCO	5	S

PAGE: IDREGN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDRRCL

DATA ITEM LIST TITLE: ID, REGIONAL RELIABILITY COUNCILS

DATA ITEM LIST DESCRIPTION: IDENTIFIES SUBDIVISIONS OF THE US DESIGNATED AS REGIONAL RELIABILITY COUNCIL AREAS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
ALASKA SYSTEMS COORINATING COUNCIL	1	ASCC
EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT	2	ECAR
ELECTRIC RELIABILITY COUNCIL OF TEXAS	3	ERCOT
MID ATLANTIC AREA COUNCIL	4	MAAC
MID AMERICA INTERPOOL NETWORK	5	MAIN
MID CONTINENT AREA RELIABILITY COORDINATION AGREEMENT	6	MARCA
NATIONAL ELECTRIC RELIABILITY COUNCIL	7	NERC
NORTHEAST POWER COORDINATING COUNCIL	8	NPCC
SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL	9	SERC
SOUTHWEST POWER POOL	10	SWPP
WESTERN SYSTEMS COORDINATING COUNCIL	11	WSCC

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSYST

DATA ITEM LIST TITLE: ID, ELECTRIC POWER SYSTEMS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER SYSTEMS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
(TO BE FURNISHED BY BUREAU OF POWER)		

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDWTRR

DATA ITEM LIST TITLE: ID, WATER RESOURCE REGIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES MAJOR RIVER BASINS OF THE US.

DATA ITEM LIST SOURCE: WATER RESOURCE COUNCIL

DATA ITEM LIST	CODE	ABBREVIATION
NEW ENGLAND	01	
MID-ATLANTIC	02	
SOUTH ATLANTIC-GULF	03	
GREAT LAKES	04	
OHIO	05	
TENNESSEE	06	
UPPER MISSISSIPPI	07	
LOWER MISSISSIPPI	08	
SOURIS-RED RAINY	09	
MISSOURI (MISSOURI BASIN)	10	
ARKANSAS-WHITE-RED	11	
TEXAS - GULF	12	
RIO GRANDE	13	
UPPER COLORADO	14	
LOWER COLORADO	15	
GREAT BASIN	16	
PACIFIC NORTHWEST (COLUMBIA-NORTH PACIFIC)	17	
CALIFORNIA (SOUTH PACIFIC)	18	
ALASKA	19	
HAWAII	20	
PUERTO RICO	21	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TMMOYR

DATA ITEM LIST TITLE: TIME, MONTH OF YEAR

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE MONTHS OF YEAR ACCORDING TO THE CIVIL(GREGORIAN) CALENDAR. FOR RIS USE, AN "UNSPECIFIED" MONTH ENTRY HAS BEEN ADDED.

DATA ITEM LIST SOURCE: FIPS PUB 4, NOV 1, 1968

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNS
JANUARY	01	JAN
FEBRUARY	02	FEB
MARCH	03	MAR
APRIL	04	APR
MAY	05	MAY
JUNE	06	JUN
JULY	07	JUL
AUGUST	08	AUG
SEPTEMBER	09	SEP
OCTOBER	10	OCT
NOVEMBER	11	NOV
DECEMBER	12	DEC

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REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBLFR

DATA ITEM LIST TITLE: TYPE OF BOILER FIRING

DATA ITEM LIST DESCRIPTION: INDICATES THE METHOD OF FIRING STEAM BOILERS BY TYPE OF FUEL.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
CYCLONE	01	CYCL
FLUIDIZED BED	02	FLUI
GAS, FRONT FIRING	03	GFRO
GAS, OPPOSED FIRING	04	GOPP
GAS, TANGENTIAL FIRING	05	GTAN
NUCLEAR FISSION	06	NUCF
OTHER STOKER	07	OSTO
PULVERIZED COAL, UNSPECIFIED	10	PCUN
PULVERIZED COAL, FRONT FIRING	11	PCFR
PULVERIZED COAL, OPPOSED FIRING	12	PCOP
PULVERIZED COAL, TANGENTIAL FIRING	13	PCTA
RESIDUAL OIL, FRONT FIRING	20	RFRO
RESIDUAL OIL, OPPOSED FIRING	21	ROPP
RESIDUAL OIL, TANGENTIAL FIRING	22	RTAN
SPREADER STOKER	30	SPRE
OTHER FIRING METHOD	99	OTHE

PAGE: TYBLFR-1

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBLOL

DATA ITEM LIST TITLE: TYPE OF BOILER OPERATING LEVEL

DATA ITEM LIST DESCRIPTION: INDICATES THE OPERATING LEVEL OR STATUS OF A STEAM BOILER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CONTINUOUS NOMINAL FULL LOAD	1	
LESS THAN FULL BUT OVER 75% LOAD	2	
50% TO 75% LOAD	3	
UNDER 50% LOAD	4	
NO-LOAD HOT STANDBY	5	
NO-LOAD COLD STANDBY	6	
OTHER	9	

PAGE: TYBLOL-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYBSIN

DATA ITEM LIST TITLE: TYPE OF BUSINESS INTEREST

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF BUSINESS INTEREST OR RELATIONSHIP.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
OWNER OPERATOR	01	OO
OWNER LESSOR	02	OL
LESSEE OPERATOR	03	LO
LESSEE LESSOR	04	LL
ASSOCIATED COMPANY	05	AC
SITE OWNER	06	SO

PAGE: TYBSIN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCBBP

DATA ITEM LIST TITLE: TYPE OF COMBUSTIBLE BY-PRODUCT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF BY-PRODUCTS PRODUCED BY COMBUSTION OF BOILER FUELS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FLYASH	1	
BOTTOM ASH	2	
ELEMENTAL SULFUR	3	
SULFURIC ACID	4	
SULFUR DIOXIDE	5	
OTHER SULFUR PRODUCTS	6	
OTHER PRODUCTS	9	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCHEM

DATA ITEM LIST TITLE: TYPE OF CHEMICAL

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF CHEMICALS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
PHOSPHATE	1	
CAUSTIC SODA	2	
HYDRAZINE	3	
LIME	4	
ALUMINUM	5	
CHLORINE	6	
OTHER	9	

PAGE: TYCHEM-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCLCD

DATA ITEM LIST TITLE: TYPE OF CONDENSER COOLING

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF COOLING USED FOR ELECTRIC POWER PLANT STEAM CONDENSERS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
COMBINATION	01	CB
COOLING POND	02	CP
CIRCULATING POND	03	CRP
DRY COOLING TOWER	04	DCT
EVAPORATIVE	05	EVP
ONCE-THROUGH	06	OT
ONCE-THROUGH, FRESH	07	OTF
ONCE-THROUGH, SALINE	08	OTS
WET COOLING TOWER	10	WCT
OTHER	99	OTH

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCLGN

DATA ITEM LIST TITLE: TYPE OF GENERATOR COOLANT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF COOLANT USED BY AN ELECTRIC POWER GENERATOR.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
AIR	1	A
HYDROGEN	2	H
WATER	3	W
HELIUM (GAS OR LIQUID)	4	L
NITROGEN (GAS OR LIQUID)	5	N
OTHER	9	O

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DATA ITEMS

DATA ITEM LIST MNEMONIC: TYCONS

DATA ITEM LIST TITLE: TYPE OF PLANT CONSTRUCTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF POWER PLANT CONSTRUCTION.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CONVENTIONAL	1	C
SEMI-OUTDOOR	2	S
FULL OUTDOOR	3	F

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYDMIN

DATA ITEM LIST TITLE: TYPE OF DEMAND INTERVAL

DATA ITEM LIST DESCRIPTION: INDICATES THE PERIOD OF TIME DURING WHICH ELECTRIC ENERGY FLOW IS AVERAGED TO DETERMINE DEMAND.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
INSTANTANEOUS	00	INST
15-MINUTE	15	15MN
30-MINUTE	30	30MN
60-MINUTE	60	60MN

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYFGCE

DATA ITEM LIST TITLE: TYPE OF FLUEGAS CLEANING EQUIPMENT

DATA ITEM LIST DESCRIPTION: INDICATES THE VARIOUS TYPES OF FLUE GAS CLEANING EQUIPMENT USED BY ELECTRIC POWER PLANTS WHICH BURN FOSSIL FUELS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
ELECTROSTATIC	01	ELEC
COMBINATION MECHANICAL-ELECTRIC PRECIPITATORS	02	COMB
DESULFURIZATION SYSTEM	03	DESF
OTHER TYPE EQUIPMENT	04	OTHE
MECHANICAL,NOT OTHERWISE SPECIFIED	05	MECH
MECHANICAL,GRAVITATIONAL OR BAFFLED CHAMBER	06	GRAV
MECHANICAL,SINGLE CYCLONE CONVENTIONAL REVERSE FLOW, TANGENTIAL INLET	07	SCTA
MECHANICAL,SINGLE CYCLONE, CONVENTIONAL REVERSE FLOW, AXIAL INLET	08	SCAX
MECHANICAL,MULTIPLE CYCLONE, CONVENTIONAL REVERSE FLOW, TANGENTIAL INLET	09	MCTA
MECHANICAL,MULTIPLE CYCLONE, CONVENTIONAL REVERSE FLOW, AXIAL INLET	10	MCAX
MECHANICAL, STRAIGHT-THROUGH-FLOW CYCLONES	11	CYCL
MECHANICAL, IMPELLOR COLLECTOR	12	IMPE
MECHANICAL, WET COLLECTOR,VENTURE	13	VENT
MECHANICAL, WET COLLECTOR,OTHER	14	WETC
MECHANICAL, BAGHOUSE (FABRIC COLLECTOR)	15	BAGH
MECHANICAL, OTHER	16	MOTH

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYFUEL

DATA ITEM LIST TITLE: TYPE OF FUEL

DATA ITEM LIST DESCRIPTION: INDICATES THE SUBSTANCE OR MATERIAL USED AS A SOURCE OF HEAT OR POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
WOOD,REFUSE OR WASTES	01	WD
FOSSIL FUEL, UNSPECIFIED	09	FFUN
COAL,UNSPECIFIED	10	CU
COAL,BITUMINOUS	11	CBIT
COAL,SUB-BITUMINOUS	12	CSUB
COAL,ANTHRACITE	13	CANT
COAL,LIGNITE	14	CLIG
PETROLEUM COKE	15	CPC
COAL,SOLVENT REFINED	16	CSR
GAS,UNSPECIFIED	20	GU
GAS,NATURAL	21	GN
GAS,LIQUEFIED NATURAL	23	GLN
GAS,REFINERY	24	GR
GAS,BLAST FURNACE	25	GBF
GAS,COKE OVEN	26	GCO
GAS,SEWAGE	27	GS
GAS,SYNTHETIC	28	SNG
GAS,LIQUID PETROLEUM	29	LPG
OIL,FUEL,UNSPECIFIED	30	OFU
OIL,FUEL OIL-2	32	OF2
OIL,FUEL OIL-4	34	OF4
OIL,FUEL OIL-5	35	OF5
OIL,FUEL OIL-6	36	OF6
OIL,FUEL OIL, HIGH VISCOSITY	37	OHV
OIL,DRY BKOH	41	OBK
OIL,LIQUID PROPANE GAS	42	OLPG
OIL,CRUDE	43	OCRU
OIL,TOPPED CRUDE	44	OTOP
OIL,JET FUEL	45	OJF
OIL,KEROSENE	46	OKER
OIL,REFINED MOTOR	47	RKO
OIL,DIESEL	48	OSL
NUCLEAR	50	NU
GEOTHERMAL	60	GT

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOUTC

DATA ITEM LIST TITLE: TYPE OF POWER OUTAGE CAUSE

DATA ITEM LIST DESCRIPTION: INDICATES THE CAUSES OF ELECTRIC POWER OUTAGES BY TYPE OF POWER GENERATING EQUIPMENT.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BOILER - PLANNED OUTAGE	001	
BOILER - MAINTENANCE OUTAGE	002	
BOILER - GENERAL CODE	100	
BOILER - WATER WALLS	101	
BOILER - GENERATING TUBES	102	
BOILER - SUPERHEATER	103	
BOILER - REHEATER - FIRST	104	
BOILER - REHEATER - SECOND	105	
BOILER - ECONOMIZER	106	
BOILER - AIR PREHEATER - TUBULAR	107	
BOILER - AIR PREHEATER - REGENERATIVE	108	
BOILER - INDUCED DRAFT FANS	109	
BOILER - FORCED DRAFT FANS	110	
BOILER - RECIRCULATING FANS	111	
BOILER - DESUPERHEATERS AND ATTEMPERATORS	112	
BOILER - BY-PASS DAMPERS	113	
BOILER - FURNACE REFRACTORY	114	
BOILER - SAFETY VALVES	115	
BOILER - STEAM VALVES AND PIPING	116	
BOILER - VALVES AND PIPING - FEEDWATER AND BLOWDOWN	117	
BOILER - GAGE GLASSES	118	
BOILER - SLAG AND FLY ASH DISPOSAL SYSTEM	119	
BOILER - STACK	120	
BOILER - PULVERIZERS	121	
BOILER - CYCLONES	122	
BOILER - FUEL HANDLING EQUIPMENT (GAS, OIL, COAL, ETC)	123	
BOILER - FIRESIDE CLEANING	124	
BOILER - ACID CLEANING	125	
BOILER - BOILER CASING BREECHING AND DUCTS	126	

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOWNA

DATA ITEM LIST TITLE: TYPE OF OWNERSHIP/AUTHORITY

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF OWNERSHIP OR LEVEL OF GOVERNMENTAL AUTHORITY.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
MUNICIPAL (OR CITY)	1	M
TOWNSHIP	2	T
BOROUGH	3	B
COUNTY (OR PARISH)	4	C
TERRITORY	5	R
STATE (OR DISTRICT)	6	S
FEDERAL	7	F
PRIVATE	8	P
OTHER	9	O

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYOWNS

DATA ITEM LIST TITLE: TYPE OF OWNERSHIP

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF OWNERSHIP OF UTILITIES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATIO
FEDERAL	1	FEDL
PRIVATE	2	PRIV
COOPERATIVE	3	COOP
INDUSTRIAL	4	INDU
POWER DISTRICT AND STATE PROJECT	5	PDSP
MUNICIPAL	6	MUNI

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPLPW

DATA ITEM LIST TITLE: TYPE ELECTRIC PLANT/MOTIVE POWER

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF ELECTRIC POWER PLANTS AS CHARACTERIZED BY MOTIVE POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
STEAM, ELECTRIC	10	ST
STEAM, COMBINED CYCLE	11	CS
GAS TURBINE	30	GT
GAS TURBINE, OPEN CYCLE	31	GO
GAS TURBINE, CLOSED CYCLE	32	GC
GAS TURBINE, COMBINED CYCLE	33	CG
UNSPECIFIED TURBINE, COMBINED CYCLE	39	CC
INTERNAL COMBUSTION ENGINE, UNSPECIFIED CYCLE	40	IC
INTERNAL COMBUSTION ENGINE, 2-CYCLE	41	I2
INTERNAL COMBUSTION ENGINE, 4-CYCLE	42	I4
HYDROELECTRIC, CONVENTIONAL	81	HY
HYDROELECTRIC, PUMPED STORAGE	82	HP
OTHER	99	OT

PAGE: TYPLPW-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPROJ

DATA ITEM LIST TITLE: TYPE OF HYDROELECTRIC PROJECT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF HYDROELECTRIC PROJECT OPERATION BY FEDERAL EXECUTIVE DEPARTMENT OR OTHERS, OR LICENSED BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FEDERAL, TVA	10	TVA
FEDERAL, USBR	11	USBR
FEDERAL, USCE	12	USCE
FEDERAL, OTHER	19	FOTH
LICENSED	20	LI
OTHER	99	OTH

PAGE: TYPROJ-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYPUMP

DATA ITEM LIST TITLE: TYPE OF PUMP CONSTRUCTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF CONSTRUCTION OF MOTOR-DRIVEN PUMPS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
CENTRIFUGAL	1	
MIXED FLOW	2	
AXIAL	3	

PAGE: TYPUMP-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYSTOS

DATA ITEM LIST TITLE: TYPE OF OPERATIONAL STATUS

DATA ITEM LIST DESCRIPTION: INDICATES PLANT OR EQUIPMENT STATUS BY DEGREE OF OPERATION OR OPERATIONAL AVAILABILITY.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
FULLY OPERATIONAL (IN COMMERCIAL SERVICE)	1	O
STANDBY OR RESERVE	2	S
RETIRED	3	R
TESTING (NOT IN COMMERCIAL SERVICE)	4	T

PAGE: TYSTOS-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYSTPL

DATA ITEM LIST TITLE: TYPE OF PLANT STATUS

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPES OF PLANT OR EQUIPMENT STATUS WITH RESPECT TO CONSTRUCTION, MODIFICATION OR DISPOSITION.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
DISMANTLED	1	DISM
REMOVED FROM SERVICE	2	REMO
SOLD	3	SOLD
LEASED	4	LEAS
PLANNED MAJOR MODIFICATION	5	PMMD
UNPLANNED MAJOR MODIFICATION	6	UPMM
PLANNED NEW PLANT	7	PNPL
NEW PLANT UNDER CONSTRUCTION	8	NPUC
NEW PLANT IN COMMERCIAL SERVICE	9	NPCS

PAGE: TYSTPL-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYTRAN

DATA ITEM LIST TITLE: TYPE OF TRANSPORTATION MODE

DATA ITEM LIST DESCRIPTION: INDICATES THE MODE OF TRANSPORT USUALLY USED FOR UTILITY FUELS. WHERE AN INTERMEDIATE STORAGE OR TRANSSHIPMENT POINT IS INVOLVED, A DOUBLE CODE OR ABBREVIATION IS USED, THE FIRST FOR THE INITIAL MODE, THE SECOND FOR THE FINAL MODE.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BARGE, UNSPECIFIED TYPE	10	B
BARGE, UNIT	12	A
SHIP, UNSPECIFIED TYPE	20	H
COLLIER	23	V
OIL TANKER	24	W
SHIP, LNG	25	L
RAIL, NON-UNIT TRAIN	31	R
RAIL, UNIT TRAIN	32	U
RAIL, TANK CAR	34	X
PIPELINE, COAL SLURRY	43	S
PIPELINE, GAS OR OIL	44	P
TRUCK, UNSPECIFIED TYPE	50	T
TRUCK,TANK	54	Y
TRUCK,LNG	55	Z
CONVEYOR BELT	81	C
OTHER	99	O

PAGE: TYTRAN-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYUNMS

DATA ITEM LIST TITLE: TYPE OF UNIT OF MEASURE

DATA ITEM LIST DESCRIPTION: INDICATES THE PHYSICAL OR TIME UNITS BY WHICH A VALUE IS MEASURED.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
LITER		L
ACRE FEET	1	ACFT
ACRE	2	ACRE
AMPERE	3	AMP
BARREL	4	BBL
BARRELS PER HOUR	5	BBL/HR
BILLIONS BTU	6	BBTU
BRAKE HORSEPOWER	7	BHP
BARRELS PER DAY	8	BPD
BRITISH THERMAL UNIT	9	BTU
BTU PER CUBIC FOOT	10	BTU/CF
BTU PER ONE CENT (MONEY)	11	BTU/CTS
BTU PER KWH	12	BTU/KWH
BTU PER MCF	13	BTU/MCF
CENTRIGRADE	14	C
CUBIC CENTIMETER	15	CC
CUBIC FEET PER MINUTE	16	CFM
CUBIC FEET PER SECOND	17	CFS
CFS PER KILOWATT	18	CFS/KW
CUBIC FEET PER YEAR	19	CFY
CENTIMETER	20	CM
CANDLE POWER	21	CP
CENTS PER MMBTU	22	CT/MMBT
CENTS (MONEY)	23	CTS
CENTS PER KWH	24	CTS/KWH
CENTS PER MCF	25	CTS/MCF
CUBIC FEET	26	CUFT
HUNDREDWEIGHT	27	CWT
DEGREES, API (SPECIFIC GRAVITY)	28	DEGA
DEGREES, CENTIGRADE (TEMPERATURE)	29	DEGC
DEGREES, FAHRENHEIT (TEMPERATURE)	30	DEGF
DEGREES, ANGULAR MEASURE	31	DEGG
DEGREES, KELVIN (TEMPERATURE)	32	DEGK
DEGREES, RANKINE	33	DEGR
DOLLARS	34	DOL

(CONTINUED)

PAGE: TYUNMS-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYUTSV

DATA ITEM LIST TITLE: TYPE OF UTILITY SERVICE

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF UTILITY SERVICE WITH RESPECT TO THE LOAD CHARACTERISTICS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
BASE LOAD	1	BL
AUXILIARY PEAKING	2	PK
STANDBY	3	SB
PEAK SHAVING	4	PH
PEAKING STANDBY	5	PS
CYCLING	6	CY

PAGE: TYUTSV-1

UMI

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYWWPR

DATA ITEM LIST TITLE: TYPE OF WATERWHEEL PROPELLOR

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF WATERWHEEL WITH RESPECT TO THE PLANE OF THE PROPELLOR BLADES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
HORIZONTAL	1	HORZ
VERTICAL	2	VERT
INCLINED	3	INCL

PAGE: TYWWPR-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYWWRN

DATA ITEM LIST TITLE: TYPE OF WATERWHEEL RUNNER

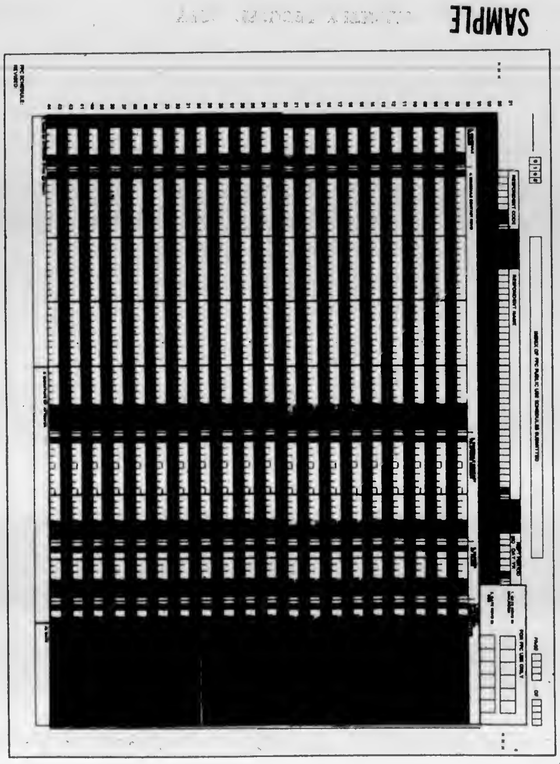
DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF HYDRAULIC TURBINE BY THE TYPE OF WATERWHEEL RUNNER.

DATA ITEM LIST SOURCE: FPC STAFF

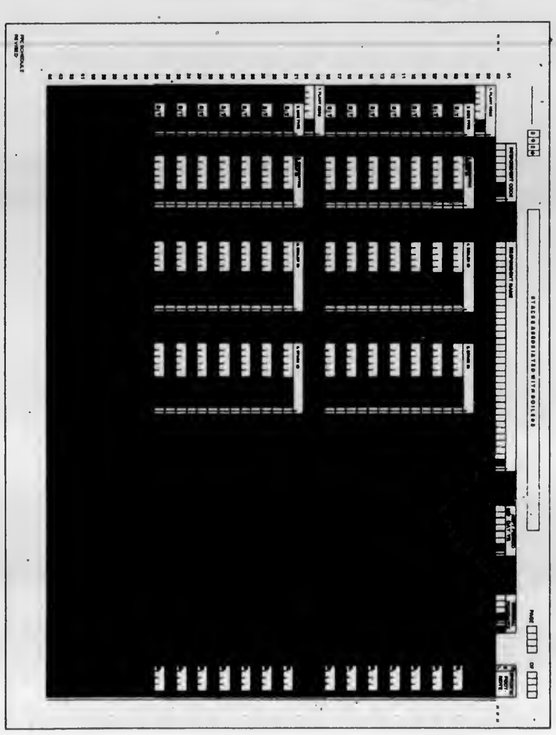
DATA ITEM LIST	CODE	ABBREVIATION
FRANCIS	1	F
PROPELLER (FIXED)	2	P
KAPLAN (AUTOMATICALLY ADJUSTABLE)	3	K
PELTON (IMPULSE)	4	W
DERIAZ (DIAGONAL FLOW AUTOMATIC PROPELLER)	5	D

PAGE: TYWWRN-1

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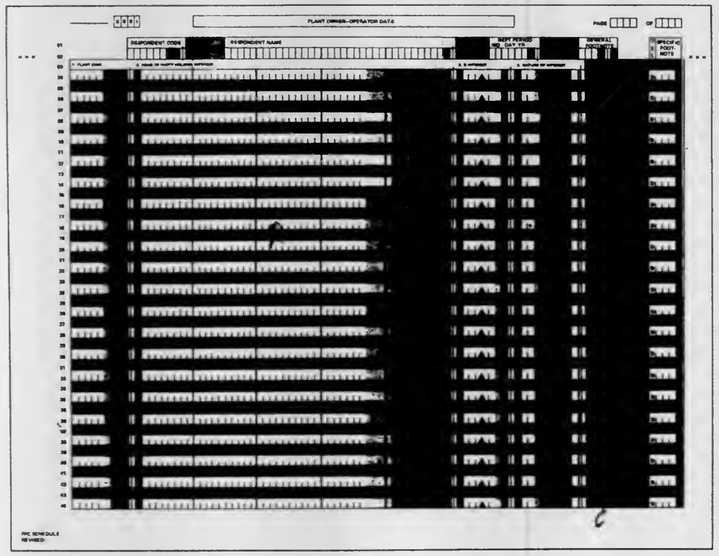


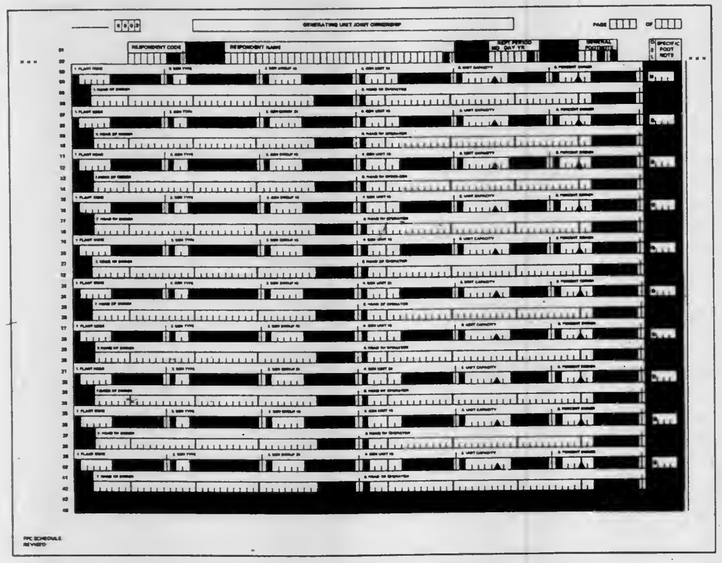
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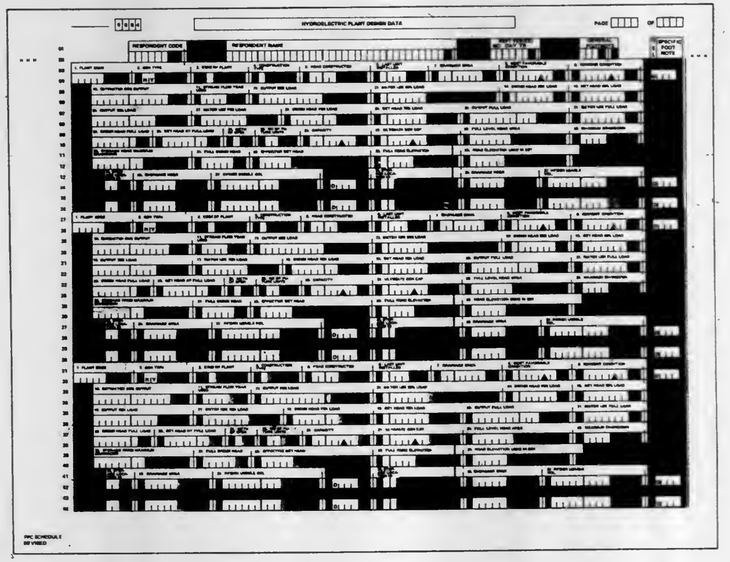
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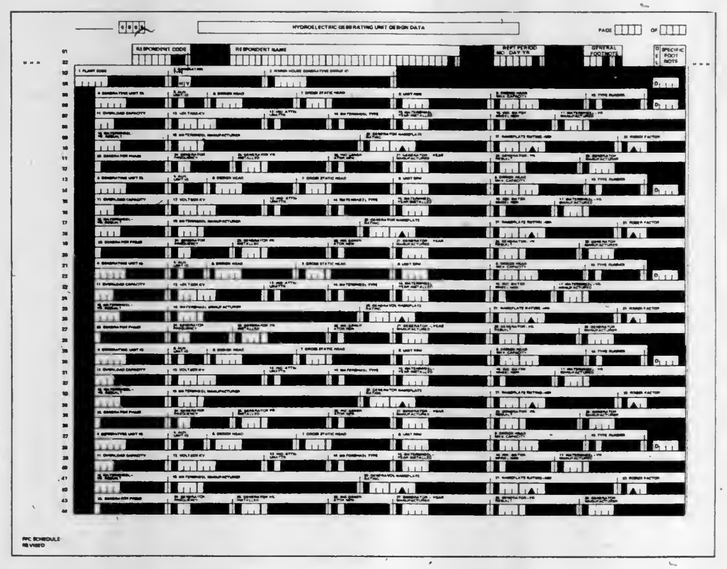
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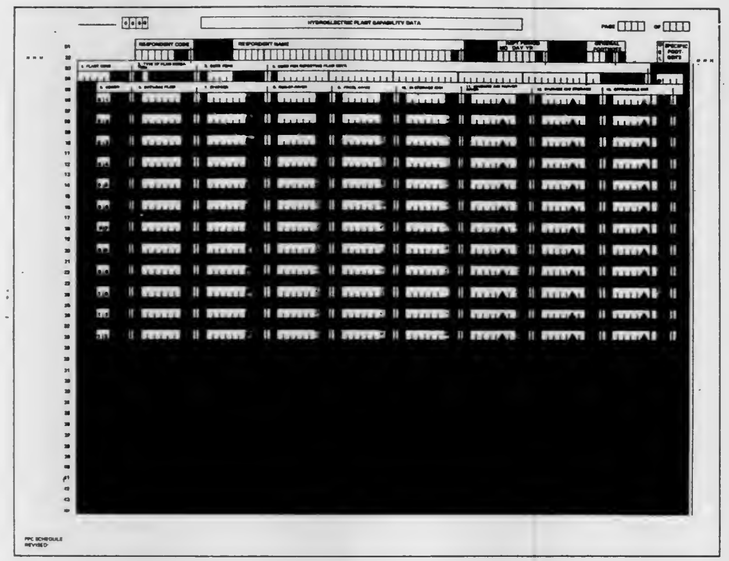
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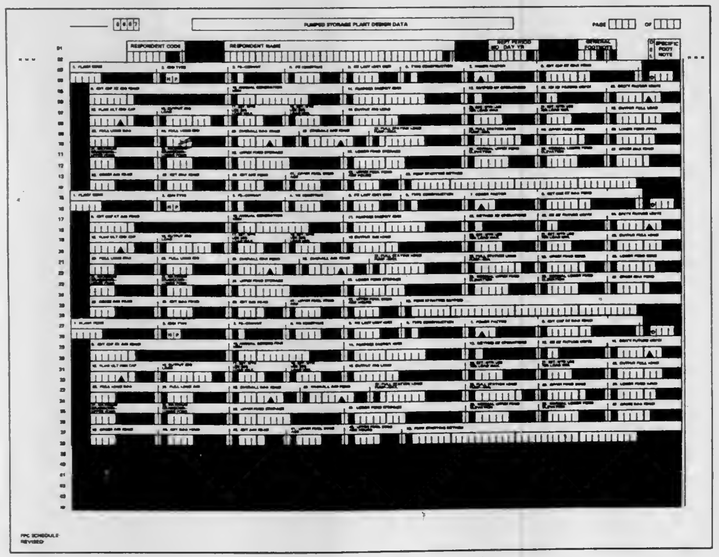




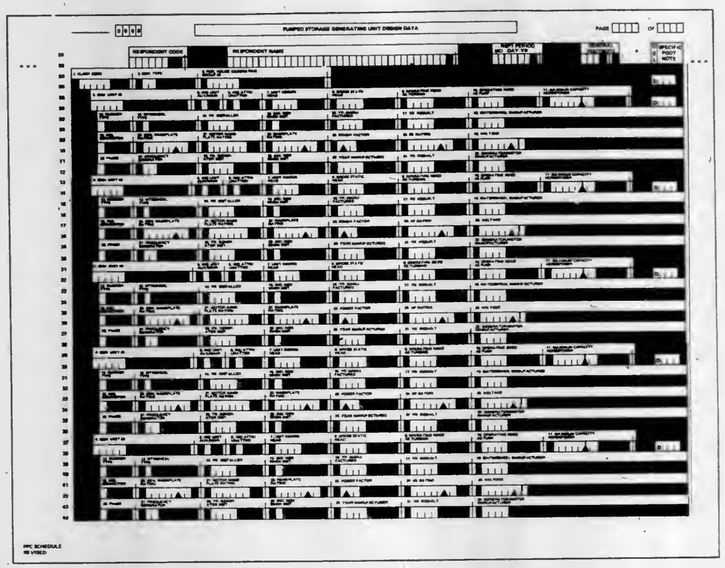
V 41 171 SEP 1 76 UMI

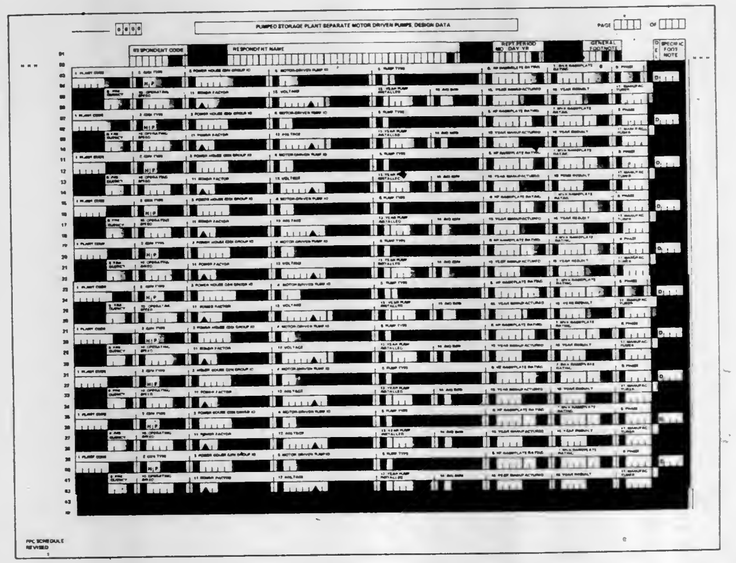
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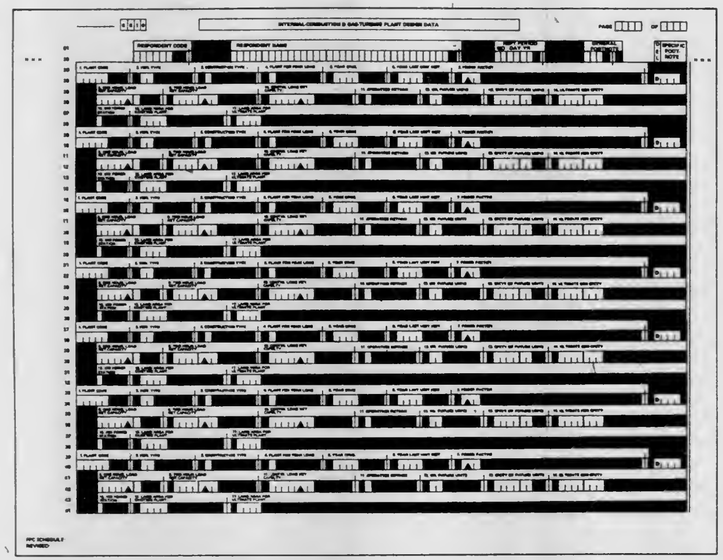
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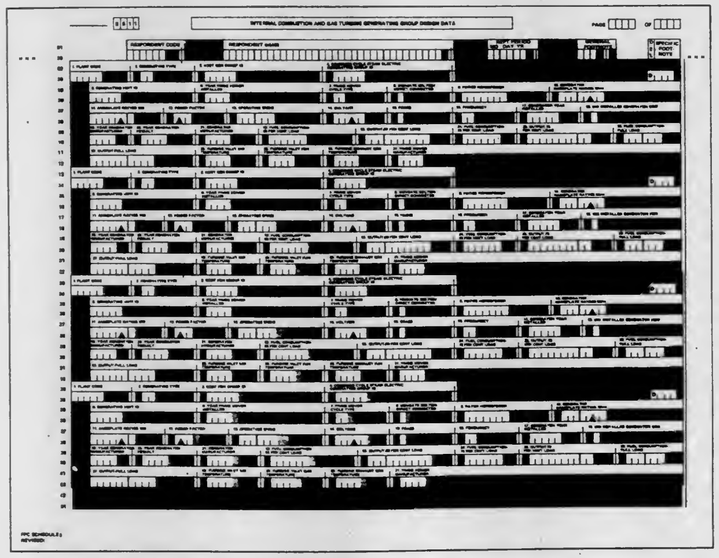




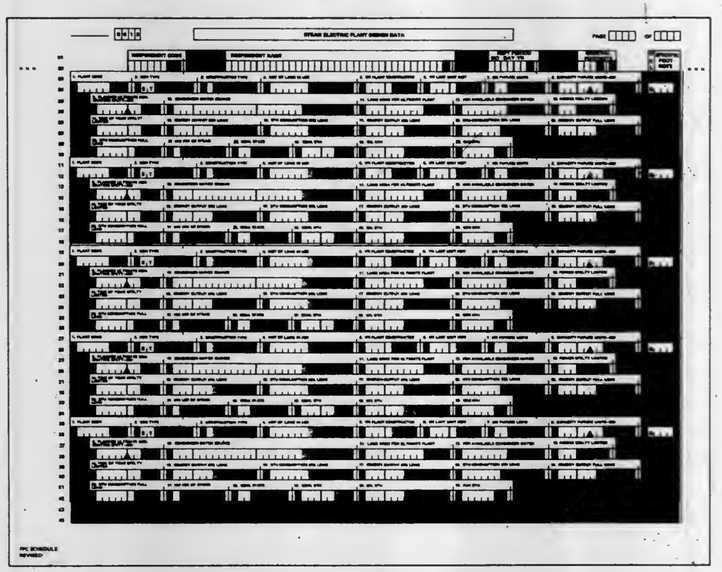
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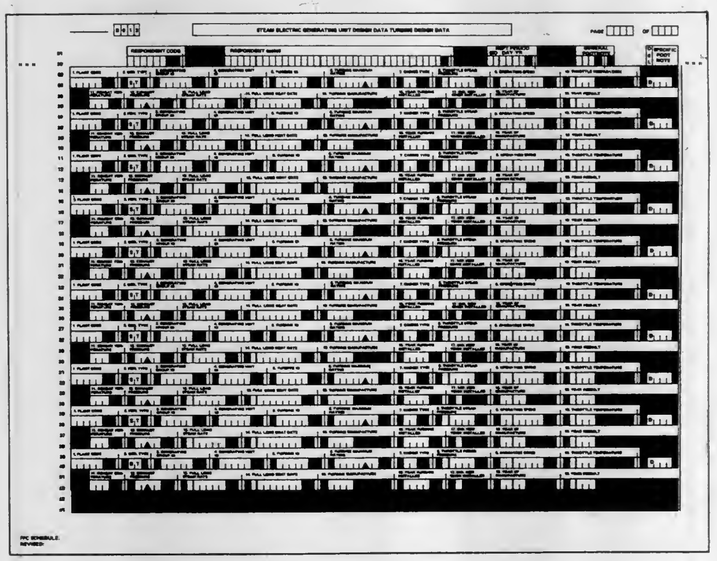
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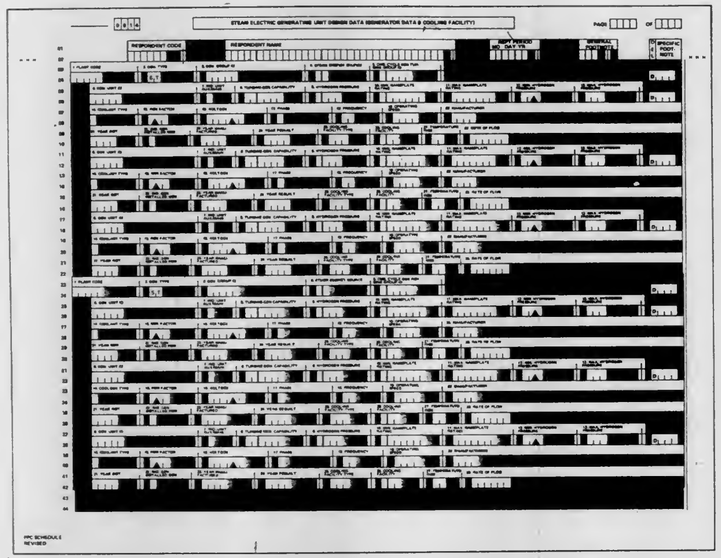
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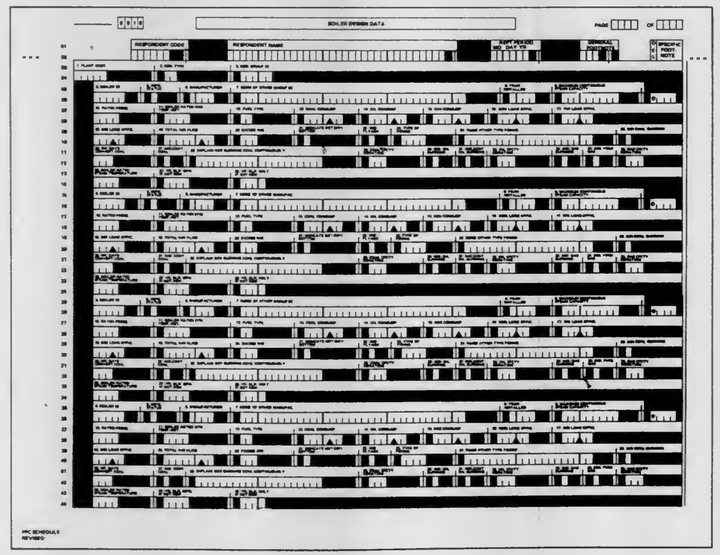


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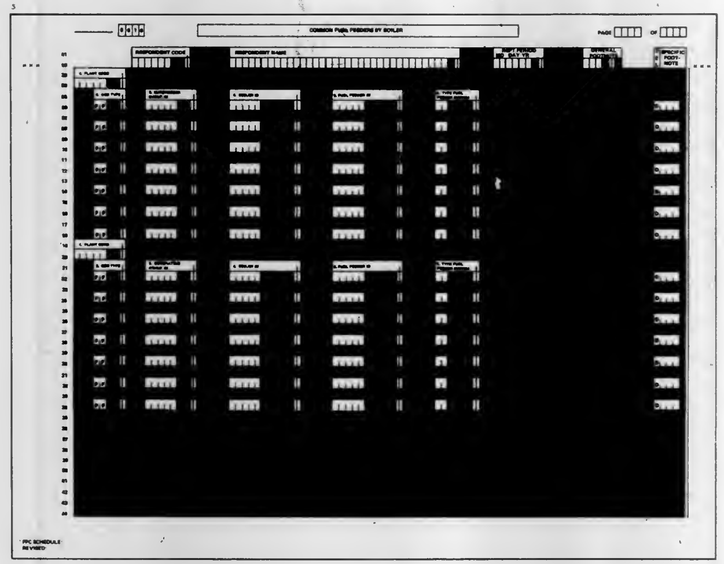
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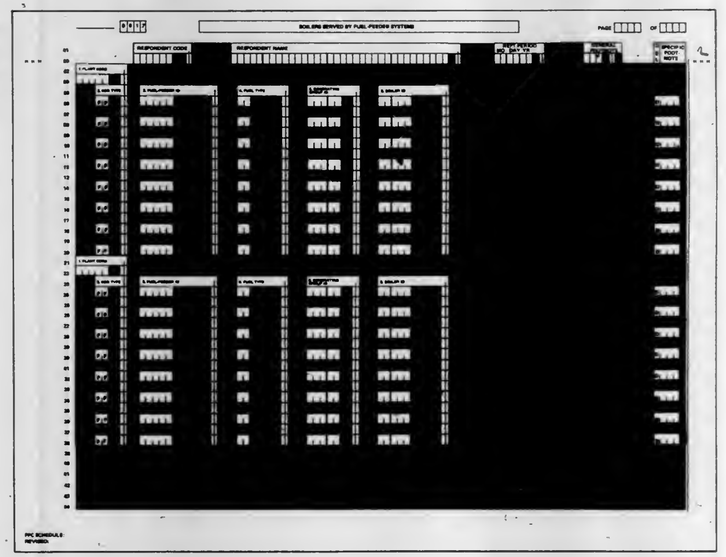
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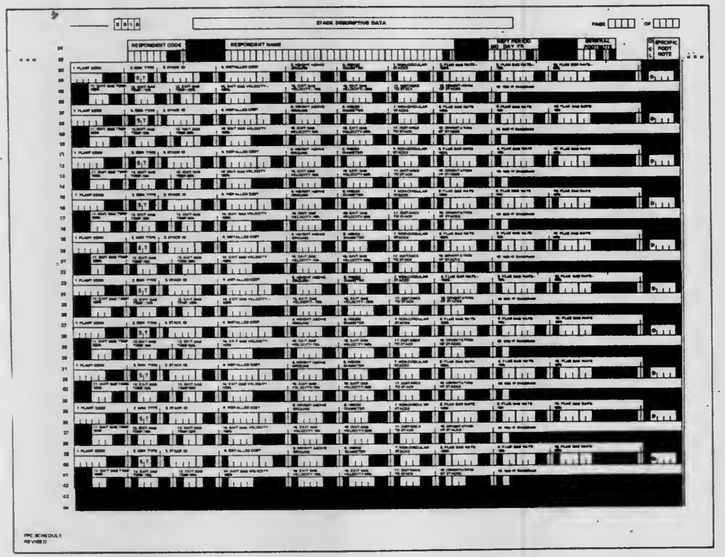


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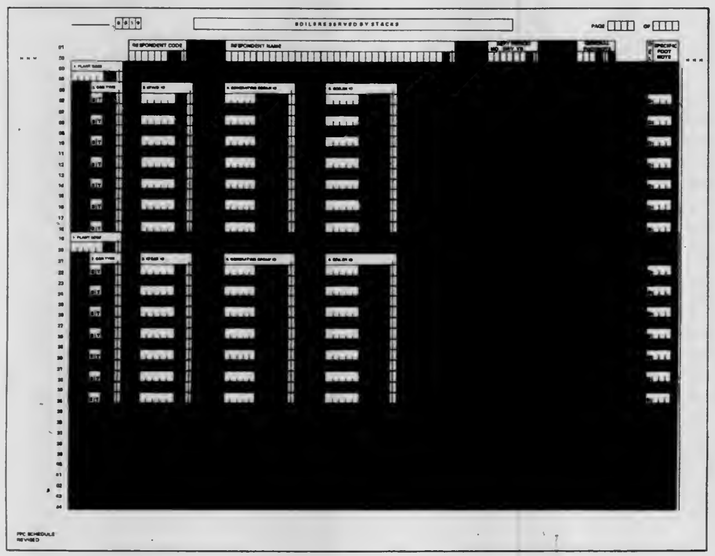


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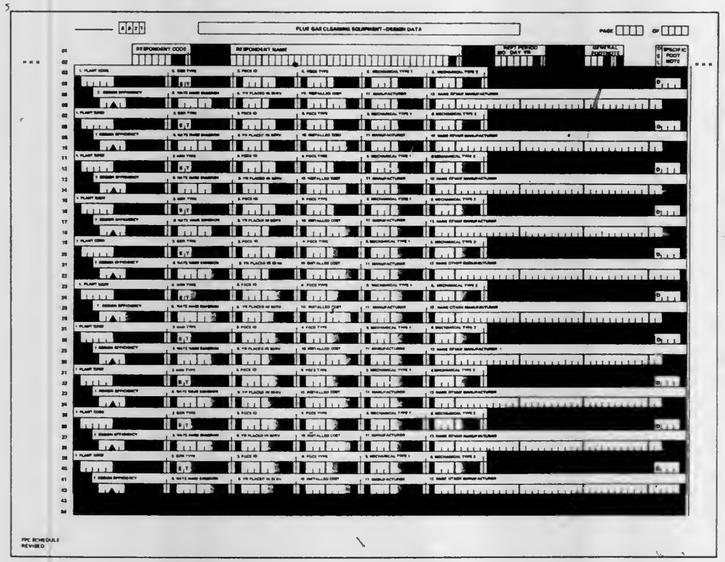
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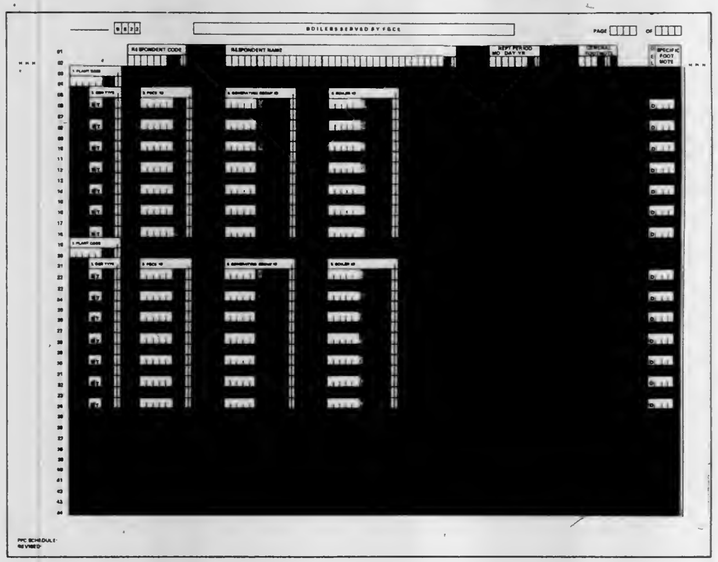
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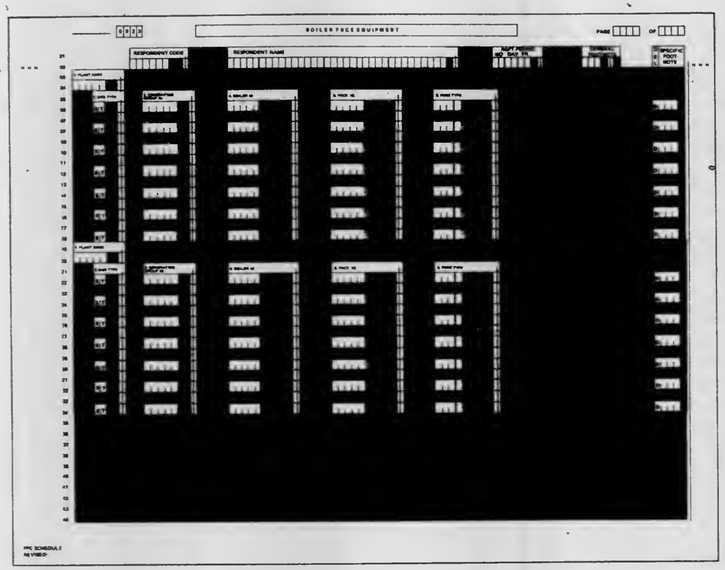


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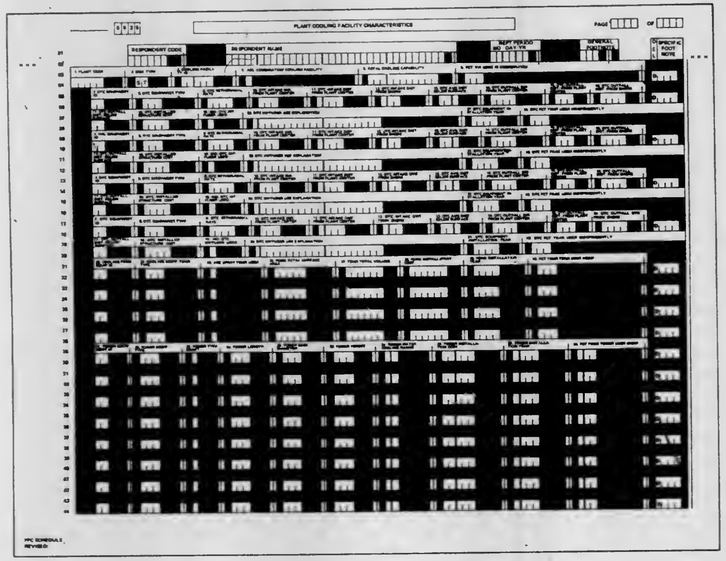


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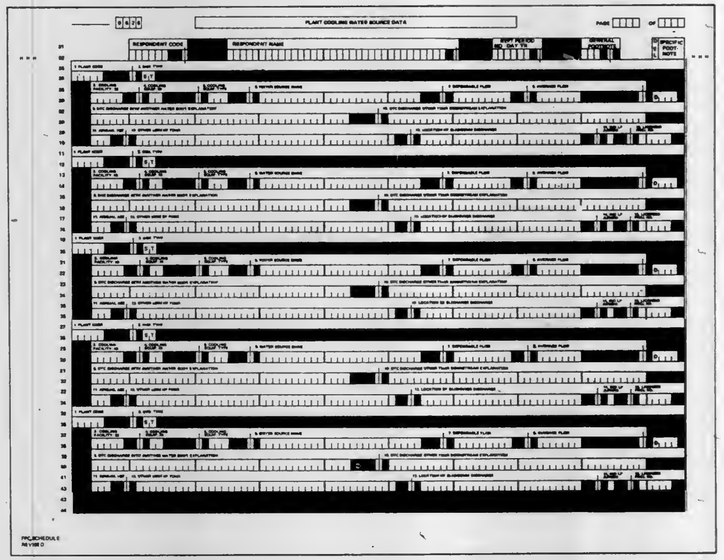
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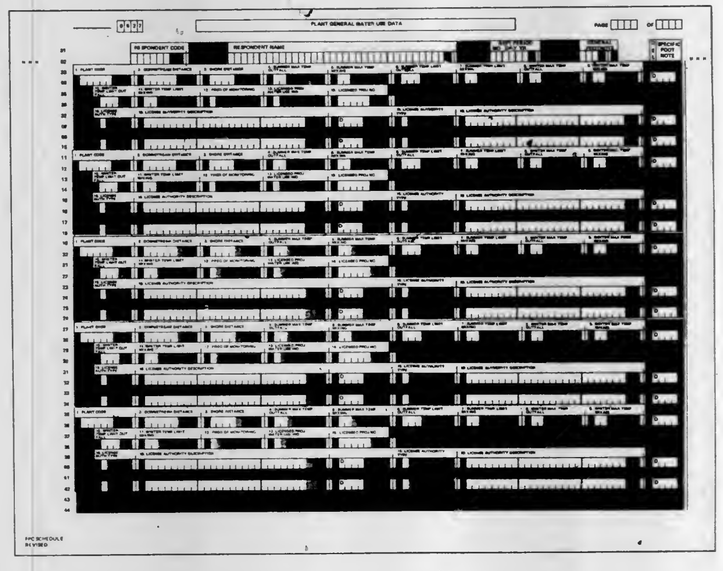
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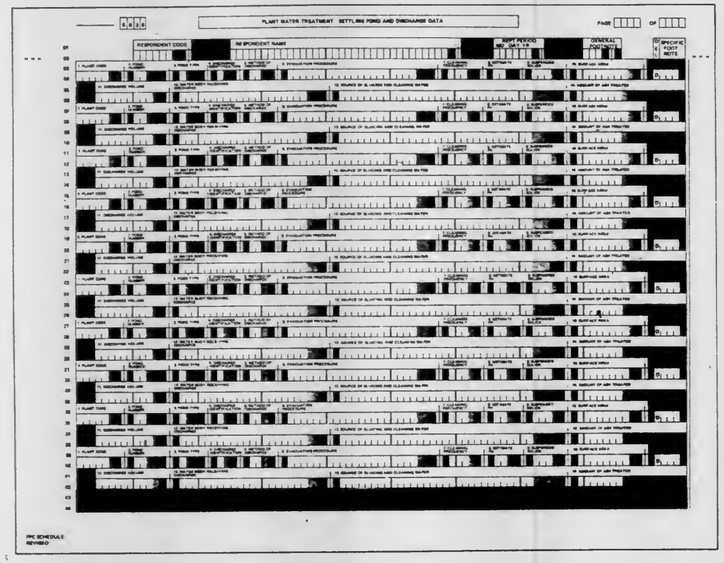


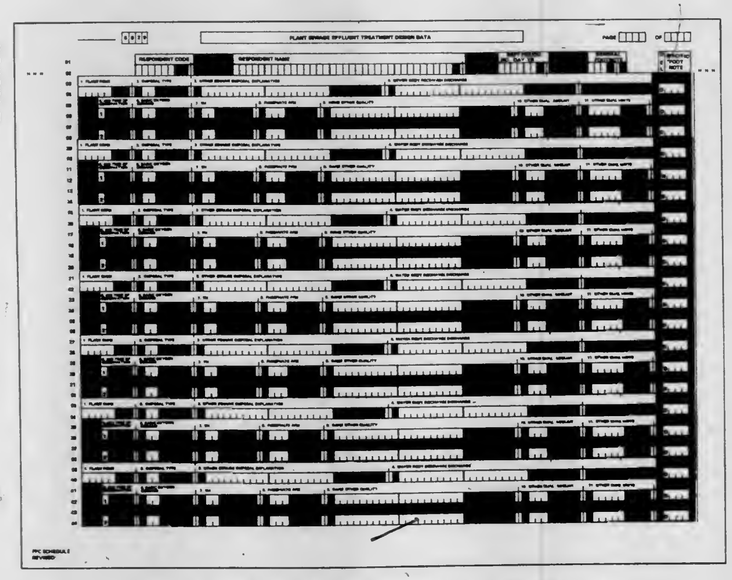
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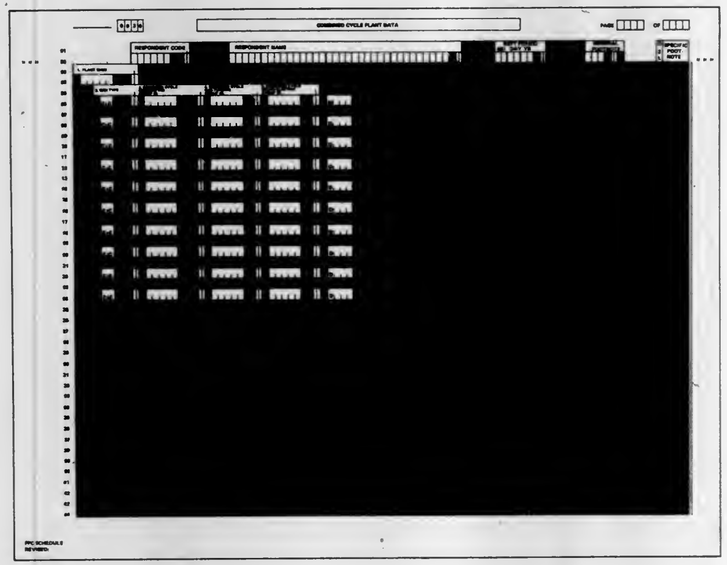
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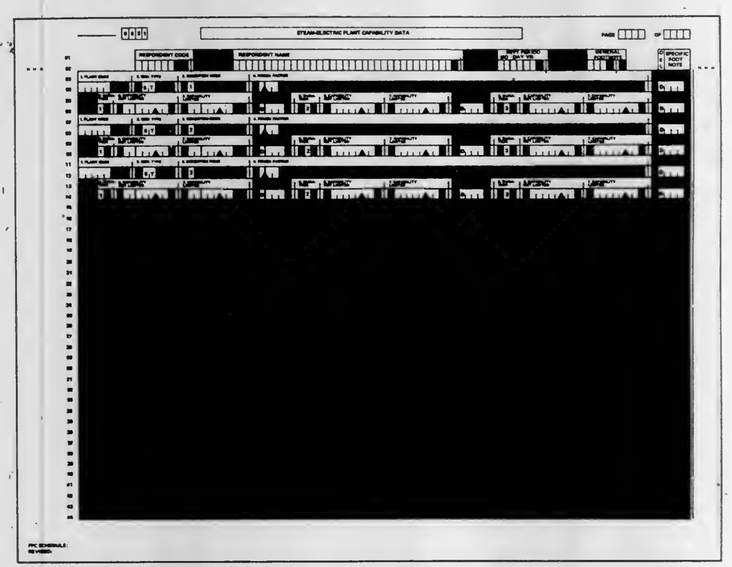
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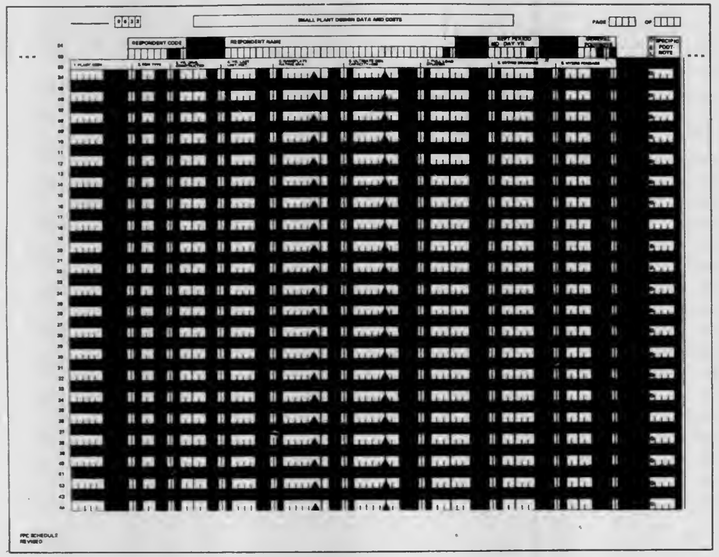
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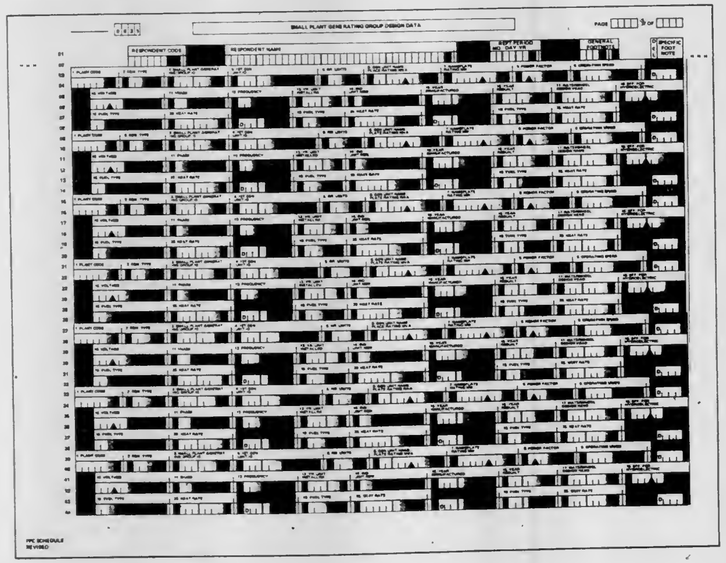


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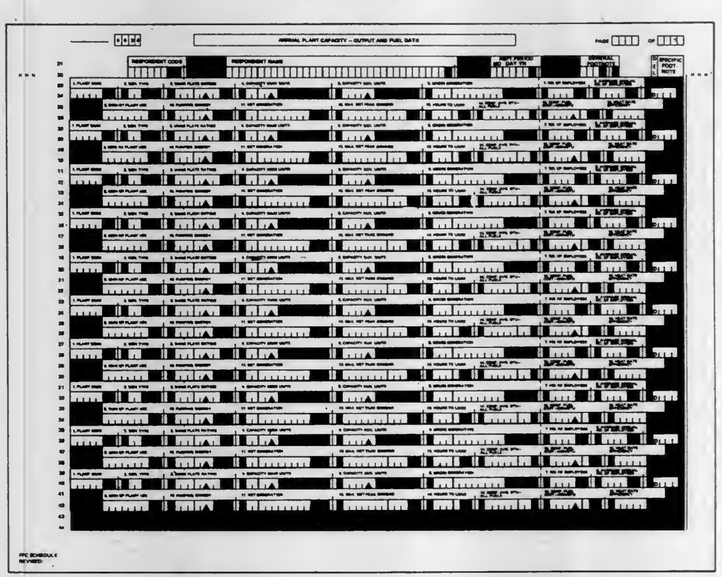
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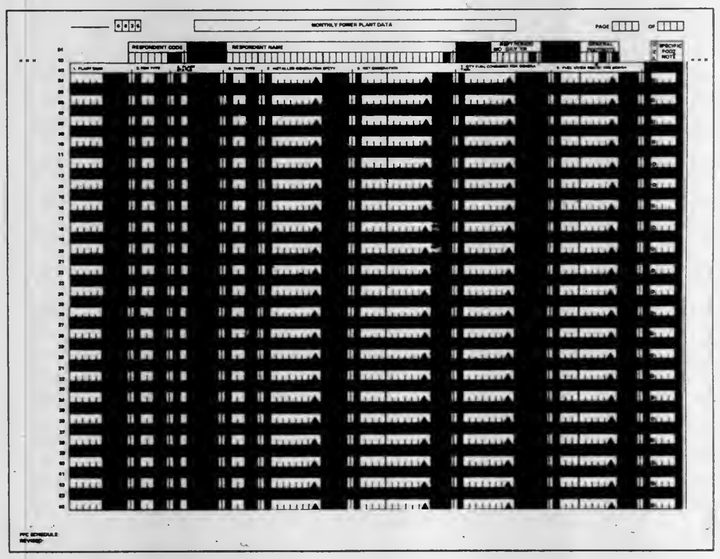
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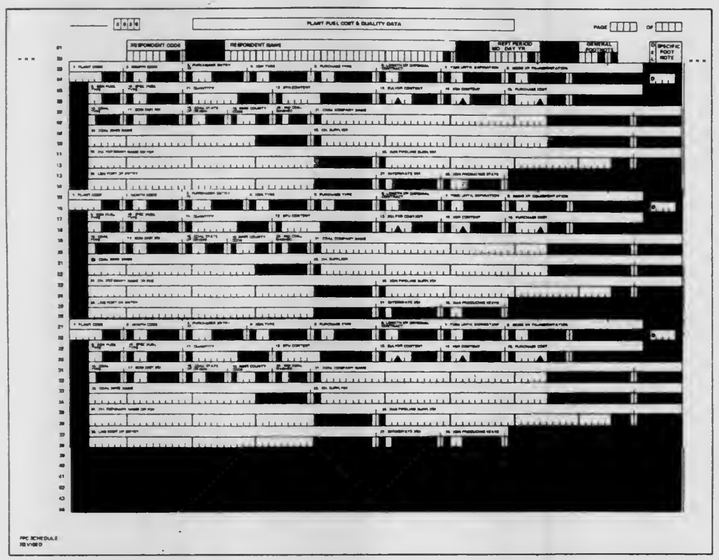


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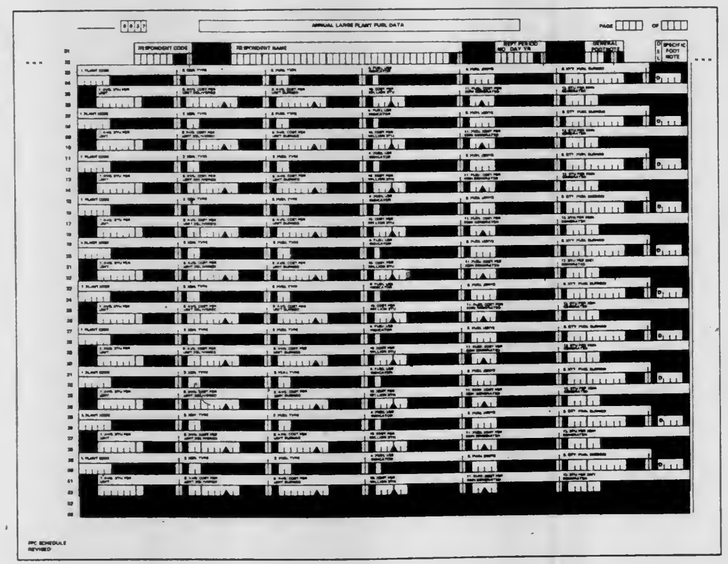


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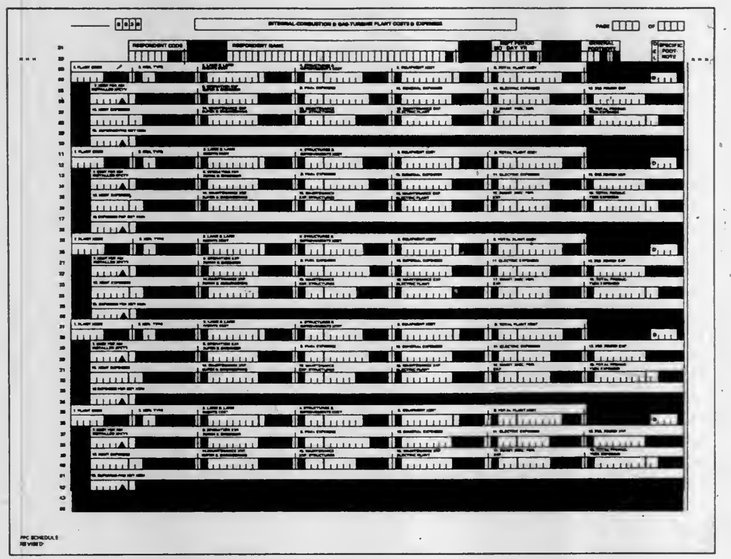
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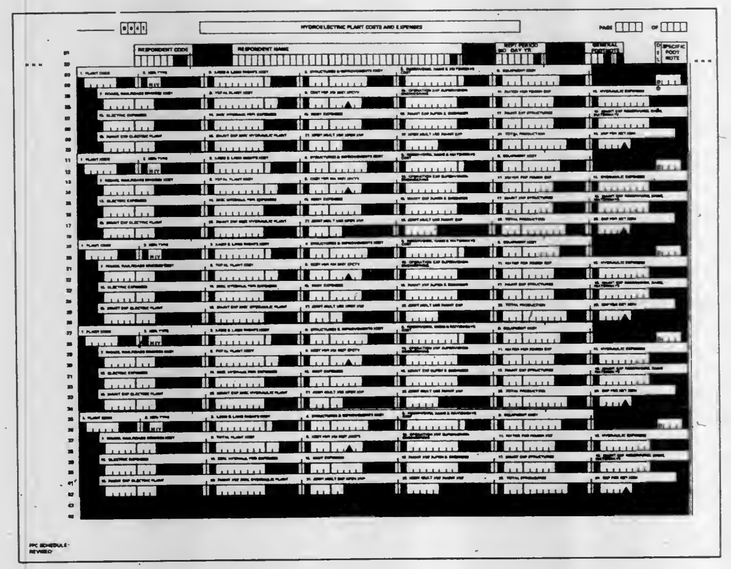
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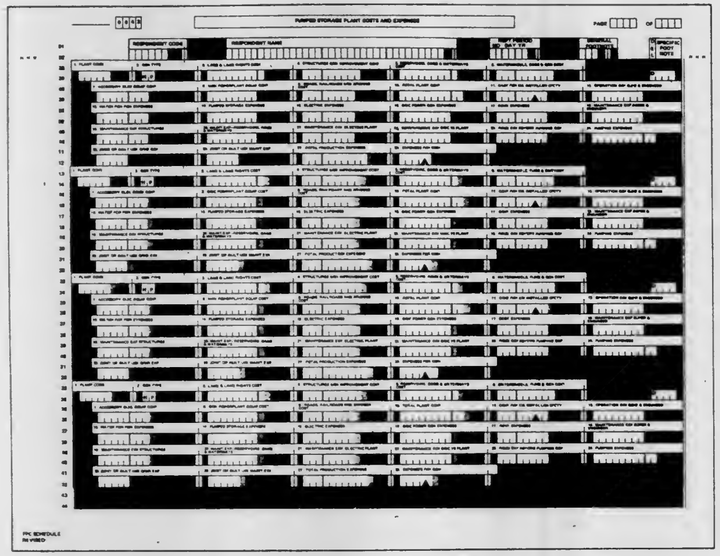


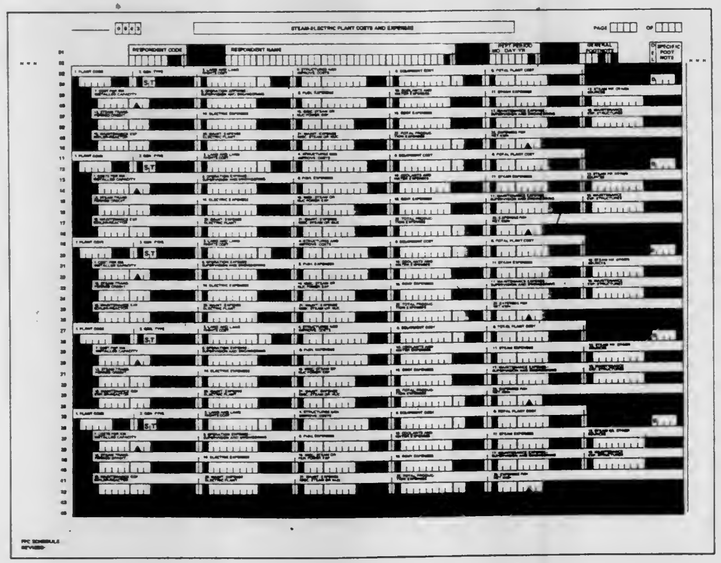
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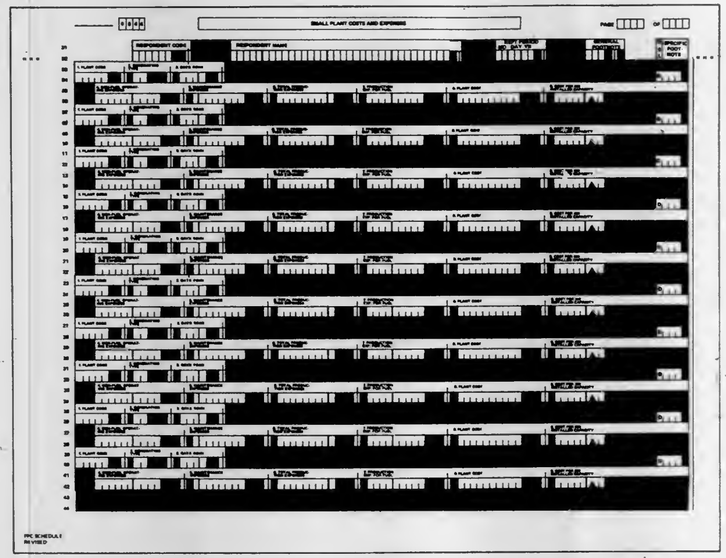
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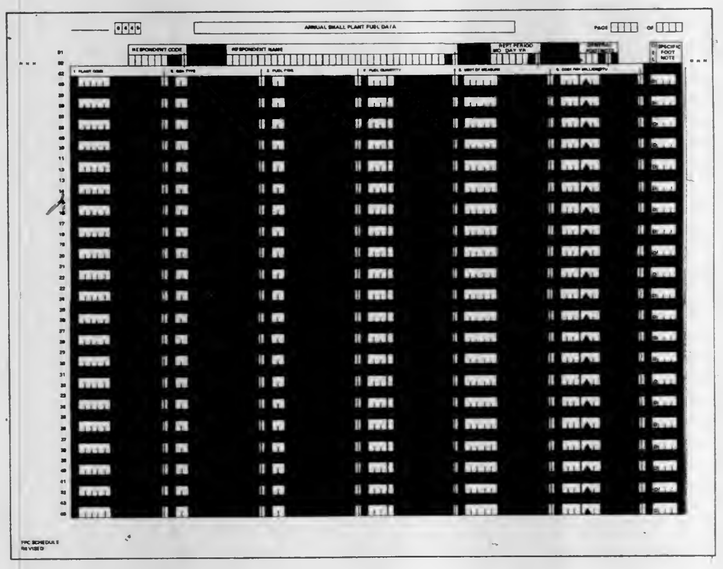
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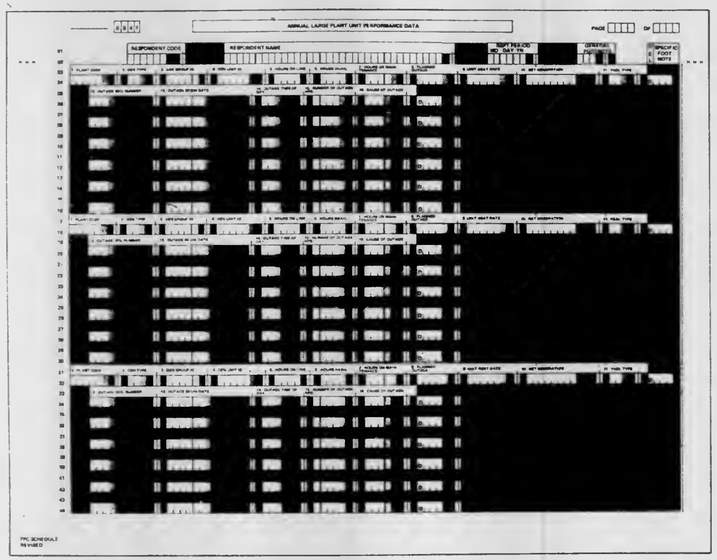


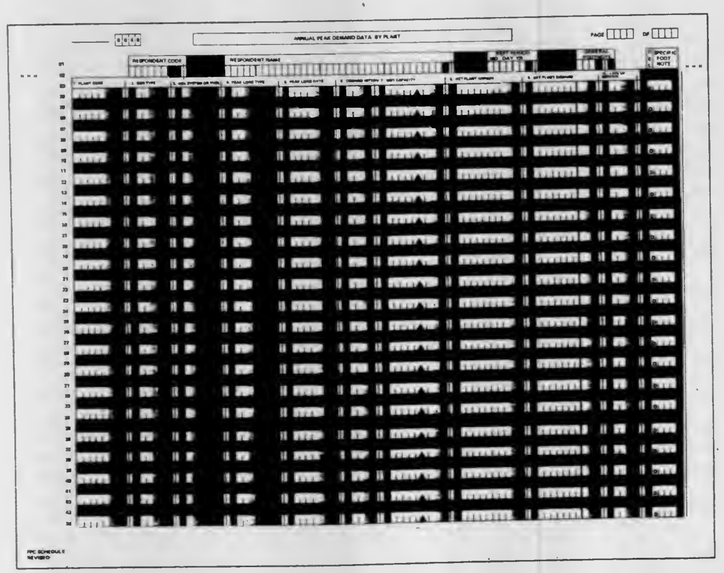
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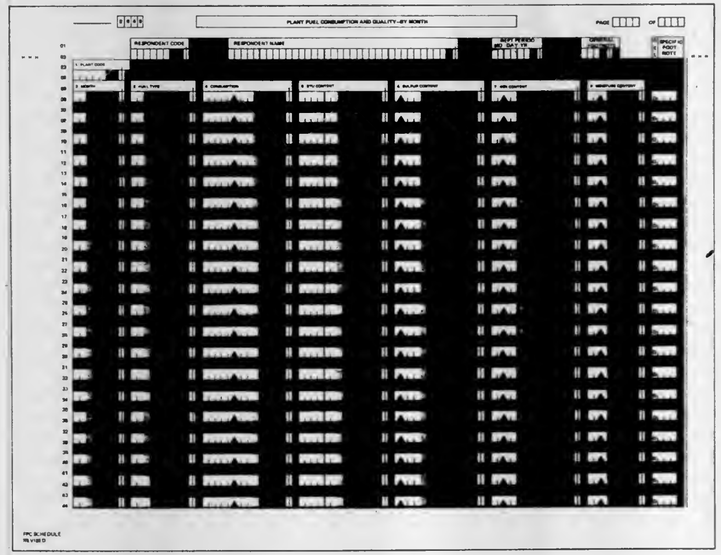


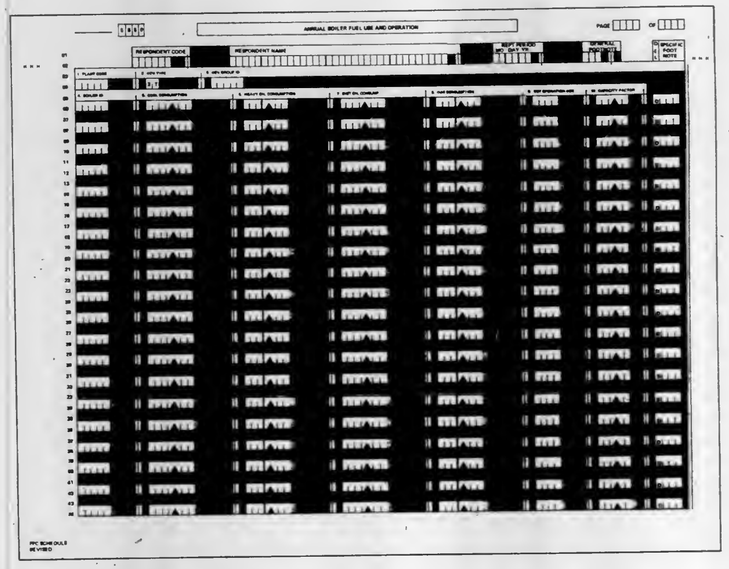


V41171 SEP 1 76 UMI



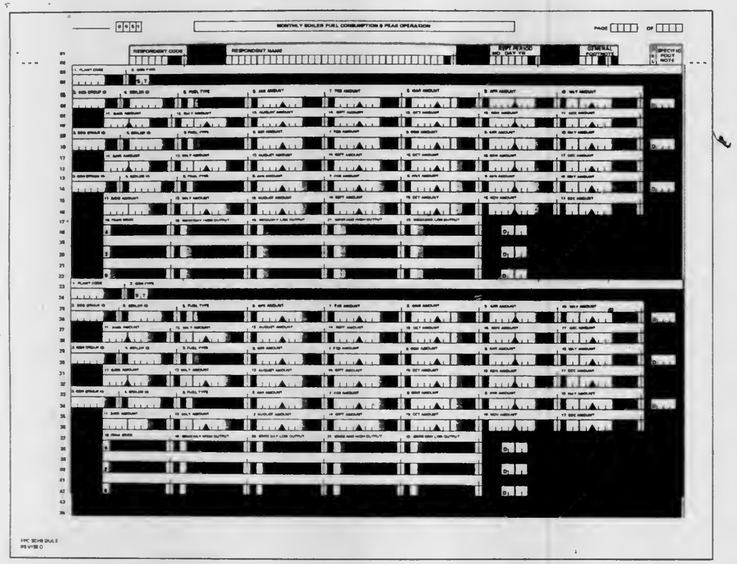


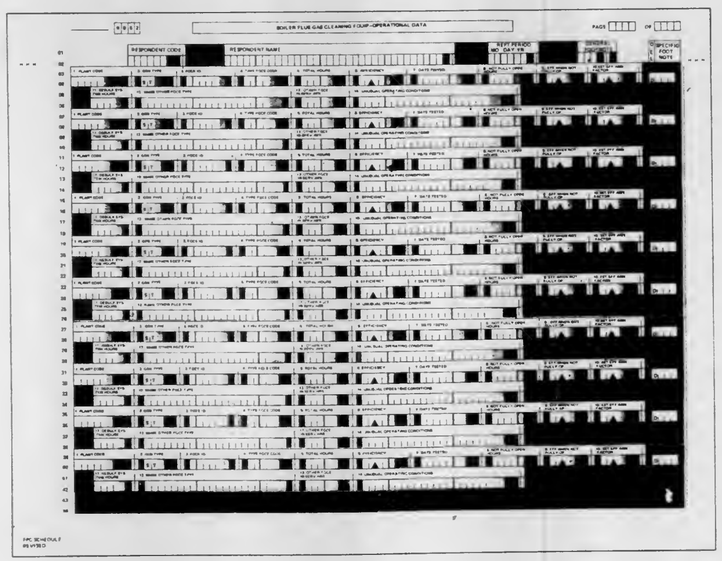




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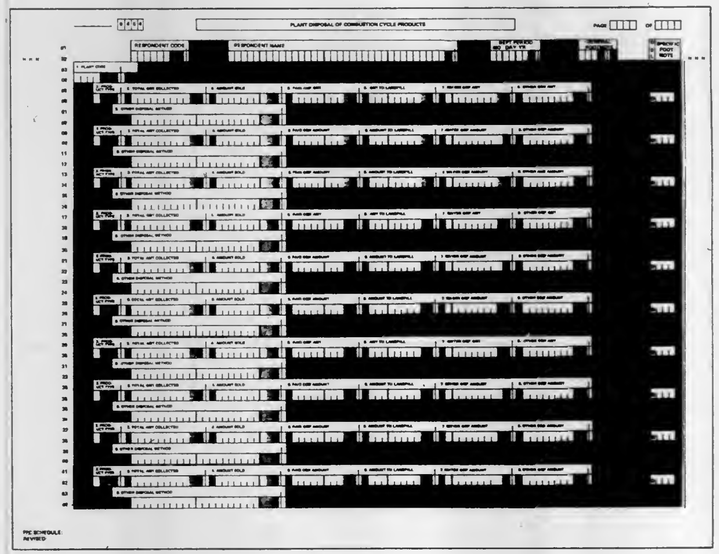
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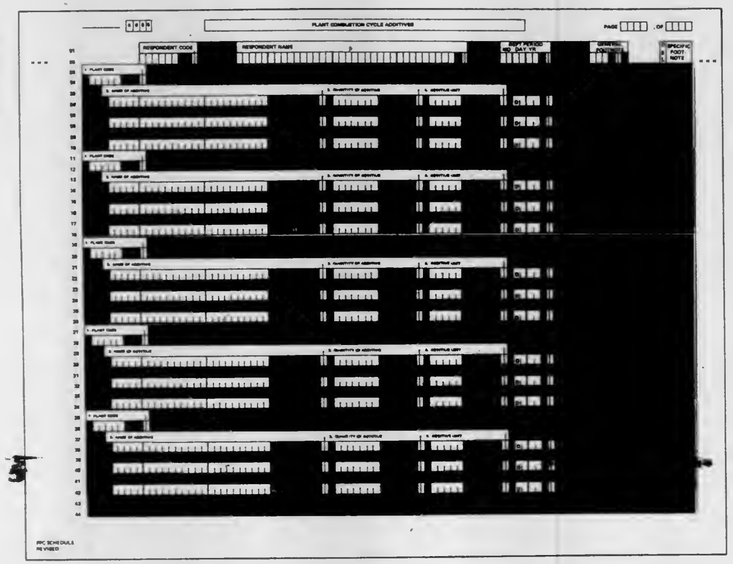
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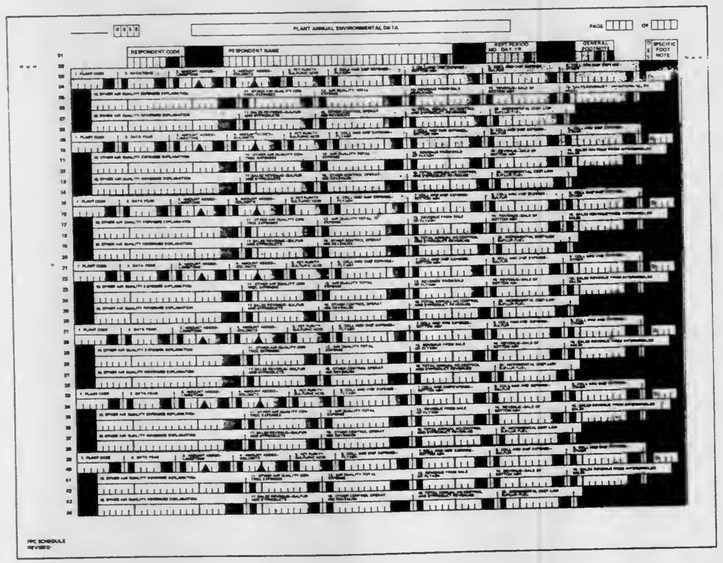


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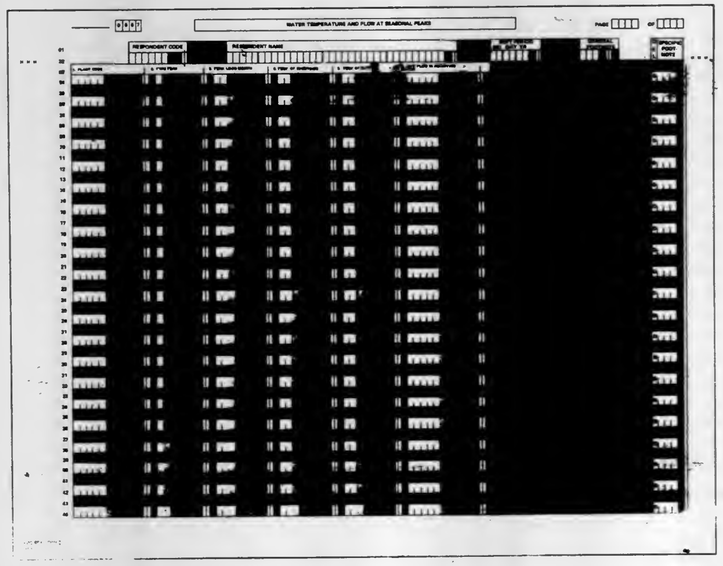
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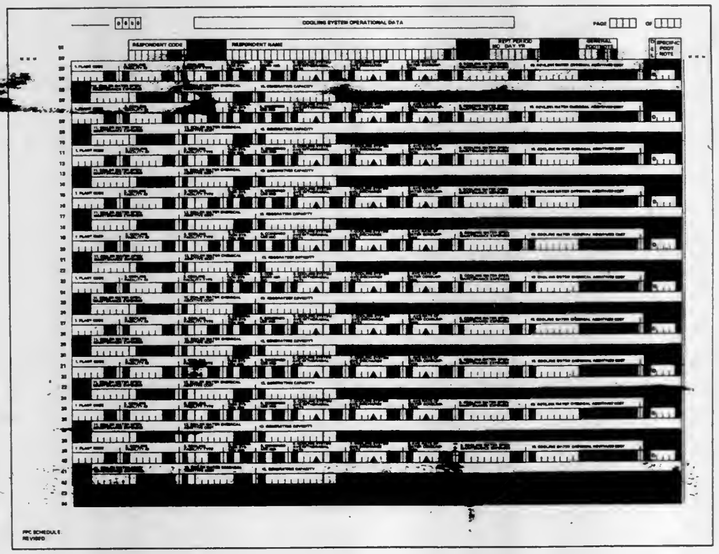
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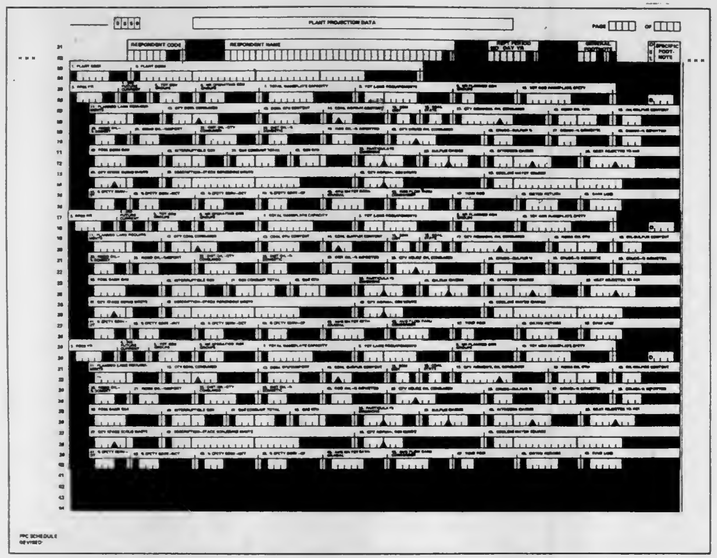


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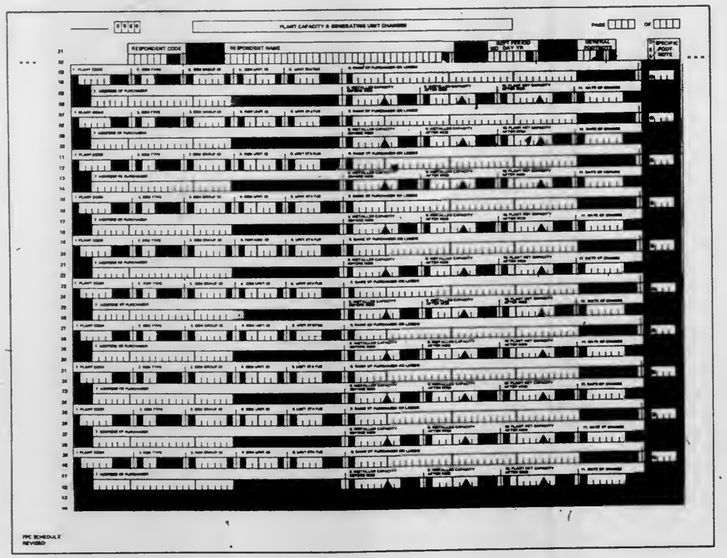


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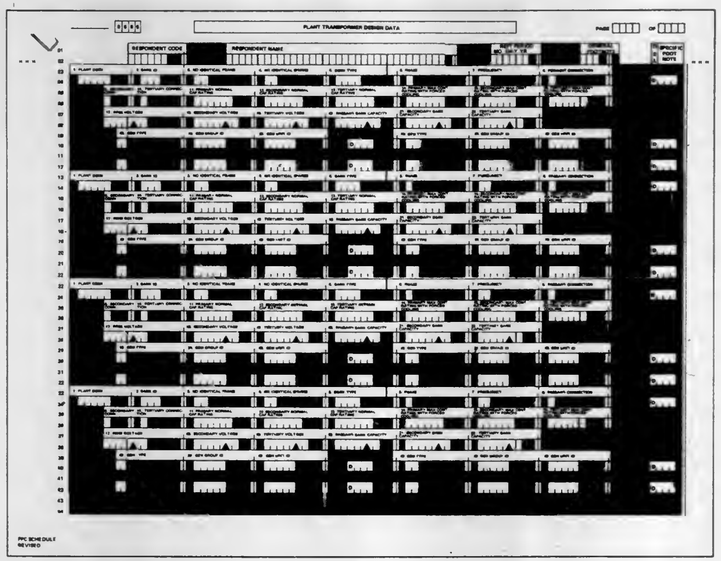
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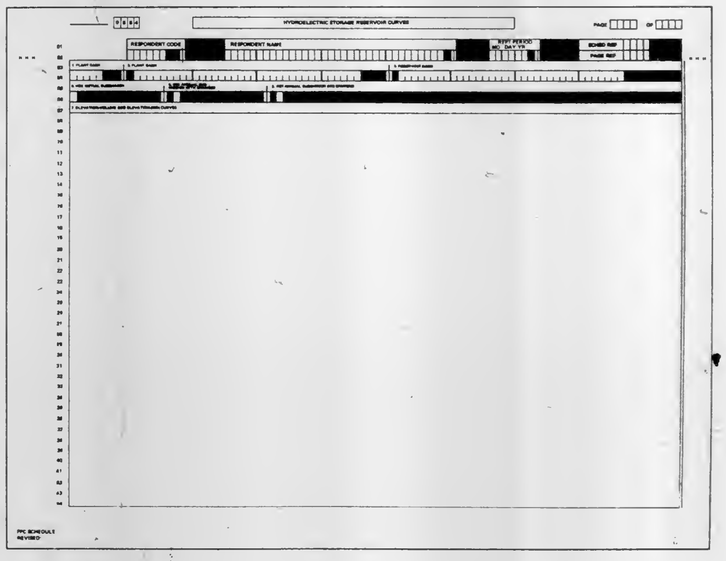
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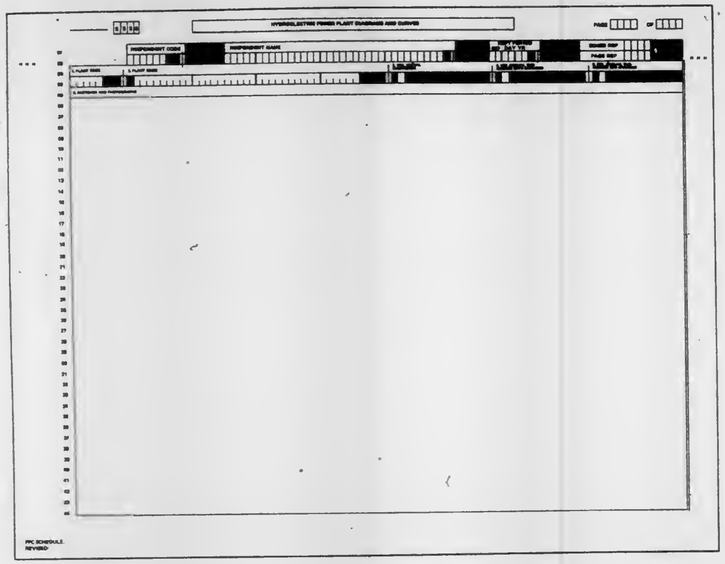


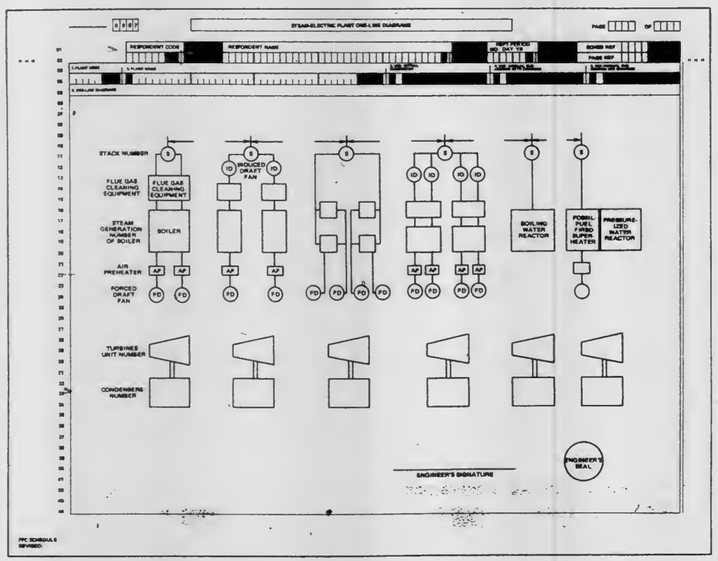
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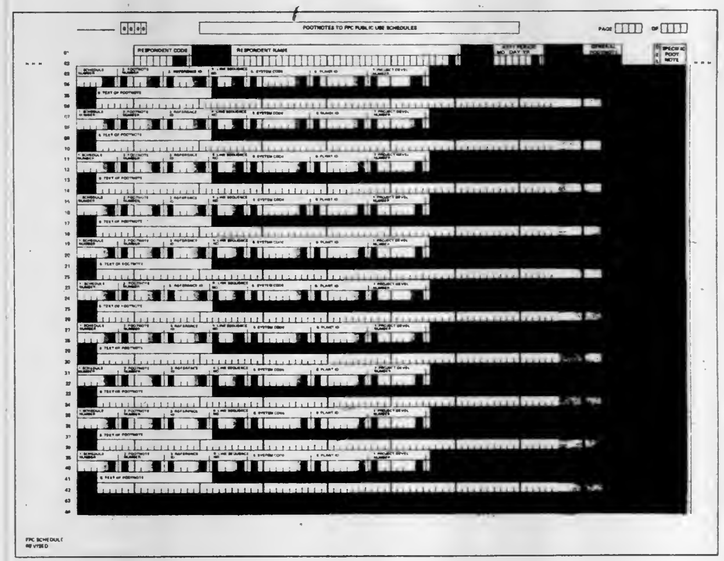
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[FR Doc.76-25182 Filed 8-31-76;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 1, 1976

PART VI:

THE PRESIDENT

TRADE PREFERENCES FOR DEVELOPING COUNTRIES

Executive Order 11934

V41171 SEP 1 76 UMI

Executive Order 11934 • August 30, 1976

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.;* 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, adjust the original designation of eligible articles, and modify the designations of beneficiary developing countries in accord with my notifications to the Congress of February 26, 1976, and August 14, 1976, and in accord with technical changes in the identification of certain beneficiary countries, it is hereby ordered as follows:

SECTION 1. In order to subdivide existing items for purposes of the Generalized System of Preferences, the Tariff Schedules of the United States (TSUS) are modified as provided in Annex I, attached hereto and made a part hereof.

SEC. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended by Annex II of Executive Order No. 11906 of February 26, 1976, is amended as provided in Annex II, attached hereto and made a part hereof.

SEC. 3. Annex III of Executive Order No. 11888, as amended by Annex III of Executive Order No. 11906, is amended as provided in Annex III attached hereto and made a part hereof.

SEC. 4. General Headnote 3(c)(iii) of the TSUS is modified as provided in Annex IV, attached hereto and made a part hereof.

SEC. 5. (a) General Headnote 3(c)(i) of the TSUS is modified—

(i) by deleting from the list therein of countries designated as beneficiary developing countries for purposes of the Generalized System of Preferences "Laos", in order to withdraw from Laos the status of a beneficiary of the GSP,

(ii) by adding, in alphabetical order, to that list of designated beneficiary developing countries "Portugal", in order to designate Portugal as a beneficiary of the Generalized System of Preferences, and

(iii) (A) by deleting from the list of designated beneficiary developing countries "Taiwan" and "Dahomey", and by substituting therefor, in alphabetical order, "Republic of China" and "Benin", respectively, and (B) by deleting from the list of designated beneficiary nonindependent countries and territories "Gilbert and Ellice Island" and by substituting therefor, in alphabetical order, the entries "Gilbert Islands", and "Tuvalu".

(b) General Headnote 3(c)(iii) of the TSUS is modified by deleting from the list therein "(Taiwan)" wherever that entry appears beside the entry "Republic of China".

SEC. 6. (a) The amendments made by Section 5 of this Order shall be effective on the date of publication of this Order in the FEDERAL REGISTER.

(b) The amendments made by Annex IV, paragraph (b) of this Order, made part hereof by Section 4 above, shall be effective with respect to articles both: imported on or after January 1, 1976, and entered for consumption, or withdrawn from warehouse for consumption, on or after March 1, 1976.

(c) The other amendments made by this Order shall be effective with respect to articles both: imported on or after January 1, 1976, and entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
August 30, 1976.

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ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

1. Items 152.74 and 152.75 are superseded by:

	[Fruit pastes and fruit pulps:]		
"152.60	Tamarind	15% ad val.	35% ad val.
152.61	If product of Cuba	14% ad val. (s)	
152.76	Other	15% ad val.	35% ad val.
152.77	If product of Cuba	14% ad val. (s)"	

2. Item 168.50 is superseded by:

	"Tequila:		
168.47	In containers each holding not over 1 gallon	$1.25 per gal.	$5 per gal.
168.48	In containers each holding over 1 gallon	$1.25 per gal.	$5 per gal.
	[Other spirits...:]		
168.52	Spirits	$1.25 per gal.	$5 per gal."

3. (a) Item 176.02 is superseded by:

	[Castor oil:]		
	"Valued over 20 cents per pound:		
176.14	Having Lovibond color values greater than 6 yellow and 0.6 red	1.5¢ per lb.	3¢ per lb.
176.15	Other	1.5¢ per lb.	3¢ per lb."

(b) Conforming changes: Items 176.03 and 176.04 are redesignated as 176.16 and 176.17, respectively.

4. Items 220.38, 220.40, 220.45 and 220.46 are superseded by:

	[Disks...:]		
	[Tapered.:]		
	"Not hollow and not perforated:		
	With maximum diameter not over 0.75 inch:		
220.36	Stoppers wholly of cork	12¢ per lb.	31¢ per lb.
220.37	Other	12¢ per lb.	31¢ per lb.
	With maximum diameter over 0.75 inch:		
220.39	Stoppers wholly of cork	10¢ per lb.	25¢ per lb.
220.41	Other	10¢ per lb.	25¢ per lb.
	Other:		
220.47	Stoppers wholly of cork of a thickness (or length) greater than the maximum diameter	10¢ per lb.	25¢ per lb.
220.48	Other	10¢ per lb.	25¢ per lb.
220.49	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6)	Free"	

5. Items 687.40 and 687.41 are superseded by:

	[Electronic tubes...:]		
	[Television picture tubes:]		
	Other:		
687.37	Having no straight-line dimension across the faceplate that exceeds 16.4 inches	15% ad val.	60% ad val.
687.38	Other	15% ad val.	60% ad val.
687.39	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6)	Free"	

ANNEX II

Annex II to Executive Order No. 11888, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers:

121.50	220.40
145.52	220.45
146.66	220.50
153.28	305.50
220.10	455.40
220.15	455.42
220.20	514.34
220.25	687.40
220.35	745.63
220.38	

(b) by adding, in numerical sequence, the following TSUS item numbers:

152.60
168.48
168.52
176.01
176.14
220.36
220.39
220.47
687.37

ANNEX III

Annex III to Executive Order No. 11888, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers:

168.50
176.01
176.02

(b) by adding, in numerical sequence, the following TSUS item numbers:

145.52	220.35
146.66	220.37
153.28	220.41
176.15	220.48
220.10	220.50
220.15	305.50
220.20	514.34
220.25	

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ANNEX IV

General Headnote 3(c)(iii) of the TSUS, as amended by Executive Order No. 11906, is amended --

(a) by deleting the following TSUS item numbers and countries set opposite those numbers:

168.50	Mexico
176.01	Brazil
176.02	Brazil

(b) by deleting Costa Rica opposite TSUS item number 155.20

(c) by adding, in numerical sequence, the following TSUS item numbers and countries set opposite those numbers:

145.52	Portugal
146.66	Portugal
153.28	Portugal
176.15	Brazil
220.10	Portugal
220.15	Portugal
220.20	Portugal
220.25	Portugal
220.35	Portugal
220.37	Portugal
220.41	Portugal
220.48	Portugal
220.50	Portugal
305.50	Portugal
514.34	Portugal

[FR Doc.76-25878 Filed 8-31-76;11:43 am]

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federal register

THURSDAY, SEPTEMBER 2, 1976

highlights

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WHITE CANE SAFETY DAY
Presidential proclamation 37089

ENERGY
FEA proposes recordkeeping requirements for international voluntary agreements; comments by 9–30–76; hearing 10–5–76 37128
FEA proposes measures for cost of transportation of crude oil as component of its landed cost; comments by 9–21–76; hearing 9–23–76 37130

ANIMAL DRUGS
HEW/FDA revokes certain provisions for use of tetracycline boluses; effective 9–2–76 37103

PROTECTION OF HUMAN SUBJECTS
CPSC proposes requirements for research contracts and grants; comments by 11–1–76 37120

POISON PREVENTION
CPSC sets forth interim rules for packaging of consumer products; comments by 10–4–76 37124

HAZARDOUS MATERIALS
DOT/MTB sets forth regulations on transportation of gallium metal; effective 9–4–76 37114

AVIATION SAFETY
NTSB makes available accident reports and studies 37165

MOTOR VEHICLE SAFETY STANDARDS
DOT/NHTSA permits new non-passenger car vehicles to be equipped with tires not meeting certain labeling requirements; effective 8–27–76 37115

CONTINUED INSIDE

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directive; Mitsubishi..... 34009; 8–12–76
Standard instrument approach procedures; changes and additions. 30105; 7–22–76

FCC—Radio broadcast services; report and order..... 32219; 8–2–76
Radio broadcast services, table of assignments; Kernville, California. 32220; 8–2–76
Stations on shipboard in the maritime services..... 32220; 8–2–76

FHLBB—Federal Savings and Loan Insurance Corporation; loans to one borrower..... 32419; 8–3–76

INS—Port of entry; Coral Bay, St. John, Virgin Islands, closed..... 32419; 8–3–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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PRIVACY ACT
President's Commission on Personnel Interchange proposes implementation; comments by 9–27–76; effective 10–25–76 37134
OMB issues reports on new systems 37174

MEETINGS—
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NIH: National Advisory Research Resources Council, 9–30 and 10–1–76 37143
Symposium on Bioassay Models and Inhalation Toxicology, 10–20 and 10–22–76 37144
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FCC: Personal Use Radio Advisory Committee Task Area Group on Technical Standards, 10–12–76 37153
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Weekly Briefings at the Office of the Federal Register

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Title 3—The President

PROCLAMATION 4452

White Cane Safety Day, 1976

By the President of the United States of America

A Proclamation

One of the basic rights which we as Americans cherish is the freedom of each citizen to move, without barriers, about this great land. For visually handicapped Americans, the white cane is both an instrument and symbol of independence, permitting a degree of mobility not otherwise possible.

A pathfinder, not a crutch, the white cane serves blind people as a sensitive transmitter of information. It signals the presence of obstacles and of changes in contour. It reassures by indicating the familiar as well as warning of the unexpected. To its user, the white cane provides the confidence to venture forth, to experience the world, and to participate fully in life.

The white cane also serves to alert others. It reminds those of us who can see to exercise simple courtesy and common sense in approaching a blind person. By providing assistance when it is desired, or often just by yielding the right of way, we can help assure safe passage and safeguard the right of visually handicapped persons to enjoy unhindered mobility.

To make all Americans more fully aware of the significance and importance of the white cane and the need for extra alertness and consideration when approaching its user, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003; 36 U.S.C. 169d), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim October 15, 1976, as White Cane Safety Day.

On this occasion, I urge all sighted Americans to increase their knowledge and understanding of the needs and rights of visually handicapped Americans. In particular, each of us should be prepared to heed the message of the white cane and grant its users the extra measure of care necessary to their physical safety, self-confidence, and peace of mind.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26009 Filed 9-1-76;11:38 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 414—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Effective Date

On June 2, 1976, a Cost Accounting Standard entitled Cost of Money as an Element of the Cost of Facilities Capital was published in the FEDERAL REGISTER (41 FR 22241 et seq.).

The effective date of the Standard which was reserved in the June 2 publication is October 1, 1976 and § 414.80 is therefore supplemented as follows.

§ 414.80 Effective date.

The effective date of this Standard is October 1, 1976.

(34 Stat. 796, sec. 103; (50 U.S.C. app. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-25717 Filed 9-1-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 4]

PART 16—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON THE IMPORTATION OF MEAT FROM COSTA RICA

Part 16 is amended to prohibit the importation of meat in excess of 53.7 million pounds from Costa Rica during the calendar year 1976. This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out a bilateral agreement negotiated with the Government of Costa Rica pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 and shall become effective as set forth below.

The subpart, Section 204 Import Regulations of Part 16, Subtitle A of Title 7 (40 FR 31227), is amended as follows:

In § 16.4 paragraph (c) is revised to read as follows:

§ 16.4 Quantitative restrictions.

* * * * *

(c) Imports from Costa Rica. No more than 53.7 million pounds of meat which is the product of Costa Rica may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1976.

Effective date: The regulation contained in this amendment shall become effective September 2, 1976, but meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854), and Executive Order 11539, 35 FR 10733)

Issued at Washington, D.C., this 30th day of August 1976.

RICHARD E. BELL,
Assistant Secretary of Agriculture.

[FR Doc.76-25821 Filed 9-1-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 543]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 3-9, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.843 Valencia Orange Regulation 543.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues slow but is expected to improve following Labor Day. Prices f.o.b. for the week ending August 26 were $3.53 per carton on 538 cars as compared with $3.42 per carton on 614 cars during the prior week. Track and rolling supplies at 263 cars were down 23 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views

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at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 31, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 3, 1976, through September 9, 1976, are hereby fixed as follows:

(i) District 1: 292,000 cartons; (ii) District 2: 358,000 cartons; (iii) District 3: unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26008 Filed 9–1–76;11:36 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1205—GENERAL REGULATIONS

Miscellaneous Amendments

On July 14, 1976, an amendment to the Cotton Research and Promotion Act (80 Stat. 279 et. seq., 7 U.S.C. 2101–2119) was enacted into law (Pub. L. No. 94–366). Effective March 28, 1972 the Consumer and Marketing Service was renamed the Agricultural Marketing Service (37 FR 6327).

As a result of the amendment to the Act and the Agency's change of name, certain changes of a technical nature must be made in the rules of practice (7 CFR 1205.1–.210) and the regulations (7 CFR 1205.401–600) issued under the Cotton Research and Promotion Act. Therefore, to effectuate these necessary changes and pursuant to authority contained in sections 12(a) and 15, 80 Stat. 284–285, 7 U.S.C. 2111(a) and 2114, said rules of practice and regulations are hereby amended as follows:

Subpart—Rules of Practice and Procedure Governing Proceedings to Formulate Orders Under the Cotton Research and Promotion Act

1. In § 1205.2, paragraph (a) is revised to read as follows:

§ 1205.2 Definitions.

* * * * * *

(a) The term "Act" means the Cotton Research and Promotion Act, as amended (80 Stat. 279 et seq., 7 U.S.C. 2101–2119).

* * * * * *

2. In § 1205.2, paragraph (e), substitute the words "Agricultural Marketing Service" for the words "Consumer and Marketing Service".

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Orders

§ 1205.51 [Amended]

3. In § 1205.51, paragraph (a) is revised to read as follows:

* * * * * *

(a) The term "Act" means the Cotton Research and Promotion Act, as amended (80 Stat. 279 et seq., 7 U.S.C. 1201–1219);

* * * * * *

4. In § 1205.51, paragraph (e), substitute the words "Agricultural Marketing Service" for the words "Consumer and Marketing Service".

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

§ 1205.201 [Amended]

5. In § 1205.201, paragraph (a) is revised to read as follows:

* * * * * *

(a) "Act" means the Cotton Research and Promotion Act, as amended (80 Stat. 279 et seq., 7 U.S.C. 1201–1219).

* * * * * *

§ 1205.201 [Amended]

§ 1205.202 [Amended]

§ 1205.206 [Amended]

6. In §§ 1205.201(c), .201(e), .202(a) and .206(b), substitute the words "Agricultural Marketing Service" for the words "Consumer and Marketing Service".

Subpart—Members of Cotton Board

§ 1205.401 [Amended]

7. In § 1205.401, paragraph (a), substitute the words "Agricultural Marketing Service" for the words "Consumer and Marketing Service".

Subpart—Cotton Board Rules and Regulations

§ 1205.500 [Amended]

2. In § 1205.500, paragraph (e), substitute the words "Agricultural Marketing Service" for the words "Consumer and Marketing Service".

Effective date: The foregoing amendments shall become effective on September 2, 1976.

Dated: August 27, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76–25698 Filed 9–1–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–NW–16–AD; Amendment 39–2708]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

Amendment 39–2630 (41 FR 22343) AD 76–11–05, as amended by Amendment 39–2667 (41 FR 27956) requires inspection of the elevator tab inboard hinge support structure on Boeing 737 series airplanes.

The AD permitted inspections by either a force/relative deflection test of elevator tab to elevator, or relative movement between the elevator rib and tee clip, which are option A and B, respectively, of Boeing Alert Service Bulletin No. 737–55–A1020. Subsequent to issuance of Amendment 39–2667, it was reported that operators have found cracks in the elevator rear spar with the tee clip fasteners intact. Based on these findings, it has been determined that the option "B" inspection may not detect a cracked spar and therefore, the AD is being amended to delete that inspection.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39–2630 (41 FR 22343), AD 76–11–05, as amended by Amendment 39–2667 (41 FR 27956) is amended by amending paragraph C to read as follows:

C. Inspect for excessive deflection of the elevator tab, right and left hand, in accordance with the inspection procedures specified in Section III, Part I, paragraph C and D of Boeing Alert Service Bulletin No. 737–55–A1020, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If the elevator tab to elevator relative deflection exceeds 1/10 inch, prior to further flight, modify the elevator in accordance with the terminating action of paragraph D of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 13, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, August 23, 1976.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.76–25375 Filed 9–1–76;8:45 am]

[Airworthiness Docket No. 72–WE–23–AD; Amdt. 39–2707]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes 269 Series Helicopters

Amendment 39–1587 (87 FR 2331), AD 73–3–1, requires a visual and dye penetrant inspection of the tail boom center attach fitting P/N 269A2324 or P/N 269A2324–7, tail boom support struts P/N 269A2015, 269A2015–5, 269A2015–9, 269A2015–11 and center frame aft cluster fittings P/N 269A2230 at intervals not to exceed 200 hours time in service from the last inspection for early detection of possible damage caused by improper maintenance techniques and service loads on all Hughes Model 269A, 269A–1, 269B and 269C helicopters. After issuing Amendment 39–1587, due to service experience, the agency determined that the visual and dye penetrant inspections of the aluminum end fittings of the tail boom support strut assemblies P/N 269A2015 and 269A2015–5 at intervals not exceeding 200 hours do not provide an inspection interval that will adequately detect damage to the aluminum end fittings. Therefore, the AD is being superseded by a new AD that requires a periodic inspection of the aluminum end fittings at intervals not exceeding 50 hours and replacement of the existing aluminum end fittings on the tail boom support strut assemblies P/N 269A2015 on Hughes Model 269A, 269A–1, 269B and Military TH–55A helicopters and P/N 269A2015–5 on Hughes Model 269C helicopters, with stainless steel end fittings and attach bolts.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to Hughes Model 269 series (including military Model TH–55A) helicopters certificated in all categories equipped with tail boom support strut assemblies P/N 269A2015 or P/N 269A2015–5, tail boom center attached fitting P/N 269A2324 and center frame aft cluster fittings P/N 269A2234 (LH) and 269A2235(RH).

Compliance required as indicated, unless already accomplished.

To prevent fatigue failure of the tail boom support strut installation and resultant loss of the helicopter flight controllability accomplish the following:

(a) For helicopters equipped with tail boom support strut assemblies P/N 269A2015 or 269A2015–5, within the next 50 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service from the last inspection until the modifications of paragraph (c) are accomplished:

(1) Support the tail boom and remove the tail boom support strut assemblies P/N 269A2015 on Hughes Model 269A, 269A–1, 269B and military TH–55A helicopter or P/N 269A2015–5 on Hughes Model 269C helicopter in accordance with the Hughes 269 Helicopter Basic Handbook of Maintenance Instructions Section 13;

(2) Visually inspect the tail boom support strut aluminum end fittings for deformation or damage and visually inspect the tail boom support strut aluminum end fittings for cracks using the dye penetrant method in accordance with Hughes Service Information Notice N–109.2 dated September 1, 1976 or later FAA-approved revisions.

(b) If deformation, damage, or cracks are found during the inspections required by paragraph (a), before further flight, accomplish the modifications of either paragraph (c)(1) or (c)(2).

(c) Within the next 500 hours time in service or one year whichever comes first, after the effective date of this AD:

(1) Modify the tail boom support strut assemblies P/N 269A2015 and 269A2015–5 by replacing the aluminum end fittings with stainless steel end fittings and attach bolts per Hughes Service Information Notice N–109.2 dated September 1, 1976 or later FAA-approved revisions, or

(2) Replace the P/N 269A2015 strut assemblies with Hughes P/N 269A2015–9 and replace the P/N 269A2015–5 strut assemblies with Hughes P/N 269A2015–11.

(d) For Hughes Model 269C helicopters, within the next 100 hours time in service, after the effective date of this AD, serialize the tail support strut assemblies P/N 269A2015–5 and P/N 269A2015–11 in accordance with Hughes Service Information Notice N–108 dated May 21, 1973 or later FAA-approved revisions.

(e) Within 200 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 200 hours time in service from the last inspection until the modifications of paragraph (f)(2) are accomplished, inspect the tail boom center attach fittings P/N 269A2324 and center frame aft cluster fittings P/N 269A2234(LH) and P/N 269A2235(RH) for damage in accordance with Hughes Service Information Notice N–82.2 dated September 1, 1976 or later FAA-approved revisions.

(f) If damaged parts are found during the inspections required by paragraph (e), before further flight:

(1) Replace the damaged part with a serviceable part of the same part number, or

(2) Replace damaged tail boom center attach fittings P/N 269A2324 with Hughes P/N 269A2324–7 and replace damaged center frame aft cluster fittings P/N 269A2234(LH) and P/N 269A2235(RH) with Hughes P/N 269A2234–3(LH) and P/N 269A2235–3(RH).

(g) Equivalent procedures, inspections repairs, tail boom support strut assemblies, tail boom center attach fittings or center frame aft cluster fittings may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) Special flight permits may be issued to authorize operation of helicopter to a base for accomplishment of the inspections required by this AD per FAR's 21.197 and 21.199.

This supersedes amendment 39–1587 (38 FR 2331), AD 73–3–1.

This amendment becomes effective September 7, 1976.

(Sec. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, August 23, 1976.

ROBERT H. STANTON,
Dirctor, FAA Western Region.

[FR Doc.76–25374 Filed 9–1–76;8:45 am]

[Docket No. 15774; Amdt. 39–2711]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Type (c)R193/4–30–4/50, (c)R257/4–30–4/60, and (c)R184/4–30–4/50 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and rework, if necessary, of the affected Dowty Rotol propellers was published in the FEDERAL REGISTER on June 10, 1976, at 41 FR 23420.

Interested persons have been afforded an opportunity to participate in the making of the amendment and no objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Type (c)R193/4–30–4/50, (c)R257/4–30–4/60, and (c)R184/4–30–4/50 propellers having Hub Driving Centers, P/N 601026638, modified to Dowty Rotol Mod. No. (c)VP2486. These propellers are installed on, but not necessarily limited to, Fokker Model F–27, Fairchild Model FH–227, and Grumman Model G–159 Series airplanes.

NOTE: Dowty Rotol Mod. No. (c)VP2486 is covered in Dowty Rotol Service Bulletin 61–573A, dated June 1968, and the incorporation of the modification is required by AD 68–20–7.

Compliance is required at the next propeller overhaul or within the next 4700 hours propeller time in service after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent cracking and possible failure of the hub driving center due to improper machining, accomplish the following:

(a) For propellers that incorporate hub and driving center assemblies having the fol-

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lowing serial numbers, rework the hub driving center to salvage scheme No. 640144000, in accordance with Dowty Rotol Service Bulletin 61–858, dated February 4, 1975, or an equivalent approved in accordance with paragraph (c) of this AD:

HUB AND DRIVING CENTER ASSEMBLY SERIAL NUMBERS

Propeller Type, R184/4–30–4/50

Serial No.:

184/59/47	DRG/31/61
184/59/60	DRG/38/61
184/59/62	DRG/41/61
184/59/64	DRG/43/61
184/59/65	DRG/44/61
184/60/79	DRG/48/61
184/60/86	DRG/49/61
184/60/89	DRG/58/61
184/60/94	DRG/2/62
184/60/95	DRG/9/62
184/60/96	DRG/10/62
184/60/99	DRG/11/62
184/60/103	DRG/19/62
184/60/126	DRG/31/62
184/60/146	DRG/288/64
184/60/147	DRG/290/64
184/60/159	DRG/56/65
184/60/160	DRG/116/65
DRG/10/61	DRG/122/65
DRG/12/61	DRG/152/65
DRG/14/61	DRG/223/65
DRG/17/61	DRG/224/65
DRG/20/61	DRG/42/66
DRG/24/61	DRG/122/66
DRG/25/61	

Serial No.:

Propeller Type, R193/4–30–4/50

193/58/11	193/60/150
193/58/17	193/60/151
193/58/27	DRG/32/62
193/58/38	DRG/119/66
193/59/116	DRG/442/66
193/59/119	

Serial No.:

Propeller Type, R257/4–30–4/60

DRG/131/66	DRG/95/67
DRG/407/66	DRG/189/67
DRG/408/66	DRG/194/67
DRG/454/66	DRG/231/67
DRG/28/67	DRG/233/67
DRG/30/67	DRG/344/67
DRG/86/67	DRG/345/67
DRG/93/67	DRG/348/67

(b) For propellers that incorporate hub and driving center assemblies having serial numbers not listed in paragraph (a) of this AD, accomplish the following in accordance with Dowty Rotol Service Bulletin 61–858, dated February 4, 1975, or an equivalent approved in accordance with paragraph (c) of this AD:

(1) Inspect the hub driving center to verify correct machining.

(2) If the hub driving center is found to be incorrectly machined, rework the hub driving center to salvage scheme No. 640144000.

(c) The equivalent means of compliance specified in paragraphs (a) and (b) of this AD must be approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa and Middle East Region c/o American Embassy, APO New York, N.Y. 09667.

This amendment becomes effective, on October 1, 1976.

Issued in Washington, D.C. on August 25, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–25509 Filed 9–1–76;8:45 am]

[Docket No. 15698; Amdt. 39–2718]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO–105A and BO–105C Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspections and the replacement of the piston rods in the main rotor hydraulic servo actuators on certain Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C helicopters was published in the FEDERAL REGISTER on May 13, 1976, (41 FR 19673).

Interested persons have been afforded an opportunity to participate in the making of the amendment and no objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sections 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MESSERSCHMITT–BOLKOW–BLOHM GMBH (MBB). Applies to Model BO–105A and BO–105C helicopters, certificated in all categories, incorporating Teledyne Hydra-Power hydraulic actuators, P/N 105–45021, with the following serial numbers: 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1023, 1027, 1028, 1029, 1030, 1032, 1034, 1035, 1037, 1038, 1040, 1041, 1043, 1044, 1045, 1046, 1049, 1056, 1057, 1062, 1064, 1065, 1066, 1069, 1071, 1075, 1091, 1093, 1101, 1104, 1109, 1113, 1119, 1121, 1123, 1126, 1127, 1156, 1160, and 1161 which have piston rods, P/N D133–750.08E, with S/N's 101 through 440.

Compliance is required as indicated, unless already acomplished.

To prevent possible failure of the main rotor hydraulic actuator and loss of control of the helicopter, accomplish the following:

(a) Before the accumulation of 600 hours total helicopter time in service or within the next 25 hours time in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 600 hours time in service from the last inspection until modified in accordance with paragraph (e) of this AD, comply with paragraph (b) of this AD.

(b) Inspect the piston rods, P/N D133–750.08E, in the hydraulic actuators, P/N 105–45021, for cracks, using a dye penetrant method in accordance with Paragraph 2.B. of the "Accomplishment General" section of MBB Service Bulletin No. 40–19, dated June 2, 1975, or an FAA-approved equivalent.

(c) If a crack is found in a piston rod during an inspection specified in paragraph (b) of this AD, before further flight, replace the cracked piston rod with a serviceable part of same part number and continue to inspect in accordance with paragraph (b) of this AD at intervals not to exceed 600 hours time in service until the modification specified in paragraph (e) of this AD is accomplished.

(d) Comply with paragraph (e) of this AD as follows:

(1) For helicopters with less than 1800 hours total time in service on the effective date of this AD and for which it has been less than 4 years since the original issuance of its airworthiness certificate, comply with paragraph (e) of this AD in accordance with paragraph (i) or (ii), whichever occurs later.

(i) Before the accumulation of 1800 hours total time in service or within four years of the date of original issuance of its airworthiness certificate, whichever occurs sooner.

(ii) Within the next 25 hours time in service after the effective date of this AD.

(2) For helicopters with 1800 hours or more total time in service on the effective date of this AD or helicopters for which the effective date of this AD is four years or more after the date of original issuance of its airworthiness certificate, comply with paragraph (e) of this AD within the next 25 hours time in service after the effective date of this AD.

(e) Disassemble the Teledyne Hydra-Power actuator, P/N 105–45021, and replace the piston rods, P/N D133–750.08E, which have S/N's 101 through 440 with serviceable parts of the same part number which have serial numbers other than 101 through 440.

This amendment becomes effective, on October 1, 1976.

Issued in Washington, D.C. on August 27, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–25658 Filed 9–1–76;8:45 am]

[Docket No. 15621; Amdt. 39–2719]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO–105A and BO–105C Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the right outboard engine mount flanges and washers with flanges and washers of improved design on Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C helicopters was published in the FEDERAL REGISTER at 41 FR 17931.

Interested persons have been afforded an opportunity to participate in the making of the amendment and no objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MESSERSCHMITT–BOLKOW–BLOHM (MBB). Applies to Model BO–105A and BO–105C helicopters, Serial Numbers 1 through 280, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the engine mount assembly, accomplish the following:

(a) For helicopters with 500 hours or less total time in service on the effective date of this AD, comply with paragraph (c) of this AD before the accumulation of 600 hours total time in service.

(b) For helicopters with more than 500 hours total time in service on the effective date of this AD, comply with paragraph (c) of this AD within the next 100 hours time in service.

(c) Determine the part numbers of the existing right outboard engine mount flanges and washers and their corresponding replacement flanges and washers and replace the existing flanges and washers with the new flanges and washers in accordance with paragraph 2 entitled "Accomplishment Instructions" of MBB BO–105 Service Bulletin No. 60–25, Revision 1, dated October 13, 1975, or an FAA-approved equivalent.

This amendment becomes effective, on October 1, 1976.

Issued in Washington, D.C., on August 27, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–25659 Filed 9–1–76;8:45 am]

[Docket No. 76–GL–17; Amdt. 39–2713]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 14–19, 14–19–2, 14–19–3, 14–19–3A, 17–30, 17–30A, 17–31, 17–31A, 17–31TC and 17–31ATC Airplanes

Amendment 39–2583 (41 FR 16793), Airworthiness Directive 76–08–04, effective April 22, 1976, requires inspection for wood deterioration on Bellanca Models 14–19–2, 14–19–3, 14–19–3A, 17–30, 17–30A, 17–31, 17–31A, 17–31TC and 17–30ATC airplanes certificated in all categories. After issuing Amendment 39–2583, the Agency determined that Bellanca Model 14–19 should be included in the Airworthiness Directive.

Since a situation exists that requires immediate adoption of this regulation, it is found the notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2583 (41 FR 16793), Airworthiness Directive 76–08–04 is amended by adding Bellanca Model 14–19 to the Airworthiness Directive as follows:

BELLANCA AIRCRAFT CORPORATION. Applies to Bellanca Models 14–19, 14–19–2, 14–19–3, 14–19–3A, 17–30, 17–30A, 17–31, 17–31A, 17–31TC and 17–31ATC certificated in all categories.

This amendment becomes effective September 9, 1976.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1364(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 26, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76–25827 Filed 9–1–76;8:45 am]

[Docket No. 76–GL–16; Amdt. 39–2712]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Models F–28, F–28A, 280, F–28C and 280C

Pursuant to the authority delegated to me by the Administrator (49 CFR 11.89), an airworthiness directive was adopted on August 16, 1976, and made effective immediately as to all known United States operators of Enstrom helicopters Models F–28, F–28A, 280, F–28C and 280C. The directive requires Enstrom helicopter owners to disassemble the tail rotor assembly, periodically inspect the tail rotor spindle, and report any evidence of cracks along with certain technical information to the Chief, Engineering and Manufacturing Branch, Great Lakes Region, FAA.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known United States operators of Enstrom helicopters Models F–28, F–28A, 280, F–28C and 280C by individual airmail letters dated August 17, 1976. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ENSTROM. Applies to Enstrom Models F–28, F–28A, F–28C, 280 and 280C helicopters certificated in all categories with tail rotor spindle part number 28–15202. Because of failures of the tail rotor spindle with subsequent loss of directional control within the next five hours time in service after receipt of this airmail letter and thereafter at intervals not to exceed 100 hours time in service from the last inspections and/or immediately after any reported tail rotor strike, whichever occurs first, accomplish the following:

A. Remove, disassemble and clean tail rotor assembly in accordance with manufacturer's recommended procedures so that the tail rotor spindle may be inspected: Caution: To maintain proper balance, all parts must be marked and returned to their original position in the assembly.

B. Check spindle shaft runout (total indicator reading—T.I.R.) at the 0.668" diameter section. Remove from service any spindle which exceeds .001" T.I.R. Replace with an airworthy spindle of same part number or later FAA-approved part number. (A new part of the same part number is still subject to the inspection provisions of this A.D.)

C. Inspect the tail rotor spindle in the fillet radius area where spindle section decreases from approximately 0.87 inches to 0.67 inches using dye penetrant, magnetic particle or other methods approved by the Chief, Engineering & Manufacturing Branch, Great Lakes Region, FAA. Caution: If magnetic particle inspection is used, it is necessary to remove KP16B bearing to prevent contamination.

D. If cracks are found, remove the tail rotor spindle from service and replace with a serviceable part of the same part number or later FAA-approved part number before further flight. (A new part of the same part number is still subject to the inspection provisions of this AD.)

E. If no cracks are found, reassemble tail rotor in exact reverse order of disassembly and torque lock nut to 40–50 ft. lbs in accordance with manufacturer's recommended procedures. Return assembly to service until next required inspection.

F. Report the following to Chief, Engineering and Manufacturing Branch, AGL–210, Great Lakes Region, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018:

1. Initial torque of lock nut found during disassembly in (A) above.

2. T.I.R. of spindle shaft found in (B) above.

3. Any cracks found in accordance with (D) above.

(Reporting approved by the Bureau of the Budget under BOB No. 04–R0174.)

Enstrom Service Directive Bulletin No. 37 covers this same subject.

This amendment is effective September 9, 1976, and was effective upon receipt for all recipients of the airmail letters dated August 17, 1976 which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Enstrom Helicopter Corporation, Menominee County Airport, P.O. Box 277, Menominee, Michigan 49858. These documents may also be examined at the FAA Great Lakes Region, Engineering and Manufacturing Branch, AGL–210, 2300 East Devon Avenue, Des Plaines, Illinois. A historical file on this AD which includes the incorporated material in full is also maintained at that office.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

(Sec. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on August 26, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76–25826 Filed 9–1–76;8:45 am]

[Docket No. 76–CE–25–AD; Amdt. 39–2714]

PART 39—AIRWORTHINESS DIRECTIVES

Gates Learjet Models 24, 25, 35, and 36 Airplanes

There has been an incident involving a Gates Learjet Model 35 airplane in which it was discovered that the AC inverter power input wiring to the No. 1 and No. 2 AC inverters were cross wired to their opposite DC generator buses. This condition, if not detected and corrected, could result in the loss of AC power to the flight instruments and under certain operating situations would be extremely hazardous. Since this condition may exist on other aircraft of the same type design, an Airworthiness Directive (AD) is being issued, applicable to certain serial numbers of Gates Learjet Models 24, 25,

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35 and 36 airplanes. It will require a check of the aircraft's inverters for proper operation and if the check proves unsatisfactory, rewiring of the aircraft's electrical system and a recheck to verify proper operation, all in accordance with applicable manufacturer's service bulletins.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

GATES LEARJET. Applies to Models 24 (Serial Numbers 24-230 thru 24-331 and 24-333); 25 (Serial Numbers 25-061 and 25-067 thru 25-207); 35 (Serial Numbers 35-001 thru 35-079); and 36 (Serial Numbers 36-001 thru 36-020) airplanes.

Compliance: Required as indicated, unless already accomplished.

To determine that each inverter is connected to the correct power bus, within the next 25 hours' time in service after the effective date of this AD, accomplish the following in accordance with Gates Learjet Service Bulletins SB 24/25-273, dated August 9, 1976, or SB 35/36-24-3, dated August 9, 1976, or later approved revisions, as applicable:

(A) Perform inverter operational check as outlined in the aforementioned Service Bulletins.

(B) If the electrical system does not operate as indicated re the operational checks required by Paragraph A, rewire the inverter input power wiring per the applicable manufacturer's Service Manual Wiring Diagram and repeat the operational check required by Paragraph A to verify proper operation of the electrical system.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective September 10, 1976.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on August 26, 1976.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.76-25828 Filed 9-1-76;8:45 am]

[Airworthiness Docket No. 76-WE-3-AD; Amdt. 39-2717]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10 Series Airplanes

Amendment 39-2567 (41 FR 14366), AD 76-07-06 requires application of operating limitations, or deactivation of the auto spoilers, or other equivalent approved procedures to assure automatic disarming in the event of inadvertent deployment of the spoiler during takeoff. After issuing Amendment 39-2567, the McDonnell Douglas Corporation released Service Bulletin 27-147 dated July 16, 1976, which modifies the ground spoiler knockdown cam assembly such that the aforementioned deactivation or limitations are no longer necessary. Therefore, the FAA is amending this AD to provide for removal of the operating limitations and deactivation requirements defined in Amendment 39-2567, after incorporation of Service Bulletin 27-147 on all affected airplanes in an operator's fleet. Incorporation on a fleet-wide basis is necessary to avoid the added pilot work load and possible uncertainty in determining whether the above service bulletin is accomplished in the specific airplane to be flown.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2567 (41 FR 14366), AD 76-07-06 is amended by adding paragraph (d) as follows:

MCDONNELL DOUGLAS:

* * * * * * *

(d) The limitations required by paragraphs (a) and (b) and the placard required by paragraph (c) may be removed and the auto-spoilers system may be reactivated after all ground spoiler knockdown cam assemblies on applicable airplanes in an operator's fleet have been replaced in accordance with McDonnell Douglas Service Bulletin 27-147 dated July 16, 1976 or later FAA approved revisions or production equivalents approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective September 10, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on August 26, 1976.

W. K. FISHER,
Acting Director, FAA Western Region.

[FR Doc.76-25831 Filed 9-1-76;8:45 am]

[Docket No. 76-EA-55; Amdt. 39-2715]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-30 and PA-30 type aircraft.

There have been reports of cracks in the bend relief cutouts of the forward fin attachment channel assembly on the subject type aircraft. Since this deficiency can exist or develop on similar type aircraft, an airworthiness directive is being issued which will require the inspection and, if necessary replacement of the forward fin attachment channel.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to Models PA-30, Serial Nos. 30-1 through 30-2000, and PA-39, Serial No. 39-1 through 39-155 Certificated in all Categories

To prevent possible hazards in flight associated with cracks in the radius of the bend relief holes of the forward fin attachment channel assembly accomplish the following within the next 50 hours in service from the effective date of this AD unless previously accomplished.

a. Visually inspect the forward fin attachment channel P/N 22903-00 around the radius of the bend relief cutouts for cracks using a magnifying glass of at least five power or an approved equivalent inspection.

b. Cracked parts must be replaced with a part of the same number or equivalent that has been inspected in accordance with this AD and found acceptable prior to further flight, except that the Airplane may be flown in accordance with FAR 21.197 to a base where a repair can be made.

c. Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. (Piper Service Letter No. 77 refers to this subject).

This amendment is effective September 10, 1976.

(Sec. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on August 26, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-25829 Filed 9-1-76;8:45 am]

[Docket No. 76-EA-57; Amdt. 39-2716]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31T type aircraft.

There have been reports of cracking of the elevator hinge bearings and other parts of the elevator and elevator tab support structure on the subject type aircraft. Since this deficiency can exist or develop on similar type aircraft, an airworthiness directive is being issued which will require alteration of the stabilizer/elevator/elevator tab structure by incorporation of a kit.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to Model PA-31T, Serial Nos. 31T-7400001 through 31T-7620039 certificated in all categories.

To prevent possible hazards in flight associated with cracks in the elevator and elevator tab support structure, accomplish the following within the next fifty hours in service after the effective date of this AD unless previously accomplished.

(a) Alter the atabilizer/elevator/elevator tab structure in accordance with Piper Elevator Hinge Modification Kit No. 761 056 or approved equivalent alteration.

(b) Equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. (Piper Service Bulletin No. 504 refers to this subject).

This amendment is effective September 10, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on August 26, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-25830 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-CE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On July 15, 1976, a Final Rule was published in the FEDERAL REGISTER (41 FR 29094), FR Doc. 76-20363, which in part altered the transition area at Grain Valley, Missouri. However, in the alteration redesignation the last line thereof incorrectly reads "area to 8 miles northeast of the airport". It should have read "area to the VORTAC.". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, "area to 8 miles northeast of the airport" as set forth in the Grain Valley, Missouri, transition area redesignation in FR Doc. 76-20363 is deleted and "area to the VORTAC" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on August 20, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-25610 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SW-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Oklahoma City, Okla.

On July 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 28534) stating the Federal Aviation Administration proposed to alter the transition area at Oklahoma City, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

In Section 71.181 (41 FR 440), the Oklahoma City, Okla., transition area is amended by deleting:

and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'-15" N., longitude 97°49'00" W.)

and adding:

within 2 miles each side of the Wiley Post VOR (latitude 35°31'58.4" N., longitude 97°38'48.7" W.) 269° radial extending from the 23-mile-radius area to 7 miles west of the Wiley Post VOR; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15" N., longitude 97°49'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on August 24, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-25660 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Ardmore, Okla.

On July 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 28535) stating the Federal Aviation Administration proposed to alter the transition area at Ardmore, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Ardmore, Okla., transition area is amended by adding:

and within 3.5 miles each side of the 168° bearing from the Downtown Ardmore NDB (latitude 34°09'20" N., longitude 97°07'-35" W.) extending from the 5-mile-radius area to 11.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Forth Worth, Tex., on August 24, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[Fr. Doc.76-25661 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 28533), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Greenville, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition is added:

GREENVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Muhlenberg County Airport (lat. 37°13'30" N., long. 87°09'31" W).

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25663 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SO-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at the Miami, Fla., transition area.

The Miami transition area is described in § 71.181 (41 FR 440) and contains an extension predicated on the 269° bearing of the Perrine RBN. The initial approach

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bearing for the NDB RWY 9R instrument approach procedure has been changed from 269° to 274° and it is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Miami, Fla., transition area is amended as follows:

"• • • 269° • • •" is deleted and "• • • 274° • • •" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in East Point, Ga., on August 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25664 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SO-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 28533), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Ocracoke, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

OCRACOKE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocracoke Island Airport (lat. 35°06'04" N., long. 75°57'57" W.); within 3 miles each side of the 059° bearing from the Ocracoke RBN (lat. 35°06'16" N., long. 75°57'50" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN, excluding the portion outside the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on August 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25665 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SO-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 28534) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 40), the Hopkinsville control zone is amended to read:

HOPKINSVILLE, KY.

"• • • within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile radius zone to 5.5 miles northeast of the TACAN; • • •" is deleted. In addition, "• • • the VOR • • •" is deleted and "• • • the VOR; within a 5-mile radius of Sabre Army Heliport, Ft. Campbell, Ky. (lat. 36°34'14" N., long. 87°28'50" W.) • • •" is substituted therefor.

In § 71.181 (41 FR 40), the Hopkinsville transition area is amended to read:

HOPKINSVILLE, KY.

"• • • long. 87°24'52" W.) • • •" is deleted and "• • • long. 87°24'52" W.); within a 5-mile radius of Sabre Army Heliport, Ft. Campbell, Ky. (lat. 36°34'14" N., long. 87°28'50" W.) • • •" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25666 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-SO-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On July 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 28533), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bogue, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the following control zone is added:

BOGUE, N.C.

Within a 5-mile radius of MCALF Bogue Field, N.C., (latitude 34°41'25" N., longitude 77°01'46" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on August 24, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25667 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-WA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend the Clarksburg, W. Va., 139°M(135°T) radial in V-162 from 29 NM to 32 NM.

Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

In V-162 "Elkins, W. Va., 092°" is deleted and "Elkins, W. Va., 098°" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25668 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-GL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Extension of VOR Airway

On June 10, 1976, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (41 FR 23421) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-217 from Duluth, Minn., VORTAC to Winnipeg, Manitoba, VORTAC and realign V-129W between the Hibbing, Minn., VORTAC and the International Falls, Minn., VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Department of the Air Force objected to the proposed airway transiting the Beaver MOA since it has been established for Air Force training activities. The FAA concurs with the Air Force and the portion of the airway which lies within the Beaver MOA will be excluded during the times the Beaver MOA is activated.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307, 30104) is amended as follows:

1. In V-129 "INT Hibbing 325°" is deleted and "INT Hibbing 319°" is substituted therefor.

2. In V-217 "Duluth, Minn." is deleted, and "Duluth, Minn.; Hibbing, Minn.; Baudette, Minn.; INT Baudette 313° and Winnipeg, Manitoba, 108° radials; to Winnipeg. The airspace within Canada is excluded. In addition, the portion of this airway which lies within the Beaver MOA is excluded during the times the Beaver MOA is activated." is added.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25671 Filed 9-1-76;8:45 am]

[Airspace Docket No. 75-NW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On July 1, 1976, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (41 FR 27084) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish offshore controlled airspace on the United States west coast.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

In § 71.163 (41 FR 348) the Newport, Oreg., additional control area is added as follows:

NEWPORT, OREG.

That airspace extending upward from 5,000 feet MSL bounded on the north by the Vancouver Oceanic Control boundary, on the east by a line beginning at Lat. 48°30'00" N., Long. 124°44'00" W., thence extending southward 3 nautical miles west of and parallel to the shoreline, thence via the west edge of V-27W and V-27 to the Oakland ARTCC Flight Advisory Area, on the south by the Oakland ARTCC Flight Advisory Area, and on the west by the Oakland Oceanic Control boundary.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25672 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Correction to Effective Date

The effective date for the subject docket as published in the FEDERAL REGISTER of July 1, 1976 (41 FR 27029) is December 30, 1976. Due to acceleration of site acquisition, the effective date of the proposed rule altering the Allentown, Pa., Control Zone (41 FR 357) and Transition Area (41 FR 443) is herewith advanced to 0901 GMT November 4, 1976.

(Sec. 307(a) Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y. on August 26, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-25825 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-GL-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11841 of the FEDERAL REGISTER dated March 22, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Litchfield, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, November 4, 1976.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on August 26, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

In § 71.181 (41 FR 440), the following transition area is added:

LITCHFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Litchfield Municipal Airport (latitude 39°09'54" N.; longitude 89°40'22" W.); and within 3 miles each side of the 079° bearing from the airport, extending from the 5-mile radius area to 8 miles east of the airport.

[FR Doc.76-25824 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-WE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On April 8, 1976, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (41 FR 14896) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas over portions of Calif., and Nev., for use in evaluating the capability of an airborne aircraft to provide command, control, communications and surveillance for tactical forces in a congested area. Military Air Maneuvers in support of this test will be conducted from 0800 PST to 1200 PST daily, November 8, 1976, through November 16, 1976. These restricted areas would also be included in the Continental Control Area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Three comments were received, all objecting to the proposal. After consultation with the Department of the Air Force, these objections were withdrawn. Additionally, because of the length of consultations and the unavailability of certain types of aircraft pertinent to this exercise, the times/dates of the exercise have been set back as indicated. All concerned parties have been so advised and their concurrence has been received. Further, the Department of the Air Force requested that the following statement be made in order to emphasize the short duration of the test exercise. "Sorties exceeding 430 for each daily evaluation will be conducted twice, with a nonflying day between to analyze collected data. Weather permitting, the test will be conducted on November 8 and 10, 1976, at which time the temporary restricted area will be returned to FAA. If

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weather precludes conducting the test on November 8 and 10, the entire test will slip until favorable weather conditions are available, during the November 8 through 16 time frame."

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.151 (41 FR 345) the following temporary restricted areas are included for the duration of their time of designation from 0800 PST to 1200 PST daily, November 8, 1976, through November 16, 1976.

R-4818A Sierra, Nev.
R-4818B Sierra, Nev.
R-4818C Sierra, Nev.
R-4818D Sierra, Nev.
R-4818E Sierra, Nev.
R-4818F1 Sierra, Nev.
R-4818F2 Sierra, Nev.
R-4818G1 Sierra, Nev.
R-4818G2 Sierra, Nev.
R-4818H1 Sierra, Nev.
R-4818H2 Sierra, Nev.
R-4818I1 Sierra, Nev.
R-4818I2 Sierra, Nev.

In § 73.48 (41 FR 681) the following temporary restricted areas are added:

R-4818A Sierra, Nev.

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W., clockwise to Lat. 35°39'00" N., Long. 116°53'00" W., to Lat. 35°19'00" N., Long. 116°19'00" W., thence along the eastern and northern boundaries of R-2502E, R-2502N, and R-2524 to Lat. 35°36'00" N., Long. 117°26'00" W., to Lat. 35°40'25" N., Long. 117°25'00" W., thence along the eastern and northern boundaries of R-2505 to Lat. 36°14'00" N., Long. 117°53'00" W., to Lat. 36°14'00" N., Long. 118°34'30" W., to Lat. 37°12'00" N., Long. 118°34'30" W., to Lat. 37°12'00' N., Long. 117°20'00" W., to Lat. 36°30'00" N., Long. 116°55'00" W., to point of beginning.
Designated altitudes. 3000 feet AGL to FL 200.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665

R-4818B Sierra, Nev.

Boundaries. Beginning at Lat. 35°07'00". N., Long. 116°34'00" W., Clockwise to Lat. 35°01'30" N., Long. 116°41'00" W., to Lat. 34°56'00" N., Long. 117°09'00" W., thence along the southern boundary of R-2515 and R-2502E to point of beginning.
Designated altitudes. 3000 feet AGL to FL 200.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665

R-4818C Sierra, Nev.

Boundaries. Beginning at Lat. 36°14'00" N., Long. 117°53'00" W., Clockwise along the western and southern boundaries of R-2505 to Lat. 35°40'25" N., Long. 117°26'00" W., to Lat. 35°36'00" N., Long. 117°26'00" W., thence along the western boundaries of R-2524 and R-2515 to Lat. 34°52'00" N., Long. 118°06'00" W., to Lat. 34°57'00" N., Long. 118°21'30" W., to Lat. 35°14'30" N., Long. 118°34'30" W., to Lat. 36°14'00" N., Long. 118°34'30" W., to point of beginning.
Designated altitudes. 6000 feet AGL to FL 200.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665

R-4818D Sierra, Nev.

Boundaries. Beginning at Lat. 37°12'00" N., Long. 118°35'00" W., Clockwise to Lat. 37°15'30" N., Long. 118°35'00" W., to Lat. 37°30'00" N., Long. 118°01'00" W., to Lat. 37°30'00" N., Long. 117°26'30" W., to Lat. 37°21'15" N., Long. 117°20'00" W., to Lat. 37°12'00" N., Long. 117°20'00" W., to point of beginning.
Designated altitudes. 14,000 feet AGL to FL 240.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818E Sierra, Nev.

Boundaries. Beginning at Lat. 37°53'00" N., Long. 117°01'00" W., Clockwise along the western boundary of R-4807 to Lat. 37°27'30" N., Long. 117°05'00" W., to Lat. 37°37'00" N., Long. 117°15'00" W., to point of beginning.
Designated altitudes. 14,000 feet AGL to FL 240.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818F1 Sierra, Nev

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W., Clockwise to Lat. 38°01'00" N., Long. 116°00'00" W., to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 37°17'00" N., Long. 115°18'00" W., thence along the northeastern boundaries of R-4806, R-4808, and R-4807 to Lat. 37°-53'00" N., Long. 116°26'00" W., to point of beginning.
Designated altitudes. 500 feet AGL to FL 180.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665

R-4818F2 Sierra, Nev.

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W., Clockwise to Lat. 38°01'00" N., Long. 116°00'00" W., to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 37°17'00" N., Long. 115°18'00" W., thence along the north/eastern boundaries of R-4806, R-4808, and R-4807 to Lat. 37°53'00" N., Long. 116°26'00" W., to point of beginning.
Designated altitudes. FL 180 to and including FL 350.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818G1 Sierra, Nev.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 38°08'00" N., Long. 114°25'00" W., to Lat. 37°53'00" N., Long. 113°39'00" W., to Lat. 37°17'00" N., Long. 114°07'00" W., to point of beginning.
Designated altitudes. 500 feet AGL to FL 180.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818G2 Sierra, Nev.

Boundaries. Beginning at Lat. 37°17''00" N., Long. 115°18'00" W., Clockwise to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 38°08'00" N., Long. 114°25'00" W., to Lat. 37°53'00" N., Long. 113°39'00" W., to Lat. 37°17'00" N., Long. 114°07'00" W., to point of beginning.
Designated altitudes. FL 180 to and including FL 350.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818H1 Sierra, Nev.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 37°17'00" N., Long. 114°07'00" W., to Lat. 36°53'00" N., Long. 114°26'00" W., to Lat. 36°53'00" N., Long. 115°18'00" W., to point of beginning.
Designated altitudes. 500 feet AGL to FL 180.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818H2 Sierra, Nev.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 37°17'00" N., Long. 114°07'00" W., to Lat. 36°53'00" N., Long. 114°26'00" W., to Lat. 36°53'00" N., Long. 115°18'00" W., to point of beginning.
Designated altitudes. FL 180 to and including FL 350.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818I1 Sierra, Nev.

Boundaries. Beginning at Lat. 36°53'00" N., Long. 115°18'00" W., Clockwise to Lat. 36°53'00" N., Long. 114°26'00" W., to Lat. 36°43'00" N., Long. 114°33'30" W., to Lat. 36°43'00" N., Long. 114°53'00" W., to Lat. 36°41'00" N., Long. 115°18'00" W., to point of beginning.
Designated altitudes. 500 feet AGL to FL 180.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

R-4818I2 Sierra, Nev.

Boundaries. Beginning at Lat. 36°53'00" N., Long. 115°18'00" W., Clockwise to Lat. 36°53'00" N., Long. 114°26'00" W., to Lat. 36°26'00" N., Long. 114°45'00" W., to Lat. 36°43'00" N., Long. 114°53'00" W., to Lat. 36°41'00" N., Long. 115°18'00" W., to point of beginning.
Designated altitudes. FL 180 to and including FL 350.
Time of designation. 0800 PST to 1200 PST daily, November 8–November 16, 1976
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25670 Filed 9-1-76;8:45 am]

[Airspace Docket No. 76-WE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Division of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to divide Bullion Mountains South, Calif., R-2501S into two areas (R-2501S and R-2501W) and to correct the title of the Bullion Mountains Restricted Areas within the Continental Control Area.

These actions will not alter the external dimensions nor the present altitude limitations. Controlling and using agencies will remain the same as will the time of designation and scheduled activities. They will provide more flexible management and make the airspace more easily available for public use when it is not in use by the using agency. Because these actions are considered minor actions on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 71.151 (41 FR 345) is amended as follows:

"R-2501N Bullion Mountains, Calif. R-2501S Bullion Mountains, Calif. R-2501E Bullion Mountains, Calif." is deleted and
"R-2501N Bullion Mountains North, Calif. R-2501E Bullion Mountains East, Calif. R-2501S Bullion Mountains South, Calif. R-2501W Bullion Mountains West, Calif." is added.

In § 73.25 (41 FR 659) R-2501S boundaries are amended to read as follows:

"Beginning at Lat. 34°21'40" N., Long. 116°21'33" W.; to Lat. 34°27'50" N., Long. 116°09'40" W.; to Lat. 34°27'15" N., Long. 116°04'07" W.; to Lat. 34°14'00" N., Long. 115°55'40" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to the point of beginning."

Also R-2501W is added as follows:

"R-2501W Bullion Mountains West, Calif.
Boundaries. Beginning at Lat. 34°21'40" N., Long. 116°21'33" W.; to Lat. 34°30'00" N., Long. 116°26'30" W.; to Lat. 34°35'40" N., Long. 116°28'15" W.; to Lat. 34°34'37" N., Long. 116°20'43" W.; to Lat. 34°33'12" N., Long. 116°15'30" W.; to Lat. 34°27'50" N., Long. 116°09'40" W.; to the point of beginning.
Designated altitudes, Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif."

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25662 Filed 9-1-76;8:45 am]

[Docket No. 16047; Amdt. No. 1036]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective October 21, 1976.*

Minot, ND—Minot Int'l Arpt., VOR Rwy 8, Amdt. 7
Minot, ND—Minot Int'l Arpt., VOR Rwy 13, Amdt. 7
Minot, ND—Minot Int'l Arpt., VOR Rwy 26, Amdt. 8
Minot, ND—Minot Int'l Arpt., VOR Rwy 31, Amdt. 7
Brookings, SD—Brookings Muni. Arpt., VOR Rwy 12, Amdt. 3
Brookings, SD—Brookings Muni. Arpt., VOR Rwy 30, Amdt. 2
Palacios, TX—Palacios Muni. Arpt., VOR Rwy 13, Amdt. 7

* * * *effective October 14, 1976.*

Haleyville, AL—Posey Field, VOR/DME-A, Amdt. 1
Groton (New London), CT—Trumbull Arpt., VOR Rwy 5, Amdt. 1
Groton (New London), CT—Trumbull Arpt., VOR Rwy 23, Amdt. 3
Kamuela, HI—Waimea—Kohala Arpt., VOR-A, Amdt. 5
Winchester, IN—Randolph County Arpt., VOR-A, Original
Winchester, IN—Randolph County Arpt., VOR/DME-A, Orig., cancelled
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR Rwy 27, Amdt. 12
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR Rwy 33L, Amdt. 14
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR/DME Rwy 15R, Amdt. 11
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR/DME Rwy 22L, Amdt. 1
Linden, MI—Price's Arpt., VOR-A, Amdt. 1
Wausau, WI—Wausau Muni. Arpt., VOR-A, Amdt. 13

* * * *effective September 23, 1976.*

Craig, CO—Craig-Moffat Arpt., VOR Rwy 25, Original
Craig, CO—Craig-Moffat Arpt., VOR/DME Rwy 7, Original
Hayden, CO—Yampa Valley Arpt., VOR Rwy 10, Amdt. 1

* * * *effective September 9, 1976.*

Pasco, WA—Tri-Cities Arpt., VOR Rwy 20R, Original

* * * *effective August 24, 1976.*

Charleston, WV—Kanawha Arpt., VOR-A, Amdt. 9

* * * *effective August 19, 1976.*

Hickory, NC—Hickory Muni. Arpt., VOR Rwy 24, Amdt. 17

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 21, 1976.*

Boise, ID—Boise Air Terminal (Gowen Field), LOC/DME(BC)Rwy 28L, Original Fort Worth, TX—Meacham Field, LOC(BC) Rwy 34R, Amdt. 4

* * * *effective October 14, 1976.*

Boston, MA—General Edward Lawrence Logan Int'l Arpt., LOC(BC) Rwy 22L, Amdt. 6

* * * *effective August 19, 1976.*

Hickory, NC—Hickory Muni. Arpt., LOC Rwy 24, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the fol-

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lowing NDB/ADF SIAPs, *effective October 21, 1976.*

Gwinner, ND—Gwinner Muni. Arpt., NDB Rwy 34, Amdt. 2
Fort Worth, TX—Meacham Field, NDB Rwy 16L, Amdt. 2
Fort Worth, TX—Meacham Field, NDB Rwy 34R, Amdt. 3
Gainsville, TX—Gainsville Muni. Arpt., NDB Rwy 17, Amdt. 2

• • • *effective October 14, 1976.*

Wilmington, DE—Greater Wilmington Arpt., NDB Rwy 1, Amdt. 11
Boston, MA—General Edward Lawrence Logan Int'l Arpt., NDB Rwy 4R, Amdt 19
Boston, MA—General Edward Lawrence Logan Int'l Arpt., NDB Rwy 22L, Amdt. 6
Boston, MA—General Edward Lawrence Logan Int'l Arpt., NDB Rwy 33L, Amdt. 8, cancelled
Deckerville, MI—Lamont Arpt., NDB Rwy 9, Amdt. 1
Deckerville, MI—Lamont Arpt., NDB Rwy 27, Amdt. 1
Bristol, TN—Tri-City Arpt., NDB Rwy 4, Amdt. 11
Bristol, TN—Tri-City Arpt., NDB Rwy 22, Amdt. 13

• • • *effective September 16, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., NDB Rwy 9R, Amdt. 9

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 21, 1976.*

Fort Worth, TX—Meacham Field, ILS Rwy 16L, Amdt. 3

• • • *effective October 14, 1976.*

Groton (New London), CT—Trumbull Arpt., ILS Rwy 5, Amdt. 3
Wilmington, DE—Greater Wilmington Arpt., ILS Rwy 1, Amdt. 12
Baltimore, MD—Baltimore-Washington Int'l Arpt., ILS Rwy 10, Amdt. 7
Boston, MA—General Edward Lawrence Logan Int'l Arpt., ILS Rwy 4R, Amdt. 22
Boston, MA—General Edward Lawrence Logan Int'l Arpt., ILS Rwy 15R, Amdt. 1
Boston, MA—General Edward Lawrence Logan Int'l Arpt., ILS Rwy 33L, Amdt. 12
Scottsbluff, NE—Scotts Bluff County Arpt., ILS Rwy 30, Amdt. 4
Bristol, TN—Tri-City Arpt., ILS Rwy 22, Amdt. 18

• • • *effective September 16, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 9R, Amdt. 7
Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 27L, Amdt. 6
Hagerstown, MD—Hagerstown Regional Arpt., ILS Rwy 27, Original
Memphis, TN—Memphis Int'l Arpt., ILS Rwy 17R, Original

• • • *effective September 9, 1976.*

Philadelphia, PA—Philadelphia Int'l Arpt., ILS Rwy 27R, Amdt. 1
Pasco, WA—Tri-Cities Arpt., ILS Rwy 20R, Amdt. 6

• • • *effective August 24, 1976.*

Charleston, WV—Kanawha Arpt., ILS Rwy 23, Amdt. 23

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective October 21, 1976.*

Kingsville, TX—Kleberg County Arpt., RADAR-1, Original

• • • *effective October 14, 1976.*

Windsor Locks, CT—Bradley Int'l Arpt., RADAR-1, Amdt. 5
Boston, MA—General Edward Lawrence Logan Int'l Arpt., RADAR-1, Amdt. 4

• • • *effective August 24, 1976.*

Charleston, WV—Kanawha Arpt., RADAR-1, Amdt. 8

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective October 21, 1976.*

Renton, WA—Renton Muni. Arpt., RNAV Rwy 33, Amdt. 3

• • • *effective October 14, 1976.*

Kirksville, MO—Clarence Cannon Memorial Arpt., RNAV Rwy 17, Amdt. 3
Kirksville, MO—Clarence Cannon Memorial Arpt., RNAV Rwy 35, Amdt. 3
Bristol, TN—Tri-City Arpt., RNAV Rwy 4, Original

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 26, 1976.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.76 25673 Filed 9-1 76;8:45 am]

[Docket No. 15551; Amdt. No. 152-3]

PART 152—AIRPORT AID PROGRAM

Eligibility of Visual Approach Slope Indicators

The purpose of this amendment to Part 152 of the Federal Aviation Regulations is to eliminate the requirement in § 152.103(h)(2) that two-box VASI (VASI-2) be installed with new construction of medium intensity runway lights (MIRL) on runways at airports serving small aircraft (other than turbojet powered aircraft).

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice No. 76-11) issued on April 2, 1976, and published in the FEDERAL REGISTER on April 12, 1976 (41 FR 15350). Due consideration has been given to all comments received in response to that Notice.

Notice No. 76-11 stated that the mandatory requirement for installation of VASI-2 with the installation of MIRL had, because of the additional installation costs, impeded the installation of MIRL at airports eligible under the Airport and Airway Development Program, and pointed out that the installation of VASI offered no operational advantage, in terms of lower landing minimums under the criteria (U.S. Standard for Terminal Instrument Approach Procedures) applicable to instrument approach procedures developed and issued under Part 97 of the FAR's (Standard Instrument Approach Procedures).

Comments received in response to the notice were generally favorable and recognized that elimination of the mandatory requirement for VASI would encourage and facilitate installation of MIRL at eligible airports where the additional cost of VASI might be impeding or prohibitive. Two comments cited the VASI as a very desirable approach aid for both VFR night approaches and day or night instrument approaches, and recommended that VASI be installed on a broader scale at air carrier and general aviation airports.

The FAA agrees that VASI is a valuable approach aid and wishes to emphasize that under this amendment VASI continues to be an eligible item for airport development. In addition, the FAA has recently contracted for the installation of over 300 VASI's at airports across the nation. This program supplements the VASI systems now installed at approximately 1100 airports.

Since this amendment relates to public grants and relieves a restriction, it may be made effective on less than 30 days notice.

(Secs. 11-27 Airport and Airway Development Act of 1970 (84 Stat. 220-233); § 1.47(g)(1) Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(g)(1)).)

In consideration of the foregoing, § 152.103(h)(2) of the Federal Aviation Regulations is amended effective August 26, 1976, to read as follows:

§ 152.103 Lighting and electrical work: specific.

* * * * * * *

(h) * * *

(2) A two-box Visual Approach Slope Indicator (VASI-2) is eligible on lighted runways not used by turbojet powered aircraft. The VASI-2 is also eligible for installation on runways with an approach slope deficiency and for retrofitting existing runways on such of those airports that have MIRL installed.

* * * * * * *

Issued in Washington, D.C., on August 26, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-25511 Filed 9-1-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1704—APPLICATIONS FOR EXEMPTION FROM PREEMPTION

CROSS REFERENCE: For a document containing Interim Rules pending completion of rulemaking regarding the above-mentioned subject, see FR Doc. 76-25694 in the Proposed Rules Section of this Issue.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-247]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Glass Beads From Canada

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of glass beads from Canada.

On March 2, 1976, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 8988). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it had been preliminarily determined that payments are being made, directly or indirectly, upon the manufacture, production, or exportation of glass beads not over six millimeters in diameter by Canasphere Industries, Ltd., Moose Jaw, Saskatchewan, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). Interested parties were provided with 30 days from the date of publication to submit relevant data, views, or arguments in writing with respect to the preliminary determination.

After consideration of all information received, it is hereby determined that imports of glass beads not over six millimeters in diameter manufactured by Canasphere Industries, Ltd., benefit from the payments or bestowals of bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). These benefits include a grant from the Federal Department of Regional Economic Assistance and an interest-free loan from the Saskatchewan Economic Development Corporation. There has been no adequate showing that these benefits have the effect of offsetting disadvantages which would discourage industry from moving to and expanding in less developed regions. Furthermore, a substantial proportion of Canasphere's production is exported. It has also been determined that other allegations, including allegations of below-cost or preferential freight rates, of the purchase of the facility from the City of Moose Jaw at a favorable price, and of the ability of Canasphere to secure lines of credit not otherwise available without Government assistance have not been sustained by that quantum of proof necessary to enable the Department of the Treasury to conclude that "bounties or grants" have, as to those allegations, been paid or bestowed.

Accordingly, notice is hereby given that dutiable glass beads not over six millimeters in diameter manufactured by Canasphere Industries, Ltd., and imported directly or indirectly from Canada, if entered, or withdrawn from warehouse for consumption on or after the date of publication of this notice in the FEDERAL REGISTER will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, until further notice the net amount of such bounties or grants has been estimated and declared to be 1.9 percent *ad valorem*. Declarations of the net amount of the bounties or grants ascertained and determined, or estimated, to have been paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of glass beads not over six millimeters in diameter from Canada manufactured by Canasphere Industries, Ltd., will be published subsequently in the FEDERAL REGISTER.

Effective on or after the date of publication of this notice in the FEDERAL REGISTER and until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable glass beads of not over six millimeters in diameter manufactured by Canasphere Industries, Ltd., imported directly or indirectly from Canada, which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable glass beads of not over six millimeters in diameter, manufactured by Canasphere Industries, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed. A deposit of the estimated countervailing duty, in the amount of 1.9 percent ad valorem shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid, credited, or bestowed directly or indirectly, upon the manufacture, production or exportation of such glass beads of not over six millimeters in diameter manufactured by Canasphere Industries, Ltd.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Commodity", the words "Glass Beads not Over Six Millimeters in Diameter Produced By Canasphere Industries, Ltd." after the last entry for Canada. The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision and the column headed "Action" is amended by inserting the words "Bounty Declared—Rate".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: August 30, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-25706 Filed 9-1-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Tetracycline Boluses

The Food and Drug Administration is revoking certain provisions of the regulations for use of tetracycline boluses; effective September 2, 1976.

In FR Doc. 76-25676 appearing in the notices section of this issue of the FEDERAL REGISTER approval of new animal drug application (NADA) 65-062V for Tetracycline-Vet Bolus, held by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, is being withdrawn. Based on the data set forth in that notice, the Commissioner of Food and Drugs concludes that the corresponding regulation providing for approval of the drug should be revoked.

The conditions of use that correspond to the new drug application that is being withdrawn are found in paragraphs (c)(5)(i)(*a*) and (c)(5)(ii) of § 546.180c (21 CFR 546.180c). Two sponsors, Pfizer (000069) and Upjohn (000009), are listed in the paragraphs. The listing of Upjohn as a sponsor for this particular use is an error, and therefore the withdrawal of approval of Pfizer's NADA will result in revocation of these paragraphs of § 546.180c.

§ 546.180c [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 546.180c *Tetracycline boluses* is amended by revoking paragraph (c)(5)(i)(*a*) and paragraph (c)(5)(ii) and designating them as [Reserved].

Effective date: This amendment shall be effective September 2, 1976.

(Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b).)

Dated: August 26, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-25675 Filed 9-1-76;8:45 am]

V41 I 172 SEP 2 76 UMI

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by Section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(m) in accordance with the requirements of § 1601.12 (i)(1).

The amended § 1601.12(m) sets forth those state and local agencies which have been formally designated as 706 Agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this amendment to § 1601.12(m) effectuates the designation of the following Agency as 706 Agencies:

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

Notice of the proposed designation of the foregoing agency as 706 Agencies was published in the August 11, 1976, issue of the FEDERAL REGISTER, 40 FR 6676, with notice that written comments must have been filed with the Commission on or before August 24, 1976.

With the addition of the foregoing agency, § 1601.12(m) is revised to read as follows:

§ 1601.12 Deferrals to State and local authorities.

* * * * * * *

(m) The Designated 706 Agencies are:

Alaska Commission for Human Rights.
Alexandria Human Rights Office.
Allentown Human Relations Commission.
Arizona Civil Rights Division.
Baltimore Community Relations Commission.
Bloomington Human Rights Commission.
California Fair Employment Practices Commission.
Charleston Human Rights Commission.
Colorado Civil Rights Commission.
Connecticut Commission on Human Rights and Opportunities.
Dade County Fair Housing and Employment Commission.
Delaware Department of Labor.
District of Columbia Office of Human Rights.
East Chicago Human Relations Commission.
Fairfax County Human Rights Commission.
Gary Human Relations Commission.
Idaho Commission on Human Rights.
Illinois Fair Employment Practices Commission.
Indiana Civil Rights Commission.
Iowa Commission on Civil Rights.
Kansas Commission on Civil Rights.
Kentucky Commission on Human Rights.
Maine Human Relations Commission.
Maryland Commission on Human Relations.
Massachusetts Commission Against Discrimination.
Michigan Civil Rights Commission.
Minneapolis Department of Civil Rights.
Minnesota Department on Human Rights.
Missouri Commission on Human Rights.
Montana Commission for Human Rights.
Montgomery County Human Relations Commission.
Nebraska Equal Opportunity Commission.
Nevada Commission on Equal Rights of Citizens.
New Hampshire Commission for Human Rights.
New Jersey Division on Civil Rights, Department of Law and Public Safety.
New York City Commission on Human Rights.
New York State Division of Human Rights.
Ohio Civil Rights Commission.
Oklahoma Human Rights Commission.
Omaha Human Relations Department.
Oregon Bureau of Labor.
Pennsylvania Human Relations Commission.
Philadelphia Commission on Human Relations.
Pittsburgh Commission on Human Relations.
Rhode Island Commission for Human Rights.
Rockville (Maryland) Human Rights Commission.
Seattle Human Rights Commission.
Springfield (Ohio) Human Relations Department.
South Carolina Human Affairs Commission.
South Dakota Human Relations Commission.
Tacoma Human Rights Commission.
Utah Industrial Commission.
Vermont Attorney General's Office, Civil Rights Division.
Virgin Islands Department of Labor.
Washington State Human Rights Commission.
West Virginia Human Rights Commission.
Wheeling Human Rights Commission.
Wichita Commission on Civil Rights.
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations.
Wyoming Fair Employment Practices Commission.

The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources.
Florida Commission on Human Relations.
Georgia Governor's Council on Human Relations.
Montana Department of Labor and Industry.
North Dakota Commission on Labor.
Ohio Director of Industrial Relations.

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. Sec. 2000e–12(a)).)

This amendment is effective on September 2, 1976.

Signed at Washington, D.C. this 27th day of August 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76–25773 Filed 9–1–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76–079]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Port Arthur Marine Inspection Zone and Captain of the Port Office

This notice amends 33 CFR 3.40–20 to show that an Eighth Coast Guard District Captain of the Port Office has been moved from Sabine to Port Arthur, Texas.

Since these amendments are a matter relating to agency organization, they are exempt from the notice of proposed rule-making requirements in 5 U.S.C. 553(b)(A). Since these amendments announce an existing change in Coast Guard organization, they are effective immediately under 5 U.S.C. 553(d)(3).

In accordance with the foregoing, Part 3 of Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

1. Section 3.40–20 is amended by revising the heading and paragraph (a) to read as follows:

§ 3.40–20 Port Arthur Marine Inspection Zone and Captain of the Port.

(a) The Port Arthur Marine Inspection Office and Captain of the Port Office are in Port Arthur, Texas.

* * * * * * *

2. Paragraph (b) of § 3.40–20 is amended by deleting the words "the Sabine."

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1), 49 CFR 1.46(b)).)

Effective date: These amendments are effective September 2, 1976.

Dated: August 27, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.76–25720 Filed 9–1–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4–1—GENERAL

Procurement; Miscellaneous Amendments

This amendment involves matters relating to agency procurement and contracting and, while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents of Part 4–1 is amended by adding the following new sections:

Sec.
4–1.350 Procurement identification system.
4–1.350–1 Purchase order/delivery order numbering system.
4–1.350–2 Contract numbering system [Reserved]

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

2. Section 4–1.350 is added as follows:

§ 4–1.350 Procurement identification system.

(a) The implementation of automated payment systems within the Department dictates the use of a standard Department-wide procurement identification system for the purposes of reporting and control. The identification system shall consist of 8 to 12 digits divided into four data elements as follows:

Transaction code	Ordering office	Fiscal year	Control number
XX	XXXX	X	XXXXX

(1) *Transaction Code.* (Two positions). This code identifies the type of procurement and method of payment and is determined pursuant to instructions contained in the USDA National Finance Center manual entitled "Purchase Orders."

(2) *Ordering Office.* (Four positions). This is an alpha-numeric code that corresponds to the last four characters of the GSA assigned FEDSTRIP Requisitioner Number of the office placing the order.

(3) *Fiscal Year.* (One position). Enter the last digit of the fiscal year appropriation.

(4) *Control Number.* (Five position maximum). The issuing office will assign a number to this data element beginning with "1" for the first purchase order/delivery order/contract for the fiscal year. It is not necessary to enter leading zeros. Purchasing activities may assign blocks of contract numbers where desirable.

§ 4–1.350–1 Purchase order/delivery order numbering system.

(a) The numbering system for purchase orders/delivery orders is contained in NFC Procedures Manual, "Purchase Orders," Title II, Section 5.1. This numbering system shall apply to all Department purchasing activities.

(b) The following transaction codes may be used for purchase orders and delivery orders:

Transaction codes:	*Conditions for Use*
40	Fixed price, fixed quantity, with anticipated one-time vendor payment; or estimated quantity and/or estimated price of procurement of supplies with anticipated one-time vendor payment.
41	Advance payment authorized by procurement regulations (e.g., subscriptions, tuition, etc.).
42	Fixed price, fixed quantity, for automatic, agreed upon cyclic payment.
43	(1) Fixed price, fixed quantity, with anticipated recurring vendor payments (e.g., EDP equipment rental). (2) Estimated price and/or estimated quantity with anticipated recurring vendor payments (e.g., copier rental with monthly charges based upon number of copies produced), or (3) Estimated price and/or estimated quantity for services even though there is an anticipated one-time vendor payment (e.g., the clearing of a field where the hourly rate is known but the number of hours to clear the field is estimated).

§ 4–1.350–2 Contract numbering system. [Reserved].

Effective date: September 2, 1976.

Done at Washington, D.C., this 19th day of August 1976.

GEORGE C. KNAPP,
Acting Director,
Office of Operations.

[FR Doc.76–25699 Filed 9–1–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)

1. On August 17, 1976, GTE Service Corporation filed a pleading herein entitled "Comments in Support of Petition for Reconsideration." In this pleading GTE refines certain proposals made in its earlier-filed petition for reconsideration of the Commission's March 18, 1976 Second Report and Order, 58 FCC 2d 736.

2. In its Second Report and Order, the Commission stated at paragraphs 27–29[1] that we had not received any adequate proposals addressing the problems associated with wiring complex PBX and key telephone systems. Therefore, as an interim solution the Commission required that these systems be connected to the telephone network through registered protective circuitry. Realizing there might be alternate solutions[2] the Commission encouraged the "submission of proposed rule changes which would assure proper installation of intra-system wiring and thereby preclude any unnecessary use of protective circuitry."[3] The GTE petition for reconsideration as refined by its supporting comments addresses the above-mentioned wiring problems, and might well present a reasonable approach for eliminating some protective circuitry and substantially reducing the costs of implementing of the registration program with respect to PBX and key telephone system installations. Therefore, GTE's supporting comments will be accepted as a late filed amendment to its petition for reconsideration, and interested parties will be given an opportunity to comment on the GTE petition.

[1] 58 FCC 2d 736, 744–746 (1976).
[2] In an affidavit filed in the U.S. Court of Appeals, Bell alleged that its increased costs due to the registered protective circuitry requirement would be approximately $88 million.
[3] 58 FCC 2d 736, 746 (1976).

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3. Accordingly, *it is ordered*, That GTE's "Comments in Support of Petition for Reconsideration" is accepted for filing.

4. *It is further ordered*, That comments on or oppositions to the GTE comments must be filed by September 10, 1976,[1] and GTE may file a reply no later than September 17, 1976.

Adopted: August 27, 1976.

Released: August 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.76-25769 Filed 9-1-76;8:45 am]

[1] We are allowing only two weeks for filing comments in recognition of the fact that the GTE "Comments in Support" were served on all parties on August 17, 1976.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Corrections

In FR Doc. 76-22949 appearing at page 34041 in the FEDERAL REGISTER of August 12, 1976, in the table appearing on page 34043, under § 20.103(b), some season dates for hunting mourning doves in the South Zone of Texas were inadvertently omitted; therefore, that portion of the mourning dove table pertaining to Texas is corrected to read as follows:

Texas: [2]

North Zone:	
Shooting hours:	
12 noon until sunset	Sept. 1 to Oct. 14.
½ hour before sunrise until sunset	Jan. 1 to Jan. 16.
South Zone (Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick):	
Shooting hours:	
12 noon until sunset	Sept. 4–6, Sept. 11–12, and Sept. 25 to Nov. 2.
½ hour before sunrise until sunset	Jan. 1 to Jan. 16.
Remainder of South Zone:	
Shooting hours:	
12 noon until sunset	Sept. 25 to Nov. 7.
½ hour before sunrise until sunset	Jan. 1 to Jan. 16.

In the table appearing on page 34044, under § 20.104, a typographical error in the season dates for woodcock in the North Zone of New York is corrected by changing the dates from "Sept. 1–Nov. 23" to read "Sept. 20–Nov. 23".

In the same table, continued on page 34045, a typographical error in the season dates for clapper and king rails in Texas is corrected by deleting the word "Closed" and instead adding the dates "Sept. 1–Nov. 9".

Dated: August 30, 1976.

GEORGE W. MILIAS,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-25780 Filed 9-1-76;8:45 am]

PART 26—RESTRICTED OR PROHIBITED ACTS

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on September 2, 1976.

§ 26.34 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack, and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of other upland species as may be authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 18, 1976, through October 29, 1976, and the second season opens November 1, 1976, through December 31, 1976, inclusive, with shooting hours from sunrise to sunset. Gray and fox squirrels—September 18, 1976, through December 31, 1976, inclusive, with shooting hours from sunrise to sunset. Cottontail, jack, and snowshoe rabbits—September 18, 1976, through February 28, 1977, inclusive with shooting hours from sunrise to sunset.

No person shall trap on Tamarac National Wildlife Refuge without first obtaining such permits and trap tags as may be required and issued by the Refuge Manager. Portions of Tamarac Refuge open to hunting will be posted "Public Hunting Area" except as described in Refuge hunting maps for ruffed grouse. In addition, no persons shall, for the purpose of hunting or trapping, enter or leave a refuge except by access roads which may be so designated; and all hunters and trappers shall comply with further regulations which the Refuge Manager may prescribe.

OMER N. SWENSON,
Refuge Manager.

AUGUST 27, 1976.

[FR Doc.76-25650 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Alamosa National Wildlife Refuge, Colorado is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Ducks, coots and mergansers—October 2, 1976 through October 17, 1976, inclusive, and November 13, 1976 through January 18, 1977, inclusive.

(2) Canada geese—November 1, 1976 through December 31, 1976, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(3) Mourning doves—October 2, 1976 through October 17, 1976, inclusive.

(4) Sora and Virginia rails—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through November 9, 1976, inclusive.

(5) Wilson's snipe—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through December 2, 1976, inclusive.

This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(2) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails and Wilson's snipe.

(3) Admittance—Entrance to the area open to hunting, and parking of vehicles will be restricted to designated parking areas.

(4) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(5) Boats—The use of boats is prohibited. One or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1977.

CHARLES R. BRYANT,
Refuge Manager.

AUGUST 24, 1976.

[FR Doc.76-25634 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of cottontail rabbits, white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, coyote and bobcat on the Alamosa National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Cottontail rabbits, white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, and coyote—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through January 18, 1977, inclusive.

(2) Bobcat—October 15, 1976 through October 17, 1976, inclusive, and November 1, 1976 through January 18, 1977, inclusive.

This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits, white and black-tailed jack rabbits, striped shunk, spotted skunk, badger, raccoon, coyote, and bobcat, subject to the following special conditions;

(1) Shooting hours for cottontail rabbits will be from sunrise to sunset except during the pheasant season when they shall coincide with the shooting hours set for this season by State proclamation.

(2) Shooting hours for white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, coyote, and bobcat shall coincide with those set by Federal and State proclamation for the hunting of migratory waterfowl.

(3) Admittance—Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(4) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(5) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1977.

CHARLES R. BRYANT,
Refuge Manager.

AUGUST 24, 1976.

[FR Doc.76-25635 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.32 Special regulations, deer, for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer, with bow and arrows on the Flint Hills National Wildlife Refuge, Burlington, Kansas, is permitted October 1 through November 30, 1976 inclusive and from December 18 through December 31, 1976 inclusive, in accordance with all applicable State Regulations subject to the following special conditions:

(1) The open area is delineated on maps available at refuge headquarters, P.O. Box 213, Burlington, Kansas 66839, or from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106.

(2) Hunting shall be in accordance with all applicable State and Federal laws and regulations governing the hunting of deer.

(3) The use of rifles or pistols are prohibited on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

MICHAEL J. LONG,
Refuge Manager.

AUGUST 17, 1976.

[FR Doc.76-25638 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. All applicable opening and closing hunting dates as established by State and Federal Laws apply, as well as all other State and Federal regulations. Refuge hunting shall be subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

(3) The transportation or possession of firearms is not permitted on the Neosho River from the northern refuge boundary to the point where the river empties into John Redmond Reservoir.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

MICHAEL J. LONG,
Refuge Manager.

AUGUST 17, 1976.

[FR Doc.76-25641 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock & wilson's snipe, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting seasons are in accordance with

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Kansas State regulations, and all applicable State and Federal hunting laws and regulations apply.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective as applicable, through calendar year 1976.

MICHAEL J. LONG,
Refuge Manager.

AUGUST 17, 1976.

[FR Doc.76-25642 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge

The following special regulation is issued and is effective September 2, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks, during a legally defined 'Early Teal Season', on the Flint Hills National Wildlife Refuge, Kansas, is permitted in accordance with Kansas State regulations, and all applicable State and Federal hunting laws and regulations, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. The following special conditions apply on the refuge:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above-ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective as applicable, through calendar year 1976.

MICHAEL J. LONG,
Refuge Manager.

AUGUST 17, 1976.

[FR Doc.76-25643 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge

The following special regulation is issued and is effective on September 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of small game animals, upland game birds, fur bearing animals and non game animals on the Flint Hills National Wildlife Refuge, Kansas, is permitted from October 1, 1976, through September 30, 1977, inclusive, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State laws and regulations governing the hunting of small game animals, upland game birds, fur bearing animals and non game animals subject to the following special conditions:

(1) The use of rifles or pistols are prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs may be used only for hunting and retrieving small game animals and game birds. Dogs may not be used for hunting fur bearing animals and non-game animals, either by sight or trailing by scent.

(4) Fur bearing animals may be taken upon issuance of a Special Use Permit by the Refuge Manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1977.

MICHAEL J. LONG,
Refuge Manager.

AUGUST 18, 1976.

[FR Doc.76-25644 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge

The following special regulation is issued and is effective during the period September 8, 1976 through March 15, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated area, as delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1977.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 26, 1976.

[FR Doc.76-25637 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on September 2, 1976.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of ducks, coots, mergansers and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 2, 1976 through January 2, 1977, inclusive; and geese from October 9, 1976 through December 19, 1976, inclusive, only on the area designated by signs as open to hunting. This area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coot, mergansers and whistling swans subject to the following special regulations:

(1) *Steel Shot.* The exclusive use of steel shot is required on all days in both Hunting Area "A" and Area "B" for the entire season. The possession of lead shot within a refuge hunting area is prohibited, and having lead shot in one's possession will be considered prima facie evidence that the person possessing such shot is engaged in hunting with same; except lead shot may be possessed for transportation through designated travel lanes for use off refuge.

(2) *Hunting Areas.* No hunting is permitted from roadways or within 100 yards of any roadway in Area "A". No hunting is permitted from roadway or adjacent area as posted by signs in Area "B".

(3) *Boat Use.* The use of boats is permitted except that airthrust boats and aircycles may not be used in Unit 2 on weekends and holidays. Airboats may be launched only from designated boat ramps. Boats may be left at designated sites one week prior to and during the hunting season. All boats and trailers must be removed within two weeks after close of the hunting season.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Hunter Check Station.* All hunters entering Area "A" are required to register at the check station and check out before leaving the refuge. All hunters entering the Perry gate entrance to Area "B" are required to register and check out at the self registration counter provided.

(6) *Routes of Travel.* Travel to open hunting areas is permitted by foot or bicycle over roads between Units 1 and 2 and Units 2 and 3. Travel by boat is permitted from headquarter area boat ramps down canals between Units 1 and 2 and Units 2 and 3, and the main river channel into Unit 2. Vehicles with boats and trailers are permitted to travel dike roads to designated parking and launching sites. Travel by boat to reach lands outside refuge boundary will be permitted only over designated travel lanes through closed areas. Firearms must be unloaded and either cased or broken down when transported by motor vehicle or boat over the above designated travel lanes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32, and are effective through January 2, 1977.

NED I. PEABODY,
Refuge Manager,
Bear River Migratory Bird Refuge.

AUGUST 26, 1976.

[FR Doc.76-25636 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on September 2, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Monte Vista National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Ducks, coots and mergansers—October 2, 1976 through October 17, 1976, inclusive, and November 13, 1976 through January 18, 1977, inclusive.

(2) Canada geese—November 1, 1976 through December 31, 1976, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(3) Mourning doves—October 2, 1976 through October 17, 1976, inclusive.

(4) Sora and Virginia rails—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through November 9, 1976, inclusive.

(5) Wilson's snipe—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through December 2, 1976, inclusive.

This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(2) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails and Wilson's snipe.

(3) Admittance—Entrance to the area open to hunting, and parking of vehicles will be restricted to designated parking areas.

(4) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(5) Boats—The use of boats is prohibited. One or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1977.

AUGUST 24, 1976.

CHARLES R. BRYANT,
Refuge Manager.

[FR Doc.76-25647 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 8, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, mourning doves, common snipe, woodcock, and crows is permitted only on the North Hunting Area. This open area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails, gallinules, mourning doves, woodcock, common snipe and crows.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 26, 1976.

[FR Doc.76-25649 Filed 9-1-76;8:45 am]

PART 32—HUNTING

California and Arizona

The following special regulations are issued and are effective on September 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of quail, cottontail rabbits, coyotes, gray fox, and bobcat on the Kofa Game Range, Arizona, is permitted except in those areas designated by signs as closed to hunting. These open areas, comprising 660,000 acres, are delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, cottontail rabbits, coyotes, gray fox and bobcat subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from October 1, 1976 through January 31, 1977, inclusive.

(2) The open season for hunting coyotes, gray fox, bobcats and cottontail rabbits on the refuge extends from October 1, 1976 through January 31, 1977, inclusive.

(3) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber or magazine.

(4) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard or gun case (soft or hard).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

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ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on Cibola National Wildlife Refuge, Arizona and California, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 7,500 acres, are delineated on maps available at refuge headquarters, Blythe, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—rabbit, from October 1, 1976 through January 31, 1977, inclusive; California—from September 1, 1976 through January 31, 1967, inclusive; Arizona—quail, from October 1, 1976 through January 31, 1977, inclusive; California—quail, from October 23, 1976 through January 30, 1977, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbit subject to the following special conditions:

(1) Up to 2 dogs per hunter are allowed for the purpose of legal bird hunting only.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

(3) Campfires will be permitted only in designated areas. All other open fires are prohibited.

(4) Wildlife observation is permitted within the two closed hunting zones. Persons are permitted to use only established routes of travel.

(5) Cibola Lake, located in Zone 1, is closed to fishing and boating from October 1 through March 1 during the waterfowl use period.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—quail, from October 1, 1976 through January 31, 1977, inclusive; cottontail and jackrabbits, from October 1, 1976 through January 31, 1977, inclusive. California—quail, from November 1, 1976 through January 30, 1977, inclusive; cottontail and jackrabbits, from September 1, 1976 through January 30, 1977, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, cottontail and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells.

(3) Shooting hours: one-half hour before sunrise to sunset.

(4) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

(5) Hunters must enter the hunting area known as Topock Marsh by way of the parking lots only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—quail and cottontail rabbits, from October 1, 1976 through January 31, 1977, inclusive. California—quail, from October 23, 1976 through January 30, 1977, inclusive; cottontail rabbits, from October 1 through January 30, 1977, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

(1) Quail and rabbits may be taken with shotguns only. Possession of .22 caliber rimfire firearms is prohibited.

(2) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1977.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

The public hunting of quail, rabbit and squirrel on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: quail, November 20, 1976 through the last day of the regular 1976–77 duck season, inclusive; rabbits, from October 2, 1976 through the last day of the regular 1976–77 duck season, inclusive; squirrel, from September 1, 1976 through January 1, 1977, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, squirrel, and rabbits subject to the following special conditions:

(1) Only shotguns without slug ammunition or longbow and arrow are permitted.

(2) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(3) Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

(4) Camping or possession of firearms on the refuge at night is prohibited.

(5) All vehicles must be parked in designated parking areas, as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the last day of the regular 1976–77 duck season.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

The public hunting of deer is permitted on Salt Plains National Wildlife Refuge, Oklahoma, but only on the area designated by signs as open to hunting. This open area, comprising 2,341 acres, is delineated on maps available at refuge headquarters, 14 miles north of Jet, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Participants will be determined through special drawing. Applications must be made on special pre-addressed forms. General instructions for obtaining and completing these special application forms are available from Salt Plains National Wildlife Refuge, Route 1, Box 49, Jet, Oklahoma 73749, or from the Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln, Oklahoma City, Oklahoma 73105. Special applications must be obtained in the manner outlined in these general instructions no earlier than August 16, 1976 and no later than September 10, 1976. Completed applications must be received by the Oklahoma Department of Wildlife Conservation no later than September 15, 1976. Hunting shall be in accordance with all State regulations covering the hunting of deer subject to the following special conditions:

(1) The dates of the bow hunting season shall be October 23, 24, 30 and 31, 1976.

(2) The dates of the primitive firearms hunting season shall be November 6 and 7, 1976.

(3) The dates of the modern gun hunting season shall be November 20, 21, 23, 24, 27 and 28, 1976.

(4) Hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office upon leaving the area.

(5) Shooting hours on the refuge will end each day at sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1976.

WICHITA MOUNTAINS WILDLIFE REFUGE

The public hunting of elk on the Wichita Mountains Wildlife Refuge, Oklahoma, is permitted only in the Pinchot, Graham Flat, North Mountains and Quanah-Elk Mountain Units. The open hunting area, comprising 47,200 acres, is delineated on maps available at refuge headquarters, Cache, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) Hunting days will be restricted to December 14, 15 and 16 (Tuesday, Wednesday and Thursday), 1976.

(2) No personnel of the U.S. Fish and Wildlife Service or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(3) Except as provided in special condition (4) below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt period.

(4) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during this period when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exceed, one camping companion who will be confined to Camp Doris or refuge headquarters during hunt period unless authorized to assist with the removal of game by the Refuge Manager or his agent.

(5) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings. Violation of any of these rules or regulations, or of any Federal or State hunting law, will terminate the hunt of the person or persons so involved.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1976.

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Laguna Atascosa National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,240 acres, is delineated on maps available at refuge headquarters, Harlingen, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the archery hunt of deer subject to the following special conditions:

(1) Hunting with, or possession of, weapons other than long bow is not permitted.

(2) The open season for hunting deer on the refuge is from sunrise to 2 p.m., Fridays through Mondays, October 1, 2, 3, 8, 9, 10, 15, 16 and 17, 1976.

(3) Hunting hours will close at 2 p.m. each day.

(4) The bag limit is 2 buck deer.

(5) Target and field arrows are not permitted.

(6) Hunters must check in and out each day of the hunt at the Laguna Atascosa field office, which will be open one hour before sunrise to 2 p.m. Permits will be issued and collected at this point. Deer must be checked out at this check point.

(7) Vehicles will not be permitted off refuge roads or beyond blocked off gates.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

The hunting of upland game on the Laguna Atascosa National Wildlife Refuge, Texas, is suspended for the 1976–77 hunting season. It has been determined that a huntable population of upland game is not available on the refuge this year.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, New Mexico.

AUGUST 24, 1976.

[FR Doc.76-25646 Filed 9-1-76;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on September 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of cottontail rabbits, white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, coyote and bobcat on the Monte Vista National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Cottontail rabbits, white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, and coyote—October 2, 1976 through October 17, 1976, inclusive, and November 1, 1976 through January 18, 1977, inclusive.

(2) Bobcat—October 15, 1976 through October 17, 1976, inclusive, and November 1, 1976 through January 18, 1977, inclusive.

This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits, white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, coyote, and bobcat, subject to the following special conditions:

(1) Shooting hours for cottontail rabbits will be from sunrise to sunset except during the pheasant season when they shall coincide with the shooting hours set for this season by State proclamation.

(2) Shooting hours for white and black-tailed jack rabbits, striped skunk, spotted skunk, badger, raccoon, coyote, and bobcat shall coincide with those set by Federal and State proclamation for the hunting of migratory waterfowl.

(3) Admittance—Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(4) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(5) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1977.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge.

AUGUST 24, 1976.

[FR Doc.76-25648 Filed 9-1-76;8:45 am]

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PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective September 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions.

(1) The open season for hunting pheasants on the refuge extends from November 13, 1976, through January 31, 1977, inclusive.

(2) The open season for hunting quail on the refuge extends from November 20, 1976, through January 31, 1977, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

AUGUST 17, 1976.

[FR Doc.76-25739 Filed 9-1-76;8:45 am]

PART 32—HUNTING

National Wildlife Refuges, Montana

The following special regulations are issued and are effective September 2, 1976.

§ 32.12 Special regulations; migratory game birds, upland game birds, big game; for individual wildlife refuge areas.

MONTANA

National Bison Range, Ninepipe and Pablo Refuges, Northwestern Montana Wetlands, and Swan River Refuge, all in northwestern Montana.

(1) Hunting is prohibited on the National Bison Range and Ninepipe and Pablo Refuges.

(2) Northwestern Montana Wetlands as posted are open to public hunting in accordance with State and Federal hunting regulations. Flathead Waterfowl Production Area is closed to big game hunting.

(3) Swan River Refuge is open to public hunting as posted.

SPECIAL CONDITIONS

(a) Hunting blinds must be constructed of native material available at the hunting site. Construction of blind does not establish priority to the blind or the hunting area.

(b) Use of dogs is permitted during the waterfowl and pheasant hunting seasons only.

(c) Vehicle travel is permitted only on designated roads and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

MARVIN R. KASCHKE,
Refuge Manager, National Bison Range.

AUGUST 27, 1976.

[FR Doc.76-25738 Filed 9-1-76;8:45 am]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on September 2, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the areas designated as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) During the period October 1, 1976 through December 31, 1976, only Eagle Creek, the Neosho River and impoundments in the Eagle Creek and Hartford hunting units are open to public fishing, except the Neosho River Oxbow northeast of the Strawn townsite is closed, as marked by buoys.

(2) During the period January 1, 1977 through September 30, 1977 all waters within the Flint Hills Refuge are open to sport fishing and the taking of bull frogs when in accordance with State of Kansas seasons.

(3) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1977.

MICHAEL J. LONG,
Refuge Manager, Flint Hills National Wildlife Refuge.

AUGUST 17, 1976.

[FR Doc.76-25645 Filed 9-1-76;8:45 am

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Elizabeth, New Jersey, Base Flood Elevations

On June 25, 1976, at 41 FR 26411, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Elizabeth, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Elizabeth. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1916.

For rating purposes, the new community number is 345523C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Thomas G. Dunn, West Scott Place, Elizabeth, New Jersey 07201.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Elizabeth, New Jersey Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Elizabeth, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 17, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-25788 Filed 9-1-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Grand Prairie, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26408, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Grand Prairie.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has Determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Grand Prairie. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1916.

For rating purposes, the new community number is 485472A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. J. B. Foster, P.E., City Engineer, City of Grand Prairie, P.O. Box 11, Grand Prairie, Texas 75050.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Grand Prairie Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Grand Prairie map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 5, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-25790 Filed 9-1-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Lincoln, Nebraska, Base Flood Elevations

On June 25, 1976, at 41 FR 26410, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Lincoln, Nebraska.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Lincoln. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1916.

For rating purposes, the new community number is 315273A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Douglas E. Brodgen, Planning Director, Lincoln City-Lancaster County Planning Department, 555 South 10th Street, Lincoln, Nebraska 68508.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Lincoln Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Lincoln map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 19, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-25787 Filed 9-1-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of New Providence, New Jersey, Base Flood Elevations

On June 25, 1976, at 41 FR 26411, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included

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Flood Insurance Rate Maps for portions of New Providence, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in New Providence. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1916.

For rating purposes, the new community number is 345306B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. J. D. Clark, Borough Administrator, Borough of New Providence, 1243 Springfield Avenue, New Providence, New Jersey 07974.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the New Providence Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the New Providence map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969, (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-25789 Filed 9-1-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Orleans Parish, Louisiana, Base Flood Elevations

On June 25, 1976, at 41 FR 26408, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Orleans Parish, Louisiana.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations in Orleans Parish, Louisiana, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1916.

For rating purposes, the new community number is 225203B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones, as on map	Previous base flood elevations, as on map (MSL)	New FIA zones
V10	10.3 ft.	A0

The area affected by the above zone change is described as follows:

The area south of Lake Avenue and west of Lakeshore Drive. Lake Avenue is here defined as the centerline of Lake Avenue, extended west to the corporate limits.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

Mayor Moon Landrieu, City Hall, 1300 Perdido Street, New Orleans, Louisiana 70112.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 16, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-25786 Filed 9-1-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-137; Amdt. Nos. 172-31, 173-99]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS COMMUNICATIONS REGULATIONS

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Transportation of Gallium Metal

The purpose of this amendment to the regulations governing the transportation of hazardous materials is to (1) prohibit the transportation of gallium metal in liquid form aboard aircraft, (2) specify requirements for packaging solid gallium aboard aircraft, and (3) specify packaging requirements for both solid and liquid forms of gallium by surface transportation.

A recent spillage of liquid gallium metal on board an aircraft of foreign registry resulted in damage to seat rails and small floor panels within the aircraft. This incident, which was reported to the Federal Aviation Administration by the Civil Aviation Authority of the United Kingdom, suggests the need for recognizing and treating gallium as a hazardous material for the purposes of transportation.

Gallium, a silvery white metal, may exist as either a liquid or a solid at temperatures normally encountered during transportation. Its melting point is 86° F (30° C), but it may exist as a supercooled liquid at temperatures as low as

32° F (0° C). A hazardous chemical effect of gallium metal is that it can be very detrimental to most metals, especially to aluminum. Information received by the Materials Transportation Bureau concerning test results has revealed that sheet aluminum (1/16-inch thick), such as that used in the construction of aircraft, is severely embrittled by exposure to small amounts of liquid gallium and that the sheets crumble after a few minutes of exposure. The Bureau has no evidence that gallium has any other hazardous properties.

The Bureau has been informed that gallium metal is being shipped by air transportation in both solid and liquid form. If spilled, liquid gallium could cause severe damage to metal components of transporting aircraft.

In recognition of the hazard potential posed by this material, the Bureau is prescribing quantity limitations and packaging requirements for both liquid and solid gallium metal. In addition to these new requirements, the provisions of 49 CFR Part 172, Subparts C and D (relating to shipping papers and marking) and § 173.6 (relating to air shipments) are applicable to shipments of gallium metal upon the effective date of this amendment.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

This is not a major Federal action and will not significantly affect the quality of human environment.

In view of the foregoing, Parts 172 and 173 of title 49, Code of Federal Regulations, are amended as follows:

1. In § 172.101 the Hazardous Materials Table is amended by adding, in alphabetical sequence, entries for "Gallium metal, liquid" and "Gallium metal, solid" to read as follows:

§ 172.101 Hazardous Materials Table.

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger-carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Gallium metal, liquid	ORM-B	None	None	173.861	Forbidden	Forbidden	1	5	None.
	Gallium metal, solid	ORM-B	do	do	173.862	40 lb	40 lb	1,3	1	Shade from radiant heat.

2. In Part 173, new §§ 173.861 and 173.862 are added immediately following § 173.860 to read as follows:

§ 173.861 Gallium metal, liquid.

Gallium metal, liquid, when offered for transportation, must be packaged in earthenware, glass, or plastic inside packagings of not more than 5 pounds net capacity each packed in strong outside packagings. Either the inside or outside packagings must have complete enveloping linings or bags of strong, leaktight, and puncture-resistant material impervious to liquid gallium metal.

§ 173.862 Gallium metal, solid.

Gallium metal, solid, when offered for transportation, must be packaged in glass or rigid plastic inside packagings of not more than 5 pounds net capacity each, enclosed in a sealed bag of strong, leaktight, and puncture-resistant material impervious to liquid gallium. The sealed bag must be placed in a packaging constructed of wood, fiberboard, or plastic which is lined with a strong, leak-tight, and puncture-resistant material impervious to liquid gallium. This packaging must be enclosed in an outer packaging which contains dry ice or other means of refrigeration sufficient to maintain the gallium in a completely solid state during the entire anticipated time the gallium will be in transportation to its destination.

(18 U.S.C. 834; 46 U.S.C. 170(7); 49 U.S.C. 1471; 49 CFR 1.53(f)–(h).)

Effective date. This amendment takes effect on September 4, 1976.

Issued in Washington, D.C. on August 30, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-25714 Filed 9-1-76;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-19; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars

This notice amends Standard No. 120, Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars (49 CFR 571.120), to permit, until February 28, 1977, the equipping of new non-passenger-car vehicles with tires that do not meet certain tire labeling requirements but that otherwise meet all requirements of Standard No. 119 (New Pneumatic Tires for Vehicles Other Than Passenger Cars).

Standard No. 120 was issued on January 19, 1976 (41 FR 3478; January 23, 1976; Docket No. 71-19, Notice 3). It specifies tire and rim selection requirements for multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and marking requirements for rims for use on these vehicles. It also adds tire and rim matching information to the items required to appear on such vehicles' certification labels. A staggered sequence of effective dates was set out in Notice 3, beginning with September 1, 1976.

In Notice 4 (41 FR 18659; May 6, 1976), the NHTSA delayed several of these effective dates, to permit manufacturers to defer preparation for compliance with the corresponding requirements pending action on petitions for reconsideration of Notice 3. The NHTSA expects to respond to those petitions in the near future. Notice 4 did not, however, change the basic September 1, 1976, effective date of the tire and rim selection requirements of S5.1. Beginning on that date, S5.1.1 of Standard No. 120 would require, with an exception that is not relevant here, new non-passenger-car vehicles to be equipped with tires that meet either Standard No. 109 (which is applicable to passenger car tires) or Standard No. 119 (which is applicable to all other tires). The practical effect is to require most such vehicles to be equipped with Standard 119 tires, because Standard 109 tires are appropriate for use only on certain non-passenger-car vehicles.

Standard No. 119 became effective on March 1, 1975, with an option to delay implementation of its labeling requirements until March 3, 1975 (see 40 FR 8188; February 26, 1975).

The NHTSA has received petitions for rulemaking from International Harvester (IH) and Ford Motor Company. International Harvester indicated that, in anticipation of the recent strike against the nation's four largest tire manufacturers, it had accumulated an excess inventory of "pre-Standard 119 tires." IH stated that these tires meet the performance requirements of Standard No. 119 but not

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the labeling requirements. It petitioned for a six-month delay of the September 1, 1976, effective date of Standard No. 120's tire selection requirements, to permit the orderly depletion of this inventory.

Ford's petition focused on the difficulty, due to the strike, in obtaining in the near future sufficient quantities of tires that comply fully with Standard No. 119. Ford indicated that there are similar pre-Standard 119 tires available to it. It petitioned for an amendment to Standard No. 120 to permit the use of such insufficiently labeled tires.

The NHTSA believes that the approach suggested by Ford, because it will provide the necessary relief while preserving the required level of performance, is preferable to a simple delay of the September 1, 1976, effective date. Safety of performance of such tires or of vehicles equipped with them is thus not a major issue. The NHTSA has determined that, while granting the relief requested by these petitions may temporarily make enforcement by this agency more difficult and may postpone the availability of certain tire labeling information to users of new vehicles subject to Standard No. 120, the avoidance of a serious disruption in the truck manufacturing process in this situation is appropriate and in the public interest. Accordingly, this notice adds a new section to Standard No. 120 that permits, for six months, the use of tires that are not properly labeled but otherwise meet all requirements of Standard No. 119.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the consequencies of regulatory action (41 FR 16200; April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. This action imposes no new economic or environmental costs. It creates the benefit of avoidance of serious economic disruption. In light of this benefit and the fact that the required level of tire performance is preserved, any loss in safety benefits would be insignificant in this case.

Because of the imminent effective date of a requirement which would otherwise lead to serious economic disruption, the NHTSA for good cause finds that notice and public procedure on this amendment are impracticable and contrary to the public interest.

In consideration of the foregoing, 49 CFR 571.120 (Standard No. 120, Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars) is amended by the addition of a new section to read as follows:

§ 571.120 Standard No. 120; tire selection and rims for motor vehicles other than passenger cars.

* * * * * *

S6. *Vehicles manufactured from September 1, 1976, to February 28, 1977.* Notwithstanding any other provision of this standard, a vehicle to which this standard applies that is manufactured during the period from September 1, 1976, to February 28, 1977, shall meet each requirement of this standard, with the following exception: In place of tires that meet Standard No. 119 (§ 571.119), the vehicle may be equipped with tires that meet every requirement of that standard other than the tire marking requirements of S6.5 of that standard.

Effective date: August 27, 1976. Because this amendment relieves a restriction, it is found, for good cause shown, that an immediate effective date is in the public interest.

(Secs. 103, 112, 114, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegation of authority at 49 CFR 1.50)

Issued on August 27, 1976.

ROBERT L. CARTER,
Acting Administrator.

NOTE.— This document was originally published on Tuesday, August 31, 1976 at 41 FR 36657.

[FR Doc.76-25586 Filed 8-27-76;3:20 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 210]

FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Extension of Time To Comment on Proposed Rules

On August 4, 1976, there was published in the FEDERAL REGISTER (41 FR 32605) a notice of proposed rulemaking to amend Part 210 of the Code of Federal Regulations (as added by 40 FR 47492, Oct. 9, 1975). (A correction to this Notice was published in the FEDERAL REGISTER on August 25, 1976). The Notice stated that written comments on the proposed rules could be submitted within thirty days, i.e. by September 3, 1976. Interested parties have requested that the comment period be extended. Accordingly, written comments on the proposed rules may be submitted to the Fiscal Assistant Secretary of the Treasury, Department of the Treasury, Washington, D.C. 20220 up to and including September 17, 1976.

Dated: August 27, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-25669 Filed 9-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

AHTANUM INDIAN IRRIGATION PROJECT

Water Charges

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.1 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rate to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, on or before October 4, 1976.

Section 221.1 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.1 Charges.

The operation and maintenance rate on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1977 and subsequent years until further notice, is hereby fixed at $5.25 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

FRANCIS E. BRISCOE,
Area Director.

AUGUST 26, 1976.

[FR Doc.76-25736 Filed 9-1-76;8:45 am]

[25 CFR Part 221]

TOPPENISH-SIMCOE INDIAN IRRIGATION PROJECT

Water Charges

These proposed regulations are being considered for issuance under the authority deelgated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rate to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, on or before October 4, 1976.

Section 221.73 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.73 Charges.

The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1977 and subsequent years until further notice, is hereby fixed at $5.45 per acre per annum for all lands for which application for water is made and approved by Project Engineer.

FRANCIS E. BRISCOE,
Area Director.

AUGUST 26, 1976.

[FR Doc.76-25735 Filed 9-1-76;8:45 am]

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT

Basic and Other Water Charges

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.86 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of 97208, on or before October 4, 1976.

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Section 221.86 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.86 Charges.

The basic operation and maintenance rates on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1977 and subsequent years until further notice are:

(1)	Minimum charges for all tracts in noncontiguous single ownership	$14.00
(2)	Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands	14.00
(3)	Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	1.80
(4)	Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands	14.90

FRANCIS E. BRISCOE,
Area Director.

AUGUST 26, 1976.

[FR Doc.76-25734 Filed 9-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 1]

[CGD 76-124]

GENERAL PROVISIONS

Proposed Exceptions to Fees and Charges for Certain Records for Duplicate Documents, Certificates, or Licenses

The Coast Guard and the Department of Transportation are authorized by 31 U.S.C. 483a to promulgate regulations to prescribe fees and charges for making copies or excerpts of records, and for issuing certain duplicate documents, certificates, or licenses. The Coast Guard regulations are in 33 CFR, Subpart 1.25. The departmental regulations establishing similar fees are in 49 CFR, Part 7, Subpart I. Some of the regulations in 33 CFR 1.25–30 duplicate or are in conflict with the departmental regulations. This condition has and will continue to create confusion unless rectified.

The Coast Guard regulations which duplicate or conflict with departmental regulations are as follows:

a. 33 CFR 1.25–30(b)(1) substantially duplicates 49 CFR 7.97(b)(3).

b. 33 CFR 1.25–30(b)(2) is in conflict with 49 CFR, Part 7 because under 49 CFR 7.97(c) documents are furnished without charge or at a reduced charge only when the service primarily benefits the general public.

c. 33 CFR 1.25–30(b)(5) duplicated 49 CFR 7.97(b)(3).

e. 33 CFR 1.25–30(b)(9) is ambiguous and in error since the Coast Guard does not earn income.

f. 33 CFR 1.25–30(b)(10) is ambiguous because there are no criteria to determine what are general business customs.

g. 33 CFR 1.25–30(b)(11) duplicates 49 CFR 7.97(b)(1).

Interested parties are invited to participate in the proposed rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Written comments should include the docket number (CGD 76–124), the name and address of the person submitting the comments and the specific section of the proposal to which each comment is addressed. Two or more copies of comments submitted are encouraged. Comments received before October 18, 1976, will be considered before final action is taken on this proposal.

Copies of all written comments will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested party desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend Part 1 of Title 33 of the Code of Federal Regulations by § 1.25–30(b) to read as follows:

§ 1.25–30 Exceptions.

• • • • • •

(b) • • •

(1) A person who donated the original document.

(2) A person who has an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.

(3) Any agency, corporation or branch of the Federal Government.

(4) A person found guilty by an administrative law judge receives one copy of the transcript of the hearing if he—

(i) Files a notice of appeal, under 46 CFR 5.30–1; and

(ii) Requests a copy of the transcript.

(5) A person who has been required to furnish personal documents retained by the Coast Guard.

(6) For other exceptions see 49 CFR 7.97.

(5 U.S.C. 552, 14 U.S.C. 632, 633, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: August 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-25721 Filed 9-1-76;8:45 a.m.]

[33 CFR Part 117]

[CGD 76-177]

COFFEE POT BAYOU, FLA.

Proposed Drawbridge Operation Regulations

At the request of the City of St. Petersburg, the Coast Guard is considering revising the regulations for the Snell Isle Boulevard bridge across Coffee Pot Bayou to allow the draw to remain closed to navigation. This is being considered because vessels seldom use this reach of the Coffee Pot Bayou. There have been no openings in over 10 years.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before October 5, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(l)(4) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(l) • • •

(4) Coffee Pot Bayou, St. Petersburg, Fla. The draw need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 26, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-25726 Filed 9-1-76;8:45 am]

[33 CFR Part 117]

[CGD 76–172]

COLUMBIA RIVER, WASH.

Proposed Drawbridge Operation Regulations

At the request of the Washington State Highway Commission, the Coast Guard is considering revising the regulations for the highway vertical lift drawbridges (Interstate 5) across the Columbia River, mile 106.5, to permit the draws to remain closed to the passage of vessels from

6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except holidays. This change is being considered because of the large volume of vehicular traffic (80,000–100,000 daily).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 915 Second Street, Seattle, Washington 98174. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before October 5, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.758a immediately after § 117.758 to read as follows:

§ 117.758a Columbia River, Vancouver, Wash.

(a) The draws of the highway vertical lift drawbridges (Interstate 5) need not open for the passage of vessels from 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except holidays.

(b) The draws need not open at any time for the passage of recreation vessels that may pass under the several fixed navigation spans which provide a higher vertical clearance than the draw span.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 26, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-25723 Filed 9-1-76;8:45 am]

[33 CFR Part 117]

[CGD76 176]

CURTIS CREEK, MD.

Proposed Drawbridge Operation Regulations

At the request of Maryland Transportation Authority, the Coast Guard is considering providing regulations for the I–695 drawbridge across Curtis Creek, Baltimore, Maryland, which would provide that the draws shall open on signal if at least one hour notice is given. This bridge is presently scheduled to be completed in the spring of 1977. The two principle users of Curtis Creek who would be affected by this regulation have verbally concurred with this proposal.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before October 5, 1976, with his recommendations to the Chief, Office of Marine Environmental and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.245(f)(6) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) • • •

(6) Curtis Creek, Md.; I–695 drawbridge. The draws shall open on signal if at least one hour notice is given to the Maryland Transportation Authority.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 26, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-25725 Filed 9-1-76;8:45 am]

[33 CFR Part 117]

[CGD 76–140]

MOKELUMNE RIVER, CALIF.

Proposed Drawbridge Operation Regulations

At the request of the County of San Joaquin, the Coast Guard is considering revising the regulations for the Millers Ferry Bridge across the North Fork of the Mokelumne River near Walnut Grove to extend the opening periods from May 15 through September 15, to May 1 through October 31, because of an increase in recreational boating activity during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before October 5, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising §-117.714(f)(2)(i) to read as follows:

§ 117.714 San Joaquin River and its tributaries, CA.

• • • • • •

(f) • • •

(2) • • •

(i) From May 1 through October 31, from 9 a.m. to 5 p.m., the draw shall open on signal.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 26, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-25724 Filed 9-1-76;8:45 am]

[46 CFR Part 30]

[CGD 76–081]

FOREIGN FLAG TANK VESSELS

Shipping Papers

The Coast Guard is considering amending Part 30 of the tank vessel regulations to require all foreign flag tank vessels when loaded to have shipping papers on board while in United States waters.

Interested persons are invited to participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 76–081), and give reasons in support of his comment. Comments received before Octo-

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ber 18, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, D.C. The proposal may be changed in light of the comments received.

No hearing is contemplated but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Section 35.01–10 of Part 35 requires each loaded tank vessel to have on board a bill of lading, manifest, or shipping document that provides the name of the consignee and the location of the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled. However, certain foreign flag tank vessels are presently exempt from this requirement as explained in the applicability § 30.01–5 of Part 30.

A formal investigation into the explosion and fire on board the tank barge ATC 3060, O.N. 512289, which occurred on March 17, 1975, revealed that proper identification of the grade of cargo transferred to the barge from the SS AMOCO YORKTOWN (of Liberian registry) could have alerted the repair crew aboard the barge to the inherent dangers associated with carriage of the cargo. Information concerning the grade of cargo being transferred could have been obtained from the shipping papers. Consequently, the Coast Guard is proposing to amend § 30.01–5(e) to make the requirements in §35.01–10 concerning shipping papers applicable to all foreign flag tank vessels.

In consideration of the foregoing, it is proposed to amend Part 30 of Title 46, Code of Federal Regulations, by revising § 30.01–5(e) to read as follows:

§ 30.01–5 Application of Regulations—TB/ALL.

. . . . . .

(e) This Subchapter shall be applicable to all foreign flag vessels carrying combustible or flammable liquid cargo in bulk while in the navigable waters over which the United States has jurisdiction, except that:

(1) A vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1960, which has on board a current valid Safety Equipment Certificate, or a vessel of a foreign nation having inspection laws approximating those of the United States, together with reciprocal inspection arrangements with the United States and which has on board a current valid certificate of inspection issued by its government under such arrangements, in either case, shall be subject only to the requirements of § 35.01–1 and § 35.01–10 and the safety and cargo handling requirements in Subparts 35.30 and 35.35 of this Subchapter * * *.

. . . . . .

(46 U.S.C. 391(a); 49 U.S.C. 1655(b); 49 CFR 1.49)

Dated: August 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–25722 Filed 9–1–76;8:46 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–WE–24]

LOS BANOS, CALIF.

Alteration of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Los Banos, California Transition Area.

A new instrument approach procedure has been developed for Los Banos Airport, Los Banos, California. This new procedure is based on the Los Banos VORTAC 348°T (332°M) radial. Volta Intersection is the initial approach fix and Fever INT (LSN 332/26 DME) is the final approach fix. The portion of 700 foot transition area is required to provide controlled airspace protection for aircraft executing the instrument procedure.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before October 4, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (41 FR 440) the description of the Los Banos, California Transition Area is amended to read as follows:

LOS BANOS, CALIFORNIA

That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the 348° radial extending from the 3 mile radius area to 6 miles south and 6 miles north of the airport.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on August 24, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76–25674 Filed 9–1–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1028]

PROTECTION OF HUMAN SUBJECTS

Proposed Procedures and Requirements

The purpose of this notice is to propose regulations (16 CFR Part 1028) prescribing procedures and requirements for protection of human subjects applicable to all Commission contracts or grants or other agreements supporting research, standards or regulations development, or related activities in which human subjects are involved.

Section 1028.3 of the proposed regulations requires the organizational committee to determine whether subjects are at risk. Section 1028.6(b) prescribes requirements relating to the composition and functioning of such organizational committee. Section 1028.9 prohibits the use of exculpatory language under which a subject would be made to waive or appear to waive any legal rights. Section 1028.11 requires organizations to carry out reviews and approval of proposals involving human subjects prior to submission to the Consumer Product Safety Commission.

Having considered the procedures and requirements, and other relevant material, the Commission concludes that the regulations should be proposed as set forth below for public comment.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14), the Commission proposes to add a new Part 1028 to Title 16, Chapter II, Subchapter A, as follows:

PART 1028—PROTECTION OF HUMAN SUBJECTS

Sec.
1028.1 Applicability.
1028.2 Definitions.
1028.3 Policy.
1028.4 Submission of assurances.
1028.5 Types of assurances.
1028.6 Minimum requirements for general assurances.
1028.7 Minimum requirements for special assurances.
1028.8 Evaluation and disposition of assurances.
1028.9 Obligation to obtain informed consent; prohibition of exculpatory clauses.
1028.10 Documentation of informed consent.
1028.11 Certification; general assurances.
1028.12 Certification; special assurances.
1028.13 Proposals lacking definite plans for involvement of human subjects.
1028.14 Proposals submitted with the intent of not involving human subjects.
1028.15 Evaluation and disposition of proposals.
1028.16 Cooperative activities.
1028.17 Organization's executive responsibility.
1028.18 Organization's records.
1028.19 Reports.
1028.20 Early termination of awards; sanctions for noncompliance.
1028.21 Conditions.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14).

§ 1028.1 Applicability.

(a) The requirements of this Part 1028 are applicable to all Consumer Product Safety Commission contracts or grants or other agreements supporting research or standards or regulations or related activities in which human subjects are involved.

(b) The Commission may on occasion by publication in the FEDERAL REGISTER, or by other appropriate means, designate activities, including specific programs, methods, or procedures, that necessarily fall within the scope of this Part 1028 or to which this Part 1028 is inapplicable.

(c) The requirements of this Part 1028 do not apply to opinion surveys, questionnaires, or to solicitation of information about past events.

§ 1028.2 Definitions.

(a) "Organization" means any public or private institution or agency, including Federal, State, and local government agencies.

(b) "Cooperative activity" means any activity which involves organizations in addition to the grantee, prime contractor under the Consumer Product Safety Act.

(c) "Subject at risk" means any individual who may be exposed to the possibility of injury, including physical or psychological injury, as a consequence of participation as a subject in any research, development or related activity.

(d) "Informed consent" means the knowing consent of an individual, or a legally authorized representative, able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary for such consent include:

(1) A fair explanation (including the purpose) of the procedures to be followed, with identification of any experimental procedures.

(2) A description of any attendant discomforts and risks reasonably to be expected.

(3) A description of any benefits reasonably to be expected.

(4) Disclosure of any appropriate alternative procedures that might be advantageous for the subject.

(5) An offer to answer any inquiries concerning the procedures.

(6) Instruction that the person is free at any time to withdraw his or her consent and discontinue participation in the project or activiy without prejudice to the subject at risk.

(e) "Commission" means the Consumer Product Safety Commission and any officer or employee of the Consumer Product Safety Commission to whom authority has been delegated.

(f) "Approved assurance" means a document that fulfills the requirements of this Part 1028 and is approved by the Commission.

(g) "Certification" means the official organizational notification to the Commission in accordance with the requirements of this Part 1028 that a project or activity involving human subjects at risk has been reviewed and approved by the organization in accordance with the "approved assurance" on file at the Commission.

(h) "Legally authorized representative" means an individual authorized under applicable law to give consent on behalf of a prospective subject's participation in the particular acitvity or procedure.

(i) "Committee" means the committee of the organization established in compliance with § 1208.6(b)(2) of this Part 1028.

§ 1028.3 Policy.

(a) Safeguarding the rights and welfare of subjects at risk in activities supported by the Commission is primarily the responsibility of the organization that has received funds from or that is accountable to the Commission for the support of its activity. To provide for the adequate discharge of such responsibility by the organization, the Commission's policy is that no activity involving human subjects to be supported by the Commission shall be undertaken unless a committee of the organization has reviewed and approved such activity and the organization has submitted to the Commission a certification of such review and approval in accordance with the requirements of this Part 1028.

(b) The committee's review shall determine whether the human subjects will be placed at risk and, if risk is involved, whether:

(1) The risks to the subjects are so outweighed by the sum of the benefit to the subjects and the importance of the knowledge to be gained as to warrant a decision to allow the subjects to accept these risks.

(2) The rights and welfare of the subjects will be adequately protected.

(3) Legally effective informed consent will be obtained by adequate and appropriate methods in accordance with the provisions of this Part 1028.

(4) The conduct of the activity will be reviewed at timely intervals.

(5) A qualified psychologist, doctor of medicine, or other appropriate professional, having established emergency medical procedures, will oversee each test.

(c) No grant or contract or other agreement involving human subjects at risk shall be made to an individual unless he or she is affiliated with or sponsored by an organization that can and does assume responsibility for the subjects at risk involved.

§ 1028.4 Submission of assurances.

(a) Recipients or prospective recipients of Commission support under a grant or contract or other agreement involving subjects at risk shall provide written assurance complying with the requirements of this Part 1028. Each assurance shall embody:

(1) A statement of compliance with Commission requirements for initial and continuing guidelines, including identification of the committee and a description of its review procedures; or

(2) In the case of special assurances concerned with single activities or projects, a report of initial findings of the committee and of its proposed continuing procedures.

(b) Such assurance shall be executed by an individual authorized to act for the organization and to assume on behalf of the organization the obligations imposed by this Part 1028.

§ 1028.5 Types of assurances.

(a) *General assurances.* A general assurance describes the review and implementation procedures applicable to all Commission-supported activities conducted by an organization, regardless of the number, location, or types of its components or field activities. General assurances will be required from organizations having two or more concurrent Commission-supported projects or activities involving human subjects, Section 1028.6 prescribes the minimum requirements for general assurances.

(b) *Special assurances.* A special assurance describes the review and implementation procedures applicable to a single activity or project. A special assurance will be required from an organization although it has an approved general assurance on file. Section 1028.7 prescribes the minimum requirements for special assurances.

(c) *NIH assurance.* If an organization has a general assurance on file with the National Institutes of Health (NIH), Department of Health, Education, and Welfare, it need only notify the Commission of this fact and submit a copy of the general NIH-approved assurance to the Commission.

§ 1028.6 Minimum requirements for general assurances.

(a) General assurances shall be submitted in the form and manner as the Commission may require in "The Institutional Guide to CPSC's Policy on Protection of Human Subjects," which can be obtained, upon request, from the Commission.

(b) As part of its general assurance, the organization must include implementing guidelines that specifically provide for:

(1) A statement of principles that will govern the organization in the discharge of its responsibilities for protecting the rights and welfare of subjects. This may

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include appropriate existing codes or declarations, or statements formulated by the organization itself. It is to be understood that no such principles supersede Commission policy or applicable law.

(2) A committee that will conduct initial and continuing reviews in accordance with the policy outlined in § 1028.3. Such committee or committee structure shall meet the following requirements:

(i) The committee must be composed of not less than five persons with varying backgrounds to assure complete and adequate review of activities commonly conducted by the organization. The committee must be sufficiently qualified through the maturity, experience, and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific activities, the committee must be able to ascertain the acceptability of proposals in terms of organizational commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. The committee must therefore include persons whose concerns are in these areas.

(ii) The committee members shall be identified to the Commission, by name, earned degree (if any), position or occupation and representative capacity, and by other pertinent indications of experience such as board certification, licenses, etc., sufficient to describe each member's chief anticipated contributions to committee deliberations. Any employment or other relationship between each committee member and the organization shall be identified; for example, full-time employee, part-time employee, member of governing panel or board, paid consultant, or unpaid consultant. Changes in committee membership shall be reported to the Commission in such form and at such times as the Commission may require.

(iii) No committee member shall be involved in either the initial or continuing review of an activity in which he or she has a conflicting interest, except to provide information requested by the committee.

(iv) The committee shall not consist entirely of persons who are officers, employees, or agents of, or who are otherwise associated with, the organization (apart from their membership on the committee).

(v) The committee shall not consist entirely of members of a single professional group.

(vi) The committee's quorum shall be defined and shall not be less than a majority of the members convened to carry out the committee's responsibilities under the terms of the assurance.

(3) The procedures the organization will follow in its initial and continuing review of proposals and activities.

(4) The procedures the committee will follow (i) to provide advice and counsel to activity directors and investigators with regard to the committee's actions and (ii) to insure prompt reporting to the committee of proposed changes in an activity and of unanticipated problems involving risk to subjects or others.

(5) The procedures the organization will follow to maintain an active and effective committee and to implement the committee's recommendations.

(6) A statement as to how often the committee will meet to provide for continuing review. Such review must occur at least annually.

§ 1028.7 Minimum requirements for special assurances.

(a) Special assurances shall be submitted in the form and manner prescribed by paragraph (b) of this section.

(b) An acceptable special assurance shall: (1) Identify the specific grant, contract, or developmental standard or regulation involved by its number (if known), its full title, and the name of the activity or project director, principal investigator, fellow, or other person immediately responsible for the conduct of the activity. The assurance shall be signed by the individual members of a committee that complies with the requirements of § 1028.6(b)(2) and shall be endorsed by an appropriate organization official.

(2) Describe the makeup of the committee and the training, experience, and background of its members in accordance with § 1028.6(b)(2)(ii).

(3)(i) Describe in general terms the risks to the subject that the committee recognizes as inherent in the activity and (ii) justify the committee's decision that these risks are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant the committee's decision to permit the subject to accept these risks.

(4) Describe the informed-consent procedures to be used and attached documentation required by § 1028.10.

(5) Describe the procedures the committee will follow (i) to insure prompt reporting to the committee of any proposed changes in the activity and of any unanticipated problems involving risks to subjects or others and (ii) to insure that any such problems are promptly reported to the Commission.

§ 1028.8 Evaluation and disposition of assurances.

(a) All assurances submitted in accordance with §§ 1028.6 and 1028.7 shall be evaluated by the Commission through its officers and employees and such experts or consultants as it determines to be appropriate. The Commission's evaluation shall take into consideration, among other pertinent factors, the adequacy of the proposed committee in the light of the anticipated scope of the applicant organization's activities and of the types of subject populations likely to be involved, the appropriateness of the proposed initial and continuing review procedures in the light of the probable risks, and the size and complexity of the organization.

(b) On the basis of the evaluation of an assurance pursuant to paragraph (a) of this section, the Commission shall either approve the assurance, enter into negotiations to develop a more satisfactory assurance, or disapprove the assurance. The Commission may determine the period during which any particular approved assurance or class of assurances shall remain effective and/or may otherwise condition or restrict the approval. Pending completion of negotiations for a general assurance, the Commission may require an organization otherwise eligible for such an assurance to submit special assurances.

§ 1028.9 Obligation to obtain informed consent; prohibition of exculpatory clauses.

Any organization proposing to place any subject at risk is obligated to obtain and document legally effective informed consent. No such informed consent, oral or written, obtained under an assurance provided pursuant to this Part 1028 shall include any exculpatory language through which the subject is made to waive, or to appear to waive, any legal rights, including any release of the organization or its agents from liability for negligence.

§ 1028.10 Documentation of informed consent.

(a) The actual procedure utilized in obtaining legally effective informed consent and the basis for committee determinations that the procedures are adequate and appropriate shall be fully documented.

(b) The documentation of consent shall employ one of the following three forms:

(1) A written consent document embodying the basic elements of informed consent. This may be read to the subject or to a legally authorized representative, but in any event the subject or a legally authorized representative must be given adequate opportunity to read it. This document is to be signed by the subject or a legally authorized representative. Sample copies of the consent form as approved by the committee are to be retained in its records following signing of the written consent document.

(2) A "short form" written consent document indicating that the basic elements of informed consent have been presented orally to the subject or a legally authorized representative. Written summaries of what is to be said to the participant shall be approved by the committee. The short form is to be signed by the subject or a legally authorized representative and by an auditor witness to the oral presentation and to the subject's or representative's signature. A copy of the approved summary, annotated to show any additions, is to be signed by the persons officially obtaining the consent and by the auditor witness. Sample copies of the consent form and of the summary as approved by the committee are to be retained in the committee's records after signing of the short form written consent document.

(3) Modification of either of the primary procedures outlined in paragraph (b)(1) and (2) of this section. Granting permission to use modified procedures imposes additional responsibility upon the review committee and the organization to establish: (1) That the risk to any subject is minimal and (ii) that use of either of the primary procedures for obtaining informed consent would securely invalidate objectives of considerable immediate importance. The committee's reason for permitting the use of modified procedures must be individually and specifically documented in the committee's minutes and in reports of committee actions submitted to the files of the organization. All such modifications should be regularly reconsidered as a function of continuing review and as required for annual review, with documentation of reaffirmation, revision, or discontinuation, as appropriate.

§ 1028.11 Certification: general assurances.

(a) *Timely review.* Unless the Commission provides otherwise, all proposals involving human subjects submitted by organizations having approved general assurances must be reviewed and, when found to involve subjects at risk, approved prior to submission to the Commission. If the Commission provides for the performance or organizational review of a proposal after its submission to the Commission, processing of such proposal by the Commission shall under no circumstances be completed until such organizational review and approval has been certified. Unless the organization determines that human subjects are not involved, the proposal should be appropriately certified in the spaces provided on forms or one of the following certifications, as appropriate, should be typed on the lower right-hand margin of the page bearing the name of an official authorized to sign or execute applications or proposals for the organization:

Human Subjects: Reviewed, not at risk.

(Date)

Human Subjects: Reviewed, at risk, approved---
(Date)

(Signature)

(b) *Proposals not certified.* Proposals not properly certified, or submitted as not involving human subjects and found by the operating agency to involve human subjects, will be returned to the organization concerned.

§ 1028.12 Certification: special assurances.

(a) Although an applicant organization has on file with the Commission an approved general assurance, it must submit for each application or proposal involving human subjects a separate special assurance and certification of its review and approval.

(b) Such assurance and certification must be submitted within such time limit as the Commission may specify. An assurance and certification prepared in accordance with this Part 1028 and approved by the Commission shall be considered to have met the requirement for certification for the initial period concerned. If the terms of the grant, contract, or developmental standard or regulation recommend additional support periods, certification shall be provided by the organization with applications for continuation or renewal of support in the manner prescribed in § 1028.11(a).

§ 1028.13 Proposals lacking definite plans for involvement of human subjects.

Certain types of proposals are submitted to the organizational committee, which is responsible for certification of the assurance, with the knowledge that subjects probably will be involved within the project period but without definite plans for this involvement being included in the proposal. These include such activities as research, pilot, or developmental activities in which involvement depends upon such things as the completion of prior studies. Such proposals shall be reviewed and certified in the same manner as more definitive proposals. The initial certification indicates organizational approval of the applications as submitted and commits the organization to later review of the plans when completed. Such later review and certification to the Commission should be completed prior to the beginning of the budget period during which actual involvement of human subjects is to begin. Review and certification to the Commission must in any event be completed prior to involvement of human subjects.

§ 1028.14 Proposals submitted with the intent of not involving human subjects.

If a proposal's intent is not to involve human subjects, certification should not be included with the initial submission of the proposal to the organizational committee that is responsible for certification of the assurance. If in such a case, it later becomes appropriate to involve human subjects, the activity shall be reviewed and approved in accordance with the assurance of the organization prior to the involvement of subjects. In addition, no such activity shall be undertaken until the organization has submitted to the Commission (a) a certification that the activity has been reviewed and approved in accordance with this Part 1028 and (b) a detailed description of the proposed activity (including any protocol or similar document). Also, where Commission support is provided to project grants, contracts, or developmental standards or regulations, subjects shall not be involved prior to certification and organizational receipt of the Commission's approval and, in the case of contracts, prior to negotiation and approval of an amended contract description of work.

§ 1028.15 Evaluation and disposition of proposals.

(a) *Evaluation.* Notwithstanding any prior review, approval, and certification by the organization, all grants, contract proposals, and developmental standards or regulations involving human subjects at risk submitted to the Commission shall be evaluated by the Commission for compliance with this Part 1028 through its officers and employees and such experts or consultants as the Commission deems appropriate. This evaluation may take into account, among other pertinent factors, the apparent risks to the subjects, the adequacy of protection against the risks, the potential benefits of the activity to the subjects and others, and the importance of the knowledge to be gained.

(b) *Disposition.* On the basis of the evaluation of an application pursuant to paragraph (a) of this section and subject to such approval or recommendation by, or consultation with, appropriate councils, committees, or other bodies as may be required by law, the Commission shall either approve, defer for further evaluation, or disapprove support of the proposed activity in whole or in part. With respect to any approved grant, contract, or developmental standard or regulation, the Commission may impose conditions (such as restrictions on the use of certain procedures or subject groups, or requiring use of specified safeguards or informed consent procedures) when in its judgment such conditions are necessary for the protection of human subjects.

§ 1028.16 Cooperative activities.

(a) *Responsibility.* If in cooperative activities the grantee, prime contractor, or offeror under the Consumer Product Safety Act obtains access to some or all of the subjects involved through one or more cooperating organizations, the basic Commission policy applies and the grantee, prime contractor, or offeror remains responsible for safeguarding the rights and welfare of the subjects.

(b) *Organization with approved general assurance.* Initial and continuing review by the organization with approved general assurance may be carried out by one or a combination of procedures:

(1) *Cooperating organization with approved general assurance.* If the cooperating organization has on file with the Commission an approved general assurance, the grantee, prime contractor, or offeror may carry out its own review or may request the cooperating organization to conduct its own review and report to the committee of the grantee, prime contractor, or offeror the cooperating organization's committee recommendations on those aspects of the activity that concern individuals for whom the cooperating organization has responsibility in accordance with its own assurance. At its discretion, the grantee, prime contractor, or offeror may concur with or further restrict the recommendations of the cooperating organization. It is the responsibility of the grantee, prime contractor, or offeror to maintain communication with the committees of the cooperating organization. The cooperating organization, however, shall promptly notify the grantee, prime contractor, or offeror whenever the cooperating organization finds the conduct of

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the project or activity within its purview to be unsatisfactory.

(2) *Cooperating organization with no approved general assurance.* If the cooperating organization does not have an approved general assurance on file with the Commission, a general or special assurance to the Commission may be negotiated that, if approved, will permit the grantee, prime contractor, or offeror to follow the procedure outlined in paragraph (b) (1) of this section.

(3) *Interorganizational joint review.* The grantee, prime contractor, or offeror may wish to develop an agreement with cooperating organizations. Representatives of cooperating organizations may be appointed as ad hoc members of the existing review committee of the grantee, prime contractor, or offeror; appointments for extended periods may be made if cooperation is on a frequent or continuing basis, such as between a medical school and a group of affiliated hospitals. All such cooperative arrangements must be approved by the Commission as part of a general assurance or as an amendment to a general assurance.

(c) *Organization with approved special assurance*—(1) *Responsibility.* While responsibility for initial and continuing review necessarily lies with the grantee, prime contractor, or offeror with approved special assurance, the Commission will also require approved assurances from those cooperating organizations having immediate responsibility for subjects.

(2) *Cooperating organization with approved special assurance.* If the cooperating organization has on file with the Commission an approved special assurance, the grantee, prime contractor, or offeror shall request the cooperating organization to conduct its own review of those aspects of the project or activity that will involve human subjects for which it has responsibility. The request shall be in writing and should provide for direct notification of the committee of the grantee, prime contractor, or offeror in the event that the cooperating organization finds the conduct of the activity to be unsatisfactory.

(3) *Cooperating organization with no approved special assurance.* If the cooperating organization does not have an approved special assurance on file with the Commission, it must submit to the Commission a general or special assurance that will be determined by the Commission to comply with the provisions of this Part 1028.

§ 1028.17 Organization's executive responsibility.

Specific executive functions to be conducted by the organization include policy development, policy promulgation, and continuing indoctrination of personnel. Appropriate administrative assistance and support shall be provided for the committee's functions. Implementation of the committee's recommendations through appropriate administrative action and follow-up is a condition of Commission approval of an assurance. Committee approvals, favorable actions, and recommendations are subject to review and disapproval or further restriction by the organization. Committee disapprovals; restrictions, or conditions cannot be rescinded or removed except by action of a committee described in the assurance approved by the Commission.

§ 1028.18 Organization's records.

Copies of all documents presented or required for initial and continuing review by the organization's review committee (such as committee minutes, records of subjects' consent, transmittals on actions, instructions, and reports of conditions resulting from committee deliberations addressed to the activity director) are to be retained by the organization, subject to the terms and conditions of grant, contractor, and development awards.

§ 1028.19 Reports.

Each organization with an approved assurance shall provide the Commission with such reports and other information as the Commission may require.

§ 1028.20 Early termination of awards; sanctions for noncompliance.

(a) If in the judgment of the Commission, an organization has failed to comply with the terms of this Part 1028 with respect to a particular Commission grant, contract, or developmental standard or regulation, the Commission may require that said grant, contract, or standard or regulation be terminated or suspended in the manner prescribed in applicable grant or procurement regulations.

(b) If in the judgment of the Commission, an organization has failed materially to discharge its responsibility for the protection of the rights and welfare of subjects in its care, the Commission may, upon reasonable notice to the organization of the basis for its judgment and after providing the organization with an opportunity for an informal conference, terminate the organization's eligibility to receive further Commission support, subject to the provisions of this Part 1028. Such ineligibility shall continue until it is shown to the Commission's satisfaction that the reasons therefor no longer exist.

(c) If in the judgment of the Commission, an individual, who is serving in the capacity of principal investigator, program director, or other position having responsibility for the scientific and technical direction of an activity, has failed materially to discharge his or her responsibilities for the protection of the rights and welfare of human subjects in his or her care, the Commission may, upon reasonable notice to the individual and to any organization whose grant, contract, or developmental standard or regulation may be involved, and after providing the individual and the organization with an opportunity for an informal conference, terminate the individual's eligibility to serve in such capacity with respect to any activity subject to the provisions of this Part 1028. Such ineligibility shall continue until it is shown to the Commission's satisfaction that the reasons therefor no longer exist.

§ 1028.21 Conditions.

The Commission may with respect to any grant, contract, or developmental standard impose additional conditions prior to or at the time of any award when in its judgment such conditions are necesary for the protection of human subjects.

Interested persons are invited to submit, on or before November 1, 1976, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: August 27, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-25695 Filed 9-1-76;8:45 am]

[16 CFR Part 1704]

POISON PREVENTION PACKAGING ACT REGULATIONS

Applications for Exemption From Preemption; Proposed and Interim Rules

In this notice the Consumer Product Safety Commission proposes rules to provide procedures that States and local governments are to follow in submitting applications for exemption from preemption under the amendments to section 8 of the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1476(c)) in section 17(c) of the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94-284). The rules proposed here will serve as interim rules pending completion of rulemaking. It is anticipated that interim rules for applications for exemption from preemption under the amendments to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and Consumer Product Safety Act (15 U.S.C. 2051 et seq.) will be proposed by the Commission in the near future. In the FEDERAL REGISTER of July 29, 1976 (41 FR 31569) the Commission issued proposed and interim rules for applications for exemption from preemption under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) These acts were also amended by section 17 of the Consumer Product Safety Commission Improvements Act of 1976.

BACKGROUND

Section 8 of the PPPA provides that whenever a PPPA standard applicable to a household substance is in effect, no State or political subdivision of a State may either establish or continue in effect for that household substance any special packaging standard (and any exemption therefrom and requirement related thereto) which is not identical to the Federal standard established under

section 3 of the PPPA (and any exemption therefrom and requirement related thereto).

Section 17(c) of the Consumer Product Safety Commission Improvements Act, Pub. L. 94-284, which became effective on May 11, 1976, amended section 8 of the PPPA to provide two exemptions that will allow the State or local government to establish or continue in effect special packaging standards or related requirements for household substances which would otherwise be preempted.

The first exception permits a State or local government to have a different special packaging standard or related requirement for a household substance for use by the State or political subdivision, if the State or local government standard or requirement provides a higher degree of protection from the risk of illness or injury that is covered by the Federal standard or requirement in effect under the PPPA.

The second exception permits the Commission, upon application by a State or local government, to grant a State or local government an exemption from the preemption provision if: (1) Compliance with the State or local government standard or requirement would not cause the household substance to be in violation of the Federal standard or requirement in effect under the PPPA, (2) the State or local government standard or requirement provides a significantly higher degree of protection from the risk of injury or illness that is covered by the Federal standard or requirement, and (3) the State or local government standard or requirement would not unduly burden interstate commerce.

Section 17(c) of Pub. L. 94-284 enumerates the findings that the Commission is required to make with respect to the State or local government special packaging standard or related requirement to determine the burden on interstate commerce. An exemption may be granted only after the Commission has provided public notification of the proposed exemption and has afforded interested persons an opportunity to present oral and written comments.

SCOPE OF PROPOSAL

In proposing 16 CFR 1704, below, the Commission proposes rules to implement that part of section 17 of Pub. L. 94-284, which establishes procedures under section 8(c) of the PPPA for the submission and consideration of applications for exemption from preemption.

1. *Policy considerations.* Section 1704.3 of the proposal provides, among other things, that the responsibility for initially determining whether an exemption from preemption should be sought rests with the State or local government affected. The Commission believes that the State or local government will normally be more familiar with its standard or regulation than the Commission and will be better able to assess the need for an exemption.

2. *Ripeness of an application for an exemption.* Section 1704.4 provides that applications for exemption from the amended preemption provisions in section 8 of the PPPA will be considered only where the applicant demonstrates that its special packaging standard or related requirement has been enacted or issued in final form by an authorized body, and that the standard or requirement would be preempted by section 8 (a) of the PPPA, as amended. If a State or local government seeking to establish or continue in effect a special packaging standard or related requirement desires advice concerning the effect of the preemption provisions of the PPPA on the State or local special packaging standard or related requirement, such State or local government may write to the Commission's General Counsel for an advisory opinion. The General Counsel can advise whether the products covered by the State or local regulation or contemplated regulation are, in fact, subject to Commission regulation and, if so, the coverage of such Commission regulation.

3. *Who may submit an application for an exemption.* Section 1704.5 provides that an application for an exemption from preemption may be submitted by a State or local government.

4. *Form and content of the exemption application.* Sections 1704.6 and 1704.7 provide the form and content of the application for exemption. In order to grant any application for an exemption, the Commission is required to make the statutory findings that: (1) Compliance with the State or local government standard or requirement would not result in violation of the Federal standard or requirement; (2) the State or local government standard or requirement provides a significantly higher degree of protection from the risk of illness or injury that is covered by the Federal standard or requirement; and (3) the State or local government standard or requirement does not unduly burden interstate commerce. The information required by section 1704.7 to be submitted is necessary for the Commission to consider the statutory findings. Unless the State or local government submits the fullest possible information, the Commission may not be able to make the statutory findings required to grant the application for an exemption. Section 1704.7 is not intended to preclude any other information which the applicant deems necessary to state its case. The Commission may also request any additional information needed to reach a decision on an application and may seek additional information itself. In making a decision on an application, the Commission may consider information in addition to the information in the application and any oral or written comments on the application.

5. *Applications with insufficient or incomplete information.* If an application has insufficient or incomplete information, and does not explain the absence of the information, the Commission staff shall return the application to the applicant without prejudice and shall inform the applicant of the deficiencies.

6. *Applications for exemption that contain the required information.* Section 1704.9 provides that following the initial determination that an application is complete and contains sufficient information to be considered, the Commission shall propose the exemption in the FEDERAL REGISTER and provide an opportunity for oral and written presentation of views concerning the proposal.

7. *Grant or denial of an application for exemption.* Section 1704.10 states the conditions under which the Commission shall grant or deny an application. The Commission will grant an application for an exemption only if it is able to find that: (1) Compliance with the State or local special packaging standard or requirement would not cause the household substance to be in violation of the Federal provision in effect under the PPPA, (2) the State or local special packaging standard or requirement provides a significantly higher degree of protection from the risk of injury or illness that is covered by the Federal standard or requirement, and (3) the State or local special packaging standard or requirement would not unduly burden interstate commerce. Section 1704.10 also provides that if the Commission denies an application for an exemption, findings regarding whether there is an effect on interstate commerce need not be made.

CONCLUSION AND PROPOSAL

The Commission concludes that guidance is needed immediately for State and local governments and other interested parties in connection with the preparation and processing of and commenting upon applications for exemption from preemption under section 8 of the PPPA. The new preemption provision has been in effect since May 11, 1976 and continued absence of procedural rules could lead to confusion and unnecessary expenditure of resources by everyone involved. Accordingly, these rules shall become effective immediately upon publication in the FEDERAL REGISTER as interim rules to govern the submission of applications for exemption from preemption.

Because these rules are rules of agency practice and procedure the Administrative Procedure Act requirements for notice of proposed rulemaking, opportunity for public participation and delayed effective date are not applicable. Even if the rules were to be considered general rulemaking, the Commission for good cause finds that such notice and public procedure and a delayed effective date are impracticable and not in the public interest because guidance is needed immediately to avoid confusion or unnecessary expenditure of resources.

However, the Commission believes that the public should be afforded the opportunity to comment upon these interim rules. Accordingly, these rules will be published in the proposed rules section of the FEDERAL REGISTER to facilitate and encourage public comment. The public should be assured that any and all comments received upon these rules will be carefully considered by the Commis-

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sion in its decision as to what form the final rules for preemption applications should take. Active and enlightened public comment on rules such as these is the major vehicle by which the Commission is informed of the public's beliefs and desires as to how this agency should discharge its statutory duties.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act (sec. 8(c), 84 Stat. 1673, as amended 90 Stat. 513–514; 15 U.S.C. 1476(c)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes the following new Part 1704 of Title 16, Chapter II, Subchapter E:

PART 1704—APPLICATIONS FOR EXEMPTION FROM PREEMPTION

Sec.

1704.1 Scope.
1704.2 Definitions.
1704.3 Policy considerations.
1704.4 Consideration of applications for exemption.
1704.5 Who may submit an application for exemption.
1704.6 Form of an application for exemption.
1704.7 Information required to be included in an application for exemption.
1704.8 Applications for exemption that have insufficient or incomplete information.
1704.9 Applications for exemption that contain the required information: Procedures.
1704.10 Granting or denying of an application for exemption.

AUTHORITY: Sec. 8(c), 84 Stat. 1673, as amended 90 Stat. 513–514; 15 U.S.C. 1476(c).

§ 1704.1 Scope.

(a) This Part 1704 prescribes procedures under section 8(c) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1476(c)), as amended, for the submission and consideration of applications for exemption from preemption by special packaging standards and exemptions and related requirements for a household substance in effect under the Poison Prevention Packaging Act.

(b) Section 8 of the Poison Prevention Packaging Act concerning preemption, was amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94–284, 90 Stat. 513–514), which became effective May 11, 1976. This Part 1704 implements the provisions of amended section 8.

§ 1704.2 Definitions.

For the purposes of this Part 1704:

(a) "Commission" means the Consumer Product Safety Commission.

(b) "Act" means the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–1476) as amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94–284; 90 Stat. 513–514).

(c) "State or local special packaging standard or related requirement" means a special packaging standard or related requirement that is intended to have the force of law when in effect.

(d) "State" means a State, American Samoa, the Canal Zone, the Commonwealth of Puerto Rico, the District of Columbia, Guam, Johnston Island, Kingman Reef, Midway Island, the Trust Territory of the Pacific Islands, the Virgin Islands, or Wake Island.

(e) "Local government" means any political subdivision of a State having the authority to establish or continue in effect any special packaging standard or related requirement having the force of law, applicable to a household substance.

(f) The definition of terms contained in section 2 of the Poison Prevention Packaging Act (15 U.S.C. 1471), as amended by Pub. L. 94–284, shall be applicable to such terms when used in this Part 1704.

§ 1704.3 Policy considerations.

(a) Section 8(a) of the Act provides that when a Federal special packaging standard (or an exemption therefrom or a requirement related thereto) for a household substance is in effect under the Poison Prevention Packaging Act, a State or local government special packaging standard (or an exemption therefrom or on a requirement related thereto) applicable to the same household substance will be preempted unless the State or local government special packaging standard, exemption, or related requirement is identical to the Federal special packaging standard, exemption, or related requirement.

(b) Section 8(c) of the Act provides that if the State or local government desires to continue or put into effect its own special packaging standard or related requirement that would otherwise be preempted under section 8(a), the State or local government must seek an exemption from the Commission. Section 8(c) of the Act outlines the findings that must be made and procedures that must be followed prior to granting an exemption.

(c) Because States and local governments will normally be more familiar with their standards and requirements than the Commission, and better able to determine the need for an exemption than the Commission, it is the responsibility of States and local governments to determine initially whether an application for an exemption from preemption should be submitted.

(d) In order to facilitate favorable action by the Commission on any application for an exemption, it is essential that a State or local government seeking an exemption provide the Commission with the fullest possible information necessary to make the findings required by section 8(c) of the Act in order to grant the application. The Commission has set forth in § 1704.7 the kinds of information that must, if available, be included in each application for an exemption. If the requested information is not available or applicable, that fact should be noted in the application.

§ 1704.4 Consideration of applications for exemptions by the Commission.

The Commission will consider applications for exemptions from the preemption provisions of secton 8(a) of the act only where the State or local government can demonstrate the following:

(a) *The State or local government special packaging standard or related requirement has been enacted or issued in final form by the authorized body.*(1) A State or local government should submit an application for an exemption from preemption only where the State or local special packaging standard or related requirement has been enacted or issued in final form by the authorized body of the State or local government. For purposes of this paragraph (a), a State or local government special packaging standard or other regulation is considered "enacted" or "issued" if the only bar to the establishment or continued effectiveness of the standard or requirement is preemption by section 8(a) of the Act. Those State or local special packaging standards or related requirements in effect prior to May 11, 1976, the effective date of Pub. L. 94–284, will be considered to be "enacted or issued in final form" unless subsequently repealed or otherwise set aside.

(2) If a State or local government is seeking to establish or continue in effect a special packaging standard or related requirement and desires advice whether such standard or related requirement would be affected by the preemption provisions of the Poison Prevention Packaging Act, such government body may contact the Commission's General Counsel and request an advisory opinion. The General Counsel will advise the requesting party whether the household substance covered by the State or local government provision is the subject of a special packaging standard, exemption, or related requirement in effect under the PPPA and, if so, the coverage of such standard, exemption, or related requirement.

(b) *The State or local government special packaging standard or related requirement would be preempted by section 8(a) of the Act.* An application for an exemption from preemption will be considered by the Commission only where the State or local government demonstrates that its special packaging standard or related requirement, intended to have the force of law when in effect, would be preempted by section 8(a) of the Act. If there is no Federal special packaging standard, exemption, or related requirement in effect that is applicable to the household substance covered by the State or local standard or requirement, or if the State or local government provision is designed to protect against a different risk of illness or injury than that addressed by the Federal provision in effect under the PPPA, the State or local government provision would not be preempted by section 8(a) of the Act. The State or local government standard or related requirement would also not be preempted by section 8(a) if the State or local government provision is identical to the Federal provision in effect under the PPPA.

§ 1704.5 Who may submit an application for exemption.

An application for an exemption from preemption may be submitted by a State or local government where such State or local government has the authority to establish or continue in effect, and is seeking to implement and enforce the special packaging standard, or related requirement that would be preempted by section 8(a) of the Act.

§ 1704.6 Form of an application for exemption.

An application for exemption shall:

(a) Be written in the English language.

(b) Clearly indicate that it is an application for an exemption from the preemption provisions of section 8(a) of the Act.

(c) Identify the Federal special packaging standard, exemption, or related requirement that preempts the State or local government special packaging standard or related requirement.

(d) Identify the State or local government special packaging standard or related requirement that is the subject of the application and state the date it was enacted or issued in final form.

(e) Contain the name and address of the person or branch, department, agency, or other body of the State or local government that should be notified of any Commission action concerning the application.

(f) Be signed by an individual authorized to request the exemption on behalf of the State or local government.

(g) Be submitted (preferably in 5 copies) to the Secretary, U.S. Consumer Product Safety Commission, Washington, D.C. 20207.

(h) Contain the information described in § 1704.7 to the fullest extent possible, or contain a full explanation why such information has not been included.

§ 1704.7 Information, data, or material required to be included in an application for exemption.

An application for an exemption from preemption shall contain the following information to the fullest extent possible. If any of the information is not included, the application must fully explain why the information has not been supplied.

(a) A copy of the State or local government special packaging standard or related requirement that is the subject of the application. Where available, the application shall also include copies of any legislative history or background materials used in issuing the standard or requirement, including hearing reports, or studies concerning the development or consideration of the standard or requirement.

(b) A statement of the products and product groups covered by the State or local government standard or requirement, as well as unit product sales volume covered by the regulation.

(c) A description of the type packaging (e.g. glass or plastic bottles, cartons, unit packaging, etc.) currently used on those products covered by the State or local government standard or requirement.

(d) An explanation why compliance with the State or local government standard or requirement would not cause the household substance to be in violation of the Federal special packaging standard or requirement in effect under the Act.

(e) Information, data, or material indicating whether the State or local government standard or requirement provides a significantly higher degree of protection from the risk of illness or injury covered by the Federal special packaging standard or requirement. The application for an exemption shall include the following information, where available:

(1) A description of the risk of injury or illness addressed by the State or local government standard or requirement,

(2) A detailed explanation of the State or local government special packaging standard and its rationale,

(3) A detailed explanation of any State or local effectiveness specifications for special packaging and any testing protocol for meeting these effectiveness specifications.

(4) A comparison of State or local and Federal special packaging standards or requirements to show differences, including a comparison of effectiveness specifications and testing protocol.

(5) Data and information indicating that the State or local government special packaging standard or requirement alleged to provide a higher degree of protection than the Federal standard is necessary to protect children under 5 years of age from serious personal injury or serious illness resulting from handling, using, or ingesting such household substance. Evidence of the need for the State or local government provision could take the form of:

(i) Documented human experience data from the scientific literature, the National Electronic Injury Surveillance System (NEISS), and the National Clearinghouse for Poison Control Centers (NCPCC). The data should reflect the statistics and sources thereof, as well as the symptomatology and duration of any hospitalization. The data should be related to the specific household substance covered by the State or local government provision, if possible, rather than to a class of substances that includes the household substance that is the subject of the application. The data should demonstrate that the household substance subject to the regulation may cause serious personal injury or serious illness to children, and that such illness or injury arises because children are enabled by its packaging to obtain access to the substance. The data should justify the level, scope, and effective date of the State or local government provision, where these differ from those of the Federal provision.

(ii) Experimental data (animal or human) submitted as an adjunct to the human experience data. Such experimental studies should be performed in accordance with good medical, pharmacological, and toxicological practice. Sufficient numbers of test subjects should be used to give statistical reliability to test results.

(6) Data and information to show actual or projected hazard reduction as a result of the State or local provision, and

(7) Any other information supporting the contention that the State or local provision provides a significant higher degree of protection from the risk of illness or injury with respect to which the Federal standard or requirement is in effect.

(f) Information, data, or material indicating the effect on interstate commerce of granting the requested exemption. Prior to granting an application requesting an exemption from preemption, the Commission must determine that the State or local government provision does not unduly burden interstate commerce. In making this determination, the Commission is required by section 8(c)(1)(B)(ii) of the PPPA to consider and make appropriate statutory findings as to the burden, if any, of a State or local government standard or requirement on interstate commerce. In determining whether the burden is undue, the Commission must weigh the extent of the burden against the benefit to public health and safety that would be provided by the State or local government standard or requirement. Accordingly, applications for exemptions shall include, where available, information, data, or material indicating the following:

(1) Whether it is technologically feasible to comply with the State or local government standard or requirement. Evidence of technological feasibility could take the form of:

(i) Statements by affected persons indicating ability to comply with the State or local government standard or requirement. The application could include statements from manufacturers of special packaging that package designs are available for use on the products covered by the State or local government provision, and that these designs have been successfully tested and meet any effectiveness requirements of the State or local government provision.

(ii) Information as to technological modifications necessary to achieve compliance. The application could include information concerning the need, if any, to develop any new special packaging designs, special packaging materials, or packaging equipment in order to comply with the State or local government provision.

(iii) Information evaluating any special compatibility or shelf life problems that might be encountered for any of the household substances, including individual products, covered by the State or local government provision,

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(iv) Statements, including statements from affected persons, concerning the nature and extent of any special problems which might be encountered in meeting the effective date of the State of local government provision.

(v) Statements indicating that other jurisdictions have established similar provisions that have been met by persons affected by the standard or requirement that is the subject of the application,

(vi) Any other information indicating the capacity for and feasibility of compliance with the State or local government standard or requirement.

(2) Whether it is economically feasible to comply with the State or local government standard or requirement, i.e. whether there will be significant adverse effect on the production and distribution of the household substances. Evidence of economic feasibility could take the form of:

(i) Information revealing whether a State or local government standard or requirement would result in the unavailability (or result in a significant decline in the availability) of the household substance either in the interstate market or within the geographic boundary of the State or local government imposing the standard or requirement,

(ii) Statements from persons affected by the State or local government standard or requirement concerning the likely effect of the State or local standard or requirement on the availability or continued marketing of the household substance subject to the State or local government provision.

(iii) Information concerning the current cost and availability of closures or other types of packaging presently being used, and the cost and availability of special packaging in order to comply with the State or local government provisions.

(iv) Information concerning packaging line equipment costs for any new equipment required in order to comply with the State or local government provision. Such information should be expressed per line as well as total per operations of the company.

(v) Information concerning any effects of the State or local government provisions on the rates and quantity of production of the household substance, including any effects on quality control.

(vi) Any other information indicating the economic feasibility of compliance with the State or local government standard or requirement.

(3) Whether the cost of complying with the State or local government standard or requirement would unduly burden interstate commerce. Evidence of the cost of complying with the State or local government provision could take the form of information, data, or material projecting the anticipated effect of the State or local government provision on the sales and price of the household substance, both in interstate commerce and within the geographic area of the State or local government.

(4) The present geographic distribution of the household substance to which the State or local government standard or requirement would apply, and projections of future geographic distribution. Evidence of the geographic distribution could take the form of information, data, or material (including statements from manufacturers, distributors, or retailers of the household substance) showing advertising in the interstate market, interstate retailing, or interstate distribution.

(5) The probability that other States or local governments will apply for an exemption for a similar special packaging standard or related requirement. This information could be presented in the form of statements from other States or local governments indicating whether an exemption will be sought.

(6) Whether there are any particular circumstances affecting the applicant that may weigh against the need for a national, uniform special packaging standard or other requirement applicable to the household substance. Any relevant information should be submitted, such as a showing that specified local conditions require the State or local government to apply for the exemption in order to adequately protect the public health and safety of the State or local area.

(g) A list of interested parties including consumer groups potentially affected by the establishment or continuation of the State or local government special packaging standard or requirement. The list need not be a certified or formal record.

§ 1704.8 Applications for exemption that have insufficient or incomplete information.

If an application for an exemption from preemption does not contain the information required by §§ 1704.6 and 1704.7, and does not explain why the information required by these sections has not been supplied, the Commission staff shall inform the applicant of the deficiencies and shall return the application to the applicant without prejudice.

§ 1704.9 Applications for exemption that contain the required information: Procedures.

(a) If an application for an exemption from preemption contains the information required by §§ 1704.6 and 1704.7, the Commission shall propose the exemption in the FEDERAL REGISTER and provide an opportunity for the written presentation of views concerning the proposal, in accordance with section 553 of Title 5 United States Code, and an opportunity for the oral presentation of views concerning the proposal.

(b) When a proposed exemption is published in the FEDERAL REGISTER, the proposal shall include an invitation of all interested persons to submit written comments thereon and shall also advise interested persons that, if requested within a specified period, an opportunity to make an oral presentation will be provided at a specified date. The opportunity for oral presentation of views shall take the form of an informal nonadversary, legislative-type proceeding.

§ 1704.11 Granting or denying an application for an exemption.

(a) Before granting or denying an application for an exemption, the Commission shall consider any timely oral or written comments received concerning the application. The Commission shall also consider any other relevant information that is available.

(b) After an exemption from preemption has been proposed by the Commission and interested persons have been afforded an opportunity to submit oral and written comments on the proposal, the Commission shall grant the application for an exemption only if the Commission is able to find that:

(1) Compliance with the State or local government standard or requirement would not cause the household substance to be in violation of the special packaging standard or requirement in effect under the PPPA,

(2) The State or local government standard or requirement provides a significantly higher degree of protection than the Federal provision, and

(3) The State or local government standard or requirement does not unduly burden interstate commerce.

(c) If the Commission decides to deny an application for an exemption, findings regarding whether there is an effect on interstate commerce need not be made.

(d) A notice of the grant or denial of the application shall be published by the Commission in the FEDERAL REGISTER.

Interested persons are invited to submit, on or before October 4, 1976, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, eighth floor, 1750 K Street, NW., Washington, D.C. during working hours Monday through Friday.

Dated: August 27, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-25694 Filed 9-1-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 209]

INTERNATIONAL VOLUNTARY AGREEMENTS

Recordkeeping Requirements

Since their publication in February 1976, the Federal Energy Administration (FEA) has monitored the effectiveness of the recordkeeping requirements applicable to international voluntary agreements under Part 209 of its regulations. FEA has observed that a large number of duplicative records dealing with routine matters have been submitted to it, though certain information vital to the antitrust monitoring required under the Energy Policy and Conservation Act (Pub. L. 94–163) has been inadequately recorded. In order to rectify this situation, and alleviate the burdens caused by it with respect to both government and participants, FEA hereby proposes to amend Part 209 of Chapter II, Title 10, of the Code of Federal Regulations, in order to minimize recording of relatively trivial matters, while at the same time providing further guidance with respect to those matters which should be recorded in detail.

Under the proposal, § 209.24, providing for the maintenance of records in connection with developing a voluntary agreement, would be amended so as to clarify the requirement that the "substance" of each communication be adequately recorded. As amended, the term "substance" would include, but not be limited to, "policies and issues relating to the information and allocation provisions of the International Energy Program and the implementation thereof, the positions taken with respect to such policies and issues by each potential participant, and the conclusions reached, if any." While this clarification could result in an increase in material deemed essential and subject to recordation in detail, § 209.24 would also be amended to simplify recording in other, nonessential areas.

Where any communication is written (including télex material), and demonstrates on its face that it was already furnished to FEA, the amended regulation would exempt a participant from making a record thereof and from sending a further copy to FEA. Where the communication is administrative (for example, if it involves the location of a record, the place of a meeting, travel arrangements or similar matters) it would also not need to be recorded.

To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the section would be amended to provide that the substance of such matters need not be recorded in detail, so long as reference is made to the record and the location therein where the matters are fully set out.

Finally, the requirement that records be deposited "promptly" with FEA, would be amended to permit their deposit within thirty days.

Under the proposal, § 209.34, providing for maintenance of records during the carrying out of voluntary agreements, would be amended in a similar fashion. In addition to the amendments discussed above, the section would also be amended to provide that where there are several communications within the same day involving the same participants, a cumulative record for the day may be kept. The requirement providing for "prompt" deposit of records would, as in the case of § 209.24, be amended to permit deposit within thirty days, except that during international energy supply emergencies, the period would be seven days.

In view of the fact that FEA has received several records of communications between participants and U.S. Government personnel, it should be noted that such communications are exempt from recordation, since both §§ 209.24 and 209.34 apply only to communications "between or among" participants.

Interested persons are invited to submit written data, views, or arguments with respect to these proposed amendments to executive Communications, Room 3309, Federal Energy Administration, Box IK, the Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Recordkeeping Relating to International Voluntary Agreements." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., September 30, 1976, will be considered by the Federal Energy Administration in evaluating the proposed recommendation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Public hearings with respect to these proposed recommendations will be held beginning at 9:30 a.m., e.d.t., on October 5, 1976, in Room 2105, 2000 M Street, NW., Washington. Any person who has an interest in these recommendations or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., September 24, 1976. Such a request may be hand delivered to Room 3309, the Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 4, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., September 28, 1976, and must submit 100 copies of his statements to Regulations Management, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.d.t., October 1, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings; and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.t., October 1, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the FEA Freedom of Information Office, Room 2107, the Federal Building, 12th and Pennsylvania Avenue, NW., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Since this proposal is procedural only, the requirement in section 7(c)(1) of the Federal Energy Administration Act, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance, is hereby deemed not to apply.

This proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular A107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Federal Energy Administration Act of 1974, Pub. L. 93275 as amended; E.O. 11790, 39 FR 23185; E.O. 11930, 41 FR 32399; Energy Policy and Conservation Act, Pub. L. 94–163; E.O. 11912, 41 FR 15825)

Issued in Washington, D.C., August 27, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. It is proposed to amend 10 CFR Part 209, § 209.24 paragraphs (b) and (c) to read as follows:

§ 209.24 Maintenance of records.

* * * * *

(b)(1) Except as provided in paragraphs (b)(2) through (4) of this section, potential participants shall keep a full and complete record of any com-

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munication (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more potential participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the firms, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance. As used in this paragraph, the term "substance" includes, but is not limited to, policies and issues relating to the information and allocation provisions of the IEP and the implementation thereof, the positions taken with respect to such policies and issues by each potential participant, and the conclusions reached, if any.

(2) Where any communication is written (including telex material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to FEA, no participant need record such a communication or send a further copy to FEA.

(3) To the extent that any communication is administrative (for example, if it involves the location of a record, the place of a meeting, travel arrangements, or similar materials), no participant need prepare a record thereof.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the location therein in which the substance is fully set out.

(c) Except where the Administrator otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited within thirty (30) days of their preparation together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcript shall be available for public inspection and copying to that extent set forth in Subpart D. Any person depositing material pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to Subpart D and the reasons for such belief.

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2. It is proposed to amend 10 CFR Part 209, § 209.34 paragraphs (b) and (c) to read as follows:

§ 209.34 Maintenance of records.

• • • • •

(b) (1) Except as provided in paragraphs (b) (2) through (4) of this section, participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action under this subpart, except that where there are several communications within the same day involving the same participants, they may keep a cumulative record for the day. The parties to a communication may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the businesses, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance. As used in this paragraph, the term "substance" includes, but is not limited to, policies and issues relating to the information and allocation provisions of the IEP and the implementation thereof, the positions taken with respect to such policies and issues by each participant, and the conclusions reached, if any.

(2) Where any communication is written (including telex material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to FEA, no such participant need record such a communication or send a further copy to FEA.

(3) To the extent that any communication is administrative (for example, if it involves the location of a record, the place of a meeting, travel arrangements, or similar matters, no record shall be prepared).

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the location therein in which the substance is fully set out.

(c) Except where the Administrator otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited within seven (7) days of their preparation during an international energy supply emergency and within thirty (30) days of their preparation during periods of non-emergency, together with any agreement resulting therefrom, with the Administrator and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing materials pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to Subpart D and the reasons for such belief.

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[FR Doc.76-25631 Filed 8-30-76;9:26 am]

[10 CFR Part 212]

COMPUTATION OF LANDED COSTS; TRANSPORTATION

Notice of Proposed Rulemaking and Public Hearing

On March 9, 1976, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (41 FR 10075) which proposed to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, to establish a standard measure for the cost of transportation of crude oil as a component of the landed cost of that crude oil. In light of the comments received in response to that proposal, FEA has determined that further changes in the proposed rule are appropriate, and FEA hereby proposes a revised amendment to Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, to achieve the purposes of the amendment proposed in the March 9, 1976 notice.

In FEA's original proposal, a single standard hypothetical voyage based on AFRA and Worldscale would have been used to calculate transportation costs for shipments between each pair of ports. This was intended to provide a simple, easily audited, standard for all companies. The proposed nominal-cost method was intended to provide an average which would approximate industry experience, even though the costs of individual companies might be above or below the proposed standard. Such a method is necessary to avoid the complex cost allocation problems arising when major oil companies use a single shipping affiliate for transportation with respect to all of their operations worldwide.

From the written and oral comments, it is clear that although some sort of nominal-cost method is appropriate for the larger international companies, it is not a necessary or suitable index for companies whose principal marketing operations take place in the United States and whose transportation costs may in large part be attributed to serving customers here. These companies, unlike the larger international companies, have not used accounting systems based upon AFRA since they do not face the same allocation problem. Rather they have used various accounting measures of their actual costs. Any rule of the kind previously proposed by FEA would not necessarily reflect their actual transportation costs and would require a substantial change in their current accounting. Moreover these companies are less able to absorb differences between their individual cost experience and industry experience as expressed by AFRA.

In light of these considerations FEA has modified the proposed amendments to allow companies to calculate their incurred transportation costs in one of two ways, depending on their historical accounting procedures. If those historic procedures have been based predominantly on actual costs, a company would utilize the "net-cost" method; if they were based predominantly on a nominal-cost approach such as AFRA-Worldscale, the "AFRA method" would be prescribed. A company wishing to change from one method to the other would be allowed, with FEA permission, to make a one-time-only change from one method to another. That change would be allowed if FEA determined that the requested method would more accurately reflect the company's long-term costs.

The proposal would also amend §§ 212.82 and 212.84(c) to make it clear that purchases which were not "resales" within the meaning of § 212.84(g) should be included in a refiner's calculation of landed cost as if the crude had been purchased in the country of origin, even if delivery would not actually be taken there. For purchases in which delivery is received at a third point, an imputed transportation cost would be calculated using the proposed rules as applicable to a refiner's normal experience.

In the amendment proposed herein, as in the one proposed in the March 9 notice, refiners which obtain transportation from affiliated entities would be treated on the same basis as those which do not. Thus, from the point of view of transportation, costs would not be affected by particular forms of corporate organization.

Finally, in the "parity" calculation provided for crude oils for which insufficient third-party sales exist to determine representative and maximum prices, a specific class of vessel, LR–1, would be designated. This change would permit FEA to make such calculations without additional reference to particular transportation patterns.

The AFRA Method

For companies using the AFRA method, the proposed amendments would allow the rate implied by the AFRA factor for the class of vessel actually used, plus actual demurrage, lightering and transshipment costs. This differs in several respects from the method proposed in the March 9 notice. In that proposal, the allowed cost of transportation for crude oil was to be based on the hypothetical shipment of that crude oil in a vessel of a specified size class (LR–2) on a direct voyage from the port of the country of origin of the crude oil to its domestic port of entry, regardless of the route or size of vessel actually employed. The amendment proposed herein, on the other hand, would base allowed transportation costs on the AFRA-derived rates for the actual routes and vessels employed, and additionally would allow actual net demurrage, lightering and transshipment costs.

The earlier FEA proposal was intended to provide a simple easily-audited standard and to create additional incentives for firms to minimize their transportation costs, since their permitted cost recoveries would not be reduced by the amount of any efficiencies which they could achieve. Many of the comments received, however, indicated that the use of the relatively large vessel class proposed was inappropriate, since many terminals were unable to accommodate vessels of that size, and would lead to a level of allowed transportation costs significantly below actual industry experience. In addition, firms indicated that they already had substantial incentives for efficient operation of their vessels, particularly since market competition already frequently limited treir recoveries to less than those permitted by FEA price controls.

To accommodate these concerns, FEA is proposing to specify the use of the AFRA factor corresponding to the class of vessel actually used for a particular shipment, rather than requiring uniform use of the LR–2 class. This would assure that the AFRA measure would mirror a company's actual shipment pattern. This approach has a further advantage of assuring that total industry recoveries would be equal to industry experience if this variant of AFRA were adopted by other importing countries.

AFRA is an industry-wide measure, and in continuing to use a method based on AFRA and Worldscale, FEA has taken into account responses to the question in its March 9 Notice as to whether AFRA and Worldscale provides a valid approximation of actual industry experience. Comments received strongly affirmed the use of AFRA and there was general agreement that no alternative industry-wide averaging system would be more appropriate. No party responding could point to any particular feature of AFRA which would lead to its being an inadequate measure of industry experience. On this basis FEA has concluded that for those companies currently using an AFRA-based system, the specification of AFRA and Worldscale, based on the class of vessels and transportation routes actually used, should lead to close agreement over the long term between allowed and actual crude-oil transportation costs.

The proposed regulation would not require that companies using the AFRA method deduct from the allowable charge for transportation an amount for use of the vessel, if any, on the return leg of the voyage, even though the AFRA-Worldscale values apply to round-trip voyages. Such use is apparently infrequent, and requiring such a deduction could add significant complexity to the accounting system required for those using the AFRA method. FEA welcomes comments on the frequency of such backhaul shipments, the need to require deductions for such shipments by those companies using the AFRA method, and how such deductions might be accomplished if necessary.

In proposing this modified AFRA method, FEA acknowledges again that the actual experience of a specific company in a given year may be above or below the cost which would be allowed under the proposed amendment. This would be true with any nominal costing basis.

The Net-Cost Method

Under the net-cost method, allowed transportation costs would be the actual expenditures for crude-oil transportation to unaffiliated companies by a company or companies affiliated with it. Overhead costs and the cost of land-based personnel would be excluded from allowable expenditures, and companies would have to subtract from its gross costs any outside income received for the use of vessels whose costs are included in its transportation costs. Companies would also have to allocate costs on a ton-mile basis when vessels are used for purposes other than importing crude oil into the U.S. to the extent that such use did not directly produce outside income. To allocate capital charges between periods and to allocate annual costs between months, FEA is proposing two accounting rules. A company would, however, be permitted to use customary accounting procedures generally accepted, consistently and historically applied by the firm, subject to certain findings by FEA.

To ensure the proper allocation of capital costs, FEA is proposing that for vessels owned by the company, the annual capital charge be set at the annual hire rate derived from the AFRA value in effect during the month the vessel first went into service for that company or an affiliated company. The same rule would apply to vessels leased by the company under a lease which provides that the vessel reverts to the company or an affiliated company at the end of the lease period, without payment of a further sum approximating the market value of the vessel at the end of the lease period.

The effect of this proposal would be to allow companies to retain any economic advantage which accrues to them from their decision to purchase a vessel rather than enter into a charter agreement. It would also avoid the difficulties inherent in imputing a cost of capital which might otherwise arise. In the alternative, FEA could prescribe specific amortization rules based on the cost of the vessel to the company and a specified estimated vessel lifetime. Interested parties are particularly encouraged to comment on the relative merits of these alternative methods of dealing with company-owned vessels. Persons using an amortization approach should indicate how FEA may determine appropriate asset lives for depreciation purposes, especially when used vessels are purchased, and what if any adjustments should be made to take account of the cost of capital.

To allocate annual cost between months, FEA is also proposing a particular accounting procedure. Under the proposed rule, a company would be required to estimate each month its net transportation costs for the then current fiscal year. In the first month of the fiscal year, this value would be divided by the company's best estimate of its total shipping amount for that fiscal year in ton-miles. The resulting ratio would be that company's cost per ton-mile (CTM) estimate for that company for the first month of that fiscal year. The company would then allocate transportation costs to the landed cost of each shipment of

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imported crude oil loaded by the company in that month by multiplying its CTM estimate for that month times the number of ton-miles involved in the transportation of that shipment of crude oil.

In each subsequent month of the fiscal year, an update of the company's estimate of net transportation cost would be made. From this estimate, the transportation costs allocated to the landed cost of imported crude oil in previous months would be subtracted; this difference would be divided by the difference between the company's then-current best estimate of its shipping amount in ton-miles for the fiscal year and the number of ton-miles to which transportation costs had already been allocated. This ratio would be the company's CTM estimate for that month, and the company would allocate transportation costs to the landed cost of each shipment of imported crude oil loaded in that month by multiplying that CTM estimate by the number of ton-miles involved in the shipment of that crude oil.

One effect of this method would be that after the allocation of costs for the last month of the fiscal year, the total error in the transportation costs allocated for the fiscal year would be the error in the company's CTM estimate for the last month of the fiscal year times the total number of ton-miles involved in shipments loaded in that last month. This error would be corrected by reporting an adjustment, in the amount of the error, upon the company's determination of its actual net transportation cost for the fiscal year, which adjustment must be made not later than 120 days after the last days of the fiscal year.

Although FEA is proposing certain accounting rules in connection with the net-cost method, companies would be permitted, subject to FEA approval, to use their customary accounting procedures if those procedures are generally accepted and have been consistently and historically applied. Approval would be granted to the extent that FEA finds that the procedures: (i) Adequately reflect long-run transportation costs or (ii) Do not materially differ in result from the procedures prescribed by FEA. To avoid any unnecessary interim changes, companies would have three months to seek approval of existing accounting procedures.

PUBLIC COMMENT AND HEARING PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed amendments set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box IL, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Computation of Landed Costs: Transportation". Fifteen copies should be submitted. All comments received by September 21, 1976, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing in this proceeding will be held at 9:30 a.m., on September 23, 1976, and will be continued, if necessary, on September 24, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t. on September 15, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why she or he is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through September 22, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., September 17, 1976, and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on September 22, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of hearings will be based on information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.t., September 21, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular Number A–107, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended by Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., August 27, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.82 is amended by revising paragraphs (1), (2), (5), and (6) of the definition of "landed cost" and by adding a definition of "AFRA" and "Class" immediately preceding "Cost of crude oil," and "Worldscale" immediately following "Transactions between affiliated entities."

§ 212.82 Definitions.

• • • • • •

"AFRA" means the London Tanker Broker's Panel's average freight rate assessment.

"Class" of a vessel means the designation of a vessel based on its capacity in deadweight tons, according to the schedule set forth by the London Tanker Broker's Panel.

• • • • • •

"Landed cost" means:

(1) For purposes of covered products other than crude oil, both purchased and

shipped pursuant to arms-length transactions, the purchase price at the point of origin plus the actual transportation cost, plus import fees and duties incurred.

(2) For purposes of covered products other than crude oil, purchased in an arms-length transaction and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the cutomary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

• • • • • •

(5) For purposes of crude oil purchased in an arms-length transaction or satisfying the conditions of § 212.84(g), the purchase price (or the cost for crude oil satisfying the conditions of § 212.84(g)) plus the cost of transportation (if any) computed pursuant to § 212.85, from the point of delivery to the refiner or its affiliated entities to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation, plus import fees and duties incurred.

(6) For purposes of crude oil purchased in a transaction between affiliated entities, other than crude oil satisfying the conditions of § 212.84(g), the cost of crude oil f.o.b. the port of loading in the country of origin computed pursuant to § 212.84 plus the cost of transportation computed pursuant to § 212.85, from the port of loading in the country of origin to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation, plus import fees and duties incurred. Crude oil purchases which would satisfy § 212.84(g) except for the fact that the firm or its affiliated entities lift equity crude oil or otherwise receive crude oil on a preferential basis from the country of origin of that crude oil, if delivered to a firm or its affiliated entities at any location other than the country of origin, shall be treated as though the crude oil has been shipped to the U.S. port of entry from the port of the country of origin of the crude oil, on the route and in the class of vessels most commonly used by the firm and its affiliated entities for shipments between the country of origin and the U.S. port.

• • • • • •

"Worldscale" means the Worldwide Tanker Nominal Freight Scale, jointly sponsored and issued by the Association of Ship Brokers and Agents (Worldscale) Inc. and the International Tanker Nominal Freight Scale Association Limited.

§ 212.83 [Amended]

2. Section 212.83 is amended in the last sentence of paragraph (b) thereof by removing the period [.] and adding the words "according to the procedures established in this section, § 212.84 and § 212.85".

3. Section 212.84 is amended in paragraph (c), and paragraph (e)(3) and paragraph (e)(6)(i) to read as follows:

§ 212.84 Disallowance of cost.

• • • • • •

(c) *Cost of crude oil.* Except as provided in paragraph (g) of this section, the cost of crude oil allowed in transactions between affiliated entities shall be equal to the price which would prevail if the affiliated entities consistently and continuously dealt with each other at arms-length. A refiner purchasing crude oil from an affiliated entity shall initially set the cost of crude oil at the f.o.b. price at the port of loading in the country of origin which is representative of those prices prevailing in arms-length transactions according to the best information available to the refiner.

• • • • • •

(e) • • •

(3) In determining the representative and maximum prices for a reference crude oil, FEA will consider all transactions reported to FEA for the reference and related crude oils loaded during the month of measurement, except as provided in paragraph (e)(4) of this section. For purposes of determining representatives and maximum prices for a reference crude oil, the prices of a related crude oil shall be adjusted to the equivalent price of the related reference crude oil on the basis of the difference in the posted prices, tax-reference prices or other official selling prices, as established by the host government for those two crude oils. For delivered sales, the price shall be adjusted to an f.o.b. price at the port of loading in the country of origin by subtracting the imputed cost of transportation calculated as provided in § 212.85(d)(1) (the reference loading date being the month of purchase and the vessel class being LR–1); provided that if the sales contract stipulates the actual transportation cost, that cost shall be used for adjustment purposes.

• • • • • •

(6) • • •

(i) The transportation adjustment shall be equal to the difference in the cost of shipping from the points of loading to the appropriate points of landing, calculated in accordance with § 212.85(d)(1) with the reference loading date being the month for which the adjustment is made, and the vessel class being LR–1.

• • • • • •

4. Part 212 is amended by adding a new § 212.85 to read as follows:

§ 212.85 Transportation costs.

(a) *Purpose and scope.* This section prescribes the standards which refiners shall use to establish the cost of transportation by sea to the United States of imported crude oil, for the purpose of determining the landed cost of that crude oil.

(b) *Selection of method.* For the purposes of this section, a firm shall utilize either the net cost method specified in paragraph (c) of this section, or the AFRA method specified in paragraph (d) of this section, depending on that firm's historical accounting procedures for the determination of its crude-oil transportation costs. A firm shall utilize the net-cost method if those procedures have been based predominantly on actual costs; it shall utilize the AFRA method if they have been based predominantly on a nominal-cost approach such as AFRA-Worldscale. Each reporting firm shall notify FEA within 30 days of the effective date of this regulation as to which method these regulations require it to utilize. Within 90 days from the effective date of this regulation, a firm may request permission to make a one-time-only change from one method to the other. FEA will allow that change if, in its opinion, the method then adopted would more accurately reflect the firm's long-term costs for the transportation of crude oil.

(c) *The net-cost method.* (1) A firm using the net cost method for determination of its transportation costs shall establish its net transportation cost by subtracting from its gross transportation cost the sum of:

(i) Any income received by the firm (including its affiliates) from unaffiliated entities for the use of vessels whose costs are included in the total allowed transportation costs, plus (ii) The product of that firm's cost per ton-mile for the fiscal year, determined according to paragraph (b)(3) of this section, times the total ton-miles of shipping during the fiscal year which does not produce income from unaffiliated companies, does not involve crude oil imported into the United States, and uses vessels whose costs are included in its gross transportation cost. Transportation costs shall be allocated to particular shipments according to paragraph (c)(3) of this section. A firm's gross transportation cost shall consist of allowed transportation costs, determined according to paragraph (c)(2) of this section, relating to all vessels used in whole or in part by the firm for shipment of crude oil to the United States. Overhead costs and the cost of land-based personnel may not be included in the gross transportation cost.

(2)(i) Allowed transportation costs relating to a particular vessel shall be calculated in a manner dependent on whether the ownership status of the vessel is "equity" status or "charter" status. A vessel has equity status if it is owned by the firm or an affiliated entity, or leased by the firm or an affiliated entity under terms of a lease in which title reverts to the firm or an affiliated entity at the end of the lease period without additional payment, or upon the additional payment of a sum which does not approximate the then-current market value of the vessel. A vessel has charter status if it does not have equity status.

(ii) Allowed transportation costs relating to an equity-status vessel shall be the sum of the annual-hire rate derived from the AFRA value effective for the month the vessel first went into service for the firm or an affiliated entity, plus actual payments made by the firm or an affiliated entity to unaffiliated entities for the use of that vessel for goods and services not normally provided to a charterer under the terms of an international tanker time charter party agreement.

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(iii) Allowed transportation costs for a charter-status vessel shall be the sum of all payments made by the firm or an affiliated entity to unaffiliated entities for the use of the vessel.

(3) Allocation of transportation costs to a shipment of crude oil shall be determined as the product of the number of ton-miles of crude oil transported in that shipment times that firm's "cost per ton-mile" (CTM) estimate for that month. The CTM estimate of a firm for a given month shall be the ratio of:

(i) The firm's best estimate of its net transportation cost for the fiscal year, minus the transportation costs the firm has allocated to shipping for all previous months of the fiscal year, to:

(ii) The firm's best estimate of its total shipping quantity in ton-miles for the fiscal year using vessels whose costs are included in that firm's gross transportation cost, minus the number of ton-miles of such shipping for which the firm has allocated costs in all previous months of the fiscal year. Upon determination of its actual net transportation cost for a fiscal year, but not later than 120 days beyond the end of that fiscal year, each firm shall report as an adjustment to its cost the difference between the actual value of its net transportation cost for that fiscal year and the total transportation costs allocated by the firm for the fiscal year. The ratio of the firm's net transportation costs for a fiscal year to the total amount of that firm's shipping in ton-miles for that fiscal year, is that firm's CTM for that fiscal year.

(4) Firms may request approval to use their customary accounting procedures in lieu of those specified in paragraph (c)(2) or (c)(3) of this section, provided that those procedures are otherwise consistent with this section and are generally accepted and have been consistently and historically applied. FEA will grant approval for such use to the extent it finds that such use:

(i) Does not materially differ in result from those prescribed in paragraph (c)(2) or (c)(3) of this section, or (ii) Adequately reflects long-run transportation costs. Firms may retain their current accounting procedures for 90 days after the effective date of this regulation. Applications pursuant to this paragraph should set out in detail the accounting procedures used, and to the extent possible should include a comparison of the cost of transportation calculated using such procedures and those prescribed by FEA. Applications should also be accompanied by an opinion from the firm's independent auditors that such procedures are generally accepted and have been consistently applied by the firm, and should be submitted to the Deputy Assistant Administrator for Operations, Office of Regulatory Programs of FEA.

(d) *The AFRA method.* A firm using the AFRA method for determination of its transportation costs shall establish as its cost for the shipment of crude oil between two ports in a particular vessel, given either a reference or actual loading date and class of the vessel, the sum of:

(1) The product of the AFRA factor applicable to that loading date and that class of vessel times the Worldscale rate between the two ports,

(2) Actual demurrage, calculated according to the terms of standard international tanker voyage charter party agreements, or a credit for laytime allowed according to such terms but not actually used, and

(3) Actual lightering and transhipment costs. The Worldscale value to be used for shipments in which a particular vessel loads and/or unloads at more than one port shall be the multiport Worldscale value for that combination of ports, if it is listed; if not, the value to be used shall be calculated in a manner consistent with the calculation of Worldscale multi-port values. Allocation of costs for multi-port deliveries shall be on a ton-mile basis. Transportation costs for shipments in which more than one vessel is used shall be the sum of the costs of transportation in each vessel used.

[FR Doc.76-25700 Filed 8-30-76;11:44 am]

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

[1 CFR Part 440]

PRIVACY ACT OF 1974

Proposed Implementation

Notice is hereby given that Part 440 of Title 1 of the Code of Federal Regulations is proposed to be added as set forth below.

The proposed addition implements 5 U.S.C. 552a(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records under the Privacy Act of 1974.

Public Comment is invited on these proposed regulations and will be considered by the Commission if received no later than September 27, 1976. Comments should be submitted in writing to the Executive Director, President's Commission on Personnel Interchange, Room 1316, 1900 E Street NW., Washington, D.C. 20415. Notwithstanding the foregoing, these regulations are proposed to become effective on October 25, 1976, and shall remain in effect until and unless revised by the Commission.

PART 440—PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

Sec.

440.1 Purpose and scope.
440.2 Procedures for notification of existence of records pertaining to individuals.
440.3 Procedure for requests for access to or disclosure of records pertaining to individuals.
440.4 Correction of records.
440.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

AUTHORITY: 5 U.S.C. 552a(f)

§ 440.1 Purpose and scope.

This part sets forth the President's Commission on Personnel Interchange procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f). Information to applicants regarding the implementation of this Act is contained in the Commission's Nominee's Biographical Form.

§ 440.2 Procedures for notification of existence of records pertaining to individuals.

(a) The system of records, as defined in the Privacy Act of 1974, maintained by the President's Commission on Personnel Interchange is listed annually in the Federal Register as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him or her may either appear in person at Room 1316, 1900 E Street, NW., on work days between the hours of 8:30 a.m. and 4:30 p.m. or may write to the President's Commission on Personnel Interchange, Assistant Director for Administration, Washington, D.C. 20415 (Phone 632-6834). It is recommended that requests be made in writing.

(b) Requests for notification of the existence of a record should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual.

NOTE.—That requests will not be honored by the Commission pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains or with his written consent; or, (2) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.

(c) The Commission will acknowledge requests for the existence of records within 10 working days from the time it receives the request and will normally notify the requester of the existence or non-existence of records within 30 working days from receipt of request.

(d) For purposes of identity verification, individuals who wish to know whether a specific system of records pertains to them must furnish their (1) full name; and (2) date of birth.

§ 440.3 Procedure for requests for access to or disclosure of records pertaining to individuals.

(a) Any person may request review of records pertaining to him by appearing at Room 1316, 1900 E Street, NW., Washington, D.C. 20415 on work days between the hours of 8:30 a.m. and 4:30 p.m. or by writing to the Commission on Personnel Interchange, Assistant Director for Administration, Washington, D.C. 20415. (See paragraph (b) of this section for identification requirements.) The Commission will strive either to make the record available within 15 working days of the request or to inform the requester of the need for additional identification.

(b) In the case of persons making requests by appearing at the Commission, reasonable identification such as employment identification cards, drivers licenses, or credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary.

(c) Charges for copies of records will be at the rate of $0.10 per photocopy of each page. No charge will be made unless the charges as computed above would exceed $3 for each request or related series of requests. If a fee in excess of $25 would be required, the requester shall be notified and the fee must be tendered before the records will be copied. Remittance shall be in the form either of a personal check or bank draft drawn on a bank in the United States or a money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant Director for Administration, President's Commission on Personnel Interchange, Washington, D.C. 20415.

(d) Individuals will not be denied access to records pertaining to them.

§ 440.4 Correction of records.

(a) An individual may request that a record or records pertaining to him or her be amended or corrected. Such requests shall be submitted in writing to the Assistant Director for Administration at the Commission's business address.

(b) The signature of the requester will be sufficient identification for requesting correction of records.

(c) A request for amendment shall contain an exact description of the item or items sought to be amended and specific reasons for the requested amendment as well as the individual's birthdate for purposes of verification of records.

(d) Within 10 working days after receipt of a request to amend a record, the Assistant Director for Administration shall transmit to the requester a written acknowledgment of receipt of request. No acknowledgement is required if the request can be reviewed and processed with notification to the individual of compliance or denial within the ten-day period. A requester will be notified within 30 days whether or not his or her request has been granted.

(e) If the Assistant Director determines that the requested amendment is appropriate to insure that the record is:

(1) Relevant and necessary to accomplish the purposes for which the records were collected; and

(2) As accurate, timely, and complete as is reasonably necessary to assure fairness to the requester, the Assistant Director shall:

(i) Change the record accordingly;

(ii) Advise the requester that the change has been made, thirty days from receipt of written request;

(iii) After an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c), advise all previous recipients of the record who, the Commission believes, still retain a copy thereof of the fact that the amendment was made and the substance of the amendment.

(f) If, after review of the record, the Assistant Director determines that the requested amendment is not in conformity with the requirements of the Act, he or she shall:

(1) Advise the requester in writing within thirty days of written request of such determination together with specific reasons therefor; and

(2) Inform the requester that further review of the request by the Executive Director of the Commission is available if a written request therefor is made within 30 days after the date of denial.

(g) Within 30 working days of receipt of a written request for review pursuant to § 440.4(f)(2) the Executive Director shall make an independent review of the record, using the criteria of § 440.4(e)(1) and (2).

(1) If the Executive Director determines that the record should be amended in accordance with the request, the Assistant Director for Administration shall take the actions listed in § 440.4(e)(2)(i), (ii), and (iii).

(2) If the Executive Director, after independent review, determines that the record should not be amended in accordance with the request, the Assistant Director shall advise the requester:

(i) Of the determination and the reasons therefor;

(ii) Of his or her right to file with the Assistant Director a concise statement of his or her reasons for disagreeing with the refusal to amend the record;

(iii) That the record will be annotated to indicate to anyone subsequently having access to it that a statement of disagreement has been filed, and that the statement will be made available to anyone to whom the record is disclosed;

(iv) That the Executive Director and the Assistant Director for Administration may, in their discretion, include a brief summary of their reasons for refusing to amend the record whenever such disclosure is made:

(v) That any prior recipients of this disputed record, who, the Commission believes still retain a copy thereof, will be sent a copy of the statement of disagreement, after an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c);

(vi) Of his or her right to seek judicial review of the refusal to amend the record, pursuant to 5 U.S.C. 552a(g)(1)(A).

§ 440.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records may be circulated to appropriate officials and organiaztions incident to placing nominees in Executive Interchange assignments and to carry out the responsibilities and functions of the Executive Interchange program.

(b) An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person and agency to whom the disclosure was made will be indicated on the record. This accounting is available to the individual to whom the records pertain on written request to the Commission.

For President's Commission on Personnel Interchange.

JAY F. MORRIS,
Executive Director.

[FR Doc.76-25627 Filed 9-1-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

AUTOMOBILE BODY DIES FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

Information was received on January 21, 1976, from counsel acting on behalf of the National Tool, Die and Precision Machining Association, of Washington, D.C., alleging that automobile body dies from Japan were being sold at less than fair value, thereby causing injury to, or likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of February 26, 1976 (41 FR 8400).

TENTATIVE DISCONTINUANCE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160 (b)), I hereby determine that the antidumping investigation concerning automobile body dies from Japan should be tentatively discontinued.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that approximately 78 percent of all imports of the subject merchandise from Japan were manufactured by Ogihara Iron Works Company, Ltd., Ohta City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the constructed value of the imported merchandise. Purchase price as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to an unrelated United States purchaser. Constructed value, as defined in section 206 of the Act (19 U.S.C. 165), was used since there appear to be no sales of such or similar merchandise in the home market or to third countries.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States of automobile body dies from Japan during the 8-month period August 1, 1975, through March 31, 1976, as well as appropriate constructed value information.

c. *Purchase Price.* For the purposes of this tentative determination, adjustments have been made on the following bases. In the import transactions, all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of the Act. The purchase price has been calculated on the basis of the packed, c.i.f., U.S. delivered price, to an unrelated U.S. purchaser. Pending receipt and verification of additional data related to transportation, insurance, brokerage, and commission expenses, deductions have been made for Japanese inland freight, ocean freight, insurance, U.S. duty and brokerage fees, U.S. inland freight, handling, and commissions paid to the U.S. sales agent, as claimed by counsel for Ogihara Iron Works Co., Ltd.

d. *Constructed Value.* For the purposes of this tentative determination, constructed value has been calculated on the basis of the sum of the cost of materials and of fabrication of the merchandise, an amount for general expenses and profit related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration, and the cost of all containers and coverings used to pack the merchandise ready for shipment to the United States.

e. *Results of Fair Value Comparisons.* Using the above criteria, the comparisons made on 100 percent of the sales of the subject merchandise to the United States by Ogihara Iron Works Co., Ltd., during the representative period, indicate that, in some instances, purchase price probably will be less than the constructed value of the imported merchandise. However, these margins amounted to roughly 0.5 of one percent when weighted over 100 percent of sales and these have been determined to be minimal in terms of the volume of sales involved. In addition, formal assurances have been received from counsel acting on behalf of Ogihara Iron Works Co., Ltd., that Ogihara will make no future sales at less than fair value within the meaning of the Act.

Accordingly, the antidumping investigation of automobile body dies from Japan is being tentatively discontinued in accordance with section 201(b)(1)(C) of the Act (19 U.S.C. 160(b)(1)(C)), and § 153.33(a)(1), Customs Regulations (19 CFR 153.33(a)(1)).

In accordance with §§ 153.33(b) and 153.40, Customs Regulations (19 CFR 153.33(b), 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before September 13, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should also be addressed to the Commissioner of Customs in time to be received by his office on or before October 4, 1976.

This notice is published pursuant to § 153.33(b), Customs Regulations (19 CFR 153.33(b)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

AUGUST 27, 1976.

[FR Doc.76-25684 Filed 9-1-76;8:45 am]

[Treasury Dept. Order No. 191-3 (Rev.)]

DEPUTY ASSISTANT SECRETARY (OPERATIONS) ET AL.

Order of Succession of Officials Authorized To Act as Assistant Secretary of the Treasury (Enforcement, Operations and Tariff Affairs)

By virtue of the authority vested in me by Treasury Department Order No. 190, Revision 11 (41 FR 20198), the following officials of the office of the Assistant Secretary (Enforcement, Operations and Tariff Affairs) in the order of succession enumerated herein are hereby authorized and directed to act as Assistant Secretary (Enforcement, Operations and Tariff Affairs) and to perform all of the functions of that office consistent with Treasury Department Order No. 190, during the absence or disability of the Assistant Secretary or when there is a vacancy in that office:

1. Deputy Assistant Secretary (Operations).
2. Deputy Assistant Secretary (Tariff Affairs).
3. Deputy Assistant Secretary (Enforcement).

In the absence or disability of both the Assistant Secretary (Enforcement, Operations and Tariff Affairs) and the Deputy Assistant Secretary (Operations), the following officials are authorized to perform any function the Assistant Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to, organizational units over which he has supervision:

1. Deputy Assistant Secretary (Tariff Affairs).
2. Deputy Assistant Secretary (Enforcement).
3. Director, Office of Operations.

Treasury Department Order 191-3 (Revised), dated January 22, 1974, designating officials to act in the absence of the Assistant Secretary (Enforcement, Operations and Tariff Affairs) is hereby revoked.

Dated: August 24, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury (Enforcement, Operations and Tariff Affairs).

[FR Doc.76-25718 Filed 9-1-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Cancellation of Meeting

The meeting of the Chief of Engineers' Environmental Advisory Board (EAB) scheduled for September 9, 1976, has been cancelled. Notice of the EAB meeting appeared in the August 20, 1976 FEDERAL REGISTER on page 35201. The date for the rescheduled meeting will be announced.

Dated: August 27, 1976.

JOHN R. HILL, JR.,
LTC, Corps of Engineers, Assistant Director of Civil Works, Environmental Programs.

[FR Doc.76-25716 Filed 9-1-76;8:45 am]

Department of the Navy

JANNAF COMBUSTION ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting.

Name: JANNAF Combustion Advisory Committee.
Date: 13-17 September 1976.
Place: Ingersol and Spanagel Halls, Naval Postgraduate School, Monterey, California.
Time: 0830-1900 Monday; 0830-1700 Tuesday through Friday.
Proposed Agenda: 13-17 Sept—technical sessions. 13 Sept (1700)—business meetings of the gun, motor design, instrumentation, workshop, and instability prediction subcommittees. 14, 16, 17 Sept—workshops on flame stabilization, acoustic absorbers, and combustion instability in smokeless rocket motors. 15 Sept (1300)—business meeting of the Advisory Committee to discuss the achievements and future plans of its subcommittees.
Purpose of the Meeting: The meeting is held to promote technical discussions and solutions of combustion dynamic problems within rocket motors, rocket engines, airbreathing systems, lasers, and guns.

Attendance to the classified technical sessions is restricted to those individuals who possess a personal security clearance of at least Confidential and a certified need-to-know in the area of chemical rocket propulsion.

Attendance to the business meetings and workshops is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee chairman in writing at least five (5) days prior to the business meetings and/or workshops of their intention to attend.

Any member of the public may file a written statement with the Advisory Committee chairman before, during, or after the business meetings and/or workshops. To the extent that time permits, the chairman may allow public presentation of oral statements at the meetings and/or workshops.

All communication regarding this Advisory Committee should be addressed to Dr. Ronald L. Derr, Code 608, Naval Weapons Center, China Lake, CA 93555.

R. L. DERR,
Head, Acrothermochemistry Division.

[FR Doc.76-25632 Filed 9-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BLACK DUCK AND CANVASBACK/REDHEAD ENVIRONMENTAL ASSESSMENTS

Availability

The U.S. Fish and Wildlife Service announces that environmental assessments have been prepared for the canvasback (*Aythya valisineria*) and redhead (*Aythya americana*) (one report) and for the black duck (*Anas rubripes*). These statements supplement the information provided in the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" issued in June 1975 (40 FR 25241; June 13, 1975). Both assessments were to be available on August 5, 1976, the date of the Waterfowl Regulations Public Hearing according to notices published in the FEDERAL REGISTER (41 FR 9177; March 3, 1976, and 41 FR 27987; July 8, 1976). Neither assessment was available on schedule because data acquisition delays prevented an adequate review period prior to August 5, 1976.

Dated: August 30, 1976.

GEORGE W. MILIAS,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc.76-25779 Filed 9-1-76;8:45 am]

Bureau of Land Management

ANCHORAGE DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Anchorage District Advisory Board of the Bureau of Land Management will meet at the district office, 4700 East 72nd Avenue, Anchorage, Alaska, September 17 and 18, 1976. Meetings will begin at 8 a.m. both days.

The meeting will be devoted principally to briefing the board on planning units within the Anchorage District. The Friday session will include a field trip to the Portage area, site of an interagency cooperative project for improving waterfowl habitat. Members of the public wishing to participate in the field trip will be required to furnish their own transportation.

Proceedings of the Saturday session will include presentations on: fire management and the State of Alaska's assumption of fire suppression responsibility; district board composition under the proposed rechartering; and the status of proposals to dedicate the Iditarod Trail a national historic trail.

The meeting will be open to the public. Time will be made available at 1 p.m. Saturday for brief statements by members of the public. Those wishing to make oral statements should notify the district manager, Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507. Further information concerning the meeting may be obtained from Mrs. Joette Storm, Public Information Officer, Anchorage District Office, 4700 East 72nd Avenue, (907) 344-9661.

CURTIS V. MCVEE,
State Director, Alaska.

[FR Doc.76-25651 Filed 9-1-76;8:45 am]

ROCK SPRINGS DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

AUGUST 25, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 9:00 a.m., October 7, 1976, and at 8:30 a.m., October 8, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include discussion of proposed Bureau regulations for off-road vehicle use and for grazing administration and trespass on national resource lands; discussion of the economic analysis in the Sandy Grazing Environmental Statement; discussion of planning system information and documents for the Salt Wells, Sandy-Pilot Butte and Pionner Trails Planning Units; consideration of the Board's organization for 1977, and progress reports on wild horse activities and the grazing and coal environmental statements.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the afternoon of the first meeting day. Such statements should be limited to matters set forth in the agenda.

V41172 SEP 2 76 UMI

Time limits for oral presentations may be established by the Chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the Board Chairman, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Ronald Herdt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,
District Manager.

[FR Doc.76-25652 Filed 9-1-76;8:45 am]

[M 10419]

MONTANA

Partial Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 27, 1976.

Notice of the Department of Transportation application, M 10419, for withdrawal and reservation of lands for highway construction, was published as FEDERAL REGISTER Document No. 68-15089 on pages 18948 and 18949 of the issue for December 19, 1968. The Department has canceled its application insofar as it affects the following described land:

PRINCIPAL MERIDIAN, MONTANA

T. 18 N., R. 29 W.,
Sec. 3, S½SW¼;
Sec. 4, Lots 11, 12, 14, 16, and 19,
Sec. 10, Lot 6 and NW¼NE¼;
Sec. 11, NW¼SW¼ and SE¼SW¼;
Sec. 13, S½S½; and
Sec. 24, Lot 16.
T. 19 N., R. 30 W.,
Sec. 25, NE¼SE¼; and
Sec. 27, SE¼NE¼.

The areas described aggregates 551.70 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such land will be at 10 a.m. on October 6, 1976, relieved of the segregative effect of the above-mentioned application.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-25737 Filed 9-1-76;8:45 am]

National Park Service

CASTILLO DE SAN MARCOS NATIONAL MONUMENT

Intention to Negotiate Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before October 4, 1976, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with J. Carver Harris, dba The Castillo Shop, authorizing him to continue to provide concession facilities and services for the public at Castillo de San Marcos National Monument for a period of five (5) years from January 1, 1976, through December 31, 1980.

An analysis of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental analysis may be reviewed in the Office of the Regional Director, Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1979, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit to supersede and cancel his existing permit. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before October 4, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed permit.

Dated: August 26, 1976.

JOHN E. COOK,
Associate Director, National Park Service.

[FR Doc.76 25682 Filed 9-1-76;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on October 5, 1976, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Pub. L. 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman).
Mr. John P. Bracken.
Hon. Michael J. Bradley.
Hon. James A. Byrne.
Mr. Michael J. Byrne.
Mrs. Alice Lonsdorf.
Mr. Filindo B. Masino.
Mr. Frank C. P. McGlinn.
Mr. John B. O'Hara.
Mr. Howard D. Rosengarten.
Mr. Charles R. Tyson.

The matters to be considered at this meeting include:

1. Report on summer use and activities.
2. Bell carillon in Independence Mall.
3. Independence Mall tent.
4. Coming events.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: August 23, 1976.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.76-25683 Filed 9-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10 a.m., October 5, 1976, in the Forest Supervisor's Office, 441 N. Main, Alturas, California.

The purpose of this meeting is to discuss Election of Officers, Wild Horse Management, Land Use Plans, Grazing Management and Fees, and other items related to grazing on the Modoc National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Kenneth C. Scoggin, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meeting after the regular board meeting is completed.

KENNETH C. SCOGGIN,
Forest Supervisor.

AUGUST 27, 1976.

[FR Doc.76-25715 Filed 9-1-76;8:45 am]

LOWER WEST FORK PLANNING UNIT; LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Lower West Fork Planning Unit, Forest Service Report Number USDA-FS-FES (Adm.) R1-76-9.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Lower West Fork Planning Unit, West Fork Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 147,927 acres of National Forest land are affected. The planning unit is divided into 10 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was filed with CEQ on August 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.
USDA, Forest Service, West Fork Ranger Station, Darby, MT 59829.

A limited number of single copies are available upon request to:

Robert S. Morgan, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the C.E.Q. guidelines.

Dated: August 27, 1976.

ROBERT S. MORGAN,
Forest Supervisor, Bitterroot National Forest.

[FR Doc.76-25731 Filed 9-1-76;8:45 am]

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Routt National Forest Grazing Advisory Board will meet Monday, October 4, 1976 at 9 a.m. at the Hunt Building, Steamboat Springs, Colorado.

The main purpose of this meeting will be a field trip to review a study by the Colorado Division of Wildlife to transplant moose on National Forest lands in the North Park area. While in the field other Board business will be discussed.

The meeting will be open to the public. Persons who wish to attend should notify Les Clark, Routt National Forest (303 879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file written statement following the meeting.

J. MERLE PRINCE,
Forest Supervisor.

AUGUST 26, 1976.

[FR Doc.76-25733 Filed 9-1-76;8:45 am]

WARD-EAGLE PLANNING UNIT; MULTIPLE USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan—Ward-Eagle Planning Unit, USDA-FS-FES(Adm)R1-75-3.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Ward-Eagle Planning Unit, located on the Superior Ranger District, Lolo National Forest in Mineral County, Montana. The action affects 31,770 acres of National Forest Land. The plan prescribed that a major portion, 7,540 acres of the 8,960 acre inventoried roadless area, be managed for dispersed outdoor recreation in a manner which protects the natural values in a high mountain lake setting. The remaining 24,230 acres of the planning unit will be managed for various combinations of recreation, esthetics, fisheries, timber, wildlife, watershed, and minerals. The primary impact of this plan is the reduction of 600,000 board feet of lumber per year from the timber available for harvest.

The most favorable impacts are preservation of esthetic values along Interstate 90, protection of soil and water qualities on steep slopes, and retention of a large portion of the inventoried roadless area. Unfavorable impacts include alteration of the landscape and disturbance of soil, water, vegetation, and wildlife values.

This final environmental statement was transmitted to CEQ on August 27, 1976. Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St., & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, 340 N. Pattee, Missoula, MT 59801.
USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59801.
USDA, Forest Service, Superior Ranger District, Superior, MT 59872.
University of Montana, University Library, Documents Division, Missoula, MT 59801.
University of Montana, Forestry School Library, Room 411, Science Complex, Missoula, MT 59801.
Missoula City—County Library, Washington & East Main, Missoula, MT 59801.

A limited number of single copies are available upon request to Orville L. Daniels, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various federal, state and local agencies as outlined in the CEQ guidelines.

RUSSELL E. MILLER,
Acting Forest Supervisor.

AUGUST 27, 1976.

[FR Doc.76-25732 Filed 9-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS, AND THE CENSUS ADVISORY COMMITTEE ON THE SPANISH ORIGIN POPULATION FOR THE 1980 CENSUS

Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I 1974)), notice is hereby given of meetings of the Census Advisory Committee on the Black Population for the 1980 Census and the Census Advisory Committee on the Spanish Origin Population for the 1980 Census.

Three meetings will be held as follows: September 22—the Census Advisory Committee on the Spanish Origin Population for the 1980 Census; September 23—a joint meeting of the Census Advisory Committee on the Black Population for the 1980 Census and the Census Advisory Committee on the Spanish Origin Population for the 1980 Census; and September 24—the Census Advisory Committee on the Black Population for the 1980 Census.

The Census Advisory Committee on the Black Population for the 1980 Census is composed of 21 members appointed by the Secretary of Commerce. It was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The Census Advisory Committee on the Spanish Origin Population for the 1980 Census is composed of 21 members appointed by the Secretary of Commerce. It was established in February 1975 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, developing definitions for classification of the Spanish-origin population, recommending subject content and tabulations of especial use to the Spanish-origin population, and expanding the dissemination of census results among present and potential users of census data in the Spanish-origin population.

The September 22 meeting of the Census Advisory Committee on the Spanish

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Origin Population for the 1980 Census will be held in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland, and will begin at 9:30 a.m.

The agenda for the meeting is: (1) Current status of 1980 census plans; (2) content of special censuses; (3) report on the special census of Pima County, Arizona; (4) report on the Survey of Income and Education, and the Current Population Survey Language Supplement; and (5) affirmative action plans.

The September 23 joint meeting of both committees will be held in the Federal Records Center Auditorium in Suitland, Maryland, and will begin at 9:30 a.m. The agenda will consist of a discussion of the contents of the 1980 Census of Population and Housing, and reports on observations by committee members of the pretest conducted in Travis County, Texas.

The September 24 meeting of the Census Advisory Committee on the Black Population for the 1980 Census will be held in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland, and will begin at 9:30 a.m.

The agenda for the meeting is: (1) Current status of 1980 census plans; and (2) reports from Committee members on: The census undercount, questionnaire content, block statistics, confidentiality, testing and selecting aids, public relations, ethnic origin categories, and affirmative action plans.

The meetings will be open to the public and a brief period will be set aside each day for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning these meetings or who wish to submit written statements may contact Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233) Telephone: (301) 763-5169.

Dated: August 27, 1976.

VINCENT P. BARBARA,
Director, Bureau of the Census.

[FR Doc.76-25702 Filed 9-1-76;8:45 am]

Economic Development Administration

CARDOZO MANUFACTURING COMPANY, INC.

Petition for Determination of Eligibility

A petition by Cardozo Manufacturing Company, Inc., 1127 West 8th Street, Kansas City, Missouri, a producer of tennis rackets, was accepted for filing on August 27, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of September 13, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-25713 Filed 9-1-76;8:45 am]

LORIET FASHIONS, INC.

Petition for Determination of Eligibility

A petition by Loriet Fashions, Inc., 416 West 13th Street, New York, New York 10014, a producer of women's handbags, was accepted for filing on August 27, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on September 13, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-25714 Filed 9-1-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix 1), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held September 17, 18, 19, 1976, at the Royal Villa of Raleigh, Highway 70, Raleigh, North Carolina 27612.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Submit to the Commissioner a list of nominees for the position of Deputy Commissioner of Indian Education;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318; and

(7) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on September 17, 18, 19, 1976, will be open to the public beginning at 9 a.m. and ending at 6 p.m. each day. This meeting will be held at the Royal Villa of Raleigh Hotel.

The proposed agenda includes:

(1) Executive Director's Report,

(2) Action on previous meeting minutes,

(3) Executive Committee Report,

(4) Final approval of NACIE FY '77 Budget,

(5) Plans for future NACIE activities,

(6) Regular Council business.

The September 17, 1976 meeting will be closed to the public from 3 p.m. to 5 p.m. to review applications for the position of Deputy Commissioner of the Office of Indian Education that must be held in confidence, under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the Freedom of Information Act, section 552 (b)(2) and (6) of Title 5 U.S.C., (Pub. L. 90-23), 45 CFR 5.71(a) and 5.71(c). Discussion of the applications will include consideration of the qualifications and fitness of the candidates and will touch upon many matters which would constitute a serious invasion of privacy if conducted in an open session.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on August 30, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-25705 Filed 9-1-76;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

This notice announces the forthcoming meeting of a public advisory committee of the Food and Drug Administration and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)):

Committee name	Date, time, place	Type of meeting and contact person
Obstetrics and Gynecology Advisory Committee.	Sept. 30 and Oct. 1, 9 a.m., conference room G, H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Sept. 30, 9 a.m. to 10 a.m.; closed committee deliberations Sept. 30, 10 a.m. to 4 p.m.; open committee discussion Oct. 1, 9 a.m. to 11 a.m.; closed presentation of data Oct. 1, 11 a.m. to 12 m.; open committee discussions Oct. 1, 1 p.m. to 3 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—open public hearing. Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of post-pill amenorrhea, galactorrhea and their relation with pituitary changes; and experimental therapy. Discussion of estrogen and oral contraceptive physician and patient product labeling.

Closed presentation of data. Presentation by Syntex on NDA 17-877. This portion of the meeting will be closed to protect the confidentiality of clinical data (5 U.S.C. 552(b)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as it practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: August 27, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-25679 Filed 9-1-76;8:45 am]

PANEL ON REVIEW OF INTERNAL ANALGESIC INCLUDING ANTIRHEUMATIC DRUGS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Internal Analgesic Including Antirheumatic Drugs by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond August 31, 1976.

Authority for this panel will expire August 31, 1978, unless the Secretary for-

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mally determines that continuation is in the public interest.

Dated: August 27, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25678 Filed 9-1-76;8:45 am]

PFIZER, INC.

Tetracycline Boluses; Withdrawal of Approval of New Animal Drug Application

The Food and Drug Administration (FDA) is withdrawing approval of the new animal drug application for Tetracycline-Vet Bolus, effective September 2, 1976.

Under the Federal Food, Drug and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

Pfizer, Inc., 235 E. 42d St., New York, NY 10017, holder of new animal drug application (NADA) No. 65-062V for Tetracycline-Vet Bolus has requested, by letter dated April 25, 1975, that the application be withdrawn and has waived its opportunity for a hearing. The application was approved on August 11, 1954, for treating infections caused by susceptible organisms in cattle, sheep, swine, and horses.

An evaluation of the drug by the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, was published in the FEDERAL REGISTER of July 8, 1970 (35 FR 10966); the evaluation determined the drug to be "probably effective." The Food and Drug Administration concurred in the evaluation.

In response to the notice, Pfizer submitted disintegration data on the boluses and proposed revised labels. Pfizer was advised that because the drug was classified as probably effective it would be necessary for Pfizer to furnish substantial evidence of effectiveness for each claim made in each species of animal for which the label claims are made or, alternatively, FDA would propose to withdraw approval of the application on the basis of a lack of substantial evidence of effectiveness. In lieu of submitting the requested studies and because the drug is no longer being distributed, the firm consented, by letter dated April 25, 1975, to having the approval of the application withdrawn in accordance with § 514.115 (b) (21 CFR 514.115(b)) and waived its opportunity for a hearing.

In FR Doc. 76-25675 published in the rules and regulations section of this issue of the FEDERAL REGISTER there is an order revoking certain provisions of § 546.180c (21 CFR 546.180c), which provides for approval of the drug named in this notice.

Therefore, in accordance with § 514.115(b)(3)(iii), notice is given that approval of NADA No. 65-062V and all supplements and amendments thereto for Tetracycline-Vet Bolus for cattle, sheep, swine, and horses is hereby withdrawn, effective September 2, 1976.

Dated: August 26, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-25676 Filed 9-1-76;8:45 am]

[Docket No. 76D-0276]

TOMATO POWDER

Availability of Guideline

The Food and Drug Administration is announcing the availability of a revised administrative guideline pertaining to the defect action level of tomato powder. This administrative guideline, developed by the Food and Drug Administration, Bureau of Foods, represents the maximum level for natural or unavoidable defects for tomato powder produced under good manufacturing and/or processing practices and is the level used for recommending regulatory action.

As field inspection activities identify changing problems and as relevant technology changes, this guideline will be updated to reflect current policy as it relates to specific tomato products.

The administrative guideline for tomato products was revised to establish a defect action level for rot in tomato powder when diluted at the rate of 17.0 grams per 200 milliliters of water.

Copies of this revised guideline are available for public examination at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Request for single copies may be made in writing to the office of the Assistant Commissioner for Professional and Consumer Programs (HFG-1), 5600 Fishers Lane, Rockville, MD 20852.

Dated: August 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25677 Filed 9-1-76;8:45 am]

Health Services Administration

OHIO STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL

Nominations for Public Member Positions

Notice is hereby given that pursuant to section 1162(b) of the Social Security Act (the Act) [42 U.S.C. 1320c-11(b)], nominations are being accepted for public member positions on the Ohio Statewide Professional Standards Review Council (Statewide Council). Section 1162(a) of the Act mandates that a Council shall be established in each State where there are located three or more Professional Standards Review Organizations (PSROs). As there are now located three conditional PSROs in Ohio, the Ohio Statewide Council is being formed.

The PSRO program is established under Title XI, Part B of the Act, enacted by the 1972 Amendments to the Act (P.L. 92-603) to provide for physician-directed review of the utilization and quality of medical care services paid for by the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs. The Statewide Council component of the PSRO program will perform a number of functions, including: (1) coordinating activities of PSROs and disseminating information and data among PSROs in the State under section 1162(c) of the Act; (2) reviewing PSRO reconsiderations under section 1159(a) of the Act; (3) reviewing PSRO sanction reports under section 1157 of the Act; (4) using its influence to assure that practitioners and providers comply with the obligations of the legislation under section 1160(c) of the Act; (5) assisting the Secretary of Health, Education, and Welfare in developing uniform data gathering and operating procedures among PSROs in the State, in evaluating PSRO performance, and, should it become necessary, in developing and arranging for a qualified replacement for a PSRO under section 1162(c) of the Act.

There will be four public representatives on the Statewide Council. Persons or organizations wishing to submit nominations for public members are advised that each nominee will be considered by the Secretary on the basis of whether such nominee is:

(1) knowledgeable about health care in Ohio as provided under the Maternal and Child Health and Crippled Children Services, Medicare and Medicaid programs (Titles V, XVIII, XIX of the Social Security Act respectively),

(2) willing and able to represent the interests of the public; and

(3) willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified representatives of organizations and groups which are not otherwise included on the Statewide Council (PSRO representatives or physician representatives) or on the Statewide Council Advisory Group (nonphysician health care practitioners, hospitals, and other health care facilities). Since nominees for public member positions on the Statewide Council should represent a broad segment of public interest, involvement in community activities should be outlined in the curriculum vitae submitted with the nomination.

After due consideration of all nominees, including nominees of the Governor of Ohio, the Secretary of Health, Education, and Welfare will appoint four public representatives, at least two of whom shall have been recommended by the Governor under section 1162(b)(3) of the Act.

All nominations from the general public for public member positions on the Statewide Council, together with a curriculum vitae, should be sent to E. Frank Ellis, M.D., Regional Health Administrator at Department of Health, Education, and Welfare, Region V Office, 300 South Wacker Drive, Chicago, Illinois 60606. To ensure consideration, nominations should be received on or before November 1, 1976. Further information concerning the nature and function of the Statewide Council and the role of public members in Council activities may be obtained by contacting the Office of the Regional Health Administrator at (312) 353-1385.

Dated: August 25, 1976.

LOUIS M. HELLMAN, M.D.
Administrator Health Services Administration.

[FR Doc.76-25633 Filed 9-1-76;8:45 am]

GENETIC DISEASES—PART A, TITLE XI OF THE PUBLIC HEALTH SERVICE ACT

Delegation of Authority

Notice is hereby given that the following delegations, with authority for further redelegation, have been made under Part A, Title XI of the Public Health Service Act, as amended by Section 403 of Public Law 94-278, providing for the establishment of a national program for basic and applied research, research training, testing, counseling, and information and education programs with respect to genetic diseases:

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare by Part A, Title XI of the Public Health Service Act, with the exception of authority to issue regulations and submit to the President a comprehensive report on the administration of such Part A; and

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, to perform all of the following authorities delegated to the Assistant Secretary for Health under the Public Health Service Act:

a. The authority under Section 1101 (42 U.S.C. 300b) for testing and counseling programs and information and education programs.

b. The authority under Section 1105 (42 U.S.C. 300b-4) for a voluntary testing, diagnosis, counseling, and treatment program through Public Health Service facilities, provided that where such authority is exercised in Public Health Service facilities not under the jurisdiction of the Health Services Administration, it must be exercised pursuant to an interagency agreement between the PHS Agencies concerned.

c. The authority under Section 1106 (42 U.S.C. 300b-5) to develop each year a comprehensive report on the administration of the authorities under Sections 1101 and 1105.

The above delegations were effective on August 18, 1976.

Dated: August 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-25764 Filed 9-1-76;8:45 am]

NATIONAL HEALTH MANPOWER SHORTAGE CLEARINGHOUSE

Delegation of Authority

Notice is hereby given that the following delegation and redelegation have been made under Section 202, of Public Law 92-157, for the establishment of the National Health Manpower Shortage Clearinghouse:

1. Delegation from the Secretary to the Assistant Secretary for Health of all authorities vested in the Secretary of Health, Education, and Welfare by Section 202 of Public Law 92-157, with the exception of authority to issue regulations.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all authorities under Section 202 of Public Law 92-157 which were delegated to the Assistant Secretary for Health.

The above delegations were effective on August 18, 1976.

Dated: August 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-25765 Filed 9-1-76;8:45 am]

National Institutes of Health

ADVISORY COMMITTEES

Open Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: President's Cancer Panel.
Date: October 1, 1976; 2:00 p.m.—adjournment.
Place: University of Texas at M. D. Anderson Hospital and Tumor Institute, Houston, Texas.
Time: Open for the entire meeting.
Agenda: To hear reports from the Director, National Cancer Program, National Cancer Institute; the Chairman, President's Cancer Panel, and to review the budget.
Executive Secretary: Dr. Richard A. Tjalma.
Address: Building 31, Room 11A46, National Institutes of Health.
Phone: 301/496-5854.

Name of Committee: Diagnostic Research Advisory Group.
Date: October 7, 1976, 7:30 p.m.—adjournment.
Place: Dulles Marriott Hotel, Dulles International Airport, Virginia.
Time: Open for the entire meeting.
Agenda: To evaluate the Groups' Overview of Cancer Diagnosis Meeting and to make recommendations for future overview meetings.
Executive Secretary: Mr. Louis P. Greenberg.
Address: Building 31, Room 3A10, National Institutes of Health.
Phone: 301/496-1591.

Dated: August 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-25690 Filed 9-1-76;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, September 30-October 1, 1976, Conference Room #7, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public from 10:30 a.m. to recess on September 30 for: the conduct of Council business; the report of the Director, DRR; the report of the Deputy Director, DRR; a presentation entitled, "Support of New Investigators by NIH"; and a review of the functions of the General Clinical Research Centers Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on October 1 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, renewal grant applications, and Research Career Development Award Program applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014 (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B05, Building 31, Bethesda, Maryland 20014 (301) 496-6611, will furnish substantive program information.

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(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health)

Dated: August 19, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-25691 Filed 9-1-76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Amended Notice of Meeting

Notice is hereby given of a change in the scientific research program of the Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, National Cancer Institute, on October 29–30, 1976, which was published in the FEDERAL REGISTER on August 10, 1976, (41 FR 33575).

This scientific research program was to have been presented by the Laboratory of Cell Biology, DCBD, but has been changed to the Laboratory of Pathology, DCBD.

The meeting will be open to the public on October 29, 1976, from 9:00 a.m. to 5:00 p.m.

Dated: August 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-25692 Filed 9-1-76;8:45 am]

SYMPOSIUM ON BIOASSAY MODELS AND INHALATION TOXICOLOGY

Meeting

Notice is hereby given of the Symposium on Bioassay Models and Inhalation Toxicology sponsored by the National Cancer Institute, October 20–22, 1976, at the Tampa Airport Resort, Tampa, Florida.

This meeting will be open to the public from 9 am to 6 pm on October 20, 21, and 22 to discuss the following topics: 1) Improved designs for exposure devices for animal models and materials being tested, 2) Suitable experimental animal models, 3) Identification and selection of biological endpoints, 4) Definition and characterization of monitoring instrumentation and procedures. Attendance by the public will be limited to space available.

Dr. Gio B. Gori, Deputy Director, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A03, Bethesda, Maryland, 20014, (301) 496–6616, will provide additional information.

Dated: August 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institute of Health.

[FR Doc.76-25693 Filed 9-1-76;8:45 am]

WORKSHOP ON THE REVIEW OF THE FIELD OF IMMUNOLOGY FOR APPLICATION TO CANCER CAUSE AND PREVENTION

Amendment of Meeting

Notice is hereby given of a change in the meeting time and place of the workshop, sponsored by NCI, which was published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30378).

This workshop was to have convened at 9:00 a.m. to 5:00 p.m. on September 27, 1976, Landow Building, Conference room C–410, but has been changed to 10:30 a.m. to 5:30 p.m. on September 27, 1976, Building 31, Conference room 8.

The meeting will be open to the public from 10:30 a.m. to 5:30 p.m.

Dated: August 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-25688 Filed 9-1-76;8:45 am]

AWARD OF RESEARCH AND TRAINING GRANTS

General Announcement

The National Heart, Lung, and Blood Institute announces its intent to exercise its authority to award certain research and training grants in areas of high program interest which have been favorably recommended for support after review for scientific merit. Authority for such action has been granted under Section 419A of the Public Health Service Act (42 U.S.C. 287h), as amended by the Health Research and Health Services Amendments of 1976. Such provision authorizes the Director of the Institute to award certain grants in amounts not to exceed $35,000 in direct costs after appropriate review for scientific merit but without Council review. Consideration for such award will be given to domestic grants for which:

1. The amount recommended for each budget period does not exceed $35,000 for direct costs,

2. The scientific merit assigned by the initial review group would have allowed for funding at the last Council meeting or, it is expected, would allow funding at the forthcoming Council meeting,

3. No policy problems have been identified, e.g., ethical issues, hazardous experiments.

Such awards shall be subject to all other applicable requirements and policies governing research and training grants, including the regulations set forth in 42 CFR Part 52.

Dated: August 19, 1976.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc.76-25687 Filed 9-1-76;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Amended Notice of Meeting

Notice is hereby given of changes in in the meeting dates and times of the "closed" and "open" portions of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on August 10, 1976 (41 FR Doc. 76–23192–155).

The Council was to have convened on September 30 and adjourned on October 2, 1976 but has been changed to adjourn on October 1, 1976.

This meeting will be open to the public on September 30 from 12:30 p.m. until recess, and on October 1 from 8:30 a.m. until 12 noon, and will be closed to the public on September 30 from 9:00 a.m. until 12 noon, and on October 1 from 12:30 p.m. until adjournment.

Dated: August 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-25689 Filed 9-1-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–625]

ALMOND HEIGHTS PARK ET AL.

Hearing

In the matter of: Almond Heights Park, Dixie Properties Corporation, Inc. and Sims R. Davies, Jr., President, OILSR No. 0–4226–52–86, No. 76–224–IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b). Notice is hereby given that: 1. Almond Heights Park, Dixie Properties Corporation, Inc. and Sims R. Davies, Jr., President, authorized agent and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. 90–448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 30, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710 45(b)(1) and and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Almond Heights Park, located in Washington County, Utah, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Salt Lake City, Utah, at a place to be determined, on October 8, 1976 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10274, Washington, D.C., 20410 on or before September 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 25, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-25785 Filed 9-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–164]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from June 8, 1976 to June 24, 1976 (List No. 16–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/204/0, Type ORD/DHM fixed gravity davit; approved for a maximum working load of 16,350 lbs. (8,175 lbs. per arm) using one-part falls; identified by Schat Davits, Ltd. general arrangement drawing F102819A (undated) and drawing list D402087A (Part 2) (undated), manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective June 17, 1976.

Approval No. 160.032/206/0, Type SS 5000 survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 17,000 lbs. on a single-part fall; identified by general arrangement drawing SS 5000, dated April 8, 1976 and drawing list dated June 9, 1976, electrical components determined suitable for use in Class I, Group D hazardous locations as defined by 46 CFR 111.80–5, approved for installation with Lake Shore, Inc. Model LS–1711E lifeboat winch (Approval 160.015/111/0 for use on artificial islands, fixed structures, and drilling rigs, both self-propelled and nonself-propelled, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective June 17, 1976.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/105/0, adult X-large-non-standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, drawing No. RRV–150 dated February 2, 1975, bill of materials dated January 23, 1975, Coast Guard letter, file No. 5946/160.055/105 dated April 14, 1975 and Coast Guard letter, file No. 5946/160.055/105 dated June 23, 1976, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective June 24, 1976. (It supersedes Approval No. 160.055/105/0 dated May 12, 1975 to show minor change.)

Approval No. 160.055/106/0, adult medium-non-standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, drawing No. RRV–150 dated February 2, 1975, bill of materials dated January 23, 1975, Coast Guard letter, file No. 5946/160.055/105 dated April 14, 1975 and Coast Guard letter, file No. 5946/160.055/105 dated June 23, 1976, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective June 24, 1976. (It supersedes Approval No. 160.055/106/0 dated May 12, 1975 to show minor change.)

Approval No. 160.055/115/0, adult, Model No. 601, vinyl coated unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055, Cal-June drawing No. 601 dated June 21, 1976 and bill of materials dated May 21, 1976, Type I PFD, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91609, effective June 21, 1976.

Approval No. 160.055/116/0, child, Model No. 603, vinyl coated unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055, Cal-June drawing No. 603 dated June 21, 1976 and bill of materials dated May 21, 1976, Type I PFD, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91609, effective June 21, 1976.

BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM ADULT AND CHILD

Approval No. 160.060/25/0, adult, Model No. AY–2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.060 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75207, effective June 24, 1976.

Approval No. 160.060/26/0, child medium, Model No. CYM–2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.060 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75207, effective June 24, 1976.

Approval No. 160.064/27/0, child small Model No. CYS–2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.060 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75207, effective June 24, 1976.

MARINE BUOYANT DEVICE

Approval No. 160.064/435/0, adult X-large, Model No. ACG 800, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois

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61880,, for American Marine Products, Inc., 240 W. Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., effective June 22, 1976. (It supersedes Approval No. 160.064/435/0 dated October 8, 1974 to show change of name of distributor.)

Approval No. 160.064/436/0, adult large, Model No. ACG 700, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for American Marine Products, Inc., 240 W. Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., effective June 22, 1976. (It supersedes Approval No. 160.064/436/0 dated October 8, 1974 to show change of name of distributor.)

Approval No. 160.064/437/0, adult medium, Model No. ACG 650, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for American Marine Products, Inc., 240 West Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., effective June 22, 1976. (It supersedes Approval No. 160.064/437/0 dated October 8, 1974 to show change of name of distributor.)

Approval No. 160.064/656/0, adult medium, Model No. 1000, cloth covered unicellular plastic foam "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by Amrican Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/656/0 dated January 7, 1976 to show change of factory location.)

Approval No. 160.064/657/0, adult large Model No. 2000, cloth covered unicellular plastic foam "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/657/0 dated January 7, 1976 to show change of factory location.)

Approval No. 160.064/691/0, child medium, Model No. ACG 400, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for American Marine Products, Inc., 240 W. Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., effective June 22, 1976. (It supersedes Approval No. 160.064/691/0 dated October 8, 1974 to show change of name of distributor.)

Approval No. 160.064/820/0, adult small, Model No. CG 650, cloth covered unicellular plastic foam "Water Ski Vest or Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/820/0 dated January 21, 1975 to show change of factory location.)

Approval No. 160.064/821/0, adult medium, Model No. CG 1500, cloth covered unicellular plastic foam "Water Ski Vest or Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/821/0 dated January 21, 1975 to show change of factory location.)

Approval No. 160.064/822/0, adult large, Model No. CG 2500, cloth covered unicellular plastic foam "Water Ski Vest or Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/822/0 dated January 21, 1975 to show change of factory location.)

Approval No. 160.064/870/0, adult, Model No. FJ–10, cloth covered unicellular plastic foam "Floater Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/870/0 dated June 2, 1975 to show change of factory location.)

Approval No. 160.064/871/0, adult, Model No. FJ–15, cloth covered unicellular plastic foam "Floater Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/871/0 dated June 2, 1975 to show change of factory location.)

Approval No. 160.064/872/0, adult, Model No. FJ–20, cloth covered unicellular plastic foam "Floater Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/872/0 dated June 2, 1975 to show change of factory location.)

Approval No. 160.064/873/0, adult, Model No. FJ–5, cloth covered unicellular plastic foam "Floater Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, factory location: 3500 South Morgan Street, Chicago, Illinois 60609, Type III PFD, manufactured by American Marine Products, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, effective June 21, 1976. (It supersedes Approval No. 160.064/873/0 dated June 2, 1975 to show change of factory location.)

Approval No. 160.064/1107/0, 18½ inch, Model No. A–18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 247, factory location: 1633 N. Milwaukee Avenue, Chicago, Illinois 60647, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, effective June 23, 1976.

Approval No. 160.064/1108/0, 18½ inch, Model No. AFRB 18½, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, for Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective June 23, 1976.

Approval No. 160.064/1125/0, adult, Model No. SSV–700, cloth covered unicellular plastic foam "Kayak/Canoe Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory locations: Highway 10, Sauk Rapids, Minnesota 56301, and 30th and Division Streets, St. Cloud, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective June 21, 1976.

Approval No. 160.064/1130/0, child medium, Model No. 1400, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 24, Type III PFD, manufactured by Quality Built Products Company, Inc., 1832 East Commercial Street, Springfield, Missouri 65803, effective June 21, 1976.

Approval No. 160.064/1131/0, adult, Model No. 1400, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 24, Type III PFD, manufactured by Quality Built Products Company, Inc., 1832 East Commercial Street, Springfield, Missouri 65803, effective June 21, 1976.

Approval No. 160.064/1132/0, adult, Model No. 1400, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 24, Type III PFD, manufactured by Quality Built Products Company, Inc., 1832 East Commercial Street, Springfield, Missouri 65803, effective June 21, 1976.

Approval No. 160.064/1133/0, adult, Model No. 1400, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 24, Type III PFD, manufactured by Quality Built Products Company, Inc., 1832 East Commercial Street, Springfield, Missouri 65803, effective June 21, 1976

Approval No. 160.064/1134/0, adult, Model No. 1400, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 24, Type III PFD, manufactured by Quality Built Products Company, Inc., 1832 East Commercial Street, Springfield, Missouri 65803, effective June 21, 1976.

Approval No. 160.064/1135/0, 18½ inch, Model No. RB–18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, for American Marine Products, Inc., 240 W. Shore Drive, Hinsdale, Illinois 60521, effective June 23, 1976.

Approval No. 160.064/1146/0, adult, Model No. 16760, vinyl dipped unicellular plastic foam "Recreational Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75207, effective June 22, 1976.

Approval No. 160.064/1147/0, adult, Model No. 6760, vinyl dipped unicellular plastic foam "Recreational Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective June 22, 1976.

Approval No. 160.064/1148/0, adult, Model No. 2232454–552, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 15, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, for Crawford Manufacturing Company, Third and Decatur Streets, Richmond, Virginia 23261, effective June 22, 1976.

Approval No. 160.064/1149/0, adult, Model No. 2232454–552, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 15, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, for Crawford Manufacturing Company, Third and Decatur Streets, Richmond, Virginia 23261, effective June 22, 1976.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/294/0, safety valve Type 1905; L orifice; carbon steel spring; body and bonnet material specification ASTM A–216, Grade WCB; 3" inlet and 4" outlet 150 lbs. ANSI flanges, maximum temperature 450° F., maximum pressure 235 p.s.i.g., manufactured by DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective June 24, 1976.

Approval No. 162.001/295/0, safety valve Type 1905; P orifice; carbon steel spring; body and bonnet material specification ASTM A–216, Grade WCB; 3" inlet and 4" outlet 150 lb. ANSI flanges, maximum temperature 450° F., maximum pressure 235 p.s.i.g., manufactured by DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective June 24, 1976.

FLAME ARRESTERS FOR TANK VESSELS.

Approval No. 162.016/30/2, Oceco Type E21B flame arrester, cast iron body, fixed bank assembly, aluminum arrester plates, bolted end covers, approved for sizes 3", 4", 6", 8", and 10", formerly with extensible bank assembly, dwg. No. HOC–195–A, manufactured by The Johnston & Jennsings Company, 4700 West Division Street, Chicago, Illinois 60651, effective June 17, 1976. (It is an extension of Approval No. 162.016/30/2 dated May 19, 1971.)

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/63/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all brass construction, dwg. B–4584–0, dated May 24, 1961, revised May 17, 1976 and B–4585–0, revised May 18, 1976, approved for size 2½", body material—ASTM B–584 Alloy #836, manufactured by Morrison Brothers Company, Dubuque, Iowa 52001, effective June 17, 1976. (It is an extension of Approval No. 162.017/63/0 dated June 25, 1971.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/169/1, Model 980033 backfire flame arrester, "Lyfanite" finished aluminum body and elements, 5 1/16" dlameter base, surface finish has been changed from anodized gold to "Lyfanite", base height raised from 0.69 in. to 0.82 in., manufactured by Outboard Marine Corporation, 3145 Central Avenue, Waukegan, Illinois 60085, effective June 8, 1976. (It supersedes Approval No. 162.041/169/0 dated March 8, 1974.)

Dated: August 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–25727 Filed 9–1–76;8:45 am]

[CGD 76 163]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 13, 1976 to June 8, 1976 (List No. 15–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/89/0, Type W–70–P lifeboat winch; approval limited to mechanical components only, and for a maximum working load of 7,000 pounds pull at the drums (3,500 pounds per fall); identified by general arrangement drawing No. WA–9089, Rev. A dated May 17, 1966, and drawing list dated October 4, 1966, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective June 1, 1976. (It is an extension of Approval No. 160.015/89/0 dated August 24, 1971.)

Approval No. 160.015/90/0, Type CW–14 lifeboat winch, approval is limited to mechanical components only, and for a

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maximum working load of 12,500 pounds pull at the drums (6,250 pounds per fall), identified by general arrangement drawing No. WA–9114, Rev. A dated July 22, 1966, or No. WA–9115, Rev. A dated July 25, 1966, and drawing list dated September 23, 1966, galvanic protection of aluminum gear case requires assembly with stainless steel bolts, nuts, washers, and threaded inserts, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective June 1, 1976. (It is an extension of Approval No. 160.015 90 0 dated August 23, 1971.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/15/0, Sea Anchor Model No. 929, U.S.C.G. drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944 and Company drawing dated August 10, 1971, made with a nylon, vinyl coated fabric conforming to MIL–C–20696, Type II, Class 2, yellow, webbing is 2" polypropylene, ultraviolet unhibited conforming to U.S.C.G. Specifications 160.002, 160.047, 160.052 and 160.060, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91606, effective June 1, 1976. (It is an extension of Approval No. 160.019/15/0 dated August 25, 1971.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/169/0, gravity davit, Type LG–13–2G, approved for a maximum working load of 13,000 pounds per set (6,500 pounds per arm) using 2-part falls; identified by general arrangement dwg. DA–9080, Rev. A dated July 20, 1966, and drawing list dated September 21, 1966, limited to installation with A-frame inboard connection, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective June 1, 1976. (It is an extension of Approval No. 160.032/169/0 dated August 23, 1971.)

Approval No. 160.032/172/0, gravity davit, Type LG–125–1G, approved for a maximum working load of 12,500 pounds per set (6,250 pounds per arm) using 1-part falls; identified by general arrangement dwg. DA–9099, Rev. B dated August 2, 1966, and drawing list dated September 23, 1966, limited to installations with A-frame inboard connection, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective June 1, 1976. (It is an extension of Approval No. 160.032/172/0 dated August 23, 1971.

LIFEBOATS

Approval No. 160.035/484/0, 27.89' x 9.74' x 4.07' fibrous glass reinforced plastic (FRP), totally enclosed motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 58-person capacity, identified by general arrangement and instruction plan 8.5EL–1, issue 2, dated March 16, 1976, and 8.5 meter (28 ft.) enclosed lifeboat approved drawing list dated May 27, 1976, 46 CFR 160.035–13 (c) Marking, Weights: Condition "A"= 8,700 pounds; Condition "B"=20,045 pounds, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective June 4, 1976.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/94/0, 30-inch, coated unicellular plastic foam ring life buoy, manufactured in accordance with U.S.C.G. Specification Subpart 160.050, Massalite Company drawing dated February 20, 1976, dimension and specification of Massalite Company 30-inch ring life buoy dated February 20, 1976, procedure covering production dated February 20, 1976, bill of materials dated February 20, 1976 and description of essential materials dated February 20, 1976, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illincis 60093, for Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective June 3, 1976.

Approval No. 160.050/95/0, 24-inch unicellular plastic foam ring lifebuoy, manufactured in accordance with U.S. C.G. Specification Subpart 160.505, Massalite Company drawing, dimensions and specifications of 24-inch buoy, procedure covering production, bill of materials and description of essential materials, all dated February 20, 1976, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, for American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective June 3, 1976.

Approval No. 160.050/96/0, 30-inch unicellular plastic form ring life buoy, manufactured in accordance with U.S. C.G. Specification Subpart 160.050, Massalite Company drawing, dimensions and specifications of 30-inch ring buoy, procedure covering production, bill of materials and description of essential materials, all dated February 20, 1976, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, for American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective June 3, 1976.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/35/0, adult, Model No. IWV–220, cloth covered unicellular plastic foam work vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.053, Stearns Drawing No. IWV–220 dated February 20, 1976, bill of materials dated April 28, 1976 and Coast Guard letters, file No. 5946/160.053/gen dated March 18, 1975 and file No. 5946/160.053/35 dated June 9, 1976, Type V PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective June 8, 1976.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/102/0, adult, nonstandard cloth covered unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055, Coast Guard letters, file No. 5946/160.055/102, dated February 12, 1974, July 14, 1975 and June 7, 1976, Maravia drawing numbers 40–1025 (sheets 1 thru 7), TD–006, TD–007, TD–008, TD–009, TD–011 and TD–015, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Maravia Corporation, 857 Thornton Street, San Leandro, California 94577, effective June 3, 1976. (It supersedes Approval No. 160.055/102/0 dated December 2, 1975 to show minor modification to construction.)

Approval No. 160.055/107/0, child, nonstandard cloth covered unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055, Coast Guard letter file No. 5946/160.055/107 dated June 7, 1976, Maravia drawing numbers 40–1035 (sheets 1 thru 5), TD–017, TD–019, TD–018 and TD–025, Type V PFD, approved only for use by persons weighing 50 to 90 pounds when engaged in commercial white water service within the U.S.A., manufactured by Maravia Corporation, 857 Thornton Street, San Leandro, California 92577, effective June 3, 1976.

Approval No. 160.055/111/0, adult, Model No. 8150, vinyl dipped unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055 and drawing No. 8150/3/76 (2 sheets), Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective May 25, 1976.

Approval No. 160.055/112/0, child, Model 8151, vinyl dipped unicellular plastic foam life preserver, manufactured in accordance with U.S.C.G. Specification Subpart 160.055 and drawing No. 8151/3/76 (2 sheets), Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective May 25, 1976.

MARINE BUOYANT DEVICE

Approval No. 160.064/732/0, child small, Model No. 6632, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective May 21, 1976. (It supersedes Approval No. 160.064/732/0 dated March 31, 1976 to show correct PFD type.)

Approval No. 160.064/1086/0, adult, Model No. CBVS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, factory location: 912 N. Beverly Drive, Wichita Falls, Texas 76307, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective May 25, 1976.

Approval No. 160.064/1087/0, adult, Model No. CBVM, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, factory location: 912 N. Beverly Drive, Wichita Falls, Texas 76307, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective May 25, 1976.

Approval No. 160.064/1088/0, adult, Model No. CBVL, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, factory location: 912 N. Beverly Drive, Wichita Falls, Texas 76307, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective May 25, 1976.

Approval No. 160.064/1089/0, adult, Model No. CBVXL, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 3, factory location: 912 N. Beverly Drive, Wichita Falls, Texas 76307, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective May 25, 1976.

Approval No. 160.064/1091/0, adult, Model No. CBVXXL, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 3, factory location: 912 N. Beverly Drive, Wichita Falls, Texas 76307, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective May 25, 1976.

FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/3/2, Automatic Lite Company, Save-U-Lite, Model WL001 floating electric water light with mounting bracket, manufactured by Automatic Lite Company, 900 N. Iris Avenue, Baltimore, Maryland 21205, effective May 25, 1976. (It supersedes Approval No. 161.010/3/1 dated March 18, 1975 to show revision.)

Approval No. 161.010/5/1, Model S1307 Seastar Distress Marker, floating electric water light, manufactured by Soderberg Manufacturing Company, Inc., 20821 Currier Road, Walnut, California 91789, effective May 26, 1976. (It supersedes Approval No. 161.010/5/0 dated November 4, 1974 to show revision.)

HALON 1301 FIXED FIRE EXTINGUISHING SYSTEM

Approval No. 162.029/7/0, Halex 1301 Model 8.5, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Automatic Sprinkler Corporation of America, Division of A–T–O Inc., 1000 East Edgerton Road, Cleveland, Ohio 44174, formerly Norris Industries, effective May 13, 1976. (It supersedes Approval No. 162.029/7/0 dated October 20, 1975 to show change of name and address of manufacturer.)

Approval No. 162.029/8/0, Halex 1301 Model 17, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Automatic Sprinkler Corporation of America, Division of A–T–O Inc., 1000 East Edgerton Road, Cleveland, Ohio 44147, formerly Norris Industries, effective May 13, 1976. (It supersedes Approval No. 162.029/8/0 dated October 20, 1975 to show change of name and address of manufacturer.)

Approval No. 162.029/9/0, Halex 1301 Model 25, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Automatic Sprinkler Corporation of America, Division of A–T–O Inc., 1000 East Edgerton Road, Cleveland, Ohio 44147, formerly Norris Industries, effective May 13, 1976. (It supersedes Approval No. 162.029/9/0 dated October 20, 1975 to show change of name and address of manufacturer.)

Approval No. 162.029/10/0, Halex 1301 Model 33, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Automatic Sprinkler Corporation of America, Division of A–T–O Inc., 1000 East Edgerton Road, Cleveland, Ohio 44147, formerly Norris Industries, effective May 13, 1976. (It supersedes Approval No. 162.029/10/0 dated October 20, 1975 to show change of name and address of manufacturer.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/40/0, "Thermafiber Felt" mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report FR 3812 dated July 12, 1972, approved without any other insulating material to meet Class A–60 requirements in a 3 inch thickness with a density of 7 pounds per cubic foot, and a 4 inch thickness with a density of 6 pounds per cubic foot, plant locations; Corsicana, Texas; South Plainfield, New Jersey; Torrance, California; Wabash, Indiana; Tacoma, Washington; Birmingham, Alabama, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, effective May 27, 1976. (It supersedes Approval No. 164.007/40/0 dated April 11, 1976 to show minor change.)

Dated: August 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–25728 Filed 9–1–76;8:45 am]

Federal Aviation Administration

AIRCRAFT SEPARATION ASSURANCE PROGRAM

The purpose of this notice is to announce a Consultative Planning Conference on the FAA Aircraft Separation Assurance Program. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that this two-day conference will commence at 9:00 a.m. on September 27, 1976, in conference room 2230, DOT Headquarters Building, 400 7th Street, SW., Washington, D.C. 20590.

The meeting will be open to the public and persons who wish to present views on the topics to be discussed may do so by submitting their views in writing to:

Associate Administrator for Policy Development and Review (Acting), Attention: ASP–10, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

In addition, persons who wish to attend the meeting may submit their written views at that time or following the meeting not later than a date which will be given at the meeting.

The FAA Aircraft Separation Assurance Program is a broad exploratory and development program involving many aspects which are of interest to most persons and organizations in the aviation community and the general public. Some of these aspects may have a substantial economic impact on those in aviation and/or the general taxpayer. The main purpose of this conference is to present to and to solicit comments from the aviation community and the general public on what the FAA is doing, considering, developing, and exploring to increase separation assurance.

TOPICS: The following topics will be discussed as they pertain to the Aircraft Separation Assurance Program:

1. Procedural Improvements
2. Regulatory Changes
3. Hardware Systems
4. Planning Standards
5. Systems Improvements

F. A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

AUGUST 25, 1976.

[FR Doc.76–25822 Filed 9–1–76;8:45 am]

V 41 172 SEP 2 76 UMI

National Highway Traffic Safety Administration

JEEP CORP. ET AL.

Denials of Petitions To Commence Rulemaking

This notice sets forth the reasons for denial of three petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of section 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with section 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (section 124(d)).

Jeep Corporation (March 9, 1976). Petition to amend Standard No. 301–75, *Fuel System Integrity*, to permit the removal of "work-performing accessories" before performing compliance testing pursuant to the standard. Jeep's petition was denied because such an amendment would violate section 108 of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (15 U.S.C. 1392 note), which directed that the fuel system integrity standard take effect in the form in which it has been most recently published.

Truck Safety Equipment Institute (TSEI) (May 1, 1976). Petition to amend Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to raise the maximum permissible candlepower output limitation for rear-mounted single compartment lighting devices. TSEI's petition was denied because the existing limit represents the maximum desirable in terms of ocular comfort, and any higher value limit would create driver distraction from glare, with resulting annoyance or danger.

Society of the Plastics Industry (November 19, 1975). Petition to amend Standard No. 205, *Glazing Materials*, to permit the use of the DOT symbol and code number by glazing fabricators in satisfaction of their responsibility to certify compliance. The Society's petition was denied because the NHTSA has experienced no difficulty in distinguishing the manufacturer's from the fabricator's certification and marking responsibilities and could not justify amendment of the standard.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106 Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 27, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.76–25729 Filed 9–1–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76–8–151; Dockets 29716, 22859, 26838]

ALASKA AIRLINES, INC.

General Increase in Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of August, 1976.

By tariff revisions[1] marked to become effective September 1, 1976, Alaska Airlines, Inc. (Alaska) proposes to increase all States-Alaska and most intra-Alaska[2] bulk general and specific commodity rates by approximately 10 percent. The minimum charge per shipment is not increased. Corresponding priority general and specific commodity rates are increased by an equal percentage, while certain specific commodity rates are being canceled.

In support of its proposal, Alaska asserts, inter alia, that it is attempting through this rate increase to recover substantial cost increases and to compensate for deficient rate levels; that it estimates the revenue impact of this increase at $481,000 annually; and that without this rate increase it will suffer an estimated freight operating loss of over $153,000 during the forecast year ending September 1977. Further revenue will be generated through cancellation of specific commodity rates in selected markets because, Alaska contends, there is no empty capacity in these markets, the rates do not generate additional traffic, and therefore they only serve to dilute existing revenue. Alaska estimates that its return on investment (ROI) for freight operations, even with the proposed increase, would only be about 6.1 percent, based on the year ended March 31, 1976, substantially below that considered adequate by the Board.

Based upon Alaska's reported financial results for the year ended June 1976, reconstructed to include a full year's effect of both the proposed freight rate increase and the freight rate increase permitted to go into effect on March 1, 1976, and a cost-inflation factor, the carrier's regulatory ROI (before subsidy) would be about 8.2 percent, significantly below the 12.35 percent found by the Board to be reasonable for local service carriers.

The proposed standard service rates between Seattle/Tacoma and Anchorage, Fairbanks, Juneau, and Ketchikan are already under the scope of the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, and the proposed priority rates and charges come within the scope of the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. Upon consideration of all relevant factors, the Board finds that the proposal to increase bulk general commodity rates and charges as they relate to certain exception-rated traffic, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Furthermore, the Board concludes that the aforementioned increases as they relate to exception-rated traffic should be suspended pending investigation.

Alaska currently has effective exception ratings to the general commodity rates of 200 percent applicable on boats, human remains, and uncrated self-propelled vehicles. In the lower 48 States, most carriers do not publish premium ratings on boats or other vehicles, and the few carriers that do, generally publish lower ratings than Alaska. The other carriers' premiums on human remains are also lower. The high premiums charged by Alaska have not been justified and consequently the increased rates will be suspended.[3] This action is consistent with the Board's suspension of similar increases recently proposed by Wien Air Alaska, Inc., Order 76–7–124, July 30, 1976.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A hereto, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including November 29, 1976, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 29716 be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Alaska Airlines, Inc., which is hereby made a party to Docket 29716.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C A.B. No. 169.

[2] Rates between points served under contract by air taxi operators are not increased.

[3] If Alaska can demonstrate that there are considerations peculiar to Alaskan operations which can justify such premiums, the carrier is, of course, free to refile.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A—TARIFF C.A.B. No. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

All increased rates, charges and provisions applicable thereto on the following pages (except from and to points in Canada) insofar as they would be used in determination of rates and minimum charges in conjunction with exception ratings to General Commodity rates in Item Nos. 300, 340 and 400 on behalf of "AS".

17th Revised Page 178
19th Revised Page 179
17th Revised Page 181
17th Revised Page 182
20th Revised Page 183
20th Revised Page 184
16th and 17th Revised Pages 185
16th and 17th Revised Pages 188
13th Revised Page 187

[FR Doc.76–25768 Filed 9–1–76;8:45 am]

[Order 76–8–149; Docket 29539]

DAVIS AGENCY, INC.

Stand-by and "Early Bird Special" Charter Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of August, 1976.

By complaint received July 23, 1976, Pan American World Airways, Inc. (Pan American) requests suspension and investigation of certain stand-by and "Early Bird Special" fares presently in effect[1] offered by Davis Agency, Inc. (Davis), an indirect air carrier operating overseas military personnel charters under Part 372 of the Board's special regulations.[2]

In support of its request, Pan American contends that both Davis' "Early Bird Special" fare, with its 166-pound baggage allowance,[3] and its stand-by-fare, discounted up to 40 percent from scheduled-service military fares, will divert traffic from Pan American and other scheduled service carriers. Pan American claims the passenger transporting 166 pounds of baggage would receive an unjustified 50 percent discount on excess-baggage charges[4] since, while the Davis "Early Bird" fare exceeds the regular fare by $50, regular-fare passengers would normally pay $100 in excess-baggage charges for an equivalent amount of baggage.

Pan American challenges Davis' contention that the 166-pound baggage allowance is justified by the required advance reservation and two-hour advance check-in provisions, which Davis alleges will avoid the weight and balance problems it presently encounters. The advance check-in requirement is not significant, Pan American contends, since late check-ins do not present any significant problem and, in any event, weight and balance calculations cannot be finalized until all passengers have checked in. Furthermore, in light of Davis' statement that its transatlantic flights frequently "weight-out," Pan American contends that the offering of a 166-pound free-baggage allowance to some but not all passengers is unjustly discriminatory and will aggravate the tendency for flights to "weight-out"; that the off-airport ticket-purchase requirement increases the chances that an agent's fee will be paid and shifts Davis' own ticketing costs; and that the excess-baggage allowance is an attempt by Davis to unlawfully and explicitly cater to travelers moving at government expense on permanent change-of-station orders.

Pan American alleges that Davis' separate stand-by fares are unlawful since they hold out to the public a type of service which might not be readily available due to Davis' characteristically high load factors; that Davis does not operate nearly the number of flights it advertises, thereby increasing the chances of stranding stand-by passengers for long periods or of forcing them to pay higher fares; and that if Davis seeks to provide extra capacity to increase chances of accommodating stand-by traffic, its costs will also increase and its overall load factor will decline.

In its answer, Davis opposes the complaint in general and requests its dismissal on procedural and substantive grounds. Davis regards the complaint as inexplicable, since it produces business worth millions for Pan American which presently is Davis' largest supplier of charter aircraft, and suggests that the complaint is one more element in Pan American's historical opposition to military charters. In addition, Davis contends that the special fares are economic; and that Pan American has demonstrated no injury to itself or the public interest from the fares. Procedurally, the complaint is deficient, Davis contends, since the carrier demonstrates no reasons sufficient to warrant the Board's consideration of an untimely request dealing with existing tariff provisions.

Specifically, Davis argues that the "Early Bird Special" fare is not diversionary since that fare, in effect, charges the passenger 50 cents per pound for 100 pounds of "excess baggage," a rate which is higher than its former excess-baggage charge of $5 per piece. Thus, any diversion would have already occurred under its old per-piece rate. The fare is allegedly not unjustly discriminatory since it is open to all eligible users of military charters; the difference in baggage allowances is similar to that existing in first- and economy-class scheduled service; and the fare is sold subject to substantially different conditions from those applying to other military charter fares. Concerning Pan American's allegation on permanent change-of-station travel, Davis states that it operates lawfully and allegations to the contrary should be directed to the proper forum. Finally, Davis maintains that the stand-by fares are not misleading since during the first six months of 1976, it opened 285 flights, six more than actually advertised, with 3,507 empty seats. Thus, seats for stand-by travel are available.

Upon consideration of the complaint, the answer thereto, and other relevant matters, the Board has determined to dismiss Pan American's complaint and deny the relief requested.

Pan American's principal thrust appears to be that the special fares will unduly divert traffic from its own scheduled service and that of other carriers. However, the carrier has presented no data indicating substantial harm to it arising from the fares. Furthermore, overseas military personnel charters are not available to the general public, but rather are available only to a limited class of travelers in recognition of special national interest considerations, and have been of restricted availability for some time. Absent a showing to the contrary, which has not been made by the complainant, it is reasonable to assume that much of the eligible traffic is presently moving on such charters and that opportunities for further diversion from scheduled services are extremely limited.

Additionally, the terms and level of the special fares do not appear unreasonable. While the "Early Bird Special" fare carries a baggage allowance of 166 pounds, the fare exceeds the regular charter price of $50, and the passenger must conform to certain conditions. Before implementation of this fare and the recently imposed excess-baggage charge of $1 per pound, passengers wishing to travel with similar quantities of baggage had to pay merely $5 for each piece of excess baggage regardless of its weight. Thus, using this fare, the passenger pays more for his baggage than before, and the early check-in procedures appear to be an attempt to minimize disruption by large quantities of baggage being presented for check-in at the last minute.

The stand-by fares are reasonably discounted at 11.4 to 20.1 percent from the regular charter fares. We would expect

[1] Pan American contends its complaint is timely filed with respect to two minor amendments to two pages in Davis' tariff, claims it was "unaware" of the original tariff amendments establishing the special fares, and requests suspension and investigation pursuant to section 1002(j)(2) of the Federal Aviation Act and Rule 505 of the Board's rules of practice.

[2] See Appendix, filed as part of the original documents, for details of the special charter fares and a comparison of these fares with other Part 372 fares offered by Davis.

[3] Pan American also states it was unable to locate the 166-pound allowance in Davis' tariff and that, therefore, that provision violates section 403 of the Act. However, this allowance is clearly set forth in the tariff. See Davis Agency, Inc., Overseas Military Personnel Charter Tariff, C.A.B. No. 1, 3rd and 4th Revised Pages 13–C and 4th and 5th Revised Page 13–D.

[4] For fares other than the "Early Bird Special," Davis' present tariffs provide a maximum free-baggage allowance of 66 pounds, subject to dimensional restraints, and an excess-baggage charge of $1 per round applicable to all fares.

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that the typically high load factors associated with charter operations will limit their use; however, it would appear that there will be opportunity for accommodation of some passengers moving on this fare. Finally, we are not persuaded that the conditions under which the fare is offered are misleading, since they are clearly stated in the effective tariff.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: The complaint of Pan American Airlines, Inc., in Docket 29539 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25767 Filed 9-1-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

Amending Import Levels

AUGUST 27, 1976.

On December 24, 1975, there was published in the FEDERAL REGISTER (40 FR 59475) a letter dated December 19, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, which establish specific export limitations on certain cotton and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on January 1, 1976. A correction of certain of the levels of restraint in the letter of December 19, 1975 was published in the FEDERAL REGISTER on January 5, 1976 (41 FR 814).

As set forth in the letter of December 19, 1975, the levels of restraint are subject to adjustment pursuant to paragraph 8(a)(ii) of the bilateral agreement which provides that specific levels of restraint may exceed current-year limits by up to 6 percent, with the amount of the adjustment being deducted from the applicable level of the succeeding agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of August 27, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 45/46/47, 50/51 and 60 for the twelve-month period which began on January 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
AUGUST 27, 1976.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: On December 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on September 3, 1976, the levels of restraint established for Categories 45/46/47, 50/51 and 60 to the following:

Category:		*Amended 12-mo. level of restraint*[2]
45/46/47	SYE	15,168,140
50/51	doz.	776,864
60	doz.	48,025

[2] The levels have not been adjusted to reflect any entries made after December 31, 1975.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-25712 Filed 9-1-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems.

MAN-MADE FIBER TEXTILE PRODUCTS FROM MEXICO

Adjusting Import Level

AUGUST 27, 1976.

On May 3, 1976, there was published in the FEDERAL REGISTER (41 FR 18343) a letter dated April 28, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, which establish specific export limitations on certain categories for the agreement year which began on May 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment.

Paragraph 7(a)(ii) of the bilateral agreement provides that carryforward up to 6 percent may be applied to current-year levels of categories subject to specific ceilings and charged against the applicable level of the category in the succeeding agreement year. Such an increase, amounting to 19,062 dozen, was granted for man-made fiber textile products in Category 235 during the agreement year which began on May 1, 1975 (See 40 FR 14429). The purpose of this notice is to advise that that amount is being deducted from the level of restraint of 320,217 dozen established for Category 235 for the agreement year which began on May 1, 1976.

Accordingly, there is published below a letter of August 27, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements directing that entry into the United States for consumption in Category 235 be limited to 301,155 dozen during the twelve-month period which began on May 1, 1976 and extends through April 30, 1977.

Effective date: September 2, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
August 27, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on April 28, 1976, which directed you to prohibit entry during the twelve-month period beginning on May 1, 1976 and extending through April 30, 1977, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Mexico, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on September 2, 1976, the level of restraint established for Category 235 to 301,155 dozen.

The actions taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-25710 Filed 9-1-76;8:45 am]

COTTON TEXTILE PRODUCTS FROM MALAYSIA

Adjusting Import Levels

AUGUST 27, 1976.

On December 31, 1975, there was published in the FEDERAL REGISTER (40 FR 60108) a letter dated December 22, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, which establish specific export limitations on certain cotton and man-made fiber textile products, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 7 which provide, respectively, that within the aggregate and applicable group limits, specific levels of restraint in Group II (Categories 39–63 and 214–240) may be exceeded by 7 percent and that categories having specific levels of restraint may be adjusted for carryover from the previous agreement year up to a designated percentage.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of August 27, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 45/46/47 for the twelve-month period which began on January 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
August 27, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER: On December 22, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 2, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to amend the level of restraint established for Category 45/46/47 to 5,302,920 square yards equivalent.[2]

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-25711 Filed 9-1-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

[2] The level of restraint has not been adjusted to reflect any entries made after December 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20682]

CHANGES IN THE ENTERTAINMENT FORMATS OF BROADCAST STATIONS

Development of Policy; Correction

In the Memorandum opinion and order (41 FR 35020) in the above-entitled proceeding, FCC 76-744, Mimeo No. 41942; released July 30, 1976, the following party should appear as having timely filed comments: Citizens Committee To Save WEFM.

Released: August 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25772 Filed 9-1-76;8:45 am]

PURAC TASK AREA GROUP ON TECHNICAL STANDARDS

Meeting

In preparation for the next meeting of the Personal Use Radio Advisory Committee (PURAC), the PURAC Task Area group investigating technical standards will meet October 12, 1976 at 9 a.m. in Room 8210 of the Commission's offices at 2025 "M" Street, N.W., Washington, D.C. 20554 to discuss its progress in formulating a report for presentation to the full PURAC. The agenda for this meeting will be as follows:

I. Opening Remarks of the Task Coordinator.

II. Task Area Progress Report and Discussion.

III. Adjournment.

This meeting is open to the public. Individuals wishing to make oral or written presentations should contact the Task Area Coordinator, Mr. Lee Bergren, Midland Engineering, 5460 Buena Vista Drive, Mission, Kansas 66205, prior to the meeting.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25771 Filed 9-1-76;8:45 am]

V41-172 SEP 2 76 UMI

[Docket No. 20418; RM-2346, RM-2727] [1]

NEW VHF STATIONS; TELEVISION TABLE OF ASSIGNMENTS

Order Extending Time To Respond to Supplemental Comments

In the matter of petition for rule making to amend Television Table of Assignments to add New VHF Stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming.

1. This proceeding was begun in order to consider the arguments relating to the making of additional VHF television channel assignments to various communities. The premise of those supporting such assignments is that the considerable need for the service is such that even though it would not be possible to achieve complete compliance with the Commission's engineering standards employed in making television assignments, the assignments nontheless should be made. The channel proposals suggested for consideration are those set forth in OTP Reports of October 1973 and May 1974.

2. The Group for the Advancement of Television Service ("GATS") filed timely comments in this proceeding in which it urged the assignment of Channel 8 to Johnstown. This channel proposal was not included in OTP's Reports and would create a short-spacing to the existing Channel 8 operation at Lancaster, Pennsylvania. Some months later, after the deadline for filing comments had passed, GATS filed its Petition for Acceptance of Supplemental Comments. The supplemental comments consisted for engineering data in support of the channel proposal which had been made earlier. GATS did not serve a copy of this petition on WGAL Television, Inc., licensee of Channel 8 at Lancaster, which became aware of it only in connection with its efforts to prepare a response to another petition filed by GATS. That petition, RM-2727, also proposed the Channel 8 assignment at Johnstown. WGAL Television has sought an extension of time to September 27, 1976, to respond to the GATS filing in this proceeding and a like extension to respond to its separate petition for rule making.

3. In effect, the Commission has two requests before it. One involves acceptance of GATS' supplemental filing and the other, WGAL Television's request for extension. Although there is some basis for refusing to accept the late-filed supplement by GATS, we do not believe that this result would serve any useful purpose, especially since the issue of the possible assignment to Johnstown was raised in a timely fashion. Except for Johnstown, no additional assignment has been mentioned in any of the other filings in this proceeding. Since the issue of a Johnstown assignment was raised timely and only this proposal falls into this category, inclusion of the proposal need not disrupt the resolution of the issues in this proceeding. We believe it preferable to grant GATS' petition so that its supplemental comments can be accepted and to include its separate petition for rule making as well. Thus, the issue of a Johnstown channel assignment would not have to be divided between this proceeding and another proceeding dealing with its separate petition for rule making. Fairness, of course, requires that WGAL Television have an opportunity to respond to the GATS filing, and its extension request will be granted. Thus, with the grant of this extension, WGAL Television and any other interested party will have until September 27, 1976, to respond to the proposal to assign Channel 8 to Johnstown. The need to bring the issues in this proceeding to a prompt resolution preclude grant of further extensions of time. However, because of the substantial extension now being granted, this should not pose a problem.

4. Therefore, *it is ordered*, That the subject petitions for acceptance of supplemental comments and for extensions of time are granted and that the petition for rule making to assign Channel 8 to Johnstown is incorporated in this proceeding and the caption changed accordingly.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 25, 1976.

Released: August 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-25770 Filed 9-1-76;8:45 am]

[1] RM-2727, a petition for rule making to assign Channel 8 to Johnstown, Pennsylvania, has been added to this proceeding; see discussion below.

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act. 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Agreement No. T-2270-2, between the Port of Oakland (Port) and Sea-Land Service, Inc., (Sea-Land) modifies the parties' basic agreement providing for Sea-Land's lease of certain premises for general offices and a truck and rail terminal. The purpose of the modification is two-fold: (1) It reduces the size of Parcel Two of the premises from 102,923 square feet to 96,959 square feet; and (2) increases the monthly rentals for all of the parcels covered by the agreement as follows (a) Parcels One and Two from $2,913.72 to $4,754.52; (b) Parcel Three from $1,946.77 (or $1,828.45 if a railroad track easement is deleted) to $2,190.12 (or $2,057.52 if a railroad track easement is deleted); and (c) the truck and rail terminal from $8,367.00 to $13,302.46.

Dated: August 30, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25781 Filed 9-1-76;8:45 am]

UNI-WORLD FORWARDING SERVICES ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Uni-World Forwarding Services (Vicente Perez, dba), 340 Taylor Avenue, Bronx, NY 10473.

Sea Cargo, Inc., 777 E. Camelback Road, Suite 101, Phoenix, Arizona 85018.
Officers: Edward M. Schmitt, President; Kathleen M. Relyea, Vice President; Walter M. Schmitt, Sec./Treas.

New England Household International, Division of New England Household Moving & Storage, Inc., P.O. Box 1062, Framingham, MA 01701.
Officers: John P. Kelly, Pres./Treas.; Robert W. Kelly, Vice President; M. Alice Gillis, Asst. Vice President; Barbara M. Kelly, Asst. Treas./Asst. Secretary; Charles A. Goglia; Secretary.

Kamino International Transport, Inc., 613 Hindry Avenue, Inglewood, CA 90301.
Officers: Klaus G. Kretschmer, President; Paul S. Cohen, Vice President.

American Disc Ltd. (Paul Cavazos, dba), 9019 Neenah, Morton Grove, IL 60053.

Triple "B" Packers (L.A. Bellveau, dba), 1306 E. Imperial Avenue, El Segundo, CA 90245.

McCann Shipping Company (Nadya Mc Cann, dba), 149 California Street, San Francisco, CA 94111.

Dated: August 30, 1976.

By the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-25782 Filed 9-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-533]

CENTRAL VERMONT PUBLIC SERVICE CO.

Certification of Proposed Settlement

AUGUST 27, 1976.

Take notice that on August 11, 1976, the Presiding Administrative Law Judge Allen C. Lande certified a Settlement Agreement dated June 25, 1976 in the above-captioned docket. Judge Lande set September 10, 1976 as the date by which comments be filed with the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25750 Filed 9-1-76;8:45 am]

[Docket No. RP72-142 (PGA76-5a)]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 27, 1976.

Take notice that on August 11, 1976, Cities Service Gas Company (Cities Service) tendered for filing Fifteenth Revised Sheet PGA-1, issued July 27, 1976, which reflects thereon a current adjustment of 3.79¢ per Mcf and a cumulative adjustment of 8.02¢ per Mcf, to be effective on July 23, 1976.

Cities Service states that this filing is in conformance with Ordering Paragraph (E) of the Commission's July 22, 1976, order in the above-cited dockets and with Opinions 742-A and 770. Cities Service further states that the above-referred to tariff sheet will be effective for only one day, namely July 23, 1976, after which Alternate Fifteenth Revised Sheet PGA-1 reflecting a current adjustment of 3.92¢ per Mcf and cumulative adjustment of 8.15¢ per Mcf will be effective on July 24, 1976, after suspension, as provided by the Commission's July 22, 1976, order. According to Cities Service, of the 8.15¢ per Mcf cumulative adjustment, 0.13¢ per Mcf is being collected subject to possible refund as of July 27, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25752 Filed 9-1-76;8:45 am]

[Docket No. G-294, et al.]

COLORADO INTERSTATE GAS CO.

Correction

AUGUST 24, 1976.

In the matter of Colorado Interstate Gas Co., formerly Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, in a Notice of Redesignation issued January 29, 1976 (41 FR 5670, February 9, 1976), make the following corrections:

Caption: Add "et al." after "G-294."

Appendix: Add "CP76-177 Pending, CP76-178 Pending, CP76-204 Pending, RP72-122 Pending."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25746 Filed 9-1-76;8:45 am]

[Project No. 400]

COLORADO-UTE ELECTRIC ASSOCIATION, INC., ET AL.

License Application

AUGUST 27, 1976.

Notice is hereby given that an application was filed on June 29, 1976, under Section 15 of the Act, 16 U.S.C. § 808, by the Colorado-Ute Electric Association, Inc.; the San Miguel Power Association, Inc.; and the La Plata Electric Association, Inc. (Joint Applicants) (Correspondence to: Mr. John J. Burgas, President and Mr. Girts Krumins, General Counsel, Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401; Mr. Hugh E. Chastain, Manager, La Plata Electric Association, Inc., Box 180, Durango, Colorado 81301; Mr. Frank E. Maynes, Esq., Attorney at Law, P.O. Box 3420, Durango, Colorado 81301; Mr. Eugene McLeod, Manager, San Miguel Electric Association, Inc., P.O. Box 128, Nucla, Colorado 81424; Mr. Robert R. Wilson, Esq. Attorney at Law, 200 West Main, Cortez, Colorado 81321) for a new major license for the Tacoma-Ames Project No. 400 located in the counties of La Plata, San Juan, and San Miguel, Colorado, in the vicinity of the communities of Montrose, Durango, Ridgway, Ouray, Silverton, and Telluride, Colorado, on the Animas River and on the Lake Fork and Howard's Fork of the San Miguel River. The project affects lands within the Uncompahgre and San Juan National Forests and other lands of the United States.

The project consists of two developments with a total total installed capacity of 11,600 kW. The Tacoma Development comprises a concrete diversion dam 15 feet high on Cascade Creek; a conduit about 20,000 feet long extending from Cascade Creek diversion dam to Little Cascade Creek; a diversion dam (Aspaas) on Little Cascade Creek; a short canal from Little Cascade Creek to Cascade Reservoir (Electra Lake); the Terminal dam located on Elbert Creek comprises a rock-filled log and timber dam 55 feet high and 725 feet long creating Cascade Reservoir with an area of 831 acres and a storage capacity of 22,550 acre-feet; two diversion dams just downstream from Terminal dam diverting water into a flume 8,800 feet long to a forebay; a forebay with an area of 5.3 acres and a storage capacity of 100 acre feet created by an earth and rock-fill dam 20 feet high and 100 feet long; two penstocks each about 2,900 feet long; and a powerhouse located on the Animas River containing three generating units aggregating 8,000 kilowatts, operating under a static head of 983 feet controlled by the Colorado-Ute Electric Association, Inc., and a 46-kV transmission line extending about 20 miles to Durango, Colorado; a 46-kV transmission line about 26 miles long extending to Silverton, Colorado, both from the Tacoma Development and controlled by the La Plata Electric Association, Inc.

The Ames Development comprises a diversion dam on Howard's Fork; a conduit 4,584 feet long and a penstock 2,187 feet long extending to the powerhouse; a stone masonary dam 192 feet long and 10 feet high located on Lake Fork creating Lake Hope with an area of 44 acres and a storage capacity of 2,310 acre feet; an outlet tunnel 971 feet long; an earth and rock-fill dam 37 feet high and 870 feet long located on Lake Fork downstream from Lake Hope, creating Trout Lake with an area of 142 acres and a storage capacity of 3,180 acre-feet; a conduit 12,653 feet long with a capacity of 50 cubic feet per second extending from the dam; a penstock 2,684 feet long; and a powerhouse located on the South Fork San Miguel River containing one generating unit, with a rated capacity of 3,600 kilowatts, directly connected to two water wheels, one operated by water from Lake Fork under a static head of 928 feet and the other from Howard's Fork under a static head of 648 feet, controlled by the Colorado-Ute Electric Association, Inc., and a 46-kV transmission line extending 9 miles to Burro Bridge and three short 12.5 kV lines controlled by the San Miguel Power Association, Inc.

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Project recreational features consist of boat launching facilities and private vacation cabins on Electra and Trout Lakes. Joint applicants propose to increase the public access and use of the recreation facilities by increasing public notice and providing additional parking, boat rental facilities, and picnicking facilities.

Joint applicants estimate that project net investment is $2,111,411 as of April 30, 1976, and that the project provides an estimated $25,000 in local property taxes annually. The original license for the project expired on June 30, 1970. The project is presently under annual license.

Any person desiring to be heard or to make protest with reference to said application should on or before November 8, 1976, file with the Federal Power Commission, Washington, D.C. 20246, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear to be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25743 Filed 9-1-76;8:45 am]

[Docket No. ER76-409]

EL PASO ELECTRIC CO.

Filing of Settlement Agreement

AUGUST 27, 1976.

Take notice that on August 16, 1976, El Paso Electric Company (El Paso) filed for Commission approval a proposed Stipulation and Agreement. South Texas states that the Agreement constitutes a complete negotiated settlement of all issues raised in the proceeding in the above-referenced docket.

El Paso also filed an August 16, 1976, proposed rate schedules which, according to El Paso, incorporates all provisions of the Agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 10, 1976. Comments will considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25753 Filed 9-1-76;8:45 am]

[Docket No. ER76-796]

IDAHO POWER CO.

Proposed Tariff

AUGUST 27, 1976.

Take notice that on July 20, 1976, Idaho Power Company tendered for filing a proposed tariff providing for sales for resale of non-firm energy. The proposed tariff is designated as:

Idaho Power Company FPC Electric Tariff, Original Volume No. 1, Original Sheets Nos. 1-4.

Idaho Power Company requests a September 1, 1976 effective date.

Idaho Power Company states that it has served copies of its filing on the Idaho Public Utilities Commission and the Public Utilities Commissioner of Oregon.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25744 Filed 9-1-76;8:45 am]

[Docket No. ER76-853]

ILLINOIS POWER CO.

Termination, Supplement No. 4 to IP Rate Schedule FPC No. 62

AUGUST 27, 1976.

Take notice that Illinois Power Company ("IP") on August 10, 1976 tendered for filing a notice of the termination of Appendix "E" dated May 17, 1973, to the Facility Use Agreement dated June 16, 1972, between Central Illinois Light Company ("CIL") and IP.

In compliance with Section 4 of Appendix "E", IP states that it notified CIL on July 15, 1974 of the proposed termination.

IP and the City of Springfield, Illinois entered into a Purchase Agreement to provide for the sale and conveyance by IP to the City of Springfield, Illinois of approximately 19.52 circuit miles of IP's 69 KV line No. 6609 from the east Springfield substation to a point two miles west of Illiopolis, Illinois. Since CIL's 34.5 KV conductors for its Riverton, Illinois circuit were attached to one side of IP's 69 KV transmission line in the vicinity of Riverton, Illinois, and since IP no longer owns these electrical facilities, Appendix "E" to the CIL-IP Facility Use Agreement has been terminated.

Any person desiring to be heard or to protest said Notice should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25745 Filed 9-1-76;8:45 am]

[Docket No. ER76-849]

ILLINOIS POWER CO.

Filing Modification No. 4 and Termination of Certain Connection Points

AUGUST 27, 1976.

Take notice that Illinois Power Company ("Illinois Power") on August 9, 1976, tendered for filing proposed Modification No. 4 to the Interconnection Agreement (Agreement) dated March 30, 1973, between Central Illinois Light Company and Illinois Power. The Commission has previously designated the March 30, 1973 Agreement as Illinois Power Rate Schedule FPC No. 63 and Central Illinois Light Company Rate Schedule FPC No. 14.

The parties state that Modification No. 4 provides for a proposed increase in the charges effective September 1, 1976, for Emergency Maintenance and Short-Term Non-Firm, and Firm Power transactions between Illinois Power and Central Illinois Light Company.

The parties also propose to modify Appendix A to the Agreement by the deletion of Connection 1-Tremont, effective September 1, 1976, and Connection 4-Springfield, effective July 23, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and

procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25754 Filed 9-1-76;8:45 am]

[Docket Nos. ER76-714, ER76-715, and ER76-716]

INDIANA & MICHIGAN ELECTRIC CO.

Minimum Billing

AUGUST 25, 1976.

On July 26, 1976, Richmond Power and Light of the City of Richmond, Indiana (Richmond), filed an application for rehearing of the Commission's order in the above-captioned docket issued on June 23, 1976. By that order, the Commission interalia denied Richmond's motion of June 17, 1976 for summary disposition of Indiana & Michigan's (I&M) minimum billing demand provision for partial requirements customers and its request for a declaratory order establishing the level of Richmond's contract capacity under the applicable tariff provision. For the reasons stated below, we shall deny rehearing as to the minimum billing demand provision, and grant rehearing for purposes of further consideration of Richmond's contract capacity level.

Richmond argues that the proposed minimum billing demand provision (which changes the demand determination from 60% of contract capacity for all wholesale customers to 100% of contract capacity for partial requirements customers and 60% of contract capacity for full requirements customers) is unjustified, discriminatory and excessively burdensome. Richmond contends that I&M has not offered in its filing any reasons or testimony to support the change, and has therefore not met the requirements of §§ 35.13(a) or 35.13(b)(5) of the Commission's Regulations.

While it appears that I&M has offered no testimony directly justifying this change, we cannot say that the filing as a whole, which has substantially complied with the Commission's Regulations, does not contain testimony or exhibits that indirectly support this particular provision. We believe that this is a proper subject to be decided upon a full evidentiary hearing and not on the basis of the pleadings. In these proceedings, the burden of proof to justify the minimum billing demand increase will be on I&M. We shall therefore affirm our order of July 23, 1976, denying Richmond's request for summary disposition of I&M's minimum billing demand provision for partial requirements customers, and deny rehearing on this issue.

Alternatively, Richmond requests a declaratory order determining its Contract Capacity under I&M's Tariff WS, Original Sheet No. 13, which Richmond states is unchanged by I&M's filing in the instant docket. Richmond argues that I&M has adhered to the level of Contract Capacity established in Richmond's 1965 contract, and has failed to recognize, as required by the tariff, an additional 60,000 kw unit added at Whitewater Valley Station since that time. Richmond contends that under the tariff definition,[1] its Contract Capacity is 11,260 kw (as opposed to the 59,260 kw alleged by I&M) and seeks a declaratory order from the Commission so stating and declaring that billing demands be made on this basis.

Upon further review of the Tariff provision, we find that the level of Richmond's Contract Capacity may be susceptible to determination by contract interpretation and therefore be a proper subject for summary disposition by declaratory order. We shall therefore grant rehearing for the limited purpose of further consideration of this issue and invite answers to Richmond's allegations from I&M and other interested parties to assist us in our determination.

The Commission finds: (1) Good cause exists to deny Richmond's Application for Rehearing on the issue of minimum billing demand.

(2) In order to afford the Commission additional time for consideration of the issue of whether Richmond's contract capacity can be determined by contract interpretation, and to allow responsive pleadings from I&M and other interested parties, it is necessary and proper in the administration of the Federal Power Act to grant rehearing of the Commission's order issued in this proceeding July 23, 1976 for the limited purpose of further consideration of this issue.

The Commission orders: (A) Richmond's Application for Rehearing of the Commission's July 23, 1976 order denying summary disposition of the issue of minimum billing demand is hereby denied.

(B) Rehearing of the Commission's order of July 23, 1976 denying Richmond's request for a declaratory order establishing its Contract Capacity is hereby granted for the purpose of further consideration of this issue.

(C) Responses regarding the appropriateness of a declaratory order to establish the level of Richmond's Contract Capacity should be filed and served on all parties on or before September 17, 1976, after the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25741 Filed 9-7-76;8:45 am]

[Docket Nos. E-9329 & E-9549]

INDIANA & MICHIGAN ELECTRIC CO., ET AL.

Order Denying Request

AUGUST 27, 1976.

On January 30, 1976, the City of Anderson, Indiana (Anderson) filed a motion for deferral of proceedings and complaint and motion for investigation under Sections 202, 205 and 206 of the Federal Power Act.[1] On February 12, 1976, the Commission Secretary, pursuant to § 1.6 of the Commission's rules of practice and procedure, sent a letter enclosing a copy of the complaint, for response within 30 days of the date thereof, to the American Electric Power Company, Inc., the American Electric Power Service Corporation, Indiana & Michigan Electric Company[2] as well as to the City of Anderson, Indiana. Responses thereto were filed by the Commission Staff Counsel on March 22, 1976, and by Indiana & Michigan Electric Company (I&M) on May 28, 1976. For the reasons set forth below, the Commission shall grant in part and deny in part the relief requested by I&M, Staff Counsel and Anderson, respectively, and shall establish appropriate hearing procedures consistent therewith.

BACKGROUND

Indiana & Michigan Electric Company has provided electric service to the City of Anderson, Indiana since September 21, 1951. Anderson, population 70,787, is a primarily industrial community located thirty miles northeast of Indianapolis. Its largest single employee is the Delco-Remy Division of General Motors. Under

[1] "Unless otherwise agreed to by Customer and Company, the Contract Capacity of a Customer receiving partial requirements service hereunder, shall for any year of service be equal to the amount by which (a) the maximum fifteen minute kilowatt demand of Customers' electric utility system (including any amount supplied by generating facilities owned and operated by Customer) during the year next preceding such year, is greater than (b) the firm capability of the generating facilities owned and operated by Customer at the end of such next preceding year, as mutually agreed upon between Customer and Company. Contract Capacity in any year of service shall in no event be less than the Contract Capacity for the first year of service hereunder."

[1] The complaint was given a new Docket No. E-9549, such that Anderson's pleading and the responses thereto were docketed in Docket No. E-9329, as well as in Docket No. E-9549.

[2] American Electric Power Company, Inc. (AEP) is an electric utility holding company, which owns and controls the defendant American Electric Power Service Corporation (AEP Service Corp.), the defendant Indiana & Michigan Electric Company (I&M), and other subsidiary companies. The AEP Service Corp. establishes the policies and controls the operations of I&M and AEP's other subsidiary companies and its activities include forecasting customers' demand for electric power and constructing generation and transmission facilities as necessary to meet customers' anticipated needs. It also dispatches electric power over the transmission lines of AEP's subsidiaries for the benefit of I&M.

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the agreement with I&M Anderson was to receive service for a period of eight years from the time service commenced. A new contract was entered into April 17, 1957 for a period of eight years and in 1963 Anderson and I&M agreed to an amendment which increased the contract capacity for service to Anderson to 31,500 kva and provided that the term of the agreement be extended for a five year period and thereafter be renewed automatically in two successive periods of five years each, unless either party give the other not less than twenty-four months notice in writing of its election to discontinue the service at the expiration of any such five year period. Pursuant to that provision, by letter dated April 16, 1973 I&M notified Anderson of its intent to discontinue service under the service agreement effective April 16, 1975. On March 17, 1975, I&M tendered for filing in Docket No. E-9329 a proposed service agreement, unsigned by either party, which would govern service between I&M and Anderson under I&M's FPC Tariff WS and which would cancel and supersede I&M's FPC Rate Schedule No. 27. The Commission by its order of April 16, 1975 rejected Anderson's protest to the new filing by I&M and accepted the proposed service agreement for filing to become effective April 17, 1975. Thereafter on May 14, 1975, Anderson petitioned for rehearing of the April 16 order, maintaining that the Commission erred (a) in finding that I&M had given Anderson proper notice to terminate service under Tariff IP; (b) in finding that Anderson did not have contractual right to elect to continue to be served under Tariff IP; and (c) in finding that proferred service agreement was not discriminatory.

By order issued June 13, 1975, the Commission granted rehearing in part and denied in part. Rehearing was granted specifically to provide for a hearing on the question on the justness and reasonableness of the proposed service agreement provisions which limit Anderson to one delivery point and 108,000 kva. Prior to the appointed hearing date the first of these two issues was settled.

A hearing was held on November 18, 1975, before Presiding Administrative Law Judge Sherman Kimball. I&M submitted the testimony of Robert M. Kopper, Executive Vice President and Chief Operating Officer. Anderson submitted the evidence of William R. Mayben, a consulting engineer. The two principal parties and Staff were the only participants in the proceeding.

Witness Kopper in testifying on behalf of I&M stated with reference to the 108,000 kva limitation that "I&M believed it appropriate to fix the highest previous demand registered by Anderson on I&M namely 108,000 kva as the 'Contract Capacity' and thereby established a base number for the application of the minimum billing demand to Anderson." Kopper testified further that Anderson was correct that there are limitations in connection with I&M's service to Anderson. He stated the limitations "are imposed by both the substation facilities through which Anderson is now served and by I&M's shortage of generating capability." In response to a question as to whether or not I&M had the ability to increase its generating capacity or to add new facilities in order to permit supply of additional quantities of power to Anderson, Kopper replied, "no." (Tr. 6). On cross-examination Witness Kopper made it clear that I&M intended to regard the contract capacity figure as a maximum delivery obligation and would treat any demands by Anderson in excess of this amount as a non-firm load. (Tr. 24–25).

Mr. Kopper testified specifically as follows:

Q. All right, and is it your testimony that if the wholesale customers imposed this burden on the system so that the system or let's say, I don't want to confine it to the wholesale customers, let's say because of your total system load, the system became infirm do you now, I&M, have a policy of load shedding in that situation?

A. Yes, If the system becomes unstable, we have a problem of load shedding.

Q. What is that program?

A. Well, the first step is you relieve yourself of all non-firm commitments.

Q. Do any of your wholesale customers fall in that category?

A. Yes, where they take capacity in excess of their contract capacity. (Tr. 1:24–25).

Cross-examination also revealed the following:

Q. Well if your system becomes infirm, it affects everybody.

A. That is true. We would take prompt steps, of course, to relieve ourselves of certain burdens *that we don't have a contract commitment for.* (Tr. 1:29) (emphasis supplied).

Mr. Kopper further testified:

Q. Now Mr. Cook had ultimate responsibility for the decision by I&M and the decision in the other system companies of I&M to withdraw or attempt to withdraw from the wholesale power business?

A. He happens to be the President of individual companies and chief executive officer.

Q. Does that mean the answer is yes?

A. I think that would define it as being yes.

He also stated:

Q. When you made the policy decision, was it and is it your feeling that removal of I&M from the wholesale power business will solve your generation problems?

A. It would enable us to have adequate generation or reasonably adequate generation to service the individual customers in our retail area or the franchise area that we hold franchises in both the State of Indiana and Michigan. (Tr. 1:51).

Witness Kopper also made it clear that it was I&M's position that it has greater public utility service obligations to its retail customers than it does to its wholesale customers. Mr. Kopper's testimony to that effect is as follows:

Q. And thus the capacity shortage would apply to retail customers as well as wholesale customers?

A. Not necessarily.

Q. Why is that?

A. Because we, in order to provide adequate capacity for individual customers which we are franchised to serve pursuant to Indiana franchise law, is that we have an obligation there first to these customers, and we would seek every means to maintain service to them.

That is one reason why we are contemplating, have taken initial steps to relieve ourselves of contract commitments under wholesale contracts, so we would have the capacity to serve the individual customers, primarily those at retail.

Q. So that your testimony is that you believe there is a greater obligation on the part of Indiana & Michigan to serve retail customers than to serve wholesale customers?

A. Absolutely.

Q. Absolutely?

A. Sure (Tr. 1:18–19).

Witness William R. Mayben appearing on behalf of Anderson testified that he had been engaged to conduct engineering and economic studies with respect to future power supply to serve Anderson. He testified that his studies indicated that Anderson has two approaches to future power supply. First, it can remain an all or substantially all requirements customer of I&M, or it can become an owner of bulk power supply facilities to meet all or substantially all of its power requirements. He testified that Anderson had had no electric generating capacity of its own since 1964. He testified concerning the need for discussion and negotiation between Anderson and I&M to solve Anderson's electric power needs and of the difficulties Anderson faced in providing its own power facilities. Mr. Mayben recommended that the Commission determine what, if any, limitations exist in the delivery capacity between I&M and Anderson and seek to find a way to resolve this limitation through joint or individual ownership of facilities by Anderson. He further recommended that no action be taken by the Commission "concerning a limitation in the supply of wholesale power to Anderson by I&M until completion of Anderson's power supply studies and an understanding or agreement is reached between Anderson and I&M with regard to the manner in which Anderson's future power requirements will be supplied."

At the conclusion of the direct and cross-examination the attorney for Anderson asked to go into "the most thorough discovery of what is going on on the AEP system, I&M system specifically as to their load projections, the studies that they had done through the end of the year, to depose the people who have made the policy decisions on withdrawal from the wholesale power business, to get into more specificity the kind of arrangements that I&M has with other investor-owned utilities and other utilities, to see what Anderson can spare as we go down the line in doing the power supply, and after that period of time to see where we are." The attorney for I&M countered with the statement that "all of the testimony is in that anybody wanted to sponsor in this case . . . I am going to ask you to set a briefing date and ask you to then take this case and

decide it." The Presiding Administrative Law Judge determined to keep the record open for a period of forty-five days and to hold a conference with the parties on December 15, 1975.

On December 15, 1975, a conference was held with the parties presided over by the Administrative Law Judge. At the conference counsel for I&M argued that the 108,000 kva limitation "was inserted because that had been the highest take by the City of Anderson on I&M, and therefore, because of the existence of a new tariff, this WS creature, we need a number which would fix for present purposes the ratchet contained in Tariff WS which, so that the record is clear, is a sixty percent ratchet." (Tr. 158). Again on page 165, counsel reiterates that "I am ready, sir, to represent on the record here on behalf of my client that the 108,000 number appearing in paragraph 9 of the unsigned service agreement tendered for filing with this Commission is intended to represent nothing more than the highest previous maximum take of the City of Anderson, Indiana, on the facilities of my client, and was inserted in that form document solely for purposes of fixing the minimum billing demand as that is defined in Tariff WS." Counsel for Anderson countered that he had written counsel for I&M "a letter to that effect, that the 108,000 referenced contract capacity was used not as a contract limitation, but was used only for purposes of the ratchet, which I understand, being the highest take, and have to pay for sixty percent of that forever no matter what your load is, *but not a limitation.*" (emphasis added) Counsel for Anderson further stated that as to actual physical facilities and the unwillingness of I&M to serve in excess of 120,000, if that should ever arise, his belief that Anderson had remedies that it could seek before the Federal Power Commission at that time. Counsel for Anderson stated that he would be willing to withdraw the discovery or data request that was the subject of the December 15 conference with one caveat, an opportunity to review the interconnection filing in the AEP systemwide proceeding. At that point a ten minute recess was held.

After the recess, counsel for Anderson stated that on August 28, 1975, Anderson had sent a letter to I&M which was an offer to settle the issue in this proceeding. The letter stated in part:

> In connection with E-9329 and the discrimination issues raised by Anderson, it is my opinion that Anderson would be willing to sign a service agreement with I&M which deletes the referenced contract capacity, recognizes the fact that Anderson now takes power and energy at two delivery points (although only one of which includes metering facilities), recognizes the need for installation of additional delivery points and the upgrading of voltage levels at existing delivery points (to be metered at one delivery point) as Anderson's load grows, and otherwise presents no barrier to Anderson's pursuing alternate bulk power supply arrangements if and when appropriate action is deemed necessary and is taken by responsible officials. (Tr. 173).

Counsel then stated that Anderson would not insist on deletion of the capacity figure, but would insist on amendatory language to make it clear that the figure was for ratchet purposes only. Counsel further requested that I&M assure it that the unsigned service agreement is not meant to be a limitation on Anderson's ability to take power and energy from additional delivery points as its load grows, and not meant as a limitation on the upgrading on present delivery points. Counsel for Anderson then asked for a stipulation by the company that there is no need to brief the legal issue presented by the company's announced withdrawal policy from the wholesale power business on the basis that there presently is nothing before the Commission to be decided as to that policy. Counsel for I&M refused to make such stipulations pointing out that Anderson was contractually free to seek other power sources and that it was the intention of I&M to serve only on "a day-to-day basis" because of a deficiency in its generating capacity. Counsel for Anderson then countered that it would be necessary to go to discovery. (Tr. 176).

Counsel for I&M indicated that I&M would not sign the service agreement in order to preserve its right to serve only on a "day-to-day" basis and further stated "we will not enter into a long-term contract for firm power with wholesale municipals or rural electric cooperatives. It is going to be day-to-day. And our position is nothing else but day-to-day." (Tr. 180).

After discussion of some further refinement of the discovery process, the Presiding Judge determined further conference should be held on January 12, 1976.

On January 12, 1976 a forty minute conference between the parties was held. At the conference it developed that I&M did not intend to respond to the discovery questions submitted in letter form by Anderson, on the ground that the information was available in the files of the Commission and that the information which covered not only I&M but "constitutent members of AEP" was too broad. Counsel for I&M stated that if Anderson wished to make application to the Commission to enlarge the proceeding or institute a separate proceeding on a separate issue that that was the way it should proceed. (Tr. 191).

Counsel for Anderson countered that the position of I&M that it would not sign the service agreement went to the question of the justness and reasonableness of the contractual provision with reference to a capacity limitation and that therefore that matter was at issue in this docket. (Tr. 194).

Staff counsel agreed in part with each of the other counsels, stating "the question to be determined here is whether this is the proper proceeding in which to pursue the issue of the propriety or legality and the resulting effects of I&M and AEP leaving the wholesale electric business." Staff counsel stated her understanding that this issue has arisen in other cases and her view that it would be duplicative and repetitive to try this issue in every single individual proceeding. (Tr. 194).[2]

The Presiding Administrative Law Judge determined that the matter of duplication with reference to other proceedings is one that should be brought to the attention of the Commission with the idea that there should be consolidation. Thereafter under agreement by all parties the record was kept open so that Anderson could file a motion asking for clarification "of the principles or non-principles of the issue of the withdrawal of I&M from the wholesale power business, the so-called day-to-day treatment wholesale customers are now getting, and seeking Commission guidance as to how the issues posed by that policy should be handled in the context of Anderson and Anderson's relationship with Indiana and Michigan Electric Company." (Tr. 200).

Motion by Anderson

On January 30, 1976, Anderson filed a motion "for deferral of proceedings and complaint and . . . for an investigation under Sections 202, 205 and 206 of the Federal Power Act." Anderson's pleading after reciting the history of this proceeding to date and the testimony of I&M as well as its counsel's statements concerning the future plans of I&M and AEP to withdraw from the wholesale electric business stated that AEP's announced policy raises fundamental issues of critical importance to the regulatory framework of the Federal Power Act which could only be solved by a system-wide Commission investigation of AEP and the American Electric Power Service Corporation. Further, Anderson seeks a Commission order requiring the adoption by the service corporation of an end-use, non-discriminatory curtailment plan in the event the Commission finds that AEP is in fact, faced with a capacity shortage as claimed, and that the service corporation be ordered to refrain from discriminatory planning for future load growth to the detriment of Anderson.

Anderson then discusses the authority of the Commission under sections 205, 206 and 202 to grant the relief it requests. Anderson states that section 205(a) of the Act requires that all rules and regulations affecting or pertaining to rates or charges subject to the jurisdiction of the Commission be just and reasonable; that 205(b) prohibits a public utility from making or granting any undue preference in the transmission of electric power; and that 206 allows the Commission to investigate on its own motion or on complaint any rule, regulation, or practice or contract affecting a rate subject to the Commission's jurisdiction which may be unjust, unreasonable or discriminatory. Anderson alleges that the American Electric Service Corporation as the agent for I&M and other AEP subsidiaries, is dispatching power in interstate

[2] See: Nevada Power Company, FPC, issued May 30, 1975, in Docket No. E-9306; see also order issued November 28, 1975, in Docket No. E-9306. This case is currently before the Presiding Administrative Law Judge for decision.

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commerce in a discriminatory manner to the detriment of Anderson and for the benefit of I&M and other AEP subsidiaries. Anderson also asserts that the limitation of service by AEP to Anderson and other wholesale customers to day-to-day service scheme, discriminatory curtailment, and the announced intention of AEP to cease service completely to Anderson and other wholesale customers is a practice affecting a rate subject to this Commission's jurisdiction, and that the justness and reasonableness of this practice is properly cognizable by the Commission. Finally, Anderson says that section 202(c) is applicable in this situation because AEP by its own words contends that an emergency exists on its system.

Anderson states that antitrust considerations are of paramount importance in this case. Anderson concludes for all of the reasons described that the Commission should institute an investigation pursuant to the cited Sections of the Act of AEP, the Service Corporation, and I&M.

RESPONSES

On March 29, 1976, Commission Staff Counsel filed an answer to Anderson's motion recommending inter alia that the Commission issue an order reflecting (1) a finding that as a matter of law and policy the Commission deem attempts by I&M to discriminate between loads of its wholesale customers and loads of its retail customers to be unduly discriminatory and unlawful under Section 205 of the Federal Power Act and that therefore the Commission will not permit such behavior; (2) a finding that based upon the record in Docket No. E-9329, the 108,000 Kva limitation should be summarily eliminated as unduly discriminatory and unlawful; (3) a finding that service by I&M to Anderson on a day-to-day basis is unduly discriminatory and unlawful under Section 205 and that a hearing should be established in Docket No. 9329 to determine the just and reasonable contract term for service to Anderson; and finally (4) a finding that the facts presented in Staff Counsel's pleading, as well as the statement of law set forth therein, render it unnecessary at the present time to institute an investigation into the generating capacity of I&M, AEP and AEP Service Corporation.

In support of the recommendations contained in the pleading, Staff Counsel cites the statements of I&M Witness Kopper, referred to previously in this order, to the effect that I&M regards the 108,000 Kva contract capacity figure as a maximum delivery obligation and that any demands by Anderson in excess of that figure would be considered as nonfirm load which, in turn, would be the first load to be shed in a curtailment, or load shedding, situation. (Tr. 1:24–25) Staff Counsel also cites Witness Kopper's testimony that I&M has a higher legal duty to serve retail customers (which are subject to state jurisdiction) as opposed to wholesale customers (which are subject to Federal Power Commission jurisdiction). (Tr. 1:18–19) Moreover, Staff Counsel cites testimony of Witness Kopper to the effect that the unsigned service agreement under which I&M is now serving Anderson on a day-to-day basis is in fact a part of an American Electric Power Company, Inc. policy to end service to wholesale customers such as Anderson. (Tr. 1:51)

Staff Counsel states that L&M has an obligation under the Federal Power Act to provide adequate and continuous service to Anderson and other wholesale customers with provisions for reasonable growth. Furthermore, Staff Counsel argues that any diminution of service to Anderson and other wholesale customers must be done based upon substantial evidence and in a rational and nondiscriminatory manner vis-à-vis I&M's retail customers. It is also asserted that in the absence of a public interest showing, I&M may not terminate service to Anderson or any other wholesale customer and furthermore that the Commission may order continuation of pre-existing service arrangements in the event a termination of service is attempted without a public interest showing.

On May 28, 1976, I&M filed a "Comment" in response to Anderson's Motion stating, inter alia, that those issues raised in Anderson's Motion and in Staff's Response thereto, which were not originally set for hearing in Docket No. E-9329, should, if the Commission deems investigation of these issues appropriate, be severed from Docket No. E-9329 and consolidated for purposes of hearing and decision with Docket No. E-9548. Docket No. E-9548 involves a complaint by several of I&M's municipal customers alleging, inter alia, that I&M has given them notice of its intention to terminate service to them and requesting the Commission to institute an investigation under section 206(a) of the Federal Power Act into the claims by the AEP system concerning alleged shortages of capacity and energy on the AEP system, the termination of service to wholesale customer issues, and whether or not the Commission should establish and implement a curtailment plan for the AEP system. This complaint was filed on January 30, 1976, the same day that Anderson filed its Motion in Docket Nos. E-9329 and E-9549. I&M states that severance of these issues from Docket No. E-9329 and consolidation of such issues with Docket No. E-9548 is supported by the Commission's order in "Indiana & Michigan Electric Company," —— FPC ——, issued April 7, 1976, in Docket No. ER76-357, wherein the Commission directed certain of I&M's REMC customers to raise any allegations regarding "AEP statements that it is going out of the wholesale business" in Docket No. E-9549 rather than in Docket No. ER76-357 which involved the appropriate rate levels to be charged in an operating agreement among I&M, Consumers Power Compnay, and Detroit Edison Company.

Finally, I&M requests the Commission to deny any requests by Anderson or Staff for summary disposition of any issues raised in their respective pleadings.

DISCUSSION

The Commission's review of Staff Counsel's request concerning the 108,000 Kva issue indicates that it is, in effect, a request that the Commission waive the intermediate decision by the Presiding Administrative Law Judge. Because of the complex nature of the issue, it is appropriate that the Presiding Administrative Law Judge issue an initial decision on this issue prior to the Commission making its final decision thereon. Accordingly, Staff Counsel's request that we decide that issue at this time is denied and the issue is referred to the Presiding Administrative Law Judge for his initial decision thereon in accordance with the Commission's rules of practice and procedure.

The Commission's review of the record and the pleadings filed in this proceeding indicates that the day-to-day service to Anderson, which results from the operation of the unsigned service agreement under which I&M is currently serving Anderson, has not been shown to be just and reasonable and may be unjust, unreasonable, preferential, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall expand the scope of the proceedings in Docket No. E-9329 to determine the just and reasonable contract term for service to Anderson, as well as the appropriate notice provisions for cancellation or termination of such contract.[1]

The broader issues raised herein concern allegations that: (1) I&M, as well as AEP, are attempting to remove themselves from the wholesale electric business, (2) AEP is currently or will in the near future be suffering from a lack of energy and/or capacity to serve its wholesale customers, and (3) there is a need for a curtailment plan on the AEP system. The Commission agrees with I&M that such issues should not be raised in Docket No. E-9329 but rather should be severed from Docket No. E-9329, placed in Docket No. E-9549 which, in turn, should be consolidated for purposes of hearing and decision with Docket No. E-9548. The Commission shall so order. Furthermore, consistent with this action, the Commission has, this day, issued an order in Docket Nos. E-9548 and E-9549 setting these matters for hearing and investigation.

The Commission notes that Anderson has requested in its Motion that the investigation in Docket No. E-9329 be deferred pending resolution of the investigation in Docket Nos. E-9548 and E-9549. Upon review, the Commission has determined that it would not be in the public interest to delay resolution of the 108,000 Kva issue and the day-to-day service issue in Docket No. E-9329 pending resolution of the broader issues set for hearing in Docket Nos. E-9548 and E-9549. Accordingly, Anderson's request shall be denied.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that:

(1) Staff Counsel's request that the Commission decide the issue of the justness and reasonableness of the 108,000 Kva contract capacity question at this time be denied, and that the issue be referred to the Presiding Administrative Law Judge in Docket No. E-9329 in order that he may issue an initial decision thereon in accordance with the Commission's rules of practice and procedure;

(2) That the scope of the proceeding in Docket No. E-9329 be expanded to determine the just and reasonable contract term for service to Anderson as well as the appropriate notice provisions for cancellation or termination of the contract;

(3) That the broader issues raised in this proceeding with respect to Anderson relating to: (a) the alleged attempts by I&M, as well as AEP, to remove themselves from the wholesale electric business; (b) the allegation that AEP is currently, or will in the near future, be suffering from a lack of energy and/or capacity to serve its wholesale customer; (c) the purported need for a curtailment plan on the AEP system; and (d) the legal authority of the Federal Power Commission to deal with these issues should be severed from Docket No. E-9329 and placed in Docket No. E-9549. Docket E-9549 should, in turn, be consolidated for purposes of hearing and decision with Docket No. E-9548;

(4) Anderson's request for a delay of the proceedings in Docket No. E-9329 pending resolution of the issues in Docket Nos. E-9548 and E-9549 be denied; and

(5) The Presiding Administrative Law Judge in Docket No. E-9329 call a prehearing conference to establish dates for service of evidence and other procedural matters for the resolution of the issues related to the justness and reasonableness of the day-to-day service provision in I&M's proposed agreement governing services to Anderson.

The Commission orders. (A) Staff Counsel's request that the Commission decide the issue of the justness and reasonableness of the 108,000 Kva contract capacity issue at this time is denied and the issue is referred to the Presiding Administrative Law Judge in Docket No. E-9329 in order that he may issue an initial decision thereon in accordance with the Commission's Rules of Practice and Procedure.

(B) The scope of the proceedings in Docket No. E-9329 is hereby expanded by the institution of an investigation under Sections 205 and 206 of the Federal Power Act to determine the just and reasonable contract term for the agreement governing service by I&M to the City of Anderson, as well as the appropriate notice provisions for cancellation or termination of such contract.

(C) The broader issues raised in this proceeding with respect to Anderson relating to: the alleged attempts by I&M, as well as AEP, to remove themselves from the wholesale electric business; (b) the allegation that AEP is currently, or will in the near future, be suffering from a lack of energy and/or capacity to serve its wholesale customers; (c) the purported need for a curtailment plan on the AEP system; and (d) the legal authority of the Federal Power Commission to deal with these issues; are hereby severed from Docket No. E-9329, placed in Docket No. E-9549, and Docket No. E-9549 is hereby consolidated for purposes of hearing and decision with Docket No. E-9548.

(D) Anderson's request for a delay of the decision on the issues raised in Docket No. E-9329 pending resolution of the issues to be decided in Docket Nos. E-9548 and E-9549 is hereby denied.

(E) The Presiding Administrative Law Judge shall call a prehearing conference in Docket No. E-9329 for the purpose of establishing dates for service of evidence, and other procedural matters, for the resolution of the issues related to the justness and reasonableness of the 108,00 Kva contract capacity provision and the day-to-day service provision in I&M's proposed agreement governing service to Anderson.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25755 Filed 9-1-76;8:45 am]

[1] See: Kentucky Power Company, Opinion No. 652, 49 FPC 564 (1973); rehearing denied, Opinion No. 652-A, 49 FPC 1040 (1973), wherein the Commission modified a termination provision it found to be unjust and unreasonable.

[Docket No. ER76-813]

JERSEY CENTRAL POWER & LIGHT CO.

Rate Increase

AUGUST 27, 1976.

On July 27, 1976, Jersey Central Power and Light Company (Jersey) tendered for filing revised tariff sheets to its FPC Electric Tariff, Original Volume No. 1.[1] The proposed changes would increase revenues from Jersey's six wholesale customers by $1,201,462 (18.4%) based upon estimated sales for the calendar 1976 test period. Jersey requests an effective date of August 27, 1976.

The proposed rate change under the revised tariff rate RP increases the monthly demand charges from $3.18/kw to $3.45/kw and the energy charge from 9 mills/kWh to 20 mills/kWh. The customers monthly credit allowance for untransformed service has been increased from $0.28/kw to $0.29/kw.

Public notice of Jersey's tender was issued on August 4, 1976, with protests and petitions to intervene due on or before August 18, 1976.

The Commission's review of the instant tender indicates that Jersey's proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept for filing and suspend Jersey's proposed tariff sheets until September 27, 1976, when they will be permitted to became effective subject to refund, as hereinafter ordered; and the Commission will establish hearing procedures.

The proposed fuel adjustment clause contained in tariff sheets, Third Revised Sheet No. 15 and Original Sheet No. 16, with the exception of an increased base fuel cost and adjustments purporting to recover unbilled fuel costs, is the same as that filed by Jersey in Docket No. E-9342. Without prejudice to any issues that may be raised by any party or the Commission Staff in the proceedings instituted herein, the proposed rates shall further be made subject to refund in accordance with the outcome of the proceedings in Docket No. E-9342.

The Commission finds: (1) Good cause exists to accept for filing Jersey's proposed tariff sheets submitted on July 27, 1976, and to suspend their operation until September 27, 1976, when they shall be permitted to become effective, subject to refund.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Federal Power Act that a hearing concerning the lawfulness of Jersey's proposed tariff sheets be commenced.

[1] Designated as shown in Appendix A.

[2] The Boroughs of Butler, Lavallette, Madison, Pemberton and Seaside Heights, New Jersey, and Allegheny Electric Cooperative, Inc.

[Docket No. ER76-234]

IOWA SOUTHERN UTILITIES CO.

Tender of Supplemental Data

AUGUST 27, 1976.

Take notice that on August 23, 1976, the Iowa Southern Utilities Company tendered for filing additional data intended to make complete its original filing of November 10, 1975. This filing was made in response to a Secretary's deficiency letter dated December 10, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25756 Filed 9-1-76;8:45 am]

V41172 SEP 2 76 UMI

The Commission orders: (A) Pending a hearing and decision thereon, Jersey's proposed tariff sheets are hereby accepted for filing and suspended from operation until September 27, 1976, when they shall be permitted to become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205 and 206 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the proposed tariff sheets.

(C) Jersey's proposed tariff sheets are hereby further made subject to refund pending the outcome of proceedings in Docket No. E-9342.

(D) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before March 1, 1977. (See Administrative Order No. 157).

(E) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(F) Jersey shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed rates filed herein, as required by Section 35.19(a) of the Commission's Regulations, 18 CFR Section 35.19(a).

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

JERSEY CENTRAL POWER & LIGHT COMPANY

[Docket No. ER76-813]

Filed: July 27, 1976.
Nature: Change in tariff rates.

Designation	*Description*
First revised sheet No. 2 (supersedes original sheet No. 2).	Table of contents.
First revised sheet No. 7 (supersedes original sheet No. 7).	Service agreement.
First revised sheet No. 9 (supersedes original sheet No. 9).	General terms and conditions.
First revised sheet No. 11 (supersedes original sheet No. 11).	Do.
Second revised sheet No. 13 (supersedes first revised sheet No. 13).	Resale Power Service Rate RP.
Second revised sheet No. 14 (supersedes first revised sheet No. 14).	Do.
Third revised sheet No. 15 (supersedes second revised sheet No. 15).	Fuel Adjustment Clause.
Original sheet No. 16----	Do.

[FR Doc.76-25740 Filed 9-1-76;8:45 am]

[Docket No. ER76-867]

LOUISIANA POWER & LIGHT CO.

Proposed Electric System Interconnection Agreement

AUGUST 27, 1976.

Take notice that on August 19, 1976, the Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated July 29, 1976 providing for the delivery of additional electric service to the Town of Homer, Louisiana (Town), and also provides in addition to Emergency Service, when elected by the Town, service schedules for Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. The Town has elected to take only Supplemental Power—Service Schedule "C" rather than repair damaged engines. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FPC Docket No. ER76-162 with the City of Ruston's letter and made effective May 4, 1976 Rate Schedule No. 54.

According to LP&L, this Agreement will increase the capacity available to the Town from 2,000 to 3,000 kva and provide for parallel operation with LP&L. As requested by the Town, LP&L has made Supplemental Service available August 1, 1976 and requests that the proposed agreement be accepted for filing to become effective August 1, 1976 when supplemental service was rendered.

LP&L stated that a copy of this filing was mailed to the Town of Homer, Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25757 Filed 9-1-76;8:45 am]

[Docket No. ER76-868]

LOUISIANA POWER & LIGHT CO.

Proposed Electric System Interconnection Agreement

AUGUST 27, 1976.

Take notice that on August 19, 1976, the Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated June 21, 1976 providing for the delivery of additional emergency electric service to the Town of Rayville, Louisiana (Rayville), and also provides when elected by the Town, service schedules for Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. Presently the Town will continue taking only emergency assistance service. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FPC Docket No. ER76-162 with the City of Ruston's letter and made effective May 4, 1976, Rate Schedule No. 54.

According to LP&L, this Agreement will increase the capacity available to the Town from 4,300 to 8,000 kva and provide for parallel operation with LP&L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25758 Filed 9-1-76;8:45 am]

[Docket Nos. E-9548 and E-9549]

MISHAWAKA, IND. ET AL.

Order Instituting Investigations

In the matter of city of Mishawaka, Indiana, city of Niles, Michigan, city of Columbia City, Indiana, city of Bluffton, Indiana, city of Garret, Indiana, city of Gas City, Indiana, town of Frankfort, Indiana, town of Warren, Indiana, town of New Carlisle, Indiana, and town of Avilla, Indiana, Complainants, v. American Electric Power Company, Inc., American Electric Power Service Corporation, and Indiana & Michigan Electric Company, Defendants, and the city of Anderson, Indiana, Complainant, v. American Electric Power Company, Inc., American Electric Power Service Corporation, and Indiana & Michigan Electric Company, Defendants.

On January 30, 1976, a group of ten municipalities[1] who are wholesale customers (Customers) of Indiana & Michigan Electric Company (I&M) filed in Docket No. E-9548[2] a complaint pursuant to Section 206(a) of the Federal Power Act requesting the Commission to institute:

• • • an investigation, hearing and order preventing the defendants from cutting off or threatening to cut off the complainants' electric power.

On February 5, 1976, the Commission's Secretary, pursuant to § 1.6 of the Commission's rules of practice and procedure, sent a letter enclosing a copy of the complaint for response to within 30 days thereof, to the American Electric Power Company, Inc., American Electric Power Service Corporation, Indiana & Michigan Electric Company, as well as to each of the ten municipal customer-complainants. On March 5, 1976, I&M filed a response to Customers' complaint. For the reasons hereinafter stated, the Commission shall grant in part the relief requested by Customers and shall establish appropriate hearing procedures.

Customers allege that eight of them have received formal notice letters from defendants indicating that as of dates ranging from September 23, 1976, to February 19, 1981, I&M will cut off the respective municipalities' supply of firm electric power. Customers state that the mayors of the complainant municipalities received a letter dated November 10, 1975, from G. V. Paterson, President of AEP Service Corporation which was transmitted through I&M to them which stated, inter alia, that the AEP system is or expects to be deficient in generation capacity to meet all of its customers' needs; that AEP and its subsidiaries have a higher obligation to serve retail customers than to serve wholesale customers; and that therefore defendants intend to "shut off their present wholesale customers' power." Customers also allege that the defendants have not mailed termination letters to their retail customers, and in fact have offered to serve increased loads of such customers.

Based upon the foregoing, Customers state that defendants have engaged in practices which are violative of sections 202, 205 and 206 of the Federal Power Act. Therefore, Customers request the Commission to inter alia institute an investigation and hearing pursuant to section 206(a) of the Federal Power Act; to establish whether or not there is, or will soon be, a generating shortage on the AEP system and if one does exist, to prescribe a curtailment plan which does not discriminate between wholesale and retail customers; to allow all customers equal access to new generation; and to grant such other relief as may be appropriate.

[1] The municipalities are listed above in the caption of this order in Docket No. E-9548.

[2] On that same date, the City of Anderson (also a wholesale customer of I&M) filed a similar complaint which was docketed in Docket No. E-9549 as well as in Docket No. E-9329.

Defendants' response inter alia denies the Customers' allegation that they have "the present intention" to cut off service to the municipalities but notes that they (defendants) have

• • • encouraged and are encouraging wholesale customers to develop alternate sources of supply, have offered to assist such customers in finding alternative sources of supply and have offered to transmit power through their respective systems to points where their systems are interconnected with other systems.

Furthermore, they allege the Commission has no jurisdiction over the subject matter of Customers' complaint. Therefore, defendants "demand" that the Commission issue an order dismissing the complaint; that no investigation be instituted into the subject matter of the complaint and that the Commission grant other appropriate relief.

The Commission notes that by order issued this day in Docket Nos. E-9329 and E-9549, the Commission set for hearing, but severed the trial of issues similar to those raised by Customers in their complaint, and consolidated the trial of those issues relating to the City of Anderson, Indiana (another wholesale customer of I&M) in those dockets with the instant proceeding in Docket No. E-9548 such that the consolidated proceedings would be docketed as Docket Nos. E-9548 and E-9549.[3] The Commission's review of the record and pleadings in Docket Nos. E-9548 and E-9549 indicates that an investigation and hearing under the Federal Power Act, particularly, but not limited to, Sections 205 and 206 thereof, should be instituted to determine (a) whether or not AEP is suffering, or will in the near future, suffer from a capacity and/or energy shortage; (b) whether a curtailment plan should be prescribed for the AEP system; (c) whether I&M as well as AEP is attempting to remove itself from the wholesale electric business and (d) whether this Commission has legal authority to deal with these issues.

The Commission finds. An investigation under the Federal Power Act, particularly, but not limited to, sections 205 and 206, thereof, should be instituted in Docket Nos. E-9548 and E-9549 as hereinafter ordered and conditioned.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly, but not limited to, sections 205 and 206 thereof, and the Commission's rules of practice and procedure (18 CFR, Chapter I), an investigation is hereby instituted to determine the issues raised in the body of this order.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the Commission's rules of practice and regulations.

(C) The Presiding Administrative Law Judge shall call a prehearing conference to establish appropriate procedural dates for the conduct of this investigation.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25751 Filed 9-1-76;8:45 am]

[Docket No. ER76-866]

NORTHERN INDIANA PUBLIC SERVICE CO.

Memorandum

AUGUST 27, 1976.

Take notice that on August 19, 1976, Northern Indiana Public Service Company (Northern Indiana) tendered for filing Memorandum No. 67 providing for use of release capacity under the Supplemental Electric Service Agreement between Commonwealth Edison Company of Indiana, Inc. and Northern Indiana dated as of January 1, 1960, as amended. Northern Indiana requests waiver of the notice requirements to permit an effective date of July 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25759 Filed 9-1-76;8:45 am]

[Docket No. CP76-477]

NORTHERN NATURAL GAS CO.

Application

AUGUST 26, 1976.

Take notice that on August 12, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-477 an application pursuant to Section 7 (c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers

[3] Two issues peculiar to the Anderson-I&M unsigned service agreement were referred to the Presiding Administrative Law Judge in Docket No. E-9329 for hearing and decision.

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thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $12,000,000, with no single on-shore project to exceed a cost of $1,500,000 and no single offshore project to exceed a cost of $2,500,000. These facilities would be financed with cash on hand and funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25742 Filed 9-1-76;8:45 am]

[Docket No. ER76-759]

PACIFIC POWER & LIGHT CO.

Supplemental Data

AUGUST 27, 1976.

Take notice that on August 18, 1976, Pacific Power and Light Company (PP&L) tendered for filing supplemental data intended to make complete its original tender of June 21, 1976 in the above-captioned docket. PP&L's action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25760 Filed 9-1-76;8:45 am]

[Docket No. RI76-144]

PANOAK OIL & GAS CORP.

Petition for Special Relief

AUGUST 27, 1976.

Take notice that on August 2, 1976, Panoak Oil and Gas Corporation (Panoak), 6809 E. 40th Street, Tulsa, Oklahoma 74145, filed a petition for special relief in Docket No. RI76-144, pursuant to Section 2.56b of the Commission's Rules of Practice and Procedure. Panoak seeks a price of 75.00 cents per Mcf, or, in the alternative, permission and approval to abandon service pursuant to Section 7(b) of the Natural Gas Act. The subject gas is produced on acreage in the Northeast Enid Field (Breckinridge Pool), Garfield County, Oklahoma. Pursuant to contract dated January 19, 1965, the gas is sold to Ladd Petroleum Corporation for resale to Cities Service Company. Panoak states that it is unable to continue deliveries on a viable economic basis unless the requested relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25761 Filed 9-1-76;8:45 am]

[Project No. 298]

SOUTHERN CALIFORNIA EDISON CO.

Correction

AUGUST 20, 1976.

In the matter of Southern California Edison Co., in a notice of issuance of annual license(s) issued August 9, 1976 (41 FR 34832, August 17, 1976), in the last line in the second paragraph, substitute "Southern California Edison Company" for "Minnesota Power and Light Company."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25748 Filed 9-1-76;8:45 am]

[Docket Nos. RI76-117, RI76-119, RI76-132, RI76-133, RI76-135]

SUN OIL CO., ET AL.

Extension of Time and Correction

AUGUST 23, 1976.

In the matter of Sun Oil Co., Anadarko Production Co., Northern Michigan Exploration Co., Clark Oil Producing Co., and Diamond Shamrock Corp., please change the caption on the Notice issued August 17, 1976 (41 FR 36082, August 26, 1976), to the caption designated above. By Order issued August 4, 1976, the petitions for special relief filed in Docket Nos. RI76-132, RI76-133, and RI76-135 were consolidated with Docket Nos. RI76-117 and RI76-119.

The prehearing conference scheduled for September 9, 1976, by Order issued August 4, 1976, has been rescheduled for September 23, 1976, to convene at 9:30 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25747 Filed 9-1-76;8:45 am]

[Docket Nos. RI76-117, etc.]

SUN OIL CO., ET AL.

Amendment to Petition for Special Relief

AUGUST 27, 1976.

In the matter of Sun Oil Company, Anadarko Production Company, Northern Michigan Exploration Company, Clark Oil Producing Company, Diamond Shamrock Corporation. Take notice that on July 19, 1976, Anadarko Production Company (Petitioner) P.O. Box 1330, Houston, Texas 77001, filed in Docket No. RI76-117 and RI76-119 an amendment to petition for special relief from the base national rate pursuant to § 2.56a(g) (2) of the Commission's general policy and interpretations and § 1.11(a) of the Commission's rules of practice and procedure. Subsequently by order issued August 4, 1976, in Docket Nos. RI76-132, RI76-133, and RI75-135 the petitions for special relief filed in Docket Nos. RI76-132, RI76-133, and RI76-135 were consolidated with Docket Nos. RI76-117 and RI76-119.

Petitioner by amendment with supplemental direct testimony and revised exhibit attached seeks a base rate of approximately $1.69 per Mcf with annual escalations of 4 percent per annum for

the sale of natural gas from its 12.5 percent working interest in production from West Cameron Block 639, Offshore Louisiana, Federal Domain. Such amended request represents a reduction in price from the approximate $1.74 per Mcf with 4 percent annual escalations requested in its petition for special relief filed March 26, 1976, and reflects actual costs incurred together with the deletion of contingency costs for a previously proposed well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25762 Filed 9-1-76;8:45 am]

[Docket Nos. RP72-156 (PGA 76-3) and RP2-64 (DCA76-2)]

TEXAS GAS TRANSMISSION CORP.

Correction

AUGUST 9, 1976.

In the matter of Texas Gas Transmission Corp., in a notice of proposed changes in FPC gas tariff issued June 23, 1976 (41 FR 26753, June 29, 1976), change "Docket No. RP72-156 (PGA76-2)" to read "Docket No. RP72-156 (PGA 76-3), and RP72-64 (DCA76-2)".

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25749 Filed 9-1-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-156, 157, 158]

ALPINE SKI BINDINGS FROM AUSTRIA, SWITZERLAND, AND WEST GERMANY

Determinations of No Injury or Likelihood Thereof

On May 28, 1976, the United States International Trade Commission received advice from the Department of the Treasury that Alpine ski bindings and parts thereof from Austria, Switzerland, and West Germany are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). On June 8, 1976, the Commission instituted investigations Nos. AA1921-156, 157, and 158, respectively, under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Notice of the institution of the investigations and of the public hearing was published in the FEDERAL REGISTER on June 16, 1976 (41 FR 24460).

In arriving at its determinations, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the Commission's investigations, Commissioners Leonard, Minchew, and Ablondi have determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of Alpine ski bindings and parts thereof from Austria, Switzerland, and West Germany, respectively, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On the basis of the Commission's investigations, Commissioners Moore, Bedell, and Parker have determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of Alpine ski bindings and parts thereof from Austria, Switzerland, and West Germany, individually or collectively, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act. 1921, as amended.

Issued: August 30, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-25778 Filed 9-1-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-36]

SPECIAL STUDY; ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Special Aviation Study.—In releasing its study, "Nonfatal, Weather-Involved General Aviation Accidents," the National Transportation Safety Board cited weather as a causal factor in 7,856 aviation accidents over an 11-year period and called for greater effort by Government and industry to reverse the trend. The study, report No. NTSB-AAS-76-3, was released August 25.

During the 1964-1974 study period, "inadequate preflight planning preparation and/or planning" was the most frequently cited cause in which both pilots and weather were involved, according to the Board. Statistics reveal that most of the nonfatal, weather-involved general aviation accidents occurred during the landing regime, i.e., either during the landing roll or during leveloff and touchdown, when unfavorable wind conditions existed, and when the weather was VFR. Unfavorable winds were cited 5 times more frequently as a cause or a factor than were low ceilings, and 16 times more frequently than was thunderstorm activity. Statistics also reveal that a pilot was 12 times more likely to encounter weather as predicted than to encounter weather worse than predicted.

As a result of its findings, the Safety Board urges general aviation pilots to attend the various safety seminars, clinics, and courses of instruction sponsored by both Government and industry. "For familiarization purposes, there is no substitute for visiting National Weather Service and Federal Aviation Administration facilities," the Board said. The Board urges all pilots to postpone any flight until a timely and thorough preflight weather briefing can be obtained and reiterates that if there is any doubt—DON'T GO!

Recommendations Nos. A-76-85 and A-76-86 were issued to FAA on August 4, based on results of this study. (See 41 FR 34125, August 12, 1976.)

Aircraft Accident Report.—The Safety Board determined that fuel exhaustion induced by improper preflight planning and incorrect in-flight decisions by the pilot-in-command probably caused the crash of a Cessna 172L during an emergency landing last March 12 near Garrett County Airport, Accident, Maryland. Report No. NTSB-AAR-76-16 following Board investigation was released August 26.

This accident, according to the Board, points out the necessity for thorough preflight planning and sound in-flight decisions, based on updated information, by all persons who operate light aircraft. The Board also stated that the use of a flight log containing the pertinent route, wind, groundspeed, and fuel consumption computations cannot be overemphasized. This information, along with updated, en route weather information, can be used by the pilot to assess more adequately his in-flight situation at any point during the flight. Therefore, his decisions can then be based on complete information.

As a result of the investigation of this accident, the Board on July 19 issued to the Federal Aviation Administration two safety recommendations, Nos. A-76-95 and A-76-96, requesting that FAA (1) accompany the word "beacon" by a qualifying word whenever it is used in the Air Traffic Control System, and (2) include all of the various meanings of the word "beacon" in a revision to the Pilot/Controller Glossary. (See 41 FR 31625, July 29, 1976.)

Railroad Accident Reports and Recommendations. Investigations of the rear-end collision of two commuter trains in Chicago, Illinois, last January 9, and the derailment near Des Moines, Iowa, last September 1 of 17 tank cars containing liquefied petroleum gas (LPG) have re-

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sulted in two accident reports, released last week by the Safety Board.

In the Chicago Transit Authority (CTA) collision, one passenger was killed, one seriously hurt, and 379 others injured when a four-car train struck the rear of a standing six-car train at the Addison Street Station of CTA's West-Northwest line. Both trains were inbound during the morning rush hour. The six-car train was stopped and behind schedule because of a circuit breaker which would not stay closed when power was applied. The rear of the train was not being protected by flagging. The following train was being operated with its automatic train control (ATC) system inoperative because of a malfunction. It was not scheduled to stop at Addison Street Station.

The report, NTSB–RAR–76–9, released August 23, indicates that the probable cause of the accident was the motorman's failure to see the standing train ahead in time to stop short of it. Contributing factors were (1) the CTA rule which permitted operation of the second train with its ATC and cab signals inoperative, (2) the lack of consistent enforcement of operating rules, (3) the absence of flag protection against following trains, (4) failure of the train phone system—four calls by crewmen of three trains both before and after the accident went unanswered by CTA's central control, and (5) the motorman's violation of a 25-mph speed limit which was required by CTA's rules because he was operating without ATC and with his visibility limited by glare from the morning sun.

As a result of its investigation of this accident, the Safety Board released by letter of August 23 recommendations calling for CTA to (1) study its January 10 ATC-out orders to insure that all hazards have been considered and their potential minimized (recommendation R–76–35); (2) begin predeparture testing of ATC, cab signals, and train phones (R–76–36); (3) review its ATC maintenance schedule and procedures to reduce in-service failures (R–76–37); (4) insure that its train phone system is reliable, and that there are proper procedures for its emergency use (R–76–38); (5) update and upgrade its book of operating rules (R–76–39); (6) reassess its operating employees' training program and current methods for checking employee understanding of rules (R–76–40); and (7) develop the full potential of its Safety Department—now an advisory group—so that it can require implementation of system safety programs (R–76–41). These recommendations are all designated "Class II, Priority Followup."

In a separate letter of August 23 addressed to the Governor of the State of Illinois, the Safety Board recommended priority followup to insure that the Regional Transit Authority exercises its statutory regulatory authority over CTA so that CTA may provide the safest practical transit service (R–76–45).

On August 1, the Safety Board addressed to eight different transit organizations recommendations Nos. R–76–42 through R–76–44 which also concern automatic train control and which resulted from investigation of this accident. (See 41 FR 34125, August 12, 1976, and response of one addressee, New York City Transit Authority, noticed below.)

Following investigation of the Rock Island Railroad freight train accident near Des Moines, the Safety Board urged Federal assistance to local firefighters in coping with compressed gas fires and explosions in railroad derailments. Specific recommendations to the Department of Commerce were to (1) develop firefighting procedures which assure safety and minimize the duration of fire danger in accidents involving LPG and other compressed flammable gases in tank cars (I–76–7), and (2) establish communication with all fire services and disseminate to them specific procedures for the safe handling of railroad transportation emergencies which involve hazardous materials (I–76–8). These Class II recommendations were issued by letter of August 24 addressed to the Secretary of Commerce.

In its report No. NTSB–RAR–76–8, also released August 24, the Board indicated that the 62-car train, descending a 1-percent grade on a 1-degree curve, derailed at the frog of a facing point switch on the main line; 11 of the 17 cars which derailed contained LPG. Fire and explosion ensued; the LPG was consumed and three persons were injured. The Safety Board was unable to determine the cause of the initial derailment because much of the physical evidence was destroyed by succeeding derailing cars, and by the fire and explosions. The Board cited the tankhead punctures for the injuries, and for damage which was estimated at more than $800,000.

In addition to its firefighting-procedure recommendations, the Safety Board reiterated a June 18, 1975, recommendation, No. R–75–19, to the Federal Railroad Administration to determine the capabilities of protective steel shields for tank car heads, and of top and bottom shelf couplers—those with horizontal shields above and below coupler knuckles to prevent their separating vertically under derailment impacts—or a combination of both and to require that jumbo tank cars be equipped with the best practical combination. This recommendation initially was made in report No. NTSB–75–4 concerning the Norfolk & Western Railway switchyard accident which occurred at Chicago, Illinois, on July 19, 1974. (See 40 FR 27082, June 26, 1975.)

Letters in Response to Safety Board Recommendations.—During the past week, letters concerning previously issued recommendations were received by the Board from the Federal Aviation Administration, the U.S. Coast Guard, and the New York City Transit Authority, as follows:

Federal Aviation Administration letter of August 18 responds to recommendations A–76–73 through A–76–75 concerning evacuation duty assignments for flightcrews (41 FR 24639, June 17, 1976). FAA states that Continental Air Lines' manuals are being modified to conform to recommendation A–76–73, and FAA anticipates that these changes will be completed by September 13. FAA notes, re A–76–73 and A–76–74, that an Air Carrier Operations Bulletin is being prepared that will incorporate both recommendations, estimated date of publication August 31.

FAA letter of August 17 concerns air carrier takeoff and climb procedures, subject of recommendation A–76–76, issued June 9. (See 41 FR 24639, June 17, 1976.) FAA says that it does not presently have airborne techniques or procedures which can accommodate the large wind shears encountered by the crew of Continental Air Lines Flight 426 which crashed August 7, 1975, after takeoff from Stapleton International Airport in Denver, Colorado. FAA's present procedures are designed to provide the pilot with a guaranteed takeoff/climb performance when confronted with engine failure and other adverse factors such as turbulence, flight technical error, etc. FAA believes that the best procedure possible is for the crew to avoid or delay takeoffs under conditions of high wind shear. To accomplish this, FAA is installing sensors (anemometers and microbarographs) at several key airports, including Stapleton, which are capable of detecting wind patterns and the passage of thunderstorm/gust fronts on and in the vicinity of these airports. Although FAA is now reviewing takeoff procedures, the agency comments "• • • it is improbable that any transport aircraft could sustain such a sudden decrease in lift without altitude loss (during the wind condition encountered by the Continental crew), unless an extreme and exorbitantly high airspeed has been achieved immediately after the takeoff. Within the constraints of our existing runway lengths, such high airspeeds would be potentially unsafe, and in many cases, unachievable." The letter notes that an Advisory Circular (00–50) on Low Level Wind Shear was published on April 8, stating, in part, "On approach and when in doubt, or conditions are not right, execute a missed approach. When on the ground, be assured that conditions are right before takeoff."

FAA letter of August 18 responds to recommendation A–76–89 which would prohibit occupancy of the jump seat on G–159 and G–1159 model aircraft, and require a placard, until the aircraft has been modified structurally so that the nose landing gear drag strut cannot penetrate the cockpit floor. (See 41 FR 28043, July 8, 1976.) FAA has analyzed the problem and concludes that "the probability of injury due to this condition is insufficient to warrant the severe operational restriction proposed." FAA has ascertained that redesign kits will be available by December 1, 1976. FAA will require installation of the kit as its final action.

Coast Guard letter of August 17 provides additional information as requested by the Safety Board concerning 13 recommendations discussed at a USCG/

NTSB meeting held July 13. Concerning recommendations M–69–53, M–70–2, M–71–4, and M–76–10, Coast Guard states that proposed regulations are being drafted to require lights on life preservers. Re M–74–10, concerning examination of towing vessels for lifesaving equipment, Coast Guard states that it has increased its boarding of vessels of all types, mainly in response to the requirement for enforcement of recent legislation and regulations. Coast Guard examines the vessel's lifesaving equipment as opportunity permits.

Regarding M–74–14, which asked for regulations requiring that vessels be aligned with channel bridge opening before vessels reach a point equal to ships' stopping distance from the bridge, Coast Guard states that a regulation of this type would be impossible to abide by in many bridge approaches due to bends in the channel. Coast Guard will consider the channel alignment criteria when evaluating sites for construction of future bridges. In answer to M–74–15, Coast Guard refers to the May 6, 1976, publication in the FEDERAL REGISTER of a proposed regulation which would require a master pilot conference prior to any restricted maneuver. Re M–74–16, Coast Guard states that implementing regulations were published in the FEDERAL REGISTER on January 15, 1975, requiring the posting on vessel bridges of information concerning stopping distances and turning radii for various speeds and loaded conditions. Answering recommendation M–75–4, Coast Guard states that the description of Kaslokan Point Light in the Coast Guard Light List CG–162, Vol. III, 1976, has been corrected. Also, pasteon chartlets correcting NOS Chart 8703 were issued with Local Notice to Mariners No. 19, dated May 13, 1975. M–75–8 asked that USCG and Navy collaborate on developing capability for civilian submersible rescue operations; Coast Guard responds: "This recommendation has been adopted in part in that a study of worldwide submersible resources has been jointly funded by the Navy and Coast Guard. Also the Navy, Coast Guard and NOAA will sponsor a submersible safety seminar in 1977."

In answer to M–75–9, Coast Guard states that Part 156 of regulations published in the FEDERAL REGISTER December 21, 1972, effective July 1, 1974, is "quite specific concerning the qualifications and responsibilities of supervisory personnel. In particular they prohibit a person serving as person in charge of both the vessel and the facility during oil transfer operations. Also, the regulations require that persons in charge be present at all times during transfer operations."

M–75–11 asked that the Coast Guard, for at least 1 year, thoroughly investigate all oil pollution incidents involving cargo transfer spills to evaluate the adequacy of 33 CFR Parts 154 through 156. Coast Guard responded: "Evaluation of oil pollution incidents and the adequacy of 33 CFR Part 154 through 156 was ongoing at the time this recommendation was made and has continued for approximately 2½ years. Also during this period comments have been solicited from industry and this input plus information gleaned from our investigations is being utilized to prepare a Notice of Proposed Rulemaking."

With reference to M–75–18, asking for a program to advise the public of problems and means of survival in cold water, Coast Guard has published and is now distributing a pamphlet, "A Pocket Guide to Cold Water Survival." Also, several major articles on hypothermia have been published in Coast Guard's "Proceedings of the Marine Safety Council." Coast Guard indicates that a proposed regulation will soon be published requiring manufacturers of personnel flotation devices to include a pamphlet with each "PFD" they market which includes information on care and use of lifesaving devices, boating safety tips, and a paragraph on hypothermia.

New York City Transit Authority letter of August 16 concerns automatic train control systems (ATC) recommendations R–76–42 through R–76–44, issued August 1. (See 41 FR 34125, August 12, 1976.) The letter notes that all trains on New York City Transit system are operated manually by motormen. Their operation is governed by intermittent ATC, equipped with trip stops and wayside signals. When a malfunction occurs, the Authority requires the motormen to stop at a red (stop) signal. He may proceed when (1) an employee whom the motorman *knows* is permitted to do so gives a signal to go ahead which the motorman *knows* is meant for him, or (2) he calls the Desk Trainmaster by radio and is told to proceed. The Authority plans to introduce continuous ATC, with cab signalling, on its new lines. Trains with inoperative ATC equipment will not be permitted to go into service. The Authority further indicates that communication facilities are being constantly checked; all radios are tested daily before use, and emergency telephones are distributed throughout the system, generally every 600 feet.

Safety Board Reply to Recommendation Response.—Board letter of August 24 replies to Material Transportation Bureau letter of July 30 (41 FR 34126, August 12, 1976) re recommendations P–76–9 through P–76–11 regarding the Consolidated Edison Company accident in New York City, April 22, 1974. The Board will hold in "open" status recommendations P–76–9 and P–76–11, and asks for a conference with MTB staff re P–76–10.

The special study, the accident reports, and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the special study and the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

MARGARET L. FISCHER,
Federal Register Liaison Officer.

AUGUST 30, 1976.

[FR Doc.76–25707 Filed 9–1–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment (1) revised the provisions in the Technical Specifications relating to limiting conditions for operation and surveillance requirements for the facility emergency pond and (2) corrected a reference error in Specification 4.4.1.3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 3, 1976, (2) Amendment No. 13 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of August, 1976.

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For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactor Branch No. 2, Division of Operating Reactors.

[FR Doc.76-25406 Filed 9-1-76;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised technical specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment (1) corrects errors in the letter designations identifying various inspection categories of Table 4.6.1—"In-service Inspection Requirements for Pilgrim Nuclear Power Station", (2) deletes a requirement to examine a specific percentage of various components during each refueling outage, (3) specifies that portions of the vessel closure studs and vessel closure stud bushings that are not accessible for inspection need be inspected only when they are exposed during the inspection interval, (4) corrects an error in the original specification by redesignating certain piping welds from Category F-3 to Category J, and (5) deletes inspection requirements for welds that were on sections of piping that have been removed from the reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 1, 1975 and supplements thereto dated March 1, 1976 and May 13, 1976, (2) Amendment No. 19 to License No. DPR-35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of August, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-25405 Filed 9-1-76;8:45 am]

[Docket No. 50-261]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised technical specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment changes the technical specifications by eliminating a requirement to sample benthic organisms and substituting a requirement to sample aquatic vegetation as part of the radiological surveillance program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the H. B. Robinson Steam Electric Plant Unit No. 2, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated November 1, 1974, (2) Amendment No. 23 to License No. DPR-23, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25401 Filed 9-1-76;8:45 am]

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-62 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2, located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

This amendment (1) lowers the main steamline low pressure isolation setpoint from 850 to 825 psig, (2) makes miscellaneous corrections and clarifications, and (3) clarifies the action to be taken in the event that the Rod Block Monitor is inoperable for more than 24 hours.

The application for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (1) above was published in the FEDERAL REGISTER on March 29, 1976 (41 FR 12931). No request for a hearing or petition for leave to intervene was filed following notice of this proposed action. Prior public notice of items (2) and (3) was not required since this amendment does not involve significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 19, 1975 and March 22, 1976, (2) Amendment No. 20 to License No. DPR-62, and (3) the Commission's Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of August 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.76-25408 Filed 9-1-76;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company for operating of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to provide for the curves for allowable power vs. incore axial offset based on the Babcock and Wilcox FLAME 3 code. These curves are applicable to fuel Cycle VII.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on June 8, 1976 (41 FR 22998). No request for a hearing or petition for leave to intervene was filed following notice of the proposed issuance.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 3, 1976, as supplemented June 22, 1976, (2) Amendment No. 10 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of August 1976.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-25398 Filed 9-1-76;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative (the licensee) which revised Technical Specifications for operation of the LaCrosse Boiling Water Reactor (LACBWR), located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

This amendment adds provisions in the Technical Specifications for operation of LACBWR with a second emergency on-site power supply and incorporates changes resulting from other plant modifications. Installation of the redundant on-site source of emergency power and associated modifications to LACBWR were performed to achieve compliance with the Commission's Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors set forth in the Commission's Interim Policy Statement (36 F.R. 12247, June 29, 1971).

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24 and July 12, 1976, (2) Amendment No. 6 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25396 Filed 9-1-76;8:45 am]

[Dockets Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 30, 30, and 27 to Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised the licenses for operation of the Oconee Nuclear Station, Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments revise the restriction governing the duration of Cycle 1 for Unit No. 3 to allow operation to September 18, 1976.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated August 6, 1976, (2) Amendments Nos. 30, 30, and 27 to License Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Wash-

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ington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of August 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.76-25400 Filed 9-1-76;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT NO. 2)

Cancellation of Hearing

By Order dated August 3, 1976, the Licensing Board set September 8–10, 1976 for an evidentiary hearing on the matters remanded by ALAB–335. That evidentiary session is hereby cancelled.

A hearing will be rescheduled for a later time when it appears feasible to consider, in addition to the matters remanded by ALAB–335, 1) the issue of ECCS compliance with the requirements of 10 CFR Part 50, Appendix K (see Regulatory Staff's "Motion to Reopen the Record on the Emergency Core Cooling System," dated August 12, 1976); and, 2) any issues presented by Intervenor's July 28, 1976 "Motion to Reconsider Contention 1.3 Need for Power and Conservation of Energy" if that motion, or any part of it, should ultimately be granted.

It is so ordered.

Dated at Bethesda, Maryland this 23rd day of August 1976.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.76-25402 Filed 9-1-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to require positive blocking of electrical power to the Core Flood Tank vent valves except under specified conditions and to require periodic venting of the pumps and lines associated with the Low Pressure Injection and High Pressure Injection Systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 12, 1976, (2) Amendment No. 19 to License No. DPR–50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25397 Filed 9-1-76;8:45 am]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR–63 issued to Niagara Mohawk Power Corporation which revised technical specifications for operation of the Nine Mile Point Nuclear Station Unit No. 1, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment will incorporate exposure-dependent assembly averaged power-void relationship limits into the Nine Mile Point Nuclear Station Unit No. 1 Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 19, 1976, and supplement dated August 3, 1976, (2) Amendment No. 12 to License No. DPR–63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of August, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-25409 Filed 9-1-76;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. (TYRONE ENERGY PARK, UNIT 1)

Order and Notice of Evidentiary Hearing

AUGUST 19, 1976.

The evidentiary hearing on the application for a construction permit for Nuclear Generating Unit No. 1, Tyrone Energy Park, will commence at 10:00 a.m. September 28, 1976 at the County Board Room, Eau Claire County Courthouse, Second Floor, 721 Oxford Avenue, Eau Claire, Wisconsin 54701. Evidence will be received with respect to radiological health and safety matters. This phase of the hearing is expected to continue for about two weeks. The environmental phase if the evidentiary hearing is planned for Spring of 1977.

The public is invited to attend. Any person who has requested an opportunity to make a limited appearance may make an oral statement or may file a written statement. The length of oral statements may be limited depending upon time requirements. Those making or filing limited appearance statements may comment upon any aspect of the proposed nuclear facility. Written statements already filed with the Nuclear Regulatory Commission will be considered by the Board whether or not the person filing such statement appears at the evidentiary hearing. Upon request and demonstrated need, the Board may schedule one or more evening sessions for those able to be heard during the regular daytime sessions.

It is so ordered.

Dated at Bethesda, Maryland this 19th day of August 1976.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.76-25410 Filed 9-1-76;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 23rd day of August 1976.

ROBERT M. LAZO,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25403 Filed 9-1-76;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DRP–54 issued to Sacramento Municipal Utility District which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment provides for (1) the removal of surveillance capsules during the remainder of Cycle 1 and (2) surveillance Technical Specifications to confirm that no internal vent valves are stuck open. The amendment implements an exemption given by the Commission to allow operation of the Rancho Seco reactor with the surveillance specimens removed from the reactor vessel during Cycle 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 8, 1976, as supplemented April 28, 1976 and May 21, 1976, (2) Amendment No. 7 to License No. DRP–54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76-25399 Filed 9-1-76;8:45 am]

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit 3, located in Limestone County, Alabama. The amendment is effective as of its date of issuance.

A full-power, full-term operating license was issued on July 2, 1976. Activities were limited temporarily by restrictions contained in the Technical Specifications to fuel loading and associated control rod motion necessary to assure fuel loading in a safe manner until the following matters have been resolved: (1) approval by the Commission's staff of certain matters relating to fire prevention and protection; (2) approval by the Commission's staff of the evaluation of (a) suppression pool hydrodynamic loads during a loss-of-coolant accident; and (b) Dynamic loads associated with relief valve operation; (3) approval by the Commission's staff of evaluation of the performance of the modified residual heat removal pumps during a postulated loss-of-coolant accident; and (4) a report by the Commission's Office of Inspection and Enforcement that the following matters have been satisfactorily resolved: (a) the reported clogged waterlines to the residual heat removal and control rod pump bearing coolers and (b) the installation of a second isolation valve in the 1-inch demineralized water system pipe that penetrates the drywell.

These matters were addressed in the Commission's Supplement No. 9 to the Safety Evaluation Report issued August 2, 1976. On that date, the Commission issued Amendment No. 1 to the facility operating license limiting operation to 1 percent power by deleting and replacing the above temporary restrictions with a single new temporary restriction relating to the completion of the detailed fire protection procedures and training program by the Tennessee Valley Authority.

This amendment deletes the temporary restriction contained in Amendment No. 1 thus authorizing operation of the Browns Ferry Nuclear Plant Unit 3 at a steady state reactor core power level of 3293 megawatts thermal. Deletion of this temporary restriction is based on the

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satisfactory completion and resolution, as reported by the Commission's Office of Inspection and Enforcement, of the detailed fire protection procedures and the content of the fire training program in accordance with the fire protection criteria delineated in Section 2.0 of "Supplement Number 2 to the Safety Evaluation Supporting the Operation After the Restoration and Modification of the Browns Ferry Nuclear Plant, Units 1 and 2 Following the March 22, 1975 Fire," issued July 3, 1976. This action completes the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D, Section C," dated September 15, 1972.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) Amendment No. 2 to License No. DPR-68, and (2) the Commission's related Safety Evaluation dated August 18, 1976. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama.

A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 18th day of August, 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76-25407 Filed 9-1-76;8:45 am]

[Docket Nos. 50-259 O.L. & 50-260 O.L.]

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR PLANT, UNITS 1 & 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. Lawrence R. Quarles

Dated: August 25, 1976.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.76-25395 Filed 9-1-76;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND POWER AUTHORITY OF THE STATE OF NEW YORK

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-64 issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (the licensees) for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility), located in Westchester County, New York.

In accordance with the licensees' application for a license amendment dated June 28, 1976, the amendment would modify the Technical Specifications by providing additional conditions for the storage of the spent fuel. The amendment would also permit modification of the spent fuel element storage pool in order to provide for additional storage capacity for spent fuel in accordance with the licensees' proposal dated June 28, 1976.

Prior to issuance of the proposed license amendment and prior to approval of the proposed modification, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The license amendment and the modification to the spent fuel element storage pool will not be approved until the Commission has reviewed the safety aspects and has concluded that approval of the license amendment and the modification will not be inimical to the common defense and security or to the health and safety of the public.

By October 4, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to issuance of the amendment to the facility operating license and to the approval of the modification to the facility spent fuel element storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esq., 1757 N Street, N.W., Washington, D.C. 20036, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensees' application for amendment and proposal to modify the spent fuel pool dated June 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

Dated at Bethesda, Maryland, this 25th day of August 1976.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76-25842 Filed 9-1-76;8:45 am]

[Docket RM-50-5]

MIXED OXIDE FUEL (GESMO)

Availability of Health, Safety and Environmental Portion of the Final Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors (Report No. NUREG-0002)

On November 14, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 53056) its conclusions regarding the scope, procedures, and schedule for the Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in LWR's (GESMO). Notice is hereby given that the health, safety, and environmental portion of the final GESMO report (identified as report number NUREG-0002) has been prepared by the NRC's Office of Nuclear Material Safety and Safeguards and is available for inspection by the public at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the NRC's Local Public Document Rooms. A draft Safeguards Supplement to the GESMO report will be released as a separate report designated NUREG-0100 and will be available at the same locations at a later date for public review and comment.

Copies of the Final Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors—Health, Safety and Environment (NUREG-0002) can also be purchased from the National Technical Information Service, Springfield, Virginia 22161.

BACKGROUND

On February 12, 1974, the Atomic Energy Commission (AEC) published a notice in the FEDERAL REGISTER that an environmental impact statement on the wide-scale use of mixed oxide fuel in light water cooled nuclear power reactors would be prepared (39 FR 5356). On August 21, 1974, notice was published in the FEDERAL REGISTER that the AEC's Directorate of Licensing had completed the draft environmental impact statement entitled "Generic Environmental Statement Mixed-Oxide Fuel," and that comments on the draft statement were requested from interested persons (39 FR 30186). Numerous comments on the draft statement were received. On December 10, 1974, advance notice was published in the FEDERAL REGISTER that a public hearing would be held on GESMO; persons interested in participation were requested to notify the Secretary of the AEC (39 FR 43101).

The Energy Reorganization Act of 1974 abolished the AEC and transferred its regulatory functions to a new independent agency, the Nuclear Regulatory Commission (NRC), which began official operation on January 19, 1975. The new NRC was responsible for the generic environmental statement and related regulatory aspects of the wide-scale use of recycle plutonium in the fuel of LWR's.

In a FEDERAL REGISTER notice on May 8, 1975 (40 FR 20142) the NRC published its provisional view that a cost-benefit analysis of alternative safeguards programs should be prepared and set forth in draft and final environmental impact statements before a Commission decision is reached on wide-scale use of mixed oxide fuel in light water nuclear reactors; that provisional view also included guidelines for resolving individual applications for licenses to use mixed oxide fuel.

The NRC requested public comments on whether the provisional views should be adopted as final.

On November 14, 1975, after consideration of public comments on its provisional views, the Commission published in the FEDERAL REGISTER (40 FR 53056) its final conclusions on the decisional course it would follow on the matter of wide-scale use. The Commission directed its staff to prepare a safeguards supplement to the August 1974 draft environmental statement. The draft supplement, to be released for public comment later in 1976, will include an analysis of the costs and benefits of alternative safeguards programs, a recommendation as to safeguards requirements associated with wide-scale use of mixed oxide fuel, and an overall cost-benefit analysis of wide-scale use, including health, safety, environmental and safeguards factors. The Commission also directed its staff to expedite preparation of those portions of the final environmental statement dealing with health, safety and environmental matters. In preparing this document, now available to the public, the comments received on the 1974 draft GESMO were taken into account.

The Commission indicated in the November 14, 1975 notice that the public will continue to be afforded the opportunity to participate in the Commission's decision on wide-scale use of recycle plutonium in LWR fuels, not only by submission of written comments on the draft of the Safeguards Supplement, but also by participating in the public hearings which will be held following issuance of each portion of the final environmental impact statement.

On July 29, 1976 the NRC published in the FEDERAL REGISTER (41 FR 31621) a Notice of Appointment of the members of the special board to conduct the hearing on the final environmental impact statement and the proposed rules regarding wide-scale use of mixed oxide fuel in light water nuclear power reactors. On August 12, 1976 the Chairman of the Hearing Board, George Bunn, Esq., published in the FEDERAL REGISTER (41 FR 34123) a Notice of the Prehearing Conference to take place on September 15, 1976 at Washington, D.C.

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON REGULATORY GUIDES

Addition to Agenda

The agenda of the September 8, 1976 meeting of the ACRS Subcommittee on Regulatory Guides has been amended to include discussion of working papers on Regulatory Guide 1.XXX, "Design Guidance for Radioactive Waste Management Systems Installed in Light-Water-Cooled Nuclear Power Reactor Plants" during that portion of the meeting which will convene in closed session with the NRC Staff and any consultants at about 11 a.m.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to consider this matter in closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process and to prevent predecisional disclosure of internal memoranda of the NRC Staff (5 U.S.C. 552 (b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Announcement of this meeting was made in FR Vol. 41, August 23, 1976, page 35577.

All other matters pertaining to this meeting remain the same.

Dated: August 30, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-25841 Filed 9-1-76;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

ADMINISTRATIVE LAW CASES

Delegation of Authority to Executive Secretary

Notice is hereby given pursuant to § 551(a)(1) of the Freedom of Information Act (5 U.S.C. 551) that the Commission has adopted a Delegation of Authority and Direction for the Executive Secretary in connection with his handling of administrative law cases at the Commission. The Delegation, a copy of which is attached as an appendix to this notice, is effective immediately. Although the Delegation is presently in effect, the Commission wishes to encourage public participation in its processes and therefore will accept comments on the Delegation from all interested parties up to and including October 4, 1976. All comments should be addressed to: OSHRC Executive Secretary, 1825 K Street, N.W., Washington, D.C., 20006. All comments will be reviewed by the Commissioners, and the substance of the Delegation is subject to change based upon the comments received. All comments will be available for inspection at the Office of the Executive Secretary at the above address both before and after the closing date.

Dated: August 30, 1976, at Washington, D.C.

FOR THE COMMISSION.

WILLIAM S. MCLAUGHLIN,
Executive Secretary.

DELEGATION OF AUTHORITY AND DIRECTION FOR THE EXECUTIVE SECRETARY

The Executive Secretary shall act for the Members of the Commission on the following matters in those cases which are not pending with an Administrative Law Judge:

1. Grant motions to consolidate where there is no opposition and the motion conforms to Commission Rule 9. Also consolidate those cases which arise out of the same citation and where one case is a notice of contest and another case is a petition for modification of abatement. All parties shall be notified of the consolidation and shall be given an opportunity to object within ten days after such notice and to state reasons therefor. If a timely objection is made, the matter shall be referred for disposition to the Chief Administrative Law Judge.

2. Grant settlement agreements when properly served and consented to or unopposed, dismiss Notices of Contest where Respondent fails to comply with filing or service requirements of the Rules, grant motions to withdraw Notices of Contest, grant motions to vacate citations and proposed penalties, grant motions for extensions of time for filing pleadings or briefs not in excess of 30 days, if such motions are timely

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filed and served and if consented to or unopposed to and if in the opinion of the Executive Secretary the granting of the same would not prejudicially delay the work of the Commission. Any motion, the granting of which would extend the time for filing of pleadings to any date in excess of 30 days beyond the time provided for in the Commission's Rules of Procedure, shall be referred for disposition to the Chief Administrative Law Judge.

3. The Executive Secretary may, in his discretion, submit any motion upon which he is authorized to act to the Chief Administrative Law Judge for disposition except for motions filed in cases pending with the Commission Members following any action on the case by an Administrative Law Judge. Motions in such cases may be acted upon only by the Members of the Commission.

4. Orders by the Executive Secretary granting motions upon which he is authorized to act as hereinbefore provided shall be entered on the docket and all parties shall be promptly notified thereof. Any interested party adversely affected by an order so entered shall be entitled to reconsideration thereof if, within ten days after the Executive Secretary mails notice of the entry of the order, such party serves and files a motion for reconsideration, setting forth the grounds therefor. The Executive Secretary shall submit the motion for reconsideration to the Chief Administrative Law Judge for disposition.

5. The Chief Administrative Law Judge is empowered to subdelegate to other ALJs his duties under these rules.

Dated: Aug. 26, 1976.

FRANK R. BARNAKO,
Chairman.

Dated: Aug. 26, 1976.

ROBERT D. MORAN,
Commissioner.

Dated: Aug. 26, 1976.

TIMOTHY F. CLEARY,
Commissioner.

[FR Doc.76-25793 Filed 9-1-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period July 26 through August 6, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

System Name: Service Officer Demonstration Project.

Report date: August 5, 1976.

Agency Point of contact: Mrs. Sarah M. Juni, Director, Office of Intergovernmental Relations and Public Concerns, Office of External Affairs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

DEPARTMENT OF COMMERCE

System Name: Employee Daily Time and Productivity Records.

Report date: August 11, 1976.

Agency Point of Contact: Mr. Joseph O. Smiroldo, Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-25685 Filed 9-1-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0184]

TSM CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1976)), under the name of TSM Corp., 1000 Hawkins Boulevard, El Paso, Texas 79990, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders are as follows:

Tom D. Billington, President, Director, 6840 Pino Real, El Paso, Texas 79915.
Harry S. Cook, Vice President, General Manager, Director, 6953 Granero, El Paso, Texas 79915.
Ken F. Ledbetter, Vice President, Director, 517 S. Granite, Deming, New Mexico 88030.
Alvin D. Roederer, Treasurer, Director, 4528 Bobolink, El Paso, Texas 79922.
Fred Davidoff, Secretary, Director, 4329 Buckingham Drive, El Paso, Texas 79905.
Ralph Wm. Scoggins, Director, 5820 Timberwolfe, El Paso, Texas 79903.
Thomas Hum, Director, Central Avenue, Bowie, Arizona 85605.
Jose A. Silva, Director, 1428 Camino Alto Road, El Paso, Texas 79902.
John C. Moyer, Director, 4433 N. Stanton, El Paso, Texas 79902.

	Common Stock (Percent)
Tri-State Wholesale Associated Grocers, Inc.	43
Approximately 64 other shareholders with each owning less than 10	57

The common stock, $1.00 par value, represents the only class of stock.

The company will commence operations with a capitalization of $450,000. It is anticipated that future purchases of common stock will increase the capitalization to approximately $1.0 million. This capital is being obtained through the offer and sale of common stock solely to bona fide residents of the State of Texas. These residents are customers of and/or members of Tri-State Wholesale Associated Grocers, Inc., a cooperative of retail grocers, located at 1000 Hawkins Boulevard, El Paso, Texas 79990. At the present time, the cooperative is comprised of approximately 130 members.

TSM Corp. was formed primarily to supply financing to small retail grocers to enable them to make improvements to existing facilities or to construct new facilities. The company will, however, pursuant to the provisions of § 107.101 (b) of the SBA rules and regulations, entertain applications from any potential borrower. Also, the small retail grocer is neither required to be a member of, nor to use the services of the cooperative.

A major portion of the issued and outstanding stock of TSM Corp., will be owned by the cooperative and its members. As such, they would be considered an "affiliated group" beneficially owning ten percent or more of the common stock of TSM Corp. Therefore, the proposed financings to member retail grocers would be subject to the conflict of interest provisions of § 107.1004(b)(1) of the regulations.

It is the intent of SBA to grant the Applicant a partial exemption from the restrictions of § 107.1004(b)(1) of the regulations in order to make it possible to finance, and thus help advance the best interests of, these small retail grocers. The partial exemption would extend only to the financial assistance provided by the Applicant to the small retail grocers who are members of the cooperative. Any financial assistance to other Associates of the Applicant, as defined by § 107.3 of the regulations, would not be exempt, and would fall within the purview of § 107.1004 of the regulations.

Further, in view of the distinctive nature of a cooperative of retail grocers operated for the mutual benefit of its members, SBA intends to grant an exemption to § 107.1004(b)(5) of the regulations to permit members of the cooperative to use up to 100 percent of the proceeds of the Applicant's financing to purchase property, including goods and services, from the cooperative.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of management and shareholders, (2) the reasonable prospects for successful operation of the new company under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is further given that any person may, not later than September 17, 1976, submit written comments on the proposed licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in El Paso, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 26, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-25655 Filed 9-1-76;8:45 am]

[Declaration of Disaster Loan Area 1269; Amdt. No. 1]

COLORADO

Declaration of Disaster Area

The above numbered Declaration (See 41 FR 35590) is amended in accordance with the President's declaration of August 2, 1976, to include El Paso, Pueblo and Weld counties and adjacent counties, within the State of Colorado, and to extend the filing date for physical damage until the close of business on October 18, 1976, and for economic injury until the close of business on May 19, 1977.

Dated: August 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-25656 Filed 9-1-76;8:45 am]

[Declaration of Disaster Loan Area 1271]

NEW JERSEY

Declaration of Disaster Area

As a result of the President's declaration I find that Atlantic, Cape May, Monmouth and Ocean Counties, and adjacent counties within the State of New Jersey constitute a disaster area because of damage resulting from severe storms, high winds and flooding associated with Hurricane Belle beginning about August 9, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 21, 1976, and for economic injury until the close of business on May 23, 1977, at:

Small Business Administration, District Office, 970 Broad Street—Room 1635, Newark, New Jersey 07102.

or other locally announced locations.

Dated: August 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-25653 Filed 9-1-76;8:45 am]

[License Nos. 02/02-0241 and 04/05-0010]

PREFERRED CAPITAL FOR SMALL BUSINESS, INC. AND GOLD COAST CAPITAL CORP.

Proposed Merger

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.903 of the SBA Regulations governing small business investment companies (13 CFR 107.903 (1976)) for the merger of Preferred Capital for Small Business, Inc. (Preferred) 16 Court Street, Brooklyn, New York 11241 into Gold Coast Capital Corporation (Gold Coast) 3350 Biscayne Boulevard, Miami, Florida 33137.

Preferred was incorporated under the laws of the State of New York and licensed by SBA on October 24, 1964. Its present combined paid-in capital and surplus is $306,455 and it has total assets of $900,887 as of March 31, 1976.

Gold Coast was incorporated under the laws of the State of Florida and licensed by SBA on December 22, 1959. Its present combined paid-in capital and surplus is $532,595 and it has total assets of $1,388,026 as of March 31, 1976.

The application provides for the assumption by Gold Coast of all assets and liabilities of Preferred in exchange for common stock of Gold Coast.

The officers, and directors and stockholders of the surviving corporation will be:

	(In percent)
William I. Gold, president	25
Samuel J. Burger, vice-president	25
Bruce Bayroff, secretary	25
Bernard Madovoy, chairman of the board	25

Matters involved in SBA's consideration of the application are the probability of a successful operation of the surviving company including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than September 17, 1976, submit to SBA in writing, comments on the proposed merger of the two companies. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Brooklyn, New York and Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Company.)

Dated: August 25, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-25654 Filed 9-1-76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC on October 1, 1976, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Center, White River Junction, Vermont, that benefits to all eligible persons enrolled in Community College of Vermont, P.O. Box 81, Montpelier, Vermont 05602 be discontinued effective May 31, 1976.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202 389-2850) prior to September 20, 1976.

Dated: August 27, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-25707 Filed 9-1-76;8:45 am]

VETERANS ADMINISTRATION VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that the 30th Anniversary Meeting of the Veterans Administration Voluntary Service National Advisory Committee, established in 1946 and composed of representatives from 46 national voluntary organizations, will be held at the Shoreham-Americana Hotel, 2500 Calvert Street, NW, Washington, D.C., October 20-22, 1976. Registration of the conferees and preliminary meetings of the planning subcommittees will be held during the afternoon of October 20, 1976. The meeting will officially convene with the Plenary Session at 9:30 a.m., October 21, 1976, in the Blue Room of the Hotel. The purpose of the meeting is to constructively plan with the National Committee on the further promotion, development and coordination of volunteer assistance, channeled through national and local organizations, in the care and treatment of veteran patients in the Agency's nationwide medical program.

The business meeting of the National Committee is open to the general public and to volunteers who serve in the Veterans Administration Voluntary Service program in any of the Agency's health care facilities.

Dated: August 27, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-25708 Filed 9-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Vol. No. 46]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested author-

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ity must be filed with the Commission in or before October 4, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 12977 (Notice of filing of petition for modification of brokers license), filed August 10, 1976. Petitioner: HILLSEN'S HOLIDAY TOURS, 1527 West Highland Ave., Redlands, Calif. 92373. Petitioner's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Petitioner holds a license to engage in operations as a *broker* in interstate or foreign commerce, at Redlands, Calif., and points in Alameda and Contra Costa Counties, Calif., in No. MC 12977, issued March 20, 1974, in the transportation of *passengers and their baggage*, in roundtrip tours, (1) beginning and ending at points in San Bernardino, Kern, and Fresno Counties, Calif., and extending to points in the United States (except Alaska and Hawaii); (2) beginning and ending at points in Contra Costa, San Mateo, Santa Clara, and San Diego Counties, Calif., and extending to points in the United States (except Alaska and Hawaii); (3) beginning and ending at points in Los Angeles and Orange Counties, Calif., and extending to points in the United States (except Alaska and Hawaii); and (4) beginning and ending at points in San Bernardino and Riverside Counties, Calif., and extending to points in the United States, subject to the right of the Commission to impose, in accordance with Ex Parte No. MC-29 (Sub-No. 2), Operations of Brokers of Passenger Transportation, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which petitioner arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in round-trip tours. By the instant petition, petitioner seeks: (a) to add San Diego and Santa Barbara, Calif. as additional points at which it is authorized to engage in the above and additionally requested operations: (b) to originate trips beginning and ending at points in Santa Barbara and Ventura Counties, Calif. and extending to points in the United States including Alaska and Hawaii; and (c) to add to its present authority in (1) through (3) above the authority to serve points in Alaska and Hawaii.

No. MC 83975 (Sub-No. 2) (Notice of filing of petition to add additional destination points), filed August 10, 1976. Petitioner: PAGLIUGHI TRUCKING INC., 1190 Hendee Rd., Vineland, N.J. 08360. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 83975 (Sub-No. 2), issued July 16, 1974, authorizing transportation, as pertinent, over irregular routes, of *food products*, requiring refrigeration in transit, between Vineland and points in Upper Deerfield Township, N.J., on the one hand, and, on the other, New Haven, Conn., Wilmington, Del., Washington, D.C., Baltimore, Md., Boston, Mass., Albany, Bronx, Brooklyn, Buffalo, Canajoharie, Elmira, Jamaica, Jamestown, Long Island City, Manhattan, Medina, New Hyde Park, Olean, Rochester, White Plains, and Syracuse, N.Y., Allentown, Altoona, Ardmore, Doylestown, Erie, Harrisburg, Johnstown, Lancaster, Lansdowne, Philadelphia, Pittsburgh, Pottsville, Reading, Scranton, and Waynesboro, Pa. By the instant petition, petitioner seeks to modify the above authority by adding Barker and Schenectady, N.Y. as additional radial points.

No. MC 120898 (Sub-No. 1) (Notice of filing of petition to modify territorial description), filed July 2, 1976. Petitioner: BORDEN TRUCKING, INC., Mira Loma Space Center Bldg., Mira Loma, Calif. 91752. Petitioner holds a motor *common carrier* certificate in No. MC–120898 (Sub-No. 1) issued November 18, 1971, authorizing transportation over irregular routes, of *General commodities*, between Los Angeles, Calif., on the one hand, and, on the other, Los Angeles Harbor, Calif., restricted to steamship traffic only, and further restricted against transportation of trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. By the instant petition, petitioner seeks to modify the territorial description, by adding to the Los Angeles, Calif. point, the area embraced by the following boundary: Beginning at the point where the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa.

Westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hamet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue, southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. In all other respects, the existing authority will remain as originally granted.

No. MC 136786 (Sub-No. 53) (Notice of filing of petition to broaden commodity description and change supporting shippers) filed August 9, 1976. Petitioner: ROBCO TRANSPORTATION, INC., 309 5th Ave. N.W., P.O. Box 12729, New Brighton, Minn. 55112. Petitioner's representative: Stanley C. Olsen, Jr. (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 136786 (Sub-No. 53), issued January 27, 1976, authorizing transportation over irregular routes, of *frozen pizza*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, restricted to the transportation of shipments originating at the facilities of Totino's Finer Foods, Inc. located at Minneapolis, Minn., and destined to points in the named destination states. By the instant petition, petitioner seeks (1) to broaden its commodity description to read "Frozen foods" in lieu of "Frozen pizza"; and (2) to modify the restriction so as to properly reflect the name of the current shipper "The Pillsbury Company" in lieu of Totino's Finer Foods, Inc.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 151 (Sub-No. 59) filed July 26, 1976. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Ave., Terre Haute, Ind. 47807. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative, Inc., located at or near Merom, Ind., as an off-route point in connection with carrier's existing authorized routes of operation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 5470 (Sub-No. 109) filed July 29, 1976. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in bulk, in dump vehicles, from Catlettsburg, Ky.; Neville Island, Pa.; and Bayport, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 5470 (Sub-No. 110) filed July 29, 1976. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Ashtabula, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 29079 (Sub-No. 89) filed July 23, 1976. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15th & H Streets, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, (except liquid fertilizers in tank vehicles), *herbicides and pesticides*, from the plantsite of Knox Fertilizer Co., located at or near Knox, Ind., to points in Illinois, Kentucky, Michigan (Lower Peninsula), Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Indianapolis, Ind.

No. MC 30844 (Sub-No. 571) filed July 28, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Holton, Kans., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to the plantsite and facilities of Tama Meat Packing Corp. located at Holton, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant did not specify a location.

No. MC 42487 (Sub-No. 852), filed July 23, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Columbus, Ohio and Marion, Ohio, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Columbus over U.S. Highway 23 to junction Ohio Highway 423, located at or near Waldo, Ohio, and thence over Ohio Highway 423 to Marion, and return over the same route; (2) Between Marion, Ohio and Findlay, Ohio, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Marion over Ohio Highway 423 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 68, and thence over U.S. Highway 68 to Findlay, and return over the same route; and (3) Between Columbus, Ohio and Findlay, Ohio, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Columbus over U.S. Highway 23 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 68, and thence over U.S. Highway 68 to Findlay, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 517), filed July 26, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oil*, in bulk, in tank vehicles, from Dubuque, Iowa, to Columbus, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52729 (Sub-No. 22), filed July 26, 1976. Applicant: FIOROT

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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TRUCKING, INC., W. Maine Street, P.O. Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, asbestos cement pressure pipes, asphalt shingles, and vinyl shingles, vinyl siding, and vinyl panels, and materials and supplies* used in the installation of such asbestos asphalt, and vinyl commodities, when moving therewith, from the plant-site and warehouse facilities of the Supradur Manufacturing Corporation located at Wind Gap, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin; (2) *materials and supplies* used in the production and manufacture of asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, asbestos cement pressure pipes, asphalt shingles, asbestos and asphalt materials, and vinyl shingles, vinyl siding, and vinyl panels, (except commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, to Wind Gap, Pa. (3) *materials and supplies* used in the installation of asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, asbestos cement pressure pipes, and asphalt shingles, and vinyl shingles, vinyl siding, and vinyl panels (except commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, to Wind Gap, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Easton, Allentown or Philadelphia, Pa.

No. MC 55886 (Sub-No. 19), filed July 19, 1976. Applicant: BLUE LINE TRANSFER CO., INC., P.O. Box 4, 3rd & Broomall Streets, Chester, Pa. 19013. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies*, used in the manufacture thereof, between points in Kent County, Del., on the one hand, and, on the other, points in Maryland; points in Fairfax, Fauquier, Loudoun and Prince William Counties, Va.; and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59117 (Sub-No. 51), filed July 30, 1976. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicants' representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals and mineral mixtures, feed and fertilizer materials and compounds and ingredients thereof*, in bulk, from Galena, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC59150 (Sub-No. 96), filed July 29, 1976. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, scrap or waste*, from points in Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to Anniston, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 65697 (Sub-No. 51), filed July 6, 1976. Applicant: THEATRES SERVICE COMPANY, a Corporation, P.O. Box 1695, Atlanta, Ga. 30301. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. N.W., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, bags, boxes, loose leaf binders or covers, cartons, cups and wrapping and packaging materials*, with printing thereon, between points in Alabama, Georgia (except Savannah, Waycross and Valdosta and points within their respective commercial zones), South Carolina, and that part of Tennessee east of U.S. Highway 31 and U.S. Highway 31E; and (2) *televisions, wood and metal stands, speakers and parts and accessories therefor*, between Atlanta, Ga., on the one hand, and, on the other points in Alabama, Georgia and Tennessee, as defined in applicant's presently authorized regular route operations in Sub-Nos. 1 through 10, including off-route points.

NOTE.—Applicant holds similar authority in its Sub-No. 50 to that sought in (1) above, and in its Sub-Nos. 1 through 10 to that sought in (2) above. Applicant has concurrently filed a "Motion to Dismiss" on the grounds that it already holds the requested authority. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 71642 (Sub-No. 20) filed July 13, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) between Newark and Wilmington, Del., on the one hand, and, on the other, New York, Endicott and Johnson City, N.Y., points in New Jersey, and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State Line and extending along U.S. Highway 11 (formerly shown as U.S. Highway 111), to Harrisburg, Pa., thence along U.S. Highway 11 to the Pennsylvania-New York State Line, including points on the indicated portions of the specified highways; and (b) between Newark and Wilmington, Del., on the one hand, and, on the other, Fairfield County, Conn., the Commercial Zone of Elkhart, and Lafayette, Ind., Hunt Valley, Md., and that part of Massachusetts with points on and east of U.S. Highway 128, and then south on U.S. Highway 3 to the Norfolk County Line, and then to the Coast, the Commercial Zones of Rocky Mount and Winston-Salem, N.C., the Commercial Zone of Shiremanstown, Pa., Shelby County, Tenn., and the Commercial Zone of Richmond, Va., including the base municipality of each Commercial Zone named; and (2) *materials and supplies* used in the manufacture of paper and paper products, from Covington and Richmond, Va., to Newark, Del., under a continuing contract, or contracts, in (1) and (2) above with Westvaco Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 389) filed July 23, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel shot*, from the plantsite and facilities of Wheelabarator-Frye, Inc. located at or near Mishawaka, Ind. and Bedford, Va., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Chicago, Ill.

No. MC 73165 (Sub-No. 390) filed July 27, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Valves, hydrants, parts, attachments and accessories;* and (b) *materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Houston, Tex.

No. MC 74321 (Sub-No. 122) filed July 26, 1976. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Cherry Creek Center Suite 140, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts and accessories therefor;* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of cooling towers and fluid coolers (except in bulk), between Houston, Tex.; Stockbridge, Ga. and Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Tulsa, Okla.

No. MC 78787 (Sub-No. 51) filed July 13, 1976. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: John MacDonald Smith, One Market St., Rm. 813, San Francisco, Calif. 94105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles*, in initial movements, in truckaway and driveway service, from General Motors assembly plants, at Fremont, Los Angeles, and South Gate, Calif., to points in Arizona; points in Nevada (except Austin, Battle Mountain, Carlin, Carson City, Elko, Fallon, Hawthorne, Lovelock, Mina, Minden, Montello, Reno, Tonapah, Wells, Winnemucca, and Yerington; and points in Coos, Curry, Douglas, Jackson, Josephine, Lane and Klamath Counties, Oreg.; and (2) *new automobiles*, in secondary movements, in truckaway service, from railhead ramps at Phoenix, Ariz., to points in California, under contract with General Motors Corporation.

NOTE.—Applicant holds common carrier authority in MC 78786 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 82841 (Sub-No. 174) (Correction) filed May 28, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, and republished as corrected this issue. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products dealers (except commodities in bulk), from the facilities of Deere and Company located in Douglas County, Nebraska to those points in Iowa located on and west of U.S. Highway No. 69, Nebraska and those points in South Dakota located on or south of State Highway No. 34, restricted to the transportation of traffic originating at the named facilities of Deere & Company and destined to the destination point named; and (2) *return shipments* of the commodities described above, from the destination points named above to the facilities of Deere & Company located at the origin points named above, restricted to the transportation of traffic destined to the named facilities of Deere & Company.

NOTE.—The purpose of this republication is to indicate the destination territory, which was published in error. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 83835 (Sub-No. 134) filed July 27, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rail track, attachments and accessories* for rail track; and (2) *equipment* used in connection with the removal and installation of rail track, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsites, facilities, or jobsites of L. B. Foster Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 96881 (Sub-No. 17) filed July 29, 1976. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire and wire products*, from Van Buren, Ark., to Reno, Nev., and points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee and Texas; and (2) *steel wire carriers*, from Reno, Nev., to Van Buren, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 103926 (Sub-No. 49), filed July 14, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mabelton, Ga. 30059. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require the use of special equipment or handling; (2) *commodities*, which by reason of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which by reason of size or weight require the use of special equipment or handling; and (3) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and attachments* moving in connection therewith, from Savannah, Ga., and points within 50 miles thereof, to St. Louis, Mo., Hatfield, Pa., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that it intends to tack the requested authority above with its existing irregular route authority at Savannah, Ga., and points in Georgia within 50 miles thereof, to transport contractors' machinery and equipment, from points in Alabama, Florida, North Carolina, South Carolina and Tennessee, to St. Louis, Mo., Hatfield, Pa., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, the applicant requests it be held at either Savannah or Augusta, Ga. or Charleston, S.C.

No. MC 105566 (Sub-No. 125) filed July 26, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drinking fountains, water coolers, humidifiers, and/or dehumidifiers, and accessories and parts thereof*, from Columbus, Ohio to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 126) filed July 26, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines and toilet preparations*, from Bristol, Tenn., to Elmhurst, Ill., Dallas, Tex., and Sacramento and San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106603 (Sub-No. 149) filed July 27, 1976. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, fibreboard, plywood, particle board, hardboard, insulation board, and accessories*

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and materials used in the installation and sale thereof, from Adrian, Constantine and Palmyra, Mich., to points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas; and (2) *materials and supplies* used in the manufacture and sale of the commodities set forth in (1) above, from points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, to Adrian, Constantine and Palmyra, Mich.

NOTE.—Applicant holds contract carrier authority in No. MC 46240, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 107541 (Sub-No. 42) filed July 27, 1976. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 2000 East Columbia Way, Bldg. 54, P.O. Box 1371, Vancouver, Wash. 98661. Applicant's representative: Dwight Willard, 125 University Avenue, Berkeley, Calif. 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the facilities of Albers Milling Company, located at or near Fort Lupton, Colo., to points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 108393 (Sub-No. 105), filed July 29, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies*, used in the manufacture, distribution and repair of electrical and gas appliances, between Richmond, Ind., and Lowell, Mich., on the one hand, and, on the other, Clyde, Ohio, under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control and dual operations may be involved. If hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109365 (Sub-No. 40), filed July 28, 1976. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P.O. Box 15, Ashdown, Ark. 71822. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk, in tank vehicles), from points in Washington and West Feliciana Parishes, La., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 109533 (Sub-No. 78), filed July 28, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Covington, Va., and Louisville, Ky., serving all intermediate points and serving Georgetown, Ky., as an off-route point: From Covington over U.S. Highway 60 to Louisville, Ky., and return over same route; (2) Between Lexington, Ky., and Harrodsburg, Ky., serving no intermediate points and serving Lexington, Ky., for purposes of joinder only: From Lexington over U.S. Highway 60 to junction Blue Grass Parkway; thence over Blue Grass Parkway to junction U.S. Highway 127; thence over U.S. Highway 127 to Harrodsburg and return over same route; and (3) Between Lexington, Ky., and Mt. Vernon, Ky., serving no intermediate points and serving Mt. Vernon, Ky., as point of joinder only: From Lexington over U.S. Highway 25 to Mt. Vernon and return over same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lexington, Ky. or Charleston, W. Va.

No. MC 109689 (Sub-No. 300), filed July 29, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake Cty, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Soda ash*, from points in Sweetwater County, Wyo., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 759), filed July 26, 1976. Applicant: QUALITY CARRIERS, INC., I-94 & County Truck C, Bristol, Wis. 53158. Applicant's representative: Joseph K. Reber, P.O. Box 186, Pleasant Prairie, Wis. 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate and cocoa products, and confectionary coatings*, in bulk, in tank vehicles, from Dunkirk, N.Y., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 112304 (Sub-No. 108), filed July 26, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment*, used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., located at Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perrs Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 112750 (Sub-No. 330), filed July 27, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities), between Hagerstown, Md. and Pittsburgh, Pa., under a continuing contract, or contracts, with Hagerstown Trust Company.

NOTE.—Applicant holds common carrier authority in MC 111729 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 407), filed July 26, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products*, and *materials, supplies and equipment* used in the manufacture, distribution and sales thereof, from Texarkana, Ark., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 112822 (Sub-No. 408), filed July 30, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant site of American Home Foods at or near Vacaville, Calif., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 113158 (Sub-No. 28), filed July 26, 1976. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: James W. Patterson, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in New York on and west of a line beginning at the St. Lawrence River at Clayton, N.Y., and extending south along New York Highway 12 through Watertown, Port Leyden, Utica and Norwich, N.Y., to Binghamton, N.Y., thence south along Interstate Highway 81 to the New York-Pennsylvania State Boundary line, to the warehouses and facilities utilized by Acme Markets, Inc., located at Baltimore, Md., points in Caroline and Dorchester Counties, Md., Forty Ft. and Lancester, Pa., and South Kearny, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No MC 113280 (Sub-No. 7), filed July 27, 1976. Applicant: BUCHMEIER & SONS, INC., 2988 Skyline Drive, Route 1, Hubertus, Wis. 53033. Applicant's representative: Edward Solie, Executive Bldg., Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage dispensing equipment*, in mixed loads with malt beverages, from Milwaukee, Wis., to points in Illinois and Indiana, limited to transportation service to be performed, under a continuing contract, or contracts, with Pabst Brewing Company, at Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Madison, Wis.

No. MC 113362 (Sub-No. 300), filed July 28, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue, S.E., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Knoxville, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, New York, Ohio and Pennsylvania, restricted to traffic originating at named origin and destined to named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs and packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Nebraska, New York, Ohio and Pennsylvania, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Knoxville, Iowa, restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 114045 (Sub-No. 445), filed July 23, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable hides, and sausage casings*, from the plantsite of Devro, Inc., located at Somerville, N.J., to the plantsite of Devro, Inc., located at Lubbock, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York or Washington, D.C.

No. MC 114457 (Sub-No. 267), filed July 30, 1976. Applicant. DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane products*, from the facilities of Future Foam, Inc., at Council Bluffs, Iowa, to points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114896 (Sub-No. 40), filed July 27, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: John M. Delany, 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Washington, Richmond, Va., Charlotte, N.C. and Baltimore, Md., under a continuing contract, or contracts, with the Department of the Treasury.

NOTE.—Applicant holds common carrier authority in No. MC 140345 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115092 (Sub-No. 46), filed July 29, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, not frozen, *and canned goods*, from Los Angeles and San Diego, Calif., to points in Colorado, Texas and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 115331 (Sub-No. 413), filed July 23, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 115669 (Sub-No. 157), filed July 12, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and Dicalcium phosphate*, from Weeping Water, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 115669 (Sub-No. 158) filed July 26, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plant site of Cominco American, Incorporated, located 5 miles northwest of Beatrice, Nebr., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 116273 (Sub-No. 206) filed July 23, 1976. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank or hopper-type

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vehicles, from Detroit, Mich., to points in Indiana, Michigan, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116459 (Sub-No. 60) filed July 26, 1976. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Sam Speer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Terephthalic acid*, in bulk, in tank vehicles, from the plantsite of E. I. Dupont de Nemours Company Cape Fears Plant located near Phoenix, N.C., to the plantsite of E. I. Dupont de Nemours Company, Inc. located at Old Hickory, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Wilmington, N.C. or Nashville, Tenn.

No. MC 117589 (Sub-No. 37) filed July 22, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801—Seventh Avenue South, P.O. Box 2450, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Elensburg and Seattle, Wash., to Boston, North Billerica and Somerville, Mass.; Andover, Bayonne, Camden and Paramus, N.J.; Philadelphia, Pa.; Landover, Md.; and points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Portland, Oreg.

No. MC 117765 (Sub-No. 210) filed July 27, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and facilities of Midland Glass Company, located at or near Henryetta, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 181) filed July 26, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (Same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cast iron boilers and heating supplies and equipment*, from Northvale, N.J., to points in Iowa (except Cedar Rapids, Des Moines and Guttenberg); Minnesota (except Albert Lea, Duluth, Mankato, Minneapolis, St. Paul and Worthington); North Dakota (except Bismarck and Fargo); and points in South Dakota, Wyoming and Montana.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 182), filed July 26, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (Same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from Savannah, Ga., to points in Illinois, Indiana, Michigan and Ohio, restricted to traffic originating at the named origin point and destined to the facilities of S. S. Kresge Company located in the named destination states.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 118806 (Sub-No. 49), filed July 22, 1976. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada R2J0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Commodities*, which because of size or weight, require the use of special equipment, and related machinery, parts and supplies, when their transportation is incidental to the transportation of commodities, which because of size or weight, require the use of special equipment, and (B) *commodities*, which do not require the use of special equipment when moving on the same equipment or under the same bill of lading as commodities, which because of size or weight, require the use of special equipment; and (2) *Self-propelled articles and related machinery, tools, parts and supplies* moving in conjunction therewith, between the ports of entry on the International Boundary Line between the United States and Canada, located at points in Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, restricted in (1) and (2) above against the transportation of tractors, road-making machinery, contractor's equipment and supplies, and farm machinery.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118831 (Sub-No. 133) filed June 24, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terephthalic acid*, dry, in bulk, (1) from Decatur, Ala., to Fiberton, N.C. and Darlington, S.C.; and (2) from Phoenix, N.C. to Old Hickory, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Raleigh, N.C.

No. MC 118989 (Sub-No. 141) filed July 23, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 119531 (Sub-No. 161), filed July 23, 1976. Applicant: SUN EXPRESS, INC., P.O. Box 808 Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics (urethane, polyurethane)*, cellular, expanded or foamed in blocks or sheets, from Ft. Wayne, Ind., to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119631 (Sub-No. 23), filed July 29, 1976. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Mount Union Station, Alliance, Ohio 44601. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products*, from White Cloud, Mich., to ports of entry on the International Boundary Line between the United States and Canada located at Detroit, Port Huron and Sault Ste. Marie, Mich., restricted to foreign commerce only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 119908 (Sub-No. 36), filed July 26, 1976. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, treated or untreated, between points in North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in Florida, and Georgia.

NOTE.—Applicant proposes to tack the authority sought with its existing authority (1) in Sub. No. 24 at points in Georgia to serve points in North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, and Tennessee; and (2) in Sub Nos. 1 and 24 at points in Georgia and Louisiana so that it can serve between points in North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Texas. Applicant holds contract carrier authority in MC 110814 and Sub thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or New Orleans, La.

No. MC 120257 (Sub-No. 30), filed July 30, 1976. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board paper*, from Anniston, Ala., to Rotan, Tex. and Medicine Lodge, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Buffalo, N.Y.

No. MC 120419 (Sub-No. 3), filed July 23, 1976. Applicant: SERVICE TRANSFER, INC., 1501 West Main, Henryetta, Okla. 74437. Applicant's representative: Duane A. Woodliff, 405 West Trudgeon, P.O. Box 1090, Henryetta, Okla. 74437. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc., located at or near Henryetta, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Kansas, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications of Great Western Trucking Co., Inc., Contract Freighters, Hahn Truck Lines, and Tollie Freightways, Inc., at Oklahoma City, Okla.

No. MC 120761 (Sub-No. 11), filed July 26, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis and semi-trailer chassis*, and (2) *parts and attachments* for the items listed in (1) above, between the plantsite and storage facilities of Aztec Products, Inc. located at or near Mansfield, Tex., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 120761 (Sub-No. 12), filed July 26, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., Fort Worth, Tex. 76118. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from the plantsite of Nucor Steel Corp. located at or near Jewett, Tex., to points in Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee; and (2) *scrap iron and scrap steel and crushed motor vehicle bodies*, from points in Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee, to the plant facilities of Nucor Steel Corp. located at or near Jewett, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 123407 (Sub-No. 322), filed July 29, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and foundry materials and supplies* (except commodities in bulk), (1) from points in the United States (except Alaska and Hawaii), to Tempe, Ariz., and Lindon, Utah; and (2) from points in the United States (except Alaska, Arizona, California, Hawaii, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, South Dakota, Wisconsin, and Wyoming), to Englewood, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 123765 (Sub-No. 6), filed July 26, 1976. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between the retail outlets, storage facilities and distribution centers of H. C. Prange Co. located in Wisconsin on the one hand, and, on the other, the retail outlets and storage facilities of H. C. Prange Co. located at or near Marquette, Mich., restricted to traffic originating at or destined to the said retail outlets, storage facilities and distribution centers of H. C. Prange Co.

NOTE.—Applicant holds contract carrier authority in No. MC 6031 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 124027 (Sub-No. 16), filed July 16, 1976. Applicant: MIDWEST BULK, INCORPORATED, 901 Lyndale Avenue, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand additives and ingredients and processed clay*, in bulk, in bags, and in mixed loads, from Neenah, Wis., to points in Iowa and Minnesota; and (2) *foundry sand additives and ingredients and processed clay*, in bulk, from Neehan, Wis., to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 124078 (Sub-No. 698), filed July 26, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124774 (Sub-No. 96), filed July 28, 1976. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania,

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Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 124839 (Sub-No. 29), filed July 27, 1976. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819, H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, floor tile and floor covering*, and *insulating materials* and *materials, equipment and supplies*, used in the manufacture, installation or distribution of the foregoing group of commodities, (1) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) between points in (1) on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with GAF Corporation, at South Bound Brook, N.J., restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 125433 (Sub-No. 81), filed July 23, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-finished vinyl, and covered paneling, particleboard, hardboard or composition board, fiberboard, gypsumboard and molding*, from the plantsite of Sioux Veneer Panel Co., located at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plantsite of Sioux Veneer Panel Co. located at or near Boise, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Boise, Idaho.

No. MC 125470 (Sub-No. 18), filed July 28, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Carbonated beverages* in bottles or cans, from Ottumwa, Iowa, to points in Arkansas, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebraska or Ottumwa, Iowa.

No. MC 127042 (Sub-No. 175), filed July 26, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in mechanically refrigerated vehicles, from points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 127042 (Sub-No. 176), filed July 30, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged soda ash*, from points in Sweetwater County, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 127411 (Sub-No. 4) filed July 21, 1976. Applicant: KERDELL WITTMIER, doing business as WITTMIER TRUCKING SERVICE, Napoleon, N. Dak. 58561. Applicant's representative: Kerdell Wittmier (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Paul, Minn., to Spokane, Wash., under a continuing contract with Northwest Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo or Bismarck, N. Dak.

No. MC 128527 (Sub-No. 67), filed July 28, 1976. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated coatings*, from Emmett, Idaho, to points in Arizona, California, Oregon, Montana, Nevada, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, Portland, Oreg. or Seattle, Wash.

No. MC 128831 (Sub-No. 11), filed July 16, 1976. Applicant: DIXON RAPID TRANSFER, INC., R.F.D. #3, East River Road, Dixon, Ill. 61021. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* and *duct*, used in heating, cooling, air conditioning and exhaust systems; *materials and supplies*, used in the installation thereof; and *building construction wall sections and accessories and parts*, used in the installation thereof, from the plantsite of United Sheet Metal Division of McGill Corp., at Westerville, Ohio, to points in Massachusetts, Michigan, Missouri, New Jersey, New York and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129480 (Sub-No. 25) filed July 22, 1976. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550–71st Avenue, S.E., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural* chemicals (except in bulk), from Des Moines, Iowa, and the plantsite and warehouse facilities of Monsanta Co., at or near Muscatine, Iowa, to ports of entry on the International Boundary line between the United States and Canada, located in Minnesota, Montana, and North Dakota, restricted to transportation of shipments destined to points in Alberta, Saskatchewan and Manitoba Provinces, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Denver, Colo.

No. MC 133095 (Sub-No. 105), filed July 26, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and materials, equipment and supplies*, used in the manufacture and distribution thereof, between Seguin, Tex., on the one hand, and, on the other, points in the United States (except Alaska & Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133377 (Sub-No. 8), filed July 27, 1976. Applicant: COMMERCIAL SERVICES, INC., 114 Memorial Road, Storm Lake, Iowa 50588. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, to points in Illinois, Minnesota and Nebraska; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs and packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Minnesota, and Nebraska, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, restricted to traffic originating at and destined to the named origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 133655 (Sub-No. 94), filed July 26, 1976. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, (1) from Plainview, Tex., to points in Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Ohio, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and (2) from Friona, Tex., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Kansas City, Mo.

No. MC 133977 (Sub-No. 23), filed July 23, 1976. Applicant: GENE'S, INC., 10115 Brookville Salem Rd., Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream, liquid cream substitute, egg substitutes, sauces, dressings, and salads* (except in bulk), from Newburgh, N.Y., to points east of the Mississippi River.

NOTE.—Applicant holds contract carrier authority in No. MC 134238 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134068 (Sub-No. 30), filed July 28, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheel goods*, from Olney, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 134404 (Sub-No. 28), filed July 28, 1976. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning products, nutritional foods and related articles, toilet preparation, and materials, supplies and equipment* used in the manufacture, distribution or sale of the above commodities (except commodities in bulk), from Urbana, Ohio and Franklin, Ky., to Charlotte, N.C., under a continuing contract or contracts with the Drackett Products Company, a division of Bristol Meyers of Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 134453 (Sub-No. 13), filed July 28, 1976. Applicant: STERNILITE TRANSPORTATION COMPANY, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles, parts and accessories for poles, steel piling*, and *steel radio broadcasting masts*, from Waukegan, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Union Metal Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134735 (Sub-No. 11) (Correction), filed May 14, 1976, published in the FEDERAL REGISTER issue of June 24, 1976, and republished as corrected this issue. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 98903. Applicant's representative: Philip G. Skoftad, 18448 S.E. Pine Street, Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or poultry feed, feed ingredients, and feed supplements* (except liquids in bulk in tank vehicles), (1) from points in Oregon and Washington, to points in California; and (2) from points in California south of San Luis Obispo, Kern and Inyo Counties, to points in Oregon and Washington.

NOTE.—The purpose of this republication is to indicate the correct commodity and territorial description. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 134755 (Sub-No. 70) (Correction), filed March 22, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, and republished as corrected this issue. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Conshohocken, Frazer, Montgomeryville, and Norristown, Pa., to points in Arizona, Arkansas, California, Colorado, Kentucky, Louisiana, Tennessee and Texas.

NOTE.—The purpose of this republication is to indicate the correct origin point as Montgomeryville, Pa. in lieu of Montgomery, Pa. as was previously published. Applicant holds contract carrier authority in No. MC-138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Kansas City, Mo.

No. MC 134922 (Sub-No. 188), filed July 28, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh or frozen, *meat products and products produced by packinghouses*, from the plantsite of Farmland Foods, Inc. located at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Little Rock, Ark.

No. MC 134958 (Sub-No. 9), filed July 20, 1976. Applicant: HAMS EXPRESS, INC., 3499 South Third St., Philadelphia, Pa. 19148. Applicant's representative: David M. Schwartz, 1025 Connecticut Ave., NW., Suite 500, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, C, and D, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk and hides), (1) from the plantsite, warehouses, and storage facilities used by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in the United States (except Alaska, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming); (2) from points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, to the plantsite and other facilities of Blue Bird Food Products Co., at or near Philadelphia, Pa.; (3) from the warehouse facilities of Blue Bird Food

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Products Co., at Cleveland, Ohio, to points in Michigan, Illinois, and New York; (4) from the warehouse facilities of Blue Bird Food Products Co., at Chicago, Ill., to points in Ohio, Michigan, Missouri, Wisconsin, Colorado, Oklahoma, Arkansas, Kentucky, Nebraska, Indiana, and New York.

(5) From the warehouse facilities of Blue Bird Food Products, Co., at Milwaukee, Wis., to points in Illinois, and Ohio; (6) from the plant site, warehouses, and storage facilities used by (a) Patrick Cudahy (Illinois) Incorporated located at or near Chicago, Ill., and (b) Patrick Cudahy (Wisconsin) Incorporated located at or near Cudahy, Wis., to points in the United States (except Alaska and Hawaii); (7) from cold storage warehouses at Denver, Colo., to points in California, Arizona, Montana, New Mexico, Oregon, Utah, and Washington; (8) from cold storage warehouses at Kansas City, Mo., to points in Arkansas, Missouri, New Mexico, Nebraska, Oklahoma, South Dakota, Tennessee, and and Texas; (9) from cold storage warehouses at Nashville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, and South Carolina; (10) from cold storage warehouses at Cleveland, Ohio, to points in Maryland, Michigan, New York, Pennsylvania, Virginia, and West Virginia; (11) from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the plant site, warehouses, and storage facilities used by (a) Patrick Cudahy (Illinois) Incorporated and (b) Patrick Cudahy (Wisconsin) Incorporated, located at or near Chicago, Ill.; (12) from points in California, Colorado, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Pennsylvania, South Dakota, and Texas to the plant site, warehouses, and storage facilities used by Patrick Cudahy (Wisconsin) Incorporated located at or near Cudahy, Wis.; (13) from points in Alabama, Arkansas, Georgia, Kentucky, Oklahoma, Tennessee, and Texas, to cold storage warehouses at Peoria, Ill., and Indianapolis, Ind.; (14) from points in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia, to cold storage warehouses located at or near Benton Harbor, Mich., and Indianapolis, Ind.

(15) From points in Colorado, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, to cold storage warehouses located at or near Cedar Rapids and Davenport, Iowa, and Peoria, Ill., the foregoing operations are limited to a transportation service to be performed under continuing contracts with Blue Bird Food Products, Inc., of Philadelphia, Pa., Patrick Cudahy (Illinois) Incorporated of Chicago, Ill., and Patrick Cudahy (Wisconsin) Incorporated of Cudahy, Wis.

NOTE.—Applicant states it already holds contract carrier authority pursuant to permit in Dockets MC 134958, MC 134958 (Sub-No. 3), and MC 134958 (Sub-No. 5) to perform the operations requested in paragraphs, (1)–(5) limited to a transportation service to be performed, under a continuing contract, or contracts, with Blue Bird Food Products, Inc., of Philadelphia, Pa., except that it is also authorized to transport hides under the authority stated in paragraphs (1) and (2) above, which hides authority it will relinquish upon a grant of this application. Applicant states it also holds authority in Dockets MC 134958 (Sub-No. 6) to perform the operations authorized in paragraphs (6)(a), (7), (8), (9), (10)(a), (11)(a), (13), (14), and (15) under a continuing contract, or contracts, with Patrick Cudahy (Illinois) Incorporated. The purpose of this application is (a) to seek the additional authority set forth in paragraphs (6)(b), (11)(b), and (12); and (b) to modify applicant's existing permits described above, so as to permit transportation service to be performed pursuant to (1) through (15) inclusive, under continuing contracts with all three named shippers all of which are sister corporations, and wholly-owned subsidiaries of Bluebird Incorporated. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 135454 (Sub-No. 18), filed July 13, 1976. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, preserved or prepared (not cold pack nor frozen), from points in Ontario County, N.Y., to points in Maryland, New Jersey, Ohio, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135733 (Sub-No. 5), filed July 2, 1976. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, N.Y. 14203. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Buffalo, N.Y., to ports of entry on the International Boundary Line between the United States and Canada located at Buffalo and Lewiston, N.Y., restricted to shipments destined to points in the Province of Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Buffalo, N.Y.

No. MC 135824 (Sub-No. 1), filed July 30, 1976. Applicant: J. BERNARD KLAPEC, R.D. 1, 673 North Seneca Street, Oil City, Pa. 16301. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and steel products, ingots of high nickel content, and materials, supplies and equipment*, used or useful in the production and distribution of steel and steel products, between Oil City, Pa., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and (2) *steel and steel products*, from Kokomo, Ind., to Baltimore, Md., Monroeville, Pa.; Toledo, Ohio; Detroit, Mich.; Plaquemine and Mussle Shoals, La.; and Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136746 (Sub-No. 4), filed July 19, 1976. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 9847 Page Blvd., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of cosmetics, from St. Louis, Mo., to points in Perry, Ste. Genevieve, Ste. Francois, Cape Girardeau, Madison, Jefferson, Bollinger, Iron, Wayne, Boone and Cole Counties, Mo., under a continuing contract, or contracts, with Avon Products, Inc., at Morton Grove, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 138076 (Sub-No. 6), filed July 26, 1976. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, Kans. 67401. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from the plantsite and storage facilities of Steel & Pipe Supply, Inc., located at or near Manhattan, Kans., to points in Colorado, Iowa, Missouri, Nebraska, Oklahoma, Texas and Wyoming, (2) from points in Colorado, Illinois, Missouri, Nebraska and Oklahoma, to the plantsite and storage facilities of Steel & Pipe Supply, Inc., located at or near Manhattan, Kans.; and (3) from the plantsite and storage facilities of Steel & Pipe Supply, Inc., located at or near Muskogee, Okla., to points in Kansas and Nebraska, restricted in (1), (2) and (3) above, to traffic originating at points of origin and destined to points of destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Topeka, Kans.

No. MC 138104 (Sub-No. 35), filed July 29, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel welded storage tanks*, from Mexia, Tex., to points in Arkansas, Kansas, Louisiana, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138520 (Sub-No. 1), filed July 22, 1976. Applicant: R. JOHNS TRANSFER, INC., 2206 Patterson Avenue, S.W., Roanoke, Va. 24016. Applicant's representative: Kenneth N. Hylton, 2905 Cadillac Tower, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between points in Alabama, Delaware, Georgia, Maryland, New York, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Richmond, Va.

No. MC 138552 (Sub-No. 3), filed July 27, 1976. Applicant: MILTON MCCOMBS, JR., 2006 North Central Avenue, Tifton, Ga. 31794. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet gypsum*, in bulk, in dump vehicles, from points in Jackson County, Miss., to points in Alabama, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138627 (Sub-No. 12), filed July 16, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured iron and steel articles*, from St. Louis, Mo. and points in Madison County, Ill., to Shreveport, La., and points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma and Tennessee, restricted to the transportation of traffic originating at the plantsites of and facilities utilized by Steelabrade Corporation; Laclede Steel Company; Caine Steel Company; Granite City Steel Division, National Steel Corporation; Armco Steel Corporation; Missouri Rolling Mill Corporation; Metal Services, Inc; and Wheeling-Pittsburgh Steel Corporation, and destined to named destination points.

NOTE.—Applicant states the purpose of this application is to convert its Permit in No. MC 66955 to a Certificate of Public convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Chicago, Ill.

No. MC 139658 (Sub-No. 12), filed July 26, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, 5299 Roswell Road, N.E., Ste. 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks, from points in Bledsoe, Rhea, Hamilton, Sequatchie and Roane Counties, Tenn., to points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140016 (Sub-No. 5), filed July 27, 1976. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and related advertising materials*, from the plantsite of Anhauser-Busch, Inc., near Fairfield, Calif., to points in Nevada on or north of Interstate Highway 6; and (b) *returned malt beverages*, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno or Carson City, Nev.

No. MC 140024 (Sub-No. 66), filed July 15, 1976. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, from points in Colorado, Iowa, Kansas, Minnesota, Missouri and Wisconsin, to the facilities of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., restricted to traffic originating at named origins and destined to named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140033 (Sub-No. 16), filed July 29, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75205. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe fittings*, from the plantsite and warehouse facilities of Tube-Line Manufacturing Co., located at or near Long Island City, N.Y., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Missouri, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Washington, D.C.

No. MC 140168 (Sub-No. 3) filed July 15, 1976. Applicant: FANETTI REFRIGERATED TRANSPORT, Rt. 1, Box 29-A, Bloomer, Wis. 54274. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, inedible, from Greenwood and Cameron, Wis., to Los Angeles, Calif.; Seattle, Wash.; Fort Dodge, Iowa; Topeka and Kansas City, Kans.; and Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140363 (Sub-No. 4), filed July 28, 1976. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Edward A. Winter, 345 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Purvis, Miss., to Brunside, Chalmette, Davant, and New Orleans, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., Jackson or Gulfport, Miss., or Houston, Tex.

No. MC 140484 (Sub-No. 19), filed July 19, 1976. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer, P.O. Box 808, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, and parts and accessories*, for electric motors and electric welders; *welding supplies, and hand truck parts* (except commodities which because of their size and weight require the use of special equipment), (1) from Cleveland and Mentor, Ohio, to points in Alabama, Florida, Georgia, Kansas, and Mississippi; (2) from Cleveland and Mentor, Ohio, to Baltimore, Md.; and (3) *empty containers*, from Baltimore, Md., to Cleveland, Ohio, restricted in Part (2) above, to traffic having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 140300 (Sub-No. 1), filed July 23, 1976. Applicant: COLONIAL TRANSPORTATION, INC., East Arrowhead Drive, McMinnville, Tenn. 37110. Applicant's representative: Robert L. Baker, Suite 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, brake drums, disc brakes and parts thereto*, and *parts, materials, equipment and supplies* used in the manufacture of the above commodities, between points in Tennessee, on the one hand, and, on the other, points in Illinois, New Jersey, New York, Ohio,

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Pennsylvania and Virginia, under a continuing contract, or contracts, with Gould Inc., Century Electric Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Nashville, Tenn.

No. MC 140883 (Sub-No. 9), filed July 29, 1976. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE, Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene and insulated panels with metal, wood and plastic skins*, from Florence, Ky., to points in the United States (except Alaska and Hawaii), under a contract with Kysor/Isowall, Division of Kysor Industrial Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 141010 (Sub-No. 2), filed July 29, 1976. Applicant: CONTRACT TRANSPORT, INC., R.R. No. 3, Norwalk, Iowa 50211. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Tulsa, Okla. and Omaha, Nebr., to the plantsite and warehouse facilities of Distinctive Packaging, located at Madrid, West Des Moines, and Spirit Lake, Iowa; and (2) between the plantsite and warehouse facilities of Distinctive Packaging, located at Madrid, West Des Mones, and Spirit Lake, Iowa, on the one hand, and, on the other, points in Minnesota, Nebraska, South Dakota and Wisconsin, under contracts in (1) and (2) with Distinctive Packaging.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa; or St. Paul or Minneapolis Minn.

No. MC 141197 (Sub-No. 6), filed July 23, 1976. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64190. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mine sites of Custom Coal Company, located in Craig County, Okla., to the James River Power Plant, located at or near Springfield, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141448 (Sub-No. 1), filed July 16, 1976. Applicant: DUNCAN SALES & LEASING COMPANY, INC., 714 East Baseline, Buckeye, Ariz. 85326. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe or tubing commonly know as steel culvert, multiple plate, guard rails, truss pipe, cattle guards, end sections, bands, bolts, nuts, grates, assembly pieces and plastic pipe*, between points in Arizona, restricted to traffic having a prior movement in interstate commerce, under a continuing contract, or contracts, with ARMCO Steel Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 141618 (Sub-No. 2), filed July 29, 1976. Applicant: DAVID C. BURNS, doing business as DAVID C. BURNS TRUCKING, 1146 East Main Street, Casa Grande, Ariz. 85222. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rockwool insulation* (except in bulk), from Fontana, Calif., to points in Arizona, under a continuing contract, or contracts, with Rockwool Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 141782 (Sub-No. 2), filed July 12, 1976. Applicant: C & C CARTAGE COMPANY, INC., No. 3 Birkenhead Street, Port Wentworth, Ga. 31407. Applicant's representative: John B. Miller, 33 Bull Street, P.O. Box 1567, Savannah, Ga. 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between points within the Savannah, Ga. Commercial Zone, restricted (a) to commodities in intermodal cargo containers and empty containers, container chassis and accessory and auxiliary equipment; (b) to transportation having a prior or subsequent movement by water; (c) excluding that part of the Savannah Commercial Zone located in the State of South Carolina; and (d) excluding the transportation of motor vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga., or Jacksonville, Fla.

No. MC 142047 (Sub-No. 2), filed July 26, 1976. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint thinner and ingredients thereof*, from the plantsites and shipping facilities of Globe Solvent, Inc., at Philadelphia, Pa., to points in Illinois, Louisiana, Missouri, Ohio, Tennessee, and Virginia; and (2) *plasticizers and polyesters*, from the plantsites and shipping facilities of Hooker Chemical, Inc., at Hicksville, N.Y., to points in Florida, Illinois, Minnesota, Missouri, Ohio, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 142047 (Sub-No. 3), filed July 26, 1976. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients*, and *herbicides, insecticides and pesticides* when moving in mixed shipments with fertilizers (restricted against the transportation of commodities in bulk), (1) between the plantsite and shipping facilities of Famco, Inc. located in Medina, Ohio and the plantsite and shipping facilities of Andersons located at Maumee, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island and South Dakota; and (2) between the plantsites and shipping facilities of Plant Products, Inc. located at or near Blue Point, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142065 (Sub-No. 1), filed July 20, 1976. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Box 232, Mulberry, Ark. 72947. Applicant's representative: L. C. Cypert, Suite 3, 204 Highway 71 North, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations, ingredients and additives* (except in bulk), in vehicles equipped with mechanical refrigeration, between Russellville, Ark., and Searcy, Ark., on the one hand, and, on the other, points in Arizona, California, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia and Wisconsin, under a continuing contract, or contracts, with Morton Frozen Food.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Tulsa, Okla.

No. MC 142126 (Sub-No. 2), filed July 26, 1976. Applicant: FOAM TRANSPORT, INC., Dundee Park, Andover, Mass. 01810. Applicant's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle. over irregular routes, transporting: (1) *Urethane foam*, loose, wrapped or in containers, from Andover, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island and Vermont; and (2) *toluene diococyanate*,

in bulk, in tank vehicles, from Ashtabula and Painesville, Ohio and Washington, N.J., to the plantsite of GSF Corp. located at Andover, Mass., under a continuing contract, or contracts, with GSF Corp. located at Andover, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 142231 (Sub-No. 1), filed July 29, 1976. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Rd., NE., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire, impregnated iron or steel pipe, and iron or steel articles;* and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire, impregnated iron or steel pipe and iron or steel articles (except commodities which because of size or weight, require the use of special equipment), between the plantsite and facilities utilized by the Oxylance Corporation, in Cobb County, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Oxylance Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 142278 (Sub-No. 1), filed July 29, 1976. Applicant: NORMAN PETERSON AND CHARLES HEAVIRLAND, a Partnership, doing business as P & H TRUCKING, Box 228, Floodwood, Minn. 55736. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressed fibreboard*, formed panels for automotive use, from Floodwood, Minn., to Detroit, Mich., and Norwalk, Ohio, under a continuing contract, or contracts, with Van Dresser Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 142280 (Sub-No. 1), filed July 22, 1976. Applicant: ROBERT C. WEED, doing business as NORTHERN ILLINOIS TRANSIT, 922 East Route 20, Rock Falls, Ill. 61071. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials* (except commodities in bulk), from Lake County, Ind., to Sterling, Ill., under a continuing contract or contract with Northwestern Steel & Wire Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sterling or Chicago, Ill.

No. MC 142292, filed July 21, 1976. Applicant: R. WARREN WHITLEY, Box 173, Belleville, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete structural products*, from ports of entry on the International Boundary Line between the United States and Canada located in Michigan and New York, to points in Michigan, New York and Ohio, and returned shipments of damaged and rejected pre-cast and pre-stressed concrete products in return, under a continuing contract, or contracts, with Stanley Structures Ltd. and Pre-Con Company, Division of St. Marys Cement Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142303, filed July 28, 1976. Applicant: CUTLER & LEE, INC., Route 73 & Regent Ave., Maple Shade, N.J. 08052. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles for salvage*, from points in Connecticut, Delaware, Maryland, New York and Pennsylvania, to South Plainfield, N.J., under a continuing contract, or contracts, with Fireman's Fund Insurance, doing business as Falcon Customer Service Center-Fireman's Fund Customer Service Center.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142310, filed July 26, 1976. Applicant: H. O. WOLDING, INC., P.O. Box 56, Nelsonville, Wis. 54458. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products and advertising materials, equipment and supplies* (except commodities in bulk), from Plover and Beaver Dam, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Stevens Point or Madison, Wis.

No. MC 142311, filed July 28, 1976. Applicant: MR. STEAK TRANSPORTATION COMPANY, INC., 5100 Race Court, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant materials, equipment and supplies*, between the facilities of Mr. Steak, Inc., located at Denver, Colo., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic under a continuing contract, or contracts, with Mr. Steak, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 142312, filed July 28, 1976. Applicant: RALPH JAMES WOODWORTH, doing business as RALPH JAMES WOODWORTH & SONS BULK TRANSPORTATION, 17 Saratoga Drive, Englishtown, N.J. 07726. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in shipper owned trailers, from Windsor, N.J., to points in the United States east of and including Iowa, Minnesota, Missouri, Oklahoma and Texas, under a continuing contract, or contracts, with Eastern Sterling Plastics Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142320, filed July 21, 1976. Applicant: FLEMING TRANSPORT COMPANY, Box 337, Long Lake, Minn. 55356. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and parts and accessories*, from Long Lake, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; and (2) *parts, materials and supplies* used in the manufacture of the commodities in (1) above, from points in Colorado, Connecticut, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Washington and Wisconsin, to Long Lake, Minn.; both (1) and (2) above are under a continuing contract, or contracts, with Fleming Mfg. Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

PASSENGER APPLICATIONS

No. MC 29839 (Sub-No. 5), filed July 2, 1976. Applicant: EVERGREEN STAGE LINES, INC., 9038 N. Denver, P.O. Box 17306, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in one-way charter operations (1) from points in Multnomah County, Oreg., and Clark County, Wash. to points in Alaska; and (2) from points in Alaska to Multnomah County, Oreg. and Clark County, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Portland, Oreg.

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No. MC 102676 (Sub-No. 13), filed June 23, 1976. Applicant: WORCESTER BUS CO., INC., 287 Grove St., Worcester, Mass. 01605. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers*, in special operations, from Oxford, Webster and Worcester, Mass., to the sites of Plainfield Greyhound Park, located in Plainfield, Conn., and Yankee Greyhound Racing, Inc. Track, located in Seabrook, N.H., and return, during the racing seasons.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Worcester or Boston, Mass.

No. MC 140845 (Sub-No. 3), filed July 26, 1976. Applicant: HOKE BUS LINES, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Darke, Defiance, Fulton, Hardin, Henry, Mercer, Paulding, Van Wert, and Williams Counties, Ohio, and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

BROKER APPLICATIONS

No. MC 12954 (Sub-No. 1) (Correction), filed June 16, 1976, published in the FR issue of July 22, 1976, republished as corrected this issue. Applicant: ROGER L. TROMPH, doing business as TROMP TOURS, 19 Coolidge Park, Wakefield, Mass. 01880. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Wakefield, Mass., to sell or offer to sell the transportation of *Passengers and their baggage*, in charter and special operations, under arrangements with motor, air, water and rail carriers, beginning and ending at points in Middlesex County, Mass. (excluding Lowell, Mass.), and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—The purpose of this republication is to correct applicant's requested authority. Applicant requests that his brokerage license MC 12954 be revoked upon issuance of the authority as applied for. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 130245 (Sub-No. 1), filed July 28, 1976. Applicant: ELMER SCHEFFLER AND JEANETTE SCHEFFLER, a Partnership, doing business as FOUR SEASONS TOURS, 21 Sandra Court, Saginaw, Mich. 48605. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Saginaw, Mich., to sell or offer to sell the transportation of *passengers*, as individual and in groups, and *their baggage* in the same vehicle with passengers, in charter and special operations, by air, water, motor and rail carriers, beginning and ending at points in the Lower Peninsula of Michigan and extending to points in the United States, including Alaska and Hawaii (except Flint, Grand Rapids, and Lansing, Mich.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12838. Authority sought for purchase by WEISS TRUCKING COMPANY, INC., Box 7, Mongo, IN., 46771, of a portion of the operating rights and property of C & K TRANSPORT, INCORPORATED, P.O. Box 220, New Buffalo, MI., 49117, and for acquisition by LEON WEISS, Box 7, Mongo, IN., 46771, of control of such rights through the purchase. Applicants' attorneys: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH., 43212, and Leonard D. Verdier, Jr., One Vandenburg Center, Grand Rapids, MI., 49502. Operating rights sought to be transferred: *Cement; as a contract carrier* over irregular routes, from Buffington, Indiana, to Muskegon, Michigan and points in Allegan, Barry, Eaton, Ingham, Livingston, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Berrien, Cass, St. Joseph, Branch, Hillsdale, and Lenawee Counties, Michigan; and, *empty cement sacks*, from the above-described destination points to Buffington, Indiana; *stone*, (broken, ground, crushed, or pulverized) and lime, in bulk or in bags, from Chicago, Illinois, to points in the Lower Peninsula of Michigan, and points in Lake, Porter, La Porta, St. Joseph, Elkhart, Lagrange, and Steuben Counties, Indiana, with no transportation for compensation on return except as otherwise authorized; *fly ash*, from Chicago and Romeo, Illinois, to points in the Lower Peninsula of Michigan, and points in Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange and Steuben Counties, Indiana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *lime*, from points in Muskegon County, Michigan, to Chicago, Illinois, with no transportation for compensation on return except as otherwise authorized, with restrictions; cement, from Buffington, Indiana, to points in Michigan, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Missouri, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

No. MC-F-12930. Authority sought for purchase by SUTHERLAND TRANSPORTATION CORP., 100 Allwood Avenue, Central Islip, N.Y., 11722, of the operating rights of METROPOLITAN TRUCK TRANSPORTATION INC., 115 Jacobus Avenue, Kearny, N.J., 07032, and for acquisition by VINCENT JAMES BECK, 52 Gauguin Court, Middle Island, New York, of control of such rights through the purchase. Applicants' representative: Gerard V. Muldoon, Vice President, Sutherland Transportation Corp., 100 Allwood Avenue, Central Islip, N.Y., 11722. Operating rights sought to be transfered: *General commodities*, with exceptions, as a *common carrier* over irregular routes between New York, N.Y., on the one hand, and, on the other, Newark and Elizabeth, N.J. Vendee is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a(b). MC 120648 (Sub No. 4) is a directly related matter.

No. MC-F-12940. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA., 24401, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, Eastern & Moonachie Avenues, Carlstadt, attorneys: David G. Macdonald, 1000 Staunton, VA., 24401, of control of such rights through the purchase. Applicants' attorneys: David G. Macdonald, 1000-16th Street, N.W., Washington, D.C., 20036, and Fritz R. Kahn, 1660 L Street, N.W., Washington, D.C., 20036, and Arthur S. Olick, 630 Fifth Avenue, New York, N.Y., 10020. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Richmond, Va. and Washington, D.C., return over the same route, service is authorized at all intermediate points and at the off-route points of Hopewell, Ampthill, Deep Run Spur, those within 3 miles of said route without restriction, those more than 3 miles of said route and within 10 miles of said route, and those within 20 miles of Richmond, restricted to traffic moving to or from points other than Washington, D.C., Baltimore, Md. and points within 5 miles of Baltimore, between Lynchburg, Va., and Richmond, Va., serving all intermediate points; and serving off-route points within 10 miles of said route; from Lynchburg over U.S. Highway 460 to Burkeville, Va., thence over U.S. Highway 360 to Richmond, and return over the same route. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12942. Authority sought for purchase by GREAT COASTAL EXPRESS, INC., 501 South 14th Street, Richmond, VA 23219, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, Eastern & Mooachie Avenues, Carlstadt, N.J. 07072, and for acquisition by C. E. ESTES, 501 South 14th Street, Richmond, VA 23219, of control of such rights through the purchase. Applicants' attorneys: David G. Macdonald, 1000—16th Street, N.W., Washington, D.C. 20036, and Fritz R. Kahn, 1660 L Street, N.W., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over regular routes between New York, N.Y., and Roanoke and Covington, Va., serving all intermediate points, and serving the off-route points of Schuyler, Gordonsville, Orange, Fredericksburg, Manassas, Quantico, Marshall, Purcellville, Alexandria, Goshen, Glascow, Bueno Vista, and Grostoes, Va., Lancaster, New Holland and Coatesville, Pa., Deepwater, Camden, Beverly, and Long Branch, N.J., those in Virginia within 10 miles of the above-specified routes between Roanoke and Lynchburg, Va., and between Lynchburg and the Virginia-District of Columbia boundary line, those in New Jersey within 35 miles of City Hall, New York, N.Y., and those in Nassau County, N.Y., unrestricted; all other points in New Jersey within 35 miles of New York, N.Y., all other points in the New York, N.Y. Commercial Zone, as defined by the Commission off-route points in Pennsylvania within 10 miles of Philadelphia, Pa., all other points within 10 miles of the above-specified route between Philadelphia and New York, and the off-route points in Delaware within 10 miles of the above-specified routes, restricted to traffic moving to or from points in Virginia and south thereof, and those within 5 miles of Baltimore, Md., restricted to traffic moving to or from points south of a 20-mile radius of Richmond, Va.; between Roanoke, Va., and Alexandria Va.; between Roanoke, Va., and New York, N.Y.; between Roanoke, Va., and Scranton, Pa.; between Norfolk, Va., and State Road, Del., serving intermediate and off-route points within 10 miles of the above-specified routes between Norfolk and the Virginia-Maryland State line, unrestricted; those intermediate points in Maryland, restricted to traffic moving to or from points in Virginia, and south thereof; and those intermediate and off-route points in Delaware within 10 miles of said routes, restricted to traffic moving to or from points in Virginia or south thereof; between junction U.S. Highway 130 and New Jersey Highway 49 and junction Delaware Highway 273 (formerly U.S. Highway 40) and U.S. Highway 13, serving all intermediate points, and serving off-route points within 10 miles of the specified portion of Delaware Highway 273.

Between Bridgeton, N.J., and junction U.S. Highway 130 and U.S. Highway 1, serving all intermediate points, and serving off-route points within 10 miles of said routes; between Trenton, N.J., and junction U.S. Highway 206 and U.S. Highway 130, serving all intermediate points, and serving the off-route points within 10 miles of said route; between Bedford, Pa., and the Middlesex Toll Gate near Middlesex, Pa., for operating convenience only serving no intermediate points; between Washington, D.C., and Gettysburg, Pa., serving all intermediate points, restricted to traffic originating at or destined to points south of Washington, except as otherwise authorized, and with no service to or from Gettysburg; between Roanoke, Va., and New York, N.Y., Roanoke Va., and New York, N.Y., serving intermediate points between Roanoke, Va., and New York, N.Y., restricted to delivery only northbound, and pickup only southbound; between Washington, D.C., and New York, N.Y.; between Lynchburg, Va., and Philadelphia, Pa.; between Baltimore, Md., and New Brunswick, N.J.; between Wilmington, Del., and Penns Grove, N.J.; Between Chester, Pa., and Bridgeport, N.J.; between Philadelphia, Pa., and Easton, Pa.; between Baltimore, Md., and Scranton, Pa.; between Amity Hall, Pa., and Sellinsgrove, Pa.; between Kingston, Pa., and Hazelton, Pa.; between Lynchburg, Va. and Cumberland, Md.; serving various intermediate and off-route points in connection with all of the above described routes; the movement of empty trucks is authorized from Shamokin, Pa., over U.S. Highway 122 to Reading, Pa., thence over U.S. Highway 422 to Philadelphia, Pa., for operating convenience only, when such movement is incidental to the transportation of property in connection with said carrier's regular route operations from Philadelphia, Pa.; between Washington, D.C., and junction U.S. Highway 15 and Pennsylvania Highway 94 at York Springs, Pa., serving no intermediate points, and with no service to or from York Springs, Pa.; between Philadelphia, Pa., and Asbury Park, N.J., serving all intermediate points, and serving the off-route points of New Egypt, Wrightstown, Cassville, Mount Holly, Moores, Allentown, Allenwood, Millhurst, West Freehold, Adelphia, Farmingdale, Glendolo, New Bedford, Southard, Bay Head, Seaside Heights, Mantoloking, Lanalette, Island Heights, Ocean Gate, Collingswood, Haddonfield, Merchantville, Pennsauken, Palmyra, Jamesburg, Englishtown, Cranbury, Bordentown, Roebling, Florence, and Beverly, N.J., and points in Pennsylvania within 15 miles of Philadelphia, except Collegeville, Oaks, Perkiomen Junction, and Phoenixville, Pa.

Between Philadelphia, Pa. and Atlantic City, N.J., serving all intermediate points and serving the off-route points of Vineland, Millville, Bridgeton, Paulsboro, Palmyra, Merchantville, Pennsauken, Collingswood, Woodbury, Haddonfield, Wood-Lynne, Clementon, Laurel Springs, Magnolia Tansboro, Atco, Hammonton, Ventnor, Margate City, Longport, Ocean City, Thorofare, Leonards, and Brigantine, N.J.; between South Amboy, N.J., and Asbury Park, N.J., serving all intermediate points, and serving the off-route points of Union Beach, Matzo, Keansbury, Port Monmouth, New Monmouth, Belford, Leonards, Atlantic Highlands, Navesink, Highlands, Navesink, Highlands, Locust, Fairhaven, Rumson, Little Silver, Oceanport, Oakhurst, Neptune, Hamilton, Long Branch, Monmouth Beach, Galilee, Seabright, Wayside, Tinton Falls, Scobeyville, Phalanx, Lincroft, Everett, Ocean Grove, Bradley Beach, and Hiltons, N.J.; between Elizabeth, N.J., and Somerville, N.J., serving all intermediate points, and serving the off-route points of Picton, Goodmans, Avon Park, Potter, Oak Tree, South Plainfield, New Market, South Bound Brook, Lincoln, Finderne, Manville, Weston, East Millstone, Woods Tavern, Royce Valley, Kenilworth and Netherwood, N.J.; between Newark, N.J., and Trenton, N.J., serving all intermediate points, and serving the off-route points of Clyde, Middlebush, Briggstown, Ricky Hill, Harlington, Hillsboro, Blackwells Mills, Granton, Lenox, Marion, Woodside, Colonia, Iselin, Menlo Park, Stelton, Voorhees and Kingston, N.J.; between Newark, N.J., and Somerville, N.J., serving all intermediate points, and serving the off-route points of Kenilworth, Irvington, Vaux Hall, Maplewood, Millburn, Short Hill, Summit, Chatham, New Providence, Murray Hill, Beverly Heights, Gillette, Stirling, Warrenville, Mount Bethel, and Martinsville, N.J.; between Newark, N.J., and Dover, N.J., serving all intermediate points, and serving the off-route points of South Orange, Floral Park, Madison, Cedar Knolls, Green Village, Pleasantdale, Roseland, Tabor, Derrville, Hockaway, Wharton, Silver Lake, Watsessing Avenue junction, and Whippany, N.J.; between Newark, N.J., and Mahawah, N.J., serving all intermediate points, and serving the off-route points of Belleville, Nutley, Avondale, Passaic, Clifton, Wallington, Garfield, Delawanna, Arlington, West Arlington, South Kearny, Oradell, Emerson, Westwood, Hillside, Woodcliff Lake, Park Hidge, Montvale, Upper Sad-

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dle River, Glen Rock, Midland Park, Wortendyke, Kingsland, Moonachie, Teterboro, Allwood, Fairlawn, Forest Hills, Arcola, and East Newark, N.J.; between Newark, N.J., and Freehold, N.J., serving all intermediate points and serving the off-route points of Nixon, Parlin, Runyan, Cheescuake, Holmdel, Jerseyville, Millhurst, Manalapan, Englishtown, Tracey, Ernston, Sewaren, and Wickatunk, N.J.

Between Newark, N.J., and Butler, N.J., serving all intermediate points, and serving the off-route points of Glen Ridge, Upper Montclair, Great Notch, Little Falls, Caldwell, West Caldwell, Essex, Essex Falls, Pine Brook, North Caldwell, Fairfield, Kinnelon, Pompton Lakes, Oakland, Pompton, Darlington, Franklin Lakes, Lake View, Prospect Park, Centerville, Radburn, Richfield, Watsessing, Albion Place, Bloomfield, Glenridge, and Mountain View, N.J.; between Jersey City, N.J., and Alpine, N.J., serving all intermediate points, and serving the off-route points of Secaucus, Bergenfield, Dumont, Howarth, Closter, Norwood, Northvale, Harrington Park, Grantwood, Soho, Hoboken, West Hoboken, Weekhawken, West Bergen, Union City, Aldene, West New York, New Durham, Gutenburg, Hudson Heights, Cliffside, Edgewater, Palisades Park, Ridgefield Park, Coytesville, Engelwood, Babbitt, and Creskill, N.J.; between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, and serving the off-route points of Grasselli, Tremley, Tremley Point, Carteret, Warners, Chrome, Port Reading, Sewaren, Maurer, Fords, Boonhamton, Millville, Greensand, South River, Old Bridge, Spotswood, Helmetta, Jamesburg, Deans, Dayton, Hoffman, Prospect Plain, Cranbury, Hightstown, Plainsboro, Lawrence, Edinburg, Dutch Neck, Windsor, Robbinsville, Piscataway, Hamilton Square, Mercerville, Bayonne, Bayway, Port Newark, Alton, Fort Mercer, Ampere, Bergen Point, Boynton Beach, Brookdale, Communipaw, Elizabethport, Avenal, and Mulltown, N.J., all points in Pennsylvania within 15 miles of Philadelphia except Collegeville, Oaks, Perkiomen junction, and Phoenixville, Pa., and those in the New York, N.Y., Commercial Zone, as defined by the Commission; between New York, N.Y., and Somerville, N.J., serving all intermediate points, and serving the off-route points of Palisades, Little Ferry, West Englewood, New Bridge, Riverside, New Milford, Fairhaven, Hawthorne, Haledon, North Haledon, Fox Hill, New Vernon, South Paterson, Basking Ridge, Lyons, Millington, Liberty Corner, Mandham, North Patterson, Leonia, Warren Point, Bogota, and Dundee, N.J., and those in the New York, N.Y., Commercial zone, as defined by the Commission; between Sunbury, Pa., and Philadelphia, Pa., serving no intermediate points.

Between Waynesboro, Va., and junction Virginia Highway 12 and U.S. Highway 11; service is not authorized to or from the intermediate points; between Strasburg, Va., and Gainesville, Va.; service is not authorized to or from the termini or intermediate points, except as otherwise authorized; between junction U.S. Highway 11 and U.S. Highway 220, North of Roanoke, Va., and Clifton Forge, Va.; service is not authorized to or from the termini or intermediate points except as otherwise authorized; serving the facilities of PPG Industries, Inc., near Mt. Holly Springs (Cumberland County), Pa., as an off-route point in connection with carrier's authorized regular route operations; serving the facilities of the Western Electric Company, Incorporated at or near Martinsburg, W. Va., as an off-route point in connection with carrier's presently authorized regular-route operations via Hagerstown, Md., and Winchester, Va.; between Winchester, Va., and Baltimore, Md., as an alternate route for operating convenience only, in connection with carrier's regular route operation, serving no intermediate points; between Baltimore, Md., and junction Delaware Highway 404 and U.S. Highway 13 near Bridgeville, Del., as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points, with restrictions; Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Kentucky, Maine, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12943. Authority sought for purchase by J. B. HUNT TRANSPORT, INC. P.O. Box 200, Highway 71 North, Lowell, Arkansas, 72745, of the operating rights of BREDEHOEFT PRODUCE COMPANY, INC., P.O. Box 7, Decatur, Arkansas, 72722, and for acquisition by THE J. B. HUNT COMPANY, P.O. Box 200, Lowell, Arkansas, 72745, of control of such rights through the purchase. Applicants' representative: Ralph B. Harlan, 204 Highway 71 North Suite 3, Springdale, Arkansas, 72764. Operating rights sought to be transferred: *Empty cans and closures therefor*, as a *common carrier* over irregular routes from Arlington and Houston, Tex., and New Orleans and Harvey, La., to Siloam Springs, Ark; *raw sugar*, in bags from New Orleans, La., to Siloam Springs, Ark.; *canned goods* and *dog food*, from the plant sites of Allen Canning Company located at Gentry, Ark., at Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., at Kansas, Okla., and at Proctor, Okla., to points in California, Kansas, (except Kansas City and points within its commercial zone as defined by the Commission), Kentucky, Louisiana, Maryland, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington and West Virginia, with restrictions; *canned goods* and *dog food*, from the plant sites of Allen Canning Company located at Gentry, Ark., Siloam Springs, Ark., a point approximately 10 miles east of Siloam Springs, Ark., Kansas, Okla., and Proctor, Okla, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and points within its commercial zone as defined by the Commission); *foodstuffs, vinegar, alcohol* and *ammonia* (except commodities in bulk), from Rogers, Ark., to points in the United States (except Alaska and Hawaii), with restrictions; *glass and plastic containers*, including closures and corrugated paper cartons therefor, from Jackson, Miss., New Orleans, La., Palestine, Tex., and Okmulgee, San Springs, Ada, and Muskogee, Okla, to Rogers, Ark., with restrictions; *sugar*. (except liquid, in bulk, in tank vehicles), from Supreme, La. to Rogers, Ark.; *fertilizer*, from Selma, Mo., to Rogers, Ark.; *feed ingredients*, from the plant site of Occidental Chemical Company located near White Springs, Fla., to points in Arkansas and Missouri; *citrus products* and *tomato juice*, (except in bulk), from Weslaco, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, and Wisconsin, with restrictions. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12944. Authority sought for purchase by CASE HEAVY HAULING, INC., 3893 Market Street, N.E., Warren, OH 44484, of the operating rights and property of CASE DRIVEWAY, INC., 100 22nd Street, Huntington, W.VA 25714, and for acquisition by ORIN S. NEIMAN, 3893 Market Street, N.E., Warren, OH 44484, of control of such rights through the purchase. Applicants attorneys: Paul F. Berry, 8 East Broad Street, Columbus, OH 43215, John Freidman, 2930 Putnam Avenue, Hurricane, W.VA 25556, and Robert Frazier, P.O. Box 1004, Huntington, W.VA 25701. Operating rights sought to be transferred: *Automobiles, trucks, bodies, cabs, chassis* and *unfinished automobiles*, as a *common carrier* over irregular routes between points in Wayne County and Warren Township (Macomb County), Mich., *New automobiles, new trucks, new bodies, new cabs, new chassis*, and *unfinished automobiles*, in initial movements, in truckaway and driveaway service, from places of manufacture and assembly in Wayne County, Mich., and Toledo, Ohio to Ashland, Louisia, Paintsville, and Pikeville, Ky.; Richmond and Knightstown, Ind.; and Lima, Piqua, and Elyria, Ohio; points in Meigs, Gallia, Lawrence, Washington, and Scioto Counties, Ohio, Cabell, Putnam, Kanawha, Fayette, Greenbrier, Monroe, Summers, Raleigh, Mercer, McDowell, Wyoming, Logan, Boone, Mingo, Wayne, Lincoln, Mason, Jackson, Wood Ritchie, Roane, Webster, and Nicholas Counties, W.Va., points in that part of Virginia west of U.S. Highway 220 and south of U.S. Highway 60; and points in North Carolina and South Carolina; and from places of manufacture in Willow Run (Washtenaw County, Mich., to Ashland, Louisa, Paintsville and Pikeville, Ky.; Richmond and Knightstown, Ind.; Lima, Piqua, Elyria, Ohio; points in Meigs, Gallia, Lawrence, Washington, and Scioto Counties, Ohio; points in Cabell, Putnam, Kanawha, Fayette, Greenbrier, Monroe, Summers, Raleigh, Mercer, Monroe, Summers, Raleigh, Mercer, McDowell, Wyoming, Logan, Boone, Lincoln, Mason, Jackson, Wood, Ritchie, Roane, Webster, and Nicholas Counties, W.Va.; points in that part of Virginia west of U.S. Highway 220 and south of U.S. Highway 60; and points in North Carolina and South Carolina. *Wrecked and disabled motor equipment*, between points in West Virginia, Ohio, and points in that part of Kentucky on and east of U.S. Highway 27. *Acetylene*, between Fairchance, Pa., Huntington and Nemours, W. Va., Falls Mills, Va., and points within 10 miles of each. *Commodities* which because of size or weight require the use of special equipment, between points in West Virginia, Virginia, Ohio, Kentucky, and points in that part of Pennsylvania west of U.S. Highway 15; *Such bulk commodities* as are transported in dump truck, and *building materials*, between points in Gallia, Lawrence, and Scioto Counties, Ohio; Boyd, Carter, Greenup, Lawrence, Johnson, Floyd, Martin, and Pike Counties, Ky.; and points in that part of West Virginia west of U.S. Highway 21; *Agricultural machinery and agricultural implements* as defined in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *component parts thereof* when moving therewith; tractors, other than farm and truck tractors, and *mowers, graders, shovels, loaders and attachments and component parts thereof*, when moving therewith, from Racine, Wis., Bettendorf and Burlington, Iowa, Rockford and Rock Island, Ill., to points in Ohio, and to those in Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan,

Marion, Marshall, Mason, Mingo, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt and Wood Counties, W. Va., with no transportation for compensation on return except as otherwise authorized; *Mine and pit cars*, from Huntington, W. Va., to points in Alabama, Kentucky, and Virginia, with no transportation for compensation on return except as otherwise authorized.

Iron and steel articles as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except reinforcing steel, from Huntington, W. Va., to points in Kentucky with no transportation for compensation on return except as otherwise authorized; *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Gallia, Lawrence and Scioto Counties, Ohio, and points in Boyd, Carter, Greenup, Lawrence, Johnson, Floyd, Martin, and Pike Counties, Ky., and those in that part of West Virginia west of U.S. Highway 21; *Iron and steel* and *iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209.; from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Oklahoma, and Missouri (except St. Louis and points in Missouri within the St. Louis commercial zone, as defined by the Commission), with no transportation for compensation on return except as otherwise authorized, from Huntington, W. Va., to points in Iowa, Maine, New Hampshire, Vermont, Kansas, South Dakota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized; *Iron and steel and iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Huntington, W. Va., to ports of entry on the United States-Canada Boundary line at or near Sweetgrass, Mont., International Falls, Minn., Port Huron and Detroit, Mich., and Niagara Falls and Alexandria Bay, N.Y., with no transportation for compensation except as otherwise authorized; *Mining machinery and parts thereof*, from Charlerol, Pa., to the ports of entry on the United States-Canada Boundary line at or near Port Huron and Detroit, Mich., and Niagara Falls and Alexandria Bay, N.Y., with no transportation for compensation on return except as otherwise authorized.

Iron and steel articles as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Huntington, W. Va., to points in Arizona, California, Colorado, Minnesota, Montana, Nevada, New Mexico, Oregon, and Wyoming, with no transportation for compensation on return except as otherwise authorized; *Iron and steel and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those commodities which, because of size or weight, require special equipment and except those articles of iron and steel which are building materials), from Huntington, W. Va., to Atlanta, Brunswick, and Woodline, Ga., and points in Alabama, Florida, Louisiana, Texas, and Mississippi (except Tupelo and points on U.S. Highway 45 between the Mississippi-Tennessee State line and Tupelo and except Corinth and points on U.S. Highway 72 between the Mississippi-Alabama State line and Corinth) with no transportation for compensation on return except as otherwise authorized; *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those which because of their size or weight require special equipment and except those commodities which are building materials), from Huntington, W. Va., to points in Michigan north of Michigan Highway 21, with no transportation for compensation on return except as otherwise authorized; *Iron and steel and iron and steel articles*, from Parkersburg, W. Va., to points in Connecticut, Florida, Massachusetts, New Hampshire, New York, Rhode Island, and Texas, and those points in New Jersey in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), with no transportation for compensation on return except as otherwise authorized; *Electrical underfloor distribution systems and parts* thereof, and *prefabricated metal buildings and parts* thereof, except trailers designed to be drawn by passenger automobiles, and buildings, in sections, mounted on wheeled undercarriages with hitch-ball connector, from Parkersburg, W. Va., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized.

Mining and tunneling machinery and parts, and *mining and tunneling machinery parts*, between points in Boyd County Ky., on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Idaho, Illinois, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming; *Iron and steel articles*, from Huntington, W. Va., to points in Connecticut, Idaho, North Dakota, South Carolina, Tennessee, Utah, and Washington, with no transportation for compensation on return except as otherwise authorized. *Expansion bolts, expansion bolt shields, anchors*, and *plates*, incidental to, and used in connection with mining operations, from Pittsburgh and Johnstown, Pa., and Cleveland, Ohio, to points in that part of West Virginia on and south of U.S. Highway 60 extending through Huntington, Charleston, and

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White Sulphur Springs, W. Va.; points in Buchanan, Dickenson, Lee and Wise Counties, Va.; and those in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25W to Corbin, Ky., thence along U.S. Highway 25 through Lexington, Ky., to Erlanger, Ky., and thence north along a straight line through Constance, Ky., to the Kentucky-Ohio State line, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, Virginia, Maryland, District of Columbia, New York, Connecticut, Illinois, Indiana, Massachusetts, Michigan, Delaware, Kentucky, Maine, New Hampshire, Tennessee, Vermont, Rhode Island, Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–12945. Authority sought for purchase by BOWMAN TRANSPORTATION, INC., P.O. Box 17744 (Cedar Grove Road), Atlanta, GA., 30316, of the operating rights and property of BRINGWALD TRANSFER, INC., P.O. Box 685, 2820 Decker Road, Vincennes, IN., 57591, and for acquisition by RALPH M. BOWMAN, P.O. Box 17744, Atlanta, GA., 30316, of control of such rights and properties through the purchase. Applicants' attorney: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C., 20036, and A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH., 43215. Operating rights sought to be transferred: *Fresh fruits and vegetables*, in truckloads, as a *common carrier* over irregular routes from Vincennes, Ind., and points within 60 miles of Vincennes, to Louisville, Ky., St. Louis, Mo., points in Illinois, and those in that part of Ohio on, and south of U.S. Highway 40, from the Indiana-Ohio state line to Columbus, and on and west of Ohio Highway 3, from Columbus to Cincinnati; general commodities, with exceptions, between Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper, and Terre Haute, Ind., on the one hand, and, on the other, Henderson and Louisville, Ky., St. Louis, Mo., Cincinnati, Ohio, and points in Illinois; between the facilities of Anaconda Aluminum Company, located at or near Sebree, Ky., on the one hand, and, on the other, points in Illinois, Indiana, and Ohio, and St. Louis, Mo., with restriction; *carnival equipment and supplies*, in truckloads, between points in Indiana and Illinois; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, in truckloads, between points in Knox County, Indiana, on the one hand, and, on the other, St. Louis, Mo., Henderson and Louisville, Ky., and points in Illinois and Ohio; *paper products*, in less-than-truckload shipments, from Vincennes, Ind., to Henderson and Louisville, Ky., and to St. Louis, Mo., from Vincennes, Ind., to Cincinnati, Ohio and all points in Illinois; damaged, *refused*, or *rejected shipments of paper products*, from Henderson and Louisville, Ky., and from St. Louis, Mo., to Vincennes, Indiana; *petroleum products*, in containers, from Wood River, Ill., to Bicknell, Bloomington, Jasonville, Linton, Oakland City, and Washington, Ind.; empty containers, for petroleum products, from the above-specified destination points to Wood River, Ill.; *waste paper*, in bales, from Columbus and Dayton, Ohio, to Terre Haute, Ind.; *paper products*, in truckload shipments only, from Terre Haute, Ind., to Columbus and Dayton, Ohio; *roll paper*, (jute liner), from St. Marys, Ohio, to Vincennes and Terre Haute, Ind.

Scrap paper, from Vincennes, Terre Haute and Indianapolis, Ind., to St. Marys, Ohio, return with no transportation for compensation except as otherwise authorized; *used empty containers and pallets*, between Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper, and Terre Haute, Ind., on the one hand, and, on the other, Henderson, Louisville and Owensboro, Ky., St. Louis, Mo., Cincinnati, Columbus, Dayton and St. Marys, Ohio, and points in Illinois; *paper products*, from Terre Haute, Ind., to St. Marys and Napoleon, Ohio; *strawboard*, from Miamisburg, Ohio and Chicago and Mt. Carmel, Ill. to Vincennes, Ind.; *scrap paper*, from Evansville, Ind., to Mt. Carmel, Ill., from St. Louis, Mo., Miamisburg, Ohio, Louisville and Murray, Ky., Chicago, Ill., and Memphis and Nashville, Tenn., to Vincennes, Ind.; *lumber*, from Memphis, Tenn., to Vincennes, Ind.; *sulfate of Aluminum*, from East St. Louis, Ill., to Vincennes, Ind.; *empty Rosin drums*, from Vincennes, Ind., to Kalamazoo, Mich.; *rosin and rosin sizing, in drums*, from Kalamazoo, Mich., to Vincennes, Ind.; *strawboard, corrugated paper, chipboard and fillers*, from Vincennes, Ind., to St. Louis, Mo., and points and places in Ohio south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 308 to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, Ohio, those in that part of Kentucky west of U.S. Highway 25 and U.S. Highway 25E, those in that part of Michigan south of U.S. Highway 16, those in that part of Illinois east of a line beginning at the Illinois-Wisconsin State line and extending south along U.S. Highway 51 to El Paso, Ill., thence south of a line extending from El Paso along U.S. Highway 24 to the Mississippi River, and those in Tennessee, including the points named and those on the indicated portions of the highways specified, return with no transportation for compensation except as otherwise authorized to the above-specified origin points; *such commodities as are dealt in by junk and salvage companies*, from Vincennes, Ind., to Chicago and East St. Louis, Ill., Louisville, Ky., and St. Louis, Mo., return with no transportation for compensation except as otherwise authorized, to the above-specified origin point; *paper* (new, old, scrap and waste), *and such commodities as are dealt in by junk and salvage dealers*, from Cincinnati, Ohio, to Vincennes, Ind., return with no transportation for compensation except as otherwise authorized to the above specified origin points; *fiberboard and materials and supplies used in packaging eggs*, from Vincennes, Ind., to St. Louis, Mo., points and places in Ohio west and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, Ohio, points and places in Kentucky on and west of U.S. Highways 25 and 25E, points and places in Michigan on and south of U.S. Highway 16, points and places in Illinois south and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to El Paso, Ill., and thence along U.S. Highway 24 to the Mississippi River, and points and places in Tennessee, including points on the highways named.

Scrap paper, from the destination territory described above to Vincennes, Ind.; *fiberboard*, from Quincy, Ill., to Vincennes, Ind.; *lumber*, from Grayville and Karnak, Ill., to Vincennes, Ind.; *sizing*, from East St. Louis, Ill., St. Louis and Maplewood, Mo., to Vincennes, Ind.; *skids*, from St. Louis, Mo., and points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, Ohio, points in Kentucky west of a line extending along U.S. Highway 25 from Covington to Corbin, Ky., thence along U.S. Highway 25E to the Kentucky-Tennessee State line, points in Michigan south of U.S. Highway 16, points in Illinois east and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to El Paso, Ill., thence along U.S. Highway 24 to the Mississippi River, near Quincy, Ill., and points in Tennessee, including points on the indicated portions of the highways described, to Vincennes, Ind., return with no transportation for compensation except as otherwise authorized; *paper and paper products*, from the plant sites of the Packaging Corporation of America and the Vincennes Paper Mill, Inc., at Vincennes, Indiana, to points in Missouri; and *scrap paper*, from points in Missouri to the plant sites of the Packaging Corporation of America and the Vincennes Paper Mill, Inc., at Vincennes, Indiana, with restrictions; *steel wire*, from Alton, Ill., to Washington, Ind., with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Texas, Virginia, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12948. Authority sought for purchase by J. V. McNICHOLAS TRANSFER CO., 555 West Federal Street, Youngstown, OH., 44501, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o Arthur S. Olick, 39th Floor, 630 Fifth Avenue, New York, N.Y., 10020, and for acquisition by HENRY McNICHOLAS, 1374 Virginia Trail, Youngstown, OH., 44505, of control of such rights through the purchase. Applicants' attorneys: Paul F. Beery, L. P. A., 8 E. Broad Street, 9th Floor, Columbus, OH., 43215, and Fritz R. Kahn, Suite 1100, 1660 L St., N.W., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities* with exceptions as a common carrier over regular routes between Chicago, Ill., and Toledo, Ohio, serving all intermediate points (except those points between Toledo and the Ohio-Indiana State line), and serving the off-route point of Rossford, Ohio, and the off-route points within 10 miles of Angola, Ind., with restrictions; alternate routes for operating convenience only: *General commodities*, with exceptions between junction U.S. Highway 20 and Indiana Highway 2, and South Bend, Ind., serving no intermediate points; between South Bend, Ind., and Elkhart, Ind., serving no intermediate points; between junction U.S. Highway 20 and U.S. Truck Route 20, west of Elkhart, Ind., and junction U.S. Truck Route 20 and U.S. Highway 20 east of Elkhart, Ind., serving no intermediate points; between Hammond, Ind., and junction U.S. Highway 20 and Indiana Highway 2, near Rolling Prairie, Ind., in connection with carrier's regular route operations between Chicago, Ill., and Toledo, Ohio, serving no intermediate points. Vendee is authorized to operate as a common carrier in Ohio, Pennsylvania, New York, West Virginia, Delaware, Indiana, Kentucky, Maryland, Missouri, Connecticut, Massachusetts, New Jersey, Rhode Island, Virginia, Wisconsin, the District of Columbia, Illinois, Maine, New Hampshire, Vermont, Iowa, Minnesota, Michigan, and as a *contract carrier* in Ohio, Connecticut, Delaware, New Jersey, Illinois, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Tennessee, West Virginia, the District of Columbia, and Indiana. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–14552 (Sub-No. 62) is a directly related matter.

No. MC–F–12950. Authority sought for purchase by LIME, INC. (non-carrier), 10111 Mercier, Dearborn, MI., 48120, of a portion of the operating rights and property of C & K TRANSPORT, INCORPORATED, P.O. Box 220, New Buffalo, MI., 49117, and for acquisition by LEON WEISS, BERNARD WEISS, CHESTER MAGNUS, Box 7, Mongo, IN., 46771, and FARRIS ELGEE, 1011 Mercier, Dearborn, MI., 48120, of control of such rights and properties through the purchase. Applicants' attorneys: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH., 43212, and Leonard D. Verdier, Jr., One Vandenberg Center, Grand Rapids, MI., 49502. Operating rights sought to be transferred: *Lime and Limestone products*, as a *contract carrier* over irregular routes from River Rouge, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin and West Virginia, with no transportation for compensation on return except as otherwise authorized, with restrictions. LIME INC., holds no authority from this Commission. However, it is affiliated with WEISS TRUCKING COMPANY, INC., who under MC–94430 and subs thereunder is authorized to operate as a *common carrier* in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

SEABOARD COAST LINE RAILROAD COMPANY, 500 Water Street, Jacksonville, Florida 32202, represented by Philip C. Beverly, Esquire, Edward A. Charron, Esquire, Neill W. McArthur, Jr., Esquire, and W. C. Basney, Esquire, Seaboard Coast Line Railroad Company, 500 Water Street, Jacksonville, Florida 32202 hereby give notice that on the 6th day of August, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the trackage rights over a line of railroad of the Norfolk and Southern Railway in Pitt and Beaufort Counties, North Carolina, which application is assigned Finance Docket No. 28252.

Approval of this application will permit Seaboard Coast Line Railroad Company to acquire trackage rights over Norfolk Southern to serve the phosphate mines and plants between Greenville and Lee Creek in Pitt and Beaufort Counties, North Carolina, reached by Norfolk Southern's Lee Creek Branch. The trackage rights will extend from Greenville, North Carolina, to Lee Creek, North Carolina, a distance of 50.7 miles.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

SEABOARD COAST LINE RAILROAD CO.

NOTICE

NEW YORK DOCK RAILWAY, 334 Furman Street, Brooklyn, New York 11201, represented by Walter M. King, Jr., Esquire, 1611 Connecticut Avenue, NW., Washington, D.C. 20009 hereby give notice that on the 3rd day of August, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing New York Dock Railway (NYD) to acquire control of Brooklyn Eastern District Terminal (BEDT) through ownership of stock, which application is assigned Finance Docket No. 28250.

Aproval of the application will permit the New York Dock Railway to acquire control of Brooklyn Eastern District Terminal by the purchase of 50% of the outstanding stock of BEDT. Both New York Dock Railway and Brooklyn Eastern District Terminal are terminal carriers operating in and about the Port of New York providing rail service by carfloat connection from Greenville, New Jersey and St. George, Staten Island, New York, to various terminals of New York Dock Railway and Brooklyn Eastern District Terminal in Brooklyn, New York.

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In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

NEW YORK DOCK RAILWAY

NOTICE

MENDOCINO COAST RAILWAY, INC., Room 205, World Trade Center, San Francisco, California 94111, represented by Mr. John R. Sims, Jr., and Mr. John L. Boyd, Jr., 915 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004 hereby give notice that on the 17th day of August, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing Mendocino Coast Railway, Inc. to lease the operating properties of California Western Railroad, including rail trackage, between Ft. Bragg and Willetts, California, a distance of some 35 miles, which application is assigned Finance Docket No. 28256.

Approval of the application will permit Mendocino Coast Railway, Inc. to lease and operate the operating properties of California Western Railroad, including rail trackage, between Ft. Bragg and Willetts, California, for a period of 18 months with option in the parties to renew for an additional period of 4 years.

In the opinion to the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

MENDOCINO COAST RAILWAY

NOTICE

THE CHESAPEAKE AND OHIO RAILWAY COMPANY, Terminal Tower, Cleveland, Ohio 44101, represented by Mr. René J. Gunning, General Attorney, The Chesapeake and Ohio Railway Company, 2 North Charles Street, Baltimore, Maryland 21201 hereby give notice that on the 12th day of August, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the C&O to lease and operate a portion of the Elk Branch of The Baltimore and Ohio Railroad Company, which application is assigned Finance Docket No. 28255.

Approval of the application will permit The Chesapeake and Ohio Railway Company to lease and operate that portion of the Elk Branch of The Baltimore and Ohio Railroad Company between Valuation Station 8249+00, at or near Clendenin, West Virginia, and Valuation Station 9204+52, at or near Charleston, West Virginia, a total distance of approximately 18.1 miles, all in Kanawha County, West Virginia. This agreement will become effective upon granting of this application and the issuance of a certificate and order permitting the abandonment by the applicant of its Elk Branch between Valuation Station 6731+00, at or near Hartland, West Virginia, and Valuation Station 8249+00, at or near Clendenin, West Virginia, a distance of approximately 28.75 miles, all in Clay and Kanawha Counties, West Virginia, which application is assigned Docket No. AB-19 (Sub-No. 24).

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation — Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

ABANDONMENT APPLICATIONS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-43 (Sub-No. 12)]

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN SILVER CITY AND HOLLY BLUFFS IN HUMPHREYS AND YAZOO COUNTIES, MISSISSIPPI

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 14, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of its line of railroad extending from railroad milepost 163.22 at Silver City, Mississippi, in a southwesterly direction to the end of the line at milepost 187.95 at Holly Bluffs, Mississippi, a distance of approximately 24.73 miles, in Humphreys and Yazoo Counties, Mississippi. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-43 (Sub-No. 14)]

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN STEWARTSVILLE AND NEW HARMONY, IN POSEY COUNTY, INDIANA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 14, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of its line of railroad extending from railroad milepost 0.0 at Stewartsville, Indiana, in a southwesterly direction to the end of the line at milepost 6.34 at New Harmony, Indiana, a distance of 6.34 miles, in Posey County, Indiana. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-46 (Sub-No. 8)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN MT. ZION AND KEOSAUQUA, IN VAN BUREN COUNTY, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 25, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago, Rock Island and Pacific Railroad Company of its line of railroad from milepost 0 in Mt. Zion, to the end of the line at milepost 4.5 in Keosauqua, a total distance of 4.5 miles, in Van Buren County, Iowa. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice unless, within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time,

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not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone this issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC–1074 (Deviation No. 9), ALLEGHENY FREIGHT LINES, INC., P.O. Box 601, Winchester, Va. 22601, filed August 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Clarksburg, W. Va., over U.S. Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 48 near Morgantown, W. Va., thence over U.S. Highway 48 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to Frederick, Md., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Clarksburg, W. Va., over U.S. Highway 50 to Winchester, Va., thence over Alternate U.S. Highway 340 to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., and return over the same route.

No. MC–1074 (Deviation No. 10), ALLEGHENY FREIGHT LINES, INC., P.O. Box 601, Winchester, Va. 22601, filed August 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 51 to junction U.S. Highway 40 near Uniontown, Pa., thence over U.S. Highway 40 to junction U.S. Highway 48, thence over U.S. Highway 48 to junction Maryland Highway 53 near Lavale, Md., thence over Maryland Highway 53 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Maryland Highway 9, thence over Maryland Highway 9 to junction West Virginia Highway 28 near Short Gap, W. Va., thence over West Virginia Highway 28 to junction U.S. Highway 50 near Romney, W. Va., thence over U.S. Highway 50 to Winchester, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pittsburgh, Pa., over Interstate Highway 376 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 522, near Hancock, Md., thence over U.S. Highway 522 to Winchester, Va., and return over the same route.

No. MC–2754 (Deviation No. 2), NEUENDORF TRANSPORTATION CO., 121 S. Stoughton Rd., Madison, Wis. 53701, filed August 19, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Madison, Wis., over Interstate Highways 90 to 94 to junction Wisconsin Highway 80, thence over Wisconsin Highway 80 to junction Wisconsin Highways 13 and 73, thence over Wisconsin Highway 13 to Marshfield, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Madison, Wis., over U.S. Highway 51 to Portage, Wis., thence over U.S. Highway 16 to junction Wisconsin Highway 13 at Wisconsin Dells, Wis., thence over Wisconsin Highway 13 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 34 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to Marshfield, Wis., and return over the same route.

No. MC–8948 (Deviation No. 6), WESTERN GILLETTE, INC., 2550 East 28 Street, Los Angeles, Calif. 90058, filed July 13, 1976. Carrier's representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Madison, Wis., over Wisconsin Highway 5 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 7, thence over Wisconsin Highway 7 to junction U.S. Highway 71, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lebanon, Mo., over U.S. Highway 66 to Springfield, Mo., thence over U.S. Highway 65 to junction Missouri Highway 14, thence over Missouri Highway 14 to junction Missouri Highway 5, thence over Missouri Highway 5 to Arkansas Highway 5, thence over Arkansas Highway 5 to Calico Rock, Ark., thence over Arkansas Highway 56 to Brockwell, Ark, thence over Arkansas Highway 9 to Melbourne, Ark., thence over Arkansas Highway 69 to junction U.S. Highway 167 at Batesville, Ark., thence over U.S. Highway 167 to junction Arkansas Highway 14 near Salado, Ark., thence over Arkansas Highway 14 to junction U.S. Highway 63 near Marked Tree, Ark., and return over the same route.

No. MC–8948 (Deviation No. 7), WESTERN GILLETTE, INC., 2550 East 28 Street, Los Angeles, Calif. 90058, filed July 13, 1976. Carrier's representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lebanon, Mo., over Missouri Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lebanon, Mo., over U.S. Highway 66 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7 and return over the same route.

No. MC–75320 (Deviation No. 63), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed August 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Arkansas Highway 59 and Interstate Highway 40 near Van Buren, Ark., over Interstate Highway 40 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 69 near Savanna, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to junction U.S. Highway 69, near Dennison, Tex., thence over U.S. Highway 69 to junction Oklahoma Highway 51 near Wagoner, Okla., thence over Oklahoma Highway 51 to the Oklahoma-Arkansas State Line, thence over Arkansas Highway 244 to junction Arkansas Highway 59, thence over Arkansas Highway 59 to Van Buren, Ark., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proopsed operations unless filed on or before October 4, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC–67308 (Deviation No. 8), (Cancels Deviation No. 6) COLONIAL TRAILWAYS, 400 S. Royal St., P.O. Box 2712, Mobile, Ala. 36601, filed August 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From New Orleans, La., over Interstate Highway 10 to junction Mississippi Highway 57, thence over Mississippi Highway 57 to junction U.S. Highway 90, with the following access routes: (1) From junction Interstate Highway 10 and Mississippi Highway 607, over Mississippi Highway 607 to junction U.S. Highway 90, (2) From junction Interstate Highway 10 and U.S. Highway 49 over U.S. Highway 49 to Gulfport, Miss., and (3) From junction Interstate Highway 10 and Mississippi Highway 67 to Biloxi, Miss., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From New Orleans, La., over U.S. Highway 90 to Mobile, Ala., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T 9341 filed July 30, 1976. Applicant: GALAXY TRANSPORT, INC., P.O. Box 66, Buffalo, N.Y. 14212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Wayne, and Wyoming Counties, N.Y. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12232 and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 38947 filed August 5, 1976. Applicant: W.E.B., INC., 3812 N.W. 58th Terrace, Oklahoma City, Okla. 74126. Applicant's representative: Robert A. Miller, 2505 City National Bank Tower, Oklahoma City, Okla. 73102. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, from Oklahoma City, Okla. over Interstate Highway 40 West to its junction with U.S. Highway 270, thence over U.S. Highway 270 to Geary, Okla., serving Karris and Calumet, Okla., thence over U.S. Highway 281 to Watonga, Okla., thence over U.S. Highway 270 to its junction via State Highway 3 serving the off-route point of Fay, Okla., via State Highway 3 serving off-route points of Oakwood, Okla., through and serving Seiling, Mutual, Woodward and Fort Supply, Okla., serving off-route points of Sharon via Highway 34 serving Woodward, thence via State Highway 15 to Fargo, Okla., serving off-route points of Tanger, Okla., then via State Highway 15 to U.S. Highway 270 to Woodward, then via U.S. Highway 270 to its junction with U.S. Highway 283 serving Fort Supply and May, Okla., then via U.S. Highway 283 to Rosston, Okla., also serving Laverne, Okla., thence East via U.S. Highway 64 to Buffalo, Okla., thence via U.S. Highway 64 to Plainview, Okla., serving off-route points of Selman, Lovedale and Edith to U.S. Highway 64 junction with State Highway 50 South to State Highway 15, serving Camp Houston and Freedom to Mooreland, Oklahoma thence via State Highway 15 to Woodward with additional route from Watonga, Okla. tacking with U.S. Highway 281 and I–40 to Oklahoma City, the route of North of Watonga via State Highway 8, one mile, to Highway 8 junction with Oklahoma Highway 51A to Southard, Okla., thence via State Highway 51 West to its junction with Highway 270 serving Hucmac, Canton, Carleton and continuing North via State Highway 51A to Fairview, Okla., and serving Fairview, Okla.

Thence via U.S. Highway 60 West to its junction with U.S. Highway 281, serving Chester and serving off-route points on Orion, Bado, Dane and Cedar Springs, Okla., and also serving at Woodward, Okla., all plantsites including industrial users within a fifteen mile radius of Woodward, Okla., thence via same route on return. Applicant intends to interline with other carriers at all points. Intrastate, interstate and foreign commerce authority sought. Hearing: Date scheduled for September 27, 1976, (place and time not shown). Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc.76–25568 Filed 9–1–76;8:45 am]

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THURSDAY, SEPTEMBER 2, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

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WATER PROGRAMS

Secondary Treatment Information

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 133]

[FRL 586-2]

WATER PROGRAMS

Secondary Treatment Information

The purpose of this proposed rulemaking is to amend the Secondary Treatment Information regulation (40 CFR, Part 133). The proposed amendment recognizes that properly designed and operated waste stabilization ponds are a form of secondary treatment which may not be capable of achieving the suspended solids limitations contained in 40 CFR 133 without supplemental treatment processes for the removal of suspended solids. Amendment of Secondary Treatment Information is proposed to allow upward adjustment of the suspended solids limitations in cases where ponds which have a design capacity of one million gallons per day or less are used as the process for secondary treatment.

The Secondary Treatment Information regulation contained in 40 CFR Part 133 was promulgated pursuant to sections 301 and 304 of the Federal Water Pollution Control Act Amendments of 1972 (the Act). Section 304(d)(1) requires that the Environmental Protection Agency publish information on the degree of effluent reduction attainable through the application of secondary treatment within sixty days after enactment of the Act and from time to time thereafter. Section 301(b)(1)(B) of the Act requires that effluent limitations, based on secondary treatment, be achieved for all publicly owned treatment works in existence on July 1, 1977, or approved for a construction grant prior to June 30, 1974 (for which construction must be completed within four years of approval). Secondary Treatment Information was promulgated on August 17, 1973, and recently amended for deletion of the fecal coliform bacteria limitations and clarification of the pH requirement.

At the time 40 CFR 133 was proposed for public comment, the issue of the ability of waste stabilization ponds to achieve the proposed effluent quality in terms of suspended solids was raised. The Environmental Protection Agency recognized at that time that ponds as then in use generally had not been capable of producing effluents which are consistently low in suspended solids because of algae which result from the normal operations of ponds. The response of the Agency when 40 CFR 133 was promulgated was that it believed that with proper design (including solids separation processes in some cases) and operation, the level of effluent quality can be achieved with waste stabilization ponds.

In establishing the criteria for 40 CFR 133 and in considering comments submitted in response to its proposal, the Environmental Protection Agency was guided, in part, by the following: (1) The basic approach of Pub. L. 92-500 is directed at achieving incremental improvements in wastewater treatment practices and water quality, and (2) the legislative history of Pub. L. 92-500 clearly indicates that Congress intended that the secondary treatment regulation include controls on the discharge of suspended solids. Applying this basic guidance to waste stabilization ponds, the Agency has embarked on an extensive and successful research and development program to develop techniques for upgrading ponds since promulgation of 40 CFR 133. In March of 1974, the Agency published a technical bulletin entitled "Wastewater Treatment Ponds" to serve as a guide to the EPA Regional Administrators on design criteria for ponds. The technical bulletin, as well as the results of the research and development program on ponds, recognizes that in many cases upgrading techniques for the reduction of suspended solids go beyond traditional and even advanced pond design (i.e., two or more cells capable of series or parallel operation and controlled discharge) and require the use of supplemental mechanical devices such as filters.

Wastewater treatment ponds (lagoons) are widely used throughout the United States. Ponds have become very popular with small communities, primarily because of their relatively low construction and operating costs. As a result, nearly 90 percent of the wastewater treatment ponds in this country are located in communities of 5,000 people or less. Approximately 25 percent of the municipal wastewater treatment plants in the country are ponds.

In addition to the economic advantages that ponds afford to small and moderate size communities, there are additional benefits derived from the use of ponds for the treatment of wastewater. These benefits include the following:

1. Low energy requirements because treatment relies mostly on natural processes;

2. Successful operation is not dependent on highly skilled operating personnel;

3. Ponds are less subject to breakdown or malfunction than are mechanical plants;

4. Many ponds achieve low fecal coliform bacteria concentrations without a separate disinfection process or the use of chemical disinfectants.

Despite the inherent advantages associated with the application of ponds for wastewater treatment, particularly in small communities, there has been a considerable amount of controversy relating to ponds in recent years, as noted above. This controversy has centered around the issues of whether ponds can meet the suspended solids limitations required for secondary treatment. Secondary treatment (as defined in 40 CFR 133) is the minimum level of treatment required for all publicly owned treatment works. Effluent limitations required for secondary treatment are 30 mg/l or less of BOD and suspended solids on a 30-day average (or at least 85 percent removal, whichever is more stringent), 45 mg/l or less of BOD and suspended solids on a 7-day average, and pH within the range of 6.0 to 9.0.

Algae are naturally formed in municipal wastewater treatment ponds. Nonaerated ponds, which are the vast majority of municipal wastewater treatment ponds in this country, are designed to rely on photosynthetic oxygenation (i.e., oxygen from algae) for the oxygen needed for waste treatment. Thus algae, in addition to being a natural phenomenon in ponds, are also an integral part of the pond system.

Live algal cells do not readily settle even in the quiescent conditions occurring in the ponds. It is important to note, however, that the putrescible solids found in untreated or partially treated wastewater do readily settle in ponds which incorporate proper hydraulic design because of the quiescent conditions. The reason that most ponds cannot comply with the suspended solids limitations is because of algae.

Further indication and consequence of the fact that algae are not readily removed from pond effluents is that traditional pond design has not provided for the removal of algae and that historically pond performance has been measured in terms of BOD alone and not suspended solids. The suspended solids to BOD (five-day) ratio in most municipal wastewater (untreated and effluents from municipal plants) is generally in the range of 1:1 whereas the suspended solids to five-day BOD ratio in pond effluents can typically be as high as 2-4:1. Properly designed pond systems are reported to be generally capable of achieving the BOD limitations of 40 CFR 133; it is the suspended solids limitations upon which questions concerning the ability of ponds to meet the secondary treatment requirements have been based.

Methods for removing algae from pond effluents have been developed but have not been widely demonstrated in all climatic regions of the country. The most promising techniques developed thus far involve the use of sand or rock filters and may additionally require the use of chemical coagulants. Such systems generally have been developed to retain the features of low cost and simplified operation for ponds; however, supplemental treatment methods unavoidably add to the complexity of pond design and may strain the operational capability of small communities where the vast majority of ponds are used. Because of the increased complexity of supplemental systems for ponds and the emerging status of such systems at the present time, many pond users and state regulatory agencies have been reluctant to use them and have indicated it may be necessary to replace ponds which are incapable of achieving the limitations required for secondary treatment with mechanical treatment plants.

The Environmental Protection Agency believes that ponds play a vital role in the Nation's water pollution control strategy and that, because of their advantages of simplicity and low cost, ponds should be retained as an option for smaller communities. Furthermore, historically ponds have been considered as "secondary treatment" for smaller communities. The Agency also recognizes

that suspended solids due to live algae in pond effluents have fundamentally and substantially different characteristics than sewage solids or solids from other treatment processes. It is for these reasons that the amendment of the secondary treatment regulation to allow raising the suspended solids limitations for smaller ponds in accordance with the level of effluent quality achievable with pond technology is being proposed.

Special consideration is proposed for waste stabilization ponds in recognition of the fact that ponds without supplemental suspended solids removal processes may not be capable of achieving the suspended solids requirements of the Secondary Treatment Information regulation. The proposed amendment indicates that the suspended solids limitations of 40 CFR 133 may be adjusted to the level of effluent quality achievable by best pond technology, provided that: (1) Waste stabilization ponds are used as the process for secondary treatment, (2) the treatment works has a design capacity of one million gallons per day or less, and (3) performance data indicate that the treatment works cannot comply with the requirements of paragraphs (b)(1), (b)(2), and (b)(3) of § 133.102.

The proposed amendment allows the Regional Administrator (or the State, if the State has the authority to issue NPDES permits) to grant a variance with respect to the suspended solids requirements of 40 CFR 133 when establishing effluent limitations in NPDES permits for publicly owned treatment works which use waste stabilization ponds as the process for secondary treatment. A variance may be granted by the Regional Administrator or the authorized State agency, if the municipality can show that (1) the present system was designed in accordance with the traditional design of secondary treatment facilities, but (2) even if properly operated cannot meet the suspended solids limits of the secondary treatment standards, and (3) could not do so without the addition of treatment system elements not historically considered as secondary treatment (such as filtration systems). In granting a variance to a municipal pond user, the Regional Administrator or the State authority must specify the numerical suspended solids limitations which the pond will be required to meet; in no case, however, can facilities be exempted entirely from a suspended solids requirement. Effluent limitations for ponds established pursuant to the requirements of 40 CFR 133, including suspended solids limitations for ponds set in accordance with a variance procedure, will continue to be enforceable conditions of National Pollution Discharge Elimination System permits.

Variances would be granted to municipalities which apply for them based on the merits of individual requests and information specifically concerning the applicant and the pond facility under consideration. It is recognized, however, that it will be necessary for the efficient and effective implementation of a variance procedure for ponds for the Regional Administrator or authorized State agency to establish statewide or areawide limitations for the suspended solids concentrations achievable by best waste stabilization pond technology in that State or geographical area. Regional or State limitations would then be used as the basis for granting variances and setting suspended solids limitations for qualified ponds.

The proposed amendment authorizes the Regional Administrator (or the State) "to adjust the effluent limitations set forth in paragraphs (b)(1), (b)(2), and (b)(3) * * * based on the solids concentrations achievable by the best waste stabilization technology * * *" Regional or State acceptance and performance criteria for establishment of suspended solids limitations for ponds and for specific determinations concerning individual pond facilities must be set in accordance with this requirement. It it important to note that determinations of the "suspended solids concentrations achievable by best waste stabilization pond technology" must be based on ponds which are achieving the BOD limitations of 40 CFR 133. Such determinations will necessarily have to consider minimum pond design standards (e.g., hydraulic and organic loading rates, number of cells and operational flexibility) required for compliance with the BOD limitations of § 133.102(a), which remain unchanged.

In proposing this amendment to 40 CFR 133, the Agency also recognizes that approximately 40 percent of the municipal wastewater treatment ponds in this country discharge to waters where specific water quality standards are required pursuant to sections 301, 302, and 303. In accordance with section 301(b)(1)(c) "* * * any more stringent limitation including those necessary to meet water quality standards, treatment standards or schedules of compliance, established pursuant to any State law or regulations * * *" shall continue to apply in lieu of the requirements of 40 CFR 133, including a variance procedure for ponds. Accordingly, the granting of a variance for the suspended solids limitations ponds must consider any and all applicable water quality standards. Likewise, effluent limitations for suspended solids established in accordance with the variance must not cause water quality standards to be violated.

In proposing this amendment to 40 CFR 133 for small waste stabilization ponds, the Environmental Protection Agency does not intend to imply that supplemental treatment devices such as rock filters or intermittent sand filters are not acceptable methods for upgrading pond performance. Ponds which do not presently meet the discharge requirements pursuant to specific water quality standards can generally be economically upgraded to meet the required standards while preserving the basic concept of simplified operation. The Agency strongly believes that any large scale approach to replace ponds with mechanical plants would be ill-advised because the previously discussed advantages of ponds for small communities would be sacrificed.

Recommended methods for upgrading pond performance treatment requirements are detailed in the EPA Technical Bulletin on Wastewater Treatment Ponds (March 1974). Also available is the information presented at the Logan, Utah symposium on wastewater stabilization ponds. The report, entitled "Upgrading Wastewater Stabilization Ponds to Meet New Discharge Standards—Symposium Proceedings," presents the latest information on pond technology and stresses the methods by which ponds and pond design can be upgraded. Additional information on the subject of upgrading ponds is available from the EPA Technology Transfer Program.

Interested persons are invited to comment on the proposed amendments to Part 133 by sending written comments to the Office of Water Program Operations (WH-547), United States Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Prior to promulgation of the proposed amendments in final form, all comments received on or before November 1, 1976 will be carefully considered. All comments received may be inspected at the above location during normal working hours by interested members of the public.

In consideration of the foregoing, it is proposed to amend Part 133 of Chapter I of Title 40 of the Code of Federal Regulations as set forth below.

(Section 304(d)(1) and 301(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1342, 1345, and 1361)).

Dated: August 25, 1976.

ALVIN Z. ALM,
Acting Administrator.

Section 133.103 is amended by adding paragraph (c) as follows:

§ 133.103 Special considerations.

(c) The Regional Administrator (or, if appropriate, the State subject to EPA approval) is authorized to adjust the minimum levels of effluent quality set forth in paragraphs (b)(1), (b)(2), and (b)(3) of § 133.102 for any publicly owned treatment works, to conform to the suspended solids concentrations achievable with best waste stabilization pond technology, provided that: (1) Waste stabilization ponds are the sole process used for secondary treatment; (2) the maximum facility design capacity is one million gallons per day or less; and (3) operation and maintenance data indicate that the requirements of paragraphs (b)(1), (b)(2) and (b)(3) of § 133.102 cannot be achieved. The term "best waste stabilization pond technology" means a suspended solids value, determined by the Regional Administrator (or, if appropriate, the State subject to EPA approval), which is equal to the effluent concentration achieved 90 percent of the time within a State or appropriate contiguous geographical area by waste stabilization ponds that are achieving the levels of effluent quality established for biochemical oxygen demand in § 133.102(a).

[FR Doc.76-25523 Filed 9-1-76;8:45 am]

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federal register

THURSDAY, SEPTEMBER 2, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
Federal Housing Commissioner (FHA)

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MORTGAGE AND LOAN INSURANCE PROGRAMS; MISCELLANEOUS AMENDMENTS

Notice of Proposed Rulemaking

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner, (FHA)

[24 CFR Parts 205, 207, 213, 221, 231, 232, 241, 242, 244]

[Docket No. R-76-407]

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Miscellaneous Amendments; Notice of Proposed Rulemaking

The Department is proposing to amend Parts 207, 213, 221 and 231 of this chapter to reflect a change in policy with respect to the disbursement of mortgage proceeds for construction items under a construction contract where there is no identity of interest between the mortgagor and general contractor. Presently, in accordance with the provisions of the construction contract, the contractor is entitled to monthly payments for construction items in an amount equal to the value of the work acceptably completed and the materials stored on the site less 10 percent (holdback) and prior advances. The holdback is not released to the contractor until the project has been completed and the contractor, mortgagor and mortgagee have completed all requirements for a final loan closing, and the final advance is made. Thus, under these procedures, some contractors have suffered financial losses when they have completed the project and performed all the obligations under the construction contract, but the mortgage has not been finally endorsed for insurance because the mortgagor or the mortgagee has not met all requirements for closing, or the mortgage has gone into default subsequent to the completion of the project. When the contractor is not able to obtain the holdback because the final advance is not made by the mortgagee, a frequent result is that some of the subcontractors do not get paid.

The proposed amendments to the regulations will provide for a procedure whereby the contractor will make monthly requisitions to the mortgagor for payment of 100 percent of the value of the work acceptably completed since the last request for payment plus the value of the materials stored on the site. There will be no deduction in the contractor's request for the 10 percent holdback. Neither shall the mortgagor's proceeds for construction items contain a deduction for the 10 percent holdback. Both the contractor's requisition and the mortgagor's request for an advance will be predicated on the mortgagee's agreement that that portion of the advance which represents the 10 percent holdback will be retained by the mortgagee to be paid into an escrow account, minus an amount that is one and one-half times the cost estimated by HUD that is required for the competion of any minor incomplete on-site construction items, when the project had been substantially completed as determined by HUD. In the case where a cost plus form of contract has been used, the mortgagee will not deposit the holdback monies into the escrow account until there has been both substantial completion of the project, as determined by HUD, and the mortgagee has been notified by the HUD field office having jurisdiction that the contractor has filed his "Contractor's Certificate of Actual Cost" with HUD. Disbursement from the escrow account will be made in accordance with the terms of an Escrow Agreement which shall provide for direct payment to the contractor upon notification from HUD that the contractor has complied with the conditions of the Escrow Agreement. The primary requirement in the Escrow Agreement which must be met before the contractor is entitled to the escrow account is the submission of his "Certificate of Actual Cost" and its approval by HUD. This will not be a requirement when the use of a lump sum contract has been approved by HUD in accordance with the regulations. When such a contract has been used, entitlement to the escrow account shall be automatic, except for the limitation on receipt of monies in excess of the contract amount.

When the project has been completed, as determined by HUD, there will be no requirement for the mortgagor to make a request to the mortgagee and HUD for an advance for the holdback, since the amount of the holdback will have been included in each of the mortgagor's requests from the start of construction. The contractor, with the prior approval of HUD, can make the request directly to the mortgagee for disbursement of the holdback to the escrow account. The mortgagee will not have disbursed from mortgage proceeds the amount of the holdback until it is placed in the escrow account, and, thus, the mortgagee will not be entitled to interest from the mortgagor on the amount of the holdback until it is placed in the escrow account. The amount of the holdback will be insured by HUD when it is put in the escrow account.

The proposed regulations require that the holdback be placed in an escrow account which may be an interest bearing account if the mortgagor and general contractor have so agreed. Any interest earned shall be turned over to the contractor.

The Department is limiting the applicability of the proposed regulations to those projects where there is no identity of interest between the mortgagor and general contractor. It was considered that where a contractor has an identity of interest with the mortgagor, such contractor has provided the leverage necessary to protect itself against a mortgagor who, through inaction or default, prevents a final closing.

As mentioned above, one of the considerations in this proposal was to provide the release of funds which could be used to pay subcontractors. However, the proposed regulations will not eliminate any other requirements in the regulations, or in the contractual documents used in the mortgage insurance transaction, for subcontractors to submit certificates of actual cost.

There are several HUD legal forms and documents used in mortgage insurance transactions which must be amended if these regulations are adopted. The amendments will reflect the procedures as set forth in the proposed regulations.

The proposed regulations are to apply prospectively, but in those cases where a construction contract has already been executed at the time the regulations are finally adopted, the appropriate legal documents can be amended to reflect the new procedures if all the parties to the insurance transaction, including HUD, agree.

The Department is also proposing additional amendments to those parts noted above as well as amendments to Parts 205, 232, 241, 242 and 244, to require that every construction contract contain a provision obligating the general contractor to give a copy of the "Contractor's and/or Mortgagors' Cost Breakdown" to each subcontractor, to inform each subcontractor of each draw under the contract, and, when applying for a draw, to submit appropriate receipts or waivers from each subcontractor for work covered by previous draws. The Department is proposing this change to enable subcontractors to be better informed so that they may more effectively protect their interests.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views and suggestions. Communications should identify the subject matter by title and docket number and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before October 4, 1976, will be considered before adoption of the final rule. Copies of comments received will be available for examination during business hours at the above address.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1, is available for inspection at the Office of the Rules Docket Clerk, at the above address.

Accordingly, it is proposed that Parts 205, 207, 213, 221, 231, 232, 241, 242 and 244 of Chapter II of Title 24 of the Code of Federal Regulations be amended to read as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

1. Section 205.112 is amended by adding a new paragraph (c) to read as follows:

§ 205.112 Form of contract.

* * * * *

(c) *Provisions regarding subcontractors.* The lump sum and fixed fee construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractors and/or Mortgagors Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for the work covered by the previous draw.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

2. Subpart A of the Table of Contents to Part 207 is amended to include a new section numbered § 207.26a and designated, "Disposition of general contractor's holdback," as follows:

Sec.
207.26a Disposition of general contractor's holdback.

3. Section 207.26 is amended by placing the letter (a) before the introductory language, redesignating paragraphs (a), (b), (c) and (d) to (1), (2), (3) and (4) respectively, and by adding a new paragraph (b) to read as follows:

§ 207.26 Form of contract.

* * * * *

(b) The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

4. The following new section is added and designated as § 207.26a:

§ 207.26a Disposition of general contractor's holdback.

In those cases in which a construction contract has been executed after _____ and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) All required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction; (iii) Permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) In the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor; and

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a) (2) (i), (ii) and (iii), and (a) (2) (i), (ii), (iii) and (iv) of ths section for a general contractor who has executed a lump sum form of contract or cost plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b) (4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b) (1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b) (4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general conrtactor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor; and

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract.

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

5. Subpart A of the Table of Contents to Part 213 is amended to include a new section numbered § 213.34a and designated, "Disposition of general contractor's holdback," as follows:

Sec.
213.34a Disposition of general contractor's holdback.

6. Section 213.34 is amended by placing the letter (a) before the introductory language, redesignating paragraphs (a), (b) and (c) to (1), (2) and (3) respec-

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tively, and by adding a new paragraph (b) to read as follows:

§ 213.34 Form of contract.

* * * * *

(b) The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

7. The following new section is added and designated as 213.34a:

§ 213.34a Disposition of general contractor's holdback.

In those cases in which a construction contract has been executed after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) All required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction; (iii) Permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) In the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor; and

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a) (2) (i), (ii) and (iii), and (a) (2) (i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b) (4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b) (1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b) (4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor; and

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract.

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

8. Subpart C of the Table of Contents to Part 221 is amended to include a new section numbered § 221.548a and designated, "Disposition of general contractor's holdback," as follows:

Sec.
221.548a Disposition of general contractor's holdback.

9. Section 221.548 is amended by adding a new paragraph (d) to read as follows:

§ 221.548 Form of contract.

* * * * *

(d) *Provisions regarding subcontractors.* The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

10. The following new section is added and designated as § 221.548a.

§ 221.548a Disposition of general contractor's holdback.

In those cases in which a construction contract has been executed after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The consrtuction contract, whether it be lump sum or cost plus, shall contain provisions whereby the mortgagor

and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) All required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction; (iii) Permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) In the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor; and

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a) (2) (i), (ii) and (iii), and (a) (2) (i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b) (4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b) (1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b) (4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor; and

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract.

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

11. Subpart A of the Table of Contents to Part 231 is amended to include a new section numbered § 231.10c and designated, "Disposition of general contractor's holdback," as follows:

Sec.
231.10c Disposition of general contractor's holdback.

12. Section 231.10b is amended by adding a new paragraph (d) to read as follows:

§ 231.10b. Form of contract.

* * * * *

(d) *Provisions regarding subcontractors.* The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

13. The following new section is added and designated as 231.10c:

§ 231.10c Disposition of general contractor's holdback.

In those cases in which a construction contract has been executed after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) All required certificates of occupancy or other approvals, with re-

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spect to all units of the project, have been issued by State or local governmental authorities having jurisdiction; (iii) Permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) In the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor; and

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a) (2) (i), (ii) and (iii), and (a) (2) (i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b) (4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b) (1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b) (4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor; and

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract.

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

14. Section 232.81 is amended by adding a new paragraph (e) to read as follows:

§ 232.81 Form of contract.

* * * * * *

(e) *Provisions regarding subcontractors.* The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

15. Section 241.160 is amended by adding a new paragraph (i) to read as follows:

§ 241.160 Cost certification requirements; loans over $200,000.

* * * * * *

(i) The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor covering work for the previous draw.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

16. Section 242.69 is amended by adding a new paragraph (d) to read as follows:

§ 242.69 Construction contracts.

* * * * * *

(d) The construction contract shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

17. Section 244.145 is amended by placing the letter (a) before the sentence presently contained in the section and adding a new paragraph (b) to read as follows:

§ 244.145 Form of contract.

* * * * * *

(b) The lump sum and cost plus construction contracts shall contain a provision requiring the general contractor: (1) To give a copy of the "Contractor's and/or Mortgagor's Cost Breakdown" to each subcontractor, (2) To inform every subcontractor of each draw under the contract, including the release of any holdback, and (3) When applying for a draw, to submit appropriate receipts and waivers from each subcontractor for work covered by the previous draw.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107).

Issued at Washington, D.C. August 27, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.76-25784 Filed 9-1-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 2, 1976



PART IV:

FEDERAL POWER COMMISSION

ANNUAL REPORT OF POWER SYSTEM ENERGY ACCOUNTING, PEAK DEMANDS, AND INTERSYSTEM PURCHASES AND SALES

New FPC Form No. 158

V41 I172 SEP 2 76 UMI

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-31]

ANNUAL REPORT OF POWER SYSTEM ENERGY ACCOUNTING, PEAK DEMANDS, AND INTERSYSTEM PURCHASES AND SALES

New FPC Form No. 158

AUGUST 18, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 of the Federal Power Act[1], that the Commission proposes to add § 141.69 to Part 141 of the Approved Forms under the Federal Power Act to provide that a new FPC Form No. 158 be required for reporting. The proposed new form would be entitled "Annual Report of Power System Energy Accounting, Peak Demands, and Intersystem Purchases and Sales."

During the period of critical energy needs, such as the nation is currently experiencing, the public interest requires that the Commission have available to it current and continuing information on the operations of electric utilities transmitting and distributing electric energy for sale in interstate commerce. The interests of those electric utilities regulated by the Commission also require efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all exising "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is currently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form No. 158 is designed to incorporate into a readily retrievable data processing system some of the information currently submitted on FPC Form Nos. 1[2], 1F[3], IM[4], 12[5], 12A[6], and 12D[7].

With the exception of a 10-year load forecast, rather than the 4-year period currently requested, no new data would be required by Form No. 158. However, the new form would eliminate considerable duplicate reporting which now exists for those respondents presently filing both a Form 1 and a Form 12. It would also clarify and refine the energy accounting methods which now differ between the Form 1 and Form 12 by proposing only one method of energy accounting. The present definition of "net energy for system" and the definition of "system" is unchanged in the proposed form. However, the proposed new definition of "net energy for load" would include a more precise and realistic method for accounting for transmission of electricity for or by others, sometimes referred to as "wheeling."

The proposed FPC Form No. 158 would consist of 17 schedules, Schedules 661, 662, 676, 679–684, 708–714, and 856. There would be 14 schedules required to be completed by electric utilities operating systems designated as Type I,[8] by the Commission. There would be 4 schedules required to be completed by systems designated as Type II or III. One schedule (Schedule 70) may be requested of additional electric utilities whether private, public or Federal, since the schedule collects information on "sales for resale."

Schedule 662 pertains to system dependable capacity at time of expected annual peak load.

Type I—a system for which the operating utility owns, leases, or purchases installed capacity to meet directly that system's total load requirements, as well as any Type II or III system's load requirements by way of contract, either in part or total. The system generally has plans for additional installed capacity to meet its projected load requirements, as well as any Type II or III system's projected requirements. Bulk power transmission systems may also be designated as Type I.

Type II—a system for which the operating utility owns, leases or purchases installed capacity to meet directly that system's load requirements only in part and generally does not plan additional installed capacity to meet projected total load requirements. These systems may be called "partial requirement customers" of other systems. Small isolated systems may also be designated as Type II.

Type III—a system for which the operating utility does not own, lease, or purchase installed capacity to meet directly any of that system's load requirements. These systems may be called "total requirement customers" of other systems.

Schedule 708 pertains to system net generation by generating type (i.e. gas turbine, steam electric—nuclear, hydroelectric, etc., pumping energy requirements and totals.

Schedules 709 through 712 pertains to system purchases or sales for resale, interchange power, transmission of electricity for or by others, and "borderline customers" receipts and deliveries along with associated revenues, costs or other forms of compensation.

Schedule 713 pertains to ultimate consumer deliveries and system losses.

Schedule 684 pertains to distribution of loads in system service areas and Schedule 856 pertains to the map of the system service areas.

Schedule 714 summarizes by month the system total net generation, energy transfers which are accounted in such a way as to provide the "net energy for system," "net energy for load," and associated peak loads.

Schedules 680 and 681 collect hourly system loads for three specified weeks.

Schedules 661, 676, and 679 pertain to system generation, energy transfers, peak loads reported in considerably less detail for electric utilities with systems designated as Type II or III.

It is anticipated that at least one year of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the related schedules within the current FPC Form Nos. 1, 1F, 1M, 12, 12A, and 12D for these respondents would then be eliminated.

All data and information submitted pursuant to this new form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge, according to the Commission's rules of practice and procedures (18 CFR Part 1).

It has been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the forms used to create the tape, would be required only from those respondents having over 2,000 MW of installed capacity, and that the manner of the preparation of the tapes be left to the discretion of those respondents. For all other respondents, an original and four copies of each completed Form No. 158 would be required to be filed with the Commission.

[1] 41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c(b), 825c(c), 825h, 825j.

[2] 18 CFR 141.1 (1975).
[3] 18 CFR 141.2 (1975).
[4] 18 CFR 141.7 (1975).
[5] 18 CFR 141.51 (1975).
[6] 18 CFR 141.52 (1975).
[7] 18 CFR 141.55 (1975).
[8] Systems are assigned a type designation by FPC depending on the degree with which their electric generation and transmission facilities meet their own requirements, requirements of other systems, and affect the surrounding bulk power supply.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than October 18, 1976, data, views, and comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposals should be addressed and whether the person filing submissions requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The staff, at its discretion, may grant or deny a request for conference prior to or subsequent to the filing of formal submittals.

The proposed amendment to Part 141 of the Commission's Approved Forms under the Federal Power Act would be made pursuant to the authority granted the Commission by the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309, and 311.[9]

Effective for the reporting year 1976, the Commission proposes to amend Part 141, Statements and Reports (Schedules), in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.69 prescribing new FPC Form No. 158, Annual Report of Power System Energy Accounting, Peak Demands, and Intersystem Purchases and Sales, in the form set out in Attachment A hereto. New § 141.69 will read as follows:

§ 141.69 Form 158, Annual Report of Power System Energy Accounting, Peak Demands, and Intersystem Purchases and Sales.

(a) This form is designed to collect from all electric utilities on a calendar year basis information on system dependable capacity and generation, intersystem transfers including revenue and costs thereof, "net energy for system" and "net energy for load" by month with associated peak demands, and ultimate consumer deliveries. The form also collects load data on areas within a system, hourly loads for three selected weeks, projected firm purchases and sales, and projected peak loads and energy.

(b) The Form 158 shall be prepared annually and filed with the Commission on or before the 1st of May, and each year thereafter, in such form as is required by said instructions and schedules furnishing the information therein called for, for the preceding calendar year.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A—ANNUAL REPORT OF POWER SYSTEM ENERGY ACCOUNTING, PEAK DEMANDS AND INTERSYSTEM PURCHASES AND SALES

[9] Supra, note 1

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

FPC Form 541 (1-76)

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1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III - Detailed (applicable to individual schedules).

3. Separation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

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5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

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II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

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III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426
Attn: Office of the Secretary

(Over)

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G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II - General Subject Instructions.

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B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all schedules, regardless of [illegible] submitted in the reporting period.

FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. (Insert here the name of the attester)

being first duly sworn according to law, certifies that he is (Insert here the official legal title of attester)

of (Insert here the exact legal title or name of respondent); that he has full power and authority to make the attestations and belief, all statements and matters thereof set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19__, to and including _____, 19__.

(Signature of attester)

Subscribed and sworn to before me

this _____ day of _____, 19__.

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E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (△) that does not occupy a character position within the data field. For example: NN△NNN

The fractional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11△667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12△333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429△48 and the number $45,237 would be entered as 45237△00

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

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The respondent must use the approved values and is also cautioned not to alter the units of measure (e.g., MMcf or KW) defined in the Detailed Instructions.

V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

B. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

- At the end of each line on the schedule, key a line terminator symbol (@).
  Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- Do not key data fields which are preprinted, including data field separators.
- Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted ∴. (The only valid indication of a decimal point is the preprinted ∴. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 16 of page 2 of a hypothetical Schedule 99.

Data Field Type:

a	n	n	n	n	n	n	n	n	n	n

Data Field Length:

35	10	10	8.2	3.3	10	10	10	10	10	10

Data Field Contents:

MIDWESTERN INTERNATIONAL 350 * 673∆21 24∆2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record -

009900021 6MIDWESTERN INTERNATIONAL| 350| *| 67321| 24200| 750000|| 550000| 622490|

B Record -

009900021 6B3575829400 @

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:

|	4F	12-7-8

Data Line Terminator:

@	7C	4-8

I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

ELECTRIC UTILITY/INDUSTRIAL/LICENSEE SCHEDULES

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APPENDIX 1. List of Electric Utility/Industrial/Licensee Schedules

Schedule Number	Schedule Name
0601	Plant Owner - Operator Data
0602	General Information - Plants
0603	Generating Unit Joint Ownership
0604	Hydroelectric Plant Design Data
0605	Hydroelectric Generating Unit Design Data
0606	Hydroelectric Plant Capability Data
0607	Pumped Storage Plant Design Data
0608	Pumped Storage Generating Unit Design Data
0609	Pumped Storage Plant, Separate Motor Driven Pumps, Design Data
0610	Internal-Combustion and Gas-Turbine Plant Design Data
0611	Internal-Combustion and Gas-Turbine Generating Unit Design Data
0612	Steam-Electric Plant Design Data
0613	Steam-Electric Generating Unit Design Data, Turbine Design Data
0614	Steam-Electric Generating Unit Design Data (Generating Data and Cooling Facility)
0615	Boiler Design Data
0616	Common Fuel-Feeders by Boiler
0617	Boilers Served by Fuel-Feeder Systems
0618	Stack Descriptive Data
0619	Boilers Served by Stacks
0620	Stacks Associated with Boilers
0621	Flue-Gas Cleaning Equipment - Design Data
0622	Boilers Served by FGCE
0623	Boiler FGCE Equipment
0625	Plant Cooling System Characteristics
0626	Plant Cooling Water Source Data
0627	Plant General Water Use Data
0628	Plant Water Treatment Settling Pond Discharge Data
0629	Plant Sewage Effluent Treatment Design Data
0630	Combined Cycle Plant Data
0631	Steam-Electric Plant Capability Data
0632	Small Plant Design Data and Costs
0633	Small Plant Generating Group Design Data
0634	Annual Plant Capacity - Output and Fuel Data
0635	Monthly Power Plant Data
0636	Plant Fuel Cost and Quality Data
0637	Annual Large Plant Fuel Data
0638	Internal-Combustion and Gas-Turbine Plants Costs and Expenses
0641	Hydroelectric Plant Costs and Expenses
0642	Pumped Storage Plant Costs and Expenses
0643	Steam-Electric Plant Costs and Expenses

Schedule Number	Schedule Name
0644	Small Plant Costs and Expenses
0645	Annual Small Plant Fuel Data
0646	Annual Industrial Power Plant Data
0647	Annual Large Plant Unit Performance Data
0648	Annual Peak Demand Data by Plant
0649	Plant Fuel Consumption and Quality - By Month
0650	Annual Boiler Fuel Use and Operation
0651	Monthly Boiler Fuel Consumption and Peak Operation
0652	Boiler Flue-Gas Cleaning Equipment - Operational Data
0653	Chemicals Used in Plant Cooling and Boiler Water
0654	Plant Disposal of Combustion Cycle Products
0655	Plant Combustion Cycle Additives
0656	Annual Plant Environmental Data
0657	Water Temperature and Flow at Selected Points
0658	Cooling System Operational Data
0659	Plant Projection Data
0660	Plant Capacity and Generating Unit Changes
0661	Annual System Energy Accounting and Peak Load (Small Systems)
0662	System Net Dependable Capacity at Time of Annual Peak
0663	Transmission Line Data
0664	System Substation and Transformer Data
0665	Plant Transformer Design Data
0666	Conversion Apparatus and Special Equipment
0667	Distribution Transformer and Capacitor Data
0668	Electric Watthour Meter Data
0676	System Energy Transactions Between Other Systems (Small Systems)
0679	System Net Generation, Energy Transfers and Peak Loads by Month (Small Systems)
0680	System Load Data for Specified Weeks - AM
0681	System Load Data for Specified Weeks - PM
0682	System Future Changes in Firm Power Transfers
0683	System Energy and Peak Load Forecast
0684	Distribution of System Load in Service Area
0686	All-Electric Home Consumption Data
0687	Community Characteristics for Given Schedules
0688	Rate Schedules Energy Characteristics
0689	All-Electric Homes Customer and Total Bills Data
0690	All-Electric Homes Annual Bills
0691	Typical Net Monthly Bills - Commercial Service
0692	Typical Net Monthly Bills - Residential Service
0693	Typical Net Monthly Bills - Industrial Service
0694	Retail Rate Level Changes
0699	System All-Electric Home Rate Examination Data
0700	Licensed Project Recreation Data - Part I
0701	Licensed Project Recreation Data - Part II
0702	Licensed Project Recreation Data - Text
0703	Licensed Project Recreation Data - Part III
0705	Monthly Industrial Power Plant Data

Schedule Number	Schedule Name
0706	Licensed Project Recreation Data - Part IV
0708	System Generation
0709	System Purchases or Sales for Resale
0710	System Interchange Power
0711	System Transmission of Electricity For or By Others
0712	System Wheeling Receipts and Deliveries
0713	System Ultimate Consumer Deliveries and Losses
0714	System Net Generation, Energy Transferred, and Associated Peak Demand By Month
0852	System Maps and Diagrams
0854	Hydroelectric Storage Reservoir Curves
0855	Hydroelectric Power Plant Diagrams and Curves
0856	Map of Distribution of System Load in Service Area
0857	Steam-Electric Plant One-Line Diagrams

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I. GENERAL INFORMATION

These instructions apply to the following schedules:

- Electric system design and operation data
- Electric generating plant design and operation data
- Licensed projects data

The groups of Power System and Generating Plant schedules represent a comprehensive selection of data covering pertinent operational and technical information of the respondents.

Systems are assigned a Type code by FPC depending on the degree with which their electric generation facilities meet their own requirements and the requirements of other systems:

Type I – a system for which the operating utility owns, leases, or purchases installed capacity to meet directly that system's total load requirements as well as any Type II or III system's load requirements by way of contract either in part or in total. The system generally has plans for additional installed capacity to meet its projected load requirements, as well as, Type II or III system's projected requirements. Bulk power transmission systems may also be designated as Type I.

Type II – a system for which the operating utility owns, leases or purchases installed capacity to meet directly that system's load requirements only in part and generally do not plan additional installed capacity to meet projected total load requirements. These systems may be called "partial requirements customers" of other systems. Small isolated systems may also be designated as Type II.

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Type III – a system for which the operating utility does not own, lease, or purchase installed capacity to meet directly any of that system's load requirements. These systems may be called "total requirements customers" of other systems.

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ELECTRIC POWER SYSTEMS DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with transmission/distribution facilities	0663,0664, 0666-0668	1,1F,1M 12	May 1st
2	All utilities serving cities with a population of 2,500 or more	0694	82	Within 60 days of new or changed rate schedule
Annual Submissions				
1	All Type I systems	0662,0680-0684, 0708-0714,0852, 0854-0856	1,1F, 1M,12, 12A,12D	May 1st
2	All Type II and III systems	0676,0713,0852	1,1F, 1M,12, 12A,12D	May 1st
3	All Type II and III systems with "net energy for system" greater than 5000 MWH for the previous year.	0679	12A	May 1st
4	All Type II and III systems with "net energy for system" less than 5000 MWH for the previous year.	0661	12D	May 1st
5	FPC specified electric utilities	0686-0693,0699	3,3A	January 21st

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ELECTRIC GENERATING PLANT DESIGN AND OPERATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Event Submissions				
1	All systems with generation facilities	0601-0605,0607-0623,0625-0633,0665	1,12, 12A,12D 67	May 1st
2	All systems with hydroelectric generation facilities	0606	12	May 1st
Annual Submissions				
1	All systems with generation facilities	0634,0648,0660	12	May 1st
2	All systems with generation facilities	0649-0659,0857	67	May 1st
3	All systems with generation facilities	0647	New	May 1st
4	All systems with generation facilities	0637,0638,0641-0645	1,1F,1M	May 1st
5	Industrial Plants with installed capacity less than 5 MW	0646	12C	May 1st
Monthly Submissions				
1	All systems with generation facilities	0635	4	10 days after 1st of following month
2	Industrial Plants with installed capacity greater than 5 MW	0705	4	10 days after 1st of following month
3	All systems with generating facilities	0636	423	45 days after 1st of following month

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LICENSED PROJECT RECREATION DATA

Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Biennial Submissions	All FPC Licensed Projects	0700-0703, 0706	80	March 1st of each odd numbered year for the two years ending as of December 31st of the previous year

Each schedule is identified by a schedule number and title (see Appendix 1, List of Electric Utility/Industrial/Licensee Schedules.

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submissions will be prepared in conformity with the Uniform Systems of Accounts where applicable for Electric Utilities and Licensees prescribed by the Federal Power Commission, and all accounting words and phrases are to be interpreted in accordance with said classification. If the respondent is not under the jurisdiction of the Commission and does not keep its books in accordance with the above-mentioned Uniform Systems of Accounts, the schedules shall be completed with the actual accounts maintained being substituted, where necessary for the accounts listed.

B. SELECTED DEFINITIONS

The following definitions pertain to the Electric Utilities, Industrial Plant, and Licensee Schedules:

1. Ambient Temperature: The temperature of the surrounding cooling medium, such as gas or liquid, which comes into contact with the heating parts of the apparatus.

2. Border-line Deliveries: Energy delivered by a system to ultimate customers of another system with no "wheeling" involved.

3. Border-line Receipts. Energy received by ultimate customers of a respondent directly from another system for the account of the respondent with no "wheeling" involved.

4. Capability. The capability of a system, plant, or unit is defined as the load-carrying ability at the specified power factor and for the indicated time interval independent of the other characteristics of the load. In general, plant capability is determined by design characteristics; physical condition; adequacy of the prime mover; prime mover steam supply; operational limitations, such as cooling and circulating water supply and temperature, ambient temperature; and head and tailwater elevations.

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5. Demand Interval. The period of time over which the demand is measured. Each system shall report load data on the basis of integrated demands for 60-minute clock-hour intervals. When demand data are not available on this basis, please make adjustments, if possible, to approximate the integrated demand for 60-minute clock-hour intervals; otherwise, report demand interval used.

6. Dependable Capacity. The dependable capacity of a generating plant or group of plants is defined as the load-carrying ability for the time interval and period specified when related to the circumstances of the load to be supplied. In general, a plant's dependable capacity is influenced not only by factors affecting its capability, but by such factors as the duration of the system peak, position on the load curve where the plant is to be operated, and the plant's operating power factor.

7. Electric Respondent. Any electric utility, industrial producer, or other organization ultimately responsible for reporting of electric data to the Federal Power Commission.

8. Electric Plant. A unit or group of units of the same or different generating types considered to be at the same physical site.

9. Electric System. The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

10. Electric Utility. All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, state projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

11. Generating Group. Generating units at one plant may be grouped for a number of reasons: separate powerhouses on the same pond; common header steam plants, gas-turbines

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controlled through a common control house (cubicle), internal-combustion units which are treated as one per group, and similar physical characteristics within generating type for small plants.

12. Generating Type. Internal-combustion, gas-turbine, steam-electric, hydro-electric, and pumped storage, are the basic generating types. Nuclear, geothermal, fossil and waste are treated as fuels for steam-electric. The combined cycle generating type is comprised of steam-electric and gas-turbine types.

13. Generating Unit. A unit consisting of a turbine and an electric generator or a reciprocating engine and an electric generator. There may be more than one turbine or reciprocating engine mechanically coupled to one electric generator but this remains a single unit. A cross-compound steam electric plant consists of two units, since both turbine/generator combinations are mechanically separate.

14. Heat Rate. A measure of generating station thermal efficiency, generally expressed as BTU per net kilowatt-hour. It is computed by dividing the total BTU content of the fuel burned (or of heat released from a nuclear reactor) by the resulting net kilowatt-hours generated.

15. Industrial. Producers having generating plants for the purpose of supplying electric power required in the conduct of their industrial operations. Mining, manufacturing, and stationary plants of railroads and railways for active power is included.

16. Installed Capacity. Total of the capacities as shown by the nameplates of similar kinds of apparatus such as generating units, turbines, synchronous condensers, transformers, or other equipment in a plant, station, or system.

17. Large Generating Type (Large Plant). Steam-electric with installed capacity of 25 MW or greater; or hydroelectric, pumped storage, internal-combustion or gas-turbine each of 10 MW or greater.

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18. Licensee. Any person, State, or municipality licensed under the provisions of Section 4 of the Federal Power Act, and any assignee or successor in interest thereof.

19. Load Factor. The ratio of the average load over a designated period to the peak load occurring in that period.

20. Municipality. A city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

21. Net Dependable Capacity. Includes dependable capacity of a systems generating plants plus the net of firm power purchases.

22. Net Energy for System. The sum of system net generation and energy received from other systems, less the energy delivered to other systems for resale and equal to the sum of system losses, unaccounted for energy, and ultimate consumer sales.

23. Other Electric Respondents. Any other person or organization required to report electric plant, system, or licensed project data. A contractual power pool falls in this category.

24. Pumping Energy. The energy measured as input to a pumped storage plant for pumping purposes.

25. Run-of-river. Those hydroelectric plants whose operation cannot be regulated over a period of more than a few hours, either from storage at site or above, but whose operation is, in general, controlled by the volume of flow which must be utilized as it occurs, or be wasted.

26. Small Generating Type (Small Plant). All steam electric with installed capacity less than 25 MW; or hydroelectric, internal-combustion or gas-turbine each less than 10 MW.

27. Source of Water. This refers to the proper name and type of the natural water body from which water is withdrawn for the stated purpose. It is not limited

solely to the nature of the water body. Thus, the Mississippi River as a source of water should be reported as "Mississippi River" and NOT as "river water".

28. Storage. Those hydroelectric plants whose operations can be varied as desired because of storage at site or above. Such regulation may be weekly, monthly, or seasonal.

III. GENERAL INSTRUCTIONS

A. GENERATING GROUP CONCEPTS

The term "generating group" appears in the schedules in reference to steam-electric, hydroelectric, internal-combustion, gas-turbine, and small plant design data.

- o Steam-Electric Generating Group is defined as those generating units grouped by virtue of being served by a common steam header, or a cross-compound configuration, or the simple case of a single boiler and generating unit combination. Data must be submitted for each generating unit even though some units may be similar in design.
- o Gas-Turbine and Internal-Combustion Generating Group. For gas-turbine units, a generating group is defined as any collection of gas-turbine generating units that are controlled from the plant control room through a single control house (cubicle). In the case of a single unit having unique characteristics, assign a generating group I.D., then complete the schedule for that unit. Internal-combustion units are reported as a single unit to the group.
- o Power House Generating Group is defined as those hydroelectric and pumped storage generating units grouped within a single power house at a plant site. Two power houses on the same pond are two groups. The majority of hydroelectric and pumped storage generating units are within only one powerhouse. Grouping of units is not by like unit design and design data must be submitted for each unit.
- o Small Plant Generating Group is defined as those generating units grouped by virtue of like unit design under all generating types and design data is only submitted once for one unit within the group. A group may contain only one unit.

B. RESPONDENT ASSIGNED UNIQUE CODING

The majority of schedules which require submission of generating plant data call for the use of codes to identify components or groups of components within a plant. Most of the codes defined as "respondent assigned" are to be the respondents commonly used designation if such a designation exists. These codes must be unique within the type of equipment being defined within a plant. If necessary the respondent must assign a new code to establish this uniqueness. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify the component (or group of components) on all schedules. It is also necessary that the same code be used in reporting from year to year. Because of this, the respondent must maintain a record of the assigned codes to achieve consistent reporting.

Examples of components or groups of components which require respondent assigned codes are shown below:

- Generating Group I.D.
- Generating Unit I.D.
- Boiler I.D.
- Flue-Gas Cleaning Equipment I.D.
- Fuel Feeder I.D.
- Stack I.D.
- Cooling Facility I.D.
- Transformer Bank I.D.

Each I.D. above is unique within the generating type except Transformer Bank I.D. which is unique within a plant. For each plant (or given geographic site) there may be one or more generating types (e.g., steam-electric, gas-turbine, etc.). Most of the respondent assigned I.D. codes are for the steam-electric generating type.

In a few cases specified in the schedule Detailed Instructions, the respondent is requested to assign numeric sequential codes and maintain these codes from year to year.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	1 of 2

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This date field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCG (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted.. (INETOR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	2 of 2

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this date field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MMDDYY. (TMDATE)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0661	ANNUAL SYSTEM ENERGY ACCOUNTING AND PEAK LOAD (SMALL SYSTEMS)	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the annual net generation and load for the system reported.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type II or III systems with "net energy for system" less than 5,000 megawatt-hours for the previous calendar year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Annual Net Generation of System Plants (N12) MWH: Enter the annual net generation of the system plants.
3	Total Energy Received for Resale (N9) MWH: Enter the total energy received for resale from all sources.
4	Total Energy Delivered for Resale (N9) MWH: Enter the total energy delivered for resale.
5	Net Energy for System (N9) MWH: Enter the net energy for system as the sum of data fields 2 and 3 above, less 4.
6	System Peak Load of Year (N6.2) MW: Enter the system peak load based on "net energy for system", rounded to two decimal places.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0662 SYSTEM NET DEPENDABLE CAPACITY AT TIME OF ANNUAL PEAK		1 of 3

I. DESCRIPTION

This schedule is used to collect data on the dependable and assured capacity of electric systems.

II. GENERAL INFORMATION

A. Data for this schedule shall be submitted by electric utilities with Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field numbers.

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Total Dependable Capacity from Plant (N6.2) MW: Enter the net dependable capacity of all plants which are entities of the system listed in data field 1 above. In aggregating this total, take the following factors into account: (a) The dependable capacity of the system fuel plants is the net capability of that which can be relied upon to be available for active or standby service at the usual time of the annual system peak. Allowance should be made for any maintenance outage of equipment which MUST be scheduled during the usual time of the annual system peak. (b) The dependable capacity of system conventional hydro plants relates to the capacity which under the most adverse flow conditions of record can be relied upon to carry system load at the usual time of the annual peak, provide dependable reserve capacity, and meet firm power obligations, taking into account seasonal variations and other characteristics of the load to be supplied and of the firm power obligations. Some systems may be able to utilize off-peak energy from other systems so as to increase the dependable capacity of the reporting system conventional hydro plants. Where consideration is given to the off-peak energy which can be secured from others, an explanation of the amount and conditions governing the receipt of such energy should be footnoted. In cases where the stream-flow records indicate that the most adverse flows are not likely to occur except at long intervals of time and are likely to be of very short duration, the figures used in determining the capacity available from conventional hydro plants may be modified, treating such abnormal limitations as an emergency condition to be covered by the reserve

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DETAILED INSTRUCTIONS: SCHEDULE 0662 SYSTEM NET DEPENDABLE CAPACITY AT TIME OF ANNUAL PEAK		2 of 3

Data Field Number	Instructions
2 (cont'd)	capacity. Such modification should be fully explained. Full consideration should be given to data reported in Schedule 0606 for adverse flow conditions in computing the annual dependable system conventional hydro capacity. (c) The dependable capacity of system pumped storage plants is the net capability of that capacity which can be relied upon to carry system load or provide dependable reserve capacity at the usual time of annual system peak taking into account such factors as limitations in plant capability due to reservoir drawdown, the energy equivalent of storage in the upper reservoir, and the available pumping energy on a daily or weekly pumping cycle.
3	Total Available Capacity from Firm Purchases (N6.2) MW: Show amount at the usual time of the respondent's system peak stated in contract; if it is not a single, definite, fixed amount, explain in appended remarks. DO NOT INCLUDE POWER WHICH MIGHT BE AVAILABLE UNDER INTERCHANGE, EMERGENCY, OR "WHEN, AS, AND IF" ARRANGEMENTS. It is desired that corresponding items reported be in agreement as between the affected companies. It is, therefore, suggested that the companies concerned agree upon the figures to be reported.
4	Total Firm Obligation (N6.2) MW: Show the amount of firm power committed or obligated which is intended to be available at the usual time of the respondent's system peak to other systems. Show amount stated in contract; if it is not a single definite, fixed amount, explain under appended remarks. DO NOT INCLUDE OBLIGATIONS UNDER INTERCHANGE, EMERGENCY, OR "WHEN, AS, AND IF" ARRANGEMENTS. It is desired that corresponding items reported be in agreement as between the affected companies. It is, therefore suggested that the companies concerned agree upon the figures to be reported.
5	System Net Dependable Capacity (N6.2) MW: Enter the result of the following calculation - data field 2 plus data field 3, minus data field 4.
6	Total Reserve Capacity Required (N6.2) MW: Show the total amount of reserve capacity, regardless of the source, considered necessary to maintain adequate service at the usual time of the annual system peak, without regard to the relation of net assured capacity to system peak. In general, the largest reduction in dependable capacity which might result from an outage of a generator or boiler unit determines the minimum reserve capacity required if not determined by other methods.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0662 SYSTEM NET DEPENDABLE CAPACITY AT TIME OF ANNUAL PEAK		3 of 3

Data Field Number	Instructions
7	Reserve Capacity Available - Emergency or Interchange (N6.2) MW: Show the total required reserve capacity which is relied upon to be available at the usual time of system peak under interchange, emergency, or similar agreements with others.
8	Reserve Required of Own System (N6.2) MW: Enter the result of the following calculation - data field 6 minus data field 7.
9	Net Assured System Capacity (N6.2) MW: Enter the result of the following calculation - data field 5 minus data field 8.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0676	SYSTEM ENERGY TRANSACTIONS BETWEEN OTHER SYSTEMS (SMALL SYSTEMS)	1 of 2

I. DESCRIPTION

This schedule is used to collect an itemized accounting of all energy transfers to and from the facilities of other systems during the year, including gross sales, purchases, interchanges and transfers for resale, whether on a firm, interchange, or any other basis and all energy received from industrial companies.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type II and Type III systems.

B. Respondents shall complete all data fields on this schedule annually.

C. Report total amounts of energy flow in each direction at each transfer point, i.e., the total amounts "delivered" and the total amounts "received" at each transfer point including energy transferred or displaced through the respondent's facilities for delivery to other systems. Do not report the amounts of energy billed, or net transfers, if they differ from total transfers.

By "transfer point" is meant the point at which the reported amounts of energy were transferred to and from the respondent's systems.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Transfer System Name (A35): Enter name of transfer system. (IDNAME)
3	Point of Interconnection (A16): Enter the identification of the interconnection or transfer point. (IDNAME)
4	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
5	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0676	SYSTEM ENERGY TRANSACTIONS BETWEEN OTHER SYSTEMS (SMALL SYSTEMS)	2 of 2

Data Field Number	Instructions
6	Capacity Interconnection (N7) MW: Enter capacity (in MW) of interconnection point.
7	Energy Received (N12) MWH: Electric power received at interconnection point (in megawatt hours).
8	Maximum Power Received (N13) MW: Maximum power received (in megawatts), if known.
9	Energy Delivered (N12) MWH: Electric power delivered at interconnection point (in megawatt hours). Do not report deliveries to industrial customers.
10	Maximum Power Delivered (N13) MW: Maximum power delivered (in megawatts), if known.
11	Voltage (N5) KV: Voltage characteristics of power transfer (in kilovolts).
12	Phase (N1) NO: Enter phase of power transfer, e.g., "1" for single; "3" for three-phase.
13	Frequency (N2) NZ: Enter frequency of power transfer (in Hertz).

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0679	SYSTEM NET GENERATION, ENERGY TRANSFERS AND PEAK LOADS BY MONTH (SMALL SYSTEMS)	1 of 1

I. DESCRIPTION

This schedule is used to collect the information concerning energy generation, energy received and energy delivered and system peaks by month.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type II or Type III systems with "net energy for system" in excess of 5,000 megawatt hours for the previous year.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field numbers.

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Month (N2): Enter the proper month code, i.e., January - 01, February - 02, etc., from the Register of Data Standards, TMMOYR.
3 (Key)	Net Generation (N5.2) MWH: Enter the system net generation (in megawatt hours) for each month.
4	Peak Demand (N5.2) MW: Enter the peak demand on system plant (in megawatts) for each month at the time of system peak.
5	Energy Received (N5.2) MWH: Enter the amount of energy (in megawatt hours) received from others.
6	Energy Delivered (N5.2) MWH: Enter the amount of energy (in megawatt hours) delivered to others for resale.
7	Net Energy for System (N5.2) MWH: Enter the amount of net energy (in megawatt hours) for the system (data field 3 plus data field 5 minus data field 6).
8	Monthly Peak Load (N5.2) MW: Enter the system peak load by month (in megawatts), based on net energy for system in data field 7 above.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0680	SYSTEM LOAD DATA FOR SPECIFIED WEEKS - AM	1 of 2

I. DESCRIPTION

This schedule is used to collect the 60-minute integrated megawatt demand for each clock-hour from 1:00 AM to Noon of the days specified in this schedule, determined from coincident demands as follows:

(a) Combined net demand on all system generating plants

(b) Plus: Power received from other systems and industrial companies, excluding borderline receipts

(c) Minus: Power delivered for resale to each Type I system that obtained a part of its power supply during the year from its own generating facilities or from systems other than the respondent's.

(d) Total net demand for load data (a) plus (b) minus (c).

Note that power delivered by the respondent to another Type II or Type III system and deliveries to ultimate consumers of another system is included in the respondent's system load for purposes of this schedule.

Where integrated demands for 60-minute clock-hour intervals are not available, it is desired that available data be adjusted to approximate the integrated demand for 60-minute clock-hour intervals.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utility respondents filing for all Type I designated systems.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is used to collect information by clock-hour for three weeks - the first full weeks in April, August, and December. Data field 13 is tabular for each of the seven days in the week with hour numbers preprinted in data field 11, a 24-hour clock is used with hours 01 through 12 appearing in this data field. Two schedules are thus required to report one week's data 0680 and 0681. A coded entry in data field 2 will identify the week being reported.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0680	SYSTEM LOAD DATA FOR SPECIFIED WEEKS - AM	2 of 2

Data Field Number	Instructions
2 (Key)	Week (A1): One-character code for week reported. First full week in April will be "1", August will be "2", and December will be "4". (TMSNYR)
3	Demand Interval (N2): Report demand interval, in minutes, as specified in the Register of Data Standards, TYDMIN.
4	Time Zone (A3): Enter abbreviation, from the Register of Data Standards, IDTMZN.
5	Begin Date DST (N2): If the system operated on daylight savings time during the year, give beginning date of the daylight saving time period, e.g., 03 for third. (NRORDL)
6	End Date DST (N2): Enter end date of above period, e.g., 10 for tenth. (NRORDL)
7	Readings in DST (N3): If, for any reason, daylight savings time does not encompass an entire week, report the first hourly reading in DST. Identify the reading by the number of the weekday and the hour of the day, e.g., if the first reading is 3 AM Monday, enter 203. (TMDWHR)
8	Begin Date (N2): Enter the first day of the week being reported, e.g., 01 for first. (NRORDL)
9	End Date (N2): Enter end date of above period. (NRORDL)
10	Indicate Unusual Conditions (N1): If unusual conditions (storms, floods, industrial disturbances, etc.) greatly affected the system load characteristics during the week reported, place a "1" in this field; enter "0" for no unusual conditions. Report dates and briefly describe these conditions in a footnote entry. All footnotes should be recorded according to the procedures outlined in the General Instructions. (INYONO)
11 (Key)	Hour (N2): This data field will be preprinted with clock hours 01 through 12. Clock hours 13-24 are reported on schedule 0681. (TMHRDY)
12 (Key)	Day of Week/Integrated Demand (N9) MW: Enter demand for each day, by clock hours.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0681	SYSTEM LOAD DATA FOR SPECIFIED WEEKS - PM	1 of 2

I. DESCRIPTION

This schedule is used to collect the 60-minute integrated megawatt demand for each clock-hour from 1:00 PM to midnight of the days specified in this schedule, determined from coincident demands as follows:

(a) Combined net demand on all system generating plants

(b) Plus: Power received from other systems and industrial companies, excluding borderline receipts

(c) Minus: Power delivered for resale to each Type I systems that obtained a part of its power supply during the year from its own generating facilities or from systems other than the respondent's

(d) Total net demand for load data (a) plus (b) minus (c).

Note that power delivered by the respondent to another Type II or Type III systems is included in the respondent's system load for purposes of this schedule.

Where integrated demands for 60-minute clock-hour intervals are not available it is desired that available data be adjusted to approximate the integrated demand for 60-minute clock-hour intervals.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities filing for all Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is used to collect information by clock-hour for three weeks - the first full weeks in April, August, and December. Data field 13 is tabular for the seven days in the week with hour numbers preprinted in data field 11, a 24-hour clock is used with hour 13 through 24 appearing in this data field. Two schedules are thus required to report one week's data, 0680 and 0681. A coded entry in data field 2 will identify the week being reported.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Week (A1): One-character code for week reported. First full week in April will be "1", August will be "2", and December will be "4". (TMSNYR)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0681	SYSTEM LOAD DATA FOR SPECIFIED WEEKS - PM	2 of 2

Data Field Number	Instructions
3	Demand Interval (N2): Report demand interval in minutes, as specified in the Register of Data Standards, TYDMIN.
4	Time Zone (A3): Enter the abbreviation, from the Register of Data Standards, IDTMZN.
5	Begin Date DST (N2): If the system operated on daylight savings time during the year, give beginning date of the daylight savings time period, e.g., 03 for third. (NRORDL)
6	End Date DST (N2): Enter end date of above period, e.g., 10 for tenth. (NRORDL)
7	Readings in DST (N3): If, for any reason, daylight savings time does not encompass an entire week, report the first hourly reading in DST. Identify the reading by the number of the weekday and the hour of the day, e.g., if the first reading is 11 PM, Monday, enter 223. (TMDWHR)
8	Start Date (N2): Enter the first day of week being reported, e.g., 01 for first. (NRORDL)
9	End Date (N2): Enter end date of above period. (NRORDL)
10	Indicate Unusual Conditions (N1): If unusual conditions (storms, floods, industrial disturbances, etc.) greatly affected the system load characteristics during the week reported, place a "1" in this field; enter "0" for no unusual conditions. Report dates and briefly describe these conditions in a footnote entry. All footnotes should be recorded according to the procedures outlined in the General Instructions. (INYONO)
11 (Key)	Hour (N2): This field will be preprinted with clock hours 13 through 24. Clock hours 01-12 are reported on Schedule 0680. (TMHRDY)
12 (Key)	Day of Week/Integrated Demand (N9) MW: Enter the demand for each day, by clock hours.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0682	SYSTEM FUTURE CHANGES IN FIRM POWER TRANSFERS	1 of 1

I. DESCRIPTION

This schedule is used to collect the data concerning contemplated changes in firm power contracts with other systems.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type I designated systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2	Type Change (A4): Enter the code for the type of change from the following list: (TYCNST) NWCT - New contract CECT - Change in existing contract TOCT - Termination of contract
3	Name of Other System (A35): Enter the name of the other system to the firm power contract. (IDNAME)
4	Start Date (N4): Enter the month (two-digit numeric code) and year (last two digits of the year) when the contract becomes effective, in the format MMYY. (TMMAYR)
5	Complete Date (N4): Enter the month (two-digit numeric code) and year (last two digits of the year) when the contract terminates. (TMMAYR)
6	Dependable Capacity (N6.2) MW: Enter (in megawatts) the net dependable capacity of new or existing contracts or changes in net dependable capacity of existing contracts.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0683	SYSTEM ENERGY AND PEAK LOAD FORECAST	1 of 1

I. DESCRIPTION

This schedule is used to collect the data concerning estimates of system's power requirements for the summer and winter month during which the seasonal peak load occurs.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type I designated systems.

B. Respondents shall complete all data fields on this schedule annually.

C. Furnish estimates of system's power requirements for the next ten calendar years. Each year will have two lines of data for two seasons (summer and winter).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Year (N2): Enter the last two digits of the year, the same year will be repeated on the next line for winter season data. (TMYEAR)
3 (Key)	Season (N1): Code for the season will be preprinted (i.e., Summer - "2" and Winter - "4", for the same year). (TMSNYR)
4	Month (N2): Enter the code for the month of peak (i.e., January - 01, August - 08), from the Register of Data Standards, TMMOYR.
5	Net Generation (N12) MWH: Enter the "net generation for load" (in megawatt hours). This will be a one time occurrence for the year.
6	Peak Load (N9.1) MW: Enter the seasonal peak load (in megawatts) for data field 3.
7	Load Factor (N3.2) PCT: Enter the annual load factor (in per cent). This will be reported one time for the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	06/24/76
DETAILED INSTRUCTIONS: SCHEDULE 0684	DISTRIBUTION OF SYSTEM LOAD IN SERVICE AREA	1 of 2

I. DESCRIPTION

This schedule is used to collect information on the distribution of the system load within the geographical territory served by the system. This information should be furnished on the basis used by respondent in maintaining load distribution data, such as by primary substations, operating divisions, communities, metropolitan areas, industrial areas, or other areas, in which the annual energy consumption was 10 per cent of the system total or 10,000 MWH, whichever is greater.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type I designated systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Designation of Area (A20): Indicate whether primary substation, operating division, or community and provide name. (IDDESC)
3	Map Tie-In Number (N2): Enter the unique numeric sequential code (01-99) assigned by the respondent to this designated area and used to identify the designated area on the associated map on Schedule 0856. (NRCADL)
4	Annual MWH (N11) MWH: Total energy distributed (in megawatt hours) in this area.
5	Peak Demand (N5.2) MW: Peak demand (in megawatts) of the area during reportperiod.
6	Peak Date (N4) : Date of peak demand in data field 5 above, in the format MMDD. (TMDATE)
7	Load Factor (N5) PCT: Enter annual load factor, calculated as specified in the Level II instructions.
8 (Key)	Type Distribution (A3): This will be preprinted with the following types of distribution: Farm, Nonfarm Residential, Commercial, Industrial, and Other (to loads, losses) (TYERSV) Note: The sum of data field 8 must equal data field 4 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	06/24/76
DETAILED INSTRUCTIONS: SCHEDULE 0684	DISTRIBUTION OF SYSTEM LOAD IN SERVICE AREA	2 of 2

Data Field Number	Instructions
9	Percentage of Distribution (N3) PCT: Enter percentage of distribution to appropriate category in data field 8 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0708	SYSTEM GENERATION	1 of 2

I. DESCRIPTION

This schedule is used to collect information on electric energy generated within a system during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities operating Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code for the system being reported upon, from the Register of Data Standards, IDSYST.
2	Steam Electric - Fossil (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by fossil-fueled steam electric units.
3	Steam Electric - Nuclear (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by nuclear fueled steam electric units.
4	Steam Electric - Geothermal (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by geothermal fueled steam electric units.
5	Conventional Hydroelectric (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by conventional hydroelectric generating units.
6	Pumped Storage Hydroelectric (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by pumped storage hydroelectric generating units. Do not include pumping energy requirements.
7	Gas-Turbine (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by gas-turbine generating units.
8	Internal Combustion (N9) MWH: Enter the net generation (excluding plant use) for the system indicated in data field 1 above, produced by internal combustion generation units.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0708	SYSTEM GENERATION	2 of 2

Data Field Number	Instructions
9	Other Generation Types (A15): Enter a description of other generation types not covered by data fields 2 through 8 above. (IDDESC)
10	Other Amount (N9) MWH: Enter the amount of generation (excluding plant use) produced by the generation types described in data field 9 above.
11	Total Generation (N9) MWH: Enter the total generation (excluding plant use) produced by the system identified in data field 1 above. This should equal the sum of values in data fields 2 through 8 and 10 above.
12	Pumping Energy Requirements (N9) MWH: Enter the total amount of energy used for pumping by the system identified in data field 1 above.
13	Total Net Generation (N9) MWH: Enter the total net generation (total generation without plant use, the value in data field 11 above, minus pumping energy, the value in data field 12 above) for the system being reported.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0709	SYSTEM PURCHASES OR SALES FOR RESALE	1 of 3

I. DESCRIPTION

This schedule is used to collect data on power purchased for resale and power sold for resale during the year whose dollar amounts are accounted for in Accounts 555.00 and 447.00, respectively.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities operating Type I systems and for other systems as specified by the FPC.

B. Respondents shall complete all data fields on this schedule annually.

C. Exclude from this schedule any particulars concerning interchange power which should be reported on Schedule 0710.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the respondent's system code, from the Register of Data Standards, IDSYST.
2 (Key)	Account Number (N3.2): Enter one of the following values: (ACCTNL) 555.00 = Account number for purchases for resale 447.00 = Account number for sales for resale
3 (Key)	Transaction ID (N2): Enter the respondent assigned numeric sequential code, beginning with 01, for each transaction (purchase or sale) for each account reported in data field 2 above. (NRCADL)
4	Name of Other System (A35): Enter the name of the purchaser for Account 447.00 or seller for Account 555.00. (IDNAME)
5	Classification of Other System (N1): Enter one of the following codes defining the classification of the purchaser or seller. (TYUTRL) 1 = Associated utilities 2 = Non-associated utilities 3 = Associated non-utilities 4 = Other non-utilities 5 = Municipalities 6 = Cooperatives 7 = Other Public Authorities

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0709	SYSTEM PURCHASES OR SALES FOR RESALE	2 of 3

Data Field Number	Instructions
6	Type of Receiving System (N1): This data field should be blank for Account 555.00. For Account 447.00, enter the appropriate code from the following list: (TYOPSY) 1 = Type I 2 = Type II 3 = Type III
7	Power Classification (N1): Enter the appropriate code, from the Register of Data Standards, TYPWCL.
8	Import - Export Code (A1): Enter one of the following codes: (TYINTC) O = Transaction within a state S = Transaction across a state line I = Transaction across an international boundary
9	Name of Transmitting System (A35): Enter the name of the transmitting system if wheeled by a third party. (IDNAME)
10	FPC Rate Schedule Number (A11): Enter the FPC assigned rate schedule number, if one exists, from the Register of Data Standards, IDRATE.
11	Substation Transfer Point (A16): Enter the name of the substation where energy is received or delivered. (IDDESC)
12	County Point of Transfer (N3): Enter the county coded for the county in which the substation in data field 11 above is located, from the Register of Data Standards, IDCNTY.
13	State Point of Transfer (A2): Enter the state abbreviation for the state in which the substation in data field 11 above is located, from the Register of Data Standards, IDSTAT.
14	Substation Ownership Indicator (N1): Enter the code, from the following set, which indicates who owns the substation where the energy exchange takes place. (INETOR) 1 = Respondent owned or leased 2 = Other party owned or leased
15	Units for Demand Data (A4): Enter the unit of measure for the next three data fields. Data may be reported in MW or MVA (MW is preferred). The same units must be used for all three data fields (16, 17 and 18). Enter MW or MVA as appropriate. (TYUNMS)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0709	SYSTEM PURCHASES OR SALES FOR RESALE	3 of 3

Data Field Number	Instructions
16	Contract Demand (N5.2) NO: Enter the amount of maximum demand specified in the power contract as a basis of billing.
17	Average Monthly Maximum Demand (N5.2) NO: Enter the average monthly maximum demand based on monthly readings, whether or not used in the determination of demand charges.
18	Annual Maximum Demand (N5.2) NO: Enter the annual amount of maximum demand based on monthly reading, whether or not used in the determination of demand charges.
19	Type of Demand Reading (N2): Enter one of the following two digit codes: (TYDMIM) 00 = Instantaneous 15 = 15 minutes 30 = 30 minutes 60 = 60 minutes
20	Voltage at Transaction Point (N4.1) KV: Enter the amount of voltage at which energy was received or delivered.
21	Annual Energy Metered (N8.2) MWH: Enter the amount of energy metered in this transaction.
22	Annual Energy Billed (N8.2) MWH: Enter the amount of energy billed in this transaction.
23	Demand Charges (N10) DOL: Enter the appropriate revenue or cost.
24	Energy Charges (N10) DOL: Enter the appropriate revenue or costs.
25	Other Charges (N10) DOL: Enter the appropriate revenue or cost.
26	Total Charges (N10) DOL: Enter the appropriate revenue or cost.
27	Monies per KWH (N2.3) CTS: Enter cost per KWH for purchases and revenue per KWH for sales.

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(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0710	SYSTEM INTERCHANGE POWER	1 of 2

I. DESCRIPTION

This schedule is used to collect data on interchange power for the year where the dollar amounts are included in Account 555.00.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities operating Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code for the system being reported, from the Register of Data Standards, IDSYST.
2 (Key)	Interchange ID (N2): Enter a respondent assigned numeric sequential code, beginning with 01, to define the interchange of power being reported. (NRCADL)
3	Name of Other System (A35): Enter the name of the system involved in interchange of power with the system defined in data field 1 above. (IDNAME)
4	Classification of Other System (N1): Enter one of the following codes defining the classification of the other system: (TYUTRL) 1 = Associated utilities 2 = Non-associated utilities 3 = Associated non-utilities 4 = Other non-utilities 5 = Municipalities 6 = Cooperatives 7 = Other public authorities
5	Type of Other System (N1): Enter the appropriate code for the type of other system from the following list: (TYOTSY) 1 = Type I 2 = Type II 3 = Type III
6	Import/Export Code (A1): Enter one of the following codes: (TYINTC)

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(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0710	SYSTEM INTERCHANGE POWER	2 of 2

Data Field Number	Instructions
6 (cont'd)	0 = Interchange within a state 1 = Interchange across a state line 2 = Interchange across an international boundary
7	FPC Rate Schedule Number (A11): Enter the FPC assigned rate schedule number, from the Register of Data Standards, IDRATE.
8	Interchange Substation (A16): Enter the respondent's commonly used designation for the interchange substation. (IDDESC)
9	Interchange County (N3): Enter the county in which the substation defined in data field 8 above is located, from the Register of Data Standards, IDCNTY.
10	Interchange State (A2): Enter the state abbreviation for the state in which the substation defined in data field 8 above is located, from the Register of Data Standards, IDSTAT.
11	Voltage at Interchange (N4.1) KV: Enter the voltage at the interchange point.
12	Gross Energy Receipts (N8.2) MWH: Enter the gross energy received in MWH.
13	Gross Energy Deliveries (N8.2) MWH: Enter the gross energy delivered in MWH.
14	Net Difference (N8.2) MWH: Enter the net difference between the power received and the power delivered.
15	Amount of Settlement (N10) DOL: Enter the amount of settlement charges or net charge or credit resulting from an interchange power agreement.
16	Non-Monetary Settlement Terms (A65): Enter an explanation of non-monetary settlement terms. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0711	SYSTEM TRANSMISSION OF ELECTRICITY FOR OR BY OTHERS	1 of 3

I. DESCRIPTION

This schedule is used to collect information on transmission of energy for the year by the respondent's system for others and transmission of energy by another system for the year for the respondent's supplying system. This transmission is commonly termed "wheeling".

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities operating Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number. This schedule has been designed to collect data for Accounts 456.00 and 565.00. The instructions have been generalized for this purpose.

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code, from the Register of Data Standards, IDSYST.
2 (Key)	Account Number (N3.2): Enter "456.00" when reporting transmission for others and "565.00" when reporting transmission by others. (ACCTNL)
3 (Key)	Transmission ID (N2): Enter the respondent assigned numeric sequential code, beginning with 01, for each transmission reported for each account indicated in data field 2 above. (NRADL)
4	Name of Other System (A35): For Account 456.00, enter the name of the supplying system, or for Account 565.00, enter the name of the wheeling system. (IDNAME)
5	Classification of Other System (N1): Enter one of the following codes defining the classification of the other sytem. (TYUTRL) 1 = Associated utilities 2 = Non-associated utilities 3 = Associated non-utilities 4 = Other non-utilities 5 = Municipalities 6 = Cooperatives 7 = Other public authorities
6	Import-Export Code (A1): Enter one of the following codes: (TYINTC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0711	SYSTEM TRANSMISSION OF ELECTRICITY FOR OR BY OTHERS	2 of 3

Data Field Number	Instructions
6 (cont'd)	O = Transmission within a state S = Transmission across a state line I = Transmission across an international boundary
7	Annual Energy Received (N8.2) MWH: Enter the annual amount of energy received before wheeling from supplying system if transmission for other, or energy received after wheeling if transmission by others.
8	Annual Energy Delivered (N8.2) MWH: Enter the annual amounts of energy delivered after wheeling if transmission for others, or energy delivered before wheeling if transmission by others.
9	Amount of Settlement (N10) DOL: Enter the monetary settlement received or paid.
10	Basis of Monetary Settlement (A65): Enter the basis of monetary settlement. (IDDESC)
11	Amount of Non-monetary Settlement (N8.2) MWH: Enter the MWH representing compensation for the service if the settlement is non-monetary.
12	Basis for Non-monetary Settlement (A65): Enter basis of non-monetary settlement. (IDDESC)
13	Settlement Other Than Monetary or MWH (A65): Enter description of settlements which are not in terms of dollars or energy. (IDDESC)
14	Other Services Received (A65): Enter other explanations indicating any material services remaining to be received or furnished at the end of the year. (IDDESC)
15	Accounting Procedures for Other Services (A65): Enter, for information in data field 14 above, the accounting procedures recorded to avoid a possible material distortion of reported operating income for the year. (IDDESC)
16	Receiving System Name (A35): Enter the name of the systems to which energy is distributed by the transmission being reported upon. (IDNAME)
17	Transfer Switch Before/After Wheeling (N1): This data field is used in conjunction with data fields 18, 19 and 20 below. It defines whether the transfer point being described is before or after wheeling. Enter "1" for before or "2" for after. (INETOR)
18	Substation Name (A16): Enter the respondent's commonly used designation for the substation name. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0711	SYSTEM TRANSMISSION OF ELECTRICITY FOR OR BY OTHERS	3 of 3

Data Field Number	Instructions
19	County Code (N3): Enter the county code indicating the location of the substation identified in data field 18 above, from the Register of Data Standards, IDCNTY.
20	State Abbreviation (A2): Enter the state abbreviation indicating the location of the substation identified in data field 18 above, from the Register of Data Standards, IDSTAT.

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UMI

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0712	SYSTEM BORDERLINE RECEIPTS AND DELIVERIES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on receipts to the respondent system's borderline customers supplied by another system and deliveries to another system's borderline customers by the respondent's system for the year. In neither case are the receipts or deliveries provided for through "wheeling" arrangements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities operating Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

C. Borderline receipts and deliveries refer only to ultimate consumers. If "wheeling" arrangements are used, then do not use this schedule and report those wheeling transfers on Schedule 0711.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code, from the Register of Data Standards, IDSYST.
2 (Key)	Borderline Account Code (N3.2): Enter "557.00" when reporting borderline receipts and "456.00" when reporting borderline deliveries. (ACCTML)
3 (Key)	Transaction ID (N2): Enter a two digit unique sequential number, assigned by the respondent, identifying each transaction being reported within the account identified in data field 2 above. (NRCADL)
4	Name of Other System (A35): For Account 557.00, borderline receipts, enter the name of the system supplying energy to the borderline customers of the respondent's system identified in data field 1 above. For Account 456.00, borderline deliveries, enter the name of the system whose borderline customers receive energy from the respondent's system identified in data field 1 above. (IDNAME)
5	Annual Energy (N5.2) MWH: For Account 557.00, borderline receipts, enter the amount of energy provided by the system in data field 4 above to the respondent's customers of the system identified in data field 1 above. For Account 456.00, enter the amount of energy delivered by the respondent's system in data field 1 above to the customers of the system identified in data field 4 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0712	SYSTEM BORDERLINE RECEIPTS AND DELIVERIES	2 of 2

Data Field Number	Instructions
6	Compensation (N8) DOL: For Account 557.00, enter the dollar amount of compensation to the system in date field 4 above and for Account 456.00, enter the dollar amount of compensation received from the system in date field 4 above.
7	Non-monetary Compensation (A70): Explain non-monetary compensation involved in this transaction. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0713	SYSTEM ULTIMATE CONSUMER DELIVERIES AND LOSSES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on energy delivered to ultimate consumers of the respondent's system for the year. This excludes borderline deliveries to other system's ultimate consumers but includes borderline receipts to the respondent system's ultimate consumers as well as deliveries to respondent's ultimate consumers where there are "wheeling" arrangements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities for all Type I, Type II, and Type III systems.

B. Respondents shall complete all data fields on this schedule annually.

C. The energy use classifications of Irrigation and Drainage Pumping, and Electrified Transportaiton are further defined or clarified:

Irrigation and Drainage Pumping - Estimates should be furnished for this classification if exact information is not available.

Electrified Transportation - Energy supplied for the propulsion of cars, locomotives or coaches. Energy for office buildings, depots, shops, signal lights, etc., should be reported under "Commerical" or "Industrial", as appropriate.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code, from the Register of Data Standards, IDSYST.
2	Energy Furnished Without Charge (N12) KWH: Enter the amount of energy furnished without charge.
3	Energy Used Without Plant Use (N12) KWH: Enter the amount of energy used by the utility exclusive of plant use. Note: Pumping energy is reported on Schedule 0708.
4	Total End Use Deliveries (N12) KWH: Enter the total end use deliveries (Total Ultimate Deliveries of date field 9A, plus Energy Furnished Without Charge, data field 2, plus Energy Used Without Plant Use, data field 3).
5	Transmission Losses (N12) KWH: Enter energy losses through transmission.
6	Distribution Losses (N12) KWH: Enter energy losses through distribution.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0713	SYSTEM ULTIMATE CONSUMER DELIVERIES AND LOSSES	2 of 2

Data Field Number	Instructions
7	Unaccounted for Energy (N12) KWH: Enter all losses of energy which are otherwise unaccounted.
8	Net Energy for System (N12) KWH: Enter value computed as sum of values reported in data fiels 4, 5, and 6 above; Total End Use Deliveries, Transmission Losses, and Distribution Losses.
9A	Type Sales (A30): This is a preprinted data field describing type of sales for which number of customers and energy delivered are requested. (TYERSV)
9B	Type Code (A3): This is a preprinted data field containing an identifying code to be used by the FPC relevant to the reported data. (TYERSV)
10	Number of Customers at End of Year (N8): Enter the number of customers at the end of the year associated with the type of sale identified in data field 9A above. This figure is not required for Total Ultimate Delivery. (NRCADL)
11	Delivered (N12) KWH: Enter the energy delivered for the type of sales identified in data field 9A above. The value for the preprinted "Total Ultimate Delivery" is defined as the sum of all previous data field 11 values.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SYSTEM NET GENERATION, ENERGY TRANSFERRED SCHEDULE 0714 AND ASSOCIATED PEAK DEMAND BY MONTH		1 of 2

I. DESCRIPTION

This schedule is used to collect information on system net generation, energy transfer totals, "net energy for system" and "load" and associated peak demands by month for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all electric utilities with Type I systems.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code, from the Register of Data Standards, IDSYST.
2	Annual Peak Load Demand Interval (N2): Enter the peak load demand interval code, from the Register of Data Standards, TYDMIN.
3 (Key)	Month Code (N2): Enter the two digit numeric code for the month, i.e., January = 01, March = 03, etc., from the Register of Data Standards, MDOFYR.
4	Net Generation (N9) MWH: Enter the monthly value for net generation. The annual total for this value is reported on Schedule 0708 in data field 11.
5	Peak Demand (N6) MW: Enter the value of the peak demand on plants at the time of the peak load which is to be reported in data fields 13 and 14 below.
6	Other Sources (N9) MWH: Enter the sum of all gross energy received during the reporting month from purchase for resales, interchange of power, before wheeling for others, after wheeling by others and borderline receipts.
7	Interesystem Deliveries (N9) MWH: Enter the sum of all gross energy delivered during the reported month for sales for resale, interchange power, after wheeling for others, before wheeling by others and borderline deliveries.
8	Net Energy for System (N9) MWH: Enter net energy for system. This value is defined as being the value in data field 4 above plus the value in data field 6 above less the value in data field 7 above. The 12-month total should equal the total of all deliveries on Schedule 0713.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SYSTEM NET GENERATION, ENERGY TRANSFERRED SCHEDULE 0714 AND ASSOCIATED PEAK DEMAND BY MONTH		2 of 2

Data Field Number	Instructions
9	System Peak (N6) MW: Enter the system peak based on the value computed for data field 8 above, Net Energy for System.
10	Interesystem Deliveries (In-loads) (N9) MWH: Enter the sum of all gross energy delivered during the reported month from sales for resale to Type II and Type III systems, interchange power to Type II and Type III systems, borderline deliveries and less borderline receipts.
11	Net Energy for Load (N9) MWH: Enter net energy for load which is defined as the sum of values stored in date fields 8 and 10 above.
12	Peak Load (N6) MW: Enter the peak load based upon the value computed for data field 11 above.
13	Day of Peak Load (N2): Enter the day of the month when peak load reported in data field 12 above occurred. (NRCADL)
14	Hour of Peak Load (N2): Enter the hour of the day, i.e., 2 p.m. as 14, of the peak load reported in data field 12 above. (TMHRDY)
15	Minimum Monthly Load (N6) MW: Enter the value of the minimum monthly load based upon the net energy for load reported in data field 11 above.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: MAP OF DISTRIBUTION OF SYSTEM SCHEDULE 0856 LOAD IN SERVICE AREA		1 of 2

I. DESCRIPTION

This schedule is used to collect information on the distribution of the system load within the geographical territory served by the system. This information should be furnished on the basis used by respondent in maintaining load distribution data, such as by primary substations, operating divisions, communities, metropolitan areas, industrial areas, or other areas, in which the annual energy consumption was 10 percent of the system total or 10,000 MWH, whichever is greater.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities with Type I designated systems.

B. This schedule shall be submitted with appropriate maps on the initial submission for a system. Thereafter, it shall be submitted annually with appropriate maps showing changes that have occurred during the reporting period, or indicating that no changes have occurred.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the system code, from the Register of Data Standards, IDSYST.
2	System Name (A35): Enter the system name, from the Register of Data Standards, IDSYST.

Note: A "1" must be entered in one and only one of the following data fields (3, 4 or 5) below:

3	Indicator Initial Submission (N1): Enter "1" if this is the initial submission of data for the system indicated in data field 2 above; if not, enter "0". (INYONO)
4	Indicator Annual Submission With Changes (N1): Enter "1" if this is an annual submission of data with changes to previously submitted information; if not, enter "0". (INYONO)
5	Indicator Annual Submission Without Changes (N1): Enter "1" if this is an annual submission of data without changes from that previously submitted data (in this case the material associated with data field 6 below may be omitted); if not, enter "0". (INYONO)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: MAP OF DISTRIBUTION OF SYSTEM SCHEDULE 0856 LOAD IN SERVICE AREA		2 of 2

Data Field Number	Instructions
6	System Land In Service Area Maps: Provide a sketch map showing the location and the approximate boundary of each of these areas. Each location or designation of area is to be identified by a map tie-in number. This number must match the one entered in data field 3 on Schedule 0686. If this information is provided on the map submitted with Schedule 0852, so indicate.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

Type Footnote	Data Field 2 (Footnote No.)	Data Field 1 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	CEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTION: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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(5-76)

UMI

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR PIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2,SEP 15, 1973 AND FPC

DATA ITEM LIST	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999
OFFSHORE, ZONE 1, LOUISIANA	22991	LA991
OFFSHORE, ZONE 2, LOUISIANA	22992	LA992
OFFSHORE, ZONE 3, LOUISIANA	22993	LA993
OFFSHORE, ZONE 4, LOUISIANA	22994	LA994

PAGE: IDCNTY-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDRATE

DATA ITEM LIST TITLE: ID, FPC RATE SCHEDULES

DATA ITEM LIST DESCRIPTION: IDENTIFIES FPC RATE SCHEDULES IN ONE OF THREE SERIES: ELECTRIC POWER (11 CHAR), GAS PIPELINE (11 CHAR), NATURAL GAS PRODUCER (9 CHAR).

DATA ITEM LIST SOURCE: (FORMATTING RULES TO BE DEVELOPED)

DATA ITEM LIST	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDSYST

DATA ITEM LIST TITLE: ID, ELECTRIC POWER SYSTEMS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER SYSTEMS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
ITO BE FURNISHED BY BUREAU OF POWER)		

PAGE: IDSYST-1

UMI

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: IDTMZN

DATA ITEM LIST TITLE: ID, TIME ZONES OF THE US

DATA ITEM LIST DESCRIPTION: IDENTIFIES GEOGRAPHICAL ZONES OF THE US WITHIN WHICH THE SAME STANDARD TIME IS USED. DAYLIGHT TIME, WHEN IMPLEMENTED, IS ADVANCED ONE HOUR FROM STANDARD TIME.

DATA ITEM LIST SOURCE: ANSI X3L8/189 (DRAFT)

DATA ITEM LIST	CODE	ABBREVIATION
ATLANTIC DAYLIGHT TIME	-0300D	ADT
NEWFOUNDLAND STANDARD TIME	-0330S	NST
EASTERN DAYLIGHT TIME	-0400D	EDT
ATLANTIC STANDARD TIME	-0400S	AST
CENTRAL DAYLIGHT TIME	-0500D	CDT
EASTERN STANDARD TIME	-0500S	EST
MOUNTAIN DAYLIGHT TIME	-0600D	MDT
CENTRAL STANDARD TIME	-0600S	CST
PACIFIC DAYLIGHT TIME	-0700D	PDT
MOUNTAIN STANDARD TIME	-0700S	MST
YUKON DAYLIGHT TIME	-0800D	YDT
PACIFIC STANDARD TIME	-0800S	PST
ALASKA-HAWAII DAYLIGHT TIME	-0900D	HDT
YUKON STANDARD TIME	-0900S	YST
BERING DAYLIGHT TIME	-1000D	BDT
ALASKA-HAWAII STANDARD TIME	-1000S	HST
BERING STANDARD TIME	-1100S	AST

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: LECOOR

DATA ITEM LIST TITLE: LOCATION, GEOGRAPHICAL COORDINATES

DATA ITEM LIST DESCRIPTION: DESIGNATES A POINT ON THE SURFACE OF THE EARTH BY THE ANGLE EAST OR WEST OF GREENWICH AND NORTH OR SOUTH OF THE EQUATOR. THE FORMAT IS: DDMMSSN;DDDMMSSW WHERE D=DEGREES, M=MINUTES, AND S=SECONDS OF NORTH LATITUDE AND WEST LONGITUDE.

DATA ITEM LIST SOURCE: ANSI X3L8/196 (DRAFT)

DATA ITEM LIST	CODE	ABBREVIATION

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TMMOYR

DATA ITEM LIST TITLE: TIME, MONTH OF YEAR

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE MONTHS OF YEAR ACCORDING TO THE CIVIL(GREGORIAN) CALENDAR. FOR RIS USE, AN UNSPECIFIED MONTH ENTRY HAS BEEN ADDED.

DATA ITEM LIST SOURCE: FIPS PUB 4, NOV 1, 1968

DATA ITEM LIST	CODE	ABBREVIATION
UNSPECIFIED	00	UNS
JANUARY	01	JAN
FEBRUARY	02	FEB
MARCH	03	MAR
APRIL	04	APR
MAY	05	MAY
JUNE	06	JUN
JULY	07	JUL
AUGUST	08	AUG
SEPTEMBER	09	SEP
OCTOBER	10	OCT
NOVEMBER	11	NOV
DECEMBER	12	DEC

PAGE: TMMOYR-1

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

DATA ITEM LIST MNEMONIC: TYDMIN

DATA ITEM LIST TITLE: TYPE OF DEMAND INTERVAL

DATA ITEM LIST DESCRIPTION: INDICATES THE PERIOD OF TIME DURING WHICH ELECTRIC ENERGY FLOW IS AVERAGED TO DETERMINE DEMAND.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST	CODE	ABBREVIATION
INSTANTANEOUS	00	INST
15-MINUTE	15	15MN
30-MINUTE	30	30MN
60-MINUTE	60	60MN

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FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM
                -REGISTRY OF DATA STANDARDS

                        DATA ITEMS

DATA ITEM LIST MNEMONIC:    TYPWCL

DATA ITEM LIST TITLE:       TYPE OF POWER CLASSIFICATION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF ELECTRIC
                            POWER FURNISHED BY CIRCUMSTANCES
                            UNDER WHICH DELIVERED.

DATA ITEM LIST SOURCES:     FPC STAFF

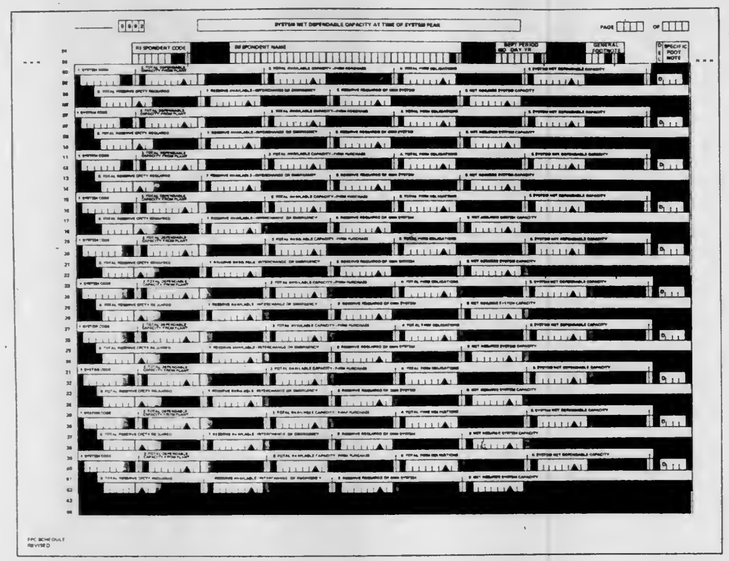
DATA ITEM LIST                          CODE    ABBREVIATION
FIRM POWER SUPPLYING TOTAL SYSTEM         1       FP
  REQUIREMENTS OF CUSTOMER OR TOTAL
  REQUIREMENTS AT A SPECIFIC POINT
  OF DELIVERY
FEEDBACK POWER SUPPLYING TOTAL SYSTEM     2       FPC
  REQUIREMENTS OF CUSTOMER OR TOTAL
  REQUIREMENTS WITH CAPCITY ALLOWED
  CUSTOMER FOR AVAILABLE STANDBY
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  OWN GENERATION OR OTHER PURCHASES
DUMP POWER                                4       DP
OTHER                                     Y       TH
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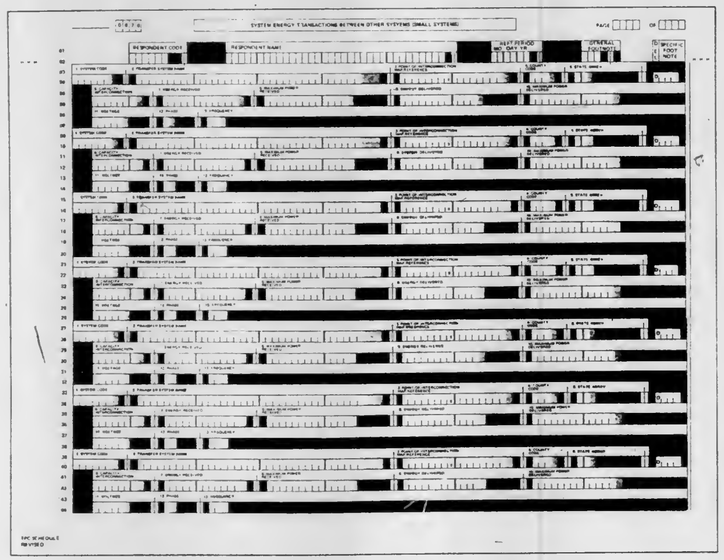

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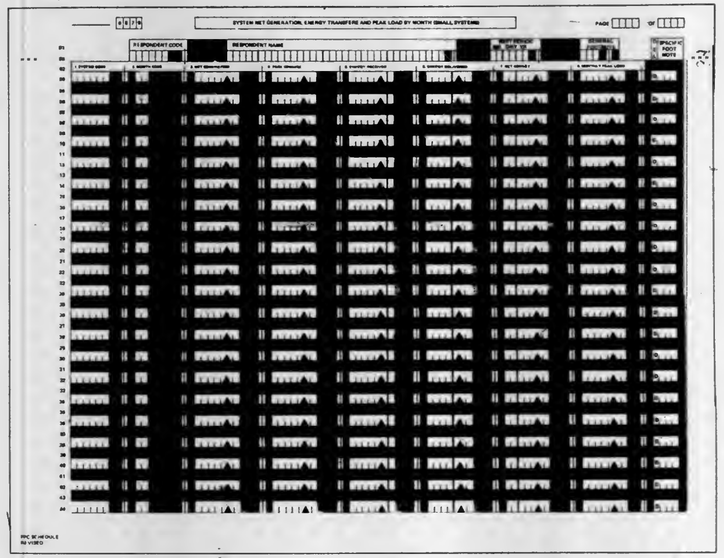
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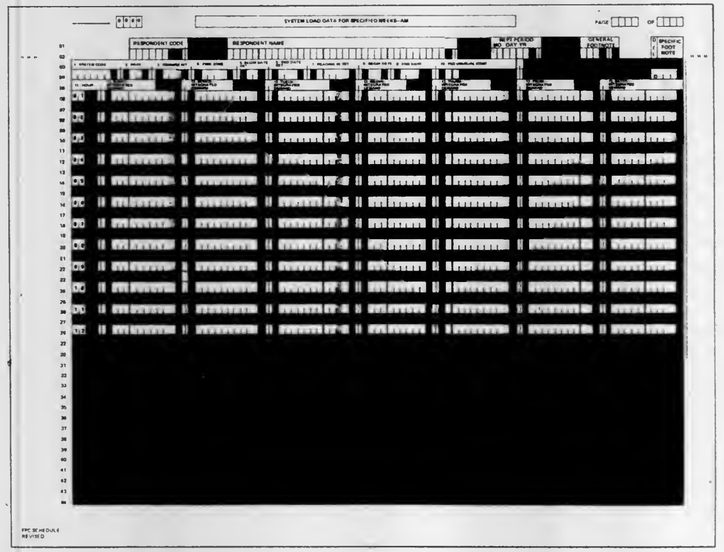
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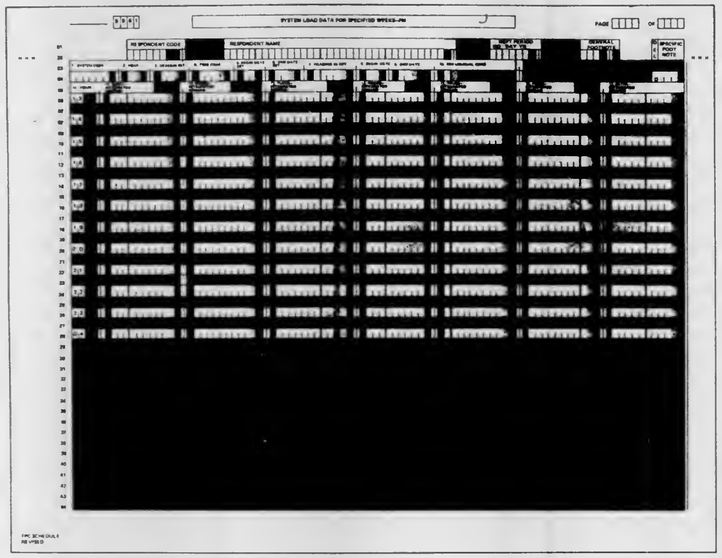
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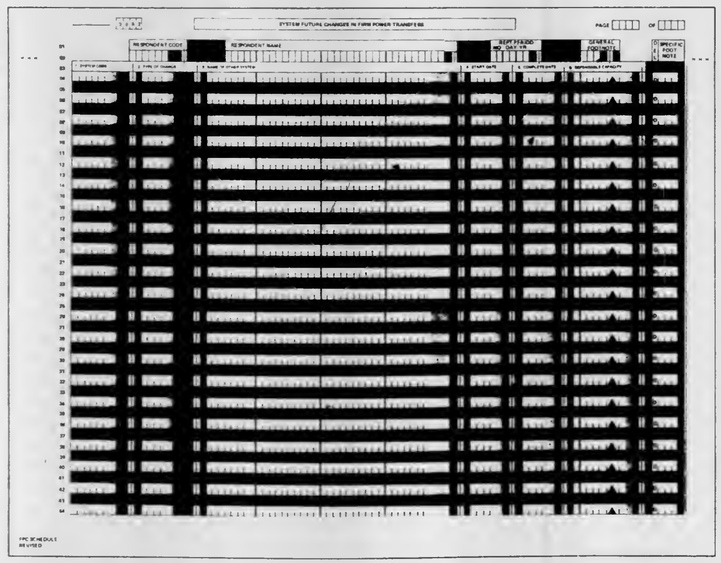


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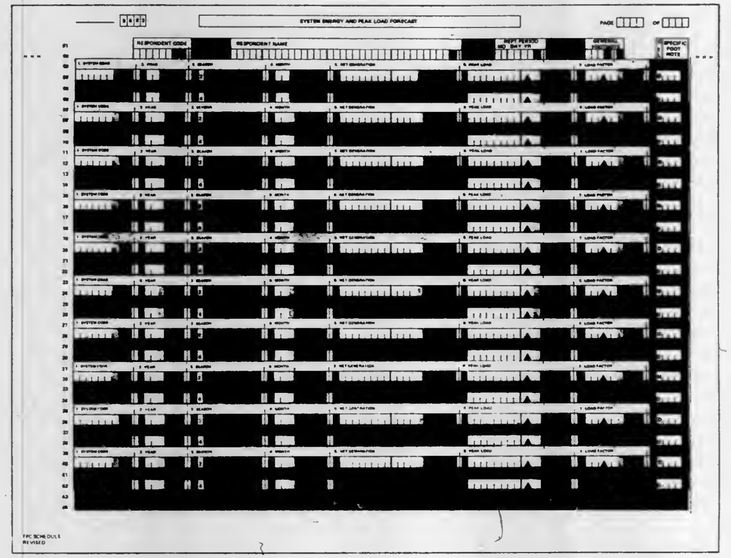
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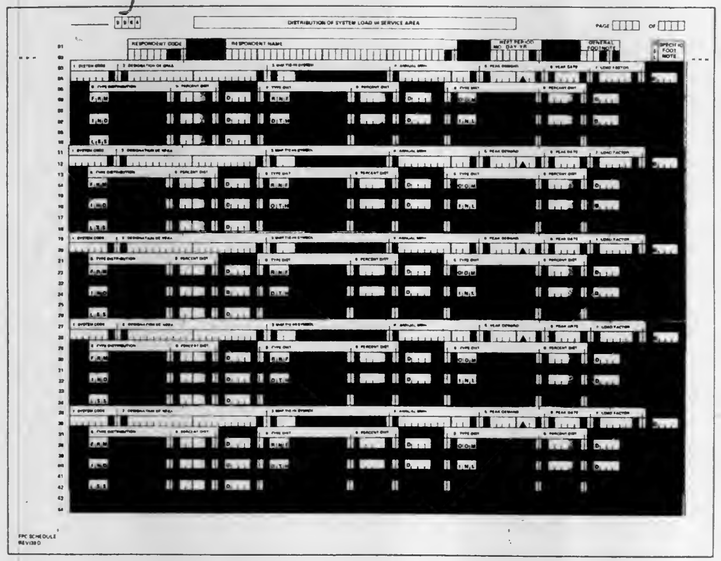
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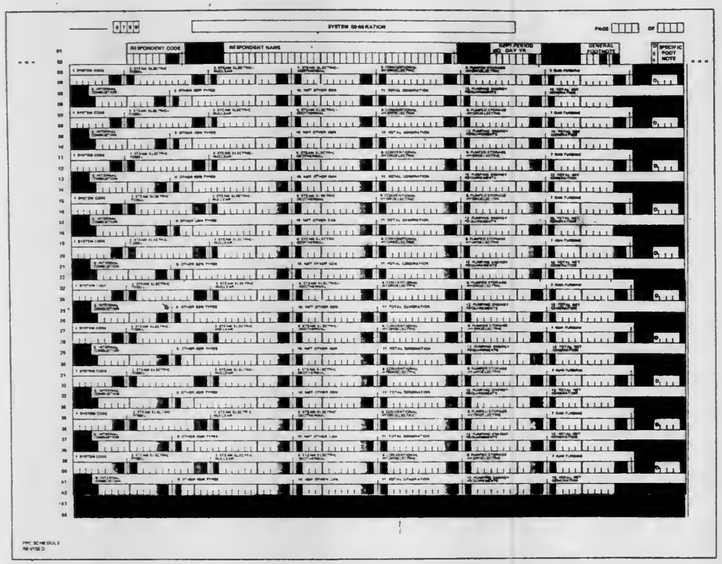


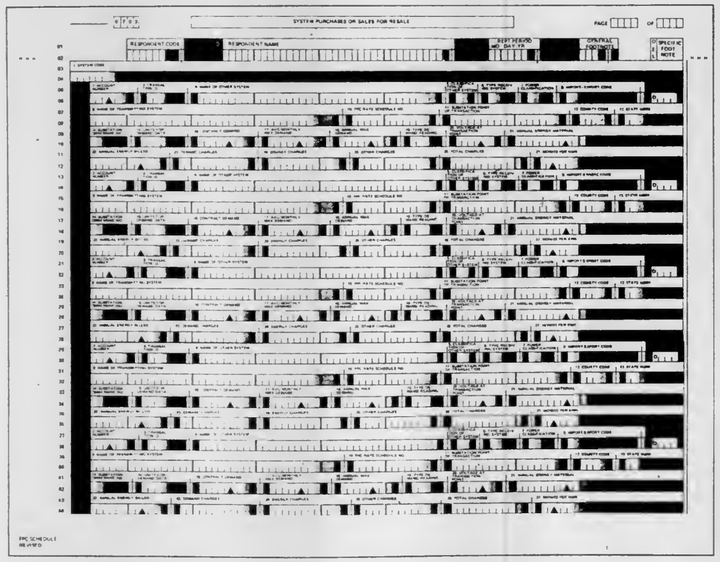
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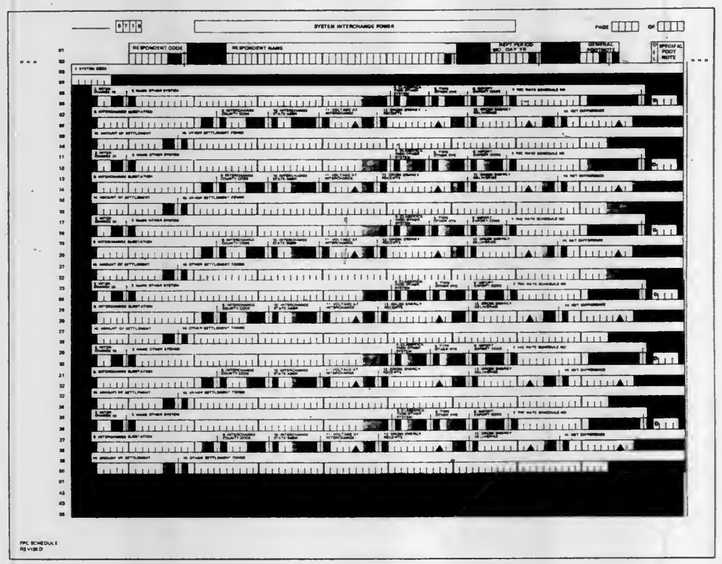
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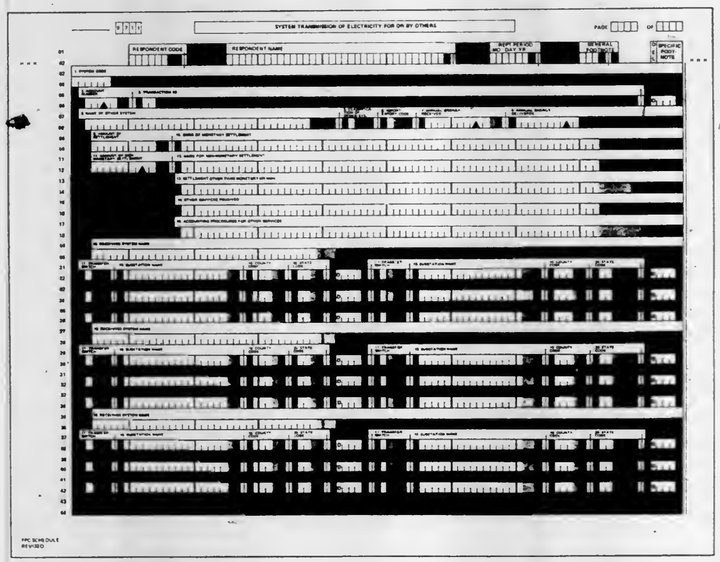
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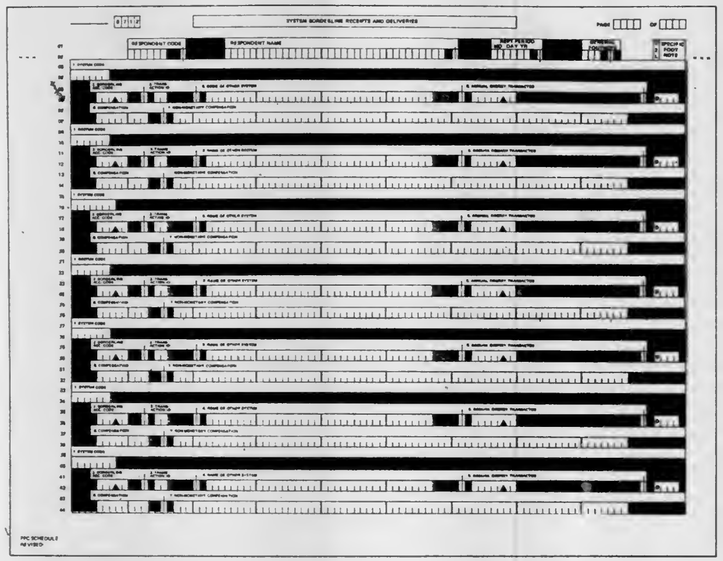
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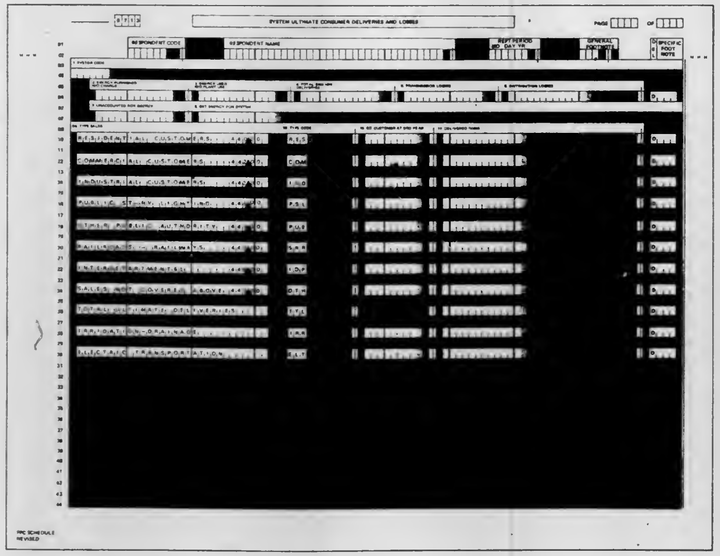


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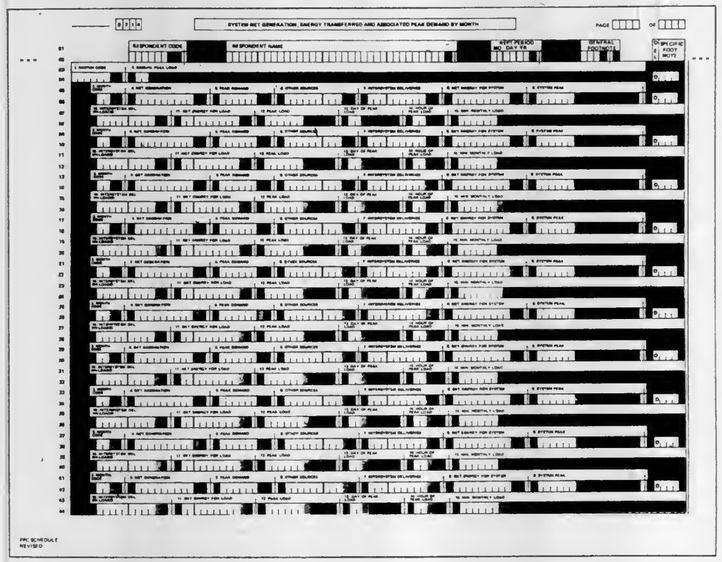
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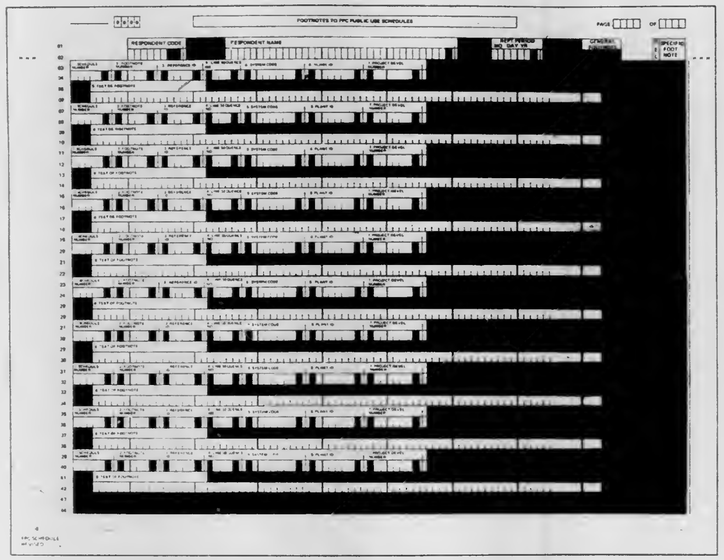


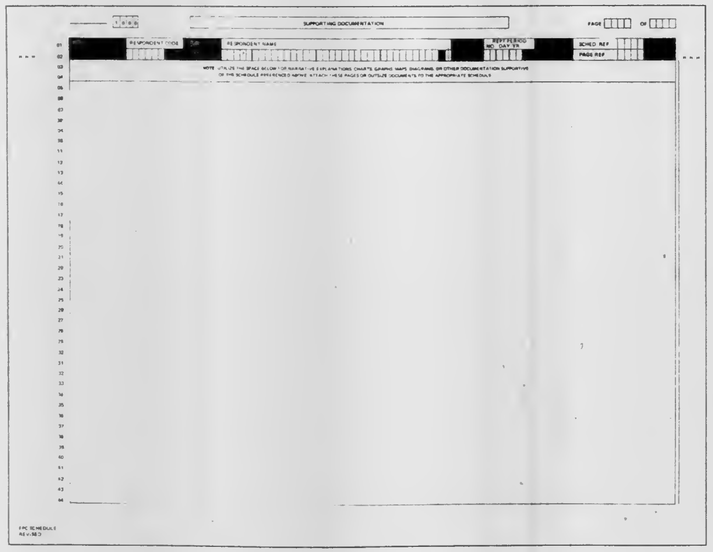
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[FR Doc.76-25464 Filed 9-1-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 2, 1976



PART V:

CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Systems of Records

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CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 45124 (September 30, 1975), 41 FR 18279 (April 30, 1976) and 41 FR 32875 (August 5, 1976); modifications and corrections of the above mentioned systems of records published in the Federal Register at 40 FR 53419, (November 18, 1975) and 40 FR 55376 (November 28, 1975); and a routine use applicable to all of the above mentioned systems of records published in the Federal Register at 41 FR 5655 (February 9, 1976) continue in effect.

This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Dated: August 10, 1976.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission

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CPSC—1

System name: Accident Reports (In-Depth)—CPSC

System location: Consumer Product Safety Commission,Bureau of Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Vicitms of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

Categories of records in the system: This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

Authority for maintenance of the system: Consumer Product Safety Act, section 5(15 USC 2054)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Bureau of Epidemiology in file folders.

Retrievability: Records are retrievable by either (1) Product Code and injury data or (2) Hospital Identification Code and Patient Record Number.

Safeguards: Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c), (15 USC 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

Retention and disposal: Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

System manager(s) and address:
Director, Bureau of Epidemiology
Room 332
5401 Westbard Avenue
Washington, D.C. 20207

Systems exempted from certain provisions of the act: This system of records is subject to the specific exemption provided for in 5 USC 552a(k)(4) and is therefore exempt from subsections (c)(3), (d)(2) & (3), (e)(1), (e)(4)(G), (H) and (I) and (f) of section 552a. The data is required to be maintained by 15 USC 2054 and is used solely as statistical records.

CPSC—2

System name: Advisory Committee applications—CPSC

System location: Consumer Product Safety Commission, Office of the Secretary 1750 K Street, N.W. Suite 1025, Washington, D.C. 20207

Categories of individuals covered by the system: Individuals seeking or nominated for positions on the various Advisory Committees.

Categories of records in the system: This record contains an individual's name, address, personal history and qualifications.

Authority for maintenance of the system: 15 USC 2077, 2079(a) and 2079(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The applications are used to select candidates for filling vacancies on advisory committees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically be name of committee and then by name of applicant.

Safeguards: Records are maintained in file cabinets in a secured area.

Retention and disposal: Records are retained until new applications are solicited, i.e., every 12 months.

System manager(s) and address: Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Suite 1025, Washington, D.C. 20207

Notification procedure:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting records procedures: Same as notification.

Record source categories: Information is provided by individuals seeking a position on an advisory committee or by a person nominating another for such a position.

CPSC—3

System name: Claims—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees sustaining property damage incident to service; CPSC employees involved in situation where personal injury or property damage results from wrongful or negligent act of employee acting within scope of employment; claimants sustaining injury or property damage due to CPSC employee actions.

Categories of records in the system: This record contains material in the form of accident reports, itemized bills and correspondence with outside activities such as insurors and claimants.

Authority for maintenance of the system: 31 USC 240; 28 USC 2671.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) For litigation in a Federal court when necessary. (b) To provide a chronological and reference file for preparation of reports (c) To provide necessary data to adjudicate or settle the claim.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of individual claimant.

Safeguards: Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

Retention and disposal: Records are retained up to six years after case is closed. Disposal is by normal procedures.

System manager(s) and address:
Director, Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure: Present and former employees:
Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by (1) the individual to whom the record pertains (2) the agency and/or Commission official (3) affidavits or statements from employee (4) testimony of witnesses (5) official document relating to claim (6) correspondence from organization or persons involved.

CPSC-4

System name: Consumer Volunteer Roster-CPSC

System location: Consumer Product Safety Commission, Office of the Secretary, 1750 K Street, N.W. Suite 1025, Washington, D.C. 20207

Categories of individuals covered by the system: Consumers who wish to volunteer their services in the development of safety standards as members of development committees.

Categories of records in the system: This record contains consumer's name, address, and qualification for serving in the Standards development process.

Authority for maintenance of the system: Section 7, Consumer Product Safety Act (15 USC 2056)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is made available to organizations developing safety standards for consumer products in order to obtain consumer participation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by state and name of consumer.

Safeguards: Records are maintained in secure file cabinets.

Retention and disposal: Records are retained until new set of volunteer's names are solicited by the Commission, e.g.; each 12 months.

System manager(s) and address:
Secretary, Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20207

Notification procedure:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by individuals on whom the record is maintained.

CPSC—5

System name: Employee Biographies—CPSC

System location:
Consumer Product Safety Commission
Office of Public Affairs
1750 K Street, N.W. Suite 600
Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have submitted biographical information

Categories of records in the system: This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-81)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Records are maintained in locked file cabinets in secured areas.

Retention and disposal: Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

System manager(s) and address:
Director, Public Affairs
1750 K Street, N.W., Suite 600
Washington, D.C. 20207

Notification procedure: Employees and former employees:
Consumer Product Safety Commission
Director, Office of Resource Utilization
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—6

System name: Employee Career Development—CPSC

System location: (1) Division of Personnel Management (2) Division of Training and Manpower Development. Consumer Product Safety Commission, 5401, Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have expressed interest in and made application for extramural training courses, and courses designed exclusively for internal use.

Categories of records in the system: These records contain applications for training in government and non-government facilities; approvals; disapprovals; cancellations and deferrals of course of-

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ferings; evaluations of course offerings; records on payment of training bills; statistical reports on training activities; counseling notations pertaining to employees interested in courses.

Authority for maintenance of the system: Executive Order 11348; USC 4103, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To obtain enrollment into training course or seminar.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by names.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

1) Director, Division of Personnel Management, ORU
2) Director, Division of Training and Manpower Development, BIE

Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees: Director, Office of Resource Utilization, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Others: Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Suite 800, Washington, D.C. 20207.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from, information he/she supplied, except information provided by agency officials.

CPSC—7

System name: Employee Discrimination Complaint and Investigation File-CPSC

System location: Consumer Product Safety Commission Office of Equal Employment Opportunity and Minority Enterprise (OEEOME) 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees and others who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

Categories of records in the system: This record contains information pertaining to the complaintant, the person against whom the complaint is filed and others having a relationship to the complaint.

Authority for maintenance of the system: FPM Part 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used for: (1) review by the assigned EEO Investigator (2) review by the Director, OEEOME (3) review by FWP, the coordinator for EEO complaints (4) referral to Office of General Counsel for legal analysis and action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file cabinets in secured areas

Retention and disposal: Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, OEEOME
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC—8

System name: Employee Executive Development Program Records—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees in grade GS-13 and above.

Categories of records in the system: These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number; home address; of applicants for the various executive development programs which are offered on a an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and CSC covering reporting requirements on CPSC employees.

Authority for maintenance of the system: Executive Order 11348, 5 USC 4103, 4104, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To facilitate career development of employees

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(c) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(d) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.

(e) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(f) To provide data for the automated Central Personnel Data file (CPDF).

(g) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(h) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(i) To provide data to update the Federal Automated Career Systems (FACS).

(j) To provide data to the Executive Inventory Files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and Former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CPSC—9

System name: Employee Financial Interest Statements—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 956, Washington, D.C. 20207

Categories of individuals covered by the system: Current CPSC employees whose duties and responsibilities require the incumbent to exercise judgment in making Government decisions or in taking Government action in regard to (1) contracting or procurement, (2) administering or monitoring grants, (3) standards development, (4) rule- making, (5) compliance activities or (6) other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

Categories of records in the system: These records contain a list of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions; (a) with which a CPSC employees, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has a continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employee, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

These records also contain a list of the employees creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses and a list of the employees' interest in real property or rights in lands, other than property which he occupies as a personal residence.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

(1) To assist the Chairman or designee in determining if an employee (a) has direct or indirect financial interests that conflict substantially, with his or her responsibilities and duties as a Federal employee or (b) engages in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through his or her employment.

(2) To refer, where these is an indication of a violation a potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local charged with the responsibility of investigating or implementing the statute or rule, regulation or order issued pursuant thereto.

(3) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individual on whom they are maintained.

Safeguards: Records are located in a combination lock GSA approved Security Container. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for five years following employees separation from the CPSC. Disposal by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D. C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information contained in these records is provided by the individual to whom the record pertains

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or is provided by other persons authorized by the individual to whom the record pertains to provide such information.

CPSC—10

System name: Employee Merit Promotion Program—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207

Categories of individuals covered by the system: Applicants, current and former employees.

Categories of records in the system: This system of records contains information or documents relating to promotions subject to the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

Authority for maintenance of the system: FPM Chapter 335

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

(1) To respond to requests from employees regarding the status of the merit promotion case.

(2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.

(3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

(4) To adjudicate an appeal, complaint, or grievance.

(5) To effectuate promotion of employees concerned.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained and by Merit Promotion case numbers.

Safeguards: Records are located in a metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after a selection has been made.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Record source categories: Information in this record is provided by:

(1) Individual to whom the record pertains,
(2) Agency and/or Commission officials,
(3) Affidavits or statements from employee,
(4) Official documents relating to appeal, grievance, or complaint
(5) Correspondence from specific organization or persons.

CPSC—11

System name: Employee Motor Vehicle Operators and Accident Report Records-CPSC

System location: Consumer Product Safety Commission Office of Resource Utilization, General Services Branch 5401, Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

Categories of records in the system: This record contains data on employees issued a Government motor vehicle operator's permit and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-2081) and 28 USC Chap. 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

(1) To identify those CPSC employees authorized to operate Government owned or government-leased vehicles.

(2) For litigation in a Federal court when necessary.

(3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the sponsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.

(5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by card number.

Safeguards: Records are maintained in a secured area.

Retention and disposal: Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

System manager(s) and address:

Chief, General Services Branch
5401 Westbard Avenue, Room 629
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC—12

System name: Employee Outside Activity Notice—CPSC

System location: Consumer Product Safety Commission, Office of the Executive Director, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees carrying on outside activities such as consultative services, practice of law, teaching, etc.

Categories of records in the system: This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these

records is used by the Executive Director in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by employee name.

Safeguards: Records are maintained in locked file cabinets in a secured area.

Retention and disposal: Records are maintained until employee terminates with agency. Disposal is by normal procedures

System manager(s) and address: Executive Director, 5401 Westbard Avenue, Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee to whom it pertains.

CPSC—13

System name: Employee Payroll, Leave and Travel Records—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Finance Division, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All employees of CPSC and non-government personnel acting on official CPSC business in connection with their pay, leave, and travel.

Categories of records in the system: These records contain personal information, such as Social Security number, name, wages paid, deductions, etc., and normal accounting information such as Social Security number, name, amount paid, budget allocation codes, etc.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950 (31 USC 1151)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by the Finance Branch for verification of payroll data, for reconciliation of associated General Ledger Accounts, and for general support of accounting records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, punch card and in hard copy.

Retrievability: Records are indexed by name and social security number.

Safeguards: Records are maintained in a secured area in locked file cabinets, with access limited to employees of Finance Division with bona fide need for the records.

Retention and disposal: Records are maintained for two full years after the end of fiscal year and then, with approval of GAO, forwarded to a Federal Records Center or destroyed by normal procedures.

System manager(s) and address:

Director, Finance Division
Office of Resource Utilization
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure:

Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records is furnished by the employee to whom the records pertains or compiled by the relevant agency or organizations from existing records.

CPSC--14

System name: Employee Personal Data File—CPSC

System location: The records are maintained in the Office, Bureau or Area Office to which the employee is assigned.

Categories of individuals covered by the system: Current CPSC employees and those employed by CPSC during the past 2 years.

Categories of records in the system: This record contains payroll and personnel information including employee number, organization code, type of appointment, tenure (tour of duty), social security number, date of birth, veterans preference, education, security clearance, sex, home phone number, present salary (annual), grade, step (in grade), series, subseries, entry on duty, service computation date, benefits presently deducted from paycheck, date last promotion, date of last periodic step increase, FLSA, Building (or area office) room number, employment phone number, employee name.

Authority for maintenance of the system: FPM, Chapter 292

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(1) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

(2) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(4) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and punched cards.

Retrievability: Records are indexed by any combination of name, birth date, social security number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Personal Data Files are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director of the Office, Bureau or Area Office maintaining the record.

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Notification procedure: Contact the system manager or Division of Personnel Management, Office of Resource Utilization, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes either from the individuals to whom it applies or is derived from his/her official personnel folder.

CPSC—15

System name: Employee Relations Files—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207.

Categories of individuals covered by the system: Current and former employees of the Consumer Product Safety Commission.

Categories of records in the system: This system of records contains information or documents relating to: (l) disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

Authority for maintenance of the system: 5 USC 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478, 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision of that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

System manager(s) and address:
Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:
Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/ or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC—16

System name: Employee Upward Mobility Counseling Files—CPSC

System location: Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All persons participating in the Upward Mobility Program.

Categories of records in the system: This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement.

Authority for maintenance of the system: FPM Chapter 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records in review by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files in a secured area.

Retention and disposal: Records are retained until employee reaches goal. Disposal is by normal procedures.

System manager(s) and address: EEO Specialist, Office of Equal Employment Opportunity 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure: Employees and former employees:
Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C.
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—17

System name: Upward Mobility Program Training Records—CPSC

System location: Division of Personnel Management, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees in a position with little or no promotion potential.

Categories of records in the system: Records contain data on CPSC employees including approved career development plans; applications for training in government and non-government facilities; approvals; disapprovals; cancellations and deferrals of course offerings; evaluations of course offerings; records on payment of training bills; statistical reports on training activities. Also, evaluations on each employee regarding his/her academic record and positions applied for in open competition based on merit promotion procedures.

Authority for maintenance of the system: FPM Chapter 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To facilitate training and career development of CPSC employees.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:
Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:
Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is furnished by the individual to whom it pertains or is developed from information the individual supplied.

CPSC—18

System name: Job Applicant Files—CPSC

System location: These records are maintained in the offices and bureaus as indicated in the Appendix I.

Categories of individuals covered by the system: Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

Categories of records in the system: These records contain personal data and job history in the form of a resume or Standard Form 171.

Categories of records in the system: FPM Chapters 333 and 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these files is reviewed as vacancies occur for the purpose of placement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of applicant within general job categories.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained up to two years and disposal is by normal procedures.

System manager(s) and address: Director of Office or bureau maintains the record.

Notification procedure: Present and former employees:
Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Other:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the person to whom it pertains.

CPSC—19

System name: Labor Management Relations Files—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207.

Categories of individuals covered by the system: CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee utilizing the grievance machinery.

Categories of records in the system: These records contain data relating to (1) employees involved in the maintenance of the labor-management program or (2) employees presenting grievances under the collective bargaining agreement.

Authority for maintenance of the system: Executive Order 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Material in these records are used primarily for reference except in the case of grievances, where information may be essential to prepare for a hearing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

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Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Other:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by:

(1) Individual to whom the record pertains
(2) Agency and/or Commission official
(3) Affidavits or statements from employee
(4) Testimonies of witnesses
(5) Official document relating to grievance
(6) Correspondence from specific organization or persons

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Office of Equal Employment Opportunity and Minority Enterprise
5401 Westbard Avenue
Washington, D.C. 20207
Office of Resource Utilization
Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207
Office of the General Counsel
1750 K Street, N.W.
Washington, D.C. 20207
Office of the Medical Director
5401 Westbard Avenue
Washington, D.C. 20207
Office of Product Defect Identification
5401 Westbard Avenue
Washington, D.C. 20207
Office of Program Planning and Evaluation
5401 Westbard Avenue
Washington, D.C. 20207
Office of Standards Coordination and Appraisal
5401 Westbard Avenue
Washington, D.C. 20207
Bureau of Biomedical Sciences
5401 Westbard Avenue
Washington, D.C. 20207
Bureau of Economic Analysis
5401 Westbard Aven
Washington, D.C. 20207
Bureau of Information and Education
5401 Westbard Avenue
Washington, D.C. 20207

Area Offices:

Atlanta Area Office
1330 West Peachtree Street, N.W.
Atlanta, Georgia 30309
Boston ArOffice
100 Summer Street, 16th Fl.Rm. 1607
Boston, Mass. 02110
Chicago Area Office
230 S.Dearborn Street, Room 2945
Chicago, Illinois 60604
Cleveland Area Office
Plaza Nine Building, Room 520
55 Erie View Plaza
Cleveland, Ohio 44114
Dallas Area Office
Room 410C, 500 South Ervay
Dallas, Texas 75201
Denver Area Office
Suite 938, Guarranty Bank Bldg.
817 17th Street
Denver, Colorado 90202
Kansas City Area Office
Suite 1500, Traders NationalBank Bldg.
1125 Grand Avenue
Kansas City, Missouri 64206
Minneapolis Area Office
Room 650 Fedel Bldg.
Fort Snelling
Twin Cities, Minnesota 55111
New Orleans Area Office
Suite 414, International Trade Mart
2 Canal Street
New Orleans, Louisiana 70130
New York Area Office
6 World TradeCenter
Vesey Street, 6th Floor
New York, N.Y.10048
Philadelphia Area OF Office
10th Floor, 400 Market Street
Philadelphia, Pa. 19106
San Francisco Area Office
Suite 500, 100 Pine Street
San Francisco, Calif. 94111

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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(For Details, See 41 FR 22997, June 8, 1976)
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Title 3—The President

Executive Order 11935 • September 2, 1976

Citizenship Requirements for Federal Employment

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, Civil Service Rule VII (5 CFR Part 7) is hereby amended by adding thereto the following new section:

"SECTION 7.4 *Citizenship.*

"(a) No person shall be admitted to competitive examination unless such person is a citizen or national of the United States.

"(b) No person shall be given any appointment in the competitive service unless such person is a citizen or national of the United States.

"(c) The Commission may, as an exception to this rule and to the extent permitted by law, authorize the appointment of aliens to positions in the competitive service when necessary to promote the efficiency of the service in specific cases or for temporary appointments.".

Gerald R. Ford

THE WHITE HOUSE,
September 2, 1976.

[FR Doc.76-26189 Filed 9-2-76;11:56 am]

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Letter of September 2, 1976

Citizenship Requirements for Federal Employment

Dear Mr. Speaker: (*Dear Mr. President:*)

Pursuant to the authority vested in him by the Constitution and Section 3301 of Title 5 and Section 301 of Title 3 of the United States Code, the President authorized the United States Civil Service Commission to establish standards with respect to citizenship for employment in the competitive service (Executive Order No. 10577, as amended, 5 CFR Part 2). Thereafter, the Commission prohibited generally the appointment of aliens to positions in the competitive service (5 CFR 338.101).

The Supreme Court of the United States has recently held that the Civil Service Commission's general prohibition against the employment of aliens is violative of the due process clause of the Fifth Amendment to the Constitution (Hampton v. Mow Sun Wong, No. 73-1596, June 1, 1976).

In its decision, the Court stated that either the Congress or the President might issue a broad prohibition against the employment of aliens in the civil service, but held that neither the Congress nor the President had mandated the general prohibition contained in the regulations of the Commission.

I have concluded that it is in the national interest to preserve the long-standing policy of generally prohibiting the employment of aliens from positions in the competitive service, except where the efficiency of the service or the national interest dictate otherwise in specific cases or circumstances. It is also my judgment that it would be detrimental to the efficiency of the civil service, as well as contrary to the national interest, precipitously to employ aliens in the competitive service without an appropriate determination that it is in the national interest to do so. Therefore, I am issuing an Executive order which generally prohibits the employment of aliens in the competitive service.

The rights of citizens and aliens are affected by existing statutes which often discriminate between citizens and categories of aliens with respect to various rights, duties, and benefits. Those statutes pertaining to the Federal employment of aliens further discriminate as to specific jobs, agencies, or the nationality of aliens. I am also aware that many members of the Congress have recently sponsored legislation which would categorically prohibit the Federal employment of aliens, a broader prohibition than the various existing statutory restrictions of the limitations which I have mandated.

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In this regard, I am mindful that the Congress has the primary responsibility with respect to the admission of aliens into, and the regulation of the conduct of aliens within, the United States.

While I am exercising the constitutional and statutory authority vested in me as President, a recognition of the specific constitutional authority vested in the Congress prompts me to urge that the Congress promptly address these issues.

Because of the seriousness of the questions raised by the decision of the Supreme Court, I am directing that a copy of this communication be published in the FEDERAL REGISTER, along with the Executive order I am issuing. A copy of that order is enclosed.

Sincerely,

GERALD R. FORD

[FR Doc.76-26190, 26191 Filed 9-2-76;11:56 am]

EDITORIAL NOTE: This is the text of identical letters addressed to the Honorable Carl Albert, Speaker of the House of Representatives, and to the Honorable Nelson A. Rockefeller, President of the Senate.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 107—NUT WAREHOUSES

Licensing of Inspectors

Notice is hereby given that the Agricultural Marketing Service, pursuant to authority conferred by the United States Warehouse Act (7 U.S.C. 241 et seq.) in section 15 (7 U.S.C. 256) and section 28 (7 U.S.C. 268) is amending § 107.60(c) of the regulations promulgated under the Act (7 CFR 107.60(c)). This amendment is to license, on an interim basis, qualified peanut inspectors who are licensed under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) to conduct official inspection of peanuts for the purposes of the United States Warehouse Act. Inasmuch as the peanut harvest for this year has already begun and it is necessary to promulgate this notice as soon as possible in order that inspection services are available to those persons in the industry desiring such services, it is hereby found impracticable to issue this amendment with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

Section 15 of the U.S. Warehouse Act requires that fungible agricultural products stored in a warehouse licensed under the Act shall be inspected and graded by a person duly licensed to grade products under the Act. Section 28 of the Act provides that the Secretary shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of the Act.

Regulations issued under the U.S. Warehouse Act for nut warehouses (Part 107 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations) provides in § 107.60 that licenses to inspect nuts may be granted an applicant upon presentation of satisfactory evidence that the applicant holds an effective license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect nuts and certificate the grade or other class thereof.

Section 107.56 of such regulations provides that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946.

Section 107.64(b) of such regulations provides that nuts inspected by an inspector licensed under the Agricultural Marketing Act of 1946 shall be deemed to be inspected and graded and the certificate of grade or other class shall be deemed to be an inspection certificate for the purposes of the U.S. Warehouse Act and regulations.

Currently all peanuts stored, or likely to be stored in the foreseeable future in a licensed warehouse, have been, or will be, inspected and graded by an inspector licensed under the Agricultural Marketing Act of 1946. There are about 4500 persons licensed to perform inspection and grading services for fresh commodities under that Act and more than 800 are certified to inspect nuts. Inspector's duties require them to travel from place to place which poses difficult problems in locating them at any given time. Under these circumstances it is administratively impossible and contrary to the public interest to attempt to locate these peanut inspectors and obtain applications from them for licensing under the U.S. Warehouse Act during this year's harvest. Therefore, § 107.60(c) of the regulations promulgated under the U.S. Warehouse Act is hereby amended to grant licenses to qualified peanut inspectors licensed under the Agricultural Marketing Act of 1946 without requiring applications for licensing and without the issuance of separate licensing credentials under the U.S. Warehouse Act. Section 107.60(c) is amended to read as follows:

§ 107.60 Inspector's, weigher's, grader's application.

* * * * *

(c) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such nuts and to certificate the grade or other class thereof: *Provided*, That for calendar year 1976, all qualified peanut inspectors licensed under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) are automatically licensed to perform official inspection of peanuts for purposes of the United States Warehouse Act (7 U.S.C. 241 et seq.)

* * * * *

Section 107.60 of the Regulations for Nut Warehouses requires applicants for service licenses to furnish a statement from the warehouseman for whom the applicant will inspect, grade or weigh nuts under the Act showing whether the applicant is competent and is acceptable to such warehouseman for the purpose. Because of the impracticability of each applicant for an inspectors license receiving the required statement from each warehouseman for whom he will provide inspection services, statements will be requested by AMS from warehousemen at the time warehouses are licensed.

Section 107.62 of the Regulations for Nut Warehouses requires each inspector to keep his license conspicuously posted in a place designated for the purpose by the Service unless authorized by the Service not to do so. Since certificates of licenses will not be issued under the U.S. Warehouse Act, the posting requirement is not applicable.

This amendment is effective September 3, 1976.

Dated: August 30, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-25883 Filed 9-2-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 244—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN CHILD-CARE INSTITUTIONS

Revocation of Part

7 CFR Part 244 is revoked. The regulations formerly contained in this part, which are applicable to eligibility determinations for free and reduced price meals in child-care institutions have been redesignated as § 226.14 of Chapter II, published in the FEDERAL REGISTER on June 25, 1976 at 41 FR 26186. Those regulations which are applicable to determining eligibility for free milk in child-care institutions have been redesignated as § 215.13a of Chapter II, which appeared in the FEDERAL REGISTER on July 27, 1976 at 41 FR 31176. Accordingly, Part 244 has been superseded in its entirety and is vacated.

Dated: August 27, 1976.

JOHN M. DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-25701 Filed 9-2-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 55]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 5-11, 1976.

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It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.355 Lemon Regulation 55.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier this week. Average f.o.b. price was $6.13 per carton the week ended August 28, 1976, compared to $6.34 per carton the previous week. Track and rolling supplies at 135 cars were down 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 31, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period Sept. 5, 1976, through Sept. 11, 1976, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26193 Filed 9-2-76;12:05 pm]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Undersized Prune Regulation and Salable and Reserve Percentages for the 1976–77 Crop Year

On August 9, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 33275) on proposals to: (1) Establish salable and reserve percentages of 100 percent and 0 percent, respectively for the 1976–77 crop year; and (2) establish an undersized prune regulation for prunes received by handlers from producers and dehydrators during the 1976–77 crop year.

The proposals were recommended by the Prune Administrative Committee in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were given until August 23, 1976, to submit written data, views, or arguments with respect to the proposal. None were received.

The Committee's recommendations are based on its estimate that California's 1976 dried prune production would approximate 165,000 tons (processed weight), and that carrying on August 1, 1976, the beginning of the 1976–77 crop year, of salable prunes from 1975 production would be about 33,000 tons.

The estimated 1976 production, coupled with the estimated carryin, would result in a supply exceeding 1976–77 trade demand for prunes by about 17,800 tons. However, the Committee recommended no volume regulation for the 1976–77 crop year. Instead, it recommended establishment of an undersized regulation applicable to all prunes received by handlers from producers and dehydrators during that crop year. The objective of the undersized regulation would be to remove the smallest—i.e., the least desirable—prunes from the 1976 crop. Handlers cannot market undersized prunes for human consumption, but can dispose of them in nonhuman consumption outlets such as livestock feed. The Committee estimated that the proposed undersized regulation would reduce the apparent excess of about 17,800 tons by approximately 12,400 tons, still leaving sufficient prunes to fulfill foreign and domestic trade demand during the 1976–77 crop year, and provide an adequate carryout on July 31, 1977.

French variety prunes which pass freely through a screen opening 24/32 of an inch in diameter are classified as undersized prunes. For non-French prunes, the opening is 30/32 of an inch in diameter.

After consideration of all relevant material presented, including that in the notice, the information and recommendation of the Committee and other available information, it is found and determined that for the 1976–77 crop year the salable and reserve percentages and the undersized regulation shall be as follows:

1. The salable and reserve percentages for the 1976–77 crop year are; a new § 993.212 is added to read as follows:

§ 993.212 Salable and reserve percentages for prunes for the 1976–77 crop year.

The salable and reserve percentages for the 1976–77 crop year shall be 100 percent and 0 percent, respectively.

2. The undersized prune regulation for the 1976–77 crop year is; a new § 993.403 is added to read as follows:

§ 993.403 Undersized prune regulation for the 1976–77 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1976–77 crop year is hereby established. Undersized prunes are prunes which pass freely through round openings as follows: For French prunes, 24/32 of an inch in diameter; for non-French prunes, 30/32 cf an inch in diameter.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The provisions of the amended marketing agreement and this part also require that an undersized regulation established for a particular crop year shall be applicable to all prunes

received during the crop year by handlers from producers and dehydrators; (2) the current crop year began on August 1, 1976, and the percentages and undersized regulation established herein will apply automatically to such prunes beginning with such date; and (3) handlers are beginning to receive prunes in volume and no useful purpose would be served by delaying the effective time of this action.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 30, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.76-25803 Filed 9-2-76;8:45 am]

CHAPTER XVII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

REVISION OF REGULATIONS

On January 30, 1976, a document was published in the FEDERAL REGISTER (41 FR 4595) proposing to amend § 1822.11 (a)(1) and paragraph 3 of Exhibit B of Subpart A of Part 1822, Title 7, Code of Federal Regulations. This amendment included the requirement that all applications prepared by or with the assistance of a packager be submitted to the County Office at the time of the County Supervisor's scheduled interview with the applicant, and would also require that the applicant be present at the time the application package is received. All comments with respect to the proposed amendment were given due consideration.

As a result of comments received, however, the proposal to amend § 1822.11(a)(1) is hereby withdrawn; changes in the proposed amended rule in paragraph 3 of Exhibit B are made. In addition, and as a result of comments received, the following changes are being made in § 1822.11: The revision of paragraph (b); the addition of a new paragraph (c), which requires applicants, after being interviewed by an FmHA employee, to initial a form as evidence of the interview, and the redesignation of the present paragraph (c) to paragraph (d) without change.

1. Accordingly, in § 1822.11 paragraph (b) is revised, the existing paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added as set forth below:

§ 1822.11 Processing applications and county committee certification.

* * * * * * *

(b) *Determining eligibility of RH applicants.* County Supervisors are responsible for determining the eligibility of RH applicants. The County Committee will not be used to assist in determining the eligibility of nonfarm applicants. However, in cases where repayment of the requested loan depends on the successful operation of a farm, unless use of the County Committee for this purpose is waived by a State supplement, the County Committee will assist the County Supervisor in determining the eligibility of the applicant by indicating whether there is a reasonable likelihood that the applicant will obtain adequate income in accordance with paragraph (d) § 1822.4.

(c) *Applicant interview.* A personal interview will be conducted by FmHa employees with all applicants before approval of the requested loan. During the interview, the applicant will verify information submitted by the packager or others concerning the applicant's employment and income, as well as information concerning persons who will occupy the dwelling on whom eligibility for the requested loan and any interest credits is based. The County Supervisor will inform the applicant and reach an understanding with the applicant, as to the FmHA loan making and servicing authorities, and the responsibilities of the borrower. The FmHA employee conducting the interview will insert his initials and the date in the blank space in item 22 of the application form, indicating that the interview was conducted. The applicant will also place his initials in item 22. No housing loan will be approved without this evidence that a personal interview has been conducted.

* * * * * * *

2. Section 1822.18 is amended by revising paragraph (3) of Exhibit B to read as follows:

§ 1822.18 [Amended]

* * * * * * *

Exhibit B—Information Required to Package Applications for Section 502 Rural Housing Loans.

* * * * * * *

3. *Review and accceptance of completed package.* During the initial discussion with packagers, the packager should understand the necessity for, and agree that, loan packages will be assembled in the order shown on Form FmHA 444–12, and then delivered to the County Office. Form FmHA 444–12 must be signed by the packager and included with the materials submitted; otherwise, the packaged application will not be accepted. The County Supervisor should review each loan package when it is received and request any additional information needed. The County Supervisor will determine eligibility according to Subpart A of Part 1801 of this chapter, but ordinarily will not proceed with the processing of the loan until the applicant has been interviewed. A personal interview will be conducted by FmHA employees with applicants prior to the approval of the requested loan in accordance with § 1822.11.

* * * * * * *

(42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23 delegation of authority by the Assistant Secretary of Rural Development, 7 CFR 2.70).

Effective date: This amendment is effective September 3, 1976.

Dated: August 20, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-25802 Filed 9-2-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Permitted Dips

• *Purpose.* The purpose of this amendment is to lower the concentration at which approved proprietary brands of organophosphorous insecticides (Prolate®) may be used as a dip permitted by the Department for the treatment of cattle affected with or exposed to scabies. •

STATEMENT OF CONSIDERATIONS

(Prolate®) is an organophosphorous product which is biodegradable. On September 11, 1975, (Prolate®) was added to the list of permitted dips approved by the Department for use in the treatment of cattle affected with or exposed to scabies, at a concentration of 0.20 to 0.25 percent, (40 FR 42179). Data now available to the Department establishes that this product is effective against mites at lower concentrations; therefore, the concentration at which (Prolate®) may be used for the treatment of cattle affected with or exposed to scabies is changed from 0.20 to 0.25 percent to 0.15 to 0.25 percent.

Accordingly, in § 73.10, paragraph (a)(4) is amended to read:

§ 73.10 Permitted dips; substances allowed.

(a) * * *

(4) Approved proprietary brands of organophosphorous insecticides (Prolate®) used at a concentration of 0.15 percent to 0.25 percent.

* * * * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 3, 1976.

The amendment relieves certain restrictions presently imposed but no long-

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er deemed necessary to prevent the interstate spread of cattle scabies and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 535, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-25882 Filed 9-2-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

• Purpose. The purpose of this amendment is to release Mercer, Ocean, Burlington, Camden, and Salem Counties in New Jersey from the areas quarantined because of hog cholera. •

This amendment excludes Mercer, Ocean, Burlington, Camden, and Salem Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respects:

In § 76.2, paragraph (e)(2) relating to the State of New Jersey is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

* * * * *

(e) * * *

(2) New Jersey. All of Atlantic, Gloucester, Cumberland, and Cape May Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective August 25, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of August, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-25607 Filed 9-2-76;8:45 am]

PART 79—SCRAPIE IN SHEEP

Area Quarantined

• Purpose. The purpose of this amendment is to quarantine a portion of La Salle County, Illinois, because of scrapie in sheep. •

This amendment quarantines a portion of La Salle County, Illinois, because of the existence of scrapie in sheep. This action is deemed necessary to prevent further spread of the disease. Therefore, the restrictions pertaining to the interstate movement of sheep from or through quarantined areas as contained in 9 CFR Part 79, as amended, will apply to the quarantined area.

Accordingly, Part 79, Title 9, Code of Federal Regulations, restricting the interstate movement of sheep because of scrapie is hereby amended as follows:

A new § 79.2 is added to read:

§ 79.2 Notice of quarantine.

Notice is hereby given that sheep in Illinois are affected with scrapie, a contagious, infectious, and communicable disease, and the following area in said State is hereby quarantined because of said disease:

The premises of Sherwood R. Jackson, Seneca, Illinois, Miller Township in La Salle County, comprised of the South ¾ of the Southwest ¼ of Sec. 13, T. 34 N., R. 5 E. and the Northeast ¼ of Sec. 14, T. 34 N., R. 5 E.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective August 31, 1976.

The amendment imposes certain restrictions necessary to prevent the interstate spread of scrapie in sheep, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of August 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-25949 Filed 9-2-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Extension of Effectiveness of Special Rule No. 7 for Subpart C

On April 30, 1976, FEA issued an emergency amendment adopting Special Rule No. 7 for Subpart C of Part 211 (41 FR 18646, May 6, 1976), which exempted from the export sales deduction provisions of the domestic crude oil entitlements program export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use for the month May 1976. On May 28, 1976, FEA extended the effectiveness of the Special Rule for an additional three month period through August 31, 1976 (41 FR 22343, June 3, 1976). This exemption was intended to provide FEA an opportunity to consider further the types of transactions in bunker fuels that would be considered export sales under § 212.53. A public hearing was held on May 18, 1976 and written comments were received from producers and consumers of bunker fuels.

After evaluating the comments and further considering the issues involved, FEA has determined to propose for public comment an amendment to exempt permanently from the deduction requirements of § 211.67(d)(2) export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use. This proposal will be issued shortly. In this connection, FEA has determined that it is therefore necessary to extend the effectiveness of Special Rule No. 7 for an additional two month period through October 31, 1976 to permit completion of this rulemaking proceeding.

Accordingly, FEA hereby extends the effectiveness of section 2 of Special Rule No. 7 for Subpart C of Part 211, Chapter II of Title 10, Code of Federal Regulations, to be applicable to the volumes of refiners' crude oil runs to stills for the months September and October, 1976.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C. August 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-25853 Filed 8-31-76;10:09 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Emergency Amendments to Certification Requirements for Domestic Crude Oil

On August 14, 1976, the President signed the Energy Conservation and Production Act (Pub. L. 94–385) (the "ECPA"). Section 121 of the ECPA amended section 8 of the Emergency Petroleum Allocation Act of 1973 (the "EPAA") to exempt the first sale of stripper well crude oil from the Mandatory Petroleum Price Regulations effective September 1, 1976.

Stripper well crude oil is currently priced as upper tier crude oil under 10 CFR 212.74 and 212.75. It will be necessary therefore to modify the regulations, so as to reflect the exemption of the first sale of stripper well crude oil from the price regulations effective September 1, and to make a corresponding adjustment in the treatment of stripper well crude oil under the domestic crude oil allocation program (the "entitlements program"). These modifications are being proposed in a separate proceeding in which an opportunity for written comment and oral testimony will be provided prior to the adoption of final regulations, which will be effective retroactively to September 1, 1976.

To enable refiners accurately to identify the volumes of stripper well crude oil included in their crude oil receipts for September 1976 and following months, FEA has determined that the certification provisions set forth in 10 CFR 212.131 as to producers and resellers of stripper well crude oil must be modified as of September 1, without an opportunity for prior written comment or oral testimony, to require such producers and resellers to certify in a more detailed manner to their purchasers.

The certification provisions set forth in § 212.131 were recently amended, effective September 1, 1976, in a notice entitled "Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil" (41 FR 36172; August 26, 1976). These amendments were designed to permit producers to make a one-time certification for first sales of domestic crude oil from most producing properties. With the exception of unitized properties and production from Naval Petroleum Reserves, the total volume of crude oil sold from a particular property each month is either subject to the two tier price system or, effective September 1, 1976, is exempt from FEA price regulations as stripper well crude oil. With respect to unitized properties, the producer is required to certify the volume of "imputed stripper well crude oil," which is also exempt from FEA price regulations effective September 1, 1976. Accordingly, at the first sale level, the certification provisions are now adequate to identify monthly first sale volumes of stripper well crude oil.

However, the certification provisions currently applicable to crude oil resellers require only that a reseller identify the amount of old crude oil included in the volume of domestic crude oil sold by it. This provision would operate in an acceptable manner for refiners in a situation where the reseller sold only old crude oil and upper tier crude oil, but would not be effective where other types of domestic crude oil the first sale of which is exempt from price controls were included in the volume resold.

Since a large volume of stripper well crude oil is transported and resold by crude oil resellers, FEA amendments to these certification provisions to require separate identification of stripper well production are necessary and must be made effective September 1, in order to permit refiners to comply with the reporting requirements of the entitlements program which will be in effect for their crude oil receipts in September and following months. In addition, FEA believes it necessary to include a requirement that resellers identify the prices for the different types (for purposes of the price regulations) of domestic crude oil resold. This is also to enable refiners to comply with the reporting requirements under the entitlements program.

Accordingly, FEA is hereby adopting amendments to paragraph (b)(1) of § 212.131 to require separate identification by crude oil resellers as to the volumes of and per barrel prices for old crude oil, new crude oil and stripper well crude oil. These amendments also require separate identification of the volumes of and per barrel prices for other domestic crude oils the first sale of which is not subject to FEA's price regulations, such as crude oil produced from the Naval Petroleum Reserves. Producer certification requirements as to the exempt status of these other domestic crude oils have also been adopted in a new § 212.131(a)(4). The requirement to certify highest posted prices as of September 30, 1975, is removed from the certification requirements for producers of stripper well properties, inasmuch as, effective September 1, 1976, such crude oil will no longer be subject to the upper tier ceiling price rule.

Finally, §§ 212.131(a)(2) and (3) have been amended to change certain paragraph references therein, without effecting any substantive amendments.

The amendments are effective September 1, 1976, because any delay in their effectiveness as compared with the statutory effective date of the exemption of stripper well crude oil could result in inconsistencies between the pricing of stripper well crude oil (and other exempt crude oils) and their treatment under the entitlements program. Such a delay could also be detrimental to some refiners, in that the cost equalizing calculations of the entitlements program would not take into account for those refiners the higher exempt prices of these crude oils.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended (the "FEAA"), provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would thus cause serious harm and injury to the public welfare. Accordingly, these requirements must be waived and these amendments are made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(1) of the FEAA are hereby waived for a period of fourteen days, as provided for in section 7(c)(2) of the FEAA, upon a finding that there is an emergency situation which, in the judgment of FEA, requires making these emergency amendments effective at a date earlier than would permit the Administrator of the Environmental Protection Agency the five working days opportunity for prior comment required by section 7(c)(1). FEA is submitting the text of these emergency amendments concurrently with the issuance hereof to the Administrator for his review.

Because these amendments are being adopted on an emergency basis, an opportunity for oral presentation of views will not be possible prior to their promulgation. A public hearing on the amendments, however, will be held beginning at 9:30 a.m., e.s.t., on October 7, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m. on September 29, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 5, 1976. Each person selected to be heard

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will be so notified by the FEA before 5:30 p.m. on October 1, 1976, and must submit 100 copies of his or her statement to the Office of Regulations Management, FEA, Room 2214 B, 2000 M Street, NW., Washington, D.C. before 4:30 p.m. on October 6, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. before 4:30 p.m. on September 29, 1976. Any person who makes on oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the amendment to Executive Communications, Federal Energy Administration, Box IP, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Crude Oil Certification Requirements". Fifteen copies should be submitted. All comments received by October 1, 1976, and all relevant information will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective September 1, 1976.

Issued in Washington, D.C., August 31, 1976.

MICHAEL F. BUTLER,
General Counsel.

Section 212.131 is revised in paragraph (a) and in subparagraph (1) of paragraph (b) to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)(1) *Stripper well properties.* With respect to each stripper well property, the producer shall certify in writing to each purchaser of crude oil produced from that property:

(i) That the property concerned has qualified as a stripper well property; and

(ii) The average daily production for the 12 month period during which the property qualified as a stripper well property.

The certification required under paragraph (a)(1) of this section shall be made (A) On or before October 1, 1976, with respect to any property which qualified as a stripper well property on or before August 1, 1976; and (B) With respect to any property which qualifies as a stripper well property after August 1, 1976, within 60 days from the date that such property qualifies as a stripper well property.

(2) *Non-stripper well properties.* (i) With respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels of new crude oil and the number of barrels of old crude oil. With respect to any property which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(2)(i) may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to 10 CFR 212.72, and whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude oil in 1975.

(ii) With respect to each property which has not qualified as a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975 for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The one-time certification required under paragraph (a)(2)(ii) of this section, and the one-time certification permitted under paragraph (a)(2)(i) of this section, shall be made on or before October 1, 1975, provided that with respect to any property from which crude oil has not been produced and sold prior to August 1, 1976, the one-time certification required under paragraph (a)(2)(ii) of this section, and the one-time certification permitted under paragraph (a)(2)(i) of this section, shall be made within 60 days from the date when such crude oil is first produced and sold.

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of new crude oil (and whether "actual new crude oil" or "imputed new crude oil" determined pursuant to 10 CFR 212.75(b)), the number of barrels of old crude oil, and the number of barrels of imputed stripper well crude oil (if any) determined pursuant to 10 CFR 212.75(b). With respect to any unitized property for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(3)(i) may be complied with by a one-time written certification to the purchaser of (A) the monthly unit base production control level determined pursuant to 10 CFR 212.75(b); (B) The amount of imputed new crude oil (if any, determined pursuant to 10 CFR 212.75(b)); and (C) The amount of imputed stripper well crude oil (if any, determined pursuant to 10 CFR 212.75(b)).

(ii) With respect to each unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing once to each purchaser of crude oil produced from the property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975, for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The one-time certification required under paragraph (a)(3)(ii) of this section, and the one-time certification permitted under paragraph (a)(3)(i) of this section, shall be made on or before October 1, 1975, provided that with respect to any unitized property for which a unit base production control level has not been established prior to August 1, 1976, the one-time certification required under paragraph (a)(3)(ii) of this section, and the one-time certification permitted under paragraph (a)(3)(i) of this section, shall be made within 60 days from the date when such unit base production control level is established.

(4) *Other domestic crude oils the first sale of which is exempt from this part.* (i) With respect to each sale of crude oil exempt from the provisions of this part, other than crude oil produced from a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property that the first sale of crude oil produced and sold from that property is exempt from the provisions of this part.

(ii) For purposes of this paragraph (a)(4), domestic crude oil the first sale of which is exempt from the provisions of this part includes U.S.-owned petroleum sold by the Secretary of the Navy under the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258).

(5) *New purchasers.* With respect to any purchaser who has not purchased crude oil from the property (or the unitized property) concerned prior to August 1, 1976, the one-time certifications required under paragraphs (a)(1), (a)(2)(ii), and (a)(3)(ii) of this section, and the certifications permitted under paragraphs (a)(2)(i) and (a)(3)(i) of this section, shall be made within 60 days from the date such purchaser first purchases crude oil from that property or unitized property.

(b)(1) Each seller of domestic crude oil, other than a producer of domestic crude oil covered by paragraph (a) of this section, shall, with respect to each sale of domestic crude oil other than (i) an allocation sale pursuant to § 211.65 of Part 211, or (ii) a sale in which no volumes of domestic crude oil are deemed to have been transferred pursuant to § 211.67(g) of Part 211, certify in writing to the purchaser the respective volumes of and respective per barrel prices for the old crude oil, new crude oil, stripper well crude oil, and other domestic crude oils the first sale of which is exempt from the provisions of this part included in the volume of domestic crude oil so sold. The certification shall also contain a statement that the price charged for the domestic crude oil is no greater than the maximum price permitted pursuant to this part.

* * * * * *

[FR Doc.76-25971 Filed 8-31-76;4:33 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Crude Oil Price Ceilings; Schedule No. 3 of Monthly Price Adjustments

Pursuant to 10 CFR 212.77(b), the Federal Energy Administration hereby issues Schedule No. 3 of Monthly Price Adjustments, effective September 1, 1976. This schedule, which supersedes Schedule No. 2 of Monthly Price Adjustments appended to 10 CFR Part 212, Subpart D (41 FR 27730, July 6, 1976), holds upper and lower tier crude oil price ceilings at the levels of June 1976, for the months of September, October, and November, 1976. Thus, lower tier ceiling prices are limited in those months to an average of approximately $5.15 per barrel (the highest posted field price on May 15, 1973, plus $1.48 per barrel) and upper tier ceiling prices are limited to an average of approximately $11.62 per barrel (the highest posted field price on September 30, 1975, less $1.05 per barrel).

This action is being taken in light of FEA's final actual first sale price data for the months of February through May 1976 (and preliminary FEA data for June 1976). It is necessary in order to mitigate the extent to which actual composite prices have exceeded the composite price limitation of section 8 of the Emergency Petroleum Allocation Act of 1973 ("EPAA") which was implemented as part of the amendments to the EPAA in the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-164) enacted on December 22, 1975. This action will permit FEA to collect and evaluate actual first sale price data for months following May 1976, and to decide what further actions might be necessary to ensure compliance with the section 8 crude oil pricing requirements. Also during this time, FEA anticipates that it will, pursuant to the increased crude oil pricing flexibility now accorded FEA under the further amendments to the EPAA in the Energy Conservation and Production Act ("ECPA," Pub. L. 94-385), which was enacted on August 14, 1976, adopt amendments to § 212.77 to provide for further crude oil price increases as production incentives.

A. BACKGROUND

On February 1, 1976, FEA adopted regulations (41 FR 4931, February 3, 1976) intended to result in a weighted average first sale price ("composite price") for all domestic crude oil during February 1976, which would comply with the $7.66 per barrel limitation established for that month by section 8(a) of the EPAA. These regulations were based on the following estimates for the month of February 1976: (1) An average lower tier price of $5.25 per barrel, with lower tier crude oil comprising 60 percent of total domestic production; and (2) an average upper tier price of $11.28 per barrel, with upper tier crude oil comprising 40 percent of total domestic production. Thus, (.6) ($5.25) + (.4) ($11.28) = $7.66.

As enacted, section 8 of the EPAA permitted upward adjustments in the composite price limitation to reflect the impact of inflation and as a production incentive. The adjustment for inflation was limited to not more than the rate of inflation shown by the first revision of the most recent GNP deflator; the adjustment as a production incentive could not exceed 3 percent annually; and both adjustments combined could not exceed 10 percent annually. Pursuant to this authority, FEA issued further regulations (41 FR 15566, April 13, 1976) to provide for monthly adjustments to upper and lower tier ceiling prices beginning March 1, 1976. These adjustments were designed to result in actual composite prices that would comply with the statutory composite price limitation, as adjusted to reflect the impact of inflation and as a production incentive.

Schedule No. 1 of Monthly Price Adjustments, issued with the April 13 Notice, and effective March 1, 1976, provided upper and lower tier price ceilings for each of the 40 months of the crude oil price control program established by the EPCA, with upward adjustments in each month beginning with March 1976. The projected monthly price adjustments in this schedule were based on the following estimates, among others: (1) A 60 percent—40 percent mix of lower tier and upper tier crude oil for the month of February 1976; (2) a monthly shift in this mix toward ever-greater proportions of upper tier oil, based on an estimated average annual decline rate of 8 percent for lower tier crude oil; (3) actual average first sale prices of $5.25 per barrel for lower tier crude oil and $11.28 per barrel for upper tier crude oil for the month of February 1976; and (4) an annual inflation rate of 6.8 percent for the entire 40-month period, based on then-current data for the fourth quarter of 1975.

It was expressly provided in Schedule No. 1 of Monthly Price Adjustments, and in the implementing regulation (§ 212.-77), that the price adjustment schedule would be subject to periodic revision as necessary to reflect changes in the statutory composite price limitation resulting from changes in the rate of inflation, to make compensating changes when the actual composite price was found to have fallen short of or exceeded the adjusted statutory composite price, and otherwise to achieve compliance with the provisions of section 8 of the EPAA. It should be noted that the Congress, in specifically providing for compensating adjustments to correct for actual composite price excesses or deficiencies, recognized that FEA's initial estimates concerning the relative volumetric proportions and actual average first sale prices for lower and upper tier crude oil

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for February 1976 might not prove accurate. (The Conference Report accompanying the EPCA noted that the estimate of a weighted average price of $5.25 per barrel for lower tier crude oil may "prove to be an inaccurate measure of actual prices * * *" S. Rep. No. 516, 94th Cong. 1st Sess. 190 (1975).

B. ADJUSTMENTS UNDER SCHEDULE NO. 2

Section 8(c) of the Emergency Petroleum Allocation Act of 1973 requires that not less than every six months, actual first sale prices must be compared with the composite price limitation. To the extent that actual prices result in revenues that exceed those that would have been realized under the section 8(a) composite price limitation, compensating adjustments in crude oil prices must be made to result, in a corresponding period, in a reduction in revenues to offset such excess.

In June 1976, FEA completed its review of the actual crude oil first sale price data for the months of February and March 1976. Based upon the data then available, FEA in June 1976 estimated that the actual composite price for February 1976 was $7.82 per barrel, or $.16 above the statutory limit of $7.66 per barrel for that month; and the actual composite price for March 1976 was $7.80 per barrel, or $.08 above the adjusted limit of $7.72 per barrel for that month. (Final FEA data for these months are shown below.)

Based upon actual production volumes for the months of February and March 1976, FEA estimated that revenues received by crude oil producers were approximately $60 million in excess of those which would have been received if actual composite prices for that period had coincided exactly with the section 8 composite price in each of those months.

The 6.8 percent rate of inflation as measured by the GNP deflator for the fourth quarter of 1975 governed the upward adjustments in the composite price for March through May and the 3.5 percent rate for the first quarter of 1976 governed the adjustments for June through August, since the first revision of the GNP deflator is not issued until the second month following the close of each calendar quarter. This reduced rate of inflation therefore operated to reduce the permissible monthly increase in the composite price from approximately $.06 per barrel per month for the months of March through May 1976, to approximately $.04 per barrel per month for the months of June through August 1976. (As is discussed more fully below, effective September 1, 1976, recent amendments to the EPAA accord FEA greater pricing flexibility.)

Using March data as a basis for projecting future actual composite prices and still assuming an 8 percent decline rate for lower tier crude oil, FEA estimated that actual composite prices under Schedule No. 1 for the months of April, May, and June would be approximately $7.86, $7.93, and $7.99 per barrel. The composite price limitations under section 8 of the EPAA for those months were $7.78, $7.84, and (with a 3.5 percent annual rate of inflation effective as to the June increase in the composite price) $7.88 per barrel.

The problem of the pricing excesses indicated by the actual data for February and March 1976 was compounded by the drop in the annual rate of inflation to 3.5 percent from the 6.8 percent rate used for purposes of Schedule No. 1 of Monthly Price Adjustments.

These two factors, in combination, suggested the need for early corrective action to mitigate pricing overages which could otherwise accumulate to a greater extent and possibly require that more drastic action (such as price reductions) be taken at a later date.

FEA therefore determined to issue a second crude oil pricing schedule to hold prices at June levels on the basis of the data available at that time, in order to minimize the extent to which further excess revenues would result and thereby to minimize the possibility that a price rollback might be required in order to comply with section 8(c) of the EPAA.

C. ADJUSTMENTS UNDER SCHEDULE NO. 3

Although there are several variables which continue to influence the extent of any future pricing excesses, FEA has concluded, based on the information available at this time, that it is necessary to continue the corrective steps initiated under Schedule No. 2, in the form of continuing the hold on crude oil price increases for the months of September, October, and November 1976, rather than to delay corrective action and risk the possibility of eventual price rollbacks and the disruptive effects on production and planning which such measures would bring.

FEA now has final actual data for February, March, April, and May 1976 crude oil prices and preliminary data for June 1976. Based upon information received on Form FEA P124–M–O, the final data for February, March, April, and May 1976 (and preliminary data for June 1976) are set forth below:

Domestic crude oil prices

Month	Lower tier percent	Lower tier price	Upper tier price	Statutory composite price	Actual composite price	Cumulative excess receipts (mills.)
February	56.13	5.05	11.47	7.66	7.87	49
March	56.93	5.07	11.39	7.72	7.79	67
April	56.69	5.07	11.52	7.78	7.86	86
May	57.04	5.13	11.55	7.80	7.88	97
June [1]	56.05	5.15	11.62	7.88	8.00	120

[1] Preliminary data.

In adopting the Schedule No. 2 adjustments last June, FEA indicated that the months of July and August would provide an opportunity to collect and evaluate more data to determine if the price increases adopted in Schedule No. 1 could be reinstituted. However, based upon the most recent data now available (and shown above) FEA has concluded that upper and lower tier crude oil price ceilings should continue to be held at the levels of June 1976, for the months of September, October, and November 1976 in order to offset overrecoupment of receipts during the first six months of the program.

D. FURTHER ADJUSTMENTS

(1) *Under the Energy Conservation and Production Act.* Under recent amendments to the EPAA, FEA's authority to provide adjustments to the statutory composite price is no longer limited to the original constraints imposed by the EPCA. The Energy Conservation and Production Act ("ECPA") amended section 8 of the EPAA, effective September 1, 1976, to provide that the composite price may be adjusted upward (1) to take into account the impact of inflation as measured by the adjusted deflator; and (2) as a production incentive, subject only to the limitation that the combined effect of any such adjustments may not exceed 10 percent per year.

FEA intends shortly to issue a Notice of Proposed Rulemaking to implement this increased pricing flexibility, with any resulting adjustment to the composite price to be effective as of September 1, 1976. As indicated in the Conference Report accompanying the ECPA:

> [T]he conference substitute removes the 3% limitation on production incentive adjustments to afford the President a greater flexibility to respond to an improving economy by giving greater price incentives to optimize domestic production. The conferees have identified, as a matter of high priority, correction of gravity differential problems in the current price regulatory mechanism and the creation of additional price incentives for the application of bona fide tertiary enhancement techniques [footnote omitted]. Thus, the President is directed, taking into consideration the greater flexibility as attends the removal of the 3% limitation, to amend the regulation which pertains to the price of domestic crude oil at the earliest practicable date to provide for these Congressionally identified priorities. (S. Rep. No. 1119, 94th Cong. 2d Sess. 71 (1976).)

Accordingly, FEA intends shortly to issue a Notice of Proposed Rulemaking to adopt amendments to the price regulations applicable to domestic crude oil (following public hearings and written comments) so as to provide certain adjustments to gravity price differentials. Any such price adjustments will be effective no later than November 1, 1976. FEA will also issue a Notice of Proposed Rulemaking to consider additional price incentives for bona fide tertiary recovery methods. Moreover, pursuant to section 121 of the ECPA, FEA will issue shortly a notice of proposed rulemaking and public hearing to amend the price regulations to exempt the first sale of crude oil from stripper well properties.

Until such time as FEA has determined the extent to which the increased pricing flexibility of the ECPA (i.e., up to the 10 percent limitation) will be used to satisfy these Congressional priorities, however, it is not possible to determine if any of the increased pricing flexibility up to the 10 pecent limitation given FEA under the ECPA will be available to offset the effects of actual crude oil prices being in excess of the statutory composite price during the first six months of the program.

(2) *Revised Definition of "Property."* It should be noted also that effective September 1, 1976, the definition of "property" in 10 CFR 212.72 is amended to permit producers to treat as separate properties each separate and distinct state-recognized producing reservoir. To the extent that producers elect to exercise this option and begin to treat separate reservoirs as separated properties, the amended property definition may result in some shift in the proportionate volumes of lower and upper tier crude oil. It is, of course, impossible for FEA to quantify at this time the exact extent of any such shift. However, if the amended property definition results in the movement of significant volumes of crude oil from the lower to the upper tier, FEA may be required to consider extending the present hold on crude oil price adjustments beyond November 1976.

Accordingly, for the reasons stated above and pursuant to § 212.77, FEA hereby issues Schedule No. 3 of Monthly Price Adjustments, effective September 1, 1976, as an Appendix to 10 CFR Part 212, Subpart D. Today's action, effective September 1, 1976, supersedes Price Schedule No. 2 and holds lower and upper tier price levels for the months of September, October, and November 1976 at the ceiling price levels for June 1976. Crude oil price levels for months subsequent to November will be set forth in Price Schedule No. 4 to be issued in late November.

Issued in Washington, D.C., August 31, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

Month	Lower tier, May 15, 1973, posted price [1]	Upper tier, September 30, 1975, posted price [2]
1976		
February	+1.35	−1.32
March	+1.38	−1.25
April	+1.41	−1.18
May	+1.45	−1.11
June	+1.48	−1.05
July	+1.48	−1.05
August	+1.48	−1.05
September	+1.48	−1.05
October	+1.48	−1.05
November	+1.48	−1.05

[1] The price referred to in 10 CFR 212.73(b)(1).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on August 31, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through August 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower and upper tier price ceilings applicable to crude oil to be produced and sold in the months of September, October, and November 1976, at the respective ceiling prices for the month of June 1976.

Effective September 1, 1976, this price adjustment schedule supersedes Schedule No. 2 of Monthly Price Adjustments, as provided in 10 CFR 212.77(b). This Schedule No. 3 of Monthly Price Adjustments will remain effective only for three months, when it will be superseded by Schedule No. 4.

[FR Doc.76-25981 Filed 8-31-76;5:15 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 76-641]

PART 561—DEFINITIONS

Slow Loans

AUGUST 25, 1976.

The Federal Home Loan Bank Board by Resolution No. 76-411, dated June 16, 1976, proposed to amend § 561.16(e)(2) of the rules and regulations for Insurance of Accounts (12 CFR 561.16(e)(2)) to exclude from the definition of "slow loans" any loan or land contract modified or refinanced to provide for payment of mortgage life or disability insurance premiums where the insured institution is the assignee or beneficiary of the insurance, if provision is made for repayment of the funds so advanced within the succeeding 12 months. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on June 22, 1976 (41 FR 25035), with an invitation to interested persons to submit written comments by July 23, 1976. On the basis of its consideration of all relevant material presented by interested persons and otherwise available to it, the Board deems it advisable to adopt the amendment as proposed. The Board believes that the amendment will encourage insured institutions to help borrowers, where necessary, to pay for insurance protection against default resulting from death or disability and will bring about greater uniformity in the handling of premium advances.

Accordingly, the Board hereby amends § 561.16(e)(2) of the rules and regulations for Insurance of Accounts, to read as set forth below, effective October 4, 1976.

§ 561.16 Slow loans.

The term "slow loans" means:

* * * * * *

(e) Any loan or land contract that has been modified or refinanced within the preceding 12 months while contractually delinquent, except a mortgage loan or land contract * * * (2) modified or refinanced to provide for payment of real estate taxes, other governmental assessments, hazard insurance premiums, mortgage life insurance or disability insurance premiums where the insured institution is the assignee or beneficiary of the insurance, or water or sewer rent or charges, if provision is made for payment of the funds so advanced within the succeeding 12 months.

* * * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-25919 Filed 9-2-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[ER-963, Amdt. 3; Docket 27911]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Commuter Air Carrier Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. July 15, 1976.

By Notice of proposed rulemaking EDR-292, dated January 6, 1976,[1] the Board gave notice that it had under consideration an amendment to Part 298 of its Economic Regulations (14 CFR Part 298) which would revise the CAB Form 298-C report by adding two new data items on Schedule A-1. Specifically, it was proposed to additionally require the reporting of statistics relating to: (1) Numbers of scheduled departures and (2) numbers of scheduled departures completed, by each commuter air carrier.

The proposed rulemaking was requested by the Commuter Airline Association of America (CAAA) in a petition dated June 6, 1975, on behalf of 45 member carriers. In its petition, CAAA, then known as the Commuter Airline Association, stated that requiring the submission of the proposed data commuter air carrier schedule reliability, could establish by reference to reports filed at regular intervals with the Board. Underlying the CAAA's petition is its desire to persuade the Official Airline Guide (OAG) to publish schedules of commuter air carrier/certificated air carrier connecting flights.

Comments in response to the notice were received from CAAA, Catalina Air Lines, Inc. (Catalina), International Airmotive Corp., Midstate Airlines, Inc., Reuben H. Donnelley Corporation (Donnelley), Swift Aire Lines, Inc., and the Board's Office of the Consumer Advocate, and jointly from Florida Air Lines, Inc., Air South, Inc., and Shawnee Airlines, Inc.

Upon consideration of the comments received, the Board has determined that, except as modified herein, it shall adopt the proposed rule and make final the tentative findings and conclusions on which it was based.

All of the respondents except Donnelley fully support the proposed amend-

[1] 41 FR 1764, January 12, 1976 (Docket 27911).

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ment.[2] Donnelley, although endorsing the proposal insofar as it would require the filing of data which could be used to measure flight schedule performance, contends that the proposed reporting by itself will be meaningless as a measure of flight schedule reliability. In Donnelley's opinion, the coupling of commuter air carrier flights with certificated air carrier flights requires that both types of flights be subject to the same or similar schedule reliability standards. Therefore, the respondent suggests that the Board also establish schedule reliability standards for the commuter air carriers by making them subject to the 75 percent reliability standard in Part 234 of the Board's Economic Regulations.

In our view, amending Part 234 to make it applicable to commuter air carriers would not provide a measure of commuter schedule reliability as Donnelley suggests. Donnelley's comment reflects a common misunderstanding of Part 234. The standard embodied in § 234.1(d) of that part merely requires that the elapsed time for 75 percent of all flights actually flown be no more than 15 minutes in excess of the elapsed times shown on the carrier's schedules. This means, for example, that a carrier could operate only 50 percent of its scheduled flights, and operate each of these one hour later than the published scheduled departure time, and still meet the requirements of Part 234 if the elapsed times for the flights operated were within 15 minutes of the scheduled times. This obviously does not meet the end result envisioned by Donnelley, i.e., the reliability of on-time arrival of scheduled flights.[3]

In view of the foregoing, we are not making Part 234 applicable to commuter air carriers. If Donnelley believes that commuter air carriers should meet some standard before their connecting flight schedules can be published, Donnelley can establish whatever standard it deems appropriate for that purpose. Moreover, we should point out, as we indicated in EDR–292, that the proposed rulemaking need, coupled with the carriers' petition came about because an impressive number of the carriers affected requested its imposition. We believe that the proposed data will provide the Board with information which will be useful in monitoring schedule performance. Although this regulatory need in itself would not have prompted the Board to propose the collection of these statistics, we believe this to report the data, together with the absence of opposition to EDR–292, adequately supports our decision to adopt the rule substantially as proposed.

Only CAAA responded directly to our request for comments on the subsidiary issue as to whether the proposed requirement should be imposed only on one or more particular subclassifications of commuter air carriers. CAAA pointed out that the purpose and underlying objectives of the petition and proposed rule were directed to passenger schedules and publication thereof in the OAG. Moreover, CAAA noted that because of circumstances involving all-cargo/mail service, reports with the added information from these carriers could be misleading and would not be meaningful. We believe there is merit to CAAA's observations and have concluded that the new reporting requirements should only be applicable to the scheduled passenger services of commuter air carriers. In order to restrict the applicability of the reporting requirements to passenger services, the titles of the data items on lines 8 and 9 of the "Flight and Traffic Statistics in Scheduled Operations by Commuter Air Carriers" section of Schedule A–1 have been changed to "Number of Departures Scheduled in Passenger Service" and "Number of Scheduled Departures Completed in Passenger Service," respectively.

We are advised that the adoption of this rule will not require any new recordkeeping on the part of the reporting carriers, since the data necessary to report departures scheduled and performed is already kept for other purposes. We therefore will expect the Schedule A reports due on November 10, 1976, to include the additional information required by our action here.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective October 4, 1976, as follows:

1. Amend the reporting instructions for the "Flight and Traffic Statistics in Scheduled Operations by Commuter Air Carriers" section of Schedule A–1 of CAB Form 298–C as set forth in § 298.61 by adding paragraphs (d) (13) and (14) to read as follows:

§ 298.61 Reporting of scheduled operations by commuter air carriers.

* * * * *

(d) * * *

(13) Line 8 "Number of Departures Scheduled in Passenger Service" shall reflect the total number of departures scheduled in passenger service for the reporting quarter, which shall set forth the total number of takeoffs scheduled to be performed in passenger service during the quarter as set forth in published flight schedules.

(14) Line 9 "Number of Scheduled Departures Completed in Passenger Service" shall reflect the number of scheduled departures completed in passenger service for the reporting quarter, which shall set forth the total number of scheduled departures in passenger service reported on Line 8 which were performed during the quarter pursuant to schedules excluding extra sections to scheduled departures. In determining whether a departure is performed as scheduled, only the originating point of the flight stage need be considered.

* * * * *

2. Amend CAB Form 298–C by revising Schedule A–1 as shown in Exhibit A[4] attached hereto.

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 766, and 771; (49 U.S.C. 1324, 1377, and 1386).)

NOTE: The reporting requirements contained herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

Effective. October 4, 1976.

Adopted: July 15, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–25946 Filed 9–2–76;8:45 am]

[2] Catalina, while in support of the proposal, did express some concern that under the proposed reporting its statistics may not properly reflect the reliability of its services because of the seasonal nature and uniqueness of its seaplane operations. However, the carrier offered no alternatives or suggestions in this matter.

[3] Apparently Donnelley is misled by § 234.8 which requires the reporting of scheduled arrival performance. This provision requires all certificated carriers to report, on a monthly basis, the on-time performance of all flights in the top-ranked 200 domestic city pairs. There is no requirement regarding the percentage of flights which must be on time, only that on-time arrival data be reported.

[4] Exhibit A filed as part of the original document.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 2255]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New York	Cortland	Marathon, town of	Aug. 23, 1976, emergency	Nov. 29, 1974	361327
North Carolina	Rowan	Unincorporated areas	do		370351
Utah	Cache	Clarkston, town of	do	Sept. 5, 1975	490014
•	•	•	•	•	•
Illinois	Vermilion	Fairmount, village of	Aug. 25, 1976, emergency	Aug. 8, 1975	170663
Iowa	Crawford	Dow City, town of	do	May 31, 1974	190097A
				Dec. 19, 1975	
New York	Orleans	Albion, town of	do	Oct. 25, 1974	361252A
				Dec. 12, 1975	
Do	Allegany	Granger, town of	do	Jan. 3, 1975	361363
Oklahoma	Harper	Buffalo, town of	do	July 25, 1975	400351
South Dakota	Kingsbury	Lake Preston, city of	do	July 18, 1975	460189
Arkansas	Yell	Belleville, city of	Aug. 26, 1976, emergency	Apr. 18, 1975	050384
Do	Pope	Pottsville, town of	do	Apr. 25, 1975	050277
Illinois	Pike	Nebo, village of	do	Dec. 28, 1973	170554A
Missouri	Saline and Lafayette	Emma, city of	do	Apr. 18, 1975	290587
Ohio	Jefferson	Bergholz, village of	do	July 25, 1975	390993
Texas	Llano	Llano, city of	do	Dec. 28, 1973	148045A
				June 11, 1976	
Massachusetts	Essex	Swampscott, town of	Sept. 29, 1972, emergency; Sept. 3, 1976, regular	May 24, 1974	250105A
Idaho	Washington	Cambridge, city of	Aug. 27, 1976, emergency	Aug. 8, 1975	160199
Do	Adams	New Meadows, city of	do	Feb. 21, 1975	160181
Iowa	Plymouth	Hinton, city of	do	Sept. 6, 1974	190224A
				Dec. 26, 1975	
Missouri	Vernon	Walker, city of	do	Apr. 18, 1975	290631
Nebraska	Deuel	Chappell, city of	Aug. 31, 1966, emergency	Aug. 6, 1976	310358
Ohio	Perry	New Straitsville, village of	Aug. 27, 1976, emergency	Feb. 7, 1975	390709

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–25792 Filed 9–2–76;8:45 am]

[Docket No. FI–999]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Paupack, Wayne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Paupack, Wayne County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Building, Paupack, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Middle Creek	Northwest corporate limits	1,120	30	120
	Township No. 367	1,098	30	30
	LR, No. 943	1,035	20	60
Lake Wallenpaupack	Paradise Rd. (extended)	1,191	120	
	Township No. 394 (extended)	1,191	100	
	Mohican Rd. (extended)	1,191	50	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-25791 Filed 9-2-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners

(A) BACKGROUND

On May 12, 1976, the United States Board of Parole published in the FEDERAL REGISTER at 41 FR 19326 a notice of proposed rulemaking setting forth the rules proposed for publication at Part 2, Title 28, of the Code of Federal Regulations, pursuant to the Parole Commission and Reorganization Act, Pub. L. 94–233 (amending 18 U.S.C. Chapter 311). With the effective date of the new statute (May 14, 1976), the proposed rules became the emergency rules of the Commission. The present publication will supersede those emergency rules.

The rules of the Commission, as finally adopted and set forth below, include proposed changes to the paroling policy guidelines (§ 2.20) which appeared in the May 12, 1976, publication but were not made effective as emergency rules. The salient factor score table, inadvertently omitted from the May 12 publication, was published at 41 FR 22344 (June 3, 1976).

Comments on the proposed rules were received from a variety of individuals and organizations and covered an equally varied range of topics. Specifically, the Commission received letters from fourteen inmates, one professional association, two probation officers, one prosecuting attorney, a law firm representing inmates, two law school prisoner-aid/public interest representation groups and an organization concerned with marihuana laws and their enforcement. All of the comments received were carefully evaluated and a number of them resulted in rule changes as discussed below.

Comments which offered proposals not acceptable to the Commission are discussed following the explanation of the rule changes. It should be noted at this point that several comments repeated concerns already evaluated in the most recent publication of the rules of the United States Board of Parole at 40 FR 41328 (September 5, 1975). We refer the reader to that publication and comments discussed therein.

(B) RULE CHANGES

(1) Section 2.8—*Mental competency proceedings* was changed at the urging of the Association for Advancement of Psychology to permit psychological as well as psychiatric testimony at mental competency proceedings.

(2) Section 2.16(c)—*Parole of prisoner in a state, local, or territorial institution* was changed to provide in-person hearings for Federal prisoners being boarded in State institutions, in conformity with the intent of section 4208 of the Act. See Congressional Record, Vol. 122, No. 28, at S2572–73 and H1500, for explanatory comments of Senator Burdick and Representative Kastenmeier, respectively, with reference to prisoners serving concurrent State and Federal sentences in state custody.

(3) Section 2.17(c)—*Original jurisdiction cases* was added to provide a formal procedure whereby a case may be removed from the Commissioners' original jurisdiction. The designation of a case which meets the criteria specified in § 2.17(b) increases the voting quorum required to reach a decision in certain sensitive or well-publicized cases, without affecting the criteria or the final decision on the merits of the case. The purpose of the removal procedure is to permit the Commission to free its dockets of cases which were inappropriately designated or which no longer meet the criteria (e.g. when a sentence is reduced to less than forty-five years).

(4) Section 2.20—*Paroling Policy Guidelines* was modified in several respects.

(a) *Changes in guideline ranges.* The ranges for prisoners in the poor parole risk category (salient factor score of 3 to 0) were extended by several months. This includes prisoners in offense severity categories from low to greatest severity. The ranges for prisoners in the fair parole risk category (salient factor score of 5 to 4) were similarly extended in the high, very high, and greatest severity categories. The ranges for prisoners in the good parole risk category (salient factor score of 8 to 6) was similarly extended in the very high and greatest severity categories. The increases in the time to be customarily served by these prisoners result from the Commission's conclusion that the public welfare would best be protected by increased periods of incarceration for certain prisoners with less than the most favorable parole prognosis (salient factor score 11 to 9).

(b) *Changes in severity ratings.* The offense severity rating for immigration law violators was increased from low to low moderate. This change reflects the Commission's concern with the increasing numbers of immigration law violators in recent years. The low-moderate severity rating is designed to ensure that the sentences actually served by this category of offender will be sufficient to provide adequate deterrence.

The severity rating for the offense of possession and transportation of explosives was increased from moderate to high severity, in conformity with the Board's previous action increasing the severity of Firearms Act offenses. See 40 FR 41329 (September 5, 1975). These two offense categories were deemed to be of a similar nature.

Finally, the offense behavior example of marihuana or soft drugs—simple possession (small quantity—for own use), was placed in the low severity category. This is a reduction in severity of marihuana as well as soft drug (including hashish) possession.

Two comments also urged that the Commission make no distinction between marihuana and hashish for offenses of possession with intent to distribute/sale. However, the Commission chose not to equate the two substances in the classification of this more serious type of offense. The Commission found that the substance known as hashish (including, but not limited to, hash oil) may range from a marihuana-like mildness to a potency more comparable to other soft drugs. The Commission concluded that since the seller of hashish is willing to assume the risk that the substance he is selling may turn out to be a drug considerably more potent than marihuana, he is prepared to indulge in a higher degree of anti-social action than is the seller of marihuana. The Commission believes the offenses should be rated accordingly.

In addition, it was urged that the Commission cease to use dollar values as a standard of severity with regard to drug offenses of possession with intent to distribute or sale, and instead use weight and purity. While weight and purity are relevant factors, the Commission believes that dollar values are the most useful in providing a general indication of severity. Other factors, however, including the weights and purities of the drugs involved, should be considered as an aid to accuracy of assessment. It should be stressed that the offenses listed in the guidelines are only examples, and serve as a guide to evaluation rather than as a system of rigid classification.

(c) *Consolidation of Youth and NARA Guidelines.* A separate set of guideline ranges used in the case of prisoners sentenced under the Narcotic Addict Rehabilitation Act (NARA) (18 U.S.C. 4253), has been omitted. NARA prisoners will henceforth be considered under the guidelines applicable to Federal Youth Act prisoners. As in the case of the Youth Corrections Act (18 U.S.C. 5005, et seq.), the goals of this treatment-oriented sentence must be reconciled with the need to satisfy the standard parole criteria at 18 U.S.C. 4206. The balance is struck by time ranges generally shorter than those in the adult guidelines, permitting more sensitivity to institutional progress within the framework of the traditional considerations of criminal justice.

(d) *Application of the changes.* The Commission recognizes that policy decisions decreasing or increasing the period of incarceration served by any federal prisoner must not be lightly embarked upon, and has devoted considerable discussion and study to those described above. Therefore, the Commission has decided that these amendments will be applied only to those prisoners who have not received their initial hearings as of the effective date of these rules. In the interests of consistency and fairness, prisoners who have already received initial hearings will not be reconsidered under the increased guideline ranges set forth herein.

(e) *Relation to the Statutory Parole Criteria.* The offense severity ratings found on the vertical axis of the guideline table indicate the seriousness of the offense behavior (punishment and the need for an appropriate deterrent effect on others).[1] This is in accordance with 18 U.S.C. 4206(a)(1), which requires the Commission to determine * * * that release would not depreciate the seriousness of the offense or promote disrespect for the law * * *.

The parole prognosis categories on the horizontal axis of the table (salient factor score) indicate the relative probability that the prisoner will refrain from future criminal activity upon his release. This is in accord with 18 U.S.C. 4206(a)(2), which requires the Commission to determine * * * that release would not jeopardize the public welfare * * *.[2]

The salient factor score relies upon certain factors in the prisoner's background found to be statistically linked with recidivism. The device is, however, only an actuarial aid. It should be emphasized that decisions both above and below the guideline ranges are made on the basis of individual consideration of each case, including, when meaningful in the individual context, institutional conduct and response to programs.

(5) Section 2.21(c)—*Reparole consideration guidelines* was changed to provide that "minor", rather than "petty", offenses be treated as administrative rather than criminal violations under the reparole guidelines. This change precludes the interpretation that an offense statutorily classified as a "petty offense" may not be treated as a criminal violation by the Commission.

(6) Section 2.40(a)—*Conditions of release* was changed to provide a two day period within which a parolee may comply with the reporting requirements of subsections (4), (6) and (8).

(7) Section 2.43(a)(3)—*Early termination of parole* was changed to specify that a five-year termination hearing may be conducted by a single hearing examiner or other official. It was concluded that a two-person hearing examiner panel would not be required in such a case.

(8) Section 2.48(f)—*Revocation by the Commission, preliminary interview* was changed to permit the Regional Commissioner to order a preliminary interview notwithstanding the establishment of probable cause by reason of a new conviction. If the Commissioner believes that reinstatement to supervision may be warranted, this might be the preferable course.

(9) Section 2.50—*Revocation hearing procedure.* This section was amended to specify that adverse witnesses will not be requested to appear at institutional revocation hearings. Since institutional revocation hearings occur only when the alleged violator has admitted a charged violation (following a preliminary interview), or has sustained a new conviction, or has waived his right to a local hearing with witnesses, this rule does not affect cases in which the alleged violator has fully contested the charges and elected to avail himself of the procedural rights accorded to him.

(10) Section 2.52(c)(2)—*Revocation of parole or mandatory release* was changed to provide that where a conviction occurs subsequent to a revocation hearing as the result of an offense committed by the parolee while on parole, the Commission may reopen the case for a further hearing relative to forfeiture of time under supervision, as provided by section 4210(b)(2) of the Act.

(11) Section 2.53(a)—*Mandatory parole* was amended to conform with § 2.6. See the discussion below for the numerous comments received on the subject of withheld good time.

(12) Section 2.55(a)—*Disclosure of records* was changed to delete the phrase "at any time" as inconsistent with the practical requirement that once a request to review records is initiated by the prisoner, seven days be allowed the institution staff to schedule such review so as not to disrupt the normal workload. The intent of the rule, that review may be initiated at any time during the prisoner's incarceration, remains. This comports with present Bureau of Prisons policy. (See discussion below of disclosure generally).

(C) EVALUATION OF OTHER COMMENTS RECEIVED

The comments discussed in this section generally fall into two categories: Those expressing concern from the prisoner's standpoint for enhancement of his position procedurally, and those expressing concern from the public's standpoint that the new law will lessen the Commission's ability to ensure its protection in the paroling process.

The following topics will be discussed in this order:

(1) Disclosure of the parole file.
(2) The statement of reasons.
(3) Withheld good time and parole.
(4) The appeal process.
(5) Protection of the public welfare.

(1) *Disclosure of the parole file*—§ 2.55. One of the most debated issues in the pre-release area is that of providing the prisoner with "reasonable access" to the informational reports to be considered by the Commission in arriving at its parole determination. On the one hand there is a need to assure the prisoner an adequate opportunity to learn about, and to offer his correction or rebuttal of, any factual allegation in his file which he believes to be in error. On the other hand, there is an equally important need for a disclosure procedure that will not disrupt and delay the orderly flow of hearings and which will permit the withholding of information that cannot be safely disclosed.

We believe that Congress has solved this problem by a disclosure procedure that follows closely and complements the operation of the new Rule 32, "Federal Rules of Criminal Procedure" (effective date December 1, 1975). Under Rule 32, the defendant or his attorney is permitted to review the presentence investigation report prior to the imposition of sentence. Disclosure is subject to exemptions identical to those contained in 18 U.S.C. 4208(c), with a parallel requirement that a summary of the factual information contained therein shall be provided to the defendant whenever information is withheld.

The Commission has requested that all reports submitted to it (including the presentence report) be reviewed at the time of preparation for material falling within the three exemptions. If the preparing agency elects to withhold any information from the prisoner under the statutory exemptions, a copy of the report with the sensitive information deleted, to which a summary of the withheld material is attached, will then be sent to the institution along with the original of the report for the Commission to review.

Operational procedures employed by the Commission and the Bureau of Prisons (which maintains the prisoner's central file from which parole proceedings are conducted) drew most of the comment on the subject of disclosure.

One comment submitted addressed a number of procedures followed with regard to reports prepared before the law

[1] Punishment may be defined as the legitimate needs of society to hold an offender accountable for his own acts. Senate Conf. Rep. No. 94–648, 94th Cong., 2d Sess., 3 U.S. Code Cong. and Admin. News, 583 (1976).

[2] For the derivation of the severity scale and salient factor score, see Hoffman, Beck and Degostin, "The Practical Application of a Severity Scale", Supplemental Report Thirteen, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency, June, 1975, and Hoffman and Beck, "Parole Decision-Making: A Salient Factor Score", Journal of Criminal Justice, Vol. 2, pp. 195–206 (1974).

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was enacted. The first was the procedure of requesting prisoners to sign temporary waivers of disclosure whenever a source agency has not been able to review, and clear for disclosure in time for the parole hearing, reports prepared prior to the enactment of the new law. The procedure reflects the difficulties of transition for many courts and agencies in adapting to the new provisions and the inevitable backlog of reports to be dealt with. It should also be noted that when a waiver of disclosure is signed, the examiner panel is still obliged to discuss the allegations upon which the offense severity rating is based, and the information relied upon in assessing the salient factor, during the course of the hearing, regardless of whether actual documentary disclosure has taken place. See § 2.13 (a). Prisoners declining to waive are either heard without the Commission considering the report, or are continued to the next docket pending receipt of clearance. Continuances have been ordered in very few cases and only when absolutely necessary. If such a continuance is ordered, the Commission attempts to obtain a disclosable report by the next hearing docket (sixty days).

This comment also urged that presentence investigation reports be disclosed unless appropriate notice is given that disclosure is not authorized. The Commission does not believe that it has the legal authority to disclose a presentence report without the Court's express permission. Unless the court authorizes disclosure (including summarization of material withheld), the new law prevents the Commission from considering the report absent a signed waiver of disclosure from the prisoner.

The comment also criticized the interpretation that whenever a summary of withheld information is given to the prisoner, the Commission may consider the original information in full. However, this practice is in keeping not only with the plain meaning of section 4208, but also with present practice under Rule 32, which we take as a reliable guide to the interpretation of section 4208.

Finally, the comment urged that the regulation require that prisoners be given written notice of their disclosure rights upon arrival at the institution. The Commission has accepted this proposal and will include a general explanation of the disclosure provisions in the parole handbook to be made available to prisoners upon arrival at the institution.

Another comment suggested that in order to focus the prisoner's review of his file on the information relevant to the guideline evaluation, the Commission require that the prisoner be given a tentative guideline evaluation at some point prior to his hearing. With regard to the information concerning the salient factor score, the prisoner is presently afforded the opportunity to give his version of the relevant factors through completion of the Commission's Form I–32 (Inmate Background Statement). This form is completed with the aid of the prisoner's caseworker at the time of initial classification. The Commission believes that sending the prisoner a tentative salient factor score would be of little additional help to the prisoner, and would be an unproductive use of the Commission's hearing examiners, who already assess the salient factor score following a thorough examination of the file at the prisoner's initial, in-person parole hearing. Moreover, the Commission does not believe that sending the prisoner a tentative severity rating is necessary to impress upon the prisoner the importance of the information in his file concerning his offense behavior. Assessing the severity of a prisoner's offense behavior, including the weighing of mitigating or aggravating circumstances, is an important task that should be accomplished only after the most thorough review of the file, and does not lend itself to summary, tentative evaluation.

Comments received from some prisoners complained that access to documents was not automatically provided thirty days (one recommended six months) prior to a parole hearing. The rule, however, permits the prisoner to request disclosure of his file at any time during his incarceration. Thus, an eligible prisoner can prepare for his hearing well in advance of the notice sent when the docket is actually formed (usually a month before the hearing), which advises him of the hearing date and of his right to seek disclosure.

One comment also proposed that the rule permit the prisoner to submit documents at the hearing. This is already the practice and is understood to be a basic part of the concept of a hearing. See § 2.19(b).

Finally, another comment proposed that the Commission consider comments from defense attorneys as well as prosecuting attorneys. The Commission has always given careful consideration to such comments, when specifically addressed to the parole proceeding. Attorneys should not merely submit documents already submitted to the trial court.

(2) *The statement of reasons*—§ 2.13. One comment proposed that the Commission's reasons for parole denial specify the information upon which each of the nine salient factor items is based, in addition to its present practice of informing the prisoner of exactly how many points were given (and therefore, its precise conclusions) on each of the items. This proposed requirement, being essentially a duplication of the hearing record, would have the doubtful purpose of telling the prisoner what he has already learned at the hearing. The proposal misses the purpose of a statement of reasons, which is to inform the prisoner of what conclusions the Commission has drawn from the record. See *Zannino* v. *Arnold*, 531 F.2d 687 (3d Cir. 1976). Moreover, the relevant statutory provision requires a summary of supporting information only when a decision is rendered above or below the guideline range: (18 U.S.C. 4206(c)).

(3) *Withheld good time and parole*—§ 2.6. A number of comments expressed concern that a prisoner whose good time has been withheld could not be paroled until it was restored, thus placing his parole at the discretion of the institution staff. Withholding of good time, unlike forfeiture, does not in itself indicate a serious violation of institution rules. The Commission will sometimes parole (when there are factors which outweigh the misconduct) prisoners whose good time has been withheld. Furthermore, the Bureau of Prisons follow the procedures required by the Supreme Court in *Wolff* v. *McDonnell*, 418 U.S. 908 (1974), in withholding as well as in forfeiting any good time, and provides several levels of administrative review, through its grievance procedure, of any good time felt to be improperly withheld or withheld for a disproportionate period of time. While some comments also criticized the Commission's unwillingness to parole prisoners with forfeited good time, we believe that the rule is self-explanatory in this regard.

(4) *The appeal process*—§§ 2.25 and 2.26. One comment raised the question whether the permissible grounds for an administrative appeal at § 2.25(f) preclude the prisoner from alleging that the Commission has not followed its own regulations. The Commission interprets § 2.25(f) broadly. If the prisoner alleges that a procedural defect in the handling of his case has caused some actual prejudice to him (i.e. that a different decision on the merits of the case would have been made absent the alleged error), the Commission would give careful consideration to his appeal.

(5) *Protection of the public in the paroling process.* Several comments expressed concern that the Parole Commission and Reorganization Act liberalizes the standards for parole release and shifts the burden of proof from the prisoner to the Commission in determining how long he should remain incarcerated. While the new law does impose increased procedural burdens on the Commission in carrying out its functions, it does not prevent the Commission from adequately protecting the public welfare. It is noted that certain of these comments relate to provisions of the Act itself, rather than the rules applying the Act.

Turning to the concern that the new parole criteria effect a change, it should be emphasized that the criteria for parole at 18 U.S.C. 4206 are fundamentally the same as those in the former 18 U.S.C. 4203. These criteria permit the Commission to give proper weight to all the traditional purposes of a prison sentence. The discretion of the Commission to grant or to deny parole under these criteria is unaffected by any presumptions either for or against suitability for release on parole.

While one feature of the new law does narrow the permissible grounds for parole denial (in the case of prisoners serving sentences of five years or more who reach the two-thirds point of their sentences), that section reduces only by a matter of a few months the mandatory release dates that such prisoners would ordinarily receive with accumulation of good time under 18 U.S.C. 4163. A prisoner who has forfeited good time will not be paroled at the two-thirds date, since serious or frequent violations of the institution rules preclude parole under that section: (18 U.S.C. 4206(d)). Moreover, if the Commission finds that there is a reasonable probability that the prisoner may commit any crime, the Commission may deny his parole for that reason alone.

In addition, the concern was raised that the provision for early release from parole (after five years under supervision) would result in increased jeopardy to the public in the case of the sophisticated offender who can live through five years by subterfuge, without making genuine progress. However, 18 U.S.C. 4211 provides the Commission with authority to maintain supervision past five years if there is a likelihood that the parolee will engage in conduct violating the law. Hopefully, this authority will be sufficient to enable the Commission to single out the professional criminal skilled at eluding law enforcement. In such cases, a correct evaluation of the offense behavior and prior record will lead to the conclusion that the public welfare requires continued supervision. See Senate Conf. Rep. No. 94–468, 94th Cong., 2d Sess., 3 U.S. Code Cong. and Admin. News, 583 (1976).

(D) CONCLUSION

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below, effective October 4, 1976.

Dated: August 27, 1976.

Approved: August 27, 1976.

MAURICE H. SIGLER,
Chairman,
United States Parole Commission.

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AUTHORITY: 28 CFR Chapter 1, Part O, Subpart I, and (18 U.S.C. 3655, 4164, 4201–4218, 4254–5, and 5005–5041).

§ 2.1 Definitions.

As used in this part:

(a) The term "Commission" refers to the United States Parole Commission.

(b) The term "Commissioner" refers to members of the United States Parole Commission.

(c) The term "National Appeals Board" refers to the Vice Chairman of the Commission and two additional Commissioners who are assigned in the headquarters office of the Commission in Washington, D.C. The Chairman of the Commission functions as a member of the National Appeals Board in the absence or vacancy of the Vice Chairman or other member of the National Appeals Board.

(d) The term "National Commissioners" refers to the Chairman of the Commission and the three members of the National Appeals Board.

(e) The term "Regional Commissioner" refers to Commissioners assigned to the Commission's regional offices.

(f) The term "eligible prisoner" refers to any Federal prisoner eligible for parole pursuant to this Part and includes any Federal prisoner whose parole has been revoked and who is not otherwise ineligible for parole.

(g) The term "parolee" refers to any Federal prisoner released on parole or as if on parole pursuant to 18 U.S.C. 4164 or 4205(f). The term "mandatory release" refers to release pursuant to 18 U.S.C. 4163 and 4164.

(h) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms as used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part O, Subpart V of Title 28 of the Code of Federal Regulations.

§ 2.2 Eligibility for parole; adult sentences.

(a) Unless otherwise provided by statute, a Federal prisoner confined and serving a definite term or terms of more than one year is eligible for parole consideration after serving one-third of such term or terms or after serving ten years of a life sentence or of a sentence of over thirty years (18 U.S.C. 4205(a)).

(b) A Federal prisoner who has been sentenced to a maximum term of more than one year is, if the court has designated a minimum term, which may be less than but not more than one-third of the maximum sentence imposed, eligible for parole consideration after service of the minimum term (18 U.S.C. 4205(b)(1)). In cases in which the court designates only a maximum term and specifies that the Commission may release or parole at any time, the prisoner may be released on parole in the discretion of the Commission (18 U.S.C. 4205(b)(2)).

(c) A Federal prisoner sentenced to a maximum term or terms of at least six months but not more than one year prior to May 14, 1976 is eligible for parole consideration after service of one-third of such term or terms.

(d) A Federal prisoner sentenced under 18 U.S.C. 924(a) or 26 U.S.C. 5871 for violation of Federal gun control laws is eligible for parole consideration as if sentenced under 18 U.S.C. 4205(b)(2).

(e) A Federal prisoner committed under 18 U.S.C. 3651 for a period of six months or less with a period of probation to follow is not eligible for parole.

§ 2.3 Same; Narcotic Addict Rehabilitation Act.

A Federal prisoner committed under the Narcotic Addict Rehabilitation Act is eligible for parole consideration after at least six months in treatment, not including any period of time for "study" prior to final judgment of the court. Before parole is ordered by the Commission, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative must also report to the Commission whether the prisoner should be released. Recertification by the Surgeon General prior to reparole consideration is required (18 U.S.C. 4254).

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§ 2.4 Same; juvenile delinquents.

A committed juvenile delinquent may be released on parole at any time in the discretion of the Commission (18 U.S.C. 5041).

§ 2.5 Same; youth offenders.

A committed youth offender may be released on parole at any time in the discretion of the Commission (18 U.S.C. 5017(a)).

§ 2.6 Withheld and forfeited good time.

(a) While neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from receiving a parole hearing, § 4206 of Title 18 of the United States Code permits the Commission to parole only those prisoners who have substantially observed the rules of the institution.

(b) Forfeiture of statutory good time not restored shall be deemed, in itself, to indicate that the prisoner has violated the rules of the institution to a serious degree.

§ 2.7 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until payment of the fine, or until the fine commitment order is discharged according to law as follows:

(a) An indigent prisoner may make application to a U.S. Magistrate in the District wherein he is incarcerated or to the chief executive officer of the institution setting forth, under the institutional regulations, his inability to pay such fine; if the magistrate or chief executive officer shall find that the prisoner, having no assets exceeding $20 in value except such as are by law exempt from being taken on execution for debt, is unable to pay the fine, and if the prisoner takes a prescribed oath of indigency, he shall be discharged from the commitment obligation of the committed fine sentence.

(b) If the prisoner is found to possess assets in excess of the exemption in paragraph (a) of this section, nevertheless if the chief executive officer of the institution or U.S. Magistrate shall find that retention of all such assets is reasonably necessary for his support or that of his family, upon taking of the prescribed oath concerning his assets the prisoner shall be discharged from the commitment obligation of the committed fine sentence. If the chief executive officer of the institution or U.S. Magistrate shall find that retention by the prisoner of any part of his assets is reasonably necessary for his support or that of his family, the prisoner upon taking of the prescribed oath concerning his assets, shall be discharged from the commitment obligation of the committed fine sentence upon payment on account of his fine or that portion of his assets in excess of the amount found to be reasonably necessary for his support or that of his family.

(c) Discharge from the commitment obligation of any committed fine does not discharge the prisoner's obligation to pay the fine as a debt due the United States.

§ 2.8 Mental competency proceedings.

(a) Whenever a prisoner or parolee is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners or other official(s) (including a U.S. Probation Officer) designated by the Commission.

(b) At the competency hearing, the hearing examiners or designated official(s) shall receive oral or written psychiatric or psychological testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence, and personal observation of the prisoner. If the examiner panel or designated official(s) determines that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be temporarily postponed.

(c) Whenever the hearing examiners or designated official(s) determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Commissioner for review. If the Regional Commissioner concurs with their findings, he shall order the temporarily postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner or parolee has recovered sufficiently to understand the nature of and participate in the proceedings and, in the case of a parolee, may order such parolee transferred to a Bureau of Prison's facility for further examination. In any such case, the Regional Commissioner shall require a progress report on the mental health of the prisoner at least every six months. When the Regional Commissioner determines that the prisoner has recovered sufficiently, he shall reschedule the hearing for the earliest feasible date.

(d) If the Regional Commissioner disagrees with the findings of the hearing examiners or designated official(s) as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

§ 2.9 Study prior to sentencing.

(a) When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing, under the provisions of 18 U.S.C. 4205(c), the report to the sentencing court is prepared and submitted directly by the United States Bureau of Prisons.

(b) The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Commission shall report its findings to the court (18 U.S.C. 5010(e)).

§ 2.10 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for service of the sentence: *Provided, however*, That any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run and continues to run uninterruptedly from the date of conviction, except when such offender is on bail pending appeal or is in escape status.

§ 2.11 Application for parole.

(a) A federal prisoner (including a committed youth offender or prisoner sentenced under the Narcotic Addict Rehabilitation Act) desiring to apply for parole shall execute an application form as prescribed by the Commission. Such forms shall be available at each federal institution and shall be provided to prisoners eligible for parole. Prisoners committed under the Federal Juvenile Delinquency Act shall be considered for parole without application and may not waive parole consideration. A prisoner who receives an initial hearing need not apply for subsequent hearings.

(b) A prisoner may knowingly and intelligently waive any parole consideration on a form provided for that purpose. If a prisoner waives parole consideration, he may later apply for parole and may be heard during the next visit of the Commission to the institution at which he is confined, provided that he has applied at least 45 days prior to the first day of the month in which such visit of the Commission occurs.

(c) A prisoner who fails to submit either an application for parole or a waiver form shall be referred to the Commission's representatives by the chief executive officer of the institution. The prisoner shall then receive an explanation of his right to apply for parole at a later date.

(d) In addition to the above procedures relating to parole application, all prisoners prior to initial hearing shall be provided with an inmate background statement by the Bureau of Prisons for completion by the prisoner.

§ 2.12 Hearing procedure.

(a) Whenever feasible, the initial parole determination hearing for an eligible prisoner shall be held at least 30 days prior to the expiration of his minimum sentence, or in the case of a prisoner with no minimum sentence within one-hundred and twenty days after his reception at a federal institution. The prisoner shall, at least 30 days prior to the hearing, be provided with written notice of the time and place of the hearing and of his right to review the documents to be considered by the Commission as provided by § 2.55. A prisoner may waive such notice, except that if such notice is not waived, the case shall be continued to the time of the next regularly scheduled proceeding of the Commission at the institution in which the prisoner is confined.

(b) A prisoner may be represented at a hearing by a person of his choice. The function of the prisoner's representative shall be to offer a statement at the conclusions of the interview of the prisoner by the examiner panel, and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(c) No interviews with the Commission or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Commission procedures. Hearings shall not be open to the public.

§ 2.13 Initial hearing.

(a) An initial hearing shall be conducted by a panel of two hearing examiners. The examiners shall discuss with the prisoner his offense severity rating and salient factor score as described in § 2.20, his institutional conduct and, in addition, any other matter the panel may deem relevant. At the conclusion of the hearing, the panel shall orally inform the prisoner of its recommendation and, if such recommendation is for denial, of the reasons therefor.

(b) Written notice of the official decision, or the decision to refer under § 2.17 or § 2.24, shall be mailed or transmitted to the prisoner within 21 days of the date of the hearing, except in emergencies.

(c) If parole is denied, the prisoner shall also receive in writing the reasons therefor. In accordance with 18 U.S.C. 4206, reasons for parole denial may include the following, with further specification as appropriate:

(1) The prisoner has not substantially observed the rules of the institution or institutions in which confined;

(2) Release, in the opinion of the Commission, would depreciate the seriousness of the offense or promote disrespect for the law; or

(3) Release, in the opinion of the Commission, would jeopardize the public welfare.

In lieu of, or in combination with, the above reasons the prisoner shall be furnished with a guidelines evaluation statement containing his offense severity rating and salient factor score (including the points credited on each item of such score) as described in § 2.20, as well as the specific factors and information relied upon for any decision to continue such prisoner for a period outside the range indicated by the guidelines.

(d) A full and complete record of every hearing shall be retained by the Commission. Upon a request, pursuant to § 2.55, the Commission shall make available to any eligible prisoner such record as the Commission has retained of the hearing.

§ 2.14 Subsequent hearings.

(a) Subsequent hearings shall be conducted under the same procedure as initial hearings, except that the primary purpose of a subsequent hearing shall be to focus on any developments or changes in the prisoner's status that may have occurred subsequent to the initial hearing.

(b) During the month preceding a regularly scheduled institutional review hearing the case may be reviewed by an examiner panel on the record (including a current institutional progress report). If the recommendation is to grant parole, and the Regional Commissioner concurs, no hearing shall be conducted. However, cases in which the previous continuance has been limited by statute or Commission policy shall be placed directly on the docket for hearing.

(c) Notification of subsequent decisions shall be given as set forth at § 2.13(b).

(d) No prisoner shall be continued without further review for more than (1) 18 months in the case of the prisoner with a term or terms of less than 7 years, or (2) 24 months in the case of a prisoner with a term or terms of 7 years or longer.

(e) A prisoner sentenced under the Youth Corrections Act or Federal Juvenile Delinquency Act or a prisoner sentenced to a maximum term of more than 18 months under 18 U.S.C. 4205 (b)(2), 18 U.S.C. 924, or 26 U.S.C. 5871 shall not be continued past one-third of his maximum sentence at an initial hearing without further hearing upon completion of one-third of his maximum sentence (except in cases where there is less than four months between the date of the initial hearing and the one-third date).

§ 2.15 Petition for consideration of parole prior to date set at hearing.

When a prisoner has served the minimum term of imprisonment required by law, the Bureau of Prisons may petition the responsible Regional Commissioner for reopening the case under § 2.28 and consideration of parole prior to the date set by the Commission at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or the existence of other extraordinary circumstances that would warrant consideration of early parole.

§ 2.16 Parole of prisoner in state, local, or territorial institution.

(a) Any person who is serving a sentence of imprisonment for any offense against the United States, but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Commission on the same terms and conditions, by the same authority, and subject to recommittal for the violation of such parole, as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

(b) Federal prisoners serving concurrent state and Federal sentences in state, local, or territorial institutions shall be furnished upon request parole application forms. Upon receipt of the application and any supplementary classification material submitted by the institution, parole consideration shall be made by an examiner panel of the appropriate region on the record only. If such prisoner is released from his state sentence prior to a Federal grant of parole, he shall be given a personal hearing as soon as feasible after receipt at a Federal institution.

(c) Prisoners who are serving Federal sentences exclusively but who are being boarded in state, local or territorial institutions may be provided hearings at such facilities or may be transferred by the Bureau of Prisons to Federal Institutions for hearings by examiner panels of the Commission.

§ 2.17 Original jurisdiction cases.

(a) A Regional Commissioner may designate certain cases for decision by a quorum of Commissioners as described below, as original jurisdiction cases. In such instances, he shall forward the case with his vote, and any additional comments he may deem germane, to the National Commissioners for decision. Decisions shall be based upon the concurrence of three votes with the appropriate Regional Commissioner and each National Commissioner having one vote. Additional votes, if required, shall be cast by the other Regional Commissioners on a rotating basis as established by the Chairman of the Commission.

(b) The following criteria will be used in designating cases as original jurisdiction cases:

(1) Prisoners who have committed serious crimes against the security of the Nation, e.g., espionage or aggravated subversive activity.

(2) Prisoners whose offense behavior: (A) Involved an unusual degree of sophistication or planning or (B) Was part of a large scale criminal conspiracy of a continuing criminal enterprise.

(3) Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or his victim.

(4) *Long-term sentences.* Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

(c)(1) Any case designated for the original jurisdiction of the Commission shall remain an original jurisdiction case unless designation is removed pursuant to this subsection.

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(2) A case found to be inappropriately designated for the Commission's original jurisdiction, or to no longer warrant such designation, may be removed from original jurisdiction under the procedures specified in paragraph (a) of this section following a regularly scheduled hearing or the reopening of the case pursuant to § 2.28. Removal from original jurisdiction may also occur by majority vote of the Commission considering an appeal pursuant to § 2.27. Where the circumstances warrant, a case may be redesignated as original jurisdiction pursuant to the provisions of paragraphs (a) and (b) of this section.

§ 2.18 Granting of parole.

The granting of parole to an eligible prisoner rests in the discretion of the United States Parole Commission. As prerequisites to a grant of parole, the Commission must determine that the prisoner has substantially observed the rules of the institution or institutions in which he has been confined; and upon consideration of the nature and circumstances of the offense and the history and characteristics of the prisoner, must determine that release would not depreciate the seriousness of his offense or promote disrespect for the law, and that release would not jeopardize the public welfare (i.e., that there is a reasonable probability that, if released, the prisoner would live and remain at liberty without violating the law or the conditions of his parole).

§ 2.19 Information considered.

(a) In making a determination under this chapter (relating to release on parole) the Commission shall consider, if available and relevant:

(1) Reports and recommendations which the staff of the facility in which such prisoner is confined may make;

(2) Official reports of the prisoner's prior criminal record, including a report or record of earlier probation and parole experiences;

(3) Presentence investigation reports;

(4) Recommendations regarding the prisoner's parole made at the time of sentencing by the sentencing judge and prosecuting attorney; and

(5) Reports of physical, mental, or psychiatric examination of the offender.

(b) There shall also be taken into consideration such additional relevant information concerning the prisoner (including information submitted by the prisoner) as may be reasonably available (18 U.S.C. 4207). The Commission encourages the submission of relevant information concerning an eligible prisoner by interested persons.

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Parole Commission has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) Guidelines for reparole consideration are set forth at § 2.21.

(g) The Commission shall review the guidelines, including the salient factor score, periodically and may revise or modify them at any time as deemed appropriate.

Adult

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Marihuana or soft drugs, simple possession (small quantity, for own use). Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 18 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Forgery/fraud (less than $1,000) Immigration law violations Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 28 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs" possession with intent to distribute/sale (less than $500). Embezzlement (less than $20,000) Firearms Act, possession/purchase/sale (single weapon—not sawed-off shotgun or machine gun). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggling/Transporting of Aliens Theft/forgery/fraud (1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 32 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000-$100,000). Counterfeiting (manufacturing) Drugs: Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Embezzlement ($20,000 to $100,000) Explosives, possession/transportation Firearms Act, possession/purchase sale (sawed-off shotgun(s), machine gun(s), or multiple weapons). Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	16 to 20 mo.	20 to 26 mo.	26 to 34 mo.	34 to 44 mo.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000). Extortion Mann Act (force) Sexual act (force)	26 to 36 mo.	36 to 48 mo.	48 to 60 mo.	60 to 72 mo.

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnapping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 d (1 mo) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes. "Soft drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and hashish.

Youth and NARA

[Guidelines for decisionmaking, customary total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Marihuana or soft drugs, simple possession (small quantity, for own use). Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 18 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Forgery/fraud (less than $1,000) Immigration law violations Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 26 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession with intent to distribute/sale (less than $500). Embezzlement (less than $20,000) Firearms Act, possession purchase sale (single weapon—not sawed-off shotgun or machine gun). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggling/Transporting of Aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	9 to 13 mo.	13 to 17 mo.	17 to 21 mo.	21 to 28 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing possession $20,000-$100,000). Counterfeiting (manufacturing) Drugs: Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Embezzlement ($20,000 to $100,000) Explosives, possession/transportation Firearms Act, possession purchase sale (sawed-off shotgun(s); machine gun(s), or multiple weapons). Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	12 to 16 mo.	16 to 20 mo.	20 to 26 mo.	26 to 32 mo.

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Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score) Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
VERY HIGH				
Robbery (weapon or threat)	20 to 27 mo.	27 to 34 mo.	34 to 41 mo.	41 to 48 mo.
Drugs: "Hard drugs" (possession with intent to distribute sale) (no prior conviction for sale of "hard drugs").				
"Soft drugs", possession with intent to distribute sale (over $5,000).				
Extortion				
Manslaughter (force)				
Sexual act (force)				
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aircraft hijacking				
Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs").				
Espionage				
Explosives (detonation)				
Kidnaping				
Willful homicide				

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 d (1 mo) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes. "Soft drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and hashish.

SALIENT FACTOR SCORE

Case name _____ Register No. _____

Item A	No prior convictions (adult or juvenile) = 2 One or two prior convictions = 1 Three or more prior convictions = 0	☐
Item B	No prior incarcerations (adult or juvenile) = 2 One or two prior incarcerations = 1 Three or more prior incarcerations = 0	☐
Item C	Age at first commitment (adult or juvenile) 18 years or older = 1 Otherwise = 0	☐
Item D	Commitment offense did not involve auto theft = 1 Otherwise = 0	☐
Item E	Never had parole revoked or been committed for a new offense while on parole = 1 Otherwise = 0	☐
Item F	No history of heroin or opiate dependence = 1 Otherwise = 0	☐
Item G	Has completed 12th grade or received GED (prior to this commitment) = 1 Otherwise = 0	☐
Item H	Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1 Otherwise = 0	☐
Item I	Release plan to live with spouse and/or children = 1 Otherwise = 0	☐
Total score		☐

§ 2.21 Reparole consideration guidelines.

(a) If revocation is based upon administrative violation(s) only [i.e., violations other than new criminal conduct] the following guidelines shall apply.

	Customary time to be served before rerelease (months)
Positive supervision history (examples): a. No serious alcohol/drug abuse and no possession of weapon(s) [and] b. At least 8 months from date of release to date of violation behavior [and] c. Positive employment/school record during supervision [and] d. Present violation represents first instance of failure to comply with parole regulations of this term	0–8
Negative supervision history (examples): a. Serious alcohol/drug abuse (e.g. readdiction to hard drugs) or possession of weapon(s) [or] b. Less than 8 months from date of release to date of violation behavior [or] c. Negative employment/school record during supervision [or] d. Negative attitude toward supervision demonstrated by lack of positive efforts to cooperate with parole (aftercare) plan or by repetitious or persistent violations	8–16

(b)(1) If a finding is made that the prisoner has engaged in behavior constituting new criminal conduct, the appropriate severity rating for the new criminal behavior shall be calculated. New criminal conduct may be determined either by a new federal, state, or local conviction or by an independent finding by the Commission at revocation hearing. As violations may be for state or local offenses, the appropriate severity level may be determined by analogy with listed federal offense behaviors.

(2) The guidelines for parole consideration specified at 28 CFR 2.20 for the poor parole risk category shall then be applied. The original sentence type (i.e., adult, youth) shall determine the applicable guidelines for the parole violator term. Time served on a new state or federal sentence shall be credited as time in custody.

(c) The above are merely guidelines. A decision outside these guidelines (either above or below) may be made when circumstances warrant. For example, violations of an assaultive nature, or violations by a person with a history of assaultive conduct or by a person with a history of repeated parole failure may warrant a decision above the guidelines. minor offense(s) (e.g., traffic infractions, disorderly conduct) shall normally be treated under administrative violations.

§ 2.22 Communication with the Commission.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Commission must submit a written request to the appropriate regional office setting forth the nature of the information to be discussed. Such personal interview may be conducted by Staff Personnel in the regional offices. Personal interviews, however, shall not be held by an examiner or member of the Commission except under the Commission's appeals procedures.

§ 2.23 Delegation to hearing examiners.

(a) There is hereby delegated to hearing examiners the authority necessary to conduct hearings and make recommendations relative to the grant or denial of parole or reparole, revocation or reinstatement of parole or mandatory release, and conditions of parole.

(b) Hearing examiners shall function as two-man panels except as provided by §§ 2.43 and 2.47 and the concurrence of two examiners shall be requested for their recommendation. In the event of a divided recommendation by the panel, the appropriate regional Administrative hearing Examiner shall cast the deciding vote.

(c) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraph (b) of this section will be referred to another hearing examiner.

(d) A recommendation of a hearing examiner panel shall become an effective Commission decision upon review at the Regional Office and docketing, unless action is initiated by the regional Commissioner pursuant to § 2.24.

§ 2.24 Review of panel recommendation by the Regional Commissioners.

(a) A Regional Commissioner may review the recommendation of any examiner panel and refer this recommendation, prior to written notification to the prisoner, with his recommendation and vote to the National Commissioners for consideration and any action deemed appropriate. Written notice of this referral action shall be mailed or transmitted to the prisoner within twenty-one days of the date of the hearing. The Regional Commissioner and each National Commissioner shall have one vote and decisions shall be based upon the concurrence of two votes. Action shall be taken by the National Commissioners within thirty days of the date of referral action by the Regional Commissioner, except in emergencies.

(b) Notwithstanding the above, a Regional Commissioner may, on the motion of the Administrative Hearing Examiner, modify the recommendation of a hearing examiner panel that is outside the guidelines to bring such decision closer to or to the nearer limit of the appropriate guideline range.

§ 2.25 Regional appeal.

(a) A prisoner or parolee may submit to the responsible Regional Commissioner a written appeal of a decision to grant, rescind, deny, or revoke, parole, except that an appeal of a Commission decision pursuant to § 2.17 shall be pursuant to § 2.27. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision.

(b) The Regional Commissioner may affirm the decision, order a new institutional hearing on the next docket, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of a decision or the modification of a decision by more than one hundred eighty days whether based upon the record or following a regional appellate hearing shall require the concurrence of two out of three Regional Commissioners. Decisions requiring a second or additional vote shall be referred to other Regional Commissioners on a rotating basis as established by the Chairman.

(c) Regional appellate hearings may be held at the regional office before the Regional Commissioner. If a regional appellate hearing is ordered, attorneys, relatives, and other interested parties who wish to appear must submit a written request to the Regional Commissioner stating their relationship to the prisoner and the general nature of the information they wish to present. The Regional Commissioner shall determine if the requested appearances will be permitted. The prisoner shall not appear personally.

(d) Within 30 days of receipt of the appeal, except in emergencies, the Regional Commissioner shall inform the applicant in writing of the decision and the reasons therefor.

(e) If no appeal is filed within thirty days of the date of the entry of the original decision, such decision shall stand as the final decision of the Commission.

(f) Appeals under this section may only be based upon the following grounds:

(1) The reasons given for a denial or continuance do not support the decision; or

(2) There was significant information in existence but not known at the time of the hearing.

§ 2.26 Appeal to National Appeals Board.

(a) Within 30 days of entry of a Regional Commissioner's decision under § 2.25, a prisoner or parolee may appeal to the National Appeals Board on a form provided for that purpose. However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appeals Board. The National Appeals Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institutional or regional level.

(b) The National Appeals Board shall act within 60 days of receipt of the appellant's papers, to affirm, modify, or reverse the decision.

(c) Decisions of the National Appeals Board shall be final.

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appeals Board Analyst, United States Parole Commission, 320 First Street, N.W., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the Commission at its next quarterly meeting. A quorum of five Commissioners shall be required and all decisions shall be by majority vote. The Chairman shall vote on the decision only in the absence of a Commissioner. This appellate decision shall be final.

(b) Attorneys relatives, or other interested parties who wish to speak for or against parole at such consideration must submit a written request to the Chairman of the Commission stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested appearances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the decision under § 2.17, that decision shall stand as the final decision of the Commission.

§ 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Commissioner may, on his own motion, reopen a case at any time upon the receipt of new information of substantial significance and may then take any action authorized under the provisions and procedures of § 2.25. Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Commissioner under the procedures of § 2.17.

§ 2.29 Release on parole.

(a) A grant of parole shall not be deemed to be effective until a certificate of parole has been delivered to the prisoner.

(b) Parole release dates generally will not be set more than six months from

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the date of the parole hearing. Residence in a Community Treatment Center as part of a parole release plan generally shall not exceed one hundred and twenty days. An effective date of parole shall not be set for a Saturday, Sunday, or a legal holiday.

(c) When an effective date of parole has been set by the Commission, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for parole supervision. The appropriate Regional Commissioner may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. A parole grant may be retarded for up to one hundred and twenty days without a hearing for development and approval of release plans.

§ 2.30 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given to or withheld from the Commission. If evidence comes to the attention of the Regional Commissioner that a prisoner willfully concealed or misrepresented information deemed significant, the Regional Commissioner may initiate action pursuant to § 2.34(b) to determine whether such parole should be revoked or rescinded.

§ 2.31 Parole to detainers; statement of policy.

(a) Where a detainer is lodged against a prisoner, the Commission may grant parole if the prisoner in other respects meets the criteria set forth in § 2.18. The presence of a detainer is not in itself a valid reason for the denial of parole.

(b) The Commission will cooperate in working out arrangements for concurrent supervision with other jurisdictions where it is feasible and where release on parole appears to be justified.

§ 2.32 Parole to local or immigration detainers.

(a) When a state or local detainer is outstanding against a prisoner whom the Commission wishes to parole, the Commission may order either of the following:

(1) "Parole to the actual physical custody of the detaining authorities only." In this event, release is not to be effected except to the detainer. When such a detainer is withdrawn, the prisoner is not to be released unless and until the Commission makes a new order of parole.

(2) "Parole to the actual physical custody of the detaining authorities or an approved plan." In this event, release is to be effected even though the detainer might be withdrawn, providing there is an acceptable plan for community supervision.

(b) When the Commission wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Commission may order one of the following:

(1) "Parole for deportation only." In this event, release is not to be effected unless immigration officials make full arrangements for deportation immediately upon release.

(2) "Parole to the actual physical custody of the immigration authorities only." In this event, release is not to be effected unless immigration officials take the prisoner into custory—regardless of whether or not deportation follows:

(3) "Parole to the actual physical custody of the immigration authorities or an approved plan." In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

(c) As used in this section "parole to a detainer" means release to the "physical custody" of the authorities who have lodged the detainer. Temporary detention in a jail in the county where the institution of confinement is located does not constitute release on parole to such detainer. If the authorities who lodged the detainer do not take the prisoner into custody for any reason, he shall be returned to the institution to await further order of the Commission.

§ 2.33 Release of plans.

(a) A grant of parole is conditioned upon the approval of release plans by the Regional Commissioner. In general, the following factors are considered as elements in the prisoner's release plan.

(1) Availability of legitimate employment and an approved residence for the prospective parolee; and

(2) Availability of necessary aftercare for a parolee who is ill or who requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Commission is satisfied that another place of residence will serve the public interest more effectively or will improve the probability of the applicant's readjustment.

(c) Where the circumstances warrant, the Commission on its own motion, or upon recommendation of the probation officer, may require that an adviser who is a responsible, reputable, and law-abiding citizen living in or near the community in which the releasee will reside be available to the releasee. Such advisor shall serve under the direction of and in cooperation with the probation officer to whom the parolee is assigned.

§ 2.34 Rescission of parole.

(a) When an effective date of parole or mandatory parole has been set by the Commission, release on that date shall be conditioned upon continued good conduct by the prisoner. If a prisoner has been granted parole and has subsequently been charged with institutional misconduct sufficient to become a matter of record, the Regional Commissioner shall be advised promptly of such misconduct. The prisoner shall not be released until the institution has been notified that no change has been made in the Commissioner's order to parole.

(1) Upon receipt of information that a prisoner has violated the rules of the institution, the Regional Commissioner may retard the parole grant for up to sixty days without a hearing or may retard the parole grant and schedule the case for a rescission hearing. If the prisoner was confined in a Federal prison at the time of the order retarding parole, the rescission hearing shall be scheduled for the next docket of parole hearings at the institution. If the prisoner was residing in a Federal community treatment center or a state or local halfway house, the rescission hearing shall be scheduled for the first docket of parole hearings after return to a Federal institution. When the prisoner is given written notice of the Commission action retarding parole, he shall be given notice of the charges of misconduct to be considered at the rescission hearing. The purpose of the rescission hearing shall be to determine whether rescission of the parole grant is warranted. At the rescission hearing the prisoner may be represented by a person of his choice and may present documentary evidence.

(2) An institution discipline committee hearing conducted by the institution resulting in a finding that the prisoner has violated the rules of his confinement, may be relied upon by Commission as conclusive evidence of institutional misconduct.

(3) If the parole grant is rescinded, the prisoner shall be furnished a written statement of the findings of misconduct and the evidence relied upon.

(b)(1) Upon receipt of new information adverse to the prisoner regarding matters other than institutional misconduct, the Regional Commissioner may refer the case to the National Commissioners under the procedures of 2.17(a) with his recommendation and vote, to retard a previously granted parole. If parole is retarded the case shall be scheduled for a hearing on the next docket of parole hearings or at the first docket of parole hearings following return to a federal institution.

(2) The prisoner shall be given notice of the nature of the new adverse information upon which the rescission consideration is to be based. The hearing shall be conducted in accordance with the procedures set out in §§ 2.12 and 2.13. The purpose of the hearing shall be to determine if the parole grant should be rescinded or if a new parole date should be established.

§ 2.35 Mandatory release in the absence of parole.

A prisoner shall be mandatorily released by operation of law at the end of the sentence imposed by the court less such good time deductions and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. If released pursuant to 18 U.S.C. 4164, such prisoner shall be released, as if on parole, under supervision until the expiration of the maximum term or terms for which he was sentenced less 180 days. If released pursuant to 18 U.S.C. 4205(f), such prisoner shall remain under supervision until the expiration of the maximum

term or terms for which he was sentenced. Insofar as possible, release plans shall be completed before the release of any such prisoner.

§ 2.36 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be initially released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.37 Reports to police departments of names of parolees; statement of policy.

Names of parolees under supervision will not be furnished to a police department of a community, except as required by law. All such notifications are to be regarded as confidential.

§ 2.38 Community supervision by United States Probation Officers.

(a) Pursuant to sections 3655 and 4203 (b)(4) of Title 18 of the United States Code, United States Probation Officers shall provide such parole services as the Commission may request. In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releasees under the Commission's jurisdiction.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the probation officers of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Commission.

§ 2.39 Jurisdiction of the Commission.

(a) Jurisdiction of the Commission over a parolee shall terminate no later than the date of expiration of the maximum term or terms for which he was sentenced, except as provided by § 2.35, § 2.43, or § 2.52.

(b) The parole of any parolee shall run concurrently with the period of parole or probation under any other Federal, State, or local sentence.

(c) The parole of any prisoner sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

(d) Upon the termination of jurisdiction, the Commission shall issue a certificate of discharge to such parolee and to such other agencies as it may determine.

§ 2.40 Conditions of release.

(a) The conditions of release are printed on the release certificate and are binding regardless of whether the parolee signs the certificate. The following conditions are deemed necessary to provide adequate supervision and to protect the public welfare:

(1) The parolee shall go directly to the district named in the certificate (unless released to the custody of other authorities). Within three days after his arrival, he shall report to his parole adviser, if he has one, and to the United States Probation Officer whose name appears on the certificate. If in any emergency the parolee is unable to get in touch with his parole adviser or his probation officer or his office, he shall communicate with the United States Parole Commission, Washington, D.C. 20537.

(2) If the parolee is released to the custody of other authorities, and after release from the physical custody of such authorities, he is unable to report to the United States Probation Officer to whom he is assigned within three days, he shall report instead to the nearest United States Probation Officer.

(3) The parolee shall not leave the limits fixed by his certificate of parole without written permission from the probation officer.

(4) The parolee shall notify his probation officer within two days of any change in his place of residence.

(5) The parolee shall make a complete and truthful written report (on a form provided for that purpose) to his probation officer between the first and third day of each month, and on the final day of parole. He shall also report to his probation officer at other times as the probation officer directs.

(6) The parolee shall not violate any law, nor shall he associate with persons engaged in criminal activity. The parolee shall get in touch within two days with his probation officer or his office if he is arrested or questioned by a law-enforcement officer.

(7) The parolee shall not enter into any agreement to act as an informer or special agent for any law-enforcement agency.

(8) The parolee shall work regularly unless excused by his probation officer, and support his legal dependents, if any, to the best of his ability. He shall report within two days to his probation officer any changes in employment.

(9) The parolee shall not drink alcoholic beverages to excess. He shall not purchase, possess, use, or administer marihuana or narcotic or other habit-forming drugs, unless prescribed or advised by a physician. The parolee shall not frequent places where such drugs are illegally sold, dispensed, used, or given away.

(10) The parolee shall not associate with persons who have a criminal record unless he has permission of his probation officer.

(11) The parolee shall not have firearms (or other dangerous weapons) in his possession without the written permission of his probation officer, following prior approval of the United States Parole Commission.

(b) The Commission or a member thereof may at any time modify or add to the conditions of release pursuant to this section, on its own motion or on the request of the U.S. Probation Officer supervising the parolee. The parolee shall receive notice of the proposed modification and unless waived shall have ten days following receipt of such notice to express his views thereon. Following such ten day period, the Commission shall have 21 days, exclusive of holidays, to order such modification of or addition to the conditions of release.

(c) The Commission may require a parolee to reside in or participate in the program of a residential treatment center, or both, for all or part of the period of parole.

(d) The Commission may require a parolee, who is an addict, within the meaning of § 4251(a), or a drug dependent person within the meaning of § 2(8) of the Public Health Service Act, as amended, to participate in the community supervision program authorized by § 4255 for all or part of the period of parole.

(e) A parolee may petition the Commission on his own behalf for a modification of conditions pursuant to this section.

(f) The notice provisions of paragraph (b) of this section shall not apply to modification of parole or mandatory release conditions pursuant to a revocation proceeding or pursuant to paragraph (e) of this section.

(g) A parolee may appeal an order to impose or modify parole conditions under the procedures of § 2.25 and § 2.26 as applicable not later than thirty days after the effective date of such conditions.

§ 2.41 Travel by parolees and mandatory releasees.

(a) The probation officer may approve travel outside the district without approval of the Regional Commissioner in the following situations:

(1) Vacation trips not to exceed thirty days.

(2) Trips, not to exceed thirty days, to investigate reasonably certain employment possibilities.

(3) Recurring travel across a district boundary, not to exceed fifty miles outside the district, for purpose of employment, shopping, or recreation.

(b) Specific advance approval by the Regional Commissioner is required for other travel (including travel outside the contiguous forty-eight states, employment more than fifty miles outside the district, and vacations exceeding thirty days). A request for such permission shall be in writing and must demonstrate a substantial need for such travel. In cases falling under the criteria of § 2.17, the concurrence of two out of three Commissioners shall be required to grant such permission.

(c) A special condition imposed by the Regional Commissioner prohibiting certain travel shall supersede any general rules relating to travel as set forth above.

§ 2.42 Probation Officer's Reports to Commission.

A supervision report shall be submitted by the responsible probation officer to the Commission for each parolee or mandatory releasee after the completion of 12 months of continuous supervision and annually thereafter. The probation officer shall submit such additional reports as the Commission may direct.

§ 2.43 Early termination of parole.

(a) (1) Upon its own motion or upon request of the parolee, the Commission

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may terminate supervision, and thus jurisdiction, over a parolee prior to the expiration of his maximum sentence. A committed youth offender may be granted an early termination of jurisdiction (unconditional discharge) at any time after one year of continuous supervision on parole.

(2) Two years after each parolee's release on parole, and at least annually thereafter, the Commission shall review the status of the parolee to determine the need for continued supervision. In calculating such two-year period there shall not be included any period of release on parole prior to the most recent such release, nor any period served in confinement on any other sentence.

(3) Five years after each parolee's release on parole, the Commission shall terminate supervision over such parolee unless it is determined, after a hearing conducted in accordance with the procedures prescribed in 18 U.S.C. 4214(a)(2), that such supervision should not be terminated because there is a likelihood that the parolee will engage in conduct violating any criminal law. Such hearing may be conducted by a hearing examiner or other official designated by the Regional Commissioner.

(4) If supervision is not terminated under paragraph (a)(3) of this section the parolee may request a hearing annually thereafter, and a hearing shall be conducted with respect to such termination of supervision not less frequently than biennially.

(5) In calculating the five-year period referred to in paragraph (a)(3), there shall not be included any period of release on parole prior to the most recent such release or any period served in confinement on any other sentence.

(6) When termination of jurisdiction prior to the expiration of sentence is granted in the case of a youth offender, his conviction shall be automatically set aside. A certificate setting aside his conviction shall be issued in lieu of a certificate of termination.

(b) The Regional Commissioner in the region of supervision may release a parolee from supervision pursuant to this section if warranted by the circumstances of the case and reports of the supervising probation officer. Except that, in the case of a parolee previously considered pursuant to § 2.17, the decision to grant termination of supervision must also be pursuant to the provisions of § 2.17.

(c) A parolee may appeal an adverse decision under paragraphs (a)(3) or (4) of this section pursuant to §§ 2.25, 2.26, or 2.27 as applicable.

§ 2.44 Summons to appear or warrant for retaking of parolee.

(a) If a parolee is alleged to have violated the conditions of his release, and satisfactory evidence thereof is presented, the Commission or a member thereof may:

(1) Issue a summons requiring the offender to appear for a preliminary interview or local revocation hearing.

(2) Issue a warrant for the apprehension and return of the offender to custody.

A summons or warrant may be issued or withdrawn only by the Commission, or a member thereof.

(b) Any summons or warrant under this section shall be issued as soon as practicable after the alleged violation is reported to the Commission, except when delay is deemed necessary. Issuance of a summons or warrant may be withheld until the frequency or seriousness of violations, in the opinion of the Commission, requires such issuance. In the case of any parolee charged with a criminal offense, issuance of a summons or warrant may be withheld, or a warrant may be issued and held in abeyance pending disposition of the charge.

(c) A summons or warrant may be issued only within the prisoner's maximum term or terms except that in the case of a prisoner released as if on parole pursuant to 18 U.S.C. § 4164, such summons or warrant may be issued only within the maximum term or terms, less one-hundred eighty days. A summons or warrant shall be considered issued when signed and placed in the mail at the Commission Heaquarters or appropriate regional office.

(d) The issuance of a warrant under this section suspends the running of a sentence until such time as the parolee may be retaken into custody and a final determination of the charges may be made by the Commission.

(e) A summons or warrant issued pursuant to this section shall be accompanied by a statement of the charges against the parolee, the applicable procedural rights under the Commission's regulations and the possible actions which may be taken by the Commission. A summons shall specify the time and place the parolee shall appear for a revocation hearing. Failure to appear in response to a summons shall be grounds for issuance of a warrant.

§ 2.45 Same, youth offenders.

(a) In addition to the issuance of a summons or warrant pursuant to § 2.44 above, the Commission or a member thereof, when of the opinion that a youth offender will be benefitted by further treatment in an institution or other facility, may direct his return to custody or issue a warrant for his apprehension and return to custody.

(b) Upon his return to custody, such youth offender shall be scheduled for a revocation hearing.

§ 2.46 Execution of warrant and service of summons.

(a) Any officer of any Federal correctional institution or any Federal officer authorized to serve criminal process within the United States, to whom a warrant is delivered, shall execute such warrant by taking the prisoner and returning him to the custody of the Attorney General.

(b) On arrest of the parolee the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the charges against the parolee, the applicable procedural rights under the Commission's regulations and the possible actions which may be taken by the Commission.

(c) If execution of the warrant is delayed pending disposition of local charges, for further investigation, or for some other purpose, the parolee is to be continued under supervision by the probation officer until the normal expiration of the sentence, or until the warrant is executed, whichever first occurs. Monthly supervision reports are to be submitted, and the parolee must continue to abide by all the conditions of release.

(d) A summons to appear at a preliminary interview or revocation hearing shall be served upon the parolee in person by delivering to the parolee a copy of the summons. Service shall be made by any federal officer authorized to serve criminal process within the United States, and certification of such service shall be returned to the appropriate regional office of the Commission.

§ 2.47 Warrant placed as a detainer and dispositional Review.

(a) In those instances where a parolee is serving a new sentence in an institution, a parole violation warrant may be placed against him as a detainer. Such warrant shall be reviewed by the regional Commissioner not later than 180 days following notification to the Commission of such placement. The parolee shall receive notice of the pending review, and shall be permitted to submit a written application containing information relative to the disposition of the warrant. He shall also be notified of his right to request counsel under the provisions of § 2.48(b) to assist him in completing his written application.

(b) Following a dispositional review under this section, the Regional Commissioner may:

(1) Let the detainer stand and order further review at an appropriate time;

(2) Withdraw the detainer and: (i) Order reinstatement of the parolee to supervision upon release from custody, or (ii) Close the case if the expiration date has passed;

(3) Order a revocation hearing to be conducted by a hearing examiner or an official designated by the regional Commissioner at the institution in which the parolee is confined.

Following a revocation hearing conducted pursuant to this section, the Commission may take any action specified at § 2.52 including the ordering of concurrent or consecutive service of all or part of any violator term imposed. Such revocation hearing shall be conducted under the applicable procedures at § 2.50, and the parolee may be represented by his own or appointed counsel as provided in § 2.48(b).

(c) It shall be the general policy of the Commission that, in the absence of substantial mitigating circumstances the violator term of a parolee convicted

of a new offense subsequent to release on parole shall run consecutively to any term imposed for the new offense.

§ 2.48 Revocation by the Commission, preliminary interview.

(a) *Interviewing Officer.* A parolee who is retaken on a warrant issued by a Commissioner shall be given a preliminary interview by an official designated by the Regional Commissioner to enable the Commission to determine if there is probable cause to believe that the parolee has violated his parole as charged, and if so, whether a revocation hearing should be conducted. The official designated to conduct the preliminary interview may be a United States Probation Officer in the district where the prisoner is confined, provided he is not the officer who recommended that the warrant be issued.

(b) *Notice and Opportunity to Postpone Interview.* At the beginning of the preliminary interview, the interviewing officer shall ascertain that the Warrant Application has been given to the prisoner as required by § 2.46(b), and shall advise the prisoner that he may have the preliminary interview postponed in order to obtain representation by an attorney or arrange for the attendance of witnesses. The prisoner shall also be advised that if he cannot afford to retain an attorney he may apply to a United States District Court for appointment of counsel to represent him at the preliminary interview and the revocation hearing pursuant to 18 U.S.C. § 3006A. In addition, the prisoner may request the Commission to obtain the presence of persons who have given information upon which revocation may be based. Such adverse witnesses shall be requested to attend the preliminary interview unless the prisoner admits a violation or has been convicted of a new offense while on supervision or unless the interviewing officer finds good cause for their non-attendance. Pursuant to § 2.49(a) a subpoena may issue for the appearance of adverse witnesses or the production of documents.

(c) *Review of the charges.* At the preliminary interview, the interviewing officer shall review the violation charges with the prisoner, apprise the prisoner of the evidence which has been presented to the Commission, receive the statements of witnesses and documentary evidence on behalf of the prisoner, and allow cross-examination of those witnesses in attendance. Disclosure of the evidence presented to the Commission shall be made pursuant to § 2.50(e).

(d) At the conclusion of the preliminary interview, the interviewing officer shall inform the parolee of his recommended decision as to whether there is probable cause to believe that the parolee has violated the conditions of his release, and shall submit to the Commission a digest of the interview together with his recommended decision.

(1) If the interviewing officer's recommended decision is that no probable cause may be found to believe that the parolee has violated the conditions of his release, the responsible regional Commissioner shall review such recommended decision and notify the parolee of his final decision concerning probable cause as expeditiously as possible following receipt of the interviewing officer's digest. A decision to release the parolee shall be implemented without delay.

(2) If the interviewing officer's recommended decision is that probable cause may be found to believe that the parolee has violated a condition (or conditions) of his release, the responsible regional Commissioner shall notify the parolee of his final decision concerning probable cause within 21 days of the date of the preliminary interview.

(3) Notice to the parolee of any final decision of a regional Commissioner finding probable cause and ordering a revocation hearing shall state the charges upon which probable cause has been found and the evidence relied upon.

(e) Release notwithstanding probable cause: If the Commission finds probable cause to believe that the parolee has violated the conditions of his release, reinstatement to supervision or release pending further proceeding may nonetheless be ordered if it is determined that:

(1) Continuation of revocation proceedings is not warranted despite the violations found; or

(2) Incarceration pending further revocation proceedings is not warranted by the alleged frequency or seriousness of such violation or violations, and that the parolee is not likely to fail to appear for further proceedings, and that the parolee does not constitute a danger to himself or others.

(f) Conviction as probable cause: Conviction of a Federal, State, or Local crime committed subsequent to release on parole or mandatory release shall constitute probable cause for the purposes of this section and no preliminary interview shall be conducted unless otherwise ordered by the regional Commissioner.

(g) Local revocation hearing: A postponed preliminary interview may be conducted as a local revocation hearing by an examiner panel or other interviewing officer designated by the regional Commissioner provided that the prisoner has been advised that the postponed preliminary interview will constitute his final revocation hearing.

§ 2.49 Place of revocation hearing.

(a) If the prisoner requests a local revocation hearing, he shall be given a revocation hearing reasonably near the place of the alleged violation(s) or arrest, if the following conditions are met:

(1) The prisoner has not been convicted of a crime committed while under supervision; and

(2) The prisoner denies that he has violated any condition of his release.

(b) If there are two or more alleged violations, the hearing may be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant or summons as determined by the regional Commissioner.

(c) A prisoner who voluntarily waives his right to a local revocation hearing, or who admits any violation of his release, or who is retaken following conviction of a new crime, shall be given a revocation hearing upon his return to a Federal institution. However, the Regional Commissioner may, on his own motion, designate a case for a local revocation hearing.

(d) A prisoner retaken on a warrant issued by the Commission shall be retained in custody until final action relative to revocation of his release, unless otherwise ordered by the regional Commissioner under § 2.48(d)(2). A parolee who has been given a revocation hearing pursuant to the issuance of a summons under § 2.44 shall remain on supervision pending the decision of the Commission.

(e) Local revocation hearings shall be scheduled to be held within sixty days of the probable cause determination. Institutional revocation hearings shall be scheduled to be held within ninety days of the date of the execution of the violator warrant upon which the prisoner was retaken. However, if a prisoner requests and receives any postponement of his preliminary interview or revocation hearing, or consents to a postponed revocation proceeding initiated by the Commission; or if a prisoner by his actions otherwise precludes the prompt conduct of such proceedings, the above stated time limits may be extended.

§ 2.50 Revocation hearing procedure.

(a) A revocation hearing shall be conducted by a hearing examiner panel or, in a local revocation hearing only, may be conducted by another official designated by the Regional Commissioner. In the case of a revocation hearing conducted by such other official or in the case of a revocation hearing conducted by a single examiner pursuant to § 2.47, a recommendation relative to revocation shall be made by the concurrence of two examiners on the basis of a review of the record. A revocation decision may be appealed under the provisions of § 2.25 and § 2.26, or § 2.27 as applicable.

(b) The purpose of the revocation hearing shall be to determine whether the prisoner has violated the conditions of his release and, if so, whether his parole or mandatory release should be revoked or reinstated.

(c) The alleged violator may present witnesses and documentary evidence in his behalf. However, the presiding hearing officer or examiner panel may limit or exclude any irrelevant or repetitious statement or documentary evidence.

(d) At a local revocation hearing, the Commission may on the request of the alleged violator or on its own motion, request the attendance of persons who have given statements upon which revocation may be based. Those witnesses who are present shall be made available for questioning and cross-examination in the presence of the alleged violator unless the presiding hearing officer or examiner panel finds good cause for their non-attendance. Adverse witnesses will not be requested to appear at institutional revocation hearings.

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(e) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by permitting the alleged violator to examine the document during the hearing, or where appropriate, by reading or summarizing the document in the presence of the alleged violator.

(f) In lieu of an attorney, an alleged violator may be represented at a revocation hearing by a person of his choice. However, the role of such non-attorney representative shall be limited to offering a statement on the alleged violator's behalf with regard to reparole or reinstatement to supervision.

§ 2.51 Issuance of a subpoena for the appearance of witnesses or production of documents.

(a) (1) Preliminary Interview or Local Revocation Hearing: If any person who has given information upon which revocation may be based refuses, upon request by the Commission to appear, the regional Commissioner may issue a subpoena for the appearance of such witness. Such subpoena may also be issued at the discretion of the regional Commissioner in the event such adverse witness is judged unlikely to appear as requested.

(2) In addition, the regional Commissioner may, upon his own motion or upon a showing by the parolee that a witness whose testimony is necessary to the proper disposition of his case will not appear voluntarily at a local revocation hearing or provide an adequate written statement of his testimony, issue a subpoena for the appearance of such witness at the revocation hearing.

(3) Both such subpoenas may also be issued at the discretion of the regional Commissioner if it is deemed necessary for orderly processing of the case.

(b) A subpoena issued pursuant to paragraph (a) of this section above may require the production of documents as well as, or in lieu of, a personal appearance. The subpoena shall specify the time and the place at which the person named therein is commanded to appear, and shall specify any documents required to be produced.

(c) A subpoena may be served by any Federal officer authorized to serve criminal process. The subpoena may be served at any place within the judicial district in which the place specified in the subpoena is located, or any place where the witness may be found. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

(d) If a person refuses to obey such subpoena, the Commission may petition a court of the United States for the judicial district in which the parole proceeding is being conducted, or in which such person may be found, to require such person to appear, testify, or produce evidence. The court may issue an order requiring such person to appear before the Commission, and failure to obey such an order is punishable by contempt.

§ 2.52 Revocation of parole or mandatory release.

(a) Whenever a parolee is summoned or retaken by the Commission, and the Commission finds by a preponderance of the evidence, that the parolee has violated a condition of the parole, the Commission may take any of the following actions:

(1) Restore the parolee to supervision including where appropriate: (i) Reprimand (ii) Modification of the parolee's conditions of release (iii) Referral to a residential community treatment center for all or part of the remainder of his original sentence; or

(2) Revoke parole.

(b) If parole is revoked pursuant to this section, the Commission shall also determine, on the basis of the revocation hearing, whether reparole is warranted or whether the prisoner should be continued for further review.

(c) A parolee whose release is revoked by the Commission will receive credit on service of his sentence for time spent under supervision, except as provided below:

(1) If the Commission finds that such parolee intentionally refused or failed to respond to any reasonable request, order, summons or warrant of the Commission or any agent thereof, the Commission may order the forfeiture of the time during which the parolee so refused or failed to respond, and such time shall not be credited to service of the sentence.

(2) If the parolee has been convicted of a new offense committed subsequent to his release on parole, which is punishable by a term of imprisonment, forfeiture of the time from the date of such release to the date of execution of the warrant shall be ordered, and such time shall not be credited to service of the sentence. An actual term of confinement or imprisonment need not have been imposed for such conviction; it suffices that the statute under which the parolee was convicted permits the trial court to impose any term of confinement or imprisonment in any penal facility.

If such conviction occurs subsequent to a revocation hearing (in which the Commission makes an independent finding of violation of conditions of parole), the Commission may reopen the case and schedule a further hearing relative to time forfeiture and such further disposition as may be appropriate. However, in no event shall the violator term imposed under this subsection, taken together with the time served before release, exceed the total length of the original sentence.

(d) (1) Notwithstanding the above, prisoners committed under the Narcotic Addict Rehabilitation Act or the Youth Corrections Act shall not be subject to any forfeiture provision, but shall serve uninterrupted sentences from the date of conviction, except as provided in § 2.10(b).

(2) The commitment of a juvenile offender under the Federal Juvenile Delinquency Act may not be extended past the offender's twenty-first birthday unless the juvenile has attained his nineteenth birthday at the time of his commitment, in which case his commitment shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

§ 2.53 Mandatory parole.

(a) A prisoner (including a prisoner sentenced under the Narcotic Addiction Rehabilitation Act, Federal Juvenile Delinquency Act, or the provisions of 5010 (c) of the Youth Corrections Act) serving a term or terms of five years or longer shall be released on parole after completion of two-thirds of each consecutive term or terms or after completion of thirty years of each term or terms of more than 45 years (including life terms), whichever comes earlier, unless pursuant to a hearing under this section, the Commission determines that there is a reasonable probability that the prisoner will commit any Federal, State, or local crime or that the prisoner has frequently or seriously violated the rules of the institution in which he is confined. If parole is denied pursuant to this section such prisoner shall serve until the expiration of his sentence less good time. The forfeiture of statutory good time shall be deemed in itself to indicate that the prisoner has frequently or seriously violated the rules of the institution or institutions in which he has been confined.

(b) When feasible, at least sixty days prior to the scheduled two-thirds date, a review of the record shall be conducted by an examiner panel. If a mandatory parole is ordered following this review, no hearing shall be conducted.

(c) A prisoner released on mandatory parole pursuant to this section shall remain under supervision until the expiration of the full term of his sentence unless the Commission terminates parole supervision pursuant to § 2.43 prior to the full term date of the sentence.

(d) A prisoner whose parole has been revoked and whose parole violator term is five years or more shall be eligible for mandatory parole under the provisions of this section upon completion of two-thirds of the violator term and shall be considered for mandatory parole under the same terms as any other eligible prisoners.

§ 2.54 Reviews pursuant to 18 U.S.C. 4203/4215.

(a) The Attorney General, within thirty days after entry of a Regional Commissioner's decision, may request in writing that the National Appeals Board review such decision. Within sixty days of the receipt of the request the National Appeals Board shall, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institution or regional level. The Attorney General and the prisoner affected shall be informed in writing of the decision, and the reasons therefor.

(b) Notwithstanding the above provision, the Commission, by majority vote, may, upon its own motion, review any decision of a Regional Commissioner relative to grant or denial of parole, imposition of parole conditions or revocation of parole, upon the receipt of new and significant information. Referrals for this purpose may be made by not less than three Commissioners. Such review by the Commission must be made within thirty days following the entry of the decision by the Regional Commissioner. Following the review the Commission shall inform the affected prisoner in writing of its action and, if parole is denied, the reasons therefor.

§ 2.55 Disclosure of Records.

(a) Prior to an initial parole hearing conducted pursuant to § 2.13 or any review hearing thereafter, a prisoner may review reports and other documents in the institution file which will be considered by the Commission at his parole hearing. These documents are generally limited to official reports bearing on the prisoner's offense behavior, personal history, and institutional progress. Review of such reports shall be permitted by the Bureau of Prisons pursuant to its regulations within seven days of a request by the prisoner, except that in the case of reports which must be sent to the originating agency for clearance pursuant to paragraph (c) of this section, a reasonable amount of time shall be permitted to obtain such clearance. Copies of reports and documents may be furnished under applicable Bureau of Prisons regulations.

(b) A report shall not be disclosed to the extent it contains:

(1) Diagnostic opinions which, if known to the prisoner, could lead to a serious disruption of his institutional program;

(2) Material which would reveal sources of information obtained upon a promise of confidentiality; or

(3) Any other information which, if disclosed, might result in harm, physical or otherwise, to any person. The term "otherwise" shall be deemed to include the legitimate privacy interests of such person under the Privacy Act of 1974

(c) It shall be the duty of the agency which originated any report or document referred to in paragraph (a) of this section to determine whether or not to apply any of the exceptions to disclose set forth in paragraph (b) of this section. If any report or portion thereof is deemed by the originating agency to fall within an exception to disclosure, such agency shall prepare and furnish for inclusion in the institution file a summary of the basic contents of the material to be withheld, bearing in mind the need for confidentiality or impact on the prisoner, or both. In the case of a report prepared by an agency other than the Bureau of Prisons, the Bureau shall refer such report to the originating agency for a determination relative to disclosure, if the report has not been previously cleared or prepared for disclosure.

(d) Upon request by the prisoner, the Commission shall make available a copy of any record which it has retained of a parole or parole revocation hearing pursuant to 18 U.S.C. 4208(f).

(e) Except for deliberative memoranda referred to in paragraph (f) of this section, reports or documents received at regional offices which may be considered by the Commission at any proceeding shall be forwarded for inclusion in the prisoner's institutional file so that he may review them pursuant to paragraph (a) of this section. Such reports will first be referred by the Commission to originating agencies pursuant to paragraph (c) of this section for a determination relative to disclosure if the report has not previously been cleared or prepared for disclosure.

(f) Duplicate copies of records in a prisoner's institutional file as well as deliberative memoranda among Commission Members or staff which do not contain new factual information relative to the parole release determination are retained in Parole Commission regional office files following initial hearing. Records maintained in these files, shall be made available to prisoners, parolees, mandatory releasees, their authorized representative and members of the public upon written request in accordance with applicable law and Department of Justice regulations at 28 CFR Part 16, Subparts C & D. The Commission reserves the right to invoke statutory exemptions to disclosure of its files in appropriate cases under the Freedom of Information Act or Privacy Act text provisions and Alternate Means of Access.

§ 2.56 Special parole terms.

(a) The Drug Abuse Prevention and Control Act, 21 U.S.C. 801 to 966, provides that, on conviction of certain offenses, mandatory "special parole terms" must be imposed by the court as part of the sentence. This term is an additional period of supervision which follows the completion of the regular sentence (including completion of any period on parole or mandatory release).

(b) At the time of release under the regular sentence, whether under full term expiration or under a mandatory release certificate or a parole certificate, a separate Special Parole Term certificate will be issued to the prisoner by the Bureau of Prisons.

(c) Should a releasee be found to have violated conditions of release during supervision under his regular sentence, i.e., before commencement of the Special Parole Term, he will be returned as a violator of his basic supervision period under his regular sentence; the Special Parole Term will follow unaffected, as in paragraph (a) of this section. Should a releasee violate conditions of release during the Special Parole Term he will be subject to revocation on the Special Parole Term as provided in § 2.52, and subject to reparole or mandatory release under the Special Parole Term.

(d) If the prisoner is reparoled under the revoked Special Parole Term a certificate of parole to Special Parole Term is issued by the Commission. If the inmate is mandatorily released under the revoked "special parole term" a certificate of mandatory release to Special Parole Term will be issued by the Bureau of Prisons.

(e) If the prisoner is terminated from regular parole under § 2.43, the Special Parole Term commences to run at that point in time. Early termination from supervision from a Special Parole Term may occur as in the case of a regular parole term, except that the time periods considered shall commence from the beginning of the Special Parole Term.

§ 2.57 Prior orders.

Any order of the United States Board of Parole entered prior to May 14, 1976, including, but not limited to, orders granting, denying, rescinding or revoking parole or mandatory release, shall be a valid order of the United States Parole Commission according to the terms stated in the order.

§ 2.58 Absence of hearing examiner.

In the absence of a hearing examiner, a regional commissioner may exercise the authority delegated to hearing examiners in § 2.23 of this part.

Dated: August 27, 1976.

MAURICE H. SIGLER,
Chairman,
United States Parole Commission.

[FR Doc.76-25561 Filed 9-2-76;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DMS Order 4—Revised Schedule A of August 23, 1976]

PART 634—COPPER AND COPPER-BASE ALLOYS (DMS ORDER 4)

Revision of Schedule A—Set-Aside Percentages

This amendment of Schedule A to DMS Order 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

The amendment changes Schedule A of May 15, 1972, to DMS Order 4 by changing the base period from calendar year 1971 to calendar year 1975, and by changing the set-aside percentages from 9 percent to 7 percent on unalloyed rod, bar, shapes and wire; from 4 percent to 2 percent on alloyed plate, sheet, strip and rolls; from 10 percent to 2 percent on alloyed rod, bar, shapes and wire; from zero percent to 10 percent on alloyed tube.

This amendment applies to authorized controlled material orders calling for delivery after October 31, 1976.

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(Defense Production Act of 1950; as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.): Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Com., p. 919; Executive Order 11725, 38 FR 17175; DMO 3, 32A CFR 15; Department of Commerce Organization Orders 10–3, 40 FR 59764, as amended, 41 FR 28334, and 40–1, 40 FR 8978; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended 39 FR 2780, 39 FR 18490; 45–1, 40 FR 10217, 45–2, 40 FR 10218)

SCHEDULE A TO DMS ORDER 4

SET-ASIDE PERCENTAGES

(See Sec. 6(f) of DMS Order 4)

Based Period—January–December 1975

(See Sec. 2(o) of DMS Order 4)

Product	*Percentage of orders calling for delivery after Oct. 31, 1976*
Brass mill products:	
Unalloyed:	
Plate, sheet, strip and rolls	2
Rod, bar, shapes, and wire	7
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip and rolls	2
Rod, bar, shapes and wire	2
Seamless tube and pipe	10
Military ammunition cups and discs	(1)
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	2
Weatherproof	2
Magnet wire	2
Paper and lead power cable	2
Paper and lead telephone cable	2
Asbestos cable	2
Portable and flexible cord	2
Communications wire and cable	2
Shipboard cable	2
Automotive and aircraft wire cable	2
Insulated power cable	2
Signal and control cable	2
Coaxial cable	2
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	2
Copper foundry products	3
Unalloyed copper powder mill products	(1)
Copper-base alloy powder mill products	(1)

[1] No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, Section 6(f) of DMS Order 4 does not apply to such authorized controlled material orders.

This revised schedule shall take effect August 23, 1976.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.76–25804 Filed 9–2–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20316 RM–2267; FCC 76–792]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Forest Lake, Brainerd and Morris, Minnesota).

1. The Commission has under consideration its Notice of proposed rule making, 40 FR 2712, released January 8, 1975, and its further notice of proposed rule making and order to show cause, 40 FR 34391, released August 14, 1975. The subject proposal involves the assignment of Channel 240A to Forest Lake, Minnesota, which requires the substitution of Channel 298 for Channel 239 at Brainerd, Minnesota, and the substitution of Channel 239 for Channel 298 at Morris, Minnesota. Comments and reply comments have been received from Lakes Broadcasting Co., petitioner in this proceeding, and Brainerd Broadcasting Co. ("BBC"), licensee of Stations KLIZ (AM) and KLIZ–FM (Channel 239), Brainerd, Minnesota.

2. Forest Lake (pop. 3,207) [1] is located in Washington County (pop. 82,949) approximately 24 miles northeast of Minneapolis-St. Paul in the east-central portion of Minnesota. It has no local aural service. Washington County's only transmission service is provided by daytime-only AM Station WAVN, at Stillwater. Thus the requested FM station would provide a first nighttime transmission service in Washington County as well as a first local aural service to Forest Lake. Relevant demographic information to support the assignment of a Class A channel to Forest Lake has been set forth in the notice and adequately justifies the requested assignment.

3. Petitioner, in supporting comments, addresses certain statements made by BBC. BBC notes that petitioner proposes to operate a facility (with 3 kW power at 300 feet) which, from a site at or near Forest Lake would provide service, within the station's 1 mV/m contour, to only 45 percent of the Washington County area and 21.7 percent of the county's residents. Petitioner responds that its proposed transmitter site is to be situated approximately 7.25 miles south of Forest Lake and from this location it expects to provide service to approximately 51.3 percent of the Washington County area and 43 percent of its residents.[2] Secondly BBC asserts that Forest Lake receives a 3.16 mV/m signal from seven different stations, located in the Minneapolis-St. Paul area. Petitioner disputes the significance of that statement since it notes that no local service to Forest Lake or northern Washington County is offered. Thirdly, it is argued by BBC that the proposed Forest Lake station would provide a 1 mV/m signal to 60,414 persons in the Minneapolis-St. Paul Urbanized Area. But we are told by petitioner that only 8 percent of that area and 4 percent of the population thereof would be encompassed. Finally BBC provides figures which purportedly represent the expense it will incur in changing channels as proposed and for which it requests reimbursement. The reasonableness of certain requested items and amounts are challenged by petitioner.

4. In order to assign Chanel 240A to Forest Lake, it is necessary to delete Channel 239 from Brainerd. Channel 298 has been proposed as a substitute, and a Show Cause Order [3] has been issued to BBC, the licensee of the station on Channel 239 at Brainerd. In response BBC requested reimbursement for several items. These items were the subject of the further notice which was issued in order to obtain additional information to determine whether and to what extent BBC would be entitled to recoup the expenses involved in continuing its MUZAK service to subscribers on the new frequency. In response, petitioner affirmed its willingness to reimburse BBC for the reasonable and prudent costs of shifting BBC's station from Channel 239 to Chanel 298 if it were the successful applicant for Channel 240A at Forest Lake. However it argues, that reimbursement for expenses in connection with the MUZAK service are not appropriate. It relies upon the Commission's report and order in Docket No. 10832, Non-Broadcast Activities by FM Stations, 11 R.R. 1590, 1599 (1956), holding that such a service [4] is not intended for reception by members of the general public and is not a broadcast service. Implicit in its argument is that, while broadcasting is of benefit to the general public, SCA operations are private in nature and not intended for general reception, and therefore any public benefit ingredient that may exist must be shown to be of such proportions as to mandate continuation of the SCA service, in the public interest. Petitioner further distinguishes broadcasting, vis-a-vis SCA operations, by noting that the SCA application, Form 318, does not require that the licensee waive claim to the use of any particular frequency pursuant to section 304 of the Communications Act of 1934, as amended, and that the SCA operation may be conducted by any other person subject to final responsibility remaining with the licensee pursuant to § 73.295(c) of the Commission's rules. Petitioner also notes that the SCA operator, in this case Background Music, Inc., is a stranger to the proceeding whose contractual obligations with BBC have not been revealed to petitioner. It is therefore urged by petitioner that the Commission should not enlarge its reimbursement policy to provide for reimbursing the costs of continuing this non-broadcast service.

5. BBC, in its comments, argues that the Commission should direct the benefiting party to reimburse it for certain specified items related to the costs of continuing its MUZAK service on the new frequency. It states that equipment used in this regard is associated with the FM station to the same degree as the FM transmitter and antenna, that both operations are the subject of licenses issued by the Commission to BBC, and that the expenses involved in the SCA switchover are more directly related to broadcasting than certain items provided for in Circleville, Ohio, 8 F.C.C. 2d 159 (1967). BBC notes that the Commission in that case expressed a hesitancy to grant reimbursement when business losses are involved since such losses are considered speculative and conjectural.[5] But it argues that changes in equipment are certain expenses due solely to a change in frequency.

6. Petitioner's reply comments address the specific costs of reimbursement. It suggests that BBC is improperly seeking to improve its facilities by modernizing its present horizontally polarized antenna with circular polarization and to add antenna deicers (listed as "300 watt heaters"), a thermo switch for deicers and a tower isolation choke for the deicer circuit. It also questions the validity of reimbursement for the stereo proof and checkout items. As for AM antenna resistance measurements for BBC's AM station, it argues that the amount estimated is excessive. Also petitioner disagrees that new signs are necessary and submits that an overlay can effectively publicize the change in frequency. With respect to the expenses of the SCA operation, it affirms its position that such costs should not be reimbursed and calls attention to the fact that BBC has failed to submit a copy of its contract with the SCA operator, Background Music, Inc.[6] It states however, that if ordered, it is prepared to reimburse for all costs found to be necessary and reasonable. As to these costs it agrees that a change of local oscillator crystals for each MUZAK receiver will be required and that estimated costs for this item are reasonable. However, it disputes the need to replace receiving antennas at each of the 51 subscriber locations since high gain antennas tuned to a particular frequency or narrow band of frequencies are not used. Also it notes that coaxial transmission lines are not frequency sensitive and need not be replaced as requested. Finally it challenges the excessive wages estimated by BBC to hire an engineer and his assistant for the work involved and an additional 10 percent override included as an expense.

7. In reply comments, BBC argues that it is irrelevant that the SCA operator is a stranger to the proceeding as petitioner charges since the printer, equipment manufacturer and sign painter are also strangers to this case and the costs involved in their work will be reimbursed. BBC states that the itemization of its costs, which have been provided in comments, should satisfy petitioner's complaint about lacking information about the details of the SCA operation. Finally BBC states that it should not have to bear the expense of the change in frequency, as a matter of fairness, since it will suffer enough from business losses.

8. First, with respect to the need for Channel 240A to Forest Lake, we believe that the public interest would be served by assigning the channel. A first local aural service will be provided to Forest Lake and the northern part of Washington County and a first local nighttime service will be available to the county. Although seven stations in the Minneapolis-St. Paul area provide a city-grade signal to Forest Lake, none offer local service to northern Washington County. Further it does not appear that a Forest Lake FM station would seek to direct its programming to the greater Minneapolis-St. Paul Urbanized Area since the station's 1 mV/m contour would encompass only 4 percent of the population and 8 percent of the area of that region.

9. To accommodate this assignment, it will be necessary to substitute Channel 298 for Channel 239 at Brainerd and Channel 239 for Channel 298 at Morris. The substitution at Morris will not involve reimbursement. The recent grant of a construction permit there was expressly conditioned on the outcome of this case.[7] It is Commission policy, as previously stated in the notice, to require the beneficiary of a channel change, i.e., the future licensee of the new assignment to reimburse existing stations for the reasonable costs of changing to the new frequency. See Circleville, Ohio, 8 F.C.C. 2d 159 (1967). Since construction of the Morris station has not begun no changes will be necessary and reimbursement is not involved there. However, the existing Brainerd station is entitled to reimbursement.

10. In response to our Order to show cause, BBC stated that if it were forced to move from the present frequency "to a less desirable frequency" [8] then it should be reimbursed for all expenses in its attached listing by the ultimate Forest Lake permittee. In view of the action taken herein denying reimbursement for some of the listed items, we do not believe that consent to the proposed modification has been given and therefore we shall, in accordance with *Transcontinental Television Corp.* v. *F.C.C.*, 308 F. 2d 339 (D.C. Cir. 1962) and our practice in similar circumstances [9] make all the amendments to the FM Table of Assignments herein regarding Brainerd, Morris and Forest Lake, effective upon the license expiration date of Station KLIZ–FM, April 1, 1977, at 3 a.m. local time [10] or until such earlier time as, upon its request, it ceases operation on Channel 239 at Brainerd.

11. While the petitioner agrees that reimbursement for the costs of converting the Brainerd station to the new frequency is appropriate, certain items and costs identified by BBC, the Brainerd licensee, are questioned. Generally in these types of cases the parties are asked to negotiate in good faith to determine the proper amount of reimbursement, subject to Commission approval, in the event of disagreement, and pursuant to the guidelines set forth in Circleville, Ohio, supra.[11] However, we have on occasion offered the parties further guidance in settling certain matters. In this proceeding, BBC has estimated the costs of replacing its FM antenna and associated equipment for the frequency change at $17,567, of converting its SCA operation at $11,109.82, and of repainting two signs at $3,880. Petitioner argues that BBC is attempting to upgrade its operation by proposing to install a circularly polarized antenna at petitioner's expense. Under our policy BEC is entitled only to the cost of replacing equipment corresponding to that previously in use. It does appear that the use of a circularly polarized antenna is an attempt at modernization. Thus BBC should be limited to only a portion of that cost corresponding to equipment already in use. The costs of other equipment, such as the thermo switch and isolation choke, are also questionable, if they reflect an attempt to upgrade the station facilities at the expense of the Forest Lake licensee.

12. The issue of reimbursement for the costs of SCA operations is a novel issue in the rule making context and the further notice requested argumentation by

[1] Population figures are taken from the 1970 U.S. Census.

[2] To comply with the applicable minimum mileage separation requirements, the transmitter site must be located at least 4 miles southwest of Forest Lake.

[3] BBC complained in response to show cause order that it should not be forced to give up its frequency and move to the other end of the dial where no other stations in the area are located. However, this is not a valid public interest criterion even if BBC were correct. Also by virtue of our recent action in assigning Channel 294 to Brainerd (Docket No. 20395) there will be another station near it on the dial.

[4] **Called Subsidiary Communications Authorizations or SCA's and conducted on assigned subcarrier frequencies under §§ 73.293–73.295 of the Commission's rules.**

[5] Citing Circleville, Ohio, supra; Greensburg, Kentucky, 32 F.C.C. 2d 937 (1972), and Trenton, Ohio, 3 F.C.C. 2d 598 (1966).

[6] **Under § 73.295(c) of the Commission's rules, subchannel leasing agreements shall be reduced to writing, kept at the station and made available for inspection upon request. See also § 1.613(d) of the rules.**

[7] A construction permit was issued to Western Minnesota Broadcasting Co. on February 25, 1976, for Station KMRS–FM. We have been told by counsel that construction of this station has not yet begun.

[8] See footnote 3, supra.

[9] See Goshen, Ind., 51 F.C.C. 2d 711, 714 (1975); Lake City, S.C., 47 F.C.C. 2d 1067, 1079 (1974) and Hampton, Iowa, 39 F.C.C. 2d 452, 455 (1973).

[10] See § 73.218(a)(2) of the Commission's rules.

[11] See also Lake City, S.C., 47 F.C.C. 2d 1067 (1974).

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both parties accordingly. The burden of justifying such an extension of the reimbursement concept to include SCAs belongs to BBC. BBC has attempted to show that there is a direct relationship between changing frequencies and continuing its SCA operation as a justification for reimbursement. It also argues that the types of broadcast equipment that were approved in Circleville as subject to reimbursement are similar to the SCA equipment and should therefore be treated alike. Nevertheless, the propriety of reimbursement for SCA operations should be evaluated for its public interest consequences. In doing so, we believe the following discussion about the nature of SCA operations to determine if an extension of our present policy is warranted and also to offer guidance for future cases in which this issue might arise is appropriate. SCA multiplexing is undertaken by existing FM stations as an adjunct to normal broadcast operation. In terms of permissible uses, the basic test is that SCA transmissions must be "* * * of a broadcast nature [but] of interest primarily to a limited segment of the public wishing to subscribe thereto." Section 73.293(a)(1). Thus, while possessing some of the attributes of "broadcasting" as defined in section 3(o) of the Communications Act, transmissions carried by FM broadcast on their authorized subcarrier frequencies are, in common with the private point-to-point services, protected from unauthorized interception and used under Section 605 of that Act. *Functional Music Inc.* v. *F.C.C.*, 274 F. 2d 543 (1958); *KMLA Broadcasting Corporation* v. *20th Century Cigarette Vendors et al.*, 264 F. Supp. 35 (1967). In short, we are dealing with a "hybrid" communications service which, on the one hand must be suitable for broadcast exposure but which, on the other, may not be supplied on the main channel on a subscription basis. Section 73.277(a); **WFTL Broadcasting Company, 45 F.C.C. 2d 1152 (1974).**

13. Approximately 1,000 FM broadcast stations, both commercial and educational, hold SCA's to provide subscription services on a multiplex basis. These range from conventional background music services to in-depth weather reporting, market quotation services, and a variety of special services designed for the visually handicapped. The magnitude and pervasiveness of these services and their impact on the public leads us to conclude that they cannot be ignored in the context of reimbursement for compulsory modification.

14. As indicated in paragraph 6, supra, petitioner agrees that the crystals in all of BBC's MUZAK receivers will have to be changed, and that the estimated costs for crystal substitution are reasonable. However, petitioner disputes the need to replace receiving antennas and coaxial transmission lines at all 51 subscriber locations. We agree with the petitioner in this regard, since experience has shown that receiving antennas and coaxial transmission lines are not critically affected by frequency shifts except in fringe reception areas. We accordingly feel that reimbursement for crystal substitution at all receiving locations is appropriate, but that reimbursement for changes in receiving antennas and associated coaxial transmission lines is properly limited to those locations at which such substitutions are necessary to the maintenance of equivalent audio quality. In line with our policy governing main channel equipment substitutions, BBC must bear the cost differential where equipment being substituted is of substantially higher quality or has performance characteristics exceeding those of the items replaced.

15. Canadian concurrence in the amendments herein has been obtained.

16. Accordingly, pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective October 7, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended with respect to the following communities as follows:

§ 73.202 [Amended]

City:	Channel No.
Forest Lake, Minn	[1] 240A
Brainerd, Minn	294, [1] 298
Morris, Minn	[1] 239

[1] Effective 3 a.m. local time April 1, 1977 (concurrently with the expiration of the outstanding license for Station KLIZ-FM on Channel 239 at Brainerd) or until such earlier date as Station KLIZ-FM may, upon its request, cease operation on Channel 239 at Brainerd.

17. *It is further ordered*, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the licensee of Station KLIZ-FM, Brainerd, Minnesota, Brainerd Broadcasting Corp., may specify operation on Channel 298 in lieu of Channel 239 on its renewal application for the license period commencing April 1, 1977, or it may obtain modification of its license to operate on Channel 298 prior to April 1, 1977, subject to the following conditions:

(a) At least 30 days before commencing operations on Channel 298, the licensee shall submit to the Commission the technical information normally requested of an applicant;

(b) At least 10 days prior to commencing operation on Channel 298, the licensee shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee shall not commence operation on Channel 298 without prior Commission authorization.

If Station KLIZ-FM requests and is granted authorization to operate on Channel 298 prior to termination of its present license authorization, the Commission will view such request as a relinquishment of Channel 239 and a waiver of any rights it may have with regard to that channel.

18. *It is further ordered*, That the outstanding permit held by Western Minnesota Broadcasting Co. for Station KMRS-FM, Morris, Minnesota, is modified to specify operation on Channel 239 in lieu of Channel 298 subject to the following conditions:

(a) The permittee shall inform the Commission in writing by October 7, 1976, of its acceptance of this modification;

(b) At least 30 days before commencing operation on Channel 239, the permittee shall submit to the Commission the technical information normally requested of an applicant;

(c) At least 10 days prior to commencing operation on Channel 239, the permittee shall submit the measurement data required of an applicant for a broadcast station license; and

(d) The permittee shall not commence operation on Channel 239 without prior Commission authorization.

18. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: August 24, 1976.

Released: September 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25900 Filed 9-2-76;8:45 am]

[Docket No. 20189; FCC 76-810]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Remote Pickup Broadcast Stations; Postponement of Effective Date

In the matter of amendment of Part 74, Subpart D (Remote Pickup Broadcast Stations) of the Commission's rules and regulations, Docket No. 20189, RM-1735.

1. On August 18, 1976, the National Association of Business and Educational Radio (NABER) filed a Petition For Reconsideration and a Motion For Stay of the Commission's report and order released on July 12, 1976, herein, amending, in its entirety, Subpart D of Part 74 of the rules and regulations for Remote Pickup Broadcast Stations.[1]

2. NABER seeks reconsideration of the Commission's conclusion that the NABER petition for rulemaking filed on November 8, 1974 (RM-2475) was outside the scope of this proceeding and should be addressed in a separate proceeding. NABER had petitioned to reallocate certain frequencies from the Remote Pickup Broadcast Service to the Business Radio Service. NABER seeks also a stay of the August 31, 1976, effective date of the Report and order pending final action on its petition for rulemaking. NABER contends that it will be irreparably injured by the Commission's proceeding with the allocation and licensing of stations on the "new" remote pickup channels prior to resolving fundamental frequency allocation issues raised by its rulemaking petition.

[1] Publication of the report and order was made in the FEDERAL REGISTER on July 19, 1976 (41 FR 29681) and corrected in the issue of Thursday, August 19, 1976 at 41 FR 35068.

3. The time for filing oppositions to the NABER petition for reconsideration pursuant to § 1.429(f) and replies to oppositions pursuant to § 1.429(g) has not, and will not, run before the August 31st effective date of the report and order herein.

4. The Commission believes that the effective date should be postponed until any oppositions and replies to oppositions can be considered in its resolution of the NABER petition for reconsideration.

5. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r) and 405 of the Communications Act of 1934, as amended, and § 1.429 of the Commission's rules and regulations, *it is ordered*, That the effective date of the report and order herein released on July 12, 1976, is postponed from August 31, 1976, to November 1, 1976.

6. *It is further ordered*, That the above-referenced NABER Petition for Reconsideration and Motion for Stay are granted to the extent indicated above, and in all other respects are denied.

Adopted: August 27, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[2]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25899 Filed 9-2-76;8:45 am]

[Docket No. 20717; FCC 76-783]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Vessel Traffic Services System; Port of Houston

Report and order—Proceeding Terminated. In the matter of amendment of Parts 81 and 83 of the rules to add the Port of Houston to the designated radio protection areas for Vessel Traffic Services purposes, Docket No. 20717, RM-2623.

1. A notice of proposed rulemaking in the above captioned matter was released on March 16, 1976, and was published in the FEDERAL REGISTER on March 18, 1976 (41 FR 11560). Pursuant to a request by the American Institute of Merchant Shipping the Commission released an Order on April 21, 1976 (41 FR 17576) extending the time for filing comments and reply comments. The specified time for filing has expired.

2. The proposed amendment, as requested by the U.S. Coast Guard, was designed to add the Houston port area to the designated radio protection areas for Vessel Traffic Services (VTS) purposes. In addition, it was proposed that the frequency 156.6 MHz (VHF channel 12) in the Maritime Mobile Service be designated for exclusive use in the Houston radio protection area for VTS purposes.

3. Comments were filed by the American Institute of Merchant Shipping (AIMS); the American Petroleum Institute (API); the American Waterways Operators, Inc. (AWO); the International Organization of Masters, Mates & Pilots; the Pacific Merchant Shipping Association (PMSA); and the American Pilots' Association. The comments of API; the International Organization of Masters, Mates & Pilots; PMSA; and the American Pilots' Association generally supported the proposed amendment but urged that vessels operating in VTS areas, that are required to maintain a listening watch on the designated bridge-to-bridge frequency and the specified VTS frequency, be relieved of the requirement to also guard channel 16 (the distress, safety and calling frequency). AIMS and AWO stated that they could support such an amendment only if relief is granted from the channel 16 watch requirement for vessels operating in VTS areas. The matter of the relaxation of the channel 16 listening watch requirements for vessels operating in VTS areas recently was specifically addressed in Docket No. 20683, API, AWO and AIMS filed comments in that docket stating essentially the same views they have expressed in this proceeding. In Docket No. 20683, after consulting with the U.S. Coast Guard, the subject listening watch requirements were relaxed only for small towing vessels operating in VTS areas, due to the special characteristics of their operations. It was found that it would not be in the public interest to generally exempt all vessels operating in VTS areas from the channel 16 watch requirements. In that the commenters have merely repeated the same arguments, we do not feel that it is necessary to treat the matter further in this proceeding.

4. As indicated in the Notice of proposed rule making, the Coast Guard is establishing a VTS system for the Houston port area as part of a program to implement the provisions of Title I of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340, 86 Stat. 424, 46 USC 1551). As part of the same program the Coast Guard requested and the Commission adopted, in Docket No. 20444, an amendment designating radio protection areas for VTS purposes in the New York and New Orleans port areas. Also the frequencies 156.55, 156.6 and 156.7 MHz were provided for use in VTS systems. Therefore, we believe it is incumbent upon us, and in the public interest, to further assist the Coast Guard by amending the rules as proposed.

5. *Accordingly, it is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 (c), (h) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth below, effective October 7, 1976.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 81—Stations on Land in the Maritime Services and Alaska-Public Fixed Stations, § 81.357 is amended to read as follows:

§ 81.357 **Frequencies available for use in Vessel Traffic Services Systems.**

(a) In Coast Guard designated Vessel Traffic Services (VTS) control areas located within the radio protected areas described in paragraph (b) of this section, the only use for the frequencies specified is for VTS communications under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas and the frequencies available for VTS purposes are as follows:

(1) New York: The rectangle between north latitudes 40° and 42° and west longitudes 71° and 74°30'; frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz.

(2) New Orleans: The rectangle between north latitudes 27°30' and 31°30' and west longitudes 87°30' and 92°; frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz.

(3) Houston: The rectangle between north latitudes 28°30' and 30°20' and west longitudes 93°30' and 96°; frequency 156.6 MHz.

(c) The use of the frequencies shown in the paragraphs above, are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this part, provided there is no interference to VTS communications within the VTS control areas.

B. In Part 83—Stations on Shipboard in the Maritime Services, § 83.361 headnote and text are amended to read as follows:

§ 83.361 **Frequencies available for use in Vessel Traffic Services Systems.**

(a) In Coast Guard designated Vessel Traffic Services (VTS) control areas located within the radio protected areas described in paragraph (b) of this section, the only use for the frequencies specified is for VTS communications under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas and the frequencies available for VTS purposes are as follows:

(1) New York: The rectangle between north latitudes 40° and 42° and west longitudes 71° and 74°30'; frequencies

[1] Commissioner Washburn absent.

[2] Commissioner Washburn absent.

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156.55 MHz, 156.6 MHz and 156.7 MHz.

(2) New Orleans: The rectangle between north latitudes 27°30′ and 31°30′ and west longitudes 87°30′ and 92°; frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz.

(3) Houston: The rectangle between north latitudes 28°30′ and 30°20′ and west longitudes 93°30′ and 96°; frequency 156.6 MHz.

(c) The use of the frequencies shown in the paragraphs above, are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this part, provided there is no interference to VTS communications within the VTS control areas.

[FR Doc.76-25897 Filed 9-2-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1251]

PART 1033—CAR SERVICE

Mendocino Coast Railway, Inc., Authorized to Assume Responsibility for Operations of California Western Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August, 1976.

It appearing, That the California Western Railroad (CW) is unable to continue operation because successive operating deficits during the years 1974, 1975, and the first six months of 1976 have deprived it of sufficient funds; that the Mendocino Coast Railway, Inc. (MC) has filed an application with the Commission in Finance Docket No. 28256 seeking authority to lease and operate the CW; that the CW cannot continue present operations without financial assistance; that the MC has agreed to assume immediate responsibility to continue without interruption the operations of the CW; that assumption of that responsibility by the MC will assure continuation of the CW's operations; that such continued operations are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1251 **Mendocino Coast Railway, Inc., authorized to assume responsibility for operations of California Western Railroad.**

(a) The Mendocino Coast Railway, Inc., (MC), be and it is hereby authorized to assume responsibility for the operations of the California Western Railroad (CW).

(b) *Rates applicable.* The rates applicable to traffic moved over the tracks of the CW during the time this order is in effect shall be the rates which were formerly in effect prior to this order, unless and until the tariffs are lawfully modified.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Effective date.* This order shall become effective at 11:59 p.m., August 31, 1976.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17 (2). Interprets or applies secs. 1(10–17), 15 (4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc.76-25814 Filed 9-2-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the growers who, during the period September 1, 1975, through August 15, 1976 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. William C. Knope and John R. Toth of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 9, Lakeland, Florida 33802, are designated as th referendum agents to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agents and any appointee hereunder.

Dated: August 30, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-25800 Filed 9-2-76;8:45 am]

[7 CFR Part 1205]

[Docket No. CRPA-2]

COTTON RESEARCH AND PROMOTION ORDER

Hearing on Proposed Amendment of Order

Notice is hereby given of a public hearing on proposed amendments of the Cotton Research and Promotion Order. Hearing sessions will be held at four locations beginning on the dates listed below:

1. September 20, 1976, 1 p.m., local time—Memphis, TN 38103, Ramada Inn (Downtown), 160 Union Avenue.

2. September 23, 1976, 10 a.m., local time—Atlanta, GA, Ramada Inn (Airport), 845 N. Central Avenue, Hapeville, GA 30354.

3. September 28, 1976, 10 a.m., local time—Dallas, TX, Sheraton-Safari Inn, 402 E. Safari Parkway, (Dallas-Ft. Worth Turnpike), Grand Prairie, TX 75050.

4. September 30, 1976, 10 a.m., local time—Phoenix, AZ 85008, Ramada Inn (Airport), 3801 E. Van Buren Street.

Any of the sessions may be continued beyond 1 day if necessary.

The hearing is called pursuant to the Cotton Research and Promotion Act, as amended (7 U.S.C. 2101 et seq.; Pub. L. 94–366), and the applicable rules of practice and procedure governing the formulation and amendments of cotton research and promotion orders (7 CFR Part 1205).

Pub. L. 94–366 approved July 14, 1976, makes certain amendments in the Cotton Research and Promotion Act which affect the Cotton Research and Promotion Order. Subject to producer approval in a referendum, the rate of assessment may be supplemented by an amount per bale of cotton not to exceed one percent of the value of cotton, as determined by the Cotton Board and Secretary of Agriculture. The supplemental assessment would be in addition to the present dollar-per-bale assessment on producers. The Secretary of Agriculture must be reimbursed from assessment funds for expenses, not to exceed $200,000, incurred in conducting any referendum under the Act, and for administrative costs for supervisory work up to five employee years annually after an order or amendment thereto becomes effective.

The purpose of the hearing is to receive evidence with respect to the proposed amendments of the Order, hereinafter set forth, any appropriate modifications thereof, and any additional appropriate modifications of the Cotton Research and Promotion Order.

The proposed amendments to the Cotton Research and Promotion Order set forth below have not received the approval of the Secretary of Agriculture.

PROPOSAL NO. 1

The Cotton Board has recommended an additional producer assessment of four-tenths of one percent of the gross sales price per bale of cotton. Proposal No. 1 is to amend § 1205.331 of the order by deleting the following phrase:

except that no more than one such assessment shall be made on any bale of cotton;

and adding a new paragraph to read:

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, a supplemental assessment in addition to the above $1 per bale assessment. For the 1977 and subsequent crops of cotton the rate of the supplemental assessment shall be four-tenths of one percent of the gross sales price per bale of cotton: *Provided,* (1) That for any crop of cotton, beginning with the 1978 crop, the rate of the supplemental assessment may be increased by the Cotton Board and the Secretary in increments; and (2) That the final rate of the supplemental assessment shall not exceed one percent of the gross sales price per bale of cotton.

PROPOSAL NO. 2

Include in the Order, as required by Public Law 94–366, provisions which require the reimbursement of the Secretary of Agriculture (a) for expenses up to $200,000 incurred by him in connection with any referendum conducted under the Cotton Research and Promotion Act, and (b) for expenses incurred by him for administrative costs and supervisory work up to five employee years annually.

PROPOSAL NO. 3

Make such changes as may be necessary to make the Cotton Research and Promotion Order conform with any amendments thereto that may result from this hearing.

Any certified cotton producer organization or other interested person or persons may submit a proposal or proposals for alternate rates or rate procedures for the supplemental producer assessment or such other amendment to the order which will tend to effectuate the declared policy of the Act.

Copies of this notice of hearing and the Order may be procured from the Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., or from the Hearing Clerk, Room 112A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on September 1, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-26111 Filed 9-2-76;8:45 am]

V41173 SEP 3 76 UMI

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS MISCELLANEOUS AMENDMENTS

Revision of Potency Tests for Rabies Virus Vaccines

• *Purpose:* To revise potency tests for rabies virus vaccines so that the requirements will be uniform for both the live and killed virus types. •

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, of the Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

Statement of considerations. Rabies vaccines contain either killed rabies virus or modified live rabies virus. Both types of vaccines are used throughout the United States in rabies control programs. The Standard Requirements for these vaccines are prescribed in § 113.129 (killed virus vaccine) and § 113.147 (modified live virus vaccine).

A review of these sections of the Standard Requirements has shown that the potency requirements for the two types of vaccines are not uniform, nor are they clearly stated in all areas. The scientific group responsible for the testing of rabies vaccines at the veterinary services laboratories of this Department have made a determination that uniform requirements can be used for both types of rabies vaccines. The proposed revisions herein would make conforming changes so that the potency requirements for the two classes of vaccines will be uniform. Editorial changes would also be made to clarify the requirements for both types of vaccines.

Principal changes would be made in the tests prescribed in paragraph (b) of each section (§§ 113.129 and 113.147). The number of animals required to be tested and the route of administration would be made the same for both types of rabies vaccines. The conditions for testing vaccines in cattle, horses, sheep, and goats would be standardized. The conditions under which the duration of immunity could be established as being more than 1 year would be stated in paragraph (c) of each section, and tests for such immunity would be conducted and interpreted in accordance with paragraph (b) of each section.

The requirements for retesting of the Master Seed Virus for immunogenicity at specified intervals would be made uniform for both classes of vaccines. Criteria to be considered in the interpretation of the results are included.

The established policy of codifying test procedures used in more than one Standard Requirement in a separate section under the heading of "Test Procedures" would be continued by these amendments. The test procedures for lymphocytic choriomeningitis prescribed in §§ 113.129 and 113.147 would be deleted from these sections, except by reference, and codified as a new section § 113.42. Consequently, existing paragraphs §§ 113.129(a)(3), 113.129(d)(1), and 113.147(a)(3) would be amended to reflect the establishment of a separate § 113.42. A new paragraph, § 113.147(d)(1)(iii), would make reference to the test for lymphocytic choriomeningitis as set forth in new § 113.42.

All words in the headings for §§ 113.129 and 113.147 are to be capitalized.

1. Part 113 would be amended by the addition of a new section to read :

§ 113.42 Detection of lymphocytic choriomeningitis contamination.

The test for detection of lymphocytic choriomeningitis (LCM) virus provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in a filed Outline of Production. Vaccine virus may be neutralized with specific antiserum when necessary.

(a) Each of at least 10 mice obtained from a source free of LCM shall be injected in the footpad of a hindfoot with 0.02 ml of the material being tested and observed each day for 21 days.

(b) If any of the mice show swelling in the injected footpad or if more than one becomes systemically abnormal, the material being tested is unsatisfactory.

2. § 113.129 would be amended by revising paragraphs (a)(3), (b), (c), and the introductory portion of paragraph (d)(1); by deleting paragraphs (d)(1)(i), (ii), and (iii); and by revising paragraphs (d)(2)(ii) and (d)(3) to read:

§ 113.129 Rabies Vaccine, Killed Virus.

• • • • • •

(a) • • •

(3) Each lot of Master Seed Virus propagated in primary cell cultures or mouse or hamster origin or brain tissues of mouse origin shall be tested for lymphocytic choriomeningitis (LCM) virus by the procedure prescribed in § 113.42. If LCM virus is detected, the Master Seed Virus is unsatisfactory.

(b) The immunogenicity of vaccine prepared with virus at the highest passage of the Master Seed Virus shall be established in all species for which the vaccine is recommended. The vaccine shall be prepared using methods prescribed in the Outline of Production.

(1) The preinactivation virus titer shall be established by at least five separate virus titrations. A mean relative potency value of the vaccine to be used in the host animal potency test shall be established by at least five replicate potency tests conducted in accordance with the NIH Test For Potency in Chapter 33 of "Laboratory Techniques in Rabies," Third Edition (1973), World Health Organization, Geneva. The volumetric method of calculation, as described in this publication, shall be used. The provisions of "Laboratory Techniques in Rabies," Third Edition (1973), incorporate by reference and are the minimum standards for achieving compliance with this section.[1,2]

(2) The dose of vaccine to be used in the immunogenicity test shall be no more than the amount which, on the basis of The NIH Test For Potency, has been diluted to the proposed minimum acceptable potency value.[1,2]

(3) Test animals shall be uniform and have no neutralizing antibodies to rabies as determined by serum-neutralization (SN) tests.

(i) Twenty-five to thirty animals shall be used as vaccinates. Each shall be injected intramuscularly at one site in the thigh with a dose of vaccine at the proposed minimum potency level as written into the filed Outline of Production.

(ii) Ten additional animals shall be held as controls.

(iii) On or about days 30, 60, 90, 180, 270, and 365 postinjection, all test animals shall be bled and individual serums tested for neutralizing-antibodies to rabies virus.

(iv) All surviving test animals of each species shall be challenged with virulent rabies street virus 1 year after vaccinations, except as provided in paragraphs (b)(4) and (b)(5) of this section. Injection bilaterally into the masseter muscles is the recommended route of challenge. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b).

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22/25 or 26/30 vaccinates remain well for a period of 90 days.

(4) When cattle, horses, sheep, and goats are the test animals, the five vaccinates with the lowest SN titers shall be challenged, except that all vaccinates with SN titers below 1:5 shall be challenged. Five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The remaining vaccinates may be challenged at a later date and the results included in the criteria used to establish a satisfactory Master Seed Virus.

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest and the retest may be limited to serological

[1] A copy of "Laboratory Techniques in Rabies," Third Edition (1973), edited by Martin M. Kaplan and Hilary Koprowski is on file at the Office of the Federal Register, National Archieves and Records Service, Washington, DC 20408. The publication may be purchased from the World Health Organization, Distribution and Sales Service, 1211 Geneva 27, Switzerland for $14.40. It may also be obtained from the United Nations Bookshop, New York, NY 10017.

[2] NOTE.—Incorporate by reference of the above publication approved by the Director, Office of the Federal Register on August 2, 1976.

response of the vaccinates if such response is equal to or greater than that in the original immunogenicity test and all controls remain negative. The repeat immunogenicity tests may be terminated after the 90 day SN tests if at least 10 vaccinates and at least 5 controls of each species are used and the test dose of vaccine contains the minimum acceptable potency value determined by tests conducted according to The NIH Test For Potency.[1,2]

(i) If the 10 vaccinates have SN titers equal to or greater than the 90 day SN titers of the vaccinates in the initial immunogenicity test, the Master Seed Virus is satisfactory.

(ii) If the 10 vaccinates do not have acceptable SN titers, each vaccinate and each control shall be challenged with virulent rabies street virus and observed for 90 days.

(iii) If at least 80 percent of the controls do not show signs of rabies during the observation period, the test is invalid and shall be repeated.

(iv) If more than 10 percent of the vaccinates show signs of rabies, the Master Seed Virus is unsatisfactory.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted and interpreted as prescribed in paragraph (b) of this section for the 1 year test. The test animals shall be monitored serologically at least every 180 days. The time of challenge may be adjusted accordingly.

(d) • • •

(1) *Purity test.* Primary cell cultures of hamster origin or brain tissues of mouse origin used in vaccine production shall be tested for LCM virus as prescribed in § 113.42. Hamster origin cells shall be disrupted and undiluted cell fluids from each lot shall be tested. Where mouse brains are used in production, at least five mice which have not been injected with rabies virus shall be sacrificed and a 10 percent suspension of brain material shall be prepared and tested.

(2) • • •

(ii) A test for safety in three young seronegative animals of the most susceptible species for which the vaccine is recommended shall be conducted. Each shall be injected intramuscularly with one recommended dose of vaccine. If unfavorable reactions attributable to the product occur during a 28 day observation period, the serial is unsatisfactory.

(3) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency by tests conducted in accordance with The NIH Test For Potency.[1,2] The volumetric method of calculation shall be used. The relative potency of each serial shall be at least equal to that used in an approved host animal immunogenicity test.

3. § 113.147 would be amended by revising the introductory portion of paragraph (a)(3) and deleting paragraphs (a)(3)(i) and (ii); by revising paragraphs (b) and (c); by revising the introductory portion of paragraph (d)(1) and (d)(1)(ii) and by adding a new paragraph (d)(1)(iii) to read:

§ 113.147 Rabies Vaccine.

• • • • • •

(a) • • •

(3) Each lot of Master Seed Virus propagated in primary cell cultures of mouse or hamster origin or brain tissues of mouse origin shall be tested for lymphocytic choriomeningitis (LCM) virus by the procedure prescribed in § 113.42. If LCM virus is detected, the Master Seed Virus is unsatisfactory.

• • • • • •

(b) The immunogenicity of vaccine prepared with virus at the highest passage of the Master Seed Virus shall be established in all species for which the vaccine is recommended. The vaccine shall be prepared using methods prescribed in the Outline of Production.

(1) A geometric mean virus titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(2) The dose of vaccine to be used in the immunogenicity test shall be no more than the amount of rehydrated vaccine which, on the basis of previous titrations, has been diluted to the proposed minimum acceptable virus titer.

(3) Test animals shall be uniform and have no neutralizing antibodies to rabies as determined by serum-neutralization (SN) tests.

(i) Twenty-five to thirty animals shall be used as vaccinates. Each shall be injected intramuscularly at one site in the thigh with a dose of vaccine at the proposed minimum virus titer as written into the filed Outline of Production.

(ii) Ten additional animals shall be held as controls.

(iii) On or about days 30, 60, 90, 180, 270, and 365 postinjection, all test animals shall be bled and individual serums tested for neutralizing antibodies to rabies virus.

(iv) All surviving test animals of each species shall be challenged with virulent rabies street virus 1 year after vaccination, except as provided in paragraphs (b)(4) and (b)(5) of this section. Injection bilaterally into the masseter muscles is the recommended route of challenge. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b).

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22/25 or 26/30 vaccinates remain well for a period of 90 days.

(4) When cattle, horses, sheep, and goats are the test animals, the five vaccinates with the lowest SN titers shall be challenged, except that all vaccinates with SIN titer 1:5 shall be challenged. Five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The remaining vaccinates may be challenged at a later date and the results included in the criteria used to establish a satisfactory Master Seed Virus.

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest and the retest may be limited to serological response of the vaccinates if such response is equal to or greater than that in the original immunogenicity test and all controls remain negative. The repeat immunogenicity tests may be terminated after 90 day SN tests if at least 10 vaccinates and at least 5 controls of each species are used and the test dose of vaccine contains the minimum acceptable virus titer throughout dating.

(i) If the 10 vaccinates have SN titers equal to or greater than the 90 day SN titers of the vaccinates in the initial immunogenicity test, the Master Seed Virus is satisfactory.

(ii) If the 10 vaccinates do not have acceptable SN titers, each vaccinate and each control shall be challenged with virulent rabies street virus and observed for 90 days.

(iii) If at least 80 percent of the controls do not show signs of rabies during the observation period, the test is invalid and shall be repeated.

(iv) If more than 10 percent of the vaccinates show signs of rabies, the Master Seed Virus is unsatisfactory.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted and interpreted as prescribed in paragraph (b) of this section for the 1 year test. The test animals shall be monitored serologically at least every 180 days. The time of challenge may be adjusted accordingly.

(d) • • •

(1) Purity *Purity and safety tests.* Final container samples of completed product from each serial or one subserial shall be tested.

• • • • • •

(ii) A test for safety in three young seronegative animals of the most susceptible species for which the vaccine is recommended shall be conducted. Each shall be injected intramuscularly with 10 recommended doses of vaccine. If unfavorable reactions attributable to the product occur during a 28 day observation period, the serial is unsatisfactory.

(iii) If primary cell cultures of hamster origin or of mouse origin are used in vaccine production, they shall be tested for LCM virus as prescribed in § 113.42. The cells shall be disrupted and undiluted cell fluids from each lot shall be tested.

• • • • • •

V 41 173 SEP 3 76 UMI

(21 U.S.C. 151 and 154; 37 FR 28464, 28477; 38 FR 1914.)

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before November 5, 1976, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, DC, this 27th day of August, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 76–25880 Filed 9–2–76;8:45 am]

Farmers Home Administration

[7 CFR Part 1801]

[FmHA Instruction 410.1]

RECEIVING AND PROCESSING APPLICATIONS

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw FR Doc. 76–2929 (41 FR 4595) in which the Farmers Home Administration solicited comments on the proposed amendment of the introductory text in § 1081.2 of Subpart A of Part 1801. The proposal would require that no rural housing application prepared by or with the assistance of a "packager" be submitted to the county office prior to the time of the County Supervisor's scheduled personal interview with the applicant.

As the result of comments received and considered, the proposal published in the FEDERAL REGISTER (41 FR 4595) on January 20, 1976, proposing to amend this section of Subpart A of Part 1801 is hereby withdrawn.

Dated: August 20, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76–25801 Filed 9–2–76;8:45 am]

[7 CFR Part 1823]

[FmHA Instruction 442.13]

ASSOCIATION LOANS AND GRANTS; COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Development Grants for Community Domestic Water and Waste Disposal System

PROPOSED MISCELLANEOUS AMENDMENTS

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to various paragraphs of § 1823.472 of Subpart P of Part 1823, Title 7, Code of Federal Regulations (39 FR 20475; 40 FR 27475). As proposed, paragraph (b) includes additional users who may benefit from FmHA grants; paragraph (b)(1) further explains bulk service to users; paragraphs (b)(2) and (b)(3) refer to user cost and median income rather than family user cost and median family income; paragraph (d)(3) deletes reference to waste treatment and waste collection facilities being recognized as separate projects; paragraph (e)(1) explains the refunding of grant funds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before October 4, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, § 1823.472 (b), (b)(1), (b)(2) and (b)(3), (d)(3) and (e)(1) read as follows:

§ 1823.472 Application processing.

* * * * *

(b) *Determining the need for development grant.* Grants will be used for water and waste disposal projects serving the most financially needy communities to reduce user costs to a reasonable level for farmers, ranchers, rural residents, and other rural users whose needs are met or, if there is no meter, could be met by a single residential-size water meter. For example, a user on a waste system may be considered for a grant when the water needs of the waste user are met or could be met by such residential size meter. This method of computing grants will be used for all water and waste disposal projects. Reasonable user rate is defined as that which is not less than existing prevailing rates in communities being served by an established system constructed at similar user cost having similar economic conditions. User costs shall include charges, taxes, and assessments attributable to the project.

(1) Ordinarily a grant will be considered only when the debt service portion of the average user cost for either water or sewer service for only those users in the applicant service area as specified in paragraph (b) of this section exceeds one percent (1 percent) of the median income (average income if median income is not available) as determined in accordance with paragraph (b)(3) of this section and will be limited to an amount necessary to reduce the debt service portion of such user cost to such one percent (1 percent) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. When the applicant will be furnishing bulk service to rural residents served by another system, a grant to such applicant may also be considered for an amount to reduce the user costs on a similar basis as provided in the paragraph for users of such other system; and an agreement between the applicant and the other system (entity) will be obtained that clearly shows that the benefits of the grant will accrue only to the users intended to be benefited by the grant.

(2) If, after applying the formula described in paragraph (b)(1) of this section, FmHA determines that a reasonable user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce the user costs to not below a reasonable level as defined in paragraph (b) of this section.

(3) The median income in the applicant community or those reference communities used in comparing the proposed system with similar systems, will be determined by the FmHA State Director as follows:

(i) The median income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (1)—C series, which is available for each State; or

(ii) For those projects where the FmHA State Director has reason to believe that the census data is not an accurate representation of the median income within the area to be served, he may determine the median income taking into consideration the following:

* * * * *

(d) * * *

(3) FmHA grants may be used on projects where other types of financial assistance are available on all or part of the project, provided the other assistance is on reasonable rates and terms. In such cases, the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed fifty percent (50 percent) of the eligible project development costs. The need for FmHA grant funds must meet the requirements of paragraph (b) of this section after considering all project financing.

* * * * *

(e) *Grant closing and delivery of funds.* (1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds and loan funds will be disbursed before the disbursal of any grant funds. If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed proportionately in accordance with the agreement governing such agencies' participation in the grant. Any grant funds remaining after project completion will be refunded in direct proportion to the amount obtained or obligated from each grant source.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: AUGUST 30, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–25950 Filed 9–2–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Reasonable Cost Reimbursement of Inpatient Hospital Services

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. They relate to the payments by States for inpatient hospital services provided under State plans for medical assistance (title XIX, Social Security Act).

The purpose of these regulations is in part to clarify the intent of the regulations currently in effect, and in part to add new conditions of approval for plans for payment of reasonable cost of inpatient hospital services which differ from Medicare payment principles. The regulations proposed here incorporate other proposed amendments which were published as a notice of proposed rule making in the FEDERAL REGISTER on April 23, 1976 (41 FR 16971) and which cross-referred to the appropriate new sections added to the Medicare reimbursement regulations in regard to the cost limits under section 223 of Pub. L. 92–603.

The purpose and effect of the current Medicaid regulations (45 CFR 250.30(a)(2)) is to require that the State plan provide for payment of the reasonable cost of such services either in accordance with the Medicare standards and principles, or by other methods and standards meeting certain specified requirements and approved in advance of implementation by the Regional Commissioner. The Department originally intended and has consistently interpreted its regulations to require that the State plan for payment meet one of these two alternatives, and to require any State which does not have an approved alternative plan to use the Medicare standards and principles. One purpose of the proposed amended regulations is thus simply to state this requirement more clearly and directly. Its basis is the Department's belief that those affected by the regulations should have no doubt as to what they require.

The proposed regulations would also modify the current regulations by requiring that payment plans that do not adopt the Medicare standards and principles (1) provide an opportunity for public review and comment on proposed payment methods before they become effective and (2) afford individual providers of inpatient hospital services under the plan an opportunity to obtain administrative review of payment rates applied to them. The basis for this proposal is the Department's belief that these requirements will help to insure development and implementation of fair and reasonable payment rates. It affords those affected by the payment rates an opportunity to present data opposing the rate formulas and rates. At the same time, the proposed regulations would not require the State to undergo the considerable expense of full administrative hearings, although a State is free to do so if it chooses. The Department does not believe that the incremental benefits of a full hearing are sufficiently large compared to the incremental costs, to justify mandating such hearings.

The proposed regulations omit the statement contained in the current regulations that:

> State title XIX agencies are encouraged to involve representative provider organizations in the development of reasonable cost payment plans and to work closely with title V grantees, the Social Security Administration, and other Governmental purchasers of hospital care in an attempt to achieve coordination in reimbursement methods within States.

It will remain the policy of the Department to encourage States to involve provider organizations in the process of developing reasonable cost payment plans. However, the general statement should not be included in the regulation itself, as it is merely a recommendation and not a specific requirement.

The proposed regulations also omit paragraph (a)(2)(iii) of the current regulations, which is redundant (i.e., that payments may not exceed the amount which would be determined under the Medicare cost reimbursement principles). It remains a requirement of these regulations that reimbursement under approvable plans for payment not exceed that which would be determined as reasonable cost using the Medicare standards and principles. However, since this requirement is already contained in paragraphs (a)(2)(i) and (ii), its repetition in paragraph (iii) is unnecessary and confusing.

With respect to development of State alternative methods, the Department has recognized the need for issuance of criteria and guidance on effective and appropriate components of reimbursement plans. Therefore, States, providers, and other interested parties are urged to submit suggestions for such criteria during the comment period of this regulation. Resulting material drafted will be widely circulated for review.

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before October 18, 1976.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street SW, Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).)

Answers to specific questions may be obtained by calling Joseph Dougherty, 202–245–0256.

(It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: August 18, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: August 25, 1976.

WILLIAM A. MORRILL,
Acting Secretary.

Section 250.30 of Part 250, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising paragraph (a)(2) as set forth below:

§ 250.30 Reasonable charges.

(a) * * *

(2) Provide for payment of the reasonable cost of inpatient hospital services in accordance with methods and standards, consistent with the provisions of section 1122 of the Social Security Act for participating States, which shall be developed by the State and approved in advance of implementation by the Regional Commissioner, Social and Rehabilitation Service which methods and standards shall either:

(i) Incorporate all title XVIII standards and principles described in 20 CFR 405.420–405.460 (excluding the inpatient routine nursing salary cost differential), except that, with respect to cost reporting periods beginning after December 31, 1973, payment to hospitals for inpatient services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services, or, in the case of public hospitals rendering services free of or at a nominal charge, on the basis of fair compensation for such services, in accordance with the provisions of title XVIII regulations; or

(ii) Adopt standards and principles which:

(A) Provide incentives for efficiency and economy;

(B) Provide for reimbursement not to exceed that which would be calculated according to the title XVIII standards and principles of reimbursement under paragraph (a)(2)(i) of this section;

(C) Assure adequate participation of hospitals in the State's title XIX program and availability of hospital services of high quality to title XIX recipients;

(D) Afford providers and other interested members of the public an opportu-

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nity to review and comment on proposed rate-setting formulas and payment procedures before they become effective;

(E) At a minimum, afford individual providers of inpatient hospital services under the State plan an opportunity to submit evidence and obtain prompt administrative review of payment rates established for them under the plan, under the following conditions:

(*1*) Where costs of capital improvements were approved by a State's planning agency after rates were set;

(2) Where costs of improvements were incurred due to certification or licensing requirements established after the rate-setting period.

(F) Provide for documentation adequate to permit evaluation of experience under the State's approved reimbursement plan.

[FR Doc.76-25584 Filed 9-2-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR 372a, 378a]

[SPDR-48; Docket 29285; Dated: August 27, 1976]

TRAVEL GROUP CHARTERS AND ONE-STOP-INCLUSIVE TOUR CHARTERS

Contracts Between Organizers and Participants

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Parts 372a and 378a of its Special Regulations (14 CFR Parts 372a and 378a) that would require tour operators and organizers to inform charter participants that the direct air carrier is required to identify every enplaning passenger, so that any passenger's failure to produce a numbered identity document upon boarding the aircraft might result in inconvenience and delay.

The principal features of the proposed amendments are described in the Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under the authority of sections 101, 204, 401, 402, 407, 416, and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 754, 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481).

Interested persons may participate in the rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to Docket 29285, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 18, 1976, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested parties in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

A direct air carrier operating a Travel Group Charter (TGC) or a One-stop-inclusive Tour Charter (OTC) is required, under §§ 372a.41 and 378a.41 of the Board's Special Regulations (14 CFR 372a.41 and 378a.41), to "make reasonable efforts to verify the identity of all enplaning passengers by use of a document bearing an identifying number * * *." That requirements is designed to ensure that enplanements are limited to persons whose names appear on the passenger list previously filed with the Board.

By petition dated May 18, 1976, Docket 29285, United Air Lines, Inc. (United) requested that the Board promulgate a regulation requiring that the contract between the tour operator and the charter participant state that a participant who fails to produce a document bearing an identifying number, such as a valid passport, driver's license, etc. at all points of aircraft boarding shall be denied access to the aircraft.[1] In support of its request, United alleged that because credit cards, drivers' licenses, and other forms of identification are often packed in the luggage, passengers frequently arrive at the boarding gate without adequate identification. The carrier, United argued, must then choose between failing to comply with its duty to identify enplaning passengers, or denying an angry passenger access to the aircraft. United further argued that such dilemmas could be avoided by requiring that the operator-participant contract state that a participant will be denied access to the aircraft unless he produces a numbered identification document upon enplanement.

Answers in support of the petition were filed by the National Air Carrier Association, Western Air Lines, Inc., American Airlines, Inc., and Trans World Airlines, Inc. No answers opposing the petition were filed.

Upon consideration of the petition, and the answers thereto, the Board has decided to grant the petition, but with the modifications set forth below.

Both carriers and passengers are inconvenienced and thrust into an unpleasant situation when an OTC or TGC[2] participant arives at the gate without adequate identification. The Board has tentatively concluded that this problem might be substantially reduced if charter participants were given specific advance notice that they will be asked to produce some form of numbered identification upon enplanement. The Board therefore proposes to adopt a requirement that the operator-participant contract give such notice by stating that the direct air carrier is required to identify every enplaning passanger by means of a document bearing an identifying number, such as a valid passport, driver's license, etc. so that a passenger's failure to produce such a document upon boarding the aircraft might result in inconvenience, delay, and even refusal to board.

The Board is of the opinion, however, that it would be unduly harsh, and contrary to the public interest, for the Board to issue a rule which would require or permit that a passenger be denied access to the chartered aircraft solely because he is unable to produce adequate identification. Accordingly, the proposed amendments are merely designed to give passengers notice that identification will be checked upon boarding. Under this proposed rule, failure to produce a document bearing an identifying number, such as a valid passport, driver's license, etc. would not amount to a breach of contract, nor would it absolve carriers from their responsibility to "make reasonable efforts" to verify the identity of enplaning passengers. In short, a direct air carrier's duty under the proposed amendments would be precisely the same as it now is under our general charter rules e.g., § 208.202c) as well as our special charter rules that require carrier identification of charter passengers, to wit, to make a reasonable, good faith effort to ensure that only those passengers whose names appear on the passenger list are enplaned. The direct air carrier is not obliged to deny boarding to a passenger solely on the grounds that the passenger is without a document bearing an identifying number; however, the direct carrier is not required to board a passenger who cannot verify his identity.

PROPOSED RULES

Accordingly, the Civil Aeronautics Board proposes to amend Parts 372a and 378a of its Special Regulations (14 CFR Parts 372a and 378a) as set forth below.

PART 372a—TRAVEL GROUP CHARTERS

1. Section 372a.29, Contract between charter organizer and charter participants, would be amended by adding a new paragraph (k), to read as follows:

§ 372a.29 Contract between charter organizer and charter participants.

* * * * *

[1] Petitioner also requested certain amendments to the passenger list filing requirements set forth in §§ 372a.50(a) and 378a.50(a). That portion of the petition was granted, with modification, in SPR-106 and SPR-105. Answers supporting only that portion of the petition were filed by Pan American World Airways, Inc. and Aerlinte Eireann Teoranta.

[2] There is now pending a Board proposal to adopt an Advance Booking Charter (ABC) rule, (SPDR-42, dated February 10, 1976, Docket 28852), whose pertinent provisions are basically the same as the OTC and TGC provisions whose amendment we are considering. Therefore, our consideration of the issues in this proceeding would also apply to the proposed ABC rule, without additional notice.

(k) Notice that the direct air carrier is required to verify the identity of every enplaning passenger by means of a document bearing an identifying number, such as a valid passport, driver's license, etc. so that any passenger's failure to produce such a document upon boarding the aircraft might result in inconvenience, delay, or even refusal to board.

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

2. Section 378a.30, Contract between tour operator and tour participants, would be amended by adding a new paragraph (1), to read as follows:

§ 378a.30 Contract between tour operator and tour participants.

* * * * *

(1) That the direct air carrier is required to verify the identity of every enplaning passenger by means of a document bearing an identifying number, such as a valid passport, driver's license, etc., so that any passenger's failure to produce such a document upon boarding the aircraft might result in inconvenience, delay, or even refusal to board.

[FR Doc.76-25946 Filed 9-2-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Parts 51-1, 51-3, and 51-4]

FISCAL YEAR REPORTING REQUIREMENTS

Pub. L. 94-273, April 21, 1976, amended Pub. L. 92-28 as amended (41 U.S.C. 46) changing all references to fiscal year to coincide with the new Federal fiscal year of October 1 through September 30.

The proposed changes will make the Committee Regulations, 41 CFR 51, compatible with the new fiscal year. The proposed changes also clarify the channels and timing for the submission of annual workshop certifications and workshop information required by the Committee to prepare its annual report required by section 1(i) of Pub. L. 92-28.

Comments and views regarding this proposed change may be filed with the Committee on or before October 5, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

In consideration of the foregoing, it is proposed to amend 41 CFR Chapter 51, as follows:

PART 51-1—GENERAL

1. By revising § 51-1.2 paragraph (c) and adding paragraph (o) as follows:

§ 51-1.2 Definitions.

* * * * *

(c) "Fiscal Year" means the 12-month period beginning on October 1 of each year.

* * * * *

(o) "Participating workshop" means any workshop which has been authorized by the Committee to produce a commodity or provide a service to the Government under the Act.

PART 51-3—CENTRAL NONPROFIT AGENCIES

2. By revising the last sentence of § 51-3.2(j) and adding § 51-3.2(k) as follows:

§ 51-3.2 Responsibilities.

* * * * *

(j) * * * This report will be submitted by December 15 covering the fiscal year ending the preceding September 30.

(k) Review and forward to the Committee by December 15 the annual workshop certification for each of its participating workshops covering the fiscal year ending the preceding September 30.

PART 51-4—WORKSHOPS

3. By revising paragraph 51-4.3(a)(4) as follows:

§ 51-4.3 Responsibilities.

(a) * * *

(4) Submit to its central nonprofit agency by November 15 the appropriate annual workshop certificate and the information required by the central nonprofit agency to prepare its annual report both covering the fiscal year ending the preceding September 30.

* * * * *

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-25886 Filed 9-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 611-7]

COMMONWEALTH OF VIRGINIA

Proposed Revision to State Implementation Plan

On May 10, 1976 the Commonwealth of Virginia submitted to the Regional Administrator a variance to section 4.707.00 of the Regulations of the State Air Pollution Control Board. The State requested that the variance be considered as a revision to the Virginia State Implementation Plan (SIP) for the attainment and maintenance of air quality standards.

The variance to section 4.707.00 would allow the Alexandria City Incinerator to operate in excess of the present particulate emission standard for incinerators, .14 grains per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of auxiliary fuel). Section 4.707.00 would be amended to allow operation of the Alexandria City incinerator in excess of this standard from January 1, 1976 to December 31, 1979. The incinerator would not be permitted to operate beyond the latter date.

The Commonwealth of Virginia has justified this request with the following:

(1) The operation of the Alexandria City incinerator at present emission levels will not preclude the City from attaining and maintaining the national ambient air quality standards for suspended particulates.

(2) There is no evidence that continued operation of the Alexandria City Incinerator for the period of the variance would endanger the health of the residents of the City of Alexandria or environs.

(3) The expenditures to install new control equipment to bring the incinerator into compliance is not justified, as the incinerator is to be phased out by 1980. The City of Alexandria has proposed to replace the incineration process with a refuse derived fuel (RDF) program. Under the RDF program, trash will be burned in adjacent power plants in combination with regular fuel.

(4) The installation of new control equipment to bring the incinerator into compliance is not justified as the improvement in air quality from the use of additional control equipment would be negligible.

On June 5, 1975 a public hearing was held by the City of Alexandria. Following the public hearing, Virginia issued an order (August 6, 1975) granting a variance until December 31, 1975 to section 4.707.00 of Virginia's regulations.

The order specified the conditions under which the variance was to be granted, including a requirement that the City of Alexandria submit a "plan of action" until the incinerator was to be phased out. This plan, in the form of a proposed compliance schedule was submitted to Virginia on September 25, 1975. Virginia extended the variance until December 31, 1979. The conditions under which this order was issued required that (1) the incinerator be operated at specified times, (2) the compliance schedule submitted on September 25, 1975 be followed and, (3) a reporting mechanism be included to indicate progress on the compliance schedule.

The compliance schedule submitted on September 25, 1975 has since been modified by a Consent Decree (dated April 6, 1976) agreed to by Friends of the Earth and the City of Alexandria, and adopted by the United States District Court for the Eastern District of Virginia. The modifications specify additional compliance activities in the form of purchase of goods and services which will encourage recycling activities. This compliance schedule, originally stated in a September 25, 1975 letter, and since modified by the Consent Decree, is to be incorporated as a condition to the approval of the variance by the Administrator. The schedule requires the following expenditures for the incinerator, which is to be phased out by December 31, 1979. The items to be purchased for the 1977 fiscal year are one refuse compactor ($80,000), two tractors and two trailers ($110,000),

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and two recycling containers and shelters ($10,000), and a promotional campaign for a recycling program ($5,000). For the 1978 fiscal year expenditures are to include the following: two additional tractors and trailers ($110,000), and additional promotional for a recycling program ($5,000). For the final year of the compliance program, 1979, the items to be purchased include: two more tractors and trailers ($110,000) and further promotion of a recycling program ($5,000).

The Administrator's approval of the variance would be further conditioned by the following additional commitments by the City of Alexandria to the Environmental Protection Agency.

These are: (1) The waste materials burned will not exceed 300 tons/day. This is the throughput level at which May 1975 emission testing was done, and provides a baseline to determine if emissions or throughput are being maintained within the May 1975 levels.

(2) The City will examine ways of reducing incinerator throughput. The City has already agreed to add two recycling centers and to encourage their use with a promotional campaign.

(3) The incinerator will be maintained in good working condition until it is closed.

(4) Brush, cardboard and overwet materials which might exacerbate emissions will be removed from trash to be burned at the incinerator and hauled to the I–95 landfill at Lorton, Virginia. This selected burning process will be continued until closure of the incinerator.

(5) The City will regularly submit quarterly reports to EPA and the State of Virginia containing information related to progress under the compliance schedule. EPA will be notified if the compliance schedule, which leads to the development of the RDF program, is not being met.

(6) The City guarantees that closure of the incinerator will not be delayed because of an inability to implement an RDF program.

These additional commitments were submitted to EPA from the City Manager of Alexandria in letters dated March 2, 1976 and April 19, 1976. As specifically stated in each of these letters, these commitments are added as conditions of the variance.

On December 5, 1975 Virginia submitted an analysis of the incinerator's impact on air quality. Particulate emissions from the incinerator and from other significant point sources in the area were modeled using gaussian dispersion techniques. The relative impacts of these sources were estimated at each of the monitoring sites in the area. Also included were information on the trends at each of the particulate sites, and results from stack tests performed on the incinerator.

The Commonwealth of Virginia submitted proof that a public hearing, with adequate public notice, was held on June 5, 1975, to consider public comment on the proposed revision, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The Administrator's decison to approve or disapprove this proposed revision will be based on whether or not it meets the requirements of section 110 (a)(2)(A–H) of the Clean Air Act and the requirements of 40 CFR Part 51.

On May 5, 1976 the Administrator promulgated a change to Part 51, the purpose of which is to define the circumstances under which variances may be submitted as revisions to State Implementation Plans (40 FR 18510). A variance is now defined as a " * * * temporary deferral of a final compliance date for an individual source * * * ". Even though a variance may pertain to an action that goes beyond the normal date for attainment of national ambient air quality standards, such as the variance proposed herein, it may be approved as a SIP revison provided it does not interfere with the attainment or maintenance of those standards.

This notice is to advise the public of receipt of this proposal, and to request public comment. Only those comments received on or before October 4, 1976 will be considered.

All comments should be addressed to:

Howard Heim, Chief, Air Programs Branch (3AH10), Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Sts., Philadelphia, Pa. 19106.

ATTN: AH007VA.

Copies of these amendments, and the analysis on which they are based, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

ATTN: Harold Frankford.

State Air Pollution Control Board, Room 1106, Ninth Street Office Bldg., Richmond, Va. 23219.

ATTN: John Daniel.

Freedom of Information Center, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(42 U.S.C. 1857c–5.)

Dated: August 24, 1976.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.76–25966 Filed 9–2–76;8:45 am]

[40 CFR Part 52]

[FRL 611–8]

NEW YORK STATE IMPLEMENTATION PLAN

Withdrawal of Proposed Revisions

The purpose of this FEDERAL REGISTER notice is to announce the withdrawal by the State of New York of proposed revisions to its implementation plan.

The withdrawn revisions concern three special limitations issued by the New York State Department of Environmental Conservation under the provisions of 6NYCRR 225.2(b). These special limitations would have relaxed the existing fuel oil sulfur content restrictions for certain fuel users in:

1. The Southern Tier East Air Quality Control Region (AQCR);
2. The Central AQCR; and
3. Parts of the Champlain Valley (Northern) AQCR.

The Environmental Protection Agency (EPA) announced receipt of the State's proposed revisions on May 25, 1976 (41 FR 21360). In that FEDERAL REGISTER notice EPA indicated that New York's technical analysis in support of the three proposed revisions discussed above was inadequate to justify approval. New York was to submit additional technical support. Later, in its July 20, 1976 (41 FR 29817) approval of other parts of the State's revision request, EPA extended the public comment period on the three special limitations issued under Subpart 225.2(b) pending receipt of the requested additional technical analysis.

On July 20, 1976, the New York State Department of Environmental Conservation wrote to EPA to request withdrawal of the revisions. In that letter the State indicated that these revisions may be reproposed to EPA at some future date after the required analyses are completed.

The proposed revisions to the New York State Implementation Plan consisting of three Subpart 225.2(b) special limitations whose receipt were announced by publication in the FEDERAL REGISTER on May 25, 1976, have been withdrawn by the State from EPA consideration; therefore, no further EPA action will be taken pursuant to the previously discussed FEDERAL REGISTER notices of May 25, 1976 and July 20, 1976.

Dated: August 26, 1976.

ERIC B. OUTWATER,
Acting Regional Administrator.

[FR Doc.76–25937 Filed 9–2–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19667, RM–1475; FCC 76–791]

BROADCAST LICENSEES

Maintenance of Certain Program Records

In the matter of petition for rulemaking to require broadcast licensees to maintain certain program records.

1. On July 15, 1976, the Commission adopted a letter in answer to a petition from the National Black Media Coalition, which directed portions of that petition to be considered in conjunction with the unresolved issues in this Docket. Our action today reopens this Docket for the limited purpose of considering those issues.

2. This proceeding was initiated on January 4, 1973, by a notice of proposed rulemaking (38 FR 1511) to require retention of program logs of all radio and television stations. Further procedures were proposed by Memorandum opinion and order (38 FR 28947 (1973)) to explore the details of request, location, cost, and a viewing delay period. Rule changes were adopted, with respect to television stations only, providing for retention and copying of program logs and other materials in the stations' public files. First (44 F.C.C. 2d 845 (1974)) and Second reports and orders (47 F.C.C. 2d 1157 (1974) 39 FR 29919).

3. The second report and order terminated the proceeding at that time, but stated that the matter of machine reproduction of material in the public file of radio stations would be addressed at a later date, possibly in conjunction with the question of whether the program logs of radio stations should be made publicly available.

4. Action was deferred with respect to radio stations in order to first obtain experience from the impact of the new rules on television stations. In addition, special problems in relation to automatic logging, and a need to coordinate action with the Commission's Reregulation Task Force required further study. The Reregulation Task Force recommended new rules governing the automatic logging matter in Docket No. 20600 which was adopted by the Commission by report and order, on May 27, 1976.

5. By interim report and order in Docket No. 19153, the Commission adopted § 73.1202(f) of its rules which requires that all written comments and suggestions received by a licensee from members of the public concerning operation of the station be maintained in the station's local public inspection file for three years from the dates they are received. However, this requirement was placed on an experimental basis with respect to radio stations. The Commission said that at some appropriate time, it would evaluate the usefulness of the requirement as it pertains to radio. We believe that sufficient time has now transpired for such evaluation. Since the issue is related to those of this proceeding, we shall attempt to resolve it herein.

6. The original petition in this Docket called for the retention and disclosure of transcript, tape or disc of all programs except entertainment and sports. NBMC's petition called for the retention of news and public affairs programs. These proposals will be considered in this proceeding.

7. Sufficient experience has been obtained for the Commission, licensees and the public to evaluate the benefits and costs of the above proposals. The Commission and the Reregulation Task Force has completed its work in related areas, and the unresolved issues stated above may now be addressed. Accordingly, the Commission hereby orders that Docket No. 19667 be reopened for the limited purpose of inviting comments only on those issues enumerated above.

8. Authority for this action is contained in sections 4 (i) and (j) and 303 (g) and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in §§ 1.415 and 1.46 of the Commission's rules, interested persons may file comments on or before October 7, 1976, and reply comments on or before October 18, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

10. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted: August 24, 1976.

Released: August 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–25896 Filed 9–2–76;8:45 am]

[47 CFR Part 73]

[Docket No. 20901; RM–2625]

FM BROADCAST STATIONS IN BREWER, MAINE

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Brewer, Maine).

1. *Petitioner, proposal, and comments.* (a) Notice of proposed rule making is hereby issued concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with regard to the community of Brewer, Maine.

(b) A "Petition for Rule Making"[1] was filed on behalf of Bangor Broadcasting Corporation, licensee of AM Station WGUY, Bangor, Maine (WGUY), proposing the assignment of Channel 284 to Brewer as a first FM assignment to the community. WGUY also filed a "Supplement to Petition for Rule Making," and "Comments on Petition and Supplemental Petition for Rule Making." No other responses have been received.

(c) The petitioner estimates that its proposal would provide a first FM service to a population of 195 in a 980 square kilometer (378 square mile) area and a second FM service to a population of 17,671 in a 2,550 square kilometer (968 square mile) area. Further, petitioner asserts that the proposal would provide a first aural nighttime service to a population of 195 in a 940 square kilometer (363 square mile) area, and a second aural nighttime service to a population of 2,630 in 946 square kilometer (365 square mile) area.

2. *Community data.* (a) Location: Brewer is located in Penobscot County, and is situated approximately 177 kilometers (110 miles) southeast of the United States-Canadian border,[2] approximately 8 kilometers (5 miles) southeast of Bangor.

(b) Population: Brewer—9,300; Penobscot County—125,393.[3]

(c) Local broadcast service: Brewer has no local broadcast services, however, it is located within the 1 mV/m contour of two existing FM stations (WBGW, Channel 246, Bangor, and WDEA, Channel 239, Ellsworth, Maine). Further, Brewer lies within the assumed 1 mV/m contour of Channel 225 at Bangor for which a construction permit is outstanding.[4] Brewer also receives commercial AM service from two full-time stations (WABI, Bangor, licensed to Community Broadcasting Service, and WLBZ, Bangor, licensed to Maine Broadcasting Company), and from one daytime-only station, WGUY, Bangor, licensed to the petitioner.

3. *Economic data.* The economy of Brewer and vicinity appears to rely to a substantial degree on lumber products manufacturing and agriculture. The record before us discloses a level of commercial and economic activity sufficient to support the requested assignment.

4. *Preclusion studies.* The petitioner's engineering study indicates that the assignment of Channel 284 at Brewer would create preclusion on the co-channel and on one of the six adjacent channels (285A). Within the co-channel preclusion area, four communities with populations greater than 5,000 (Old Town, Orono, Old Orchard Beach and Cape Elizabeth) have neither an AM or an FM assignment. One other community, Belfast, has only an AM assignment, however, in that instance, it appears that six alternate channels (257A, 261A, 265A, 269A, 272A, and 280A) are available for future assignment to Belfast.[5] At Old Town and Orono, three alternate channels (261A, 271, and 292A) are available for future assignment.[6] The petitioner notes that under the "15-mile" rule,[7] Channel 284, although assigned to Brewer, could be used at either Old Town or Orono. It is further noted that Cape Elizabeth and Old Orchard Beach are within 24 kilometers (15 miles) of Portland, Maine, and thus receive adequate broadcast service from facilities in Portland. Three communities (Bucksport, Ellsworth, and Bar Harbor) with populations greater than 2,500 but less than 5,000 are located in the co-

[1] Commissioner Washburn absent.

[1] Notice of the filing of the petition was issued on December 19, 1975 (Rpt. No. 959).

[2] Inasmuch as Brewer is located within 402 kilometers (250 miles) of the U.S.-Canadian border the requested assignment will require Canadian concurrence.

[3] 1970 U.S. Census.

[4] A construction permit for the operation of a station on Channel 225 at Bangor was recently granted to Penobscot Broadcasting Corp. (BPH–6916).

[5] The assignment of either Channel 275A or Channel 261A at Belfast would require the imposition of a transmitter site restriction.

[6] The assignment of Channel 271 to either of these communities would require the imposition of a transmitter site restriction.

[7] Section 73.203(b) of the Commission's rules.

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channel preclusion area. While Ellsworth presently has two FM assignments, neither Bucksport nor Bar Harbor has a local broadcast facility. The petitioner in its comments should identify alternate channels for possible future assignment to those communities.

5. Unfortunately, the petitioner's preclusion study failed to take note of the fact that Channel 286 was deleted from Skowhegan, Maine, and replaced by Channel 294.[8] Thus, petitioner is requested in its comments to revise its preclusion study and indicate what changes, if any, will result in the Roanoke Rapids/Anamosa showing which it has provided. In the event that additional communities are found to be located within the areas of preclusion disclosed by the revised showing, petitioner should identify alternate channels for use in those communities. We note that with the revised showings, it is possible that the channel in question may be utilized to greater advantage elsewhere.

6. *Additional considerations.* The proximity of Brewer to Bangor, the expressed desire of the petitioner to provide a "first 24-hour broadcast service to Bangor . . . ," and the likelihood that a Class B channel at Brewer would place a community grade signal over Bangor point to the possible existence of a "suburban" issue.[9] The petitioner and other parties interested in the operation of a station on Channel 284 at Brewer should therefore signify an intent to primarily serve Brewer rather than Bangor.

7. *Proposed amendment to the FM Table of Assignments.* The Commission invites comments on the following proposed amendment to the FM Table of Assignments (§ 73.202(b) of the Commission's rules):

City	Channel No.	
	Present	Proposed
Brewer, Maine		284

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are shown below and are incorporated by reference herein.

COMMENTS AND REPLY COMMENTS

9. Interested parties may file comments on or before October 12, 1976, and reply comments on or before November 2, 1976.

Adopted: August 27, 1976.

Released: September 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making. All submissions by parties of this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-25894 Filed 9-2-76;8:45 am]

[8] Report and Order in Docket No. 19540, 46 F.C.C. 2d 211 (1974).

[9] The "suburban" issue is discussed in Berwick Broadcasting Co., 12 F.C.C. 2d 8 (1968), and P.A.L. Broadcasting Co., 40 F.C.C. 2d 546 (1973).

[47 CFR Part 73]

[Docket No. 20900; RM-2657]

FM BROADCAST STATIONS IN HOBART, OKLAHOMA

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Hobart, Oklahoma).

1. The Commission has for its consideration a petition for rule making[1] filed on February 17, 1976, by Fuchs Broadcasting Company (Fuchs), licensee of AM broadcast Station KTJS in Hobart, Oklahoma, which seeks to amend the FM Table for Assignments by deletion of Channel 257A and assignment of Class C Channel 290 at Hobart, Oklahoma. This proposal would not require any other changes in the FM Table of Assignments. No opposition to Fuchs' petition for rule making was filed.

2. Hobart (pop. 4,538),[2] Oklahoma, is the seat of Kiowa County (pop. 12,532) and is located approximately 153 kilometers (95 miles) southwest of Oklahoma City and 72 kilometers (45 miles) north of the Texas-Oklahoma boundary. Fuchs points out that Hobart's local aural service consists solely of daytime-only AM Station KTJS, which is licensed to the petitioner.

3. Petitioner recognizes that the Commission's rules, as well as policy, provide that Class A channels are assigned to serve relatively small communities and the surrounding rural area, and that Class B and C channels are designed to serve large urban areas and the contiguous areas. Section 73.206 (a) (2) and (b) (4) of the Commission's Rules; Third Report, Memorandum opinion and order, 40 F.C.C. 747, 758–59, para. 25 (1963). However, petitioner believes that the Commission should make an exception here by deleting Channel 257A and assigning Class C Channel 290 to Hobart because a large coverage area is essential if an FM station is to be economically viable in this sparsely settled rural region. Fuchs points out that, in a similar situation, the Commission has deleted a Class A channel and assigned a Class C channel to Winner (pop. 3,705), South Dakota. First report and order, Docket No. 16762, 5 F.C.C. 2d 188, 189–90 (1966). In addition, petitioner explains that, in order to make the best use of a Class C channel, Fuchs intends to locate its transmitter site on King Mountain, which is the highest mountain in Kiowa County.[3] By having such a transmitter site, petitioner states that its transmitting antenna would be approximately 305 meters (1,000 feet) above average terrain and that this would make possible a first nighttime and a first FM service to several communities within a large rural area. By way of comparison, petitioner shows in its engineering statement that a Class A station operated from King Mountain, which is 15 miles southwest of Hobart, would not place a city-grade signal over all of Hobart because, at the height of 305 meters (1,000 feet) a.a.t., a Class A station must reduce the effective radiated power to 252 watts, pursuant to § 73.333 of the Commission's rules.

4. Petitioner states that Hobart, as well as the surrounding large rural area, is in need of a Class C channel so that residents will be able to hear important early morning school announcements, weather information, and road condition reports. Fuchs admits that its daytime AM station in Hobart has pre-sunrise authority but that its service coverage is very limited during the pre-sunrise operation. Also, pre-sunrise announcements from Station KWHW at Altus, Oklahoma, the only full-time AM station in the southwest corner of Oklahoma, cannot be heard because of radio interference on their signal. According to petitioner, this problem is compounded by the fact that Station KWHW–FM at Altus, located some 48 kilometers (30 miles) away, cannot warn Hobart residents of weather conditions because it is a Class A channel with a small coverage area. Petitioner emphasizes that weather warnings are important to Hobart and its neighboring communities because many tornadoes occur in this part of Oklahoma, which is known as "Tornado Alley." Finally, petitioner adds that since the transmitter site would be located in the Quartz Mountain State Park area, this station would be able to provide information for the many tourists who visit this state park.

5. Preclusions—According to petitioner's engineering statement, if Channel 257A is deleted and Channel 290 is assigned to Hobart, then significant preclusion would occur on Channels 288A, 289, 290, 291, and 292A. However, in the precluded areas, there is no community with a population exceeding 4,500 which is presently without an FM assignment; and within these areas, there are a number of assigned channels available for use. In addition, the areas precluded from the use of Channels 287 and 293 have a small number of communities without an FM assignment, but many of these communities have populations under 1,000 people. Within the Channel 287 preclusion area, no community has a population greater than 3,500. Also, in the area precluded from the use of Channel 293, there are three unoccupied channels.

6. Roanoke Rapids Study—Because petitioner is requesting a Class C channel in a place where a Class A channel is already assigned, we require a Roanoke Rapids study showing the number of people who would receive a first or second FM service from a Class C station in Hobart. Roanoke Rapids-Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967). We note that the petitioner has submitted a coverage study based on a Class C station operating at Hobart with 75 kilowatts and at an antenna height of 152.4 meters (500 feet). According to this study, 16,629 people in an area of 956 square kilometers (369 sq. mi.) would receive a first FM service; and 46,498 people in an area of 1,338 square kilometers (516 sq. mi.) would receive a second FM service. However, we request that petitioner submit a proper Roanoke Rapids showing based upon a Class C station operating at Hobart with petitioner's proposed facilities (25 kilowatts and 304.8 meters (1,000 feet) AAT), existing stations operating with reasonable facilities of greater in the event the station is already authorized greater facilities, and all unoccupied assignments in the area operating with reasonable facilities. In addition, petitioner should submit a comparative coverage study showing the number of people receiving first and second FM service from both a Class A and a Class C station located at Hobart. The above showing should include the extent of nighttime service provided by standard broadcast stations. Anamosa-Iowa City, Iowa, 40 F.C.C. 2d 250 (1974).

7. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, with regard to Hobart, Oklahoma, as follows:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Hobart, Okla.	257A	290

8. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are shown below and are incorporated herein.

9. Interested parties may file comments on or before October 12, 1976, and reply comments on or before November 1, 1976.

Adopted: August 25, 1976.

Released: August 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in this Notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-25895 Filed 9-2-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20898; FCC 76-793]

NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS

Program Logs

In the matter of amendment of the Commission's rules and regulations concerning program logs for noncommercial

[1] Public notice of the filing of Fuchs Broadcasting Company's petition for rule making was issued March 1, 1976 (Report No. 968, Mimeo No. 61608).

[2] Unless otherwise indicated, all population statistics are taken from the 1970 U.S. Census.

[3] The petitioner states that it has received a letter of intent from the United States Department of Interior, Bureau of Reclamation, and that a license agreement is currently being prepared so that Fuchs could have a transmitter site on King Mountain.

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educational broadcast stations, Docket No. 20898.

1. The Idaho State Board of Education ("Idaho" hereinafter)[1] filed certain proposals concerning noncommercial educational broadcast stations in Docket No. 20600 (program log rules) which we found to be outside the scope of that proceeding but to merit consideration in a new rulemaking proceeding.[2]

2. "Idaho's" proposals were to permit noncommercial educational broadcast stations (a) to log the type and source of programs according to definitions in the renewal form for such stations (FCC Form 342) instead of the definitions in Notes 1 and 2 to the rules on program logging; and (b) to put donor announcement information in the station's public file instead of the program log as now required.

3. The comments of the Technical Director, WBAU (WBAU hereinafter),[3] in Docket No. 20600 contained a similar proposal concerning definitions of program types. WBAU also submitted an alternative proposal.

4. Idaho and WBAU point out that all noncommercial educational broadcast stations must, in their applications for renewal, set forth programming information based on definitions in that form (FCC Form 342). The definitions therein with respect to program "types" are different in several respects from the ones contained in Note 1 to the program logging rules. Program types are defined in FCC Form 342 as "Instructional," "General Educational," "Performing Arts," "Public Affairs," "Light Entertainment" and "Other." Program types are defined in Note 1 to §§ 73.112, 73.282 and 73.670 under the primary categories of "Agricultural," "Entertainment," "News," "Public Affairs," "Religious," "Instructional," "Sports," "Other," and subcategories of "Editorials," "Political" and "Educational Institution."

5. Idaho and WBAU contend that the differences in definitions for logging purposes and for renewal purposes should be eliminated. Idaho states that the definitions in FCC Form 342 are better suited to noncommercial educational broadcast programs; and that "changing the Form 342 definitions to conform with § 73.112 definitions would only serve to saddle noncommercial educational broadcast licensees with a format wherein the majority of programs broadcast would be collapsed into only one or two categories."

6. Thus, Idaho proposed that the rules[4] for log entries of program types and sources be amended as follows:

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section, except that stations licensed or operating as noncommercial educational may use the definitions set forth in FCC Form 342.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section, except that stations licensed or operating as noncommercial educational may use the definitions set forth in FCC Form 342. (For network programs, also give name or initials of network, e.g., ABC, CBS, Mutual, NBC. N.P.R.*, P.B.S.**)

*National Public Radio. **Public Broadcasting System.

7. WBAU made a similar proposal with respect to program types and offered an alterative proposal of modifying the Note 1 definitions to make them more applicable to educational stations as well as commercial stations.[5]

8. Idaho also requested a change in the program log rules with respect to donor announcements by noncommercial educational stations. In substance, the changes would provide that donor information be kept in the station's public file rather than being entered in the program log. Idaho points out that "some nationally distributed programs such as 'Sesame Street' have as many as five or six donors who are announced;" that "if all donor announcements are logged each time a program is broadcast, such log entries comprise a relatively large amount of log space, and therefore require a relatively large amount of electronic memory in automated logging schemes." Thus, Idaho suggests that a licensee " " " simply indicate with a 'D,' or similar designation beside the program name (on the program log) that a donor announcement or announcements had been made and, in the key to abbreviations section of the log, indicate where that donor information can be found." In support thereof, Idaho contended that, since donor announcements would remain the same for an entire year of "Sesame Street" and similar series of programs, the amount of work involved in recording such information would be significantly reduced; and that, since public files are legally more accessible than program logs, the public information function of those log entries would be better accomplished.

9. Thus, Idaho proposed the following addition to the "Program log" rules (see footnote 4):

An entry identifying any donor announcement made pursuant to § 73.1212, with the name of the donor to be retained in the station public files by the licensee or permittee for a period of 2 years. Donor announcement information for a given series of programs need be entered in the public file only once provided that the information is identical for each program in the series. See Notes 1 through 5 to §§ 73.503 and 73.621 of this chapter.

10. We have reservations about the merits of this proposal but are withholding judgment until a study is made of comments received in this proceeding.

11. The proposal for noncommercial educational stations to use definitions set forth in the renewal form (para. 6, supra) is meritorious. We believe, however, that, instead of the amendments suggested by Idaho, the proposal should be incorporated in a broader revision of the rules as set out below.

12. We proposed to promulgate a separate program logging rule common to all stations licensed or operating as noncommercial educational. The rule would give better recognition to operational differences between commercial and noncommercial educational stations. We believe that the best method for establishing such a rule is to revise the program logging rule for noncommercial educational FM, i.e. § 73.582, and to provide in the program logging rules of the other services (footnote 4, supra) that stations licensed or operating as noncommercial educational shall maintain a program log in accordance with the provisions of § 73.582. The revision of § 73.582 would provide for essentially the same requirements of the other program logging rules but would be tailored to the operational differences of noncommercial educational stations, e.g. program types and sources, donor announcements in lieu of commercial matter and the entries which would follow therefrom.

13. It is proposed to amend Part 73 of the Commission's rules and regulations as set forth below:

14. Authority for the institution of this proceeding, and adoption of the rules proposed herein, is contained in sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in §§ 1.415 and 1.416 of the Commission's rules, interested parties may file comments on or before October 7, 1976, and reply comments on or before October 18, 1976. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

16. In accordance with the provisions of § 1.419 of the Rules, an original and 11 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response to this proceeding, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: August 24, 1976.

Released: September 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[6]
VINCENT J. MULLINS,
Secretary.

1. It is proposed to amend Section 73.112(a) to read as follows:

§ 73.112 Program log.

(a) A program log shall be kept in accordance with the provisions of § 73.111, for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day. A station licensed or operating as noncommercial educational shall maintain its program log in accordance with the provisions of § 73.582 (Subpart C).

* * * * *

2. It is proposed to amend § 73.282(a) to read as follows:

§ 73.282 Program log.

(a) A program log shall be kept in accordance with the provisions of § 73.281, for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day. A station licensed or operating as noncommercial educational shall maintain its program log in accordance with the provisions of § 73.582 (Subpart C).

* * * * *

It is proposed to amend § 73.582 to read as follows:[7]

§ 73.582 Program log.

(a) A program log shall be kept in accordance with the provisions of § 73.581 for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day.

(b) Entries: The following entries shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) Entries which indicate the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was broadcast within the longer program.

(iii) An entry classifying each program as to source, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to type, using the definitions set forth in Note 2 at the end of this section.

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidates.

(2) *For donor announcements.* An entry giving the name(s) of any donor(s) or person(s) furnishing materials or services, in accordance with the provisions of §§ 73.1212 and 73.503 including Notes 1 through 5 thereto; and the entry shall constitute a representation that identification was announced on the air in accordance with the provisions of the said sections and section 317 of the Communications Act of 1934, as amended. As an alternative, an entry of the word Donor(s) may be made: *Provided,* That the log shall clearly indicate that the name of the donor(s) or person(s) is retained in the station's public file. Such information for a given series of programs need be entered in the public file only once, provided the information is identical for each program in the series. The information shall be retained in the public file for a period of two years.

(3) *For public service announcements.* An entry showing that a public service announcement (PSA) has been broadcast, together with the name of the organization or interest on whose behalf it is made. See Note 3 following this section for definition of a public service announcement.

(4) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location, pursuant to § 73.1201).

(ii) An entry for each announcement presenting a political candidate showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pre-grant) and 1.594 (designation for hearing), showing the time it was broadcast.

(iv) An entry showing that broadcast of taped, filmed or recorded material has been made in accordance with the provisions of § 73.1208.

(c) *Network programming.* A station broadcasting the programs of a network (see "network program," Note 1) which will supply it with all information as to such programs necessary for the "full week of operation" (FCC Form 342) need not log such data but shall record in its log the name of each network program broadcast, the time the program was broadcast (beginning and ending) and any nonnetwork matter broadcast required to be logged. The information supplied by the network for the "full week" which the station will use in its renewal application shall be retained with the program logs and associated with the log pages to which it relates.

(d) *Manually kept log.* Entries on a manually kept log may be made either at the time of or prior to broadcast. The employee responsible for keeping the log shall sign the log when starting duty and when going off duty and enter the time of each. If entries are pre-printed prior to broadcast and any deviation therefrom occurs in what was actually broadcast, an appropriate correction must be made on the log. When the employee keeping the log signs the log upon going off duty, that person attests to the fact that the log, with any corrections or additions made before he signed off, is an accurate representation of what was actually broadcast.

(e) *Automatically kept log.* (1) Entries on an automatically kept program log may be made by automatic logging instruments with sequential language printouts corresponding to manually kept log entries.

(2) An employee on duty shall be responsible for the automatic logging process and the keeping of the log. In the event of failure or malfunctioning of the automatic logging process, the person responsible for the log shall make the required entries in the log manually.

(3) The employee responsible shall sign the log, or a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic printout part of the log, the employee checked the automatic logging equipment periodically throughout the tour and that, to the best of his knowledge and belief, at no time during his tour did it fail or malfunction, unless otherwise noted above the signature; and that, as to any part of the log which was kept manually, with any corrections or additions made thereon before signing off duty, it was an accurate representation of what was actually broadcast.

(f) *Automatic maintenance of logging data.* (1) An employee on duty shall be responsible for any automatic maintenance of data and the keeping of the log. In the event of failure of malfunctioning of the said automatic process, the employee responsible for the log shall make the required entries in the log manually at that time.

(2) The employee responsible shall sign, on a separate page to be affixed to the logging data, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic maintenance of data equipment, the employee checked it periodically throughout the tour and that, to the best of his knowledge and belief, at no time during his tour did it fail or malfunction, unless otherwise noted above the signature; and that, as to any part of the log which was kept manually, with any corrections or additions made thereon before signing off duty, it was an accurate representation of what was actually broadcast.

(3) The licensee shall extract any required information from automatically maintained program logging data for

[1] Licensee of Stations KAID–TV, Boise; KBGL, Pocatello; and KUID–TV, KUID–FM, Moscow.

[2] Para. 44, Report and Order, Docket No. 20600, released June 30, 1976.

[3] Adelphi University, Garden City, New York.

[4] The rules are the same for AM (§ 73.112(b)(1)), FM (§ 73.282(b)(1)) and TV § 73.670(b)(1)). NCE–FM (§ 73.582) is substantially different.

[5] WBAU stated that Note 2, concerning program sources, differs from Form 342 only in omitting the "Other" category and combining it with "REC" (recorded program).

[6] Commissioner Washburn absent.

[7] Subsections (d), (e), (f), (g) and (h) were added by Report and Order, Docket No. 20600, released June 30, 1976, and no comments are here elicited on those subsections. (Old subsections (b) and (c) were deleted.)

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days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed, within such time as the Commission may specify.

(g) *Information required.* The licensee, whether employing manual logging, automatic logging or automatic maintenance of logging data, or any combination thereof, must be able accurately to furnish the Commission with all information required to be logged.

(h) *Corrections.* (1) Program logs shall be changed or corrected only in the manner prescribed in § 73.581(c).

(2) If corrections or additions are made on the log after it has been signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

NOTE 1.—Sources of programs are defined as follows:

A local program (L) is any program originated or produced by the station, employing live talent more than 50 percent of the time, and using the studios or other facilities of the station. A local program recorded or filmed by the station for later broadcast shall be classified as local. Programs primarily featuring phonograph records, syndicated or feature films or taped or transcribed programs, shall not be classified as local even though a station personality appears incidentally to introduce such material.

A record program (REC) (Radio only) is any program, not falling within the definition of "local" above, which utilizes phonograph records, electrical transcriptions or taped music, with or without commentary by a local announcer, or other station personnel.

A network program (N) is any program furnished to the station by a network (national, regional or special) such as Public Broadcasting System, National Public Radio, etc.

Other Programs (OTHER) are any programs not defined above, including, without limitation, syndicated film, taped or transcribed programs, and feature films.

NOTE 2.—Types of educational programs are defined as follows:

Instructional (I) includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers, and college credit courses are examples of instructional programs.

General Education (GEN) is an educational program for which no formal credit is given.

Performing Arts (A) is a program, live or recorded, in which the performing aspect predominates such as drama or concert, opera or dance.

Public Affairs (PA) includes programs dealing with local, state, regional, national, or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, political programs, documentaries, mini-documentaries, panels, roundtables, vignettes, and extended coverage (whether live or recorded) of public events or proceedings, such as local council meetings, Congressional hearings, and the like.

Light Entertainment (LE) includes programs consisting of popular music or other light entertainment.

Other (O) includes all programs not falling within the definitions of Instructional, General Education, Performing Arts, Public Affairs or Light Entertainment. Such programs as news or sports should be reported as "other."

NOTE 3.—Definition of a public service announcement. A public service announcement is one which promotes programs, activities or services of Federal, State, or local governments (e.g. recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross, Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements, and promotional announcements. (See however, § 73.503(d) with respect to the preclusion of announcements promoting the sale of a product or service.)

4. It is proposed to amend § 73.670(a) to read as follows:

§ 73.670 Program log.

(a) A program log shall be kept in accordance with the provisions of § 73.669, for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day. A station licensed or operating as noncommercial educational shall maintain its program log in accordance with the provisions of § 73.582 (Subpart C).

* * * * *

[FR Doc.76-25901 Filed 9-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 23)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Experiment for Improving the Accuracy of Estimates—Reentitled—Investigation Into Estimating Practices

● Purpose. The purpose of this notice is to inform the public that the Interstate Commerce Commission is inviting public comment relative to the possible elimination of the requirement that a household goods carrier provide, upon request, an estimate of the cost of shipping, and the possible modification of the rules and regulations governing the estimating practices of motor common carriers of household goods in interstate or foreign commerce. ●

The most recent statistics concerning estimates provided by household goods movers and the large number of complaints regarding the estimating process that we have received indicate that our present regulations are relatively ineffective to reduce the alarming number of inaccurate estimates being made. Because we are constantly striving to encourage more satisfactory relationships between shippers of household goods and regulated carriers, we have instituted an investigation into the estimating practices of household goods carriers. We propose to direct our attention of the following matters:

(a) Should the practice of estimating be abolished, to be replaced by a requirement that a carrier, upon being requested to provide such an estimate, state only the applicable tariff charges and provide the shipper with the necessary tools to make his own estimate, including, for example, a "price list" which details all charges and the basis for such charges, in simplified form?

(b) If estimating is to be abolished, what means of apprising a shipper of the nature of the charges for a movement of household goods should be adopted?

(c) Should penalties be imposed upon those carriers which render inaccurate estimate? If so what types of penalties should be imposed? What problems, legal or otherwise, might be encountered in the operation of such a penalty system?

(d) Does the 7-pounds-per-cubic-foot minimum conversion factor set forth in our regulations at 49 CFR 1056.8 paragraph (a), which carriers are required to use when making estimates, serve any useful purpose? If not, should it be replaced with a weight-based system? What benefits would accrue to the public from the use of a weight-based system? Would use of the weight-based system result in additional problems, and if so, what would those problems be?

(e) Should estimators be required to register with this Commission and/or be certified? Should standards be developed to which estimators would be required to conform? Should the methods of training and compensation for estimators be regulated? If so, what methods should be prescribed? What would be the pitfalls of such requirements?

(f) The rules governing intrastate shipments of household goods in the State of California, as promulgated by the California Public Utilities Commission, provide, in general: (a) That carriers need not offer to make estimates, (b) that if estimates are offered, they must be made in compliance with the terms of the prescribed regulations, (c) that carriers may collect only the amount of the estimate plus an additional percent of that estimate, and (d) that carriers shall be fined for estimates which do not accurately reflect the actual moving charges. Should such a system be adopted by this Commission? Are other State regulatory systems available which might if adopted, alleviate the estimating problems presently being encountered? If other systems are available, what problems have been encountered in administration of those estimating requirements?

(g) Should estimates be limited in their duration to a period of 30 days, after which time an estimate would become invalid.

(h) If a weight-based estimating system were adopted, would a variation of the forms utilized by North American Van Lines, Inc., during its recently completed estimating experiment, be useful? (These forms are shown without modification in Ex Parte No. MC-19 (Sub-No. 23), *Practices of Motor Common Carriers of Household Goods*, 121 M.C.C. 388, 405–407 (1974).) If those forms are not adequate, what forms should be prescribed?

(i) If a weight-based estimating system were not adopted, are existing Commission estimating forms described in Ex Parte No. MC-19 (Sub-No. 8), *Practices of Motor Common Carrier of Household Goods*, 111 M.C.C. 427, 539–540 (1970), adequate to inform the customer of the nature of the cost he is about to incur and the basis for those charges? If not, what changes should be made in those forms?

(j) Is the range of accuracy presently required of carriers prior to the extension of credit and the reporting of inaccurate estimates an appropriate reflection of the capabilities of the carrier's estimating processes?

(k) Should potential customers be given a separate, written warning, which declares that estimates are not binding and that carriers are required to collect all charges incurred, regardless of whether those charges were in fact estimated?

(l) Should minimum printing specifications be set for estimating forms?

(m) Carriers frequently complain that shippers do not show the estimator all those goods which are to be shipped. How often do shippers withhold such information? What actions should be taken, if any, to encourage shippers to be more forthright with carriers?

Although we have outlined those areas which we expect to be the major focus of this investigation, we invite the public and respondents to comment on any other aspects of the estimating process which should properly be examined in this investigation.

No oral hearings will be scheduled for the receipt of testimony at this time. Persons and parties interested in filing representations as to the matters referred to above are hereby invited to comment by the submission of written data, views, statements, or argument. Submissions should be filed on or before December 1, 1976, and should be forwarded to the Office of Proceedings, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423. When possible, an original and 15 copies of such data, views, statements, or argument should be filed. All submissions become part of the record in this proceeding, and interested persons or parties may view these submissions at the Commission's office in Washington, D.C., during normal business hours.

(Part II of the Interstate Commerce Act, and particularly, 49 U.S.C. §§ 301, 304(a)(1), 304(a)(6), 308(a), 316, 317, 320, 322, and the Administrative Procedure Act (5 U.S.C. §§ 553 and 559).)

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25571 Filed 9-2-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-6/89]

ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, October 8, 1976, in Room 507 at the State Department Annex 2, 515 22nd Street, N.W., Washington, D.C. It is expected that the meeting will run from 9:30 a.m. to 12:30 p.m.

There will be two items on the agenda, in addition to any old or new business which any Commission member wishes to raise. They are:

1. A reexamination of the country's exchanges with the People's Republic of China.
2. A discussion of the role of sports in international exchange.

Members of the general public may attend and participate in the discussion subject to the instructions of the Chairman. They will be accommodated up to the seating capacity of the meeting room.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Staff Director by close of business, 5:30 p.m., October 6, 1976. He may be reached by telephone at (202) 632-2764.

Dated: August 27, 1976.

W. E. WELD, JR.,
Staff Director.
Commission Secretariat.

[FR Doc.76-25856 Filed 9-2-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 76-12; Reference: Notice No. 76-8]

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting; Correction

In FR Doc. 76-23797 appearing on page 34658 in the FEDERAL REGISTER of August 16, 1976, the date and place of the Closed Meeting should be changed to read "September 21, 1976, at the Federal Building, 12th and Pennsylvania Ave. NW, Washington, DC, room 3000A beginning at 9 a.m. (e.d.t.)."

Signed: August 26, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-25925 Filed 9-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

SPECIAL COMMISSION ON THE UNITED STATES MILITARY ACADEMY

Establishment, Organization and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Special Commission on the United States Military Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Special Commission on the United States Military Academy is to conduct a comprehensive and independent assessment of the current cheating incident and its underlying causes in the context of the Honor Code and Honor System and their place in the Military Academy. This Commission will be asked to evaluate the concept of honor at West Point in all its ramifications and in relationship to the Corps and to the institution as a whole. In performing this assessment, the Commission will examine the Honor System in its concept and operation, the structure and operation of the Military Academy together with other pertinent internal and external factors, with a view toward formulating recommendations for improvement. Questions specifically to be addressed by the Commission include:

a. What were the causative and contributing factors underlying the recent Electrical Engineering 304 cheating incident?

b. Does the Honor Code and System impose a realistic and reasonable set of standards?

c. Is the Honor Code accepted by cadets as a way of life or do cadets adhere to it merely because of the consequence of a violation?

d. Are high standards of moral and ethical conduct emphasized in all aspects of cadet life?

e. Are the pressures on cadets generated by the academic, athletic and military training at the Academy realistic and do they contribute effectively to the mission of the Academy?

f. Is an ethical base adequately provided for cadets to develop a strong sense of integrity, exclusive of the Honor Code and System?

g. Does the institution in its structure, its policies and doctrine and in its operation appropriately support the Cadet Honor Code and System?

h. Is there sufficient emphasis and effectiveness in formal instruction on Honor matters at the Academy?

The Special Commission on the United States Military Academy will consist of not less than five members and not more than nine members. Members will be chosen from a variety of professions and disciplines and may be from both within and outside the government. Most of the members will be drawn from outside of the government and the Department of the Army and thus will be able to perform an independent and dispassionate analysis of the current operations of the Academy, and provide fresh insights and recommendations for improvements. The variety of backgrounds and disciplines will assure balanced membership as well as enable the Commission to perform its functions in a manner which could not be accomplished by an existing agency or committee. The members will be selected on the basis of their qualifications without regard to sex, race, creed, religion, nationality, or age. Each member will be appointed by the Secretary of the Army, with the concurrence of the Office, Secretary of Defense, and will serve for the duration of the Commission. The Commission Chairman will be designated by the Secretary of the Army and will be assisted by an Executive Director and such qualified Department of the Army personnel as may be required in the administration of the activities of the Commission. There will be designated an officer or employee of the Federal Government to approve, convene, and attend all such meetings of this Commission. This designated officer or employee will have complete authority to disapprove or adjourn any such meeting when he determines the meeting not to be in the public interest.

The Commission will meet at least twice and will meet more often if required.

The Commission will terminate six months from the date its charter is filed with the appropriate committees of the United States Congress or when its objectives have been attained, whichever is sooner, and will operate in accordance with Pub. L. 92-463, The Federal Advisory Committee.

Dated: September 1, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-26068 Filed 9-2-76;8:45 am]

TOOELE ARMY DEPOT, UTAH

Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on 27 August 1976 provided the Council on Environmental Quality with a draft environmental impact statement concerning the operation of the Chemical Agent Munitions Disposal System to detoxify the agent fill and demilitarize selected lethal chemical filled munitions at Tooele Army Depot, Utah.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Project Manager, Chemical Demilitarization and Installation Restoration, Aberdeen Proving Ground, Maryland 21010.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone (202) 694-1163).

Dated: August 23, 1976.

CHARLES R. FORD,
Deputy Assistant Secretary of the Army, (Civil Works).

[FR Doc.76-25916 Filed 9-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. MID-AMERICA DAIRYMEN, INC.

Written Comments on Proposed Consent Judgment and Department of Justice Responses

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the written comments on the proposed consent judgment filed May 28, 1976, with the United States District Court in the Western District of Missouri in Civil Action No. 73 CV 681-W-1, and the responses of the Department of Justice to such comments are published herewith. For the convenience of the reader, the proposed consent judgment (except for appendices not relevant to the comments and responses) is also reproduced.

Dated: August 30, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MISSOURI

United States of America, plaintiff, v. Mid-America Dairymen, Inc., defendant. (Civil action No. 73 CV 681-W-1.)

COMMENTS RELATING TO PROPOSED FINAL JUDGMENT AND PLAINTIFF'S RESPONSES

The comments of members of the public on the proposed consent judgment (the "Judgment") in this civil antitrust suit and the Government's response to each comment are filed herewith pursuant to section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(d).

On May 28, 1976, the Judgment, a Stipulation for entry of the Judgment and a Competitive Impact Statement were filed with the Court. Simultaneously, these documents were published in full in the Federal Register, 41 Fed. Reg. 21799. Summaries appeared in the Washington Star-News and the Kansas City Star. Notices in both the Federal Register and the newspapers informed the public of an opportunity to comment on the Judgment. Comments were to be mailed to plaintiff by July 27, 1976.

The Government received comments from or on behalf of: the National Farmers' Organization ("NFO") and Dodge Dairy Products, Inc. of Nebraska, competitors of defendant; Donald Machin, a retired milk hauler; the National Association for Milk Marketing Reform ("NAMMR"), an organization of milk processors; and Lawson Milk Company, an Ohio milk processor. These comments and the respective separate responses of the United States are set out in full in the appendices hereto. The NFO comment and response is Appendix C; Dodge Dairy is Appendix D; Machin is Appendix E; NAMMR is Appendix F; and Lawson is Appendix G.

To assist in referring to comments or to particular parts of the Judgment, Appendix A lists the commentators and shows the subject matter and particular Judgment paragraphs discussed by each. Appendix B lists each numbered paragraph of the Judgment and shows which comments, if any, relate to each paragraph.

Only Paragraph X of the Judgment drew comment from more than one person. Both NFO and Lawson suggested modification of that paragraph in light of the adoption of a new federal milk marketing order for the Upper Midwest. In the Government's view, for reasons most fully set forth in the response to Lawson (Appendix G-2), the adoption of this new order does not undermine the effectiveness of the Judgment or warrant modification.

The comment of Donald Machin asks two questions about the Judgment without suggesting that it be changed.

The comments of Dodge Dairy, NAMMR and NFO suggest the following modifications of the Judgment:

1. To forbid intercooperative agreements to to fix prices and allocate territories. NAMMR, Appendix F.
2. To forbid covenants not to compete in the sale of base under a base plan. NFO, Appendix C.
3. To require perpetual use of membership contracts terminable upon thirty days notice at any time. NFO, Appendix C.
4. To forbid ninety percent supply contracts. Dodge Dairy, Appendix D.
5. To require advance notice and approval specifically of mergers between cooperatives not involving plants. NAMMR, Appendix F.
6. To forbid hauling subsidies and other forms of rebleinding of proceeds of sale of milk. Dodge Dairy, Appendix D.
7. To authorize specific procedures for enforcement actions by private persons. NFO, Appendix C.
8. To require divestiture of operating cooperatives. NFO, Appendix C.

For the various reasons given in the responses to the respective comments, the United States believes entry of the Judgment without any of the foregoing changes is in the public interest.

Respectfully submitted,

DANIEL I. BOOKER
MICHAEL M. MILNER
LARRY S. GANGES

Dated: August 30, 1976.

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APPENDIX A

COMMENTS UPON JUDGMENT, BY COMMENTATOR

Commentator	Paragraph Of Judgment Commented Upon	Subject Matter Of Comment Or Question
National Farmers' Organization (Appendix C)	Paragraph X	Standby Pools of Regulated Plants
	Paragraph V	Termination of Membership Contracts
	Paragraph IV(F)	Base Plan Covenants Not to Compete
	No Specific Paragraph	Dissolution of Mid-Am
	No Specific Paragraph	Enforcement of Judgment by Private Persons
Dodge Dairy Products, Inc. (Appendix D)	No Specific Paragraph	Reblending Proceeds of Milk Sales
	Paragraph VII	Contracts with Buyers of Milk
Donald Machin (Appendix E)	Paragraph VI	Sale of Hauling Routes
	Paragraph VIII	Divestiture of the Ottawa Plant
National Association for Milk Marketing Reform (Appendix F)	Paragraph IX	Future Mergers with Other Cooperatives
	Paragraph IV(E)	Agreements Between Cooperatives
Lawson Milk Company (Appendix G)	Paragraph X	Standby Pools of Regulated Plants

APPENDIX B—COMMENTS UPON JUDGMENT, BY PARAGRAPH

Paragraph of judgment:	*Comment*
I	None.
II	Do.
III	Do.
IV A	Do.
IV B	Do.
IV C	Do.
IV D	Do.
IV E	National Association for Milk Marketing Reform.
IV F	National Farmers' Organization.
V	Do.
VI	Donald Machin.
VII	Dodge Dairy Products, Inc.
VIII	Donald Machin.
IX	National Association for Milk Marketing Reform.
X	Lawson Milk Company and National Farmers' Organization.
XI	None.
XII	Do.
XIII	Do.
XIV	Do.
XV	Do.

APPENDIX C—1—IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION

In re: Midwest Milk Monopolization Litigation.

United States of America, plaintiff, v. Mid-America Dairymen, Inc. defendant. (Civil Action No. 73 CV 681–W–1.)

SUGGESTIONS IN SUPPORT OF NFO'S MOTION TO INTERVENE AND COMMENTS ON PROPOSED CONSENT JUDGMENT

Introduction

This case concerns the attempted and consummated monopolization of milk marketing by Mid-America Dairymen, Inc. (Mid-Am) and its conspiracy, along with Associated Milk Producers, Inc. (AMPI) and others, to monopolize the business of milk marketing. In the course of this monopolization Mid-Am used many different practices to foreclose competitors from the businesses of selling milk to processors and obtaining supplies of milk from producers. Significant among these practices were Mid-Am's many mergers and acquisitions of other milk cooperatives and various devices exercised by Mid-Am to keep acquired producers from becoming independent or choosing to ship their milk through some other farmers' organization.

The National Farmers' Organization, Inc. (NFO), a not-for-profit corporation, bargains for its farmer members in the sale of their milk to processors in direct competition with Mid-Am in a number of markets. NFO has consistently been a prime target of Mid-Am and Mid-Am's co-conspirators' efforts to monopolize the milk marketing business.

In March 1971 Mid-Am brought suit against NFO, shortly thereafter NFO counterclaimed, charging Mid-Am and others with monopolizing milk marketing.[1] On December 27, 1973 the United States filed this suit, also charging Mid-Am with monopolizing. After substantial discovery by both NFO and the government, the government entered into a stipulation with Mid-Am, and together they have proposed a consent judgment to this Court.

The proposed consent judgment in this case fails to provide adequate relief. Specifically it fails to provide for divestiture of the various cooperatives acquired by Mid-Am and to require termination of the practices employed by Mid-Am to prevent competition. Although the proposed judgment does provide for producers to leave Mid-Am on thirty days notice, this provision is limited to a period of one year. Also the proposed judgment does not provide for enforcement by injured parties. As such the proposed judgment is seriously deficient and does not adequately serve the public interest.

In addition to inadequacies in the proposed judgment itself, neither Mid-Am nor the government has complied with the Antitrust Procedures and Penalties Act (APPA) provisions pursuant to which the proposed judgment must be considered by this Court. In particular Mid-Am's statement of contacts required by Section 2(g) of the APPA (15 U.S.C. § 16(g)) is, vague and inadequate. The failure of Mid-Am to file or the government to require a complete and clear statement of contacts has made it impossible to examine the proposed consent judgment in the manner contemplated by the APPA. Accordingly, NFO now moves for intervention to protect its own and the public's interest in this case.

NFO'S RIGHT TO INTERVENE

Rule 24(a) of the Federal Rules of Civil Procedure provides for intervention as of right. The leading case on the question of third-party intervention in consent decree proceedings in government initiated antitrust cases is *Cascade Natural Gas Corp.* v. *El Paso Natural Gas Co.*, 386 U.S.C. 129 (1967).[2] In Cascade the Department of Justice had brought suit under Section 7 of the Clayton Act to block the acquisition by El Paso of Pacific Northwest Pipeline Corp.; the District Court, after trial, dismissed the complaint. On appeal, the Supreme Court reversed, holding that the acquisition violated § 7 and ordered "divestiture [of Pacific Northwest] without delay." *United States* v. *El Paso Natural Gas Co.*, 376 U.S. 651 (1964). After remand to the District Court, the government and El Paso negotiated a consent judgment providing terms for the required divestiture, and submitted it to the Court for approval. At this stage of the case, three third parties moved to intervene as a matter of right to oppose entry of the

[1] *Alexander* v. *NFO*, Civil No. 19191–1 (W.D. Mo.)

[2] To the extent that *United States* v. *Associated Milk Producers, Inc.* 534 F.2d 113 (8th Cir. 1976) is to the contrary, NFO believes it is not a proper decision under Cascade. Moreover, NFO is preparing a petition for a writ of certiorari to the United States Supreme Court so that the Eighth Circuit decision is still pending.

consent decree, under Rule 24(a) of the Federal Rules of Civil Procedure. The intervenors were: (1) the State of California; (2) Southern California Edison and; (3) Cascade Natural Gas. The motions of the three would-be intervenors, made under the pre-1966 version of Rule 24(a) Federal Rule of Civil Procedure were all denied by the District Court, and these denials were appealed to the Supreme Court.

The Supreme Court held that the denial of the motions for interventions was error, and ordered hearings on the proposed consent decree. The Supreme Court described the intervenors and their interests by stating:

California • • • is a State where El Paso sells most of its gas and its purpose in intervening was to assure that Pacific Northwest • • • would be restored as an effective competitor in California. Southern California Edison • • • is a large industrial user of natural gas purchasing from El Paso sources and desirous of retaining competition in California. Cascade Natural Gas is a distributor in Oregon and Washington and its sole supplier of natural gas was Pacific Northwest and will be the new company created under the divestiture plan. 386 U.S. at 132–33.

The Supreme Court alternatively ruled that the two California parties were entitled to intervention as of right, because the "protection of California interests in a competitive system was at the heart of our mandate directing divestiture," and because they met the requirements of former Federal Rule of Civil Procedure 24(a)(3), being situated geographically so as to be adversely affected. 386 U.S. at 135. The third party seeking intervention, Cascade, was granted intervention under the new version of Rule 24(a)(2) Federal Rules of Civil Procedure, because it had an interest which was the subject of the action and the existing parties failed to represent its interest. 386 U.S. at 135–36.*

NFO, as a competitor of Mid-Am and a victim of its monopolization efforts, has a strong interest in the restoration and maintenance of competition in the markets in which Mid-Am operates. Moreover, even though NFO has an anti-trust action pending against Mid-Am, the failure of the government to obtain divestiture relief in this case may well preclude this Court from granting such relief in any case. The government, after settlement, cannot bring a new action against Mid-Am seeking divestiture; and such relief may not be available to private parties. See *International Telephone & Telegraph Corp.* v. *General Telephone & Electronics Corp.*, 518 F.2d 913 (9th Cir. 1975). NFO's interest in relief from Mid-Am's monopolization is impaired as a practical matter. See *Kozak* v. *Wells*, 278 F.2d 104 (8th Cir. 1960).

Finally, both NFO's interest and the general public interest are not being adequately represented in the instant case. The government has not insisted upon sufficient relief to assure a resumption of competitive conditions. It is insufficient simply to enjoin further acts of monopolization. As the Supreme Court stated in *United States* v. *Grinnell Corp.*, 384 U.S. 563, 577 (1966):

Adequate relief in a monopolization case should put an end to the combination and deprive the defendants of any of the benefits of the illegal conduct • • •

Moreover, the government has failed to insist upon provisions which will restore and maintain conditions permitting free movement of dairy farmers whose production Mid-Am has monopolized. The decree does not permanently enjoin Mid-Am from requiring more than thirty days notice for termination of dairy farmers' contracts. The proposed judgment also provides that Mid-Am may continue to use a base plan which contains a covenant not to complete. If there is any need to preserve a farmer's investment in a "base," this could properly have been accomplished by requiring Mid-Am to purchase all of the outstanding base. Failure to require elimination of the covenants not to compete also permits Mid-Am to retain the benefits of its illegal conduct.

Paragraph X was intended by the government to place restrictions on Mid-Am's ability to join "standby pools" that control available milk supplies and prevent competitors of and purchasers from Mid-Am from obtaining such supplies. Paragraph X, however, does not prevent Mid-Am from joining such a "standby pool" if the pool contracts only with milk manufacturing plants that are regulated by Federal Milk Market Orders. Under the terms of the new Federal Milk Market Order No. 68, paragraph X of the proposed judgment would appear to be a nullity. Order No. 68 provides for the regulation of milk manufacturing plants that ship as little as one truck load of milk a year to bottling plants regulated under an order. Since a small amount of regulated milk will nevertheless invoke the paragraph X exception, a minor variation in the standby pool plant contracts which were used by Mid-Am and its co-conspirators to control the availability of milk supplies could accommodate the fact of regulation and still allow them to control any access to most of the milk of standby pool plants. For example, such a change might consist of limiting their option to purchase a plant's milk to an option to purchase all milk not required by the Order to be delivered to a regulated bottling plant. Unless paragraph X should be modified to exempt milk manufacturing plants regulated by a federal order only to the extent that the federal order requires them to sell milk to a regulated bottling plant, the decree would allow Mid-Am to continue to control milk supplies and fail to protect the public interest.

In addition, the government's failure to take formal action with respect to Mid-Am's failure to comply fully with Section 2(g) of the APAA is further evidence of its failure adequately to represent the public interest. Mid-Am's two purported Section 2(g) filings recite that they reveal contacts "concerning the proposed consent decree." It is unclear whether or not they reveal all of Mid-Am's contacts concerning settlement of this case or only those which relate to the terms of the decree proposed to this Court. The APPA requires Mid-Am to file a statement of all contacts "concerning or relevant" to a proposed judgment. Appropriate understanding of the intent of the Congress in enacting that provision shows that Congress did not, as Mid-Am appears to be interpreting it, limit the requirement to contacts which were directed at the specific terms contained in a proposed decree as it is submitted to the Court.

In its report to the House, the Committee on the Judiciary stated:

Defendants are required to describe *all communications* made by them or on their behalf but only *in connection with cases* sought to be settled by a consent decree. H.R. Rep. No. 1463, 93d Cong., 2d Sess. at 9 (1974) (emphasis added).

The principal author of the statute, Senator Tunney, believed that the provision in Section 2(g) would, in operation,

• • • require disclosure for example, of a meeting between a corporate official and a Cabinet officer discussing 'antitrust policy' during the pendancy of antitrust litigation against that corporation. (Hearings on S.782 and S.1088 before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary, 93d Cong., 1st Sess. at 454–455.)

Other members of Congress also believed that contacts involving any part of the case, not just the specific decree submitted to the Court, were to be revealed. See 120 Cong. Rec. 10762 (Daily Ed. Nov. 19, 1974).

Mid-Am's limited disclosure is therefore insufficient; and it should be required to file a complete, clear, certified statement of contacts prior to any Court consideration of the proposed judgment. Since the government has given no indication that it will seek this Court's rejection of the Mid-Am filings or withdraw from the stipulation, it appears that a third party is essential to perform the proper role of an advocate in enforcing the APPA.

Conclusion

For the reasons stated above NFO submits that its motion for intervention should be granted and that the proposed consent judgment between the government and Mid-Am should be rejected.

Respectfully submitted, The National Farmers' Organization, Inc. by its attorneys.

WORTH ROWLEY
RICHARD A. GREEN
AARON B. KAHN
PATRICK F. MARTIN
Rowley & Scott, 1990 M Street, NW., Washington, D.C. 20036.

WILLIAM H. SANDERS,
Blackwell, Sanders, Matheny, Weary & Lombardi, Five Crown Center, 2480 Pershing Road, Kansas City, Missouri 64108.

JULY 27, 1976.

APPENDIX C–2

WORTH ROWLEY, Esq.,
Rowley & Scott,
1990 M Street, N.W.,
Washington, D.C., 20036.

Re: United States v. Mid-America Dairymen, Inc., Civil Action No. 73 CV 681–W–1 (W.D. Mo.)

Dear MR. ROWLEY: This is in response to your comments on behalf of the National Farmers' Organization ("NFO") on the proposed consent decree (the "Judgment") in the Mid-America Dairymen, Inc. ("Mid-Am"), case. We have considered in its entirety your pleading entitled "Suggestions In Support Of NFO's Motion To Intervene And Comments On Proposed Consent Judgment" ("NFO Comment"). That pleading and this letter will constitute the comment and response which we intend to publish in the Federal Register and file with the District Court along with the other comments received on the Judgment. The United States will prepare and file a separate reply to NFO's motion to intervene.

NFO's comments on the Judgment concern five particular points. These comments, as we understand them, are underlined below. Each is followed by our response.

* Whether or not, in Cascade, the Supreme Court meant to liberalize the interpretation of the 1966 amendment to Rule 24(a) for all purposes, it is clear that it intended to do so for parties having an interest in the subject matter of a government antitrust consent judgment where such parties could show inadequate representation on the part of the government. See *United States* v. *Simmonds Precision Products, Inc.* 319 F. Supp. 620, 621 (S.D. N.Y. 1970); *United States* v. *First Nat. Bank & Trust Co.*, 280 F. Supp. 260 (E. D. Ky. 1967).

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(1) The Judgment "fails to provide for divestiture of the various cooperatives acquired by Mid-Am." NFO Comment at 2 and 4.

Since the Judgment does require divestiture of certain acquired plants, this comment presumably refers to divestiture of additional plants and to the concurrent termination of membership contracts between Mid-Am and farmers in the area served by those plants. You seem to suggest that the plants and farmers to be affected by this proposed relief be those plants and farmers that once constituted cooperatives that merged with Mid-Am.

Divestiture of cooperative units is not necessary to achieve effective relief against Mid-Am. Unlike a proprietary firm, the market power of a cooperative is based upon the power of the cooperative to require farmers to become or to remain members, rather than upon ownership of assets. As long as farmers have opportunities to market elsewhere and are free to leave Mid-Am when such opportunities arise, competitive rivalry will assure that Mid-Am is only as large as is justified by its legitimate technical, managerial or service superiority over competitors. The Judgment fosters opportunities for farmers to market elsewhere and protects the right of members to leave Mid-Am without reasonable restraint. As more fully explained in the Competitive Impact Statement, this will break whatever monopoly power Mid-Am may have secured through predatory acts and acquisitions and will promote competitive determination of prices. Thus, by letting competition take its course, the Judgment will achieve the effect sought in any dissolution.

Allowing competition to determine the appropriate structure of Mid-Am will also avoid the necessity of compelling particular farmers to do business with a new cooperative. Farmers are authorized by the Capper-Volstead Act and section 6 of the Clayton Act to join together lawfully for the purpose of marketing agricultural products. Some courts have stated that this authorization permits all framers to join together in a monopoly cooperative, as long as no predatory conduct occours. *Cape Cod Foods, Prods., Inc.* v. *National Cranberry Ass'n.*, 199 F. Supp. 900, 907 (D. Mass. 1954) (Wyzanski, J.); *Shonberg Farms, Inc.* v. *Denver Milk Producers, Inc.*, 231 F. Supp. 266, 268 (D. Colo. 1964). It might also be argued that dissolution involving the forced termination of membership contracts is never appropriate when farmers—who are not themselves party to the litigation—have voluntarily joined a cooperative and wish to remain members.

Without endorsing these views, it is reasonable under proper circumstances to give effect to the Congressional intention to foster association among farmers. Dissolution involving termination of voluntary membership agreements may be proper where no other alternative would be effective. In this case the alternative to termination of membership contracts is at least as effective as dissolution. We have no reason to compel relief contrary to the Congressional intention evidenced by the cooperative exemption.

The United States never sought dissolution of Mid-Am into smaller units. Dissolution is a remedy that courts have rejected even in some cases of proven monopolization. Here, the only charge is attempted monopolization. Dissolution, therefore, might not be an available remedy even if we prevail on the question of liability at a trial on the merits.

Moreover, in the five years since Mid-Am's last significant merger with a cooperative, conditions in milk marketing (such as the size and content of federal milk marketing orders and the cost of transporting milk) and the identity of Mid-Am's plants and farmers have changed substantially. These changes render it impossible to reconstruct the formerly independent cooperatives that merged with Mid-Am and expect that they would be viable competitors. It would be necessary to design new, smaller cooperatives out of whole cloth. Whether any particular design would work—that is, result in stable competitors and lower prices—will be a matter of some speculation. There is also no assurance that dissolution that does work will lead to better results than the present Judgment.

Even if dissolution were available in an attempt case and could be designed with confidence that it would work, Mid-Am would not consent to dissolution. Such relief is possible only if the Government prevails on the merits after trial and appeals. An order of dissolution would not be reasonably certain, even then. The Judgment, on the other hand, will begin immediately to erode Mid-Am's market power.

For the foregoing reasons, immediate implementation of the Judgment is preferable in the public interest to the entirely speculative and in any event distant possibility of dissolution.

(2) The Judgment should require that Mid-Am permit any member to terminate his marketing agreement at any time upon 30 days notice. NFO Comment at 2 and 5.

Paragraph V of the Judgment contains the provisions concerning termination of membership agreements. These are described in detail in the Competitive Impact Statement. They impose on Mid-Am more liberal membership termination provisions than are required of or are commonly used by other cooperatives.

For one year after entry of the Judgment, Mid-Am must permit any member to terminate his marketing agreement at any time upon 30 days notice. NFO would make this requirement perpetual. The Judgment, after one year, and subject to four years of special remedial conditions, allows Mid-Am to decide to enforce one year membership contracts terminable upon notice 30 days before the anniversary date of the contract.

Elsewhere, the Goverument has taken the position that one year membership contracts of the kind Mid-Am is permitted to have after the first year are not unreasonable. This view is reflected in paragraphs IV(p) and V of the consent judgment in *United States* v. *Associated Milk Producers, Inc.*, 394 F. Supp. 29 (W.D. No. 1975), aff'd, 534 F. 2d 113 (8th Cir. 1976). One year contracts are used by most of Mid-Am's competitors, including NFO. These contracts provide a cooperative with an assurance of a supply to fill the requirements of customers, particularly customers with whom it may have contractual commitments to supply milk. One year membership contracts benefit not only the cooperative but also its members. Presumably, a contract terminable upon 30 days notice may be terminated by either party. Some farmers desire the security of a contract that aasures them of a market for their milk for a full year. It should be noted, too, that the effect of permitting only one year contracts with 30 day termination is to nullify other more restrictive termination procedures that had been used in a large number of Mid-Am membership contracts.

Since 1974, Mid-Am has allowed members to terminate marketing agreements at any time on 30 days notice. Mid-Am members have in that time been unusually free to leave Mid-Am and market milk elsewhere. Because its competitors offer one year contracts and because one year contracts help guarantee that milk will be available to meet commitments under one year supply contracts, Mid-Am wishes to preserve the option of returning to use of one year membership contracts. In the Government's view, one more year of 30 day termination at any time and four years of special termination procedures in the event one year contracts are again adopted will provide opportunities to leave Mid-Am to any farmer who in the past was compelled to join or remain a member of Mid-Am.

Throughout the five years when special termination procedures are in effect, we expect that these and other provisions of the Judgment will foster the development of competitors in the procurement of milk. After five years, competition in Mid-Am markets will be strengthened and predatory conduct to keep farmers in the cooperative or to injure competitors will still be prohibited. The use of one year membership contracts under these circumstances will not unreasonably restrict a farmer from quitting Mid-Am or unreasonably impair competitors in seeking to persuade farmers to leave Mid-Am.

(3) The proposed Judgment permits use of covenants not to compete in connection with sales of base under a base plan. NFO Comment at 5.

Paragraph IV(F) deals with covenants not to compete in connection with the transfer of base under a Class I base plan.

The base plan was first challenged as a device for tying farmers to Mid-Am. Our investigation disclosed that the base plan did not preclude affected farmers from leaving. Indeed, Mid-Am experienced significant loss of members in the areas covered by its base plans. Mid-Am now operates the base plan only in the area around Erie, Kansas. Approximately 130 dairy farmers, or less than 1.5 percent of its Grade A members, participate in the plan. Its only other base plan—centered around Sulphur Springs, Texas—was eliminated in 1975 after a referendum of the affected producers.

At the time of settlement discussions, the Government continued to challenge only the scope and duration of the covenant not to compete. The existing covenant requires of a farmer who sells base that he not compete against Mid-Am in the sale of Grade A milk for five years. Since the purpose of the covenant is to protect the value of base transferred pursuant to the Erie, Kansas, base plan, this covenant was far too broad. The Judgment requires that any covenant prevent competition for only two years and only in the area where the purchaser of the base (not Mid-Am) sells Grade A milk. This would limit competition only in the area where the Erie farmers sell milk.

(4) The Judgment does not provide for enforcement by third parties. NFO Comment at 2.

After entry of the Judgment, private persons may seek enforcement of the Judgment by bringing any perceived violations to the attention of the Chief of the Judgments and Judgment Enforcement Section of the Antitrust Division. Under the procedures followed by that Section, allegations of judgment violations are assigned to a staff attorney who contacts the complainant, conducts an investigation and recommends whether enforcement action is warranted.

Certainly, since a court may enforce its orders sua sponte, a party who believes that the Government has failed in its obligation to consider and investigate a violation of a decree may contact the court directly.

We believe the foregoing procedures are sufficient to protect the interests of private parties in enforcement of the Judgment. There are significant instances in which the interest of the public as represented by the Department of Justice and the interest of particular private parties will differ. Perfectly legitimate, procompetitive behavior may lead a competitor or customer or member or hauler doing business with Mid-Am to be injured or disadvantaged. In establishing

separate routes for private and public enforcement of the antitrust laws, Congress recognized this potential conflict. Procedures beyond those that already exist for input by private parties into enforcement of decrees in Government antitrust cases may lead to the extensive commitment of time and expense by the Government, the defendant and the court in matters that the Government has concluded constitute purely private injury with no effect upon the public.

(5) Paragraph X of the Judgment is inadequate because it refers only to a standby pool of unregulated plants. Under a new federal milk marketing order for the upper Midwest, all Northern plants with Grade A milk will become regulated. A standby pool arrangement with these regulated plants could be as restrictive as standby pools forbidden under the Judgment. Therefore, Paragraph X should be amnded to govern standby pools composed of regulated as well as unregulated milk manufacturing plants. NFO Comment at 5–6.

There were at least two purposes of the standby pool relief contained in Paragraph X of the Judgment. One was to prevent Mid-Am from supporting any organization that operates to deny competitors and customers of Mid-Am access to Northern supplies of milk. At the same time, the Government intended to permit Mid-Am to participate in any lawful program designed to facilitate milk movements to Southern markets when needed.

The adoption of the Upper Midwest Milk Marketing Order ("Order 68"), 41 Fed. Reg. 12435, effective June 1, 1976, does not undermine the effectiveness of the Judgment in accomplishing these purposes. Indeed, the Upper Midwest Order in practical effect eliminates the need for standby pool relief in the Judgment, except to deal with the contingency that some or all of the former standby pool plants may again become unregulated. Simple amendment of Paragraph X to cover regulated plants would also preclude lawful and procompetitive option contracts involving Mid-Am.

Several circumstances resulting from the adoption of the Upper Midwest Order justify a conclusion that no standby pool of regulated plants would foreclose access by Mid-Am's competitors and customers to Northern milk. Your comment assumes that except for negligible shipment requirements the Order makes no change in the facts relevant to operation of a standby pool. This is not true.

In addition to the qualification requirements, the new Order will guarantee each newly regulated plant that its farmers will receive a blend price equal to the price received by all similarly situated farmers. Before the Order, such a plant could only afford—absent the standby pool—to pay its farmers the lower manufacturing grade, or Class II, price. The unregulated plant needed payments from a standby pool to enable it to supplement the price to its farmers and thereby prevent them from shipping their milk to a regulated plant where blend prices were being paid. With the adoption of Order 68, this primary reason for plants to participate in a standby pool has been eliminated.

Another result of the Order is that no plant or group of plants has any more incentive than other plants to make shipments to Southern markets. The group of plants that were previously unregulated would more readily (that is, at a lower price) have shipped milk south on either a short term or long term basis than any regulated plant in Minnesota or Wisconsin. They represented a greater threat to premium prices. It was these unregulated plants, relatively few in number compared to the regulated plants, that the standby pool had to contain to be effective as a support for local monopoly. The former standby pool plants (approximately twelve to fourteen in number) will now be in no better position to ship milk south than forty other plants that are expected to become pool reserve supply plants under the Order. Thus, to be effective in foreclosing access to Northern milk, a standby pool now would have to include fifty to fifty-five plants. The cost of paying all these plants for an exclusive option on their milk would be exorbitant and, in our view, prohibitive. Moreover, many of these plants are operated by persons who have in the past been antagonistic to the standby pool. We would not expect such persons to participate in any new standby pool.

The Order, combined with changes in the costs of marketing milk, also makes movements of Northern milk into Southern markets possible only at great expense. We estimate conservatively that a handler in St. Louis would not find it economical to buy milk from an Order 68 Class II plant even if Mid-Am's premium in that market was eighty-four cents. As the distance from Order 68 increases, the amount of premium protection afforded by Order 68 also increases.

Unless Mid-Am can reasonably expect to wield sufficient market power to raise prices near these levels, it could not afford and would have no reason to make the large payments necessary to support a standby pool that would foreclose access to regulated Northern milk. In the eight years since its formation, Mid-Am has charged a premium as high as eighty-four cents only in a few months. It is arguable that on these occasions the size of the premiums was a result of genuine shortages of milk rather than the exercise of monopoly power. The anticipated effect of the Judgment is a decline in Mid-Am's market power. Through the processes explained in the Competitive Impact Statement, the Judgment will erode and forestall Mid-Am's ability to impose such high premiums. Thus, Mid-Am will have little or no reason to support a restrictive standby pool. By making payments to support a standby pool, Mid-Am would even be hastening the erosion of any power it has in local or regional markets. This is because such payments would decrease the amount of money Mid-Am has available to pay its members a competitive return in the local markets.

Apart from the reasons why your proposed amendment of Paragraph X is unlikely to enhance the effect of the Judgment, it is undesirable because it may unduly handicap Mid-Am as a competitor and prevent its participation in lawful, economically efficient standby pool programs. The Judgment is intended to allow Mid-Am to participate in programs that facilitate access by cooperatives to Northern milk without closing off access by others. Absent a significant danger that option arrangements with regulated plants can be used to support Mid-Am's market power, Mid-Am should be free to enter into whatever organizations and forms of contract its competitors may use.

While the Upper Midwest Order eliminates the incentives for and feasibility of a standby pool along the old lines, cooperatives and others may still wish to enter into option contracts with one or a few Northern plants that will assure such cooperatives a source of milk in times of genuine shortage. Mid-Am is not likely to need such contracts to supply its own customers. But it may wish to give an option for the molk of one or more of its large Northern plants, especially if competing Northern plants find it advantageous to do so.

The form of option contracts or standby pool organizations that may develop with regulated plants is indeterminate. However, your proposed amendment would forbid Mid-Am's participation in any arrangement by cooperatives to secure a contingent supply of regulated Northern milk. This is because Paragraph X requires that any plants meeting established criteria be able to participate in a standby pool involving Mid-Am. With the adoption of Order 68, as explained above, no standby pool arrangement would possibly include all plants.

Moreover, a likely form of option contract with regulated plants will set predetermined prices to be paid for actual shipments of milk rather than year round payments whether or not milk is shipped. Any potential buyer of milk is in a position to negotiate such a contract with a regulated plant. Before Order 68, all buyers could not afford to offer Northern unregulated plants terms such as those offered by the dominant cooperatives through the standby pool. Even if option contracts in this predetermined price form contained provisions not sanctioned by Paragraph X, they might not be unduly restrictive as long as any buyer can afford to negotiate similar contracts.

Plainly, Order 68 makes certain basic changes in milk marketing that were never explored in discovery and never part of the alleged predatory activity of Mid-Am. In view of the unlikely rebirth through regulated plants of a restrictive standby pool and the speculative form and content of future option contracts with Northern plants, the Government believes amendment of Paragraph X is unnecessary and unwise. Order 68 does not alter the explanations in the Competitive Impact Statement of the effectiveness of the Judgment to block the future exercise of monopoly power by Mid-Am.

* * * * * *

Your comment also raises a point about the interpretation of section 2(g) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. § 16(g). We disagree with your position that the original contract statement filed by Mid-Am was unduly narrow. The second sentence of that statement reads: "There have been no written or oral communications by or on behalf of the defendant with any officer or employee of the United States concerning or relevant to such proposal, except communications made by counsel of record (including partners and employees of the law firm of Gage & Tucker) alone with the employees of the Department of Justice alone." This sentence complies precisely with the language of section 2(g) of the APPA. For this reason, we concluded that a formal request for clarification by Mid-Am was unnecessary.

However, before your comment was filed and at your request, we asked counsel for Mid-Am whether its contact statement was intended to disclose all contacts of any kind regarding the question of settlement, whatever form the settlement might take. We were advised that this had been Mid-Am's intention. At our request, Mid-Am agreed to survey its directors and officers anew to guarantee that no such limitation was intended when each of them responded to requests from Mid-Am counsel for disclosure of contacts. Before your comment was filed, we kept Mr. Kahn of your office informed of these discussions and of Mid-Am's promise to conduct a new survey of directors and officers.

Mid-Am conducted a further survey of its officers and directors and filed a supplemental statement of contacts on August 18, 1976. It states that Mid-Am had no contacts with government officials regarding settlement in any form.

Thank you for your comments on the Judgment. Though this response may not resolve your own doubts about the Judgment, we hope it helps explain the reasons of the Government for agreeing to this relief and

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for believing entry of the Judgment is in the public interest.

Sincerely yours,

DANIEL I. BOOKER,
Attorney, Antitrust Division

APPENDIX D–1

OTRADOVSKY AND BIEBER,
Schuyler, Nebr., July 22, 1976

MR. GERALD A. CONNELL,
Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. CONNELL: This office represents Dodge Dairy Products, Inc., Dodge, Nebraska. I have had the manager of the plant write you for the proposed final judgment and Competitive Impact Statement for the United States vs. Mid-Auierica Dairymen, Inc. Civil Action No. 73 CV 681–W–1, Western District of Missouri.

Dodge Dairy is located in Dodge, Nebraska and is in competition with the defendant, Mid-America Dairymen, Inc., Omaha, Nebraska. Dodge Dairy buys milk mainly from individual producers which are nonmembers of the defendant. Dodge Dairy is selling its milk to independent bottlers.

Dodge Dairy must follow the Federal Market Order No. 65 when they purchase milk from the producer. Co-operatives are not paying the Federal Market Order No. 65 prices.

We have gone over the proposed judgment and find that it does not cover all the areas in which there is abuse. It has been called to our attention that the defendant has now contracted with an independent milk bottler to supply 90% of the raw milk to the bottler. In addition Mid-America has the option to supply the other 10% of the needs by meeting any other supplier's price. This allows Mid-America an opportunity of using its large size to force its competitors out of business.

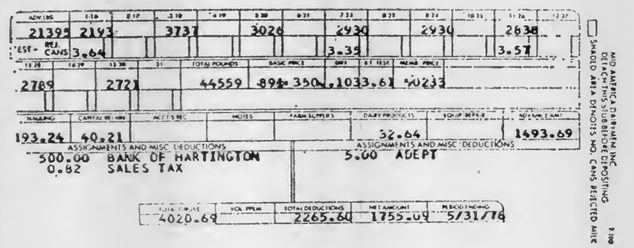
Dodge Dairy as a part of the milk order must sell 50% of the total of its pool supply volume to a pool distributing plant during the months of August through December. If the independent bottlers in the area are controlled by Mid-America, Dodge Dairy and other independent milk purchasers will have no place to sell their milk without great trucking expense.

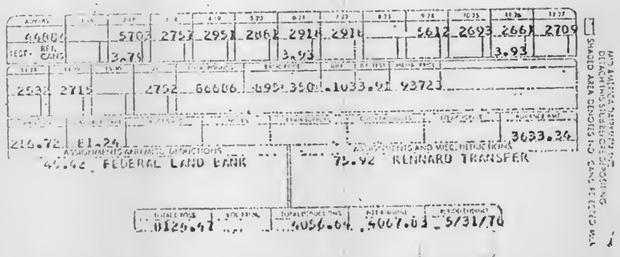
We further note in the proposed order that there is no control over the freight rates. Mid-America is cutting the hauling rates to individuals in Dodge Dairy area in an attempt to increase the net price of milk in the Dodge Dairy area. They are not reducing hauling rates in other areas. Enclosed you will find photo copies of freight charges with various customers of the defendant. They are charging one customer 25¢ to haul milk and another customer 40¢ to haul milk. Both of these customers are in the same zone. Hauling rates have been reduced in spite of increased costs. The net effect of having a reduced hauling rate is to pay the farmer a higher total dollar for his milk in the Dodge Dairy area while maintaining the higher freight rate in other areas. It is our opinion that farmers in the high hauling rate areas are subsidizing the hauling in the lower hauling areas. Again the defendant is manipulating the market and factors under its control to force their competitors out of business.

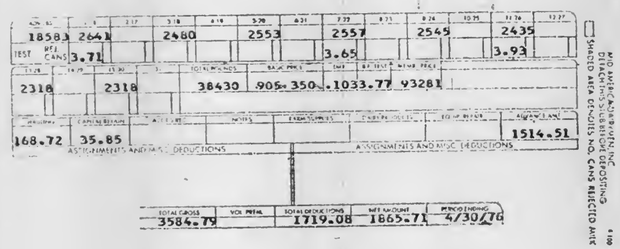
We believe that the proposed order will only solve the abuses that have been heretofore brought to light. The order is not all inclusive and it can be thwarted by the practices as we have stated above. We would respectfully ask that this matter be given further consideration and thought be given to correcting the matters contained herein.

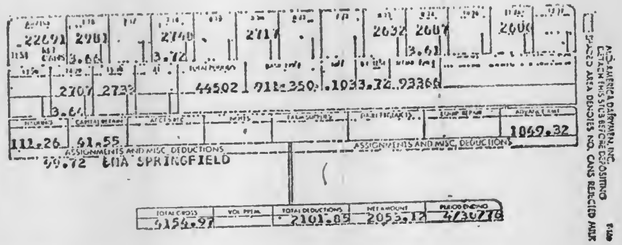
Very truly yours,

OTRADOVSKY & BIEBER,
By DONN K. BIEBER.









APPENDIX D–2

UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D.C., August 27, 1976.

DONN K. BIEBER, *Esquire*
Otradovsky and Bieber, 220 East 11th Street, Schuyler, Nebr. 68661

Re United States v. Mid-America Dairymen, Inc. Civil Action No. 73 CV 681–W–1 (W.D. Mo.)

DEAR MR. BIEBER: Thank you for your letter on behalf of Dodge Dairy Products, Inc. regarding the proposed consent decree (the "Judgment") in the Mid-America Dairymen, Inc. ("Mid-Am"), case. You express concern that the Judgment fails to address two practices: Mid-Am's subsidization of the hauling charges incurred by some of its members and Mid-Am's execution of a ninety percent supply contract with a handler regulated by federal milk marketing order No. 65.

A hauling subsidy is one form of "reblending" the proceeds of sale of milk among a cooperative's members. Where the Government believes reblending was used in conjunction with other predatory activity—such as in the flooding or pressure pooling of milk in a federal order market—the Judgment forbids such activity. See Paragraph IV (C) & (D); Competitive Impact Statement at 10–11.

Absent separate predatory activity, reblending is a legitimate competitive tool of cooperatives. The Agricultural Marketing Agreement Act, 7 U.S.C. § 608c(5) (F), specifically recognizes the right of dairy cooperatives to blend the proceeds of sales of milk in several federal order markets and to pay out these proceeds to farmers in whatever way the contractual arrangements btween the member and the cooperative provide. Reblending enables Mid-Am to meet competition from proprietary firms and other cooperatives who are paying farmers in a particular area a higher price than Mid-Am had been paying in that area. Perhaps we would regard reblending by itself as predatory if Mid-Am's subsidy to farmers in a particular area is prolonged or repeated and increases the pay price significantly above the prices of competitors and above the level justified by Mid-Am's cost of marketing the milk. However, our investigation of past incidents of Mid-Am's use of reblending did not reveal such facts.

The circumstances in which reblending itself is predatory cannot be described with certainty. There is a substantial risk that any Judgment provision that directly addresses predatory reblending would also limit perfectly legal and procompetitive action to meet the prices offered by competitors.

Even if we could with reasonable certainty separate predatory from legitimate reblending, it is not necessary to deal directly with reblending. The Judgment makes it unlikely that predatory reblending will occur. Paying farmers in any area a subsidized price higher than the competitive pay price will reduce Mid-Am pay prices and lead to loss of members in the area that is providing the subsidy. Mid-Am would only engage in predatory reblending if it could be assured of recouping any losses through future monopoly profits and if it could prevent members whose pay prices were reduced from leaving. As explained in the Competitive Impact Statement, the Judgment insures that Mid-Am cannot prevent members from leaving and forbids other conduct necessary to the maintenance of a cooperative monopoly.

The inability of Mid-Am under the Judgment to reap monopoly profits after predatory reblending and the risk that any direct relief would limit legitimate competitive pricing are factors that might justify the absence of relief even if predatory reblending had been proven. Here, where it was not proven, these considerations are conclusive that direct relief to prevent predatory reblending is not warranted.

Dodge Dairy is also concerned about the ninety percent supply contract between one Order 65 bottler and Mid-Am. Although it is conceivable that a monopoly cooperative could secure supply contracts that would foreclose access by Dodge Dairy to bottling plants, discovery revealed that Mid-Am had never in any market been able to foreclose access to bottlers or to drive a milk plant out of business. At worst, Mid-Am was able to get contracts with only a third of the Order 65 bottlers. If the Judgment is approved, we anticipate that its assurance of producer mobility and prohibitions of predatory conduct will make it even less likely that Mid-Am could be in a position to secure supply contracts from substantially all bottlers in any market. Also, Paragraph VII of the Judgment requires that supply contracts contain terms that allow buyers freely to choose among suppliers and to specify the amount to be taken from any supplier. If Dodge Dairy offers milk to bottlers on terms competitive with those offered by Mid-Am, Paragraph VII (D) guarantees that the bottler will be free to take milk from Dodge Dairy without fear of retaliation from Mid-Am.

I hope this response adequately explains our reasons for agreeing to the form of relief contained in the Judgment. Perhaps it will also assure you that some of your concerns are protected by the Judgment.

Sincerely yours,

DANIEL I. BOOKER, *Attorney*
Antitrust Division

APPENDIX E–1

MAY 29, 1976.

FROM: DON W. MACHIN, *U.S. Department of Justice, Anti-Trust Division. Washington, D.C.*

Attention: ELIOT NORMAN.

DEAR MR. NORMAN: Just to-day see a press release in the KC Times that your Consent Decree in the Mid-America Dairymen Case was accepted by them. Goodwork. Am curious about a few points. The release said that the haulers would not be bound to deliver milk only to the Mid-Am coop but didn't say as to whether or not they would maintain their right to buy and sell routes and be regulated by Mid-Am. Also am wondering what will happen to the Ottawa plant, will the sellers have to take it over or will Mid-Am have to find a new operator.

Would be pleased to hear from you at an early date on the above if you can find time to write.

Yours,

DON W. MACHIN

APPENDIX E–2

JUNE 16, 1976.

MR. DON W. MACHIN,
Route 1, Council Grove Lake, Council Grove, Kans.

Re United States v. Mid-America Dairymen, Inc. Civil Action No. 73 CV 681–W–1 (W.D. Mo.)

DEAR MR. MACHIN: Thank you for your May 29, 1976 letter asking how the proposed consent decree (the "Judgment") in the Mid-America case will affect the sale by a Mid-Am hauler of his hauling route and disposition of the Ottawa plant.

In this lawsuit the Government alleged in part that Mid-Am required haulers to transport milk exclusively for the cooperative or for farmers approved by Mid-Am. On one occasion, Mid-Am refused to permit the assignment by a hauler of his hauling contract unless he agreed for five years not to haul milk for any competitor of Mid-Am in the county and adjoining counties where the hauler was located. While the Judgment permits Mid-Am to approve or disapprove an assignment of a hauling contract in connection with the sale of a hauling business, the cooperative cannot withhold approval because the transferor intends to haul milk for a competitor of Mid-Am.

The Ottawa plant now has only the silo tanks and plumbing necessary to operate a receiving station. Paragraph VIII of the Judgment requires Mid-Am to sell the Ottawa plant within two years after entry of the Judgment to a buyer who intends to purchase the plant as a unit and to operate it either as a transfer station or as a milk manufacturing plant. Any sale of the plant must reecive prior approval of the Antitrust Division or of the Court. The Government believes that the most likely purchaser of the Ottawa station would be a cooperative that desires to enter or expand its operations in the milk producing areas serving the Kansas City federal order market.

Please do not hesitate to write again if you have any further questions.

Sincerely yours,

ELIOT NORMAN, *Attorney,*
Antitrust Division

APPENDIX F–1

UNITED STATES DISTRICT COURT—WESTERN DISTRICT OF MISSOURI

United States of America, plaintiff, v. Mid-America Dairymen, Inc., defendant (Civil Action No. 73 CV 681–W–1.)

INTRODUCTION

This is a comment upon a proposed consent decree in the case U.S. v. Mid-America Diarymen, Inc.

The position of NAMMR is as follows. The decree would make substantial improvements in the situation prevailing before the case against Mid-America was filed. It does not deal fully or adequately with two primary means of market control: merger, and intercooperative agreements on price. We would, therefore recommend that the decree, if approved, be amended to deal more adequately with these matters, in the fashion set out herein.

I

THE NATURE OF NAMMR

The National Association for Milk Marketing Reform is an association of milk processors, formed to attempt to bring about application of ordinary antitrust controls on the conduct of major dairy cooperatives. Its members wish to avoid monopolization of the market in which they buy their principal "raw material"—raw milk. The Association has testified in Congressional hearings and submitted comments in a previous Justice Department consent decree with Associated Milk Producers, Inc., among other activities.

The Association has urged that Congress clarify the Capper-Volstead Act's[1] partial immunity from the antitrust laws, so as to end any ambiguity or doubt about application of these laws to mergers and agreements among cooperatives with substantial anticompetitive consequences.

II

RELEVANT INDUSTRY BACKGROUND

The commercial context in which this proposed decree would be entered provides those factors which would determine the consequences of approving each of the decree's provisions.

Footnotes at end of document.

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The following material, taken from published sources, may help define the commercial setting for this proposed decree.

Milk supply declined between the mid 1960's and early 1970's, and has been stable over the past three years,[2] while population has steadily increased. This means there has been a long-term decline in per capita consumption.[3]

While the supply has recently stabilized, the number of farms continues a long-term decrease. The share of the supply produced by each remaining farm is therefore increasing—that is, average production per farm increases along with the decrease in the number of farms.

These are highly important, frequently overlooked, long-term, continuing phenomena.

The tendency toward concentration in the market at the producer level is slow and at a low level. The tendency is greatly magnified at the farm cooperative level. The number of dairy marketing cooperatives declined from 1,928 in 1950/51 to 956 in 1969/70.[4] The proportion of the milk output channeled through cooperatives has been increasing.[4] In 1970 over 85% of the dairy farmers in major federal market orders were members of cooperatives.[7]

Cooperatives have been engaged in a major program of consolidation, by merger and by common marketing agreements. This is most forcibly illustrated by the activities of three major cooperatives subject to federal antitrust suits. Associated Milk Producers, Inc. (AMPI) was made up by a merger of 111 cooperatives; Mid-America by a merger of 31 coops, and Diarymen, Inc., by a merger of 24 coops. As of 1970, in over 50% of the federal milk market orders, over half the total milk production in federally regulated markets occurred in markets in which over 50% of the farmers belonged to the single largest cooperative in the given federal market order.[8]

This tendency toward aggregation has resulted in some very large organizations. Three dairy cooperatives are now listed in the Fortune 500 (AMPI, Dairylea and Land O'Lakes).[9]

Federations for bargaining purposes have added to concert of action. In 1971 a milk industry spokesman was quoted as asserting that seven entities spoke for over half the U.S. milk production.[10]

Complaints filed in recent major antitrust cases have alleged high market shares in regional and local markets for the coops and federations of cooperatives involved.[11]

Cooperatives have allegedly made agreements to "align" prices as between milk markets.[12] This appears to be commonly known.

In sum, in the dairy sector, overload upon a long-term trend toward concentration in numbers of producers at the primary production level has been a recently accelerated trend toward concentration at the marketing level, through concentration of producers in cooperatives and mergers and agreements between cooperatives. The movement at the marketing level has had substantial effects on milk price and supply. Numerous antitrust complaints, and independent study material, indicate that this set of developments has quite frequently created markets in which one or a few cooperatives occupy a dominant supplier status.

III

Analysis of the Proposed Decree

The decree focuses very largely on making it easier for cooperative members to leave the organization. Restraints on co-op mergers are keyed entirely to mergers involving processing plant acquisitions. Restraints on inter-coop agreements are keyed to the "standby pool" operation: controls over or prohibitions concerning other areas of agreement are largely, though not entirely, absent. The terms of the decree are summarized at somewhat greater length in the footnote.[13]

The inhibitions on the defendant co-op's activities are clearly within the range of restraints or directives calculated to free up market forces and prevent collective control of potentially competitive activity. They are appropriate "injunctive relief."

The provisions in this decree go beyond the provisions included in a prior consent decree with AMPI, in requiring some divestiture of previously acquired processing facilities, and including a ban on agreements which would restrict sources of milk purchases.

However, the provisions of this proposed consent decree make only a limited encroachment upon two basic, central methods of gaining market power: mergers and agreements between competitors. Without controls on such activity, we submit, there can be no adequate assurance of adequate competition in the markets in which defendant operates, or in the supply of raw milk generally.

IV

Discussion

A primary factor in achieving market power, or monopoly power, is gaining control or substantial influence over the supply and price of a product. The control or influence may relate to either the total quantity of supply or the disposition of supply among various consumption sectors, or markets.

In situations in which supply is not controlled at the outset by one entity, achieving influence over supply and price in a defined area of commercial activity centers upon bringing an otherwise diverse and competitive group of entities into effective concord.

The achievement of concert in the disposition and pricing of a commodity may be approached by a variety of actions: "merger" among previously separate entities; agreements; acquiring facilities by means of which the stream of commerce can be channelled; foreclosing alternative avenues of activity for entities otherwise inclined to follow independent paths.

Proscriptions on anticompetitive mergers and on price and supply agreements among competitors are at the core of antitrust law. They are central to antitrust law because these practices are among the most direct, widely used and effective means of suppressing competitive activity.

In a case not involving farm cooperatives, there is little doubt that an entity (1) formed by extensive merger, (2) alleged to have used anticompetitive agreements with competitors, and, (3) alleged to have achieved a position of considerable market power, would be, should facts supporting the allegations be found, subjected to direct, comprehensive, and thorough controls on anticompetitive mergers and agreements relating to price and supply. Were even a consent decree entered in such a case, it would almost certainly apply direct and sweeping prohibitions to such mergers and agreements. Prohibitions on such mergers and agreements are already written into law, and would merely be particularized in the decree.

The only or primary basis, therefore, for such limited treatment of anticompetitive agreements and mergers in this case would seem to be the cooperative form of organization of the defendant and the approach the Antitrust Division has taken, explicitly and implicitly, in assessing the import of the Capper-Volstead Act.

The Capper-Volstead Act provides, in relevant part: Persons engaged in the production of agricultural products • • • may act together in associations, corporate or otherwise • • • in collectively processing, preparing for market, handling and marketing • • • such products • • • Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, that such associations are operated for the mutual benefit of the members.[14]

The defendant cooperative may urge that this language necessarily implies that cooperatives can merge and/or make anticompetitive agreements as to milk price and supply at will.

We submit that this is an unnecessarily and inappropriate broad reading of the statute.

The mixed legislative history of the Capper-Volstead Act can be construed as clearly implying some intended limit on monopoly power, by reason of requiring Agriculture Department controls over monopoly power; and allowing cooperatives unlimited growth principally in the sense business enterprises can achieve such growth: by conduct not otherwise unlawful.[15]

A long series of judicial precedents, repeatedly asserted by the Antitrust Division in court cases and agency proceedings, holds that exemptions from the antitrust laws are to be narrowly construed by the courts. Some of these precedents deal with milk and farm cooperative cases.[16] Thus, there is considerable precedent for construing the Capper-Volstead Act statute in a way giving maximum effect to competitive policies.

Beyond this, an entity found to be engaging in illegal conduct can be required to refrain from doing acts which would otherwise be legal, or not clearly illegal, in order to restore competitive conditions.[17] An appropriate outcome of a monopolization case would include sanctions beyond those explicitly required by statute designed to recreate competitive conditions. Such sanctions could, without any strain on precedent at all, include inhibitions on anticompetitive agreements with other entities as to price and supply.

There is ample reason to require a decree to conform to at least the ordinary reach of the antitrust laws in the situation before the Court in *U.S. v. Mid-American Dairymen, Inc.*

First, we must expect somewhat limited effects from conduct restraints on an entity with a monopoly position. Experience indicates that such restraints have usually been of limited utility in altering market structure. There is good reason to expect the prohibitions in this proposed decree to have the same history.

Enforcement problems contribute to the limitations on proscriptions of the sort here relied upon. For example, the decree's inhibition on loading the pool is to operate by a finding of the intent involved in dumping milk in a given market order. Finding the intent of a party is generally known to be a relatively difficult enforcement requirement. Further, the Division would have to define intent of a party is generally known to be a parently expects Mid-Am to be dumping surpluses periodically. A key question, whether the cumulative effect of membership contracts inhibits competition, is undefined at this time, and the premises upon which it would be defined are left open.

There are practical difficulties in severing membership with a dominant cooperative. Also, there are limits to the extent "splinter groups" can grow, and create competition, without incurring administrative costs such as Mid-America's.

Beyond this, there is substantial incentive for all cooperatives, "splinter group"- or otherwise, to keep prices above a competitive minimum. The decree allows Mid-Am and any competitors—including any "splinter group" competitors—considerable opportunity to make anticompetitive accords, limiting the development of competitive conditions. This is likely to result in keeping prices up, and diminishing the incidence and severity of challenges to Mid-Am's position in favor of modi vivendi.

As noted before, the general pattern of evolution in the cooperative area has been toward progressive aggregation of cooperatives, by merger and marketing agreements. Most of Mid-America's membership became members voluntarily; out of a complex of considerations including some expected revenue gain from achieving control of milk supply and price. The incentive to maintain a high premium price is a constant factor, and accounts for the high rate of aggregation among milk cooperatives in the 1960's and 1970's.

The design of the proposed decree is such as to rely very largely, though not entirely, upon fissive tendencies among Mid-Am members to create competitive conditions in the future. Given the merger and agreement options left open to them, this reliance seems a precarious base for public policy.

Thus, we submit, there can be no adequate assurance or expectation for success in producing substantially more competitive conditions with either a consent decree or a litigated judgment lacking merger controls which deal directly with the milk supply level, and lacking controls on anticompetitive agreements as to milk prices. In relying solely upon widespread ownership of farms and fissive tendencies among producers (assuming an absence of coercive practices) to generate competitive conditions, without also controlling cooperative mergers and agreements, we are in the position of hoping the competitive dynamic will remain stable with one leg of support, when we have drastically shortened or eliminated two others.

Conclusion

We recommend to the Department and to the Court that Section IX be modified to require notice to and approval by the Department of Justice for any acquisition of or merger with any cooperative organization; and to prohibit any such transactions as may substantially lessen competition or tend to create a monopoly.

In addition, we recommend that Section IV(E) be modified so as to prohibit agreements between Mid-Am and other cooperatives which determine the prices at which and the territories in which Mid-Am and any such other cooperatives will sell milk or milk products.

Footnotes

1. Cooperative Marketing Associations Act, c.57, ¶1; 7 U.S.C.A. 291.

2. Milk Industry Foundation, 1976 Milk Facts, (Washington), p. 22.

3. Id. pp. 13,22; U.S.D.A. Economic Research Service, Dairy Situation, March 1976, Table 8; Cooperative Extension Service, University of Illinois at Urbana-Champaign, Dairy Marketing Facts, January 1976, Table 2.

4. Between 1950 and 1973 the number of Federal Milk Marketing Orders increased from 39 to 61 while the number of producers accounted for in such orders declined from 156,584 to 131,566. (In 1950 federal order milk accounted for just over one-tenth of production. In 1973 federal order milk made up 57% of total production) U.S.D.A. Economic Research Service, Dairy Situation, July 1974; Milk Industry Foundation, supra, note 2.

5. USDA Farmer Cooperative Service, Cooperative Growth, (1973), p. 34.

6. Id.; Also, statement of E. Linwood Tipton, Milk Industry Foundation, Before the Domestic Marketing and Consumer Relations Subcommittee of the House Committee on Agriculture, September 24, 1971.

Year	Number of dairy coops	Number of members	Percent of milk production [1]
1951	1,928	814,000	57
1956	1,762	800,000	64
1960	1,541	663,000	70
1964	1,320	561,000	74
1969	1,027	413,000	78

[1] By dollar sales.

7. Proportion of cooperative membership by federal order market regions, December 1970.

Federal order region:	Percent cooperative membership
New England	94.7
Middle Atlantic	72.5
South Atlantic	99.1
East North Central	88.7
West North Central	94.6
East South Central	95.3
West South Central	92.5
Mountain	97.0
Pacific	72.5
All Federal order markets	86.5

Source: Milk Pricing Policy and Procedures: Part I, the Milk Pricing Problem—Report of the Milk Pricing Advisory Committee USDA, March, 1972; p. 32.

8. See the following table:

--Deliveries According to the Percent of Producers Belonging to the Largest Cooperative Serving the Federal Order Market, December 1970

Members of Largest Cooperative	# of Federal Order Markets		% of Total Federal Order Deliveries	
Percent	Number	Cumulative number	Percent	Cumulative percent
100.0	9	9	2.5	2.5
90.0-99.9	12	21	8.0	10.5
80.0-89.9	11	32	10.9	21.4
70.0-79.9	9	41	7.4	28.8
60.0-69.9	4	45	9.2	38.0
50.0-59.9	7	52	13.8	51.8
40.0-49.9	2	54	12.4	64.2
30.0-39.9	3	57	12.5	76.7
20.0-29.9	5	62	23.3	100.0
10.0-19.9	0	62	-	100.0
0- 9.9	0	62	-	100.0

Source: Milk Pricing Policy and Procedures, supra, note 7, p.33.

9. See the following table:

Name	Sales	Rank
Assoc. Milk Producers	1,477,851,000	141
Land O'Lakes	1,124,036,000	180
Dairylea Cooperative	355,118,000	438

Source: "Fortune" May 1976, Vol.XCIII, No.5, Chicago, Ill., p.316.

10. Glenn Lake, then President, National Milk Producers Federation, quoted in testimony of Linwood Tipton, supra, note 6.

A speaker at the 1973 convention of the National Council of Farmer Cooperatives reported that "over 100,000 dairymen have merged and consolidated and federated their way into a dozen regional cooperatives. This number may decline to as few as four or five by 1980, one observer states. Collectively, these producers control over 75% of the nation's milk supply. "Who's Minding the Coop?," Amenda Kravitz, Agribusiness Accountability Project Report on Farmer Control of Farmer Co-ops, p. 10; citing Elmer Dapron and James Ruiter, "The Future of Coop Branded Foods," prescnted January 10, 1973, to the National Council of Farmer Cooperatives, p. 8.

11. This is illustrated by several cases.

In its complaint against Dairymen, Inc., (DI) the Justice Department alleged that in its marketing area DI is the dominant milk supplier, and in some parts of its area controls over 90% of the milk production (*U.S. v. Dairymen, Inc.*, Civil No. 7635-B, D.C.W.D. Ky., 1972, ¶ 8); and makes similar allegations in its complaints against AMPI and Mid-America. The Northland Milk and Ice Cream Company's complaint against Mid-America alleges that Mid-America and other members of the Minnesota-Wisconsin Association (MWA) collectively produce over 95% of all the milk sold in Minneapolis, St. Paul, and adjacent suburbs [*Northland Milk v. Mid-America Dairymen, Inc.*, 4-72 civ. 27, USDC, (Minnesota, 4th Division), para. 9]. In *South Texas Independent Milk Producers Association v. AMPI*, Civ. Action No. 71-B-27, USDC, S. D. Texas, the allegation was that AMPI controls about 90% of the milk supply in its Southwestern-Midwestern "trade territory," and 100% in the Corpus Christi marketing area (¶V).

12. *Ewald Brothers v. Mid-America, Land O'Lakes, AMPI, and Farmers Cooperative Creamery*, 4-72 Civ. 133, USDC, Minn., 4th Div.

13. The consent decree focuses on (1) freeing up opportunities for cooperative members to leave the defendant cooperative (Part V, 31 FR 21800 May 28, 1976) (2) prevent-

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ing contractual arrangements with provisions which foreclose alternative channels for potentially competitive milk suppliers (Parts VI, VII); (3) restricting use of a supply control arrangement (the "standby pool") which has been used to manipulate milk supply (Part X); (4) requiring divestiture of some milk processing plants previously acquired by the defendant cooperative, and restricting for five years any new acquisitions of processing facilities which the Department of Justice might seem to have anticompetitive effect (VIII and IX); (5) using the mechanics of the federal milk marketing order program to handicap producers independent of the defendant cooperatives so as to induce such producers to join the cooperatives, (IV); and (6) attempting to limit other cooperatives' activities by hindering the participation of the defendant cooperative in potentially mutually advantageous activities with such other entities; if such entities follow policies proscribed by the decree. (XI)

14. Supra, n.1.

15. The Capper-Volstead Act's legislative history shows a strong desire expressed in the House of Representatives to give farmers as much exemption from the antitrust laws as is feasible. There was pressure there to strike Section 2 of the Act, which directs the Secretary of Agriculture to prevent undue enhancement of prices, and otherwise control or dissolve monopoly positions. The section stayed in, obviously.

The sentiment in the Senate was quite different. Spokesmen there argued strongly for explicitly asserting stronger restraints; with the result that the Senate Committee amended the House bill to strike Section 2 of the Act and substitute a provision declaring that nothing in the bill should be deemed to authorize an attempt to create a monopoly or exempt any association from proceedings under the Federal Trade Commission Act. 62 Cong. Rec. 2120–21; Feb. 3, 1922.

The Conference Committee opted for the House version of Section 2.

From this, one could argue that Congress intended that coops should be able to obtain monopoly position if not gained by predatory means. One could also argue that concern about monopoly arose in both Houses and was incorporated in legislative language in both Houses; and that the Conference Committee's choice of the House language simply was a choice of weapons dealing with the problem. The reasoning could have been that it was better to have a specific Agriculture Department enforcement mechanism than to leave the matter at large under the Antitrust laws.

There have in fact been antitrust suits sounding in monopoly under the antitrust laws since the Capper-Volstead Act was passed, such as this case against Mid-America. See *Maryland and Virginia Milk Producer's Association* v. *U.S.*, 319 U.S. 458 (1960) for a general approach; making clear that Section 6 of the Clayton Act and the Capper-Volstead Act left a place for enforcement under the antitrust laws in the general direction of putting the coop in the position of an ordinary business enterprise: i.e. able to exist, make necessary contracts, and gain supporters by lawful means, but not to monopolize.

That the alternative enforcement mechanism envisaged by Congress has not been used may be regrettable: but may only show the need for effective use of the court remedy.

16. There is a long and heavily documented history of cases dealing with the topic of the accomodation of regulatory laws with the policy and purposes of the antitrust laws.

Competition represents "our fundamental national economic policy" (*United States* v. *Philadelphia National Bank*, 374 U.S. 321 (1963). Exemptions from it are to be narrowly construed, and it has been broadly applied in antitrust suits against regulated enterprises (see, e.g. *United States* v. *Philadelphia National Bank*, supra; *United States* v. *RCA*, 358 U.S. 334 (1959); *Otter Tail Power* v. *United States*, 410 U.S. 366 (1973). Moreover, regulatory agencies have been subject to the requirement that they consider and accommodate the antitrust laws because "the basic goal of direct governmental regulation through regulatory bodies and the goal of indirect governmental regulation in the form of antitrust law is the same—to achieve the most efficient allocation of resources possible," *Northern Natural Gas Co.* v. *Federal Power Commission*, 339 F. 2d 953, 959 (D.C. Cir. 1968). *Denver and R.G.W.R. Co.* v. *United States*, 387 U.S. 484 (1967); *Federal Maritime Commission* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968); *Gulf States Utilities Co.* v. *Federal Power Commission*, 411 U.S. 747 (1973). See also, *United States* v. *RCA*, supra at 351–352 (1959). Failure to consider such antitrust issues may result in a reversal of the Commission decision. See, e.g., *Gulf States*, supra, and *Northern Natural Gas*, supra. The reason for this is that competition is seen as the surest guarantee of efficiency, innovation, and cost-based prices. See, *Philadelphia National Bank*, supra. Similar expressions of the general policy are in *U.S.* v. *Borden et al.*, 308 U.S. 188 (1939), and *Maryland and Virginia Milk Producers*, 362 U.S. 458 (1960).

17. *Ethyl Gasoline Corp.* v. *United States*, 309 U.S. 436, 461, 84 L. Ed. 852, 863, 60 S. Ct. 618 (1939); *United States* v. *Bausch & L. Optical Co.*, 321 U.S. 707, 724, 88 L. Ed. 1024, 1035, 64 S. Ct. 805 (1943); *Hartford-Empire Co.* v. *United States*, 323 U.S. 386, 409, 89 L. Ed. 322, 359, 65 S. Ct. 373 (1944); *International Salt Co.* v. *United States*, 332 U.S. 392, 401, 92 L. Ed. 20, 28, 68 S. Ct. 12 (1947); *United States* v. *United States Gypsum Co.*, 340 U.S. 76, 88, 89, 95 L. Ed. 89, 100, 71 S. Ct. 160 (1950); *United States* v. *Loew's, Inc.*, 371 U.S. 38, 53, 9 L. Ed. 2d 11, 22, 83 S. Ct. 97 (1962).

APPENDIX F–2

UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D.C. 20530, Aug. 30, 1976.

JACK PEARCE, ESQ.,
Pearce & Brand,
Suite 1200,
1000 Connecticut Avenue, N.W.,
Washington, D.C.

Re: *United States* v. *Mid-America Dairymen, Inc.* Civil Action No. 73 CV 681–W–1 (W.D. Mo.)

DEAR MR. PEARCE: This is in response to the comments of the National Association for Milk Marketing Reform ("NAMMR") on the proposed consent judgment (the "Judgment") in *United States* v. *Mid-America Dairymen, Inc.* Your comment recommends modification of paragraphs IX and IV(E) of the Judgment.

Paragraph IX deals with future acquisitions and mergers. Its subparagraph (A) requires thirty days prior notice to the United States of any acquisition involving a plant. Section IX(B) prohibits any plant acquisition where the effect may be substantially to lessen competition or to tend to create a monopoly. These two provisions are effective for five years after entry of the Judgment.

NAMMR proposes amendment of this Paragraph to require notice to and approval by the Department of Justice of any acquisition or merger involving Mid-America Dairymen, Inc. ("Mid-Am"), and another cooperative and to prohibit such transactions where they may substantially lessen competition or tend to create a monopoly.

This proposal assumes that the Judgment does not affect mergers between Mid-Am and another cooperative. In fact, however, nearly all cooperative mergers to which Mid-Am may be a partner will involve the acquisition of a plant. Few dairy cooperatives, certainly none of substantial size in any Mid-Am market, operate without a plant to handle surplus milk. Thus, the Department of Justice will receive notice of most cooperative mergers. Under paragraph IX(B), cooperative mergers involving a plant will be prohibited if in any market they substantially lessen competition or tend to create a monopoly.

Where there is no plant acquisition, but simply a voluntary change in membership by farmers, the likely competitive impact of a merger is small. In any such case, the number of farmers involved will be small. A cooperative merger not involving a plant will not decrease the number of potential outlets for milk of a farmer who wants to leave Mid-Am. The number of plant operators who need milk will remain the same. As long as each farmer has opportunities to leave Mid-Am to sell to these plants, a non-plant merger will not increase Mid-Am's market power. Paragraphs IV and V of the Judgment assure such opportunities for individual farmers and permit a group of Mid-Am farmers to form a new non-plant cooperative when they believe it to be advantageous. The Judgment also assures (by prohibiting predatory conduct to induce farmers to join Mid-Am) that the decision of each farmer to joint Mid-Am at the time of any merger will be voluntary.

The judgment does not require prior approval by the Justice Department of Mid-Am acquisitions or mergers. We believe a requirement of prior notice provides adequate protection against possible anticompetitive plant acquisitions by Mid-Am. So large is the number of plants in the upper Midwest that few acquisitions in that area would have any substantial effect on competition. Only a few of Mid-Am's numerous past acquisitions were alleged to be unlawful. Moreover, those acquisitions that were challenged occurred in situations where Mid-Am engaged in other predatory conduct now forbidden by the judgment.

In these circumstances, it is reasonable to insure that the Government has the means to sort harmful from neutral or beneficial mergers, rather than to forbid all acquisitions pending approval by the United States. The judgment greatly expands the authority of the Department to compel disclosure of information about any proposed acquisition. Paragraphs IX(A) and XIV. Under existing law, the Department would have to file a lawsuit to compel similarly extensive information from any other company about an acquisition. It should be noted, too, that failure of the Government to act before consummation of a noticed acquisition does not raise any presumption about the legality of the acquisition or estop subsequent action by the Government under paragraph IX(B) or section 7 of the Clayton Act, 15 U.S.C. § 18.

The second recommendation of NAMMR is that paragraph IV(E) be modified to prohibit Mid-Am from entering into an agreement with another cooperative which determines the prices at which or the territories in which Mid-Am and such other cooperative will sell milk or milk products. This recommendation is apparently based on the belief that substantial incentives exist for all cooperatives to keep prices above a competitive minimum and that these incentives will lead to inter-cooperative agreements concerning price and territorial allocation.

The Judgment contains several provisions that restrict the content of inter-cooperative agreements. Paragraph IV(D) prohibits any agreement that has the purpose of lowering the uniform price in a federal market order

in order to force non-members of defendant to join defendant or another cooperative. Section IV(E) prohibits any agreement that restricts in any way the solicitation by one cooperative of another cooperative's members, or the territory in which a cooperative will seek to obtain supplies of milk. Section X prohibits defendant from participating in a restrictive standby pool of unregulated plants. Section XI prohibits participation in any organization that engages in acts prohibited by the Judgment.

The judgment does not prohibit defendant from joining with another association to fix prices to buyers or allocate sales territories. There are two reasons for this.

First, such relief may not be necessary. Contrary to the apparent basis for this second suggestion of NAMMR, there is a substantial incentive for smaller cooperatives or independent farmers to charge buyers less than any anticompetitive premium Mid-Am and others may charge. As explained more fully in the Competive Impact Statement, this incentive arises from the ability of farmers and small cooperatives to charge buyers less than Mid-Am's premium yet receive a higher net return. This incentive is stronger than the incentive to enter into price or territory agreements with Mid-Am, as long as there is assurance that Mid-Am cannot retaliate with predatory conduct. The Judgment, particularly paragraphs IV, V and VII, provides such assurance.

Second, there is respectable, though not conclusive, authority that such agreements are legal. The Capper-Volstead Act, 7 U.S.C. § 291 & 292, specifically permits cooperatives to form marketing agencies in common. Just what a marketing agency in common may do is unclear, but the language seems to indicate that cooperatives may do jointly those things that amount to "marketing". In the Government's view, solicitation of members and division of territories for procurement of milk is not "marketing," and the Judgment forbids (for the first time in any decree) agreements on these subjects. *Treasure Valley Potato Bargaining Association* v. *Ore-Ida Foods, Inc.*, 497 F2d 203 (9th Cir.), *cert. denied*, 419 U.S. 999 (1974), on the other hand, holds that joint bargaining (which amounts to price fixing) by cooperatives is legal. Whether "marketing" also takes in allocation of territories for the sale of milk has not been considered by any court. Plainly, however, it could not be presumed in negotiating or evaluating the consent decree that allocation is not "marketing" and, therefore, not legal. In our opinion, the Judgment will foster competition in Mid-Am markets without further groundbreaking relief on the content of inter-cooperative agreements.

We appreciate your interest in this case and in the enforcement of the antitrust laws against cooperatives. If this response has not resolved your doubts, I hope at least that it explains clearly our reasons for believing that the Judgment should be entered without your suggested modifications.

Sincerely yours,

DANIEL I. BOOKER,
Attorney, Antitrust Division.

APPENDIX G–1—UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., defendant. (Civil Action No. 73 CV 681–W–1.)

SUGGESTIONS OF THE LAWSON MILK COMPANY DIVISION OF CONSOLIDATED FOODS CORPORATION IN REGARD TO PROPOSED CONSENT DECREE

The Lawson Milk Company Division of Consolidated Foods Corporation ("Lawson's"), plaintiff in one of the coordinated cases in MDL Docket No. 83, herewith submits certain suggestions and comments regarding the proposed consent decree between the United States of America (the "Government"), plaintiff, and the Mid-America Dairymen, Inc. ("Mid-America"), defendant, Civil Action No. 73–CV–681–W–1. Lawson's comments and suggestions will be restricted solely to paragraph X of the proposed Consent Decree dealing with Mid-America's involvement in any cooperative or association of producers or organization of cooperatives whose business activities include acquiring reserve supplies of milk.

In the consent decree between the United States and the Associated Milk Producers, Inc. ("AMPI"), Civil Action No. 74–CV–80–W–1, a provision similar to that which is proposed in the Mid-America Consent Decree was included. In the Government's justification for the provisions of paragraph X of the AMPI Consent Decree at page 79, the Government stated:

The Government believes that the discovery record establishes that the standby pool was conceived in 1967 for the purpose of preventing processors of bottled milk from obtaining milk from Minnesota, Wisconsin and Iowa when AMPI's predecessors wanted to impose a 50¢/cwt. Class I premium in federal order markets in Texas, Illinois, Arkansas, and so forth, and has been operated for that purpose among others. The Government also believes that the standby pool has permitted, and participated in, other predatory activities of AMPI, such as foreclosure of markets to competitors for Class I milk sales, coercing independent producers delivering to unregulated plants to join AMPI, and loading the Oklahoma Order pools.

While the Government was willing to insert the provisions of Paragraph X in the AMPI Consent Decree, it further believed that these provisions would not bring about the most satisfactory result to the problems which have arisen since the creation of the Associated Reserve Standby Pool Cooperative ("ARSPC"). At page 81 of its brief, the Government stated:

In our view, the best way to handle the problems posed by the standby pool is for the Department of Agriculture to establish and operate a standby pool pursuant to the terms of the Agricultural Marketing Agreement Act. The Department of Agriculture, however, cannot establish such an operation unless requested to do so by the industry. Absent an industry proposal, followed by a hearing and appropriate determination by the Secretary, the Department of Agriculture cannot act. Even with an industry proposal, the Department of Agriculture must have a hearing, findings, etc., a procedure that can take a number of months. If the Secretary of Agriculture enters into a marketing agreement relating to a reserve standby pool, that agreement will take precedence over the provisions of paragraph X.

Since the filing of the AMPI Journal Entry on April 30, 1976, there have been significant changes in the areas where ARSPC plants operated, which Lawson's believes could have a significant impact upon the provisions of the proposed Mid-America Consent Decree. On March 19, 1976, the United States Department of Agriculture issued a decision recommending the creation of a marketing area Order and regulation of milk in Minnesota, Wisconsin and other Upper Midwest areas which heretofore had been partially regulated and partially unregulated. A copy of this decision may be found in the Thursday, March 25, 1976, FEDERAL REGISTER, Volume 41 at page 12437. Pursuant to the Department of Agriculture's decision, a referendum was held and the marketing area was created (referred to herein as the "Upper Midwest Marketing Area Order"), which became effective June 1, 1976. In light of the fact that both the AMPI judgment and the proposed Mid-America Judgment "shall not be applicable to any marketing agreement with the Secretary of Agriculture entered into under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 USC § 601 et seq.)"; and in light of the fact that a specific Marketing Area Order is now effective in those previously unregulated areas where ARSPC primarily operated, Lawson's would pose the following questions and requests for information to be answered by both the Government and Mid-America:

1. How many plants has ARSPC owned, leased or controlled since 1970 and how many of these plants have qualified as reserve supply plants pursuant to the Upper Midwest Milk Marketing Order?

Lawson's submits that if there is a high degree of continuity between the old ARSPC operations and the new reserve supply plans with Mid-America participation, this Court should consider extending the terms of the Consent Decree to the newly regulated area.

2. Has the Market Administrator for the Upper Midwest Milk Marketing Area Order announced any shipping requirements for these plants? If so, what are those shipping requirements?

Lawson's submits that if the shipping requirements are a low percentage of the total volume received by the plant, the effect of Mid-America's participation in the reserve supply plants could be to preclude milk shipments to other federal order areas.

3. Are there any provisions in the Upper Midwest Milk Marketing Area Order which would restrict Mid-America from participating in a plan or program with any cooperative, association of producers or organizations of cooperatives or with any other organization whose business activities include acquiring an option to purchase milk which need not be exercised until 24 hours after the milk is received at a plant?

Lawson's submits that if an option to purchase milk may be exercised up to 24 hours after the milk is received at the plant, Mid-America could unreasonably restrict and control the sale of this milk to competing handlers in other federal order areas.

4. Are there any provisions in the Upper Midwest Milk Marketing Area Order which would prohibit Mid-America from participating in a plan or program with any cooperative, association of producers, or organizations of cooperatives or any other organizations whose business activities include acquiring milk or an option to purchase milk received at a plant and whose operations discriminated against any person that receives milk from a competitor of Mid-America or non-member producers?

Lawson's submits that Mid-America should be prohibited from discriminating against plants that receive milk from competitors or non-Mid-America producers.

5. Are there any provisions in the Upper Midwest Milk Marketing Area Order which would restrict Mid-America from participating in a plan or program with any cooperative, association of producers or organization of cooperatives or with any organization whose business activities include acquiring milk or an option to purchase milk received at a plant and whose purpose is to establish and maintain a supply of milk for purposes other than fulfilling the reserve requirements of participating cooperatives, namely, foreclosing the ability of handlers in other Federal Order areas from purchasing milk so that super-pool premiums may be imposed upon the handlers by their supplying cooperatives?

Lawson's submits that Mid-America should be prohibited from foreclosing handlers in other Federal Order areas from purchasing milk in the Upper Midwest Milk Marketing Area Order.

6. Indicate why the creation of the Upper Midwest Milk Marketing Area Order will cure these problems which caused the Government to challenge AMPI and Mid-America's participation in ARSPC.

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Pending full and complete answers to these questions, Lawson's would recommend that the provisions of Paragraph X of the Consent Decree not be adopted by this Court. Lawson's primary concern in seeking answers to these questions is to assure that Mid-America need not be allowed to achieve in a regulated area what it would be prohibited from doing in an unregulated area. Lawson's submits that this should be the essence of this Court's inquiry as to whether the provisions of Paragraph X of the proposed Consent Decree are in the public interest.

Respectfully submitted,

PAUL W. WALTER
CHARLES T. RIEHL

Walter, Haverfield, Buescher, & Chockley, 1215 Terminal Tower, Cleveland, Ohio 44113, Telephone: 216/781–1212.

Attorneys for The Lawson Milk Company Division of Consolidated Foods Corporation.

CERTIFICATE OF SERVICE

Copies of the foregoing pleading were deposited in the regular U.S. mail, postage prepaid, addressed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530, attorney for the United States of America; Wayne H. Hoecker, Esq., Gage & Tucker, 1102 Grand Avenue, Kansas City, Missouri 64106, attorney for the defendant, and all liaison counsel set forth in Revised Order No. 1 in JPML Docket No. 83 in re Midwest Milk Monopolization Litigation, United States District Court, Western District of Missouri, Western Division, this 27th day of July, 1976.

CHARLES T. RIEHL,
Attorney for The Lawson Milk Company Division of Consolidated Foods Corporation.

APPENDIX G–2

PAUL W. WALTER, Esq.,
Walter, Haverfield, Buescher & Chokley,
1215 Terminal Tower,
Cleveland, Ohio 44113.

Re: United States v. Mid-America Dairymen, Inc. Civil Action No. 73 CV 681–W–1 (W.D. Mo.).

DEAR MR. WALTER: Thank you for your comment on behalf of Lawson Milk Company on the proposed consent decree (the "Judgment") in the Mid-America Dairymen, Inc. ("Mid-Am"), case.

To a certain extent, your comment questions the adequacy of paragraph X of the Judgment under competitive conditions in Ohio and other areas where Lawson operates but Mid-Am does not. We are not familiar with Lawson's marketing areas. Our focus in negotiating the Judgment and in considering your comment was with competitive conditions in Mid-Am markets. We cannot amend the Judgment in order specifically to limit the ability of cooperatives with whom Lawson actually competes or does business, but who are not parties to this litigation, to exercise monopoly power or deny access to Minnesota-Wisconsin milk.

The thrust of Lawson's specific questions and comments is that it may be advisable in the public interest to amend Paragraph X of the Judgment as a result of the adoption of the Upper Midwest Milk Marketing Order ("Order 68"), 41 Fed. Reg. 12435, effective June 1, 1976. We think amendment is neither necessary nor desirable. We will attempt to explain why before answering your specific questions.

There were at least two purposes of the standby pool relief contained in paragraph X of the Judgment. One was to prevent Mid-Am from supporting any organization that operates to deny competitors and customers of Mid-Am access to Northern supplies of milk. At the same time, the Government intended to permit Mid-Am to participate in any lawful program designed to facilitate milk movements to Southern markets when needed.

The adoption of the Upper Midwest Milk Marketing Order does not undermine the effectiveness of the Judgment in accomplishing these purposes. Indeed, the Upper Midwest Order in practical effect eliminates the need for standby pool relief in the Judgment, except to deal with the contingency that some or all of the former standby pool plants may again become unregulated. Simple amendment of Paragraph X to cover regulated plants would also preclude lawful and procompetitive option contracts involving Mid-Am.

Several circumstances resulting from the adoption of the Upper Midwest Order justify a conclusion that no standby pool of regulated plants would foreclose access by Mid-Am's competitors and customers to Northern milk.

Through relaxed qualification requirements, the new Order will guarantee each newly regulated plant that its farmers will receive a blend price equal to the price received by all similarly situated farmers. Before the Order, such a plant could only afford—absent the standby pool—to pay its farmers the lower manufacturing grade, or Class II, price. The unregulated plant needed payments from a standby pool to enable it to supplement the price to its farmers and thereby prevent them from shipping their milk to a regulated plant where blend prices were being paid. With the adoption of Order 68, this primary reason for plants to participate in a standby pool has been eliminated.

Another result of the Order is that no plant or group of plants has any more incentive than other plants to make shipments to Southern markets. The group of plants that were previously unregulated would more readily (that is, at a lower price) have shipped milk south on either a short term or long term basis than any regulated plant in Minnesota or Wisconsin. They represented a greater threat to premium prices. It was these unregulated plants, relatively few in number compared to the regulated plants, that the standby pool had to contain to be effective as a support for local monopoly. The former standby pool plants (approximately twelve to fourteen in number) will now be in no better position to ship milk south than forty other plants that are expected to become pool reserve supply plants under the Order. Thus, to be effective in foreclosing access to Northern milk, a standby pool now would have to include fifty to fifty-five plants. The cost of paying all these plants for an exclusive option on their milk would be exorbitant and, in our view, prohibitive. Moreover, many of these plants are operated by persons who have in the past been antagonistic to the standby pool. We would not expect such persons to participate in any new standby pool.

The Order, combined with changes in the costs of marketing milk, also makes movements of Northern milk into Southern markets possible only at great expense. We estimate conservatively that a handler in St. Louis would not find it economical to buy milk from an Order 68 Class II plant even if Mid-Am's premium in that market was eighty-four cents. As the distance from Order 68 increases, the amount of premium protection afforded by Order 68 also increases.

Unless Mid-Am can reasonably expect to wield sufficient market power to raise prices near these levels, it could not afford and would have no reason to make the large payments necessary to support a standby pool that would foreclose access to regulated Northern milk. In the eight years since its formation, Mid-Am has charged a premium as high as eighty-four cents only in a few months. It is arguable that on these occasions the size of the premiums was a result of genuine shortages of milk rather than the exercise of monopoly power. The anticipated effect of the Judgment is a decline in Mid-Am's market power. Through the processes explained in the Competitive Impact Statement, the Judgment will erode and forestall Mid-Am's ability to impose such high premiums. Thus, Mid-Am will have little or no reason to support a restrictive standby pool. By making payments to support a standby pool, Mid-Am would even be hastening the erosion of any power it has in local or regional markets. This is because such payments would decrease the amount of money Mid-Am has available to pay its members a competitive return in the local markets.

Apart from the reasons why your proposed amendment of paragraph X is unlikely to enhance the effect of the Judgment, it is undesirable because it may unduly handicap Mid-Am as a competitor and prevent its participation in lawful, economically efficient standby pool programs. The Judgment is intended to allow Mid-Am to participate in programs that facilitate access by cooperatives to Northern milk without closing off access by others. Absent a significant danger that option arrangements with regulated plants can be used to support Mid-Am's market power, Mid-Am should be free to enter into whatever organizations and forms of contract its competitors may use.

While the Upper Midwest Order eliminates the incentives for and feasability of a standby pool along the old lines, cooperatives and others may still wish to enter into option contracts with one or a few Northern plants that will assure such cooperatives a source of milk in times of genuine shortage. Mid-Am is not likely to need such contracts to supply its own customers. But it may wish to give an option for the milk of one or more of its large Northern plants, especially if competing Northern plants find it advantageous to do so.

The form of option contracts or standby pool organizations that may develop with regulated plants is indeterminate. However, your proposed amendment would forbid Mid-Am's participation in any arrangement by cooperatives to secure a contingent supply of regulated Northern milk. This is because paragraph X requires that any plants meeting established criteria be able to participate in a standby pool involving Mid-Am. With the adoption of Order 68, as explained above, no standby pool arrangement would possibly include all plants.

Moreover, a likely form of option contract with regulated plants will set predetermined prices to be paid for actual shipments of milk rather than year round payments whether or not milk is shipped. Any potential buyer of milk is in a position to negotiate such a contract with a regulated plant. Before Order 68, all buyers could not afford to offer Northern unregulated plants terms such as those offered by the dominant cooperatives through the standby pool. Even if option contracts in this predetermined price form contained provisions not sanctioned by paragraph X, they might not be unduly restrictive as long as any buyer can afford to negotiate similar contracts.

Plainly, Order 68 makes certain basic changes in milk marketing that were never explored in discovery and never part of the alleged predatory activity of Mid-Am. In view of the unlikely rebirth through regulated plants of a restrictive standby pool and the speculative form and content of future option contracts with Northern plants, the Government believes amendment of paragraph X is unnecessary and unwise. Order 68 does not alter the explanations in the Competitive Impact Statement of the

effectiveness of the Judgment to block the future exercise of monopoly power by Mid-Am.

Our response to each of your six specific questions follows:

1. The Associated Reserve Standby Pool Cooperative ("ARSPC") did not own or lease plants. It had contracts with proprietary plants, either directly or through a member cooperative of ARSPC. The number of plants that had contractual arrangements with ARSPC varied over time, reaching a high of twenty-four in 1972. Immediately prior to the initiation of the Upper Midwest Order there were twelve plants having contractual arrangements with ARSPC. Eleven of these plants qualified as pool reserve supply plants on the Upper Midwest Order. The other plant, located at Marshfield, Wisconsin, will be pooled on the Chicago Order beginning August 1, 1976. The eleven plants became pool reserve supply plants in July. That month there were a total of forty-four pool reserve supply plants under that Order and six pool supply plants. It is estimated by the market administrator that there will be fifty to fifty-five pool reserve supply plants on the Upper Midwest Order by September 1976.

2. Reserve supply plants under Order 68 are required to ship one tanker load of milk per year to any regulated fluid distributing plant. In addition, they are required to supply milk on "call" if requested by the market administrator. The market administrator has not yet exercised this call option.

3. There is no restriction in Order 68, or any other marketing order, on participation by a cooperative in a plan to acquire an option to purchase milk. Under the call provision in this Order, the market administrator could call for milk from a plant and require that it be shipped to fluid handlers regardless of any contractual purchase option.

Lawson submits that if there is no provision in the Order limiting options on regulated milk Mid-Am could "unreasonably restrict and control the sale of this milk to competing handlers in other Federal Order areas." In previous years standby pool milk had a peculiar advantage in flexibility over regulated milk. Restricting the flow of milk from unregulated plants was feasible and effective as a prop for local monopoly power. Now, as we discuss above, even a complete restriction of the flow of milk from all the previous standby pool plants, would not unreasonably restrict the sale of milk to competing handlers in other federal marketing order areas. Many other regulated handlers are equally available to supply milk as the now regulated former standby pool member plants. Furthermore, as noted above, it would be noneconomic and selfdefeating to construct a standby pool among all the regulated plants that have equally available milk where the purpose of that standby pool is to unreasonably restrict and control the sale of milk rather than simply to arrange for sources of supply during shortage periods.

4. There is no provision in the Upper Midwest Order, or any other marketing order, that prohibits a cooperative from participating in an organization whose operations discriminate against any person that receives milk from competitors of Mid-Am.

Lawson submits that Mid-Am should be prohibited from discriminating against plants that receive milk from competitors. Under paragraph VII(D) of the Judgment, Mid-Am cannot discriminate against any plant or belong to any organization that discriminates against any plant on account of purchases by the plant from a competitor of Mid-Am.

5. There is no specific provision in the Upper Midwest Order, or any other marketing order, which would prohibit the development of options to foreclose the ability of plants to sell milk. However, for the reasons cited above, an organization of regulated plants that would unreasonably restrict flows of milk so as to maintain super pool premiums is not likely to develop under Order 68. In addition, the Judgment contains provisions other than Paragraph X designed to forestall substantial superpool premiums in Mid-Am markets. These provisions, of course, would not have any intended direct effect in areas where Lawson buys and sells milk.

6. The Upper Midwest Order only cures the problems raised by a restrictive standby pool by obviating the incentives of plants and cooperatives to form one and by making an all inclusive standby pool unfeasible. From the point of view of handlers in other markets, Order 68 does not make Northern milk easier to get or cheaper. The Order is not a Government-operated standby pool. Indeed, many handlers may find it even more expensive to get milk from the North now than during much of the time the standby pool operated. Order 63 only eliminates the basis for a private standby pool designed to support high local premiums. We rely upon the other provisions of the Judgment to undermine and retard future monopoly pricing by Mid-Am in local markets.

We appreciate your interest in the Judgment and hope this response satisfies your questions.

Sincerely yours,

DANIEL I. BOOKER,
Attorney, Antitrust Division.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

United States of America, plaintiff, v. Mid-America Dairymen, Inc., defendant. (Civil Action No. 73 CV 681–W–1)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on December 27, 1973, and defendant, Mid-America Dairymen, Inc., having appeared by its attorneys and having filed its Answer, by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by either party as to any issue of fact or law herein:

Now, therefore, prior to the taking of any testimony, and without trial or adjudication of any issue of law or fact herein, and upon consent of the parties hereto, it is hereby Ordered, Adjudged and Decreed as follows. This court has jurisdiction over the subject matter of this action, and of the parties hereto. The complaint states claims upon which relief may be granted under Sections 1 and 2 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §§ 1 and 2), commonly known as the Sherman Act.

As used in this Final Judgment:

(A) "Ascertainable quantity" means a percentage of the normal requirements of milk processed in an identified plant or the milk production of an identified producer or group of producers;

(B) "Base" means an allocation by defendant, expressed in pounds of milk per delivery period, possessed by a member under a Class I Base Plan;

(C) "Class I Base Plan" means a procedure or plan for the distribution of marketing proceeds to defendant's members, or a group thereof, whereby each such member is assigned or otherwise acquires a stated base that entitles the member to receive a higher return for quantities of milk produced and marketed through defendant within the base than for quantities in excess of the base;

(D) "Competitor of defendant" means a person selling or offering to sell milk or other dairy products, including, but not limited to, an individual producer, a group of producers, a cooperative or a proprietary firms;

(E) "Federal milk marketing order" means the regulations, rules of practice and procedures issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), regulating the handling of milk;

(F) "Member" means a producer who has a membership and marketing agreement with defendant and whose milk production is marketed by defendant;

(G) "Milk" means raw Grade A milk produced by cows;

(H) "Milk hauler" means a person, not an employee of defendant, who owns or operates a truck and transports milk;

(I) "Milk Sales Agreement" means a contract between defendant and a person operating a fluid milk processing and packaging plant wherein the buyer agrees to purchase from defendant a specified or ascertainable quantity of milk;

(J) "Person" means any corporation, partnership, association, individual, cooperative, or other business or legal entity;

(K) "Plant" means the land, buildings, facilities and equipment constituting a single operating unit or establishment in which milk is or has been received, transferred, reloaded, processed, or manufactured;

(L) "Producer" means any person engaged in the production of milk.

The provisions of this Final Judgment shall apply to defendant and to each of its directors, officers, agents, employees, subsidiaries, successors, assigns and their subsidiaries, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

Deefndant is hereby enjoined and restrained from:

(A) using threats or coercion to induce any producer to execute or refrain from terminating a membership and marketing agreement with defendant or to deliver milk to defendant;

(B) asserting or threatening to assert any claim or cause of action against a member or former member based upon the actual or proposed termination by such member or former member, individually or jointly with other producers, of a membership and marketing agreement with defendant after written notice within the time specified in the membership and marketing agreement;

(C) qualifying milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers participating in a federal milk marketing order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or to cease selling milk in competition with defendant;

(D) entering into or enforcing any contract or agreement with another cooperative or association of producers to qualify milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers participating in a federal milk marketing order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or such other cooperative or association or to cease selling milk in competition with defendant or such other cooperative or association;

(E) maintaining or entering into any agreement with another person, except an employee or milk hauler performing services for defendant, that restricts in any way:

(1) the solicitation by such other person of any member of defendant to terminate its membership and marketing agreement with defendant;

(2) the solicitation by defendant of any producer to become a member of defendant;

(3) the territory in which defendant or such other person seeks to obtain supplies of milk;

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(F) Requiring as part of a Class I Base Plan that a member or former member who transfers Base not compete in the sale of milk unless such requirement is limited to competition with the transferee of Base and to a period not exceeding two (2) years following the transfer of Base.

(A) Defendant is hereby ordered for one (1) year from the entry of this Final Judgment to allow any member to terminate its membership and marketing agreement at any time by giving defendant at least thirty (30) days written notice.

(B) Defendant is hereby enjoined and restrained, after one year from the entry of this Final Judgment, from entering into or enforcing any membership and marketing agreement with any member unless such agreement can be terminated upon written notice by the member at least thirty (30) days prior to such agreement's anniversary date.

(C) If, following the expiration of the time period provided in Paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered within ninety (90) days of the date the change in procedure becomes effective to notify each member who is a party to such an agreement of the anniversary date thereof; this Paragraph V(C) of this Final Judgment shall expire after five years from the entry thereof.

(D) If, following the expiration of the time period provided in paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered for five (5) years from the entry of this Final Judgment to:

(1) allow a producer upon entering into a membership and marketing agreement with defendant or upon executing a new membership and marketing agreement with defendant at the proper time for termination of an existing agreement to select any anniversary date desired by the producer notwithstanding the date upon which the membership and marketing agreement is executed. Defendant shall only be required to allow a producer to select an anniversary date once under this Paragraph V.(D)(1);

(2) allow a producer, following a proper notice of termination of a membership and marketing agreement, to extend the membership and marketing agreement to any date, within one (1) year, selected by the withdrawing producer, and market on a nondiscriminatory basis the milk production of such producer; provided, however, defendant shall not be required to grant such an extension if defendant has terminated the membership and marketing agreement for reasons of defendant's inability or difficulty in performing its marketing duties under the membership and marketing agreement.

Defendant is hereby enjoined and restrained from:

(A) entering into or enforcing any contract or agreement with any milk hauler that requires the milk hauler to transport milk exclusively for defendant or its members;

(B) requiring as a condition for the approval of an assignment of a hauling contract or other conveyance of the business of a milk hauler that any milk hauler not transport milk in competition with any other milk hauler or with defendant.

Defendant is hereby enjoined and restrained from:

(A) entering into or enforcing any Milk Sales Agreement containing a term in excess of one (1) year;

(B) entering into or enforcing any Milk Sales Agreement unless the buyer had the opportunity to agree to purchase from defendant under such Agreement any lesser specified or ascertainable quantity of milk than was offered for sale by defendant; provided, however, defendant may require the buyer to receive milk in truckload quantities;

(C) entering into or enforcing any Milk Sales Agreement unless such Agreement provides that in the event defendant, during the term of such Agreement, increases the price of milk or changes the formula or procedure for ascertaining the price of milk sold under such Agreement resulting in an increase in the price, the buyer may discharge such agreement on or after the effective date of the price increase by giving written notice to defendant at any time within twenty (20) days after the announcement of such price increase or five (5) days prior to the effective date of such price increase, whichever is later;

(D) discriminating or threatening to discriminate against any buyer of milk on account of its actual or proposed purchase of milk from a competitor of defendant;

Provided, however, nothing in this paragraph VII shall be construed to limit or affect the application of the antitrust laws to Milk Sales Agreements.

(A) Within two (2) years of the entry of this Final Judgment, defendant is hereby ordered to sell to any qualified buyer the assets presently located at its plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, described in Exhibit A attached hereto. For purposes of this Paragraph, a "qualified buyer" shall be any person who seeks to purchase as a unit the assets at any of the aforementioned plants and who intends after such purchase to operate a receiving or transfer station for milk or, a milk manufacturing plant.

(B) The sale of any of the plants described in this paragraph VIII shall require the prior approval of plaintiff. In the event plaintiff objects to the proposed sale, the sale shall not be consummated until a showing that the buyer meets the requirements of this Paragraph VIII has been made to this Court.

(C) Until divestiture is completed, defendant will maintain in good condition and repair the assets located at each of the plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, and replace any asset removed from any of the plants following the entry of this Final Judgment with comparable assets prior to the closing of any sale.

(D) Beginning ninety (90) days after the entry of this Final Judgment and continuing every six (6) months until all the assets described in this Paragraph VIII are divested, defendant shall furnish a written report to plaintiff describing the steps taken to accomplish divestiture, the assets sold and remaining to be divested, the assets removed from any of the plants, and the terms and conditions of any offers for the purchase of such assets.

(A) For five (5) years from the entry of this Final Judgment, defendant shall give notice to plaintiff at least thirty (30) days prior to the closing date of any transaction for the purchase, consolidation acquisition of control, or lease (except for the renewal of an existing lease) of any plant, and such notice shall fully describe the present and projected operation of the plant to be acquired and the terms and conditions of the proposed transaction.

(B) For five (5) years from the entry of this Final Judgment, defendant is enjoined and restrained from purchasing, consolidating with, acquiring control of, or leasing (except for the renewal of an existing lease) any plant where the effect of such transaction may be substantially to lessen competition, or to tend to create a monopoly.

(C) For one (1) year following the purchase, consolidation, acquisition of control, or lease (except for the renewal of an existing lease) of any plant, defendant is hereby ordered to continue to receive the milk of any competitor of defendant who is delivering milk to such plant on or within sixty (60) days prior to such transaction and who desires to continue such delivery; provided, however, defendant may require such competitor to execute a marketing agreement terminable by the competitor upon at least thirty (30) days written notice at any time.

Defendant is hereby enjoined and restrained, for a period of nine (9) years from the entry of this Final Judgment, from participating in any cooperative, association of producers or organization of cooperatives whose business activities include acquiring an option to purchase milk received at a milk manufacturing plant not regulated by a federal milk marketing order, or to purchase milk from any producer or group of producers shipping milk to such a plant, unless such cooperative, association of producers or organization of cooperatives meets the following conditions:

(A) that any person operating a milk manufacturing plant not regulated by a federal milk marketing order may enter into a contract, on a non-discriminatory basis, to grant an option to purchase milk to establish or maintain a reserve supply of milk if

(1) the milk received at the manufacturing plant meets similar standards of quality and quantity as are prescribed for other quantities of milk subject to such a purchase option; and

(2) said person is in competition for the procurement of raw milk with a person that has a contract to supply milk to said cooperative, association of producer or organization of cooperatives;

(B) that there shall be no discrimination against any person that receives milk from a competitor of defendant;

(C) that any person shall be permitted to dispose of any milk subject to the purchase option if the purchase option is not exercised at least twenty-four (24) hours prior to the time the milk is picked up from the farm to whomever, wherever and upon whatever terms and conditions it chooses, and the cooperative, association of producers or organization of cooperatives shall not discriminate against any person that resells milk subject to a purchase option not exercised;

(D) that any cooperative or association of producers whose business activities are within the provisions of section 1 of the Capper-Volstead Act, 7 U.S.C. § 291, or section 6 of the Clayton Act, 7 U.S.C. § 17, may participate in said cooperative, association of producers or organiaztion of cooperatives on an equivalent and non-discriminatory basis;

(E) that any participating cooperative shall be permitted to resell milk obtained through said cooperative, association of producers or organization of cooperatives to whomever, wherever and on whatever terms and conditions it chooses;

(F) that no contract or agreement entered into with said cooperative, association of producers or organiaztion of cooperatives may exceed a term of one (1) year;

(G) that said cooperative, association of producers or organization of cooperatives shall obtain the option for the purpose of establishing and maintaining a reserve supply of milk to fulfill the requirements of participating cooperatives and for that purpose exclusively;

(H) that the persons receiving orders from participating cooperatives and directing the shipment of milk upon which a purchase option has been exercised shall be independent of and shall not be employed by any participating person; and all reports of shipments of milk will not be made until the completion of the month, and shall be made at the same time to all participating persons;

Provided, however, the terms of this Paragraph X shall not be applicable to any marketing agreement with the Secretary of Agriculture entered into under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601 et seq.).

Defendant is enjoined and restrained from joining, contributing anything of value to, or participating in, any organization or association which directly or indirectly engages in or enforces any act which defendant is prohibited by this Final Judgment from engaging in, or enforcing, or which is contrary to or inconsistent with any provision of this Final Judgment.

(A) Defendant is enjoined and restrained from adopting, adhering to, enforcing, or claiming any rights under any by-law, rule or regulation which is contrary to or inconsistent with any of the provisions of this Final Judgment.

(B) Defendant is ordered to file with plaintiff annually for a period of ten (10) years, on or before June 30, a report setting forth the steps taken by its board of directors to advise its officers, directors, employees, members and all appropriate committees of its and their obligations under this Final Judgment.

(A) Defendant is ordered to mail or otherwise furnish within ninety (90) days after the entry of this Final Judgment a copy thereof (excluding Exhibit A) to each of its members and employees, to each milk hauler transporting milk for defendant, and to each person purchasing milk from or selling milk to defendant or any organization for which defendant acts as marketing agent, and within one hundred fifty (150) days from the aforesaid date of entry to file with the Clerk of this Court an affidavit setting forth the fact and manner of compliance with Paragraph XIII.

(B) Defendant is further ordered and directed to publish, in a publication circulated to all its members, a copy of this Final Judgment once each year for four (4) years on or about the anniversary date of entry of this Final Judgment, and to furnish a copy of this Final Judgment (except that Exhibit A need not be furnished unless specifically requested) to any person upon request.

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege:

(A) duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted (1) access, during the office hours of defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or in the control of defendant relating to any of the matters contained in this Final Judgment, and (2) subject to the reasonable convenience of defendant without restraint or interference from defendant, to interview officers, or employees of defendant, each of whom may have counsel present, regarding any such matters;

(B) defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing to the Department of Justice with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Paragraph XIV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of plaintiff, except in the course of legal proceedings to which the United States of America is party, or for the purpose of determining or securing compliance with this Final Judgment or as otherwise required by law.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for further orders and direction as may be necessary or appropriate for the construction or carrying out of his Final Judgment, for the amendment or modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

This Court finds that the entry of this Final Judgment is in the public interest.

U.S. District Judge.

Kansas City, Missouri, 1976.

[FR Doc.76-25809 Filed 9-2-76;8:45 am]

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Friday, October 1, 1976, starting at 4 p.m. and on Saturday, October 2, 1976, starting at 8 a.m., in the Regional Office of the Federal Bureau of Prisons Conference Room, KCI Bank Building, 8800 NW, 112th Street, Kansas City, Missouri.

The Board will elect officers and finalize its Annual Program Plan for Fiscal Year 1977.

Signed at Washington, D.C., this 30th day of August, 1976.

SHERMAN R. DAY,
Director.

[FR Doc.76-25859 Filed 9-2-76;8:45 am]

Drug Enforcement Administration

COLLABORATIVE RESEARCH INC.

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Conprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on July 27, 1976, Collaborative Research, Inc., 1365 Main Street, Waltham, MA 02154, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of lysergic acid diethylamide, a basic class of controlled substance in schedule I.

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of lysergic acid diethylamide, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 6, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-25906 Filed 9-2-76;8:45 am]

FHER CORP., INC.

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can product an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on August 9, 1976, Fher Corporation Ltd., Carretera 132, KM 25.3, P.O. Box 4108, Ponce, Puerto Rico 00731, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenmetrazine, a basic class of controlled substance in schedule II.

V41173 SEP 3 '76 UMI

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of phenmetrazine, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 6, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-25888 Filed 9-2-76;8:45 am]

WYETH LABORATORIES, INC.

Manufacture of Controlled Substances; Registration

By notice dated June 29, 1976, and published in the FEDERAL REGISTER on July 12, 1976; (41 FR 28533), Wyeth Laborations, Inc., 611 E. Nield Street, West Chester, PA 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pethidine, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submited by the above firm for registration as a bulk manufacturer of pethidine is granted.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-25889 Filed 9-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Office Redelegation Order 1, Amdt. 5]

SUPERINTENDENT, CENTRAL CALIFORNIA AGENCY

Redelegation of Authority

JULY 29, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Sacramento Area Office Redelegation Order 1 was published beginning at page 14036 of the September 4, 1969 FEDERAL REGISTER (34 FR 14036) and subsequently amended. It is being further amended to add a new subsection (e) to section 2.5, Surface leases and permits. This new subsection redelegates to the Superintendent, Central California Agency, the Area Director's authority relating to leases of tribal and allotted lands for homesite purposes.

As amended, section 2.5 reads as follows:

Sec. 2.5 Surface leases and permits.

* * * * *

(e) To the Superintendent, Central California Agency. The authority of the Area Director relating to leases of tribal and allotted lands for homesite purposes to members of the tribes under the jurisdiction of the Central California Agency or to housing authorities.

Effective date: The effective date of this delegation will be the date of signature by the Area Director.

WILLIAM E. FINALE,
Area Director.

Approved: August 26, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc 76-25855 Filed 9-2-76;8:45 am]

WASHOE TRIBE OF NEVADA AND CALIFORNIA

Ordinance Legalizing the Introduction, Possession, Use and Consumption of Alcoholic Beverages

Correction

In FR Doc. 76-3822 appearing on page 5840 in the issue for Tuesday, February 10, 1976 the following correction should be made: In the last line of the third column of page 5840, the date now reading "the 5th day of August 1971" should have read "the 5th day of August 1975".

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE TEXAS AND LOUISIANA

Availability of Final Environmental Impact Statement Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 61 drainage and development tracts totalling 255,163 acres (103,305 hectares) of submerged lands on the Outer Continental Shelf offshore Texas and Louisiana (OCS Sale No. 44).

Single copies of the final environmental statement can be obtained from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Department of the Interior, Washington, D.C. 20240.

Copies of the final environmental statement will also be available for review in the main public libraries in the following cities: New Orleans, Lafayette, Lake Charles, and Baton Rouge, Louisiana; and Austin, Houston, Galveston, and Freeport, Texas.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: August 25, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-25657 Filed 9-2-76;8:45 am]

[Wyoming 54222]

WYOMING

Application

AUGUST 27, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Powder River Pipeline Corporation of Casper, Wyoming filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting crude oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN
WYOMING

T. 45 N., R. 76 W., sec. 8, N½SW¼; sec. 9, NE¼NE¼; sec. 10, NW¼NE¼, N½NW¼.

The pipeline will transport crude oil from a point in the NW¼NW¼ sec. 8 and NW¼NE¼ sec. 11, T. 45 N., R. 76 W., to the existing Heldt Draw Gathering System in Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their view should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-25854 Filed 9-2-76;8:45 am]

Bureau of Reclamation

[INT/DES 76-33]

PROPOSED EXPANSION OF THE SAN JUAN POWERPLANT, SAN JUAN COUNTY, NEW MEXICO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed San Juan Powerplant Expansion in San Juan County, New Mexico. The proposed project would ultimately produce a nominal net total generating capacity of 1,588 megawatts.

Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of the Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.
Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84147, Telephone (801) 524-5592.
Project Construction Engineer, P.O Box 28, 1006 Municipal Drive, Farmington, New Mexico 87401, Telephone (505) 325-1794.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: August 31, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.76-25979 Filed 9-2-76;8:45 am]

PROPOSED EXPANSION OF THE SAN JUAN POWERPLANT, NEW MEXICO

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmenatl statement for the Proposed Expansion of the San Juan Powerplant, New Mexico. This statement (INT DES 76-33, dated August 31, 1976) has been made available to the public.

The draft environmental statement deals with the proposal by Public Service Company of New Mexico and Tucson Gas and Electric Company to construct and operate three additional generating units at the existing San Juan Powerplant, 12 miles northwest of Farmington, New Mexico. The first unit was placed in operation in November 1973 and was evaluated by environmental statement number INT FES 73-10 which was filed with the Council on Environmental Quality on March 1, 1973. The proposed three additional units at the San Juan Plant are scheduled to be placed in operation in December 1976, May 1979, and May 1981. All four units, when completed would have a net total generating station capacity of 1,588 MW.

A public hearing will be held in Farmington, New Mexico, at the City Council Meeting Room, Municipal Building, 800 Municipal Drive, from 1 p.m. to 8 p.m. on October 5, 1976, to receive views and comments from interested organizations or indivduals relating to the environmental impacts of this project.

Oral statements at the hearing will be limited to a period of 10 minutes each. Speakers may not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order, and his name will be recalled at the end of the scheduled speakers. Request for scheduled presentation will be accepted up to 4:30 p.m., September 30, 1976, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84147, telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearings should be received prior to October 15, 1976, for inclusion in the hearing record.

Dated: August 31, 1976.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-25978 Filed 9-2-76;8:45 am]

Office of Secretary

MINERAL DEVELOPMENT ON PUBLIC LANDS

Public Hearing

Notice is hereby given that public hearings will be held for the purpose of receiving testimony and comments on the availability of Federal lands for mineral exploration and development. As a result of recent public concern over the availability of public lands for mineral development under the General Mining Law (30 U.S.C. 21) and the Mineral Leasing Laws (30 U.S.C. 181-287, 351-359, 1001-1025), the Secretary of the Interior, in a memorandum of January 12, 1976, established the Mineral Lands Availability Task Force. He gave the following objectives to the Task Force:

1. Determine which lands—of all public lands and lands where the Government owns the mineral estate—have been withdrawn, segregated, or otherwise restricted from mineral exploration and development.

2. Review present administrative policies and procedures governing withdrawal of public lands and other restrictions; and review modification and termination of withdrawals and restrictions.

3. Review alternatives to the present withdrawal system and other restrictive actions.

In order to provide the maximum opportunity for public involvement at an early stage in its work and to provide information which will be useful in determining the extent to which mineral exploration and development is, or is not, restricted on Federal lands because of withdrawals, segregations, or other actions, the Task Force has determined that public hearings should be held.

The public hearings will be held on the following dates at the following locations:

SEPTEMBER 8-9, 1976

Salt Palace, Salt Lake City, Utah

SEPTEMBER 15-16, 1976

Department of the Interior Auditorium, 19th and C Streets, NW, Washington, D.C.

OCTOBER 1, 1976

Anchorage Westward Hotel, Anchorage, Alaska

Hearings at all locations will be held from 9 a.m. each day. Interested individuals, representatives of organizations, and public officials wishing to appear at the hearings should contact the Office of the Assistant Secretary for Land and Water Resources, U.S. Department of the Interior, 19th and C Streets, NW., Washington, D.C., not later than one week before the scheduled hearing. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Assistant Secretary for Land and Water Resources on or before October 15.

Oral statements at the hearings will be limited to 15 minutes. To the extent that time is available after presentation of oral statements by those who have given advanced notice, the hearings officer will give others present an opportunity to make statements. Because of time limitations, those presenting oral statements at one of the above identified locations will not be permitted to present statements at other locations. The hearings are open to the public. All written statements received pursuant to this notice will be included in the final hearing record. A transcript of each hearing will be available for a fee from the court reporter a few days after each hearing. The full record of the hearings will be available for public inspection on October 20, 1976, at the office of the Assistant Secretary for Land and Water Resources, Washington, D.C.

Further information concerning these hearings may be obtained from Mr. Dennis Sachs, Chairman of the Mineral Lands Availability Task Force, Room 6616, Main Interior Building, 19th and C Streets, NW., Washington, D.C.

DENNIS SACHS,
Chairman,
Deputy Assistant Secretary.

AUGUST 30, 1976.

[FR Doc.76-25819 Filed 9-2-76;8:45 am]

V41 I173 SEP 3 76 UMI

WATCH AND WATCH MOVEMENTS

Joint Delegation of Authority for Issuance of Shipment Permits to Producers of Watches and Watch Movements in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of the Interior, Office of the Secretary, and the Department of Commerce, Office of the Secretary, on the subject of joint delegation of authority for issuance of shipment permits to producers of watches and watch movements in the Virgin Islands, Guam and American Samoa, see FR Doc. 76-25980, appearing in the notices sections of this issue under the Department of Commerce, Office of the Secretary.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUMMER SEMINARS FOR COLLEGE TEACHERS PANEL

Meeting

AUGUST 19, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Summer Seminars for College Teachers Panel will be held at 806 15th Street, NW., room 314, Washington, D.C. on October 1 and 2, 1976.

The purpose of the meetings is to examine dossiers of individuals recommended to the Endowment as possible seminar directors in the Summer Seminar program.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C., 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-25820 Filed 9-2-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 30, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

REVISIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Synthetic organic chemicals: United States Production and Sales, CD-AI, annually, Original Manufacturers of Synthetic Organic Chem., Peterson, M. O., 395-5631.

NATIONAL SCIENCE FOUNDATION

Survey of Scientific and Engineering Personnel Employed at Universities and Colleges, January 1977, 724, annually, Institutions of Higher Education With Science Programs, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, School Lunch and School Breakfast Cost Survey (Phase II of SB Evaluation), FNS-1064, single-time students, Human Resources Division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, Nonhousehold Sources Census Record Search and Telephone followup Verification Record 1976 Census of Camden, N.J., DD-804, single-time, Residents of Households Within the Camden, N.J. City Limits, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, National Assessment of Educational Progress, OE 2371, single-time, Elementary and Secondary Student and School officials, Kathy Wallman, 395-6140.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Sandhill Crane Harvest Questionnaire, 3-530, annually, Hunters of Sandhill Cranes, Maria Gonzalez, 395-6132.

EXTENSIONS

FEDERAL HOME LOAN BOARD

Notice Filing, H-(C)1, on occasion, Savings and Loan Holding Companies, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, State Dissemination Application Package, NIE 95, annually, State Education Agencies, Warren Topelius, 395-5872.

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board, Aircraft Accident Report, NTSB6120.2, on occasion, operator, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-26000 Filed 9-2-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

MADISON DISTRICT ADVISORY COUNCIL

Meeting Date Change

The Small Business Administration Madison District Advisory Council has changed the date of its public meeting from 10 a.m., Friday, September 17, 1976, to 10 a.m., Friday, September 24, 1976. The meeting will be held in the Boardroom, Greater LaCrosse Area Chamber of Commerce, 710 Main Street, LaCrosse, Wisconsin, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Lucian G. Schlimgen, Jr., District Director, Small Business Administration, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703, (608) 252-5267.

Dated: August 27, 1976

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-25917 Filed 9-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK; IDENTIFICATION OF CARCASSES

List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which have been officially reported as using humane methods of slaughter and incidental handling of the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected and passed at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all such species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 1 OF 23 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	SHEEP	SWINE	GOATS	EQUINES
ARMOUR & COMPANY	2 C	(*)	(*)	(*)		
ARMOUR & COMPANY	2 H			(*)		
ARMOUR & COMPANY	2 M			(*)		
ARMOUR & COMPANY	24T			(*)		
ARMOUR & COMPANY	25C	(*)		(*)		
ARMOUR & COMPANY	25D			(*)		
ARMOUR & COMPANY	25O	(*)		(*)		
ARMOUR & COMPANY	2MN			(*)		
ARMOUR & COMPANY	3 C	(*)		(*)		
SWIFT & COMPANY	3 D					
SWIFT & COMPANY	3 G					
SWIFT & COMPANY	3 L			(*)		
SWIFT & COMPANY	3 M			(*)		
SWIFT & COMPANY	3 R			(*)		
SWIFT & COMPANY	3 S					
SWIFT & COMPANY	3 T	(*)				
SWIFT & COMPANY	3 Y	(*)		(*)		
SWIFT & COMPANY	3AE				(*)	
SWIFT & COMPANY	3BW	(*)	(*)	(*)		
SWIFT & COMPANY	3CN					
SWIFT & COMPANY	3G1	(*)		(*)		
SWIFT & COMPANY	3GW					
SWIFT & COMPANY	3I	(*)		(*)		
LYKES BROTHERS, INC.	6	(*)		(*)		
PAULY PACKING COMPANY, INC.	10	(*)		(*)		
FRENCH CITY MEATS, INC.	11	(*)				
HYGRADE FOOD PRODUCTS CORPORATION	12 A					
HYGRADE FOOD PRODUCTS CORPORATION	12 F	(*)		(*)		
HYGRADE FOOD PRODUCTS CORPORATION	12 P	(*)		(*)		
JOHN MORRELL & COMPANY	17 A					
JOHN MORRELL & COMPANY	17 D	(*)		(*)		
JOHN MORRELL & COMPANY	17 E					
JOHN MORRELL & COMPANY	17 U	(*)		(*)		
C. FINKBEINER, INC.	18					
CUDAHY PACKING COMPANY	18 H	(*)		(*)		
WILSON & COMPANY, INC.	20 L					
WILSON & COMPANY, INC.	20 Y	(*)		(*)		
WILSON & COMPANY, INC.	20MU					
SWIFT & COMPANY, INC.	23	(*)		(*)		
ARMOUR & COMPANY	24K					
KRETSCHMAR & KRASNY, INC.	30					
SUPERIOR'S BRAND MEATS, INC.	31	(*)		(*)		
THE HUGUELET COMPANY	32	(*)		(*)		
THE HUGUELET COMPANY	32 A	(*)		(*)		
KENTON PACKING COMPANY	36	(*)		(*)		
IDAHO MEAT PACKERS, INC.	40					
MIDWESTERN BEEF COMPANY, INC.	53	(*)				
SUNNYLAND PACKING COMPANY OF ALABAMA	56					
SUNNYLAND PACKING COMPANY OF ALABAMA	56 A	(*)				
GLOVER PACKING COMPANY OF AMARILLO	60	(*)		(*)		
CAMPBELL PACKING COMPANY, INC.	60 A	(*)		(*)		
WAGER PACKING COMPANY, INC.	61	(*)		(*)		
SUNFLOWER BEEF PACKERS, INC.	62	(*)		(*)		
SANDUSKY DRESSED BEEF COMPANY	63	(*)		(*)		
AUBURN UNIVERSITY MEATS LABORATORY	71	(*)		(*)		
BROWN THOMPSON & SON	73					
DINNER BELL FOODS, INC.	73 A	(*)				
EUGAR PACKING COMPANY	79 B	(*)				
MOPAL CORPORATION	86 A	(*)		(*)		
MOPAL CORPORATION	86 D	(*)		(*)		
MOPAL CORPORATION	86 H	(*)		(*)		
MOPAL CORPORATION	86 M	(*)		(*)		
UTICA VEAL COMPANY, INC.	88	(*)				
THE E. KAHN'S SONS COMPANY	89	(*)	(*)			
PEET PACKING COMPANY	90			(*)		
LAREDO PACKING COMPANY	91	(*)				
SUGARDALE FOODS, INC.	92	(*)		(*)	(*)	
SWANSON PACKING COMPANY	93	(*)		(*)		
TEXAS BEEF PACKING COMPANY	95	(*)				
CENTRAL PACKING COMPANY, INC.	96	(*)				
A. KOCH'S SONS	98	(*)				
ARMOUR & COMPANY	100	(*)				
LIBERTY PACKING COMPANY	101	(*)				
WILSON & COMPANY	111	(*)				(*)
THE M & M PACKING COMPANY OF WALTERBORO	113 W					(*)
FARMLAND FOODS, INC.	114	(*)		(*)		
THE MERCHANTS COMPANY	116	(*)		(*)		
TROPHY MEAT PACKING COMPANY, INC.	117					
MANWEILER PACKING COMPANY, INC.	121	(*)		(*)		
JOHN MORRELL & COMPANY	126					(*)
CASH BROTHERS PACKING COMPANY, INC.	127	(*)				
JOHN KOTH & SONS, INC.	130	(*)				
FERKARA MEAT COMPANY, INC.	134	(*)				
NEBRASKA BEEF PACKERS, INC.	145	(*)				
KLUEVER PACKING COMPANY, INC.	152			(*)		
SILVER FALLS PACKING COMPANY, INC.	154	(*)				
DALLAS CITY PACKING, INC.	156	(*)				
CORNLAND DRESSED BEEF, INC.	157	(*)				
BEEKLAND INTERNATIONAL, INC.	158					
MISSOURI FARMERS ASSN. PACKING DIVISION	159					
SWIFT & COMPANY	167	(*)				
BUB DAVIS PACKING COMPANY	171	(*)	(*)	(*)		
AMERICAN MEAT PACKING CORPORATION	180	(*)		(*)		
THE KATH PACKING COMPANY	186 F					
CARL'S SAUSAGE COMPANY	188	(*)		(*)		
SEATTLE PACKING COMPANY	192					
MYNES PACKING COMPANY	197	(*)		(*)		
UNITED PACKING COMPANY	198	(*)		(*)		
GEORGE A. HORMEL & COMPANY	199 A					
GEORGE A. HORMEL & COMPANY	199 B	(*)		(*)		
GEORGE A. HORMEL & COMPANY	199 H	(*)				
GEORGE A. HORMEL & COMPANY	199 I					
GEORGE A. HORMEL & COMPANY	199 M	(*)		(*)		
CAVINESS PACKING COMPANY, INC.	200	(*)				
PLATTE VALLEY PACKING COMPANY	203	(*)		(*)		
ENGE PACKING COMPANY, INC.	208	(*)				
KENTUCKY PACKERS, INC.	208 A	(*)				
PENN PACKING COMPANY	212					
E. H. KNIPP, INC.	213	(*)				
MARSHALL MEAT PRODUCTS, INC.	215	(*)				
LINCOLN MEAT COMPANY	217					
YORK PACKING COMPANY, INC.	220	(*)				
KANSAS BEEF PACKERS, INC.	221 A	(*)				
DE JONG PACKING COMPANY	223	(*)				
HYGRADE FOOD PRODUCTS CORPORATION	224	(*)		(*)		
HYGRADE FOOD PRODUCTS CORPORATION	224 B	(*)		(*)		
INDEPENDENCE MEAT COMPANY	226	(*)				
JOHN MORRELL & COMPANY, INC.	234	(*)		(*)		
LAMB-WESTON, INC.	235	(*)		(*)		
TEXAS TECHNOLOGICAL COLLEGE - ANIMAL HUSBANDRY	236	(*)		(*)		
RASKIN PACKING COMPANY	237					
SHREVEPORT PACKING COMPANY INC., OF KANSAS	239	(*)				
P. D. & J. MEATS	240			(*)		
GREENWOOD PACKING PLANT	242	(*)				
IOWA BEEF PROCESSORS, INC.	244	(*)		(*)		
IOWA BEEF PROCESSORS, INC.	245	(*)				
IOWA BEEF PROCESSORS, INC.	245 A	(*)				

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
IOWA BEEF PROCESSORS, INC.	245 B	-(o)-					
IOWA BEEF PROCESSORS, INC.	245 C	-(o)-					
IOWA BEEF PROCESSORS, INC.	245 D	-(o)-					
IOWA BEEF PROCESSORS, INC.	245 E	-(o)-					
JOHN MUNKELL & COMPANY	246	-(o)-				-(o)-	
FEDERAL PACKING COMPANY, INC.	249	-(o)-	-(o)-				
METRO MEAT PACKING, INC.	253	-(o)-				-(o)-	
MAGIC VALLEY PACKING COMPANY	256	-(o)-					
HYPLAINS DRESSED BEEF, INC.	262	-(o)-					
THE JONES DAIRY FARM	263	-(o)-				-(o)-	
FARM PAC KITCHENS, INC.	266	-(o)-					
PACIFIC MEAT COMPANY, INC.	267	-(o)-	-(o)-				
GOLDEN VALLEY PACKING COMPANY	271	-(o)-					
TOT PACKING COMPANY, INC.	273	-(o)-					
ALPHA BETA ACME MARKETS, INC.	279	-(o)-	-(o)-				
PARNETT PACKING CORPORATION	283	-(o)-					
SOLAND MEAT COMPANY	285	-(o)-	-(o)-	-(o)-			
FLAVORLAND INDUSTRIES, INC.	288	-(o)-					
ARBOAST AND BASTIAN COMPANY	289				-(o)-		
SAN JOSE MEAT COMPANY, INC.	291	-(o)-					
ARMOUR & COMPANY	292				-(o)-		
IOWA BEEF PROCESSORS, INC.	292 A	-(o)-					
GUS JUENGLING & SONS, INC.	298	-(o)-					
UNION PACKING COMPANY	305	-(o)-					
STAR PACKING COMPANY	306	-(o)-					
A. GEMMEN & SONS, INC.	306	-(o)-					
KAUFMAN MEATS	310	-(o)-	-(o)-				
KUUY'S FARM COMPANY	315				-(o)-		
ESTES PACKING COMPANY	319	-(o)-	-(o)-				
STAULEN PACKING COMPANY, INC.	320	-(o)-			-(o)-		
STEVING MEAT COMPANY	322	-(o)-		-(o)-	-(o)-		
RUDNICK PACKING COMPANY, INC.	325	-(o)-		-(o)-			
FRISCO PACKING COMPANY	327	-(o)-					
C & M MEAT PACKING CORPORATION	329	-(o)-	-(o)-				
ROYAL PACKING COMPANY	331 A	-(o)-					
SHAPIRO PACKING COMPANY, INC.	332	-(o)-	-(o)-				
GREAT WESTERN PACKING COMPANY, INC.	334	-(o)-					
UNION VALLEY MEAT PACKING COMPANY, INC.	336	-(o)-	-(o)-				
SAM KANE BEEF PROCESSORS, INC.	337	-(o)-	-(o)-				
GREEN & OLIVER SAUSAGE COMPANY	338					-(o)-	
BOOKEY PACKING COMPANY	340	-(o)-					
PUCKETT PACKING COMPANY	343	-(o)-					
GULFPAC MEAT COMPANY, INC.	344	-(o)-					
ANZA PACKING COMPANY	345	-(o)-					
UNION PACKING COMPANY	351	-(o)-					
FRESNO MEAT PACKING COMPANY	354	-(o)-					
MC CANDLESS PACKING COMPANY, INC.	355	-(o)-	-(o)-				
SUNSTATE FOODS, INC. - BEEF DIVISION	357	-(o)-					
CLOUGHERTY PACKING COMPANY	360					-(o)-	
MEYERS PACKING COMPANY	363	-(o)-				-(o)-	
JAMES ALLAN & SONS	365	-(o)-	-(o)-	-(o)-		-(o)-	
THE MILNER PACKING COMPANY	372	-(o)-				-(o)-	
CROSS BROTHERS MEAT PACKERS, INC.	376	-(o)-	-(o)-	-(o)-			
SALINAS MEAT COMPANY	378	-(o)-	-(o)-	-(o)-		-(o)-	
EMGE PACKING COMPANY, INC.	380	-(o)-				-(o)-	
SMITHFIELD PACKING COMPANY, INC.	382					-(o)-	
ACME MARKETS, INC.	386	-(o)-					
FREEDMAN BROTHERS PACKING COMPANY	387	-(o)-	-(o)-				
DUGDALE PACKING COMPANY	390	-(o)-					
OLDHAM'S FARM SAUSAGE COMPANY, INC.	392					-(o)-	
HOISKEN MEAT CENTER	394	-(o)-		-(o)-		-(o)-	
DUBUQUE PACKING COMPANY	395	-(o)-	-(o)-	-(o)-		-(o)-	
DUBUQUE PACKING COMPANY	396 C	-(o)-					
DUBUQUE PACKING COMPANY	396 D	-(o)-					
DUBUQUE PACKING COMPANY	396 E	-(o)-					
WATSONVILLE DRESSED BEEF, INC.	398	-(o)-					
OAKRIDGE SMOKEHOUSE	401	-(o)-	-(o)-	-(o)-		-(o)-	
OWENS COUNTRY SAUSAGE, INC.	403					-(o)-	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
WILLISTON PACKING COMPANY, INC.	405	-(o)-					
NEUHOFF BROTHERS PACKERS	406	-(o)-	-(o)-				
GREEN BAY DRESSED BEEF, INC.	410	-(o)-					
THE LUNDY PACKING COMPANY	413						-(o)-
THE LUNDY PACKING COMPANY	413 A						-(o)-
FROSTY MORN MEATS	414	-(o)-	-(o)-			-(o)-	
MINDEN BEEF COMPANY	417	-(o)-					
S. BUNACCORSO & SONS, INC.	419	-(o)-	-(o)-				
MURRAY PACKING COMPANY, INC.	421	-(o)-					
E. W. KNEIP INC. OF IOWA	422	-(o)-					
THE COLLINS PACKING COMPANY	423					-(o)-	
KENOSHA PACKING COMPANY	425	-(o)-	-(o)-				
FINEBERG PACKING COMPANY	428	-(o)-	-(o)-			-(o)-	
SCHNEIDER PACKING COMPANY	439	-(o)-					
OMAHA DRESSED BEEF COMPANY, INC.	441	-(o)-					
DEL CURTO MEAT COMPANY	445	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
THE DICILLE CORPORATION	448	-(o)-					
ECONOMY PACKING HOUSE	451	-(o)-				-(o)-	
DERLIT PACKING CORPORATION	456	-(o)-	-(o)-				
MORRIS KIFKIN & SONS, INC.	460	-(o)-					
PIONEER BONELESS BEEF, INC.	461	-(o)-					
LANCASTER PACKING COMPANY	462	-(o)-					
LITVAK PACKING COMPANY	465	-(o)-					
BECHAR PACKING COMPANY	467	-(o)-	-(o)-			-(o)-	
MID-STATES INDUSTRIES, INC.	476	-(o)-					
ARMOUR & COMPANY	477	-(o)-					
GUTMAN PROVISION COMPANY, INC.	481	-(o)-	-(o)-				
SAINT CROIX ABATTOIR	482	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
ROBBE BEEF PACKERS, INC.	485	-(o)-					
EAST TENNESSEE PACKING COMPANY	487	-(o)-					
MEMPHIS BUTCHERS ASSOCIATION, INC.	488	-(o)-				-(o)-	
E. W. KNEIP, INC.	489	-(o)-					
WARD FOODS, INC.	490	-(o)-	-(o)-	-(o)-			
FAIRBANK FARMS, INC.	492	-(o)-	-(o)-				
MID-STATE MEAT PACKERS, INC.	494	-(o)-	-(o)-				
BARTEL'S MEAT COMPANY	497	-(o)-	-(o)-	-(o)-			
PELLA PACKING COMPANY, INC.	498	-(o)-					
HEIN BROTHERS PACKING COMPANY, INC.	499	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
THE HULL & DILLON PACKING COMPANY	510	-(o)-				-(o)-	
SNIDER BROTHERS, INC.	512	-(o)-	-(o)-				
CHARLES MILLER & COMPANY	517					-(o)-	
PORK PACKERS INTERNATIONAL INC.	520					-(o)-	
OKLAHOMA STATE UNIVERSITY MEAT LABORATORY	526	-(o)-	-(o)-	-(o)-			
SINGLETON INVESTMENT CORPORATION	527	-(o)-	-(o)-				
ARMOUR & COMPANY	528	-(o)-	-(o)-				
SMALLWOOD PACKING COMPANY, INC.	529	-(o)-					
MARYSVILLE MEAT-PACKING COMPANY, INC.	533	-(o)-				-(o)-	
PEPPER PACKING COMPANY	539	-(o)-	-(o)-	-(o)-		-(o)-	
OSCAR MAYER & COMPANY, INC.	537 A	-(o)-	-(u)-	-(o)-		-(o)-	
OSCAR MAYER & COMPANY, INC.	537 B					-(o)-	
OSCAR MAYER & COMPANY, INC.	537 E					-(o)-	
MIDWEST PACKING COMPANY	538	-(o)-					
GROWERS MEAT COMPANY, INC.	542	-(o)-				-(o)-	
PRIDE PACKING COMPANY, INC.	549	-(o)-	-(o)-				
BLACK HILLS PACKING COMPANY	554	-(o)-					
MID-SOUTH PACKERS, INC.	557	-(o)-				-(o)-	
D C & A PACKING COMPANY	560	-(o)-	-(o)-			-(o)-	
UNITED DRESSED BEEF COMPANY, INC.	561	-(o)-	-(o)-				
PACKERLAND PACKING COMPANY	562 A	-(o)-					
PACKERLAND PACKING COMPANY OF TEXAS	562 C	-(o)-					
PECK MEAT PACKING CORPORATION	567	-(o)-					
ELMER BENDER & SON, INC.	569	-(o)-	-(o)-	-(o)-			
PERRETTA PACKING COMPANY, INC.	571	-(o)-					
COIL INC.	575	-(o)-	-(o)-				
FROSTY MORN MEATS, INC.	576					-(o)-	
ARMOUR & COMPANY	579	-(o)-				-(o)-	
MONARCH PACKING COMPANY	581	-(o)-					
COFFEYVILLE PACKING COMPANY, INC.	583	-(o)-					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
FREDERICK & HERRUD, INC.	586					-(o)-	
DAWSON-BAKER PACKING COMPANY, INC.	588	-(o)-					
CONU MEAT PACKING, INC.	593	-(o)-	-(o)-				
ELK GROVE MEAT COMPANY	601	-(o)-					
SAN ANTONIO PACKING COMPANY	602	-(o)-	-(o)-	-(o)-	-(o)-		
SAN ANTONIO PACKING COMPANY	602 A	-(o)-	-(o)-	-(o)-	-(o)-		
WRIGHT PACKING COMPANY, INC.	603	-(o)-	-(o)-				
JOHN MUNKELL & COMPANY	604	-(o)-	-(o)-				
WILSON & COMPANY, INC.	606					-(o)-	
EASTERN OREGON MEAT COMPANY, INC.	611	-(o)-		-(o)-		-(o)-	
DONNER PACKING COMPANY	614	-(o)-					
KUMMER MEAT COMPANY, INC.	617	-(o)-	-(o)-	-(o)-			
OSKOSCIL SAUSAGE, INC.	623					-(o)-	
LUMBERJACK MEATS, INC.	626					-(o)-	
BIG FOOT PACKING COMPANY, INC.	627	-(o)-					
E. A. MILLER & SONS PACKING COMPANY, INC.	628	-(o)-	-(o)-				
H. H. KEIN COMPANY	630	-(o)-					
EBNER BROTHERS PACKERS	633	-(o)-	-(u)-				
CARTERET ABATTOIR, INC.	639	-(o)-	-(u)-	-(o)-	-(o)-	-(o)-	
FLANERY MEAT, INC.	643	-(o)-					
TRANSCONTINENT PACKING COMPANY	646						-(o)-
BIRD PROVISION COMPANY	647				-(o)-		
SPENCER FOODS, INC.	648	-(o)-					
SCHLUDERBERG-KURDLE COMPANY, INC.	649				-(o)-		
JOHN MUNKELL & COMPANY	650				-(o)-		
WILSON & COMPANY, INC.	655			-(o)-			
BAUER'S DELICATAS, INC.	657	-(o)-	-(o)-	-(o)-			
MC COOK PACKING CORPORATION	660	-(o)-					
QUALITY MEAT PACKING COMPANY	661	-(o)-					
COLORADO WEST PACKERS, INC.	662	-(o)-	-(o)-	-(o)-	-(o)-		
WEBBER FARMS, INC.	665				-(o)-		
CROWN PACKING COMPANY	666				-(o)-		
SCOTTSBLUFF PACKING COMPANY	667	-(o)-					
UNION PACKING COMPANY, INC.	673	-(o)-					
S & S PACKING COMPANY, INC.	674	-(o)-			-(o)-		
CAVINESS PACKING COMPANY, INC.	675	-(o)-					
JACOB BAUER'S SONS, INC.	678	-(o)-	-(o)-				
HIGH COUNTRY PORK PRODUCTS, INC.	680				-(o)-		
CALDWELL PACKING COMPANY, INC.	683	-(o)-					
CALLAWAY PACKING COMPANY, INC.	684	-(o)-					
MAYAN MEAT COMPANY	693	-(o)-	-(o)-				
KANSAS STATE UNIV. - ANIMAL SCIENCE & INDUSTRY	694	-(o)-		-(o)-	-(o)-		
KRAMER BEEF COMPANY	695	-(o)-					
GULF PACKING COMPANY	696	-(o)-					
TRIOLO BROTHERS	706				-(o)-		
CENTRAL NEBRASKA PACKING COMPANY	713 E					-(o)-	
DAVENPORT PACKING COMPANY, INC.	716	-(o)-					
FARMLAND FOODS, INC.	717				-(o)-		
FARMLAND FOODS, INC.	717 A				-(o)-		
FARMLAND FOODS, INC.	717 CA				-(o)-		
A. DARLINGTON STAGUE	718				-(o)-		
SWIFT & COMPANY	720	-(o)-	-(o)-		-(o)-		
ROGUE PACKING COMPANY, INC.	729	-(o)-					
FROSTY MORN MEATS, INC.	731	-(o)-	-(o)-				
EILEN & SON, INC.	732	-(o)-	-(o)-	-(o)-		-(o)-	
WESTERN PACKERS	733	-(o)-					
UNIO PACKING COMPANY	736	-(o)-	-(o)-		-(o)-		
PARNELL'S PACKING COMPANY	738	-(o)-	-(o)-	-(o)-		-(o)-	
THE JAEGO SCHLACHTER'S SONS COMPANY	739	-(o)-	-(o)-				
MID-STATE MEAT COMPANY	741	-(o)-	-(o)-				
THE OK PACKING COMPANY	749	-(o)-	-(o)-				
JACK'S MEAT PACKING PLANT	754	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
SEITZ FOODS, INC.	756 A	-(o)-					
THE AMERICAN MEAT PACKING CORPORATION	760				-(o)-		
KARLER PACKING COMPANY	767	-(o)-					
EARL C. GIBBS, INC.	770	-(o)-					
HANFORD MEAT PACKING COMPANY	773	-(o)-					
ATLAS PACKING COMPANY	775	-(o)-					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
CENTRAL PACKING COMPANY	777	-(o)-					
THE CUSHMY PACKING COMPANY	779	-(o)-				-(o)-	
BRYAN PACKING COMPANY, INC.	780	-(o)-				-(o)-	
DIAMOND MEAT COMPANY, INC.	783	-(o)-					
GRANITE STATE PACKING CO.	785	-(o)-	-(o)-				
AURORA PACKING COMPANY, INC.	788	-(o)-					
MATFIELD PACKING COMPANY	791					-(o)-	
BAUM'S MEAT PACKING COMPANY	792	-(o)-	-(o)-				
HURON DRESSED BEEF, INC.	798	-(o)-					
AMERICAN BEEF PACKERS, INC.	807	-(o)-					
THE G. EHMARDT SONS, INC.	810	-(o)-	-(o)-				
S & S BEEF COMPANY	811	-(o)-	-(o)-				
UNITED PACKING OF IOWA, INC.	812					-(o)-	
ROCHESTER INDEPENDENT PACKER, INC.	817	-(o)-					
J. M. BOOTH PACKING COMPANY	818					-(o)-	
STERLING COLORADO BEEF COMPANY	823	-(o)-					
FOREMOST PACKING COMPANY	824					-(o)-	
SUPERIOR PACKING COMPANY, INC.	825			-(o)-			
LOOKOUT MOUNTAIN PACKERS, INC.	826	-(o)-	-(o)-				
BENCHEM'S MEAT COMPANY	830	-(o)-					
LEEHUDSON'S, INC.	835	-(o)-			-(o)-	-(o)-	-(o)-
FREDERICK COUNTY PRODUCTS, INC.	836	-(o)-					
VALLEYDALE PACKERS, INC.	840	-(o)-				-(o)-	
G. BARTUSCH PACKING COMPANY	843	-(o)-					
THE ALLEN PACKING COMPANY	845	-(o)-			-(o)-	-(o)-	
ARENA DRESSED BEEF COMPANY	853	-(o)-	-(o)-				
SIOUX CITY DRESSED BEEF, INC.	857	-(o)-					
COLORADO BEEF PROCESSORS, INC.	857 D	-(o)-					
FLAVORLAND INDUSTRIES, INC.	857 F	-(o)-					
FLAVORLAND INDUSTRIES, INC.	857 U	-(o)-					
JURGENSEN MEAT PACKING COMPANY, INC.	858	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
O'NEILL MEAT COMPANY	862	-(o)-					
HARDY AND COMPANY, INC.	869	-(o)-	-(o)-				
SANTA ANA PACKING COMPANY	874	-(o)-					
SWANTON PACKING, INC.	883	-(o)-					
ALCO PACKING COMPANY, INC.	885	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
WALDEN PACKING COMPANY, INC.	888	-(o)-					
HAMILTON PACKING COMPANY	891	-(o)-	-(o)-	-(o)-	-(o)-	-(o)-	
SAMBOL PACKING COMPANY	892	-(o)-					
TOBIN PACKING COMPANY, INC.	893					-(o)-	
VERNON CALHOUN PACKING COMPANY	897	-(o)-					
PARTY PACKING CORPORATION	902	-(o)-					
B. CONSTANTINO & SONS COMPANY	916	-(o)-					
ALICE PACKING COMPANY	921	-(o)-					
VALLEYLAKE PACKERS, INC.	922	-(o)-				-(o)-	
WISCONSIN PACKING COMPANY	924	-(o)-					
PEOPLES PACKING COMPANY	925	-(o)-	-(o)-				
PARSONS BEEF COMPANY, INC.	932	-(o)-					
VOLTZ PACKING COMPANY	938	-(o)-					
GENTNER PACKING COMPANY, INC.	941	-(o)-					
MEILMAN FOOD INDUSTRIES, INC.	946 B	-(o)-					
M. BRIZEN & COMPANY	948	-(o)-					
JOE DUCTURMAN & SON PACKING COMPANY, INC.	949	-(o)-	-(o)-	-(o)-		-(o)-	
KENNEDY'S SAUSAGE COMPANY	950					-(o)-	
BOB EVANS FARMS, MICHIGAN, INC.	952					-(o)-	
GREATER OMAHA PACKING COMPANY, INC.	960	-(o)-					
POTTER SAUSAGE PRODUCT, INC.	961					-(o)-	
VIRGINIA PACKING COMPANY, INC.	963	-(o)-	-(o)-	-(o)-			
T. W. LAY PACKING COMPANY	967	-(o)-				-(o)-	
MONFORT PACKING COMPANY	969	-(o)-		-(o)-			
HAWAII MEAT COMPANY, LTD.	970	-(o)-					
LONGHORN MEAT PACKERS, INC.	976	-(o)-					
BANNER BEEF COMPANY	985	-(o)-					
SHAMROCK BEEF COMPANY	987	-(o)-					
EVERETT C. HURLEIN & SON, INC.	988	-(o)-					
KLAKER OF KENTUCKY, INC.	995					-(o)-	
THE HOME PRIDE PROVISIONS, INC.	1029	-(o)-	-(o)-	-(o)-	-(o)-		
LANDY PACKING COMPANY	1171	-(o)-					

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ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 7 OF 23 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
PORKLAND DIVISION OF CONSOLIDATED FOODS	1175					(o)	
A. F. MOYER & SON	1311						
MC CABE PACKING PLANT	1312	(o)	(o)				
SWIFT & COMPANY	1315	(o)				(o)	
BEEF NEBRASKA, INC.	1318	(o)					
LA GRIER MEAT PROCESSING COMPANY	1403	(o)	(w)	(o)		(o)	
ASSOCIATED MEAT PACKERS, INC.	1472	(o)		(w)		(o)	
STEVENS MEAT COMPANY, INC.	1485	(o)	(o)				
JAMES SAUSAGE COMPANY	1716					(o)	
NORTHSIDE PACKING COMPANY	1750	(o)					
LITTLE RIVER PACKING	1771	(o)	(o)			(o)	
GOLDEN WEST MEAT COMPANY, INC.	E 1796					(7)	
ROCH OELL MEATS PROCESSING	1894	(o)	(o)	(o)			
C & C PACKING COMPANY	2039	(o)	(o)			(o)	
TEXAS AGRIBUSINESS COMPANY	2083	(o)	(o)	(o)	(o)	(o)	
OOOH SAUSAGE COMPANY OF KENTUCKY, INC.	2094					(o)	
JESSE JONES DIVISION OF OUCOMARK, INC.	2103					(o)	
HONEY BEEF HOUSE	2104	(o)	(o)				
BALLARD'S FARM SAUSAGE, INC.	2108					(o)	
P & M PACKING COMPANY, INC.	2211	(o)	(o)				
HANDY PACKING COMPANY, INC.	2215	(o)	(o)				
YOAKUM PACKING COMPANY, LTD.	2216	(o)	(o)				
BURLISON PACKING COMPANY	2224	(o)	(o)				
PACE PACKING COMPANY	2228	(o)	(o)			(o)	
RIDLEY PACKING COMPANY	2229	(o)	(o)				
SOUTH TEXAS PACKERS, INC.	2230	(o)					
GEORGE BRAUN PACKING COMPANY, INC.	2239	(o)					
BRYAN SAUSAGE COMPANY, INC.	2249					(o)	
LOVELADY PACKING COMPANY, INC.	2259					(o)	
G E PACKING COMPANY	2262	(o)	(o)				
RIDLEY PACKING COMPANY	2265	(o)	(o)			(o)	
L. A. FREY & SONS, INC.	2266 A	(o)				(o)	
WRIGHT PACKING COMPANY	2269	(o)	(o)			(o)	
CENTENO MEAT COMMISSARY	2271	(o)					
LAMESA MEAT COMPANY	2272	(o)	(o)			(o)	
AMARILLO PACKING COMPANY	2273	(o)					
HUSBAND BROTHERS PACKING COMPANY	2284	(o)					
BEN GRANTHAM MEAT PACKERS	2290	(o)	(o)			(o)	
DANKWORTH PACKING COMPANY	2298	(o)				(o)	
CORNETT PACKING COMPANY	2333	(o)				(o)	
AMANA SOCIETY	2357	(o)					
THEIS PACKING COMPANY, INC.	2367	(o)					
GRUTE MEAT COMPANY	2369	(o)					
CLAYTON PACKING COMPANY	2373	(4)					
SMIT & SONS, INC.	2376	(o)				(o)	
SPENCER FOODS, INC.	2379	(o)					
PARTIN SAUSAGE COMPANY	2385					(o)	
MARSHALL PACKING COMPANY, INC.	2386	(o)					
CLINTON PACKING COMPANY	2387					(o)	
HOTT PACKING COMPANY	2394	(o)				(o)	
UNITED MEAT COMPANY, INC.	2396	(o)					
PONY EXPRESS RANCH	2398	(o)	(o)			(o)	
HILLSHIRE FARM COMPANY	2435					(o)	
JOHN R. DAILY, INC.	2450	(o)	(o)			(o)	
CIMPL PACKING COMPANY	2460	(o)					
LINK BROTHERS, INC.	2472	(o)	(o)				
HENNING PACKING COMPANY, INC.	2533	(o)				(o)	
WOLVERINE PACKING COMPANY	2574		(o)	(o)	(o)		
WEYHAUPT BROTHERS PACKING COMPANY	2594	(o)				(o)	
BARTLOW BROTHERS, INC.	2595	(o)				(o)	
THE TEETERS PACKING COMPANY	2598	(o)				(o)	
DU QUOIN PACKING COMPANY	2599	(o)				(o)	
MCDONALD MEATS	2603	(o)				(o)	
JO JO FOOTCH & SON	2604	(o)				(o)	
J. W. TREUTH & SONS, INC.	2612	(o)					
LOOMIS PACKING COMPANY, INC.	2636	(o)	(o)			(o)	
H. P. BEALE & SONS, INC.	2682					(o)	
YODERS LOCKER PLANT	2699	(o)	(o)			(o)	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 8 OF 23 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
WAGNER PROVISION COMPANY, INC.	2770	(o)	(o)			(o)	
STOEVEN BROTHERS	2800	(o)				(o)	
BLUE MOUNTAIN MEATS	2825	(o)	(o)	(o)	(o)	(o)	
LEWIS & MC GEHUIT	2847	(o)					
VISTA MEAT PACKING COMPANY, INC.	2854	(o)	(o)				
GRANITE MEAT & LIVESTOCK COMPANY	2856	(o)	(o)				
ZWEIGART PACKING CORPORATION	2863	(o)	(o)	(o)		(o)	
ARMOUR MEATS	2912	(o)	(o)			(o)	
MADISON FOODS, INC.	2923					(o)	
MAPYVILLE PACKING COMPANY	2927	(o)	(o)	(o)	(o)	(o)	
PETTIS COUNTY LOCKER SYSTEM	2929	(o)	(o)	(o)	(o)	(o)	
KUNYUK FROZEN FOOD SERVICE, INC.	2932	(o)	(o)	(o)	(o)	(o)	
WINTER'S MEAT PROCESSING	2936	(o)	(o)	(o)	(o)	(o)	
WOODS LOCKER & ABATTOIR	2938	(o)	(o)	(o)	(o)	(o)	
YONTZ PACKING COMPANY	2939	(o)	(o)				
WEST SLAUGHTER HOUSE	2945	(o)	(o)	(o)		(o)	
SUTTENER'S SLAUGHTER HOUSE	2946	(o)	(o)	(o)	(o)	(o)	
DAVIS SLAUGHTER PLANT	2950	(o)	(o)	(o)	(o)	(o)	
CROUCH'S LOCKER & PROCESSING	2951	(o)	(o)	(o)	(o)	(o)	
NADLER BUTCHERY	2956	(o)	(o)	(o)			
MAXWELL BROTHERS, INC.	2959	(o)	(o)			(o)	
MAC OYE PACKING COMPANY	2962	(o)			(o)		
MATTHEWS LOCKER	2963					(o)	
BOLIVAR LOCKER PLANT	2964	(o)	(o)	(o)	(o)	(o)	
FRANCIS PACKING COMPANY	2965	(o)					
SWISS PROCESSING PLANT	2969	(o)	(o)	(o)	(o)	(o)	
SLAGLE MEAT MARKET, INC.	2970	(o)	(o)	(o)	(o)	(o)	
MURPHY SLAUGHTERHOUSE	2972	(o)	(o)			(o)	
SINGER LOCKER SERVICE	2975	(o)				(o)	
DELALUYE & SONS MEAT PACKING, INC.	2977	(o)					
RINEHART'S MEAT PROCESSING, INC.	2978	(o)	(o)	(o)	(o)	(o)	
MIRACLE MEAT PROCESSING	2982	(o)	(o)	(o)		(o)	
DAVIS MEAT PROCESSING	2984	(o)	(o)	(o)	(o)	(o)	
DIGGS PACKING COMPANY	2985	(o)	(o)				
OZARK LAKE	2986 A	(o)	(o)	(o)	(o)	(o)	
HIGHLANDVILLE PACKING COMPANY	2987	(o)	(o)	(o)	(o)	(o)	
GLEN'S CUSTOM BUTCHERING	2989	(o)	(o)	(o)	(o)	(o)	
PERRY FROZEN FOODS	2990	(o)	(o)	(o)	(o)	(o)	
HOLDEN LOCKER PLANT	2993	(o)	(o)	(o)		(o)	
COUNTRY BUTCHER SHOP	2995	(o)	(o)	(o)	(o)	(o)	
COUNTRY BUTCHER SHOP	2995 A	(o)	(o)	(o)	(o)	(o)	
MISSOURI STATE PENITENTIARY FOR MEN	2998	(o)				(o)	
GERMANN'S QUALITY MEATS	4014	(o)	(o)	(o)	(o)	(o)	
LACANTE FARMS BEEF	4018	(o)					
DIETRICH'S COUNTRY MEATS	4022	(o)	(o)	(o)		(o)	
HOFFMAN'S LUNCHEON VALLEY PACKING	4025	(o)	(o)	(o)	(o)	(o)	
MARTINI PACKING COMPANY, INC.	4026	(o)	(o)	(o)			
TEXTER FARMS	4034	(o)	(o)	(o)		(o)	
WAYNE H. HOFFMAN & SON	4040	(o)	(o)			(o)	
CLARENCE W. CRAMER	4043	(o)	(o)	(o)		(o)	
SPRING RUN ASSOCIATION	4049	(o)	(o)	(o)			
LEE PACKING COMPANY	4055	(o)				(o)	
THE DEVEREUX FOUNDATION FARM	4065	(o)				(o)	
JOHN A. KOOK	4095	(o)	(o)				
TALONE PACKING COMPANY	4152	(o)	(o)				
UPLAND PACKING COMPANY	4165	(o)					
THE CULCHWATER MEAT SERVICE, INC.	4202	(o)				(o)	
TINY'S MEATS	4206	(o)	(o)	(o)		(o)	
VALLEY MEATS, INC.	4213	(o)					
HANAGDEN OF IOWA BEEF PACKERS, INC.	4210	(o)				(o)	
SPRINGFIELD QUALITY BEEF, INC.	4220	(o)	(o)				
PULVERMACHER, INC.	4244	(o)	(o)	(o)		(o)	
JOE PAGLIUSO & BROTHERS, INC.	4253	(o)	(o)				
SCHREIBER SUN'S MARKET, INC.	4256	(o)					
POUK'S WHOLESALE MEATS, INC.	4263	(o)	(o)			(o)	
STATE UNIV. OF NEW YORK AGRI. & TECH. COLLEGE	4266	(o)	(o)	(o)	(o)	(o)	
JIM SIMON'S MEATS	4285	(o)	(o)				
ALPHONSO COUMO	4342	(o)					

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 9 OF 23 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
S & J SLAUGHTERHOUSE	4346	(o)	(o)			(o)	
F K & SON, INC.	4353	(o)					
ALTMAN BROTHERS, INC.	4354	(o)					
DONALD H. CLAY	4355	(o)	(o)				
BERNACKI BROTHERS	4356	(o)					
CARLSON BROTHERS MEATS, INC.	4372	(o)					
J. M. GUSTWICK & SONS, INC.	4373	(o)					
NESSLE BROTHERS MEATS	4389	(o)	(o)				
WALLKILL CORRECTIONAL FACILITY	4416	(o)	(o)				
KAKL'S SLAUGHTERHOUSE	4418	(o)	(o)			(o)	
FIORENTINO BROTHERS MEAT PROCESSORS	4419	(o)	(o)	(o)	(o)	(o)	
L & C MEATS COMPANY, INC.	4421	(o)					
LEWIS A. IVES	4422	(o)	(o)				
LOFFT'S MARKET	4423	(o)				(o)	
HERBERT H. CLIFF, INC.	4424	(o)					
SHAPPEE & SHEIVE MEAT PLANT	4426	(o)					
P. BRENNAN, INC.	4429	(o)	(o)	(o)		(o)	
WILLIAM G. MEAT PACKING COMPANY	4431	(o)	(o)				
GREEN HAVEN CORRECTIONAL FACILITY	4463	(o)					
NOWER CUSTOM SLAUGHTERING	4468	(o)	(o)	(o)	(o)		
KAMERY'S WHOLESALE MEATS	4470	(o)	(o)			(o)	
FREDERICK GUILD	4471	(o)					
PACKER'S WHOLESALE MEATS	4473	(o)					
GREENVILLE PACKING CORPORATION	4474	(o)				(o)	
LUTZ PACKERS, INC.	4475	(o)				(o)	
BRICCETTI'S DEDFORD MARKET	4476	(o)	(w)				
JOSEF HEILLER'S SLAUGHTERHOUSE, INC.	4477					(o)	
CROGHAN MEAT MARKET, INC.	4480	(o)					
F. J. LEWIS	4482	(o)	(o)	(o)	(o)		
HOKAN'S SLAUGHTERHOUSE	4483	(o)	(o)	(o)			
STEINER PACKING COMPANY, INC.	4486	(o)	(o)	(o)	(o)	(o)	
VICTORIA POLYNIAK	4488	(o)				(o)	
STEIGER'S SLAUGHTER HOUSE	4489	(o)					
PAT NUDSTON, INC.	4491	(o)					
DILLION'S SLAUGHTER HOUSE	4492	(o)	(o)				
E. W. BEADLES SLAUGHTER HOUSE	4495	(o)					
ROTTERDAM PACKING COMPANY, INC.	4526	(o)				(o)	
CUDLIN'S MARKET	4528	(o)				(o)	
CLIFFORD H. SCHRADER	4529	(o)					
JOHN BRITT	4530	(o)					
WASCO MEAT COMPANY	4532	(o)	(o)			(o)	
MAPLE GROVE FARMS	4533	(o)	(o)				
GRAHAM PACKING CORPORATION	4534	(o)	(o)	(o)		(o)	
TEAR'S MARKET	4535	(o)	(o)	(o)		(o)	
SOUTH DAYTON MEAT MARKET	4540	(o)	(o)	(o)		(o)	
MANWARING'S CUSTOM PROCESSING	4541	(o)	(o)	(o)		(o)	
LAZY FARMS, INC.	4542	(o)	(o)	(o)			
BERTOM'S SLAUGHTERHOUSE	4623	(o)	(o)				
FORD BROTHERS WHOLESALE MEATS, INC.	4625	(o)	(o)				
CHARLES AHL MEATS	4634	(o)					
KITE WAY MEAT PROCESSING, INC.	4662	(o)				(o)	
STRANDBURG'S WHOLESALE MEATS	4666	(o)	(o)	(o)		(o)	
SUFFOLK COUNTY FARM COOP	4675	(o)	(o)			(o)	
KENNEDY MEAT MARKET	4677	(o)	(o)				
HOBART'S REFRIGERATED SERVICE	4679	(o)	(o)				
POTTER PACKING COMPANY, INC.	4689	(o)	(o)	(o)	(o)	(o)	
LILLIES WHOLESALE MEATS	4697	(o)					
FRANK DEMARINO & SONS	4707	(o)					
SOUTHINGTON PACKING COMPANY	4708	(o)	(o)	(o)	(o)	(o)	
DAN-BROOK PACKING COMPANY	4709	(o)	(o)	(o)	(o)	(o)	
MAURICE'S COUNTRY MEAT MARKET	4714	(o)	(o)	(o)	(o)	(o)	
LECCE PACKING COMPANY	4715	(o)	(o)	(o)	(o)		
E & J FARMS	4716	(o)	(o)	(o)	(o)		
UNIVERSITY OF CONNECTICUT — MEAT LABORATORY	4717	(o)	(o)	(o)	(o)	(o)	
DON J. LYNCH P. KING HOUSE	4727	(o)					
MATTICE'S SLAU HTERHOUSE	4728	(o)					
TROUP PACKING COMPANY	4800	(o)					
CURRY COUNTY MEAT PACKERS, INC.	4802	(o)					

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 10 OF 23 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
TANA MEAT PACKING CORPORATION	4803	(o)					
MOUNTAIN PROCESSORS, INC.	4804	(o)				(o)	
HIGH PLAIN PACKING COMPANY, INC.	4806	(o)	(o)	(o)	(o)	(o)	
TENNELL PROVISION COMPANY	4809	(o)	(o)	(o)	(o)	(o)	
W SUPPLY COMPANY	4810	(o)					
GREAT WESTERN MEAT COMPANY	E 4816						(o)
BROADWAY MEATS	4818	(o)				(o)	
CATTLEMAN'S WHOLESALE BEEF & PORK OUTLET	4819	(o)	(o)			(o)	
CAL POLY MEATS	4869	(o)				(o)	
KLAPP'S PACKING HOUSE MARKET	4903	(o)	(o)			(o)	
RICKERT MEAT COMPANY	4962	(o)	(w)	(o)	(o)	(o)	
FORT PLAIN PACKING COMPANY, INC.	5074	(o)	(w)				
SELECTED MEAT PACKERS, INC.	5109	(o)					
DOUBLE A MEAT PACKING, INC.	5162	(o)	(o)	(o)	(o)	(w)	
ANTHONY PARILLO, INC.	5193	(o)	(o)	(o)	(o)	(w)	
RALPH PACKING COMPANY, INC.	5228	(o)	(o)				
JOHNSTON DRESSED BEEF & VEAL COMPANY, INC.	5300	(o)	(w)	(o)	(o)		
HAYES PACKING CORPORATION	5301	(o)	(w)	(o)			
MORRIS HENGEL & COMPANY	5309	(o)	(o)	(o)	(o)		
GEORGE FALDENMAIER & SONS	5327	(o)	(o)				
S. MARESCA & SONS, INC.	5410	(o)	(o)				
SALEM PACKING COMPANY	5425	(o)	(o)			(o)	
BRINGHURST BROTHERS, INC.	5428	(o)	(o)	(o)	(o)	(w)	
NEHFIELD MEAT PACKERS, INC.	5429	(o)	(o)	(o)	(o)	(o)	
VINELAND DRESSED BEEF, INC.	5430	(o)					
WHIPPANY MEAT PACKING, INC.	5437	(o)	(o)	(o)	(o)		
KLEEMEYER & MENKEL, INC.	5439	(o)					
MUNKEL MEATS	5442		(o)				
SIEGEL BROTHERS, INC.	5457	(o)	(o)	(o)		(o)	
MARLBORO PSYCHIATRIC HOSPITAL	5464					(o)	
PERSON'S PROCESSING	5469	(o)	(o)	(o)		(o)	
WINCHESTER PACKING COMPANY, INC.	5500	(o)					
AMEND PACKING COMPANY	5509	(o)					
GIBSON PACKING, INC.	5511	(o)					
HERB'S LOCKER & SLAUGHTER, INC.	5514	(o)	(o)	(o)	(o)	(o)	
CENTRAL FOODS, INC.	5519	(o)					
HICKETT WHOLESALE MEATS	5524	(o)					
MAGUN BEEF PACKERS, INC.	5531	(o)					
SIOUX-PREME PACKING COMPANY	5537					(o)	
JACK PULEN BEEF COMPANY, INC.	5546	(o)					
IOLA MEAT PROCESSORS, INC.	5555	(o)	(o)				
THE FAIRCLOTH PACKING COMPANY, INC.	5562	(o)				(o)	
WAKEFIELD CATTLE COMPANY	5566	(o)	(w)				
TANA MEAT PACKING CORPORATION	5569	(o)					
STANKO PACKING COMPANY	5574	(o)					
BUTCHERS INC.	5575	(o)				(o)	
KIMMERL'S MEAT PRODUCTS, INC.	5601	(o)	(o)	(o)	(o)	(o)	
HERMAN THE GERMAN SLAUGHTERHOUSE	5604	(o)	(o)	(o)	(o)	(o)	
ELLIOTT FOOD PRODUCTS, INC.	5606	(o)		(o)		(o)	
OKO COLD STORAGE	5610	(o)	(o)	(o)		(o)	
JOHNSON'S FROZEN FOODS	5612	(o)	(o)	(o)	(o)	(o)	
THE JIMMY DEAN MEAT COMPANY, INC.	5614					(o)	
ALBION LOCKERS, INC.	5622	(o)				(o)	
ALEXANDRIA PACKING COMPANY	5623	(o)		(o)		(o)	
HOLTZEN'S CERTIFIED MEAT PROCESSING AND CURING	5630	(o)		(o)		(o)	
CARLSON'S MEAT & LOCKERS	5632	(o)	(o)	(o)	(o)	(o)	
OSAKIS MEAT PROCESSING	5633	(o)	(o)	(o)	(o)	(o)	
DUTY PACKING COMPANY, INC.	5634	(o)	(o)	(o)		(o)	
GRUNKEMEYER MEATS	5635	(o)	(o)			(o)	
OTTE PACKING	5638	(o)	(o)	(o)	(o)	(o)	
E & E MEATS PROCESSING	5639	(o)		(o)		(o)	
JOHNSON STEAK MASTER	5661	(o)	(o)	(o)		(o)	
PETERSON'S LOCKERS INC.	5647	(o)	(o)	(o)		(o)	
TATUM'S PROCESSING PLANT	5649	(o)		(o)		(o)	
CUSTOM PACK, INC.	5650	(o)	(o)	(o)		(o)	
LUTHER'S LOCKER & PACKING COMPANY, INC.	5651	(o)				(o)	
CITY MEAT MARKET	5652	(o)				(o)	
VERLING LOCKER	5653	(o)				(o)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
BELINGER'S LOCKER PLANT	5656	—	—	—	—	—	—
EPLER MERCANTILE COMPANY	5655	—	—	—	—	—	—
KINGALL LOCKER PLANT	5656	—	—	—	—	—	—
TRAUTMAN'S MEAT CENTER	5657	—	—	—	—	—	—
UNIV. OF NEBRASKA — LINCOLN MEAT LABORATORY	5658	—	—	—	—	—	—
BUTLER'S BEEF ACRES	5660	—	—	—	—	—	—
RUMAN PACKING COMPANY	5662	—	—	—	—	—	—
NORTH PLATTE PACKING COMPANY, INC.	5663	—	—	—	—	—	—
PETERSBURG LOCKER	5664	—	—	—	—	—	—
DITTMAN'S MARKET	5671	—	—	—	—	—	—
YUST PACK INC.	5672	—	—	—	—	—	—
HOLLSTEIN PACKING COMPANY	5673	—	—	—	—	—	—
KAEMERER'S STORE	5681	—	—	—	—	—	—
TECUMSEH LOCKER	5682	—	—	—	—	—	—
VALENTINE LOCKERS	5683	—	—	—	—	—	—
HAUSA LOCKERS	5685	—	—	—	—	—	—
MORRIS SHOW & COMPANY	5715	—	—	—	—	—	—
HAWLIK'S LOCKER PLANT	5729	—	—	—	—	—	—
SHERMAN CUSTOM SLAUGHTERING	5764	—	—	—	—	—	—
ALEWEL'S, INC.	5768	—	—	—	—	—	—
V-B MEAT COMPANY	5769	—	—	—	—	—	—
PERRYVILLE PACKING COMPANY, INC.	5770	—	—	—	—	—	—
HASTY PACKING COMPANY	5772	—	—	—	—	—	—
PIERCE CITY LOCKER	5775	—	—	—	—	—	—
FRIGID FOOD SERVICE	5776	—	—	—	—	—	—
UNIVERSITY OF MISSOURI — F S & N DEPT.	5777	—	—	—	—	—	—
GREENMILL SLAUGHTER HOUSE	5778	—	—	—	—	—	—
THE DEEP-FREEZE, INC.	5782	—	—	—	—	—	—
LUMLEY LOCKER	5784	—	—	—	—	—	—
SEATON MEAT COMPANY	5791	—	—	—	—	—	—
PARIS LOCKER & ABATTOIR	5795	—	—	—	—	—	—
DALE'S PACKING COMPANY	5797	—	—	—	—	—	—
NORV'S PORK PRODUCTS	5798	—	—	—	—	—	—
MCGEE PACKING COMPANY	5801	—	—	—	—	—	—
WAKSAW MEAT PROCESSING COMPANY, INC.	5812	—	—	—	—	—	—
R MEATS, INC.	5819	—	—	—	—	—	—
NORBURNE LOCKER SERVICE	5820	—	—	—	—	—	—
MOTT'S FOOD LOCKERS & ABATTOIR	5821	—	—	—	—	—	—
SIKESTON SLAUGHTERHOUSE	5824	—	—	—	—	—	—
HUGHESVILLE SLAUGHTER PLANT	5826	—	—	—	—	—	—
POOS BROTHERS, INC. SLAUGHTER HOUSE	5827	—	—	—	—	—	—
ANDERMAN & COMPANY	5830	—	—	—	—	—	—
CROWLEY PACKING COMPANY	5832	—	—	—	—	—	—
KREISEL SLAUGHTER HOUSE	5834	—	—	—	—	—	—
LEET'S LOCKER PLANT	5835	—	—	—	—	—	—
GIBSON PACKING COMPANY	5843	—	—	—	—	—	—
MILLER'S MEAT PROCESSING	5846	—	—	—	—	—	—
ANEST PACKING COMPANY	5847	—	—	—	—	—	—
J & J QUICK MEATS, INC.	5848	—	—	—	—	—	—
NIELSEN PORK PRODUCTS	5900	—	—	—	—	—	—
SUSSEX PACKING COMPANY	5901	—	—	—	—	—	—
BUNDEN PACKING	5909	—	—	—	—	—	—
JOSEPH CHIC	5910	—	—	—	—	—	—
DE VRIES MEAT PACKING	5911	—	—	—	—	—	—
JOHN MARCACCI	5913	—	—	—	—	—	—
BRISTOL BEEF	5998	—	—	—	—	—	—
J & GAGLIARDI INC.	5999	—	—	—	—	—	—
O. K. MEAT PACKING COMPANY, INC.	6001	—	—	—	—	—	—
WILLIAM C. PARKE & SONS COMPANY	6003	—	—	—	—	—	—
UNIVERSITY OF NEVADA — ANIMAL SCIENCE DIVISION	6004	—	—	—	—	—	—
NOHENEK MEAT COMPANY, INC.	6011	—	—	—	—	—	—
JOHNSON MEAT COMPANY	6016	—	—	—	—	—	—
REISE & COLEY MEAT PACKING COMPANY	6017	—	—	—	—	—	—
MOUNT VERNON MEAT COMPANY, INC.	6039	—	—	—	—	—	—
PASCO MEAT PACKERS, INC.	6040	—	—	—	—	—	—
WEBER, INC.	6041	—	—	—	—	—	—
MC RAE PACK, INC.	6042	—	—	—	—	—	—
FLORENCE PACKING COMPANY, INC.	E 6043						—

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
DAVIS MEAT COMPANY	6044	—	—	—	—	—	—
AVILA MEAT COMPANY	6045	—	—	—	—	—	—
SEITCHY MEAT PACKING COMPANY	6055	—	—	—	—	—	—
SCHEIK PACKING COMPANY	6056	—	—	—	—	—	—
TULARE MEAT COMPANY	6063	—	—	—	—	—	—
REDWOOD MEAT COMPANY	6066	—	—	—	—	—	—
ORANGEVIEW PACKING COMPANY	6068	—	—	—	—	—	—
ARROPOLE MEAT COMPANY	6069	—	—	—	—	—	—
STELSON MEATS	6079	—	—	—	—	—	—
HANSENS MEATS	6110	—	—	—	—	—	—
KRATZIG MEAT COMPANY	6114	—	—	—	—	—	—
MID-CAVE MEAT PACKING COMPANY	6126	—	—	—	—	—	—
CUYAMACA MEAT COMPANY	6156	—	—	—	—	—	—
MARY & MEATS	6173	—	—	—	—	—	—
T. M. PACKING COMPANY, INC.	6175	—	—	—	—	—	—
LEWIS MEATS	6210	—	—	—	—	—	—
THE MILLER PACK	6243	—	—	—	—	—	—
EVANS MEAT COMPANY	6257	—	—	—	—	—	—
A & E MEAT PROCESSING COMPANY, INC.	6269	—	—	—	—	—	—
VALLEY MEAT COMPANY	6270	—	—	—	—	—	—
MC CARY MEATS	6277	—	—	—	—	—	—
BIG SKY MARKET	6307	—	—	—	—	—	—
DANIEL BOONE PACKING	6343	—	—	—	—	—	—
J. T. INGRAM COMPANY	6344	—	—	—	—	—	—
MAMESIT ABATTOIR	6354	—	—	—	—	—	—
E. L. BLOUD & SON	6359	—	—	—	—	—	—
SMITH'S MEATS & PROVISIONS	6369	—	—	—	—	—	—
ISRAEL SHEINKIT PACKING COMPANY	6370	—	—	—	—	—	—
JOHN SCALA	6411	—	—	—	—	—	—
GOLDENDALE RANCH MEAT COMPANY	6413	—	—	—	—	—	—
RICE MEAT PACKING COMPANY	6420	—	—	—	—	—	—
GALBREATH PACKING COMPANY	6421	—	—	—	—	—	—
WHOLESALE MEATS	6423	—	—	—	—	—	—
MC-KINSLEY MEAT PACKING COMPANY	E 6429						—
CHAMBERS PACKING COMPANY	6436	—	—	—	—	—	—
FUSS BROTHERS	6442	—	—	—	—	—	—
REED PACKING COMPANY	6445	—	—	—	—	—	—
WILDER PACKING PLANT	6446	—	—	—	—	—	—
BIG COUNTRY MEAT	6450	—	—	—	—	—	—
GREAGHE PACKING COMPANY	6452	—	—	—	—	—	—
WINDSOR PACKING COMPANY	6453	—	—	—	—	—	—
KIPLE PACKING PLANT	6454	—	—	—	—	—	—
ELIZABETH LOCKER PLANTS INC.	6462	—	—	—	—	—	—
NORTHSIDE PACKING COMPANY	6471	—	—	—	—	—	—
BRACCO & COMPANY	6482	—	—	—	—	—	—
YORK'S MEAT	6485	—	—	—	—	—	—
MURI WHOLESALE MEATS	6487	—	—	—	—	—	—
K-PACK MEAT COMPANY	6491	—	—	—	—	—	—
CARSON VALLEY MEAT COMPANY	6493	—	—	—	—	—	—
HOTCHKISS ICE & COLD STORAGE COMPANY	6494	—	—	—	—	—	—
QUALITY PACKING, INC.	6498	—	—	—	—	—	—
ART'S PROCESSING	6513	—	—	—	—	—	—
GREEN HILL, INC.	6515	—	—	—	—	—	—
ELM HILL MEATS, INC.	6521	—	—	—	—	—	—
GEORGE H. MEYER SONS, INC.	6526	—	—	—	—	—	—
GUARD HILL MEATS, INC.	6535	—	—	—	—	—	—
MORRISTOWN PROVISION COMPANY	6541	—	—	—	—	—	—
GUNNOE SAUSAGE COMPANY, INC.	6545	—	—	—	—	—	—
G. RICE PACKING COMPANY, INC.	6547	—	—	—	—	—	—
MARTIN'S ABATTOIR & WHOLESALE MEATS	6549	—	—	—	—	—	—
DAVIS COUNTRY SAUSAGE	6552	—	—	—	—	—	—
NORMAN'S PACKING PLANT	6554	—	—	—	—	—	—
THE NELLS COMPANY, INC.	6555	—	—	—	—	—	—
FAYETTE PACKING COMPANY	6556	—	—	—	—	—	—
SILBERTS SLAUGHTER HOUSE	6559	—	—	—	—	—	—
PENN HAVEN MEATS, INC.	6560	—	—	—	—	—	—
HAYES PROCESSING PLANT	6561	—	—	—	—	—	—
LINDSEY'S SLAUGHTER HOUSE							

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
F. G. ALSTIN & SON	6362	—	—	—	—	—	—
BOLIVAR PACKING COMPANY	6363	—	—	—	—	—	—
BROWN'S MEAT PLANT	6370	—	—	—	—	—	—
BALL BROTHERS FARM, INC.	6373	—	—	—	—	—	—
EDWARDS SAUSAGE COMPANY,	6379	—	—	—	—	—	—
GLASGOW MARKET	6380	—	—	—	—	—	—
M & S SLAUGHTER HOUSE	6382	—	—	—	—	—	—
RANDOLPH PACKING COMPANY, INC.	6390	—	—	—	—	—	—
WHITE PACKING COMPANY	6395	—	—	—	—	—	—
GREENBACK FOOD SPECIALTY	6401	—	—	—	—	—	—
MRS. KINDERS HOME STYLE FOODS, INC.	6410	—	—	—	—	—	—
MEEKS SLAUGHTER HOUSE	6412	—	—	—	—	—	—
PARKS, HARRIS & COMPANY	6418	—	—	—	—	—	—
DEAN SAUSAGE COMPANY, INC.	6421	—	—	—	—	—	—
LA ANDALUZA, INC.	6428	—	—	—	—	—	—
BOUNEVILLE PACKING COMPANY	6435	—	—	—	—	—	—
TUCKER'S SAUSAGE	6443	—	—	—	—	—	—
GOLDMAN'S SLAUGHTER HOUSE	6449	—	—	—	—	—	—
BRASELTON PACKING	6452	—	—	—	—	—	—
MACELO MUNICIPAL	6475	—	—	—	—	—	—
HUMACAO CITY HALL SLAUGHTER PLANT	6476	—	—	—	—	—	—
MAYAGUEZ MUNICIPAL ABATTOIR	6477	—	—	—	—	—	—
YAUCO MUNICIPAL GOVERNMENT	6478	—	—	—	—	—	—
MANATI SLAUGHTER HOUSE	6479	—	—	—	—	—	—
MUNICIPAL SLAUGHTER HOUSE	6483	—	—	—	—	—	—
MUNICIPALITY OF VIEQUES	6481	—	—	—	—	—	—
MUNICIPALITY OF ARECIBO	6482	—	—	—	—	—	—
MUNICIPAL ABATTOIR	6484	—	—	—	—	—	—
RENAN UEL ROSARIO	6486	—	—	—	—	—	—
SAN SEBASTIAN ABATTOIR	6487	—	—	—	—	—	—
MUNICIPIO DE AGUADILLA	6489	—	—	—	—	—	—
MACELO MUNICIPAL DE PONCE	6489	—	—	—	—	—	—
MACELO DE COROZAL	6490	—	—	—	—	—	—
LARES SLAUGHTERHOUSE	6496	—	—	—	—	—	—
M & J SLAUGHTER HOUSE, INC.	6790	—	—	—	—	—	—
PRIMEAT PACKING COMPANY	6798	—	—	—	—	—	—
STAR MEAT COMPANY	6784	—	—	—	—	—	—
WALTER PACKING COMPANY	6786	—	—	—	—	—	—
STANDARD BEEF, INC.	6770	—	—	—	—	—	—
CALIMAN & COMPANY	6775	—	—	—	—	—	—
HELMS SLAUGHTERHOUSE	6777	—	—	—	—	—	—
THE ROSS ABATTOIR COMPANY	6780	—	—	—	—	—	—
HUD EVANS FARMS, INC.	6785	—	—	—	—	—	—
BERGMAN MEAT PACKING COMPANY, INC.	6788	—	—	—	—	—	—
ILLINI BEEF PACKERS, INC.	6792	—	—	—	—	—	—
BOB EVANS FARMS, INC.	6807	—	—	—	—	—	—
UTICA PACKING COMPANY	6832	—	—	—	—	—	—
COLUMBIA PACKING COMPANY, INC.	6853	—	—	—	—	—	—
MARQUARDT PACKING COMPANY	6863	—	—	—	—	—	—
WEMLIZ PACKING HOUSE	6866	—	—	—	—	—	—
MITCH PACKING COMPANY	6887	—	—	—	—	—	—
MILLER PROCESSING COMPANY, INC.	6889	—	—	—	—	—	—
COUNTRY PRIDE, INC.	E 6895						—
ROCKVILLE PACKING COMPANY, INC.	6901	—	—	—	—	—	—
SEYMOUR PACKING COMPANY, INC.	E 6920						—
THE GUYAMOLA COMPANY	6965	—	—	—	—	—	—
ABE MAY PACKING COMPANY	6965	—	—	—	—	—	—
SELECTED MEATS	6979	—	—	—	—	—	—
VAN ALSTINE PACKING COMPANY	6982	—	—	—	—	—	—
JUDSON PACK, INC.	6989	—	—	—	—	—	—
PURDUE UNIVERSITY — MEAT SCIENCE LABORATORY	6992	—	—	—	—	—	—
SCHWARTZMAN PACKING COMPANY	7003	—	—	—	—	—	—
DEMING PACKING COMPANY, INC.	7005	—	—	—	—	—	—
SUKRATT PACKING COMPANY, INC.	7009	—	—	—	—	—	—
JIMMY DEAN MEAT COMPANY	7012	—	—	—	—	—	—
MUSKOGEE PACKING COMPANY, INC.	7015	—	—	—	—	—	—
MATCH PACKING COMPANY, INC.	7021	—	—	—	—	—	—
SIXTY-SIX PACKING COMPANY	7023	—	—	—	—	—	—

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
WESTERN MEAT PACKERS, INC.	7028	—	—	—	—	—	—
KALHINA PACKING COMPANY	7043	—	—	—	—	—	—
CIT LAB., INC.	E 7041						—
CRUM'S MEAT COMPANY	7044	—	—	—	—	—	—
MAVERICK BEEF PACKERS COMPANY	7050	—	—	—	—	—	—
ROCKING V BEEF, INC.	7056	—	—	—	—	—	—
BROWN'S MEAT LOCKER	7055	—	—	—	—	—	—
DIMOND BONELESS BEEF COMPANY	7056	—	—	—	—	—	—
TEXPAK, INC.	E 7064						—
BROWN PACKING COMPANY	7069	—	—	—	—	—	—
P & S PACKING COMPANY	7074	—	—	—	—	—	—
COMMUNITY ABATTOIR, INC.	7075 A	—	—	—	—	—	—
CULBERTSON PROCESSING PLANT	7082	—	—	—	—	—	—
HIGHLAND MEAT COMPANY, INC.	7086	—	—	—	—	—	—
HOUSTON FROSTED FOODS, INC.	7090	—	—	—	—	—	—
SOUTHERN MEAT OF TEXAS	7094	—	—	—	—	—	—
TURVEY, INC.	7097	—	—	—	—	—	—
E-TEX PACKING COMPANY	7122	—	—	—	—	—	—
ROSEVILLE PACKING COMPANY, INC.	7127	—	—	—	—	—	—
FELICIANA MEAT SUPPLY	7128	—	—	—	—	—	—
VALLEY MEAT SUPPLY & SERVICE	7138	—	—	—	—	—	—
WICKHAM PACKING COMPANY, INC.	7139	—	—	—	—	—	—
B & B PACKING COMPANY	7140	—	—	—	—	—	—
OSBURN PACKING COMPANY	7150	—	—	—	—	—	—
DON MC DONELL MEAT PACKING COMPANY	7155	—	—	—	—	—	—
GREEK'S, INC.	7159	—	—	—	—	—	—
BOOKER CUSTOM PACKING COMPANY	7160	—	—	—	—	—	—
BAUER & SON PACKING COMPANY	7178	—	—	—	—	—	—
ALL-STATE PACKING COMPANY	7193	—	—	—	—	—	—
SHALLOUP PACKING COMPANY, INC.	7201	—	—	—	—	—	—
SINGLE TREE FARMS, INC.	7203	—	—	—	—	—	—
MESA PACKING COMPANY	7205	—	—	—	—	—	—
PRIVETT PACKING, INC.	7214	—	—	—	—	—	—
TEXAS MEAT PACKERS	7235	—	—	—	—	—	—
COLUMBIA PACKING	7237	—	—	—	—	—	—
AMERICAN PACKING INC.	7248	—	—	—	—	—	—
CHAMPION MEAT COMPANY	7255	—	—	—	—	—	—
M & H MEAT PRODUCTS COMPANY, INC.	7259	—	—	—	—	—	—
FORREST MEAT PROCESSING	7270	—	—	—	—	—	—
HUBBONS MEAT SLAUGHTER & PROCESSING	7274	—	—	—	—	—	—
PALACE MEAT PACKING	7275	—	—	—	—	—	—
PALO DURO MEAT PROCESSING, INC.	7282	—	—	—	—	—	—
GREENVILLE PACKING COMPANY	7283	—	—	—	—	—	—
MONTGOMERY PACKING COMPANY	7286	—	—	—	—	—	—
STIDWELL PACKING COMPANY	7291	—	—	—	—	—	—
HARPER PACKING COMPANY	7298	—	—	—	—	—	—
KENTUCKY SAUSAGE COMPANY, INC.	7300	—	—	—	—	—	—
DUFFY BONELESS BEEF COMPANY	7309	—	—	—	—	—	—
METZGER PACKING COMPANY, INC.	7306	—	—	—	—	—	—
ENTERPRISE MEAT COMPANY, INC	7319	—	—	—	—	—	—
SAMPLE MEAT COMPANY	7321	—	—	—	—	—	—
BLOUM WHOLESALE MEAT	7326	—	—	—	—	—	—
MC BAR ACRES	7339	—	—	—	—	—	—
GOLD KIST, INC.	7342	—	—	—	—	—	—
DYER-WHITSON SLAUGHTER HOUSE	7345	—	—	—	—	—	—
SAN GERMAN SLAUGHTERHOUSE	7386	—	—	—	—	—	—
CABO ROJO MUNICIPAL SLAUGHTERHOUSE	7387	—	—	—	—	—	—
MUNICIPAL GOVERNMENT OF GUAYANILLAS	7388	—	—	—	—	—	—
MUNICIPALITY OF AIBONITO	7390	—	—	—	—	—	—
COLEMAN SAUSAGE COMPANY	7401	—	—	—	—	—	—
HENRY W. STAPH	7402	—	—	—	—	—	—
CAROLINA ABATTOIR, INC.	7406	—	—	—	—	—	—
BILL FINKE SLAUGHTER & PROCESSING PLANT	7415	—	—	—	—	—	—
HARRISONBURG WHOLESALE MEAT COMPANY, INC.	7420	—	—	—	—	—	—
SHARON FROZEN FOOD LOCKER	7430	—	—	—	—	—	—
DINNER BELL MEAT PRODUCTS, INC.	7440	—	—	—	—	—	—
BLUE RIDGE BEEF PLANT, INC.	7445	—	—	—	—	—	—
BLUE RIDGE BEEF	7445 A	—	—	—	—	—	—

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
WILLIAMS SAUSAGE COMPANY	7455					(0)	
F. W. HORNELL SAUSAGE COMPANY, INC.	7464	-(0)				(0)	
DIAMOND MEAT COMPANY, INC.	7465					(0)	
HOLMES MEAT MARKET	7466	-(0)				(0)	
FIELD PACKING COMPANY, INC.	7467	-(0)					
H & R GOSLEE SLAUGHTERING	7471	-(0)					
BRUNSWICK SAUSAGE COMPANY	7473					(0)	
TENNESSEE PACKERS & PROCESSORS	7482	-(0)				(0)	
DANVILLE MEAT PRODUCTS	7486	-(0)				(0)	
DOUGARD'S MEAT PROCESSING, INC.	7498	-(0)	-(0)	-(0)	-(C)	(0)	
HOERTER & SON	7497		-(0)				
T. M. LANDIS, INC.	7517	-(0)	-(0)	-(0)			
DEALMAN ENTERPRISES, INC.	7562					(0)	
GARTNER-MARP COMPANY	7570	-(0)	-(0)	-(0)			
HERRIN PACKING, INC.	7600	-(0)	-(0)	-(0)		(0)	
ABERCRUMBIE MEAT PROCESSING COMPANY	7601	-(0)	-(0)	-(0)		(0)	
MILLNER & SHANNON	7602	-(V)	-(0)				
MISSOURI VALLEY MEAT	7604	-(0)	-(0)	-(0)			
CEDAR RIDGE MEAT SERVICE	7607	-(0)		-(0)		-(0)	
HOPE LOCKER PLANT	7609	-(0)	-(0)	-(0)		-(0)	
CASSELTON COLD STORAGE	7611	-(0)	-(0)	-(0)		-(0)	
GREAT BEND LOCKERS	7612	-(F)	-(0)	-(0)		-(0)	
FAIRMOUNT LOCKERS	7615	-(0)	-(0)	-(0)		-(0)	
SKYBERG'S	7616	-(0)		-(0)		-(0)	
MONTEITH MEATS	7617	-(0)		-(0)		-(0)	
PARK RIVER LOCKER PLANT	7618	-(0)	-(0)	-(0)		-(0)	
NIAGARA LOCKERS	7619	-(0)		-(0)		-(0)	
BONDON LOCKER PLANT	7620	-(0)		-(0)		-(0)	
LANGDON LOCKERS	7622	-(0)		-(0)		-(0)	
AAFEDT'S LOCKER PLANT	7623	-(0)		-(0)		-(0)	
ROCKLAKE LOCKER PLANT	7624	-(0)		-(0)		-(0)	
ANETA MEATS	7625	-(0)		-(0)		-(0)	
NORTH DAKOTA STATE UNIVERSITY — ANIMAL SCIENCE	7627	-(0)					
LUNDE PROCESSING	7634	-(0)				(0)	
BICKLER'S JACK & JILL	7635	-(0)				(0)	
NORTH DAKOTA STATE HOSPITAL	7640	-(0)					
MYERS MEAT PROCESSING	7641	-(0)		-(0)		-(0)	
CITY MEAT & LOCKER	7644	-(0)		-(0)		-(0)	
WETSCH JACK & JILL	7646	-(0)		-(0)		-(0)	
FRED BURR	7648	-(0)		-(0)		-(0)	
K & E PROCESSING AND SALES	7650	-(0)		-(0)		-(0)	
JOHN BOHL	7656	-(0)		-(0)		-(0)	
EINFORD LOCKERS	7661	-(0)		-(0)		-(0)	
MORGAN COLORADO BEEF COMPANY	7671	-(0)					
RAHE MEAT SERVICE	7678	-(0)		-(0)			
SEITZ-SLOKERS PROCESSING PLANT	7685	-(0)		-(0)		-(0)	
ROCKY MOUNTAIN PACKING COMPANY, INC.	7690	-(0)	-(0)	-(0)		-(0)	
STANFORD MEAT MARKET	7694	-(0)		-(0)		-(0)	
C & W MEAT COMPANY	7695	-(0)		-(0)		-(0)	
MANCHESTER PACKING COMPANY, INC.	7696	-(0)		-(0)		-(0)	
RASMUSSEN MEAT	7719	-(0)	-(0)	-(0)		-(0)	
TOLMAN MEAT PROCESSING	7724	-(0)	-(0)	-(0)	-(0)	-(0)	
LIVINGSTON MEAT COMPANY, INC.	7736	-(0)				-(0)	
COLORADO STATE UNIV. DEPT. OF ANIMAL SCIENCES	7747	-(0)				(0)	
CEDARRIDGE LOCKER PLANT	7748	-(0)	-(0)	-(0)	-(0)	-(0)	
ROYAL GORGE PACKING COMPANY, INC.	7749	-(0)	-(0)				
JET PAK, INC.	7755	E					(V)
UNIVERSITY OF MINNESOTA — MEAT SCIENCE LAB.	7759	-(0)		-(0)		-(0)	
BOB EVANS FARMS, INC.	7765					(0)	
ADAMS LOCKER	7774	-(0)		-(0)		-(0)	
DALE'S MEAT PROCESSING PLANT	7781	-(0)		-(0)		-(0)	
LINDENFELSER MEATS	7782	-(0)		-(0)		-(0)	
HUETTL'S LOCKER & DRESSING PLANT	7785	-(0)	-(0)	-(0)		-(0)	
NELSON'S MEAT MARKET	7790	-(0)	-(0)	-(0)	-(0)	-(0)	
CLARISSA MEATS	7799	-(0)	-(0)	-(0)	-(0)	-(0)	
BRUNO'S PACKING COMPANY	7804	-(0)	-(0)	-(0)		-(0)	
BANGOR BEEF COMPANY	7805	-(0)	-(0)	-(0)	-(0)	-(0)	
CONTI PACKING COMPANY, INC.	7814	-(0)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
KENNETH BAKER FARMS	7845	-(0)	-(0)	-(0)	-(0)	-(0)	
MEADFIELD ABATTOIR	7874	-(0)	-(0)	-(0)		-(0)	
BOVALINA PACKING COMPANY	7875	-(0)	-(0)	-(0)			
PETER DE VILLARS, INC.	7887	-(0)	-(0)	-(0)	-(0)		
BRADLEY PROCESSING COMPANY	7900					(0)	
BURNETT MEAT COMPANY	7908	-(0)				(0)	
PARTIN'S COUNTRY SAUSAGE	7923					(0)	
RED LION FOODS	7930	-(0)				(0)	
HERRIN PACKING COMPANY	7931					(0)	
ELM HILL MEATS, INC.	7936	-(0)					
KOCH BEEF COMPANY	7937	-(0)		-(0)			
HIXSON PACKING COMPANY	7938	-(0)	-(0)	-(0)	-(0)	-(0)	
MUNROE MEAT PACKING COMPANY	7944	-(0)	-(0)	-(0)	-(0)	-(0)	
SOUTHERN PACKING CORPORATION	7945	-(0)	-(0)	-(0)		-(0)	
CHARLES J. SCHMIDT & COMPANY	7948	-(0)	-(0)				
WEST TENNESSEE PACKING COMPANY	7955	-(0)					
ORDNER PACKING COMPANY, INC.	7957					(0)	
LOUISVILLE BEEF CORPORATION	7969	-(0)	-(0)				
KLING'S MEAT MARKET	7985	-(0)	-(0)	-(0)		-(0)	
METZGER BROTHERS	8000	-(0)					
HOMER & DENNIS JEANES MEAT PROCESSING PLANT	8006	-(0)	-(0)	-(0)	-(0)	-(0)	
UNIVERSITY OF KENTUCKY — MEAT LABORATORY	8013	-(0)	-(0)	-(0)		-(0)	
COUNTRY CORNER MEAT CENTER	8024	-(0)	-(0)	-(0)	-(V)	-(0)	
TURPEN'S SAUSAGE, INC.	8025	-(0)	-(0)	-(0)		-(0)	
BOURBON PACKING COMPANY	8027	-(0)	-(0)	-(0)		-(0)	
WALTON LOCKER & SLAUGHTER PLANT	8031	-(0)					
BILL WHEELER SLAUGHTER HOUSE	8034					(0)	
FARMERS SLAUGHTER HOUSE	8035	-(0)				(0)	
HENRY RUSS PACKING COMPANY	8049	-(0)				(0)	
GARRETT'S PROCESSING COMPANY	8049	-(0)		-(0)			
SLAUGER'S MEAT PACKERS, INC.	8054	-(0)					
HUGHES MARKET	8055					(0)	
ORTSON'S PROCESSED MEAT	8056	-(0)	-(0)	-(0)		-(0)	
JUENGLING COMMODITIES CORPORATION	8058	-(0)					
ORTSON'S PROCESSING	8066	-(0)	-(0)	-(0)		-(0)	
BOONE'S ABATTOIR, INC.	8078	-(0)	-(0)				
GREGORY SLAUGHTER HOUSE, INC.	8083	-(0)				(0)	
DOUGLASS SLAUGHTER HOUSE	8087	-(0)	-(0)			-(0)	
ELMORE & WYNNE PACKING COMPANY, INC.	8088	-(0)	-(0)	-(0)	-(0)	-(0)	
LEWIS MEATS, INC.	8095	-(0)		-(V)		-(0)	
TRIPLEX PACKING COMPANY	8119	-(0)	-(0)	-(0)		-(V)	
IGNACIO FOOD STORE, INC.	8123	-(0)		-(0)	-(F)	-(0)	
J & FROZEN FOOD LOCKER	8124	-(0)		-(0)		-(0)	
JENSEN'S CUSTOM MEAT PROCESSING, INC.	8131	-(0)		-(V)	-(V)	-(0)	
VALLEY PACKING	8132	-(0)				-(0)	
BROWNSDALE MEAT SERVICE INC.	8169	-(0)	-(0)	-(0)		-(0)	
C. V. PANTZERA	8271	-(0)	-(0)	-(0)	-(V)	-(0)	
SUNSHINE MEAT COMPANY	8286	-(V)		-(0)		-(V)	
H. MOLLER & SONS	8288	-(0)	-(0)	-(0)	-(C)	-(0)	
FALCON WHOLESALE MEAT	8309	-(0)				-(0)	
FULLER SLAUGHTER PLANT	8312	-(0)	-(0)			-(0)	
FONTENBERRY SAUSAGE COMPANY	8313	-(0)				-(0)	
SHADOWCITY SAUSAGE COMPANY, INC.	8314	-(0)	-(0)			-(0)	
WADE AUSMUS	8315	-(0)					
HERRON PACKING COMPANY	8316	-(0)	-(0)	-(0)		-(0)	
PHIL CARRIER MEAT PROCESSING	8318	-(0)	-(0)	-(0)	-(0)	-(0)	
ESTOPP SLAUGHTER	8320	-(0)	-(0)	-(0)		-(0)	
SELL MEAT COMPANY, INC.	8321	-(0)	-(0)	-(0)		-(0)	
WADE BULLA SLAUGHTER HOUSE	8323	-(0)	-(0)	-(0)		-(0)	
MADISON PACKING COMPANY	8325	-(0)	-(0)	-(0)	-(0)	-(0)	
VALLEY SLAUGHTER & PROCESSING	8326	-(0)				-(0)	
B & W PACKING COMPANY	8327	-(0)	-(0)			-(0)	
PHOENIX INTERNATIONAL, LTD	8337	E					(0)
CUSTOM PACKING COMPANY	8338	-(0)	-(0)				
TURNER FARM MEAT PROCESSING	8401	-(0)	-(0)			-(0)	
BULLOCK'S MEATS, INC.	8461	-(0)	-(0)	-(0)			
MEXIEL MEAT PACKING COMPANY	8496	-(0)	-(0)	-(0)		-(0)	
CUPACO	8502	-(0)	-(0)	-(0)	-(0)	-(0)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
BURTON BLOCK	8523	E					(F)
CORBIN MEAT PACKING COMPANY	8537	-(0)	-(0)	-(0)	-(0)		
CHAMPLAIN BEEF COMPANY	8547	-(0)	-(0)	-(C)			
BLOUGH PACKING	8551	-(0)	-(0)	-(0)		-(0)	
LEALI BROTHERS MEATS	8555	-(0)	-(0)	-(0)		-(0)	
NEW HOLLAND MEAT MARKET	8556	-(0)				-(0)	
SKUBER'S & SONS, INC.	8557	-(0)	-(0)	-(0)			
FRANK YAKUBIK	8559	-(0)	-(0)	-(0)	-(0)	-(0)	
S. WRIGHT MEAT PACKING	8559	-(0)		-(0)	-(0)	-(0)	
JUNIATA PACKING COMPANY	8560	-(0)	-(0)	-(0)		-(0)	
GODFREY BROTHERS	8562	-(0)	-(0)	-(0)		-(0)	
R. L. SIPES LOCKER PLANT	8565	-(0)	-(0)	-(0)		-(0)	
WELTER'S CUSTOM SLAUGHTERING	8569	-(0)	-(0)	-(0)		-(0)	
W. W. SNAVELY	8570	-(0)	-(0)	-(0)	-(0)	-(0)	
KNUPP BROTHERS	8572	-(0)	-(0)	-(0)	-(0)	-(0)	
JAMES EBERLY	8573	-(0)	-(0)	-(0)	-(V)	-(0)	
CHARLES ILYES	8576	-(0)		-(0)		-(0)	
PETERS BROTHERS MEAT MARKET, INC.	8581	-(0)	-(0)	-(0)		-(0)	
RICHARD E. SERENA	8582	-(0)	-(0)			-(0)	
RUSSIC SHADE PACKING	8583	-(0)	-(0)	-(0)		-(0)	
FRITZ'S MEATS	8585	-(0)				-(0)	
BILSKI'S SLAUGHTERHOUSE	8586	-(0)	-(0)	-(0)		-(0)	
MURRY'S MEAT PROCESSING PLANT	8587	-(0)	-(0)	-(0)		-(0)	
LLOYD & EARL YOUNGT	8588	-(0)		-(0)		-(0)	
CUNNINGHAM PACKING COMPANY	8590	-(0)	-(0)	-(0)		-(0)	
EARL GOOD, INC.	8591	-(0)	-(0)	-(0)		-(0)	
JOHN F. PELUSO & SONS	8592	-(0)	-(0)	-(0)		-(0)	
RUSE'S SLAUGHTER HOUSE	8595	-(0)	-(0)	-(0)		-(0)	
SECHRIST BROTHERS, INC.	8596	-(0)	-(0)	-(0)			
KILEY'S MEAT PROCESSING	8604	-(0)	-(0)	-(0)		-(0)	
RICHARD L. BECK & SONS, INC.	8607	-(0)				-(0)	
CHARLES MINICH	8608	-(0)		-(0)		-(0)	
NEW WILMINGTON SLAUGHTER HOUSE	8609	-(0)	-(0)	-(0)		-(0)	
JAMES R. MC DEAVITT	8610	-(0)	-(0)	-(0)		-(0)	
WITMAN'S MEATS	8611	-(0)	-(0)	-(0)		-(0)	
KOVALEVIC BROTHERS PACKING COMPANY	8612	-(0)	-(0)	-(0)	-(0)	-(0)	
KARL R. KLINE	8613	-(0)	-(0)	-(0)		-(0)	
HI WAY MEAT MARKET	8615	-(0)					
RODIE MEAT PACKERS, INC.	8616	-(0)	-(V)	-(0)	-(0)	-(V)	
DYSINGER MEATS, INC.	8622	-(0)	-(V)	-(0)		-(V)	
PAUL E. ADAMS	8623	-(0)	-(0)	-(0)		-(0)	
C. M. KRAUT'S SONS	8624		-(0)				
A. J. PEACEY & SONS	8628	-(0)	-(0)			-(0)	
RAY T. BENNER & SON	8630	-(0)	-(0)			-(0)	
HARRY HAMPLE WAGNER	8631	-(0)					
HUNSBERGER BROTHERS MEAT MARKET	8632	-(0)	-(0)	-(0)		-(0)	
TED'S MEAT MARKET	8633	-(0)	-(0)			-(0)	
ESPENSHADE QUALITY MEATS	8635	-(0)	-(0)				
HIRCH'S MEATS	8636	-(0)	-(0)	-(0)		-(0)	
ECONOMY LOCKER STORAGE COMPANY, INC.	8642	-(0)	-(0)	-(0)		-(0)	
CECIL F. FRAKER	8643	-(0)	-(0)	-(0)		-(0)	
REBUCK FARMS	8644	-(0)					
ROTHERMEL MEATS	8645	-(0)	-(0)	-(0)		-(0)	
R. J. MCGUIRE BUTCHER SHOP	8648	-(0)	-(0)	-(0)		-(0)	
GIUNTA	8649		-(0)	-(0)	-(0)		
DAN'S COUNTRY MEATS, INC.	8681	-(0)	-(0)	-(0)	-(0)	-(0)	
CLOUD PACKING COMPANY	8682	-(0)	-(0)	-(0)	-(0)	-(0)	
LE DUC PACKING COMPANY	8687	-(0)	-(0)	-(0)	-(0)	-(0)	
CANTON LOCKER SLAUGHTER HOUSE	8689	A	-(0)	-(0)	-(0)	-(0)	-(0)
POLO LOCKER SYSTEM, INC.	8695		-(0)			-(0)	
NEW FRANKLIN LOCKER SERVICE	8698		-(0)	-(0)	-(0)	-(0)	
UHRIG'S SLAUGHTER HOUSE	8697		-(0)				
WRIGHT CITY MEAT COMPANY	8699		-(0)			-(0)	
WEBER MEAT SERVICE	8702		-(0)	-(0)	-(0)	-(0)	
WARREN LOCKER	8703		-(0)			-(0)	
PRINCETON FOOD SERVICE	8705		-(0)		-(V)	-(0)	
DYLER'S LOCKER SERVICE	8706		-(0)				
NOVINGER FOOD LOCKER	8707		-(0)	-(0)	-(0)	-(0)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
HALE LOCKER PLANT	8710	-(0)				(0)	
CLARK'S PLACE	8714	-(0)	-(0)	-(0)	-(V)	-(0)	
GUY REITS MEAT COMPANY	8715	-(0)	-(0)	-(0)		-(0)	
BOUCKAERT PACKING	8716	-(0)					
KELLER PROCESSING SERVICE	8717	-(0)		-(0)	-(0)	-(0)	
ZERO LOCKER SERVICE, INC.	8718	-(0)				-(0)	
GROVES PACKING COMPANY	8724	-(0)				-(0)	
GOLDEN CITY MEAT COMPANY	8725	-(0)	-(0)	-(0)		-(0)	
LENTSTJOHN LOCKER SERVICE	8730	-(0)	-(0)	-(0)	-(0)	-(0)	
UPTOWN SLAUGHTER HOUSE	8731	-(0)	-(0)	-(0)	-(0)	-(0)	
PLEASANT HILL MEAT COMPANY	8734	-(0)	-(V)	-(0)		-(0)	
POULOS FROZEN FOOD CORPORATION	8735	-(0)	-(0)	-(0)		-(0)	
ADRIAN MEATS, INC.	8737	-(0)					
STONYHILL MEAT	8738	-(0)	-(0)	-(0)	-(0)	-(0)	
BAKER PACKING COMPANY	8743	-(0)	-(0)	-(0)	-(0)	-(0)	
COPES SLAUGHTER COMPANY	8745	-(0)	-(0)	-(0)	-(0)	-(0)	
GLASGOW LOCKER	8747	-(0)	-(0)	-(0)	-(0)	-(0)	
HAMILTON LOCKER	8748	-(0)				-(0)	
THERIAULT'S ABATTOIR, INC.	8772	-(V)	-(0)	-(0)		-(0)	
CLARK PACKING COMPANY	8799					-(0)	
IRELL PORK COMPANY, INC.	8850	-(0)	-(0)				
AMFARM PACKING COMPANY, INC.	8881	E					(0)
OXFORD ABATTOIR	8888	-(0)	-(0)	-(0)	-(V)		
JOHN F. MARTIN & SONS, INC.	8888	-(0)	-(0)	-(0)		-(0)	
WEST DOVER BUTCHER SHOP	8892	-(0)	-(0)			-(0)	
GREGONDO FARM	8901					-(0)	
DRUMMOR MARKETS, INC.	8905	-(0)	-(0)			-(0)	
MC DONALD'S FOOD MARKET	8913	-(0)				-(0)	
ST. JOSEPH MEAT MARKET, INC.	8916	-(0)	-(0)	-(0)		-(0)	
FROZ-N-FOODS COMPANY	8917	-(0)	-(0)	-(0)		-(0)	
GUNDHAMER FOOD MARKET	8920	-(0)	-(0)	-(0)		-(0)	
AUCOIN PACKING COMPANY CENTER, INC.	8921	-(0)	-(0)			-(0)	
SCHULLER'S PROCESSING SERVICE	8922	-(0)		-(0)		-(0)	
MELROSE LOCKER	8927	-(0)		-(0)		-(0)	
KAPIJS LOCKER	8928	-(0)	-(0)	-(0)		-(0)	
PLAINVIEW MARKET, INC.	8931	-(0)	-(0)	-(0)	-(0)	-(0)	
SANDSTALK SLAUGHTERHOUSE	8935	-(0)	-(V)	-(0)		-(0)	
KETTER'S MEATS	8937	-(0)	-(V)			-(0)	
SALO'S ABATTOIR	8943	-(0)	-(0)	-(0)		-(0)	
CARLSON MEAT PROCESSING, INC.	8949	-(0)	-(0)	-(0)		-(0)	
DAVE AND TED'S LOCKERS	8950	-(V)	-(0)	-(V)			
FERGUS LOCKER PLANT	8952	-(0)	-(0)	-(0)			
LAKELAND MEATS, INC.	8955	-(0)				-(0)	
SPIKES LOCKERS	8956	-(0)	-(0)	-(0)	-(0)	-(0)	
HEDGES MEAT MARKET, INC.	8959	-(0)	-(0)	-(0)		-(0)	
CITY MEAT MARKET	8960	-(0)	-(0)	-(0)		-(0)	
NEW ADRIAN LOCKER PLANT	8961	-(0)				-(0)	
PETERS, INC.	8963	-(0)	-(0)	-(0)	-(V)	-(0)	
FORSTER PACKING COMPANY, INC.	8966	-(0)	-(0)	-(0)		-(0)	
PARMOUT PACKING COMPANY, INC.	8970	-(0)				-(0)	
DREXEL FROZEN FOOD CENTER	8971	-(0)	-(0)	-(0)		-(0)	
FOSSTON CO-OP ASSOCIATION LOCKER DEPARTMENT	8974	-(0)	-(0)	-(0)		-(0)	
CITY MEAT MARKET	8975	-(0)	-(0)	-(0)		-(0)	
LYNCH'S FOODS	8976	-(0)	-(0)	-(0)		-(0)	
GENEVA MEATS & PROCESSING SERVICE	8979	-(0)	-(0)	-(0)		-(0)	
GREENWALD LOCKER PLANT	8982	-(0)					
JOPPKO, INC.	8988	-(0)		-(0)		-(0)	
SLAYTON 2-RO PAC	8989	-(0)	-(0)	-(0)		-(0)	
COUNTRYSIDE MEATS	9004	-(0)	-(0)	-(0)		-(0)	
MOXON'S GOLD STAR MEAT	9024	-(0)	-(0)	-(0)	-(0)	-(0)	
MEMTJIAN MEAT COMPANY	9033	-(0)	-(0)	-(0)	-(0)	-(0)	
THOMAS G. EVART MEAT COMPANY	9049	-(0)	-(0)	-(0)	-(0)	-(0)	
HOOUG MEAT PACKERS	9053	-(0)	-(0)	-(0)	-(0)	-(0)	
HAMPLER WHOLESALE MEATS, INC.	9065	-(0)	-(0)	-(0)		-(0)	
J & J BRAND MEATS	9073	-(0)		-(0)		-(0)	
SNOW HILL PROCESSING PLANT	9075	-(0)	-(0)			-(0)	
GOLD KIST, INC.	9084	-(0)	-(0)			-(0)	
SNAPPS FERRY PROCESSING COMPANY	9085	-(0)	-(0)	-(0)		-(0)	

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ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 19 OF 23 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
DELOVIER SALSAGE COMPANY	9086	-(●)	--(●)				-(●)
CELINA PACKING COMPANY	9091	-(●)					-(●)
LAUDERDALE FARMS COMPANY	9095	-(●)					-(●)
BLAIR MEAT PACKING COMPA	9107	-(●)	--(●)				-(●)
VOLUNTEER MEAT PROCESSORS, INC.	9129	-(●)	--(●)				
JACKSON PACKING COMPANY	9130	-(●)					-(●)
THE BUTCHER SHOP	9131						-(●)
JUSTICE PACKING COMPANY	9136	-(●)	--(●)				
SOUTHERN ABATTOIR ENT SUPPLY COMPANY	9143	-(●)	--(●)				
SHULL SAUSAGE COMPANY, INC.	9161						-(●)
TENNESSEE FRONTIER MEATS	9173	-(●)	--(●)	--(●)	--(●)		-(●)
PARIS MEAT PROCESSING, INC.	9187	-(●)	--(●)	--(●)	--(●)		-(●)
HAMILTON PACKING COMPANY, INC.	9191	-(●)					-(●)
UNIVERSITY OF TENNESSEE - MEATS LABORATORY	9195	-(●)	--(●)				-(●)
SOUTHEASTERN MEAT PROCESSING	9196	-(●)	--(●)	--(●)	--(●)		-(●)
TWIN STATE COLD STORAGE	9199	-(●)	--(●)	--(●)	--(●)		-(●)
MILL MEAT COMPANY, INC	9201	-(●)	--(●)	--(●)	--(●)		-(●)
DELTA MEATS, INC.	9209	-(●)	--(●)	--(●)	--(●)		-(●)
SANITAN MEAT PACKERS	9220	-(●)	--(●)	--(●)	--(●)		-(●)
OKEGON STATE UNIVERSITY - MEAT SCIENCE LAB.	9223	-(●)	--(●)	--(●)			-(●)
CARLTON PACKING COMPANY	9226	-(●)	--(●)	--(●)			-(●)
SHERIDAN PACKING COMPANY	9229	-(●)	--(●)	--(●)	--(●)		-(●)
MILLERS WHOLESALE MEATS	9230	-(●)					-(●)
HABERMANS MEAT SERVICE	9232	-(●)	--(●)	--(●)	--(●)		-(●)
MARK & STAFFORD MEAT COMPANY	9233	-(●)	--(●)	--(●)	--(●)		-(●)
JACOBSONLENS MEATS	9234	-(●)	--(●)	--(●)	--(●)		-(●)
ALPINE FOOD SERVICE	9238	-(●)	--(●)	--(●)	--(●)		-(●)
A & M MEAT PACKING	9239	-(●)	--(●)	--(●)	--(●)		-(●)
PUPER'S MERRILL MEAT COMPANY	9240	-(●)	--(●)	--(●)	--(●)		-(●)
PONDEROSA PACKING & PURVEYORS	9242	-(●)	--(●)	--(●)	--(●)		-(●)
FARMLK PACKING COMPANY	9243	-(●)	--(●)	--(●)	--(●)		-(●)
HOYER MEAT COMPANY	9244	-(●)	--(●)	--(●)	--(●)		-(●)
LDA VALLEY FARMS	9248	-(●)					-(●)
ERDMAN PACKING COMPANY	9249	-(●)	--(●)	--(●)	--(●)		-(●)
GREENE MEAT COMPANY	9251	-(●)	--(●)	--(●)	--(●)		-(●)
MOHAWK PACKING COMPANY	9252	-(●)	--(●)	--(●)	--(●)		-(●)
SPRINGFIELD SLAUGHTER PLANT	9256	-(●)	--(●)	--(●)	--(●)		-(●)
HICKMAN'S MEATS	9257	-(●)	--(●)	--(●)	--(●)		-(●)
BOB'S MCLALLA MEATS	9263	-(●)	--(●)	--(●)	--(●)		-(●)
MYERS PACKING COMPANY	9264	-(●)	--(●)	--(●)	--(●)		-(●)
MARK'S MEAT COMPANY	9265	-(●)	--(●)	--(●)	--(●)		-(●)
CROSSROADS MEATS	9268	-(●)					-(●)
MOUNT ANGEL MEAT COMPANY	9270	-(●)	--(●)	--(●)	--(●)		-(●)
OREGON STATE PENITENTIARY - ANNEX FARM	9272	-(●)	--(●)	--(●)	--(●)		-(●)
GRAHAM MEAT COMPANY	9273	-(●)	--(●)	--(●)	--(●)		-(●)
MC KILLIP BROTHERS MEAT	9274	-(●)					-(●)
BUSTON'S BEEF HOUSE	9275	-(●)	--(●)	--(●)			
HOPKINS WHOLESALE MEATS	9277	-(●)					-(●)
JOHN DAY VALLEY PACKING COMPANY	9286	-(●)	--(●)	--(●)			-(●)
D & L MEAT COMPANY	9287	-(●)	--(●)	--(●)	--(●)		-(●)
VAN HEATT'S LOCKERS & SLAUGHTERHOUSE	9289	-(●)	--(●)	--(●)	--(●)		-(●)
CROOKED RIVER MEAT COMPANY	9291	-(●)	--(●)	--(●)	--(●)		-(●)
DWYMEE MEAT COMPANY	E 9294						-(●)
WESTERN MEATS	9296	-(●)	--(●)	--(●)			
HALT'S CUSTOM SLAUGHTERING	9300	-(●)	--(●)	--(●)	--(●)		
TERRY BROTHERS, INC.	9315	-(●)	--(●)				
VERNS MUSES	9318	-(●)	--(●)				-(●)
CURCIO'S PLAT COMPANY	9319	-(●)	--(●)				-(●)
WASHINGTON STATE UNIV. - MEAT SCIENCE LAB.	9322	-(●)	--(●)	--(●)	--(●)		-(●)
LAMPART MEATS	9325	-(●)	--(●)	--(●)	--(●)		-(●)
COLVILLE MEAT PROCESSOR'S	9334	-(●)	--(●)	--(●)	--(●)		-(●)
MC INRAY MEAT COMPANY	9335	-(●)	--(●)				
MIDWAY MEATS	9347	-(●)	--(●)	--(●)			-(●)
DWIGHT GONDUN	9351	-(●)	--(●)	--(●)			-(●)
FAIR VIEW FARM	9353	-(●)	--(●)	--(●)			-(●)
RUDOLPH MAHULA	9357	-(●)	--(●)	--(●)			-(●)
HARVEY E. DELP	9359	-(●)	--(●)				-(●)
BALTHASER'S MEAT MARKET	9360	-(●)	--(●)				-(●)

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 20 OF 23 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
MERVIN F. MUYER	9363	-(●)	--(●)	--(●)			-(●)
GRETTLER MEAT PACKERS	9366	-(●)	--(●)	--(●)	--(●)	--(●)	
ALLEN'S MILLS FRESH MEATS	9367	-(●)	--(●)	--(●)			-(●)
MIKE ZAILE	9368			(●)			
ALEX FRIEDRICH PACKING COMPANY	9369	-(●)	--(●)	--(●)		--(●)	
J. T. BEATON	9371	-(●)	--(●)	--(●)		--(●)	
MUTZABAUGH SLAUGHTER HOUSE	9372	-(●)	--(●)	--(●)		--(●)	
H. L. MEECHEY, JR.	9373	-(●)	--(●)				-(●)
TROY MEAT PACKING COMPANY	9374	-(●)	--(●)	--(●)	--(●)	--(●)	
PAUL L. STOCKDALE	9375	-(●)	--(●)	--(●)		--(●)	
WILLIAM'S WHOLESALE MEATS, INC.	9376						-(●)
HENNINGER'S MEAT MARKET	9377	-(●)	--(●)	--(●)			-(●)
BIERLY MEAT MARKET	9380	-(●)	--(●)	--(●)			-(●)
ELMO MARTERI	9381	-(●)	--(●)	--(●)	--(●)	--(●)	
MIKE'S PACKING COMPANY	9382	-(●)	--(●)	--(●)			-(●)
WARRINGTON MEAT PACKING COMPANY, INC.	9384						-(●)
GREEN VALLEY PACKING COMPANY	9385	-(●)	--(●)	--(●)			-(●)
JEROME C. DAVIS	9387	-(●)	--(●)	--(●)			-(●)
ADAM BUTZ, JR.	9389	-(●)	--(●)	--(●)			-(●)
SHAW BROTHERS, INC.	9390	-(●)	--(●)	--(●)			-(●)
STANLEY F. SNEDEL	9395	-(●)	--(●)	--(●)			-(●)
DIXON'S MEATS	9398	-(●)	--(●)	--(●)			-(●)
BRISTOL BEEF COMPANY, INC.	9399	-(●)	--(●)	--(●)	--(●)	--(●)	
J. V. TAYLOR, INC.	9400	-(●)	--(●)	--(●)			-(●)
BATTLES MEAT PROCESSING PLANT	9401	-(●)	--(●)	--(●)	--(●)	--(●)	
JOE DEFLICE & SONS	9402	-(●)	--(●)	--(●)			-(●)
GILLU BROTHERS	9403	-(●)					-(●)
T. P. CUNNINGHAM	9410	-(●)	--(●)	--(●)			-(●)
SHUPES HOME DRESSED MEATS	9413						-(●)
GINA GILLIANO	9414	-(●)	--(●)	--(●)			-(●)
EDWARD GALVANEK	9415	-(●)	--(●)	--(●)			-(●)
FRANCONIA MEATS, INC.	9417	-(●)	--(●)	--(●)	--(●)	--(●)	
LOVEDELL'S COUNTRY MARKET	9419	-(●)	--(●)	--(●)	--(●)	--(●)	
RICE'S MEAT MARKET	9420	-(●)	--(●)	--(●)	--(●)	--(●)	
CHARLES KVERNAS	9422	-(●)	--(●)	--(●)	--(●)	--(●)	
MC CUY & STEELY MEATS	9423	-(●)	--(●)	--(●)	--(●)	--(●)	
BEN'S MEAT MARKET	9425	-(●)	--(●)	--(●)	--(●)	--(●)	
ZECHMAN BUTCHER SHOP	9430	-(●)	--(●)	--(●)	--(●)	--(●)	
EDWARDS BROTHERS PACKING COMPANY	9431	-(●)					
YANKOVICH MEATS	9435	-(●)	--(●)				
RUPERT'S BUTCHER SHOP	9437	-(●)	--(●)	--(●)	--(●)	--(●)	
THREE SONS MEAT MARKET	9438	-(●)	--(●)	--(●)	--(●)	--(●)	
BURKHOLDER MEAT MARKET	9440	-(●)	--(●)	--(●)	--(●)	--(●)	
GROFF MEATS	9442	-(●)	--(●)	--(●)	--(●)	--(●)	
KREISL COMPANY, INC.	9444	-(●)					
SMITH'S SUPER MARKET, INC.	9445	-(●)	--(●)	--(●)			-(●)
GRILL'S BUTCHER SHOP	9448	-(●)	--(●)	--(●)	--(●)	--(●)	
P. G. MORRISON	9449	-(●)					-(●)
GEORGE N. BYERLY	9450	-(●)	--(●)	--(●)			-(●)
SHAMOKIN PACKING COMPANY	9451	-(●)	--(●)	--(●)	--(●)	--(●)	
GIORDANO SAUSAGE	9456		--(●)	--(●)	--(●)	--(●)	
ARTHUR B. MENGER	9459	-(●)	--(●)	--(●)	--(●)	--(●)	
R. E. HERSHEY, INC.	9466	-(●)	--(●)	--(●)			-(●)
HERFURTH BROTHERS MEAT COMPANY	9468	-(●)	--(●)	--(●)	--(●)	--(●)	
MYERS BROTHERS	9469	-(●)	--(●)	--(●)			-(●)
RANCK'S MEAT MARKET	9473	-(●)	--(●)	--(●)			-(●)
E. G. HOSTUFFER & SONS	9480	-(●)	--(●)	--(●)	--(●)	--(●)	
ESPEY'S MEAT MARKET	9482	-(●)	--(●)	--(●)	--(●)	--(●)	
R. V. WANTZ & SONS	9483	-(●)	--(●)	--(●)	--(●)	--(●)	
WALTER A. DILLON	9484	-(●)	--(●)	--(●)			-(●)
WALTER J. MILLER	9487	-(●)	--(●)	--(●)	--(●)		
MERRY PROVISION	9489	-(●)	--(●)	--(●)	--(●)	--(●)	
MARK R. BUCHER	9492	-(●)	--(●)	--(●)			-(●)
CHRISTMAN & FOX	9494	-(●)	--(●)	--(●)			-(●)
NAGE'S QUALITY MEATS	9496	-(●)					
ENCRNTON MEATS	9497	-(●)	--(●)	--(●)	--(●)	--(●)	
INDIANA SLAUGHTERING COMPANY	9498	-(●)	--(●)	--(●)	--(●)	--(●)	
SPRECHER BROTHERS MEATS	9499	-(●)	--(●)				

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 21 OF 23 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
WINDSOR MEAT MARKET	9500	-(●)	--(●)	--(●)			-(●)
JOHN HENRY BRUBAKER	9509	-(●)	--(●)	--(●)			-(●)
FRED E. SHIVELY	9511	-(●)	--(●)	--(●)			-(●)
R. P. HURRY	9513	-(●)	--(●)	--(●)			-(●)
LEROY'S, INC.	9520		--(●)	--(●)	--(●)	--(●)	
WEISS PACKING COMPANY, INC.	9528	-(●)	--(●)	--(●)	--(●)	--(●)	
EAST CARSON PACKING	9529	-(●)	--(●)	--(●)			-(●)
KEN WEAVER MEATS	9538	-(●)	--(●)	--(●)			-(●)
CLYDE R. ALBERTSON	9540	-(●)	--(●)	--(●)	--(●)		-(●)
ANDERSON QUALITY MEAT MARKET	9541	-(●)	--(●)	--(●)			-(●)
EMERSON KNIGHT	9544	-(●)					
EZRA W. MARTIN COMPANY	9547						-(●)
WAYNE & CHARLES NELL SLAUGHTERHOUSE	9548	-(●)	--(●)	--(●)	--(●)	--(●)	
JOHN J. KOHLER	9549	-(●)	--(●)	--(●)			-(●)
BEACH MEAT MARKET	9550	-(●)	--(●)	--(●)			-(●)
GREAT VALLEY MEAT MARKET	9557	-(●)	--(●)	--(●)			
STERNER'S SLAUGHTERHOUSE, INC.	9558	-(●)					
C. P. KNUDSEN & SONS, INC.	9559	-(●)	--(●)	--(●)			-(●)
HERMAN S. KISTLER	9561	-(●)					
GERALD ANDERSON	9562	-(●)	--(●)	--(●)	--(●)		
CHARLES T. HENRY & COMPANY	9563	-(●)	--(●)	--(●)			-(●)
PUTNAK PACKING COMPANY	9564	-(●)	--(●)	--(●)			-(●)
MYERS MEAT	9565	-(●)	--(●)	--(●)			-(●)
PERRY PACKING	9566	-(●)	--(●)	--(●)	--(●)	--(●)	
PIERCE CUSTOM SLAUGHTER	9567	-(●)	--(●)	--(●)	--(●)	--(●)	
CLOVERLOOM MARKET	9570	-(●)	--(●)	--(●)			-(●)
STEVE FICHERA WHOLESALE MEATS	9576	-(●)	--(●)	--(●)	--(●)	--(●)	
GOURLEY & SONS, INC.	9577	-(●)	--(●)	--(●)	--(●)	--(●)	
FALK BROTHERS	9578	-(●)	--(●)	--(●)			-(●)
O. J. HYMES	9579	-(●)	--(●)	--(●)			-(●)
GOURLEY PACKING COMPANY, INC.	9580	-(●)	--(●)	--(●)			-(●)
LIVINGSTON PACKING COMPANY	9581	-(●)	--(●)	--(●)			-(●)
JONES BARTLOW	9584	-(●)	--(●)	--(●)	--(●)	--(●)	
LOUIS KLINE, INC.	9589	-(●)	--(●)	--(●)			-(●)
R. GEORGE	9590	-(●)	--(●)	--(●)			-(●)
PRIM PACKING COMPANY	9592	-(●)	--(●)	--(●)			
CONGENS ANTONIC	9603	-(●)	--(●)	--(●)			-(●)
HAROLD A. LONG	9605	-(●)	--(●)	--(●)			-(●)
DOWNINGTOWN WHOLESALE MEATS	9606	-(●)	--(●)	--(●)			-(●)
FRANK ESPOSITO & SONS	9607	-(●)	--(●)	--(●)			-(●)
GOODMART MEATS	9609	-(●)	--(●)	--(●)			-(●)
LUKAN MEATS	9616	-(●)	--(●)	--(●)	--(●)		-(●)
NUCCIO PACKING	9618	-(●)					
GEORGE'S MEAT MARKET, INC.	9620	-(●)					-(●)
CHARLES J. PUDLINER	9622	-(●)	--(●)	--(●)			-(●)
KNOLES' MEAT MARKET	9623	-(●)	--(●)	--(●)			-(●)
STOLTZFUS LOCKER & FOOD MARKET	9625	-(●)					-(●)
OBLING'S MEAT MARKET	9630	-(●)	--(●)	--(●)			-(●)
PIFFERETTI PACKING COMPANY	9631	-(●)	--(●)	--(●)			-(●)
BURKHOLDER MEAT PRODUCTS	9632	-(●)	--(●)	--(●)	--(●)		-(●)
JONATHAN L. KING	9633	-(●)					-(●)
TURNER FARMS, INC.	9634	-(●)					-(●)
R. D. KELLY MEAT PACKING	9635	-(●)	--(●)				
M. LEPIDI & SONS, INC.	9636	-(●)	--(●)	--(●)			-(●)
KROLL'S MEAT MARKET	9638	-(●)	--(●)	--(●)	--(●)		-(●)
F. & S MEATS	9639	-(●)		--(●)			-(●)
GLEN J. ROSENBERRY	9640	-(●)		--(●)			-(●)
ALBA'S MEAT MARKET	9643	-(●)	--(●)	--(●)			-(●)
MRS. EUITH ONDILLA	9644	-(●)	--(●)	--(●)			-(●)
SHAFFER'S ABATTOIR, INC.	9645	-(●)	--(●)	--(●)			-(●)
YOST QUALITY MEATS	9646	-(●)	--(●)	--(●)			-(●)
CLAIR H. BRADEN	9658	-(●)	--(●)	--(●)			-(●)
JOSEPH VENEZIA DRESSED BEEF	9666	-(●)	--(●)	--(●)			
BALDERSTON BROTHERS	9670	-(●)	--(●)	--(●)	--(●)		
CATELLI INC.	9671		--(●)	--(●)			
PRINCE'S HOME DRESSED MEATS	9673	-(●)		--(●)			
NEAL FIERRO MARKET	9674	-(●)	--(●)	--(●)			
CRISSMAN, INC.	9679	-(●)	--(●)	--(●)			-(●)

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 22 OF 23 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINES
CONICK BROTHERS MEAT PACKERS, INC.	9682	-(●)	--(●)	--(●)			-(●)
PAINTER'S MEAT PRODUCTS	9684	-(●)	--(●)	--(●)			-(●)
KECK'S MEAT PLANT	9684	-(●)	--(●)	--(●)			-(●)
FETTEROLF'S MEAT MARKET	9685	-(●)	--(●)	--(●)			-(●)
MARK BURMAN	9686	-(●)	--(●)	--(●)	--(●)	--(●)	
LEE BIALER	9687	-(●)					-(●)
KENNETH L. BOYER	9688	-(●)					-(●)
KULIK'S MEAT MARKET	9689	-(●)	--(●)	--(●)			-(●)
PLEASANT QUALITY PACKING COMPANY, INC.	9692	-(●)					-(●)
CARL VENEZIA	9693	-(●)	--(●)	--(●)			
PAUL H. SCHAECK	9695	-(●)					-(●)
ROBERT L. BINGMAN	9696	-(●)	--(●)	--(●)			-(●)
SMITH MEATS	9697	-(●)	--(●)				-(●)
MULLAND BROTHERS MEAT	9701	-(●)	--(●)	--(●)			-(●)
ALFREY'S SALSAGE COMPANY, INC.	9702	-(●)	--(●)	--(●)	--(●)	--(●)	
SPRINGFIELD MEAT COMPANY	9704	-(●)		--(●)			-(●)
WILMER BARINGER	9706	-(●)	--(●)	--(●)			-(●)
HAGENS MEAT MARKET	9707	-(●)					
HERBERT HANSON MEATS	9711	-(●)	--(●)				-(●)
CUFFARO'S CUSTOM BUTCHERING	9712	-(●)	--(●)	--(●)	--(●)	--(●)	
COLUMBUS PACKING COMPANY	9713	-(●)	--(●)	--(●)	--(●)	--(●)	
THOMAS MARKET	9714	-(●)	--(●)	--(●)			-(●)
DAVE FINE MEAT PACKER	9715	-(●)	--(●)	--(●)			-(●)
LOUTSION PACKING COMPANY	9716	-(●)	--(●)	--(●)	--(●)	--(●)	
LEE DASHEL & SONS, INC.	9717	-(●)	--(●)	--(●)			-(●)
AMERICAN FOODS, INC.	9718	-(●)	--(●)	--(●)	--(●)	--(●)	
STEALE & PACKING COMPANY	9719	-(●)	--(●)	--(●)			-(●)
SMITH FROZEN FOOD BANK	9720	-(●)	--(●)	--(●)	--(●)	--(●)	
HEINNICKEL FARMS, INC.	9725	-(●)	--(●)	--(●)	--(●)	--(●)	
WALTER'S MEATS	9726	-(●)	--(●)	--(●)	--(●)	--(●)	
FRANK NADRICALE	9753	-(●)	--(●)	--(●)	--(●)	--(●)	
CHENNEY BUILDING SHOP, INC.	9755	-(●)	--(●)	--(●)	--(●)	--(●)	
ROYAL SWAN FOODS, INC.	9758	-(●)					
REMKIG MEATS, INC.	9759	-(●)					-(●)
FRANK L. GILBERT & SON	9762	-(●)					
HEINTZELMAN'S MEAT MARKET	9763	-(●)					
GILBERT C. HAYDT	9765	-(●)					-(●)
WILLIAM MOLTISCH	9766						-(●)
JOHN SLNITSKI	9767	-(●)					-(●)
WALTER JUNCZAK	9770	-(●)	--(●)	--(●)	--(●)	--(●)	
ALBERT CARUTH	9776	-(●)					-(●)
HOWARD A. DARLING	9777	-(●)	--(●)	--(●)	--(●)	--(●)	
LEONA MEATS	9784	-(●)	--(●)	--(●)	--(●)	--(●)	
J. C. O MEAT PLANT	9785	-(●)	--(●)	--(●)	--(●)	--(●)	
WILLIAM STEPNIAK	9786	-(●)	--(●)	--(●)	--(●)	--(●)	
MUSSESS, INC.	9788	-(●)	--(●)	--(●)			-(●)
YOUNDT BROTHERS	9789	-(●)					-(●)
C. H. THOMAS SONS, INC.	9790	-(●)					-(●)
STOLTZFUS MEAT MARKET	9792	-(●)					-(●)
LUCUSTDALE PACKING COMPANY	9799	-(●)	--(●)	--(●)	--(●)	--(●)	
ALLEN L. KOMBERGER	9800		--(●)	--(●)			
PEZZNER BROTHERS, INC.	9808	-(●)	--(●)	--(●)			-(●)
KOBZEN'S, INC.	9809	-(●)					
HUGHES FARMS & MARKETS, INC.	9810	-(●)	--(●)	--(●)			-(●)
TWIN PINE FARM	9814	-(●)	--(●)	--(●)	--(●)	--(●)	
J. A. HARGLEROAD & SONS	9816	-(●)	--(●)	--(●)	--(●)	--(●)	
R. L. POTTEIGER	9817	-(●)	--(●)	--(●)			-(●)
THE COUNTRY BUTCHER SHOP	9819	-(●)	--(●)	--(●)			-(●)
HERMITZ PACKING COMPANY	9821	-(●)	--(●)	--(●)			-(●)
LAUDERMILCH MEATS	9823	-(●)					-(●)
PHARES A. LONGENECKER & SONS, INC.	9827	-(●)					
WM. J. FISHER MEAT, INC.	9828	-(●)	--(●)				-(●)
N. S. & C. H. TROUTMAN	9832	-(●)	--(●)	--(●)			-(●)
MIKE LEWCHIK	9834	-(●)	--(●)	--(●)			-(●)
GLENN J. BEASTON	9835	-(●)	--(●)	--(●)			-(●)
NORMAN ZIMMERMAN & SON	9836	-(●)					
EGENROAD MEATS	9837	-(●)	--(●)	--(●)			-(●)
GEORGE E. GARNER	9838	-(●)	--(●)	--(●)			-(●)

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 23 OF 23 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
GLENN H. HENRY	9841	(*)	(*)	(*)		(*)	
FRANCIS BUHANNO PACKING COMPANY	9842	(*)	(*)	(*)		(*)	
MOONEY (SCOTT) KEYANE II	9843	(*)	(*)	(*)		(*)	
PENNSYLVANIA STATE UNIV. - EATS LABORATORY	9844	(*)	(*)	(*)		(*)	
CHARLES YOUNOT & SONS	9846	(*)				(*)	
PENTJAS MEATS	9847	(*)	(*)			(*)	
OLIZNYK BROTHERS MEAT PACKING COMPANY	9848	(*)	(*)	(*)		(*)	
KERN COUNTY SHERIFF	9891	(*)				(*)	
CAVALIER EXPORT COMPANY	E 9910						(*)
COMMITTEE ON MASONIC HOMES	9913	(*)				(*)	
MC GUIRE MEATS	9915	(*)	(*)			(*)	
DONALD A. SEIDLE	9921	(*)	(*)			(*)	
NEWPORT PACKING COMPANY	9926	(*)	(*)	(*)		(*)	
METZGER MEAT	9927	(*)	(*)	(*)		(*)	
A. MITCHELL'S MEAT MARKET	9941	(*)				(*)	
SUGAR TALE MEAT PROCESSING, INC.	9943	(*)				(*)	
SCHALLER'S SLAUGHTERHOUSE	9955	(*)	(*)	(*)	(*)		
NASSR PACKING COMPANY	9958	(*)	(*)	(*)		(*)	

Done at Washington, D.C., on August 27, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-25879 Filed 9-2-76;8:45 am]

Farmers Home Administration

[Designation Number A365]

MINNESOTA

Designation of Emergency Areas

Due to circumstances involved in President Ford's emergency declaration and the fact that no incidence period was named, the Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Minnesota Counties as a result of drought for the 1976 crop year which ends December 31, 1976:

Aitkin	Meeker
Becker	Mille Lacs
Beltrami	Morrison
Benton	Murray
Big Stone	Nicollet
Blue Earth	Nobles
Brown	Norman
Carlton	Otter Tail
Cass	Pennington
Chippewa	Pine
Clay	Pipestone
Clearwater	Polk
Cook	Pope
Cottonwood	Red Lake
Crow Wing	Redwood
Douglas	Renville
Grant	Rock
Hubbard	St. Louis
Itasca	Sherburne
Jackson	Sibley
Kandiyohi	Stearns
Lac qui Parle	Stevens
Lake	Swift
Le Sueur	Todd
Lincoln	Traverse
Lyon	Wadena
McLeod	Watonwan
Mahnomen	Wilkin
Marshall	Wright
Martin	Yellow Medicine

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b).

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 28, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of August, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-25951 Filed 9-2-76;8:45 am]

[Designation Number A366]

NORTH DAKOTA

Designation of Emergency Areas

Due to circumstances involved in President Ford's emergency declaration and the fact that no incidence period was named, the Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Dakota Counties as a result of drought for the 1976 crop year which ends December 31, 1976:

Dickey	McIntosh
Emmons	Ransom
La Moure	Richland
Logan	Sargent

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b).

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 28, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of August, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-25952 Filed 9-2-76;8:45 am]

[Designation Number A367]

SOUTH DAKOTA

Designation of Emergency Areas

Due to circumstances involved in President Ford's emergency declaration and the fact that no incidence period was named, the Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following South Dakota Counties as a result of drought for the 1976 crop year which ends December 31, 1976:

Aurora	Jerauld
Beadle	Jones
Bennett	Kingsbury
Bon Homme	Lake
Brookings	Lincoln
Brown	Lyman
Brule	Marshall
Buffalo	McCook
Campbell	McPherson
Charles Mix	Meade
Clark	Mellette
Codington	Miner
Corson	Minnehaha
Davison	Moody
Day	Pennington
Deuel	Perkins
Dewey	Potter
Douglas	Roberts
Edmunds	Sanborn
Faulk	Shannon
Grant	Spink
Gregory	Stanley
Haakon	Sully
Hamlin	Todd
Hand	Tripp
Hanson	Turner
Hughes	Walworth
Hutchinson	Washabaugh
Hyde	Yankton
Jackson	Ziebach

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b).

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 28, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of August, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-25953 Filed 9-2-76;8:45 am]

[Designation Number A368]

WISCONSIN

Designation of Emergency Areas

Due to circumstances involved in President Ford's emergency declaration and the fact that no incidence period was named, the Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Wisconsin Counties as a result of drought for the 1976 crop year which ends December 31, 1976:

Adams	Oneida
Ashland	Pepin
Barron	Pierce
Bayfield	Polk
Burnett	Portage
Chippewa	Price
Clark	Rusk
Douglas	Sawyer
Dunn	Shawano
Eau Claire	St. Croix
Forest	Taylor
Iron	Vilas
Langlade	Washburn
Lincoln	Waupaca
Marathon	Waushara
Marquette	Wood

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b).

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 28, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of August, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-25954 Filed 9-2-76;8:45 am]

Food and Nutrition Service

ADVISORY COMMITTEE ON NUTRITION EVALUATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name. Advisory Committee on Nutrition Evaluation.

Date and Time. September 21-23, 1976; 8:30 a.m.

Place. Lee Hall Conference Room, Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Virginia.

Purpose of meeting. The Committee will study methods available to evaluate the health benefits of the Special Supplemental Food Program for Women, Infants and Children (WIC). This study will include a review of previous studies performed on the WIC Program, as well as the review of other Federal and State health, welfare and nutrition assessment and surveillance projects currently being conducted, to determine their applicability to an evaluation of the WIC Program.

Proposed agenda. The agenda will cover an introduction to the WIC Program, a summary of the results of the WIC Program Detailed Medical Evaluation and Delivery Systems Evaluation, and a discussion of other nutritional studies.

This meeting will be open to the public.

Persons wishing to attend the meeting as observers, or wishing to submit written comments, should write Harold T. McLean, Director, Special Supplemental Food Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8206.

Dated: August 31, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-25884 Filed 9-2-76;8:45 am]

Forest Service

O'BRIEN, SEVENTEENMILE, AND CROSS MOUNTAIN PLANNING UNITS; LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan O'Brien, Seventeenmile, and Cross Mountain Planning Units, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-76-7.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the O'Brien, Seventeenmile, and Cross Mountain Planning Units, Troy, Libby, and Yaak Ranger Districts, Kootenai National Forest, Lincoln County, Montana. About 146,500 acres of National Forest land are affected. The planning unit is divided into twelve subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on August 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Troy Ranger Station, Troy, MT 59935.
USDA, Forest Service, Libby Ranger Station, Libby, MT 59923.
USDA, Forest Service, Sylvanite Ranger Station, Troy, MT 59935.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Troy Ranger Station, Troy, MT 59935.
USDA, Forest Service, Libby Ranger Station, Libby, MT 59923.
USDA, Forest Service, Sylvanite Ranger Station, Troy, MT 59935.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

DAVID R. HOWARD,
Acting Forest Supervisor,
Northern Region, Forest Service.

AUGUST 27, 1976.

[FR Doc.76-25918 Filed 9-2-76;8:45 am]

Office of the Secretary

FEED GRAIN DONATIONS

Standing Rock Indian Lands in South Dakota and North Dakota

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Standing Rock Indian Lands in South Dakota and North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

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Signed at Washington, D.C. on August 31, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-25881 Filed 9-2-76;8:45 am]

Rural Electrification Administration

ARKANSAS ELECTRIC COOPERATIVE CORPORATION

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102 (2) (C) of the National Environmental Policy Act of 1969, in connection with a proposed loan application from Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 72209. This proposed loan application, together with funds from other sources, will provide the necessary financing required to participate with Southwestern Electric Power Company for a 550 MW coal-fired unit called the Flint Creek Power Plant, located in Northwestern, Arkansas.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4322, or at Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 72209.

Final REA action may be taken with respect to this matter after thirty (30) days.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final REA action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 27th day of August, 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-25799 Filed 9-2-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GERALD L. KOOYMAN

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

Dr. Gerald L. Kooyman, Associate Research Physiologist, University of California, San Diego, Scripps Institution of Oceanography, P.O. Box 1529, La Jolla, California 92037, to take fifteen (15) kerguelen fur seals (*Arctocephalus tropicalis*) in South Georgia Island, located in the South Atlantic Ocean.

The animals are to be studied as part of a general comparative investigation of at sea behavior of fur seals. The differences in habitat and habits of various fur seal species are neeeded to make useful comparisons in order to develop a comprehensive view of marine mammals.

The knowledge acquired from at sea studies of behavior and ecology of marine mammals is vital to effective conservation measures.

The requested animals will be female adult, lactating animals weighing about 40 kg. The Applicant states that lactating females are necessary because they have good fidelity and return at regular intervals to nurse pups, thus reducing the change of instrument loss. The project will be conducted over 1½ years with the principal investigator being Dr. Gerald L. Kooyman. The animals will be taken on a rookery site on South Georgia Island.

A battery-powered device used for recording continuous diving activities for 1–3 weeks will be clamped to a harness on the animal. Upon completion of the project, the harness will be removed from the animal. The device has been used on previous research projects.

Documents submitted in connection with this application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before October 4, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 31, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-25892 Filed 9-2-76;8:45 am]

LOUIS SCARPUZZI ENTERPRISES, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

Louis Scarpuzzi Enterprises, Inc., 339 Riverside Drive, Fort Myers, Florida 33905, to take one (1) Atlantic bottlenose dolphin (*Tursiops truncatus*) for public display.

The animal will be collected by a professional collector off the coastal waters of Florida (excluding the Miami, Tampa, or Naples areas) by use of a seine net. The animal will be maintained in a holding facility near the capture site for acclimation before being transported to the Applicant's display facility by truck.

The display facility has two circular pools for maintaining and displaying the animal. The main pool has a 30' diameter with an average depth of 11'. The secondary pool has a 10' diameter with a depth of 4' to 7'. Both pools have a rest area, with high impact Plexiglass encircling the perimeters. Two California sea lions and three bottlenosed dolphins are currently displayed.

The facility is a profit making organization open daily to the public with an estimated 70,000 annual visitors.

The arrangements and facilities for transporting and maintaining the marine mammal requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammal involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before October 4, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 31, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-25891 Filed 9-2-76;8:45 am]

MAINE, DEPARTMENT OF MARINE RESOURCES

Issuance of Endangered Species Permit

On July 14, 1976, notice was published in the FEDERAL REGISTER, (41 FR 29008) that an application had been filed with the National Marine Fisheries Service by State of Maine, Department of Marine Resources, State House Annex, Capitol Shopping Center, Augusta, Maine 04333, for a Scientific Purposes Permit to take an unspecified number of shortnose sturgeon (*Acipenser brevirostrum*), an endangered species of fish.

Notice is hereby given that on August 30, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), to the Department of Marine Resources, State of Maine, subject to certain conditions set forth therein.

The Permit authorizes the Holder to take shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following activities: (1) capture by seine and gill nets in the waters of the Kennebec and Sheepscot River estuaries; (2) by marking with disc or Carlin tags the specimens collected; (3) release of all live specimens at or near the site of capture; and (4) retention, for scientific collections, of all captured specimens which inadvertently die. One thousand shortnose sturgeon may be captured over three years but only shortnose sturgeon of at least eighteen inches (18") in length are to be tagged.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C., and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: August 30, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-25890 Filed 9-2-76;8:45 am]

SEA WORLD, INC.

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (50 CFR Part 216), the Public Display Permit issued to Sea World, Incorporated, 1720 South Shore Road, San Diego, California 92109, on May 7, 1974, as modified on August 23, 1974 (39 FR 30522), March 3, 1975, (40 FR 8846), and October 2, 1975, (40 FR 45458), is further modified by means of Modification No. 4, in the following manner.

Subject to the terms of the Permit, written approval of the Director and such conditions as the Director may impose, killer whales may be taken from Denmark (Greenland), Iceland, Japan, Norway, and the United Kingdom, as well as from Canada, Mexico and the United States, as originally authorized. Killer whales taken in accordance with the permit may be imported. The advance notification provisions and specific requirements for observers are modified to allow for imposition of such requirements as may be appropriate for each collection effort.

This modification is effective September 3, 1976.

The permit, as modified and documentation pertaining to the modification, are available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: August 20, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-25893 Filed 9-2-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON PRODUCT LIABILITY

Open Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the initial meeting of the Advisory Committee on Product Liability will be held at 9:30 a.m., Monday, September 20, 1976 in Room 2010 of the New Executive Office Building, 17th Street between Pennsylvania Avenue and H Street NW., Washington, D.C.

The Committee was established to advise the Department, through the Under Secretary, on measures that might be taken in the public policy area to facilitate improvements in the product liability process.

Agenda items are as follows:

1. Welcoming remarks.
2. Status report on major product liability studies being conducted involving the Department of Commerce.
3. Discussion of Bureau of Domestic Commerce preliminary report on product liability.
4. Comments by members on their specific interests in product liability problems.
5. Discussion of the organization of the Committee.
6. Comments and questions from the public.
7. Setting of the date for the second meeting and tentative agenda.

The meeting will be open to public observation and a period will be set aside for oral comments or questions by the public. Any person who wishes to file a written statement with the Committee may do so before or after the meeting. Approximately 70 seats will be available to the public (additional seats will be reserved for the media) on a first come, first serve basis.

Minutes of the meeting will be available on request 30 days after the meeting from the Committee Control Officer.

Additional information may be obtained from Edward T. Barrett II, Committee Control Officer, Room 2898C, United States Department of Commerce, Washington, D.C. 20230.

Dated: September 1, 1976.

EDWARD O. VETTER,
Under Secretary of Commerce.

[FR Doc.76-26117 Filed 9-2-76;8:45 am]

WATCHES AND WATCH MOVEMENTS

Joint Delegation of Authority for Issuance of Shipment Permits to Producers of Watches and Watch Movements in the Virgin Islands, Guam and American Samoa

1. Pub. L. 89–805, approved November 10, 1966, provides a limitation on the number of watches and watch movements which may be admitted from the insular possessions of the United States free of duty, pursuant to general headnote 3(a) of the Tariff Schedules of the

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United States. It authorizes the Secretaries of Commerce and of the Interior, acting jointly, to allocate among the several producers of such products in the insular possessions the overall quota fixed by Congress in this law. It also authorizes the Secretaries to issue such regulations as they deem necessary to carry out their duties under the Act.

2. Pursuant to such authority, the authorized representatives of the Secretaries, on December 28, 1966 (see 31 FR 16579), provided that, after December 31, 1966, shipments of watches and watch movements from the insular possessions, in addition to satisfying all other requirements of law, must be authorized by a license issued by the Departments in order to be eligible for duty-free entry into the Customs Territory of the United States. The authority to issue individual shipment permits pursuant to such license was delegated to the governments of the insular possessions in a joint notice published January 13, 1967 (see 32 FR 393), which shall be superseded effective September 15, 1976.

3. The authority to issue shipment permits for watches and watch movements which are the product of the Virgin Islands, Guam or American Samoa, and which have been licensed by the Departments for duty-free entry into the Customs Territory of the United States is hereby delegated, respectively, to the Governor of the Virgin Islands, the Governor of Guam and the Governor of American Samoa. The exercise of this authority shall be subject to the following conditions:

a. Upon the request of a licensee for a shipment permit, a separate shipment permit shall be issued to such licensee for the number of units in the shipment. The aggregate number of units for which shipment permits are issued to each company shall not exceed the total allocation granted to that company as evidenced by its license.

b. Shipment permits shall be validated by signature of the Governor. The Governors of the respective territories may, with the concurrence of the Departments, delegate the power to validate shipment permits to one or more responsible officials, each of whom shall be identified by name, official title and sample signature in any request for such concurrence by the Departments. No shipment permit shall be validated by any officials, except the Governors, prior to receipt of the Departments' written concurrence with each specific delegation or designation.

Dated: AUGUST 27, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

FRED ZEDER,
Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc.76-25980 Filed 9-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75P-0152]

COCA-COLA CO.

Frozen Concentrated Orange Juice; Amendment of Temporary Permit for Market Testing

The Food and Drug Administration has granted the Coca-Cola Co. an amendment to its temporary permit for market testing reduced-acid frozen concentrated orange juice. The amendment provides for a change in the effective date, a label revision to include a new brand name, "Nu-Day", instead of "Orange Maid", and a change in one of the market test areas from Tucson, Arizona to Fort Wayne, Indiana.

In accordance with § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), the Commissioner of Food and Drugs issued a notice, published in the FEDERAL REGISTER of August 6, 1975 (40 FR 33063), that a temporary permit had been issued to the Coca-Cola Co., P.O. Box 2079, Houston, TX 77001 for a period of 24 months. The permit provided for the market testing of 100,000 cases each of forty-eight 6-ounce and twenty-four 12-ounce containers of "reduced acid frozen concentrated orange juice" in the marketing areas of Erie and Pittsburgh, Pennsylvania; Tucson, Arizona; Portland, Oregon; Atlanta, Georgia; Cleveland, Ohio; and Dallas, Ft. Worth, and Houston, Texas.

The frozen concentrated orange juice deviates from the standard of identity prescribed in § 27.109 (21 CFR 27.109) in that a portion of the citric acid has been removed from the orange juice to produce a product having a Brix/acid ratio in the range of 21:1 to 26:1 which is greater than that found in the standardized food.

The Coca-Cola Co. has requested that the temporary permit issued to them August 6, 1975, be amended in the following ways: (1) That the effective date be changed from no later than November 4, 1975, to no later than July 1, 1976; (2) that the brand name be changed from "Orange Maid" to "Nu-Day"; and, (3) that one of the initial test marketing areas, Tucson, Arizona, be changed to Fort Wayne, Indiana.

The company stated that, due to an unforeseen delay in its proposed market test program, it has not shipped the product in interstate commerce. The company asserted that its initial consumer concept testing revealed certain difficulties in communicating the exact nature and the benefits of the product to the consumer. The Coca-Cola Co. stated that, "Accordingly, it was necessary to revise the proposed manner of communication, positioning, etc." and to conduct additional concept testing.

The company disclosed that these difficulties not only delayed its market test program, but also indicated that the brand name "Orange Maid" was not the most appropriate. The company suggested that the proposed new name "Nu-Day" will be of greater assistance in communicating the attributes of the new product to the consumer.

The company stated that the change in the test market area from Tucson, Arizona, to Fort Wayne, Indiana, will provide an opportunity for a more efficient and economical test.

Since the Coca-Cola Co. has not shipped the test product in interstate commerce, the Commissioner has amended the temporary permit as requested. The applicant requested that the permit become effective no later than July 1, 1976. However, since it was not possible to publish this notice of the amended permit in the FEDERAL REGISTER by that date, the 24-month market test period will begin whenever the product is introduced or caused to be introduced into interstate commerce, but no later than December 3, 1976, in accordance with the requirements of § 10.5.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25873 Filed 9-2-76;8:45 am]

[Docket No. 76N-0311]

DRUGS FOR HUMAN USE CONTAINING DIPYRONE

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Applications

The Food and Drug Administration (FDA) is proposing to withdraw approval of the new drug applications described below for drug products for human use that contain dipyrone, a sodium sulfonate derivative of aminopyrine. This action is being taken on the basis of new reports of agranulocytosis, sometimes fatal, associated with the use of dipyrone and because of the availability of effective alternative drug products and effective nonpharmacologic therapy that have less potential for risk. Persons who wish to request a hearing on this proposal may do so on or before October 4, 1976.

NDA No.	Drug name	Firm name
16-134	Narone (dipyrone) tablets	Ulmer Pharmacal Co., 1400 Harmon Pl., Minneapolis, Minn. 55403.
16-142	Pyrilgin (dipyrone)	Savage Laboratories, Inc., P.O. Box 1000, 1000 Main St., Missouri City, Tex. 77459.
16-147	Pyrilgin (dipyrone) injection	Maurry, H. E., Biological Co., Inc., 6100 South Western Ave., Los Angeles, Calif. 90047.
16-152	do	Savage Laboratories, Inc.
16-155	Pyrilgin (dipyrone) tablets	Do.
16-156	do	Do.
16-158	Dimethone (dipyrone) injection	Philips Roxane Laboratories, Inc., division Philips Roxane, Inc., 330 Oak St., Columbus, Ohio 43216.
16-159	Dimethone (dipyrone) tablets	Do.
16-160	Protemp (dipyrone) tablets	Table Rock Laboratories, Inc., P.O. Box 1968, 812 Hampton Ave., Greenville, S.C. 29602.
16-170	Protemp (dipyrone) pediatric	Do.
16-171	Protemp (dipyrone) oral liquid	Do.
16-179	Novaldin (dipyrone) tablets	Winthrop Laboratories, 90 Park Ave., New York, N.Y. 10016.
16-180	Novaldin (dipyrone) injection	Do.
16-184	do	Gotham Pharmaceutical Co., Inc., 1840 McDonald Ave., Brooklyn, N.Y. 11223.
16-187	do	Myers-Carter Laboratories, Inc., subsidiary of Chromalloy American Corp., 5160 West Bethany Home Rd., Glendale, Ariz. 85301.
16-189	do	Intra Products, Inc., purchased by USV Pharmaceuticals Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707.
16-263	Narone (dipyrone) injection	Ulmer Pharmacal Co.

In a statement of policy in § 201.311 (21 CFR 201.311), published in the FEDERAL REGISTER of November 17, 1964 (29 FR 15364) and amended in the FEDERAL REGISTER of October 11, 1967 (32 FR 14101), the Commissioner of Food and Drugs concluded that drugs containing aminopyrine or dipyrone were unsafe and were regarded as misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act when labeled or advertised for routine use as antipyretics or analgesics. The action was based upon the report of an ad hoc committee convened by the Commissioner because of an increasing number of reports of fatal agranulocytosis associated with these drug products. The statement of policy advised that regulatory action might be initiated with respect to the continued marketing of such preparations with labeling or advertising that offered them for routine use as antipyretics or analgesics. It also advised that such preparations were new drugs and that they might be approved as safe and effective for marketing on the basis of new drug applications containing certain prescribed labeling statements. The indications restricted use of aminopyrine or dipyrone for an antipyretic effect to serious or life-threatening situations where salicylates or similar drugs were known to be ineffective, contraindicated, or not tolerated, because these were the only situations in which the benefit-to-risk considerations in the use of these drugs were considered favorable. Accordingly, aminopyrine and dipyrone were indicated in conditions such as febrile convulsions in children where a parenteral antipyretic might be needed and rare instances of Hodgkins disease and similar malignant diseases in which the fever could not be controlled by any other means.

The Director of the Bureau of Drugs finds that the restrictive labeling has reduced the use of dipyrone but it is still being used to an extent which appears to be far greater than would be justified by the restricted indications. (No new drug applications have been submitted or approved for aminopyrine, nor have any aminopyrine products been listed with the FDA under the drug listing regulations in 21 CFR Part 207, and, therefore, it is not known to be marketed in the United States). Thirteen cases of blood dyscrasias associated with the use of dipyrone were reported to the FDA during the period from 1966 through 1975. Ten of the thirteen cases were identified as agranulocytosis and four of the cases of agranulocytosis resulted in death. Copies of the reports have been placed on public display in the Office of the Hearing Clerk, Food and Drug Administration, at the address below. The Director also finds that even frequent examinations of the blood in patients receiving the drug cannot be relied upon as a means of preventing agranulocytosis, since it can occur suddenly within a few hours following administration of the drug to a sensitive individual.

In view of the toxicity of dipyrone and the availability of effective orally-administered alternative drug products (e.g., aspirin and acetaminophen) and nonpharmacologic methods of antipyretic therapy, the Director concludes that the incidence and risk of potentially fatal agranulocytosis associated with the use of dipyrone far outweigh any benefit that can be derived from its use. He finds that the potential of dipyrone for causing agranulocytosis makes its use undesirable in treating Hodgkins disease and similar malignant diseases and that treatment of the primary condition can effectively prevent pyrexia.

Therefore, notice is given to the holders of the new drug applications and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications listed above and all amendments and supplements thereto on the ground that new evidence of clinical experience, not contained in such applications or not available until after such applications were approved, evaluated together with the evidence available when the applications were approved, shows that such drugs are not shown to be safe for use under the conditions of use on the basis of which the applications were approved. If and when approval of the new drug applications is withdrawn, there will be no drug products to which § 201.311 would apply. At that time the FDA will take action to revoke that section.

In addition to the holders of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6(b). It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6(b)), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons subject to this notice are hereby given an opportunity for a hearing to show why approval of their new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 4, 1976, a written notice of appearance and request for hearing, and (2) on or before November 2, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for

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hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR Part 314.

The failure of an applicant or any other person subject to this notice to file timely written apperance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262).

Dated: August 27, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–25783 Filed 9–2–76;8:45 am]

[Docket No. 76F–0326]

N. B. PURDY PRODUCTS CO., INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6H3221) has been filed by N. B. Purdy Products Co., Inc., P.O. Box 304, Wauconda, IL 60064, proposing that § 121.2547 Sanitizing solutions (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing sodium dichloroisocyanurate and tetrasodium ethylenediaminetetraacetate as a sanitizing solution on food processing equipment adn utensils and on food-contact surfaces in public eating places.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environment impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–25875 Filed 9–2–76;8:45 am]

[Docket No. 76F–0334]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3161) has been filed by Stauffer Chemical Co., Westport, CT 06880, proposing that § 121.2571 Components of paper and paperboard in contact with dry food (21 CFR 121.2571) be amended to provide for the safe use of *bis*(trichloromethyl) sulfone as a component of paper and paperboard intended for use in contact with dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–25874 Filed 9–2–76;8:45 am]

[Docket No. 76F–0333]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 6B3160) has been filed by Stauffer Chemical Co., Westport, CT 06880, proposing that § 121.2520 Adhesives (21 CFR 121.2520) be amended to provide for the safe use of *bis*(trichloromethyl) sulfone as a component of adhesives intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–25875 Filed 9–2–76;8:45 am]

Office of Education

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 446, and 462(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(b), 42 U.S.C. 2756, and 20 U.S.C. 1087bb(b)), applications for fiscal year 1977 funds, for use in the award period 1977–78, will be accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs (Part A Subpart 2, Part C and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work-Study Program. In order to be assured of consideration such applications must be received on or before October 18, 1976. If an application is received after October 18, the institution shall furnish an explanation as to the reason for the delay in submission. Submission of an application after October 18 may be regarded as evidence of administrative inadequacy on the part of the institution and the institution may be requested to furnish evidence of the steps it is taking to remedy such inadequacy. Applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located.

2. Use of need analysis systems. In preparing the applications to which this Notice pertains, institutions should use the system or systems of need analysis that were approved by the Commissioner for use in determining students' awards under these programs for the 1977–78 academic year. Systems that were approved for such a use include the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program (45 CFR 190), the Income Tax System (dependent students only), the systems of need analysis published by: the American College Testing Program; the College Scholarship Service; the Graduate and Professional Student Financial Aid Service; the Financial Analysis Service, Inc., a division of Donley, Richardson and Associates; the Student Assistance Financial Evaluation, a program of Information and Communications, Inc.; the Student Aid Management, a program of Educational Methods, Inc.; the MicroElectronic Product Division of Rockwell International; and the Illinois State Scholarship Commission.

3. Application forms have been mailed to all institutions currently receiving funds under any of the three programs. Such application forms may also be obtained from the various Regional Offices of the Office of Education.

The addresses of the Regional Offices are as follows:

Office of Education, Region I, John Fitzgerald Kennedy Federal Building, Boston, Massachusetts 02203.
Office of Education, Region II, 26 Federal Plaza, New York, New York 10007.
Office of Education, Region III, P.O. Box 13716 (3535 Market Street), Philadelphia, Pennsylvania 19101.
Office of Education, Region IV, 50 Seventh Street, NE., Room 555, Atlanta, Georgia 30323.
Office of Education, Region V, 300 South Wacker Drive, Chicago, Illinois 60606.
Office of Education, Region VI, 1200 Main Tower, Dallas, Texas 75202.
Office of Education, Region VII, 601 East 12th Street, Kansas City, Missouri 64106.
Office of Education, Region VIII, 11037 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.
Office of Education, Region IX, 50 United Nations Plaza, San Francisco, California 94102.
Office of Education, Region X, Arcade Plaza Building, 1321 Second Avenue—M.S. 1511, Seattle, Washington 98101.

(20 U.S.C. 1070–3(b); (42 U.S.C. 2753); (20 U.S.C. 1087bb(b)).)

a. *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education).

b. *Hand delivered applications.* An application to be hand delivered must be taken to the Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays.

4. Applications will be accepted from institutions of higher education that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications will also be processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1977 funds, the Division of Eligibility and Agency Evaluation of the Bureau of Postsecondary Education of the Office of Education must have received by January 31, 1977 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications will be accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1977 funds, the Division of Eligibility and Agency Evaluation of the Bureau of Postsecondary Education of the Office of Education must have received by January 31, 1977 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

(20 U.S.C. 1070b–3; 42 U.S.C. 2756; 20 U.S.C. 1087aa–ff.)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program.)

Dated: August 26, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.76–25934 Filed 9–2–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 76–13]

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

Public Hearings

Notice is hereby given that the Federal Highway Administration of the Department of Transportation will hold public hearings to solicit views of private citizens and groups and public officials pursuant to section 153 of the Federal-Aid Highway Act of 1976 (Pub. L. 94–280).

Section 153 of the statute directs the Secretary of Transportation to make an investigation and study "for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems."

Information and views on the following issues are invited at the public hearings:

(1) Forecasts to 1985 of production and use of coal and other energy resources;
(2) Need for highway improvements to haul energy resources;
(3) Need for highway improvements to serve increased population attracted by development of energy resources;
(4) Appropriateness of alternative modes for transporting energy resources;
(4) Adequacy of Federal and State revenues and programs to make necessary highway improvements;
(6) Needed changes in Federal and State policies and programs;
(7) Responsibilities of various levels of government and private enterprise.

Interested parties are invited to attend and comment on these or other relevant issues. Comments may be written or oral. The hearings will be informal, and will be held at the following locations beginning at 9 a.m. local time:

September 28, 1976—Ponderosa Inn, 2511 First Avenue North, Billings, Montana 59101.
Presiding Officer: Richard O. Jones, FHWA Regional Counsel (303–234–2149).
September 30, 1976—Sheraton Old Town Hotel, 800 Rio Grande Boulevard, NW, Albuquerque, New Mexico 87104.
Presiding Officer: Daniel Dake, FHWA Regional Director of Planning and Research (817–334–3227).
October 12, 1976—Kentucky Department of Transportation Auditorium, High and Clinton Streets, Frankfort, Kentucky 40601.
Presiding Officer: Robert E. Johnson, FHWA Division Administrator (502–352–5468).
October 15, 1976—Allegheny County Court House, Grant Street and Forbes Avenue, Room 410, Pittsburgh, Pennsylvania 15219.
Presiding Officer: Francis J. Locke, FHWA Regional Counsel (301–922–2482).

Participants may present their views at the most convenient hearing location. Written statements should be submitted in duplicate to the presiding officer and shall be made a part of the record. Persons wishing to make oral statements at the hearings must notify the presiding officer in advance that they desire to be heard. Presentations will be limited to 15 minutes. Presentations will be scheduled in the order that such notifications are received, and other interested persons may thereafter make oral statements on a first-come first-served basis.

A transcript of the hearings will be made and any person may purchase copies from the reporter. A transcript of the hearing will be available for examination in the Office of the Director, Office of Program and Policy Planning, Federal Highway Administration, Department of Transportation, Room 3326, 400 Seventh Street, SW, Washington, D.C. 20590.

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In addition, other interested persons or groups may file written statements with the Federal Highway Administration, Office of the Chief Counsel, Room 4226, at the above address. It is requested, although not required, that 3 copies of such written statements be submitted. All such statements received before the close of business on October 29, 1976, will be made part of the public record, and will be available for examination at such location.

Issued in Washington, D.C., on September 1, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-26131 Filed 9-2-76;9:34 am]

CIVIL AERONAUTICS BOARD

[Order 76-8-156; Docket 28795; Agreement CAB 25980]

AMERICAN SOCIETY OF TRAVEL AGENTS, INC., AND THE AMERICAN EXPRESS CO.

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August, 1976.

By application dated July 1, 1976, certain air carriers,[1] the American Society of Travel Agents, Inc. (ASTA), and the American Express Company request prior Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), and Subpart P of the Board's Rules of Practice, 14 CFR 302.1601, et seq., of an agreement establishing pilot projects for a multicarrier/travel agent reservations transfer system. The agreement resulted from initial discussions and studies concerning the creation of a multicarrier computerized reservations system held pursuant to the provisions of Order 76-3-36, as modified by Order 76-4-86.

The agreement establishes the terms and conditions under which the parties would undertake the planning, financing, and execution of certain pilot projects designed ultimately to provide computer capabilities to the nation's travel agents and to result in increased efficiency and convenience in connection with airline reservations functions.

The pilot projects involve a commitment of air carrier and travel agent funds and the testing of a reservations transfer system by several air carriers and travel agents. Each party to the agreement has contributed $25,000 for the funding of the projects, which sum will be retained in a trust account and disbursed as authorized by their representative. The testing will initially involve a pilot system modeled after one developed in London by an organization called TRAVICOM. The pilot test will involve installations in three travel agency locations to interface with three airlines.

The projects are to be undertaken and completed during a nine-month period ending June 1, 1977. They will be planned and implemented through a system of committees and subcommittees. Decisions of the committees will be arrived at by a vote, with one vote to be cast by the air carrier participants collectively and one vote to be cast by ASTA as the travel agent representative. Membership on the committees would be confined to the parties to the agreement. However, the applicants propose to develop appropriate procedures to provide for participation and input in the work of the committees from other air carriers, travel agent associations, and interested third parties. A summary of the work of the committees and subcommittees will be prepared and distributed monthly to interested persons.

The parties offer in support of their agreement that, as has been recognized since the early 1960's by the Board, the air carriers, and travel agents, there is substantial benefit to be derived by the traveling public and the air transport industry from a technically and economically feasible system of bringing automation to the nation's travel agents. Despite such recognition, they point out that repeated efforts by air carriers, prospective vendors, and travel agents to bring about establishment of a common automated reservations system have failed. The parties, after some preliminary discussions, now seek approval to conduct one or more pilot projects with a view toward finding some alternative approach to travel agent automation.

A joint answer to the application was filed by the American Automobile Association, Inc. (AAA) and the Association of Retail Travel Agents, Ltd. (ARTA). They "reluctantly" oppose approval of the agreement as being to vague and uncertain in its terms regarding the extent and manner in which nonsignatory parties could participate in discussions held pursuant to the agreement. To make the agreement more consistent with the Board's order originally authorizing the discussions, AAA and ARTA seek conditions requiring that any travel agent organization have the right to be present at and participate in all meetings and discussions of any type, including executive sessions, and have its views fully recorded in the minutes filed with the Board. A reply to the AAA/ARTA answer was filed by the parties to the agreement in which they indicate that the conditions sought by AAA and ARTA will be included in the procedures to be established for the committees. The parties to the agreement also state that timely notice of meetings will be provided to AAA and ARTA to permit their attendance, provided that it not delay the meetings.

Upon consideration of the foregoing, we have decided to approve the agreement. Although the pilot projects appear to exist largely as a continuation of the discussions and study previously authorized by the Board, Order 76-3-36, we agree with the parties that their commitment to supply money as well as administrative and technical support and to operate a pilot reservations system does go beyond the original authorization.[2] However, the factors which moved the Board to authorize discussions in this area are equally applicable to support approval of the agreement. The establishment of a common automated reservations system offers potential benefits to the airlines, travel agents, and the public through the provision of a more efficient reservations system with resulting time and cost savings.[3]

The operation of a test system and the accompanying study and discussions appear to be prudent steps in the overall process of attempting to develop a reservations system where others have failed. As the parties move closer to the prospect of a final agreement establishing a system, they are reminded of the concerns previously expressed by the Board regarding anticompetitive problems encountered with earlier systems.[4]

Our immediate concerns go to ensuring that the operations, studies, and discussions that are conducted under the agreement herein are conducted so as to permit full participation by all interested persons. In approving the agreement herein we will attach appropriate conditions, in addition to those established or agreed to by the parties to the agreement, to serve as minimum standards regarding nonparty participation. We have included the condition requested by ARTA and AAA. Since the agreement parties have indicated their intent to adopt the procedures requested by ARTA and AAA, including them as a condition to approval will impose no hardship and, in any event, we believe that such conditions are in the public interest. As conditioned, the Board finds the agreement is not adverse to the public interest nor in violation of the Act and should be approved.

Accordingly, *it is ordered*, That: 1. Agreement CAB 25980 be and it hereby is approved subject to the following conditions:

(a) All U.S. certificated air carriers, all commuter air carriers, and all interested travel agents and/or their trade associations shall be given an opportunity to be present at and participate in all discussions, meetings, and activities of any committee, subcommittee, task force, or working group, including executive sessions held pursuant to this order;

(b) The discussion meetings, operations, and other study activities authorized by this order may take place at dates, times, and locations determined by the parties;

(c) Representatives of the Board, the Department of Transportation, and the Department of Justice shall be permitted to attend each of these discussion meetings as observers;

(d) Notices, agenda, ground rules for the participation by interested persons and for the oral presentation by such persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting[5] authorized herein, shall be sent to (1) all persons participating in these discussions, (2) the Board's Docket Section, and (3) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting; further, the parties shall provide for the consideration of oral and written presentations by interested persons before the start of, or during, each noncontinuous meeting authorized herein, and after an oral presentation by the parties of the tentative conclusions reached in their executive sessions;

(e) Complete and detailed minutes of these discussions shall be maintained by the parties, including a summary of each item discussed and the opinions expressed by the discussants, including nonsignatory discussants, on each point (although not necessarily identifying the airline or airline representative making each point); such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[6] within 5 business days after the date of each meeting;

(f) Any agreement or agreements reached as a result of the discussions conducted herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382), Part 261 of the Board's Economic Regulations (14 CFR 261), and Subpart P of the Board's rules of practice (14 CFR 302.1601 et seq.) and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(g) The pilot projects approved herein shall be completed by June 1, 1977; and

(h) The approval granted herein may be extended, modified, clarified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 CFR 385);

2. This order shall be served on all certificated air carriers, on all other persons who responded to the application herein, and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25947 Filed 9-2-76;8:45 am]

[Order 76-8-154; Docket 29682]

NORTHWEST AIRLINES, INC.

Excursion Fares; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August, 1976.

Northwest Airlines, Inc. (Northwest) has recently filed a tariff which proposes 30/120-day excursion fares from points in the United States to Bangkok, Seoul, Hong Kong, and Taipei, effective September 1, 1976.[1] The fares are set at levels 30 to 45 percent below the existing round-trip normal economy fares, and are equal to existing 30/120-day fares to the Orient available from Canada on routes of comparable distance. (See Appendix I.)[2]

In support of the fares, Northwest notes that the existing 30/120 day fares in Canada greatly undercut the round-trip normal economy fare from the United States.[3] Northwest contends that the disparity in fare levels creates diversion of passengers from U.S.-originating carriers to Canada-originating carriers, amounting to a loss of more than 100 passengers a month for Northwest alone, and proposes to match the Canadian fares as a competitive measure. It argues that the new fares would increase revenue by $1,380,750 per year, assuming that 60 percent of the traffic is newly generated and 40 percent reflects dilution from the higher normal fares. With an average incremental cost of $139.75 per passenger,[4] Northwest anticipates a net revenue increase in excess of $1 million per year. (See Appendix II.)[2]

China Airlines, Ltd. (China Air) has filed a complaint requesting that Northwest's tariff be suspended pending investigation. China Air argues that the fares proposed by Northwest are substantially lower than necessary to meet competition, since they do not reflect the fare from U.S. points to Canada, and that they have not been shown to meet the Board's tests for economic reasonableness.

In reply, Northwest contends that China Air has provided no factual documentation to dispute its claim that the fares are economic, and that they will add to total profit and should therefore be approved. It further argues that common-rating the 30/120-day fares on the west coast is consistent with the general fare structure.

Upon full consideration of Northwest's tariff and justification, China Air's complaint, and other relevant matters, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposal pending investigation. While we have approved tariffs in the past which were designed to meet Canadian competition (e.g., youth fares to Europe, Order 75-3-101, dated March 27, 1975), the fare level reflected the local fare from the U.S. to the Canadian gateway. Northwest, however, proposes to match the Canadian level, without explaining why the lower level is necessary.[5]

Northwest argues that the fares will add significantly to its net revenue, based on incremental costs. While this approach may be valid in some cases in the short run, Northwest has not provided adequate support for its incremental cost analysis.[6] It is clear that the fares fall far short of covering fully allocated costs, and would tend to burden the higher-fare passenger. The Board cannot approve such fare levels in the absence of a most compelling argument, which Northwest has failed to provide. As Northwest has neither presented a clear showing that the proposed fare levels are necessary to curb diversion of traffic through Canada, nor demonstrated that the fares cover either incremental or fully allocated costs, we will suspend its 30/120-day tariff, pending further investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions set forth in Appendix III hereof, and rules, regulations, or practices affecting such provisions,

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[1] The following 12 air carriers were parties to the agreement: American Airlines, Braniff International, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Hughes Airwest, National Airlines, Northwest Airlines, Pan American World Airways, Trans World Airlines, United Air Lines, and Western Air Lines.

[2] We note that the discussion authorization granted by Order 76-3-36 expires on September 1, 1976.

[3] See Agreement relating to an automated reservations system, Order E-25635, dated September 6, 1967; Application of American Airlines for discussion authorization, Order 74-11-37, dated November 8, 1974; Application of ASTA for discussion authorization, Order 76-3-36, dated March 5, 1976.

[4] See Order 74-11-37, supra; Automated Reservations Systems Investigation, Order 70-9-10, dated September 1, 1970.

[5] By noncontinuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

[6] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. ASTA will serve as the party to contact to make such requests. Communications should be addressed to Paul S. Quinn, Counsel for ASTA, Wilkinson, Cragun and Barker, 1735 New York Ave. NW., Washington, D.C. 20006.

[1] China Airlines, Ltd. and Philippine Air Lines, Inc. have filed to match Northwest.

[2] Appendices filed as part of the original document.

[3] For example, the normal round-trip fare from San Francisco to Bangkok is $1,482, while the 30/120-day excursion fare from Vancouver is $809.

[4] Northwest does not explain the derivation of this figure.

[5] For example, while the present combination of fares from San Francisco via Vancouver to Bangkok is $971 (162+809), Northwest would charge $809 from San Francisco to counter the Canadian competition.

[6] We would note that Northwest has posted no expiration date on its tariff, even though it is justified only in the short run.

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are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in Appendix III ' hereof are suspended and their use deferred from Septmber 1, 1976 to and including August 31, 1977 with respect to Pacific Passenger Fares Tariff No. PF–5, C.A.B. No. 56, and from September 3, 1976 to and including September 2, 1977 with respect to Passenger Fares Tariff No. PF–4, C.A.B. No. 44, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President ' and shall become effective on August 31, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariffs and be served upon China Airlines, Ltd., Northwest Airlines, Inc., and Philippine Air Lines, Inc.; and

6. Except to the extent granted herein, the complaint of China Airlines, Ltd., in Docket 29603, be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–25848 Filed 9–2–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given; pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on Septmber 24, 1976, at the Sheraton Inn, 6th & Ferry Street, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, New Moore Building, Room 231, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the report "The Economic Structure of the East Arkansas Planning and Development District" and propose a course of action for the Delta Followup project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

See page 37391 for footnote.³

' This order was submitted to the President on August 20, 1976.

Dated at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25932 Filed 9–2–76;8:45 am]

DELAWARE ET AL. ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia Advisory Committees to this Commission will convene at 11 a.m. and end at 4 p.m. on September 22, 1976, at 2120 L Street, NW., Lower lobby conference room, Washington, D.C. 20037.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to plan for the Mid-Atlantic's Region's School Desegregation Conference.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington. D.C.. August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25929 Filed 9–2–76;8:45 am]

MAINE ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (MAC) to this Commission will convene at 12 noon and end at 6 p.m. on September 24, 1976, and reconvene at 8 a.m. and end at 12 noon on September 25, 1976, at the Atlantic Oaks by the Sea, Bar Harbor, Maine.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this open meeting is to discuss program planning for the coming year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25927 Filed 9–2–76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. and end at 3:30 p.m. on September 23, 1976, at 27 School Street, Lower Level Conference Room, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program plans for the coming year, including National projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25926 Filed 9–2–76;8:45 am]

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 3:30 p.m. on October 7, 1976, at the Superior Industrial Park, Northwest Metal Company Building, Lincoln, Nebraska 68501.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this open meeting is to plan for upcoming projects and discuss followup activities.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25933 Filed 9–2–76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on September 21, 1976, at the Ramada Inn, Concord, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss and plan programming for the coming year (i.e., bilingual education; National projects; October 31 Conference of New Hampshire State Association of Principals).

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated: at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25928 Filed 9–2–76;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) to this Commission will convene at 4 p.m. and end at 6 p.m. on September 21, 1976, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York.

The purpose of this open meeting is detailing of plans for juvenile project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated: at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25931 Filed 9–2–76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 a.m. and end at 10:30 p.m. on September 20, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to plan for the October 2, Textbook Conference.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated: at Washington, D.C., August 30, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–25930 Filed 9–2–76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to procurement list 1976, November 25, 1975 (40 FR 54742) of the commodities listed below were published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27424) and on June 30, 1976 (41 FR 26950).

After consideration of all the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Pub. L. 92–28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Class 8465
Bag, Laundry, Self-Closing, Ropeless
8465–00–656–0816
Class 7510
Refill, Automatic List Finder
7510–00–285–2800
7510–00–530–7191

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–25887 Filed 9–2–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Meetings

The Energy Research and Development Administration (ERDA) will hold the third in a series of public meetings on its National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future (ERDA 76). The meeting will be held September 20, 21 and 22 at the Sheraton Palace Hotel in San Francisco. (Note that these dates represent a change from the original September 21 and 22 dates announced in the FEDERAL REGISTER August 6, 1976, Vol. 41, No. 153, p. 32945.) Registration begins at 7:00 pm on September 20.

The purpose of the public meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development and demonstration, including emerging energy technologies. It is ERDA's intent to conduct a meaningful dialogue with local, state and regional groups and citizens concerning regional energy issues. These meetings are a major element in that process. A public meeting in Boston is planned also for later this year. Details, times and locations of any additional public meetings will be announced in future notices.

The format of the public meetings includes panels composed primarily of ERDA Assistant Administrators responsible for the energy production environment and safety, and conservation technologies described in the National Plan. These panels will explain the purpose and content of the Plan and receive the comments of the public. The moderator for the sessions will be announced prior to each public meeting.

Single copies of the Plan may be obtained by writing to US–ERDA, Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830. Copies will also be available for inspection at ERDA Headquarters (20 Massachusetts Avenue, NW, Washington, DC) and at all ERDA Operations Offices.

A notice of intent to make a presentation at the San Francisco meeting should be addressed to Ms. Martha Dixon, 1333 Broadway, Oakland, California 94612. This notice of intent should set forth:

1. The name and address of the participant;
2. The nature of the participant's interest in the National Plan, and the participant's organizational affiliation, if any;
3. The length of time requested for the presentation; and
4. Where practicable, the text of any statements to be presented, or a reasonably detailed sumary thereof.

The notice to make a presentation must be received no later than one week in advance of the meeting to ensure scheduling. An effort will be made to schedule the full-time requested, but, in order to assure all participants a fair opportunity to present their views within the time constraints, the presentations may be limited in length. Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become participants. If time permits, the moderator will allow these persons the opportunity to make formal presentations.

Time will also be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel. Persons who do not wish to make an oral presentation, or whose schedules do not permit appearance at the meeting may submit a written statement to ERDA for consideration. The statements should be sent to the aforementioned address.

Dated at Washington, DC this 26th day of August 1976.

For the Energy Research and Development Administration.

RAYMOND G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc 76–25839 Filed 9–2–76;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 611-1; PP6G1843/T81]

CAPTAFOL

Establishment of a Temporary Tolerance

The Agricultural Experiment Station, Michigan State University, East Lansing MI 48824, has submitted a pesticide petition (PP 6G1843) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the fungicide captafol (cis - N - [(1,1,2,2-tetrachloroethyl) thiol-4-cyclohexene - 1,2 - dicarboximide) in or on the raw agricultural commodity carrots at 1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quanity authorized by the experimental use permit.

2. The Agricultural Experiment Station, Michigan State University must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The Experiment Station must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires August 27, 1977. Residues not in excess of 1 ppm remaining in or on carrots after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: August 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25805 Filed 9-2-76;8:45 am]

[FRL-605-3; Docket Nos. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Consolidated Mercury Cancellation Hearing; Settlement and Order

Correction

In FR Doc. 76-24921, appearing at page 36068 in the issue of Thursday, August 26, 1976, the headings should read as set forth above.

[FRL 611-4]

ENVIRONMENTAL RADIATION EXPOSURE ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that an open meeting of the Environmental Radiation Exposure Advisory Committee (EREAC) will be held on September 28-29, 1976, from 9 a.m. to 4:30 p.m. each day, in Conference Room 3906, Waterside Mall, 401 M Street, SW, Washington, D.C.

This is the fifteenth meeting of the Committee and will center on discussions of the recommendations of the fourteenth meeting, future Committee activities, and a review and discussion of the Office of Radiation Programs current critical problem areas.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact Claire C. Palmiter, Executive Secretary, EREAC, Office of Radiation Programs, (202) 755-4894.

Dated: August 31, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-25970 Filed 9-2-76;8:45 am]

[FRL 611-2]

MINORITY BUSINESS ENTERPRISES

Proposed Policy on Utilization of A&E/ Consultant

INTRODUCTION

In implementation of 40 CFR 35.936-7, the Environmental Protection Agency plans to institute a Policy in cooperation with the architectural and engineering professions to encourage an increase in the use of minority consulting firms on EPA assisted projects. The Policy is intended to implement agency and Federal Government requirements that positive efforts be made by recipients of federal assistance to utilize minority-owned business sources of supplies and services, allowing these sources the maximum feasible opportunity to compete for contracts and subagreements to be performed utilizing federal grant funds.

DEFINITIONS

Minority business enterprise. A business, at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members or as defined by State requirements.

Minority group members. Negroes, persons of Hispanic origin, American-Orientals, American-Indians, American-Eskimos, and American-Aleuts.

STATEMENT OF THE POLICY

The goal of the Policy is promotion of fair opportunity for participation by minority consulting firms on EPA assisted projects. Any use of a quota system is prohibited.

All applicants/grantees and consulting firms on all FWPCA Title 2 construction, section 208, and section 104(h) grant projects are expected to promote this goal. Whenever there is no minority participation on any project for sections 208 and 104(h) or Step I of section 201, (exclusive of sewer system evaluation) involving consulting services contracts equalling or exceeding $100,000; or $500,000 on a project for Step II of section 201, the applicant/grantee and consulting firm must be prepared to demonstrate to EPA Regional Office the steps they took to seek minority participation and the reasons why none was obtained. This must be done prior to EPA approval of the grant or subagreement under the grant. (EPA will monitor every project where consulting services contracts equal or exceed as specified above for compliance with this policy.)

On all FWPCA Title 2 construction, Section 208, and Section 104(h) grant projects where the estimated consulting service contracts are less than as specified above, EPA will monitor projects on a random sample basis. Documentation of efforts made to utilize minority firms must be maintained by all applicants/grantees and consulting firms.

RESPONSIBILITIES OF PARTICIPANTS

APPLICANT/GRANTEE

All applicants/grantees will be expected to take positive steps to afford fair opportunities for minority firms to participate on EPA assisted projects, including when appropriate: (a) Utilizing a source list of minority business enterprises, (b) giving minority firm sufficient time to submit proposals in response to solicitations; (c) including in all requests for proposals for consultants the "utilization of minority contractors/subcontractors statement" from EPA grant regulations and their proposed method for implementing it; (d) making available to all minority firms interested in subcontracting or otherwise participating, a list of the prospective prime consultants expressing an interest in the specific EPA assisted project; (e) providing all the prospective prime consultants with a source list of minority-owned firms; (f) informing prospective consultants of the EPA policy concerning the utilization of minority businesses; (g) maintaining records showing minority firms contacted, awards to minority business enterprises, and specific efforts to identify and award contracts to minority business enterprises not previously identified; and, (h) reviewing consultants participation.

CONSULTING FIRMS

All consulting firms on EPA assisted projects are expected to take positive steps to afford opportunities for minority-owned firms to participate on the projects by: (a) Extending opportunity for subcontracting or joint arrangements to minority business enterprises and assuring EPA and the grantee that every effort will be made to establish joint arrangements with, or award subcontracts to, minority business enterprises; (b) providing EPA with a list of the minority firms to be utilized through subcontracts or joint arrangements (including the nature of the contract and the dollar value), or if minority-owned available firms will not be used, explaining why; (c) maintaining records showing minority firms contacted, awards to the minority business enterprises, and specific efforts to identify and award contracts to minority business enterprises not previously identified; and (d) requiring that each subcontractor under the contract comply with the provisions of the contract and the minority business enterprise requirements.

ARCHITECTURAL AND ENGINEERING PROFESSIONAL ASSOCIATIONS

As their part in this cooperative program, the particiapting architectural and engineering professional associations have agreed that they will: (a) Announce and publicize the program to their memberships; (b) encourage subcontracting and joint arrangements with minority architectural and engineering firms; and (c) provide a register of minority architectural and engineering firms to their memberships and EPA.

MINORITY-OWNED FIRMS

Minority-owned firms are expected to: (a) Become involved in initial State and local project planning process; (b) furnish State and local governments capability statements; and, (c) maintain liaison with the nearest EPA Regional Civil Rights Office.

ENVIRONMENTAL PROTECTION AGENCY

EPA will actively monitor performance under this cooperative Policy in each EPA Regional Office.

EPA Regional Civil Rights Offices will: (a) Notify in writing State agencies and grantees of the minority business enterprise requirements, for FWPCA Title 2 grants (upon receiving State priority lists), Section 208 grants, and Section 104 (h) grants; (b) provide applicants/grantees with a listing of minority consultants in their particular regional areas (This list would not be all inclusive, nor would inclusion reflect EPA endorsement or certification of the firms' capabilities); (c) notify minority A&E/consultant associations and other appropriate organizations of grants to be awarded; (d) report to Headquarters quarterly on the status of the Policy, including contracts awarded to minority firms; and (e) provide an overview of the Policy by means of a subgroup selected from EPA Technical Advisory Group.

LISTING OF MINORITY FIRMS

ACEC, NSPE/PEPP and Minority A&E/Consultant Associations have agreed to prepare and maintain a list of minority architectural and engineering firms who have expressed interest in being considered. As noted above, the list will be neither all inclusive nor will it represent any endorsement. Any firms interested in being listed may indicate so by contacting John T. Pal at the Municipal Construction Division, Environmental Protection Agency, Washington, D.C. 20460.

ALVIN L. ALM,
Administrator.

AUGUST 27, 1976.

[FR Doc.76-25806 Filed 9-2-76;8:45 am]

[FRL 611-5; OPP-180088]

NORTH CAROLINA DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Methomyl To Control the Fall Armyworm

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the North Carolina Department of Agriculture (hereafter referred to as the "Applicant") to use methomyl to control populations of the Fall Armyworm which are threatening Coastal Bermudagrass grown on approximately 5,000 acres in southeastern North Carolina. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460.

According to the Applicant, the Fall Armyworm (*Spodoptera frugiperda*) fluctuates in abundance, undergoing cycles which reach destructive peaks at varying periods of years. Corn, sorghum, and other plants of the grass family are the preferred food of the caterpillar. The Applicant further stated that infestations of this pest are especially bad in the South in seasons following a cold, wet spring. The fall armyworm overwinters in the Gulf Coast region and migrates northward each summer. There is usually only one generation of fall armyworms in each locality each season; however, several overlapping generations sometimes occur.

Coast Bermudagrass (*Cynodon dactylon*) is grown as a forage ground crop and grazed by cattle; cut and cured for hay; or cut, dried, and ground for use in feed mixes for cattle, hogs, and poultry, or the meal is pelletized for animal feed. According to the Applicant, the crop is of vital importance to the livestock industry. The Applicant expects an infestation of fall armyworms greater than a previous outbreak in North Carolina in 1975, if a pesticide is not available which will give adequate control. Treatment for control should begin as soon as large numbers of larvae are observed, the Applicant stated; the larvae are most abundant in August and September.

Carbaryl and trichlorfon are registered by EPA for control of the fall armyworm on Coastal Bermudagrass; however, the Applicant reported that both carbaryl and trichlorfon did not give effective control of fall armyworms on this Bermudagrass during a serious outbreak in North Carolina about mid-September 1975. The fall armyworm caused severe defoliation and losses in yield of Coastal Bermudagrass in the southeastern part of the State during the outbreak. The Applicant stated that one commercial processor, who lost 1,200 tons of processed hay (valued at $134,000) spent $20,000 for the application of carbaryl to control the pest and failed to obtain adequate control. Although efficacy data submitted by the Applicant showed that both methomyl and monocrotophos are efficacious for the control of this pest on Coastal Bermudagrass, the Applicant selected methomyl as the candidate for specific exemption because studies have shown monocrotophos residues persist longer on plants than methomyl residues.

The Applicant will treat Coastal Bermudagrass with from one-quarter (0.25) to one-half (0.50) pound of actual methomyl per acre applied by air and/or ground. More than one application may be needed to control the fall armyworm should overlapping generations occur, as discussed previously. The following counties are involved: Bladen, Columbus, Cumberland, Hoke, Moore, Richmond, Robeson, and Scotland. The Applicant will supervise all applications of this pesticide; only State-licensed commercial aerial applicators will be involved in the aerial application(s).

Any potential environmental hazard caused by run-off of methomyl applied to the Bermudagrass would be negligible, due to the retardation of run-off by the dense sod and gentle slope of the Coastal Plain and Lower Piedmont region of North Carolina.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fall armyworms has or is about to occur; (b) there is no pesticide presently registered and available for use to control the fall armyworm in North Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard;

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(d) significant economic problems may result if the fall armyworms are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 15, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Coastal Bermudagrass acreage to be treated is limited to the eight (8) counties listed in this notice;

2. Rate of application will be from one-quarter to one-half pound of actual methomyl per acre per application;

3. Applications are to be under the supervision of the North Carolina Department of Agriculture. Only State-licensed commercial aerial applicators are to be involved with the aerial application of methomyl;

4. A seven (7) day restriction against grazing of treated fields, a seven (7) day preharvest interval for cutting hay to be air-cured, and a three (3) day preharvest interval for grass that is to be processed into meal and pellets are imposed; and

5. There are no established tolerances for methomyl on Coastal Bermudagrass. It has been determined that Coastal Bermudagrass with methomyl residues not exceeding five (5.0) ppm may be offered in interstate commerce. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action.

Dated: August 30, 1976.

JAMES M. CONLON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-25968 Filed 9-2-76;8:45 am]

[FRL 611-6; PP6G1751/T78]

SANDOZ, INC.

Establishment of a Temporary Tolerance; O-(6-ethoxy-2-ethyl-4-pyrimidinyl) O,O-dimethyl phosphorothioate

Sandoz, Inc., PO Box 1489, Homestead, FL 33030, has submitted a pesticide petition (PP 6G1751) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide O-(6-ethoxy-2-ethyl-4-pyrimidinyl) O,O-dimethyl phosphorothioate, its P=O analog (6-ethoxy-2-ethyl-4-pyrimidinyl phosphate), and its phenolic metabolite (6-ethoxy-2-ethyl-4-pyrimidinol) in or on the raw agricultural commodity corn grain (except popcorn), including cob and husk, at 0.2 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that was issued June 3, 1976, under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experiemntal use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Sandoz, Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 3, 1977. Residues not in excess of after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: August 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-25969 Filed 9-2-76;8:45 am]

FEDERAL COMMUNICATION COMMISSION

[Supplement 3]

CANADA-U.S.A. TV AGREEMENT OF 1952 (TIAS-2594)

Amendment of Table A

AUGUST 25, 1976.

Supplement No. 3 to the table of Canadian Television Channel Allocations within 250 miles of the Canada-U.S.A. Border, dated December 6, 1974, as revised to September 12, 1974.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. Television Agreement has been amended as follows:

Location	Channel No. Delete	Channel No. Add
Lethbridge, Alberta		10-L(4)
Rosemary, Alberta, [N. 50°41'11" W. 112°7'00"]		11 L(7)
Chilliwack, British Columbia	5	3 L(21)
Mount Kobau, British Columbia		3+L(23)
Newcastle Ridge, British Columbia	11-	
Oliver, British Columbia	8	8 L(25)
Fort Hardy, British Columbia		6
Trail, British Columbia		8+L(24)
Woss Camp, British Columbia		12
Fairford, Manitoba		7-L(17)
Fisher Branch, Manitoba		8-L(12)
Interlake, Manitoba	8-L(12)	
Jackhead, Manitoba	6-	6
Lac du Bonnet, Manitoba	5-L(9)	
Ste. Rose du Lac, Manitoba	7-L(18)	
Chatham, New Brunswick		6L(5)
Edmundston, New Brunswick	13	13 L(16)
Chapleau, Ontario	7+L(14)	7+L(15)
Kenora, Ontario	8	8 L(22)
North Bay, Ontario		+L(10)
Pickle Lake, Ontario		9 L(3)
Bearn/Fabre, Quebec, [1 N. 47°15'16" W. 79°22'38"]		3 L(8)
Carleton, Quebec		4-L(6)
Clermont, Quebec	23+	31
Fox River, Quebec	7 L(27)	
Gaspe, Quebec		13-L(13)
La Pocatiere, Quebec		68
La Tuque, Quebec		9-L(2)
Riviere au Renard, Quebec		7 L(27)
Roberval, Quebec	10-	10
St. Pamphile, Quebec		3+L(28)
St. Prosper, Quebec		23+
Ste. Anne de la Pocatiere, Quebec	68	
Ste. Foy, Quebec	8+L(11)	
Trois-Rivieres, Quebec		8 L(1)
Arsbella, Saskatchewan	7-L(19), 13 L(26)	
Norquay, Saskatchewan		7-L(20), 13 L(26)

[1] Approximate site.

NOTES

L(1) Limitation of 12.5 maximum ERP and 442 ft EHAAT.
L(2) Limitation to protect CKRS-TV-1 Fort Alfred, Quebec, and CKSH-TV, Sherbrooke, Quebec.
L(3) Limitation to protect CBWDT, Dryden, Ontario.
L(4) Limitation to protect CBUBT-7, Cranbrook, British Columbia, and CKRD-TV-1, Coronation, Alberta.
L(5) Limitation to protect CHSJ-TV-1, Bon Accord, New Brunswick.
L(6) Limitation to protect CHSJ-TV, Saint John, New Brunswick, and to protect a cochannel allocation at Grand Falls, New Brunswick.
L(7) Limitation to protect CBUBT-10, Natal, British Columbia.
L(8) Limitation to protect CKSO-TV-1, Elliot Lake, Ontario, CKSO-TV-2, Timmins, Ontario, and CBFT-2, Mount Laurier, Quebec.
L(9) Limitation to protect CKX-TV, Brandon, Manitoba, and CBWCT, Fort Frances, Ontario.
L(10) Limitation to protect CJOH-TV-6, Deseronto, (Kingston-Belleville), Ontario, and CFCL-TV, Timmins, Ontario.
L(11) Limitation of 200 W maximum ERP and 370 ft EHAAT.
L(12) Limitation to protect CBWST, Dauphin, Manitoba, and CBWAT, Kenora, Ontario.
L(13) Limitation to protect CBST, Sept Iles, Quebec.
L(14) Limitation to protect CBFOT-2, Hearst, Ontario.
L(15) Limitation to protect CBFOT-2, Hearst, Ontario, and CFCL-TV-1, Elliot Lake, Ontario.
L(16) Limitation to protect CBUT-5, St. Fabien de Panet, Quebec.
L(17) Limitation to protect CICC-TV-2, Norquay, Saskatchewan, CBWIT The Pas, Manitoba, and CKY-TV, Winnipeg, Manitoba.
L(18) Limitation to protect CKY-TV, Winnipeg, Manitoba, and CFSS-TV, Carlyle Lake, Saskatchewan.
L(19) Limitation to protect CBWIT, The Pas, Manitoba, and CFSS-TV, Carlyle Lake, Saskatchewan, and a cochannel allocation at Fairford, Manitoba.
L(20) Limitation to protect CBWIT, The Pas, Manitoba, CFSS-TV, Carlyle Lake, Saskatchewan, and a cochannel allocation at Fairford, Manitoba.
L(21) Limitation to protect a cochannel allocation at Mount Kobau, British Columbia.
L(22) Limitation to protect a cochannel allocation at Fisher Branch, Manitoba.
L(23) Limitation to protect CBUT-2, Chilliwack, British Columbia, cochannel allocations at Creston and Nelson, British Columbia.
L(24) Limitation to protect CBUBT-9, Fernie, British Columbia, and CHBC-TV-3, Oliver, British Columbia.
L(25) Limitation to protect cochannel allocation at Trail, British Columbia.
L(26) Limitation to protect an allocation at Regina, Saskatchewan.
L(27) Limitation of 63 W and 850 ft EHAAT to protect CKCD-TV, Campbellton, New Brunswick.
L(28) Limitation to protect CBVT-2, La Tuque, Quebec, CJBR-TV, Rimouski and an allocation at Woodstock, New Brunswick.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street, NW, Washington, D.C. 20006, telephone (202) 452-1422.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-25898 Filed 9-2-76;8:45 am]

[Report No. 821]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

AUGUST 30, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier. (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22672-CD-P-76, Teletron Communication Electronics, Inc. (KUS416), C.P. to replace transmitter and change antenna system operating on 152.06 MHz at Loc. No. 1: 3 miles SSW of Coos Bay, Oregon.

22678-CD-MP-76, Decatur Telephone Company, Inc. (KWT981), C.P. to change antenna system operating on 152.84 MHz at Loc. No. 1 mile west of Decatur, 4000' west of Hwy. No. 15 and 800' N. of Conehatta Road, Decatur, Mississippi.

22679-CD-P-76, The Ohio Bell Telephone Company (KQD598), C.P. to change antenna system operating on 152.54 MHz located 2.6 miles N.W. of Middletown, Section 9, on Michael Road, Middletown, Ohio.

22680-CD-P-76, Peacock Radio Service (KLF-662), C.P. for additional facilities to operate on 43.58 MHz at Loc. No. 1: 1100 Cleveland Street, Clearwater, Florida.

22681-CD-TC-(2)-76, Radio Dispatch Corp. Consent to Transfer of Control from Carl B. Milliard, Jr., Transferor to Edward Konjoyan, Transferee. Station: KSV928 and KMD992, Pomona, California.

22682-CD-P-76, Intrastate Radio Telephone, Inc. (KQZ714), C.P. for additional facilities to operate on 152.24 MHz. to be located at a new site described as Loc. No. 5: Sunol Ridge, 4.3 miles NE of Niles, California.

22683-CD-P-(2)-76, Intrastate Radio Telephone, Inc. (KMA833), C.P. for additional facilities to operate on 152.03 and 152.06 MHz to be located at a new site described as Loc. No. 7: Sunol Ridge, 4.3 miles NE of Niles, California.

22684-CD-MP-76 Paging, Inc. (KWT884) C.P. for additional facilities to operate on 454.-250 MHz to be located at a new site described as Loc. No. 2: 147 Jackson Street, Blacksburg Virginia.

226887-CD-AL-(3)-76, Harry Tarbell d/b as Pacific Union, Consent to Assignment of License from Harry Tarbell d/b as Pacific Union Assignor to Pacific Paging, Inc. Transferee. Station: KSV964, KUA267 and KOP256, Portland, Oregon.

22688-CD-P-76, Northwestern Bell Telephone Company (KUO571), C.P. to change antenna system operating on 152.84 MHz located 103 North 5th Street, Grand Forks, North Dakota.

22689-CD-P-(12)-76, Southwestern Telephone Company (KKA819), C.P. to change antenna system and relocate facilities operating on 152.51 152.63 152.72 152.75 454.-400 454.450 454.550 454.425 454.475 454.600 454.650 MHz. to be located at 3303 Weslayan, Houston, Texas.

22690-CD-P-(2)-76, Otsego Mobilfone Corporation (KWT879), C.P. to replace transmitter, operating on 152.09 MHz: Additional facilities to operate on 152.12 MHz to be located at Coe Hill, 3.5 miles SE of Onconta, New York.

CORRECTION

22647-CD-P-76, John Rex Wayland d/b as Live Oak Communications (KUD230), As reported Accepted for Filing by PN No. 820 on August 23, 1976 is a error. The station Application is to be accepted as a minor Modification and therefore should not have required a Public Notice.

22573-CD-P-(2)-76, Correct entry to read Lester E. Biddle, Jr. all other particulars remain as reported on PN No. 830 dated August 23, 1976.

INFORMATIVE

On July 27, 1976, The Commission adopted Docket 19905 (FCC 76-719). It was released August 10, 1976. Included in this Report and Order is revised § 21.23. New § 21.23 is titled Amendment of Applications and more clearly defines "Major Amendment" as used in Part 21 of the rules. New § 21.27(c)(1) of Docket 19905 indicates new filed applications will also be considered major or minor pursuant to the provisions of § 21.23, subjecting them to the Public Notice requirements of § 21.27.

At present FCC Form 401 does not provide a convenient location to indicate whether an application should be considered major or minor pursuant to § 21.23. Effective September 17, 1976 and until FCC Form 401 is revised, all applications to be considered minor and meeting, the requirements of § 21.23 should include as part of exhibit No. 1 (The environmental statement) a request that the application be considered minor and not subject to the Public Notice requirements of § 21.27 (a) and (b) of the Commission's rules.

RURAL RADIO SERVICE

60444-CR-P-76, General Telephone Company of California (New), C.P. for a new Central Office station to operate on 454.600 MHz to be located at 66540-1st Street, Desert Hot Springs, California.

V41I173 SEP 3 76 UMI

50445–CR–P–76, General Telephone Company of California (New), C.P. for a new Subscriber station to operate on 459.60 MHz to be located 59651 W. Pierson Blvd., Desert Hot Springs, California.

POINT TO POINT MICROWAVE RADIO SERVICE

4836–CF–P–76, United Telephone Company or Indiana, Inc. (KSJ48), 114 North Huntington Street, Syracuse, Indiana. Lat. 41° 25'42" N., Long. 85°45'10" W. C.P. to change frequencies 6219.5H 6397.4H to 2173.5H toward Warsaw, Indiana; replace transmitter and antenna.

4837–CF–P–76, Same (KSI60) St. Rd. 25, 0.5 miles West Warsaw, Indiana. Lat. 41° 14'11" N., Long. 85°52'27" W. C.P. to change frequencies 5967.4H 6145.3H to 2123.5H toward Syracuse replace transmitter and antenna.

4886–CF–P–76, The Chesapeake and Potomac Telephone Company of Virginia (KIA25), Shannon Hill, 5 miles ESE. of Ferncliff, Virginia. Lat. 37°52'39" N., Long. 78°02'38" W. C.P. to Oilville, Virginia and 6323.3H MHz toward Carter Mt., Virginia.

4871–CF–P–76, The Diamond State Telephone Company (KGJ69), 901 Tatnall Street, Wilmington, Delaware. Lat. 39°44'45" N., Long. 75°33'04" W. C.P. to change frequencies 6241.7V 6360.3V MHz toward Odessa, Delaware to 11265.0V 11265.0H 11585.0V MHz toward a new point of communication at Wrangle Hill, Delaware on azimuth 205.7°; replace transmitter and antenna and increase power output.

4872–CF–P–76, Same (New) Rt. 13, 800' S. of Rt. 72, Wrangle Hill, Delaware. Lat. 39° 34'37" N., Long. 37°39'22" W. C.P. for a new station on frequencies 11055.0V 11055.0H 10895.0V MHz toward Wilmington, Delaware on azimuth 25.63° and 11055.0V 110550H 10895.0V toward Odessa, Delaware on azimuth 183.9°

4873.CF–P–76, Same (KGJ70) 0.5 miles NW. of Odessa, Delaware. Lat. 39°27'43" N., Long. 75°39'59" W. C.P. to change frequencies 5989.7V 6106.3V MHz toward Wilmington, Delaware to 11265.0V 11265.0H 11585.0V MHz toward a new point of communication at Wrangle Hill, Delaware on azimuth 3.93° and 6019.8V 6137.9V MHz toward Dover, Delaware to 11265.0V 11265.0H 11585.0V toward a new point of communication at Blackiston, Delaware on azimuth 181.3°; replace transmitters and antennas and increase power output.

4874–CF–P–76, (New) 1.85 miles SE. of Blackiston, Dalaware. Lat. 39°15'20" N., Long. 75°40'20" W. C.P. for a new station on frequencies 11055.0V 11055.0H 10895.0V MHz toward Odessa, Delaware on azimuth 1.3°, and 11055.0V 11055.0H 10895.0V MHz toward Dover, Delaware on azimuth 141.0°.

4875–CF–P–76, Same (KGJ71) Rt. 195, 2 miles SW. of Dover, Delaware. Lat. 39°08'45" N., Long. 75°33'30" W. C.P. to change frequencies 6271.4V 6390.0V MHz toward Odessa, Delaware to 11265.0V 11265.0H 11585.0V MHz toward a new point of communication at Blackiston, Delaware on azimuth 321.1°; add frequencies 11485.0V 11485.0H 11325.0V MHz toward Frederica, Delaware replace transmitter and antenna and increase power output.

4876–CF–P–76, Same (New) Rt. 12, 1500' E. of Rd. 383 Frederica, Delaware. Lat. 39°00'50" N., Long. 75°30'29" W. C.P. for a new station on frequencies 11035.0V 11035.0H 10875.0V MHz toward Dover, Delaware on azimuth 343.5 degrees and 11035.0V 11035.0H 10875.0V MHz toward Lincoln, Delaware on azimuth 153.0°.

4877–CF–P–76, Same (New), Rd. 38, 1.5 miles SE. of Lincoln, Delaware. Lat. 38°51'17" N., Long. 75°24'15" W. C.P. for a new station on frequencies 11485.0V 11485.0H 11325.0V MHz toward Frederica, Delaware on azimuth 333.0 degrees and 11265.0V 11265.0H 11585.0V MHz toward Georgetown, Delaware on azimuth 175.7°.

4878–CF–P–76, Same (New) 9 Depot Street, Georgetown, Delaware. Lat. 38°41'32" N., Long. 75° 23'19" W. C.P. for a new station on frequencies 11055.0V 11055.0H 10895.0V MHz toward Lincoln, Delaware on azimuth 355.7°.

4879–CF–P–76, American Telephone and Telegraph Company (New) 200 East Burke, Martinsburg, West Virginia. Lat. 39°27'25" N., Long. 77°57'45" W. C.P. for a new station on frequency 3760.0H MHz toward Clear Springs, Maryland on azimuth 358.3°.

4880–CF–P–76, Same (KGJ68), 2.2 miles W. of Clear Springs, Maryland. Lat. 39°38'49" N., Long. 77°58'07" W. C.P. to change coordinates and add frequencies 4030.0V MHz toward Lewistown, Maryland on azimuth 100.6°, and 4110.0H MHz toward Martinsburg, West Virginia on azimuth 178.3°; correct azimuth toward Omps, Virginia to 237.8°.

4881–CF–P–76, Same (KGJ25), 5.5 miles SW. of Thurmont, Maryland. Lat. 39°34'36" N., Long. 77°29'19" W. C.P. to change coordinate and add frequency 4070.0V MHz toward Clear Springs, Maryland on azimuth 280.9°; correct azimuth toward the following: Monrovia, Md. 114.7°, Hamilton, Va. 193.4°, Finksburg, Md. 97.3°, Dillsburg, Pa. 29.1° and Blue Ridge Summit, Pa. 18.6°.

4888–CF–P–76, General Telephone Company of the Midwest (KYS99), 625 East Cherry, Columbia, Missouri. Lat. 38°57'03" N., Long. 92°19'48" W. C.P. to change frequencies 5960.0V 6019.3V 11135.0V MHz to 5974.8H 6034.2H 6093.5H MHz toward Prairie Home, Missouri; replace transmitter and antenna.

4889–CF–P–76, Same (KAK40), 3 miles WSW of Prairie Home, Missouri. Lat. 38°48'26" N., Long. 92°38'41" W. C.P. to change frequencies 6212.0V 6271.4V 11545.0V MHz to 6286.2H 6345.5H 6404.8H MHz toward Columbia, Missouri.

4893–CF–P–76, American Telephone and Telegraph Company (KEB47), 1.7 miles SW. of Melville, Plainview, New York. Lat. 40°46'33" N., Long. 73°26'31" W. C.P. to add frequency 4050.0V MHz toward New York 4, New York.

4874–CF–P–76, Commonwealth Telephone Company (New), Cnr. Main Street & Susset Rd., Tioga, Pennsylvania. Lat. 41°54'26" N., Long. 77°08'04" W. C.P. for a new station on frequencies 2162.0V 2170.0V 2178.0V MHz toward Tioga, passive reflector on azimuth 157.1°, and from passive reflector toward Mansfield, Pennsylvania on azimuth 170.1°.

4895–CF–P–76, Same (New), 2.25 KM W. of Mansfield, Pennsylvania. Lat. 41°48'30" N., Long. 77°06'33" W. C.P. for a new station on frequencies 2112.0V 2120.0V 2128.0V MHz toward Tioga passive reflector on a azimuth 350.1°, and from passive reflector toward Tioga, Pennsylvania on azimuth 337.1°.

4896–CF–P–76, Wisconsin Telephone Company (KSO85), 221 West Washington Street, Appleton, Wisconsin. Lat. 44°15'45" N., Long. 88°24'30" W. C.P. to add a new point communiction on frequency 2178.0V MHz toward Kimberly C1, Wisconsin on azimuth 144.3°.

4897–CF–P–76, Same (New), 3.5 miles SE. of Appleton, Wisconsin. Lat. 44°11'59" N., Long. 88°20'44" W. C.P. for a new station on frequency 2128.0V MHz toward Appleton, Wisconsin on azimuth 324.3°.

ACCEPTED PN CORRECTION

4682–CF–P–76, South Central Bell Telephone Company (KLT63), West Point Mississippi 5204.7H, correct frequency to read 6204.7H toward Starkville (Rest remain the same as reported on Public Notice dated August 9, 1976.).

4883–CF–P–76, Same (KLR70), Aberdeen, Mississippi, correct frequency 2720H to read 3730H toward West Point (Rest remain the same as reported on public notice dated August 9, 1976.).

4859–CF–P–76, American Microwave & Communications, Inc. (WBA839), Grand Rapids, 955 Century Ave., SW., Grand Rapids, Michigan. (Lat. 42°56'41" N., Long. 85°40'37" W.): Construction permit to (a) change station name and location to as above listed, (b) change antenna system, and (c) to change polarization to 5974.8H MHz toward Walker, Michigan on azimuth 290.1°. (Note.—Applicant request waiver of Commission Rule 21.701(i).)

4860–CF–P–76, American Microwave & Communications, Inc. (WAH628), Walker, Rural 6.1 miles West of Grand Rapids, Michigan. (Lat. 42°58'31" N., Long. 85°47'27" W.): Construction permit to change receive station location and polarities to 6256.5H, 6315.9H, and 6375.2H MHz toward Grand Rapids, Michigan on azimuth 110.0°.

4261–CF–P–76, Eastern Microwave, Inc. (WDD72), Blue Mtn., Appalachian Trail, 2 miles SSE. of State Routes 183 and 895, Summit Station, Pennsylvania. (Lat. 40°-31'55" N. Long. 76°11'49" W.): Construction permit to add 6137.9V MHz toward Birdshore, Pennsylvania, via power split, on azimuth 136.6°.

4862–CF–P–76, Eastern Microwave, Inc. (WAU205), Manchester, Mountain Road, Atop So. Mtn., 3.7 miles WSW. of Pinardsville, New Hampshire. (Lat. 42°58'59" N., Long. 71°35'19" W.): Construction permit to add 11016.0H MHz toward Concord, New Hampshire, via power split, on azimuth 0.1°.

4863–CF–P–76, Eastern Microwave, Inc. (WAU206), Wood Hill, Haggetts Pond Road, 3 miles SW. of Lawrence-Andover, Massachusetts. (Lat. 42°39'17" N., Long. 71°13'05" W.): Construction permit to add 11225.0H MHz toward Amesbury, Massachusetts and 11225.0V MHz toward Salem, New Hampshire, via power split, on azimuths 44.4° and 347.6°, respectively.

4882–CF–P–76, Eastern Microwave, Inc. (WQR72), Hookstown, U.S. Route 30, 1.4 mile SE. of Hookstown, Pennsylvania. (Lat. 40°34'37" N., Long. 80°27'24" W.): Construction permit to add 10975.0H, 11135.0H, and 10815.0H MHz toward Zelienopie, Pennsylvania, via power split, on azimuth 50.4°.

4883–CP–P–76, Eastern Microwave, Inc. (New), Zelienopie, Evans Street, 1 mile East of Zelienopie, Pennsylvania. (Lat. 40°47'28" N., Long. 80°06'57" W.): Construction permit for new station, 11625.0V, 11305.0V, 11465.0V MHz toward Butler and 11465.0V MHz toward New Castle, both in Pennsylvania, via power split, on azimuth 75.9° and 320.4°, respectively.

4884–CF–P–76, Eastern Microwave, Inc. (KEM58), Helderburg Mtn., Beaver Dam Rd., 1.8 mile NW. of New Salem, New York. (Lat. 42°38'12" N., Long. 73°59'45" W.): Construction permit to add 6182.4V, 6212.0H, 6241.7V, 6271.4H, & 6301.0V MHz toward Rensselaer, New York, via power split, on azimuth 83.2°.

4885–CF–P–76, Eastern Microwave, Inc. (WQR72), Hookstown, U.S. Route 30, 1.4 mile SE. of Hookstown, Pennsylvania. (Lat. 40°34'37" N., Long. 80°27'24" W.): Construction permit to add 10815.0H MHz toward Ellwood City 2, Pennsylvania, via power split, on azimuth 22.9°.

4886–CF–P–76, Eastern Microwave, Inc. (WQR71), Salem-2, corner of Salem-Grange & Woodsdale Roads, Salem, Ohio. (Lat. 40°51'22" N., Long. 80°52'06" W.): Construction permit to add 6197.2H and 6345.5V MHz toward Boardman, Ohio, via power split, on azimuth 51.9°.

4898–CF–P–76, Fay Grim d/b/a Mississippi Valley Microwave (WBA818), Virginia, 2 miles North of Virginia, Minnesota. (Lat. 47°34'08" N., Long. 92°30'54" W.): Construction permit to replace transmitter and change frequencies to 5960.0H, 6019.3H, and 6078.6H MHz toward Gheen, Minnesota and replace existing antenna. (Applicant requests waiver of Commission Rule section 21.701(i) and also requests an STA.)

4899–CF–P–76, Fay Grim d/b/a Mississippi Valley Microwave (WBA819), Gheen, 1 mile NW. of Gheen, Minnesota. (Lat. 47°58'41" N., Long. 92°49'44" W.): Construction permit to replace transmitter and change frequencies to 6271.4H, 6330.7H, and 6390.0H MHz toward Kabetogama, Minnesota and to replace existing antenna system.

4900–CF–P–76, Fay Grim d/b/a Mississippi Valley Microwave (WBA820), Kabetogama, Minnesota, 3 miles West of U.S. Rt. 53. (Lat. 49°21'16" N., Long. 93°00'39" W.): Construction permit to replace transmitter and change frequencies to 59.60.0H, 6019.3H, and 6078.6H MHz toward International Falls, Minnesota and to replace existing antenna system.

MAJOR AMENDMENTS—CORRECTIONS

The following entries of the Southern Pacific Communications Company appeared in Public Notice dated July 12, 1976, Number 814 and are being corrected for the reasons listed below:

5569–CI–P–73, (New), Pendleton, Virginia, to show azimuth path toward Chancellor, Virginia as 45.4°.

5566–CI–P–73, (New), Jetersville, Virginia, to show azimuth path toward Cullen, Virginia as 250.3°.

5565–CI–P–73, (New), Cullen, Virginia, to show azimuth path toward Jetersville, Virginia as 70.0°.

5563–CI–P–73, (New), Oak Hill, North Carolina, to show azimuth path toward McDade, North Carolina as 232.8°.

5562–CI–P–73, (New), Amend construction permit to change location to Stallings, County Rd. 3448, Matthews, North Carolina. Lat. 35°05'03" N., Long. 80°42'40" W.; and to add 6197.2H MHz toward a new point of communication at York, North Carolina on azimuth 261.7° and to change polarity of 6197.2 MHz to vertical toward Charlotte, North Carolina, on azimuth 322.8°.

6101–CI–P–73, (New), Ficklin, Georgia, to show file number as listed.

6105–CI–P–73, (New), Amend construction permit to change location to 101 Marieta Plaza, Atlanta, Georgia. Lat. 33°45'24" N., Long. 84°23'32" W.; change 5945.2V to 11665V MHz toward a new point of communication at Stockbridge, Georgia on azimuth 137.2°.

All other particulars remain the same.

[FR Doc.76-25904 Filed 9-2-76;8:45 am]

[Report No. I-265]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

AUGUST 30, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations or its Policies. Final action will not be taken on any of these applications earlier than 31 days from the date of this notice. Section 309 (d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary

SATELLITE COMMUNICATIONS SERVICES

343–DSE–ML–76 Heritage Communications, Inc. (KB54), Des Moines, Iowa. Modification of license to include authority to receive programing of television station WTCG, Channel 17, Atlanta, Georgia, through the Receive-Only earth station.

455–DSE–ML–76 Tulsa Cable Television, Inc. (KB49), Tulsa, Oklahoma. Modification of license to include authority to receive programing of television station WTCG, Channel 17, Atlanta, Georgia, through the Receive-Only earth station.

470–DSE–MP–76 RCA Alaska Communications, Inc. (KB85), Barrow, Alaska. Modification of Construction Permit to install FDM multiplex equipment in lieu of SCPC equipment originally proposed to be installed at this location.

477–DSE–MP–ML–76 American Video Corporation (WB65), Pompano Beach, Florida. Modification of license to permit Tele-Prompter Corporation, an unaffiliated cable television operator, to use signals received at the earth station on a cost-sharing basis.

478–DSE–P/L–76 Multi-Channel TV Cable Co. of Mansfield, Inc., Mansfield, Ohio. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 40°42'59" Long. 82°32'46". Rec. freq: 3700–4200 MHz. Emission (none listed). With a 10-meter antenna.

479–DSE–P/L–76 Satellite Services, Inc., Troy, Alabama. For authority to construct and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 31°46'39". Long. 85°59'22". Rec. freq: 3700–4200 MHz. Emission (none listed). With a 10-meter antenna.

480–DSE–P–76 Eastbank Cable T.V., Inc., Kenner, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 30°00'16", Long. 90°15'43". Rec. freq: 3700–4200 MHz. Emission (none listed). With a 10-meter antenna.

481–DSE–P–6 American Television and Communications Corporation, San Diego, California. For authority to construct, own and operate a domestic communications at satellite Receive-Only earth station at this location. Lat. 32°48'35". Long. 117°07'14". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10-meter antenna.

[FR Doc.76-25905 Filed 9-2-76;8:45 am]

[FCC 76-811]

FILING PERIODS FOR PETITIONS FOR SUSPENSION

Meetings on Notice Periods for New or Changed Tariffs

AUGUST 30, 1976.

On August 13, 1976 the Commission issued a Public Notice, FCC 76-774, concerning temporary procedures for tariff filings in light of Pub. L. 94-376 which increases the period of public notice required for proposed tariff changes to 90 days unless the Commission determines that a lesser period of public notice is appropriate. We stated that "[a]ll tariff changes filed after August 31, 1976 are to provide for 90 days public notice until the Commission has an opportunity to revise its rules to specify appropriate periods of public notice for various types of tariff filings." We also indicated that special permissions would continue to be granted, as provided in Part 61 of the rules, to allow carriers to file on less than the full statutory notice in appropriate cases.

Although the new 90 day statutory period of public notice exceeds the previous maximum requirement of 60 days, § 1.773 of the Commission's rules, petitions for suspension of tariff schedules, provides for the filing of petitions for suspension of tariff changes filed on more than 60 days notice. As presently-worded this section states:

> Any petition for suspension shall be filed with the Commission * * * at least 14 days before the effective date of the tariff schedule, except in those cases in which the tariff schedule * * * is filed on 60, or more, days' notice * * *. In the latter cases, a petition for suspension shall be filed with the Commission * * * at least 35 days before the effective date of the tariff schedule.

Thus, parties wishing to file Petitions for Suspension of proposed tariff changes are to continue to use the filing periods specified in § 1.773 of the rules until further order of the Commission.

As previously stated in our August 13, 1976 Public Notice the Commission plans to revise its rules in light of Pub. L. 94-376 so as to specify appropriate periods of public notice for various types of tariff changes. Revision of the rules concerning the filing of new tariffs is also under consideration. The Common Carrier Bureau will meet with representatives of interested carriers, customers and other members of the public in order to obtain their views on these matters. The meeting with carrier representatives will be held on September 8, 1976. A separate meeting with customer representatives and other members of the public is scheduled for September 16, 1976. Please notify the Tariff Review Branch of the Common Carrier Bureau, (202) 632-5550, if you plan to attend.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25903 Filed 9-2-76;8:45 am]

[1] Action by the Commission August 30, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello and Washburn.

V41173 SEP 3 76 UMI

[Docket No. 20581; FCC 76R-236]

ZENITH RADIO CORP. AND GCC COMMUNICATIONS OF CHICAGO, INC.

Memorandum Opinion and Order Enlarging Issues

In applications of Zenith Radio Corporation, Assignor, and GCC Communications of Chicago, Inc., Assignee, Docket No. 20581, File No. BALPH-140, applications for voluntary assignment of license of Radio Station WEFM-FM, Chicago, Illinois.

1. This proceeding involves an application for voluntary assignment of the license of radio Station WEFM-FM, Chicago, Illinois, filed by assignor Zenith Radio Corporation (Zenith) and assignee GCC Communications of Chicago, Inc. (GCC). By Order, 40 FR 39549, published August 28, 1975, the Commission designated the assignment application for hearing and made Citizens Committee to Save WEFM (Citizens) a party to this proceeding.[1] The hearing record was closed on February 3, 1976. Now before the Review Board is a motion, filed by Citizens on May 24, 1976, requesting that the Board reopen the record and add trafficking, Rule 1.65 and misrepresentation issues against GCC.[2]

2. In support of its requested trafficking issue, Citizens asserts that recently discovered evidence makes it apparent that GCC is pursuing its assignment application for Station WEFM-FM solely for the purpose of selling that station upon approval. Citizens bases this contention on the 1975 Annual Report[3] of GCC's parent, General Cinema Corporation,[4] which announces General Cinema's decision to withdraw from the communications field generally, and which also specifically states that General Cinema intends to sell all of its radio broadcast holdings, including WEFM.[5] Movant contends that these statements constitute a virtual admission of trafficking, since the essence of a trafficking offense is the pursuit of a broadcast license for "sale rather than service," citing "Prairieland Broadcasters", 49 FCC 2d 1377, 32 RR 2d 78 (Rev. Bd. 1974); "Harriman Broadcasting Co. (WXXL)" 9 FCC 731, 733, 10 RR 2d 981, 983 (1968); "Crowder v. FCC," 130 U.S. App. D.C. 198, 399 F.2d 569 (1968); "Boca Broadcasters, Inc.", 7 FCC 2d 198, 9 RR 2d 809 (1967). Moreover, GCC's apparent intent to traffic in view of the "extraordinary public outcery" in opposition to GCC's proposed elimination of the WEFM classical music format (citing "Zenith Radio Corporation," 38 FCC 2d 838, 26 RR 2d 174 (1972)). As further evidence of the seriousness of General Cinema's plans to sell its radio investments, movant urges that General Cinema is already well on its way toward implementation of its disinvestment policy. Thus, of the six broadcast stations owned by General Cinema, each of which was purchased between 1969 and 1971,[6] movant contends that four have already been sold or offered for sale, and that some or possibly all of these sales were at prices substantially exceeding General Cinema's original investment.[7] Moreover, these sales were clearly not motivated by a lack of profitability, argues Citizens; since, excluding WEFM, General Cinema's FM broadcast holdings were appraised at $11 million in 1974 (as compared to a 1975 year-end investment of $6,466,000), and operated at a 1975 pretax profit of $223,000.[8] Instead, Citizens points out that the stated purpose underlying these sales is an intention to use the proceeds, together with excess cash flow, to retire General Cinema's bank debt.[9] Turning to its request for a Rule 1.65 issue,[10] Citizens avers that GCC had an affirmative obligation to inform the Commission of General Cinema's decision to sell rather than operate WEFM once a license was received. Its failure to do so clearly warrants the addition of a Rule 1.65 issue, argues movant, since an applicant's good faith intention to continue operation of its proposed station is fundamental to a determination of whether a grant would serve the public interest (citing Boca Broadcasters, Inc., supra). Finally, Citizens alleges that GCC's conduct goes beyond a mere failure to disclose its intention with regard to WEFM, evidencing, in addition, an intent to affirmatively mislead the Commission. Movant notes, in this regard, that throughout the hearing below GCC reiterated its determination to continue operation of WEFM once a license was received; that, upon being questioned with regard to its proposed sale of other broadcast holdings, GCC's principal, Mr. Tanger, did not disclose General Cinema's disinvestment policy, nor its plans to sell WEFM, but instead stated that other stations were being sold to secure funds for the losses purportedly suffered by WEFM;[11] and that it may be presumed that Tanger knew of General Cinema's intentions at the time of his testimony, since the annual report announcing General Cinema's disinvestment policy is dated within days of Tanger's testimony in this regard. Finally, Citizens alleges that GCC apparently attempted to conceal General Cinema's 1975 Annual Report from the Citizens' Committee until after termination of the hearing below. In this regard, movant notes that, in response to a January 21, 1976 discovery request, GCC only furnished Citizens with General Cinema's 1974 Annual Report, even though the 1975 report was apparently prepared by that date.

3. In its comments, the Broadcast Bureau asserts that GCC's qualifications as a Commission licensee have been thrown into serious doubt by its indica-

[1] The Commission's designation Order followed a remand of this proceeding by the United States Court of Appeals for the District of Columbia Circuit in *Citizens Committee to Save WEFM* v. *F.C.C.*, 165 U.S. App. D.C. 185, 506 F.2d 246 (1974).

[2] Also before the Board are the following related pleadings: (a) Comments, filed June 8, 1976, by the Broadcast Bureau; (b) opposition, filed June 8, 1976, by GCC; (c) reply to (a), filed June 14, 1976, by GCC; (d) petition for leave to accept (c), filed June 14, 1976, by GCC; (e) opposition to (d), filed June 18, 1976, by the Broadcast Bureau; and (f) reply, filed June 18, 1976, by Citizens. GCC's opposition to the Broadcast Bureau's comments is an unauthorized pleading and, in our view, good cause for its filing has not been shown. The Bureau's comments do not raise new factual allegations to which, in fairness, GCC should be entitled to respond, nor does GCC's reply to the Bureau's comments contain factual information unavailable to the Board from other sources. Accordingly, GCC's petition for leave to accept will be denied. Cf. Indiana Broadcasting Corp., 26 FCC 2d 717, 20 RR 2d 897, at note 1 (Rev. Bd. 1970); see also Filing of Supplemental Pleadings Before the Review Board, 40 FCC 2d 1026 (1973).

[3] Citizens asserts that this report was not discovered by the Citizens Committee until May 13, 1976.

[4] According to Citizens, General Cinema Corporation owns all of GCC's preferred stock, while Alexander Tanger owns all of GCC's common shares. In addition, General Cinema retains a right to convert its holdings to up to 80 percent of GCC's common stock, and to purchase Tanger's common stock shares.

[5] At page 25 of its annual report, in a paragraph entitled "Investments and Advances—Radio Stations—At Cost," General Cinema summarizes its total capital investment in radio stations, notes with particularity its investment in WEFM-FM and the pending status of its assignment application for that station, and concludes with the following statement: "It is the intention of management to sell these investments."

[6] Movant notes that General Cinema's radio investments have all been made through subsidiary corporations which have capital structures identical to that of GCC (see note 4, supra). In addition, General Cinema allegedly owns 96 percent of the stock of Coral Television Corporation, licensee of WCIX-TV in Miami, Florida.

[7] The broadcast stations allegedly sold or offered for sale by General Cinema are as follows: (1) KRBE-FM in Houston, Texas, purchased by General Cinema in November 1970 for $1,426,000, and sold for $2,500,000 prior to March 15, 1976; (2) WGKA-AM in Atlanta, Georgia, purchased in 1971 in combination with WZGC-FM for $75,000, and sold for $175,000 prior to March 15, 1976; (3) WGCL-FM in Cleveland, Ohio, purchased in January 1971, proposed sale at $2,500,000 pending before the Commission; and (4) WCIX-TV in Miami, Florida, purchased in 1969 (Commission approval received in 1972) and offered for sale in or near January 1975.

[8] Citing General Cinema's 1975 Annual Report at p. 13.

[9] Citing General Cinema's 1975 Annual Report at p. 4.

[10] Rule 1.65 provides that an applicant must amend its pending application when the information contained therein is no longer substantially accurate and complete or when there has been a substantial change as to any other matter which may be of decisional significance in the proceeding.

[11] GCC has been operating WEFM on a provisional basis since January 10, 1973 pursuant to the Commission's December 21, 1972 Order granting its assignment application (see 38 FCC 2d 838; aff'd on reconsid. 40 FCC 2d 223 (1973)). However, it has continuously operated that station with a classical music format by order of the federal court for the District of Columbia Circuit made on April 23, 1973.

tion, through its parent, that it plans on selling WEFM while its application for assignment of that station is pending. The Bureau also points to the sales and proposed sale of General Cinema's other radio stations, contending that it is clear that an overall gain is expected from these transactions since General Cinema plans to retire its bank debt with the proceeds. These fates, argues the Bureau, together with General Cinema's contradictory statements made to its stockholders and to the Commission regarding its reasons for selling these broadcast interests, arise serious questions as to whether GCC ahs a speculative motive for continuing to prosecute its application for transfer of WEFM. The Bureau avers that the addition of a trafficking issue will enable the Commission to make an informed judgment regarding these matters. In addition, the Bureau supports the addition of Rule 1.65 and misrepresentation issues, on grounds similar to those alleged by Citizens.

4. In opposition, GCC contends that Citizens' motion must be denied since good cause for its delay in filing has not been shown. In this regard, GCC avers that General Cinema's 1975 Annual Report was mailed to shareholders on February 5, 1976, fully three months before it was discovered by Citizens on May 13, 1976. According to GCC, Citizens' failure to discover the report and file its petition at an earlier date is simply another example of a pattern of harassment and delay engaged in by petitioner throughout the course of this proceeding.[12] At any rate, Citizens has clearly not met the test established in "The Edgefield-Saluda Radio Co. (WJES)" 5 FCC 2d 148, 8 RR 2d 611 (1966), for reopening the record in this proceeding, argues GCC, since there is no basis in fact or in law for designation of the requested issues. Thus, with regard to movant's trafficking request, GCC contends that no sale of WEFM-FM was or is contemplated.[13] Instead, GCC avers that it intends, as it has from the date it filed its assignment application on May 1, 1972, to continue operation of that station for an indefinite period of time, or, at minimum, for three years after final approval of the assignment. While GCC acknowledges that General Cinema has manifested an intent to eventually withdraw from the communications field,[14] it contends that this decision is not final [15] nor is it incompatible with a desire to profitably operate WEFM-FM. In fact, argues GCC, General Cinema's disinvestment policy is based on a desire to recoup its investment in radio stations in order to provide funds to cover the litigation expenses and substantial operating losses incurred during its three year provisional operation of WEFM. Most important, argues GCC, neither it nor General Cinema has ever authorized the sale of WEFM or taken any steps in anticipation of its disposal.[16] In contrast, GCC maintains that profit sharing agreements have been filed with respect to each of those stations which General Cinema does anticipate selling, and that the exclusion of WEFM from these arrangements clearly indicates that its sale is not anticipated. Finally, GCC maintains that the planned and completed sales of General Cinema's other radio investments does not itself support petitioner's request for a trafficking issue, since each station has been operated by General Cinema for at least three years after it was acquired and disposal of these investments is based on "sound and reasonable considerations."[17] By the same token, GCC argues that the requested Rule 1.65 and misrepresentation issues are without basis, since there has been no change in its stated intention to continue operation of WEFM after approval of its assignment application.

5. The important public policy favoring expedition and finality in the adjudicatory processes makes us reluctant to reopen the record once a hearing has been completed. However, in the instant case, General Cinema's 1975 Annual Report was not mailed to its shareholders until February 5, 1976, two days after the record was closed in this proceeding. Moreover, though Citizens did not discover this report until May 13, 1976, it did file its motion to enlarge within twelve days of that date, thereby indicating a good faith regard for the Commission's interest in expediting this proceeding. More important, Citizens' allegations raise serious public interest questions which outweigh an interest in administrative finality in the instant case. Consequently, the Board will grant movant's request and consider its allegations on their merits. See "The Edgefield-Saluda Radio Co. (WJES), supra."

6. The Commission's longstanding prohibition against trafficking in broadcast licenses is based on the premise that broadcast frequencies are held as a public trust by Commission licensees who themselves have no proprietary interest in the frequency or the license itself. Barter, speculation or trade in licenses is a serious breach of this public trust leading to commercialization and instability in broadcasting rather than mature, responsive programming designed to meet the public needs, problems and interests. See *Crowder* v. *F.C.C.*, supra; Applications for Voluntary Assignments or Transfers of Control in Docket No. 13864, 32 FCC 689 (1962). Therefore, a trafficking issue will be designated against an applicant who has acquired and/or operated a station "for the primary purpose of selling or otherwise disposing of it for a profit rather than for the primary purpose of serving the public interest." "Harriman Broadcasting Co. (WXXL), supra." Three major elements are traditionally considered in this regard: (1) time of operation; (2) profit gained or expected from sale; and (3) intent to traffic. See "Prairieland Broadcasters, supra; Phil D. Jackson." 33 FCC 2d 928, 23 RR 2d 1023 (Rev. Bd. 1972). In the instant case, though GCC contends that no sale of WEFM was or is presently contemplated, this statement is in direct conflict with the information contained in the 1975 Annual Report of its parent corporation, General Cinema. Since the intentions of General Cinema are controlling in this regard,[18] and since GCC has failed to submit pertinent affidavits by General Cinema's principals attempting to deny or explain the statements made in their annual report,[19] the Board must conclude that a substantial question exists as to whether a sale of WEFM is contemplated. Moreover, while GCC has argued that disposal of WEFM, if it were to occur, would not take place until at least three years after a Commission license had been received, the Board also cannot accept this contention at face value. First, we question whether General Cinema would announce an unqualified intent to sell WEFM in its 1975 Annual Report when it did not plan to dispose of that station for at least three years after receipt of a Commission license. Second, General Cinema appears

[12] In this regard, GCC cites numerous "late filings" and other "dilatory" tactics allegedly engaged in by Citizens in order to frustrate the Commission's mandate for an expedited hearing in this case.

[13] In support, GCC has attached the affidavit of its principal, Alexander Tanger.

[14] GCC notes that General Cinema has authorized the sale of five of its six radio stations. These stations include: WGKA and WZGC in Atlanta; KRBE in Houston; WGCL in Cleveland; and WIFI in Philadelphia.

[15] In support of its contention that these plans are not necessarily final, GCC notes that General Cinema's initial authorization for sale of WCIX-TV in Miami has been withdrawn (citing General Cinema's First Quarter Report, dated January 31, 1976). Additionally, GCC asserts that if a final sales agreement is reached with regard to WZGC in Atlanta, authorization to sell WIFI in Philadelphia will be withdrawn.

[16] GCC asserts that this fact distinguishes Boca Broadcasters, Inc., cited by petitioner, from the instant case. Thus, GCC argues that in Boca, the applicant placed an ad for the sale of its station before its application for a construction permit had been granted, while no analogous action has been taken in the instant case. At any rate, GCC argues that in Boca the applicant had not begun operation of its proposed station at the time it evidenced an intent to sell, whereas in the instant case GCC has operated WEFM-FM on a provisional basis since January 10, 1973.

[17] As a related matter, GCC contends that $675,000 was paid for the acquisition of WGKA and its companion station WZGC in Atlanta, contrary to petitioner's assertion that the stations were acquired for $75,000.

[18] Even if there is an actual conflict between the intentions of GCC and General Cinema with respect to sale of WEFM, General Cinema's intentions are controlling since that entity exercises effective control over GCC (General Cinema apparently has a right to elect a majority of the GCC Board of Directors. See also note 4, supra).

[19] Though we consider it significant that the principals of General Cinema have not attempted to deny their stated intention to sell WEFM, we do not mean to imply that such a denial would effectively refute the statements made in their corporate annual report. As noted by movants in their reply pleading, statements made in a corporate annual report are held to the highest standards of honesty and candor, and misleading information may subject the corporation to criminal penalties. See 15 U.S.C. 78m, 78ff.

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to be rapidly pursuing its announced disinvestment policy, having authorized the sale of each of its remaining five radio stations,[20] and having already entered into sales agreements with respect to four of these stations.[21] Since WEFM is allegedly suffering losses far in excess of the combined operating losses incurred by General Cinema's other four FM radio investments,[22] we find no reason to believe that General Cinema would exempt WEFM from its rapid, ongoing disinvestment plans.[23] Finally, even assuming that GCC does not intend to sell WEFM until three years after a Commission license is received, this fact, standing alone, does not necessarily indicate that a trafficking issue is unwarranted. As noted by the Commission in "Applications for Voluntary Assignments or Transfers of Control, supra," the "time factor" is not dispositive of a trafficking question. Rather, the crucial issue is whether GCC is seeking the license to WEFM for the primary purpose of sale rather than operation; if so, delaying the sale for the duration of the license period would not alter the fact that GCC had violated the Commission's trafficking policies.[24] Moreover, neither is GCC's three year provisional operation of WEFM pertinent to the time factor being considered. As noted by the Commission in its policy statement on trafficking: "where the operating station in the application was obtained by means of an assignment or transfer of control * * * the requisite time of operation shall commence with the date of grant by the Commission of the application for said assignment or transfer of control." See "Applications for Voluntary Assignments, supra," 32 FCC 689 at 702. Prior to receipt of a final Commission authorization, an applicant clearly has no opportunity to barter or trade in a Commission license.[25]

[20] See note 14, supra.

[21] The following table illustrates General Cinema's sales activities with respect to its broadcast investments other than WEFM. It is composed of facts alleged by movant which GCC has admitted or failed to refute, as well as information contained in ownership reports filed with the Commission.

Station	Purchase price	Date company acquired control of station operations	Date of sale or attempted sale	Sale or proposed sale price
KRBE, Houston, Tex.	[1] $1,426,000	Nov. 2, 1970	June 5, 1975	$2,500,000
WQXA-AM, Atlanta, Ga.	[2] 675,000	Oct. 1, 1971	Oct. 8, 1974	250,000
WZGC-FM, Atlanta, Ga.			May 12, 1976 (preliminary sales agreement).	2,510,000
WGCL, Cleveland Ohio	[1] 1,300,000	Dec. 16, 1970	Mar. 4, 1975	2,500,000
WIFI, Philadelphia, Pa.		May 15, 1970	General Cinema has authorized sale of this station, but GCC contends that this authorization will be withdrawn if a final sales agreement is executed with respect to station WZGC-FM.	
WCIX-TV, Miami, Fla.		August 1972	See note 23, infra.	

[1] Total investment.
[2] Combined purchase price.

[22] As noted previously, GCC has argued that General Cinema's plans to withdraw from the communications field are not necessarily final, citing the fact that General Cinema has withdrawn its initial authoriaztion for sale of WCIX-TV in Miami. However, in light of a statement made in General Cinema's First Quarter Report, dated January 31, 1976, we find GCC's argument in this regard wholly unconvincing. Therein, General Cinema notes that "[d]ue to the rapidly improving operating results of [WCIX-TV] and consequently our expectation that it will further appreciate significantly in value, we have decided not to sell the station at this time."

[23] An additional reason for measuring the requisite time of operation from the date an assignment application is granted is the Commission's concern that an applicant "make a good faith effort to implement the proposals made in its application" and its recognition that "* * * time is needed to fully or substantially implement the proposals or to gain a better understanding of the programming needs and desires of the community, and to adjust programming to such needs and interests." Applications for Voluntary Assignments, supra, 32 FCC at 690. Since the grant of GCC's assignment application would involve a major programming format change, it is clear that the Commission's concern with implementation of programming proposals is of significance in this case.

[24] Cf. Prairieland Broadcasters, supra (wherein a trafficking issue was added against an applicant who attempted to sell coordinate AM/FM stations which it had held for eight years and three years, respectively); Moline Television Corp., 11 FCC 2d 592 (1968) (wherein the applicant had attempted to sell his station three years after he began operations).

7. Turning to the element of profit, we have considered GCC's assertion that it has suffered substantial operating losses during its provisional operation of WEFM, and we are aware that it may be unable to recoup these losses upon sale of that station and may therefore suffer a net loss on its investment. However, in our view, the relevant consideration is not whether GCC will suffer a net loss upon resale, but simply whether GCC is pursuing its assignment application and requested format change for purposes of increasing or maximizing its resale profits, rather than for the legitimate purpose of profitable operation. Given GCC's consistent assertion that WEFM's operating losses are a result of its classical music format, it does appear that the resale value of that station would be significantly enhanced by the requested format change. Consequently, sufficient evidence exists to infer that GCC may have improper speculative motive in continuing to prosecute its assignment application. Cf. Boca Broadcasters, Inc., supra. Finally, with regard to the element of intent, it is our view that the circumstances outlined in the foregoing discussion are sufficient to raise a substantial question with regard to whether GCC intends to traffic in the WEFM license.[26] [27] Consequently, an appropriate issue will be designated.

8. The Board also believes that a Rule 1.65 issue is warranted on the basis of GCCC's failure to inform the Commission of General Cinema's apparent plans to sell WEFM and to withdraw from the communications field. The potential decisional significance of these facts is apparent on their face since an applicant's good faith intention to construct and operate its proposed station is a crucial factor in determining whether a grant would serve the public interest. *Cf.* Boca Broadcasters, supra; Gross Broadcasting Co., 15 FCC 2d 77, 14 RR 2d 742 (1968). However, we will deny the request misrepresentation issue since Citizens' allegations in support of this request may be thoroughly explored under the Rule 1.65 and trafficking issues designated herein.

9. *Accordingly, it is ordered,* That the petition for leave to accept pleading, filed June 14, 1976, by GCC Communications of Chicago, Inc., is denied; and

10. *It is further ordered,* That the motion to enlarge issues and reopen hearing, filed May 24, 1976, by Citizens Committee to Save WEFM, is granted to the extent indicated herein, and is denied in all other respects; and

[25] This case is most similar to the fact situation in Boca Broadcasters, Inc., supra. In that case a trafficking issue was designated against an applicant who had posted a notice of sale for an FM station while his application for that station was still pending, and for the coordinate AM station, the license to which he had held for 18 months. The Commission stated that "[t]he addition of a trafficking issue will enable the Commission to make an informed judgment as to whether Boca had an improper speculative intent in continuing to prosecute its FM application and whether the public interest would be served by a grant of said application." 7 FCC 2d 198 at 201. Though GCC has attempted to distinguish this case by an assertion that neither it nor General Cinema has taken affirmative action toward the sale of WEFM, in our view, the statements in General Cinema's annual report are sufficient to evidence an intent to dispose of WEFM. Moreover, though GCC also notes that in Boca the applicant had not operated its FM station at the time it posted its notice of sale, the Board does not view GCC's provisional operation of WEFM as germane to the trafficking issue (see para. 6, *supra*).

[26] Contrary to GCC's apparent contention, it is immaterial whether an intent to traffic in the WEFM license arose at the time GCC filed its initial assignment application, at the time it began operations, or at some later date. See Folkways Broadcasting Co. v. F.C.C., 126 U.S. App. D.C. 123, 126, 375 F. 2d 299, 302 (1967); cf. Moline Television Corp., supra.

11. *It is further ordered,* That the issues in this proceeding are enlarged to include the following:

(a) To determine whether GCC Communications of Chicago, Inc., or its parent General Cinema Corporation is attempting to traffic in the license to Station WEFM-FM;

(b) To determine whether GCC Communications of Chicago, Inc. failed to notify the Commission of an intent to sell Station WEFM-FM and of the plans of its parent corporation to withdraw from the communications field and, if so, to determine the effect upon the applicant's qualifications;

(c) To determine, in light of the evidence adduced under the foregoing issues, whether a grant of the application by GCC Communications of Chicago, Inc. for an assignment of the license of WEFM-FM would serve the public interest, convenience, and necessity; and

12. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issues (a) and (b) added herein shall be on Citizens Committee to Save WEFM and the burden of proof under all of the issues added herein shall be on GCC Communications of Chicago, Inc.

Adopted: August 20, 1976.

Released: September 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[28]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25902 Filed 9-2-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Accepting Settlement Agreement

AUGUST 30, 1976.

On June 7, 1976, the Cambridge Electric Light Company (Cambridge) filed a motion submitting to the Commission for its approval a Stipulation and Agreement providing for settlement of this proceeding. The Agreement would resolve all issues among the parties hereto and terminate proceedings herein. The Commission finds that acceptance of the Agreement is in the public interest and, accordingly, accepts and approves it subject to certain conditions hereinafter specified.

Public notice of the Agreement was issued on June 8, 1976, with comments due on or before June 30, 1976. Comments in support of the Agreement were timely filed by the Commission Staff.

Proceedings were initiated in this docket on October 1, 1975, when Cambridge tendered for filing revisions to its Rate Schedule FPC No. 26 as supplemented governing its sale for resale of electric energy to the Town of Belmont, Massachusetts (Belmont). The proposed RS-2 rate superseded settlement rates in Docket Nos. E-8445 and E-8949, which were approved by Commission order issued September 22, 1975. The proposed rate was designed to increase revenues from Belmont by $200,397 (7.5%) annually, based upon the twelve-month test period ending June 30, 1975. Cambridge requested that its filing be suspended so as to become effective April 1, 1976, pursuant to a moratorium provision contained in the above-mentioned settlement agreement in Docket Nos. E-8445 and E-8949.

By order issued October 31, 1975, the Commission accepted Cambridge's revised tariff sheets for filing, suspended their use for five months until April 1, 1976, and established hearing procedures to determine the lawfulness of the proposed rates and charges. Furthermore, Belmont was permitted to intervene, and its motion to reject the filing was denied.

The principal elements of the Agreement provide for:

(1) A rate increase of $158,756 as contrasted to the $200,397 originally sought.

(2) A moratorium against further increases in the settlement rate prior to April 1, 1977. Cambridge may, however, tender for filing a proposed rate increase and a proposed effective date prior to April 1, 1977, provided that Cambridge requests suspension of the proposed rate until April 1, 1977.

(3) Cambridge and Belmont have agreed to undertake the necessary steps to insure that metering equipment utilized by Cambridge to determine electric energy and demand charges for Belmont will meet the utility industry standards for metering accuracy.

The Commission's review of the proposed settlement rates indicates that such rates are supported by cost evidence and are otherwise just and reasonable. Accordingly, the Agreement should be incorporated herewith by reference and approved.

In conjunction with acceptance and approval of the subject Agreement, the Commission shall require Cambridge to: (1) Tender for filing revised tariff sheets reflecting the settlement rate level; (2) refund to Belmont all amounts collected since April 1, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum; and (3) file refund compliance reports.

The Commission finds. The Stipulation and Agreement filed in this proceeding is supported by cost evidence and should be accepted, incorporated herewith by reference, and approved, as hereinafter ordered and conditioned.

The Commission orders. (A) The Stipulation and Agreement filed in this docket is hereby accepted, incorporated herewith by reference, and approved, subject to the conditions set forth below.

(B) Within 30 days of issuance of this order, Cambridge shall file revised tariff sheets to become effective as of April 1, 1976, reflecting the settlement rate level incorporated into the subject Agreement.

(C) Within 30 days after the revised tariff sheets required in paragraph (B), supra, are accepted for filing, Cambridge shall refund to Belmont all amounts collected since April 1, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(D) Cambridge shall file a report within 15 days after refunds have been made, such report to show monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show the monthly interest computation, together with a summary of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Cambridge or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Cambridge or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25908 Filed 9-2-76;8:45 am]

[Docket No. E-8744]

DELMARVA POWER & LIGHT CO.

Order Terminating Proceeding

AUGUST 30, 1976.

By order of June 24, 1974 we made the collection by Delmarva Power and Light Company (Delmarva) of the State of Delaware Five Percent Utilities Tax subject to refund pending the outcome of litigation contesting the legality of that tax. By motion to terminate filed September 23, 1975, Delmarva indicated that the case entitled Delaware League of Local Governments, et al. v. State of Delaware, Civil Action No. 316, 1972, had been dismissed with prejudice at the request of Plaintiff in June 1975 by the Court of Chancery, Kent County, Delaware.

Delmarva's September 23, 1975, motion to termination was served on counsel for the following intervenors: City of Dover, the State of Delaware, the Public Service Commission for the State of Delaware and staff counsel. On October 1, 1975, staff filed a response favoring termination of the proceeding. On October 3, 1975, counsel for the City of Dover filed a response in favor of terminating the proceeding. No response was received from the State of Delaware or the Public Service Commission of the State of Delaware.

The Commission finds. It is necessary and appropriate for the purposes of the Federal Power Act that this docket be terminated.

[28] Concurring Statement of Board Member Ohlbaum filed as part of the original document. Board member Zias not participating.

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The Commission orders. (A) This proceeding, as well as the refund obligation imposed by the Commission's June 24, 1974, order, is hereby terminated.

(B) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Delmarva or any person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25909 Filed 9-2-76;8:45 am]

[Docket No. ER76-863]

GULF STATES UTILITIES CO.

Addition of Metering Point

AUGUST 26, 1976.

Take notice that on August 18, 1976, the Gulf States Utilities Company (Gulf States) tendered a notification of an addition of a metering point to the Southwest Louisiana Electric Membership Corporation. Gulf States states that the metering point was added on July 29, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25861 Filed 9-2-76;8:45 am]

[Docket Nos. ER76-714, ER76-715, and ER76-716]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Amending Prior Order

AUGUST 30, 1976.

By order issued June 25, 1976, the Commission, inter alia, established procedural dates in the above-captioned docket. We shall herein amend our June 25, 1976, order to change the schedule date of service of Staff's top sheets from December 27, 1976 to November 1, 1976.

By the order issued June 25, 1976, Indiana & Michigan Electric Company's rate increase filing of May 28, 1976, was accepted for filing and suspended for one month until July 27, 1976. The order set a December 27, 1976, deadline for the service of Staff's top sheets. Upon review of the various pleadings in this docket, we have determined that it is in the public interest to expedite the present proceedings by advancing the top sheet service date to November 1, 1976, and we shall do so.

The Commission finds. It is in the public interest to amend our order of June 25, 1976, to advance the date for service of Staff's top sheets to November 1, 1976.

The Commission orders. (A) The Commission's order of June 25, 1976, in this docket is hereby amended by changing ordering paragraph (E) to read: "The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 1, 1976. (See Administrative Order No. 157)."

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25910 Filed 9-2-76;8:45 am]

[Docket No. ER76-823]

IOWA SOUTHERN UTILITIES CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets and Denying Waiver

AUGUST 27, 1976.

On July 30, 1976, Iowa Southern Utilities Company (ISU) submitted for filing a revised rate sheet[1] applicable to one private and six municipal utilities. The proposed new rate is identified as Rate 92 and would supersede Rate 96 and Rate 91, the currently effective tariff rates. Besides establishing a single rate, the new Rate 92 provides for a billing demand ratchet of 85 percent of the highest June, July, August or September demand established in the preceding eleven months. Previously only Rate 96 carried such a ratchet and it applied to any demand of the previous eleven months. Rate 92 also provides for a transmission voltage discount for customers taking service at a transmission voltage of 69 kv or above of $0.15 kw of billing demand.

ISU proposes an effective date of September 1, 1976, for its revised rate sheet. ISU's proposed rates under its 4th Revised Rate Sheet No. 11 have not been shown to be just and reasonable and, therefore, they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, ISU's 4th Revised Rate Sheet No. 11 should be accepted for filing and suspended for five months.

[1] Designated as 4th Revised Sheet No. 11 under FPC Electric Tariff, Original Volume No. 1 (Supersedes 3rd Revised Sheet No. 11 and 2nd Revised Sheet No. 9).

Public notice of ISU's proposed rate increase and waiver of notice request was issued on August 10, 1976, with comments, protests or petitions to intervene due on or before August 30, 1976.

The Commission finds. ISU's 4th Revised Sheet No. 11 should be accepted for filing and use thereof suspended for five months.

The Commission orders. (A) Fourth Revised Sheet No. 11 is hereby accepted for filing and the use thereof suspended for five months, or until February 1, 1977, at which time it may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in ISU's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before March 15, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (See delegation of authority, 18 CFR 3.5(d)), shall convene a settlment conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) ISU shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission regulations, 18 CFR Section 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the Federal Register and shall serve a copy thereof on the wholesale customers of Iowa Southern Utilities Company.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25863 Filed 9-2-76;8:45 am]

[Docket No. RI76-125]

LOUISIANA CRUDE OIL AND GAS COMPANY, INC.

Order Granting Special Relief

AUGUST 30, 1976.

On May 20, 1976, Louisiana Crude Oil and Gas Company (Louisiana Crude) filed a petition for special relief pursuant to Section 2.76[1] of the Commission's General Policy and Interpretations for sales of gas to Texas Gas Transmission Corporation (Texas Gas) from the Chalkley Field, Cameron Parish, Louisiana, under contract Nos. 168 and 241 dated October 21, 1964. On July 23, 1976, petitioner filed an amendment to its petition for special relief in the above-stated docket number. Petitioner is a small producer and was granted a Small Producer Certificate in Docket No. CS75-384.

Louisiana Crude states that gas production of the #1 Sweetlake Land and Oil Company, Inc. Well is being retarded by salt water production. The water production has created problems that have resulted in a high cost operation as well as posing a safety hazard. This situation can only be remedied by performing a costly well workover designed to squeeze off the water source. Petitioner avers that at the present contract price of 19.10 cents per Mcf it is unable to complete the remedial work required if it is to continue deliveries in commercial quantities and abandonment is imminent.

By letter agreement dated February 17, 1976, Texas Gas agrees that it will purchase the subject gas at the price level found by the Commission to be just and reasonable under the provisions of Commission Order No. 481. Petitioner seeks a rate of 73.93 cents per Mcf at 15.025 psia, plus full reimbursement by the purchaser to the seller of the 7 cent per Mcf State of Louisiana Gas Severance Tax.

Notice of the petition was issued June 3, 1976. Notice of the amended petition was issued July 30, 1976. A timely petition to intervene in support of petition for special relief was filed by Texas Gas on June 16, 1976.

Staff has reviewed the cost data submitted by Louisiana Crude. Based thereon Staff has estimated that 1,053,000 Mcf of reserves of gas and 3,159 Bbls. of liquids remain to be produced over the next five and one-half years. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Louisiana Crude's petition.

The Commission finds. The amended petition for special relief filed by Louisiana Crude meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

The Commission orders. (A) For the above-stated reasons, the petition for special relief of Louisiana Crude is hereby granted. Louisiana Crude is authorized to collect 73.93 cents per Mcf at 15.025 psia, plus full reimbursement by the purchaser to the seller of the 7 cent per Mcf State of Louisiana Gas Severance Tax, for all gas produced from the subject well effective on the date of the completion of remedial work or date of Commission Order (whichever is later), subject to the following conditions: (1) Louisiana Crude must file, in Docket No. CS75-384, a statement signed by Texas Gas, setting forth the date that the proposed remedial work is completed and (2) said statement is to be filed within 30 days of the date the remedial work is completed.

(B) Texas Gas is permitted to intervene in this proceeding for relief subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25911 Filed 9-2-76;8:45 am]

[Docket No. ER76-827]

MINNESOTA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets and Granting Interventions

AUGUST 27, 1976.

On July 30, 1976, Minnesota Power & Light Company (MPL) tendered for filing a proposed increase in rates to eighteen municipal customers, two rural electric cooperatives and one privately owned electric system.[1] In addition, MPL has also filed for an increase in the transmission service rates applicable to one transmission customer. The proposed rates would increase revenues by approximately $1,933,192 (14.95 percent). MPL has requested that the increase become effective August 30, 1976. For the reasons discussed in this order, the Commission will accept the proposed tariff sheet reflecting the higher rates for filing, suspend its effectiveness for 30 days and permit it to become effective subject to refund, and grant intervention.

Although the basic rate form of the present rates is unchanged, all components of the rates are proposed to be increased. In addition, the proposed fuel adjustment clause is in conformance with Order No. 517.

MP&L's Case-in-Chief is based on a test period consisting of twelve months ended December 31, 1976. The proposed rate would increase revenues for this period by approximately $1,993,192 (14.95%). The proposed rate increase will result in an earned rate of return to MPL of 10.77%.

Public notice of MPL's increase was issued on August 12, 1976, with comments, protests or petitions to intervene due on or before August 31, 1976. On August 19, 1976, a Protest, Petition to Intervene, Request For Rejection or Suspension for the maximum period permitted by law was filed by the Village of Aitkin, City of Biwabik, City of Brainerd, Village of Buhl, City of Ely, City of Gilbert, Village of Grand Rapids, Village of Hibbing, Village of Keewatin, Village of McKinley, Village of Mountain Iron, Village of Nashwauk, Village of Pierz, City of Staples, City of Two Harbors, City of Virginia, and Stuntz Cooperative Light & Power Association, all located within the State of Minnesota (hereinafter collectively referred to as "Petitioners"). The Petitioners state that they are interested parties, and their interests are not adequately represented by any other party to this proceeding. They will be greatly affected by Commission orders in this docket and their intervention is, therefore, necessary and appropriate. Petitioners state that MPL's proposed rates have purportedly been developed to yield a return on equity in the range of from 15.5 percent to 16.0 percent. However, MPL has presented no probative evidence to support a return at this level. Petitioners state that MPL's proposed fuel adjustment claust does not comply with either § 35.14 of the Commission's regulations or concepts of elemental fairness.

In addition, MPL's filing includes a proposed Rider for Standby Service that calls for a $2 per month per KW of standby capacity. MPL proposes an August 30, 1976, effective date for such Rider. The three partial requirements customers referred to by MPL are Village of Hibbing, City of Two Harbors, and City of Virginia. The Commission has ruled and the Court has affirmed that contractual obligations bar MPL from revision of the rate for standby service. The proposed Rider should therefore be rejected.[2] Moreover, the Commission by letter order issued February 4, 1976, accepted a similar Rider for standby service for filing. The Rider related to the same three partial requirements customers of MPL. It was error to have accepted the Rider for standby service for filing and that portion of our February 4, 1976 order accepting same is hereby rescinded.

Many of the issues raised in Petitioners Protest are properly the subject for further development and consideration at hearing rather than at this stage of the proceeding. The decision to suspend is discretionary with the Commission and the Commission does not believe a full five month suspension is warranted in this case. As noted previously, MPL's proposed Rider for Standby Service to its three partial requirements sales-for-resale customers is rejected. To the extent that the wholesale customers are paying increased rates due to purchased power costs or for other proposed increases, any

[1] 18 CFR 2.76.

[1] See attachment for rate schedule designations.

[2] Minnesota Power & Light Company, Docket No. E-9502, Order issued July 18, 1975 and September 2, 1975; Minnesota Power & Light Company, Docket No. E-8494, orders issued April 29, 1974 and June 17, 1974; "Minnesota Power & Light Company v. FPC," CADC No. 74-1796, Judgment issued January 16, 1976.

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refunds resulting from the final determination of the just and reasonable rate for MPL will flow back to these wholesale customers.

MPL's proposed rates under its supplemental rate schedules have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission therefore suspends the proposed rates for thirty days and will establish hearing procedures.

The Commission finds. (1) Good cause exists to accept for filing MPL's proposed increased rates filed July 30, 1976 and to suspend those rates for 30 days until September 30, 1976, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists to reject MPL's proposed Rider for Standby Service to its three partial requirements sales-for-resale customers.

(3) Good cause exists to allow the Petitioners to intervene in this proceeding.

The Commission orders. (A) Pending a hearing and decision thereon, MPL's proposed rate schedules are hereby accepted for filing and suspended from operation for 30 days, to become effective September 30, 1976, subject to refund.

(B) MPL's proposed Rider for Standby Service to the village of Hibbing, city of Two Harbors, and the city of Virginia, is hereby rejected.

(C) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of the rate increases proposed by MPL's filing.

(D) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before December 30, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5 (d), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(F) MPL shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's regulations, 18 CFR 35.19a.

(G) The petitioners are hereby permitted to inervene in this proceeding. *Provided, however,* That participation by them shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25864 Filed 9-2-76;8:45 am]

[Docket No. ER76-789]

MONONGAHELA POWER CO., ET AL.

Filing of Certificate of Concurrence

AUGUST 27, 1976.

Take notice that on August 9, 1976, Virginia Electric and Power Company (VEPCO) tendered for filing a Certificate of Concurrence with the July 28, 1976 filing by Allegheny Power Service Corporation of a rate schedule specified as Amendment No. 5 to the Operating Agreement dated January 1, 1973 among Monongahela Power Company, The Potomac Edison Company, West Penn Power Company and VEPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25865 Filed 9-2-76;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Settlement

AUGUST 27, 1976.

Take notice that on August 19, 1976, Natural Gas Pipeline Company of America (Natural) filed with the Commission in the referenced docket a "Motion for Approval of Settlement Agreement" together with a "Stipulation and Agreement" which constitutes a proposal of settlement.

The motion recites that the proposed settlement was prepared by Natural and circulated to the participants herein as the result of public conferences held on February 18 and June 29, 1976. The proposed settlement would dispose of all issues herein and terminate the proceeding.

Any person wishing to do so may submit written comments concerning the proposed settlement agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before September 20, 1976. Reply comments, if any should be delivered or mailed on or before October 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25866 Filed 9-2-76;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Order Approving Settlement Agreement

AUGUST 30, 1976.

On March 29, 1976, New England Power Company (NEPCO) filed a Settlement Agreement (Agreement) in the captioned docket, together with a motion for Commission approval of such Agreement as a settlement of all issues arising in this proceeding. For the reasons discussed below, the Commission shall grant NEPCO's motion.

Proceedings in this docket were initiated on October 1, 1975, when NEPCO tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes were intended to provide a new service—Contract Demand Service—to those NEPCO customers who elect to become selfstanding participants in the New England Power Pool (NEPOOL). By order issued October 30, 1975, the proposed changes were accepted for filing and suspended for one day until November 1, 1975.

By order issued November 20, 1975, the Commission granted a petition to intervene filed on behalf of the Massachusetts Municipal Wholesale Electric Company and members thereof [1] who are also wholesale customers of NEPCO.

After extended negotiations among the parties, a settlement conference was convened on March 24, 1976. As a result of such conference, the subject Agreement was filed with the Commission on March 29, 1976. The Agreement provides for a revised set of terms and conditions to govern NEPCO's Contract Demand Service, which terms and conditions are summarized as follows:

(1) Each customer must specify in his original service agreement with NEPCO what the customer's contract demand will be for a maximum of the first two and one-half Power Years [2] following execution of the service agreement;

(2) Contract demands for Power Years subsequent to the initial period will be specified by customer's written notice one year prior to the commencement of such subsequent Power Year.

(3) After compliance with the notice requirements discussed above, a customer may decrease his contract demand by no more than 20 percent of his contract demand for the preceding Power Year. Similarly, a customer may, at his option, increase his contract demand by no more than 10 percent of his contract demand for the preceding Power Year.

(4) In the event NEPCO forecasts excess capacity, a customer may increase his contract demand by a percentage greater than that specified in paragraph (3), supra.

(5) For Power Years during the period November 1, 1975, through November 1, 1980, to the extent that a customer's contract demand in a given Power Year is less than the customer's maximum demand in the 12 months preceding the initial contract demand period (the "historical" demand), the customer agrees to purchase as an entitlement in one of NEPCO's units additional amounts of capacity based upon the difference between the customer's "historical" demand and its contract demand during the Power Year.

(6) The rates and charges for Contract Demand Service are to be determined in accordance with the Commission's ultimate findings in NEPCO's general wholesale rate cases. During the term of the Agreement, rate change filings for Contract Demand Service will be based on the same cost of service and will be filed coincidentally with other changes in NEPCO's rates for resale service.

(7) The terms and conditions outlined above will remain in effect through October 31, 1981.

Public notice of the filing of the Agreement was issued on April 5, 1976, with initial comments due by April 23, 1976, and reply comments due by May 7, 1976. On April 23, the Commission Staff filed comments supporting the Agreement. No other comments were received.

The Commission's review of the subject Agreement indicates that the terms and conditions proposed therein for Contract Demand Service are equitable to all parties concerned and are otherwise consistent with the public interest. Accordingly, the Agreement shall be incorporated herein by reference, approved and made effective as of November 1, 1975, subject to the conditions set forth below.

The Commission finds. Approval, as hereinafter ordered and conditioned, of the Agreement submitted by NEPCO in this docket on March 29, 1976, is just and reasonable and in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The Agreement filed by NEPCO on March 29, 1976, in this docket is incorporated herein by reference, approved and made effective as of November 1, 1975, subject to the conditions set forth below.

(B) NEPCO shall comply with each of the provisions of the subject Agreement and with the terms and conditions of this order.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against NEPCO or any other person or party.

(D) Within 30 days of the date of issuance of this order, NEPCO shall file revised tariff sheets to effectuate the provisions of the Agreement, including rates based upon the settlement cost of service approved by the Commission in its July 12, 1976 order in Docket Nos. E-9136, et al.,[3] and shall make refunds of all amounts collected in excess of such rates, together with interest computed at the rate of nine per cent per annum.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

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[1] The Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Hingham, Holden, Hudson, Littleton, Mansfield, Marblehead, Middleton, North Attleboro, Paxton, Peabody, Shrewsbury, Sterling, Templeton, Wakefield and West Boylston.

[2] A Power Year is defined as twelve consecutive months commencing with November 1 of each calendar year.

[3] New England Power Company, Docket Nos. E-9136 and E-9140, Order Approving Settlement Agreement, issued July 12, 1976.

ATTACHMENT A, UNITED STATES OF AMERICA BEFORE THE FEDERAL POWER COMMISSION

[Docket No. ER76-158]

NEW ENGLAND POWER COMPANY

MOTION OF NEW ENGLAND POWER COMPANY FOR APPROVAL OF SETTLEMENT AGREEMENT AND SUSPENSION OF PROCEDURAL DATES

New England Power Company ("NEP") hereby respectfully requests the Commission to (1) approve the settlement agreement attached hereto as Appendix A, and (2) suspend the presently effective procedural dates herein.

The instant proceeding arose from the filing by NEP on October 1, 1975 of certain changes in its FPC Electric Tariff, Original Volume Number 1. The changes provided for a new type of service—Contract Demand Service ("CD")—intended to accommodate those of NEP's customers that elected to become self-standing participants in the New England Power Pool ("NEPOOL"). The rates to be charged for this type of service are determined by reference to the cost of service as submitted by NEP and as approved by the Commission in NEP's general wholesale rate cases, and are not at issue here.

The NEPCO Customer Rate Committee and several of NEP's wholesale customers intervened, objecting to various provisions of the contract demand tariff as filed. After negotiations, extending over a six month period, a settlement was reached and executed. This executed settlement agreement was explained and discussed at a settlement conference on March 24, 1976, to which all interested persons were invited.

It is believed that the terms of the settlement agreement are self-explanatory. It provides an orderly method, extending over a five year period, for such of NEP's customers as wish to do so, to become self-standing members of NEPOOL wholly without dependence upon NEP for their power supplies. It represents a reasonable compromise between the interests of NEP and the interests of its customers. NEP expects that there will be public notice of the settlement, with opportunity for interested persons to comment thereon and NEP respectfully asks that provision be made for reply comments.

Wherefore the instant motion should be granted and the attached settlement agreement, after notice, comments and consideration by the Commission, should be approved. Pending such approval the current procedural schedule in this case should be suspended.

Respectfully submitted,

DEBEVOISE & LIBERMAN,

By LEONARD W. BELTER,
Attorneys for New England Power Co.

MARCH 29, 1976.

ATTACHMENT B—UNITED STATES OF AMERICA BEFORE THE FEDERAL POWER COMMISSION

[Docket No. ER76-158]

NEW ENGLAND POWER COMPANY

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into as of October 15, 1975 by and between New England Power Company ("Company") and the undersigned municipal electric departments and plants which purchase all or part of their requirements of electricity from the Company and which are intervenors in this proceeding ("Customers").

In consideration of the mutual agreements and understandings herein, the parties hereby make and enter into the following representations, understandings and agreements:

1. On October 1, 1975 the Company filed with the Federal Power Commission ("FPC") certain proposed changes in its FPC Electric Tariff, Original Volume Number 1, for the purpose of providing a new type of service—Contract Demand Service ("CD")—to those of its customers that elect to become self-standing Participants in the New England Power Pool ("NEPOOL"). Customers object to certain of the provisions of the proposed CD tariff as filed by the Company and, after negotiations on the subject, agreement has been reached for modification of the CD tariff as filed on the basis of the terms of this Settlement Agreement. It is further agreed that, except as otherwise expressly provided, the terms of this Settlement Agreement shall remain in effect from the date hereof for a period extending through October 31, 1981. Further, it is expressly agreed that at any time following one year from the date of this Settlement Agreement, the Company may file a revised CD tariff to be effective for the period commencing November 1, 1981.

2. Any Customer electing to take CD shall commence such taking on the first day of a month. A Customer electing to take CD commencing on November 1, 1975 or on December 1, 1975 shall notify the Company in writing of such election on the date of execution of this Settlement Agreement. A Customer electing to take CD commencing January 1, 1976 shall notify the Company in writing of such election on or before December 1, 1975. A Customer electing to take CD commencing February 1, 1976 or March 1, 1976 shall give the Company thirty (30) days written notice of such election. A Customer electing to take CD commencing on the first day of any month after March 1976 shall give

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the Company ninety (90) days written notice of such election.

3. For purposes of determination of demand under the presently filed CD tariff:

(i) Prior to its initial taking of CD, the Customer shall specify: (a) if such initial taking occurs prior to May 1 in any Power Year commencing November 1, the demand in kilowatts to be supplied by the Company under the CD tariff ("CD Demand") for that Power Year and the next succeeding Power Year; (b) if such initial taking occurs on or after May 1 in such a Power Year, the CD Demand for the remainder of that Power Year and for the two next succeeding Power Years.

(ii) In addition to the requirements of Paragraph 3(i) above, on or before November 1 in each of the calendar years 1975 through 1979, each Customer having in effect on such date a CD service agreement shall specify to the Company its CD Demand for the Power Year beginning on the November 1 following such date.

(iii) The CD Demand of a Customer in the initial Power Year of its CD taking shall not be less than eighty percent (80%) of an amount in kilowatts equal to the greatest Demand established by the Customer during the twelve (12) months next preceding the date of initial CD taking under the terms of any agreement with the Company for the purchase of primary service for resale. Thereafter the CD Demand of a Customer for any Power Year shall not be less than eighty percent (80%) of the CD Demand for the preceding Power Year without the agreement of the Company.

(iv) For the Power Years commencing November 1, 1975, November 1, 1976 and November 1, 1977, (a) a Customer specifying its initial CD Demand may specify a CD Demand up to one hundred ten percent (110%) of the greatest Demand established by the Customer during the twelve (12) months next preceding the date of initial CD taking under the terms of any agreement with the Company for the purchase of primary service for resale (such greatest Demand previously established is hereinafter referred to in this Paragraph 3 and Paragraph 4 as "A"); and (b) a Customer specifying a CD Demand which is for the second or third year of CD taking may specify a CD Demand up to one hundred ten percent (110%) of its CD Demand in the preceding Power Year.

(v) If and to the extent the Company forecasts the availability of sufficient excess capacity, a Customer may specify under this Paragraph 3 a CD Demand in any Power Year increased, as needed.

4. (i) To the extent that, during the Power Years beginning November 1, 1975 through November 1, 1980, a Customer's CD Demand is less than A, such Customer shall take from the Company in replacement for such reduction an entitlement (hereinafter referred to as "Entitlement" or "E") in each such Power Year determined from the following formula:

$$E=(1+R)\times(A-D)$$

where R=the reserve percentage (expressed as a decimal) which the Company determines it will be required to carry under the NEPOOL Agreement for each Power Year less a percentage (expressed as a decimal) determined as follows:

Power year beginning:	Percent
Nov. 1, 1975	7
Nov. 1, 1976	6
Nov. 1, 1977	5
Nov. 1, 1978	4
Nov. 1, 1979	3
Nov. 1, 1980	2

D=the Customer's CD Demand in the Power Year for which the determination of E is being made.

(ii) Entitlements under Paragraph 4(i) above may be chosen from among the alternatives specified in the Company's offering letter of May 20, 1975 or any other offering which the Company may make. To the extent that such capacity has been sold by the Company to others, leaving insufficient capacity of these types to meet the Customer's needs, the Customer shall be relieved of the requirements of Paragraph 4(i). It is understood that each Customer's load growth may be filled in any way the Customer sees fit.

(iii) Customers may substitute as Entitlements purchased in accordance with this Paragraph 4, power from the New Haven Harbor Unit of The United Illuminating Company provided, however, that the amount of such power so substituted by any Customer shall not exceed its projected load growth during the next two (2) Power Years and the aggregate amount substituted by all Customers shall not exceed fifteen (15) megawatts.

5. Notwithstanding any other provisions of this Settlement Agreement, any Customer also a NEPOOL Member may continue to take partial requirements service under the Company's currently effective tariff (or any successor thereto) for five (5) years from the date hereof provided such Customer receives no additional entitlements or generation.

6. No provision of this Settlement Agreement shall be deemed to restrict the Company's right to file changes in its CD tariff except:

(i) During the term of this Settlement Agreement, no major change shall be made in the method of rate design set forth in Schedule II–CD of the CD tariff, as it applies to the allocations between demand and energy charges, or in the Terms and Conditions set forth in Schedule III–CD *provided, however*, That if, due to unforeseen circumstances, the impact of this Paragraph 6(i) causes undue hardship on the Company or is determined to be in conflict with regulatory policy, then this Paragraph 6(i) shall become null and void.

(ii) During the term of this Settlement Agreement rate change filings applicable to CD will be based on the same cost of service and will be filed coincidentally with other changes in the Company's rate for primary service for resale.

7. Prior to July 1, 1976 the Company shall contract, with any Customer so electing, for the taking by such electing Customer from the Company of peaking capacity similar in characteristics to the MMWEC units now designated as NEPOOL planned for Ludlow, Massachusetts for the period from November 1, 1981 through October 31, 1982 or the commercial operation date of the Ludlow peaking units, whichever first occurs. Said July 1, 1976 date may be extended for purpose of obtaining related town meeting actions by a Customer, but in no event shall it be extended beyond September 1, 1976.

8. (i) Firm contract demand power (which includes reserves) purchased by Customers from other NEPOOL Members and which is in addition to power purchased from the Company under Paragraphs 3 and 4 above, will be transmitted by the Company across its system for Customers who are NEPOOL Members on a PTF type rate, i.e., annual PTF costs of the Company divided by its load. The Company agrees to reduce its transmission charges under this Paragraph by the amount of transmission charges paid by the Customer to any other transmitting party for the transmission of such contract demand power provided, however, that in no event shall the Company's transmission charges be reduced to less than one-half (½) the charge determined under the foregoing rate. Notwithstanding the foregoing provisions of this Paragraph 8(i), the Company hereby reserves its right to petition the Federal Power Commission for a determination that charges for this type of transmission should be on the basis of fully allocated transmission costs of the Company.

(ii) In addition to transmission services under Paragraph 8(i) above, the Company agrees to transmit across its system on the same terms and conditions as provided in such Paragraph 8(i) firm power, other than contract demand power, purchased by Customers from other NEPOOL members and which is in addition to power purchased from the Company under Paragraphs 3 and 4 above provided, however, that the Company reserves its right at any time to petition the Federal Power Commission for a determination that such transmission service for firm power is not in the public interest.

(iii) Unit power purchased by Customers from other NEPOOL Members or NEPOOL sources will be transmitted by the Company across its system for Customers or other MMWEC members who are NEPOOL Members on a PTF type rate, i.e., annual PTF costs divided by capability provided, however, that (a) transmission services under this Paragraph 8(iii) which come within the terms of the NEPOOL Agreement shall be governed in all respect by that Agreement; (b) with respect to transmission services rendered by the Company under this Paragraph 8(iii) which do not come within the terms of the NEPOOL Agreement, the Company agrees to reduce its transmission charges under this Paragraph by the amount of transmission charges paid by the Customer to any other transmitting party for the transmission of such unit power subject to the limitation that in no event shall the Company's transmission charges be reduced in any such case to less than one-half (½) the charge determined under the foregoing rate.

(iv) In the event alternative routings are available for a particular transmission transaction under this Paragraph 8 and one routing will require the use of the facilities of a greater number of intervening systems than another routing, the transaction shall be deemed to utilize the routing which requires the use of the facilities of the least number of intervening systems.

9. Provided that the individual contracting Customer remains liable for and payment is made to the Company for its CD and other Entitlements obtained from the Company, the power may be assigned by such Customer through MMWEC, or its successor, as its agent to other Customers or to other entities which are not customers of the Company, and/or such power may be assigned directly from Customer to Customer, subject only to notice adequate for NEPOOL dispatch. No additional transmission cost, other than subtransmission costs, will be charged by the Company in the event of such assignments for transmission within its system. Such subtransmission charges shall be adjusted as necessary to eliminate any duplication.

10. The foregoing transmission provisions of this Settlement Agreement are conditioned upon and limited to the availability of the Company's existing and planned transmission capacity.

11. This Settlement Agreement is made upon the following conditions:

(i) That each provision of this Settlement Agreement is consideration in support of every other provision.

(ii) That this Settlement Agreement is binding only if it is approved by the Federal Power Commission without modification of the substantive provisions hereof in an order from which no appeal is taken, and the proceedings in FPC Docket No. ER 76–158 are thereby terminated.

(iii) That the making of this Settlement Agreement shall not be deemed in any respect to constitute an admission by the Company or any Customer that any allegation or contention in this proceeding or as to any of the foregoing matters is true or valid.

(iv) That the making of this Settlement Agreement establishes no principles and shall not be deemed to foreclose the Company or any Customer from making any contention in any proceeding or investigation involving rates or service subsequent to all required approvals of this Settlement Agreement, except where they would violate specific commitments of the Company and Customers hereunder.

(v) That the prior discussion among Customers and Company which have produced this Settlement Agreement have been conducted on the explicit understanding, pursuant to section 1.18(e) of the Commission's Rules of Practice and Procedure, that all offers of settlement and discussions relating thereto are and shall be privileged, and shall be without prejudice to the position of any party or participant presenting any such offer or participating in any such discussion, and are not to be used in any manner in connection with the proceedings in this Docket or otherwise. This Settlement Agreement is executed on the same explicit understanding and on the further condition that in the event the Commission does not by order approve it without modification of the substantive provisions hereof, this Settlement Agreement shall be deemed withdrawn and shall not constitute part of the record in this proceeding or be used for any other purpose.

This Settlement Agreement is executed as of the date first above written by representatives of the parties thereunto duly authorized.

NEW ENGLAND POWER COMPANY
By ROBERT D. HAWTHORNE,
Its Attorney.

Massachusetts Municipal Wholesale Electric Company, and the Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Hingham, Holden, Hudson, Littleton, Mansfield, Marblehead, Middleton, North Attleboro, Paxton, Peabody, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston.

By _____
Their Attorney.

[FR Doc.76–25912 Filed 9–2–76;8:45 am]

[Docket No. CI76–524]

NORTHERN MICHIGAN EXPLORATION CO.

Order Granting Rehearing and Clarifying Prior Order

AUGUST 27, 1976.

On May 10, 1976, Northern Michigan Exploration Company (NOMECO) filed in the above docket an application for a limited term sale pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). NOMECO proposes to sell gas from reserves located in West Cameron Block 639, Offshore Louisiana to Trunkline Gas Company (Trunkline) under a contract dated April 20, 1976, until such time as a permanent certificate is issued to it in Michigan Gas Storage Company, et al., Docket No. CP74–322, et al. In the Michigan Gas case, NOMECO proposed a permanent sale to Consumers Power Company (Consumers Power).

Thereafter on June 14, 1976, NOMECO filed a petition for special relief pursuant to § 2.56a(g)(2) for the sale of its working interest in the West Cameron Block 639 reserves for both the limited term sale to Trunkline and the permanent sale to Consumers Power.

By order issued July 9, 1976, we issued NOMECO a limited term certificate pursuant to its May 10, 1976, application. As stated above, the sale to Trunkline is to terminate only in the event that a permanent certificate is issued and accepted in the Michigan Gas proceeding. In that order we also stated that NOMECO was to collect the national rate and was prohibited from petitioning for special relief "unless or until such time as the applications in Docket Nos. CP74–322, et al. (Michigan Gas) were dismissed, denied or withdrawn or any authorization issued therein rejected" (Order at 4).

On July 28, 1976, NOMECO filed an application for rehearing in this docket requesting (1) modification of that portion of the July 9 order prohibiting NOMECO from filing for special relief with respect to the limited term sale to Trunkline and (2) clarification as to when NOMECO is authorized to seek special relief for its proposed sale to Consumers Power.

We believe that our recent order in Northern Michigan Exploration Company et al., Docket No. RI76–132, et al., Issued August 4, 1976, answers Applicant's request for clarification. By that Order Consolidating Proceedings, we permitted NOMECO to seek sepecial relief for its proposed permanent sale to Consumers Power.

The limited term certificate granted to NOMECO in our July 9 order is unusual in that it is for a limited term only in the event a permanent certificate is issued and accepted by NOMECO in the Michigan Gas proceeding. In view of these special circumstances, we believe upon further consideration that it is appropriate to grant waiver of § 2.70(b)(3) of the regulations[1] so as to permit NOMECO to seek immediately special relief for its sale to Trunkline. As a result, we shall consolidate NOMECO's petition for special relief for its sale to Trunkline in the consolidated proceedings in Docket No. RI76–132, et al. In the meantime, NOMECO may sell its gas to Trunkline at the rate prescribed in our July 9 order.

The Commission orders. (A) NOMECO's petition for rehearing of the Commission's July 9, 1976, order is granted.

(B) NOMECO's petition for special relief with respect to its sale to Trunkline is hereby consolidated with the proceeding in Docket No. RI76–132, et al., which by our order issued August 4, 1976, was consolidated with Docket Nos. RI76–117 and RI76–119. Cost evidence presented for NOMECO's proposed permanent sale to Consumers Power should suffice for its sale to Trunkline since both are sales of NOMECO's working interest in reserves located in West Cameron Block 639. However, if NOMECO needs additional time for filing such evidence, it may seek a reasonable extension of time.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–25867 Filed 9–2–76;8:45 am]

[1] Under § 2.70(b)(3) a producer making jurisdictional sales from the Offshore Federal Domain pursuant to a limited term certificate is limited to the national ceiling rate.

[Docket No. ER76–818]

NORTHERN STATES POWER CO. (MINNESOTA)

Order Accepting for Filing and Suspending, Establishing Procedures, and Granting Intervention

AUGUST 27, 1976.

On July 29, 1976, Northern States Power Company, Minneapolis, Minnesota, (NSP), tendered for filing proposed revisions[1] to agreements with sixteen wholesale municipal customers which agreements were submitted as rate schedules by NSP on June 14, 1976, pursuant to Commission's order of May 27, 1976, approving the settlement in NSP's last rate increase in Docket No. E–9148.

NSP states that the proposed rate schedules will increase revenues from the total requirements sales by $1,453,000, based on sales for the June 1, 1976, to May 31, 1977, test year. In accordance with the settlement agreement in Docket No. E–9148 which precludes NSP from increasing settlement rates prior to January 1, 1977, but which permits NSP unilaterally to file rate increases subject to this condition, NSP requests that the proposed rate increase be accepted for filing with a proposed effective date of September 1, 1976, and be thereafter suspended until January 1, 1977, at which time it may become effective, subject to refund. For the reasons hereinafter stated, the Commission shall accept the proposed rate schedules for filing, suspend the rates until January 1, 1976, at which time they may become effective, subject to refund, pending the outcome of a hearing thereon, grant intervention and establish hearing procedures.

NSP states that the rate increase is needed so that revenues will more nearly recover its costs in rendering service.

Public notice of NSP's proposed increase was issued on August 13, 1976 with comments, protests or petitions to intervene due on or before August 17, 1976. On August 17, 1976, a petition to intervene was filed by the City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Village of Kasota, Village of Kasson, City of Lake City, Village of North Saint Paul, City of Saint Peter, City of Shakopee, City of Waseca, and City of Winthrop, all located within the State of Minnesota and hereinafter re-

[1] See attachment A for designations.

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ferred to collectively as "Municipal Intervenors". The Municipal Intervenors requested that NSP's filing be suspended Until January 1, 1977, as requested by NSP in its filing and for the further reason that NSP has not shown that the proposed rates are just and reasonable. The Municipal Intervenors state that they will be directly and adversely affected by NSP's proposed changes, that their interests cannot be represented adequately by other parties and that, therefore, they should be allowed to intervene in the proceeding.

The Commission's review indicates that the proposed increased rates filed July 29, 1976, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept the proposed rates for filing and suspend their use for four months, or until January 1, 1977, subject to refund.

The Commission finds. (1) NSP's proposed rate schedules should be accepted for filing, suspended for four months and the use thereof deferred until January 1, 1977, when they may be permitted to become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing to determine the lawfulness of NSP's proposed rate increase.

(3) Good cause exists to allow the aforementioned Municipal Intervenors to intervene in this proceeding.

The Commission orders. (A) Pending a hearing and decision thereon, NSP's proposed rate schedules are hereby accepted for filing and suspended from operation for four months, to become effective January 1, 1977, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereon, and the Commissions rules and regulations, a hearing shall be held concerning the justness and reasonableness of the subject rate increase.

(C) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before March 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) NSP shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's regulations, 18 CFR 35.19a.

(F) The aforementioned intervenors are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER76-818)

Northern States Power Co. (Minnesota)

Designations	Descriptions	Other party
Supp. No. 6 to rate schedule FPC No. 338 (supersedes supp. No. 5)	6th revised schedule A.	City of Anoka.
Supp. No. 6 to rate schedule FPC No. 378 (supersedes supp. No. 5)	do	City of Arlington.
Supp. No. 6 to rate schedule FPC No. 324 (supersedes supp. No. 5)	do	Village of Brownton.
Supp. No. 6 to rate schedule FPC No. 369 (supersedes supp. No. 5)	do	Village of Buffalo.
Supp. No. 7 to rate schedule FPC No. 323 (supersedes supp. No. 6)	do	City of Chaska.
Supp. No. 7 to rate schedule FPC No. 355 (supersedes supp. No. 6)	do	City of Granite Falls.
Supp. No. 6 to rate schedule FPC No. 335 (supersedes supp. No. 5)	do	Home Light & Power.
Supp. No. 7 to rate schedule FPC No. 318 (supersedes supp. No. 6)	do	Village of Kasota.
Supp. No. 6 to rate schedule FPC No. 379 (supersedes supp. No. 5)	do	Village of Kasson.
Supp. No. 6 to rate schedule FPC No. 361 (supersedes supp. No. 5)	do	City of Lake City.
Supp. No. 6 to rate schedule FPC No. 371 (supersedes supp. No. 5)	do	Village of North St. Paul.
Supp. No. 6 to rate schedule FPC No. 325 (supersedes supp. No. 5)	do	City of St. Peter.
Supp. No. 6 to rate schedule FPC No. 368 (supersedes supp. No. 5)	do	City of Shakopee.
Supp. No. 6 to rate schedule FPC No. 366 (supersedes supp. No. 5)	do	Town of Valley Springs.
Supp. No. 6 to rate schedule FPC No. 380 (supersedes supp. No. 5)	do	Town of Wascca.
Supp. No. 6 to rate schedule FPC No. 364 (supersedes supp. No. 5)	do	City of Winthrop.

[FR Doc.76-25868 Filed 9-2-76;8:45 am]

[Docket No. RP72-154 (PGA76-5) (AP76-1) (DCA76-3)]

NORTHWEST PIPELINE CORP.

Change in Rates Pursuant to Purchased Gas Cost Adjustment

AUGUST 27, 1976.

Take notice that Northwest Pipeline Corporation, on August 13, 1976, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's cost of purchased gas which will become effective on or before September 30, 1976, applied to volumes purchased for the twelve (12) month period ending June 30, 1976 and its change in unrecovered purchased gas costs since Northwest's prior PGAC filing dated February 13, 1976, and (2) crediting to storage gas purchasers under Rate Schedule SGS-1 through a special surcharge adjustment the difference between the estimated average storage injection cost and the estimated base average cost of purchased gas included in Northwest's sales rates during the withdrawal season.

The current PGAC adjustment, for which notice is given herein, aggregates an increase of 1.223¢ per therms in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's purchased gas cost aggregates an increase of $24,451,043. Northwest proposes to recover, through a surcharge, the balance of $12,503,968 in its FPC Account No. 191, as of June 30, 1976 and the balance of $212,105 in its FPC Account No. 813, applicable to Northwest's Rate Schedule X-29 Deferred Exchange, as of June 30, 1976. Northwest also proposes to credit $1,880,562 to storage gas purchasers through a special surcharge adjustment. The proposed change in rates would increase Northwest's revenues from jurisdictional sales and service by $34,973,582.

Northwest is concurrently filing notices of changes in rates applicable to Article 13.4, Change in Rates to Reflect Curtailment Credits ("Demand Charge Credits"), contained in its Original Volume No. 1 Tariff and Article VIII, Advance Payments, contained in Northwest's Stipulation and Agreement in Settlement of Rate Proceedings in Docket Nos. RP73-109 and RP74-95. In accordance with the Commission's order issued March 29, 1974 at Docket No. RP74-72 and the aforementioned Stipulation and Agreement, the rate adjustments under the Demand Charge Credit Adjustment provision and Advance Payments Tracker become effective on Northwest's PGAC adjustment date after 45 days' notice. Accordingly, all three rate adjustments are reflected on the tendered First Substitute Thirteenth Revised Sheet No. 10, which is proposed to become effective on October 1, 1976.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before September 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25913 Filed 9-2-76;8:45 am]

[Docket No. ER76-864]

PENNSYLVANIA-NEW JERSEY-MARYLAND GROUP

Supplement to Interconnection Agreement

AUGUST 30, 1976.

Take notice that on August 18, 1976, the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing on behalf of themselves and the Allegheny Power System Group (APS Group) a proposed Schedule 7.03 dated August 16, 1976 to the Interconnection Agreement between them dated April 26, 1965, which is filed with the Commission under the following Rate Schedule designations:

	Rate schedule, FPC No.
West Penn Power Co	18
The Potomac Edison Co	26
Monongahela Power Co	22
Public Service Electric and Gas Co	36
Philadelphia Electric Co	27
Pennsylvania Power & Light Co	41
Baltimore Gas and Electric Co	17
Potomac Electric Power Co	21
Jersey Central Power & Light Co	21
Metropolitan Edison Co	25
Pennsylvania Electric Co	45

PJM Group states that the proposed Schedule increases the capacity charge for Short Term Power services. PJM Group states that all parties to the Interconnection Agreement have received copies of the proposed Schedule. PJM Group requests that the proposed Schedule become effective on September 20, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25914 Filed 9-2-76;8:45 am]

[Docket No. RP76-137]

TENNESSEE GAS PIPELINE CO.

Order Accepting for Filing and Suspending in Part Proposed Tariff Sheets, Subject to Condition, Granting and Denying Requests for Waiver, Granting Interventions, and Establishing Procedures

AUGUST 30, 1976.

On July 30, 1976, Tennessee Gas Pipeline Company (Tennessee) tendered for filing certain revised tariff sheets to Ninth Revised Volume No. 1[1] and Sixth Revised Volume No. 2[2] of its F.P.C. Gas Tariff. Tennessee states that the revised tariff sheets reflect an increase in annual jurisdictional revenues of $121,160,266 to compensate it for a claimed increased cost of service for the 12 months ended April 30, 1976, as adjusted for known and measurable changes through January 31, 1977. Tennessee seeks to make its increased rates effective on September 1, 1976. For the reasons hereinafter stated, the Commission will accept the revised tariff sheets, subject to condition, and suspend their use for five months, or until February 1, 1977, when they will be permitted to become effective, subject to refund.

Public notice of Tennessee's filing was issued on August 10, 1976, with comments, protests, and petitions to intervene due on or before August 20, 1976. Various timely and untimely notices of intervention and petitions to intervene have been filed.[3] We shall grant the intervention of these parties.

Tennessee states as the basis for the increase requested herein that it continues to incur increases in costs not reflected in its currently effective rates. Specifically, this increase is based on increased unit costs because of declining sales volumes; an increase in claimed rate of return to 11.33 percent; an increase in claimed depreciation rate to 8.5 percent for offshore properties and 5 percent for onshore transmission, products extraction, storage, and intangible plant; increased income taxes associated with the increased return allowance and the claim that certain property of 1954 and earlier vintage is fully depreciated for tax purposes; plant additions; increased advance payments of $142 million during the test period; increased cost of materials, supplies, and wages; and an amortization over a ten year period of a claimed deficiency in Account 282. In addition, Tennessee has included unrecovered purchased gas costs of $7,844,968 in its claimed working capital. The rates proposed are based on the Atlantic Seaboard[4] method of rate design. Tennessee has included costs associated with gas supply facilities for which it has not been issued certificate authority and seeks waiver of § 154.63(e)(2)(ii) of the Commission's regulations to permit the inclusion of those facilities in its filing. Tennessee further proposes to include $23 million of construction work in progress (CWIP) in its rate base and to expense currently, rather than capitalize, $10.6 million of construction overheads. Tennessee seeks waiver of § 154.63(f) of the regulations to include CWIP in rate base.

Commission review of the proposed increased rates reveals that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Tennessee's revised tariff sheets for filing and suspend their use for five months, or until February 1, 1977, or when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act, subject to the condition hereinafter ordered.

Tennessee seeks waiver of the 15 day requirement for the filing of Statement P[5] in order to file a supplement thereto incorporating rate of return evidence related to market conditions and discounted cash flow studies. In light of the increase herein requested over the rate of return sought and approved in Tennessee's rate increase filing in Docket No. RP73-113, Opinion No. 769, issued July 9, 1976[6], the Commission believes the requested waiver should be granted.

[1] Thirteenth Revised Sheet Nos. 12A and 12B.

[2] First Revised Sheet Nos. 246D, 247D, 248D, 249H, 249I; Second Revised Sheet No. 245D; Third Revised Sheet Nos. 76 and 215; Fourth Revised Sheet Nos. 53, 54, 77, and 141; and Seventh Revised Sheet Nos. 11 and 12.

[3] See Appendix A.

[4] Atlantic Seaboard Corporation, 11 FPC 43 (1952).

[5] Statement P was timely filed on August 13, 1976.

[6] A comparison of the capitalization and costs approved by Opinion No. 769 and that sought herein demonstrates the size of the requested increase:

V41 I173 SEP 3 76 UMI

Class	Percent	Cost (percent)	Weighted cost (percent)
Opinion No. 769:			
Long-term debt	51.05	6.56	3.35
Preferred stock:			
1st preferred	9.98	7.00	.70
Conventional 2d preferred	1.88	5.48	.10
Common equity	37.09	13.75	5.10
Total	100.00		9.25
RP76-137 schedule F(2):			
Long-term debt	45.06	8.38	3.78
Preferred stock:			
First preferred	6.10	7.41	.45
Conventional 2d preferred	.67	5.42	.04
Conventional preference	.52	5.50	.03
Common equity	47.65	14.75	7.03
Total	100.00		11.33

The Commission also believes that waiver of § 154.63(e)(2)(ii) of the regulations should be granted to permit the inclusion of costs associated with uncertificated facilities to be included, subject to condition hereinafter specified. However, the Commission does not believe that waiver of § 154.63(f) of the regulations should be granted. Tennessee relies on our Notice of proposed rulemaking in Docket No. RM75-13[7] and on evidence sponsored by its witness Stogsdill for the inclusion of CWIP in rate base. Mr. Stogsdill also supports the current expensing instead of capitalization of construction overheads. The Commission required the elimination of both of these items from the rates permitted to become effective in Tennessee's last filed rate increase.[8] Tennessee's Motion for Stay of the effectiveness of the Commission's order to the extent expensed construction overheads were required to be eliminated from the rate increase therein sought was denied.[9] The Commission believes that both of these items should again be eliminated from the rate increase proposed. While the proposed rulemaking in Docket No. RM75-13 is under review, the Commission's current regulations exclude plant under construction from rate base. The Uniform System of Accounts provides that construction overheads be capitalized and placed in Account 107, and not treated as an item of current expense.[10]

Tennessee's evidence purports to show that the inclusion of CWIP in rate base and the treatment of construction overheads as a current expense result in a long term savings to the consumer. It also relies on the risk of underrecovery of its capital through future depreciation.

We are not persuaded to permit the inclusion of CWIP in rate base pending disposition of the Notice of Proposed Rulmeaking in Docket No. RM75-13. As was stated in the order denying rehearing in Docket No. RP75-113, et al., supra, it has been the consistent ratemaking policy of this Commission to permit electric utilities and natural gas pipelines to earn a fair return on the original cost of property used and useful in the public interest, specifically excluding construction work in progress from rate base.[11] The regulations so provide, and the pendency of the rulemaking in Docket No. RM75-13; wherein a change in ratemaking policy was proposed, does not alter this. Similarly, we do not believe current consumers should be charged with construction overheads as a current expense. The order denying rehearing in Docket No. RP75-113, et al., supra n. 8, stated:

> [T]he overhead expenses associated with this construction are similarly not incurred for the benefit of present consumers who will be required to pay the just and reasonable rates determined in this proceeding. Accordingly, these overheads should be capitalized and placed in rate base together with the CWIP project with which they are associated when that project is dedicated to the service of the consumers, not treated as a current expense. The policy underlying our treatment of this item is identical to our policy with regard to CWIP. (mimeo at 8).

Therefore, the Commission believes that waiver of Section 154.63(e)(2)(ii) should be granted and the proposed tariff sheets accepted for filing, subject to the condition that Tennessee file revised tariff sheets to go into effect on February 1, 1977, reflecting: the elimination of plant which is not certificated and placed in service as of February 1, 1977; the elimination of construction work in progress from rate base; and elimination of the treatment of construction overheads as an item of current expense.

By Opinion No. 769, we did not, except as to certain details, rule on the appropriate method of cost classification, allocation, and rate design for Tennessee insofar as the rates therein determined were locked in. We found the Seaboard method appropriate for the purpose of determining refunds, while inviting attention to an Order Approving Settlement Agreement in Transwestern Pipeline Company, Docket No. RP74-52, issued March 2, 1976. Therein, the Commission placed Transwestern on notice that it shall be subject to undercollections in any new rate filing to the extent of the classification of 75 percent of fixed costs to commodity and the methodology of United Gas Pipe Line Company, 50 FPC 1348 (1973) is adopted after hearing in a new general rate case. (Transwestern, mimeo at 7). Similarly, Tennessee was placed on notice that it was subject to undercollections if a rate structure departing from the Seaboard method was adopted by our order suspending its rates in Docket No. RP75-113, et al., supra n. 8. Therein, the Commission noted that the filing of successive rate increase filings, creating locked in periods, may frustrate our efforts to adopt just and reasonable methods of cost classification, allocation, and rate design differing from the Seaboard method. That the RP75-113 rates will become locked in by the instant filing on February 1, 1977 is yet an additional example of the potential for frustration. Accordingly, notice is hereby renewed to Tennessee of the potential liability for undercollections in the event methods of cost classification for allocation and rate design purposes are adopted that assign more fixed costs to the commodity component than are assigned under the Seaboard method.

The Commission finds: (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increase rates and charges proposed by Tennessee in the instant docket, and that the tariff sheets reflecting such increased rates be accepted for filing and the use thereof suspended for five months, as hereinafter ordered and conditioned.

(2) Good cause exists to permit the parties named in Appendix A to intervene herein.

(3) Good cause has not been shown to grant waiver of Section 154.63(f) of the Commission's Regulations.

(4) Good cause exists to grant waiver of §§ 154.63(e)(4)(ii) and 154.63(b)(2) of the Commission's regulations hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness and reasonableness of the increased rates as proposed herein.

(B) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed by Tennessee, the revised tariff sheets filed herein are accepted for filing and suspended for five months or until February 1, 1977, when they will be permitted to become effective subject to refund, in the manner provided by the Natural Gas Act, subject to the condition that Tennessee file by February 1, 1977, revised tariff sheets reflecting the elimination of costs included in the proposed rates associated with facilities which have not been certificated and placed in service by February 1, 1977, the elimination of CWIP from rate base, and also reflecting the elimination of expensed construction overheads.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before November 30, 1976. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (see delegation of authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The parties mentioned in Appendix A of this order are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Waiver of § 154.63(f) of the Commission's regulations is hereby denied.

(G) Waiver of § 154.63(e)(2)(ii) is hereby granted, subject to the condition specified in Paragraph (B) supra.

(H) Waiver of the 15 day time period for the filing of Statement P is hereby granted and such time is extended for an additional 30 days in order to permit Tennessee to file a supplement to its filed Statement P incorporating additional rate of return evidence.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Petitions and Notices of Intervention filed by:
Western Kentucky Gas Company.
Tennessee Public Service Commission.
Brooklyn Union Gas Company.
Consolidated Gas Supply Corporation.
Trunkline Gas Company.
Bay State Gas Company, et al., consisting of:
- Bay State Gas Company.
- The Berkshire Gas Company.
- Blackstone Gas Company.
- Boston Gas Company.
- Commonwealth Gas Company.
- Concord Natural Gas Corporation.
- The Connecticut Gas Company.
- Connecticut Natural Gas Corporation.
- Fitchburg Gas and Electric Light Company.
- Gas Service, Inc.
- Granite State Gas Transmission, Inc.
- The Hartford Electric Light Company.
- Haverhill Gas Company.
- City of Holyoke, Massachusetts Gas and Electric Dept.
- Lowell Gas Company.
- Manchester Gas Company.
- The Southern Connecticut Gas Company.
- Valley Gas Company.
- City of Westfield Gas and Electric Light Department.

Knoxville Utilities Board, et al., consisting of:
- Knoxville Utilities Board.
- Athens Utilities Board.
- Citizens Gas Utility District.
- Cookeville Gas Department.
- City of Etowah Utilities Department.
- Fayetteville Gas System.
- Gallatin Natural Gas System.
- Harriman Utility Board.
- Hawkins County Utility Board.
- Lenoir City Utilities Board.
- Lewisburg Gas Department.
- Loudon Utilities Board.
- Madisonville Gas System.
- First Utility District of Maury County.
- Middle Tennessee Utility District.
- Rockwood Natural Gas Company.
- Marion Natural Gas System.
- Sweetwater Board of Public Utilities.
- Jefferson-Cocke County Utility District.
- Sevier County Utility District.
- Volunteer Natural Gas Company.
- United Cities Gas Company.
- The Elk River Public Utilities District.
- Orange and Rockland Utilities, Inc.
- Rochester Gas and Electric Corporation.
- Northern Indiana Public Service Company.
- National Fuel Gas Supply Corporation.
- Columbia Gas Transmission Corporation.
- Elizabethtown Gas Company.
- Entex, Inc.
- Alabama Tennessee Natural Gas Company.
- Central Hudson Gas & Electric Corporation.
- Consolidated Edison Company of New York, Inc.
- East Tennessee Natural Gas Company.
- Midwestern Gas Transmission Company.
- Michigan Wisconsin Pipe Line Company.
- New York State Electric & Gas Corporation.
- Northern Illinois Gas Company.
- Public Service Electric and Gas Company.
- Tennessee Natural Gas Lines, Inc.

[FR Doc.76-25915 Filed 9-2-76;8:45 am]

[Docket No. CP76-267]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

AUGUST 27, 1976.

Take notice that on August 16, 1976, Texas Gas Transmission Corporation (Petitioner), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-267 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's general policy and interpretations (18 CFR 2.79), by which petition Petitioner requests authorization to transport additional gas for Aluminum Company of America (Alcoa) from Claiborne Parish, Louisiana, to points of delivery to Southern Indiana Gas and Electric Company, a resale customer of Petitioner, in Indiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner proposes to transport additional gas for Alcoa for use in its Warrick plant near Newburgh, Indiana, so that the total volume transported would be 7,957 Mcf per day from November 1, 1976, through July 1, 1978. The additional gas would be purchased by Alcoa from Par Oil Corporation (Par) at the same rate as that gas which Petitioner is presently authorized to transport in the instant docket. Petitioner states that it offered to purchase the subject gas from Par but that the offer was rejected because Par had been offered a higher price.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25869 Filed 9-2-76;8:45 am]

[Docket No. RP76-136]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Suspending Revised Tariff and Tariff Sheets, Waiving Regulations, and Establishing Procedures

AUGUST 30, 1976.

On July 30, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing FPC Gas Tariff, Second Revised Volume No. 1 (superseding First Revised Volume No. 1) and Substitute Revised Sheet Nos. 52, 121, 321, 416, and 495 and Sixth Revised Sheet No. 351 to Transco's FPC Gas Tariff, Original Volume No. 2. The tendered filing reflects, among other things, proposed increases in rates for sales for resale, transportation, and storage, which will result in increased revenues of approximately $81.3 million per year based on the 12-month period ending April 30, 1976, as adjusted for known and measurable changes through January 31, 1977. Transco requests an effective date of September 1, 1976, for its tender.

[7] Notice issued November 14, 1974.

[8] Tennessee Gas Pipeline Company, Docket Nos. RP75-113 and RP73-13, order issued August 15, 1975; order denying application for rehearing issued October 10, 1975.

[9] *Tennessee Gas Pipeline Company* v. *F.P.C.*, D.C. Cir. No. 75-2184, order issued January 14, 1976.

[10] Uniform System of Accounts, Gas Plant Instructions 3 and 4.

[11] *City of Detroit* v. *Panhandle Eastern Pipe Line Corporation*, 3 FPC 273, 280, 285 (1942), aff'd 143 F.2d 488, 324 U.S. 365.

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In support of its proposed increased rates, Transco states that the principal reasons for the increase are (1) an increase in unit cost of operation due to the decline in the gas supply and the consequent reduction in annual sales volumes, (2) increased advance payments amounts incurred and to be incurred during the test period, and (3) increased return and related income taxes.

Additionally, Transco in its filing proposes (1) to change from a measurement pressure base of 14.7 psia to 14.73 psia, (2) to change for billing and operating purposes from the volumetric (Mcf) basis to an energy basis expressed in dekatherms (dt), and (3) to incorporate certain miscellaneous changes to reflect current operating conditions on its system.

Transco has indicated that it will make a separate filing to place into effect on January 1, 1977, the proposed changes in form to its tariff in order to provide, as asserted by Transco, substantial convenience and cost savings to Transco and also possibly to its customers. However, our suspension of the tendered filing as hereinafter ordered will preclude those sheets from being placed into effect during the suspension period. Furthermore, any change in the suspended filing can only be accomplished in accordance with § 154.66 of the Commission's regulations.

Transco has included in its support for higher rates costs for construction work in progress, part of which is pending in Docket Nos. CP76-304 and CP76-362. Transco requests waiver of § 154.63(e)(ii) of the Commission's regulations to permit such inclusion. Transco states that, in the event such facilities have not been authorized and placed in service prior to the effective date of the rates, it will adjust its rates to eliminate such costs. We will grant such waiver upon the condition that Transco file revised tariff sheets to reflect the elimination of costs associated with facilities not certificated and placed in service by January 31, 1977.

Transco's filing raises numerous questions which can best be resolved through a hearing. Accordingly, we will establish procedures to resolve those questions and suspend Transco's filing for five months.

The Commission finds. (1) The proposed increased rates and charges and tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to waive § 154.63(e)(ii) of the Commission's regulations to permit Transco to include as support for its request the higher rates costs for construction work in progress, which pertain to facilities not authorized or placed in service, as hereinafter ordered and conditioned.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Transco's tender of July 30, 1976, suspend it, defer its use, and enter upon a hearing to determine its lawfulness, all as hereinafter ordered.

The Commission orders. (A) Transco's tender on July 30, 1976, of its FPC Gas Tariff, Second Revised Volume No. 1 and of Substitute Revised Sheet Nos. 52, 121, 321, 416, and 495 and Sixth Revised Sheet No. 351 to its FPC Gas Tariff, Original Volume No. 2 are hereby accepted for filing.

(B) Pursuant to the authority of the Natural Gas Act particularly sections 4, 5, 9, 14, 15, and 16 thereof, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Transco's tender of July 30, 1976, and the lawful rates and charges to be permitted to be charged and collected by Transco for its jurisdictional services.

(C) Pending such hearing and decision thereon, the Tariff and Tariff Sheets designated in Ordering Paragraph (A) above are hereby suspended and the use thereof deferred until February 1, 1977, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

(D) Transco's request for waiver of § 154.63(e)(ii) of the Commission's regulations is hereby granted provided that Transco, prior to February 1, 1977, file revised tariff sheets that reflect rates, which exclude costs of facilities which are not authorized and in service by January 31, 1977.

(E) Staff shall prepare and serve top sheets on all parties for settlement purposes in accordance with Administrative Order No. 157 on or before December 1, 1976.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for the purpose (See delegation of authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25872 Filed 9-2-76;8:45 am]

[Docket No. RP74-52 (PGA 76-4)]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

AUGUST 26, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on August 17, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Fourth Revised Sheet No. 5.
Fourth Revised Sheet No. 6.

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision as set forth in Section 19 of the General Terms and Conditions of its FPC Gas Tariff, Second Revised Volume No. 1. This change in Transwestern's rates reflects a Cost of Gas Adjustment to track increased purchased gas costs and a Surcharge Adjustment to clear the balance of the Gas Cost Adjustment Account.

The proposed effective date of the above tariff sheets is October 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25862 Filed 9-2-76;8:45 am]

[Docket No. RP72-133 (PGA 76-3)]

UNITED GAS PIPE LINE CO.

Compliance Filing

AUGUST 27, 1976.

Take notice that on July 19, 1976, United Gas Pipe Line Company submitted for filing a list of the names and addresses of small producers reflected in its May 14, 1976 PGA filing from whom United purchased gas at rates in excess of the rate levels provided for by Opinion No. 742. United states that this filing is in compliance with the Commission's order issued on June 30, 1976 in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25870 Filed 9-2-76;8:45 am]

[Docket No. ER76-829]

WESTERN MASSACHUSETTS ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets

AUGUST 27, 1976.

On July 30, 1976, Western Massachusetts Electric Company (WMECO) tendered for filing revised sheets [1] to its FPC Electric Tariff Original Volume No. 1. The filing would eliminate partial requirements service, increase the present rates for wholesale total requirements service to the towns of Chester and Russel, Massachusetts, the Fletcher Gas and Electric Company, Massachusetts Electric Company, and New York State Electric and Gas Company; and revise rate schedule CD covering service to the Town of Westfield, Massachusetts. In addition WMECO's filing proposes to amend its fuel adjustment clause to comply with § 35.14 of the Commission's regulations. The proposed rates would increase revenues by approximately $1,626,000 (42.7 percent).

Public notice of WMECO's proposed rate increases was issued on August 19, 1976, with comments, protests, or petitions to intervene due on or before September 10, 1976.

WMECO's proposed rates under its revised tariff sheets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. The Commission therefore suspends the proposed rates for one day and will establish hearing procedures.

The Commission finds. Good cause exists to accept for filing WMECO's proposed increased rates filed July 30, 1976, and to suspend those rates for one day until September 1, 1976, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission orders. (A) Pending a hearing and decision thereon, WMECO's proposed rate schedules are hereby accepted for filing and suspended from operation for one day, to become effective September 1, 1976, subject to refund.

[1] See attachment for designations.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of the rate increases proposed by WMECO's filing.

(C) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before December 1, 1976. (See Administrative Order No. 157)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) WMECO shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT—WESTERN MASSACHUSETTS ELECTRIC COMPANY DESIGNATIONS

[Docket No. ER76-829]

FPC ELECTRIC TARIFF ORIGINAL VOLUME NO. 1

Designation	*Supersedes*
3rd revised sheet No. 2	2nd revised sheet No. 2.
3rd revised sheet No. 3	2nd revised sheet No. 3.
2nd revised sheet No. 4	1st revised sheet No. 4.
1st revised sheet No. 4A.	Original sheet No. 4A.
2nd revised sheet No. 5	1st revised sheet No. 5.
2nd revised sheet No. 6	1st revised sheet No. 6.
2nd revised sheet No. 7	1st revised sheet No. 7.
2nd revised sheet No. 8	1st revised sheet No. 8.
Original sheet No. 8A	

RESALE SERVICE RATE CD-1

CITY OF WESTFIELD, MASS.

Supplement No. 1 to Rate Schedule FPC No. 115.

[FR Doc.76-25871 Filed 9-2-76;8:45 am]

[Docket Nos. CP75-83-2 and CP75-140]

WESTERN LNG TERMINAL CO., ET AL.

Availability of Staff Draft Environmental Impact Statement

SEPTEMBER 3, 1976.

Notice is hereby given in the above dockets that on September 3, 1976, as required by § 2.82(b) of Commission Order No. 415-C, a Draft Environmental Impact Statement (DEIS) prepared by the staff of the Federal Power Commission was made available for comments. This DEIS deals with an application filed by Pacific Alaska LNG Company, Alaska California LNG Company, and Pacific Alaska LNG Associates, in Docket No. CP75-140, for a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of facilities to collect and liquefy natural gas; the transportation of liquefied natural gas (LNG) in interstate commerce; and the sale of natural gas to Southern California Gas Company (SoCal) and Pacific Gas and Electric Company (PG and E). Natural gas would be purchased from gas fields in the Cook Inlet region of Alaska and transported through a proposed 6- through 24-inch diameter 116.9-mile long pipeline network to a proposed LNG plant in the Nikiski industrial complex, 9 miles north of Kenai, Alaska. The proposed LNG plant would consist of two gas liquefaction trains, two 550,000-barrel LNG storage tanks, a marine terminal, a construction dock and haul road, and other appurtenant facilities. Two 130,000-cubic meter LNG vessels would be constructed to carry LNG by sea from Nikiski to Western LNG Terminal Company, Pacific Gas LNG Terminal Company, and Western LNG Terminal Associates' proposed receiving terminal at Los Angeles Harbor, California. The receiving terminal is proposed in Docket No. CP75-83-2. The applicants seek a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of an LNG terminal facility, which would be designed to receive, store, and revaporize LNG, and to send out revaporized natural gas through a 3.4-mile long 48-inch diameter pipeline for delivery into existing gas transmission facilities owned and operated by SoCal. The LNG facilities would include a marine terminal, two 550,000-barrel LNG storage tanks, seawater exchange baseload vaporizers, gas-fired standby/peaking vaporizers, and other appurtenant facilities.

This statement has been circulated for comments to Federal, state, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Rom 1000, 825 North Capitol Street, NE., Washington, D.C., and at its regional office located at 555 Battery St., San Fran-

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cisco, CA 94111. Copies of the DEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the draft statement for the Commission's consideration. All comments must be filed on or before October 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25443 Filed 9-2-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 33]

ACTIONS OF THE BOARD; APPLICATIONS AND REPORTS

Received During the Week Ending August 14, 1976

ACTIONS OF THE BOARD

Commercial State Savings Bank, Greenville, Michigan, issuance of subordinated capital notes.

Central Mortgage Bancshares, Inc., Warrensburg, Missouri, extension of time to September 13, 1976, within which to consummate the acquisition of Cenco Insurance Company, Phoenix, Arizona.[1]

Commercial Bankshares Corp., Adrian, Michigan, extension of time to October 1, 1976, within which to acquire 100 per cent of the voting shares of the successor by consolidation to The Commercial Savings Bank, Adrian, Michigan.[1]

Elgin Bancshares, Inc., Elgin, Oklahoma, extension of time until August 31, 1976, within which to consummate the acquisition of the Bank of Elgin, Elgin, Oklahoma.[1]

Merrill Bankshares Company, Bangor, Maine, extension of time to November 28, 1976, within which to acquire 80 per cent or more of the voting shares of Firstbank, N.A., Farmington, Maine.[1]

Republic of Texas Corporation, Dallas, Texas, extension of time to November 17, 1976, within which to consummate the acquisition of First National Bank of Henderson, Henderson, Texas, and First Bank in Groveton, Groveton, Texas.[1]

Southeast Banking Corporation, Miami, Florida, extension of time to November 18, 1976, within which to engage de novo through a subsidiary known as Southeast Credit Insurance Agency.[1]

Chesterton State Bank, Chesterton, Indiana, to make an investment in bank premises.[1]

American Bank and Trust Company, Lansing, Michigan, extension of time to November 6, 1976, within which to establish a branch at 6500 W. Saginaw Highway, Delta Township, Michigan.[1]

Columbus Trust Company, Newburgh, New York, extension of time within which to establish a branch office in the immediate neighborhood of the intersection of Powelton Road and Route 32, Newburgh, New York.[1]

Farmers & Merchants Bank of Central California, Lodi, California, extension of time to August 22, 1977, within which to establish a branch office in North Modesto, on McHenry Avenue between Woodrow and Floyd.[1]

Fidelity Bank, Rosemont, Pennsylvania, extended for six months from September 6, 1976, the time within which to establish a branch office at 705 Hamilton Mall, Allentown, Pennsylvania.[1]

Manufacturers and Traders Trust Company, Buffalo, New York, extension of time within which to establish a branch office at 6095 Transit Road, Village of Depew, New York.[1]

Long Island Trust Company, Garden City, New York, extension of time within which to establish a branch office on the corner of Veterans Highway and Spartan Lane, Town of Islip, New York.[1]

Union Trust Company of Maryland, Baltimore, Maryland, extension of time to February 15, 1977, within which to establish a branch on U.S. Route 13 and Columbia Road, Salisbury, Maryland.[1]

United California Bank, Los Angeles, California, extension of time to March 30, 1977, within which to establish a branch in the vicinity of the intersection of Mooney Boulevard and Caldwell Avenue, City of Visalia, California.[1]

Citibank Overseas Investment Corporation, New York, New York, additional extension of time within which to acquire shares of FNC Comercio e Participacoes S.A., Rio de Janeiro, Brazil.[1]

Deregistration statement for lender registered pursuant to Regulation G for Gifford-Hill & Company, Inc., Dallas, Texas.[1]

Columbia Bank, Columbia, Mississippi, proposed merger with First National Bank of Jackson, Jackson, Mississippi; report to the Comptroller of the Currency on competitive factors.

First National Bank of Homestead, Homestead, Florida, proposed merger with First National Bank of Princeton-Naranja, Princeton-Naranja, Florida; report to the Comptroller of the Currency on competitive factors.

NOTE.—The H.2 release is now published in the Federal Register. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Bridgeville Trust Company, Bridgeville, Pennsylvania. Branches to be established at the following locations:

A. Mayview State Hospital, Mayview, Allegheny County.

B. Woodville State Hospital, Woodville, Allegheny County.[2]

Bank of Utah, Odgen, Utah. Branch to be established in the vicinity of 4800 South 1900 West, Roy.[2]

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To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Home Bank of Guntersville, Guntersville, Alabama.[2]

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International Investments and Other Actions Approved Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c) (9) and 4(c) (13) of the Bank Holding Company Act of 1956, as amended.

Chase International Investment Corporation: investment—to acquire 1 percent of the shares of Acos Villares, S.A., Sao Paulo, as agent or broker with respect to insurance that is directly related to an extension Brazil, a steel company with a marketing subsidiary in the United States.

Philadelphia International Investment Corporation: interpretation by the Board re: Arbuthnot Latham Holdings, Limited, London, England.

Philadelphia International Investment Corporation: investment—Joh. Berenberg, Gossler and Company, Hamburg, Germany, in order to maintain its current 15 percent interest.

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

APPROVED

International Bancorporation, St. Paul, Minnesota, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of International Falls, International Falls, Minnesota.

Citi Bancorp, Lincoln, Nebraska, for approval to acquire 97.8 percent of the voting shares of Citibank & Trust Co. of Lincoln, Lincoln, Nebraska.

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To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

APPROVED

Tennessee National Bancshares, Inc., Maryville, Tennessee, for approval to acquire 100 percent of the voting shares of Bank of Cannon County, Woodbury, Tennessee.

Tennessee National Bancshares, Inc., Maryville, Tennessee, for approval to acquire 100 percent of the voting shares of Citizens State Bank, McMinnville, Tennessee.

First Security Corporation, Salt Lake City, Utah, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of First Security Bank of Orem, National Association, Orem, Utah, a proposed new bank.

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To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

WITHDRAWN

The Terrebonne Corporation, Houma, Louisiana, notification of intent to engage in de novo activities (acting as insurance agent or broker in offices at which The Terrebonne Corporation or its subsidiaries are otherwise engaged in business or in an office adjacent thereto with respect to the following types of insurance: any insurance for the holding company and its subsidiaries; or any insurance, including life insurance that is directly related to the provision of other financial services by Terrebonne Bank & Trust Company or is otherwise sold as a matter of convenience to the purchaser so long as the premium income from such sales does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision) at 720 East Main Street, Houma, Louisiana, through a subsidiary, Terre Agency, Inc. (8/13/76)[2]

First Tennessee National Corporation, Memphis Tennessee, notification of intent to engage in de novo activities (making or acquiring, for its own account, interest-bearing and discount loans and other extensions of credit; and offering through the direct insurer or the reinsurer or acting

Footnote [2] at end of document.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

of credit by the company or its subsidiaries) at 2711 North Fourteenth Street, Ponca City, Oklahoma, through its wholly owned subsidiary, Crown Finance Corporation (8/10/76)[2]

DELAYED

First National Insurance Agency, Incorporated, Exeter, Nebraska, for permission to retain the assets of Dinneen Insurance Agency, Exeter, Nebraska.

REACTIVATED

First International Bancshares, Inc., Dallas, Texas, notification of intent to engage in de novo activities (making or acquiring, for its own account unsecured loans, loans secured by personal property, loans secured by mortgages, deeds of trust or mechanics and materialmen's liens on real estate including, but not limited to, interim construction financing; making or acquiring, for its own account consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses; making or acquiring, for its own account loans secured by assignments, notes, accounts, contracts, and other obligations, purchasing notes and other evidences of credit including commercial paper, issuing letters of credit and accepting drafts; acquiring participations in loans and other extensions of credit and performing such incidental activities as are necessary to carry on the foregoing activities) at 1201 Elm Street, Dallas, Texas, through a subsidiary, First International Lending Corporation (8/10/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to any insurance for its bank subsidiaries) at One Montgomery Street, San Francisco, California, through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to mortgage guarantee insurance and mortgage life and disability insurance on the life or health of a borrower of Crocker National Corporation or its subsidiaries when Crocker National Corporation or a subsidiary is a beneficiary of the insurance) at One Montgomery Street, San Francisco, California, through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to credit life and credit disability insurance on the life or health of a borrower or lessee of Crocker National Corporation or its subsidiaries where Crocker National Corporation or a subsidiary is the beneficiary of the insurance) at One Montgomery Street, San Francisco, California, through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

PERMITTED

First National Boston Corporation, Boston, Massachusetts, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of First National Boston Corporation and its subsidiaries, storing and processing banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services for others and providing all such other data processing services) at 875 Elm Street, Manchester, New Hampshire, through a subsidiary, Firstbank Data Services, Inc. (8/9/76)[2]

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in Florida where the loans are owned by direct or indirect subsidiaries of Fidelcor engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and with respect to all of the above, selling credit life and credit accident and health insurance and mortgage life and disability insurance, and accidental death insurance and casualty insurance on the collateral through Master Life Insurance Company an indirect subsidiary of Fidelcor, reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 2212 First Street, Bradenton, Florida to Shopping Trail Shopping Center, 57 Avenue West and 14th Street West, Bradenton, Florida, through its subsidiary, Fidelcor Financial Centers, Inc. (8/14/76)[2]

Fifth Third Bancorp, Cincinnati, Ohio, notification of intent to engage in de novo activities (leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will be to compensate the lessor for not less than the lessor's full investment in the property; making or acquiring, for its own account or the account of others, loans and other extensions of credit primarily to finance the acquisition of personal property and equipment; such loans would include, but not be limited to, the financing of time sales contracts, conditional sales agreements, installment purchase loans, and secured term loans) at 38 Fountain Square Plaza, Cincinnati, Ohio, through a subsidiary, The Fifth Third Leasing Company (8/9/76)[2]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making or acquiring, for its own account loans and other extensions of credit, servicing for itself or others loans and other extensions of credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, the following specific activities: making of consumer installment loans and purchasing installment sales finance contracts, making of loans to small businesses, and making loans secured by real or personal property or a combination thereof; acting as agent or broker for the sale of credit related life/accident and health insurance, and credit related property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation of Nebraska) from 1907 Harney Street and 6015 Maple Street, Omaha to Oak Park Plaza, 7433 Pacific Street, Omaha, Nebraska, through its indirect subsidiary, FinanceAmerica Corporation of Nebraska, a subsidiary of Finance America Corporation (8/8/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to mortgage guarantee insurance and mortgage life and disability insurance on the life or health of a borrower of Crocker National Corporation or its subsidiaries when Crocker National Corporation or a subsidiary is a beneficiary of the insurance) at One Montgomery Street, San Francisco, California, through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to credit life and credit disability insurance on the life or health of a borrower or lessee of Crocker National Corporation or its subsidiaries where Crocker National Corporation or a subsidiary is the beneficiary of the insurance) at One Montgomery Street, San Francisco, California, through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

Crocker National Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as an insurance agent or broker with respect to any insurance for its bank subsidiaries) at One Montgomery Street, San Francisco, California through a subsidiary, CNC Insurance Agency, Inc. (8/10/76)[2]

APPROVED

Union Trust Bancorp, Baltimore, Maryland, for approval to acquire all of the assets of Fidelity Fiuance Company, Elkins, West Virginia through a wholly-owned subsidiary, Landmark Financial Services, Inc., Silver Spring, Maryland.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Nassau Trust Company, Glen Cove, New York. Branch to be established at Main Street, Kings Park, on the Northwest corner of the intersection of Main Street and Indian Head Road, Smithtown Township (unincorporated area), Suffolk county.

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To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

Tracy-Collins Bank and Trust Company, Salt Lake City, Utah.

Independent Banker's Trust Company, San Rafael, California.

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To Merge Pursuant to Section 18(c) of the Federal Deposit Insurance Act.

United Jersey Bank/Central, Elizabeth, New Jersey, for prior approval to merge with Suburban National/A United Jersey Bank, South Plainfield.

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To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

Florida Shares, Inc., Miami, Florida, for approval to acquire 4.75 percent of the voting shares of Florida Coast Banks, Inc., Pompano Beach, Florida and indirectly to acquire Florida Coast Bank of Pompano Beach, Pompano Beach, Florida; Florida Coast Bank of Oceanside, Pompano Beach, Florida; Florida Coast Bank of Margate, Margate, Florida; Florida Coast Bank of Lighthouse Point, Lighthouse Point, Florida; Florida Coast Bank of Coral Springs (National Association), Coral Springs, Florida.

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Millikin Bancshares, Inc., Decatur, Illinois, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The Millikin National Bank of Decatur, Decatur, Illinois.

Citizens National Corporation, Wisner, Nebraska, for approval to acquire 80 per cent or more of the voting shares of The Citizens National Bank of Wisner, Wisner, Nebraska.

Iola Bancshares, Inc., Iola, Kansas, for approval to acquire 87.6 per cent or more of the voting shares of The Iola State Bank, Iola, Kansas.

Security Bancshares, Inc., Tulsa, Oklahoma, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Security Bank, Tulsa, Oklahoma.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

First Maryland Bancorp, Baltimore, Maryland, for approval to acquire 51 per cent of the voting shares of The Hancock Bank, Hancock, Maryland.

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 per cent of the voting shares of Bank of Cutler Ridge, Cutler Ridge, Florida.

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 per cent of the voting shares of Bank of Perrine, Perrine, Florida.

Estate of James Millikin, Deceased, Decatur, Illinois, for approval to acquire 55 per cent of the voting shares of Millikin Bancshares, Inc., Decatur, Illinois and indirectly acquire the successor by merger to The Millikin National Bank of Decatur, Decatur, Illinois.

First National Financial Corporation, Kalamazoo, Michigan, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by consolidation to The National Bank of Ludington, Ludington, Michigan.

Bancorporation of Montana, Great Falls, Montana, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Bank of Montana, Helena, Montana.

Bank Land Co., Denver, Colorado, for approval to retain 8 per cent and to acquire an additional 16.9 per cent of the voting shares of Southwest State Bank, Denver, Colorado.

Texarkana National Bancshares, Inc., Texarkana, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Liberty Eylau State Bank, Texarkana, Texas, a proposed new bank.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

Chemical New York Corporation, New York, Newk York, notification of intent to engage in de novo activities (the origination and sale of mortgage loans on residential, commercial, and industrial real estate; and the servicing of mortgage loans owned by The Galbreath Mortgage Company and owned by others) at 1700 Sunset Boulevard, West Columbia, South Carolina, through its subsidiary, The Galbreath Mortgage Company (8/10/76).[2]

Philadelphia National Corporation, Philadelphia, Pennsylvania, for approval to acquire an additional 20 per cent of the voting shares of Congress Factors Corporation, Philadelphia, Pennsylvania, with offices located in New York, New York; Hato Rey, Puerto Rico; and Philadelphia, Pennsylvania. (the business of purchasing accounts receivable and of making loans secured by accounts receivable, inventory, machinery, and equipment, and generally in the factoring and commercial finance business)

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (acting as insurance agent or broker in offices at which Bancorp or its subsidiaries are otherwise engaged in business (or in offices adjacent thereto) with respect to the following types of insurance: credit life insurance and credit health and accident insurance pursuant to group policies in connection with extensions of credit by subsidiaries of Bancorp; and property and casualty insurance pursuant to group policies in connection with collateral securing extensions of credit by subsidiaries of Bancorp) at Baltimore and St. Paul Streets, Baltimore, Maryland, through a subsidiary, UTB Agency, Inc. (8/12/76)[2]

First Railroad & Banking Company of Georgia, Augusta, Georgia, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit principally consisting of insurance premium financing) such business will be solicited in the State of Florida and processed at an office at 1320 E. Morehead Street, Charlotte, North Carolina, through a subsidiary, CMC Group, Inc., and its subsidiary, Capitol Premium Plan, Inc., Charlotte, North Carolina. (8/13/76)[2]

The Terrebonne Corporation, Houma, Louisiana, notification of intent to engage in de novo activities (acting as insurance agent or broker in offices at which The Terrebonne Corporation or its subsidiaries are otherwise engaged in business or in an office adjacent thereto with respect to any insurance including credit life insurance that is directly related to an extension of credit by Terrebonne Bank & Trust Company, a wholly owned subsidiary corporation of The Terrebonne Corporation, or is directly related to the provision of other financial services by Terrebonne Bank & Trust Company) at 720 East Main Street, Houma, Louisiana, through a subsidiary, Terre Agency, Inc. (8/13/76)[2]

Correction

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (to engage in the business of commercial finance, factoring and leasing of personal property provided that at the inception of the initial lease the effect of the transaction will be to yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) at 300 Delaware Avenue, Wilmington, Delaware, through its subsidiary, Walter E. Heller & Company. The description of the activity has been modified since the receipt of the notification on June 8, 1976 and has subsequently been delayed as of June 18, 1976. (6/8/76)[2]

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (commercial finance, factoring, rediscount, and leasing of personal property provided that at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) in San Antonio, Texas, through a subsidiary of National Acceptance Company of America known as Texas Western Financial Corporation, San Antonio, Texas (8/10/76)[2]

Thirty-Six Ventures, Inc., Otterville, Missouri, notification of intent to continue to engage in de novo activities (the sale of credit life insurance and accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri (8/13/76)[2]

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with the closing of real estate loans financed by credit extending subsidiaries of Old National Bancorporation; at present the credit extending subsidiaries are Old National Bank of Washington; The First National Bank in Spokane; and Bancshares Mortgage Company all of which have their principal places of business in Spokane, Washington) to be located in the Sherwood Building, 510 Riverside and East 10812 Sprague, Spokane, Washington and 3400 West Clearwater, Kennewick, Washington, through its indirect subsidiary, Cascade Escrow Company (8/2/76)[2]

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REPORTS RECEIVED

None.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25936 Filed 9-2-76;8:45 am]

CARDINAL BANCORPORATION

Formation of Bank Holding Company

Cardinal Bancorporation, Greenville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent (or more) of the voting shares of First National Bank in Greenville, Greenville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 23, 1976.

Board of Governors of the Federal Reserve System, August 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25937 Filed 9-2-76;8:45 am]

CHEMICAL FINANCIAL CORP.

Acquisition of Bank

Chemical Financial Corporation, Midland, Michigan, has applied for the Board's approval under section 3(a)(3)

[2] 4(c)(8) and 4(c)(12) notification processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 27, 1976.

Board of Governors of the Federal Reserve System, August 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-25938 Filed 9-2-76;8:45 am]

C.I.T. FINANCIAL CORP.

Order Approving Acquisition of Assets

C.I.T. Financial Corporation, New York, New York, has applied for the Board's approval under section 4(c)(8) of the Bank Holding Company Act ("Act") (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), to acquire substantially all of the assets of 27 finance offices of Guardian Commercial Corporation, Roslyn Heights, New York, a company that engages in consumer finance activities. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (41 FR 2169). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

On the basis of the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved for the reasons set forth in the Board's Statement, which will be released at a later date. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York.

By order of the Board of Governors,[1] effective August 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-25939 Filed 9-2-76;8:45 am]

COMMUNITY BANCSHARES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Community Bancshares, Inc., Forest Green, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of The Merchants and Farmers Bank of Salisbury, Salisbury, Missouri ("Bank").[2] At the same time, Applicant has applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Miller & Associates, Forest Green, Missouri, and thereby engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Such activities have been determined by the Board in § 225.4(a)(9)(ii)(a) of Regulation Y to be permissible for bank holding companies subject to Board approval of individual proposals in accordance with the procedure of § 225.4(b) of Regulation Y.

Notice of the applications affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 FR 26076). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act.

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank and engaging in the sale as agent of credit life and credit accident and health insurance directly related to extensions of credit by Bank. The proposed transaction involves the transfer of control of Bank from individuals to a corporation owned by the same individuals. Bank ($2.6 million in deposits) ranks 652nd among Missouri banks and is the fifth largest of six banks in the Chariton County banking market (the relevant market), controlling approximately 5.2 percent of the total deposits in commercial banks in the market.[3] Upon acquisition of Bank, Applicant would control less than .01 percent of total commercial bank deposits in Missouri.

Applicant's principals are also associated with the Callao Community Bank, Callao, Missouri, and Wellington Bank, Wellington, Missouri, the closest of which is located approximately 30 miles north of Bank and in a separate banking market. There appears to be no existing competition between either of these banks and Bank, and it appears unlikely that such competition would develop in the future. Moreover, since Applicant has no existing subsidiaries and the proposal represents merely a restructuring of Bank's ownership, it appears that consummation of the proposal would not have any significant adverse effects on existing or potential competition, nor would it increase the concentration of banking resources in any relevant area. Accordingly, it is concluded that competitive considerations are consistent with approval of the application to form a bank holding company.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon the profitable operations of Bank and Applicant's insurance activities, appear favorable. Although Applicant will incur debt in connection with this proposal, the projected income from Bank and the insurance activities of Applicant should provide Applicant with sufficient revenue to service its debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on banking services offered by Bank, considerations relating to convenience and needs are also regarded as being consistent with approval of the application to acquire Bank. Therefore, the Board concludes that consummation of the proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In connection with the application to become a bank holding company, Applicant has also applied, pursuant to § 225.4(a)(9)(ii)(a) of Regulation Y, to acquire the assets of Miller & Associates,[4] and

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Jackson.

[2] Bank, formerly The Farmers Bank of Forest Green, Forest Green, Missouri, has received the approval of the Commissioner of Finance of the State of Missouri to relocate its main banking facility in the City of Salisbury, nine miles northeast of Forest Green. This relocation is being accompanied by a change in Bank's corporate title to The Merchants and Farmers Bank of Salisbury.

[3] All banking data are as of December 31, 1975.

[4] Miller & Associates is an insurance agency that is presently owned by Applicant's principals as a joint venture and which engages solely in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank.

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thereby engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. It does not appear that Applicant's engaging in the above-described activities would have any significant adverse competitive effects. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and the commencement of insurance agency activities shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective August 27, 1976.

RICHARD D. ABRAHAMSON,
Assistant Secretary of the Board.

[FR Doc.76-25940 Filed 9-2-76;8:45 am]

HAWAII BANCORPORATION, INC.

Proposed Acquisition of Resource Financial Corporation

Pursuant to the provisions of § 262.3(g)(1) of the Board's rules of procedure (12 CFR 262.3(g)(1)), notice is hereby given that Hawaii Bancorporation, Inc., Honolulu, Hawaii, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to acquire voting shares of Resource Financial Corporation, Honolulu, Hawaii, a company to be formed. Notice of the application was published on January 12, 1976, in "The Honolulu Advertiser," a newspaper circulated in Honolulu, Hawaii.

Applicant states that the proposed subsidiary would engage in the activity of operating an industrial loan company under Chapter 408, Hawaii Revised Statutes. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 29, 1976.

Board of Governors of the Federal Reserve System, August 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 76-25941 Filed 9-2-76;8:45 am]

MILWAUKEE WESTERN CORP.

Order Approving Acquisitions of M & F Financial Corporation and Security Industrial Company

Milwaukee Western Corporation, West Palm Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire all of the issued and outstanding shares of M & H Financial Corporation ("M&H") and of Security Industrial Company ("Security"), both of Broadview, Illinois. M&H engages in the activity of full pay-out leasing of industrial machinery and equipment and related tools and accessories. Security engages in the activity of financing the sale of industrial machinery and equipment through conditional sales contracts. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (6)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 F.R. 26958 (1976)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a direct subsidiary of Sterling Precision Corporation, also of West Palm Beach, Florida ("Sterling").[1] Sterling currently owns all of the issued and outstanding voting shares of M&H and Security, and, through Applicant, controls one bank, the Milwaukee Western Bank, Milwaukee, Wisconsin ("Bank"). Bank is the 26th largest banking organization in Wisconsin, with total deposits of approximately $77.7 million, representing approximately 0.5 percent of total deposits in commercial banks in Wisconsin.[2] Applicant also owns 100 percent of the common shares of Bayou Acceptance Corporation, Shreveport, Louisiana ("Bayou"),[2] a commercial finance company.

M&H (total assets of approximately $386,500 as of January 24, 1976) and Security (total assets of approximately $452,000 as of January 24, 1976) are currently "captive" leasing and conditional sales compaies financing sales of a subsidiary of Sterling, the United Technical Corporation ("Unitec"). At present, M&H and Security purchase from United specific products designated by customers of Unitec and, thereafter, M&H leases, and Security finances under conditional sales contracts, these products to Unitec's customers. Leasing transactions yield a return that compensates M&H for its full investment in the products plus the estimated total costs of financing. Applicant has indicated that, upon approval of the proposed transaction, M&H and Security may expand the offering of these services to customers other than those of Unitec.

The combined service area for M&H and Security includes the states of Illinois, Indiana, Iowa, Michigan and Wisconsin. Although Applicant engages in commercial financing through Bank and Bayou, acquisition of M&H and Security will eliminate no significant existing competition between them and Bayou since Bayou's service area is the southern and southwestern portion of the United States and neither Security nor M&H derives any business from this service area. Within its service area, M&H and Security compete with numerous sizable leasing and commercial finance companies and numerous other national and regional diversified financing companies. M&H and Security provide financial services amounting to a very small percentage of all such similar financial service activities provided by similarly engaged companies within this combined service area. Although Applicant appears to possess the financial resources for *de novo* entry into the combined service area, Applicant's acquisition of M&H and Security from its parent company would not adversely affect potential competition as the transaction appears to be merely a corporate reorganization and, given their small size, the acquisition of these companies will constitute only a foothold entry by Applicant into this market area. Accordingly, it does not appear that these acquisitions will eliminate any signficant amount of actual or potential competition.

There is no evidence in the record to indicate that consummation of the proposed transactions would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects upon the public interest. The acquisitions would appear to place Applicant in a position to compete more effectively with large and medium-size diversified finance companies that operate on a national and/or regional basis.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transactions shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority that is hereby delegated.

By order of the Board of Governors,[4] effective August 27, 1976.

RICHARD D. ABRAHAMSON,
Assistant Secretary of the Board.

[FR Doc.76-25942 Filed 9-2-76;8:45 am]

[1] Sterling owns 90.5 percent of the voting shares of Applicant, which acquired control of Bank on May 8, 1969. By virtue of the passage of the 1970 Amendments to the Act, both Sterling and Applicant became subject to the provisions of the Act and registered with the Board as bank holding companies. Pursuant to section 4(c)(12) of the Act and § 225.4(d) of Regulation Y, Sterling filed an irrevocable declaration, dated July 2, 1971, that it will cease to be a bank holding company by divesting itself of its shares of Applicant prior to January 1, 1981.

[2] All banking and financial data are as of December 31, 1975, unless otherwise indicated.

[3] Applicant acquired control of Bayou on May 8, 1969. Applicant is entitled, under section 4(a)(2) of the Act, to retain the shares of Bayou until December 31, 1980, unless Applicant applies for, and is granted, permission by the Board to retain Bayou as a subsidiary.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Partee and Lilly. Absent and not voting: Chairman Burns, and Governor Jackson.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 30, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before September 21, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

FEA requests clearance of a new single time survey form, P606-S-0, which will be sent to suppliers of jet fuels to the Department of Defense and will be used to supply DOD with information on the impact of switching from JP-4 to JP-8 jet fuels, including availability, price differences and specification problems. Response is voluntary. Of a respondent universe of 77 suppliers of jet fuel FEA will survey 28. FEA estimates burden to average 40 hours per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-25920 Filed 9-2-76;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt and Approval of a Proposed Report

A request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 17, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

CIVIL AERONAUTICS BOARD

CAB requests expedited clearance of two new data items to be reported on Schedule A-1 of CAB Form 298-C "Report of Scheduled Operations of Commuter Air Carriers." The objective of this reporting requirement is to provide two new data items on Schedule A-1 which would require the reporting of statistics relating to (1) numbers of scheduled departures and (2) numbers of scheduled departures completed by each commuter air carrier. The revision of the form was requested by the Commuter Airlines Association of America (CAAA) in a petition filed on behalf of 45 member carriers, and was subsequently supported by 87 commuter air carriers with no evidence of dissenting views. The average response time for each of the 250 commuter air carriers is estimated to be 5.5 hours for completion of the entire Form 298-C including the additional data elements.

Since the additional data items were requested to be added to the form by the CAAA who represents the affected respondents and since CAB received no evidence of dissenting views when affected respondents were given an opportunity to comment, GAO decided further opportunity to comment to GAO was not warranted. Therefore GAO provided an expedited clearance on August 31, 1976, under number B-180226 (RO332).

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.76-25921 Filed 9-2-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PROGRAM ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the next meeting of the Program Advisory Committee of the Federal Preparedness Agency, GSA, will be held on September 30-October 1, 1976, in Room 6324, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. The period 9:30 a.m. to 12 noon on September 30 will be open to the public. The remainder of the meeting will be closed.

The agenda for the closed portion of the meeting concerns the Stockpile Policy Study and the Basic Assumptions Study, both of which are security classified. These matters, therefore, are exempted from public disclosure pursuant to the first statutory exemption under the Freedom of Information Act, as amended (5 U.S.C. 552(b)(1)). Discussion of these items, therefore, will be closed to the public.

Dated: August 31, 1976.

LESLIE W. BRAY, JR.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.76-26001 Filed 9-2-76;8:45 am]

V41173 SEP 3 76 UMI

[FPMR Temp. Reg. F–397]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in an electrical rate increase proceeding and a concurrent request for a revision of an existing fuel adjustment clause.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket Nos. 98313–U and 108387–U) involving two applications filed by the Kansas Power and Light Company, requesting an increase in electric rates and a revision of an existing fuel clause, respectively. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Seervices.

AUGUST 19, 1976.

[FR Doc.76–25858 Filed 9–2–76;8:45 am]

[FPMR Temp. Reg. F–398]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving intrastate telephone rates.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Illinois Commerce Commission in a proceeding involving the application of the Illinois Bell Telephone Company for increases in its intrastate rates and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

AUGUST 19, 1976.

[FR Doc.76–25857 Filed 9–2–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING; AMENDMENT

This notice is to amend a portion of the notice of the meeting of the National Advisory Council on the Education of Disadvantaged Children which appeared in the FEDERAL REGISTER on Friday, August 20, 1976 on page 35233. The first paragraph of the notice should exclude one day of full Council meeting (September 11, 1976) and should read as follows:

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Adivsory Council on the Education of Disadvantaged Children will be held on Friday, September 10, 1976 from 6:30 p.m. to 10 p.m. The meeting will be held at the Imperial Inn, Rapid City, South Dakota.

Signed at Washington, D.C. on August 30, 1976.

GLORIA B. STRICKLAND,
Acting Executive Director.

[FR Doc.76–25924 Filed 9–2–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12725; File No. SR–Amex–76–18]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 12, 1976, American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Amex proposes to amend its Rules 204 and 205 to eliminate any references to fixed differentials charged on odd-lot transactions by Amex traders.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule changes is to terminate the fixing of differentials charged by Amex odd-lot traders. These rule changes will conform the Amex's rules in the area of fixed commissions on odd-lot transactions to the competitive rate requirements of the Securities Acts Amendments of 1975.

The proposed rule changes are designed to conform the Amex's rules regarding fixed commissions charged on odd-lot transactions to the requirements of the Securities Exchange Act of 1934, as amended by the Securities Amendments of 1975, and of Exchange Act Rule 19b–3 promulgated thereunder, which prohibits the fixing of rates of commissions by the Exchange.

No comments were solicited or received with respect to the proposed rule changes.

The Amex has determined that the proposed rule changes will not impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 20, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 23, 1976.

[FR Doc.76–25813 Filed 9–2–76;8:45 am]

[Rel. No. 9405, 812–3979]

INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

Investment Advisory and Principal Underwriting Contracts

AUGUST 23, 1976.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), IDS Bond Fund, Inc. ("Bond Fund"), IDS Cash Management Fund, Inc. ("Cash Fund"), IDS Growth Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc. (collectively the "Mutual Funds"), Investors Syndicate of America, Inc. ("ISA"), IDS Life Insurance Company ("IDS Life"), IDS Life Variable Annuity Fund A and IDS Life Variable Annuity Fund B (collectively the "Variable Annuity Funds") (collectively the "Applicants"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, have filed an application on July 2, 1976, and an amendment thereto on August 11, 1976, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of temporary exemption from section 15 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IDS acts as investment adviser to, and as principal underwriter for, the Mutual Funds and ISA, a wholly-owned subsidiary of IDS. IDS and IDS Life, a wholly-owned subsidiary of IDS, act as investment advisers for the Variable Annuity Funds. IDS Life, in addition, acts as principal underwriter for the Variable Annuity Funds. The Mutual Funds and Variable Annuity Funds are registered under the Act as diversified open-end management investment companies; ISA is registered under the Act as a face-amount certificate company.

Investment advisory agreements between IDS and the Mutual Funds, all dated July 10, 1975, were submitted to and approved by the shareholders of the Mutual Funds at their annual meetings held on July 9, 1975 (except that the advisory agreement between IDS and Cash Fund, dated May 5, 1976, was submitted to and approved by shareholders on May 5, 1976). The advisory agreement between IDS and ISA, dated December 31, 1974, was approved by the stockholder of ISA on that date, and on November 12, 1975, the board of directors of ISA approved the renewal of such agreement. The advisory agreement between IDS Life and each of the Variable Annuity Funds and the advisory agreements between IDS and IDS Life with respect to each Variable Annuity Fund, all dated July 16, 1975, were submitted to and approved by the contract holders of each Variable Annuity Fund on that date. On May 13, 1976, the boards of managers of the Variable Annuity Funds approved the renewal of all of the advisory agreements between such Funds and IDS Life, and between IDS and IDS Life.

Distribution agreements made between IDS and each of the Mutual Funds (other than Cash Fund), all dated December 31, 1974, were reapproved by the boards of directors of the Mutual Funds on July 10, 1975. The distribution agreement between IDS and Cash Fund, dated September 11, 1975, was approved by its board of directors on that date. IDS's distribution agreement with ISA, dated February 11, 1976, was approved by ISA's board of directors on that date. Distribution agreements, dated February 14, 1974, between IDS Life and the Variable Annuity Funds, were approved by the boards of directors of the Variable Annuity Funds on that date and have been renewed at least annually thereafter. The distribution agreements were last approved by the boards of managers of the Variable Annuity Funds on October 28, 1975.

Each of such investment advisory and distribution agreements contains provisions required by section 15 of the Act for their automatic termination in the event of their "assignment".

On May 5, 1976, Alleghany Corporation ("Alleghany") was the beneficial owner of 495,815 shares of IDS Class A Common Stock and 6,313,660 shares of IDS Class B Common Stock, constituting an aggregate of 44.9 percent of the outstanding voting stock of IDS, and giving it control of IDS within the meaning of the Act.

On May 5, 1976, the Estate of Allan P. Kirby beneficially owned 1,596,033 shares, or approximately 20.3 percent of the outstanding Common Stock of Alleghany. Under the terms of the will of Allan P. Kirby, the F. M. Kirby Foundation, Inc., a charitable organization, was bequeathed a specific legacy of 1,000,000 shares of the Common Stock of Alleghany, of which 55,000 were advanced to the Foundation prior to May 2, 1973.

On May 12, 1976, the Estate distributed to the Foundation, effective May 6, 1976, the balance of the specific legacy referred to above, constituting 945,000 shares of Alleghany Common Stock, equal to approximately 12 percent of Alleghany's outstanding Common Stock.

On April 19, 1974, the Commission entered an order (Investment Company Act Release No. 8317) pursuant to section 6(c) of the Act granting temporary exemptions from the provisions of sections 15(a), 15(b) and 15(c) of the Act to the Mutual Funds (other than Bond Fund and Cash Fund which did not then exist), the Variable Annuity Funds, ISA, IDS and IDS Life (the "Order"). In part, the Order granted exemptions to permit IDS and IDS Life to serve as investment advisers to the then existing Mutual Funds, ISA and the Variable Annuity Funds, respectively, during the period from the date of distribution of shares of Alleghany Common Stock by the Estate to the Foundation until the dates of the final adjournments of the first meetings of shareholders or contract holders, as the case may be, of such entities held subsequent to such distribution date. The exemptions were conditioned upon said meetings being held within one year of the date of distribution by the Estate. With respect to the distribution agreements, the Order granted exemptions for the period, not to exceed 120 days, between the date of the distribution by the Estate to the Foundation and the date of the first meetings of the boards of directors of such entities held subsequent to such distribution date.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as an investment adviser of an investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such company, and requires that such written contract must provide for automatic termination in the event of its assignment.

Section 15(b) of the Act provides, in pertinent part, that it shall be unlawful for any principal underwriter for an open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer except pursuant to a written contract with such company, and requires that such written contract must provide for automatic termination in the event of its assignment.

Section 15(c) of the Act provides, in pertinent part, that it shall be unlawful for any investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of such contract and any renewal thereof have been approved by the vote of a majority of directors who are not parties to such contract or interested persons of any such party.

Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

If the transfer of the right to vote Alleghany Common Stock occasioned by the distribution on May 12, 1976, effective May 6, 1976, by the Estate to the Foundation under the terms of the will gave rise to an "assignment" of the investment advisory and distribution agreements under the provisions of the Act, such agreements would have automatically terminated upon such transfer.

Therefore, Applicants request an order pursuant to section 6(c) of the Act exempting the parties from the provisions of section 15 (a), (b) and (c) to the extent necessary to permit:

(i) IDS to act as investment adviser to Bond Fund on the same terms and conditions set forth in the advisory contract, dated July 10, 1975, between IDS and Bond Fund as the same was in effect on the date of the distribution by the Estate to the Foundation, for the period from the date of such distribution until the final adjournment of its annual meeting of shareholders held on July 7, 1976;

(ii) IDS to act as investment adviser to Cash Fund on the terms and conditions set forth in the advisory contract,

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dated May 5, 1976, between IDS and Cash Fund as the same was in effect on the date of the distribution by the Estate to the Foundation, for the period from the date of such distribution until the final adjournment of its 1977 annual meeting of shareholders to be held on or before July 2, 1977;

(iii) IDS and IDS Life to act as investment advisers to the Variable Annuity Funds on the terms and conditions set forth in the advisory contracts, all dated July 16, 1975, between IDS Life and such Variable Annuity Funds and between IDS Life and IDS as the same were in effect on the date of the distribution by the Estate to the Foundation, for the period from the final adjournment of the first annual meetings of contract holders after such distribution, held on July 14, 1976, until the final adjournment of their respective 1977 annual meetings of contract holders to be held on or before July 2, 1977;

(iv) IDS to act as investment adviser to ISA on the terms and conditions set forth in the advisory contract dated December 31, 1974, between IDS and ISA as the same was in effect on the date of the distribution by the Estate to the Foundation, for the period from the final adjournment of the first meeting of its stockholder after such distribution, until the final adjournment of the meeting of the stockholder of ISA, held on August 11, 1976.

(v) IDS to act as principal underwriter for Bond Fund on the terms and conditions set forth in the distribution agreement, dated December 31, 1974, between IDS and Bond Fund as the same was in effect on the date of the distribution by the Estate to the Foundation, for the period from the date of such distribution until the meeting of its board of directors held on July 8, 1976;

(vi) IDS to act as principal underwriter for Cash Fund on the terms and conditions set forth in the distribution agreement, dated September 11, 1975, between IDS and Cash Fund as the same was in effect on the date of the distribution by the Estate to the Foundation, for the period from the date of such distribution until the meeting of its board of directors held on July 8, 1976; and

(vii) IDS to act as principal underwriter for ISA and the Mutual Funds (other than Bond Fund and Cash Fund) on the terms and conditions set forth in the distribution agreements, dated December 31, 1974 and February 11, 1976, between IDS and such Mutual Funds and between IDS and ISA, respectively, as the same were in effect on the date of the distribution by the Estate to the Foundation, for the period from the date of the first meeting of the respective boards of directors of ISA and such Mutual Funds after such distributions until the date of the meetings of the boards of directors of the Mutual Funds held on July 8, 1976, and of the board of directors of ISA held on August 11, 1976; and

(viii) IDS Life to act as principal underwriter for the Variable Annuity Funds on the same terms and conditions set forth in the distribution agreements dated February 14, 1974, between IDS Life and the Variable Annuity Funds as the same were in effect on the date of distribution by the Estate to the Foundation, for the period from the date of the first meeting of the boards of managers of the Variable Annuity Funds after such distributions until the date of the meetings of their respective boards of managers held on August 12, 1976;

Applicants expect that the transfer of the power to vote 945,000 shares of Alleghany Common Stock from Messrs. F. M. Kirby, Allan P. Kirby, Jr., William G. Rabe and Manufacturers Hanover Trust Company, as executors of the Estate, to Mrs. Allan P. Kirby and her children, Grace Kirby Culbertson, Ann Kirby Kirby, F. M. Kirby and Allan P. Kirby, Jr., as directors of the Foundation will not cause any change in the investment advisory or underwriting policies, practices or personnel of IDS or IDS Life.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transactions from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the granting of the requested exemptions is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the Act. In support of their contentions, Applicants state that (i) no substantial benefit to the shareholders would result from holding special meetings of Bond Fund, Cash Fund or the Variable Annuity Funds to approve new advisory agreements with IDS, (ii) relief similar to that granted pursuant to the prior Order would be appropriate insofar as Bond Fund and Cash Fund are concerned since such Order would have been applicable to them had they been in existence when the Order was entered, and (iii) literal compliance with the existing Order is not possible with respect to approval of the advisory agreement between ISA and IDS, and with respect to the distribution agreements, although approvals of new distribution agreements within the 120 day period contemplated by such Order will be secured.

Notice is further given that any interested person may, not later than September 14, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25810 Filed 9-2-76;8:45 am]

[Rel. No. 9407; 812-4009]

NUVEEN TAX-EXEMPT BOND FUND—MEDIUM TERM AND JOHN NUVEEN & CO. INC.

Application for Exemption

AUGUST 23, 1976.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund—Medium Term (Series 1 and Subsequent Series) (the "Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, John Nuveen & Co. Incorporated ("Sponsor") 209 South La Salle Street, Chicago, Illinois 60604, (hereinafter the Fund and the Sponsor are collectively referred to as "Applicants") filed an application on August 16, 1976, pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 14(a) of the Act, and exempting the frequency of the distribution of capital gains from the provisions of Rule 19b–1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Each series of the Fund (Series 1 and Subsequent Series) will be governed by the provisions of a trust indenture and agreement ("Indenture") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or a state thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus, and undivided profits of not less than $5,000,000 ("Trustee"). It is contemplated that the United States Trust Company of New York will serve as Trustee for Series 1. A separate Indenture will be entered into each time a series is created and activated, and the bonds which comprise its portfolio (or delivery statements relating to contracts for the purchase of such bonds together with funds represented by an irrevocable letter of credit issued by a major commercial bank in the amount required for their purchase) are deposited with the trustee. Each series will be substantially identical except as to size, number of units and the individual bonds in the portfolio.

Pursuant to the Indenture, the Sponsor will deposit with the Trustee bonds which the Sponsor shall have accumulated for such purpose in an amount at least equal to the aggregate principal amount of the Units to be offered. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for the Units which will represent the entire ownership of the respective series. These Units will in turn be offered for sale to the public by the Sponsor.

The Evaluator at the date of deposit of any particular series is Standard & Poor's Corporation, and thereafter will be John Nuveen & Co. Incorporated. The Fund represents that the objective of each of its series (Series 1 and subsequent series) is to seek tax-exempt income and conservation of capital through an investment in tax-exempt bonds. All of such bonds will be obligations issued by or on behalf of states, counties, territories or municipalities of the United States and authorities or political subdivisions thereof, the interest on which, in the opinion of counsel to the various issuers of such bonds, is exempt from all Federal income taxes under existing laws.

The bonds ("Bonds") which will constitute the portfolio of each series will be selected in advance and will be identifiable in respect of each series on the date of deposit with the Trustee.

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicants represent that the Bonds for a portfolio of a series of the Fund (or delivery statements relating thereto and funds for the purchase thereof as set forth above) are delivered to the Trustee on the date of a deposit, and from that time on, except for the payment of limited amounts of expenses specified in the Indenture, such Bonds are held in the custody of the Trustee subject to the Indenture which, in substance, provides that the Trustee may dispose of the Bonds when events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to certificateholders. However, there is no provision permitting the Bonds to be pledged or subjected to any debit by Applicants.

The Sponsor has represented that no series of the Fund will be created which will contain in the portfolio on the date of deposit, Bonds (or delivery statements relating thereto and funds for the purchase thereof) having a principal amount of less than $3,000,000. In the event the value of such a series should decrease to the greater of $1,000,000 or 20 percent of the amount of the Bonds initially deposited, for any reason, the Trustee may, and when so directed by the Sponsor shall, terminate and liquidate the series. Thus, Applicants represent that it is highly unlikely that, except during the course of liquidation, the net worth of any series would ever decline to $100,000 or less.

As a further basis for the requested exemption, the Sponsor also represents that, in the event that the net worth of any series of the Fund should be reduced to less than $100,000 within 90 days after the registration statement under the Securities Act of 1933 becomes effective in respect of that series, the Sponsor will repurchase all units of such series which have been sold prior to such date at the same price paid by the original purchaser, including sales charge.

In addition, on the day of the deposit of the Bonds comprising the portfolio of any series of the Fund (or delivery statements relating thereto and funds for the purchase thereof), the Sponsor will instruct the Trustee that, in the event the Sponsor as the owner of units of any such series, which have not previously been sold to the public, shall tender such unsold units to the Trustee for redemption in an amount that will reduce the net worth of such series to less than 40 percent of the principal amount of Bonds originally deposited therein, the Trustee shall terminate such series in the manner provided in the Indenture relating thereto and the Sponsor will refund, on demand, to each purchaser of units of any such series, the entire sales charge paid by such purchaser without any deduction whatsoever.

In light of these representations and undertakings, Applicants request that the Commission issue an order exempting all series of the Fund (Series 1 and subsequent series) from the provisions of section 14(a) of the Act subject to future series being substantially identical in all material respects to Series 1 except as to size, number of units, and identity of portfolio bonds.

RULE 19b–1

Rule 19b–1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not "a regulated investment company" but permits a unit investment trust to distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt.

From time to time Bonds in a portfolio of a series of the Fund may be redeemed by the issuer thereof or may be sold by the Trustee for the purposes of providing either investment stability, as described below, or funds for the redemption of units, or if such Bonds are the subject of advanced refunding. These transactions may give rise to a problem under Rule 19b–1 when the funds distributed from a Principal Account involve a long-term capital gain since in order to comply with the literal requirements of the rule, a series of the Fund would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. The Applicants contend that such a practice would clearly be to the detriment of the certificate-holders.

The Indenture establishes record and distribution dates for the distribution to certificateholders of their pro rata share of the cash balance of the Interest and Principal Accounts computed as of such record dates. Since the Trustee has no authority to reinvest funds received upon the disposition of Bonds, it is in the best interests of certificateholders that it be permitted to distribute such funds as provided by the Indenture. Initially it is contemplated that distributions will be made semiannually from the Principal Account and monthly, quarterly or semiannually from the Interest Account, depending upon the plan of distribution chosen by certificateholders.

Applicants state that distributions of principal constituting capital gains to certificateholders may arise in the following circumstances: (1) Early retirement and advanced refunding of Bonds (as well as the sale of Bonds which are the subject of advanced refunding); and (2) sale of Bonds in order to provide funds necessary to meet redemptions by certificateholders. Applicants state that capital gains in most cases are not anticipated to arise from sales of Bonds made by the Trustee at the request of the Sponsor to provide stability, i.e., after default in payments of principal or interest on such bonds or the occurrence of other market or credit factors which, in the opinion of the Sponsor, would make retention of such Bonds in the Fund detrimental to the interests of the certificateholders.

The primary objective of the Fund is tax-exempt income through an investment in tax-exempt bonds. In the case of normal distributions, it is expected that virtually the entire amount will represent interest received on portfolio Bonds. Applicants state that when sums are distributed from the Principal Account, the amount thereof which represents long-term capital gains will be minimal in comparison to the total amount of the distribution, and will have been realized almost entirely as a result of activities of persons other than the Fund, the Sponsor or the Trustee. Accordingly, Applicants request that the Commission

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grant an exemption from the provisions of Rule 19b–1 to permit distributions to be made as proposed under the Indenture for Series 1 and for such additional series as may be created in the future, since the dangers against which Rule 19b–1 is intended to guard do not exist in the situation at hand.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 13, 1976, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76–25811 Filed 9–2–76;8:45 am]

[Rel. No. 19659; 70–5893]

SOUTHWESTERN ELECTRIC POWER CO.

Financing of Pollution Control Facilities

AUGUST 24, 1976.

Notice is hereby given that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SWEPCO states that in order to comply with applicable state and federal environmental requirements with respect to its Flint Creek Power Plant ("plant") under construction near Siloam Springs, Arkansas, it is necessary to construct and equip the plant with certain air and water pollution control facilities and sewage and solid waste disposal facilities ("facilities"). To finance the acquisition, construction and equipment of the facilities, SWEPCO proposes to make two borrowings from the City of Siloam Springs, Arkansas ("City").

The two loans from the City to SWEPCO will be made under two loan agreements ("loan agreements"). The loan agreements provide that the City will issue its Revenue Bonds ("revenue bonds") at SWEPCO's request and that the City will concurrently loan SWEPCO an amount equal to the aggregate principal amount of the revenue bonds. The loan agreements further require SWEPCO to execute and deliver its bonds ("SWEPCO bonds") to the Revenue Bond Trustee as evidence of and security for the loans.

The loan agreements obligate SWEPCO to complete the facilities, whether or not the loan proceeds are sufficient therefor, and to apply the loan proceeds to the costs thereof as defined in the loan agreements. SWEPCO further agrees to indemnify the City in connection with the transactions contemplated by the loan agreements and to provide the City with sufficient revenues to discharge its obligations on the revenue bonds.

The SWEPCO bonds will be issued under SWEPCO's Indenture dated February 1, 1940 to Continental Illinois National Bank and Trust Company of Chicago and M. J. Kruger, as Trustees. The SWEPCO bonds will be isued in two series: The Series A SWEPCO bonds will be issued in a principal amount estimated at approximately $8,000,000 (but not in excess of $9,000,000) and will be equal in amount to the Series A revenue bonds. The Series A bonds will mature not later than 30 years from their issue date. The Series A SWEPCO bonds will be subject to either sinking fund redemption or serial maturity provisions sufficient to ensure the retirement prior to 30 years from the issue date of 25 percent of the aggregate principal amount of the SWEPCO Bonds. The SWEPCO Bonds will bear interest at a rate or rates equal to the interest rate or rates equal to the interest rate or rates of the corresponding Series A revenue bonds.

The SWEPCO bonds, or such portion thereof as mature more than 10 years after the issue date, will be redeemable at SWEPCO's option on and after 10 years from the issue date in whole or in part. The redemption prices will begin at 103 percent of the principal amount of the bond for redemptions occurring from 10 years to 10½ years after the issue date and declining ½ percent of such principal amount thereof for redemptions occurring on either of each successive two interest payment dates thereafter to 100 percent for redemptions occurring 16 or more years after the issue date. The SWEPCO bonds will also be subject to redemption at 100 percent of the principal amount thereof (plus accrued interest) upon the occurrence of certain extraordinary events described in SWEPCO's supplemental indentures.

SWEPCO also proposes to increase the limit on aggregate first mortgage bonds permitted to be outstanding under the SWEPCO Indenture referred to above from $300 million to $1 billion. SWEPCO states that this limitation is required by state law and may be increased from time to time by resolution of the SWEPCO Board of Directors. The SWEPCO supplemental indenture relating to the SWEPCO Series A bonds referred to herein will provide for this increase.

It is contemplated that the City will sell its revenue bonds through a public offering managed by Merrill Lynch, Pierce, Fenner & Smith, Inc. SWEPCO will not be a party to the contract between Merrill Lynch and the City but terms of that contract are subject to SWEPCO's approval.

SWEPCO requests an exception from the competitive bidding requirements of Rule 50 for the sale of its bonds to the City pursuant to Rule 50(a)(5).

It is stated that the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that an interested person may, not later than September 20, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76–25812 Filed 9–2–76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of August, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Aug. 27, 1976

Name of applicant	Location of enterprise	Principal product or activity
Dexter Nursing Home	Dexter, Maine	Nursing home.
Laribee Wire, Inc	Camden, N.Y	Fabricator of bare, tinned, and insulated copper wire.
Abrene Aircraft Corp	Aguadilla, P.R	Production of transport aircraft.
Stuart Lumber Corp	Stuart, Va	Manufacture of particle board and oak flooring.
Virginia Vermiculite, Inc	Louisa County, Va	Production of vermiculite.
Nova Industries, Inc	Saegertown, Pa	Manufacturing of glass-to-metal seal crystal bases.
King Kutter, Inc	Fayette, Ala	Manufacturing of farm machinery and equipment.
Desoto Gin & Peanut Co	Desoto, Ga	Cleaning and drying peanuts, ginning cotton, and selling seed.
San-Foods, Inc	Sanford, N.C	Fast food service.
Trident, Inc	Valdosta, Ga	Retail sales of sandwiches, fries, and soft drinks.
Sanitary Landfill Site, Inc	Roberts, Wis	Waste disposal.
Lamtrojos, Inc. (tenant of town of Paoli).	Paoli, Ind	Manufacturing of TV and stereo cabinets and bathroom vanities.
JJG Joint Venture	Williamsville, Ill	Storage facility for grocery services.
Nor Pac, Inc	Port Clinton, Ohio	Manufacturing sauerkraut.
Philip A. Gilberie	Monticello, Ill	Community antenna TV system.
Neese Industries, Inc. (tenant of town of Livingston).	Livingston, La	Manufacturing of industrial rainsuits.
Southwest Cable Inc	Espanola, N. Mex	Construction and operation of a cable TV service.
Ledwell & Son Enterprises, Inc	Texarkana, Tex	Manufacturing and sales of structural steel and truck and trailer equipment.
Hagel Lumber Co	Towner, N. Dak	Lumber yard sales and movable home construction.
LORAK, Inc	La Moure, N. Dak	Manufacturing of hydraulic-implement trailers, bigbale loaders, and pole-jack and grain-drill markers.
Water Street Partners for Restoration.	Williamstown, Mass	Reconstruction of 2 historic buildings and a restaurant.

[FR Doc.76–25860 Filed 9–2–76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Montana

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Montana, effective on August 29, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State, that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agen-

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cy) for the period consisting of that week and the immediately preceeding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Montana has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on August 14, 1976, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Montana for the week ending on August 14, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on August 29, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Montana which terminated with the week ending on August 28, 1976, as announced in the notice published in the FEDERAL REGISTER on August 27, 1976, at 41 FR 36281. Immediately following the end of the prior Federal Supplemental Benefit Period, there was to be an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Because the new Federal Supplemental Benefit Period began immediately following the end of the prior benefit period in Montana, there were no individual additional eligibility periods following the prior benefit period.

Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or a 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Montana, or who wish to inquire about their rights under this program, should contact the nearest Employment Service Office of the Montana Employment Security Division in their locality.

Signed at Washington, D.C., August 30, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–25944 Filed 9–2–76;8:45 am]

Office of the Secretary

[TA–W–940]

JANESVILLE AUTO TRANSPORT CO.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–940: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 15, 1976, in response to a worker petition received on that date which was filed by the International Brotherhood of Teamsters on behalf of workers and former workers at the Janesville Auto Transport Company, Janesville, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29515). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Janesville Auto Transport Company and from officials of the General Motors assembly plant in Janesville, Wisconsin.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied a negative determination must be made.

Janesville Auto Transport Company does not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services, such as automobile transportation services, are not covered by the adjustment assistance program. See Notice of negative determination in Pan American World Airways, Incorporated (TA–W–153, 40 FR 54639).

The question raised by this case is whether General Motors Corporation can be considered to be the "workers firm". The General Motors assembly plant in Janesville is a firm which produces a manufactured article. The Janesville Auto Transport Company is a firm which provides the service of transporting the manufactured articles—the motor vehicles produced at the GM assembly plant—to GM dealers in the Midwest United States.

The Department has previously determined that an independent firm for which such service is provided can not be considered to be the "workers' firm". See Notice of Negative Determination in Nu-Car Driveaway, Incorporated, (TA–W–393, 41 FR 12749).

Janesville Auto Transport Company is an independent common carrier and is free to offer its transport services to any company requesting such service. Neither General Motors Corporation nor Janesville Auto Transport Company is involved financially or otherwise in the operation of the other.

The Janesville Auto Transport Company owns all of the property and some of the facilities and equipment necessary for the operation of its business. The company does not lease any facilities or equipment from General Motors Corporation.

The workers for whom the petition for trade adjustment assistance was filed were hired and are paid by Janesville Auto Transport Company. All payments to and benefits for workers are provided and maintained by Janesville Auto Transport Company.

After careful review of the issues and facts involved, I have determined that services of the kind provided by Janesville Auto Transport Company are not "articles" within the meaning of section 222(3) of the Trade Act of 1974, and that General Motors Corporation cannot be considered to be the "workers' firm".

Signed at Washington, D.C., this 24th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76–25774 Filed 9–2–76;8:45 am]

[TA–W–696]

MARILINDA SPORTSWEAR

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–696: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sportswear and outerwear coats at the Fall River Massachusetts plant of Marilinda Sportswear.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14223). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marilinda Sportswear, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met for men's leisure suit jackets, sportcoats, and pants.

Significant total or partial separations. The average number of workers at Marilinda remained stable from 1973 to 1974, and then increased 3.6 percent from 1974 to 1975. In the second quarter of 1975, average employment declined 4.5 percent compared to the second quarter of 1974. In the third and fourth quarters of 1975, employment increased 0.6 percent and 10.7 percent respectively, compared to the same quarters of 1974.

Average weekly hours increased 3.7 percent from 1973 to 1974 and then declined 0.1 percent from 1974 to 1975. In the second quarter of 1975, average weekly hours declined 5.8 percent compared to the second quarter of 1974.

Sales or production, or both, have decreased absolutely. The dollar value of total sales at Marilinda declined 8.2 percent from 1973 to 1974 and then increased 13.3 percent from 1974 to 1975.

Total units produced (including all garments manufactured) increased 35.0 percent in the first quarter of 1975 compared to the first quarter of 1974. In the second and third quarters of 1975, total units produced declined 13.7 percent and 34.2 percent, respectively, compared to the same quarters of 1974. In the fourth quarter of 1975, total units produced increased 40.4 percent compared to the fourth quarter of 1974.

Marilinda produced men's leisure suit jackets and sportcoats from the second quarter of 1974 through the first quarter of 1975 and from the third quarter of 1975 through the first quarter of 1976. Leisure suit jackets and sportcoats were not produced in the second quarter of 1975. In the third quarter of 1975, production declined 36.0 percent compared to the third quarter of 1974.

Men's pants were produced from the second quarter of 1974 through the first quarter of 1975 and then production was discontinued.

Men's outerwear coats were produced from the second quarter of 1975 through the fourth quarter of 1975. Production increased from the second to the third quarter of 1975 and then declined from the third to the fourth quarter of 1975.

Ladies' outerwear coats were produced in the first and second quarters of 1974 and in the first quarter through the fourth quarter of 1975. In the first and second quarters of 1975, production declined 38.7 percent and then increased 72.8 percent, respectively, compared to the same quarters of 1974.

Increased imports. Imports of men's and boys' tailored dress coats and sportcoats increased both absolutely and relatively in each year from 1971 through 1973. Imports increased relatively from 1973 to 1974. Imports increased absolutely, by 7.9 percent from 1974 to 1975 while domestic production declined 18.6 percent during the same period.

The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively in 1974 to 28.2 percent and 22.0 percent, respectively in 1975.

Imports of men's and boys' dress and sport trousers increased both absolutely and relatively from 1971 to 1972 and then declined absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports increased absolutely by 39.4 percent from 1974 to 1975. Domestic production of men's and boys' dress and sport trousers declined 18.9 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 pereent, respectively, in 1975.

Imports of men's and boys' tailored suits increased absolutely and relatively in each year from 1971 through 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 17.2 percent and 14.6 percent in 1975.

Imports of men's and boys' outercoats and jackets increased absolutely and relatively in each year from 1971 through 1973 and then declined absolutely and relatively from 1973 to 1974. Imports declined absolutely, by 6.1 percent from 1974 to 1975.

Imports of women's, misses', girls', juniors' and children's woven coats and jackets declined relatively in each year from 1971 through 1975. Imports increased absolutely in each year from 1971 through 1973 and then declined absolutely from 1973 to 1974. Imports increased absolutely from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 37.4 percent and 27.2 percent, respectively, in 1974 to 29.6 percent and 22.8 percent, respectively, in 1975.

Contributed importantly. The evidence developed during the Department's investigation indicated that customers of the manufacturers for whom Marilinda produced men's leisure suit jackets, sportcoats, and slacks reduced purchases of domestically made suits, sportcoats and pants and increased import purchases.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's leisure suit jackets, sportscoats, and pants produced at the Fall River plant of Mari-

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linda Sportswear contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's leisure suit jackets, sportcoats and pants at the Fall River, Massachusetts plant of Marilinda Sportswear who became totally or partially separated from employment on or after March 4, 1975 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became totally or partially separated from employment on or after October 1, 1975 are denied certification to apply for adjustment assistance.

Signed at Washington, D.C. this 24th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-25943 Filed 9-2-76;8:45 am]

[TA-W-804]

REPUBLIC STEEL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-804; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 23, 1976 in response to a worker petition received on April 23, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet and plate and specialty steel at the Republic Steel Corporation, South Division plant, Canton, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 20045) on May 14, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the International Trade Commission, the U.S. Department of Commerce, the American Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative, determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated; or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

Significant total or partial separations. The average number of production workers increased 13.1 percent in 1974 compared with 1973, decreased 34.6 percent in 1975 compared with 1974 and decreased 36.4 percent in the first quarter of 1976 compared with the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Annual shipments of stainless steel sheet and plate increased 139.2 percent in 1974 compared with 1973, decreased 67.4 percent in 1975 compared with 1974 and decreased 62.8 percent in the first quarter of 1976 compared with the first quarter of 1975.

Annual shipments of the plant's other products, alloy steel and other specialty metals increased 21.8 percent in 1974 compared with 1973, decreased 36.3 percent in 1975 compared with 1974 and decreased 48.4 percent in the first quarter of 1976 compared with the first quarter of 1975.

Increased imports.—Alloy steel blooms, slabs and billets are included in a category also including alloy steel ingots, castings and sheet bars. Imports of these alloy steel products decreased 0.6 percent in 1972 compared with 1971, decreased 13.5 percent in 1973 compared with 1972, decreased 37.1 percent in 1974 compared with 1973 and increased 10.0 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and production increased from 0.28 percent for each in 1974 to 0.34 percent for each in 1975.

Imports of stainless steel sheet decreased 48.6 percent in 1972 compared with 1971, decreased 11.9 percent in 1973 compared with 1972, increased 39.0 percent in 1974 compared with 1973 and decreased 5.0 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 10.5 percent and 10.0 percent, respectively in 1974 to 22.4 percent and 19.1 percent, respectively in 1975.

Imports of stainless steel plate increased 64.4 percent in 1972 compared with 1971, decreased 33.9 percent in 1973 compared with 1972, increased 13.3 percent in 1974 compared with 1973 and increased 36.7 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 10.0 percent and 9.5 percent, respectively in 1974 to 18.6 percent and 16.3 percent, respectively in 1975.

Contributed importantly. The Canton plant specializes in the production of vacuum melted alloy steel and special metals for the aircraft industry and other customers with rigid specifications. These customers, including the commercial aircraft industry and government and aerospace contractors, had not shifted purchases of stainless and alloy steel from the Canton plant to foreign sources. Slowdows in commercial aircraft manufacturing and in the contracting and procurement of certain weapons systems caused a reduction in steel purchases by these customers. Those customers using stainless steel sheet and plate reported declining purchases from the Republic plant and other domestic steel mills, attributing these declines to adverse domestic business conditions.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless and alloy steel produced at the Republic Steel Corporation, South Division plant located in Canton, Ohio did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 20th day of August 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-25775 Filed 9-2-76;8:45 am]

[TA-W-852]

RUSSELL, BURDSALL AND WARD, INC.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-852; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing metal fasteners at the Rock Falls, Illinois plant of Russell, Burdsall and Ward, Inc., Mentor, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20963). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Russell, Burdsall and Ward, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion four (4) has not been met.

The evidence developed in the Department's investigation reveals that a strike by production workers at the Rock Falls plant of Russell, Burdsall and Ward occurred from May 1, 1975 to November 17, 1975. As a result of the 28-week work stoppage, sales, production, and employment declined in 1975 from 1974.

The only layoffs which have occurred since April 15, 1975, the earliest possible impact date, took place following the strike. At that time, workers who were not immediately recalled were placed on layoff status. Subsequent to the settlement of the strike, employment, production, and sales have steadily increased from the last quarter of 1975 through the second quarter of 1976.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports have not contributed importantly to the separations, or threat thereof, and to the decrease in sales or production at the Rock Falls, Illinois plant of Russell, Burdsall and Ward, Incorporated, as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-25776 Filed 9-2-76;8:45 am]

[TA-W-883]

SATRALLOY INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-883; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition received on May 19, 1976 which was filed by three employees on behalf of workers and former workers producing ferrochrome alloys at the Steubenville, Ohio plant of Satra Incorporated, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23821). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Satralloy Incorporated, its customers, the U.S. Department of the Interior, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant total or partial separations. The average number of production workers declined 18 percent in 1975 compared to 1974 and declined 44 percent in the first five months of 1975 compared to the same period in 1974. Employees of Satralloy are used interchangeably on all alloy products.

Sales or production, or both, have decreased absolutely. Low carbon ferrochrome alloys and ferrochrome silicon alloys constituted approximately 91 percent of Satralloy's production in 1975. Sales of the Steubenville plant declined 36 percent in 1975 compared to 1974 and declined 22 percent in the first five months of 1976 compared to the same period in 1975.

Increased imports. Imports of low carbon ferrochrome increased from 40.6 thousand tons in 1971 to 68.2 thousand tons in 1972. Imports declined in 1973 to 43.3 thousand tons before inreasing to 45.4 thousand tons in 1974 and 61.3 thousand tons in 1975. In the first three months of 1975 imports of low carbon ferrochrome were 18.2 thousand tons and declined to 15.0 thousand tons in the first three months of 1976.

The ratio of imports to domestic production was 36.3 percent in 1971 and increased to 99.7 percent in 1972. In 1973, the ratio of imports to domestic production declined to 49.8 percent before increasing to 52.3 percent in 1974 and 99.3 percent in 1975. In the first quarter of 1976, the ratio of imports to domestic production was 344.3 percent compared to a ratio of 83.7 percent in the same quarter one year earlier.

U.S. imports of ferrochrome silicon increased from 772 tons in 1971 to 8,427 tons in 1972 and 13,037 tons in 1973 before declining to 7,553 tons in 1974 and 4,136 tons in 1975. In the first quarter of 1976, imports were 3,767 tons compared to 1,711 tons in the first quarter of 1975.

The ratio of imports to domestic production increased from 0.8 percent in 1971 to 8.6 percent in 1972 and 16.5 percent in 1973. In 1974, the ratio of imports to domestic production declined to 7.8 percent before increasing to 7.9 percent in 1975. In the first quarter of 1976 the ratio of imports to domestic production increased to 22.8 percent compared to 6.1 percent in the first quarter of 1975.

Contributed Importantly. Customers of Satralloy indicated that they reduced their purchases of low carbon ferrochrome alloys and ferrochrome silicon alloys from Satralloy and increased the proportion of imports of such purchases.

Conclusion. After careful review of the facts obtained in investigation, I conclude that increases of imports like or directly competitive with ferrochrome alloys produced at Satralloy Incorporated, Steubenville, Ohio, contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Satralloy Incorporated, Steubenville, Ohio, who became totally or partially separated from employment on or after April 29, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff

[FR Doc.76-25777 Filed 9-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 135]

ASSIGNMENT OF HEARINGS

AUGUST 30, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139584 (Sub 5), John Busch now being assigned November 3, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 19227 (Sub 228), Leonard Bros. Trucking Co., Inc. now being assigned November 8, 1976 at the Office of the Interstate Commerce Commission in Washington, D.C.

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MC 129908 (Sub 2), American Farm Lines, Inc. now being assigned November 10, 1976 at the Office of the Interstate Commerce Commission in Washington, D.C.

MC 113855 (Sub 347), International Transport, Inc. now being assigned December 2, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 123407 Sub 302, Sawyer Transport, Inc., now being assigned December 6, 1976 (1 week), at Phoenix, Arlz., in a hearing room to be later designated.

MC 114552 (Sub 105), Senn Trucking Company now being assigned November 11, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 1103 (Sub 16), Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman and Joseph Kofman, dba Kofman's now being assigned November 11, 1976 at the Office of the Interstate Commerce Commission in Washington, D.C.

MC 140580, Earl Haines, Inc., now being assigned October 21, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117878 (Sub-No. 11), Dwight Cheek, d/b/a Dwight Cheek Trucking and MC 138018 (Sub-No. 29), Refrigerated Foods, Inc., now being assigned October 4, 1976 (2 days), at Dallas, Texas; in Room 5A15–17 Federal Building, 1100 Commerce Street.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25817 Filed 9-2-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before September 20, 1976.

FSA No. 43228—*Glycols from Abbeville, Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B–620), for interested rail carriers. Rates on glycols, in tank-car loads, as described in the application, from Abbeville, Louisiana, to points in Alabama, Illinois, Iowa, North Carolina and Tennessee. Grounds for relief—Market competition.

Tariff—Supplement 74 to Southwestern Freight Bureau, Agent, tariff 210–L, I.C.C. No. 5183. Rates are published to become effective on September 28, 1976.

AGGREGATE-OF-INTERMEDIATES

FSA No. 43229—*Ethylene Glycol from Abbeville, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B–621), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, as described in the application, from Abbeville, Louisiana, to Clinton, Iowa.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 74 to Southwestern Freight Bureau, Agent, tariff 210–L, I.C.C. No. 5183. Rates are published to become effective on September 28, 1976.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-25816 Filed 9-2-76;8:45 am]

[Notice No. 23]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before October 4, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76575, filed June 7, 1976. Transferee: A & F CARTAGE, INC., Rt. #2, Bryan, Ohio 43506. Transferor: B & V CARTAGE, INC., 3002 Isha Laye Drive, Toledo, Ohio 43612. Applicants' representative: James P. Silk, 4502 Paddington Street, Toledo, Ohio 43623. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 139048 (Sub-No. 2), issued July 1, 1975, as follows: Such merchandise as is dealt in by toy and novelty wholesale, retail, and chain business houses, and equipment, materials and supplies used in the conduct of such business, between the warehouse of Elmex Corporation, at Cincinnati, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Kentucky, West Virginia, and Virginia, restricted to a transportation service to be performed under a continuing contract, or contracts, with Elmex Corporation, of Cincinnati, Ohio. Transferee presently holds no authority from this Commission.

No. MC–FC–76589, filed August 5, 1976. Transferee: ROUTE MESSENGER SERVICE, 31–97 Starr Avenue, Long Island City, New York 11101. Transferor: RITEWAY EXPRESS, INC., 285 Old Hook Road, Westwood, N.J. 07675. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 1668, issued January 16, 1941, as follows: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contamination to other lading, between points and places in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, Bloomingdale, Butler, Clifton, Haskell, Hawthorne, Midvale, Passaic, Pequannock, Pompton Plains, Pompton Lakes, Ringwood Manor, Riverdate, Wanaque, N.J., and points and places in Bergen County, N.J. Transferee presently has pending a request for extension of a lease in MC–FC–35459 involving the said rights.

No. MC–FC–76590, filed August 11, 1976. Transferee: Robert C. Fennell, doing business as ROBERT FENNELL TRUCKING CO., 305 Fairfax Drive, P.O. Box 239, Blacksburg, Virginia 24060. Transferor: H. T. RATCLIFF, 454 West Main Street, Abingdon, Virginia 24210. Applicants' representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Suite 600, Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 31208, MC 31208 (Sub-No. 1), MC 31208 (Sub-No. 3), MC 31208 (Sub-No. 4), MC 31208 (Sub-No. 6) and MC 31208 (Sub-No. 8), issued March 21, 1942, May 28, 1947, August 11, 1950, June 7, 1950, August 22, 1963, and June 26, 1968, respectively, as follows: (1) livestock, poultry, and eggs, from Kingsport, Morristown and New Tazewell, Tenn., and Bristol, Abingdon and Marion, Va., and points and places within ten miles of each, to Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y., and egg cases and chicken coops from the destinations specified above to the origins specified above; (2) trailers and semi-trailers and parts and accessories, by truckaway method, in initial movements, from Bristol, Va., to points and places in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and rejected shipments on return; (3) sugar, from Baltimore, Md., and Philadelphia, Pa., to Abingdon, Va. and wooden cabinets, from Bristol, Va., to Sunbury, Pa.

(4) Machinery, from Hackettstown, N.J., and Waynesboro, Pa., to points and places in Wythe County, Va.; livestock, from Wytheville, Va., to Harrisburg and Philadelphia, Pa., Baltimore, Md. and Washington, D.C.; lumber, from Hartsville and Columbia, S.C., to Wytheville, Va.; Malt beverages, from Brooklyn, N.Y., and Newark, N.J., to Marion and Galax, Va.; empty malt beverage containers, from Marion and Galax, Va., to Brooklyn, N.Y. and Newark, N.J.; petroleum products, in containers, from Marcus Hook, Pa., and Sewaren, N.J., to Radford, Wytheville and Marion, Va.; empty petroleum-products containers, from Radford, Wytheville and Marion, Va., to Marcus Hook, Pa., and Sewaren, N.J.; live or dressed poultry and eggs, from—Wytheville, Meadowview, and Abingdon, Va., to Baltimore, Md., Philadelphia, Pa., Newark, N.J., and New York, N.Y.; canned goods, from points and places in Wythe County, Va., to Washington, D.C., and Baltimore, Md., from Baltimore, Md., to Bristol and Pulaski, Va.; feed, from Charlotte, N.C., and Columbia, S.C., to Wytheville, Va.; agricultural commodities, from points and places in Wythe, Smyth, and Washington Counties, Va., to Beckley and Charleston, W. Va., and points and places in North Carolina and South Carolina; soap and soap products, from Baltimore, Md., to points and places in Virginia on and west of Virginia Highway 8; household goods, as defined, between points and places in Maryland; (5) repossessed and used trade-in trailers and semi-trailers and parts and accessories thereto, in secondary movements, in truckaway service, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia, to the plant site of the Black Diamond Trailer Company, Inc. at Bristol, Va.; and (6) wooden rails, wooden posts, and wooden gates, from Clinchburg, Va., to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to western boundary of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary line, and to points in Louisiana, Texas, Arkansas, Missouri, Kansas, Iowa, Minnesota, Nebraska, and Oklahoma. Transferee is presently authorized to operate as a contract carrier under Permit No. MC 140239 and subs thereunder. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76630, filed June 13, 1976. Transferee: NASH MOVING & STORAGE, INC., 93–09 Astoria Boulevard, Jackson Heights, N.Y. 11370. Transferor: Columbia Moving & Storage, Inc., 6 Chivalry Lane, Nesconset, N.Y. 11767. Applicants' Representative: Arthur J. Piken, Esq., One LeFrak City Plaza, Flushing, N.Y. 11368. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 118945, issued July 12, 1973, as follows: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, New Jersey, New York, Pennsylvania, Connecticut and Massachusetts. Transferee presently holds no authority from this Commission.

No. MC–FC–76637, filed June 20, 1976. Transferee: BASDEN TRANSPORTATION, INC., 110 North Montgomery Avenue, Sheffield, Alabama 35600. Transferor: Annie Mae Basden and Leonard R. Basden, A Partnership, Doing Business as Basden Bus Lines, Tuscombia, Alabama. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 138754, issued April 17, 1975, as follows: Passengers and their baggage, in the same vehicle with passengers, between Collinwood, Tenn., and Listerhill, Ala., and Wilson Dam, Ala., serving all intermediate points between Collinwood, Tenn., and the Tennessee-Alabama State line, restricted to traffic originating at or destined to the sites of the Reynolds Metal Company and the Reynolds Alloy Company at Listerhill, Ala., and the Tennessee Valley Authority Nitrate plant at Wilson Dam, Ala., with incidental charter rights pursuant to Section 208(c). Transferee presently holds no authority from this Commission.

No. MC–FC–76639, filed June 23, 1976. Transferee: BOULEVARD FREIGHT LINES, INC., 2701 East 68th Street, Long Beach, CA 90805. Transferor: Frank E. Adams, Doing Business As Adams Freight Lines, 2701 East 68th Street, Long Beach, CA 90805. Applicant's Representative: James H. Lyons, Esquire, 523 West Sixth Street, Suite 1216, Los Angeles, CA 90014. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–140939 issued February 11, 1976, as follows: General commodities, with exceptions, over regular routes between points in the Greater Los Angeles Area and points in the San Diego Territory; and general commodities, with exceptions, over irregular routes, between all points within the Greater Los Angeles Area, and between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission in 3 M.C.C. 248, except Compton, Lynwood, Alhambra, San Marino, Pasadena, South Pasadena, Glendale, Burbank, San Fernando, Beverly Hills, Santa Monica, Culver City, Inglewood, Hawthorne, Lennox, and El Segundo, Calif.; and such articles which require special handling or rigging because of size or weight between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Los Angeles and Vernon, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76648, filed July 2, 1976. Transferee: WISNESKI FURNITURE DELIVERY, P.O. Box 270, Bayonne, N.J. 07002. Transferor: John S. Wisneski, P.O. Box 270, Bayonne, N.J. 07002. Applicants' representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 111476 and MC 111476 (Sub-No. 2), issued June 19, 1952 and June 24, 1963, respectively, as follows: (1) New furniture, from New York, N.Y., to points in New Jersey and those in Fairfield County, Conn., (2) Household goods, as defined by the Commisison, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., points in New Jersey and those in Fairfield County, Conn. and (3) Household goods, as defined by the Commission, between points in Bergen and Passaic Counties, N.J., on the one hand, and on the other, points in New York, Pennsylvania, Connecticut, and Massachusetts. Transferee presently holds no authority from this Commission.

No. MC–FC–76689, filed August 6, 1976. Transferee: FRY TRUCKING, INC., 3706 Liberty Way-Liberty Boro, McKeesport, Pennsylvania, 15133. Transferor: Howard L. Fry, 3706 Liberty Way-Liberty Boro, McKeesport, Pennsylvania, 15133. Applicants' Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pennsylvania, 15109. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC–128692, MC–128692 (Sub-No. 1) and MC–128692 (Sub-No. 2), issued July 8, 1976, as follows: *Pipe and tubing* between Butler, Pa., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, West Virginia (except points in Jefferson and Berkeley Counties, W. Va.), Virginia (except points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, Stafford, and Warren Counties, and the city of Alexandria, Va.), and points in Allegany and Garrett Counties, Md., Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Keystone Tublar Service Corp.; Sub-1—*Pipe and tubing*, between the Borough of Springdale, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Ohio Pennsylvania, West Virginia (except points in Jefferson and Berkeley Counties, W. Va.), Virginia (except Alexandria, Va., and points in its Commercial Zone as defined by the Commission, and except points in Arlington, Clarke, Loudoun, Fairfax, Prince William, Fauquier, Warren, Frederick, and Stafford Counties, Va.), and points in Allegany and Garrett Counties, Md. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Keystone Tublar Service Corp. Sub-2—*Pipe and tubing*, between Butler, Pa., and the Borough of Springdale, Pa., on the one hand, and, on the other, Michigan, Ohio,

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and Wisconsin. Restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Keystone Tublar Service Corp. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76690, filed August 4, 1976. Transferee: K & T TRANSPORT, INC., Wyalusing, Pennsylvania, 18853. Transferor: J. V. Taylor, Inc., Wyalusing, Pennsylvania, 18853. Applicants' Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pennsylvania 18517. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–138583 issued November 5, 1976, as follows: Livestock, from points in Bradford, Tioga, Wyoming, Susquehanna, and Sullivan Counties, Pa., to New York, N.Y., and Newark and Jersey City, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76700, filed August 12, 1976. Transferee: ASSOCIATED BOAT TRANSPORT, INC.; 10008 126th NE, Kirkland, Washington, 98033. Transferor: Associated Transfer & Storage Co., Inc., 730 N. Northlake Way, Seattle, Washington 98103. Applicants' Representative: George H. Hart and Jack R. Davis, 1100 IBM Building, Seattle, Washington, 98101. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–29568, as follows: Boats, except rowboats and canoes between points in Washington, Oregon and Idaho. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

[SEAL] H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76–25815 Filed 9–2–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

Applicant: THE VICTOR TRANSIT CORPORATION, P.O. Box 32115, Cincinnati, Ohio 45232. Applicant's representative: William R. Dally (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse* including waste paper, poly scrap, secondary fibers, scrap metal and iron, newspapers and magazines, used drums, discarded and obsolete boxes, beer cases and other used cartons, ground wood shavings, scrap rags, cullett, scrap roofing felt, compressed box waste, and shredded waste, between points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennesee, Virginia, West Virginia, Wisconsin, and the District of Columbia, in furtherance of recognized pollution control programs sponsored by: (1) Service Envelope of Detroit, Mich. for the purpose of recycling paper; (2) Donco Paper Supply Co. of Chicago, Ill. for the purpose of recycling paper; (3) Container Corporation of America of Cincinnati, Ohio for the purposes of collection of waste paper, scrap metals, and iron for recycling; (4) Grossman and Sons, Inc. of Columbus, Ohio for the purpose of recycling of waste paper and scrap rags; (5) Diamond International Corporation of Middletown, Ohio for the purposes of recycling waste paper; (6) Ecolo Fibers, Inc., of Cincinnati, Ohio for the purpose of recycling waste paper, metals and fabrics; (7) Continential Paper Grading Co. of Chicago, Ill. for the purpose of recycling waste paper.

(8) Fiberlog, Inc. of Dayton, Ohio for the purpose of recycling of waste paper and secondary fibers; (9) Acme Paper Stock Company of Louisville, Ky. for the purpose of recycling waste paper; (10) Fox Paper, Inc. of Cincinnati, Ohio for the purpose of recycling waste paper; (11) Michigan Paper Stock Co. of Southfield, Mich. for the purpose of recycling waste paper; (12) Great Lakes Paper Stock Corp. of Roseville, Mich. for the purpose of recycling waste paper; (13) International Cellulose, Inc. of Chicago, Ill. for the purpose of recycling waste paper; (14) Imperial Paper Stock Company of St. Louis, Mo. for the purpose of packing and recycling waste paper; (15) Middletown Paperboard Co. of Middletown, Ohio for the purpose of manufacturing paperboard from recycled waste paper; (16) Pioneer Paper Stock (Div. of Container Corporation of America) of Carol Stream, Ill. for the purposes of collecting, processing and selling waste paper for recycling; (17) Mutual Paper Box Corporation of Chicago, Ill. for the purpose of forwarding waste paper for recycling; (18) National Fiber Supply Co. of Chicago, Ill. for the purpose of recycling waste paper and pulp; (19) Consolidated Fibers Inc. of Chicago, Ill. for the purpose of generating secondary fibers for recycling; (20) Packaging Corporation of America of Indianapolis, Ind. for the purpose of purchasing scrap waste paper for recycling; (21) Central States Fiber Corporation of Shelbyville, Ind. for the purpose of processing secondary fibers for recycling; (22) Paper Recovery, Inc. of Chicago, Ill. for the purpose of brokerage of waste paper for recycling; (23) The Queen City Barrel Co. of Cincinnati, Ohio for the purpose of purchasing empty used steel drums for recycling; (24) Capitol Waste Management Co. of Dayton, Ohio for the purpose of brokerage of waste paper for recycling; (25) American Shippers Supply Company of Cincinnati, Ohio for the purpose of reusing obsolete boxes for packaging.

(26) Service Envelope of Detroit, Mich. for the purpose of recycling waste paper; (27) American Paper Stock Company of Indianapolis, Ind. for the purpose of brokerage of waste paper for recycling; (28) Columbia Paper Corporation of Chicago, Ill. for the purpose of brokerage of waste paper for recycling; (29) Alton Box Board Company of Alton, Ill. for the purpose of manufacturing pulpboard from recycled waste paper; (30) J. Solotken Waste Paper Co. of Indianapolis, Ind. for the purpose of brokerage of waste paper for recycling; (31) Fibers Incorporated of Addison, Ill. for the purpose of brokerage of waste paper for recycling; (32) Acme Carton Corporation of Dearborn, Mich. for the purpose of selling waste paper for recycling; (33) Krell Paper Stock Company, Inc. of Grand Rapids, Mich. for the purpose of brokerage of waste paper for recycling; (34) Owens-Illinois, Inc. of Toledo, Ohio for the purpose of brokerage of glass containers for recycling; and (35) Reliable Packaging, Inc. of Chicago, Ill. for the purpose of recycling of scrap paper. Note: Applicant presently holds waste products special certificate No. P–38–73.

Applicant: R. L. HOGGE, INC., 4th St., West Point, Va. 23181. Applicant's representative: R. L. Hogge, Jr. (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste paper* for recycling or reuse, from points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and the District of Columbia, to West Point, Va., in furtherance of a recognized pollution control program sponsored by The Chesapeake Corporation of Virginia of West Point, Va. for the purpose of recycling waste paper.

Applicant: HANEY TRUCK LINE, a Corporation, P.O. Box 485, Number 1 Haney Lane, Cornelius, Oreg. 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste paper in cartons* (used corrugated paper containers), from points in Idaho, Oregon and Washington, to the facilities of Western Kraft Corporation at Albany and Beaverton, Oreg., in furtherance of a recognized pollution control program sponsored by Western Kraft Corporation of Beaverton, Oreg. for the purpose of recycling paper and cardboard waste for the manufacture of paper.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76–25818 Filed 9–2–76;8:45 am]

[Notice No. 136]

ASSIGNMENT OF HEARINGS

AUGUST 31, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121667 (Sub-No. 4), Smalley Transportation Company, now assigned October 4, 1976 at Tallahassee, Florida, is canceled and reassigned on October 4, 1976 (3 days) at Miami, Florida, in the Florida Public Service Commission, District Office Suite 121, Koger Executive Center, 8400 NW. 52nd Street and continued to Tampa, Florida on October 8, 1976 (1 day), in the Florida Public Service Commission, District Office Suite 209, 1111 N. Westshore Boulevard, Liberty Federal Building.

MC 35469 Sub 45, Modern Transfer Co., Inc., now being assigned October 18, 1976 (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

MC 113531 Sub 1, B & M Service, Inc., now being assigned November 15, 1976 (1 Week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC–F–12708, Murrow's Transfer, Inc.—Purchase—D&D Trucking Co., (Louis J. Fisher, Jr., Receiver) and MC 111936 (Sub-No. 15), Murrow's Transfer, Inc., now assigned October 19, 1976 at Washington, D.C. has been postponed to November 9, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127812 Sub 21, Tyson Truck Lines, Inc., now being assigned for continued hearing on September 14, 1976 (4 days), and will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Roberts Street, St. Paul, Minnesota.

MC–C 9233, Carolina Coach Company V. H. M. White Bus Service, Et Al now being assigned October 5, 1976 at the Office of the Interstate Commerce Commission in Washington, D.C. Ex Parte No. 325, Substituted Service—Water For Motor Service (Fishyback Service)—Alaskan Trade, now being assigned September 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8735, Ligon Specialized Hauler, Inc., Et Al.—Investigation of Operations and Practices, and Revocation of Certificates; MC–F–12631, Ligon Specialized Hauler, Inc.—Investigation of Control—Dixie Truck Line, Inc., Et Al. and MC–119777 (Sub-No. 245), Ligon Specialized Hauler, Inc., Extension—ITT, now assigned continued prehearing conference September 9, 1976 at Washington, D.C. is postponed to September 10, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106149 (Sub 2) now assigned September 21, 1976 at Knoxville, Tennessee and will be held in Conference Room LL–8, 301 Cumberland Building, 301 West Cumberland.

MC 133916, MC 133916 (Sub 3), O'Nan Transportation Company, MC 134617, MC 134617 (Sub 1), Owenton Express, Inc., MC 136018, Tri-City Express, Inc. and MC–F 12774, O'Nan Transportation Company, Inc.—Investigation of Control—Owenton Express, Inc. now assigned September 27, 1976 at Lexington, Kentucky is now cancelled and reassigned September 27, 1976 at Frankfort, Kentucky and will be held in the Fourth Floor Conference Room, State Office Building.

MC 116763 (Sub 342), Carl Subler Trucking, Inc., now assigned November 2, 1976 at New York, New York is cancelled, application dismissed.

MC 141334, Green Veneer, Inc., Young & Morgan, Inc., North Santiam Plywood Co., Northwest Wood Products, Inc. and X L Timber Co., d/b/a Young & Morgan Trucking Co., now assigned September 22, 1976 at Portland, Oregon; will be held in Room 103 Pioneer Courthouse, 555 S. W. Yamhill Street.

MC 107743 (Sub-No. 40), System Transport Inc., now assigned September 27, 1976 at Seattle, Washington; will be held in Courtroom 514 Federal Building, 915 2nd Avenue.

No. 36360, General Increase, July 1976, Sea-Land Service, Inc., now assigned October 4, 1976 at Anchorage, Alaska; will be held in the Office of the Alaska Transportation Commission Hearing Room—10th Floor McKay Building, 338 Delaney Street.

MC 37918 (Sub No. 13), Direct Winters Transport Limited now assigned September 27, 1976 at Lansing, Michigan and will be held in the Basement Conference Room, Lewis Cass Building, 300 South Michigan.

AB 1 (Sub No. 9), Chicago and North Western Transportation Company Abandonment Between Wren, Iowa and Iroquois, South Dakota in Sioux and Plymouth Counties, Iowa and Union, Lincoln, Turner, McCook, Miner and Kingsbury Counties, South Dakota now being assigned September 28, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 97310 (Sub-No. 20), Sharron Motor Lines, Inc., now assigned September 13, 1976, at 9:30 a.m. Local Time, at Montgomery, Alabama, the starting time of hearing has been changed to 1:30 p.m. first day.

MC 136368 (Sub No. 7), J & P Properties, Inc. and MC–C 9006, J & P Properties, Inc.—Investigation and Revocation of Certificates now assigned November 9, 1976 at Miami, Florida is now cancelled and reassigned November 9, 1976 (2 days) at Orlando, Florida in a hearing room to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76–25963 Filed 9–2–76;8:45 am]

[Rev. S.O. 994; I.C.C. Order 155; Amdt. 1]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 155 (WLO) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 155 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m. February 28, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25961 Filed 9–2–76;8:45 am]

[Rev. S.O. 994; ICC Order No. 154, Amdt. 1]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 154 (BO) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 154 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25962 Filed 9–2–76;8:45 am]

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[Rule 19; Ex Parte No. 241; Exemption No. 122, Amdt. 2]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

THE BALTIMORE AND OHIO RAILROAD CO., THE CHESAPEAKE AND OHIO RAILWAY CO., CONSOLIDATED RAIL CORP., AND WESTERN MARYLAND RAILWAY CO.

Upon further consideration of Exemption No. 122 issued April 2, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 122 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25958 Filed 9-2-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 95, Amdt. 8]

DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25959 Filed 9-2-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 93, Amdt. 8]

GRAND TRUNK WESTERN RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 93 issued January 15, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25964 Filed 9-2-76;8:45 am]

[Rule 19, Ex Park No. 241, Exemption No. 101-A]

MISSOURI PACIFIC RAILROAD CO. AND SEABOARD COAST LINE RAILROAD CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 101, issued September 5, 1975, and good cause appearing therefor:

It is ordered, That under the authority vested in me by Car Service Rule 19, Exemption No. 101 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective: 12:01 a.m., August 27, 1976.

Issued at Washington, D.C., August 26, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-25964 Filed 9-2-76;8:45 am]

[Notice No. 113]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub-No. 333 TA) filed August 19, 1976. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4200 39th Ave., Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van delivery vehicles and motor homes*, in truckaway and driveway service, from Forest City, Iowa, to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Winnebago Industries, Inc., Box 152, Forest City, Iowa. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 71452 (Sub-No. 11 TA) filed August 19, 1976. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris St., Indianapolis, Ind. 46241. Applicant's representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in Indiana; Henderson, Daviess, Jefferson, Boone, Kenton and Campbell Counties, Ky.; Hamilton, Butler, Preble, Montgomery, Paulding, Defiance and Williams Counties, Ohio; Branch County, Mich.; and Iroquois, Vermilion and Clark Counties, Ill. Applicant intends to interline in those counties lying outside of the state of Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Delivery Systems, Inc., 300 W. Seven Mile Road, Detroit, Mich. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 93840 (Sub-No. 22 TA) filed August 23, 1976. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Buffalo, Iowa to points in Iowa, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Missouri and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcan Materials Company, P.O. Box 7689, Birmingham, Ala. 35223. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108503 (Sub-No. 133 TA) filed August 23, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23rd St., Fremont, Nebr. 68025. Applicant's representative: Lloyd G. Sinnett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Ellensburg and Seattle, Wash., to Boston, Somerville and North Billerich, Mass.; Andover, Bayonne, Camden and Paramus, N.J.; Philadelphia, Pa.; and points in New York, for 180 days. Supporting shipper: D. E. Callahan, President, Superior Packing Co., Box 277, Ellensburg, Wash. 98926. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 111201 (Sub-No. 24 TA) filed August 23, 1976. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 90818, East Point, Ga. 30344. Applicant's representative: Frank D. Hall, 3384 Peachtree Road, N.E., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and parts thereof, including but not limited to ends, tops and sides, from the plant-site and warehouse facilities of American Can Company, located at or near Atlanta, Ga., and its commercial zone, to the plantsite and warehouse facilities of Shasta Beverages, in Jefferson County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: American Can Company, American Lane, Greenwich, Conn. 06803. Shasta Beverages, 3355 Lenox Road, N.E., Atlanta, Ga. 30326. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 118159 (Sub-No. 182 TA) filed August 19, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, pulpboard*, other than corrugated, from Cleveland, Tenn., to Albany, Ga.; Alexandria, La.; Augusta, Ga.; Baltimore, Md.; Dallas, Tex.; Durham, N.C.; Greensboro, N.C.; Kansas City, Kans.; Louisville, Ky.; Macon, Ga.; Petersburg, Va.; Richmond, Va.; Winston-Salem, N.C., and (2) *Materials, equipment and supplies* used in the manufacture and distribution of boxes, pulpboard, other than corrugated to Cleveland, Tenn., from Covington, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 118495 (Sub-No. 4TA) (Correction) filed June 3, 1976, published in the FEDERAL REGISTER issue of June 23, 1976, and republished as corrected this issue. Applicant: COPPER FREIGHT LINES, INC., 3025 Rampart Drive, Anchorage, Alaska 99503. Applicant's representative: Richard D. Thaler, 509 West Third Ave., Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock and articles of unusual value), between points within 170 air miles of Anchorage, Alaska, for 180 days. Applicant intends to tack its existing authority with MC 118495 Sub-No. 2. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska, 99510. The purpose of this republication is to state that Anchorage, is in the state of Alaska in lieu of Arkansas, and to add the tacking in this proceeding.

No. MC 125433 (Sub-No. 83TA) filed August 19, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Escalante, Utah, to points in Michigan, Ohio, Kentucky, Indiana, Wisconsin, Iowa, Nebraska, Kansas, Arkansas and Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teton West Lumber Sales, Inc., P.O. Box 3656, Casper, Wyo. 82602. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 133816 (Sub-No. 9TA), filed August 19, 1976. Applicant: K & K WHOLESALE COMPANY, P.O. Box 222, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 East Park St., Eugene, Oreg. 97404. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, lumber mill products, hardboard and particleboard*, from points in Clark County, Nev., to points in Coconino, Maricopa, Pima, Pinal, Gila and Mohave Counties, Ariz. Applicant intends to tack its existing authority with MC 133816 Sub-No. 1, for 180 days. Supporting shippers: Timerlane Lumber Co., P.O. Box 668, Eugene, Oreg. 97401. Inland Lumber Company, P.O. Box 190, Colton, Calif. 92324. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 136220 (Sub-No. 34TA), filed August 19, 1976. Applicant: Roy Sullivan, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in dump vehicles), from points in Johnson County, Ark., to the plantsite of Hood Charcoal Co., at Pachuta, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Titan Mining, Ltd., 121 E. Fourth St., Little Rock, Ark. 72201. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 35 TA) filed August 19, 1976. Applicant: Roy Sullivan, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in bump vehicles), from barge sites, at or near Memphis, Tenn., to the plantsite of Arkansas Lightweight Aggregate Corp., near West Memphis, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Lightweight Aggregate Corp., P.O. Box 1567, West Memphis, Ark. 72301. Send Protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 139310 (Sub-No. 1 TA) filed August 17, 1976. Applicant: G. E. Belmore, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate, Portland, Oreg. 97217. Applicant's representative: Keith R. Swensen, 1100 Executive Bldg., Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and apparatus*, packaged and unpackaged, from points in Oregon, to points in Clark and Cowlitz Counties, Wash., and (2) *Electrical supplies and apparatus*, pack-

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aged and unpackaged, from points in Clark and Cowlitz Counties, Wash., to points in Oregon, under a continuing contract with Portland Electric and Plumbing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Portland Electric and Plumbing Company, 905 S.W. 16th Ave., Portland, Oreg. 97205. Send Protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204

No. MC 142329 (Sub-No. 1TA), filed August 19, 1976. Applicant: J. D. Johnson, doing business as HOUSTON, CARTAGE, P.O. Box 61123, 3100 Air Cargo Road, Houston, Tex. 77205. Applicant's representative: J. D. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* used in the maintenance, service, repair and operation of ships, moving in bond, under the control of U.S. Customs, restricted to an emergency expedited delivery service to be performed within 12 hours of ordering equipment, from Houston, Tex., to ships docked in the Gulf Ports of Brownsville, Corpus Christi, Port Lavaca, Point Comfort, Freeport, Galveston, Texas City, Port Neches, Port Arthur, Beaumont and Orange, Tex.; New Orleans, Baton Rouge and Lake Charles, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Harper, Robinson & Co., P.O. Box 60428 AMF; Labay International Inc., P.O. Box 60627 AMF; and Behring International, Inc., Import Div., 3050 Jetero East, Houston, Tex. 77205. Send protests to: Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610, Houston, Tex. 77002.

By the Commission.

GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc 76-25957 Filed 9-2-76;8:45 am]

[Notice No 114]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 30, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111375 (Sub-No. 80 TA) filed August 23, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanical refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company, at or near Decatur, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Archer Daniels Midland Co., P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 111729 (Sub-No. 676 TA), filed August 23, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value and commodities which because of size and weight require special equipment; and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), (a) between points in Illinois, Indiana and Michigan; (b) between points in Michigan, on the one hand, and, on the other, points in Minnesota, Iowa and Ohio; and (c) between points in Illinois and Indiana, on the one hand, and, on the other, points in Iowa, Missouri, Kentucky and Ohio. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds, and each package or article shall be considered a separate and distinct shipment; (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee at one location on any one day; and (3) No transportation of shipments shall be provided to or from the premises of any shipper for whom applicant or any of its subsidiaries performs contract carrier service, for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115311 (Sub-No. 194 TA), filed August 23, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsites of Champion International Corporation, near Oxford, Miss., to points in Kentucky, Louisiana and Tennessee, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 116763 (Sub-No. 350 TA), filed August 23, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (beer) (except in bulk, in tank vehicles) *and related advertisting materials*, from South Volney, N.Y., to points in Maine, Massachusetts, new Hampshire and Vermont; and (2) *Returned empty malt beverage containers*, from points in Maine, Massachusetts, New Hampshire and Vermont; to South Volney, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority, Supporting shipper: Edward P. Geurts, Assistant Corporate Traffic Manager—Operations, Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53201. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117836 (Sub-No. 11TA), filed August 19, 1976. Applicant: H. J. NOLL, 1014 Daisy St., Houston, Tex. 77102. Applicant's representative: Joe G. Fender, 1150 Pennzoil Place, 711 Louisiana, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Hutchinson Fruit Company, Inc., P.O. Box 6125, Albuquerque, N. Mex. 87107. Del Monte Banana Company, P.O. Box 1155, Galveston. Tex. 77550. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 118989 (Sub No. 143TA), filed August 23, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, from the plantsite of Owens-Illinois, Inc., at Chicago, Ill., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee. Wis. 53203.

No. MC 129712 (Sub-No. 5TA), filed August 23, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., 5190 Houston Road, Macon, Ga. 31206. Applicant's representative: Frank D. Hall, 3384 Peachtree Road, NE, Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and attachments, parts and accessories therefor and moving at the same time and in the same equipment and having a prior movement by rail, (a) from the rail ramps located at or near Tifton, Ga., to points in Georgia lying on and south of Interstate Highway 20; (b) from the rail ramps located at or near Tifton, Ga., to points in Chambers, Lee, Macon, Bullock, Russell, Pike, Barbour, Coffee, Dale, Henry, Geneva and Houston Counties, Ala.; and (c) from the rail ramps located at or near Tifton, Ga., to points in Walton, Holmes. Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Gilchrist and Levy Counties, Fla., under a continuing contract with Ford Tractor Operations, Ford Motor Company, Troy, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Tractor Operations, Ford Motor Company, 2500 E. Maple Road, Troy, Mich. 48084. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW, Room 548, Atlanta, Ga. 30309.

No. MC 134323 (Sub-No. 88 TA), filed August2 3, 1976. Applicant: JAY LINES, INC., 720 North Grand St., Amarillo, Tex. 79107. Applicant's representative: Gailyn L. Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in Descriptions in Motor Carrier Certificates, M.C.C. 209 and 766, from the plantsite and storage facilities of MBPXL Corporation, at or near Rockport, Mo., to Chicago, Ill., and its surrounding commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135182 (Sub-No. 4 TA), filed August 23, 1976. Applicant: TRANSWAYS CO., R.D. #3, Box 36, Moscow, Pa. 18444. Applicant's representative: Roy D. Pinsky, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing felt*, unsaturated, in rolls or in packages, from Gloucester, Gloucester City and Camden, N.J., to Erie, Pa., under a continuing contract with GAF Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, N.J. 07470. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 135362 (Sub-No. 1TA), filed August 20, 1976. Applicant: ELMSFORD TRANSPORTATION CORP., 119 Hayes St., Elmsford, N.Y. 10523. Applicant's reperesentative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cash letters), restricted to shipments, not exceeding 50 pounds in weight and further restricted to shipments having a prior or subsequent movement by air, between points in Westchester County, N.Y., on the one hand, and, on the other, at JFK International Airport, New York, N.Y., LaGuardia Airport, New York, and Newark International Airport, Newark, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135810 (Sub-No. 2TA), filed August 6, 1976. Applicant: BRUCE CARTAGE CO., INC., 5606 Roselawn Lane, Action, Ind. 46214. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods and household appliances and parts thereto*, from the warehouse facilities of Associated Distributors, Inc., at Indianapolis, Ind., to Branch, Hillsdale, Lenawee and Monrot Counties, Mich., and Fulton, Hancock, Henry, Lucas, Ottowa, Sandusky, Seneca and Wood Counties, Ohio; and (2) *Return shipments of electrical goods and household appliances and parts thereto*, from the destination territory in (1) above, to the warehouse facilities of Associated Distributors, Inc., at Indianapolis, Ind. Restriction: Restricted to traffic originating at or destined to the warehouse facilities of Associated Distributors, Inc., at Indianapolis, Ind., under a continuing contract with Associated Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Distributors, Inc., 8399 Zionsville Road, Indianapolis, Ind. 46286. Send protests to: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 136899 (Sub-No. 20 TA), filed August 20, 1976. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, P.O. Box 232, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air diffusing and ventilating equipment and related attachments, accessories, and parts*, from Verona and Madison, Wis., and Sanford, N.C., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* (except in bulk, in tank vehicles), between Madison and Verona, Wis., on the one hand, and, on the other, Sanford, N.C. Restriction: Restricted to traffic moving on drop-frame equipment normally utilized for the transportation of household goods, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnes Company, 448 Main St., Verona, Wis. 53593. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140829 (Sub-No. 18 TA), filed August 23, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box

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206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh or frozen, meat products and products produced by packinghouses*, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, Maine, New Jersey and the District of Columbia, for 180 days. Supporting shipper: Robert E. Chipley, Traffic Manager, Farmland Foods, Inc., P.O. Box 957, Garden City, Kans. 67846. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 142322 (Sub-No. 1 TA), filed August 23, 1976. Applicant: V & J TRUCKING, INC., 90 McMillen Road, Antioch, Ill. 60002. Applicant's representative: John T. Turney, 875 Main St., Antioch, Ill. 60002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *TV trays, casual tables, serving carts, metal shelving, planter poles, record poles, fibreboard, steel in coils and sheets*, between points in Antioch, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Toronto, Canada, West Virginia and Wisconsin, under a continuing contract with Quaker Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quaker Industries, Inc., 90 McMillen Road, Antioch, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-25955 Filed 9-2-76;8:45 am]

[Notice No. 115]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 31, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368, (Sub-No. 58TA), filed August 24, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, P.O. Box 495, Richmond, Va. 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., and Bluefield, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. F. Sauer, Co., Neil J. Culley, Traffic Manager, 2000 West Broad St., Richmond, Va. 23220. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 41849 (Sub-No. 36 TA), filed August 24, 1976. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th St., St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of Cargill, Inc., Cahokia, Ill., to points in Missouri, for 180 days. Supporting shipper: Cargill, Inc., Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 59117 (Sub-No. 50TA) (Correction), filed July 29, 1976, published in the FEDERAL REGISTER issue of August 10, 1976, and republished, as corrected this issue.

Applicant: ELLIOTT TRUCK LINE, INC., 101 E. Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, mineral mixtures, feed and fertilizer materials and ingredients thereof* (in bulk), from Galena, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Chemical & Fibers Division, P.O. Box 1328, Joplin, Mo. 64801. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to correct the commodity description in this proceeding.

No. MC 59655 (Sub-No. 6TA), filed August 25, 1976. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10901. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; and (2) *Returned empty malt* beverage containers, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53201. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 82063 (Sub-No. 69TA), filed August 25, 1976. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative: W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Jacksonville, Ark., to points in Louisiana, Texas, Oklahoma, Mississippi, Missouri and Tennessee, for 180 days. Supporting shippers: Transvaal, Inc., P.O. Box 69, Jacksonville, Ark. 72076. V & J Chemical and Engineering Services, Inc., P. O. Box 1214, Bellaire, Tex. 77401. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 104683 (Sub-No. 39TA), filed August 24, 1976. Applicant: TRANSPORT, INC., P.O. Box 191, Kilgore, Tex. 75662. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from points in Escambia County, Ala., and Santa Rosa County, Fla., to Moss Point and Pasagoula, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin Gas Sales, Inc., Drawer 191, Kilgore, Tex. 75662. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 111729 (Sub-No. 675TA) (Correction), filed August 16, 1976, published in the FEDERAL REGISTER issue of August 26, 1976, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (some address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; *and commercal papers, documents and written instruments* as are used in the business of banks and banking institutions), between points in Iowa, Kansas, Missouri and Nebraska. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds, and each package or article shall be considered a separate and distinct shipment; (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location in any one day; and (3) No transportation of shipments shall be provided to or from the premises of any shipper for whom applicant or any of its subsidiaries perform contract carrier service, for 180 days. The purpose of this republication is to indicate the commodities and exceptions sought in this application.

No. MC 113908 (Sub-No. 380TA), filed August 23, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 1380 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Flavoring and *flavoring syrup*, in bulk, from Linden, N.J., to points in California, for 180 days. Supporting shipper: Flavor and Flavoring Syrup Division of Stepan Chemical Company, 500 Academy Drive, Northbrook, Ill. 60062. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, No. 64106.

No. MC 114194 (Sub-No. 189TA), filed August 25, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: A. Bruce Fraser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, from Cairo, Ill., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, South Carolina, Ohio, Oklahoma, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shipper: Norman Walker, General Traffic Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 114604 (Sub-No. 45TA), filed August 24, 1976. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Bldg. 33 State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Saluto Foods Corp., at or near Montgomery, Ala., to points in Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Saluto Foods Corp., P.O. Box 967, Benton Harbor, Mich. 49022. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 119908 (Sub-No. 37TA) (Correction), filed August 4, 1976, published in the FEDERAL REGISTER issue of August 18, 1976, and republished as corrected this issue. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, treated pilings, treated fence posts and treated lumber*, from the plantsite and facilities of American Creosote Works, at or near Winnfield, La., to points in Arkansas, Missouri, New Mexico, Oklahoma, Texas, Illinois, Kansas, and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Creosote Works, Inc., P.O. Box 4008, New Orleans, La. 70178. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002. The purpose of this republication is to add District Supervisor's name and address and to correct Sub-No. 37TA in lieu of 27TA.

No. MC 123361 (Sub-No. 3TA), filed August 25, 1976. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Road, East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Bloomington, Ill., on the one hand, and, on the other, Vigo County, Ind., and points in Illinois on and south of Illinois Highway 17 and on and north of U.S. Highway 70, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Regina D. Kane, Traffic Manager, Krey Packing Company, 3607 North Florissant St., St. Louis, Mo. 63107. A. N. Brent, Manager of Transportation, Wilson & Co., Inc., 4545 N. Lincoln Blvd., Oklahoma City, Okla. 23105. Darwin H. Hager, Manager of Transportation, The Rath Packing Company, Sycamore & Elm Sts., P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 123872 (Sub-No. 52TA), filed August 24, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses (except commodities in bulk and foodstuffs), from St. Cloud, Minn., to Nashville, Tenn.; Charlotte, N.C.; Atlanta, Ga.; Little Rock, Ark.; Shreveport, La.; New Orleans, La., and Denver, Colo.; restricted to transportation of shipments originating at the facilities of Fingerhut Corporation, at St. Cloud, Minn., for immediate and subsequent movement by U.S. Mail or by United Parcel Service, Inc., for 180 days. Supporting shipper: Fingerhut Manufacturing Co., 11 McLeland Road, St. Cloud, Minn. 56395. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 126930 (Sub-No. 13TA), filed August 25, 1976. Applicant: BRAZOS TRANSPORT COMPANY, P.O. Box 2746, Lubbock, Tex. 79408. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement products and gypsum products*, from New Orleans and Westwego, La., to points in Arkansas, Oklahoma and Texas, for 180 days. Supporting shipper: Gold Bond Building Products Division, National Gypsum Company, 325 Delaware Ave., Buffalo, N.Y. 14202. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Oper-

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ations, Box h–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134922 (Sub-No. 191TA), filed August 24, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from the plantsite and storage facilities of Georgia Pacific Corp., at or near City of Commerce, Calif., to Humboldt, Tenn., for 180 days. Supporting shipper: Georgia Pacific Corp., 2425 Malt Ave., City of Commerce, Calif. 90040. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135874 (Sub-No. 59TA) filed August 25, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th St., South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except in bulk), from the plantsite and storage facilities of The Northern Star Co., in the Minneapolis-St. Paul, Minn., Commercial Zone, to Grand Island, Lincoln and North Platte, Nebr., for 180 days. Supporting shipper: Northern Star Company, 3171 Fifth St., S.E., Minneapolis, Minn. 55414. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138279 (Sub-No. 1TA), filed August 23, 1976. Applicant: CONALCO CONTRACT CARRIERS, INC., Conalco Drive, Jackson, Tenn. 38301. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile, clay and earthenware, glazed and unglazed* with and without backing; *tile facing and flooring; quarries, flooring, paving and promenade tile; china bathroom fixtures; adhesives and accessories* used in the installation of all of the above described commodities; *and equipment, materials and supplies* used in the manufacture and distribution of all of the above described commodities (except commodities in bulk), between the manufacturing and warehouse facilities of American Olean Tile Company, located at or near Olean, N.Y.; Lansdale, Pa.; Quakertown, Pa.; Jackson, Tenn.; Lewisport, Ky.; Cloverport, Ky.; and Roseville, Calif., and their commercial zones, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with American Olean Tile Company; and (2) *Aluminum and aluminum articles, products composed thereof and* products manufactured and/or distributed by Consolidated Aluminum Corporation, *and materials, equipment and supplies* used in the manufacture of the above commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between the manufacturing and warehouse facilities of Consolidated Aluminum Corporation, located at or near Madison, Ill.; Shelbina, Mo.; Murphysboro, Ill.; Benton, Ky.; Carrollton, Ky.; Newbern, Tenn.; New Johnsonville, Tenn.; Columbia, Tenn.; Jackson, Tenn.; Iuka, Miss.; Florence, Ala.; Lake Charles, La.; St. Louis, Mo.; and Montor County, Ohio and their commercial zones on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Consolidated Aluminum Corporation, for 180 days. Supporting shippers: American Olean Tile Company, 1000 Cannon Ave., Lansdale, Pa. 19446. Consolidated Aluminum Corporation, 11960 Westline Industrial Drive, St. Louis, Mo. 63178. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main St., Suite 2206, Memphis, Tenn. 38103.

No. MC 138898 (Sub-No. 1 TA) filed August 23, 1976. Applicant: GEORGE A. PAYNE, INC., Box 161, Shortsville, N.Y. 14424. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piano parts;* (2) *Piano plates, iron or steel;* and (3) *Veneers and lumber,* used in the manufacture of pianos, (1) from East Rochester, N.Y., to Oregon, Ill.; (2) from Randolph, N.Y., to Oregon, Ill.; and (3) from Janesville and Waukesha, Wis., Kankakee, Ill., and Escandaba, Mich., to East Rochester, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elmer Brooks, Jr., President Aeolian American Division of Aeolian Corp., Washington & Commercial Sts., East Rochester, N.Y. 14445. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 138956 (Sub-No. 5 TA) filed August 24, 1976. Applicant: ERGON TRUCKING, INC., 202 East Pearl St., Jackson, Miss. 39201. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Choctaw County, Ala., to Sandersville, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Young Refining Corporation, P.O. Box 775, Douglasville, Ga. 30134. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140563 (Sub-No. 6 TA), filed August 24, 1976. Applicant: W. T. MYLES TRANSPORTATION COMPANY, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, including meats and meat by-products*, requiring refrigeration, having prior or subsequent transportation by water, in containers with refrigerated units, from points in Minnesota, Wisconsin, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Iowa, Illinois, Indiana, Kentucky, Mississippi and Tennessee, to the ports at or near Houston, Tex., New Orleans, La., Gulfport, Miss., Mobile, Ala., Tampa, Miami and Jacksonville, Fla., Brunswick and Savannah, Ga., Charleston, S.C., Wilmington, N. C., Norfolk, Va., Baltimore, Md., Philadelphia, Pa., and ports in New Jersey and New York; and (2) *Containers with refrigerated units*, from the ports in (1) above, to points in Minnesota, Wisconsin, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Iowa, Illinois, Indiana, Kentucky, Mississippi and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: AJC International, Inc., 6065 Roswell Rd., N.E., Atlanta, Ga. 30328. Wilkes Shipping Agency, Agent for, American Export Lines, Inc., (New York), P.O. Box 2167, Savannah, Ga. 31402. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 141033 (Sub-No. 15 TA) filed August 24, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet tacking rims or strips, materials, supplies and equipment* utilized in the installation and maintenance of floor coverings, carpet and carpet tacking rims or strips, *tools, adhesives and sealants, floor mats and runners*, and *cove base* and (2) *Woodworking machinery*, when moving in mixed shipments with the commodities specified in (1) above, from the plantsite of Roberts Consolidated Industries, located at City of Industry, Calif., to the plantsite of Roberts Consolidated Industries, located at Piqua, Ohio, for 180 days. Supporting shipper: Roberts Consolidated Industries, 600 N. Baldwin Park Blvd., City of Industry, Calif. 91749. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations,

Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141912 (Sub-No. 6TA) filed August 23, 1976. Applicant: MIDWEST TRANSPORT, INC., 65 State St., South Hutchinson, Kans. 67705. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas, for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, state Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

By the Commission.

GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc.76–25956 Filed 9–2–76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 109, Amdt. 3]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 109 issued March 2, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 109 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1976.

This amendment shall become effective August 31, 1976.

Issued at Washington, D.C., August 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–25960 Filed 9–2–76;8:45 am]

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federal register

FRIDAY, SEPTEMBER 3, 1976



PART II:

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

NATIONAL POULTRY IMPROVEMENT PLAN

Egg and Meat-Type Chicken Breeding Flocks

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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 445 and 447]

NATIONAL POULTRY IMPROVEMENT PLAN AND AUXILIARY PROVISIONS

Egg and Meat-Type Chicken Breeding Flocks

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry Improvement Plan and Auxiliary Provisions recommended by the 1976 Conference of representatives of the poultry industry and State Agencies cooperating in the administration of the Plan, and that pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to amend Parts 445 and 447 of Title 9, Chapter IV, Subchapter A, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency.

Included in these proposed amendments is a program for the control of *Mycoplasma synoviae* in egg-type chicken breeding flocks and amendments to standardize the *Mycoplasma gallisepticum and Mycoplasma synoviae* testing procedures for both egg and meat-type chicken breeding flocks. The *Salmonella typhimurium* control program for chicken breeding flocks was replaced with a proposed flock and hatchery sanitation monitoring program designed to reduce all *Salmonellae* which may be transmitted from the hatching egg to the chick. Amendments are proposed to change the standards for qualifying flocks for the Mycoplasma classifications.

Parts 445 and 447 would be amended in the following respects:

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN

§ 445.1 [Amended]

1. Section 445.1(t) would be revised to read as follows:

(t) *Multiplier breeding flock.* A flock that is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other non-breeding purposes.

2. Section 445.1(cc) would be revised to read as follows:

(cc) *Salmonella.* Any of the species of the bacteria belonging to the Salmonella genus, except that members of the arizona group are not included in this definition.

§ 445.4 [Amended]

3. Section 445.4(e) would be deleted, effective January 1, 1977.

§ 445.10 [Amended]

4. Section 445.10(a) would be amended by revising the heading to read as follows:

(a) *U.S. Approved.* (See § 445.53(a).)

5. Section 445.10(d) would be revised to read as follows:

(d) *U.S. Sanitation Monitored.* (See § 445.23(d) and § 445.33(d).)



6. Section 445.10(e) would be amended by revising the heading to read as follows:

(e) *U.S. M. Synoviae Clean.* (See § 445.23(e) and § 445.33(e).)

7. Section 445.10(f) would be deleted and would be redesignated as ["Reserved]."

§ 445.14 [Amended]

8. Section 445.14(a)(1) would be amended by adding a new sentence to read:

(1) • • •. All microtest antigens shall also be approved by the Department.

9. Section 445.14(a)(2) would be deand would be redesignated as "[Reserved]."

10. Section 445.14(b)(1) would be amended by adding a new sentence to read:

(1) • • •. HI titers of 1:40 or less may be interpreted as equivocal, and final judgment may be based on further samplings and/or culture of reactors.

11. Section 445.21(b) would be revised to read as follows:

§ 445.21 Definitions.

• • • • • •

(b) *Chicks.* Newly hatched chickens which have not been fed or watered.

• • • • • •

§ 445.23 [Amended]

12. Section 445.23(b)(2) would be revised to read as follows:

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

13. Section 445.23(b)(2)(ii) would be revised to read as follows:

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

14. Section 445.23(b)(3) would be revised to read as follows:

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

15. Section 445.23(c)(1)(i) would be revised to read as follows:

(i) It is a flock in which all birds, or a sample of at least 500 birds in the flock has been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 5 percent may be tested at any one time provided that a total of at least 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, is tested within each 90-day period; or

16. Section 445.23(c)(1)(ii)(*a*) would be revised to read as follows:

(*a*) At intervals of not more than 90 days, a random sample of at least 2 percent of the birds in the flock, with a maximum of 300 birds per flock and a minimum of 30 birds per pen, shall be tested; or

17. Section 445.23(d) would be revised to read as follows:

(d) *U.S. Sanitation Monitored.* This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock shall originate from a source where sanitation and management practices, as outlined in paragraph (d)(1) of this section, are conducted;

(ii) The flock is maintained in compliance with §§ 447.21, 447.24(a), and 447.26 of this chapter;

(iii) All feed should be pelletized and/or crumbled in mills operated at 190° F. or above in facilities for recontamination control;

(iv) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(v) Hatching eggs are collected at least four times a day and are handled as described in § 447.22 and fumigated on the farm as described in § 447.25(a) of this chapter; and

(vi) Chicks are hatched in a hatchery meeting the requirements of §§ 447.23 and 447.24(b) and are in compliance with § 447.25(b) of this chapter.

(2) The Official State Agency may use the procedures described in § 447.14 of this chapter to monitor the effectiveness of the sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

18. Section 445.23 would be amended by adding a new paragraph (e) to read as follows:

(e) *U.S. M. Synoviae Clean.* (1) A flock maintained in compliance with the provisions of § 447.26 and in which freedom from M. synoviae has been demonstrated under the criteria specified in paragraph (e)(1)(i) or (ii) of this section.

(i) It is a flock in which 5 percent, or a maximum sample of 500 birds and a minimum of 30 birds in the flock has been tested for M. synoviae as provided for in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 3 percent of the birds, with a maximum of 500 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 3 percent may be tested at any one time provided that a total of at least 3 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 30 birds, is tested within each 90-day period.

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 1 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds, has been tested for M. synoviae as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 1 percent of the birds, with a maximum of 300 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That a sample of less than 1 percent may be tested at any one time, provided that a minimum of 30 birds per flock is tested each time and a total of at least 1 percent of the birds, or a maximum of 300 birds, is tested within each 90-day period.

(2) A participant handling U.S. M. Synoviae Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (e)(1)(i) or (ii) of this section are set.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 447.24(a).

19. Section 445.31(b) would be revised to read as follows:

§ 445.31 Definitions.

• • • • • •

(b) *Chicks.* Newly hatched chickens which have not been fed or watered.

• • • • • •

§ 445.33 [Amended]

20. Section 445.33(a) would be deleted and would be redesignated as "[Reserved]."

21. Section 445.33(b)(2) would be revised to read as follows:

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

22. Section 445.33(b)(2)(ii) would be revised to read as follows:

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

23. Section 445.33(b)(3) would be revised to read as follows:

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

24. Section 445.33(c)(1)(i) would be revised to read as follows:

(i) All birds have been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided*, That birds in primary breeding flocks may be sample tested after qualifying for this classification for two generations. This random sample shall consist of 500 birds in flocks or more than 500 and each bird in flocks of 500 or less: *And provided further*, That to retain this classification a random sample of 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 5 percent may be tested at any one time provided that a total of at least 5 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 100 birds, is tested within each 90-day period; or

25. Section 445.33(c)(1)(ii) would be revised to read as follows:

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and a sample comprised of 50 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds per flock, has been tested for M. gallisepticum as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

26. Section 445.33(c)(1)(ii)(*a*) would be revised to read as follows:

(*a*) At intervals of not more than 90 days, a random sample of at least 2 percent of the birds in the flock, with a maximum of 300 birds in the flock and with a minimum of 30 birds per pen, shall be tested; or

27. Section 445.33(c)(1)(ii)(*c*) would be deleted.

28. Section 445.33(d) would be revised to read as follows:

(d) *U.S. sanitation monitored.* This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock shall originate from a source where sanitation and management practices, as outlined in paragraph (d)(1) of this section, are conducted;

(ii) The flock is maintained in compliance with §§ 447.21, 447.24(a), and 447.26 of this chapter;

(iii) All feed should be pelletized and/or crumbled in mills operated at 190° F. or above in facilities for recontamination control;

(iv) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(v) Hatching eggs are collected at least four times a day and are handled as described in § 447.22 and fumigated on the farm as described in § 447.25(a) of this chapter; and

(vi) Chicks are hatched in a hatchery meeting the requirements of §§ 447.23 and 447.24(b) and are in compliance with § 447.25(b) of this chapter.

(2) The Official State Agency may use the procedures described in § 447.14 of this chapter to monitor the effectiveness of the sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

29. Section 445.33(e)(1)(i) and (ii) would be revised to read as follows:

(i) It is a flock in which 5 percent, or a maximum sample of 500 birds and a minimum of 30 birds in the flock has been tested for M. synoviae as provided for in § 445.14(b) when more than 4

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months of age: *Provided,* That to retain this classification, a random sample of at least 3 percent of the birds, with a maximum of 500 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further,* That, at the discretion of the Official State Agency and with the concurrence of the Service, a sample comprised of less than 3 percent may be tested at any one time provided that a total of at least 3 percent of the birds in the flock, with a maximum of 500 birds and a minimum of 30 birds, is tested within each 90-day period.

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 1 percent of the birds in the flock, with a maximum of 300 birds and a minimum of 30 birds, has been tested for M. synoviae as provided in § 445.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a random sample of at least 1 percent of the birds, with a maximum of 300 birds and a minimum of 30 birds, shall be tested at intervals of not more than 90 days: *And provided further,* That a sample of less than 1 percent may be tested at any one time provided that a minimum of 30 birds per flock is tested each time and a total of at least 1 percent of the birds, or a maximum of 300 birds, is tested within each 90-day period.

§ 445.41 [Amended]

30. Section 445.41(a) would be revised to read as follows:

(a) *Poults.* Newly hatched turkeys which have not been fed or watered.

31. Section 445.41(b) would be deleted.

§ 445.43 [Amended]

32. Section 445.43(b)(2) would be revised to read as follows: (2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

33. Section 445.43(b)(2)(ii) would be revised to read as follows: (ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

34. Section 445.43(b)(3) would be revised to read as follows: (3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

35. Section 445.43(c)(1) would be revised to read as follows: (1) A flock maintained in accordance with the conditions and procedures described in § 447.26 of this chapter, and in which no reactors are found when a random sample of at least 10 percent of the birds in the flock, or 300 birds in flocks of more than 300 and each bird in flocks of 300 or less, is tested when more than 4 months of age, in accordance with the procedures described in § 445.14(b).

36. Section 445.43 (d), (e), and (f) would be deleted.

§ 445.53 [Amended]

37. Section 445.53(b)(2) would be revised to read as follows: (2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

38. Section 445.53(b)(2)(ii) would be revised to read as follows: (ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

39. Section 445.53(b)(3) would be revised to read as follows: (3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

40. Section 445.53(c)(1)(ii)(c) would be deleted.

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

41. Part 447, Subpart A, Table of Contents would be amended by revising title of § 447.5 to read as follows:

Sec.
447.5 The microagglutination test for pullorum-typhoid

42. Part 447, Subpart B, Table of Contents would be amended by adding a new § 447.14 to read as follows:

Sec.
447.14 Procedures to determine status and effectiveness of sanitation monitored program

43. Part 447, Subpart C, Table of Contents would be amended by revising the title of § 447.26 to read as follows:

Sec.
447.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Salmonella and Mycoplasma infections

44. Section 447.5 would be revied to read as follows:

§ 447.5 The microagglutination test for pullorum-typhoid.

Routinely, the microagglutination test is applied as a single-dilution test and only a single 18–24 hour reading is made.

(a) The procedure for the collection and delivery of blood samples in the microagglutination test is the same as that described in § 447.1(a). A method that has proven advantageous is to transfer the serum samples from the blood clot to a microplate as described in "Applied Microbiology," volume 24, No. 4, October 1972, pages 671–672. The dilutions are then performed according to paragraphs (d) or (e) of this section.

(b) Stained microtest antigen for pullorum-typhoid is supplied as concentrated stock suspension and must be approved by the Department.[1] Directions for diluting will be provided with the antigen. The stock as well as the diluted antigen prepared each day should be kept sealed in the dark at 5° to 10° C. when not in use.

(c) Available data indicate that a 1:20 dilution for the microagglutination test is most efficient for the detection of pullorum-typhoid agglutinins in both chickens and turkeys. In all official reports on the blood test, the serum dilutions shall be indicated.

(d) The recommended procedure for the 1:20 dilution in the microagglutination test is as follows:

(1) Add 180 microliters (0.10 cc.) of 0.85 percent physiological saline to each well of the microplate.

(2) Using a microdiluter or a multimicrodiluter handle fitted with twelve 10 microliter microdiluters, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the distilled water wash, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394–399.

(3) Dilute the microtest antigens with 0.50 percent phenolized saline and add 100 microliters (0.1 cc.) to each microplate well.

(4) Seal each plate with a plastic sealer or place unsealed in a tight incubation box as described in "Applied Microbiology," volume 23, No. 5, May 1972, pages 931–937. Incubate at 37° C. for 18–24 hours.

(5) Read the test results as described in paragraph (f) of this section.

(e) The recommended procedure for a microagglutination test titration is as follows:

(1) Add 50 microliters (0.05 cc.) of 0.85 percent physiological saline to each well of the microplate.

(2) To the wells representative of the lowest dilution in the titration, add an additional 50 microliters (0.05 cc.) of 0.85 percent physiological saline making a total of 100 microliters in these wells.

(3) Transfer each serum sample as described in § 447.5(d)(2) of this section to the first well containing 100 microliters (0.10 cc.) in the titration, which represents the lowest dilution.

(4) Make two-fold serial dilutions of each serum by transferring 50 microliters (0.05 cc.) of diluted serum from one well to the next using twelve 50 microliter microdiluters fitted in a multimicrodiluter handle. When transfers have been made to all of the wells of the desired series, the 50 microliters remaining in the microdiluters are removed by blotting, touching the microdiluters to the surface of the distilled water wash, and blotting again.

(5) Dilute the desired microtest antigen with 0.50 percent phenolized saline and add 50 microliters (0.05 cc.) to each microplate well.

(6) Seal each plate with a plastic sealer or place the unsealed microplates in a tight incubation box and incubate at 37°C. for 18–24 hours.

(7) Read the test results as described in paragraph (f) of this section.

(f) Read the test results with the aid of a reading mirror. Results are interpreted as follows:

(1) N, or — (negative) when the microplate well as a large, distinct button of stained cells; or

(2) P, or + (positive) when the microplate well reveals no antigen button; or

(3) S, or ? (suspicious) when the microplate well has a small button. Suspicious reactions may tend to be more positive than negative [±] or vice versa [∓] and can be so noted if desired.

§ 447.6 [Amended]

45. Section 447.6 would be amended by adding to the introductory paragraph the following sentence:

* * *. Procedures for isolation and identification of Mycoplasma may be found in Isolation and Identification of Avian Pathogens, published by the American Association of Avian Pathologists.

46. Section 447.6(a) would be revised to read as follows: (a) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is positive for *M. gallisepticum* or *M. synoviae:*

47. Section 447.6 (b) (3) would be revised to read as follows: (3) If the HI test is negative, the flock may qualify at the discretion of the Official State Agency.

48. Part 447 would be amended by adding a new section 447.14 to read as follows:

§ 447.14 Procedures to determine status and effectiveness of sanitation monitored program.[2]

The following monitoring procedures may be applied at the discretion of the Official State Agency:

(a) Monitor effectiveness of sanitation program.

(1) Culture the surface of cased eggs periodically for fecal contaminating organisms as described in § 447.13.

2. Culture a sample of dead-in-shell eggs periodically from each breeding flock for coliforms. The culture media will be designed to include detection of Salmonella species.

§ 447.21 [Amended]

49. Section 447.21 (e) would be revised by changing first sentence to read as follows: (e) Replacement breeders shall be housed at the proper density consistent with the type of building and locality and which will allow the litter to be maintained in a dry condition. * * *.

§ 447.22 [Amended]

50. Section 447.22 (c) would be revised by adding a sentence to read as follows: (c) * * *. The fumigated eggs shall be stored in a cool place at temperatures which will prevent the eggs from sweating at any time.

51. Section 447.26 would be revised by changing the title and introductory portion of paragraph (a) and paragraph (b) (1) to read as follows:

§ 447.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Salmonella and Mycoplasma infections.

(a) The following procedures are required for participation under the U.S. Sanitation Monitored, U.S. *M. Gallisepticum* Clean, and U.S. *M. Synoviae* Clean classifications:

* * * * * *

(b) * * *.

(1) Avoid the introduction of Salmonella, *Mycoplasma gallisepticum,* or *Mycoplasma synoviae* infected poultry;

* * * * * *

53. Section 447.45 would be revised to read as follows:

§ 447.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs prescribed in Subparts B, C, D, and E of Part 445 of this chapter in which it has one or more participants at the time of the Conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. A person may vote one proxy from any State, providing he does not represent any other State in the Subpart for which the proxy is given. It is recommended but not required that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the Conference, the recommendations of industry members of his State with respect to each proposed change.

54. Section 447.46 (a) would be revised to read as follows:

§ 447.16 Committee consideration of proposed changes.

(a) The following four committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:

(1) Egg type chickens.
(2) Meat type chickens.
(3) Turkeys.
(4) Waterfowl, exhibition poultry, and game birds.

* * * * * *

Any person who wishes to submit written data, views or arguments concerning the proposed amendments to the National Poultry Improvement Plan and Auxiliary Provisions may do so by filing them with the Chairman, Animal Physiology and Genetics Institute, Building 161, BARC-East, Beltsville, Maryland 20705 by October 4, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at said Institute at times and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C. this 27th day of August, 1976.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.76-25798 Filed 9-2-76;8:45 am]

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[1] Information as to criteria and procedures for approval of concentrated stock suspension of stained microtest antigens may be obtained from the National Poultry Improvement Plan Staff, Building 265, Beltsville Agricultural Research Center-East, Beltsville, Maryland 20705.

[2] Laboratory procedures for monitoring operations proposed here are described in the following two publications: (1) *Isolation and Identification of Avian Pathogens,* American Association of Avian Pathologists, Texas A & M University, College Station, Texas 77843, 1975 and (2) *Culture Methods for the Detection of Animal Salmonellosis and Arizonosis.* Iowa State University Press, Ames, Iowa 50010, 1976.

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federal register

FRIDAY, SEPTEMBER 3, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

MEDICAL DEVICES

Establishment Registration and Premarket Notification Procedures

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 807 and 809]

[Docket No. 76N-0355]

MEDICAL DEVICES

Establishment Registration and Premarket Notification Procedures

The Food and Drug Administration (FDA) is proposing regulations setting forth procedures for the registration of establishments in which devices intended for human use are produced. These proposed regulations would also establish requirements governing the form and manner in which premarket notification submissions are to be sent to FDA, at least 90 days in advance, by any person who proposes to begin commercial distribution in interstate commerce of a device intended for human use. Interested persons have until November 2, 1976 to comment.

The Medical Device Amendments of 1976, Pub. L. 94-295, (hereinafter, the Amendments) became law on May 28, 1976. This legislation, which amended the Federal, Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.), provides FDA with significant new authority to assure the safety and effectiveness of medical devices intended for human use.

The new legislation added sections 513 through 521 (21 U.S.C. 360c-360k); it amended, among other provisions, section 510 of the act (21 U.S.C. 360) to require manufacturers and other specified producers of medical devices to register each year with FDA and to provide the agency a list of all medical devices manufactured in any establishment that they own or operate. These registration and product listing requirements are similar to and in addition to those applicable to manufacturers of drugs under Part 207 (21 CFR Part 207) and to manufacturers of blood and blood products under Part 607 (21 CFR Part 607).

A new section 510(k) was also added to the registration provisions of the act. This provision requires any person who proposes to begin the introduction into interstate commerce for commercial distribution of a device for human use to notify FDA at least 90 days in advance of such introduction. The purpose of this provision is to afford FDA an opportunity to determine, prior to marketing, whether a device is of a kind for which the premarket approval requirements of the amended act are applicable. If FDA is persuaded that a device which a manufacturer proposes to market is "substantially equivalent" to a device marketed prior to the date of enactment of the Amendments or is "substantially equivalent" to a device marketed subsequently and classified in class I (general controls) or class II (performance standards), the agency is expected to notify the manufacturer promptly that marketing may commence.

Although section 510 of the act governs both establishment registration and product listing, the Commissioner of Food and Drugs is of the opinion that a more orderly implementation of section 510 will be possible if these two functions are accomplished separately during the initial year of implementing the Amendments. This proposed regulation sets out the procedures related to the first function, namely, the registration of establishments producing medical devices. A second proposed regulation will be published in the FEDERAL REGISTER in the near future setting forth the procedures for device listing. The amended act requires, and the Commissioner intends, that both establishment registration and product listing shall be accomplished for all establishments and products before January 1, 1977.

After consideration of all comments received in response to this proposal, a final regulation will be published in the FEDERAL REGISTER. In the interim, this proposal will be used as a guideline to implement section 510 of the act as it applies to establishments that produce medical devices. Because of the short period of time remaining in 1976 to register device establishments, and to provide guidance, with minimum delay, to interested persons on requirements of premarket notification, the Commissioner proposes that the final regulation based on this proposal shall be effective upon its date of publication.

ESTABLISHMENT REGISTRATION

Definitions. Subpart A of proposed Part 807 (21 CFR Part 807) contains definitions relating to establishment registration.

The definition of the term "commercial distribution" in proposed § 807.3(a) specifically excludes internal transfers of a device occurring within an organization, distribution of a device for which there is an approved exemption for investigational use under section 520(g) of the act (21 U.S.C. 360j(g)), and distribution before the effective date of the investigational device regulations of an investigational class III device that is not yet required to have an approved premarket application.

The proposed regulation would require each establishment that registers with FDA to designate an individual within the organization to serve as liaison between the organization and FDA in matters relating to registration. This "official correspondent" would be the person routinely contacted by FDA on matters relating to the registration of device establishments and the listing of device products. This requirement will enable the agency to have one person to contact during the implementation of the medical device registration to resolve any questions or problems that may occur and to permit establishments to designate someone other than the owner or operator to perform this duty.

The term "official correspondent" in proposed § 807.3(d) is defined as the person designated by the owner or operator of an establishment as responsible for performing the duties described in § 807.3(d) (1) through (4). An owner or operator may designate whomever he wishes, including himself, as the "official correspondent." In the event that no one is designated, the owner or operator of the establishment will be considered by FDA to be the "official correspondent."

The use of an official correspondent is intended only to expedite communication between the agency and persons required to register. Therefore, the designation of an individual as the official correspondent for device registration and device listing purposes in no way exempts the owner or operator, or other legally responsible individual, from compliance with all applicable provisions of the act.

Procedures for domestic device establishments. Subpart B of proposed Part 807 sets forth the basic information relating to device establishment registration, such as who must register, the times for registration, and how and when establishments must register. The Commissioner announces that a new Form FD-2891, Initial Registration of Device Establishment, has been developed specifically for the initial registration of device establishments. Every owner or operator of a domestic establishment engaged in, or responsible for, the manufacture, preparation, propagation, compounding, assembly, or processing of a device (including an in vitro diagnostic product) would be required to use this form to register with FDA the principal place of business and all affiliated device establishments. This form will be mailed to all establishments of which FDA has knowledge by August 31, 1976.

New Form FD-2891 contains space for reporting an estimate of the number of device products that the owner or operator will list with FDA, in accordance with the procedures for device listing which will be described in a proposed regulation to be published in the FEDERAL REGISTER in the near future. Each owner or operator is requested to provide the Commissioner with this information so that FDA may prepare for undertaking the listing of devices as required by section 510 of the act. Versions of a device that differ only in size, shape, packaging, or color but are indicated for the same use shall be considered one device for the purpose of estimating the number of device products to be listed.

Upon the completion of the initial registration of device establishments, Form FD-2891 will be replaced by another new form, Form FD-2891(a), Registration of Device Establishment. This form will be the approved form for complying with the annual establishment registration requirements of section 510 of the act and for communicating any change in the organization since the previous registration submission. Form FD-2891(a) will not contain a space for estimating the number of device products because device listing will have been completed.

Registration procedures for foreign device establishments. Subpart C of proposed Part 807 establishes procedures for registration of foreign device establishments that export devices into the United States. These establishments are requested to register with FDA unless they come within one of the exempt classes set out in Subpart D.

Exemptions. Subpart D of proposed Part 807 lists classes of persons who shall be exempt from establishment registration, either by the express terms of section 510(g) of the act or because the Commissioner has concluded that registration of such persons is not necessary for the protection of the public health.

The Commissioner has determined that neither the public nor FDA will achieve any significant benefit by requiring the classes of persons identified in Subpart D to register. The registration of these classes of persons would impose unnecessary, duplicative, costly, and burdensome requirements on such persons, the Government, and the public. The information necessary to determine the manufacturer and the manufacturing site for a particular device generally will be provided by the manufacturer. There is no present need to require that manufacturers of raw materials, practitioners, dispensers, or those individuals who merely handle devices must register with FDA.

The Commissioner reserves the right to future review of the exemptions from establishment registration as provided in Subpart D to determine whether or not such exemptions for certain classes of persons should continue. The exemptions from establishment registration, which are provided for in Subpart D, in no way exempt these classes of persons from complying with other requirements of the act.

PREMARKET NOTIFICATION

Premarket notification procedures. Subpart E of proposed Part 807 establishes requirements governing the form and manner in which premarket notification submissions are to be submitted to FDA, as required by section 510(k) of the act.

The Amendments were intended to protect the public from unsafe and ineffective medical devices, and, at the same time, assure that innovations in medical device technology are not hampered by unnecessary restrictions. The new legislation directs the Commissioner to identify those devices that are simple in design and represent little risk to human health, and those devices that are sophisticated and that may pose risks of injury or ineffective treatment. The classification process prescribed in section 513 of the amended act (21 U.S.C. 360c) provides the primary mechanism by which the Commissioner is to make these determinations.

Section 513, Classification of Devices Intended for Human Use, provides for expert advisory classification panels that shall make recommendations to FDA respecting the appropriate classification for devices intended for human use. Devices on which recommendations have been received must then be classified by FDA into one of three categories defined in terms of the degree of regulation necessary to provide reasonable assurance of safety and effectiveness. The three categories, in ascending order of restrictiveness, are defined in section 513(a)(1) as follows:

Class I—General Controls: This category includes (1) any device for which the general controls set out in the act (i.e., controls relating to adulteration; misbranding; registration; banned devices; notification and repair, replacement, or refund; records and reports; and good manufacturing practices; or some of these) are sufficient to provide reasonable assurance of the safety and effectiveness of the device, or (2) any device for which insufficient information exists to determine that general controls are sufficient to provide such assurance, but the device is not represented to be for use in supporting or sustaining life or preventing impairment of health and does not present a potential unreasonable risk of illness or injury.

Class II—Performance Standards: This category includes any device for which general controls are insufficient to provide reasonable assurance of safety and effectiveness of the device and for which there is sufficient information to establish a performance standard that can provide such assurance.

Class III—Premarket Approval: This category includes any device that cannot be classified in class I or II because insufficient information exists to determine the adequacy of either general controls or performance standards to provide reasonable assurance of safety and effectiveness, and the device is purported or represented to be for use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health or which presents a potential unreasonable risk of illness or injury.

The Amendments contain special provisions relating to the classification of devices not in commercial distribution (i.e., not actually on the market) prior to May 28, 1976, the date of enactment. Any such device (postenactment device) is automatically classified in class III, unless it is of the same type as, and substantially equivalent to, a device on the market before May 28, 1976, or a subsequently marketed device that has been reclassified into class I or II. If a newly marketed device is of the same type as, and substantially equivalent to, a device that is on the market at the time the new device is introduced, it is to be regulated in the same manner as the device already in commercial distribution.

Section 510(k) of the act is intended to assure that manufacturers do not intentionally or unintentionally circumvent the automatic classification into class III of postenactment devices that are not substantially equivalent to previously marketed devices. With the basic information provided by the notification required by section 510(k), the Commissioner is able to assure that such devices are not marketed until they comply with premarket approval requirements of section 515 of the act (21 U.S.C. 360e), or are reclassified into class I or II. It is the responsibility of FDA, as an expert administrative agency, to determine administratively whether a device that is marketed for the first time after May 28, 1976, is substantially equivalent to a previously marketed device. Recent case law and legislative history indicate that it is the responsibility of FDA to determine initially the regulatory classification of products subject to its jurisdiction. See *Ciba, Inc.* v. *Weinberger*, 412 U.S. 640 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); House Report No. 94-853, Medical Device Amendments, February 29, 1976, at 13, 37.

The Commissioner believes that the requirement to provide notification to FDA of the marketing of any postenactment device became effective upon enactment of the Amendments, but he recognizes that this position has been the subject of controversy. The Commissioner has elsewhere made clear why his position is both consistent with the amended act and necessary to assure fulfillment of the objectives of Congress in enacting the Amendments. Most manufacturers of medical devices appear to have accepted the Commissioner's interpretation, for in the past 3 months the agency has received more than 480 premarket notifications of intention to market devices for the first time. The agency is currently receiving such notifications at the rate of 50 a week. In the past 3 months, FDA has responded by notifying more than 230 manufacturers that products they proposed to market were substantially equivalent to devices already on the market. Manufacturers can expect such responses to premarket notification to issue on a continuing basis.

The Commissioner expects that manufacturers will continue to notify FDA of their intention to begin marketing of devices in accordance with section 510(k), even though these preposed implementing regulations are not final. He advises that any manufacturer who follows the proposal may assume that his submission will satisfy the minimum requirements of the agency. The Commissioner further advises that he will exercise discretion in evaluating instances in which a manufacturer has failed to provide notice to the agency prior to the promulgation of final regulations prescribing the form and manner of such submissions. In the event that FDA discovers that a manufacturer of a new device which presents a significant risk to users has proceeded to market without notifying the agency, however, prompt judicial enforcement action will be considered.

Under section 510(k) of the act, each person who is obligated to register must notify the Commissioner 90 days prior to introducing a device into interstate commerce for commercial distribution, whether or not the device has been classified pursuant to section 513 of the act. If the device is of a type that has been classified by FDA, the person is required to advise the Commissioner of the class in which the device is classified and any action taken by such person to comply with the applicable requirements of section 514 of the act (performance standards) (21 U.S.C. 360d) or section 515 of the act (premarket approval).

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Proposed § 807.81 requires that each person who is obligated to register his establishment pursuant to section 510 of the act and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a device intended for human use must, at least 90 days before introduction or delivery, submit a premarket notification submission to the FDA if any of the following criteria are met:

1. The device is a device that is being introduced into commercial distribution for the first time, that is, the device is not of the same type as or, even if similar, is not substantially equivalent to a device in commercial distribution before May 28, 1976, the date of enactment of the Amendments; or the device is not of the same type as or, even if similar, is not substantially equivalent to a device introduced for commercial distribution after May 28, 1976 and which subsequently has been reclassified into class I or II.

2. The device is being introduced into commercial distribution for the first time by the person required to register, whether or not the device is of the same type as, and substantially equivalent to, a device in commercial distribution (either a pre-enactment device or a post-enactment class I or II device). A person who reintroduces a device that was once in commercial distribution but is subsequently discontinued is required to submit a premarket notification.

3. The device being introduced is a device being currently distributed commercially by the person required to register, but the device has been significantly changed or modified in design, components, method of manufacture, or intended use. The following constitute significant changes or modifications that render a device subject to section 510(k):

a. Any change or modification in the device that could affect the safety or effectiveness of the device, e.g., a change or modification in design, material, chemical composition, energy source, or manufacturing process.

b. Any change or modification in the intended use of the device.

A premarket notification under § 807.81 is not required for a device for which a premarket application under section 515 of the act, or for which a petition to reclassify from class III to class I or II under section 513(f)(2) of the act, is pending before FDA. For such devices, the other submissions will serve the purpose of a notification under section 510(k) of the act.

Proposed § 807.81(c) informs those persons who manufacture electronic products as defined in § 1000.3 (21 CFR 1000.3) of the responsibility to comply with all reporting requirements applicable to electronic products as provided in Part 1002 (21 CFR Part 1002).

Proposed § 807.85 provides an exemption from premarket notification for manufacturers of custom devices. Devices are occasionally ordered from manufacturers by individual health professionals to conform to their own special needs or to those of their patients. In some instances, health professionals themselves develop or alter devices to serve such needs. Examples of devices in which important features are frequently customized are orthopedic, orthotic and other prosthetic devices, specially designed orthopedic footwear, prosthodontic appliances, and ophthalmic devices.

Section 520(b) of the act exempts "custom devices" from applicable performance standards and/or premarket approval requirements to comply with an order of a physician, dentist, or other specially qualified person if (1) the device is not generally available in finished form for purchase or dispensing on prescription, and is not offered for commercial distribution, and (2) the device (a) is either intended for use by a patient named in an order or intended solely for use by a physician, dentist, or other specially qualified person in the course of his practice, and (b) is not generally available to other physicians, dentists, or other designated persons.

Because custom devices are exempted by statute from the premarket approval requirement, a principal purpose for requiring premarket notification is absent. Accordingly, the Commissioner is at this time proposing that custom devices also be exempt from the premarket notification requirements.

Thus, proposed § 807.85 would exempt a manufacturer from the requirement of premarket notification, provided that the device he intended to introduce into interstate commerce for commercial distribution is not generally available in finished form for purchase or for dispensing upon prescription and is not offered through labeling or advertising by the manufacturer, importer, or distributor thereof for commercial distribution. The proposal would also require that the device be intended for use by a patient named in the order of a physician or dentist (or other specially qualified person), or be intended solely for use by such physician or dentist (or other specially qualified person) or a person under his professional supervision in the course of his professional practice and not generally available to or generally used by other physicians or dentists (or other specially qualified persons).

In the near future, proposed regulations relating to custom devices will be published in the FEDERAL REGISTER. The regulations will designate those persons who are "specially qualified" to order and use custom devices.

Proposed § 807.87 prescribes the type of information that must be included in each premarket notification. Each submission will be reviewed by the FDA to determine if the device intended for introduction or delivery into commercial distribution is automatically classified into class III. To make an informed decision on whether or not the conditions for automatic classification into class III apply, the Commissioner is requiring that each premarket notification submission include the following information:

1. The product name, including both the trade or proprietary name and the common or usual name of the device.

2. The class in which the device is classified under section 513 of the act or, if the owner or operator determines that the device has not been classified under such section, a statement of that determination and the basis for such person's determination that the device is or is not so classified.

The Commissioner realizes that final classification of devices into appropriate regulatory control categories is not yet complete and that the classification panels will continue for several months to evaluate and make recommendations concerning devices currently in commercial distribution. Because classification information must be submitted with a premarket notification, the Commissioner advises device manufacturers to consult the FEDERAL REGISTER regularly to determine the classification of their devices. Any inquires concerning the classification status of a particular device should be addressed in writing to the Document Control Center (HFK-20), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910. The written inquiries should bear the notation "Attention: 513(g) Inquiry" on the outside envelope.

3. Action taken by the person required to register to comply with requirements of the act under section 514 (performance standards), or section 515 (premarket approval).

4. Representative labels, labeling, and advertisements sufficient to describe the device, its intended use, and the directions for its use.

5. A statement indicating how the device is substantially equivalent to and how it is not substantially equivalent to other products of similar type in commercial distribution, accompanied by supporting data (including clinical data, where necessary). Information is needed by FDA concerning both how a device is similar to and how it is different from other products to aid the agency in determining whether the device is, in fact, substantially equivalent to prior products. The statement may include a list of materials used in the construction of the device and a description of the operating principles of the device.

6. Where a person required to register intends to introduce into commercial distribution a device that has undergone a significant change or modification that could affect the safety or effectiveness of the device, or the device is to be marketed for a new or different indication for use, the premarket notification submission must include appropriate supporting data to show that the manufacturer has considered what consequences and effects the change or modification or new use might have on the safety and effectiveness of the device. Information on such a change or modification shall be submitted whether the change or modification is being made to a person's own device or a device marketed by another person.

It is the Commissioner's intention to assure himself that the consequences and/or effects of any planned change in a device have been adequately assessed

prior to introduction of the device for commercial distribution. The supporting data may include data to show that changes in design, material, chemical composition, energy source, or manufacturing process do not compromise the safety and effectiveness of the device. The significance of a change in a device will vary according to the type of device, its complexity, and its intended uses. For example, whether a change in the materials used or in the components of a device is significant, and thus compels a premarket notification, will vary with the device.

Each premarket notification submission received by FDA will be reviewed to determine whether the device intended for introduction for commercial distribution is of the same type as, and substantially equivalent to, a device previously introduced, or is of the same type as, and substantially equivalent to, a device that was first marketed after May 28, 1976, but has subsequently been classified into class I or II. The information required by proposed § 807.87 is essential for FDA to determine whether or not the device intended for introduction into commercial distribution is automatically subject to the requirement of premarket approval.

When the Commissioner finds, on the basis of the information contained in the premarket notification submission, that a device is not of the same type as, or is not substantially equivalent to, a device previously on the market or a device first marketed after May 28, 1976, that has been subsequently classified into class I or II, he will notify the person submitting the premarket notification in writing that the device is immediately subject to premarket approval as provided in section 515 of the act. Similarly, when the Commissioner finds that the device intended for introduction into commercial distribution is of the same type as and substantially equivalent to a device previously in commercial distribution, the Commissioner will promptly advise the affected person in writing of such a finding.

When the Commissioner determines that there is insufficient information in the premarket notification submission to determine whether or not a device is of the same type as, or substantially equivalent to, a device in commercial distribution, he may request additional data regarding the device. Proposed § 807.87(g) would require each person who submits a premarktt notification pursuant to section 510(k) of the act to submit additional information regarding the device upon the written request of the Commissioner. Any request for additional information would advise the person that there is insufficient information contained in the premarket notification submission to make the required determination, and that the person may either file a new premarket notification submission containing the requested information at least 90 days before he intends to market the device, or submit a premarket approval application in accordance with section 515 of the act. Such request will be issued within 30 days from the time of receipt of a premarket notification submission, so that final action can be completed by FDA within 120 days of the original submission if additional information is required to determine substantial equivalence. The Commissioner intends to expedite FDA processing of premarket notification submissions and to minimize disruption of manufacturers' marketing plans.

Proposed § 807.90 prescribes the address and format for submitting a premarket notification. Each submission shall (1) be addressed to the Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Document Control Center (HFK-20), 8757 Georgia Ave., Silver Spring, MD 20910, (2) be bound in a volume where necessary, (3) be submitted in duplicate on 8½- by 11-inch paper, and (4) contain a cover sheet marked "510(k) Notification." All inquiries regarding a premarket notification submission should be in writing and sent to the address indicated above.

Proposed § 807.95 addresses confidentiality of information. The public release of data and information relating to a premarket notification will be governed by FDA's public information regulations under Part 4 (21 CFR Part 4). Release of such data and information involves two primary considerations. The first consideration is that the information that a manufacturer intends to market a device may have commercial value, and the intent to market a device is evidenced by the submission of a premarket notification. The second consideration is the status of data and information contained in a premarket notification submission.

The Commissioner notes that the intent to market a device is often considered confidential commercial information within the device industry because the premature disclosure of a firm's marketing plans could result in a competitive advantage to the firm's competitors.

For this reason, the Commissioner is proposing in § 807.95 a process whereby the owner or operator of an establishment may request that FDA hold as confidential the intent to market a device. This provision provides an opportunity for the owner or operator to certify in writing to the Commissioner that he considers the intent to market a device to be confidential commercial information; that he has not disclosed the intent to market a device to anyone except employees of the establishment; that he has not disclosed the intent to market a device to scientists, market analysts, exporters, or other individuals who are not paid consultants to the establishment; and that he has taken precautions to protect the confidentiality of his intention to market a device.

This written certification by the owner or operator of an establishment regarding the confidential nature of the intent to market a device shall be included in the premarket notification submission. After the effective date of the final regulations, those premarket notification submissions that do not include a writen certification regarding the confidential nature of the intent to market a device will be available for public disclosure in accordance with FDA's public information regulations. Until the effective date of the final regulations, FDA will regard information on intent to market a device contained in premarket notification submissions as confidential, whether or not there has been compliance with the proposed regulations.

Proposed § 807.95(b) addresses the length of time during which the Commissioner will protect the confidentiality of the intent to market a device. When the Commissioner determines that the owner or operator of an establishment has complied with the procedures described in proposed § 807.95(a), the Commissioner will protect the confidentiality of the intent to market a device for 90 days from the date of receipt of the premarket notification submission by FDA. Proposed § 807.95(b) also provides that the Commissioner will continue to protect the confidentiality of the intent to market a device in those instances when the Commissioner (1) requests in writing additional information regarding the device pursuant to § 807.87(g); or (2) determines that a device intended for introduction into commercial distribution is not substantially equivalent to a device already in commercial distribution by May 28, 1976.

Proposed § 807.95(c) establishes a procedure whereby the owner or operator of an establishment may at the time of submitting a premarket notification submission request that the Commissioner protect the confidentiality of the intention to market a device for more than 90 days from the date of receipt of the premarket notification submission by FDA. The Commissioner anticipates situations where marketing plans may be delayed due to unforseen circumstances. Such circumstances may be an employee or carrier strike, shortages of critical components, unfavorable economic conditions, or other situations.

When the Commissioner determines that (1) an owner or operator has complied with the procedures described in § 807.95(a), and (2) the actual introduction of the device into commercial distribution may take longer than 90 days, and (3) the owner or operator agrees to notify the Commissioner in writing when the device enters into commercial distribution, the Commissioner will protect the confidentiality of the intent to market a device until the receipt of notification by the owner or operator of the establishment that the device has entered into commercial distribution.

The Food and Drug Administration will not disclose any safety and effectiveness data contained in a premarket notification submission (unless it has already been disclosed) before final classification of the product. Other data and information, unless it is exempt from public disclosure in accordance with FDA's public information regulations, will be available for public disclosure. After classification, material that is exempt from public disclosure will continue

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to be retained as confidential. Thus, if submissions contain data or information that is a trade secret or constitutes commercial or financial information that is privileged or confidential within the meaning of § 4.61 (21 CFR 4.61), or is otherwise exempt from disclosure under Part 4, such information will be retained as confidential. After classification, any safety and effectiveness data accompanying a premarket notification submission relating to a device classified in class III (premarket approval) will be retained as confidential. Safety and effectiveness data relating to devices in class I (general controls) or class II (performance standards) will be available for release to the public upon final classification.

Proposed § 807.97 advises a manufacturer who submits a premarket notification in accordance with Subpart E of Part 807 that submission of a premarket notification and subsequent determination by the Commissioner that the device is substantially equivalent to a device in commercial distribution before May 28, 1976, or substantially equivalent to a device introduced into commercial distribution after May 28, 1976, that has subsequently been classified into class I or II, does not in any way denote official approval of the device. Any representation that creates an impression of official approval because of complying with the premarket notification regulations is misleading and constitutes misbranding. The Commissioner is emphasizing that any review of a premarket notification by FDA does not in any way imply that the device is in compliance with any other pertinent sections of the act.

A conforming amendment to § 809.20 (21 CFR 809.20) is also being proposed. Additional minor cross-reference conforming amendments to §§ 4.100 and 4.116 (21 CFR 4.100 and 4.116) will be made when the regulations in this proposal are published in final form.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301(p), 501, 502, 510, 701(a), 52 Stat. 1049–1051 as amended, 1055, 86 Stat. 562, 90 Stat. 576–580 (21 U.S.C. 331(p), 351, 352, 360, 371(a))) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

1. By adding new Part 807 to read as follows:

PART 807—ESTABLISHMENT REGISTRATION FOR MANUFACTURERS OF DEVICES

Subpart A—General Provisions

Sec.
807.3 Definitions.

Subpart B—Procedures for Domestic Device Establishments

807.20 Who must register.
807.21 Times for establishment registration.
807.22 How and where to register establishments.
807.25 Information required or requested for establishment registration.
807.26 Amendments to establishment registration.
807.35 Notification of registrant.
807.37 Inspection of establishment registrations.
807.39 Misbranding by reference to establishment registration or to registration number.

Subpart C—Registration Procedures for Foreign Device Establishments

807.40 Establishment registration for foreign manufacturers of devices.

Subpart D—Exemptions

807.65 Exemptions for device establishments.

Subpart E—Premarket Notification Procedures

807.81 When a premarket notification submission is required.
807.85 Exemption from premarket notification for custom device manufacturers.
807.87 Information required in a premarket notification submission.
807.90 Format of a premarket notification submission.
807.95 Confidentiality of information.
807.97 Misbranding by reference to premarket notification.

AUTHORITY: Secs. 301(p) 501, 502, 510, 701(a), 52 Stat. 1042–1043 as amended, 1049–1050 as amended, 1055, 90 Stat. 576–580 (21 U.S.C. 331(p), 351, 352, 360, 371(a))).

Subpart A—General Provisions

§ 807.3 Definitions.

(a) "Commercial distribution" means any distribution of a device intended for human use which is held or offered for sale but does not include the following:

(1) Internal or interplant transfer of a device between registered domestic establishments within the same parent, subsidiary, and/or affiliate company;

(2) Any distribution of a device intended for human use which has in effect an approved exemption for investigational use pursuant to section 520(g) of the act and Part 812 of this chapter; or

(3) Any distribution of a device, before the effective date of Part 812 of this chapter, that was not introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, and that is classified into class III under section 513(f) of the act:

Provided, That the device is intended solely for investigational use, and under section 501(f)(2)(A) of the act the device is not required to have an approved premarket approval application as provided in section 515 of the act.

(b) "Establishment" means a place of business under one management at one general physical location at which a device is manufactured, assembled, or otherwise processed.

(c) "Manufacture, preparation, propagation, compounding, assembly, or processing" of a device means the making by chemical, physical, biological, or other procedures of any article that meets the definition of device in section 201(h) of the act. These terms include the following activities:

(1) Repackaging or otherwise changing the container, wrapper, or labeling of any device package in furtherance of the distribution of the device from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer;

(2) Initial distribution of imported devices; or

(3) Initiation of specifications for devices that are manufactured by a second party for subsequent commercial distribution.

(d) "Official correspondent" means the person designated by the owner or operator of an establishment as responsible for the following:

(1) The annual registration of the establishment;

(2) Contact with the Food and Drug Administration for device listing;

(3) Maintenance and submission of a current list of officers and directors to the Food and Drug Administration upon the request of the Commissioner; and

(4) The receipt of pertinent correspondence from the Food and Drug Administration directed to and involving the owner or operator and/or any of the firm's establishments.

(e) "Owner or operator" means the corporation, subsidiary, affiliated company, partnership, or proprietor directly responsible for the activities of the registering establishment.

Subpart B—Procedures for Domestic Device Establishments

§ 807.20 Who must register.

(a) Any owner or operator of an establishment, not exempt under section 510(g) of the act or Subpart D of this part, engaging in the manufacture, preparation, propagation, compounding, assembly or processing of a device intended for human use is required to register. The term device includes all in vitro diagnostic products and in vitro diagnostic biological products not subject to licensing under section 351 of the Public Health Service Act. Such owner or operator is required to register his name, places of business, and all such establishments whether or not the output of such establishments enter interstate commerce. The registration requirements shall pertain to any person who:

(1) Initiates or develops specifications for a device that is to be manufactured for him for subsequent commercial distribution;

(2) Manufacturers for commercial distribution a device either for himself or for another person;

(3) Repackages or relabels a device; or

(4) Initially distributes a device imported into the United States.

(5) Manufactures components or accessories which are ready to be used for any intended health-related purpose and are packaged or labeled for commercial distribution for such health-related purpose, e.g., blood filters, hemodialysis tubing, or devices which of necessity must be further processed by a licensed practitioner or other qualified person to meet the needs of a particular patient, e.g., a manufacturer of ophthalmic lens blanks.

(b) No registration fee is required. Registration does not constitute an admission or agreement or determination that a product is a "device" within the meaning of section 201(h) of the act.

§ 807.21 Times for establishment registration.

The owner or operator of an establishment entering into or presently engaged in an operation defined in § 807.3(c) shall register such establishment within 15 days of receiving Form FD–2891, Initial Registration of Device Establishment. If the owner or operator of the establishment has not previously entered into such operation, registration shall follow within 5 days after the submission of a premarket notification submission pursuant to section 510(k) of the act. Owners or operators of all establishments so engaged shall register annually between November 15 and December 31.

§ 807.22 How and where to register establishments.

The first registration of a device establishment shall be on Form FD–2891, Initial Registration of Device Establishment. Forms are obtainable on request from the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Registration and Listing Section (HFK–124), 8757 Georgia Ave., Silver Spring, MD 20910, or from the Food and Drug Administration district offices. Subsequent annual registration shall be accomplished on Form FD–2891(a), Registration of Device Establishment, which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose device registration for that year was validated pursuant to § 807.35(a). The completed form shall be mailed to the above address before December 31 of that year.

§ 807.25 Information required or requested for establishment registration.

(a) Form FD–2891, Initial Registration of Device Establishment, and form FD–2891(a), Registration of Device Establishment, are the approved forms for initially providing the information required by the act and for providing annual registration, respectively. The required information includes the name and street address of the device establishment, including post office ZIP code, all trade names used by the establishment, and the business trading name of the owner or operator of such establishment.

(b) The owner or operator shall identify the device activities of the establishment such as manufacturing, repackaging, or distributing of imported devices and identify any other FDA registries in which the establishment is registered.

(c) Each owner or operator is required to maintain a listing of all officers, directors, and partners for each establishment he registers and to furnish this information to the Food and Drug Administration upon request.

(d) Each owner or operator shall provide the name of an official correspondent who will serve as a point of contact between the Food and Drug Administration and the establishment for matters relating to the registration of device establishments and the listing of device products. All future correspondence relating to registration, including requests for the names of partners, officers, and directors, will be directed to this official correspondent. In the event no person is designated by the owner or operator, the owner or operator of the establishment will be the official correspondent.

(e) The designation of an official correspondent does not in any manner affect the liability of the owner or operator of the establishment or any other individual under section 301(p) or any other provision of the act.

§ 807.26 Amendments to establishment registration.

Changes in individual ownership, corporate or partnership structure, or location of an operation defined in § 807.3(c) shall be submitted on Form FD–2891(a), Registration of Device Establishment. This information shall be submitted shall be submitted within 5 days of such changes. Changes in the names of officers and/or directors of the corporation(s) shall be filed with the establishment's official correspondent and shall be provided to the Food and Drug Administration upon receipt of a written request for this information.

§ 807.35 Notification of registrant.

(a) The Commissioner will provide to the official correspondent, at the address listed on the form, a validated copy of Form FD–2891 or Form FD–2891(a) (whichever is applicable) as evidence of registration. A permanent registration number will be assigned to each device establishment registered in accordance with these regulations.

(b) Owners and operators of device establishments, who also manufacture or process blood or drug products at the same establishment, shall also register with both the Bureau of Biologics and the Bureau of Drugs as appropriate. Blood products shall be listed with the Bureau of Biologics, Food and Drug Administration, pursuant to Part 607 of this chapter, and drug products shall be listed with the Bureau of Drugs, Food and Drug Administration, pursuant to Part 207 of this chapter.

(c) Although establishment registration is required to engage in the device activities described in § 807.20, validation of registration in itself does not establish that the holder of the registration is legally qualified to deal in such devices and does not represent a determination by the Food and Drug Administration as to the status of any device.

§ 807.37 Inspection of establishment registrations.

A copy of the Form FD–2891, Initial Registration of Device Establishment, and FD–2891(a), Registration of Device Establishment, filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Registration and Device Listing Section (HFK–124), 8757 Georgia Ave., Silver Spring, MD 20910. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, verification of registration number or location of a registered establishment will be provided.

§ 807.39 Misbranding by reference to establishment registration or to registration number.

Registration of a device establishment or assignment of a registration number does not in any way denote approval of the establishment or its products. Any representation that creates an impression of official approval because of registration or possession of a registration number is misleading and constitutes misbranding.

Subpart C—Registration Procedures for Foreign Device Establishments

§ 807.40 Establishment registration for foreign manufacturers of devices.

Foreign device establishments that export devices into the United States are requested to register in accordance with the procedures of Subpart B of this part, unless exempt under Subpart D of this part.

Subpart D—Exemptions

§ 807.65 Exemptions for device establishments.

The following classes of persons are exempt from registration in accordance with § 807.20 under the provisions of section 510(g) (1), (2), and (3) of the act, or because the Commissioner has found, under section 510(g)(4) of the act, that such registration is not necessary for the protection of the public health:

(a) A manufacturer of raw materials or components to be used in the manufacture or assembly of a device who would otherwise not be required to register under the provisions of this part.

(b) A manufacturer of devices to be used solely for veterinary purposes.

(c) A manufacturer of general purpose articles such as chemical reagents or

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laboratory equipment whose uses are generally known by persons trained in their use and which are not labeled or promoted for medical uses.

(d) Licensed practitioners, including physicians, dentists, clinical laboratories, and optometrists, who manufacture or otherwise alter devices solely for use in their practice.

(e) Pharmacies, surgical supply outlets, or other similar retail establishments dispensing or selling devices in the regular course of business at the retail level. This exemption also applies to a pharmacy or other similar retail establishment that purchases a device for subsequent distribution under its own name, e.g., a properly labeled health aid such as an elastic bandage or crutch, indicating "distributed by" or "manufactured for" followed by the name of the pharmacy.

(f) Persons who manufacture, prepare, propagate, compound, or process devices solely for use in research, teaching, or analysis and do not introduce such devices into commercial distribution.

(g) Persons who handle devices but make no revisions to such devices or their immediate containers, such as wholesalers or warehousers.

(h) Carriers by reason of their receipt, carriage, holding or delivery of devices in the usual course of business as carriers.

(i) Persons who dispense devices to the ultimate consumer and whose major responsibility is to render a service necessary to provide the consumer with a device; for example, a hearing aid dealer, optician, and personnel from a hospital, clinic, dental laboratory, orthotic or prosthetic retail facility, whose primary function is to dispense or provide a previously manufactured device to a consumer.

Subpart E—Premarket Notification Procedures

§ 807.81 When a premarket notification submission is required.

(a) Except as provided in paragraph (b) of this section, each person who is required to register his establishment pursuant to section 510 of the act and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a device intended for human use must, unless exempt under § 807.85, at least 90 days before introduction or delivery, submit a premarket notification submission to the Food and Drug Administration if the device meets any of the following criteria:

(1) The device is being introduced into commercial distribution for the first time; that is, the device is not of the same type as, or if it is the same type, is not substantially equivalent to a device in commercial distribution before May 28, 1976, or it is not the same type as, or, if it is the same type, is not substantially equivalent to a device introduced for commercial distribution after May 28, 1976 that has subsequently been reclassified into class I or II.

(2) The device is being introduced into commercial distribution for the first time by a person required to register, whether or not the device is the same type as and is substantially equivalent to a device in commercial distribution. A person who reintroduces a device that was once in commercial distribution, but is subsequently discontinued, is required to submit a premarket notification.

(3) The device being introduced is a device that the person currently has in commercial distribution, but that has been significantly changed or modified in design, components, method of manufacture, or intended use. The following constitute significant changes or modifications that require a premarket notification:

(i) Any change or modification in the device that could affect (increase or decrease) the safety or effectiveness of the device, e.g., a change or modification in design, material, chemical composition, energy source, or manufacturing process.

(ii) Any change or modification in the intended use of the device.

(b) A premarket notification under this Subpart E is not required for a device for which a premarket approval application under section 515 of the act, or for which a petition to reclassify under section 513(f)(2) of the act, is pending before the Food and Drug Administration.

(c) In addition to complying with the requirements of this Part 807, owners or operators of device establishments which manufacture electronic products, as defined in § 1000.3 of this chapter, shall comply with the reporting requirements of Part 1002 of this chapter.

§ 807.85 Exemption from premarket notification for custom device manufacturers.

A device is exempt from the premarket notification requirements of this subpart if the device intended for introduction into commercial distribution is not generally available in finished form for purchase or for dispensing upon prescription and is not offered through labeling or advertising by the manufacturer, importer, or distributor thereof for commercial distribution, and such device meets one of the following conditions:

(a) It is intended for use by a patient named in such order of such physician or dentist (or other specially qualified person); or

(b) It is intended solely for use by such physician or dentist (or other specially qualified person) or a person under his professional supervision in the course of the professional practice of such physician or dentist (or other specially qualified person), and is not generally available to or generally used by other physicians or dentists (or other specially qualified persons).

§ 807.87 Information required in a premarket notification submission.

Each premarket notification submission shall contain the following information:

(a) The product name, including both the trade or proprietary name and the common or usual name of the device.

(b) The class in which the device is classified under section 513 of the act, or if the owner or operator determines that the device has not been classified under such section, a statement of that determination and the basis for such person's determination that the device is not so classified.

(c) Action taken by the person required to register to comply with the requirements of the act under section 514 for performance standards or section 515 for premarket approval.

(d) Representative labels, labeling, and advertisements sufficient to describe the device, its intended use, and the directions for its use.

(e) A statement indicating how the device is substantially equivalent to and how it is not substantially equivalent to other products of similar type in commercial distribution, accompanied by data to support the statement. This information may include a list of materials used in the construction of the device and a description of the operating principles of the device.

(f) Where a person required to register intends to introduce into commercial distribution a device that has undergone a significant change or modification that could affect the safety or effectiveness of the device, or the device is to be marketed for a new or different indication for use, the premarket notification submission must include appropriate supporting data to show that the manufacturer has considered what consequences and effects the change or modification or new use might have on the safety and effectiveness of the device.

(g) Any additional information regarding the device requested by the Commissioner that is necessary for the Commissioner to make a finding whether or not the device is substantially equivalent to a device in commercial distribution. A request for additional information will advise the owner or operator that there is insufficient information contained in the original premarket notification submission for the Commissioner to determine whether the device is substantially equivalent to a device in commercial distribution, and that the owner or operator may either submit a new premarket notification containing the requested information at least 90 days before the owner or operator intends to market the device, or submit a premarket approval application in accordance with section 515 of the act.

§ 807.90 Format of a premarket notification submission.

Each premarket notification submission pursuant to Part 807 shall be submitted in accordance with this section. Each submission shall:

(a) Be addressed to the Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Document Control Center (HFK-20), 8757 Georgia Ave., Silver Spring, MD 20910. All inquiries regarding a premarket notification submission should be in writing and sent to the above address.

(b) Be bound into a volume or volumes, where necessary.

(c) Be submitted in duplicate on 8½-by 11-inch paper.

(d) Contain a cover sheet marked "510(k) NOTIFICATION."

§ 807.95 Confidentiality of information.

(a) The existence of a premarket notification submission under Part 807 will generally be available for public disclosure by the Food and Drug Administration in accordance with Part 4 of this chapter. The person submitting a premarket notification submission may, however, request that the Food and Drug Administration hold as confidential commercial information the intent to market a device in 90 days. Any such person who wishes to request that the Food and Drug Administration consider an intent to market a device as confidential commercial information shall certify in writing to the Commissioner:

(1) That the person considers his intent to market the device to be confidential commercial information;

(2) That neither the person nor, to the best of his knowledge, anyone else has disclosed his intent to market the device to anyone except employees of the establishment;

(3) That the person has not disclosed his intent to market the device to scientists, market analysts, exporters, or other individuals who are not paid consultants to the establishment; and

(4) That the person has taken precautions to protect the confidentiality of the intent to market the device. The written certification by the person regarding the confidential nature of the intent to market a device shall be included in the premarket notification submission.

(b) Where the Commissoner determines that the person has complied with the procedures described in paragraph (a) of this section, and the Commissioner agrees that the intent to market the device is confidential commercial information, the Commissioner will protect the confidentiality of the intent to market a device for 90 days from the date of receipt of the premarket notification submission by the Food and Drug Administration. When the Commissioner determines that (1) a person has complied with the procedures described in paragraph (a) of this section, and the Commissioner agrees that the intent to market the device is confidential commercial information, (2) the person has reason to believe that the actual introduction of the device into commercial distribution may take longer than the intended 90 days, and (3) the person agrees to provide the Commissioner with written notification as to when the device enters into commercial distribution, the Commissioner will protect the confidentiality of the intent to market a device until the receipt of notification by the person that the device has entered into commercial distribution.

(d) Data or information submitted with, or incorporated by reference in, a premarket notification (other than safety and effectiveness data that have not been disclosed to the public) shall immediately be available for disclosure by the Food and Drug Administration, unless exempt from public disclosure in accordance with Part 4 of this chapter. Upon final classification, data and information relating to safety and effectiveness of a device classified in class I (General Controls) or class II (Performance Standards) shall be available for public disclosure. Data and information relating to safety and effectiveness of a device classified in class III (Premarket Approval), which has not been released to the public, shall be retained as confidential unless such data and information become available for release to the public in accordance with criteria set forth in Part 814 of this chapter relating to premarket approval.

§ 807.97 Misbranding by reference to premarket notification.

Submission of a premarket notification by a manufacturer in accordance with Subpart E of this part, and a subsequent determination by the Commissioner that the device intended for introduction into commercial distribution is substantially equivalent to a device in commercial distribution before May 28, 1976, or is substantially equivalent to a device introduced into commercial distribution after May 28, 1976, that has subsequently been reclassified into class I or II, does not in any way denote official approval of the device. Any representation that creates an impression of official approval of a device because of complying with the premarket notification regulations is misleading and constitutes misbranding.

PART 809—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

2. In Part 809, by amending § 809.20 by revising paragraph (a) to read as follows:

§ 809.20 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under Part 807 of this chapter, except that regulation and listing is not required or requested at this time for general purpose laboratory reagents and equipment for which labeling requirements are specified in § 809.10(d).

* * * * * * *

Interested persons may, on or before November 2, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-25877 Filed 9-2-76;8:45 am]

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federal register

FRIDAY, SEPTEMBER 3, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida	FL76–1098
Kentucky	KY76–1091, KY76–1092, KY76–1093

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA–76–5061; CA76–5062	June 25, 1976.
Florida:	
FL76–1014	Jan. 23, 1976.
FL76–1043; FL76–1048	Apr. 16, 1976.
FL76–1064	May 2, 1976.
Georgia:	
GA76–1023	Feb. 13, 1976.
GA76–1039	Mar. 12, 1976.
Indiana:	
IN76–2082; IN76–2083	July 2, 1976.
Kentucky:	
KY75–1100	Sept. 26, 1975.
Mississippi:	
MS76–1084	Aug. 20, 1976.
Nevada:	
NV76–5069	July 30, 1976.
NV76–5074	Aug. 8, 1976.
Rhode Island:	
RI76–2037; RI76–2038; RI76–2039.	Mar. 19, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The number of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Massachusetts:	
MA75–2124 (MA76–2102); MA75–2126 (MA76–2104); MA75–2128 (MA 76–2106).	Nov. 14, 1975.
New Mexico:	
NM76–4142 (NM76–4144)	Aug. 6, 1976.
North Carolina:	
AQ–4078 (NC76–1095)	Feb. 22, 1974.
NC76–1005 (NC76–1094)	Jan. 9, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination No. AM–1874, Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Loudoun, Louisa, Madison, Orange, Prince William and Rappahannock Counties, Virginia. is cancelled. Agencies with highway construction projects pending in this location should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. AM–1874 in contract specifications in the opening of bids which is within ten (10) days of this notice need not be affected.

General Wage Determination No. AM–1875, Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren Counties, Virginia, is cancelled. Agencies with highway construction projects pending in this location should utilize the project determination procedures by submitting form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2). the incorporation of Decision No. AM–1875 in contract specifications in the opening of bids which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 27th day of August 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Florida
DECISION NUMBER: FL76–1098
DESCRIPTION OF WORK: Residential Construction (includes single family home and garden type apartments up to and including four stories).
COUNTY: Duval
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Apprent. Tr.
Air conditioning mechanics	$4.00				
Bricklayers	6.25				
Carpenters	4.35				
Drywall finishers and hangers	5.00		1%	1%	1%
Electricians	7.25	.30			
Insulators	4.25				
Laborers:					
Laborers	3.03				
Plasterer tenders	4.10				
Lathers	5.94	.21	.10		.025
Painters	3.75				
Plasterers	6.18				
Plumbers	6.25				
Roofers	3.65				
Sheet metal workers	5.65				
Soft floor layers	5.15				
POWER EQUIPMENT OPERATORS:					
Asphalt paver	4.25				
Backhoe	4.00				
Bulldozer	3.50				
Grader	3.75				
Loader	3.80				

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NEW DECISION

STATE: Kentucky COUNTY: Christian (Ft. Campbell only)
DECISION NUMBER: KY76-1091 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 9.55	.35	.35		
Boilermakers	10.05	.60	1.00		.02
Bricklayers	8.30				
Carpenters & Soft floor layers	8.10	.35	.25		.05
Cement masons	8.30				
Electricians	8.85	.45	1%		½ of 1%
Cable splicers	9.10	.45	1%		½ of 1%
Claziers	7.70	.45	.35		.02
Ironworkers	9.10	.45	.65		.02
Laborers:					
Laborers	5.10	.25	.25		.03
Air tool operators	5.25	.25	.25		.03
Mason tenders	5.25	.25	.25		.03
Mortar mixers	5.25	.25	.25		.03
Pipslayers (concrete & clay)	5.25	.25	.25		.03
Plasterers' tenders	5.25	.25	.25		.03
Lathers	7.80		.20		.01
Marble, tile, and terrazzo workers	8.30				
Millwrights & Piledrivermen	8.35	.35	.25		.05
Painters:					
Brush	8.20		.40		.10
Spray	8.45		.40		.10
Drywall finishing	8.45		.40		.10
Plasterers	8.30				
Plumbers	8.44	.40	.40		.05
Roofers	7.15	.40	.25	.15	
Sheet metal workers	8.60	.44	.31		.02 + .02
Welders - Rate for Craft					

KY76-1091 - Cont'd

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.80	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hop tow or push boat, concrete paver, Gradall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boo, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Ke Cal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

CLASS B:
All air compressor (600 cu. ft, per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless or ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment deckhand oiler, hydraulic post driver, and drill helper

NEW DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER: KY76-1092 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*COUNTIES: Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Kenton, and Pendleton	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning & Heating Mechanic	$4.64				
Block masons	4.88				
Bricklayers	5.06				
Carpenters	4.74				
Cement masons	4.65				
Dry wall finishers	4.46				
Dry wall hangers	3.80				
Electricians	4.58				
Glaziers	4.75				
Insulation Installers	4.55				
Ironworkers	5.50				
Laborers:					
Laborers	3.09				
Hod carriers	3.25				
Painters	4.78				
Plumbers	5.19				
Roofers	4.00				
Sheet metal workers	4.76				
Soft floor layers	3.90				
Tile setters	4.48				
Truck drivers	4.02				
Power Equipment Operators:					
Backhoe	4.50				
Bulldozer	4.50				
Motor grader	4.00				

NEW DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER: KY76-1093 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*COUNTIES: Adair, Cumberland, Green, Hart, Larue, Metcalfe, Monroe, & Taylor	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning & Heating Mechanics	$4.00				
Bricklayers	4.88				
Carpenters	4.35				
Cement masons	4.19				
Drywall finishers	4.50				
Drywall hangers	5.25				
Electricians	4.00				
Insulation installers	4.00				
Laborers:					
Laborers	2.50				
Hod carriers	3.00				
Painters	3.90				
Plumbers & Pipefitters	4.49				
Roofers	3.84				
Sheet metal workers	4.53				
Soft floor layers	4.03				
Tile setters	3.50				
Truck drivers	3.55				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	6.80				
Front end loader	3.00				
Tractor	3.50				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CA76-5061 - Mod. #2 (41 FR 26429 - June 25, 1976) San Diego County, California					
Change:					
Bricklayers; Stonemasons	$10.57	.83	$1.06		.07
Brick, Block and Stonemasons' Tenders	8.89	.60	1.65	.50	
Drywall Installers	12.15	.56	1.05	.60	.07
Electricians:					
Electricians	11.93	.70	1¾+.93		.02
Cable Splicers	12.23	.70	1¾+.93		.02
Plasterers	9.81	.65	1.50	1.00	.07
DECISION #CA76-5062 - Mod. #2 (41 FR 26436 - June 25, 1976) San Diego County, California					
Change:					
Bricklayers; Stonemasons	$10.57	.83	$1.06		.07
Brick, Block and Stonemasons' Tenders	8.89	.60	1.65	.50	
Drywall Installers	12.15	.56	1.05	.60	.07
Electricians:					
Electricians	11.93	.70	1¾+.93		.02
Cable Splicers	12.23	.70	1¾+.93		.02
Plasterers	9.81	.65	1.50	1.00	.07

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL76-1014 - Mod. # 2 (41 FR 3587 - January 23, 1976) Hillsborough County, Florida					
Change:					
Bricklayers:					
Bricklayers	9.20	.45	.50		.09+.01
Blocklayers	9.20	.45	.50		.09+.01
Caulkers, Pointers, Cleaners	9.20	.45	.50		.09+.01
Stonemasons	9.20	.45	.50		.09+.01
Tile setters	9.05	.45	.50		.09+.01
Terrazzo and Mosaic workers	9.05	.45	.50		.09+.01
Cement masons	8.60	.45	.50		.09+.01
Decision #FL76-1043- Mod. #2 (41 FR 16306 - April 16, 1976) Broward County, Florida					
Change:					
Ironworkers	9.75	.75	.58		.08
Painters:					
Brush; Roller	8.80	.55	.50		.02
Spray	9.30	.55	.50		.02
Sandblasting	9.30	.55	.50		.02
Structural steel	9.05	.55	.50		.02
Plumbers	10.65	.50	.80		.07
Sprinkler fitters	10.16	.60	.90	1.00	.10

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL76-1048 - Mod. #2 (41 FR 16360 - April 16, 1976) Counties: Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site ONLY), Florida					
Change:					
Bricklayers:					
Bricklayers	6.96	.40	.25		
Blocklayers	6.96	.40	.25		
Manhole bricklayers	6.96	.40	.25		
Plasterers	6.96	.40	.25		
Terrazzo workers	6.96	.40	.25		
Tile setters	6.96	.40	.25		
Cement masons	6.81	.40	.25		
Masonry cutting or grinding machine operator	7.11	.40	.25		
Painters:					
Brush; roller	7.95		.30		.05
Spray	8.65		.30		.05
Mitten	8.65		.30		.05
Tar, bituminous, asphalt, and similar materials	8.65		.30		.05
Paper hanging	8.65		.30		.05
Sandblasting	8.65		.30		.05
Decision #FL76-1064 - Mod. #1 (41 FR 21077 - May 2, 1976) Dade County, Florida					
Change:					
Sprinkler fitters	10.16	.60	.90	1.00	.10

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA76-1023 - Mod. #5 (41 FR-6956 - February 13, 1976) Chatham County, Georgia					
Change:					
Carpenters:					
Carpenters and soft floor layers	7.90	.50			
Millwrights	8.40	.50			
Piledrivermen	8.15	.50			
Glaziers	7.35				
Ironworkers:					
Structural, ornamental, and reinforcing	8.85	.45	.60		.03
Laborers:					
Group A	4.30	.15	.10		.05
Group B	4.45	.15	.10		.05
Group C	4.55	.15	.10		.05
Group D	4.80	.15	.10		.05
Group E	5.30	.15	.10		.05
Painters:					
Brush	7.35				
Rollers	7.35				
Tapers	7.60				
Stage work and window jack work	7.85				
Paperhangers	7.60				
Paint burners	7.60				
Spray painting and sandblasting	8.10				
DECISION #GA76-1039 - Mod. #6 (41 FR-10826 - March 12, 1976) Richmond County, Georgia					
Change:					
Ironworkers:					
Structural, Ornamental, and Reinforcing	$8.85	.45	.60		.03
Laborers:					
Unskilled	4.10	.15			.05
Air tool operator (jackhammer, vibrator)	4.25	.15			.05
Mason tenders	4.25	.15			.05
Mortar mixers	4.25	.15			.05
Pipelayers (concrete, clay)	4.25	.15			.05
Plasterers tenders	4.25	.15			.05

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN76-2082 - Mod. #3 (41 FR 27567 - July 2, 1976) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana					
Change:					
Electricians:					
Dearborn Co.:					
Up to & incl. 18-mile radius from Hamilton Co., Ohio Court House	$11.30	.70	1%+.40		.5%
Over 18-mile radius up to & incl. 21 mile-radius from Hamilton Co., Ohio Court House	11.60	.70	1%+.40		.5%
Over 21-mile radius up to & incl. 25-mile radius from Hamilton Co., Ohio Court House	11.70	.70	1%+.40		.5%
Over 25-mile radius from Hamilton Co., Ohio Court House	11.85	.70	1%+.40		.5%
Elevator constructors:					
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.:					
Elevator constructors	10.68	.545	.35	4%+b+c	.02
Helpers	7.48	.545	.35	4%+b+c	.02
Helpers (Prob.)	5.34				
Dearborn Co.:					
Elevator constructors	11.15	.545	.35	4%+b+c	.02
Helpers	7.805	.545	.35	4%+b+c	.02
Helpers (Prob.)	5.575				
Vanderburgh Co.:					
Elevator constructors	10.74	.545	.35	4%+b+c	.02
Helpers	7.52	.545	.35	4%+b+c	.02
Helpers (Prob.)	5.37				

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN76-2083 - Mod. #3 (41 FR 27577 - July 2, 1976) Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Electricians:					
St. Joseph Co.	$10.35	3.8%	5%		.2%
Elevator constructors:					
Lake & Porter Cos.:					
Elevator constructors	11.91	.545	.35	4%+b+c	.02
Helpers	8.34	.545	.35	4%+b+c	.02
Helpers (Prob.)	5.955				
LaPorte & St. Joseph Cos.:					
Elevator constructors	10.29	.545	.35	4%+b+c	.02
Helpers	7.20	.545	.35	4%+b+c	.02
Helpers (Prob.)	5.145				

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #KY75-1100 - Mod. #5 (40 FR-44454 - September 26, 1975) Boyd County, Kentucky					
Change:					
Asbestos workers	$11.05	.50	.70		.03
Carpenters:					
Carpenters & Soft floor layers	8.32	.40	.50		.03
Millwrights	10.79	.40	.37		.03
Piledrivermen	8.61	.40	.50		.03
Plumbers & Steamfitters:					
Within a 5 mile radius of 17th Street and Winchester Avenue, Ashland	9.72	.50	.85	c + 1.00	
Over 5 miles & within 15 mile radius of 17th Street and Winchester Avenue, Ashland	9.92	.50	.85	c + 1.00	
Over 15 and within 30 mile radius of 17th 17th and Winchester Avenue, Ashland	10.12	.50	.85	c + 1.00	
Over 30 miles radius of 17th Street and Winchester Avenue, Ashland	10.22	.50	.85	c + 1.00	
FOOTNOTES:					
c. Two paid holidays: Independence Day & Christmas Day					
Decision #MS76-1084--Mod. #2. (41 FR 35382 - August 20, 1976) Hinds County, Mississippi.					
Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$9.05	.30	.30		
Group II	8.10	.30	.30		
Group III	7.85	.30	.30		
Group IV	7.40	.30	.30		
Group V	6.15	.30	.30		

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV76-5074 - Mod. #3 (41 FR 33162 - August 8, 1976) Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Glaziers	$12.63	.35	.40		.05
DECISION #NV76-5069 - Mod. #4 (41 FR 32150 - July 30, 1976) Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada					
Change:					
Glaziers:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$12.63	.35	.40		.05

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OH76-2041 - Mod. #3 (41 FR 15300 - April 9, 1976) Statewide, Ohio					
CHANGE:					
TRUCK DRIVERS:					
ZONE I - Cuyahoga, Lake & Geauga					
Class I	$7.70	a26.00	a26.00	b&c	
Class II	7.85	a26.00	a26.00	b&c	
Class III	8.20	a26.00	a26.00	b&c	
Class IV	8.20	a26.00	a26.00	b&c	
ZONE II - Remainder of State					
Class I	7.92	a20.00	a7.00		.05
Class II	7.97	a20.00	a7.00		.05
Class III	8.02	a20.00	a7.00		.05
Class IV	8.12	a20.00	a7.00		.05
Class V	8.22	a20.00	a7.00		.05
Class VI	8.39	a20.00	a7.00		.05
DECISION #OH76-2076 - Mod. #1 (41 FR 24851 - June 18, 1976) Hancock County, Ohio					
CHANGE:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters	$10.70	.50	.35		.01
Laborers:					
Group A	7.96	.55	.40		.05
Group B	8.16	.55	.40		.05
Group C	8.56	.55	.40		.05
Power Equipment Operators:					
Group A	11.39	.46	1.00		.11
Group B	11.23	.46	1.00		.11
Group C	10.88	.46	1.00		.11
Group D	10.07	.46	1.00		.11
Group E	9.74	.46	1.00		.11
Group F	8.28	.46	1.00		.11

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. R176-2037- Mod #2 (41 FR 11771- March 19, 1976) Bristol, Kent, & Providence Counties, Rhode Island					
Change:					
Carpenters, soft floor layers and piledrivermen(building):					
Bristol & Kent Counties and Remain. of Prov. County	$9.40	.65	.90		.05
Millwrights	9.65	.65	.90		.05
Residential	7.52	.65	.90		.05
Plasterers' tenders	7.75	.60	.70		.10
Carpenters & piledrivers (H&H)	9.41	.65	.90		.05
Laborers (hvy.,hwy.,&marine):					
Laborers, carpenter and cement finisher tenders, and wrecking laborers	7.50	.60	.70		.10
Adzemen, asphalt rakers, barco type jumping tampers, chain saw ops, concrete & power buggy ops, concrete saw ops, demolition burners, fence and guard rail erectors, highway stone spreaders, laser beam ops, mechanical grinder ops, tenders, mortar mixers, pipelayers, pipe trench bracers, matic tool ops, riprap & dry builders, setters of metal forms for roadways, stumper ops, toppers, tree trimmers, wagon drill ops, wood chipper ops	mason pneu- stonewall tree				
Air track ops, block pavers, rammers, & curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10

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DECISION NO. RI76-2038- Mod #2
(41 FR 11777- March 19, 1976)
Newport County, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
Electricians:					
Remainder of County:					
Building, Hvy., Hwy.,marine	$9.40	.48	17+1.15		.02
Plasterers' tenders	7.75	.60	.70		.10
Bricklayers, stone masons, catch basin, manhole builders:					
Heavy, highway, and marine	9.55	.95	.65		.01
Carpenters, dock builders, piledrivers (heavy, highway, and marine):					
Remainder of County:					
Carpenters	8.98	.60	.60		.025
Millwrights, piledrivers, and wharf builders	9.58	.60	.60		.025
Laborers (hvy.,hwy.,&marine):					
Laborers, carpenter and cement finisher tenders, and wrecking laborers	7.50	.60	.70		.10
Adzemen, asphalt rakers, barco type jumping tampers, chain saw ops, concrete & power buggy ops, concrete saw ops, demolition burners, fence and guard rail erectors, highway stone spreaders, laser beam ops, mechanical grinder ops, mason tenders, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool ops, riprap & dry stonewall builders, setters of metal forms for roadways, stumper ops, tree toppers, tree trimmers, wagon drill ops, wood chipper ops	7.75	.60	.70		.10
Air track ops, block pavers, rammers, & curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10

DECISION NO. RI76-2039- Mod #2
(41 FR 11781- March 19, 1976
Washington County, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
Carpenters & piledrivermen					
Building	$9.40	.65	.90		.05
Residential	7.52	.65	.90		.05
Millwrights	9.65	.65	.90		.05
Electricians:					
Remainder of County	9.40	.48	17+1.15		.02
Carpenters & piledrivermen (heavy, highway, marine)	9.41	.65	.90		.05
Laborers (hvy.,hwy.,&marine):					
Laborers, carpenter and cement finisher tenders, and wrecking laborers	7.50	.60	.70		.10
Adzemen, asphalt rakers, barco type jumping tampers, chain saw ops, concrete & power buggy ops, concrete saw ops, demolition burners, fence and guard rail erectors, highway stone spreaders, laser beam ops, mechanical grinder ops, mason tenders, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool ops, riprap & dry stonewall builders, setters of metal forms for roadways, stumper ops, tree toppers, tree trimmers, wagon drill ops, wood chipper ops	7.75	.60	.70		.10
Air track ops, block pavers, rammers, & curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: MA76-2102 DATE: Date of Publication
Supersedes Decision No. MA75-2124, dated November 14, 1975 in 40 FR 53184.
DESCRIPTION OF WORK: Building construction (including residential), heavy and highway construction, and marine construction.

BUILDING, HEAVY, AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.26	.80	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS, STONEMASONS:					
Ashland, Framingham, Holliston, Hopkington, Hudson, Sherborn, and Stow	9.65	1.00	.70		.05
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N.Acton, Pepperell, Shirley, S.Acton, Tewksbury, Townsend, Tyngsboro, W.Acton, Westford, and Willmington	10.25	.90	.70		.06
Newton	9.85	.60	.90		.05
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester, & Woburn	10.10	.75	1.00		.06
Arlington, Cambridge, Everett, Malden, Melford, Melrose, and Somerville	9.90	.85	1.10		.05
CARPENTERS & SOFT FLOOR LAYERS	10.00	.60	1.00		.07
CEMENT MASONS:					
Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55			
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester, and Woburn	10.20	.75	.45		.07
Reading, N. Reading	8.05	.385	.30		
Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Tewksbury, Acton, Ashby, Ayer, Boxboro, Groton, Littleton, N.Acton, Pepperell, Shirley, S.Acton, Townsend, and W. Acton	9.45	.65	.70		.05
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborne, Stow	8.95	1.00	.70		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland, and Weston	9.40	.75	.50		.05

DECISION NO. MA76-2102 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Electricians:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	10.40	.70	17+.25		.02
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend:					
commercial	10.05	.45	17+.70		.02
residential	6.40	.45	17+.35		.02
Ashland, Hopkinton, Hudson, Marlboro, Stow	10.13	8%	2½%+.24		.01
N.Reading	10.02	.35	17+.20		.02
Remainder of County (commercial)	11.00	.50	17+1.55		.05
Residential	5.25	.35	17+.95		.05
Elevator constructors	10.665	.495	.32	4%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+a+b	.02
Elevator constructors' helpers(prob)	50%JR	.495	.32	4%+a+b	.02
Glaziers	9.80	.52	.59		.03
Ironworkers	9.99	1.00	1.50		.06
Laborers (Building):					
Laborers, carpenters' tenders, wrecking laborers	7.50	.60	.70		.10
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, ride-on motorized buggy, fense & beam rail erectors	7.75	.60	.70		.10
Air track ops, block pavers, rammers, curb setters	8.00	.60	.70		.10
Blasterers, powdermen	8.25	.60	.70		.10
Open air caisson, cylindrical work and boring crew:					
Laborer and top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers:					
Hudson and Marlboro	$ 9.57	1.45	.23		.01
Remainder of County	9.25	.45	.55		
Leadburners	9.25	.35		c	.01
Line construction:					
Linemen	11.54	.45	1%	d	3/8of1%
Equipment operator	10.85	.45	1%	d	3/8of1%
Driver groundman	8.68	.45	1%	d	3/8of1%
Groundman	7.38	.45	1%	d	3/8of1%
Marble setter & terrazzo workers	9.60	.85	.80		
Millwrights	10.28	.60	.65		.07
Painters:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, No. Reading:					
New construction:					
Brush, taper	9.46	.72	.85		.04
Sandblasting, spray	10.46	.72	.85		.04
Steel	11.58	.72	.85		.04
Repaint, alterations, residential					
Brush	8.61	.72	.85		.04
Sandblasting, spray	9.61	.72	.85		.04
Steel	11.58	.72	.85		.04
Ashby, Ayer, Groton, Pepperell, Shirley, and Townsend					
Brush	9.78	.75	.50		.02
Sandblasting, spray	10.78	.75	.50		.02
Steel	11.90	.75	.50		.02
Repaint	8.01	.75	.50		.02
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littl, Lowell, Tewksbury, Tyngsboro, Westford, and Wilmington:					
Brush, taping, paperhangers	8.80	.98	.60		.04
Spray	9.55	.98	.60		.04
Steel	9.60	.98	.60		.04
Repaint	7.48	.98	.60		.04
Residential- 1&2 family houses	5.00	.98	.60		.04

DECISION NO. MA76-2102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston					
Brush	$ 7.85	.35	.35		.06
Sandblasters; Spray	8.80	.35	.35		.06
Steel	8.10	.35	.35		.06
Piledrivermen	9.50	.50	.50		
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester & Woburn	8.55	.45	1.23		.02
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.95	1.00	.70		.05
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Tewsbury, Townsend, W. Acton	9.45	.60	.60		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	9.40	.75	.50		.05
Bedford, Burlington, Lowell, Tyngsboro & Westford	8.60	.55			
N. Reading, Reading	8.05	.385	.30		
Plasterers' Tenders	7.75	.60	.70		.10
Plumbers:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewsbury, Tyngsboro, Westford, & Wilmington	10.02	1.10	.60		.02

DECISION NO MA76-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ashby, Ayer (portion lying West of the Greenville Branch of the Boston & Maine RR), Ft. Devens, Groton, Shirley, and Townsend	$ 9.20	.30	.40	4%	.05
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	10.67	.68	.65		.05
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N.Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, and Woburn	10.25	.70	.60		.03
Roofers:					
Journeymen roofers	9.75	.70	.60		.03
Re-roofing and repairs	9.20	.70	.60		.03
Pitch work	10.75	.70	.60		.03
Sheet metal workers	10.13	1.16	1.10		.06
Sprinkler fitters	11.38	.60	.90		.08
Steamfitters:					
Acton, Arlington, Cambridge, Everstt,, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	10.76	.94	1.00		.07
Ayer (except portion lysing west of the Greenbille Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	10.02	.50			.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	9.20	.30	.40	4%	.05
Remainder of County	9.77	.53	.55		.05
Terrazzo workers' helpers	9.95		.25		.05
Tile setters (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperoll, Pepperell, Shirley, S. Acton, Townsend & W. Acton	9.60	.85	.80		

DECISION NO. MA76-2102

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tile Setters(Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	9.45	.60	.60		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Chirstmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days furing the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

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HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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BUILDING CONSTRUCTION

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumperete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .85					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts. Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groups), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.61	1.10	.80	a	.02
GROUP II	11.61	1.10	.80	a	.02
GROUP III	10.56	1.10	.80	a	.02
GROUP IV	10.49	1.10	.80	a	.02
GROUP V	8.86	1.10	.80	a	.02
GROUP VI	9.67	1.10	.80	a	.02
GROUP VII	7.84	1.10	.80	a	.02
GROUP VIII	8.32	1.10	.80	a	.02

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derrocks boats, trenching, mehcanics hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour- Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, conpressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day

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DECISION NO. MA76-2102 Page 11

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.535	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Plymouth
DECISION NO.: MA76-2104 DATE: Date of Publication
Supersedes Decision No. MA75-2126, dated November 14, 1975 in 40 FR 53198
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and Highway Construction

12-MASS-1-2-3-Y

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lakeville, Mattapoisett, Middleboro, Rochester, & Wareham	$ 9.92	.76	.93		
Remainder of County	10.26	.80	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement Masons & Stonemasons:					
Abington, Bridgewater, Brocton Carver, Duxbury, E. Bridgewater Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, W. Bridgewater, & Whitman	9.85	.85	1.15		.06
BRICKLAYERS: Cement Masons; Plasterers & Stonemasons					
Hingham, Hull, Scituate, & the Islands of Quincy	10.15	.85	.85		.06
Lakeville	9.95	1.10	.80		.06
Marion, Mattapoisett, Rochester & Wareham	10.25	.80	.80		.06
CARPENTERS: Soft Floor Layers					
Duxbury, Hanover, Hingham, Hull Marshfield, Norwell, Pembroke Rockland, & Scituate	10.00	.60	1.00		.07
Remainder of County:					
All work over 1½ Million including Residential	9.30	.50	.65		.02
Work from $1 million 1½ million	8.83	.50	.65		.02
Work from $500,000 - 1 million	8.37	.50	.65		.02
Work from $200,00-500,000	7.44	.50	.65		.02
Residential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.02
ELECTRICIANS:					
Hingham, Hull	11.00	.50	1%+1.55		.05
Residential	5.25	.35	1%+.95		.05
Mattapoisett, Rochester & Wareham: Electrical contracts $12,000 or over	9.75	.40	1%+.50		a

DECISION NO MA76-2104

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D) Mattapoisett Rochester & Wareham					
Electrical contract under $12,000	$ 7.80	.40	1%+.50		a
Residential	5.70	.40	1%+.50		a
Lakeville & Middleboro	11.00	.75	1%		.1%
Residential	8.10	.50	1%		.1%
Remainder of County:					
Electrical contracts $20,000 or more	11.05	4%	5%		.5%
Electrical contracts under $20,000	9.15	4%	5%		.5%
Residential	6.60	.50	5%		.5%
ELEVATOR CONSTRUCTORS	10.105	.445	.29	3%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	3%+b+c	.02
GLAZIERS:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester Wareham	8.68	.52	.85		.01
Remainder of County	9.80	.52	.59		.03
IRONWORKERS:					
Bridgewater, Brockton, Hanover, Hanson, Marfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater, & Whitman	9.99	.70	1.50		.06
Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham	9.43	.70	1.50		.05
LABORERS (Building):					
Laborers, Carpenter tenders, and Wrecking laborers	7.50	.60	.70		.10
Jackhammer op; pavement breakers, asphalt rakers, carbide core drilling machine; chain saw ops; pipelayer; bardo type jumping tampers; laser beam ops, concrete pumps ops, mason tenders, mortar mixers, ride-on motorized buggy ops, fence & beam rail erectors	7.75	.60	.70		.10
Air track, block pavers, rammers, curb setters	8.00	.60	.70		.10
Blasters, powdermen	8.25	.60	.70		.10

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DECISION NO MA76-2104

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Open air caisson, Cylindrical work & boring crew:					
Laborer, Top man	$ 7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		
LATHERS	9.25	.45	.55		
LEADBURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Equipment Operators	10.85	.45	1%	e	3/8of1%
Groundmen	7.38	.45	1%	e	3/8of1%
Driver Groundman	8.68	.45	1%	e	3/8of1%
MARBLE SETTERS & TERRAZZO WORKERS	9.60	.85	.80		
MARBEL SETTERS' HELPERS	8.71	.85	.25		
MILLWRIGHTS	9.65	.60	.65		.07
PAINTERS:					
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:					
Brush, Taper (New Construction)	9.46	.72	.85		.04
Steel (New Construction)	11.58	.72	.85		.04
Spray (New Construction)	10.46	.72	.85		.04
Brush (repaint, alterations, residential)	8.61	.72	.85		.04
Steel (repaint, alterations, residential)	11.58	.72	.85		.04
Spray (repaint, alterations, residential)	9.61	.72	.85		.04
Marion, Mattapoisett, Rochester & Wareham:					
Brush, Rollers & Taping	8.30	.60	.20		
Steel 1' to 50' & Spray	9.30	.60	.20		
PILEDRIVERMEN:					
Marion, Mattapoisett, Rochester & Wareham	8.75	.50	.50		.02
Remainder of County	9.50	.50	.50		
PLASTERERS:					
Norwell	8.55	.45	1.25		.02

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DECISION NO MA76-2104

PLASTERERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Abington, Bridgewater, Brockton Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pemobroke, Plymouth, Plympton, Rockland, W. Bridgewater & Whitman	$ 8.45	.55	.45		.02
PLASTERERS' TENDERS:					
Abington, Bridgewater, Brockton Carver, Duxbury, E. Bridgewater Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield Norwell, Pemobroke, Plymouth, Plympton, Rockland, Sciotuate, W. Bridgewater, & Whitman	7.75	.60	.70		.10
PLUMBERS:					
Marion, Mattapoisett, Rochester & Wareham	9.90	.76	1.16		.15
Residential	8.91	.76	1.16		.15
Abington, Bridgewater, Brockton Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	9.50	.45	.70		.05
PLUMBERS, Gasfitters:					
Hingham, Hull & Scituate	10.25	.70	.60		.03
PLUMBERS, Steamfitters:					
Lakeville, Middleboro	8.97	.60	.73		
ROOFERS:					
Abrington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, & W. Bridgewater	9.75	.70	1.20		.05
Reroofing & repairs	9.20	.70	1.20		.05
Pitch work	10.75	.70	1.20		.05
Brockton	8.00				
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham & Hingham					
Roofers and Kettlemen	9.20	.60	.20		
Helpers, Class "A"	8.50	.60	.20		
Helpers, Class "B"	5.52	.60	.20		
Mechanic on shingle work	7.36	.60	.20		

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DECISION NO MA76-2104

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Marion, Mattapoisett, Rochester & Wareham	9.48	.95	.45		.06
Remainder of County	10.13	1.16	1.10		.08
SPRINKLER FITTERS	11.38	.60	.90		.05
STEAMFITTERS:					
Marshfield	10.36	.51	.65		.05
TERRAZZO WORKERS' HELPERS	9.95		.25		
TILE SETTERS	9.60	.85	.80		
TILE SETTERS' HELPERS	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Dau; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONOTES:

a. Employer contribution of $1.00 per journeyman electricians per week

b. Employer contibutes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service vacation pay credit

c. 6 paid holidays: A through F

d 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

e. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been emloyed 5 working days prior to any one of the listed holidays.

DECISION NO. MA76-2104 Page 6

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS:		H.& W.	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, wachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

1-PEO-1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers and apprentices (other than truck cranes and gradalls)
CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet +	$ .35				
Over 185 feet +	.80				
Over 210 feet +	1.15				
Over 250 feet +	1.75				
Over 295 feet +	2.50				
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts. Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulscmeters, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Worcester
DECISION NO. MA76-2106 DATE: Date of Publication
Supersedes Decision No. MA75-2128, dated November 14, 1975 in 40 FR 53198.
DESCRIPTION OF WORK: Building Construction (including residential), heavy and highway construction.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.12	.57	.65		
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, plasterers, and stonemasons:					
Warren	9.55	.55	.80		.03
Hopedale, Milford, & Southboro	9.65	.55	.80		.03
Ashburnham, Athol, E.Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Luneburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster and Winchendon	10.25	.90	.70		.06
Remainder of County	9.00	.70	.60		.02
Carpenters, soft floor layers:					
Blackstone, Millville	9.20	.60	.60		
Ashburnham, Athol, E.Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N.Leominster, Petersham, Phillipston, Royalston, S.Ashburnham, S. Royalston, Templeton, Westminster, Winchendon, Berlin, Bolton, Clinton, Northboro, Southboro, Westboro, Hopedale, Mendon, Milford, Upton, W.Upton	10.00	.60	1.00		.07
Hardwick, Warren, W.Brookfield	9.15	.45	.65		.02
Remainder of County	10.10	.50	1.00		.07
Electricians:					
Warren	8.29	.48	1%+.15	.43	a
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Westminster, and Winchendon	10.05	.45	1%+.70		.02
Residential	6.40	.45	1%+.35		.02
Remainder of County	10.13	8%	3½%+.24		.01
Elevator Constructors	10.01	.445	.29	3%+b+c	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+b+c	.02
Elev. constructors' helpers (prob.)	50%JR	.445	.29	3%+b+c	.02

DECISION NO MA76-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Glaziers:					
East Douglas	$8.68	.52	.85		.01
Remainder of County	9.60	.52	.59		.03
Ironworkers:					
Blackstone	8.59	.50	1.40		.03
Remainder of County	9.99	.70	1.50		.06
Laborers (Building):					
Laborers, carpenter tenders, and wrecking laborers	7.50	.60	.70		.10
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco type jumping tampers, laser beam, concrete pump, mason tenera, mortar mixers, ride-on motorized buggies, and fence and beam rail erectors, and plasterers' tenders	7.75	.60	.70		.10
Air crack, block pavers, rammers, and curb setters	8.00	.60	.70		.10
Blasterers and powdermen	8.25	.60	.70		.10
Open air caisson and cylindrical work and boring crew:					
Laborer, topman	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom men	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
Lathers:					
Sturbridge and Warren	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
Blackstone and Lunenburg	9.25	.45	.55		
Remainder of County	9.57	1.45	.25		.01
Leadburners	9.25	.35		d	.01
Line construction:					
Linemen	11.54	.45	1%	e	3/8of1%
Equipment operator	10.85	.45	1%	e	3/8of1%
Driver groundman	8.68	.45	1%	e	3/8of 1%
Groundman	7.38	.45	1%	e	3/8of 1%

FEDERAL REGISTER, VOL. 41, NO. 173—FRIDAY, SEPTEMBER 3, 1976

DECISION NO. MA76-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Ashburnham, Pitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	$ 9.75	.70	.80		
Auburn, Barre, Berlin, Blackstone Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	9.00	.70	.60		.02
Warren	9.55	.55	.55		.03
MARBLE SETTERS' HELPERS	8.71	.85	.25		.07
MILLWRIGHTS	10.28	.60	.65		.07
PAINTERS:					
Warren:					
Brush	8.32	.50	.35		.03
Spray	11.093	.6667	.4447		.04
Swing stage under 40 & steel	8.507	.50	.35		.03
Swing stage over 40 & steel	8.87	.50	.35		.03
Holedale, Mendon, Milford, Southboro, Upton & Westboro:					
Brush (New Construction)	7.85	.35	.35		.06
Brush (Repaint)	7.30	.35	.35		.06
Steel (New Construction)	8.10	.35	.35		.06
Steel (Repaint)	7.55	.35	.35		.06
Spray (New Construction)	8.80	.35	.35		.06
Spray (Repaint)	8.25	.35	.35		.06
Remainder of County:					
Brush	9.78	.75	.50		.02
Steel	11.90	.75	.50		.02
Sandblasting; Spray	10.78	.75	.50		.02
Repaint	8.01	.75	.50		.02
PILEDRIVERMEN	9.50	.50	.50		
PIPEFITTERS: Holedale, & Southboro	9.97	.53	.55		.05
Remainder of County	10.18	.45	.40		.05
Pondville	10.76	.94	1.00		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Hopedale and Southboro Counties	10.67	.68	.65		.05
Ashburnham, Athol, Bolton, Fitchburg, Garden, Harvard, Hubbardston, Lancaster, Leominster, Luneburg, Petersham, Phillipston, Royalston, Templeton, Westminster and Winchendon Cos.	9.20	.30	.40	4%	.05
Remainder of County	10.83	.65	.45		.05
ROOFERS	10.43	.27			
SHEET METAL WORKERS	9.95	.55	.50		.05
SPRINKLER FITTERS:	11.38	.60	.90		.08
TERRAZZO WORKERS and TILE SETTERS:					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminster Counties	$9.75	.70	.80		
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro and Worcester Counties	9.00	.70	.60		.02
Warren County	9.55	.55	.55		.03
Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchenden (only Tile Setters)	9.45	.60	.60		.04
TERRAZZO WORKERS' HELPERS	9.95	.25	.25		.05
TILE SETTERS' HELPERS	8.71	.85	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. $.30 per man per week

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. 6 Paid Holidays: A through F.

d. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

e. 7 Paid Holidays: A through F and Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tiremen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

BUILDING CONSTRUCTION:
POWER EQUIPMENT OPERATORS: Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N.Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W.Brookfield, & Warren:

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house,(3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION:
POWER EQUIPMENT OPERATORS:
Sturbridge, Brookfield, N&E Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W.Brookfield, and Warren:

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Acrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators: Remainder of County:					
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, oherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumperete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Remainder of County:					
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .85					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Taree Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Bonio or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO. NM76-4144 DATE: Date of Publication
Supersedes Decision No. NM76-4142 dated August 6, 1976 in 41 FR 33168.
DESCRIPTION OF WORK: Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, Bernalillo, Rio Arriba, Taos, Sandoval Counties, but not on the Navajo Indian Reservation).

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	$9.86	.50	.97a		.03
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.50	.35	.30		.02
BOILERMAKERS	10.85	.65	1.00		.02
BRICKLAYERS-Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			
Zone VI	7.89	.48			
Zone VII	8.015	.48			

BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Calfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles

ZONE II - Chaves, Curry, Roosevelt, DaSaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

ZONE III - Lincoln County

ZONE IV - Dona Ana County

ZONE V - Luna County

ZONE VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE VII - Grant County, except communities listed in Zone VI.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:					
Zone I-A	$7.50	.80	.80	.60	.20
Zone I-B	8.50	.80	.80	.60	.20
Zone I-C	9.25	.80	.80	.60	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	8.50	.80	.80	.60	.20
Zone 2-B	9.50	.80	.80	.60	.20
Zone 2-C	10.25	.80	.80	.60	.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities or Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
ZONE I - Dwelling houses & apartments not to exceed two stories in height:
Zone I-A - 0 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	9.00	.80	.80	.60	.20
Zone 2	10.00	.80	.80	.60	.20
Zone 3	10.75	.80	.80	.60	.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE)
From nearest basing points of the following cities or towns:
Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad.
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest basing point

CEMENT MASONS AREA DEFINITIONS

AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0-15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
Area I	$7.67	.48	.45		
Area II					
Zone 1	7.72	.48	.45		
Zone 2	8.22	.48	.45		
Zone 3	8.47	.48	.45		
Cement masons (Residential)	5.00	.48	.45		
CEMENT MASONS:					
Composition & machine operators					
Area I	7.92	.48	.45		
Area II					
Zone 1	7.97	.48	.45		
Zone 2	8.47	.48	.45		
Zone 3	8.72	.48	.45		
ELECTRICIANS:					
ZONE I					
Area 1					
1-A	9.90	.40	1%+.70		1/4%
1-B	10.59	.40	1%+.70		1/4%
1-C	11.19	.40	1%+.70		1/4%
1-D	11.88	.40	1%+.70		1/4%
Area 2					
2-A	8.80	.40	1%+.70		1/4%
2-B	9.42	.40	1%+.70		1/4%
2-C	9.94	.40	1%+.70		1/4%
2-D	10.56	.40	1%+.70		1/4%
ZONE II	11.19	.40	1%+.70		1/4%
ZONE III	5.80	.30	1%		1/4%
ZONE IV					
4-A	8.75	.25	1%		1/2%
4-B	10.20	.25	1%		1/2%
ZONE V					
5-A	9.00	.40	1%		.01
5-B	9.35	.40	1%		.01
5-C	9.50	.40	1%		.01
5-D	9.75	.40	1%		.01

ELECTRICIANS ZONE DEFINITIONS

ELECTRICIANS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra and all of San Juan County excluding the Navajo Indian Reservation.
AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A
From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.
AREAS 1-B & 2-B
Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A
AREAS 1-C & 2-C
Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A
AREAS 1-D & 2-D
Area: 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A
ZONE II - Los Alamos County
ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation
ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 4-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)
ZONE V - Eddy and Lea Counties - the following zones shall be designated from the main post office of Arteasia, Carlsbad, hobbs and Lovington:
Zone 5-A - 0 to 12 miles from main post office
Zone 5-B - 12 - 22 miles from main post office
Zone 5-C - 22 - 40 miles beyond main post office
Zone 5-D - 40 miles and beyond main post office

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CABLE SPLICERS:					
ZONE I					
AREA I					
1-A	$10.13	.40	1%+.70		1/4%
1-B	10.78	.40	1%+.70		1/4%
1-C	11.34	.40	1%+.70		1/4%
1-D	11.99	.40	1%+.70		1/4%
AREA 2					
2-A	9.25	.40	1%+.70		1/4%
2-B	9.85	.40	1%+.70		1/4%
2-C	10.36	.40	1%+.70		1/4%
2-D	10.95	.40	1%+.70		1/4%
ZONE II	11.34	.40	1%+.70		1/4%
ZONE III					
3-A	9.00	.25	1%		1/2%
3-B	10.45	.25	1%		1/2%
ZONE IV					
4-A	9.35	.40	1%		.01
4-B	9.70	.40	1%		.01
4-C	9.85	.40	1%		.01
4-D	10.10	.40	1%		.01

CABLE SPLICERS ZONE DEFINITIONS

CABLE SPLICERS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra and all of San Juan County excluding the Navajo Indian Reservation.
AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A
From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.
AREAS 1-B & 2-B
Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A
AREAS 1-C & 2-C
Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A
AREAS 1-D & 2-D
Area: 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)
ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main post office of Arteasia, Carlsbad, hobbs and Lovington:
Zone 4-A - 0 to 12 miles from main post office
Zone 4-B - 12 to 22 miles from main post office
Zone 4-C - 22 to 40 miles beyond main post office
Zone 4-D - 40 miles and beyond main post office

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GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$10.42	.545	.35	4% +a+b	.02
Elevator constructors helper	70%JR	.545	.35	4% +a+b	.02
Elevator constructors prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	8.17	.545	.35	4%+a+b	.02
Elevator constructors helper	70%JR	.545	.35	4%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.24	.30	.10		.02
Zone II	7.34	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS
Zone I - Dona Ana, Luna, Otero and Quay Counties
Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.

IRONWORKERS:					
Zone I	7.99	.50	.75		.10
Zone II	9.23	.55	1.00		.10
Zone III	10.23	.55	1.00		.10

IRONWORKERS ZONE DEFINITIONS

IRONWORKERS
Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties.
Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS: GENERAL BUILDING, HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$5.82	.34	.30		.05
Group II	6.12	.34	.30		.05
Group III	6.12	.34	.30		.05
Group IV	6.42	.34	.30		.05

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemeh, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

LABORERS (RESIDENTIAL CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$5.57	.34	.40		.05
Group II	5.87	.34	.40		.05
Group III	5.87	.34	.40		.05
Group IV	6.17	.34	.40		.05

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Zone I	$7.895	.48		.50	.02
Zone II	9.50				.01

LATHERS' ZONE DEFINITIONS

LATHERS
Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.
Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.

LINE CONSTRUCTION:					
BERNALILLO COUNTY ONLY					
Cable splicers	9.30	.40	1%		1/2%
Linemen - Technicians	8.65	.40	1%		1/2%
Equipment Operators	8.23	.40	1%		1/2%
Equipment Mechanics	7.53	.40	1%		1/2%
Powderman	7.53	.40	1%		1/2%
Groundmen and Jackhammer Opers.:					
1st 6 months	4.53	.40	1%		1/2%
2nd 6 months	5.16	.40	1%		1/2%
Experienced	6.01	.40	1%		1/2%
LINE CONSTRUCTION:					
STATEWIDE (Except Bernalillo Co.)					
Cable splicers	10.16	.40	1%		1/2%
Linemen - Technicians	9.47	.40	1%		1/2%
Equipment Operators	9.00	.40	1%		1/2%
Equipment Mechanics	8.23	.40	1%		1/2%
Powdermen	8.23	.40	1%		1/2%
Groundmen and Jackhammer Oprs.:					
1st 6 months	4.96	.40	1%		1/2%
2nd 6 months	5.64	.40	1%		1/2%
Experienced	6.61	.40	1%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	7.525	.30			
MARBLE, TILE & TERRAZZO HELPERS	5.95	.30			

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: ZONE I					
Zone 1-A	$7.22	.35	.20		.05
Zone 1-B	7.72	.35	.20		.05
Zone 1-C	7.47	.35	.20		.05
Zone 1-D	7.80	.35	.20		.05
Zone 1-E	7.55	.35	.20		.05
PAINTERS: ZONE II					
Zone 2-A	6.65	.35	.20		.05
Zone 2-B	6.90	.35	.20		.05
Zone 2-C	7.30	.35	.20		.05
Zone 2-D	6.75	.35	.20		.05
Zone 2-E	7.40	.35	.20		.05
Zone 2-F	6.65	.35	.20		.05
Zone 2-G	7.15	.35	.20		.05
PAINTERS: ZONE III					
Zone 3-A	6.96	.30			.02
Zone 3-B	7.38	.30			.02
Zone 3-C	7.105	.30			.02
Zone 3-D	7.38	.30			.02
Zone 3-E	7.81	.30			.02
Zone 3-F - 12½c above scale		.30			.02
Zone 3-G - 25c above scale		.30			.02
Zone 3-H - 50c above scale		.30			.02
Zone 3-I - 75c above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	5.95	.35			
Zone 4-B	6.45	.35			
Zone 4-C	6.20	.35			
PAINTERS: ZONE V					
Zone 5-A	6.90	.35			
Zone 5-B	7.40	.35			
Zone 5-C	7.15	.35			
PAINTERS: ZONE VI					
Zone 6-A	6.15	.35	.20		.05
Zone 6-B	6.80	.35	.20		.05
Zone 6-C	6.40	.35	.20		.05
Zone 6-D	6.23	.35	.20		.05
Zone 6-E	6.90	.35	.20		.05
Zone 6-F	6.65	.35	.20		.05

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PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:
- Zone 1-A - Painters, roller and hand textures
- Zone 1-B - Painters, spray, sandblasting, painter on steel beidges, tanks towers, pipe and structural
- Zone 1-C - Paperhanger
- Zone 1-D - Drywall finisher; Ames tool operator
- Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, More, Sandoval, San Miguel, Rio, Arriba, Taos, Union, and Santa Fe Counties.
- Zone 2-A - Painters and roller
- Zone 2-B - Paperhangers
- Zone 2-C - Spray, sandblast, steel, special coating applicator
- Zone 2-D - Vinyl hangers
- Zone 2-E - Drywall finisher tool and machine texture
- Zone 2-F - Hand texture
- Zone 2-G - Hand finishers

ZONE III- Luna, Otero and Dona Ana Counties
- Zone 3-A - Brush, tapers and rollers
- Zone 3-B - Spray, sandblasting
- Zone 3-C - Ames tool and steel brush after erection
- Zone 3-D - Stripping machine
- Zone 3-E - Radio towers, water tanks, smoke stacks
- Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
- Zone 3-G - Radio towers, water tanks, smoke stacks 75 feet to 100 feet
- Zone 3-H - Radio towers, water tanks, smoke stacks 100 feet to 200 feet
- Zone 3-I - Radio towers, water tanks, smoke stacks 200 feet to 300 feet
- Zone 3-J - Radio towers, water tanks, smoke stacks 300 feet to 400 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico
- Zone 4-A - Brush and roller
- Zone 4-B - Paperhangers and sandblaster
- Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
- Zone 5-A - Brush, roller and drywall finisher
- Zone 5-B - Spray
- Zone 5-C - Paperhanger and sandblaster

ZONE VI - (Residential Construction in Sandoval, Rio Arriba and Taos Counties)
- Zone 6-A - Brush & roller
- Zone 6-B - Spray, parking lot striping
- Zone 6-C - Paperhangers
- Zone 6-D - Vinyl hangers
- Zone 6-E - Drywall finishers - ames tool op., machine texture
- Zone 6-F - Drywall finishers - hand finisher

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	$8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEFITTERS:					
Area I	10.00	.63	1.36	.50	.12
Area II	10.50	.63	1.36	.50	.12
Area III	11.75	.63	1.36	.50	.12
Specific Area	10.63	.63	1.36	.50	.12
Residential	7.38	.63	.25		.12

PLUMBERS - PIPEFITTERS' ZONE DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp in Dona Ana and Otero Counties.

POWER EQUIPMENT OPERATORS AREA DEFINITIONS:
AREA I - Farmington, San Juan County
- Zone I - 0-15 miles from Farmington City Hall
- Zone II - 15-35 miles from Farmington City Hall
- Zone III - 35-50 miles from Farmington City Hall

AREA II - Statewide, except San Juan County

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)					
ZONE I					
Group 1	$6.93	.45	.50		.10
Group 2	7.47	.45	.50		.10
Group 3	7.55	.45	.50		.10
Group 4	7.61	.45	.50		.10
Group 5	7.67	.45	.50		.10
Group 6	7.77	.45	.50		.10
Group 7	7.87	.45	.50		.10
Group 8	8.05	.45	.50		.10
Group 9	8.85	.45	.50		.10
ZONE II					
Group 1	8.18	.45	.50		.10
Group 2	8.72	.45	.50		.10
Group 3	8.80	.45	.50		.10
Group 4	8.86	.45	.50		.10
Group 5	8.92	.45	.50		.10
Group 6	9.02	.45	.50		.10
Group 7	9.12	.45	.50		.10
Group 8	9.30	.45	.50		.10
Group 9	10.10	.45	.50		.10
ZONE III					
Group 1	8.43	.45	.50		.10
Group 2	8.97	.45	.50		.10
Group 3	9.05	.45	.50		.10
Group 4	9.11	.45	.50		.10
Group 5	9.17	.45	.50		.10
Group 6	9.27	.45	.50		.10
Group 7	9.27	.45	.50		.10
Group 8	9.55	.45	.50		.10
Group 9	10.35	.45	.50		.10
AREA II (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)					
Group 1	6.93	.45	.50		.10
Group 2	7.47	.45	.50		.10
Group 3	7.55	.45	.50		.10
Group 4	7.61	.45	.50		.10
Group 5	7.67	.45	.50		.10
Group 6	7.77	.45	.50		.10
Group 7	7.87	.45	.50		.10
Group 8	8.05	.45	.50		.10
Group 9	8.85	.45	.50		.10

HEAVY ENGINEERING CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS)

AREA I - Statewide, except San Juan County
Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.
- Zone I - 0 to 50 miles
- Zone II - Over 50 miles

AREA II - Farmington, San Juan County
- Zone I - 0 to 15 miles from Farmington City Hall
- Zone II - 15 to 35 miles from Farmington City Hall
- Zone III - Over 35 miles from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION (AREA I):					
GROUP I					
Zone 1	$6.88	.45	.50		.10
Zone 2	7.88	.45	.50		.10
GROUP II					
Zone 1	7.42	.45	.50		.10
Zone 2	8.42	.45	.50		.10
GROUP III					
Zone 1	7.50	.45	.50		.10
Zone 2	8.50	.45	.50		.10
GROUP IV:					
Zone 1	7.56	.45	.50		.10
Zone 2	8.56	.45	.50		.10
GROUP V					
Zone 1	7.62	.45	.50		.10
Zone 2	8.62	.45	.50		.10
GROUP VI					
Zone 1	7.72	.45	.50		.10
Zone 2	8.72	.45	.50		.10
GROUP VII					
Zone 1	7.82	.45	.50		.10
Zone 2	8.82	.45	.50		.10
GROUP VIII					
Zone 1	8.00	.45	.50		.10
Zone 2	9.00	.45	.50		.10
GROUP IX					
Zone 1	8.80	.45	.50		.10
Zone 2	9.80	.45	.50		.10

(HEAVY ENGINEERING CONSTRUCTION) POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION (AREA II)					
GROUP I					
Zone 1	6.88	.45	.50		.10
Zone 2	7.63	.45	.50		.10
Zone 3	7.88	.45	.50		.10
GROUP II					
Zone 1	7.42	.45	.50		.10
Zone 2	8.17	.45	.50		.10
Zone 3	8.42	.45	.50		.10
GROUP III					
Zone 1	7.50	.45	.50		.10
Zone 2	8.25	.45	.50		.10
Zone 3	8.50	.45	.50		.10
GROUP IV					
Zone 1	7.56	.45	.50		.10
Zone 2	8.31	.45	.50		.10
Zone 3	8.56	.45	.50		.10
GROUP V					
Zone 1	$7.62	.45	.50		.10
Zone 2	8.37	.45	.50		.10
Zone 3	8.62	.45	.50		.10
GROUP VI					
Zone 1	7.72	.45	.50		.10
Zone 2	8.47	.45	.50		.10
Zone 3	8.72	.45	.50		.10
GROUP VII					
Zone 1	7.82	.45	.50		.10
Zone 2	8.57	.45	.50		.10
Zone 3	8.82	.45	.50		.10
GROUP VIII					
Zone 1	8.00	.45	.50		.10
Zone 2	8.75	.45	.50		.10
Zone 3	9.00	.45	.50		.10
GROUP IX					
Zone 1	8.80	.45	.50		.10
Zone 2	9.55	.45	.50		.10
Zone 3	9.80	.45	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL)

GROUP I
Fireman, oiler, screedman, scale operator such as (Bin-A-Batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; mechanic, welder, grease truck.

GROUP II
Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), Pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoists, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachments), motorman and industrial locomotive operator, winch trucks, front end loader (under 2 CY), power plants which generate over 15 KW, welding machines.

GROUP III
Bituminous distributors, boilers, retort and hot oil hesters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment; (Refrigeration, slusher, jumbo form), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machines, crushing plants.

GROUP IV
Front end loader (2 thru 10 CY), rollers, steel wheeled-all types, builldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self propelled rollers equipped with dozer. Twin bowl scrapers and quad 8 or 9 pushers (35c over basic rate). Three bowl scrapers (60c over basic rate). Tractor (farm type w/hydraulic backhoes.

GROUP V
Hydraulic cranes with less than 50 feet or boom (20 tons and under). Concrete paver double drum. 2 drum hoist, auto fine grader, cat cranes, hysters, side and swingboom cats.

GROUP VI
Mucking machines, all types; motor grader, finish; mechanic, welder

GROUP VII
Steam engineers; loader (front end over 10 CY); concrete pump (snorkel type)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg; pipemobile (No. 2 op.), pile driver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." type) cranes & draglines, with booms and jib over 150 feet - 25c per hour additional.

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (HEAVY ENGINEERING CONST.)

GROUP I
Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; (mechanic, welder), grease truck.

GROUP II
Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachment), motorman and industrial locomotive operator, winch truck front end loader (under 2 CY), power plants which generate over 15 KW, welding machines.

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment, refrigeration, slusher, jumbo forms, trenching machines, (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants.

GROUP IV
Front end loader (2 thru 7 CY), rollers steel wheeled (all types), builldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self-propelled rollers, equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35c over basic rate), three bowl scrapers (60c over basic rate).

GROUP V
Front end loader (over 7 CY thru 10 CY), hydraulic cranes, with less than 50 feet of boom (20 tons and under), concrete paver, double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader.

GROUP VI
Mucking machines, all types, motor grader (finish), mechanic, welder

GROUP VII
Steam Engineers, loader (front end over 10 CY)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg, pipemobile (NO. 2 operator), piledriver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." Type).

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$6.80	.25			
SHEET METAL WORKERS:					
Zone 1	9.06	.48	.40		.02
Zone 2	8.855	3%+.51	.35		.025
Zone 3	8.35	.20			.05
Zone 4	10.06	.48	.40		.02

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS:					
Zone 1	7.23	.30	.10		.02
Zone 2	7.20	.35	.10		.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

UMI

DECISION NO. NM76-4144

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrence and Socorro, Counties					
Zone III - Guadalupe, DeBace, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
Soundman:					
Zone I	$8.10	.30	1%		1/4%
Zone II	8.225	.30	1%		1/4%
Zone III	8.475	.30	1%		1/4%
Technicians:					
Zone I	6.48	.30	1%		1/4%
Zone II	6.48	.30	1%		1/4%
Zone III	6.605	.30	1%		1/4%
Sound Installers:					
Zone I	5.27	.30	1%		1/4%
Zone II	5.395	.30	1%		1/4%
Zone III	5.645	.30	1%		1/4%
SPRINKLER FITTERS	11.01	.60	.90		.08
GENERAL BUILDING CONSTRUCTION					
TRUCK DRIVERS					
Group 1	5.85	.48	.50		
Group 2	5.97	.48	.50		
Group 3	6.05	.48	.50		
Group 4	6.17	.48	.50		
Group 5	6.22	.48	.50		
Group 6	6.32	.48	.50		
Group 7	6.42	.48	.50		
Group 8	6.56	.48	.50		
Group 9	6.71	.48	.50		

DECISION NO. NM76-4144

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd)					
TRUCK DRIVERS (RESIDENTIAL CONST.)					
Group 1	$5.55	.48	.50		
Group 2	5.67	.48	.50		
Group 3	5.75	.48	.50		
Group 4	5.87	.48	.50		
Group 5	5.92	.48	.50		
Group 6	6.02	.48	.50		
Group 7	6.12	.48	.50		
Group 8	6.26	.48	.50		
Group 9	6.41	.48	.50		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	5.60	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL CONSTRUCTION)

GROUP I
Pickup 3/4 ton and under, service station, including lubrication, light tire repair and washer, swamper or riding helper, 2 or up

GROUP II
Bus or taxi driver, dump or batch truck under 8 C.W.L.C.; flat bed (bobtail) 2 ton and under; mechanic and welder helper; fork lift under 5 ton MRC.

GROUP III
Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV
Disbributor driver; heavy tire repairman; lumber carrier driver; young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flat-bad or van single axle); forklifts 5 ton and over MRC; field equipment service-men.

GROUP V
Dumpster and dumpcrate driver; water, fuel or oil truck, 3,000 to 6,000 gal; lowboys and light equipment driver; Euclid type tank wagon under 6,000 gal.

GROUP VI
Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII
Transit mix or agitator semi or 4 axle equipment driver; Flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" Frame; dump trucks (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.; head field equip-ment servicemen.

GROUP VIII
Euclid diesel power turnarocker; terra coba-DW10--DW20--LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster--Lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all.

GROUP IX
Warehousemen including material checker; cardex man; lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men).

TEAMSTERS classifications not listed shall be paid a rate comparable to classi-fications listed.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (HEAVY ENGINEERING CONSTRUCTION)

TRUCK DRIVERS:
Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bob-tail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton MRC

Group 3: Dump Truck (including all highway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Fletbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single axle); Forklift 5 ton and over M.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C, Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnarocker; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tan-dems); Light equipment mechanic; Dump Trucks (including all highway and off-high-way) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanica; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC76-1094
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. NC76-1005 dated January 9, 1976 in 41 FR 1696.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Chatham, Cumberland, Harnett, Hoke, Lee, Moore, and Sampson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$3.96				
Bricklayers	5.00				
Carpenters	4.24				
Cement masons	5.00				
Drywall finisher	5.00				
Drywall hanger	5.38				
Electricians	4.00				
Form setter	4.00				
Glaziers	3.83				
Laborers:					
Laborers	2.79				
Mason tenders	3.60				
Painters, brush	4.52				
Plumbers	5.00				
Roofers	4.06				
Sheet metal workers	4.98				
Soft floor layers	5.00				
Tile setters	4.75				
Truck drivers	2.83				
Welders - rate for craft.					
Power Equipment Operators:					
Backhoe	4.50				
Bulldozer	3.25				
Loader	3.71				
Motor grader	4.00				
Pan operator	3.50				
Paver operator	3.20				
Tractor	2.80				

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC76-1095
COUNTY: See Below*
DATE: Date of Publication
Supersedes Decision No. AQ-4078 dated February 22, 1974 in 39 FR 7010.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Alamance, Guilford, Randolph, & Rockingham

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$4.00				
Bricklayers	5.50				
Carpenters	4.34				
Carpet layer	4.25				
Cement masons	4.25				
Drywall finishers	6.00				
Drywall hanger	6.02				
Electricians	4.59				
Form setter	4.10				
Insulation installer	3.83				
Ironworkers, structural and ornamental	4.00				
Laborers:					
Laborers	3.15				
Asphalt raker	3.56				
Mortar mixers	3.50				
Painters, brush	4.00				
Plumbers	6.25				
Roofers	4.00				
Sheet metal workers	4.35				
Soft floor layers	4.55				
Tile setters	4.85				
Truck drivers	3.15				
Welders - rate for craft.					
Power Equipment Operators:					
Air compressor	3.60				
Backhoe	4.83				
Bulldozer	3.95				
Curb finisher	3.75				
Fork lift operator	3.50				
Loaders	3.97				
Motor grader	4.06				
Paving machine operator	3.75				
Roller	3.60				
Stripper	3.55				
Tractor operator	3.38				

[FR Doc.76-25532 Filed 9-2-76;8:45 am]

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GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATION

Index

AUGUST 6, 1976.

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 27th day of August 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17470 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw) - See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw) - See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/16/76
Mod. #1 - 41 FR 19004 - 5/7/76
Mod. #2 - 41 FR 20117 - 5/14/76
Mod. #3 - 41 FR 21028 - 5/21/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 30492 - 7/23/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY - See Statewide
LIMESTONE COUNTY
(B)- See Lawrence County
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ALABAMA (cont'd)

LOWNDES COUNTY
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MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1063 (B)
41 FR 21043 - 5/21/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mdd. #3 - 41 FR 21028 - 5/21/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

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ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5068 (B,H,Hw,D,R)
41 FR 32109 - 7/30/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 10817 - 3/12/76
Mod. #3 - 41 FR 12846 - 3/26/76
Mod. #4 - 41 FR 26423 - 6/25/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
Mod. #1 - 41 FR 10817 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 17287 - 4/23/76
Mod. #4 - 41 FR 26423 - 6/25/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
Mod. #1 - 41 FR 10818 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 26423 - 6/25/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction
Alteration, and/or repair of
streets, highways, runways,
and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4132 (B)
41 FR 30511 - 7/23/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (B)
41 FR 30513 - 7/23/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

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ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4119 (B)
41 FR 29617 - 7/16/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5063 (B,H,Hw,D)
41 FR 29619 - 7/16/76
Decision #CA76-5064 (R)
41 FR 29637 - 7/16/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Mod. #1 - 41 FR 30492 - 7/23/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
Mod. #1 - 41 FR 30496 - 7/23/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76
Mod. #1 - 41 FR 30499 - 7/23/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision # CA76-5062 (R)
41 FR 26436 - 6/25/76
Mod. #1 - 41 FR 30500 - 7/23/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

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COLORADO

STATEWIDE
Decision #CO76-5067 (Hw)
41 FR 32115 - 7/30/76
ADAMS COUNTY
Decision #CO76-5042 (B,H)
41 FR 21046 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5045 (B,H)
41 FR 21069 - 5/21/76
Mod. #1 - 41 FR 26425 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.)

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5043 (B,H)
41 FR 21055 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R)-- See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5044 (B,H)
41 FR 21061 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Mod. #1 - 41 FR 17287 - 4/23/76
Mod. #2 - 41 FR 21030 - 5/21/76
Mod. #3 - 41 FR 29607 - 7/16/76
Mod. #4 - 41 FR 33125 - 8/6/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Mod. #1 - 41 FR 17289 - 4/23/76
Mod. #2 - 41 FR 21031 - 5/21/76
Mod. #3 - 41 FR 29607 - 7/16/76
Mod. #4 - 41 FR 33125 - 8/6/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23885 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/29/75
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

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FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County,
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/13/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide

GEORGIA (Cont'd.)

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 28461 - 7/9/76
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1025 (B)
41 FR 6958 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Cobb County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 21033 - 5/21/76
Mod. #5 - 41 FR 32101 - 7/30/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #H176-5048 (B,H,Hw,D,R)
41 FR 22735 - 6/4/76
Mod. #1 - 41 FR 26425 - 6/25/76
Mod. #2 - 41 FR 29608 - 7/16/76
Mod. #3 - 41 FR 30500 - 7/23/76

IDAHO

STATEWIDE
Decision #ID76-5066 (B,H,Hw)
41 FR 30515 - 7/23/76
Mod. #1 - 41 FR 33126 - 8/6/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2027 (H,Hw)
41 FR 9782 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 11722 - 3/19/76
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2063 (B)
41 FR 20123 - 5/21/76
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Mod. #1 - 41 FR 20120 - 5/14/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/16/76
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
Mod. #2 - 41 FR 15233 - 4/9/76
Mod. #3 - 41 FR 20121 - 5/14/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See FordCounty
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2072 (B)
41 FR 22715 - 6/4/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
Decision #IL76-2067 (B)
41 FR 21974 - 5/28/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2014 (B,R)
41 FR 6977 - 2/13/76
Mod. #1 - 41 FR 11722 - 3/19/76
Mod. #2 - 41 FR 26425 - 6/25/76
(H,Hw) - See Bond County

UMI

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MCHARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2084 (H,Hw)
41 FR 27585 - 7/2/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2082 (B)
41 FR 27567 - 7/2/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2083 (B,H,Hw)
41 FR 27577 - 7/2/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

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INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4099 (B,H,Hw)
41 FR 24844 - 6/18/76
Mod. #1 - 41 FR 33127 - 8/6/76
(H,Hw)(Excluding Mason City)- See Butler Co.
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4056 (B,H,Hw)
41 FR 8674 - 2/27/76
Mod. #1 - 41 FR 24833 - 6/18/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
STOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
Mod. #2 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS76-4134 (Hw)
41 FR 32127 - 7/30/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision # M076-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Decision #M076-4103 (R)
41 FR 27602 - 7/2/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS76-4098 (B)
41 FR 23899 - 6/11/76
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
Mod. #2 - 41 FR 29610 - 7/16/76
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1031 (B)
41 FR 8699 - 2/27/76
Mod. #1 - 41 FR 20119 - 5/14/76
Mod. #2 - 41 FR 24834 - 6/18/76
Mod. #3 - 41 FR 28461 - 7/9/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
Mod. #3 - 41 FR 20119 - 5/14/76
Mod. #4 - 41 FR 24834 - 6/18/76
(D) - See Boone County
(H,Hw) - See Anderson County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY76-1079 (B)
41 FR 30529 - 7/23/76
Mod. #1 - 41 FR 33128 - 8/6/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
Mod. #3 - 41 FR 23887 - 6/11/76
Mod. #4 - 41 FR 29610 - 7/16/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
Mod. #3 - 41 FR 24834 - 6/18/76
Mod. #4 - 41 FR 29611 - 7/16/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

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KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
Mod. #1 - 41 FR 29612 - 7/16/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30525 - 7/23/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #LA76-4131 (B,Hw,R)
41 FR 30533 - 7/23/76
Mod. #1 - 41 FR 33128 - 8/6/76
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AO-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

UMI

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3216 (B)
41 FR 32132 - 7/30/76
Decision #MD76-3217 - (H,Hw)
41 FR 32134 - 7/30/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3227 (B,H)
41 FR 32146 - 7/30/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3219 (Hw)
41 FR 32139 - 7/30/76
Decision #MD76-3218 (B,H)
41 FR 32136 - 7/30/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
41 FR 10069 - 3/15/74
Mod. #1 - 41 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS (Cont'd)

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R, & Marine)
40 FR 54408 - 11/21/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21993 - 5/28/76
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2051 (B,H)
41 FR 16396 - 4/16/76
Mod. #1 - 41 FR 24836 - 6/18/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

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MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-B041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI76-2081 (R)
41 FR 26448 - 6/25/76
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCONMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 20131 - 5/14/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93503 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
Mod. #2 - 41 FR 20127 - 5/14/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

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MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F,Hw,W&S) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
Mod. #3 - 41 FR 16308 - 4/16/76
Mod. #4 - 41 FR 30502 - 7/23/76
Mod. #5 - 41 FR 32101 - 7/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F,H,W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F,H,W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WASHINGTON COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4105 (H,Hw)
41 FR 27608 - 7/2/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO76-4108 (B)
41 FR 27624 - 7/2/76
Decision #MO76-4107 (R)
41 FR 27621 - 7/2/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

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MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5071 (B)
41 FR 33130 - 8/6/76
Decision #MT76-5072 (H,Hw)
41 FR 33148 - 8/6/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5027 (R)
41 FR 15250 - 4/9/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4076 (H,Hw)
41 FR 10273 - 4/30/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision NE76-4104 (H,Hw)
41 FR 26450 - 6/25/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4100 (B,R)
41 FR 24847 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

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NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4205 (B)
41 FR 23903 - 6/11/76
Mod. #1 - 41 FR 27543 - 7/2/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5069 (B,H,Hw)
41 FR 32151 - 7/30/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5074 (R)(Excluding the Nevada Test Site)
D41 FR 33162 - 8/6/76
(B,H,Hw) - See Statewide
Decision #NV76-5073 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 33159 - 8/6/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5065 (R)
41 FR 27628 - 7/2/76
Mod. #1 - 41 FR 30502 - 7/23/76
Mod. #2 - 41 FR 33128 - 8/6/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH76-2093 (B,H,Hw,R)
41 FR 32162 - 7/30/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH76-2095 (B,H,Hw,R, & Marine)
41 FR 32165 - 7/30/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Mod. #3 - 41 FR 16311 - 4/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 862B - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 16311 - 4/16/76
(D) - See Atlantic County

NEW JERSEY

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

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NEW YORK

ALBANY COUNTY
Decision #NY76-3197 (B,H,Hw)
41 FR 26497 - 6/25/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3203 (B,H,Hw)
41 FR 30553 - 7/23/76
Mod. #1 - 41 FR 6954 - 2/13/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16312 - 4/16/76
Mod. #4 - 41 FR 19011 - 5/7/76
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3195 (B,H,Hw)
41 FR 26488 - 6/25/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3189 (B,H,Hw)
41 FR 26458 - 6/25/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3209 (B,H,Hw)
41 FR 27531 - 7/2/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3202 (B,H,Hw)
41 FR 27641 - 7/2/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3128 (B,H,Hw)
41 FR 26451 - 6/25/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3191 (B,H,Hw)
41 FR 26467 - 6/25/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3200 (B,H,Hw)
41 FR 26508 - 6/25/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3196 (B,H,Hw)
41 FR 26492 - 6/25/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3190 (B,H,Hw)
41 FR 26463 - 6/25/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3192 (B,H,Hw)
41 FR 26472 - 6/25/76
ONONDAGA COUNTY
Decision #NY76-3193 (B,H,Hw)
41 FR 26478 - 6/25/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3198 (B,H,Hw)
41 FR 27633 - 7/2/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3194 (B,H,Hw)
41 FR 26482 - 6/25/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3201 (B,H,Hw)
41 FR 26514 - 6/25/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3199 (D,H,Hw)
41 FR 26503 - 6/25/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
Mod. #1 - 41 FR 20464 - 7/9/76
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28869 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(B) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(B,R) - See Carteret County
(S,W,H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1065 (B)
41 FR 22749 - 6/4/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
Mod. #1 - 41 FR 21995 - 5/28/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Decision #OH7L-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
(H,Hw) - See Statewide

OHIO (Cont'd)

(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #OH76-2044 (B)
41 FR 15313 - 4/9/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #OH76-2076 (B)
41 FR 24851 - 6/18/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
Decision #OH76-2088 (B)
41 FR 32089 - 7/30/76
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #OH76-2088 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B,R)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2059 (B)
41 FR 19018 - 5/7/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH76-2085 (B,R)
41 FR 30557 - 7/23/76

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OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #OH76-2086 (B)
41 FR 32169 - 7/30/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #OH76-2087 (B)
41 FR 30559 - 7/23/76
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #OH76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #OH76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #OH76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4136 (B)
41 FR 32177 - 7/30/76
Decision #OK76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4138 (B)
41 FR 32182 - 7/30/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 23889 - 6/11/76
Mod. #3 - 41 FR 24838 - 6/18/76
Mod. #4 - 41 FR 32103 - 7/30/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
McINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
Mod. #2 - 41 FR 32103 - 7/30/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4135 (B)
41 FR 32175 - 7/30/76
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
Mod. #1 - 41 FR 26426 - 6/25/76
Mod. #2 - 41 FR 32102 - 7/30/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

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OREGON

STATEWIDE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
BAKER COUNTY
(B,H,Hw,U) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,U) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,U) - See Statewide
LINN COUNTY
(B,H,Hw,U) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
ALLEGHENY COUNTY
(H,Hw) - See Beaver County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Decision #PA75-3070 (B)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
ARMSTRONG COUNTY
(H,Hw) - See Butler County
(B) - See Allegheny County
BEAVER COUNTY
(H,Hw) - See Butler County
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
Decision #PA76-3168 (B)
41 FR 21122 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 7/9/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3172 (B)
41 FR 22016 - 5/28/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 26427 - 6/25/76
BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstron g County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
411FR 30486 - 7/23/76
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
Mod.f#1 - 41 FR 17295 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
Mod. #4 - 41 FR 26427 - 6/25/76
Mod. #5 - 41 FR 28464 - 7/9/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 7/9/76
Mod. #1 - 41 FR 26428 - 6/26/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76
Mod. #1 - 41 FR 18266 - 4/30/76
Mod. #2 - 41 FR 24840 - 6/18/76
Mod. #3 - 41 FR 26427 - 6/25/76
Mod. #4 - 41 FR 28464 - 7/9/76
Mod. #5 - 41 FR 32104 - 7/30/76

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28456 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3180 (B)
41 FR 23922 - 6/11/76
Mod. #1 - 41 FR 26429 - 6/25/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3180 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Bedford County
SCHUYLKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
(H,Hw) - See Adams County

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PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bedford County
(H,Hw) - See Adams County
UNION COUNTY
((B)-SSeeBBedford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
Mod. #1 - 41 FR 28467 - 7/9/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNET COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(Hw) - See Statewide
Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5055 (B)
41 FR 23926 - 6/11/76
Mod. #1 - 41 FR 23926 - 6/11/76
(Hw) - See Statewide
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5054 (B)
41 FR 23925 - 6/11/76
Mod. #1 - 41 FR 27545 - 7/2/76
(Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABAUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76

ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (Cont'd.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1071 (B,H)
41 FR 23927 - 6/11/76
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76

Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

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TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1083 (B,H,W&S & Utility)
41 FR 33180 - 8/6/76
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4077 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 19024 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
ANDERSON COUNTY
Decision #TX76-4112 (B)
41 FR 29595 - 7/16/76
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4084 (B)
41 FR 21141 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 27545 - 7/2/76
Mod. #3 - 41 FR 30503 - 7/23/76
Mod. #4 - 41 FR 33128 - 8/6/76
Decision #TX76-4078 (R)
41 FR 19032 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 27545 - 7/2/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4125 (B)
41 FR 30563 - 7/23/76
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4079 (B)
41 FR 19034 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 30503 - 7/23/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX76-4113 (R)
41 FR 29597 - 7/16/76
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 17296 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
Mod. #4 - 41 FR 30503 - 7/23/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4101 (B)
41 FR 24876 - 6/18/76
Mod. #1 - 41 FR 27545 - 7/2/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32107 - 7/30/76
Mod. #4 - 41 FR 33128 - 8/6/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
Mod. #1 - 41 FR 21039 - 5/21/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX76-4114 (R)
41 FR 29599 - 7/16/76
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 30504 - 7/23/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
(H,Hw) - See Statewide

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TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4086 (B)
41 FR 21148 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32106 - 7/30/76
Mod. #4 - 41 FR 33128 - 8/6/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX76-4115 (B)
41 FR 29652 - 7/16/76
Decision #TX76-4116 (R)
41 FR 29601 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/6/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17292 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,D) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4081 (B,R)
41 FR 19039 - 5/7/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
Mod. #1 - 41 FR 32107 - 7/30/76
Mod. #2 - 41 FR 33129 - 8/6/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4110 (B)
41 FR 27652 - 7/2/76
Mod. #1 - 41 FR 30505 - 7/23/76
Mod. #2 - 41 FR 33129 - 8/6/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX76-4117 (R)
41 FR 29603 - 7/16/76
Decision #TX76-4127 (B)
41 FR 30491 - 7/23/76
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

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TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21037 - 5/21/76
Mod. #3 - 41 FR 30503 - 7/23/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4090 (B)
41 FR 21157 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32107 - 7/30/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4128 (B)
41 FR 30566 - 7/23/76
Mod. #1 - 41 FR 33129 - 8/6/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5052 (B,H,Hw)
41 FR 26537 - 6/25/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 33129 - 8/6/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd.)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (U)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3225 (B)
41 FR 32141 - 7/30/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
(Hw) - See Amelia County

UMI

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford COUNTY
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EUWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack c-unty
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5056 (B,H,Hw,D)
41 FR 26545 - 6/25/76
Mod. #1 - 41 FR 30505 - 7/23/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3226 (B,Hw,W&S)
41 FR 32194 - 7/30/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 +R 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Claire County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/21/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2061 (B,R)
41 FR 20149 - 5/14/76
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Claire County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
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Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Memorandum of August 27, 1976

Determination Under Section 620(x) of the Foreign Assistance Act of 1961, as Amended, To Permit the Sale of Certain Specified Defense Articles and Defense Services to the Government of Turkey

[Presidential Determination No. TQ 3]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, August 27, 1976.

Pursuant to the authority vested in me by section 620(x) of the Foreign Assistance Act of 1961, as amended, (the Act), I hereby:

(a) Determine that the defense articles and defense services specified in the attached list are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, and

(b) Suspend the provisions of section 620(x) of the Act and of section 3(c) of the Arms Export Control Act, as amended, for the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, in order that such defense articles and defense services may be sold to Turkey and Turkish procurement of such defense articles and defense services may be financed under the authority of the Arms Export Control Act, as amended, within the limitations specified in section 620(x) of the Act.

This determination and the attached list of defense articles and defense services shall be published in the FEDERAL REGISTER.

Gerald R. Ford

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STATEMENT OF PROPOSED SALES

Item Description	Estimated Dollar Value	U.S Armed Forces	Date LOA expected to be Issued
GROUND FORCES COMMAND			
A. Spare Parts for:			
(1) Helicopter & aircraft	$2,000,000	Army	Aug 1976
(2) Tank, Armored Personnel Carrier, and Self-Propelled Howitzer	3,000,000	"	"
(3) Weapons & Optical Materiel and Related Items	1,980,000	"	"
(4) Wheeled Vehicles, including engines & assemblies	6,000,000	"	"
(5) Engineer Equipment	100,000	"	"
(6) Signal Equipment	100,000	"	"
B. Training & Publications:			
(1) Training	50,000	"	"
(2) Publications	20,000	"	"
C. TOW Weapons & Ammunition:			
*(1) 2 TOW Companies with 12 Launchers each and the Required Support Equipment, Spare Parts and 2 additional Launchers	3,000,000	"	Sept 1976
*(2) TOW ammunition	3,000,000	"	"
GROUND ELECTRONIC SURVEILLANCE COMMAND			
A. Electronic Warfare Equipment Spare Parts	200,000	"	Aug 1976
*B. High Performance Electronic Warfare Equipment	300,000	"	Sept 1976
AIR FORCES COMMAND			
**A. 40 F/RF-4E Aircraft (Long-lead Items)	64,400,000	Air Force	Sept 1976
B. Aircraft Spares, Electronics	1,500,000	"	Aug 1976
C. Aircraft Spares, Expendable	5,750,000	"	"
D. Aircraft Spares, Repairable	4,800,000	"	"
E. Helicopter Spare Parts	100,000	"	"
F. Tactical Air Navigation, Ground Control Approach, and Ground Radio Spares	1,000,000	"	"
G. Radar Spares	800,000	"	"
H. Technical Publications	250,000	"	"
I. Time Change Technical Order (Includes Class IV modifications	700,000	"	"
J. Engine Overhaul (J-57, J-79, J-85, T-33, T-56, J-69 & J-33 Engines	3,000,000	"	"

(a) Letter of offer to sell defense articles and/or defense services.

Item Description	Estimated Dollar Value	U.S. Armed Forces	Date LOA expected to be Issued
K. Aerospace Ground Equipment (AGE) Spares	$450,000	Air Force	Aug 1976
L. Photo Spares	100,000	"	"
M. Film Requirement	100,000	"	"
N. Maverick Air-to-Ground Missile (AGM-65) Spares	50,000	"	"
O. Electro-Optical Guided Bomb System Spares	50,000	"	"
P. Guided Bomb System Spares	50,000	"	"
Q. Cartridge Activated Devices/ Propellant Activated Devices Items	150,000	"	Sept 1976
R. U.S. Origin Equipment (AGE)	3,580,000	"	"
S. Weapon Systems Technicians (Contract Engineer Technical Services)	500,000	"	Aug 1976
T. Precision Test Equipment for Precision Measuring Equipment Laboratory	400,000	"	"
U. Training	420,000	"	"
NAVAL FORCES			
A. Ordnance Equipment and Ammunition	4,000,000	Navy	"
*B. On-Line Crypto Equipment	785,000	"	Sept 1976
**C. 300 Sparrow Air-to-Air Missiles (AIM-7) - Long-lead Items	9,500,000	"	"
D. Training	1,164,000	"	Aug 1976
E. Ship/Maritime Patrol Aircraft Rebuild	720,000	"	"
*F. Explosive Ordnance Disposal/ Underwater Demolition Team Equipment (for Specific Air Services and Sensor Application Teams)	506,000	"	Sept 1976
G. Laboratory for Weapons Systems	340,000	"	Aug 1976
H. Equipment Repair	80,000	"	"
I. S2E Catalog and Documentation	5,000	"	"

* Items qualifying as significant combat equipment on the U.S. Munitions List.

** Items requiring congressional review under section 36(b) of Arms Export Control Act, as amended.

[FR Doc.76-26296 Filed 9-3-76;10:17 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect title changes in the following two positions: (1) From Special Assistant to the Assistant Secretary for Consumer Affairs and Regulatory Functions to Director, Office of Program Development and Evaluation; (2) from Deputy Assistant to the Secretary for Programs for the Elderly and Handicapped to Deputy Departmental Adviser for Elderly and Handicapped Policy.

Effective on September 7, 1976, §§ 213.3384(a)(38) and (a)(54) are amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(38) Two Special Assistants to the Assistant Secretary for Consumer Affairs and Regulatory Functions and one Director, Office of Program Development and Evaluation.

• • • • • •

(54) One Deputy Departmental Adviser for Elderly and Handicapped Policy.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–25994 Filed 9–3–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Assistant to the Secretary is excepted under Schedule C.

Effective on September 7, 1976, § 213.3312(a)(45) is added as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(45) One Assistant to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–25995 Filed 9–3–76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Exemption From Labor Certification Requirement

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of March 10, 1976 (41 FR 10231) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) in which there was set forth the proposed amendment to 8 CFR 212.8(b)(4) pertaining to the exemption of certain aliens from the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(14)). In the notice, it was proposed to amend the monetary investment requirement by increasing the amount of money required to be invested to $50,000, and by further requiring that the alien beneficiary of the investor exemption would be the principal manager of an enterprise which would employ persons in the United States other than the alien, his spouse and children.

Several representations were received from the public in opposition to the proposed amendment and they have been carefully considered.

A number of representations maintained that promulgation of the proposed rule was contrary to the letter and spirit of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)); several representations contended that the amount proposed to be invested was far too high for the stated purpose, and would preclude all but the wealthiest aliens from qualifying for the exemption and coming to the United States to establish businesses; other representations criticized the requirement that the alien be the principal manager of the enterprise on the grounds it was unclear and could be interpreted to preclude formation of business partnerships and corporations; and finally a number of representations criticized the requirement that the enterprise employ persons in the United States other than the alien, his spouse and children, and the absence of a "savings clause" to apply to applications filed prior to the effective date of this amendment.

Implementation of the proposed rule would not be contrary to the provisions of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)). Section 212(a)(14) of the Act was enacted to safeguard the American economy and labor market from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market. There is no requirement in the statute that any nonpreference alien be exempted from the labor certification requirement of section 212(a)(14). Even though certain exemptions have been provided by regulation, it is the obligation of the Service, in permitting the exemptions, to ensure that they do not violate the intent of the labor certification requirement by permitting a situation to develop where the beneficiaries of such exemption provisions would in fact be in job competition with American workers. The stringent requirements of the investor exemption regulation have been prescribed in furtherance of this mandate.

It was proposed to increase the amount of the required capital investment because the present $10,000 amount is no longer a substantial investment given the economic conditions and spiraling inflation recently experienced in this country. Further, the $10,000 amount has been found to be susceptible to fraudulent schemes and as such, has provided a means whereby the requirements of the labor certification provision can be evaded. However, upon consideration of the representations, it has been decided to reduce the $50,000 proposed investment amount to $40,000. The latter amount is sufficient to insure adequate protection from fraudulent schemes and substantial enough to provide for reasonable expectation of business success of the enterprise in which the alien is making his investment, thus minimizing the likelihood that it might fail and place the alien in job competition with United States workers.

The proposed requirement that the alien be the principal manager of the enterprise has been modified to require that he be "a principal manager". This change will eliminate the lack of clarity pointed out in some representations, and remove any possible barrier to the formation of partnerships or corporations by alien investors. It will also ensure that the alien investor will have managerial prerogatives and responsibilities in the enterprise in which he is investing.

Some representations were critical of the provision in the proposed regulation which requires that the enterprise will employ persons in the United States other than the alien, his spouse and children. The proposed language of that provision has been modified to read that the enterprise will employ "a person or persons in the United States who are United States citizens or aliens lawfully ad-

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mitted for permanent residence, exclusive of the alien, his spouse and children". This change has been made for clarification purposes only. No change is to be made in the basic requirement because the investor exemption was never intended to apply to an alien who was making an investment in an enterprise which would provide only a means of livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises in this country. The words "a person" have been added because the requirement as proposed could have been construed to preclude an enterprise employing only one person from qualifying. The requirement that the person or persons to be employed will be United States citizens or permanent resident aliens has been added in order to specify that the persons who will be employed by the alien in the enterprise are to be permanent members of the American labor forces.

The effective date of this regulation is October 7, 1976. Forms I–526 properly filed before the effective date shall be processed in accordance with this regulation as it existed prior to the effective date of this amendment.

In the light of the foregoing, the following amendment is hereby prescribed to 8 CFR 212.8(b)(4), and as amended the paragraph reads as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* * * * (4) an alien who establishes on Form I–526 that he has invested, or is actively in the process of investing, capital totaling at least $40,000 in an enterprise in the United States of which he will be a principal manager and that the enterprise will employ a person or persons in the United States who are United States citizens or aliens lawfully admitted for permanent residence, exclusive of the alien, his spouse and children. A copy of a document submitted in support of Form I–526 may be accepted though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103.)

The basis and purpose of this regulation is to increase the amount of money required to be invested by an alien seeking the investor exemption to a more realistic level considering the economic conditions in this country and to prevent the possibility of fraudulent schemes and insure that the investor exemption does not become a means of circumventing the normal labor certification procedure for skilled and unskilled labor set forth in section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)). The regulation also clarifies the requirement of the investor exemption regulation that the alien investor have managerial prerogatives and responsibilities in the enterprise in which he is investing and that the enterprise to be established not provide only a livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises in this country.

Effective date: The amendment contained in this order shall become effective October 7, 1976.

Dated: August 31, 1976.

L. F. CHAPMAN, JR.,
Commissioner of
Immigration and Naturalization.

[FR Doc.76-25998 Filed 9-3-76;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 705—HEARING RULES FOR SANCTION PROCEEDINGS UNDER EXECUTIVE ORDER 11246 (NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS)

Pursuant to the authority vested in the Administrator by section 105(a) of the Energy Reorganization Act of 1974, Pub. L. 93–438, and in accordance with Executive Order 11246 (Nondiscrimination in Employment by Government Contractors), and rules, regulations and orders thereunder, the following new Part 705, 10 CFR, entitled "Hearing Rules for Sanction Proceedings under Executive Order 11246 (Nondiscrimination in Employment by Government Contractors)" is published as a document subject to codification.

These procedural rules are applicable to proceedings for the imposition of sanctions under section 209(a) (5), and (6) of Executive Order 11246, for violation of that Executive Order and the rules, regulations, and orders thereunder.

Because this new Part 705 is a statement of ERDA procedures, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply.

These regulations have been submitted to and approved by the Director, Office of Federal Contract Compliance Programs, Department of Labor.

Although these regulations become effective on September 7, 1976, interested persons who desire to submit written comments or suggestions for consideration in connection with such regulation should send them on or before November 1, 1976, to the General Counsel, Energy Research and Development Administration, Washington, D.C. 20545.

Effective date: September 7, 1976.

JAMES L. LIVERMAN,
Assistant Administrator for
Environment and Safety.

A new Part 705 is added to Chapter III, Title 10 CFR to read as follows:

GENERAL INFORMATION

Sec.
705.1 Authority.
705.2 Scope of rules.
705.3 Waiver, modification.
705.4 Definitions.

APPEARANCE AND PRACTICE

705.5 Participation by party.
705.6 Participation by interested persons.

FORM AND FILING OF DOCUMENTS

705.7 Form.
705.8 Filing; service.

TIME

705.9 Computation.

PREHEARING PROCEDURES

705.10 Notice of proposed cancellation, termination or ineligibility.
705.11 Answer to notice.
705.12 Notice of hearing.
705.13 Amendments.
705.14 Production of documents and things and entry upon land for inspection and other purposes.
705.15 Motions.
705.16 Disposition of motions.
705.17 Depositions upon oral examination.
705.18 Prehearing conference.

DESIGNATION AND RESPONSIBILITIES OF HEARING OFFICER

705.19 Designation.
705.20 Authority and responsibilities.

HEARING PROCEDURES

705.21 Evidentiary purpose.
705.22 Appearances.
705.23 Appearance of witnesses.
705.24 Evidence.
705.25 Testimony.
705.26 Exhibits.
705.27 Admissions as to facts and documents.
705.28 Objections.
705.29 Exceptions to rulings of hearing officer not necessary.
705.30 Official notice.
705.31 Offer of proof.
705.32 Interlocutory appeals.
705.33 Ex parte communications.

THE RECORD

705.34 Official transcript.
705.35 Record for decision.

POST HEARING PROCEDURES

705.36 Proposed findings of fact and conclusions.
705.37 Record for recommended decision.
705.38 Recommended decision.
705.39 Exceptions to recommended decisions.
705.40 Record.
705.41 Final decision.
705.42 Approval of Administrator's decision by Director, Office of Federal Contract Compliance Programs.

AUTHORITY: Pub. L. sec. 105(a), 93-483, 88 Stat. 1238, (42 U.S.C. 5815); E.O. 11246, sec. 209(a); 41 CFR 60–1.26(b).

GENERAL INFORMATION

§ 705.1 Authority.

These rules of procedures supplement, and are established pursuant to, the provisions of 41 CFR 60–1.26(b).

§ 705.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted by the Energy Research and Development Administration with respect to the imposition of sanctions under section 209(a) (5) and (6) of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

§ 705.3 Waiver, modification.

Upon notice to all parties, the hearing officer, or the Administrator may, with respect to matters pending before him, modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will thereby be served.

§ 705.4 Definitions.

(a) "Administration" means the Energy Research and Development Administration.

(b) "Administrator" means the Administrator of the Energy Research and Development Administration or his designee.

(c) "Director of OEO" means the Director of the Office of Equal Opportunity, Energy Research and Development Administration, who has been designated to prosecute all actions under this part and 41 CFR 60–1.26(b) in the name of the Administrator.

(d) "General Counsel" means the General Counsel of the Energy Research and Development Administration.

(e) "Hearing Officer" means a person designated by the Administrator to conduct hearings pursuant to section 208(b) of Executive Order 11246, as amended, and 41 CFR 60–1.26(b).

(f) "Party" means a respondent; the Director of the Office of Equal Opportunity, Energy Research and Development Administration, and any person or organization participating in a proceeding pursuant to § 705.6(a) of these rules.

(g) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and the rules, regulations, and orders thereunder.

APPEARANCE AND PRACTICE

§ 705.5 Participation by a party.

A party may appear in person, or by counsel, and participate fully, pursuant to the procedures set forth in these rules, in any proceeding held pursuant to these rules.

§ 705.6 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent.

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing officer and all parties a petition within 14 days after the notice of hearing has been published in the FEDERAL REGISTER. Such petition shall concisely state: (i) Petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing officer shall promptly determine whether there are objections to the petition. He shall then determine whether each petitioner has the requisite interest in the proceedings, as defined in subparagraphs (1) and (2) of this paragraph, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing officer may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate as a party. The hearing officer shall give each petitioner written notice of the decision on his petition, and shall serve such notice on each party. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae.

(b)(1) Any other person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing officer shall grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation will not unduly delay the proceedings and may contribute materially to the proper disposition of the issues. The hearing officer shall give the petitioner written notice of his decision on the petition, and shall serve such notice on each party. If the petition is denied, the hearing officer shall briefly state the grounds for such denial.

(2) An amicus curiae is not a party but may participate as provided in this paragraph. An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the hearing officer. He may submit a written statement of position to the hearing officer prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

FORM AND FILING OF DOCUMENTS

§ 705.7 Form.

Documents filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall indicate the party or amicus filing, and the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be indicated.

§ 705.8 Filing; service.

(a) *Manner of filing.* All documents submitted in a proceeding shall be filed, and served on all parties. The original and three copies of each document shall be submitted for filing. Filings shall be made with the hearing clerk at the address stated in the notice, during regular business hours. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) *Manner of service.* Service upon any party shall be made by the party filing the document or pleading by delivering a copy or mailing a copy to the last known address: *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to 41 CFR 60–1.26(a)(1).

(c) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel.

(d) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be prima facie proof of service.

TIME

§ 705.9 Computation.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

PREHEARING PROCEDURES

§ 705.10 Notice of proposed cancellation, termination or ineligibility.

Proceedings are commenced by the mailing of a written notice of proposed cancellation, termination, or ineligibility to the last known address of the respondent by registered mail, return receipt requested. The notice signed by the Director of OEO, shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being requested, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken. The notice shall also indicate that respondent may request a hearing on the matters alleged.

§ 705.11 Answer to notice of proposed cancellation, termination or ineligibility.

(a) Within fourteen (14) days from receipt of the notice, respondent may file with the hearing officer, or if no hearing officer has been designated, with the Director of OEO, an answer to the notice and may request a hearing. The request for a hearing shall be included as a separate paragraph of the answer.

(b) The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless respondent is without knowledge, in

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which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered.

(c) If respondent fails to file an answer, request a hearing, or otherwise formally contest the allegations in the notice within the 14-day period following receipt of the notice, the matters alleged in the notice are deemed admitted and respondent's opportunity for hearing is deemed waived. The Director of OEO with the approval of the Director of the Office of Federal Contract Compliance Programs may then cancel, suspend or terminate any one or more contracts or subcontracts, or parts thereof, held by respondent, and/or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modification of existing contracts, until the contractor or subcontractor has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the order.

§ 705.12 Notice of hearing.

In response to respondent's request for a hearing, a notice of hearing shall be sent to the respondent as provided in § 705.8(a). Such notice shall contain a statement describing the nature of the hearing and the legal authority under which the proceedings are to be held; and setting the time and place of the hearing, or indicating that the time and place will be set by subsequent notice issued by the hearing officer.

§ 705.13 Amendments.

The Administration may amend its notice of proposed cancellation, termination, or ineligibility once as a matter of course before an answer is filed, and respondent may amend its answer once as matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing officer. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer, unless the hearing officer orders otherwise.

§ 705.14 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party or someone acting on his behalf, to inspect, and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 7 days after the service of the request. The response shall state, with respect to each item that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 705.15 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing officer may require that they be reduced to writing and filed and served on all parties. Within 7 days after a written motion or petition is served, or such other time period as the hearing officer, or Administrator, may fix, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion.

§ 705.16 Disposition of motions.

The hearing officer may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Rulings by the hearing officer shall not be appealed prior to the transfer of the case to the Administrator, but shall be considered by the Administrator when the case is transferred to him for decision. (See also § 705.32.)

§ 705.17 Depositions upon oral examinations.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and/or the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing officer, or with the Administrator, if no hearing officer has been assigned, an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, the officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing officer of the hearing officer rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided that,* The examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him and that the deposition is a true record of the testimony and

exhibits given by the witness, and that said officer is not, of counsel or attorney to any of the parties, or interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing officer, or to the Administrator, if no hearing officer has been assigned. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges therefor, unless distribution is restricted by order of the hearing officer for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reasons which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing officer, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing officer finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 705.18 Prehearing conference.

(a) Within 14 days after the notice of hearing has been issued, the hearing officer shall establish a date for the prehearing conference to include all parties and petitioners for status as a party whose petition has not yet been ruled on. Written notice of the prehearing conference shall be sent to all participants in the conference. At the prehearing conference the following matters shall be considered:

(1) Simplification and delincation of the issues to be heard;

(2) Stipulations, admissions of fact and of contents and authenticity of documents;

(3) Limitation of number of witnesses, particularly the avoidance of duplicate expert witnesses, and exchange of expert witness lists;

(4) Scheduling dates for the exchange of witness lists (except as provided in subparagraph (3) of this paragraph) and exhibits;

(5) Offers of settlement;

(6) Scheduling of such additional prehearing conferences as may be considered necessary; and

(7) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and/or the matters disposed of by agreement in the prehearing conference. The subsequent course of the proceeding shall be controlled by such action.

DESIGNATION AND RESPONSIBILITIES OF HEARING OFFICER

§ 705.19 Designation.

Hearings shall be held before a hearing officer designated by the Administrator. After service of a notice designating a hearing officer to preside, and until such officer makes his decision as provided in § 705.38, motions and petitions shall be submitted to the hearing officer. In the case of the death, illness, disqualification, or unavailability of the designated hearing officer, another hearing officer may be designated to take his place.

§ 705.20 Authority and responsibilities.

The hearing officer shall propose findings and conclusions to the Administrator on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair and impartial hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences, including prehearing conferences, to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(b) Require parties to state their position with respect to the various issues in the proceeding.

(c) Direct the parties to exchange their evidentiary exhibits, witness lists, and a narrative summary of their expected testimony prior to the hearing. Where good cause exists, the parties should be afforded the right at any time to amend, by deletion or supplementation, their evidentiary exhibit and witness lists.

(d) Rule on motions, and other procedural items on matters pending before him.

(e) Regulate the course of the hearing and conduct of counsel therein.

(f) Establish rules for media coverage of the proceedings.

(g) Examine witnesses.

(h) Receive, rule on, exclude, or limit evidence at any stage of the proceeding.

(i) Fix time limits for submission of written documents in matters before him.

(j) Take any action authorized by these rules.

(k) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing.

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(m) Recommend whether the respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations, and orders, as well as the nature of whatever corrective action may be necessary to bring the respondent into compliance with the equal employment opportunity clause;

(n) Recommend to the Administrator the adoption of a consent order agreed to by the parties in settlement of the issues in a proceeding.

(o) Take any action authorized by these rules.

HEARING PROCEDURES

§ 705.21 Evidentiary purpose.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing for the reception of evidence will be held only in case issues of fact must be resolved in order to determine whether respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder.

(b) At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the Respondent, the Director of OEO may move the hearing examiner with or without supporting affidavits for a summary judgment in his favor upon all claims or any part thereof.

(c) The respondent may, at any time after commencement of the action, move the hearing examiner with or without

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supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(d) Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Director or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(e) In case it appears from respondent's answer to the notice of hearing, from his failure timely to answer, or from his admissions or stipulations, that there are no matters of material fact in dispute, the hearing officer may enter an order so finding, vacating the hearing date, and fixing the time for filing briefs under § 705.36. Thereafter the proceedings shall go to conclusion in accordance with §§ 705.36 through 705.42. Within 10 days of its issuance, an order vacating the hearing date may be appealed to the Administrator, and the Administrator shall affirm, modify, or set aside such order within 28 days thereafter.

§ 705.22 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to § 705.6 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

§ 705.23 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the hearing officer and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 705.24 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 705.25 Testimony.

Testimony shall be given orally by witnesses at the hearing, but may, in the discretion of the hearing officer, be prepared in writing and served on all parties to the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing officer, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 705.26 Exhibits.

Proposed exhibits shall be exchanged at a prehearing conference, or otherwise prior to the hearing, if the hearing officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits will be deemed admitted unless written objection thereto is filed, or unless good cause is shown for failure to file such written objection.

§ 705.27 Admissions as to facts and documents.

Not later than 15 days prior to the date of the hearing except for good cause shown, or not later than 15 days prior to such earlier date as the hearing officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 705.28 Objections.

Objections to evidence shall be timely, and shall briefly state the ground relied upon.

§ 705.29 Exceptions to rulings of hearing officer not necessary.

Exceptions to rulings of the hearing officer are unnecessary. It is sufficient that a party, at the time the ruling of the hearing officer is sought, makes known the action which he desires the hearing officer to take, or his objection to an action taken, and the grounds therefor.

§ 705.30 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing officer: *Provided*, That where official notice is taken or requested to be taken of a fact not appearing in the evidence of record, any party, on timely request, shall be permitted to show the contrary.

§ 705.31 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing officer excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 705.32 Interlocutory appeals.

Appeals shall not be made of any ruling of the hearing officer except following the entire hearing and the hearing officer's recommended findings, conclusions, and decision.

§ 705.33 Ex parte communications.

The hearing officer shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

THE RECORD

§ 705.34 Official transcript.

The Administrator will designate the official reporter for all hearings. The official transcripts of testimony and argument, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing clerk. Transcripts may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Administration and the reporter. Upon notice to all parties, the hearing officer may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

§ 705.35 Record for decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, including rulings and the recommended

findings, conclusions, and decision, shall constitute the record for decision.

POST HEARING PROCEDURES

§ 705.36 Proposed findings of fact and conclusions.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing officer. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing officer. Requests for additional time in which to file a brief shall be made to the hearing officer, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing officer.

§ 705.37 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 705.38 Recommended decision.

Within 30 days after the filing of briefs, or, if the parties elect not to file such documents, not more than 30 days after the close of the hearing, the hearing officer shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Administrator for his decision. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

§ 705.39 Exceptions to recommended decisions.

Within 14 days after receipt of the hearing officer's recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 10 days of their receipt by said parties. All exceptions and responses shall be filed with the Administrator. Service of such briefs or exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Administrator. Requests to the Administrator for additional time in which to file exceptions and responses thereto shall be in writing and copies thereof shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due. Documents filed with the Administrator shall be addressed to the Administrator in care of the General Counsel.

§ 705.40 Record.

After expiration of the time for filing briefs and exceptions, the Administrator shall make a final decision on the basis of the record before him. The record shall consist of the record for recommended decision, the rulings and recommended decision of the hearing officer, and the exceptions and briefs filed subsequent to the hearing officer's decision.

§ 705.41 Final decision.

After expiration of the time for filing, the Administrator shall make a final decision on the basis of the record for decision, and upon consideration of any exceptions and briefs filed subsequent to the hearing. A copy of the decision of the Administrator shall be served on all parties and amici to the proceeding.

§ 705.42 Approval of Administrator's decision by Director, Office of Federal Contract Compliance Programs.

No decision of the Administrator shall become final without the approval of the Director of the Office of Federal Contract Compliance Programs.

[FR Doc.76-25984 Filed 9-3-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-SO-77; Amdt. 39-2709]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-235, PA-32, and PA-32R Series Airplanes

There have been reports of internal fuel transfer in the fuel selector valves on certain PA-28-235, PA-32-260, PA-32-300 and PA-32R-300 airplanes that could result in fuel leakage or fuel mismanagement. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require a fuel system check and fuel valve replacement, if necessary, on certain PA-28-235, PA-32-300, PA-32-260 and PA-32R-300 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-28-235, serial numbers 28-10001 through 28-7610157, equipped with Airborne fuel valve 1-H65-2, Piper part number 492 259; PA-32-260 serial numbers 32-1 through 32-7600020 equipped with Airborne fuel valve Model 1-H65-2, Piper part number 492 259; PA-32-300 serial numbers 32-40000 through 32-7640109 equipped with Airborne fuel valve Model 1-H65-2, Piper part number 492 259; PA-32R-300 serial numbers 32R-7680001 through 32R-7680423 equipped with Airborne fuel valve Model 1-H65-3, Piper part number 492 262; certificated in all categories.

Compliance required within the next ten hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fuel valve inner port leakage, accomplish the following:

I. Perform the following checks:

1. Fill all fuel tanks to capacity.
2. Actuate the fuel selector valve quick drain handle a minimum of three (3) times. Insure that the handle is actuated through its full travel and release slowly each time.
3. Start engine and run at a 1000 R.P.M. setting with electric fuel pump on.
4. Place fuel selector valve in the OFF position.
5. Continue to run the engine at 1000 R.P.M. until fuel has been exhausted and not to exceed the seven (7) minute duration.

If fuel exhaustion occurs and the engine quits within the seven (7) minute running period, make an appropriate log book entry.

The checks required by this AD may be performed by the pilot. For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's maintenance record, see FAR 91.173.

II. If the engine continues to run for the full seven (7) minute period, replace the fuel selector valve with the appropriate serviceable fuel valve and repeat Paragraph I.

An equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Piper Service Bulletin No. 519 also pertains to this same subject.

This amendment becomes effective September 10, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in East Point, Ga., on August 24, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25996 Filed 9-3-76;8:45 am]

[Airspace Docket No. 75-EA-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Pittsburgh Terminal Control Area

On March 15, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 10915) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pittsburgh, Pa., Terminal Control Area (TCA) by redefining certain lateral boundaries and floor altitudes in the vicinity of Pittsburgh, Pa.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Six comments were received. Three of the commenters interposed no objections to the proposal. One commenter did not object to the proposal but suggested that the airspace lying between the proposed east and southeast Area C extensions be included as a part of these proposed extensions. Another commenter believed the proposal would create more hazardous conditions between low flying jets and traffic operating in the Herron Airport traffic patterns. He stated that jets approach-

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ing Greater Pittsburgh Airport have flown over the Herron Airport at 2,500 feet MSL to see local wind conditions with local aircraft in the traffic pattern at 2,000 feet MSL. Also, the commenter expressed opposition because he felt the proposal would create an inconvenience by requiring circumnavigation of the TCA. Additionally, the commenter suggested changing arrival procedures to ensure that aircraft would be contained in presently designated TCA airspace rather than altering the TCA. Another commenter objected to the proposed southeast Area C extension and proposed this area remain as is from 4,000 to 8,000 feet so as not to infringe on his free navigation inbound and outbound to the east of Campbell Airport.

We do not concur with the suggestion to include the airspace lying between the proposed Area C east and southeast extensions as part of the proposed extensions. This action would include additional TCA airspace that is not presently required to protect IFR turbojet arrivals and departures at Greater Pittsburgh Airport. While we agree that the proposal would provide for easier charting definition, we could not justify the additional TCA airspace.

The statement concerning the proposed TCA changes that would "create a more hazardous condition" assumes a hazardous condition exists. It is assumed the low flying jets referred to were operating VFR and were probably not air carrier type aircraft. The present TCA floor over the Herron Airport is 4,000 feet MSL and is the minimum altitude an IFR aircraft would descend to. Air carrier jets are required to operate IFR unless in direct communication with the tower in a terminal area and radar advisories are issued. If any turbojets are, in fact, operating VFR, the rules of "see and be seen" would continue to prevail. It is unlikely that a pilot en route to Greater Pittsburgh Airport would descend to 2,500 feet MSL to observe wind conditions at Herron Airport when wind data is available from the Greater Pittsburgh Tower. Under IFR conditions, the tower contains turbojets in TCA airspace by procedural means pending alteration of the TCA. As far as circumnavigation of the TCA is concerned the rules for TCA operations are clear. The pilot has the choice of circumnavigating the TCA or, with proper airborne equipment, may obtain a clearance through the TCA.

The instrument arrival procedures to Greater Pittsburgh Airport represent an optimum in complying with the "Keep 'em High" program, noise considerations and vertical descents dictated by glide slope angles associated with the various instrument landing systems (ILSs) serving the Airport. Thus, it is not feasible to change the arrival procedures to conform to the old TCA configuration.

In reference to the objection to the southeast extension, this airspace represents the minimum TCA airspace required to encompass instrument arrivals predicated on new procedures which are to be based on the Runway 32 ILS presently under construction. The southeast TCA extension may infringe on ingress/egress to Campbell Airport. However, pilots using Campbell Airport may circumnavigate the TCA or obtain clearance through the TCA as appropriate. Aircraft operating IFR to and from Campbell Airport will be provided prescribed separation by the Greater Pittsburgh Tower.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

In § 71.401(b) (41 FR 639) the Pittsburgh, Pa., TCA is amended to read as follows:

§ 71.401 [Amended]

Primary Airport

Greater Pittsburgh Airport (Lat. 40°29'37" N., Long. 80°13'54" W.)

Boundaries. (Based on Lat. 40°29'12" N., Long. 80°14'03" W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Lat. 40°29'12" N., Long. 80°14'03" W., excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10-mile and 12.5-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 076° bearing clockwise to the 106° bearing excluding Areas A and B; between the 10-mile and 12-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 117° bearing clockwise to the 147° bearing excluding Areas A and B; between the 10-mile and 14-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 259° bearing clockwise to the 288° bearing excluding Areas A and B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Lat. 40°29'12" N., Long. 80°14'03" W., and between the 20-mile and 30-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 076° bearing clockwise to the 106° bearing and from the 259° bearing clockwise to the 288° bearing; excluding Areas A, B and C.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1318(a)) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Washington, D.C. on August 31, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-25997 Filed 9-3-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2831]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Andrex Industries Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; 13.30–100 Wool Products Labeling Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; 13.73–70 Wool Products Labeling Act; § 13.200 Sample, offer or order conformance; § 13.205 Scientific or other relevant facts; § 13.245 Specifications or standards conformance. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–90 Wool Products Labeling Act; § 13.1320 Scientific or other relevant facts; § 13.330 Specifications or standards conformance. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.590–90 Wool Products Labeling Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623–90 Wool Products Labeling Act; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845–80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852–80 Wool Products Labeling Act; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1982 Guarantee-statutory; 13.1982–90 Wool Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 Composition; 13.2280–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

In the Matter of Andrex Industries Corp., a corporation, and Stephen Gottdiener, individually and as an officer of said corporation.

Consent order requiring a New York City manufacturer and seller of fabrics, among other things to cease misbranding and mislabeling wool products; misrepresenting the wool and other fiber content of their fabrics and requires respondents to notify their customers that the fabrics they purchased were misbranded. The order further prohibits respondents from using the term "Angorama" in connection with products not substantially composed of "Angora" fibers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Andrex Industries Corp., a corporation, its successors and assigns, and its officers, and Stephen Gottdiener, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to securely affix labels to samples, swatches or specimens of wool products, used to promote or effect the sale of such wool products, showing in words and figures plainly legible all the information required to be disclosed by Section 4(a)(2) of the Wood Products Labeling Act of 1939.

It is further ordered That respondents Andrex Industries Corp., a corporation, its successors and assigns, and its officers, and Stephen Gottdiener, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, or other device in connection with manufacturing, advertising, offering for sale, sale, or distribution of fabrics in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Using the word "Angorama" or any word of similar import on sample cards or in any other manner in connection with any product that is not composed substantially of fibers entitled to be designated as "angora". *Provided, however,* That this order shall not be construed as prohibiting use of the word "Angorama" in connection with a product composed in substantial part of fibers entitled to be desisted "angora" if such word is accompanied by a clear and conspicuous statement of the percentage by weight of the fibers contained therein.

2. Misrepresenting the amount or character of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, unless heretofore complied with, That respondents notify each of their customers that purchased the wool products which gave rise to this complaint of the fact that United States government tests have shown that such products were misbranded.

It is further ordered That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered That the individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment and each affiliation with a new business or employment, for ten (10) years following the effective date of this order. Such notices shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

It is further ordered That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission August 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26016 Filed 9-3-76;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket C-2833]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hertz Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.35 Condition of goods; § 13.90 History of product or offering; § 13.175 Quality of product or service; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate. Subpart—Misrepresenting oneself and goods—Goods; § 13.1595 Condition of goods; § 13.1650 History of product; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1854 History of products; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of The Hertz Corporation, a corporation. Consent order requiring a New York City dealer in used motor vehicles, among other things to cease misrepresenting and/or failing to disclose material facts relating to the history of used motor vehicles offered for sale by respondent. Further, respondent is required to keep accurate repair records, and to advise prospective customers of their right to inspect these records; and, additionally, a statement as to the availability of repair records for inspection must be conspicuously disclosed on sales contracts and receipts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

For purposes of this order, the following definitions shall apply:

(a) The term "used motor vehicle" refers to any used motor vehicle offered for sale to the public by respondent.

(b) The term "major damage" refers to that degree of damage sustained by a used motor vehicle which may adversely affect either the vehicle's safety or performance, whether or not such damage has been repaired.

(c) The term "repair records" refers to any and all written statements in regard to the repair of any damage sustained by a used motor vehicle.

It is ordered That respondent The Hertz Corporation, a corporation, its successors and assigns and its officers, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and repair of used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or indirectly, orally or in writing, that used motor vehicles are not-so-used or describing them by any other such term or terms of similar import and meaning or misrepresenting in any manner the condition of any used motor vehicle.

2. Failing to disclose clearly and conspicuously, in any advertisement for the sale of each specifically identified used motor vehicle:

(a) The prior use of each such used motor vehicle (e.g. rental);

(b) The extent of such use (e.g. mileage); and

(c) Any major damage sustained by such used motor vehicle and known to respondent.

3. Failing to maintain repair records or true copies thereof, for each used motor vehicle at the retail outlet where such used motor vehicle is offered for sale.

4. Failing to disclose in all oral solicitations for the sale of used motor vehicles that the repair records for each such used motor vehicle will be furnished to prospective purchasers for perusal upon their request prior to the consummation of sale of such used motor vehicle.

5. Failing to furnish any prospective purhaser of used motor vehicles with the repair records for any such used motor vehicle subsequent to the purchaser's request to peruse such records prior to the consummation of sale of such used motor vehicle.

6. Failing to furnish all purchasers of used motor vehicles with a copy of any contract or receipt pertaining to the sale of such used motor vehicle which contains or has superimposed in immediate proximity to the space reserved in the contract for the signature of the purchaser or on the front page of any receipt if a contract is not used and in bold faced type of a minimum size of 10 points, a clear and conspicuous statement in the following form:

"YOU, THE PURCHASER, MAY INSPECT, PRIOR TO PURCHASE, THE REPAIR RECORDS OF THIS OR ANY OTHER USED MOTOR VEHICLE OFFERED FOR SALE TO THE PUBLIC BY HERTZ."

7. Misrepresenting or disparaging, directly or indirectly, orally or in writing,

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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the purchaser's opportunity to peruse the repair records for any used motor vehicle prior to the consummation of sale of such used motor vehicle.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent shall forthwith deliver a copy of this order to cease and desist to all present and future personnel engaged in any aspect of preparation, creation, or placing of advertising and in the offering for sale, or sale, of any used motor vehicle, and that the respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission August 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26017 Filed 9-3-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.727]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Ineligible Classes of Immigrants

On March 10, 1976 the Department published for comments (41 FR 10230) a proposed amendment of paragraph (a)(14)(ii)(*d*) of § 42.91 of Title 22 of the Code of Federal Regulations which provides an exemption to the labor certification requirement of section 212 (a)(14) of the Immigration and Nationality Act of 1952, as amended, for an alien coming to the United States to engage in business of a continuing nature rather than to enter the skilled or unskilled labor market. Consideration has been given to the written comments which were received from twenty-seven persons in response to the proposal.

The Department is satisfied from a review of statistical data compiled by reliable government and banking institutions, which was presented by several persons responding to this proposal, that a substantial number of business enterprises can be undertaken with capital investments of $40,000 and with high probabilities of success. The minimum capital investment which will qualify an alien investor for the exemption is accordingly being reduced from $50,000 to $40,000. Other comments have induced the Department to require an alien investor applicant to show only that he will be a principal manager of the enterprise in which he is investing rather than the principal manager of the enterprise. A change has been made in the third requirement of the amendment which, as originally proposed, required an applicant for the investor exemption to establish that he would employ persons in the United States other than himself, his spouse and children. It was not intended to prohibit his employment or the employment of his wife and children but it was intended that other persons in the United States would be employed as well. In the absence of any legislative action on the general policy questions which are the subject of this exemption and not having received any persuasive arguments in opposition to this third requirement, the Department is adopting this requirement, with a clarifying change in language, as a reasonable requirement by which the applicant for the investor exemption can establish the prospective viability of his enterprise. Several writers also expressed a view, with which the Department agrees, that this condition precedent to the granting of the exemption is a reasonable one in the absence of any legislative action to provide investors with an exemption to the labor certification provisions. Finally, an amendment has been made in the final regulation to provide for the continued processing under the previous regulatory provision of all cases submitted to a consular officer prior to the effective date of this regulation.

Paragraph (a)(14)(ii)(*d*) of § 42.91 of Title 22 of the Code of Federal Regulations is amended to read:

§ 42.91 Aliens ineligible to receive a visa.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.*

* * * * *

(14) * * *

(ii) * * *

(*d*) An alien who establishes by documentary evidence, received by a consular officer after the effective date of this subparagraph, that he is seeking to enter the United States for the purpose of engaging in an enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $40,000, in which enterprise he will be a principal manager, and that the enterprise will employ persons in the United States who are United States citizens or aliens lawfully admitted for permanent residence, exclusive of the alien, his spouse and children.

* * * * *

Effective date: This amendment will become effective October 7, 1976.

(Sec. 104, 66 Stat. 174 (8 U.S.C. 1104))

Dated: August 23, 1976.

For the Secretary of State.

ROBERT T. HENNEMEYER,
Acting Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-25991 Filed 9-3-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1101]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Borough of Sea Bright, New Jersey

On May 5, 1976, at 41 FR 18510, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Borough of Sea Bright, New Jersey. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 23, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345317A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Sea Bright Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Sea Bright, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26022 Filed 9-3-76;8:45 am]

[Docket No. FI-1100]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Borough of Point Pleasant, New Jersey

On May 5, 1976, at 41 FR 18509, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Borough of Point Pleasant, New Jersey. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 9, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345313A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Point Pleasant Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Point Pleasant, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 17, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-26021 Filed 9-3-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Reporting and Disclosure Requirements; Correction

In FR Doc. 76-11859 appearing at page 16957 in the FEDERAL REGISTER of April 23, 1976, paragraph (a) of § 2520.104-b-30 appearing on page 16966 is corrected in line nine of that paragraph by adding the term "plan description," after the word "description,".

Dated: August 31, 1976.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

[FR Doc.76-26039 Filed 9-1-76;12:18 pm]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-191]

PART 101-25—GENERAL

Subpart 101-25.49—Illustrations of Forms

INSTRUCTIONS FOR PREPARATION OF GSA FORM 1473, SUPPLY ACTIVITY REPORT

Section 101-25.4902-1473-1(c) is revised for clarity by stating that the value of all acquisitions from Federal Supply Schedule contracts is to be included under the columnar caption "Other Government Sources" in part II of GSA Form 1473, Supply Activity Report.

Section 101-25.4902-1473-1(c) is revised to provide updated instructions.

NOTE.—The instructions in § 101-25.4902-1473-1 are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective September 7, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: August 26, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-26062 Filed 9-3-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Final Regulation

Notice of proposed rulemaking was published in the FEDERAL REGISTER on February 17, 1976 (41 FR 7112) setting forth regulations for the School Library Resources, Textbooks, and Other Instructional Materials Program authorized by Title II of the Elementary and Secondary Education Act, as amended (20 U.S.C. 821-827). Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a hearing was held in Washington, D.C. on March 18, 1976 on the proposed rules. No one attended the hearing to give testimony. Three letters of comment were received and the writers' suggestions were considered. No changes in the regulation, however, were deemed appropriate as a result of the comments.

A. *Summary of comments.* The following written comments were received by the Office of Education regarding the proposed regulation. After a summary of each comment, a response is set forth stating the reason why no change is deemed necessary.

1. *Comment.* One commenter suggested that all references to "school library" in the regulation be changed to "school media center" to reflect more accurately current developments in thinking and usage.

Response. No change has been made in the regulation. The term "school library" is used throughout the statute, and Congressional amendments would be required to make the changes suggested. Officials from the Office of Education and State and local agencies verify, however, that materials acquired under this program have been used to implement a "school media center" concept.

2. *Comment.* A commenter suggested that the definition of "private elementary and secondary schools" in § 117.1 be amended to delete the words "or profit" so that only nonprofit elementary and secondary schools be included in the definition.

Response. No change has been made in the regulation. Section 201(a) of the Act requires the Commissioner to "carry out a program for making grants for the school library resources, textbooks and other printed and published materials for the use of children and teachers in public and private elementary and secondary schools." The Act does not limit the program to nonprofit schools. The definition in the regulation neither expands nor limits the coverage of the Act; rather, it clarifies that the term "private elementary and secondary schools" includes both profit and nonprofit schools.

3. *Comment.* One commenter suggested that coordination between the programs

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carried out under Title II of the Elementary and Secondary Education Act of 1965 and the Library Services and Construction Act be strengthened by adding a provision for joint planning in areas of mutual concern between the agencies administering the two programs.

Response. No change in the regulation is deemed necessary. Section 117.6(g) of the regulation already provides that annual program plans include development of criteria to ensure such coordination, as appropriate.

4. *Comment.* One commenter suggested that the regulation make clear the propriety of sharing materials acquired with Title II funds through network and cooperative programs in which resources are shared with public, academic, and other libraries, particularly when such programs are assisted by funds from the Library Services and Construction Act.

Response. There is no change in the regulation. Section 203(a)(2) of the Act limits the use of Title II funds to the acquisition of school library resources, textbooks, and other instructional materials for the use of children and teachers in public and private elementary and secondary schools. The sharing of materials through networks and cooperative programs, except those among elementary and secondary public and private schools, is beyond the purposes of the statute.

B. *Adoption of regulations.* After consideration of all comments, the Commissioner hereby adopts the proposed regulation which was published in the FEDERAL REGISTER on February 17, 1976. The regulation is set forth below.

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.480, School Library Resources, Textbooks, and Other Instructional Materials.)

Dated: August 2, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

Approved: August 25, 1976.

WILLIAM A. MORRILL,
Acting Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
117.1 Definitions.
117.2 General provisions regulations.

Subpart B—Annual Program Plan of Department Plan—General Provisions

117.5 Annual program plan or Department conditions.
117.6 Annual program plan assurances.

Subpart C—Availability of Materials

117.8 Approval of instructional materials.
117.9 Title and control of instructional materials.
117.10 Accessibility of instructional materials.
117.11 Charge for use.
117.12 Inventory.
117.13 Religious worship or instruction.

Subpart D—Availability of Funds

117.19 Allotment of funds.
117.20 Acquisition of instructional materials.
117.21 Administration of the annual program plan.
117.22 Relation to public library system.
117.23 Administration by Departments.

Subpart E—State Administration

117.35 Advisory committees.
117.36 Financial interest prohibited.
117.37 Administrative review and evaluation.

Subpart F—Payment Procedures

117.43 Reallotment.

AUTHORITY: Secs. 201–207 of Pub. L. 89–10 as amended (20 U.S.C. 821–827), unless otherwise noted.

Subpart A—General

§ 117.1 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Public Law 89–10, as amended, (20 U.S.C. 821–827).

"Children" means those persons who are in attendance in schools of the State which provide elementary and secondary education and which comply with State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State. The age limits are the permissible ages for attendance at the public elementary and secondary schools of the State, but the term "children" does not include persons enrolled in adult education courses or in courses beyond grade 12.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political, subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementry or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Private elementary and secondary schools" means nonprofit or profit schools which provide elementary and secondary education as determined under State law, but not to the extent that they provide education beyond grade 12, and which are controlled by other than a public authority or public officials but which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

"School library resources, textbooks, and other printed and published instructional materials" means: (a) "School library resources" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are processed and organized for use by elementary and secondary school children and teachers; (b) "textbooks" are books, reusable workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group; (c) "other printed and published instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are not processed and organized for use by elementary or secondary school children and teachers. Such "school library resources, textbooks, and other printed and published instructional materials" include those materials which are suitable for and are to be used by children and teachers in elementary or secondary schools and which with reasonable care and use may be expected to last more than one year. The definition does not include furniture or equipment.

"Standards" means those measures (established by the State agency or the Department of the Interior or the Department of Defense for administration of title II of the Act or established by other authoritative groups or individuals and accepted for such administration) which are used for making determinations of the adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials to be made available for the use of children and teachers in elementary and secondary schools.

"State" means, in addition to the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"Teacher" means a person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian, or other member of the instructional or supervisory staff.

(20 U.S.C. 821–827)

§ 117.2 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 821)

Subpart B—Annual Program or Department Plan—General Provisions

§ 117.5 Annual program plan or Department conditions.

(a) *Purpose.* A basic condition for the grant of Federal funds to a State or for the payment of funds under title II of the Act to the Departments of Interior or Defense is a plan which meets the requirements of title II of the Act in providing a program under which funds so granted or paid will be expended solely for the acquisition of school library resources, textbooks, and other printed and published instructional materials and the administration of the plan.

(b) *Effect of an annual program plan.* The annual program plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made to a State and the basis for determining the propriety of the expenditures of those funds.

(c) *Effect of a Department plan.* A plan submitted by the Department of the Interior or by the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under title II of the Act and the basis for determining the propriety of the expenditures of these funds by such Departments.

(d) *Program and operational procedures.* The administration of the program shall be kept in conformity with the approved plan, the regulations in this part, and title II of the Act. A description of the program and operational procedures shall be recorded and made available to the public upon request. Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the procedures shall be appropriately amended.

(e) *Submission.* A plan shall be submitted to the Commissioner by a duly authorized officer of the State agency, or by the Departments of the Interior or Defense. The plan shall give the official name of the agency which will administer the plan and shall indicate the official or officials authorized to submit plan material. The plan shall designate the officer or officers who will receive and provide for the custody of all funds to be expended, and authorize expenditures of such funds.

(f) *Certificate of the State Attorney General or other appropriate State legal officer.* The annual program plan shall also include as an attachment a certification by the appropriate State legal officer that the State agency named in the plan is the agency having authority, either directly or through arrangements with other State or local public agencies, to administer the plan; and that the State has authority under State law to carry out the plan.

(g) *Approval by the Commissioner.* The Commissioner will approve each plan which he determines meets the applicable requirements of title II of the Act and regulations in this part, and will notify the applicant of the granting, conditioning, or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and in connection therewith affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(h) *Ineligibility to participate.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of title II of the Act and the regulations in this part; or (2) That in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner will notify the applicant that said applicant will not be regarded as eligible to participate in the program under title II of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 823)

§ 117.6 Annual program plan assurances.

Each annual program plan shall contain assurances:

(a) *Sole agency for administration.* That the State agency shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the plan.

(20 U.S.C. 823(a)(1))

(b) *Description of program.* That the State agency has developed in writing a program under which funds paid to the State from its allotment under title II of the Act will be expended solely (1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State and (2) not in excess of 5 percent of the amount paid to the State under title II of the Act or $50,000, whichever is greater, for administration of the annual program plan, including (i) the development and revision of standards relating to school library resources, textbooks, and other printed and published instructional materials furnished for the use of children and teachers in the public elementary and secondary schools of the State, and (ii) the distribution and control by a local educational agency of such school library resources, textbooks, and other printed and published instructional materials in carrying out the plan for the use of children and teachers in public and private elementary and secondary schools in the State.

(20 U.S.C. 823(a)(2))

(c) *Criteria for allocation of school library resources, textbooks, and other printed and published instructional materials.* That the State agency has developed the criteria used in determining the need and the proportions of the allocation to be used for school library resources, textbooks, and other printed and published instructional materials provided under title II of the Act among the children and teachers in the elementary and secondary schools, which criteria shall incorporate the provisions of paragraphs (d) and (e) of this section.

(20 U.S.C. 823(a)(3))

(d) *Relative need.* That the criteria shall, on the basis of a comparative analysis and the application of standards, as defined in § 117.1, establish the relative need, as determined from time to time, of children and teachers for school library resources, textbooks, and other printed and published instructional materials to be provided under the plan. Such criteria shall include priorities for the provision of such materials on the basis of several factors such as the requirements of elementary and secondary instruction, quality and quantity of such materials now available, requirements of children and teachers in special or exemplary instructional programs, the cultural or linguistic needs of children or teachers, the degree of economic need, and the degree of previous and current financial efforts for providing such materials in relation to financial ability. The distribution of such resources, textbooks, and materials for children and teachers solely on a per capita basis does not satisfy this provision.

(20 U.S.C. 823(a)(3)(A))

(e) *Equitable basis.* That the criteria established under an annual program plan shall provide for the allocation of school library resources, textbooks, and other printed and published instructional materials in such a way as to provide assurance that, to the extent consistent with State law, such resources, textbooks, and materials are provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State. However, said equitable provision shall not be effectuated by means of transfer of funds to private schools or purchase by them of such resources, textbooks, and materials.

(20 U.S.C. 823(a)(3)(B))

(f) *Methods and terms of availability of materials.* That the State agency has developed the methods and terms by which the school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act will be made available for the use of children and teachers in the elementary and secondary schools. With respect to children and teachers in private schools, the State agency shall provide that (1) such resources, textbooks, and materials are to be made available to children and teachers and not to institutions; (2) such resources,

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textbooks, and materials are to be made available on a loan basis only; (3) a public agency will retain title to, and control and administration of the use of, such resources, textbooks, and materials; and (4) books and materials must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning. (See also §§ 117.8 and 117.9)

(20 U.S.C. 823)

(g) *Coordination with public library programs.* That the State agency has developed criteria to ensure that there will be appropriate coordination at both State and local levels between the program carrier out under title II of the Act with respect to school library resources and any program carried out under the Library Services and Construction Act (20 U.S.C. ch. 16) in order to secure the effective and efficient use of Federal funds and to avoid duplication of effort.

(20 U.S.C. 823(a)(3)(C))

(h) *Criteria for selection of school library resources, textbooks, and other instructional materials.* That the State agency has developed the specific educational and other criteria to be used (1) in selecting the school library resources, textbooks, and other printed and published instructional materials to be made available to children and teachers under title II of the Act and (2) as the basis for determining the proportions of the allotment for each fiscal year which will be spent for the acquisition of (i) school library resources, (ii) textbooks, and (iii) other printed and published instructional materials. The ultimate responsibility for the selection under these criteria of all school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in a State shall be that of the State agency or a local educational agency. If proportions for the three categories of materials are changed significantly, the program and operational procedures should be so amended in accordance with the provisions of § 117.5 (d). (See also § 117.8.)

(20 U.S.C. 823)

(i) *Equal consideration for needs for materials for occupational education.* That the State agency has developed the specific educational and other criteria to be used in allocating school library resources, textbooks, and other instructional materials so as to give consideration to the needs of children and teachers in elementary and secondary schools for such resources, textbooks, and materials utilized for instruction, orientation, or guidance and counseling in occupational education equal to the consideration given to the requirements of such children and teachers for materials to be used to meet other educational, motivational, and recreational needs.

(20 U.S.C. 823(a)(3)(D))

Programs, criteria, methods and terms, policies and procedures required by § 117.6(b), (c), (d), (e), (f), (h), and (i) must be set forth in the plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(20 U.S.C. 823; 42 U.S.C. 4231, 4233)

Subpart C—Availability of Materials

§ 117.8 Approval of instructional materials.

School library resources, textbooks, and other printed and published instructional materials acquired under the provisions of title II of the Act must be limited to those which have been approved by an appropriate State agency or local educational agency or other public agency for use, or those which are used, in a public elementary or secondary school of that State.

(20 U.S.C. 825)

§ 117.9 Title and control of instructional materials.

Title to, and control and administration of the use of, school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall vest only in a public agency or in the United States. School library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall be made available to children and teachers in elementary and secondary schools on a loan basis only and there will be a proper accounting of such resources, textbooks, and materials. The public agency shall provide for the control, recall, and replacement of such resources, textbooks, and materials. The public agency having control shall impose responsibility upon the children and teachers who borrow such resources, textbooks, and materials for loss, damage, failure to return when required, or other violations of the terms and conditions of the loan which is comparable to that imposed upon borrowers of similar items purchased with funds derived from other sources.

(20 U.S.C. 823)

§ 117.10 Accessibility of instructional materials.

Unless such action is prohibited by State law, school library resources, textbooks, and other printed and published instructional materials acquired with funds under title II of the Act shall be made available for the use of children and teachers in private elementary and secondary schools on an equitable basis. Catalogs or list of instructional materials acquired under the annual program plan or such other system or systems as may be approved by the Commissioner which will assure the reasonable accessibility and availability of instructional materials to children and teachers in both public and private schools shall be maintained. Such catalogs or lists may be limited in content, for example, to instructional materials designed for children with special needs or to instructional materials supporting particular areas of curriculum and which are not otherwise generally available to the affected children and teachers. Such catalogs or lists or other systems may be maintained on the basis of such limited and defined geographical areas as may be appropriate to assure distribution of materials on a feasible basis. Another method may be the use of a central depository system. The circulation of such instructional materials shall be subject to such restrictions as may be required to maintain an equitable distribution thereof among the children and teachers. Loan terms should be based on educational principles of service to instructional programs so that the children and teachers for whom the school library resources, textbooks, and other printed and published instructional materials are selected will not be deprived of their use when needed.

(20 U.S.C. 823)

§ 117.11 Charge for use.

No charge may be levied against children and teachers for the use of any school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act.

(20 U.S.C. 823)

§ 117.12 Inventory.

The public agency and the Departments of Interior and Defense in which title to school library resources, textbooks, and other printed and published instructional material is vested shall indicate ownership by appropriate marking of each item in a permanent manner and shall maintain an inventory record of such items, revised annually. The inventory records shall be maintained for the useful life of such items. The methods for inventorying and maintaining records of such materials employed by the public agency retaining title shall be subject to the approval of the State agency administering the plan. Inventory records of such materials shall be compiled and maintained by the public agency retaining title and actual administrative control through the use of publicly employed personnel. The methods of inventorying shall include appropriate provisions for substantiating the inventories by onsite inspection. The State agency shall establish a policy for removing items from inventory by procedures consistent with established State or local public agency policies relative to loss, obsolescence, or rate of deterioration of such resources, textbooks, and materials.

(20 U.S.C. 823)

§ 117.13 Religious worship or instruction.

In accordance with § 100b.59 of this chapter, no payments under this part may be made for the acquisition of school library resources, textbooks, or other instructional materials to be utilized for religious worship or instruction.

(20 U.S.C. 885)

Subpart D—Availability of Funds

§ 117.19 Allotment of funds.

(a) *State allotment.* The Federal Government will pay from each State's allotment amounts equal to the sums expended by the State under an approved annual program plan for (1) the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State; and (2) the administration of the plan. In no case will the amount paid for administration of the plan for any fiscal year exceed 5 percent of the amount paid to the State under title II of the Act, or $50,000, whichever is greater.

(b) *Reduction in State allotment.* In any State which has an approved annual program plan and in which no State agency is authorized by law to provide school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary schools in that State, the Commissioner will arrange to provide on an equitable basis such resources, textbooks, and other materials for the use of these children and teachers. In such an event, the Commissioner will pay the cost thereof for any fiscal year out of the State's allotment.

(c) *Allotments to the Departments of the Interior and Defense.* Such amount shall be allotted to the Secretary of the Interior as is necessary to provide school library resources, textbooks, and other printed and published materials for the use of children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior and to the Secretary of Defense such amount as is necessary for such provision for children and teachers in the overseas dependent schools of the Department of Defense.

(20 U.S.C. 822, 823, 824)

§ 117.20 Acquisition of instructional materials.

Acquisition of school library resources, textbooks, and other printed and published instructional materials with financial participation under title II of the Act—notwithstanding the definition of "acquisition" set forth in § 100.1 of this chapter—includes the necessary and essential cost of ordering, processing, and cataloging of such resources and delivery of them to the initial place at which they are made available for use. Funds under title II of the Act are not available for the rebinding or repairs of such resources, textbooks, or materials.

(20 U.S.C. 823)

§ 117.21 Administration of the annual program plan.

Functions. Funds allotted to States under title II of the Act are available, up to the limits specified in § 117.19 for the administration of the annual program plan. Of the funds so made available for administration of the plan, appropriate amounts shall be allocated to local educational agencies for responsibilities assigned to them by the State agency for making accessible loaned materials in accordance with § 117.10. The administration of the plan involves functions such as:

(a) The development of short- and long-term policy for making school library resources, textbooks, and other printed and published instructional materials available for the use of children and teachers in the elementary and secondary schools of the State;

(b) The development, revision, dissemination, and evaluation of standards relating to the selection, acquisition, and use of school library resources, textbooks, and other printed and published instructional materials;

(c) State supervisory services and evaluation of programs for the acquisition and use of school library resources, textbooks, and other printed and published instructional materials;

(d) Inventorying of acquisitions made under title II of the Act and the maintaining of other requisite records;

(e) The control of loaned materials in accordance with § 117.10; and

(f) The rendering of such reports as the Commissioner may require.

(20 U.S.C. 823, 1231c(b))

§ 117.22 Relation to public library system.

Federal funds made available under title II of the Act shall not be used to supplant or duplicate, unnecessarily, functions of the public library system of the State.

(20 U.S.C. 823)

§ 117.23 Administration by Departments.

An amount not to exceed 5 percent of the funds made available respectively to the Department of the Interior and the Department of Defense shall be made available to each Department for administration in a manner consistent with § 117.21.

(20 U.S.C. 822)

Subpart E—State Administration

§ 117.35 Advisory committees.

If State advisory committees are used with respect to one or more aspects of the annual program plan, the State agency shall establish policies for the establishment of the committees for the qualification and selection of members, for the establishment of the duties of members and of the committees, and for the payment of committee expenses, if any.

(20 U.S.C. 823)

§ 117.36 Financial interest prohibited.

Administrative decisions under § 100b.250 of this chapter include, but are not limited to, the making of a contract for the acquisition of school library resources, textbooks, or other printed and published instructional materials under such a project, or the granting or withholding of approval of the acquisition or use of such resources, textbooks, or materials. State agencies shall take such action as is necessary to avoid preferential treatment on the basis of authorship or other personal interests in relation to the sale or distribution of such resources textbooks, or materials.

(20 U.S.C. 1232c(b)(1))

§ 117.37 Administrative review and evaluation.

The State agency and the Departments of the Interior and Defense shall provide for administrative review and evaluation of their programs and operations under title II of the Act at least annually. Such evaluation shall be made in relation to the criteria used for equitable distribution and the identifying and serving of needs and will include the review, redefinition, and refinement of meaningful standards as to adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials which are selected and distributed, and the effectiveness in making such resources, textbooks, and materials available for the use of children and teachers in elementary and secondary schools. The State agency shall include a report of such administrative review and evaluation in the annual report of the State agency.

(20 U.S.C. 823)

Subpart F—Payment Procedures

§ 117.43 Reallotment.

(a) *In general.* The amount of any State allotment under title II of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under title II of the Act for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under title II of the Act, each State agency administering a program under title II of the Act shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements.

(20 U.S.C. 822)

[FR Doc.76-26083 Filed 9-3-76;8:45 am]

V41I174 SEP 7 76 UMI

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20368; FCC 76-748; RM-1985]

PART 1—PRACTICE AND PROCEDURE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Offshore Radio Telecommunications Service; Correction

AUGUST 30, 1976.

In the Report and Order in the above-entitled matter, FCC 76-748, adopted July 30, 1976, released August 9, 1976, and published in the FEDERAL REGISTER at 41 FR 33883, the following correction is made as follows:

In Part I—Practice and Procedure, § 1.1113(f) should read: § 1.1113(j); and in Subpart L, § 21.1001, the limitations in frequencies 489.225—492.225, and 489.250—492.290 are changed from "7" to "6".

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26090 Filed 9-3-76;8:45 am]

[Docket No. 20734; RM-2586]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Henderson, Nev.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Henderson, Nevada)

1. The Commission has under consideration its Notice of Proposed Rule Making[1] in the above-captioned proceeding which invited comments on a proposal to assign Channel 263 to Henderson, Nevada, as a third FM assignment to the community. The Notice was issued in response to a "Petition for Rule Making" submitted by KTOO Broadcasting Company, Inc. (KTOO), licensee of day-time-only AM Station KVOV, Henderson, which requested the assignment described above. In addition to the petition itself, KTOO submitted a "Supplement to Petition for Rule Making," "Comments in Support of Petition for Rule Making," and "Comments in Support of Rule Making." No opposition to the proposal has been filed.

2. Information concerning the community of Henderson was set forth in the Notice and need not be reiterated here.

3. In the Notice we requested the petitioner and other interested parties to address the issue of whether or not the public interest warrants a divergence from our established channel assignment policies.[2] Responding to the Notice, KTOO noted that there was "not even a remote possibility that any other community might ultimately be deprived of service as a result of the assignment of Channel 263 to Henderson." Further, KTOO urged that our "population criteria" were flexible guidelines, not immutable standards, and that the guidelines should not bar the requested assignment.[3] Finally, the petitioner urged that Henderson's recent level of rapid growth would soon justify the requested assignment and that such an assignment would be consistent with the statutory mandate to assure a "fair . . . and equitable distribution of radio services."[4]

4. Preclusion would occur on Channel 263 and six adjacent channels. Of the four significant communities (Las Vegas, Boulder City, Nevada, St. George, Utah, and Cedar City, Utah) that lie within the areas of preclusion created by the proposed assignment, only Boulder City (pop. 5,223) is presently without a local AM or FM facility and there are at least ten alternate channels available for use at that community. Although the potential preclusion affects large land areas, the impact on future availability of FM services is insignificant since a considerable number of alternate channels are available for use in all precluded areas.

5. We are of the opinion that in this particular circumstance the assignment should be made even though the proposal does not accord in all respects with our channel assignment policies. The petitioner, by noting the "myriad" of alternate channels available for use in the area, has, in our opinion, demonstrated the existence of special circumstances which, in this instance, justify the assignment. Were we to refrain from making the assignment, the channel would lie fallow and unused, a result that is inconsistent with the "efficient" use of the available radio spectrum. KTOO's expressed intention to proceed, and the opportunity to increase the diversity of listening opportunities without detrimentally affecting the future interests of other communities, further persuades us that the assignment would enhance the public interest. We do wish to note that our action here is based upon the special circumstances present in this proceeding, namely the over abundance of alternate channels available for assignment in the area. The action we are taking should not be construed as precedent in less exceptional situations.

6. Accordingly, it is ordered, That the "Petition for Rule Making" submitted by KTOO Broadcasting Company, Inc., seeking the assignment of Channel 263 to Henderson, Nevada is granted.

7. It is further ordered, That effective October 12, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED to read as follows:

City:	Channel No.
Henderson, Nevada	231, 238, 263

8. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: August 27, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26087 Filed 9-3-76;8:45 am]

[Docket No. 20786; RM-2591]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Pueblo, Colo.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Pueblo, Colorado)

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted April 19, 1976, 41 FR 17787, inviting comments on a proposal to assign FM Channel 296A to Pueblo, Colorado. This proceeding was instituted on the basis of a petition filed by KAPI, Inc. (petitioner), licensee of daytime-only Station KAPI, Pueblo. Supporting comments were filed by petitioner. No oppositions were filed.

2. Pueblo, a city of 97,453 population[1] is the seat of Pueblo County (pop. 118,238). Petitioner points out that Pueblo's population has grown more than 10% in the last five years and recent estimates place the population at 108,000 in 1975. Our assignment guidelines indicate that communities with populations of 100,000 or 250,000 may be assigned from four to six FM commercial channels. Pueblo presently has three full-time AM stations, three daytime-only AM stations and four Class C FM stations (Channels 250, 255, 260 and 264).

3. We are told that Pueblo is the home of the new University of Southern Colorado and the Southern Colorado State College Belmont Campus, and that it is the center of a large number of civic and cultural activities. Petitioner adds that Pueblo is an increasingly important economic region and industrial center with approximately 55,000 workers. It points out that almost one-third (40,750 persons) of the population of Pueblo County is Spanish surnamed, and all signs indicate continued growth in coming years. Its AM station (KAPI) is a Spanish language station. Petitioner states that the proposed operation would bring a much needed first nighttime Spanish language broadcast service to the sizable Spanish-speaking community in Pueblo and its environs.

4. Channel 296A can be assigned to Pueblo without disturbing any existing assignments and is in compliance with the mileage separation requirements of the rules. At least one more FM channel is available for assignment to all but one of the communities with populations greater than 1,000 persons located within the area of preclusion. The exception is Colorado Springs (pop. 136,060), which presently has five occupied FM Class C assignments. As to intermixture of a Class A with Class C channels in Pueblo, petitioner states, in supporting comments, that (1) no Class C FM channel is available for assignment to Pueblo and (2) it has made a considered business judgment that operation in Pueblo of a Spanish language Class A station is economically feasible.

5. Although the requested assignment would intermix a Class A with Class C channels the petitioner has expressed his conviction that a new Class A FM station can exist and prosper in the Pueblo, Colorado, marketplace. Under our assignment criteria, Pueblo has a population the size of which would warrant its being assigned a fifth FM channel. After consideration of the pertinent facts in this proceeding, we are of the view that the subject proposal has merit and that its adoption would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

7. Accordingly, it is ordered, That effective October 12, 1976, the Table of FM Assignments (Section 73.202(b)) is amended with respect to the city listed below as follows:

City:	Channel No.
Pueblo, Colo.	250, 255, 260, 264, 296A

8. It is further ordered, That this proceeding is terminated.

Adopted: August 27, 1976.

Released: August 31, 1976.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26086 Filed 9-3-76;8:45 am]

[Docket No. 20796; RM-2619]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Salisbury, Md.

In the Matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Salisbury, Maryland).

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted May 5, 1976, 41 FR 20176, inviting comments on a proposal to assign either Channel 288A or Channel 296A to Salisbury, Maryland, as its second FM assignment. The current proceeding was instituted by James J. Jester (Jester), requesting the assignment of Channel 296A. There were no oppositions to the proposal. Supporting comments were filed by petitioner and Salisbury Broadcasting Co., licensee of Station WJDY, Salisbury, Maryland.

2. Salisbury, Maryland (pop. 15,252),[1] the seat of Wicomico County (pop. 54,236), is located approximately 170 kilometers (106 miles) southeast of Baltimore, Maryland, 190 kilometers (118 miles) east of Washington, D.C., and 213 kilometers (132 miles) north of Norfolk, Virginia. It is presently served by AM Station WJDY, licensed to Salisbury Broadcasting Co., and by two AM–FM combinations, WBOC and WBOC–FM, Channel 284, Ocean City–Salisbury,[2] licensed to WBOC, Inc., and WICO and WICO-FM, Channel 232A, Salisbury, licensed to Delmarva Broadcasting Co.

3. In his comments, Jester has reaffirmed his intention to apply for either Channel 288A or 296A, if either is assigned herein, and, if authorized, will seek broadcast authority for the operation of a station. Salisbury Broadcasting Co., in supporting comments, stated that it had no objections to the assignment of either Channel 288A or 296A. It adds that it will most probably apply for a construction permit for whichever channel is assigned.

4. Jester describes Salisbury as a retail trade center for a nine-county area. The community is said to have a diversified manufacturing base. Wicomico County is reported to have 19,700 households with a 1974 retail trade estimate of $236,626,000.

5. The preclusion on Channel 296A would occur only on the proposed channel. If Channel 296A were to be assigned to Salisbury, five communities with populations greater than 1,000 persons would be precluded of future assignment on this channel. All of these communities have at least one other channel available for assignment with the exception of Denton, Maryland (pop. 1,561). Denton presently has no local aural service, and Channel 296A is the last channel available to that community. However, Channel 288A is also available for assignment to Salisbury, leaving Channel 296A for Denton.

6. Since (a) Channel 296A is available for Denton if the need should arise, (b) one or more channels are available for the remaining communities in the precluded area, and (c) a demand has been shown for use of one of the proposed channels, we believe it would be in the public interest to assign Channel 288A to Salisbury, Maryland.

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, That effective October 12, 1976, the FM Table of Assignments is amended to read as follows:

City:	Channel No.
Salisbury, Md.	232A, 288A

9. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: August 27, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26085 Filed 9-3-76;8:45 am]

[Docket No. 20662; FCC 76-762]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Cargo Vessels of the United States; Exemption From Certain Radiotelegraph Provisions

In the Matter of Amendment of Part 83 to provide an exemption to newly constructed United States Cargo vessels of 1600 gross tons and upwards from the radiotelegraph and radio direction-finding provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on sea trials, not more than 150 nautical miles from the nearest land.

1. The Commission released a Notice of Proposed Rule Making in the above captioned matter on October 24, 1975, which appeared in the FEDERAL REGISTER of November 3, 1975, (40 FR 51059). The dates for filing comments and reply comments have passed.

2. The only comments were filed by Gulf Radiotelephone and Electronics, Inc. (GULF). GULF stated that the continuous watch on 2182 kHz may be misinterpreted and should read "a continuous watch is maintained on 2182 kHz during sea trials when not communicating on another frequency." We agree that the watch requirement for sea trials should be identical to the radiotelephone watch for vessels subject to Title III, Part II of the Communications Act of 1934, as amended, and the Appendix will be revised. The comments of GULF concerning the dedicated watch receiver and auto alarm are being considered in another docket.[1]

3. In view of the foregoing, and for the reasons stated in the Notice of Proposed Rule Making a general exemption to newly constructed vessels during sea trials should be provided.

4. Authority for the rule amendments are contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. It is ordered, That Part 83 of the Commission's rules is amended effective October 7, 1976, as set forth below.

[1] Docket No. 20274, released November 23, 1975, In the Matter of, Intergovernmental Maritime Consultative Organization: Preparation of Recommended Operational Standards applicable to equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention.

[1] 41 FR 11029 (1976).

[2] *Further Notice of Proposed Rule Making*, Docket No. 14185, adopted July 25, 1962 (FCC 62-867) and incorporated by reference in para. 25 of the *Third Report Memorandum Opinion and Order*, 40 F.C.C. 747 (1963).

[3] KTOO also questioned the continued adherence to our "population criteria" which, it notes, were developed some 16 years ago. In light of disposition of this proceeding we need not address that issue at this time.

[4] 47 U.S.C. 307(b).

[1] All population figures are taken from the 1970 U.S. Census unless otherwise indicated.

[1] All population figures cited are taken from the 1970 U.S. Census.

[2] Channel 284 is assigned to Ocean City, Maryland, but it is used by Station WBOC–FM with dual-city identification as an Ocean City-Salisbury station.

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6. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.480 is amended by designating the existing paragraph as paragraph (a) and adding new paragraphs (b) and (c) as follows:

§ 83.480 General exemptions.

(a) All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Title III, Part II of the Communications Act, provided that the vessels are navigated not more than 100 nautical miles from the nearest land and are equipped with a radiotelephone installation fully complying with the provisions of Title III, Part III of the Communications Act and the Commission's rules and regulations made pursuant thereto, including the requirements with respect to certificates, operators and listening watches.

(b) All newly constructed U.S. cargo vessels of 1600 gross tons and upwards, are exempt from the radiotelepgraph and radio direction-finding provisions of Title III, Part II of the Communications Act when navigated on sea trials, not more than 150 nautical miles from the nearest land; Provided, That:

(1) The vessel is equipped with a radiotelephone capable of operation on 2182 kHz and equipped with a radiotelephone alarm signal generator. The vessel may carry an additional portable radiotelephone, located in the wheelhouse, equipped with a radiotelephone alarm signal generator to satisfy the radiotelephone alarm signal generator requirement;

(2) The radio direction-finding apparatus is calibrated during the sea trials;

(3) A continuous watch is maintained on 2182 kHz whenever such station is not being used for authorized traffic during the sea trials; and

(4) The local FCC, Engineer in Charge is advised of the dates and routes of the sea trials.

(c) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

[FR Doc.76-26089 Filed 9-3-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1229; Amdt. No. 1]

PART 1033—CAR SERVICE

Wolfeboro Rail Road Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of August, 1976.

Upon further consideration of Service Order No. 1229 (41 FR 5823), and good cause appearing therefor:

It is ordered, That Service Order No. 1229 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1229 Wolfeboro Rail Road Company authorized to operate over certain tracks owned by the State of New Hampshire.

* * * * * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., August 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member Lewis R. Teeple not participating.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc.76-26098 Filed 9-3-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds in the Contiguous United States, and Amendment to 50 CFR 20.105(d)(3)

On page 34273 of the FEDERAL REGISTER of August 13, 1976, (41 FR 27382) there was published a notice of Supplemental Proposed Rulemaking to amend Part 20 of Title 50, Code of Federal Regulations. Included in that notice were "Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds," which prescribed season lengths, shooting hours, bag and possession limits, and outside dates within which States could select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Interested persons were given until August 23, 1976, to submit written comments, suggestions, or objections regarding the proposed amendments.

This final rulemaking is the ninth in a series of proposed and final rulemaking documents for migratory bird hunting regulations. It deals specifically with final regulations frameworks from which States may select open seasons for hunting migratory birds in the contiguous United States during the 1976–77 season, and with an amendment to 50 CFR 20.105(d)(3) to correct and clarify Canada goose regulations in Wisconsin.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose regulations in Wisconsin, and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. In addition to the above, notice of availability was published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27987) relative to a black duck environmental assessment. Similar notice was given in the first notice of proposed rulemaking (41 FR 9177; March 3, 1976) about the availability of an environmental assessment covering the canvasback and the redhead. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending § 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in the contiguous United States, Alaska and Hawaii during the 1976–77 season and was published in the FEDERAL REGISTER on July 28, 1076 (41 FR 31383). The seventh notice in the series consisted of amendments to Subpart K of 50 CFR Part 20 to set open hunting seasons, certain closed areas shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska. The eighth notice in the series consisted of supplemental proposed rulemaking dealing with proposed late season frameworks further described in the opening paragraph of this document and was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34273), with a comment period ending August 23, 1976.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were received.

The Waterfowl Regulations Public Hearing was held on August 5, 1976, in accordance with the notice published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27988). The purpose of the hearing was to review U.S. Fish and Wildlife Service staff recommendations for hunting regulations governing the taking of waterfowl and other species of migratory birds for which framework regulations had not been finalized. This hearing was open to the public and statements by interested persons were received.

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

In response to the August 13, 1976, FEDERAL REGISTER publication of supplemental proposed rulemaking containing "Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds" (41 FR 34273), 13 comments had been received as of August 23, 1976. These comments represented the views of 7 States, 4 organizations, and 2 individuals, as follows.

New York Zoning Proposal. One comment was received in opposition to the zoning option for New York unless a 10-day penalty is applied to each zone.

Response. Previous experimental zoning seasons in Massachusetts suggest that a 10-day penalty in each zone would depress harvest rates to such an extent that little information could be gained on the development of techniques for the use of zoning is as a management tool. Five-day penalties have been prescribed for two of New York's proposed zones to allow a more sensitive measure of the effects of the zoning option on harvest.

Michigan Zoning Proposal. Two comments were received criticizing the absence of a zoning option for Michigan this year. Reference was made to the absence of waterfowl on Michigan's Upper Peninsula by opening day.

Response. Zoning proposals for several States in the Mississippi Flyway, including Michigan, were developed and forwarded by the Mississippi Flyway Council to the Service for review. The Service deemed it advisable to postpone action on these proposals for the 1976–77 season pending further review and discussion with the Mississippi Flyway Council in regard to developing criteria and guidelines for experimental zoning, which would be applicable throughout the flyway. This was discussed at the August meeting of the Mississippi Flyway Council and concurrence reached. To facilitate this approach, the Council appointed a committee to work with the Service in developing criteria and guidelines for zoning proposals in the Flyway.

Point System. One comment was received in opposition to the continuation of the point system as a regulatory option on the basis of the unenforceability of the hunter's daily bag limit due to reordering.

Response. The Service believes that the point system is a valid and useful regulatory tool. It has a high degree of acceptability among State fish and game departments and hunters because it permits more nearly optimal bag limits to be established at the species level, and facilitates shifting hunting pressure from heavily harvested to more lightly harvested species. Also, since it permits hunters to identify ducks after they are bagged rather than before, the possibility of unintentional violation is greatly reduced. The Service recognizes that reordering occurs to some degree when conditions permit. However, field observations indicate that the opportunity to reorder occurs in only a small proportion of daily hunts. Nevertheless, the Service is considering, in consultation with the Flyway Councils and other interested parties, various ways to alleviate the reordering problem, with a view to proposing for public review and comment in the near future new language to describe how bag limits may be determined under the point system. The Service is of the view that insufficient time is available to thoroughly review and evaluate such language changes and provide adequate time for public comment prior to the beginning of the 1976–77 hunting season.

Experimental Use of the Proposed Point System Modification. One State requested that it be considered as an experimental area in which to test an alternative point system tallying method.

Response. This request was considered by the Service prior to the final rulemaking. It was deemed advisable for reasons discussed above to defer action until the 1977–78 hunting season.

Framework Opening Day. One State in the Mississippi Flyway requested that the frameworks be changed to permit the opening of the waterfowl season on the Wednesday closest to October 1 instead of October 1.

Response. By general agreement with the Flyway Councils, season framework dates and other aspects of the regulations not requiring annual changes are discussed and decisions reached early in the year. The Service believes it desirable to maintain this procedure unless unusual or critical circumstances arise. The Service also feels that there should be opportunity for other States in the Flyway to comment on such changes. For these reasons, it is deemed advisable to defer action on the proposal at this time. Further consideration can be given to it prior to the 1977–78 season.

Canvasback/Redhead. The 1976–77 proposed rulemaking offered States the opportunity to modify their canvasback/redhead area closure boundaries. Proposed modifications were submitted by three States. One Mississippi Flyway State requested that the area closure provision be discontinued for that State, and another State requested a daily bag limit of one canvasback and one redhead. One Atlantic Flyway State requested that the canvasback/redhead season be opened flywaywide or remain closed in all Flyway States as in 1975–76.

Response. The area closure modifications proposed by three States were judged to be acceptable since they met the criterion that no more than 20 percent of the estimated canvasback/redhead harvest would be composed of canvasbacks. Descriptions of the modified area closure boundaries appear in the

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final rulemaking below. The Service believes that discontinuation of the area closure provision is not advisable at this time because of possible conflicts with the attainment of population goals for these species. The area closure provision was implemented in the Atlantic Flyway this year following four years of closed seasons on canvasbacks and redheads. States where closed areas would be located were consulted prior to the final rulemaking. In view of the current status of both species, continuation of a flyway-wide closed season throughout the Atlantic Flyway is not believed to be an essential management action. Closed-area modifications were also accepted through consultation with two additional States in the Mississippi Flyway.

Mallard Hen Restriction. One State questioned the advisability of a one-hen mallard restriction in a total mallard bag limit of three in the Mississippi Flyway as a means of shifting harvest toward drakes and away from hens. Supporting data submitted indicated that a similar regulation in that State (in 1973 with a 4 mallard daily bag limit) resulted in only a .5 percent difference in the harvest of drake mallards compared to harvests in the preceding eight years without hen restrictions.

Response. The data presented warrant serious consideration. However, the Service feels that more than one year's data with the one-hen mallard restriction should be collected before reaching conclusions about the usefulness of the restriction. The one-hen mallard restriction has the endorsement of the Mississippi Flyway Council, and the restriction will be in effect flywaywide this year. The results of this broader application may permit more positive conclusions about its usefulness in protecting mallard hens.

Goose Possession Limits. One comment was received to the effect that possession limits for geese in the Central Flyway should be the same as present possession limits for ducks to eliminate the confusion between duck and goose possession limits that now exists. In addition, since the request would make the possession limit twice the daily limit, extended hunting trips could be taken without fear of violating the possession limit.

Response. Possession limits for ducks and geese are developed independently because the management requirements of the two groups differ. It is believed that most hunters understand this difference and the Service has no evidence that it is a source of confusion. Our purpose in this instance is to better control the harvest rate on geese in the Central Flyway.

South Dakota Goose Regulations. Comments to the proposed restriction to 1 bird in possession in addition to a two-week reduction in season length in certain South Dakota counties alleged that the proposals were more restrictive than necessary, and should not be imposed without further documentation of need.

Response. After reviewing and evaluating these comments, the Service concurs in this viewpoint. Consequently, it is determined that for the 1976–77 season the possession limit may be retained at 2 birds but the proposed reduction of two weeks in season length will be retained. In conjunction with this, the Service and the State of South Dakota will jointly conduct a data gathering program to obtain further information on harvest levels of the Western Prairie Population of Canada geese with a view to determining what additional restrictions, if any, may be necessary.

Comments on the Service's regulations proposals are available for public inspection during normal business hours at the Service's Office of Migratory Bird Management, Fish and Wildlife Service, Room 2257, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C.

Correction and Clarification for Canada Goose Regulations in Wisconsin

Correction and clarification are needed to provisions for Wisconsin Canada geese shown in the early-season regulations published in the Federal Register on August 12, 1976 (41 FR 34041) and in the proposed late-season framework published in the Federal Register on August 13, 1976 (41 FR 34273). The early-season regulations show a possession limit of 1 Canada goose and the proposed late-season framework shows a possession limit of 2 Canada geese. The intent was to provide a possession limit of 1 Canada goose in the Horicon Zone and 2 Canada geese elsewhere in Wisconsin. The paragraph covering framework provisions for Canada geese in Wisconsin is modified in the final frameworks to reflect this intent.

Consequently, it is necessary to correct and clarify the wording in § 20.105 (d) (3) to reflect the intent referred to above by deleting the present ambiguous daily bag and possession limits and in their place adding the following:

Daily bag limit statewide--	1
Possession limits---------	1 in the horicon zone; 2 elsewhere.

Compliance with Section 7 of the Endangered Species Act of 1973

Section 7 of this Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." Consequently, the Service reviewed all migratory bird regulations being contemplated this year and concluded that none of the proposals, if implemented, would jeopardize any population of birds designated as endangered under the Act. As in the past, hunting regulations this year are designed to remove or alleviate chances of conflict between seasons for migratory game birds and the protection of endangered species. Examples of such consideration include closures of designated areas in the Aleutian Islands and California to the taking of Canada geese for the protection of the Aleutian Canada goose (*Branta canadensis leucopareia*); closures in Puerto Rico for protection of the Plain pigeon (*Columba inornata wetmorei*) and Puerto Rican parrot (*Amazona vittata*); no open season for any species of rails in the Pacific Flyway for the protection of the California, light-footed, and Yuma clapper rails, (*Rallus longirostris spp.*); the setting of lesser sandhill crane seasons in the Central Flyway to alleviate risks to the whooping crane (*Grus americana*), and the display of informational and warning posters on public hunting areas relative to the protected status of the peregrine falcon (*Falco peregrinus*) and all other raptors.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Fish and Wildlife Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours and bag limits; to communicate those selections to the Service; and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

After due consideration of the comments received, the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), prescribes below the final late season frameworks, setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which State conservation agency officials may select open season dates. Upon receipt of season selections from State officials, the Service will publish in the Federal Register final rulemaking amending certain sections of Subpart K of 50 CFR 20 to reflect seasons, limits and shooting hours for the contiguous United States for the 1976–77 season.

Effective date: Final rulemaking on the frameworks for selecting open season dates for hunting certain migratory game birds in the contiguous United States becomes effective on September 7, 1976.

Dated: September 1, 1976.

Lynn A. Greenwalt,
Director, U.S. Fish and Wildlife Service.

Final Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

General

States may split their season for ducks or geese into two segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting hours in all States, on all species, and for all seasons are ½ hour before sunrise until sunset, except that September teal season shooting hours are sunrise to sunset.

States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1976, and January 31, 1977, in the Atlantic and Mississippi Flyways, and between October 2, 1976, and January 31, 1977, in the Central Flyway, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 3, and

4. These areas must be described and delineated in State hunting regulations.

OR

As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option.

States in the Atlantic, Mississippi, and Central Flyways are reminded that if they did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July, they should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

Atlantic Flyway

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold open seasons on ducks, coots, and mergansers of: (a) 45 days, with basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) 45 days, with basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks. Under either Option (a) or (b), a 50-day season may be selected provided the season is opened on a Wednesday with shooting hours beginning at noon, local time, on opening day. If the 50-day season is split, each segment must open on a Wednesday with shooting hours beginning at noon, local time, on opening day.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls; all waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina—Those portions of each State lying east of U.S. Highway 1.

Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits of coots are 15 and 30, respectively.

The Lake Champlain area of New York State must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York State lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

The State of New York may, for the Long Island Area, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate waterfowl seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. The West Zone will be permitted the full number of days offered under Options (a) or (b), with or without the Wednesday opening with shooting hours beginning at noon, local time, on opening day. In addition, a split season without penalty may be selected in the West Zone. The North Zone and the South Zone must take a 5-day reduction in season length under either option, with or without the Wednesday opening with shooting hours beginning at noon, local time, on opening day. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus birds, if offered, shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at a point at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows:

Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in the City of Utica, then southerly along Route 8 to its intersection with U.S. Highway 20 in the hamlet of Bridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

As an alternative to conventional bag limits for ducks, a 45-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. A 50-day season may be selected provided the season is opened on a Wednesday with shooting hours beginning at noon, local time, on opening day. If the 50-day season is split, each segment must open on a Wednesday with shooting hours beginning at noon, local time, on opening day. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each;

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in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck, redhead (except in closed areas) and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck open season falling outside the point-system season, regular sea duck daily bag and possession limits of 7 and 14 sea ducks, respectively, apply.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Between October 1, 1976, and January 20, 1977, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Maryland, and Virginia (excluding those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. North Carolina, South Carolina, and those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the above framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

The season is closed on Canada geese in Florida and Georgia.

Between October 1, 1976, and January 20, 1977, but within their regular waterfowl season, States in the Atlantic Flyway may select 30-day seasons on snow geese (including blue geese); the daily bag and possession limits are 2 and 4 geese, respectively.

The season is closed on Atlantic brant.

For snow geese (including blue geese) the Secretary shall close the season within 48 hours upon recommendation of the Director, Fish and Wildlife Service, that such closure is necessary to avoid excessive harvest.

Mississippi Flyway

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold concurrent 50-day seasons on ducks, coots and mergansers. The daily bag limit for ducks is 5, and may include no more than 3 mallards and black ducks in the aggregate (only 2 of which may be black ducks and only 1 of which may be a female mallard) and 2 wood ducks. The possession limit is 10, including no more than 6 mallards and black ducks in the aggregate (only 4 of which may be black ducks and 2 of which may be female mallards) and 4 wood ducks.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6 T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahnomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Section 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconni and Butte des Morts, including the connecting waters thereof, in Winnebago County.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits on coots are 15 and 30, respectively.

As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: Except in closed areas, the canvasback counts 100 points; the redhead (except in closed areas), female mallard, wood duck, black duck and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days: *Provided*, That the season opens on November 6, 1976. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Between October 1, 1976, and January 20, 1977, States in this Flyway, except Louisiana, may select 70-day seasons on geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. Regulations for Canada geese are shown below by State.

Between October 1, 1976, and February 14, 1977, Louisiana may select a 70-day season on snow (including blue) and white-fronted geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. The season on Canada geese is closed in Louisiana.

In Minnesota, in the:

(a) Lac Qui Parle Quota Zone—the season on Canada geese closes after 45 days or when 5,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The quota zone is that area encompassed by a boundary described as follows: Beginning at Montevideo, then west on U.S. Highway 212 to U.S. Highway 75, then north on U.S. Highway 75 to State Highway 7 at Odessa, then north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, then east on U.S. Highway 12 to County State Aid Highway 17, Swift County, then south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, then east on State Highway 40 to State Highway 29, then south on State Highway 29 to point of beginning at Montevideo.

(b) Southeastern Zone (same description as in 1971)—The season for Canada geese may extend for 70 consecutive days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(c) Remainder of the State—The season on Canada geese may not exceed 45 days. The daily bag limit is 1 Canada goose or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Iowa, the season for Canada geese may extend for 46 consecutive days. The daily bag and possession limits are 2 Canada geese.

In Missouri, in the:

(a) Swan Lake Quota Zone (same description as in 1971)—the season on Canada geese closes after 45 days or when 25,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(b) Southeastern area (east of U.S. Highway 67 and south of Crystal City)—State may select a 45-day season on Canada geese between December 1, 1976, and January 20, 1977, with a daily bag limit of 2 Canada geese or 2 white-fronted geese or 1 of each; and a possession limit of 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

(c) Remainder of the State—the season on Canada geese may not exceed 45 days. The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Wisconsin, the harvest of Canada geese is limited to 28,000. The daily bag limit is 1 Canada goose, 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese, except that in the Horicon Zone the possession limit for Canada geese is 1. In the Horicon Zone, to be defined by State regulations, Canada goose hunting is restricted to those persons holding valid Horicon Zone Canada goose hunting permits issued by the State.

In Illinois, the harvest of Canada geese is limited to 28,000, with 22,000 birds allocated to the Southern Illinois Zone (same description as in 1971). The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese. The season on Canada geese may open at a later date in the Southern Illinois Quota Zone and extend to January 20, 1977, or until the Zone's quota of 22,000 birds is reached, whichever occurs first.

In Michigan, Ohio and Indiana, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit may include no more than 2 Canada and 2 white-fronted geese, except in Michigan, the possession limit on Canada geese is 1.

In Kentucky, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

In Tennessee, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese, except that in the Counties of Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion, the daily bag and possession limits are 2 Canada geese.

In Mississippi, in the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. In the remainder of the State, the season on Canada geese is closed.

In Alabama, the season is closed on all geese in the Counties of Chambers, Henry, Russell and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

In Arkansas, the Canada goose season will be concurrent with, and the same length as, the duck season, subject to State closure of designated areas. The daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

When it has been determined by the Director that the quota of Canada geese allotted to the State of Illinois, to the Swan Lake Area of Missouri, and to the Lac Qui Parle Area of Minnesota will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Geese taken in Illinois and Missouri and in the Kentucky Counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

Central Flyway

Between October 2, 1976, and January 23, 1977, concurrent seasons on ducks, including mergansers, and coots, may be selected in Central Flyway States and portions of States.

The basic season may include no more than 60 days and bag limits on ducks and mergansers, singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks and mergansers may include no more than 1 hooded merganser, 2 wood ducks and 1 female mallard, and the possession limit may include no more than 2 hooded mergansers, 4 wood ducks and 2 female mallards.

The bag limit on coots is 15 daily and 30 in possession.

The daily bag and possession limits, except in closed areas, may include no more than 1 canvasback or 1 redhead. Except in closed areas, canvasbacks count 100 points each and redheads 70 points each under the point system. The areas closed to canvasback and redhead hunting are:

North Dakota—that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange.

The season is closed on the Mexican duck.

As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit portions of Colorado, Kansas, Montana, Nebraska, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, and Wyoming is 83 days, provided, that the last 23 days of such season must begin on or after December 13, 1976. The season length for those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit may not exceed 60 days. The High Plains area, roughly defined as that portion of the Central Flyway which lies between the 100th meridian and the Continental Divide, shall be described in State regulations.

The point values for species and sexes taken in the Central Flyway are as follows: Except in closed areas, canvasbacks count 100 points each; the female mallard, wood duck, redhead (except in closed areas), and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30 respectively, as under the conventional limits.

Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the Counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

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Between October 2, 1976, and January 23, 1977, States in this Flyway may select goose seasons as follows:

(a) For the Central Flyway portions of Montana, Wyoming and Colorado, States may select seasons of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

(b) For the Central Flyway portion of New Mexico and that portion of Texas west of U.S. Highway 81, States may select seasons of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 5 geese which may include no more than 4 dark geese.

(c) The States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (for that portion east of U.S. Highway 81) may select seasons of 86 days for light (snow and blue) geese and seasons of 72 days for dark (Canada and white-fronted) geese subject to the following:

Seasons for light and dark geese need not be concurrent.

The daily bag and possession limits may not exceed 5 geese during periods when such light and dark goose seasons may be concurrent.

The daily bag and possession limit shall be 5 light geese.

The daily bag limit may include no more than 2 dark geese and possession limit may include no more than 4 dark geese subject to the following:

In North Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese. The possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each. The season on dark geese may not extend beyond November 14, 1976.

In South Dakota ,except in the following listed Counties, the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each and the season on dark geese may not extend beyond November 28, 1976. In the Counties of Buffalo, Campbell, Corson, Dewey, Hughes, Hyde, Potter, Stanley, Sully and Walworth, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. The season on dark geese may not extend beyond November 14, 1976. In the Counties of Brule, Charles Mix, Gregory and Lyman, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. The season on dark geese may not extend beyond November 28, 1976.

In Nebraska, the season on dark geese may not extend beyond December 19, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each except that, in that portion of the State west of U.S. Highway 183, prior to November 22, the daily bag limit may include no more than 2 Canada geese and the possession limit no more than 4 Canada geese.

In Kansas the season on Canada and white-fronted geese may not extend beyond December 26, 1976. The daily bag limit may include no more than 1 Canada goose and 1-white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the Oklahoma Counties of Alfalfa, Bryan, Johnston, and Marshall, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

OR

(b) A season of 53 days (within the 72-day period selected for the remainder of the State) with a daily bag limit of no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the remainder of Oklahoma, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose and the possession limit no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In that portion of Texas east of U.S. Highway 81, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose or 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

(b) A season of 64 consecutive days commencing no earlier than November 14, 1976, with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming may select a season on the lesser sandhill (little brown) crane with daily bag and possession limits of 3 and 6, respectively, within an October 2, 1976–January 31, 1977, framework as follows:

(a) 36 consecutive days from October 2 through November 8, 1976, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 23, 1976, and January 31, 1977, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days beginning on or after November 27, 1976, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days beginning on or after October 9, 1976, in Platte and Goshen Counties, Wyoming.

North Dakota and South Dakota may select sandhill crane seasons of: 30 consecutive days between November 6 and December 5, 1976, with daily bag and possession limits of 3 and 6, in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in that part of South Dakota enclosed by a boundary described as follows: From the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits issued by the appropriate State conservation agency on an equitable basis without charge.

PACIFIC FLYWAY

Between October 2, 1976, and January 23, 1977, concurrent 93-day seasons on ducks, mergansers, coots, and gallinules may be selected in Pacific Flyway States and portions of States, *except* the Columbia Basin Area. Basic daily bag and possession limits on ducks are 7 and 14, respectively.

No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

The season is closed on the Mexican duck.

The daily bag and possession limits on mergansers are 5 and 10, respectively, of which no more than 1 daily and 2 in possession may be hooded mergansers.

The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

For that portion of California lying south of the Tehachapi Mountains and west of the Colorado River Area (as described in Title 14 California Fish and Game Code, Section 502), the State may designate season dates differing from those in the remainder of the State.

Waterfowl season dates for Clark and Lincoln Counties in Nevada and the Colorado River Area of California must coincide with season dates selected by Arizona for waterfowl. Waterfowl season dates for the Tule Lake Area of California must coincide with season dates selected by Oregon for waterfowl.

In the Columbia Basin Area of Washington, Oregon and Idaho, between October 2, 1976, and January 23, 1977, the season lengths for ducks, mergansers, coots and gallinules may be 100 days with all seasons to run concurrently. The daily bag limit is 7 ducks and the possession limit is 14 ducks, to include no more than 2 redheads or 2 canvasbacks or 1 of each daily, and no more than 4 singly or in the aggregate in possession. The bag limit on mergansers is 5 daily and 10 in possession, of which no more than 1 daily and 2 in possession may be hooded mergansers. The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

Between October 2, 1976, and January 23, 1977, 93-day seasons on geese may be selected in States or portions of States in this Flyway, except the Columbia Basin Area. The basic daily bag and possession limits are 6: *Provided*, That the daily bag limit includes no more than 3 snow geese and 3 geese of the dark species (Canada and white-fronted); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Three areas in California are restricted to the hunting of Canada geese, in order to protect the Aleutian Canada goose for which no hunting is allowed; and are described as follows:

(1) In the Counties of Del Norte, Humboldt and Mendocino, there will be no open season on Canada geese during the 1976–77 waterfowl hunting season.

(2) In the Sacramento Valley in the area described as follows: Beginning at the town of Willows in Glenn County proceed south on Interstate Highway 5 to the junction with Hahn Road north of the town of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in the town of Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45–162 to the town of Glenn; then westerly on State Highway 162 to the point of beginning in the town of Willows, the hunting season for taking Canada geese will not open until December 15, 1976, and will then continue to the end of the 1976–77 waterfowl hunting season.

(3) In the San Joaquin Valley in the area described as follows: Beginning at the city of Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59; to the junction of State Highway 99 at the city of Merced; then northerly and westerly to the point of beginning; the hunting season here for taking Canada geese will close on December 15, 1976.

In the Washington Counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon Counties of Morrow, Wasco, Sherman, Gilliam, Umatilla, Union and Wallowa, the goose season must run concurrently with the Columbia Basin duck season and the bag limits for geese are to be the same as in the general goose season in their respective States.

In that portion of the State of Idaho lying west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon Counties of Baker and Malheur; in that portion of Montana and Wyoming placed in the Pacific Flyway, the daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1976.

In that portion of Idaho lying east of U.S. Highway 93; in that portion of Colorado placed in the Pacific Flyway; in the State of Utah except Washington County, the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond December 19, 1976.

In the State of Arizona; in that portion of New Mexico placed in the Pacific Flyway; in Clark and Lincoln Counties, Nevada; in Washington County, Utah; and in the Tehachapi waterfowl area of California, the season on Canada geese may be no more than 72 days. The daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond January 2, 1977.

In that portion of California Fish and Game District 22 for which California selects the open season (that portion of District 22 lying outside the Colorado River area), the daily bag limit is 1 Canada goose with 2 in possession and the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond January 2, 1977.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Between October 23, 1976, and February 23, 1977, States in this Flyway may select an open season on black brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) The season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate State conservation agency on an equitable basis without charge.

Open seasons on common (Wilson's) snipe, coinciding with the duck season locally in effect, may be selected for States or portions of States in this Flyway. The daily bag and possession limits are 8 and 16, respectively.

Accordingly, § 20.105(d) (3) is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) *Canada geese in Wisconsin.* * * *

(3) Seasons and limits for Canada geese:

Daily bag limit	1 Statewide.
Possession limits	1 in the Horicon Zone; 2 elsewhere.

* * * * *

[FR Doc.76-26060 Filed 9-3-76;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective September 7, 1976.

§ 32.12 Special regulations: migratory gamebirds; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from October 2 through December 12, 1976, and the hunting of ducks and coots is permitted from October 2 through November 28, 1976, and the hunting of common snipe (Wilson's) is permitted from September 18 through November 21, 1976, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

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The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer National Wildlife Refuge.

AUGUST 30, 1976.

[FR Doc.76-26031 Filed 9-3-76;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective September 7, 1976.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and pheasant on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 22, 1976 through December 12, 1976, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer, National Wildlife Refuge.

AUGUST 30, 1976.

[FR Doc.76-26030 Filed 9-3-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

[22 CFR Part 42]

[Docket No. SD-122]

INELIGIBLE CLASSES OF IMMIGRANTS

Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553 and the authority contained in section 104 of the Immigration and Nationality Act (66 Stat. 174; 8 U.S.C. 1104) notice is hereby given of a proposal to amend paragraph (a)(15) of § 42.91 of Title 22, Code of Federal Regulations, by adding a new paragraph (v) pertaining to the ineligibility for visas of aliens likely to become public charges.

Neither the provisions of the Immigration and Nationality Act nor the regulations have provided for affidavits of support by sponsors of aliens for purposes of meeting public charge requirements of section 212(a)(15) of the Act. However, a long-standing practice has existed whereby such affidavits of support by sponsors are given consideration for such purposes, together with other circumstances, when a visa applicant is not able to establish that he will have financial resources of his own to overcome a likelihood that he will become a charge on the public after arrival in the United States. Affidavits of support are duly considered in situations such as that existing when an alien child is seeking to enter the United States to join a parent who is a citizen or lawfully admitted permanent resident or when an alien parent is seeking to immigrate to join a child who is a citizen or lawfully admitted permanent resident on whom the parent will be essentially relying for maintenance and support.

Courts that have considered the legal enforceability of the affidavit of support have generally concluded that it does not constitute a legally binding obligation on a sponsor. It is proposed by this amendment to establish a unilateral agreement which will contractually bind a sponsor to repay to the United States, or any State, Territory, County, Town, Municipality or Municipal District any public assistance money which such a governmental entity has paid to the sponsored alien who has been issued an immigrant visa by a consular officer and admitted to the United States in reliance on the sponsor's agreement and undertaking. If an alien is relying on assurances of financial support by others to establish to the satisfaction of the consular officer that he will not become a charge on the public after admission to the United States, he will be required to obtain the sponsor's assurances in the form of this unilateral agreement. Exceptions will be allowed only in situations in which the alien's sponsor resides in a state which does not recognize the legality of agreements made for the benefit of a third party. When signed by a sponsor and accepted by the consular officer as a requirement for satisfying the eligibility provisions of section 212(a)(15) of the Act, the agreement will become one of the documents comprising the visa and a part of the alien's immigrant visa file in the custody of the Immigration and Naturalization Service upon the alien's lawful admission to the United States.

Interested persons are invited to submit written comments to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520 on or before October 15, 1976. Oral comments will not be considered but all written material relevant to the proposed amendment which is timely received will be evaluated and considered.

Subparagraph (15) of paragraph (a) of § 42.91 is amended by adding a new paragraph (v) to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.*

* * * * * *

(15) *Public charge.* * * *

(v) An alien relying on assurances of financial support by others to establish that he will not become a charge on the public after admission shall not be eligible for an immigrant visa under section 212(a)(15) of the Act unless such assurances are in the form of an agreement prescribed by the Department which has been duly completed and signed by a sponsor who has established to the satisfaction of the consular officer that he has the financial capability to provide the assured support to the visa applicant: *Provided That*, Where the financial capability to provide the support is essentially based upon income which the sponsor is deriving from present employment or upon income which he will be deriving from employment pursuant to an offer of prearranged employment, the details of the employment or the employment offer will have been provided on the form prescribed in paragraph (a)(15)(ii) of this section which has been sworn to and subscribed to by the employer before a notary public.

* * * * * *

The proposed agreement to be used in connection with this amendment follows:

AGREEMENT

Whereas section 212(a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(15), provides that aliens who are likely at any time to become public charges are excludable from the United States, and section 291 of the Immigration and Nationality Act, 8 U.S.C. 1361, places the burden of proof upon any person making application for a visa or another entry document to establish that he is eligible to receive it and is not subject to exclusion from the United States under any provision of the Immigration and Nationality Act, I, _____, residing at _____ fully understanding the burden imposed by the immigration laws upon an alien seeking admission to the United States, agree to sponsor said alien and hereby declare that it is my intention and desire to have the following alien come to the United States to reside permanently.

Name of prospective immigrant	Date of birth	Country of birth	Married/single

Present Address of Prospective Immigrant:
Number and Street_____ City_____ Province_____ Country_____

I (have) (have not) within the last five years sponsored any other alien for admission to the United States to reside permanently.

If you have sponsored such alien within the past five years, furnish the following information:

Name(s)	Country of Birth	Year of Admission to U.S.

If you are a citizen of the United States, indicate below how that status was acquired and give the information requested:

☐ through birth in the United States.
☐ through naturalization. Name under which naturalized: _____
Naturalization Certificate No. _____
Date and Place of Naturalization _____
☐ other (such as through parents or marriage) Explain: _____

If you are a lawful permanent resident alien of the United States, give the following:

a. Alien Registration Number: A _____
b. Date, place and means of admission for lawful permanent residence_____
c. Have you ever lost status as a lawful permanent resident? If so, explain: _____

I have been employed as, or engaged in the business of _____ for the past _____ number of years at _____ (address). My annual income is $_____. My assets are worth $_____. My liabilities are in the amount of $_____.

V41-174 SEP 7 76 UMI

In consideration of the issuance of a visa and admission to the United States for permanent residence of the above-named alien, I hereby undertake and warrant that should said alien at any time within five years of admission receive financial support for food, shelter, clothing or medical care through any federal, state, city or other governmental program specifically designed and intended to support destitute or needy individuals unable to support themselves, or should said alien receive any hospital treatment at federal, state, city or other governmental expense, I will then and in that event, promptly upon receipt of a written demand, pay to the people of the United States, or any State, Territory, County, Town, Municipality or Municipal District, all of the governmental assistance money paid to the alien including any money due and owing to a government hospital for treatment of the alien. It is understood that in the event a financial obligation arises against me under this undertaking, the United States, or any State, Territory, County, Town, Municipality, or Municipal District thereof, which has paid governmental assistance money to the herein named alien admitted after I have executed this agreement will have a legally enforceable right to recover from me under this undertaking all governmental assistance money so paid to the alien, including any money due and owing to a government hospital for treatment of the alien. Provided, however, that my liability under this agreement as sponsor of the above-named alien be limited to repayment of governmental assistance money provided to the alien for the necessities enumerated above as well as for money due and owing to a government hospital for treatment of the alien and shall not be construed to extend to any payments made to the alien under a program supplementary in nature providing assistance for food stamps, rent subsidies, vocational training, free lunches, and support in the form of loans for educational endeavors. It is further understood that my obligations under this agreement shall cease and be extinguished if and when the said alien becomes naturalized as a citizen of the United States, or dies, or in any event, five years after the date of his lawful admission for permanent residence. I agree that the issuance of an immigrant visa and admission to the United States of the alien herein sponsored shall be accepted as good and valuable consideration for my aforesaid undertakings and that these undertakings cannot be rescinded by me after the herein sponsored alien has been issued an immigrant visa.

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Date Sponsor's Signature

NOTE.—The above agreement is requested in connection with the administration of section 212(a)(15) of the Immigration and Nationality Act. The agreement will be considered by U.S. Consular Officers in determining whether the sponsored alien who is applying to immigrate to the U.S. will have sufficient resources and private assurances of support to establish that he will not become a public charge after immigration to the U.S. If accepted by a U.S. Consular Officer as a condition for issuing an immigrant visa to the sponsored alien, the agreement will be enclosed with the alien's immigrant visa, and may be subject to further inspection by the Immigration and Naturalization Service when the alien is admitted for lawful permanent residence. There is no penalty for failure to file this agreement but failure to do so may prevent the alien from receiving an immigrant visa to the United States.

WARNING: To knowingly furnish any false information in the preparation of this form is a felony punishable by $10,000 fine or five years imprisonment, or both (18 U.S.C. 1001).

Dated: August 26, 1976.

For the Secretary of State,

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-25992 Filed 9-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 381]

EXEMPTIONS BASED ON RELIGIOUS DIETARY LAWS

Notice of Proposed Rulemaking

● *Purpose.* The purpose of this docket is to propose to transfer the contact point for applications for religious exemptions to the appropriate Regional Director, to propose that religious exemptions be granted by permit, to propose criteria for the suspension or termination of permits, to propose to impose certain labeling requirements for poultry processed under religious exemption, and to make certain other clarifying changes. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service, pursuant to the authority conferred by the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), proposes to amend Part 381 of the poultry products inspection regulations for the purposes set forth above.

Statement of considerations. Section 15(a)(3) of the Poultry Products Inspection Act (21 U.S.C. 464(a)(3)) provides that, "The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act." Since October 18, 1968, the effective date of section 15(a)(3) of the Act, a number of exemptions have been approved in conformity with Buddhist and Jewish dietary laws.

The proposal would require that religious exemptions be granted by permit and would provide specified criteria and procedures for suspension or termination of such a permit.

The proposal would also require, in addition to other required labeling information, either the statement "Dressed Poultry—Processed Under USDA Exemption Permit No. 000," or "Eviscerated Poultry—Processed Under USDA Inspection Exemption Permit No. 000," on immediate containers or shipping containers of product processed under religious dietary laws. Such statements would be used in lieu of any other official mark of inspection when such poultry is processed in an official establishment. Further, this proposal would require the packer's or manufacturer's name and address to be included on such containers. Such labeling requirements appear to be necessary to fully identify such products at point of origin and destination for regulatory purposes.

The present regulations require persons desiring such exemptions to apply in writing to the Meat and Poultry Inspection Program, Washington, D.C. This proposal would change the contact point from Washington, D.C., to the regional offices.

The proposal would also clarify the intent of the regulations by expressly providing that poultry products processed under religious exemption shall be subject to the labeling provisions for inspected and passed poultry products except as otherwise provided in this proposal.

In addition, nonsubstantive changes would be made to the regulations for clarification.

1. Accordingly, it is proposed to amend § 381.1(b) of the poultry products inspection regulation (9 CFR 381.1(b)) by adding a definition of "Regional Director" and a footnote thereto to read as follows:

§ 381.1 Definitions.

* * * * *

(b) * * *

(44a) *Regional director.* The official[1] in charge of the program within each of the following regions:

(i) Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

(ii) Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

(iii) North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

(iv) Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(v) Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and Guam.

2. Also, it is proposed to revise § 381.11 of the poultry products inspection regulations (9 CFR 381.11) to read as follows:

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for a permit for exemption from specific provisions of the Act and regulations which are in conflict with such religious dietary laws by written application to the Regional Director identified in § 381.1(b) of this Part, for the geographical area in which such person resides. The application sets forth the specific provisions of the Act and the regulations which are in conflict with such religious dietary laws and from which exemption is sought. The application shall be accompanied by a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and certifies that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

(b) The Administrator shall issue a permit to such applicant for an exemption from specific provisions of the Act and regulations to the extent that he determines necessary to avoid conflict with recognized dietary laws while still effectuating the purposes of the Act. He shall impose such conditions as to sanitary standards, practices, and procedures in granting such religious exemption permit as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under such permit, and the poultry and poultry products so processed, shall be subject to all of the other applicable provisions of the Act and the regulations. All poultry and poultry products processed under such exemption shall be subject to the labeling provisions of this part for inspected and passed poultry products, except as otherwise provided for in this section.

(c) Slaughtered poultry which is prepared under a religious exemption permit authorizing the sale of nonexviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervision the poultry was slaughtered. Immediate containers and shipping containers of all poultry or poultry products processed under such permit must bear the name and address of the packer or manufacturer, and permit number. Further, such containers of nonexviscerated poultry, such as Kosher dressed processed under such permit, must bear the statement: "Dressed Poultry Processed Under USDA Exemption Permit No. 000"[2]; and such containers of exviscerated poultry processed under such permit with head and feet intact, such as poultry processed under Buddhist law, must bear the statement: "Eviscerated Poultry Processed Under USDA Inspection Exemption Permit No. 000."[2] Such statements shall also be used in lieu of any other official mark of inspection provided for in this Part if such poultry is processed in an official establishment.

(d) Any permit for a religious exemption which has been granted may be suspended or terminated by the Administrator if he determines that the holder of the permit has not complied with the provisions of this section or the specified conditions of the permit, or if he determines that the suspension or termination of such permit is otherwise necessary in order to aid in effectuating the purposes of the Act. As soon as possible after such suspension or termination, the holder of such permit shall be notified of the reason therefor and afforded an opportunity to present his views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by November 8, 1976.

Any person desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: September 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant, Health Inspection Service.

[FR Doc.76-26095 Filed 9-3-76;8:45 am]

[1] The addresses of the Regional Directors are as follows: Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region—Room 216, 1718 Peachtree Rd., NW., Atlanta, GA 30309.

North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.

Southwestern Region—Room 5-f41, 1100 Commerce Street, Dallas, TX 75201.

Western Region—Building 2C, 620 Central Avenue, Alameda, CA 94501.

[1] The number "000" is given as an example only. The permit number of the permit issued for such religious dietary law exemption shall be used in lieu thereof.

[2] Same as footnote 1.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 76P-0330]

INFANT AND JUNIOR FOODS

Establishment of Common or Usual Name

The Food and Drug Administration is proposing to establish a common or usual name regulation for infant and junior foods, exclusive of infant formulas and milk, which would require a percentage declaration of the characterizing ingredient(s) as part of the common or usual name. Interested persons have until November 8, 1976 to submit comments.

The Commissioner of Food and Drugs received a petition from the Center for Science in the Public Interest, 1779 Church St., NW., Washington, DC 20036, requesting that a common or usual name regulation be established under 21 CFR Part 102 for prepared baby, infant and/or junior foods. The petition requests that such foods be required to bear as part of the name a percentage declaration of the characterizing ingredient(s) and an identification of the age group for which the food is intended, i.e., infant food or junior food. The petition also requests that for infant and junior foods the definition of "characterizing ingredients" (21 CFR 102.1(b)) be expanded to include all ingredients present in amounts equal to or greater than the named ingredients. The petition further requests that § 125.5(a) (21 CFR 125.5(a)) be amended to require labeling of all infant foods, including infant formulas, to list in the ingredient statement the percentage of each ingredient present in an amount of 2 percent or more by weight.

This proposal deals with establishing a common or usual name regulation for infant and junior food. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to amend § 125.5(a) to require percentage declaration of ingredients in infant foods. (See FR Doc. 76-26011)

The Commissioner has received correspondence from several persons in support of this petition. Copies of the petition and correspondence in support thereof have been placed on file at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

V41I174 SEP 7 76 UMI

In consideration of the issuance of a visa and admission to the United States for permanent residence of the above-named alien, I hereby undertake and warrant that should said alien at any time within five years of admission receive financial support for food, shelter, clothing or medical care through any federal, state, city or other governmental program specifically designed and intended to support destitute or needy individuals unable to support themselves, or should said alien receive any hospital treatment at federal, state, city or other governmental expense, I will then and in that event, promptly upon receipt of a written demand, pay to the people of the United States, or any State, Territory, County, Town, Municipality or Municipal District, all of the governmental assistance money paid to the alien including any money due and owing to a government hospital for treatment of the alien. It is understood that in the event a financial obligation arises against me under this undertaking, the United States, or any State, Territory, County, Town, Municipality, or Municipal District thereof, which has paid governmental assistance money to the herein named alien admitted after I have executed this agreement will have a legally enforceable right to recover from me under this undertaking all governmental assistance money so paid to the alien, including any money due and owing to a government hospital for treatment of the alien. Provided, however, that my liability under this agreement as sponsor of the above-named alien be limited to repayment of governmental assistance money provided to the alien for the necessities enumerated above as well as for money due and owing to a government hospital for treatment of the alien and shall not be construed to extend to any payments made to the alien under a program supplementary in nature providing assistance for food stamps, rent subsidies, vocational training, free lunches, and support in the form of loans for educational endeavors. It is further understood that my obligations under this agreement shall cease and be extinguished if and when the said alien becomes naturalized as a citizen of the United States, or dies, or in any event, five years after the date of his lawful admission for permanent residence. I agree that the issuance of an immigrant visa and admission to the United States of the alien herein sponsored shall be accepted as good and valuable consideration for my aforesaid undertakings and that these undertakings cannot be rescinded by me after the herein sponsored alien has been issued an immigrant visa.

Date	Sponsor's Signature

NOTE.—The above agreement is requested in connection with the administration of section 212(a)(15) of the Immigration and Nationality Act. The agreement will be considered by U.S. Consular Officers in determining whether the sponsored alien who is applying to immigrate to the U.S. will have sufficient resources and private assurances of support to establish that he will not become a public charge after immigration to the U.S. If accepted by a U.S. Consular Officer as a condition for issuing an immigrant visa to the sponsored alien, the agreement will be enclosed with the alien's immigrant visa, and may be subject to further inspection by the Immigration and Naturalization Service when the alien is admitted for lawful permanent residence. There is no penalty for failure to file this agreement but failure to do so may prevent the alien from receiving an immigrant visa to the United States. WARNING: To knowingly furnish any false information in the preparation of this form is a felony punishable by $10,000 fine or five years imprisonment, or both (18 U.S.C. 1001).

Dated: August 26, 1976.

For the Secretary of State,

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-25992 Filed 9-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 381]

EXEMPTIONS BASED ON RELIGIOUS DIETARY LAWS

Notice of Proposed Rulemaking

● *Purpose.* The purpose of this docket is to propose to transfer the contact point for applications for religious exemptions to the appropriate Regional Director, to propose that religious exemptions be granted by permit, to propose criteria for the suspension or termination of permits, to propose to impose certain labeling requirements for poultry processed under religious exemption, and to make certain other clarifying changes. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service, pursuant to the authority conferred by the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), proposes to amend Part 381 of the poultry products inspection regulations for the purposes set forth above.

Statement of considerations. Section 15(a)(3) of the Poultry Products Inspection Act (21 U.S.C. 464(a)(3)) provides that, "The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act." Since October 18, 1968, the effective date of section 15(a)(3) of the Act, a number of exemptions have been approved in conformity with Buddhist and Jewish dietary laws.

The proposal would require that religious exemptions be granted by permit and would provide specified criteria and procedures for suspension or termination of such a permit.

The proposal would also require, in addition to other required labeling information, either the statement "Dressed Poultry—Processed Under USDA Exemption Permit No. 000," or "Eviscerated Poultry—Processed Under USDA Inspection Exemption Permit No. 000," on immediate containers or shipping containers of product processed under religious dietary laws. Such statements would be used in lieu of any other official mark of inspection when such poultry is processed in an official establishment. Further, this proposal would require the packer's or manufacturer's name and address to be included on such containers. Such labeling requirements appear to be necessary to fully identify such products at point of origin and destination for regulatory purposes.

The present regulations require persons desiring such exemptions to apply in writing to the Meat and Poultry Inspection Program, Washington, D.C. This proposal would change the contact point from Washington, D.C., to the regional offices.

The proposal would also clarify the intent of the regulations by expressly providing that poultry products processed under religious exemption shall be subject to the labeling provisions for inspected and passed poultry products except as otherwise provided in this proposal.

In addition, nonsubstantive changes would be made to the regulations for clarification.

1. Accordingly, it is proposed to amend § 381.1(b) of the poultry products inspection regulation (9 CFR 381.1(b)) by adding a definition of "Regional Director" and a footnote thereto to read as follows:

§ 381.1 Definitions.

* * * * *

(b) * * *

(44a) *Regional director.* The official [1] in charge of the program within each of the following regions:

(i) Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

(ii) Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

(iii) North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

(iv) Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(v) Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and Guam.

2. Also, it is proposed to revise § 381.11 of the poultry products inspection regulations (9 CFR 381.11) to read as follows:

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for a permit for exemption from specific provisions of the Act and regulations which are in conflict with such religious dietary laws by written application to the Regional Director identified in § 381.1(b) of this Part, for the geographical area in which such person resides. The application sets forth the specific provisions of the Act and the regulations which are in conflict with such religious dietary laws and from which exemption is sought. The application shall be accompanied by a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and certifies that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

(b) The Administrator shall issue a permit to such applicant for an exemption from specific provisions of the Act and regulations to the extent that he determines necessary to avoid conflict with recognized dietary laws while still effectuating the purposes of the Act. He shall impose such conditions as to sanitary standards, practices, and procedures in granting such religious exemption permit as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under such permit, and the poultry and poultry products so processed, shall be subject to all of the other applicable provisions of the Act and the regulations. All poultry and poultry products processed under such exemption shall be subject to the labeling provisions of this part for inspected and passed poultry products, except as otherwise provided for in this section.

(c) Slaughtered poultry which is prepared under a religious exemption permit authorizing the sale of nonviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervision the poultry was slaughtered. Immediate containers and shipping containers of all poultry or poultry products processed under such permit must bear the name and address of the packer or manufacturer, and permit number. Further, such containers of nonviscerated poultry, such as Kosher dressed, processed under such permit, must bear the statement: "Dressed Poultry Processed Under USDA Exemption Permit No. 000" [1]; and such containers of eviscerated poultry processed under such permit with head and feet intact, such as poultry processed under Buddhist law, must bear the statement: "Eviscerated Poultry Processed Under USDA Inspection Exemption Permit No. 000." [2] Such statements shall also be used in lieu of any other official mark of inspection provided for in this Part if such poultry is processed in an official establishment.

(d) Any permit for a religious exemption which has been granted may be suspended or terminated by the Administrator if he determines that the holder of the permit has not complied with the provisions of this section or the specified conditions of the permit, or if he determines that the suspension or termination of such permit is otherwise necessary in order to aid in effectuating the purposes of the Act. As soon as possible after such suspension or termination, the holder of such permit shall be notified of the reason therefor and afforded an opportunity to present his views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by November 8, 1976.

Any person desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: September 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant, Health Inspection Service.

[FR Doc.76-26095 Filed 9-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 76P-0330]

INFANT AND JUNIOR FOODS

Establishment of Common or Usual Name

The Food and Drug Administration is proposing to establish a common or usual name regulation for infant and junior foods, exclusive of infant formulas and milk, which would require a percentage declaration of the characterizing ingredient(s) as part of the common or usual name. Interested persons have until November 8, 1976 to submit comments.

The Commissioner of Food and Drugs received a petition from the Center for Science in the Public Interest, 1779 Church St., NW., Washington, DC 20036, requesting that a common or usual name regulation be established under 21 CFR Part 102 for prepared baby, infant and/or junior foods. The petition requests that such foods be required to bear as part of the name a percentage declaration of the characterizing ingredient(s) and an identification of the age group for which the food is intended, i.e., infant food or junior food. The petition also requests that for infant and junior foods the definition of "characterizing ingredients" (21 CFR 102.1(b)) be expanded to include all ingredients present in amounts equal to or greater than the named ingredients. The petition further requests that § 125.5(a) (21 CFR 125.5(a)) be amended to require labeling of all infant foods, including infant formulas, to list in the ingredient statement the percentage of each ingredient present in an amount of 2 percent or more by weight.

This proposal deals with establishing a common or usual name regulation for infant and junior food. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to amend § 125.5(a) to require percentage declaration of ingredients in infant foods. (See FR Doc. 76-26011)

The Commissioner has received correspondence from several persons in support of this petition. Copies of the petition and correspondence in support thereof have been placed on file at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

[1] The addresses of the Regional Directors are as follows: Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region—Room 216, 1718 Peachtree Rd., NW., Atlanta, GA 30309.

North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.

Southwestern Region—Room 5-f41, 1100 Commerce Street, Dallas, TX 75201.

Western Region—Building 2C, 620 Central Avenue, Alameda, CA 94501.

[1] The number "000" is given as an example only. The permit number of the permit issued for such religious dietary law exemption shall be used in lieu thereof.

[2] Same as footnote 1.

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The petitioner states that baby foods, as currently marketed, present a special purchasing problem for the consumer. Because these foods are pureed, strained, and blended it is impossible for consumers to estimate the amounts of important ingredients by the taste or the appearance of the food. The consumer must, therefore, rely upon the label for this information. The petitioner further states that the appearance of baby foods may be misleading when the label fails to reveal the relative amounts of important ingredients. Ingredients emphasized in the product name may appear to be present in amounts greater than is actually the case. The petitioner also asserts that listing ingredients in order of predominance in the ingredient statement provides only a rough guideline as to the actual amounts of the characterizing ingredient(s) in baby food, and that consumers have a right to know the actual amounts of these ingredients in order to make value comparisons between products and to be in a position to evaluate the total impact of these foods on an infant's or child's diet or needs.

The Commissioner agrees that most labels currently used on infant and junior foods do not inform the consumer about the amounts of characterizing ingredient(s). The Commissioner also agrees that the proportion of characterizing ingredient(s) in infant and junior foods, i.e., those ingredients listed in the name of the food or otherwise featured on the label, may have a material bearing on price and consumer acceptance. Section 102.1(b) (21 CFR 102.1(b)) provides that a common or usual name established by regulation may include a declaration of the percentage of any characterizing ingredient(s) when the proportion of such ingredient(s) has a material bearing on price or consumer acceptance.

The Commissioner also agrees that there is a potential for deception because the ingredient(s) listed in the name of infant and junior foods may appear to be present in amounts greater than is actually the case. In view of these facts, the Commissioner is publishing this proposal to require infant and junior foods fabricated from more than one ingredient and prepared in pureed, blended, strained, or bite-size or cereal form, exclusive of milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, to declare the percentage of the characterizing ingredient(s) in the food. The Commissioner further proposes that ingredient percentages be based on the weight of the ingredient(s) used to make the food, taking into consideration any losses known to occur because of processing and storage.

The Commissioner proposes that the percentage declaration of characterizing ingredient(s) be in 5-percent increments, expressed as a multiple of 5 and not greater than the actual percentage of the characterizing ingredient(s) in the product. Those characterizing ingredient(s) present in infant and junior foods at levels less than 5 percent would be declared as "less than 5 percent."

Use of 5-percent increments based on a weight/weight declaration of the ingredient(s) in the food will allow for manufacturing variations and analytical limitations. The Commissioner is of the opinion that manufacturers, using reasonable controls and operating in accordance with good manufacturing practices, will be able to label their product accurately using 5-percent increments.

The Commissioner is aware that the accuracy of percentage declaration may not always be determined by analytical means and that analytical evidence, as well as inspectional evidence, will be needed to determine compliance with these regulations.

As explained below, a proposal (proposed amendment of § 125.5(a)) to require infant foods to bear, as part of the list of ingredients, a percentage declaration of all ingredients present at levels of 5 percent or more is published elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76-26011, page 37595). That proposal contains a requirement that ingredients be declared to the nearest multiple of 5 percent. It also notes several possible problems that might occur because of the different requirements in the two proposals for stating the percentage of ingredients that are also characterizing ingredients, and it specifically invites comment on this aspect of the proposals.

The petitioner also requested that the definition of "characterizing ingredient" be expanded to include all ingredients listed in the product name and those ingredients present in amounts equal to or greater than the named ingredients. The petitioner states that to date, only those ingredients that are expensive or named ingredients have been required to be labeled by percentages as part of the common or usual name. The petitioner asserts that without an expanded definition of "characterizing ingredient" the use of fillers, thickening agents, water, and other ingredients may cause consumer deception.

The Commisioner is of the opinion that the term "characterizing ingredient(s)" is adequately defined in § 102.1 (b) as any ingredient(s) or component(s) of a food the proportion of which has a material bearing on price or consumer acceptance. An ingredient or component may also be characterizing if the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in amounts greater than is actually the case.

Under the current definition those ingredients listed in the descriptive portion of the name or otherwise featured on the label of infant and junior foods other than in the ingredient statement would be considered characterizing ingredients. Therefore, the proposed regulation would require the common or usual name of infant and junior foods to include a percent declaration of those ingredients listed in the descriptive portion of the name or otherwise featured on the label, except where such ingredients appear only in the ingredient statement or except where expressly permitted or required by other regulations. Such percent declarations are to be listed in the manner and form set forth in § 102.1(b).

Fillers, thickening agents, and other ingredients used for their technical or functional effect in food are not necessarily characterizing ingredients even if present in amounts greater than some of the ingredients featured on the label. Some of the named ingredients may be present in small amounts and still be characterizing. The Commissioner is of the opinion that the fact that an ingredient is present in amounts greater than a particular characterizing ingredient is not of itself a sufficiently significant reason to require percentage declaration of these ingredients in the name of a food.

The petitioner stated that "consumers presently base their buying decisions of baby foods on the product name." The Commissioner agrees and therefore must conclude that consumers will base their judgment of product price and acceptability on the amount of those ingredients featured on the label. Once the percentages of the named ingredients are provided, it is apparent what proportion of the food is reserved for noncharacterizing ingredients. The composition of a product bearing the descriptive name "Strained Egg Yolks" and containing egg yolks, water, and salt could be identified either by stating only the amount of egg yolk or by stating, in addition, the amount of water and salt. However, since the consumers' principal concern for purposes of making value comparisons among products is the amount of egg yolk each contains, the Commission believes that their interests are adequately protected by requiring the percentage of that ingredient to be declared.

The petitioner also requested that the common or usual name include an identification of the age group for which the food is intended and cited "infant," "junior" or "toddler" in its examples. The Commissioner points out that some baby foods are promoted for both infants and children from 1 to 4 years of age and that some infant foods can be used well beyond a child's first year, and some junior-type foods can be used earlier than a child's first year. To require a specific term relative to age to be included in the name seems unduly restrictive, and the petitioner does not present any evidence to demonstrate that these terms need to be included in the name of the product.

Elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76-26011) the Commissioner is proposing to amend § 125.5 to require that infant foods bear, as part of the list of ingredients, a percentage declaration of all ingredients present at levels of 5 percent or more. As the Commissioner points out in the preamble to that proposal, a declaration of the percentage of ingredients in

infant foods is necessary to enable the consumer to make informed decisions about buying foods used to meet the special dietary needs of the infant. The Commissioner wants to make it clear that the percentage declaration of characterizing ingredients in infant and junior foods that is proposed in this regulation fulfills the separate purpose of facilitating value comparisons among various infant and junior food products by requiring disclosure of the amounts of those ingredients the proportion of which has a material bearing on price or consumer acceptance.

The Commissioner proposes to require that all products initially introduced into interstate commerce on or after January 1, 1978, comply with the final regulation promulgated on the basis of this proposal.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner (21 CFR § 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Part 102 be amended in Subpart B by adding new § 102.26 to read as follows:

§ 102.26 Prepared infant or junior foods.

The common or usual name of a food represented as infant food (exclusive of milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk) for persons not more than 12 months of age, or junior food, for children from 1 to 4 years of age, and prepared from more than one ingredient shall include:

(a) A descriptive term meeting the requirements of § 102.1(e).

(b) A statement of the percentage of all ingredients listed in the descriptive portion of the name, or otherwise featured on the label, except where such ingredients appear only in the ingredient statement or except where expressly permitted or required by other regulations. Such percent declarations are to be listed in the manner and form set forth in § 102.1(b). The percentage of each such ingredient, which shall be identified by its common or usual name, shall be declared in 5-percent increments, expressed as a multiple of 5 and not greater than the actual percentage of the ingredient in the product, except that the percentage of any ingredient present at less than 5 percent may be declared as "less than 5 percent." Dehydrated forms of ingredients shall be calculated on the basis of the hydrated weight.

Interested persons may, on or before November 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26010 Filed 9-3-76;8:45 am]

[21 CFR Part 125]

[Docket No. 76P-0329]

INFANT FOODS

Percentage Declaration of Ingredients

The Food and Drug Administration (FDA) is proposing to require that infant food labels bear percentage declaration of ingredients when such ingredients are present at levels of 5 percent or more in making the finished food. Interested persons have until November 8, 1976 to submit comments.

The Food and Drug Administration has received a petition from the Center for Science in the Public Interest, 1779 Church St., NW., Washington, DC 20036. The petition requests that § 125.5(a) (21 CFR 125.5(a)) be amended to require the label of all infant foods to list the percentage of each ingredient that is present in an amount of 2 percent or more by weight. The petition also requested that a common or usual name regulation be established for baby food under 21 CFR Part 102. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal for establishing a common or usual name regulation for infant and junior foods. (See FR Doc. 76-26010)

The Commissioner of Food and Drugs has received correspondence from several individuals in support of this petition. Copies of the petition and correspondence in support thereof have been placed on file at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The petitioner proposes to amend § 125.5(a) to read as follows:

If a food (other than a dietary supplement of vitamins and/or minerals alone) purports to be or is represented for special dietary use for infants, the label shall bear, if such food is fabricated from two or more ingredients, the common or usual name of each ingredient including spices, flavorings and coloring and the percentage of each ingredient present in an amount of 2 percent or more by weight.

As grounds in support of this request the petitioner states that FDA has explicitly defined baby foods as "special dietary foods" and that because of the unique role baby foods play in the development of a child, these foods should be labeled with the percentages of all major ingredients. The petitioner states that because commercial baby foods are frequently the only nourishment that infants receive, aside from milk or formula, parents should be able to compare brands and select the brands that have the proportion of ingredients they want their child to receive. If parents want to limit a child's intake of meat, sugar, starch, or salt, the petitioner asserts that there should be adequate information on the label to permit them to do so effectively.

The petitioner also states that the use of fillers, thickening agents, and water dilutes the nutrient content of these foods; as a result, commercially prepared baby foods have a lower nutrient density than home-prepared foods. The semi-solid appearance of some of these foods, however, leads consumers to assume that these foods have a nutritional density similar to those of home-prepared recipes.

The Commissioner agrees that foods purporting to be or represented as food for infants, i.e., persons under 12 months of age, are foods for special dietary use and subject to the requirements of § 125.5. The Commissioner points out, however, that the petition uses the term "baby food" as being synonymous with infant, junior or toddler food. Currently, foods represented solely for use as junior or toddler food, i.e., for persons from 1 to 4 years of age, are not considered as foods for special dietary use. The history of the proceedings leading to the establishment of § 125.5 demonstrates clearly that infants possess a number of unique physical and physiological characteristics that affect their feeding requirements and set them apart from older children. The Commissioner realizes that many of these foods can be and are being used for both infants and children over 12 months of age. If such foods are represented for use by both groups, they are considered to be foods for special dietary use. The manufacturer, however, does have the option of representing the food only for use by children over 12 months of age. The petition does not make it clear whether the requested amendment to § 125.5 would include those foods represented solely for use as junior or toddler food.

In discussing grounds in support of the requested amendment, the petition also distinguishes infant, junior and toddler food from infant formula, yet § 125.5 does include infant formulas. It is not clear from the petition whether the requested amendment to § 125.5 would include infant formulas.

The Commissioner is of the opinion that for the purposes of this proposal only infant foods other than infant formulas should be considered. Infant foods

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have clearly been identified as foods for special dietary use and as such require additional label information. Infant formulas are already required by § 125.5 (c) to bear additional label information concerning composition. Foods represented solely as junior or toddler food, i.e., for persons from 1 to 4 years of age, are not considered foods for special dietary use under § 125.5.

As the petition points out, commercially prepared infant foods containing added water may have a lower nutrient density than corresponding foods prepared in accordance with home recipes. The Commissioner points out, however, that most home recipes are not designed specifically for infants and that the addition of water and thickening agents to commercial products may have very valid functional purposes. The addition of water does not mean that commercially prepared infant foods are inadequate to meet a child's nutritional needs. The petition, furthermore, does not suggest such a conclusion. The Commissioner does agree, however, that because these foods are pureed, strained, and blended and thickened to give a semisolid consistency, there is a potential for consumers to conclude that these foods have nutrient densities similar to those prepared at home, which they may or may not possess. In the absence of percentage declaration of ingredients, it is impossible to compare commercial infant foods with those prepared in the home.

The Commissioner realizes that parents have a responsibility to exercise control over the nutritional quality of a child's diet and to safeguard a child's future health and welfare. It is obvious that a consumer's preception of the nutritional value of infant foods will affect the nutritional quality of a child's diet.

The Commissioner is also aware that some consumers attribute a dietary significance to the proportion of certain ingredients contained in infant foods. Many current theories or hypotheses concerning the diets of young children and the effects of diets on the future health of children are being accepted by consumers as facts. For example, the relationship between infant overfeeding and adult obesity and heart disease are theories currently being discussed by clinical nutritionists and other medical specialists. Consumers, however, are being led to believe that this theory is a well established fact even though there is no conclusive evidence to show that overfeeding in infancy results in adult obesity or leads to the development of adult heart disease. In addition, parents are being cautioned against baby foods containing added starch or sugar because it is alleged that the presence of these ingredients in baby food results in, among other things, infant overfeeding. However, there is no evidence that the presence of starch or sugar in baby foods contributes per se to infant overfeeding.

This type of social response to medical discussion is not unusual or unique to infant foods. The Commissioner points out that the action proposed here is not intended ot lend credence to any of the current theories or hypotheses that are currently being discussed with regard to baby foods.

It is apparent that, for a variety of reasons, a substantial number of consumers consider the proportion of ingredients in infant food to be important to the dietary welfare of their children. The Commissioner is of the opinion that parents have the right to be informed concerning the proportion of ingredients in infant foods so that they, acting alone or with the advice of a physician, may judge the usefulness of a particular food in the overall dietary regime they have selected for their children and so that they may compare commercial infant foods with one another and with those foods prepared in the home.

Section 403(j) of the Federal Food, Drug, and Cosmetic Act authorizes the Commissioner to establish regulations that prescribe necessary label information required to appear on foods for special dietary use in order to fully inform purchasers as to their value for such uses.

The Commissioner is, therefore, proposing that § 125.5 be amended to require all infant foods, except milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, to list the percentage of those ingredients present at 5 percent or more in the finished food. This proposal does not include infant formulas because they are already required by § 125.5(c) to be labeled with detailed information concerning composition.

In addition, the Commissioner is proposing that ingredient percentages be expressed in 5 percent increments to the nearest multiple of 5 based upon the weight of ingredients used in making the finished food.

The Commissioner realizes that in proposing a regulation for a percentage declaration of ingredients for infant foods a number of fundamental questions are raised that must be answered before an optimum system for declaring percentages of ingredients can be established.

Key questions relative to infant foods (exclusive of infant formulas) and to other "baby" foods that may serve as foods for both infants and toddlers are enumerated below. The Commissioner urges that respondents address those questions relevant to their interests and knowledge of infant and related foods, in addition to providing any other comments concerning these foods they deem appropriate. The Commissioner also urges that viable alternative solutions be presented for consideration, if such alternatives exist. The questions are as follows:

1. The proposal specifies that percentage declarations be made on the basis of the weight of the ingredients used to make the finished food, i.e., quantitative "recipe" labeling. Are there alternative methods of calculating percentages of ingredients that would be more informative to consumers? How can ingredient percentages be calculated to take into consideration the loss or transformation of certain ingredients during the processing and storage of infant foods? Water is an example of an ingredient that may be lost in part during processing. Starch is an example of an ingredient that may be transformed into dextrins or other lower molecular weight carbohydrates during the processing of storage of infant foods.

2. The proposal specifies that percentage declarations be made for each ingredient present at a level of 5 percent or more by weight. The 5-percent level is proposed on the basis of analytical limitations and from a limited knowledge of manufacturing variations. Is there an alternative higher or lower threshold that has a sound basis and would provide consumers with sufficient ingredient information to fully inform them as to the value of these foods for special dietary use? What additional information could be obtained by requiring a different threshold?

3. The proposal specifies that percentage declarations be made in 5 percent increments to the nearest multiple of 5, based upon the input weight of the ingredient. Is there an alternative increment spacing that will allow for manufacturing variation without leading to distortions of ingredient information? As explained below, a proposal to establish a common or usual name for infant and junior foods is being published elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76–26010). That proposed regulation contains a requirement that characterizing ingredients be declared in 5 percent increments to a multiple of 5, not to exceed the amount actually present. This may lead to differences between the percentages of characterizing ingredients declared as part of the common or usual name and the percentage of characterizing ingredients declared as part of the list of ingredients in the ingredient statement.

Would such differences result in consumer confusion or deception? What would be the result of requiring a percentage of a particular ingredient to be identical in the percentage declaration of characterizing ingredients and the list of ingredients? If both percentages are not permitted to exceed the actual percentage, as provided in the common or usual name proposal, would this result in an unacceptably inaccurate percentage statement in the list of ingredients as compared with permitting the declaration to be rounded to the nearest multiple of 5 percent? If both percentages are required to be stated to the nearest multiple of 5 percent, as provided in this proposal, would this result in an unacceptable overstatement of the amount of characterizing ingredient declared as part of the common or usual name? What other approaches might be considered?

4. It is evident that there must be cost/benefit considerations given to the requirements of this proposal. The Commissioner, therefore, urges consumers to respond specifically to the following questions: What additional benefits are made possible by the requirements of this proposal that are not available under the current labeling requirements for infant foods that include the listing of ingredients in descending order of predominance? How much are consumers willing to pay in terms of increased food prices for these benefits? Would consumers be willing to pay 1 percent more for percentage declaration of ingredients on infant food labels? Five percent more? Similarly, the Commissioner urges manufacturers to respond specifically as to what cost increases could be expected as a result of the requirements of this proposal. What increases in production, labeling, and marketing costs will result from promulgation of the proposed regulation?

5. The proposal would require percent declaration of ingredients put into the food at the point of formulation if the amounts are equal to or greater than 5 percent. Recognizing that carbohydrates, proteins and fats, particularly carbohydrates, might be supplied by more than one ingredient, would it be insufficiently informative and misleading to declare only the added sugar, for example, and not also indicate the amount or proportion of total sugars present as a result of the combination of several ingredients?

For example, specific added ingredients such as sucrose may also be present in other ingredients used in the formulation of the food. Will consumers interpret a percentage declaration for sucrose to mean the total amount of sucrose present in the food or only the amount of sucrose added specifically as sucrose? What other potentially misleading circumstances may arise when infant foods declare ingredients by percentages?

The Commissioner again urges all interested parties to respond to this proposal. In order to establish a sound basis for the establishment of a percentage declaration requirement, the Commissioner is seeking as large a body of sicentific information and reasoned public opinion as possible on this matter, which on the surface may appear relatively simple but which is in fact quite complex.

Elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76-26010) the Commissioner is proposing to amend Part 102 to require that infant and junior foods bear as part of the common or usual name percentage declaration of any characterizing ingredients.

As the Commissioner points out in the preamble to the common or usual name proposal, a declaration of the percentage of any characterizing ingredients is necessary for both infant and junior foods to facilitate value comparisons and to provide positive disclosure of those ingredients the proportion of which has a material bearing on price or consumer acceptance. The Commissioner points out, however, that a requirement for the disclosure of ingredient percentages for infant foods fulfills a separate labeling purpose.

Infant foods have been identified as foods for special dietary use and as such the utility of these foods depends upon whether they meet physiological needs peculiar to infants. Those needs are independent of the proportion of any characterizing ingredients that may be present.

At the same time, infant and junior foods are still foods of the marketplace and consumers need to be informed as to the percentages of ingredients that have a material bearing on price or consumer acceptance, i.e., characterizing ingredients, in order to be able to make value comparisons between competing products.

The Commissioner proposes to require that all products initially introduced into interstate commerce on or after January 1, 1978, comply with the final regulation promulgated on the basis of this proposal.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A–107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(j), 701(e), 52 Stat. 1041, 1048, and 1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(n), 343(j), 371 (e))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)) it is proposed that Part 125 be amended by revising paragraph (a) of § 125.5 to read as follows:

§ 125.5 Label statements relating to infant food.

(a) If a food (other than a dietary supplement of vitamins and/or minerals alone) purports to be or is represented for special dietary use for infants and is fabricated from two or more ingredients, the label shall bear:

(1) The common or usual name of each ingredient including spices, flavoring, and coloring.

(2) A percentage declaration for each ingredient in the food at a level of 5 percent or more by weight. The percentage of each such ingredient shall be based on the weight of the ingredient used to make the finished food and shall be declared in 5 percent increments to the nearest multiple of 5 based on the weight of the ingredient(s). Percentage declarations shall be in parentheses following the name of the ingredient(s), except that milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, as specifically covered under paragraph (c) of this section, are exempt from the requirements of this paragraph.

* * * * * *

Interested persons may, on or before November 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–26011 Filed 9–3–76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

COMMODITY EXCHANGE ACT

Notification of Pending Legal Proceedings

The Commodity Futures Trading Commission is considering amending Part 1 of the General Regulations under the Commodity Exchange Act by adding a new § 1.60 to require that every exchange designated as a contract market pursuant to section 5 of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 7 (Supp. IV, 1974), notify the Commission of pending legal proceedings.

Proposed § 1.60(a) would require every contract market to notify the Commission of all material litigation involving the contract market. The notification must be in writing and must identify the court or agency before which the proceeding is pending, list the principal parties, specify the date the proceeding commenced, and provide a description of the proceeding. There is no proposed requirement that the contract market periodically report the status of the litigation, but the contract market would be obliged to notify the Commission of any dismissal, settlement, judgment or other final disposition of the proceedings. Section 1.60(a) is not limited to actions against the contract market and it is not limited to matters involving transactions in commodity futures contracts. For example, legal proceedings arising under the civil rights statutes would be required to be disclosed if they are material. Under proposed § 1.60(d), proceedings involving only claims for monetary relief would not be material for purposes of § 1.60(a) if the amount in controversy is less than $15,000.

Proposed § 1.60(b) would require that contract markets notify the Commission of certain legal proceedings involving any officer, director or other official of the contract market. In general, only material proceedings arising from conduct in their capacity as contract market officials and alleging violations of the Act or the Commission's regulations, exchange rules, or fiduciary duties under

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state law would need to be reported. There is an exception from the reporting requirement for reparation proceedings instituted against contract market officials under the Act. Proposed § 1.60(b) also requires that contract markets notify the Commission if exchange officials are to be indemnified for any liabilities arising out of such legal proceedings. Otherwise, the notification requirements of § 1.60(b) are the same as those of § 1.60(a) discussed above.

Proposed § 1.60(c) would require contract markets to notify the Commission of any proceedings known to the contract market to be contemplated by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission. To the extent known to the contract market, the information to be provided in the notice should be similar to the requirements under § 1.60(a) discussed above.

Proposed § 1.60(d), in addition to specifying proceedings which are not material, would require that notifications to the Commission be mailed to its Washington office within ten days after initiation and disposition of of a proceeding or after the contract market determines to indemnify one of its officials or first becomes aware of a contemplated governmental action.

The purpose of proposed § 1.60 is to assure that the Commission is apprised of all material legal proceedings involving contract markets and their officials. At the present time, contract markets are not required to report this type of information, and there is no assurance that the Commission would otherwise be informed of such litigation. As discussed below, there are several reasons why the Commission believes that it should be informed about these legal proceedings.

The Commission has been entrusted by Congress with the administration and enforcement of the Act. Legal proceedings instituted by private parties or other governmental authorities may affect the Commission's efforts in this respect. The correct construction of the responsibilities imposed by the Act on contract markets and their officials is, of course, of primary importance to the Commission and its efforts to establish and administer the uniform regulatory scheme in this area that was clearly envisioned by Congress.[1] And, to the extent that private or public actions may affect those responsibilities, the Commission is interested in assuring that judicial interpretations do not result in diverse or inconsistent standards. The Commission, therefore, may wish to participate, as *amicus curiae*, or to intervene, where important questions of law are raised in legal proceedings involving contract markets or their officials.

The Commission is also interested in assuring that contract markets and contract market officials discharge their responsibilities. Private actions are, to be sure, a "necessary supplement" to the Commission's enforcement activities.[2] The Commission has indicated however, that it may take enforcement action against contract market officials in cases involving culpable conduct.[3] To do this, the Commission must be apprised of all the facts and circumstances surrounding the participation of individual contract market officials in alleged violations of the Act, and, for that reason, the Commission should be notified of all material litigation. Furthermore, the Commission has expressed the view that it is against public policy for contract markets to indemnify their officials in situations involving culpable conduct for violations of section 6b of the Act.[4] In this connection, the Commission must be advised when a contract market official is to be idemnified for liabilities arising out of official conduct.

The Commission has determined, therefore, that proposed § 1.60, which is set forth below, is reasonably necessary to effectuate the provisions and to accomplish the purposes of the Act. In consideration of the foregoing, the Commission hereby proposes to amend Part I, Chapter I of Title 17 of the Code of Federal Regulations by adding a new § 1.60 as follows:

§ 1.60 Pending legal proceedings.

(a) Every contract market shall notify the Commission in writing of any material legal proceedings to which it is a party or its property or assets is subject. The notification must include the name of the court or agency in which the proceedings are pending; the date the proceedings were instituted; the principal parties (including any officers, directors or other officials of the contract market) bringing or named in the proceedings; a description of the factual and legal basis alleged to underlie the proceedings and the relief sought therein; and the disposition of such proceedings.

(b) Every contract market shall notify the Commission in writing of any material legal proceedings, other than claims under section 14 of the Commodity Exchange Act and Part 12 of this chapter relating to reparation proceedings, instituted against any officer, director or other official of the contract market, arising from conduct in such person's capacity as a contract market official and alleging violations of (1) the Act or any rule, regulation, or order thereunder; (2) the constitution, bylaws or rules of the contract market; or (3) the applicable provisions of state law relating to the duties of officers, directors or other officials of business organizations. The notification must include information regarding the nature of the proceedings similar to that required by paragraph (a) of this section; and if the officer, director or other official is to be indemnified by the contract market for any litigation expenses, amounts paid as settlements or judgments or amounts paid as fines or penalties, the notification must include information regarding the nature and amount of such indemnification and a brief statement explaining the reasons why the official is to be indemnified for such liabilities.

(c) Every contract market shall notify the Commission in writing of any proceedings known to the contract market to be contemplated against the contract market by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission, and include information regarding the nature of the proceedings similar to that required by paragraph (a) of this section.

(d) The notification required by this section shall be mailed to the Commission's headquarters in Washington, D.C. within 10 days after this section goes into effect as to all matters referred to in paragraphs (a) (b) and (c) of this section then pending, or within 10 days after the initiation and the disposition of legal proceedings referred to in paragraphs (a) and (b) of this section, within 10 days after the contract market determines to indemnify a contract market official as a result of legal proceedings referred to in paragraph (b) of this section, or within 10 days after the contract market becomes aware of the contemplated proceedings referred to in paragraph (c) of this section. For purposes of paragraphs (a) and (b) of this section, legal proceedings are not "material" if the only relief sought is a money judgment for less than $15,000.

(Sec. 8a(5), Commodity Exchange Act, as amended, (7 U.S.C. 12a(5) (Supp. IV, 1974).)

Interested persons may participate in this proposed rulemaking proceeding by submitting comments in written form to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: CCU. All comments received on or before September 30, 1976 will be considered before the Commission takes final action on the proposal. Copies of all comments received respecting the proposal will be available for inspection at the Commission's offices in Washington, D.C.

Issued in Washington, D.C., on August 31, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-25985 Filed 9-3-76;8:45 am]

[1] One of the considerations that lead Congress to adopt the 1974 amendments of the Act was, "to assure that the affected entities—exchanges, traders, customers, et cetera—will not be subject to conflicting agency rulings." 120 Cong. Rec. S16128 (daily ed. September 9, 1974).

[2] Cf. J. I. Case Co. v. Borak, 377 U.S. 426 (1964).

[3] See 41 FR 29474 (July 16, 1976).

[4] Id.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

STRIPPER WELL CRUDE OIL—FIRST SALE PRICE EXEMPTION AND MODIFIED TREATMENT UNDER THE DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Proposed Rulemaking and Public Hearing

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend the Mandatory Petroleum Price and Allocation Regulations to implement section 121 of the Energy Conservation and Production Act (Pub. L. 94-385, "ECPA"), which was enacted on August 14, 1976. Section 121 of the ECPA amended section 8 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159, as amended, "EPAA") to add a new subsection (l) which provides, in part, that:

(l) (1) The first sale price of stripper well crude oil shall be exempt from the regulation promulgated under section 4 of this Act • • •.

The effective date prescribed by section 124 of the ECPA for the stripper well crude oil exemption is September 1, 1976. Accordingly, the amendments proposed by this notice will be effective retroactively as of September 1, 1976. Because first sales of crude oil by producers are typically not invoiced and paid for until after the end of a calendar month, FEA has concluded that sufficient time exists to allow an opportunity for written comment and oral testimony before amendments to implement the legislative exemption are adopted in final form.

Also proposed in this proceeding are amendments to the domestic crude oil allocation program (the "entitlements program") to reflect the fact that the first sale of stripper well crude oil will no longer be subject to the upper tier ceiling price rule. In a related action, FEA has issued amendments which are effective September 1, 1976 to the certification requirements with respect to sales of stripper well crude oil, in order to insure that refiners' receipts of such crude oil will be adequately documented for purposes of the entitlements program.

I. BACKGROUND

Stripper wells have historically been regarded as marginal wells, from which crude oil production is at or near the economical break-even point. In 1973 stripper wells in the United States produced 1.25 million barrels of crude oil per day which amounted to 13 percent of the total U.S. domestic crude oil production (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, S. Rep. No. 207, 93d Cong., 1st Sess. (1973); 2 U.S. Cong. & Adm. News 73-50 at 2532) and constituted 8.3 percent of the U.S. annual consumption (119 Cong. Rec. S10383 (daily ed. June 5, 1973)).

On August 19, 1973, when detailed price controls were first implemented on domestic crude oil under the Phase IV regulations adopted by the Cost of Living Council ("CLC") under the Economic Stabilization Act of 1970 (Pub. L. 92-210), the price of stripper well crude oil was also made subject to ceiling price regulations. Section 406 of the Trans-Alaska Pipeline Authorization Act, enacted on November 16, 1973 (Pub. L. 93-153, "TAPAA"), however, exempted the first sale of crude oil produced by stripper well leases "• • • to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers." (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, 2 U.S. Cong. & Adm. News 73-50 at 2532.) Section 406 (a) of the TAPAA provided:

The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances *for the preceding calendar month* does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that act or to any Federal law for the allocation of fuels or petroleum. (Emphasis added.)

The exemption of the first sale of stripper well lease crude oil from Phase IV price restraints was intended to allow the price of stripper crude oil to rise and thereby encourage

• • • owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time • • •. (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, 2 U.S. Cong. & Adm. News 73-50 at 2532.)

The CLC implemented section 406 of the TAPAA with an amendment effective November 16, 1973 which defined a stripper well lease as

a "property" whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids, per well did not exceed 10 barrels per day *during the preceding calendar month.* (6 CFR 150.54; emphasis added, 38 FR 32494, November 26, 1973.)

The EPAA, enacted on November 27, 1973, also included an exemption for the first sale of crude oil produced by stripper wells from regulation, but defined stripper wells somewhat differently than the TAPAA, changing the test for stripper well qualification from one based on production levels during the preceding calendar month to one based on production levels during the preceding calendar year. Section 4(e) (2) (A) of the EPAA provided:

The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States for any lease whose average daily production of crude oil for the *preceding calendar year* does not exceed 10 barrels per well. (Emphasis added.)

The CLC implemented section 4(e) (2) (A) of the EPAA with an amendment effective November 27, 1973 (38 FR 34464, December 14, 1973). The 6 CFR 150.54 definition of stripper well lease was therefore redefined to coincide with the EPAA, as

• • • a "property" whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids, per well did not exceed 10 barrels per day *during the preceding calendar year.* (Emphasis added.)

After the Federal Energy Office ("FEO") was established to administer the EPAA and the CLC price control authority over crude oil had been delegated to FEO, the stripper well lease definition, previously located in 6 CFR 150.54, was included in new 10 CFR 210.32(b) as part of FEO's Mandatory Petroleum Price and Allocation Regulations (39 FR 1924, January 15, 1974).

The regulations implementing the stripper well lease exemption remained in essentially the form in which they were first promulgated by CLC until June, 1975. During 1975, FEA determined that the stripper well lease definition contained in 10 CFR 210.32(b) acted to discourage increased production from marginally-producing wells because production in excess of 10 barrels per well per day in any calendar year, engendered through workovers or enhanced recovery techniques, would result in loss of the stripper well lease exemption in the subsequent calendar year. FEA therefore adopted an amendment to the regulations which redefined the 10 CFR 210.32 (b) stripper well lease as

• • • a "property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day *during any preceding calendar year beginning after December 31, 1972.* (Emphasis added, 40 FR 22123, May 21, 1975.)

Thus, as amended, the regulations provided that once a property had qualified for the exemption on the basis of its per well production for any calendar year commencing after December 31, 1972, the property would retain the exemption notwithstanding any increased production above the stripper well limit in a subsequent year.

This modification in the stripper well lease exemption was submitted to the Congress pursuant to the review procedures then specified by section 4(g) (2) of the EPAA and became effective June 1, 1975 for a period of 90-days and was twice extended for further 90-day periods, on September 1, 1975 and November 30, 1975.

The Energy Policy and Conservation Act (Pub. L. 94-163, "EPCA") enacted on December 22, 1975, established a new crude oil pricing policy. Section 401 of the EPCA repealed the stripper well lease exemption of section 4(e) of the EPAA and required the President to

• • • establish ceiling prices (or the manner of determining ceiling prices) applicable to any first sale of crude oil produced in the United States, such that the resulting actual weighted average first sale price for all such crude oil during [the second full calendar month following the date of enactment of section 8] • • • shall not exceed a maximum of $7.66 per barrel • • •.

Accordingly, FEA amended its crude oil price regulations effective February 1, 1976 (41 FR 4931, February 3, 1976) and subjected the first sale of stripper well

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lease crude oil to the upper tier price constraint which also regulated new and released crude oil prices. This action comported with EPCA legislative intent as reflected in the Conference Report:

Under the conference substitute, stripper well ceiling prices come within the President's broad discretion to set ceiling prices to implement the maximum weighted average price requirement of the legislation. It is the conferees' understanding that, within the limitations of the conference substitute, the President will most likely establish a separate stripper well ceiling price of approximately $11.28—the equivalent of the upper tier under a continuation of the current two-tier pricing program subject to limits of the conference substitute in order to assure sustained rates of production from such properties. (Conf. Rep. No. 516, 94th Cong. 1st Sess. 197 (1975).)

In amending the regulations to subject stripper well lease crude oil to the upper tier ceiling price, the stripper well lease definition for purposes of the EPAA section 4(e) exemption previously located in 10 CFR 210.32(b) was relocated in 10 CFR 212.74(c)(1) for purposes of defining upper tier crude oil, and was redefined as

• • • a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well did not exceed 10 barrels per day *during any preceding calendar year beginning after December 31, 1972.* (Emphasis added, 41 FR 4931, February 3, 1976.)

The stripper well lease definition has remained in that form until the present. However, as noted above, the ECPA, enacted on August 14, 1976, includes a provision which now exempts the first sale price of stripper well crude oil from regulation effective September 1, 1976. Stripper well crude oil is defined in section 121 of the ECPA as

• • • crude oil produced and sold from a property whose maximum average daily production of crude oil per well *during any consecutive 12-month period beginning after December 31, 1972* does not exceed 10 barrels. (Emphasis added.)

This exemption of "stripper well crude oil" from the upper tier ceiling price regulation prescribed pursuant to the EPCA was adopted to ensure that crude oil produced from marginal wells continued to be available for domestic refineries and consumers. The Conference Report accompanying the ECPA stated:

Prior to the enactment of EPCA, stripper well production was free from Federal crude oil price controls. The resulting imposition of price ceilings upon stripper well production has increased the administrative and compliance burdens associated with the implementation of EPCA. Imposition of Federal price ceilings on stripper well operators—largely small and independent producers—has required them to comply with Federal regulations, adding to the cost and administrative difficulties of operating these already marginal wells. These administrative, enforcement and compliance burdens may be unnecessary because, while 70 percent of all domestic wells are strippers, stripper well production accounts for only 12–15 percent of actual production. In addition stripper well production is already priced at the upper tier. The conferees believe that exemption of stripper well production from price ceiling is desirable to reduce the burdens and costs imposed upon stripper well operators, as well as the administrative and compliance costs associated with implementation of EPCA. Equally important, the price increases permitted by such an exemption are likely to permit continued operation of marginally profitable stripper wells beyond the period which would be possible at current price levels. (Conf. Rep. No. 1119, 94th Cong. 2nd Sess. 58 (1976).)

II. Amendments to the Price Regulations to Exempt the First Sale of Stripper Well Crude Oil

The amendments proposed herein are intended solely to implement the ECPA stripper well exemption, and thereby to encourage increased domestic production of crude oil from marginal stripper well properties. These amendments are not intended to address other possible modifications to the stripper well price regulations which were proposed as part of the third stage crude oil price policy rulemaking and which are still under consideration in that rulemaking. It should be noted that the ECPA stripper well crude oil exemption applies only with respect to the "first sale price," and that the allocation regulations therefore continue to be applicable to such sales of stripper well crude oil.

There are two principal amendments to the price regulations applicable to stripper well crude oil proposed herein. First, such crude oil will no longer be subject to any ceiling price and, second, the period of time within which a property can qualify as a stripper well property is changed from a calendar year basis to a basis of any consecutive twelve-month period beginning after December 31, 1972.

With respect to the exemption, the proposed amendments are intended merely to remove the price control restraints from stripper well production. It should be noted, however, that the exemption applies not only to stripper well properties but also to the imputed stripper well production of any unitized property, as determined pursuant to § 212.75(f).

The amendment proposed today implements the legislative change in the qualifying period for stripper well properties by defining a stripper well property to mean.

• • • a property whose maximum average daily production of crude oil (excluding condensate recovered in nonassociated production) per well did not exceed 10 barrels per day during any consecutive 12-month period beginning after December 31, 1972.

This revision in the stripper well property concept permits a property to qualify as a stripper well property at the end of any calendar month which concludes a consecutive 12-month period within which production has dropped to the 10 barrel per well per day qualifying level. The revision retains the principle that once a property qualifies as a stripper well property, it does not lose that qualification by subsequent increases in production to levels in excess of the stripper well property qualification level.

It is possible that a property which has not heretofore qualified as a stripper well property on the basis of production levels during a calendar year will now qualify based on production levels during a consecutive 12-month period which ended prior to August 31, 1976. Such qualification on the basis of the new 12-month qualifying period will serve to permit production from the property concerned to be eligible for the stripper well property exemption effective September 1, 1976, but will not have the effect retroactively to make production from that property eligible for upper tier or exempt prices prior to September 1, 1976, no matter when the consecutive 12-month period ended during which the stripper well property production levels were met.

Finally, it should be noted that the amendments proposed herein do not affect Rulings 1974–28, 1974–29, and 1975–12, other than to redefine stripper well lease in each ruling in accordance with the changes herein. However, the rational of Ruling 1974–11 continues to apply. These amendments also have no effect upon Ruling 1974–30.

III. Amendments to the Price Regulations to Exempt Naval Petroleum Reserve Oil

FEA also proposes to amend the exemptions set forth in Subpart C of Part 212 to recognize the exemption contained in the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258) and Ruling 1976–3.

IV. Amendments to Domestic Crude Oil Allocation Program

In conjunction with the amendments to the price regulations detailed above, FEA is also hereby proposing amendments to the entitlements program which would alter the treatment of stripper well crude oil under that program to reflect the first sale exemption therefor under the price regulations.

On May 25, 1976, FEA issued Ruling 1976–3 (41 FR 21942; May 28, 1976), which interpreted the Naval Petroleum Reserves Production Act of 1976. In this ruling FEA held that, as provided by the Act, the first sale of U.S.-owned petroleum by the Secretary of the Navy is exempted from the price and allocation regulations. Insofar as treatment of Naval Petroleum Reserve production under the entitlements program is concerned, FEA stated in the ruling that:

Crude oil produced from the affected naval petroleum reserves will be eligible for inclusion in the volume of a refiner's crude oil runs to stills for purposes of the domestic crude oil allocation program set forth in 10 CFR 211.67. In addition, since this crude oil may be sold by the Secretary of the Navy at market level prices, no entitlement obligations under § 211.67 will be in effect with respect to the inclusion of this crude oil in a refiner's crude oil receipts. Thus, for purposes of the entitlements programs it will be treated as imported crude oil.

FEA has initially determined to provide the same treatment for stripper well crude oil under the entitlements program as is set forth in the ruling for

Naval Petroleum Reserves production, i.e., treatment as imported crude oil, effective for entitlements issued for refiners' crude oil runs and receipts in the month of September 1976. FEA believes that this treatment will be consistent with the exemption of the first sale of stripper well production from the price regulations, in that prices of stripper well crude should approximate the replacement costs of equivalent imported crude oils, and that the proper measure of cost equalization to refiners that process stripper well crude oil will therefore be provided. As stated above, FEA has in a separate emergency rulemaking adopted amendments to the certification provisions for crude oil resellers to insure that refiners are able accurately to identify the volumes and costs of stripper well crude oil included in their crude oil receipts for September and the following months.

The precise amendments proposed hereby first would alter the definition of upper tier crude oil in § 211.62 to exclude therefrom stripper well crude oil effective September 1, 1976. In addition, changes are proposed to the references to old crude oil and new crude oil in the definitions of old oil and upper tier crude oil in § 211.62 to conform to FEA's August 20, 1976 amendments to the price regulations governing domestic crude oil. The refiners' reporting requirements in § 211.66(h) are proposed to be amended to require separate identification of stripper well and other exempt domestic crude oils. FEA also proposes to amend § 211.67(i)(4) as to the calculation of the entitlement price, to provide that the price shall be the exact differential for the particular month between the weighted average cost per barrel to refiners of old oil and such weighted average cost per barrel of imported crude oil, stripper well crude oil, and other domestic crude oils the first sale of which is exempt from the price regulations, less 21 cents. A similar amendment is proposed to be made to § 211.67(b)(2), in which the calculations for the entitlement obligations associated with upper tier crude oil are set forth. Finally, the certification provisions applicable to non-refiners as to crude oil processed for their account are proposed to be modified to require separate identification of old, upper tier, stripper well and other exempt domestic crude oils, and imported crude oil, as well as the non-refiners' costs therefor.

IV. Hearing Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box IR, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Stripper Well Crude Oil—First Sale Price Exemption and Modified Treatment under Domestic Crude Oil Allocation Program." Fifteen copies should be submitted. All comments received by Tuesday, September 21, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., Wednesday, September 22, 1976, and will be continued, if necessary, on Thursday, September 23, 1976, in Room 7134, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Monday, September 13, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, September 21, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., Tuesday, September 14, 1976 and must submit 100 copies of his statement to FEA Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Tuesday, September 21, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Friday, September 17, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings, will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are proposed to be amended as set forth below, effective September 1, 1976, except that the amendments to § 211.67(i) and § 211.66(h) would be made effective October 1 and November 1, 1976, respectively.

Issued in Washington, D.C., September 1, 1976.

Michael F. Butler,
General Counsel,
Federal Energy Administration.

1. Section 211.62 is revised in the definitions of "old oil" and "upper tier crude oil" to read as follows:

§ 211.62 Definitions.

• • • • • •

"Old oil" means old crude oil as defined in §§ 212.72 and 212.75 of this chap-

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ter, except that old oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

• • • • •

"Upper tier crude oil" means, (i) for the period February 1 through August 31, 1976, new crude oil as defined in §§ 212.72 and 212.75 of this chapter and crude oil produced and sold from a stripper well lease as defined in § 212.74 of this chapter, and (ii) effective September 1, 1976, new crude oil as defined in §§ 212.72 and 212.75 of this chapter, except that upper tier crude oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

2. Section 211.66 is revised in paragraph (h) to read as follows:

§ 211.66 Reporting requirements.

• • • • •

(h) *Monthly report.* On or prior to the fifth day of each month, commencing with the month of November 1976, each refiner shall file with the FEA a report certifying the following information as to the second month prior to the month in which the report is filed:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner.

(2) The estimated volume (to the best of the knowledge of the certifying officer) of upper tier crude oil included in the crude oil receipts of that refiner.

(3) Any permitted or required adjustments to the estimated volumes of old and upper tier crude oil included in the crude oil receipts of that refiner.

(4) The volume of crude oil runs to stills of that refiner, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(5) The weighted average costs for that refiner refiner (including transportation costs to the refinery) of old oil, upper tier crude oil, stripper well crude oil (as defined in Part 212 of this chapter), other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph shall be derived from the landed costs set forth in such reports.

(6) Such other information as the FEA may request.

• • • • •

3. Section 211.67 is amended in paragraph (b)(2) in paragraph (i)(4) and in paragraph (l) to read as follows:

§ 211.67 Allocation of domestic crude oil.

• • • • • •

(b) *Required purchase of entitlements by refiners.*

• • • • • •

(2) To calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for purposes of the definition of national domestic crude oil supply ratio in § 211.62 of this subpart, paragraph (b)(1) of this section and paragraph (c) of this section, each barrel of old oil shall be equal to one barrel of deemed old oil and each barrel of upper tier crude oil shall constitute that fraction of a barrel of deemed old oil the numerator of which is equal to the reported weighted average cost per barrel to refiners of imported crude oil, stripper well crude oil (as defined in Part 212 of this chapter) and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter for that month, less the sum of 21 cents and such weighted average cost per barrel to refiners of upper tier crude oil, and the denominator of which is the entitlement price for that month.

• • • • •

(i) *Issuance and transfer of entitlements.*

• • • • •

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month and shall be the exact differential between the weighted average cost per barrel to refiners of old oil and such weighted average cost of imported crude oil, stripper well crude oil (as defined in Part 212 of this chapter) and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, less 21 cents, such costs to be equivalent to the delivered costs to the refinery.

• • • • •

(l) *Certification by non-refiners.* Within twenty-eight (28) days following each month, commencing with the month of September 1976, each firm other than a refiner that has delivered crude oil to a refiner for processing for the account of such firm pursuant to a processing agreement in that month shall certify to that refiner the respective volumes of and that firm's costs for old oil, upper tier crude oil, stripper well crude oil (as defined in Part 212 of this chapter), other domestic crude oils the first sale of which is exempt from Part 212 of this chapter, and imported crude oil contained in the crude oil so delivered to that refiner.

• • • • •

4. Section 212.54 is adopted to read as follows:

§ 212.54 Stripper well crude oil.

(a) Prices charged in the first sale of crude oil (excluding condensate recovered in non-associated production), produced from any stripper well property are exempt from the provisions of this part.

(b) Prices charged in the first sale of imputed stripper well crude oil, as defined in § 212.75(f) of this part, produced from any unitized property are exempt from the provisions of this part.

(c) *Definitions.* "Average daily production" means the qualified maximum total production of crude oil (excluding condensate recovered in non-associated production) produced from a property, divided by a number equal to the number of days in the 12-month qualifying period times the number of wells that produced crude oil (excluding condensate recovered in non-associated production) from that property in that 12-month qualifying period. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production throughout the 12-month qualifying period and in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production.

"First sale" means the first transfer for value by the producer or royalty owner. With respect to transfers between affiliated entities, the "first sale" shall be imputed to occur as if in arms-length transactions.

"Stripper well property" means a "property" whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well did not exceed 10 barrels per day during any consecutive 12-month period beginning after December 31, 1972.

5. Section 212.55 is adopted to read as follows:

§ 212.55 Naval Petroleum Reserves crude oil.

The price charged for any first sale of U.S.-owned crude oil pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258) is exempt from the price regulations of this Part.

6. Section 212.71 is amended to read as follows:

§ 212.71 Applicability.

This subpart applies to each first sale of domestic crude oil except as provided in Subpart C of this part.

7. Section 212.73 is amended in paragraph (a) to read as follows:

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

• • • • •

8. Section 212.74 is amended in paragraph (a) to read as follows and by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

§ 212.74 Upper tier ceiling price rule.

(a) *Rule.* Notwithstanding the provisions of § 212.73(a), a producer may in any month charge a price not to exceed the upper tier ceiling price in sales of new crude oil.

10. Section 212.75 is amended in paragraph (f) to read as follows:

§ 212.75 Enhanced recovery projects on units.

• • • • •

(f) Notwithstanding the provisions of paragraphs (d) and (e) of this section, the price charged by a producer of crude oil from a unitized property in any month for first sales of imputed stripper well crude oil, which is a number of barrels of crude oil equal to the total number of barrels of crude oil produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all stripper well properties that constitute the unitized property divided by 12, is exempt.

[FR Doc.76-26112 Filed 9-1-76;4:24 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Cancellation of Public Hearing

On July 22, 1976, the Federal Energy Administration issued proposed amendments (41 FR 31237) to Part 430 of Chapter II of Title 10 of the Code of Federal Regulations, to prescribe test procedures pursuant to section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (Pub. L. 94-163). A public hearing with respect to these amendments was scheduled for 9:30 a.m., on September 10, 1976 in Washington, D.C. In view of the lack of interest in presenting oral comments on the proposed test procedure for room air conditioners, the hearing is hereby cancelled.

Issued in Washington, D.C. September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76-26172 Filed 9-2-76;10:53 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-25]

MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

Financial Report—New Form No. 164; Extension of Time

AUGUST 30, 1976.

Duquesne Light Company, on August 19, 1976, and ECAR, on August 23, 1976, filed motions to extend the time, fixed by Notice of Proposed Rulemaking issued July 12, 1976 (41 FR 31340), within which to comment on new FPC Form 164.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 29, 1976, within which to file comments on the rulemaking proceeding in the above-designated docket.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26043 Filed 9-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[Docket No. 36366] [1]

ACCOUNTS, REPORTS, AND RECORDS OF RAILROAD COMPANIES

Branch Line Accounting System

The Rail Services Planning Office (the Office) of the Interstate Commerce Commission (the Commission) instituted the above referenced rulemaking proceeding (41 FR 23172), pursuant to section 205(e)(1)(A) of the Regional Rail Reorganization Act of 1973 (the RRR Act), to solicit public views concerning the development of a branch line accounting system for rail freight lines scheduled for abandonment. The proposed rules would require the collection and publication of information necessary for an accurate determination of the revenues attributable, the avoidable costs and the service units of light density lines, which (i) are potentially subject to abandonment within the meaning of section 1a(5)(a) of Interstate Commerce Act (the Act), or (ii) are the subject of a directed service order under section 1(16)(b) of the Act or section 304(d)(3) of the RRR Act or (iii) are being operated under the regional (49 CFR 1125) or proposed national (49 CFR 1121) rail subsidy programs.

Eleven comments were filed in response to the Office's invitation, including the Association of American Railroads (AAR), Consolidated Rail Corporation (Conrail), Pennsylvania Public Utility Commission and the Commonwealth of Pennsylvania, International Minerals & Chemical Corporation, Missouri-Kansas-Texas Railroad Company (MKT), Iowa Department of Transportation, South Dakota Department of Transportation, United States Department of Transportation, the West Virginia Railroad Maintenance Authority (WVa), National Newspaper Association, and Office of Public Counsel.

The proposed branch line accounting system incorporates by reference the proposed national abandonment and subsidy regulations which are the subject of a separate rulemaking instituted July 30, 1976 by the Office and the Commission (41 FR 31878). WVa takes strong exception to the consideration of the branch line accounting regulations in advance of the adoption of the national abandonment regulations and requests that this proceeding be held open "until at least thirty (30) days after new Part 1121 regulations are finalized."

The Office agrees with WVa that interested parties should be afforded an opportunity to consider the national abandonment and subsidy regulations in formulating comments on the branch line accounting standards. Therefore, we are serving a copy of the Proposed Rulemaking and Order in Ex Parte No. 274 (Sub-No. 2) on each participant in this proceeding and are providing an additional thirty days for the filing of supplemental comments.

The Office cannot, however, defer action in this proceeding until after the adoption of the national abandonment and subsidy regulations. Congress directed the Office to issue both the branch line accounting regulations and the national subsidy regulations by November 1, 1976 (section 205(e)(1) of the RRR Act). The public may file statements in the national abandonment and subsidy proceeding through September 8, 1976 and reply statements through September 28, 1976. Thus, it simply is not feasible to issue the national abandonment and subsidy regulations in advance of the accounting regulations. However, after both Parts 1201 and 1125 are issued, the Office will entartain petitions for reconsideration in this proceeding to assure that interested parties are afforded a full opportunity to express their views.

The proposed branch line accounting regulations would require railroads, subject to Part I of the Act, to collect revenue, cost, and service unit data commencing:

(1) The first day of the month after the branch has been designated on a system diagram as potentially subject to abandonment and continuing for so long as the branch is retained in that category; or

(2) The effective date of an order directing service on a branch and continuing until the order is withdrawn; or

(3) The effective date of a rail service continuation operating agreement and continuing for the duration of the agreement.

The proposed national abandonment and subsidy regulations would require railroads, subject to Part I of the Act, to publish a diagram of their transportation systems separated into the following categories:

(1) All lines or portions of lines which the carrier believes to be potentially subject to abandonment because the carrier anticipates an abandonment or discontinuance application will be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission;

(2) All lines or portions of lines which may become potentially subject to abandonment because, in the carrier's best judgment, the cost of performing rail service exceeded the revenues from performance of that service by 20 percent or more during each of the two most recent 12-month accounting periods preceding the date upon which the diagram, or any amended diagram, is filed with the Commission but for which the carrier does not anticipate an abandonment or discontinuance application will be filed;

[1] The initial Notice of Proposed Rulemaking was erroneously designated as No. 63636. Commenting parties should use the corrected designation (Formal Docket No. 36366).

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(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission;

(4) All lines or portions of lines which are being operated under the rail service continuation provisions of section 1a(6)(a) of the Act or of section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the diagram, or any amended diagram, is filed with the Commission; and

(5) All other lines or portions of lines which the carrier owns, operates, or is authorized to operate pursuant to a certificate of public convenience and necessity or any other legal authority.

AAR and MKT would restrict the branch line accounting regulations to categories (3) and (4) above in order to minimize the cost and burden of compliance. AAR asserts that applying the branch line account accounting regulations to lines potentially subject to abandonment, i.e., category (1) would impose "costs which would run into millions annually for an individual carrier." MKT is concerned also that the accounting regulation may be applied to uneconomic lines, e.g., category (2). It relies on a USDOT study published in May 1976, Railroad Abandonments and Alternatives, which it says finds that "of the 109,363 miles of rail lines in the Western District, approximately 23,500 miles [21% of all lines] are potentially uneconomic and therefore candidates for abandonment." MKT asserts that even reasonably profitable railroads could not afford to maintain separate accounting systems for 21 percent of their lines.

The Office does not propose to require railroads to maintain accounts at the branch level for lines falling into category (2), because by placing lines in this category, a railroad has represented to the public that it does not anticipate abandoning the line in the foreseeable future. Therefore, it should not be obliged to maintain accounting data for such rail lines which quite literally it has *not* scheduled for abandonment. The proposed rules will be revised to exempt category (2) lines from the branch line accounting requirement.

The Office does propose to require railroads to maintain accounts at the branch level for rail lines falling into categories (1), (3), and (4). In placing a rail line in category (1), a railroad is representing to the public that it anticipates seeking Commission consent to abandon the line within the foreseeable future (3 years). Congress has prescribed expansive notice requirements to apprise the public of those rail lines which are potentially subject to abandonment and for which a railroad plans to file an abandonment application. It has also specified procedures for public participation in the abandonment process and afforded financially responsible persons (States, shippers, etc.) an opportunity to avoid discontinuance of service by making an offer of subsidy (section 1a of the Act).

Under the proposed national abandonment and subsidy regulations, a Commission finding authorizing abandonment and a finding that a prospective subsidizer has offered a compensatory subsidy may be predicated on the same data base and revenue and cost standards. The rationale is as follows:

The Commission perceives no practical reason for a different data base or methodology for use in connection with its public convenience and necessity finding and for financial assistance purposes. Logic and sound administration dictate that they should be identical. If such data and methodology are the same, a possible offeror of financial assistance would have the information necessary to formulate such an offer upon the filing of an abandonment or discontinuance application.

In many instances the Commission will make separate findings to determine that the public convenience and necessity permits or requires abandonment or discontinuance and to conclude that an offer of financial assistance is adequate under the statutory criteria. The Commission, the railroad, and the public should not be faced with the untenable situation in which the public convenience and necessity finding would be based on one standard of computing attributable revenues and avoidable costs while the adequacy of an offer of financial assistance would be evaluated under different cost and revenue criteria. Furthermore, standardized revenue, expense, and valuation data and methodology would materially reduce the paperwork in abandonment and discontinuance proceedings and would simplify the decision-making process (41 FR at 31880–81).

To advance the subsidy program, Congress has also authorized $180,000,000 for the Midwest-Northeast region and $360,000,000 nationwide to sustain service on light density lines which the Commission has found may be abandoned, but which financially responsible persons are willing to subsidize. These funds are to be provided by the Secretary of Transportation upon consideration of comprehensive rail plans which are to be developed and administered by the States (section 402 of the RRR Act and section 5 of the Transportation Act). The Secretary has proposed rules which inter alia would require States to rank "rail plan group projects in order of compliance with the State's criteria and goals for assistance" (41 FR at 33355). The collection of revenue, cost, and service unit data for lines scheduled for abandonment in the forseeable future (category (1)) should measurably assist States in developing rail plans and in establishing priorities among specific rail plan group projects. In sum, there are sound public interest reasons for requiring railroads to maintain revenue, cost and service unit data at the branch level for lines they have designated on their system diagram as potentially subject to abandonment.

The Office acknowledges an obligation to minimize the cost and burden of recordkeeping in formulating the branch line accounting system. Under its proposal, the railroad would be obligated to maintain records only for those branch lines which solely in its business judgment it intends to abandon. Such data would constitute a prime evidential justification for its abandonment proposal and viewed in this context cannot be said to impose an unreasonable burden. If the parties disagree with this assessment, they are free to submit alternative proposals which would reduce their recordkeeping burden while achieving the public objectives recited above.

AAR and Conrail observe that it is not practical to file the branch line accounting report concurrently with the Forms R–1 and R–2 (March 31) and recommend that the filing date be advanced ninety days to June 30. The Office believes this suggestion is reasonable and invites contrary views from interested parties.

The Iowa and South Dakota Departments of Transportation urge the Office to require the railroads to file separate annual reports for each branch line designated as potentially subject to abandonment rather than one annual report aggregating data for all branch lines. The Office is still concerned about the burden which would be imposed by requiring individual branch line reports. The Office recognizes that the States will need access to individual line data to perform their rail planning functions under section 5 of the Department of Transportation Act and section 402 of the RRR Act. Hence, the Office proposes to require the railroads to make line specific data available on reasonable request to the "designated state agency" (see section 5 (j)(2) of the Department of Transportation Act and section 402(c)(1)(A) of the RRR Act) for individual branch lines designated on the system diagram in categories 1, 3 and 4. The regional standards (section 1125.9(c) and proposed national subsidy regulations (section 1121.38(e)) confer similar privileges upon subsidizers and prospective subsidizers. The Office believes the right to inspect the records of carriers is sufficient to permit the States to carry out their planning functions.

The Office also is of the view that it is lawful for the railroad to make its branch line revenue, cost and service unit data available to the States without the consent of shippers on the line. Providing information "to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers * * *" constitutes an exception to the disclosure requirements of section 15(11) of the Act. The Office invites comment of interested parties on its inspection proposal and of its construction of section 15(11).

All persons interested in filing statements of their views in response to this Second Notice, are invited to do so. An original and six copies of any statements should be submitted on or before September 28, 1976, to:

Rail Services Planning Office, Interstate Commerce Commission, 1900 L Street, NW., Washington, D.C. 20036.

It is ordered, That any interested person may participate in this proceeding by submitting for consideration an original and six copies of written statements, views, arguments, or other comments on or before September 28, 1976, 1976; and

It is further ordered, That a copy of this Second Notice be served upon railroads subject to Part I of the Interstate Commerce Act; and that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection; and that the statutory notice of the institution of this proceeding be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register, for publication therein.

Issued August 26, 1976, by Alan M. Fitzwater, Director, Rail Services Planning Office.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–26099 Filed 9–3–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

[Docket No. PRM–2–3]

FORELAWS ON BOARD COALITION FOR SAFE POWER

Filing of Petition for Rule Making

Notice is hereby given that Forelaws on Board and the Coalition for Safe Power, Senator Building, Portland, Oregon, by letter dated August 9, 1976, have filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's "Rules of Practice," 10 CFR Part 2.

The petitioners request the Commission to amend § 2.743(b) by changing the second sentence thereof to read:

§ 2.743 Evidence.

* * * * *

(b) * * * In any proceeding in which advance written testimony is to be used, each party shall serve copies of its proposed written testimony on each other party at least thirty (30) days in advance of the session of the hearing at which its testimony is to be presented, unless otherwise agreed upon by all parties and the presiding officer. * * *

* * * * *

The present text of § 2.743(b) provides for service of copies of written testimony on each other party at least five (5) days in advance of the session of the hearing at which the party's testimony is to be presented. The rule proposed by the petitioners would increase the service time specified in § 2.743(b) from five days to thirty days and would add the words "unless otherwise agreed upon by all parties and the presiding officer."

The petitioners state that the present rule has placed an immeasurable burden upon them in licensing proceedings to present an effective case, with the means of communication available to them which is principally the U.S. mails and limited use of the phone.

The petitioners state further that under the present rule, with the current mailing time which they experience of three to ten days per letter, there is no way that they can enter any proceeding fully prepared to present an adequate case before the Licensing Board.

The petitioners also request the Commission to suspend all future hearings in both the Skagit Licensing Proceeding (Docket Nos. 50–522 to 50–523) and the Pebble Springs Licensing Proceeding (Docket Nos. 50–514 to 50–515) until this matter is resolved.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by November 8, 1976.

Dated at Washington, D.C. this 1st day of September 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76–26144 Filed 9–3–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 231]

COLORADO RIVER IRRIGATION PROJECT, ARIZ.

Proposed Revision of Rates

AUGUST 27, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise §§ 231.10, 231.14, 231.15, 231.16, 231.27, 231.34, 231.51, 231.52, 231.53, and 231.54 of Part 231, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301 (1970 ed.), Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211).

Below is a brief description of the reason for each of the subject changes.

In § 231.10; the words "in excess of 100 feet" were deleted because it is now the policy of the Colorado River Agency to collect construction charges for all extension costs to new customers including the service drop wire.

In § 231.14(b), in the second sentence "consumers desiring * * * is to be made", the word building was changed to meter to clarify the conduit routing to the meter. Present day meter locations are not always on a building.

In § 231.14(c); the words "except as provided * * * officer in charge." were added to comply with certain code exceptions now in effect.

In § 231.15(a); the entire part was rewritten to: 1. Include all meter installations. 2. Require the customer to purchase his own meter socket, which is now the accepted industry standard. The letters "EEI–AEIC" stand for Edison Electric Institute—Association of Edison Illuminating Companies, the letters "NEMA" stand for National Electrical Manufacturers Association.

In § 231.15(c); "rigid steel conduit" was changed to "approved conduit" because in California and other areas plastic conduit conforming to Plastic Conduit Schedule 80 is acceptable for enclosing entrance wires to meter.

In § 231.15(d); the entire part was rewritten simply to better define the purposes and occasion for grouping of meters.

In § 231.16(c); the seven foot and six-foot limits were changed to six and one-half feet and five and one-half feet respectfully to eliminate the problem meter readers have of misreading a meter placed so high it cannot be read accurately.

In § 231.16(f); the word "or" was added because some meter installations do not now require potential transformers. The words "associated meter test . . . with a meter" were added to include those items which were not included in the past.

The entire § 231.16(g); was deleted because it is now included in and is part of 231.15(d).

All of § 231.16(h) was rewritten. The exception that applied to rural customers was deleted to make the regulations uniform and applicable to all customers. The paragraph was enlarged for clarity.

In § 231.27; the words "without prior written * * * he may impose" were deleted to eliminate any question as to the intention of the Agency wholesaling power policy.

In § 231.34; the words "in the event * * * shall be forfeited" were added to allow the Agency to dispose of unused construction advances by customers who vacate their premises prior to being refunded these advances.

In § 231.54; Rate schedule (d), unmetered, was set at $10.00 per lamp because this is an average cost of energy at 2.5 cents per KWH for a lamp of this size.

The purpose of revising §§ 231.51 through 231.54 is to provide additional power revenue to meet the incost of purchased power and to meet the increased cost of operating and maintaining the power system of the Colorado River Indian Agency, Arizona. It is proposed to accomplish this by increasing the rates for all customers.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before October 7, 1976.

It is proposed to amend Part 231, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations as follows:

1. By revising § 231.10 to read as follows:

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§ 231.10 Measuring extensions.

In measuring an extension there shall be included all the primary distribution circuit which it is necessary to build and also the length of the secondary circuit, to the point of connection with the consumer's service.

2. By revising paragraphs (b) and (c) of § 231.14 to read as follows:

§ 231.14 Service connections.

• • • • •

(b) The ordinary method of connection with the street mains will be overhead wires. Consumers desiring the feed wires to run underground must run their own wires in approved conduit from the meter to the point where connection is to be made. Conduits on the consumer's service pole must be installed in a manner satisfactory to the officer in charge. Consumers desiring underground service extensions to a pole owned by the Government will provide needed materials to be placed on the pole. All connections to Government owned facilities will be made by Government personnel. Conduit must be provided at the upper end with a suitable weatherproof fitting installed not more than 18 inches below the service drop. The conductors must be of such size that at full load the voltage drop from the point of attachment on the pole to the building entrance will not exceed 2 percent.

(c) Not more than one service will be installed to any one building, except as provided by the applicable codes and approved by the officer in charge.

3. By revising § 231.15 to read as follows:

§ 231.15 Entrance wires, switch, and protection.

(a) All meters will be the socket type. The meter will be furnished and installed by the United States. The meter socket will be furnished and installed by the consumer in a suitable place approved by the officer in charge. All meter sockets shall meet Edison Electric Institute—Association of Edison Illuminating Companies and National Electrical Manufacturers Association standards. On installations where the meter socket is separated from the load center, the consumer shall install the service wires in metal conduit, approved by the National Electrical Code, to the load center. This load center must contain an automatic breaker or fuse disconnect switch of an approved size for the connected demand. An additional grouping of branch fused disconnects or circuit breakers must be installed to serve lights, motors, or appliances as required by the National Electrical Code. The neutral wire shall not be fused.

(b) A main line entrance switch must be placed on the load side of the meter and adjacent thereto. This switch shall be fused on the load side of the switch or an automatic circuit breaker of approved type and capacity shall be installed. If fuses are used, they must be cartridge type when the voltage is in excess of 150 volts to ground. The neutral wire shall not be fused.

(c) Entrance wires must be carried to the meter in approved conduit and so arranged that they can be connected to the line side of the meter, and the load wires to the load side without crossing the wires near the meter.

(d) In the case of mutliple-occupancy installations such as an apartment building, a multiple use commercial building or other structure in which more than one meter is required, the meters shall be assembled at one central location. Each metered location shall be clearly marked so as to make it possible to identify each consumer. Each metered circuit shall have a separate fused disconnecting means or breaker located at a readily accessible point near the meter.

4. By revising paragraphs (c), (f), and (h) and by deleting and reserving paragraph (g) of § 231.16 to read as follows:

§ 231.16 Location and installation of meters.

• • • • •

(c) No meter will be installed more than 6½ feet nor less than 5½ feet above the floor or working level. Meters must not be located above stairways, porch steps, basement entrances, nor in any place where a short step ladder or chair cannot be safely placed for reaching the meter. For underground installation, meters will be placed on approved pedestals.

• • • • •

(f) Where potential or current transformers, associated meter test switches, and terminal blocks are required for use with a meter, ample provision shall be made by the consumer for their mounting in a suitable cabinet furnished by the consumer. A ground wire shall be provided.

(g) (Reserved)

(h) No load wires of any description shall be carried within the same conduit as the supply wires. Tampering or in any way interfering with a meter or its connections is prohibited. The entire service installation must be satisfactory to the officer in charge and must conform to the provisions of the National Electrical Code of the National Board of Fire Underwriters for Electrical Wiring and Apparatus.

5. By revising § 231.27 to read as follows:

§ 231.27 Resale of electric power.

Service will be discontinued should a consumer resell electric energy delivered to such consumer from the Project electric power system.

6. By revising § 231.34 to read as follows:

§ 231.34 Minimum contract period.

The minimum contract period is 1 year. The contract, however, may be terminated if the consumer vacates the premises, except in cases where extension has been constructed to supply the consumer as stated in §§ 231.5 and 231.7. In this event any amount owing the consumer for a construction advance shall be forfeited.

7. By revising § 231.51 to read as follows:

§ 231.51 Rate Schedule No. 1—residential rate.

(a) *Application.* This schedule applies to electrical service required for residential purposes in individual private dwellings and in individually metered apartments delivered through one meter to a customer at one premise either urban or rural, for domestic use only.

(b) *Type of service.* Single phase, 60 Hertz, 120/240 volts.

(c) *Monthly rate.*

(1) $5.00 for the first 100 kilowatt-hours or less.

(2) 4.0 cents per kilowatt-hour for the next 300 kilowatt-hours.

(3) 2.0 cents per kilowatt-hour for the next 600 kilowatt-hours.

(4) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(d) *Purchase power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchase power.

8. By revising § 231.52 to read as follows:

§ 231.52 Rate Schedule No. 2—commercial rate.

(a) *Application.* This schedule applies to service required by commercial and industrial customers for all uses when such service is supplied at one point of delivery and measured through one meter.

(b) *Type of service.* Single or three phase, 60 Hertz, at one standard voltage (120/240, 120/208, 277/480 or 480 volts).

(c) *Monthly rate.* (1) Energy charge:

(i) $5.00 for the first 100 kilowatt-hours or less.

(ii) 2.5 cents per kilowatt-hour for the next 900 kilowatt-hours.

(iii) 2.0 cents per kilowatt-hour for the next 4000 kilowatt-hours.

(iv) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(2) Demand charge: (i) None of the first 5 kilowatts of billing demand.

(ii) $1.00 per kilowatt for all billing demand over 5 kilowatts.

(3) Minimum charge: $5.00 or $1.00 per kilowatt of billing demand for billing demands over 5 kilowatts, or the amount specified in the contract whichever is greater, except where the officer in charge determines that the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period.

(4) Billing demand: The highest 15 minute integrated demand in kilowatts occurring during the month or the demand specified in a contract, whichever is greater.

(d) *Purchased power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchased power.

9. By revising § 231.53 to read as follows:

§ 231.53 Rate Schedule No. 3—irrigation pumping rate.

(a) *Application.* This schedule shall apply to power used for pumping of irrigation water for irrigation systems when such service is supplied at one point of delivery and measured through one meter and is approved by the officer in charge.

(b) *Type of service.* Three phase, 60 Hertz at one standard voltage (208, 240 or 480 volts).

(c) *Monthly rate.*

(1) Energy charge: 1.5 cents per kilowatt-hour.

(2) Demand charge: $1.00 per kilowatt of billing demand.

(3) Minimum charge: $1.00 per kilowatt of billing demand.

(4) Billing demand: The highest 15 minute integrated demand in kilowatts occurring during a 12-month period ending with the currept month or the monthly demand specified in the contract whichever is greater.

(d) *Purchased power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchased power.

10. By revising § 231.54 to read as follows:

§ 231.54 Rate Schedule No. 4—street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, school yards, industrial areas, parking lots and similar areas where dusk-to-dawn service is desired. The Project will own, operate and maintain the lighting system, including normal lamp and globe replacement.

(b) *Monthly rate.*

Lamps	Per lamp	
	Metered	Unmetered
(1) 250 watts, or less Incandescent (2,800 lumens or less)	$2.30	$2.80
(2) 175 watts, Mercury vapor (approximately 6,500 lumens)	4.00	4.50
(3) 250 watts, Mercury vapor (approximately 10,000 lumens)	4.80	5.40
(4) 400 watts, Mercury vapor (approximately 18,000 lumens)	6.00	10.00

(c) *Minimum term service.* The minimum term of service will be 12 months, payable in advance. This advance payment may be waived by the officer in charge.

(d) *Installation charges.* The cost of wood, special steel or aluminum poles or other supports, special fixtures, and the cost of underground service will be charged as determined by the officer in charge.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-26029 Filed 9-3-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES AND RECORDS SERVICE

[41 CFR Part 105-61]

FREEDOM OF INFORMATION

Fees for Reproduction Services: Location of Records and Hours of Use

This notice of proposed rulemaking contains proposed revisions to the schedule of fees for reproduction services published on September 17, 1975 (40 FR 42881) pursuant to the Freedom of Information Act (5 U.S.C. 552). These proposed revisions will be published in Subpart 105-61.52.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments in duplicate to the General Services Administration (NAA), Washington, D.C. 20408. Comments received before October 8, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Central Research Room, National Archives Building, 8th and Pennsylvania Avenue, NW., Washington, D.C.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 2, 1976.

JAMES B. RHOADS,
Archivist of the United States.

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

It is proposed to amend Subpart 105-61.52 as follows:

Subpart 105-62.52—Fees

1. Section 105-61.5201 is amended by revising paragraphs (c) (4), (5), and (6) as follows:

§ 105-61.5201 Applicability.

• • • • •

(c) • • •

(4) Census schedules (1790-1890). Reproduction of a census entry (i.e., a family unit or household)—$3.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$3.

(6) Passenger lists more than 75 years old—$3.

• • • • •

2. Section 105-61.5205 is amended by revising paragraphs (b) and (e) as follows:

§ 105-61.5205 Mail orders.

• • • • •

(b) No additional fee is charged for postage and handling reproductions that are sent to domestic addresses at the lowest rate.

• • • • •

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail	$0.80
Certified mail	.60
Return receipt	.25
Registered mail	2.10

When packages are sent registered mail, both the shipping fee and the special postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

3. Section 105-61.5206 is revised as follows:

§ 105-61.5206 Fee schedule.

(a) Authentication	$2.00
(b) Still photography (minimum order, $3):	
(1) Copy Negatives (black and white):	
4 in by 5 in	3.10
8 in by 10 in	4.75
(2) Aerial prints (black and white):	
10 in by 10 in or smaller, contact	3.60
10 in by 10 in enlargement	3.60
14 in by 14 in	4.70
18 in by 18 in	6.65
20 in by 24 in	6.65
27 in by 28 in	13.00
40 in by 41 in	18.50
Photo-indexes (usually 20 in by 24 in)	6.65
(3) *Photographic prints (includes prints from microfilm):*	

	Black and white	Color
8 in by 10 in or smaller	4.00	10.50
11 in by 14 in	4.50	17.25
16 in by 20 in	8.85	29.50
20 in by 24 in	12.00	43.50
22 in by 28 in	12.00	63.50
24 in by 30 in	16.40	69.50
30 in by 40 in	16.40	81.50
Sepia, add	3.70	

(4) Slides & Transparencies:	
Black and White:	
2 in. by 2 in. from existing negative	1.40
Additional fee when negative must be made	2.60
Color:	
2 in. by 2 in	1.30
4 in. by 5 in	8.25
8 in. by 10 in	13.30
(5) Photostat:	
Paper (up to 17 in. by 23 in.)	2.50
Film:	
8½ in. by 12 in	2.30
17 in. by 23 in	5.60
(6) Diazo (per foot)	.80
(7) Drymounting (per square foot)	1.10
(8) Red Line Facsimile (for Public Laws)	4.60
(9) 105 mm. Microfilm Prints. (18 in. by 24 in. paper copy)	1.45
(c) Microfilm:	

V 41 174 SEP 7 76 UMI

	16 mm	35 mm
(1) Negative (per frame; minimum order, $10)	0.10	0.10
(2) Positive (per foot; minimum order $6)	.12	.14
(3) Duplicate negative (per foot; minimum order $6)	.14	.16

(d) Electrostatic Copying:

(1) Paper to Paper (up to 8½ in. by 14 in.):	
Customer tabs documents for copying	.15
NARS identifies documents for copying	.20
(2) Oversized Electrostatic Copies (per foot)	.75
(3) Microfilm to Paper:	
From negative (Copyflo, per foot; minimum order, $10.00)	$1.35
From positive (per frame)	
When work is done by customer (up to 8½ in. by 14 in. per frame)	.15
When work is done by NARS (minimum order $2.00)	
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames	
Up to 8½ in. by 14 in	.25
11 in. by 17 in	.35
18 in. by 24 in	.45

(e) Motion Pictures (minimum order $24.00):

	35 mm	16 mm	16 mm from 35 mm
Per foot:			
Master positive	0.20	0.17	0.19
Duplicate negative	.26	.20	.22
Projection print	.18	.16	.18
Reversal	.26	.21	.21
Sound track	.18	.16	.18
Composite, add	.02	.02	.04

(f) Sound Recordings:

Reel to reel or cassette:	
7½ minutes	$6.20
15 minutes	7.25
22½ minutes	8.30
30 minutes	9.20
37½ minutes	10.50
45 minutes	11.30
52½ minutes	12.50
60 minutes	13.20

(g) Machine-readable records:

Tape-to-tape copying (per reel)	60.00
Tape-to-printout copying (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-printout extract (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-tape extract ($60.00 per reel plus computer processing time. Minimum order $25.00; per hour)	150.00
Card-to-card (per cards; minimum order $10.00)	.02

(h) Technical Services:

	Regular	Overtime
(1) Projectionist (per hour)	19	26
(2) Photographer or other (per hour)	14	18
(3) Microfilm preparation	14	18

(i) *Unlisted processes.* Fees for reproduction processes not listed in this § 105–61.5206 are computed upon request.

4. Section 105–61.5207 is revised as follows:

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check, or by money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order payable in U.S. dollars. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS, there is an added $5.00 service charge.

5. Section 105–61.5208 is revised as follows:

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective beginning October 11, 1976, and ending on September 30, 1977. Orders received after September 30, 1976, will be subject to the fees in effect at that time.

[FR Doc.76–26270 Filed 9–3–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Dept. Reg. 495]

TUTANKHAMUN COLLECTION, EGYPT

Culturally Significant Objects of Art; Determination

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966 and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the objects described in the list filed as a part of this determination[1] imported from the Arab Republic of Egypt pursuant to loan agreements between Dr. Gamal Mokhtar, President of the Organization of Antiquities, and the Director of the Cairo Museum with Dr. Thomas Hoving, Director of the Metropolitan Museum of Art, on November 24, 1975, for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects at the National Gallery of Art, Washington, D.C. on or about November 15, 1976, to on or about March 15, 1977; the Field Museum of Natural History, Chicago, Illinois, on or about April 15, 1977 to on or about August 15, 1977; the New Orleans Museum of Art, New Orleans, Louisiana, on or about September 15, 1977, to on or about January 15, 1978; the Los Angeles County Museum of Art, Los Angeles, California, on or about February 15, 1978 to on or about June 15, 1978; the Seattle Art Museum, Seattle, Washington, on or about July 15, 1978, to on or about November 15, 1978; and the Metropolitan Museum of New York, New York, on or about December 15, 1978, to on or about April 15, 1979, is in the national interest.

Public notice of this Determination is ordered to be published in the FEDERAL REGISTER.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

SEPTEMBER 2, 1976.

[FR Doc.76–26294 Filed 9–3–76;10:14 am]

[1] List and description of 55 objects from the Tutankhamun Collection of the Government of the Arab Republic of Egypt.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76–248]

OFFSPRING FASHIONS, INC.

Recordation of Trade Name

AUGUST 30, 1976.

On July 20, 1976, there was published in the FEDERAL REGISTER (41 FR 29890) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Offspring Fashions, Inc. used by Offspring Fashions, Inc. The notice advised that prior to final action on the application, filed pursuant to § 133.–12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Offspring Fashions, Inc." is hereby recorded as the trade name of Offspring Fashions, Inc., a corporation organized under the laws of the State of New York, located at 27 Bruckner Boulevard, Bronx, New York 10454, when applied to women's apparel, manufactured in Hong Kong.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.76–26084 Filed 9–3–76;8:45 am]

Office of the Secretary

[Treasury Department Order No. 219–3]

ACCESS TO RECORDS AND ADMINISTRATIVE REVIEW

Delegation of Authority

By virtue of the authority vested in me by the Treasury Department regulations on access to records pertaining to individuals, (31 CFR Part 1, Subpart C: 40 FR 45684) and Treasury Department Order No. 190, Revision 11 (41 FR 20198), the authority of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) to make determinations on any request for administrative review of refusal to amend record under 31 CFR 1.27 (e) with respect to any record is hereby delegated to the Deputy Assistant Secretary (Operations), the Deputy Assistant Secretary (Enforcement), and the Deputy Assistant Secretary (Tariff Affairs).

Dated: August 27, 1976.

DAVID R. MACDONALD,
Assistant Secretary, Enforcement, Operations and Tariff Affairs.

[FR Doc.76–26092 Filed 9–3–76;8:45 am]

Office of the Secretary

CERTAIN PORTLAND HYDRAULIC CEMENT FROM MEXICO

Antidumping: Determination of Sales at Less Than Fair Value, Discontinuance of and Exclusion From Investigation

On October 16, 1975, information was received in proper form from Southwestern Portland Cement Company of El Paso, Texas alleging that portland hydraulic cement, other than white nonstaining cement, from Mexico, was being sold in the United States at less than fair value within the meaning of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that the Secretary of the Treasury concluded that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commision was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On December 18, 1975, the United States International Trade Commisison notified the Secretary of the Treasury that, on the basis of its inquiry, it did not determine that there was no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of the subject merchandise from Mexico.

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Accordingly, the Customs investigation in this proceeding was not terminated.

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of May 28, 1976 (41 FR 21798).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE, DISCONTINUANCE OF INVESTIGATION AND EXCLUSION FROM INVESTIGATION

I hereby determine that, for the reasons stated below, portland hydraulic cement, other than white non-staining cement, from Mexico, except that produced and sold by Cementos Mexicanos and Cementos de Chihuahua, is being or is likely to be sold at less than fair value within the meanign of section 201(a) of the Act (19 U.S.C. 160(a)). In the case of portland hydraulic cement, other than white non-staining cement, from Mexico produced and sold by Cementos Mexicanos, I hereby exclude such merchandise from the determination. In the case of such merchandise produced and sold by Cementos de Chihuahua, I hereby discontinue the antidumping investigation.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* It appears that approximately 100 percent of imports of the subject merchandise was manufactured by three plants in Mexico during the representative period. They were Cementos Anahuac, Mexico, D.F., Cementos de Chihuahua, S.A., Ciudad Juarez, Chihuahua, and Cementos Mexicanos de Monterrey, S.A., Monterrey, Nuevo Leon. Therefore the investigation was limited to these three manufacturers.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to non-related distributors or commercial consumers in the United States. Home market price, as defined in section 153.2 Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase price.* For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), pricing information was obtained concerning imports of portland hydraulic cement from Mexico during the period July 1 through December 31, 1975, for two manufacturers. For the third firm, Cementos Mexicanos, the period of investigation was January 1 through December 31, 1975.

In the import transactions, all of the merchandise was purchased or agreed to 12 percent, resulting in a weighted average margin of less than 0.3 percent over be purchased prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of section 203 of the Act. With respect to merchandise produced by Cementos Anahuac, the purchase price has been calculated on the basis of the c.i.f. price, Tampa, Florida with deductions for inland freight, ocean freight and insurance. With respect to merchandise sold by Cementos de Chihuahua, the purchase price has been calculated on the basis of c.i.f. United States delivered prices or f.o.b. plant prices, as appropriate, with deductions for U.S. brokerage charges, inland freight, consumption entry bond, and Texas state use tax, as applicable. With respect to merchandise sold by Cementos Mexicanos de Monterrey, the purchase price has been calculated on the basis of the c.i.f., Texas border price with deductions for prompt payment discounts, U.S. brokerage charges, transportation permit and insurance, and inland freight. Additions have been made to all prices, as applicable, for a 5 percent or less Mexican production tax not collected on exports and an 11 percent rebate of indirect taxes on exports, both calculated on the f.o.b. plant price or its equivalent.

Petitioner has claimed that the 11 percent rebate of indirect business taxes under the C.E.D.I. program should not be added in calculating purchase price. However, there is no evidence on record to indicate this rebate is for other than those taxes imposed directly upon the exported merchandise and rebated by reason of the exportation of the merchandise. The amount has therefore been added to the export price as required by section 203 of the Act (19 U.S.C. 162).

d. *Home Market Price.* The home market price for Cementos Anahuac has been calculated on the basis of the packed, weighted average delivered price to Mexican distributors. For Cementos de Chihuahua and Cementos Mexicanos, the home market price has been calculated on the basis of the f.o.b. plant price.

Adjustments have been made to the home market price of Cementos Anahuac for packing, rail freight, maritime freight, and terminal handling costs. No adjustments have been made to the home market price of Cementos de Chihuahua. An adjustment for prompt payment discounts has been made to the home market price of Cementos Mexicanos.

Counsel for Cementos Anahuac has claimed additional adjustments for fixed operating costs of the plant and equipment, depreciation costs on the plant and terminal, trade association fees, advertising, sales promotion, and marketing and sales expenses. These expenses do not bear a direct relation to the sales under consideration, and no adjustment has been allowed for these expenses. Counsel for Cementos Anahuac also claimed that sales to Mexican government agencies should be included in determining home market weighted average prices. These sales are regarded as being at a level of trade different from export sales to the United States, and for that reason were not included in calculating home market price. In addition, there is substantial doubt that such sales are in the ordinary course of trade, as required by section 205 of the Act (19 U.S.C. 164).

e. *Results of Fair Value Comparison.* Using the above criteria, purchase price was found to be lower than the home market price of such or similar merchandise with respect to sales by Cementos Anahuac. Comparisons were made on 100 percent of sales of the subject merchandise by this firm during the above period of investigation. A margin of 9.9 percent was found on all sales compared.

In the case of Cementos Mexicanos, 100 percent of sales were examined and found in every case to be at prices not less than fair value. All sales were prior to April 1975.

In the case of Cementos de Chihuahua, 100 percent of sales were examined. On approximately 2 percent of these sales purchase price was below home market price by an average of approximately all sales. This margin is deemed to be minimal in relation to the total volume of sales. In addition, formal assurances have been received from the producer that it would make no future sales at less than fair value within the meaning of the Act.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(a) of the Act and section 153.38, Customs Regulations (19 CFR 153.38).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

AUGUST 31, 1976.

[FR Doc.76-26037 Filed 9-3-76;8:45 am]

[Treasury Department Order No. 243]

DIRECTOR OF THE OFFICE OF REVENUE SHARING

Delegation of Authority

Pursuant to the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there is hereby delegated to the Director of the Office of Revenue Sharing in the Office of the Secretary the authority to perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the Public Works Employment Act of 1976, Title II, Public Law 94-369. The Director shall perform those functions, powers and duties under the direct supervision of the Under Secretary of the Treasury. The Director may issue regulations for the purposes of carrying out the above functions, powers and duties under the Director's own name and title with the approval of the Under Secretary.

Dated: August 27, 1976.

EDWIN H. YEO, III,
Acting Secretary of the Treasury.

[FR Doc.76-26091 Filed 9-3-76;8:45 am]

[Dept. Circ.—Public Debt Series No. 3–75]

TREASURY NOTES OF SERIES C–1981

Amendment

Department of the Treasury Circular, Public Debt Series No. 3–75, dated January 25, 1975, as supplemented, descriptive of 7⅜ percent Treasury Notes of Series C–1981, has been revised and amended to permit consblidation of the records pertaining to the issuance of the notes, and to transactions therein, with the records of the 7⅜ percent Treasury Notes of Series E–1981, as described in Department of the Treasury Circular, Public Debt Series No. 9–76, dated March 17, 1976, as supplemented. Both series of notes will mature on February 15, 1981.

Given their identical interest rates and maturity dates, the consolidation will avoid confusion and facilitate market transactions in these notes during the remaining period of maturity. The practical import of the consolidation is to treat the Series E–1981 notes as, in effect, an additional issue of the Series C–1981 notes. Owners of the Treasury Notes of Series E–1981 are not obliged under this amendment to exchange their notes for those of Series C–1981, or to take any other action with respect to their securities. The consolidation will be effected on or about September 1, 1976.

In view of the foregoing, paragraphs 1 and 4 of Section "II. DESCRIPTION OF NOTES", of Department of the Treasury Circular, Public Debt Series No. 3–75, as supplemented, are hereby revised and amended to read as follows:

II. DESCRIPTION OF NOTES

1. The notes will be dated February 18, 1975, and will bear interest from that date, payable on a semiannual basis on August 15, 1975, and thereafter on February 15 and August 15 of each year until the principal amount becomes payable. Department of the Treasury records for these notes will be consolidated, effective September 1, 1976, with those maintained for the 7⅜ percent Treasury Notes of Series E–1981, as described in Department of the Treasury Circular, Public Debt Series No. 9–76, as supplemented. Thereafter, all transactions involving Treasury Notes of Series E–1981 will be treated as transactions involving Treasury Notes of Series C–1981. The notes will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

• • • • • •

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. In all transactions occurring on or after September 1, 1976, no distinction shall be made between the notes offered hereunder and the Treasury Notes of Series C–1981. Interchanges of notes of both series of different denominations, and of coupon and registered notes, and the transfer of registered notes will be permitted. Book-entry accounts for Treasury Notes of Series E–1981 will be converted and consolidated with those of Treasury Notes of Series C–1981.

• • • • • •

The foregoing revision and amendment were effected under authority of section 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Dated: August 23, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-26065 Filed 9-3-76;8:45 am]

Interest Rates

SEPTEMBER 1, 1976.

The Secretary of the Treasury announced on August 31, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 22–76, dated August 25, 1976, will be 6⅞ percent per annum. Accordingly, the notes are hereby redesignated 6⅞ percent Treasury Notes of Series E–1980. Interest on the notes will be payable at the rate of 6⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-26067 Filed 9-3-76;8:45 am]

[Dept. circ.—Public Debt Series No. 9–76]

TREASURY NOTES OF SERIES E–1981

Amendment

Department of the Treasury Circular, Public Debt Series No. 9–76, dated March 17, 1976, as supplemented, descriptive of 7⅜ percent Treasury Notes of Series E–1981, has been revised and amended to permit consolidation of the records pertaining to the issuance of the notes, and to transactions therein, with the records of the 7⅜ percent Treasury Notes of Series C–1981, as described in the Department of the Treasury Circular, Public Dept. Series No. 3–75, dated January 23, 1975, as supplemented. Both series of notes will mature on February 15, 1981.

Given their identical interest rates and maturity dates, the consolidation will avoid confusion and facilitate market transactions in these notes during the remaining period of maturity. The practical import of the consolidation is to treat the Series E–1981 notes as, in effect, an additional issue of the Series C–1981 notes. Owners of the Treasury Notes of Series E–1981 are not obliged under this amendment to exchange their notes for those of Series C–1981, or to take any other action with respect to their securities. The consolidation will be effected on or about September 1, 1976.

In view of the foregoing, paragraphs 1 and 4 of Section "II. Description of Notes", of Department of the Treasury Circular, Public Debt Series No. 9–76, as supplemented, are hereby revised and amended to read as follows:

II. DESCRIPTION OF NOTES

1. The notes will be dated April 5, 1976, and will bear interest from that date, payable on a semiannual basis on August 15, 1976, and thereafter on February 15 and August 15 of each year until the principal amount becomes payable. Department of the Treasury records for these notes will be consolidated, effective September 1, 1976, with those maintained for the 7⅜ percent Treasury notes of Series C–1981, as described in Department of the Treasury Circular, Public Debt Series No. 3–75, as supplemented. Thereafter, all transactions involving Treasury Notes of Series E–1981 will be treated as transactions involving Treasury Notes of Series C–1981. The notes will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

• • • • • •

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, bearing the designation Series E–1981, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000 in connection with transactions completed on or before August 31, 1976. All transactions involving the notes shall thereafter be conducted in the same manner and with the same effect as if they are Treasury Notes of Series C–1981, including interchanges of notes of different denominations, and of coupon and registered notes, and the transfer of registered notes. The interest accounts maintained by the Treasury for notes issued in registered form shall continue to be serviced separately for both series of notes except and until transactions affecting their registration are made. Book-entry accounts for Treasury Notes of Series E–1981, however, will be converted and consolidated with those of Treasury Notes of Series C–1981.

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The foregoing revision and amendment were effected under authority of section 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Dated: August 23, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-26066 Filed 9-3-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 19, 1976.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Air Force Systems Command, will hold meetings on September 30, 1976 from 8:30 a.m. to 5:00 p.m. and October 1, 1976 from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts in the Command Management Center, Building 1606.

The group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the

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Scientific Advisory Board Secretariat at 202–697–8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76–25988 Filed 9–3–76;8:45 am]

DEPARTMENT OF JUSTICE

National Institute of Corrections

ADVISORY BOARD OF THE NATIONAL INSTITUTE OF CORRECTIONS

Bylaws

Notice is hereby given that the Advisory Board of the National Institute of Corrections has tentatively adopted a set of bylaws for governing its affairs and operations as authorized under 18 U.S.C. Sections 4351–4353 (1974). The public is invited to comment on the bylaws published herein. Comments should be submitted on or before October 7, 1976, and sent to:

National Institute of Corrections, c/o Michael W. Gerrity, 320 First Street, NW., HOLC Building, Room 200, Washington, D.C. 20534.

SHERMAN R. DAY,
Director, National Institute of Corrections.

ARTICLE I—TITLE AND OBJECTS

The name of this organization shall be the Advisory Board of the National Institute of Corrections (NIC) hereinafter referred to as the Board of NIC or the Board.

Under the authority of 18 U.S.C. Sections 4351–4353 (1974) as provided for by Pub. L. 93–415, Title V, Part B hereinafter referred to as 18 U.S.C. Sections 4351–4353 (1974), NIC's overall goal is to aid in the development of more effective and humane federal, state and local correctional systems which will contribute to the safety of offenders, staff and the community by:

1. Providing the stimulus for cooperative and consolidated action by all groups impacting on corrections.
2. Establishing close working relationships with national, state and local correctional agencies.
3. Developing a large sense of professionalism in corrections at all levels.
4. Drawing other professional groups into a closer relationship with correctional planning and practice.

In order to implement these objectives, 18 U.S.C. Sections 4351–4353 (1974) outlines five primary assistance areas that form the core of NIC's activities: training, research and evaluation, policy formulation and implementation, clearinghouse and publication, and technical assistance.

18 U.S.C. Sections 4351–4353 (1974) expressly charges the Board of NIC with both the authority and responsibility to develop and supervise the overall policy of NIC. The primary responsibility of the Board in this regard shall be to review and approve the Annual Program Plan presented by the Director of NIC.

ARTICLE II—ORGANIZATION

Section 1. *Membership and terms of office.*—As required under 18 U.S.C. Sections 4351–4353 (1974), the Board of NIC shall consist of sixteen members:

Six individuals or their respective designees shall serve as ex officio members, these include: The Director of the Federal Bureau of Prisons, the Administrator of the Law Enforcement Assistance Administration, Chairman of the U.S. Parole Commission, the Director of the Federal Judicial Center, the Deputy Assistant Administrator of the National Institute for Juvenile Justice and Delinquency Prevention, and the Assistant Secretary for Human Development of the Department of Health, Education and Welfare. Any ex officio member of the Board who selects a designee to serve in his position shall notify the Board's chairman in writing of such action. This written notification must include the name and position of the designee. Any change in a respective designee must follow the same notification procedure.

Five members of the Board of NIC must qualify as practitioners at the Federal, state or local level in the area of corrections. These individuals shall be appointed by the Attorney General for staggered terms, initially: one member shall serve for one year, one member for two years and three members for three years.

The five remaining members of the Board of NIC shall be selected from the private sector such as business, labor and education and shall have demonstrated an active interest in corrections. These five members shall be appointed by the Attorney General for staggered terms, initially: one member shall serve for one year, three members for two years and one member for three years.

Upon completition of the term of each of the ten members not serving ex officio, the Attorney General shall appoint successors who will each serve for a term of three years. Terms of appointment of each of the ten members not serving ex officio shall bear effective date of January 1.

Section 2. *Officers of the Board.*—The Board shall elect annually a chairman and three vice-chairmen. These officers shall be elected by a simple majority vote of the Board. The term of office for the chairman and vice-chairmen shall be one year commencing upon completion of the Board's fall/winter meeting. No chairman or vice-chairmen shall serve more than two consecutive one year terms.

No ex officio member of the Board may serve as chairman of the Board. No designee may serve as an officer of the Board.

A. The Chairman shall:

1. Preside over all meetings of the Board.
2. Consult with Board members and the Director of NIC and develop an agenda for each meeting. The agenda shall include but not limited to: a report from each standing and when appropriate from each ad hoc committee or task force, a report from the Director of NIC, and any proposed amendment to these bylaws.
3. Appoint as many ad hoc committees or task forces as are necessary to assist NIC in the accomplishment of its objectives.
4. Appoint each vice-chairman to a respective standing committee established under these bylaws.
5. Perform such other functions and duties as the Board may authorize or request within the parameters of NIC's legislation (18 U.S.C. Sections 4351–4353 (1974)).

The Chairman of the Board is entitled to vote only in the event of a tie. The Chairman of the Board is a member of all committees and task forces of the Board but shall not be entitled to a vote on any committee or task force of the Board. Nor shall the Chairman of the Board be counted in the quorum of any committee or task force.

In event of his absence the chairman shall designate in writing a vice-chairman who will serve in his place. In event of the long term incapacitation or demise of the chairman the following rule of succession shall be applied. If eligible, succession shall occur in descending order:

1. Chairman, Policy Review Committee.
2. Chairman, Fiscal Review Committee.
3. Chairman, Grant Review Committee.

B. Each vice-chairman shall:

1. Serve as a chairman of one of the three standing committees established under these bylaws. In the event of his absence the chairman of any committee of the Board must designate a replacement for the interim.

Section 3. *Committee Structure.*

A. *Standing Committees.*—There shall be three standing committees as follows: (1) Policy Review, (2) Fiscal Review, (3) Grant Review. Each of the standing committees will be composed of no more than five and not less than three members of the Board. Each standing committee shall be balanced as equally as possible with members from each of the three categories of Board members, i.e., ex officio, practitioners and private sector representatives. At no time shall more than two members from any one category serve on any one standing committee. No individual Board member shall serve on more than two standing committees at any one time. No designee may serve as chairman of a standing committee.

1. *Policy Review Committee.*—This committee's responsibilities shall include:

(a) reviewing all proposals and suggestions relating to policy and/or procedure governing the Board's operations,
(b) reviewing all proposals or suggestions relating to general program areas within which NIC will commit its resources,
(c) reviewing all proposed amendments to these bylaws,
(d) reviewing all legislation impacting upon NIC.

The committee shall report its recommendations to the Board.

2. *Fiscal Review Committee.*—This committee's responsibilities shall include:

(a) participating with the Director of NIC in the development of a long-range fiscal plan,
(b) reviewing the fiscal allocations within the preceding year's Annual Program Plan and making recommendations regarding funding adequacy and future funding.

The committee shall report its recommendations to the Board.

3. *Grant Review Committee.*—This committee's responsibilities shall include:

(a) developing policy for grant review,
(b) reviewing all documents and guidelines dealing with grant and contract funding,
(c) making recommendations to the Director of NIC on concept papers or applications that are within NIC's approved thrust areas but whose requested funding exceeds $300,000,
(d) serving in accordance with NIC's grant review policy as an appellate review board making recommendations to the Director of NIC in cases of appeal.

B. *Ad Hoc Committees and Task Forces.*—The chairman is empowered to appoint as many ad hoc committees and task forces from the Board's membership as deemed appropriate to conduct the business of the Board. As with standing committees, representation on ad hoc committees should reflect, if possible, all three categories of Board membership as outlined in Article II, Section 1 of these bylaws.

The nominating committee will be an ad hoc committee appointed annually by the chairman. This committee shall nominate a slate of candidates to replace each elected officer. Upon submission to the Board of its recommendations the committee shall be discharged.

ARTICLE III—DIRECTOR OF NIC

As provided for by 18 U.S.C. Section 4351(h) (1974), the Director of NIC shall be appointed by the Attorney General after consultation with the Board of NIC.

Under 18 U.S.C. Section 4351(h) (1974), the Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of NIC and may employ such staff, faculty and administrative personnel, subject to the Civil Service and classification laws, as are necessary to the functioning of NIC. The Director shall have the power to acquire and hold real and personal property for NIC and may receive gifts, donations, and trusts on its behalf. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board.

In accordance with the policies of the Board of NIC and applicable law, the Board of NIC delegates to the Director the authority to issue procedures, regulations, and guidelines to implement these policies.

It shall be the primary duty of the Director of NIC to present NIC's Annual Program Plan to the Board, and to execute the Annual Program Plan upon Board approval.

The Director of NIC shall also have the following duties: (1) to provide appropriate staff support to the Board and its committees as may be necessary for the fulfillment of their duties, (2) to present a report to the Board of NIC at each meeting of the activities of NIC to date, (3) to maintain an up-to-date file of any written authorization which ex officio members of the Board of NIC must file when designating an individual to serve in their place as provided for under 18 U.S.C. Sections 4351–4353 (1975), (4) to provide for the keeping and recording of the minutes of any meeting of the Board of NIC and upon request for any of the Board's committees, (5) to provide all Board members with notice of the upcoming meetings, the agenda for the meeting, the minutes of the last meeting and any other appropriate materials, (6) to provide the Board and Grant Review Committee with a monthly report of grant and contract requests and awards.

ARTICLE IV—MEETINGS

The Board shall meet three times annually. However, when deemed necessary, extra meetings may be called by the chairman or by at least five members of the Board.

Written notice of each meeting of the Board of NIC stating the place, date and hour of the meeting, shall be given to each member at least three weeks prior to the date of the meeting.

Notice of any special or extra meeting of the Board of NIC called by the chairman or five or more members of the Board shall indicate that it is being issued by or at the direction of the persons calling the meeting and shall state the purpose or purposes for which the meeting is being called. Special or extra meetings may be called at any time with consent of two-thirds of the Board. Notice of a special or extra meeting may be given by telephone and/or by mail and ratified by two-thirds of the Board at the special or extra meeting.

Notice of all meetings of the Board shall be given to the public. Such notice shall be published in the Federal Register at least 15 days prior to the meeting, provided that in emergencies, such requirements may be waived. This notice shall contain a statement of the purpose of the meeting, a summary of the agenda, and the time, place, and location of such meeting.

Except for executive sessions, meetings of the Board shall be open to the public for observation. The chairman may invite more active participation from the public when such action is appropriate and does not interfere with the orderly transaction of the Board's business.

Executive sessions may be called by a majority vote of a quorum of the Board in public. No final action shall be taken at such meetings except upon votes in open session. These sessions shall not be used to obstruct the fullest possible public accessibility to meetings.

ARTICLE V—VOTING

All members of, as well as all officers who are members of the Board of NIC shall each be entitled to a vote on any issue before the Board. Proxy voting will be allowed at any meeting of the Board of NIC or at any meeting of its committees or task forces. The proxy must be written and filed with the chairman prior to the voting on the issue in question. Proxies may not be used to form a quorum.

Under 18 U.S.C. Section 4351, a member serving ex officio may designate an individual to serve and vote in his position at any meeting of the Board or its committees and task forces. Selection of a designee does not preclude an ex officio member from attending and voting at any meeting of the Board, its committees or task forces in place of his respective designee.

No action of the Board of NIC shall be valid and binding without a vote by a quorum of its members. A quorum of the Board shall consist of one-half or more of its members or designees.

ARTICLE VI—COMPENSATION OF BOARD MEMBERS

Under 18 U.S.C. Sections 4351–4353 (1974), the members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Board who are full-time officers or employees of the United States shall serve without additional compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to 18 U.S.C. Sections 4351–4353 (1974), be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by Section 5332 of Title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by Section 5703 of Title 5, United States Code for persons in the Government service employed intermittently. Compensation and reimbursement as provided for by this Article shall be made only upon written request.

ARTICLE VII—PARLIAMENTARY AUTHORITY

Meetings of the Board and its committees shall be conducted in accordance with the rules contained in "Robert's Rules of Order Revised." These rules shall govern the Board in all cases where applicable and in which they are not inconsistent with these bylaws. Special rules of order preempting those contained in "Robert's Rules of Order Revised" may be adopted by the Board. Any special rules of order are to be incorporated in these bylaws as a separate section under this Article.

ARTICLE VIII—AMENDMENT OF THE BYLAWS

These bylaws may be amended at any meeting of the Board by a majority vote of a quorum of the Board. Amendments to the bylaws may be proposed by the Policy Review Committee or by any five members of the Board of NIC. Any proposed amendments must be written, signed and sent to Board members at least 15 days in advance of the meeting

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at which they will be discussed. Any such proposed amendment shall be published in the Federal Register 15 days in advance of the meeting at which they will be considered.

ARTICLE IX—NOTICE OF THE BYLAWS

Notice of these bylaws shall be published in the Federal Register.

[FR Doc.76-26034 Filed 9-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 56161]

WYOMING

Application

AUGUST 27, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Montana-Dakota Utilities Company of Bismarck, North Dakota filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource and Forest Lands:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 39 N., R. 73 W.,
Sec. 6.
T. 40 N., R. 73 W.,
Sec. 31.
T. 40 N., R. 74 W.,
Sec. 31.
T. 39 N., R. 75 W.,
Sec. 6.
T. 40 N., R. 75 W.,
Sec. 35.
T. 39 N., R. 76 W.,
Secs. 2, 3.
T. 39 N., R. 77 W.,
Secs. 11, 12, 14, 15, 17, and 18.
T. 39 N., R. 78 W.,
Secs. 13, 14, 15, 17, 19, 20, and 30
T. 39 N., R. 79 W.,
Sec. 25.

The pipeline will transport natural gas from 5 wells located within T. 39 N., R. 73 W., and T. 40 N., R. 74 W., Converse County, to a point in sec. 25, T. 39 N., R. 79 W., in Natrona County, Wyoming, for conveyance via Northern Utilities, Inc.'s pipeline to Montana-Dakota Utilities' facilities near Sheridan, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26032 Filed 9-3-76;8:45 am]

Geological Survey

[Revised OCS Order No. 7]

POLLUTION AND WASTE DISPOSAL

Gulf of Mexico Area

Notice is hereby given that, pursuant to 30 CFR 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved revised OCS Order No. 7, "Pollution and Waste Disposal," for the Gulf of Mexico Area as set forth below. This Order will be effective October 1, 1976.

Order No. 7 was published in draft form in the FEDERAL REGISTER, Vol. 40, No. 238, December 10, 1975, with a solicitation for comments and suggestions. Comments were received from the following organizations:

Chevron Oil Company.
Continental Oil Company.
Environmental Protection Agency.
Exxon, U.S.A.
Gulf Energy and Minerals—U.S. Offshore Operators Committee.
Sun Oil Company.

In order to inform the public of the new requirements and to provide adequate response to comments on the proposed OCS Order, we have published below a summary of all of the comments received, our rationale for accepting or rejecting the suggestions of the commenters, and the final revision of the Order.

Copies of the Order may be obtained from the Conservation Manager, U.S. Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS U.S. GEOLOGICAL SURVEY (USGS) RATIONALES AND REVISION OF OCS ORDER NO. 7 FOR THE GULF OF MEXICO

Subparagraph 1.A.(1). *Comments.* Suggestions recommended that the sentence should read "free oil" rather than "oil."

USGS rationale. The USGS agrees with the rationale of the commenters and has added the words "free oil" to the subparagraph.

Subparagraph 1.A.(2). *Comments.* It was suggested that this section requiring lists, chemical constituents, and concentrations should be deleted since this data is not routinely available, may be proprietary to the mud supplier, and would require unnecessary listings; also, the requirement to neutralize toxic substances (which are not defined in the Order) prior to disposal is not needed since the EPA has established effluent standards.

USGS rationale. The phrase, "which might be used to meet special drilling requirements," did not clearly state the intent which was to allow for planning of the method of disposal of substances which were programmed for use; therefore, the wording was changed to "drilling mud components, including the common chemical or chemical trade name of each component, and a list of the drilling mud additives anticipated for use in meeting special drilling requirements."

Regarding the requirement to neutralize toxic substances prior to disposal, it is noted that in the preamble of paragraph No. 1 it is stated that disposal of waste materials into the Gulf shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, or other uses of the Gulf. This wording is taken from the EPA regulations and is consistent with USGS policy. Since neutralization of toxic substances may not always be the method specified by the Supervisor, the last sentence of this Section has been changed to reflect the applicability of a variety of Federal regulations as the true controlling criteria.

Subparagraph 1.A.(4). *Comments.* Suggestion was made to include in the Order more specific details of EPA requirements.

USGS rationale. This paragraph was rewritten to recognize the permitting authority of the Environmental Protection Agency and reference the Federal Water Pollution Control Act which governs discharges from fixed structures.

Subparagraph 1.B.(2). *Comments.* It was proposed that the word "similar" be added to the requirements describing disposal of solid wastes (mud containers).

USGS rationale. For clarification, the phrase "and other similar solid waste materials" is considered to be appropriate.

Comments. It was also suggested to add a sentence to the requirement which would define disposal criteria of domestic wastes, and the suggestion further states that this change would bring the limitations into conformance with the EPA regulations, 40 CFR 435, Offshore Segment of the Oil and Gas Extraction Point Source Category (Effluent Standards and Guidelines).

USGS rationale. Revised subparagraph 1.A.(4) makes reference to the disposal of sanitary wastes.

Subparagraph 2.B.(3). *Comments.* It was stated that clarification is needed concerning the requirement of this Section that equipment be able "to control the maximum anticipated pressures and production of oil and gas." Furthermore, one commenter suggests rewording the section to effect pollution prevention by designing the equipment properly and refers to OCS Order No. 8 as providing requirements for pressures and production operations.

USGS rationale. The intent of the requirement is to prevent pollution due to the use of improperly designed equipment. We agree that OCS Order No. 8, and its included reference material (API RP 14C, API RP 2A, and API RP 14E), should provide adequate equipment design to control anticipated pressures and production operations. Accordingly, the first sentence is changed to read, "All production facilities such as separators, tanks, treaters, and other hydrocarbon handling equipment shall be designed and operated in a manner necessary to prevent pollution."

Subparagraph 2.C.(1). *Comments.* It was suggested that this requirement for reports of spills less than 15 barrels should be made more stringent so as not to allow 12 hours for the operator to report and that USGS criteria should be similar to appropriate portions of Sections 311 of the FWPCA.

USGS rationale. It has been found necessary through operational experience to set a limit as to the size of oil spill which poses a threat to the environment, which could be removed, or should require an on-site investigation.

Oil spills of 15 barrels or less occurring more than 3 miles offshore are not considered to fall in these categories or to be a major threat to the environment. Spills of 15 to 50 barrels are considered to be approaching a potential threat, and spills greater than 50 barrels may be a major threat; therefore, the Order provides for a varying degree of urgency in the reporting requirements by stipulating the respective 12-hour, 4-hour, and without delay reporting periods. Regardless of the time period specified, the operator is responsible to report without delay any oil spill which threatens public health or welfare or results in critical public concern. It should be noted that the National Oil and Hazardous Substance Pollution Contingency Plan defines a minor discharge of oil in coastal waters as 10,000 gallons (238 barrels). The variance in the reporting periods does not lessen the operator's responsibility to report the pollution incident, remove the pollutant, or be responsible for the results from any such pollution damage.

Comments. Another comment stated that the requirement to report all spills of less than 2.4 cubic meters (15 barrels) within 12 hours is inappropriate and untimely since this time interval may cause the report to be made to the District Supervisor at his home, since the District offices would not be open. Therefore, the time limit should be changed to 18 hours.

USGS rationale. The District Supervisor or his designee is always available for the notification of an oil spill. It is not necessary to extend the time of notification to accommodate the hours of the District office.

Subparagraph 2.C.(2). *Comments.* It was suggested that Sections 2.C.(2) and 2.C.(3) be combined since both require immediate reports to the District Supervisor. Also suggested was the deletion of 2.C.(3) which requires the operator to also report to the Coast Guard and EPA for spills greater than 7.9 cubic meters (50 barrels). Subparagraphs 2.C.(2) and 2.C.(3) should be consistent with the requirements of Public Law 92-500 and Executive Order 11735.

USGS rationale. The intent of the Order is to differentiate between spills of minor, intermediate, and large and/or those of any size or quantity which cannot be immediately controlled. The reporting requirements have been modified to conform with PL 92-500 and EO 11735.

Subparagraph 2.C.(4). *Comments.* It was suggested that the requirement for operators to notify each other upon observations of pollution resulting from another's operation should be deleted because it is considered a courtesy and is also considered unenforceable.

USGS rationale. This subparagraph was not changed. The intent of the Order is to promote mutual pollution prevention efforts among operators in a given area, especially on unmanned facilities, and is considered to be enforceable to the extent that other operators in the area of pollution occurrence would desire to make known the source of pollution.

Subparagraph 3.A. *Comments.* Much of the pollution cleanup equipment is of the type which has no engines or pumps and thus requires inspection at intervals less frequent than monthly.

USGS rationale. The Order was not changed. A monthly time period was used to insure regularity of inspection and the state of readiness of the equipment.

In addition, this subparagraph was changed to cite the authority for approval of the use of chemical agents.

Comments. Removal of the requirement of specific equipment types such as containment booms was requested. The suggestion is based on the commenter's apprehension that new technology will supersede the capability of specified equipment.

USGS rationale. The Order was not changed. The listing of the specified equipment to be stockpiled does not preclude the use of equipment of the latest technologies. It has not been determined that containment equipment more effective than booms is available.

Subparagraph 3.B.(1). *Comments.* A comment suggests deleting the requirements to determine the "time of deployment" for pollution-control equipment because of the possibility of adverse weather variations and resulting difficulty in assessing "time of deployment."

USGS rationale. The Order was not revised, since deployment time under varying weather conditions is crucial to the determination of the adequacy of any contingency plan.

Paragraph 5. *Comments.* It was suggested that for clarification of this Section, the word "assessment" be included in the title.

USGS rationale. The title was changed in agreement with the rationale of the commenters.

UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, GULF OF MEXICO AREA

GULF OF MEXICO

[OCS Order No. 7]

POLLUTION AND WASTE DISPOSAL

Effective October 1, 1976.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Pollution prevention.* In the conduct of all oil and gas operations, the operator shall prevent pollution of the Gulf. Furthermore, the disposal of waste materials into the Gulf shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, reacreation, navigation, or other uses of the Gulf.

A. *Liquid disposal.*—(1) Drilling mud containing free oil shall not be disposed of into the Gulf.

(2) The operator shall submit with the Application for Permit to Drill (Form 9-331C) a detailed list of drilling mud components, including the common chemical or chemical trade name of each component, and a list of the drilling mud additives anticipated for use in meeting special drilling requirements. Disposal of drilling mud shall be by methods which will minimize the adverse effects to marine life. These methods shall be consistent with applicable Federal regulations. Approval of drilling mud disposal procedures will be site specific and on a case-by-case basis.

(3) Curbs, gutters, and drains on platforms and structures shall be installed and maintained in accordance with the provisions of OCS Order No. 8.

(4) Discharges from fixed structures, including sanitary waste, produced water, and deck drainage, are subject to the Environmental Protection Agency's permitting procedures pursuant to the Federal Water Pollution Control Act, as amended.

B. *Solid waste disposal.*—(1) Drill cuttings, sand, and other solids containing oil shall not be disposed of into the Gulf unless all of the free oil has been removed.

(2) Mud containers and other similar solid waste materials shall be incinerated or transported to shore for disposal in accordance with Federal, State, or local requirements.

2. *Personnel, inspections, and reports.* A. *Personnel.*—The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Nonoperator personnel shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution.

B. *Pollution inspections.*—(1) Manned facilities shall be inspected daily.

(2) Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected at frequent intervals. The District Supervisor may prescribe the frequency of inspections for these facilities.

(3) All production facilities, such as separators, tanks, treaters, and other hydrocarbon handling equipment shall be designed and operated in a manner necessary to prevent pollution. Maintenance or repairs as are neceessary to prevent pollution of the Gulf shall be undertaken immediately.

C. *Pollution reports.*—(1) All spills of oil and liquid pollutants shall be recorded showing the cause, size of spill, and action taken, and the record shall be maintained and available for inspection by the District Supervisor. All spills of less than 2.4 cubic meters (15 barrels) shall be reported orally to the District Supervisor within 12 hours and shall be confirmed in writing.

(2) All spills of oil and liquid pollutants of 2.4 to 7.9 cubic meters (15 to 50 barrels) shall be reported orally to the District Supervisor within four (4) hours and shall be confirmed in writing.

(3) All spills of oil and liquid pollutants of more than 7.9 cubic meters (50 barrels) shall be reported orally without delay to the District Supervisor and the Coast Guard. All oral reports shall be confirmed in writing.

(4) Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. *Pollution-control equipment and oil spill contingency plan.* A. *Equipment.*—Standby pollution-control equipment and materials shall be maintained by, or shall be available to, each operator at an offshore or onshore location. This shall include containment booms, skimming apparatus, cleanup materials, and chemical agents, and shall be available prior to the commencement of operations. The use of chemicals shall be permitted only after approval by the Area Supervisor in accordance with Part 2003.2-1 Annex X, National Oil and Hazardous Substances Pollution Contingency Plan. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

B. *Oil spill contingency plan.*—The operator shall submit an oil spill contingency plan for approval by the Area Supervisor before consideration can be given to approval of an application for permit to conduct operations. This plan shall contain the following:

(1) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment.

(2) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(3) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil discharge, as well as the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil discharge is discovered.

(4) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(a) Specification of an oil discharge response operating team consisting of trained, prepared, and available operating personnel.

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(b) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(c) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

4. *Spill control and removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the Oil Spill Contingency Plan shall be subject to modification when directed by the Area Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent cleanup by the lessee or operator shall remain with the Area Supervisor pursuant to the provisions of this Order and the memorandum of understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 16, 1971.

5. *Annual contingency plan assessment.* Annual contingency plan assessments will be conducted in conjunction with the Plan of Development review. Upon request of the Area Supervisor, revised contingency plans reflecting changes in personnel, equipment, and methods shall be submitted.

D. W. SOLANAS,
Area Oil and Gas Supervisor.

Approved:
RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.76-25989 Filed 9-3-76;8:45 am]

[Revised OCS Order No. 8]

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

Gulf of Mexico Area

Notice is hereby given that, pursuant to 30 CFR 250.11, the Chief, Conservation Division, U.S. Geological Survey, has approved revised Outer Continental Shelf (OCS) Order No. 8, "Platforms, Structures, and Associated Equipment," for the Gulf of Mexico Area as set forth below. This Order will be effective October 1, 1976.

Proposed drafts of revised Order No. 8 were published in the FEDERAL REGISTER on June 3, 1974, January 21, 1975, and December 10, 1975. A public meeting to discuss the proposed Order was held on February 25, 1975. This revision of the Order is the end result of an extensive staff study and the incorporation of appropriate suggestions received in response to all of the solicitations. Comments in response to the December 10, 1975, publication were received from the following organizations:

1. Amoco.
2. Ashland Exploration Company.
3. Atlantic Richfield.
4. Chevron Oil Company.
5. Continental Oil Company.
6. Exxon, USA.
7. Gulf Energy and Minerals—U.S.
8. International Association of Drilling Contractors.
9. Interstate Natural Gas Association of America.
10. Offshore Operators Committee.
11. Phillips Petroleum Company.
12. Shell Oil Company.
13. Sun Oil Company.
14. The Offshore Company.

Comments were also received from the Bureau of Land Management and the Environmental Protection Agency.

In order to inform the public of the new requirements and to provide adequate response to comments on the proposed Order, we have published below a summary of all of the comments received in response to the December 10, 1975, solicitation, our rationale for accepting or rejecting the suggestions of the commenters, and the final revision of the Order.

Copies of the Order may be obtained from the Conservation Manager, U.S. Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS U.S. GEOLOGICAL SURVEY (USGS) RATIONALES AND REVISION OF OCS ORDER NO. 8 FOR THE GULF OF MEXICO

PREAMBLE

Comments. It was contended that holding a nonowner operator responsible for the platform could cause hardship if the owner did not agree to USGS requirements. Also suggested was that holding the operator liable could impose USGS requirements on third parties "* * * who may be subject to differing regulations of other Government agencies."

Another comment maintained that control devices on gas transmission lines are often located on a production platform, and these devices may affect the operation of the entire pipeline. The owner of the platform, it is argued, does not have control over such equipment, nor does he have knowledge of the operating conditions of the pipeline. Therefore, the production operator should not be held responsible for compliance of facilities which he does not own or operate. It was further contended that holding the production operator liable would superimpose USGS regulations upon those of the Department of Transportation which regulates gas transmission lines. An example cited involves booster compressors for gas transmission lines located on a production platform.

USGS rationale. The personnel of the U.S. Geological Survey understand this concern but are not persuaded that the language of the proposed Order should be changed. The lessee of lands on the Outer Continental Shelf has the responsibility under the lease terms (Sec. 3(f) of Form 3300–1 (2/71)) for the conduct of all operations "in accordance with applicable law and regulations." Therefore, the operator (as defined on 30 CFR 250.2 (g)) assumes responsibility for all equipment located on any platforms and structures, as well as any operations occurring thereon, regardless of whether or not the operator is the owner or operator of the equipment.

The party responsible for construction and operation of a production platform must be fully responsible for each and every facility placed upon that platform whether done at his expense or under an authorization he grants to a third party. Any third party wishing to place and operate equipment and other nonproduction facilities upon a production platform, such as a booster compressing facility, must agree that those facilities will meet or exceed the safety standards established for similar production facilities. Thus, every compressor station located on a production platform must meet or exceed the safety standards set forth in OCS Order No. 8 whether the facility is part of the production facility or is part of a transmission operation.

Comments. It was recommended that a 30-day time limit be included on USGS approval of operator's design proposals for platform installation. Failure to act within 30 days would result in automatic approval. This is suggested to minimize construction delays.

USGS rationale. USGS has no control over the number of applications which are received in a certain time period. A time limit could result in insufficient scrutiny of design proposals if a large number were to be received in a 30-day period. USGS plans to continue its policy of handling urgent matters as expediently as is reasonably possible while fully discharging its regulatory responsibilities.

Comments. It was requested that the fourth paragraph be revised to require approval of only "significant" changes which are proposed after the application has been approved. As presently worded, it appears any change after approval, regardless of importance, must be approved.

USGS rationale. The duty of the USGS is to insure that operations and construction on the OCS are conducted in a manner conforming to USGS regulations. Thus, minor changes in operations or construction, which do not materially deviate from the original plans, would not be a cause for regulatory concern.

The USGS, however, does not intend to create a situation in which operators can circumvent regulations. Therefore, the revised version of Order No. 8 includes a provision holding the operator responsible for the consequences of implementing a change without a permit unless the USGS agrees the change is not significant. This leaves the decision with the USGS as to what constitutes a significant change.

Subparagraph 1.A. *Comment.* Provision should be made for the inclusion in the Order of subsequent revisions of API RP 2A as approved by the Supervisor.

USGS rationale. This suggestion was adopted by referencing the latest edition (Seventh Edition, January 1976) and adding the words, "or subsequent revision as approved by the Area Supervisor." The adoption of revisions may be announced by Notices to Lessees and Operators or specifically approved by the Area Supervisor.

Subparagraph 2.A.(4). *Comments.* It was stated that, frequently, specific information as to the rig and equipment which will be placed on the platform is not known at the time of application. Consequently, it was requested that it be sufficient to furnish a statement that a drilling rig or other equipment will be placed on the platform and equipment layout and other information be submitted at a later date.

USGS rationale. The subparagraph was not changed. The operator is not compelled by this requirement to commit itself to a definite, specific number of facilities upon application. This information may be altered for a specific need at a later date and so approved.

Subparagraph 2.A.(5). *Comments.* Several comments recommended that this paragraph be deleted since this requirement is covered by paragraph 4D(2)(c).

USGS rationale. This subparagraph was deleted, and subparagraphs 2.A.(6) and 2.A.(7) were renumbered to 2.A.(5) and 2.A.(6) respectively. The section concerning Simultaneous Operations, 4.D.(2)(c), requires a description of planned operations.

Subparagraph 2.B.(1). *Comment.* It was suggested that the following statement be added to this paragraph: "Location of any undersea features or areas greater than two

meters, in relief, based on geophysical data for the lease block or on existing bathymetric data."

USGS rationale. The subparagraph was not changed. Such data are required for certain platforms under specific lease stipulations.

Subparagraph 2.B.(2). *Comment.* It was suggested that paragraphs 2.B.(2) through 2.D. be deleted.

USGS rationale. The subparagraph was not changed. It is considered necessary that a listing of total functional loads, forces, and boring results be submitted with the application.

Subparagraph 2.C.(1). *Comment.* It was suggested that this paragraph be deleted. Another comment did not seriously object to submitting a listing of onsite investigations and tests.

USGS rationale. We believe that the revised version of API RP 2A, January 1976, provides adequate recommendations in regard to onsite investigations. The subparagraph was revised to require "a basic summary of resultant determinations". This language clarifies the intent of the Order to require basic data rather than a complete soil boring report.

Subparagraph 2.D. *Comments.* It was proposed that a statement be added which would allow for significant deviations from the installation procedures contained in API RP 2A.

USGS rationale. The Order has been changed to allow for approval by the Supervisor for significant deviations from API RP 2A, January 1976.

Subparagraph 2.E. *Comments.* Change the word "construction" to "installation."

USGS rationale. It is agreed that a change is necessary for consistency and that the word "construction" is incongruous to this statement.

Subparagraph's 3.A. 3.B, (1) and 3.B(2). *Comments.* None

USGS rationale. The words "structural," "appropriate," and the plural of "engineers," were added to the subparagraphs to require that certification of the structural, mechanical and electrical systems must be by a registered professional engineer of the appropriate field of engineering.

Subparagraph 4.A. *Comments.* It was suggested that the paragraph be revised to provide API RP 14C as the principal guideline in the design, installation, and maintenance of production. However, there may be certain instances where the RP will not provide for an optimum solution to a specific problem, and operators should be allowed to submit for approval by the USGS an alternate system.

USGS rationale. The paragraph was not changed. Justifiable departures from OCS Orders, subject to the approval of the Area Supervisor, are provided for in 30 CFR 250.12.

Subparagraph 4.B. *Comments.* The consensus of opinion was that the language is not clear as to what constitutes new platform production facilities. Also, it is not clear as to whether the new platform production facilities refer to the design, fabrication, application, approval, installation, or startup of these facilities.

USGS rationale. The paragraph was not changed. The word "new" was intended to refer to any production facilities installed after the effective date of this Order and would include design, fabrication, application, approval, installation and startup phases.

Subparagraph 4.C. *Comments.* It was recommended that this section be deleted since some of the data required by these sections are currently being supplied.

USGS rationale. The paragraph was not changed. Information that has been previously furnished may be referenced as to its location and to the circumstances under which it was submitted.

Subparagraph 4.C.(3). *Comments.* It is suggested that API RP 14E be used as a basis for piping requirements.

USGS rationale. API RP 14E is an acceptable recommended practice. A sentence has been added to paragraph 4.C.(3) to include API RP 14E.

Subparagraph 4.C.(5)(a). *Comments.* It was suggested that this paragraph be rewritten to include a reference to API RP 500B.

USGS rationale. API RP 500B should not be referenced. The intent of 4.C.(5) is to identify those areas of the facility in which any potential ignition source is to be located and to indicate the steps taken in order to isolate these areas from production or other hydrocarbon sources. Referencing a document on area classification for electrical equipment requirements will not accomplish this. The term "nonhazardous" is changed to "nonrestricted," and no other changes have been made to this subparagraph.

Subparagraph 4.C.(6)(e). *Comments.* Several comments recommended that this subparagraph be deleted on the basis that the name and qualifications of organization or personnel are irrelevant, and individual employees are subject to frequent change.

USGS rationale. We agree that names of personnel may change from time to time; therefore, names of organizations would be a more appropriate requirement.

Subparagraph 4.D. *Comments.* Concern was expressed regarding the three-month period for compliance after the effective date of the Order.

USGS rationale. The USGS agrees that six months may be necessary to implement equipment changes in compliance with the Order.

Comments. Change "platforms and structures" to "facilities."

USGS rationale. The proposed change was made.

Comments. A third subject of comment under this paragraph stated that API RP 14E should be used as the basis for platform piping.

USGS rationale. The rationale for accepting API RP 14E is discussed under subparagraph 4.C.(3). The subparagraph was not changed.

Subparagraph 4.D.(1)(a)(i). *Comments.* It was recommended that this subparagraph be deleted since liquid level shut-in controls are not required on gas volume bottles, fuel gas filters, etc.

USGS rationale. This subparagraph was originally included to provide requirements for vessels not specifically identified as "separator," "surge," etc., and was not intended to require level controls on gas volume bottles, gas meter drip traps, fuel gas filters, etc. The subparagraph was deleted. Subsequent subparagraphs 4.D. (1)(a) (ii), (iii), (iv), (v) and (vi) were renumbered respectively (i), (ii), (iii), (iv), and (v).

Subparagraph 4.D.(1)(a)(ii) (Renumbered (i)). *Comments.* It was suggested that this subparagraph be revised "* * * to make allowance for the rupture disc capacities in the determination of relief capacities for the older vessels."

USGS rationale. The subparagraph was not changed. The intent of the Order is to design and install relief valves to carry off the maximum quantity of fluids and gases that can be generated or supplied to the attached equipment, according to ASME Code, Section VIII, UG–132, p. 65. In addition, (1) rupture discs cannot be tested and (2) when a rupture disc bursts as designed, the entire volume of gases or fluids is relieved, which is considered to be detrimental to platform safety and also a source of pollution.

Subparagraph 4.D.(1)(a)(iv) (Renumbered (iii)). *Comments.* It was proposed that the first sentence be revised to read: "All relief valves shall be set to start relieving and shall be sized to prevent over-pressuring as specified in Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974."

USGS rationale. Review of ASME codes (Section I, Power Boilers; Section IV, Heating Boilers; and Section VIII, Pressure Vessels—Division I) indicate that the requirements regarding relief valves would be covered more appropriately and specifically by these three codes, therefore, the Order was revised.

Comments. It was recommended that the term "sensor shall activate" refer only to activation of the high pressure shut-down pilot or pressure transducer. The reason for this recommendation is that the second sentence of this Section will set what will often be an impossible standard because of the time required for automatic closing of vessel inlet shut-down valves.

USGS rationale. This section has been changed after reviewing Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974, instead of only Section VIII of the above. Additionally, the intent of the requirement is to provide an operational relationship and coordination between high pressure shut-in sensor and relief valve to prevent overpressuring and possible consequent rupture of the vessel. For classification, reference is made to the ASME Boiler and Pressure Vessel Code, July 1, 1974, Section VIII, Part UG–132.

Subparagraph 4.D.(1)(b)(i). *Comments.* It was proposed that the following sentence be added: "Sensors on wells producing under gas lift and located on remote satellite jackets will be set no lower than 20 percent below the lowest operating pressure in the line."

USGS rationale. This subparagraph was not changed. On those satellite installations where gas surging causes inadvertent shut-ins, the lowest pressure between surges should be considered the lowest operating pressure and the sensor set accordingly.

Subparagraph 4.D.(1)(d)(i). *Comments.* The consensus of opinion is that insulation of engine exhausts should comply with the recommendations contained in API RP 14C, Section 4.2.c.(4).

USGS rationale. Review of the subject section of API RP 14C indicates a more comprehensive approach to both personnel and equipment protection. API RP 14C has been referenced in this subparagraph.

Subparagraph 4.D.(1)(e)(i). *Comments.* Rather than require a hydrocarbon separator on the wet glycol return line of glycol dehydrocarbon units, it is suggested that pressure relief should be achieved by other methods such as safety shut-down services. API RP 14C is suggested as a standard for overpressure control in atmospheric and pressure vessels.

USGS rationale. It was determined, after consultation with technical representatives of Glycol Reboiler Manufacturers and a review of lease operations, that the advantage of a hydrocarbon separator was minimal. In some cases, the hydrocarbon separators were determined to be advantageous, and, in others, minimal amounts of liquids were recovered. The requirement for a hydrocarbon separator is dependent upon the nature of the gas; therefore, the installation of a hydrocarbon separator is optional. In lieu of requiring a hydrocarbon separator, the Order was changed to require the installation of a pressure relief valve set to present over-pressurization of the unit. Since some of these vessels have been designated as "atmospheric pressure vessels," an engineering evaluation

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is required to determine the set pressure; therefore, the Order stipulates that the set pressure will be determined by the operator and approved by the District Supervisor.

Subparagraph 4.D.(1)(f)(i). *Comments.* Confusion was expressed as to the meaning of the phrase "All compressor installations initiated as of the effective date of this Order * * *." It was also suggested that compliance with this subparagraph be no later than six months after the effective date of this Order.

USGS rationale. The intent of the subsection is to require the subject safety devices for any compressor installation not yet in design stage or between design and fabrication stages. To clarify the meaning, the Order has been revised to say "All compressors installed after the effective date of the Order * * *." In addition, a six-month time period for compliance will be allowed.

Subparagraph 4.D.(1)(f)(ii). *Comments.* It was proposed that compressor installations existing prior to the effective date of this Order, and which are installed in a building, be excluded from the requirements of API RP 14C, A.8.3d, which prescribes that the shut-down device should be located outside the building.

USGS rationale. For clarification, requirements regarding shut-down valves on existing compressor facilities were included, and the appropriate section which provides similar requirements for check valves was also included. Therefore, no change in sentences 4.D.(1)(f)(ii); however, Section 4.D.(1)(f)(iv) was amended.

Subparagraph 4.D.(1)(f)(iv). *Comments.* Comments are included in (f)(ii).

Subparagraph 4.D.(1)(g)(i). *Comments.* It was proposed that the use of open-end sumps and sump piles should be discontinued. Where closed sumps are used and liquids are removed by pump, a second or standby transfer pump should be provided.

USGS rationale. The purpose of a "sump pile" is to further decrease the concentration of oil in disposal of produced waters by affording a long column of water for the oil particles to continuously migrate upwards for collection by gravitational separation and, thereby, realize the least possible concentration of oil from being disposed of into the Gulf from the bottom of the sump pile or "water leg" which is near the mudline. The transfer pump used to remove the collected oil from the closed sump is considered to be adequate for its designed function and should not normally require a standby transfer pump.

Comments. Another comment suggested that the paragraph be revised to be more specific as to the purpose of which sump piles should be used.

USGS rationale. The suggested revision was adopted, and the subparagraph was changed accordingly.

Subparagraph 4.D.(1)(j)(i). *Comments.* It was suggested that this subparagraph be revised as follows: "All engines shall be equipped with a low-tension ignition system designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible material."

USGS rationale. This subparagraph was not revised. While this proposal would delete the phrase "Low-Fire-Hazard Type" from the description of engine ignition systems, the major concern is not with the wording but with the interpretation by USGS that in order to satisfy this requirement, the ignition systems must be shielded. This interpretation did not originate with the USGS and is consistent with petroleum industry-recommended practice for engines operating in a hazardous area. Paragraph 6.4.5.1 of API Standard 618, July 1943, "Reciprocating Compressors for the General Refinery Service" states: "If a hazardous area is specified, all parts of the ignition system shall be as explosion-proof as possible. The spark plugs shall be shielded, and all low-tension wiring shall be enclosed in grounded steel conduits, but the spark plug connecting cables shall be enclosed in grounded, metal-shielded, flexible conduits." The 1964 issue of API Standard 618 described such a system with the phrase "Low-Fire-Hazard type of ignition system."

Additionally, the National Electrical Code and supporting documents dealing with the hazardous classification of areas defines the area about a hydrocarbon compressor or pump, engine combination as Class I, Division 1 or 2. This area classification would require the use of an ignition system as defined by paragraph 6.4.5.1 of API Standard 618.

It is our intention that the shielded ignition system requirement and the interpretation of the type hardware required to satisfy the requirement stand as is until the ASME committee on "Shielded Ignition System for Industrial Engines" has produced an acceptable Industry Standard which could be referenced.

Comments. It was suggested that the wording of this paragraph be revised to state that "all engines, with ignition systems, shall be equipped with a low-tension ignition system."

USGS rationale. For clarity, the requirement is changed to read, "All engines with ignition systems."

Subparagraph 4.D.(1)(j)(ii). *Comments.* It was proposed that this subparagraph be changed to state that all electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500B in effect at time of USGS approval rather than at the time of installation.

USGS rationale. The subparagraph was not changed. The intent of the Order is to utilize the most recent Codes in all new installations. If the Code has been revised subsequent to approval, but before installation, an amendment to the application pointing this out should be submitted to the Supervisor and the latest Code used.

Subparagraph 4.D.(1)(j)(iii). *Comments.* This paragraph should be revised to apply the same logic as described in paragraph 4.D.(1)(j)(ii).

USGS rationale. This subparagraph was not changed because of the same rationale as subparagraph 4.D.(1)(j)(ii).

Section 4.D.(1)(k). *Comment.* A suggestion was received to the effect that reporting of erosion control not be done on a lease basis. The reasoning for this comment was that a platform may have wells on multiple leases and conversely a lease may have multiple platforms.

USGS rationale. This subparagraph was not changed. In order to properly monitor erosion control programs, a system of data and information organization is necessary. Rather than require reporting for each individual well and thus prevent any overlap among platforms, it is far simpler to require reporting by lease.

Comment. Comments were received requesting that erosion control reports be maintained at each operator's office rather than be submitted to the USGS.

USGS rationale. The subparagraph was not changed. For effective monitoring, the information needs to be furnished to the Area Supervisor for analysis and dissemination.

Section 4.D.(2)(b). *Comment.* A recommendation was received to add language which would preclude any interpretation that this Section requires flare or vent lines to be plugged.

USGS Rationale. The intent of this Section was clarified by the revised subparagraph.

Section 4.D.(2)(c). *Comment.* Objections were received contending that this Section is broad and vague and, thus, of no use to personnel who would be required to implement a contingency plan for simultaneous operations. It was recommended that, in order to minimize disruptions, simultaneous operations of all types should be covered by a single contingency plan to be submitted by each operator. The requirements of such a plan should be specific stating concisely what is to be included. Futher requested was a minimum of delay in USGS approval of proposed plans for simultaneous operations.

USGS Rationale. Section 4.D.(2)(c) has been revised to include a provision for a single contingency plan to be filed by the operator for each platform involved in production. The approved plan will provide guidelines for the operator and thus prevent any confusion in compliance.

Comment. Question was raised over the need for this Section since, it is contended, current Notices to Lessees already establish requirements for conducting well work and production operations. It is argued that compliance with these Notices would accomplish the goals of this Section.

USGS rationale. The USGS can find no serious objection which should result from the restatement, in a more concise manner, of any existing requirements already being complied with by the operators.

Comment. It has been suggested that a 180-day period be allowed for the filing of contingency plans covering simultaneous operations.

USGS rationale. The Section on simultaneous operations has been revised in such a manner that it is not extensive enough to require more than 90 days for plan preparation.

Comment. Concern has been expressed that the shutting-in of wells during the conduct of simultaneous operations will cause a production loss and potentially the loss of wells due to sanding up. It is suggested that wireline operations be allowed concurrently with production on remote satellite well jackets where there are no production separation facilities.

USGS rationale. The subparagraph was not changed. The proposed contingency plan for each platform will be reviewed, and those simultaneous operations which are safe will be determined. With safety as the paramount consideration, disruption of production will be minimized where possible.

Comment. Suggestion is made that the danger in the conduct of simultaneous operations is increased because of the usual presence of subcontract personnel and a resulting fragmentation of supervisory authority. In addition, the contention is advanced that each proposed simultaneous operation be considered individually with respect to the particular platform.

USGS rationale. It is not administratively feasible for the USGS to monitor each individual simultaneous operation. Therefore, a contingency plan detailing all potential simultaneous operations for each platform should provide an effective method for supervising proposed operations.

The Section includes specific requirements for the designation of one person to be responsible for all operations being conducted on the platform.

Subparagraph 4.D(2)(d)(1)(a) and (e). *Comments.* It was proposed that the term "designated welding supervisor" or "welding supervisor" be changed to "designated person-in-charge."

USGS rationale. The comment is considered relevant, and the term "designated person-in-charge" was adopted.

Subparagraph 4.D.(2)(d)(i)(c). *Comments.* It was proposed that during welding operations, a fire watch should not be required if the welding is being done in a designated safe welding area.

USGS rationale. The subparagraph was not changed. A fire watch is necessary in any welding operation on production facilities, due to the relative inability of the welder, equipped with protective hood, to visually monitor his surroundings while welding.

Subparagraph 4.D.(2)(d)(i)(g). *Comments.* It was suggested that the subparagraph be modified to permit welding in the well bay area without the necessity for shutting-in producible wells by following a specific work plan.

The consensus of other comments suggested that welding operations can be conducted safely while maintaining production if adequate safety precautions are taken beforehand and thereby prevent production losses.

USGS rationale. This subparagraph was not changed. We believe that all welding or burning operations in the area of the well-head, well bay, or production areas are potentially hazardous, and the possibility of potential fire and/or explosion should be precluded by all means. Except in emergencies, welding operations should be scheduled when the platform is shut-in.

Subparagraph 4.D.(3). *Comment.* Comment was made concerning the use of phrase "* * * competent history of each advice, * * *." It was suggested that the word "component" be deleted to eliminate the possibility of confusion which could result in the interpretation that every spring, O-ring, and diaphragm need be reported.

USGS rationale. The USGS agrees with these changes as they further the intent of the original paragraph.

Subparagraph 4.D.(3)(b). *Comment.* Comment was received that quarterly testing of pressure sensors is sufficient.

USGS rationale. This subparagraph was not changed. The intent of this Order is to specify a testing frequency which will minimize the tendency of safety devices to become fixed when they remain in the same position over an extended period of time. This provision is also consistent with API RP 14C.

Subparagraph 4.D.(3)(c). *Comments.* It was recommended that wellhead safety valves be replaced only if the leakage is in excess of 400 cc/min of liquid or 15 cfm of gas.

USGS rationale. Leakage of surface safety valves is not permissible and necessary action to correct any such situation shall be undertaken.

Subparagraph 4.D.(3)(d). *Comments.* Contention was made that activation of level control devices be conducted manually to prevent interference with process operations.

USGS rationale. The USGS does not agree with the contention of commenters that operability of liquid-level-control devices may be accurately verified by manual activation.

Subparagraph 4.D.(3)(e). *Comments.* Concern was expressed that this Section requires multiple compressor stations to test the valve which provides for automatic shut off of the entire station.

USGS rationale. This subparagraph was not changed. The testing of the station valve is not a requirement of this Section and is not discussed in API RP 14C. The only intent of this Order is to test the shut-down valves on the individual compressor inlets.

Subparagraph 4.D.(4). *Comments.* It was recommended that the introductory paragraph be changed to include more recent versions of API RP T–2. Also a change in the last sentence of this paragraph, from the words "work site" to the words "field headquarters," should be implemented as there could be substantial logistical difficulty of having individual employee's documents at every conceivable work site.

USGS rationale. In accordance with the recommendations, the subparagraph was revised so that API RP, T–2 and additional amendments as approved by the Supervisor will be the governing standard. In addition, the words "field headquarters" were substituted in order that a more convenient record location will be used.

Comments. One commenter suggested that the subparagraph did not cover manufacturers representatives working on their own equipment, nor did it cover on-the-job-trainees.

USGS rationale. Two sentences were added to the subparagraph stipulating that manufacturers' representatives and on-the-job-trainees may work under the direct supervision of a qualified person.

Comments. Commenters questioned the requirement that operators report their personnel training program, including the specific details, to the Geological Survey.

USGS rationale. This subparagraph was not changed. It is recognized that many operators have very good training programs. However, in order to insure that the necessary levels of proficiency and expertise are attained by all operating personnel, we believe it to be necessary that the USGS monitor the training programs used by operators. The specific requirements of subparagraphs (a) through (g) serve to provide the information necessary for the USGS to accomplish this objective.

Paragraphs 5 and 6. *Comments.* The need for including the personnel-safety aspects of paragraphs 5 and 6 in Order 8 was questioned. To avoid overlap of authority and duplication of effort between USGS and the Coast Guard, it was suggested that an appropriate memorandum of understanding be agreed upon which defines the authority of each agency.

USGS rationale. The paragraph was not changed. The USGS is coordinating with the Coast Guard in the drafting of an appropriate memorandum of understanding which will resolve jurisdictional questions regarding offshore platforms, drilling vessels, crane operations, etc.

Paragraph 7. *Comments.* It was suggested that in order to clarify possible ambiguities in interpretation, the paragraph should be amended to state that the five specified subparagraphs "* * * shall apply to all drilling rigs and mobile drilling units used to conduct drilling or workover operations on the Federal OCS in the Gulf of Mexico."

USGS rationale. The suggestion was adopted as it is the intent of the Order to include all drilling rigs performing drilling or workover operations.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

GULF OF MEXICO AREA

[OCS Order No. 8]

PLATFORMS, STRUCTUAES, AND ASSOCIATED EQUIPMENT

Effective October 1, 1976.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under Paragraphs (a) and (b) of Section 250.18 or authorized under any lease issued or maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures, including all facilities installed on a platform or structure, whether or not operated or owned by the operator. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Oil and Gas Supervisor or his delegated representative.

Following approval of applications, installations and operations shall be performed as approved. If deemed advisable, significant changes to approved applications may be proposed; however, approval of such proposals shall be required prior to implementation. For the purposes of compliance with this paragraph, a significant change is any structural change which materially alters the original plan or any major deviation from operations as originally approved. Any question as to whether a change is significant enough to require approval shall be referred to the USGS. An operator assumes the risk for making changes without approval if he fails to contact the USGS to determine whether a permit is necessary.

The following requirements are applicable to all platforms and structures approved and installed subsequent to the effective date of the Order. When structural or equipment modifications to existing platforms and structures are proposed, only requirements relevant to the modifications shall be applicable.

1. *Platform Design.* A. *General Design.*—A platform or structure shall be designed for safe installation and operation for its intended use and service life at a specific site. Steel structures shall be designed in accordance with those provisions of API RP 2A, "Planning, Designing and Constructing Fixed Offshore Platforms," Seventh Edition, January 1976, or subsequent revisions as approved by the Area Supervisor. The design of structures other than steel shall be evaluated on an individual basis. Consideration shall be given to conditions which may contribute to structural damage such as:

(1) Wind, wave, and current forces and other environmental loading forces.

(2) Functional loading conditions including the weight of the structure and all permanently fixed equipment, and the effects of static and dynamic functional load conditions during installation and the design operational service period.

(3) Water depth, bottom topography, surface and subsurface soil conditions, slope stability, scour conditions, and other pertinent geologic conditions based on information from on-site investigations.

2. *Application.*—Prior to installation of a fixed platform or structure, the operator shall submit for approval, in duplicate, an application showing essential features of the platform or structure and supporting design information as follows:

A. *General Information.*—(1) Identification data, which shall include the platform or structure designation, lease number, area name, block number, and operator.

(2) Location data, including plat showing the distance from the nearest two-block lines.

(3) Primary use and other intended functions, including planned drilling, production, and storage operations.

(4) Personnel facilities, personnel access to living quarters, boat landings, and heliports.

(5) Drawings and plats to clearly illustrate essential parts, including number and location of well slots, water depth, nominal size and thickness of jacket and deck column legs,

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nominal size, thickness, and design penetration of piling.

(6) A description of the method of corrosion protection.

B. *Environmental Information.*—(1) List of pertinent environmental data which have a bearing on the installation, operation, or design of the platform or structure, including wave height, current, wind velocity, water depth, storm and astronomical tide data, and factors considered in subparagraph 1.A.(3).

(2) Listing of total design functional loads and wind, wave, and current forces for the following approaches: longitudinal, transversal, and diagonal.

C. *Foundation.*—(1) A listing of on-site investigations and tests, and a basic summary of resultant determinations.

(2) A description of foundation loads for environmental and functional forces listed in subparagraphs 2.B.(1) and (2).

(3) In areas susceptible to soil movement, an analysis of slope and soil stability in relation to the foundation design loads.

D. *Installation.*—A statement shall be submitted to the effect that the installation recommendations contained in API RP 2A, January 1976, or approved revisions, were adopted; or that significant deviations from the recommendations of API RP 2A were adopted and are herewith submitted for approval.

E. *Exception to Supporting Design Information Submittal.*—The following information shall be developed and utilized in platform design; however, submittal with the installation application is not required. This information shall be made available to the appropriate District Supervisor upon his request.

(1) A description of the critical design loading and design criteria, taking into consideration maximum environmental and operational loading conditions expected over the service life of the platform or structure. This shall include those conditions considered under subparagraphs 1.A (1), (2), and (3) above.

(2) For steel structures, a description of the materials, specifications, strength analyses, and allowable stresses over the service life.

The recommendations of API publications API RP 2A, "Planning, Designing, and Constructing Fixed Offshore Platforms," January 1976, are acceptable practice concerning subparagraphs (1) and (2) above.

(3) For concrete structures, a description of the materials, specification, and strength and serviceability requirements and analyses of the reinforcing systems.

3. *Certification.*—A. Detailed structural plans certified by a registered professional structural engineer shall be on file and maintained by the operator or his designee.

B. The following certifications, signed and dated by a company representative, shall accompany the application:

(1) "---------- certifies that this (Operator)
platform has been certified by a registered professional structural engineer and the structure will be constructed, operated, and maintained as described in the application and any approved modification thereto. Certified Plans are on file at ---------."

(2) Certification that the mechanical and electrical systems of the facility will be designed and installed under the supervision of appropriate registered professional engineers. Maintenance of these systems shall be by qualified personnel.

4. *Design, installation, and operational features of production facilities.*—A. All production facilities, including separators, treaters, compressors, headers, and pipelines, shall be designed, installed, and maintained in a manner which will facilitate efficient, safe, and pollution-free operation.

B. As soon as practicable, but not later than six months after the effective date of this Order, new platform production facilities shall be protected with a basic and ancillary surface safety system designed, analyzed, installed, tested, and maintained in operating condition in accordance with the provisions of API RP 14C "Analysis, Design, Installation, and Testing of Basic Surface Safety Systems on Offshore Production Platforms," June 1974, as amended November 1975, or subsequent revisions as approved by the Area Supervisor, and the additional requirements of this Order. For this application, the word "should" contained in API RP 14C shall be read "shall" except for those contained in explanatory statements, paragraphs 3.4(c), page 11 and 4.3(4)(a)–(f), pages 19–20. In the event that processing components are to be utilized other than those for which Safety Analysis Tables (SAT's) and Safety Analysis Checklists (SAC's) are included in API RP 14C, the analysis technique and documentation specified therein shall be utilized to determine the effects and requirements of such components upon the safety system.

Operators may utilize the options contained in API RP 14C during Safety Systems Design; however, options selected and depicted on the schematic flow diagram and Safety Analysis Function Evaluation (SAFE) Chart are subject to approval by the appropriate District Supervisor.

C. Prior to installation, the operator shall submit for approval, to the appropriate District Supervisor, in duplicate, information relative to design and installation features, as indicated in subparagraphs (1) through (6) below. This information shall also be maintained at the operator's onshore field engineering office.

(1) A flow schematic showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

(2) A schematic flow diagram (Reference API RP 14C, Example Figure E1, page 79) and the related Safety Analysis Function Evaluation (SAFE) Chart (Reference API RP 14C, paragraph 4.3(C), page 20). These shall be developed with consideration of the provisions of API RP 14C and the additional requirements of this Order.

(3) A schematic piping diagram showing the size and design working pressure with reference to welding specification(s) or code(s) used. The recommendations contained in API RP 14E, "Design and installation of Offshore Production Platform Piping Systems" are acceptable for platform piping systems.

(4) A diagram of the fire-fighting system.

(5) Electrical system information including the following:

(a) Plan view of each platform deck outlining any nonrestricted area; i.e., areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical, are to be installed. The area outline should include the following information:

(i) Any surrounding production or other hydrocarbon source and a description of deck, overhead, and firewall.

(ii) Location of generators, control rooms, panel boards, major cabling-conduit routes and identification of wiring method.

(b) Elementary electrical schematic of any platform safety-shutdown system with functional legend.

(6) An application for the installation and maintenance of all gas detection systems. The application shall include the following:

(a) Type, location, and number of detection heads.

(b) Type and kind of alarm, including emergency equipment to be activated.

(c) Method used for detection of combustible gases.

(d) Method and frequency of calibration.

(e) Name of organization to perform system inspection and calibration.

(f) A functional block diagram of the gas detection system, including the electric power supply.

(g) Other pertinent information.

D. *Additional safety and pollution control requirements.*—The following requirements modify, or are in addition to, those contained in API RP 14C. For platforms installed after the effective date of this Order, compliance is required as soon as practicable, but not later than six months after the effective date. Operators of facilities installed prior to the effective date of this Order shall comply with these requirements at the earliest practicable date, but not later than one year from the effective date, unless otherwise specified herein.

(1) *Design and installation.* (a) *Pressure vessels.*—(i) Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. All relief valves and vents shall be piped in such a way as to minimize the possibility of fluid striking personnel or ignition sources.

(ii) Steam generators shall be equipped with low-water-level controls in accordance with applicable provisions of Sections I and IV of the ASME Boiler and Pressure Vessel Code, July 1, 1974.

(iii) All relief valves shall conform to the appropriate sizing and relieving requirements of ASME Boiler and Pressure Vessel Codes, July 1, 1974, Sections I, IV, and VIII. The high-pressure shut-in sensor shall activate sufficiently below the design working pressure to positively insure operation before the relief valve starts relieving. The low-pressure shut-in sensor shall activate no lower than 15 percent or 35 kilopascals (k Pa) (5 psi), whichever is greater below the lowest pressure in the operating range.

(iv) Pressure sensors may be of the automatic or nonautomatic reset type, but where the automatic reset types are used, a nonautomatic reset relay shall be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

(v) All pressure or fired vessels used in the production of oil or gas, installed after the effective date of this Order, shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, Sections I, IV, and VIII, as appropriate, in effect at the time the vessel is installed. Uncoded vessels now in use shall have been hydrostatically tested to a pressure 1.5 times their working pressure. The test date, test pressure, and working pressure shall, within six months after the effective date of this Order, be marked on the vessel in a prominent place. A record of the test shall be maintained by the operator.

(b) *Flowlines.* (i) All flowlines from wells shall be equipped with high- and low-pressure shut-in sensors located downstream of the well choke. If there are more than 3 meters (10 feet) of line between the wellhead wing valve and the primary choke, an additional low-pressure shut-in sensor shall be installed in this section. The high-pressure shut-in sensor shall be set no higher than 10 percent above the highest operating pressure of the line, but in all cases, it shall be set sufficiently below the maximum shut-in pressure of the well or the gas-lite supply pressure to assure actuation of the surface safety valve. The low-pressure shut-in sensor shall be set no lower than 10 percent or 35 K Pa (5 psi), whichever is greater, below the lowest operating pressure of the line in which it is installed.

(ii) In the event a well flows directly to the pipeline before separation, the flowing and valves from the well located upstream of, and including, the header inlet valve(s), shall be able to withstand the maximum shut-in pressure of the well, unless 1: protected by a relief valve connected to either the platform flare scrubber or some other approved location other than into the departing pipeline, or 2: the flowline is equipped with an additional automatic shutdown valve controlled by an independent high-pressure sensor. The platform flare scrubber shall be designed to handle, without liquid hydrocarbon carryover to flare, the maximum anticipated flow of liquid hydrocarbons which may be relieved to the vessel.

(c) *Remote shut-in systems.* (i) Remote shut-in controls shall be quick-opening valves, except those on the boat landing(s), which may be a plastic loop of the control pressure line.

(d) *Engine exhausts.* (i) Engine exhausts shall be equipped to comply with the insulation and personnel protection requirements of API RP 14C, Section 4.2.c.(4). Exhaust piping from diesel engines shall be equipped with spark arrestors.

(e) *Glycol dehydration units.* (i) A pressure relief valve shall be installed on the glycol reboiler, or at a location approved by the District Supervisor, which will prevent overpressurization of all glycol dehydration units. The set pressure of this valve shall be determined by the operator and approved by the District Supervisor. The discharge of the relief valve must be vented in a nonhazardous manner.

(f) *Compressors.* (i) Each compressor installation existing as of the effective date of this Order shall be protected by high-liquid-level shut-in controls and a pressure relief valve on each interstage scrubber. High-temperature shutdown controls shall be installed on the compressor cylinders unless interscrubbers are protected by high- and low-pressure shut-in controls. Compliance is required as soon as practical, but no later than six months after the effective date of this Order.

All compressor installations installed after the effective date of this Order shall be protected by high- and low-pressure and high-liquid-level shut-in controls and a pressure relief valve on each interstage scrubber.

All compressor interstage scrubbers shall be protected by low-liquid-level shut-in controls unless dump is through a choke restriction to another pressure vessel.

(ii) In addition to the provisions of API RP 14C, paragraphs A8.3a and A8.3d, high- and low-pressure shut-in sensors and low-liquid-level shut-in controls protecting compressor suction and discharge piping and associated suction and interstage scrubbers shall be designed to actuate automatic isolation valves located in each compressor suction and fuel gas line so that the compressor unit and associated vessels can be isolated from all input sources.

As an alternative, low-liquid-level shut-in control(s) installed in suction and interstage scrubber(s) may be designed to actuate automatic shutoff valve(s) installed in the scrubber dump line(s).

For compressors installed after the effective date of this Order, those compressor units installed in a building shall have the isolation valves located outside the building. Each suction and interstage high-liquid-level shut-in control shall, as a minimum, be designed to shut down the compressor prime mover.

(iii) Compressor installations of 745 kilowatts (1,000 horsepower) or less are excluded from those requirements of API RP 14C, A8.3d, page 54, which provide for installation of a blowdown valve on the discharge line.

(iv) Compressor installations existing prior to the effective date of this Order, and which are installed in a building, are excluded from the requirement of API RP 14C, A8.3b, Flow Safety Devices (FSV), and Section A.8.3.d., Shutdown Devices (SDV), which prescribes that these devices be located outside of the building.

(v) The automatic isolation valves installed in compressor suction and fuel gas piping shall also be actuated by shutdown of the prime mover.

(g) *Curbs, gutters, and drains.* (i) Curbs, gutters, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Sump piles shall not be used as a processing device to treat or skim liquids but shall be used to collect treated produced water, treated sand, liquids from drip pans and deck drains, and as a final trap for hydrocarbon liquids in event of equipment upsets.

(h) *Fire-fighting systems.* (i) A fire-fighting water system of rigid pipe with fire hose stations shall be installed and may include a fixed water-spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production-handling equipment is located. A fire-fighting system using chemicals may be used in lieu of a water system if determined to provide equivalent fire protection control.

An alternate fuel or power source shall be installed to provide continued pump operation for the system during platform shutdown, unless an alternate fire-fighting system is provided.

Portable fire extinguishers shall be located in the living quarters and other strategic areas.

A diagram of the fire-fighting system showing the location of all equipment shall be posted in a prominent place on the platform or structure.

(i) *Gas detection system.* (i) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place on the platform or structure.

(ii) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. The gas detector power supply shall be from a continually energized power source.

(iii) The use of fuel gas odorant is an acceptable alternate to an automatic gas detection and alarm system in enclosed, continuously manned areas of the facility.

(j) *Electrical equipment.* The following requirements shall be applicable to all electrical equipment and systems installed:

(i) All engines with ignition systems shall be equipped with a low-tension ignition system of a low-fire-hazard type and shall be designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external, combustible mixture.

(ii) All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500 B in effect at the time of installation.

(iii) Wiring methods which conform to the National Electrical Code or to IEEE 45, "Recommended Practice for Electric Installations on Shipboard," in effect at the time of installation, are acceptable.

(iv) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power supply.

(k) *Erosion.* A program of erosion control shall be in effect for wells having a history of sand production. The erosion control program may include sand probes, X-ray, ultrasonic, or other satisfactory monitoring methods. An annual report, by lease, on the results of the program shall be submitted by the first of September to the appropriate District Supervisor.

(2) *Operations.*—(a) Any device on wells, vessels, or flowlines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or blocked out of service unless necessary during startup or maintenance operations and then only with personnel on duty aboard the platform.

(b) When wells are disconnected from producing facilities and blind flanged or equipped with a tubing plug, compliance is not required with provisions of API RP 14C and of this Order concerning (a) installation of automatic fail-close surface safety valves on wellhead assemblies, (b) installation of high- and low-pressure shut-in sensors downstream of the well choke in flowlines from wells, and (c) installation of check valves in header individual flowlines.

All open-ended lines connected to producing facilities shall be plugged or blind-flanged, except those lines designed to be open-ended, such as flare or vent lines.

(c) *Simultaneous operations.* Prior to conducting activities, simultaneously with production operations, which could increase the possibility of occurrences of undesirable events such as harm to personnel or to the environment, or damage to equipment, an operator's Contingency Plan shall be filed for approval with the appropriate District Supervisor. The plan shall be filed within 90 days after the effective date of this Order. A plan shall be submitted by each lessee/operator for each platform existing as of the effective date of this Order. The plan shall be modified and updated as appropriate. Activities requiring the plan are drilling, workover, wireline, and major construction operations. The plan shall include:

(i) A narrative description of operations.

(ii) A plan view of each platform deck indicating critical areas of simultaneous activities.

(iii) Procedures for mitigation of potential undersirable events including:

(a) The guidelines the operator will follow to assure coordination and control of simultaneous activities.

(b) Indication as to the person having overall responsibility, as person in charge at the site, for safety of platform operations.

(c) An outline of any additional safety measures that are required for simultaneous operations.

(d) Specification of any added or special equipment or procedural conditions imposed when simultaneous activities are in progress.

(d) *Welding practices and procedures.* The following requirements shall apply to all platforms and structures, including mobile drilling and workover structures. These requirements shall apply to fixed structures after the drilling out of the drive or structural casing for the first well drilled on the structure, entry into a well to be tied back to the structure, or first flow of combustible fluids to the structure. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive or structural casing until the blowout-preventer stack and riser are pulled in the final abandonment, suspension, or completion. These requirements shall apply to workover rigs when such rigs are performing

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remedial work on any wells open to hydrocarbon-bearing zones.

For the purpose of this Order, the term "welding and burning" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each operator shall file for approval by the appropriate District Supervisor a Welding and Burning Safe Practices and Procedures Plan. The plan shall be filed within 90 days after the effective date of this Order and shall include company qualification standards or requirements for personnel and the methods by which the operator will assure that only personnel meeting such standards or requirements are utilized. A copy of this plan shall be available in the field. Any person designated as a welding supervisor shall be thoroughly familiar with this plan.

Prior to welding or burning operations, the operator shall establish approved safe welding areas. Such areas shall be constructed of noncombustible or fire-resistant materials free of combustible or flammable contents and be suitably segregated from adjacent areas. National Fire Protection Association Bulletin No. 51B, "Cutting and Welding Processes," 1971, shall be used as a guide to designate these areas. All welding which cannot be done in the approved safe welding area shall be performed in compliance with the procedures outlined below:

(1) Such welding and burning as are necessary on a structure shall adhere to the following practices:

(a) Prior to the commencement of any welding or burning operations on a structure, the operator's designated person-in-charge at the installation shall personally inspect the qualifications of the welder or welders to assure that they are properly qualified in accordance with the approved company qualification standards or requirements for welders. The designated person-in-charge and welders shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the designated person-in-charge shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to beginning any welding or burning. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak free and equipped with proper fittings, gauges, and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual welding or burning operations are in progress.

(d) Prior to any welding or burning, the Fire Watch shall have in his possession firefighting equipment in a condition ready to use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance unless the contents of the vessels have been rendered inert and determined to be safe for welding or burning by the designated person-in-charge.

(f) In the event drilling, workover, or wireline operations are in progress on the platform, welding operations in other than approved safe welding areas may be conducted only if the well(s) on which work is being done contain noncombustible fluids, and entry of formation hydrocarbons into the wellbore is precluded by a positive overbalance toward the formation. Also, all other provisions of this section shall be applicable.

(g) All other producible wells shall be shut-in at the surface safety valves while welding or burning in the wellhead or production area.

(3) *Safety device testing.*—The safety system devices required by this Order shall be tested by the operator at the interval specified below or more frequently if operating conditions warrant. Records shall be maintained at the field office for a period of one year, showing the present status and history of each device, including dates and details of inspection, testing, repairing, adjustment, and reinstallation. Such records shall be available to any authorized representative of the Geological Survey. Records shall be analyzed, equipment or system problem areas identified, and action taken to preclude recurrence of these problems.

Testing and reporting shall be accomplished in accordance with API RP 14C, Appendix D, and the following:

(a) All pressure relief valves shall be tested for operation annually. Pressure relief valves shall be either bench-tested or equipped to permit testing with an external pressure source.

(b) All pressure sensors shall be tested at least once each calendar month, but at no time shall more than six weeks elapse between tests.

(c) All automatic wellhead safety devices and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month, but at no time shall more than six weeks elapse between tests. If any wellhead safety valve indicates leakage, it shall be repaired or replaced.

(d) All liquid-level shut-in controls shall be tested at least once within each calendar month, but at no time shall more than six weeks elapse between tests. These tests shall be conducted by raising or lowering the liquid level across the level-control detector.

(e) All automatic inlet shutoff valves actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calender month, but at no time time shall more than six weeks elapse between tests.

(f) All automatic shutoff valves located in liquid discharge lines and actuated by vessel low-level sensors shall be tested for operation once within each calendar month, but at no time shall more than six weeks elapse between tests.

(g) The high-temperature shutdown controls installed in all compressors which are protected against abnormal pressures solely by such temperature safety devices shall be tested annually and repaired or replaced as necessary.

(h) All pumps for fire-fighting water systems shall be inspected and test-operated weekly. A record of the tests shall be maintained at the field office for a period of one year.

(i) The Automatic Gas Detection System shall be tested for operation and recalibrated every six months.

(4) *Training.*—Not later than two years after the effective date of this Order, the operator shall ensure that all personnel engaged in installing, inspecting, testing, and routinely maintaining these safety devices will have been qualified under a program as recommended by API RP T-2, September 1974, amended October 1975, or subsequent revisions approved by the Area Supervisor, or an equivalent program, approved by the Area Supervisor. Documented evidence of qualification of individuals performing these functions shall be maintained at the field headquarters and shall be available to any authorized representative of the Geological Survey.

Manufacturers' representatives may work on component equipment supplied by their company, provided they are directly supervised by a qualified person, capable of evaluating the impact of the work on the total system. On-the-job trainees working with safety devices shall be directly supervised by a qualified person.

Not later than one year after the effective date of this Order, the operator shall submit, for approval, of the appropriate District Supervisor, a description of the training to be conducted and the methods the operator will utilize to ensure that only persons qualified as above perform these functions. The description shall include:

(a) The operator's organizational element responsible for training and to interface with the Geological Survey in training program matters. (b) Categories of personnel to be qualified. (c) Training organizations and courses to be utilized. (d) Method for ensuring qualification of third-party personnel, if utilized. (e) Method for determining when additional training or requalification is required and for obtaining same. (f) Method of monitoring operations to ensure that only qualified personnel perform functions. (g) Method of maintaining documented evidence of qualification at work site.

5. *Crane operations.*—Cranes shall be operated and maintained in a manner necessary to ensure the safety of facility operations in accordance with the provisions of API RP 2D, "Operation and Maintenance of Offshore Cranes," October 1972, or other revisions approved by the Area Supervisor.

Records of inspection, testing, and maintenance shall be kept in the field office for a period of one year. API Specification 2C, "Specification for Offshore Cranes," February 1972, or other revisions approved by the Area Supervisor, shall be used as a guideline for the selection of cranes to be used offshore.

6. *Employee orientation and motivation programs for personnel working offshore.*—The operator shall make a planned, continuing effort to eliminate accidents due to human error. This effort shall include the training of personnel in operational aspects of their functions and a program to instill in each individual working offshore a conscious desire to achieve safe and pollution-free operations. Minimum training of personnel going offshore for the first time shall include an orientation in accordance with API RP T-1, "Orientation Program for Personnel Going Offshore the First Time," January 1974, or equivalent. API Bulletin T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," September 1974, shall be used as a guide in developing employee safety and pollution-prevention motivation programs. The applicability of any future revisions of the above API documents shall require approval by the Area Supervisor.

7. *Requirements for drilling rigs.*—The requirements of subparagraphs 4.D.(1)(g), 4.D.(1)(j), 4.D.(2)(d), and paragraphs 5 and 6 above shall apply to all drilling rigs and mobile drilling units used to conduct drilling or workover operations on the Federal OCS in the Gulf of Mexico.

D. W. SOLANAS,
Oil and Gas Supervisor,
Field Operations, Gulf of Mexico Area.

Approved:

RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.76-25990 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL PARK SYSTEM

Review of Management Policies

The National Park Service extensively revised and reissued its Management Policies in 1975. In order to keep them current, the Service is initiating an annual review and is soliciting public participation in the review process. These policies provide guidance to National Park Service managers, superintendents, planners, and others concerning preservation and use of park system areas and of related activities of the National Park Service.

The Management Policies manual deals with the National Park Service's role in preserving the Nation's natural and historic resources, regional cooperation, park planning and development, resource management, historic preservation, wilderness preservation, use of the parks, concessions management, and land acquisition.

Any revisions made as a result of this review will be available to the public. A notice of their availability will appear in the FEDERAL REGISTER.

The Management Policies are available for review in the National Park Service regional offices and the Washington Office. Copies of the manual may be obtained by writing:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240.

Comments should be submitted to the same address by October 15, 1976.

Addresses of the Regional Offices are:

National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Western Regional Office, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, California 94102.

Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Bldg., Seattle, Washington 98101.

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Box 25287, Denver, Colorado 80225.

Southeast regional Office, National Park Service, 1895 Phoenix Blvd., Atlanta, Georgia 30349.

Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501.

North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114.

Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76-26171 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since August 3, 1976. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Hale County

Greensboro, *Greensboro Historic District*, roughly bounded by North and South Sts., Hobson and Centerville Sts. (includes both sides) (8-13-76) HABS.

Montgomery County

Montgomery, *Cassimus House*, 110 N. Jackson St. (8-13-76).

Pike County

Troy, *College Street Historic District*, W. College St. between Pine and Cherry Sts. (8-13-76).

ALASKA

Outer Ketchikan Division

Hyder, *Storehouse No. 4 (Eagle Point Storehouse)*, International St. (8-13-76).

ARIZONA

Cochise County

Douglas, *Gadsden Hotel*, 1046 G Ave. (7-30-76).

Douglas, *Grand Theatre*, 1139-1149 G Ave. (7-30-76).

Naco vicinity, *Naco Mammoth-Kill Site*, NW of Naco (7-21-76).

Coconino County

Ash Fork vicinity, *Ash Fork Steel Dam*, E of Ash Fork off U.S. 66/89 (7-30-76).

Pima County

Tucson, *Armory Park Historic Residential District*, E. 12th St. to 19th St., Stone Ave. to 2nd Ave. (7-30-76).

ARKANSAS

Boone County

Harrison, *Boone County Courthouse*, Courthouse Sq. (7-21-76).

Crawford County

Van Buren, *Mt. Olive United Methodist Church*, Lafayette and Knox Sts. (7-30-76).

Greene County

Paragould, *Greene County Courthouse*, Courtsquare (8-11-76).

Logan County

Paris, *Logan County Courthouse, Eastern District*, Courthouse Sq. (7-30-76).

Miller County

Texarkana, *Orr School*, 831 Laurel St. (7-30-76).

Monroe County

Clarendon, *Cumberland Presbyterian Church*, 120 Washington St. (7-30-76).

Pulaski County

Little Rock, *Old State House Square Historic District*, roughly bounded by Arkansas River, Arch, Main, and 2nd Sts. (8-11-76).

CALIFORNIA

Butte County

Oroville, *Oroville Chinese Temple*, 1500 Broderick St. (7-30-76).

Colusa County

Colusa, *Colusa High School and Grounds*, 745 10th St. (8-13-76).

Inyo County

Independence vicinity, *Manzanar War Relocation Center*, 6 mi. S of Independence on CA 395 (7-30-76).

Mendocino County

Fort Bragg, *Weller House*, 524 Stewart St. (7-19-76).

San Francisco County

San Francisco, *Stadtmuller House*, 819 Eddy St. (7-19-76).

Santa Clara County

Palo Alto, *Hostess House*, W of the University Ave. underpass (7-30-76).

CONNECTICUT

Hartford County

Plainville, *Norton, Charles H., House*, 132 Redstone Hill (5-11-76) NHL.

DISTRICT OF COLUMBIA

Grimke, Charolette Forten, House, 1608 R St., NW. (5-11-76) NHL.

Mellon, Andrew, Building, 1785 Massachusetts Ave., NW. (5-11-76) NHL.

St. Luke's Episcopal Church, 15th and Church Sts., NW. (5-11-76) NHL.

Woodson, Carter G., House, 1538 9th St., NW. (5-11-76) NHL.

FLORIDA

Escambia County

Pensacola, *Saenger Theatre*, 118 S. Palafox St. (7-19-76).

Gadsden County

Chattahoochee vicinity, *Martin, Malachi, House*, 5 mi. E of Chattahoochee off 90 (8-11-76).

GEORGIA

Chatham County

Savannah, *Owens-Thomas House*, 124 Abercorn St. (5-11-76) NHL.

Savannah, *Telfair Academy*, 121 Barnard St. (5-11-76) NHL.

Clarke County

Athens, *Grady, Henry W., House*, 634 Prince Ave. (5-11-76) NHL.

McDuffie County

Thomson, *Watson, Thomas E., House*, 310 Lumpkin St. (5-11-76) NHL.

Richmond County

Augusta, *Meadow Garden*, 1230 Nelson St. (7-19-76).

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IDAHO

Ada County

Boise, *St. Alphonsus Hospital*, 508 N. 5th St. (7–30–76).

Franklin County

Preston, *Cowley, Matthias, House*, 110 S. 1st East (7–19–76).

Kooteni County

Coeur d'Alene, *Roosevelt School*, 1st and Wallace Sts. (7–30–76).

ILLINOIS

Cook County

Chicago, *Compton, Arthur H., House*, 5637 Woodlawn Ave. (5–11–76) NHL.
Chicago, *Du Sable, Jean Baptiste Point, Homesite*, 401 N. Michigan Ave. (5–11–76) NHL.
Chicago, *Lillie, Frank R., House*, 5801 Kenwood Ave. (5–11–76) NHL.
Chicago, *Millikan, Robert A., House*, 5605 Woodlawn Ave. (5–11–76) NHL.

DuPage County

Elmhurst, *Hauptgebäude*, 190 Prospect St. (8–13–76).

Kane County

Batavia, *Batavia Institute*, 333 S. Jefferson St. (8–13–76).

Sangamon County

Springfield, *Executive Mansion*, 4th and Jackson Sts. (7–19–76).

INDIANA

Montgomery County

Crawfordsville, *Wallace, Gen. Lew, Study*, Pike St. and Wallace Ave. (5–11–76) NHL.

Owen County

Gosport, *New Albany and Salem Railroad Station*, North St. at White River (8–6–76) HAER.

IOWA

Cherokee County

Cherokee vicinity, *Bastian Site* 13CK28, N. of Cherokee off U.S. 59 (7–19–76).

Delaware County

Manchester, *Hoag, J. J., House*, 120 E. Union (8–13–76).

Dubuque County

Dubuque, *Ham, Mathias, House*, 2241 Lincoln Ave. (7–19–76).

Floyd County

Charles City, *Central Park-North Main Street Historic District*, N. Main St. and N. Jackson St. (8–10–76).

Franklin County

Hampton, *Franklin County Courthouse*, Central Ave. and 1st St., NW (8–13–76).

Linn County

Marion, *Granger House*, 970 10th St., (8–13–76).

Madison County

Winterset, *Madison County Courthouse*, City Square (8–13–76).

Pottawattamie County

Council Bluffs, *Beresheim, August*, House, 621 3rd St. (8–13–76).

Wapello County

Ottumwa, *U.S. Post Office (Ottumwa Municipal Building)*, Court and 4th Sts. (8–13–76).

KANSAS

Shawnee County

Topeka, *Central National Bank*, 701–703 Kansas Ave. (7–19–76).

KENTUCKY

Caldwell County

Princeton, *Flournoy-Henry House*, 221 E. Main St. (7–19–76).

Carlisle County

Bardwell, *Illinois Central Railroad Station and Freight Depot*, Front St. (7–19–76).

Carroll County

Carrollton vicinity, *Hunter's Bottom Historic District*, W of Carrollton (8–11–76) (also in Trimble County).

Fayette County

Lexington, *Brand-Barrow House*, 203 E. 4th St. (8–11–76).

Franklin County

Jett vicinity, *Hearn, Andrew, Log House and Farm*, 3 mi. SW of Jett on Hanley Lane (8–11–76).

Jefferson County

Anchorage, *Hite-Foree Log House*, 12401 Lucas Lane (7–30–76).
Louisville, *Butchertown Historic District*, roughly bounded by Main, Hancock, Geiger, Quincy Sts., U.S. 42, S. Fork Beargrass Creek, and Baxter Ave. (8–11–76).

McCracken County

Paducah, *The Angles (Quigley-Barkley House)*, Alben W. Barkley Dr. near 40th St. (7–19–76).

Madison County

Richmond vicinity, *Bogie Houses and Mill Site*, 8 mi. W of Richmond on Silver Creek (8–13–76).

Mercer County

Harrodsburg vicinity, *Shawnee Springs (George C. Thompson House)*, 4 mi. NE of Harrodsburg on Curry Rd. (7–19–76).

Morgan County

West Liberty, *Morgan County Courthouse*, Main St. (7–19–76).

Pike County

Pikeville and vicinity, *Hatfield-McCoy Feud Historic District* (8–5–76).

Trimble County

Hunter's Bottom Historic District, Reference—see Carroll County.

LOUISIANA

St. Landry Parish

Washington, *Lalanne, Dominique, House and Store*, Bridge and Dejean Sts. (8–3–76) HABS.

MAINE

Oxford County

Bethel, *Gehring Clinic*, off ME 5 (8–2–76).

MARYLAND

Montgomery County

Takoma Park, *Takoma Park Historic District*, roughly bounded by D.C., Silver Spring, and E to jct of Woodland and Elm Aves. (7–16–76) (also in Prince Georges County).

Prince Georges County

Takoma Park Historic District. Reference—see Montgomery County.

Talbot County

Tilghman, *Reliance* (Chesapeake Bay skipjack), Knapps Narrows off MD 33 (7–30–76).

MASSACHUSETTS

Barnstable County

Wellfleet vicinity, *Atwood, Thomas, House*, NW of Wellfleet on Boundbrook Island (7–30–76).

Berkshire County

Great Barrington, *DuBoise, William E. B., Boyhood Homesites*, MA 23 (5–11–76) NHL.

Bristol County

New Bedford, *County Street Historic District*, roughly bounded by Acushnet, Page, Middle, and Bedford Sts. (include both sites) (8–11–76).

Essex County

Marblehead, *Old Town House*, Town House Sq. (8–13–76) HABS.

Middlesex County

Cambridge, *Baldwin, Maria, House*, 196 Prospect St. (5–11–76) NHL.
Groton, *Groton Inn*, Main St. (8–3–76).
Lowell, *Lowell Locks and Canals Historic District*, between Middlesex St. and the Merrimack River (8–13–76) HAER.

Suffolk County

Boston, *Nell, William C., House*, 3 Smith Court (5–11–76) NHL.
Dorchester, *Trotter, William Monroe, House*, 97 Sawyer Ave. (5–11–76) NHL.

MICHIGAN

Kent County

Grand Rapids, *Sixth Street Bridge*, spans Grand River between Newberry and 6th Sts. (8–13–76).

Livingston County

Howell, *Livingston County Courthouse*, Grand River Ave. (8–13–76).

Mackinac County

Gould City vicinity, *Scott Point Site*, Southwestern Mackinac County (7–30–76).

Midland County

Midland, *Dow, Herbert H., House*, 1038 W. Main St. (5–11–76) NHL.

St. Clair County

Port Huron, *Fort Gratiot Lighthouse*, Omar and Garfield Sts. (7–30–76).

Wayne County

Detroit, *Parke-Davis Laboratory*, Joseph Campau St. at Detroit River (5–11–76) NHL.
Wyandotte, *Marx House*, 2630 Biddle Ave. (8–13–76).

MINNESOTA

Carver County

Waconia, *Coney Island of the West*, Lake Waconia off MN 5 (8–11–76).

Ramsey County

St. Paul, *Historic Hill District*, irregular pattern extending from Pleasant and Grand Aves. to Holly and Marshall; from Lexington Pkwy. to 4th and Pleasant Ave. (8–18–76).

MISSISSIPPI

Bolivar County

Duncan vicinity, *Donelson House*, 2.5 mi. SW of Duncan (8–13–76).
Mound Bayou, *Montgomery, I. T., House*, W. Main St. (5–11–76) NHL.

MONTANA

Broadwater County

Avalanche Gulch, *Rankin Ranch* (5–11–76) NHL.

NEW JERSEY

Middlesex County

Brunswick, *Old Queens*, Rutgers University (5–11–76) NHL.

Somerset County

Basking Ridge, *Basking Ridge Classical School*, 15 W. Oak St. (7–21–76).

NEW YORK

Cayuga County

Aurora, *Aurora Steam Grist Mill*, Main St. (7–30–76).

Chautauqua County

Busti, *Busti Mill*, Lawson Rd. (7–23–76).

Kings County

Brooklyn, *Robinson, John Roosevelt "Jackie," House*, 5224 Tilden St. (5–11–76) NHL.

Livingston County

Lima, *Genesee Wesleyan Seminary and Genesee College Hall*, College St. (7–19–76).

Nassau County

Locust Valley, *Matinecock Friends Meetinghouse*, Piping Rock and Duck Pond Rds. (7–19–76).

New York County

New York, *Cook, Will Marion, House*, 221 W. 138th St. (5–11–76) NHL.
New York, *Ellington, Edward Kennedy "Duke," Home*, 935 St. Nicholas Ave. Apt. 4A (5–11–76) NHL.
New York, *Johnson, James Weldon, House*, 187 W. 135th St. (5–11–76) NHL.
New York, *New York Amsterdam News Building*, 2293 7th Ave. (5–11–76) NHL.
New York, *Old New York County Courthouse*, 52 Chambers St. (5–11–76) NHL.
New York, *Tilden, Samuel J., House*, 14–15 Gramercy Park S. (5–11–76) NHL.

Oneida County

Utica, *Stanley Theater*, 259 Genesee St. (8–13–76).

Putnam County

Carmel, *Putnam County Courthouse*, at jct. of NY 52 and NY 301 (8–11–76).

Queens County

Corona, *Armstrong, Louis, House*, 3456 107th St., Long Island (5–11–76) NHL.
Kew Gardens, *Bunche, Ralph, House*, 115–25 Grosvenor Rd. (5–11–76) NHL.

Tioga County

Nichols, *Platt-Cady Mansion*, 18 River St. (8–13–76).

Westchester County

Irvington, *Villa Lewaro, N. Broadway* (5–11–76) NHL.
Mt. Pleasant, *Rockefeller, John D., Estate*, Pocantico Hills (5–11–76) NHL.

NORTH CAROLINA

Durham County

Durham, *St. Joseph's African Methodist Episcopal Church*, Fayetteville St. and Durham Expressway (8–11–76).

Wake County

Raleigh, *North Carolina School for the Blind and Deaf Dormitory*, 216 W. Jones St. (8–11–76).

Warren County

Warrenton, *Warrenton Historic District*, U.S. 401 (8–11–76).

OHIO

Ashland County

Ashland, *First National Bank and Firestone Building*, 2 and 10 W. Main St. (8–5–76).

Athens County

Stewart, *Federalton*, 51 State St. (8–13–76).

Erie County

Sandusky, *Engels and Krudwig Wine Company Buildings*, 220 E. Water St. (7–30–76).

Franklin County

Columbus, *East Town Street Historic District*, roughly bounded by Grant, Franklin Aves. Lester Dr., and E. Rich St. (7–30–76).
Columbus, *Rickenbacker, Capt. Edward V., House*, 1334 E. Livingston Ave. (5–11–76) NHL.

Hamilton County

Cincinnati, *Old Gothic Barns*, 6058 Colerain Ave. (7–20–76).
Cincinnati, *West Fourth Street Historic District*, bounded by Central Ave., W. 5th, Plum, and McFarland Sts. (8–13–76).
Glendale, *Glendale Historic District*, OH 747 (7–20–76).

Mahoning County

Lowellville, *Lowellville Railroad Station*, Penn Central RR. (7–30–76).

Union County

Marysville vicinity, *Gilcrist House*, 3.5 mi. SE of Marysville off U.S. 33 (8–13–76).

Williams County

Kunkle vicinity, *Kunkle Log House*, 1 mi. E of jct. of CR 17 and 0 (8–5–76).

OREGON

Multnomah County

Portland, *Portland Yamhill Historic District*, roughly bounded by Taylor, Morrison, 2nd Ave. (includes both sides), and Willamette River (7–30–76).

PENNSYLVANIA

Blair County

Altoona, *Dudley, Charles B., House*, 802 Lexington Ave. (5–11–76) NHL.

Lackawanna County

Scranton, *St. Peter's Cathedral Complex*, 315 Wyoming Ave. (7–19–76).

Philadelphia County

Philadelphia, *Fairmount Water Works*, E banks of Schuylkill River (5–11–76) NHL.
Philadelphia, *Tanner, Henry O., House*, 2908 W. Diamond St. (5–11–76) NHL.

Washington County

Monongahela, *Acheson, Edward C., House*, 908 Main St. (5–11–76) NHL.

PUERTO RICO

Guayama, *Iglesia Parroquial de San Antonio de Padua de Guayama*, 5 Ashford St. (7–30–76).
Manati vicinity, *Hacienda Azucarera La Esperanza*, NNW of Manati on PR 616 (8–11–76) HAER.
San Juan, *Carcel de Puerto de Tierra*, Avenida Ponce de Leon, Parada 8, Puerta de Tierra (8–11–76).

RHODE ISLAND

Newport County

Newport, *Ocean Drive Historic District*, Ocean Dr. (5–11–76) NHL.

Providence County

Providence, *Shepard Company Building*, 259 Westminster Mall, 72–92 Washington St. (8–11–76).
Woonsocket, *Cato Hill Historic District*, within area bounded by Arnold, Railroad, Blackstone, and Main Sts. (8–10–76).
Woonsocket, *Harris Warehouse*, 61 Railroad St. (7–1–76).

SOUTH CAROLINA

Charleston County

Charleston, *Vesey, Denmark, House*, 56 Bull St. (5–11–76) NHL.

SOUTH DAKOTA

Codington County

Watertown, *Mellette House*, 421 5th Ave. NW. (8–13–76).

Jerauld County

Wessington Springs, *Wessington Springs Opera House*, 111 Wakota Ave. N. (7–21–76).

TENNESSEE

Fentress County

Pall Mall vicinity, *York, Alvin Cullom, Farm*, U.S. 127 (5–11–76) NHL.

TEXAS

Shackelford County

Albany, *Shackelford County Courthouse Historic District*, roughly bounded by S. 1st, S. 4th, S. Jacobs, and S. Pecan Sts. (7–30–76).

UTAH

Cache County

Logan, *Eccles, David House*, 250 W. Center St. (7–30–76)

Salt Lake County

Salt Lake City, *First Church of Christ Scientist*, 352 E. 3rd South (7–30–76).
Salt Lake City, *Fritsch, J. A., Block*, 158 E. 200 South (7–30–76).
Salt Lake City, *Herald Building*, 165–169 S. Main (7–30–76).
Salt Lake City, *Salt Lake Stock and Mining Exchange Building*, 39 Exchange Place (7–30–76).
Salt Lake City, *Trinity African Methodist Episcopal Church*, 239 E. 600 South (7–30–76).

VIRGIN ISLANDS

St. Croix Islands

Christiansted, *Christiansted Historic District* (7–30–76).
Christiansted vicinity, *Coakley Bay Estate*, E of Christiansted (7–23–76)
Frederiksted, *Frederiksted Historic District*, roughly bounded by Fisher St. the cemetery, Ft Frederick, and the shoreline (8–9–76) HABS
Frederiksted vicinity, *Whim*, 1.7 mi SE of Frederiksted on Centerline Rd. (7–30–76).

St. John Island

Coral Bay vicinity, *Estate Carolina Sugar Plantation*, W of Coral Bay on King Hill Rd. (7–19–76).

St. Thomas Island

Charlotte Amalie, *Charlotte Amalie Historic District* (7–19–76) HABS.
Charlotte Amalie vicinity, *Estate Botany Bay*, W of Charlotte Amalie (7–30–76).
Charlotte Amalie vicinity, *Hassel Island*, S of Charlotte Amalie in St. Thomas Harbor (7–19–76).
Charlotte Amalie vicinity, *Magens Bay Archeological District*, N of Charlotte Amalie (7–30–76).

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VIRGINIA

Albemarle County

Scottsville, *Scottsville Historic District*, VA 6 (7-30-76) (also in Fluvanna County).

Arlington County

Arlington, *Benjamin Banneker: SW-9 Intermediate Boundary Stone*, 18th and Van Buren Sts, N. (5-11-75) NHL.
Arlington, *Drew, Charles Richard, House*, 2505 1st St., S. (5-11-76) NHL.

Fluvanna County

Scottsville Historic District—See Albemarle County.

Page County

Luray vicinity, *Massanutton Heights*, W of Luray on U.S. 211 (7-30-76).

Petersburg (independent city)

Appomattox Iron Works, 20-28 Old St. (8-11-76) HAER.
Friend, Nathaniel, House, 27-29 Bollingbrook St. (8-11-76).

Radford (independent city)

Harvey House, 706 Harvey St. (7-30-76).

Richmond (independent city)

Jackson Ward Historic District, roughly bounded by 5th, Marshall, Gilmer Sts. and the Richmond-Petersburg Turnpike (7-30-76) HABS.
Pace-King House, 205 N. 19th St. (7-30-76).

Scott County

Maces Spring vicinity, *Carter, A. P., Homeplace*, SE of Maces Spring near jct. of VA 614 and VA 691 (7-30-76).

Smyth County

Saltville, *Preston House*, VA 107 (7-30-76).

Spotsylvania County

Glenora vicinity, *Andrews Tavern*, 2.6 mi. NE of Glenora on VA 601 (7-30-76).

Surry County

Scotland vicinity, *Pleasant Point*, 1 mi. S of Scotland on VA 637 (7-16-76) HABS.

WASHINGTON

Benton County

Richland vicinity, *Wooded Island Archeological District*, 7 mi. N of Richland (7-19-76).

Clallam County

Sequim vicinity, *McAlmond House*, N of Sequim on Dungeness Bay (8-9-76).

Clark County

Camas vicinity, *Parkersville Site*, S of Camas on Columbia River (8-11-76).

Spokane County

Spokane, *Browne's Addition Historic District*, roughly bounded by Sunset Blvd., Maple, Latah Creek, and Spokane River (7-30-76).
Spokane, *Riverside Avenue Historic District*, Riverside Ave. (7-30-76).

WISCONSIN

Bayfield County

Bayfield, *Booth Cooperage*, Washington Ave. and Front St. (8-13-76).

Rock County

Shopiere, *Shopiere Congregational Church*, Buss Rd. (8-13-76).

WYOMING

Basin, *Basin Republican-Rustler Printing Building*, 409 W. C St. (7-19-76).

Johnson County

Buffalo vicinity, *Fort McKinney*, about 2 mi. W of Buffalo on U.S. 16 (7-30-76).

Sheridan County

Big Horn vicinity, *Quarter Circle A Ranch*, 2 mi. SW of Big Horn (8-10-76).

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The following is a list of corrections to properties previously listed in the "Federal Register:"

ARIZONA

Cochise County

Sierra Vista vicinity, *Fort Huachuca*, 3.6 mi. W of Sierra Vista (11-20-74) NHL.

CALIFORNIA

Butte County

Chico, *Stansbury House*, 307 W. 5th St. (6-5-75).

Los Angeles County

South Pasadena, *Garfield House*, 1001 Buena Vista St. (4-24-73).

San Diego County

San Diego, *Santa Fe Depot (Union Station)*, 1050 Kettner St. (6-26-72) HABS.
San Diego, *Spreckels Theatre Building*, 123 W. Broadway (5-28-75) HABS.
San Diego vicinity, *Mission San Diego de Alcala*, 5 mi. E of Old Town San Diego on Friars Rd. (4-15-70) NHL.

San Luis Obispo County

San Simeon vicinity, *Hearst San Simeon Estate*, 3 mi. NE of San Simeon (6-22-72) NHL.

DISTRICT OF COLUMBIA

Marine Corps Commandant's House, 801 G St., SE. (8-14-73) NHL.
U.S. Marine Corps Barracks, 8th and I Sts., SE. (12-27-72) NHL.
Washington Navy Yard, 8th and M Sts., SE. (6-19-73) NHL.

FLORIDA

Hillsborough County

Tampa, *Tampa Bay Hotel*, 401 W. Kennedy Blvd. (12-5-72) NHL; G.

GEORGIA

Chathem County

Savannah, *Green-Meldrim House*, Macon and Bull Sts. (1-21-74) NHL; HABS.

Fulton County

Atlanta, *Fox Theatre*, 660 Peachtree St., NE. (5-17-74) NHL.

KANSAS

Barber County

Medicine Lodge, *Nation, Carry A., House*, 211 Fowler Ave. (3-24-71) NHL.

Lyon County

Emporia, *White, William Allen, House*, 927 Exchange St. (5-14-71) NHL.

MISSISSIPPI

Claiborne County

Alcorn, *Oakland Chapel*, Alcorn State University campus (12-27-74) NHL; HABS.

Hinds County

Jackson, *Old State Capitol*, 100 N. State St. (11-25-69).

MISSOURI

Linn County

Laclede, *Pershing, Gen. John J., Boyhood Home*, State and Worlow Sts. (5-21-69) NHL.

NEVADA

Churchill County

Fallon vicinity, *Grimes Point*, 10.1 mi. SE of Fallon on U.S. 50 (2-23-72).

NEW HAMPSHIRE

Cheshire County

Keene vicinity, *Cooke, Noah, House*, W of Keene on Daniels Hill Rd. (4-23-73).

NEW JERSEY

Atlantic County

Margate, *Lucy, the Margate Elephant*, Decatur and Atlantic Aves. (8-12-71) NHL; HABS.

Cape May County

Cape May, *Cape May Historic District* (12-29-70) NHL.

Passaic County

Paterson, *Great Falls of Paterson/S.U.M. Historic District*, at Passaic River (4-17-70) NHL.

OHIO

Butler County

Middletown, *Tytus, John B., House*, 300 S. Main St. (5-27-75) NHL.

OKLAHOMA

Pawnee County

Pawnee vicinity, *Blue Hawk Peak Ranch*, W of Pawnee on U.S. 64 (10-10-75).

PENNSYLVANIA

Allegheny County

Pittsburgh, *Allegheny County Courthouse and Jail*, 436 Grant St. (3-7-73) NHL; HABS.
Pittsburgh, *Smithfield Street Bridge*, Smithfield St. at the Monongahela River (3-21-74) NHL.

Fayette County

Mill Run vicinity, *Fallingwater*, W of PA 381 (7-23-74) NHL.

Luzerne County

Wilkes-Barre, *Weiss Hall (Judge Edmund Taylor House)*, 98 S. River St. (11-27-72).

RHODE ISLAND

Newport County

Newport, *Bellevue Avenue Historic District* (12-8-72) NHL; HABS.

Providence County

Providence, *Arcade*, 130 Westminster St. and 65 Weybosset St. (5-6-71) NHL; HABS.
Providence, *College Hill Historic District*, roughly bounded by the Providence and Seekouk Rivers, Olney, Hope, and Governor Sts., Carrington and Whittier Aves. (11-10-70) NHL; G.
Providence, *Lippitt, Gov. Henry, House*, 199 Hope St. (11-27-72) NHL; HABS.

SOUTH CAROLINA

Richland County

Columbia, *South Carolina State House*, Main St. (6-5-70) NHL.

TEXAS

Fannin County

Bonham vicinity, *Rayburn, Samuel T., House*, 1.5 mi. W of Bonham on U.S. 82 (6-5-72) NHL.

Galveston County

Galveston, *East End Historic District*, Broadway and Market Sts. (7-3-75) NHL.

Galveston, *Strand Historic District*, roughly bounded by Ave. A, 20th St., alley between Aves. C and D, and railroad depot (1-26-70) NHL; G.

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The following properties have been either demolished or removed from the National Register of Historic Places.

OHIO

Warren County

Harveysburg vicinity, *Lukins-Plummer House*, W of Harveysburg.

RHODE ISLAND

Providence County

Woonsocket, *Woonsocket Opera House*, 37-41-45 N. Main St.

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The following properties were omitted from the February 10, 1976, listing of properties in the Federal Register.

ARIZONA

Pima County

Tucson vicinity, *Saguaro National Monument*, E of Tucson (10-15-66).

Pinal County

Chandler vicinity, *Hohokam-Pima National Monument*, 12 mi. SW of Chandler (10-15-66).

LOUISIANA

Orleans Parish

New Orleans, *Pontalba Buildings*, 500 St. Ann St. and 500 St. Peter St. (5-30-74) NHL.

MAINE

Aroostook County

Madawaska vicinity, *St. David Catholic Church*, E of Madawaska-on U.S. 1 (10-2-73).

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The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*.

Coconino County

House Rock Springs, Upper Houserock Valley *Paria Plateau Archeological District*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir Sites NA 13,257*, and *NA 13,258*.

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Site U:1:30(A.S.U.)
Site U:1:31(A.S.U.)
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites *3VB49-3VB51*, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Point Lobos Archeological Sites, Golden Gate National Recreation Area.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ-1 and HJ-5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites.
CA-MAD 176-185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, *Olema Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-584.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261, Napa River Flood Control Project.

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Plumas County

Archeological Sites 05-11-55-11, 28, 33, 43, and 44.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Fire Department High Pressure Pumping Station, No. 2*, Golden Gate National Recreation Area.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Farrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn Ranger Station.
Tharp's Log.
Smithsonian Institution Shelters.
Squatter's Cabin.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Moffat County

White Indian Contact Site.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.
Southington; *Lewis, Sally, House*, 500 N. Main St.

New London County

New London, *Washington Street Historic District*, project 103–159.
New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, Delaware Breakwater. Harbor of Refuge Breakwater.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fir Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Morley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

Power County

Snake River, *Old Island Power Plant*, American Falls Dam project.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Riverside Neighborhood.*

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

St. Martins Parish

Site 16, Sm-45, Atchafalaya Basin Floodway.

Washington Parish

Machiasport, *Libby Island Light Station.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1-141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate.*

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

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Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Sullivan County

Newport, *Courthouse Park Project.*

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Ocean County

Holmes, John, Mill (The Mill Site), SW corner of Mill and Parker Sts. in Ocean County Central Service area.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Bernalillo County

Archeological Site, Tetilla Peak, Tetilla Peak Recreation Area.

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seaford Park Archeological Site.*

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswago County

Gustin-Earle Factory Site, village of Mexico.

Otsego County

Swart-Wilcox House

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Saratoga Springs, *Saratoga Springs Historic District.*
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hosital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, Camp Comanche Site, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olez School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Chester County

Blakewell House (John Stager House). State Rd., Schuylkill township.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.
Nesspor House (Thompson Davis House), State Rd., Charlestown township.
Pickering Creek Ice Dam, State Rd., Charlestown township.
Showalter House (John Showalter Tenant House), State Rd., Schuylkill township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Fazon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
Philadelphia, *3400 Block of Sansom Street ("University City" Urban Renewal Project).*
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charlerol, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Leona River Watershed Archeological Sites.
Uvalde County
Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Curois Vela House)*, 601 Zaragosa St.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Seglum, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

V41-174 SEP 7 76 UMI

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5*, 193 N. Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-25285 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 27, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by September 17, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ARIZONA

Yavapai County

Prescott vicinity, *Barlow-Massicks House and Mining Site*, 7 mi. E of Prescott on Lynx Creek, off AZ 69.

CALIFORNIA

Contra Costa County

Berkeley vicinity, *Hershell-Spillman Merry-Go-Round*, E of Berkeley in Tilden Regional Park.

San Mateo County

Pescadero vicinity, *Green Oaks Ranch*, 13 mi. S of Pescadero on CA 1.

Santa Barbara County

Lompoc, *Mission de la Purisima Concepcion de Maria Santisima.*

Santa Clara County

Los Gatos vicinity, *Kotani-En Garden* W of Los Gatos.

Sonoma County

Healdsburg vicinity, *Walters Ranch*, 6 mi. SW of Healdsburg, at jct. of Westside and Sweetwater Springs Rds.

GEORGIA

Decatur County

Bainbridge, *Callahan, J. W., House*, 200 Evans St.

Stephens County

Toccoa, *Schaefer-Marks House*, 316 E. Doyle St.

Troup County

La Grange vicinity, *Strickland House*, NW of La Grange on Glenn Rd.

IOWA

Black Hawk County

Cedar Falls vicinity, *Newell, James, Barn*, N of Cedar Falls off U.S. 218.

Bremer County

Waverly, *Waverly House*, 402 W. Bremer Ave.

Buchanan County

Independence, *Munson Building*, 210 2nd St. NE.

Carroll County

Carroll, *Carnegie Library Building*, 125 E. 6th St.

Cherokee County

Cherokee vicinity, *Brewster Site*, N of Cherokee off U.S. 59.
Cherokee vicinity, *Pilot Rock*, S of Cherokee off U.S. 59.
Washta vicinity, *Crocker Site*, SW of Washta.

Clayton County

Ceres, *St. Peters United Evangelical Lutheran Church*, U.S. 52.

Des Moines County

Burlington, *First Congregational Church*, 313 N. 4th St.

Dubuque County

Dubuque, *McMahon House*, 800 English Lane.
Holy Cross vicinity, *Western Hotel*, SE of Holy Cross on U.S. 52.

Johnson County

Iowa City, *Linsay House*, 935 E. College.
Iowa City vicinity, *First Welsh Congregational Church*, about 5 mi. SW of Iowa City off IA 1.

Plymouth County

LeMars, *St. George's Episcopal Church*, 400 1st Ave. SE.

Sioux City vicinity, *Larson Site*, N of Sioux City.

Poweshiek County

Grinnell, *Rock Island Lines Passenger Station*, Park and State Sts.
Grinnell, *Stewart Library*, 926 Broad St.

Webster County

Ft. Dodge vicinity, *Coffin, Lorenzo S., Burial Plot*, NW of Ft. Dodge on IA 7.

Winneshiek County

Decorah, *Broadway-Phelps Park Historic District*, W. Broadway from Winnebago, St. to Park Dr.; Upper Broadway; Park St.; and Phelps Park.

MARYLAND

Carroll County

Uniontown vicinity, *Trevanion*, 3 mi. NW of Uniontown on Trevanion Rd.

Montgomery County

Bethesda, *Bethesda Naval Hospital Tower*, 8901 Wisconsin Ave.

MASSACHUSETTS

Middlesex County

Concord, *Pest House*, 153 Fairhaven Rd.
Concord vicinity, *Cuming, Dr. John, House*, W of Concord at Barretts Mill Rd. and Reformatory Circle.
Melrose, *Lynde, Joseph, House*, 409 Lebanon St.

Plymouth County

Duxbury vicinity, *Plymouth Light Station*, SE of Duxbury at Gurnet Point.

Worcester County

Clinton vicinity, *North Village Historic District*, N of Clinton on MA 117.

NEW YORK

Franklin County

Malone, *Malone Freight Depot*, 99 Railroad St.
Malone, *Paddock Building*, 34 W. Main St.

New York County

New York, *Metropolitan Savings Bank*, 9 E. 7th St.

Orange County

Slate Hill, *Primitive Baptist Church of Brookfield*, NY 6.

Saratoga County

Mechanicville, *Ellsworth, Col. Elmer E., Monument and Grave*, Hudson View Cemetery.

Seneca County

Ovid, *Seneca County Courthouse Complex*, NY 414.

PENNSYLVANIA

Dauphin County

Middletown, *Swatara Ferry House*, 400 Swatara St.

Washington County

Eightyfour vicinity, *Brownlee, Samuel, House*, N of Eightyfour on PA 519.

TENNESSEE

Franklin County

Decherd vicinity, *Lewis, Col. James, House*, E of Decherd on Greenhaw Rd.

TEXAS

Bexar County

San Antonio, *Alamo Portland and Roman Cement Works*, Brackenridge Park.

Brazos County

Bryan, *Bryan Carnegie Library*, 111 S. Main St.
Bryan, *Cavitt House*, 713 E. 30th St.

Orange County

Orange, *Stark, W. H., House*, 611 W. Green Ave.

Smith County

Tyler, *Goodman-LeGrand House*, 624 N. Broadway.

VERMONT

Bennington County

Bennington, *Bennington Post Office*, 118 South St.

Orleans County

Newport, *U.S. Courthouse, Post Office, and Customs House*, Main and 2nd Sts.

WISCONSIN

Portage County

Stevens Point, *Stevens Point State Normal School*, 2100 Main St.

Racine County

Racine, *Racine College*, 600 21st St.

[FR Doc.76-25681 Filed 9-3-76;8:45 am]

Office of the Secretary

COMMITTEE ON ENHANCED RECOVERY TECHNIQUES FOR OIL AND GAS IN THE UNITED STATES, SUBGROUPS; NATIONAL PETROLEUM COUNCIL

Meetings: Changes

In our notice appearing on page 36054 in the FEDERAL REGISTER of Thursday, August 26, 1976, the following changes should be made:

1. The Economic Conditions Task Group will meet only on September 15, at 1:30 p.m. There will be no meeting of this group on September 14.

2. The room in the Writer's Manor for the meetings of the Coordinating Subcommittee on September 16–17 and the Technology Task Group on September 14–15 will be the Club Room instead of the President's Room.

Dated: August 31, 1976.

ROBERT L. PRESLEY,
Staff Assistant-Emergency Preparedness, Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76-25999 Filed 9-3-76;8:45 am]

Office of the Secretary

FREEDOM OF INFORMATION

Indexes of Administrative Staff Manuals

Under section (a)(2) of the public information section of the Administrative Procedure Act (5 U.S.C. 552), known commonly as the "Freedom of Information Act," each agency is required to make available for public inspection and copying indexes to administrative staff manuals and instructions that affect any member of the public. Also, each agency is required to promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of the index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

Upon reexamination of the material and indexes contained in the Departmental Manual and the administrative manuals of those bureaus which have issued such documents, it was determined the majority of the directives prescribe policies and procedures that are primarily for internal use and do not affect the public. These manuals provide guidelines or procedures necessary for the accomplishment of required day-to-day operations or detailed instructions on limited technical subjects. Additionally, the contents of indexes change infrequently and requests for copies of manual indexes are extremely rare reflecting negligible interest in such indexes.

It has been a long standing policy of the Department of the Interior that any policies and procedures which affect the public must be promulgated and published in the FEDERAL REGISTER and incorporated in the Code of Federal Regulations when appropriate. Both of these documents are offered for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

After full consideration of 5 U.S.C. 552(a)(2)(C), for the foregoing reasons and consideration of economy, it is determined administratively unnecessary and impractical to publish manual indexes identified in the appendix to this Notice quarterly or more frequently and distribute (by sale or otherwise) copies of such indexes or supplements thereto. Copies of indexes will nonetheless be provided on request at a cost not to exceed the direct cost of duplication by contacting the appropriate bureau or office as provided in 43 CFR 2.3.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

AUGUST 30, 1976.

APPENDIX

The following administrative manuals or instructions are exempt from the quarterly index publication requirements of 5 U.S.C. 552(a)(2)(C):

OFFICE OF THE SECRETARY

Departmental Manual
Department Supplements to the Federal Personnel Manual

U.S. GEOLOGICAL SURVEY

USGS Manual

NATIONAL PARK SERVICE

NPS Guidelines
NPS Special Directives
NPS Staff Directives

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

MESA Management Manual
MESA Procurement Handbook
MESA Property Handbook
Health and Safety Manual for Orders, Notices and Report Writing
Coal Mine Health and Safety Inspection Manual—Surface Coal Mines and Surface Work Areas of Underground Coal Mines
Coal Mine Health and Safety Inspection Manual for Underground Mines
Metal and Nonmetal Mine Health and Safety Inspection and Investigation Manual
Mine Rescue and Recovery and Accident Investigation Manual
Coal Mine Safety Electrical Inspection Manual for Underground Coal Mines, Surface Coal Mines, and Surface Work Areas of Underground Coal Mines

FISH AND WILDLIFE SERVICE

Administrative Manual

BUREAU OF LAND MANAGEMENT

BLM Manual

BUREAU OF RECLAMATION

Reclamation Instructions
Task Force Report on Water Marketing (Guidelines)

BONNEVILLE POWER ADMINISTRATION

BPA Manual

BUREAU OF INDIAN AFFAIRS

BIA Manual
Accounting Procedures Handbook
Guaranteed and Insured Loans Guidelines
United States Direct Loans and Loans by Tribes and Relending Organization Guidelines
Financing by Customary Financial Institutions Handbook
Real Estate Appraisal Handbook
Rights-of-Way Over Indian Lands Handbook
General Grazing Regulations Handbook
Investigations and Planning Handbook

[FR Doc.76-26033 Filed 9-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN, BIENVILLE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Bienville Timber Management Plan, Bienville National Forest, Mississippi, USDA–FS–R8–FES ADM 76–13.

The Bienville Timber Management Plan is for the Bienville National Forest located in Jasper, Newton, Scott, and Smith Counties. The Forest contains 177,073 acres of National Forest land. This is one of the six National Forests in Mississippi.

Management actions include timber harvesting, site preparation, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This final environmental statement was transmitted to CEQ on August 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th Street & Independence Avenue, SW, Washington, DC 20250.

USDA, Forest Service, 1720 Peachtree Road, NW, Room 804, Atlanta, GA 30309.

USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Super-

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visor B. F. Finison, Box 1291, Jackson, MS, 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

AUGUST 30, 1976.

[FR Doc.76-26013 Filed 9-3-76;8:45 am]

TIMBER MANAGEMENT PLAN, HOMOCHITTO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Homochitto Timber Management Plan, Homochitto National Forest, Mississippi, USDA-FS-R8-FES ADM 76-12.

The Homochitto National Forest is one of six National Forests in Mississippi containing 189,039 acres in Adams, Wilkinson, Jefferson, Franklin, Amite, Copiah and Lincoln Counties.

Management actions include timber harvesting, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This final environmental statement was transmitted to CEQ on August 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg, Room 3230, 12th Street & Independence Avenue, SW, Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Road, NW, Room 804, Atlanta, GA 30309.
USDA, Forest Service, 503 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Supervisor B. F. Finison, Box 1291, Jackson, MS 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

AUGUST 30, 1976.

[FR Doc.76-26012 Filed 9-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Tabulated Results—August, 1976

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the "Current Population Reports," Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between August 1, 1976, and August 31, 1976.

Dated: August 31, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

State/Place or special area	County	Date of census	Population
Arkansas:			
Caddo Valley city	Clark	June 9,1976	322
Horseshoe Bend city	Fulton, Izard and Sharp	June 7,1976	1,581
Success town	Clay	May 26,1976	289
Florida: St. Petersburg city	Pinellas	Jan. 30,1976	236,413
Idaho: Post Falls city	Kootenai	May 17,1976	4,362
Illinois:			
Bartonville village	Peoria	do	6,145
Bensenville village	Cook and Du Page	June 2,1976	13,876
Bethalto village	Madison	June 29,1976	8,373
Calumet City city	Cook	June 9,1976	38,761
Libertyville village	Lake	June 10,1976	14,730
Mackinaw village	Tazewell	June 22,1976	1,444
Marquette Heights city	Tazewell	June 15,1976	3,241
Metamora village	Woodford	June 7,1976	2,338
Murphysboro city	Jackson	May 18,1976	9,629
Spaulding village	Sangamon	June 28,1976	358
Iowa:			
Albert City city	Buena Vista	June 15,1976	765
Alta city	Buena Vista	June 28,1976	1,743
Carroll city	Carroll	June 15,1976	9,218
Fremont town	Mahaska	May 18,1976	645
Parnell city	Iowa	June 15,1976	248
Michigan:			
Bingham township	Clinton	June 21,1976	2,176
Delhi township	Ingham	May 29,1976	15,375
Frankenlust township	Bay	June 21,1976	2,167
Green Lake township	Grand Traverse	do	1,986
Highland township	Oakland	June 3,1976	13,471
Holland township	Ottawa	June 2,1976	12,166
Northville township	Wayne	June 3,1976	12,475
Wixom city	Oakland	May 12,1976	4,453
Minnesota: Hibbing city	St. Louis	May 20,1976	16,126
North Carolina: Wrightsville Beach town	New Hanover	Jan. 26,1976	2,525
North Dakota: Lakota city	Nelson	June 1,1976	1,258
Oklahoma: Mustang city	Canadian	June 22,1976	5,725
Pennsylvania:			
East Goshen township	Chester	May 10,1976	8,511
Hampden township	Cumberland	May 11,1976	16,090
Lawrence township	Clearfield	May 17,1976	8,397
Middlesex township	Butler	June 7,1976	5,151
Monroe township	Wyoming	June 1,1976	1,576
St. Thomas township	Franklin	June 21,1976	5,212
Shrewsbury township	York	May 10,1976	3,535
Wright township	Luzerne	June 2,1976	4,633
Virginia: Wise town	Wise	May 17,1976	3,637
Wisconsin: Marinette city	Marinette	June 15,1976	12,157

[FR Doc.76-26038 Filed 9-3-76;8:45 am]

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting; Correction

In FR Doc. 76-24130 appearing at page 35006 in the FEDERAL REGISTER of August 18, 1976, column 3, second paragraph, line one is corrected by changing "agenda item (4)," to read "agenda item (6),".

Dated: September 1, 1976.

RAUER H. MEYER,
Director, Officer of Export Administration, Bureau of East-West Trade.

[FR Doc.76-26115 Filed 9-3-76;8:45 am]

Domestic and International Business Administration

FOOD AND DRUG ADMINISTRATION, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00390. Applicant: DHEW/FDA, National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Mass Display and Marker—accessory for CH-5 mass spectrometer. Manufacturer: Barian-MAT, West Germany. Intended use of article: The articles are accessories which will be added to an existing Field-Desorption Mass Spectrometer that is currently being utilized to investigate the chemical structural identity of carcinogenic residues from animal tissue, blood, urine and feces. These accessories are required for determining exact mass starting values and mass peak apex determination for data acquisition which is now necessary under current research protocols. Application received by Commissioner of Customs: April 27, 1976. Advice submitted by the Department of Health, Education, and Welfare on: July 28, 1976.

Docket Number: 76-00391. Applicant: Laboratory of Neurotolaryngology, NINCDS, National Institutes of Health, Building 36, Room 5D32, Bethesda, Maryland 20014. Article: Manipulator frame with pneumatic locking device and coordinate adjustment and Insulated Base Plate with animal mounting frame. Manufacturer: AB Transvertex, Sweden. Intended use of article: The articles are accessories to an existing micromanipulator which will be used to record activity from single cells of the organ of Corti and from single nerve fibers of the auditory nerve in the cat, in other mammals, and in organ culture. Application received by Commissioner of Customs: April 27, 1976. Advice submitted by the Department of Health, Education, and Welfare on: July 28, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-26056 Filed 9-3-76;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY ASSOCIATED UNIVERSITIES, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00361. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 1000 Bullock Blvd., Socorro, NM 87801. Article: Waveguide Coupling Components and accessories. Manufacturer: Fujikura Cable Works Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles which are custom-made provide (1) low loss of signal strength over the long transmission paths (21 kilometers) required by the Very Large Array radio telescope under construction by the applicant, (2) transmission of wide signal bandwidths, needed for handling very high data rates, (3) very low signal distortion (VSWR) and (4) elimination of the need for complex electronic amplifiers (repeaters) at 800 meters along the transmission line. The National Bureau of Standards (NBS) advises in its memorandum dated August 10, 1976 that the capabilities of the articles described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as the articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-26053 Filed 9-3-76;8:15 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (see especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00417. Applicant: State University of New York at Buffalo, Faculty of Engineering and Applied Sciences, 250 Winspear Avenue, Buffalo, N.Y. 14214. Article: AGI Gas Reaction Accessory for use with the JEM-100 Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to be used in the JEM-100 electron microscope specimen chamber in order to continually observe the specimen reaction process at high magnification by heating the specimen in a gaseous atmosphere. The aging and regeneration of supported metal catalysts will be studied in situ and in controlled atmosphere. The substrate will be alumina, silica or carbon and the metal will be platinum, gold, nickel, etc. Application received by Commissioner of Customs: May 17, 1976. Advice submitted by the National Bureau of Standards on: August 12, 1976.

Docket Number: 76-00421. Applicant: (NCI) National Cancer Institute, (NIH) National Institutes of Health, Bldg. 10, Room 5B-36, Laboratory of Pathophysiology, DCBD, NCI, NIH, Bethesda, Maryland 20014. Article: TV Scanning Device for JEM-100C E.M. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which is intended to be used in studies of biological materials (both pathogenic and nonpathogenic microorganisms). Properties of the materials to be investigated are those, (1) which lend themselves to the understanding of transport processes for micro- and macro-molecules into and across cells and cellular barriers, (2) which provide an understanding of evolution of intracellular environment and, (3) which lead to the understanding of physiological and pathological changes in the cell. The objectives to be pursued in the course of investigation are to re-

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veal the relationship between the molecular organization and the function of cellular and subcellular components of biological system. Application received by Commissioner of Customs: May 20, 1976. Advice submitted by the National Bureau of Standards on: August 10, 1976.

Docket Number: 76–00438. Applicant: Brookhaven National Laboratory, Upton, Long Island, N.Y. 11973. Article: High Resolution scanning attachment for JEM 100C microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope which will be used for chemical and physical characterization of metals, alloys and superconductors. The materials to be studied will include crystalline and noncrystalline solids comprising various metals, alloys and superconductors. Application received by Commissioner of Customs: June 15, 1976. Advice submitted by the National Bureau of Standards on: August 11, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26058 Filed 9–3–76;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Friday, October 1, 1976, at 10:00 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Industry member assignments by product category.

(4) Presentation and discussion of any new Committee findings relative to technical matters and foreign availability of telecommunications equipment.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 28, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1) i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The Complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on April 30, 1976 (41 Fed. Reg. 18129).

Dated: September 1, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76–26116 Filed 9–3–76;8:45 am]

UNIVERSITY OF CALIFORNIA; BERKELEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00393. Applicant: University of California—Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Temperature-Jump Spectrophotometer System and accessories. Manufacturer: Garching Instruments GmbH, West Germany. Intended use of article: The article is intended to be used for measurement of the kinetics of binding mutagens to nucleic acids. The mutagens to be studied are mainly aromatic amines such as naphthyl amines, amino-fluorenes and benzidenes. These studies will determine the mechanisms of binding to naturally occurring nucleic acids and to synthetic deoxyoligonucleotides. The article will also be used for training graduate students in the course, Chemistry 299.

Comments: Comments dated June 4, 1976 have been received from Durrum which states inter alia that the domestic manufacturer has no objection to this request for duty-free entry because the Durrum instrument is not capable of measuring fluorescent temperature-jump changes.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for detection in absorbance and fluorescence modes. The most closely comparable domestic instrument is the Model D–115 manufactured by Durrum. The National Bureau

of Standards (NBS) advises in its memorandum dated August 2, 1976 that the domestic instrument does not provide the pertinent capability for detection in absorbance and fluorescence modes. For these reasons, we find that the Model D–115 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26052 Filed 9–3–76;8:45 am]

UNIVERSITY OF CINCINNATI, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket number: 76–00407. Applicant: University of Cincinnati, College of Medicine, Dept. of Pathology, Rm. 1206, Medical Sciences Building, 231 Bethesda Avenue, Cincinnati, OH 45267. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope and accessories. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for research in which several different tissues from human biopsies and experimental animals will be examined. These include renal, liver and skin biopsies for diagnostic purposes and occasionally malignant tumors which present problems in differential diagnosis. Cell cultures (WI 38-human lung fibroblast; HELA, embryonic and adult renal parenchymal; and "L" cells) will also be examined. In addition, the article will be used for educational purposes in the following courses and activities:

(1) Research in Pathology—to provide actual research work by graduate students and pathology residents.

(2) Electron Microscopy Technique—Basic introduction to the various skills employed in electron microscopy for graduate students.

(3) Small Biopsy Service—to provide know how of electron microscopy in surgical pathology to residents.

Application received by Commissioner of Customs. May 12, 1976. Advice submitted by the Department of Health, Education, and Welfare on: August 17, 1976.

Docket number: 76–00415. Applicant: University of Rochester—School of Medicine and Dentistry, Dept. of Anatomy, Room 5–6320, 601 Elmwood Avenue, Rochester, New York 14642. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study mammalian tissues under various experimental conditions. Experiments will involve the ultrastructural study of tissues from rats which have undergone chronic drug therapy. Specifically, the article will be used to rapidly section a large volume of tissues needed for autoradiographic and stereologic quantitation and orient tissues precisely for immunocytochemistry. Application received by Commissioner of Customs: May 13, 1976. Advice submitted by the Department of Health, Education, and Welfare on: August 17, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

BERNARD ASCHER,
Acting Director, Office of Import Programs.

[FR Doc.76–26057 Filed 9–3–76;8:45 am]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00394. Applicant: The University of Tennessee, Purchasing Department, 2200 Andy Holt Avenue, Knoxville, TN 37916. Article: Electron Microscope, Model No. EM 9S–2, including spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigation of biologic specimens including samples of human tumors after different periods of transplantation in animal modes and therapeutic trials, bone marrow specimens, pellets of blood peripheral cells and cultured cells and tissues. Research will be conducted to obtain further information on cancer growth and to use this knowledge for testing new chemical and immunologic therapeutic agents which could be used in humans suffering from cancer. The article will also be used for educational purposes in the following courses:

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(1) *Electron microscopy in the study of tumor growth*—basic training in biological specimen preparation for electron microscopy in order to provide students with an insight on the complexity of the procedures and the possible artifacts introduced by them.

(2) *Electron microscopy in comparative pathology*—instruction in specimen preparation of laboratory animal tissues, and operation of the electron microscope.

(3) *Electron microscopy in human pathology*—teaching of laboratory procedures for specimen preparation, operation of the electron microscope and interpretation of electron micrographs of different human pathologic conditions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 5, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000×. Magnifications of 140 to 1,000× are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU–4C, a more complex instrument vis a vis the article which provides low distortion magnification at 500× and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 28, 1976, that the low magnification capability of the article as well as its simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU–4C did not have equivalent low magnification and is too complex. Furthermore, HEW advises that AD's Model PA–1 was in a development stage of the time the article was ordered. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time the foreign article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director, Office of Import Programs.

[FR Doc.76-26054 Filed 9-3-76;8:45 am]

WILLIAM MARSH RICE UNIVERSITY ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments ar apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period * * *. If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73–00533–01–11000. Applicant: William Marsh Rice University, Post Office Box 1892, Houston, Texas 77001. Article: Gas Chromatograph-Mass Spectrometer, Model LKB 9000–S and accessories. Date of Denial Without Prejudice to Resubmission: April 6, 1976.

Docket number: 75–00039–85–40600. Applicant: Brown University, Department of Geological Sciences, Providence, Rhode Island 02912. Article: VG Micromass 602C, Small Sample System, Spare Parts Kit. Date of Denial Without Prejudice to Resubmission: April 2, 1976.

Docket Number: 75–00591–75–42800. Applicant: University of Washington, Nuclear Physics Laboratory, Seattle, Washington 98195. Article: Switching Magnet Model 3455. Date of denial without prejudice to resubmission: April 1, 1976.

Docket Number: 76–00194–33–46040. Applicant: The University of Alabama in Huntsville, P.O. Box 1247, Huntsville, Alabama 35807. Article: Electron Microscope, Model 201C with Plate Camera. Date of denial without prejudice to resubmission: April 13, 1976.

Docket Number: 76–00211–33–46070. Applicant: U.S.C. School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Scanning Electron Microscope, Model JSM 35U. Date of denial without prejudice to resubmission: April 13, 1976.

Docket Number: 76–00216–01–61300. Applicant: U.S. Environmental Protection Agency, Environmental Research Center (MD59), Research Triangle Park, North Carolina 27711. Article: Automatic Pipette Diluter Dispenser System. Date of denial without prejudice to resubmission: April 2, 1976.

Docket Number: 76–00217–33–46040. Applicant: University of Minnesota, Department of Anatomy, 262 Jackson Hall, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 201C. Date of denial without prejudice to resubmission: April 1, 1976.

Docket Number: 76–00220. Applicant: U.S. Environmental Protection Agency, Gulf Breeze Environmental Research Laboratory, Sabine Island, Gulf Breeze, Fla. 32561. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00226. Applicant: St. Vincent Charity Hospital, 2351 East 22nd Street, Cleveland, Ohio 44115. Article: Electron Microscope, Model EM 201C. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00239. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: Gas burner for fusing quartz tubes and accessories. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00247. Applicant: Veterans Administration Hospital, South Sixth Avenue, Tucson, Arizona 85723. Article: Microelectrophoresis Apparatus. Date of denial without prejudice to resubmission: April 16, 1976.

Docket Number: 76–00250. Applicant: University of Florida, Agricultural Research Center, Inst. food & Agri. Sciences, 3205 S.W. 70 Avenue, Fort Lauderdale, Florida 33314. Article: Glass microelectrode puller, Model No. PE–2. Date of denial without prejudice to resubmission: April 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26059 Filed 9-3-76;8:45 am]

WISTAR INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00405. Applicant: The Wistar Institute, 36th and Spruce Streets, Philadelphia, Pennsylvania 19104. Article: Electron Microscope, Model EM–10 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations relating to membrane structure, virus material, and surveys of aging cells. The large variety of experiments to be conducted will include the following: (1) investigation of the structure, formation, and dynamics of membrane specializations of the nuclear envelope and the endoplasmic reticulum, (2) investigation of the sequence of events of pore formation, (3) analysis of the dynamics of the pore by the freeze-etching methods, and (4) virus research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms point-to-point. The most closely comparable domestic instrument is Adam David Company's (AD) Model EMU–4C electron microscope. The Model EMU–4C has a specified resolving capability of five Angstroms point-to-point. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 17, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director, Office of Import Programs.

[FR Doc.76-26055 Filed 9-3-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, October 7, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The meeting will be open to the public. Members of the public may file written statements, and, to the extent time permits, present oral statements at the meeting. Additional information may be obtained from Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301–921–3157).

Dated: August 27, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-25993 Filed 9-3-76;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY CONSERVATION AND MANAGEMENT

Preliminary Fishery Management Plans/ Environmental Assessments

Notice is hereby given that the National Marine Fisheries Service intends, pursuant to section 201(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265, 16 U.S.C. 1801) (the "Act"), to prepare environmental assessments and working draft preliminary fishery management plans for those fisheries for which foreign nations are expected to make application for vessel permits to fish, and for which Regional Fishery Management Council may be unable to prepare and implement fishery management plans before March 1, 1977. Under the Act foreign nations may apply to fish in the fishery conservation zone, established by the Act and effective on March 1, 1977, which has as its inner boundary a line coterminous with the seaward boundary of each of the coastal States and, as its outer boundary, a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

Those fisheries or management units for which the National Marine Fisheries Service intends to prepare environmental assessments and draft preliminary fishery management plans, and the general ocean area in which they occur, are as follows: Silver and red hakes (Atlantic); Atlantic herring (Atlantic); Atlantic mackerel (Atlantic); Squids (long-fin and short-fin) (Atlantic); other finfish in ICNAF Subarea 5 and Statistical Area 6 (Atlantic); Atlantic billfishes (Atlantic); sharks (excluding dogfishes) (Atlantic); Bering Sea trawl fisheries (Pacific); Gulf of Alaska trawl fisheries (Pacific); California-Washington trawl fisheries (Pacific); Bering Sea king and tanner crabs (Pacific); Bering Sea and Gulf of Alaska pandalids (Pacific); High seas salmon (Pacific); Troll salmon fisheries (Pacific); Northeast Pacific black-

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cod longline fishery (Pacific); Bering Sea snail fishery (Pacific); Pacific billfishes (Pacific); Trawl fishery on seamounts and banks (Pacific); and Precious corals (Pacific).

These environmental assessments and working draft preliminary management plans are being prepared now to ensure the timely completion and implementation of either preliminary fishery management plans, or Council fishery management plans for the aforementioned fisheries by March 1, 1977, the effective date of Title I of the Act.

It has been further determined that adoption of the preliminary fishery management plan by the Secretary of Commerce would constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969. To determine whether adoption of a plan would have a significant environmental impact, thus necessitating preparation of an environmental impact statement, an environmental assessment is being made in each case.

Individuals wishing to provide information or comment at this time on the preparation of an environmental assessment and working draft preliminary fishery management plan may do so by writing to the National Marine Fisheries Service Research Center having responsibility for the preparation of environmental assessments and working draft preliminary fishery management plans for the fishery management units as listed below:

Director, Northeast Fisheries Center, Woods Hole, Massachusetts 02543: Silver and red hakes, Atlantic herring, Atlantic mackerel, Squids (long-fin and short-fin), Other finfish (ICNAF Subarea 5 and Statistical Area 6).

Director, Southeast Fisheries Center, 75 Virginia Beach Drive, Miami, Florida 33149: Atlantic billfishes, Sharks (excluding dogfishes).

Director, Northwest Fisheries Center, 2725 Montlake Blvd. East, Seattle, Washington 98112: Bering Sea trawl fisheries, Gulf of Alaska trawl fisheries, California-Washington trawl fisheries, Bering Sea king and tanner crabs, Bering Sea and Gulf of Alaska pandalids, High seas salmon, Troll salmon fisheries, Northeast Pacific black-cod longline fishery, Bering Sea snail fishery.

Director, Southwest Fisheries Center, P.O. Box 271, La Jolla, California 92038: Pacific billfishes, Trawl fishery on seamounts and banks, Precious corals.

Opportunity will also be provided at a later date for public review and comment on preliminary fishery management plans and draft environmental impact statements.

Dated in Washington, D.C. August 31, 1976.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administrator.

[FR Doc.76-26003 Filed 9-3-76;8:45 am]

National Oceanic and Atmospheric Administration

CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Caribbean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday and Wednesday, September 28 and 29, 1976, in the Caribbean Room, Caribbean Harbor Club Hotel and Marina, Long Bay Road, St. Thomas, Virgin Islands. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Fla. 33702.

on or about September 17, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-26142 Filed 9-3-76;8:45 am]

MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary. This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday, September 28, 1976, at the Holiday Inn International Airport, 6500 Elkridge Landing Road, Baltimore, Maryland. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m.

Proposed Agenda:

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Donald Birkholz, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, State Fish Pier, Gloucester, Mass. 01930.

on or about September 17, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Donald Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-26135 Filed 9-3-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Cases Filed Week of July 23 Through July 30, 1976

Notice is hereby given that during the week of July 23 through July 30, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 23 to July 30, 1976*

Date	Name and location of applicant	Case No.	Type of submission
July 26, 1976..	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Atlantic Richfield Co. would not be required to sell 1,414,805 gal of motor gasoline to the UCO Oil Co.)	FEA-0011 FES-0044	Appeal of the FEA's decision and order in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976). Stay requested.
Do.....	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA would consolidate all matters pending before the Office of Exceptions and Appeals in which UCO Oil Co. is seeking either a new supplier or other relief.)	FSG-0029	Request for special redress.
Do.....	Cleary Petroleum Corp., Oklahoma City, Okla. (If granted: Cleary's March Skinner unit would be classified as a stripper well lease.)	FEE-2783 FES-2783 FST-0011	Price exception (sec. 212.73 and 212.74). Stay requested. Temporary stay request.
Do.....	Edgington Oil Co./New Edgington Co., Washington, D.C. (If granted: New Edgington Corp. would receive exception relief from the mandatory petroleum allocation and price regulations in order to facilitate its acquisition of the assets of Edgington Oil Co.)	FEE-2789	Exception to the mandatory petroleum allocation and price regulations (pts. 211 and 212).
Do.....	Edward, English Granby, Mo. (If granted: Ed English Station would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Texaco.)	FEE-2787	Exception to change supplier (sec. 211.9).
Do.....	Farmland Industries, Kansas City, Mo. (If granted: Farmland Industries would receive an extension of the price relief granted in the FEA's June 7, 1976, decision and order.)	FEE-2788	Extension of exception relief granted in Farmland Industries, 3 FEA par. 83,214 (June 7, 1976).
Do.....	L. Bult Service, Thornton, Ill. (If granted: L. Bult Service would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Atlantic Richfield Co.)	FEE-2784	Exception to change supplier (sec. 211.9).
Do.....	R. G. Berry Co., Tulsa, Okla. (If granted: R. G. Berry Co. would receive an extension of the crude oil price relief granted in the FEA's Apr. 2, 1976, decision and order.)	FEE-2786	Extension of exception relief granted in R. G. Berry Co., 3 FEA par. 83,148 (Apr. 2, 1976).
Do.....	Porter Sesnon, San Francisco, Calif. (If granted: Crude oil produced from the fault block IV and V units would be sold at upper-tier ceiling prices.)	FEE-2785	Price exception (sec. 212.74).
Do.....	State of New Hampshire, Concord, N.H. (If granted: The FEA's July 14, 1976, information request denial would be modified and the attorney general, State of New Hampshire, would receive access to certain information, documents, and portions of documents whose release was denied and which was requested in the State's Sept. 26, 1975, letter.)	FEA-0010	Appeal of the FEA's information request denial.
July 27, 1976..	Algonquin SNG, Inc., Washington, D.C. (If granted: The FEA's June 28, 1976, decision and order would be rescinded and Petrochemical Energy Group would be assigned as a supplier of SNG feedstock to Algonquin SNG, Inc.)	FMR-0056	Rescission of FEA's decision and order in Petrochemical Energy Group, 3 FEA par. ------ (June 28, 1976).
Do.....	Central Carolina Farmers, Inc., Durham, N.C. (If granted: Central Carolina Farmers, Inc., would be assigned a new, lower priced supplier of propane.)	FEE-2793	Exception to change supplier.
Do.....	Cross Oil & Refining Co., of Arkansas, Washington, D.C. (If granted: Cross Oil & Refining Co. of Arkansas would receive a temporary stay which would relieve the firm of its entitlement purchase obligation in July 1976, pending the filing of an appeal of the FEA's entitlement notice for May 1976.)	FST-0012	Request for temporary stay.
Do.....	Garland Petroleum Co., Inc., Cumberland, Md. (If granted: The FEA's May 21, 1976, decision and order would be rescinded and Garland Petroleum Co., Inc., would be permitted to increase its prices for covered products above the levels permitted under the mandatory petroleum price regulations.)	FEA-0014	Appeal of FEA's decision and order in Garland Petroleum Co., Inc., 3 FEA par. 83,192 (May 21, 1976).
Do.....	Getty Oil Co., Los Angeles, Calif. (If granted: Getty Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its following natural gas plants: Cymric, Kettleman Hills, Stevens Caldon, Ventura, Buena Vista Hills, Cocodrie, Dollarhide, Elk City, Hitchcock, Katy Kermit, Levelland, Moreland, New Hope, Normanna, North Cowden, Okeene, Palacio, Promix System, Snyder, South Pecan Lake, Vermilion, West Bernard, and Yates.)	FEE-2794— FEE-2817	Price exception (sec. 212.165).

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APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 23 to July 30, 1976—Continued*

Date	Name and location of applicant	Case No.	Type of submission
July 27, 1976.	Hewit & Dougherty, Refugio, Tex. (If granted: Hewit & Dougherty would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2792	Do.
Do.....	Little America Refining Co., Evansville, Wyo. (If granted: The exception relief from the provisions of sec. 211.67 granted to Little America Refining Co. for the months of September, October, and November 1976, would be revoked.)	FEX 0038	Supplement to FEA's exception decision and order in Little America Refining Co., 3 FEA par. 83,227 (June 17, 1976).
Do.....	Paseo, Inc., Washington, D.C. (If granted: The exception relief from the provisions of sec. 211.67 granted to Paseo, Inc., for the months of September, October, and November 1976, would be revoked.)	FEX 0057	Supplement to FEA's exception decision and order in Paseo, Inc., 3 FEA par. 83,233 (June 18, 1976).
Do.....	Petroleum Management, Inc., Wichita, Kans. (If granted: The FEA's June 29, 1976, decision and order would be rescinded and crude oil produced from the Kuhn lease would be sold at upper tier ceiling prices.)	FEA-0912	Appeal of the FEA's exception decision and order in Petroleum Management, Inc., 3 FEA par. ------ (June 19, 1976).
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from the Alene lease would be sold at upper tier ceiling prices.)	FEE-2791	Price exception (sec. 212.74)
Do.....	Shields Oil Producers, Inc., Russell, Kans. (If granted: Crude oil produced from the Dickman lease would be sold at upper tier ceiling prices.)	FEE-2790	Do.
Do.....	Texaco, Inc., New York, N.Y. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Texaco, Inc., would not be required to supply motor gasoline to UCO Oil Co.)	FEA-0912	Appeal of FEA's decision and order in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976).
July 28, 1976.	Amtel, Inc., Houston, Tex. (If granted: Amtel, Inc., would receive exceptions from certain provisions of the mandatory petroleum allocation and price regulations in connection with its acquisition of South Central Oil Co. from Sun Oil Co.)	FEE 2818	Allocation and price exception (pts. 211 and 212).
Do.....	Gulf Oil Corp., Los Angeles, Calif. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Gulf Oil Corp. would not be required to supply motor gasoline to UCO Oil Co.)	FEA 0915	Appeal of FEA's decision and order in UCO Oil Co., 3 FEA par. 83, 219 (June 11, 1976).
Do.....	Standard Oil Co. of Ohio, Cleveland, Ohio. (If granted: The FEA's June 30, 1976, consent order would be rescined and Standard Oil Co. of Ohio would not be required to make refunds to Tri-County Gas Co.)	FMR 0062	Rescission of FEA's region V consent order dated June 30, 1976.
July 29, 1976.	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon's entitlement purchase obligation for April 1976 would be adjusted to correct for FEA's alleged error in computing old oil receipts.)	FEA-0917	Appeal of FEA entitlement notice issued June 29, 1976.
Do.....	Tesoro Petroleum Corp., Washington, D.C. (If granted: Tesoro's entitlement purchase obligation for April would be adjusted to reflect the application of the small refiner exemption to the corrections which the firm has reported for the months of October 1975 through March 1976.)	FEA-0916	Do.
Do.....	UCO Oil Co., Whittier, Calif. (If granted: UCO Oil Co. would be assigned new, lower priced suppliers of motor gasoline on the basis that it is continuing to experience a serious hardship.)	FEE-2819	Extension of exception relief in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976).

[FR Doc.76-25974 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Cases Filed Week of July 30 Through August 6, 1976

Notice is hereby given that during the week of July 30, through August 6, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of July 30 through Aug. 6, 1976*

Date	Name and location of applicant	Case no.	Type of submission
July 30, 1976	Al Jones Oil Corp., Jamaica, N.Y. (If granted: Al Jones Oil Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Mobil Oil Co.).	FEE-2822	Exception to change supplier (sec. 211.9).
Do.....	Giant Industries, Inc., Phoenix, Ariz. (If granted: Giant Industries, Inc., would receive an exception from the requirement that it include in its crude oil runs to stills the volume of crude oil processed for Arizona Public Service Co. pursuant to a processing agreement.)	FEE-2821	Allocation exception (sec. 211.67(d)(1)(B)).

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of July 30 through Aug. 6, 1976—Continued*

Date	Name and location of applicant	Case No.	Type of submission
July 30, 1976.	Harris Enterprises, Inc., Washington, D.C. (If granted: Harris Enterprises, Inc., would be assigned new, lower-priced suppliers of motor gasoline to replace its base period suppliers, Aminoil Oil Co., Lion Oil Co., Powerine Oil Co., and Mercury Oil Co.)	FEE-2820 FES-2820	Exception to change supplier (sec. 211.9).
Do.....	Livingston's Service Station, Columbus, Ga. (If granted: Livingston's Service Station would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Hi-Octane Terminal Co.)	FEE-2823	Do.
Aug. 2, 1976	Robert Cagwin, New Lenox, Ill. (If granted: Robert Cagwin dba Lincolnway Mobil would be assigned a new, lower priced supplier of motor gasoline to replace his base-period supplier, Marcley Oil Co.)	FEE-2835	Do.
Do.....	Little America Refining Co., Evansville, Wyo. (If granted: Little America Refining Co. would be relieved of its entitlement purchase obligations for the period September 1976 through February 1977.)	FEE-2838	Allocation exception (sec. 211.67).
Do.....	Louis M. Mai Operations, Russell, Kans. (If granted: Mai's Johnson and Sutton wells in Russell County, Kans., would be classified as stripper well leases.)	FEE-2839	Price exception (sec. 212.74).
Do.....	Mapco Inc. (Altonah), Tulsa, Okla. (If granted: Mapco Inc. would be permitted to increase its prices for natural gas liquid products produced at its Altonah Plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2836	Price exception (sec. 212.165).
Do.....	Mapco Inc. (Tyrone), Tulsa, Okla. (If granted: Mapco Inc. would be permitted to increase its prices for natural gas liquid products produced at its Tyrone Plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2837	Do.
Do.....	Multnomah County, Oreg., Portland, Oreg. (If granted: Refiners, resellers, and retailers of motor vehicle fuel in Multnomah County would be permitted to increase their selling prices to reflect a license tax imposed by the county on sellers of motor vehicle fuel.)	FEE-2840	Price exception (sec. 212.83 and 212.93).
Aug. 3, 1976.	H. S. "Gus" Edwards, Abilene, Tex. (If granted: Condensate produced from the Providence Toka Field would be sold at $1/bbl above the maximum allowable price pursuant to the mandatory petroleum price regulations.)	FEE-2841	Price exception (pt. 212, subpt. D).
Do.....	Louisiana Land & Exploration Co., New Orleans, La. (If granted: The exception from sec. 211.63 previously granted Louisiana Land & Exploration Co. would be extended and Louisiana Land & Exploration Co.'s crude oil supplier/purchaser relationship with Exxon Co., U.S.A., would be permanently terminated.)	FEE-2845	Extension of allocation relief granted in Louisiana Land & Exploration Co., 3 FEA par. 80,586 (Feb. 26, 1976).
Do.....	Quasar Energy, Inc., Fort Worth, Tex. (If granted: Quasar Energy, Inc., would be relieved of the requirement that it report surplus product to the FEA and would be permitted to enter into a long-term contract for the sale of the surplus products produced from its Spearhead Ranch Gas Processing Plant.)	FEE-2844	Allocation exception (sec. 211.10(g)).
Do.....	SAS Co., Los Angeles, Calif. (If granted: Crude oil produced from the Fault Block V of the Wilmington Field, Long Beach, Calif., would be sold at upper tier ceiling prices.)	FEE-2843	Price exception (sec. 212.74).
Do.....	Saxon Oil Co., Midland, Tex. (If granted: Crude oil produced from the W. B. Reeves well, Runnels County, Tex., would be sold at upper tier ceiling prices.)	FEE-2842	Do.
Aug. 4, 1976..	Coastal States Gas Co., Houston, Tex. (If granted: The FEA's June 29, 1976, decision and order would be rescinded and Coastal States Gas Co. would be permitted to charge prices for petroleum products refined at the Pacific refinery which are in excess of the levels established pursuant to the provisions of 10 CFR 212.111(c)(1).)	FEA-0918	Appeal of FEA's exception decision and order in Coastal States Gas Co., 3 FEA par. 83,252 (June 29, 1976).
Do.....	Cross Oil & Refining Co. of Arkansas, Washington, D.C. (If granted: Cross Oil & Refining Co. would not be required to purchase the 193,096 entitlements provided in the May entitlement notice until after it has been issued a sufficient number of extra entitlements in the June entitlement notice to compensate for an alleged error made by the FEA in the May notice.)	FEA-0919 FES-0919	Appeal of FEA entitlement notice issued July 23, 1976.

[FR Doc.76-25976 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of July 19 Through July 23, 1976

Notice is hereby given that during the week of July 19 through July 23, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Los Angeles, Calif.; FEA-0871; Freedom of Information.

The Atlantic Richfield Company (Arco) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which it submitted under the Freedom of Information Act (the Act). In its initial request, Arco had requested all documents relating to the classification of consignee agents as wholesale purchaser-resellers under the FEA Regulations. The FEA Information Access Officer released certain of the requested materials to Arco. However, he found that six documents which were within the scope of Arco's request were intra-agency memoranda which reflect the FEA's thinking in formulating its policies and were therefore exempt from mandatory public disclosure pursuant to 5 U.S.C. 552(b)(5). The Information Access Officer found that two of the six documents were also exempt from mandatory disclosure as "investigative records," the release of which would interfere with law enforcement activities. 5 U.S.C. 552(b)(7)(A). In considering Arco's Appeal, the FEA determined that three of the six documents and most of a fourth document were predecisional memoranda which reflect the agency's group thinking in formulating its policies with respect to consignee agents and bulk plant operators. The FEA concluded that these documents were therefore properly withheld from public disclosure under the (b)(5) exemption. However, the FEA determined that the last paragraph of one withheld document was an unpublished description of FEA procedure which constituted the agnecy's effective law and should therefore be released. The FEA determined that the remaining documents withheld by the Information Access Officer contained factual data, other evidentiary material and legal analysis related to an open FEA investigation of Arco. Since the release of these documents would interfere with FEA enforcement efforts, the FEA found that these documents were properly withheld from public disclosure pursuant to the (b)(7) exemption. Finally, the FEA determined that a class of documents which Arco claimed should have been released was not sufficiently described to permit the FEA to identify or locate the documents without a search of thousands of FEA files located in various offices of the FEA. The FEA therefore concluded that the Information Access Officer's inability to locate any such documents did not constitute reversible error. Arco's Appeal was therefore granted with respect to a portion of one of the six documents withheld, and denied in all other respects.

Beacon Oil Co.; Hanford, Calif.; FEA-0839; Refined Petroleum Products.

The Beacon Oil Company (Beacon) filed an Appeal from a Decision and Order issued to it by the FEA. Beacon Oil Company, 3 FEA Par. 83,140 (March 31, 1976). In that Order, the FEA granted Beacon partial retroactive exception relief from the provisions of 10 CFR 212.83 and permitted the firm to allocate its increased crude oil costs in proportion to its refinery yields of particular refined products rather than in proportion to product sales for the period December 1, 1973 through May 20, 1975. In considering the Appeal, the FEA noted that there exists a general obligation on the part of applicants to seek exception relief in a timely manner, and it emphasized that delay in filing an exception request created a formidable obstacle to the approval of exception relief for that period prior to the filing. The FEA also observed that retroactive exception relief had been denied in cases where the applicants had previously received actual notice that they were acting improperly or in cases in which a specific FEA determination had previously been issued clarifying the application of the FEA regulatory requirements to the particular circumstances involved in the case. In applying these principles to Beacon's Appeal, the FEA determined that a memorandum dated May 21, 1975, had been delivered by an FEA auditor to Beacon which provided adequate notice to the firm that its cost allocation method violated specific FEA regulatory requirements. The FEA also found that Beacon failed to show in its Appeal that its economic viability would be jeopardized in the absence of completely retroactive exception relief. Finally, the FEA determined that contrary to the

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firm's claims, Beacon's case was not supported by Vickers Petroleum Corp., 2 FEA Par. 83,351 (November 7, 1975), since Beacon, unlike Vickers, had failed to ever seek exception relief in a timely manner. Beacon's Appeal was therefore denied.

Continental Oil Co.; Houston, Tex.; FEA–0868, FEA–0869; Aviation Fuel.

The Continental Oil Company appealed from two FEA Orders directing it to supply aviation turbine fuel to Capitol International Airways, Inc. and the Federal Express Corporation. The FEA determined that Continental had failed to demonstrate or even allege in its Appeals that the Orders were erroneous in fact or law. Furthermore, the firm provided no facts or legal arguments to support its contention that compliance with the Orders would result in a gross inequity. The FEA therefore summarily denied the Appeals in accordance with the provisions of 10 CFR 205.106(b)(1)(ii).

Exxon Co., U.S.A.; Houston, Tex., FEA–0838; Motor Gasoline.

Exxon Company, U.S.A. (Exxon) appealed from an Order issued to Exxon on May 28, 1976 by the FEA's Office of General Fuels. That Order, issued pursuant to the provisions of 10 CFR 211.10(g), required Exxon to make available for sale to Triangle Refineries, Inc. 500,000 barrels of motor gasoline which Exxon had declared as surplus. In its Appeal, Exxon claimed that the Order was procedurally and substantively deficient. In considering the Appeal, the FEA found that the provisions of Subpart G of the FEA Procedural Regulations apply to the issuance of all FEA Orders redirecting surplus petroleum products. Those provisions require the FEA to set forth "the relevant facts and the legal basis" of all orders issued pursuant to that subpart. See 10 CFR 205.95(b). The FEA found that the May 28 Order issued to Exxon did not satisfy this requirement since it did not include either the facts or the criteria on which it was based. The FEA therefore remanded the Order to the Office of Regulatory Programs for issuance of a revised order within ten days.

Golden Flame Fuel Co. Uniontown, Pa.; FEA–0769; Middle Distillates.

The Golden Flame Fuel Company (Golden Flame) appealed from a Decision and Order issued to it by the FEA. Golden Flame Fuel Co., 3 FEA Par. 83,094 (February 6, 1976). In that Order, the FEA denied the firm's request for exception relief from the FEA price rules applicable to resellers and retailers of No. 2 heating oil. The Appeal, if granted, would rescind the previous Order, and permit Golden Flame to increase its selling prices above the maximum level set forth in 10 CFR 212.93 and retain revenues obtained from past overcharges. In considering Golden Flame's Appeal, the FEA observed that the existence of slight differences in the prices charged by a particular firm and its competitors during the base period does not necessarily distort the intended use of the base period as a relatively normal period for measurement of business activity. Moreover, the FEA determined that, although Golden Flame's maximum permissible prices are currently somewhat lower than those of its competitors, this difference is not a sufficient basis for exception relief. The FEA also rejected Golden Flame's contention that the FEA acted arbitrarily in disregarding certain expenses listed by the firm in the pro-forma financial results it had submitted, on the basis that the firm, although specifically notified that it should do so, had failed to present reliable, accurate cost data to support those expense items. The FEA determined that notwithstanding the additional financial data submitted by Golden Flame on appeal, the firm had still not demonstrated that its alleged financial losses are attributable to a substantial disparity between its competitors' prices and the maximum price which it is permitted to charge. Finally, the FEA determined that Golden Flame's request did not meet the standards for retroactive exception relief since the firm had failed to even satisfy the criteria for prospective relief. The FEA therefore denied Golden Flame's Appeal.

Gulf Oil Corp.; Tulsa, Okla., FEA 8783 Motor Gasoline.

Gulf Oil Corportaion appealed from a Decision and Order issued to Mid-Michigan Truck Service, Inc. on February 13, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976). In that Decision and Order, the FEA granted Mid-Michigan's exception request and directed Gulf to cease supplying Mid-Michigan with motor gasoline through an unaffiliated firm pursuant to the supplier substitution provisions of 10 CFR 211.25 and to begin supplying Mid-Michigan directly. The FEA found that, although Gulf's use of a substitue supplier was proper under Section 211.25, the arrangement nevertheless caused Mid-Michigan to pay substantially higher prices for the gasoline which it received and resulted in a serious financial hardship to Mid-Michigan. On May 21, 1976, the FEA issued a Supplemental Order requiring Gulf to calculate the current terms and conditions of its sale of motor gasoline to Mid-Michigan by using the actual selling price and credit terms which were in effect on May 15, 1973 between Gulf and Mid-Michigan. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,197 (May 21, 1976). In its Appeal of both the February 13 and May 21 Orders, Gulf contended that the price it will charge Mid-Michigan for motor gasoline is not substantially less than the price charged by the substitue supplier since Gulf considers Mid-Michigan to be a member of a class or purchaser which on May 15, 1973 paid a higher price than the price Mid-Michigan actually paid on that date. In rejecting this claim, the FEA observed that unless there has been a fundamental change in the relationship between the supplier and purchaser, neither one is permitted under FEA price regulations to unilaterally change the customer's class of purchaser status. Since Gulf failed to provide any evidence that there has been any fundamental change in the relationship between the two firms, the FEA held that Gulf must continue to regard Mid-Michigan as a member of the class of purchaser to which it belonged on May 15, 1973. Contrary to Gulf's contentions, the FEA also found that the price charged by the substitute supplier is 7.3 cents per gallon higher than the price Gulf charges and that this price disparity has to a significant degree caused Mid-Michigan to experience a serious financial hardship. In rejecting Gulf's claim that the FEA's previous determinations were arbitrary or capricious, the FEA observed that the provisions of 10 CFR, Part 211, generally require that all base period supplier/purchaser relationships be maintained, and that in cases where the use of a subatitute supplier pursuant to the provisions of Section 211.25 results in a serious hardship or gross inequity to the purchaser, the FEA may properly grant exception relief to the firm. The FEA therefore concluded that Gulf failed to demonstrate that the February 13 and May 21 Decisions were erroneous in fact or law, or were arbitrary or capricious, and accordingly denied the firm's Appeal.

Gustafson Oil Co. of Calif.; Los Angeles, Calif.; FEA–0842, Residual Fuel Oil.

The Gustafson Oil Company of California appealed from a Decision and Order which the FEA issued to it. *Gustafson Oil Company*, 3 FEA Par. 83,168 (April 20, 1976). In that Order, the FEA granted prospective exception relief which permitted Gustafson to increase the price it could charge for residual fuel oil above the levels prescribed in the FEA Price Regulations. In its Appeal, Gustafson requested that the FEA increase the extent of the prospective relief and make the relief retroactive to August 20, 1974. In considering the Appeal, the FEA noted that since residual fuel oil has recently been exempted from price controls, prospective exception relief is no longer necessary, and the firm's request for additional prospective relief was therefore dismissed as moot. The FEA further determined that Gustafson had failed to present any reasons to indicate that the denial of retroactive exception relief was in any way erroneous in fact or law, or was arbitrary or capricious. The firm's Appeal was therefore denied.

Larkin, Hoffman, Daly & Lindgren, Ltd.; Minneapolis, Minn.; FEA–0866, Freedom of Information.

Larkin, Hoffman, Daly & Lindgren, Ltd. (Larkin) appealed from an Order issued to it by the FEA Information Access Officer which denied in part a Request for Information filed by the firm under the Freedom of Information Act, 5 U.S.C. 552 (the Act). The Information Access Officer withheld from disclosure to Larkin thirteen documents which it had requested on the grounds that the documents contained material which was exempt from mandatory disclosure under the Act. These documents included a Notice of Probable Violation (NOPV) issued to the Union Oil Company of California (Union) on August 9, 1974, and correspondence between Union and the FEA related to the investigation of Union's possible noncompliance with FEA's regulatory requirements. In considering Larkin's Appeal, the FEA determined that the August 9 NOPV was essentially a discovery tool designed to elicit a response from Union which might further the FEA's investigation of the firm's pricing practices. Since the investigation in this matter has remained open at all times since the issuance of the NOPV, the FEA determined that under Section 552(b)(7) of the Act and the precedent established in Wall Street Journal, 2 FEA Par. 80,558 (March 31, 1975), the NOPV was exempt from public disclosure. With respect to the remaining twelve documents withheld by the Information Access Officer, the FEA determined that substantially all of those documents contained material which was exclusively investigatory in nature and that these documents were therefore exempt from mandatory disclosure since their release would reveal investigatory techniques and procedures and interfere with the agency's on-going enforcement proceedings. However, the FEA found that portions of two documents which were withheld by the Information Access Officer reflected an informal understanding between Union and the FEA as to the method Union would employ to remedy certain alleged violations specified in the August 9 NOPV and were therefore not investigatory in nature. Larkin's Appeal with respect to these portions of two documents was granted. The Appeal was in all other respects denied.

Lula Mae M. Broussard, Dale Tapp, The Madison Co.; Abbeville, La., Seguin, Tex., Denver, Colo.; FEA–0816, FEA–0929, FEA–0817, Crude Oil.

Lula Mae M. Broussard appealed from a Decision and Order issued to the Mar-Low Corporation by the FEA on March 19, 1976. Mar-Low Corporation, 3 FEA Par. 83,132 (March 19, 1976). Dale Tapp and The Madison Company filed Appeals from similar Decisions and Orders issued by the FEA on April 9, 1976, and April 2, 1976, respectively. William H. Player and Associates, 3 FEA Par. 83,161 (April 9, 1976); and M. J. Mitchell, 3 FEA Par. 83,146 (April 2, 1976). In each Order, the FEA approved exception relief which permits a portion of the crude oil produced from the particular property to be sold for the benefit of the working interest owners at upper tier ceiling prices as provided in 10 CFR, Part 212, Subpart D. Each Decision was based on a finding that a gross inequity resulted from the application of the FEA Price Regulations to the working interest owners of the producing property involved, since the cost of producing crude oil from the property had increased to such an extent that the working interest owners no longer had an economic incentive to continue to operate the wells in the absence of exception relief. In their Appeals, the appelants contended that the failure of the FEA to extend exception relief to the royalty interest owners of the three properties is unfair. In considering the Appeals, the FEA found that the royalty interest owners had failed to present any evidence in their Appeals to indicate that they are required to bear any portion of the increased operating costs associated with crude oil production, or that they have experienced any decline in their economic incentive to maintain crude oil production. Nor had the royalty interest owners submitted any information to indicate that they will encounter legal or practical difficulties if exception relief is limited to only the working interest owners. Since no demonstration was made that the previous Decisions and Orders were arbitrary or capricious in any manner, the Appeals were denied.

Marvin E. Boyer, Oil Co.; Iola, Kans.; FEA–0794, Crude Oil.

The Marvin E. Boyer Oil Company (Boyer) appealed from a Decision and Order issued to it by the FEA. Marvin E. Boyer Oil Co., 3 FEA Par. 83,088 (January 30, 1976) In that Order, the FEA granted prospective exception relief to the firm which permitted it to increase its selling prices for crude oil above the level indicated in 10 CFR, Part 212, Subpart F, but denied the firm's request for retroactive exception relief. The Appeal, if granted, would rescind the previous Order and completely exempt Boyer from the applicable FEA Price Regulations. In considering Boyer's Appeal, the FEA determined that although the firm transports its crude oil to a pipeline before reselling it, the firm is still classified as a "reseller" under the FEA regulatory program. The FEA also found that, in computing the level of exception relief granted in the January 30 Order, the FEA properly considered the costs incurred by the firm in the most recent quarter rather than the total costs which the firm experienced over an extended prior period. The FEA noted that the firm's current costs serve as the most reliable guide to the level of costs which the firm will incur in the immediate future. The FEA also determined that Boyer's assertion that it and all other crude oil resellers are experiencing a gross inequity since resellers of most other covered products are treated differently under the FEA Regulations was, in effect, a request for a rulemaking proceeding and not an appropriate basis for exception relief. Finally, the FEA found that, in the absence of an FEA determination requiring the restitution of previous overcharges, Boyer's allegation that such restitution would result in severe and irreparable injury to the firm was speculative and did not provide a basis for retroactive relief. Furthermore, Boyer failed to justify its delay in seeking exception relief or advance any compelling reasons which outweigh the interests of consumers in restitution of illegally obtained funds. The FEA therefore denied the firm's Appeal.

New England Power Co.; Westborough, Mass.; FPI–0094, Residual Fuel Oil.

New England Power Company (NEP) appealed from a Decision and Order which denied the firm's Application for Exception from the provisions of 10 CFR, Part 213. New England Power Co., 3 FEA Par. 83,157 (March 31, 1976). NEP's Appeal, if granted, would result in an Order permitting the firm to import 4,900,000 barrels of residual fuel oil on a fee-exempt basis during the 1976 allocation period, and 18,000,000 barrels of residual fuel oil on a fee-exempt basis during the 1977 allocation period. In considering NEP's Appeal, the FEA found that payment by NEP of the fees referred to in this proceeding would have a de minimus effect on the firm's rate structure and would not create a significant economic burden on any of the firm's customers. The FEA therefore concluded that NEP had failed to demonstrate that the denial of its exception was erroneous and denied the firm's Appeal. However, the FEA also noted that in light of recent modifications to the guidelines regarding the evaluation of Applications for Exception under Part 213 (see, 41 F.R. 22341 (June 3, 1976)), the firm may submit a new Application for Exception to the FEA.

The Upjohn Co., Michigan Milk Producers Association; Washington, D.C.; FEA–0836, FEA–0837, Crude Oil.

The Upjohn Company (Upjohn) and the Michigan Milk Producers Association (MMPA) filed Appeals from a Decision and Order which the FEA's Office of Regulatory Programs issued to the Consumers Power Company (Consumers) on April 12, 1976. In that Order, a synthetic natural gas plant which Consumers operates in Marysville, Michigan was designated a "first priority refinery" for purposes of the FEA Canadian Crude Oil Allocation Program (the Program). In addition, the FEA found that Consumers' plant had a base period use of 27,306 barrels per day of Canadian crude oil. The Appeals, if granted, would result in the issuance of an Order increasing Consumers' base period use of Canadian crude oil at the Marysville plant. In their Appeals, Upjohn and the MMPA, purchasers of natural gas from Consumers, contended that the April 12 Order was erroneous in law since the FEA failed to provide the appellants with notice of, or an opportunity to present evidence in connection with the issuance of the April 12 Order. Upjohn also asserted that the April 12 Order was defecitve since no environmental impact statement or inflationary impact statement was prepared by the FEA prior to its issuance. In considering the Appeals, the FEA determined that neither the FEA Regulations nor the requirements of due process of law require that notice be served on all potentially aggrieved parties prior to the issuance of an order such as the April 12 Order. The FEA found that such a requirement could have significantly hindered the FEA's attempt to expeditiously initiate the Program. Moreover, by providing the firms with an opportunity to submit administrative appeals of the Order, the FEA assured the appellants adequate notice and an opportunity to be heard with respect to their contentions that the April 12 Order is erroneous. The FEA also concluded that no Federal statute or executive order required the preparation of an environmental or inflationary impact statement prior to the issuance of the April 12 Order, and that, in fact, such a requirement would be unreasonable and impractical and would effectively forestall the implementation of any allocation program. The two Appeals were therefore denied.

REQUESTS FOR EXCEPTION

Coline Gasoline Corp.; Ventura, Calif.; FEE–2644; Natural Gas Liquids.

Coline Gasoline Corporation filed an Application for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception request, if granted, would permit Coline to increase its selling prices for the natural gas liquid products which it produces at its Rincon natural gas processing plant to levels in excess of those permitted by Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the $.005 per gallon passthrough already permitted under the provisions of Section 212.165. Based on an analysis of the data presented by Coline, the FEA determined that the firm's Rincon plant qualified for exception relief under this standard and appropriate relief for that plant was therefore approved for the period July 19, 1976, through September 30, 1976.

Hanover Management Co.; Dallas, Tex.; FEE–2416; Crude Oil.

Hanover Management Company (Hanover) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit Hanover to sell crude oil produced from the Stidham Ranch Number "A"–4 well at upper tier ceiling prices. In considering Hanover's Application, the FEA determined that the costs of producing crude oil from the "A"–4 well have been increased substantially and now exceed, on a per barrel basis, the lower tier ceiling price which Hanover is permitted to charge. Consequently, Hanover has no economic incentive to continue to operate the "A"–4 well. The FEA also determined that, if Hanover were to abandon the well, a substantial amount of crude oil which otherwise could be recovered would not be produced. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to Hanover under these circumstances of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be granted in this case. An analysis of the specific financial and operating data which Hanover submitted led to the further conclusion that Hanover should be permitted to sell at upper tier ceiling prices all of the crude oil which it produces for the benefit of the working interest owners for a period of six months.

Mid-America Refining Co., Inc.; Chanute, Kans.; FEE–2458, No. 2 Fuel Oil.

Mid-America Refining Company, Inc. (Mid-America) filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would permit the firm to use an adjusted May 15, 1973 price in calculating the maximum allowable price for No. 2 fuel oil which it sold to Day and Zimmermann, Inc. (Day). Mid-America requested that the

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relief be made retroactive to May 1973 to eliminate its potential liability to make refunds to Day for previous overcharges. In its application, the firm contended that the price which it was charging Day and Zimmermann for No. 2 fuel oil on May 15, 1973 was unreasonably low in relation to the prevailing spot market prices for that product. In considering Mid-America's exception request, the FEA determined that the firm's allegation that its May 15, 1973 selling price to Day and Zimmermann was lower than the prices charged by other sellers in May 1973 did not in and of itself constitute a gross inequity. The FEA also found that the firm had failed to present any substantial evidence that it would suffer a severe and irreparable injury in the absence of retroactive exception relief. Based on the precedents established in previous similar cases, Mid-America's request was accordingly denied.

Mobil Oil Corp.; New York, N.Y.; FEE-2585 (Burnell), FEE-2586 (Chevron Kermitt), FEE-2587 (Chitwood), FEE-2589 (Cow Island-Riverside), FEE-2590 (Desdemonal), FEE-2591 (Dollarhide), FEE- 2592 (Electra), FEE-2593 (Elwood), FEE-2594 (Exxon Camargo), FEE-2595 (Greeley), FEE-2596 (Gulf-Kwoz), FEE-2597 (Hickok), FEE-2598 (Kettleman North Dome), FEE-2600 (Lisbon), FEE-2601 (Nueces River), FEE-2602 (Paloma), FEE-2603 (Phillips-Bradley), FEE-2604 (Postle Hough), FEE-2605 (Putnam Oswego), FEE-2606 (R. M. Stephens), FEE-2607 (Rio Bravo), FEE-2610 (South Serapta), FEE-2611 (Union Adena), FEE-2612 (Vanderbilt), FEE-2613 (West Seminole); Natural Gas Liquid Products.

The Mobil Oil Corporation (Mobil) filed Applications for Exception from the provisions of 10 CFR 212.165. The exception requests, if granted, would permit Mobil to increase the prices which it charges for natural gas liquid products at 25 of its natural gas plants above the maximum levels permitted under the provisions of Subpart K of the FEA Mandatory Petroleum Price Regulations. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processing plant which could demonstrate that its nonproduct costs since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See, e.g., Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976) and Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). Based on the analysis of the data presented by Mobil, the FEA found that Mobil had made such a showing with respect to all 25 plants. Accordingly, Mobil was granted appropriate exception relief with respect to each of the 25 plants for the period July 19, 1976 through September 30, 1976.

National Helium Corp.; Liberal, Kans.; FEE-2319, Natural Gas Liquid Products.

The National Helium Corporation filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices of the natural gas liquid products produced at its Liberal, Kansas plant to reflect the non-product cost increases which it has experienced since May 15, 1973. The firm also requested that the relief be granted retroactive to February 25, 1975. In considering National Helium's Application, the FEA determined that since the firm had experienced substantial non-product cost increases in excess of $.005 per gallon between its fiscal quarter which included May 15, 1973 and the first fiscal quarter of 1976, National Helium was entitled to exception relief in accordance with the precedent established in Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). After making certain adjustments to the non-product costs which the firm had submitted, the FEA therefore permitted National Helium to increase the selling prices of the natural gas liquid products at its Liberal, Kansas plant by $.0445 per gallon through September 30, 1976. With respect to National Helium's request for retroactive relief, the FEA determined that the firm had failed to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive relief. National Helium also claimed, however, that prior to August 29, 1975, the date on which the Superior Decision was issued, it had withdrawn an Application for Exception which was similar to its current submission only when it became aware that it could not satisfy the standards for exception relief which existed at that time. It claimed that the issuance of Superior announcing a change in these standards was grounds for granting exception relief retroactive to the date of its initial filing. The FEA found that there was some merit to the firm's claim for retroactive relief since, based upon the showing in its prior submission, National Helium would have been entitled to exception relief if its previous Application had still been pending when Superior was decided. The FEA noted, however, that National Helium had failed to refile its request for exception relief for more than six months after the issuance of Superior. Accordingly, compelling reasons for granting retroactive relief existed only for the period after which it refiled its Application for Exception, and exception relief was made effective as of the date of its current filing.

Signal Petroleum; New Orleans, La.; Fee-2548, Natural Gas Liquids.

Signal Petroleum filed an Application for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception application, if granted, would permit Signal to increase its selling prices for the natural gas liquid products produced at its Lake Washington natural gas processing plant to levels in excess of those permitted by Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the $.005 per gallon passthrough already permitted under the provisions of Section 212.165. Based on an analysis of the data submitted by Signal, the FEA determined that the firm's Lake Washington plant qualified for exception relief under this standard and appropriate relief for that plant was therefore approved for the period July 19, 1976, through September 30, 1976.

Sun Oil Co., Dallas, Tex.; FEE-2578, FEE-2579, FEE-2580; Natural Gas Liquids.

Sun Oil Company (Sun) filed three Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Sun to increase its selling prices for the natural gas liquid products produced at its Belle Isle, Sun and Wakita natural gas processing plants to levels in excess of those permitted by Section 212.165. In a number of prior Decisions, the FEA determined that, as a general rule, exception relief would be granted to a natural gas processor which could demonstrate that the non-product costs which it has incurred at any of its gas processing plants since May 1973 have increased substantially in excess of the $.005 per gallon permitted to be passed through under the provisions of Section 212.165. Based on an analysis of the data submitted by Sun, the FEA found that the firm's Belle Isle, Sun and Wakita plants qualified for exception relief under these standards and appropriate relief for each of those plants was therefore approved for the period July 22, 1976, through September 30, 1976.

Watson W. Wise; Tyler, Tex.; FEE-2402, Crude Oil.

Watson W. Wise (Wise) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Wise and other working interest owners of the Stone Johnson Lease to sell the crude oil which they produce at a price which exceeds the lower tier ceiling price. In considering Wise's request, the FEA rejected the contention that a gross inequity exists simply because the market value of the crude oil produced from the Stone Johnson Lease has increased since May 15, 1973 more than the market value of the crude oil produced from a nearby field. The FEA observed that exception relief might nevertheless be appropriate if the value of the particular type of crude oil involved had increased significantly compared with the national average for crude oil of a similar quality. Since any exception relief granted in this case would adversely affect all other crude oil producers, the FEA concluded that the relative difference in value which arose subsequent to May 15, 1973 between the crude oil which Wise produced and similar crude oil throughout the country should be substantial in order to demonstrate the existence of a gross inequity. The FEA determined that the difference in September 1975 between the price of old crude oil and new crude oil in the field in which the Stone Johnson Lease is located was $7.80, which exceeded the comparable difference for crude oil of a similar gravity on a national weighted average basis by only $0.29. The FEA also found that a considerable share of the nation's production of crude oil with a gravity similar to the oil from the Stone Johnson Lease has increased in value since May 15, 1973 by an amount which is equal to or greater than $7.80. Accordingly, the exception request was denied.

REQUEST FOR MODIFICATION OR RESCISSION

Louisiana Land and Exploration Co.; New Orleans, La.; FMR-0052, Crude Oil.

The Louisiana Land and Exploration Company (LL&E) filed an Application for Modification of a Decision and Order issued to the firm on February 26, 1976. Louisiana Land and Exploration Company, 3 FEA Par. 80,586 (February 26, 1976). In that Order, the FEA granted LL&E's exception request, designating it as the December 1, 1973 purchaser of 26,175 barrels per day of crude oil produced from the Jay-Little Escambia Creek Field in northwestern Florida for use in its new refinery in Mobile, Alabama. Pursuant to Section 211.63 of the FEA Regulations, LL&E thereby became entitled to purchase that amount of crude oil on a continuing basis. In its present application, LL&E requested that the February 26 Decision and Order be modified by increasing the volume of the crude oil involved by approximately 6,000 barrels per day. LL&E contended that the FEA's certification of the firm's recently constructed refinery at a capacity which was 25 percent higher than had been estimated at the time of the earlier proceeding constituted grounds for modification of the prior Order. In considering LL&E's application, the FEA found that the quantity of Jay Field crude oil which the FEA had reallocated to LL&E in its February 26 Order was based on the capacity of LL&E's refinery, as then estimated, and that the certification of the capacity of LL&E's refinery at a higher level was therefore a "significantly changed circumstance", as that term is defined in 10 CFR 205.135(b)(2), which constituted sufficient grounds for approving the modification requested. Accordingly, the FEA granted LL&E's request, and increased by approximately 6,000 barrels per day the quantity of Jay Field crude oil which LL&E was entitled to purchase under the December 1 rule. The FEA also noted that LL&E was no longer obligated under the December 1 rule to offer for sale to the Exxon Company, U.S.A. the Jay Field crude oil which LL&E has been permitted to retain for use in its refinery.

REQUEST FOR SPECIAL REDRESS

La-Tex Barge, Inc.; Luling, La.; FSG-0200, Residual Fuel Oil.

La-Tex Barge, Inc. (La-Tex) filed a Petition for Special Redress Relief with the Office of Private Grievances and Redress of the Federal Energy Administration. La-Tex's request, if granted, would result in the issuance of an order establishing that the FEA does not have the statutory or regulatory authority to regulate the fees charged by brokers of refined petroleum products. The approval of the requested relief would also result in the issuance of an order directing FEA auditors to cease all further investigations of La-Tex's petroleum-related activities. In considering La-Tex's petition, the FEA noted that the issues which the firm raised were similar to the issues considered in International Trading and Transport, Ltd., 3 FEA Par. ——— (July 9, 1976). In that Decision, the FEA found that the FEA regulatory program focuses on individual sales transactions and establishes rules governing the prices at which various parties including resellers may sell covered petroleum products. In particular, the FEA noted in that Decision that even though a firm may consider itself to be only a broker of covered products, the nature of its business activities may qualify the firm under the FEA Regulatory Program as a "reseller" as that term is defined in 10 CFR 212.31. Thus, regardless of whether a firm characterizes its activities as those of a broker, a determination must be made on a case-by-case basis whether a firm's activities with respect to a particular transaction fall within the definition of the term "reseller". However, in International Trading and Transport, the FEA determined that special redress relief might be warranted to prevent or terminate an investigation where a firm would face significant difficulties in comparison to its resources in complying with the requirements of an FEA investigation, where substantial legal questions exist whether the firm is subject to the jurisdiction of the FEA, or where the factual nature of the firm's transactions is sufficiently clear to permit an immediate determination of the legal issues involved. After considering the La-Tex submission, the FEA concluded that there exist several disputed factual issues regarding the nature of La-Tex's business transactions which must be resolved before a final determination can be made on the application of the FEA regulations to those transactions. The La-Tex Petition for Special Redress relief was therefore dismissed without prejudice to a resubmission at a later date.

REQUESTS FOR STAY

J. E. Meintzer & Son, Inc.; Easton, Md.; FES-0833, No. 2-D Diesel Fuel.

J. E. Meintzer & Son, Inc. (Meintzer) requested that the provisions of a Remedial Order which the FEA issued to the firm on June 4, 1976, be stayed pending a final determination of its Appeal from that Order. In the Remedial Order, the FEA found that Meintzer had charged prices in certain sales of No. 2-D diesel fuel which were in excess of the maximum permissible prices specified in 10 CFR 212.93 and directed the firm to make refunds to its purchasers to account for those overcharges. In considering Meintzer's submission, the FEA found that Meintzer failed to address any of the criteria set forth in 10 CFR 205.125(b) which must be satisfied before a stay can be granted. The FEA therefore denied Meintzer's stay request.

Laketon Asphalt Refining, Inc., Evansville, Ind.; FES-2558, Crude Oil.

Laketon Asphalt Refining, Inc. requested that its obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) for the month of April 1976 and succeeding months be stayed pending a determination on the merits of an Application for Exception which the firm has filed. In considering the Application for Stay, the FEA determined that Laketon had submitted no financial data which indicated that an irreparable injury would occur in the absence of a stay or that it was impossible for the firm to meet its entitlement purchase obligations during the period of time in which its exception application was pending. Although Laketon requested stay relief with respect to its obligations for the month of April 1976 as well as for subsequent months, the FEA found that Laketon had in fact completed its April entitlements purchases. The FEA further concluded that Laketon had not submitted sufficient financial data to make a showing that it was likely that the firm would succeed on the merits of its exception application. The firm's request for stay was therefore denied.

Standard Oil Co. of California; San Francisco, Calif.; FES-0890, Motor Gasoline.

Standard Oil Company of California (SOCAL) requested that a Decision and Order issued to the Ashland Oil Company (Ashland) on June 10, 1976 be stayed pending a determination on an Appeal of that Order which SOCAL has filed. In the June 10 Order, the FEA determined that Ashland was experiencing a serious hardship as a result of the requirement that its base period supplier/purchaser relationship with Coastal States Gas Producing Company be maintained. The FEA therefore granted Ashland's exception request and ordered the Regional Administrator of FEA, Region I to assign Ashland a new supplier of motor gasoline for the months of June through August 1976. On June 25, 1976, the FEA, Region IX issued an Assignment Order to SOCAL which directed the firm to supply motor gasoline to Ashland during this three month period. In considering SOCAL's Application for Stay, the FEA found that, notwithstanding SOCAL's allegations of changed circumstances, SOCAL had not even alleged that, in the absence of a stay, the June 10 Decision and Order would cause an irreparable injury to SOCAL or a more immediate serious hardship or gross inequity to SOCAL than would result to Ashland if its stay request were granted. The FEA also noted that the issues raised in SOCAL's submission could more appropriately be considered in connection with an Appeal which SOCAL had filed with FEA, Region IX from the June 25, 1976 Assignment Order. The FEA therefore denied SOCAL's Application for Stay.

Taiga Energy, Inc.; Denver, Colorado; FES-0896, Crude Oil.

Taiga Energy, Inc. filed an Application for Stay of a Remedial Order which the Regional Administrator of FEA, Region VIII issued to it on June 24, 1976. The Remedial Order determined that during the period November 1, 1973 through December 31, 1975, Taiga violated the provisions of 10 CFR 212.73 by selling crude oil to the Permian/Corporation and the Mobil Oil Corporation at prices which were in excess of the maximum price levels permitted by the FEA Regulations. On the basis of this determination, the Remedial Order directed Taiga to make refunds to Permian and Mobil for previous overcharges within 90 days. Taiga's stay request, if approved, would relieve the firm of its obligation to make those refunds pending a final determination on its Appeal from the Remedial Order. In considering the request for stay, the FEA concluded that Taiga had raised substantial issues concerning the propriety of the Remedial Order. Taiga also made a strong showing that it could incur an irreparable injury in the event that it is required to make immediate refunds to Permian and Mobil since in all likelihood those firms would pass on the refunds to their own customers and Taiga could experience substantial difficulty in recovering the funds in the event that it prevails on the merits of its Appeal. The FEA therefore held that Taiga satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), for granting a stay of refund requirements specified in a remedial order. In addition, Taiga demonstrated that it was not appropriate to require it to establish an escrow account for the funds which it is directed to pay to Permian and Mobil. In this connection the FEA determined that Taiga would incur an immediate and irreparable injury in the event that it were required to establish a joint escrow account with Mobil, and that the sum which Taiga was directed to refund to Permian was too small to warrant the expense and effort of establishing an escrow account. Taiga's Application for Stay was therefore granted.

DISMISSALS

The following submissions were dismissed after the applicant repeatedly failed to respond to requests for additional information:

DORIC PETROLEUM, INC., WASHINGTON, D.C., FEE-2371, FEE-2372.

The following submission was dismissed on the grounds that the request is now moot:

ARIZONA FUELS CORP., WASHINGTON, D.C., FES-2708.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

CAPITOL OIL COMPANY, BALTIMORE, MARYLAND, FST-0010.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76-25972 Filed 8-31-76;4:33 pm]

V41174 SEP 7 76 UMI

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of July 26 Through July 30, 1976

Notice is hereby given that during the week of July 26 through July 30, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

REQUESTS FOR EXCEPTION

Aminoil U.S.A., Inc.; Houston, Tex.; FEE-2728 (Aline No. 5), FEE-2729 (Fox No. 13), FEE-2730 (Huntington Beach No. 11), FEE-2731 (Inglewood No. 20), FEE-2732 (O'Keene No. 21), FEE-2733 (Taloga No. 7), FEE-2734 (Tioga 12): Natural Gas Liquids.

Aminoil U.S.A., Inc. (Aminoil) filed seven Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Aminoil to increase the prices it charges to reflect the non-product cost increases which it has incurred in producing natural gas liquid products at its seven natural gas processing plants. In a number of prior Decisions, the FEA determined that, as a general rule, exception relief would be granted to any firm which could demonstrate that the non-product costs which it has incurred since May 1973 at its gas processing plant have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See, e.g. Farmland Industries, Inc., 3 FEA Par. 83,080 (January 23, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). In considering Aminoil's requests, the FEA found that six of the firm's natural gas processing plants qualified for exception relief under these standards. The FEA therefore granted appropriate relief with respect to each of the six plants for the period July 30, 1976 through September 30, 1976. However, based on the data presented by Aminoil, the FEA denied exception relief with respect to the O'Keene plant since the adjusted non-product cost increases exprienced at that plant were not substantially in excess of $.005 per gallon.

Belridge Oil Co., Kern County, Calif.; FEE-2444; Natural Gas Liquids.

Belridge Oil Company filed an Application for Exception from the provisions of 10 CFR 212.165. The exception request if granted, would permit Belridge to increase the prices it charges to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products at its Kern County gas processing plant. In considering the application, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See e.g., Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Belridge had made such a showing with respect to its Kern County Plant. Accordingly, the FEA granted exception relief with respect to that plant for the period July 30, 1976 through September 30, 1976.

John H. Cathey; Kimball, Nebr., FEE-2405; Crude oil.

John H. Cathey filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Cathey's request, if granted, would permit him to retain $19,-285.93 in excess revenues which he realized by selling crude oil produced during 1974 from the Peterson lease in Kimball, Nebraska at prices in excess of the lower tier ceiling price permitted by Subpart D. Based upon the financial data which Cathey provided in his exception application, the FEA determined that although Cathey's operating expenses had increased during 1974, the increased expenses were offset by an increase in the price which Cathey was permitted to charge under FEA Regulations for the crude oil which he produced. The FEA found that even if Cathey had charged lower tier prices for this crude oil, he would have realized a net profit during 1974 of $1800 as well as an annual salary of $1500 for operating the lease. Consequently, his overall pre-tax profits for the year would have substantially exceeded his income during each of the two previous years. The FEA therefore concluded that Cathey had failed to demonstrate that he experienced a serious hardship or gross inequity during 1974 as a result of FEA Regulations. Accordingly, Cathey's exception application was denied.

Continental Oil Co.; Houston, Tex.; FEE-2736 (Acadia), FEE-2737 (Burnell North Pettus), FEE-2738 (Elk Busin), FEE-2739 (Elk City), FEE-2740 (Hamlin), FEE-2741 (Hitchcock), FEE-2742 (Majamar), FEE-2743 (Medford), FEE-2744 (North Cowden), FEE-2745 (North Dome Kettleman Hills), FEE-2746 (North Okarche), FEE-2747 (Okeene), FEE-2748 (Ramsey), FEE-2749 (Rincon), FEE-2750 (Selling), FEE-2751 (South Hampton), FEE-2752 (Sussex), FEE-2753 (O. W. Ward), FEE-2754 (West Seminole), FEE-2755 (West World); Natural Gas Liquids.

Continental Oil Company filed 20 Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Continental to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which it has incurred at its 20 natural gas processing plants. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any firm which could demonstrate that the non-product costs which it has incurred since May 1973 at its gas processing plant have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. *See*, e.g. Farmland Industries, Inc., 3 FEA Par. 83,080 (January 23, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). In considering Continental's requests, the FEA concluded that eighteen of the firm's natural gas processing plants qualified for exception relief under these standards. The FEA therefore granted appropriate relief with respect to each of those plants for the period July 30, 1976 through September 30, 1976. However, based on the data presented by Continental, the FEA denied exception relief with respect to the Hitchcock and Selling plants since the adjusted non-product cost increases experienced at each of those two plants were not substantially in excess of $.005 per gallon.

Grigsby Oil & Gas; Shreveport, La.; FEE-2409; Crude Oil.

Grigsby Oil & Gas s submitted an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Grigsby to charge upper tier ceiling prices for the crude oil produced from the Jack W. Grigsby-Robert Leger Well No. 1 located in Acadia Parish, Louisiana. Grigsby also requested that the relief be made retroactive to October 1974 in order to relieve the firm of any obligation to refund revenues which it received by charging prices in excess of lower tier ceiling prices. In considering the exception application, the FEA observed that issues raised by Grigsby regarding the proper interpretation of the term "property" were not appropriately raised in this exception proceeding. The FEA found that despite Grigsby's claims regarding the ambiguity of the regulations, the firm had apparently taken no action to obtain a clarification of the provisions involved. Furthermore, Grigsby had not demonstrated that it was adversely affected in a disproportionate manner by the application to it of the FEA crude oil pricing regulations or that it was currently experiencing a gross inequity or serious hardship. The FEA also found that Grigsby failed to demonstrate that in the absence of retroactive exception relief it would incur an irreparable injury. The FEA therefore denied the firm's exception request.

Gulf Oil Corp.; Houston, Tex.; FEE-2647 (Breckenridge), FEE-2648 (Chesterville), FEE-2649 (Como), FEE-2650 (Diamond "M"), FEE-2651 (Encinal), FEE-2652 (Eunice), FEE-2653 (Fannett), FEE-2654 (Fashing), FEE-2655 (Fuller), FEE-2656 (Gladewater), FEE-2258 (Houston Central), FEE-2660 (Krotz Springs), FEE-2661 (Lake Washington), FEE-2662 (Maysville), FEE-2663 (McLean), FEE-2664 (Mermantua), FEE-2666 (Mocane), FEE-2667 (Monahans), FEE-2668 (Monument), FEE-2669 (Moore's Orchard), FEE-2670 (Moorland), FEE-2674 (Shackleford), FEE-2675 (Slaughter), FEE-2677 (Spear), FEE-2678 (Terrebonne), FEE-2630 (Venice); *Natural Gas Liquids.*

Gulf Oil Corporation filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at twenty-six of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Gulf had made such a showing with respect to 18 of the 26 plants and granted Gulf appropriate exception relief with respect to those plants for the period July 30, 1976 through September 30, 1976. However, the FEA denied exception relief for the remaining eight plants on the grounds that the non-product cost increases experienced at those plants were not substantially in excess of $.005 per gallon.

Robert E. Hanson; Minneapolis, Minn.; FEE-2642; Crude Oil.

Robert E. Hanson filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit Hanson to sell crude oil produced from the North Tioga Madison Unit at upper tier ceiling prices. In considering Hanson's request, the FEA determined that Hanson's current financial problems were caused primarily by events which occurred prior to the inception of the FEA regulatory program. The FEA also found that, contrary to Hanson's claim, the actual increases in operating costs which Hanson had incurred since 1973 for his share of the Unit were not sufficient under prior FEA decisions to form a basis for exception relief. The FEA therefore concluded that Hanson had failed to demonstrate that the application of the Mandatory Petroleum Price Regulations to his interest in the unit constitutes approximate cause of the financial difficulties which he is experiencing. Accordingly, his exception application was denied.

Hillsdale Aero, Inc.; Hillsdale, Mich.; FEE-2393; Aviation Fuel.

Hillsdale Aero, Inc. filed an Application for Exception from the provisions of 10 CFR 211.12, which if granted, would result in the issuance of Orders by the FEA increasing Hillsdale Aero's base period use of jet A fuel and directing Hillsdale Aero's base period supplier to furnish the increased volume of jet fuel to the firm. In considering the exception request, the FEA found that Hillsdale Aero's principal customer, the Masco Corporation, recently purchased a new aircraft and that the increase in base period use which Hillsdale Aero requested would satisfy Masco's increased fuel requirements in operating the new aircraft. The FEA found that Hillsdale Aero's existing base period use was insufficient to supply the additional fuel which Masco needed and that neither firm was currently able to obtain surplus product. As a result, Masco has been flying to other airports merely to purchase fuel. The FEA concluded that the waste of a scarce fuel which resulted from such flights was contrary to the goals specified in Section 4(b) (1) of the Emergency Petroleum Allocation Act of 1973, as amended. The FEA therefore granted exception relief which will operate to increase Masco Corporation's base period use of jet A fuel from Hillsdale Aero. Under the provisions of 10 CFR 211.13(c), Hillsdale Aero may receive an adjustment to its base period use of jet A fuel which will permit it to meet the additional supply obligation created by the increase in Masco Corporation's base period use.

Mobil Oil Corp.; New York, N.Y.; FEE-2608 (Sholen Alechem), FEE-2609 (Slaughter); Natural Gas Liquid Products.

The Mobil Oil Corporation submitted two Applications for Exception from the provisions of 10 CFR 212.165. The exception requests, if granted, would permit Mobil to increase the prices it charges for natural gas liquid products to reflect non-product cost increases which it has incurred at its Sholem Alechem and Slaughter natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that its nonproduct costs since May 1973 have increased substantially in excess of the $.006 per gallon passthrough permitted under the provisions of Section 212.165. See Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976) and Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Mobil had made such a showing with respect to both plants. Accordingly, Mobil was granted appropriate exception relief with respect to those plants for the period July 30, 1976 through September 30, 1976.

Robert W. O'Meara; New Orleans, La.; FEE-2244; Crude Oil.

Robert W. O'Meara filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit him to sell crude oil produced from the Louisiana Fruit No. 2 well (the No. 2 well) at a price which exceeds the lower tier ceiling price. In considering O'Meara's exception request, the FEA determined that: (i) the cost per barrel of producing crude oil from the No. 2 well had increased greatly since 1973 so that it now exceeds the lower tier ceiling price which O'Meara is permitted to charge; (ii) consequently, O'Meara does not have an economic incentive to continue to operate the No. 2 well at this time; and (iii) if O'Meara abandons the well, a considerable quantity of otherwise recoverable crude oil would be lost. On the basis of precedents involving similar factual situations, the FEA concluded that the application to O'Meara of the lower tier ceiling price rule results in a gross inequity and that exception relief should therefore be granted. Based on an analysis of the firm's financial and operating data, the FEA further determined that O'Meara should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced and sold for his benefit from the No. 2 well.

Shell Oil Co.; Houston, Tex.; FEE-2541, FEE-2545; Natural Gas Liquids.

Shell Oil Company filed two Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the nonproduct cost increases which the firm has incurred since May 1973 at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to the two plants and granted Shell appropriate exception relief with respect to the plants for the period July 30 through September 30, 1976.

REQUESTS FOR STAY

Charter Oil Co.; Jacksonville, Fla.; FES-2775; Crude Oil.

The Charter Oil Company (Charter) requested that its obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) in August 1976 and succeeding months be stayed pending a determination on the merits of an Application for Exception which the firm submitted. In considering the stay request, the FEA determined that Charter had submitted no financial data which indicated that it would incur an irreparable injury in the absence of a stay, or that it was impossible for the firm to meet its entitlement purchase obligations during the period of time necessary for a determination to be made on the firm's exception application. The FEA also found that since Charter is seeking a change in the standards which have been applied generally to applications for exception from the Entitlements Program, it was impossible to conclude that Charter was likely to succeed on the merits of its exception application. The firms request for stay was therefore denied.

Union Oil Co. of Calif.; Los Angeles, Calif.; FES-0907; Refined Petroleum Products.

Union Oil Company of California (Union) filed an Application for Stay of the requirements of a Remedial Order which was issued to the firm by the Regional Administrator of FEA, Region IX on June 29, 1976. The Order directed Union to reinstate its policy of accepting three major credit cards for the purchase of covered products at the retail level. The Order also directed Union to refund 66.6 percent of the costs incurred by Union dealers in negotiating individual arrangements with the three credit card firms after June 30, 1974. With respect to the requirement that Union reinstate credit card arrangements with the three credit card firms, the FEA determined that if a stay were not granted, Union might be required to enter into long-term contracts with these firms, and appropriate relief for the firm would be difficult to fashion if it prevailed on its Appeal. The FEA also noted that in a recent federal district court decision, *Marathon Oil Co. v. FEA*, Civil Case No. C-74 316 (N.D. Ohio, slip opinion issued June 23, 1976), the court concluded that the FEA statutes do not confer upon the FEA the authority to regulate the credit terms which a firm imposes upon its customers. The FEA concluded that the Marathon decision might have a substantial impact upon the ultimate determination of Union's Appeal from the June 29 Remedial Order. Accordingly, serious issues will be raised by Union in its Appeal as to the propriety of the Remedial Order, and the FEA found that it was desirable under these circumstances to stay the provisions of the Remedial Order requiring immediate reinstatement of credit card relationships in order to preserve the status quo ante. The FEA further concluded that it was appropriate to stay the requirement that Union make refunds to individual dealers in view of the fact that Union might experience substantial difficulties in recovering these refunds in the event that it succeeds in its Appeal. See Tiaga Resources, Inc., 3 FEA Par. ---- (July 22, 1976); General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). In view of the findings of the district court in the Marathon decision the FEA also found that the possibility existed that Union would prevail on the merits of its Appeal. Accordingly, since Union's ability to make the refunds required by the Order did not appear to be in jeopardy, the FEA concluded that it was unnecessary to require the firm to establish an escrow account for these funds.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Farmers Union Central Exchange, Inc.; St. Paul, Minn.; FEE-2570.
Spohn Oil Co.; Kearney, Nebr.; FEE-2688.

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Beyer Aviation; Dubuque, Iowa; FEE-2692.
Swan & Gottman; Hannibal, Mo.; FEE-2699.

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Shell Oil Co.; Houston, Tex., FEE-2546.
Union Carbide Caribe, Inc.; New York, N.Y.; FEE-2571.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Charles W. Deisler; Westchester, Ohio; FEE-2582.

TEMPORARY STAYS

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

V41 I174 SEP 7 76 UMI

Cleary Petroleum Corp.; Oklahoma City, Okla.; FST–0011.

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Cross Oil & Refining Co.; Washington, D.C.; FST–0012.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76–25973 Filed 8–31–76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of August 2, Through August 6, 1976

Notice is hereby given that during the week of August 2 through August 6, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Dallas, Tex.; FEA–0840; Natural Gas Liquids.

Atlantic Richfield Company (Arco) appealed from a Decision and Order permitting the firm to increase the selling prices for natural gas liquid products at 18 of its natural gas processing plants which had experienced unrecovered non-product cost increases greater than $.005. However, that Order also denied Arco's request for exception relief with respect to its price plant since the unrecovered nonproduct cost increases at that plant amounted to less than $.005. Atlantic Richfield Co., 3 FEA Par. 83,167 (April 16, 1976). In considering the Appeal, the FEO noted that Arco's contention that the $.005 standard applied by the FEA to this type of exception request is arbitrary and capricious had previously been considered and rejected in an earlier Decision. The FEO also found that Arco had failed to provide information which would sustain its contention that it was experiencing a serious hardship because of its inability to recover all of the non-product cost increases which it has incurred at the Price plant. The FEO further determined that Arco had failed to substantiate its allegation that the limitation placed by the FEA on the recovery of increased non-product costs contravenes the Emergency Petroleum Allocation Act of 1973, as amended. The Appeal was therefore denied.

Delaware Valley Propane Co.; Morrestown, N.J.; FEA–0885; Propane.

Delaware Valley Propane Company (Delaware Valley) appealed from a Decision and Order which denied the firm's Application for Exception from the provisions of 10 CFR 211.9. Delaware Valley Propane Co., 3 FEA Par. 83,211 (June 7, 1976). The Delaware Valley Appeal, if granted, would have resulted in the rescission of the previous Order and the assignment of a lower-priced supplier of propane to replace one of Delaware Valley's base period suppliers, Petrolane Northeast Gas Service, Inc. (Petrolane). In considering the Appeal, the FEO noted that the approval of exception relief reassigning a wholesale purchaser-reseller would be warranted by a showing that unusually high product costs substantially impede a firm's operations or impose a serious competitive disadvantage in relation to other similarly situated firms. In denying the Appeal, the FEO determined that Petrolane's price had been only 2.917 cents per gallon higher than the weighted average price at which Delaware Valley purchased its total supplies of propane and that no showing had been made that the firm's financial or operating posture had been seriously impaired by the additional cost.

Dollar Rent-A-Car, Los Angeles; Los Angeles, Calif.; FEA–0771; Motor Gasoline.

Dollar Rent-A-Car, Los Angeles (Dollar Rent-A-Car) appealed from a Decision and Order which denied the firm's Application for Exception. Dollar Rent-A-Car, Los Angeles, 3 FEA Par. 83,075 (January 16, 1976). The Appeal, if granted, would have increased the firm's base period use of motor gasoline from 332,621 gallons per year to 604,526 gallons. The FEO noted that in its Appeal Dollar Rent-A-Car challenged only one finding in the January 16 Decision—that the firm had decided to expand its business operations at the Los Angeles Airport in October 1975. The FEO held that the allegation that Dollar Rent-A-Car began negotiating its lease several years prior to October 1975 in no way refutes the FEA's determination that the firm made its final commitment to occupy the airport facility in October 1975, more than one year after the enactment of the FEA Regulations and presumably with full knowledge of the requirements of those regulations. The FEO also found that certain new financial information submitted by Dollar Rent-A-Car in support of its Appeal indicated that the firm was continuing to operate as a viable economic entity in the absence of the requested relief. The Appeal was therefore denied.

Fuel and Line Services, Inc.; Yingling Aircraft, Inc.; Wichita, Kans.; FEA–0791; FEA–0802; Aviation Gasoline.

Fuel and Line Services, Inc. (Fuel and Line) and Yingling Aircraft, Inc. (Yingling) appealed from a Decision and Order denying their Applications for Exception from the provisions of 10 CFR 211.12. Wichita Airport Authority, Fuel & Line Services, Inc., Yingling Aircraft, Inc., 3 FEA Par. 83,106 (February 17, 1976). The present Appeals, if granted, would have resulted in the issuance of Orders increasing Fuel and Line's base period use of aviation gasoline by 173,206 gallons per year and Yingling's base period use of aviation gasoline by 106,770 gallons per year. In considering the Appeals, the FEO upheld the finding in the February 17 Decision that the firms had not met the criteria established in previous Decisions for determining whether an increase should be permitted in a wholesale purchaser's base period use of a petroleum product. The FEO observed that a showing of increased demand for aviation gasoline as a result of economic growth in the firm's area was not sufficient in itself to demonstrate that the denial of the increased allocations would frustrate national energy goals. The FEO explained that, in order to satisfy this standard, an applicant must show the specific adverse impact of the FEA regulatory program on its operations or those of its customers. The FEO determined that the firms had failed to make this showing and therefore denied both Appeals. Nevertheless, the FEO found that new information submitted on appeal did demonstrate that, as a result of increased demand by certain of the firms' customers, the goal of economic efficiency would be furthered by an assignment of additional aviation fuel. Accordingly, exception relief was approved increasing Yingling's base period use of aviation gasoline by 59,457 gallons and that of Fuel and Line by 123,581 gallons.

Mid-Michigan Truck Service, Inc.; Grand Rapids, Mich.; FEA–0782; Motor Gasoline.

Mid-Michigan Truck Service, Inc. (Mid-Michigan) appealed from a Decision and Order issued to it by the FEA on February 13, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976). In that Decision and Order the FEA granted exception relief to Mid-Michigan from the supplier substitution provisions of 10 CFR 211.25. In considering the Appeal the FEO upheld the determination reached in the previous Decision that Gulf Oil Corporation's use of a substitute supplier was based on valid economic reasons and did not reflect an attempt by Gulf to evade its supply obligations under the FEA regulatory program. The FEO also found that, in view of the hardship being experienced by Mid-Michigan, the grant of exception relief was an appropriate determination. However, the FEO noted that, since the exceptions process is not the appropriate proceeding in which to request a finding of violation and the imposition of sanctions, it would decline to consider Mid-Michigan's further allegation that Gulf and its substitute supplier had engaged in improper pricing practices. The Appeal was therefore denied.

REQUESTS FOR EXCEPTION

Ackerman Aviation; Perry, Okla.; FEE–2559; Aviation Gasoline.

Ackerman Aviation (Ackerman) filed an Application for Exception from the provisions of 10 CFR, Part 211, requesting that its base period use of aviation gasoline at the Perry Airport be increased from 9,520 gallons per year to 21,600 gallons per year. In considering the exception application, the FEO found that Ackerman was experiencing an increased demand for aviation gasoline as a result of significant improvements in the airport's facilities constructed by the City of Perry and the Federal Aviation Administration. The FEO also found that the firm's inability to obtain an increased supply of aviation gasoline would frustrate the achievement of the goals specified in Section 4 (b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, by discouraging the effective use of municipal transportation facilities and impeding economic growth in the Perry area. In addition, the FEO found that Ackerman could not obtain surplus aviation gasoline on the spot market. On the basis of these findings, the FEO concluded that Ackerman qualified for exception relief under the criteria established in previous Decisions. Exception relief was therefore approved, increasing the firm's base

period use of aviation gasoline to the amount requested.

Beukema's Petroleum Co.; Grand Rapids, Mich.; FEE–2410; Motor Gasoline.

Beukema's Petroleum Company (Beukema) filed an Application for Exception from the provisions of 10 CFR 211.9, requesting the assignment of a new supplier of motor gasoline to replace Beukema's primary base period supplier, the Admiral Petroleum Company (Admiral). In considering Beukema's exception request, the FEO determined that the firm had presented substantial, uncontradicted evidence indicating Admiral's failure to disclose to Beukema that an employee of Marathon Oil Company (Marathon) upon whom Beukema relied as an independent third party was receiving bonus payments from Admiral during the time that Beukema was negotiating with Admiral for a supply contract. The FEO also found that judicial findings had been entered in a related lawsuit which would lead to the conclusion that the base period relationship between Beukema and Admiral had deteriorated significantly by October 1974, the last month in which Beukema purchased motor gasoline from Admiral. The FEO concluded that, in view of the questionable basis upon which the base period relationship between Beukema and Admiral was formed, the significant deterioration in that supply relationship, and other factors present in the case, the resumption of the supplier/purchaser relationship between the firms would impose such a substantial and disproportionate burden upon Beukema that exception relief should be granted. Exception relief was therefore approved.

Bruce A. Clark; Dallas, Tex.; FEE–2327; Crude Oil.

Bruce A. Clark filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D which, if granted, would have permitted him to sell the crude oil produced from seven leases located in Callahan County, Texas at a price which exceeds the upper tier ceiling price. In considering the exception request, the FEO determined that Clark has a clear economic incentive to continue producing crude oil from the leases since they are generating significant operating income. The FEO also found that Clark had failed to make a convincing showing that exception relief is necessary in order to provide an economic incentive for capital investment which would yield increased volumes of crude oil from the leases. The exception application was therefore denied.

Colonial Oil Co.; Jacksonville, Fla.; FEE–2771; Motor Gasoline.

On July 3, 1975 the FEA granted exception relief to Colonial Oil Company (Colonial) on the ground that the application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship, resulted in a serious hardship to the firm. *Colonial Oil Co.*, 2 FEA Par. 83,201 (July 3, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Colonial a supplier whose wholesale prices for motor gasoline, No. 2 fuel oil and kerosene were within the range of prices paid for those products in Colonial's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Colonial could request that the exception relief granted to the firm be extended for an additional period of time. On the basis of the data submitted by Colonial in connection with its present Application, the FEO determined that (1) the serious hardship which Colonial experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted and (ii) in order to alleviate this hardship Colonial should be assigned a lower-cost supplier for the months of August, September, and October 1976 for its entire volume of gasoline which it is entitled to receive from its principal base period supplier.

Louisiana Land and Exploration Co.; Washington, D.C.; FEE–2397; Crude Oil Refined Products.

Louisiana Land and Exploration Company (LL&E) filed an Application for Exception regarding the computation of maximum allowable selling prices for petroleum products of a new refinery which it recently constructed in Mobile, Alabama. The FEO noted that, although the firm's Application was originally filed as a Request for Interpretation, the Mandatory Petroleum Price Regulations are not specifically designed to apply to the unusual circumstances presented by the construction of a new refinery and the FEA had therefore decided to consider the issues raised in the LL&E submission through the exceptions process. LL&E requested that the FEA establish (i) the May 15, 1973 selling prices for new items and butane produced at the LL&E refinery, (ii) the imputed May 1973 cost of crude oil used in the LL&E refinery, and (iii) the imputed May 1973 non-product costs for the LL&E refinery.

In considering LL&E's Application, the FEO found that, although LL&E's prior activities as a natural gas processor resulted in the firm's being classified as a "refiner" for purposes of the FEA Price Regulations, LL&E had not previously produced or sold any of the products which it now produces in its refinery except butane. Consequently, all of the products of the new refinery are "new items" which should be priced in accordance with 10 CFR 212.111. The FEO also determined that LL&E should use its established May 15, 1973 prices for butane produced from natural gas for purposes of calculating the maximum prices it may currently charge for the butane produced in its crude oil refinery. The FEO further determined that the May 1973 cost of crude oil should be imputed to LL&E in order for it to comply with the Mandatory Petroleum Price Regulations. The FEO found that it was reasonable for LL&E to calculate an imputed cost according to the price which the firm, as a producer, received in May 1973 for the same type of crude oil that it is currently refining and that this method was likely to assure comparability between the firm's current cost and its May 1973 costs. The firm was therefore permitted to use an imputed May 1973 cost of crude oil which is equal to the price of crude oil sold by LL&E in May 1973 plus the pipeline tariff charged in May 1973 between LL&E's field and the present location of its refinery.

In its Application, LL&E also requested that the FEA permit the firm to use a schedule of imputed non-product costs as its May 1973 non-product cost base. The FEO noted that LL&E, in imputing its May 1973 non-product costs, had relied heavily on the experience of a former president of a company which operated a technologically similar refinery in Mobile, Alabama and which in May 1973 produced a similar refinery yield from the same type of crude oil as LL&E's Mobile refiner. On the basis of the supporting data presented by LL&E, the FEO concluded that the imputed non-product costs were reasonable and rested on valid estimates of the costs which the LL&E refinery would have incurred in May 1973 if it had existed at that time. The FEO therefore permitted the firm to use the imputed non-product costs as the May 1973 non-product cost base from which increases will be measured.

Finally, the FEO determined that, in view of the inordinate administrative delay which occurred between the date of the firm's original submission and the date of the determination by the FEA as to the proper administrative channel to be used for the LL&E case, the relief granted to LL&E should be approved retroactive to the date on which the new refinery commenced its operations.

Southland Oil Co.; Savannah, Ga.; FEE–2770; Motor Gasoline.

On December 8, 1975 the FEA granted exception relief to Southland Oil Company (Southland) on the ground that the application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship, resulted in a serious hardship to the firm. Southland Oil Co., 3 FEA Par. 80,527 (December 8, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Southland a supplier whose wholesale prices for motor gasoline and diesel fuel where within the range of prices paid for those products in Southland's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Southland could request that the exception relief granted to the firm be exended for an additional period of time. On the basis of the data submitted by Southland in connection with its present Application, the FEO determined that (i) the serious hardship which Southland experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted and (ii) in order to alleviate this hardship Southland should be assigned a lower-cost supplier for the months of August, September and October 1976 for the volume of gasoline which it is entitled to receive from its principal base period supplier.

Southland Oil Company (VGS) Corp.; Washington, D.C.; FEE–2501; Motor Gasoline.

Southland Oil Company (Southland) filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would have relieved the firm of its obligation to reduce motor gasoline prices during the month of May 1976. On June 3, 1976 the FEA denied the firm's Application for Stay on the basis of a determination that Southland would not incur an irreparable injury since the provisions of Section 212.83(g) permitted the firm to rectify overrecoveries in May by reducing its prices in June. Southland Oil Co., 3 FEA Par. 85,037 (June 3, 1976). However, an evaluation of Southland's exception submission led the FEO to conclude that Section 212.83(g) is not applicable to Southland's situation because that regulation only provides a mechanism to remedy inadvertent overrecoveries which are discovered by a refiner subsequent to the month of the overrecovery. The FEO determined that, since Southland was fully aware that it would overrecover its increased April costs in the absence of a price reduction during May, Section 212.83 required the firm to immediately reduce its prices in order to prevent an overrecovery. The FEO emphasized that the effectiveness of the FEA regulatory program concerning refiners and the objectives of federal energy statutes

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could be seriously undermined if refiners were generally permitted to delay correcting overrecoveries of which they are currently aware. Nevertheless, the FEO recognized that the Decision which was issued on Southland's request for a stay indicated the applicability of Section 212.83(g) to Southland's circumstances and that Southland could encounter unusual difficulties in view of its possible violation of the FEA Price Regulations subsequent to the filing of its stay request. The FEO therefore granted the firm exception relief by relieving it of the requirement that it reduce its prices of gasoline to avoid an overrecovery of product costs during that period in May 1976 subsequent to the date on which the firm submitted its Application for Stay.

Sundance Oil Co.; Denver, Colo.; FEE–2395; Crude Oil.

Sundance Oil Company (Sundance) filed an Application for Exception from the provisions of 10 CFR 212, Subpart D which, if granted, would have permitted Sundance and other working interest owners to sell crude oil produced from the Weigand Lease (the Lease) prior to February 1, 1976 without regard to the FEA price regulations. In its application Sundance stated that during 1972 it drilled a new well on the lease in spite of the refusal of one of the working interest owners to participate in the well construction. Since the lease agreement provided that the non-consenting party temporarily relinquished its property interest in the new well, Sundance considered the Lease to consist of two separate properties for purposes of computing applicable base production control levels. However, in a Notice of Probable Violation issued to the firm on March 2, 1976 the FEA indicated that the Lease should properly be considered a single property for purposes of computing its base production control level and found that Sundance's error in this regard had caused it to overcharge its crude oil customers by $251,075.91. In considering Sundance's exception request, the FEO determined that, since the firm would have earned substantial profits if it had calculated its crude oil prices in accordance with FEA price regulations, it had failed to show an economic disincentive to continue production. Since Sundance provided no other basis for the granting of exception relief, its Application for Exception was denied.

Union Oil Co. of Calif.; Los Angeles, Calif.; FEE–2461; Crude Oil.

Union Oil Company of California (Union) filed an Application for Exception which, if granted, would have permitted Union to determine the price of crude oil produced from the Trading Bay Unit in the MacArthur River Field of Cook Inlet, Alaska without regard to the deficiencies in the base production control level which accrued as a result of an explosion on an off-shore platform on April 8, 1976. In considering Union's exception application, the FEO determined that Union had not shown that its extraction efforts at the unit would in any way be endangered in the absence of exception relief. The FEO also found that Union had failed to demonstrate that the FEA regulatory program imposed burdens upon the firm which were disproportionate to those generally borne by crude oil producers. The FEO therefore denied Union's exception request.

REQUESTS FOR STAY

Capitol Oil Co.; Baltimore, Md.; FES–0908; No. 2 Fuel Oil.

Capitol Oil Company (Capitol) filed an Application for Stay of a Remedial Order which was issued to the firm by Region III of the FEA on July 6, 1976. In considering Capitol's stay request, the FEO determined that the firm would experience inordinate diculty in complying with the refund provisions of the Remedial Order within the sixty day period specified and that the immediate implementation of the refund requirements could impair the firm's continuing operations. In view of the irreparable injury which would result to Capitol and since a delay would not cause hardship to the customer to which Capitol is required to make refunds (the United States Coast Guard), the FEO determined that stay relief was warranted. The FEO also found that if the firm were required to place the full amount of the required refund in an escbow account its reserve of operating cash would be depleted to such an extent that its continued activities would be in serious jeopardy. The FEO therefore stayed the Remedial Order on the condition that Capitol place one-third of the disputed funds in escrow pending a final determination of its Appeal.

Cleary Petroleum Corp.; Oklahoma City, Okla.; FES–2783; Crude Oil.

Clearly Petroleum Corporation (Cleary) requested a stay of the application to it of the provisions of 10 CFR 212.73 pending the determination of an exception application filed by the firm. In considering the firm's stay request, the FEO determined that Clearly had failed to advance any arguments which address the relevant criteria specified in Section 205.125(b). The FEO further determined that the data presented in Cleary's application failed to constitute a prima facie showing that the firm was likely to succeed on the merits or that the firm would be likely to incur an irreparable injury or immediate serious hardship during the pendency of its exception request. The Application for Stay was therefore denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Allen Oil Co.; Union, N.J.; FEE–2551.
Commonwealth Oil Refining Co., Inc.; Washington, D.C.; FEE–2707.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

William H. Player & Ass.; Natchez, Miss.; FEA–0899.

The following submission was dismissed after the appplicant repeatedly failed to respond to requests for additional information:

Lynnhaven Water Way Marina, Inc.; Virginia Beach, Va.; FEE–2483.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76–25977 Filed 8–31–76;4:33 pm]

COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT

Compilation of Environmental Review Documents Available for Public Review

Pursuant to 10 CFR 208.15(b), the Federal Energy Administration (FEA) hereby publishes its listing of environmental review documents, prepared under the authority of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., which are available for public inspection and review. Listed below are environmental review documents made available to the public since January 1, 1976.

Single copies of the review documents are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the review documents are also available for public inspection in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on August 31, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

FEA list of published environmental impact statements and negative determinations, Jan. 1 to Aug. 17, 1976

Name of program	Type of document and number where applicable	Date made available to the public
Decontrol of residual oil from mandatory price and allocation regulations.	Negative determination and environmental assessment.	Feb. 18, 1976
Mandatory Canadian crude oil allocation regulations	Draft environmental impact statement (DES–76–1).	Mar. 15, 1976
	Final environmental impact statement (FES 76–1).	May 3, 1976
Exemption of middle distillates from mandatory petroleum allocation and price regulations and revocation of low sulfur petroleum products regulation.	Negative determination and environmental assessment.	
Exemption of naphthas, gas oils, and other products from the mandatory petroleum allocation and price regulations.	do	May 28, 1976
		June 10, 1976
Notice of effectiveness for certain construction orders: Determination of environmental impact.	do	June 25, 1976

Orders to:	Location
Alabama Power Co	West Jefferson, Ala.
Do	Do.
Do	Do.
City of Painesville, Ohio.	Painesville, Ohio.
Southwestern Electric Power Co.	Cason, Tex.
Do	Do.
The Cincinnati Gas & Electric Co.	Boone County, Ky.
Central Illinois Public Service Co.	Jasper County, Ill.
Central Power & Light Co.	Goliad County, Tex.
Dairyland Power Cooperative.	Alma, Wis.
Iowa Southern Utilities Co.	Chillicothe, Iowa.
Kansas City Power & Light Co.	Iatan, Mo.
Montana-Dakota Utilities Co.	Beulah, N. Dak.
Oklahoma Gas & Electric Co.	Noble County, Okla.
Do	Do.
Portland General Electric Co.	Boardman, Oreg.
Public Service Co. of Colorado.	Brush, Colo.
Public Service Co. of Oklahoma.	Oologah, Okla.
Do	Do.
Public Service Co. of New Mexico & Tucson Gas & Electric Co.	Waterflow, N. Mex.
Do	Do.
Sierra Pacific Power Co.	Humboldt County, Nev.
Southern Illinois Power Coop.	Marion, Ill.
Southern Indiana Gas & Electric Co.	West Franklin, Ind.
Southwestern Electric Power Co.	Gentry, Ark.
The Dayton Power & Light Co. & The Cincinnati Gas & Electric Co.	Adams County, Ohio.
Do	Do.
The Kansas Power & Light Co.	St. Marys. Kans.
Do	Do.
Do	Do.

Name of program	Type of document and number where applicable	Date made available to the public
Schiller Generating Station—coal conversion program—Energy Supply and Environmental Coordination Act.	Draft environmental impact statement (DES 76–3).	July 1, 1976
Exemption of naphtha-based jet fuel from the mandatory petroleum allocation and price regulations.	Negative determination and environmental assessment.	Aug. 17, 1976
Contingency gasoline and diesel fuel rationing plan	do	Aug. 27, 1976

[FR Doc.76–25975 Filed 8–31–76;4:33 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of a meeting of the Group of Reporting Companies to the International Energy Agency (IEA) to be held in New York on September 14 through 16, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. on September 14. The agenda is as follows:

1. Opening comments.
2. Results of June/July emergency data system test.
3. Format and structure of allocation systems test.
4. Reporting instructions; data base and use.
5. Discussion of mock allocation exercise.
6. Communication procedures.
7. ISAG expenses.
8. Recordkeeping requirements.
9. Closing comments.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76–26114 Filed 9–1–76;4:25 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in New York on September 22 and 23, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. on September 22. The agenda is as follows:

1. Opening remarks by Chairman and report on communications to and from IEA including a report on the Governing Board meeting of September 21st.
2. Matters arising from record note of IAB meeting on July 29th.
3. Position of Reporting Companies under:
   (A) EEC Competition regulations.
   (B) U.S. Voluntary Plan.
4. Report by IEA Secretariat on and discussion of:
   (A) SEQ Forecast.
   (B) Demand Restraint.
5. Report on and discussion of work of Subcommittee A, including:
   (A) Emergency Management Manual.
   (B) Allocation Systems Test.
6. Report on and discussion of work of Subcommittee C, including:
   (A) Extraordinary costs.
   (B) Settlement of disputes.
   (C) Pricing in an emergency.
7. Industry Supply Advisory Group (ISAG), including manning of positions.
8. Dates and venue of future meetings of IAB and Subcommittees.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76–26113 Filed 9–1–76;4:24 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1696]

ARTHUR J. GIAMMETTA

Order of Revocation

On August 23, 1976, Arthur J. Giammetta, 124 Burr Place, Hasbrouck Heights, New Jersey 07604, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1696 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set in Manual of orders, Commission Order No. 201.1 (Revised), section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1696 issued to Arthur J. Giammetta be and is hereby revoked effective August 25, 1976, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Arthur J. Giammetta.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76–26103 Filed 9–3–76;8:45 am]

[Docket Nos. 73–42, 73–61, 73–69, 74–4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. V. SEATRAIN INTERNATIONAL, S.A.

Environmental Negative Declaration

AUGUST 31, 1976.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis has determined that the environmental issues relative to the referenced dockets do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(c) of NEPA.

It was concluded that approval of the action should cause: (1) No adverse increase in the consumption of energy (the impact, in fact, will be positive); (2) an environmentally insignificant increase in air pollutants; and (3) no significant increase in the level of noise.

This proceeding is a consolidation of complaints filed by the Board of Commissioners of the Port of New Orleans (Docket No. 73–42), the Port of Houston Authority and Houston Port Bureau, Inc. (Docket No. 73–61), the Port of Beau-

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mont Navigation District of Jefferson County, Texas (Docket No. 73–69) and the Board of Trustees of the Galveston Wharves (Docket No. 74–4). These complaints involved Seatrain International, S.A.'s (Seatrain) joint rail-water EUROGULF minibridge service which operates between these complainant ports and ports in the Continent/United Kingdom. Containerized cargo using this service is picked up at the complainant ports by either the Southern Railway System or the Southern Pacific Transportation Company and transported to Charleston where it is loaded on Seatrain's vessels and transported by water to the Continent/United Kingdom. It also moves in the opposite direction.

The Complainants requested that the Federal Maritime Commission determine whether EUROGULF minibridge violates Sections 16, 17 and 18 of the Shipping Act, 1916 and Section 8 of the Merchant Marine Act of 1920.

The OEA's conclusions are based on a Threshold Assessment Survey which is available for inspection on request from the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5764.

Any person disagreeing with the Negative Declaration shall have until September 17, 1976, within which to note such disagreement to the Commission by filing exceptions to the Negative Declaration with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. No final Commission action shall be taken on or before October 7, 1976. If the Commission fails to otherwise act within twenty (20) days following the time provided for the filing of exceptions to the Negative Declaration, the determination of the Office of Environmental Analysis will be adopted by the Commission as its final determination of environmental issues.

Copies of exceptions, if any, to the Negative Declaration and copies of all future correspondence and pleadings filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

JOSEPH C. POLKING,
Assistance Secretary.

[FR Doc.76–26101 Filed 9–3–76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01014---	Robert Bornhofen Reederei: *Luise Bornhofen.*
01059---	London & Overseas Freighters Ltd.: *Overseas Ambassador.*
01426---	Kuwait Shipping Co. (S.A.K.): *Ibn Duraid.*
01428---	Ocean Transport & Trading Ltd.: *Clytoneus.*
01574---	Fearnley & Eger: *Fernbrook.*
01866---	Industria Armamento Spa: *Brezza.*
01991---	Malmros Rederi Aktiebolag: *Malmros Merrimac, Malmros Monitor.*
02040---	Odra-Swinoujscie: *Orlen.*
02199---	Atlantic Richfield Co.: *Arco Independence.*
02246---	Blue Star Line Ltd.: *Trojan Star, Tuscan Star.*
02551---	Ellerman Lines Ltd.: *City of Winchester, City of York.*
02715---	Allied Towing Corp., *ATC 586.*
02727---	Societe Maritime Des Petroles BP: *Chenonceaux.*
02771---	Philtankers Inc., *Phillips America.*
02831---	Ednasa Shipping Co. Ltd.: *Lorina, Louisana, Lamaria, Lindana, Robina, Lalinda, Lisana, Lennia, Losina, Larina, Lafumina, Lynda, Lissa, Larissa, Lasinda, Lilliana.*
02911---	Sig. Bergesen D. Y. & Co: *Berge Odel.*
03137---	Cunard Steamship Co. Ltd.: *Oloibiri.*
03439---	Itaya Shosen K. K.: *Hague Maru.*
03477---	Nissui Shipping Corp.: *Toko Maru, Seiko Maru, Hokko Maru, Asa-Kaze Maru, Harukaze Maru, Matsukaze Maru, Soyokaze Maru.*
03508---	Taiyo Gyogyo K. K.: *Azuma Maru No. 5, Azuma Maru No. 8, Azuma Maru No. 9, Kurenai Maru No. 5.*
03972---	Chimo Shipping Ltd.: *A. C. Crosbie.*
04404---	Lars Rej Johansen: *Josun.*
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: *Sumiyoshi Maru No. 5.*
04553---	Hokoku Suisan K. K.: *Eiou Maru, Eihei Maru.*
04562---	Okada Kaiun Kabushiki Kaisha: *Oriental Victory.*
05003---	Wisconsin Barge Line Inc:. *Jim Bernhardt.*
05008---	Star Kist Foods, Inc.: *Paramount.*
05098---	Esso Tankers Inc.: *Esso Madrid.*
05272---	Teledyne Movible Offshore Inc.: *Movible No. 1, Movible CB–1, Movible CB–7, Movible DB2, Rig No. 2, Rig No. 3, Rig No. 16.*
05561---	Inland Steel Co.: *Joseph L. Block.*
05578---	Baltic Shipping Co.: *Akademik Rykachev, Aleksandr Ulyanov, Ilovajsk, Vereia, Karkhaevo-Cherkessia, Dmitriy Ulyanov, Olga Ulyanova, Krasnouralsk, Krasnoyardeisk Chernjakhovsk, Valerian Kuybyshev, Nikolay Pogodin, Nikolay Krylenko, Nikolay Tulpin, William Foster, Aleksandr Pushkin, Archangelskles, Alapaevskles.*
06130---	Northern Shipping Co.: *Kapitan Burmakin.*
06511---	Associated Shipping Corp. Ltd.: *Gloria.*
06877---	Societe Francaise de Transports Maritimes: *Camargue.*
07325---	The Maersk Co. Ltd.: *Maersk Pacer, Maersk Piper, Maersk Plotter.*
08131---	Empresa Navegacion Caribe: *Clodomiar, 26 de Julio, Bahia de Nipe, Matanzas.*
08273---	Ito Senpaku K. K.: *Shinko Maru No. 31.*
08336---	A. Bottacchi S. A. de Navegacion C.F.I.I.: *Punta Lara.*
08387---	Sure-Hope Towing Co. Inc.: *MV 282.*
08904---	Susy de Navegacion S. A. Panama: *Jesamine.*
09096---	Dong Won Industrial Co. Ltd.: *31 Dong Won, 91 Dong Won.*
09483---	Powell Oil Co. Inc.: *STC–2011.*
09715---	Ellis Barge Line, Inc.: *EBL No. 76.*
09763---	Atlas Maritime Co. S.A.: *Atlas Explorer, Atlas Titan.*
10185---	Demline Navigation Ltd.: *Mary D.*
10322---	Duk Soo Moolsan Co. Ltd.: *Duk Soo No. 81.*
10376---	Rks Bulk Tramp: *Samson Scan.*
10939---	Marine Transport Corp.: *Altus.*
10992---	Palm Star Lines Private Ltd.: *Cumberlandia.*
11011---	Power Corporation of Canada, Ltd.: *St. Lawrence.*
11148---	Cranborne Ltd.: *Cranborne.*
11279---	Kyral Shipping Corp.: *Sea Horse.*
11289---	Sajo Industrial Co., Ltd.: *Oryong No. 36.*
11322---	Navimar S. A.: *Jorge S, Sarandi.*
11369---	P.T. Rig Tenders, Inc.: *Barge H–25, Barge H–26, Barge H–24.*
11407---	K. K. Wide Clean Line: *Pacific Arrow.*
11441---	Government of Barbados: *North Point.*
11466---	Lee-Vac, Ltd.: *Tide-Mar 20, Tide-Mar 21.*
11467---	Mitre Shipping Co., Ltd. of Liberia: *Eurospirit.*
11501---	Crystal Shipping Co. Ltd.: *Vassilis Pateras.*
11506---	Pacific Bulk Carriers Ltd.: *Amber Pacific, August Pacific.*
11512---	AMFAC Foods, Inc.: *Akutan.*
11514---	Floret Shipping Inc.: *Floret.*
11531---	Atlantic Fisheries Co. Ltd.: *Old Rock.*
11532---	Seaspeed Ferries Corp.: *Seaspeed Challenger.*
11533---	International Alliance Shipping Corp.: *Asia Alliance.*
11534---	Fanny Shipping Co. Ltd.: *Kyra.*
11535---	International Car Cafriers Inc.: *Violet.*
11537---	Embaroukla Shipping Co. Ltd.: *Skamandros.*
11539---	Gerestos Compania Naviera S.A.: *Marabou.*
11541---	Hancock Shipping Co. Ltd.: *Burghausen.*
11542---	Gestami Compania Maritima S.A.: *Anna.*
11543---	Silver Port Shipping Co. S.A.: *Neuenfels.*
11544---	Silver Bird Shipping Co. S.A.: *Liebenfels.*
11545---	Christinport Compania Naviera S.A.: *Kallidromos.*
11546---	Christingulf Compania Naviera S.A.: *Kalligrammos.*
11548---	Montiron Shipping Corp.: *Stolta.*
11549---	Greeksea Shipping Company S.A.: *Nissos Kerkyra.*
11550---	Greekport Shipping Company S.A.: *Nissos Myconos.*
11552---	Copenhagen Shipping Corp.: *Saint George.*
11555---	NV. Schip St. Maarten: *Curacao.*

Certificate No.	Owner/Operator and Vessels
11556---	TRANSFRUTA-COMPANHIA NACIONAL DE NAVIOS FRIGORIFICOS: *Frigoartico, Frigoantartico.*
11557---	Transnavi-Sociedade Portuguesa De Navios Cisternas Sarl: *Nova Lisboa, Porto De Aveiro.*
11559---	Compania Naviera Eterna S.A.: *Brightfaith, Oldfair.*
11560---	Greenville Steamship Corporation: *Union Green.*
11562---	Connaught Shipping Co. Ltd.: *Eurostar.*
11563---	Kaukomarkkinat Oy: *Kauko.*
11564---	Phrox Shipping Corporation: *Hellespont Splendour.*
11565---	Latin Caribbean Lines Corp.: *Fortuna IV.*
11566---	Transorient Oil Carriers Ltd.: *Ocean Champion.*
11567---	Panwest Shipping Limited: *Kiyo.*
11568---	Pescapuerta S.A.: *Pescapuerta Segundo.*
11569---	A/S Island Tankers: *Wangli, Wangskog.*
11570---	A/S Havdrott: *Havdrott.*
11571---	K/S A/S Crusader: *Horn Crusader.*
11572---	Aktieselskapet Havprins: *Havprins.*
11573---	Grace Marine Co., S.A.: *Grace Marine.*
11576---	Great Eastern Maritime, S.A.: *El-Sipra.*
11577---	Joong Ang Shipping Co. Ltd.: *Mascot, Sangjin.*
11578---	Marlu Navigation Company, Ltd : *Karmalu.*
11583---	Astro Orion Navigation Co. S.A.: *Astro Orion.*
11584---	Elna Shipping Corporation: *Orion.*
11586---	Pacific Shipping, Inc.: *Rose City.*
11587---	Rowandrill, Inc.: *Rowan-Midland.*
11589---	Atlanticos S.A.: *Atlantikos II.*
11590---	Leo Shipping Co., Ltd.: *Sun Lotus.*
11591---	Partrederiet for M.S. Mercandian Carrier: *Mercandian Carrier.*
11592---	Partrederiet for M.S. Mercandian Supplier: *Mercandian Supplier.*
11593---	Partrederiet for M.S. Mercandian Shipper: *Mercandian Shipper.*
11594---	Kommanditselskabet Sea Air I: *Mercandian Commander.*
11595---	Kommanditselskabet Sea Air II: *Mercandian Admiral.*
11596---	Partrederiet for M.S. Mercandian Ambassador: *Mercandian Ambasador.*
11597---	Rederikommanditselskabet Merc Scandia XVII: *Mercandian Express.*
11598---	Rederikommanditselskabet Merc Scandia XVIII: *Mercandian Clipper.*
11599---	Schepers & Co., KG. MS. Tim S: *Tim S.*
11600---	Duchess Shipping Co. Ltd.: *Irinio.*
11604---	Han Shin Shipping Co., Ltd.: *Ace Pioneers.*
11606---	Scotia Point Fisheries Ltd.: *Scotia Point.*
11607---	Sea Storage Inc.: *Sea Storage.*
11612---	The Spendour Shipping Co. Ltd.: *Eastern Freedom.*
11613---	Spalmatori Compania Naviera S.A.: *Irene S. Lemos.*

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76–26106 Filed 9–3–76;8:45 am]

CITY OF LONG BEACH AND PACIFIC MARITIME SERVICES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 27, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, California 90802.

Agreement No. T–2894–3, between City of Long Beach (City) and Pacific Maritime Services, Inc. (PMS), modifies the basic agreement which provides for the ten-year nonexclusive preferential assignment to PMS of wharf and contiguous land area at Berths 245, 246 and 247, Pier J, Long Beach, California, for operation as a contract marine terminal, warehouse, and rail and truck facility. The purpose of the modification is to: (1) Adjust the assigned area by primarily granting additional land (Parcel IV) and (2) adjust the minimum obligation and maximum compensation as set forth in this amendment.

Dated: September 1, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76–26107 Filed 9–3–76;8:45 am]

DELTA STEAMSHIP LINES, INC. AND EMPRESA LINEAS MARITIMAS ARGENTINAS, S.A.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 27, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold E. Mesirow, Esquire, Hydeman, Mason & Goodell, 1220 Nineteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 10039–3, between Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas, S.A., modifies the approved basic agreement covering the apportionment of general liner cargo transported by the parties in the northbound (Annex I) and southbound (Annex II) trades between the Gulf Coast of the United States and Argentina by (1) adding explosives to the list of excepted commodities contained in Article 3; (2) amending Article 5 to provide for a minimum number of sailings of 16 per pool period and providing that the number may be increased or decreased by mutual agreement, without impairing adequate service, on notice to the Commission; (3) amending Article 7(c) subparagraph VII, relating to the computation of pool penalty payments, to provide for a revised pool penalty formula; and (4) amending Article 16 to provide for a committee made up of representatives of each party to settle any differences that may arise and handle all matters relating

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to the operations of the agreement. The parties request that the basic agreement, as amended herein, be approved through December 31, 1980.

Dated: August 31, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26104 Filed 9-3-76;8:45 am]

I.T.O. CORPORATION OF BALTIMORE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas D. Wilcox, Esquire, 919 Eighteenth Street, NW., Washington, D.C. 20006.

Agreement No. T-3346, between I.T.O. Corporation of Baltimore (ITO) and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd., (the "Lines"), is a one-year (with a one-year renewal option) container terminal stevedore and LCL service agreement. The agreement provides that ITO will furnish the Lines terminal, stevedore, and container freight station services in connection with the Lines' containerships calling at Dundalk Marine Terminal, Baltimore, Maryland. The Lines will compensate ITO in accordance with a schedule of rates agreed upon by both parties and filed with the Federal Maritime Commission.

Dated: August 31, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26105 Filed 9-3-76;8:45 am]

[Docket No. 76-48; Indepedent Ocean Freight Forwarder License No. 161]

J. T. STEEB & COMPANY, INC.

Order to Show Cause

By letter dated January 30, 1975, R. C. Hobelmann & Co., Inc. (Hobelmann) advised the Commission that it had purchased all of the stock of J. T. Steeb & Company, Inc., (Steeb) 415 Oregon Pioneer Bldg., 320 S.W. Stark Street, Portland, Oregon 97204, holder of Independent Ocean Freight Forwarder License No. 161.

Hobelmann was the respondent in Docket No. 72-13, Independent Ocean Freight Forwarder License No. 850, R. G. Hobelmann & Co., Inc. The Commission instituted that proceeding to determine whether Hobelmann, at that time a licensed independent ocean freight forwarder, continued to qualify for a license or whether its license should be suspended or revoked pursuant to sections 1 and 44 of the Shipping Act, 1916, because of an apparent shipper connection between Hobelmann, Vico Corporation of St. Louis (Vico), Volkswagen of America, and Volkswagen of Germany. Hobelmann is wholly owned by Vico which is a holding company for the Volkswagen Insurance Company, an underwriter of Casualty Insurance. Approximately 48 percent of Vico's stock is owned by Volkswagen of America, which is wholly owned by Volkswagen of Germany. Both Volkswagen of America and Volkswagen of Germany are engaged as shippers and consignees in the export commerce of the United States by oceangoing common carriers. The relationship between Hobelmann and those concerns appeared to create a control and affiliation between a forwarder and shipper interest barred by Sections 1 and 44 of the Shipping Act, 1916. Docket No. 72-13 was discontinued, by Order served April 24, 1973, as a result of Hobelmann selling its ocean freight forwarding business and relinquishing its license.

Section 1 of the Shipping Act, 1916, and § 510.2(a) of the Commission's General Order 4 define an independent ocean freight forwarder as a "person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest."

Upon receipt of notification of the purchase of Steeb by Hobelmann the Commission's staff advised Hobelmann by certified letter dated February 7, 1975, that Hobelmann's acquisition of Steeb would appear to violate sections 1 and 44 of the Act. Hobelmann was advised that unless divestiture could be accomplished which would cure the freight forwarder/shipper relationship, a proceeding to revoke Steeb's license would be instituted.

Numerous meetings, phone calls and correspondence between the staff and Hobelmann's representative occurred, resulting in a number of proposals being submitted and rejected in regard to the divestiture of Steeb by Hobelmann. Throughout the course of the negotiations the staff was advised that severance was about to occur but Hobelmann needed additional time because of the complexities. However, the matter has remained unresolved for over a year, and Hobelmann has been granted more than a reasonable period of time to achieve a divestiture.

Since J. T. Steeb & Company, Inc., holder of FMC License No. 161, is owned by R. G. Hobelmann & Co., Inc., which in turn is wholly owned by Vico Corporation, which is 48 percent owned by Volkswagen of America which is wholly owned by Volkswagen of Germany, and both the foregoing Volkswagen companies are engaged as shippers and consignees in export shipments from the United States, it would appear that J. T. Steeb & Company, Inc., no longer qualifies as an independent ocean freight forwarder pursuant to sections 1 and 44 of the Shipping Act, 1916, and §§ 510.2(a) and 510.9(d) of the Commission's General Order 4.

Therefore, it is ordered, Pursuant to section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)), that J. T. Steeb & Co., Inc., FMC License No. 161, is hereby made respondent in this proceeding and is directed to show cause why it should not have its license as an independent ocean freight forwarder revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841(b)), and §§ 510.2(a) and 510.9(b) of the Commission's General Order 4, for failure to continue to qualify for a license as an independent ocean freight forwarder.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memorandum of laws, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party may accompany such a request for hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit.

Request for hearing shall be filed by the respondent on or before September 21, 1976. Affidavits of fact and memorandum of law shall be filed by the respondent and served upon all parties no later than the close of business September 21, 1976. Requests for hearing by the Commission's Bureau of Hearing Counsel and intervenors, if any, shall be filed on or before October 6, 1976. Reply affidavits and memorandum shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business October 6, 1976. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of the Order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein, shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26100 Filed 9-3-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1368]

TYSON SHIPPING (DONALD B. TYSON, D/B/A)

Order of Revocation

By letter dated July 26, 1976, Donald B. Tyson, Tyson Shipping, 7001 North Clark Street, Chicago, IL 60626 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1368 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before August 25, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Tyson Shipping (Donald B. Tyson, d.b.a. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1368 is issued to Tyson Shipping (Donald B. Tyson, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1368 be and is hereby revoked effective August 25, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Tyson Shipping (Donald B. Tyson, d.b.a.).

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-26102 Filed 9-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0191]

AUSTIN HANSEN ASSOCIATES, INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0054) has been filed by Austin Hansen Associates, Inc., 26 East Andrews Dr. NW., Atlanta, GA 30305, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that *Thamnidium elegans* mold for use in aging of meat is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-26107 Filed 9-3-76;8:45 am]

[Docket No. 76G-0188]

BASF WYANDOTTE CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0069) has been filed by BASF Wyandotte Corp., Wyandotte, MI 48192, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that sodium sulfate for use as an inert ingredient in sanitizing formulations regulated in § 121.2547 (21 CFR 121.2547) is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, addresss given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc 76-26005 Filed 9-3-76;8:45 am]

[Docket No. 76G-0190]

FMC CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0022) has been filed by FMC Corp., Inorganic Chemicals Division, 633 Third Ave., New York, NY 10017, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that tetrapotassium pyrophosphate for use in food is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

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Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working Hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76–26006 Filed 9–3–76;8:45 am]

[Docket No. 76G–0189]

MARKET BASKET

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0058) has been filed by Market Basket, 6014 South Eastern, Los Angeles, CA 90022, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chlorine spray containing 180 parts per million parts of chlorine in water for use as a spray on beef carcasses is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76–26004 Filed 9–3–76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meetings of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meetings of the Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 5:00 p.m. on September 20, 21 and 22. All of the sessions will be held at the Council offices at 1832 M Street, NW., No. 821, except the September 21 morning session which will be held from 9:00 a.m. to 12:00 noon in Room 4173 of the HEW North Building at 4th Street and Independence Avenue, SW., Washington, D.C.

The meeting of the Council will be preceded by a meeting of the Council's Executive Committee on September 19, 1976, from 2:30 p.m. to 5:30 p.m. at the Council offices. There will also be meetings of the Council's Federal Policy and Practices Committee, Legislation Committee and Program Committee on September 20 from 10:00 a.m. to 5:00 p.m. on September 20, at the Council offices.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93–380 Section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93–380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) report on the Women's Educational Equity Act Program; (2) Executive Director's report; (3) budget report; (4) discussion with HEW officials; and (5) committee reports.

The agenda for the Executive Committee meeting will include preparation for the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's review of the Education Division of HEW.

The agenda for the Legislation Committee meeting will include discusion of the FY 77 Regulation for the Women's Educational Equity Act.

The agenda for the Program Committee meeting will include discussion of the scope and methods of evaluation of the projects funded under the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on September 1, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76–26094 Filed 9–3–76;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of California and has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1968, through August 31, 1972. The local education agency involved is the Hayward Unified School District. The amount involved is $188,140. (Audit Control No: 50000–09, Docket 6–(21)–76).

The prehearing conference will be held at 10:30 a.m. on September 29, 1976, in Room 3000, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairperson, intervene in proceedings conducted under this notice. This application must indicate to the satisfaction of the Board Chairperson that the intervenor has information relative to the specific issues raised by the final audit determination, and that this information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before September 20, 1976.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: August 30, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.76–26081 Filed 9–3–76;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of California and has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1969, through August 31, 1974. The agency involved is the California Youth Authority (ACN: 50001–09, Docket 11–(26)–76). The amount involved is $270,985.

The prehearing conference will be held at 10:30 a.m. on September 30, 1976, in Room 3000, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides: (c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairperson, intervene in proceedings conducted under this notice. This application must indicate to the satisfaction of the Board Chairperson that the intervenor has information relative to the specific issues raised by the final audit determination, and that this information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subpara-(1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before September 20, 1976.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: August 30, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.76–26082 Filed 9–3–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–361; FDAA–3013–EM]

MINNESOTA

Notice of Emergency Declaration; Amendment

Notice of Emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Anoka	Isanti
Carver	Kanabec
Chisago	Ramsey
Dakota	Washington
Hennepin	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 27, 1976.

WILLIAM A. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–26018 Filed 9–3–76;8:45 am]

Office of the Secretary

[Docket No. D–76–454]

KANSAS CITY, MO. REGIONAL OFFICE

Redelegation of Authority With Respect to Fair Housing

Section A.—*Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity, Region VII, Kansas City, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Pub. L. 90–284 (42 U.S.C. 3601–3619), except the authority to:

1. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

2. Issue rules and regulations.

Section B.—*Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is authorized to redelegate to subordinate employees any of the authority redelegated under Section A except the authority to issue a subpena or interrogatory under Section 811 of the Act (42 U.S.C. 3611) shall remain with the Assistant Regional Administrator for Equal Opportunity.

(Redelegation of Authority by Assistant Secretary for Fair Housing and Equal Opportunity published at 41 F.R. 14208, April 2, 1976, effective April 2, 1976.)

Effective date: This redelegation of authority shall be effective as of June 9, 1976.

P. A. TOWNSEND,
Acting Regional Administrator.

[FR Doc.76–26019 Filed 9–3–76;8:45 am]

[Docket No. D–76–455]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Emergency Preparedness

Section A. *Authority Redelegated.* Each Regional Administrator and Deputy Regional Administrator is hereby delegated authority with respect to the implementation of specified sections of section 404 of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 512n) in conformity with HUD rules and regulations and Assistant Secretary for Housing-Federal Housing Commissioner Mission Assignments.

1. The authority, function and power granted by section 404(a) of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 512n) to provide either by purchase or lease temporary housing including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a resut of a major disaster, require temporary housing, except the authority, function and power to authorize installation of essential utilities at Federal expense and to provide other more economical or accessible sites for mobile homes or other readily fabricated dwellings.

2. The authority, function and power granted by section 404(b) to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence.

3. The authority, function and power granted by Section 404(c) to provide other types of temporary housing after a major disaster, and to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged properties.

4. The authority, function and power granted by Section 404(d) (1) to sell, notwithstanding any other provision of law, any temporary housing acquired by purchase to individuals and families who are occupants of temporary housing at prices that are fair and equitable.

Section B. *Authority to Redelegate.* The Regional Administrator may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated in Section A.

(Redelegation from the Administrator, Federal Disaster Assistance Administration published at 41 FR 29719, July 19, 1976.)

Effective date: This redelegation of authority shall be effective as of August 20, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.76–26020 Filed 9–3–76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States,

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to be held at 2:00 p.m. September 17, 1976 in the offices of Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to discuss proposed recommendations stemming from Professor David P. Currie's draft report, "Judicial Review Under the Federal Pollution Laws."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202–254–7065). Minutes of the meeting will be available on request.

EMMETT J. GAVIN,
Executive Director.

AUGUST 30, 1976.

[FR Doc.76–26061 Filed 9–3–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29572, Agreement CAB 23870–A2, Order 76–8–137]

AIR TRAFFIC CONFERENCE OF AMERICA

Reduced Fees for Transmission of Automated Tickets; Correction

Issued under delegated authority, August 25, 1976.

In FR Doc. 76–25469, appearing at page 36679 in the FEDERAL REGISTER of August 31, 1976, the reference to Docket 29572 in Order 76–8–137 should be changed to Docket 29575.

By the Civil Aeronautics Board:

Dated: August 26, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–26109 Filed 9–3–76;8:45 am]

NATIONAL ENVIRONMENTAL POLICY ACT

Preparation of Environmental Impact Statements

On August 30, 1976, Mr. Bruce E. Cunningham, Director, Bureau of Operating Rights, by memorandum to the Managing Director of the Board, delegated his responsibilities for the preparation of environmental impact statements and related documents and the taking of other actions in connection therewith to the Chief of the Legal Division, Bureau of Operating Rights.

This delegation of authority was taken pursuant to 14 CFR 312.8(a) and is effective immediately.

By the Civil Aeronautics Board:

Dated: August 30, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–26110 Filed 9–3–76;8:45 am]

[Docket 29141]

TRANSMERIDIAN AIR CARGO LTD. (U.K.)

Renewal and Amendment of Foreign Air Carrier Permit; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 29, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 31, 1976.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76–26108 Filed 9–3–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 610–6]

GUIDELINE FOR PUBLIC REPORTING OF DAILY AIR QUALITY

Pollutant Standards Index (PSI) (OAQPS Number 1.2–044)

PREPARED BY

EPA WORKING GROUP TO DEVELOP AN AIR QUALITY INDEX

CONTRIBUTING AGENCIES: U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RESEARCH AND DEVELOPMENT, OFFICE OF AIR AND WASTE MANAGEMENT, OFFICE OF PLANNING AND MANAGEMENT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—AUGUST, 1976

The U.S. Environmental Protection Agency's recommended "Pollutant Standards Index" (PSI) is the result of a joint effort on the part of EPA's Offices of Research and Development, Air and Waste Management, and Planning and Management. The guideline was prepared by the EPA Working Group to Develop an Air Quality Index in response to a request from the Federal Interagency Task Force on Air Quality Indicators of which EPA is a member. The Federal Task Force, chaired by the Council on Environmental Quality, was created as a result of a joint EPA/CEQ report [1] which pointed out existing problems resulting from the present diversity of indices used in the United States and Canada.

This guideline suggests the use of the Pollutant Standards Index (PSI) for those local and state air pollution control agencies wishing to report an air quality index on a daily basis. The PSI places maximum emphasis on protecting the public health; that is, it advises the public of any possible adverse health effects due to pollution. In order to err on the side of public safety, the index stresses reporting on the basis of the stations with the highest pollutant concentrations and assumes that other unsampled portions of the community will also experience high concentrations. In addition, its emphasis is upon acute health effects occurring over very short time periods (24 hours or less) rather than chronic effects occurring over months or years. It is not intended for, and should not be used for, ranking urban areas in terms of the severity of their air pollution problems. Such rankings require the use of many other kinds of environmental data not incorporated in this index.

Finally, Appendix A discusses the meteorological information needs of forecasting relative index changes. This was prepared by personnel from the National Oceanic and Atmospheric Administration.

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1. EXECUTIVE SUMMARY

This guideline suggests the use of the Pollutant Standards Index (PSI) for those local and state air pollution control agencies wishing to report an air quality index on a daily basis. The document also includes appropriate monitoring and reporting guidance. The guideline is the result of an earlier study [1] showing that of all the air quality indices in use today, no two are exactly the same. A potentially serious problem of public confusion can occur in regions where neighboring states and cities use different indices. The PSI

See footnotes, p. 37669.

also responds to the request of several state and local agencies that the U.S. Environmental Protection Agency provide them with a recommended uniform air quality index.

The recommended index incorporates five pollutants—carbon monoxide, sulfur dioxide, total suspended particulate, photochemical oxidants, and nitrogen dioxide—for which there are short-term (24 hours or less) health-related National Ambient Air Quality Standards (NAAQS),[2] and/or Federal Episode Criteria,[3–5] and Significant Harm Levels.[5, 6] A sixth variable—the product of total suspended particulate and sulfur dioxide—is computed and is included in the index equation. This variable and also nitrogen dioxide are treated differently than the other pollutants because they have no short-term NAAQS. Therefore, they are reported when they exceed the Federal Episode Criteria and Significant Harm Levels. Because of the basic design of the index, any further pollutant requiring NAAQS, Federal Episode Criteria, and Significant Harm Levels can be readily added.

The index uses a "segmented linear function"* to convert each air pollutant concentration into a normalized number. The NAAQS for each pollutant corresponds to PSI=100, and the Significant Harm Level corresponds to PSI=500.

At a minimum, PSI reports that pollutant with the highest index value of all the pollutants being monitored, a dimensionless number, and a descriptor word. On days when two or more pollutants violate their respective NAAQS, each of the pollutants should be reported. Five descriptor words have been chosen to characterize daily air quality: "good," "moderate," "unhealthful," "very unhealthful," and "hazardous." In addition, for each descriptor word, generalized health effects and cautionary statements are provided for use when the air is characterized as "unhealthful" or worse.

For large metropolitan areas comprised of many smaller cities and suburbs where significant air quality differences may exist, the air pollution control agency may wish to report separate index values for each community. This has the advantage of showing the public how air pollution varies over the larger metropolitan area. The pollutants would be monitored at population-oriented locations where the maximum concentration for the particular pollutant is expected to occur, and the public within each community would be made aware of the worst air quality to which it is exposed.

Further guidance is given on the measurements practices and monitor siting considerations (Section 5).

PSI should not be used to rank cities. An evaluation of PSI in eight cities [7, 8] illustrated the difficulties of attempting to compare air quality levels in different cities using this or any other index. PSI is designed for the daily reporting of air quality to advise the public of potentially acute, but not chronic health effects. To properly rank the air pollution problems in different cities, one should rely not just on air quality data, but should include all data on population characteristics, daily population mobility, transportation patterns, industrial composition, emission inventories, meteorological factors, and the spatial representativeness of air monitoring sites. A correct ranking should also consider the number of people actually exposed to various concentrations, as well as the frequency and duration of their exposure.

Adoption of PSI should reduce the confusion due to the existence of many indices. PSI has several advantages: (1) it is simple and can be easily understood by the public, (2) it can accommodate new pollutants, (3) it is based on a reasonable scientific premise, (4) it relates to NAAQS, Federal Episode Criteria, and Significant Harm Levels, (5) it exhibits day-to-day variations, and (6) a qualitative trend in the index can be forecast for periods up to a day in advance, especially during episodic conditions.

2. INTRODUCTION

A major area of concern in the field of air pollution control is how to best report daily air quality to the public. A recent CEQ/EPA Report [1] indicates that of the 55 largest U.S. metropolitan air pollution control agencies, 33 use an air pollution index. In addition, five states and two Canadian Provinces operate state-wide (or Province-wide) index systems. With two minor exceptions, no two indices were found to be exactly the same. The public confusion generated by the use of so many indices is particularly evident in bordering states using different indices. Therefore, there is a need to develop a uniform index to report the daily status of air pollution.

A recent paper [9] emphasizes the need for a truly meaningful index to have a sound scientific basis. The paper suggests that such an index be based on the relationship between pollutant concentration and adverse health (welfare) effects—that is, a "damage function." Unfortunately, it is an extremely complex undertaking to relate measured air pollutant concentrations to the many diverse effects of air pollution—for example, aggravation of disease in susceptible people, increased incidence of respiratory illness in healthy persons, impairment of human motor function, reduced visibility, corrosion of materials, and soiling of buildings. Arriving at an air quality standard for a given pollutant—which is just one point in a damage function—has required vast quantities of data, medical advisory committees, detailed epidemiological studies, and other extensive research. The air quality criteria documents published for the major air pollutants [10–14] reflect the complexity of the process.

The recent paper [9] also emphasizes the importance of an index accounting for the adverse effects associated with combinations of pollutants—that is, synergism. For example, the criteria document on sulfur oxides [11] states that adverse health effects attributable to sulfur oxides are intensified in the presence of particulate matter. Understanding synergistic effects adds greatly to the problem of obtaining a truly meaningful air quality index. These problems stress the need for additional research to develop pollutant-related damage functions that take into account synergistic effects on health and welfare.

As an interim solution to these problems, this guideline recommends a uniform index to report daily air quality, along with appropriate monitoring guidance. This index will serve until a more meaningful air quality index can be created. If adopted, a uniform index should end the confusion associated with the use of many varied indices.

3. THE EPA RECOMMENDED DAILY INDICATOR—POLLUTANT STANDARDS INDEX (PSI)

The Pollutant Standards Index (PSI or ψ) is the result of a joint effort by EPA's Offices of: Research and Development, Air and Waste Management, and Planning and Management. Its evolution has included formulation of several candidate index structures,[15, 16] and the index has undergone an extensive review process involving state and local air pollution control agencies, public organizations, and media representatives.

The recent CEQ/EPA compendium of air pollution indices [1] developed an "index classification system" to analyze and compare the various indices used by state, Provincial, and local agencies. Indices were categorized according to four criteria: (1) number of pollutant variables measured, (2) calculation method used to compute the index, (3) descriptor categories reported with the index, (4) method of reporting (whether it is "combined," "maximum," or "individual").

The report found that the greatest number of the indices in use [1] incorporate five of the six National Ambient Air Quality Standards (NAAQS) pollutants (hydrocarbons are excluded because there are no direct health effects associated with the pollutant. It is controlled because it is a precursor to the formation of photochemical oxidants.); (2) use a segmented linear function *; (3) are based on the maximum of one of the pollutant variables; and (4) use three to five descriptor categories.

In the following sections, the structure of PSI is presented according to the "index classification system" categories.

3.1 *Number of pollutants*

PSI includes five pollutants: carbon monoxide (CO), sulfur dioxide (SO_2), total suspended particulate matter (TSP), photochemical oxidant (O_3) and nitrogen dioxide (NO_2). Primary (that is,

* A segmented linear function consists of two or more straight lines, drawn between successive coordinates ("breakpoints") where each line may have a different slope.

See footnotes, p. 37669.

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health related) NAAQS, and/or Federal Episode Criteria, and Significant Harm Levels exist for all five. In addition, one pollutant product TSP×SO_2 is included because it has both Federal Episode Criteria and a Significant Harm Level.[3, 4] As with NO_2, which has no short-term primary NAAQS, the product is reported when the Federal Episode or Significant Harm Levels are exceeded. Finally, because of the structure of the index, any pollutant identified in the future for which NAAQS, Federal Episode Criteria, and Significant Harm Levels are adopted can be added without modifying the basic form of the index.

3.2 *Calculation method*

A segmented linear function is used relating actual air pollution concentrations to a normalized number. For example, PSI (ψ) equals 100 when the NAAQS for each pollutant is reached, while (ψ) equals 500 when the Significant Harm Level for each pollutant is reached. The normalized number should be easier for the general public to understand because it does not require one to know specific NAAQS concentrations or the many different Federal Episode and Significant Harm Levels.

The index breakpoints are listed in metric units (Table 1) and in parts per million (Table 2). The first breakpoint separates the descriptor categories "good" and "moderate." For CO and O_3, the first breakpoint was chosen at 50 percent of the primary NAAQSs. In the case of TSP and SO_2, concentrations equal to their respective primary annual NAAQS were chosen because the frequent occurrence of values greater than these concentrations could lead to violations of their respective annual NAAQS. In an area where a violation of either the annual primary TSP or SO_2 standard occurs, approximately 50 percent or more of the days will thus be classified as "moderate" or worse. This approach minimizes the potential for public confusion which might arise from a preponderance of days reported as "good," followed by the report that the annual health-related standards has been violated.

The breakpoints between the primary NAAQS and Significant Harm Levels are somewhat arbitrarily set at the Federal Episode Alert, Warning, and Emergency Levels, except for oxidants. In the case of oxidant, 400 $\mu g/m^3$ was used as the PSI breakpoint for the descriptor words "unhealthful" and "very unhealthful" because it appears to be more consistent with the descriptor words than the suggested administrative Alert level of 200 $\mu g/m^3$.**

** Several air pollution control agencies are using 400 $\mu g/m^3$ instead of 200 $\mu g/m^3$ as their Alert level with concurrence by the Environmental Protection Agency.

See footnotes, p. 37669.

TABLE 1.. Breakpoints for PSI (ψ) in Metric Units

Breakpoints	PSI Value (ψ)	TSP $\mu g/m^3$ 24-hr.	SO_2 $\mu g/m^3$ 24-hr.	TSP×SO_2 $(\mu g/m^3)^2$	CO mg/m^3 8 hours	O_3 $\mu g/m^3$ 1-hr.	NO_2 $\mu g/m^3$ 1-hr.
50% of primary short-term NAAQS	50	75[a]	80[a]	b	5.0	80	b
Primary short-term NAAQS	100	260	365	b	10.0	160	b
Alert Level	200	375	800	$65x10^3$	17.0	400[c]	1130
Warning Level	300	625	1600	$261x10^3$	34.0	800	2260
Emergency Level	400	875	2100	$393x10^3$	46.0	1000	3000
Significant Harm Level	500	1000	2620	$490x10^3$	57.5	1200	3750

[a] Annual primary NAAQS.

[b] No index value reported at concentration levels below those specified by the Alert level criteria.

[c] For the PSI index 400 $\mu g/m^3$ appears to be a more consistent breakpoint between the descriptor words "unhealthful" and "very unhealthful" than the O_3 Alert Level of 200 $\mu g/m^3$.

TABLE 2. Breakpoints for PSI (ψ) in Parts Per Million

Breakpoints	PSI Value (ψ)	SO_2 24-hr.	TSP×SO_2 $(\mu g/m^3)^2$ x ppm	CO 8 hours	O_3 1-hr.	NO_2 1-hr.
50% of primary NAAQS	50	.03[a]	b	4.5	0.04	b
Primary NAAQS	100	.14	b	9.0	0.08	b
Alert Level	200	.30	22.727	15.0	0.20[c]	0.60
Warning Level	300	.60	91.259	30.0	0.40	1.20
Emergency Level	400	.80	137.413	40.0	0.50	1.60
Significant Harm Level	500	1.00	171.329	50.0	0.60	2.00

[a] Annual primary NAAQS.

[b] No index value reported at concentration levels below those specified by the Alert Level criteria.

[c] For the PSI index 0.2 ppm appears to be a more consistent breakpoint between the descriptor words "unhealthful" and "very unhealthful" than the O_3 Alert Level of 0.1 ppm.

Figures 1 through 5 show the segmented linear function for each of the NAAQS pollutants, and Figure 6 shows the function for the product of TSP and SO_2. If NAAQS for new pollutants are adopted in the future, they can be accommodated by drawing a new segmented linear function.

3.3 *Descriptor categories*

PSI is primarily a health related index as shown by the descriptor words: "good," "moderate," "unhealthful," "very unhealthful," and "hazardous," (Table 3). The breakpoints used to separate these descriptor words are somewhat arbitrary. On the basis of health effects data above, it is not possible to establish a sharp demarcation between any two descriptor words. However, when the five pollutants were examined in the context of severity of health effects, their NAAQS and EPA suggested administrative Alert, Warning, and Emergency levels tended to provide convenient breakpoints, except for the oxidant Alert level, which was replaced with 400 $\mu g/m^3$, as discussed earlier.

TABLE 3. COMPARISON OF PSI VALUES WITH POLLUTANT CONCENTRATIONS, DESCRIPTOR WORDS GENERALIZED HEALTH EFFECTS, AND CAUTIONARY STATEMENTS

INDEX VALUE	AIR QUALITY LEVEL	POLLUTANT LEVELS TSP (24-hour), $\mu g/m^3$	SO_2 (24-hour), $\mu g/m^3$	CO (8-hour), mg/m^3	O_3 (1-hour), $\mu g/m^3$	NO_2 (1-hour), $\mu g/m^3$	HEALTH EFFECT DESCRIPTOR	GENERAL HEALTH EFFECTS	CAUTIONARY STATEMENTS
500	SIGNIFICANT HARM	1000	2620	57.5	1200	3750		Premature death of ill and elderly. Healthy people will experience adverse symptoms that affect their normal activity.	All persons should remain indoors, keeping windows and doors closed. All persons should avoid any physical exertion and avoid traffic.
400	EMERGENCY	875	2100	46.0	1000	3000	HAZARDOUS	Premature onset of certain diseases in addition to significant aggravation of symptoms and decreased exercise tolerance in healthy persons.	Elderly and persons with existing diseases should stay indoors and avoid physical exertion. General population should avoid outdoor activity.
300	WARNING	625	1600	34.0	800	2260	VERY UNHEALTHFUL	Significant aggravation of symptoms and decreased exercise tolerance in persons with heart or lung disease, with widespread symptoms in the healthy population.	Elderly and persons with existing heart or lung disease should stay indoors and reduce physical activity.
200	ALERT	375	800	17.0	400[c]	1130	UNHEALTHFUL	Mild aggravation of symptoms in susceptible persons, with irritation symptoms in the healthy population.	Persons with existing heart or respiratory ailments should reduce physical exertion and outdoor activity.
100	NAAQS	260	365	10.0	160	[a]	MODERATE		
50	50% OF NAAQS	75[b]	80[b]	5.0	80	[a]	GOOD		
0		0	0	0	0	[a]			

[a] No index values reported at concentration levels below those specified by "Alert Level" criteria.

[b] Annual primary NAAQS.

[c] 400 $\mu g/m^3$ was used instead of the O_3 Alert Level of 200 $\mu g/m^3$ (see text).

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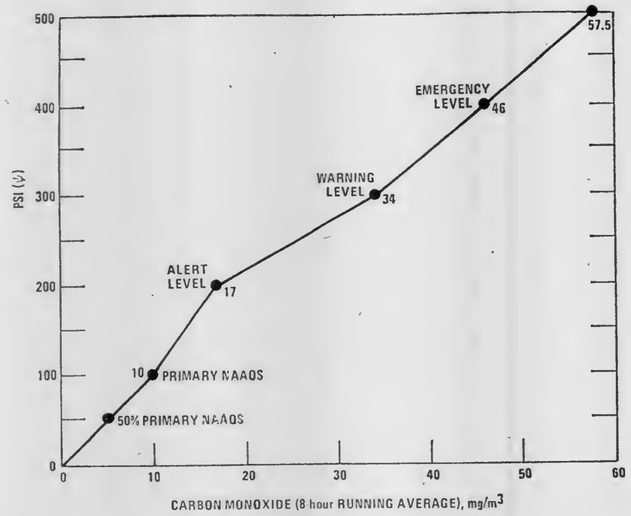


Figure 1. PSI function for carbon monoxide

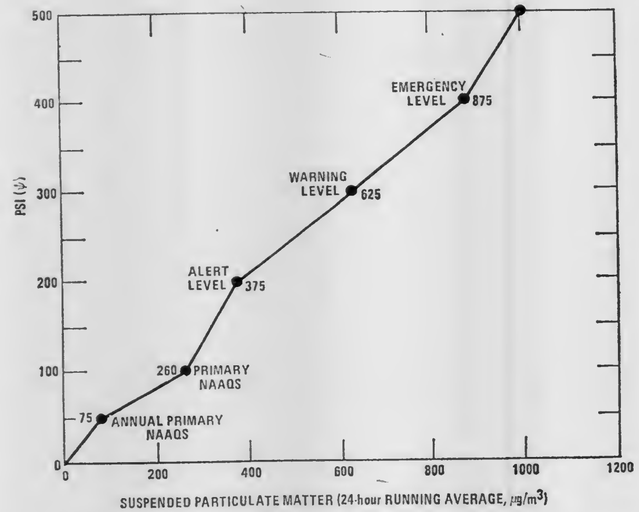


Figure 2. PSI function for suspended particulate matter

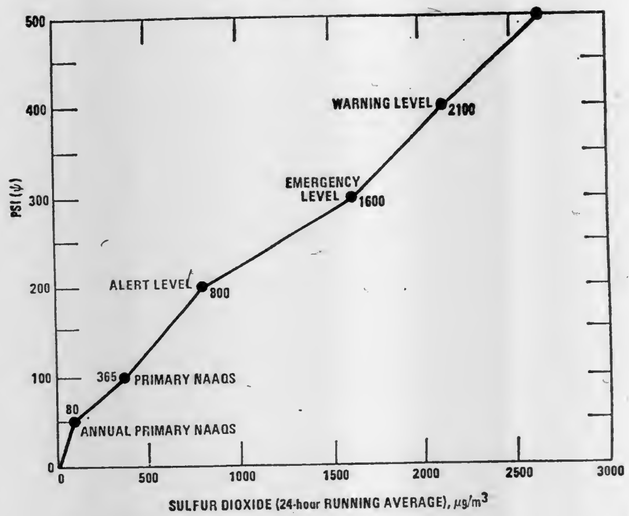


Figure 3. PSI function for sulfur dioxide

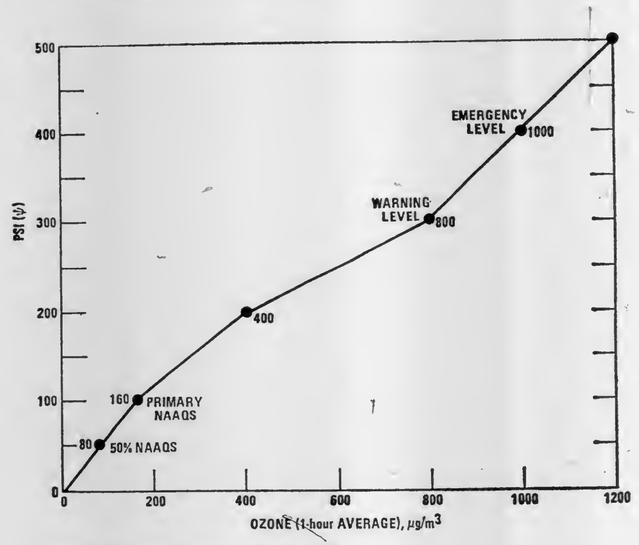


Figure 4. PSI function for photochemical ozone

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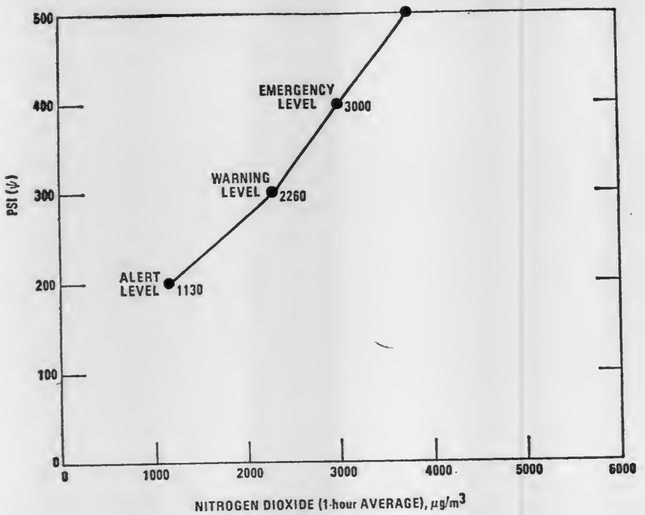


Figure 5. PSI function for nitrogen dioxide.

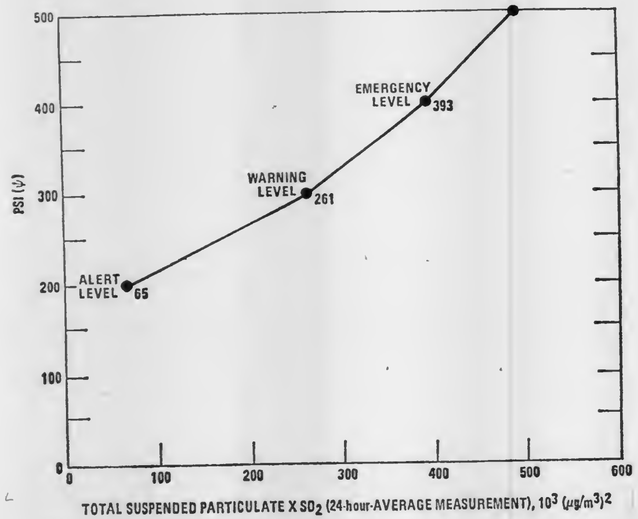


Figure 6. PSI function for product of total suspended particulate and sulfur dioxide

Air pollution levels between the short-term primary NAAQS and the Alert level for TSP, SO_2, and CO and 400 $\mu g/m^3$ for O_3 are deemed "unhealthful," because mild aggravation of respiratory symptoms in susceptible persons and irritation symptoms in the healthy population occur at some point above the short-term primary NAAQS and at and below the Alert levels for TSP, SO_2, and CO and 400 $\mu g/m^3$ for O_3.[10-13] NO_2 is not reported until concentrations exceed the Alert level because no short-term NAAQS has been established.[14] Air pollution concentrations above the Alert level but below the Warning level are classified as "very unhealthful," while concentrations above the Warning level are "hazardous."

These classifications are related to generalized health effects and appropriate cautionary statements (Table 3).[17] A single set of generalized health effects and cautionary statements is indicated for the descriptor words "unhealthful" and "very unhealthful." The "hazardous" category has two sets of generalized health effects and cautionary statements. The first set is reported when the index exceeds 300 and the second when the index exceeds 400 indicating the increasing severity of the air pollution levels.

In the case of TSP and SO_2, short-term secondary air quality standards also exist below their primary NAAQS. Secondary standards are designed to protect against the adverse effects of pollution on the public welfare (animals, vegetation, materials, visibility, etc.) According to PSI, if their short term secondary NAAQSs are violated, the concentrations would be classified as "moderate" or worse. While this descriptor word is valid from a health viewpoint, the air quality is unsatisfactory from the standpoint of welfare effects. Because PSI is a health-related index, the user may wish to report on the possible welfare effects when either the short term TSP or SO_2 NAAQS is violated.

4. REPORTING PROCEDURES

PSI has been designed to be as flexible as possible in allowing air pollution control agencies to decide for themselves the information to include in their reports to the various media. This section examines the recommended method of reporting the index, the reporting of the Federal Episode Criteria, and the concept of flexible media reporting.

4.1 *Reporting the index*

Since each pollutant is examined separately by comparing its measured concentration with the NAAQS, the Episode Levels, and the Significant Harm Level, each pollutant can be reported separately. At the minimum, the pollutant with the highest index value should be reported to advise the public of the worst air pollution to which it is exposed. On days when two or more pollutants violate their respective NAAQS—that is, have PSI values greater than 100—then each of the pollutants should be reported. The index values of the other pollutants may also be reported for completeness. When the air pollution level is reported as "unhealthful," "very unhealthful," or "hazardous," cautionary statements should also be used. In addition, the generalized health effects can be used.

Users of PSI may wish to report on the health effects of each pollutant individually, thereby providing more detailed language on each pollutant than is available in Table 3. In preparing such information for the public, the user is encouraged to seek appropriate medical advice and to consult the literature.[10-14]

4.2 *Reporting the Federal episode criteria*

When the Federal Episode Levels for each pollutant are exceeded, the user should report the administrative actions associated with the Alert, Warning, or Emergency Levels. The issuance of administrative actions depends, of course, upon the forecast of meteorological conditions affecting future pollution levels.

Issuance of administrative actions also apply to the product of TSP and SO_2, which has both Federal Episode Criteria and Significant Harm Levels.[2, 3] Although available health effects information has not been codified to tie the descriptor words to the product of TSP and SO_2, the product is included for purposes of administrative completeness.

4.3 *Forecasting the index*

The forecasting of a quantitative index for periods up to a day in advance would be difficult without extensive meteorological data and specialized expertise that some air pollution control agencies may not possess. However, qualitative index forecasting is practicable using the National Weather Service's Air Pollution Weather Forecast Program.[15, 29] With this weather information, along with available emissions and air quality trend data, agencies can develop techniques or procedures to forecast the relative change in the index by using the following word descriptors: No significant change, decrease, or increase. The principal responsibility for obtaining the necessary emission and air quality information lies with the air pollution control agency using the index. The air pollution control agency would integrate the meteorological information and apply the predictive methods to generate the forecast. The information needs for forecasting relative index changes is discussed further in Appendix A.



Figure 7. Example of possible PSI report for television.

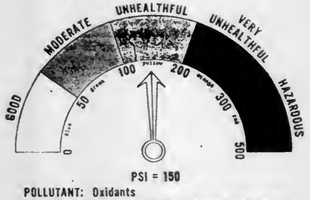


Figure 8. Example of possible PSI report for newspapers.

4.4 *Flexible media reporting*

The index has been designed to be as flexible as possible in reporting the status of air quality to the public. Either short or long reports can be used. For television, the report could read, "Today the air pollution index is 50, the air quality is good." However, when the air pollution becomes unhealthful, then several possible reports could be considered for television, the news media, or telephone recordings. For example, when oxidant pollution reaches a concentration of 280 $\mu g/m^3$ (0.14 ppm), the report could take several different forms.

(1) Today, the air pollution index is 150. The air is "unhealthful." The pollutant O_3 is responsible.

(2) An air pollution alert has (or has not) been called based on the forecast for the remainder of the day (and/or) tomorrow.

(3) Repeat the above and add the following cautionary statements: "Persons with existing heart or respiratory ailments should reduce physical exertion and outdoor activity."

(4) The report could include everything said in (1), (2), and (3) and then add that "unhealthful" air can cause "mild aggravation of symptoms in susceptible persons, with irritation symptoms in the healthy population."

(5) Finally, the report could conclude with the forecast of tomorrow's air pollution level, such as "no change in the air pollution level is expected."

Table 3 should be referred to in preparing the air pollution status report to the public. Figures 7 and 8 illustrate the above ozone example by showing possible reports for the television and newspaper, respectively. Both figures provide essential information, indicating the PSI value, the critical pollutant, the health implications for the public, and the next day's forecast. Each of the descriptor categories has been given equal weight. The information is displayed so that it can be presented as rapidly as possible in an easy-to-understand format.

5. MONITORING REQUIREMENTS

5.1 *Need for monitoring uniformity*

In order for PSI to be readily accepted, the data used in calculating the index must be comparable from site to site within a region. Since these data are to

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be obtained at existing air monitoring sites, certain easily implementable practices can eliminate considerable variability in the data. Among these are using: (1) uniformity of site types—that is, residential, commercial, etc.; (2) Federal Reference Methods or their equivalent; (3) standardizing sampling height and probe exposure; and (4) good housekeeping and quality control procedures to provide high quality data.

5.2 *Network considerations*

Air pollution control agencies need not undertake additional monitoring requirements in the implementation of PSI, but can simply select sites from their existing network. The sites selected, however, should generally meet two basic criteria: (1) Sites should be representative of population exposure—that is, not unduly influenced by a single emission point or background-oriented, and (2) sites should be located in areas of maximum concentration for the pollutant of interest, but should not be unduly influenced by any single source. Areas suitable for monitoring, by pollutant are:

TSP—populated areas substantially downwind of large sources or in the midst of numerous area sources.

SO_2—populated areas substantially downwind of large sources or in the midst of numerous area sources.

CO—densely populated, high-traffic volume areas, including areas in the center city.

O_3—populated areas substantially downwind of areas of maximum hydrocarbon emissions density, such as the central business district. The site should be 100 meters or more removed from major traffic arteries or parking lots.

NO_2—populated areas downwind of areas of high traffic density.

If a pollutant(s) is (are) measured at several locations within a metropolitan area, it would be desirable (if possible) to base the index on the site showing the highest reading on a given day. This would mean that different sites would be used on different days.

For large metropolitan areas comprised of many smaller cities and suburbs where significant air quality differences may exist, the air pollution control agency may wish to report separate index values for each community. This has the additional advantages of showing the public how air pollution varies over the larger metropolitan area. Furthermore, for example, the photochemical pollutants tend to be higher in the suburban fringe.

5.3 *Measurement practices and reporting frequencies*

5.3.1 *Use of Federal reference methods.* Since PSI is based on the NAAQS, the Federal Reference Methods (FRM) or equivalent should be used where possible. Such methods are consistent with the averaging time of the primary standards. Further, continuous methods should be used, where possible, to facilitate the reporting of the index numbers two or three times per day.

5.3.2 *Carbon monoxide, nitrogen dioxide, and ozone.* The FRM for CO is based on the nondispersive infrared measurement principle. The proposed method for NO_2 and the existing method for O_3 employ the chemiluminescence measurement principle and give continuous data. A FRM or equivalent method for CO, NO_2, and O_3 must also meet performance specifications set forth in the FEDERAL REGISTER.[20]

5.3.3 *Sulfur dioxide.* The FRM for SO_2 is the pararosaniline 24-hour bubbler method. The solution may be analyzed automatically or manually at the central laboratory. Serious logistics problems can arise if an index number must be calculated from multiple sites two or three times per day. Fortunately, there are procedures for designating continuous SO_2 analyzers as equivalent to the FRM,[20] and from these 24-hour running averages are easily obtained. Therefore, the use of the continuous SO_2 analyzer is recommended to collect the data used in the index. If one is not available, then a pararosaniline 24-hour bubbler method can be used if several precautions are taken. To prevent deterioration in the sample, the sample should be collected at ambient temperature or no warmer than 15° C if ambient temperatures are below freezing. The sample should then be analyzed as soon as possible, with no later than a six-hour delay from end of sampling to analysis.

5.3.4 *Total suspended particulate.* The FRM for TSP uses a high-volume sampler and specifies a midnight-to-midnight 24-hour sample followed by a 24-hour equilibration at a relative humidity less than 50 percent. This leads to a two-day delay in the reported value. For index reporting, the simplest modification to the FRM is to make the sampling time more convenient—that is, 8 a.m.-to-8 a.m. or noon-to-noon, etc. The sample could be weighed immediately to provide a TSP value for the index. Later a true value could be calculated after the recommended equilibration time of 24 hours. A study in EPA Region IV has shown that the true TSP values are usually within 10 percent of the values measured immediately after collection.[21] The true value would be recorded as the correct one, reported to the National Aerometric Data Bank, and used to calculate annual averages and maxima.

5.3.4.1 *Staggered high-volume sampler measurements.*—During episode conditions, the air polution control agency may find it necessary to inform the public of existing conditions two or three times per day. Therefore, several high-volume samplers could run for 24 hour periods staggered every 4 to 6 hours throughout the episode. The sample could be weighed immediately, and that weight used in deciding what action should be taken concerning the possible emergency. Then the filter would be equilibrated for 24 hours and reweighed.

5.3.4.2 *Alternative measurements.*—The paper tape sampler and the integrating nephelometer can be used to indicate the need for overlapping high-volume sampler measurements. The paper tape sampler has been used in most previous indices and has both Federal Episode Criteria and a Significant Harm Level. The Coefficient of Haze (COH) value from the paper tape sampler, however, is poorly correlated with TSP levels. In addition, the paper tape sampler has not been determined to be an "equivalent method" to the FRM. Therefore, its use should be limited to index reporting and must not be used to determine compliance with the NAAQS for particulate matter.

A newer instrument relatively untested in routine field applications is the integrating nephelometer. It measures the scattering of light from small particles and correlates well with visibility and TSP measurements. Both the paper tape sampler and the nephelometer can produce a running 24-hour value which can be used as a qualitative indicator of TSP loadings in the atmosphere.

5.3.5 *Frequency of Reporting and Appropriate Averaging Times.* The frequency of reporting is left up to the agency, within these suggested ranges. It may be desirable to report the index once a day but probably not more than three times per day. Because the high-volume sampler has a 24-hour averaging period, agencies might consider operating two or more high-volume samplers at the same station but with off-set time periods, ending between 8 a.m. and 6 p.m. to provide reporting information during the most desirable period.

If the agency desires, the paper tape sampler or integrating nephelometer could be used in conjunction with the high-volume sampler to provide estimates of the most recent ambient particulate loading. Thus used, the paper tape sampler provides some guidance on whether or not to undertake more intensive measurements during high air pollution levels.

Appropriate averaging times for which the index should be tabulated and reported for each pollutant are:

TSP—TSP values taken with the high-volume sampler are discrete 24-hour values. Monitoring the data collection should be on a schedule consistent with the agency's need to report the air quality index. Other overlapping times may be employed by those agencies wishing to report more than one index value per day.

SO_2—The suggested reporting value is the most current 24-hour running average since the last reporting period.

CO—Although there are two standards for CO (8 hours and 1 hour), the 8-hour standard is usually considered the limiting one and will be the one violated in the vast majority of cases. The most current 8-hour running average since the last reporting should be used. In addition, the agency could also report the index value associated with the highest 8-hour average during the reporting period.

O_3—The suggested reporting value for O_3 is the highest hourly value since the last reporting period. The reporting periods are usually 24 hours or shorter.

NO_2—Although the standard for NO_2 is an annual one, there are hourly values associated with episode criteria; therefore, using the highest hourly value since the last reporting period is recommended.

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APPENDIX A

INFORMATION NEEDS FOR FORECASTING PSI

Introduction

The information needed to qualitatively forecast the Pollutant Standards Index (PSI) is of two types: (1) pollutant-related and (2) meteorological. The pollutant-related information may include data on source locations, physical source characteristics and emissions, atmospheric-physiochemical transformation processes, and actual air quality measurements and trends. Meteorological information that may be included are data on synoptic weather features, on meteorological parameters indicative of the dispersive capability of the lower atmosphere, and of the photochemical potential. It might also include information on the effect of local terrain complexities upon meteorological parameters. Together, pollutant-related and meteorological information form the input to locally tailored predictive techniques such as mathematical models, statistically derived methods, or other techniques that may be applied along with subjective judgment to some degree.

The necessary pollutant-related information is to be obtained by the air pollution control (APC) agency having local responsibility for issuing the Index. The National Weather Service (NWS) is the primary agency supplying the needs of APC agencies for meteorological information. NWS services include issuance of advisories on air pollution potential and air stagnations. However, some APC agencies and/or their consultants may also collect and interpret meteorological information to supplement that available from the NWS.

General data needs

The types and amounts of pollutant-related information needed will vary depending on the particular pollutant(s) of concern and the source to monitoring site configurations in the particular geographical area. For example, in the Los Angeles Basin, photochemical oxidant is the primary pollutant of concern and since precursor sources (mainly mobile) are widespread, the potential for maximum impact exists over a rather large area. In contrast, in Pittsburgh and Birmingham where suspended particulate matter from industrial ferrous emissions will most likely cause elevated pollutant levels, the maximum impact will probably be more localized; thus, pollutant-related information may not have to be as extensive. It is also important to know the diurnal, weekly, and seasonal characteristics of emissions. For instance, carbon monoxide concentrations are closely associated both spatially and temporally with automobile emissions. Typical diurnal patterns reflect morning and evening peaks in vehicular traffic. High concentrations may shift weekly in response to changes in workday versus weekend automotive travel patterns. Seasonal patterns may shift in some areas with vacation travel.

Generally, an up-to-date emissions inventory should be available for communities where PSI is to be utilized in order to adequately assess the source to monitoring site impact relationships. For point sources (usually >100 tons/year of a pollutant), information should include the source location, pollutants emitted, emission rates, and stack parameters. Area source data, including lesser point emissions, are not normally as specific. Available area emissions, in tons per year, are usually quantified by city or county. Vehicular emissions may be estimated by combining local traffic pattern information with documented vehicle-fleet emissions rates. These emissions data are available from the EPA National Emissions Data System (NEDS), state planning agencies, and private sources. It may be necessary to supplement these data with emissions information affecting the various temporal cycles; for instance, information on the normal operating schedules of large point sources and on traffic volume cycles in congested areas.

Trends in the concentrations of pollutants can also be useful in predicting the PSI. Trend information might include the day-to-day variation in peak hourly values or 24-hour averages. Trends data should always be evaluated relative to changes taking place or anticipated in emissions or meteorology. Persistence of a trend would especially aid in arriving at the PSI forecast if no definitive changes in emissions or meteorological features are indicated. Interpretations of trends information, on a day-to-day basis, require care and experience because of the fluctuations that for varied reasons tend to occur about a mean trend.

The types of meteorological information that could be used for forecasting the PSI have been rather well defined through past experience with forecasting methods developed in support of air pollution control activities. This support has largely dealt with forecasting indices and episodic conditions. The meteorological features and parameters that are most often utilized in forecasting air quality indices at the present time are:

Character and movement of air masses and fronts
Areas of air mass subsidence
Incidence, intensity, and height of inversions
Mixing layer height
Prevailing wind direction
Mean wind speed (surface and mixing layer)
Ventilation (mixing layer mean wind speed × mixing height)
Precipitation
Temperature
Total sky cover

Of course, the emphasis placed on particular features and parameters listed above will vary with location and pollutant(s) of concern.

NWS information and support services

The NWS operates a comprehensive Air Pollution Weather Forecast Program. The program is administered from NWS National and Regional Headquarters with operational program elements at the National Meteorological Center (NMC) and local Weather Service Forecast Offices (WSFO's). Details of the program are contained in the NWS Operations Manual[18] and Technical Procedures Bulletins.[19] This program generates a variety of national, regional, and local air pollution weather forecast products which are issued to the public, to control agencies, or to both, as appropriate.

The NMC is responsible for providing the large-scale meteorological guidance used by field offices in the preparation of advisories and other products which are particularized and tailored to specific geographic areas to user requirements.

The air pollution weather products of NMC are comprised of the following elements:

a. *Forecast air stagnation charts.* Issued every morning on facsimile, these four panel computer based charts depict expected areas of atmospheric stagnation (Figure 1).

b. *Air stagnation narrative.* This plain language teletype message describing the Air Stagnation Charts, is issued every morning.

See footnotes at end of appendix.

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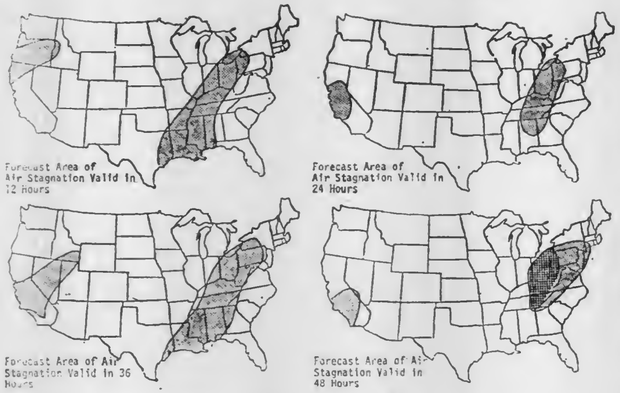


Figure 1. Sample of Stagnation Chart sent on facsimile, depicting significant areas of large-scale stagnation. Shaded area indicates area of large-scale stagnation, hatched area indicates area that is under large-scale stagnation on all four panels.

c. *Air stagnation data.* This computer derived teletype message currently consists of today's mixing height and transport wind speeds for selected NWS stations.

The WSFO's have responsibility for local forecast products within designated geographic boundaries, including the issuance of the following three basic air pollution products:

a. *Air stagnation advisories (ASA).* Issued to the public and control agencies when locally established critical values of transport wind, mixing height, and ventilation are forecast to be reached and conditions are expected to persist for at least 36 hours, causing probable significant decrease in air quality.

b. *Special dispersion statements.* A special product issued only to control agencies when a potential air pollution situation is determined by an NWS forecaster to exist but no ASA will be issued because such an issuance would not be in the public interest.

c. *Dispersion outlooks.* A routine product issued by all WSFO's where it has been determined that the APC needs routine meteorological information to facilitate day-to-day operations and adequate manpower is available at the WSFO. The format, content, and issuance times of this product is determined by the WSFO and APC. The Dispersion Outlook is issued only to the APC.

Occasionally, air pollution episodes of public concern may occur during non-stagnant situations. These involve predesignated episode levels that require control actions to improve the air quality condition. In these situations, the WSCO provides the appropriate government agencies with the meteorological support necessary for pollution control or abatement procedures.

In conjunction with these services, the NWS provides supplemental, low-level upper air soundings at designated stations. This program which provides for greater spatial and temporal detail on dispersion conditions, especially during episodes or potential episodes, is available for several cities. These locations are listed below, together with the sounding scheduled:

Location:	*Program*
Birmingham, Ala	1/day routine week day, weekend and 2d daily observation call.
Charleston, W. Va	1/day routine week day, weekend and 2d daily observation call.
Chicago, Ill	1/day routine week day, weekend and 2d daily observation call.
El Monte, Calif	2/day routine week days except occasionally omit afternoon soundings on well ventilated days.
Houston, Tex	1 day routine week day, weekends and 2d daily sounding on call.
Los Angeles, Calif	2/day, 7 days a week.
Philadelphia, Pa	All observations on call.

Additionally, special low-level soundings are available on an on-call basis at the regular upper air observation facilities near Denver, Colo., New York, N.Y., Oakland, Calif., Pittsburgh, Pa., and Washington, D.C. An aircraft sounding is available at Sacramento, Calif. Through a Cooperative effort, state APC agencies take soundings as needed in Seattle, Boston, Portland, Oreg., and San Jose, Ca. These are taken at special facilities that were established by the NWS.

The NWS has, up until recently, not been too closely involved nationwide in predicting conditions conducive to buildup of photochemical pollutants. Because of recent interest and increasing demand for such information, the NWS is in the process of evaluating possible techniques with the objective of modifying or adding to current air pollution weather forecast products and services.

Development of prediction methodology

The available services and information briefly described above form the basis for developing a local community procedure for making local qualitative forecasts of the PSI. These forecasts can be reasonably made for periods up to a day in advance in terms of No Significant Change, Increase, or Decrease. It is advisable for agencies planning to use the index along with a forecast procedure to have personnel on their staffs familiar with meteorological data and how these data may be applied in development of index prediction methodology.

Considering the wealth of information available from the NWS, it seems logical that the issuance of an index forecast should be scheduled at intervals complementary to operations at the NWS. This would allow the APC agency to have the advantage of the most current NMC weather products and WSFO air pollution forecast services. In addition, it would encourage further cooperation and support of the local NWS facility. However, while it can be expected that NWS meteorologists will be able to closely coordinate with a local agency in arriving at index change predictions during potential or actual episodic conditions, they will most likely not be able to give such attention to routine day-to-day forecasting of the index. Also, NWS personnel would not be expected to have detailed knowledge of pollutant-related factors.

Where an APC agency may have developed the expertise necessary to make quantitative predictions of the PSI for the following day, they should be encouraged to make these predictions. However, it should be cautioned that making quantitative predictions of air quality or air quality indices should not be attempted without a reasonable expectation of success based on well-tested techniques. Otherwise, a less than satisfactory forecast record could result, which would tend to have an adverse effect on public acceptance of the PSI.

Mathematical air quality simulation models have to date not been used to any appreciable extent in index prediction. Because of their relative complexity, cost of modifying for local use, and time and expense that may be involved in making day-to-day predictions, their use for predicting the index qualitatively will initially be limited. However, where APC agencies may progress to the point of making quantitative forecasts, the use of models may become necessary. A listing and brief description of possible air quality models that could be applied are contained on OAQPS Guideline No. 1.2031.[3]

Current use of meteorological information in index prediction

Approximately half of the 25 local agencies currently issuing air pollution indices make forecasts of their index a day in advance. Of these, only one third have meteorologists on their staffs, while the remainder rely upon NWS meteorologists for interpretation of meteorological data. Three of the local agencies were selected to serve as examples of how varying degrees of meteorological information can be incorporated into air quality index forecasting.

One of the more sophisticated forecast techniques, the Air Pollution Dispersal Index, was developed six years ago by the State of Colorado Department of Health in Denver.[4] A forecast is issued each morning for four time periods, a.m. today, p.m. today, a.m. tomorrow, and p.m. tomorrow. The technique developed by department meteorologists is based upon concepts of mixing height and wind speed discussed by Holzworth in AP-101,[5] and employs a nomogram of wind speed vs. mixing heights, with isolines of constant ventilation factor values serving to demarcate four dispersion categories. These categories are:

Ventilation factor (m^2/sec.) (*wind speed X mixing height*)	*Associated dispersion*
<2,000	Bad.
>2,000 to 4,000	Fair.
>4,000 to 6,000	Good.
>6,000	Excellent.

The mixing heights used for the "today" forecast are determined from a plot of the Denver morning upper air sounding, the morning minimum surface temperature at Stapleton Airport plus 3° to 4° C, and the forecast afternoon maximum temperature. The "tomorrow" mixing heights are determined from the forecast 24-hour minimum and 36-hour maximum temperature, and a forecast of the sounding using locally-tailored analytical techniques. All transport wind speeds are derived from either observed or forecast NWS data. Critical factors in Denver are the typical low-level morning inversions which serve to deteriorate air quality and the occurrence or forecast of rain or snow which automatically leads to a forecast of improving air quality.

The City of Philadelphia Department of Public Health uses general meteorological conditions and a NWS Air Stagnation Index to predict the Philadelphia Air Quality Index. The local agency receives meteorological information twice daily from the Philadelphia NWS office. Parameters of most concern are wind speed, gustiness and the likelihood of a frontal passage with its associated turbulent mixing. Wind direction is not a vital concern since emission sources in the city are relatively well distributed in all directions. Specifically, the Air Stagnation Index is formulated from the algebraic sum of several weighted meteorological parameters as shown in Table 1. To determine the index value, the weights associated with each observed parameter are summed. When at least one of the meteorological values is associated with a "Stop," excellent dispersion is forecast. Otherwise, dispersion is forecast according to the following scheme:

Sum of weights:	*Forecast dispersion*
−1, −2, −3	Good.
0	Marginally good.
+1	Marginally poor.
+2, +3	Poor.

TABLE 1. Air Stagnation Check Sheet[1]

Meteorological parameters	Value categories	Weights
Morning wind speed (knots)	> 10	STOP
	< 10 > 8	−1
	< 8 > 6	+1
	< 6	+2
afternoon and evening wind speed (knots)	> 11	STOP
	< 11 > 9	−1
	< 9 > 6	+1
	< 6	+2
morning mixing height (meters)	> 1500	STOP
	< 1500 > 750	−1
	< 750 > 500	0
afternoon ventilation factor ($meter^2$/sec)	> 8000	STOP
	< 8000 > 6000	−2
	< 6000 > 4000	0
	< 4000	+1

[1] Philadelphia Forecast Office
National Weather Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

However, due to the nature of the Philadelphia Air Quality Index, a dramatic change in dispersion is required to effect a change in the index values.

The Department of Public Health in Dallas uses meteorological data in a very qualitative manner. The general weather situation is examined daily with primary importance directed toward stagnating high pressure systems, cold frontal passages, and prevailing wind direction. NMC trajectory analysis data, surface weather patterns, and prognostic charts are used in a non-rigorous manner. For example, geographical plots of smoke and haze reports are occasionally used to determine the area extent and approach of pollutants due to large scale circulation patterns.

Improving conditions are forecast with the occurrence of precipitation, a frontal passage, and increasing wind speed. Deteriorating air quality is predicted when trajectories persist from local or more distant sources or sources areas.

Dated: August 27, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

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[FR Doc.76-25794 Filed 9-3-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

KERR GLASS CO.

Proposed Sanctions

The Office of Equal Opportunity has issued the following notice of proposed sanctions and amendments to that notice to the Kerr Glass Company for its failure to resolve all deficiencies cited in the 30 day show cause letter issued to that company on April 7, 1975.

The following letters are published in accordance with the requirements of 41 CFR 60-1.26(b)(2) (i) and (ii).

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. W. A. Kerr,
President,
Kerr Glass Company,
611 S. Chateau Place,
Los Angeles, California.

DEAR MR. KERR: On April 7, 1975, Kerr Glass Company was sent a notice to show cause within thirty (30) days why the Energy Research and Development Administration (ERDA) should not issue a notice of proposed cancellation or termination of present government contracts and subcontracts and debarment from further government contracts and subcontracts. That notice to show cause was sent after extensive efforts to conciliate deficiencies in Kerr Glass Company's Equal Employment Opportunity Program at the Dunkirk, Indiana, and Plainfield, Illinois, plants had proved unproductive. In accordance with the OFCC regulations at 41 CFR 60-2.2(c)(2), ERDA continued to negotiate the outstanding deficiencies with Kerr Glass even beyond the 30 day period. Although progress was made toward conciliation, the failure to resolve all deficiencies has forced ERDA to conclude that an acceptable voluntary agreement will not be forthcoming.

The only remaining deficiency in Kerr Glass Company's Equal Employment Opportunity Program is the contractor's failure and refusal to provide back pay for an affected class of female employees who transfer or wish to transfer into traditionally male jobs. Back pay for those women is an essential element of the contractor's corrective action program for affected class employees as required in 41 CFR 60-2.1.

As a result of Kerr Glass Company's failure to conciliate the affected class violation. ERDA hereby finds that Kerr Glass Company is not in compliance with Executive Order 11246, as amended by Executive Order 11375, and the regulations issued pursuant thereto, specifically 41 CFR 60.2.1. Therefore, pursuant to section 209 of Executive Order 11246 and 41 CFR 60-1.26(b), ERDA, with the approval of the Director of the Office of Federal Contract Compliance, issues to Kerr Glass Company this notice of proposed cancellation or termination of existing government contracts and subcontracts and debarment from future government contracts and subcontracts. You have fourteen (14) days from the receipt of this letter to request a hearing pursuant to 41 CFR 60-1.26(b)(1). If a request for hearing is not received within fourteen (14) days from the date of receipt of this notice, Kerr Glass Company will be declared ineligible for future contracts and current contracts will be terminated in accordance with 41 CFR 60-1.26(b)(2)(v).

If a hearing is requested, the Office of Federal Contract Compliance, at the discretion of the Director, may suspend a contractor's present contracts or subcontracts in accordance with 41 CFR 60-1.26(b)(2)(iv). However, in view of good faith efforts Kerr Glass Company has made to conciliate all other outstanding issues, should a request for a hearing be forthcoming within 14 days, no contracts or subcontracts held by Kerr Glass will be suspended pending the final outcome of a formal hearing.

Dated: September 30, 1975.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. W. A. KERR,
President,
Kerr Glass Company,
611 S. Chateau Place,
Los Angeles, California.

DEAR MR. KERR: On September 30, 1975, Kerr Glass Company was sent a notice of proposed cancellation or termination of existing government contracts and subcontracts and debarment from future government contracts and subcontracts pursuant to Section 209 of Executive Order 11246, as amended, and 41 CFR 60-1.26(b). On October 3, 1975, the company responded to that notice and requested "a hearing pursuant to 41 CFR 60-1.26."

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The second paragraph of said September 30 notice is hereby amended to read as follows:

The only remaining deficiency in Kerr Glass Company's Equal Employment Opportunity Program is the contractor's failure and refusal to provide back pay for an affected class of female employees. Back pay for those women is an essential element of the contractor's corrective action program for affected class employees as required in 41 CFR 60-2.1.

In all other respects the notice remains unchanged.

You may, within fourteen (14) days from the receipt of this notice, file an amendment to your answer of October 3, 1975.

Dated: June 2, 1976.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

[FR Doc.76-25982 Filed 9-3-76;8:45 am]

OWENS-ILLINOIS INC.

Proposed Sanctions

The Office of Equal Opportunity has issued the following notice of proposed sanctions to Owens-Illinois Incorporated for its failure to resolve all deficiencies cited in the 30 day show cause letter issued to that company on November 28, 1975.

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2)(i) and (ii).

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. E. D. DODD,
President and Chief Executive Officer,
Owens-Illinois Incorporated,
P.O. Box 1035,
Toledo, Ohio.

Dear Mr. DODD: Pursuant to section 209(b) of Executive Order 11246, as amended, and 41 CFR 60-1.26(b), you are hereby notified that the United States Energy Research and Development Administration (ERDA) proposes to require cancellation or termination of existing Federal Government contracts and subcontracts held by Owens-Illinois Incorporated (hereinafter referred to as the Respondent) and in addition proposes to declare said company ineligible for future Federal Government contracts or subcontracts.

This proposed action is based upon the Respondent's failure to comply with Executive Order 11246, as amended, as required by the Equal Opportunity clause of the Respondent's Federal Government contracts and subcontracts.

In its capacity as compliance agency, ERDA conducted a scheduled compliance review of the Respondent's Libbey Plant the week of February 24, 1975. On the basis of that review ERDA determined that the Respondent failed to meet the requirements of Executive Order 11246, as amended, and so advised the Respondent by letter dated March 4, 1975. Included therein was a list of current deficiencies, the correction of which was necessary to achieve compliance with the Executive Order. One deficiency listed was the failure to remedy the current suffering of the effects of past discrimination of hourly-paid female employees hired prior to March 4, 1975, by not providing an adequate proposal for back pay.

Following the March 4, 1975, letter, ERDA tried to assist the Respondent in resolving all of the current deficiencies through written communication, telephone calls, and a conference. All of these issues were eventually resolved with the exception of the Respondent's failure to provide relief to the female employees, as noted above.

Consequently, ERDA issued a notice to the Respondent on November 28, 1975, giving the Respondent thirty (30) days to show cause why enforcement proceedings under Section 209(b) of Executive Order 11246, as amended, should not be instituted. This show-cause notice detailed the remaining deficiency and delineated the remedial action necessary to to remove the deficiency.

On January 7, 1976, a conference was held between representatives of the Respondent and ERDA. This meeting and a January 14, 1976, letter from the Respondent to ERDA failed to resolve the issue.

In addition, data provided ERDA by the Respondent revealed another EEO deficiency existent at the Libbey Plant; the facility's discriminatory application of its job evaluation plan which adversely affected the plant's hourly-paid female employees. This deficiency and the necessary remedial actions were presented to the Respondent during the January 7, 1976, meeting and in ERDA's February 11, 1976, reply to the Respondent's January 14, 1976, letter.

On March 6, 1976, the Respondent submitted a proposal to ERDA which not only failed to remedy the affected class, but also ignored ERDA's recommendations to remedy the effects suffered by the women as a result of the Respondent's discriminatory application of its job evaluation plan. Therefore, in view of the circumstances cited above, ERDA is compelled to seek the action proposed.

Owens-Illinois has fourteen (14) days from receipt of this notice to request a formal hearing on this proposed action. If Owens-Illinois requests such a hearing, the Company will have an adequate opportunity at the hearing to respond to ERDA's determination of the Company's noncompliance. Owens-Illinois' failure to request a hearing will result in the cancellation or termination of the Company's current Federal Government contracts and subcontracts, and Owens-Illinois will be declared ineligible for future Federal Government contracts. Any request for a hearing should be addressed to me.

Dated: May 28, 1976.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

[FR Doc.76-25983 Filed 9-3-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-267]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

AUGUST 31, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

21-CSS-MP-76.—COMSAT General Corporation, RCA Global Communications, ITT World Communications & Western Union International, Inc. For modification of MARISAT space station construction permit (File nos. 17/81/19/20-CSS-P-(3)-73) to include the deployment of the third MARISAT satellite as an operational Indian Ocean satellite in-orbit spare.

22-CSS-LA-76.—COMSAT General Corporation, RCA Global Communications, ITT World Communications & Western Union International, Inc. For authority to launch the third MARISAT satellite into orbit over the Indian Ocean at 73° East Longitude, and conduct in-orbit testing of this space station.

[F RDoc.76-26088 Filed 9-3-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Conference on Rates and Charges

AUGUST 30, 1976.

Take notice that on September 16, 1976, a conference of all parties to intervene in this proceeding, the Cities Service Gas Company, any interested customers, and the Commission Staff will be held in Conference Room No. 3200 at the Federal Power Commission, 941 North Capitol Street, N.E., Washington, D.C., at 10:00 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26044 Filed 9-3-76;8:45 am]

[Docket Nos. RP76-94, RP76-95, and RP76-138]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Pipeline Rates: Suspension; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Waiver, Consolidating Proceedings, and Establishing Procedures

AUGUST 31, 1976.

On July 30, 1976, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing proposed revisions to its FPC Gas Tariff, Original Volume No. 2,[1] providing for increased revenues for transportation service rendered from offshore to onshore Louisiana through its Blue Water facilities. Columbia Gulf requests that the subject tariff sheets be permitted to become effective on September 1, 1976. For the reasons set forth hereinbelow, the Commission shall accept the tariff sheets for filing, suspend their effectiveness for two months until November 1, 1976, and consolidate proceedings herein with proceedings in Docket Nos. RP76-94 and RP76-95.[2]

In the transmittal letter accompanying its filing, Columbia Gulf states that the increased transportation rates proposed in the instant filing reflect the same cost of service as filed in Docket No. RP76-94, wherein Columbia Gulf has filed for increased rates for services subject to Original Volume No. 1 of its FPC Gas Tariff. Since the rates proposed in Docket No. RP76-94 may be collected subject to refund as of November 1, 1976,[3] Columbia Gulf requests that any suspension ordered herein be limited to two months in order that the increased rates proposed in the two dockets may become effective simultaneously.

Public notice of the instant filing was issued on August 12, 1976, with comments, protests or petitions to intervene due on or before August 25, 1976. All responses to such notice will be dealt with by separate order.

Although Columbia Gulf's submittal in the instant docket was filed as a "minor rate increase" pursuant to the provisions of Section 154.63(a)(3) of the Commission's Regulations, 18 CFR 154.-63(a)(3), Commission review of the filing indicates that it proposes a rate increase for the test period in excess of $100,000. Therefore, the filing fails to comply with one of the provisions of said Section. However, because sufficient data and information has been submitted to enable the Commission to adequately review the filing, and because the Company's support for the increased cost of service reflected in this docket has already been submitted in Docket No. RP76-94, the Commission shall waive the pertinent provision of Section 154.63(a)(3) of its Regulations.

Commission review of Columbia Gulf's revised tariff sheets indicates that the increased rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. Accordingly, the tariff sheets shall be accepted for filing and suspended for two months until November 1, 1976, when they may be placed into effect, subject to refund. Furthermore, because of the similarities between this filing and Columbia Gulf's filing in Docket No. RP76-94, and because the two filings are likely to raise common issues of law and fact, the Commission shall consolidate the filings for hearing and all other purposes.

The Commission notes that in Docket Nos. RP76-94 and RP76-95, revenues generated by the transportation rates contained in Original Volume No. 2 of Columbia Gulf's tariff (i.e. revenues obtained from Blue Water service) are credited to the Company's total cost of service to derive revenues to be recovered from service under Original Volume No. 1. Thus, the rate increase proposed by the instant filing (Original Volume No. 2) will have an impact upon the rates proposed in Docket No. RP76-94 (Original Volume No. 1). The rates proposed in Docket No. RP76-94 are, in turn, reflected in Docket No. RP76-95. Accordingly, Columbia Gulf and Columbia Gas Transmission Corporation (Columbia Gas) shall be required to file revised tariff sheets, to be effective November 1, 1976, and cost of service computations reflecting the impact of the rates herein proposed upon their respective rate increase filings in Docket Nos. RP76-94 and RP76-95.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on July 30, 1976, by Columbia Gulf and suspend their use for two months until November 1, 1976, or until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to waive the provisions of Section 154.63(a)(3) of the Commission's Regulations in order to accept the instant submittal for filing as a "minor rate increase."

(3) Good cause exists to consolidate proceedings in Docket No. RP76-138 with proceedings in Docket Nos. RP76-94 and RP76-95.

(4) Good cause exists to require Columbia Gulf and Columbia Gas to file revised tariff sheets to be effective November 1, 1976, and cost of service computations reflecting the impact of the rates herein proposed upon their respective rate increase filings in Docket Nos. RP76-94 and RP76-95.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on July 30, 1976, by Columbia Gulf are hereby accepted for filing and suspended for two months until November 1, 1976, or until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed on July 30, 1976, by Columbia Gulf.

(C) The provisions of § 154.63(a)(3) of the Commission's Regulations are hereby waived to permit acceptance for filing of Columbia Gulf's submittal in Docket No. RP76-138 as a "minor rate increase."

(D) Proceedings in Docket No. RP76-138 are hereby consolidated for all purposes with proceedings in Docket Nos. RP76-94 and RP76-95.

(E) Prior to November 1, 1976, Columbia Gulf and Columbia Gas shall file revised tariff sheets and cost of service computations in Docket Nos. RP76-94 and RP76-95, respectively, reflecting the impact of the rates herein proposed upon the rates proposed in those dockets.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 26049 Filed 9-3-76;8:45 am]

[Docket No. ER76-816]

GULF STATES UTILITIES CO.

Electric Rates: Suspension and Mobile-Sierra; Order Accepting and Suspending Certain Proposed Rate Schedules, Rejecting Other Proposed Rate Schedules and Establishing Procedures

AUGUST 31, 1976.

On July 29, 1976, Gulf States Utilities Company (Gulf States) tendered for filing Rate Schedule WSM, "Other Electric Corporation for Resale," and Rate Schedule WSC, "Wholesale Power to Rural Electric Distribution Cooperatives." The proposed Rate Schedules affect rates for wholesale service for eleven municipals and two cooperatives which purchase power from Gulf States.[1] In addition, the tendered Rate Schedules are proposed to become applicable to the individual contracts between Gulf States and the members of the Sam Rayburn Dam Electric Cooperative, Inc. (Sam Dam).[2] Finally, Gulf States proposes that Rate Schedule WSC supersede the rate schedule in its contract with Cajun Electric Power Cooperative, Inc. (CEPCO).[3] For the reasons hereinafter stated, the Commission shall accept and suspend certain of the proposed rate schedules and reject others.

Rate Schedules WSM and WSC would result in increased revenues to Gulf States amounting in total to approxi-

[1] The proposed revised tariff sheets are designated First Revised Sheet Nos. 72, 73, 92, 93, 126 and 256, and Second Revised Sheet Nos. 145, 146, 147, 148, 149, 150, 151 and 152.

[2] See Columbia Gulf Transmission Company and Columbia Gas Transmission Corporation, Docket Nos. RP76-94 and RP76-95, order issued May 28, 1976.

[3] *Id.*, mimeo at 5, ordering paragraph (A).

[1] Rate Schedule WSM proposes to change rates to: Towns of Erath, New Roads, Rayne, Gueydan, Kaplan, Welsh, Abbeville and St. Martinsville, Louisiana; Cities of Caldwell and Newton, Texas; and, Kirbyville Light & Power Company. Rate Schedule WSC affects rates to Mid South Electric Cooperative and Hanston County Electric Cooperative.

[2] The members are the Town of Vinton, Louisiana, the Cities of Livingston, Jasper and Liberty, Texas, Sam Houston Electric Cooperative and Jasper-Newton Electric Cooperative.

[3] Service is not expected to begin until 1978 under the Gulf States—CEPCO contract.

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mately $950,294, based on the twelve-month period beginning September 1, 1976. Both Rate Schedule WSM and WSC consist of blocked demand and energy charges subject to fuel, power factor and tax adjustments and a high voltage discount. The base cost of fuel shown in the fuel adjustment clause of both proposed Rate Schedules is increased as is the billing demand ratchet for all customers.

The Commission finds that Gulf States' contracts with Sam Houston Electric Cooperative and Jasper-Newton Electric Cooperative do not permit unilateral rate changes.[4] *FPC* v. *Sierra Pacific Power Co.*, 350 U.S.C. 348 (1956); *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S.C. 332 (1956). As to these very same contracts the Circuit Court of Appeals for the District of Columbia affirmed the Commission's previous findings in this regard:

1. Prior to the negotiation of the SPA—Sam Rayburn—Gulf States tripartite agreement, all of the members of Sam Rayburn, both cooperatives and municipals, were customers of Gulf States. The cooperative members had contracts with Gulf States that clearly did not permit unilateral rate changes, as the FPC recognized.

Sam Rayburn Electric Cooperative v. *FPC*, 515 F.2d 998, 1004 (D.C. Cir. 1975) (Emphasis in original; n. omitted)

The contracts with the Sam Dam municipals do not contain the same bar to a unilateral rate change. Sam Rayburn, 515 F.2d at 1004. Therefore, the proposed rate schedule changes to the contracts of the Sam Dam municipals should not be rejected.

The Commission's review of the proposed rates tendered by Gulf States indicates that they have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, Gulf States' proposed Rate Schedules as designated in Attachment A should be accepted for filing and suspended.

The Commission finds: (1) The proposed Rate Schedule WSC to the contracts of Sam Houston and Jasper-Newton should be rejected.

(2) Gulf States' proposed Rate Schedules WSM and WSC, with the exception noted in (1), should be accepted for filing and suspended.

The Commission orders: (A) Rate Schedule WSC as it is proposed to apply to the Sam Houston and Jasper-Newton contracts is hereby rejected.

(B) Gulf States' proposed Rate Schedule WSM is hereby accepted for filing and its use suspended for three months, until December 1, 1976, at which time it shall be permitted to become effective, subject to refund, pending the final decision in this case.

(C) Gulf States' proposed Rate Schedule WSC, with the exception noted in (A), is hereby accepted for filing and its use suspended for one day, until September 2, 1976 at which time it shall be permitted to become effective, subject to refund, pending the final decision in this case.

(D) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in Gulf States' Rate Schedules WSM and WSC as proposed to be revised by the subject filings.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before March 15, 1977. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) Gulf States shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission Regulations, 18 CFR § 35.19a.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on each of Gulf States' wholesale customers.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[4] The pertinent language in both contracts is found in Article XI, as amended by letter agreement of July 9, 1976.

This agreement shall bind the Company and the Customers until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term of any extension thereof • • •

Gulf States Rate Schedule FPC No. 71 (Jasper-Newton), Gulf States Rate Schedule FPC No. 69 (Sam Houston).

ATTACHMENT A

Designation	Other party	Description
Supplement No. 4 to Rate Schedule FPC No. 117 (supersedes Supplement No. 3 to FPC No. 117).	Town of Abbeville	Rate WSM.
Supplement No. 5 to Rate Schedule FPC No. 117	do	Rider WSM-A.
Supplement No. 3 to Rate Schedule FPC No. 112 (supersedes Supplement No. 2 to FPC No. 112).	City of Caldwell	Rate WSM.
Supplement No. 2 to Rate Schedule FPC No. 120 (supersedes Supplement No. 1 to FPC No. 120).	Town of Eraih	Do.
Supplement No. 5 to Rate Schedule FPC No. 111 (supersedes Supplement No. 4 to FPC No. 111).	Town of Gueydan	Do.
Supplement No. 6 to Rate Schedule FPC No. 111 (supersedes Supplement No. 5 to FPC No. 111).	do	Rider WSM-A.
Supplement No. 4 to Rate Schedule FPC No. 116 (supersedes Supp. No. 3 to FPC No. 116).	Houston County Electric Cooperative.	Rate WSC.
Supplement No. 5 to Rate Schedule FPC No. 113 (supersedes Supp. No. 4 to FPC No. 113).	City of Kaplan	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 113 (supersedes Supp. No. 3 to FPC No. 113).	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 110 (supersedes Supp. No. 4 to FPC No. 110).	Kirbyville Light & Power Co	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 110 (supersedes Supp. No. 2 to FPC No. 110).	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 76 (supersedes Supp. No. 5 to FPC No. 76).	Mid South Electric Cooperative	Rate WSC.
Supplement No. 3 to Rate Schedule FPC No. 119 (supersedes Supp. No. 1 to FPC No. 119).	Town of New Roads	Do.
Supplement No. 4 to Rate Schedule FPC No. 119 (supersedes Supp. No. 2 to FPC No. 119).	do	Rider WSM-B.
Supplement No. 4 to Rate Schedule FPC No. 115 (supersedes Supp. No. 3 to FPC No. 115).	City of Newton	Rate WSM.
Supplement No. 4 to Rate Schedule FPC No. 105 (supersedes Supp. No. 3 to FPC No. 105).	Town of Rayne	Do.
Supplement No. 5 to Rate Schedule FPC No. 118 (supersedes Supp. No. 4 to FPC No. 118).	Town of St. Martinville	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 118 (supersedes Supp. No. 2 to FPC No. 118).	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 114 (supersedes Supp. No. 4 to FPC No. 114).	Town of Welsh	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 114 (supersedes Supp. No. 2 to FPC No. 114).	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 104 (supersedes Supp. No. 6 to FPC No. 104).	Cajun Electric Power Cooperative.	Rate WSC.
Supplement No. 5 to Rate Schedule FPC No. 95 (supersedes Supp. No. 4 to FPC No. 95).	City of Jasper	Rate WSM.
Supplement No. 5 to Rate Schedule FPC No. 96 (supersedes Supp. No. 3 to FPC No. 96).	City of Liberty	Do.
Supplement No. 6 to Rate Schedule FPC No. 96	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 86 (supersedes Supplement No. 4 to FPC No. 86).	City of Livingston	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 86	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 24 (supersedes Supp. No. 6 to FPC No. 24).	Town of Vinton	Rate WSM.
Supplement No. 8 to Rate Schedule FPC No. 24	do	Rider WSM-A.

[FR Doc.76-26050 Filed 9-3-76;8:45 am]

[Docket No. E-9485]

KANSAS GAS AND ELECTRIC CO.

Filing of Refund Report

AUGUST 27, 1976.

Take notice that on August 2, 1976, the Kansas Gas and Electric Company (Kansas Gas) filed amendments to certain of its rate schedules reflecting the provisions of the settlement agreement approved and accepted in this docket by order issued July 21, 1976. Kansas Gas states its intent to make appropriate refunds, with interest at 9 percent per annum, upon acceptance of this filing.

Any person desiring to be heard or to protest said amendments should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 14, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26042 Filed 9-3-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Certification of Proposed Stipulation and Settlement Agreement

AUGUST 30, 1976.

Take notice that on August 19, 1976 Presiding Administrative Law Judge Samuel Kanell certified the record in Docket No. RP76-50 and a proposed stipulation and settlement agreement to the Commission. The Stipulation and Agreement, presented by Michigan Wisconsin Pipe Line Company (Mich-Wisc) as Exhibit 1, would be supplemented by the following addition to Article I;

It is also agreed to exempt from curtailment, the small general service customers purchasing gas under rate schedule SGS-1 for one year, until September 1, 1977, in order to permit the installation of alternate fuel capability by certain industrial customers.

Mich-Wisc's plan as filed with the Commission on December 29, 1975, pursuant to the requirement in Commission Order issued October 14, 1975 in Docket No. CP74-157, is contained in Exhibit 2 and provides 6 priority of service categories. The Plan does not distinguish between firm and interruptible sales; commercial sales of 50 Mcf per day or more are treated the same as industrial sales of comparable volumes; and commercial and industrial sales of less than 300 Mcf per day are included in Priority 2. Boiler fuel use of 300 Mcf or more on a maximum day is relegated to the lowest Priority 4, 5 and 6, according to size. Plant protection is not included in the six priorities. Storage injection net volumes are allocated to the six priorities based upon the distributor's sales profile during the 1974–75 base year.

Copies of the subject Proposed Stipulation and Settlement Agreement are on file with the Commission and available for public inspection. Any person, including the parties, desiring to comment on the matters contained therein should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before September 24, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26045 Filed 9-3-76;8:45 am]

[Docket No. ER76-828]

NANTAHALA POWER AND LIGHT CO.

Electric Rates: Suspension; Order Accepting for Filing and Suspending Proposed Tariff Sheets

AUGUST 31, 1976.

On July 30, 1976, Nantahala Power and Light Company (NP&L) tendered for filing proposed tariff revisions [1] for service to three wholesale customers, Haywood Electric Membership Cooperation, the Town of Highlands, North Carolina, and Western Carolina University. The proposed rates provide for increased charges of $121,908 (28.2%) for the test period calendar year 1975.

The proposed rate changes under the revised tariff rate schedule PL consists of:

(1) An increase in the monthly demand charge from $40 plus $1.75/kw to $115 plus $3.45 per kw and (2) simplification of the energy charge from a two-block charge of 8.3 mills/kWh for the first 100,000 kWh and 6.9 mills/kWh for all additional kWh to a single-block energy charge of 5.4 mills kWh. Demand and energy charges are subject to a purchase power adjustment clause which is designed similarly to a clause still at issue in NP&L's previous tariff rate increase in Docket No. E-9181.[2]

Public notice of NP&L's proposed rate increase was issued on August 17, 1976, with comments, protests, or petitions to

[1] Designated as: Nantahala Power and Light Company, (A) Third Revised Sheet No. 4 to FPC Electric Tariff. (Supersedes Second Revised Sheet No. 4.) (B) Fourth Revised Sheet No. 5 to FPC Electric Tariff. (Supersedes Third Revised Sheet No. 5.)

[2] Factors in the clause have been updated to reflect current cost allocations. The Administrative Law Judge approved the clause in Docket No. E-9181 in his Initial Decision issued March 31, 1976.

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intervene due on or before September 10, 1976.

Commission Staff's analysis of the proposed rates filed herein by NP&L indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall therefore suspend the proposed rates for one month and shall establish hearing procedures.

The Commission finds: Good cause exists to accept for filing NP&L 's proposed increased rates tendered on July 30, 1976, and to suspend those rates for one month until October 1, 1976, when they will be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission orders: (A) Pending a hearing and decision thereon, NP&L's proposed rate schedules are hereby accepted for filing and suspended from operation for one month, to become effective October 1, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act a hearing shall be held concerning the justness and reasonableness of NP&L's proposed rate increases.

(C) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before January 1, 1977. (See Administrative Order No. 157)

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) NP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increase rates filed herein, as required by § 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26051 Filed 9-3-76;8:45 am]

[Docket No. ES76-66]

UTAH POWER AND LIGHT CO.

Application

AUGUST 30, 1976.

Take notice that on August 20, 1976, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of promissory notes to banks and dealers in commercial paper during the period October 1, 1975, through September 30, 1976, in an amount aggregating not more than $125,000,000. The notes will be payable not more than nine months from the date thereof and shall bear interest from the date thereof until paid at the rate per annum which shall be the prime commercial rate in effect from time to time for unsecured loans at the bank to which the note is issued.

The proceeds from the issuance and sale of the promissory notes will be applied to Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26046 Filed 9-3-76;8:45 am]

[Project No. 587]

WASHINGTON WATER POWER CO.

Issuance of Annual Licenses

AUGUST 30, 1976.

Washington Water Power Company is the Licensee for Transmission Line Project No. 587 located in Lincoln, Grant, Douglas, Chelan and Okanogan Counties, Washington, under the Federal Power Act and Commission regulations thereunder. By letter dated May 26, 1975, Licensee was advised that the portion of the transmission line extending from Stratford to the Chelan hydroelectric plant (FPC Project No. 637) is a primary line and subject to relicense.

The license for Project No. 587 was issued effective August 26, 1925, for a period ending August 25, 1975. Since the original date of expiration, the project has been maintained and operated under an annual license which will expire on August 25, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Washington Water Power Company.

Take notice that an annual license is issued to the Washington Water Power Company under the Federal Power Act for the period August 26, 1976, to August 25, 1977, for the continued operation and maintenance of Project No. 587, unless during that period a new license for the project is issued. Take further notice that if the issuance of a new license does not take place on or before August 25, 1977, a new annual license will be issued each year thereafter, effective August 26 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26047 Filed 9-3-76;8:45 am]

[Docket No. ER76-790]

WEST PENN POWER CO.

Filing of Certificate of Concurrence

AUGUST 30, 1976.

Take notice that on August 2, 1976, Duquesne Light Company (Duquesne) tendered for filing a Certificate of Concurrence certifying that Duquesne assents to and concurs in the rate schedule supplement submitted for filing by West Penn Power Company on July 13, 1976 in the above-captioned docket, and being in the form of Amendment No. 5, dated as of June 30, 1976, to the Interchange Agreement, dated February 1, 1968, between West Penn Power Company and Duquesne Light Company.

Duquesne states that a copy of the Certificate of Concurrence filing has been mailed to West Penn Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18-CFR 1.8, 1.10). All such petitions or protests should be mailed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26048 Filed 9-3-76;8:45 am]

FEDERAL TRADE COMMISSION

ENERGY EFFICIENCY LABELING

Delay in Proposing Labeling Rules

Under section 324(a)(1) of Pub. L. 94-163, the Energy Policy and Conservation Act (hereinafter the "Act"), the Federal Trade Commission (hereinafter the "Commission") is required to prescribe labeling rules applicable to designated consumer products covered under section 322(a) of the Act. These rules will require manufacturers of covered products to attach a label to each of their products which will disclose, based on test procedures prescribed by the Federal Energy Administration (hereinafter the "FEA") pursuant to section 323(a)(2) of the Act, the estimated annual cost of operation of the product, or in lieu thereof some other useful measure of energy consumption. In addition, the label is to disclose information respecting the range of estimated annual operating costs, or in lieu thereof the range of some other useful measure of energy consumption, for the product to which the rule applies, as well as additional information relating to energy consumption if the Commission determines that such information would assist consumers in making purchasing decisions or in using the product, and that disclosing such additional information would not be unduly burdensome to manufacturers.

On July 27, 1976, the Administrator of the FEA published in the FEDERAL REGISTER (41 FR 31,237) a proposed test procedure with respect to room air conditioners. In the near future, and not later than September, 1976, it is anticipated that the FEA will publish proposed test procedures for six (6) additional covered products: Refrigerators and refrigerator freezers, freezers, dishwashers, clothes dryers, water heaters, and television sets.

Under section 324(b)(1) of the Act, the Commission is directed to publish a proposed labeling rule for each of these consumer products not later than thirty (30) days after the date on which the Administrator of the FEA has published proposed test procedures for each of these consumer products. However, under section 324(b)(5) of the Act the Commission may delay the publication of a proposed labeling rule beyond the thirty (30) day period after publication of the proposed test procedures, if it determines that it cannot publish proposed labeling rules which meet the requirements of section 324 of the Act, and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor. In any such case, the Commission is to publish a proposed labeling rule for each of these consumer products as soon as practicable, unless it determines that labeling in accordance with section 324 of the Act is not economically or technically feasible.

The Commission has determined, pursuant to section 324(b)(5) of the Act, that it cannot publish proposed labeling rules for these seven (7) covered products which would meet the requirements of section 324 of the Act within thirty (30) days after the FEA has published a proposed test procedure for each of these covered products. The Commission's determination to delay publication of these proposed labeling rules is based on the fact that the consumer research necessary for developing prototype labels will not be completed and made available until late October, 1976. Funds only became available to conduct this research in mid-May of this year. On June 10, 1976, the Commission published in the Commerce Business Daily a request for a proposal (RFP 11-76) for an independent research organization to assist in the development of prototype labels and test their effectiveness in conveying energy consumption and efficiency information to consumers.

While research of this kind may not be necessary for some other types of labeling rules, it is essential for those labeling rules mandated under the Act. Energy consumption and efficiency are aspects of product performance that have only recently begun to emerge as significant factors in consumer decision-making, and neither research results nor practical experience are available to provide guidance regarding the communication of energy consumption information to consumers. In view of the large number of consumer products involved in this rulemaking activity, and the desirability of consistency in content and format across product categories, it is essential that the research results be available before any of the labeling rules are promulgated.

By direction of the Commission dated August 13, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26173 Filed 9-3-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-399]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Nevada (Docket No. 776) in a proceeding involving a proposed gas rate increase application by the Southwest Gas Corporation.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees therof.

JACK ECKERD,
Administrator of General Services.

AUGUST 30, 1976.

[FR Doc.76-26002 Filed 9-3-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-73)]

SPACE PROCESSING PAYLOAD ADVISORY SUBCOMMITTEE

Meeting

The Applications Steering Committee, Space Processing Payload Advisory Subcommittee will meet at NASA Headquarters, 400 Maryland Avenue, SW., Washington, D.C., on September 23 and 24, 1976. The meetings will be held in Room 6104 of Federal Office Building 6 from 9:00 a.m. to 5:00 p.m. each day. The public will be admitted to the sessions beginning 15 minutes before the scheduled start and attendance will be on a first come-first serve basis up to the seating capacity of the room which is 200 people.

This subcommittee is chartered to review the Space Processing Shuttle Payload development activities and advise NASA from the standpoint of experimenters or sponsors of experiments on the payload equipment to be provided for the materials science research and development experiments planned for the Space Transportation System missions in the early 1980's.

During the morning and early afternoon of September 23, 1976, the subcommittee will be briefed on the final results of the Space Processing Shuttle Payload Definition Studies. These definition studies have identified the scientific requirements for laboratory facilities, translated these scientific requirements into engineering specifications, and developed conceptual designs for the payload facilities. The final session on September 23, 1976, will focus on the Agency's current plans to develop the Space Processing Shuttle Payloads. The Subcommittee will meet on September 24, 1976, from 9:00 a.m. to 5:00 p.m. to prepare their recommendations on the priorities and specification of the payload equipment to be

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provided by NASA to support materials processing experiments on the early Space Transportation System missions.

Following is the approved agenda for the meeting:

SEPTEMBER 23, 1976

Time:	Subject
9 a.m.	Introduction.
9:30 a.m.	Auxiliary payload power system study results.
10 a.m.	G.E. payload definition study results.
1:30 p.m.	TRW payload definition study results.
4:15 p.m.	Agency planning to develop space processing shuttle payloads.

SEPTEMBER 24, 1976

Time:	Subject
9:00 a.m.–5:00 p.m.	Preparation of subcommittee recommendations.

For further information, please contact Mr. Mark B. Nolan at (202) 755-3848.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

AUGUST 31, 1976.

[FR Doc.76-26063 Filed 9-3-76;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

COMPUTER DATA BASES

Meeting

The September 1976 meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 9:30 a.m. on the 16th in Room 2423 and on the 17th in Room 2435 at the Law School Building at the corner of Hilgard Avenue and Dixon Court, UCLA, Los Angeles, California. The proceedings will include Commission discussion and presentations relating to computer data bases conducted by invited guests as follows:

THURSDAY, SEPTEMBER 16, 1976

9:45 a.m.–11:45 a.m.—Staff report and Commission discussion.

1:30 p.m.–2:30 p.m.—Dr. Herbert R. J. Grosch, President, Association for Computing Machines.

2:30 p.m.–3:30 p.m.—Dr. M. Thomas Risner, Director, National Information Center for Education Media (NICEM).

3:45 p.m.–5:00 p.m.—Commission discussion on day's proceedings.

FRIDAY, SEPTEMBER 17, 1976

9:40 a.m.–10:00 a.m.—Discussion of status of Copyright Revision Bill.

10:00 a.m.–11:00 a.m.—Dr. Carlos Cuadra, Systems Development Corp.

11:15 a.m.–12:15 p.m.—Ms. Patricia Ferguson and Ms. Donna Chamberlain, Documentation Associates.

2:00 p.m.–3:00 p.m.—Mr. Donn Parker, Stanford Research Institute Computer Abuse Study.

3:00 p.m.–4:00 p.m.—Commission discussion.

4:00 p.m.–5:00 p.m.—Dr. Peter Weiner, Rand Corporation.

All interested members of the public are invited to attend. All requests for further information should be addressed to Michael S. Keplinger, Assistant Executive Director and Senior Attorney, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, CONTU.

[FR Doc.76-26035 Filed 9-3-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held on September 23, 1976 from 9:30 a.m.–5:00 p.m. and on September 24, 1976 from 9:30 a.m.–3:00 p.m. in the fourteenth floor conference room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on September 23 from 10:00 a.m.–12:00 noon and on September 24 from 2:00 p.m.–3:00 p.m. on a space available basis. Accommodations are limited. The agenda for September 23 will include: (1) GOS Task Force, (2) FY 1978 Guidelines, and (3) Plans for December 15, 1976 policy meeting. On September 24 there will be Panel member assignments for the December 15, 1976 policy meeting.

The remaining sessions of this meeting on September 23 from 9:30 a.m.–10:00 a.m. and from 1:00 p.m.–5 p.m. and on September 24 from 9:30 a.m.–2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26184 Filed 9-3-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-400, 50-401, 50-402, & 50-403]

CAROLINA POWER & LIGHT CO. (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25844 Filed 9-3-76;8:45 am]

[Docket Nos. 50-424 and 50-425]

GEORGIA POWER CO. (ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1 AND 2)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Elizabeth S. Bowers, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commision, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25845 Filed 9-3-76;8:45 am]

[Docket Nos. STN 50-510 & STN 50-511]

GULF STATES UTILITIES CO. (BLUE HILLS STATION, UNITS 1 AND 2)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25846 Filed 9-3-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-58 issued to the Indiana and Michigan Electric Company and Indiana and Michigan Power Company (the licensees) for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), a pressurized water reactor, located in Berrien County, Michigan, and currently authorized for operation at power levels up to 3250 MWt.

In accordance with the licensee's application for amendment dated July 20, 1976, supported by Exxon Nuclear Company filing dated July 19, 1976, the amendment would modify the operating limits in the Technical Specifications to permit continued full power operation of the facility for fuel cycle 2, with 65 Exxon Nuclear Company uranium 235 fuel assemblies and with an Exxon emergency core cooling system analysis.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 7, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of thep roceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Eafety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the licensee's application for amendment dated July 20, 1976 and Exxon Nuclear Company filing of July 19, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., and at Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan, 49085. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of August, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-26145 Filed 9-3-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-50, issued to the Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility), located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications relating to the frequency for submitting routine reports on environmental surveillance programs. The new Environmental Technical Specification 5.6.1 incorporates the acceptable wording provided by Regulatory Guide 4.8 including the requirement for annual, rather than semiannual, reports.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commisssion has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 3, 1976, as amended August 10, 1976, and (2) Amendment No. 20 to License No. DPR-50. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Government Publications Section, Education Building, Harrisburg, Pennsylvania.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25847 Filed 9-3-76;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC. (WEST VALLEY REPROCESSING PLANT)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr.

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Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in acordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25848 Filed 9-3-76;8:45 am]

Docket No. STN 50-495

STONE & WEBSTER ENGINEERING CORP.

Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated August 1976 and a Preliminary Design Approval No. PDA-6 dated August 18, 1976, for the refernce system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant, utilizing the Combustion Engineering CESSAR nuclear steam supply system design, and as described in the application by Stone & Webster Engineering Corporation (SWESSAR-PI). The SWESSAR-PI/CESSAR balance-of-plant design was reviewed by the NRC staff pursuant to Appendix 0 to 10 CFR Part 50. Notice of receipt of the SWESSAR-PI Safety Analysis Report was published in the FEDERAL REGISTER on July 17. 1974 (39 FR 26194).

The SWESSAR-PI Safety Analysis Report contains preliminary design information for the balance-of-plant portion of a standard plant, including by reference the design of a number of standard nuclear steam supply systems. This SER presents the NRC staff's evaluation of the SWESSAR-PI design and its relationship to the CESSAR standard nuclear steam supply system design, described in Combustion Engineerings' System 80 Preliminary Safety Analysis Report (CESSAR), Docket No. STN 50-470. A Safety Evaluation Report (NUREG-75/112) and a Preliminary Design Approval No. PDA-2 were issued in December 1975 for CESSAR.

The Safety Evaluation Report documents the results of the NRC staff's review and evaluation of the SWESSAR-PI design, and its relationship to the CESSAR NSSS design, including Amendments 1 through 28 thereto, and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated June 11, 1976.

PDA-6 provides NRC staff approval of the preliminary balance-of-plant design described in SWESSAR-PI, and its relationship to the CESSAR NSSS design. By the issuance of PDA-6, the NRC staff has determined that the information provided in SWESSAR-PI (and its relationship to the CESSAR NSSS design) is acceptable for referencing in utility applications for construction permits. The SWESSAR-PI balance-of-plant design and the CESSAR NSSS design shall be utilized by an relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference the SWESSAR-PI/CESSAR preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-6 or other good cause.

Issuance of PDA-6 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA-6, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-6 is effective as of its date of issuance and shall expire December 31. 1978, unless earlier superseded by issuance of an appropriate Final Design Approval for the SWESSAR-PI/CESSAR standard design, or unless extended by the NRC staff. The expiration of PDA-6 on December 31, 1978, shall not affect use of PDA-6 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA-6 dated August 18, 1976; (2) the report of the Advisory Committee on Reactor Safeguards dated June 11, 1976; (3) the NRC staff's Safety Evaluation Report, NUREG-0096, dated August 1976; (4) Stone & Webster Engineering Corporation's Standard Safety Analysis Report, including Amendments 1 through 28 thereto; and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. A copy of PDA-6 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG-0096, may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 18th day of August 1976.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-25849 Filed 9-3-76;8:45 am]

[Dockets Nos. 50-553, 50-554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT UNITS 1 AND 2)

Special Prehearing Conference

A Special Prehearing Conference in this matter will be held on September 10, 1976 beginning at 9:00 a.m., Mead Auditorium, Second Floor, Kinsport Public Library, Broad and New Streets, Kingsport, Tennessee.

At this Special Prehearing Conference the Board will consider all pending petitions to intervene and any other matters appropriate for consideration at that time pursuant to 10 CFR § 2.751(a).

It is so ordered.

Dated at Bethesda, Maryland, this 1st day of September 1976.

The Atomic Safety and Licensing Board,

EDWARD LUTON,
Chairman.

[FR Doc.76-26146 Filed 9-3-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications relating to the replacement of 136 of 368 fuel assemblies in the reactor core of VYNPS constituting refueling of the core for cycle 4 operation. Also, in addition to evaluating cycle 4 reload considerations, the Commission's related Safety Evaluation evaluates the inservice inspection of feedwater blend radii.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that purusant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 23, 1976, as supplemented May 25, 1976, (2) Amendment No. 25 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25851 Filed 9-3-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment establishes Technical Specifications for the operation and surveillance of the facility's recently installed 480 volt Uninterruptible Power Supply for emergency core coolant valves. The installation of this power supply was evaluated in the Commission's Safety Evaluation dated December 11, 1975, and found acceptable with the condition that appropriate Technical Specifications be approved prior to operation of the reactor as modified.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1976, (2) Amendment No. 26 to License No. DPR-28, (3) the Commission's related Safety Evaluation, and (4) the Commission's Safety Evaluation dated December 11, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76-25852 Filed 9-3-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment relates to the replacement of valve position limiters with in-line orifices.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1976, (2) Amendment No. 27 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25850 Filed 9-3-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 31, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

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NEW FORMS

NATIONAL SCIENCE FOUNDATION

Small Business Science and Technology Capability Survey, single time, smaller technology-based companies, Ellett, C. A., 395–5867.

DEPARTMENT OF AGRICULTURE

Economic Research Service:
Cotton Distribution Survey, single time, cotton warehouses, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census:
Camden Public Information Campaign Evaluation Survey, Camden, N.J., DF–60, single time, sample of households in Camden census, George Hall and Maria Gonzalez, 395–6140.

DEPARTMENT OF DEFENSE

Departmental and other, Great Lakes Shoreline Property Damage, single-time, shoreline property owners, National Security Division, Sunderhauf, M. B. 395–4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
1975 AFDC study follow-up survey of cases discontinued during following 12 months, single-time, Public Assistance Agency Personnel, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Tenant Employment Report, HUD–53154, semi-annually, selected public housing agencies, Housing, Veterans and Labor Division, Sunderhauf, M. B., 395–3532.

REVISIONS

VETERANS ADMINISTRATION

Application for Protection of Commercial Life Insurance Policy, 29–380, on occasion, insured, Warren Topelius, 395–5872.
Obtaining Original Information From Hospital, 29–551, on occasion, hospital official, Warren Topelius, 395–5872.
Statement of Purchaser or Owner Assuming Sellers Loan, 26–6382, on occasion, purchaser, Warren Topelius, 395–5872.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Application Claim and Agreement—Non-food Assistance, FNS–65 and FNS–83, on occasion, child care institutions and school food authorities, Human Resources Division, Warren Topelius, 395–3532.

EXTENSIONS

Work Registration (Food Stamp Program), FNS–284, on occasion, food stamp participants, Human Resources Division, Warren Topelius, 395–3532.
Report of Reduction/termination of Food Stamp Benefits, FNS–285, monthly, food stamp project areas, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Public Sale Application, 2710–1, on occasion, applicants, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–26212 Filed 9–3–76;8:45 am]

OHIO RIVER BASIN COMMISSION

BIG SANDY-GUYANDOTTE RIVER BASIN

Comprehensive Coordinated Joint Plan; Availability of Report

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89–80), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Big Sandy-Guyandotte River Basin portion of the Ohio River Basin. The Report currently is being reviewed by the Governors and the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by September 15, 1976. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio.

FRED E. MORR,
Chairman.

[FR Doc.76–26036 Filed 9–3–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12743; File No SR–CBOE–76–19]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the terms of substance of the Proposed Rule Change.

RECONCILIATION OF UNMATCHED TRADES

Rule 6.56

• • • Interpretations and Policies:

.01 All Exchange members, Clearing Members and their respective agents shall resolve unmatched trades from the previous day's trading no later than 9:00 a.m. CST of the following business day. If an unmatched trade is not resolved by 9:00 a.m. due to one of the executing brokers not being present on the Exchange floor, the trade shall be submitted to the Options Clearing Corporation pursuant to the terms presented by the executing broker who is in attendance during the trade matching process.

.02 During the trade matching process, when a representative of a Clearing Member, acting on behalf of an Exchange member makes a verbal commitment to another Clearing Member, which acts as agent for an Exchange member, that commitment is binding upon both parties. However, it shall be inconsistent with just and equitable principles of trade for any Exchange member, a Clearing Member, or any person associated therewith, while engaged in the trade matching process with one another to (1) agree to accept any transaction in which the accepting party or its principal was not involved or (2) decline to accept any transaction in which the declining party or its principal was involved.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to provide an interpretation of the requirement to promptly reconcile unmatched and advisory trades as well as to provide an interpretation of the scope of a member's obligation to reconcile such trades.

Proposed Interpretation .01 provides specific time frames within which Exchange members, Clearing Members and persons associated therewith must resolve unmatched trades. It is believed that the establishment of such time periods will expedite the entire option transaction clearing function, for all those involved in the process will be alerted to the latest time by which unmatched trades must be resolved.

Proposed Interpretation .02 would require that members be bound by the trade matching agreements which they enter into on the floor of the Exchange. This proposed language also proscribes, as unjust practices, the acceptance of trades in which a member did not participate and the refusal to accept trades in which a member did participate. The Exchange believes that this interpretation will make its position clear as to what type of member conduct will be deemed to be unacceptable during the trade matching process.

Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, provides the basis for the above described proposed rule change. Both proposed interpretation .01 and .02 operate to (1) foster cooperation and coordination with persons engaged in clearing, settling and processing of information with respect to options transactions, (2) prevent fraudulent practices, and (3) promote just and equitable principles of trade.

Comments were not received nor were they solicited from Exchange members.

The Exchange does not believe that the proposed rule change will impose any burden upon competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76–26040 Filed 9–3–76;8:45 am]

[Release No. 34–12745; File No. SR–PSE–76–26]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on July 16, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commisison a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an Options Floor Procedure Advice, the text of which is as follows:

F–6. WITHDRAWAL OF TRADING FLOOR BADGES

Section 61 of Rule VI requires that each Floor Broker shall have in effect a Letter of Authorization that has been issued for such Floor Broker by a clearing member, and Section 77 of Rule VI requires that each Market Maker shall have in effect a Letter of Guarantee which has been issued for such Market Maker by a clearing member.

In the event that any member shall have had his Letter of Authorization and/or Letter of Guarantee revoked by a clearing member in accordance with the procedures stated in the sections of Rule VI cited above, he will not be entitled to enter into transactions on the Floor until and unless a new Letter of Authorization and/or Guarantee has been issued to him by a clearing member.

Accordingly, it shall be the responsibility of the Exchange to withdraw promptly the trading floor badge of any member whose appropriate letter has been properly revoked, and to retain such badge under its control until the member shall subsequently be covered by an appropriate letter.

A member whose badge has been withdrawn under this Procedure may, so long as his membership continues, gain access to the Floor by means of his member identification pass, but may not enter into any transactions thereon.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Options Floor Procedure Advice set forth herein is to set policies and clarify procedures under existing options trading rules.

By clarifying policies and procedures under existing options trading rules, the Exchange believes that the above Options Floor Procedure Advice will facilitate the fair and efficient operation of such rules and thereby facilitate a fair and orderly market and protect investors and the public interest.

Comments were neither solicited nor received.

The above Advice will impose no burdens on competition. It merely provides an effective and convenient means of enforcing existing rules applicable to options trading on the Exchange.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 7, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76–26041 Filed 9–3–76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this advisory committee was held on February 27, 1976 (41 FR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the sixth meeting of the above committee has been scheduled for 10:00 A.M. on September 22, 1976, in Room C–2313, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the September 22, meeting calls for general discussion of the item listed below:

1. The Office of Federal Contract Compliance Programs' new drafted rules and regulations and their application to Affirmative Action Programs in Colleges and Universities.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room N–3420, Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of September, 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76–26301 Filed 9–3–76;11:04 am]

Occupational Safety and Health Administration

IOWA

Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and of the adoption of Subpart J of Part 1952 describing the plan and containing the approval decision. On August 6, 1973, March 10, 1975, February 5, 1976, and February 12, 1976, the State of Iowa submitted supplements to its plan involving both required (under 29 CFR Part 1902) and State-initiated changes (See Subparts B and E of 29 CFR Part 1953). On June 22, 1976, a notice was published in the FEDERAL REGISTER (41 FR 25019) concerning the submission of the supplements to the Assistant Secretary of Labor for approval; notice was also given in that publication that interested persons were afforded

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thirty days from the date of publication to submit written comments.

2. *Description of supplements.* The submissions and changes concern an extensive revision of both the State's compliance manual and its Review Commission procedures. Also submitted for approval were Chapters 3, 4, and 5 of the Iowa occupational safety and health regulations, which correspond to the Federal regulations in 29 CFR Part 1903 (Inspections, Citations, and Proposed Penalties), 29 CFR Part 1904 (Recordkeeping and Reporting Occupational Injuries and Illnesses), and 29 CFR Part 1905 (Rules of Practice for Variances, Limitations, Variances, Variations, Tolerances, and Exemptions).

The major purpose of the revision of the State's compliance manual was to bring it into conformity with the amendments to the State's occupational safety and health legislation (Chapter 88 of the Iowa Code), which amendments became effective on July 1, 1975 (40 FR 40156), and which dealt largely with authorizing the State to impose first instance sanctions for non-serious violations. Other revisions to the compliance manual involve minor changes in the pages covering posting requirements and citation/penalty forms and procedures.

The basic changes to the Iowa Review Commission Procedures involve authorizing a hearings officer (appointed by the Review Commission) to decide appeals against the designee's citations, penalties, abatement periods, etc.; a more complete description of the organization and function of the Iowa Review Commission; a more detailed procedure for filing petitions for modification of abatement periods; and an expanded section of the Iowa Review Commission procedures for amending its rules. Because the changes in the original Iowa Review Commission procedures are extensive, the complete document was subject to evaluation and public comment.

Iowa's occupational safety and health regulations parallel the Federal regulations.

a. Inspections, Citations and Proposed Penalties, (Chapter 3) covers such items as advance notice of inspections, conduct of inspections, trade or government secrets, walkaround and consultation rights of employees, posting of citations, and informal conferences.

b. Recording and Reporting Occupational Injuries and Illnesses, (Chapter 4) requires certain documents to be maintained and reported by the employer (similar to 29 CFR Part 1904), puts forth procedures for submitting petitions for recordkeeping exceptions and describes the designee's statistical program.

c. Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions, (Chapter 5) covers procedures for submitting requests for variances, exemptions, etc., and for conducting hearings and/or administrative processes to determine whether such variances, exemptions, etc., are warranted and valid.

3. *Public participation.* Interested persons were afforded 30 days to submit written comments or request a hearing concerning the proposed supplements involving the Iowa Compliance Manual, the Iowa Review Commission Procedures, and Chapters 3, 4, and 5 of the Iowa occupational safety and health regulations. No comments or requests for a hearing were received during the period provided for public comments. The changes meet current requirements, are administrative in nature, and will undergo evaluation with the plan as a whole.

4. *Location of the plan and its supplements for inspection and copying.* A copy of the proposed supplements and changes along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center, Occupational Safety and Health Administration, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 911 Walnut St., Room 3000, Kansas City, Missouri 64106; Iowa Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

5. *Decision.* After careful consideration, the Iowa plan supplements and changes described above are approved under Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 31st day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-26263 Filed 9-3-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Appointment of Members

This is to announce the appointment of members to the National Advisory Committee on Occupational Safety and Health, established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The Membership of the Committee and the categories represented are as follows:

PUBLIC

Nicholas Ashford, Center for Policy Alternatives, Building E40-250, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139.
Barry C. Brown, Attorney at Law, McGinty, Rosewarne & Halverson & Brown, P.C., 271 Woodland Pass, Suite 103, East Lansing, Michigan 48823.
Eugene Fowinkle, Commissioner of Public Health, State of Tennessee, 344 Cordell Hull Building, 436 Sixth Avenue North, Nashville, Tennessee 37219.
Roger H. Wingate, Senior Vice President, Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, Massachusetts 02117.

MANAGEMENT

Miles Colwell, Vice President, Health and Environment, Aluminum Company of America, Pittsburgh, Pennsylvania 15219.
Paul Kotin, Senior Vice President, Health, Safety and Environment, Johns Manville Corporation, Greenville Plaza, Denver, Colorado 80217.

LABOR

John J. Sheehan, Legislative Director, United Steelworkers of America, Suite No. 706, 815 16th Street, NW., Washington, D.C. 20006.
George H. R. Taylor, Executive Secretary, AFL-CIO Standing Committee on Occupational Safety and Health; 815 16th Street, NW., Washington, D.C. 20006.

SAFETY

Edward N. Deck, Manager, Corporate Safety and Security, General Electric Company, Fairfield, Connecticut 06431.
Ralph J. Vernon, Department of Industrial Engineering, Room 337, Zachry Building, Texas A & M University, College Station, Texas 77843.

HEALTH

Mary Amdur, Department of Physiology, Harvard School of Public Health, Boston, Massachusetts 02115.
Harold R. Imbus, Medical Director, Burlington Industries, P.O. Box 21207, Greensboro, North Carolina 27410.

Messrs. Ashford, Fowinkle and Vernon are new members; Messrs. Wingate, Kotin and Sheehan have been reappointed. The other six members of the Committee are serving the second year of a two-year term which will expire July 1, 1977.

The members were selected on the basis of their experience and competence in the field of occupational safety and health. The six newly appointed members will serve two year terms, expiring on June 30, 1978. Mr. Roger Wingate will serve as Committee chairman.

The swearing-in of new members will take place at a Committee meeting scheduled for September 9–10, 1976, at the Fresno Hilton, Fresno, California. The meeting had previously been announced in the August 6, 1976, FEDERAL REGISTER (41 FR 32917).

The purpose of the Committee is to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 31st day of August, 1976.

M. H. MOSKOW,
Acting Secretary of Labor.

[FR Doc.76-26262 Filed 9-3-76;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA, 88 Stat. 895, 29 U.S.C. 1142)

provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 15 members to be appointed by the Secretary as follows: three shall be representatives of employee organizations (at least one of whom shall be representative of any organization whose members are participants in a multiemployer plan); three shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field. Three additional representatives shall be appointed from the general public, one of whom shall be a person representing those receiving benefits from a pension plan. Not more than eight members of the same political party. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the ERISA, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on the ERISA.

Members shall be persons qualified to appraise the programs instituted under the ERISA. Appointments are for terms of three years except that, with respect to those members appointed initially, five were appointed for terms of one year, five were appointed for terms of two years, and five were appointed for terms of three years. The initial appointments were for terms beginning November 15, 1974.

The terms of five members appointed initially for two years expire on November 14, 1976. The groups or fields represented are as follows: employee organizations (representative of any organization whose members are participants in a multiemployer plan), employers, actuarial counseling field, investment counseling field and the general public (representing those receiving benefits from a pension plan). Appointments or reappointments to fill the vacancies will be for terms of three years beginning November 15, 1976.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" to represent any of the five groups or fields specified in the preceding paragraph may submit recommendations to the Secretary of Labor, New Department of Labor Building, Third and Constitution Avenue, NW., Washington, D.C. 20210, on or before October 6, 1976. The recommendation may be in the form of a letter, resolution, or petition, signed by the person or, in the case of a recommendation by an organization, by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which the candidate would represent for purposes of section 512 of the Act, the candidate's political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, D.C. this 31st day of August 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-26198 Filed 9-3-76;8:45 am]

Office of the Secretary

[TA-W-1,022]

BARRY KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of the Barry Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,022). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Barry Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26072 Filed 9-3-76;8:45 am]

[TA-W-1,029]

CLOVER KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Clover Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,029). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Clover Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the

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Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26079 Filed 9-3-76;8:45 am]

[TA-W-1,028]

CRESCENT KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Crescent Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,028). Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Crescent Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26078 Filed 9-3-76;8:45 am]

[TA-W-1,023]

EASTERN KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Eastern Knitting Mills, Bleimheim, New Jersey (TA-W-1,023). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Eastern Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26073 Filed 9-3-76;8:45 am]

[TA-W-1,027]

LONDON KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of London Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,027). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's ladies', and boys' sweaters produced by London Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26077 Filed 9-3-76;8:45 am]

[TA-W-1,025]

MAJESTIC SWEATER MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Majestic Sweater Mills, Inc., Philadelphia, Pennsylvania (TA-W-1,025). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Majestic Sweater Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26075 Filed 9-3-76;8:45 am]

[TA-W-1,026]

MODE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Mode Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,026). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Mode Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26076 Filed 9-3-76;8:45 am]

[TA-W-1,024]

RICHLINE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Richline Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,024). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Richline Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26074 Filed 9-3-76;8:45 am]

[TA-W-1,030]

ROBERT BRUCE MFG., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Robert Bruce Mfg., Inc., Philadelphia, Pennsylvania (TA-W-1,030). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Robert Bruce Mfg., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26080 Filed 9-3-76;8:45 am]

[TA-W-1,021]

SOOWAL KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-1,021). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Soowal Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26071 Filed 9-3-76;8:45 am]

[TA-W-1,020]

WEXLER KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Wexler Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,020). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Wexler Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26070 Filed 9-3-76;8:45 am]

[TA-W-1,019]

WILSHIRE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976, the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Wilshire Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,019). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Wilshire Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26069 Filed 9-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 137]

ASSIGNMENT OF HEARINGS

SEPTEMBER 1, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings, as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114569 Sub-No. 140, Shaffer Trucking, Inc., now being assigned November 8, 1976 (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

MC 130387, Group Charter & Tour Concepts, Inc., now being assigned November 3, 1976 (3 days) at Newark, New Jersey in a hearing room to be later designated.

MC 119864 Sub 65, Graig Transportation Co., now assigned November 12, 1976, at Columbus, Ohio, is canceled and transferred to modified procedure.

MC 113495 (Sub-No. 73), Gregory Heavy Haulers, Inc. now assigned September 9, 1975, at Washington, D.C. is canceled and application dismissed.

MC 73165 (Sub No. 386), Eagle Motor Lines, Inc. now being assigned November 30, 1976 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 133095 (Sub No. 94), Texas Continental Express, Inc. now being assigned December 1, 1976 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 133494 (Sub No. 10), E. W. Belcher Trucking, Inc. now being assigned December 2, 1976 (2 days) at Dallas, Texas in a hearing room to be later designated.

FD 27929, Texas and Pacific Railway Company—Acquisition & Operation—A Line of Railroad at Abilene, Taylor County, Texas and AB 21, Abilene & Southern Railway Company Abandonment Between Abilene & Winters in Taylor & Runnels Counties, Texas now being assigned December 6, 1976 (1 week) at Winters, Texas in a hearing room to be later designated.

AB 3 (Sub No. 8), Missouri Pacific Railroad Company Abandonment Between Olivier and Sorrell, In Iberia and St. Mary Parishes, Louisiana now assigned September 22, 1976 at Jeanerrett, Louisiana and will be held in the Council Chamber at City Hall.

MC 118468 (Sub No. 45), Umthun Trucking Co. now assigned September 20, 1976 at New Orleans, Louisiana and will be held in Room 265, W. Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 110144 Sub 17, Jack C. Robinson, dba Robinson Freight Lines now assigned October 4, 1976, at Morristown, Tenn (1 week) will be held in the Holiday Inn, Highway 11 East.

MC 125674 Sub 12, The Sentinel Star Express Co., dba Jack Rabbit Express, now assigned October 18, 1976, (1 week) at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree Street, NW.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-26097 Filed 9-3-76;8:45 am]

[Docket No. 36367]

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Future Meetings Notification

AUGUST 31, 1976.

The Interstate Commerce Commission is providing this opportunity for parties interested in this proceeding to enter their names on a mailing list which will be used to notify them of future meetings between the Commission's consultants (Haskins & Sells and Peat, Marwick, Mitchell & Co.) and representatives of carriers and shippers.

Parties interested in receiving notice of future meetings may submit their name, address and organization, by September 17, 1976, to John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26096 Filed 9-3-76;8:45 am]

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federal register

TUESDAY, SEPTEMBER 7, 1976



PART II:

CENTRAL INTELLIGENCE AGENCY

PRIVACY ACT OF 1974

Systems of Records

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CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974

Existence and Character of Systems of Records

The purpose of this document is to give notice that the Central Intelligence Agency systems of records identified in the notices published in the Federal Register at 40 FR 39775, 39778, dated August 28, 1975 continue in efffect, except as changed in the notices published in the Federal Register at 41 FR 12623, 12624, 12625, dated March 25, 1976. This notice is published in compliance with the requirements of 5 U.S.C. 552a (e) (4) as added by section 3 of the Privacy Act of 1974.

JOHN F. BLAKE
Deputy Director for Administration

STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Central Intelligence Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Central Intelligence Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private release legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular

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CIA—1

System name: Applications Division Tracking System.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency and contract employees, employees of contractor supporting Office of Joint Computer Support, currently or formerly assigned to computer software development or maintenance projects in Applications Division.

Categories of records in the system: Documentation of hours logged on each assigned programming or overhead project.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Applications Division staff for periodic reporting to Applications Division management man-hours expended to develop assigned programming projects and overhead hours. Used for tracking the usage and scheduling of all resources for developing software.

Used to substantiate hours spent by contractor personnel on billable contractual activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: Name and employee number.

Safeguards: Limited to specifically designated and cleared personnel.

Retention and disposal: Records are erased when hours of activity are no longer needed by management.

System manager(s) and address:
Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees, contract employees, employees of contractor supporting the Office of Joint Computer Support.

CIA—2

System name: Office of Joint Computer Support Training and Skills Inventory.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees, contract employees, and employees of contractors assigned to the Office of Joint Computer Support (OJCS).

Categories of records in the system: Documentation of CIA-funded training for each individual assigned to the Office of Joint Computer Support.

Documentation submitted by each individual assigned to OJCS, indicating his self-evaluation of his programming skills.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist D/OJCS in ascertaining what additional training personnel should receive.

Assist D/OJCS in the management of personnel assignments to new programming tasks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: By Name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access.

Retention and disposal: Records are purged as employees separate from OJCS via periodic updates.

System manager(s) and address:
Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel and employees of contractors.

CIA—3

System name: Computer Access File.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees having special access to Office of Joint Computer Support computer systems.

Agency cleared contractors who have been granted access to Office of Joint Computer Support computer systems.

Categories of records in the system: Individual's name, office, user identification code, badge number and computer systems to which the individual has access.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Joint Computer Support Security Officers, computer system and data base managers, and Automated Data Processing Control Officers use the system to:

Determine computer system(s), if any, to which an individual at CIA has access.

Control access to computer systems through automated computer system verifications of individual's authorization for access to computer which he/she is attempting to use.

Determine the name, office, room number and badge number associated with the user identification code of an individual suspected of a possible violation of computer systems security procedures.

Identify individuals listed in audit trail records as having accessed a particular computer system or computer-based system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk packs with "back-up" records on tapes and controlled hard copy computer listings used for reference. Applications and approval for access are maintained in paper files.

Retrievability: Name and user identification code.

Safeguards: Access to these records is limited to cleared persons whose official duties require such access. Personnel screening and computer system security protective mechanisms are employed to prevent unauthorized disclosure. Hard copy computer listings and paper files are maintained in combination lock safes or vaulted areas.

Retention and disposal: Records of individuals who no longer have access to Office of Joint Computer Support systems are deleted from computer-based system of records.

As changes are made and new master computer listings are generated, the paper listings are destroyed by burning and the records on magnetic media are degaussed. There is no retention of these records.

System manager(s) and address:
Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.
Contractor employees.

CIA—4

System name: Private Attorney Panel.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

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Categories of individuals covered by the system: Attorneys in private practice.

Categories of records in the system: Name, address, date and place of birth, education, law firm (if any), State(s) admitted to Bar, and date and type of clearance.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a list of private attorneys for use on CIA classified projects.

To provide a referral list for those employees whose employment with CIA must be protected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in a combination lock safe and access is only by personnel in the Office of General Counsel.

Retention and disposal: Permanent retention.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Attorneys, CIA employees and former employees,

Martindale-Hubbell Law Directory.

CIA—5

System name: Legal Subject Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees, defectors, individual plaintiffs in litigation cases, individuals asserting claims against CIA, contractors and consultants, authors, journalists and other individuals who become involved in legal relationships or matters with CIA.

Categories of records in the system: Correspondence, affidavits, briefs and other legal documents, reports of investigation, Government forms, cables and internal CIA memoranda.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide factual information for legal opinions.

To provide factual information for litigation reports prepared for the Department of Justice.

To provide factual information for dealing with Agency contractors and consultants.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in combination lock safes and access is only by personnel in the Office of General Counsel.

Retention and disposal: Permanent retention.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals identified in

Categories of individuals covered by the system: above, Federal agencies and other CIA records systems.

CIA—6

System name: Career Trainee Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants and employees selected for Career Training Program.

Categories of records in the system: Name, biographic data, test results of applicant being considered for Career Training Program. Employee name, biographic data, test results, training evaluations, correspondence, trainee progress reports and supervisor reports on trainees during their interim assignments, and memoranda for the record.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine an individual's selection for the Career Training Program.

Used by Agency officials for monitoring training activity after selection.

Used by Agency officials for job placement after completion of training program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microforms.

Retrievability: By name.

Safeguards: Stored in combination lock safe; access is limited to Career Trainee Program Officers, and Personnel Officers.

Retention and disposal: Records are retained for the duration of the employee's participation in the Career Training Program, then transferred to the Office of Personnel. Official transcripts are filed in the official personnel folders; the remaining materials are forwarded to the individual's supplemental personnel (soft) file. Records on unsuccessful applicants for the Career Training Program are returned to the Office of Personnel.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information in these files are Program Officers, educational institutions, and the individual.

CIA—7

System name: Off-Campus Instructor Applicant Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees who are applicants for part-time instructor positions in the Agency Off-Campus Program sponsored by University of Virginia.

Categories of records in the system: Applicant forms for teaching in the Off-Campus Program.

Correspondence with University of Virginia including application approvals and rejections and documents concerning contract administration.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to administer Instructor Program for Off-Campus college courses provided to employees.

Recommendations to University of Virginia for employing instructors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and discipline.

Safeguards: Stored in combination lock safes. Access by CIA officials on need-to-know basis.

Retention and disposal: Records are retained for three years after termination of Agency employment, then destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee, educational institutions, student evaluation of the instructor and the University of Virginia.

CIA—8

System name: Agency Training Record.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and other Federal employees who have completed Office of Training courses, Agency-sponsored external training, and other Agency component-conducted training programs.

Categories of records in the system: A machine run which lists the individual's transcript of Agency-sponsored training.

Authority for maintenance of the system: Title 5, USC, Chapter 41.

Central Intelligence Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by Agency officials for processing employee requests for Agency-sponsored training.

Used by Agency officials to evaluate training requirements in connection with a proposed assignment.

Agency Career Management and Training Officers use this record as a management tool in counseling employees concerning their career development.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Machine listing.

Retrievability: By name.

Safeguards: Stored in combination lock safes. Access is restricted to Training Officers, Personnel Officers, Supervisors and the TSS/OTR Staff.

Retention and disposal: Permanent retention.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Transcripts from educational institutions, certificates of successful completion from the training facility and training reports from the individual.

CIA—9

System name: Language Learning Center Student Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees enrolled in the Language Learning Center.

Categories of records in the system: Biographic data, test scores, training reports from instructors, training requests from sponsoring office and attendance reports.

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Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to monitor student performance. Transcript is entered in the Agency Training Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records stored in secure areas. Access on a need-to-know basis.

Retention and disposal: Retained for duration of student enrollment. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees and instructors.

CIA—10

System name: Language Qualifications Register.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees who claim a foreign language proficiency.

Categories of records in the system: Employee claim of foreign language proficiency, and identifying biographic data.

Authority for maintenance of the system: Title 5, U.S.C, Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic tape.

Retrievability: Name and language.

Safeguards: Maintained in combination lock safes. Access on a need-to-know basis.

Retention and disposal: Record updated semiannually. Outdated paper record is destroyed by burning. Magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

CIA—11

System name: Modern Language Aptitude Test Scores (MLAT).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected applicants and employees who have taken the Modern Language Aptitude Test.

Categories of records in the system: Name, biographic data and test scores.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Language Learning Center personnel to evaluate student potential for learning a foreign language.

Used by Personnel Officers in deciding appointment and job placement.

Aptitude test scores are provided to Foreign Service Institute when employee is enrolled in their language program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Stored in combination lock safes; access on a need-to-know basis.

Retention and disposal: Records are retained for duration of individual's employment. Unsuccessful applicant records are retained for 12 months. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

CIA—12

System name: External Training Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees sponsored full-time external training programs.

Categories of records in the system: Employee biographic data, correspondence with public and private educational institutions, transcript and grades, training requests and administrative documents related to enrollment, employees evaluation of training course and employee Training Obligation Agreement.

Authority for maintenance of the system: Title 5, USC, Chapter 41.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine employee's eligibility for Agency sponsored training.

Used by Agency officials to enroll employees in private and public educational institutions.

Used by Agency officials to evaluate courses for future enrollment of employees.

Data for Agency Training Record.

Notification of funds advanced and accountings are proved to the Office of Finance.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punch cards.

Retrievability: Name and employee number.

Safeguards: Stored in combination lock safe; access on need-to-know basis.

Retention and disposal: Retained for one year after employee completes all course commitments; records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information are from the individual, his sponsoring office, and the external training facility.

CIA—13

System name: Guest Speakers.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals under consideration for guest speaker engagements in CIA training courses. Individuals include members of the academic journalistic and business world as well as present and former senior Agency and other Government officials.

Categories of records in the system: Name, biographic data including academic credentials, published materials, correspondence and administrative records.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950, (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist Training Officers in curriculum development and selection of speakers for scheduled training courses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and area of expertise.

Safeguards: Files are stored in a combination lock safe. Use of material is restricted to Training Officers involved in course development.

Retention and disposal: Files are maintained as long as the Agency has interest in a speaker. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual, Agency officials, academic and private institutions, Federal agencies.

CIA—14

System name: Equal Employment Opportunity Complainant Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former contract, staff or detailed military personnel of the Agency as well as applicants for employment.

Categories of records in the system: Data collected by an EEO Investigator which bears on the charges of discrimination brought by the complainant. File contains sworn affidavits from the complainant, the alleged discriminating officer(s), and other individuals directly involved, as well as other documents, records, or other statistical evidence considered pertinent to the case or which assists the Agency in making its decision.

Authority for maintenance of the system: Equal Employment Opportunity Act of 1972, Public Law 92-261.

Executive Orders 11478 and 5 C.F.R., Part 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in the adjudication of complaints.

To provide information for review by the Civil Service Commission.

To provide information for Federal court review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By complainant name.

Safeguards: Filed in combination lock safes; limited access by staff only.

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Retention and disposal: Completed cases transferred to Records Center at end of each year. Held in Records Center for 10 years from date of retirement then returned to the OEEO for review and disposal.

System manager(s) and address:
Director, Equal Employment Opportunity
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from the complainant, the alleged discriminating official, and other individuals as well as documents, records, and statistics gathered in the investigation.

CIA—15

System name: Employee Grievance Folders.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employee. Grievance generally filed by IG Case Number assigned by Office of Inspector General.

Categories of records in the system: Data from employees coming to Inspector General with grievances re nature of grievance, circumstance that caused grievance and how settled.

Authority for maintenance of the system: Executive Order 10987, By Regulation.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by members of the Office of the Inspector General to investigate grievance to its conclusion.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By case number.

Safeguards: Materials are stored in combination lock safe; access limited to OIG staff members.

Retention and disposal: Inactive cases transferred to Records Center at end of each year. Held in Records Center for ten years from date of retirement, then returned to the OIG for review and disposal by burning.

System manager(s) and address:
Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules. HP Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from complainant and other employees when grievances are investigated.

CIA—16

System name: Parking Permit Files.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Records include name, vehicle license number, office designation, location, and extension.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Federal Property Management Regulation D-47 (GSA).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees responsible for allocation and control of parking spaces at the Headquarters Building.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, vehicle license number, assigned parking space number and assigned reference number.

Safeguards: Stored in safes, vaults or secure area. Access limited to staff employees.

Retention and disposal: Records marked void upon updating of information or upon cancellation of parking permit.

System manager(s) and address:
Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Indentification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

CIA—17

System name: Vehicle Operators File.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, medical qualification forms, score sheets for driver's test, registers of permits issued and records regarding accidents. Accident report records include police data and investigation reports in addition to information on vehicle involved.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees for issuing official U.S. Government driver's licenses and renewals.

For review by CIA officials in accident cases.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Individual name or driver's permit number.

Safeguards: Physically protected in a secure area. Access is limited to employees who have the need-to-know.

Retention and disposal: Destroyed by burning three years after license is no longer valid. Accident reports are destroyed six years after case is closed.

System manager(s) and address:
Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.

Federal, State and local law enforcement agencies in cases when employee is involved in an auto accident.

CIA—18

System name: Personal Property Claim Records.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees and former employees.

Categories of records in the system: Claimant name, address, nature and loss or damage to personal effects, including inventory of items.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Claims Review Board determines amount of financial loss sustained by claimant.

Reimbursement for property loss.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Information is stored in safes or secure areas. Access is limited to staff employees working on such cases.

Retention and disposal: Records are destroyed by burning two years after final action on case.

System manager(s) and address:
Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and various Agency staff elements involved in processing and adjudication of claims.

CIA—19

System name: Equipment and Supplies Accountability Records

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, signature, office location, telephone extension and item of government equipment on loan or charged to the employee.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials who control and account for government nonexpendable items.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Physically protected in secure areas. Only employees charged with the responsibility of controlling government property have access.

Retention and disposal: Signature card is returned to individual charged upon return of item. Record is destroyed by burning after inventory adjustment to property records.

System manager(s) and address:
Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

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Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and appropriate accountable property officers.

CIA—20

System name: Logistics Security Clearance Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

Categories of records in the system: Biographic data including name, address, position, and security clearance held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By individual or company name.

Safeguards: Information stored in safes, vaults or secure areas. Access is limited to staff employees with the need-to-know.

Retention and disposal: Records destroyed upon expiration of clearance. Clearances may be revalidated three years after initial approval.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from individual concerned and certification of clearance from Office of Security.

CIA—21

System name: Privacy Act Requesters.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: U.S. citizens and aliens lawfully admitted for permanent residence.

Categories of records in the system: Files contain all correspondence and other documents related to the receipt, processing and final disposition of requests received by the Agency for information under the Privacy Act of 1974.

Authority for maintenance of the system: Privacy Act of 1974—Public Law 93-579.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information for compiling an annual report (beginning 30 April 1976) for the Office of Management and Budget as required by the Act. Information pertaining to the requester surfaced as a result of a Privacy Act request may be referred to other Federal agencies for their review pursuant to the Privacy Act when records were originated by another Federal agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in combination lock safes; access is on a need-to-know basis.

Retention and disposal: Records are retained for two years after the case file is closed. Records are destroyed by burning.

System manager(s) and address:

Chief, Information and Privacy Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: U.S. citizens.

Aliens lawfully admitted for permanent residence.

CIA—22

System name: Freedom of Information Act Requesters.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individual who makes requests to CIA under the Freedom of Information Act.

Categories of records in the system: Files contain all correspondence and other documents related to the receipt, processing and final disposition of requests received by the Agency for information under the Freedom of Information Act, 1974.

Authority for maintenance of the system: Freedom of Information Act of 1974 as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information for compiling reports required under the Freedom of Information Act. Information pertaining to the request or requester that surfaced as a result of a Freedom of Information Act request may be referred to other Federal agencies for their review pursuant to the Freedom of Information Act, as Amended, when the records were originated by another Federal agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in combination lock safes; access is on a need-to-know basis.

Retention and disposal: Records are retained for two years after the case file is closed. Records are destroyed by burning.

System manager and address:

Chief, Information and Privacy Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals.

CIA—23

System name: Polygraph Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for employment, employees, and certain individuals considered for assignment to the Agency.

Categories of records in the system: Polygraph report, charts, and notes.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to make determinations of security eligibility for employment pursuant to Executive Order 10450.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape cassettes.

Retrievability: By name.

Safeguards: Files are maintained in a vault; access is permitted only while in the custody of polygraph staff members.

Retention and disposal: Indefinite. Records are destroyed by burning when they become inactive.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of all information obtained is from the polygraph interviews.

Systems exempted from certain provisions of the act: Pursuant to authority granted in Section (j) of the Act (5 U.S.C. 552a(j)), the Director of Central Intelligence has determined to exempt polygraph records from all sections of the Act except 552a (b), (c)(1) and (2), (e)(1), (e)(4) (A) through (F), (e)(5), (6), (7), (9), (10), and (11), and (i). These records are exempted to prevent access, accountability, and judicial review of records which intimately reveal an Agency security method.

CIA—24

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, DDI Management Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA

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concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—25

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, Personnel Officer, DDS&T
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—26

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Career Management Officer/DDA
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—27

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, Services Staff, DDO
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—28

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Administrative Officer, Office of the DCI
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—29

System name: Manpower Control System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

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Categories of individuals covered by the system: Current and former Agency personnel and military or civilian personnel on detail to the Agency.

Contract employees since January 1969.
Applicants in process for employment for whom clearance has been requested.
Recipients of Agency awards.
Participants, and beneficiaries designated by deceased employees who were participants, in the Agency's retirement system and Voluntary Investment Plan.

Categories of records in the system: Data on employment history, fitness reports, qualifications and skills, insurance and medical benefits, retirement status, Voluntary Investment Plan accounts, emergency designees, home and work addresses, Agency awards, military reserve data, cases in process for employment, ceilings, position and staffing patterns.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 88-643.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide statistical reports for CIA management on strength, distribution and utilization of manpower, average grades and salaries, minorities, projected retirements, profiles of Agency skills and qualifications, comparative rates on promotions, separations, new employees, reasons for separations.

To provide rosters and statistics for heads of Career Services to assist them in administering their career development and evaluation programs, including promotion rates and headroom, fitness report ratings, qualifications, changes in their Career Services.

To provide staffing patterns, grade and salary data for office heads required for staffing and budget projections.

To provide salary, leave, benefits and entitlements for the payroll system.

To provide rosters and statistics for components within the Office of Personnel responsible for administering recruitment, hospitalization, insurance, retirement, and Volunteer Investment Programs.

To provide records of employees entering on duty and employee separations and current status tapes or rosters to Agency components of concern.

To provide statements of accounts to employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: By name, employee number, organization code, social security number, or position number.

Safeguards: Tapes and disks are maintained in a special room in a vaulted area with access only by special badge. All tapes are under control of a tape librarian. Each tape has a "security" profile which the requester of the tape must match. All requests for recurring or special reports must be approved by the Chief of the Statistical Reporting Branch or his authorized designee. Data is released only as related to personnel under the requester's direct supervision and control or to individuals responsible for administering a particular Agency program. On-line query to the system is limited to personnel responsible for the maintenance, update, and preparation of input data to the system and to employees in the Statistical Reporting Branch by controlled password.

Retention and disposal: Permanent retention of subsystems currently in operation. When system is fully operational, a record schedule, including disposal, will be implemented.

System manager(s) and address:
Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicants, employees and parent Federal agency of detailee.

CIA—30

System name: Applicant Files.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Persons who apply for employment with CIA.

Categories of records in the system: Personal, medical and employment history statements, educational transcripts, personal references, interview reports, test results, correspondence, photographs, review comments, and processing records.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

National Security Act of 1947, As Amended—Public Law 80-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to review applicant's qualifications for CIA position; for security background investigation; and for medical screening for determination by authorized Agency official to offer employment.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benfit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Approved containers or area when not in use—controlled loans to authorized officials.

Retention and disposal: Applicant files placed in process for employment but subsequently cancelled are retained up to two years and destroyed by burning. Files on applicants who may be of interest at a later date are retained indefinitely.

System manager(s) and address:
Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicant.
Educational institutions.
Physicians.

Letters of Reference.
Agency officials.
Federal agencies.

CIA—31

System name: Current Employees and Former Employees (official Personnel files and records related thereto).

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military and civilian personnel, and current and former members of Advisory Groups.

Categories of records in the system: Personal and employment history statements, personnel actions, fitness reports, commendations, biographic profile, retirement status, training, emergency/casualty cases, awards, travel arrangements, medical and insurance claims, correspondence, qualification registers, photographs, and information relating to the suitability and fitness of the individual, complaints and grievances, external employment assistance, Voluntary Investment Plans, financial and educational assistance, recreation programs, exit processing, United Givers and Savings Bond, blood donors.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 83-643.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer personnel assignments, performance evaluations, promotions, adverse actions, counseling, retirement determinations of qualifications, separations, medical or insurance claims, statistical reports, and otherwise make decisions on the rights, benefits or entitlements, and utilizations of individuals.

To prepare transcripts in response to a request from another government agency relative to employment considerations by that agency. Employment and credit verifications. To update the Agency Qualifications Record System. To refer or provide information in response to or by direction of court order or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

To provide a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; or to locate specific individuals for personnel research or other personnel management functions.

To respond to inquiries from attorneys and insurance companies relative to litigation of an accident claim.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Agency portion of the official file is destroyed by burning 75 years after birth of employee or 60 years after date of earliest document.

System manager(s) and address:
Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Other government agencies.
Educational institutions.
Employee.
Agency officials.

CIA—32

System name: Consultant and Independent Contractor Records.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Consultants and independent contractors who are generally self-employed and who are engaged under contract to provide technical, management and scientific advice and services to the Agency.

Categories of records in the system: Performance evaluations, administrative documents on compensation and benefit commitments, termination agreements and correspondence, biographic data, appointment or contract data.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer contractual provisions—benefits, compensation, transportation, termination; performance evaluation, references, and to otherwise make decisions on the rights, benefits or entitlements and utilizations of the individual.

As a source for managerial statistical and analytical studies, and other related personnel management functions or manpower studies.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials, maintained during active employment and retained after separation in accordance with established record disposal schedules.

Retention and disposal: Retained for 75 years and then destroyed by burning.

System manager(s) and address:
Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

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Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.
References as indicated by the individual.

CIA—33

System name: Prospective Contributors for the Collection of Foreign Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who voluntarily indicate a willingness to contribute to Foreign Intelligence.

Categories of records in the system: Psychological assessment data.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Agency officials use the psychological assessment data to assist them in reaching a decision concerning an affiliation with the Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form; converted to microfilm after two years.

Retrievability: By name.

Safeguards: Files are stored in security approved containers. Access is on a need-to-know basis.

Retention and disposal: Files are maintained for two years then microfilmed. Files are destroyed by burning after microfilming.

System manager(s) and address:

Director, Office of Technical Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals and Agency officials.

CIA—34

System name: Clinical and Psychiatric Files (Employees).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees and their dependents; military and Federal civilian employees to CIA detailees and their dependents; and retired or separated employees and their dependents.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of on-the-job injuries and illnesses; results of psychiatric screening and tesfing; reports of psychiatric interviews; records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: By Agency personnel for evaluation of suitability for assignment, fitness-for-duty, health maintenance and in reviewing applications for medical disability retirement.

By the Civil Service Commission in the case of an employee under that system who applied for medical disability.

By the Office of Workers' Compensation Programs, Department of Labor, in the case of an employee who applies for its compensation.

To provide information to Federal agencies for employees who are being assigned or detailed to those agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in paper form filed in an identifying jacket. Certain information—medical history, laboratory and assignment data—are contained on magnetic tape and punch cards. Printouts from the automated data processing are filed in the subject's medical file.

Retrievability: Access is by a file identification number which is, in turn, cross referenced to a name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled via an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Files are retained until such time as the employee retires or separates from the Agency—at which time, they are retired to the Agency Records Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records will be accomplished through burning. Magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing.

Reports from private physicians and/or medical facilities when permission is granted by the individual concerned.

CIA—35

System name: Clinical and Psychiatric Files (Applicants).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for Agency Employment.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of previous on-the-job injuries and illnesses, results of psychiatric screening and testing, reports of psychiatric interviews, records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Medical Services to evaluate the medical suitability of applicants for employment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and X-ray film.

Retrievability: By name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled by an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Record Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Successful applicant files are converted to employee files. Files are retained until such time as the employee retires or separates from the Agency—at which time, they are then retired to the Agency Record Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records is accomplished through burning. Applicant files not processed are retained for a period of two years; records are then destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing. Reports from private physicians and/or medical facilities when written permission is granted by the individual concerned.

CIA—36

System name: Medical Facilities and Physicians.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Lists of medical facilities and names of physicians in the Metropolitian Washington area.

Categories of records in the system: Name, business address, and phone numbers of physicians and medical facilities.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to employees upon request for external medical referral.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, facility, and medical specialty.

Safeguards: Maintained in locked file cabinets. Access on a need-to-know basis.

Retention and disposal: Lists are continuously maintained. When updated, old lists are destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules. Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency physicians and contract medical personnel.

CIA—37

System name: Psychological Test Data Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, CIA employees and dependents, detailees and dependents, retired or separated employees and dependents.

Categories of records in the system: Results of psychological testing and assessment reports.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the case of employees, dependents and detailees, to determine the individual's skills and aptitudes and suitability for a particular assignment or training as distinct from his general suitability for employment (psychiatric screening).

Data developed to validate new tests and techniques as part of on-going research efforts.

To prepare reports which summarize test results and to assist Agency officials in selection of candidates for employment and career management planning for employees.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape and punch cards.

Retrievability: By name.

Safeguards: Medical files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Files on employees, dependents and detailees are retained in Headquarters until retirement or separation at which time they are retired to the Agency Records Center, where they are retained 30 years and then destroyed by burning. Successful applicants' files are treated the same as employees. Unsuccessful applicant files are retained for a period of five years and then destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual through the completion of a variety of psychological tests and interview sessions with Agency medical officers.

CIA—38

System name: Congressional Liaison Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Matters of liaison with Congressional Offices are filed in the name of the member of the Office involved.

Categories of records in the system: Liaison record.

Correspondence file.
Newspaper and publication clippings.

Authority for maintenance of the system: Section 506(a), Federal Records Act 1950 (44 U.S.C, Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Handle requests from members and Committees.

Coordinate Agency position on proposed legislation.
Prepare Agency position papers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By the name of the Member of Congress.

Safeguards: All records are stored in a combination lock safe; access is restricted only to OLC personnel.

Retention and disposal: Records are screened before transferral to the secondary records holding area and any documents of a temporary nature are removed and destroyed by use of the Agency classified waste disposal system. Records are destroyed in keeping with applicable regulations except in cases where this office is the office of record, in which case they are kept for permanent retention.

System manager(s) and address:

Legislative Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency officials.

Offices of Members of Congress, Congressional committees and other Government agencies.

CIA—39

System name: Publications About CIA.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Authors of publication, CIA employees, and other individuals mentioned in newspaper articles about CIA.

Categories of records in the system: Newspaper articles:

By-lined articles mentioning CIA.
Articles mentioning CIA.

Correspondence concerning arrangements for press interviews with CIA officers.

Authority for maintenance of the system: Section 506(a), Federal Records Act 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials researching articles on the CIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in a vaulted room; access upon request on a need-to-know basis.

Retention and disposal: Files are maintained for 25 years after which time they are reviewed and destroyed by burning.

System manager(s) and address:

Assistant to the Director
Office of the Director
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Newspaper articles and correspondence.

CIA—40

System name: CIA Authors File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees (current and past) who have published commercially.

Categories of records in the system: Name of author and title and source of publication.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for author display exhibit in CIA Library.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual card file.

Retrievability: By name of author.

Safeguards: Located in limited access building.

Retention and disposal: Begun about 1970; continuation will depend upon utility; no file destruction to date.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual authors.

CIA—41

System name: Intelligence in Public Literature File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who have written on the general topic of intelligence and have been reviewed in the public media; individuals identified as being involved in intelligence activities.

Categories of records in the system: Media articles on personalities and events relating to subject of intelligence.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide Agency and other USIB components a ready-reference file on open literature relating to intelligence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and archives boxes of media articles.

Retrievability: By name of author or general topics.

Safeguards: File is open to any Agency or Intelligence Community employee on an official task; requests for access to classified portions are screened on the basis of official "need-to-know."

Retention and disposal: Articles and topics are discarded when no longer used.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Foreign and domestic news media; intelligence reports.

CIA—42

System name: Library Open Literature Ready Reference File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals appearing in news media.

Categories of records in the system: Articles concerning individuals of intelligence interest.

Authority for maintenance of the system: National Security Act of 1949, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide traditional library reference service to Agency officials. It serves as an adjunct to standard published reference works and supplies information not otherwise readily available.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy file of media articles.

Retrievability: By subject, organization or personal name; some are retrievable by a manual or a computer index to the file.

Safeguards: Requests for information are screened for appropriateness.

Retention and disposal: Articles and categories are discarded when no longer needed.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Foreign and domestic news media.

CIA—43

System name: Briefing Program File.

System location:

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Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those individuals, both foreign and U.S., who have visited CIA for official briefings under the CIA Briefing Program.

Categories of records in the system: Names, dates of visits, and parent organizations of visitors.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in planning briefing programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access to the file.

Retention and disposal: Retained for 5 years from date of briefing; then record is destroyed by burning.

System manager(s) and address:

Chief, Collection Guidance
and Assessments Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Official correspondence from parent organizations of individuals to be briefed.

CIA—44

System name: Foreign Map Sources Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected U.S. and foreign individuals and firms having a potential to provide foreign maps.

Categories of records in the system: Names, extracts from open literature, intelligence reports, records of map acquisitions.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in support of foreign map acquisition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized personnel have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Director, Office of Geographic and
Cartographic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals, intelligence reports, open literature.

CIA—45

System name: Soviet-U.S. Contacts File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Prominent U.S. citizens, such as members of Congress and high-ranking government officials, who have met prominent Soviets at meetings reported in the press.

Categories of records in the system: Names and titles of individuals, dates and places of meetings, subjects discussed as reported in the Soviet and U.S. press.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare briefing material for U.S. officials who plan to visit the USSR or hold discussions with Soviets in the United States.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tapes and paper.

Retrievability: Name of Soviet or U.S. participants, date, general subject, and locations of meetings.

Safeguards: Requests for information are screened for appropriateness. Files are stored in combination locked safes.

Retention and disposal: File started in 1974 and still considered experimental; continuation will depend upon utility; no file destruction to date.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13).

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Soviet and U.S. press.

CIA—46

System name: Academic Relations File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Scholars with whom the DDI maintains contact for the purpose of exchanging research and analyses.

Categories of records in the system: Names and addresses.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for correspondence; mailing of unclassified Agency publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Coordinator for Academic Relations
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Correspondence and personal contact.

CIA—47

System name: Professors and Placement Officers of Selected Colleges.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those key individuals in selected colleges who may be able to assist the Office of Economic Research in its professional recruiting effort for economics analysts.

Categories of records in the system: Names and parent organizations.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in Office of Economic Research recruiting program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: By name.

Safeguards: Kept in secured area; only authorized officials have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Director, Office of Economic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Professional contacts established by the Office of Economic Research and Agency recruiters.

CIA—48

System name: Cryptographic Access File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency staff personnel, contract employees, and contractor employees who have been authorized access to cryptographic information.

Categories of records in the system: Biographic information including name, date of birth, social security number, and Agency component or commercial employer and date of clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10450.

Public Law 81-513, dated 13 May 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control and accountability of cryptographic access clearances.

Certify to Agency officials and to other agencies and private contractors names of individuals who possess a cryptographic clearance.

Users of this information are the Office of Security and Office of Communications.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and computer.

Retrievability: By name.

Safeguards: Information on paper media is stored in combination lock safes or in a secure area; access is limited to authorized employees on a need-to-know basis. Information stored on the computer system is subject to safeguards established by the Office of Security.

Retention and disposal: Paper files are retained until the clearance is rescinded. Destruction of paper records is accomplished through burning. Computer records are revised when clearance is rescinded.

System manager(s) and address:

Director, Office of Communications
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency

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Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of biographic information is the Office of Security or official correspondence notifying Office of Communications of a change in the individual's status.

Employee.

CIA—49

System name: Directorate of Operations Records System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who are of foreign intelligence or foreign counterintelligence interest to the CIA, either because of their actual, apparent, or potential association with foreign intelligence or foreign counterintelligence activities, or because they are of actual or potential use to CIA.

Categories of records in the system: Categories of records include administrative, management and policy, personality, operational, and impersonal subjects based primarily on foreign intelligence and foreign counterintelligence reports.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Immigration and Nationality Act, as Amended—Public Law 82-414.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information within CIA and to selected Federal agencies and military departments for the conduct of foreign intelligence operations.

To provide information within CIA and to the FBI, other selected Federal agencies, and military departments for the conduct of foreign counterintelligence operations.

To conduct national Agency name checks for other agencies as required by National Security Council Directive and the Immigration and Nationality Act of 1952 in the interest of the security of the United States.

To provide information to the Immigration and Naturalization Service.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

To provide information to U.S. and, through established liaison channels, selected foreign government agencies in national security or criminal cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microforms, and magnetic media.

Retrievability: By name.

Safeguards: Strict controls have been imposed to minimize the risk of compromising information held. Employees are allowed access to the index and files only after undergoing special training. There are degrees of compartmentation which are designed to limit access to information on a strict "need-to-know" basis. Records are kept of each disclosure of a record to another agency as required by this act.

Retention and disposal: Retention is based on approved records disposition schedules. Destruction is by pulping, degaussing, or burning.

System manager(s) and address:

Chief, Services Staff, DDO
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Other U.S. agencies and organizations.

Foreign sources and individuals.
Predecessor organizations.
Overt publications.
Private citizens.
State and local agencies.

CIA—50

System name: Financial Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former Agency staff personnel, contract personnel, consultants, independent contractors, detailed military and civilian personnel, and survivors of deceased CIA retirement system annuitants

Categories of records in the system: Records required to administer compensation payments, payments to CIA Retirement System (CIARDS) annuitants, authorized or required payroll deductions or contributions for Federal, state and city income tax, retirement, insurance, Credit Union, etc., and leave entitlements. Personnel actions, contracts, W-4s, W-2s, withholding authorizations, banking instructions for dissemination of employees' salary checks.

Official travel orders, record of funds advanced and transportation furnished, copies of travel claims and accountings.

Records and statements concerning the status of funds advanced to individuals for official purposes.

Correspondence and copies of all financial documentation accumulated in the collection and settlement of amounts due the Agency from former employees.

Financial accounts and records concerning employees'/former employees' participation in the Voluntary Investment Plan. Membership application, payroll deduction authorization, quarterly status statement, funds withdrawal requests.

Certifying officers; contracting officers; and authorizing letter and signature card.

Authority for maintenance of the system: Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 88-643.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by CIA personnel to fulfill statutory requirements with regard to the computation, payment, and recording of compensation due Agency personnel and annuities due to CIARDS annuitants and to report Federal, state, and local taxing authorities tax information as required by law; used by CIA officials to report and remit to appropriate Federal, state, and local agencies tax withholdings, individual and CIA contributions for retirement, life and health insurance programs, and other deductions as required or authorized by the individual.

Used by CIA personnel concerned with the administration, processing, audit and certification of travel and transportation accounts.

Used by CIA personnel as an administrative control to ensure that official funds advanced to individuals are properly and fully accounted for.

Used by CIA personnel to pursue and document efforts made to collect amounts due the Agency from former Agency personnel.

Used by CIA personnel in the financial administration of the Voluntary Investment Plan and to inform participants of their equity in the Plan.

Used within CIA by Agency personnel charged with responsibility for determining that the commitment and expenditure of Agency funds is authorized, approved, and certified by officials to whom such authority has been delegated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punch cards, microfilm, magnetic tape and disks.

Retrievability: By name, employee number, and component of assignment.

Safeguards: Records are located in either vaulted, limited access areas or in combination lock safes. Access to the records is strictly limited to Agency personnel who either work with the records or have an official need for the information.

Retention and disposal: Method of disposal is by burning, degaussing or shredding, whichever is the most appropriate for the particular medium in which the record is maintained. Records are retained in accordance with established record disposal schedules.

System manager(s) and address:

Director, Office of Finance
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals and Agency officials.

CIA—51

System name: Security Duty Office Event Reports.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who contact the Security Duty Office.

Categories of records in the system: Name, date and subject matter of contact by individual.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Brief senior Security Officers concerning contacts made by individuals and events involving the Agency and Agency facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are maintained in office which is manned on a 24-hour basis. Information is disclosed to Agency officials on a need-to-know basis.

Retention and disposal: Records are maintained only for time period when subject is of interest to the Agency. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: General public, employees and Federal, state and local officials.

CIA—52

System name: Special Clearance System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Federal, civilian and military personnel and representatives from private industry who possess special access clearances.

Categories of records in the system: Name, date of birth, social security number, date of background investigation, organization, and clearances held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To certify throughout the Intelligence Community and related industry the individuals whose names are contained in this Special Register for purposes of controlling access to special classified materials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, computer tapes and paper.

Retrievability: By name, social security number, and organization.

Safeguards: The records are stored in a secure area. Access to the storage area is restricted to those who have the proper clearances and have a need-to-know.

Retention and disposal: The records are kept as long as an individual possesses special access clearances. Records are destroyed when individual is debriefed of special clearance(s). Paper records are burned; magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

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Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel, and other Federal agencies, and private industry.

CIA—54

System name: Central Badge System.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and individuals who required building access badges.

Categories of records in the system: Name, date and place of birth, social security number, photographs and fingerprints.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

National Security Act of 1947, as Amended—Public Law 80-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to identify and control access to Agency facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, photographs and magnetic media.

Retrievability: Name and badge number.

Safeguards: Records are maintained in vault. Access is limited to individuals on need-to-know basis.

Retention and disposal: Retained for duration of employment or association with the Agency. Records are destroyed by burning two years after resignation or termination of the association.

System manager(s) and address:
Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee records and/or the individual requesting identification badge.

CIA—56

System name: Security Analysis Records.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Any individual who comes to the attention of the Agency because of a counterintelligence interest that concerns Agency personnel or Agency security.

Categories of records in the system: Biographic information and data concerning an individual's involvement in specific intelligence and counterintelligence activities.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inform Agency officials of potential or actual CI information involving Agency personnel or facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: All records are maintained in a vaulted area. Access is limited on a need-to-know basis.

Retention and disposal: Permanent retention.

System manager(s) and address:
Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.
U.S. Government agencies.
Foreign intelligence sources.

CIA—57

System name: Security Records.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, staff and contract employees, former employees, consultants, contractors, military detailees, individuals of security interest, persons of substantive affiliation with or service to the Agency, persons on whom the Agency has conducted an investigation, Agency employees and other individuals associated with the Agency who have completed an accident report form, and Federal, civilian and military personnel with whom the Agency conducts liaison.

Categories of records in the system: Investigation requests.

Biographic data (name, sex, D/POB, social security number, and employer and employee address at time record was created).

Authorizations for the release of high school and college transcripts and copies of those transcripts.

Investigative reports.

Appraisal summaries reflecting the rationale for granting or refusing a security clearance.

Documentation of the final action taken by the Office of Security concerning any given investigation.

Secrecy agreements.

Documentation concerning the granting or refusing of special clearances; levels of clearances held; approvals for personnel reassignments; notations that polygraph or other special interviews were performed; memoranda concerning security violations; notices of termination of affiliation with the Agency.

Report of accidents and investigative reports.

Authority for maintenance of the system: National Security Act of 1947, as amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Executive Order 10450.

Executive Order 11807.

Section 19(a), Occupational Safety and Health Act of 1970—Public Law 91-596.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to ascertain whether there is any existing information concerning a person who is of immediate interest to the CIA. The system is routinely used when:

a person applies for CIA employment;

a person is a candidate or associated with a candidate for some project or assignment;

a question arises as to whether a certain individual has been security approved, or considered for security approval by the CIA;

there is a need to obtain the security file of an individual who is known (or assumed) to be the subject of a file; and

CIA receives a request for investigative information from another Federal agency.

Records from this system are also used to prepare briefings on Agency accident experience; to determine accident causes and recommend remedial action; and to prepare quarterly and annual statistical reports for the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, computer disks and magnetic tapes.

Retrievability: By name.

Safeguards: Records are safeguarded by combination lock security containers, or are stored within a vaulted area. Access is restricted to individuals who are certified on an "Access List." The Access List is validated each month and published so that responsible officials can insure that records are accessed only for official purposes.

Retention and disposal: Files which contain Agency-developed investigative reports on an individual are retained a maximum of 50 years, then destroyed by burning or pulping. Liaison contact files are kept for three years and then destroyed by burning or pulping, except where there is a documented request to continue the liaison.

System manager(s) and address:
Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Current and former employees, consultants, contractors, contract employees, military detailees, applicants for employment, persons of substantive affiliation with or service to the Agency, Federal state and local agencies, educational institutions, employers, personal and business references provided by the individual under investigation and acquaintances of the individual.

CIA—58

System name: Inspector General Research Records.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency personnel and other individuals whose names appear in documents assembled primarily from other Agency records systems by the Inspector General in relation to an Executive commission and Legislative committee reviews of Agency activities conducted between 1972 and 1976.

Categories of records in the system: CIA documents that are pertinent to an Executive commission and Legislative committee reviews of Agency activities.

Authority for maintenance of the system: Central Intelligence Act of 1949, as amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by Agency officials for reference use in connection with Executive and Legislative reviews of Agency activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or subject.

Safeguards: Information is stored is safes. Access is limited to Agency personnel.

Retention and disposal: Documents will be retained for indefinite period.

System manager(s) and address:
Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.
Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees.

CIA—59

System name: Unsolicited Correspondence from the General Public Addressed to the Director or Deputy Director of Central Intelligence.

System location:
Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Members of the General public who have written to the Director or Deputy Director of Central Intelligence.

Categories of records in the system: Correspondence from the general public and Agency letters of response.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by the Executive Secretary, Office of the Director, to insure that correspondence is acknowledged. Certain correspondence is forwarded to other Government agencies for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are in a vaulted area; access is controlled by the Executive Secretary.

Retention and disposal: Records are stored in the Executive Registry for two years and then transferred to the Records Center for an additional three years' storage, records are destroyed by burning five years after date of receipt of correspondence.

System manager(s) and address:
Executive Secretary
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:
Privacy Act Coordinator
Central Intelligence Agency

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Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

[FR Doc.76-25520 Filed 8-30-76;8:45 am]

federal register

TUESDAY, SEPTEMBER 7, 1976



PART III:

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

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VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), requires that the Veterans Administration publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of its system of records. The Veterans Administration's inventory of records systems was published initially in the FEDERAL REGISTER (40 FR 38095) on August 26, 1975 and adopted by FEDERAL REGISTER notice on October 10, 1975 (40 FR 47980). Subsequent study reveals the need of correcting errors or omissions in some of the systems. Therefore, notice is hereby given that the Veterans Administration proposes to republish its entire inventory of systems of records, as defined by the Privacy Act, to reflect all changes to the systems since they were first published. The unified text will contain: the description of the Agency's original fifty-seven systems of personal records as adopted on October 10, 1975; subsequent changes to those systems, published for comment but not yet adopted by final notice; and proposed new routine use statements.

Typographical errors have been corrected and minor editorial changes have been made in paragraphs other than the "routine use" paragraphs.

CHANGES PREVIOUSLY PUBLISHED FOR COMMENT BUT NOT YET ADOPTED BY FINAL NOTICE

1. A revised system notice was published for public comment on May 21, 1976 (41 FR 20938) to indicate that the Veterans Administration proposes to automate the manual system of records entitled, "57VA125 Voluntary Service Records—VA." One comment was received. The commenter questioned why people are asked to provide a social security number when they volunteer to help the Veterans Administration. The reason is that a volunteer's social security number provides a unique identification through which individual hours of service can be maintained in the computer and retrieved when needed. The hours of volunteer service are tied into a long-established system of recognition which depends upon correct records. Whenever a volunteer is reluctant to provide a social security number for this purpose, a pseudo number is created. Therefore, after consideration of the comment, the proposed revised system notice is adopted without change.

2. A notice was published on July 6, 1976 (41 FR 27798) soliciting comment on our proposal to add an additional routine use statement to the following systems of records: "44VA01 Veterans Appellate Records System—VA" and "36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA". No comments were received. Therefore, the proposed additions to the routine use element of these systems are adopted without change.

3. On June 22, 1976, the Veterans Administration published in the FEDERAL REGISTER (41 FR 25058) a notice of eight additional routine uses for the system entitled, "50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA". One letter of comment was received from OMB (Office of Management and Budget). OMB believes that the first of the proposed routine uses is inconsistent with the Privacy Act and urged the Veterans Administration to withdraw it. For this reason, the routine use has been withdrawn. The remaining seven routine use statements are adopted without change.

The same routine use is deleted from the following systems for the same reason: "49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA" and "58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA".

PROPOSED NEW ROUTINE USE STATEMENTS

1. For sixteen systems of records, the Veterans Administration has identified the following additional routine use which was not described in the original notice:

Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

This proposed use will permit release of personal information to another Federal employer or the commanding officer of a debtor to assist in the collection of a debt owed the Veterans Administration. Accordingly, it is added to the sixteen systems of VA records listed below:

11VA071 Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc.—VA.
13VA047 Individuals Submitting Invoices/Vouchers for Payment—VA.
24VA136 Patient Medical Records—VA.
27VA047 Personnel and Accounting Pay System—VA.
30VA136 Rejected Applicant for Medical Care Records—VA.
32VA00 Veterans, Employee and Citizen Health Care Facility Investigation Records—VA.
36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
39VA047 Veterans and Dependents Inactive Award Account Records—VA.
46VA00 Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
53VA00 Veterans Mortgage Life Insurance—VA.
54VA136 Veteran's Spouse or Dependent Civilian Health and Medical Care Records—VA.
55VA26 Loan Guaranty Home, Condominium and Mobile Loan Applicant Records and Paraplegic Grant Applicant Records—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

2. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the systems of records entitled: 24VA136 Patient Medical Records—VA; 37VA27 Veterans and Beneficiaries Guardianship Records—VA; 49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA; and 55VA26 Loan Guaranty Home, Condominium and Mobile Home Loan Application Records and Paraplegic Grant Applicant Records—VA.

Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

3. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the system of records entitle 37VA27 Veterans and Beneficiaries Guardianship Records—VA.

Release of information to an attorney employed by the spouse, a relative, or next friend to represent the interest of an incompetent claimant.

4. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the system of records entitle 36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.

A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

5. Notice is hereby given that the Veterans Administration is considering adding the following routine use statement to twelve systems of records:

Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

This proposed use will permit release of personal information order to obtain locator assistance in the collection of debts due the United States. Accordingly, it is added to the twelve systems of VA records listed below:

11VA071 Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc.—VA.
13VA047 Individuals Submitting Invoices/Vouchers for Payment—VA.
27VA047 Personnel and Accounting Pay System—VA.
36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
39VA047 Veterans and Dependents Inactive Award Account Records—VA.
46VA00 Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
53VA00 Veterans Mortgage Life Insurance—VA.
55VA26 Loan Guaranty Home, Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Applicant Records—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

6. Notice is hereby given that the Veterans Administration is considering adding an additional routine use statement in the description of the system of records entitled, "27VA047 Personnel and Accounting Pay System—VA." For several years, it was the policy of the Federal Government to cooperate with State and local taxing authorities by furnishing lists of employees working within their jurisdictions. The authority for individual agencies to make periodic reports, as well as the guidelines for furnishing the information, was Office of Management and Budget Circular A-38. The rescission of that Circular by OMB on September 23, 1975, using Public Law 93-579 (The Privacy Act of 1974) as a legal basis for the action, seemed to preclude the practice entirely. However, a recent opinion by the Office of the Legal Counsel of the Department of Justice (March 4, 1976), concludes that each Federal agency has a degree of authority to release certain information for tax purposes to State and local taxing jurisdictions. The opinion of the Department of Justice provides authority for release of payroll information under two statutes: the Freedom of Information Act (Public Law 93-502) and the Privacy Act. Although no Privacy Act authority for release exists currently, the preferred authority according to the Department of Justice opinion, is the routine use. Thus, to clearly establish the authority for the Veterans Administration to comply with the opinion of the Department of Justice to the maximum extent possible and to cooperate with State and local jurisdictions to the limit of the law, the Veterans Administration proposes the addition of the following routine use statement to this system of records to allow the Veterans Administration to furnish payroll information routinely, without a specific written request in each instance.

To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provisions of State and/or local law. Social security numbers may only be furnished for use with systems of records for which their disclosure was required prior to January 1, 1975.

7. Notice is hereby given that the Veterans Administration is considering adding the following routine use statement to twelve systems of records:

A record containing the name(s) and address(es) of present or former members of the armed services and/or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Adoption of this routine use statement will permit the Veterans Administration to implement Public Law 94-321, approved June 29, 1976, entitled, "An Act to Amend Title 38 of the United States Code in Order to Clarify the Purposes for Which the Administrator of Veterans' Affairs May Release the Names and Addresses of Present and Former Personnel of the Armed Services and Their Dependents." Accordingly, it is added to the twelve systems of records listed below:

22VA136 Patient and Employee Infectious Disease Records—VA.
24VA136 Patient Medical Records—VA.
30VA136 Rejected Applicant for Medical Care Records—VA.
35VA042 Veterans Admitted to VA Hospitals for Care of Cancer during Period 1958 to 1963, Central Cancer Registry—VA.
36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
38VA28 Veterans and Beneficiary Identification and Records Locator System—VA.
45VA28 Veterans Assistance Discharge System—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
51VA042 Spinal Cord Injury Study File, 1/1/46 to 9/30/55 and 10/1/55 to 9/30/65—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

CHANGES OTHER THAN ROUTINE USES

Notice is hereby given that the Veterans Administration proposes to adopt modifications to other than "routine use" paragraphs in some systems of records. Opportunity for public comment is not required for these changes.

1. The Veterans Administration has determined that six systems of records, as originally published, do not meet criteria for a system of records as defined by the Privacy Act. They have been subsumed by other systems of which they are an integral part. This notice deletes the following systems of records:

Inpatient Discharge Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."

Outpatient Staff and Fee Reporting Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."

Patient Summary Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."

Patient Treatment File—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."

Veterans Index Records—VA. These manual records are being destroyed after they are put on microfilm. The microfilm copy is now described in the system of records entitled, "38VA28 Veterans and Beneficiary Identification and Records Locator System—VA."

Veterans Claim Number Registers—VA. These manual records are being destroyed after they are put on microfilm. The microfilm copy is now described in the system of records entitled, "38VA28 Veterans and Beneficiary Identification and Records Locator System—VA."

2. In instructions for preparation of the President's Report to the Congress Under the Privacy Act of 1974, OMB (Office of Management and Budget) required that system names be limited to 115 characters because of space limitations. Accordingly, VA system names which exceeded 115 characters have been shortened.

At the request of the system manager, the system entitled "Applicants for Physician, Dentist and Nurse Positions" is changed to "Applicants for Employment Under Title 38, U.S.C."

Persons interested in commenting on the new routine use statements are invited to submit written comments, suggestions, or objections to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before October 7, 1976, will be considered. All written comments will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description of the Veterans Administration's systems of records effective September 27, 1975, the effective date of section 3, Pub. L. 93-579 with the following exceptions: The TARGET system became effective April 21, 1976, the date of final approval by the Administrator of Veterans Affairs; the Voluntary Service Records—VA will be effective the date of final approval of this document.

Approved: August 26, 1976.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

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VA Appendix 1-Addresses of Veterans Administration Facilities

01VA024

System name: Accredited Representatives and Claim Agents Records - VA

System location: Office of General Counsel (024), Veterans Administration Central Office, Washington D.C. 20420.

Categories of individuals covered by the system: Members or employees of recognized service organizations, accredited to the VA to represent claimants for benefits; individuals, not attorneys, recognized by the VA to represent claimants for benefits on a fee basis.

Categories of records in the system: List of names, addresses, and organizations to which accredited.

Authority for maintenance of the system: Title 38, United States Code, 3402 and 3404.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To inform VA employees, claimants for benefits, and the general public of the identity of accredited representatives and claims agents.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual folders and file cards.

Retrievability: By surnames alphabetized.

Safeguards: Physical security.

Retention and disposal: Maintained as long as the individual is an active representative or agent; maintained by VA Central Office Records Division for 2 years thereafter and then disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: Inquiry by mail or person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Application of individuals for accreditation or recognition.

02VA135

System name: Applicants for Employment under Title 38, USC-VA

System location: VA Central Office for dentist applicants; VA health care facilities for all other applicants.

Categories of individuals covered by the system: Persons who have applied for VA employment as a physician, dentist, nurse, physician's assistant, expanded-duty dental auxiliary or other position under the authority of Title 38 USC, Chapter 73.

Categories of records in the system: These records contain information relating to the education and training; employment history; appraisal of past performance; convictions of offenses against the law; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; social security number; and home address of persons who have applied for Federal employment.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal, local or State agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Records are indexed by name or by name within geographic location preference.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Applications are retained for one year then destroyed by shredding or burning.

System manager(s) and address: For dentists:ASSISTANT CHIEF MEDICAL DIRECTOR FOR DENTISTRY (16), VA Central Office, Washington, D.C. 20420; for other applicants: Station Personnel Officers (135), VA health care facility. (See VA Appendix 1 for local addresses.)

Notification procedure: For dentists: Same as System Manager; for physicians and nurses: VA station at which application was filed. Individuals should provide name, social security number and title of position applied for.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Information is collected from the individual's application, the references given by the applicant, and medical, dental or nursing school records.

03VA042

System name: Armed Forces Separations (DD-214) One-Percent Sample - VA

System location: VA Data Processing Center, St. Paul, Minnesota and Office of the Controller, VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Former members of the U.S. Armed Forces with service numbers ending in digits 67 or Social security number ending in digits 45 selected for the one-percent sample starting in 1956.

Categories of records in the system: Report of Separation, Department of Defense Form 214.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Sections 210, and 212, Part I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To determine information concerning ex-service personnel who are being added to the veteran population, i.e. distribution by war periods or peacetime service; age distribution by period of service; distribution by state of residence at time of separation, distribution by sex, and to provide socioeconomic and service characteristics of separatees. VA employees use this data to develop demographic statistical data which are reflected in reports to the Congress, Federal, State and local government agencies, universities for research studies and veterans service organizations. The data produced and distributed are summarized data and do not identify individuals.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, computer printouts.

Retrievability: Magnetic tape records are sequenced by social security number if on record (records not having a social security number are sequenced by Armed Forces service number). Computer printouts are sequenced by social security number within period of service or Armed Forces service number within period of service.

Safeguards: Access to One Percent Sample of Armed Forces separation records is restricted to VA employees assigned to that activity. These records are protected from outside access by Federal Protective Service.

Retention and disposal: Indefinite retention of sample data.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves may submit a written request to the address shown under System Manager. A return address must be given. All inquiries must identify the record involved by providing individual's full name, social security number (and/or Armed Forces service number if discharged from the Armed Forces before 1971) and birth date.

Record access procedures: Individuals (or authorized representative) seeking information regarding access to and contesting VA records may write the VA Controller (042) at the address cited under System Manager.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: One Percent Sample of Armed Forces Separations system records are obtained from the Department of Defense.

04VA113

System name: Blood Donor File - VA

System location: Records are maintained at each of the Veterans Administration health care facilities. Addresses are listed in VA Appendix 1 at the end of this document.

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Categories of individuals covered by the system: individuals who have donated blood to a Veterans Administration health care facility, blood bank, Red Cross, government or private hospital to be issued for patient care under routine or emergency conditions.

Categories of records in the system: Blood information and files contain a cumulative account of blood received, type and quantity which is cross referenced by donor. A record of the individual or medical unit to which the blood was used or stored is maintained.

Authority for maintenance of the system: 1. Title 38, United States Code, Chapter 3, Section 210(c)(1). 2. Standards for Blood Banks and Transfusion Services. 3. Technical Methods and Procedures of the American Association of Blood Banks.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To answer questions, regarding the source from which blood was received, from Federal, State and local medical facilities for the purpose of following up on any questions that a qualified medical practioner may ask if a particular problem might occur.

2. To maintain records of blood availability, location, quantity on hand, and blood type; for use by Red Cross Coordinator of area; to answer and fill requests from health care facilities for need for blood by type, and the presence of particular antibodies.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

5. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, magnetic tape, disk.

Retrievability: (a) All VA blood information manual records are indexed by name and social security number of donor, cross indexed by blood type. (b) Automated records are indexed by name, social security number, blood type, antibodies and date of last donation.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Blood Information Records: Individual donor records are maintained at a VA health care facility for a minimum of 5 years after last donation and then shredded or burned. Information on blood transferred to another blood bank is maintained for a ten year retention after last entry then destroyed by shredding or burning. When blood is issued to a patient a record is maintained in his medical record and destroyed 15 years after last entry in his medical record.

System manager(s) and address: DIRECTOR PATHOLOGY SERVICE (113), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a medical record or blood information record pertaining to themselves must submit a written request or apply in person to the VA health care facility where care was rendered or blood donated. All inquiries must reasonably identify the portion of the medical record or blood information involved and the approximate dates that service was provided. Inquiries should include individuals full name, social security number , and known home address at the time of medical service.

Record access procedures: Blood donors, patients of VA medical care facilities or duly authorized representatives seeking information regarding access to and contesting of VA health facility records may write, call or visit the Veterans Administration facility where medical service was provided or volunteered.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The blood donor. 2. Private hospitals and local blood banks. 3. Private physicians. 4. Laboratories - private, local, State, and Federal.

05VA024

System name: Claimant Legal Precedent Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420, and Offices of the District Counsels in VA regional offices and centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA claimants whose entitlement to benefits involves legal questions which have been or are to be answered by Office of the General Counsel, including Offices of the District Counsels.

Categories of records in the system: Name of claimant and information pertinent to legal question presented.

Authority for maintenance of the system: Title 38, United States Code, Part 1, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Used for answering legal questions. Answers may be supplied to claimant, VA officials, and upon inquiry to officials of other agencies and Members of Congress.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual folders.

Retrievability: By surnames alphabetized.

Safeguards: Physical security and personnel screening.

Retention and disposal: Except for precedential material (which is maintained permanently) folders maintained for 2 years; maintained for additional 3 years by VA Central Office Records Division and thereafter disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager)

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA officials requesting legal opinion and other VA records systems.

06VA024

System name: Claimant Private Relief Legislative Name Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Claimants on behalf of whom private relief bills are introduced, or proposed for introduction, in Congress.

Categories of records in the system: Information pertinent to private relief bill and factual situation therein involved.

Authority for maintenance of the system: Title 38, United States Code, Part 1, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Preparation of reports to Congressional Committees, Members of Congress, and Executive departments.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual folders.

Retrievability: By surnames alphabetized, bill and law numbers.

Safeguards: Physical security and personnel screening.

Retention and disposal: Permanent retention.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager)

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA records systems, Members and Committees of Congress, other Executive departments.

07VA138

System name: Department of Medicine and Surgery Engineering Employee Management Information Records - VA

System location: Records are maintained at the Veterans Administration data processing centers Washington, D.C., Hines, Illinois, Austin, Texas, St. Paul, Minnesota, Los Angeles, California, and Philadelphia, Pennsylvania, and at all VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans Administration Engineering employees with the Department of Medicine and Surgery.

Categories of records in the system: Personal identification information; data on cost center, hourly wage rate, and work location.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched cards.

Retrievability: Indexed by employee identification number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained until termination of employment. Destruction of records is accomplished by shredding or incineration.

System manager(s) and address: DIRECTOR ENGINEERING SERVICE (138), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, employee identification number, approximate date(s) of employment, and location of the health care facility where employed.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Department of Medicine and Surgery Engineering Employee Management Information Records-VA records may contact the Engineering Officer at the nearest VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee and supervisory personnel.

08VA 05

System name: Employee Health Unit and Dispensary Records -VA

System location: In Health Units at field stations and Central Office, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: All employees who receive treatment.

Categories of records in the system: Daily Record of Employees' Emergency Treatment, Employee Health Record, and Daily Report of Employees' Injuries.

Authority for maintenance of the system: Title 38, United States Code, Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To assess physical capability of employees and to provide data for periodic reports of the health services program to the Civil Service Commission.

3.Information may be disclosed from this system of records toa Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases.

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4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file system.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Records are maintained in locked file. Access to files is restricted to authorized health unit personnel and authorized Personnel Office personnel.

Retention and disposal: The basic health record is maintained at the employing station until the employee terminates employment, at which time it is retired to the Civilian Personnel Records Center, GSA, St. Louis, Missouri.

System manager(s) and address: Officials maintaining the system - Personnel Officer at station where employed. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA Personnel Officer at the station at which employed; the individual should provide full name, social security number , position title, and period of service involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing Personnel Office for gaining access to their personnel record and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee, Health Unit Nurse, Personnel Physician.

09VA 05

System name: Employee Unfair Labor Practice Charges and Complaints, Negotiated Agreement Grievances and Arbitrations - VA

System location: VA station personnel offices, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA employees or labor Inion representatives who have filed, in the name of VA employees, unfair labor practice charges or complaints and negotiated agreement grievances.

Categories of records in the system: Various material, considered pertinent by parties to proceedings, needed for processing charges, complaints, grievances and arbitrations.

Authority for maintenance of the system: Executive Order 11491 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. Files may be released to arbitrators for processing arbitrations and to authorized Department of Labor officers for processing unfair labor practice complaints.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in files.

Retrievability: Alphabetically by name at some VA stations. Some stations do not maintain records retrievable by name or other personal identifier.

Safeguards: Access to files is restricted to authorized VA employees in the Personnel Office and to operating officials.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Officials maintaining the system - VA Personnel Officers where records are maintained. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA station Personnel Officer. Individual should provide full name, social security number and date and nature of proceeding involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing Personnel Office for gaining access to their records and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA officials, employees, and labor organization officials.

10VA 31

System name: Employee Reporting System for Project Administration and Control (Data Processing Centers) - VA

System location: Veterans Administration Data Processing Centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Data Processing Center employees assigned to Systems or Technical Assistance Division.

Categories of records in the system: Detailed record of Project Assignments and related task assignments; Resource record for reporting of time, in hours, individual spends on administrative and overhead tasks.

Authority for maintenance of the system: Title 5, United States Code 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.
2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Project identification number, employee's initials, first, middle, and last.

Safeguards: Physical security requires that employees wear identification badges. Special identification badges are required to enter the computer site.

Retention and disposal: Automated records are retained a minimum of 1 year and a maximum of 5 years. Fifth year History Tapes are erased. Manual records are maintained a minimum of 1 year and a maximum of 2 years. They are then disposed of as trash.

System manager(s) and address: Director, Technical Assistance Service (31), Department of Data Management, VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the Director of the VA Data Processing Center where the individual is (was) employed. Inquiries should include the individual's full name, PACS identification if known, and approximate dates of employment.

Record access procedures: Individuals or their authorized representatives seeking information regarding access to and contesting of their Project Administration and Control System Record may contact the Director of the VA Data Processing Center where the individual is (was) employed.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Project budget and project objective by supervisor/individual, individual workload data by individual.

11VA071

System name: Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc., -VA

System location: Investigation and Security Service (071), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Employees and others who conduct official business with VA.

Categories of records in the system: Reports of Investigation, testimony, affidavits, memoranda.

Authority for maintenance of the system: Title 38, United States Code 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency or other organization maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency or organization decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.
3. A record from this system of records may be disclosed to a Federal, State or local agency or other organization, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency or organization, to the extent that the information is relevant and necessary to the requesting agency's or organization's decision on the matter.
4. Referral to other federal, state or local agencies or organizations of such information as is pertinent to their operations.
5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).
6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.
7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Indexed by subject of investigation and names of all witnesses who were interviewed.

Safeguards: Confidential files released only with approval of System Manager.

Retention and disposal: 30 years then destroyed by burning.

System manager(s) and address: DIRECTOR, INVESTIGATION AND SECURITY SERVICE (071), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager above)

Record access procedures: Written request to address above.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Individuals and records of pertinence to matter of inquiry.

12VA 01

System name: Individual Requests for Information from Appellate Records - VA

System location: Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Person requesting information under Freedom of Information Act.

Categories of records in the system: Requests for information, responses to requests.

Authority for maintenance of the system: Title 5, United States Code 552, 38 Code of Federal Regulations 1.556.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.
2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name.

Safeguards: Files under control of Freedom of Information Act Officer.

Retention and disposal: Two years then destroyed.

System manager(s) and address: CHAIRMAN, BOARD OF VETERANS APPEALS (01), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Board of Veterans Appeals (014), Veterans Administration Central Office, Washington, D.C. 20420.

Request should be made in writing. The following information, or as much as is available, should be furnished in order to identify name of the subject of the file: Full name of the subject and any other information which will enable Board of Veterans Appeals to differentiate between persons of the same name.

Record access procedures: Information and/or assistance as to access to Board of Veterans Appeals records or as to contesting the content of such records may be obtained by contacting the Freedom of Information Act Officer (014), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C., 20420, or by telephoning (202) 389-3346.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data furnished by person requesting information, data furnished by Board of Veterans Appeals to requestor.

13VA047

System name: Individuals Submitting Invoices/Vouchers For Payment - VA

System location: VA Data Processing Center, Austin, Texas and the fiscal offices of Central Office and other field stations where the fiscal transactions are processed.

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Categories of individuals covered by the system: Contractors, vendors, non-salaried employees, consultants, attendings, fee basis physicians and dentists, and patients.

Categories of records in the system: Vendor identification listings, invoices and payment records.

Authority for maintenance of the system: Budget and Accounting Act of 1950 and General Accounting Office Title 8, Chapter 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer payment information necessary to complete payment of claims and to furnish income data Form 1099 to the Treasury Department in order to effect payment of claims to vendors and to furnish income information.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfiche, magnetic tape.

Retrievability: Alphabetically by name and numerically by identification number.

Safeguards: Access to the records is restricted to VA Finance employees. These records are protected from outside access by Federal Protective Service.

Retention and disposal: Governed by General Accounting Office Regulations which require retention for records created prior to 7/2/75: 10 years and 3 m onths after the period of the account; records created on and after 7/2/75: 6years and 3 months after the period of the account. Records are normally retired to Federal Record Centers within 1 or 2 years after payment and audit.

System manager(s) and address: CONTROLLER, (047), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves may submit a written request to the VA office to which the invoice/voucher was submitted. All inquiries must reasonably identify the invoice/voucher involved. Inquiries should include name and return address.

Record access procedures: Individuals or authorized representatives seeking information regarding access to and contesting of records may write, call or visit the VA office to which the invoice/voucher was submitted.

Contesting record procedures: (see Record Access Procedures above)

Record source categories: These payment records are compiled from documentation from the vendor, contractor, and employee; Dun and Bradstreet (identifying numbers); and procurement and authorization documentation generated by the Veterans Administration.

14VA135

System name: Individuals Serving on a Fee Basis or Without Compensation (Consultants, Attendings, Others) Personnel Records-VA

System location: VA station Personnel Offices, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Physicians, dentists and nurses; student trainees; research personnel; other scientific and technical personnel.

Categories of records in the system: Copies of application, appointment letters, other documents and papers maintained in connection with these appointments.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file system.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to files is restricted to authorized Personnel Office and operating officials. Records are maintained in locked files.

Retention and disposal: Records are maintained for a period of one year from the expiration of appointment. They are then destroyed.

System manager(s) and address: Officials maintaining the system - Personnel Officers (135) where this system is utilized. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA station Personnel Officer. Individual should provide full name, social security number , position and period of service involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing personnel office for gaining access to their personnel record and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Application for employment, authorization forms or letters and related documents.

16VA024

System name: Litigant Name Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420, and Offices of the District Counsels in VA regional offices and centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Individual litigants in cases brought by or against the government and affecting the Veterans Administration.

Categories of records in the system: Pleadings, opinions, briefs, decisions, and matters of evidentiary nature.

Authority for maintenance of the system: Title 38, United States Code, Part I, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To respond to pleadings, interrogatories, and orders, and to supply information to the Department of Justice, U.S. Attorneys, the several courts and other party litigants.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual folders and file cards.

Retrievability: By case title or court docket number.

Safeguards: Physical security and personnel screening.

Retention and disposal: Maintained one year following close of litigation; maintained by VA Central Office Records Division for additional 9 years; thereafter disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals should contact the System Manager listed above.

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Courts, litigants and their attorneys, Department of Justice, other VA records systems.

17VA 26

System name: Loan Guaranty Fee Personnel and Program Participant Records-VA

System location: Records are maintained at VA regional offices or centers having loan guaranty activities; in offices of the District Counsels in regional offices and centers; and at the VA Central Office, Washington, D.C. 20420. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Appraisers, compliance inspectors, management brokers, developers and builders, real estate sales brokers, participating lenders, and loan closing and fee attorneys.

Categories of records in the system: Applications for approval, financial data and professional resumes are maintained. Information on corporate officers, officials responsible for submissions and parties of interest is documented. Information on the record of performance is retained for each individual or firm.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of information regarding builders, lenders and brokers suspended from participation in the Loan Guaranty Program to the Department of Housing and Urban Development and the Federal Housing Administration to enable the user to consider imposing like restrictions on persons and/or firms doing business with both agencies.

2. To furnish rosters of qualified fee appraisers and compliance inspectors and advice regarding suspensions for the Department of Housing and Urban Development and the Federal Housing Administration to permit user to employ services of qualified fee personnel and to ascertain causes for their removal, i.e., misconduct or irregularity.

3. Transfer of statistical and other data in a form not individually identifiable to Federal, State and Local Government Agencies, Civil Rights and Fair Housing groups and privately funded studies to formulate, develop and monitor programs for minority participation by brokers and other fee basis personnel.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: All records are indexed or cross-indexed by name of individual or firm.

Safeguards: Access to VA working spaces and record file storage areas is restricted to VA employees on a need to know basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Sensitive files involving pending suspension or legal action are stored in separate locked files.

Retention and disposal: Cards on suspended builders, lenders and real estate brokers are destroyed immediately after notification that suspension has been terminated. Other records are retained for various periods extending up to two years after all loans have been liquidated. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, LOAN GUARANTY SERVICE (26), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inqui-

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ries must reasonably identify the relationship of the individual with the VA loan program. Inquiries should include the individual's full name, address, firm represented, if any, and capacity in which the individual participates or participated in the loan program.

Record access procedures: Fee personnel or program participants or their authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Fee personnel and program participant records are obtained from the applicant, credit and financial reporting agencies, independent auditors and accountants, accumulated performance information, other VA regional offices and Central Office, other Federal agencies.

18VA 05

System name: Management Personnel Inventory -VA

System location: VA Central Office, Washington, D.C., VA Data Processing Center, St. Paul, Minnesota.

Categories of individuals covered by the system: Employees in specified occupations and at specified grade levels leading to centralized managerial or executive positions.

Categories of records in the system: Data on service history, skills, qualifications, education, training, awards, performance evaluations, and mobility.

Authority for maintenance of the system: Title 5, United States Code, Sections 301 and 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in folder files, magnetic tape.

Retrievability: Folder files are filed by name, automated records are indexed by social security number within station.

Safeguards: Physical security: Access to files is restricted to authorized personnel office and operating officials. Records are maintained in locked files.

Retention and disposal: Folder files - destroyed immediately upon separation from VA. Retained 2 years if employee withdraws from system and then destroyed. Magnetic tape record is destroyed immediately upon separation or withdrawal from system.

System manager(s) and address: ASSISTANT ADMINISTRATOR FOR PERSONNEL, (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: Executive Assistant to the Assistant Administrator for Personnel, VA Central Office, Washington, D.C. Employee should provide full name, social security number , employing station and position title.

Record access procedures: Employee or representative designated in writing may contact their servicing personnel office in person or in writing for information on procedures for gaining access to his/her record.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee, Supervisory officials (appraisals), Personnel and Accounting Pay System.

19VA071

System name: Missing Veterans File - VA

System location: Investigation and Security Service (071), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Missing veterans

Categories of records in the system: Informal memoranda regarding efforts to locate missing veterans.

Authority for maintenance of the system: Title 44, United States Code, Chapter 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency or other organization maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning benefits.
3. Referral to other Federal, State or local agencies or organizations of such information as is pertinent to their operations.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Indexed by veteran's name.

Safeguards: Released only with approval of System Manager.

Retention and disposal: Records are kept 5 years then destroyed by burning.

System manager(s) and address: DIRECTOR, INVESTIGATION AND SECURITY SERVICE (071), VA Central Office, Washington, D.C. 20420.

Notification procedure: See above address.

Record access procedures: Written request to above address.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Individuals and records of pertinence to matter of inquiry.

20VA138

System name: Motor Vehicle Operator Accident Records - VA

System location: Records are maintained at each VA Health Care Facility, where the authorization to operate a Government-owned vehicle was issued, or at the facility where an accident occurred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA employees authorized to operate a Government-owned vehicle. Individuals involved in a motor vehicle accident at a VA facility.

Categories of records in the system: Driving tests, road tests, accident reports, physical fitness reports. Reports and records documenting the facts, circumstances and evidence surrounding a motor vehicle accident.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 57, Section 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To issue or remove a permit to operate a Governmental vehicle by the General Service Administration to insure against the operation of a GSA vehicle by a driver who is not qualified or who is a poor risk.
2. Transfer of required information to attorneys representing parties involved in litigation of motor vehicle accidents to assist attorneys in representing their clients.
3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or

by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.
6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (a) Paper documents. (b) Photographs.

Retrievability: (a) The operator permits are filed alphabetically by name of operator. (b) The accident reports are filed by the vehicle number or license number.

Safeguards: Physical Security : Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: (a) The operators permit file is disposed of three (3) years after separation or three (3) years after cancellation of authorization to operate, whichever is earlier. (b) The accident files are disposed of two (2) years after last activity. (c) Destruction of records is accomplished by burning or shredding.

System manager(s) and address: DIRECTOR, ENGINEERING SERVICE (138), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence or content of a record pertaining to themselves must submit a written request or apply in person to the VA facility where the permit was issued or the accident occurred. All inquiries must reasonably identify the portion of the record system desired, i.e., Driver permit, or accident report. Inquiries should include the individual's full name, dates of employment or approximate date of accident, vehicle license number, description of the vehicles involved in the accident.

Record access procedures: Individuals or duly authorized representatives seeking information regarding access to and contesting of these records may write, call or visit the VA facility where the permit was issued or accident occurred.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Employee, 2. Private citizens involved in accidents, 3. Federal, State and local law enforcement agencies, and 4. Private insurance companies.

22VA136

System name: Patient and Employee Infectious Disease Records - VA

System location: Records are maintained at the Veterans Administration Data Processing Center at Los Angeles, California; and at the VA Hospital at Palo Alto, California. Address locations are listed in the VA Appendix at the end of this document.

Categories of individuals covered by the system: Patients and employees at VA Hospital at Palo Alto, California.

Categories of records in the system: Personal identification information; particular and general infection sites; antibiotic sensitivities.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 210; and Chapter 17, Subchapter II, Sections 610, 611, and 612.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.
2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name and social security number .

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: CHIEF OF STAFF (11), VA Hospital, 3801 Miranda Avenue, Palo Alto, California 94304.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility (136). All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number , date of birth, and approximate date(s) of care or employment at Palo Alto Veterans Administration Hospital.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Patient and Employee Infectious Disease Records - VA, may contact the System Manager of this system.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Patient Consolidated Medical Record portion of the 'Patient Medical Records-VA' and personnel medical screening records created due to epidemic, etc.

23VA136

System name: Patient Fee Basis Medical and Pharmacy Records - VA

System location: Records are maintained at all VA data processing centers, health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Individuals furnished medical and pharmacy services authorized by the Veterans Administration on a fee-for-services basis.

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Categories of records in the system: Personal identification information on veteran and physician; date of visit; type of service; charge for service; pharmacy dispensing; and travel pay.

Authority for maintenance of the system: Title 38, United States Code, Chapter 17, Subchapter I, Section 601; Chapter 3, Subchapter II, Section 213.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. To the Treasury Department to facilitate payments to physicians, clinics, and pharmacies for reimbursement for services rendered.

6. To the Treasury Department to facilitate payments to veterans for reimbursements of travel expenses.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: Indexed by veteran's social security number and physician's social security number or, if SSN is unavailable, taxpayer's identification number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility (136). All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number , and approximate date(s) of services rendered or received.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Patient Fee Basis Medical and Pharmacy System -VA records may contact the Medical Administration Officer at the nearest VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Patient Consolidated Medical Record portion of the VA Medical Records System.

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System name: Patient Medical Records - VA

System location: Records are maintained at each of the VA health care facilities and the Federal records centers. Address locations for VA facilities are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, survivors and dependents of certain veterans who have applied for health care services under Title 38, United States Code, Chapter 17. Patients other than the above who were admitted to a hospital under emergency conditions for humanitarian reasons.

Categories of records in the system: Medical Records contain a cumulative account, written in graphic form, of sociological, diagnostic, medical, surgical, dental, drug and alcohol information compiled by VA professional staff and private hospitals and doctors, information relating to dependency, income, education and occupation. Counseling and Rehabilitation records are also maintained as necessary.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), Title 38, United States Code, Chapter 17.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of medical record data as deemed necessary and proper to Federal, State and local government agencies and national health organizations in order to assist in the development of programs that will be beneficial to claimants and to protect their rights under law and assure that they are receiving all benefits to which they are entitled.

2. Disclosure of medical care furnished and the period of care, as deemed necessary and proper to accredited service organization representatives and other approved agents, attorneys, and insurance companies to aid claimants in the preparation, presentation and prosecution of claims under laws administered by the VA, State or local agencies.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

6. Disclosure of conditions of named patients by appropriate professional staff members of health care facilities to families and friends of those named patients.

7. Disclosure by health care facilities information desks of 'on the rolls' status of named individuals in response to inquiries and/or for visitation purposes.

8. Relevant information from this system of records may be disclosed as a routine use: in the course of presenting evidence to a court, magistrate or administrative tribunal, in matters of guardianship, inquests and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

9. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

10. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, Microfilm, Magnetic tape, Disk.

Retrievability: (a) Manual records are indexed by name and VA social security number, maintained in terminal digit order. (b) Automated records are indexed by name, VA file number, payee number and type of vendor.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Medical Records: Individual patient medical records are retained at each health care facility for a minimum of three (3) years after the last episode of care. After the third year of inactivity the paper record is screened, and vital documents are removed and retained at the facility indefinitely, the remaining portion of the record is transferred to the nearest Federal Record Center for twelve (12) more years of storage.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a medical record pertaining to themselves must submit a written request or apply in person to the VA health care facility where care was rendered. All inquiries must reasonably identify the portion of the medical record involved and the approximate date that medical care was provided. Inquiries should include the patient's full name, VA file number and return address, and place of care. If the VA file number is not available, then provide, if known: Date of birth, social security number, known home address at time of medical service.

Record access procedures: Veterans, dependents, survivors, or duly authorized representatives seeking information regarding access to and contesting of VA health records may write, call or visit the VA facility where medical care was provided.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The patient, family members or accredited representative, and friends, employers or other third parties when otherwise unobtainable from the patient or his family. 2. The Department of Defense. 3. Private hospitals, insurance companies and medical professionals if written authorization is obtained from the patient. 4. State and local agencies upon request for assistance by the patient. 5. Undertakers at time of death in a VA facility. 6. Social Security Administration. 7. Various automated systems providing clinical and managerial support at selected VA health care facilities.

27VA047

System name: Personnel and Accounting Pay System -VA

System location: VA Data Processing Center, Austin, Texas; the field stations where the employee is on duty.

Categories of individuals covered by the system: All VA employees (including Consultants and Attendings).

Categories of records in the system: PAID Master Records, Record of Salary Payments, Time and Attendance report file, Earnings and Leave Statement, Individual Retirement Record, Payroll Folder Files, Personnel Action Records and Basic Authorizations, Training & Incentive Awards Record.

Authority for maintenance of the system: Statutory provisions, Executive Orders of the President, and rules and regulations of certain Federal regulatory departments and agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To produce and maintain the personnel and payroll records, including reports and statistical data, of VA employees for use by Federal, State and local agencies and organizations authorized by law or regulation to have access to such information.

2. Transfer payroll information to complete payroll checks, bond deductions and withholding taxes to the Treasury Department in order to effect delivery of payroll checks and savings bonds to VA employees.

3. Transfer payroll information to the Social Security Administration in order to credit quarterly postings for social security.

4. Transfer withholding tax information to State and/or city governments to effect payment of taxes to city and/or State governments and to create W-2's.

5. Transfer retirement record information to the Civil Service Commission in order to provide a history of service and retirement deductions.

6. Transfer employee Payroll Folder File, Record of Salary Payments, and Time and Attendance reports to the National Archives and Records Service in order to provide a history of all salaries, deductions and time and leave.

7. Transfer unemployment compensation information to State agencies to compile unemployment compensation data.

8. Transfer personnel data to the Civil Service Commission in order to provide the Civil Service Commission with a readily accessible major data source for meeting work force information needs of the Commission, national planning agencies, the Congress, the White House and the public.

9. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

10. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

11. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

12. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

13. To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provi-

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sions of State and/or local law. Social security numbers may only be furnished for use with systems of records for which their disclosure was required prior to January 1, 1975.

14. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, magnetic tape.

Retrievability: VA personnel records are filed by name. Automated data processing records are indexed by social security number within station.

Safeguards: Physical Security: Access to Payroll Folder Files is restricted to Finance Officers and employees of the Payroll Section. Rooms are locked after working hours and are protected from outside access by Federal Protective Service. Access to official Personnel folder files is restricted to Personnel Officers and employees authorized access under Federal Personnel Manual and VA Manual MP-5, Personnel Policy.

Retention and disposal: Payroll Folder File - Retired to the National Personnel Records Center three years after close of calendar year following transfer or separation of employee and after audit clearance of related pay records - disposed of 56 years after date of last entry on card. Official Personnel Service Folder File - Retired to the National Personnel Records Center 30 days after separation - disposed of 75 years after birth of employee.

System manager(s) and address: CONTROLLER (047) VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request to the VA station of employment. Addresses of stations may be found in VA Appendix 1 at the end of this document. Inquiries should include the employee's full name, social security number , office and return address.

Record access procedures: Employees or representatives designated in writing seeking information regarding access to and contesting of VA records may write, call or visit the VA office of employment.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Personnel records information received from employees, VA officials, other Government and State Agencies.

28VA119

System name: Personnel Registration under Controlled Substance Act - VA

System location: Records are maintained at each of the Veterans Administration health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Health practitioners authorized to prescribe drugs under the Controlled Substance Act at a Veterans Administration health care facility.

Categories of records in the system: Registration Card Record containing the information necessary for verification of employee control under the Controlled Substance Act. The employee's name, social security number, signature and his Drug Enforcement Agency control number, assigned by either the State or the Veterans Administration, depending on local policy as required by the Act.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), Public Law 91-513, Controlled Substance Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: All registration records under the Controlled Substance Act are indexed by employee's name, social security number or Drug Enforcement Agency's Control Number.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: This record is retained in Pharmacy while the individual is employed at a Veterans Administration health care facility. When the employee terminates his position in a particular VA health care facility his record is combined with his personnel folder and transferred to the next facility or forwarded to the Civilian Personnel Records Center, St. Louis, for retention.

System manager(s) and address: DIRECTOR PHARMACY SERVICE (119), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the VA health care facility, where record is maintained. All inquiries must reasonably identify the record involved and the approximate date it was maintained. Inquiries should include employee's name, social security number, and Drug Enforcement Agency's Control Number.

Record access procedures: Employees or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call, or visit the Veterans Administration facility where employee's record was maintained.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1) The employee. 2) Drug Enforcement Agency or VA health care facility.

29VA 11

System name: Physician, Dentist and Supervisory Nurse Professional Standards Board Action File - VA

System location: Department of Medicine and Surgery (11B), Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Physicians, dentists, supervisory nurses and physician's assistants, appointed under 38 USC, chapter 73, currently or formerly employed at a VA health care facility.

Categories of records in the system: Personnel forms and correspondence pertaining to promotions, reassignments, transfers, proficiency ratingsg physical examinations, etc., all of which are duplicated in the employee's official personnel folder. This system also contains board action folders for former employees who cannot be re-employed without approval of the Chief Medical Director.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Disposed of three years after date of last service with the VA. Board action folders of former employees who cannot be re-employed without approval of the Chief Medical Director are reviewed periodically. Those folders no longer requiring approval of the Chief Medical Director are interfiled with the regular board actions folders. Destruction of records accomplished by either shredding or burning.

System manager(s) and address: CHAIRMAN SPECIAL BOARDS, Department of Medicine and Surgery (11B), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Physicians, dentists and supervisory nurses seeking information concerning the existence and content of a board action folder pertaining to themselves must submit a written request or apply in person to the system manager.

Record access procedures: Physicians, dentists and supervisory nurses seeking information regarding access to and contesting of VA Board Action Folders may write, call or visit the system manager.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA health care facilities official personnel folders.

30VA136

System name: Rejected Applicant for Medical Care Records - VA

System location: Records are maintained at each VA health care facility. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, survivors and dependents who have applied for medical care services under Title 38, United States Code, Chapter 17.

Categories of records in the system: Applications and related material of individuals who have applied for treatment in a Veterans Administration health care facility and who have been rejected for such reasons as: legally ineligible; not in need of treatment; refusal of individual to accept treatment or care; failure to report, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1); Title 38, United States Code, Chapter 17.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of why individual's application for medical care in a Veterans Administration health care facility was rejected to accredited service organization representatives, attorneys, insurance companies and other approved agents in order to to justify or show cause why an individual was not entitled to or rejected for care in a Veterans Administration health care facility with the facts presented by application.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Paper documents

Retrievability: All rejected applications are indexed by name and by month application was received.

Safeguards: Physical Security: Access to VA working space medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employees who file rejected applications observe a strict control and disclosure is limited to authorized individuals with a 'need to know' basis.

Retention and disposal: Rejected Application: Individual applications are retained at each Veterans Administration health care facility for a minimum of two (2) years after date received and a total of three (3) years for outpatient dental treatment. Only those applications which were initially rejected and by appeal resulted in a period of hospitalization will be retained as an integral part of the perpetual medical record.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a rejected application folder pertaining to themselves must submit a written request or apply in person to the VA health care facility where application for care was rejected. All inquiries must reasonably identify the portion of the rejected application folder involved and the approximate date that application for health care was initiated. Inquiries should include the applicant's full name, VA file number, (if known) social security number, date of birth, home address when application was completed.

Record access procedures: Veterans, dependents, survivors, or duly authorized representatives seeking information regarding access to and contesting of VA rejected applications for care may write, call or visit the Veterans Administration facility, where application for care was rejected.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The patient, family members or accredited representative. 2. The Department of Defense. 3. Private hospitals, insurance companies, and medical professionals if written authorization is obtained from the patient. 4. State and local agencies upon request for assistance by the patient. 5. Various automated systems providing clinical and managerial support at selected VA health care facilities.

31VA136

System name: Representative of National Service Organization Certification Records - VA

System location: Records are maintained at each of the VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Accredited representatives of national service organizations, such as, American Legion, Disabled American Veterans, American National Red Cross, Blinded Veterans Association, Veterans of Foreign Wars, Catholic War Veterans, etc.

Categories of records in the system: National service organization folders containing letters of certification for individual designated to represent the national organization. The folders contain the name, address and phone number of the accredited representatives.

Authority for maintenance of the system: Title 38, United States Code, Chapter 59, Section 3402.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Alphabetically by national service organization.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restriced to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Dispose of after names of national service organization representatives have been deleted from the list of accredited representatives.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of records pertaining to themselves must submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the record involved and should include the individual's name and return address.

Record access procedures: Individuals seeking information regarding access to and contesting of these records may write, call or visit the nearest Veterans Administration facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: National service organizations.

32VA 00

System name: Veteran, Employee and Citizen Health Care Facility Investigation Records - VA

System location: Records are maintained at each of the VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: 1. Veterans, employees and private citizens who have been injured as a result of accident or assault. 2. Veterans who have died as a result of violence or accident, such as, suicide, homicide, reaction to anesthesia or drugs, assault, transfusion accident, blood incompatibility, error in treatment, neglect of patient, fire, firearms, explosion, etc. 3. Employees and private citizens who have died as a result of violence or accident. 4. Veterans who have left the health care facility without authorization. 5. Veterans, employees and private citizens who have alleged the loss of personal property, funds or valuables. 6. Veterans and private citizens who have alleged abuse by members of the health care facility staff. 7. Employees who have alleged discrimination, abuse or threats of violence by other employees, veterans and private citizens. 8. Veterans, employees and visitors who have assaulted other individuals. 9. Veterans, employees or private citizens who have been involved in the sale of illegal drugs or alcohol within the health care facility. 10. Veterans, employees and private citizens who have been accused of stealing from other individuals or from the VA health care facility. 11. Employees who have been accused of improper and unethical conduct. 12. Veterans, employees and private citizens who have willfully or accidentally destroyed or damaged Federal property.

Categories of records in the system: Copies of reports of investigations, findings, and follow-up concerning employees, patients and private citizens, injuries, property damage, accidents, thefts, assaults, discrimination, complaints, elopements, unethical conduct, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), and Title 38, United States Code, Chapter 57, Section 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of required information to private insurance companies to determine whether payments of benefits are appropriate and determine liability.

2. Transfer of required information to local and State unemployment agencies to determine whether payments of benefits are appropriate.

3. Transfer of required information to the Office of Workers Compensation Program to determine whether payments of benefits are appropriate.

4. Transfer of required information to attorneys representing employees, veterans or private citizens accused of unethical conduct to assist attorneys in representing their clients.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

8. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

9. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and Photographs.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Disposed of two years after case is closed.

System manager(s) and address: INVESTIGATIONS STAFF DIRECTOR (101F), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the appropriate VA health care facility. All inquiries must reasonably identify the incident involved and date of the incident. Inquiries should include the individual's full name and return address.

Record access procedures: Veterans, employees and private citizens or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the appropriate VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Veterans. 2. Employees of a VA health care facility. 3. Other VA health care facilities, private physicians and dentists, or private hospitals and clinics. 4. Private citizens involved in the incident. 5. Federal, State, local and foreign law enforcement agencies. 6. Private insurance companies.

33VA112

System name: Veteran, Fabricator and Employee Prosthetic Records - VA

System location: Records are maintained at the Veterans Administration Data Processing Center at Austin, Texas and at the Veterans Administration Marketing Center at Hines, Illinois. Address locations are listed in VA Appendix I at the end of this document.

Categories of individuals covered by the system: Qualified individual fabricators of prosthetic and orthotic appliances; employees of the Veterans Administration Prosthetics Center, New York, NY; veterans wearing certain prostheses.

Categories of records in the system: Identification number, employer, certification and qualification, and education of fabricator; identification information, prosthetic shop identification, and hourly pay rate for Prosthetic Center employees; age, period of military service, eligibility rating, station of jurisdiction, disability and type of appliance issues, and identification information for veterans included in system.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To furnish statistical information to other health care providers, both Federal and non-federal to aid in furthering the improvement of health care, research and education.

3. To provide statistical and other information in response to legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: Indexed by name and social security number for fabricator; by employee identification number for VA Prosthetics Center employees; and by social security number and claim number for veterans included in system.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained until special release by the VA Prosthetics Center, New York, NY.

System manager(s) and address: DEPUTY DIRECTOR (PROSTHETICS DIVISION), SURGICAL SERVICE (112), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to a VA health care facility where care was rendered. All inquiries must reasonably identify the system of records involved and the approximate date that medical care was provided. Inquiries should include the individual's full name, and identifying characteristics.

Record access procedures: Individuals seeking information regarding access to and contesting of a Veteran, Fabricator and Employee Prosthetic Records -VA record may write, call or visit the VA facility where medical care was provided.

Contesting record procedures: (See Record Access Procedures above.)

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Record source categories: The Research Center for Prosthetics, individual fabricators and employees, VA Prosthetics Center personnel, and veterans' records.

34VA 11

System name: Veteran, Patient, Employee and Volunteer Research and Development Project Records - VA

System location: Records are maintained at each VA health care facility, where the research project was conducted and in VA Central Office. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, patients, employees or volunteers who have indicated their willingness to be a participant in a project.

Categories of records in the system: Information gathered relative to the specific research project involved. The type of information varies according to the very nature of the project. The Central Office files contain a merit review of the project; a review and evaluation of the project leader and participants.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to the general health of the veterans and of the nation.

2. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute , or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute , or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (a) Paper documents. (b) Microscope slides. (c) Magnetic tape, disk. (d) Photographs. (e) Microfilm.

Retrievability: (a) Projects may be indexed by the site or location of the project, (b) Project number, or (c) Name of researcher.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: The project records are held five (5) years after completion of the research project and/or publication of a report, unless they become part of the patient's individual medical history file, in which case the record would remain 15 years after last activity of care.

System manager(s) and address: ASSISTANT CHIEF MEDICAL DIRECTOR FOR RESEARCH AND DEVELOPMENT (15), VA Central Office, Washington, D.C. 20420.

Notification procedure: 1. Interested persons should write to: Assistant Chief Medical Director for Research and Development (15), Veterans Administration Central Office, Washington, D.C. 20420. 2. All inquiries must reasonably identify the project and site location; date of project and team leader.

Record access procedures: Interested persons desiring access to and contesting of research records should write to the address in Notification Procedure above.

Contesting record procedures: (See Notification Procedure above.)

Record source categories: (a) Patients and patient records, (b) Employees and volunteers, (c) Other federal agencies, (d) National Institutes of Health, (e) Communicable Disease Control Center (Atlanta).

35VA042

System name: Veterans Admitted to VA Hospitals for Care of Cancer during Period 1958 to 1963, Central Cancer Registry - VA

System location: VA Data Processing Center, 5000 Wissahickon, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Veterans admitted to VA Hospitals for care of cancer during period 1958-1963.

Categories of records in the system: Diagnostic, pathologic, treatment, compensation and pension status and patient identification by VA claim number. Date of death has been added if death had occurred up to time of study.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. File was used to prepare Department of Medicine and Surgery Information Bulletin 11-37, March 1973 - 'A Report on Veterans Administration Central Cancer Registry, 1958-1963.' File forms basis for cancer survivorship study now in progress in VA Biometrics Division, Office of Controller. File is available for use in further research.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Claim number.

Safeguards: Physical security at Data Processing Center.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), Controller, VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to Chief Medical Director, VA Central Office, Washington, D.C. 20420. Inquiries for individual data must state that information requested is from 'VA Cancer Registry Files' to prevent confusion with other medical treatment files. Claim number must be provided.

Record access procedures: Access to file or information from file may be obtained by writing to the Chief Medical Director, VA Central Office, Washington, D.C. 20420.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data taken from VA Central Cancer Registry, VA Form 10-2983 (Nov 1958). Cancer Care Report prepared upon the admission of a veteran to a VA hospital for treatment of cancer in the period 1958-1963.

36VA 00

System name: Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records - VA

System location: Active records are located at VA Centers Philadelphia, Pennsylvania and St. Paul, Minnesota. Inactive records are stored at Federal Archives and Records Centers at Philadelphia, Pennsylvania, Denver, Colorado, Kansas City, Missouri, and at the VA Records Processing Center at St. Louis, Misssouri. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Servicemen and veterans who have been issued Government Life Insurance under Title 38, United States Code, Chapter 19, Insurance.

Categories of records in the system: Applications for insurance; Beneficiaries and Options Designations, including names and addresses of principal and contingent beneficiaries, share to each and option of payment, estates and trustees; authorization for Allotment Payments; authorizations for Deduction from VA Benefit Payments; Paid Dividend information; Policy Loan and Lien information; history of lapse actions; records of premium payments; reinstatement information; premium status, retired status; total disability application, including medical history of insured; court-martial orders; employee payroll information; copies of personal papers of insured such as birth certificates, marriage license, naturalization papers, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 19, Insurance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To provide insurance information to members of service organizations and clients of the Red Cross stationed at the VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota, in order to service insurance records for clients of the organizations.

3. To provide information to the Treasury Department which issues Treasury checks for the payment of dividends, policy loans, cash surrenders, maturing endowments and insurance refunds.

4. To collect tax liens as determined by the Internal Revenue Service by witholding insurance payments to satisfy unpaid taxes.

5. To locate and furnish addresses of persons wanted by the Federal Bureau of Investigation to aid in apprehending wanted persons.

6. To mail notice of renewal, reinstatement, premium due, lapse, miscellaneous insurance instruction, disposition of dividends, policy loans, transfer of records, to insured veterans and fiduciaries of incompetent veterans to advise them of current actions required in connection with ownership of U.S. Government policies.

7. To provide statistics to the National Institutes of Health, Bethesda, Maryland, to effect studies on the mortality of World War I veterans from the use of tobacco.

8. To furnish Insurance Records to VA General Counsel at Washington, D.C. and U.S. Justice Department as evidence in cases of litigation against the U.S. Government on insurance matters.

9. To provide miscellaneous data to the Office of Servicemen's Group Life Insurance, 212 Washington Street, Newark, N.J. 07102, in order to issue and maintain insurance policies to veterans and retired reservists participating in the Veterans Group Life Insurance Program, and to pay death claims on these policies.

10. To provide miscellaneous data to Department of Defense elements for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

11. To provide miscellaneous data to the Department of Transportation (Coast Guard) for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

12. To provide miscellaneous data to the Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

13. To provide miscellaneous data to the Department of Health, Education and Welfare, PHS (Public Health Service), Commissioned Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

14. A record from this system of records may be disclosed to any Federal, State, or local agency, in response to its request, in connection with an application for Medicaid, Medicare, nursing home admittance or for welfare purposes, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

15. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

16. Insurance contract information and other miscellaneous information may be disclosed from this system of records to an attorney, trust officer, or insurance agent acting on behalf of an insured. Beneficiary and option information is excluded unless the consent of the insured has been obtained.

17. To provide information, including a veteran's name and address, to the Armed Forces Institute of Pathology for the conduct of research which is relevant and necessary for specified official purposes.

18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

19. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

20. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

21. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape; paper documents, including manual accounting cards, computer lists, punched cards; microfilm; disk.

Retrievability: All insurance records are indexed alphabetically by name, using insurance file number, social security number, VA claim file number and date of birth as additional identifying information. Automated records are maintained by file number and first three letters of last name.

Safeguards: All tape records are stored in a locked fireproof vault when not in use. Tape records for the previous three-day operating cycle are sent to storage at the Security Center for use in the event of a major catastrophe. Computer programs are stored at the same location as well as manual operating instructions and various manually prepared records. Insurance folders are stored in open shelf filing and five-drawer file cabinets. A sprinkler system is

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located above the files. Admission to the file area is restricted to authorized personnel only. Microfilm reels are retained in a locked fireproof vault, with humidity controls. Access to the microfilm storage area is restricted to authorized personnel only. Instructions have been released on the confidentiality of Beneficiary and Option selections, and this information cannot be released to anyone other than the insured. Other information is released only to individuals who have a right to know.

Retention and disposal: As insurance programs are in force for many decades, most insurance records are retained for long periods of time. Insurance folders and certain paper documents (such as premium accounting cards) are generally retained indefinitely.

System manager(s) and address: DIRECTOR (00), VA Insurance Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101

Notification procedure: Insured veterans or their fiduciaries should write, or apply in person, to the VA Center at Philadelphia, Pennsylvania or at St. Paul, Minnesota, where the insurance records are maintained. Inquirer should provide full name of veteran, insurance file number and date of birth. If file number is not available, social security number, service number and/or location of insurance records will aid VA personnel in locating official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Veterans and fiduciaries and service representatives desiring access to, and contesting of, VA records should write to VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: The data in the insurance records are obtained from the following sources: the veteran, or someone acting on behalf of an incompetent veteran; service departments; Public Health Service; National Oceanic and Atmospheric Administration ; other Veterans Administration records; physicians and hospitals; U.S. Postal Service ; Treasury Department; service organization representatives and Red Cross; financial institutions (banks); Social Security Administration; Motor Vehicle Bureau (State Level); beneficiaries; Census Bureau; Retail Credit Corporation; commercial insurance companies; undertakers, and the general public.

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System name: Veterans and Beneficiaries Guardianship Records - VA

System location: Records are maintained at the VA regional offices. Records are generally maintained by the regional office having jurisdiction over the area (except Regional Office Juneau) in which the beneficiary resides and at the servicing data processing centers at Austin, Texas; St. Paul, Minnesota; Los Angeles, California; Hines, Illinois; Philadelphia, Pennsylvania; and Washington, D.C. See listings of Veterans Administration field stations in the VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Incompetent veterans who are receiving benefits under Title 38, United States Code, Chapters 11, 15, 31, and 34. Minor beneficiaries who are receiving benefits under Title 38, United States Code, Chapters 11, 13, 15, and 19. Other adult beneficiaries who are receiving benefits under Title 38, United States Code, Chapters 11, 13, 19, and 35.

Categories of records in the system: Documentation relating nature of disabling incompetency, minority or other incapacity of beneficiaries receiving monetary benefits. Includes hearings, field examinations, Court appointment of guardians, accounting of funds, and other information dealing with the management of the estate and personal welfare of incompetent veterans, minors and other adult beneficiaries. Monetary award actions are also maintained.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 55.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning the payment and usage of funds payable by the VA on behalf of incompetent beneficiaries.

2. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with matters involving incompetent beneficiaries to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a Court, magistrate, or administrative tribunal in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

5. A record from this system of records may be disclosed to a fiduciary appointed by the Veterans Administration in the case of a veteran or other adult beneficiary found incompetent by the Veterans Administration even though such veteran or other adult beneficiary has not been declared incompetent by a Court of competent jurisdiction.

6. Release of information to an attorney employed by the spouse, a relative, or next friend to represent the interest of an incompetent claimant.

7. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

8. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

9. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

10. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

11. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, punch cards.

Retrievability: Indexed by name and file number.

Safeguards: Access to VA working spaces and Principal Guardianship folder storage areas is restricted to VA employees on a 'need to know' basis. VA file areas are locked after duty hours and

are protected from unauthorized access by the Federal Protective Service.

Retention and disposal: Individual case folders are destroyed 2 years after case becomes inactive. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, VETERANS ASSISTANCE SERIVCE (27), VA Central Office, Washington D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

All inquiries must reasonably identify the system of records involved, i.e., Guardianship File. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, then as much of the following information as possible should be forwarded: Branch of service, dates of service, service numbers, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Guardianship records are obtained from the claimant, claimant's dependents, court- appointed or Federal fiduciaries, field examinations, or other Federal agencies.

38VA 28

System name: Veterans and Beneficiary Identification and Records Locator System - VA

System location: VA Data Processing Center, 1615 E. Woodward Street, Austin, Texas 78772, and VA Central Office, 810 Vermont Ave., N.W., Washington, D.C. 20420.

Categories of individuals covered by the system: Basic file: Veterans who have applied for VA benefits : Compensation, Pension, Education, U.S. Government Life Insurance, National Service Life Insurance, or burial allowance (under Title 38, United States Code, Chapters 11, 15, 19, 23, 31, and 34. Veterans' beneficiaries (spouse, child or parent) who are receiving VA benefits: Dependency and Indemnity Compensation, Pension or Education (under Title 38, United States Code, Chapters 13, 15, and 35). Veterans who receive pensions from Railroad Retirement Board. Veterans discharged from military service since January 1973.

Adjunct file: Microfilm copies of former manual Central Index and claim number registers; partial file of pensioners with service prior to 1930; personnel with service between 1940 and 1948 with VA insurance; and partial lists of other armed forces personnel.

Categories of records in the system: Veteran's service data, VA file numbers and records location and cross-references to beneficiaries.

Authority for maintenance of the system: Title 38, United States Code Chapter 3, Section 210 (c)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Inquiry of record by the Railroad Retirement Board to obtain veteran's VA claim file number and folder location in order to get necessary information from VA Compensation, Pension or Education records in accordance with the Railroad Retirement Act of 1937 (Section 228-1 (i)).

2. Inquiry of record by the National Personnel Records Center (NPRC) and U.S. Army Reserve Components Personnel and Administration Center (RCPAC) to obtain the veteran's VA claim file number and folder location so that service records on file at the VA may be obtained to assist in rebuilding lost military service records.

3. Inquiry of record by the National Research Council, National Academy of Sciences to obtain data for use in medical studies on veterans for VA and other agencies as approved by the Chief Medical Director.

4. Inquiry of record by the Treasury Department or the U. S. Marine Corps Finance Center to obtain veteran's claim or insurance file number and folder location in order to get necessary data to return U.S. Savings Bonds in safekeeping.

5. Inquiry of record by Federal, State and local government agencies to assist agencies in the performance of their duties and in the development of programs that will be beneficial to claimants.

6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. Inquiry of record by accredited service organization representatives and other approved agents and attorneys to obtain the veteran's VA claim or insurance file number and folder location in order to aid veterans in the preparation, presentation and prosecution of claims under the laws administered by the VA.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Basic file is on magnetic disk with security copies of data on magnetic tape. Adjunct file is on microfilm and paper.

Retrievability: Name only; name and one or more numbers (Service serial number, social security number, VA claim file number, VA insurance file number); name and date of birth or service dates; number only.

Safeguards: Access to the authorized VA Data Processing Center (DPC) Austin, Texas, is restricted to authorized Federal employees and authorized representatives of vendors. Access to the computer room within the DPC is further restricted to especially authorized Federal employees and vendor personnel. Protection is provided by an alarm system as well as guard service. Data in the system may be accessed from authorized remote terminals via a telecommunications network maintained by General Services Administration (GSA) or one dedicated for VA use. The system recognizes authorized users by a station identifier transmitted in the data message. In addition, data in the system may be accessed by machine-readable input submitted to the DPC.

Adjunct file is accessible to personnel assigned to Identification and Records Development Service, VA Central Office and to Analysis and Control Division, VA DPC, Austin, Texas, for official use only.

Retention and disposal: Records are retained permanently.

System manager(s) and address: DIRECTOR, SYSTEMS DEVELOPMENT SERVICE (28), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA Regional Office or Center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved,i.e., Education, Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available then as much of the following information as possible should be forwarded: branch of service , dates of service, service number, social security number and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

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Record source categories: Records are obtained from VA regional offices, Railroad Retirement Board, other VA computer systems and microfilm copies of former manual central index.

39VA047

System name: Veterans and Dependents Inactive Award Account Records - VA

System location: VA regional offices and centers, finance division.

Categories of individuals covered by the system: Veterans and/or dependents.

Categories of records in the system: A record of all payments made to or on behalf of an individual veteran and/or dependents.

Authority for maintenance of the system: Title 38, United States Code, Chapters 11, 13, 15, 19, 23, 31, 34, 35 & 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To clarify disputed accounts, overpayment cases, furnishing abstract of payments, data on months of education entitlement used, and verification of payments made.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: Name and claim number.

Safeguards: Access to microfilm files is restricted to VA employees. The records are protected from outside access by the Federal Protective Service.

Retention and disposal: Microfilm records are retained indefinitely.

System manager(s) and address: CONTROLLER (047), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

Individuals must reasonably identify the benefit payment or system of records involved,i.e., Education, Compensation and Pension, Insurance. Inquiries should include the individual's full name, VA file number and return address.

Record access procedures: Veterans, beneficiaries or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA Benefit Payment Records.

40VA 42

System name: Veterans and Dependents (Living and Deceased) National Cemetery System, Correspondence and Inquiry File-VA

System location: VA Central Office and the National Cemetery where veteran or his dependent is interred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans and their dependents both living and deceased.

Categories of records in the system: Military service data, inquiries as to burial location, details on issuance of headstone or marker; data on gravesite reservation and other miscellaneous inquiries relating to the burial of the deceased.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a Government headstone to mark a grave.

2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Retire to Federal Records Center after 2 years, destroy 25 years thereafter.

System manager(s) and address: DIRECTOR (42), National Cemetery System, VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: (See System Manager above.)

Contesting record procedures: (See System Manager above.)

Record source categories: Family members of the deceased, official military records and VA claim files.

41VA 41

System name: Veterans and Dependents National Cemetery Gravesite Reservation Records - VA

System location: Veterans Administration Central Office and the National Cemetery where reservation is made. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans and their dependents.

Categories of records in the system: Military service data, name and address of individual; data on gravesite reservation.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a Government headstone to mark a grave.

2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and magnetic tape.

Retrievability: Alphabetically by name and reservation survey date.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Paper records are destroyed after interment; automated record is erased after reservation is used or cancelled.

System manager(s) and address: DIRECTOR (41), National Cemetery System, Veterans Adminstration Central Office, Washington, D.C. 20420.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: (See System Manager above.)

Record source categories: Reservee involved and official military records.

42VA 41

System name: Veterans and Dependents National Cemetery Interment Records - VA

System location: VA Central Office, and the National Cemetery where veteran or his dependent is interred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Deceased veterans and their dependents.

Categories of records in the system: Military service data, name and address of next-of-kin, burial location and cemetery burial services data.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a government headstone to mark a grave.

2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. To reply to inquiries, written and verbal, from family members and friends in connection with burial in a National Cemetery and location of graves.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and microfilm.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Retained permanently.

System manager(s) and address: DIRECTOR (41), National Cemetery System, VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: (See System Manager above.)

Contesting record procedures: (See System Manager above.)

Record source categories: The veteran, family members of the deceased, official military records, and VA claims records.

43VA042

System name: Veterans and Other VA Beneficiaries Who Have Responded to VA Sample Surveys - VA

System location: Controller (042A), VA Central Office, Washington, D.C., 20420.

Categories of individuals covered by the system: Samples of recently separated veterans, and other veterans, dependents and survivors of veterans on various VA benefit rolls.

Categories of records in the system: These records contain information obtained from respondents in VA sample surveys. Comparable information is obtained for respondents in each individual survey through use of printed questionnaires. Some pertinent information is carried over into the survey record from the original source records which are used in the development of the sample. The original source record is a copy or an extract of master records from which the sample is drawn; this information is also available for nonrespondents in the sample.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

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2. To provide information for development of statistical summaries and analyses for VA employees, participating members of other Federal agencies and private contractors employed by VA or another Federal agency in order to measure the rate of usage of specific benefits and the adequacy and appropriateness of available benefits. These evaluations are concerned with the impact of veterans benefits upon the recipient and upon the nation at large. These evaluations are also concerned with problems reported by the beneficiary relative to usage of specific VA benefits.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper storage boxes.

Retrievability: Identification number.

Safeguards: Only the Office of the VA Controller has access to the locked space where the magnetic tapes are stored and only the Office of the VA Controller can recall the paper records from the National Records Center.

Retention and disposal: Upon publication of the survey report the paper records (questionnaires) are sent to storage in the Washington National Records Center, Suitland, Maryland; the retention period is ten years, subject to review at three year intervals. Final disposition will be by burning. The magnetic tapes are retained by the Office of the VA Controller, subject to review at three year intervals; final disposition is by erasure of the magnetic tape.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to Assistant Director for Research and Biometrics (042A), VA Central Office, Washington, D.C., 20420. An individual seeking to learn whether the records system identifies him would have to prove his identity and must present the following information: the name of the survey in question and approximate date of the survey; social security and/or VA claim number; full name and birth date. NOTE: A person should already know whether the records system contains a record on him, since he would have previously completed and returned our survey questionnaire.

Record access procedures: An individual seeking access to his record should address a written inquiry to the official named under the 'Notification' heading.

Contesting record procedures: If an individual wishes to challenge the information, the challenge must be submitted in writing to the Assistant Director for Research and Biometrics (042A), VA Central Office, Washington, D.C. 20420.

Record source categories: The statistical studies embodied in this records system may relate to veterans in general or they may pertain to recipients, or potential recipients of benefits from any one of the Veterans Administration benefits programs. The sources of records include records obtained from the Department of Defense, records for specific VA benefits programs, and questionnaires completed by persons in the survey sample.

44VA 01

System name: Veterans Appellate Records System - VA

System location: Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Veterans, claimants and their representatives, Members of Congress, witnesses, Board members, Staff attorneys.

Categories of records in the system: Appeal Decision Jacket, Appeal Record card, Index Card for Dangerous Persons, copy of Board of Veterans Appeals decision, verbatim recording of hearings, letters and copies of replies.

Authority for maintenance of the system: Title 38, United States Code 4001 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Reply to correspondence concerning decisions and other matters.

2. Disclosure to law enforcement personnel and security guards in order to alert them to presence of dangerous persons.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a veteran claimant or a third party claimant to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing folders, rotary index file, filing cabinets.

Retrievability: By veteran's name or file number.

Safeguards: Files under custody of designated employees. Access only to employees of Board of Veterans Appeals with need to know.

Retention and disposal: 6 months for verbatim recordings, 18 months for Appeal Record cards, Decision Jackets and copies of decision, indefinite retention for correspondence files and Index Card for Dangerous Persons.

System manager(s) and address: CHAIRMAN, BOARD OF VETERANS APPEALS (01), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Board of Veterans Appeals (014), Veterans Administration Central Office, Washington, D.C. 20420.

Request should be made in writing. The following information, or as much as is available, should be furnished in order to identify the record: Name, service number, Veterans Administration file number or insurance number, branch of service and date of birth. For information from verbatim recordings, also furnish the approximate date of the hearing.

Record access procedures: Information and/or assistance as to access to Board of Veterans Appeals records or as to contesting the content of such records may be obtained by contacting the Freedom of Information Act Officer (014), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C., 20420, or by telephoning (202) 389-3346.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Claims folder and associated folders, hospital records, outpatient clinic records, Board of Veterans Appeals records, data furnished by correspondent, data presented at hearing, data furnished by Board of Veterans Appeals employees.

45VA 28

System name: Veterans Assistance Discharge System - VA

System location: VA Data Processing Center, 1615 E. Woodward Street, Austin, Texas 78772.

Categories of individuals covered by the system: Veterans discharged honorably between May 1968 and January 1973 for whom DD Forms 214, Report of Separation from Active Duty, were received in the VA Data Processing Center, Austin, Texas. Veterans discharged since January 1973 for whom separation documents were received in the Data Processing Center, Austin, Texas.

Categories of records in the system: Veteran's service data.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter IV.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Release letters and applications to veterans as soon after discharge as possible to inform them of VA benefits to which they may be entitled.

2. Prepare U.S. Veteran Assistance Center cards and listing of educationally disadvantaged veterans for VA employees and representatives of recognized service organizations to aid VA employees and service organization representatives in personally contacting educationally disadvantaged veterans.

3. Transfer of names and addresses of recently discharged veterans to non-profit organizations in order to develop and conduct programs to assist veterans in the use of benefits under Title 38, United States Code.

4. Transfer of names and addresses of recently discharged veterans with health skills to VA Department of Medicine and Surgery employees and Department of Health, Education and Welfare Operation MEDIHC State Coordinators in order to help veterans trained in health skills while in military service to pursue health careers.

5. Transfer of statistical and other data to Federal, State, and local government agencies to assist in the performance of their duties and in the development and conduct of programs beneficial to recently discharged veterans.

6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: By name, social security number and date of discharge.

Safeguards: Access to the VA Data Processing Center is restricted to VA employees and vendors. Protection from unauthorized outside access is provided by an alarm system and guard service.

Retention and disposal: Automated records are retained indefinitely. Separation documents are destroyed by shredding after input into the automated system.

System manager(s) and address: DIRECTOR, SYSTEMS DEVELOPMENT SERVICE (28), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved; i.e., recently-discharged veterans. Inquiries should include the individual's full name, return address and as much of the following information as possible: Branch of service, date of service, service number, social security number and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: DD Form 214, Report of Separation from Active Duty; PHS-1867, Statement of Service -- Verification of Status of Commissioned Officers of the U.S. Public Health Service; ESSA Form 56-16, Report of Separation-Discharge (National Oceanic and Atmospheric Administration).

46VA 00

System name: Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records - VA

System location: Records are maintained at the VA Data Processing Center and VA Center, Philadelphia, Pennsylvania and VA Center, St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans drawing disability insurance payments, beneficiaries drawing insurance proceeds, attorneys drawing fees for aiding settlement of insurance cases, veterans drawing proceeds on matured contracts.

Categories of records in the system: Insurance information, address of veterans and beneficiaries, payment amounts, payment vouchers, claims for disability and death claim payments, beneficiary signature cards, returned check information, records of sums held as credit for veterans for disability payments, records of unpaid insurance proceeds, indebtedness to be withheld from insurance proceeds, records of checks withheld from delivery to certain foreign countries and index of payees.

Authority for maintenance of the system: Title 38 United States Code, Chapter 3, Section 210 (c)(1), Title 38 United States Code, Chapter 19 - Insurance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To transfer payment data to the U.S. Treasury Department to issue checks to veterans, beneficiaries, attorneys and estates of deceased veterans and beneficiaries.

3. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

4. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper documents, microfilm, disk.

Retrievability: All manual insurance awards records are maintained by insurance file number and are indexed under this number. Automated records are maintained in file number order and payee number within file number.

Safeguards: All tape records are stored in a locked fireproof vault when not in use. Tape records are sent to storage at the Security Center, for use in the event of a major catastrophe. Computer programs are stored in the same location as well as manual operating instructions and microfilm of various manual operating instructions and microfilms of various manually prepared records. Insurance folders are stored in open shelf filing and five-drawer file cabinets. A sprinkler system is located above the files. Admission to the file area is restricted to authorized personnel only. Microfilm reels are retained in a locked fireproof vault, with humidity controls. Access to the microfilm storage is restricted to authorized personnel only. Information from this system is released only to those persons with a right to know.

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Retention and disposal: As insurance programs are in force for many decades, most insurance records are retained for long periods of time. Insurance folders and certain paper documents are generally retained indefinitely.

System manager(s) and address: DIRECTOR (00), VA Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

Notification procedure: Insured veterans or their fiduciaries and attorneys should write, or apply in person, to the VA Centers at Philadelphia, Pennsylvania or at St. Paul, Minnesota, where the insurance records are maintained. Inquirer should provide full name of veteran, Insurance file number, VA file claim number, payee name and number if known. If insurance file number is not available, social security number, service number and/or location of insurance records will aid VA personnel in locating official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Veterans and fiduciaries and service representatives desiring access to, and contesting of, VA records should write to VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data in the Insurance Award Records are obtained from a claimant, including beneficiary, attorneys, veterans, financial institutions and executors of estates; Insurance In-Force Subsystem; undertakers; Department of Defense; VA hospitals and civilian hospitals; VA regional offices; Federal Bureau of Investigation; U.S. Treasury Department.

48VA40B

System name: Veterans (Deceased) Headstone or Marker Records - VA

System location: Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Deceased veterans.

Categories of records in the system: Military Service data, applicant's name and address, place of burial, data on headstone or marker, and consignee's name, address and phone number.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. For use in connection with the issuance of a government headstone or marker in a National Cemetery or a private cemetery.
2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
3. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a national cemetery or the issuance of a government headstone to mark a grave.
4. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned (consignee) or family members upon receipt of proper identification.

Retention and disposal: Retained indefinitely.

System manager(s) and address: DIRECTOR (40B), National Cemetery System, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: (See System Manager above.)

Record source categories: Family members of the deceased, official military records and VA claims records.

49VA 21

System name: Veterans, Dependents and Beneficiaries Compensation and Pension Records - VA

System location: Records are maintained at the VA regional offices, the Records Processing Center, St. Louis, and Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.
2. Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15.
3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.
4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.
5. Widows, widowers and children who have claimed Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.
6. Widows, widowers and children who have claimed Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.
7. Parents who have applied for Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.
8. Parents who have applied for Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.

Categories of records in the system: Military service and medical information; applications for Compensation and Pension benefits; adjudicative actions taken to determine eligibility; medical information from VA and private hospitals and doctors; information relating to dependency, income, education, family and social relations and occupation; payment data and claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), Title 38, United States Code, Chapters 11, 13, 15, and 23.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment data for preparation of benefit checks to the Treasury Department for delivery of monies due VA beneficiaries.
2. Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents, and attorneys recognized under a power of attorney of declaration of representation to assist in the preparation, presentation, and prosecution of claims.
3. Transfer of information to aid collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action from claimants of debts owed to VA.
4. Further transfer of collection information to the General Accounting Office for obtaining a judgement against an individual debtor or otherwise collecting debts owed to the VA.
5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
7. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
8. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants and to protect their rights under law and assure that they are receiving all benefits to which they are entitled.
9. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, county or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.
10. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.
11. A record from this system of records may be disclosed to the following agencies relative to military or naval service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department ofHealth, Education and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.
12. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).
13. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).
14. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.
15. A record from this system of records may be disclosed to a fiduciary (includingthose acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.
16. Relevant information from this system of records may be disclosed, as a routine use: In the course of presenting evidence to a Court, magistrate, or administrative tribunal in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.
17. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).
18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.
19. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.
20. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, magnetic tape, disk.

Retrievability: a) All VA Compensation and Pension manual records are indexed by name and VA file number. b) All automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: Physical Security: Access to VA working spaces and claim folder storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Individual case folders and records are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21), VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.
2. All inquiries must reasonably identify the benefit or system of records involved, i.e., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: Veteran's full name, branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The claimant, his accredited representative or his fiduciary. 2. The service department. 3. VA hospitals and doctors, or private hospitals and doctors if written authorization is obtained from the claimant. 4. Training establishments. 5. Other Federal agencies. 6. County Clerks, Courts, and other third parties, when assistance is requested by claimant.

50VA 22

System name: Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records - VA

System location: Education records are maintained at the VA regional offices, Records Processing Center and Federal Archives and Records Centers. Active records will generally be maintained by the regional office having jurisdiction over the area in which the claimant resides, and at the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located

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at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

1. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.
2. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.
3. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.
4. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Active duty separation information, medical records relating to treatment in service, applications, education and training, marital status and dependency information, current payment data and educational status relative to VA benefits. Counseling and Rehabilitation records are also maintained as necessary.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), 38 United States Code, Chapters 31, 34, 35, and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.
2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debts to the VA.
3. Further transfer of necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgement against the individual.
4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify individual's re-enrollment and allow payment.
5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
6. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.
7. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
8. Transfer of information regarding the induction, reentrance and dismissal of a disabled veteran from the vocational rehabilitation program to inform the training establishment of the actions taken.
9. Written and oral disclosure to VA approved Vocational Rehabilitation Training Establishments regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.
10. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law, and to assure that they are receiving all benefits to which they are entitled.
11. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.
12. Transfer to schools and other training establishments of VA education forms for completion by school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.
13. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.
14. Transfer of identifying information, such as name, file number and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an OJT establishment to find out the number of hours worked.)
15. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.
16. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).
17. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).
18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.
19. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.
20. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.
21. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e. individual identifiers and other similar identifying information).
22. Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.
23. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized

or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

24. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a Commissioner or head of a State department of mental hygiene or head of a State, county, or city health department or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.
25. Relevant Information from this system of records may be disclosed, as a routine use: In the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.
26. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, magnetic tape, disk.

Retrievability: a) All VA education manual records are indexed by name and VA file number. b) All automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: Physical Security: Access to VA working spaces and claims folder storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are sorted in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Education Records: Individual case folders and automated records are retained indefinitely.

System manager(s) and address: DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22), VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.
2. All inquiries must reasonably identify the benefit or system of records involved, i.e., Education. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: Branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Educational system records are obtained from: 1. The claimant. 2. The service department. 3. Training establishments. 4. State approving agencies. 5. Other Federal agencies. 6. County Clerks, Courts, other third parties, etc. upon request for assistance by claimant.

51VA042

System name: Spinal Cord Injury Study File 1/1/46 to 9/30/55 and 10/1/55 to 9/30/65-VA

System location: Veterans Administration Data Processing Center, Washington, D.C. 20420.

Categories of individuals covered by the system: Veterans first admitted to VA hospitals for care of spinal cord injury in periods January 1, 1946 to September 30, 1955 and October 1, 1955 to September 30, 1965.

Categories of records in the system: Diagnostic, demographic, readmission data and date of death if death had occurred up to time of study.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. File was used to prepare published study entitled 'Survival of Patients with Injuries of the Spinal Cord, 1945 - 1955,' Journal of the American Medical Association, January 9, 1960, Vol. 172 No. 2. Individuals are not identified in published report (5,743 cases).
3. File is now being used to do another survivorship study covering period 1955 - 1965 (2,823 cases).
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Claim number and name.

Safeguards: Physical security at Data Processing Center.

Retention and disposal: Indefinitely.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), Controller, VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to CHIEF MEDICAL DIRECTOR, VA Central Office, Washington, D.C. 20420. Inquiries for individual data must state that information requested is from Spinal Cord Injury Files or Survivorship. Inquiries must give claim number and name.

Record access procedures: Access to file of information from file may be obtained by writing to the Chief Medical Director, VA Central Office, Washington D.C. 20420.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Sources of data on file are from 2 VA forms designed specifically to study spinal cord injuries among veterans treated for the first time by the VA in the period January 1, 1946 to September 30, 1955 and October 1, 1955 to September 30, 1965. The two VA forms were: 1. Hospital Care Report on Traumatic Paraplegia or Quadriplegia Patients, January 1, 1946 - September 30, 1955, VA Form 10-2742NR (Sept 1955). 2. Hospital Care Report on Traumatic and Non-Traumatic Paraplegia or Quadriplegia Patients, October 1, 1955 - September 30, 1965, VA Form 10-20271(NR), June 1955.

53VA 00

System name: Veterans Mortgage Life Insurance - VA

System location: Active records are maintained at the VA Center, St. Paul, Minnesota; DPC, Hines, Illinois; and the records on death cases and premium payments at the Bankers Life Insurance Company of Nebraska, Cotner and O Street, Lincoln, Nebraska 68501. Address locations are listed at VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans who have been granted a specially adapted housing grant under Title 38, United States Code, Chapter 21.

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Categories of records in the system: Application for mortgage insurance, mortgage statements from financial institutions, VA Special Grant Cards, records of premium payments, records of death settlement payment plus interest payments. Information on mortgages including face amount, rate of interest, term of mortgage and mortgage holders, description of properties and improvements to such properties.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), Title 38, United States Code, Chapter 21.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Tape records to deduct monthly premiums from VA benefits in order to remit monthly payments to the Bankers Life Insurance Company of Nebraska, Lincoln, Nebraska.

3. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

4. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, account folder with paper documentation.

Retrievability: All mortgage life insurance manual accounts are maintained by VA file claim number - with social security number, date of birth, and name as additional identifying data. Automated records are filed by VA file claim number. (Social security number where no VA file claim number exists.)

Safeguards: All manual records at VA Center are maintained in steel file cabinets and access to the files is limited to authorized personnel only. Automated records are maintained, when not in use, in a fireproof vault and access to the vault is limited to authorized personnel only. Information in these records is restricted to those persons who have a right to know.

Retention and disposal: The tape records are purged when the insurance is terminated at request of the insured, death or 70th birthday of the insured. Manual records are destroyed one year after death or 70th birthday. Computer listings are destroyed one year after preparation.

System manager(s) and address: DIRECTOR (00), VA Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

Notification procedure: Interested persons should write to VA Center, St. Paul, Minnesota. Inquirer should provide veteran's name, VA file claim number and/or social security number. If this information is not available, information concerning lending institutions, mortgage number and name and address of veteran involved should be furnished. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Interested persons desiring access to, and contesting of VA records, should write to VA Center, St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data in the Mortgage Life Insurance records are obtained from veteran applying for insurance, lending institution holding veteran's mortgage, Loan Guaranty record cards, contractors remodeling, enlarging or adding construction to existing homes, death claim forms from relatives and interested persons.

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System name: Veteran's Spouse or Dependent Civilian Health and Medical Care Records - VA

System location: Records are maintained at each of the VA health care facilities. Active records are generally maintained by the facility having jurisdiction over the domicile of the claimant. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: The spouse or child of a veteran and dependents of certain veterans, provided they are not eligible for care under CHAMPUS or MEDICARE.

Categories of records in the system: Application for medical benefits, determination of eligibility, information relating to dependency and claimant name and address.

Authority for maintenance of the system: Public Law 93-82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of eligibility of entitlement to medical benefits to authorized health care providers under the law in order to assist the provider in obtaining reimbursement for the services rendered.

2. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to health care recipients, to protect their rights under law, and to assure that they are receiving all health benefits to which they are entitled.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

6. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Records are indexed by name of the veteran and filed alphabetically.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Individual folders are retained at the facility where initial claim is filed, for an indefinite period of years.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the VA health care facility where a claim was filed. Inquiries should include the veteran's full name and VA file number. If the VA file number is not available, then provide, if known, the veteran's date of birth, social security number, branch of service, dates of service and service number.

Record access procedures: The spouse, child or dependent of a veteran, or duly authorized representative seeking information regarding access to and contesting of VA records may write, call or visit the VA health care facility where the claim was filed.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Spouse, children or dependents of veteran. 2. Department of Defense. 3. County Clerks, Courts, and other third parties when assistance is requested by claimant. 4. Social Security Administration. 5. Other Federal agencies.

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System name: Loan Guaranty Home, Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Applicant Records-VA

System location: Records are maintained at the regional offices, data processing centers and Federal Archives and Records Centers. Active records will generally be maintained by the regional office having jurisdiction over the area in which the applicant resides, and at the servicing Data Processing Centers at Hines, Illinois, Austin, Texas, and St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Disabled veterans who have applied for specially adapted housing assistance under Title 38, United States Code, Chapter 21; service members and veterans, including their spouses or widows(ers) who have applied for VA housing credit assistance under Title 38, United States Code, Chapter 37; transferee owners of properties encumbered by a VA guaranteed, insured or portfolio loan; person(s) applying to purchase VA owned properties.

Categories of records in the system: Military service and medical information, applications for loan benefits and adjudication actions to determine eligibility. Documentation relating to employment, income, credit and personal history. Documentation of the individual loan account and payment history. Loan instruments including deeds, notes and mortgages are included. Information on the property, its condition and value, and any documentation action of all loan servicing activities in connection with active and liquidated loans is also maintained.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapters 21 and 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Transfer of information to credit reporting agencies, companies extending credit, lenders, employers and landlords to provide the VA with income and credit data on applicants, mortgagors, or obligors and with information regarding the status of loans, payment records and employment histories.

3. Transfer of information regarding the status of an application for loan benefits or a loan account without written or prior written consent of applicant or mortgagor, to Members of Congress and parties at interest on behalf of the applicant or mortgagor in order to transfer information of assistance to the applicant or mortgagor.

4. Transfer information on status of loan account to persons or organizations extending credit or rendering services or other benefits to the borrower; to consider the extension of the rendering of credit, services or other benefits to a borrower.

5. Transfer of information to obtain billings and authorize payments from portfolio loan escrow accounts, to hazard insurance companies and real estate taxing authorities, to permit proper billing to the VA for taxes and insurance on portfolio loan accounts as they become due.

6. Forwarding information as to the acceptability of a prospective purchaser preparing to assume liability to VA under a mortgage contract, for parties requesting release of liability to VA on account of a VA guaranteed, insured or portfolio loan, to be apprised of the release from liability or the continuing liability of the user.

7. Transfer of information on default status of seriously deliquent loan accounts, to prior obligors remaining liable for indebtedness, to permit users to take necessary steps to protect their interest where loan liquidation is indicated and a possible debt to the Government may ensue.

8. Transfer of information to aid in liquidation of VA portfolio loans, to the United States Department of Justice, to have available loan account and credit information necessary to accomplish the liquidation of a defaulted loan by judicial process.

9. Transfer of necessary collection information, to the General Accounting Office, which procedures are incident to obtaining a judgement from the individual.

10. Forward pertinent information in connection with the sale or prospective sale of VA held mortgages to potential and actual purchasers of VA direct loans and loans under VA Regulation 4600, to provide a basis for submitting an offer to purchase loans and to establish loan accounts on purchased loans.

11. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

12. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

13. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

14. Transfer of information to fee attorneys, fee appraisers, brokers, process servers, title companies and abstractors for the purposes of approval or termination of portfolio loans by non-judicial means, obtaining possession of VA property in cases of default or foreclosures, and issuing and posting of Demands for Possession or Notices to Quit.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, magnetic tape, disk.

Retrievability: All VA loan application or loan file records are indexed by VA file number. All automated records are indexed by

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VA file number, station and county code number, lender identification number. Portfolio loan accounting data is retrievable by VA file number.

Safeguards: Access to VA working spaces and record file storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Loan and property security instruments are stored in separate fire resistant and locked files. Employee loan file records and other files, which in the opinion of VA are or become sensitive, are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: LOAN FILE RECORD: Individual case folders and automated records are retained indefinitely. Housing Grant folders are destroyed 30 years after case is closed. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, LOAN GUARANTY SERVICE (26), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved, i.e., Loan Guaranty. Inquiries should include the individual's full name, VA file number or loan number. If the VA file or loan number is not available then as much of the following information as possible should be forwarded; address of the property secüred by VA guaranteed, insured or portfolio loan, owner or former owners of the property, name of lender and lender's loan number, branch of service, service number, social security number.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representative and other parties of interest involving VA guaranteed, insured or portfolio loans seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Paraplegic grant and loan system records are obtained from the applicant; lenders, brokers and builders/sellers; applicant's credit sources and employer; hazard insurance companies; taxing authorities; title attorneys and companies; fee personnel; VA claim files; other Federal agencies; State and local agencies.

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System name: Veteran, Survivor and Dependent Automated Prescription Processing Records - VA

System location: Records are maintained at the Los Angeles, California area VA Health Care Facilities (Wadsworth, Brentwood, and LA Outpatient Clinic); San Diego, California; Chicago West Side, Illinois; Atlanta, Georgia; Dallas, Texas; and the VA Data Processing Centers at St. Paul, Minnesota and Los Angeles, California. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: For veterans, survivors, and dependents of certain veterans receiving medications from pharmacies at selected VA health care facilities.

Categories of records in the system: Personal identification information; medication profiles, including prescription, recipient, ordering physician, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 17, Subchapter II, Sections 610, 611, and 612.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: Indexed by name and social security number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Automated records are maintained on disk in an active status for nine (9) months and in a history status on tape for twenty-seven (27) months before disposal. Disposal is accomplished by erasure.

System manager(s) and address: DIRECTOR PHARMACY SERVICE (119), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence or contents of a medical record pertaining to himself must submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number, approximate date(s) of medical care, and the location of the health care facility involved.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Veteran, Survivor and Dependent Automated Prescription Processing - VA records may contact the Chief Pharmacist at the health care facility involved.

Contesting record procedures: (See Notification Procedure above.)

Record source categories: Patient's Medical Prescription (part of the Patient Consolidated Medical Record portion of the VA Medical Records System.)

57VA125

System name: Voluntary Service Records - VA

System location: Records are maintained at each of the VA health care facilities and data processing centers. Active records are retained at the facility where the individual has volunteered to assist the administrative and professional personnel and at the data processing centers. Address locations are listed in VA Appendix 1 at the end of the document.

Categories of individuals covered by the system: Non-affiliated volunteers and members of voluntary service organizations; welfare, service, veterans, fraternal, religious, civic, industrial, labor, and social groups or clubs which voluntarily offer the services of their organizations to patients through VA Voluntary Service under Title 38, United States Code, Section 213.

Categories of records in the system: Administrative records containing personal information about the individual making application to become a volunteer in a VA health care facility. Information relating to the individual medical history, membership in service organization, qualifications, restrictions and preferences of duty and availability to schedule time of service.

Authority for maintenance of the system: Title 38, United States Code, Section 213.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To confirm volunteer service, duty schedule, and assignments to the Bureau of Unemployment, service organizations, insurance firms, offices of personnel of the individual's full-time employment; to assist in the development of the Veterans Administration history of the volunteer and his/her assignments; and to confirm voluntary hours for on the job accidents, and for recognition awards.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (a) Paper documents, (b) X-ray, (c) punch cards, (d) magnetic tapes, (e) magnetic disk packs

Retrievability: (a) All volunteer applications are filed by name and social security number or pseudo SSN and cross-referenced under organization they represent. (b) Medical histories and x-rays by name and social security number or pseudo SSN.

Safeguards: Physical Security: Access to VA working space and medical record storage areas and data processing centers is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: The individual volunteer's record of service is maintained by the Veterans Administration health care facility and data processing center as long as they are living and active participants in the VAVS program, or until they irrevocably remove themselves from further participation in the VAVS program, or are removed from the VAVS program for cause.

System manager(s) and address: DIRECTOR VOLUNTARY SERVICE (125), Veterans Administration, VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a volunteer's service record pertaining to themselves must submit a written request or apply in person to the VA health care facility where their voluntary service was accomplished. All inquiries must reasonably identify the portion of the volunteer's service folder and approximate the dates of service to the facility. Inquiries should include the volunteer's name, social security number, or pseudo SSN, organization represented, date of birth, last address while serving as a volunteer to the VA.

Record access procedures: Volunteers, dependents, survivors or duly authorized representatives seeking information regarding access to and contesting of VA Voluntary Service records may contact the Chief, Voluntary Service, Veterans Administration health care facility where individual was a voluntary worker.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The volunteer, his/her family. 2. Civic and service organization. 3. Private physician. 4. VA health care facility.

58VA21/22

System name: TARGET-Compensation, Pension, Education and Rehabilition Records-VA

System location: Records are maintained at VA regional offices, the VA Records Processing Center, St. Louis, Missouri, and at Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and by the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: 1.Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11. 2.Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15. 3.Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23. 4.Widows, Widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15. 5.Widows, Widowers and children who have claimed death compensation based on service-connected death under Title 38, United States Code, Chapter 11. 6.Widows, Widowers and children who have claimed dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13. 7.Parents who have applied for death compensation based on service-connected death under Title 38, United States Code, Chapter 14. 8.Parents who have applied for dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13. 9.Veterans who have applied for VA educational benefits under Title 38, United Stafes Code, Chapters 31 and 34. 10.Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35. 11.Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35. 12.Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Military service and active duty separation information; medical records relating to treatment in service; medical information from VA and private hospitals and doctors; applications for compensation, pension, education and rehabilition benefits and training; information relating to dependency, income, education, occupation, marital status, and educational status relative to VA benefits; payment data; counseling and rehabilitation records; claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c) (1) and Chapters 11, 13, 15, 23, 31, 34, 35, and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.

2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debits to the VA.

3. Transfer if necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgment against the individual.

4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify an individual's re-enrollment and allow payment.

5. Transfer of information regarding the induction, re-entrance and dismissal of a disabled veteran from a vocational rehabilitation program to inform the training establishment of the actions taken.

6. Written and oral disclosure to a VA approved vocational rehabilitation training establishment regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.

7. Transfer to schools and other training establishments of VA education forms for completion by the school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.

8. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts are paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.

9. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.

10. Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an On-the-Job-Training establishment to find out the number of hours worked.)

11. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

12. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, County, or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the

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name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

13. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.

14. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

15. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

16. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

17. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

18. Disclosure of VA records as deemed necessary and proper to accredited service-organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.

19. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

20. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a Court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

21. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law and to assure that they are receiving all benefits to which they are entitled.

22. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

23. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

24. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

25. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

26. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

27. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, microfiche, magnetic tape and magnetic disk.

Retrievability: Retrievability: a) Manual records are indexed by name and VA file number. b) Automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: 1. Physical Security:

a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a 'need to know' basis. Generally, file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis. Access to data telecommunication terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, information logs and control of password and badge distribution.

b) Access to data processing centers is restricted to center employees, custodial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System Security:

a) At Veterans Administration Regional Offices and Veterans Administration Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing and operations.

Retention and disposal: 1.Individual case folders and records are retained indefinitely. 2.Automated files containing temporary working data are retained until a claim is processed to determination. 3.All other automatic files are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21) VA Central Office, Washington, D.C. 20420 DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22) VA Central Office, Washington, D.C. 20420

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix I at the end of this document. All inquiries must reasonably identify the benefit or system of records involved; e.g., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: veteran's full name,branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures Above).

Record source categories: 1.The claimant, his or her accredited representative or his or her fiduciary; 2.The military service department; 3.VA hospitals and doctors,or private hospitals and doctors if written authorization is obtained from the claimant; 4.Training establishments; 5.State approving agencies; 6.Other Federal agencies; 7.County Clerks, Courts and other third parties, when assistance is requested by claimant.

APPENDIX 1: ADDRESSES OF VETERANS ADMINISTRATION FACILITIES

ALABAMA AL

VA Hospital, 700 South 19th St., Birmingham, Alabama 35233
VA Outpatient Clinic Substation, 2451 Fillingim St., Mobile, Alabama 36617
Mobile National Cemetery, 1202 Virginia St., Mobile, Alabama 36604
VA Regional Office, Aranov Bldg., 474 South Court St., Montgomery, Alabama 36104
VA Hospital, 215 Perry Hill Rd., Montgomery, Alabama 36109
VA Hospital, Tuscaloosa, Alabama 35401
VA Hospital, Tuskegee, Alabama 36083

ALASKA AK

VA Regional Office, Federal Bldg., U.S. Post Office and Courthouse, 709 West Ninth St., Juneau, Alaska 99802
VA Office, Loussac-Sogn Bldg., 429 D Street, Anchorage, Alaska 99501
Sitka National Cemetery, P.O. Box 152, Sitka, Alaska 99835

ARIZONA AZ

VA Regional Office, 3225 North Central Ave., Phoenix, Arizona, 85012
VA Hospital, Seventh St. & Indian School Rd., Phoenix, Arizona 85102
VA Center (Hospital and Domiciliary), Prescott, Arizona 86313
Prescott National Cemetery, VAC, Prescott, Arizona 86313
VA Hospital, Tucson, Arizona 85723

ARKANSAS AR

VA Hospital, Fayetteville, Arkansas 72701
Fayetteville National Cemetery, 700 Government Ave., Fayetteville, Arkansas 72701
Fort Smith National Cemetery, 522 Garland Ave. and South 6th St., Fort Smith, Arkansas 72901
VA Regional Office, Federal Office Building, 700 West Capitol Ave., Little Rock, Arkansas 72201
VA Hospital, North Little Rock Division, 300 Roosevelt Rd., Little Rock, Arkansas 72206
VA Hospital, Little Rock Division, 300 Roosevelt Rd., Little Rock, Arkansas 72206
Little Rock National Cemetery, 2523 Confederate Blvd., Little Rock, Arkansas 72206

CALIFORNIA CA

VA Supply Depot , Federal Service Center, Bldg. 701, Door 4, 4747 South Eastern Ave., Bell, California 90201
VA Hospital, 2615 East Clinton Ave., Fresno, California 93703
VA Hospital, Livermore, California 94550
Jerry L. Pettis Memorial Veterans Hospital, Loma Linda, California 92354
VA Hospital, 5901 East Seventh St., Long Beach, California 90801
VA Regional Office, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024
VA Information Service Representative, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024
VA Data Processing Center, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024
VA Hospital, Brentwood, Los Angeles, California 90073
VA Center (Hospital and Domiciliary), Wadsworth, Los Angeles, California 90073
VA Outpatient Clinic (Independent), 425 South Hill St., Los Angeles, California 90013
Los Angeles National Cemetery, 950 S. Sepulveda Blvd., Los Angeles, California 90049
VA Hospital, 150 Muir Road, Martinez, California 94553
VA Outpatient Clinic Substation, 1515 Clay St., Oakland, California 94612
VA Hospital, Menlo Park Division, 3801 Miranda Ave., Palo Alto,California 94304
VA Hospital, Palo Alto Division, 3801 Miranda Ave, Palo Alto, California 94304
Golden Gate National Cemetery, P.O. Box 185, San Bruno, California 94066
Fort Rosencrans National Cemetery, Point Loma, P.O. Box 6237, San Diego, California 92106
VA Regional Office, 2022 Camino Del Rio North, San Diego, California 92108
VA Hospital, 3350 La Jolla Village Drive, San Diego, California 92161
VA Outpatient Clinic, 2022 Caminio Del Rio North, San Diego, California 92108
VA Regional Office, 211 Main St., San Francisco, California 94105
VA National Cemetery Supervising Office, 211 Main St., San Francisco, California 94105
VA Veterans Canteen Service Field Office, 211 Main St., San Francisco, California 94105
VA Contract Compliance Service Field Representative, 211 Main St., San Francisco, California 94105
VA Hospital, 4150 Clement St., San Francisco, California 94121
San Francisco National Cemetery, Presidio of San Francisco, San Francisco, California 94129
VA Information Service Representative, VA Regional Office, 211 Main St., San Francisco, California 94105
VA Hospital, Sepulveda, California 91343

COLORADO CO

VA Regional Office, Denver Federal Center, Denver, Colorado 80225
VA Information Service Representative, Denver Federal Center, Denver, Colorado 80225
VA Hospital, 1055 Clermont St., Denver, Colorado 80220
VA Prosthetics Distribution Center, Denver Federal Center, Denver, Colorado 80225
Fort Logan National Cemetery, 3698 Sheridan, Blvd., Denver, Colorado 80235
VA Hospital, Fort Lyon, Colorado 81038
Fort Lyon National Cemetery, VAH, Fort Lyon, Colorado 81038
VA Hospital, Grand Junction, Colorado 81501

CONNECTICUT CT

VA Regional Office, 450 Main St., Hartford, Connecticut 06103
VA Hospital, 555 Willard Ave., Newington, Connecticut 06111
VA Hospital, West Spring St., West Haven, Connecticut 06516

DELAWARE DE

VA Center (Regional Office and Hospital), 1601 Kirkwood Highway, Wilmington, Delaware 19805

DISTRICT OF COLUMBIA DC

VA Central Office, 810 Vermont Ave., NW, Washington, D.C. 20420
VA Data Processing Center, 941 N. Capitol St., NE, Washington, D. C. 20421
VA Information Service Representative, 810 Vermont Ave., NW, Washington, D.C. 20420
VA Veterans Canteen Service Field Office, 810 Vermont Ave., NW, Washington, D.C. 20420
VA Congressional Liason, Room B-328, Rayburn House Office Bldg., Washington, D.C. 20515
VA Regional Office, 941 N. Capitol St., NE, Washington D.C. 20421
VA Hospital, 50 Irving St., NW, Washington, D.C. 20422
VA Central Dental Laboratory, 50 Irving St., NW, Washington, D.C. 20422

FLORIDA FL

VA Center (Hospital and Domiciliary), Bay Pines, Florida 33504
Bay Pines National Cemetery, VAC, Bay Pines, Florida 33504
VA Outpatient Clinic, St. Petersburg, Florida 33733
VA Hospital, Archer Road, Gainesville, Florida 32602
VA Outpatient Clinic Substation, Post Office and Courthouse Bldg., 311 West Monroe St., Jacksonville, Florida 32201
VA Hospital, Lake City, Florida 32055
VA Hospital, 1201 Northwest 16th St., Miami, Florida 33125
VA Outpatient Clinic Substation, 83 W. Columbia St., Orlando, Florida 32806

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Barrancas National Cemetery, Naval Air Station, Pensacola, Florida 32508
St. Augustine National Cemetery, 104 Marine St., St. Augustine, Florida 32084
VA Regional Office, 144 First Ave. South, St. Petersburg, Florida 33731
VA Office, Post Office and Courthouse Bldg., 311 West Monroe St., Jacksonville, Florida 32201
VA Office, Room 100, 51 Southwest First Ave., Miami, Florida 33130
VA Hospital, 13000 North 30th Street, Tampa, Florida 33612

GEORGIA GA

VA Regional Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Veterans Canteen Service Field Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Information Service Representative, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Contract Compliance Service Field Representative, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA National Cemetery Supervising Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Hospital, Forest Hills Division, Augusta, Georgia 30904
VA Hospital, Lenwood Division, Augusta, Georgia 30904
VA Hospital, Atlanta, 1670 Clairmont Road, Decatur, Georgia 30033
VA Center (Hospital and Domiciliary), Dublin, Georgia 31021
Marietta National Cemetery, 500 Washington Ave., Marietta, Georgia 30060

HAWAII HI

VA Regional Office, 680 Ala Moana Blvd., Honolulu, Hawaii 96801
National Memorial Cemetery of the Pacific, 2177 Puowaina Drive, Honolulu, Hawaii 96813

IDAHO ID

VA Hospital, Fifth and Fort Sts., Boise, Idaho 83702
VA Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort St., Box 044, Boise, Idaho 83724

ILLINOIS IL

Alton National Cemetery, 600 Pearl St., Alton, Illinois 62003
VA Regional Office, 536 So. Clark St., Chicago, Illinois 60605
VA Information Service Representative, 536 So. Clark St., Chicago, Illinois 60605
VA Contract Compliance Service Field Representative, 536 So. Clark St., Chicago, Illinois 60605
VA Hospital (Lakeside), 333 East Huron St., Chicago, Illinois 60611
VA Hospital (West Side), 820 South Damen Ave., Chicago, Illinois 60680
VA Hospital, Danville, Illinois 61832
Danville National Cemetery, VAH, 1900 East Main, Danville, Illinois 61832
North Chicago VA Hospital, Downey, Illinois 60064
VA Hospital, Hines, Illinois 60141
VA Marketing Center, P.O. Box 76, Hines, Illinois 60141
VA Supply Depot, P.O. Box 27, Hines, Illinois 60141
VA Data Processing Center, P.O. Box 66303, A.M.F. O'Hare, Hines, Illinois 60666
VA Hospital, Marion, Illinois 62959
Mound City National Cemetery, Mound City, Illinois 62963
Quincy National Cemetery, 36th and Maine St., Quincy, Illinois 62301
Rock Island National Cemetery, Rock Island Arsenal, Rock Island, Illinois 61201
Camp Butler National Cemetery, R.F.D.01, Springfield, Illinois 62707

INDIANA IN

VA Hospital, 1600 Randalia Drive, Fort Wayne, Indiana 46805
VA Regional Office, 575 North Pennsylvania St., Indianapolis, Indiana 46204
VA Hospital, Cold Spring Road Division, 1481 West 10th St., Indianapolis, Indiana 46202
VA Hospital, Tenth Street Division, 1481 West 10th St., Indianapolis, Indiana 46202
Crown Hill National Cemetery, 700 West 38th St., Indianapolis, Indiana 46208
VA Hospital, Marion, Indiana 46952
Marion National Cemetery, VAH, Marion, Indiana 46952
New Albany National Cemetery, 1943 Ekin Ave., New Albany, Indiana 47150
VA Outpatient Clinic Substation, 124 Southeast 6th St., Evansville, Indiana 47708

IOWA IA

VA Regional Office, 210 Walnut St., Des Moines, Iowa 50309
VA Hospital, 30th & Euclid Ave., Des Moines, Iowa 50310
VA Hospital, Iowa City, Iowa 52240
Keokuk National Cemetery, 18th and Ridge Sts., Keokuk, Iowa 52632
VA Hospital, Knoxville, Iowa 50138

KANSAS KS

Fort Leavenworth National Cemetery, Fort Leavenworth, Kansas 66027
Fort Scott National Cemetery, P.O. Box 917, Fort Scott, Kansas 66701
VA Center (Hospital & Domiciliary), Leavenworth, Kansas 66048
Leavenworth National Cemetery, VAC, 4201 S. 4th St., Traffic Way, Leavenworth, Kansas 66048
VA Hospital, 2200 Gage Blvd., Topeka, Kansas 66622
VA Center (Regional Office and Hospital), 5500 East Kellogg, Wichita, Kansas 67218

KENTUCKY KY

Danville National Cemetery, 377 North First St., Danville, Kentucky 40442
Lebanon National Cemetery, Lebanon, Kentucky 40033
VA Hospital, Cooper Drive Division, Lexington, Kentucky 40507
VA Hospital, Leestown Division, Lexington, Kentucky 40507
Lexington National Cemetery, 833 West Main St., Lexington, Kentucky 40508
VA Regional Office, 600 Federal Place, Louisville, Kentucky 40202
VA Hospital, 800 Zorn Avenue, Louisville, Kentucky 40202
Zachary Taylor National Cemetery, 4701 Brownsboro Road, Louisville, Kentucky 40207
Cave Hill National Cemetery, 701 Baxter Ave., Louisville, Kentucky 40204
Mill Springs National Cemetery, R.D.01, Box 172, Nancy, Kentucky 42544
Camp Nelson National Cemetery, R. R. 0 2, Nicholasville, Kentucky 40356
Perryville National Cemetery, Perryville, Kentucky 40468

LOUISIANA LA

VA Hospital, Alexandria, Louisiana 71301
Baton Rouge National Cemetery, 220 North 19th St., Baton Rouge, Louisiana 70806
VA Regional Office, 701 Loyola Ave., New Orleans, Louisiana 70113
VA Office, 510 East Stoner Ave., Shreveport, Louisiana 71130
VA Hospital, 1601 Perdido St., New Orleans, Louisiana 70146
Alexandria National Cemetery, 209 Shamrock Ave., Pineville, Louisiana 71360
VA Hospital, 510 East Stoner Ave., Shreveport, Louisiana 71130
Port Hudson National Cemetery, R.F.D01, Zachary, Louisiana 70791

MAINE ME

VA Center (Regional Office and Hospital), Togus, Maine 04330
Togus National Cemetery, VAC, Togus, Maine 04330
VA Office, 76 Pearl St., Portland, Maine 04111

MARYLAND MD

Annapolis National Cemetery, 800 West St., Annapolis, Maryland 21401
VA Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, Maryland 21201
VA Hospital, 3900 Loch Raven Blvd., Baltimore, Maryland 21218
VA Outpatient Clinic, Federal Bldg., 31 Hopkins Plaza, Baltimore, Maryland 21201
Baltimore National Cemetery, 5501 Frederick Ave., Baltimore, Maryland 21228
Loudon Park National Cemetery, 3445 Frederick Ave., Baltimore, Maryland 21229
VA Hospital, Fort Howard, Maryland 21052
VA Hospital, Perry Point, Maryland 21902

MASSACHUSETTS MA

VA Hospital, 200 Springs Rd., Bedford, Massachusetts 01730
VA Regional Office, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203
VA Office, 1200 Main St., Springfield, Massachusetts 01103
VA Information Service Representative, John Fitzgerald Kennedy Bldg., Government Center, Boston, Massachusetts 02203
VA Hospital, 150 South Huntington Ave., Boston, Massachusetts 02130

VA Outpatient Clinic (Independent), 17 Court St., Boston, Massachusetts 02108
VA Outpatient Clinic Substation, Old Post Office Bldg., Lowell, Massachusetts 01851
VA Outpatient Clinic Substation, 9 Walnut St., Worcester, Massachusetts 01608
VA Hospital, Brockton, Massachusetts 02401
VA Outpatient Clinic Substation, 749 Purchase St., New Bedford, Massachusetts 02740
VA Hospital, Northampton, Massachusetts 01060
VA Outpatient Clinic Substation, 1200 Main St., Springfield, Massachusetts 01103
VA Hospital, 1400 Veterans of Foreign Wars Parkway, West Roxbury, Massachusetts 02132

MICHIGAN MI

VA Hospital, Allen Park, Michigan 48101
VA Hospital, 2215 Fuller Rd., Ann Arbor, Michigan 48105
VA Hospital, Battle Creek, Michigan 49016
VA Outpatient Clinic Substation, 260 Jefferson St., S.E., Grand Rapids, Michigan 49502
VA Regional Office, 477 Michigan Avenue, Detroit, Michigan 48226
VA Hospital, Iron Mountain, Michigan 49801
VA Hospital 1500 Weiss St., Saginaw, Michigan 48602

MINNESOTA MN

VA Hospital, 54th St. & 48th Ave. South, Minneapolis, Minnesota 55417
VA Outpatient Clinic, Fort Snelling, St. Paul, Minnesota 55111
VA Hospital, St. Cloud, Minnesota 56301
VA Center, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
VA Regional Office and Insurance, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
VA Information Service Representative, Federal Bldg., Room 288, Fort Snelling, St. Paul, Minnesota 55111
VA Data Processing Center, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
Fort Snelling National Cemetery, P.O. Box 1544, Twin Cities Airport Br., St. Paul, Minnesota 55111

MISSISSIPPI MS

VA Center (Hospital and Domiciliary), Biloxi Division, Biloxi, Mississippi 39531
VA Center (Hospital and Domiciliary), Gulfport Division, Biloxi, Mississippi 39531
Biloxi National Cemetery, VAC, Biloxi, Mississippi 39531
Corinth National Cemetery, 1551 Horton St., Corinth, Mississippi 38834
VA Center (Regional Office and Hospital), 1500 East Woodrow Wilson Ave., Jackson, Mississippi 39216
Natchez National Cemetery, 61 Cemetery Road, Natchez, Mississippi 39120

MISSOURI MO

Harry S. Truman Memorial Veterans Hospital, 800 Stadium Road, Columbia, Missouri 65201
Jefferson City National Cemetery, 1024 East McCarty St., Jefferson City, Missouri 65101
VA Hospital, 4801 Linwood Blvd., Kansas City, Missouri 64128
VA Information Service Representative, Rm. 1436 Federal Office Bldg., 601 East 12th St., Kansas City, Missouri 64106
VA Hospital, Poplar Bluff, Missouri 63903
VA Regional Office, Federal Bldg., 1520 Market St., St. Louis, Missouri 63103
VA Office, Federal Office Bldg., 601 East 12th St., Kansas City, Missouri 64106
VA Veterans Canteen Service Field Office, Rm. 4705 Federal Bldg., 1520 Market St., St. Louis, Missouri 63103
VA Hospital, John Cochran Division, St. Louis, Missouri 63125
VA Hospital, Jefferson Barracks Division, St. Louis, Missouri 63125
VA Liaison Officer, National Personnel Records Center, GSA, Military Personnel Records, 9700 Page Blvd., St. Louis, Missouri 63132
VA Records Processing Center, P.O. Box 172, St. Louis, Missouri 63166
VA Contract Compliance Service Field Representative, P.O. Box 172, St. Louis, Missouri 63166
Jefferson Barracks National Cemetery, 101 Memorial Drive, St. Louis, Missouri 63125
Springfield National Cemetery, 1702 East Seminole St., Springfield, Missouri 65804

MONTANA MT

VA Center (Regional Office and Hospital), Fort Harrison, Montana 59636
VA Hospital, Miles City, Montana 59301

NEBRASKA NE

VA Hospital, Grand Island, Nebraska 68801
VA Regional Office, 100 Centennial Mall North, Lincoln, Nebraska 68508
VA Hospital, 600 South 70th St., Lincoln, Nebraska 68510
VA Hospital, 4101 Woolworth Avenue, Omaha, Nebraska 68105
Fort McPherson National Cemetery, Maxwell, Nebraska 69151

NEVADA NV

VA Regional Office, 1201 Terminal Way, Reno, Nevada 89502
VA Hospital, 1000 Locust St., Reno, Nevada 89502
VA Outpatient Clinic Substation, 102 Lake Mead Drive, Henderson,Nevada 89015
VA Ambulatory Care Service, Las Vegas, Henderson, Nevada 89015

NEW HAMPSHIRE NH

VA Regional Office, 497 Silver St., Manchester, New Hampshire 03103
VA Hospital, 718 Smyth Rd., Manchester, New Hampshire 03104

NEW JERSEY NJ

Beverly National Cemetery, Beverly, New Jersey 08010
VA Hospital, East Orange, New Jersey 07019
VA Outpatient Clinic, 20 Washington Place, Newark, New Jersey 07102
VA Hospital, Lyons, New Jersey 07939
VA Regional Office, 20 Washington Place, Newark, New Jersey 07102
Finn's Point National Cemetery, R.F.D.03, Fort Mott Road, Salem, New Jersey 08079
VA Supply Depot, Somerville, New Jersey 08876

NEW MEXICO NM

VA Regional Office, 500 Gold Ave., SW, Albuquerque, New Mexico 87101
VA Hospital, 2100 Ridgecrest Dr., SE, Albuquerque, New Mexico 87108
Fort Bayard National Cemetery, P.O. Box 236, Fort Bayard, New Mexico 88036
Santa Fe National Cemetery, Box 88, Santa Fe, New Mexico 87501

NEW YORK NY

VA Hospital, Albany, New York 12208
VA Office, Leo W. O'Brien Federal Building, Clinton Ave. and N. Pearl Street, Albany, New York 12207
VA Hospital, Batavia, New York 14020
VA Center (Hospital and Domiciliary), Bath, New York 14810
Bath National Cemetery, VAC, Bath, New York 14810
VA Hospital, 130 West Kingsbridge Rd., Bronx, New York 10468
VA Hospital, 800 Poly Place, Brooklyn, New York 11209
VA Outpatient Clinic (Independent), 35 Ryerson St., Brooklyn, New York 11205
Cypress Hills National Cemetery, 625 Jamaica Ave., Brooklyn, New York 11208
VA Regional Office, Federal Bldg., 111 West Huron St., Buffalo, New York 14202
VA Hospital, 3495 Bailey Ave., Buffalo, New York 14215
VA Hospital, Canandaigua, New York 14424
VA Hospital, Castle Point, New York 12511
Woodlawn National Cemetery, 1825 Davis St., Elmira, New York 14901
Long Island National Cemetery, Farmingdale, L.I., New York 11735
Franklin Delano Roosevelt Hospital, Montrose, New York 10548
VA Regional Office, 252 Seventh Ave. at 24th St., New York, New York 10001
VA Prosthetics Center, 252 Seventh Ave., New York, New York 10001
VA Veterans Canteen Service Field Office, 252 Seventh Ave., New York, New York 10001
VA Information Service Representative, 252 Seventh Ave., New York, New York 10001
VA Contract Compliance Service Field Representative, 252 Seventh Ave., New York, New York 10001
VA Hospital, First Ave. at East 24th St., New York, New York 10010
VA Outpatient Clinic, 252 Seventh Ave., New York, New York 10010
VA Hospital, Northport, New York 11768
VA Outpatient Clinic Substation, 100 State Street, Rochester, New York 14614

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VA Office, Federal Office Building and Courthouse, 100 State Street, Rochester, New York 14614
VA Office, U.S. Courthouse and Federal Bldg., 100 South Clinton St., Syracuse, New York 13202
VA Hospital, Irving Ave. & University Pl., Syracuse, New York 13210
NORTH CAROLINA NC
VA Hospital, 508 Fulton St., Durham, North Carolina 27705
VA Hospital, 2300 Ramsey St., Fayetteville, North Carolina 28301
VA Hospital, Asheville, North Carolina 28805
New Bern National Cemetery, 1711 National Ave., New Bern, North Carolina 28560
Raleigh National Cemetery, 501 Rock Quarry Road, Raleigh, North Carolina 27610
VA Hospital, Salisbury, North Carolina 28144
Salisbury National Cemetery, 202 Government Road, Salisbury, North Carolina 28144
Wilmington National Cemetery, 2011 Market St., Wilmington, North Carolina 28401
VA Outpatient Clinic, Wachovia Bldg., 301 North Main St., Winston-Salem, North Carolina 27102
VA Regional Office, Federal Office Building, 251 North Main Street, Winston-Salem, North Carolina 27102
NORTH DAKOTA ND
VA Center (Regional Office & Hospital), Fargo, North Dakota 58102
OHIO OH
VA Hospital, Chillicothe, Ohio 45601
VA Hospital, 3200 Vine St., Cincinnati, Ohio 45220
VA Regional Office, Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199
VA Office, Room 1024, Federal Office Bldg., 550 Main St., Cincinnati, Ohio 45202
VA Office, 360 South Third St., Columbus, Ohio 43215
VA Hospital, Brecksville Division, 10701 East Boulevard, Cleveland, Ohio 44106
VA Hospital, Wade Park Division, 10701 East Boulevard, Cleveland, Ohio 44106
VA Outpatient Clinic (Independent), 456 Clinic Drive, Columbus, Ohio 43210
VA Center (Hospital and Domiciliary), Dayton, Ohio 45428
Dayton National Cemetery, Veterans Administration Center, 4100 West Third St., Dayton, Ohio 45428
OKLAHOMA OK
Fort Gibson National Cemetery, Fort Gibson, Oklahoma 74434
VA Regional Office, 125 South Main St., Muskogee, Oklahoma 74401
VA Office, Federal Bldg., 200 Northwest Fourth St., Oklahoma City, Oklahoma 73102
VA Hospital, Memorial Station, Honor Heights Dr., Muskogee, Oklahoma 74401
VA Hospital, 921 Northeast 13th St., Oklahoma City, Oklahoma 73104
OREGON OR
VA Regional Office, 1220 SW. Third Ave., Portland, Oregon 97204
VA Hospital, Sam Jackson Park, Portland, Oregon 97207
Willamette National Cemetery, 11800 Southeast Mt. Scott Blvd., P.O. Box 66147, Portland, Oregon 97266
VA Outpatient Clinic, 426 Southwest Stark St., Portland, Oregon 97204
VA Hospital, Roseburg, Oregon 97470
Roseburg National Cemetery, VAH, Roseburg, Oregon 97470
VA Domiciliary, White City, Oregon 97501
White City National Cemetery, VAD, White City, Oregon 97501
PENNSYLVANIA PA
VA Hospital, Altoona, Pennsylvania 16603
VA Hospital, Butler, Pennsylvania 16001
VA Hospital, Coatesville, Pennsylvania 19320
VA Hospital, 135 East 38th St., Erie, Pennsylvania 16501
VA Hospital, Lebanon, Pennsylvania 17042
VA Outpatient Clinic Substation, Federal Bldg., 228 Walnut St., Harrisburg, Pennsylvania 17108
VA Center (Regional Office and Insurance), 5000 Wissahickon Ave., (Mail: P.O. Box 8079) Philadelphia, Pennsylvania 19101
VA Office, 19-27 North Main St., Wilkes-Barre, Pennsylvania 18701
VA Data Processing Center, P.O. Box 8079, Philadelphia, Pennsylvania 19101
VA Hospital, University and Woodland Aves., Philadelphia, Pennsylvania 19104
VA Outpatient Clinic, 1421 Cherry St., Philadelphia, Pennsylvania 19102
VA Information Service Representative, 5000 Wissahickon Ave., (Mail: P.O. Box 8079) Philadelphia, Pennsylvania 19101
Philadelphia National Cemetery, Haines St. and Limekiln Pike, Philadelphia, Pennsylvania 19138
VA Regional Office, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222
VA Hospital, Highland Drive, Pittsburgh, Pennsylvania 15206
VA Hospital, Aspinwall Division, University Drive C, Pittsburgh, Pennsylvania 15240
VA Hospital, Pittsburgh Division, University Drive C, Pittsburgh, Pennsylvania 15240
VA Outpatient Clinic, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222
VA Hospital, 1111 East End Blvd., Wilkes-Barre, Pennsylvania 18711
VA Contract Compliance Service Field Representative, 5000 Wissahickon Ave., Philadelphia, Pennsylvania 19101
VA National Cemetery Supervising Offices, 600 Arch St., (Mail: Rm.2218, Federal Office Bldg.) Philadelphia, Pennsylvania 19106
Philippines VA Regional Office, 1131 Roxas Blvd., Manila, Philippines; MAILING ADDRESS from U.S.: VA Regional Office, APO San Francisco 96528
PUERTO RICO, COMMONWEALTH OF (Including the Virgin Islands) PR
VA Center (Hospital), Barrio Monacillos, Rio Piedras, Puerto Rico 00921
VA Center, U.S. Courthouse and Federal Bldg., Carlos E. Chardon St., Hato Rey, Puerto Rico 00918
Puerto Rico National Cemetery, Box 1298, Bayamon, Puerto Rico 00619
VA Outpatient Clinic Substation, Calle Isabel 60, Ponce, Puerto Rico 00731
RHODE ISLAND RI
VA Regional Office, 321 So. Main Street, Providence, Rhode Island 02903
VA Hospital, Davis Park, Providence, Rhode Island 02908
VA Outpatient Clinic Substation, 749 Purchase Street, New Bedford, Mass. 02740 (Mail: VAH, Providence, R.I. 02908)
SOUTH CAROLINA SC
Beaufort National Cemetery, 1601 Boundary St., Beaufort, South Carolina 29902
VA Hospital, 109 Bee St., Charleston, South Carolina 29403
VA Regional Office, 1801 Assembly St., Columbia, South Carolina 29201
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VA Center (Hospital), 250 West 22nd St., Sioux Falls, South Dakota 57101
VA Center, Courthouse Plaza Building, 300 North Dakota Ave., Sioux Falls, South Dakota 57101
Black Hills National Cemetery, P.O. Box 640, Sturgis, South Dakota 57785
TENNESSEE TN
Chattanooga National Cemetery, 1200 Bailey Ave., Chattanooga, Tennessee 37404
Knoxville National Cemetery, 939 Tyson St., NW, Knoxville, Tennessee 37917
Nashville National Cemetery, P.O. Box 227, 1050 Gallatin Road, Madison, Tennessee 37115
VA Hospital, 1030 Jefferson Ave., Memphis, Tennessee 38104
Memphis National Cemetery, 3568 Townes Ave., Memphis, Tennessee 38122
VA Center (Hospital and Domiciliary), Mountain Home, Tennessee 37684
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VA Hospital, Murfreesboro, Tennessee 37130
VA Regional Office, 110 9th Ave. South, Nashville, Tennessee 37203
VA Hospital, 1310 24th Avenue South, Nashville, Tennessee 37203
VA Outpatient Clinic Substation, Building 6200, Eastgate Center, Chattanooga, Tennessee 37411
VA Outpatient Clinic Substation, Baptist Professional Bldg., 200 Blount Ave., Knoxville, Tennessee 37901
TEXAS TX
VA Hospital, 6010 Amarillo Blvd. West , Amarillo, Texas 79106
VA Data Processing Center, 1615 East Woodward St., Austin, Texas 78772
VA Hospital, Big Spring, Texas 79720
VA Center (Hospital and Domiciliary), Bonham, Texas 75418
VA Outpatient Clinic Substation, 1502 South Brownlee Blvd., Corpus Christi, Texas 78404
VA Hospital, 4500 South Lancaster Rd., Dallas, Texas 75216
VA Information Service Representative, U.S. Courthouse and Federal Office Bldg., 400 Commerce St., Room 2c4, Dallas, Texas 75242
VA Contract Compliance Service Field Representative, U.S. Courthouse and Federal Office Bldg., 1100 Commerce St., Dallas, Texas 75202
VA Central Dental Lab, 1114 Commerce St., Dallas, Texas 75202
VA Office, U.S. Courthouse and Federal Office Building, 1100 Commerce Street, Dallas, Texas 75202
VA Outpatient Clinic (Independent), 4819 Alameda Ave, El Paso, Texas 79905
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Houston National Cemetery, 10410 Stuebner Air Line Road, Rt. 2, Box 63-X, Houston, Texas 77088
VA Regional Office, 2515 Murworth Ave., Houston, Texas 77054
VA Office, 410 South Main St., San Antonio, Texas 78285
VA Hospital, 2002 Holcombe Blvd., Houston, Texas 77031
VA Hospital, Kerrville, Texas 78028
VA Office, Federal Building, U.S. Courthouse, 1205 Texas Ave., Lubbock, Texas 79401
Kerrville National Cemetery, Veterans Administration Hospital, Spur Rt. 100, Kerrville, Texas 78028
VA Outpatient Clinic (Independent), 1205 Texas Ave., Room 814, Lubbock, Texas 79401
VA Hospital, Marlin, Texas 76661
VA Outpatient Clinic Substation, 1220 Jackson Ave., McAllen, Texas 78501
Audie L. Murphy Memorial Veterans Hospital, 7400 Merton Minter Blvd., San Antonio, Texas 78284
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VA Regional Office, 1400 North Valley Mills Drive, Waco, Texas 76710
VA Hospital, Memorial Drive, Waco, Texas 76703
VA Outpatient Clinic, 1400 North Valley Mills Drive, Waco, Texas 76710
UTAH UT
VA Regional Office, 125 South State St., Salt Lake City, Utah 84138
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VA Center (Regional Office and Hospital), White River Junction, Vermont 05001
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VA Forms and Publications Depot, 2625 Shirlington Road, Arlington, Virginia 22206
Alexandria National Cemetery, 1450 Wilkes Street, Alexandria, Virginia 22314
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Danville National Cemetery, 721 Lee St., Danville, Virginia 24541
VA Center (Hospital and Domiciliary), Hampton, Virginia 23667
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Cold Harbor National Cemetery, R.F.D.04, Box 155, Mechanicsville, Virginia 23111
VA Hospital, 1201 Broad Rock Road, Richmond, Virginia 23249
Fort Harrison National Cemetery, R.F.D.05, Box 174, Varina Road, Richmond, Virginia 23231
Richmond National Cemetery, 1701 Williamsburg Road, Richmond, Virginia 23231
Glendale National Cemetery, R.F.D.05, Box 272, Richmond, Virginia 23231
VA Regional Office, 210 Franklin Rd., S.W., Roanoke, Virginia 24011
VA Hospital, Salem, Virginia 24153
Seven Pines National Cemetery, 400 East Williamsburg Road, Sandston, Virginia 23150
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VA Regional Office, 915 Second Ave., Seattle, Washington 98174
VA Information Service Representative, 915 2nd Ave., Room 1364, Seattle, Washington 98174
VA Hospital, 4435 Beacon Ave, South, Seattle, Washington 98108
VA Outpatient Clinic, Smith Tower, Second & Yesler, Seattle, Washington 98104
VA Hospital, North 4815 Assembly St., Spokane, Washington 99208
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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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PROCLAMATION 4453

Fire Prevention Week, 1976

By the President of the United States of America

A Proclamation

Two hundred years ago the United States of America declared its independence. More than a century before that the need for organized fire protection was recognized in the colonies with the establishment of the first fire departments. The same appreciation of the need for community protection is still needed today in order to avoid the destructive effect of uncontrolled fire.

Each year in the United States alone, more than three million fires and explosions kill 12,000 persons; seriously burn another 300,000; and destroy more than $4 billion in property. Another $7 billion is spent for fire departments, fire insurance, and related costs.

The richest and most technologically advanced nation in the world, we nevertheless lead all the major industrialized countries in per capita deaths and property loss from fire.

Most fires can be traced to a lack of active concern for fire safety. Unfortunately, the innocent—the very young and the aged—are most frequently the victims.

This tragic situation need not continue. Methods of coping with fire's destructiveness have been developed. But technological advances alone will not stop the needless waste in human suffering and resources. A greater awareness of fire safety by all of us remains the only real answer.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning Sunday, October 3, 1976, as Fire Prevention Week.

I urge all citizens to work with their families and communities to learn and practice the basic rules of fire safety.

I call upon all State and local governments, business, labor and other organizations, as well as schools, civic groups, and the media to observe Fire Prevention Week, to provide useful fire-safety information to the public, and to solicit the active participation of all citizens in fire prevention programs.

I also ask the National Fire Protection Association, members of the Joint Council of National Fire Service Organizations, the National Fire Prevention and Control Administration, and other fire safety groups to provide the leadership and planning for a national fire prevention effort.

Finally, I urge every citizen to remember that fire safety must be practiced year-round to be truly effective, not just during Fire Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26416 Filed 9-7-76;10:37 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 542, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 27–September 2, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 542 (41 FR 36013). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.842 Valencia Orange Regulation 542 (41 FR 36013) are hereby amended to read as follows:

§ 908.842 Valencia Orange Regulation 542.

* * * * * *

(b) * * *

(1) * * *

(i) District 1: 315,000 cartons; (ii) District 2: 385,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 1, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26256 Filed 9–7–76;8:45 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Expenses of Almond Board of California, and Rate of Assessment, for 1976–77 Crop Year

Notice of proposed expenses of the Almond Board of California, and rate of assessment, for the 1976–77 crop year was published in the August 16, 1976, issue of the FEDERAL REGISTER (41 FR 34647). This action is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852; 27827), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendation of the Almond Board of California. Expenses of the Almond Board for the 1976–77 crop year were proposed at $5,684,300. The assessment rate was proposed at 2.15 cents per pound of almonds (kernel weight basis).

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Almond Board of California, and other available information, it is found that the expenses of the Almond Board of California and the rate of assessment for the crop year beginning July 1, 1976, shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began July 1, 1976, and the rate of assessment herein fixed will automatically apply to all such almonds beginning with that date.

The expenses and assessment rate as set forth in § 981.326 are as follows:

§ 981.326 Expenses of the Almond Board of California and rate of assessment for the 1976–77 crop year.

(a) *Expenses.* Expenses in the amount of $5,684,300 are reasonable and likely to be incurred by the Board during the crop year beginning July 1, 1976, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 2 cents per pound of almonds (kernel weight basis), is fixed at 2.15 cents per pound of almonds (kernel weight basis).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.76–26255 Filed 9–7–76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 4; Docket No. AO–160–A53]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the order provisions constituting the Adver-

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tising and Promotion Program, as hereby proposed to be amended, in the order regulating the handling of milk in the Middle Atlantic marketing area, which were attached to the decision of the Assistant Secretary issued on August 9, 1976 (41 FR 34282), are separately approved or favored by the producers, as defined under the terms of the order, as proposed to be amended, and who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1976 is hereby determined to be the representative period for the conduct of such referendum.

Joseph Shine is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.). Such referendum shall be completed on or before October 8, 1976.

Signed at Washington, D.C. on September 1, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-26197 Filed 9-7-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amdt. 3]

PART 106—LEASE GUARANTEE

The budget for Fiscal Year 1977 has been approved by Congress, and no provision has been made to fund further lease guarantee activity under statutory provisions of 15 U.S.C. 692–694. The purpose of this amendment is to advise the public of this fact and that no application under this program will be accepted until further notice.

In view of the foregoing circumstances, the Administrator has determined that public rulemaking and a postponed effective date will not be necessary. The amendment, therefore, will be effective on September 8, 1976.

Effective on September 8, 1976, Title 13 of the Code of Federal Regulations, Part 106 is hereby amended.

1. Amend § 106.1, *Statutory Provisions* to read as follows:

§ 106.1 Statutory provisions.

The statutory provisions will be found at 15 U.S.C. 692 to 694. It should be noted, however, that beginning with Fiscal Year 1977, no appropriation for the program has been made, Pub. L. 94–362, approved July 14, 1976, 90 Stat. 937. Accordingly, no applications under this program will be accepted until further notice.

2. Amend § 106.5, *Procedure for lease guarantee applications* to read in its entirety as follows:

§ 106.5 Procedure for lease guarantee applications.

Beginning with Fiscal Year 1977, no appropriation for the program has been made, Pub. L. 94–362, approved July 14, 1976, 90 Stat. 937. Accordingly, no applications under this program will be accepted until further notice.

(Catalog of Federal Domestic Programs No. 59.004, Lease Guarantees for Small Business.)

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-26186 Filed 9-7-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Docket 28852; Regulation ER-964, Amdt. 6]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Performance of Advance Booking Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 1, 1976.

By Notice of Proposed Rulemaking EDR–294/SPDR–42/ODR–12, 41 F.R. 7417 (February 18, 1976) the Board proposed, inter alia, certain amendments to Part 207. For the reasons set forth in SPR–110 (Part 371), published contemporaneously herewith, the Board has decided to adopt the proposed amendments, and, in addition, to amend the proviso at the end of § 207.11(c). Accordingly, the Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207), effective October 7, 1976 as follows:

Amend § 207.11 (b) and (c) by adding new subparagraphs (10) and (8), respectively, and by amending the proviso of paragraph (c), to read as follows:

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

* * * * *

(b) * * *

* * * * *

(10) By a charter operator or foreign charter operator as defined in Part 371 of this chapter, or

(c) * * *

* * * * *

(8) By a charter operator or foreign charter operator as defined in Part 371 of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in paragraph (c)(8), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further,* That paragraph (c) shall not be construed to apply to movements of property.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 754, as amended; 49 U.S.C. 1324 and 1371.)

By the Civil Aeronautics Board:

Effective: October 7, 1976.

Adopted: September 1, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26240 Filed 9-7-76;8:45 am]

[Reg. ER-965, Amdt. 6]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Performance of Advance Booking Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 1, 1976.

By notice of proposed rulemaking EDR–294/SPDR–42/ODR–12, 41 FH 7417 (February 18, 1976) the Board proposed, inter alia, certain amendments to Part 208. For the reasons set forth in SPR–110 (Part 371), published contemporaneously herewith, the Board has decided to adopt the proposed amendments, and, in addition, to amend the proviso at the end of § 208.6(c). Accordingly, the Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208), effective October 7, 1976, as follows:

Amend § 208.6 (b) and (c) by adding new subparagraphs (9) and (8), respectively, and by amending the proviso of paragraph (c), to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

* * * * *

(b) * * *

* * * * *

(9) By a charter operator or foreign charter operator, as defined in Part 371 of this chapter; or

(c) * * *

* * * * *

(8) By a charter operator or foreign charter operator, as defined in Part 371 of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in subparagraph (8), then either one of such persons may contract and pay for a minimum of 20 seats: And provided further, That paragraph (c) shall not be construed to apply to movements of property.

(Secs. 204(a) and 401 Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 754, 49 U.S.C. 1324 and 1371.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26241 Filed 9-7-76;8:45 am]

[Reg. No. ER-966, Amdt. 17]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Performance of Advance Booking Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 1, 1976.

By notice of proposed rulemaking EDR–294/SPDR–42/ODR–12, 41 FR 7417 (February 18, 1976) the Board proposed, inter alia, certain amendments to Part 212. For the reasons set forth in SPR–110 (Part 371), published contemporaneously herewith, the Board has decided to adopt the proposed amendments, and, in addition, to amend the proviso at the end of § 212.8(b). Accordingly, the Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective October 7, 1976, as follows:

Amend § 212.8 (a) and (b) by adding new subparagraphs (10) and (8), respectively, and by amending the proviso of paragraph (b), to read as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) * * *

* * * * *

(10) By a charter operator or foreign charter operator as defined in Part 371 of this chapter; or

(b) * * *

* * * * *

(8) By a charter operator or foreign charter operator as defined in Part 371 of this chapter:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in subparagraph (8), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further,* That paragraph (b) shall not be construed to apply to movements of property.

(Secs. 204(a) and 402 Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757, as amended, 49 U.S.C. 1324 and 1372.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26242 Filed 9-7-76;8:45 am]

[Reg. ER-967, Amdt. 17]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Performance of Advance Booking Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 1, 1976.

By notice of proposed rulemaking EDR–294/SPDR–42/ODR–12, 41 FR 7417 (February 18, 1976) the Board proposed, *inter alia,* certain amendments to Part 214. For the reasons set forth in SPR–110 (Part 371), published contemporaneously herewith, the Board has decided to adopt the proposed amendments, and in addition, to amend the proviso at the end of § 214.7(b). Accordingly, the Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective October 7, 1976, as follows:

Amend § 214.7 (a) and (b) by adding new subparagraphs (7), and by amending the proviso at the end of paragraph (b), to read as follows:

§ 214.7 Charter flight limitations.

Charter flight shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) * * *

* * * * *

(7) By a charter operator or foreign charter operator, as defined in Part 371 of this chapter; or

(b) * * *

* * * * *

(7) By a charter operator or foreign charter operator, as defined in Part 371 of this chapter:

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *And provided further,* That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in subparagraph (7), then either one of such persons may contract and pay for a minimum of 20 seats.

(Secs. 204(a) and 402 Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757, as amended; 49 U.S.C. 1324 and 1372.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26243 Filed 9-7-76;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-110, Enactment of Part]

PART 371—ADVANCE BOOKING CHARTERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 1, 1976.

By notice of proposed rulemaking EDR–294/SPDR–42/ODR–12, 41 FR 7417 (February 18, 1976), the Board gave notice that it had under consideration the adoption of a new Special Regulation (14 CFR Part 371) establishing a new type of charter, designated as Advance Booking Charter (ABC). Numerous comments were received in response to the Notice, and a list of the persons filing formal comments is attached hereto as Appendix 1.

As explained in EDR–294, the Board proposed the ABC experiment in an effort to fashion an air-only charter form that would serve as an alternative to the affinity charter, by being sufficiently marketable to meet the rising public demand for low-cost bulk air transportation, while maintaining a distinction between charter and individually ticketed service.

The recently adopted One-stop-inclusive Tour Charter (OTC) rule (SPR–85, 40 FR 34089, August 14, 1975) requires a tour package, which may limit its usefulness for many vacation travelers. Although the Travel Group Charter (TGC) involves air transportation only, that charter form is also limited in marketability. The basic idea of a TGC is that 40 or more persons share the pro rata cost of the air transportation. Thus, the final cost to each participant depends on the number of persons who actually fly. In a TGC, a participant's total cost for air transportation may be increased by up to 20 percent after he is contractually committed to participate in the charter. This uncertainty of cost, coupled with the 60 day advance booking period, may have limited the popularity of TGC's. A survey of the hundreds of informal comments, filed in this proceeding in letter form by members of the general public, indicates that despite the availability of TGC's there exists an unfulfilled demand for a viable alternative to the affinity charterform offering air transportation only. The Board is of the opinion that the proposed air-only ABC, with a fixed price and a shorter advance booking period, will gain wider acceptance than the TGC. The Board anticipates that ABC's will generate new traffic and finds it in the public interest to adopt its proposed experimental ABC rule, but with the modifications discussed below.

In the proposed rule, the Board stated that ABC's would be subject to the following conditions and risks not normally associated with scheduled service:

(1) The flights must be round-trips on predetermined fixed dates;

(2) Tickets must be purchased a fixed period in advance;

(3) The participants comprising each ABC group must travel together on both legs of the charter, i.e., no intermingling of passengers;

(4) Only persons whose names have been pre-filed with the Board for a specific ABC, or a limited number of substitutes for such persons, are permitted to participate in that group;

(5) The ABC operator, as the risk-taking charterer of not less than 40 seats, may impose penalties on ABC participants who cancel their plans at a time when the operator is no longer permitted to fill unsold or cancelled seats; and

(6) ABC participants are exposed to the risk of having their flight cancelled upon contingencies set forth in their contract with the ABC operator, rather than only upon cancellation by the direct air carrier.

Several U.S. trunklines and foreign air carriers contend in their comments that

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those risks and conditions would fail to maintain a sufficient distinction between scheduled and charter service. In support of that assertion the carrier cited *Pan American World Airways* v. *C.A.B.*, 517 F.2d 734 (2nd Cir. 1975) (holding that the Board's "foreign-originating TGC/ABC" rule maintained a sufficient distinction between charter and scheduled service) and *Saturn Airways* v. *C.A.B.*, 483 F.2d 1284 (D.C. Cir. 1973) (holding the same for the TGC rule). They argued, inter alia, that in Pan American and Saturn the courts found "substantial and vital differences" between the subject charter forms and scheduled service, that the Board's ABC proposal ignored those differences, and that therefore the Board has failed to distinguish ABC's from scheduled service.

The question before the Pan American and Saturn courts was whether the particular set of restrictions there under consideration, taken together, were sufficient to maintain the legally required distinction between charter and scheduled service. In both cases, the courts found the restrictions sufficient. The commenters' argument moves invalidly from the statement that a particular set of restrictions is sufficient, to the conclusion that those restrictions are necessary to maintain the distinction between charter and scheduled service. However, neither the Saturn court nor the Pan American court found any specific restriction, or set of restrictions, legally necessary to maintain the required distinction.

Congress has declined to define explicitly the concept of charter travel, and has preferred instead to allow the Board to fashion various charter forms in response to changing developments in the air travel industry. These various charter forms incorporate different sets of restrictions. For example, the Inclusive Tour Charter (ITC) rule requires a ground package, but does not require advance purchase or prelisting of participants; the TGC rule requires advance purchase and prelisting of participants, does not require a ground package, and allows 15 percent substitution of prelisted participants; affinity charters may not be marketed by an indirect air carrier, and do not require advance purchase, a ground package, or a minimum stay, but participation is not open to the general public. These various charter rules, and the court cases upholding them, provide support for the proposition that there is no particular restriction, or set of restrictions, that is legally necessary for distinguishing charter from scheduled service.[1]

The carriers asserted not only that the ABC rule would fail to maintain the statutorily required distinction, but that ABC's would cause traffic diversion so severe as to threaten the very existence of scheduled service. The arguments on that issue, which overlap the legal issue previously discussed, generally were of three types:

1. That certain in-flight and ticket surveys show that many long-haul scheduled service passengers plan their trips 60 days in advance, buy round trip trickets, stay at their distinations more than 7 days, and therefore would be subject to diversion by ABC's;

2. That certain promotional fares on scheduled service (e.g., the "Freedom Fare") require advance purchase and a minimum stay, and that therefore such features do not distinguish ABC's as charters, or serve to minimize ABC's diversions from scheduled service; and

3. That certain risks imposed on ABC participants, such as cancellation of the charter flight, are hypothetical at best.

The Board does not find these arguments to be persuasive. There is a significant difference between planning a trip in advance of departure and buying a non-cancellable ticket several weeks prior to departure. ABC's are not designed to attract, and will not attract, people who desire flexibility in their travel plans. Scheduled-service passengers make plans with the knowledge that they can change departure or return dates, or cancel their travel arrangements without penalty, An ABC passenger will have no such flexibility. He will become a member of a group assembled by an indirect air carrier, and will in fact be subject to the following risks: the charter may be cancelled by the direct air carrier or by the charter operator; the date of departure or return may be changed, or the city of departure may be changed;[2] if the passenger cancels his participation in the charter he is likely to forfeit a substantial portion of its cost. Thus, by becoming a member of a charter group a participant puts himself in a situation where he must conform his travel plans to contingencies controlled by the charter operator. This is not the case in any normal form of scheduled service. On the basis of the foregoing, the Board finds that the conditions and risks imposed on ABC participants, taken together, adequately distinguish ABC service from scheduled service.

Predictions of devastating diversion, very similar to those advanced here, were advanced by opponents of charter travel in the ITC, TGC, and OTC rulemaking proceedings. However, experience has not shown that the predicted results have materialized. No commenter submitted any evidence with respect to such diversion, and nothing in the comments indicated that the current diversion predictions are based on anything other than speculation. Furthermore, the CAB has no evidence that demonstrates that the current diversion predictions are credible.

Finally, it should be remembered that the scheduled carriers will have full opportunity to participate in the ABC experiment. Scheduled carriers not only have authority to operate charters, but historically have carried the majority of charter passengers. Thus, the feared diversion, if it occurred, would only involve some redistribution of traffic from scheduled to charter flights without a loss of traffic for the scheduled carriers.

In the unlikely event that ABC's should prove to have undesirable effects that outweigh their benefits to the public, the Board has specifically retained the power to impose direct limitations on ABC operations in particular markets. The Board can control diversion pursuant to § 371.5, Procedures for imposition of limitations and restriction on ABC operations.[3] Finally, if any unanticipated consequence contrary to the public interest should develop, the Board is fully prepared to amend the rule or to revoke it entirely if necessary. The Board thus possesses adequate regulatory tools to deal with unforeseen problems that might arise during the course of the experiment.

Eastern Air Lines asserted that ordinary principles of due process require that prior to adopting the ABC rule, the Board must conduct a hearing on the merits in order to permit affected parties to present oral evidence as to the possible adverse consequences of authorizing ABC's. This proceeding is clearly rulemaking as defined in the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), and the procedures folowed have been in accordance with those prescribed in that Act. An oral hearing on the merits is not legally required.

All parties to this proceeding have been afforded the opportunity to submit arguments in initial comments and in reply comments—Eastern, for one, submitted both. Thus, affected parties have had ample opportunity to "make their case" in this proceeding. Nothing in the comments has persuaded the Board that any further hearing would be of help to the parties or to the Board, or would serve any purpose other than delay. Therefore the Board finds that it would not be in the public interest to postpone its decision herein pending further proceeding.

Distinction Between European and Non-European ABC's

As explained in EDR–294, the Board believes that, in the interest of promoting travel and harmony in aviation relations with our principal European parents, the ABC rule should strive for international acceptability and commonality of charter rules with the European countries comprising the major charter

[1] See the Board's discussion of the relevant cases in the preamble to the amendments authorizing the operation of foreign-originating TGC/ABC's according to the rules of the country of origin. SPR–74, 39 FR 10886 (March 3, 1974).

[2] The operator usually reserves such rights by contract. The participant is given the choice of re-arranging his travel plans to suit the operator, or cancelling his participation and attempting to make alternate plans.

[3] The Board also has the power to control the offroute ABC operations of scheduled carriers by amending the off-route charter restrictions set forth in Part 207 of the Board's Economic Regulations (14 CFR Part 207).

destinations of United States travelers.[4] Thus the Board proposed to distinguish the ABC's flying to a limited group of European countries[5] that have insisted on more restrictive charter rules (hereafter referred to as "European," although it should be remembered that they comprise by no means all of Europe) from all others. The proposal stated that European charters would include a 7-day minimum stay, a 60-day advance purchase period, and a prohibition on substitutions. For all other ABC's the Board proposed to require a 30-day advance purchase period, no minimum stay, and to allow 15 percent substitution. All other proposed ABC requirements were to be uniformly applied to all destinations.

The National Air Carrier Association (NACA) and certain tour operators argued that international acceptability should not be sought at the expense of U.S. marketability, and noted that a 60-day advance purchase requirement, with no right of substitution, would be even more restrictive (and presumably less marketable) than the TGC. They urged the Board to eliminate the European/non-European distinction by adopting the non-European rules for all destinations. The Board, they argued, should adopt a charter rule suited to the needs of U.S. travelers, and should seek international acceptability through negotiations rather than unilateral concessions.

On the other hand, the European Civil Aviation Conference (ECAC), an organization of the Civil Aviation Directors of 20 European Countries, argued that those States "attach the highest importance to the inclusion of all ECAC Member States within the group of countries to which the rules for European charters would apply." The Board has carefully weighed both arguments and, while it would be simpler to adopt one set of charter regulations applicable to all destinations, it would not be appropriate to adopt in its entirety the less restrictive rule for "European charters." To do so would ignore the objective of moving toward commonality and thereby facilitating and promoting charter flights to key destinations. Recognition of special concerns for "European charters" would buttress insistence by the U.S. on a regime of reciprocal acceptance of "country of origin" charter rules. Also, in our judgment the conditions set for European charters would not compromise marketability of the charters in this country. The Board, therefore, finds that a rule with a different set of restrictions containing elements of commonality with ABC rules already promulgated by some European countries should be applied to "European charters," while the more liberal rule would be applied to all other ABC charters. Moreover, the Board finds that it would not be appropriate to apply the "European charters" rule to ECAC Member States which do not wish to be included in the European charters category—indeed, Austria has already so indicated, and has accordingly been excluded now.

While the Board desires to achieve commonality of international charter rules, it is persuaded that special rules for European ABC's should not be so much more restrictive than those attached to TGC's that they may be rendered unsuitable for the needs of the U.S. charter market. Therefore the Board has decided to modify the proposed special restrictions on European ABC's, so that they will be subject to the following restrictions: 45-day advance booking period; 7-day minimum stay; allowable substitution of 10 percent from a filed standby list plus 10 percent from the general public. We believe that this set of special restrictions strikes a more reasonable balance than our proposed rules would have, between the somewhat conflicting goals of achieving both commonality with European rules and marketability in the United States. Each of the restrictions is discussed separately below.

On the other hand, Pan American urged that the Board avoid a situation such as the one that occurred when OTC's were first authorized—where carriers actively promoted and sold OTC's only to discover that landing rights in foreign destinations were unavailable. Thus, Pan American argued that the Board should defer the effectiveness of the rule pending negotiations on acceptance abroad. The Board is of the opinion that the more stringent restrictions we are imposing on European ABC's will obviate most obstacles to foreign acceptance, and therefore finds that it would not be necessary or desirable to delay the rule's effectiveness pending the outcome of foreign negotiations.

Advance Booking Period

An ABC participant will be required to purchase his charter a substantial period of time before departure, known as the advance booking period.[6] The Board proposed a 60-day advance booking period for European ABC's and a 30-day advance booking period for all others. The 30-day period was to be reduced to 15 days after October 1, 1978. Although the Board felt that the proposed non-European advance booking period would maintain the distinction between charter and individually ticketed service, a longer advance booking period was proposed for European ABC's in an effort to promote foreign acceptability and commonality of charter rules with foreign destinations. Pan American, TWA and other scheduled carriers favored a 60-day advance booking period for all destinations. The Department of Transportation (DOT) and several tour operators argued that the Board should adopt the more marketable 30-day period for all destinations, and negotiate with countries desiring a longer advance booking period.

Capitol International Airways argued that although certain European countries require a 60-day advance booking period in their charter rules, the European vacation habit is much better suited to a lengthy advance booking period than is the American vacation habit. In Europe, Capitol alleged, entire industrial plants or government units close for a fixed duration on a pre-determined time schedule, so that Europeans plan charter trips much farther in advance than Americans.

Although ECAC did not comment on the specific issue of the advance booking period, it did express a willingness ". . . to enter into multilateral discussions with the United States authorities concerned at an appropriate time with a view to seeing whether the two sets of rules can be further harmonized." Thus a statement has been received indicating that the Board's action herein might evoke corresponding European moves toward commonality.

The advance booking period is but one of a set of interrelated restrictions that must be evaluated according to their aggregate effect. Nothing in the comments has persuaded the Board that the proposed advance booking period for non-European ABC's would be too short, as a matter of law or policy, for purposes of this regulatory experiment. Therefore, for non-European ABC's the Board is adopting a 30-day advance booking period, which will be reduced to 15 days on October 1, 1978.

However, based on the comments, and on experience with the TGC rule, which has a 60-day advance booking requirement, the Board has decided to adopt a 45-day advance booking period for European ABC's rather than the proposed 60-day advance booking period. This shorter period will present less of an impediment to marketability in the United

[4] The United States has entered into bilateral understandings with France, West Germany, Ireland, the Netherlands, and the United Kingdom, pursuant to which this type of charter is to be operated under the laws of the country of origin and the parties thereto are committed to "strive for commonality of charter rules." Bilateral understandings concerning this type of charter, which are similar to the foregoing but do not include the above commitment, exist with Austria, Belgium, Canada, Jordan, Switzerland, and Yugoslavia.

[5] The following countries were included in the proposed definition of "European" ABC's: Austria, Belgium, the Federal Republic of Germany, Finland, France, Ireland, the Netherlands, Switzerland, and the United Kingdom. Thereafter, the State Department informed the Board that Austria requested that it be excluded from the definition. A copy of the State Department's letter has been placed in this docket. Should any other country request that the Board exclude it from the definition of "European" for purposes of ABC charters, the Board would do so. On the other hand, Italy has recently promulgated an ABC rule similar to those of the aforementioned countries, and therefore it will be included in the European category.

[6] An advance booking requirement of 30 days, for instance, is enforced by requiring the tour operator to file a passenger list not later than 30 days before the scheduled date of departure.

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States, and at the same time will be a move towards commonality of rules, since it represents a compromise between the 60-day advance booking period common to all European rules and the 30-day period chosen by the Board for all other international and domestic charters. Additionally, after October 1, 1978, consistent with this compromise there will be a parallel reduction to 30 days of the advance booking period for European ABC's.

At least 9 months prior to that date the Board will reconsider, in a proceeding allowing opportunity for public comment, whether these advance booking period reductions should become effective, be deferred or otherwise modified. In that proceeding the Board will be able to evaluate the advance booking periods in light of actual experience with ABC's.

SUBSTITUTION

For European ABC's, the proposed rule would have prohibited substitutions for participants who cancel after the passenger list has been filed, 15 percent substitution would be allowed for all other ABC's. In addition, the Board solicited comments on the following possible alternatives, which are not mutually exclusive:

A. For "European" ABC's:

(1) To permit substitutions of up to 10 percent of the participants named on the filed list;

(2) To require the operator to provide each participant with prepaid insurance against the risk of causes which would reasonably necessitate cancellation (e.g., death or serious illness in the passenger's immediate family);

(3) To require the operator to offer each passenger the opportunity to pay a nonrefundable amount (not to exceed 5 percent of the price of passage), the first time any payment is made, to obtain the right to refund in full of all other monies paid (for transportation only) in the event the passenger cancels for any reason until departure of the outbound flight; and

(4) To require the operator to limit the forfeiture penalty for postfiling cancellations, for any reason, to a maximum percentage (e.g., 20 percent) of the price of air transportation for cancellation until departure of the outbound flight.

B. For non-European ABC's: To permit up to 25 percent fill-ups (original sales after the advance booking deadline).

The no-substitution proposal for European ABC's received heavy criticism. The Aviation Consumer Action Project (ACAP), NACA, and the Department of Commerce (DOC) argued that such a provision would render European ABC's unmarketable. DOT, Evergreen International, and several tour operators contended that substitutions or fill-ups are necessary to keep prices and cancellation penalties at a minimum. The scheduled carriers argued, on the other hand, that any substitution would cause undue diversion from scheduled service. British Caledonian Airways, Limited (BCAL) pointed out that prohibiting substitutions would not achieve commonality with European charter rules because those rules offer a superior facility—consolidation of charter groups within the 60-day advance booking period.

Even though Alternative A(1) received some support, most parties who favored substitutions favored a more liberal substitution policy—ranging from 15 to 25 percent. Moreover, many commenters, including DOT and NACA, argued that instead of substitutions, the Board should allow fill-ups of up to 25 percent on all ABC's (Alternative B). As DOT argued, substitution and cancellation insurance may provide refunds for cancelling passengers, but they do not fill unsold charter seats.

The Board has decided to allow 15 percent substitution on all charters other than "European charters," as proposed, to create sufficient flexibility for charter operators in dealing with late cancellations, and thereby to keep charter prices low. Although it proposed a no-substitution rule for European charters in order to promote commonality of charter rules with the group of European countries with restrictive charter rules, it is persuaded by the comments that such an absolute prohibition, coupled with a 45-day advance booking period, would seriously impair the marketability of European ABC's. The Board, therefore, will allow 10 percent substitution from the general public by charter operators on European ABC's. In addition, to offset the longer 45-day advance booking period for European charters, another 10 percent substitution will be permitted from a standby list of prospective passengers filed with the original list—a substitution feature which was originally part of the TGC rule, where the number of standby list names was limited. Although our proposed ABC rule did not include any provision for a standby list, we have determined that its addition to the ABC is in the nature of a technical change, designed to facilitate use of this charter form while imposing no substantial burden on those whom it affects, so that it may be adopted without prior public comments.

Capitol International suggested that the amount of allowable substitutions should be based on the number of seats contracted for, rather than on the number of names on the passenger list. The Board has decided to accept Capitol's suggestion. To the extent that the number of seats contracted for might exceed the number of seats sold to passengers, the operator will be able to effect a slightly greater number of substitutions.

In addition to the issue of substitution, the proposed alternatives raised the related issue of what penalties charter operators would be allowed to impose on passengers who cancel after the advance booking deadline.

The Board's Office of the Consumer Advocate (OCA) felt that Alternative A(2), mandatory cancellation insurance, should be adopted in addition to any substitution provision. In opposition, Lufthansa and the Airline Charter Tour Operators Association (ACTOA) argued that ABC participants should not be forced to buy insurance they might not want, and that mandatory cancellation insurance would increase prices. International Travel Service alleged that although it offers cancellation insurance to all its passengers, about 40 percent buy it.

No comment supported Alternative A (3), but several tour operators opposed it on the ground that an amount not to exceed 5 percent of the price of passage might not be enough to cover the actual expense of cancellation.

Regarding Alternative A(4), numerous tour operators predicted that if the Board set a maximum percentage on ABC cancellation fees, prices would go up.

The Board is of the opinion that Alternatives A (3) and (4) would be unduly arbitrary in attempting to fix the price of cancellations. Each operator is in the best position to determine the cost of cancellations, based on his experienced rate of cancellation and the expenses he incurs. Even if the Board were to establish a price for any element of a charter without establishing an overall price such action would not be effective since the operator would be free to include any cost greater than that allowed by the Board as a hidden element in setting the overall charter price. In light of these uncertainties as to the impact of such requirements on the charter business and the price to the consumer, the Board finds that it would not be in the public interest to adopt Alternatives A (3) or (4).

Similarly, the Board is persuaded that it would not be in the public interest to require participants to buy insurance they might not want, as proposed in alternative A(2). The Board finds, however, that such insurance should be made available to consumers if desired. Therefore, the Board is adopting a requirement that the operator make available, on an optional basis, insurance of the charter payment against contingencies that normally necessitate cancellation, such as death or serious illness in the passenger's immediate family. Similar requirements are included in the ITC and OTC rules (§ 378.17(a–1) and § 378a.30(b), respectively).

Finally, we have determined not to permit any fill-ups at this time. This feature was favored by some commenters, not only for non-European ABC's, as our proposed rule had suggested (Alternative B), but also for European ABC's, as discussed above. However, we are not persuaded that we should now introduce a provision allowing the sale of additional seats subsequent to the filing of passenger lists under a charter rule—such as this—which regards such prefiling of lists as a basic restrictive device.

MINIMUM STAY REQUIREMENT

A 7-day minimum stay requirement was proposed for European ABC's, but the Board also solicited comments on a possible alternative 4-day weekend ABC.

No minimum stay was proposed for non-European ABC's.

Although the 4-day weekend ABC was supported by OCA and a few tour operators, AAA questioned whether such a charter would be marketable in transatlantic markets. Lufthansa pointed out that when West Germany authorizes such ABC's it also increases the advance booking period in order to minimize diversion. Several commenters urged the Board not to adopt a 7-day minimum stay period merely to anticipate the demands of European destination countries.

The Board feels that a minimum stay requirement is not necessary, either to minimize diversion or, to distinguish ABC's from scheduled service. Thus the Board would prefer not to adopt such a requirement for any ABC's. However, in order to move toward commonality of charter rules with European countries, the Board has decided to require a 7-day minimum stay period for European ABC's. No minimum stay will be required for non-European charters.

The Board has also decided not to include a 4-day weekend European ABC. That option would be of interest to only a limited number of travelers, and might serve to impede European acceptance of the ABC. A 7-day minimum stay for a trip to Europe will not be viewed as restrictive by the vast majority of U.S. travelers. The Board finds, therefore, that it would not serve the public interest to adopt a 4-day weekend European charter as a feature of the ABC experiment.

The following requirements will be applied uniformly to all ABC's, regardless of destination:

MINIMUM GROUP SIZE

The Board proposed to require a minimum group size of 40 seats, in accordance with the Board's other special charter rules. A minimum group size is required in order to maintain the basic concept of a "split charter" (*i.e.*, a charter of less than the entire aircraft capacity) for group travel, and no comment advanced any persuasive argument for generally abandoning the 40 seat minimum. Air New England stated that in the special case of direct air carriers operating small aircraft, such a requirement would hinder the operation of ABC's. However, the 40-seat minimum in this rule—as in our other charter rules—only applies to "split charters." Thus, where the entire capacity of an aircraft is chartered, there is no minimum number specified for the size of the group participating in an ABC or any other type of charter. Moreover, to further encourage the operation of ABC's on aircraft having a capacity somewhat larger than 40 seats, the Board has decided to allow the transportation, on aircraft having fewer than 80 seats, of no more than 2 ABC groups, either of which may cover as few as 20 seats. Such a provision will, among other things, allow U.S. operators to compete more effectively for transborder traffic.

ROUND-TRIP GROUP TRAVEL

The ABC proposal set forth a round-trip group travel requirement. However, the Board stated that it was willing to consider allowing intermingling among ABC groups on returning flights organized by the same tour operator.

The intermingling alternative was opposed by certain trunklines, foreign air carriers and DOT. The allowance of intermingling, they argued, would destroy one of the basic characteristics which distinguishes ABC's from regularly scheduled service. That alternative, however, was supported by various tour operators, supplemental air carriers and government agencies, including OCA, who argued that it would give the tour operator more flexibility and help keep prices down.

The allowance of intermingling would create a substantial enforcement burden. Since it may be that ABC's will be sufficiently marketable and flexible without intermingling, the Board finds that under present circumstances any increase in flexibility would be outweighed by the enforcement and other problems that would be created by intermingling. Therefore, at this time, intermingling among charter groups will not be permitted.

PRICING

The Board proposed not to set any minimum price on ABC's. Eastern argued that it is unjust and discriminatory to require promotional fares on scheduled service to be economically justified while not imposing a similar requirement on ABC prices. Lufthansa, BCAL, and others stated that ABC prices will not be cost related. Charter Travel predicted cutthroat competition among tour operators. However, several tour operators, OCA, and DOT supported the Board's proposal. DOT argued that any restriction of price would inhibit the marketability of ABC's.

The lack of any required minimum price is one of the most important features of the ABC experiment. As OCA argued, and the Board agrees, this will generate the lowest possible ABC fares. The requirement for direct air carriers to file tariffs for the capacity sold to charter operators will tend to establish a minimum for ABC fares. Arguments against uneconomic fares and "cutthroat" competition are not persuasive. One of the fundamental ideas that underlies our market economy is that vigorous competition, especially price competition, is thoroughly healthy and leads to optimum conditions of operational efficiency and consumer benefit. It appears that the imposition of minimum prices for ABC's would serve no essential purpose, and may inhibit their marketability. The Board therefore finds that it would not be in the public interest to impose any minimum price on ABC fares.

GROUND ACCOMMODATIONS

The basic theory of the ABC, as proposed by the Board, is a charter involving air transportation only, with any related ground accommodations being outside the purview of the regulatory scheme.

No commenter opposed this aspect of the proposed rule. Therefore, the ABC rule will require no ground accommodations as part of a charter package.

OTHER ISSUES

SIMPLIFIED CHARTER REGIME

The Board solicited comments on the advisability of devising a simplified charter regime by eliminating affinities and TGC's. That possibility was supported by foreign air carriers, tour operators and DOT. British Airways alleged that the Board is far behind other countries in eliminating affinities. However, DOT argued that affinities should not be abolished until ABC's have proved their superiority in the marketplace.

Other parties, including NACA, opposed the elimination of affinities on the ground that some legitimate affinity organizations might be unable to comply with the advance filing, bonding, and escrow requirements of the ABC rule. Moreover, they argued, with both ABC's and OTC's available there will be little incentive to violate the affinity rules.

The Board has decided not to eliminate other charter types until it undertakes a more thoroughgoing review of the charter rules and operations, generally, in light of experience gained under the ABC rule.

As stated above the Board has decided that at least 9 months prior to October 1, 1978 a public proceeding will be conducted allowing opportunity to comment on the advance booking period reductions. Unless we shall have already acted on this issue, the Board will at that time also solicit comments on whether affinities or TGC's should be abolished.

ENVIRONMENTAL AND ENERGY IMPACT

In EDR–294, the Board stated its tentative conclusion that the promulgation of the ABC rule would not require an environmental impact statement. Although the Board solicited comment on the possible environmental issues involved, no such comments were filed. However, Northwest Airlines argued that if ABC's are successful and non-diversionary there will be more airplanes flying more miles and burning more fuel, and that an energy impact statement would therefore be required under the Energy Policy and Conservation Act of 1975 (EPCA).

As explained in EDR–294, the Board is unable to predict the probable success or popularity of this new charter form in the marketplace, and is thus unable to predict the extent, if any, to which aircraft operations will be increased. Furthermore, charters comprise only a small part of the airline industry. Thus, even if ABC's are successful, the increment in aircraft operations will probably be small when compared to airline oper-

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ations as a whole.[7] Also, ABC operations will be widely dispersed throughout international and domestic markets, making it very unlikely that the effects on such operations will be concentrated in any specific geographic area. To the extent that ABC's will promote planeload travel and increased load factors, the effect on fuel economy will be beneficial. EPCA requires that "where practicable and consistent with the exercise of [its] authority . . ." the Board must "include in any major regulatory action . . . a statement of the probable impact of such major regulatory action on energy efficiency and energy conservation . . . ." By bringing about higher load-factors the promulgation of the ABC rule will help airlines meet the rising demand for low-cost air travel in the most efficient manner possible, and therefore will probably have a beneficial effect on fuel consumption. For the reasons stated, the Board also finds that the promulgation of this charter rule is not a major Federal action for which an environmental impact statement is required under the National Environmental Policy Act of 1969.

MISCELLANEOUS CHANGES FROM PROPOSED RULE

Since the ABC proposal was issued, there have been various amendments to other charter rules necessitating changes in the ABC rule as proposed. These changes, incorporated in the final rule, are as follows:

1. Definitions of "itinerary" and "citizen of the United States" have been added in § 371.2, Definitions.

2. For the reasons discussed in SPR–105, dated August 16, 1976, the passenger list filing procedures have been amended to operate as follows: The charter operator will file an original copy of the passenger list (and the standby list, if any) with the Bureau of Enforcement, along with a certification that two photostatic copies of the list (or lists) have been transmitted that day to the carrier (or carriers) for use in identifying passengers at enplanement of originating and returning flights. The operator will also transmit to the direct air carrier, along with the passenger and standby list copies, the required statements concerning participant contracts and depository bank receipts. The direct air carrier, after using the copies of the passenger and standby lists to identify enplaning passengers, will retain these documents at its principal office in the United States.[8] Those carriers that do not maintain offices in the United States will be required to mail the passenger and standby lists to the Bureau of Enforcement within 7 days of performing the subject flight. Every passenger and standby list will be deemed filed on the U.S. Postal Service postmark date imprinted on the envelope.

[7] Although OTC's caused an increase in charter operations, the Board is aware of no evidence that OTC's have brought about any adverse environmental effects.

[8] As a result of this change, proposed § 371.50(a) has been eliminated.

3. For reasons also discussed in SPR–105, the Board has decided not to adopt proposed § 371.51, Reporting of ABC service under contract.

4. In EDR–294, the Board proposed to amend the charter flight reporting requirements in Parts 217 and 241 of its Economic Regulations (14 CFR Parts 217 and 241) to include references to the ABC. However, in ER–949, 41 FR 12282 (March 25, 1976) and ER–950, 41 FR 12281 (March 25, 1976), the Board revised the charter flight reporting requirements in Parts 217 and 241, and included references to advance booking charters. Thus, the amendments to those parts proposed in EDR–294 are unnecessary.

EDR–294 proposed specific forms for ABC passenger lists, surety bonds, and post-operation prospectus and market data summaries, and the forms were set forth in Appendices A, B and C, respectively. These forms, along with a proposed standby list form, will be duly submitted to the General Accounting Office for approval, before they are formally issued. In order to avoid delay in issuing the ABC rule, the prescribed forms for passenger lists, standby lists, and surety bond, and post-operation prospectus and market date summaries will be adopted and issued in a separate proceeding.

SCOPE OF THE PROCEEDING

Several of the issues raised in the comments apply to other special charter rules, or to the basic charter rules (set forth in Parts 207, 208, 212, and 214 of the Board's Economic Regulations, 14 CFR Parts 207, 208, 212, and 214). For the reasons discussed below, the Board finds that the following issues are beyond the scope of this proceeding:

1. American Express, Pan American, and others argued that the Board should authorize part charters on scheduled service. That recommendation involves numerous legal and policy issues that need not be considered here, and that would be more profitably considered in a proceeding specifically addressed to part charters. To consider those issues in the context of the ABC proposal would necessitate a Supplemental Notice of Proposed Rulemaking, and would substantially impede the promulgation of a final rule herein. Furthermore, many of these issues will be addressed in the context of Notice of Proposed Rulemaking EDR–300, 41 FR 24903 (June 21, 1976), proposing the authorization of Contract Bulk Inclusive Tours (CBIT's) on scheduled service.

2. Several commenters requested that the Board amend the off-route charter restrictions set forth in Part 207. However, those issues are currently being considered in the context of the following pending rulemaking petitions, all requesting amendment of the off-route charter restrictions: the petition of the Office of the Consumer Advocate in Docket 28181; the petition of certain local service carriers in Docket 28058; the petitions of Pan American World Airways, Inc. in Dockets 28450 and 27855; the petition of Trans International Airlines, Inc. in Docket 28729; the petition of the National Air Carrier Association in Docket 28204; and the petition of National Airlines, Inc. in Docket 28312.

3. TWA and American Airlines argued that direct air carriers should be authorized to sell ABC's directly to the public. They argued that by limiting ABC operators to persons other than direct air carriers, the Board will bring about fundamental changes in the air transportation industry. Tour operators, they argued, through their control of large blocks of traffic, will gain complete control of the industry. The Board notes that similar arguments were advanced in response to the OTC proposal. However, no fundamental changes in the airline industry have occurred. Furthermore, as with part charters, this suggestion involves a myriad of important issues which are complicated and extensive enough to be the subject of a separate proceeding.

4. Several travel agents and tour operators recommended numerous changes in the proposed ABC filing requirements, which are basically the same as the filing requirements of the other special charter rules. Thus, the arguments presented would justify changes in other rules in addition to the ABC rule. The Board is currently in the process of reviewing various aspects of its filing requirements for charters, and feels that it would not be appropriate to consider the general problems of filing procedures in a piecemeal fashion.

All comments not discussed by the Board herein have been considered and are found to be without merit.

MINETTI AND WEST, MEMBERS, DISSENTING IN PART

We are enthusiastic about the potential success of advance booking charters in providing economic and low-cost air transportation which will be generally available to the traveling public, yet which will maintain the distinction between charter and individually-ticketed service. We consider the ABC concept to be one of the most important steps the Board has taken toward the goal of making air transportation available to the greatest number of the traveling public. Although we find the rule adopted by the majority a step in the right direction in most respects, we would go further. Primarily, we disagree with the decision to unilaterally impose higher restrictions (viz., increasing the 30-day advance purchase period to 45 days, an increase of fifty percent) on charters in certain European markets. As discussed further herein, such additional restrictions for selective markets are required by no rule of law or economics but are imposed simply to meet foreign government objections as perceived by the majority. We find such speculation in advance of bilateral negotiations premature and we cannot acquiesce in imposition of unnecessary restrictions which will do nothing but hinder our primary purpose of making low cost air transportation available to the greatest number of people who might otherwise be unable to travel. We advocate a single rule of worldwide application with 30-day advance booking and, in addition, we would permit a reasonable rule of intermingling and twenty-five percent substitution. Armed with this single optimum rule, the Board should then be prepared to assist the carriers in developing appropriate markets through negotiation with foreign governments.

So long as the Board is careful to maintain the required distinction between group travel by charter and individually-ticketed travel of the sort normally associated with scheduled point-to-point service, it is free to evolve a definition of "charter" in relation to such "variable factors as changing needs and changing aircraft . . . ." *Pan American World Airways, Inc.* v. *C.A.B.*, 517 F. 2d 734, 737 (2d Cir. 1975), *quoting American Airlines, Inc.* v. *C.A.B.*, 348 F. 2d 349, 354 (D.C. Cir. 1965). In adopting this rule as it is applicable to all non-European (and even many European) destinations the majority obviously finds that the required distinction is maintained. If that conclusion is sound, and we believe that it is, what possible rationale can there be for creating a separate, bifurcated system simply to meet the real or imagined objections of foreign governments in advance of bilateral negotiations? If, after thorough and careful examination of all the alternatives open to us, the Board has determined the rule which in its considered judgment best meets our statutory mandate, why should that rule be compromised at the outset? If certain foreign governments object to any aspect of the rule then such differences would, of course, be addressed in the course of bilateral negotiations with that country. If compromise is required, then more restrictive terms can always be added bilaterally as, and if, absolutely necessary.

We frankly find the majority's approach in this case to the inevitable international negotiations perplexing. The Board has heretofore adopted innovative charater concepts which differed in certain respects from those in force in foreign countries. When the TGC rule[1] was adopted, for example, it was subsequently necessary to enter into bilateral discussions aimed at achieving a mutually agreeable regime. With respect to split charters,[2] the Board specifically rejected the argument that the split charter concept should be disapproved simply because it was thought to be unacceptable to many foreign governments. On the contrary, it was understood that the Board's responsibility lay in assisting the carriers in developing a "meaningful market for this service."[3] On occasion, the Board has even granted to a U.S. carrier authority which was not specifically contemplated under the then-applicable treaty and relied on subsequent negotiations to secure the necessary authority.[4] Indeed, the novel approach is that that adopted by the majority in the present case.[5]

With regard to the rule adopted for all non-European destinations, we find that it meets in substantial part our concept of the optimum rule and we would give it worldwide application. We would, however, expand the rule somewhat by providing for intermingling and for substitution rights from the general public to a maximum of twenty-five percent. Intermingling would maintain the economics of plane-load charters while geometrically increasing marketing flexibility and, accordingly, the benefits to the consumer. A more liberal substitution rule would likewise increase the marketing opportunities by giving some greater flexibility in individual vacation planning. Neither addition would, we believe, detract from the distinction the Board finds to exist between ABC charters and individually-ticketed service.

G. JOSEPH MINETTI,
LEE R. WEST

[1] SPR–74, adopted March 15, 1974.

[2] ER–659 adopted January 29, 1971.

[3] Id. at 16.

[4] Eg. Buffalo-Toronto Route Case, Order E–17830/1, November 3, 1961.

[5] We are reminded of the post-war North Atlantic Route Case wherein it was argued that the absence of agreement with foreign governments made international route awards an exercise in futility. Although the Board considered this fact to "be of some importance," it was of the view that the lack of an international agreement did not prevent the Board from granting several comprehensive route awards. North Atlantic Route Case 6 C.A.B., 319 (1945). Recently, the Board granted extension of U.S. transatlantic authority to new interior U.S. gateways, recognizing that such awards would entail additional bilateral negotiations with foreign governments. Transatlantic Route Proceeding. Docket 25908, released to the public July 21, 1976.

Accordingly, the Civil Aeronautics Board hereby adopts Part 371 of its Special Regulations (14 CFR Part 371) effective October 7, 1976, as follows:

Subpart A—General Provisions

Sec.
371.1 Applicability.
371.2 Definitions.
371.3 Waivers.
371.4 Enforcement.
371.5 Procedures for imposition of limitations and restrictions on ABC operations.
371.6 Computation of time.
371.7 Termination of part.

Subpart B—General Conditions and Limitations

371.10 Advance Booking Charter general requirements.
371.11 Payment to direct air carrier(s).
371.12 No intermingling of passengers.
371.13 Unused space.
371.14 Substitution for charter participants named on filed list.

Subpart C—Requirements Applicable to Charter Operators

371.20 Exemption.
371.21 Approval of certain interlocking relationships.
371.22 Effect of exemption on antitrust laws.
371.23 Jurisdiction over foreign charter operators.
371.24 Suspension of exemption authority.
371.25 Operating authorization of charter operators.
371.26 Discrimination.
371.27 Methods of competition.
371.28 Charter prospectus.
371.29 Charter contract.
371.30 Contract between charter operator and charter participants.
371.31 Surety bond and depository agreement.
371.32 Disbursements from depository account.
371.33 Record retention.

Subpart D—Requirements Applicable to Direct Air Carriers

371.40 Charter not to be performed unless compliance with Part.
371.41 Direct air carrier to identify enplanements.
371.42 Tariffs to be on file for charter trips.
371.43 Advance booking charters operated by U.S. certificated air carriers or foreign air carriers for foreign charter operators.
371.44 Record retention.

Subpart E—Charter Trip Reporting Requirements

371.50 Charter trip reporting.

AUTHORITY: Secs. 101(3), 240(a), 401, 402, 407, 416 and 1102 Federal Aviation Act of 1958, as amended; 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921, 88 Stats. 409, 419), 743, 754, 757, 766, 771, and 797; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1502.

Subpart A—General Provisions

§ 371.1 Applicability.

This part establishes the terms and conditions governing the furnishing of "Advance Booking Charters" (ABC's) in air transportation by direct air carriers and foreign air carriers and by ABC charter operators. This part also relieves such charter operators (other than foreign charter operators) from various provisions of Title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide ABC's utilizing aircraft chartered from such direct carriers. It also contains a limited declination of exercise of jurisdiction over foreign charter operators. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 371.2 Definitions.

As used in this part, unless the context otherwise requires—

"Act" means the Federal Aviation Act of 1958, as amended.

"Advance booking charter" (or "ABC") means a round-trip charter to be performed by one or more direct air carriers, which is arranged and sponsored by a charter operator for a group and which meets the requirements set forth in Subpart B of this part.

"Advance booking charter operator" (or "ABC operator") means (1) any citizen of the United States, as defined in this section (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on ABC's in accordance with the provisions of this part; or (2) a foreign charter operator.

"Charter" means an advance booking charter.

"Charter group" means an aggregate of persons who are assembled by a charter operator or a foreign charter operator for the purpose of participation as a single unit in an advance booking charter.

"Charter operator" means an ABC operator.

"Charter participant" means a person whose name has been filed with the Board in accordance with § 371.25 or a person substituted therefor in accordance with § 371.14 of this part.

"Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States, of which the president and two thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

"Direct air carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to Section 401 of the Act, or (2) a foreign air carrier which holds a permit issued under Section 402 of the Act authorizing direct air transportation.

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"European charter" means a charter between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in Belgium, the Federal Republic of Germany, Finland, France, Ireland, Italy, the Netherlands, Switzerland, or the United Kingdom, on the other hand.

"Foreign charter operator" means any person not a citizen of the United States, as defined in this section (other than a direct foreign air carrier), who is (1) engaged in the formation of groups for transportation on advance booking charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on advance booking charters which originate in the United States and who holds a permit issued pursuant to Section 402 of the Act authorizing such transportation: *Provided, however*, That with respect to §§ 371.21, 371.24, 371.25 (e) (1) and (2), 371–26–.33, and 371.50, the definition for "foreign charter operator" is confined to the definition set forth in subparagraph (2) of this definition.

"Itinerary" means all the components of a charter package, as described in the prospectus, including not only the points named therein but also all hotels, and other ground accommodations and services described therein.

"Round-trip" refers to any round, open-jaw or circle trip which includes an inbound flight returning to a point no more than 50 air miles from the point of origin.

§ 371.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a charter operator of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 371.4 Enforcement.

In the case of any violation of the provisions of the Act, or of this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or to criminal penalties pursuant to the provisions of section 902 of the Act, or other lawful sanctions.

§ 371.5 Procedures for imposition of limitations and restrictions on ABC operations.

(a) Whenever in the opinion of the Board there are reasonable grounds to believe that the operation of ABC's to or from any point or points or in any city-pair or pairs may have a detrimental effect on the public interest, the Board may, on its own initiative or in response to a petition therefor, issue an order directing all interested persons to show cause why the Board should not impose a limitation on the number of ABC's that may be operated to or from the point or points, or in the city-pair or pairs, or should not impose other or additional restrictions on ABC operations in respect to the point or points or city-pair or pairs.

(b) Petitions seeking the issuance of such an order to show cause may be filed by any person. Answers to such petitions are permitted, but a failure to file an answer shall not prejudice anyone. Each such petition and any answer thereto shall conform to the requirements of § 302.3 of the Board's Rules of Practice. Copies of such petitions and answers shall be served on such persons as the Director, Bureau of Operating Rights, or his designee, shall direct.

(c) Comments in opposition to or in support of the issuance of an order as proposed in the order to show cause, and reply comments if authorized by the order to show cause, shall be filed with the Board by the date and served upon the persons specified in the order to show cause.

(d) A final order of the Board imposing such limitations or restrictions on the operations of ABC's as the public interest may require, or, if it would not be in the public interest to impose any limitation or restriction, terminating the proceeding shall thereafter be issued: *Provided, however*, That the Board may from time to time conclude, in its discretion, that a hearing is warranted in order to best determine whether limitations or restrictions should be imposed on the operation of ABC's to or from any point or points or in any city-pair or pairs: *And provided, further*, That in the event a hearing is ordered, the Board may impose interim limitations or restrictions, pendente lite.

(e) Notwithstanding the foregoing, when in the judgment of the Board the public interest so requires, the Board shall by order forthwith impose a limitation on the number of ABC's that may be operated to or from a point or points, or in a city-pair or pairs, or impose other or additional limitations and restrictions on ABC operations in respect to the point or points or city-pair or pairs.

§ 371.6 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

§ 371.7 Termination of part.

The exemption provided by this part shall terminate on October 31, 1981, and shall not apply to any charter whose originating flight is scheduled to be performed subsequent to such date of termination.

Subpart B—General Conditions and Limitations

§ 371.10 Advance booking charter general requirements.

Advance booking charters under this part shall meet the following requirements:

(a) The charter shall be arranged and sold by a charter operator as an independent principal with respect to the air transportation included in the charter and not as an agent for a direct air carrier. Such charter may, but need not, include ground accommodations and services.

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having fewer than 80 seats is utilized for not more than two ABC groups, the charter contract may be for not less than 20 seats.

(c) The charter must be on a round-trip basis, but the departing flight and the returning flight need not be performed by the same direct air carrier.

(d) The minimum duration of a European charter must be seven (7) days, of which the first day shall be the day the originating flight takes off and the last day shall be the day the returning flight lands.

(e) The air transportation portion of the charter must be performed by direct air carriers which hold a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402 of the Act.

(f) Passengers transported on the charter flight shall consist solely of charter participants or persons authorized to occupy unused space in accordance with § 371.13.

§ 371.11 Payment to direct air carrier(s)

The direct air carrier(s) shall be paid in full for the cost of the roundtrip charter transportation prior to the scheduled date of flight departure, as provided for in the basic charter regulations applicable to the direct air carrier(s) under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 371.12 No intermingling of passengers.

There shall be no intermingling of passengers and each planeload group, or less-than-planeload group, shall move together as a group, on both legs of the air transportation except under emergency circumstances provided for in the basic charter regulations applicable to direct air carriers under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 371.13 Unused space.

Nothing contained in this part shall preclude a charter operator from utilizing any unused space on an aircraft chartered by it for an ABC for the transportation, on a free or reduced basis, of such charter operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

§ 371.14 Substitution for charter participants named on filed list.

Substitutes may be arranged for charter participants at any time preceding departure, only in accordance with the following:

(a) The charter participant for whom a new participant is substituted shall receive a full refund of all monies paid to the charter operator with respect to the charter.

(b) For a European ABC, the total number of substitutes shall be no greater than 20 percent of the number of seats contracted for, consisting of not more than 10 percent from the general public plus 10 percent from a standby list filed in accordance with § 371.25(b).

(c) For any other ABC, the total number of substitutes shall be no greater than 15 percent of the number of seats contracted for.

Subpart C—Requirements Applicable to Charter Operators

§ 371.20 Exemption.

Subject to the provisions of this part and the conditions imposed herein, charter operators (other than foreign charter operators) are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange ABC's:

Section 401. Section 403. Section 404 (a), except the requirement to provide adequate service in connection with ABC's operated hereunder. Section 405 (b). Section 407(b) and (c). Sections 408 (a) and 409, except control of interlocking relationships with direct air carriers. Section 412.

§ 371.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a charter operator would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 371.20, such participation is hereby approved by the Board.

§ 371.22 Effect of exemption on antitrust laws.

The relief granted by § 371.20 and § 371.21 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 371.23 Jurisdiction over foreign charter operators.

The Board declines to exercise its jurisdiction over foreign charter operators with respect to ABC's which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign charter operator at any time it finds that such action is in the public interest.

§ 371.24 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any charter operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 371.25 Operating authorization of charter operators.

A charter operator is authorized hereunder to organize and operate an ABC only in accordance with the provisions of this part, and subject to the following conditions:

(a) (1) No charter or series of charters shall be operated, nor shall any charter operator or foreign charter operator sell, or offer to sell, or solicit persons to participate in, or otherwise advertise such charter or charters, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an ABC Prospectus satisfying the requirements of § 371.28: *Provided, however*, That if during the 15-day period following filing hereunder the charter operator or foreign charter operator has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, nor offer to sell, solicit, or advertise such charter until he has subsequently been notified by the Board that such filing has been accepted. If a series of charters is to be performed for one charter operator or foreign charter operator pursuant to one charter contract the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first charter and the departure of the last charter shall not exceed 180 days.

(2) No change in the facts reflected in a filed Prospectus shall become effective until at least 15 days after the charter operator or foreign charter operator and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended Prospectus reflecting such change, unless he has been notified by the Board that such change may become effective sooner: *Provided, however*, That if during the 15-day period following filing of an amended Prospectus hereunder, the charter operator or foreign charter operator has been notified that the Board has rejected such amended Prospectus for noncompliance with this part, then such change shall not become effective until he has subsequently been notified by the Board that such filing has been accepted: And *Provided further*, That the direct air carrier need not join in the filing of an amended Prospectus which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the Prospectus may not be made except where they are beyond the control of the carrier or the operator, and there is insufficient time to file an amended Prospectus.

(b) Not later than 45 days prior to the scheduled date of departure, in the case of European charters, and not later than 30 days prior to the scheduled date of departure for all others, the charter operator shall simultaneously:

(1) Transmit to the direct air carrier(s): (i) A statement of the charter operator affirming that each participant has entered into a contract with the operator as provided in this part, and has made full payment of the total price of the charter; (ii) a statement of the depository bank, if any, affirming that it has received a deposit of the total charter price payable to the direct air carrier(s); and (iii) two copies of the certified passenger list, as required by paragraph (d) of this section; and

(2) File with the Board (Investigation and Audit Division, Bureau of Enforcement) an original passenger list and a standby list, with respect to persons who have authorized the operator to include them in such list as prospective substitutes of main list passengers, or a statement that there are no standby list members. The passenger list and the standby list shall set forth the name of each passenger and standby in alphabetical order, his or her address and telephone number, and the name, address, and telephone number of the travel agent (if any) who sold the charter to the passenger: *Provided*, That where the outbound leg of an ABC is scheduled to depart on or after October 1, 1978, the information required by this paragraph (b) shall be filed not later than 30 days prior to the scheduled date of departure for European ABC's, and not less than 15 days prior to the scheduled date of departure for all others. The information required to be filed with the Board, under this section, shall be deemed filed on the U.S. Postal Service postmark date imprinted on the envelope.

(c) A charter operator may correct typographical or spelling errors on filed passenger and standby lists by filing a list of corrections with the Investigation and Audit Division, Bureau of Enforcement. A charter operator may make no other changes except corrections of clerical errors on filed passenger or standby lists, in accordance with the following conditions:

(1) The number of names on the corrected passenger list does not exceed the total number of seats chartered by the operator; and

(2) The charter operator files the following documents with the Investigation and Audit Division, Bureau of Enforcement: (i) A list of corrections, (ii) a statement certifying that any name to

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be listed by means of correcting a filed passenger or standby manifest would have appeared on the original manifest but for a clerical error in preparing the list, and (iii) for passenger list corrections only, a photostatic copy of the passenger's cancelled check, or if there be none, a copy of a receipt or other kind of written evidence showing full payment of the charter price prior to the filing of the passenger list.

(d) A charter operator filing a passenger or standby list, or corrections thereto, under paragraphs (b) or (c), respectively, of this section, shall attach to those documents the following certification,[1] and shall simultaneously transmit to the direct air carrier(s) two photostatic copies (not carbons) of the certified list and corrections, if any, to be used in identifying enplaning passengers:

I, the undersigned, _____ of
(Title)
_____, certify that two
(Name of Operator)
photostatic copies of the attached document(s), and of this certification, were sent to _____ on this _____.
(Direct air carrier) (Date)

_____
(Signature)

§ 371.26 Discrimination.

No charter operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, port, locality or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 371.27 Methods of competition.

No charter operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

§ 371.28 Charter Prospectus.

The Prospectus shall be filed in duplicate and shall include two copies of the following: The charter contract, the contract between the charter operator and charter participants, the charter operator's or foreign charter operator's surety bond (an original bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 371.31. It shall also contain the following information:

(a) Name and address of the charter operator or the foreign charter operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, if any, including hotels (name and length of stay at each), and other ground accommodations and services;

(e) The charter price per passenger and, if the charter trip includes a tour package, the tour price per passenger;

(f) The number of persons expected to participate in the charter;

(g) Charter price of the aircraft;

(h) Samples of solicitation material proposed by the charter operator or foreign charter operator (all sales advertising and solicitation materials employed by the charter operator or foreign charter operator shall state the name of the direct air carrier to be utilized).

§ 371.29 Charter contract.

The charter contract between the charter operator or foreign charter operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the trip or trips covered by the contract.

§ 371.30 Contract between charter operator and charter participants.

Where the contract is for air transportation only, or where each charter participant receives, or is eligible to receive, the same ground accommodations and services, the contract between the charter operator and the charter participants shall be the same. Contracts between charter operators and charter participants shall include provisions specifically stating:

(a) Method of payment, e.g., installment payments;

(b) That trip, health, and accident insurance is available and that upon request the charter operator will furnish details thereof;

(c) That after the list of prospective charter passengers and the list of standbys have been filed with the Board (pursuant to § 371.25(b)) the charter operator shall have no further right to cancel the charter on grounds of inadequate participation, but describing the right to refunds in the event of the charter's cancellation on any other grounds or contingencies set forth in the contract, and the procedure for obtaining such refunds;

(d) The right to refunds in the event of the participant's change of plans and the procedure for obtaining such refunds;

(e) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(f) The dollar amounts of the direct air carrier's liability limitations for participants' baggage, as set forth in the direct air carrier's tariffs;

(g) Conditions governing aircraft-equipment substitutions;

(h) The name and address of the surety company issuing the surety bond;

(i) That the charter operator is the principal and is responsible to the participants in making arrangements for all services and accommodations offered in connection with the charter. *Provided, however,* That this requirement shall not preclude the charter operator from expressly providing in such contract that, in the absence of negligence on the part of the charter operator, he is not responsible for personal injury or property damage arising out of the act or negligence of any direct air carrier, hotel or other person rendering any of the services being offered in connection with such charter;

(j) That unless the charter participant files a claim with the charter operator or, if he is unavailable, with the surety, within sixty (60) days after termination of the charter, the surety shall be released from all liability under the bond to such participant (see § 371.31(d)); and

(k) That, when the combined surety bond-depository agreement, as provided in § 371.31(b) is used in connection with the charter, all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the charter is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account of the depository bank.

§ 371.31 Surety bond and depository agreement.

(a) Except as provided in paragraph (b) of this section, the charter operator or foreign charter operator shall furnish a surety bond in an amount for not less than the charter price for the air transportation, if only air transportation is involved, or, if the charter involves land accommodations in addition to air transportation, a surety bond in one of the following amounts dependent upon the length of the charter or series of charters: (1) For a charter or series of charters of 14 days or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such charter or series of charters; (2) for a charter or series of charters of more than 14 days but less than 28 days a bond in an amount of not less than twice the charter price; and (3) for a charter or series of charters of 28 days or more, a bond in an amount of not less than three times the charter price: *Provided, however,* That the liability of the surety to any charter participant shall not exceed amounts paid by that participant to the charter operator with respect to the charter.

(b) The direct air carrier and the prospective charter operator or foreign charter operator, before selling or offering to sell, soliciting or advertising any charter flight, may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraph (b) (1) and (2) of this section, as follows:

(1) A surety bond in the following minimum amounts: (i) If the charter is for air transportation only, a bond in the amount of $5,000 per round-trip charter flight, up to a maximum of $50,000 for a series of 10 or more round-trip flights; or (ii) if the charter involves land accommodations in addition to air transportation, a bond in the amount of $10,000 per round-trip flight, up to a maximum amount of $100,000 for a series of 10 or more round-trip flights: *Provided, however,* That the liability of the surety to any charter participant shall not exceed the amounts paid by such charter participant to the charter operator with respect to the charter; and

(2) The direct air carrier and charter operator or foreign charter operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by charter participants paid to charter operators or foreign charter operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to charter participants by charter operators or foreign charter operators the participant shall pay by check or money order payable to the bank; on sales made to charter participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided,* That the travel agent agrees in writing with the charter operator or foreign charter operator that if the charter is canceled the travel agent shall remit to the bank the full amount of the commission previously deducted or received within 10 days after receipt of notification of cancellation of the charter;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided,* That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the charter operator or foreign charter operator for refunds made by the latter to the charter participant upon written notification from the charter operator or foreign charter operator;

(iv) If the charter operator, foreign charter operator or the direct air carrier notifies the bank that a charter has been canceled, the bank shall make applicable refunds directly to the charter participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations and services, if any, in connection with the charter or series of charters upon presentation to the bank of vendors' bills and upon certification by the charter operator or foreign charter operator of the amounts payable for such ground accommodations and services and the persons or companies to whom payment is to be made: *Provided, however,* that the total amounts paid by the bank pursuant to paragraphs (b)(2) (ii) and (v) of this section shall not exceed either the total cost of the air transportation, or 80 percent of the total deposits received by the bank less any refunds made to charter participants pursuant to paragraphs (b)(2) (iii) and (iv) of this section, whichever is greater.

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each charter;

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subparagraph (1) of this paragraph; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other conditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: *Provided,* That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further,* That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value;

(ix) Except as provided in paragraph (b)(2) (ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each charter, when the balance in the account shall be paid the charter operator or foreign charter operator, upon certification of the completion date by the direct air carrier. *Provided, however,* that if the charter involves air transportation only and the bank has paid the direct air carrier(s) the charter price for the originating and returning flights and has paid all refunds due to participants, as provided in subdivisions (ii) and (iii), respectively, of this subparagraph, then the bank may pay the balance in the account to the charter operator upon certification by the direct air carrier performing the originating flight that such flight has in fact departed.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the charter operator or foreign charter operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the charter operator or foreign charter operator and the charter participants. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the charter originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific charter or charters to which it relates: *Provided, however,* That these data may be set forth in an addendum attached to the bond, which addendum must be signed by the charter operator or foreign charter operator and the surety company. It shall be effective on or before the date the charter Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the charter operator or foreign charter operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject charter or charters shall in no event be operated.

(d) The bond required by this section shall provide that unless the charter participant files a claim with the charter operator or foreign charter operator, or, if he is unavailable, with the surety, within sixty (60) days after termination of the charter, the surety shall be released from all liability under the bond to such charter participant. The contract between the charter operator or foreign charter operator and the charter participant shall contain notice of this provision.

§ 371.32 Disbursements from depository account.

No charter operator shall cause its agents or the depository bank to make disbursements or payments from deposits except in accordance with the provisions of this part.

§ 371.33 Record retention.

Every charter operator conducting a charter pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this Chapter.

Subpart D—Requirements Applicable to Direct Air Carriers

§ 371.40 Charter not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with an

[1] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both. Title 18 U.S.C. 1001.

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ABC unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the charter operator's authority under this part has not been suspended by the Board: *Provided, however,* That where an ABC is organized by a foreign charter operator over whom the Board has declined to exercise its jurisdiction, pursuant to § 371.23, no direct air carrier may perform air transportation in connection with such ABC unless the charter is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the charter operator performs all acts and duties which this part requires to be performed by charter operators within the Board's jurisdiction, other than the provisions set forth in §§ 371.25(a) (1) and (2), 371.28, 371.30–.33, and 371.50.

§ 371.41 Direct air carrier to identify enplanements.

(a) A direct air carrier shall retain a true copy of each document which it has received from the charter operator pursuant to § 371.25, and shall make reasonable efforts to verify the identity of all enplaning passengers by use of a document bearing an identifying number. For international flights, the identity of each enplaning passenger shall be verified by means of a passport, or if there be none, by means of any other travel identity document. For domestic flights a passport or other travel identity document should be used, if available, to identify enplaning passengers, but if no such document is available, then any other numbered document such as a Social Security card may be used.

(b) The direct air carrier shall, at the time of enplanement, enter, on its copy of the passenger list, the documentary source of the identification required by paragraph (a) above, including the number appearing on the documents, together with the name of any enplaning passenger whose name does not already appear on the passenger list. The total number of names on the passenger list, thus revised, shall not be greater than the number of names originally appearing on that list. The number of newly entered names shall not exceed the total amounts (or subtotal amounts, if there is a standby list), specified in § 371.14 of this part.

§ 371.42 Tariffs to be on file for charter trips.

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares and charges for such charter trips.

§ 371.43 Advance booking charters operated by U.S. certificated air carriers or foreign air carriers for foreign charter operators.

At least 60 days in advance of the date of departure of a proposed foreign-originated European charter or series of charters, or at least 45 days in advance of the date of departure of all other charters or series of charters, to be operated by a U.S. certificated air carrier or foreign air carrier for a foreign charter operator, such carriers shall file with the Board (Supplementary Services Division, Bureau of Operating Rights) a Charter Prospectus which shall contain the following information:

(1) The name and address of the foreign charter operator;

(2) The proposed date and time of each flight;

(3) The aircraft type to be used for each flight including the number of seats;

(4) The charter price for the aircraft;

(5) The duration of each charter and, if applicable, the tour itinerary, including the names of hotels, and any sightseeing or other arrangements included in the tour; and

(6) The charter price per passenger, and, if the charter trip includes a tour, the tour price per passenger.

§ 371.44 Record retention.

A direct air carrier shall retain the information transmitted to it pursuant to § 371.25, including its annotated copies of the passenger list, at its principal office within the United States for a period of two years: *Provided, however,* That if the direct air carrier does not maintain an office in the United States, it shall return the documents transmitted to it pursuant to § 371.25 to the Bureau of Enforcement within 7 days of performing the flight to which those documents pertain.

Subpart E—Charter Trip Reporting Requirements

§ 371.50 Charter trip reporting.

(a) The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any charters covered by a Prospectus filed under § 371.28 that are later canceled.

(b) Within 30 days after termination of a charter or series of charters, or in the case of series of charters extending over a period longer than 30 days, every 30 days, the direct air carrier and charter operator or foreign charter operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), a report indicating whether or not the charters authorized hereunder were, in fact, performed. For each charter operated, the report shall indicate the origin, destination(s) and number of passengers carried. To the extent that the operations differed from those described in the Prospectus filed under § 371.28, such differences shall be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviations.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX 1—PERSONS SUBMITTING COMMENTS ON THESE RULEMAKING PROCEEDINGS

ADVANCE BOOKING CHARTERS

[EDR–294/SPDR–42/ODR–12]

Initial Comments

Aerlinte Eirenn Teoranta
Air Jamaica (1968) Ltd.
Airline Charter Tour Operators Association
Air New England, Inc.
Allan R. Morris Associates, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
American Automobile Association, Inc.
American Express Company
American Hotel & Motel Association
American Land Development Association
American Leadership Study Groups
American Society of Travel Agents, Inc.
Anglo California Travel Service, Inc.
Aviation Consumer Action Project
British Airways
British Caledonian Airways Limited
Capitol International Airways, Inc.
Charter Travel Corp.
Civil Aeronautics Board's Office of the Consumer Advocate
Compania Mexicana De Aviacion, S.A.
Consumer Federation of America
Council on Wage and Price Stability
Daman-Nelson Travel
Davis Agency, Inc.
Delta Air Lines, Inc.
Department of Health, Education, and Welfare
Department of Transportation
Eastern Air Lines, Inc.
Educational Tours, Inc.
European Civil Aviation Conference
Evergreen International Airlines, Inc.
Experiment in International Living
Globus-Gateway Tours, Inc.
Great Vacations, Ltd.
Holiday Club
International Travel Service, Inc.
Jet Airtransport Exchange, Inc.
Las Vegas Parties
Latin American Manufacturers Association
Swissair Company Limited.
Lufthansa German Airlines
National Air Carrier Association
National Airlines, Inc.
Nationwide Leisure Corp.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Overseas Charter-A-Flight, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Phil-Am Travel Agency, Inc.
Philippine Airlines
Piedmont Aviation, Inc.
Port of Oakland
Robert M. Sears
Seattle-King County Convention & Visitors Bureau
Southern Airways, Inc.
Spantax, S.A.
Texas International Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
United States Department of Commerce
Wardair Canada, (1975) Ltd.

Reply Comments

Airline Charter Tour Operators Association
American Airlines, Inc.
American Automobile Association, Inc.
American Institute for Foreign Study, Inc.
American Society of Travel Agents, Inc.
Aviation Consumer Action Project
Council on Wage and Price Stability
Department of Transportation
Eastern Air Lines, Inc.
Lufthansa German Airlines
Overseas National Airways, Inc.
National Air Carrier Association
Pan American World Airways, Inc.
Regal Associates
Trans World Airlines, Inc.
Trans International Airlines, Inc.
United Air Lines, Inc.
United States Tour Operators Association, Inc.
Unitours, Inc.

[FR Doc.76-26245 Filed 9-7-76;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–103, Amdt. 24]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Advance Booking Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 1, 1976.

By SPR–110, issued contemporaneously herewith, the Board is adopting a new Part 371 of its special regulations (14 CFR Part 371), which establishes a new class of charters designated as Advance Booking Charters (ABC's). Part 389 is being amended herein in order to make certain filing fees, applicable to the other special charter types, applicable to ABC's also.

Because the amendments create no significant additional burden for any member of the public, and because public benefit will be derived from putting them into effect without delay, it is found for good cause that notice and public procedure thereon are unnecessary and contrary to the public interest. Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389), effective October 7, 1976, as follows:

Amend § 389.25 by revising paragraphs (h) and (j) and by adding a new paragraph (x) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(h) *Exemptions from section 401, waivers of Parts 207, 208, 371, 372, 372a, 373, 378, and 378a, and special operating authorizations.* The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters) or (2) for a waiver of Parts 207, 208, 371, 372, 372a, 373, 378 or 378a (except an application dealing with a specific number of charters), or (3) for a special operating authorization under section 417 of the Act, is $300.

* * * * *

(j) *Exemptions or waivers for the performance of a specific number of charters.* The filing fee for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act, or a request for a waiver of Parts 207, 208, 371, 372, 372a, 373, 378, or 378a, for the performance of a specific number of charters (one-way or round-trip) is $100 plus $10 for each charter (one-way or round-trip) described, subject to a maximum fee of $300.

* * * * *

(x) *Advance booking charters.* The filing fee for each advance booking charter filing pursuant to § 371.25(b) of this chapter is $50.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26244 Filed 9-7-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1632—STANDARD FOR FLAMMABILITY OF MATTRESSES (AND MATTRESS PADS) (FF 4–72)

Exemption From Flammability Testing for Physician Prescribed Mattresses

• *Purpose.* The purpose of this document is to amend 16 CFR 1632.31,[1] the rules and regulations issued under the Standard for the Flammability of Mattresses (and Mattress Pads) (FF 4–72, 16 CFR Part 1632), by adding a new paragraph which would allow an exemption from the prototype and production testing requirements of the Standards, as well as from any compliance testing conducted for or by the Consumer Product Safety Commission, for certain "one of a kind" mattresses manufactured in accordance with a physician's written prescription or other comparable written medical therapeutic specification which is to be used in connection with the treatment or management of a named individual's physical illness or injury. The amendment also requires that those mattresses exempted herein bear a permanent, conspicuous warning label. •

BACKGROUND

This proceeding was commenced in response to a January 23, 1974 petition submitted by Bay Area Mattress Company and Keva Mattress Company of Oakland, California. The petitioners sought an exemption, under § 1632.2(d) of FF 4–72, from testing "one of a kind" mattresses with specific reference to those mattresses manufactured to a customer's own specifications which might contain wool, cotton, hair and kapok core material, mattresses of odd size and shape and physician prescribed mattresses. Petitioners sought a comprehensive explanation of the term "one of a kind" mattresses.

On July 24, 1975, the Commission granted the petition to the extent that it pertained to physician prescribed mattresses. Subsequently, the Commission, by notice in the FEDERAL REGISTER of August 5, 1975 (40 FR 32845), proposed to amend the rules and regulations under the Standard for the Flammability of Mattresses (16 CFR 1632.31(i)(1), formerly 302.20(i)(1) to allow an exemption from the testing requirements of the Mattress Standard for certain physician prescribed mattresses. The basis for the amendment is that the cost of testing both prototype and production samples of mattresses, such tests being necessarily destructive, could make the medically required mattresses prohibitively expensive.

RESPONSE TO PROPOSAL OF AUGUST 5, 1975

In response to the proposed amendment, the Commission received comments from a chemical engineer and from a consumer oriented research group. Both comments support the amendment proposal of August 5, 1975, which would exempt mattresses manufactured in accordance with a physician's written prescription, but the comment from the consumer group further recommended that the physician prescribed mattress exemption should be limited to a single mattress order.

Section 1632.31(i)(1), formerly 302.20(i)(1), promulgated below, contains the restriction that the physician's written prescription or other comparable written medical therapeutic specification must be for "the treatment or management of a named individual's physical illness or injury * * *" It does not limit the prescription or specification to a single mattress and the Commission does not feel that it would serve any purpose to place such a limitation upon a physician prescribing more than one mattress for a patient who needs them for a valid medical reason. Therefore, the Commission declines to make any further amendment in § 1632.31 at this time.

The consumer oriented research group also suggested that a special size mattress that is regularly manufactured in standard sizes should not be considered a one of a kind mattress. As indicated in the Preamble to the proposed standard, as long as the components of a mattress are placed in a mattress in the same configuration as the prototype, the size and shape of the mattress is irrelevant for cigarette ignition test purposes. Therefore, a nonstandard size or a nonstandard shape mattress is not necessarily a "one of a kind" mattress.

Although not commented upon, the Commission believes that the definition of "physician" in § 1632.31(i)(1)(iii), as proposed, should be expanded and clarified. It is being clarified so as to eliminate any confusion as to the extent of its intended coverage, and being expanded to include chiropractors licensed or otherwise permitted to practice by any State of the United States. The definition is being expanded because the Commission is of the opinion that since licensed chiropractors, on occasion, prescribe special mattresses as part of the therapy treatment of a patient, the needs of these patients deserve the same consideration as those of patients of licensed physicians or osteopaths.

CONCLUSIONS AND PROMULGATION

Having considered the proposal of August 5, 1975, the comments responding thereto, and other relevant material, the Commission concludes that the Flammable Fabrics Act regulations should be amended as set forth below.

[1] This regulation was proposed as 16 CFR 302.20 and recodified as 16 CFR 1632.31.

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Therefore, pursuant to section 5(c) of the Flammable Fabrics Act, as amended (Sec. 5(c), 81 Stat. 568; 15 U.S.C. 1191), and under authority vested in the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)) the section heading to 16 CFR 1632.31 is amended and a new paragraph (i) is added as follows:

§ 1632.31 Mattresses—labeling, recordkeeping, requirements, guaranties, and "one of a kind" exemption.

• • • • •

(i) *"One of a kind" exemption.*—(1) *Physician prescribed mattresses.* (i) A mattress manufactured in accordance with a physician's written prescription or other comparable written medical therapeutic specification, to be used in connection with the treatment or management of a named individual's physical illness or injury, shall be considered a "one of a kind mattress" and shall be exempt from testing under the standard pursuant to § 1632.2(d) thereof: *Provided,* That in lieu of the labeling required by paragraph (b)(3) of this section, the mattress bears a permanent, conspicuous and legible label which states:

WARNING: This mattress may be subject to ignition and hazardous smoldering from cigarettes. It was manufactured in accordance with a physician's prescription and has not been tested under the Federal Standard for the Flammability of Mattresses (FF 4–72).

Such labeling must be attached to the mattress so as to remain on or affixed thereto for the useful life of the mattress. The label must be at least 250 square centimeters (40 square inches) with no linear dimension less than 12.5 centimeters (5 inches). The letters in the word "WARNING" shall be no less than 1.2 centimeters (½ inch) in height and all letters on the label shall be in a color which contrasts with the background of the label. The warning statement which appears on the label must also be conspicuously displayed on the invoice or other sales papers that accompany the mattress in commerce from the manufacturer to the final point of sale to a consumer.

(ii) The manufacturer of a mattress exempted from testing under this paragraph shall, in lieu of the records required to be kept by paragraph (c) of this section, retain a copy of the written prescription or other comparable written medical therapeutic specification for such mattress during a period of three years, measured from the date of manufacture.

(iii) For purposes of this regulation the term "physician" shall mean a physician, chiropractor or osteopath licensed or otherwise permitted to practice by any State of the United States.

Effective date. The Commission finds that this amendment to § 1632.31(i) constitutes an "exemption" to the existing rule and therefore, pursuant to the Administrative Procedure Act, section 553(d)(1), the Commission sets the date of publication as the effective date.

Accordingly, the amendment promulgated in this document shall become effective September 8, 1976.

Dated: September 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-26246 Filed 9-7-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1053]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Dauphin, Dauphin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980 which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Dauphin, Dauphin County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board, Dauphin National Bank, Allegheny Street, Dauphin.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits	332	80	(1)
	Schuylkill St. (extended)	333	90	(1)
	Corporate limits	334	130	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26026 Filed 9-7-76;8:45 am]

[Docket No. FI-1002]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Honesdale, Wayne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Honesdale, Wayne County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Council Room, 958 Main Street, Honesdale, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Carley Brook	North of Freethy Pond Rd. at inflow to Freethy Pond.	(1)	20	30
Dyberry Creek	At northern corporate limit	978	710	280
	At 18th St. (extended)	976	590	290
	At 16th St. (extended)	975	70	560
	At 14th St. (extended)	974	90	160
	At 13th St. (extended)	972	50	150
	At High St. (extended)	970	40	40
	At 9th St. (extended)	968	20	60
Lackawaxen River	At western corporate limit	995	85	(2)
	South of U.S. Highway 6	990	220	(2)
	Maple Ave. intersection at Westside Ave. (extended).	975	40	50
	West of Fair Avenue Bridge	972	10	20
	At Court St. (extended)	970	20	40
	At 9th St. (extended)	968	20	60
	At 7th St. (extended)	966	30	60
	South of 4th Street Bridge	964	40	40
	South of Brown Street Bridge	962	30	50
	At southern corporate limit	961	100	100

[1] Approximate study, no elevations.
[2] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26025 Filed 9-7-76;8:45 am]

[Docket No. FI-1040]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Perkasie, Bucks County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Perkasie, Bucks County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or

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through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Office of the Borough Secretary, 607 Chestnut Street, Perkasie, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
East branch, Perkiomen Creek.	West corporate limit	307	950	50
	Lenape Park Footbridge	308	520	30
	Footbridge	313	280	250
	East Callowhill St	316	200	460
	East corporate limit	319	(1)	240
Pleasant Spring	Grandview Ave. (extended)	313	125	100
	South Main Street Bridge	317	150	150
	South corporate limit	326	70	120

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26023 Filed 9-7-76;8:45 am]

[Docket No. FI-998]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Shamokin Dam, Snyder County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Shamokin Dam, Snyder County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Council Chambers, Municipal Building, U.S. Routes 11 and 15, Shamokin Dam, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream
Susquehanna River	North corporate limit	447	180
	Bainbridge St	447	200
	5th Ave. (extended)	446	700
	Walnut Ave. (extended)	445	1,200
	8th Ave	444	1,120
	9th Ave. (extended)	444	260
	10th Ave. (extended)	444	246
	11th Ave. (extended)	444	200
	Monroe Ave. (extended)	444	180
	South corporate limits	444	100

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26024 Filed 9-7-76;8:45 am]

[Docket No. FI-1052]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Dunnstable, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Dunnstable, Clinton County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Office, Township Building, Plum Run, Dunnstable.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits	559.9	(2)	
	L.R. 18042	562.8	(2)	(2) 1,660
	Corporate limits	563.2	(2)	
Chatham Run	L.R. 18012	559.9	(2)	(2) 150
	Corporate limits	559.9	(2)	1,400

[1] Corporate limits.
[2] All in flood plain.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26027 Filed 9-7-76;8:45 am]

[Docket No. FI-1081]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Kelly, Union County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Kelly, Union County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or

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through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board, Township Building, R.D. 3, Lewisburg, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream			
			Left		Right	
West Branch Susquehanna	Route 642	468	(1)			360
	Route T387 (extended)	462	(1)			730
	Route LR59024 (extended)	461	(1)			760
Buffalo Creek	1,460 ft. from the confluence of Spruce Run.	486		800	(1)	
	Route LR59020	473		740	(1)	
	Strawbridge Rd	464		120	(1)	
	Mill Rd	462		500	(1)	
	Route 15	461		640	(1)	
Little Buffalo Creek	Route LR59022			100		260
	Route T391			490		60
	Route LR59019			100		380
Spruce Run	Route LR59022			500	(1)	
	Route LR59019			850	(1)	

(1) Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator. 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26028 Filed 9-7-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart CC—Grants to Assist Medical and Dental Schools in the District of Columbia

On April 29, 1976, there were published in the FEDERAL REGISTER (41 FR 17905) regulations implementing the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91–650, 84 Stat. 1934, D.C. Code Sec. 31–921 et seq.), as amended by Pub. L. 93–389, 88 Stat. 763. (42 CFR Part 57, Subpart AC). The purpose of the amendment set forth below is (1) to revise § 57.2807(b) of such regulations to permit beneficiary schools to expend funds received under this program for the fiscal year ending June 30, 1976, for regular operating costs the obligation for which is incurred during the period July 1, 1975 through September 30, 1976, and (2) to revise § 57.2802(j) of such regulations to define the term "fiscal year" in a manner consistent with 31 U.S.C. 1020a.

The District of Columbia Medical and Dental Manpower Act of 1970 authorizes the Secretary of Health, Education, and Welfare to award grants to the Mayor of the District of Columbia to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the District of Columbia. Under Pub. L. 93–389, funds for this purpose were authorized to be appropriated through the fiscal year ending June 30, 1976. Congress has recently enacted Pub. L. 94–308, which extends the program as an emergency measure by authorizing the appropriation of funds for the fiscal year ending September 30, 1977.

Section 57.2807(b) of the implementing regulations provides that a beneficiary school may expend funds received under this program "* * * for any purpose necessary to meet properly considered regular operating costs of the school the obligation for which is incurred in the fiscal year in which the grant is made * * *" with certain exceptions not relevant here. The term "fiscal year" is defined in § 57.2802(j) of the regulations as the Federal fiscal year which, through June 30, 1976, commenced on July 1 of each year and ended on June 30 of the following year. With the enactment of Pub. L. 93–344 (31 U.S.C. 1020(a)), the Federal fiscal year was changed so that beginning on October 1, 1976, it will commence on October 1 of each year and end on September 30 of the following year. The change to the new fiscal year has created a transition period—July 1, 1976, through September 30, 1976—during which costs incurred by beneficiary schools could not, under the terms of § 57.2807(b), be paid for with funds received under either the grant for fiscal year 1976 or the grant authorized to be made for fiscal year 1977. In order to resolve this problem and to facilitate an orderly transition to the new fiscal year, the Secretary has decided to revise § 57.2807(b) to provide that, with respect to the expenditure of funds by beneficiary schools, the fiscal year beginning July 1, 1975, is deemed to extend through September 30, 1976. This revision will enable such schools to expend funds received under the fiscal year 1976 grant for allowable costs the obligation for which is incurred during the period July 1, 1975, through September 30, 1976.

Section 57.2802(j) of the regulations, which defined the term "fiscal year" as "* * * the Federal fiscal year beginning July 1 and ending the following June 30," also has been revised to reflect the change to the new Federal fiscal year, as discussed above. The revised section defines such term to mean "* * * the Federal fiscal year as defined in 31 U.S.C. 1020(a)."

Because immediate corrective action is necessary in order to permit the beneficiary schools to expend before December 31, 1976, funds received under the grant for fiscal year 1976 to liquidate obligations incurred during the period July 1, 1975, through September 30, 1976, as required by § 57.2807(b), and in light of the fact that consultation with the affected institutions (Georgetown University and George Washington University) has taken place, the Secretary has concluded that notice and public participation regarding the amendment to § 57.2807(b) are impracticable and contrary to the public interest, and has therefore found good cause for their omission. As a rule which relieves a restriction, this amendment to § 57.2807(b) will be effective on September 8, 1976, as will the amendment to § 57.2802(j), with respect to which the Secretary has for good cause also found that notice and public participation thereon are unnecessary inasmuch as the purpose of such amendment is to conform with the requirements of applicable Federal law.

Accordingly, Subpart CC of 42 CFR Part 57 is amended by revising §§ 57.2807(b) and 57.2802(j) thereof as set forth below.

Effective date: This amendment shall be effective September 8, 1976.

Dated: July 30, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

1. In 42 CFR 57.2802 paragraph (j) is amended to read as follows:

§ 57.2802 Definitions.

* * * * *

(j) "Fiscal year" means the Federal fiscal year as defined in 31 U.S.C. 1020(a).

* * * * *

2. In 42 CFR 57.2807 paragraph (b) is amended to read as follows:

§ 57.2807 Expenditure of grant funds.

* * * * *

(b) *Beneficiary schools.* (1) Assistance made available to a beneficiary school from grant funds awarded under this subpart may be expended by such school in accordance with the applicable provisions of the Act, the regulations of this subpart, and the applicable terms and conditions of any grant award, for any purpose necessary to meet properly considered regular operating costs of the school the obligation for which is incurred in the fiscal year in which the grant is made: *(Provided,* That the fiscal year beginning July 1, 1975, is deemed to extend through September 30, 1976) which are required to maintain quality medical and dental educational programs and to increase the number of students in such school as a necessary health manpower service to the metropolitan area of the District of Columbia. Such funds shall not be expended for construction or for sectarian instruction or any religious purpose.

(2) Such funds will be available through December 31 of the fiscal year following the fiscal year in which the grant is made to the Mayor to liquidate obligations incurred by the beneficiary in accordance with paragraph (b)(1) of this section. The Secretary may for good cause shown provide the beneficiary an additional period of time, not to exceed 6 months, in which to liquidate such obligations.

[FR Doc.76-26231 Filed 9-7-76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Separation of Income Maintenance Functions From Services Functions in AFDC

Notice of proposed regulations to revoke the requirement for separation of services functions from assistance payments functions under titles I, IV–A, X, XIV, and XVI, and to clarify related FFP provisions was published in the FEDERAL REGISTER on February 17, 1976 (41 FR 7115), and a period of 30 days provided for public comment.

Two favorable responses and one inquiry were received, but no objections or suggestions.

The regulations revoke § 205.102. The separation requirements were instituted in 1972 when services were matched under the financial assistance titles (I, IV–A, X, XIV, and XVI (AABD)) of the Act. The aim was to assure that States would assign specific staff resources to the services program.

Pub. L. 92–603, the Social Security Amendments of 1972, exempted titles I, X, XIV, and XVI (AABD) from the requirements of § 205.102. The same law established a new title XVI (SSI) which would supersede the exempted titles (except for Puerto Rico, the Virgin Islands, and Guam) on January 1, 1974. It also established a new title VI, to provide funding for services to aged, blind or disabled individuals.

Pub. L. 93–647 established a new title XX which, effective October 1, 1975, superseded title VI and the service provisions of title IV–A for the 50 States and the District of Columbia, and provides funding for services to families with children and to aged, blind, or disabled individuals in these jurisdictions.

Subsequent to these legislative changes, § 205.102 has been effective only in the three Island jurisdictions, not covered by title XX, which still operate programs of financial assistance and services under title IV–A. Nevertheless, there has been some confusion relative to applicability of the requirement in other jurisdictions. That confusion will be eliminated by revocation of § 205.102.

These regulations also delete a related provision which limited to 50 percent the rate of Federal financial participation (FFP) in the costs of workers assigned both services and assistance payments functions and provide for such costs to be allocated on the basis of time devoted to each function and matched at the appropriate rates of 50 percent for assistance payments functions and 75 percent for services functions.

The basis for the regulations is the Department's belief that (1) the three Island jurisdictions should be relieved of an administrative requirement which could prove burdensome, particularly because of the statutory limitations on rates of FFP and amounts of Federal funds payable to them; and (2) that all jurisdictions need freedom to employ their staff resources as best serves their particular needs without risking arbitrary reduction in the rate of FFP for services functions.

Accordingly, the amendments as proposed, with two minor technical corrections, are hereby adopted.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

§ 205.102 [Reserved]

1. Section 205.102 is Reserved.

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN; TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

2. Section 220.61(f) is revised to read as set forth below:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(f) *Rates and amounts of Federal financial participation (FFP) and cost allocation requirements for Puerto Rico, the Virgin Islands, and Guam.* (1) FFP at the 60 percent rate is available for the service costs identified in paragraphs (d) and (c) of this section; and for training and staff development including costs of training provided to welfare staff by courts or law enforcement officials.

(2) FFP at the 50 percent rate is available for emergency services.

(3) For family planning services and referral for participation under the Work Incentive Program for any fiscal year beginning on or after July 1, 1967, the Federal share to:

(i) Puerto Rico shall not exceed $2 million.

(ii) The Virgin Islands shall not exceed $65,000.

(iii) Guam shall not exceed $90,000. Notwithstanding the limitations in this paragraph (a)(3), any funds which may become available under § 228.52(d)(3) of this chapter may be used for any service activities under titles I, IV–A, X, XIV or XVI (AABD).

(4) Federal financial participation at the 50% rate is available in the costs of income maintenance activities and emergency assistance.

(5) Salaries and related expenses of staff who perform both service and income maintenance functions must be allocated between the two types of activities as a basis for claiming FFP at the rates specified in paragraphs (f)(1), (2) and (4) of this section (f). For purposes of this paragraph, income maintenance functions means all activities related to basic maintenance, i.e., determination of initial and continuing eligibility for financial and medical assistance and for food stamps (*Provided,* That all members of the household are included in the assistance unit) and the authorization for purchase of coupons if prepared by the worker who determines eligibility for food stamps; furnishing of checks, warrants or food stamps for which the family is eligible; maintaining the case in payment or certification status; providing emergency services; and performing other related activities required in the administration of the income maintenance program.

PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV–A OF THE SOCIAL SECURITY ACT

3. Part 232 is amended by revising § 232.1 and adding a new § 232.30, as set forth below:

§ 232.1 Scope.

This part implements provisions of Part B of Pub. L. 93–647 that are applicable only to title IV–A and establishes other administrative and fiscal requirements.

§ 232.30 Cost allocation; joint staff and service staff.

(a) Cost of staff who perform both service and income maintenance functions must be allocated as a basis for claiming Federal financial participation (FFP) under the appropriate titles of the Act and at the rates prescribed under such titles. For purposes of this section, income maintenance functions means all activities related to maintenance, i.e., determination of initial and continuing eligibility for financial and medical assistance, and for food stamps (provided that all members of the household are included in the assistance unit) and the authorization for purchase of coupons if prepared by the worker who determines

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eligibility for food stamps; furnishing of checks, warrants or food stamps for which the family is eligible under the State plan; maintaining the case in payment or certification status; and performing other related activities required in the administration of the income maintenance program.

(b) Cost of staff of Special Administrative Units (SAUs) providing social and supportive services under the Work Incentive (WIN) program is subject to FFP under title IV–A in all jurisdictions, pursuant to section 403(d) of the Act and 45 CFR 224.14(d). Cost of staff who solely perform other social service functions is not eligible for FFP under title IV–A, except in Puerto Rico, the Virgin Islands, and Guam.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: The regulations in these sections shall be effective on or before December 7, 1976, or earlier at State option.

(Catalog of Federal Domestic Assistance Program No. 13.754, Public Assistance—Social Services and No. 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: August 9, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-26229 Filed 9-7-76;8:45 am]

Title 49—Transportation

Chapter II—Federal Railroad Administration

[Docket SA-5 Notice 3]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Road and Switching Locomotives

On May 3, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 18318) stating that the Federal Railroad Administration (FRA) was considering an amendment to Part 231, Railroad Safety Appliance Standards, to revise the prescribed safety appliance standards for road locomotives equipped with corner stairways and locomotives engaged in switching service. The proposed amendment was corrected by the addition of one word as noted in the public notice on May 5, 1976 in the FEDERAL REGISTER (41 FR 18868).

Interested persons were invited to participate in the rulemaking proceeding by submitting written comments before June 15, 1976. The notice also scheduled a public hearing which was held on June 15, 1976 in Washington, D.C.

The written comments received in response to this notice and the comments at the public hearing were generally supportive of the proposed amendments. After considering all of those comments, FRA has decided that the proposed amendment should be adopted with only minor modifications of language which are intended to clarify the regulatory provisions.

The Administrator has evaluated the adoption of this regulation in accordance with the policies of the Department of Transportation which were stated in the public notice published on April 16, 1976, in the FEDERAL REGISTER (41 FR 16200). The purpose for amending this regulation, as noted in the notice of proposed rulemaking, was to respond to the problems being encountered by railroads that were attempting to comply with a regulation that had been adopted approximately two years ago. The amendments being adopted will serve to reduce the cost of modifying locomotives to bring them into conformity with this regulation. In a similar fashion the safety of personnel involved in the operation of these locomotives has been improved by the changes in the regulation. One portion of the regulation, that which concerns road locomotives, is a new provision. The costs which will be incurred through the adoption of this provision have been determined to be minimal.

A summary of the contents of the comments and FRA's response to the comments including any action taken as a result of the comments are discussed below:

Section 231.30(a)(2). One commenter noted that the last sentence in this subsection, which reads "Locomotives without corner stairways may not be used in freight switching service * * *" indicates that FRA intends to exclude passenger car switching from this provision of the regulation. The commenter suggested that language be added to provide expressly that this provision does not apply to passenger car switching. FRA's intention is to permit a limited exclusion for passenger car switching service from this provision. The purpose of this exclusion is to permit the continued use of locomotives without corner stairways to perform passenger car switching in major passenger stations. FRA believes that nonconforming locomotives will be used to perform passenger car switching only at those locations where it is impractical, due to space limitations such as those which exist at the stations in the New York City area, to use locomotives that are in conformity with this regulation. FRA agrees that clarification of this section is needed. Accordingly, FRA is removing the last sentence from subparagraph (a) and redesignating it as subparagraph (3). In addition the provision has been reworded to provide explicitly that locomotives without corner stairways may not be used to perform any freight or passenger switching service unless the locomotives are being used to switch passenger cars at passenger stations.

Section 231.30(c)(4)(ii). One commenter suggested that the vertical clear space above the switching step be unobstructed for ninety percent of the area over the switching step instead of the completely unobstructed provision now proposed. The commenter suggested that a reduction of this area to ninety percent should be adopted in order to make allowance for the minor intrusions of bolt heads and nuts as well as for the small triangular gusset plates used at the platform level walkway. FRA agrees that some extremely limited intrusion into this space is appropriate to accommodate mechanical fasteners and walkway gusset plates. However, FRA is concerned that utilization of this percentage approach may lead to excessive intrusion into this area. Accordingly, FRA is amending this provision to read as follows:

(ii) vertical clearance must be unobstructed, except for minor instruslons created by mechanical fasteners or a small triangular gusset plate at the platform level walkway, and free for use * * *

Section 231.30(f). One commenter suggested that the proposed regulation be modified to allow the handle of the uncoupling lever to intrude into the corner stairway opening when it is being operated. FRA's intention is to preclude any intrusion into the area of the corner stairway opening in order to improve the safety of employees operating the uncoupling mechanism. Intrusion of the handle of the uncoupling lever into this area may present a significant risk of bodily injury during braking and coupling operations when an employee is operating this handle. Furthermore, FRA believes that there are devices available which can be operated without intrusion into the corner stairway opening. Therefore, FRA has not adopted this proposed change.

Section 231.30(g)(1)(ii). One commenter asked that the maximum height for the horizontal end handhold or the uncoupling lever when used as the horizontal end handhold be increased from 50 inches as proposed to 53 inches. FRA has not adopted this suggestion because it believes safety considerations dictate that the height of these appliances should conform as closely as possible to that of end handholds on freight cars. The railroad employees engaged in coupling and uncoupling air hoses use the horizontal end handhold for quick egress from between cars in emergencies and thus expect the handholds used for this purpose to be in the same general location on all railroad equipment.

FRA has also decided to make some minor editorial changes, so as to improve the clarity of the regulation, and to include in the final rule two diagrams. The diagrams are being furnished only as a visual assistance in comprehending the various dimensional provisions of this regulation. Plate A is designed as a visual reference tool for the provisions of paragraphs (c), (e), (f), and (g) of § 231.30. Plate B is designed as a visual reference tool for the provisions of § 231.30(c)(2)(i) as they apply to locomotives with six-wheel trucks.

In consideration of the foregoing, Chapter II of Title 49 Code of Federal Regulations is amended as follows:

1. By adding to the Table of Contents for Part 231:

§ 231.29 Road locomotives with corner stairways.

2. By adding a new § 231.29 that reads as follows:

§ 231.29 Road locomotives with corner stairways.

After September 30, 1979, road locomotives with corner stairway openings must be equipped with (a) uncoupling mechanisms that can be operated safely from the bottom stairway opening step as well as ground level, and (b) the vertical handholds and horizontal end handholds prescribed in § 231.30 (e) and (g). No part of the uncoupling mechanism may extend into the stairway opening or end platform area when the mechanism is in its normal position or when it is operated. Each carrier shall so equip forty percent (40 percent) of its road locomotives by October 1, 1977, seventy percent (70 percent) by October 1, 1978 and all its road locomotives by October 1, 1979.

3. By revising § 231.30 to read as follows:

§ 231.30 Locomotives used in switching service.

(a) *General requirements.* (1) Except for steam locomotives equipped as provided in § 231.16 of this part, all locomotives used in switching service built after March 31, 1977, must be equipped as provided in this section.

(2) Except for steam locomotives equipped as prescribed in § 231.16 of this part, all locomotives built prior to April 1, 1977, used in switching service after September 30, 1979, shall be equipped as provided in this section. Each carrier shall so equip forty percent (40 percent) of such locomotives by October 1, 1977, seventy percent (70 percent) by October 1, 1978, and all such locomotives by October 1, 1979.

(3) Locomotives without corner stairway openings may not be used to perform any switching service after September 30, 1979 except passenger car switching service at passenger stations.

(b) *Definitions.* (1) "Locomotive used in switching service" means a locomotive regularly assigned to perform yard switching service.

(2) "Switching Service" means the classification of cars according to commodity or destination; assembling of cars for train movements; changing the position of cars for purposes of loading, unloading, or weighing, placing of locomotives and cars for repair or storage; or moving of rail equipment in connection with work service that does not constitute a road movement. However, this term does not include movement of a train or part of a train within yard limits by the road locomotive and the placement of locomotives or cars in a train or their removal from a train by the road locomotive while en route to the train's destination.

(3) "Safety tread surface" means that portion of anti-skid surface of a switching step that actually is contacted by a shoe or boot.

(4) "Uncoupling mechanism" means the arrangement for operating the coupler lock lift, including the uncoupling lever and all other appurtenances that facilitate operation of the coupler.

(c) *Switching step.* (1) *Number.*—Each locomotive used in switching service must have four (4) switching steps. (See Plate A)

(2) *Dimensions.* Each such switching step must have—

(i) On locomotives built after March 31, 1977, a minimum width of twenty-four (24) inches and a minimum depth of twelve (12) inches, except when necessary to accommodate the turning arc of a six-wheel truck and its appurtenances, the inside edge of the switching step shall have a minimum width of seventeen (17) inches (See Plate B);

(ii) On locomotives built prior to April 1, 1977, a minimum width of eighteen (18) inches, and a minimum depth of eight (8) inches;

(iii) A backstop, solid or perforated, with minimum height of backstop of six (6) inches above the safety tread surface; and

(iv) A height of not more than nineteen (19) inches, preferably fifteen (15) inches, measured from top of rail to the safety tread surface.

(3) *Location.* Switching steps must be located on each side near each end of a locomotive used in switching service. The bottom step of the stairway at these locations may also serve as a switching step if it meets all of the requirements of this section.

(4) *Manner of application.* (i) Switching steps must be supported by a bracket at each end and fastened to the bracket by two bolts or rivets of at least one-half (½) inch diameter or by a weldment of at least twice the strength of a bolted attachment.

(ii) Vertical clearance must be unobstructed, except for minor intrusions created by mechanical fasteners or a small triangular gusset plate at the platform level walkway, and free for use for at least a distance of eighty-four (84) inches over a portion of the switching step that is not less than seven (7) inches deep by eighteen (18) inches wide on locomotives built prior to April 1, 1977, and of not less than seven (7) inches deep by twenty-four (24) inches wide on locomotives built after March 31, 1977.

(5) *Material.* (i) Steel or other material of equivalent or better strength and deflection characteristics, anti-skid, safety design, having at least fifty percent (50%) of the tread surface as open space must be used.

(ii) When the step material creates a second level safety tread surface, the maximum difference in surface levels may not exceed three-eighths (⅜) of an inch.

(iii) The safety tread surface must extend to within one-half (½) inch of each edge of the step.

(6) Visibility. The outer edge of each switching step that is not illuminated must be painted a contrasting color. On locomotives built after March 31, 1977, switching steps shall be illuminated; on multiple-unit locomotive consists used in switching service, only the front switching steps of the leading unit and the rear switching steps of the trailing unit must be illuminated.

(d) *End footboards and pilot steps.* (1) Except for steam locomotives equipped as provided in § 231.16, locomotives used in switching service built after March 31, 1975, may not be equipped with end footboards or pilot steps.

(2) Except for steam locomotives equipped as provided in § 231.16, locomotives used in switching service built before April 1, 1975, may not be equipped with end footboards or pilot steps after September 30, 1978. Whenever end footboards or pilot steps are removed from a locomotive, the uncoupling mechanism and horizontal end handholds of the locomotive must be modified to comply with paragraphs (f) and (g) of this section.

(e) *Vertical handholds.* Each switching step must be provided with two (2) vertical handholds or handrails, one on each side of the switching step stairway.

(1) On locomotives built after March 31, 1977, each vertical handhold must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability that is at least one (1) inch diameter and be securely fastened to the locomotive with one-half (½) inch or larger bolts or rivets;

(ii) Begin not less than six (6) inches nor more than thirty-two (32) inches above the safety tread surface of the switching step; on units with high snowplows, each must begin not more than thirty-six (36) inches above the safety tread surface of the switching step;

(iii) Extend upward from switching step surface at least forty-eight (48) inches;

(iv) Be painted in a contrasting color to a height of at least forty-eight (48) inches above the safety tread surface of the switching step; and

(v) Provide at least two and one-half (2½) inches of usable hand clearance throughout its entire length.

(2) On locomotives built before April 1, 1977, each vertical handhold must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability that is at least seven-eighths (⅞) inch in diameter and be securely fastened with one-half (½) inch or larger bolts or rivets;

(ii) Begin not less than five (5) inches nor more than thirty-two (32) inches above the safety tread surface; on units with high snowplows, each must begin not more than thirty-six (36) inches above the safety tread surface;

(iii) Extend upward from safety tread surface of the switching step at least forty-eight (48) inches;

(iv) Be painted in a contrasting color to a height of at least forty-eight (48) inches above the safety tread surface of the switching step; and

(v) Provide at least two and one-half (2½) inches usable hand clearance throughout its entire length.

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(f) *Uncoupling mechanisms.* Each locomotive used in switching service must have means for operating the uncoupling mechanism safely from the switching step as well as from ground level. No part of the uncoupling mechanism may extend into the switching step or stairway opening or end platform area when the mechanism is in its normal position or when it is operated. (See Plate A)

(g) *Horizontal end handholds.* Each locomotive used in switching service must have four (4) horizontal end handholds.

(1) Each horizontal end handhold must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability that is at least five-eighths (⅝) inch in diameter and be securely fastened to the locomotive with one-half (½) inch or larger bolts or rivets;

(ii) Be located not less than thirty (30) inches nor more than fifty (50) inches above the top of rail with its outer end not more than 16 inches from the side of the locomotive; on units with a high snowplow that makes normal end handhold location inaccessible, end handhold shall be located on top of plow blade, with the center of the handhold not more than fifty-three (53) inches above the top of rail, and be in line with the slope of the plow blade;

(iii) Be at least fourteen (14) inches long; and

(iv) Provide at least two (2) inches, preferably two and one-half (2½) inches, usable hand clearance throughout its entire length.

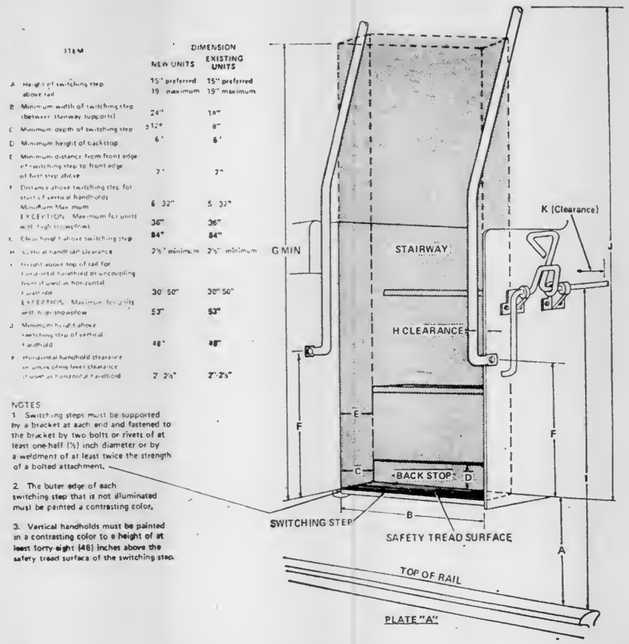
(2) An uncoupling lever may also serve as a horizontal end handhold if it complies with the requirements of this paragraph. When an uncoupling lever also serves as the horizontal end handhold, it is considered to be securely fastened if its securement brackets are attached to the locomotive by one-half (½) inch or larger bolts or rivets and its movement between those brackets is limited to the rotation necessary for performance of the uncoupling function.

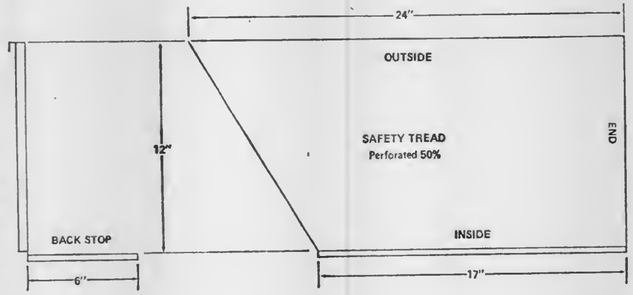
This amendment is issued under the authority of the Safety Appliance Acts (secs. 2, 4 and 6, 27 Stat. 531, as amended, secs. 1 and 3, 32 Stat. 943, as amended, secs. 1–6, 36 Stat. 289–299, as amended, see 6(e) and (f), 80 Stat. 939; 45 U.S.C. 2, 4, 6, 8, 10, 11–16, 49 U.S.C. 1655).

This amendment is effective October 1, 1976. Compliance with these provisions, however, is authorized immediately.

Issued in Washington, D.C., on September 1, 1976.

ASAPH H. HALL,
Administrator.





SWITCHING STEP SHOWING INSIDE RELIEF FOR CLEARANCE OF SIX-WHEEL TRUCK

[FR Doc.76-26015 Filed 9-7-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 67-57; General Order 36]

PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

The purpose of the provisions of this Part 514 is to require the filing with the Federal Maritime Commission of comprehensive financial data by significant vessel operating common carriers by water subject to Part 511 of this Chapter in order to permit the Commission more effectively to accomplish the discharge of its duties under the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933.

The rules and requirements of this Part are issued to remedy the inadequacies of data received by the Commission under the provisions of Part 512 of this chapter. Under Part 512, the Commission received data which was inadequate for determining the cost of individual commodity movements and for distributing expenses between regulated and nonregulated trades with respect to container and mixed container/breakbulk operations. It was the conclusion of the Commission that more accurate and specific data must be collected to allow the computation of unit costs which underlie commodity rates and have, therefore, a significant relationship to the lawfulness of those rates.

To correct past inadequacies, the Commission instituted this rulemaking proceeding. The proposed rules elicited numerous comments. In light of the numerous and complex issues raised, the Commission ordered evidentiary hearing on the matter. As a result 14 days of hearing have been held and an extensive record has been amassed in which virtually every significant common carrier in the affected trades participated.

The hearing, Initial Decision and consideration of the proceeding on Exceptions to that decision have resulted in the rule hereby issued. These rules provide for detailed data to be submitted to the Commission but also reflect the contributions of the many parties to this rulemaking proceeding. During the course of this lengthy proceeding, the parties have addressed virtually each individual section of this rule in their comments and exceptions. The various issues raised are discussed in detail in the Initial Decision and the Report of the Commission served August 18, 1976. The scope of the public procedure and its complexity preclude minute recitation of the evolution of each provision of the rules here issued. However, all comments and suggestions have received thorough consideration by the Commission.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act (5 U.S.C. 553 & 554), sections 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841) and sections 2, 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a), 847), Title 46 Code of Federal Regulations is amended as follows:

A new Part 514 is added which reads as set forth in Appendix A.

Effective date: This amendment, the addition of a new Part 514, shall become effective December 7, 1976. The amendment has been submitted to the General Accounting Office in accordance with the requirements of the Federal Reports Act (44 U.S.C.A. 3512) and regulations issued thereunder (4 C.F.R. 10). By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

Sec.

514.1 Purpose.
514.2 General requirements.
514.3 Certification.
514.4 Access to and audit of records.
514.5 Definitions.
514.6 Forms and instructions.

AUTHORITY.—The provisions of this Part 514 issued pursuant to secs. 18, 21, and 43 of the Shipping Act, 1916; 46 U.S.C. 817, 820, and 841; secs. 2, 4, and 7 of the Intercoastal Shipping Act, 1933; 46 U.S.C. 844, 845(a), and 847.

§ 514.1 Purpose.

The purpose of this part is to require the filing of additional information by the significant common carriers by water subject to the Commission's General Order 5 (Part 511 of this chapter) so that the Commission will be able to expedite the discharge of its duties under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

§ 514.2 General requirements.

(a) All persons engaged in the operation of Cargo Vessels in the common carriage of persons or property in the Domestic Offshore Trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required by the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to file tariffs with the Federal Maritime Commission, who have earned gross revenue in a Trade of $1,500,000 or more for their fiscal year as provided in this part shall execute and file, in duplicate, with the Secretary of the Federal Maritime Commission, statements of Rate Base and Income Account for each such Domestic Offshore Trade and any other Domestic Offshore Trades serving the same noncontiguous area as defined in this part in lieu of the reports required by Part 512 of this chapter (Federal Maritime Commission General Order 11). If the statements required herein have been submitted in support of a general rate change at any time during that fiscal year period, then the next due annual report otherwise required need not be submitted. However, if a general rate change has been supported by an annual report as permitted by these rules, then the next due annual report shall be filed in the usual manner. Provided further that carriers operating in a Seasonal Trade may elect to report only those seasonal voyages having gross revenue in the Trade of $50,000 or more under this Part 514 and to report the remaining voyages under Part 512.

(b) Annual statements shall be filed within 150 days after the close of the first fiscal year beginning after the promulgation of this Order. Statements filed pursuant to this subsection may be made available to government entities upon request, provided such disclosure is not contrary to the provisions of 18 U.S.C. 1905 (1970) or exempt from disclosure under 5 U.S.C. 552, as amended November 21, 1974.

(c) Upon application the Commission may: (1) Grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this part: *Provided*, That:

(i) The application therefor is received a reasonable time before the statements and data are due, which shall ordinarily be considered a minimum of 15 days;

(ii) The application sets forth reasons which justify the extension requested;

(iii) The application states a specific date on or before which the statements and data will be filed; and

(iv) The application is not construed as constituting relief from possible penalties for late filing, unless granted.

(2) Relieve a carrier from full compliance with this part and require the carrier to submit other data as the Commission deems necessary; *Provided*. That:

(i) The application, showing good cause, and accompanied by a list of the data which the carrier proposes to submit in lieu of the required statements or the data themselves is filed a reasonable time (which shall ordinarily be considered a minimum of 60 days) before the statements and data under this part are due; or

(ii) It finds full compliance with this part unnecessary to its regulatory functions.

(iii) Such application with its supporting data shall be published in the Federal Register and interested parties shall have 20 days within which to file comments thereon with the Commission.

(d) In addition to the annual statements required by § 514.2 (a) and (b), carrier shall submit financial and operating data as described below whenever it files (a) an initial tariff in a Trade not currently served by that carrier, or, (b) a general rate change, and (c) except as otherwise provided in § 514.2(a), annually.

For purposes of this section, a general rate change is defined as all new or changed rates within any six months' period which are expected in total to increase or decrease the carrier's gross revenue in the affected Trade by 3 percent or more. When rate changes are filed which do not meet the criteria for a general rate change as set forth herein, the following certification must be submitted with the changed rate.

CERTIFICATION

I, the undersigned _____ of _____
_____ certify
(full name of reporting company)
that the changed rate submitted herewith does not amount to a general rate change as defined in 46 C.F.R. 514.2(d) and for that

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reason no financial and operating data as set forth in § 514.2(d) are necessary.

Signature

Date

The data required by this section to be filed simultaneously with an initial tariff or a general rate change shall consist of:

(1) Exhibit A, Rate Base, and supporting schedules (of the nature required by § 514.6(b) hereof), in duplicate, for a projected twelve months' period beginning with the month following the month in which the initial tariff or new or changed rates are proposed to become effective, and

(2) Exhibit B, Income Account and supporting schedules, (of the nature required by § 514.6(c) hereof), in duplicate, for a projected twelve months' period beginning with the month following the month in which the initial tariff or new or changed rates are proposed to become effective.

(3) Exhibit A, Rate Base and supporting schedules (of the nature required by § 514.6(b) hereof) and Exhibit B, Income Account and supporting schedules (of the nature required by § 514.6(c) hereof) in duplicate, for a twelve months' period ending not more than 60 days prior to the date of filing the general rate change. (This paragraph (d)(3) applies only to general rate changes and not to initial tariffs). If a carrier files a general rate change within ninety days of the end of its fiscal year, it may, at its option, furnish its annual report, as required by § 514.2(a) and (b) hereof in lieu of the schedules required by this paragraph (d)(3). The requirement to furnish the projected schedules described in paragraphs (d)(1) and (2) hereof would not be affected by this substitution.

(e) Revenue, costs, expenses and property shall be directly assigned, whenever practicable. Allocation of such items not directly assignable shall be in the manner prescribed in § 514.6 hereof.

(f) All carriers subject to the reporting requirements of this part must comply fully with the instructions contained herein, both as to the submission of the specified reports and as to compliance with the methods prescribed for their preparation except as previously authorized under § 514.2(c)(2). The carrier may also present other material prepared by alternative methods of allocation or other approaches to the problems inherent in this type of reporting, but such material will be in addition to, not in lieu of, the required statements and data. When such additional material is submitted, the methods used shall be explained and fully supported.

(g) The establishment of the rules and regulations prescribed in this part is without prejudice to the right of the Federal Maritime Commission to employ other bases for allocation and calculation in any instance where in its opinion the application of the rules and regulations of this part creates unreasonable results.

(h) With respect to the annual statements required by this part, all data must be based on amounts shown in the annual financial statements filed with the Federal Maritime Commission in compliance with General Order 5 (Part 511 of this chapter). Where any amount differs from that reported in the annual statements, Forms FMC–63 or FMC–64, the differences shall be set forth and fully explained.

(i) All calculations required by allocations herein shall be carried to a minimum of two places beyond the decimal point, e.g., 95.54 percent. However, to the extent practical it is considered preferable that such calculations be carried to five places beyond the decimal point; e.g., 97.54326 percent.

(j) All schedules required under this part shall be accounted for on each submission, by actual inclusion of the schedule marked "None" or "Not Applicable", or by use of such notation(s), where appropriate, in a Table of Contents listing each exhibit and schedule by number and name. Supporting subschedules shall be so identified, shall refer to the schedule or schedules supported, and if one of a series shall so indicate. Principal schedules shall identify any supporting Subschedule(s).

(k) If any conflicts appear between the wording of this Part 514 and any examples or Pro Forma statements furnished for use in conjunction with this Part 514, the wording of the part shall be controlling.

§ 514.3 Certification.

The data required by this part shall be accompanied by a certification of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the carrier that:

(a) The books and accounts have been maintained in accordance with an appropriate system of accounts in accordance with generally accepted accounting principles (at this time the Commission considers that the accounting structure and chart of accounts promulgated by the Maritime Administration General Order No. 22 is the only appropriate system of accounts for carriers filing reports under this sub-part based upon FMC–64 report data).

(b) The exhibits and schedules have been prepared from the books and records of the carrier in accordance with this part.

§ 514.4 Access to and audit of records.

Audits of records shall be governed by the rules established by FMC General Order No. 21 (Part 513 of this title).

§ 514.5 Definitions.

Various expressions, terms, and designations used herein may or may not have additional meanings or usage. For the purposes of this part, however, these terms are expressly limited as follows:

(a) Definitions relating to Voyages:

(1) "The Service" includes all Voyages of Cargo Vessels on which any Trade Cargo was carried. A Cargo Vessel in the Service may also carry Other Cargo and serve ports not in the Domestic Offshore Trade. Where a voyage involves the carriage of only Trade Cargo The Trade and The Service may be identical.

A "Domestic Offshore Trade" (The "Trade") means that part of The Service including the carriage, generally on established itineraries, of Trade Cargo under the terms of tariffs on file with and regulated by the Federal Maritime Commission. Trade Cargo may be carried (i) between any of the four following areas of the continental United States and one or more noncontiguous areas of the United States, or (ii) between two noncontiguous areas of the United States. A vessel serving an established port or group of ports that calls upon other ports on an occasional basis during the course of its regular Voyage itinerary shall be considered to be in The Trade of its regular ports.

(i) The four areas of the continental United States are:

(A) North Atlantic (Maine to Hatteras);

(B) South Atlantic (Hatteras to Key West);

(C) Gulf (Key West to Brownsville);

(D) West Coast (Mexico to Canadian border); and

(ii) The noncontiguous areas of the United States are:

(A) Puerto Rico;
(B) Virgin Islands;
(C) Guam;
(D) Midway;
(E) Wake Island;
(F) American Samoa;
(G) Hawaii; and
(H) Alaska.

(3) "Voyage" normally means a completed round voyage from port of origin and return to port of origin. In no case shall a Voyage be split to reflect outward and inward services separately. However, when a vessel is reassigned to return to a new United States basing point, then the Voyage on which it first returns there is from the old United States port of origin to the new United States port of origin. Where a vessel performs outbound in The Service and then proceeds to charter, the Voyage will be considered to be terminated upon completion of the discharge of the last cargo in The Service; where it performs inbound in The Service after completing a charter, the Voyage in The Service will be considered to have begun upon commencement of loading the first cargo in The Service. The requirement respecting commencement and termination of a completed round Voyage by a carrier party to an operating differential subsidy agreement may be observed by such carrier for the purposes of this part. Voyages generally are considered to be terminated and the next succeeding Voyage or a lay-up period to commence at either noon or midnight of the day on which occurs either of the following:

(i) The latest of:

(A) Crew paid off;

(B) Discharge of last of homeward cargo or ballast;

(C) Completion of repairs (excluding annual overhaul and emergency repairs); or

(ii) The midpoint in time of operations simultaneously loading and unloading cargo.

Either (i) or (ii) may be applied, provided it is done consistently.

(4) "Seasonal Trade" means the carriage of Trade Cargo in a Seasonal Service. A Seasonal Service means voyages to or from a port or ports in any of the above noncontiguous areas which constitute a pattern of voyages with respect to which, due to annually recurring conditions (such as weather or availability of commodities only at certain times of the year, for example, fish products from Alaska), the gross revenues for such Seasonal Service fluctuate substantially during different times of the year.

(5) Relay Operations are those operations wherein a carrier utilizes more than one ship to carry Trade Cargo from its point of origin to its destination. Origin and destination refer to the beginning and end of water carriage. An example of a relay operation would be the carriage of cargo from a Gulf Port to Puerto Rico by carrying it from the Gulf Port to New York on one ship and then from New York to Puerto Rico on another ship.

(6) "Other Services" means all Voyages performed by common carriers by water on which no cargo was carried in The Trade, including temporary periods of charter to minimize lay-up expense.

(b) Definitions relating to vessel classes:

(1) "Cargo Vessel" means a self-propelled or non-self-propelled waterborne vessel which carries cargo, but does not include a vessel which carries or is authorized to carry more than 12 passengers. The means of propulsion of a non-self-propelled vessel is part of the Cargo Vessel. Costs are to be segregated into distinct mediums of carriage by various vessel classes used by the carrier, such as Containerships, Breakbulk Vessels, Roll-On/Roll-Off (RO/RO) Vessels, and Barge Carrying Vessels. For purposes of illustration, this order defines four classes of vessels and the related pro forma statements are limited to Containerships and Breakbulk Vessels. Reports submitted by carriers shall show costs of each class of vessel separately. Where one class of vessel carries different types of cargo, such a containerized cargo, breakbulk cargo, roll-on/roll-off cargo, cargo in barges and/or bulk cargo, and the carriage of such different types is significant in proportion to the total amount of cargo carried on the vessel, the carrier shall establish separate cargo categories for each such different type of cargo.

"Containership" means a Cargo Vessel designed and constructed primarily for the carriage of rigid, reusable containers, without wheels, and having an expected life in excess of one year and a minimum capacity of 640 cubic feet. These containers are carried in holds constructed for their carriage and on deck. Containerships may also carry vehicles, liquid, breakbulk or bulk cargoes.

"Breakbulk Vessel" means a Cargo Vessel not designed and constructed primarily for the carriage of any specific types or units of cargo. It may carry a limited number of containers, wheeled vehicles etc., as well as palletized cargo and minor amounts of liquid or gaseous cargo in drums and deep tanks.

"Roll-On/Roll-Off (RO/RO) Vessel" means a Cargo Vessel designed and constructed primarily for the carriage of trailers, vehicles and/or equipment on wheels or tracks which are rolled on and off the vessel without hoisting and stowed aboard the vessel on their wheels or tracks. RO/RO vessels may also carry liquid, breakbulk or bulk cargoes and may have relatively small amounts of space devoted to the carriage of containers without wheels.

A "Barge Carrying Vessel" is a cargo vessel designed to carry cargo in lighters or barges which are stowed on the vessels. It may also carry containers on deck, in specially fitted container holds, or in the lighters or barges.

(c) *Definitions relating to cargo.* (1) "Cargo Category" means a description of a characteristic of cargo related to its transportation and handling, and used as the point of reference for accumulating costs. For the purpose of this order, three cargo categories are defined, but additional cargo categories shall be established whenever one class of vessel carries different types of cargo, and the carriage of such different type is significant in proportion to the total amount of cargo carried on the vessel, as provided in § 514.5(b)(1) and additional cargo categories may be established and defined by the individual carriers in any other circumstances which they deem appropriate. The prescribed Cargo Categories are:

(i) "Reefer Cargo" means cargo which is kept at a fixed or fixed range of temperatures while in the custody of the carrier. Reefer Cargo may be carried on any of the vessel classes.

(ii) "Nonreefer Cargo" means cargo which is not kept at a fixed or fixed range of temperatures while in the custody of the carrier. Nonreefer Cargo may be carried on any of the vessel classes.

(iii) "Barge Cargo" means cargo that is loaded on lighters or barges which in turn are loaded on Cargo Vessels.

(2) "Trade Cargo" means cargo included for cost accumulation in any of the Cargo Categories and which is carried by a Cargo Vessel in the Trade subject to the tariff on file for that Trade. Provided, however, that if the gross revenue derived from the carriage of other Cargo does not exceed 5 percent of the gross revenue derived from the Service the Other Cargo may be considered as Trade Cargo for the purposes of this part. Provided further, that for the purposes of this rule, "trade cargo" shall also include cargo carried by a cargo vessel in the service subject to rates and conditions of carriage arranged with the Military Sealift Command and U.S. Mail.

(3) "Other Cargo" means carriage in The Service in Cargo Vessels of any cargo other than that in The Trade. Other Cargo shall include, but not by way of limitation:

(i) "ICC Cargo" which means cargo carried by a Cargo Vessel in The Service subject to tariffs on file with the Interstate Commerce Commission;

(ii) "Foreign Cargo" which means cargo carried by a Cargo Vessel in the Service subject to foreign tariffs on file with the Federal Maritime Commission. Foreign Cargo shall include cargo moving from one port in the Trade to another port in the Trade under a foreign tariff for transshipment and on-carriage to a foreign port; and

(iii) "All Other Cargo" which means all other categories of cargo.

(d) *Definitions relating to operating statistics.* (1) "Cargo Cube" means the product of the outside dimensions, expressed in cubic feet, of a unit of cargo regardless of the fact that revenue on the unit of cargo may be computed on a basis other than Cargo Cube. In computing Cargo Cube for cargo carried in containers, the outside dimensions of the container shall be used. In computing the Cargo Cube for railroad cars, containers having attached wheels, Lash lighters, or any other similar device where the actual cargo capacity of the device is substantially different from the outside cube of the device itself, the outside cube of the device including its wheels shall be used for the purposes of this part. Empty devices, such as containers, etc., shall be included in the computation of Cargo Cube if and only if they are revenue producing units of cargo. Where an operator finds it more convenient to accumulate Cargo Cube data in terms of measurement tons of 40 cubic feet, this unit may be used instead of Cargo Cube in all instances where Cargo Cube is cited in this Order. Where this option is exercised, the operator shall modify the readings on the prescribed reporting forms to indicate data are in measurement tons. The Commission does not contemplate that carriers will tape measure each piece of cargo at dockside, but does expect that where exact measurement is unavailable carriers will derive a cube for such shipments, initially at least, by use of conversion factors. Such conversion factors must be more than rough approximation; must be developed after careful consideration of all evidence available to the carrier, including loading documents, the opinions of experienced operating personnel, and sample measurements; must reflect separate factors for each of the principal commodities not affreighted on a measurement basis; must in the future reflect efforts to obtain actual measurements from shippers; and must reflect reasonable surveillance to insure the accuracy of measurements provided by shippers.

(ii) Where the carrier considers it appropriate, additional reports may be furnished, distributing expenses and assets on the basis of cargo cube of the various classes of cargo adjusted to reflect cubic space used in the carrier's vessels by the cargo, such adjustment to be made in accordance with broken stowage factors based on and supported by the operator's broken stowage experience.

(2) "Cargo Cube Handled" means the total of the Cargo Cube loaded on and unloaded from a Cargo Vessel.

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(3)(i) "Cargo Cube Miles" means the product of the Cargo Cube carried between each port of origin and destination, multiplied by the number of nautical miles representing the shortest navigable distance between the two ports as set forth in "Distances Between Ports"—Department of the Navy, Oceanographic Office; "Distances Between United States Ports"—U.S. Department of Commerce, Coast and Geodetic Survey or if not listed in either of these publications, as approved by the Federal Maritime Commission.

(ii) Where revenue derived from the carriage of passengers and other services is treated herein as a reduction of costs under 514.6(c)(2), the Cargo Cube, if any, from which such revenue is derived shall be ignored in the Cargo Cube Mile calculations required herein. Where the service of the carrier is solely between ports in the continental United States and domestic offshore ports, and where there are no significant differences in the distances between the various continental ports and the several domestic offshore ports and the ocean rates between said ports are identical, the Cargo Cube relationship may be used in lieu of the Cargo Cube Mile Relationship.

(4) "Cargo Cube Mile Relationship" means the relationship between Cargo Cube Miles for all cargo carried in the Trade, on the one hand, and total Cargo Cube Miles for all cargo carried in the Service, on the other. Normally, the total of all Cargo Cube Miles will be a figure of considerable magnitude; therefore, three digits shall be dropped from the total to provide the data in terms of thousands of Cargo Cube Miles.

(5) "Sea Time Active" means that time elapsed during the voyage when the vessel was directly underway from one port to another for the purpose of loading or discharging cargo at the port. This period would ordinarily encompass the period from logging the transition from underway in port to underway at sea at the port of departure; to logging the transition from underway at sea to underway inport at the port of arrival except for Sea Time Idle.

(6) "Sea Time Idle" means that time elapsed during a voyage in excess of 24 consecutive hours per incident, while the vessel was at sea but was not proceeding from port to port for the purpose of loading or discharging cargo. Examples are mechanical failure or damage sufficiently serious to require stopping the engines or diversion to an otherwise unscheduled port in order to make repairs, and rescue operations requiring a diversion from the planned route.

(7) "Port Time Active" means that time elapsed during a voyage:

(i) From commencement thereof to the logging of the transition from underway inport to underway at sea at the port of origin;

(ii) From the logging of the transition from underway at sea to underway inport and vice versa at each port of call;

(iii) From the logging of the transition from underway at sea to underway inport to voyage termination at the port of termination;

(iv) Less that time considered to be Port Time Idle.

(8) "Port Time Idle" means that time elapsed during the port time portion of a voyage, in excess of 24 consecutive hours per incident, when the vessel was kept in port as a matter of management decision or because of operating conditions which is properly chargeable to the entire Voyage although occurring at the port in which the vessel is held. Examples of Port Time Idle would be holding a vessel at its home port in order to maintain announced sailing dates, for voyage repairs, and because of strike.

(e) *Definitions relating to costs.*—(1) "Vessel Operating Expense" (which may be determined on a company-wide basis, for The Service or The Trade) means:

(i) For those carriers required to file FMC–64, the total of operating expense—terminated voyages, consisting of vessel expenses A/C 701–764, port A/C 765–779, cargo A/C 780/789, freight brokerage A/C 790, canal tolls A/C 795, and other voyage expenses A/C 799.

(ii) For those carriers required to file FMC–63, basically the same data as outlined in subdivision (i) of this subparagraph, but in the format and detail set forth in 514.6(c)(3).

(2) "Vessel Expense" means that part of vessel operating expense relating to use of the vessel itself. These expenses include:

(i) For those carriers required to file FMC–64 accounts 701–764;

(ii) For those carriers required to file FMC–63 accounts 402, 422–429, 472–475, 481, and 485.

(3) "Vessel Expense Relationship" means the relationship between Vessel Expense allocated to The Trade on the one hand and Vessel Expense of The Service on the other.

(f) *Other definitions:* (1) "Related Companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the reporting carrier. The term "Control" (in reference to a relationship between any person or persons and another person or persons) shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(2) "Stuffing" referred to by some carriers as platforming, means the activity of loading cargo into containers or unloading cargo from containers. For cargo being loaded this includes unloading the cargo from an incoming vehicle, if performed by the carrier; moving the cargo to the containers; and loading and closing the container. For cargo being unloaded Stuffing includes the equivalent operations in reverse sequence.

(3) "Carrier Trucking" means the performance by the carrier or its agents of any of the following activities:

(i) For outbound cargo:

(A) Picking up cargo at a shipper's premises within the port area and transporting it to the pier or a location contiguous to the pier for loading on a vessel;

(B) Picking up cargo at a shipper's premises within the port area and transporting it to the carrier's terminal or other location;

(C) Transporting cargo to the pier from the carrier's terminal or other location if they are noncontiguous to the pier.

(ii) For inbound cargo:

(A) Transporting cargo from the pier to the carrier's terminal or other location if they are noncontiguous to the pier;

(B) Transporting cargo from the carrier's terminal or other location and delivering it within the port area;

(C) Transporting cargo from the pier or a location contiguous to the pier and delivering it within the port area.

§ 514.6 Forms and instructions.

(a) *General.* (1) The information required by this part shall be submitted in the form of the prescribed exhibits and schedules and shall consist of:

Exhibit A, Rate Base and supporting schedules, and

Exhibit B, Income Account and supporting schedules.

(2) The required exhibits and schedules are described in the following paragraphs. Pro forma statements may be obtained from the Office of Financial Analysis, Federal Maritime Commission, Washington, D.C. 20573. These pro forma statements are based on the Uniform System of Accounts for Maritime Carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For those carriers who are required to file FMC–63 a means has been provided whereby accounts prescribed by the Interstate Commerce Commission for Carriers by Inland and Coastal Waterways may be reconciled with the requirements of these statements. For such carriers, alternative schedules have been provided where necessary.

(3) Assets and expenses related to Relay Operations shall be reported in separate schedules for each Trade which has cargo carried in Relay Operations to support the amounts included in Exhibit A, Rate Base and Exhibit B, Income Account. These schedules shall be prepared in accordance with §§ 514.6(b) and 514.6(c) and shall include sufficient detail to clearly indicate the bases of allocation to the Trade, such as Cargo Cube Handled and Cargo Cube Miles applicable to the Relay Operations. Where less than ten percent (by volume) of the carrier's Trade cargo moving between any two ports in the Trade during the reporting period is carried in Relay Operations, separate schedules shall not be required. Assets and expenses related to Relay Operations in those instances may be combined with other Trade assets and expenses in the appropriate schedules, provided that the bases of allocation of the assets and expenses of Relay Operations to the Trade are clearly indicated on those schedules.

(b) *Rate base (Exhibit A)*—(1) *Investment in vessels (Schedule A–1).* Each Cargo Vessel, owned by the carrier and employed in The Service shall be listed by name and class showing the original cost to the carrier, or, if acquired by the carrier from a related company at the original cost to the first Related Company acquiring the vessel, plus the cost of betterments, conversions, and alterations, less the cost of any deductions, all as at the beginning of the year. All additions and deductions made during the period shall be shown gross and on a pro rata basis reflecting the number of days they were actually in use during the period, except that for amounts not considered substantial the carrier may assume the changes took place at midyear. The result of these computations shall be called Adjusted Cost.

(i) The Cargo Vessels employed in The Service may be subdivided into two groups:

(A) Those Cargo Vessels employed exclusively in The Service for the entire period, inclusive of normal periodic layups, and which at no time during the period performed voyages other than in The Service. For such vessels, the Adjusted Cost shall be included in the total to be allocated to The Trade.

(B) Those Cargo Vessels employed in The Service for less than the entire period. For such vessels the Adjusted Cost shall be allocated between Voyages in The Service and Voyages in Other Services on the basis of the relationship that the number of calendar days in each bears to the total of both. The total number of days thereby derived will not normally equal the number of days in the reporting period because lay-up days are not included. Lay-up days of vessels in this group will normally be assigned between the respective services on the same basis as that employed in allocating the Adjusted Costs of such vessels, i.e., active calendar days. However, if one or more of the vessels normally employed in The Service has been diverted temporarily to Other Services in lieu of incurring lay-up expense, no assignment of lay-up time to Other Services is required. On the other hand, if a vessel or vessels is permanently withdrawn from The Service and laid-up pending disposition, the period of lay-up shall be assigned to Other Services. In summary, an inequitable amount of lay-up days shall not be assigned to The Service or to The Trade. That portion of the Adjusted Cost of the Vessels not allocated to Other Services shall be included in the total to be allocated to The Trade.

(ii) The total of the Adjusted Cost of each class of vessels employed in The Service during the period which has not been allocated to Other Services, as required by paragraph (b)(1)(i)(B) of this paragraph, shall be distributed between The Trade and Other Cargo in the Vessel Expense Relationship.

(2) *Reserve for depreciation—vessels (Schedule A–1).* (i) Each Cargo Vessel owned by the carrier and employed in The Service shall be listed separately showing for each its depreciable life and residual value used for depreciation purposes. The accumulated Reserve for Depreciation as at the beginning of the year shall be reported and shall be allocated to The Service and to The Trade in the same manner and in the same proportion as is the Adjusted Cost of each vessel. If the depreciable life of any equipment installed on vessels differs from that of the vessel, the cost thereof and the depreciation basis shall be set forth separately.

(ii) For any vessels disposed of during the period, a deduction shall be made representing a daily proportion of the period following the date of disposal corresponding to the similar deduction as required by paragraph (b)(1) of this Section.

(3) *Other owned property and equipment—(Schedule A–2).* Actual investment in other fixed assets employed in The Service as at the beginning of the year, representing original cost to the carrier, or if acquired by the carrier from a Related Company at the original cost to the first Related Company acquiring the asset shall be set forth. Additions and deductions during the period shall also be reported, and the carrier may assume that all such changes took place at midyear except for those involving substantial sums which shall be prorated on a daily basis. Assets shall be grouped in major categories as required by the appropriate financial statements FMC–63 or FMC–64. The basis of allocations to the Rate Base of each item reported shall be set forth and shall be based upon the use thereof within The Trade. Any computations of percentages employed shall also be set forth. Assets employed in a general capacity, such as office furniture and fixtures, shall be allocated to The Trade in the same manner as overhead expenses (§ 514.6(c)(7)).

(4) *Reserve for depreciation—other owned property and equipment (Schedule A–2).* Reserves for Depreciation, related to the other fixed assets employed in The Service, as at the beginning of the year, shall be set forth. These reserves shall be proportionately reduced, as required by paragraph (b)(2)(ii) of this section for any significant deductions during a year. Grouping into major categories and allocations to the Rate Base shall be made on the same basis as the fixed asset to which the Reserve for Depreciation applies.

(5) *Working Capital (Schedule A–3).* Working Capital shall be included at the lesser of actual Working Capital or average Voyage Expense.

(i) Actual Working Capital shall be computed from the balances as the beginning of the year in the asset and liability accounts identified below adjusted for significant changes (individual transactions, any component of which before proration, is $200,000 or more) during the year. For purposes of this computation actual Working Capital shall include only the following accounts:

Accounts	
100–199 (369)	Current assets (less reserves and provision for accrued deposits in reserve funds other than voluntary deposits, which shall not be accrued for deposit).
200	Unterminated voyage expense.
375–389	Deferred charges (to operations) and prepaid expenses.
Less 400–534	Current liabilities (excluding mortgage notes-vessels, and other liabilities payable from reserve funds).
495	Advance ticket sales and deposits.
500	Unterminated voyage revenue.

The provision for accrued deposits into the reserve funds referred to in Accounts 100–199 hereinabove shall include, but is not limited to, the following:

(A) Accrued depreciation on vessels required to be deposited into the reserve funds;

(B) Proceeds from sale or loss of vessels and other amounts which, upon collection, are required to be deposited into the reserve funds.

(C) All accrued mandatory deposits into the reserve funds.

Actual Working Capital shall be prorated to The Trade in the proportion that total direct expenses of The Trade bears to total direct expenses of the carrier.

(ii) Average Voyage Expense shall be determined on the basis of the actual expenses of operating and maintaining the vessels employed in The Service (excluding lay-up expenses) for a period represented by the average length of time of all round voyages (excluding lay-up periods) terminated during the period on which any cargo was carried in The Trade. The expense of operating and maintaining the vessels employed in The Trade shall include Overhead Expense (§ 514.6(c)(7)) and told Vessel Operating Expenses—terminated voyages (accounts 701–799 excluding 793), allocated as provided in § 514.6(c)(2). For this purpose, if the average voyage, as determined above, is of less than 90 days' duration, the expense of hull and machinery and P & I insurance (accounts 755 and 757, respectively) shall be determined to be that for 90 days, Provided, that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the period.

(6) *Working Capital (only for carriers who file FMC–63) (Alternative schedule A–3).* Working Capital for carriers who file FMC–63 shall be included at the lesser of actual Working Capital or Average Monthly Expense.

Actual Working capital for carriers who file FMC–63 shall be computed from the balance at the beginning of the year in the asset and liability accounts identified below adjusted for significant changes (individual transactions, any

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component of which before proration, is $200,000 or more) during the year. For purpose of this computation actual Working capital shall include only the following accounts:

Accounts

100–116	Current assets less reserves.
106	Claims pending.
170	Other deferred assets.
171	Incompleted voyage expenses.
Less	
200–209	Current liabilities.
210	Equipment obligations and other long-term debt due within one year.
230	Incompleted voyage revenues.

Actual Working Capital shall be prorated to The Trade in the proportion that direct expenses of The Trade bears to total direct expenses of the carrier.

(ii) Average Monthly Expense for carriers who file FMC–63 shall be equal to one-twelfth of the expenses of the carrier during a 12-month period computed as follows: Add together the carrier's expenses during the period for vessel operating expense, inactive vessel expense, other shipping operations, and overhead expense, each as allocated to The Trade and divide the total by 12.

(7) *Other Assets (Schedule A–4)*. Any other assets owned by the carrier and claimed as components of its Rate Base shall be set forth separately in a schedule and related to amounts shown in the annual financial statements FMC–63 or FMC–64. The basis of allocation to The Trade shall be fully explained and supported by computations of percentages employed.

(8) *Property and Equipment of Related Companies.* Where vessels and other property and equipment owned by Related Companies are used in The Trade by or on behalf of the carrier, under charter or other use agreement, formal or informal, the original cost of such assets to the first Related Company acquiring the asset and the applicable reserves shall be set forth in schedules similar to those used in reporting owned assets; an appropriate allocation of such cost and reserves shall be included in the Rate Base; and the profits or losses of the Related Companies from such use shall be included in the Income Account as provided in paragraph (c) (12) of this section. The schedules used in reporting such assets owned by Related Companies and their related reserves shall indicate and fully explain the basis of allocating such assets and reserves to The Trade.

(c) *Income account (Exhibit B)*—(1) *Operating revenue (Schedule B–2)*: (i) Revenue allocated to The Trade shall include only revenue earned from the common carriage of cargo in the Domestic Offshore Trade on voyages terminated during the period, except that minor amounts of Other Cargo may be considered Trade Cargo in accordance with § 514.5(c) (2). Cargo Cube, revenue tons, and revenue amounts shall be reported in total for The Trade and separately for each of the 15 commodities producing the highest revenues in The Trade or for the number of commodities comprising at least 50 percent of the revenue in The Trade, whichever is greater, for the outbound portion of the Voyage and for each of the 15 commodities producing the highest revenues in The Trade or for the number of commodities comprising at least 50 percent of the revenue in The Trade, whichever is greater, for the inbound portion of the Voyage. However, no separate listing shall be made for any commodities of less than 20,000 cubic feet, and where less than 15 commodities account for at least 90 percent of the total revenue for either portion of The Trade only those commodities need be separately reported. Where the same commodity is carried under several tariff designations such as potatoes refrigerated, potatoes nonrefrigerated, potatoes in bags, and potatoes in containers, each of these designations shall be considered as an individual commodity.

Where the applicable tariff names rates per container for containers that may contain more than one commodity, the commodity shall be considered Freight-All-Kinds and the individual commodities shall be disregarded.

(ii) Revenue arising from the carriage of Other Cargo shall be reported showing the amounts earned and related Cargo Cube and Revenue Tons for such Other Cargo as an aggregate.

(2) *Vessel expense (Schedule B–5)*. A Vessel Expense summary of all Voyages terminated during the period in which any cargo was carried in The Service shall be submitted for each class of Cargo Vessel. Cargo Vessels, such as LASH and Seabee Vessels, which carry both containers and barges shall develop separate costs for Barge Cargo and for nonbarge cargo. The Cargo Cube for the barges shall be the outside dimensions of the revenue producing barges. The cargo cube for non-barge cargo shall be the outside dimensions of revenue producing containers. The costs of Barge Cargo shall be further divided into container and breakbulk utilizing the definition of Cargo Cube defined in § 514.5(d) (1). The container portion of these costs shall then be combined with the costs of all other containers carried on the vessel. Allocations to The Trade shall be on the following bases:

(i) For any service in which three or more ports were served by the carrier the total of Vessel Expense for each class of vessel, excluding the cost of fuel, shall be divided into three statuses: Sea Time Active, Port Time Active, and Port Time Idle, as defined in § 514.5(d) (5), (7), and (8), respectively. This division shall be made on the basis of actual minutes spent in each status derived from deck logs or other operating data. Sea Time Idle as defined in § 514.5(d) (6) may be included in Sea Time Active and the time so included shall be stated in a footnote to the schedule. Where the carrier as a matter of regular practice records data in log books in time periods rounded up to and including the nearest whole hour, allocations may be made on the basis of the recorded time periods instead of minutes.

(A) Sea Time Active expense shall be divided between Trade and Other Cargo in The Service and within The Trade further divided between Reefer Cargo and Nonreefer Cargo. This division shall be accomplished by first making any direct assignments which are appropriate and significant and by allocating the remainder in the Cargo Cube Mile Relationship.

(B) Port Time Active expense shall be determined individually for each port in The Trade and in total for all other ports. Port Time Active expense for each port in The Trade shall then be assigned to Trade and Other Cargo in The Service and within The Trade to the Cargo Categories directly to the extent appropriate and significant and the remainder allocated in the Cargo Cube Handled relationship for each port.

(C) Port Time idle expense and fuel costs determined in paragraph (c) (2) (i) (C) Port Time Idle expense and fuel thereto shall be allocated between The Trade and Other Cargo in The Service and within The Trade to the Cargo Categories in the Vessel Expense Relationship, derived from the Active Time segments determined in accordance with paragraphs § 514.6(c) (2) (i) (A) and (B).

(D) The total fuel cost for each class of vessel shall be divided into Sea Time Active (which shall include that time defined as Sea Time Idle), Port Time Active, and Port Time Idle by dividing the total consumption of fuel at sea by the total minutes at sea to determine the average consumption rate per minute and by dividing the total consumption of fuel in port by the total minutes in port to determine the average consumption rate per minute. These average rates shall be applied to the minutes in each status to determine the total quantity of fuel consumed during each time status. The total fuel cost shall be prorated to the voyage time statuses in proportion to the quantity of fuel consumed. Fuel costs shall also be determined individually for each port included in The Trade and in total for all other ports in The Service. The Sea Time Active and Port Time Active segments of fuel cost shall be allocated to Cargo Categories in the same proportions that Sea Time Active and Port Time Active expenses were allocated to Cargo Categories in § 514.6(c) (2) (i) (A) and (B).

(ii) For any Service in which all voyages terminated during the year served only two ports (the same two ports all year) the total of Vessel Expense (Schedule B–5) of each class of vessel shall be divided between Trade and Other Cargo in The Service and within The Trade further divided between Reefer Cargo and Nonreefer Cargo. These expenses shall be assigned on a direct basis, to the extent practical, with allocation of the remainder in the Cargo Cube Mile Relationship.

(iii) Port (Schedule B–6), cargo (schedule B–7) freight brokerage (Schedule B–8), and other voyages expenses, shall be divided between The Trade and Other Cargo in The Service and within The Trade further divided between cargo categories to the extent

practicable. These expenses shall be reported port by port for those ports handling Trade Cargo and in total for all other ports in The Service. Except for Breakbulk Vessels, all costs relating to Stuffing or Carrier Trucking that have been recorded in any of the accounts of this group shall be assigned directly to Stuffing and Carrier Trucking and further allocated in accordance with paragraph (c) (2) (iii) (D) of this section. To the extent the costs are not directly assignable they shall be allocated to ports and, at each port handling Trade Cargo, between Trade Cargo and Other Cargo as follows:

(A) Port Expense in the Cargo Cube Handled Relationship;

(B) Cargo expense comprising stevedoring and other cargo expense as follows:

(*1*) The stevedoring charges shall be subdivided into reasonable components such as heavy lift, onloading and offloading of containers, special Reefer Cargo handling charges, automotive vehicles, or others. The carrier's choice of components for subdivision will not be considered unreasonable for failure to reflect components not reflected in stevedores' invoices or other comparable records, provided that all components reflected in such records are reflected in the subdivision. Each of these subdivisions shall be allocated to Cargo Categories in the Cargo Cube Handled Relationship, or on some other appropriate basis such as hundred weight or per container. The basis of allocation shall be described in a footpote on the schedule. The cost per unit of cargo shall be noted in each instance.

(2) Other cargo expense in the same relationship as stevedoring expense.

(C) Freight brokerage and other voyage expenses to the appropriate Cargo Categories in the Cargo Cube Handled relationship.

(D) Costs of Carrier Trucking and costs of Stuffing, in the Cargo Cube Relationship or on any other appropriate basis such as hundred weight or number of containers. The basis of allocation shall be described in a footnote. The cost per unit of cargo shall be noted in each instance.

(iv) Passenger revenue less passenger brokerage and other voyage revenue earned in The Service (Schedule B–9) shall be deducted from vessel operating expense and distributed between The Trade and Other Cargo and within The Trade to the various Cargo Categories in the Cargo Cube Mile Relationship.

(v) An analysis of the charter hire (Schedule B–10) included in each Vessels Operating Expenses summary of The Service shall be submitted for each vessel showing if known or reasonably available:

(A) The name of the vessel(s);

(B) From whom chartered;

(C) The owner(s);

(D) The period or periods of charter;

(E) The charter rate and total charter hire;

(F) The date of original construction; and

(G) The original purchase price to the current owner and the cost of subsequent conversions.

(3) *Vessel operating expense (Only for carriers who file FMC–63)*: This schedule shall be submitted by carriers who annually file FMC–63 with the Federal Maritime Commission. It is designed to summarize operating results and to provide for allocations to The Trade where necessary because of the simultaneous carriage of Other cargo. The principles of allocation are the same as those required by paragraph (c) (2) of this section except that in lieu of Vessel Expense Relationship, Vessel Operating Expense Relationship will be used for cost allocations.

(4) *Inactive vessel expense (Schedule B–11)*: Inactive vessel expense shall, in general, be allocated by vessel to The Trade on the same basis as the investment in such vessel is included in the Rate Base. However, when a vessel is definitely assigned to The Service, any inactive vessel expense for that vessel may be allocated to The Service. If such a vessel be temporarily diverted to Other Services to minimize lay-up expense, no lay-up expense incurred before or after such period need be allocated to the Other Service. Inactive vessel expense applicable to vessels not used in The Service or withdrawn from The Service and excluded from the Rate Base in accordance with paragraph (b) (1) (i) (B) of this section shall be excluded from The Service. Inactive vessel expense, allocated to The Trade, shall be prorated to the Cargo Categories in The Trade in the Vessel Expense Relationship by vessel class.

(5) *Other shipping operations (Schedule B–13)*: These operations (Terminal, Cargo Handling, Tug and Lighter, and Other Shipping) may result in revenue, interdepartmental credits, and expenses. The revenues earned from serving others shall be directly assigned to Other Cargo. Interdepartmental credits shall be allocated in the same manner as are the contra interdepartmental charges included in the terminated voyage accounts as prescribed in paragraph (c) (2) of this section. In addition, except for breakbulk vessels, all costs relating to Stuffing or Carrier Trucking which have been recorded in any of the accounts of this group and have not been transferred to voyage accounts (and allocated in accordance with § 514.6(c) (2) (iii) (D) shall be allocated directly to Stuffing and Carrier Trucking and further allocated in accordance with § 514.6(c) (2) (iii) (D).

Where the balances representing the mathematical total of the expenses, revenues, and interdepartmental credits of the accounts comprising Other Shipping Operations do not exceed 5 percent of the total of the expenses and the total of the revenues does not exceed 10 percent of the total of the operator's revenue or interdepartmental credits the carrier may allocate said mathematical total to Cargo Categories on a port-by-port basis in the Cargo Cube Handled relationship.

In those cases where the subject expenses are significant in amount they shall be assigned directly to The Trade and to the various applicable Cargo Categories, separately by ports at which incurred, to the extent practicable. To the extent they are not directly assignable:

(i) Expense of terminal operations, divided to the extent practicable in an appropriate manner between the various operations of the respective terminals, shall be allocated to The Trade and Cargo Categories within The Trade on the volume basis. Methods employed and formulas used shall be set forth in footnotes to the schedule.

(ii) Expense of cargo handling shall be as follows:

(A) The stevedoring charges shall be subdivided into reasonable components such as: heavy lift, onloading and offloading of containers, special Reefer Cargo Handling charges, automotive vehicles, etc. Each of these subdivisions shall be allocated to Cargo Categories in the Cargo Cube Handled relationship, or on some other appropriate basis such as hundred weight or per container. The basis of allocation shall be described in a footnote on the schedule. The cost per unit of cargo shall be noted in each instance.

(B) Other cargo expense in the Cargo Cube Handled relationship.

(iii) Expense of Tug and Lighter shall be allocated on a port-by-port basis for ports in The Trade and Cargo Categories within The Trade and in total for other ports in The Service in the Cargo Cube Handled relationship.

(iv) Expense of Other Shipping Operations, divided to the extent practicable in an appropriate manner between the various operations, shall be allocated to The Trade and Cargo Categories within The Trade, each on the pertinent volume basis. Methods employed and formulas used shall be set forth in footnotes to the schedule.

(6) *Other shipping operations (only for carriers who file FMC–63)*: This schedule shall be submitted by carriers who annually file FMC–63 with the Federal Maritime Commission. Items related to shipping, classified as other shipping operations shall be allocated to Cargo Categories using the same principles of allocaton described in subparagraph (5) of this paragraph.

(7) (i) *Overhead expense (Schedule B–14)*: Overhead expense, comprising the total of Administrative and General Expense, Management and Operating Commissions, Advertising, Taxes-Miscellaneous, Less Agency Fees, Commissions, and Brokerage Earned, to the extent not directly assignable, shall be allocated to Vessel Operating Expense, Inactive Vessel Expense, Other Shipping Operations (excluding any portion thereof effectively transferred to Vessel Operating Expense by interdepartmental credits), and Nonshipping Operations in proportion to the costs of each of these items. However, where Nonshipping Operation's direct costs are less than 5 percent of the carrier's total direct costs all Overhead Expense may be distributed to

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Shipping Operations. The costs of Non-shipping Operations shall be those included in account 995, less any interest included therein, for carriers required to file FMC–64 and those included in account 523, less any depreciation included therein, for carriers required to file FMC–63. Overhead Expenses allocated to Vessel Operating Expense, Inactive Vessel Expense, and Other Shipping Operations shall in turn be allocated to appropriate Cargo Categories in the same proportions as the sum of these expenses were allocated to Cargo Categories.

(ii) Direct assignments of overhead shall be made where practicable. Any direct assignments shall be explained in detail in a footnote on the schedule.

(8) *Depreciation and amortization (Schedules B–12; B–15):* Depreciation and amortization of assets included in the Rate Base shall be assigned or allocated to The Trade on the same bases as the specific assets. The Trade expenses shall then be further allocated to the Cargo Categories within The Trade on bases consistent with the methods of allocation prescribed in the preceding sentence.

(9) *Construction-differential subsidy refund (Schedule B–16):* Construction-Differential Subsidy Refunds paid or payable to the Maritime Administration in connection with vessels employed on a part-time basis in the service and applicable to the period for which a report is being made, calculated in accordance with the requirements of section 506 of the Merchant Marine Act, 1936, as amended, shall be taken into account. The Construction-Differential Subsidy Refund attributable to operations in The Service shall be allocated to The Trade and within The Trade to the various Cargo Categories in the relationship that the revenue from those cargoes carried in The Trade bears to the total revenue used to determine the amount of the refund. Whenever expenses applicable to the Trade are increased due to Construction-Differential Subsidy Refunds, details of calculations with respect thereto and the proration to Cargo Categories must be reported.

(10) *Other income/expense (Schedule B–17):* (i) Any other elements of income or expense wholly or partially applicable to the Trade shall be fully explained and supported by a schedule showing details of allocation to the Trade and Cargo Categories within the Trade.

(ii) Operating-Differential Subsidy Refunds under section 605(a) of the Merchant Marine Act, 1936, as amended, shall not be allocated to the Trade.

(11) (i) *Provisions for income taxes (Schedule B–18):* The provisions for Federal, State, and other income taxes shall be stated separately. If the company is organized outside of the United States e.g., Puerto Rico), it shall indicate the entity to which it pays income taxes, the tax paid, and the rate of tax applicable to its taxable income for the subject year. The tax information to be included herein shall show the tax liability of the carrier only. Such information shall be computed on the basis of that carrier's data as if that carrier were filing its own return regardless of whether or not that carrier may be included in a consolidated return filed by another corporate entity. Where that amount is not obtainable at the time of filing this report, it shall be estimated with as much precision as possible and not merely computed at the highest statutory tax rate. Tax savings resulting from the investment credit shall be shown separately. The amount shown as actual taxes shall be increased by the amount reported as tax savings resulting from the investment tax credit.

(ii) Allocation of tax liability to the Trade, where necessary, shall be made on the basis of the relationship between net income of the Trade before taxes and total net income before taxes. Where circumstances exist which would make this type of allocation inequitable to either the Trade or other operations (e.g., a large uninsured casualty loss in one aspect of operations), the circumstances should be explained and proper adjustments made to the allocated tax liability.

(12) *Profits of related companies (Schedule B–19):* Net income, after Federal Income Taxes earned by Related Companies of the carrier in performing services for the carrier in the Trade shall be included and allocated to Cargo Categories in an appropriate manner. The methods employed in determining such net income and allocations shall be fully explained and supported by a footnote on the schedule.

APPENDIX

PRO FORMA STATEMENTS

RATE BASE—EXHIBIT A AND SUPPORTING SCHEDULES

INCOME ACCOUNT—EXHIBIT B AND SUPPORTING SCHEDULES

To be filed within 150 days after the close of each fiscal year by vessel operating common carriers for each domestic offshore trade with gross annual revenue of $1,500,000 or more, except as otherwise provided.

§ 514.2(d) "In addition to the annual statements required by 514.2 (a) and (b) a carrier shall submit financial and operating data as described below whenever it files (a) an initial tariff in a Trade not currently served by that carrier, or (b) a general rate change, and (c) except as otherwise provided in § 514.2(a), annually. ------"

Carrier's statements should be furnished under a cover sheet stating name and address of carrier, period to which statements pertain, and the trade to which the statements relate.

§ 514.2(k) "If any conflicts appear between the wording of this part 514 and any examples or Pro Forma Statements furnished for use in conjunction with this part 514, the wording of this part shall be controlling."

§ 514.3 "Certification: The data required by this part shall be accompanied by a certification of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the carrier that: (a) The books and accounts have been maintained in accordance with an appropriate system of accounts in accordance with generally accepted accounting principles; and (b) The exhibits and schedules have been prepared from the books and records of the carrier in accordance with this part."

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Exhibit A—Rate Base—Exhibit B—Income Account

Schedules:

A–1 ---- Investment in Vessels.
A–2 ---- Other Owned Property and Equipment.
A–3 ---- Working Capital.
A–4 ---- Other Assets.
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B–2 ---- Operating Revenue.
B–3 ---- Cargo Cube Handled.
B–4 ---- Cargo Cube Miles.
B–5 ---- Breakbulk Vessels—Vessel Expense.
B–5a --- Division of Vessel Expense into Time Statuses.
B–6 ---- Port Expense.
B–7 ---- Cargo Expense.
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B–17 --- Other Income/Expense.
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B–19 --- Profits of Related Companies.

Schedules in the same format as A–1, A–2, and A–4 are to be prepared for Capitalized Leases and for Property and Equipment of Related Companies identified by Suffixes "CL" and "RC", respectively. § 514.6(b) (8) and (9).

For carriers who file FMC–63 the following alternative schedules are provided: A–3 Working Capital; B–5 Vessel Operating Expense; B–13 Other Shipping Operations; B–14 Overhead Expense.

EXHIBIT A

The ---------- Company
---------- Trade

Rate Base

----------, 19-- to ----------, 19--

Schedule	The trade				
	Total	Breakbulk vessels		Containerships	
		Reefer	Nonreefer	Reefer	Nonreefer
A–1 Investment in vessels	$24,475,101	$2,995,644	$10,146,318	$3,236,751	$8,096,388
A–2 Other owned property and equipment	315,990	22,356	71,077	57,972	164,585
A–3 Working capital	3,549,319	581,671	2,218,296	216,905	532,447
A–4 Other assets					
CAPITALIZED LEASES					
A–1 (CL) Vessels					
A–2 (CL) Other owned property and equipment					
A–4 (CL) Other assets					
PROPERTY AND EQUIPMENT OF RELATED COMPANIES					
A–1 (RC) Vessels					
A–2 (RC) Other owned property and equipment					
A–4 (RC) Other assets					
Total rate base	28,340,410	3,599,671	12,435,691	3,511,628	8,793,420

Reference: 514.6(b).

EXHIBIT B

The ---------- Company
---------- Trade

Income Account

Schedule	The trade				
	Total	Breakbulk vessels		Containerships	
		Reefer	Nonreefer	Reefer	Nonreefer
B–2 Operating revenue	$59,914,361	$8,866,499	$29,369,873	$7,069,391	$14,608,598
OPERATING EXPENSES					
Direct costs					
B–5 Vessel expense	20,102,641	3,303,674	11,189,619	1,602,033	4,007,315
B–6 Port expense	2,043,981	206,935	684,904	325,249	826,893
B–7 Cargo expense	13,636,312	2,079,471	9,759,482	522,116	1,275,273
B–8 Freight brokerage and other voyage expense	224,255	17,247	101,024	29,614	76,370
B–11 Inactive vessel expense	186,168	13,710	46,437	35,992	90,029
B–13 Other shipping operations	6,579,660	38,959	113,624	1,703,565	4,723,512
Total direct costs	42,773,017	5,659,996	21,895,060	4,218,569	10,999,392
B–14 Overhead:					
Directly assigned	72,667			72,667	
Allocated at 10.75433 pct of direct costs	4,604,229	609,261	2,356,856	454,101	1,184,011
Depreciation and amortization					
B–12 Vessels	1,737,492	211,000	714,662	231,859	579,971
B–15 Other property and equipment	27,056	1,466	4,652	5,502	15,436
B–9 Passenger and other voyage revenue	(128,721)	(13,666)	(65,717)	(13,998)	(35,340)
B–17 Other income/expense					
B–16 Construction-differential subsidy refund					
Total expense	49,085,740	6,468,057	24,905,513	4,968,700	12,743,470
Net income/loss	10,828,621	2,398,442	4,464,360	2,100,691	1,865,122
B–18 Income tax provision	(----------)	(----------)	(----------)	(----------)	(----------)
B–19 Profits of related companies					
Total net income/loss					

Reference: 514.6(c).

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SCHEDULE A-1

_____ Company

The _____ Service

Investment in Vessels

_____, 19__ to _____, 19__

	Balance beginning of year or cost of acquisitions during the year			The service	
	Cost	Depreciation reserve	Net	Days	Adjusted cost
Breakbulk vessel A	$2,500,000	$1,187,500	$1,312,500	31	$111,473
Breakbulk vessel B less machinery replaced	2,288,634	1,067,101	1,201,533	328	1,079,734
Breakbulk vessel B machinery replaced (removed)	211,366	100,399	110,967	53	16,113
Breakbulk vessel B machinery installed	860,966		860,966	275	648,673
Breakbulk vessel C	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel D	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel E	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel F	2,500,000	1,187,500	1,312,500	350	1,258,562
Breakbulk vessel G	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel H	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel I	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel J	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel K	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel L	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel M	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel N	2,500,000	1,187,500	1,312,500	365	1,312,500
Breakbulk vessel O	2,500,000		2,500,000	186	1,273,973
Breakbulk vessel P					
Total					20,138,528
Containership Q	5,000,000	2,375,000	2,625,000	212	1,524,658
Containership R less machinery removed	4,525,000	2,149,375	2,375,625	343	2,232,437
Containership R machinery removed	475,000	225,625	249,375	190	129,812
Containership S	5,000,000	2,375,000	2,625,000	365	2,625,000
Containership T	5,000,000	2,375,000	2,625,000	365	2,625,000
Containership U	5,000,000	2,375,000	2,625,000	365	2,625,000
Containership V	5,000,000	2,375,000	2,625,000	365	2,625,000
Containership W	5,000,000	2,375,000	2,625,000	365	2,625,000
Containership X	5,000,000		5,000,000	31	424,658
Containership Y					
Total					20,061,565

	The trade		Other cargo	Total
	Reefer	Nonreefer		
Distribution of adjusted cost in vessel expense relationship (514.6(b)(1)(ii)):				
Breakbulk vessels	$2,995,644	$10,146,318	$6,996,566	$20,138,528
Containerships	3,236,751	8,096,388	8,728,426	20,061,565

Reference: 514.6(b)(1) and 514.6(b)(2).
Breakbulk vessel A used in other services Jan. 1 to June 30; in the service July 1 to 31 and sold and delivered to an unrelated company on Aug. 1.
Breakbulk vessel G used Jan. 1 to July 9 in the service, July 10 to 24 in other services and July 25 to Dec. 31 in the service.
Containership Y delivered by the builder and placed in the service Dec. 1.
(For purposes of the Pro Forma all changes are assumed as occurring at midnight.)

SCHEDULE A-2

_____ Company

The _____ Service

Other Owned Property and Equipment

_____ 19.. to _____, 19..

	Balances at beginning of year or costs of acquisition during the year			Period in use (days)	Adjusted cost
	Cost	Depreciation reserve	Net		
At Port A:					
Other floating equipment:					
Tugboat I	$350,000	$166,250	$183,750	181	$91,120
Tugboat II	400,000		400,000	202	221,370
Total					312,490

	Balances at beginning of year or costs acquisition during the year			Period in use (days	Adjusted cost
	Cost	Depreciation reserve	Net		
Other Shipping property and equipment:					
Office furniture and fixtures:					
Used Jan. 1, to Dec. 31	306,308	108,404	197,904	365	197,904
Disposed of during the year	15,907	14,316	1,591	(1)	796
Additions during the year	16,553		16,553	(1)	8,276
Total					206,976
Total other owned property and equipment					519,466

	Distribution of adjusted cost				
	Other services and other cargo	The trade			Total
		Breakbulk vessels		Containerships	
		Reefer	Nonreefer	Reefer	Nonreefer
Other floating equipment	$106,592	$18,622	$59,281	$32,907	$95,088	$312,490
Other shipping property and equipment	96,884	3,734	11,796	25,065	69,497	206,976
Total	203,476	22,356	71,077	57,972	164,585	519,466

1 50 pct.
References: 514.6(b)(3) and 514.6(b)(4).
Adjusted cost—Other floating equipment distributed on basis of account 875 tug and lighter operations costs and other shipping property and equipment on basis of total costs other shipping operations (See schedule B-13).

SCHEDULE A-3

_____ Company

The _____ Trade

Working Capital

_____, 19__ to _____, 19__

	Breakbulk vessels		Containerships	
	Reefer	Nonreefer	Reefer	Nonreefer
AVERAGE VOYAGE EXPENSE COMPUTATION				
Operating statistics:				
1. Terminated voyage days	5,765		3,195	
2. Voyage terminations	192		129	
3. Average length-terminated voyages (item 1 divided by item 2)	30.02604		24.76744	
4. Calendar days in the period	365		365	
5. Vessel years (item 1 divided by item 4)	15.79452		8.75343	
Computation of average voyage expense:				
6. Overhead	$609,261	$2,356,856	$526,768	$1,184,011
7. Vessel operating expense:				
Vessel expense	3,303,674	11,189,619	1,602,033	4,007,315
Port expense	206,935	684,904	325,249	826,803
Cargo expense	2,079,471	9,759,452	522,116	1,275,273
Freight brokerage and other voyage expense	17,247	101,024	29,614	76,370
8. Deduct:				
Passenger revenue	(13,666)	(65,717)	(13,998)	(35,310)
Insurance in vessel expense relationship (average voyage under 90 d):				
Account 755, "Hull and machinery"	(66,161)	(224,087)	(39,597)	(99,048)
Account 757, "Protection and indemnity"	(368,372)	(1,247,686)	(38,147)	(95,421)
9. Net overhead and operating expense	5,768,389	22,554,365	2,914,038	7,140,053
10. Average voyage expense less insurance: (item 9 divided by item 2) times item 5	474,526	1,855,393	197,735	484,496
11. Insurance expense for 90 days:				
Account 755 "Hull and machinery"	16,314	55,254	9,764	24,423
Account 757, "Protection and indemnity"	90,831	307,649	9,406	23,528
12. Average voyage expense	581,671	2,218,296	216,905	532,447

ACTUAL WORKING CAPITAL COMPUTATION

Actual working capital computation not computed

514.6(b)(5) Working capital shall be included at the lesser of actual working capital or average voyage expense.
514.6(b)(5)(i) Actual working capital shall be computed from the balances at the beginning of the year in (current) asset and liability accounts.
Only the computation of average voyage expense 514.6(b)(5)(ii) is illustrated in these pro forma statements. Both computations are to be included in submitting annual reports.
Pro forma Exhibit A—Rate Base was prepared on the assumption that in this instance the carrier's average voyage expense was less than the computed actual working capital.

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Company
The ..... Service
Other Assets
SCHEDULE A-4
....., 19-- to ....., 19--

Reference: 514.6(b)(7)—"Any other assets owned by the carrier and claimed as components of its rate base shall be set forth separately in a schedule and related to amounts shown in the annual financial reports, FMC 63 or FMC-64. The basis of allocation to the trade shall be fully explained and supported by computations of percentages employed.",

SCHEDULE A-5
Company
Assets Reconciled to FMC 61 Report
....., 19-- to ....., 19--

Reference: 514.2(b)—"With respect to the annual reports required by this part, all data must be based on amounts shown in the annual financial reports filed with the Federal Maritime Commission in compliance with General Order 5 (part 511 of this chapter). Where any amount differs from that reported in the annual reports, forms FMC-63 or FMC-61, the differences shall be set forth and fully explained."

SCHEDULE B 1
Company
Restatement of Income of The Service (Schedule 3002-FMC 63) for the Purposes of Exhibit B
....., 19-- to ....., 19--

Reference: 514.2(b)—"With respect to the annual reports required by this part, all data must be based on amounts shown in the annual financial reports filed with the Federal Maritime Commission in compliance with General Order 5 (part 511 of this chapter). Where any amount differs from that reported in the annual reports, forms FMC-63 or FMC-64 the differences shall be set forth and fully explained."

SCHEDULE B 2
Company
The ..... Service
Operating Revenue
....., 19-- to ....., 19--

	Cargo cube	Revenue tons	Amount of revenue
Trade cargo outward:			
Commodity 1	24,910,771	366,018	$4,758,241
Commodity 2	6,417,324	364,292	4,735,798
Commodity 3	11,036,704	116,793	2,128,617
Commodity 4	5,677,611	110,024	1,820,319
Commodity 5	3,226,201	131,263	1,706,321
Commodity 6	4,565,682	122,263	1,054,228
Commodity 7	7,870,491	111,528	1,371,338
Commodity 8	3,130,798	56,046	672,553
Commodity 9	1,104,172	53,055	641,350
Commodity 10	853,272	47,812	573,742
Commodity 11	284,365	43,310	519,724
Commodity 12	1,133,211	41,389	496,662
Commodity 13	5,238,083	41,303	495,639
Commodity 14	384,323	34,166	409,994
Commodity 15	1,212,787	32,723	392,687
Other trade commodities	36,248,257	1,273,048	15,137,150
Total trade cargo outward	113,644,252	2,978,673	36,917,966
Trade cargo inward:			
Commodity 1	48,192,888	1,333,031	10,661,270
Commodity 2	12,874,373	401,210	6,018,163
Commodity 3	7,099,631	382,114	4,391,313
Other trade commodities	10,113,615	160,012	1,920,149
Total trade cargo inward	78,310,507	2,276,370	22,990,895
Total trade cargo (schedule B 2)	191,924,759	5,255,043	59,914,361
Other cargo:			
ICC cargo	100,417,577	2,196,105	22,181,625
Foreign cargo	1,062,114	12,148	261,215
Military cargo	9,068,527	478,120	836,782
All other cargo			
	110,548,218	2,686,373	23,285,622
Total cargo	302,472,977	7,941,416	83,199,983

Reference: 514.6(e)(1).

ICC cargo	100,417,577	2,196,105	22,184.62

	Reefer cargo			Nonreefer cargo		
	Cargo cube	Revenue tons	Revenue	Cargo cube	Revenue tons	Revenue
BREAKBULK VESSELS						
Cargo outward:						
Commodity 1				17,458,510	256,213	$3,330,757
Commodity 2	6,417,324	364,292	$4,735,798			
Commodity 3	11,036,704	116,793	2,128,617			
Commodity 4	5,677,611	110,024	1,820,319			
Commodity 5				2,258,341	85,321	1,100,174
Commodity 6						
Commodity 7				5,509,344	74,443	893,330
Commodity 8				2,401,559	36,430	437,159
Commodity 9				772,920	31,902	418,828
Commodity 10				576,290	31,078	372,932
Commodity 11				199,056	28,152	337,821
Commodity 12				793,218	26,903	322,830
Commodity 13				3,666,658	28,912	346,947
Commodity 14						
Commodity 15				1,212,787	32,723	392,687
Other commodities				25,571,558	817,869	9,640,541
Total cargo outward	23,151,839	621,109	8,681,734	60,420,301	1,452,946	17,611,996
Cargo inward:						
Commodity 1				33,735,010	931,021	7,464,989
Commodity 2						
Commodity 3				4,969,742	267,480	3,076,019
Other commodities	440,025	11,801	181,765	6,792,518	103,747	1,216,869
Total cargo inward	440,025	11,801	181,765	45,497,276	1,302,251	11,757,877
Total trade cargo	23,591,864	632,910	8,866,499	105,917,577	2,755,197	29,369,873
CONTAINERSHIPS						
Cargo outward:						
Commodity 1				7,482,231	109,805	1,127,487
Commodity 2						
Commodity 3						
Commodity 4						
Commodity 5				997,860	45,942	597,247
Commodity 6	4,565,682	122,263	1,051,228			
Commodity 7				2,361,147	40,085	481,018
Commodity 8				1,629,239	19,616	235,394
Commodity 9				4331,252	18,793	225,522
Commodity 10				246,982	16,734	200,810
Commodity 11				85,309	15,158	181,903
Commodity 12				339,063	14,486	173,832
Commodity 13				1,571,425	12,301	148,692
Commodity 14				384,323	34,166	409,994
Commodity 15						
Other commodities				10,676,699	455,179	5,487,609
Total cargo outward	4,565,682	122,263	1,054,228	25,476,430	782,355	9,569,508
Cargo inward:						
Commodity 1				14,457,872	402,010	3,199,281
Commodity 2	12,874,373	401,210	6,018,163			
Commodity 3				2,129,889	114,634	1,318,294
Other commodities				2,911,072	44,464	521,515
Total cargo inward	12,874,373	401,210	6,018,163	19,498,833	561,108	5,039,090
Total trade cargo	17,440,055	523,473	7,069,391	44,975,263	1,343,463	14,608,598

	Cargo cube	Revenue tons	Revenue
Recap:			
Breakbulk:			
Reefer	23,591,864	632,910	$8,866,499
Nonreefer	105,917,577	2,755,197	29,369,873
Containership:			
Reefer	17,440,055	523,473	7,069,391
Nonreefer	44,975,263	1,343,463	14,608,598
Total	191,924,759	5,255,043	59,914,361

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SCHEDULE B-3

The _____ Company
Cargo Cube Handled Relationship—Breakbulk Vessels
_____, 19__ to _____, 19__

	Cargo cube handled			
		The trade		
	Total	Reefer	Nonreefer	Other cargo
Between:				
A and F	42,214,043	6,170,609	19,643,120	16,400,314
A and F	3,974,189			3,974,189
Port A:				
Cargo cube handled	46,188,532	6,170,609	19,643,120	20,374,803
Cargo cube handled relationship (percent)	100.00000	13.35961	42.52813	44.11226
B and E	56,599,315	12,075,521	24,015,859	20,508,132
B and F	4,935,258			4,935,258
Port B:				
Cargo cube handled	61,534,573	12,075,521	24,015,859	25,443,309
Cargo cube handled relationship (percent)	100.00000	19.62390	39.02841	41.34769
C and E	63,584,932	1,587,089	51,297,240	4,700,603
C and F	5,649,165			5,649,165
Port C:				
Cargo cube handled	69,234,097	4,587,089	51,297,240	10,349,768
Cargo cube handled relationship (percent)	100.00000	6.62548	78.42558	14.94894
D and E	9,102,372	738,642	7,961,358	382,372
D and F	703,617			703,617
Port D:				
Cargo cube handled	9,805,989	738,642	7,961,358	1,085,989
Cargo cube handled relationship (percent)	100.00000	7.73652	81.18873	11.07475
E and F	14,420,177			14,420,177
A and E	42,211,043	6,170,609	19,643,120	16,400,314
A and E	56,599,315	12,075,521	24,015,859	20,508,132
B and E	63,584,932	1,587,089	51,297,240	4,700,603
C and E	9,102,372	738,642	7,961,358	382,372
D and E				
Port E:				
Cargo cube handled	185,921,039	23,501,864	105,917,577	56,111,598
Cargo cube handled relationship	100.00000	12.68917	56.96913	30.34170
A and F	3,974,189			3,974,189
B and F	4,935,258			4,935,258
C and F	5,649,165			5,649,165
D and F	703,617			703,617
E and F	14,420,177			14,420,177
Port F cargo cube handled	29,682,706			29,682,706
Total cargo cube handled, breakbulk vessels	402,367,136	17,182,728	211,835,154	113,348,254
Cargo cube handled relationship—Total cargo, breakbulk vessels (percent)	100.00000	11.72654	52.64723	35.62923
A and E	51,045,807	10,903,630	31,507,634	8,634,543
A and F	6,309,156			6,309,156
Port A:				
Cargo cube handled	57,354,963	10,903,630	31,507,634	14,943,699
Cargo cube handled relationship (percent)	100.00000	19.01079	54.93445	26.05476
B and E	22,772,267	6,536,425	13,467,629	2,768,213
B and F	701,297			701,297
Port B:				
Cargo cube handled	23,473,564	6,536,425	13,467,629	3,472,510
Cargo cube handled relationship (percent)	100.00000	27.84294	57.36627	14.79239
E and F	20,457,882			20,457,882
A and E	51,045,807	10,903,630	31,507,634	8,634,543
A and E	22,772,267	6,536,425	13,467,629	2,768,213
Port E:				
Cargo cube handled	91,275,956	17,440,055	44,975,283	31,860,618
Cargo cube handled relationship (percent)	100.00000	18.40894	47.70508	33.70598
A and F	6,309,156			6,309,156
B and F	701,297			701,297
E and F	20,457,882			20,457,882
Port F cargo cube handled	27,471,335			27,471,335
Total cargo cube handled, containerships	202,578,818	34,880,110	89,950,526	77,748,182
Cargo cube handled relationship—Total cargo handled, containerships (percent)	100.00000	17.21804	44.40273	38.37923

Reference: 514.5(d)(2).

SCHEDULE B-4

The _____ Company
Cargo Cube Miles Relationship—Breakbulk Vessels
_____, 19__ to _____, 19__

		Cargo cube miles (thousands)			
			The trade		
	Miles	Total	Reefer	Nonreefer	Other cargo
Between:					
Port A and port F	2,190	92,448,755	13,513,634	43,018,433	35,916,688
Port A and port F	4,635	18,421,757			18,421,757
Port B and port F	2,872	162,553,807	31,680,905	68,973,547	58,899,355
Port B and port F	4,329	21,364,732			21,364,732
Port C and port F	3,430	218,006,316	15,733,715	186,239,533	16,123,068
Port C and port F	4,438	25,070,991			25,070,991
Port D and port F	2,133	19,415,360	1,618,184	16,981,577	815,599
Port D and port F	4,708	3,312,629			3,312,629
Port E and port F	2,753	39,698,747			39,698,747
Total cargo cube miles, breakbulk vessels		600,383,097	65,516,438	315,213,090	219,623,569
Cargo cube mile relationship, breakbulk vessels (percent)		100.00000	10.91741	52.50199	36.58057
Port A and port E	2,190	111,790,317	23,878,950	69,001,718	18,909,649
Port A and port F	4,635	29,242,938			29,242,938
Port B and port F	2,872	65,101,951	18,772,613	38,679,030	7,650,308
Port B and port F	4,329	3,048,902			3,048,902
Port E and port F	2,753	56,320,549			56,320,549
Total cargo cube miles, containerships		265,504,657	42,651,563	107,680,748	115,172,316
Cargo cube mile relationship, containerships		100.00000	16.01621	40.51123	43.47256

Reference: 514.5(d)(4).

SCHEDULE B-5

BREAKBULK VESSELS

The _____ Company
Vessel Expense
_____, 19__ to _____, 19__

			The trade		
		Total	Reefer	Nonreefer	Other cargo
701	Wages	$10,046,115			
708	Payroll taxes	529,260			
709	Contributions—Welfare plan	1,634,859			
710	Subsistence	663,774			
715	Stores supplies and equipment	538,298			
725	Other maintenance expense	55,990			
735	Fuel	2,989,833			
740	Repairs—Performed domestic	2,073,679			
749	Repairs—Performed foreign				
755	Insurance—Hull and machinery	443,771			
757	Insurance—Protection and indemnity	2,476,421			
759	Insurance—Other	39,664			
760	Charter hire	638,196			
764	Other vessel expense	78,426			
	Total	22,209,286			
Directly assigned:					
	Wages of engineers to reefer supervision	167,080	$167,080		
	Maintenance repairs—Refrigeration equipment	750,000	750,000		
Allocated: [1]					
	Sea time active expense	13,679,661	1,493,469	87,182,006	$5,004,009
	Port time active expense:				
	Port A	872,274	116,532	370,962	384,780
	Port B	1,162,418	228,112	453,670	480,636
	Port C	1,307,640	86,638	1,025,524	195,478
	Port D	185,192	11,327	150,355	20,510
	Port E	3,511,403	445,568	2,000,416	1,065,419
	Port F	560,522			560,522
	Subtotal for computation of vessel expense relationship	22,196,193	3,301,726	11,183,023	7,711,444
	Port time idle expense	13,093	1,948	6,596	4,549
	Total vessel expense	22,209,286	3,303,674	11,189,619	7,715,993
	Vessel expense relationship (percent)	100.00000	14.87519	50.38262	34.74219

[1] Allocation bases, sea and port—Time expenses; Sea time active—Cargo cube mile relationship; Port time active—Cargo cube handled relationship; Port time idle—Vessel expense relationship.
Reference: 514.6(c)(2)(i).

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SCHEDULE B 5a

BREAKBULK VESSELS

_____ Company

The _____ Service

Division of Vessel Expenses into Time Statuses

_____, 19-- to _____, 19--

	Hours	Fuel: Barrels consumed	Fuel: Fuel cost	Other allocated vessel expense	Total allocated vessel expense
Sea time active	81,189.3	980,181	$2,491,626	$11,188,038	$13,679,664
Port time active:					
Port A	6,156.1	22,157	57,086	815,188	872,274
Port B	8,203.8	29,927	76,074	1,086,344	1,162,418
Port C	9,228.7	33,666	85,579	1,222,061	1,307,640
Port D	1,307.0	1,768	12,120	173,072	185,192
Port E	21,781.8	90,104	229,807	3,281,596	3,511,403
Port F	3,955.9	14,431	36,684	523,838	560,522
Port time idle	92.4	397	857	12,236	13,093
Total	138,215.0	1,176,171	$2,989,833	$18,302,373	$21,292,206

NOTE.—Sea time idle—None; full cost per barrel $2.54290; fuel consumption in barrels per hour—at sea 11.60128, in port 3.04797; other allocated vessel expense $132.11558 per hour.

SCHEDULE B 6

BREAKBULK VESSELS

The _____ Company Service

Port Expenses

_____, 19-- to _____, 19--

		Total	The trade: Reefer	The trade: Nonreefer	Other cargo
Port A:					
770	Wharfage and dockage—Intracompany	$55,815	$7,460	$23,750	$24,605
779	Other port expense—Direct	8,387			8,387
779	Other port expense—Cargo cube handled relationship	154,150	20,594	65,557	67,999
	Port A total	218,382	28,054	89,307	101,021
Port B:					
770	Wharfage and dockage	78,970	15,497	30,821	32,652
779	Other port expense	108,673	21,326	42,413	44,934
	Port B total	187,643	36,823	73,234	77,586
Port C:					
770	Wharfage and dockage	78,724	5,216	61,740	11,768
779	Other port expense	148,583	9,844	116,527	22,212
	Port C total	227,307	15,060	178,267	33,980
Port D:					
765	Agency fees and commissions—Direct	16,085	5,297	10,788	
765	Agency fees and commissions—Cargo cube handled relationship	37,166	2,875	30,175	4,116
770	Wharfage and dockage	8,361	647	6,791	926
779	Other port expense	28,039	2,169	22,765	3,105
	Port D total	89,654	10,988	70,519	8,147
Port E:					
770	Wharfage and dockage	111,312	11,125	63,413	33,774
779	Other port expense—Direct	68,939	55,073		13,866
779	Other port expense—Cargo cube handled relationship	368,909	46,812	210,164	111,933
	Port E total	549,160	116,010	273,577	159,573
Port F:					
765	Agency fees and commissions	182,084			182,084
770	Wharfage and dockage	24,109			24,109
779	Other port expense	59,305			59,305
	Port F total	265,498			265,498
	Total accounts 765, 770, and 779	1,557,644	206,935	684,904	645,805

NOTE.—All port expenses allocated on CCH relationship except where direct assignment indicated. Reference: 514.6(c)(2)(iii).

SCHEDULE B 7

BREAKBULK VESSELS

The _____ Company Service

Cargo Expense

_____, 19-- to _____, 19--

		Total	The trade: Reefer	The trade: Nonreefer	Other cargo
780	Stevedoring:				
	Port A—Intercompany charges:				
	Direct	$11,947	$1,720	$9,692	$505
	Cargo cube handled relationship	1,538,808	205,583	854,439	678,816
	Total port A	1,550,755			
	Port B—Direct	4,565	2,585	1,925	55
	Cargo cube handled relationship	2,266,631	411,802	881,623	937,206
	Total port B	2,271,196			
	Port C—Direct	20,708	3,724	8,367	8,617
	Cargo cube handled relationship	3,413,476	226,159	2,677,038	510,279
	Total port C	3,434,184			
	Port D—Direct	1,240	535	705	
	Cargo cube handled relationship	417,064	32,315	349,118	40,258
	Total port D	418,984			
	Port E—Direct	25,053	7,208	15,375	2,380
	Cargo cube handled relationship	6,701,693	840,389	3,817,809	2,033,408
	Total port E	6,726,746			
	Port F	759,707			759,707
	Total account 780	15,161,569	1,775,100	8,409,238	4,977,231
789	Other cargo expense—Cargo cube relationship:				
	Port A	246,661	32,945	101,875	108,781
	Port B	326,112	77,733	154,596	163,781
	Port C	371,852	24,659	291,631	55,383
	Port D	86,406	6,685	70,152	9,569
	Port E	1,270,608	162,372	728,981	388,255
	Port F	149,511			149,511
	Total account 789	2,530,070	301,371	1,350,214	875,185
	Total cargo expense—Accounts 780 and 789	17,691,639	2,079,471	9,759,452	5,852,716

Reference: 514.6 (c) (2) (iii).

SCHEDULE B 8

BREAKBULK VESSELS

The _____ Company Service

Freight Brokerage and Other Voyage Expenses

_____, 19-- to _____, 19--

	Total	The trade: Reefer	The trade: Nonreefer	Other cargo
790 freight brokerage—Direct	$19,043	$2,233	$10,026	$6,784
795 canal tolls				
799 other voyage expense:				
Direct	91,694	5,466	48,133	38,095
Cargo cube handled relationship	81,420	9,548	42,865	29,007
Total freight brokerage and other voyage expenses—Accounts 790, 795, and 799	192,157	17,247	101,024	73,886

Reference: 514.6(c)(2)(iii).

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SCHEDULE B-9

BREAKBULK VESSELS

The _____ Company
_____ Service

Passenger Revenue and Other Voyage Revenue

_____, 19__ to _____, 19__

	Total	The trade		Other cargo
		Reefer	Nonreefer	
Passenger revenue:				
608 foreign	$79,673			
612 coastwise and intercoastal	41,351			
Total passenger revenue	121,024			
793 passenger brokerage				
Net passenger revenue	121,024			
624 other voyage revenue	4,147			
Total net passenger revenue and other voyage revenue distributed in cargo cube mile relationship	125,171	$13,666	$65,717	$45,788

Reference: 514.6(e)(2)(iv).

SCHEDULE B-10

BREAKBULK VESSELS

The _____ Company
_____ Service

Analysis of Charter Hire

_____, 19__ to _____, 19__

	Total	Vessel SS-A	Vessel SS-BB
Period(s) of charter		Mar. 12 to June 7	Jan. 1 to Apr. 10.
Number of days chartered		88	100.
Charter rate		$3,192	$3,573.
Total charter hire (schedule B-5)	$638,196	$280,896	$357,300.
From whom chartered		A company	F company.
Owned by		do	Do.
Construction date		July 18, 1947	Aug. 21, 1946.
Original cost		Unknown	$2,364,420.
Conversion costs		do	$3,625,510.

Reference: 514.6(e)(2)(v).

SCHEDULE B-11

BREAKBULK VESSELS

The _____ Company
_____ Service

Inactive Vessel Expense

_____, 19__ to _____, 19__

	Total	Breakbulk vessel name	
		B	K
Total inactive vessel expense	$94,769	$25,648	$69,121
Allocation to the service, vessel B—Used in other services—37 d	(2,600)	(2,600)	
Allocated to the service	92,169	23,048	69,121
Prorated in vessel expense relationship:			
The trade:			
Reefer	13,710		
Nonreefer	46,437		
Other cargo	32,022		
Total	92,169		

Reference: 514.6(c)(4).

SCHEDULE B-12

BREAKBULK VESSELS

_____ Company

The _____ Service

Depreciation of Vessels

_____, 19__ to _____, 19__

	Cost	Residual value	Years—Depreciable life used	Days in the service	Depreciation allocated to the service
Breakbulk vessel:					
A	$2,500,000	$125,000	25	31	$8,068
B less machinery replaced	2,288,634	125,000	25	328	77,772
B machinery removed	211,366		25	53	1,228
B machinery installed	860,966		12½	275	51,894
C	2,500,000	125,000	25	365	95,000
D	2,500,000	125,000	25	365	95,000
E	2,500,000	125,000	25	365	95,000
F	2,500,000	125,000	25	365	95,000
G	2,500,000	125,000	25	350	91,096
H	2,500,000	125,000	25	365	95,000
I	2,500,000	125,000	25	365	95,000
J	2,500,000	125,000	25	365	95,000
K	2,500,000	125,000	25	365	95,000
L	2,500,000	125,000	25	365	95,000
M	2,500,000	125,000	25	365	95,000
N	2,500,000	125,000	25	365	95,000
O	2,500,000	125,000	25	365	95,000
P	2,500,000	125,000	25	186	48,411
Total					1,418,469
Distribution of depreciation in vessel expense relationship:					
The trade:					
Reefer cargo					211,000
Nonreefer cargo					714,662
Total, the trade					925,662
Other cargo					492,807
Total, the service					1,418,469

Reference: 514.6(e)(8).

SCHEDULE B-5

CONTAINERSHIPS

The _____ Company
_____ Service

Vessel Expense

_____, 19— to _____, 19—

		Total	The trade		Other cargo
			Reefer	Nonreefer	
701	Wages	$3,833,690			
708	Payroll taxes	247,151			
709	Contributions—Welfare plan	1,189,389			
710	Subsistence	295,727			
715	Stores, supplies, and equipment	468,408			
725	Other maintenance expense	394,822			
735	Fuel	1,435,894			
740	Repairs—Performed domestic	1,322,661			
749	Repairs—Performed foreign				
755	Insurance—Hull and machinery	245,426			
757	Insurance—Protection and indemnity	236,437			
759	Insurance—Other	91,639			
760	Charter hire				
764	Other vessel expense	168,247			
	Total	9,929,491			
Sea time active expense		6,938,740	$1,113,405	$2,810,969	$3,014,366
Port time active expense:					
Port A		747,685	142,141	410,737	194,807
Port B		747,685	208,173	428,919	110,593
Port E		747,685	138,314	356,690	252,681
Port F		747,696			747,696
		9,929,491	1,602,033	4,007,315	4,320,143
Vessel expense relationship (percent)		100.00000	16.13409	40.35771	43.50820

NOTE.—Allocation bases—Sea and port time expenses. Sea time active—Cargo cube mile relationship. Port time active—Cargo cube handled relationship.
Reference: 514.6(c)(2)(i).

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SCHEDULE B-5a

CONTAINERSHIPS

The _____ Company
_____ Service

Division of Vessel Expense into Time Statuses

_____, 19-- to _____, 19--

	Hours	Barrels consumed	Fuel cost	Other vessel expense	Total vessel expense
Sea time active	50,983.3	502,101	$1,276,346	$5,662,394	$6,938,740
Port time active:					
Port A	6,372.9	15,691	39,887	707,798	747,685
Port B	6,372.9	15,691	39,887	707,798	747,685
Port E	6,372.9	15,691	39,887	707,798	747,685
Port F	6,373.0	15,691	39,887	707,809	747,696
Total	76,475.0	564,868	1,435,894	8,493,597	9,929,491

NOTES.—No idle time; fuel cost per barrel $2.54200; Fuel consumption in barrels per hour—At sea 9.84800, In port 2.46214; other vessel expense $111.06371 per hour.

SCHEDULE B 6

CONTAINERSHIPS

The _____ Company
_____ Service

Port Expense

_____, 19-- to _____, 19--

		Total	The trade		Other cargo
			Reefer	Nonreefer	
Port A:					
779	Other port expenses—Cargo cube handled relationship	$191,419	$36,396	$105,171	$49,852
Port B:					
765	Agency fees and commissions—Direct	10,234	7,573		2,661
765	Agency fees and commissions—Cargo cube handled relationship	18,716	5,211	10,737	2,768
770	Wharfage and dockage—Direct	151,682			151,682
770	Wharfage and dockage—Cargo cube handled relationship	215,821	60,090	123,808	31,923
779	Other port expenses—Direct	16,101	11,915		4,186
779	Other port expenses—Cargo cube handled relationship	134,972	37,579	77,429	19,964
	Total	547,526	122,368	211,974	213,184
Port E:					
770	Wharfage and dockage—Cargo cube handled relationship	438,577	81,132	209,228	148,217
779	Other port expenses—Direct	80,409		80,409	
779	Other port expenses—Cargo cube handled relationship	461,392	85,353	220,111	155,928
	Total	980,378	166,485	509,748	304,145
Port F:					
765	Agency fees and commissions	88,626			88,626
770	Wharfage and dockage	60,673			60,673
779	Other port expenses	72,922			72,922
	Total	222,221			222,221
	Total accounts 765, 770, and 779	1,941,574	325,249	826,893	789,432

Reference: 514.6(c)(2)(iii).

SCHEDULE B-7

CONTAINERSHIPS

The _____ Company
_____ Service

Cargo Expense

_____, 19-- to _____, 19--

		Total	The trade		Other cargo
			Reefer	Nonreefer	
780	Stevedoring:				
	Port A—None—See other shipping operations—Cargo handling				
	Port B—Direct:				
	Stuffing	$210,263	$58,542	$120,620	$31,101
	Carrier trucking	6,308	1,756	3,619	933
	Onloading and offloading containers	124,157	34,639	71,269	18,249
	Total port B	340,728	94,937	195,508	50,283
	Port E—Direct:				
	Stuffing	1,096,101	186,110	479,972	340,013
	Carrier trucking	30,183	5,584	14,399	10,200
	Onloading and offloading containers	396,568	73,369	189,158	134,041
	Total port E	1,432,855	265,072	683,529	484,254
	Port F	605,763			605,763
	Total account 780	2,379,346	360,009	879,037	1,140,300
789	Other cargo expense:				
	Port A—None—See other shipping operations cargo handling				
	Port B CCH relationship	151,123	42,076	86,694	22,353
	Port E CCH relationship	648,851	120,031	309,542	219,281
	Port F CCH relationship	258,262			258,262
	Total account 789	1,058,239	162,107	396,236	499,896
	Total cargo expense—Accounts 780 and 789	3,437,585	522,116	1,275,273	1,640,196

Reference: 514.6(c)(2)(iii).

SCHEDULE B 8

CONTAINERSHIPS

The _____ Company
_____ Service

Freight Brokerage and Other Voyage Expenses

_____, 19-- to _____, 19--

		Total	The trade		Other cargo
			Reefer	Nonreefer	
790	Freight brokerage—Direct	$2,384			$2,384
790	Freight brokerage—Cargo cube handled relationship	7,645	$1,316	$3,395	2,934
	Total account 790	10,029	1,316	3,395	5,318
795	Canal tolls				
799	Other voyage expenses—Cargo cube handled relationship	164,349	28,298	72,975	63,076
	Total accounts 790, 795, and 799	174,378	29,614	76,370	68,394

Reference: 115.6(c)(2)(iii).

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SCHEDULE B-9

CONTAINERSHIPS

The _____ Company
Passenger Revenue and Other Voyage Revenue Service
_____, 19-- to _____, 19--

	Total	The trade		Other cargo
		Reefer	Nonreefer	
Passenger revenue:				
608 foreign	$87,226			
612 coastwise and intercoastal				
Total passenger revenue	87,226			
793 passenger brokerage				
Net passenger revenue	87,236			
624 other voyage revenue				
Total—Net passenger revenue and other voyage revenue distributed in cargo cube mile relationship	87,236	$13,998	$35,310	$37,898

Reference: 514.6(c)(2)(iv).

SCHEDULE B 10

CONTAINERSHIPS

The _____ Company
Analysis of Charter Hire Service
_____, 19-- to _____, 19--

The _____ Company chartered no containerships during this period.

Reference: 514.6(c)(2)(v).

SCHEDULE B-11

CONTAINERSHIPS

_____ Company
The _____ Service

Inactive Vessel Expense

_____, 19-- to _____, 19--

	Total	Containership name			
		S	U	W	X
Total inactive vessel expense	$223,078	$86,928	$10,432	$20,255	$105,463
Allocated to the service: 100 pct					
Prorated in vessel expense relationship:					
The trade:					
Reefer		35,992			
Nonreefer		90,029			
Total, the trade		126,021			
Other cargo		97,057			
Total, the service		223,078			

Reference: 514.6(c)(4).

SCHEDULE B-12

CONTAINERSHIPS

The _____ Company
Service

Depreciation of Containerships

_____, 19-- to _____, 19--

	Cost	Residual value	Years—Depreciable life used	Days in the service	Depreciation allocated to the service
Containership: Q	$5,000,000	$250,000	25	212	$110,356
R Less machinery removed	4,525,000	250,000	25	343	160,693
R machinery removed	475,000		25	190	9,890
S	5,000,000	250,000	25	365	190,000
T	5,000,000	250,000	25	365	190,000
U	5,000,000	250,000	25	365	190,000
V	5,000,000	250,000	25	365	190,000
W	5,000,000	250,000	25	365	190,000
X	5,000,000	250,000	25	365	190,000
Y	5,000,000	250,000	25	31	16,137
					1,437,076
Distribution of depreciation in vessel expense relationship:					
The trade:					
Reefer cargo					231,859
Nonreefer cargo					579,971
Total, the trade					811,830
Other cargo					625,246
Total, the service					1,437,076

Reference: 514.6(c)(8).

SCHEDULE B 13

_____ Company
Other Shipping Operations Port A
_____, 19-- to _____, 19--

	Total	The trade				Nontrade cargo
		Breakbulk vessels		Containerships		
		Reefer	Nonreefer	Reefer	Nonreefer	
855 Terminal operations [1]	$141,508	$4,330	$13,785	$7,652	$22,110	$93,631
865 Cargo handling:						
Direct:						
Stuffing	695,832	4,151	12,173	116,833	337,608	224,767
Carrier trucking	1,431,838	5,144	15,456	238,859	690,217	482,182
Heavy lift	6,267			6,012		255
On/off loading containers	306,450	1,720	3,680	52,410	151,480	97,160
Allocated [1]	4,758,457	196,380	626,715			3,935,362
Total	7,198,864	207,395	664,336	408,102	1,179,305	4,739,726
875 Tug and lighter [1]	203,160	12,107	38,541	21,394	61,820	69,298
885 Other shipping operations—Container system container rent:						
Direct	979,041	5,467	11,503	230,910	468,027	263,134
Allocated [1]	5,545,006	24,515	73,545	1,035,507	2,992,250	1,419,189
Total	6,524,047	29,982	85,048	1,266,417	3,460,277	1,682,323
Total costs	14,067,579	253,814	801,710	1,703,565	4,723,512	6,584,978
Interdepartmental credits:						
855 Terminal operations	(89,183)	(7,460)	(23,750)			(57,973)
865 Cargo handling	(1,550,755)	(207,395)	(664,336)			(679,024)
Total costs less credits	12,427,641	38,959	113,624	1,703,565	4,723,512	5,847,981
Cost relationships (percent): [2]						
875 Tug and lighter	100.00000	5.95934	18.97076	10.53062	30.42922	34.11006
Total costs	100.00000	1.80425	5.69899	12.10987	33.57729	46.80960

[1] See schedule 13a for allocation bases.
[2] Cost relationships used for distribution of adjusted cost—other owned property and equipment (schedule A-2).
Reference: 514.6(c)(5).

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SCHEDULE B-13a

The _____ Company

Analysis of Cargo Cube Handled (CCH) at Port A

_____, 19-- to _____, 19--

	By vessel class		Total	Breakbulk cargo	Container-cargo
	Breakbulk vessels	Container-ized			
Reefer cargo—trade cargo:					
Breakbulk vessels	6,170,609		6,170,609	5,912,472	258,137
Containerships		10,903,630	10,903,630		10,903,630
Total trade reefer cargo cube handled	6,170,609	10,903,630	17,074,239	5,912,472	11,161,767
Nonreefer cargo—Trade cargo:					
Breakbulk vessels	19,643,120		19,643,120	18,868,708	774,412
Containerships		31,507,634	31,507,634		31,507,634
Total trade nonreefer cargo cube handled	19,643,120	31,507,634	51,150,754	18,868,708	32,282,046
Total trade cargo cube handled	25,813,729	42,411,264	68,224,993	24,781,180	43,443,813
Other cargo in the service	20,374,803	14,943,699	35,318,502	20,374,803	14,943,699
Total service cargo cube handled	46,188,532	57,354,963	103,543,495	45,155,983	58,387,512
Cargo:					
Other owned ships	44,481,249		41,481,249	44,481,249	
Other ships	53,624,204		53,624,204	53,624,204	
Total cargo cube handled port A	144,296,985	57,354,963	201,651,948	143,261,436	58,387,512

		Cargo handled		Total	Cents per cargo cube handled
		Type	Cargo cube handled		
COST ALLOCATED ON CARGO HANDLED BASIS					
855	Terminal operations	All	201,651,948	$141,508	0.070174
865	Cargo handling	Breakbulk	113,264,436	4,788,457	3.321450
875	Tug and lighter (used only by vessels in the service).	Service cargo	103,543,495	203,160	.196207
885	Other shipping operations	Containerized	58,387,512	5,545,006	9.496904

SCHEDULE B-14

_____ Company

Overhead Expense Computation

_____, 19 to _____, 19--

	Amount
Overhead assigned and allocated:	
Direct assignment—a/c 950 advertising:	
The service:	
Breakbulk vessels—Other cargo	$190,065
Containerships:	
The trade-reefer cargo	72,667
Other cargo	100,765
Other services	321,000
Total	687,437
Allocated at 10.76433 percent of direct cost	8,037,222
Total	8,724,659
Total overhead—Schedule 3020, FMC-61	8,793,949
Less agency fees, commissions, and brokerage earned—Schedule 3021, FMC-61	69,290
Total	8,724,659
Direct costs—Overhead base:	
Vessel operating expense—The service:	
Breakbulk vessels:	
Vessel expense	22,209,286
Port expense	1,537,644
Cargo expense	17,691,639
Freight brokerage and other voyage expense	192,157
Inactive vessel expense	52,169
Containerships:	
Vessel expense	9,929,491
Port expense	1,911,574
Cargo expense	3,437,585
Freight brokerage and other voyage expense	174,378
Inactive vessel expense	223,078
Other shipping operations	12,427,641
Other vessels in other services	4,808,677
Total direct costs—Overhead base	74,665,319
Overhead to be assigned on direct cost basis	8,037,222
Overhead rate—Percent of direct costs	10.76433

Reference: 514.6(e)(7).

SCHEDULE B-15

_____ Company

Depreciation—Other Property and Equipment at Port A

_____, 19__ to _____, 19__

	Total	The trade				Nontrade cargo
		Breakbulk vessels		Containerships		
		Reefer	Nonreefer	Reefer	Nonreefer	
Other floating equipment:						
Tugboat I	$6,595					
Tugboat II	8,121					
	14,716	$877	$2,792	$1,550	$4,478	$5,019
Other shipping property and equipment:						
Office furniture and equipment	32,636	589	1,860	3,952	10,958	15,277
Total	47,352	1,466	4,652	5,502	15,436	20,296

NOTE: Distributed on same basis as investment (schedule A-2).
Reference: 514.6(e)(8).

SCHEDULE B-16

_____ Company

The _____ Service

Construction—Differential Subsidy Refund

_____, 19-- to _____, 19--

	Days in the service	Subsidy refund—Total	Other services	The trade		Other cargo
				Reefer	Nonreefer	
Breakbulk vessels:						
Vessel G	350					
Container ships:						
Vessel Q	212					

Reference: 514.6(e)(9).

SCHEDULE B-17

_____ Company

Other Income/Expense

_____, 19-- to _____, 19--

Item	Total other income/expense	Other services	The service					
			Breakbulk vessels			Containerships		
			The trade		Other cargo	The trade		Other cargo
			Reefer	Nonreefer		Reefer	Nonreefer	

Reference: 514.6(e)(10)—"Any other elements of income or expense wholly or partially applicable to the trade shall be fully explained and supported by a schedule showing details of allocation to the trade and cargo categories within the trade and reconciliation with amounts shown in the annual financial reports FMC-63 or FMC-64."

SCHEDULE B-18

_____ Company

The _____ Trade

Provisions for Income Taxes

_____, 19-- to _____, 19--

	The trade total	Breakbulk vessels		Containerships	
		Reefer	Nonreefer	Reefer	Nonreefer
Net income/loss—The trade (exhibit B)					
Computation of income tax:					

Reference: 514.6(e)(11).

SCHEDULE B-19

_____ Company

Profits of Related Companies

_____, 19-- to _____, 19--

Reference: 514.6(e)(12)—"Net income, after Federal income taxes, earned by related companies of the carrier in performing services for the carrier in the trade shall be included and allocated to cargo categories in an appropriate manner. The methods employed in determing such net income and allocations shall be fully explained and supported by a footnote on the schedule."

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ALTERNATIVE SCHEDULE A-3

Only for carriers who file FMC-63

_____ Company

The _____ Trade

Working Capital

_____, 19-- to _____, 19--

	Breakbulk vessels		Containerships	
	Reefer	Nonreefer	Reefer	Nonreefer
AVERAGE MONTHLY EXPENSE COMPUTATION				
(1) Net vessel operating expense (schedule B-5)				
(2) Inactive vessel expense (schedule B-11)				
(3) Other shipping operations (schedule B-13)				
(4) Overhead expense (schedule B-14)				
Total expense				
Average monthly expense (1/12 of expenses)				
ACTUAL WORKING CAPITAL COMPUTATION				

Reference: 514.6(b)(6), Working capital for carriers who file FMC-63 shall be included at the lesser of actual working capital or average monthly expense.
514.6(b)(6)(i), Actual working capital. 514.6(b)(6)(ii), Average monthly expense.

ALTERNATIVE SCHEDULE B 5

Only for carriers who file FMC-63

_____ Company

The _____ Service

Vessel Operating Expense

_____, 19-- to _____, 19--

Account No. FMC-63		Total	Allocated or assigned
	Vessel expense		For suggested format for allocation and assignment see pro forma schedules B-5 and B-5a for carriers who file FMC-64.
402	Repairs of floating equipment		
	Line service:		
422	Wages of crews		
423	Fuel		
424	Lubricants and water		
425	Food supplies		
426	Stores, supplies, and equipment		
427	Buffet supplies		
428	Other vessel expenses		
429	Outside towing expenses		
430	Wharfage and dockage		
431	Port expenses		
432	Agency fees and commissions		
443	Stevedoring		
457	Outside traffic agencies		
	Casualties and insurance:		
472	Baggage insurance and losses		
473	Hull insurance and damage		
474	Cargo insurance, loss and damage		
475	Liability insurance and losses, marine operations		
481	Charter rents—Transportation property		
485	Payroll taxes		
	Gross vessel operating expense		
	Deduct:		
302	Passenger revenue		
303	Baggage		
308	Miscellaneous voyage revenue		
	Vessel operating expense—Net		

Reference: 514.6(c)(3).

ALTERNATIVE SCHEDULE B-13

Only for carriers who file FMC-63

_____ Company

The _____ Service

Other Shipping Operations

_____, 19-- to _____, 19--

Account No. FMC-63		Total	Allocated or assigned
	Maintenance expenses:		For suggested format for allocation and assignment see pro forma schedules B-13 for carriers who file FMC-64.
404	Repairs of buildings and other structures		
405	Repairs of office and terminal equipment		
	Transportation expenses—Terminal service:		
442	Agents		
444	Precooling and cold storage operations		
445	Light, heat, power, and water		
447	Tug operations		
450	Other terminal operations		
483	Operating rents—other operating rents		
	Total		
	Dednet:		
312	Demurrage		
331	Revenue from cargo-handling operations		
332	Revenue from tug and lighter operations		
334	Miscellaneous operating revenue		
	Total		
	Other shipping operations—Net		

Reference: 514.6(c)(6).

ALTERNATIVE SCHEDULE B-14

(Only for carriers who file FMC-63)

_____ Company

Overhead Expense

_____, 19-- to _____, 19--

Account No. FMC-63		Total	Allocated or assigned
401	Maintenance expenses—Supervision		For suggested format for allocation and assignment see pro forma schedule B-14 for carriers who file FMC-64.
	Transportation expenses:		
421	Line service—Supervision		
	Terminal Service:		
441	Supervision		
446	Stationery and printing		
	Traffic expenses:		
456	Supervision		
458	Advertising		
459	Other traffic expenses		
	General expenses:		
461	General officers and clerks		
462	General office supplies and expenses		
463	Law expenses		
464	Management commissions		
465	Pensions and relief		
466	Stationery and printing		
467	Other expenses		
	Casualties and insurance:		
471	Supervision		
477	Other insurance		
486	Operating taxes—Waterline tax accruals		
	Total		
333	Less agency fees, commissions, and brokerage		
	Overhead expenses—net		

Reference: 514.6(c)(7).

[FR Doc.76-25922 Filed 9-7-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 2]

DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Extension of Comment Period

This notice extends the period for comments to the notice published July 20, 1976 (41 FR 29846), proposing a regulation on the disposition of income earned from the sale of credit life, health and accident insurance by national banks or their officers, directors or principal shareholders. Comments were requested by September 3, 1976.

In response to requests for additional time, the Comptroller has extended the comment period until October 1, 1976. Comments should be addressed to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

Dated: September 2, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76 26260 Filed 9-7-76;8:45 am]

[12 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Invitation for Comments on Proposed Communications Restrictions

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the Act of September 28, 1962; U.S.C. 92a, is considering the adoption of a revision of § 9.7(d) of Part 9, relating to the fiduciary powers of national banks.

On April 24, 1974 (39 FR 14510) the Comptroller of the Currency proposed an amendment to § 9.7(d) of Part 9 as follows:

> The Trust Department may utilize personnel and facilities of other departments of the bank, and other departments of the bank may utilize the personnel and facilities of the Trust Department; however, the Trust Department shall establish appropriate policies and procedures to insure that investment decisions of the Trust Department are not based upon non-public information, regardless of how that information may be obtained.

The purpose of this proposed amendment was to give regulatory recognition to the principles of securities law which prohibit the use of significant non-public information in securities transactions. These principles suggest that banks may not make Trust Department investment decisions on the basis of pertinent information that is available only to their commercial department, directors or any other non-public source. The proposed amendment would have required national banks to establish policies and practices to insure that such information was not being used in the proscribed manner.

On August 5, 1974 (39 FR 28144) the Comptroller announced that final action on the foregoing proposal would be deferred pending further study. Several banks have now requested that this proposed amendment, with modifications, be adopted.

The proposal raises very complex questions of the duties of a corporate fiduciary when it possesses significant non-public information. On the one hand, it may violate the securities laws for such a fiduciary to make an investment decision based upon that information. On the other hand, it may be a breach of trust for a fiduciary not to act upon such information to the detriment of the beneficiaries of its trusts.

The two conflicting duties pose a severe dilemma for national bank Trust Departments. Many have sought to avoid liability for violation of the securities laws through the erection of the so called "Chinese Wall". Basically, these have involved means whereby Trust Department investment decision makers are denied access to sources of material, non-public information which may exist elsewhere in the institution. Numerous suggestions have been advanced that the Comptroller should require that national banks establish such restrictions. However, the implications of the Shearson, Hammill litigation, that the beneficiaries of national bank fiduciary relationships are entitled to the benefit of this information, have raised doubts as to wisdom of such a requirement. In addition, the proposition has been advanced by some legal scholars that the information which a bank may possess in one of its divisions or departments should be imputed to all other divisions or departments of the bank. If this theory is correct, then the "wall" might not be effective to insulate a bank from potential liability unless such a "wall" were required by government regulation.

Accordingly, the views of all interested parties are hereby solicited as to whether the Comptroller should amend Part 9 to provide national banks guidance in this area. Commentators may wish to submit suggested wording or comments on: (a) Whether a "wall" should be required; (b) whether a lesser requirement would be preferable; that policies be established to insure that no investment decisions shall be made on the basis of significant non-public information; (c) whether such a regulation, affecting as it would only national banks, would be effective; (d) whether some other form of restriction or prohibition is necessary.

Interested persons should submit relevant data, views or arguments to C. Westbrook Murphy, Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, to be received no later than October 22, 1976. Such material will be made available for inspection and copying upon request pursuant to the Comptroller's rules regarding availability of information.

Dated: September 2, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76 26261 Filed 9-7 76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Limitation of Handling

This notice invites written comment relative to a proposal to add a new section to the Rules and Regulations currently in effect under Marketing Order No. 911. The new section would require each handler to furnish the Federal-State Inspection Service or the Lime Administrative Committee the date and quantities of limes handled and the destination of each shipment by market region.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR Part 911.110–911.155; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of the said rules and regulations was proposed by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would add thereto a new section as follows:

§ 911.150 Reports.

Each handler shall furnish the Federal-State Inspection Service, for the inspector's notation on the certificate, or the committee office for inclusion in its weekly report, the date and quantities of limes handled and the destination of each shipment by market region. To facilitate such reports, the committee shall prescribe market regions to be used by all handlers in reporting disposition of limes to inspectors. The committee shall furnish handlers and the Federal-State Inspection Service a list of market regions to be used in reporting such disposition.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26254 Filed 9-7-76;8:45 am]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Limitation of Handling

This notice invites written comment relative to a proposal to add a new paragraph to the Reports section of the Rules and Regulations currently in effect under Marketing Order No. 915. The new reporting provisions would require each handler to furnish the Federal-State Inspection Service or the Avocado Administrative Committee the date and quantities of avocados handled and the destination of each shipment by market region.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the Rules and Regulations (7 CFR Part 915.110–915.155; Subpart Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would revise § 915.150 *Reports* by adding a new paragraph (d), so that after such revision such section reads as follows:

§ 915.150 Reports.

• • • • • •

(d) Each handler shall furnish the Federal-State Inspection Service, for the inspector's notation on the certificate, or the committee office for inclusion in its weekly report, the date and quantities of avocados handled and the destination of each shipment by market region. To faciliate such reports, the committee shall prescribe market regions to be used by all handlers in reporting disposition of avocados to inspectors. The committee shall furnish handlers and the Federal-State Inspection Service a list of market regions to be used in reporting such disposition.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26253 Filed 9–7–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 121 and 121a]

HANDICAPPED CHILDREN

Assistance to States for Education

Pursuant to the authority contained in sections 602, 611, 617, and 618 of the Education of the Handicapped Act, as amended (20 U.S.C. 1402, 1411, 1417, and 1418), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Parts 121 and 121a of Title 45 of the Code of Federal Regulations to read as set forth below.

Pub. L. 94–142, enacted November 29, 1975, contains extensive amendments to the Education of the Handicapped Act (EHA), especially Part B, which provides for assistance to the States and outlying areas in initiating, expanding, and improving programs for the education of handicapped children. These amendments include provisions which are designed to assure that all handicapped children have available to them a free appropriate public education, to assure that the rights of handicapped children and their parents are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate such children.

Most of the amendments relating to Part B are not effective until October 1, 1977, and regulations on these new provisions are projected to be published in the FEDERAL REGISTER on December 31, 1976. However, two requirements on reporting numbers of handicapped children, which are the subject of these proposed regulations, require action on the part of the Commissioner and the State educational agencies beginning on October 1, 1976.

These "child count" requirements are being published in advance of the main package of regulations under Pub. L. 94–142 (due December 31), in order to meet the October 1, 1976, statutory implementation date. However, these requirements cannot be viewed or implemented in isolation from the other provisions under Pub. L. 94–142. They are an integral part of the new EHA amendments and will be incorporated as a specific subpart of the total compilation of regulations, either in their first or final publication.

In planning for the development of the main package of Part B regulations for the December 31 publication date, the Office of Education elected (1) to seek before-the-fact inputs from a variety of agencies and individuals throughout the Nation, and (2) to convene a large outside writing team to draft concept papers, which would be useful in writing the actual regulations. The Office of Education is considering further steps to involving the public after the publication of the NPRM. It was not possible to follow this exact format in developing the "child count" regulations, because of the earlier implementation date (October 1, 1976) in the statute. However, the basic procedure of public involvement was used prior to the actual drafting of these proposed rules. For example, a first draft concept paper was developed in February and presented at a series of six regional meetings (conducted in Washington, San Francisco, Denver, Chicago, Boston, and Atlanta) during the month of March. While the main participants at these meetings were State educational agency officials, there also were parents or parent advocates, as well as local educational agency personnel at every meeting. It is estimated that over 450 people participated in these input/review conferences.

Subsequently, the concept paper and the proposed form for use by State educational agencies in reporting the numbers of handicapped children receiving special education and related services were presented for review by the Committee on Evaluation Information Systems of the Council of Chief State School Officers. The first draft of proposed regulations was not developed until late April.

The two reporting requirements covered by these proposed regulations are as follows: Section 617(a)(1)(D), as added by Pub. L. 94–142, requires that the Commissioner shall:

• • • assure that each State shall (by November 29, 1976) provide certification of the actual number of handicapped children re-

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ceiving special education and related services in such State.

Further, section 611, as amended by Pub. L. 94-142, sets forth a new formula for determining allocation of Part B funds to the State and local educational agencies starting with Fiscal Year 1978. The formula is based in part on the number of handicapped children aged three through twenty-one in each State who are receiving special education and related services. Section 611(a)(3) provides that the count must be made by averaging the number of children receiving special education and related services. Section 611(a)(3) provides that the count must be made by averaging the number of children receiving special education and related services on October 1 and on February 1 of the fiscal year preceding the fiscal year for which the determination is made. Therefore, for Fiscal Year 1978 allocations, children must be counted on October 1, 1976 and on February 1, 1977. These proposed regulations have been drafted so that the count obtained on October 1, 1976 can also be used for the certified count required by November 29, 1976.

To carry out the requirements to count and report the number of handicapped children receiving special education and related services, the Commissioner proposes to amend some of the definitions in Part 121 which apply to all parts of the Education of the Handicapped Act.

The existing definition of "handicapped children" would be revised to conform to the language in Pub. L. 94-142 and to require that qualified professionals evaluate all handicapped children. The existing separate definitions for "seriously emotionally disturbed" and "children with specific learning disabilities" would be deleted (but would be made part of the definition for "handicapped children"). Definitions for the handicapping conditions listed in the Act would be added: Mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, and specific learning disability. The definitions of these particular handicapping conditions are based on definitions used in a publication of the National Center for Education Statistics, "Handbook V-R, Student/Pupil Accounting," and are intended to have basically the same scope. Definitions have been added for "intermediate educational unit," "special education," and "related services" (conforming to definitions added by Pub. L. 94-142). The definition for "special education" has been clarified to distinguish it from regular educational programming and to interpret the requirement that it be "at no cost to parents or guardians." The proposed definition would provide that no changes may be assessed for the specially designed instruction necessary to meet the unique needs of handicapped children but would not preclude incidental charges normally required of nonhandicapped students as part of the regular educational program (locker fees, for example).

In addition, the definition of "equipment" has been revised and definitions for "excess costs," "free appropriate public education," "individualized education program," and "native language" have been added, to conform to Pub. L. 94-142. The statutory language for these last five definitions have been repeated verbatim. However, the Commissioner intends, in developing regulations for the amendments to Part B of the EHA, to consider whether these definitions need to be further defined and invites comments to assist in that task. Even if these proposed rules are ultimately published as final regulations prior to additional regulations for Part B, the Commissioner may determine that further interpretations are necessary and make these definitions the subject of further rulemaking.

Part 121a provides regulations for Part B of the Education of the Handicapped Act. The proposed amendments would add a new subpart F ("Annual Report of Children Served") and would contain sections setting out:

(1) The reporting requirement;

(2) The types of information which must be reported (the number of handicapped children receiving special education and related services on October 1, on February 1, and the average of the numbers reported for those two dates. Each total must be broken out by age group and handicapping condition);

(3) A certification requirement;

(4) The criteria for determining whether a child may be counted;

(5) Special reporting requirements for Fiscal Year 1977. (In Fiscal Year 1977 only two reports are required. The information from the count made October 1, 1976 must be provided to the Commissioner by November 29, 1976. The information from the count made on February 1, 1977 and the average of the two counts must be provided by April 1, 1977. In succeeding years, the counts made on October 1 and February 1 and the average of the two counts will be reported by April 1); and

(6) The responsibilities of the State to assure that the State and the local agencies and institutions will provide an accurate and unduplicated count.

As indicated above, the States would be asked to report numbers of children by age group (birth through two, three through five, and six through twenty-one) and by handicapping condition. The age breakout is necessary because section 617(a)(1)(D) requires information on all handicapped children receiving special education and related services, which would include children from birth through age twenty-one. However, the statute also requires that allocations be made on the basis of the number of handicapped children aged three through twenty-one who are receiving special education and related services. Other requirements necessitate information broken down by preschool age (section 619). The breakdown by handicapping condition will be necessary so the count can be verified, and because section 611(a)(5)(A)(ii) requires the Commissioner to have information about one of the handicapping conditions (specific learning disabilities) in making funding determinations. Further, information broken out by handicapping condition must be collected as part of evaluation activities required by section 618 (as added by Pub. L. 94-142). For example, section 618(b)(1)(A) and (B) requires the Commissioner to obtain information on the number of handicapped children in each State, within each disability, who require special education and related services and who are receiving (and who need but are not receiving) a free appropriate public education. The Commissioner shares the concerns voiced by some States and advocacy groups that requiring information by handicapping conditions could lead to undesirable labeling. However, the information would appear to be necessary to ensure an unduplicated count and to enable the Commissioner to meet the requirements of section 618. It is important to emphasize that the information would not be reported to the Commissioner in personally identifiable form. Information collected for the count would be subject to the policies and procedures each State has established in its annual program plan to protect the confidentiality of data collected about handicapped children (based on sections 612(2)(D) and 617(c) of the EHA, 45 CFR 121a.15, and section 438 of the General Education Provisions Act.

Several other issues should be considered by persons who intend to comment on these proposed regulations:

(1) The statutory definition of "related services" lists services (such as speech pathology) which some States regard as "special education". The definition of "special education" in these proposed regulations would include speech pathology and audiology, and occupational and physical therapy, where they are regarded as special education under State standards.

(2) Another question is whether a handicapped child may be counted if he or she is receiving (a) only "special education," or (b) only "related services". The proposed rules interpret the requirement to mean that the child must be receiving special education and related services, if related services are necessary for the child to benefit from special education. If related services are not necessary, a child receiving only "special education" can be counted. If related services are necessary, but not available, the child cannot be counted. If a child is receiving only a "related service," and is not receiving "special education," the child cannot be counted. The statutory definition of "related services" is limited to "services * * * as may be required to assist a handicapped child to benefit from special education." If no "special education" is being provided, there can be no "related services" within the meaning of the statutory definition. These interpretations are set out in § 121a.93. It should also be noted that § 121a.93 indicates that children actually counted under section 121 of the Elementary and Secondary Education Act should not be counted. The Commissioner receives that count separately under Section 121.

(3) Another issue is whether children at the postsecondary education level may be counted. The proposed rules interpret the statute as placing no limitation on their being counted if they are receiving "special education and related services" (of course, under the statutory definition, special education must be provided at no cost to children's parents or guardians).

(4) Another question is whether children may be counted if their special education is paid from some private source (other than their parents or guardians) or by a public agency other than a State or local educational agency. The proposed rules take the position that they may be counted. The counting requirements appear to relate to all handicapped children receiving special education and related services in the State, not just those supported at public expense or those whom State or local agencies have referred to private facilities.

(5) Another issue is related to the requirement that the counts be made of children receiving services on October 1 and February 1; that is, whether the children had to be receiving specialized instruction or some special service on those days. Under the proposed rules, the count would include all handicapped children who are enrolled in the educational agency or institution on those dates. If those dates fell on a weekend or holiday, the children would still be regarded as enrolled in those dates and fewer technical problems in reporting should arise.

(6) It should also be noted that the age groupings contained in these proposed rules result from interpreting the statutory language "age X to age Y, inclusive" as including the upper (Y) year. For example, the statutory language "three to twenty-one, inclusive" (used in section 611(a)(1)(A) for example) is interpreted as meaning three through twenty-one (from a child's third birthday up to his or her twenty-second birthday). "Three to five, inclusive" (used in sections 612(2)(B) and 619) is interpreted as three through five (until a child's sixth birthday).

Written comments, suggestions, or objections regarding the proposed regulations should be sent to the Bureau of Education for the Handicapped; Office of Education; Room 2015, Regional Office Building No. 3; 7th and D Streets, SW., Washington, D.C. 20202. Comments received in response to the notice will be available for public inspection at the above office Monday through Friday between 8:00 a.m. and 4:00 p.m. All relevant material must be received on or before October 26, 1976.

(Catalog of Federal Domestic Assistance Number 13.449, Handicapped Preschool and School Programs)

Dated: August 10, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: August 13, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

1. Part 121 is amended by revising § 121.2 as follows: The existing definitions of "handicapped children" and "equipment" are revised, the definitions of "seriously emotionally disturbed" and "children with specific learning disabilities" are deleted, and definitions of "intermediate educational unit," "excess costs," "free appropriate public education," "individualized education program," "native language," "related services," and "special education" are added, in their proper alphabetical order. As amended, § 121.2 reads as set forth below.

§ 121.2 Definitions.

* * * * *

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, telecommunications, sensory, and other technological aids and devices, and books, periodicals, documents, and other related materials.

(20 U.S.C. 1402(5), 1417(b))

"Excess costs" means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting (a) amounts received under Part B of the Act or under Title I or Title VII of the Elementary and Secondary Education Act of 1965, and (b) any State or local funds expended for programs which would qualify for assistance under Part B of the Act or under those titles.

(20 U.S.C. 1402(20), 1417(b))

"Free appropriate public education" means special education and related services which (a) have been provided at public expense, under public supervision and direction, and without charge, (b) meet the standards of the State educational agency, (c) include an appropriate preschool, elementary school, or secondary school education in the State involved, and (d) are provided in conformity with the individualized education program required under section 614(a)(5) of the Act.

(20 U.S.C. 1402(18), 1417(b))

"Handicapped children" means those children evaluated by qualified professionals as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, or children with specific learning disabilities, who by reason thereof require special education and related services. These terms are further defined as follows:

(a) "Deaf" means a hearing impairment, evaluated with a corrective device, which is so severe that the child's hearing is non-functional for the purposes of educational performance.

(b) "Hard of hearing" means a hearing impairment, evaluated with a corrective device, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

(c) "Mentally retarded" means impaired mental development which adversely affects a child's educational performance. The term includes children who are educable mentally retarded, trainable mentally retarded, and severely mentally retarded.

(d) "Orthopedically impaired" means a severe orthopedic impairment, evaluated with a corrective device, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, cerebral palsy, etc.), and impairments caused by accident (e.g., fractures or burns which cause contractures, cerebral palsy etc.).

(e) "Other health impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, or some other illness.

(f) "Seriously emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: An inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term does not include children who are socially maladjusted but not emotionally disturbed.

(g) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language,

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spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantage.

(20 U.S.C. 1402(15), 1417(b))

(h) "Speech impaired" means a speech impairment or a language impairment (such as impaired articulation, stuttering, voice impairment, or a receptive or expressive verbal language impairment), evaluated with a corrective device, which adversely affects a child's educational performance.

(i) "Visually handicapped" means a visual impairment evaluated with a corrective device, which adversely affects a child's educational performance, and includes both partially sighted and blind children.

(20 U.S.C. 1402(1), 1417(b))

"Individualized education program":

(a) The term means a written statement for each handicapped child developed in a meeting by (1) a representative of the local educational agency or intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, (2) the teacher, (3) the parents or guardian of the child, and (4) whenever appropriate, the child.

(b) The statement includes (1) the present levels of educational performance of the child, (2) annual goals, including short-term instructional objectives, (3) the specific educational services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs, (4) the projected date for initiation and anticipated duration of the services, and (5) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

(20 U.S.C. 1402(19), 1417(b))

* * * * *

"Intermediate educational unit" means any public authority, other than a local educational agency, which (a) is under the general supervision of a State educational agency, (b) is established by State law for the purpose of providing free public education on a regional basis, and (c) provides special education and related services to handicapped children within that State.

(20 U.S.C. 1402(22), 1417(b))

* * * * *

"Native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act (20 U.S.C. 880b–1(a)(2)).

(20 U.S.C. 1402(21); 1417(b))

* * * * *

"Related services" means transportation and such developmental, corrective, and other supportive service (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that medical services shall be for diagnostic and evaluation purposes only) as are required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

(20 U.S.C. 1402(17), 1417(b))

* * * * *

"Special education" means specifically designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes speech pathology, audiology, occupational therapy, and physical therapy, if the service is considered "special education" rather than a "related service" under State standards. The phrase "specially designed instruction" includes educational instruction different from or in addition to instruction available in a regular school program to all children. The phrase "at no cost" means that all specially designed instruction must be provided without charge, but would not preclude incidental fees which are charged to non-handicapped students or their parents as a part of the regular education program.

(20 U.S.C. 1402(16), 1417(b))

* * * * *

2. Part 121a is amended by adding a new Subpart F to read as set forth below:

SUBPART F—ANNUAL REPORT OF CHILDREN SERVED

Sec.
121a.90 Report requirement.
121a.91 Information required in the report.
121a.92 Certification.
121a.93 Criteria for counting children.
121a.94 Special reporting requirements for fiscal year 1977.
121a.95 Other responsibilities of the State educational agency.

AUTHORITY: Title VI of Pub. L. 91–230, as amended (20 U.S.C. 1401–1420), except as otherwise noted.

Subpart F—Annual Report of Children Served

§ 121a.90 Report requirement.

(a) The State educational agency shall report to the Commissioner no later than April 1 of each year the number of handicapped children residing in the State who are receiving special education and related services.

(b) The State educational agency shall submit the report on forms provided by the Commissioner.

(20 U.S.C. 1411(a)(3), 1417(b))

§ 121a.91 Information required in the report.

(a) In its report, the State educational agency shall include a table which shows:

(1) The number of handicapped children receiving special education and related services on October 1 and on February 1 of that school year, and the average of the numbers for those two dates;

(2) The number of those handicapped children within each handicapping condition, as defined in the definition of "handicapped children" in § 121.2 of this chapter; and

(3) The number of those handicapped children within each of the following age groups:

(i) Birth through two;
(ii) Three through five; and
(iii) Six through twenty-one.

(b) The State educational agency may not report a multi-handicapped child under more than one handicapping condition.

(20 U.S.C. 1411(a)(3), 1411(a)(5)(A)(ii), 1418(b), 1417(b))

§ 121a.92 Certification.

The State educational agency shall include in its report a certification signed by an authorized official of the agency that the information provided is an accurate and unduplicated count of handicapped children receiving special education and related services on the dates in question.

(20 U.S.C. 1411(a)(3), 1417(b))

§ 121a.93 Criteria for counting children.

(a) The State educational agency may include handicapped children in its report who:

(1) Are enrolled in a school or program which provides them with both special education and related services; or

(2) Are enrolled in a school or program which provides them with special education, and do not require related services to assist them in benefitting from that special education.

(b) The State educational agency shall not include handicapped children in its report who:

(1) Are not enrolled in a school or program which provides them with special education;

(2) Are not provided with a related service that is required to assist them in benefitting from special education; or

(3) Are counted by a State agency under section 121 of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 1411(a)(3), 1417(b))

§ 121a.94 Special reporting requirements for fiscal year 1977.

(a) The State educational agency shall report the number of handicapped children receiving special education and related services on October 1, 1976 to the Commissioner not later than November 29, 1976.

(b) The State educational agency shall include the certification required under § 121a.92 in its report under paragraph (a) of this section.

(c) The State educational agency may exclude the information reported under paragraph (a) of this section from its report due on April 1, 1977 under § 121a.90. The State educational agency shall include in that report the number of handicapped children counted on February 1, 1977, the average of the two counts, and the information required under § 121a.91(a)(2) and (3).

(20 U.S.C. 1411(a)(3), 1417(a)(1)(D), 1417(b))

§ 121a.95 Other responsibilities of the State educational agency.

In addition to meeting the other requirements in this subpart, each State educational agency shall:

(a) Establish procedures to be used by local educational agencies, intermediate educational units, and other educational institutions in counting the number of handicapped children receiving special education and related services;

(b) Set dates by which those agencies, institutions, and units must report to the State educational agency to assure that the State complies with §§ 121a.90(a) and 121a.94(a);

(c) Obtain certification from each agency, institution, and unit that an unduplicated and accurate count has been made;

(d) Aggregate the data from the count obtained from each agency, institution, and unit and prepare the reports required under this subpart; and

(e) Assure that documentation is maintained which enables the State and the Commissioner to audit the accuracy of the count.

(20 U.S.C. 1411(a)(3), 1417(b))

[FR Doc.76-25763 Filed 9-7-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-26]

LICENSED PROJECT INFORMATION DATA, NEW FPC FORM NO. 161

Extension of Time

SEPTEMBER 1, 1976.

On August 23, 1976, the East Central Area Reliability Coordination Agreement, ECAR, filed a motion to extend the time, fixed by Notice of Proposed Rulemaking issued July 20, 1976 (41 FR 31714, published July 29, 1976) within which to file comments on the above-designated rulemaking proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 29, 1976, within which to file comments on new FPC Form 161.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26225 Filed 9-7-76;8:45 am]

[18 CFR Part 141]

[Docket No. RM76-28]

REPORT ON RETAIL ELECTRIC BILLS AND RATE CHANGES, NEW FORM 159

Extension of Time

SEPTEMBER 1, 1976.

On August 23, 1976, the East Central Area Reliability Coordination Agreement, ECAR, filed a motion to extend the time, fixed by Notice of Proposed Rulemaking issued July 7, 1976, (41 FR 28904, published July 13, 1976) within which to file comments on the above-designated rulemaking proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 29, 1976, within which to file comments on new FPC Form No. 159.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26217 Filed 9-7-76;8:45 am]

SMALL BUSINESS AMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in Section 308 of the Small Business Investment Act of 1958, 15 U.S.C. § 687, it is proposed to amend, as set forth below, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations. Prior to the final adoption of such amendment consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416, on or before October 8, 1976.

Information. The proposed amendment would add a new § 107.904 to the regulations, which would subject SBIC financing for the purchase of farm land to prior SBA approval.

On June 25, 1976, SBA repealed paragraph (h) of § 107.1001 (41 FR 26202 which prohibited financing for primary use in agricultural activities. This repeal implemented Pub. L. 94–305, approved June 4, 1976, 90 Stat. 667, which authorized SBA assistance to small concerns engaged in the production of food and fiber and in other agricultural and farming pursuits. This repeal, however, created a conflict with other SBIC regulations, such as §§ 107.101(c) and 107.1001(c), aimed at limiting SBIC financings for real estate purchases. Moreover, SBA is presently formulating a farm loan policy, which will have agency-wide application. Pending the adoption of such policy, it is deemed necessary that SBA maintain its long-standing policy against speculative and passive investments. Moreover, in order to preclude such speculative or passive investments during the comment period for this notice, the proposed rule, if adopted, would be made effective as of the date of this notice.

Licensees desiring to finance farm land purchases would have to demonstrate to SBA's satisfaction that such land is acquired for bona fide farming purposes, and not primarily for appreciation, resale or leasing to others.

It is proposed to amend Part 107 by adding a new § 107.904 as follows:

§ 107.904 Financing of farm land purchases.

Without prior written SBA approval, a Licensee shall not, after [the date of publication of this Notice], provide financing to a small concern for the acquisition of farm land. For purposes of this section, farm land shall mean land which is or is intended to be used for agricultural or forestry purposes, such as the production of food, fiber or wood, or is so taxed or zoned.

(Catalog of Federal Domestic Assistance Programs No. 59.011 Small Business Investment Companies.)

Dated: August 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-26187 Filed 9-7-76;8:45 am]

[13 CFR Part 115]

SURETY BOND GUARANTEE

Proposed Policy and Application Procedures

Notice is hereby given that the Small Business Administration proposes to amend Part 115 of Chapter I, Title 13, of the Code of Federal Regulations. Because the Agency wishes to have such new rules as may be adopted in effect as of October 1, 1976, to coincide with the start of Fiscal Year 1977 and the automated system's initiation for the Surety Bond Guarantee Program, interested parties are to submit written comments to the Associate Administrator for Finance and Investment, 1441 L Street NW., Washington, D.C. 20416, by September 22, 1976. Recognizing the importance and impact of these proposed changes, a public hearing will be held on September 22, 1976, in the Associate Administrator's Conference Room (Room 800), starting at 9 A.M., to discuss these proposed changes. All participants at the hearing are requested to submit a written statement prior to or at the hearing.

INFORMATION

1. Section 115.2 is to be revised in order that the SBA's guarantee to sureties shall be set at established rates of up to 90 percent on any contract whose face value does not exceed $249,999.99 and up to 80 percent on any contract whose face value is $250,000 or greater (not exceeding $1,000,000).

These changes are designed to:

a. Provide assurance to the participating surety companies as to what the SBA maximum guarantee percentage is for any particular contract bond.

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b. Provide a more equitable sharing of "loss" risks for those contracts of $250,000 and greater in face value between the Surety and SBA.

c. Provide greater assurance of SBA's ability to operate the Surety Bond Guarantee Program within budgetary authority, thereby assuring its continued availability to small business concerns,

d. Provide greater incentive to participating sureties to "graduate" more of the larger contractors into the standard surety market, without further SBA involvement, and

e. Provide a dis-incentive to participating sureties which will prevent excessive funneling of previously bondable (by the standard surety market) contractor accounts into the Surety Bond Guarantee Program.

2. Section 115.3(d) is a technical change to reflect the appropriate size standard reference for what constitutes a small business concern eligible for surety bond guarantee assistance. The appropriate reference is "§ 121.3–15 of this chapter," and not "§ 121.3–14."

3. Section 115.8(b)(4) is revised to clarify what constitutes a "publicly-financed" project. It is not sufficient that a public body provide a loan guarantee for a project. To be eligible, the contract must be for a project which is to be owned by a governmental body, e.g., a sewer project, road, or public building.

4. Section 115.8(c) is revised in order to authorize appropriate SBA officials in the field offices to take final decline action on all applications under § 115.8(b) on contracts exceeding $500,000 (but not more than $1,000,000) in face value. This change will lead to more efficient processing of some case files where review by the SBA's Central Office Surety Bond Guarantee staff is unnecessary.

5. Section 115.8(c)(2) is to be revised in order to authorize appropriate SBA officials in the field offices to take final decline action on all multiple requests for the guarantee of contract bonds involving one small business concern on one project when the aggregate of these contracts exceeds $500,000 (but no more than $1,000,000) in face value. The reasons for this change are as explained in Paragraph 4, above.

Accordingly, it is proposed to amend Part 115, Chapter I, Title 13 of the Code of Federal Regulations as follows.

1. Section 115.2 is revised to read:

§ 115.2 Policy.

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable, by authorizing SBA to guarantee surety companies up to 90 percent of their losses incurred by reasons of the breach of the terms of such bonds executed on behalf of such concerns, on contracts not exceeding a contract amount of $1,000,000. The SBA guarantee shall be up to 90 percent of those contracts of less than $250,000 in face value, and the guarantee shall be up to 80 percent for those contracts between $250,000 and $1,000,000 in amount. Payments to the surety by SBA of such losses shall be subject to a deductible amount of $500, or the amount of the gross bond premium (less SBA's guarantee fee from the surety) charged such small concern by the surety, whichever is less. Surety may credit itself with the deductible amount from salvage proceeds before having to start sharing their salvage proceeds on a pro rata basis with SBA, in the same percentage as SBA shares the loss with the surety.

2. Section 115.3(d) is revised to read:

§ 115.3 Definitions.

* * * * *

(d) "Small business concern" means a concern which would qualify as a small business under § 121.3–15 of this Chapter.

3. Section 115.8(b)(4) is revised to read:

§ 115.8 Approval or decline of applications.

* * * * *

(b)(4) The application pertains to a publicly-financed project, e.g., Federal, State, local or special district public bodies, which shall provide the financing for the project and which shall be the owner or the finished product, such as a Federal building, State highway, City hall, public library, school, sewage treatment plant, water lines, etc. The guaranteeing of the interim or permanent financing for a project by a public sector body does not fall within the terms and conditions of this section.

4. Section 115.8 (c) and (c)(2) are revised to read:

§ 115.8 Approval or decline of applications.

* * * * *

(c) Except as stated below in paragraph (c)(1) of this section, Regional Directors, Assistant Regional Directors for Finance and Investment, or District Directors and/or Assistant District Directors for Finance and Investment, as appropriate, according to their delegated authority as published from time to time in the FEDERAL REGISTER, will take final action on all applications under subsection (b) on contracts not exceeding $500,000 in face value. Applications for contracts exceeding $500,000 but no more than $1,000,000 in face value must be forwarded to the SBA Central Office, with the recommendation of approval by the Regional and/or District Director, as appropriate, for final action. However, the Regional and/or District Director, as appropriate, need not refer applications exceeding $500,000 but no more than $1,000,000 in face value to the SBA Central Office if the Regional and/or District Director's decision is to decline such application. An appeal by a small business concern for reconsideration of such declination shall be directed to the Regional and/or District Director who made the declination decision. If the appeal should not be acted upon in the small business concern's favor, and the small business concern wishes to pursue its appeal, this action will be referred to the SBA Central Office for final decision.

* * * * *

(2) Multiple requests for the guarantee of contract bonds involving one small business concern on one project require the approval of the SBA Central Office, when the aggregate amount of these contracts exceeds $500,000 up to $1,000,000 in face value. Central Office can take final action only upon receipt of the recommendation of approval from the Regional or District Director, as appropriate. However, as explained in (c), above, the Regional or District Director, as appropriate, may take final action in such situations if their decision is to decline the application(s). The appellate policies and procedures remain the same as explained in (c) above.

(Catalog of Federal Domestic Assistance Programs No. 59.016 Surety Bond Guarantee)

Dated: September 3, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–26324 Filed 9–7–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–6/90]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Partially Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Friday, October 29 and in both open and closed sessions on Saturday, October 30, 1976. The open session of the meeting will convene on Saturday at 2:00 p.m. in the International Conference Room, U.S. Department of State, 21st and C Street, N.W., Washington, D.C.

The purpose of the closed meeting is to discuss the results of the fifth substantive session of the United Nations Conference on the Law of the Sea held in New York August 2–September 17, 1976, and to assist the United States Government in formulation of further LOS policy. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents, which contain new substantive proposals, revisions of earlier policy statements, and in-depth analysis of main Conference trends during the 1976 summer session, relate to the issues which the United States has negotiated and will continue to negotiate at the Conference. The documents are exempt under 5 U.S.C. 552(b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, the establishment of a deep seabeds mining regime, the breadth of the continental margin, the juridical content of the economic zone, marine pollution regulation and a scientific research regime, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues considered during the fifth substantive session of the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session. The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2:00 p.m. on October 30, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Peter Bernhardt by October 22 and provide their name and affiliation to facilitate their attendance. Mr. Bernhardt's telephone number is (area code 202) 632–9616.

ROBERT C. BREWSTER,
Vice Chairman of the NSC Interagency Task Force on the Law of the Sea.

AUGUST 31, 1976.

[FR Doc.76–26188 Filed 9–7–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 30, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Aeronomy will hold meetings on September 28, 29, and 30, 1976 at the Air Force Geophysics Laboratory, Hanscom AFB, Massachusetts from 8:30 a.m. to 5:00 p.m. all three days.

The Committee will receive classified briefings and hold classified discussions on Aeronomy.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76–26132 Filed 9–7–76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 30, 1976.

The USAF Scientific Advisory Board Division Advisory Group, Armament Development and Test Center, will hold a meeting on October 5 and 6, 1976 from 8:00 a.m. to 5:00 p.m., in Room 118, Building 1, Eglin Air Force Base, Florida.

The Group will receive classified briefings and hold classified discussions on selected Air Force Weapon programs.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76–26133 Filed 9–7–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 10919 (Wash.)]

WASHINGTON

Order Providing for Opening of Public Land

AUGUST 31, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1272, as amended June 26, 1936, 49 Stat. 1976; 43 U.S.C. 315g (1970), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 9 N., R. 27 E.,
Sec. 29, those portions of the following subdivisions lying south of the K.I.D. Canal right-of-way: S½SW¼NW¼, W½SW¼NW¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, SW¼SE¼, and SW¼SE¼SE¼.

The area described contains approximately 212 acres in Benton County, Washington.

2. The subject parcel is located along an area known as the Badger Slope, approximately 14 miles west of Kennewick, Washington, The topography is rolling to semi-mountainous with sparse vegetative cover consisting of scattered sagebrush and native grasses. In the past the land has been used for grazing purposes. The land also has public recreation values. The land and adjacent national resource land will be managed for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described above is hereby open to the operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m., October 6, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26134 Filed 9-7-76;8:45 am]

Bureau of Land Management
BAKER DISTRICT ADVISORY BOARD
Meeting

Notice is hereby given that the Baker District, Bureau of Land Management Multiple Use Advisory Board will meet October 6, 1976.

The meeting will begin at 9:00 a.m., October 6, 1976, in the Conference Room, Room 235 Federal Building, Baker, Oregon. The purpose of the meeting will be to discuss the proposed grazing regulations and review the schedule of planning activities regarding the upcoming Ironside Environmental Impact Statement.

At 10:30 a.m., October 6, 1976, the Board will leave from the Federal Building parking lot, for a tour of portions of the Baker District.

Written public comments may be submitted to the Baker District Office prior to the meeting date. The mailing address is Post Office Box 589, Baker, Oregon 97814.

The meeting is open to the public, but they must provide their own lunch and transportation.

ALBERT ROMEO,
District Manager.

AUGUST 30, 1976.

[FR Doc.76-23121 Filed 9-7-76;8:45 am]

Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Columbia Zoological Park, Post Office Box 1143, Columbia, South Carolina 29202. Palmer E. Krantz III, Acting Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Importation and interstate transportation of 1.0 Agile Gibbon, Hylobates agilis, born in captivity(Twycross Zoo, England) and presently owned by Kessingland Zoo, England, for propagation of an Endangered Species.

3. APPLICANT: *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
Columbia Zoological Park
P.O.Box 1143
Columbia, South Carolina 29202
(803) 779 8717

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Publically owned zoological park engaged in conservation, education, and research.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Above

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER OR DIRECTOR:
Palmer E. Krantz,III (803)779 8717

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Columbia Zoological Park
I-126 & Greystone Blvd.
Columbia, South Carolina
29202

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
PRT-6-11-C-757 with 3 amendments.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Not required.

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: 12 months.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED *(See 50 CFR 13.12(b))* MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attachments per Title 50, Part 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)*: Palmer E. Krantz,III, Acting Director
DATE: 20 July, 1976

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16-740

COLUMBIA ZOOLOGICAL PARK,
Columbia, S.C. 29202, July 20, 1976.

DIRECTOR,
Fish & Wildlife Service,
Department of the Interior,
Washington, D.C.

DEAR SIR: The information immediately following and attached hereto represents an application to the Department for the importation of an Endangered Species from England to Columbia Zoological Park, P.O. Box 1143, Columbia, South Carolina 29202, as required by CFR Title 50, Part 17.22 and amended on Monday, 14 June, 1976, volume 41, Number 115. This application is to authorize the importation of one male (1.0) Agile Gibbon, *Hylobates agilis*, sometimes called the Dark-Handed Gibbon, which was born in Twycross Zoo, England and is currently owned by Kessingland Zoo, England. This application is also to cover the transportation of said male from the Port of Entry to Columbia, South Carolina.

(a) Application requirements.

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and activity sought to be authorized.

The animal concerned is a male Agile Gibbon, *Hylobates agilis*, nearly three years old. It is to be imported to complete a pairing and establish a second potential breeding group of this rare species. The female of this pair is already owned by this institution, the same approximate age, and very suitable for pairing of the male in question.

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit is (i) still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity.

The Agile Gibbon in question was born in Twycross Zoo, England.

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal of the wildlife from the wild.

Not applicable as said wildlife is born in captivity.

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born.

The Agile Gibbon in question was born in Twycross Zoo, England and is now in Kessingland Zoo, England.

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained.

Columbia Zoological Park, I-126 & Greystone Blvd., P.O. Box 1143, Columbia, South Carolina 29202, USA.

(6) If the applicant seeks to have live wildlife covered by the permit:

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for.

The animal in question will be housed off-exhibit as part of a breeding program to compliment another troop of Alige Gibbons already in Columbia Zoological Park. The male in question will be kept with a female of approximately the same age and who has been in this institution since August, 1975.

Off-exhibit housing for several species of rare or difficult to maintain primates, Siamangs and Howler Monkeys, is part of the Hospital-Quarantine complex. These enclosures on both outside and inside measure 9' long X 5' wide X 7.5' high respectively, with passage to and from each area controlled by a hand-operated guillotine door. In addition, lateral sliding panels are present on both sides of inner and outer quarters for shifting to adjacent housing or enlargement to double quarters without undue stress to the animals. The walls of the inside area are smooth-finish epoxy for easy maintainance and the flooring of both outside and inside is smooth-trowled concrete. The outside walls are brick and chain-link is used for ceiling and doorways to both quarters. Elevated sleeping platforms are present inside for night use and ropes are attached to the ceiling inside and outside for swinging.

All water going into the Park itself is supplied from the city and certified for human consumption. The water enters the facility through backflow preventers approved by federal and local standards, and passes to the individual complex through another backflow preventer similarly approved. Waste water from the off-exhibit quarters for the animal in question leaves through recessed drains in the flooring of both areas. The water is returned to the city waste water treatment facility via a sanitary sewer system. Large debris and incineration capability is present by possession of a large incinerator federally certified for pathological destruction. This institution is approved for importation and post-entry quarantine of non-human primates by the Public Health Department, as well as importation of exotic ruminants.

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any expertise the applicant or his personnel have had in raising, caring for, or propagation of similar wildlife or any closely related wildlife.

All mammals in this institution's collection are under the supervision of Palmer E. Krantz, III, Acting Director and Mark D. Pyritz, Acting Curator of Mammals. Both individuals have had experience with Agile Gibbons, as have all keeper personnel. Both supervisory and keeper personnel have also had success maintaining Siamangs, and other difficult to maintain species like Howler Monkeys and White-faced Sakis. Although all gibbons and siamangs in this institution are too young to give birth, mating activity has been observed in both species and young have been successfully reared by Mandrills, DeBrazza Monkeys, and Sakis. Although mother-raising is preferred for all species born in this institution, bottle-rearing capabilities are present.

Immediate veterinarian services are available on a day-to-day basis through a hospital supervisor. In addition to routine analysis and medications, he is responsible to a team of highly motivated consulting veterinarians, each one a specialist in of one of the following fields: neurology, general surgery, circulation, and dermatology. Laboratories are present for X-ray, surgery, quarantine, and oxygen therapy if necessary.

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

Although no studbooks or other breeding programs presently exist for Agile Gibbons, we will gladly provide data to anyone interested in establishing one. This institution presently provides data to the siberian Tiger studbook, technical data to anyone wanting it, and maintains studbooks on rare leopards.

(iv) A detailed description of the type, size, and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period.

The animal in question will be shipped in a sturdy wooden or metal crate well suited for this species and which meets all federal and IATA requirements. Bedding in the form of a blanket or sack will also be provided for warmth and psychological security. Both the institution of birth and the present owning institution have extensive experience in all phases of primate husbandry. Liquid nourishment will be provided in the form of a solid, semisucculent fruit such as apple or pear sections. The animal will be flown from London, England non-stop to Miami, Florida to broker/agent Charles P. Chase, Co. and immediately sent by air to Columbia.

(v) For the past 5 years preceding the date of this application, provide a detailed description of all mortalities involving the species covered by the application and held by the applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

Only one mortality has occurred in gibbons at this institution, a result of improper dosage of an anti-helminthic. Since that time, safer drugs and carefully regulated dosages have been used for gibbons and other primates with complete success and no mortalities or other apparent discomfort.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized and must also give the dates for such activities.

Enclosed are copies of the correspondence from the place of birth (Twycross Zoo) and present owners, accepting our offer to purchase said animal. Kessingland Zoo had wanted to wait until after the summer for shipment and we will request shipment in the early fall as soon as the application is processed.

(8) Full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit.

The male Agile Gibbon in question is to complete a potentially breeding pair. Any offspring from this pairing can be later bred with offspring of the other unrelated pair in this institution. At this time, according to ISIS (International Species Inventory System) inventory, 1975, there is only one other pair of Agile Gibbons in this country. In addition, two females are present, each in an unpaired situation. There are no surplus males that we know of. There is a definite need to begin captive propagation of this species and importation of this male will add greatly to the long-term fecundity of this institution's Agile Gibbons. Assuming approval of this application, the male in question to be imported can also be involved with the other Agile Gibbons, paired or otherwise, in this country by providing offspring to these institutions, breeding loans, etc. Over a long period, the entire species can well increase through management to numbers that may, unless present trends change, exceed those in the wild.

(ii) The details of how such activities will be carried out.

The animal in question will be housed with the female, therefore having an opportunity to reproduce. Although Agile Gibbons have not, to our knowledge, been born in this country, this lack of captive breeding is only reflective of an absence of potentially breeding pairs. The closely related White-handed Gibbon, *Hylobates lar*, commonly maintained in captivity, reproduces rather frequently under similar conditions as the animals in Columbia, experience. Given the fact that this made becomes part of a potentially breeding group and does breed, as yet immature Gibbons in this institution are attempting to do now, there is good reason to feel that this importation will be very important to the overall gene pool of this species in this country.

(iii) The relationship of such activities to scientific objectives or to enhancing the propagation or survival of the wildlife sought to be covered by the permit.

Importation of this male is very necessary for enlargement of the gene pool of an otherwise badly represented species. Not only are Agile Gibbons and other gibbons threatened in most of their range by environmental destruction, direct persecution, utilization for the pet trade, and a lack of enforced conservation programs with the range, but this particular species is only represented in this country by 2 males and 5 females, a meager gene pool at best. The small area of occurrence in Malaya at the south-western tip of the Malay peninsula can be easily over-exploited or destroyed entirely leaving only the

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southern half of Sumatra for their home. This area inturn has a large human population, is subject to slash and burn agricultural practices, and under heavy pressure from the lumber industry. Without an organized captive breeding program of those animals already in captivity, this poorly represented species can easily become extinct in the wild and be unsavable as a captive species because of insufficient stock.

(iv) The planned disposition of suh wildlife upon termination of the activities sought to be authorized.

Animals, especially those born in captivity like the animal in question, are not normally returned to the wild. In the case of the male in England, he is to become part of a long-term breeding program, and activity which he can accomplish for all his natural life, and he would therefore remain in Columbia.

(b) Issuance criteria.

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit.

Not applicable.

(2) The probably direct and indirect effect which issuing the permit would have on the wild population of the wildlife sought to be covered by the permit.

Not applicable.

(3) Whether the permit, if issued, would have in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to covered by the permit was or would be removed.

Not applicable as the animal is born in captivity. To our knowledge, there are no known conservation programs within its range except quotas which are subject to illegal export activities.

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit.

Importation of said male for inclusion into a long term breeding program will go far toward saving the species from extinction. This type of effort is needed for the species in view of deleterious effects continually being placed upon the wild population. The male in question is not presently involved in any breeding program and therefore being "wasted" in terms of potential reproduction.

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application.

As a genus, *Hylobates* has been represented in captive collections almost exclusively by *H. lar*. Other species of here-to-fore unrestricted species, *H. concolor, hooloch, moloch,* and *agilis* have always been uncommon (in the case of the first two) or rare in captivity, and lower rates of reproduction are reflected by this overall status. Likewise, field studies have dwelled on *H. lar* to the exclusion of other species (Carpenter, 1940; Ellefson, 1967). The very status of *H. agilis* has been poorly understood in the past and the entire species is frequently omitted from general or taxonomic discussions. At other times in the past, it is assigned as a race of *H. lar* and left as a color variant. Considered as a full species (Kloss, 1929; Fooden, 1969; Chirelli, 1972; Wendt, 1972), only Chivers (1975) makes any remarks concerning its behavior and these are brief at best. It is now generally accepted as living in an isolated, vestigial population on the Malay peninsula in an area West of the Perak River. All other *Hylobates* on this peninsula are assigned to *H. lar*, and there is therefore no sympatric speciation. A larger group lives on the southern half of Sumatra below Lake Toba mountain complex, now deforested. *H. lar* again lives North of this area. At this point there are no purposeful studies directed toward behavior and other remarks are made in the literature toward *H. agilis* only in passing.

Many animals of this area are in a precarious state. All gibbons have been on Appendix I of the International Convention on Trade of Endangered Species of Fauna and Flora for some time but positive action toward conserving the genus as a whole and *H agilis* in particular, is slow in coming. With continuing growth of the human population in Sumatra and Malaya, increased exploitation of natural resources and especially lumber, this solitary member of a rare species needs to be placed in a potentially breeding situations. The Malay population may well be headed for natural extinction without the added help of man and Sumatra has only limited means of enforcing conservation laws within its natural range. In view of the success experienced by this institution in keeping and breeding primates, many of which are considered difficult to maintain and breed in captivity, it is felt that the importation of the male in question, itself born in captivity and of no influence to the wild population, will greatly to an otherwise weak gene pool.

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

The facilities at this institution are newly constructed (1974) and well suited for this species. Husbandry is more than adequate and this potential pairing, in conjunction with another pair already in this institution, represents a good breeding situation for long range survival of this species in this country. Offspring from these two pair can be mixed or bred with those individuals in other institutions, adding greatly to an otherwise over-looked species.

(c) Permit conditions.

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

Will comply.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

Will comply.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

Will comply.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

PALMER E. KRANTZ, III,
Acting Director.

ALAN H. SHOEMAKER,
Zoologist.

CHARLES R. SCHROEDER, DVM,
Interim Director,
Director Emeritus, San Diego Zoological Gardens.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-302-; please refer to this number when submitting comments. All relevant comments received within 30 days of the date of publication will be considered.

Dated: September 2, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-26267 Filed 9-7-76;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814. E. C. Fullerton, Director.

OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Conduct research on sea otter as described in attached "Additional Information Required" in Section 18.31 of Title 50, Wildlife and Fisheries

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Calif. Dept. of Fish and Game
1416 Ninth Street
Sacramento, California 95814
(916) 445-8386

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
University of California and the State University and Colleges.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Dept. of Fish and Game is established by state law and charged with the administration and enforcement of the Fish and Game Code.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
E. C. Fullerton, Director (916) 445-3535
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Coastal waters of the State of California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(*If yes, list licenses or permit numbers*)
Master Banding Permit #6716

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: Oct. 1, 1976

11. DURATION NEEDED: two years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
18.31

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) E C Fullerton — DATE 8/10/76

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Additional Information Required in Section 18.31 of Title 50, Wildlife and Fisheries

Statement of Purpose

Perspective

Research conducted by the Department of Fish and Game on sea otter life history, biology, and the effect of sea otter foraging on shellfish stocks has revealed information necessitating a change in the present management procedure of allowing an unlimited expansion of the sea otter's range in the state's coastal waters. Based on the available scientific evidence, an experimental management plan was developed and submitted to the Secretary of Interior for his approval along with a request for return of management to the State. The objectives of the proposed experimental management plan are:

1. To provide an adequate number of sea otters for maintenance of a healthy self-sustaining population in areas where they will receive minimum adverse human impact and provide ample opportunities for public observation and scientific study.

2. To restrict the distribution of the sea otter to north of Point San Luis to protect research and resource preserves, to protect particularly important shellfish fisheries, and to enable experimentation and development of mariculture practices in California nearshore waters.

The proposed plan also identifies additional research programs that should be conducted.

The proposal for the return of management to the State was submitted to the Department of the Interior in January 1976. In the interim, the following research programs should be initiated under a Scientific Research Permit as provided under Section 101(a)(1) as soon as is possible.

Research Program I—Determination of Secondary Effects of Sea Otter Foraging: Direct adverse effects of sea otter foraging on certain important shellfish fisheries has been well documented, but many of the effects of removal of these macro-invertebrates, especially the herbivores, are not clearly understood. Other than a dramatic increase in understory algal growth, no obvious enhancement of canopy-forming kelps, non-edible macro-invertebrates, or fishes has been noted inside the sea otter's range. Ultimate management decisions must be made on the effects of foraging on the various ecosystems along the shoreline, including potential enhancement as well as deterioration of certain ecosystems and fisheries. Models to determine stability and diversity of subtidal ecosystems will be emphasized.

Ecosystems baseline studies will be designed to determine effects of foraging at various trophic levels in shallow subtidal and intertidal areas. The total effects of foraging will be measured on fixed transects before the otters arrive and for at least 10 years afterward, and with control transects established outside the otter's range in similar habitat and species communities.

In conjunction with the subtidal and intertidal transects studies, Department personnel will obtain measures of recreational and commercial catches in the sea otter's range and in the areas being occupied by, and in advance of, migrant fronts. (See Activity 4)

ACTIVITY 1. SUBTIDAL BASELINE STUDIES

Choice of sites

Of immediate importance is to establish a baseline study in the path of the southern migrant front which at this time is at Pecho Rock, three miles north of Point San Luis and two miles north of the proposed baseline study site. It is expected that the front of over 90 animals will enter the proposed study site next winter. A subtidal survey conducted on June 25, 1976 revealed a very low density of invertebrate food items in the reef and kelp canopy area from Point San Luis to Shell Beach due to the massive red-tide dieoff of invertebrates in 1974. Consequently, once sea otters forage throughout the invertebrate-rich area from Pecho Rock to Point San Luis, the front is expected to move rapidly along the 4-mile area from Avila to Pismo Beach and concentrate along the Pismo Beach area. It is thus imperative that the baseline study at the southern limit of the range be conducted soon. A tentative subtidal baseline site chosen contains a dense population of red abalones, lesser concentrations of red sea urchins and a typical algal community. A control site for this area will be chosen outside the otter's range, possibly in the area from Point Sal to Point Arguello.

An additional research preserve will be adopted by the State in December 1976 along the Pismo clam beach area just south of Pismo Beach pier and a preliminary survey has been conducted. This research preserve is designed to preclude all recreational clamming to test the effects of removal of clams from the remainder of the beach area by sport clammers.

After establishment of the baseline at the southern experimental range limit, additional baselines will be established in a *Macrocystis* kelp forest north of Santa Cruz when Federal funds become available in 1977. A pre-study survey of the northern area has not been made, but since the sea otter is not expected to enter a tentatively selected area near Davenport for several years, the initiation of this study is not imperative at this time.

An intertidal baseline will also be established near Point San Luis with an intertidal control near the subtidal control south of Point Sal.

Procedures

At the southern range limit, there will be a subtidal baseline into which sea otters will move; a control site to determine natural environmental changes in the coastal area; an intertidal baseline, with control; and a Pismo clam research preserve. The following basic parameters will be investigated:

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1. Community Structure. Community structure is the most important function of nearshore ecosystems that should be recorded in respect to the effects of sea otter foraging. Sea otters remove nearly all exposed macro-invertebrates creating a marked change in community structure that varies considerably in different habitats. The principal interactions to record are those of the urchin-abalone-sea star complex and the effects of the removal of the abalones and urchins from exposed areas favoring algae growth. In turn, the new relationships of these dominant large organisms will then possibly affect the canopy-forming large kelps, which may then affect the understory algae by shading. The interactions of these species will differ in exposed and in crevice situations as well as along the rocky-sand interfaces. Fixed transects are required to document these interactions. The change in community structure in each physical habitat type must be measured, necessitating choice of several fixed transects each within exposed horizontal, vertical rocky face, crevice, and sand interface formations. Data will be collected during three seasonal periods: April–May, August–September, and December–January.

2. Population Estimates of Key Organisms. Abalones, red and purple sea urchins, sea stars, *Cancer* crabs, rock scallops, all fish species observable by eye and by cinetransect methods, and giant and bull kelp plants will be counted on random transects on the reef area in which the baselines are established. Population estimates will be made twice a year, in the April–May and August–September periods. The reef area chosen for population estimates should be finite enough to estimate the entire reef population of these key organisms.

3. Indices of Diversity and Energy Flow Through Trophic Levels. The potential increase in primary productivity of algal growth resulting from the removal of macro-herbivores by sea otters should be measured in terms of biomass changes of understory algae and turf growth measured on ¼-meter transects. These transects or plots should be randomly chosen because all the algae and larger organisms will be removed in each sampling. If these plots fall randomly within one of the fixed transects, another ¼-meter plot should be randomly drawn. As many organisms as is economically feasible will be collected, measured, and biomass determined in each ¼-meter plot. Both exposed and crevice habitats will be studied. The number of sample plots required will be determined through statistical testing of variability.

4. Species Studies. Species studies will be conducted in conjunction with, but not necessarily during the collection of data on the fixed and random transects mentioned above. These studies will include the distribution, numbers, behavior, and food habits of the cabezon, kelp greenling, black-and-yellow rockfish, and gopher rockfish. These fishes are primarily invertebrate feeding demersal forms, and it is important to document the effects of the removal of the large biomass of edible invertebrate species by sea otters on these species. The distribution, abundance, and food habits of *Cancer antennarius* (rock crab) and *Cancer productus* (red crab) will be determined as well as size composition and relative abundance of the kelp crab (*Pugettia*) in the kelp canopy. Tissues of key food items will be analyzed for heavy metals and pesticide residues. If funds are available, other species will be studied such as the species of snails (*Tegula*) that are eaten by otters, and some of the less edible macro-invertebrates such as the keyhole limpet (*Megathura*), gumboot chiton (*Cryptochiton*), and decorator crab (*Loxorhynchus*). These species studies will include capture of animals for tagging or marking, collection of some by spearing (away from the routine fixed transect area) for food analysis and growth rates.

5. Control Areas for Before-and-After Baselines. Controls are needed to document any major environmental changes taking place in the coastal area of the baselines. A major natural change in numbers of a certain species (such as of lingcod in 1972) possibly "upsetting" the "normal" stability of the ecosystems being studied will be detected on the control reef area. The general parameters to be documented in the control are community structure and process; estimates of fish abundance; sea urchin, abalone, and sea star abundance by habitat type (exposed horizontal and service habitats); and kelp canopy densities. Fish and invertebrate counts will be made along fixed transects that are chosen at random during the first year's data collection. Physical parameters of light intensity, temperature, turbidity, and sea roughness plankton concentrations will be measured. Several species studies will be made as in the baseline areas. These are a crevice study of the interaction of urchins, abalone, and sea stars; and a study of the abundance and food habits of cabezon, kelp greenling, gopher rockfish, and black-and-yellow rockfish.

Most of the general data will be collected once a year, August–September; and the special study data will be made during April–May and August–September.

Kelp canopy densities will be determined through aerial photography conducted from Pismo Beach to Pedro Point, during quarterly flights, i.e., in December, March, June, and September.

ACTIVITY 2. INTERTIDAL BASELINE STUDY

This study will be designed to duplicate the interactions also taking place subtidally. Due to unique intertidal habitats and communities, procedures will be quite variable and a much smaller study area will be required than in the subtidal transects. Additional studies unique to the intertidal zone will be undertaken. Emphasis will be placed on community structure changes on fixed transects to determine diversity, especially in reference to patchiness of dominant organisms such as mussels, barnacles, algae, abalones, urchins, and anemones. Random plots to measure biomass of certain species will also be chosen. Samples will be taken during the May–June and September–October low tides series. The control for the intertidal baseline will be adjacent to the subtidal control area.

ACTIVITY 3. RECREATIONAL AND COMMERCIAL FISHERIES MONITORING

Shoreline, pier, skiff, and skindiving recreational fisheries will be monitored on a monthly basis at the onset of this study. Pier fishing and crabbing data will be gathered at Monterey, Cement Ship, Capitola, Santa Cruz, and Princeton piers, and at Avila. Shoreline fishing data will be gathered in the rocky area between Asilomar and the Monterey breakwater (now within the sea otter's range), along the West Cliff Drive area of Santa Cruz from Santa Cruz Point to Natural Bridges State Beach, and in the rocky area between Franklin Point and Pigeon Point. Skiff fishing will be sampled at Santa Cruz, Princeton, and Avila harbors. Skindiving sampling will be conducted throughout Santa Cruz and San Luis Obispo counties.

Commercial crab fishing will be monitored near Princeton and Avila harbors, and commercial sea urchin fishing near Santa Cruz and Avila will be monitored if it continues on a regular basis.

ACTIVITY 4. PISMO CLAM SURVEYS IN AND OUT OF SEA OTTER RANGE AT MONTEREY BAY AND PISMO BEACH TO DETERMINE THE RELATIVE IMPACT OF OTTER VERSUS HUMAN USE IMPACT ON CLAM POPULATIONS

A combination of three study methods will be utilized to monitor and, compare the Pismo clam populations in and outside the sea otter's range:

1. Trench Transect Studies. The trench transect is dug along a line which is marked in segments 3 meters (9.8 ft) in length. A trench 0.15 m (6 in.) wide is dug along this line, and each two segments represents a square meter of sand dug to a depth of about 0.2 m (8 in.). All clams dug are recorded by segment, measured, and aged. Sand dug from above the water line in the intertidal zone is thrown onto the beach, and the clams are retrieved. Below the water line to about knee depth, the trench is probed with a garden fork and when a clam is struck, it is dug out and collected. Trenches range in length from about 60 to 110 meters (197 to 361 ft) depending upon the steepness of the beach. The trench transect method was designed to measure recruitment strength of young clams and may not always adequately represent relative numbers of clams over 76 mm (3 in.) in largest diameter. Pismo clams are not evenly distributed laterally along the beach. There are dense clusters in some areas, and in other areas there may be only scattered individuals. There is also a depth zonation by size with smaller-sized clams due in part to the normal pattern of distribution but may also be accentuated by heavy clamming effort in the shallower areas, thus lowering the density of larger clams where it is easier to clam. Subtidal areas outside the clamming zone contain dense populations of larger clams at most beaches. A Pismo clam research preserve will be established adjacent to Pismo Beach pier.

2. Fifteen-Minute Digs. Upon completion of the trench transect, a "15-minute" dig is conducted subtidally at the end of the transect line to measure relative success in retrieving larger-sized clams. Clams dug during this timed dig represent a catch-per-hour value. Greater numbers of larger clams are sampled in the 15-minute dig period than in the transect, and even though there is a high variability in numbers of clams collected, these digs do give an indication of the relative abundance of sublegal clams along the beaches.

3. Clammer Interviews. Numbers of clammers in each party, time spent clamming by each clammer, and number of legal-sized clams taken are recorded and used to determine the relative catch per unit of effort for the area sampled.

Research Program II—Development and Improvement of Marking, Tagging, Capture, and Radio Telemetry Techniques: Program Description. Even though capturing and tagging techniques have been developed to the operational level, improvement of all these techniques is needed. Capturing by tangle nets has resulted in mortality of about 10 percent of the animals taken by this gear, and rehanging experiments should be conducted to reduce or possibly eliminate this mortality. The scuba-held underwater device presents no stress to the animals, but this device may be difficult to operate in capture of animals not asleep and draped with kelp fronds. Capture of animals resting off sandy beaches will be necessary, and tangle nets or an improved manipulation of the underwater device may be necessary.

Metal flipper tags have proven reliable, but a small unknown loss does occur. Color combinations have been tried, but plastic covering is chewed off and paint is either chewed or flakes off the base metal. New tags should be developed that will retain multiple colors.

Marking of fur by bleaches and dyes for short-term marking has not been attempted, and experiments will be conducted to supplement tagging.

Radio collars have been successfully used for no more than about 3 days, but the results of the preliminary attempts justify development of better techniques that will last for at least 1 month. Nighttime feeding behavior is little known, and only through radio-collared animals can this behavior be monitored. Behavior of translocated animals can be determined with radio telemetry.

ACTIVITY 1. IMPROVEMENT OF CAPTURE TECHNIQUES

The scuba-held device is efficient for capture of sleeping animals in kelp canopies, but capture of animals resting off sandy beaches or of animals in the southern part of their range where harassment has made them more alert may be difficult. Experiments with underwater communications to direct the divers to the animals while remaining underwater, use of Farallon power equipment to travel underwater from the boat to the animal, and use of other applicable equipment will be undertaken.

The tangle net will be rehung to eliminate the potential mortality of animals near the ends of the nets at the floats where they may not be able to come to the surface for air. Use of the nets in daytime only and setting the net in water depths greater than the depth to which a struggling animal can lower the net and cause it to become entangled on the substrate will eliminate the causes of netting mortality.

ACTIVITY 2. IMPROVEMENT OF TAGGING, MARKING, AND RADIO TELEMETRY TECHNIQUES

Multiple color flipper tags have been used, but the paint and plastic surface over the metal base becomes lost. Construction of all metal tags with color imbedded within the metal will be investigated. Multiple tagging of the same animal with tags on each flipper will determine tag loss. Marking of fur will be attempted with various bleaches and natural dyes.

Radio collars will be attached to animals in the Monterey area for experimentation. Handling of animals being tagged has not proved satisfactory, and holding tables will be designed to facilitate attachment of the collar. Upon development of satisfactory techniques, animals in the migrant front, especially over sandy bottom, will be captured and followed for at least a month.

Research Program III—Determination of Mortality and Limiting Factors: Program Description. Necropsy data are collected on a routine basis for fresh carcasses. Necropsy procedures have been developed by the Department, and presently volunteer help from veterinarians and other public members along with Department personnel are keeping analysis of all animals up to date. Several series of data not now routinely taken will be collected from fresh material. One of these collections is for blood to be used to develop a serum bank for the purpose of detecting virus antibodies. Other uses of blood are for reproductive cycle determination and taxonomic studies. Histopathological determinations have been made such as during an increase of deaths indicating a nutritional dieoff, but these collections are not being made on a routine basis for all animals. These data are necessary to determine with accuracy the exact primary and secondary causes of death. Volunteer time has been sufficient to conduct these necropsies, but with collection of additional material and need of analysis of these additional data, more formal arrangements will be made using project funding.

ACTIVITY 1. MORTALITY DETERMINATION

Necropsy procedures will be expanded to include development of a serum bank for presence of virus antibodies. This collection will be analyzed by the University of California, Davis, or other institutions capable of determining such analysis. In addition, routine collections of organ tissues will be undertaken for histopathological studies.

The routine collection and general necropsy data collection will be continued on a voluntary basis where possible, although with the collection of several additional parameters, more formal arrangements may be necessary. Department personnel will remain responsible to see that these necropsies are performed.

ACTIVITY 2. OILED FUR EXPERIMENTS

Experiments on oiled animals is being proposed in the Alaskan area, but it is not known just what the experiments will encompass. If experimentation with emulsifiers is not being conducted in Alaska, then this job will be requested.

Emulsifiers (surfactants) have been employed to slow down and preclude massive oil slicks from traveling great distances. New emulsifiers are now on the market that will probably not have the same lethal effects caused by the detergents used in the "Torrey Canyon" spill. Eight animals are being requested to experiment with oil in tanks on shore. These animals will be males from the periphery of the range where there is an apparent surplus of animals.

Research Program IV—Dynamics of Sea Otter Population: Program Description. Although considerable knowledge has been accumulated for many aspects of sea otter basic life history, biology, and behavioral patterns, additional information must be obtained for development of a final management scheme. The sea otter behaviorally is a highly plastic animal which has permitted it to adapt to a variety of habitats. The otter's behavior is influenced by such variables as age, sex, and the availability of protective kelp canopies or coves. Habitat type or the length of time a habitat is occupied by sea otters influences the kinds of food items available and, therefore, the feeding behavior of the animals. An important consideration in the behavior of sea otters is whether an individual otter is an advanced forager, in a migrant front, or in a stabilized segment of the population.

Only limited research has been conducted on the migrant front and it is particularly critical to further investigate the dynamics of the imgrant front to assess the impact of the State's management proposal. This research proposal will determine the effects of translocatipn on animals in the migrant front or otherwise near the periphery of the range.

ACTIVITY 1. DYNAMICS OF MIGRANT FRONT

Intensive tagging of animals in the migrant front as well as of young animals throughout the range will be conducted. In addition, advanced foragers and wandering animals far in advance of the migrant front will be captured and tagged, but in this case, except for animals off the Pismo clam beaches of San Luis Obispo and Santa Barbara counties, these animals will be released where captured to determine their behavior.

Social interactions and individual behavior of animals near the peripheries will be studied from shore and boat. Sex compositton, age (size), movements, and territorial behavior will be emphasized. This work will be coordinated with similar studies conducted by FWS personnel and Marine Mammal Commission grant and permit recipients.

The removal of animals that migrate south of Point San Luis is necessary for several reasons. One of these has been outlined above: to protect baseline controls, the Pismo clam research preserve, and important shellfish fisheries. Two additional research needs can be satisfied only by removal and translocation of sea otters that move south of Point San Luis. One of these is to determine methodology of translocating animals from the southern to the northern migrant front and to develop procedures for estblishment of new sea otter colonies. The second is of utmost importance in respect to future proposed containment management.

Behavioral studies of the sea otter have revealed the plasticity of this species to adapt to new habitats and forage items. Females with pups, adult dominant males, and subadult newly dependent males behave differently in various habitats. Migrant front animals behave differently along sandy beaches than when foraging in kelp beds, and females with pups have not as yet been seen foraging along sandy beaches. Therefore, the effects of removal of extralimital animals on the nearby population in an experimental management regime cannot be determined through the analysis of behavior of animals in other areas of the population. The animals from Point Buchon to Point San Luis are in a unique area bordered by extensive sandy beaches both to the north and south, an area containing almost no *Macrocystis* canopies, and the sea otter population is dominated apparently with migrant front young males. Only three females with pups are present in the area out of a total count of 125 animals from Morro Rock to Pecho Rock.

Thus, it is necessary to experimentally remove animals moving to the south of Point San Luis to determine the effects of removal of migrant front animals on the remaining established population behind the front. And, this must be done at the site of the proposed containment limit. Population parameters of herd structure, reproductive success, and social structure must be determined in an actual removal situation at the proposed containment site. Social structure such as off Monterey and Pacific Grove or in the center of the range near Cape San Martin cannot be projected to determine the effects of removal of animals at Point San Luis because of the plasticity of behavior of this animal in response to variable habitats, food items, predation by sharks, kelp harvesting, composition of kelp canopies (*Nereocystis* as opposed to *Macrocystis*), and other variables such as temperature differences, human interference by boating, skindiving, feeding of animals, etc. This translocation study must be evaluated over at least an 8-year period.

ACTIVITY 2. TRANSLOCATION EXPERIMENTS

Behavior of translocated animals has been erratic and difficult to classify. Some "homing" behavior may be present, and extensive wandering was noted in the Oregon and Washington transplants. There may be need of holding pens to "adjust" translocated animals to a new territory, and there may be need for presence of females to keep males from constantly wandering. Animals will be translocated from the Point Buchon/Pismo Beach area in the interim period before the proposed management program is initiated. All animals will be translocated to the northern periphery of the range near Santa Cruz and will be tagged and monitored.

Research Program V—Sea Otter Censuses: Census techniques were refined in 1974 and 1975, and a satisfactory census technique has been developed. Annual censuses have been made since 1968, but only in 1973, 1974, 1975, and 1976 have aerial counts been adjusted by ground-truth data to arrive at empirical estimates. Statistical analysis by the Department's statistical unit at Menlo Park has

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yielded a censusing model that will yield estimates to within 90 percent accuracy.

Analysis of the 1976 census (June 14–17) indicate annual censuses need not be made. The variance of the estimate about equals the potential annual increase in numbers or possibly the number of animals that could die in a nutritional dieoff such as witnessed in 1972-73. Therefore, a total census with aerial counts and ground truth comparisons need not be made more often than 3 or 4 years to significantly detect an increase or decrease in the total population. In the 1976 census, emphasis was made on obtaining as many ground counts as possible over the 4-day census with the result that about 87 percent of the total estimate was observed in a combination of aerial and ground counts. Annual population indices can be made through ground counts alone to detect any major change in population numbers within the established range. Periodic censusing several times a year will still be made near the peripheries of the range as part of the migrant front study.

ACTIVITY 1. AERIAL-GROUND SEA OTTER CENSUS

The census will be made in May or June. Four days of flying are scheduled. Extensive ground truth stations will be occupied each day. Personnel from several Department branches and regions participate in this census without charge to the project. Statistical analysis of census data will be made by Biometrics, ORB personnel at Menlo Park as part of their routine activities. These censuses will be conducted every 3 or 4 years as the needs arise.

ACTIVITY 2. PERIODIC CENSUSES NEAR THE RANGE PERIPHERIES

Sea otter distribution and abundance will be determined within 20 miles of each migrant front several times each year. Ground truth data on these flights will be made only near the peripheries. These flights will be made in conjunction with kelp canopy aerial photography studies made by the Central California Marine Sportfish Survey.

Research Program VI—Public Information, Analysis and Publication of Results, Miscellaneous Duties, and Attending Conferences and Symposia: Program Description. Collection of data requires analysis and publication of important findings and dissemination of this information to interested parties and the public. Attending conferences and symposia is important to the development of public awareness of our studies and to enhance professionalism and expertise of Department employees.

ACTIVITY 1. PUBLIC INFORMATON, ANALYSIS AND PUBLICATION OF RESULTS, MISCELLANEOUS DUTIES, AND ATTENDING CONFERENCES AND SYMPOSIA

Public information will be through Department of Fish and Game Conservation Education personnel as well as in answer to requests for information from the public or press representatives. Factual data and conclusions of research studies are public property and will be made available to anyone requesting such data and information.

Project personnel will be encouraged to attend and participate in conferences and symposia on related subjects that are of importance in solution of project goals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-319-10–; please refer to this number when submitting comments. All relevant comments received on or before November 8, 1976.

Dated: September 2, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-26268 Filed 9-7-76;8:45 am]

Bureau of Reclamation

[INT DES 76-34]

FRUITLAND MESA PROJECT, COLORADO

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed Fruitland Mesa Project in Colorado. This water resource project would develop water for irrigation, fishery enhancement, and recreation in Delta, Montrose, and Gunnison Counties. Written comments on the draft environmental statement should be submitted to the Regional Director within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.
Office of the Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, Salt Lake City, Utah 84111, Telephone (801) 524-5404.
Western Colorado Projects Office, Bureau of Reclamation, Building 8, ERDA Compound, Grand Junction, Colorado 81501. Telephone (303) 242-9621.

Single copies of the draft statement may be obtained on request from the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: September 3, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.76-26337 Filed 9-7-76;8:45 am]

FRUITLAND MESA PROJECT, COLORADO

Public Hearing on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Fruitland Mesa Project in Colorado. This statement (INT DES 76-34, dated September 3, 1976) has been made available to the public.

The draft environmental statement discusses the proposed construction and operation of Milly K. Goodwin Lake, a 584-surface acre reservoir, and a water delivery system. Water would be stored and distributed for irrigation, fisheries, and recreation development. Construction would begin in early 1977.

A public hearing will be held in Crawford, Colorado, at the Crawford Schol Gymnasium from 2 to 9 p.m. on October 7, 1976, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 4:30 p.m., October 1, 1976, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by October 18, 1976, for inclusion in the hearing record.

Dated: September 3, 1976.

CLIFFORD I. BARRETT,
Acting Commissioner of Reclamation.

[FR Doc.76-26336 Filed 9-7-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1976 CROP PEANUT WAREHOUSE STORAGE LOANS

Interim Procedure

Notice is hereby given, that no peanut price support loan advances will be made to producers on 1976 crop peanuts until further notice, pending a decision on a recent litigation instituted against Earl Butz, Secretary of Agriculture, in the Middle District of Georgia.

Until further notice, any producer who has eligible 1976 crop peanuts which he desires to place under the warehouse stored loan program may deliver them to an approved warehouse. Before unloading the peanuts into the warehouse, they will be weighed, inspected and the results entered on USDA form MQ-94 (Inspection Certificate and Sales Memorandum). The producer will receive a copy of the form to be returned to the warehouseman for computation of the loan advance after final loan price differentials are announced.

When any such peanuts are unloaded into the warehouse, Commodity Credit Corporation will assume the risk of physical loss or damage to the peanuts to the same extent as if a loan advance had been made to the producer on such peanuts. A warehouse receipt and draft for the loan advance will be issued by the warehouseman to the producer after computation of the loan advance.

The warehouseman shall otherwise handle and store the peanuts in accordance with the terms of his storage contract with the peanut association.

Effective date: September 7, 1976.

Signed at Washington, D.C., on September 2, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-26196 Filed 9-7-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on September 30 and October 1, 1976 at 9:00 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to respond to the Bureau's requests for opinions and judgments in the whole area of its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the September 30 meeting is: (1) Topics of current interest at the Bureau of the Census, (2) major recommendations of the National Academy of Sciences regarding the national crime surveys, (3) public use microdata files—confidentiality policies and practices, and (4) sampling plans for the 1978 Census of Agriculture.

The agenda for the October 1 meeting, which will adjourn at 12:30 p.m. is: (1) Discussion of Committee recommendations, (2) status of 1980 census testing program, and (3) survey of business uses of statistics.

The meeting will be open to the public, and a brief period will be set aside on October 1 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5350.

VINCENT P. BARABBA,
Director, Bureau of the Census.

SEPTEMBER 2, 1976.

[FR Doc.76-26228 Filed 9-7-76;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The Gulf of Mexico Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Texas, Louisiana, Mississippi, Alabama, and Florida. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday and Wednesday, October 12 and 13, 1976, in the Cypress Room, New Orleans Airport Hilton Inn, 901 Airline Highway, Kenner, Louisiana. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

PROPOSED AGENDA

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9460 Gandy Boulevard, St. Petersburg, Florida 37702,

on or about October 1, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-26139 Filed 9-7-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The New England Council will have authority over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary. This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday, Wednesday, and Thursday, October 5-7, 1976, at the Ramada Inn, 225 McClellan Highway, East Boston, Massachusetts. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m.

PROPOSED AGENDA

1. Election of officers.
2. Organization (including office location).
3. Practices and procedures.
4. Fishery management activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Donald Birkholz, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930.

on or about September 21, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the pub-

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lic who wish to submit written comments should do so by addressing Mr. Donald Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council Meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director National Marine Fisheries Service.

[FR Doc.76-26137 Filed 9-7-76;8:45 am]

NORTH PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the North Pacific Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The North Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority: prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday through Friday, October 5 through 8, 1976, at the Alaska Department of Fish and Game Subport Building, Juneau, Alaska. The meetings will convene at 9:00 a.m. and adjourn for the day at approximately 4:30 p.m., each day.

PROPOSED AGENDA

1. Election of Officers.
2. Organization (including office location).
3. Practices and procedures.
4. Discussion of proposed management plans.
5. Discussion of priorities on management plans.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Jim H. Branson, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

on or about September 24, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. To receive due consideration and facilitate inclusion of the comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-26136 Filed 9-7-76;8:45 am]

PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the Pacific Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of California, Oregon and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday, Wednesday, Thursday and Friday, October 12 through 15, 1976, in the auditorium of the Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, East, Seattle, Washington. The meeting will convene at 1:30 p.m. on October 12, and at 9:00 a.m. the other days, and adjourn at aproximately 5:00 p.m. on October 12 through 14, and at 12:00 noon on October 15, 1976.

PROPOSED AGENDA

1. Election of officers.
2. Organization (including office location).
3. Practices and procedures.
4. Fishery management activities.
5. Review of applications for foreign fishing permits, if any.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. John T. Gharrett, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

on or about October 4, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. John T. Gharrett at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-26138 Filed 9-7-76;8:45 am]

SOUTH ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the South Atlantic Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of North Carolina, South Carolina, Georgia and Florida. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary. This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Monday and Tuesday, October 18 and 19, 1976, in the Statesman Room, Sheraton Motor Inn, 5981 Rivers Avenue, Charleston, South Carolina. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m. each day.

PROPOSED AGENDA

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

on or about October 8, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record

of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-26140 Filed 9-7-76;8:45 am]

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the Western Pacific Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The Western Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Hawaii, American Samoa and Guam. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary. This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday, Wednesday, and Thursday, October 19 through 21, 1976, at the Pagoda Hotel, 1525 Rycroft Street, Honolulu, Hawaii. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m. on October 19 and 20, and convene at 9 a.m. and adjourn at approximately 12 noon on October 21, 1976.

PROPOSED AGENDA

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Status of Fisheries.
5. Development of Fishery Management Plans.

This meeting is open to the public and there will be seating for approximately 50 public members on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Robert Iverson, c/o Honolulu Laboratory, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812.

on or about October 8, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Robert Iverson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries.

[FR Doc.76-26141 Filed 9-7-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-4; Amdt. 2]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Statement of Organization, Functions and Delegation of Authority

This order effective August 19, 1976 further amends the materials appearing at 40 FR 56702 of December 4, 1975 and of 40 FR 58878 of December 19, 1975.

Department Organization Order 10-4 of September 30, 1975, is hereby amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary to administer Title I of the Public Works Employment Act of 1976, Pub. L. 94-369, to the Assistant Secretary for Economic Development (subparagraphs 4.01g. and 5.o.).

1. In Section 4. Delegation of authority, a new subparagraph .01g. is added to read as follows

"g. The Local Public Works Capital Development and Investment Act of 1976, which is Title I of the Public Works Employment Act of 1976 (Pub. L. 94-369, 42 U.S.C. 6701 et seq.)".

2. In Section 5. General Functions, a. a new subparagraph o. is added to read as follows:

"o. Assure the adequate and effective administration of Title I of the Public Works Employment Act of 1976, including the monitoring and servicing of grants."

b. In pen and ink reletter the current subparagraph o. as p.

Effective date: August 19, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-26203 Filed 9-7-76;8:45 am]

[Dept. Organization Order 20-4]

OFFICE OF EMERGENCY READINESS

Statement of Organization and Functions

This order effective August 10, 1976 supersedes the material appearing at 37 FR 21863 of October 14, 1972.

SECTION 1. *Purpose.*—.01 This order prescribes the functions and organization of the Office of Emergency Readiness.

.02 This revision updates terminology and references, abolishes the position of Deputy Director, adds a specific delegation for coordination of the preparation of plans and development of programs required by Executive Order 11490, as amended, and it deletes two functions—the furnishing of full-time Departmental representation at the Special Facility of the Federal Preparedness Agency since such full-time representation is not required, and the assignment and training of the Commerce Communications Corps since intermittent employees now carry out duties formerly handled by the Communications Corps.

SEC. 2. *Status and line of authority.*—.01 The Office of Emergency Readiness, (OER), a Departmental Office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

.02 The Director, OER, is delegated the authority conferred on the Assistant Secretary for Administration by Department Organization Order 10-5 to coordinate departmentwide the preparation of the national emergency plans and the development of the preparedness program required by Executive Order 11490, as amended.

.03 The Director, OER, may redelegate his authority to appropriate officials of the OER and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Functions.*—.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as may be prescribed, OER shall be the primary contact within the Department for identifying emergency readiness programs within the Department, and for the functional monitoring, reviewing and reporting on all such programs departmentwide. To carry out this responsibility, OER shall perform the following functions:

a. Direct the development, coordination, testing, evaluation and implementation of all emergency plans and programs in the fields of continuity of government, natural disaster recovery assistance, civil preparedness, and domestic crises which affect the Department of Commerce and its operating units;

b. Provide leadership and guidance to operating units in the development of their emergency plans and review these plans for adequacy in terms of assigned functions, and assure the correlation and compatibility of all emergency preparedness plans and programs and the maximum utilization of existing resources and capabilities of the Department;

c. Administer the Department's National Defense Executive Reserve Program;

d. Prepare, maintain and control emergency assignments for the Secretary, Secretarial officers and others, as required, and brief these officials on the current status of the Department's emergency functions;

e. Establish and maintain an emergency alerting procedure for headquarters and field personnel;

f. Plan for, coordinate, and evaluate emergency tests and exercises conducted by the Department;

g. Coordinate the plans, procedures and activities of the Department and

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its operating units in disaster assistance and crises management programs to assure the Department's resources will be promptly mobilized to provide assistance at national, regional, and local levels;

h. Establish and maintain a Self-Protection Organization to provide for the protection and welfare of employees during emergencies;

i. Maintain a Command Post in the Main Commerce Building for use by Secretarial Officers and others in the event of a national defense emergency;

j. Develop and coordinate Department Administrative Orders pertaining to emergency preparedness plans, procedures, operations and related programs of the Department;

k. Control approval of the obligation of funds for emergency activities charged against the Working Capital Fund;

l. Review and evaluate budget requests of other areas of the Department concerned with emergency programs; continuity of Government programs and NATO civil emergency planning support;

m. Coordinate Departmental reports to the Joint Congressional Committee on Defense Production, Federal Preparedness Agency (FPA/GSA), and other Federal agencies on emergency matters; and

n. Develop and administer, both at national and field levels, the Department's policies on:

1. Continuity of essential functions, including lines of succession; predelegation of emergency authorities; composition and training of emergency cadres; a vital records program; emergency communications; a damage assessment capability; and,

2. The acquisition, maintenance, staffing, and operations of all emergency operating facilities including the Department's Headquarters and its alternate Emergency Operating Facilities.

SEC. 4. *Specified authority.*—.01 In addition to the authority implicit in and essential to carrying out the functions of the office, the Director, OER, is also designated the Emergency Coordinator for the Department and as such shall be the primary contact within the Department for all emergency preparedness programs of concern to the Department and its operating units.

.02. In the capacity of Emergency Coordinator for the Department, the Director, OER, shall:

a. Represent the Department on interagency committees, boards, and working groups concerned with emergency activities of the Department;

b. Maintain a roster of program specialists or technical experts from the various elements of the Department at both national and field levels whom he can call on to provide operating unit expertise or representation related to a particular plan or emergency program; and,

c. Serve as the representative of the Assistant Secretary for Administration on all emergency readiness program matters, and as adviser to other Department officials with respect to these matters.

SEC. 5. *Regional Emergency Coordinators.*—.01 *Field operations.* Emergency programs at the field level shall be coordinated by the Office of Field Operations (OFO), District Office Directors selected to represent the Secretary in each of the ten Federal Regional Council cities (i.e., Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle.)

.02 *Designation.* The OFO District Office Directors in the ten cities are hereby designated Regional Emergency Coordinators and as such they shall be the principal adviser and contact point for the Department in their respective regions, and shall provide staff liaison concerning activities of interest to the Department. Also, they shall maintain a list of specialists from other Commerce field elements whom they can call on for expertise related to a particular plan or program.

.03 *Responsibilities.* Acting in accordance with instructions and guidance issued by the Director, OER, through the Office of Field Operations, Domestic and International Business Administration, the Regional Emergency Coordinators shall:

a. Represent the Department on regional, State and local government committees, boards and working groups involved in emergency preparedness plans and programs, including continuity of essential functions, emergency management of resources, civil preparedness, disaster assistance, and related activities;

b. Provide guidance and assistance to those elements of State governments charged with preparedness planning for the emergency management of resources for which the Department has been assigned responsibilities;

c. Serve as the Department's principal adviser to the Directors of the respective FPA/GSA Defense Civil Preparedness Agency (DCPA) regions on matters relating to the functions of the operating units of the Department;

d. Serve as liaison between the field installations of the Department and the FPA/GSA/DCPA Regional Directors in emergency preparedness matters;

e. Establish and maintain an emergency essential records file at the FPA/GSA/DCPA Federal Regional Centers (FRCs), and provide guidance and advice to field installations on provisions for emergency essential records;

f. Establish and maintain a Regional Alerting Procedure for Commerce regional emergency cadres;

g. Participate, as directed by national headquarters in planning and evaluating periodic regional, State and local government emergency preparedness tests and exercises;

h. Prepare, as necessary or required by OER, reports on the status of emergency preparedness plans, programs and operations; and

i. Inform the Director, OER, of their activities and emergency programs to enable OER to fulfill its departmentwide liaison and coordinating role.

Effective date: August 10, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-26204 Filed 9-7-76;8:45 am]

[Dept. Organization Order 30-5B]

OFFICE OF TELECOMMUNICATIONS

Statement of Organization and Functions and Delegation of Authority; Correction

This order effective August 19, 1976 amends the material appearing at 41 FR 9260 of March 3, 1976.

Department Organization Order 30-5B of February 19, 1976 is hereby amended as shown below. The purpose of this amendment is to correct an error in position title and to update the description of the functions assigned to and within the Office of the Director, Office of Telecommunications by listing and separately stating the functions of both the Public and Technical Information Officer and the Legal Adviser. This amendment also abolishes the Telecommunications Analysis Division.

1. In Section 1. *Purpose.* In pen and ink, in the second line of subparagraph .02b. delete "the Institute for".

2. In Section 3. *Office of the Director.* a. An introductory paragraph is added to read as follows:

The Office of the Director shall be responsible for the direction and administration of the Office. It shall perform functions and activities which oversee or support line organizational elements. It shall also perform programmatic functions and activities of the Office which are not assigned elsewhere herein; which explore new programmatic directions; or the performance of which requires liaison or supervision at the Director's level. Its officials, and their assigned functions, are as follows:

b. In pen and ink, delete the parenthesis and period at the end of subparagraph .04b. and add "and Privacy Act administration).

c. New paragraphs .05 and .06 are added to read as follows:

.05 The Public and Technical Information Officer shall perform staff administration and support functions for the Office's publications program, public information and Freedom of Information Act responsibilities. The public information programs shall be carried out in collaboration with the Departmental Office of Communications.

.06 The Legal Advisor shall, under the professional supervision of the Department's General Counsel and as provided in Department Organization Order 10-6, serve as the Office's legal officer with responsibility for its legal services and its participation before regulatory agencies.

3. In Section 6. *Telecommunications Analysis Division,* Section 6 is deleted in its entirety.

4. Current Sections 7, 8, and 9 are renumbered as 6, 7, and 8 respectively.

5. The attached organization chart supersedes the chart attached to DOO 30-5B of February 19, 1976.[1]

Effective date: August 19, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-26206 Filed 9-7-76;8:45 am]

[1] Filed as part of the original document.

[Dept. Organization Order 30-3B]

PATENT AND TRADEMARK OFFICE

Organization, Functions and Delegation of Authority

This order effective August 19, 1976 supersedes the materials appearing at 40 FR 3627 of January 23, 1975, of 40 FR 16707 of April 14, 1975 and 40 FR 56708 of December 4, 1975.

SECTION 1. *Purpose.*—.01 This order prescribes the organization and assignment of functions within the Patent and Trademark Office. Department Organization Order 30-3A prescribes the scope of authority and functions.

.02 This revision incorporates the provisions of a prior amendment (subparagraphs 5.02b. and 5.02c.); establishes the Office of Planning and Evaluation (the former Office of Program Planning and Evaluation) reporting directly to the Commissioner (paragraph 4.05); establishes the Office of Automatic Data Processing Administration to replace the abolished Office of Computer Services (paragraph 8.01); and provides a new statement of functions for the Office of Management and Organization (paragraph 8.05).

SEC. 2. *Organization structure.*—The principal organization structure and line of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Commissioner of patents and trademarks.*—The Commissioner of Patents and Trademarks determines the policies and directs the programs of the Patent and Trademark Office and is responsible for the conduct of all activities of the Patent and Trademark Office. He is principally assisted by a Deputy Commissioner, three Assistant Commissioners and a Solicitor whose main duties shall be as specified below.

a. The "Deputy Commissioner" shall assist the Commissioner in the direction of the Patent and Trademark Office and shall perform the duties of the Commissioner in the latter's absence.

b. The "Assistant Commissioner for Patents" (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction for the patent examining and documentation operations which consist of the organizational elements enumerated in Section 5 of this order. He is assisted by a Deputy Assistant Commissioner. The Deputy Assistant Commissioner shall, among other duties as assigned, have immediate responsibility for patent examination and for the organizational elements enumerated in Section 5.01, and shall perform the duties of the Assistant Commissioner during the latter's absence. There shall also be an Administrator for Documentation who shall have immediate responsibility for domestic and foreign patent documentation and the organization elements enumerated in Section 5.02.

c. The "Assistant Commissioner for Trademarks" (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the trademark registration and related operations which consist of the organizational elements enumerated in section 6 of this order.

d. The "Solicitor" shall be the chief law officer of the Patent and Trademark Office and shall provide administrative and policy direction to organizational elements enumerated in section 7 of this order. Pursuant to Department Organization Order 10-6, he shall be subject to the overall authority of the Department's General Counsel with respect to legal matters involving the Patent and Trademark Office, other than in connection with the issuance of patents or the registration of trademarks. He shall be assisted by a Deputy Solicitor who shall perform the duties of the Solicitor during the latter's absence.

e. The "Assistant Commissioner for Administration" shall be the principal advisor to the Commissioner on the formulation and application of management policies and shall provide administrative, management, budgeting and operational support services to components of the Patent and Trademark Office. In addition, he shall provide administrative and policy direction to the organizational elements enumerated in section 8 of this order. He shall be assisted by a Deputy Assistant Commissioner who shall perform the duties of the Assistant Commissioner during the latter's absence.

SEC. 4. *Organizations reporting to the Commissioner.*—.01 The "Board of Appeals" shall be responsible for hearing and deciding appeals from adverse decisions of examiners upon applications for patent.

.02 The "Board of Patent Interferences" shall conduct interference proceedings and make final determinations in the Patent and Trademark Office as to priority of invention. The Board shall also hear and decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of sections 2182 and 2456 (d) and (e) of Title 42, U.S.C.

.03 The "Office of Information Services" shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and of the functions, services and administrative publications of the Patent and Trademark Office; and develop publication policies.

.04 The "Office of Legislation and International Affairs" shall, subject to Department Organization Order 10-6, make studies and advise the Commissioner on policy and actions concerning matters which may require legislation or which involve international patent and trademark (intellectual property) matters; draft proposed legislation relating to patents and trademarks and advise on pending legislation affecting the Patent and Trademark Office; represent the Commissioner in the negotiation or renegotiation of treaties and the negotiation of other new major international initiatives; assist in the development and implementation of related programs; coordinate or conduct in cooperation with other appropriate Patent and Trademark Office organizations, negotiations in matters relating to existing international programs; and maintain liaison with the Office of the Secretary, the General Counsel, other agencies, international and foreign bodies, members of the public, and appropriate congressional committees in such matters.

.05 The "Office of Planning and Evaluation," working with program managers, shall assess the value to the public of operations defined by statute and develop measurable objectives and sub-objectives in support thereof; establish an annual program evaluation plan, identifying problem areas, conducting or monitoring studies of program effectiveness, establishing criteria of study quality, and reviewing studies monitored; prepare program plans which reflect decisions of the Commissioner on program alternatives and allocation of resources; foster establishment of data control systems and workflow models, using them to monitor program achievement; and perform final review for all externally reported data on program performance or resource use.

SEC. 5. *Organizations Reporting to the Assistant Commissioner for Patents.*—.01 Patent Examination Organizations.

a. The "Office of Patent Program Control" shall develop procedures for and establish quality, quantity and other performance standards relating to the conduct of the patent examination functions; establish program activity targets and continually evaluate status against program objectives; provide training to examiners in patent practices and procedures; monitor compliance with examination standards and procedures; and provide planning evaluation and budget support to the examination organizations and such other duties as assigned.

b. The "Examining Groups" shall examine applications for patents to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category assigned to it. The number of examining groups and the coverage of the generic categories shall be determined by the Commissioner.

.02 Patent Documentation Organizations.

a. The "Office of Documentation Planning, Support and Control" shall analyze the examiner and public patent search files and all proposed programs concerning them; coordinate efforts in regard to numerical files; develop and maintain overall documentation plans relating to these files; define the form, content and accessibility of these files and insure such definition through periodic checks; initiate the acquisition and provision of patent documentation for these files; coordinate the development of an overall system, and the efforts of related implementing activities, to insure the accuracy and effective utili-

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zation of patent data; provide budgetary and other services for the documentation organizations; and establish performance standards and evaluation criteria for, and monitor and evaluate, the activities of the documentation organizations.

b. The "Office of International Patent Classification" shall direct Patent and Trademark Office initiatives designed to foster harmonization of the United States Patent Classification System with the International Patent Classification System. The Office shall also consult and participate with foreign counterparts representing national offices and appropriate international groups in further development and refinement of the International Patent Classification System. In carrying out such consultations and participations, it shall coordinate all related policy matters with the Office of Legislation and International Affairs.

c. The "Office of Micrographic Systems" shall develop and recommend plans for micrographic information systems including analyses of existing and proposed micrographic hardware and techniques suitable for meeting the particular demands of the U.S. Patent and Trademark Office. It shall also evaluate ongoing micrographic information systems in respect to the responsiveness of such systems to evolving informational needs. The foregoing shall be coordinated with other appropriate offices such as the Office of Automatic Data Processing Administration and the Office of Search Systems.

d. The "Office of Search Systems" shall maintain a state-of-the-art awareness of machine-assisted information storage, access, retrieval, and display systems useful or potentially useful in searching patent documentation; participate with parties in the private and government sectors in cooperative programs designed to develop systems for Patent and Trademark Office utilization; evaluate the potential of existing and cooperatively developed systems; initiate the acquisition and adaptation of selected systems and direct the maintenance of all non-operational search and display systems (equipment and materials); conduct and evaluate pilot tests in Patent and Trademark Office operating environments; recommend operational establishment or discontinuance of evaluated systems; and monitor and evaluate the performance of operational systems.

e. The "Office of Technology Assessment and Forecast" shall continually assess the status of technological activities in all countries; compare inventive activity in the United States relative to other nations; and forecast development on a worldwide basis.

f. The "Classification Groups" shall develop, implement and maintain subject matter classification systems for the organization of patent search files of prior art including the preparation of definitions, indexes, schedules, and related documentations. Each classification group shall perform this function for subject matter falling within the generic category (chemical, electrical, mechanical) assigned to it.

Sec. 6. Organizations reporting to the Assistant Commissioner for Trademarks.—.01 The "Office of Trademark Program Control" shall develop guidelines governing trademark examining procedures; establish program activity targets and continually evaluate status against program objectives; and provide instruction in trademark practice and procedures and coordinate trademark administrative support activities.

.02 The "Trademark Trial and Appeal Board" shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellations, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.03 The "Trademark Examining Operation" shall be responsible for the classification of trademark applications into classes of goods and services, the examination and processing of these applications, and the registration of trademarks, service marks, and certification marks; and maintain the principal and supplemental registers of trademarks. The Trademark Examining Operation shall be composed of examining divisions, the number and coverage of such divisions to be determined by the Commissioner.

SEC. 7. *Offices reporting to the solicitor.*—.01 The "Office of the Solicitor" shall handle all litigation to which the Commissioner is a party and provide other legal services, including advice and assistance on legislative matters, and maintenance of the law library.

.02 The "Office of Government Employee Inventions" shall review questions of ownership of patents and rights to inventions made by Government employees in issues brought before it under Executive Order 10096 and shall make appropriate recommendations to the Commissioner for action on such questions.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.*—.01 The "Office of Automatic Data Processing Administration" shall coordinate automatic data processing resources for the Patent and Trademark Office; recommend to management the acceptance, updating or termination of all Patent and Trademark Office automatic data processing resources and contracts; provide management with regular reviews on the status of automatic data processing expenditures and utilization of resources; advise management on alternatives for meeting defined short and long range ADP requirements; coordinate ADP procurement and installation; operate a central computer facility for the Patent and Trademark Office responsive to user needs; conduct and review specified ADP feasibility studies; design, implement, operate and coordinate specialized ADP management information systems, including data collection, manipulation and dissemination; coordinate ADP liaison for the Patent and Trademark Office with the Department of Commerce and other Federal agencies; provide programming and systems design resources for approved projects based on requirements; provide technical assistance to the Patent and Trademark Office to fulfill needs as specified by the user.

.02 The "Office of Budget" shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive budget program collaborating with cost center officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary accountability of available funds; maintain external liaison in budgetary matters; and review and evaluate the fulfillment of budget-based program commitments.

.03 The "Office of Finance" shall develop and maintain the financial accounting system of the Patent and Trademark Office, perform accounting operations for the revenue, trust funds, and appropriation of the Patent and Trademark Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statement, initiation of action to collect amounts due the Patent and Trademark Office, and administration of the payroll system and related employee accounts; and provide financial advice.

.04 The "Office of General Services" shall plan and administer a broad Office-wide program of general services, including procurement control; property, space, and facilities management; communications, files, mail and correspondence, and forms management; administrative printing; and clearance of all requirements involving contractual procurements, including liaison with the Department of Commerce, in connection therewith.

.05 The "Office of Management and Organization" shall develop and/or receive requests for management improvement systems, programs or projects, including studies for work measurement, resource utilization, workflow analyses, computer systems, operations research and other operational problems and programs and determine the best resource (s) for analyses. resolution, and implementation; conduct organizational reviews; conduct, coordinate or assign studies on resource utilization, procedures or workflow analyses; coordinate work measurement studies; manage Patent and Trademark Office policy orders and administrative instructions and issuances; develop and maintain statistical data; evaluate all requests for word processing and copying equipment; and develop and manage a historical file on all management studies and statistical data developed.

.06 The "Office of Patent and Trademark Services" shall provide the materials and services of the Patent and Trademark Office, many of which are offered to the public on a fee basis, and such services and facilities which are maintained for public access and use as governmental functions. It shall also be the responsibility of this Office to provide these same materials, services, and facilities as required by examiners and other personnel for internal operations of the Patent and Trademark Office. These shall include but are not necessarily limited to recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents, trademark registrations, and office records; providing drafting services; maintaining collections of technical and scientific information such as U.S. and foreign patents, periodicals, books, and other publications, whether in printed or microfilm form, and providing related services in regard to these collections. It shall also conduct an initial examination of patent applications for compliance with law and regulations as to form and certain matters of factual content; grant or deny a filing date based on such examination and forward to the Examining Groups those granted a filing date; acknowledge the acceptance or rejection of applications for examination; and maintain records on the status and location of all applications.

.07 The "Office of Personnel" shall administer activities relating to recruitment, placement, employee relations, equal opportunity programs for employees, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs.

.08 The "Office of Publications" shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; provide requisition and scheduling services for trademark publications; monitor the quality or performance by contributing sources and maintain close liaison with U.S. Government Printing Office; and prepare and issue patent grants and periodic publications of patent indexes.

Effective date: August 19, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-26205 Filed 9-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Commitee Act (Pub. L. 92–463), that the next meeting of the National Advisory Committee on the Handicapped will be held on October 20–22, 1976, 8:30 a.m.–4:30 p.m. at the Quality Inn Capitol Hill Hotel, 415 New Jersey Avenue, N.W., Washington, D.C.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 1233g) section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda includes a discussion of the individualized education program for handicapped children (called for in Pub. L. 94–142) in terms of its implications to personnel preparation, and will include comments from four invited special education practitioners. Records will be kept of all Committee proceedings and will be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on August 30, 1976.

LEROY V. GOODMAN,
Executive Secretary, National Advisory Committee on the Handicapped.

[FR Doc.76-26185 Filed 9-7-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the National Advisory Council on Adult Education will meet on October 1–2, 1976, from 9:00 a.m. to 4:30 p.m., at Stouffer's National Center Hotel, 2399 Jefferson Davis Highway, Arlington, Virgina. An orientation for new Council members will be held on September 30, 1976 (if appointments have been announced by September 23, 1976), from 9:00 a.m. to 4:30 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Reports of the Chairman, Executive Director, and the Council's standing committees.
Survey of State Support of Adult Education, International Adult Education.
Futures and Amendments Meetings.
Annual Report.
NACAE 5th Quarter Budget.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C., on September 1, 1976.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.76-26210 Filed 9-7-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) that a meeting of the National Advisory Council on Bilingual Education will be held from 9:00 a.m. until 5:00 p.m., September 24–26, 1976, at the Shoreham Americana Hotel, 2500 Calvert Street, NW., Washington, D.C. in Club Room B.

The National Advisory Council on Bilingual Education is established pursuant to section 732(a) of the Bilingual Education Act (20 U.S.C. 880b–11) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting shall be open to the public. The proposed agenda is:

SEPTEMBER 24, 1976

9:00 a.m.—Call to order.
9:15 a.m.—Welcoming statement by Dr. J.C. Molina.
9:30 a.m.—Swearing in of new members.
10:00 a.m.—In-service of new members: Ann Bailey, Robin Pascua, Rudy Cordova.
12:00 noon—Recess for lunch.
1:30 p.m.—Correspondence.
1:45 p.m.—Program Delegate's Report.
2:15 p.m.—Old Business; Reports from Committees; Conference Attendance; Update calendar of events.
4:00 p.m.—Recess.

SEPTEMBER 25, 1976

9:00 a.m.—New business: Election of Vice Chairperson and Parliamentarian; Selection of sites for upcoming meetings & hearings; Design of work scope for next year's report and issue papers.
12:00 noon—Recess for lunch.
1:30 p.m.—Review final draft of NACBE Annual Report.
4:00 p.m.—Recess.

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SEPTEMBER 26, 1976

9:00 a.m.—New business (continued): Review final draft of NACBE Annual Report.
12:00 noon—Recess for lunch.
1:30 p.m.—New business continued.
3:00 p.m.—Comments from the floor.
4:00 p.m.—Adjourn meeting.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, SW., Washington, D.C.

Signed at Washington, D.C., on September 1, 1976.

JOHN C. MOLINA,
Director, Office of Bilingual Education.

[FR Doc.76-26227 Filed 9-7-76;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on September 27, 1976 at 7:00 p.m. and September 28, 1976 from 9:00 a.m. to 4:00 p.m. each at 400 Maryland Avenue, SW., Room 3000. FOB #6. Washington, D.C. 20202.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380, (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. If you plan to attend, please call Patricia Dickerson at (202) 245-2284 to have your name placed on the list at the Guard's desk for admittance into the building for the meeting on Monday, September 27, 1976 at 7:00 p.m.

The proposed agenda includes:

SEPTEMBER 27, 1976

Next Steps in Career Education . . . (Continued)
Commission's National Conference on Career Education, November 7-10, 1976, Houston, Texas

SEPTEMBER 28, 1976

Report from National Manpower Commission—Wirtz
Discussion of Presentations Given on "Next Steps in Career Education"
Sub-Committee Reports

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education, located in Room 3100—ROB #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., this 1st day of September 1976.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.76-26230 Filed 9-7-76 8:45 am]

Food and Drug Administration

[Docket No. 76N-0256; DESI 9149]

CERTAIN PREPARATIONS CONTAINING PERPHENAZINE; TRIFLUOPERAZINE; TRIFLUPROMAZINE; AND PROMAZINE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

The Food and Drug Administration is reclassifying the less-than-effective indications for certain antipsychotic drugs, offering an opportunity for a hearing on the reclassification, and announcing the conditions under which the drugs may be marketed for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so by October 8, 1976.

In a notice (DESI 9149; Docket No. FDC-D-334 (now Docket No. 76N-0256)) published in the FEDERAL REGISTER of April 3, 1971 (36 FR 6447), and amended by a notice published in the FEDERAL REGISTER of November 2, 1971 (36 FR 20997), the Food and Drug Administration announced its conclusions concerning the drugs described below as follows:

PERPHENAZINE

(Oral and parenteral forms and rectal suppositories)

(1) Effective in the management of manifestations of psychotic disorders and for the control of severe nausea and vomiting in adults; (2) probably effective for reducing agitation and tension in mild alcoholic withdrawal in patients under close supervision; and (3) possibly effective for its other labeled indications.

TRIFLUOPERAZINE

(Oral and parenteral forms)

(1) Effective in the management of manifestations of psychotic disorders; (2) probably effective for the control of involutional melancholia or of the manifestations of the manic type of manic depressive illness; (3) lacking substantial evidence of effectiveness for use in producing rapid response in chronic brain syndrome or mental deficiency; and (4) possibly effective for its other labeled indications.

TRIFLUPROMAZINE

(Oral and parenteral forms)

(1) Effective in the management of manifestations of psychotic disorders and for the control of severe nausea and vomiting; (2) probably effective as an adjunct in preoperative and postoperative management, and for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision; (3) lacking substantial evidence of effectiveness in the management of mental disorders, acute and chronic psychoses, or delirium; and (4) possibly effective for its other labeled indications.

PROMAZINE

(Oral and parenteral forms)

(1) Effective in the management of manifestations of psychotic disorders; (2) probably effective for the control of nausea and vomiting, for the relief of apprehension prior to surgery, and for reducing agitation and tension associated with mild alcoholic withdrawal in patients under close supervision; (3) lacking substantial evidence of effectiveness for use in the control of central nervous system excitation, as an adjunct to the management of mental and emotional disturbances, and in inebriation; and (4) possibly effective for its other labeled indications.

The April 3, 1971 notice also offered an opportunity for a hearing concerning the indications concluded at that time to lack substantial evidence of effectiveness. No person has submitted any data in support of the probably effective and possible effective indications and those indications are now reclassified as lacking substantial evidence of effectiveness.

The notice that follows does not pertain to the indications for trifluoperazine, triflupromazine, and promazine that were stated in the April 3, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 11-213, Trilafon Injection; NDA 10-775, Trilafon Tablets; NDA 11-361, Trilafon Repetabs; NDA 11-557, Trilafon Concentrate; NDA 11-294, Trilafon Syrup; and NDA 11-495, Trilafon Suppositories, all containing perphenazine; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

2. NDA 10-349, Sparine Injection; NDA 10-942, Sparine Concentrate and Syrup; and NDA 10-348, Sparine Tablets, all containing promazine hydrochloride; Wyeth Laboratories, Inc., Division American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101.

3. NDA 11-552, Stelazine Tablets, Concentrate, and Injection, all containing trifluoperazine hydrochloride; Smith Kline & French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

4. NDA 11-325, Vesprin Injection; and NDA 11-123, Vesprin Tablets, both containing trifluoperazine hydrochloride; Squibb Pharmaceutical Co., Division E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.

5. NDA 11-491, Vesprin High Potency Suspension containing trifluoperazine; Squibb Pharmaceutical Co.

Other drugs included in the April 3, 1971 and November 3, 1971 notices will be dealt with in a subsequent FEDERAL REGISTER notice.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the April 3, 1971 and November 2, 1971 notices.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These drugs are in tablet, syrup, or concentrate form suitable for oral administration, or in sterile solution form suitable for parenteral administration; and perphenazine is also in suppository form suitable for rectal administration, and controlled release tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

PERPHENAZINE

For use in the management of the manifestations of psychotic disorders; and for the control of severe nausea and vomiting in adults.

TRIFLUOPERAZINE

For use in the management of the manifestations of psychotic disorders.

TRIFLUPROMAZINE

For use in the mangement of the manifestations of psychotic disorders; and for the control of severe nausea and vomiting.

PROMAZINE

For use in the management of the manifestations of psychotic disorders.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following if he has not previously done so:

a. On or before November 8, 1976, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide full updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)).

b. On or before March 8, 1977, data to show that it is biologically available in the formulation marketed.

4. *Marketing status of all other products.* a. For all products except the controlled release and the rectal suppository forms of perphenazine, approval of an abbreviated new drug application (21 CFR 314.1(f)), must be obtained prior to marketing such product. The applications shall contain full information with respect to Items 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)), and shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing.

b. For the controlled release form and the rectal suppository form of perphenazine, approval of a full new drug application must be obtained prior to marketing such products. The application shall contain the information specified in 21 CFR 314.1(c) and shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing.

c. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all

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issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 8, 1976, a written notice of appearance and request for hearing, and (2) on or before November 8, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 9149, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number) and original new drug applications: Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC–18), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

(Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: September 1, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–26176 Filed 9–7–76;8:45 am]

[Docket No. 76N–0278; DESI 6327]

ISOPROTERENOL HYDROCHLORIDE FOR INHALATION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 6327; Docket No. FDC–D–245 (now Docket No. 76N–0278)) published in the FEDERAL REGISTER, August 19, 1971 (36 FR 16126), the Food and Drug Administration announced its conclusions that the drug products described below containing isoproterenol hydrochloride are (1) effective in the treatment of certain bronchospastic disorders, and (2) less than effective (possibly effective and lacking substantial evidence of effectiveness) for certain other indications. The notice provided an opportunity for hearing for the indications concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the possibly effective indication, and it is now reclassified as lacking substantial evidence of effectiveness. Other drugs included in the August 19, 1971 notice are not affected by the conclusions of this notice. This notice offers an opportunity for hearing concerning the possibly effective indication for isoproterenol hydrochloride, which is now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drug for the indications for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before October 8, 1976.

The notice that follows does not pertain to the indications stated in the August 19, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 11–744; Isuprel Mistometer containing isoproterenol hydrochloride; Winthrop Laboratories, 90 Park Ave., New York, NY 10016.

2. NDA 11–178; Isuprel Hydrochloride Mistometer containing isoproterenol hydrochloride; Winthrop Laboratories.

3. NDA 6–327; Isuprel Hydrochloride Solution containing isoproterenol hydrochloride; Winthrop Laboratories.

4. NDA 16–813; Vapo-N-Iso Inhaler containing isoproterenol hydrochloride; Fisons Corp., 2 Preston Ct., Bedford, MA 01730.

5. NDA 16–824; Iprenol Solution containing isoproterenol hydrochloride; The Vitarine Co., Inc., 227–15 N. Conduit Ave., Springfield Gardens, NY 11413.

(NDA's 16–824 and 16–813 were approved after publication of the August 19, 1971 notice. Although they were not included in that notice, the conclusions described herein apply to them.)

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indication evaluated as possibly effective in the August 19, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in liquid form suitable for administration by inhalation.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis and bronchiectasis.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before November 8, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) except for products in aerosol form, a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)). For products in aerosol form, full updating information is required.

b. Except for the aerosol form of isoproterenol hydrochloride approval of an abbreviated new drug _____ application (21 CFR 314.1(f)) must be obtained prior to marketing the product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

c. For the aerosol form of isoproterenol hydrochloride products, approval of an abbreviated new drug application (21 CFR 314.1(f)) containing full information with respect to items 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)), must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 8, 1976, a written notice of appearance and request for hearing, and (2) on or before November 8, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully by marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 6327, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number) and full new drugs applications: Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drugs Information Resources, Bureau of Drugs.

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Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

(Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))).

Dated: August 27, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76 26175 Filed 9-7-76;8:45 am]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED (PART B OF TITLE XVIII OF THE SOCIAL SECURITY ACT)

Announcement of the Economic Index for the Period July 1976 Through June 1977

Notice is hereby given that, pursuant to section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)), as amended by section 224(a) of Pub. L. 92–603, sections 2 and 3 of Pub. L. 94–368, and as implemented by 20 CFR 405.504 (a)(3), the economic index applicable to prevailing charges for physicians' services under the program of Supplementary Medical Insurance for the Aged and Disabled (Part B of Title XVIII of the Social Security Act, commonly known as "Medicare Part B.") is 1.276 for the period July 1, 1976 through June 30, 1977. Under section 4 of Pub. L. 94–368, for the 12-month period beginning July 1, 1976, the annual update of prevailing charge levels shall apply to claims filed with a carrier after June 30, 1976, and before July 1, 1977, and which are processed by the carrier after it has made the appropriate changes in the prevailing charge levels. In addition, in accordance with past practice, other claims which are processed by a carrier are paid on the basis of the prevailing charge levels which the carrier has in effect at any given time.

The increase in the economic index over the base value of 1.000 is the maximum allowable increase in any prevailing charge for physicians' services in the period July 1976 through June 1977 over the corresponding prevailing charge for the same service in the same geographic area in fiscal year 1973. It is calculated by increasing the economic index for fiscal year 1976 (as adjusted for certain revisions in the Bureau of Labor Statistics indexes) by the weighted average of the increases in calendar year 1975 over calendar year 1974 in several indexes published by the Bureau of Labor Statistics, and by an index of the increase in physicians' malpractice insurance premiums based on a survey of the premiums charged in 46 States by six major insurers. These insurers, collectively, write about 70 percent of all malpractice insurance in the United States, and thus provide a representative sample of malpractice premium rates nationwide.

When the economic index limitation on increases in prevailing charges for physicians' services was implemented under Medicare in fiscal year 1976, it was expected that the methodology for constructing the index would be refined over time. The changes considered in this regard have included adjustments for regional differences in cost increases and adjustments for differential practice costs among specialities. However, lack of a sufficiently refined data base on physicians' practice costs has, so far, precluded these changes.

Thus, the only substantive change in the methodology for computing the economic index for the 12 month period beginning in July 1976 is the inclusion of a separate component to reflect the effect of malpractice insurance premium increases on physician office expenses. (Previously, malpractice insurance costs were included in the miscellaneous expense category of office practice costs which is tied to the entire consumer price index.) The component of the index which measures the rise in malpractice insurance premiums provides a measure of the percentage increase in the premiums in calendar year 1975 over 1974. (Reliable separate data on malpractice insurance costs for earlier periods are not available.)

To accommodate the lack of prior (separate) data on malpractice insurance costs, the other components of the index have been computed on an annual basis to reflect the changes in these components in 1975 over 1974. The calendar year 1974 data used for these components in the calculation of the economic index, in turn, reflect the cumulative increases since calendar year 1971. Therefore (with appropriate adjustments for the malpractice insurance data) the economic index (1.276) for the 12 month period beginning in July 1976 reflects the cumulative change in the components of the index since calendar year 1971, as is intended by section 1842(b)(3) of the Social Security Act as amended by Pub. L. 94–368, and by § 405.504(a)(3)(i) of Regulations No. 5.

The calculation reflects information that became available from the Bureau of Labor Statistics after the economic index for fiscal year 1976 was announced in the FEDERAL REGISTER on June 16, 1975, and put into effect. The economic index for a particular period must necessarily be calculated on the basis of the best information that is available at the time the calculation is made and put into effect. Therefore, the new data have been used to calculate the economic index for the period July 1976 through June 1977 in order to provide the most accurate calculation that is possible at this time of the changes that have taken place in the components of the index since the base year (calendar year 1971).

Calendar year 1975 charge data will be used to determine reasonable charges for the period July 1, 1976 through June 30, 1977. The table below shows the derivation of the economic index.

Derivation of the Economic Index for the period July 1976 through June 1977

	1974 value [1]	1975 value [1]	Increase in 1975 values over 1974 values (percent)	Weights (percent)
1. Hourly earnings of non-supervisory workers in finance, insurance, and real estate	$3.82	4.13	8.12	0.37×10
2. Housing component of the consumer price index	150.6	166.8	10.76	0.15×40
3. Private transportation component of the consumer price index	136.6	149.8	9.66	0.07×40
4. Drugs and pharmaceutical component of the wholesale price index	112.7	126.6	12.33	0.09×40
5. All other, miscellaneous, expenses (tied to the entire consumer price index)	147.7	161.2	9.14	0.28×40
6. Premiums for malpractice insurance			[4] 84.00	0.04×40
7. Average weekly earnings of production and non-supervisory workers	154.45	163.89	6.11	--
8. Index of output per man-hour of employed nonfarm workers	[3] 109.5	110.5	0.91	--
9. Change in average weekly earnings net of change in output per man-hour			5.15	60
			[5] 8.02	
10. Increase in economic index over fiscal year 1976 value			[6] 1.1816	
Fiscal year 1976 economic index adjusted for revisions in BLS statistics since the announcement [5]			1.2764	
Economic index for the period July 1976 through June 1977				

[1] All component values of the economic index except line 6 are from *The Monthly Labor Review* published by the U.S. Department of Labor.
[2] BLS revised the values of line 1 for 1974 and line 8 for 1971 and 1974 since the time of the announcement of the economic index for fiscal year 1976.
[3] The weights used were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 edition).
[4] Derived from a survey of six major insurance companies.
[5] See text for explanation.

(Secs. 1102, 1842(b), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 86 Stat. 1395; 42 U.S.C. 1302, 1395l(a), 1395u(b), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance)

Dated: August 25, 1976.

WILLIAM A. MORRILL,
Acting Secretary.

[FR Doc.76–25766 Filed 9–7–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–626]

ORCHID LAND ESTATES

Hearing

Notice is hereby given that:

In the matter of Orchid Land Estates, OILSR No. 0–0329–14–9, Land Sales Enforcement Division No. 76–92–IS; Order of Suspension.

On July 15, 1976, the Department published a Notice of Proceedings and Opportunity for Hearing in the FEDERAL REGISTER (41 FR 29206) pursuant to 44 U.S.C. 1508. The developer, JYS Corporation d.b.a. Orchid Land Estates, whose last known address is 1258 Kapiolani Boulevard, Honolulu, Hawaii, has failed to respond to or to request a hearing pursuant to 1720.160 within 15 days of the service by publication of the said Notice of Proceedings and Opportunity for Hearing. Accordingly, an Order of Suspension is being issued, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), as follows:

ORDER OF SUSPENSION

1. The developer, having filed a Statement of Record for the named subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et. seq. and the Rules and Regulations promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As provided by 15 U.S.C. 1175, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Assistant Secretary for Consumer Affairs and Regulatory Functions (41 FR 19365, May 12, 1976).

3. According to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it should appear to the Assistant Secretary for Consumer Affairs and Regulatory Functions that an effective Statement of Record includes an untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the said Assistant Secretary is authorized, after notice, and after any opportunity for a hearing requested within 15 days after receipt of such notice, to issue an order suspending the Statement of Record.

4. On July 15, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, caused to be published in the FEDERAL REGISTER (41 FR 29206) a Notice of Proceedings and Opportunity for Hearing. The notice informed the developer of information obtained by the Office of Interstate Land Sales Registration showing a change occurred affecting a material fact contained in the Statement of Record and Property Report. The developer has failed to answer or to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said publication.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) the Statement of Record heretofore filed by the developer pertaining to said subdivision is hereby suspended, effective as of the date of the publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in effect until such time as the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and implementing Regulations.

This Order shall be served upon the Respondent by publication in the FEDERAL REGISTER, pursuant to 44 U.S.C. 1508.

Any sales or offers to sell made by the developer or its agents, successors or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued at Washington, D.C., this 31st day of August, 1976.

CONSTANCE NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76–26202 Filed 9–7–76;8:30 am]

CIVIL AERONAUTICS BOARD

[Order 76–9–1; Docket 29728]

CONTINENTAL AIR LINES, INC., AND WESTERN AIR LINES, INC.

Mainland-Hawaii General Fare Increase; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of September 1976.

By tariff revisions [1] marked to become effective September 3, 1976, Continental Air Lines, Inc. (Continental) and Western Air Lines, Inc. (Western) propose to increase by five percent all mainland U.S.-Hawaii fares.[2]

In support of their proposals, the carriers allege that mainland-Hawaii fares are the lowest to be found anywhere in the world; that Hawaiian fares have not increased nearly as much as have other domestic or international fares; that the rate of increase in Hawaiian fares has not kept pace with the rate of cost inflation; and that Hawaiian operations have become a "chronic drain" on the resources of the carriers serving the market. Continental notes in its justification that correction of the error in the application of ratemaking standards noted by the Board in Order 76–7–13 would produce a rate of return on investment (ROI) of 11.7 percent rather than 12.8 percent contained in Board Order 76–4–171 suspending a five-percent increase in normal fares. Continental has submitted an adjusted industry ROI computation for the calendar year 1975 at a standard 55 percent load factor indicating an ROI of 9.95 percent for the mainland-Hawaii entity, with a five-percent fare increase, as justification for its proposal and notes that an eight-percent fare increase would be required to achieve a 12 percent return.

Upon consideration of the tariff filings and all other relevant matters, the Board has concluded that the proposed increases may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has further concluded that the increased fares should be suspended pending investigation.

After making the appropriate ratemaking adjustments, including application of a .62 percent standard load factor,[3] we conclude that the requested five-percent general fare increase would produce an excessive industry return on investment, and that it should not be permitted (see Appendix [4]). The nature of the ratemaking adjustments has been explained in previous orders and we will not repeat those discussions herein.[5]

Application of the various ratemaking adjustments produces an ROI of 13.56 percent before cost escalation. The more significant of these adjustments are those for discount fares and standard seats, since the standard load factor is only 1.8 percentage points above the actual load factor. Costs have been brought forward to September 15, 1976, by application of a 7.09 percent cost-inflation factor which results in an adjusted ROI of 8.93 percent without the proposed five-percent fare increase. Adjusting to reflect the proposed increase raises the ratemaking ROI to 12.65 percent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the fares and provisions of Supplement No. 17 to C.A.B. No. 258 issued by Airline Tariff Publishing Company, Agent, insofar as it increases fares, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions of Supplement No. 17 to C.A.B. No. 258 issued by Airline Tariff Publishing Company, Agent, insofar as it increases fares, are suspended and their use deferred to and including December 1, 1976 unless

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 258.
[2] The proposed increased fares apply to travel on and after September 15, 1976.
[3] In Board Order 76–4–171, April 29, 1976, the carriers were put on notice that the Board had decided on a higher load factor standard in this entity as a result of the Hawaii Fares Investigation.
[4] Appendix filed as part of original document.
[5] Orders 76–4–171, April 29, 1976 and 76–6–57, June 9, 1976.

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otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein will be assigned to an administrative law judge of the Board at a time and place hereafter to be determined; and

4. Copies of this order be served upon Continental Air Lines, Inc. and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc 76-26237 Filed 9-7-76;8:45 am]

[Docket 29646]

GERMANAIR BEDARFSLUFTFAHRTGESELLSCHAFT, m.b.H. (GERMANAIR)

Foreign Air Carrier Permit Renewal; Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 24, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

Dated at Washington, D.C., September 1, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-26238 Filed 9-7-76;8:45 am]

[Docket 29654]

SITMAR CRUISES, INC.

Indirect Foreign Air Carrier (Liberia); Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 21, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

Dated at Washington, D.C., September 1, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-26239 Filed 9-7-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARIZONA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:00 p.m. on September 23, 1976, at the Hunter Inn, 124 South 24th Street, Sonora Room, Phoenix, Arizona.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this open meeting is to review draft copy of the Arizona SAC's report on the Administration of Justice and American Indians in Flagstaff.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 1, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-26128 Filed 9-7-76;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kenutcky Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 10:00 p.m. on September 23, 1976, and reconvene at 9:30 a.m. and end at 6:00 p.m. on September 24, 1976, at the Holiday Inn West, 925 Newtown Pike, Gaslight Room, Lexington, Kentucky 40505.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to rekindle interest of members and plan program for the year and to also discuss interim appointments to SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 1, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-26129 Filed 9-7-76;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Amendment to Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the meeting of the New Jersey Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Tuesday, August 17, 1976, on page 34813 (FR Doc. 76-23936) is hereby amended to show change of meeting date. The meeting will be held on September 21, 1976. The meeting place and time will remain the same.

Dated at Washington, D.C., September 1, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-26130 Filed 9-7-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

SMALL PURCHASE PROCEDURES

Procurement Study Group Investigation

The Commission on Federal Paperwork, created by Public Law 93-556, is is mandated to study and investigate statutes, policies, rules, regulations, and procedures of Federal agencies to recommend solutions to Federal paperwork problems.

The Commission is studying the problems of paperwork and administrative complexities associated with small purchases by the Federal government, (those under $10,000). Generally, such transactions require less time to complete and process than those of higher dollar value. Within this small purchase category the Commission is especially interested in paperwork and administrative difficulties encountered by vendors in dealing with Federal procuring activities for purchases up to $300.

Comments, including experiences with this subject area and recommendations, are invited from the private sector. They will be accepted and considered if received on or before November 8, 1976.

Comments should be addressed to the Commission on Federal Paperwork, 1111 Twentieth Street, NW., Washington, D.C. 20582, Attention: Procurement Study Group.

Signed at Washington, D.C. on August 31, 1976.

FRANK HORTON,
Chairman.

[FR Doc.76-26266 Filed 9-7-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED

August 23 Through August 27, 1976

Environmental impact statements received by the Council on Environmental Quality from August 23 through August 27, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (October 18, 1976).

The thirty (30) days period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Thompson Creek Unit Plan, White River National Forest, Pitkin County, Colo., Aug. 23: Proposed is the updating of an existing Multiple Use Management direction for the Thompson Creek Unit, White River National Forest. Plans call for: managing 12,200 acres as roadless; controlling vehicular access on 16,000 acres in Middle Thompson and South Branch Creeks; and recommending areas of state interest. The Unit contains approximately 79,050 acres of National Forest land, 32,850 acres of private land, and 15,000 acres of Natural Resource Land (BLM). (61 pages). (ELR Order No. 61235.)

Boulder Planning Unit, Kaniksu National Forest, Boundary County, Idaho, Aug. 23: The statement refers to a land use plan for the Boulder Planning Unit, Kaniksu National Forest. The proposed plan would allocate resources and specify land use prescriptions for National Forests lands only, which make up 96 percent, or 55,640 acres, of the 58,000 acres within the planning unit. The adverse impacts will vary according to the alternative selected. (274 pages). (ELR Order No. 61229.)

Final

Ozone Unit Plan, Ozark-St. Francis National Forest, Johnson County, Ark., Aug. 23: The proposed action is to manage the 66,417 acre Ozone Unit of the Ozark-St. Francis National Forest. The 10-year plan includes regenerating 5,560 acres, thinning and releasing 9,600 acres, increasing the diversity of wildlife habitat conditions, maintenance and improvement of existing developed recreation sites, administration of on-going gas and oil leasing activities, managing the range resource and the construction or reconstruction by timber purchasers, contractors, permittees or leases of 67 miles of single lane, gravel roads. The planned activities may make portions of the unit less suitable for wilderness or other natural area designation. (128 pages). Comments made by: DOI, EPA, state agencies, concerned individuals and groups. (ELR Order No. 61228.)

Upper Trinity Planning Unit, Shasta-Trinity National Forest, Trinity County, Calif., Aug. 27: The statement refers to a proposed land use plan for the upper Trinity Planning Unit, Shasta-Trinity National Forest. The plan applies to 27,730 acres of land. The proposal provides for protection of amenity values and quality of the natural environment and commodity utilization. Adverse impacts include loss of some wilderness area due to road construction, and long term negative aesthetic impact resulting from the strip mining of asbestos deposits. (155 pages.) Comments made by: DOI, FPC, USA, DOT, EPA, USDA, state and local agencies, interested persons and groups. (ELR Order No. 61270.)

Lone Peak Wilderness Study, Uinta, Wasatch National Forest, Salt Lake and Utah Counties, Utah, Aug. 26: The statement concerns the proposed wilderness classification of the Lone Peak Wilderness Study Area. Three alternatives, each with different social and economic impacts, are presented. (143 pages.) Comments made by: USDA, ERDA, USCG, FPC, PA 2, state and local agencies, University of Utah. (ELR Order No. 61269.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Teeland to Reed 230 kV transmission line, Alaska, Aug. 24: The statement concerns a load application by the Alaska Power Administration to finance the construction of approximately 20 miles of 230kV transmission line from the existing Teeland Substation to the Reed Substation. The proposed line will generally traverse the head of Knik Arm crossing through approximately 16.2 miles of the Matanuska-Susitna Borough and approximately 4.0 miles of the newly established Eagle River Borough. The project will result in the cutting of timber, soil erosion, negative esthetic effects, minor limitations on land use, and temporary construction effects. (256 pages.) Comments made by: USDA, DOT, FPC, EPA, DOI, state agencies. (ELR Order No. 61255.)

SOIL CONSERVATION SERVICE

Draft

Blue Eye Creek Watershed, Ala. (2), Calhoun and Talladega Counties, Ala., Aug. 23: Proposed is the Blue Eye Creek Watershed Project, which is for watershed protection and flood prevention in Calhoun and Talladega Counties, Alabama. The project includes conservation land treatment measures and about four miles of channel work. Two floodwater retarding structures and about 1.8 miles of channel work have been installed. About 47 acres of forest land will be cleared for channel installation within the channel work rights-of-way. (210 pages.) (ELR Order No. 61238.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Price River Water Improvement District, Carbon County, Utah, Aug. 23: Proposed is the construction of a 4 million gallon per day water treatment plant and a twenty-mile transmission system to be located within the Price River Water Improvement District. The primary construction impacts of the proposal include temporary disturbance of urban and rural sites within the pipeline corridor and loss of Price River riparian vegetation and associated wildlife, subsequently impacting Price River water quality and riverine biota. Secondary impacts include the growth-inducing effects of the proposal, allowing for further residential, commercial, and industrial development. (261 pages.) Comments made by: AHP, USDA, USA, EPA, FPC, HEW, DOI. (ELR Order No. 61247.)

DEPARTMENT OF DEFENSE, ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

CAMDS, Tooele Army Depot, Utah, Aug. 23: Proposed is the operation of the Chemical Agent Munitions Disposal System (CAMDS), a prototype demilitarization plant, at Tooele Army Depot. The CAMDS will test the suitability of new automated equipment and processes which are envisioned for future demilitarization facilities. This action involves the demonstration of selected GB, VX, and mustard-filled munitions and bulk storage containers stored at Tooele Army Depot. (240 pages.) (ELR Order No. 61248.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Port Lions Harbor Project, Alaska, Aug. 24: Proposed is a plan of development for the Port Lions Harbor, Alaska. The recommended plan consists of two armored rubblemound breakwaters 650 and 500 feet long respectively. The project is designed to provide a protected anchorage basin for resident and transient commercial fishing vessels. Adverse effects include direct loss of marine habitat, and possible low-level chronic pollution of the harbor from accidental or intentional spillage or from disposal of human refuse and waste lubricants. (Alaska District) (35 pages). (ELR Order No. 61251.)

Cross Florida Barge Canal, Restudy Report, Fla., Aug. 23: The statement refers to an authorized plan and alternative actions for completing or not completing a Cross Florida Barge Canal (CFBC) project. The CFBC project provides for a high level barge canal about 110 miles long extending from the St. Johns River at Palatka to deep water in the Gulf of Mexico near Yankeetown. Adverse effects resulting from the Authorized alternative include loss of the Oklawaha River Basin ecosystem as an entity, loss of forest land, and destruction of wildlife habitat. (109 pages.) (ELR Order No. 61230.)

Punta Gorda Isles, Inc.-Section 15 (permit), Charlotte County, Fla., Aug. 23: This statement concerns the application by Punta Gorda Isles, Inc., for a permit to conduct activities in the navigable waters of the United States for the purpose of constructing a boat lock in a canal connecting to the north branch of Alligator Creek. The development involves approximately 1.015 acres. The proposed work would cause the removal of the mangrove and Juncus Grass communities, and would adversedly affect water quality. (56 pages.) (ELR Order No. 62133.)

Chicagoland Underflow Plans, Water Damage Study, Cook County, Ill., Aug. 23: Proposed is a plan of improvement for the combined-sewer area of the Metropolitan Sanitary District of Greater Chicago (MSD GC). The plan includes upgrading the sewer system and treatment plants, construction of tunnels and retention reservoirs, and the institution of a sludge management system. Major adverse impacts include commitment of land for project-related facilities, impacts on ecosystems, increased use of energy resources, and potential odor emissions. (224 pages.) (ELR Order No. 61231.)

West Des Moines-Des Moines Flood Protection (2), Polk County, Iowa, Aug. 23: This revised EIS proposes a plan for flood protection for the cities of West Des Moines and Des Moines, near the confluence of the Raccoon River and Walnut Creek, Iowa. The project will protect an area of approximately 927 acres from the Standard Project Flood of these watercourses. Project elements include refurbishment of existing levees and construction of new levees along the north band of Raccoon River, the west bank of Walnut Creek, and the north bank of Jordon Creek. Levee construction will result in direct loss of approximately 22 acres of flood plain vegetation. (Rock Island District.) (36 pages.) (ELR Order No. 61241.)

Mermentau River-Gulf of Mexico, Navigation Channel, La., Aug. 23: The proposed action refers to the maintenance of the Mermentau River-Gulf of Mexico Navigation Channel, Louisiana. Specifically, it calls for

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(1) maintenance dredging of the Mermentau River-Gulf of Mexico Navigation Channel to its design dimensions, 16 by 100 feet inshore and 15 by 200 feet offshore; (2) maintenance of jetties at the entrance of the channel in the Gulf of Mexico; and, (3) disposal of dredged material in a manner that would least alter the existing ecological conditions and would create new tidal marsh. Adverse effects include localized increases in water turbidity and temporary loss of benthic flora and fauna in the dredged areas. (New Orleans district) (100 pages). (ELR Order No. 61234.)

Root River Basin Flood Control, Minn., Aug. 23: The proposed action for the Root River Basin consists of the construction of 3.1 miles of levees and 0.2 mile of road raises at Houston. The plan encourages floodplain regulation and flood insurance at other flood-prone communities and rural areas of the basin. The construction of the levee would result in temporary noise, increased traffic, possible dust pollution, and road detours in the immediate construction area. (100 pages.) (ELR Order No. 61232.)

Wilmington Harbor - Northeast (Cape Fear) River, Wilmington Harbor, New Hanover County, N.C., Aug. 23: Proposed is the construction, maintenance, and management of improvements to the existing Wilmington Harbor, North Carolina. The project consists of widening and deepening the existing deep draft ship channel and turning basins, extending a new ship channel 5 miles into the Northeast Cape Fear River, providing controlled access to the new channel, acquiring conservation rights or fee simple on 2,270 acres of wetland and upland attendant to the river, and managing the acquired 2,270 acre conservation area. Impacts include the loss of 11 acres of productive shallow water area and 3 acres of fresh marsh. (Wilmington District) (525 pages.) (ELR Order No. 61240.)

Rohm & Haas Co., solid fill in Delaware River (permit), Philadelphia County, Pa., Aug. 23: The Rohm and Haas Company has applied for renewal of a U.S. Army permit to complete filling operations. This action entails deposition of construction rubble, by end dumping from trucking, in the Delaware River, off Bridge St., in front of the Philadelphia plant. This operation was originally approved under a U.S. Army permit issued on 28 January 1971 and approximately 6.5 acres of this area have been completed. Renewal of the permit is required to continue the project. Adverse effects include the removal of approximately 18 acres of aquatic habitat. (Philadelphia District) (83 pages). (ELR Order No. 61244.)

Blair and Sitcum Waterways, Channel Improve, Pierce County, Wash., Aug. 23: This statement refers to a plan for channel improvements in the Blair and Sitcum Waterways, Tacoma Harbor. The proposal calls for the deepening of the Blair Waterway to 45 feet for its 2.6 mile reach and for Federal maintenance of Sitcum Waterway to depths of 40 feet in the outer 3,000 feet and 35 feet in the inner 1,000 feet, both having a bottom width of 300 feet. Adverse environmental effects include loss of marine biota and wildlife inhabiting dredge and fill sites, removal of five structures, and temporary increases in noise levels. (Seattle District) (165 pages). (ELR Order No. 61236.)

Final

New London Harbor and Thames River, Conn., Aug. 25: The statement considers the deepening of the 600 ft. wide channel from 33 ft. to 40 ft., for a distance of 3 miles; and the dredging of a 30 ft. deep turning basin at State Pier. Approximately 3,260,000 cu. yds. of spoil will be dumped at an approved offshore site. The project will provide facilities which can accommodate vessels of up to 50,000 deadweight tons. (Present limitations are at 35,000 tons.) Marine biota will be damaged at the sites of dredging and dumping. (New England District) (95 pages). Comments made by: EPA, DOI, DOC, USCG, state and local agencies. (ELR Order No. 61259.)

Mississippi River Locks and Dam No. 26, Ill., Aug. 24: Proposed is the construction of a new dam and a 100- x 1,200-foot lock on the Mississippi River at river mile 200.78. Also included in the project is (1) the development of 123 acres of water-oriented outdoor recreational facilities on Ellis Island, (2) the purchase of land as mitigation for induced losses of terrestial wildlife habitat on an estimated 1450 acres, and, (3) congressional authorization of a comprehensive study of the river environment. Adverse effects include the loss or degredation of 542 acres of habitat and the inundation of 800 acres of land. (589 pages.) Comments made by: AHP, HEW, DLAB, DOT, FPC, TVA, EPA, DOI, DOC, state and local groups, concerned individuals. (ELR Order No. 61258.)

Navigation Projects on North Carolina Sounds, Maintenance, several counties in North Carolina, August 26: The proposed action involves maintenance dredging of the navigation channel in Croatan Sound and maintenance dredging of various side channels to small communities on the Outer Banks and mainland side of Pamlico Sound. Dredging activities are to be accomlished by hydraulic pipeline and sidecast dredge and consist of maintaining the existing projects to their authorized dimensions. Adverse effects include the burial of terrestrial vegetation in the upland diked disposal areas and the covering of benthic organisms in overboard disposal sites (Wilmington District) (403 pages). Comments made by: EPA, DOC, DOI, USDA, USCG, HEW, State and local agencies, and concerned individuals. (ELR Order No. 61262.)

Point Judith Harbor and Pond, Dredging, Rhode Island, August 26: The proposed action is to conduct improvement dredging at Galilee Harbor, Point Judith Pond, Narragansett, Rhode Island. The total project calls for the hydraulic pipeline dredging of an estimated 63,000 cubic yards from the East Channel. Adverse impacts include loss or disruption of aquatic and benthic communities, temporary loss of water quality and aesthetic quality of the water column, and loss of aesthetics at the settling sites. (New England Division) (86 pages). Comments made by: DOI, EPA, DOC, HUD, FEA, AHP, HEW, and State and local agencies. (ELR Order No. 61266.)

Supplement

Applegate Reservoir, Rogue River Basin (S-2), Jackson County, Oreg.: Proposed is the construction and operation of Applegate Lake, one component of the Rogue River Basin Project, in Jackson County, Oregon. Project purposes include flood control, irrigation, water supply, fish and wildlife enhancement, recreation, and water quality control. Project implementation would cause the inundation of about 60 acres and the displacement of 36 residences (Portland District) (492 pages). Comments made by: EPA, USDA, DOC, DOI, AHP, DOT, State agencies, and concerned groups and persons. (ELR Order No. 61249.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780 (stop 460).

Final

Arlington-East District Wastewater Facilities, Duval County, Fla., August 23: Proposed is the awarding of grant funds to the City of Jacksonville, Florida for the preparation of plans and specifications for regional wastewater treatment facilities to service the Arlington-East District. Adverse impacts include the loss of 46.98 acres of wildlife habitat. The operation of the facility will cause the discharge of initially 10 mgd and ultimately 25 mgd of secondary treated wastewater to the St. James River (235 pages). Comments made by: USDA, DOC, EPA, HEW, DOI, State and local agencies, and private organizations and individuals. (ELR Order No. 61242.)

Orton Road Interceptor, Seattle, King County, Wash., August 24: The EPA proposes to award a grant for 75% of the total eligible project costs for wastewater treatment works for W.D. 90, King County, Washington. The proposed project, a 2.1 mile long 10-inch to 24-inch diameter interceptor sewer, would provide sanitary sewer service to a new public high school and, ultimately, a residential area of about 2,395 acres. Direct impacts include the use of materials, and the clearing of 2.5 acres of land for permanent right-of-way. Indirect impacts would be associated with the opening of Liberty High School. Also, land use changes and population density increases could occur as a result of zoning changes with sewers in the area (Region X). Comments made by: USDA, DOI, COE, HUD, AHP, city and county agencies, and concerned groups and individuals. (ELR Order No. 61253.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161

Final

Federal Building, Pocatello, Bannock County, Idaho, August 23: The proposed action involves lease construction of a Federal Building and disposal of the existing Federal Building-Courthouse, Pocatello, Idaho. The new Federal building will provide approximately 40,000 square feet of agency office space, together with service areas, to house approximately 200 employees. A total of 160 parking spaces will be provided onsite for official, visitor, and employee vehicles. Adverse effects include the displacement of seven families (80 pages). Comments made by: COE, EPA, HUD, DOT, FEA, FPC, DOI, AHP, and State agencies. (ELR Order No. 61243.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202-963-4456.

Draft

Recombinant DNA Molecules Research, Guidelines, August 26: This statement embodies Guidelines released on June 23, 1976 by the Director of the National Institutes of Health governing the conduct of NIH-supported research on recombinant DNA molecules. The Guidelines prohibit certain kinds of recombinant DNA experiments and, for those experiments that are permitted, they specify safety precautions and conditions designed to protect the health of laboratory workers, the general public, and the environment should the putative hazards prove real (100 pages). (ELR Order No. 61263.)

Final

National Environmental Health Research Center, Durham and Orange Counties, N.C., August 26: Proposed is the development of the National Environmental Health Research Center (NEHRC) on a 509-acre site in Research Triangle Park, North Carolina. The objective of the NEHRC is to identify and evaluate environmental factors in terms of their effects on human health. The major environmental effect would result from the increase in population in the Research Triangle Park area which would place demands on local and regional services. The services most affected would include transportation, sewage, solid wastes, water supply, health resources, educational resources, and housing supply (129 pages). Comments made by: DOT, AHP, DOI, GSA, EPA, NSF, State and local agencies, and concerned individuals. (ELR Order No. 61264.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Pine Bluff Southeast Sanitary Sewer, Jefferson County, Ark., August 23: Proposed is the installation of a sanitary sewer system to serve several hundred acres of the southeast section of the city of Pine Bluff. The statement also refers to the reconstruction of a major arterial street and the installation of an underground drainage system. Adverse impacts include clearing of woodlands, erosion and siltation, cuts through street paving, noise, dust, traffic disruption, and economic impact on businesses (198 pages). (ELR Order No. 61227.)

Georgetown ASP 75-28, Chatham County, Ga., August 24: The project is a planned unit development encompassing 2,206 acres in Chatham County, Georgia. The planned land uses include single-family detached houses, apartments and townhouses, regional and neighborhood commercial areas, recreation facilities, a school complex, an office park, a warehouse/light industry area, an activity center and a sewage treatment plant. The major adverse impacts will be increased demands on schools and highways, and highways, and loss of agriculturally productive land (174 pages). (ELR Order No. 61250.)

St. Charles Communities, Charles County, Md., August 24: Propsed is the development of St. Charles Communities, located approximately 25 miles southeast of Washington, D.C. It is bounded on the north and east by Maryland Route 5, on the south by Maryland Route 448 and on the west by U.S. Route 301. Adverse effects of development include the possible degradation of groundwater, and potential degradation of the Zekiah Swamp. The existing and propsed transportation network for the area may also prove to be inadequate (461 pages). (ELR Order No. 61256.)

Final

Hutchinson Heights, Arapahoe County, Colo., August 25: This statement refers to the application by the developers of Hutchinson Heights for a subdivision feasibility analysis. The sale of 12,269 developed lots on 1,810 acres is planed for the construction of single and multi-family homes. Adverse impacts include extensive modifications of West Toll Gate Creek and effects on prairie vegetation, wildlife, the adjacent Plains Conservation Center, and the deer migration pathways (88 pages). Comments made by: AHP, USDA, COE, DOC, DOT, HEW, FEA, DOI, EPA, USAF, State and county agencies, and interested individuals. (ELR Order No. 61261.)

Correction

The CEQ FEDERAL REGISTER entry of July 30, 1976 incorrectly listed the following statements as being HUD statements: *DeKalb County Plastic Potable Water Line* (ELR Order No. 61069), *Macon County Hwy. 10S Rural Water Line* (ELR Order No. 61078), and *Florence Hill* Water and Sewer Project (ELR Order No. 61073). The CEQ entry of August 27, 1976 incorrectly listed *1977 Block Grant Program, San Francisco* (ELR Order No. 61193) as being a HUD statement. All of the above are Community Development Block Grant projects and are prepared and circulated directly by applicants pursuant to 104 (h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Pacific Power and Light Co., 500 kV Powerline, Oregon, August 23: Proposed is the construction, operation, and maintenance of a 500,000 volt electric transmission line by Pacific Power and Light Company. The project would be located between the Midpoint Idaho substation and a new substation site northeast of Midford, Oregon. Capable of carrying 1,500 megawatts of electric energy, the new powerline would utilize the large blocks of excess Wyoming Power. The proposed action would result in an increment of damage to the soil; vegetation, wildlife population and habitat, and the cultural and esthetic resources of the area (768 pages). (ELR Order No. 61239.)

BUREAU OF OUTDOOR RECREATION

Draft

Des Moines Riverfront Development, Polk County, Iowa, August 27: The City of Des Moines is seeking funds from the Land and Water Conservation Fund to assist in acquisition and development of a 12-mile recreation corridor along the Des Moines River. Development plans include a 22-mile bike trail system, gathering points, boat ramps, a river drive, and general clean-up of the riverfront. Adverse effects include the relocation of 13 families and 4 businesses. A total of 1,400 acres will be dedicated to park and open space use (40 pages). (ELR Order No. 61271.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Isiote Site, North Coast Nuclear Plant, Unit 1, Puerto Rico, August 24: The proposed action is the determination of the suitability of the 520-acre Isiote site for eventual construction by the Puerto Rico Resource Authority of the North Coast Nuclear Station. This site analysis is based on the assumption that the North Coast Station will employ a pressurized water reactor to produce an output of approximately 1,785 MWt. A steam turbine generator will use this heat to provide approximately 600 MWe. Exhaust steam will be cooled by a once-through flow of water obtained from and discharged to the Atlantic Ocean (140 pages). (ELR Order No. 61254.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 26, Granite Hill-Swan Valley, Bonneville County, Idaho, August 26: The proposed project is located on U.S. Highway 26 between Milepost 368.5 (Granite Hill) and 377.0 (Swan Valley) in Bonneville County, Idaho. Descending Granite Hill, the project would continue through Conant Valley, cross the Snake River on a new bridge and terminate in Swan Valley. The project would be a rural, primary highway approximately 8.5 miles long with a basic right of way width of 200 feet. Adverse effects include a loss of prime wildlife habitat in the river area up to 40 acres. The possibility of a 4(f) involvement exists. (Region X) (65 pages). (ELR Order No. 61268.)

U.S. 73, Leavenworth-Atchison Counties, Kansas, August 25: The proposed project is the improvement of approximately 23 miles of U.S. 73 in northeast Kansas. Plans provide for a new, full access controlled, four-lane facility with interchanges at major cross roads and with grade separations at railroad crossings and at roads of lesser importance. Acquisition of land for right-of-way would range between 1,226 and 1,251 acres, depending on the location selected for the construction. Approximately 10 to 65 persons may be displaced. (Region 7) (175 pages). (ELR Order No. 61260.)

Louisiana North-South Expressway, several counties in Louisiana, August 24: This statement is an in-depth study which proposes the development and recommendation of route locations and design features for approximately 300 miles of expressway in central and northern Louisiana. To facilitate analysis, the study area was initially divided into three legs. The first leg extends from Opelousas to Alexandria; the second from Alexandria to Shreveport; and the third from Alexandria to Monroe. Detailed studies have been made of the study corridor areas and the potential physical, social, economic, and environmental impacts of alternative alignments and design concepts. (Region 6) (5 vols.). (ELR Order No. 61257.)

Freeman Mill Rd., Meadowview to Randleman Rds., Guilford County, N.C., Aug. 26: Proposed is the relocation of Freeman Mill Rd. (S.R. 1398) in the city of Greensboro, N.C., from the proposed relocation of U.S. 220 at Meadowview Rd. to Randleman Rd., a freeway into the central area of the city. The proposed action will serve as a connector between these two freeway facilities, and is approximately 1.4 miles in length. Adverse effects include the acquisition of private land for public use and the relocation of 63 to 118 families, two churches, and 6 to 9 businesses. (Region 4) (97 pages). (ELR Order No. 61265.)

Allen Blvd. Interchange, Beaverton, Washington County, Oreg., Aug. 23: Proposed is the construction of a full diamond interchange at the intersection of the Beaverton-Tigard Highway (Highway 217) and Allen Blvd., in the city of Beaverton. Two design alternatives are being proposed. One is a full diamond interchange with standard on- and off-ramps, full access control, and a two-lane overpass structure spanning Highway 217. The other alternative is a diamond interchange with a right-turn loop in the southeast quadrant. Adverse effects include displacement of five families and loss of wildlife habitat. (Region 10) (95 pages). (ELR Orded No. 61237.)

Final

U.S. 76, U.S. 276 connector, Greenville, Laurens and Anderson Counties, S.C., Aug. 27: Proposed is a freeway that will begin at U.S. 276 in Laurens County, S.C. and extend westward across Laurens, Greenville, and Anderson Counties to U.S. 76 southeast of Anderson. The project will be a 31 mile long divided highway. Adverse impacts will be loss of agricultural land and displacemnt of about 12 residences and possibly one business. (110 pages.) Comments made by: DOI, EPA, DOC, USDA, State and local agencies. (ELR Order No. 61272.)

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Supplement

K–7 at Bonner Springs (S–1), Wyandotte County, Kans., Aug. 26: Proposed is the improvement of approximately 2 miles of K–7 highway in Bonner Springs, Kans., from Nettleton Ave. north to the existing improved portion of K–7 north of the Kansas Turnpike entrance. The proposed project includes grading, surfacing, bridge construction, right-of-way acquisition, and all other construction that may be necessary to provide a modern, safe facility. Adverse effects include the displacement of 60 persons, 1 business, and 23 houses. (Region 7) (85 pages). (ELR Order No. 61267.)

I–55 and Riverside Park, 4F Statement (S–1), Hinds County, Miss., Aug. 23: The Mississippi State Highway Department is requesting approval of a proposed highway improvement calling for the redesign and bringing to standards of a section of I–55 in the City of Jackson. The redesign at the intersection of Woodrow Wilson Ave. (U.S. 49) near the southern terminus requires that a section of Highland Drive, a City of Jackson street, be relocated slightly to the east, resulting in a relatively insignificant encroachment on Riverside Park, thus requiring a small parcel of approximately ½ acre of the park land. This 4(f) statement has been filed in reference to Riverside Park. (10 pages.) (ELR Order No. 61245.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-26259 Filed 9-7-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

IDAHO HUMAN RIGHTS COMMISSION

Proposal To Withdraw Designation as a 706 Agency

Sections 706 (c) and (d) of Title VII, Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–5 (c) and (d), require that the Equal Employment Opportunity Commission defer processing charges of discrimination filed with it where there is a "State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto." To effectuate this provision, the Commission has adopted a regulation, at 29 CFR 1601.12, establishing procedures for determining that a State or local authority exists which is empowered to act pursuant to section 706. This regulation also establishes procedures for withdrawing the Commission's designation of an agency where the Commission finds that continued designation no longer serves the interest of effective enforcement of Title VII. Pursuant to § 1601.12(k) of its procedural regulations, the Commission has determined that it has reason to believe that the continued designation of the Idaho Human Rights Commission no longer serves the interest of effective enforcement of Title VII. The Commission's proposal to withdraw its designation of that agency as a 706 agency appears below as Appendix A.

Any persons or organizations who have an interest in this matter may file written comments on the Commission's proposal on or before September 23, 1976. Submissions should be labeled "Comments on Idaho Decertification" and should be addressed to Frank A. Quinn, Regional Director, EEOC, 300 Montgomery Street, Suite 740, San Francisco, California 94104. Interested persons or organizations may also, within the 15 day period, request a conference to be conducted in accordance with § 1601.12(1) of the Commission's regulations.

Signed at Washington, D.C., this 1st day of September 1976.

ETHEL BENT WALSH,
Vice Chairman.

APPENDIX A

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C., September 1, 1976.

MS. ELIZABETH SULLIVAN,
President, Human Rights Commission, State of Idaho, 506 N. 5th, Boise, Idaho 83720.

DEAR MS. SULLIVAN: Upon motion of the Equal Employment Opportunity Commission's San Francisco Regional Director, Frank A. Quinn, the Commission has reviewed Title 67, Chapter 59 of the Idaho Code, as amended by the Idaho Legislature in March 1976. It has also had available to it your letters of March 17 and 23, 1976, to Mr. Quinn. On the basis of its review, the Commission believes that the Idaho Human Rights Commission is not empowered under its statute to "grant or seek relief from employment practices found to be illegal" or to "institute criminal proceedings with respect thereto" and is therefore no longer able to meet the requirements of sec. 706(c) of Title VII, 42 U.S.C. 2000e–5 (c) and §§ 1601.12(c), (f)(5)(ii), and (k)(1) of the Commission's Procedural Regulations, 29 CFR 1601.12(c), (f)(5)(ii), and (k)(1).

The 1976 amendments to the Idaho statue take away the Human Rights Commission's authority to grant or seek back pay or other monetary awards for the victims of unlawful employment discrimination. It has been this Commission's position since its inception that appropriate relief means that the victims of discrimination are entitled to be made "whole." The United States Supreme Court has fully endosed this interpretation in "Moody v. Albemarle Paper Co.," 422 U.S. 405 (1975). Citing the legislative history, the Court noted that the scope of relief under section 706(g) of Title VII is intended to make the victims of unlawful discrimination whole, and that attainment of this objective rests not only upon the elimination of the particular unlawful employment practice complained of, but also requires that persons aggrieved by the consequences and effects of the unlawful practice be, so far as possible, restored to a position where they would have been were it not for the unlawful discrimination.

The Court also noted that back pay awards provide the "spur or catalyst" which causes employers and unions to evaluate their employment practices.

Furthermore, the fact that the revised Idaho statute permits the individual victim of discrimination to sue for damages does not resolve the problem. Placing the burden of obtaining compensation for discrimination entirely on its victim means that many persons entitled to relief will go uncompensated because they lack the money or know-how to bring suit. Moreover, the Legislature repealed section 67–5911 (3) of the Idaho Code, which made violation of Chapter 59 a misdemeanor. Thus, the Human Rights Commission does not have authority to institute criminal proceedings with respect to unlawful employment practices.

For these reasons, at a duly constituted meeting held at its Washington, D.C. headquarters on August 31, 1976, the Commission determined that it has reason to believe that continued designation of the Idaho Human Rights Commission as a 706 agency no longer serves the interest of effective enforcement of Title VII. On behalf of the Commission, I hereby notify you that, in accordance with the procedures set forth at § 1601.12(k) and (l) of the Commission's Procedural Regulations, 29 CFR 1601.12(k) and (l), the Commission proposes to withdraw its designation of the Idaho Human Rights Commission as a 706 agency. Your agency has 15 days from receipt of this letter to submit data, views, and arguments in opposition to the proposed withdrawal, and if you so desire, to request a conference in accordance with 1601.12(l) of the Commission's Regulations.

Notice of this proposed withdrawal will appear in the FEDERAL REGISTER pursuant to the aforementioned regulation. Upon publication, interested persons and organizations will have 15 days to file written comments on the proposal with the Commission and to request a conference. If a request for conference is not received within the specific time period, the Commission shall evaluate any arguments or comments it has received from your agency and from interested persons and organizations. If, after such evaluation, the Commission still is of the opinion that designation should be withdrawn, we will so notify you. The withdrawal shall be effected by the issuance and publication of an amendment to § 1601.12(m) of the Commission's Procedural Regulations in the FEDERAL REGISTER. If a request for a conference is timely filed, the procedures set forth at § 1601.12(l) will be followed.

Sincerely,

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.76-26226 Filed 9-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 612-5; OPP-30121]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

U.S. Fish and Wildlife Service, U.S. Department of Interior, Washington, DC 20240, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product Mestranol, Powder, for Formulating Rodent Repellent on Douglas-Fir Seeds only (EPA File Symbol 6704–IN), containing 100.0% of the active ingredient Mestranol (3 - methoxy - 19 - nor-17α-pregna - 1,3,5(10) - trien-20-yn-17-ol) which has not been included in any previously registered pesticide products. The application received from U.S. Fish and Wildlife Service proposes that the product be classified for restricted use as a rodent repellent. PM11.

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA (40 CFR 162.2(b)(6)).

and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before October 8, 1976 and should bear a notation indicating the EPA File Symbol "6704–IN." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application should be directed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address or by telephone at 202/755–9315.

Notice of approval or denial of this application to register Mestranol, Powder, for Formulating Rodent Repellent on Douglas-Fir Seeds only will be announced in the FEDERAL REGISTER. The label furnished by U.S. Fish and Wildlife Service, as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 30, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-26126 Filed 9-7-76;8:45 am]

[FRL 612-2; OPP-33000/456]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16 & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-7012
PM 32—202/426-9486
PM 34—202/426 9490

The Interim Policy Statement requires that claims for compensation be filed on or before November 8, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before October 8, 1976.

Dated: August 30, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/456)

EPA Reg. No. 2759–54. Aceto Chemical Co., Inc., 126–02 Northern Blvd., Flushing NY 11368. TRIBUTYLTIN FLUORIDE A TOXICANT FOR ANTI-FOULING PAINTS. Active Ingredients: Tributyltin Fluoride 95%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24.

EPA Reg. No. 9295–9. Agro-Chem, Inc., 7855–D Gross Point Rd., Skokie IL 60076. D-WEEDER 4X NO. 204 SELECTIVE WEED KILLER FOR REGULAR LAWNS. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) Propionic acid 16.2%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 16.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 9205–8. Agro-Chem, Inc. D-WEEDER NO. 201 SELECTIVE WEED KILLER FOR REGULAR LAWNS. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) Propionic acid 4.05%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 4.02%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 554–130. Agsco, Inc., P.O. Box 458, Grand Forks ND 58201. AGSCO 666 HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, Isooctyl Ester 94.40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 8075–L. Allen Chemical Co., 3235 N.W. 37th St., Miami, FL 33142. ALCO TOWER ALGAECIDE NO. 14. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 264–190. Amchem Products, Inc., Brookside Ave., Ambler, PA 19002. SUPER D WEEDONE FOAM WEED CONTROL. Active Ingredients: Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 1.32%; Diethanolamine salt of dicamba 0.44%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 150–LG. Anderson Chemical Co., Box 1041, Litchfield MN 55355. ANQUAT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

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EPA File Symbol 150–LL. Anderson Chemical Co., Inc. GERON X. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 4185–397. Smith-Douglass, Div. of Bordon Chem., Borden Inc., P.O. Box 419, Norfolk VA 23501. MALATHION 5% DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4185–392. Smith-Douglass, Div. of Bordon Chem. MALATHION 10% DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 10.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4185–94. Smith-Douglass, Div. of Borden Chem. MALATHION 4% DUST. Active Ingredients: Malathion 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4185–391. Smith-Douglass, Div. of Borden Chem. MALATHION 7½% DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 1459–LA. Bullen Chem. Co., Hook Rd. & Primos Ave., Folcroft PA 19032. SURFACE DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1% n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 53.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5011–RUI. Carmel Chem. Corp., P.O. Box 406, Westfield IN 46074. STERISAN 256 GERMICIDAL CLEANER AND ODOR COUNTERACTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethylbenzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10356–L. Chemical Specialties, Inc., 703 W. Hill Ave., Valdosta GA 31601. CCA TYPE C WOOD PRESERVATIVE. Active Ingredients: Hexavalent Chromium as Cr03 9.5%; Copper, as CuO 3.7%; Arsenic, as AS205 6.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 10975–2. Chemilene Co., 2129 N. Troy Ave., S. El Monte CA 90022. CHEMILENE CO. CHLORDANE 8.0 MISCIBLE. Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 9143–LO. Chemscope Corp., 1909 Hi-Line Dr., P.O. Box 10752, Dallas TX 75207. CHEMSCOPE AQUEOUS INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 239–2186. Chevron Chem. Co., 940 Hensley St., Richmond CA. 94804. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinum dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. New Use. PM25

EPA Reg. No. 464–448. Dow Chemical Co., Agricultural Products Dept., PO Box 1706, Midland MI 48640. DOW LORSBAN 4E INSECTICIDE. Active Ingredients: Chlorpyrifos O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 40.7%; Aromatic petroleum derivative solvent 22.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 1200–EL. Eagle Products, 2601 Industrial La., Garland TX 75041. AQUA-CIDE 1000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1200–EO. Eagle Products. AQUA-POLY 1000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 39189—U. Envirochem Inc., 317 St. Paul's Ave., Jersey City NJ 07306. CLINISEPT. Active Ingredients: n-Alkyl 60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2527–GE. Higley Chemical Co., 40 Main St., Dubuque IA 52001. SPECTRO. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 2393–GGT. Hopkins Agricultural Chemical Co., Box 584, Madison WI 53701. HOPKINS MESREPEL TM. Active Ingredients: 3,5-Dimethyl-4-(methylthio) phenol methylcarbamate 50.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 334–UET. Hysan Corporation, Chicago IL 60609. DDFV 60. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 32461–L. Jamestown Chemical Co., Inc., P.O. Box 68, Trumbull CT 06611. B 109. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 24232–3. Kelly Western Seed Div., PAX Co., 580 W. 13th S., Salt Lake City UT 84115. KW SUPER WEED'N FEED. Active Ingredients: Alkanolamine salt of 2,4-dichlorophenoxyacetic acid 0.870%; Dimethylamine salt of Dicamba (3,6-dichloro-O-anisic acid) 0.125%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1381–29. Land O'Lakes, Inc., 2827 8th Ave. S., Fort Dodge IA 50501. BUTYL ESTER 600 LAND O LAKES FELCO 2, 4-D WEED KILLER. Active Ingredients: Butyl Ester of 2,4–Dichlorophenoxyacetic acid 77.48%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6962–19. Madison Bionics, 11250 W. Addison St., Franklin Pk IL 60131. DIESECT SPRAY POWDER. Active Ingredients: Orthoboric Acid 6.83%; Sodium Tetraborate 0.07%. Method of Support: Application proceeds under 2(a) of interim policy. Added claims. PM16

EPA File Symbol 1021–RGIN. McLaughlin Gormley King Co., Minneapolis MN 55427. MGK BIG GAME REPELLENT BGR–W. Active Ingredients: Egg Solids 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA Reg. No. 2224–50. Mobil Chemical Co., P.O. Box 26683, Richmond VA 23261. MOBIL MODOWN HERBICIDE. Active Ingredients: Bifonex [Methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate] 80%. Method of Support: Application proceeds under 2(b) of interim policy. New use. PM25

EPA Reg. No. 524–314. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor 45.1%. Method of Support: Application proceeds under 2(b) of interim policy. Added use. PM25

EPA Reg. No. 524–285. Monsanto Co. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(b) of interim policy. Added Use. PM25

EPA File Symbol 5891–EU. Mt. Hood Chemical Corp., 4444 N.W. Yeon Ave., Portland OR 97210. PINE-O-PLUS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10349–RL. Nalco Chemical Co., Box 87, Sugar Land TX 77478. VISCO 3990 OIL AND WATERFLOOD OR SALT-WATER DISPOSAL SYSTEM BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR. Active Ingredients: 1–Alkyl (C6–C18) amino-3-amino propane acetate 37.6%; Hexachlorodimethylsulfone 5.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 550–114. Van Waters & Rogers. Div. of Univar, 2226 Junction Ave., San Jose CA 95131. NAMCO PYRENONE CONCENTRATE. Active Ingredients: Technical Piperonyl Butoxide 1.0%; Pyrethrins 1%; Petroleum Hydrocarbons 74%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM17

EPA Reg. No. 550–122. Van Waters & Rogers. NAMCO PYRENONE FOOD STORAGE SPRAY. Active Ingredients: Technical Piperonyl Butoxide 1.0%; Pyrethrins 0.1%; Petroleum Hydrocarbons 98.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 550–125. Van Waters & Rogers. NAMCO PYRENONE FOG CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Technical Piperonyl Butoxide 10.0%; Petroleum Hydrocarbons 89.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 20375–RL. Nutmeg Chemical Co., 125 Market St., New Haven CT 06513. NUTMEG NCC SOLVENT. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 6296–EU. Nutrilite Products, Inc., 5600 Beach Blvd., Buena Park CA 90620. BIOTROL-PLUS DUST. Active Ingredients: Bacillus thuringiensis Berliner 0.12%; Pyrethrins 0.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 7001–125. Occidental Chemical Co., Best Products Div., P.O. Box 198, Lathrop CA 95330. WEED & FEED FOR GRASS LAWNS. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 39269–R. Pascal Co., Inc., 2929 N.E. Northrup Way, Bellevue WA 98004. PASCAL COMPANY, INC. COLD STERILIZING SOLUTION. Active Ingredients: Benzalkonium chloride 13.4%; Sodium nitrite 86.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3234–17. Pax Co., 580 W. 13th S., Salt Lake City UT 84115. PAX ACTION WEED'N FEED. Active Ingredients: Alkanolamine salt of 2,4-dichlorophenoxyacetic acid 0.870%; Dimethylamine salt of Dicamba (3,6-dichloro-O-anisic acid) 0.125%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 707–RGR. Rohm & Haas. Philadelphia PA 19105. VACOR TECHNICAL. Active Ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 98%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA Reg. No. 38–15. The Sinclair Manufacturing Co., 6120 N. Detroit Ave., P.O. Box 975, Toledo OH 43612. SPIFFY TOILET BOWL CLEANER. Active Ingredients: Hydrogen chloride 9.55%. Method of Support: Application proceeds under 2(a) of interim policy. Application for reregistration. PM32

EPA File Symbol 21327–T. Soweco, Inc., 1401–B West 7th St., P.O. Box 3280, Amarillo TX 79106. LARVACIDE 85 AEROSOL (UNDER PRESSURE). Active Ingredients: Chloropicrin 85%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 21327–L. Soweco, Inc. LARVACIDE 15. Active Ingredients: Carbon tetrachloride 70.7%; Chloropicrin 15.0%; Carbon disulfide 14.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 1674–RG. M.D. Stetson Co., 168 "A" St., Boston MA 02210. STETCO HY–GEN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2290–33. The Terre Co. of New Jersey, Inc., PO Box 421, Saddle Brook NY 07662. DACTHAL "27". Active Ingredients: Dimethyl Tetrachloroterephthalate 4.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 11668–E. T & R Chemicals, Inc., PO Box 216, 700 Celium Rd., Clint TX 79836. T&R BRAND WATER REPELLENT WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.47%; Other chlorophenols & related compounds 0.52%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 3696–IR. Texize Chemicals Co., Div. of Morton Norwich Products, Inc., P.O. Box 368, Greenville SC 29602. TEXIZE 4055 BATHROOM CLEANER. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 9.6%; Isopropyl alcohol 4.1%; Sodium o-benzyl-p-chlorophenate 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 876–177. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. BANVEL 720. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 12.90%; Dimethylamine salts of related acids 1.80%; Dimethylamine salts of 2,4-dichlorophenoxyacetic acid 25.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

[FR Doc.76 26123 Filed 9-7-76;8:45 am]

[FRL 612–3; OPP–33000/457]

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Dated: August 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/457)

EPA File Symbol 12265–L. Acme Chemex, Inc., 239 S. Cooper, Memphis TN 38104. CHEMEX 980 ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) - ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 8075–L. Allen Chemical Co., 3235 NW 37th St., Miami FL 33142. ALCO TOWER ALGAECIDE #14. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene - (dimethyliminio)ethylenedichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

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EPA Reg. No. 9198–24. The Andersons, Lawn Fertilizer Section, d/b/a Free Flow Fertilizer, PO Box 119, Maumee OH 43537. TURF CARE 20–4–10 WITH 5.5% Dacthal. Active Ingredients: 2,3,5,6-Dimethyl Tetrachloroterephthalate 5.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 5185–EOU. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD CWT–95 ALGICIDE. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 6.75%; Tributyltin neodecanoate 3.75%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.38%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.12%. Republished: Method of Support changed to 2(b) of interim policy. PM33

EPA File Symbol 36999–EO. B & M International, Thibodaux LA. B & M CWT–900. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 19.23%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 8329–3. Clarke Outdoor Spraying Co., Inc., 7N570 Garden Ave., PO Box 288, Roselle IL 60172. POT–SWAT MARIJUANA CONTROL GRANULAR. Active Ingredients: 2,4-dichlorophenoxyacetic acid isooctyl ester 30.12%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 7053–EL. Fremont Industries, Inc., PO Box 67, Valley Industrial Park, Shakopee MN 55379. FREMONT 9937 DRY CHLORINATING MICROBIOCIDE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate (provides 14% available chlorine) 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 11684–2. Jirdon Agri Chemicals, Inc., PO Box 516, Morrill NB 69358. JIRDON LAWN FERTILIZER CONTAINING DACTHAL HERBICIDE 12–10–4. Active Ingredients: Dimethyl tetrachloroterephthalate 1.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4822–124. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON YARD MASTER FOAM LAWN WEED KILLER. Active Ingredients: Diethanolamine Salt of 2,4-dichlorophenoxyacetic acid 2.98%; Monoethanolamine Salt of dicamba 1.27%; Monoethanolamine Salts of related acids 0.24%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 24232–4. Kelly Western Seed Div., PAX Co., 580 W. 13th South, Salt Lake City UT 84115. NEW KW CRABGRASS & WEED PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 3.280%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 3635–EET. Lonza, Inc., 22–10 Route 208, Fair Lawn NJ 07410. OXFORD 1222. Active Ingredients: Octyl decyl dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 3635–EEI. Lonza, Inc. OXFORD 1221. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 5238–1. The Mock Corp., PO Box 1525, Pittsburgh PA 15230. MOCK's SUPERTURF WEED–I–ZIZER 2,4-D WEED KILLER PLUS SPECIAL TURFGRASS FERTILIZER. Active Ingredients: Sodium 2,4-Dichlorophenoxyacetic Monohydrate 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 2831–AL. Napasco International, Thibodaux LA. NAPASCO CWT–600. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 19.23%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3404–12. Northrup, King & Co., Minneapolis MN 55413. NORTHRUP KING GOLF BRAND TRIPLE TONIC FORMULA TWO FOR LAWNS WEEDS AND FEEDS. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.38%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 700–91. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. LAWN FOOD PLUS CRABGRASS PREVENTER. Active Ingredients: N-butyl-N-ethyl-α,α,α,-Trifluoro-2,6-Dinitro-p-toluidine 1.38%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 6811–31. Research Products Co., 2433 Merrel Rd., Dallas TX 75229. WK 44 LIQUID WEED KILLER. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.22%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 22058–RN. Sharp Chemical Co., 5921 Plainview, Houston TX 77087. SHARPCLEAN L–74. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 22058–T. Sharp Chemical Co. SHARPSAN L–54. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 22058–O. Sharp Chemical Co. SHARPCLEAN L–77. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 22058–I. Sharp Chemical Co. SHARPCLEAN L–91. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 11976–U. Southern Chemical Products, Charleston SC. CHEMCO LEMON FRAGRANCE DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11976–G. Southern Chemical Products, CHEMCO MINT SCENTED DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10485–GN. United Chemical, Hobbs NM. ALPHA 572 ALGICIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 19.23%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.76-26124 Filed 9-7-76;8:45 am]

[FRL 612–4; OPP–33000/458]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submision of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16 & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-7012
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before November 8, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before October 8, 1976.

Dated: August 30, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/458)

EPA Reg. No. 4–169. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. BONIDE LAWN WEED KILLER W/BANVEL D & 2,4-D. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 3.0%; Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 0.6%; Dimethylamine salts of related acids 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for regeistration. PM23

EPA Reg. No. 4–173. Bonide Chemical Co., Inc. BONIDE WEED KILLER CONTAINS 2,4-D PLUS BANVEL "D". Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 13.0%; Dimethylamine Salt of dicamba (3,6-dichloro-o-anisic acid) 1.5%; Dimethylamine Salt of related acids 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1191–195. Carolina Chemicals, Inc., PO Box 118, West Columbia SC 29169. 10% MALATHION DUST. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptossuccinate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 192–118. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 3.66%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 8.07%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.84%; Dimethylamine salts of related compounds 0.11%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1598–124. FCX, Inc., Box 2419, Raleigh NC 27602. FCX 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1598–191. FCX, Inc. FCX 5% CYTHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. No. 471–14. Henry Field Seed & Nursery Co., 407 Sycamore St., Shenandoah IA 51602. CRABGRASS CONTROL CONTAINS DACTHAL. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 4.16%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 23

EPA File Symbol 334–UGN. Hysan Corp., 919 W. 38th St., Chicago IL 60609. DSF 10. Active Ingredients: Octyl decyl dimethyl ammonium chloride 5.0%; Didecyl dimethyl ammonium chloride 2.5%; Dioctyl dimethyl ammonium chloride 2.5%; Isopropyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UGL. Hysan Corp. MICROCIDE WT 50. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UGG. Hysan Corp. DSF 10B. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UGE. Hysan Corp. DISINFECTANT - SANITIZER FUNGICIDE DEODORIZER. Active Ingredients: Alkyl (C14 60%; C16 30%; C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UEI. Hysan Corp. DISINFECTANT BOWL CLEANER # 175. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 407–375. Imperial, Inc., PO Box 423, Shenandoah IA 51601. 3% CIODRIN INSECTICIDE CATTLE DUST BAG. Active Ingredients: Dimethyl phosphate of Alpha-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 407–363. Imperial, Inc. 3% CIODRIN DUST. Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 802–366. The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland OR 97218. MILLER'S MALATHION 10G. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 802–424. The Chas. H. Lilly Co. MILLER'S CYTHION 50 W. Active Ingredients: Malathion (0,0-dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for registration. PM16

EPA Reg. No. 802–170. The Chas. H. Lilly Co. MILLER'S PET, POULTRY AND LIVESTOCK DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 802–115. The Chas. H. Lilly Co. MILLER'S MALATHION 5D. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 802–106. The Chas. H. Lilly Co. MILLER'S MALATHION 25 W (25% PREMIUM GRADE MALATHION WETTABLE POWDER). Active Ingredients: Malathion (0,0-dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 707–98. Rohm and Haas, Independence Mall West, Philadelphia PA 19105. KERB 50–W. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propynyl) benzamide 50.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 2125–16. Science Products Co., Inc., 5801 N. Tripp Ave., Chicago IL 60646. SCIENCE LAWN WEED-KILLER. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 3.42%; Dimethylamine salt of related acids 0.56%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 17.12%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 491–196. Selig Chemical Industries, Div. of National Serv. Ind., Inc., PO Box 43106, Atlanta GA 30336. SELIG'S SELECTA-WEED NO. 80. Active Ingredients: Diethanolamine Salt of 2-(2-Methyl-4-Chlorophenoxy) Propionic Acid 16.2%; Diethanolamine Salt of 2,4-Dichlorophenoxy Acetic Acid 16.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

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EPA Reg. No. 557-1850. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. GOLDEN VIGORO WEED AND FEED 18-4-8. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 0.69%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 0.31%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.07%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1847. Swift Agricultural Chemicals Corp. VIGORO READY TO USE HOSE SPRAY BROADLEAF WEED KILLER FOR ST. AUGUSTINE. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 1.072%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy propionic acid 3.506%; Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 0.429%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1845. Swift Agricultural Chemicals Corp. GOLDEN VIGORO WEED CONTROL PLUS LAWN FERTILIZER. Active Ingredients: 2,4-dichlorophenoxyacetic acid 0.73%; 2-(2-methyl-4-chlorophenoxy) propionic acid 0.31%; Dicamba (3,6-dichloro-o-anisic acid) 0.07%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1844. Swift Agricultural Chemicals Corp. VITOGRO LAWN WEEDER AND FEEDER. Active Ingredients: 2,4-dichlorophenoxyacetic acid 0.58%; 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.24%; Dicamba (3,6-dichloro-o-anisic acid) 0.05%. Method of Supoprt: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1822. Swift Agricultural Chemicals Corp. EARL MAY CRABGRASS PREVENTER PLUS LAWN FOOD. Active Ingredients: Dimethyl Tetrachloroterephthalate 3.85%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1782. Swift Agricultural Chemicals Corp. GOLDEN VIGORO LAWN FERTILIZER PLUS CRABGRASS PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 1.60%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1758. Swift Agricultural Chemicals Corp. DEEP GREEN VIGORO 16-2-5 LAWN FERTILIZER PLUS CRABGRASS PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 3.85%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1752. Swift Agricultural Chemicals Corp. VIGORO CHICKWEED, CLOVER AND WEED KILLER. Active Ingredients: Diethanolamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 13.7%; Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 13.6%; Diethanolamine salt of Dicamba (3,6-dichloro-o-anisic acid) 1.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1733. Swift Agricultural Chemicals Corp. VIGORO LAWN FOOD WITH CRABGRASS PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 5.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-1691. Swift Agricultural Chemicals Corp. DEEP GREEN VIGORO LAWN FOOD WITH RID CRABGRASS PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 2.30%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 557-655. Swift Agricultural Chemicals Corp. VIGORO RID CRABGRASS PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 2.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 449-537. Techne Corp., PO Box 7305, St. Joseph MO 64502. TECHNE CATTLE DUST BAG 3% CIODRIN INSECTICIDE. Active ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application for reregistration. PM15

EPA Reg. No. 148-303. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. MALATHION W-25. Active Ingredients: Malathion 25.0%. Method of Support: Application proceeds uner 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 148-394. Thompson-Hayward Chemical Co. COTTON DUST 10-0-0 MALATHION. Active Ingredients: Malathion 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 158-1144. Thompson-Hayward Chemical Co. MALATHION SULFUR 8-50. Active Ingredients: Malathion (0,0-dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 8.0%; Sulfur 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 769-ULT. Woolfolk Chemical Works, Inc. Distributors, PO Box 938, Fort Valley GA 31030. PERF TURF LAWN FUNGICIDE SPRAY. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 30.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 2124-644. W. R. Grace & Co., Agricultural Chemical Group, PO Box 277, Memphis TN 38101. WONDER GRO TRIPLE DUTY 25-5-5. Active Ingredients: Dimethylamine Salt of dicamba (3,6-dicholor-o-anisic acid) 0.260%; Dimethylamine Salt of Related Acids 0.046%; Dimethylamine Salt of 2,4-dichlorophenoxyacetic Acid 0.870%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2124-678. W. R. Grace & Co. WONDER GRO LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-O-anisic acid) 0.691%; Dimethyl Salt of Related Acids 0.121%; Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 1.729%. Method of Support: Application for proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 677-227. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DACTHAL G-5 HERBICIDE (5% DACTHAL GRANULES) Active Ingredients: Dimethyl tetracholoroterephthalate 5.0%. (Originally published with incomplete active ingredient) PM23 (41 FR 34681 8/16/76.)

EPA Reg. No. 1706-125. Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook IL 60521. NALKIL 2413 GRANULAR WEED KILLER. Active Ingredients: Diuron [3-(3,4-dichlorophenyl)-1,1-demethylurea] 2.0%. (Originally published with incorrect active ingredients) PM25 (41 FR 34684 8/16/76)

[FR Doc.76-26125 Filed 9-7-76;8:45 am]

[FRL 612-6; OPP-180090]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Ethyl Parathion To Control Pea Aphid, Bean Aphid, and Vetch Aphid on Lentils

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereinafter referred to as the "Applicant") to use ethyl parathion to suppress populations of the pea aphid, the bean aphid, and the vetch aphid which are threatening the commercial lentil crop on 35,000 acres in two (2) Washington State counties. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303) which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, approximately 35,000 acres of lentils in the counties of Spokane and Whitman in the southeastern portion of Washington are infested by pea aphid, bean aphid, and vetch aphid. It was the Applicant's opinion that potential losses on untreated lentils could result in an average loss of 35% of an average 1,000 pound per acre yield on these 35,000 acres; the Applicant further stated that, at a value of fifteen (15) cents per pound, the dollar loss would be $1,837,500.

Malathion is the only insecticide registered for use on lentils. According to the Applicant, under favorable conditions malathion is only 60% to 80% effective, and cool weather is decreasing this effectiveness to 50%. Ethyl parathion has proven efficacy against numerous species of aphids, and the Applicant believes it will be effective against the pea aphid, bean aphid, and vetch aphid. In addition, an experimental use permit has been issued for similar uses of ethyl parathion in the States of Idaho and Washington. This permit is covered by a temporary tolerance of one (1.0) ppm; the temporary tolerance expires on June 1, 1977.

The Applicant will use ethyl parathion at an application rate of one-half (0.5) pound avoirdupois actual ingredient per acre; application will be made both aerially and with ground equipment, with a ten (10) day preharvest interval. A maximum of two (2) applications will be made, terminating no later than August 15, 1976. Applications will be limited to State-licensed commercial applicators.

Growers will be required to obtain a user permit for ethyl parathion on lentils. Washington State University Extension Agents will furnish growers with instructions for rates of application and procedures.

The Fish and Wildlife Service, U.S. Department of the Interior, has advised EPA that one endangered species—the American Peregrine Falcon—is resident to both Washington counties where ethyl parathion will be applied. However, it is anticipated that there will be no adverse effects to man or the environment as a result of this application.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of pea aphid, bean aphid, and vetch aphid has occurred; (b) there is no pesticide presently registered and available for use to control these aphids in Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if these aphids are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 15, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A parathion EC formulation containing four (4) pounds of actual ethyl parathion per gallon and appropriately labeled for method of application (ground or air) will be used;

2. Rate of application will be one-half (0.5) pound of actual ethyl parathion per acre per application for a maximum of two (2) applications;

3. Lentil acreages to be treated are limited to those counties previously mentioned in this notice;

4. Lentil crop residues (forage) treated with ethyl parathion may not be used for food, feed, or fodder. Livestock may not graze in treated lentil fields;

5. Lentils with ethyl parathion residues not exceeding one (1.0) ppm will not pose a hazard to the public health and may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this decision;

6. A ten (10) day preharvest interval will be observed;

7. The Applicant is responsible for supervising all ethyl parathion applications;

8. Efficacy and residue data will be collected pursuant to registering this use pattern under section 3 of the amended FIFRA.

9. Every precaution will be taken to avoid or minimize spray drift to nontarget areas;

10. Liaison will be established between the Washington State Department of Agriculture, and the State Department of Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and

11. Every precaution will be taken to assure the protection of all endangered species residing in or migrating through the treatment area.

Dated August 31, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-26127 Filed 9-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CHARTER OIL CO.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

Under the terms of 10 CFR 205.197(c), no Consent Order involving sums in excess of $500,000 shall become effective until FEA publishes notice of its execution and solicits and considers public comments with respect to its terms. On June 25, 1976, FEA published notice of a Consent Order which was executed between Charter Oil Corporation (Charter) and FEA (41 FR 26257 (June 25, 1976)). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR 205.197(c) was issued simultaneously therewith.

Comments were received from seven (7) firms, all of which expressed concern that the refunds noted in the Order might not be passed through to the ultimate consumer. FEA has resolved this matter through utilization of ancillary orders pursuant to 10 CFR 205.195(b), and has concluded that the Consent Order as executed between FEA and Charter is an appropriate resolution of the compliance proceedings described in the Notice published on June 2, 1976, and hereby gives Notice that the Consent Order shall become effective as proposed, without modification, on September 8, 1976.

Issued in Washington, D.C., September 2, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-26200 Filed 9-2-76;1:42 pm]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND PACIFIC FAR EAST LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 17, 1976.

Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement revision filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

Agreement No. T-3313, which is between Farrell Lines, Incorporated, (Farrell), and Pacific Far East Line, Inc., (PFEL), and provides for Farrell's use of excess PFEL capacity at Pier 96, San Francisco, California, was noticed for comment in the FEDERAL REGISTER on June 15, 1976, (41 FR 24217). Prior to formal Commission consideration of Agreement No. T-3313, however, filing counsel requested that the Commission hold any formal action on the matter in abeyance pending further discussion between the parties.

As a result of these discussions, two revisions have been made to the agreement. First, the consideration to be paid by Farrell for the right to use PFEL's facilities at Pier 96 for an initial period of five years has been changed from $500,000 to $300,000. Second, the consideration to be paid by Farrell for such use after the initial five-year period has been changed from $100,000 to $50,000. In all other respects, the agreement remains unchanged.

Dated: September 2, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26257 Filed 9-7-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-110]

PACIFIC GAS TRANSMISSION CO.

Rate Change

SEPTEMBER 1, 1976.

Take notice that on June 17, 1976, Pacific Gas Transmission Company (PGT) tendered for filing a "Notice of Rate Change to Reflect Increases in the Price of Canadian Gas In Cost Of Service Charges, And Request For Waiver Of Rules And Expedited Consideration."

V41I175 SEP 8 76 UMI

PGT states that its filing is made in compliance with this Commission's orders in Docket No. RP73–111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filing will effect increases in rates charged under its PL–1 rate schedule which is applicable only to sales of gas made by PGT to its one customer for sale, Pacific Gas and Electric Company. PGT states that no other rate schedule is affected.

PGT states that the filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing September 10, 1976 and January 1, 1977. PGT states that it obtains its entire supply of gas from Canada at a present border price of $1.60 (Canadian) per MMBtu. PGT recites that on June 10, 1976 the Canadian Government announced that existing export licenses would be amended to establish a border price of $1.80 (Canadian) per MMBtu of gas commencing September 10, 1976 and increasing to $1.94 (Canadian) per MMBtu commencing January 1, 1977. PGT states that on the basis of present volumes and Btu content, and a given U.S.-Canadian monetary exchange rate, PGT estimates that the effect of the September 10, 1976 increase would be approximately $82,029,000 (U.S.) on an annualized basis, although it should be noted that this increase to $1.80 (Canadian) will be in effect for less than four months. PGT states that the January 1, 1977 increase to $1.94 (Canadian) will, accordingly, to PGT's estimate, amount to approximately $139,450,000 (U.S.) in increased annual costs over the current annual cost of Canadian natural gas.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions. PGT requests that expedited consideration be given to the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26269 Filed 9–7–76;8:45 am]

[Docket No. CP76–487]

CITIES SERVICE GAS CO.

Application

SEPTEMBER 1, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76–487 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7 (g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the calendar year 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26218 Filed 9–7–76;8:45 am]

[Docket Nos. RP73–65 (PGA76–5)]

COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Purchased Gas Cost Adjustment

AUGUST 31, 1976.

On July 16, 1976, Columbia Gas Transmission Corporation (Columbia) tendered for filing a proposed PGA rate adjustment [1] to become effective September 1, 1976, to reflect (1) an increase of 3.69¢ per Mcf or $36.8 million annually in the cost of gas purchased from pipeline and producer suppliers and (2) revised surcharges to amortize the negative balance of $3,028,149 in the Unrecovered Purchased Gas Cost Account.

Public notice of Columbia's filing was issued on July 23, 1976, with protests or petitions to intervene due on or before August 13, 1976.

We note that this filing contains producer purchases by Columbia in Ohio which are alleged to be intrastate. By order issued February 28, 1975, in Docket Nos. RP73–65 (PGA75–5), we ordered an investigation to determine the propriety of including such purchases in Columbia's PGA rate adjustments. Accordingly, we shall make the determination of that issue in this proceeding subject to the outcome of that issue in Docket Nos. RP73–65 (PGA76–5).

Our review of Columbia's filing indicates that the rates included therein are based in part on (1) 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until September 2, 1976, when they shall become effective subject to refund.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699–B [2] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances. To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following

[1] Designated: Twenty-Ninth Revised Sheet No. 16 and Thirteenth Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

[2] ------ FPC ------ Issued September 9, 1975, in Docket No. R–389–B.

information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If upon review of the information filed and any comments related thereto we find the criterion set forth in Opinion No. 699–B has been met the Commission shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any established by subsequent order.

Our review of Columbia's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R–406 with the exception of: (1) those claimed increased costs associated with that portion of emergency purchases in excess of the rate level prescribed by Opinion No. 770 and (2) those costs associated with the Ohio "intrastate" purchases. Accordingly, we shall permit Columbia to file revised tariff sheets, to become effective September 1, 1976, reflecting elimination of the costs discussed in (1) and (2) above, as hereinafter ordered.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that the revised tariff sheets listed in footnote 1 be accepted for filing and suspended for one day, to become effective September 2, 1976, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Columbia be permitted to file, to become effective September 1, 1976, revised tariff sheets reflecting the elimination of (a) purchased gas costs associated with that portion of emergency purchases in excess of the rate level established in Opinion No. 770 and (b) those costs associated with Ohio "intrastate" purchases.

(3) With the exceptions noted in Finding Paragraph (2), the claimed increased costs have been reviewed and found to be in compliance with the standards set forth in Docket No. R–406.

The Commission orders: (A) Columbia's revised tariff sheets listed in footnote 1 are hereby accepted for filing and suspended for one day, until September 2, 1976, when they shall become effective subject to refund.

(B) Within 20 days of the date of issuance of this order, Columbia may file revised tariff sheets to become effective September 1, 1976, which reflect those claimed increased purchased gas costs contained in its PGA adjustment other than (a) those claimed increased costs associated with that portion of the 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and (b) those costs associated with Ohio "intrastate" purchases.

(C) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

(D) The issue of the propriety of including costs associated with Ohio "intrastate" purchases in the instant PGA filing is hereby made subject to the determination of that issue in Docket Nos. RP73–65 (PGA75–5).

(E) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26213 Filed 9–7–76;8:45 am]

[Docket No. E–9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Compliance Tariff Filing

SEPTEMBER 1, 1976.

Take notice that on August 2, 1976, Columbus and Southern Ohio Electric Company tendered for filing certain tariff sheets representing rate schedules for service to municipal customers. The rate schedules are being filed in compliance with the Commission's order issued herein on July 6, 1976, and are proposed to become effective June 2, 1975.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should be submitted on or before September 24, 1976. Copies of the company's filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26219 Filed 9–7–76;8:45 am]

[Docket Nos. RP75–94 and RP72–140 (PGA75–5)]

GREAT LAKES GAS TRANSMISSION CO.

Order Approving Stipulation and Agreement With Condition

AUGUST 31, 1971.

On June 17, 1976, at a prehearing conference before Presiding Administrative Law Judge Convisser, the Great Lakes Gas Transmission Company (Great Lakes) placed on the record a proposed "Stipulation and Agreement in Settlement of Rate Proceedings" which, if approved, would dispose of all issues in this proceeding with the exception of a reserved issue concerning rate design methods. Judge Convisser certified the record, including the Stipulation, to the Commission on June 21, 1976. For the reasons hereinafter stated, the Commission shall approve the proposed Stipulation and Agreement, as conditioned.

Docket No. RP75–94 is the subject of an April 30, 1975 filing by Great Lakes of a proposed general rate increase for sales and transportation services. The filing was designed to provide Great Lakes with increased jurisdictional revenues of approximately $12 million annually. By order issued June 13, 1975, the Commission accepted for filing and suspended the use of the propsed increased rates until November 14, 1975, when such rates were permitted to be collected, subject to refund, pending the Commission's final determination of their justness and reasonableness.

Docket No. RP72–140 (PGA75–5) is the subject of Great Lakes' June 13, 1975 filing which proposed, inter alia, to amend that portion of the Company's purchased gas adjustment (PGA) clause providing for allocation of changes in the cost of purchased gas between its resale customers and the T–4 Rate Schedule customer. On July 3, 1975, Great Lakes filed a request to withdraw its June 13 proposal, asking that the historical allocation method be employed until the issue could be resolved in Docket No. RP75–94. By order issued July 18, 1975, Great Lakes' request to withdraw was granted, and the issue of the proper method for allocating purchased gas costs was set for investigation pursuant to Section 5 of the Act. That investigation was consolidated with proceedings in Docket No. RP75–94.

Public notice of the Presiding Law Judge's certification was issued on July 2, 1976, with initial comments thereon due on or before July 14, 1976, and reply comments due on or before July 26, 1976. Initial comments were filed by TransCanada Pipelines Limited (TransCanada), Michigan Consolidated Gas Company (Michigan Consolidated), Northern Natural Gas Company (Northern), and the Commission Staff. Reply comments were filed by TransCanada, Michigan Consolidated and Great Lakes.

The proposed Stipulation and Agreement provides for a reduction in annual revenues of approximately $5 million from those reflected in the filing based on the test year date. The major elements of the settlement include the following:

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(1) A base cost of gas of $1.546 per Mcf.

(2) A depreciation rate of 4.0% on transmission plant, instead of the requested 4.659%.

(3) An overall rate of return of 10.22%, instead of the requested 10.75%.

(4) The rate design issue is reserved for further proceedings, the resolution thereof to become effective prospectively only from the first day of the month following the Commission's order thereon

In their initial comments, TransCanada and Michigan Consolidated fully supported the proposed Stipulation and Agreement. Northern, however, expressed concern over the non-refundable status of the settlement rates and the prospective-only application of any resolution of the outstanding rate design issue. Northern stated that this created a situation wherein Great Lakes could effectively moot the reserved issue by filing and effectuating a general rate increase before the proper rate design could be determined in the instant proceeding. By so doing, Northern stated, "Great Lakes could minimize or wholly eleminate the time during which the rate design ultimately ordered in this case would apply" (pg. 2). Northern thereupon requested that the Commission approve the Stipulation and Agreement subject to the condition that Great Lakes agree to forego the effectuation of any rate design other than the one herein to be approved, for a period of one year after the Commission's issuance of a final and non-appealable order on the reserved issue of rate design.

The Staff generally supported the Stipulation and Agreement, but shared Northern's concern over the possibility that resolution of the reserved rate design issue may be rendered meaningless if a new general rate increase is effectuated prior to its determination. Staff, however, suggested a modification to Northern's remedy to provide that the rate design determined in the instant proceeding be applied prospectively in Great Lakes' next succeeding rate increase proceeding should the rate design determination herein be reached after the effectiveness of such next succeeding rate increase.[1] Staff's proposal was supported by TransCanada and Great Lakes (which stated that it was further authorized to express Northern's support for Staff's proposed revision, as well). Michigan Consolidated supported both Northern and Staff in theory, but apparently favored Northern's original proposal.

The Commission's review of the proposed agreement leads to the conclusion that it reflects a just and reasonable resolution of the issues in this proceeding and should be accepted. Furthermore, we believe the Staff's proposed condition to be proper and reasonable. Accordingly, we shall accept the proposed Stipulation and Agreement as described above.

The Commission finds: Good cause exists to accept and approve the proposed Stipulation and Agreement, as modified in the body of this order.

The Commission orders: (A) The Stipulation and Agreement offered as part of the certified record in this proceeding and incorporated herein by reference is hereby accepted and approved, as conditioned in ordering paragraph (B) herein.

(B) The rate design determined by the Commission to be just and reasonable in these proceedings shall apply prospectively to those rates in effect in this proceeding or to any superseding rates which are in effect at the time of Commission decision. The effective date for such rate design shall be the first day of the first month following the date of issuance of the Commission order.

(C) Within 30 days of the issuance of this order, Great Lakes shall file the revised tariff sheets appearing as Appendix B to the Stipulation and Agreement.

(D) Within 30 days of the filing of the revised tariff sheets in accordance with ordering paragraph (C) herein, Great Lakes shall refund, with interest computed at a rate of 9% per annum, all amounts collected in excess of the proposed settlement rates.

(E) Within 15 days after refunds are made according to ordering paragraph (D) herein, Great Lakes shall file with the Commission a refund report showing monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(F) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Great Lakes or any other person or party.

(G) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26214 Filed 9-7-76;8:45 am]

[1] Under Staff's recommendation, the rate design determined from the "further proceedings" in this docket would not be effective retroactively to the effective date of the next succeeding rate increase; rather, it would be effective prospectively only from the first day of the month following the Commission order on such "further proceedings."

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Further Extension of Time

SEPTEMBER 1, 1976.

On August 19, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued July 16, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 23, 1976.
Service of Intervenor Testimony, October 7, 1976.
Service of Company Rebuttal, October 21, 1976.
Hearing, November 3, 1976.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26220 Filed 9-7-76;8:45 am]

[Docket No. RP76-64 (PGA76-1)]

MOUNTAIN FUEL SUPPLY CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 1, 1976.

Take notice that Mountain Fuel Supply Company on August 16, 1976 tendered as a PGA filing First Revised Sheet No. 3–A and supporting material. Mountain Fuel states that the base rates in this filing conform with Opinion No. 770, adjusted to a pressure base of 14.65 Psia, and that the refund provision is reflected in Note 2 on First Revised Sheet No. 3–A.

The proposed effective date is October 1, 1976, subject to refund pending rehearing and possible review of Opinion No. 770. Mountain Fuel states that a copy of the filing has been sent to the only affected purchaser.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26221 Filed 9-7-76;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE AND THE COORDINATING COMMITTEE

Order of Renewal

AUGUST 31, 1976.

This order renews the term of two Advisory Committees of the National Power Survey for an additional period through December 31, 1976. The Executive Advisory Committee was established by Commission order issued August 11, 1972, 37 FR 24213, for a term ending two years thereafter, and renewed by Commission order issued August 7, 1974, 39 FR 29233.

The Coordinating Committee was established by Commission order issued November 2, 1972, 37 FR 23868, for a term ending two years thereafter, and renewed by Commission order issued January 13, 1975, 39 FR 3250. Both these committees were again renewed by Commission order issued June 3, 1976, 41 FR 23246.

As presently constituted and proposed to be continued hereafter, the respective memberships of these two advisory committees are as set forth in Appendix A hereto.

The Federal Power Commission hereby determines that renewal of the aforesaid advisory committees of the National Power Survey, for the period set forth herein, is in the public interest in connection with the performance of duties imposed upon the Commission by law, and that such action is necessary and appropriate for the purposes of the Federal Power Act, 16 USC 791(a) et seq.

The Commission renews these committees in accordance with the terms of this order and prior Commission orders:

Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, 37 FR 13380.

Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 37 FR 24213.

Order Establishing National Power Survey Coordinating Committee and Designating Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

Order Amending National Power Survey Orders issued December 19, 1972, 37 FR 28661.

General Order No. 464–A, issued August 2, 1974, 39 FR 28929.

Order Renewing National Power Survey Executive Advisory Committees, issued August 7, 1974, 39 FR 29233.

Order Renewing National Power Survey Coordinating Committee, issued January 13, 1975, 39 FR 3250.

Order Renewing National Power Survey Executive Advisory Committee and Coordinating Committee, issued June 3, 1976. 41 FR 23246.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, dated August 25, 1976, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that the renewal of the aforesaid advisory committees of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat 770, 773–4.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

NATIONAL POWER SURVEY
EXECUTIVE ADVISORY COMMITTEE

Chairman: Shearon Harris, Chairman, Carolina Power and Light Company
Secretary: Bernard B. Chew, Chief, Division of Power Surveys and Analyses, Federal Power Commission
Members: Edward E. Cobb, General Manager, Huntsville Utilities
Michael E. Collins, General Manager, Wakefield Municipal Light Department
D. C. Cook, President, American Electric Power Company, Inc.
J. E. Corette, Chairman of the Board, Montana Power Company
Gordon R. Corey, Vice Chairman, Commonwealth Edison Company
Leo A. Daly, President, Leo A. Daly Company
William E. Dean, Association of Illinois Electric Cooperatives
Paul Donovan, President, Donovan, Hamester & Rattien, Inc.
William M. Elmer, Chairman of the Board, Texas Gas Transmission Corporation
Bernard Falk, President, National Electrical Manufacturers Assn.
T. J. Galligan, Jr., President, Boston Edison Company
R. F. Gilkeson, Chairman, Philadelphia Electric Company
J. L. Grahl, General Manager, Basin Electric Power Cooperative
Lt. General William C. Gribble, Chief of Engineers, Department of the Army
Dr. David A. Hamil, Administrator, Rural Electrification Administration
John D. Harper, Chairman, Aluminum Company of America
Edwin I. Hatch, President, Georgia Power Company
Maurice F. Hebb, Jr., Vice President, System Engineering, Florida Power Corporation
Durwood W. Hill, General Manager, Nebraska Public Power District
Jack K. Horton, Chairman of the Board, Southern California Edison Company
Timothy L. Jenkins, Chairman, The MATCH Institution
Ms. Virginia H. Knauer, Director, Office of Consumer Affairs
Donald C. Lutken, President, Mississippi Power and Light Company
William A. Lyons, Chairman and Chief Executive Officer, New York State Electric and Gas Corporation
D. Bruce Mansfield, President, Ohio Edison Company
Paul Martinka, Vice President, Coal Supply, American Electric Power Service Corporation
Marshall McDonald, President, Florida Power and Light Company
T. Justin Moore, Jr., President, Virginia Electric and Power Co.
Dr. Laurence I. Moss, Consultant
Dr. Bruce Netschert, Vice President, National Economic Research Associates
G. W. Nichols, President and Chief Executive Officer, New England Electric System
Arthur L. Padrutt, Wisconsin Public Service Commission
Dr. Ruth Patrick, Curator and Chairman, Dept. of Limnology, Academy of Natural Sciences of Philadelphia
Russell W. Peterson, Chairman, Council on Environmental Quality
Charles H. Pillard, President, International Brotherhood of Electrical Workers
John G. Quale, President, Wisconsin Electric Power Company
Dr. Henry J. Ramey, Jr., Department of Petroleum Engineering, Stanford University
William P. Reilly, President, Arizona Public Service Company
P. H. Robinson, Chairman, Houston Lighting and Power Company
Dr. Robert C. Seamans, Jr., Administrator, Energy Research and Development Administration
Raymond J. Sherwin, Superior Court Hall of Justice, Fairfield, California
Shermer L. Sibley, Chairman of the Board, Pacific Gas and Electric Company
M. Frederik Smith, Rockefeller Associates
Irwin M. Stelzer, President, National Economic Research Associates
Louis Strong, General Manager, Kentucky Rural Cooperatives Corporation
W. C. Tallman, President, Public Service Company of New Hampshire
W. Reid Thompson, Chairman of the Board and President, Potomac Electric and Power Company
Russell E. Train, Administrator, Environmental Protection Agency
Alvin W. Vogtle, Jr., President, The Southern Company
Aubrey J. Wagner, Chairman, Tennessee Valley Authority
Colston E. Warne, President, Board of Directors, Consumers Union of the U.S., Inc.
M. Frank Warren, President, Portland General Electric Company
Ben T. Wiggins, Chairman, Georgia Public Service Commission
Jack L. Wilkins, Chairman, National Electric Reliability Council
Charles E. Wyckoff, President, National Rural Electric Cooperative Assn.

NATIONAL POWER SURVEY
COORDINATING COMMITTEE

Chairman: Shearon Harris, Chairman, Carolina Power and Light Company
Secretary: Daniel G. Lewis, Assistant Director for Research and Development, Office of Energy Systems, Federal Power Commission
Members:
Gordon R. Corey, Vice Chairman, Commonwealth Edison Company
Maurice F. Hebb, Jr., Vice President, System Engineering, Florida Power Corporation
Paul D. Martinka, Vice President, Coal Supply, American Electric Power Service Corporation
Bruce Netschert, Vice President, National Economic Research Associates
Paul Donovan, President, Donovan, Hamester and Rattien
Irwin M. Stelzer, President, National Economic Research Associates

[FR Doc.76-26215 Filed 9-7-76;8:45 am]

[Docket No. E-9565]

TOWN OF MASSENA, NEW YORK AND CITY OF SHERRILL, NEW YORK, COMPLAINANTS v. NIAGARA MOHAWK POWER CORPORATION AND POWER AUTHORITY OF THE STATE OF NEW YORK, DEFENDANTS

Complaint and Motion for Order Shortening Time for Answer to Complaint

AUGUST 31, 1976.

Take notice that on August 11, 1976, the Town of Massena, New York (Massena) and the City of Sherrill, New York (Sherrill) filed a joint petition pursuant to Sections 205(b), 206(a), 306 and 309 of the Federal Power Act and pursuant to Sections 1.6 and 1.7(c) of this Commission's Rules of Practice and Procedure.

Massena and Sherrill contend that Niagara Contract NS–1, Electric Rate Schedule FPC No. 19, if construed to cover transmission service only for those preference customers of the Power Au-

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thority of the State of New York (PASNY) which were operating utilities at the time the contract was executed in 1961, is unduly discriminatory and preferential per se and, so interpreted, is in violation of Sections 205(b) and 206(a) of the Act. The complainants submit that the Commission has the unquestioned jurisdiction to interpret the contract and to amend it, if necessary to the end that it comports with the Niagara Project license, the Niagara Redevelopment Act, the Federal Power Act, the Federal antitrust laws and other applicable laws.

Complainants also contend that PASNY, as the licensee of the Niagara Project, has a duty to take affirmative steps to resolve both Massena's problem and Sherrill's, with respect to transmission. Complainants allege that relief is available against PASNY under both Section 306 of the Act and the Niagara Project license itself.

Complainants have also filed a motion, pursuant to Section 1.9(a) of the Commission's Rules and Regulations for an order shortening the time for answer to the complaint and petition to fifteen days from the date such complaint was filed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26216 Filed 9-7-76;8:45 am]

[Docket Nos. RP75-75 (AP76-11)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

SEPTEMBER 1, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 13, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective October 1, 1976. Transco states that the purpose of the filing is to "track" advance payments made by Transco in accordance with Article V of the "Agreement as to Rates" in Docket No. RP75-75 which agreement was accepted by Commission Order issued January 30, 1976 in such docket.

The revised tariff sheets filed to be effective October 1, 1976 reflect a "tracking" increase of 0.5¢ per Mcf as a result of inclusion in rate base of $24,246,586 which amount represents the net increase in advance payment amounts not previously reflected in rates.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26222 Filed 9-7-76;8:45 am]

[Docket No. RP76-35 (PGA76-2)]

UTAH GAS SERVICE CO.

PGA Filing

SEPTEMBER 1, 1976.

Take notice that on August 17, 1976, Utah Gas Service Company (Utah Gas) tendered for filing Fourth Revised Sheet No. 18A to its Special Rate Schedule No. X-1 to reflect a change in rate for gas sold to Northwest Pipeline Corporation under Utah Gas's Special Rate Schedule No. X-1.

Utah Gas states that the instant notice of change in rate relates to a purchased gas cost adjustment pursuant to Original Sheets Nos. 18B, 18C, 18D, and 18E of Special Rate Schedule No. X-1 and is being filed in accordance with Section 4 of the Purchased Gas Cost Adjustments provisions. In accordance with Section 4 of the Notice of Change submitted herewith reflects the effective Base Rate, Current Rate Adjustment, Cumulative Rate Adjustment, and Rate After Current Adjustment and includes supporting computations.

The effective date of the last preceding adjustment under this rate schedule was March 1, 1976. The instant rate change is proposed to become effective October 1, 1976 and reflects the current unrecovered purchased gas cost amortization rate determined in accordance with Section 7 of the Purchased Gas Cost Adjustments provisions applied to volumes sold for the six (6) month period ending June 30, 1976.

According to Utah Gas, a copy of this letter and its enclosures has been mailed to Northwest Pipeline Corporation, the purchaser under Utah Gas's Special Rate Schedule No. X-1.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26223 Filed 9-7-76;8:45 am]

[Docket No. RP76-41]

VALLEY GAS TRANSMISSION CO.

Certification of Proposed Settlement Agreement and Record of Hearing

SEPTEMBER 1, 1976.

Take notice that on July 2, 1976, the Presiding Administrative Law Judge William L. Ellis certified to the Commission for its consideration a proposed settlement agreement and a motion to terminate the above-captioned proceedings. The settlement reflects that Valley Gas Transmission Company has withdrawn entirely the cost of service tariff originally filed in this docket. In addition, the settlement rate for transmission by Valley Gas has been reduced from 11.36 cents to 10.93 cents with a moratorium on further changes.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 13, 1976. Comments will be considered by the Commission in determinig the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26224 Filed 9-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

ANCORP BANCSHARES, INC.

Acquisition of Bank

Ancorp Bancshares, Inc., Chattanooga, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Hamilton Bank of Johnson City, Johnson City, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 30, 1976.

Board of Governors of the Federal Reserve System, August 31, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26232 Filed 9-7-76;8:45 am]

BANK HOLDING COMPANIES

Review of Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to the nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date). However, section 4(a)(2) of the Act requires the Board of Governors of the Federal Reserve System to determine whether such grandfather privileges should be terminated with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

In exercising its authority under section 4(a)(2), the Board by order after opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

An examination of the grandfather privileges of the companies listed below is in process in order to determine whether continuation of such grandfather privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date that grandfathered activities must be terminated.

Bank holding company	*Activities engaged in on, and continuously, since June 30, 1968* [1]
Investment Corp. of America, Minneapolis, Minn. (subsidiary bank is River Forest State Bank and Trust Co., River Forest, Ill.).	Commercial finance.
Roeland Park Agency, Inc., Shawnee Mission, Kans. (subsidiary bank is Roeland Park State Bank & Trust Co., Shawnee Mission, Kans.).	Sale of general insurance and credit life insurance.
Trans-Wyoming Bank Shares, Inc., Cheyenne, Wyo. (subsidiary bank is the American National Bank of Cheyenne, Cheyenne, Wyo.).	None.
The First Pyramid Life Insurance Co. of America, Little Rock, Ark. (subsidiary bank is City National Bank, Fort Smith, Ark.).	Underwriting life insurance and accident and health insurance on an individual, annuity, or group basis. Selling credit life and credit disability insurance primarily in connection with loans by subsidiary bank. Making and managing investments within the scope of the Arkansas Insurance Code, including: Managing income-producing real estate which it holds as an investment; dealing in investment securities on its own behalf; and originating, purchasing, and selling mortgages.

[1] The listed companies may also be engaged in additional activities permissible under other provisions of the Bank Holding Company Act. In addition, authority to engage in some of the activities listed may be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under section 4(a)(2) of the act.

To aid the Board in making its determinations with respect to the aforementioned bank holding companies, interested persons are hereby afforded an opportunity to submit relevant data, views and arguments relating to the continuation of grandfather privileges, if any, of the above-mentioned companies. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 30, 1976. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, August 31, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26235 Filed 9-7-76;8:45 am]

BANK HOLDING COMPANIES

Grandfather Privileges; Correction

In FR Doc. 76-2408 appearing at page 35032 of the issue for Wednesday, August 18, 1976, the entries in the table concerning "The Hibshman Trust for the Euphrata National Bank Stock" should read as set forth below:

The Hibshman Trust for the Ephrata National Bank, Ephrata, Pa.

Ephrata National Bank, Ephrata, Pa.

Board of Governors of the Federal Reserve System, August 31, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26236 Filed 9-7-76;8:45 am]

FIRST MICHIGAN BANK CORP.

Acquisition of Bank

First Michigan Bank Corporation, Zeeland, Michigan, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Community State Bank of Dowagiac, Dowagiac, Michigan. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 1, 1976.

Board of Governors of the Federal Reserve System, September 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26233 Filed 9-7-76;8:45 am]

LYONS BANKSHARES INC.

Formation of Bank Holding Company

Lyons Bankshares, Inc., Topeka, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent (or more) of the voting shares on The Chandler National Bank, Lyons, Kansas. The factors that are considered in acting on the application are set forth in

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Section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than September 30, 1976.

Board of Governors of the Federal Reserve System, August 31, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26234 Filed 9-7-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

COMMITTEE ON AGENCY OPERATIONS

Notification of Proposed Meeting

AUGUST 30, 1976.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the Committee on Agency Operations of the National Advisory Council on Economic Opportunity will hold a meeting on September 15, 1976 at the Council office at 1725 K Street, NW. (Room 405), Washington, D.C. This meeting will begin at 9:30 a.m. and is open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all committee proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Acting Director.

[FR Doc.76-26207 Filed 9-7-76;8:45 am]

COMMITTEE ON LEGISLATION

Notification of Proposed Meeting

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the Committee on Legislation of the National Advisory Council on Economic Opportunity will hold a meeting on September 16, 1976 at the Council office at 1725 K Street, NW. (Room 405), Washington, D.C. This meeting will begin at 9:30 a.m. and is open to the public.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all committee proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Acting Director.

[FR Doc.76-26208 Filed 9-7-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

PUBLIC HEARING

The National Commission on Supplies and Shortages hereby announces its intention to hold a public hearing in Washington, D.C., during the week of October 11, 1976. The Commission, established by Pub. L. 93-426, is charged with reporting to the President and the Congress not later than December 31, 1976, on a wide variety of subjects relating to materials supply. Before completing its final report, the Commission believes it important for interested individuals and groups to have the opportunity to offer comments on topics falling under the Commission's charter as well as on the preliminary work products of the Commission staff.

Since its organizing meeting in September 1975, the Commission and its staff have gathered information, reviewed existing literature, sponsored contractor studies, and drawn on the work of other agencies for assistance in preparing analyses and recommendations on a wide variety of subjects relating to its charter. These subjects include the causes of the 1973-74 shortages, the long-range resource outlook, the dependence of the United States on imported raw materials, economic stockpiling of strategic imported materials, grain reserves, recycling, food and materials information systems, and Federal materials policymaking. In certain of these areas the Commission has reached preliminary conclusions. In others, the staff's work is only now nearing completion.

To enable interested parties to review this material, a reading file will be created in the Commission's offices at 1750 K Street, N.W., Room 800. This file will be open for inspection during the Commission's business hours: 9:00 a.m. to 5:30 p.m., Monday through Friday, excluding designated Federal holidays. In addition, the Commission will make available upon request memoranda summarizing staff conclusions and recommendations with regard to economic stockpiling, grain reserves, recycling, the causes of the 1973-74 shortages, the long-term outlook for resources, and possible improvements in the Federal materials and food data collection and data analysis systems. Copies of these memoranda can be obtained by writing to George Eads, Executive Director, National Commission on Supplies and Shortages, 1750 K Street, N.W., Washington, D.C. 20006, or by telephoning (202) 254-7434.

Any individual wishing to testify should contact the Commission not later than Monday, September 20, in writing, stating his name, the organization he represents (if any), and the subject he wishes to testify about. The Commission wishes to accommodate as many witnesses and points of view as possible within the time allotted. Time limitations and grouping of witnesses into panels will be applied, if necessary. The Commission also would be happy to receive written statements in lieu of or accompanying, and will publish such statements and a summary of the hearing transcript and an appendix to its final report.

The exact date, location, and time of the hearing will be announced on or before October 4, together with a schedule of witnesses. Current plans call for the hearing to be held in Washington in midweek and to last one day, but these plans are subject to change depending upon the response to this notice.

GEORGE C. EADS,
Executive Director.

[FR Doc.76-26201 Filed 9-7-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, September 15, 1976, from 9:30 a.m. to 12:00 noon, at the New Executive Office Building, 17th and H Streets, NW, Washington, DC, Conference Room 4203. The theme of this meeting will be the "Directions of U.S. Scientific and Technical Information Policy Development: Where are We Heading?"

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should contact Mr. Andrew A. Aindes, Division of Science Information, National Science Foundation, Washington, DC 20550, Telephone: (202) 632-5836.

LEE G. BURCHINAL,
Director, Division of Science Information.

AUGUST 31, 1976.

[FR Doc.76-26192 Filed 9-7-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Results of Review of Petitions for Changes in Product Coverage; Explanation of Changes Made by Executive Order No. 11934 of August 30, 1976

This publication describes results of the review of petitions for changes in the lists of imported articles eligible for duty-free treatment under the Generalized System of Preferences (GSP, provided for in Title V of the Trade Act of 1974, 19 U.S.C. 2461-2465, 88 Stat. 2066-2071) that has been conducted pursuant to regulations codified at 15 C.F.R. Ch. XX, Part 2007.

In accordance with those regulations, the Chairman of the Trade Policy Staff Committee (TPSC) published in the FEDERAL REGISTER issues of April 1, April 30 and May 14, 1976 lists of petitions from interested parties that had been accepted for review by the TPSC, and other proposed changes in the GSP product coverage that were initiated by the TPSC on its own motion.

The TPSC held public hearings on these matters in Washington June 1-7, 1976. Thereafter, following extensive interagency consideration of each petition and other proposed action, the Special Representative for Trade Negotiations, as Chairman of the Trade Policy Committee structure, transmitted recommendations to the President for final disposition. Changes in GSP article eligibilities resulting from this review process are incorporated in Executive Order No. 11934. This publication also explains the operation of that Executive order.

Disposition of petitions. The disposition of the petitions accepted for review by the Chairman of the TPSC through May 14, 1976 is summarized below. A case by case statement of the disposition of each case is set forth in Annex III.

A. *Designated for GSP benefits:* Tamarind fruit paste.

B. *Withdrawn from GSP benefits:* Indelible gelatin Pig and hog leather Sewon fasteners TV picture tubes larger than 16.4 inches.

C. *Action deferred:* (1) Pending information from U.S. ITC and TIPSC Review (to be completed in not more than 90 days) leather apparel.

(2) Pending U.S. International Trade Commission study: Electric motors, cast iron household stoves and fireplace grates.

(3) *Pending USITC advice:* Artificial flowers.

D. *Petitions denied:* (Requested to be designated for GSP benefits) Ball bearings, Mica capacitors, Receiving tube mounts, Rubber and plastic gloves, Truck cab chassis, Veneers; (Requested to be withdrawn from GSP benefits) hardboard, wooden doors, candles, cotton dyes, ferroalloys, wheelbarrows, ophthalmic lenses and frames, baseballs, squeeze toys, diecast toys, wheat gluten, scissors and shears, molybdenum compounds, sisal mattress pads, upholstery leathers, microscopic slides, scale model railroads, pocket-sized calculating machines, aluminum rods, fishing lures, paper boxes, edible gelatin, Christmas tree lights, steel wire rope, photographic equipment.

E. *Withdrawn by petitioner:* Typewriter ribbons, internal combustion engines.

Other action taken on article eligibilities. Taking into account the results of the hearings held June 1-7, the TPSC determined that no articles like or directly competitive with three articles—certain types of cork stoppers, bulk tequila, and unrefined castor oil—were being produced in the United States on the date of enactment of the Trade Act of 1974, so that under section 504(d) of the Trade Act those three articles are exempt from the "competitive-need" limitation set forth in section 504(c)(1)(B) of the Trade Act. As a result, those articles became eligible to receive duty-free treatment when imported from beneficiary countries that supplied more than 50 percent of total U.S. imports of the articles during 1975. Accordingly, Executive Order No. 11934 removes the previously-existing exclusion from duty-free treatment of bulk tequila from Mexico and unrefined castor oil from Brazil, and permits Portugal (which the order designates as a GSP beneficiary) to receive duty-free treatment for certain cork articles.

All of the changes in article eligibilities and duty-free treatment described above will become effective on October 1, 1976.

Executive Order No. 11934 also removes the previously-existing exclusion from duty-free treatment of sugar from Costa Rica, and makes such removal retroactive to March 1, 1976. This action was taken because the United States Customs Service determined that the stated values received by Customs for imports of sugar from Costa Rica during 1975, which caused the amount of such imports shown in U.S. Census statistics to exceed the "competitive-need" limit expressed in section 504(c)(1)(A) of the Trade Act, were incorrect. The correct value of sugar imported from Costa Rica during 1975 was less than the "competitive-need" limit. Customs has notified the Bureau of the Census of this correction, and Census has made the appropriate change in its official statistics.

Seventeen articles were listed in the FEDERAL REGISTER notice of May 14, 1976 as being under consideration by the TPSC, on its own motion, for possible designation as eligible articles for purposes of the GSP. With respect to those atricles, the President has requested the advice of the U.S. International Trade Commission, pursuant to sections 503(a) and 131 of the Trade Act of 1974, as to the probable economic effect upon United States producers of like or directly competitive articles and consumers of designating the articles as eligible for GSP benefits.

Other modifications of the GSP program. Section 5 of Executive Order 11934 modifies the list of GSP beneficiary developing countries by (1) designating Portugal as a GSP beneficiary, in accordance with the President's intention as expressed in identical letters of August 14, 1976 to the Speaker of the House and the President of the Senate, copies of which are set forth in Annex I to this notice; (2) withdrawing the beneficiary status of Laos, in accordance with the President's intention as expressed in identical letters to the Speaker of the House and the President of the Senate of February 26, 1976, a copy of which is attached at Annex II to this notice; and (3) correcting the names of the Republic of China, Benin, the Gilbert Islands, and Tuvalu as they appear in the list of beneficiary developing countries. These changes in country eligibilities and name designations are effective as of September 1, 1976, the date of publication of the Executive order in the FEDERAL REGISTER.

Technical explanation of Executive Order No. 11934. Section 1 of the order incorporates Annex I of the order, which subdivides the several existing 5-digit product categories of the Tariff Schedules of the United States (TSUS) in order to permit action to be taken with respect to part of the products encompassed by the current 5-digit categories.

In order to explain the changes made by section 2 and Annex II, section III and Annex III, and section 4 and Annex IV of the Executive order, it is useful to point out the interaction between the three principal operative lists in the basic GSP implementing document (Executive Order No. 11888 of November 24, 1975, as amended by E.O. No. 11906 of February 26, 1976).

One such list, in Annex II of E.O. 11888, as amended, sets forth articles that are eligible for duty-free treatment under the GSP when imported from any beneficiary developing country.

A second list, in Annex III of E.O. 11888, as amended, contains articles that are eligible for the GSP, but which do not receive duty-free treatment when imported from specified beneficiary developing countries.

The third list, in TSUS General Headnote 3(c)(iii) (as added by section 9 of E.O. 11888, as amended) sets forth the same list of articles as is contained in Annex III together with the beneficiary country or countries that do not receive duty-free treatment for each such article.

For example, an eligible article that receives duty-free treatment from all beneficiary developing countries will appear only on Annex II of E.O. 11888, as amended; an eligible article that does not receive duty-free treatment when imported from one or more beneficiary developing countries will not appear on Annex II, but will appear on Annex III and on the list in General Headnote 3(c)(iii) of the TSUS with the country or countries for which the article does not receive duty-free treatment listed beside it.

Section 2 of Executive Order No. 11934 incorporates Annex II of that order, which makes additions to and deletions from the list, in Annex II of E.O. 11888, of eligible articles that are to receive duty-free treatment when imported from any beneficiary developing country.

Section 3 of the order incorporates Annex III, which makes additions to and deletions from the list of eligible articles (set forth in Annex III of E.O. 11888, as

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amended) that are not to receive duty-free treatment under the GSP when imported from certain beneficiary developing countries.

Section 4 of the order incorporates Annex IV, which modifies the list, in TSUS General Headnote 3(c)(iii), of eligible articles that are not to receive duty-free treatment under the GSP when imported from the beneficiary developing countries set opposite those articles.

As noted above, section 6 of the order makes all changes in the eligibility status of articles effective October 1, 1976, except that removal of the previously-existing restriction upon the duty-free treatment accorded to sugar from Costa Rica is made retroactive to March 1, 1976. Section 6 makes all changes in the eligibility status and name designations of countries effective on the date of publication of the order in the FEDERAL REGISTER.

ANNEX I

THE WHITE HOUSE,
Washington, August 14, 1976.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In accordance with the requirements of Section 502(a)(1) of the Trade Act of 1974, I hereby notify the House of Representatives of my intention to designate Portugal as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP) provided for in title V of the Trade Act of 1974. My intention to designate Portugal as a GSP beneficiary reflects the following considerations:

(a) The expression of Portugal's desire to be designated as a beneficiary;

(b) Portugal's level of economic development, including its per capita gross national product, its general living standard as measured by levels of health, nutrition, education, housing and its degrees of industrialization;

(c) Whether or not other major developed countries are extending generalized preferential tariff treatment to Portugal;

(d) The extent to which Portugal has assured the United States that it will provide the United States with equitable and reasonable access to Portugal's markets.

In addition, Portugal no longer is excluded from designation as eligible for the GSP by the provisions of Section 502(b)(3) of the Trade Act of 1974. That section prevents the designation of any country

> if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce * * *.

On June 1, 1976, Portugal lowered its most-favored-tariff rates applicable to 15 tariff categories, under which United States exports worth some $26 million entered Portual in 1974. This tariff reduction eliminated the margins of preference that previously were accorded to products of the European Communities entering under the same tariff categories. In addition, the Government of Portugal has stated its intention to consider taking similar actions on other tariff categories that the United States Government may identify in the future.

On the basis of these actions, I have determined that the preferential treatment that Portugal continues to accord to the European Communities with respect to other tariff categories does not have, and is not likely to have, a significant adverse effect on United States commerce.

Sincerely,

GERALD R. FORD.
H.D. 587

THE WHITE HOUSE,
Washington, August 14, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the requirements of Section 502(a)(1) of the Trade Act of 1974, I hereby notify the Senate of my intention to designate Portugal as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP) provided for in title V of the Trade Act of 1974. My intention to designate Portugal as a GSP beneficiary reflects the following considerations:

a. The expression of Portugal's desire to be designated as a beneficiary;

b. Portugal's level of economic development, including its per capital gross national product, its general living standard as measured by levels of health, nutrition, education, housing and its degrees of industrialization;

c. Whether or not other major developed countries are extending generalized preferential tariff treatment to Portugal;

d. The extent to which Portugal has assured the United States that it will provide the United States with equitable and reasonable access to Portugal's markets.

In addition, Portugal no longer is excluded from designation as eligible for the GSP by the provisions of Section 502(b)(3) of the Trade Act of 1974. That section prevents the designation of any country

> "if such country affords preferential treatment to the products of a developed country other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce * * *".

On June 1, 1976, Portugal lowered its most-favored-tariff rates applicable to 15 tariff categories, under which United States exports with some $26 million entered Portugal in 1974. This tariff reduction eliminated the margins of preference that previously were accorded to products of the European Communities entering under the same tariff categories. In addition, the Government of Portugal has stated its intention to consider taking similar action on other tariff categories that the United States Government may identify in the future.

On the basis of these actions, I have determined that the preferential treatment that Portugal continues to accord to the European Communities with respect to other tariff categories does not have, and is not likely to have, a significant adverse effect on United States commerce.

Sincerely,

GERALD R. FORD.
S.D. 250

ANNEX II

Letter of February 26, 1976 announcing the President's intention to terminate the status of Laos as a GSP beneficiary.

THE WHITE HOUSE,
Washington, February 26, 1976.

The Hon. the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In accordance with the requirements of section 502(a)(2) of the Trade Act of 1974, I herewith notify the House of Representatives of my intention to withdraw the designation of Laos as a beneficiary developing country for purposes of the Generalized System of Preferences by amending Executive Order No. 11888 of November 24, 1975.

The considerations which entered into my decision were based upon the provisions of sections 501(b) and 502(b)(1) of the Trade Act. Section 504(b) of that Act states:

"The President shall, after complying with the requirements of section 502(a)(2), withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b) . . ."

Section 502(b)(1) states that:

". . . the President shall not designate any country a beneficiary developing country under this section—if such country is a Communist country, unless (A) the products of such country receive nondiscriminatory treatment, (B) such country is a contracting party to the General Agreement on Tariffs and Trade and a member of the International Monetary Fund, and (C) such country is not dominated or controlled by international communism. . . ."

As a result of changed circumstances, Laos would be barrel from designation as a beneficiary developing country under section 502(b)(1), quoted above.

A diplomatic note is being prepared for delivery to the Government of Laos on or about the same date as that of the delivery of this letter, notifying that Government of my intention to terminate the country's beneficiary status, together with the considerations entering into my decision, as required by section 502(a)(2) of the Trade Act.

Sincerely,

GERALD R. FORD.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

ANNEX III.—*Disposition of petitions*

Case No.	TSUS[1] No. and description	Petitioner	Action requested	Action taken
[2] 76-2	791.75, wearing apparel, not specially provided for, of leather (other than of reptile leather).	1. Tanners' Council of America, Inc., New York, N.Y.	Withdraw GSP benefits.	Pending USITC investigation.
[2] 76-2	do	2. National Outerwear & Sportswear Association, Inc., New York, N.Y.	do	Do.
[2] 76-2	do	3. Amalgamated Clothing Workers of America, New York, N.Y.	do	Do.
76-3	121.50, pig and hog leather	Tanners' Council of America, Inc., New York, N.Y.	do	GSP benefits withdrawn.
76-4	240.02, veneers, Philippine mahogany, lauan, etc. Not reinforced or backed.	Imported Hardwood Products Association, Inc., Arlington, Va.	Designate Philippines as eligible for GSP for the item.	Petition denied.
76-5(a)	245.00, hardboard, not face-finished, not over $48.33½/STN.	Acoustical and Board Products Association, Park Ridge, Ill.	Withdraw eligibility for each of the products when imported from: Argentina, Brazil, Chile, Korea (Republic of), Mexico, Phillippines, and Taiwan.	Do.
76-5(b)	245.10 hardboard, not face-finished, over over $48.33, not over $66.66⅔/STN.	do	do	Do.
76-5(c)	245.20 hardboard, not face-finished, over $66.66⅔/STN.	do	do	Do.
76-5(d)	245.30, hardboard, face-finished, excluding oil-treated but not further finished.	do	do	Do.
76-6	406.80, fast color bases, fast color salts, and naphthol AS and its derivatives.	1. Pfizer Chemical, Inc., Ridgefield, N.J.	Withdraw GSP benefits.	Do.
76-6	do	2. Synalloy Blackman Uhler Chemical Division, Spartanburg, S.C.	do	Do.
76-7(a)	607.35, ferromanganese—under 1 pct carbon.	The Ferroalloys Association, Washington, D.C.	Withdraw, suspend, or limit GSP benefits.	Do.
76-7(b)	607.36, ferromanganese—over 1 pct but less than 4 pct carbon.	do	do	Do.
76-7(c)	607.37, ferromanganese—over 4 pct carbon	do	do	Do.
76-7(d)	607.51, ferrosilicon—more than 60 pct, but less than 80 pct silicon.	do	do	Do.
76-7(e)	607.57, ferrosilicon manganese	do	do	Do.
76-7(f)	632.18, chromium unwrought, excluding alloys and waste and scrap.	do	do	Do.
76-7(g)	632.42, silicon containing not over 99.7 pct of silicon.	do	do	Do.
76-8	692.60, wheelbarrows	Jackson Manufacturing Co., Harrisburg, Pa.	Withdraw GSP benefits.	Do.
76-9(a)	708.01, ophthalmic lenses, not mounted	Optical Manufacturers Association, Arlington, Va.	do	Do.
76-9(b)	708.47, frames, mounting, and parts of eyeglasses, goggles, etc.	do	do	Do.
76-10	734.50, baseball equipment and parts	1. J. DeBeer & Son, Inc., Albany, N.Y.	do	Do.
76-10	do	2. Lincoln Diversified Systems, Inc., Fort Lauderdale, Fla.	do	Do.
76-11	737.15, construction kits or sets	1. Petition on behalf of: Lesney Products Corp., Moonachie, N.J. Reeves International, Inc., Pequannock, N.J. Tootsie Toy, Strombecker Corp., Chicago, Ill. Ertle Co., Dyersville, Idaho.	Withdraw GSP benefits with particular interest in die cast toys. do do do	Do.
76-12	737.40, toy animals etc., NSPF, not having spring mechanism.	1. Louis A. Boettiger Co., Hewlett, N.Y.	Withdraw GSP benefits with particular interest in withdrawals of such benefits from Taiwan and Korea.	Do.
76-12	do	2. Baby World, Great Neck, N.Y.	do	Do.
76-12	do	3. Riverdale Plastics, Inc., Fairfield, N.J.	do	Do.
76-12	do	4. Tiffany Plastic Moulders, Inc., Bronx, N.Y.	do	Do.
76-12	do	5. Pulse Plastic Products, Inc., Bronx, N.Y.	do	Do.
76-13	206.30, wood doors	National Woodwork Manufacturers Association.	Withdraw GSP benefits	Do.
76-14	745.63, Sew-on fasteners and parts of, not over $0.20/doz.	Dennison Manufacturing Co., Framingham, Mass.	do	GSP benefits withdrawn.
76-15	755.25, candles and tapers	1. Crown Candles, Portland, Oreg.	do	Petition denied.
76-15	do	2. Trelco Corp., Buffalo, N.Y.	do	Do.
76-15	do	3. W. & F. Manufacturing Co., Inc., Buffalo, N.Y.	do	Do.
76-17	182.96, wheat gluten	Wheat Gluten Industry Council, Washington, D.C.	do	Do.
76-18	650.80, scissors and shears valued over 50¢, but not over $1.75/doz.	National Association of Scissor and Shears Manufacturers, Washington, D.C.	do	Do.
76-19(a)	417.28, ammonium molybdate	GTE Sylvania, Chemical & Metallurgical Division, Towanda, Pa.	do	Do.
76-19(b)	418.26, calcium molybdate	do	do	Do.
76-19(c)	419.60, molybdenum compounds	do	do	Do.
76-19(d)	420.22, potassium molybdate	do	do	Do.
76-19(e)	421.10, sodium molybdate	do	do	Do.
76-19(f)	423.88, mixture of 2 or more inorganic compounds in chief value of molybdenum.	do	do	Do.
76-19(g)	628.74, molybdenum wrought	do	do	Do.
76-20	356.04, webs, wadding, batting, and nonwoven fabrics of textile material, whether or not coated or filled of vegetable fibers, except cotton.	Blocksom & Co., Michigan City, Ind	Withdraw GSP benefits from Mexico and Haiti.	Petition denied.
76-21	705.84, gloves, rubber or plastic, seamless, including surgeons.	The Ansell Corp., Wilmington, Del	Designate the article as eligible for GSP benefits.	Do.
76-22	121.25, upholstery leather	Tanners Council of America, Inc., New York, N.Y.	Withdraw GSP benefits	Do.
76-23(a)	547.53, microscopic slides	Erie Scientific Co., Buffalo, N.Y.	do	Do.
76-23(b)	547.55, microcover glasses	do	do	Do.
76-24	152.74, fruit pastes and fruit pulps, other	Pascual Foods, Inc., San Antonio, Tex	Subdivide the article to identify separately Tamarind, and designate Tamarind as eligible for GSP benefits.	To be made eligible for GSP benefits.
76-25	653.50, heating or cooking apparatus, nonelectric and parts, of base metal.	Washington Stove Works, Everett, Wash.	Withdraw GSP benefits	Pending USITC study.
76-26	660.44, Piston-type internal combustion engines other than compression-ignition.	International Union, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW), Washington, D.C.	do	Petition withdrawn.

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Case No.	TSUS [1] No. and description	Petitioner	Action requested	Action taken
76-27(a)	737.07, scale model railroad, etc., stock, equipment, and parts of NSPF.	Tonka Toys, Spring Park, Minn.	Withdraw GSP benefits for the item when imported from Hong Kong.	Petition denied.
76-27(b)	737.09, construction sets or kits with units made to scale.	do	do	Do.
76-27(c)	737.45, metal toy animals, etc., having a spring mechanism.	do	do	Do.
76-27(d)	737.80, toys NSPF, having a spring mechanism.	do	do	Do.
76-28	676.20, pocket-sized calculating machines, for multiplying and dividing.	National Semiconductor Corp., Santa Clara, Calif.	Withdraw or suspend GSP benefits	Do.
76-29	687.10, television picture tubes except color.	International Brotherhood of Electrical Workers, Ottawa, Ohio.	Withdraw GSP benefits	GSP benefits withdrawn on television tubes above 16.4 in.
76-30	335.04, sisal pulp [2]	International Sizal Mills, Houston, Tex	do	Petition denied.
76-31	687.60, electronic receiving tube mounts	General Electric Co., Tube Products Department, Owensboro, Ky.	Designate the article as eligible for GSP benefits, with particular interest in Singapore. If necessary, create new TSUS category specifically for electronic recieving tube mounts and other parts of electronic tubes.	Do.
76-32	680.35, ball bearings, radial, having an outside diameter of under 9 mm.	One petition on behalf of: 1. Singapore Manufacturing Association. 2. Singapore Chamber of Commerce. 3. NMB Singapore (BTE) Ltd.	Designate the article as eligible for GSP benefits.	Do.
76-33	380.60, artificial flowers in chief value of textiles or manmade fibers	Silo, Inc., New York, N.Y.	Designate the article for GSP benefits, with an appropriate carve-out of an specific new TSUS category, if necessary.	Pending USITC advice.
76-34(a)	682.25, electric motors under ½ hp NES	1. International Component Corp., Chicago, Ill. 2. City of Durant, Okla.	For both items 682.25 and 682.30 subdivide existing TSUS categories as so to withdraw GSP benefits for permanent-magnet d.c. motors, with particular interest in Mexico and Hong Kong.	Pending USITC study.
76-34(b)	682.30, electric motors of ½ or more but not over 1½ hp.	1. International Component Corp., Chicago, Ill. 2. City of Durant, Okla.		
76-35	618.15, wrought rods of aluminum	The Aluminum Association, Inc., New York, N.Y.	Withdraw GSP benefits for the article when imported from Yugoslavia.	Petition denied.
76-36	731.60, fishing lures	Fred Arbogast, Co., Inc., Akron, Ohio	Withdraw GSP benefits for the article	Do.
76-37(a)	256.52, paper boxes	Imperial Paper Box Corp., Brooklyn, N.Y.	Withdraw GSP benefits	Do.
76-37(b)	256.54, boxes of paper, paperboard, and papier mache.	do	do	Do.
76-37(c)	256.58, boxes of paper, paperboard, or papier mache, covered or lined with special papers.	do	do	Do.
76-37(d)	735.80, music boxes	do	do	GSP benefits withdrawn.
76-38(a)	455.40, inedible gelatin and animal glue valued under 10 c/lbs	National Association of Glue Manufacturers, New York, N.Y.	do	Do.
76-38(b)	455.42, inedible gelatin and animal glue valued 40 c or more per pound.	do	do	Do.
76-39	692.20, Truck-cab chassis	Mercedes-Benz of North America, Inc., Montvale, N.J.	Designate as eligible for GSP benefits with special interest in Brazil.	Petition denied.
76-40(a)	455.16, edible gelatin under 10 c/lb	Gelatin Manufacturing Institute of America, Inc., New York, N.Y.	Withdraw GSP benefits	Petition denied.
76-40(b)	455.18, edible gelatin 40 c or more, but not over 80 c/lb.	do	do	Do.
76-40(c)	455.20, edible gelatin valued over 80 c/lb	do	do	Do.
76-41	688.10, Christmas tree lighting sets	Conart Industries Corp., Glen Head, N.Y.	Withdraw GSP benefits, with particular interest in the Republic of Korea.	Do.
76-42	642.16, steel wire rope	Committee of Domestic Steel Wire Rope & Specialty Cable Manufacturers.	Withdraw GSP benefits	Do.
76-43	389.60, nylon and cotton typewriter ribbons.	Columbia International, Glen Cove, N.Y.	Designate the article as eligible for GSP benefits, with particular interest in the Republic of Korea.	Petition withdrawn.
76-44(a)	516.71, India ruby mica	The Electro Motive Corporation, Florence, S.C.	Designate the article for GSP benefits	Petition denied.
76-44(b)	685.80, mica capacitors and parts thereof	do	Designate for GSP benefits with particular interest in Haiti.	Do.
76-45(a)	722.40, slide and still-picture projectors	National Association of Photographic Manufacturers Inc., Harrison, N.Y.	Withdraw GSP benefits	Do.
76-45(b)	722.44, movie projectors NSPF	do	do	Do.
76-45(c)	722.50, parts of projectors or camera-projectors.	do	do	Do.
76-45(d)	722.53, photo film viewers, etc., using a lens and parts of	do	do	Do.
76-45(e)	722.42, motion picture projectors for sound pictures only.	do	do	Do.
76-45(f)	722.64, photofilters for cameras, enlargers or photofinishing equipment.	do	do	Do.

[1] Tariff schedules of the United States (19 U.S.C. 1202).
[2] TSUS item No. 380.60 encompasses a general category of "[other] articles not specifically provided for, of textile materials." Case No. 76-33 involves a petition for the designation of "artificial flowers in chief value of textiles or manmade fibers" which also is imported under TSUS item No. 389.60.

[FR Doc.76-26093 Filed 9-7-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

AUGUST 27, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from August 29, 1976 through September 7, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26118 Filed 9-7-76;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

AUGUST 27, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from August 29, 1976 to September 7, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26119 Filed 9-7-76;8:45 am]

[File No. 24D–3353]

MEDICAL EXPLORATION, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 25, 1976.

I

On May 21, 1973, Medical Exploration, Inc. (the "Issuer"), 3333 South 9th East #120, Salt Lake City, Utah 84106, filed with the Denver Regional Office a Notification and Offering Circular pursuant to Regulation A, promulgated under Section 3(b) of the Securities Act of 1933, as amended. The Issuer proposes to offer 200,000 shares of its Common Stock, par value $.01, at $1.00 per share for an aggregate offering price of $200,000. The Salt Lake City, Utah firm of M. L. Fallick & Co., Inc is designated as underwriter for the offering on a "best efforts" basis. No amendments have been filed and a commencement date for the offering has not been established.

The Issuer was incorporated on October 16, 1972, under the laws of the State of Utah, with an authorized capitalization of 5,000,000 shares of Common Stock, par value $.01. According to the Issuer's Offering Circular, as amended on August 7, 1973, the company was organized "for the purpose of carrying on the business of manufacturing, wholesale sales and distribution of pharmaceuticals, drugs, doctor and hospital supplies, and medical equipment." The Offering Circular further states that the Issuer has "conducted no business operations other than preparing to engage in its proposed business."

The Commission, on the basis of information provided by its staff, has reason to believe that:

A. The Notification and Offering Circular of the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that on September 30, 1975, the Utah Secretary of State revoked the Issuer's Articles of Incorporation;

2. The failure to disclose that on April 25, 1974, the broker/dealer registration of the underwriter for the offering was revoked;

3. The failure to adequately disclose the risks to be considered by an investor in connection with the offering;

4. The failure to disclose the actual financial condition of the Issuer; and

5. The false statement that a particular individual acquired 10,000 shares of Common Stock of the Issuer for an aggregate consideration of $1,000.

B. The Issuer failed to cooperate with the Commission in that the Issuer and its principal officers and directors have resisted numerous attempts by the Commission's staff to assist the Issuer in complying with the requirements of Regulation A in that, among other things, the Issuer failed or refused to reply to an August 28, 1973 Letter of Comment and the Issuer and its principal officers and directors failed or refused to reply to several letters requesting that the filing be amended or withdrawn.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it is hereby, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the Issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

Notice is hereby given, That any person having an interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty (30) days after entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for such hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26120 Filed 9-7-76;8:45 am]

[Release No. 12739; (SR-NYSE-76-27)]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 26, 1976.

On April 16, 1976 the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change to rescind Paragraph (b) of Rule 410 which restricts the circumstances under which an NYSE member can dispose of stock previously acquired by an order entered off the floor, on a destabilizing ("plus" or "zero plus") tick in relation to the previous closing price, and for an account in which that member or member organization has an interest. In addition, the NYSE proposal rescinds that portion of Paragraph .45 of Rule 123A which now requires a broker who effects a trade on a "zero" or "zero plus" tick, for an account in which a member or member organization has an interest, to record the time and tick of all such transactions and to report that information to the initiating party.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12356 (April 21, 1976)) and by publication in the FEDERAL REGISTER (41 FR 17825 (April 28, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules

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and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 16, 1976, be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26121 Filed 9-7-76;8:45 am]

[24D-3382]

WESTERN RESOURCE AND DEVELOPMENT, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

AUGUST 25, 1976.

Western Resource and Development, Inc. (the "issuer"), 3353 South Main Street, Salt Lake City, Utah 84121, formerly a Utah corporation with offices located in Salt Lake City, Utah, filed with the Denver Regional Office of the Securities and Exchange Commission on September 25, 1973, a notification, offering circular, and related exhibits relating to an offering of 2,000,000 shares of 1 cent par value common stock at 10 cents per share for an aggregate of $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof, and Regulation A, promulgated thereunder. Aaron R. Jenkins, president of the issuer, was to act as underwriter. No amendments to the notification were filed and a commencement date of the offering has not been established.

II

The Commission has reasonable cause to believe, from information reported to it by the staff, that:

A. The offering Circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Failure to adequately describe the nature of the business of the issuer.

2. Failure to adequately disclose the purposes for which the proceeds were to be used.

3. Failure to disclose that the State of Utah dissolved the issuer's Charter.

4. Failure to disclose the present address of the issuer.

B. The terms and conditions of Regulation A were not complied with in that:

1. The business in which the issuer proposed to engage was not adequately described in the offering circular.

2. The purposes for which the proceeds were to be used was not adequately disclosed.

3. The loss of the Corporate Charter with the State of Utah and the present address of the issuer are not disclosed.

4. The accurate addresses of all the officers and directors of the issuer are not disclosed.

C. The issuer and its officers and directors have failed to cooperate.

D. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given, That any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purposes of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26122 Filed 9-7-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 138]

Assignment of Hearings

SEPTEMBER 2, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 110563 (Sub-No. 166), Coldway Food Express, Inc., now assigned September 9, 1976, at Boston, Massachusetts, is canceled and the application is dismissed.

MC 38536 (Sub-No. 2), Coast Cartage Company, now assigned September 13, 1976, at Washington, D.C. is postponed to December 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116273 (Sub-No. 201), D & L Transport, Inc., now assigned September 30, 1976, at Chicago, Illinois, is canceled and the application is dismissed.

MC 2202 (Sub-No. 478), Roadway Express, Inc., now assigned Continued hearing October 13, 1976 at Des Moines, Iowa, has been postponed to October 27, 1976 (8 days) at Des Moines, Iowa, in Room 707 Federal Building, 210 Walnut Street.

MC 116763 Sub 336, Carl Subler Trucking, Inc., now assigned September 14, 1976, (1 day) at Atlanta, Ga., is cancelled and transfered to modified procedure.

MC 9859 (Sub-No. 3), Kane Transfer Company, now assigned October 13, 1976 at Salisbury, Maryland is postponed to November 9, 1976 (3 days) at Salisbury, Maryland; in a hearing room to be later designated.

MC 135691 Sub 13, Dallas Carriers Corp., now being assigned November 30, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 124813 Sub 143, Umthun Trucking Co., A Corporation, now being assigned December 1, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 140612 Sub 5, Robert F. Kazimour, now being assigned December 2, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 808, Pre-Fab Transit Co., A Corporation, now being assigned December 6, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 260, Warren Transport, Inc., now being assigned December 7, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8832, Yellow Freight System, Inc.—Investigation and Revocation of Certificates, now assigned October 13, 1976 at Memphis, Tennessee, is canceled.

MC 124813 Sub 145, Umthun Trucking Co., now being assigned December 8, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 119792 Sub 54, Chicago Southern Transportation Company, now being assigned December 9, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

No. MC-C-9026, White Transfer and Storage Company and Allied Van Lines, Inc.—Investigation of Operations, now assigned October 13, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 115730 (Sub-No. 12), The Mickow Corporation, now assigned October 14, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 127042 (Sub-No. 171), Hagen, Inc., now assigned October 15, 1976, at Omaha, Nebr., will be held in Room 616, 110 N. 14th Street, 14th and Dodge.

MC-F-12579 Momsen Trucking Company—Purchase—Merean R. Wrigg Executrix of the Estate of Max Wrigg, d.b.a. Waterloo Freight Service and MC 124174 (Sub-No. 103), Momsen Trucking Co., now assigned October 18, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

MC-F-12607, Barrieau Express, Inc.—Purchase—Trans-World Van Lines, Inc. and MC 8028 (Sub-No. 3), Barrieau Express, Inc., now assigned September 13, 1976 at Hartford, Connecticut is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26247 Filed 9-7-76;8:45 am]

[Ex Parte No. 9; 16th Revised Exemption No. 90]

ATLANTA AND SAINT ANDREWS BAY RAILWAY, CO., ET AL.

Exemption Under Mandatory Car Service Rules

TO ALL RAILROADS

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company.
Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company.
Reporting Marks: BO.
The Chesapeake and Ohio Railway Company.
Reporting Marks: CO–PM.
Elgin, Joliet and Eastern Railway Company.[1]
Reporting Marks: EJE.
Green Mountain Railroad Corporation.
Reporting Marks: GMRC.
Illinois Terminal Railroad Company.
Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company.[1]
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company.
Reporting Marks: BKTY–MKT.
New Jersey, Indiana & Illinois Railroad Company.
Reporting Marks: NJII.
Norfolk and Western Railway Company.
Reporting Marks: N&W–NKP–P&WV–WAB.
Pearl River Valley Railroad Company.
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company.
Reporting Marks: P&LE.
Raritan River Rail Road Company.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting Marks: SJL.
Sierra Railroad Company.
Reporting Marks: SERA.
Tidewater Southern Railway Company.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company.
Reporting Marks: TPW.
Vermont Railway, Inc.
Reporting Marks: VTR.
WCTU Railway Company.
Reporting Marks: WCTR.
Western Maryland Railway Company.
Reporting Marks: WM.
Yreka Western Railroad Company.
Reporting Marks: YW.

Effective September 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 25, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26248 Filed 9-7-76;8:45 am]

[Ex Parte No. 241; 22nd Rev. Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY, ET AL.

Exemption Under Car Service Rules

TO ALL RAILROADS

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroad listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway.
Reporting Marks: ATW.
Chicago & Illinois Midland Railway Company.
Reporting Marks: CIM.
Fonda, Johnstown and Gloversville Railroad Company.
Reporting Marks: FJG.
Hartford and Slocomb Railroad Company.
Reporting Marks: HS.
Louisiana Midland Railway Company.
Reporting Marks: LOAM.
Manufacturers Railway Company.
Reporting Marks: MRS.
Maryland and Pennsylvania Railroad Company.
Reporting Marks: MPA.
Minneapolis, Northfield and Southern Railway elliminated.

[1] Addition.

New Hope and Ivyland Railroad Company.
Reporting Marks: NHIR.
Pickens Railroad Company.
Reporting Marks: PICK.
Roscoe, Snyder and Pacific Railway Company.
Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corporation.
Reporting Marks: WAG.

Effective July 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 9, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26249 Filed 9-7-76;8:45 am]

[Ex Parte 241; 3rd Rev. Exemption No. 128]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO., ET AL.

Exemption Under Car Service Rules

To:

The Atchison, Topeka and Santa Fe Railroad Company
Chicago & Eastern Illinois Railroad Company
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
Illinois Central Gulf Railroad Company
Louisville and Nashville Railroad Company
Missouri-Illinois Railroad Company
Missouri Pacific Railroad Company
St. Louis Southwestern Railway Company
Seaboard Coast Line Railroad Company
Southern Railway Company
The Texas and Pacific Railway Company

It appearing, That the thirteen railroads listed below have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing reporting marks assigned to such carriers.

It further appearing, That these thirteen railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other twelve roads as systems, with the Car Service Division of the AAR acting as agent.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register I.C.C.-R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b), while on the lines of any of the above named railroads.

[1] The Atchison, Topeka and Santa Fe Railroad Company.
Reporting Marks: ATSF. Effective August 22, 1976.
Chicago & Eastern Illinois Railroad Company.
Reporting Marks: CEI. Effective July 15, 1976.

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Chicago and North Western Transportation Company.
Reporting Marks: CNW–CGW–CMO–FDDM–MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Reporting Marks: MILW. Effective July 15, 1976.
Chicago, Rock Island and Pacific Railroad Company.
Reporting Marks: RI–ROCK.
Illinois Central Gulf Railroad Company.[1]
Reporting Marks: ICG–GM&O–IC. Effective August 22, 1976.
Louisville and Nashville Railroad Company.
Reporting Marks: L&N–CIL–MON–NC. Effective August 15, 1976.
Missouri-Illinois Railroad Company.
Reporting Marks: MI. Effective July 15, 1976.
Missouri Pacific Railroad Company.
Reporting Marks: MP. Effective July 15, 1976.
St. Louis Southwestern Railway Company.[2]
Reporting Marks: SSW. Effective July 25, 1976.
Seaboard Coast Line Railroad Company.
Reporting Marks: SCL–ACL–C&WC–SAL. Effective August 15, 1976.
Southern Railway Company.
Reporting Marks: SOU–AEC–CG–GF–NS–SA. Effective July 15, 1976.
The Texas and Pacific Railway Company.
Reporting Marks: T&P. Effective July 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project starting July 15, 1976, the Car Service Division to issue appropriate notification to Project participants, and to advise the undersigned.

Expires February 15, 1977.

Issued at Washington, D.C., August 18, 1976.

INTERSTATE COMMERCE COMMISSION.
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26250 Filed 9-7-76;8:45 am]

[Ex Parte No. 329]

REVIEW OF THE DEPARTMENT OF TRANSPORTATION'S PRELIMINARY CLASSIFICATION AND DESIGNATION OF RAIL LINES

Public Hearing

Present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the above-captioned proceeding has been referred pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976.

On August 9, 1976, by order of the Commission certain hearings, dates and sites were set; and certain rules of proceeding were stated;

Now on this date, additional hearing sites have been set, certain corrections to the previous list have been made, and, the rules of procedure and practice have been restated:

[1] Effective date inserted.
[2] Effective date corrected.

It is therefore ordered that:

1. The hearing sites are established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The dates below indicate when the hearings commence.

THURSDAY, SEPTEMBER 16, 1976

Little Rock, Arkansas—Arkansas Game & Fish Commission Auditorium, Arkansas State Capitol Grounds, Little Rock, Arkansas.
Contact: Marie A. Roberson, c/o ICC Office, 3108 Federal Building, Little Rock, Arkansas 72201, Phone: 501/378–5821.

MONDAY, SEPTEMBER 20, 1976

New York, New York—Room 1, 24th Floor, Tower 2, World Trade Center, Church & Vesey Streets, New York, New York 10047.
Contact: Louis P. Bussolati, c/o ICC Office, Room 1807, 26 Federal Plaza, New York, New York 10007, Phone: 212/264–1072.

THURSDAY, SEPTEMBER 23, 1976

Helena, Montana—Court Room, 3rd Floor, Federal Building, U.S. Post Office and Courthouse, Park & Lawrence Streets, Helena, Montana.
Contact: Peggy Webb, c/o ICC Office, 2602 First Avenue North, Billings, Montana 59101, Phone: 406/245–6711 Ext. 6261.
Aberdeen, South Dakota—Room 208/213, Federal Building, 115 4th Avenue, SE., Aberdeen, South Dakota 57401.
Contact: Jean M. Kropp, c/o ICC Office, 369 Federal Building, Pierre, South Dakota 57501, Phone: 605/224–2812.
Indianapolis, Indiana—Tax Court, Room 288, Federal Building and Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204.
Contact: Frances Sterling, c/o ICC Office, 429 Federal Building and Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204, Phone: 317/269–7701.

2. The following are corrections to the hearing notice of August 9, 1976.

(a) The contact for the Fort Worth, Texas hearing which formerly read: June Cole, c/o ICC Office, 9A27 Fritz Garland Building, 819 Taylor Street, Fort Worth, Texas 76102, Phone: 817/334–2837 should now read: June Cole, c/o ICC Office, 9A27 Fritz Garland Lanham Federal Building, 819 Taylor Street, Fort Worth, Texas 76102, Phone: 817/344–2837.

(b) The phone number for the Memphis, Tennessee contact which previously read 901/534–3437 should now read 901/521–3437.

(c) The address for the Kansas City, Missouri contact which previously read 611 Walnut Street should be changed to read 911 Walnut Street.

(d) The address for the Jacksonville, Florida hearing has been changed to: City Council Chamber, City Hall, East Bay Street, Jacksonville, Florida.

3. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other insterested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

4. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

(c) Prospective witnesses will be asked to provide: Their name, address, telephone number and business association, if any; the general areas of the report to which their testimony will pertain; and the date and time when they wish to appear. This information will be relayed to an attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an attorney, they should so inform the contact coordinator.

(d) The attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local coordinator will notify prospective witnesses of confirmed hearing appearance times. The attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11'' paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(j) Hearings will commence on the days specified in Item 1 of this Notice.

(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10:00 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26251 Filed 9-7-76;8:45 am]

[I.C.C. Order No. 174 Under Revised Service Order No. 994]

REROUTING TRAFFIC

To All Railroads

In the opinion of Lewis R. Teeple, Agent, the Burlington Northern Inc. is unable to transport traffic over its line serving Leavenworth, Kansas, because of bridge damage.

It is ordered, That:

(a) The Burlington Northern Inc., being unable to transport traffic over its line serving Leavenworth, Kansas, because of bridge damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 a.m., August 19, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 19, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26252 Filed 9-7-76;8:45 am]

V41-175 SEP 8 76 UMI

federal register

WEDNESDAY, SEPTEMBER 8, 1976



PART II:

FEDERAL POWER COMMISSION

CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

New Form Nos. 154A and 154M

V41 175 SEP 8 76 UMI

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. RM76-33]

CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B NATURAL GAS COMPANIES—NEW FORM NOS. 154A AND 154M

Proposed Rulemaking

AUGUST 27, 1976.

Pursuant to 5 U.S.C. 553 and sections 8, 9, 10(a), 14, 15, and 16 of the Natural Gas Act, (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717h, 717i, 717m, 717n, 717o), the Commission gives notice it proposes to add Sections 260.22 and 260.23 to Part 260 of the Approved Forms under the Natural Gas Act to provide that new FPC Form Nos. 154A and 154M be required for reporting. Proposed new Form No. 154A would be entitled, "Annual Corporate and Financial Report for Class A and Class B Natural Gas Companies." Proposed new Form No. 154M would be entitled, "Monthly Corporate and Financial Report for Natural Gas Companies."

During a period of critical natural gas shortages, such as the nation is currently experiencing, the public interest requires that the Commission have available to it current and continuing information on the operations of companies which transport and sell natural gas in interstate commerce. The interests of those companies regulated by the Commission also require an efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified for use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form Nos. 154A and 154M are designed to incorporate into a readily retrievable data processing system the information currently submitted on FPC Form Nos. 2,[1] and 11,[2] currently used.

It is proposed herein that the present Annual Report Form No. 2 would be subdivided into two separate and distinct reporting portions. The corporate information and financial data portion would be embodied in the new report Form No. 154A under a new reporting system which is discussed further in this rulemaking. The operating data portion would be incorporated under a separate report system which will be the subject of a separate rulemaking.

The general changes which are being proposed to the Commission's reporting requirements for the new Form No. 154A and 154M are as follows:

1. For the most part, the requirements for all beginning of year figures (or end of previous year figures), all comparison figures (increases/decreases and year/month figures), and all month/year figures have been eliminated.

2. Duplicative data elements (data elements appearing on more than one schedule) have been eliminated to the extent feasible.

3. The filing requirement for certain information that experience little change from year to year (often referred to as fixed data) is proposed to be reported completely in the initial submission, with only changed values being reported in subsequent submissions.

4. Minimum dollar filing requirements have been proposed for certain data elements in an effort to reduce the reporting and processing burdens.

5. Certain generalized instructions have been clarified and made more specific in order to achieve better standardization, consistency, and to reduce overall filing requirements.

In addition to the changes described above, the Commission's filing requirements contained in the two new Form Nos. 154A and 154M have been rearranged for the purpose of achieving more efficiency in the collection process. Respondents would be asked to utilize newly established account numbers as a supplement to the accounts contained in the Uniform System of Accounts for reporting purposes. Respondents would not be required to maintain these new accounts in their books of accounts or recordkeeping system.

Specific details of the proposed reporting scheme and related procedures are included as separate attachments to this rulemaking as follows:

Attachment A contains general instructions for the preparation and submission of public use schedules. Specifically, the attachment covers the administrative background, standard definitions, general procedures for schedule preparation, rules for data preparation, data maintenance activities, and data keying and verification instructions, all known as Level I instructions.

Attachment B contains general subject instructions for corporate and financial schedules. Specifically, the attachment covers general information surrounding corporate and financial schedules, standard definitions and codes, and general instructions, all known as Level II instructions.

Attachment C contains detailed instructions for each specific schedule to be submitted by the respondent, all known as Level III instructions.

Attachment D is a comparison and cross reference list. This list cross references current reporting requirements with that proposed, at the same time describing additions, deletions, and other peculiarities related to the changeover.

Attachment E contains data standards.

Attachment F contains a sample of schedules to be submitted by the respondent.

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the related schedules within the current Form Nos. 2 and 11 for these respondents would then be eliminated.

All data and information submitted pursuant to these new forms would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge according to the Commission's Rules of Practice and Procedure (18 CFR Part 1).

It had been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the form used to create the tape, would be required only from respondents on submittal of the annual Form 154A who have over $10 million operating revenues, although all respondents are urged to submit on magnestic tape. The manner of the preparation of the tapes are left to the discretion of these respondents. For all other respondents and the submittal of Form 154M, an original and four copies of each completed form would be required to be filed with the Commission.

For the present, the Commission will continue to require those companies which qualify as both an electric utility and a natural gas company, for reporting purposes, to continue to comply with the requirements of the proposed schedule for Forms No. 162A, Annual Corporate and Financial Report for Electric Utilities and Licensees; No. 162M, Monthly Corporate and Financial Report for Electric Utilities and Licensees; No. 154A, Annual Corporate and Financial Report for Natural Gas Companies; and No. 154M, Monthly Corporate and Financial Report for Natural Gas Companies. The Commission will consider alternative procedures, as appropriate, when the Regulatory Information System becomes operational.

The Commission, through the Office of Public Information, is considering the possibilities of making available copies of the input schedules as received, copies of verified hard copy printouts of the input schedules, and hard copy printouts of certain financial statements in a format similar to previous pages of the public use forms.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to be received no later than October 27, 1976, data, views, comments or suggestions in writing concerning all or part of the proposed forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of this Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed forms. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

In order to expedite and assist the Commission in its review and analysis of the comments it receives, all submittals are to be presented according to response codes. Each segment of a respondent's comments is to be headed by one of the following response code numbers:

Response code:

A. Compliance burden:
- 01 1. Costs of implementing proposed program.
- 02 2. Time frame expected.
- 03 3. Cost—manhours aspect.

B. Comments with respect to the following considerations:
- 04 1. Hardware.
- 05 2. Software.
- 06 3. Schedule design or layouts.
- 07 4. Media.
- 08 5. Preparation difficulties.
- 09 6. Certification.
- 10 7. Other.

C. Specific schedule comments:
- 11 1. Field size.
- 12 2. Field title.
- 13 3. Addition of a field.
- 14 4. Deletion of a field.
- 15 5. Addition of data elements.
- 16 6. Data standards..
- 17 7. Deletion of data elements.
- 18 8. Clarity of presentation.
- 19 9. Instruction narrative.
- 20 10. Combine schedules with other(s).
- 21 11. Add or delete schedule.

- 22 D. Duplicate reporting plan.
- 23 E. Acceptability for Federal and State use.
- 24 F. Acceptability for general public use.

G. General reaction:
- 25 1. Support the principles and purposes of the proposal.
- 26 2. No objections to principles and purposes of the proposal, but offering suggestions regarding implementation.
- 27 3. Oppose and disagree with the principles and purposes.

- 28 H. Other.
- 29 I. CPA Certification.

The proposed amendments to Part 260 of the Commission's Approved Forms under the Natural Gas Act would be issued pursuant to the authority granted the Federal Power Commission by the Natural Gas Act as amended, particularly Sections 8, 9, 10(a), 14, 15 and 16 (52 Stat. 825, 826, 828, 829 830; 15 U.S.C. 717g, 717h 717i 717m, 717n, 717o).

Effective for the reporting year 1976, the Commission proposes to amend Part 260, Statements and Reports (Schedules) in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding two new §§ 260.22 and 260.23 prescribing new FPC forms, Form No. 154A, Annual corporate and financial report for Class A and Class B natural gas companies, and Form No. 154M, Monthly corporate and financial report for natural gas companies in the form set out in Attachment F hereto. New §§ 260.22 and 260.23 will read as follows:

§ 260.22 Form No. 154A, Annual corporate and financial report for Class A and Class B natural gas companies.

(a) The form on the annual report for Class A and Class B natural gas companies, designated herein as FPC Form No. 154A, is prescribed for the reporting year 1976 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Class A or Class B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1976, or subsequently during the calendar year 1976 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and four copies, all properly subscribed and verified. An additional copy of said report will be retained by the respondent in its files.

(c) The report contains the following schedules:

General Corporate Information
Control Over Respondent
Corporations Controlled by Respondent
Corporate Officers/Directors
Other Corporate Employees
Security Holders and Voting Powers—Total
Security Holders and Voting Power
Other Stockholder Information
Notes to Security Holders and Voting Powers
Annual Notes to Financial Data
Description of Construction Overhead Procedures
Important Changes During the Year—Transmission or Distribution System Changes
Important Changes During the Year—Respondent Rate Proceedings
Important Changes During the Year—Supplier Rate Proceedings
Important Changes During the Year—New Sources of Gas
Important Changes During the Year—Utility Plant Not Operated
Company Employee Data
Securities Issued During Year
Securities Assumed, Refunded or Retired During Year
List of Accounts
Investment in Subsidiary Companies Equity Accounting
Gas Stored Underground—Parts I and II
Production Fuel Stocks
Production Fuel Cost Data
Gas Prepayments Undeliverable Gas Obligations
Capital Stock
Long Term Debt
Notes Payable
Taxes Accrued, Prepaid and Charged During Year
Computation of Federal Income Tax Accruals for the Year
Consolidated Federal Income Tax Return Information
Accumulated Deferred Income Taxes
Accelerated Amortization of Facilities
Tax Deferred Related to Other Property
Investment Tax Credits
Advances for Gas Prior to Initial Deliveries or Commission Certification
Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
Plant in Service or All Utility Plants
Completed Construction Not Classified
Plant Purchased and Sold
Experimental Plant Unclassified
Utility Plant Leased to Others
Plant and Production Properties Held for Future Use
Construction Work in Progress
Accumulated Provision for Depreciation of Utility Plant—Parts I and II
Accumulated Provision for Depletion and Amortization of Utility Plant
Common Plant and Expenses Data—Parts I and II
Construction Overhead
Natural Gas Reserves and Land Acreage
Net Realizable Value of Estimated Hydrocarbon Reserves
Operating Revenues

[1] 18 CFR 3.170(a)(12) and 260.1 (1975).
[2] 18 CFR 3.170(a)(15) and 260.3 (1975).

V 41 175 SEP 8 76 UMI

Extraordinary Items
Detailed Account Data—Part I through IV
Revenue from Transportation of Gas of Others—Natural Gas
Gas Purchases
Professional and Other Consultative Services
Lease Rental Charges—General Data
Lease Rentals Charged
Exploration and Development Expenses
Regulatory Commission Expense
Particulars Concerning Certain Income Accounts
Exchange Gas Accounting—Parts I and II
Research and Development Activities
Natural Gas Production Gathering Statistics
Franchise Requirements
Gas Used in Utility Operation—Credit
Gas Account—Natural Gas
Reconciliation of Reported Net Income with Taxable Income
Changes in Natural Gas and Other Hydrocarbon Reserves
Financial Statements:
  Balance Sheet—Part I–VII
  Statement of Income for the Year—Part I–XII
  Statement of Retained Earnings for the Year
  Statement of Changes in Financial Position—Part I–III

§ 260.23 Form No. 154M, Monthly corporate and financial report for natural gas companies.

(a) The form of the monthly statement for natural gas companies, designated herein as FPC Form No. 154M is prescribed for the month beginning January 1977, and thereafter.

(b) Each natural gas company, as designated by the Natural Gas Act whose combined gas sales and gas transported or stored for a fee exceeded 50 million Mcf at 14.73 psia (60° F) in the previous calendar year shall prepare and file with the Commission for the month beginning January 1977, and for each month thereafter, an original and four copies. An additional copy of said report will be retained by the respondent in its files. Such report shall be filed within 40 days after the end of the reported month all properly subscribed and verified.

(c) The report contains the following schedules:

Natural Gas Pipeline Company Monthly Statement—Revenues and Expenses—Part I and II
Natural Gas Pipeline Company Monthly Statement—Operation and Maintenance Expenses
Natural Gas Pipeline Company Monthly Statement—Supplemental Gas Supplies and Selected Data
Natural Gas Pipeline Company Monthly Statement—Gas Revenues and Purchases
Monthly Notes to Financial Data

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

RIS

LEVEL I
GENERAL INSTRUCTIONS
FOR THE
PREPARATION AND SUBMISSION
OF PUBLIC USE SCHEDULES

FPC Form 121
(2-76)

Attachment A

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class A and Class B
Natural Gas Companies

V41175 SEP 8 76 UMI

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

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1. Optical Character Recognition (OCR) – All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions – All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I – General (applicable to all schedules).
- Level II – General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III – Detailed (applicable to individual schedules).

3. Separation of Footnotes – Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements – Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

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5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I – General Instructions
- Level II – General Subject Instructions (Electric Operating Data)
  – General Subject Instructions (Corporate and Financial Data)
- Level III – Detailed Instructions (Electric Operating Schedules)
  – Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II – General Subject Instructions.

III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

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FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. ____(Insert here the name of the attester)____ being first duly sworn according to law, certifies that he is ____(Insert here the official legal title of attester)____ of ____(Insert here the exact legal title or name of respondent)____; that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents thereof; that to the best of his knowledge, information and belief, all estimates and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including ____, 19__ to and including ____, 19__.

____(Signature of attester)____

Subscribed and sworn to before me this ____ day of ____, 19__.

NOTARY PUBLIC

(SEAL)

FIGURE III-1. NOTIFICATION OF ATTESTATION

B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (▲) that does not occupy a character position within the data field. For example: NN▲NNN

The factional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11▲667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12▲333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429▲48 and the number $45,237 would be entered as 45237▲00 .

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

The respondent must use the approved values and is also cautioned not to alter the units of measure (i.e., Mcf, or KW) defined in the Detailed Instructions.

V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest correct values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

UMI 76 8 SEP 5 7 1 1 1 4 4 V

To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

8. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

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The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

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VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A — Schedule Number (Record Position 1-4)
- Data Field B — Page Number (Record Position 5-8)
- Data Field C — Line Number (Record Position 9-10)
- Data Field D — Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

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DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A — Alpha
N — Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

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- At the end of each line on the schedule, key a line terminator symbol (@).

  Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- Do not key data fields which are preprinted, including data field separators.
- Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

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C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted ▲. (The only valid indication of a decimal point is the preprinted ▲. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

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properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 16 of page 2 of a hypothetical Schedule 99.

Data Field Type:
A n n n n n n n n n n

Data Field Length:
35 10 10 8.2 3.3 10 10 10 10 10 10

Data Field Contents:
MIDWESTERN INTERNATIONAL 350 * 673A21 24A2Bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record —
00990002164MIDWESTERNbINTERNATIONAL|350|*|67321|24200|750000||550000|622490|

B Record —
00990002163575829400 @

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
.(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	#	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:
| 4F 12-7-8

Data Line Terminator:
@ 7C 4-8

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I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES
- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES
- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES
- block size in characters (length of physical record)
- external volume/serial number of tape

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Attachment B

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class A and Class B
Natural Gas Companies

FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

LEVEL II
GENERAL SUBJECT INSTRUCTIONS
FOR
CORPORATE AND FINANCIAL SCHEDULES

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APPENDIX 1. List of Corporate and Financial Schedules

Schedule Number	Schedule Name
0101	General Corporate Information
0102	Control Over Respondent
0104	Corporations Controlled by Respondent
0105	Corporate Officers/Directors
0106	Other Corporate Employees
0107	Security Holders and Voting Powers - Total
0108	Security Holders and Voting Powers
0110	Other Stockholder Information
0111	Notes to Security Holders and Voting Powers
0112	Annual Notes to Financial Data
0113	Descriptions of Construction Overhead Procedures
0114	Important Changes During the Year - Transmission or Distribution System
0115	Important Changes During the Year - Respondent Rate Proceedings
0116	Important Changes During the Year - Supplier Rate Proceedings
0117	Important Changes During the Year - New Sources of Gas
0118	Important Changes During the Year - New Generating Plants/Units
0120	Important Changes During the Year - Utility Plant Not Operated
0121	Company Employee Data
0122	Securities Issued During Year
0123	Securities Assumed, Refunded or Retired During Year
0124	List of Accounts - Part I (Electric Class A and Class B)
0124	List of Accounts - Part II (Natural Gas Class A and Class B)
0124	List of Accounts - Part III (Electric Class C and Class D)
0124	List of Accounts - Part IV (Natural Gas Class C and Class D)
0125	Investment in Subsidiary Companies - Equity Accounting
0126	Gas Stored Underground - Part II
0127	Gas Stored Underground - Part I
0128	Production Fuel Stocks
0129	Production Fuel Cost Data
0130	Gas Prepayments and Undelivered Gas Obligations
0132	Capital Stock
0133	Long-Term Debt
0134	Notes Payable
0135	Taxes Accrued, Prepaid and Charged During the Year
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property

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Schedule Number	Schedule Name
0141	Investment Tax Credits
0142	Advances for Gas Prior to Initial Deliveries or Commission Certification
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or all Utility Plants
0145	Completed Construction Not Classified
0146	Plant Purchased or Sold
0147	Experimental Plant Unclassified
0148	Utility Plant Leased to Others
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II (Electric and Gas)
0153	Accumulated Provision for Depletion and Amortization of Utility Plant (Account 111.00)
0154	Common Plant and Expense Data - Part II
0155	Common Plant and Expense Data - Part I
0156	Construction Overhead
0157	Natural Gas Reserves and Land Acreage
0158	Net Realizable Value of Estimated Hydrocarbon Reserves
0159	Operating Revenues
0160	Extraordinary Items
0161	Detailed Account Data - Part I
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III
0164	Detailed Account Data - Part IV
0165	Monthly Statement of Electric Operating Revenue and Income - Part I
0166	Monthly Statement of Electric Operating Revenue and Income - Part II
0167	Revenue From Transportation of Gas of Others - Natural Gas
0168	Gas Purchases
0169	Professional and Other Consultative Services
0170	Lease Rental Charges - General Data
0171	Lease Rentals Charged
0172	Exploration and Development Expenses
0173	Regulatory Commission Expense
0174	Particulars Concerning Certain Income Accounts
0175	Exchange Gas Accounting - Part I
0176	Exchange Gas Accounting - Part II
0177	Research and Development Activities
0178	Natural Gas Production and Gathering Statistics
0179	Franchise Requirements
0180	Gas Used in Utility Operations - Credit
0181	Gas Account - Natural Gas

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Schedule Number	Schedule Name
0182	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part I
0183	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part II
0184	Natural Gas Pipeline Company Monthly Statement - Operation and Maintenance Expenses
0185	Natural Gas Pipeline Company Monthly Statement - Supplement Gas Supplies and Selected Data
0186	Natural Gas Pipeline Company Monthly Statement - Gas Revenues and Purchases
0187	Reconciliation of Reported Net Income With Taxable Income
0188	Accumulated Provision for Depreciation, Depletion, and Amortization of Utility Plant
0189	Changes in Estimated Natural Gas and Other Hydrocarbon Reserves
0190	Balance Sheet Accounts - Part I
0191	Balance Sheet Accounts - Part II
0192	Balance Sheet Accounts - Part III
0194	Income Statement Accounts
0195	Retained Earnings and Operating Revenues Accounts
0196	Operation and Maintenance Expenses Accounts
0197	Utility Plant - Municipal
0198	Long-Term Debt - Municipal
0199	Information Concerning Licenses and Location of Records
0200	Licensed Project Plant
0201	Licensed Project Plant - Classified by Developments
0202	Additions, Retirements, Adjustments - Licensed Project Plant
0205	Accumulated Provision for Depreciation of Licensed Project Plant
0206	Accumulated Provision for Depreciation of Licensed Project Plant According to Functional Classification
0207	Accumulated Provision for Amortization of Licensed Project Plant - Balances and Changes During the Year
0208	Accumulated Provisions for Amortization of Licensed Project Plant According to Functional Classification
0209	Depreciation Expense for Licensed Projects
0210	Amortization Expense for Licensed Project
0211	Amortization Reserve - Federal
0212	Operation of Licensed Projects and the Sale or Use of Energy Produced
0213	Environmental Protection Facilities and Expenses
0214	Notes to Environmental Protection Facilities and Expenses
0215	Monthly Notes to Financial Data
0216-0222	Financial Statement - Balance Sheet
0223-0234	Financial Statement - Statement of Income for the Year
0235	Financial Statement - Statement of Retained Earnings for the Year
0236-0238	Financial Statement - Statement of Changes in Financial Position
0239	Operating Statistical Data

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Schedule Number	Schedule Name
0639	Monthly Net Generation by Licensed Project
0640	Licensed Projects Annual Energy Deductions
0695	Sales of Electricity by Rate Schedules
0696	Sales of Electricity by Communities
0697	Railroads and Interdepartmental Sales
0698	Sales of Water and Water Power
0704	Fish and Wildlife and Recreation Plants
0837	Taxes, Tax Equivalents, Contributions and Services During Year - Part I
0838	Taxes, Tax Equivalents, Contributions and Services During Year - Part II
0839	Expenditures for Certain Civic, Political and Other Related Activities

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I. GENERAL INFORMATION

These instructions apply to those schedules:

- Containing basic information on the respondent's corporate profile
- Providing detailed financial data about the Corporation's business activities.

The group of corporate and financial schedules represent a comprehensive selection of data covering the respondent's entire financial accounting operation.

The classification of respondents are:

a. Class A: Natural gas companies, public utilities, and licensees having operating revenues of $2,500,000 or more.

b. Class B: Natural gas companies, public utilities, and licensees having operating revenues of $1,000,000 or more but less than $2,500,000.

c. Class C: Natural gas companies, public utilities, and licensees having operating revenues of $150,000 or more but less than $1,000,000.

d. Class D: Natural gas companies, public utilities, and licensees having operating revenues of $25,000 or more but less than $150,000.

The schedules are organized into two subgroups based upon respondent reporting requirements: (1) annual or (2) monthly submissions. The grouping of schedules into their respective submission subgroups together with a reference to the old FPC form relationships is shown below:

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Annual Submissions				
1	Class A & Class B (Electric Utilities and Licensees)	0101-0187,0213-0239,0695-0698, 0704(less 0103, 0109,0115,0117, 0119,0126,0127, 0130,0131,0142, 0153,0157,0158, 0165-0166,0172, 0175,0176,0178, 0180-0186)	1	Annually (on or before March 31st)
2	Class A & Class B (Natural Gas Companies)	0101-0181,0187, 0189,0216-0238, (less 0103,0105, 0118,0119,0131, 0165,0166)	2	Annually (on or before March 31st)
3	Class C & Class D (Electric Utilities and Licensees)	0101,0102,0104, 0105,0108,0111, 0112,0124,0132, 0133,0141,0144, 0159,0161-0163, 0188	1F	Annually (on or before March 31st)
4	Federal Projects and Municipal (Electric)	0190-0198,0837-0839(less 0193)	1M	Annually (3 months following close of fiscal year for municipalities and Federal Projects report on fiscal year usually corresponding with FY of Government)
5	Class C & Class D	0101,0102,0104, 0105,0107,0108, 0111,0112,0124, 0132,0133,0141, 0144,0159,0161-0163,0168,0181, 0188	2A	Annually (on or before March 31st)
6	Licensed Projects (covers all major)	0199-0202,0205-0212,0639-0640, 0700-0703,0706	9	Annually (on or before April 30th)
			80	Each Odd numbered year on or before April 30th

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Monthly Submission				
1	Class A & Class B (Electric Utilities)	0165,0166,0215	5	Monthly (40 days after end of reporting month)
2	Class A & Class B (Natural Gas Companies whose combined gas sales for resale and gas transported or stored for a fee exceeding 50 million MCF)	0182-0186,0215	11	Monthly (40 days after end of reporting month)

Each schedule is identified by a schedule number and title (see Appendix 1, List of Corporate and Financial Schedules).

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submission for Class A, Class B, Class C and Class D natural gas pipelines and electric utilities and licensees will be prepared in conformity with the "Uniform Systems of Accounts for Natural Gas Companies" or "Uniform Systems of Accounts for Public Utilities and Licensees" prescribed by Part 101, 104, 201 and 204 of Title 18 CFR. All mention of accounts, accounting requirements and terminology are to be interpreted in accordance with the said classifications.

For Municipal Electric Utilities and Federal Projects, the required submissions should be filled out in accordance with the individual schedule instructions which provide titles of data requirements to fit special respondent cases. Account numbers are related to each of the data titles to assist internal processing of data.

B. ACCOUNT NUMBERING SYSTEM

The new reporting system requires five digit numbers. In reporting the account numbers for the Uniform Systems of Accounts, the respondent must add zeros, either one or two as appropriate, after the number to complete the five digit system. For example, Account 101, Plant in Service, must be reported as Number 101.00; Account 419.1., Allowance for Funds Used During Construction, must be reported as 419.10.

C. SUPPLEMENTAL ACCOUNT NUMBERS

A system of Supplemental Account Numbers have been developed to accommodate the processing of the following types of information:

- Required data items that do not have assigned Uniform Systems of Account numbers (e.g., total assets, net income, etc.)
- Respondents with several reporting departments (e.g., electric, gas, steam, common, other)

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- Required additional breakdown of data from existing account numbers (e.g., depreciation expense, deferred taxes, etc.)

These categories of information add to and/or expand the data identified by the Uniform Systems of Accounts. The Supplemental Account Numbers are a necessary control to insure uniform reporting of certain data elements and will assist in the efficient processing of the various categories of information.

From the above considerations, many Supplemental Account Numbers are expressed using previously undefined numbers from the Uniform Systems of Accounts:

- A three digit code (e.g., 010.00 - Sources of Funds - Operation - Net Income)

or

- A three digit code with decimal (e.g., 046.10 - Total Salaries and Wages)

Further, some existing accounts in the Uniform Systems of Accounts were expanded by addition of a decimal, as:

- Accumulated Deferred Income Taxes - Accelerated Amortization (281) expanded to
- Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities (281.20)

Finally, to indicate reporting by different departments internal to the respondent's operations, a second decimal place was added to any existing Uniform System of Account number or any new Supplemental Account number as shown in the following examples:

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Example 1:

Uniform System of Account Number	Description
101	Plant in Service

expanded to -

Supplemental Account	Description
Electric Respondents	
101.01	Plant in Service - Electric
101.02	Plant in Service - Gas
101.03	Plant in Service - Common
101.04	Plant in Service - Steam
101.05	Plant in Service - Other
Gas Respondents	
101.01	Plant in Service - Gas
101.02	Plant in Service - Electric
101.03	Plant in Service - Common
101.05	Plant in Service - Other

Example 2:

Supplemental Account	Description
281.20	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities

expanded to -

Electric Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
Gas Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric

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The instructions for each schedule list the specific account numbers or indicate where the respondent is required to report departmental information on the basis of supplemental account numbers.

D. SELECTED DEFINITIONS

The following definitions pertain to the indicated subgroups of Corporate and Financial schedules:

1. Annual Submission (Natural Gas Pipeline Respondents)

a. Gas Volumes: All gas volumes will be reported in MMCF rounded to three decimal places. Pressure base of gas volumes reported will be 14.73 PSIA at 60° Fahrenheit, pursuant to Exhibit H of Circular No. A-46, of the Bureau of the Budget issued February 1966.

b. Natural Gas means either natural gas unmixed or any mixture of natural and manufactured gas.

c. BTU per Cubic Foot: The total heating value expressed in BTU, produced by the combustion, at a constant pressure, of the amount of the gas which would occupy a volume of one cubic foot at a temperature of 60° Fahrenheit if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury at 32° Fahrenheit and under standard gravitational force (980.665 cm. per second^2) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air when the water formed by combustion is condensed to the liquid state. (Sometimes called gross heating value/or total heating value).

2. Annual Submission (Electric Operating Respondents)

a. Electric Plant: A unit or group of units of the same or different generating type as long as they can be considered at the same physical site.

b. Electric System: The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

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c. Electric Utility: All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, ecata projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

3. Annual Submission (Licensees)

a. The term "project" means all the property covered by a single license number.

b. The term "Federal Project" means those electric projects operating under the supervision of the Alaska Power Administration, Bonneville Power Authority, Bureau of Indian Affairs, Colorado River Storage Project, Southeastern Power Administration, Southwestern Power Administration, Tennessee Valley Authority, U.S. Bureau of Reclamation, and U.S. Corps of Engineers.

4. Monthly Submission (Natural Gas Pipeline Respondents)

a. Imports are gas receipts into the United States of America from a foreign country.

b. Exports are gas deliveries out of the United States of America to a foreign country.

c. Firm Gas Sales to industrial customers are those made under schedules or contracts which anticipate no interruption.

d. Off-Peak Gas Sales to industrial customers are those made under schedules or contracts on a firm basis for periods specified for other than times of seller's peak requirements.

e. Interruptible Gas Sales to industrial customers are those made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

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III. GENERAL INSTRUCTIONS

A. ALL SCHEDULES

1. Information on Utility Departments

For companies having more than one utility department, report information on the basis of total company operations except where otherwise requested on the particular schedule.

2. Changes in Previous Year Reported Figures

Beginning of the year balances are not required on most of the financial schedules. Where amounts reported in the previous year (balance end of year) do not agree with beginning of year amounts for any reason, the respondent shall furnish an explanation of the reason in a footnote.

B. ANNUAL SUBMISSION SCHEDULES

1. Additional Submission

In addition to filing the Annual Submission of Schedules, each respondent shall also file with the Commission, immediately upon publication, five copies of its latest annual report to stockholders and of any annual financial or statistical report regularly prepared and distributed to bond-holders, security analysts, or industry associations. If reports to stockholders are not prepared, so state on Schedule 0112, "Annual Notes to Financial Data".

2. Letter by Certified Public Accountant

Class A and Class B respondents shall file with the original and each copy of the "Annual Submission of Schedules" a letter or report (required by Sections 41.10 - 41.12 of the Commission's Regulations under the Federal Power Act or Sections 158.10 - 158.12 of the Commission's Regulations under the Natural Gas Act) signed by independent certified accountants or independent licensed public accountant, certified or licensed

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by a regulatory authority of a State or other political subdivision of the United States until December 31, 1975 and beginning January 1, 1976, and each year thereafter, only independent certified public accountants and independent licensed public accountants (licensed on or before December 31, 1970) will be authorized in attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's applicable Uniform Systems of Accounts (statement certification includes applicable notes relating thereto) and published Commission accounting releases:

Schedule Number	Description
0124	List of Accounts (Part I or Part II)
0133	Long Term Debt
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or All Utility Plants
0145	Completed Construction Not Classified
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II
0154	Common Plant and Expense Data - Part II

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Schedule Number	Description
0155	Common Plant and Expense Data - Part I
0159	Operating Revenue
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III (Only Information Pertaining to Retained Earnings Accounts)
0164	Detailed Account Data - Part IV (Only Information Pertaining to Plant Materials and Operating Supplies and Prepayments (Gas Respondents)
0187	Reconciliation of Reported Net Income with Taxable Income
0216-0222	Financial Statement - Balance Sheet
0223-0234	Financial Statement - Statement of Income for the Year
0235	Financial Statement - Statement of Retained Earnings for the Year
0236-0238	Financial Statement - Statement of Changes in Financial Position

The letter or report shall be in the following form unless unusual circumstances or conditions, explained in the letter or report, demand that it be varied:

In connection with our regular examination of the financial statements of for the year ended , on which we have reported separately under date of , we have also reviewed schedules ___ of the annual submission for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published Commission accounting releases. Our review for this purpose include such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)* conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published accounting releases.

* Parenthetical phrase inserted only when exceptions are to be reported.

The letter or report shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the descrepancies that exist.

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Attachment C

FEDERAL POWER COMMISSION.

Corporate and Financial Reports for Class A and Class B Natural Gas Companies

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	1 of 1

I. DESCRIPTION

This schedule shall be used to identify on a per packet submission basis, the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each packet of schedules submitted to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission packet, i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCC (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission packet.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The form t for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NOt. Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (INETOR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	1 of 2

I. DESCRIPTION

This schedule is used to collect general corporate information for a basic profile on the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions, however, if data fields 10 and 11 are not being submitted, do not complete them as key data fields.

C. Report in data fields 1-9 general information on location of books, incorporation data and public accountants. Report in both data fields 10 and 11 information on the type of service provided (10) and the state(s) where the service is provided (11).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Officer with Custody of Corporate Books (A22): (IDNAME)
2	Location of Main Books (A22): Report the state and city of office where general corporate books are kept. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field, followed by the city name (IDCITY).
3	Location of Other Books (A22): Report the state and city of office where any other corporate books of accounts are kept, if different from that at which the general corporate books are kept. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field, followed by the city name (IDCITY).
4	Incorporation State (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	Incorporation Date (N6): Date respondent was incorporated, in the format MMDDYY, (IMDATE)
6	Special Law Reference (A20): If incorporated under a special law, give reference to such law. If not incorporated, give type of organization. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	2 of 2

Data Field Number	Instructions
7	Public Accountant (A22): Name of respondent's independent certified public accountant or independent licensed public accountants (licensed on or before December 31, 1970). (IDNAME)
8	Address of Public Accountant (A22): Report state and city. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
9	Date Public Accountant Initially Engaged (N6): State the date the public accountant was initially engaged, in the format MMDDYY. The latest year should only be shown if a change in accountancy was made during the year. (IMDATE)
10 (Key)	Type of Service (A3): Enter separately each type of utility service furnished, from the following alphabetic abbreviations: (TYUTIL) GAS = Gas ELC = Electric WTR = Water OTH = Other
11 (Key)	State of Service (A2): Enter the abbreviation for each state where respondent supplies the service listed in data field 10 above, from the Register of Data Standards, IDSTAT.

UMI

RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on any corporations, business trusts or similar organizations or combinations of such organizations which held control over the respondent any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents. Class C and Class D respondents complete data fields 1 thru 4 only.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

D. Report in data fields 1-3 information on companies who directly control the respondent. Report in data field 4 if control over respondent was held under a trust arrangement. For natural gas respondents, if other companies are controlled by the organization listed in data field 1, list in data field 5 the name of each such company and complete data fields 6 and 7. For electric respondents, if control over respondents was in a holding company, list in data field 5 the name of each company in the chain of ownership from respondent to parent organization and complete data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Controlling Corporation or Organization (A35): (IDNAME)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	2 of 2

Data Field Number	Instructions
2	Description of Manner of Control (A40): (IDDESC)
3	Extent of Control (N3) PCT: Enter the extent of control in per cent, rounded to the nearest per cent.
4	Description of Trust Arrangements (A40): If control was held by a trustee(s), state name of trustee(s), name of beneficiary or beneficiaries for whom trust was maintained, and purpose of trust. (IDDESC)
5 (Key)	Other Controlled Company (A35): If other companies are controlled by the organization which holds control over the respondent, list the names of such companies in this data field. (IDNAME)
6	Kind of Business (A27): State the kind of business engaged in by the company listed in data field 5 above. This data field is not applicable to electric respondent. (IDDESC)
7	Extent of Control (N3): State the tier placement of the company listed in data field 5, above, to the controlling corporation or organization reported in field 1, above, by the following example of codes: (NRCADL) 001 - first tier-subsidiary 002 - second tier-subsidiary of tier 1 003 - third tier-subsidiary of tier 2

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on all corporations, business trusts, joint ventures and similar organizations controlled directly or indirectly by the respondent at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule, refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Company Controlled (A35): (IDNAME)
2	Kind of Business (A30): (IDDESC)
3	Per Cent Voting Stock Owned (N3) PCT: Enter the per cent of voting stock owned, rounded to nearest per cent.
4	Particulars for Corporation Controlled (A144): If control ceased at any time during the year, furnish particulars regarding companies involved, manner of disposition and any other important aspects.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	2 of 2

Data Field Number	Instructions
4 (cont'd)	If control was by other means than a direct holding of voting rights, state the manner in which control was held, naming any intermediaries involved. If control was held jointly with one or more other interests, state the fact and name the other interests; however, state if corporation is inactive. (IDV-SC)

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UMI

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	1 of 3

I. DESCRIPTION

This schedule is used to collect data on each general officer and director of the respondent who held office at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A and Class B (Natural Gas and Electric)	All
(2) Class C and Class D (Natural Gas and Electric)	1-7,9,10

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Report the particulars applicable to all officers and/or directors of the respondent for the reporting year. Other employees of the respondent whose annual salary is $25,000 per year or more ($35,000, if respondent's annual operating revenues are $50,000,000 or more) must also be reported on Schedule 0106, Other Corporate Employees.

D. If an individual is both an officer and director of the respondent, report separately the information called for in this schedule, once for the position of officer and once for the position of director.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Officer's/Director's Last Name (A15): (IDNAME)
2 (Key)	Officer's/Director's First Name and Middle Initial (A15): Enter the full first name and initial(s), separated by a space. (IDNAME)
3	Officer's/Director's Business Address (A22): For officers, enter the financial business address if different from the respondent's address. For directors, enter the principal business address if different from company address. Enter the two character abbreviation, from the Register of Data Standards, IDSTAT, followed by city name (IDCITY).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	2 of 3

Data Field Number	Instructions
4	Officer/Director Category (N1): Enter the one digit numeric code as follows: (IYOFDR) 1 = Officer 2 = Director 3 = Both 9 = Other
5	Officer/Director Title (A30): Enter the officer's and/or director's title at the end of the reporting year. If any officer/director retired during the year, write the word "retired" in this data field. If any officer/director otherwise left the respondent during the year, leave this data field blank. Abbreviate as necessary. Examples: V.P. - Vice President, Treas. - Treasurer, Sec. - Secretary, etc. (IDDESC)
6	Officer/Director Salary - Fee (N6) DOL: Report any salaries or regular fees paid during the year.
7	Director/Member of Executive Committee (N1): Indicate "1" for chairman of the executive committee; "2" for member of that committee; or "3" for neither. (IYEXCO)
8	Officer/Director Retirement Benefits (N6) DOL: Enter the annual benefits estimated to be payable to each of the three highest paid officers, and any director who is not an officer named herein, in the event of retirement at normal retirement date, pursuant to any pension or retirement plan.
9	Officer/Director Date Position or Term Began (N6): Enter the date, in the format MMDDYY, each officer first began the position listed in data field 5 above. Enter the date each director was first elected to the position of director. (IMDATE)
10	Officer/Director Date Retired or Otherwise Separated (N6): Enter the date, in the format MMDDYY, that any officer or director retired or otherwise left the respondent during the year. (IMDATE)
11	Director Meetings Attended (N2) NO: Enter the number of meetings each director attended during the past year.
12	Officer/Director Special Remuneration Value (N8) DOL: If any officer and/or director reported in this schedule received remuneration from respondent, directly or indirectly, other than from salary and/or fees reported in data field 6 above, enter the value of the remuneration (in dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	3 of 3

Data Field Number	Instructions
13	Officer/Director Special Remuneration Type (A44): Enter the particulars concerning any special remuneration received by any officer and/or director reported in data field 12 above. Give the essentials of any plan for remuneration and/or the basis for determining the ultimate benefits received by each officer and/or director. (IDDESC)
14	Officer/Director Insurance Type (A126): State briefly any arrangement paid for by the respondent on behalf of any officer or director, such as life insurance and indemnity or liability insurance, etc., and the value of such arrangement. If the insurance benefits listed in this data field apply to all officers/directors, report the required information only once under the officer or director whose title is President or Chairman of the Board. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0106	OTHER CORPORATE EMPLOYEES	1 of 1

I. DESCRIPTION

This schedule is used to collect selected information on corporate employees other than officers and directors of the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. List employees other than officers and directors who received salaries according to the following limits:

(1) $25,000 or greater if operating revenues are under $50,000,000.

(2) $35,000 or greater if operating revenues are over $50,000,000.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Employee Last Name (A15): (IDNAME)
2	Employee First Name and Middle Initial (A11): (IDNAME)
3	Employee Title (A30): (IDDESC)
4	Employee Salary (N6) DOL: State the salary paid the employee for the reporting year (in dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0107	SECURITY HOLDERS AND VOTING POWERS - TOTAL	1 of 1

I. DESCRIPTION

This schedule is used to collect summary information on the total number of votes and total holders of voting securities of the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents and Class C and Class D Natural Gas respondents.

B. Class A and Class B respondents shall complete all data fields on this schedule in their first submission. Class C and Class D respondents shall complete data fields 1-3 and 7. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data should be reported as of the latest record date as specified in data field 7.

D. Separate issues of preference stock should be totaled and reported in data fields 2 and 5.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Votes - Common Stock (N9) NO.
2	Total Votes - Preferred Stock (N9) NO.
3	Total Votes - Other Voting Securities (N9) NO.
4	Total Number of Holders - Common Stock (N9) NO.
5	Total Number of Holders - Preferred Stock (N9) NO.
6	Total Number of Holders - Other Voting Securities (N9) NO.
7	Latest Record Date (N6): Enter the latest record date, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0108	SECURITY HOLDERS AND VOTING POWERS	1 of 1

I. DESCRIPTION

This schedule is used to collect detailed information on holders of the respondent's outstanding securities and voting power thereof, to include:

(a) the ten security holders with the highest voting powers and,

(b) the security holdings and voting powers of any officer or director of the respondent not included in (a) above.

II. GENERAL INFORMATION

A. This schedule shall be completed by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. In data fields 4-7, state the number of votes which each security holder would have had the right to cast on the latest record date, if a meeting were then in order. The latest record date should be reported on Schedule 0107, data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Security Holder (A35): (IDNAME)
2	Location of Security Holder (A22): Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
3	Officer/Director Indicator (N1): If the security holder named in data field 1 above, is an officer or director within the respondent's organization, enter "1"; if not, enter "0". (INYONO)
4	Total Number of Votes (N8) NO.
5	Votes - Common Stock (N8) NO.
6	Votes - Preferred Stock (N8) NO.
7	Votes - Other Voting Securities (N8) NO.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0110	OTHER STOCKHOLDER INFORMATION	1 of 1

I. DESCRIPTION

This schedule is used to collect details on the latest stockholders' annual meeting and any stock book closings during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Latest Stock Book Closing (N6): Enter the date of the latest closing of the stock book prior to end of year in the format MMDDYY. (TMDATE)
2	Purpose of Closing (A30): Explain the purpose of the closing of the stock book. (IDDESC)
3	Total Votes Cast (N8) NO: Enter total number of votes cast for directors at the latest stockholders meeting.
4	Total Proxy Votes (N8) NO: Enter total number of proxy votes cast for directors at the latest stockholders meeting.
5	Date of Latest General Stockholder Meeting (N6): Enter the date, in the format MMDDYY. (TMDATE)
6	Location of Latest General Stockholder Meeting (A22): Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	1 of 2

I. DESCRIPTION

This schedule is used to collect additional information related to (a) stock options, warrants or rights outstanding at end of the year, and (b) the voting rights and privileges carried by any security other than the repondents common and preferred stock.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually as necessary to support schedule Nos. 0107 and 0108.

C. This schedule supports information included on two schedules:

Schedule 0107 - "Security Holders and Voting Powers - Total"

Schedule 0108 - "Security Holders and Voting Powers."

D. Furnish particulars concerning any options, warrants, or rights outstanding at the end of the year for others to purchase securities of the respondent or any securities or other assets owned by the respondent. Particulars should include names of the parties granted the options, warrants or rights, the prices to be paid, expiration dates, and other material information relating to the exercise of the securities or assets. Specify the name of any officer, director, associated company, or any of the ten largest security holders who hold stock options warranty or rights at the end of the year.

E. Give complete description of any other security carrying voting rights and explain the circumstances whereby the security became vested with voting rights. If any class or issue of security (other than common or prefarred stock) has any special privileges in the election of directors, trustees or managers, or in the determination of corporate action by any method, explain the extent and circumstances.

F. This schedule is not applicable to convertible securities or to any securities substantially all of which are outstanding in the hands of the general public where the options, warrants, or rights were issued on a prorata basis.

G. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Give a single word or short phrase identification such as: "options", "warrants," "rights," etc. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	2 of 2

Data Field Number	Instructions
2 (Key)	Type of Note Sequence Number (N1): Use successive numbers to designate more than one occurrence of specific type of security or item listed in data field 1 above. If only one occurrence for a particular item, report "1". (NRCADL)
3 (Key)	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular item listed in data field 1. If only one textual entry is needed to report the required disclosure, enter "1". (NRCADL)
4	Text of Note (A249): (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data, including the financial statements, presented to the Commission in the annual filing, to include the following aspects:

A. Disclosures of all important accounting policies.

B. Disclosure of accounting changes made during the year which had significant effect on the reported net income.

C. Disclosure of all contingent assets or liabilities or significant commitments existing at the end of the year which have not been reflected in the financial data.

D. Disclosure of any other important changes occurring during the year which have not been provided elsewhere in the filing.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents will use the following guidelines to report disclosure information, using titles underlined below as the Type of Note in data field 1:

1. Accounting Policies: In disclosing its accounting policies, the respondent should identify and describe the accounting principles it has utilized, the methods of applying those principles and the impact of such policies on the financial data submitted. Examples of accounting policies that may be considered significant together with suggested minimum disclosure requirements include:

(a) Plant and Depreciation

(b) Federal Income Tax Expense

(1) Details on the accounting treatment for Federal income taxes (flow through, full normalization, partial normalization).

(2) Details on the ratemaking treatment for Federal income taxes (flow through, full normalization, partial normalization).

(3) Details on accounting for the allocation of income taxes between utility and non-utility segments of company operations.

(4) Details on the accounting for IRS settlements as claim for refunds.

(5) Details on the accounting for recognition of operating loss carrybacks and carryforwards.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	2 of 4

(6) If the provisions of the tax laws are being utilized with respect to plant property (ADR class life and liberalized depreciation, repair allowance, etc.) for Federal income tax purposes and the resultant benefits are being flowed through the income statement, disclose the effect of such on the income statement.

(c) Investment Tax Credits

(1) Details on the method of accounting adopted for investment tax credits utilized in the current year.

(2) Details on whether the respondent has consented or is required by a regulatory commission to pass the benefits of investment tax credits along to consumers.

(3) For each year beginning with 1971, details on the ratemaking treatment of these credits to include option for (1) rate base treatment, (2) ratable flow through, (3) flow through in accordance with Section 46 (f) of the Internal Revenue Code, or (4) other method.

(d) Equity Accounting

(e) Unbilled Revenues

(f) Deferred Fuel Cost

Details on the accounting and ratemaking treatment for deferred fuel cost, to include whether specific approvals have been received from regulatory commissions to defer and recover these costs for ratemaking purposes.

(g) Deferrals of Expense or Other Items

(h) Reacquisition of Long Term Debt

(1) Details on the amount of gains and/or losses for the year from reacquisition of long term debt.

(2) Details on the accounting for such gains or losses (included in income/amortized).

(3) Details on the accounting treatment of unamortized debt discount and expense if different from the requirements of the Uniform System of Accounts.

(i) Pension Plan

(1) Details on the method of funding.

(2) Details on the pension cost for the current year charged to expense and capital accounts.

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FEDERAL REGISTER, VOL. 41, NO. 175—WEDNESDAY, SEPTEMBER 8, 1976

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	3 of 4

(3) Details on the amount of unfunded vested benefits.

(4) Details on the effect of the Security Act of 1974 on annual pension cost.

(5) Details on any changes in method of funding for the year.

(j) Research and Development

(k) Other

2. Accounting Changes: Information on important accounting changes should include the nature of and justification for the change, and should include the dollar effect of the change on the reported financial data. The respondent should utilize the following definition of an accounting change taken from Opinion No. 20 of the Accounting Principles Board for purposes of this requirement.

The term accounting change means a change in (a) an accounting principle, (b) an accounting estimate, or (c) the reporting entity.

In considering the importance of an accounting change, the respondent should consider the impact (or estimated impact), on not only the financial data for the current reporting period, but should also consider the financial impact of the changes on subsequent years results of operations.

3. Contingencies or Commitments: Information on all contingent assets or liabilities or significant commitments shall include all pertinent facts surrounding such matters. Examples of matters that should be reported in this section include:

(a) Particulars of all important legal proceedings pending at the end of the year and the results of proceedings culminated during the year; including the related accounting for any settlements.

(b) Commitments related to the respondent's construction program.

(c) Long term commitments on the purchase of fuel supply.

(d) Short term bank borrowing arrangements including open lines of credit, compensating balance arrangements, commitment fees, and average annual effective interest rates.

(e) Details on obligations incurred or assumed by respondent as guarantor for performance by another of any agreement or obligation. Such information shall include the amount of the obligation and the name of the commission authorizing assumption, if any, and date of authorization.

4. Other Important Changes: Information on other important changes during the year shall disclose all significant changes occuring during the year not provided for elsewhere in the Schedules in this filing.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	4 of 4

Examples of changes include changes in articles of incorporation or amendments to the corporate charter; acquisition of ownership in other companies; recognition, merger or consolidation with other companies, particulars if control over respondent was held by a receiver or trustee.

For securities assumed during the year, the name of the company from which the liability was assumed and other particulars of the transaction should be included in data field 4. For Class A and B respondents, if any unamortized discount, premium, expenses and/or gains or losses were taken over into the respondent's books, details of these amounts should be included in schedule 0123, "Securities Assumed, Refunded or Retired during the Year," data fields 5-9. Additional disclosure on the respondent's accounting policy with respect to gains and losses on security transactions should be included under item (h), above, of this schedule.

D. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Examples: (IDDESC) Policies - Income Tax Expense Policies - Equity Accounting Changes - Unbilled Revenues Contingencies/Commitments - Construction Program
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0113	DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURES	1 of 2

I. DESCRIPTION

This schedule is used to collect important textual comments concerning construction overhead procedures.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For purposes of reporting for this schedule, construction overheads have been assigned the following code numbers:

Overhead Code	Type of Overhead
01	Engineering and Supervision
02	Administrative and General Expenses
03	Transportation
04	Injuries and Damages
05	Insurance
06	Pensions and Other Employee Benefits
07	Taxes (property, sales, payroll, etc.)
08	Outside Professional Services
09	Allowance for Funds Used During Construction
99	Other

These code numbers shall be reported in data field 1.

D. For each construction overhead except "Allowance for funds used during construction" (09), provide in a textual format in data field 4, the respondents general policy, to include: the nature and extent of work, etc., the overhead charges are intended to cover, the general procedure for determining the amount capitalized, the method of distribution to construction jobs, whether different rates are applied to different types of construction, basis of differentiation in rates for different types of construction, and whether the overhead is directly or indirectly assigned.

E. For "Allowance for funds used during construction," state in data field 4 the general policy with respect to capitalization to include: the general classes of property included in the allowance base, the method used to compute the allowance, the allowance computation period, the specific factors to support the allowance rate for the year, and the allowance rate(s) for the year.

F. Construction overheads with similar procedures should not be grouped, but must for the initial filing be reported separately.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0113	DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURES	2 of 2

G. If the respondent has separate or different procedures for any of the grouped overheads listed above (i.e. Engineering and Supervision), report each procedure as a separate entry, listing the same overhead code in data field 1 and using successive numbers (1, 2, 3, etc.) in data field 2. If the respondent needs additional space to complete the text information (data field 4) for any particular overhead, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Overhead (N2): Enter the code, from Item C of the General Instructions for this schedule. (TYOVHD)
2	Overhead Note Number (N1): Use successive numbers to designate more than one occurrence of the overhead type listed in data field 1 above. If only one occurrence for a particular type overhead, enter 1. (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular overhead. (NRCADL)
4	Text (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0114	IMPORTANT CHANGES DURING THE YEAR - TRANSMISSION OR DISTRIBUTION SYSTEM	1 of 1

I. DESCRIPTION

This schedule is used to collect details on important extensions or reductions of the transmission or distribution system during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each logical entry has two parts. In data fields 1-3, provide general information on each important change. In data fields 4-9, show each class of service effected, the estimated annual changes in revenue and the number of customers.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Change (A40): Provide a brief description of any important territory added or relinquished during the year, i.e., Distribution - Town of Springfield. (IDDESC)
2 (Key)	Commission Code (N3): Enter the three digit numeric code, from the Register of Data Standards, IDCOMM.
3	Date of Commission Authorization (N6): Enter the date, in the format MMDDYY. (TMDATE)
4	Date of Change (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Class of Service (A3): Enter the abbreviation as follows: (TYERSV) RES = Residential COM = Commercial IND = Industrial SRE = Sales for Resale OTH = Other
6	Estimated Additional Annual Revenues (N9) DOL.
7	Estimated Annual Revenue Reduction (N9) DOL.
8	Number of Customers Added (N8) NO.
9	Number of Customers Lost (N8) NO.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0115	IMPORTANT CHANGES DURING THE YEAR - RESPONDENT RATE PROCEEDINGS	1 of 2

I. DESCRIPTION

This schedule is used to collect details of all rate proceedings settled during the year and/or any proceeding unsettled at the end of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all appropriate data fields on this schedule annually.

C. The respondent shall complete this schedule when:

(1) any rate proceeding settled during the year has resulted in significant refunds being made to customers, and

(2) for any unsettled rate proceeding there exists a contingency for refunds of a material amount to customers.

D. Each logical entry has two parts. In data fields 1-8, report general information on each rate proceeding. In data fields 9-11 for each rate proceeding settled during the year, show each class of customers affected by the rate change, with the associated annualized revenues and refunds.

E. Information on supplier rate proceedings should be included on Schedule 0116.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Rate Request (N6): Enter the date, in the format MMDDYY. (TMDATE)
2 (Key)	Commission Code (N3): Enter the three digit numeric code, from the Register of Data Standards, IDCOMM.
3	Date of Commission Approval (N6): If rate proceeding was settled during the year, enter the date of approval in the format MMDDYY. (TMDATE)
4	Annualized Revenue Increase Due to Rate Change (N8) DOL: If rate proceeding has been settled, state the total approved annualized revenue increase. If proceeding unsettled, state the total annualized revenue increase requested by the respondent (in dollars).

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FEDERAL REGISTER, VOL. 41, NO. 175—WEDNESDAY, SEPTEMBER 8, 1976

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0115	IMPORTANT CHANGES DURING THE YEAR - RESPONDENT RATE PROCEEDINGS	2 of 2

Data Field Number	Instructions
5	Annualized Revenue Decrease Due to Rate Change (N8) DOL: If rate proceeding has been settled, state the total approved annualized revenue decrease. If proceeding unsettled, state the total annualized revenue decrease requested by the respondent (in dollars).
6	Amount of Revenue Collected Subject to Refund-Pending (N9) DOL.
7	Particulars of Accounting Treatment (A83): State the accounting method used by the company to record refunds as a result of rate settlements. Also, for revenues being collected subject to refund, state the accounting method (including the amounts) used to reserve any portions of such revenues prior to final settlement of the rate proceedings. (IDDESC)
8	Other Particulars of Rate Change (A60): Furnish other important information with respect to rate change. (IDDESC)
9 (Key)	Class of Customers (A3): State the class of customers affected by the approved change by entering the following abbreviations: (TYERSV) RES = Residential COM = Commercial IND = Industrial SRE = Sales for Resale OTH = Other Utilities
10	Annualized Revenues by Customer Class (N9) DOL.
11	Refunds by Customer Class (N9) DOL.

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FEDERAL REGISTER, VOL. 41, NO. 175—WEDNESDAY, SEPTEMBER 8, 1976

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0116	IMPORTANT CHANGES DURING THE YEAR - SUPPLIER RATE PROCEEDING	1 of 1

I. DESCRIPTION

This schedule is used to collect information on all supplier rate proceedings settled during the year to which the respondent was a party, related to either gas purchases or power purchases.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall complete this schedule where any significant amounts of refunds were made or received during the year resulting from settlement of proceedings affecting gas purchases or purchased power costs.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule by data field number:

Data Field Number	Instructions
1 (Key)	Name of Supplier (A35): (IDNAME)
2 (Key)	Commission Code (N3): Enter the code of the federal, state, or local regulatory commission which has jurisdiction over the rate proceeding, from the Register of Data Standards, IDCOMM.
4	Particulars for Accounting (A144): State the particulars of the accounting used by the respondent to record the refunds received or payments made resulting from supplier rate proceedings. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0117	IMPORTANT CHANGES DURING THE YEAR - NEW SOURCES OF GAS	1 of 1

I. DESCRIPTION

This schedule is used to collect details on major new continuing sources of gas made available to the respondent during the year from purchases, development, purchase contract or otherwise.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Location of New Gas Source (A30): Report the state, county or offshore area and field. (IDDESC)
2	Approximate Total Gas Volume Available (N9.3) MMCF.
3	Contract Start Date (N6): Enter the date, in the format MMDDYY. (IMDATE)
4	Contract End Date (N6): Enter the date, in the format MMDDYY. (IMDATE)
5	Manner of Acquisition (A20): State the manner of obtaining the new source of gas, such as purchase, development, etc. (IDDESC)
6	Other Party to Contract or Other Arrangement (A72): Enter names of parties that have an interest in the contracts applicable to such new sources of gas. (IDDESC)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0120	IMPORTANT CHANGES DURING THE YEAR - UTILITY PLANT NOT OPERATED	1 of 1

I. DESCRIPTION

This schedule is used to collect information with respect to utility plants, including plant in service accounts, which did not operate during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Number	Instructions
1 (Key)	Description of Plant (A30): State the type, name, and number or other appropriate specifics for plant not operated during year. (IDDESC)
2	Book Cost of Plant (N9) DOL.
3	Particulars (A65): For plant listed in data field 1 above, state whether any portion of the book cost has been retired from plant in service, and/or what other disposition of the property and its book cost is contemplated. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0121	COMPANY EMPLOYEE DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the total number of company employees as of the last payroll period of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents shall report the employee data for all full-time employees for the payroll period ending December 31 or that nearest December 31 in the calendar year. Include temporary employees but do not include part-time employees.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Electric Employees (N5) NO: Enter the number of full-time employees engaged in this utility function, if function is subject to Commission jurisdiction.
2 (Key)	Total Gas Employees (N5) NO: Enter the number of full-time employees engaged in this utility function, if function is subject to Commission jurisdiction.
3	Total Other Employees (N5) NO: Enter the number of full-time employees engaged in functions other than Electric and Gas.
4	Total Company Employees (N5) NO.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0122	SECURITIES ISSUED DURING THE YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect selected data on securities issued during the year.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall only report on this schedule details on securities issued during the year, including short term debt. Information on securities assumed, refunded or retired during the year shall be reported on Schedule 0123.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Security (A55): The identification of each class and series of security should include, as appropriate, the interest or dividend rate, the maturity data and series of issuance. Examples: First Refunding Mortgage Bonds 8 1/8% due 2/1/05; Common Stock - No Par Value. (IDDESC)
2	Principal Amount (N9) DOL.
3	Number of Shares (N9) NO.
4	Total Price to Public (N9) DOL.
5	Amount of Underwriter Commission (N9) DOL: Enter the total amount of the Underwriter Commission.
6	Amount of Other Expenses (N9) DOL: Enter the total of other expenses related to the security issuance.
7	Net Proceeds to Company (N9) DOL.
8	Amount of Premium or Discount (N9) DOL: Discount amounts should be entered with a negative sign.
9	Commission Authorization (N3): Enter the code of the federal, state, or local regulatory commission which has jurisdiction over the issue of the securities from the Register of Data Standards. IDCOMM.
10	Commission Docket Number (A9): Enter the regulatory commission docket number. (IDDCKT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0122	SECURITIES ISSUED DURING THE YEAR	2 of 2

Data Field Number	Instructions
11	Name of Principal Underwriter (A35): Enter name of principal underwriter firm. (IDNAME)
12	Name of Securities Exchange(s) (A35): Enter the name of exchange(s) upon which security is (are) registered. (Abbreviate where possible) Example: N.Y., Amer., P.B.W. Midwest, Pacific. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0123	SECURITIES ASSUMED, REFUNDED OR RETIRED DURING THE YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect data on securities assumed, refunded or retired during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. For securities assumed, the name of the company from which the liability was assumed and other particulars of the transactions should be included on Schedule 0112 entitled "Notes To Financial Data" and a caption "Other". If any unamortized discount, premium, expenses, and/or gains or losses were taken over into the respondent's books, details of these amounts should be included in this schedule in data fields 5-9. Additional disclosure on the respondent's accounting policy with respect to gains and losses on security transactions should also be included on Schedule 0112.

D. Data fields 10-13 provide for the specific accounting entries involved in the security transactions reported herein. The details of the accounting entries specifying accounts debited should be listed in data fields 10-11 and accounts credited listed in data fields 12-13.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Security (A55): The identification of each class and series of security should include, as appropriate, the interest or dividend rate, the maturity data and series of issuance. Examples: First Refunding Mortgage Bonds - 7% Series Due 1991; Debentures - 9% Due 1994. (IDDESC)
2	Type of Transaction (N1): Enter the code, from the following list. (IYFNTN) 1 - Assumed 2 - Refunded 3 - Retired
3	Principal Amount (N9) DOL.
4	Number of Shares (N9) NO.
5	Amount of Unamortized Premium or Discount (N9) DOL: Discount amounts are to be entered with a negative sign.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0123	SECURITIES ASSUMED, REFUNDED OR RETIRED DURING THE YEAR	2 of 2

Data Field Number	Instructions
6	Amount of Unamortized Expenses (N9) DOL.
7	Amount of Gain from Reacquired Security (N9) DOL.
8	Amount of Loss from Reacquired Security (N9) DOL.
9	Net Cost of Security (N9) DOL.
10 (Key)	Account Number Debited (N3.2): (ACCTML)
11	Amount Debited (N8) DOL.
12	Account Number Credited (N3.2): (ACCTML)
13	Amount Credited (N8) DOL.

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R&S | FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II
SCHEDULE 0124 (NATURAL GAS CLASS A AND CLASS B) 1 of 13

I. DESCRIPTION

This schedule is used to collect the end of year balance or the amount for the year for certain accounts of the Uniform System of Accounts and certain other financial data that has been categorized as Supplemental Accounts. (For a discussion of the relationship between the two systems of accounts see General Instructions for Corporate and Financial Schedules.) This schedule replaces several former schedules which reported similar information concerning:

- Gas Operation and Maintenance Expenses
- Distribution of Salaries and Wages
- Operating Revenues
- Summary of Utility Plant - Statement H
- Other supporting schedules, including account balances from numerous schedules.

The account numbers to be used from the two systems of accounts are listed in General Information, II-D.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. For those accounts which had activity during the year or had previously been reported with balances but for the present reporting period there is no balance, respondent shall report the account number and a "zero" balance.

D. The data to be reported is structured upon the account groupings from the Uniform System of Accounts augmented by a system of supplemental accounts to integrate related data. Included on this schedule are five account groupings, each identified by title and source:

Account Group	Description	Source
1	Distribution of Salaries and Wages	Supplemental Accounts
2	Depreciation and Amortization of Gas Plant	Supplemental Accounts
3	Gas Operating Revenue Accounts	Uniform System of Accounts/ Supplemental Accounts
4	Gas Operation and Maintenance Expense Accounts	Uniform System of Accounts/ Supplemental Accounts
5	Departmental Accounts	Supplemental Accounts

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DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II
SCHEDULE 0124 (NATURAL GAS CLASS A AND CLASS B) 2 of 13

All those respondents will report groups 1 through 4. Those respondents with more than one utility department in their internal organization will also report group 5.

Respondents should start each account group on a new schedule collection sheet. Within each group, account numbers should be listed according to numerical sequence.

Respondents shall report by account numbers of the appropriate System of Accounts those items below applicable to their situation.

1. Distribution of Salaries and Wages

Report distribution of total salaries and wages for the year by functions (Production, Transmission, Distribution, Customer Accounts, Sales, Administrative and General, Plant Constructions, Plant Removal, Other Accounts). Amounts originally charged to clearing accounts should be spread to each appropriate function and included in the total of each function.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	031.10	Manufactured gas production - operation	
	031.20	Manufactured gas production - maintenance	
	032.10	Natural gas production (including exploration and development) - operation	
	032.20	Natural gas production (including exploration and development) - maintenance	
	033.10	Other gas supply - operation	
	033.20	Other gas supply - maintenance	
	034.10	Gas storage - operation	
	034.20	Gas storage - maintenance	
	035.10	Gas transmission - operation	
	035.20	Gas transmission - maintenance	
	036.10	Gas distribution - operation	
	036.20	Gas distribution - maintenance	
	037.10	Gas customer accounts - operation	
	037.20	Customer service and informational - operation	
	038.10	Gas sales - operation	
	039.10	Gas administration and generation - operation	
	039.20	Gas administration and generation - maintenance	
	041.00	Other utility departments - operation and maintenance	
	043.10	Plant construction - gas	
	043.20	Plant construction - other departments	
	044.10	Plant removal - gas	

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DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II
SCHEDULE 0124 (NATURAL GAS CLASS A AND CLASS B) 3 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	044.20	Plant removal - other departments	
	045.10	Other Accounts Total Salaries and Wages	

2. Depreciation and Amortization of Gas Plant

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	403.10	Depreciation expense - production plant, manufactured gas	
	403.20	Depreciation expense - production and gathering plant	
	403.30	Depreciation expense - products extraction plant	
	403.40	Depreciation expense - underground gas storage plant	
	403.50	Depreciation expense - local gas storage plant	
	403.60	Depreciation expense - transmission plant	
	403.70	Depreciation expense - distribution plant	
	403.80	Depreciation expense - general plant	
	403.90	Depreciation expense - common plant - gas	
	405.10	Amortization expense - other - intangible plant	
	405.20	Amortization expense - other - products extraction plant	
	405.30	Amortization expense - other - underground gas storage plant	
	405.40	Amortization expense - other - local gas storage plant	
	405.50	Amortization expense - other - transmission plant	
	405.60	Amortization expense - other - distribution plant	
	405.70	Amortization expense - other - general plant	
	405.80	Amortization expense - other - common plant	

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DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II
SCHEDULE 0124 (NATURAL GAS CLASS A AND CLASS B) 4 of 13

3. Gas Operating Revenue Accounts

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SALES OF GAS	
480.00		Residential sales	0158
481.00		Commercial and industrial sales	0158
482.00		Other sales to public authorities	0158
483.00		Sales for resale	0158
484.00		Interdepartmental sales	0158
	485.90	Total Sales of Natural Gas	
		OTHER OPERATING REVENUES	
487.00		Forfeited discounts	0158
488.00		Miscellaneous service revenues	0158
489.00		Revenues from transportation of gas of others	0158,0166
490.00		Sales of products extracted from natural gas	0158,0163
491.00		Revenues from natural gas processed by others	0158,0163
492.00		Incidental gasoline and oil sales	0158,0163
493.00		Rent from gas property	0158,0163
494.00		Interdepartmental rents	0158,0163
495.00		Other gas revenues	0158,0163
	495.90	Total Other Operating Revenues	
400.00		Operating Revenues (Total)	

4. Gas Operation and Maintenance Expense Accounts

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		PRODUCTION EXPENSES	
		MANUFACTURED GAS PRODUCTION EXPENSE	
		Steam Production - Operation	
700.00		Operation supervision and engineering	
701.00		Operation labor	
702.00		Boiler fuel	
703.00		Miscellaneous steam expenses	
704.00		Steam transferred	
	704.90	Total Steam Production - Operation	

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B) — 5 of 13
SCHEDULE 0124

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		Steam Production - Maintenance	
705.00		Maintenance supervision and engineering	
706.00		Maintenance of structures and improvements	
707.00		Maintenance of boiler plant equipment	
708.00		Maintenance of other steam production plant	
	708.90	Total Steam Production - Maintenance	
	709.90	Total Steam Production - Operation and Maintenance	
		Manufactured Gas Production - Operation	
710.00		Operation supervision and engineering	
		Manufactured Gas Production - Production Labor and Expenses	
711.00		Steam expenses	
712.00		Other power expenses	
713.00		Coke oven expenses	
714.00		Producer gas expenses	
715.00		Water gas generating expenses	
716.00		Oil gas generating expenses	
717.00		Liquefied petroleum gas expenses	
718.00		Other process production expenses	
	718.90	Total Production Labor and Expenses - Operation	
		Manufactured Gas Production - Gas Fuels	
719.00		Fuel under coke ovens	
720.00		Producer gas fuel	
721.00		Water gas generator fuel	
722.00		Fuel for oil gas	
723.00		Fuel for liquefied petroleum gas process	
724.00		Other gas fuels	
	724.90	Total Gas Fuels - Operation	
		Manufactured Gas Production - Gas Raw Materials	
725.00		Coal carbonized in coke ovens	
726.00		Oil for water gas	
727.00		Oil for oil gas	
728.00		Liquefied petroleum gas	
729.00		Raw materials for other gas processes	
730.00		Residual expenses	
731.00		Residuals produced - credit	

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B) — 6 of 13
SCHEDULE 0124

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
732.00		Purification expenses	
733.00		Gas mixing expenses	
734.00		Duplicate charges - credit	
735.00		Miscellaneous production expenses	
736.00		Rents	
	736.90	Total Gas Raw Materials - Operation	
	739.90	Total Manufactured Gas Production - Operation	
		Manufactured Gas Production - Maintenance	
740.00		Maintenance supervision and engineering	
741.00		Maintenance of structures and improvements	
742.00		Maintenance of production equipment	
	742.90	Total Manufactured Gas Production - Maintenance	
	748.80	Total Manufactured Gas Production - Operations and Maintenance	
	749.90	Total Manufactured Gas Production Expenses	
		NATURAL GAS PRODUCTION EXPENSES	
		Natural Gas Production and Gathering - Operations	
750.00		Operation supervision and engineering	0178
751.00		Production maps and records	0178
752.00		Gas wells expenses	0178
753.00		Field lines expenses	0178
754.00		Field compressor station expenses	0178
755.00		Field compressor station fuel and power	0178
756.00		Field measuring and regulating station expenses	0178
757.00		Purification expenses	0178
758.00		Gas well royalties	0178
759.00		Other expenses	0178
760.00		Rents	0178
	760.90	Total Natural Gas Production and Gathering - Operations	
		Natural Gas Production and Gathering - Maintenance	
761.00		Maintenance supervision and engineering	0178
762.00		Maintenance of structures and improvements	0178
763.00		Maintenance of producing gas wells	0178
764.00		Maintenance of field lines	0178
765.00		Maintenance of field compressor station equipment	0178

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B) — 7 of 13
SCHEDULE 0124

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
766.00		Maintenance of field measuring and regulating station equipment	0178
767.00		Maintenance of purification equipment	0178
768.00		Maintenance of drilling and cleaning equipment	0178
769.00		Maintenance of other equipment	0178
	769.80	Total Natural Gas Production and Gathering - Maintenance	
	769.90	Total Natural Gas Production and Gathering - Operations and Maintenance	
		Products Extraction - Operation	
770.00		Operation supervision and engineering	
771.00		Operation labor	
772.00		Gas shrinkage	
773.00		Fuel	
774.00		Power	
775.00		Materials	
776.00		Operations supplies and expenses	
777.00		Gas processed by others	
778.00		Royalties on products extracted	
779.00		Marketing expenses	
780.00		Products purchased for resale	
781.00		Variation in products inventory	
782.00		Extracted products used by the utility - credit	
783.00		Rents	
	783.90	Total Products Extraction - Operation	
		Products Extraction - Maintenance	
784.00		Maintenance supervision and engineering	
785.00		Maintenance of structures and improvements	
786.00		Maintenance of extraction and refining equipment	
787.00		Maintenance of pipe lines	
788.00		Maintenance of extracted products storage equipment	
789.00		Maintenance of compressor equipment	
790.00		Maintenance of gas measuring and regulating station equipment	
791.00		Maintenance of other equipment	
	792.90	Total Products Extraction - Maintenance	
	793.90	Total Products Extraction - Operations and Maintenance	
	794.90	Total Natural Gas Production Expenses	

FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B) — 8 of 13
SCHEDULE 0124

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		EXPLORATION AND DEVELOPMENT EXPENSES	
		Operations	
795.00		Delay rentals	0171
796.00		Nonproductive well drilling	0171
797.00		Abandoned leases	0171
798.00		Other exploration	0171
	799.90	Total Exploration and Development Expenses - Operations	
		OTHER GAS SUPPLY EXPENSES	
		Operation	
800.00		Natural gas well head purchases	0167
801.00		Natural gas field line purchases	0167
802.00		Natural gas gasoline plant outlet purchases	0167
803.00		Natural gas transmission line purchases	0167
804.00		Natural gas city gate purchases	0167
805.00		Other gas purchases	0167
805.10		Purchased gas cost adjustments	
806.00		Exchange gas	0174,0175
807.00		Purchased gas expenses	
807.10		Well expenses - purchased gas	
807.20		Operation of purchased gas measuring stations	
807.30		Maintenance of purchased gas measuring stations	
807.40		Purchased gas calculations expenses	
807.50		Other purchased gas expenses	
808.00		Gas withdrawn from storage - debit	
809.00		Gas delivered to storage - credit	
810.00		Gas used for compressor station fuel - credit	0179
811.00		Gas used for products extraction - credit	0179
812.00		Gas used for other utility operations - credit	0179
813.00		Other gas supply expenses	
	813.80	Total Other Gas Supply Expenses - Operation	
	813.90	Total Production Expenses	
		NATURAL GAS STORAGE EXPENSES	
		UNDERGROUND STORAGE EXPENSES	
		Operation	
814.00		Operation supervision and engineering	
815.00		Maps and records	
816.00		Wells expenses	
817.00		Lines expenses	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B)	9 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
818.00		Compressor station expenses	
819.00		Compressor station fuel and power	
820.00		Measuring and regulating station expenses	
821.00		Purification expenses	
822.00		Exploration and development	
823.00		Gas losses	
824.00		Other expenses	
825.00		Storage well royalties	
826.00		Rents	
	829.90	Total Underground Storage Expenses - Operation	
		Maintenance	
830.00		Maintenance supervision and engineering	
831.00		Maintenance of structures and improvements	
832.00		Maintenance of reservoirs and wells	
833.00		Maintenance of lines	
834.00		Maintenance of compressor station equipment	
835.00		Maintenance of measuring and regulating station equipment	
836.00		Maintenance of purification equipment	
837.00		Maintenance of other equipment	
	838.90	Total Underground Storage Expenses - Maintenance	
	839.90	Total Underground Storage Expenses - Operation and Maintenance	
		OTHER STORAGE EXPENSES	
		Operation	
840.00		Operation supervision and engineering	
841.00		Operation labor and expenses	
842.00		Rents	
842.10		Fuel	
842.20		Power	
842.30		Gas losses	
	842.90	Total Other Storage Expenses - Operation	
		Maintenance	
843.00		Maintenance supervision and engineering	
844.00		Maintenance of structures and improvements	
845.00		Maintenance of gas holders	
846.00		Maintenance of purification equipment	
847.00		Maintenance of liquefication equipment	
848.00		Maintenance of vaporizing equipment	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B)	10 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
848.10		Maintenance of compressor equipment	
848.20		Maintenance of measuring and regulating station equipment	
848.30		Maintenance of other equipment	
	848.90	Total Other Storage Expenses - Maintenance	
	849.80	Total Other Storage Expenses - Operation and Maintenance	
	849.90	Total Natural Gas Storage Expenses	
		TRANSMISSION EXPENSES	
		Operation	
850.00		Operation supervision and engineering	
851.00		System control and load dispatching	
852.00		Communication system expenses	
853.00		Compressor station labor and expenses	
854.00		Gas for compressor station fuel	
855.00		Other fuel and power for compressor stations	
856.00		Mains expenses	
857.00		Measuring and regulating station expenses	
858.00		Transmission and compression of gas by others	
859.00		Other expenses	
860.00		Rents	
	860.90	Total Transmission Expenses - Operation	
		Maintenance	
861.00		Maintenance supervision and engineering	
862.00		Maintenance of structures and improvements	
863.00		Maintenance of mains	
864.00		Maintenance of compressor station equipment	
865.00		Maintenance of measuring and regulating station equipment	
866.00		Maintenance of communication equipment	
867.00		Maintenance of other equipment	
	867.90	Total Transmission Expenses - Maintenance	
	869.90	Total Transmission Expenses - Operation and Maintenance	
		DISTRIBUTION EXPENSES	
		Operation	
870.00		Operation supervision and engineering	
871.00		Distribution load dispatching	
872.00		Compressor station labor and expenses	
873.00		Compressor station fuel and power	
874.00		Mains and services expenses	
875.00		Measuring and regulating station expenses - general	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B)	11 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
876.00		Measuring and regulating station expenses - industrial	
877.00		Measuring and regulating station expenses - city gate check station	
878.00		Meter and house regulatory expenses	
879.00		Customer installation charges	
880.00		Other expenses	
881.00		Rents	
	884.90	Total Distribution Expenses - Operation	
		Maintenance	
885.00		Maintenance supervision and engineering	
886.00		Maintenance of structures and improvements	
887.00		Maintenance of mains	
888.00		Maintenance of compressor station equipment	
889.00		Maintenance of measuring and regulating station equipment - general	
890.00		Maintenance of measuring and regulating station equipment - industrial	
891.00		Maintenance of measuring and regulating station equipment - city gate check stations	
892.00		Maintenance of services	
893.00		Maintenance of meters and house regulators	
894.00		Maintenance of other equipment	
	894.90	Total Distribution Expenses - Maintenance	
	895.90	Total Distribution Expenses -	
		CUSTOMER ACCOUNTS EXPENSES	
		Operation	
901.00		Supervision	
902.00		Meter reading expenses	
903.00		Customer records and collection expenses	
904.00		Uncollectable accounts	
905.00		Miscellaneous customer accounts expenses	
	905.90	Total Customer Accounts Expenses - Operation	
		CUSTOMER SERVICE AND INFORMATIONAL EXPENSES	
		Operation	
907.00		Supervision	
908.00		Customer assistance expenses	
909.00		Informational and instructional expenses	
910.00		Miscellaneous customer service and informational expenses	
	910.90	Total Customer Service and Information Expenses - Operation	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B)	12 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SALES EXPENSES	
		Operation	
911.00		Supervision	
912.00		Demonstrating and selling expenses	
913.00		Advertising expenses	
916.00		Miscellaneous sales expenses	
	919.90	Total Sales Expenses - Operations	
		ADMINISTRATIVE AND GENERAL EXPENSES	
		Operations	
920.00		Administrative and general salaries	
921.00		Office supplies and expenses	
922.00		Administrative expenses transferred - credit	
923.00		Outside services employed	
924.00		Property insurance	
925.00		Injuries and damages	
926.00		Employee pensions and benefits	
927.00		Franchise requirements	
928.00		Regulatory commission expenses	
929.00		Duplicate charges - credit	
930.10		General advertising expenses	
930.20		Miscellaneous general expenses	
931.00		Rents	
	931.90	Total Administrative and General Expenses - Operations	
		Maintenance	
932.00		Maintenance of general plant	
	939.90	Total Administrative and General Expenses - Operation and Maintenance	
	949.90	Total Operation and Maintenance Expenses - Accounts	

5. Departmental Accounts: Respondents with more than one utility department in their internal organization are required to report the following plant accounts on the basis of operating utility departments. Supplemental Account numbers have been established to collect this data. The Supplemental Account numbers will consist of a second decimal place after the appropriate Uniform System of Account number as follows: Gas department - XXX.X1; electric department - XXX.X2; common - XXX.X3 (as prescribed in Plant Instruction 13 of the Uniform Systems of Accounts); other departments - XXX.X5. When the basic number from the Uniform System of Accounts is a whole integer (e.g., 101.0) and then the department code (e.g., 101.01). This has been adopted to insure uniformity with those few accounts from the Uniform System of Accounts with a decimal place (e.g., 409.1).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART II (NATURAL GAS CLASS A AND CLASS B)	13 of 13

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
101.00	XXX.X1 to	Plant in service	
102.00	XXX.X5 for	Plant purchased or sold	
103.00	each Uniform	Experimental plant unclassified	
104.00	System of	Plant leased to others	
105.00	Account Basic	Plant held for further use	
106.00	Number	Completed construction not classified	
107.00		Construction work in progress	
108.00		Accumulated provision for depreciation of utility plant	
111.00		Accumulated provision for amortization and depletion of plant	
114.00		Plant acquisition adjustment	
116.00		Other acquisition adjustment	
	120.90	Net Utility Plant	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule payout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (H3.2): Refer to General Information, II-D. (ACCTML)
2	Amount (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0125	INVESTMENT IN SUBSIDIARY COMPANIES - EQUITY ACCOUNTING	1 of 1

I. DESCRIPTION

This schedule is used to collect information regarding investments included in Account 123.10, Investment in Subsidiary Companies, which are accounted for on the equity method of accounting.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule only includes investments in stock of subsidiary companies. Information on advances, notes, etc., related to subsidiary companies shall be included in Schedule 0161.

D. The totals in data field 2 shall equal the amount recorded in Account 418.10, Equity in Subsidiary Companies for the Year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Company Name (A35): (IDNAME)
2	Amount of Equity in Subsidiary Earnings for the Year (N10) DOL: Enter the equity results of the subsidiary's earnings or losses during the year.
3	Amount of Dividends Paid by Subsidiary for the Year (N10) DOL: Enter the total amount of dividends paid by subsidiary during the year.
4	Amount of Equity in Undistributed Subsidiary Earnings Since Acquisition (N10) DOL: Enter the amount of equity in undistributed subsidiary earnings or losses from the date of acquisition through the end of the year.
5	Balance of Investment (Equity Method) at End of the Year (N10) DOL.

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PROPOSED RULES

FEDERAL REGISTER, VOL. 41, NO. 175—WEDNESDAY, SEPTEMBER 8, 1976

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0126	NATURAL GAS STORED - PART II	1 of 2

I. DESCRIPTION

This schedule is used to collect additional selected information concerning inventories of gas stored included in Accounts 117.00, Gas Stored Underground - Noncurrent; 164.10, Gas Stored Underground - Current; and 164.20, Liquefied Natural Gas Stored.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Specific information shall be furnished in this schedule with respect to:

1. Inventory valuation methods, data fields (2-3).
2. Inventory adjustments made during the year, data field (5).
3. Particulars for including expense items in inventory, data field (4).
4. Particulars for base stock inventory pricing method, data field (6).
5. Reserve accounting for nonrecoverable natural gas, data field (7).

D. The data specified in this schedule shall be furnished for each storage project of the respondent.

E. Additional information on the inventory of natural gas is required on Schedule 0127, Natural Gas Stored - Part I.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Storage Project(s) (A26): Enter the name of the storage project. (IDNAME)
2	Inventory Valuation Method (A10): State method of pricing inventory withdrawn from underground storage during year. See Uniform System of Accounts for acceptable inventory valuation methods. (IDDESC)
3	Particulars for Change in Inventory Valuation (A40): Explain any change in inventory basis during year and give date of Commission approval of the change. (IDDESC)
4	Inventory - Type of Expenses Recorded (A80): If the cost of gas delivered to storage includes any expense for use of respondent's transmission, storage, or other facilities, enter the type(s) of expenses, the amount of such expenses and date of Commission approval of the accounting. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0126	NATURAL GAS STORED - PART II	2 of 2

Data Field Number	Instructions
5	Inventory Adjustments - Explanation (A60): If adjustment was made of the stored gas inventory during the year, such as to correct for cumulative inaccuracies of gas measurements, furnish an explanation of the reason for the adjustment including the MMCF's involved and the dollar amount of the adjustment. (IDDESC)
6	Base Stock Particulars (A90): If the respondent uses a base stock in its inventory accounting, furnish particulars on any encroachments of withdrawals or restorations upon such "base stock" for the current year. Include a concise statement explaining the reasons for the encroachments or restoration, the MMCF quantities involved, the cost and the related accounting for the transaction. (IDDESC)
7	Reserve for Nonrecoverable Gas (A80): For any respondent that has established a reserve for nonrecoverable gas, provide particulars of the accounting for the reserve to include: (a) the basis for determining the provision for the year, (b) the amount of the provision for the year, (c) the contra account charged to record the writeoffs, (d) the reserve balance at the end of the year, and (e) the date of Commission approval. If the respondent has established a reserve that has not been specifically authorized by the Commission, furnish the above information together with a statement justifying the need for the reserve. (IDDESC)

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PROPOSED RULES

FEDERAL REGISTER, VOL. 41, NO. 175—WEDNESDAY, SEPTEMBER 8, 1976

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0127	NATURAL GAS STORED - PART I	1 of 2

I. DESCRIPTION

This schedule is used to collect information on inventory of gas stored, the cost of which is included in Accounts 117.00, Gas Stored Underground - Noncurrent; 164.10, Gas Stored Underground - Current; and 164.20, Liquefied Natural Gas Stored.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The data specified in this schedule shall be furnished for each storage project of the respondent. The respondent is required by the Uniform System of Accounts to maintain inventory records on the data items included in this schedule.

D. Additional information on the inventory of natural gas is required on Schedule 0126, Natural Gas Stored - Part II.

E. Report gas quantity in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Storage Project(s) (A26): State the name of each storage project. The last entry to this field should be a total of all storage projects. Write the word TOTAL in the first five spaces of this field. (IDGPFL)
2	Account Number (N3.2): State either Account 117.00, 164.10, or 164.20. (ACCTML)
3	Gas Delivered - Quantity (N9.3) MMCF: Enter the quantity of gas delivered, in MMCF rounded to three decimal places.
4	Gas Delivered - Amount (Contra Account 809.00) (N9) DOL.
5	Gas Delivered - Amount Per MCF (N3.2) CTS/MCF: Enter the value in cents to nearest one hundredth of a cent.
6	Gas Withdrawn - Quantity (N9.3) MMCF: Enter the gas withdrawn in MMCF rounded to three decimal places.
7	Gas Withdrawn - Amount (Contra Account 808.00) (N9) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0127	NATURAL GAS STORED - PART I	2 of 2

Data Field Number	Instructions
8	Gas Withdrawn - Amount Per MCF (N3.2) CTS/MCF: Enter the value in cents to nearest one hundredth of a cent.
9	Other Debit and Credit Amount - Net (N9) DOL: Enter the net amount of other debit and credits.
10	Inventory Balance End of Year - Quantity (N9.3) MMCF: Enter the quantity of gas, in MMCF rounded to three decimal places.
11	Inventory Balance End of Year - Amount (N10) DOL.
12	Inventory Balance End of Year - Amount Per MCF (N3.2) CTS/MCF: Enter value in cents to nearest one hundredth of a cent.
13 (Key)	Description of Other Items (A40): Furnish a description of each debit or credit items included in data field 9 above. (IDDESC)
14	Other Debit Items - Amount (N9) DOL: Enter the amount related to debit items listed in data field 13 above.
15	Other Credit Items - Amount (N9) DOL: Enter the amount related to credit items listed in data field 13 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0128	PRODUCTION FUEL STOCKS	1 of 2

I. DESCRIPTION

This schedule is used to collect details for production fuel stock inventory included in Account 151.00, fuel stock.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall report separately each type of production fuel and oil stock maintained during the year. Refer to the Register of Data Standards, TYFUEL, for a detailed listing of fuel stocks.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Fuel Type Code (N2): Enter the code for the fuel type, from the Register of Data Standards, TYFUEL.
2	Unit of Measure (A7): Enter the code for the unit of measure in which fuel stock quantities are being reported, from the Register of Data Standards, TYUNMS.
3	Quantity Fuel Stocks - Beginning of Year (N9) NO.
4	Cost Fuel Stocks - Beginning of Year (N9) DOL.
5	Quantity Fuel Stocks Received During Year (N9) NO.
6	Cost of Fuel Received During Year (N9) DOL.
7	Quantity of Fuel Sold or Transferred (N9) NO.
8	Cost of Fuel Sold or Transferred (N9) DOL.
9	Quantity of Fuel Used by Electric Department (N9) NO.
10	Cost of Fuel Used by Electric Department (N9) DOL.
11	Quantity of Fuel Used by Gas Department (N9) NO.
12	Cost of Fuel Used by Gas Department (N9) DOL.
13	Quantity of Fuel Used by Steam Department (N9) NO.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0128	PRODUCTION FUEL STOCKS	2 of 2

Data Field Number	Instructions
14	Cost of Fuel Used by Steam Department (N9) DOL.
15	Quantity of Fuel Used by Other Departments (N9) NO: For purposes of this schedule, the quantity and cost of fuel for the year associated with construction projects or inventory adjustments should be included in data fields 15 and 16. Specific details on inventory adjustments of significant quantities and amounts should be reported as a note to the financial data, included on Schedule 0111.
16	Cost of Fuel Used by Other Departments (N9) DOL.
17	Quantity of Fuel at End of Year (N9) NO.
18	Cost of Fuel at End of Year (N9) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0129	FUEL PRODUCTION COST DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect fuel production quantity and cost data obtained from company owned sources or from affiliated companies.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Production cost for each kind of fuel shall be listed separately in data fields 5 through 9.

D. For purposes of complying with the requirements of this schedule, established subsidiaries of the respondent should be considered affiliated companies.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Fuel (N2): Enter the code, from the Register of Data Standards, TYFUEL.
2 (Key)	Source Code - Internal, Affiliated, (A3): If the fuel was obtained from the respondent's own sources, enter "INT"; if obtained from affiliated companies, enter "AFF". (TYFLSC)
3	Name of Affiliated Company (A35): If the source is from affiliated company, enter name of the company. (IDNAME)
4	Quantity Produced (N9) NO: Enter the quantity in tons, barrels, or MMCF. Enter the unit of measure in data field 10.
5	Depreciation Expense (N9) DOL.
6	Operation and Maintenance Expenses (N9) DOL.
7	Tax Expense (N9) DOL.
8	Other Expense (N9) DOL.
9	Total Expense (N9) DOL.
10	Unit of Measure (A7): Enter the code, from the Register of Data Standards, TYUNIS.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0130	GAS PREPAYMENTS AND UNDELIVERED GAS OBLIGATIONS	1 of 2

I. DESCRIPTION

This schedule is used to collect information concerning obligations to customers under take or pay clauses of gas purchases or sale agreements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall report prepaid gas purchases included in Account 165.00 prepayments and gas sale obligations included in Account 253.00 other deferred credits or any other account.

D. Report gas quantity in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in data field 12.

E. Report data fields 7 and 8 for each individual rate schedule (data field 3). Do not aggregate by seller/customer.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Seller/Customer (A35). (IDNAME)
2 (Key)	Account Number (N3.2): State the account number used to record the gas purchase or sale agreement. (ACCTML)
3 (Key)	Respondent's FPC Rate Schedule Number (A11): (IDRATE)
4 (Key)	Associated Company Indicator (N1): If customer is an associated company, enter "1"; if not, enter "0". (INYONO)
5	Prepayment/Undelivered Gas for Current Year (N9.3) MMCF: Enter the volume of gas, in MMCF rounded to three decimal places.
6	Per Cent of Years Required Delivery (N3.2) PCT.
7	Quantity - End of Year (N9.3) MMCF: Enter the volume of gas, in MMCF rounded to three decimal places.
8	Amount - End of Year (N8) DOL.
9	Cents Per MCF - Undelivered Gas for Current Year (N3.2) CTS/MCF.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0130	GAS PREPAYMENTS AND UNDELIVERED GAS OBLIGATIONS	2 of 2

Data Field Number	Instructions
10	Make-up Period Expiration Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
11	Other Particulars (A72): If any agreement was cancelled, forfeited, or applied for another purpose, state gas volume, the dollar amount, the period when such obligation arose, and concise explanation of circumstances causing forfeiture or other disposition of take or pay agreement. If any agreement was determined other than by reference to amounts per MCF or demand-commodity factors, furnish a concise explanation of basis of computation. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on capital stock included in Account 201.00, Common Stock Issued, Account 204.00, Preferred Stock Issued, and Account 217.00, Required Capital Stock.

II. GENERAL INFORMATION

This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1-4, 6, & 7

B. Respondents shall complete all specified data fields on this schedule annually.

C. Report the particulars called for concerning common and preferred stock at end of year. Report separately each series of and class of preferred stock.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Class and Series of Stock (A40): The designation of each class of preferred stock shall show the dividend rate and whether the dividends are cumulative or noncumulative. Example: Preferred Series A 6% Cumulative. Shares authorized for each class of preferred stock should be shown once under the first series of each class as listed in data field 2. (IDDESC)
3	Number of Shares Authorized by Charter (N8) NO: Show the number of shares authorized by the articles of incorporation (as amended) at end of year.
4	Par or Stated Value Per Share (N5) DOL.
5	Call Price End of Year (N5) DOL.
6	Shares of Capital Stock Outstanding (N8) NO: State the total number of shares outstanding per balance sheet without reduction for amounts held by respondent.
7	Amount of Capital Stock Outstanding (N9) DOL. State the total amount outstanding per balance sheet without reduction for amounts held by respondent.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	2 of 2

Data Field Number	Instructions
8	Number of Shares Held by Respondent as Reacquired Stock (N6) NO: Enter the total number of shares held by the respondent as reacquired stock as of the balance sheet date.
9	Cost of Reacquired Capital Stock (N7) DOL: Enter the cost of reacquired capital stock included in Account 217.00.
10	Number of Shares Held by Respondent in Sinking and Other Funds (N6) NO.
11	Cost of Stock Held in Sinking and Other Funds (N7) DOL.
12	Other Stock Particulars (A72): Give particulars of any nominally issued capital stock. If stock is pledged, state name of pledgee and purpose of pledge. State the amount of stock authorized by a regulatory commission but not issued at end of year. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on long-term debt included in Accounts 221.00, Bonds and 222.00, Reacquired Bonds.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1, 2, & 5-9

B. Respondents shall complete all appropriate data fields on this schedule annually.

C. For any long-term debt retired during the year, complete information called for in data fields 1, 2, 6, and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Class and Series Description of Obligation (A50): Enter class and series of long-term debt. For example: First Refunding Mortgage - Series B. (IDDESC)
3	Name of Issuing Company (A35): Enter the name of the company issuing the bonds for any bonds assumed by the respondent. (IDNAME)
4	Associated Company Indicator (N1): If company named in data field 3 above is an associated company, enter "1"; if not, enter "0". (IMYOMO)
5	Nominal Date of Issue (N6): Enter the date, in the format MMDDYY. (IMDATE)
6	Date of Debt Maturity (N6): Enter the date, in the format MMDDYY. (IMDATE)
7	Amount Outstanding (N9) DOL.
8	Amount of Interest for Year (N7) DOL: List the amount of interest expense for the year related to long-term debt listed in data field 2 above. Include any interest expense incurred

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	2 of 2

Data Field Number	Instructions
8 (cont'd)	during the year on any obligation retired or reacquired before end of year. Explain in a footnote, any difference between total of data field 8 and the total of Account 427.00, Interest on Long-Term Debt, and Account 430.00 Interest on Debt to Associated Companies.
9	Interest Rate of Debt (N2.3) PCT.
10	Reacquired Bonds Held by Respondent (N9) DOL: Enter the cost of reacquired bonds included in Account 222.00.
11	Sinking and Other Funds Held by Respondent (N9) DOL.
12	End of Year Redemption Price Per $100 (N3.2) DOL: Enter the redemption price (per $100) as of the end of the year. If noncallable, leave data field blank.

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R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0134	NOTES PAYABLE	1 of 1

I. DESCRIPTION

This schedule is used to collect particulars concerning short-term indebtedness outstanding at the end of the year included in Account 231.00, Notes Payable.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Specific terms of indebtedness outstanding at end of the year under $25,000 may be grouped for purposes of this schedule. For grouped items, enter the word "other" in data field 1 with the number of items grouped, i.e., Other (12) and report data for the grouped items in data fields 5-8.

D. Additional information on open lines of credit should be reported on Schedule D112, Notes to Financial Data.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Payee (A35): (IDNAME)
2	Date of Note (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Date of Maturity (N6): Enter the date, in the format MMDDYY. (TMDATE)
4	Interest Rate (N2.3) PCT.
5 (Key)	Balance End of Year (N9) DOL.
6	Purpose for Which Notem Were Issued (A45): (IDDESC)
7	Particulars of Collateral Pledged for Notes, if Any (A45): If collateral is pledged for a note, enter the type and value of the collateral. (IDDESC)
8	Particulars of Compensating Balances (A60): For each item of indebtedness which is subject to a compensating balance arrangement (formal or informal) or if a committment fee is involved, enter in this data field the type of arrangement and the amount involved. (IDDESC)

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R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0135	TAXES ACCRUED, PREPAID AND CHARGED DURING YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect the particulars of the combined prepaid and accrued tax accounts and the details of taxes charged to operations and other accounts during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Do not include gasoline and other sales taxes which have been charged to the accounts to which the material on which the tax was levied was charged.

D. Do not include in this schedule entries with respect to deferred income taxes or taxes collected through payroll deductions (i.e., employees share of FICA taxes) or other taxes collected by the respondent for the benefit of a taxing authority.

E. Include as taxes for purposes of this schedule: (1) accruals credited to taxes accrued; (2) amounts creditad to prepaid taxes for proportions of prepaid taxes chargeable to current year; and (3) taxes paid and charged direct to operations or accounts other than accrued and prepaid tax accounts.

F. Taxes paid during the year and charged direct to final accounts, that is, not charged to prepaid or accrued taxes, should be reported by entering the description in data fields 1-3, and the related amounts in Taxes Charged, data field 4, and Taxes Paid, data field 5.

G. If any tax covers more than one year, the information required for data fields 1-11 should be shown separately for each year.

H. The distribution of taxes to the appropriate accounts of the Uniform System of Accounts should be listed in data fields 10 and 11.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Taxing Authority (A8): State the taxing authority, i.e., Federal, State or Local. (IDNAME)
2 (Key)	Kind of Tax (A20): State each kind of tax imposed, i.e., Income, Real Estate, etc. (IDDESC)
3 (Key)	Tax Year (N4): State each open tax year associated with data fields 1 and 2, in the format 19YY. (TMYEAR)

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R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0135	TAXES ACCRUED, PREPAID AND CHARGED DURING YEAR	2 of 2

Data Field Number	Instructions
4	Taxes Charged During Year (N9) DOL: Enter the amount of tax charged to operations or other accounts during the year related to the tax listed in data fields 1-3 above.
5	Taxes Paid During Year (N9) DOL: Enter the amount of taxes paid during the year related to the tax listed in data fields 1-3 above.
6	Adjustments to Taxes During Year (N9) DOL: Enter the total amount of all adjustment to taxes for the year. Include as tax adjustments in this data field settlements with Internal Revenue Service or adjustments of previous tax accruals. Designate debit adjustments by overstriking the preprinted minus sign.
7	Taxes Accrued Balance, End of Year (N9) DOL: Enter the accrued balance at end of year related to the tax listed in data fields 1-3 above.
8	Prepaid Tax Balance, End of Year (N9) DOL: Enter the prepaid end of year balance related to the tax listed in data fields 1-3 above.
9	Explanation of Tax Particulars (A72): This data field provides space for explanation of tax adjustments and tax apportionment. Provide an explanation of adjustments to taxes listed in data field 6 above. For any tax which it was necessary to apportion to more than one utility department or account, provide an explanation of the basis of apportioning such tax. (IDDESC)
10 (Key)	Account Number (N3.2): Enter each account(s) used to record the tax listed in data fields 1-3 above. (ACCTML)
11	Amount (N9) DOL: Enter the amount related to the entry listed in data field 10 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0136	COMPUTATION OF FEDERAL INCOME TAX ACCRUALS	1 of 1

I. DESCRIPTION

This schedule is used to collect information supporting the respondent's computation of Federal income tax accruals charged to Accounts 409.10, Income Taxes, Utility Operating Income, 409.20, Income Taxes, Other Income and Deductions, and 409.30, Income Taxes, Extraordinary Items, for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule has two parts. In data fields 1-6, report information concerning the respondent's computation of Federal income tax accruals. In data fields 7 and 8, report detailed information supporting the total of other tax items reported in data field 4.

D. This schedule supplements the information reported on Schedule 0135, Taxes Accrued, Prepaid and Charged During Year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Normal Tax Computed Amount Less Surtax Exemption (N9) DOL.
2	Capital Gains Computed Amount (N9) DOL.
3	Provision for Adjustments of Previous Year's Accruals (N9) DOL: Enter the net of adjustments of prior year tax provisions made through the current year tax provision.
4	Total Other Tax Items (N9) DOL: Enter the computation amount related to any factor not specifically listed in data fields 1-3 above and 5 below.
5	Investment Tax Credits (N9) DOL.
6	Total Current Year Federal Income Tax Accrual (N9) DOL: The amount reported should be a total for the amounts reported for accruals charged to Accounts 409.10, 409.20, and 409.30 for the year.
7 (Key)	Description of Other Tax Item (A30): Describe each specific other tax item included in data field 4 above. (IDDESC)
8	Amount of Other Tax Item (N8) DOL: Enter the amount related to the other tax item listed in data field 7 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0137	CONSOLIDATED FEDERAL INCOME TAX RETURN INFORMATION	1 of 1

I. DESCRIPTION

This schedule is used to collect additional Federal income tax information if the respondent is a member of a group which files a consolidated tax return.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents that do not file consolidated returns need not complete this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Estimated Consolidated Tax Liability (N9) DOL: Enter the total estimated consolidated tax liability for the group.
2	Basis for Allocation of Consolidated Tax Among Group Members (A216): State basis of allocation of consolidated tax, including investment tax credits, among member companies. If allocated on basis of Internal Revenue Service (IRS) or Securities and Exchange Commission (SEC) regulations, furnish reference numbers. Abbreviate as necessary. (IDDESC)
3 (Key)	Member Company Name (A35): List name of each member company that is included in the consolidated return. (IDNAME)
	Allocation of Estimated Consolidated Tax Liability (N9) DOL: State the amount (both positive and negative) of estimated Federal tax liability allocated to member company listed in data field 3 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	1 of 3

I. DESCRIPTION

This schedule is used to collect detailed informatioo on respondents utilizing deferred tax accounting.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The followiog Uniform System of Accounts and Supplemental Accounts are to be reported on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
190.00		Accumulated deferred income taxes
281.00		Accumulated deferred income taxes - accelerated amortization property - total
	281.10	Accumulated deferred income taxes - accelerated amortization property - certified defense facilities
	281.20	Accumulated deferred income taxes - accelerated amortization property - certified pollution control facilities
	281.30	Accumulated deferred income taxes - accelerated amortization property - other
282.00		Accumulated deferred income taxes - other property
283.00		Accumulated deferred income taxes - other

D. For utilities with more than one department, furnish in addition to the above accounts, information oo defarred taxes for the electric, gas and other departments according to the Supplemental Accounts specified in the Register of Data Standards, ACCTML. For example:

Electric Respondents

190.01	Accumulated deferred income taxes - electric
190.02	Accumulated deferred income taxes - gas
190.05	Accumulated deferred income taxes - other

Natural Gas Respondents

283.01	Accumulated deferred income taxes - other - gas
283.02	Accumulated deferred income taxes - other - electric
283.05	Accumulated deferred income taxes - other - other

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	2 of 3

E. Where respondent has deferred taxes related to other income and deductions, include the particulars under the Supplemental Account numbers for "Other".

F. Include in data fields 3-14, details on contra entries to Expense Accounts 410.10, Provision for Deferred Income Taxes, Utility Operating Income, 410.20, Provision for Deferred Income Taxes, Other Income and Deductions, 411.10, Provision for Deferred Income Taxes - Credit, Utility Operating Income, and 411.20, Provision for Deferred Income Taxes, Credit Other Income and Deductions, associated with the Deferred Tax Item as specified in data field 2. Space has been provided in data fields 3-14 to list two separate contra entries for debits, credits and adjustments for each deferred tax item. If only one contra entry is involved, list the account number and amount in the appropriate data field 3-4, 7-8 and/or 11-12.

G. Data fields 16-18 which call for a summary of the deferred taxes by a Federal, State and local classification, should be completed only where data field 1 equals Prime Accounts 190.00, Accumulated Deferred Income Taxes, 281.00, Accumulated Deferred Income Taxes - Accelerated Amortization Property, 282.00, Accumulated Deferred Income Taxes - Other Property, and 283.00, Accumulated Deferred Income Taxes - Other.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): List separately each of the account numbers and supplemental account numbers having a balance at end of year. Refer to General Information, II-C and the Register of Data Standards, ACCTML.
2 (Key)	Description of Deferred Tax Item (A70): Provide a separate description for each significant deferred tax item included in Accounts 190.00 and 283.00 and related supplemental accounts (if more than one department) and Supplemental Account 282.05, such as: Unbilled Revenues Purchased Gas Adjustment Research and Development Interest Expense Associated with Construction Deferrals of minor items may be grouped under an "Other" description. Information on the contra accounts affected and the amounts involved for items included in this data field should be listed in data fields 3 through 15 below. (IDDESC)
3	Debits - Account Number (N3.2): Enter the appropriate account number from the Register of Data Standards, ACCTML.
4	Debits - Amount (N9) DOL.
5	Debits - Account Number (N3.2): (ACCTML)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	3 of 3

Data Field Number	Instructions
6	Debits - Amount (N9) DOL.
7	Credits - Account Number (N3.2): (ACCTML)
8	Credits - Amount (N9) DOL.
9	Credits - Account Number (N3.2): (ACCTML)
10	Credits - Amount (N9) DOL.
11	Adjustments - Account Number (N3.2): (ACCTML)
12	Adjustments - Amount (N9) DOL.
13	Adjustments - Account Number (N3.2): (ACCTML)
14	Adjustments - Amount (N9) DOL.
15	Balance End of Year (N9) DOL.
16	Classification of Tax - Federal Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to Federal income tax.
17	Classification of Tax - State Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to State income tax.
18	Classification of Tax - Local Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to local income tax.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0139	ACCELERATED AMORTIZATION OF FACILITIES	1 of 2

I. DESCRIPTION

This schedule is used to collect details on the accounting for income tax deferrals included in Account 281.00, Deferred Income Taxes - Accelerated Amortization Property, that relate to certified defense facilities and to certified pollution control facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall list separately in data fields 1-11, details for any property for which accelerated amortization under Sections 168 or 169 of the Internal Revenue Code has been authorized and where normalization accounting for the tax benefits has been practiced.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Facility Certificate Number (A10): (NRCADL)
2	Facility Description (A40): (IDDESC)
3	Facility Amortizable Cost (N9) DOL.
4	Facility Total Cost (N9) DOL.
5	Date Amortization Commenced (N6): Enter the date amortization for tax purposes commenced, in the format MMDDYY. (TMDATE)
6	Normal Depreciation Rate (N2.2) PCT: Enter the normal depreciation rate for the current year (straight line book rate) used in tax deferral.
7	Tax Rate - Original Deferral (N2.2) PCT: Enter the tax rate used to originally defer amounts in Account 281.00. If the tax rate used to originally defer amounts varied from year to year, list the composite of the tax rates.
8	Tax Rate Amortized Flow Backs (N2.2) PCT: Enter the tax rate used during current year to amortize previous deferrals.
9	Total Deferred Taxes for Facility (N9) DOL: Enter total amount of tax deferrals related to the certificate.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0139	ACCELERATED AMORTIZATION OF FACILITIES	2 of 2

Data Field Number	Instructions
10	Amount of Flow Back Accelerated Amortization (N9) DOL: Enter total amount of flow backs to date (credits to Account 411.00) related to the certificate.
11	Balance of Deferred Taxes Amortization (N9) DOL: Enter the balance of deferred taxes as of the end of year related to the certificate listed in data field 1 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0140	TAX DEFERRALS RELATED TO OTHER PROPERTY	1 of 1

I. DESCRIPTION

This schedule is used to collect information on deferred tax accounting related to property included in Account 282.00, Accumulated Deferred Income Taxes - Other Property.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by Class A and Class B Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and the changed values, additions and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data fields number:

Data Field Number	Instructions
1 (Key)	Year (N4): Beginning with the year 1954, list each year for which deferred income taxes were recognized and included in Account 282.00.
2	Total Amount Deferred (N9) DOL: Enter the gross amount of tax deferrels for the particular year reported in data field 1 above.
3	Flow Backs (N9) DOL: Enter the total amount of flow backs (amortization of previous deferrals) to date related to the year shown in data field 1 above. Calculations to segregate and associate the gross flow backs for the year to the particular years where deferral arose may be based on reasonable methods of approximation which are consistently applied.
4	Tax Deferrels - Balance (N9) DOL: Enter the balance of deferred tax as of the end of the year relating to the particular year shown in data field 1 above.
5	Explanation of Deferred Tax Items (A72): For each year listed in data field 1, enter the general nature of the items deferred and, where appropriate, the basis of the deferral: (IDDESC) Liberalized depreciation (straight line tax rate to liberalized tax rate or straight line tax rate to book straight tax rate) ADR class life Repair allowance Cost of removal

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	1 of 2

I. DESCRIPTION

This schedule is used to collect information related to investment tax credits for the years 1962 to date.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields and data fields 2 and 4) and changed values, additions, and deletions.

C. This schedule shall be prepared by the respondent regardless of the method of accounting adopted for the investment tax credits. The schedule collects details by years for all investment tax credits generated and utilized by the respondent beginning with 1962 through the current year. The required information for each year should be presented as adjusted at year end to reflect corrections of estimated amounts, carryback or carryforward of unused credits.

D. In the initial submission of this schedule, respondents will indicate Code "1" in data field 3 for each year's data. For subsequent submissions, respondents will use "1" (original) or "2" (corrected) as appropriate.

E. For electric respondents with more than one department, report tax credit for the electric department and the total of tax credits for all other departments. For natural gas respondents with more than one department, report tax credits for the gas department and the total of tax credits of all other departments.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Year (N4): Beginning with 1962 enter the year. (TMYEAR)
2	Rate (N2) PCT: Indicate 03 percent, 04 percent, 07 percent, 10 percent, 11 percent credits or other appropriate percent credits.
3	Indicator Original/Corrected (N1): Enter "1" at time of original submission. On subsequent submissions, enter "1" (original) or "2" (corrected) as appropriate. (INETOR)
4	Department (A3): Enter one of the following abbreviations to indicate department or operation: (TYUTIL) ELC = electric GAS = gas OTH = other

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	2 of 2

Data Field Number	Instructions
5	Credit Generated (N10) DOL: Enter the amount of investment tax credits generated from properties used in utility operations.
6	Credit Utilized (N10) DOL: Enter the amount of generated credits utilized in computing the Federal income tax liability for the year.
7	Unused Credit Available (N10) DOL: Enter the amount of unused tax credits available at end of each year.
8	Weighted Average Life of Property (N3.2) PCT: Enter the weighted average useful life of all eligible properties subject to the credit.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0142	ADVANCES FOR GAS PRIOR TO INITIAL DELIVERIES OR COMMISSION CERTIFICATION	1 of 2

I. DESCRIPTION

This schedule is used to collect details concerning advances for gas outstanding during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Report information concerning all advances for gas the cost of which is included in Accounts 124.00, Other Investments; 166.00, Advances for Gas Exploration, Development and Production; and 167.00, Other Advances for Gas, of the Uniform System of Accounts. Do not include take or pay gas arrangements properly included in Account 165.00, Prepayments.

D. Do not report in data fields 6 or 8, the effects of transfers between Account 124.00 and Accounts 166.00 or 167.00 for balance sheet reporting purposes.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Numbers	Instructions
1 (Key)	Account Number (N3.2): First list advances included in Account 124.00 (as of the balance sheet date) then advances included in Accounts 166.00 and 167.00. (ACCTML)
2 (Key)	Name of Payee (A35): Enter name of payee. If advances are made to a payee in connection with different projects with different arrangements for repayments, use separate lines for reporting; otherwise all advances may be grouped by payee, subject to the requirement that repayments and other credits (data fields 8, 10 and 11) are to be shown by specific account charged. (IDNAME)
3	Associated Company Indicator (N1): If company named in data field 2 above is an associated company, enter "1"; if not, enter "0". (INYONO)
4	Date of Advance (N6): Enter the date, in the format MMDDYY. (IMDATE)
5	Date of Repayment (N6): Enter an estimated date for complete repayment of the advance, in the format MMDDYY. (TMDATE) Do not use the term "indefinite" for advances included in Accounts 124.00 and 166.00.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0142	ADVANCES FOR GAS PRIOR TO INITIAL DELIVERIES OR COMMISSION CERTIFICATION	2 of 2

Data Field Number	Instructions
6	Advances During Year (N8) DOL: Enter the amount of new advances made during the year or any additional amounts on previously made advances.
7	Purpose of Advance (A45): Enter purpose of advance - for example, exploration, development, production, working interest, general loan, etc. (IDDESC)
8	Repayments or Other Credits (N8) DOL: Enter the total amount of repayments received or other credits made during the year. The total amount and amounts shown in data field (8) must be reported by specific accounts in data fields 10 and 11 below.
9	Balance End of Year (N8) DOL.
10 (Key)	Account Charged (N3.2): (ACCTML)
11	Amount (N8) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PARTICULARS FOR ESTIMATING DEPRECIATION, SCHEDULE 0143	DEPLETION AND AMORTIZATION OF UTILITY PLANT	1 of 2

I. DESCRIPTION

This schedule is used to collect the factors and other particulars used in estimating depreciation, depletion, and amortization of utility plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Each logical entry has two parts. Report in data fields 1-6, information with respect to estimating depreciation accruals. Report in data fields 1, 7 and 8, information on depletion and amortization.

D. Information must be reported on this schedule by each of the 300 series of plant accounts which is subject to depreciation, depletion, and/or amortization. Also report the subtotal of functional classifications by use of the following Supplemental Accounts in data field 1:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
	303.90	Total intangible plant
	319.90	Total steam production
	325.90	Total nuclear production
	339.90	Total hydraulic production - conventional pumped storage
	347.90	Total other production plant
	359.90	Total transmission plant
	379.90	Total distribution plant
	399.90	Total general plant
Natural Gas Respondents		
	303.90	Total intangible plant
	320.90	Total manufactured gas production plant
	339.90	Total natural gas production and gathering plant
	347.90	Total products extraction plant
	359.90	Total underground storage plant
	363.90	Total local storage plant
	372.90	Total transmission plant
	389.90	Total distribution plant
	399.90	Total general plant

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PARTICULARS FOR ESTIMATING DEPRECIATION, SCHEDULE 0143	DEPLETION AND AMORTIZATION OF UTILITY PLANT	2 of 2

Refer to General Instruction II-D, Schedule 0144, Plant in Service, for a detailed listing of the 300 series of plant accounts from the Uniform System of Accounts.

E. Respondents utilizing different depreciation rates for plant included in one plant account should repeat in data field 1, the appropriate primary account number and complete data fields 2-6 for each type of plant. Do not report in data field 1 any account numbers used for your internal purposes only.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Date Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the account number, from the Register of Data Standards, ACCTML.
2	Depreciation - Estimated Average Service Life (N3) YR: For each plant account subject to depreciation listed in data field 1 above, state the estimated average service life of the related property, rounded to nearest whole number.
3	Depreciation - Net Salvage (N2.2) PCT: For each plant account subject to depreciaton, state the per cent, positive or negative, of net salvage. Net salvage is defined as gross salvage less cost of removal. If net salvage is not used as a factor in determining rates, report 0's.
4	Depreciation - Applied Rate (N2.2) PCT: State the depreciation rate applied to the plant account.
5	Depreciation - Mortality Curve Type (A6): If plant mortality studies are prepared to assist in estimating average service lives, show the type mortality curve selected as most appropriate for the account. (IDDESC)
6	Depreciation - Average Remaining Life (N3) YR: State the weighted average remaining life of surviving plant.
7	Depletion/Amortization - Type Plant (A30): For plant subject to depletion or amortization, list the types of plant involved. For example: (IDDESC) Franchises/Consents (if data field 1 is Account 302.00) Producing Lands (if data field 1 is Account 325.10)
8	Depletion/Amortization - Number of Years (N2) YR: For property subject to amortization, state the number of years (period of amortization) associated with data field 7 above. For property subject to depletion, state on an estimated basis, the number of years for such property to be completely depleted.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	1 of 7

I. DESCRIPTION

This schedule is used to collect detailed information on the additions, retirements, adjustments, transfers and end of year balance for property included in Account 101.00, Electric/Gas Plant in Service, classified according to the 300 series of plant accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas plant only; electric respondents furnish data for the electric plant only.

D. Report in data field 1 the appropriate account number from the 300 series of plant accounts. The 300 series includes the following Uniform System of Account numbers (301.00-399.00) and Supplemental Account numbers:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
		INTANGIBLE PLANT
301.00		Organization
302.00		Franchises and consents
303.00		Miscellaneous intangible plant
	303.90	Total Intangible Plant
		PRODUCTION PLANT
		STEAM PRODUCTION
310.00		Land and land rights
311.00		Structures and improvements
312.00		Boiler plant equipment
313.00		Engines and engine driven generators
314.00		Turbogenerator units
315.00		Accessory elecrric equipment
316.00		Miscellaneous power plant equipment
	319.90	Total Steam Production
320.00		Land and land rights
321.00		Structures and improvements
322.00		Reactor plant equipment
323.00		Turbogenerator units
324.00		Accessory electric equipment
325.00		Miscellaneous power plant equipment
	325.90	Total Nuclear Production

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	2 of 7

Uniform System of Accounts	Supplemental Accounts	Description
		HYDRAULIC PRODUCTION
330.00		Land and land rights
	330.10	Land and land rights - fish and wildlife
	330.20	Land and land rights - recreation
331.00		Structures and improvements
	331.10	Structures and improvements - fish and wildlife
	331.20	Structures and improvements - recreation
332.00		Reservoirs, dams and waterways
	332.10	Reservoirs, dams and waterways - fish and wildlife
	332.20	Reservoirs, dams and waterways - recreation
333.00		Waterwheels, turbines and generators
334.00		Accessory elecrric equipment
335.00		Miscellaneous power plant equipment
	335.10	Miscellaneous power plant equipment - fish and wildlife
	335.20	Miscellaneous power plant equipment - recreation
336.00		Roads, railroads and bridges
	339.90	Total Hydraulic Production
		OTHER PRODUCTION
340.00		Land and land rights
341.00		Structures and improvements
342.00		Fuel holders, producers and accessories
343.00		Prime movers
344.00		Generators
345.00		Accessory electric equipment
346.00		Miscellaneous power plant equipment
	347.90	Total Other Production
	349.90	Total Production Plant
		TRANSMISSION PLANT
350.00		Land and land rights
352.00		Structures and improvements
353.00		Station equipment
354.00		Towers and fixtures
355.00		Poles and fixtures
356.00		Overhead conductors and devices
357.00		Underground conduit
358.00		Underground conductors and devices
359.00		Roads and trails
	359.90	Total Transmission Plant
		DISTRIBUTION PLANT
360.00		Land and land rights
361.00		Structures and improvements

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	3 of 7

Uniform System of Accounts	Supplemental Accounts	Description
362.00		Station equipment
363.00		Storage battery equipment
364.00		Poles, towers and fixtures
365.00		Overhead conductors and devices
366.00		Underground conduit
367.00		Underground conductors and devices
368.00		Line transformers
369.00		Services
370.00		Meters
371.00		Installations on customers' premises
372.00		Leased property on customers' premises
373.00		Street lighting and signal systems
	379.90	Total Distribution Plant
		GENERAL PLANT
389.00		Land and land rights
390.00		Structures and improvements
391.00		Office furniture and equipment
392.00		Transportation equipment
393.00		Stores equipment
394.00		Tools, shop and garage equipment
395.00		Laboratory equipment
396.00		Power operated equipment
397.00		Communication equipment
398.00		Miscellaneous equipment
399.00		Other tangible property
	399.90	Total General Plant
Natural Gas Respondents		
		INTANGIBLE PLANT
301.00		Organization
302.00		Franchise and consents
303.00		Miscellaneous intangible plant
	303.90	Total Intangible Plant
		PRODUCTION PLANT
		MANUFACTURED GAS PRODUCTION PLANT
304.00		Land and land rights
305.00		Structures and improvements
306.00		Boiler plant equipment
307.00		Other power equipment
308.00		Coke ovens
309.00		Producer gas equipment
310.00		Water gas generating equipment
311.00		Liquefied petroleum gas equipment

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	4 of 7

Uniform System of Accounts	Supplemental Accounts	Description
312.00		Oil gas generating equipment
313.00		Generating equipment - other processes
314.00		Coal, coke, and ash handling equipment
315.00		Catalytic cracking equipment
316.00		Other reforming equipment
317.00		Purification equipment
318.00		Residual refining equipment
319.00		Gas mixing equipment
320.00		Other equipment
	320.90	Total Manufactured Gas Production Plant
		NATURAL GAS PRODUCTION PLANT
		NATURAL GAS PRODUCTION AND GATHERING PLANT
325.10		Producing lands
325.20		Producing leaseholds
325.30		Gas rights
325.40		Rights-of-way
325.50		Other land and land rights
326.00		Gas well structures
327.00		Field compressor station structures
328.00		Field measuring and regulating station structures
329.00		Other structures
330.00		Producing gas wells - well construction
331.00		Producing gas wells - well equipment
332.00		Field lines
333.00		Field compressor station equipment
334.00		Field measuring and regulating station equipment
335.00		Drilling and cleaning equipment
336.00		Purification equipment
337.00		Other equipment
338.00		Unsuccessful exploration and development costs
	339.90	Total Natural Gas Production and Gathering Plant
		PRODUCTS EXTRACTION PLANT
340.00		Land and land rights
341.00		Structures and improvements
342.00		Extraction and refining equipment
343.00		Pipe lines
344.00		Extracted products storage equipment
345.00		Compressor equipment
346.00		Gas measuring and regulating equipment
347.00		Other equipment
	348.90	Total Products Extraction Plant
	349.90	Total Production Plant

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		5 of 7

Uniform System of Accounts	Supplemental Accounts	Description
		NATURAL GAS STORAGE PLANT
		UNDERGROUND STORAGE PLANT
350.10		Land
350.20		Rights-of-way
351.00		Structures and improvements
352.00		Wells
352.10		Storage leaseholds and rights
352.20		Reservoirs
352.30		Nonrecoverable natural gas
353.00		Lines
354.00		Compressor station equipment
355.00		Measuring and regulating equipment
356.00		Purification equipment
357.00		Other equipment
	359.90	Total Underground Storage Plant
		OTHER STORAGE PLANT
360.00		Land and land rights
361.00		Structures and improvements
362.00		Gas holders
363.00		Purification equipment
363.10		Liquefaction equipment
363.20		Vaporizing equipment
363.30		Compressor equipment
363.40		Measuring and regulating equipment
363.50		Other equipment
	363.90	Total Other Storage Plant
	364.90	Total Natural Gas Storage Plant
		TRANSMISSION PLANT
365.10		Land and land rights
365.20		Rights-of-way
366.00		Structures and improvements
367.00		Mains
368.00		Compressor station equipment
369.00		Measuring and regulating station equipment
370.00		Communication equipment
371.00		Other equipment
	372.90	Total Transmission Plant
		DISTRIBUTION PLANT
374.00		Land and land rights
375.00		Structures and improvements
376.00		Mains

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		6 of 7

Uniform System of Accounts	Supplemental Accounts	Description
377.00		Compressor station equipment
378.00		Measuring and regulating station equipment - general
379.00		Measuring and regulating station equipment - city gate check stations
380.00		Services
381.00		Meters
382.00		Meter installations
383.00		House regulator
384.00		House regulator installations
385.00		Industrial measuring and regulating station equipment
386.00		Other property on customers' premises
387.00		Other equipment
	388.90	Total Distribution Plant
		GENERAL PLANT
389.00		Land and land rights
390.00		Structures and improvements
391.00		Office furniture and equipment
392.00		Transportation equipment
393.00		Stores equipment
394.00		Tools, shop and garage equipment
395.00		Laboratory equipment
396.00		Power operated equipment
397.00		Communication equipment
398.00		Miscellaneous equipment
399.00		Other tangible property
	399.90	Total General Plant

E. Credit balances in data fields 2, 4 , 5 and 6 should be indicated by a minus sign (-). Debit balances for plant retired (data field 3) should also be indicated by a minus sign.

F. The respondents shall report the original cost of fish, wildlife and recreation facilities in Supplemental Accounts for Hydraulic Plant.

G. Plant balances related to property included in Account 106.00, completed construction not classified, should be reported on Schedule 0145.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		7 of 7

Date Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the appropriate 300 series plant account, from the Register of Data Standards, ACCTNL.
2 (Key)	Additions to Plant in Service (N9) DOL: Additions for current year.
3	Retirements to Plant in Service (N9) DOL: Enter retirements for current year. If the respondent has a significant amount of plant retirements which have not been classified to primary accounts at the end of the year, a tentative distribution of such retirements to the 300 series of accounts on an estimated basis, with appropriate contra entry to Account 108.00, Accumulated Provision for Depreciation of Utility Plant, or Account 111.00, Accumulated Provision for Amortization of Utility Plant shall be made and the related dollar amount included in this data field. Include also in this data field reversals of tentative distributions of prior year of unclassified retirements.
4	Adjustments to Plant in Service (N9) DOL: Enter the amount of adjustments to the plant in service account listed in data field 1 above.
5	Transfers of Plant in Service (N9) DOL: Enter reclassification or transfers to plant in service within utility plant accounts or transfer of in service plant from one detail plant in service account to another account, i.e., nonutility property.
6	Plant Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0145	COMPLETED CONSTRUCTION NOT CLASSIFIED	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information on Account 106.00, Completed Construction Not Classified.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. For the purpose of reporting to the Commission, the balance included in Account 106.00, Completed Construction Not Classified, should be tentatively classified in as accurately as practicable according to the detailed 300 series of plant in service accounts. The purpose of this reporting requirement is to avoid any significant omission in the reported amounts of plant in service.

E. Report in data field 1 the appropriate account number from the 300 series of plant accounts. The 300 series includes the Uniform System of Account numbers (301.00-399.00) and the following Supplemental Account numbers:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
	303.90	Total intangible plant
	319.90	Total steam production
	325.90	Total nuclear plant
	339.90	Total hydraulic production
	347.90	Total other production
	349.90	Total production plant
	359.90	Total transmission plant
	379.90	Total distribution plant
	399.90	Total general plant
Natural Gas Respondents		
	303.90	Total intangible plant
	320.90	Total manufactured gas production plant
	339.90	Total natural gas production and gathering plant
	347.90	Total products extraction plant
	349.90	Total production plant
	359.90	Total underground storage plant
	363.90	Total local storage plant
	372.90	Total transmission plant
	389.90	Total distribution plant
	399.90	Total general plant

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0145	COMPLETED CONSTRUCTION NOT CLASSIFIED	2 of 2

Refer to General Information, II-D, Schedule 0144, Plant In Service, for a detail listing of the 300 series of plant accounts from the Uniform System of Accounts.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the appropriate 300 series of plant accounts, from the Register of Data Standards, ACCTNL.
2 (Key)	Balance Beginning of Year (N10) DOL.
3	Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0146	PLANT PURCHASED OR SOLD	1 of 1

I. DESCRIPTION

This schedule is used to collect selected information concerning purchases and sales of plant operating units or systems made during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents having more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. The respondent shall only report information on this schedule concerning purchases or sales of operating units or systems.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Purchaser or Seller (A35): (IDRESP)
2	Date of Transaction (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Account Number Indicator (N1): If Account 102.00 was initially used to record the transaction, enter "1" in this data field; if not, enter "0". (INYONO)
4	Date of Commission Approval of Transaction (N6): Enter the date, in the format MMDDYY, if the purchase or sale transaction was approved by this Commission. (TMDATE)
5	Date of Commission Approval of Journal Entries (N6): Enter the date, in the format MMDDYY, if proposed journal entries have been filed with the Commission as required by the Uniform System of Accounts. (TMDATE)
6	Description of Property (A45): Furnish a description of the property purchased or sold. (IDDESC)
7	Purchase or Sale Price (N10) DOL.
8	Original Cost of the Facility (N10) DOL.
9	Accumulated Reserve of the Facility (N10) DOL: Enter the accumulated depreciation, depletion and amortization related to the facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0147	EXPERIMENTAL PLANT UNCLASSIFIED	1 of 1

I. DESCRIPTION

This schedule is used to collect details on utility plant included in Account 103.00, Experimental Plant Unclassified.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric departments only.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Numbers	Instructions
1 (Key)	Description of Experimental Plant/Process (A45): Provide a description for any plant and/or process included in Account 103.00 at any time during the year. (IDDESC)
2	Date Experimental Plant Included in Account (N6). (TMDATE)
3	Date of Experimental Plant Expenditure Final Classification (N6): State the transfer date (estimated) if not already transferred to plant in service or nonutility property, in the format MMDDYY. (TMDATE)
4	Original Cost of Experimental Plant (N9) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0148	UTILITY PLANT LEASED TO OTHERS	1 of 2

I. DESCRIPTION

This schedule is used to collect information concerning utility plant included in Account 104.00, Plant Leased to Others.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report information in data fields 1-13 for each lease agreement.

E. Revenues and expenses of leased property (data fields 6-12) are those included in Accounts 412.00, 413.00, 408.10 and 409.10 for the year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Leased Property (A45): State description and location of leased property. (IDDESC)
2	Name of Lessee (A35): (IDNAME)
3	Associated Company Indicator (N1): Enter "1" if lessee is an associated company; if not, enter "0". (INYONO)
4	Date of Commission Authorization (N6): Enter the date of Commission authorization of plant leased to others, in the format MMDDYY. (TMDATE)
5	Leased Property Original Cost (N9) DOL: Enter the original cost of leased property at the end of the year.
6	Leased Property Revenues (N7) DOL.
7	Leased Property Expense - Operation (N7) DOL.
8	Leased Property Expense - Maintenance (N7) DOL.
9	Leased Property Expense - Rent (N7) DOL.
10	Leased Property Expense - Depreciation and Amortization (N7) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0148	UTILITY PLANT LEASED TO OTHERS	2 of 2

Data Field Number	Instructions
11	Leased Property Expense - Taxes (N7) DOL.
12	Leased Property Expense - Other (N7) DOL.
13	Leased Property Net Income (N7) DOL.
14	Method of Determining Annual Rent: (A45): If the property is leased on a basis other than that of a fixed annual rental, state the method of determining the annual rental and the expiration date of the lease. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0149	PLANT AND PRODUCTION PROPERTIES HELD FOR FUTURE USE	1 of 2

I. DESCRIPTION

This schedule is used to collect information on plant and production properties included in Account 105.00, Plant Held for Future Use, and Account 105.10, Production Properties Held for Future Use.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Natural gas respondents shall complete all specified data fields on this schedule annually. Electric respondents shall complete all specified data fields annually for Account 105.00 only.

C. Natural gas respondents having more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report separately each plant or property held for future use at end of the year having an original cost of $100,000 or more. Other items of property held for future use may be grouped, by entering the word "other" in data field 2 and listing the number of items so grouped. Plant properties consisting of land and land rights, leaseholds, and gas rights should be grouped and listed first in data field 2, under the title "Natural Gas Lands, Leaseholds, and Gas Rights". Additional information on these investments shall be included in Schedule 0157.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description of Property (A50): Report only name of plant or property, county, and state. (IDDESC) Example: Land - 10 Acres, Hudson County, N.J.
3 (Key)	Date Originally Included in This Account (N6): Enter the date that property value was included in Account 105.00 or 105.10, in the format MMDDYY. (TMDATE)
4	Date Expected to be Used in Utility Service (N6): Enter the date that property is expected to be used in utility service. Unless property relates to land or land rights, respondent shall report a specific date in this data field, in the format MMDDYY. (TMDATE)
5	Date of Discontinued Use (N6): For property having an original cost of $100,000 or more previously used in utility

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0149	PLANT AND PRODUCTION PROPERTIES HELD FOR FUTURE USE	2 of 2

Data Field Number	Instructions
5 (cont'd)	operations, now held for future use, enter the date that utility use of such property was discontinued, in the format MMDDYY. (TMDATE)
6 (Key)	Date Original Cost Transferred (N6): Refer to instructions for data field 5 above. Enter the date that original cost was transferred to Account 105.00 or 105.10. in the format MMDDYY. (TMDATE)
7	Balance End of Year (N9) DOL: Report the total end of year balance for each property item or group.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0150	CONSTRUCTION WORK IN PROGRESS	1 of 1

I. DESCRIPTION

This schedule is used to collect information on construction projects included in Account 107.00, Construction Work in Progress at the end of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report construction work in progress according to plant functions listed in data field 1.

E. Specific projects with total estimated expenditures under $100,000 shall be grouped by plant function.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Function (N2): Enter the plant function code from the following list: (IDPLFN) 01 = Production plant 02 = Storage plant 03 = Transmission plant 04 = Distribution plant 05 = General plant 06 = Research and development 07 = Nuclear fuel 08 = Gathering plant 99 = Other items
2	Description of Project (A120): Provide a complete description of the project under construction. (IDDESC)
3	Expenditure Balance - End of Year (N8) DOL.
4	Estimated Additional Cost of Project (N9) DOL: Enter the latest estimate of the additional cost to complete the project.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	1 of 3

I. DESCRIPTION

This schedule is used to collect information related to the entries to Account 108.00, Accumulated Provision for Depreciation of Utility (Electric and Natural Gas) Plant for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Information on depreciation reserve shall be reported separately for plant in service, plant leased to others and plant held for future use. Use the following Supplemental Accounts in data field 1, as a means of grouping information:

Uniform System of Accounts	Supplemental Accounts	Description
	108.11	Accumulated provision for depreciation - plant in service
	108.21	Accumulated provision for depreciation - plant leased to others
	108.31	Accumulated provision for depreciation - plant held for future use
	108.01	Accumulated provision for depreciation of utility plant (electric and gas) - total

For Respondents having more than one classification of plant subject to depreciation (i.e., plant in service leased to others), must report depreciation information by totals, under Supplemental Account 108.01.

These Supplemental Accounts are related to the following utility plant accounts:

Uniform System of Accounts	Supplemental Accounts	Description
101.00		Plant in service
104.00		Plant leased to others
105.00		Plant held for future use
106.00		Completed construction not classified

E. Depreciation on property included in Account 106.00, Completed Construction Not Classified, should be reported under Supplemental Account 108.11.

F. The provisions of Account 108.00, of the Uniform System of Accounts contemplate that retirements of depreciable plant be recorded when such plant is removed from service. If the respondent has a significant amount of plant retired at year end

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	2 of 3

which has not been recorded and/or classified to the various reserve functional classifications, preliminary closing entries to your books and records should be made to tentatively functionalize the book cost of the plant retired. These entries should be reflected in data fields 7-10.

G. Report additional information on the functionalization of the depreciation reserve on Schedule 0152.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Use the Supplemental Account numbers referred to in General Information, II-D.
2 (Key)	Depreciation Provision Charged to Depreciation Expense (N9) DOL: Enter depreciation accruals charged to Account 403.00 for the year.
3	Depreciation Provision Charged to Expenses of Plant Leased to Others (N8) DOL: Enter depreciation accruals charged to Account 413.00 for the year.
4	Depreciation Provision Charged to Transportation and Other Clearing Accounts (N8) DOL: Enter depreciation expense charged to transportation or other clearing account.
5	Depreciation Provision Charged to Other Accounts (N8) DOL: Enter the total amount of depreciation accruals charged to other accounts for the year.
6	Total Depreciation Provisions for the Year (N8) DOL: Enter the total for data fields 2-5 above.
7	Book Cost of Plant Retired (N8) DOL.
8	Cost of Removal of Plant Retired (N8) DOL.
9	Salvage Value of Plant Retired (N8) DOL: Enter salvage value of plant retired during the year.
10	Net Charges For Plant Retired (N10) DOL: Enter the net of data fields 7-9 above.
11	Other Items - Net (N10) DOL: Enter the net effect of other entries to the depreciation reserve for the year. Indicate net debit amounts by overstriking the minus sign in this data field.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	3 of 3

Data Field Number	Instructions
12	Balance End of Year (N10) DOL: Enter the provision balance at end of year.
13	Description of Other Item (A40): Enter a description for any item entered in data field 11 above. (IDDESC)
14	Amount of Other Debit Items (N9) DOL: Enter the amount related to debit entries specified in data field 13 above.
15	Amount of Other Credit Items (N9) DOL: Enter the amount related to credit entries specified in data field 13 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0152	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART II (ELECTRIC AND GAS)	1 of 2

I. DESCRIPTION

This schedule is used to collect information applicable to the end of year functional balances of Account 108.00, Accumulated Provision for Depreciation of Utility (Electric and Natural Gas) Plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for electric department only.

D. Information on depreciation reserve balances shall be reported separately for plant in service, plant leased to others and plant held for future use. Use the following Supplemental Accounts as a means of grouping information for reporting purposes:

Uniform System of Accounts	Supplemental Accounts	Description
	108.11	Accumulated provision for depreciation - plant in service
	108.21	Accumulated provision for depreciation - plant leased to others
	108.31	Accumulated provision for depreciation - plant held for future use
	108.01	Accumulated provision for depreciation of utility plant (electric and gas) - total

For respondents having more than one classification of plant subject to depreciation (i plant in service leased to others), must report depreciation information by totals under Supplemental Account 108.01.

E. This schedule supplements information provided on Schedule 0151. The sum of entries fields 2-9 for each particular account should agree with that reported in data field 12 of Schedule 0151.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Use the Supplemental Account numbers referred to in General Information, II-D. (ACCTML)
2	Balance at End of Year - Production of Manufactured Gas (for Gas respondents) / Steam Production Plant (for Electric respondents) (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0152	ACCUMULATED-PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART II (ELECTRIC AND GAS)	2 of 2

Data Field Number	Instructions
3	Balance at End of Year - Production and Gathering of Natural Gas (for Gas respondents) / Nuclear Production Plant (for Electric respondents) (N10) DOL.
4	Balance at End of Year - Products Extraction of Natural Gas (for Gas respondents) / Hydraulic Production Conventional Plant (for Electric respondents) (N10) DOL.
5	Balance at End of Year - Underground Gas Storage (for Gas Respondents) / Hydraulic Production Pumped Storage (for Electric respondents) (N10) DOL.
6	Balance at End of Year - Other Storage Plant (for Gas respondents) / Other Production Plant (for Electric respondents) (N10) DOL.
7	Balance at End of Year - Transmission Plant (N10) DOL.
8	Balance at End of Year - Distribution Plant (N10) DOL.
9	Balance at End of Year - General Plant (N10) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0153	ACCUMULATED PROVISION FOR DEPLETION AND AMORTIZATION OF UTILITY PLANT (ACCOUNT 111.00)	1 of 3

I. DESCRIPTION

This schedule is used to collect information applicable to the detailed entries to Account 111.00, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Information on depletion and amortization should be reported separately, using the following Supplemental Accounts to group information:

Uniform System of Accounts	Supplemental Accounts	Description
	111.11	Accumulated provision for amortization and depletion of gas plant in service - producing natural gas land and land rights
	111.21	Accumulated provision for amortization and depletion of gas plant in service - underground storage land and land rights
	111.31	Accumulated provision for amortization and depletion of gas plant in service - other plant
	111.41	Accumulated provision for amortization and depletion of gas plant leased to others - producing natural gas land and land rights
	111.51	Accumulated provision for amortization and depletion of gas plant leased to others - underground storage land and land rights
	111.61	Accumulated provision for amortization of or depletion of gas plant leased to others - other plant
	111.71	Accumulated provision for amortization and depletion of other gas plant held for future use - abandonment of leases
	111.81	Accumulated provision for amortization and depletion of other gas plant held for future use - other plant

These Supplemental Accounts are related to the following utility plant accounts of the Uniform System of Accounts:

Uniform System of Accounts	Supplemental Accounts	Description
101.00		Plant in service
104.00		Plant leased to others
105.00		Plant held for future use
105.10		Production properties held for future use

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0153	ACCUMULATED PROVISION FOR DEPLETION AND AMORTIZATION OF UTILITY PLANT (ACCOUNT 111.00)	2 of 3

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-D. (ACCTML)
2	Accruals for Year Charged to Account 404.10 (N8) DOL.
3	Accruals for Year Charged to Account 404.20 (N8) DOL.
4	Accruals for Year Charged to Account 404.30 (N8) DOL.
5	Accruals for Year Charged to Account 405.00 (N8) DOL.
6	Accruals for Year Charged to Account 413.00 (N8) DOL.
7	Accruals for Year Charged to Account 421.00 (N8) DOL.
8	Accruals for Year Charged to Account 797.00 (N8) DOL.
9	Accruals for Year Charged to Account 425.00 (N8) DOL.
10	Accruals for Year Charged to Other Accounts (N9) DOL: Enter the total of accruals charged to all other accounts other than those listed in data fields 2-9 above, which related to amortization and depletion expenses.
11	Total Accruals (N9) DOL.
12	Book Cost of Plant Retired (N7) DOL: Enter the book cost associated with property retired during the year.
13	Expenses Associated with Retired Plant (N9) DOL: Enter the expenses associated with property listed in data field 12 above.
14	Proceeds Realized from Retired Plant (N9) DOL: Enter the salvage value or proceeds realized from plant retired during the year.
15	Net Charges for Plant Retired (N9) DOL: Enter net charges of data fields 12-14 above.
16	Other Items - Net (N8) DOL: Enter the net effect of other entries to the depletion or amortization reserve for the year. Indicate net debit amounts by overstriking the preprinted minus sign.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0153	ACCUMULATED PROVISION FOR DEPLETION AND AMORTIZATION OF UTILITY PLANT (ACCOUNT 111.00)	3 of 3

Data Field Number	Instructions
17 (Key)	Accumulated Depletion/Amortization Balance - End of Year (N9) DOL: Enter the accumulated provision balance for each supplemental account listed in data field 1 above.
18	Description of Other Item (A40): Enter the description for any item included in data field 16 above. (IDDESC)
19	Other Debit Item Amount (N8) DOL: Enter the amount related to debit entries in data field 18 above.
20	Other Credit Item Amount (N8) DOL: Enter the amount related to credit entries in data field 18 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0154	COMMON PLANT AND EXPENSE DATA - PART II	1 of 1

I. DESCRIPTION

This schedule is used to collect information on the allocation of common utility plant costs and expenses to operating departments of the utility.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. This schedule supports information included in Schedule 0155.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Approval (N6) MMDDYY: Enter the date of approval by the Commission for use of the common utility plant accounting. (TMDATE)
2	Bases of Allocation of Plant Costs (A246): Report the bases used to allocate plant costs to the various departments at year end. State the percentage of allocation applicable to each department. If plant costs were allocated on different bases, state the specifics for each type of plant so allocated. (IDDESC)
3	Bases of Allocation of Accumulated Reserves for Depreciation and Amortization (A246): Report the bases used to allocate the accumulated reserves for depreciation, depletion, and amortization of the various departments at year end. (IDDESC)
4	Bases of Allocation of Expenses (A246): Report the bases used to allocated operation, maintenance, depreciation, and other expenses to the various departments for the reporting year. If expenses were allocated on different bases, state the specifics for each type of expense so allocated. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0155	COMMON PLANT AND EXPENSE DATA - PART I	1 of 2

I. DESCRIPTION

This schedule is used to collect data pertaining to common utility plant costs and related expenses in accordance with plant instruction 13, Common Utility Plant, of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Information on common utility plant and expenses called for on this schedule should be reported in totals prior to allocation to the appropriate departments. Report on Schedule 0154 information on the bases of allocation to departments for the year.

D. The following listing of Supplemental Accounts is provided as examples of account numbers to be reported in data field 1. For type common utility plant not specified in the listing, add XXX.03 to the appropriate three digit plant in service account breakdown. Summarize other type expenses not shown on the attached listing and report under Account 409.03. The end of the year balances for accumulated depreciation and amortization should be reported in Accounts 108.03 and 111.03.

Uniform System of Accounts	Supplemental Accounts	Description
		INTANGIBLE PLANT
	301.03	Organization
	302.03	Franchises and consents
	303.03	Miscellaneous intangible plant
		GENERAL PLANT
	389.03	Land and land rights
	390.03	Structures and improvements
	391.03	Office furniture and equipment
	392.03	Transportation equipment
	393.03	Stores equipment
	394.03	Tools, ship and garage equipment
	395.03	Laboratory equipment
	396.03	Power operated equipment
	397.03	Communication equipment
	398.03	Miscelluneous equipment
	399.03	Other tangible property
		EXPENSE ACCOUNTS
	401.03	Operation expenses
	402.03	Maintenance expenses

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0155	COMMON PLANT AND EXPENSE DATA - PART I	2 of 2

Uniform System of Accounts	Supplemental Accounts	Description
		EXPENSE ACCOUNTS (cont'd)
	403.03	Depreciation expense
	404.03	Amortization expenses
	408.03	Taxes
	409.03	Other
		UTILITY PLANT
	108.03	Accumulated provision for depreciation of utility plant
	111.03	Accumulated provision for amortization of utility plant

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the Supplemental Account number which relates to common utility plant or expense. Refer to General Information, II-D. (ACCTML)
2	Supplemental Account Name (A40): State the Supplemental Account Name for account number listed in data field 1. (ACCTML)
3	Balance/Amount (N9) DOL: Enter the appropriate EOY balance or amount for common utility plant costs or expenses applicable to the Supplemental Account reported in data field 1 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0156	CONSTRUCTION OVERHEAD	1 of 1

I. DESCRIPTION

This schedule is used to collect information concerning overhead cost charged to construction during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas respondents frunish data for gas department only; electric respondents furnish data for electric department only.

D. For purposes of reporting on this schedule, the respondent should consider as a construction overhead the following categories of cost whether such costs have been charged directly to construction or have been apportioned to a construction work order:

Overhead Code	Type of Overhead
01	Engineering and Supervision
02	Administrative and General Expenses
03	Transportation
04	Injuries and Damages
05	Insurance
06	Pensions and Other Employee Benefits
07	Taxes (Property, sales, payroll, etc.)
08	Outside Professional Services
09	Allowance for Funds Used During Construction
10	Other

These code numbers shall be reported in data field 1.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Overhead (N2): Enter the overhead code from instruction II-D. (TYOVHD)
2	Overhead Amount Charged for the Year (N9) DOL.
3	Total Cost of Construction (N9) DOL: Enter the total cost of construction to which overheads were charged during the year (exclusive of construction overhead charges).
4	Per Cent Overhead to Construction Cost (N3.2) PCT: Enter the percent of fields 2 and 3, rounded to two decimal places.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0157	NATURAL GAS RESERVES AND LAND ACREAGE	1 of 3

I. DESCRIPTION

This schedule is used to collect particulars concerning the remaining recoverable salable gas reserves, natural gas land acreage and costs as of the end of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. The respondent shall report gas reserves and related cost of land and land rights according to the requirements of the Uniform System of Accounts. Producing lands should be recorded and reported in Account 101.00. Nonproducing lands should be recorded and reported in Account 105.00, if related to acreage acquired on or before October 7, 1969 or in Account 105.10, if related to acreage acquired on or after October 8, 1969.

D. For producing gas lands (Account 101.00), the required information should be reported by state abbreviation and county code or alphabetically by offshore area names. The land, leasehold, and gas rights costs so reported in data fields (12-17) should agree with the amounts carried under balance sheet Account 101.00, Gas Plant in Service and as reported in Accounts 325.10 (data field 13), 325.20 (data field 15) and 325.30 (data field 17). For producing acreage only, designate in data field 3 whether related to "old" or "new" gas.

E. For non-producing gas lands (Accounts 105.00 and 105.10), the required information should be reported by state abbreviation or county code or alphabetically by offshore area name. The land, leasehold, and gas rights costs so reported should agree with the amounts carried under balance sheet Accounts 105.00, Gas Plant Held for Future Use, and Account 105.10, Production Properties Held for Future Use.

F. Do not include oil mineral interests in the cost of acreage reported in data fields 13, 15, and 17. Do not duplicate acreages or cost reported in data fields 12-17.

G. The Quantity of Recoverable Gas Reserves reported in data field 14 should not include gas reserves for unproved fields. However, if the company made estimates for such lands and normally includes such estimates in stating its reserve position in connection with proposed financing and for management and other purposes, such estimates should be included in this schedule and so noted in a footnote.

H. Respondents shall only report their proportionate share of ownership (both acres and cost) in jointly owned tracts.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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DETAILED INSTRUCTIONS: SCHEDULE 0157	NATURAL GAS RESERVES AND LAND ACREAGE	2 of 3

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2	Producing/Nonproducing Indicator (A1): If acreage is producing, enter "1"; if not, enter "0". (INYONO)
3	Old/New Gas Indicator (A1): If acreage was acquired on or before October 7, 1969, enter "1"; if acreage was acquired on or after October 8, 1969, enter "2". (INETOR)
4 (Key)	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.
5 (Key)	County/Offshore Area Code (N3): Enter the code, using the rightmost three numbers from the Register of Data Standards, IDCNTY.
6 (Key)	Offshore Area Name (A40): (IDCNTY)
7 (Key)	Natural Gas Field Block Name (A26): Enter the name from the Register of Data Standards, IDGPFL. If the field name is not assigned, report as "unnamed".
8	Natural Gas Field Block Code (A6): Enter the code, from the Register of Data Standards, IDGPFL.
9	Royalty Interest Indicator (N1): If acreage reported is a royalty interest separately owned, enter "1"; if not, enter "0". (INYONO)
10	Percentage of Land Ownership (N3) PCT: Enter the percentage of ownership in jointly owned tracts, rounded to nearest whole number.
11	Quantity Recoverable Gas Reserves (N9.3) MMCF: Enter the year end recoverable salable gas reserves available to respondent from owned lands, leaseholds and gas rights, in MMCF rounded to three decimal places. For unproven fields see General Information II-D.
12	Owned Land - Acres (N8) ACRE.
13	Owned Land - Costs (N8) DOL.
14	Leaseholds - Acres (N8) ACRE.
15	Leaseholds - Costs (N8) DOL.
16	Owned Gas Rights - Acres (N8) ACRE.
17	Owned Gas Rights - Costs (N8) DOL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0157	NATURAL GAS RESERVES AND LAND ACREAGE	3 of 3

Data Field Number	Instructions
18	Natural Gas Reserve - Total Acres (N9) ACRE: Total of data fields 12, 14 and 16 above.
19	Natural Gas Reserve - Total Costs (N9) DOL: Total of data fields 13, 15 and 17 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0158	NET REALIZABLE VALUE OF ESTIMATED HYDROCARBON RESERVES	1 of 2

I. DESCRIPTION

This schedule is used to collect data on net realizable value of recoverable salable hydrocarbon reserves on acreage acquired by the respondent after October 7, 1969.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The net realizable value of hydrocarbon reserves to be reported in data field 2 shall be based on the current selling price of the hydrocarbon reserves less estimated costs of extraction, completion and disposal.

D. Respondents shall report additional information related to hydrocarbon reserve on Schedule 0189, Changes in Estimated Natural Gas and Other Hydrocarbon Reserves.

E. The reserves reported on Schedule 0189 shall be attested to every three years by an independent appraiser and the attestation filed with the Commission as an attachment to this schedule. If the estimated reserves, as determined by the independent appraisal, significantly differ from those reported in Schedule 0189, furnish in data field 4 of this schedule full particulars, including the reason why reserve estimates have not been adjusted.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Investment (Net Book Cost) (N10) DOL: Enter the net book cost of the investment at the end of the year.
2	Net Realizable Value at End of Year (N10) DOL: Enter the net realizable value of hydrocarbon reserves at end of year. Net realizable value is defined as current selling price of hydrocarbon reserves less estimated cost of extraction, completion, and disposal.
3	Criteria Used to Estimate Net Realizable Value (A75): Enter the criteria used to estimate the net realizable value included in data field 2 above. (IDDESC)
4	Explanation of Important Changes in Estimated Reserves (A150): If the estimate of reserves reported in this schedule differs significantly from the reserve estimate of the latest appraisal (either independent or company made), enter in this data field particulars for the differences and the respondent's reasons for not adjusting the reserve estimates accordingly. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0158	NET REALIZABLE VALUE OF ESTIMATED HYDROCARBON RESERVES	2 of 2

Data Field Number	Instructions
5	Explanation of Important Changes in Value of Hydrocarbon Reserves (A150): Provide an explanation of any significant revision in the value of hydrocarbon reserves, other than from the addition of new reserves. (IDDESC)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	1 of 2

I. DESCRIPTION

This schedule is used to collect information pertaining to sales of electricity or natural gas and the number of utility customers for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Natural gas respondents shall complete data fields 1-3 annually. Electric respondents shall complete data fields 1, 4 and 5 annually. Jurisdictional respondents for both natural gas and electric shall complete all data fields annually.

C. Report the requested information for the year for each of the following prescribed accounts:

1. Class A, Class B, Class C and Class D Electric respondents:

Uniform System of Accounts	Supplemental Accounts	Description
440.00		Residential sales
442.00		Commercial and industrial sales
	442.10	Small or commercial customers
	442.20	Large or industrial customers
444.00		Public street and highway lighting
445.00		Other sales to Public Authorities
447.00		Sales for resale
448.00		Interdepartmental sales
449.00		Other sales
	449.90	Total Sales of Electricity

2. Class A, Class B, Class C and Class D Natural Gas respondents:

Uniform System of Accounts	Supplemental Accounts	Description
480.00		Residential sales
481.00		Commercial and industrial sales
	481.10	Small or commercial customers
	481.20	Large or industrial customers
482.00		Other sales to Public Authorities
483.00		Sales for resale
484.00		Interdepartmental sales
	485.90	Total Sales of Gas

D. Number of customers shall be reported on the basis of number of meters, plus number of flat rate accounts, except that where separate meter readings are added for billing purposes, one customer should be counted for each group of meters so added. The average number of customers means the average of the 12 figures at the close of each month.

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DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	2 of 2

E. Natural gas means either natural gas unmixed or any mixture of natural and manufactured gas.

F. The classification of commercial and industrial sales according to small customer or commercial and large customer or industrial, may be according to the basis of classification regularly used by the respondent, provided such basis of classification is not greater generally than 1000 KW of demand for electricity or 200,000 MCF per year for natural gas companies.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNO.)
2	Average Number of Monthly Natural Gas Customers (N7) NO.
3	Annual MMCF of Natural Gas Sold (N9.3) MMCF: Enter the anoual MMCF, rounded to three decimal places.
4	Average Number of Monthly Electric Customers (N7) NO.
5	Annual MWH of Electricity Sold (N10) MWH.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0160	EXTRAORDINARY ITEMS	1 of 1

I. DESCRIPTION

This schedule is used to collect data on items included in Accounts 434.00, Extraordinary Income, 435.00, Extraordinary Deductions and 409.30, Income Taxes - Extraordinary Items.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. If additional disclosure in deemed necessary to report details for extraordinary item accounting, the respondent shall report such additional information on Schedule 0112, Notes to Financial Data.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Item Description (A120): Provide a detailed description of the extraordinary item. (IDDESC)
3	Date of Commission Approval (N6): Enter the date of Commission approval for extraordinary treatment of any item which amounts to less than five per cent of income, in the format MMDDYY. (IMDATE) (See General Instruction 7 of the Uniform System of Accounts.)
4	Gross Amount (N8) DOL.
5	Related Income Taxes (N8) DOL: Enter the income tax effects included in Account 409.30, relating to the extraordinary item listed in data field 2 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	1 of 8

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries of certain of the balance sheet accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included in this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
123.00		Investment in associated companies
123.10		Investment in subsidiary companies
124.00		Other investments
136.00		Temporary cash investments
145.00		Notes receivable from associated companies
146.00		Accounts receivable from associated companies
181.00		Unamortized debt expense
187.00		Deferred losses from disposition of utility plant
189.00		Unamortized loss on reacquired debt
215.00		Appropriated retained earnings
223.00		Advances from associated companies
224.00		Other long-term debt
225.00		Unamortized premium on long-term debt
226.00		Unamortized discount on long-term debt
233.00		Notes payable to associated companies
234.00		Accounts payable to associated companies
256.00		Deferred gains from disposition of utility plant
257.00		Unamortized gain on reacquired debt

Class A and Class B respondents report the details for all accounts listed on this schedule. Class C and Class D respondents report the details for Account 215.00 only.

C. Respondents shall report the information for each account listed above as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Total debits and credits for each account listed on this schedule should be provided for as the last entry for each account in data fields 3 and 4. Report the word "Total" in data field 2. Then report in data field 3 the total debits to the account, and in data field 4 the total credits to the account.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	2 of 8

Accounts 123.00, 123.10, & 124.00

Report particulars for investments in associated and subsidiary companies and in other investments.

Investments in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 together with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

In reporting Account 123.10, include information pertaining to all investments other than common stock accounted for on the equity basis of accounting. Common stock investments under equity accounting should be included on Schedule 0125.

In reporting Account 124.00, do not include information pertaining to advances which are reported on Schedule 0142.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2)
2 (Key)	Description (A50): List separately each investment included in these accounts at any time during the year by the following groupings: Stock Bonds Advances Notes Other Provide a brief description of each investment to include name of issuer and where appropriate, the date acquired, the date issued and interest rate, i.e., Stock - ABC Corporation - 8/25/75 Note - XYZ Co. - 5/10/75 - 8% Stock - BCD Inc. - 3/1/75 Advances - Jones Corp. Bonds - Industrial Development - 8% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions made during the year of the investment listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition made during the year of the investment listed in data field 2 above.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	3 of 8

Data Field Number	Instructions
6	Particulars (N60): For advances which are open accounts, state "Open Account". For any investments which are pledged, state the name of the pledgee and the purpose of the pledge. For any investment which received the approval of a regulatory commission, give the name of the commission, date of authorization and the case or docket number. (IDDESC)
7	Principal Amount/Number of Shares (N9) NO.: For investments in bonds, enter the principal amount as of the end of the year. For investments in stock, enter the number of shares outstanding at the end of the year.
8	Revenues for Year (N8) DOL: Enter interest and dividends earned from investments during the year, including any revenues from securities disposed of during the year.
9	Date of Maturity (N6): Enter the date of maturity for each note or bond, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Account 136.00.

Report information on temporary cash investments. Investments of less than $50,000 may be grouped. For grouped items enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List separately each investment involved in this account by the following groupings: Notes Treasury Bills Commercial Paper Certificates of Deposit Other Provide a brief description of each investment to include name of issuer and where appropriate the date acquired and interest rate, i.e., Notes - General Motors Acceptance Corp. - 10/15/75 - 8%

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	4 of 8

Data Field Number	Instructions
2 (cont'd)	State "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions of the investment listed in data field 2 above, made during the year.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition of the investment listed in data field 2 above, made during the year.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.
8	Interest/Revenues for Year (N8) DOL: Enter the interest earned from the investment during the year.
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Accounts 145.00, 146.00, 233.00, & 234.00

Report information on transactions with associated companies.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For notes receivable or notes payable, state name of associated company, the date of note and interest rate. For accounts receivable or accounts payable, state name of associated company. State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total amount of debits for year for each note or account listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the total amount of credits for year for each note or account listed in data field 2 above.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For each note, state the purpose for which the note was issued or received. If any note was received in satisfaction of any open account, state the number of years the account was open. For any note or account pledged or discounted, state the name of the third party. (continued)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	5 of 8

Data Field Number	Instructions
6 (cont'd)	If the respondent is holding collateral in connection with a note or open account, state the type and value of the collateral. (IDDESC)
8	Interest for Year (N8) DOL: Enter interest recorded during the year on accounts and notes listed in data field 2 above.
9	Date of Maturity (N6): For each note enter the date of maturity, in the format MMDDYY. (TMDATE)

Accounts 181.00, 225.00, & 226.00

Report information on unamortized expense, premium and discount on long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the type of debt followed by the class and series of debt, i.e., First Mortgage Bonds - Series H - 6 1/8% Convertible Debentures - 6 1/4% Pollution Control Bonds - 7% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the planned disposition for any undisposed amounts applicable to issues which were redeemed in prior years. (IDDESC) Explain the nature of any debits and credits other than amortization debited to Account 428.00, Amortization of Debt Discount and Expense, or credited to Account 429.00, Amortization of Premium on Debt - Credit.
9	Date of Maturity (N6): Enter the date of maturity of the related debt issue, in the format MMDDYY. (TMDATE)
12	Period of Amortization (A5): Enter the period amortization was debited to Account 428.00, in the format YY-YY. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	6 of 8

Accounts 187.00, & 256.00

Report information related to deferrals of losses or gains to disposition of utility plant. Losses or gains on property with an original cost of less than $50,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the property creating the deferred loss or gain and the date the loss or gain was originally recognized. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For Account 187.00, enter the total amount of losses incurred from the disposition of utility plant during the year. For Account 256.00, enter the total amount of amortizations (to Account 411.60) of previously recorded gains during the year.
4	Credits - Amount (N9) DOL: For Account 187.00, enter the amount of amortizations during the year (to Account 411.70) of previously recorded losses. For Account 256.00, enter the total amount of gains resulting from the disposition of utility plant during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Give the date of Commission approval of journal entries. Where approval has not been received, give explanation. (IDDESC)
10	Amount of Loss (N9) DOL: For Account 187.00, enter the amount of original loss on the disposition of the property.
11	Amount of Gain (N9) DOL: For Account 256.00, enter the amount of original gain on the disposition of the property.

Accounts 189.00 & 257.00

Report information on reacquired debt. Gains or losses of less than $25,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

If certain series of debt were reacquired at different times during the year, the information should be summarized and the totals reported in data fields 2-11.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	7 of 8

Gains and losses on particular class and series of debt reacquired during a year should not be netted, but the resulting gain or loss amounts should be classified and reported as either Account 189.00 or 257.00

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): Enter the type, class of debt and the year(s) the debt was reacquired, i.e., Sinking Fund Debentures - 5% - 1974 Sinking Fund Debentures - 5% - 1975 Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): If gain or loss resulted from a refunding transaction, state the maturity date of the new issue. (IDDESC) Explain any debits and credits other than amortization debited to Account 428.10, Amortization of Loss on Reacquired Debt or credited to Account 429.10, Amortization of Gain on Reacquired Debt - Credit.
7	Principal Amount (N9) DOL: Enter the principal amount of debt listed in data field 2 above, reacquired during the year.
9	Date of Maturity (N6): Enter the maturity date of long-term debt, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the amount of loss realized for the year for each class and series of debt listed in data field 2 above.
11	Amount of Gain (N9) DOL: Enter the amount of gain realized from the year for each class and series of debt listed in data field 2 above.

Account 215.00

Report information on appropriations of retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	8 of 8

Data Field Number	Instructions
2 (Key)	Description (A50): Describe the purpose of each appropriation of retained earnings. Enter "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the nature of any debit entries to this account during the year. (IDDESC)

Accounts 223.00 & 224.00

Report information on advances from associated companies and other long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): For each advance made by an associated company included in Account 223.00, enter the name of the associated company. For other long-term debt included in Account 223.00, describe the nature of the debt. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For advances, enter the principal amount repaid and any other debit entries during the year to the associated company listed in data field 2 above. For other debt, enter the principal amount and any other debit entries repaid during the year.
4	Credits - Amount (N9) DOL: For advances, enter the principal amount advanced and any other credit entries during the year by the associated company entered in data field 2 above. For other debt, enter the principal amount and any other credit entries issued during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For associated company advances, state whether the advance is a note (demand or otherwise) or open account. If advance was authorized by a commission, state the name of the commission and date approved. For Account 223.00, enter the date the note was issued and the interest rate. (IDDESC)
8	Interest/Revenue for Year (N8) DOL: Enter the amount of interest for the year associated with the advances and other debt entered in data field 2 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	1 of 12

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries to certain balance sheet and retained earning accounts of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
114.00		Utility plant acquisition adjustments
115.00		Accumulated provision for amortization of utility plant acquisition adjustments
116.00		Other utility plant adjustments
120.10		Nuclear fuel in process of refinement, conversion, enrichment and fabrication
	120.11	Nuclear fuel in process - fabrication
	120.12	Nuclear fuel in process - nuclear materials
	120.13	Nuclear fuel in process - allowance for funds used during construction
	120.14	Nuclear fuel in process - other overhead
120.20		Nuclear fuel materials and assemblies - stock account
120.30		Nuclear fuel assemblies in reactor
120.40		Spent nuclear fuel
120.50		Accumulated provision for amortization of nuclear fuel assemblies
121.00		Nonutility property
122.00		Accumulated provision for depreciation and amortization of nonutility property
	144.10	Accumulated provision for uncollectable accounts - utility customers
	144.20	Accumulated provision for uncollectable accounts - merchandise, jobbing, and contract work
	144.30	Accumulated provision for uncollectable accounts - officers and employees
	144.40	Accumulated provision for uncollectable accounts - other
157.00		Nuclear materials held for sale
	157.10	Nuclear materials held for sale - uranium
	157.20	Nuclear materials held for sale - plutonium
	157.30	Nuclear materials held for sale - other
182.00		Extraordinary property losses
183.00		Preliminary survey and investigation charges
183.10		Preliminary natural gas survey and investigation charges

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	2 of 12

Uniform System of Accounts	Supplemental Accounts	Description
183.20		Other preliminary survey and investigation charges
186.00		Miscellaneous deferred debits
209.00		Reduction in par or stated value of capital stock
210.00		Gain on resale or cancellation of reacquired capital stock
211.00		Miscellaneous paid-in capital
213.00		Discount on capital stock
214.00		Capital stock expense
216.10		Unappropriated undistributed subsidiary earnings
253.00		Other deferred credits
	255.10	Accumulated deferred investment tax credits - electric or gas department
	255.20	Accumulated deferred investment tax credits - other departments
261.00		Property insurance reserve
262.00		Injuries and damages reserve
263.00		Pensions and benefits reserve
264.00		Amortization reserve - Federal
265.00		Miscellaneous operating reserves
437.00		Dividends declared - preferred stock
438.00		Dividends declared - common stock
439.00		Adjustments to retained earnings

Class A and Class B Electric respondents report the detail for all accounts above except Accounts 183.10 and 183.20.

Class A and Class B Natural Gas respondents report the detail for all accounts above except Accounts 120.10 through 120.50, 157.00 through 157.30, 183.00 and 264.00.

Class C and Class D Natural Gas and Electric respondents report only the detail for Accounts 216.00, 255.10, 255.20, 437.00, 438.00 and 439.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Data fields 5 or 6 provide space for entry of one account number. If more than one account has been debited or credited for the item listed in data field 2, list the major account in data field 5 or 6 and the remaining accounts in data field 8, Particulars.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	3 of 12

Accounts 114.00, 115.00 & 116.00

Report particulars for utility plant acquisition or other adjustments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Explain the nature of each plant acquisition adjustment in Account 114.00 and plant adjustment in Account 116.00. For companies who utilize Account 115.00, provide the same description for each acquisition adjustment as provided under Account 114.00. Include the name of the company from which the property was acquired. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For acquisition adjustments occuring during the year, state date of transaction and date journal entries clearing Account 102.00, Plant Purchased or Sold, were accepted for filing by the Commission. Give the date Commission authorized the amortization of acquisition adjustments. Explain the plan of disposition of any acquisition adjustments not currently being amortized. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the period of amortization by years, in the format YY-YY, i.e., 74-79. (IDDESC)

Accounts 120.10 through 120.14, 120.20 through 120.50, & 157.00 through 157.30

Report the costs inturred for nuclear fuel materials on hand, in reactor, and in cooling owned by the respondent.

If the nuclear fuel stock is obtained under leasing arrangements, details of the leasing arrangements should be included on Schedules 0170 and 0171.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the amount of additions during year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	4 of 12

Data Field Number	Instructions
4	Credits - Amount (N9) DOL: Enter the amount transferred, amortized during year or the amount of other reductions to the cost of nuclear fuel made during the year.
8	Particulars (A60): Explain the nature of all credit entries to Accounts 120.10 through 120.14, except transfers to Account 120.20. For Accounts 120.20, 120.30 and 120.40, state the estimated net salvage value of nuclear materials related to nuclear fuel included in each account. Explain the reason for any adjustments (data field 7) to the cost previously recorded in these accounts. (IDDESC)
9	Balance End of Year (N10) DOL.

Account 121.00

Report particulars for nonutility property.

Information on specific property having a cost under $100,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of item grouped, i.e., Other (12). Report data for the grouped items in data field 3, 4, and 9. Properties previously devoted to public service are separate and distinct from those allowed to be grouped under this instruction.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description and state the location (city, state) of nonutility property. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the cost of any property described in data field 2 above, which was purchased or otherwise transferred to Account 121.00 during the year.
4	Credits - Amount (N9) DOL: Enter the cost of property described in data field 2 above, which was sold or otherwise transferred from Account 121.00 during the year.
8	Particulars (A60): List details of sales, purchases or transfers of nonutility property. For all property previously devoted to public service list date of transfer to Account 121.00. (IDDESC)
9	Balance End of Year (N10) DOL.

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	5 of 12

Data Field Number	Instructions
11	Name of Company/Department (A35): If property is leased to another company, enter the name of lessee in this data field. (IDNAME)

Account 122.00

Report particulars for depreciation and amortization of nonutility property.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total debits to Account 122.00 for the year. Total debits include the book cost of plant retired, the cost of removal and any other debit adjustments to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits to Account 122.00 for the year. Total credits include depreciation and amortization accruals for the year, salvage and any other credit adjustments by the reserve.
9	Balance End of Year (N10) DOL: Enter the end of year balance for accumulated depreciation and amortization of nonutility property.

Accounts 144.10 through 144.40

Report particulars for uncollectable accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the total debits for the year to each supplemental account listed in data field 1 above. Total debits include all accounts written off and other debit adjustment to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits for the year to each supplemental account listed in data field 1 above. Total credits include the annual provision for uncollectable accounts for the year, collections of accounts previously written off and any other credit adjustments to the reserve.
9	Balance End of Year (N10) DOL.

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Account 182.00

Report particulars for extraordinary property losses.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five space, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each property loss included in this account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of any additional extraordinary property losses incurred during the year from property described in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of extraordinary property losses charged off during the current year relative to property described in data field 2 above.
6	Contra Account Debited (N3.2): Enter the contra account debited with losses charged off during the year (data field 4 above). (ACCTML)
8	Particulars (A60): Enter data of abandonment or loss and date of Commission authorizing for use of Account 182.00. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter period of amortization by year, in the format YY-YY, i.e., 74-84. (IDDESC)

Accounts 183.00 or 183.10 and 183.20

Report particulars for expenditures for preliminary survey.

Preliminary survey items with total expenditures to date under $50,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data field 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature and purpose of each project for which preliminary survey and investigation work has been done for the purpose of determining the feasibility of projects under contemplation. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 186.00

Report particulars for miscellaneous deferred debits.

Deferred debit items of less than $25,000 should be grouped. For grouped items enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the miscellaneous deferred debit item. Miscellaneous work in progress and regulatory commission expenses should be stated separately under the following titles: (IDDESC) Miscellaneous Work in Progress Deferred Regulatory Commission Expenses
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred debit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

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Accounts 209.00, 210.00, 211.00, 213.00 and 214.00

Report particulars for other paid-in capital accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 210.00, 213.00 and 214.00, state the class and series of stock to which each debit and credit are related. For Accounts 209.00 and 211.00, state the general nature of transactions which gave rise to the reported amounts. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 216.10

Report particulars for unappropriated undistributed subsidiary earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of dividend received from subsidiaries and any other debit entries to this account during the year.
4	Credits - Amount (N9) DOL: Enter the amount of equity in subsidiary earnings and any other credit entries to this account during the year. Subsidiary losses should be included in data field 5 below, with the notation "Subsidiary Loss" included in data field 8 below.
5	Contra Account Credited (N3.2): (ACCTML)
8	Particulars (A60): Explain the nature of any debit or credit amounts included in data fields 4 or 5, other than subsidiary earnings or dividends. (IDDESC)
9	Balance End of Year (N10) DOL.

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Account 253.00

Report particulars for other deferred credits.

Report under this account any advance billings or receipts for gas sales or service classified in Account 253.00, but not related to take-or-pay arrangements. Take-or-pay arrangements should be included on Schedule 0131.

Other deferred credits of less than $25,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the other deferred credit item. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred credit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

Account 255.00

Report particulars for investment tax credits.

Information on investment tax credits should be stated separately for each of the applicable credit percentages. Do not group credit percentages.

Electric respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their electric department and as the last entry for Account 255.20, the total of accumulated deferred investment tax credits for all other departments combined. Natural Gas respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their gas department and as the last entry for Account 255.20, the total of accumulated deferred credits for all other departments combined.

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Respondents with only one utility department should report in data field 1, Account 255.00.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): In the first two spaces of data field 2, enter one of the following values: "03", "04", "07", "10" or "11" to indicate the appropriate investment tax credit rate. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of investment tax credits amortized to current year income related to each credit listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of investment tax credits deferred for the current year related to each credit listed in data field 2 above.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
7	Adjustments - Amount (N9) DOL: Enter any adjustment of investment tax credit amounts previously recorded for this account.
8	Particulars (A60): Explain the reason for any adjustments (data field 7 above) to the account balance. Also include in this data field the amount of credits deferred for the year associated with leased property in the following manner: Leased property - $1,000,000. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the average period over which the investment tax credits will be amortized to income, in the format YY-YY, i.e., 75-95. (IDDESC)

Accounts 261.00, 262.00, 263.00, 264.00, 265.00

Report particulars for operating reserve accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For accounts 216.00, 262.00, 263.00 and 264.00, state the nature of each entry included in data fields 3 and 4. For Account 265.00, identify each reserve therein separately and state the nature of the entry. If

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DETAILED INSTRUCTIONS:
SCHEDULE 0162 — DETAILED ACCOUNT DATA - PART II — 11 of 12

Data Field Number	Instructions
2 (cont'd)	the entries in data fields 3-6 affect more than one department, indication of each department affected should be made by placing letter E (electric), G (gas) or O (other) at the end of this data field. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For Account 261.00, Property Insurance Reserve and 262.00, Injuries and Damages Reserve, explain the nature of the risks covered by the reserves. (IDDESC)
9	Balance End of Year (N10) DOL.

Accounts 437.00 & 438.00

Report particulars for dividends declared.

Data Field Numbers	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Account 437.00, state the class and series of stock and the type of dividend (cash, stock, other forms). For Account 438.00, state the type of dividend and the dividend rate per share. Provide a detailed description if dividends are in forms other than cash or stock. (IDDESC)
9	Amount for Year (N10) DOL: Enter the total amount of dividends for each class and series listed in data field 2 above.

Account 439.00

Report particulars for adjustments to retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe briefly each debit or credit adjustment to retained earnings. The income tax effect of each adjustment to retained earnings should be included in data field 3 or 4 below, as appropriate. (IDDESC)

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DETAILED INSTRUCTIONS:
SCHEDULE 0162 — DETAILED ACCOUNT DATA - PART II — 12 of 12

Data Field Number	Instructions
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS:
SCHEDULE 0163 — DETAILED ACCOUNT DATA - PART III — 1 of 9

I. DESCRIPTION

This schedule is used to collect detailed information supporting end of year balances or amounts for certain of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
154.00		Plant materials and operating supplies
	165.10	Prepaid insurance
	165.20	Prepaid rent
	165.30	Prepaid taxes
	165.40	Prepaid interest
	165.50	Gas prepayments
	165.60	Other prepayments
174.00		Miscellaneous current and accrued assets
202.00		Common stock subscribed
203.00		Common stock liability for conversion
205.00		Preferred stock subscribed
206.00		Preferred stock liability for conversion
207.00		Premium on capital stock
208.00		Donations received from stockholders
212.00		Instaliments received on capital stock
242.00		Miscellaneous current and accrued liability
	252.10	Customer advances for construction - electric department
	252.20	Customer advances for construction - gas department
	252.30	Customer advances for construction - other
419.00		Interest and dividend income
421.00		Miscellaneous nonoperating income
	421.10	Gain on disposition of property
	421.20	Loss on disposition of property
425.00		Miscellaneous amortization
	426.10	Miscellaneous income deductions - donations
	426.20	Miscellaneous income deductions - insurance
	426.30	Miscellaneous income deductions - penalties
	426.41	Expenditures for certain civic, political and related activities - radio, television, and motion picture advertising
	426.42	Expenditures for certain civic, political and related activities - newspaper, magazine and pamphlet advertising
	426.43	Expenditures for certain civic, political and related activities - inserts in customers' bills or reports to stockholders

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DETAILED INSTRUCTIONS:
SCHEDULE 0163 — DETAILED ACCOUNT DATA - PART III — 2 of 9

Uniform System of Accounts	Supplemental Accounts	Description
	426.44	Expenditures for certain civic, political and related activities - newspaper and magazine editorial services
	426.45	Expenditures for certain civic, political and related activities - other advertising
	426.46	Expenditures for certain civic, political and related activities - expenses other than advertising
426.50		Miscellaneous income deductions - other deductions
430.00		Income on debt to associated companies
431.00		Other interest expenses
436.00		Appropriations of retained earnings
813.00		Other gas supply expenses
858.00		Transmission and compression of gas by others
930.30		Industry association dues
930.40		Nuclear power, experimental and general research expenses
930.50		Stockholder expenses
930.60		Other expenses

Class A and Class B Electric respondents report detail for all accounts listed above except Account 165.10 through 165.60, 491.00, 813.00 and 858.00.

Class A and Class B Natural Gas respondents report detail for all accounts listed above.

Class C and Class D Electric and Natural Gas respondents report detail for Accounts 426.41 through 426.46 and 436.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for every account shall be reported annually.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

Account 154.00

Report information for plant materials and operating supplies.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Furnish a breakdown of plant materials and operating supplies included in Account 154.00, according to the general character of the items. Examples: (IDDESC) Electric: Poles and pole materials; Steel tower and fittings; Conductor-wire-cable-insulators; Substation materials; Underground materials; Other operations: Maintenance materials, Auto parts & supplies, Stationery & supplies, Production M&S and spare Gas: Steel pipe line; Well casing; Valves and fittings; Meters, regulators and parts; Miscellaneous machine parts, tools & electrical supplies; Compressor station engine parts; Building materials, poles, paint, etc.; Miscellaneous equipment & supplies
3	Balance End of Year (N10) DOL.
4	Particulars (A60): State the amount of any important inventory adjustment made during the year to the classes of material listed in data field 2 above. For any class of material listed in date field 2 above, that pertains to other than the primary department, state in this data field the department affected. (IDDESC)

Accounts 165.10 - 165.60

Natural Gas respondents report information on prepayments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): Furnish a description for any prepayment reported in Supplemental Account 165.60, Other Prepayments. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 174.00 & 242.00

Report information on miscellaneous current and accrued assets and liabilities or liabilities of less than $25,000 may be grouped. For grouped items, enter the word

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"Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Describe current and accrued assets or liabilities. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 202.00, 203.00, 205.00, 206.00, 207.00, 208.00 and 212.00

Report information on other capital stock accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): For Accounts 202.00 and 205.00, enter the subscription price on each class of stock at year end. For Accounts 203.00 and 206.00, describe the agreement under which a conversion liability existed at end of year. For Account 208.00, provide an explanation of the origin and purpose of each donation. For Account 212.00, state each class and series of capital stock with an outstanding installment at year end. For Account 207.00, state the class and series of stock giving rise to the premium. Provide a brief explanation of any premiums arising from transactions with associated companies. If additional information is required for adequate disclosure, use data field 4, Particulars. (IDDESC)
3	Balance End of Year (N10) DOL: Enter the balance end of year associated with the item listed in date field 2 above.
4	Particulars (A60): Enter the number of shares at year end, if applicable. (IDDESC)

Accounts 252.10 - 252.30

For respondents with more than one utility department, report information on customer advances by departments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
3	Balance End of Year (N10) DOL: Enter the balance of customer advances at the end of year for each account listed in data field 1 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	5 of 9

Account 419.00

Report information on interest and dividend income.

Interest and dividend items in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in date field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Income from investments included in Accounts 123.00, 124.00 and 136.00, should be grouped and listed in this data field as: Income from Investments - Accounts 123.00 and 124.00 Income from Investments - Account 136.00 Provide a description of any other income or expense items included in Account 419.00. (IDDESC)
3	Amount for Year (N10) DOL.

Account 421.00

Report information on miscellaneous nonoperating income.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each miscellaneous nonoperating income and/or expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 421.10, 421.20

Report information related to disposition of property.

Individual gain or losses relating to property with an original cost of less than $50,000 may be grouped with the number of items in data field 2.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)

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Data Field Number	Instructions
2 (Key)	Description (A50): Provide a brief description of the location of property (city and state) and original cost of property disposed of during the year. (IDDESC)
3	Amount for Year (N10) DOL: Enter amount of gain or loss associated with the disposition of property reported in data field 2 above.
4	Particulars (A60): Enter the name of the party acquiring the property, when acquired by another utility or an associated-company. Enter the classification of the property prior to its disposition (in-service, future use nonutility, etc.) Also enter the date of Commission approval of journal entries when approval is required, i.e., Commission approval 5.10.75. Where approval is required but has not been received, provide an explanation. (IDDESC)

Account 425.00

Report information on miscellaneous amortization.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature of items being amortized. (IDDESC)
3	Amount for Year (N10) DOL: Enter the total amount amortization charges for the year for each item listed in data field 2 above.
4	Particulars (A60): Enter the period of amortization for any item listed in data field 2 above. (IDDESC)

Accounts 426.10, 426.20, 426.30, & 426.50

Report information on miscellaneous income deduction accounts.

Amounts of less than $1,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Report the nature of the income deduction and the payee. (IDDESC)

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Data Field Number	Instructions
3	Amount for Year (N10) DOL.

Accounts 426.41 - 426.46

Report all expenditures incurred by the respondent during the year for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation or ordinances (either with respect to the possible adoption of new referenda, legislation or ordinances or repeal or modification of existing referenda, legislation or ordinances); approval, modification, or revocation of franchises; or for the purpose of influencing the decisions of public officials which are accounted for as Other Income Deductions, Expenditures for Certain Civic, Political and Related Activities; Account 426.40.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Indicate the nature and purpose of the activity. (IDDESC)
3	Amount for Year (N10) DOL.

Account 430.00

Report information related to interest on associated company debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the name of the associated company, the type of debt involved and interest rate: (IDDESC) Jones Company - Advance - 6% Ace Company - Note - 8%
3	Amount for Year (N10) DOL.

Account 431.00

Report information on other interest expense.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature of the selected debt or other interest expense item. Include also the interest rate, if not provided elsewhere in this filing. Examples: (IDDESC) Customer Deposits - 7% Notes Payable - Banks - 8-9% Notes Payable - Commercial Paper - 7% Notes Payable - Other Other
3	Amount for Year (N10) DOL.

Account 436.00

Report information on appropriations of retained earnings made during the year.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State purpose of any appropriation of retained earnings made during the year. (IDDESC)
3	Amount for Year (N10) DOL.

Account 813.00

Natural Gas respondents only report information on other gas supply expenses.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of the nature of the other gas supply expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Account 858.00

Natural Gas respondents only report information on expenses paid for transmission and compression of gas by others.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State name of company and a description of the service performed. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 930.30 - 930.60

Report information on miscellaneous general expenses.

For Accounts 930.30 - 930.50, complete data fields 1 and 3 only.

Account 930.50, Stockholder Expenses, includes publishing and distributing information to stockholders.

For Account 930.60, list separately in data field 2 each item of miscellaneous other expense of $500 or more. Amounts of less than $500 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Describe each item of miscellaneous other expenses. (IDDESC)
3	Amount for Year (N10) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	1 of 4

I. DESCRIPTION

This schedule is used to collect detailed information supporting amounts for the year for certain revenue accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. The following accounts are included on this schedule.

Uniform System of Accounts	Supplemental Accounts	Description
451.00		Miscellaneous service revenues
454.00		Rent from electric property
455.00		Interdepartmental rents (electric)
456.00		Other electric revenues
	484.00	Interdepartmental sales - natural gas
	490.00	Sales of products extracted from natural gas
	491.00	Revenues from natural gas processed by others
	492.00	Incidental gasoline and oil sales
	493.00	Rent from gas property
	494.00	Interdepartmental rents (gas)
	495.00	Other gas revenues

Class A and Class B Electric respondents report the detail for Accounts 451.00 and 454.00 through 456.00.

Class A and Class B Natural Gas respondents report the detail for Accounts 484.00 and 490.00 through 495.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for every account shall be reported annually.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

Accounts 451.00 & 456.00

Report particulars for miscellaneous revenue accounts.

Revenues of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	2 of 4

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe each category of miscellaneous service or other revenue. Provide a separate caption for revenues from operation of fish and wildlife and recreation facilities (regardless of whether such facilities are operated by company or by contract concessionaries). Also list separately revenues realized through Research and Development ventures. (IDDESC)
3	Amount for Year (N9) DOL: State amount of revenue for year.
4	Name of Company (A35): State name of company or other organization from which revenue is derived. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 is an associated company, enter "1"; if not, enter "0". (INYONO)

Accounts 454.00, 455.00, 493.00, & 494.00

Report information related to rent from property and interdepartmental rents.

Amounts under $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 454.00 and 493.00, provide description of the related property. For Accounts 493.00 and 494.00, if the amount reported in data field 3 is derived from a manufactured gas property, indicate this by entering the words "Manufactured Gas" in this data field. (IDDESC)
3	Amount for Year (N9) DOL.
4	Name of Department/Company (A35): Enter name of lessee of department from which revenue is received. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 above is an associated company, enter "1"; if not, enter "0". (INYONO)
6	Particulars (A60): If rents are included which were arrived at under an arrangement for apportioning expenses of a joint facility, whereby the amount included in this account represents profit or return on property, depreciation, and taxes,

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DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	3 of 4

Data Field Number	Instructions
6 (cont'd)	give particulars and the basis of apportionment of such charges to the account shown in data field 1. (IDDESC)

Account 484.00

Natural Gas respondents only report information on interdepartmental sales.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the other utility department and basis of the charges. (IDDESC)
3	Amount for Year (N9) DOL.

Account 490.00

Natural Gas respondents only report particulars concerning sales of gasoline, butane, propane, and other products extracted from natural gas, including sales of any such products which may have been purchased from others for resale.

If the purchasers are numerous it is permissible to group the sales by kind of product. In that case, state in data field 2 the number of producers grouped. Show separately, however, sales to associated companies or to companies which were associated at the time the applicable sales contracts were made.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State name of purchaser. (IDDESC)
3	Amount for Year (N9) DOL.
5	Associated Company Indicator (N1): If the company named in data field 2 above is an associated company, enter "1"; if not, enter "0". (INYONO)
6	Particulars (A60): State name of product and the number of gallons sold. (IDDESC)

Account 491.00

Natural Gas respondents report particulars concerning transactions with others for removing products from natural gas of the respondent. The information called for in this schedule should also be provided in instances where gas of the repondent is processed by others and no revenue is received.

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DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	4 of 4

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide description transaction. (IDDESC)
3	Amount for Year (N9) DOL.
4	Name of Department/Company (A35): State name of processor. (IDNAME)
6	Particulars (A60): Provide details in instances where no revenues have been received in the transaction. (IDDESC)

Accounts 492.00 & 495.00

Report particulars concerning revenues received from incidental gas and oil sales and from other gas revenues.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe each source of revenue. List separately revenue realized through research and development ventures. (IDDESC)
3	Amount for Year (N9) DOL: State amount of revenue for year.
4	Name of Company (A35): State name of company or other organization from which revenue is derived. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 above is an associated company, enter "1"; if not, enter "0". (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0167	REVENUE FROM TRANSPORTATION OF GAS OF OTHERS - NATURAL GAS (ACCOUNT 489.00)	1 of 1

I. DESCRIPTION

This schedule is used to collect details concerning Account 489.00, Revenue from Transportation of Gas of Others.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Points of receipt and delivery should be so designated that they can be identified on map of the respondent's pipe line system.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Description (A40): Provide a description of the service performed. Designate if gas transported or compressed is other than natural gas. (IDDESC)
2	Point of Receipt (A22): Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name.
3	Point of Delivery (A22): Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name.
4	Distance Transported (N4) MI.
5	Name of Company (A35): State name of company from which revenue (data field 9) was derived. (IDNAME)
6	Associated Company Indicator (N1): If the company named in data field 5 above is an associated company, enter "1"; if not, enter "0". (INYONO)
7	Quantity Received (N9.3) MMCF.
8	Quantity Delivered (N9.3) MMCF.
9	Revenue (N8) DOL.
10	Revenue Per MCF (N3.2) CTS/MCF.
11	Federal Power Commission Rate Schedule Number (A11). (IDRATE)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	1 of 4

I. DESCRIPTION

This schedule is used to collect data relating to gas purchases during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas respondents.

B. Respondents shall complete all appropriate data fields on this schedule annually.

C. Class A and Class B Natural Gas respondents are to report information according to the following accounts:

Uniform System of Accounts	Supplemental Accounts	Description
800.00		Natural gas well head purchases
801.00		Natural gas field line purchases
802.00		Natural gas gasoline plant outlet purchases
803.00		Natural gas transmission line purchases
804.00		Natural gas city gate purchases
805.00		Other gas purchases

Class C Natural Gas respondents report information according to the following accounts:

	730.01	Natural gas purchases - well head
	730.02	Natural gas purchases - field line
	730.03	Natural gas purchases - gasoline plant outlet
	730.04	Natural gas purchases - other
731.00		Other gas purchases

Class D Natural Gas respondents report information according to the following accounts:

730.00	Natural gas purchases
731.00	Other gas purchases

D. For Class A and Class B respondents, purchases of less than 100,000 MCF per year per contract from sellers not affiliated with the reporting company shall be grouped by account number according to jurisdictional and nonjurisdictional sales, except when the purchases were permanently discontinued during the reporting year. The number of purchases so grouped under each category shall be noted in a footnote. For example, Other Jurisdictional (10) or Other Nonjurisdictional (5).

E. For Class C and Class D respondents, field purchases of less than $25,000 per year from individual non-associated vendors shall be grouped by fields or production areas. For Class C and Class D respondents where purchases are from untitled fields or vendor is a partnership or joint interest arrangement, specify such fact in a footnote and give name of unit operator, principal partner, or largest owner of joint interest, as appropriate.

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	2 of 4

F. Report gas quantity in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Seller Code (N6): All respondents, enter the seller code, from the Register of Data Standards, IDRESP.
3	Et Al. Indicator (N1): Enter "1" to indicate that an et al. party is involved; otherwise, enter "0". If an et al. party is involved, the seller identified by data field 2 above should be the principle party.
4	State Abbreviation (A2): Class A and Class B respondents, enter the abbreviation, from the Register of Data Standards, IDSTAT, to designate the state where the gas is received. For Class C and Class D respondents, report the state abbreviation for well head or field line purchases.
5	County Code (N3): Class A and Class B respondents, enter the code, from the Register of Data Standards, IDCNTY, to designate the county where the gas is received. If the gas is received in more than one county, use the code designation for the county receiving the largest volume of gas. For Class C and Class D respondents, report the county code for well head or field line purchases.
6	Name of Producing Field or Plant (A26): Class A and Class B respondents, enter the name of the producing field if using Accounts 800.00 and 801.00. Class A and Class B respondents also, report the name of the field or plant contributing the largest volume of gas if purchases under a contract are from more than one field or plant. For Class C respondents, report the gas field or production for well head or field line purchases. (IDGFPL)
7	Associated Company Indicator (N1): All respondents, enter "1" in this data field if the seller is an associated company; if not, enter "0". (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	3 of 4

Data Field Number	Instructions
8	Rate Schedule Number (A11): For Class A, Class B, Class C and Class D respondents, report the assigned Federal Power Commission rate schedule number or small producer certificate docket number. If a sale is nonjurisdictional, enter "999" in this data field. For Class C and Class D respondents, intrastate purchases for which there is no required filing of a Federal Power Commission rate schedule shall be specified as "intrast". If for any purchase more than one rate schedule was in effect during the year, show the most recent rate schedule designation and in a footnote give superceded rate schedules and date of supersession or a succinct explanation. The operator's rate schedule designation is sufficient in cases where there are co-owners under the same purchase contract, but the entire volume of gas and amount, data fields 12 and 13 below, must be shown for the purchases under the particular contract. Rate schedule designations are not required with respect to small purchases grouped as permitted by General Information, II-D. (IDRATE)
9	Net Rate Effective December 31st of Report Year (N3.2) CTS/MCF: All respondents, state the average net rate in cents per MCF (rounded to two decimal places) as of December 31st, for the reported year, applicable to the volume shown in data field 12 below. The net rate includes all additive charges and tax reimbursements and is net of all applicable deductions and downward adjustments. The rate is effective if filed pursuant to applicable statutes and regulations and (as to Federal Power Commission rate schedules) permitted by the Commission to become effective.
10	Date of Current Contract (N6): All respondents, enter the date, in the format MMDDYY, of the gas purchase contract. For Class A and Class B, show the date of the original contract if gas is purchased under a renegotiated contract. If new acreage is dedicated by ratification of an existing contract show the date of the ratification, rather than the date of the original contract. If gas is being sold from a different reservoir than the original dedicated acreage pursuant to Section 2.56 (f) (2) of the Commission's Rules of Practice and Procedure, report the original contract date as per usual practice. (TMDATE)
11	Approximate BTU Per Cubic Foot (N4) BTU/CF: All respondents, enter for each purchase the approximate BTU per cubic foot, determined in accordance with the definition of BTU per cubic foot of the General Instructions for this packet of schedules.

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	4 of 4

Data Field Number	Instructions
12	Quantity of Gas Purchased (N9.3) MMCF: All respondents, report the volume of purchased gas finally measured for the purpose of determining the amount payable for the gas. Include current year receipts of make-up gas that was paid for in prior years. Report gas in MMCF rounded to three decimal places.
13	Cost of Gas (N9) DOL: All respondents, state the amount paid and previously paid for the volumes of gas shown in data field 12 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	1 of 3

I. DESCRIPTION

This schedule is used to collect details on all changes made during the year included in any account (including plant accounts) for outside consultative and other professional services, such as services concerning rate, management, construction, engineering, research, financial, valuation, legal, accounting, purchasing, advertising, labor relations, and public relations, rendered the respondent under written or oral arrangement.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each logical entry has two parts. In data fields 1-10, report information on services performed. In data fields 11-13, show each account charged for that service with the associated amount.

D. For aggregate payments (other than for employee services or medical and personnel related services) amounting to $5,000 for Class B and $10,000 for Class A companies, complete data fields 1-6 and 10, with data fields 11-13 as needed. These payments should include legislative services payments except those which are to be reported in Account 426.40, Expenditures for Certain Civic, Political and Related Activities. For aggregate payments to any one individual, group or partnership, by Class A companies in the amount $600 or greater but less than $10,000, and aggregate payment by Class B companies in the amount $600 or greater but less than $5,000, complete data fields 1, 2, 4 and 10.

E. For any services which are under a long-term contract, complete data fields 7 and 8, and, if applicable, data field 9.

F. The respondent shall report professional and consultative services charged to any account of the Uniform System of Accounts. Do not report in data field 11 any control accounts (i.e., 401.00, Operation Expense) nor any respondent developed subaccount numbers. Data field 12 should be used to distinguish the department utilizing the service if the respondent has more than one utility department.

G. The respondent may be a member of a consolidated group which furnishes centralized professional services through a group service organization or it may receive professional services from other group member companies. In such instances, the respondent shall furnish complete details on the intercompany arrangements. For each type of service listed in data field 5, the respondent shall state briefly the basis for the charge (data field 6), the account(s) charged (data field 11) and the amount charged to each account (data field 13).

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DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	2 of 3

H. Outside services should be reported in data field 2 using the following codes:

Code	Type of Service
01	Financial
02	Auditing
03	Accounting
04	Purchasing
05	Rates
06	Management
07	Construction
08	Engineering
09	Research
10	Environmental
11	Valuation
12	Legal
13	Advertising
14	Labor Relations
15	Public Relations
16	Legislation
17	Fuel Supply
99	Other

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Consultant (A35): (IDNAME)
2	Type of Service (N2): Enter the code for the type of consultant service, from General Information II-H. (TYCNSV)
3	Description of Service (A40): Provide other description of service including case number or project name. (IDDESC)
4	Associated Company Indicator (N1): If consultant is an associated company, enter "1"; if not, enter "0". (INYONO)
5	Address of Consultant (A22): Report the address (state and city) of the consultant. Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
6	Basis of Charges (A50): Examples are: Payroll plus overhead plus expenses, hourly rate plus expenses, fixed fee plus expenses. (IDDESC)
7	Contract Start Date (N6): Enter the date, in the format MMDDYY. (TMDATE)

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DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	3 of 3

Data Field Number	Instructions
8	Contract Termination Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
9	Date of Commission Authorization (N6): Enter the date, in the format MMDDYY. (TMDATE)
10	Consultant's Total Charge for Year (N8) DOL.
11 (Key)	Account Charged (N3.2): (ACCTML)
12 (Key)	Department Using Consultant (A3): This data field should be completed by respondents with more than one utility department. If the account charged is common to two or more departments or all departments, enter COM. Enter one of the department abbreviations from the following list: (TYUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common
13	Amount Charged (N8) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0170	LEASE RENTAL CHARGES - GENERAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information on properties leased by the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. Report information called for where lease annual charges are $250,000 or more. Leases of construction equipment used in connection with work in progress or continuous, master or open-end leases for general plant, EDP or office equipment or other property short-lived and replaced under terms of the lease or for pole rentals, are not required to be reported on this schedule, unless lessee has the option to purchase the property.

D. Lease identifications (beginning with 01) are assigned by the respondent when the lease is first reported. The same value must be used for reporting in subsequent years. This value, which is reported in data field 1 of this schedule, must be identical to that reported in data field 1 of Schedule 0171.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Lease ID (N2): Assign a unique, sequential number to identify the lease for which data is to be given in data fields 2-14 below. (NRCADL)
2 (Key)	Description of Property (A70): Include the type, size, quantity and estimated useful life of property leased. (IDDESC)
3	Name of Lessor (A35): (IDNAME)
4	Option to Purchase Indicator (N1): If lessee has an option to purchase, enter "1"; if not, enter "0". (INYONO)
5	Particulars - Option to Purchase (A45): If lessee has an option to purchase, state the dates, the basis of determining the purchase price and other particulars. (IDDESC)
6	Lease Start Date (N6): Enter the date, in the format MMDDYY. (TMDATE)

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DETAILED INSTRUCTIONS: SCHEDULE 0170	LEASE RENTAL CHARGES - GENERAL DATA	2 of 2

Data Field Number	Instructions
7	Lease End Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
8	Lease Cancellable Indicator (N1): If lease is cancellable by either party, enter "1"; if not, enter "0". (INYONO)
9	Conditions Under Which Lease is Cancellable (A60): State the conditions under which the lease agreement may be cancelled by either party. (IDDESC)
10	Sale/Leaseback Indicator (N1): If lease is related to a sale and leaseback arrangement, enter "1"; if not, enter "0". (INYONO)
11	Accounting Treatment (A60): Describe accounting treatment of lease payments (levelized charges to expense or other treatment). (IDDESC)
12	Lease Rental Tax Treatment (A60): State whether the lease is treated as an item of capital or expense for Federal income tax purposes. (IDDESC)
13	Responsibilities of Respondent (A60): State responsibilities of respondent for payment of operation, maintenance, taxes, insurance or other expense associated with the property. (IDDESC)
14	Apportionment of Charges (A60): State the nature and basis for apportioning any charges between the lessor and lessee. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED	1 of 3

I. DESCRIPTION

This schedule is used to collect details on the accounting for payments made to third parties in connection with lease agreements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents. Natural Gas respondents furnish data for gas departments only. Electric respondents furnish data for the electric departments only.

B. Respondents shall complete all specified data fields on this schedule annually.

C. For purposes of this schedule a "lease" is defined as a contract or other agreement by which one party (lessor) conveys an intangible right to land or other tangible property and equipment to another (lessor) for a specified period of one year or more for rent.

D. For leases with annual charges of $25,000 or more, but less than $250,000, complete data fields 1, 2, 3, 4, 16, 17 and 18.

E. For leases having annual charges of $250,000 or more, complete all data fields.

F. The annual charges referred to in General Information D and E include the basic lease payment and other payments to or in behalf of the lessor such as taxes, depreciation, assumed interest or dividends on the lessor's securities, cost of property replacements and other expenditures with respect to leased property except the expenses of operating and maintaining such leased property.

G. Oil and gas leases and leases of construction equipment used in connection with construction work in progress are not required to be reported herein. For continuous master or open-end leases for general plant items, EDP or office equipment, automobile fleets that are short-lived and replaced under terms of the lease, the respondent shall report only the data called for in data fields 1, 2, 3, 4, 5, 16, 17 and 18 unless the lessee has the option to purchase the property.

H. Each logical entry has two parts. In data fields 1-15, report data concerning each individual lease. In data fields 16-18, show the distribution of the current year lease rental charges to the various accounts.

I. Lease identification (beginning with 01) are assigned by the respondent when the lease is first reported. The same value must be used for reporting in subsequent years. This value is reported in data field 1 of this schedule and must be identical to that reported in data field 1 of Schedule 0170.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED ANNUAL DATA	2 of 3

Data Field Number	Instructions
1 (Key)	Lease ID (N2): Assign a unique, sequential number to identify the lease for which data is to be given in data fields 2-18 below. (NRCADL)
2 (Key)	Description of Property (A70): The entry in this data field should duplicate the entry in data field 1 of Schedule 0170. (IDDESC)
3 (Key)	Plant Function (N2): Enter one of the following codes: (IDPLFN) Code Type 01 = Production Plant 02 = Storage Plant 03 = Transmission Plant 04 = Distribution Plant 05 = General Plant 06 = Research and Development 07 = Nuclear Fuel 08 = Gathering Plant 99 = Other Items
4	Name of Lessor (A35): (IDNAME)
5	Associated Company Indicator (N1): If lessor is an associated company, enter "1"; if not, enter "0". (INYONO)
6	Current Lease Beginning Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
7	Current Lease Ending Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
8	Primary/Renewal Indicator (N1): If lease is in its primary term, enter "1"; if it is in a renewal term, enter "2". (INETOR)
9	Original Cost/Fair Market Beginning Value of Property (N9) DOL: Report, as of the date of the current lease term, the original cost of the property leased, estimated if not known, or the fair market value of the property if greater than original cost
10	Type Expense Paid by Lessee (A45): Enter a brief description of type expenses paid by lessee (See General Information, II-F) (IDDESC)
11	Amount of Accumulated Rent - Lessor (N8) DOL: Enter the accumulated amount of rents paid to the lessor during the current term of the lease.

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DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED	3 of 3

Data Field Number	Instructions
12	Amount of Accumulated Rent - Other (N8) DOL: Enter the accumulated amount of expenses paid to third parties on behalf of the lessor, such as taxes, interest, insurance, etc.
13	Amount of Current Year's Rent - Lessor (N8) DOL: Enter the rental charges for the current year paid to the lessor.
14	Amount of Current Year's Rent - Other (N8) DOL: Enter the amount of expenses for the current year paid by the respondent related to the lease.
15	Remaining Annual Charges Under Lease (N9) DOL: Enter the total annual charges over the remaining life of the lease. Estimate if actual amounts are not known.
16 (Key)	Account Charged (N3.2): Enter the account(s) charged with the expenses for the year. (ACCTML)
17	Amount Charged (N8) DOL: Enter the amount charged related to the account listed in data field 16 above.
18	Department (A3): This data field should be completed by respondents with more than one utility department. Enter one of the department abbreviations from the following list: (TYUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0172	EXPLORATION AND DEVELOPMENT EXPENSES	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information (by field, county and state) on exploration and development expenses included in Accounts 795.00, 796.00 797.00 and 798.00, for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule covers expenses included in the following accounts:

Uniform System of Accounts	Description
795.00	Delay Rentals
796.00	Nonproductive Well Drilling
797.00	Abandoned Leases
798.00	Other Exploration Costs

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Field Code (A6): Enter the code, from the Register of Data Standards, IDGPFL.
2 (Key)	County Code (N3): Enter the code, from the Register of Data Standards, IDCNTY.
3 (Key)	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.
4	Delay Rental Costs (N8) DOL: Enter the delay rental cost during the year charged to Account 795.00 and related to the field listed in data field 1 above.
5	Number of Nonproductive Wells (N3) NO: Enter the number of nonproductive wells for the year associated with the expenses charged to Account 796.00.
6	Cost of Nonproductive Wells (N8) DOL: Enter the amount of nonproductive well cost during the year charged to Account 796.00 and related to the field in data field 1 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0172	EXPLORATION AND DEVELOPMENT EXPENSES	2 of 2

Data Field Number	Instructions
7	Abandoned Lease Costs (N8) DOL: Enter the provision for the year charged to Account 797.00 to cover the probable loss on abandonment of natural gas.
8	Other Exploration Costs (N7) DOL: Enter the amount of other exploration costs during the year charged to Account 798.00 and related to the field listed in data field 1 above.
9	Total Exploration and Development Cost (N9) DOL: Enter the total exploration and development costs by field and county, included in Accounts 795.00 and 797.00.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0173	REGULATORY COMMISSION EXPENSE	1 of 2

I. DESCRIPTION

This schedule is used to collect particulars of regulatory commission expenses incurred during the current year or incurred in previous years, if being amortized, relating to formal cases before a regulatory body, or cases in which such a body was a party.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each entry has two parts. In data fields 1-10, report details of the regulatory commission expense items and information on deferrals of such expenses. In data fields 11-13, report information on all expenses charged off during the year, including expenses incurred in the current year (and charged off directly) and amortization of previous deferrals.

D. Individual cases, whose total expenses (data field 6) are $5,000 or less, may be grouped. For these items enter "999" in data field 1, enter "999999999" in data field 2, enter "Grouped Items" in data field 3, and complete data fields 4-6 and 11-13.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Commission Code (N3): Enter the three digit code, from the Register of Data Standards, IDCOMM.
2 (Key)	Docket or Case Number (A9): (IDDCKT)
3	Description of Case (A55): Enter a brief description of case, i.e., rate filing; security issue; certificate application; and grouped items. (IDDESC)
4	Expense Assessed by Regulatory Commission (N7) DOL.
5	Expenses of Utility (N7) DOL: Enter the expenses incurred by the respondent other than by assessment of a regulatory body.
6	Total Expense (N7) DOL: Enter the total expenses to date - sum of data fields 4 and 5.
7	Period of Amortization (A5): Enter the period of amortization for any expenses incurred which are being amortized, in the format YY-YY, i.e., 75-80. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0173	REGULATORY COMMISSION EXPENSE	2 of 2

Data Field Number	Instructions
8	Amount Deferred in Account 186.00 - Beginning of Year (N7) DOL.
9	Amount Deferred in Account 186.00 - End of Year (N7) DOL.
10	Amount Deferred to Account 186.00 During Year (N7) DOL.
11	Account Charged (N3.2): (ACCTML)
12	Department Charged (A3): This data field should be completed by respondents with more than one utility department. Enter one of the department abbreviations from the following list: (TVUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common
13	Expense Charged to Account (N7) DOL: Enter the expenses charged to the account specified in data field 11, above.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0174	PARTICULARS CONCERNING CERTAIN OTHER INCOME ACCOUNTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries to certain other income and expense accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following accounts are to be reported on this schedule:

Uniform System of Accounts	Description
415.00	Revenues from merchandising, jobbing and contract work
416.00	Cost and expenses of merchandising, jobbing and contract work
417.00	Revenues from nonutility operations
417.10	Expenses of nonutility operations
418.00	Nonoperating rental income

D. Minor nonutility and nonoperating revenues under $25,000 may be grouped. For grouped items, enter the word "Other" in data field 2, i.e., Other (12). Report data for the grouped items in data fields 3-7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): For Accounts 415.00 and 416.00, list the type activity, i.e., merchandising, appliances, jobbing and contract work, and provide a general description of the activity. For Accounts 417.00 and 417.10, describe each major nonutility operation. For respondents with more than one department, state the department associated with the activity. For Account 418.00, give a brief description of each major item miscellaneous property included in Account 121.00, Nonutility Property, which is not used in operations for which income is included in Account 417.00, but which is leased or rented to others. (IDDESC)
3	Revenues (N9) DOL.
4	Expenses - Operation (N9) DOL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0174	PARTICULARS CONCERNING CERTAIN OTHER INCOME ACCOUNTS	2 of 2

Data Field Number	Instructions
5	Expenses - Maintenance (N9) DOL.
6	Expenses - Depreciation, Depletion and Amortization (N9) DOL.
7	Expenses - Other (N9) DOL.
8	Particulars (A60): For each item of property listed in data field 2 above, for Account 418.00, state the name of lessee, the effective date and expiration date of lease. (IDDESC)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0175	EXCHANGE GAS ACCOUNTING - PART I	1 of 1

I. DESCRIPTION

This schedule is used to collect details of revenues and charges included in Account 806.00, Exchange Gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Report in this schedule information concerning each natural gas exchange transaction made during the year where consideration was received or paid in performance of the gas exchange service.

D. Details on accounting adjustments related to these transactions should be reported on Schedule 0176, Exchange Gas Accounting - Part II.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Company (A35). (IDNAME)
2 (Key)	Basis for Revenue or Charge (A45): Enter basis for determining the revenue or charge. If Federal Power Commission Rate Schedule, enter rate schedule number. (IDDESC)
3	Total Charges Paid or Payable by Respondent for Exchange Gas (N9) DOL.
4	Account Number (N3.2): Enter the account number used to record the amount listed in data field 3 above. (ACCTNL)
5	Revenue Received or Receivable by Respondent for Exchange Gas (N9) DOL.
6	Account Number (N3.2): Enter the account number used to record the amount listed in data field 5 above. (ACCTNL)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0176	EXCHANGE GAS ACCOUNTING - PART II (ACCOUNT 806.00)	1 of 1

I. DESCRIPTION

This schedule is used to collect details of accounting adjustments related to exchange gas transactions included in Account 806.00, Exchange Gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Report in this schedule information concerning each natural gas exchange transaction where consideration was received or paid in performance of the gas exchange service.

D. Details on revenues and charges related to gas exchange transactions included in Account 806.00, should be reported on Schedule 0175.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Company (A35): (IDNAME)
2 (Key)	Basis for Revenue or Charge (A45): Enter basis for determining the charge or credit to Account 806.00. If Federal Power Commission Rate Schedule, state rate schedule number. (IDDESC)
3	Amount Debited - Account 174.00 (N8) DOL.
4	Amount Credited - Account 174.00 (N8) DOL.
5	Amount Credited - Account 242.00 (N8) DOL.
6	Amount Credited - Account 806.00 (N8) DOL.
7	Amount Debited - Account 242.00 (N8) DOL.
8	Amount Debited - Account 806.00 (N8) DOL.
9	Net Quantity Received During Year (N9.3) MMCF: Enter the net quantity received, in MMCF rounded to three decimal places.
10	Net Quantity Delivered During Year (N9.3) MMCF: Enter the net quantity delivered, in MMCF rounded to three decimal places.
11	Other Information (A60): Furnish any additional explanations as may be considered necessary with respect to the accounting for the exchange gas transaction. (IDDESC)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	1 of 3

I. DESCRIPTION

This schedule is used to collect detailed information related to the accounting for technological research and developmenc (R&D) projects initiated, continued or concluded during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following accounts from the Supplemental System of Accounts shall be reported on this schedule:

Research and Development Performed Internally - Electric

Supplemental Accounts	Description
630.00	Hydroelectric generation - recreation, fish and wildlife
631.00	Hydroelectric generation - other
632.00	Fossil-fuel steam generation
633.00	Internal combustion or gas turbine generation
634.00	Nuclear generation
635.00	Unconventional generation
636.00	Sitting and heat rejection generation
637.00	System planning, engineering and operation
638.00	Overhead transmission
639.00	Underground transmission
640.00	Distribution
641.00	Environment (other than equipment)
642.00	Other

Research and Development Performed Externally - Electric

Supplemental Accounts	Description
643.00	Research support to the Electric Research Council
644.00	Research support to the Electric Power Research Institute
645.00	Research support to Edison Electric Institute
646.00	Research support to nuclear power groups
647.00	Research support to others
648.00	Total electric research and development costs

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	2 of 3

Research and Development Performed Internally - Gas

Supplemental Accounts	Description
630.10	Pipeline design
630.20	Pipeline efficiency
631.10	Compressor station design
631.20	Compressor station efficiency
632.00	System planning, engineering and operation
633.00	Transmission control and dispatching
634.00	LNG storage and transportation
635.00	Underground storage
636.00	Other storage
637.00	New appliances and new uses
638.00	Gas exploration, drilling, production and recovery
639.00	Coal gasification
640.00	Synthetic gas
641.00	Environmental research
642.00	Other

Research and Development Performed Externally - Gas

Supplemental Accounts	Description
644.00	Research support to American Gas Association
645.00	Research support to others
648.00	Total gas research and development costs

D. For any research and development work carried on by the respondent in which there is a sharing of costs with others, list in data fields 1-6 only, the respondent's cost for the year.

E. Each logical entry has two parts. In data fields 1-4, report information on each research and development activity. In data fields 5-6, show each account number charged with expenses for the year with the associated amount. Example:

Account Number - 506.00 Amount - 350000

F. For Account 642.00 (Other), report separately only research and development projects over $5,000.

G. Unamortized Research and Development Costs - End of Year (data field 4) should show the balance in Account 188.00, Research and Development Expenditures, for each particular category at the end of the year.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	3 of 3

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Classification of Research and Development Activity (N3.2): Enter the Supplemental Account number listed under General Information II-C, which identifies the activity being described. (ACCTML)
2	Costs - Current Year (N8) DOL: Enter the cost incurred during the year, related to the project listed in data field 3 below.
3 (Key)	Description of Research and Development Activity (A130): Provide a concise description explaining the nature of a project classified as research and development. For research and development projects sponsored jointly with others, list the names of the other participating companies in this data field. (IDDESC)
4	Unamortized Research and Development Costs - End of Year (N8) DOL: Enter the accumulated unamortized balance at the end of year for research and development activities described in data field 3 above.
5 (Key)	Costs Charged Off, Account Number (N3.2): Enter the account number used to record project costs charged off during the current year. (ACCTML)
6	Cost Charged Off, Amount (N8) DOL: Enter the amount of charges related to the account listed in data field 5 above.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0178	NATURAL GAS PRODUCTION AND GATHERING STATISTICS	1 of 3

I. DESCRIPTION

This schedule is used to collect data on plant investment and operating expenses of natural gas production and gathering plant. The total quantities of gas produced are also reported herein.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The term "old gas" referred to in data fields 3 and 6 pertains to natural gas leases acquired on or before October 7, 1969. The term "new gas" referred to in data fields 4 and 7 pertains to natural gas leases acquired on or after October 8, 1969, as set out in Orders 440 and 440-A.

D. Natural gas production and gathering statistics should be listed (in data fields 2 through 5) by the following plant and expense accounts.

Uniform System of Accounts	Supplemental Accounts	Description
325.10		Producing lands
325.20		Producing leaseholds
325.30		Gas rights
325.40		Rights-of-way
325.50		Other land and land rights
326.00		Gas well structures
327.00		Field compressor station structures
328.00		Field measuring and regulating station structures
329.00		Other structures
330.00		Producing gas wells - well construction
331.00		Producing gas wells - well equipment
332.00		Field lines
333.00		Field compressor station equipment
334.00		Field measuring and regulating station equipment
335.00		Drilling and cleaning equipment
336.00		Purification equipment
337.00		Other equipment
338.00		Unsuccessful exploration and development cost
	339.90	Total Natural Gas Production and Gathering Plant
	403.20	Depreciation expense - production and gathering plant
404.10		Amortization and depletion of producing natural gas land and land rights
750.00		Operation, supervision and engineering
751.00		Production maps and records
752.00		Gas wells expenses
753.00		Field lines expenses
754.00		Field compressor station expenses
755.00		Field compressor station fuel and power

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0178	NATURAL GAS PRODUCTION AND GATHERING STATISTICS	2 of 3

Uniform System of Accounts	Supplemental Accounts	Description
756.00		Field measuring and regulating station expenses
757.00		Purification expenses
758.00		Gas well royalties
759.00		Other expenses
760.00		Rents
761.00		Maintenance supervision and engineering
762.00		Maintenance of structures and improvements
763.00		Maintenance of producing gas wells
764.00		Maintenance of field lines
765.00		Maintenance of field compressor station equipment
766.00		Maintenance of field measuring and regulating station equipment
767.00		Maintenance of purification equipment
768.00		Maintenance of drilling and cleaning equipment
769.00		Maintenance of other equipment
	769.50	Taxes (other than income) Natural Gas production and gathering expense
	769.90	Total Natural Gas Production and Gathering - Operation and maintenance

E. This is a two part schedule. Data fields 3, 4 and 5 apply to natural gas production data and appear once. Natural gas production quantity data has been assigned the Supplemental Account 079.00, presented in data field 2. Data fields 6, 7 and 8 apply to plant and expense data and should be completed according to General Information, II-D above.

F. Each production area will require that a separate page of the schedule be completed. Totals for all production areas will be submitted by entering "Total" in data field 1 and completing the remainder of the data fields (2-8) with data which represents the totals for all production areas.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Production Area (A20): Enter the name of the production area. For additional information, refer to General Information, II-F. (IDDESC)
2 (Key)	Account Number (N3.2): Enter each plant or expense account mentioned in General Information, II-D. (ACCTML)
3	Old Gas Production Quantity (N9.3) MMCF: Enter the total old gas produced from the production area noted in data field 1 above, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0178	NATURAL GAS PRODUCTION AND GATHERING STATISTICS	3 of 3

Data Field Number	Instructions
4	New Gas Production Quantity (N9.3) MMCF: Enter the total new gas produced from the production area noted in data field 1 above, in MMCF rounded to three decimal places.
5	Total Natural Gas Lease Production Quantity (N9.3) MMCF: Enter the total gas production from the production area listed in data field 1 above, in MMCF rounded to three decimal places.
6	Natural Gas Lease Production Plant and Expenses - Old Gas (N9) DOL: Enter the amount included in the account shown in data field 2 above associated with old gas.
7	Natural Gas Lease Production Plant and Expenses - New Gas (N9) DOL: Enter the amount included in the account shown in data field 2 above associated with new gas.
8	Gathering System Plant and Expenses (N9) DOL: Enter the amount included in the account shown in data field 2 above, associated with gathering system.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0179	FRANCHISE REQUIREMENTS (ACCOUNT 927.00)	1 of 2

I. DESCRIPTION

This schedule is used to collect data on expenses of franchise requirements included in Account 927.00, Franchise Requirements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural Gas respondents with more than one utility department, furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report below, payments made to municipal or other governmental authorities, and the cost of electricity or gas, materials, supplies, and other items furnished such authorities during the year without reimbursement in compliance with franchise, ordinance, or similar requirements. Electric respondents must seperately disclose any payments in the amount of $25,000 or more. Natural Gas respondents must separately disclose any payments in the amount of $10,000 or more. Payments less then the amounts specified may be grouped by listing the word "other" in data field 1 and completing data fields 3-6 and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Municipal Authority (A35): (IDNAME)
2	Date of Franchise (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Cash Outlays (N7) DOL.
4	Gas Supplied Without Charge (N9.3) MMCF: Enter the gas supplied, in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.
5	Energy Supplied Without Charge (N5.3) MWH: Electric
6	Dollar Amount of Energy Supplied Without Charge (N7) DOL: Enter the dollar amount of energy (gas or electric) supplied without charge related to data fields 4 or 5 above.
7	Other Items Furnished Without Charge (N7) DOL: Enter the dollar amount of other items furnished in connection with the franchise.

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DETAILED INSTRUCTIONS: SCHEDULE 0179	FRANCHISE REQUIREMENTS (ACCOUNT 927.00)	2 of 2

Data Field Number	Instructions
8	Amount Furnished to Municipal (N8) DOL: Enter the total of franchise requirements from data fields 3, 6, and 7 above.
9	Particulars of Items Furnished Without Charges (A50): State particulars for items listed in data field 7 above. (IDDESC)

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DETAILED INSTRUCTIONS: SCHEDULE 0180 — GAS USED IN UTILITY OPERATIONS - CREDIT — 1 of 2

I. DESCRIPTION

This schedule is used to collect data in details for entries to Accounts 810.00, 811.00 and 812.00, during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following accounts are included on this schedule:

Uniform System of Accounts	Description
810.00	Gas Used for Compressor Station Fuel - Credit
811.00	Gas Used for Products Extraction - Credit
812.00	Gas Used for Other Utility Operations - Credit

D. Natural gas means either natural gas unmixed, or any mexeure of natural and manufactured gas.

E. Report gas quantity in MMCF and 14.73 PSIA at 60° Fahrenheit, rounded to three decimal places. If quantity is an estimated value, state such fact in a footnote.

F. If any gas was used by the respondent for which charge was not made to the appropriate operating expense or other account, list separately in data field 3 and 10 the MMCF of gas so used, omitting entries in data fields 4 and 11.

III. DETAILED INFORMATION

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2). (ACCTML)
2	Purpose for Which Gas Was Used (A45): Descriptions are not required for Account 810.00. For Account 811.00, list separately the gas shrinkage and other usage from (a) the respondent's own processing or (b) respondent's gas processed by others. For Account 812.00, report separately each significant use of gas during the year. Group minor uses under the description "Other". (IDDESC)
3	Quantity of Natural Gas Used (N9.3) MMCF.
4	Amount of Credit of Natural Gas Used (N9) DOL.

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DETAILED INSTRUCTIONS: SCHEDULE 0180 — GAS USED IN UTILITY OPERATIONS - CREDIT — 2 of 2

Data Field Number	Instructions
5-8	Contra Account Charged (N3.2): Enter the contra account charged for the gas use listed in date field 2 above. (ACCTML)
9	Natural Gas Cents Per MCF (N3.2) CTS/MCF: Enter cost per MCF of gas used in utility operation to nearest hundredth cent.
10	Quantity of Manufactured Gas Used (N9.3) MMCF.
11	Amount of Credit of Manufactured Gas Used (N9) DOL.

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DETAILED INSTRUCTIONS: SCHEDULE 0181 — GAS ACCOUNT - NATURAL GAS — 1 of 2

I. DESCRIPTION

This schedule is used to collect data on total quantities of natural gas received and delivered during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas Pipeline respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Information on natural gas quantities received and delivered shall be reported by utilizing to the extent possible the appropriate Uniform System of Account numbers which were used to record the related cost. In addition, Supplemental Account numbers have been developed to handle instances where no Uniform System of Account numbers formerly existed. The following accounts shall be reported:

Uniform System of Accounts	Supplemental Accounts	Description	Receipts (Data Field 2)	Deliveries (Data Field 3)
	478.00	Natural gas produced	X	
	479.00	LPG & manufactured gas produced	X	
800.00		Natural gas well head purchases	X	
801.00		Natural gas field line purchases	X	
802.00		Natural gas gasoline plant outlet purchases	X	
803.00		Natural gas transmission line purchases	X	
804.00		Natural gas city gate purchases	X	
805.00		Other gas purchases	X	
806.00		Exchange gas	X	X
808.00		Gas withdrawn from storage - Debit	X	
809.00		Gas delivered to storage - Credit		X
810.00		Gas used for compression station fuel - Credit		X
811.00		Gas used for products extraction - Credit		X
812.00		Gas used for other utility operation - Credit		X
858.00		Transmission and compression of gas by others	X	X
927.00		Franchise requirements	X	X
480.00		Residential sales		X
	481.10	Commercial and industrial sales - small or commercial		X
	481.20	Commercial and industrial sales - large or industrial		X
482.00		Other sales to public authority		X
483.00		Sales for resale		X
484.00		Interdepartmental sales		X

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DETAILED INSTRUCTIONS: SCHEDULE 0181 — GAS ACCOUNT - NATURAL GAS — 2 of 2

Uniform System of Accounts	Supplemental Accounts	Description	Receipts (Data Field 2)	Deliveries (Data Field 3)
489.00		Revenues from transportation of gas of others	X	X
	940.00	Unaccounted for gas - total	X	X
	941.00	Unaccounted for gas - production system	X	X
	942.00	Unaccounted for gas - storage system	X	X
	943.00	Unaccounted for gas - transmission system	X	X
	944.00	Unaccounted for gas - distribution system	X	X
	945.00	Unaccounted for gas - other	X	X
	946.00	Other receipts/deliveries	X	X
	947.00	Total Gas Quantity	X	X

D. Class A and Class B respondents shall report utilizing all of the above accounts. Class C and Class D respondents shall report only Accounts 478.00, 946.00, and 940.00 through 945.00.

E. Report gas quantity in MMCF rounded to three decimal places, at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the account number, from the Register of Data Standards, ACCTML, and General Information, 11-C above.
2 (Key)	Quantity Received (N9.3) MMCF: Enter the quantity of gas received, in MMCF rounded to three decimal places.
3 (Key)	Quantity Delivered (N9.3) MMCF: Enter the quantity of gas delivered, in MMCF rounded to three decimal places.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0182	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - REVENUES AND EXPENSES - PART I	1 of 3

I. DESCRIPTION

This schedule is used to collect selected monthly revenue and expense data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by "major" Natural Gas respondents. Refer to General Instructions for Corporate, Economic and Other Financial Schedules.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report the information in this schedule by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		REVENUES AND EXPENSES
400.00		Operating revenues
412.00		Revenues from gas plant leased to others
401.00		Operation expense - total
	401.10	Operation expense - salaries and wages
	401.20	Operation expense - other
402.00		Maintenance expense - total
	402.10	Maintenance expense - salaries and wages
	402.20	Maintenance expense - other
403.00		Depreciation expense
	407.90	Amortization and Depletion Total
408.10		Taxes other than income taxes, utility operating income
409.10		Income taxes, utility operating income - total
	409.18	Income taxes, utility operating income - Federal
	409.19	Income taxes, utility operating income - other
410.10		Provisions for deferred income taxes, utility operating income
411.10		Provisions for deferred income taxes, credit, utility operating income
411.40		Investment tax credit adjustments, utility operations
411.60		Gains from disposition of utility plant
411.70		Losses from disposition of utility plant
413.00		Expenses of plant leased to others
	413.80	Total Gas Operating Expenses
	413.90	Net Gas Operating Income
414.00		Other utility operating income
	414.90	Net Utility Operating Income - Total
	417.90	Nonutility Operating Income
418.10		Equity in earnings of subsidiary companies
419.00		Interest and dividend income
419.10		Allowance for funds used during construction

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0182	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - REVENUES AND EXPENSES - PART I	2 of 3

Uniform System of Accounts	Supplemental Accounts	Description
421.00		Miscellaneous nonoperating income
421.10		Gain on disposition of property
421.20		Loss on disposition of property
425.00		Miscellaneous amortization
	426.70	Miscellaneous income deductions
408.20		Taxes other than income taxes, other income and deductions
409.20		Income taxes, other income and deductions
410.20		Provisions for deferred income taxes, other income and deductions
411.20		Provisions for deferred income taxes - credit other income and deductions
411.50		Investment tax credit adjustments, nonutility operations
420.00		Investment tax credits
	426.90	Net Other Income and Deductions
427.00		Interest on long-term debt
428.00		Amortization of debt discount and expense
428.10		Amortization of loss on reacquired debt
429.00		Amortization of premium on debt - credit
429.10		Amortization of gain on reacquired debt - credit
430.00		Interest on debt to associated companies
431.00		Other interest expense
	431.90	Total Interest Charges
	432.90	Income Before Extraordinary Items
434.00		Extraordinary income
435.00		Extraordinary deductions
409.30		Income taxes, extraordinary items
433.00		Balance transferred from income

D. Salaries and wages charged to gas operation expense (Account 401.10) and maintenance expense (Account 402.10) should include only amounts charged to gas operation and maintenance expense accounts, including O&M clearing accounts. Total company salaries and wages should not be reported. Gas operations and maintenance salaries and wages may be estimated if actual amounts are not available.

E. Account Definitions:

401.00 Operation Expense - Equals the sum of Accounts 401.10 and 401.20
407.90 Amortization Expense - Sum of Accounts 404.10, 404.20, 404.30, 405.00, 406.00, 407.10 and 407.20
426.70 Miscellaneous Income Deductions - Sum of Accounts 426.10 through 426.50

F. Notes to financial data should be reported on Schedule 0215.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0182	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - REVENUES AND EXPENSES - PART I	3 of 3

C. Accounts 401.00 through 411.90, pertain only to gas department operations. If a respondent has more than one utility department, include the net of revenues and expenses applicable to the other departments in Account 414.00.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month-Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field. See General Information, II-C. (ACCTNL)
3	Amount (N9) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0183	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - REVENUES AND EXPENSES - PART II	1 of 2

I. DESCRIPTION

This schedule is used to collect selected monthly income and revenue data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by "major" Natural Gas respondents. Refer to General Instructions for Corporate, Economic and Other Financial Schedules.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report the information in this schedule by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
480.00		Residential sales
	481.01	Sales of natural gas - firm industrial
	481.02	Sales of natural gas - off-peak industrial
	481.03	Sales of natural gas - interruptible industrial
	481.04	Sales of natural gas - total Industrial
	481.05	Sales of natural gas - total Commercial
482.00		Other sales to public authorities
	483.01	Sales for resale - jurisdictional gas pipelines
	483.02	Sales for resale - jurisdictional gas pipelines - other
	483.03	Sales for resale - nonjurisdictional gas utilities - sales made under FPC rate schedule
	483.04	Sales for resale - nonjurisdictional gas utilities - sales not made under FPC rate schedule
	483.05	Total Sales for Resale
484.00		Interdepartmental sales
	485.90	Total Sales of Natural Gas
489.00		Revenues from transportation of gas of others
490.00		Sales of products extracted from natural gas
	495.80	Other gas operating revenues
	495.90	Total Other Operating Revenues
	496.90	Manufactured gas operating revenues

D. Definitions of firm, off-peak and interruptible industrials are included in General Instructions for Corporate, Economic and Other Financial Schedules.

E. Account 495.80, Other Gas Operating Revenues, includes Accounts 487.00, 488.00 and 491.00 through 495.00. Account 495.90, Total Other Operating Revenues, includes Accounts 489.00, 490.00 and 495.80.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: NATURAL GAS PIPELINE COMPANY MONTHLY SCHEDULE 0183 STATEMENT - REVENUES AND EXPENSES - PART II		2 of 2

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month-Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field. See General Information, II-C. (ACCTML)
3	Amount (N9) DOL.
4	Quantity of Gas (N9.3) MMCF: Enter the quantity of gas associated with account number listed in data field 2 above, in MMCF rounded to three decimal places.
5	Number of Customers at End of Month (N7) NO: Report the number of customers at end of month for Accounts 480.00 through 484.00
6	Quantity - Products Extracted (N9) CAL: State the quantity of products extracted, the revenue for which are included in Account 490.00.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: NATURAL GAS PIPELINE COMPANY MONTHLY SCHEDULE 0184 STATEMENT - OPERATING AND MAINTENANCE EXPENSES		1 of 2

I. DESCRIPTION

This schedule is used to collect monthly data on selected operation and maintenance expenses and related volumes.

II. GENERAL INFORMATION

A. This schedule shall be submitted by "major" Natural Gas respondents. Refer to General Instructions for Corporate, Economic and Other Financial Schedules.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report the information in this schedule by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		Manufactured Gas Production:
	749.00	Liquefied petroleum gas
	749.10	Other manufactured gas
	749.90	Total Manufactured Gas Production Expenses
	769.90	Total natural gas production and gathering - operation and maintenance
	793.90	Total products extraction - operation and maintenance
	799.90	Total exploration and development expenses - operation
		Purchased Gas Expense
	805.20	Purchases from producers
	805.30	Import purchases
	805.40	Purchase from major pipelines
	805.50	Purchases from other than major pipelines
	805.60	Gas purchases - other
	805.90	Total Purchased Gas Expenses
	798.90	Natural gas produced (quantities only)
	806.10	Exchange gas - in
	806.20	Exchange gas - out
807.00		Purchased gas expenses
808.00		Gas withdrawn from storage - debit
809.00		Gas delivered to storage - credit
810.00		Gas used for compressor station fuel - credit
811.00		Gas used for products extraction - credit
812.00		Gas used for other utility operations - credit
813.00		Other gas supply expenses
	813.90	Total Natural Gas Production Expenses
	849.90	Total Natural Gas Storage Expenses - operation and maintenance
		Transmission Expenses:
858.00		Transmission and compression of gas by others
	869.80	Other transmission expenses
	869.90	Total Transmission Expenses - operation and maintenance

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: NATURAL GAS PIPELINE COMPANY MONTHLY SCHEDULE 0184 STATEMENT - OPERATING AND MAINTENANCE EXPENSES		2 of 2

Uniform System of Accounts	Supplemental Accounts	Description
	895.90	Total Distribution Expenses - operation and maintenance
	905.90	Total Customer Accounts Expenses - operations
	910.90	Total Customer Service and Informational Expenses operations
	919.90	Total Sales Expenses - operations
	939.90	Total Administrative and General Expenses - operation and maintenance
	949.90	Total Operation and Maintenance Expenses Account

D. State manufactured gas at 1,035 BTU per cubic foot; or state utility natural gas average in data field 4.

E. Account Definitions:

Account 769.90 - Production and Gathering - Sum of Accounts 760.00 through 769.00.
Account 791.90 - Products Extraction - Sum of Accounts 770.00 through 791.00.
Account 799.90 - Exploration and Development - Sum of Accounts 795.00 through 798.00.
Account 805.90 - Total Purchased Gas Expense - Sum of Accounts 800.00 through 805.10.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month-Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field. See General Information, II-C. (ACCTML)
3	Amount (N9) DOL.
4	Quantity of Gas (N9.3) MMCF: Enter the quantity of gas, in MMCF rounded to three decimal places.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: NATURAL GAS PIPELINE COMPANY MONTHLY SCHEDULE 0185 STATEMENT - SUPPLEMENT GAS SUPPLIES AND SELECTED DATA		1 of 2

I. DESCRIPTION

This schedule is used to collect monthly data on supplemental gas supplies and selected data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by "major" Natural Gas respondents. Refer to General Instructions for Corporate, Economic and Other Financial Schedules.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report the information in this schedule by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		LNG:
	805.19	LNG purchases - total
	805.11	LNG purchases - from major pipelines
	805.12	LNG purchases - from others
	805.13	LNG purchases - imports
	805.14	LNG company production
	483.19	LNG sales - total
	483.11	LNG sales - to major pipelines
	483.12	LNG sales - to others
	483.13	LNG sales - used on system
		Gasified Coal:
	805.29	Gasified coal purchases - total
	805.21	Gasified coal purchases - from major pipelines
	805.22	Gasified coal purchases from others
	805.24	Gasified coal company production
	483.29	Gasified coal sales - total
	483.21	Gasified coal sales - to major pipelines
	483.22	Gasified coal sales - to others
	483.23	Gasified coal sales - used on system
		Synthetic Gas:
	805.39	Synthetic gas purchases - total
	805.31	Synthetic gas purchases - from major pipelines
	805.32	Synthetic gas purchases - from others
	805.34	Synthetic gas - company production
	483.39	Synthetic gas sales - total
	483.31	Synthetic gas sales - to major pipelines
	483.32	Synthetic gas sales - to others
	483.33	Synthetic gas sales - used on system
		Selected Data:
	116.90	Gas utility plant in service (accounts 101.00 through 107.00, 114.00 and 116.00)
	115.80	Accumulated provision for depreciation, depletion, and amortization (accounts 108.00, 111.00 and 115.00)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0185	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - SUPPLEMENT GAS SUPPLIES AND SELECTED DATA	2 of 2

Uniform System of Accounts	Supplemental Accounts	Description
	107.10	Gross additions to construction work in progress
	163.80	Gas materials and supplies
	238.10	Preferred stock dividends declared
	238.20	Common stock dividends declared
164.10		Gas stored underground - current
164.20		Liquefied natural gas stored

D. Account Definitions:

Account 107.10 - Construction Work in Progress - Total expenditures (both direct and indirect) charged for the month to Account 107.00, Construction Work in Progress. Do not include credits for transfer of completed construction or abandoned projects.

Account 116.90 - Gas Utility Plant - Sum of Accounts 101.00 through 107.00 and 114.00 through 117.00.

Account 115.80 - Accumulated Provision for Depreciation and Amortization - Sum of Accounts 108.00, 111.00 and 115.00.

E. Report in Accounts 238.10 and 238.20 only the amounts for dividends actually declared during the month, exclusive of dividends paid.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month-Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field. See General Information, II-C. (ACCTML)
3	Amount (N9) DOL.
4	Quantity (N9.3) MMCF: Enter the quantity of gas, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0186	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - GAS REVENUES AND PURCHASES	1 of 2

I. DESCRIPTION

This schedule is used to collect selected monthly data on gas revenues and purchases.

II. GENERAL INFORMATION

A. This schedule shall be submitted by "major" Natural Gas respondents. Refer to General Instructions for Corporate, Economic and Other Financial Schedules.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report the information in this schedule by the Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		Section A: Amount Included in Monthly Revenues and Expenses
	896.10	Ultimate consumers
		Gas Utilities Listed
	896.20	Monthly reporter
	896.30	Other pipelines
	896.40	Gas utilities not listed
	896.50	Producers
	896.90	Total
		Section B: Gas Revenues and Gas Purchases Cost Attributable to Rate Increases
	897.10	Amount beginning of month
	897.20	Increase during month
		Decrease During Month Due To:
	897.30	Rates approved
	897.40	Rates disapproved
	897.50	Rate increase withdrawn
	897.60	Amount end of month
	897.70	Refunds paid during month
	897.80	Refunds received during month

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month-Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field. See General Information, II-C. (ACCTML)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0186	NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT - GAS REVENUES AND PURCHASES	2 of 2

Data Field Number	Instructions
3	Gas Revenues From Sales To (N9) DOL: Exclude possible interest payments.
4	Gas Purchases From (N9) DOL: Exclude possible interest payments.
5	Revenues From Gas Sales To - Gas Utilities Not Listed (N9) DOL: Exclude possible interest payments. See General Information, II-A.
6	Revenues From Gas Sales To - Gas Utilities Listed (N9) DOL: Exclude possible interest payments.
7	Revenues From Gas Sales To - Ultimate Customer Served by Respondent (N9) DOL: Exclude possible interest payments.
8	Gas Purchases From Producers (N9) DOL: Exclude possible interest payments.
9	Gas Purchases From Gas Utilities Listed (N9) DOL: Exclude possible interest payments. See General Information, II-A.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0187	RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the reconciliation of reported book net income for the year with taxable income used in computing Federal income tax accruals.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The first account to be reported shall be Account 433.00, Balance Transferred from Income.

D. Additionally, the following Supplemental Accounts are to be reported on this schedule.

Uniform System of Accounts	Supplemental Accounts	Description
	003.10	Taxable income not reported on books
	003.20	Deductions recorded on books not deducted for return
	003.30	Income recorded on books not included in return
	003.40	Deductions on return not charged against book income
	003.50	Federal Tax Net Income

Every reconciling item must be reported according to one of the four categories listed above (Accounts 003.10 through 003.40).

E. The reconciliation provided on this schedule should, as far as practicable, contain the respondent's best estimates for items that will be furnished on Schedule M-1 of the tax return for the year.

F. This schedule must be submitted even though the tax return has not yet been filed for the year. In instances where items or amounts reported on this schedule differ materially from that filed with the tax return, the respondent shall furnish revised information to the Commission. The schedule should be submitted even though there is no taxable income for the year.

G. For Account 003.50, data field 2 may be omitted.

H. Information on the computation of Federal income tax accruals should be reported on Schedule 0136.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0187	RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME	2 of 2

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A60): State the nature of each reconciling item. (IDDESC)
3	Amount for Year (N9) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0189	CHANGES IN ESTIMATED NATURAL GAS AND OTHER HYDROCARBON RESERVES	1 of 2

I. DESCRIPTION

This schedule is used to collect details on changes during the year in recoverable natural gas reserves and acreage acquired on or before October 7, 1969, and salable hydrocarbon reserves and acreage acquired by the respondent on or after October 8, 1969.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all specified data fields on this schedule annually.

C. The reserves and changes to be reported in data field 4 are those associated with lands, leaseholds and gas rights included in Account 105.00, Gas Plant Held for Future Use (for old gas), for Account 105.10, Production Properties Held for Future Use (for new gas). (See Gas Plant Accounts, Instruction 7-C.)

D. Data field 5 should be completed for New Gas only.

E. Report gas quantities in MMCF rounded to three decimal places, at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the quantity is an estimated value state such fact in a footnote.

F. In reporting new gas, report natural gas and other hydrocarbon reserves. In reporting old gas, report only natural gas. Deletions to estimated reserves (for sales, downward reserves, etc.) shall be indicated by a negative sign (-).

G. For related data refer to Schedule 0158, "Net Realizable Value of Estimated Hydrocarbon Reserves".

H. The reserves reported on this schedule shall be attested to every three years by an independent appraiser and the attestation filed with the Commission as an attachment to this schedule. If the estimated reserves, as determined by the independent appraisal, significantly differ from those reported in this schedule, furnish on Schedule 0158 full particulars, including the reason why reserve estimates have not been adjusted.

I. If the respondent submitted estimates of natural gas reserves to the Commission during the year in connection with any proceedings, such as an application for certificate of convenience and necessity, state on Schedule 0112, "Notes to Financial Statements", the amount of reserve estimate, date of submission and docket number of case and explain the estimated amount of difference and the reasons for the difference from the estimates shown in this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0189	CHANGES IN ESTIMATED NATURAL GAS AND OTHER HYDROCARBON RESERVES	2 of 2

Data Field Number	Instructions
1 (Key)	Old/New Gas Indicator (N1): To report old gas, enter "1"; to report new gas, enter "2". (INETOR)
2 (Key)	Estimated Reserves (A40): Use the following description to denote changes in reserves: (IDDESC) Additions Purchases and exchanges Transfers of reserves Revisions of estimates Production during year Sales and exchanges Other changes Estimated reserves at end of year List each of the changes separately for each type of change and complete data fields 3-5 below.
3	Quantity of In Service Gas (N9.3) MMCF: Enter the quantity of in service gas, in MMCF rounded to three decimal places.
4	Quantity of Gas Held for Future Use (N9.3) MMCF: Enter the quantity of gas held for future use, in MMCF rounded to three decimal places.
5	Total Oil and Liquid Reserves (N10) BBL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0215	MONTHLY NOTES TO FINANCIAL DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data presented to the Commission in the monthly filing, to include the following aspects:

A. Disclosure of accounting changes made during the month which had significant effect on the reported net income.

B. Disclosure of any important factor occurring during the month that may materially effect the comparability of the financial data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule monthly.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): (IDDESC)
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	1 of 11

I. DESCRIPTION

These twenty-five schedules are used to collect the end of year balance or the amount for the year for certain accounts of the Uniform Systems of Accounts and certain other financial data that has been categorized as Supplemental Accounts for the presentation of the four primary Financial Statements. (For a discussion of the relationship between the two systems of accounts see General Instructions for Corporate and Financial Schedules.) This schedule replaces several former schedules which reported similar information concerning:

- Comparative Balance Sheet - Statement A
- Statement of Income for the Year - Statement C
- Statement of Retained Earnings for the Year - Statement D
- Statement of Changes in Financial Position - Statement E

The account numbers to be used from the two systems of accounts are listed in General Information, II-D:

II. GENERAL INFORMATION

A. These schedules shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on these schedules annually for those items below applicable to their circumstances.

C. For those accounts which had activity during the year or had previously been reported with balances but for the present reporting period there is no balance, respondent shall report the account as a "zero" balance.

D. The data to be reported is structured upon the account groupings from the Uniform System of Accounts augmented by a system of supplemental accounts to intergrate related data. The schedules for the following statements have been preprinted with account numbers and descriptions to facilitate respondent reporting:

Schedule Number	Title	Source
0216 through 0222	Balance Sheet	Uniform System of Accounts/ Supplemental Accounts
0223 through 0234	Statement of Income for the Year	Uniform System of Accounts/ Supplemental Accounts
0235	Statement of Retained Earnings for the Year	Uniform System of Accounts/ Supplemental Accounts
0236 through 0238	Statement of Changes in Financial Position	Supplemental Accounts

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	2 of 11

1. Balance Sheet: Respondent shall report the applicable amount identified by the appropriate 100 and 200 series accounts of the Uniform System of Accounts and Supplemental Accounts. Respondents with more than one department report in this statement the totals of utility plant by all departments, and on Schedule 0124, group 5, report separate details for utility plant by each department.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		ASSETS AND OTHER DEBITS	
		UTILITY PLANT	
101.00		Plant in service	0124, 0144
102.00		Plant purchased or sold	0124, 0146
103.00		Experimental gas plant unclassified	0124, 0147
104.00		Plant leased to others	0124, 0148
105.00		Plant held for future use	0124, 0149
105.10		Production properties held for future use	0124, 0157, 0149
106.00		Completed construction not classified - gas	0124, 0145
107.00		Construction work in progress - gas	0124, 0150
108.00		Accumulated provision for depraciation of gas utility plant	0124, 0151
111.00		Accumulated provision for amortization and depletion of gas utility plant	0124, 0152
114.00		Gas plant acquisition adjustments	0124, 0162
115.00		Accumulated provision for amortization of gas plant acquisition adjustments	0162
116.00		Other gas plant adjustments	0124, 0162
117.00		Gas stored underground - noncurrent	0127
	120.90	Net Utility Plant	
		OTHER PROPERTY AND INVESTMENTS	
121.00		Nonutility property	0162
122.00		Accumulated provision for depraciation and amortization of nonutility property	0162
123.00		Investment in associated companies	0161
123.10		Investment in subsidiary companies	0125, 0161
124.00		Other investments	0142, 0161
125.00		Sinking funds	
126.00		Depraciation funds	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	3 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
128.00		Other special funds	
	129.90	Total Other Property and Investments	
		CURRENT AND ACCRUED ASSETS	
131.00		Cash	
132.00		Interest special deposits	
133.00		Dividend special deposits	
134.00		Other special deposits	
135.00		Working funds	
136.00		Temporary cash investments	0161
141.00		Notes receivable	
142.00		Customer accounts receivable	
143.00		Other accounts receivable	
144.00		Accumulated provision for uncollectible accounts - credit	0162
145.00		Notes receivable from associated companies	0161
146.00		Accounts receivable from associated companies	0161
151.00		Fuel stock	0128
152.00		Fuel stock expenses undistributed	
153.00		Residuals and extracted products	
154.00		Plant materials and operating supplies	0162
155.00		Merchandise	
156.00		Other materials and supplies	
163.00		Stores expense undistributed	
164.10		Gas stored underground - current	0127
164.20		Liquefied natural gas stored	0127
165.00		Prepayments	0130,0163
166.00		Advances for gas exploration, development and production	0142
167.00		Other advances for gas	0142
171.00		Interest and dividends receivable	
172.00		Rents receivable	
173.00		Accrued utility revenues	
174.00		Miscellaneous current and accrued assets	0163
	179.90	Total Current and Accrued Assets	
		DEFERRED DEBITS	
181.00		Unamortized debt expense	0161
182.00		Extraordinary property losses	0162
183.10		Preliminary natural gas survey and investigation charges	0162
183.20		Other preliminary survey and investigation charges	0162
184.00		Clearing accounts	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	4 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
185.00		Temporary facilities	
186.00		Miscellaneous deferred debits	0162
187.00		Deferred losses from disposition of utility plant	0161
188.00		Research and development expenditures	0177
189.00		Unamortized loss on reacquired debt	0161
190.00		Accumulated deferred income taxes	0138
191.00		Unrecovered purchased gas costs	
	198.90	Total Deferred Debits	
	199.90	Total Assets and Other Debits	
		LIABILITIES AND OTHER CREDITS	
		PROPRIETARY CAPITAL	
201.00		Common stock issued	0132
202.00		Common stock subscribed	0163
203.00		Common stock liability for conversion	0163
204.00		Preferred stock issued	0132
205.00		Preferred stock subscribed	0163
206.00		Preferred stock liability for conversion	0163
207.00		Premium on capital stock	0163
208.00		Donations received from stockholders	0162
209.00		Reduction in part or stated value of capital stock	0162
210.00		Gain on resale or cancellation of reacquired capital stock	0162
211.00		Miscellaneous paid-in capital	0162
212.00		Installments received on capital stock	0163
213.00		Discount on capital stock	0162
214.00		Capital stock expense	0162
215.00		Appropriated retained earnings	0161
216.00		Unappropriated retained earnings	
216.10		Unappropriated undistributed subsidiary earnings	0162
217.00		Reacquired capital stock	0132
	219.90	Total Proprietary Capital	
		LONG-TERM DEBT	
221.00		Bonds	0133
222.00		Reacquired bonds	0133
223.00		Advances from associated companies	0161
224.00		Other long-term debt	0161
225.00		Unamortized premium on long-term debt	0161
226.00		Unamortized discount on long-term debt - debit	0161

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DETAILED INSTRUCTIONS: FINANCIAL STATEMENTS - PART II
SCHEDULE 0216-0238 (NATURAL GAS CLASS A AND CLASS B) — 5 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	229.90	Total Long-Term Debt	
		CURRENT AND ACCRUED LIABILITIES	
231.00		Notes payable	0134
232.00		Accounts payable	
233.00		Notes payable to associated companies	0161
234.00		Accounts payable to associated companies	0161
235.00		Customer deposits	
236.00		Taxes accrued	0135
237.00		Interest accrued	
238.00		Dividends declared	
239.00		Matured long-term debt	
240.00		Matured interest	
241.00		Tax collections payable	
242.00		Miscellaneous current and accrued liabilities	0163
	249.90	Total Current and Accrued Liabilities	
		DEFERRED CREDITS	
252.00		Customer advances for construction	0163
253.00		Other deferred credits	0162
255.00		Accumulated deferred investment tax credits	0162
256.00		Deferred gains from disposition of utility plant	0161
257.00		Unamortized gain on reacquired debt	0161
281.00		Accumulated deferred income taxes - accelerated amortization property	0138,0139
282.00		Accumulated deferred income taxes - other property	0138,0140
283.00		Accumulated deferred income taxes - other	0138
	284.90	Total Deferred Credits	
		OPERATING RESERVES	
261.00		Property insurance reserve	0162
262.00		Injuries and damages reserve	0162
263.00		Pensions and benefits reserve	0162
265.00		Miscellaneous operating reserves	0162
	269.90	Total Operating Reserves	
	299.90	Total Capital Liabilities and Other Credits	

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DETAILED INSTRUCTIONS: FINANCIAL STATEMENTS - PART II
SCHEDULE 0216-0238 (NATURAL GAS CLASS A AND CLASS B) — 6 of 11

2.a. Statement of Income for the Year: Respondents shall report the applicable amounts identified by the 400 series of accounts of Uniform System of Accounts and Supplemental Accounts. Respondents with more than one department shall report on schedule 0223-0224, the total operating expenses of all departments, and on schedules 0227-0234 (section 2.b., below) report separate details of operating expenses for each department.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		UTILITY OPERATING INCOME	
		Operating Revenues	
400.00		Operating revenues	
412.00		Revenues from plant leased to others	
401.00		Operation expense	
402.00		Maintenance expense	
403.00		Depreciation expense	
404.10		Amortization and depletion of producing natural gas land and land rights	
404.20		Amortization of underground storage land and land rights	
404.30		Amortization of other limited-term gas plant	
405.00		Amortization of other gas plant	
406.00		Amortization of gas plant acquisition adjustments	
407.10		Amortization of property losses	
407.20		Amortization of conversion expenses	
408.10		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	0136
410.10		Provision for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit utility operating income	
411.40		Investment tax credit adjustment, utility operations	
411.60		Gains from disposition of utility plant	0161
411.70		Losses from disposition of utility plant	0161
413.00		Expenses of gas plant leased to others	0148
	413.90	Total Utility Operating Expenses	
	414.90	Net Utility Operating Income	
		OTHER INCOME AND DEDUCTIONS	
		Other Income	
415.00		Revenues from merchandising, jobbing, and contract work	0174
416.00		Costs and expenses of merchandising, jobbing and contract work	0174

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DETAILED INSTRUCTIONS: FINANCIAL STATEMENTS - PART II
SCHEDULE 0216-0238 (NATURAL GAS CLASS A AND CLASS B) — 7 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
417.00		Revenues from nonutility operations	0174
417.10		Expenses of nonutility operations	0174
418.00		Nonoperating rental income	0174
418.10		Equity in earnings of subsidiary companies	0125
419.00		Interest and dividend income	0163
419.10		Allowance for funds used during construction	
421.00		Miscellaneous nonoperating income	0163
421.10		Gain on disposition of property	0163
	421.90	Total Other Income	
		OTHER INCOME DEDUCTIONS	
421.20		Loss on disposition of property	0163
425.00		Miscellaneous amortization	0163
426.10		Donations	0163
426.20		Life insurance	0163
426.30		Penalties	0163
426.40		Expenditures for certain civic, political and related activities	
426.50		Other deductions	0163
	426.90	Total Other Deductions	
		TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.20		Taxes other than income taxes, other income and deductions	
409.20		Income taxes, other income and deductions	
410.20		Provision for deferred income taxes, other income and deductions	
411.20		Provision for deferred income taxes - credit other income and deductions	
411.50		Investment tax credit adjustments, nonutility operations	
420.00		Investment tax credits	
	426.80	Total Taxes on Other Income and Deductions	
	426.90	Net Other Income and Deductions	
		INTEREST CHARGES	
427.00		Interest on long-term debt	
428.00		Amortization of debt discount and expenses	
428.10		Amortization of loss on reacquired debt	
429.00		Amortization of premium on debt - credit	
429.10		Amortization of gain on reacquired debt - credit	

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DETAILED INSTRUCTIONS: FINANCIAL STATEMENTS - PART II
SCHEDULE 0216-0238 (NATURAL GAS CLASS A AND CLASS B) — 8 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
430.00		Interest on debt to associated companies	0163
431.00		Other interest expense	0163
	431.90	Total Interest Charges	
	432.90	Income Before Extraordinary Items	
		EXTRAORDINARY ITEMS	
434.00		Extraordinary income	0160
435.00		Extraordinary deductions	0160
	435.80	Net Extraordinary Items	
409.30		Income taxes, extraordinary items	0160
	435.90	Extraordinary Items After Taxes	
433.00		Balance transferred from net income	

2.b. Statement of Income for the Year - Departmental: Respondents with more than one utility department in their internal organization are required to report the following income accounts on the basis of operating utility departments. Supplemental Account numbers will consist of a second decimal place after the appropriate Uniform System of Account numbers as follows: gas department - XXX.X1; electric department - XXX.X2; steam department - XXX.X4; other departments - XXX.X5. When the basic number from the Uniform System of Accounts is a whole integar (e.g., 400), the Supplemental Account number will add a zero in the first decimal place (e.g., 400-0) and then the department code (e.g., 400-01). This has been adopted to insure uniformity with those few accounts from the Uniform System of Accounts with a decimal place (e.g., 409.1).

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
400.00		Operating revenues	
401.00		Operating expenses	
402.00		Maintenance expense	
403.00		Depreciation expense	
404.00		Amortization of limited-term plant	
405.00		Amortization of other plant	
406.00		Amortization of plant acquisition adjustments	
407.00		Amortization of property losses	
408.10		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	
410.10		Provision for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit, utility operating income	
411.40		Investment tax credit adjustment, utility operation	

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DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	9 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
411.60		Gains from disposition of utility plant	
411.70		Losses from disposition of utility plant	
	411.80	Total Utility Operating Expenses	
	411.90	Net Utility Operating Income	

3. Statement of Retained Earnings for the Year: Respondents shall report the applicable amounts identified by the appropriate accounts of the Uniform System of Accounts and Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	216.30	Unappropriated retained earnings - Balance Beginning of Year	
	439.10	Adjustments to retained earnings - credit	0162
	439.20	Adjustments to retained earnings - debit	0162
433.00		Balance transferred from net income	
436.00		Appropriations of retained earnings	0163
437.00		Dividends declared - preferred stock	0162
438.00		Dividends declared - common stock	0162
	216.20	Transfers from Account 216.1, Unappropriated Undistributed Subsidiary Earnings	0162
216.00		Unappropriated retained earnings - end of year	
215.00		Appropriated retained earnings	0161
	216.90	Total Retained Earnings	

4. Statement of Changes in Financial Position: Respondents shall report the applicable amounts identified by the appropriate Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SOURCE OF FUNDS	
		FUNDS FROM OPERATIONS	
	010.00	Net income	
		Principal non-cash charges (credits) to income	
	010.10	Depreciation and depletion	
	010.20	Amortization of utility plant	
	010.30	Provision for deferred or future income taxes (net)	

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DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART II (NATURAL GAS CLASS A AND CLASS B)	10 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	010.40	Investment tax credit adjustments	
	010.50	Allowance for funds used during construction	
	010.60	Increase in undistributed subsidiary earnings	
	010.70	Amortization - Other	
	010.80	Other (net)	
	010.90	Total Funds from Operations	
		FUNDS FROM OUTSIDE SOURCES	
	011.00	Long-term debt	
	011.10	Preferred stock	
	011.20	Common stock	
	011.30	Pollution control bonds	
	011.40	Net increase in short-term debt	
	011.50	Other (net)	
	011.60	Total Funds from Outside Sources	
		OTHER SOURCES	
	011.70	Sale of non-current assets - Investments	
	011.80	Sale of non-current assets - Fixed assets	
	011.90	Sale of non-current assets - Other	
	012.00	Contributions from associated and subsidiary companies	
	012.10	Decrease in working capital	
	012.20	Decrease in deferred debits	
	012.30	Other (net)	
	012.40	Total Sources of Funds	
		APPLICATION OF FUNDS	
		CONSTRUCTION AND PLANT EXPENDITURES (including Land)	
	012.50	Gross additions to utility plant	
	012.60	Gross additions to nonutility plant	
	012.70	Other plant expenditures	
	012.80	Total Application to Construction and Plant	
	012.90	Dividends on preferred stock	
	013.00	Dividends on common stock	
		FUNDS FOR RETIREMENT OF SECURITIES AND DEBT	
	013.10	Long-term debt	
	013.20	Preferred stock	
	013.30	Redemption of capital stock	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (NATURAL GAS CLASS A AND CLASS B)	11 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	013.40	Net decrease in short-term debt	
	013.50	Other debt-net	
	013.60	Total Funds for Retirement of Securities and Debt	
		OTHER APPLICATIONS	
	013.70	Purchase of non-current assets - investment	
	013.80	Purchase of non-current assets - fixed assets	
	013.90	Purchase of non-current assets - other	
	014.00	Investments in and advances to associated and subsidiary companies	
	014.10	Increase in working capital	
	014.20	Increase in deferred debits	
	014.30	Other (net)	
	014.40	Total Applications of Funds	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): This is a preprinted data field. Refer to General Information II-D (ACCTML)
2	Account Title (A55): This is a preprinted data field. Refer to General Information II-D (ACCTML)
3	Amount (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 3 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

RESPONDENT ENTRIES IN DATA FIELD ON SCHEDULE 0000

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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Attachment D

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class A and Class B
Natural Gas Companies

UMI

Comparison and Cross-Reference of Proposed ORIS Schedules
with FPC's Annual Report Form No. 2 and Monthly Report No. 11

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0101	General Corporate Information	101-101A	-	Respondents will complete all data filed on this schedule in their first submission, and on subsequent submissions, respondents shall submit only appropriate changes, additions, or deletions.
0102	General Over Respondent	103	-	Data to be filed on a one-time basis, see proposed 0101 above.
0103	Corporations Controlled by Respondents	103	-	Data to be filed on a one-time basis, see proposed 0101 above.
0104	Corporate Officers/Directors	104-105	-	Data to be filed on a one-time basis, see proposed 0101 above.
0105	Other Corporate Employees	104	-	Separated from above schedule 0105 (proposed) to allow the reporting of this data on an annual basis, whereas schedule 0105 (proposed) is a one-time submission only. Instruction 7 on page 104 (old) has been deleted, thereby removing the exemption for filing when not required to report to SEC.
0106	Security Holders and Voting Powers - Total	105-107	-	Data to be filed on a one-time basis, see above, proposed 0107. Present reporting requirements of page 106-107 of Form No. 2 has been agreed to this and the next three proposed schedules, in order to accomodate the data processing system.
0107	Security Holders and Voting Powers	106-107	-	Data to be filed on a one-time basis, see proposed 0101 above. Covers data presently required by instruction 1 of page 106 (Form No. 2). No reporting requirement changes, only format.
0108	Other Stockholder Information	105-107	-	Covers data presently required by instructions 5, 6, and 7 of page 106. No reporting requirement changes
0111	Notes to Security Holders and Voting Powers	106-107	-	Covers data presently required by instructions 2, 3, and 4 of page 106 (Form No. 2). No reporting requirement changes.
0112	Annual Notes to Financial Data	101, 108, 112, 114-116A, 117A, 119, 221, 228	-	This schedule is proposed so as to collect important information deemed necessary for adequate disclosure to support the data presently reported on the pages listed in column 3 and on the new proposed schedules containing financial data. The format and location of the notes to various schedules is revised. Instruction 5 of page 112 (old) has been deleted - thereby removing the option to attach the notes appearing in the annual report to the stockholders. Accounting changes are to be reported utilizing the principles of APB Opinion No. 20.
0113	Description of Construction Overhead Procedures	344	-	Data to be filed on a one-time basis, see proposed 0101 above. Construction overheads have been assigned code numbers for identification purposes only for this schedule.
0114	Important Changes During the Year - Transmission or Distribution System	108	-	Represents data presently required by instruction 5 of page 108 (Form No. 2). No new reporting requirements.
0115	Important Changes During the Year - Respondent Rate Proceedings	114, 114	-	Represents data presently required by instruction 8 of page 108 (old) and instructions 4 and 5 of page 114 (old). No additional requirements, only format, and an indication of what is required to be included in the concise explanations.
0116	Important Changes During the Year - Supplier Rate Proceedings	114	-	Represents data presently required by instruction 5 of page 114. No additional reporting requirements only an indication of what is required to be included in the concise explanations.

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0117	Important Changes During the Year - New Sources of Gas	108	-	Represents data required by instruction 3 of page 108 (old). No additional reporting requirements.
0120	Important Changes During the Year - Utility Plant not Operated	555, 557-559, 562-564	-	Represents data presently required by instruction 5, page 555, instruction 4, page 557, instruction 8, page 558, instruction 4, page 559, instruction 3, page 562, instruction 3, page 563, instruction 6, page 564 of Form No. 2.
0121	Company Employee Data	532	-	New proposal will require data for all full time employees (not including part-time employees) for payroll period ending December 31 of the calendar year in place of the October 31 pay period.
0122	Securities Issued During Year	101, 220	-	Breakdown of expenses by amount of underwriter commission and other expenses. Data from present page 101 in instruction 5(d), to be reported on this schedule. Will now include issuance of short-term debt.
0123	Securities Assumed, Refunded or Retired During Year	220	-	Represents the data on assumed, refunded, or retired securities. Data on the issuance of securities is proposed for 0122, above.
0124	List of Accounts - Pt. I			
	1. Distribution of Salaries and Wages	355-356	-	Supplemental account numbers have been assigned to enable the coding of these amounts. The listing has been revised to show operation and maintenance expenses by functional accounts rather than functions by Operations and Maintenance. Proposal to delete separate clearing account reporting. Amounts charged to clearing accounts would be included to appropriate functional accounts.
	2. Depreciation and Amortization	545-546B	403, 404, 405	Details of basis and factors to be reported in proposed 0143. Supplemental account numbers have been assigned for the reporting to be on.
	3. Gas Operating Revenues	514	480-495	Report amount for year only. Details are to be reported in proposed 0139 and 0164. Supplemental account numbers have been assigned for coding purposes. Deleted reporting of increases (decreases) from preceding year column (c).
	4. Gas Operation and Maintenance Expense	527-537	700-949	Report amount for year only; deleted reporting of "Increase or Decrease" from preceding year, column (c). Supplemental account numbers have been assigned for coding purposes.
	5. Departmental Accounts	113, 114, 115	101-108, 111, 114, 118, 400-417, 7	Supplemental account numbers have been assigned to indicate the various departments, i.e., electric, gas, common, steam, other. Total or amount for year are to be reported. Deleted reporting of increase (or decrease) from preceding year.

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0123	Investment in Subsidiary Companies - Equity Accounting	203	123.1, 418.1	Report only investments in stock of subsidiary companies. Information on advances, notes and etc. relating to subsidiary companies shall be included in proposed schedule 0161. Deleted reporting of amount of investment beginning of year and data acquired, gain or loss from investment on this schedule. Field 6, (proposed) amount of equity in Undistributed subsidiary earnings since acquisition for each company listed, represents the data required by instruction 3 of page 203 (old).
0126	Natural Gas Stored - Part II	207A	117, 164.1, 164.2	The reporting for old schedule page 207A is divided between proposed 0126 and 0127, below. Represents data required in instructions and lower half of schedule page 207A (old).
0127	Natural Gas Stored - Part I	207A	117, 164.1, 164.2	Change the quantity reporting to MMcf at 14.73 psia at 60°F rounded to 3 decimal places.
0128	Production Fuel Stocks	209	151	Established code for types of fuels to be consistent with other fuel cost data filed with Commission. Data requirements spread on two schedules for coding purposes.
0129	Fuel Production Cost Data	209	151	Data represents requirements of instruction 4 of schedule page 209 (old), with some clarifications as to the data required to be reported. Various units of measure.
0130	Gas Prepayments and Undelivered Gas Obligations	218A, 225A	165, 253	Combined the reporting of two scheduled pages (old), because of consistency in format of data. Report quantity in MMcf at 14.73 psia at 60°F rounded to 3 decimal places.
0132	Capital Stock	215	201, 204, 212	No new reporting requirements, only format.
0133	Long-Term Debt	219	221, 222	Only data for Account 221 and 222 is to be reported on proposed 0133. Accounts 223 and 224 is to be reported on proposed schedule 0161.
0134	Notes Payable	221	231	Established a limit for reporting requirement - detailed reporting on items over $25,000. Items under $25,000 should be grouped for purposes of this proposed schedule. Some data required under instructions 3 and 4 of page 221 (old) is to be reported on proposed 0112.
0135	Taxes Accrued, Prepaid and Charged During Year	222-222A	165, 236, 408-409, 439	Deleted balance beginning of year for Taxes Accrued and prepaid taxes. Distributions of taxes to be reported by account numbers within departments instead of just by departments.
0136	Computation of Federal Income Tax Accruals	222-222A, 225	409.1, 409.2, 409.3	Previously reported at the bottom of page 223 (old). Data element structure has been added to this proposed schedule to provide consistency in reporting the data. The remainder of schedule page 223 (old) is to be reported on proposed schedule 0137 and 0187.
0137	Consolidated Federal Income Tax Return Information	223	-	Represents data required by instruction 2 of schedule page 223 (old). Deleted requirement for indicating intercompany amounts to be eliminated in such consolidated return. Field 1 of proposed schedule is a total of field 4, tax assigned to each group member.
0138	Accumulated Deferred Income Taxes	216C, 216D, 227-227B	190, 281, 282, 283	Deleted "balance beginning of year." Supplemental account numbers have been assigned for reporting the various categories of accelerated amortization property and to report data by departments. No new reporting requirements.
0139	Accelerated Amortization of Facilities	227-227A	281	Represents data which is required by instruction 2 of page 227-227A (old). Fields 9 and 10 (Total Deferred Taxes for Facilities and Amount of Flow Back Accelerated Amortization) are additional but are readily available from the accounts and are needed for an overall description of the accelerated amortization by certificate.

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0140	Tax Deferrals Related to Other Property	227B-227C	282	Represents data which is required by instruction 2 of pages 227B-227C (old). Data to be filed on a one-time basis, see 0101. Flow back data is required in different format.
0141	Investment Tax Credits	228	-	Data to be filed on a one-time basis, with only changes submitted thereafter, see proposed 0101, above. Information on the accounting for investment tax credits will be reported on proposed schedule 0112.
0142	Advances for Gas Prior to Initial Deliveries or Commission certification	210B	186, 187, 124	Deleted requirement for "Balance beginning of Year." No new additional reporting requirements.
0143	Particulars for Estimating Depreciation, Depletion, Amortization of Utility Plant	546, 546A-546B	300 Series	Data to be filed on a one-time basis, with only changes submitted thereafter, see proposed 0101, above.
0144	Plant in Service or all utility plants (Part 1)	301-304	101, 300 Series	Deleted balance beginning of year. Supplemental accounts numbers have been assigned to functional plant totals for reporting purposes. Account 106 balances should not be reported on this schedule but should be reported on proposed 0143.
0145	Completed Construction not Classified	301-304, 307	106, 300 Series	The reporting of the amount recorded in account 106 by the appropriate 300 Series of plant accounts has been removed from the aggregate reporting with amounts of account 101 on previous reporting. Supplemental account numbers have been assigned for reporting purposes. Detailed information on completed construction by projects (page 307) deleted from reporting requirements.
0146	Plant Purchased or Sold	106, 301, 304	102	Field 4, "date of Commission approval of transaction" represents requirement of Inst. 3, page 106 (old). In reporting the details of the transaction a breakdown of the purchase or sale price, original cost of the facility and accumulated provision for depreciation, depletion and amortization is to be reported in a different format.
0147	Experimental Plant Unclassified	301, 304	103	New schedule designed. Previously only the dollar amounts for additions, retirements, adjustments and balances were reported for account 103. This data is needed to supplement the financial data.
0148	Utility Plant Leased to Others	114, 301, 303	104, 412, 413	Combined the data requirements of old pages 114, 301 and 303 into one schedule with revision in format for reporting taxes by each leased property.
0149	Plant and Production Properties Held for Future Use	306, 306A	105, 105.1	No additional reporting requirements. Additional information on the gas respondent accounts 105 and 105.1 shall be included in schedule 0157 and 0158 (proposed).
0150	Construction Work in Progress	307	107	Established a limit for reporting separately only projects over $100,000. Projects are to be grouped by plant function (production, transmission, etc.)
0151	Accumulated Provision for Depreciation of Utility Plant - Part I	308	108	Supplemental account numbers have been assigned for reporting purposes. Additional information on the functionalization of the depreciation reserve to be reported on proposed 0152, below.
0152	Accumulated Provision for Depreciation of Utility Plant - Part II	308	108	Supplemental account numbers have been assigned for reporting purposes. This schedule complements the data reported on proposed 0151.
0153	Accumulated Provision for Depletion and Amortization of utility plant (Account 111.00)	309-312	111	Supplemental account numbers have been assigned for reporting purposes. These 4 schedules (old) are being consolidated into one for consistency in reporting. No new additional reporting requirements. Eliminated the requirement of detailing abandoned leases by area.

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Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0154	Common Plant and Expense Data - Part II	351	Plant Instruction No. 13	Data to be reported on a one-time basis, see proposed 0101, above. Old schedules number 351 has been spread to two proposed schedules. This schedule supports the basis of allocation for the amounts included on proposed 0155, below.
0155	Common Plant and Expense Data - Part I	351	Plant Instruction No. 13	Supplemental accounts are to be used in reporting the required information. The basis for the allocations to departments are to be reported on proposed 0154, above. Reporting of tax expenses for common plant has been added to this proposed schedule.
0156	Construction Overhead	343	-	Codes numbers have been assigned to the various types of overhead for reporting purposes. These codes are identical to those assigned on proposed schedule 0113. This schedule is supported by the explanatory information reported on proposed schedule 0113.
0157	Natural Gas Reserves and Land Acreage	547, 548	101, 105.1, 105.2, 325.1, 325.2, 325.3	Data to be reported on a one-time basis, see proposed 0101, above. This schedule supplements the data reported on proposed schedule 0149 in some aspects. No new reporting requirements.
0158	Net Realizable Value of Estimated Hydrocarbon Reserves	547A-549B	105.1	The schedule principally supports the related data reported on proposed 0149. Represents data required by line 1, column (f) and line 14 column (f) of page 549A (old) and all of page 549B (old). The schedule also supplements the data reported on proposed schedule 0149 in some aspects.
0159	Operating Revenues	514	480, 481, 483, 484	This schedule requires reporting only the quantity of gas and number of customers. Supplemental account numbers assigned for reporting purposes. Changed the reporting of quantity of gas to MMcf at 14.73 psia at 60°F rounded to 3 decimal places.
0160	Extraordinary Items	300	434, 435, 409.3	Description requirement changed from a brief to a detailed (field No. 7 of proposal).
0161	Detailed Account Data - Part I			Schedule pages for new proposal are rearranged from the previously reporting for efficiency in collecting simular type data in like format. Beginning of year data deleted.
		202, 203	123, 123.1, 124	For account: 123, 125.1, 124 - Established limit of $10,000 for requiring particulars for investments. Report information pertaining to investments other than common stock accounted for on the equity basis of accounting as that data is included on schedule 0123 (proposed).
		202	136	135 - Established limit of $50,000 for reporting grouped items.
		706, 221	145, 146, 233, 234	145, 146, 233, 234 - No new reporting requirements, only format changes.
		211,	181, 225, 226	181, 225, 226 - Deleted requirements of instructions 3 and 4 of page 211 (old).
		216A, 224A	187, 256	187, 256 - No new reporting requirements, only format changes.
		214B	189, 257	189, 257 - Established limit of $25,000 for reporting grouped gains and losses.
		117A	215	215 - Deleted requirement for reporting accounting entries.
		219	223, 226	223, 224 - No new reporting requirements, only format changes.

Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0162	Detailed Account Data - Part II			Schedule pages are rearranged for efficiency in collecting simular type data in like formats. Beginning of year data deleted. Supplemental account numbers assigned for reporting purposes.
		513, 112	114, 115, 116	For account: 114, 115, 116 - The data for account 116 is required by instruction 3 of page 112 (old). No new reporting requirements, only format changes.
		201	121, 122	121, 122 - Established limit of $100,000 for reporting grouped items in account 121. Deleted detailed reportings of accruals and net charges for plant retired.
		204	144	144 - Report totals only by supplemental account numbers. Deleted detail reporting of debits and credits.
		210	182	182 - No additional requirements.
		211	183.1, 183.2	183.1, 183.2 - Established limit of $50,000 for reporting grouped items.
		214	186	186 - Established limit of $25,000 for reporting grouped items.
		217, 218	209, 210, 211, 213, 214	209, 210, 211, 213, 214 - No new reporting requirements, only format changes.
		117A	216.1	216.1 - No new reporting requirements, only format changes.
		225	253	253 - Established limit of $25,000 for reporting grouped items.
		229	255	255 - Data required by primary utility department and a total of other utility departments. Supplemental account numbers have been assigned for division.
		226	261, 262, 263, 265	261, 262, 263, 265 - No new reporting requirements, only format changes.
		117	437, 438	437, 438 - No new reporting requirements, only format changes.
		117	439	439 - No new reporting requirements, represents requirements of instructions 7, 4 & 6, page 117 (old).
0163	Detailed Account Data - Part III			Schedule pages are rearranged for efficiency in collecting simular type data in like formats. Beginning of year data deleted. Supplemental account numbers assigned for reporting purposes.
		207	154	For account: 154 - Suggested breakdown of materials and supplies provided.
		210	165	165 - Supplemental account numbers used to report various prepayments. Details of gas prepayments are included on proposed schedule 0130.
		210	174	174 - Established limit of $75,000 for reporting grouped items.
		224	242	242 - Established limit of $25,000 for reporting grouped items.
		224	252	252 - No new reporting requirements, supplemental account numbers for departments.
		218	202, 203, 205, 206, 207, 212	202, 203, 205, 206, 207, 212 -No new reporting requirements.
		217	208	208 - No new reporting requirements.
		303	419	419 - Represents data required by instruction 3 of page 303 (old). Established limit of $10,000 for grouped items.
		303	421	421 - Represents data required by instruction 6 of page 303 (old). Established limit of $10,000 for grouped items.
		300	421.1, 421.2	421.1, 421.2 - No new reporting requirements, only format changes.
		304	425	425 - Deleted reporting of counts account charged. Represents requirements of instruction No. 2 of page 304 (old).

Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0163	Detailed Account Data - Part III (Cont'd)	304	426.1, 426.2, 426.3, 426.5	426.1, 426.2, 426.3, 426.5 - Represents data required by instruction 3 of page 304 (old).
		305	428.4	428.4 - Supplemental accounts assigned to various classifications of advertising.
		304	430	430 - No new reporting requirements, only format.
		304	431	431 - Established limit of $10,000 for reporting grouped items.
		117	434	434 - No new reporting requirements.
		340	813	813 - Deleted requirement for showing maintenance expenses separately by functional classification indicating the purpose of property related to the expense.
		341	858	858 - Quantity reporting requirements deleted.
		343	930	930 - Increase limit for grouping items from $100 to $300. Supplemental accounts assigned for the various elements of expenses. Field 2 requires a description of miscellaneous other expenses in place of requiring the reporting of the purpose/recipient.
0164	Detailed Account Data - Part IV	525 525 528	484, 493, 494 490, 491 492, 493	Schedule pages have been rearranged for efficiency in collecting simular type data in like formats. Established a limit of $10,000 for grouped items for accounts 491 and 494. For accounts 493 and 494, indicate in field 3 if amount is derived from a manufactured gas property. For account 484 - deleted requirement for "point of delivery" and quantity of gas from this proposed schedule. For account 491 - deleted reporting of quantity of gas from this proposed schedule.
0167	Revenue Form Transportation of Gas of Others - Natural Gas (Account 489.00)	524	489	Changed quantity of gas reporting to MMcf at 14.73 psia at 60°F rounded to 3 decimal places. No new reporting requirements, only format changes.
0168	Gas Purchases	535, 536-536A	800-805	Quantity reporting has been changed to MMcf at 14.73 psia at 60°F rounded to 3 decimal places. Purchase of less than 100,000 Mcf shall be grouped by account number, whereas previously it was at the respondent's option.
0169	Professional and Other Consultative Services	354	-	Established code numbers for the various types of services for reporting purposes.
0170	Lease Rental Charges General Data	533A-533B	-	The requirements for information about lease rentals has been divided between this schedule and proposed 0171. The General Data requirements are to be reported on a one-time basis, see proposed 0101, above instead on a 5 year reporting basis, instruction 7 of 533 A (old). Code numbers have been assigned to the various types of property and the respondent will have to assign a number to each lease (field 1 of proposal) with the reporting keyed to these code numbers. Some clarifications of what is required in the description of the property.
0171	Lease Rentals Charged	533A-533B	-	This proposed schedule contains the requirements of the Annual Data on the lessee described and cross-referenced to proposed 0170, above. The same code numbers assigned and used in proposed 0170 should also be used in this proposal.
0172	Exploration and Development Expenses	334	795-798	No new reporting requirements, only format changes. Requirement for explanation of basis of determinations of yearly provisions has been deleted.
0173	Regulatory Commission Expenses	353-355A	-	Individual cases whose total expenses are $5,000 or less may be grouped. Format of data items have been rearranged.
0174	Particulars Concerning Certain Other Income Accounts	303	413, 416, 417, 418	Established a limit of $25,000 for reporting grouped items. Represents data requirements of instructions 1 through 4 of page 303 (old). Account 419 from schedule page 303 (old) is now to be reported on proposed schedule No. 0163.

Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0175	Exchange Gas Accounting - Part I	338	806	The requirements for information on exchange gas has been spread to two proposed schedules, 0175 and 0176. The details of accounting adjustments related to the transactions on this proposal should be reported on proposed schedule 0176, below.
0176	Exchange Gas Accounting, Part II (Account 806.00	338	806	This schedule collects details of accounting adjustments related to the transactions reported on proposed schedule 0175, above.
0177	Research and Development Activities	372, 372A	188	Supplemental account numbers have assigned for reporting purposes. Established a limit of $3,000 for reporting "other" R & D projects. The requirement for grouping items under $5,000 has been deleted. The requirement for description has been revised from "brief" to full and also requires the listing of the names of the other participating companies in R & D jointly sponsored.
0178	Natural Gas Production and Gathering Statistics	352-353B	325.1-325.3, 378-338, 404.1, 750-769	Plant cost and expenses are required to be reported by appropriate account (U. S. of A.) whereas previously some where allowed to be grouped. Supplemental account numbers have been assigned for reporting purposes. Quantity reporting in proposed field 3-5 has been revised to MMcf at 14.73 psia at 60°F.
0179	Franchise Requirements (Account 927.00)	342	927	Quantity of gas reported at MMcf at 14.73 psia at 60°F. Additional requirement - date of franchise (Field 2 of proposal).
0180	Gas Used in Utility Operations - Credit	339	810, 811, 812	Quantity of gas is to be reported to MMcf at 14.73 psia at 60°F rounded to 3 decimal places.
0181	Gas Account - Natural Gas	568-569	800-812, 858, 927, 480, 482, 485, 489	Supplemental account numbers have been assigned for reporting purposes. Quantity reporting is changed to MMcf at 14.73 psia at 60°F rounded to 3 decimal places. Certain detail reporting deleted as reporting is by account number (U. S. of A.) or supplemental.
0182	Natural Gas Company Monthly Statement - Revenues and Expenses - Part I	1 - Form No. 11	400-403, 408.1, 411.7, 413-414, 418.1-419.1, 421-421.7, 425, 496.2-411.5, 420, 427-431, 434, 435, 409.3, 439	Supplemental account numbers have been assigned for reporting purposes, mainly for reporting totals of several accounts. Deleted previous years reporting. More detail will be required to be reported because proposal requires the reporting by U. S. of A. account numbers which had previous been reported in grouped items.
0183	Natural Gas Company Monthly Statement - Revenues and Expenses - Part II	2 - Form No. 11	480, 480-484, 489, 490	Supplemental account numbers have been assigned for reporting purposes. Previous year reporting requirement deleted. To be reported using U. S. of A. account numbers thereby requiring the reporting of sales by residential, industrial, commercial, sales for resale, etc. Requires industrial and commercial sales to be reported separately.
0184	Natural Gas Company Monthly Statement - Operation and Maintenance Expenses	3 - Form No. 11	808-813, 858, 869	Supplemental account numbers have been assigned for reporting purposes. Previous year's reporting requirement has been deleted.
0185	Natural Gas Company Monthly Statement - Supplement Gas Supplies and Selected Data	4 - Form No. 11	154.1, 164.2, 107, 101-107, 114-117, 108, 111, 115	Supplemental account numbers have been assigned for reporting purposes. Previous year's reporting requirement has been deleted.
0186	Natural Gas Company Monthly Statement - Gas Revenues and Purchases	5 - Form No. 11	-	Supplemental account numbers have been assigned for reporting the data attributable to rate increases in effect but not finally approved by FPC.

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Proposed CRIS Schedule No.	Proposed CRIS Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0187	Reconciliation of Reported Net Income with Taxable Income	223	433	Supplemental account numbers have been assigned to the various categories of the proposed schedule for reporting and coding purposes only. No new reporting requirements. The remainder of data required by schedule page 223 (old) is to be reported on proposed schedules 0136 and 0137.
0189	Changes in Estimated Natural Gas and Other Hydrocarbon Reserves	549	105, 105.1, 101	Quantity of gas to be reported in MMcf at 14.73 psia at 60 F rounded to 3 decimal places - a revision from previous reporting of thousands Mcf. Related data is reported on proposed 0150.
0215	Monthly Notes to Financial Data	-	-	New proposal for the monthly reporting to disclose accounting changes or any other important factor occurring during the month that may materially affect the monthly financial data or significantly affect the reported net income.
	Financial Statements:	-	-	These schedules for the financial statements have the Uniform System of Accounts and supplemental account numbers, with descriptions, preprinted thereby requiring only the amounts to be entered, similar to present reporting requirements.
0216 - 0222	Balance Sheet	110, 111, 200, 204, 207	100-299	The balance beginning of Year, Increase (or Decrease) has been eliminated. Notes are to be reported at 0112. There are a few accounts which are presently grouped on page 110, 111, but will be individually listed in the new proposed schedule; some accounts are presently reported on supporting statements, therefore, no new reporting requirements are proposed, with the exception of detailed data for accounts 132-134 and 123-128. Supplemental account numbers have been established for reporting purposes.
0223 - 0235	Statement of Income for the Year	114-116A	400-432, 434, 435	Deleted reporting of Increase (or Decrease) from previous year. Notes to Statement have been moved to 0112, 115, 116. Departmental accounts are to be reported on schedule 0227-0234. Supplemental account numbers have been established for reporting purposes.
0235	Statement of Retained Earnings for the Year	117-117A	215, 216, 436-439	Notes to retained earnings to be listed at 0112. Deleted reporting of contra primary account affected from this schedule. Other details of this schedule page are proposed for reporting in supporting schedules 0161-0163.
0236 - 0238	Statement of Changes in Financial Position	118-119	-	Supplemental account numbers have been assigned to the various elements of this schedule for reporting and coding purposes only. No additional reporting requirements.

(For Form No. 154A - No change in the number of copies to be filed.)

(For Form No. 154M - The number of copies to be filed has been changed from "original and two" to "original and four.")

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM
REGISTER OF DATA STANDARDS
DATA ITEMS
FORM NO. 154

Attachment E

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class A and Class B
Natural Gas Companies

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DATA ITEM LIST MNEMONIC: ACCTML

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, MULTIPLE

DATA ITEM LIST DESCRIPTION: IDENTIFIES A MULTIPLE DATA ITEM FOR WHICH MORE THAN ONE DATA ITEM LIST MAY APPLY (SEE MULTIPLE LIST REFERENCES BELOW).

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:
SEE THE FOLLOWING DATA ITEM LISTS AS APPLICABLE:

FINANCIAL ACCOUNTS, ELECTRIC A & B	ACELAB
FINANCIAL ACCOUNTS, ELECTRIC C & D	ACELCD
FINANCIAL ACCOUNTS, GAS A & B	ACGSAB
FINANCIAL ACCOUNTS, GAS C & D	ACGSCD
FINANCIAL ACCOUNTS, MUNICIPAL	ACMUNI
FINANCIAL ACCOUNTS, LICENSEE	ACLPRJ

DATA ITEM LIST MNEMONIC: ACGSAB

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, GAS, A & B

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE FINANCIAL ACCOUNTS COMPRISING THE UNIFORM SYSTEM OF ACCOUNTS AND RIS SUPPLYMENTARY ACCOUNTS (# ANNUAL ONLY, ## ANNUAL OR MONTHLY) FOR CLASS A & B GAS UTILITIES

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME FOR FEDERAL INCOME TAXES-TAXABLE INCOME NOT REPORTED ON BOOKS	003.1 #
RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME FOR FEDERAL INCOME TAXES-DEDUCTIONS RECORDED ON BOOKS NOT DEDUCTED FOR	003.2 #

(REST TO BE SUPPLIED WHEN FORM IS DUE)

DATA ITEM LIST MNEMONIC: IDCOMM

DATA ITEM LIST: ID, PUBLIC REGULATORY COMMISSIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES FEDERAL, STATE AND SELECTED FOREIGN PUBLIC REGULATORY COMMISSIONS, BOARDS OR AGENCIES TO WHICH RESPONDENTS TO THE FPC ARE ALSO REQUIRED OR REQUESTED TO REPORT.

DATA ITEM LIST SOURCE: NARUC AND FPC STAFF

DATA ITEM LIST:

	CODE	ABBREVIATION
CIVIL AERONAUTICS BOARD	1	CAB
DEPARTMENT OF TRANSPORTATION	2	DOT
FEDERAL HIGHWAY ADMINISTRATION	3	FHA
FEDERAL RAILROAD ADMINISTRATION	4	FRA
NATIONAL TRANSPORTATION SAFETY BOARD	5	VTSB
FEDERAL COMMUNICATIONS COMMISSIONS	6	FCC

(REST TO BE SUPPLIED WHEN FORM IS DUE)

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2, SEP 15, 1973 AND FPC

DATA ITEM LIST:

	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999

(REST ARE FIPS)

DATA ITEM LIST MNEMONIC: IDGPFL

DATA ITEM LIST TITLE: ID, GAS PLANTS/FIELDS

DATA ITEM LIST DESCRIPTION: IDENTIFIES GAS PLANTS OR FIELDS FOR WHICH PRODUCTION IS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDRESP

DATA ITEM LIST TITLE: ID, FPC RESPONDENTS AND OTHER PARTIES OF INTEREST

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST:

	CODE	ABBREVIATION
ALABAMA	01	AL
ALASKA	02	AK
AMERICAN SAMOA	03	AS
ARIZONA	04	AZ
ARKANSAS	05	AR
CALIFORNIA	06	CA
CANAL ZONE	07	CZ
COLORADO	08	CO

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: TYFUEL

DATA ITEM LIST TITLE: TYPE OF FUEL

DATA ITEM LIST DESCRIPTION: INDICATES THE SUBSTANCE OR MATERIAL USED AS A SOURCE OF HEAT OR POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
WOOD, REFUSE OR WASTES	01	WO
FOSSIL FUEL, UNSPECIFIED	09	FFUN
COAL, UNSPECIFIED	10	CU
COAL, BITUMINOUS	11	CBIT
COAL, SUB-BITUMINOUS	12	CSUB
COAL, ANTHRACITE	13	CANT
COAL, LIGNITE	14	CLIG
PETROLEUM COKE	15	CPC
COAL, SOLVENT REFINED	16	CSR

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

UMI

DATA ITEM LIST MNEMONIC: TYOVHD

DATA ITEM LIST TITLE: TYPE OF OVERHEAD COST

DATA ITEM LIST DESCRIPTION: INDICATES SOME COMMON TYPES OF OVERHEAD COST AND EXPENSE INCURRED BY UTILITIES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:		
ENGINEERING AND SUPERVISION	01	A
ADMINISTRATIVE AND GENERAL EXPENSES	02	B
TRANSPORTATION	03	C
INJURIES AND DAMAGES	04	B
INSURANCE	05	E
PENSIONS AND OTHER EMPLOYEE BENEFITS	06	F
TAXES	07	G
OUTSIDE PROFESSIONAL SERVICES	08	H
ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION	09	I
OTHER	99	J

DATA ITEM LIST MNEMONIC: TYUNMS

DATA ITEM LIST TITLE: TYPE OF UNIT OF MEASURE

DATA ITEM LIST DESCRIPTION: INDICATES THE PHYSICAL OR TIME UNITS BY WHICH A VALUE IS MEASURED.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
LITER	1	ACFT
ACRE FEET	2	ACRE
ACRE	3	AMP
AMPERE	4	BBL
BARREL	5	BBL/HR
BARRELS PER HOUR	6	BBTU
BILLIONS BTU	7	BHP
BRAKE HORSEPOWER	8	BPD
BARRELS PER DAY	9	BTU
BRITISH THERMAL UNIT		
(REST TO BE SUPPLIED WHEN FORM IS DUE.)		

DATA ITEM LIST MNEMONIC: TYPWTN

DATA ITEM LIST TITLE: TYPE OF ELECTRIC POWER TRANSACTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF ELECTRIC POWER TRANSACTION OR TRANSFER WITH RESPECT TO THE TYPE OF SYSTEM OR CONTRACT PROVISIONS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
BORDERLINE CUSTOMERS	1	BDLN
INDUSTRIAL COMPANIES	2	INDS
CLASS I, II, AND LARGE CLASS IV	3	UTLG
CLASS III, V, AND SMALL CLASS IV	4	UTSM
CLASS IV SYSTEMS REQUIRED TO SUBMIT SAME SCHEDULES AS CLASS I AND V SYSTEMS	5	URLG
CLASS IV SYSTEMS REQUIRED TO SUBMIT SAME SCHEDULES AS CLASS III AND V SYSTEMS	6	URSM
WHEELING	7	WHLG

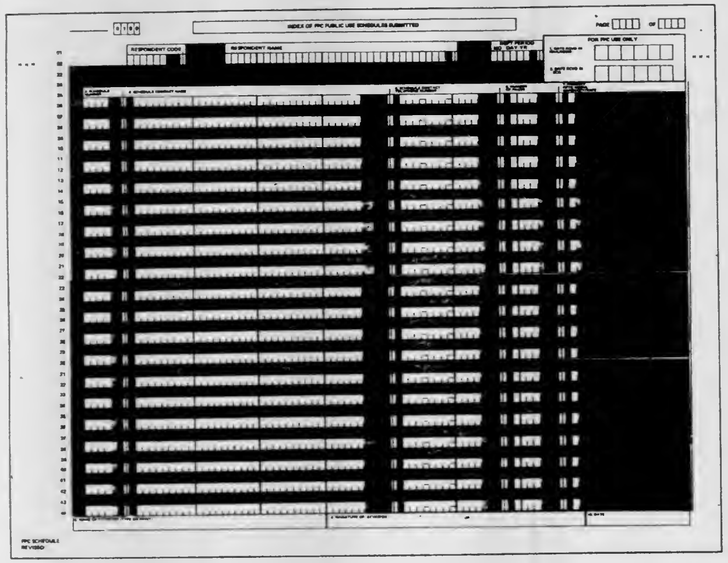
Attachment F

FEDEHAL POWER COMMISSION

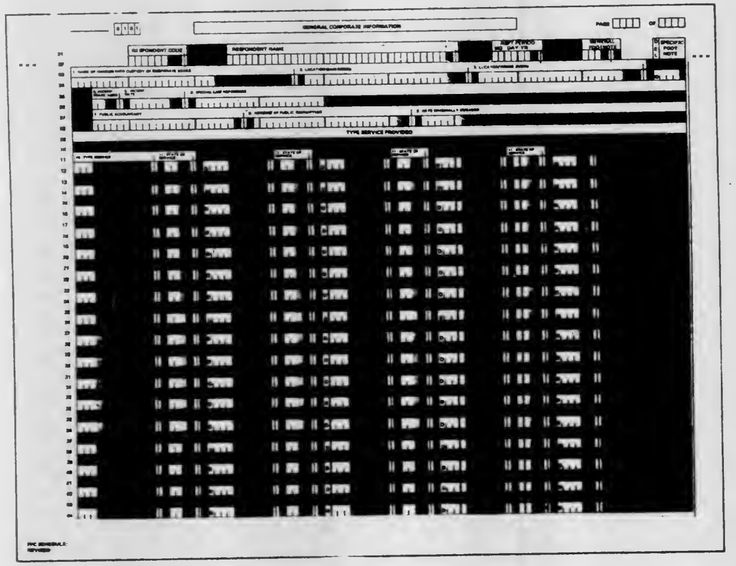
Corporate and Financial Reports for Class A and Class B
Natural Gas Companies

UMI

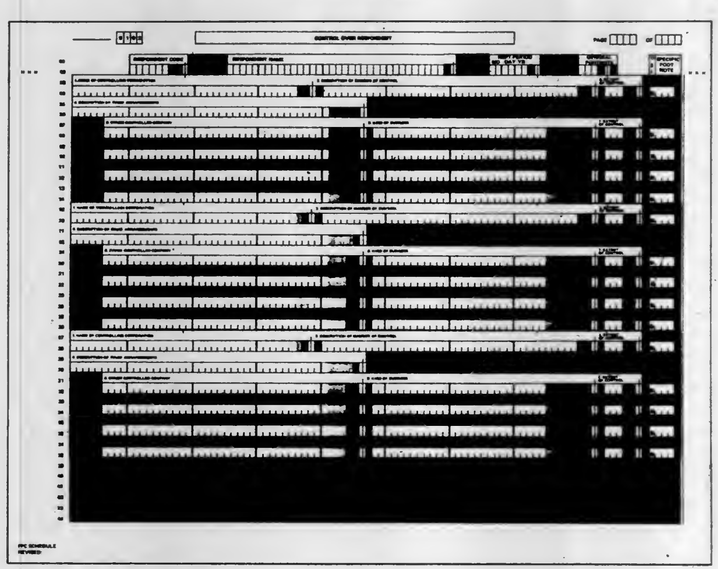
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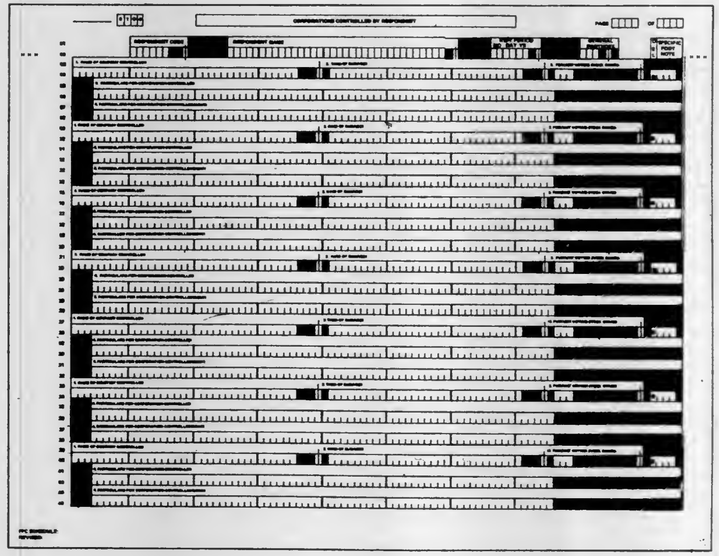
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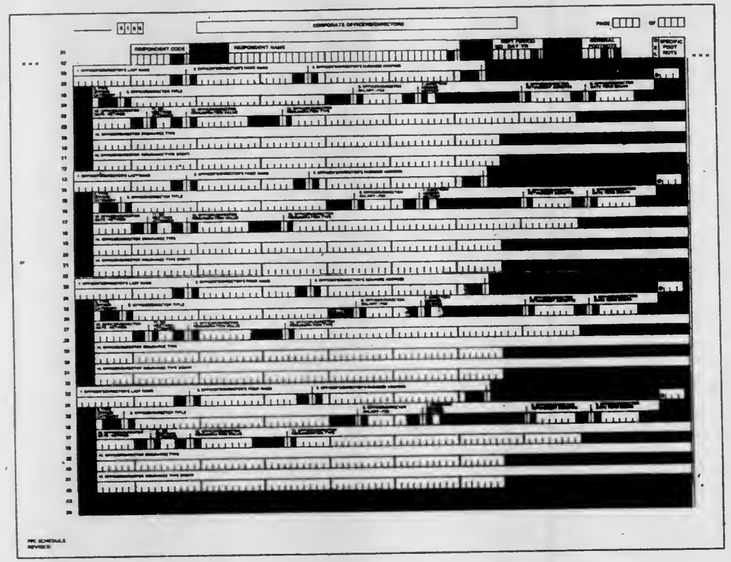


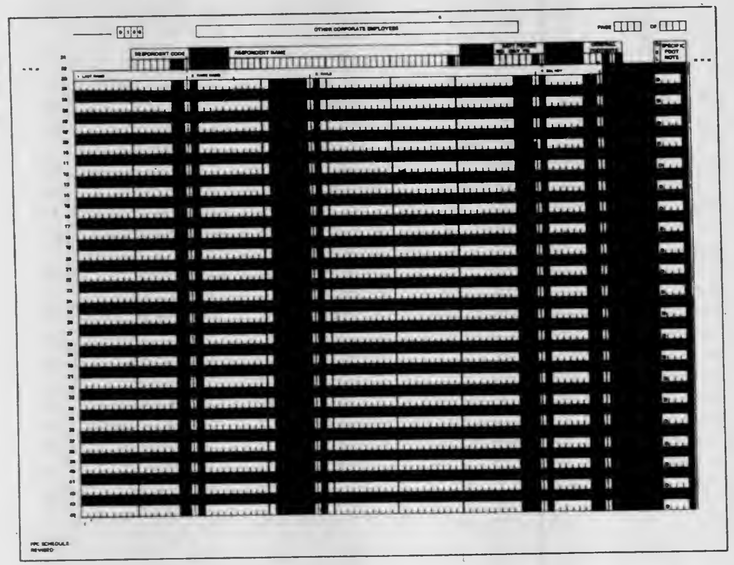
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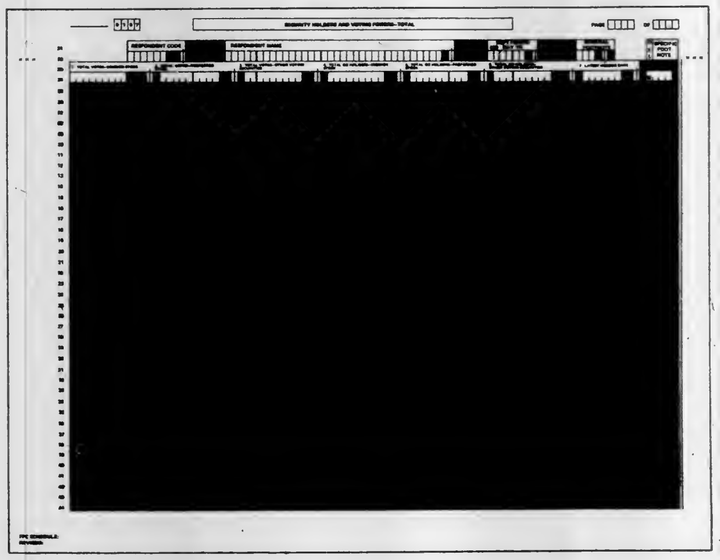


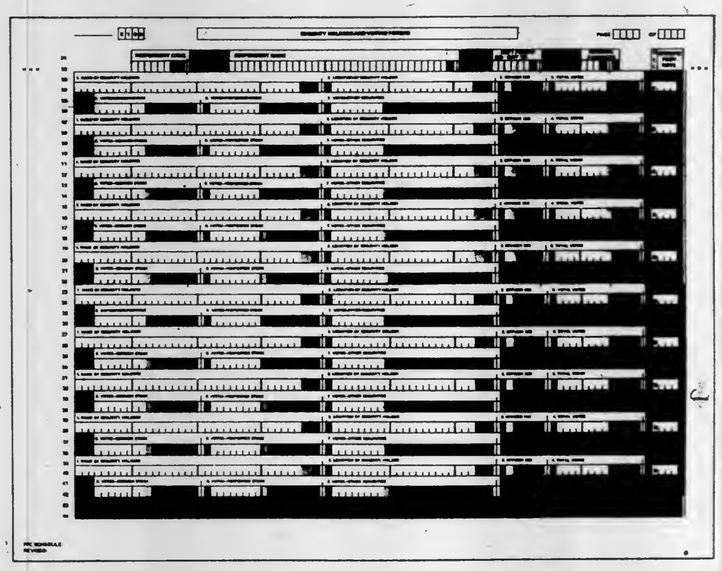
V41-175 SEP 8 76 UMI

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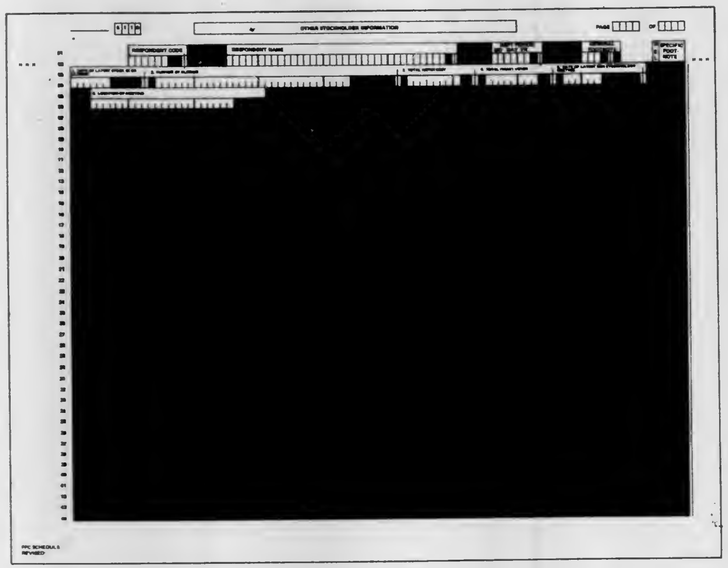


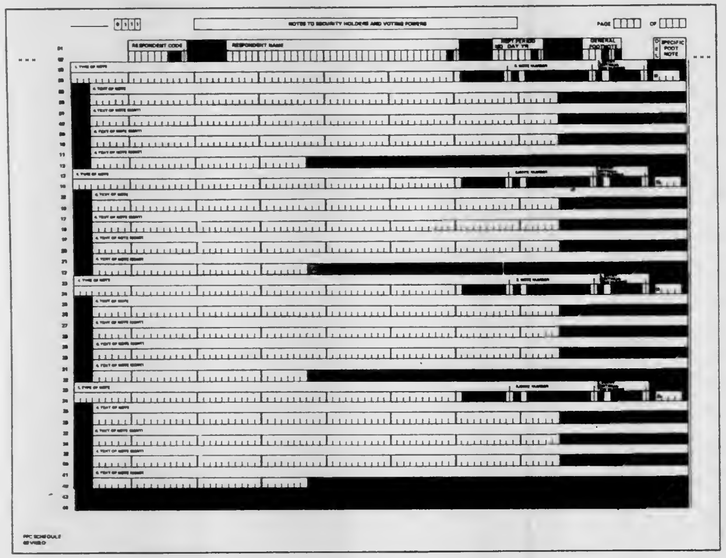


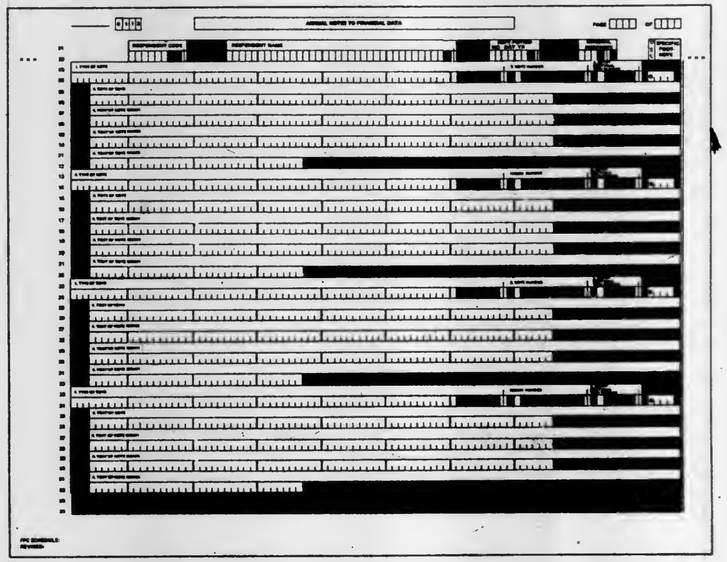


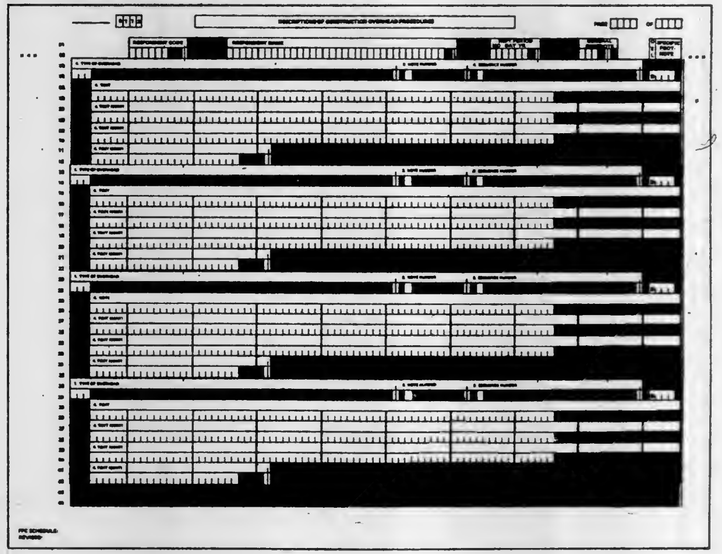


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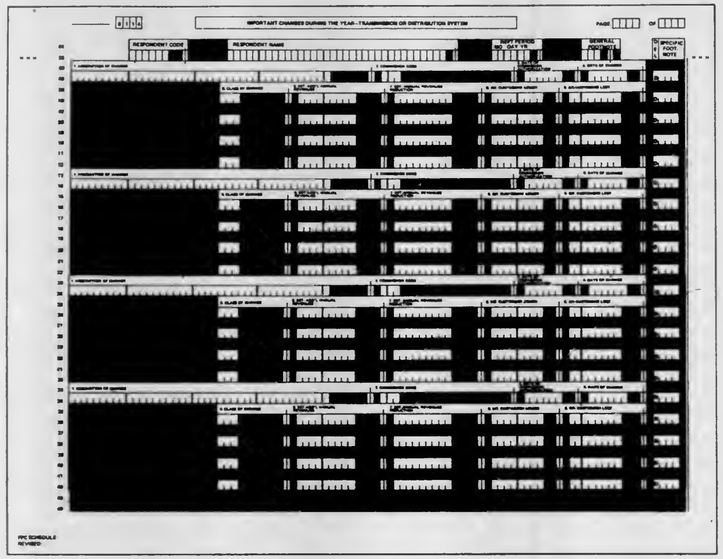


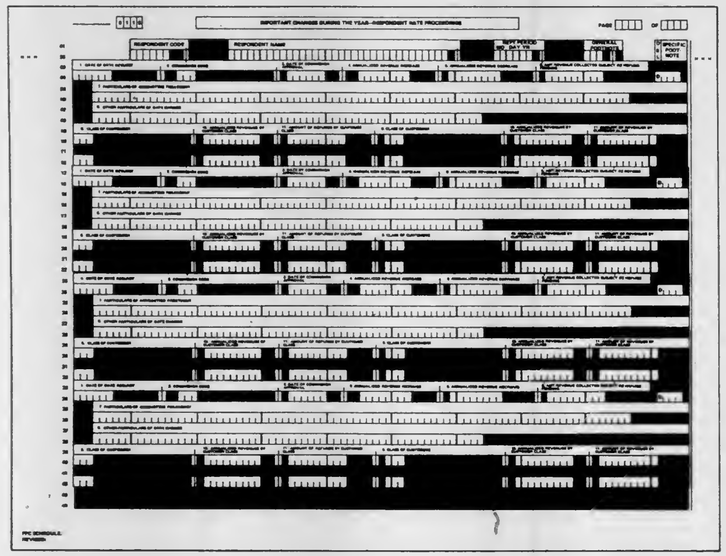




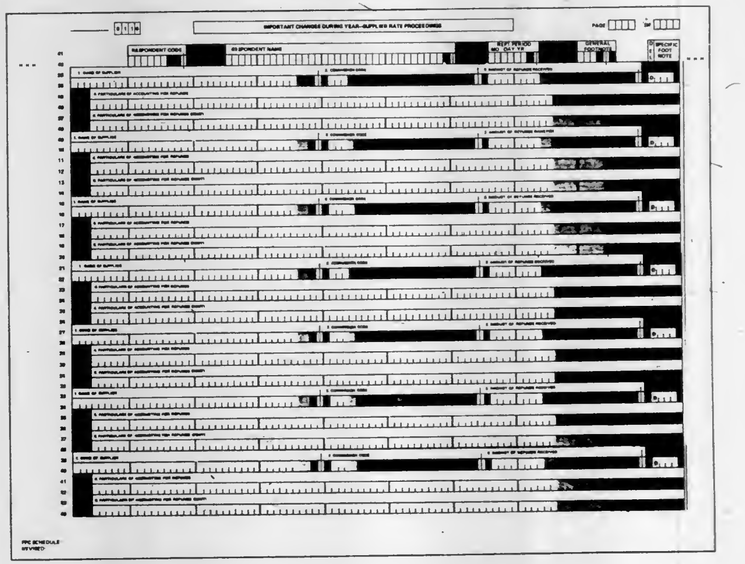


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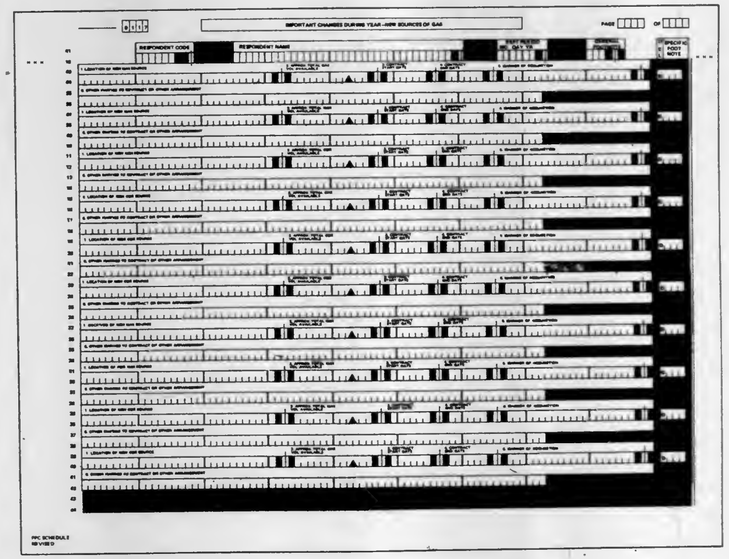




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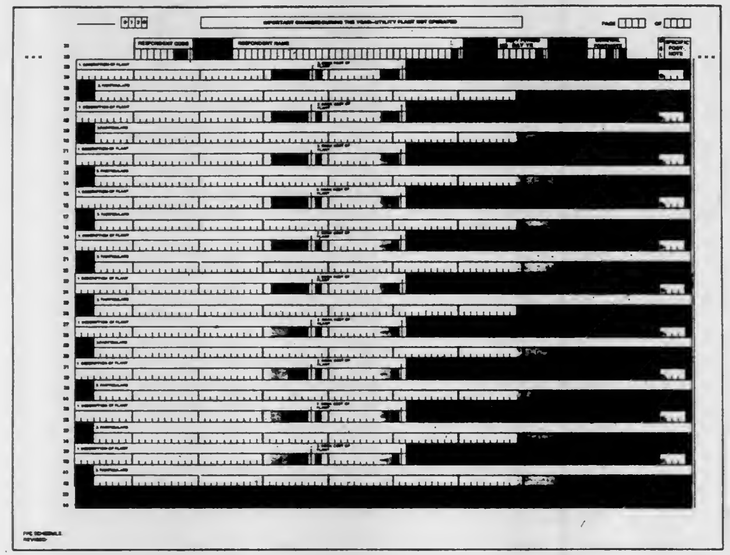


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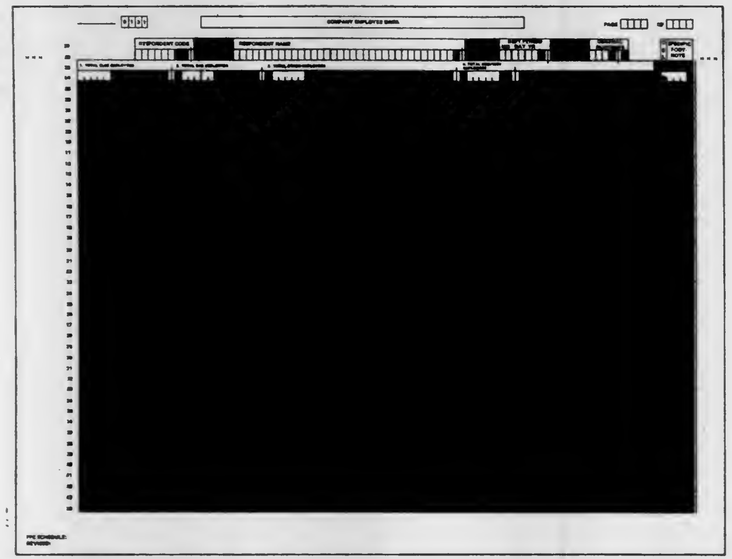


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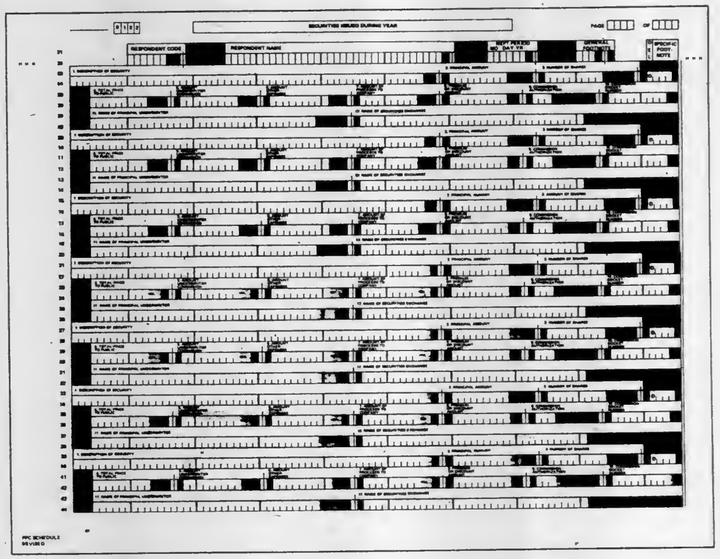
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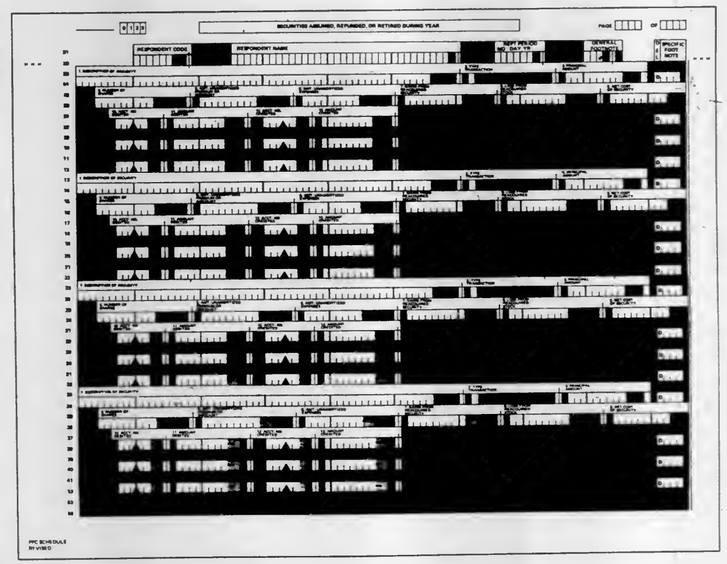
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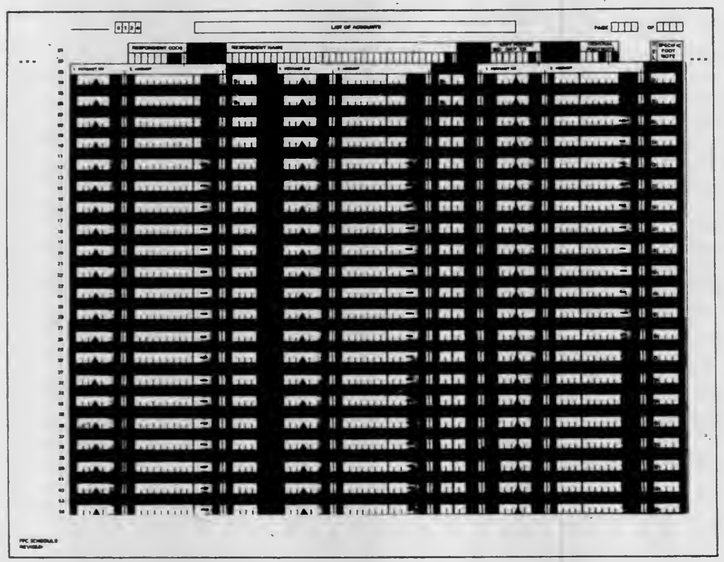


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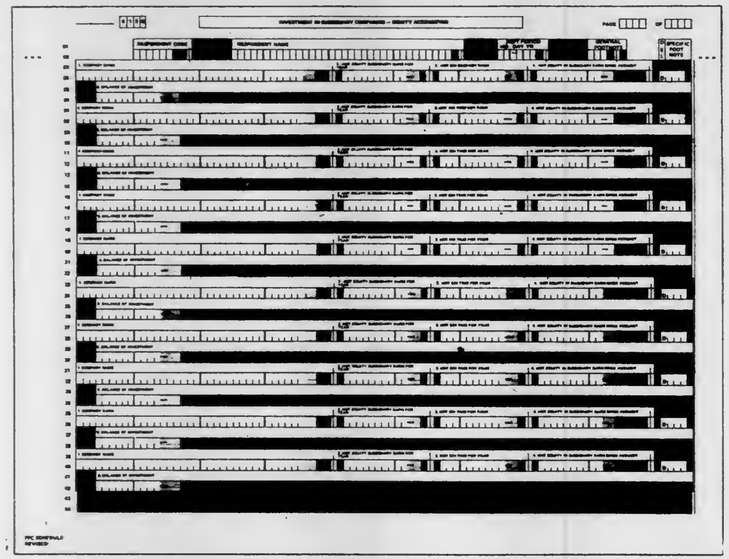


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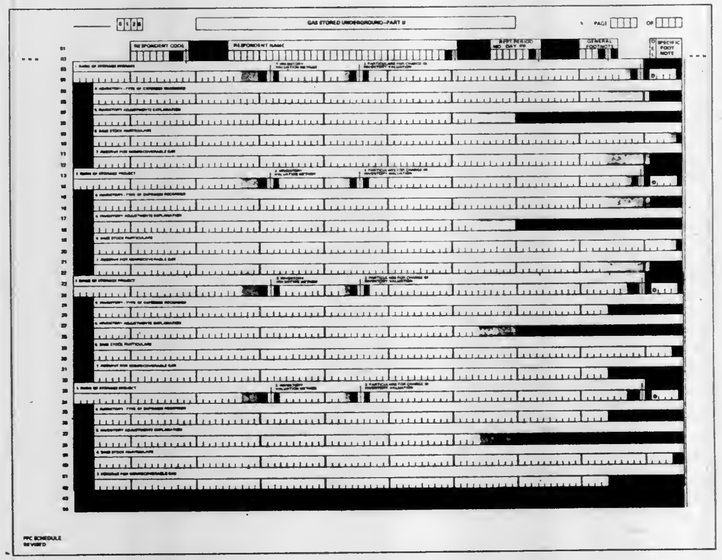
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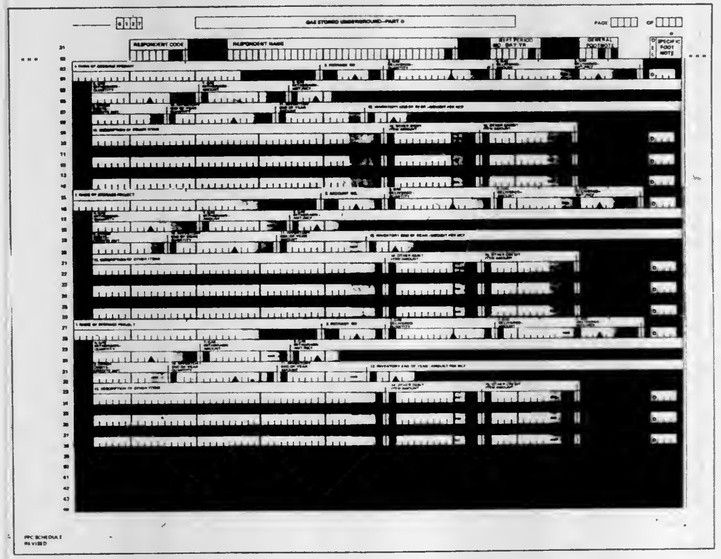
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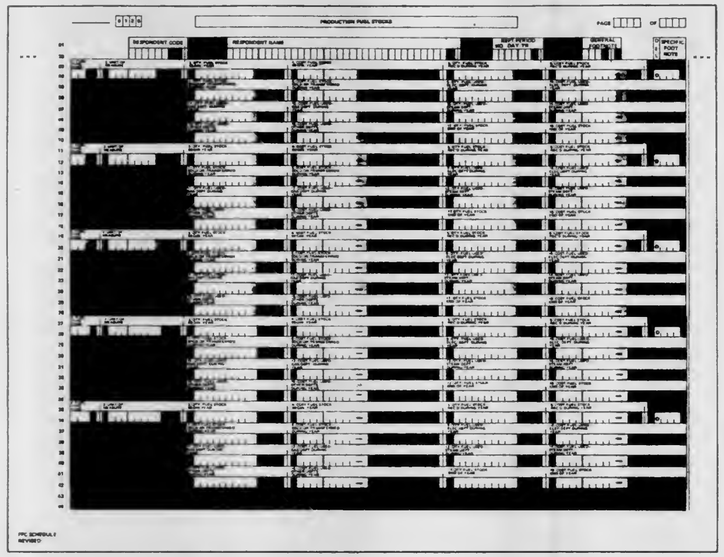


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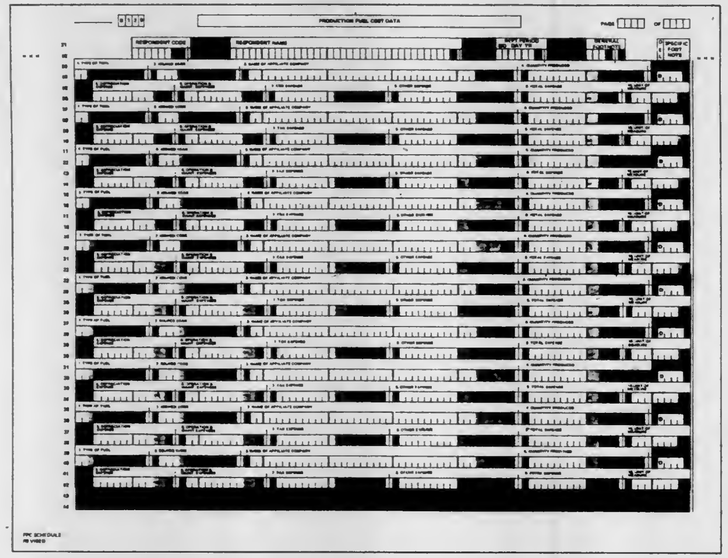


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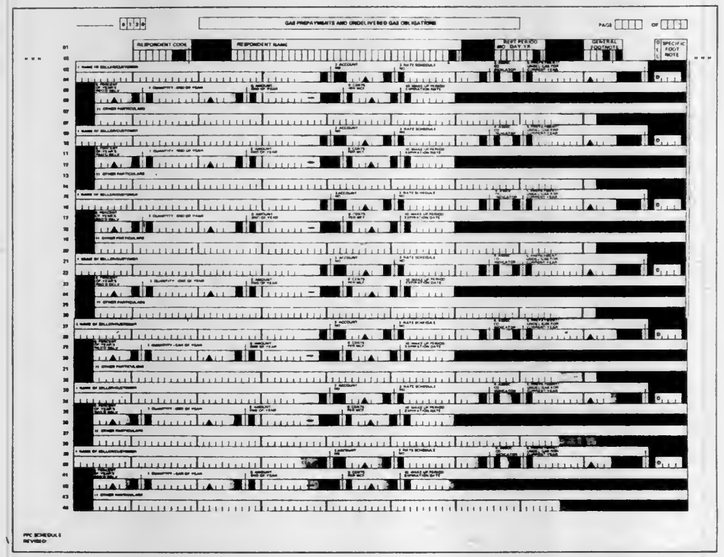
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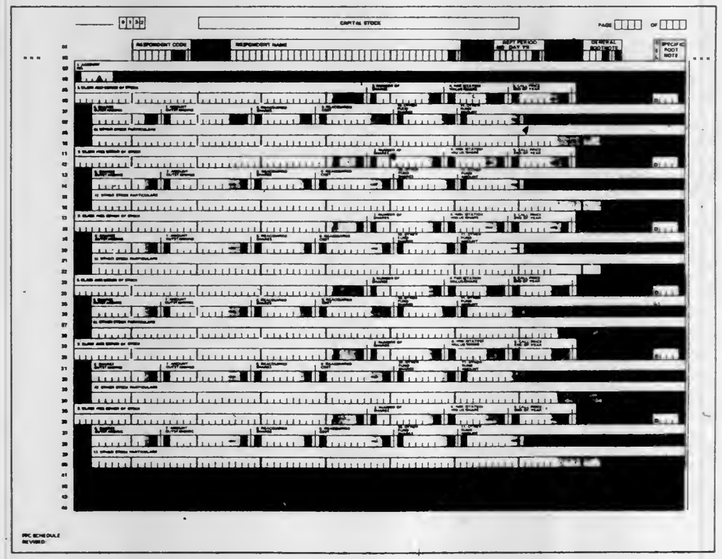
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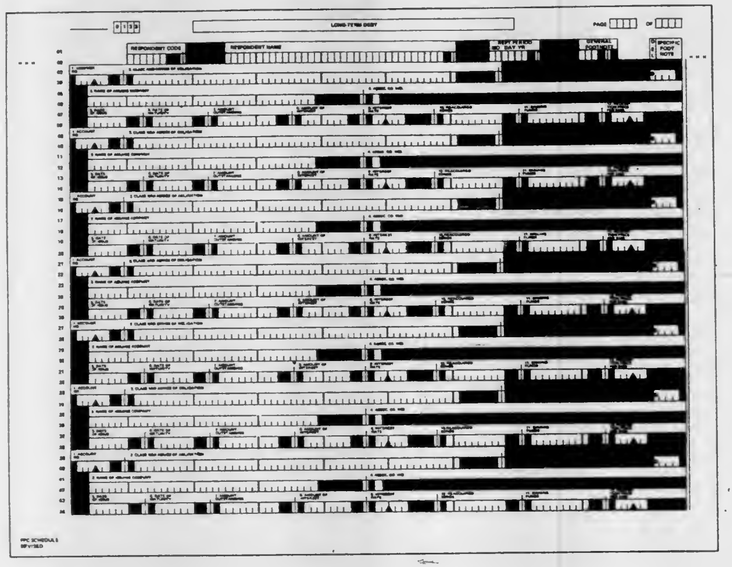


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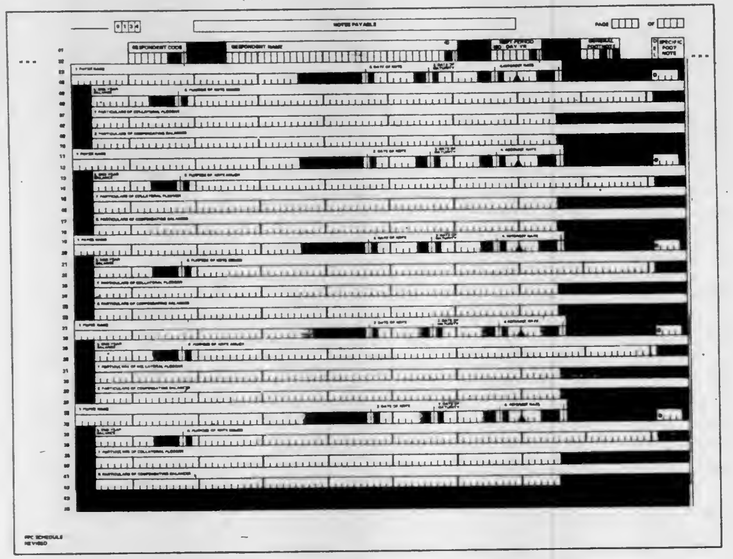


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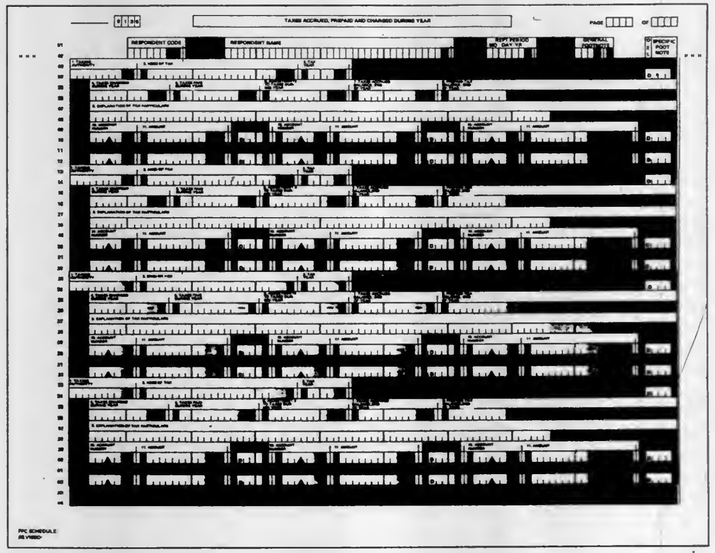
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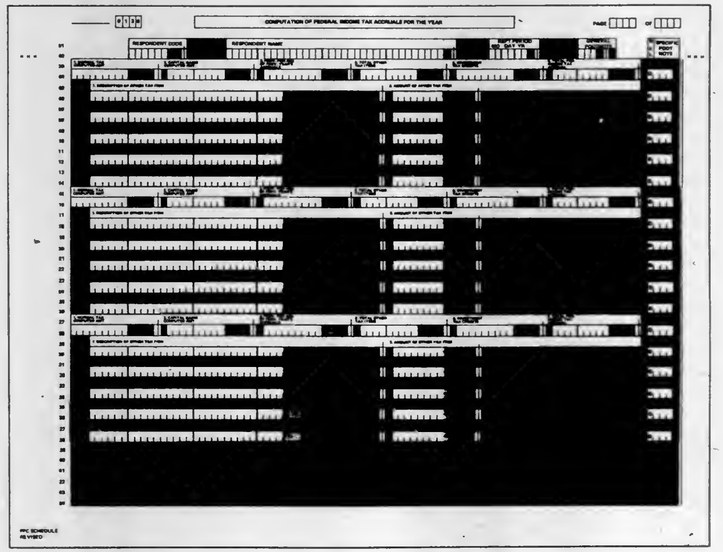
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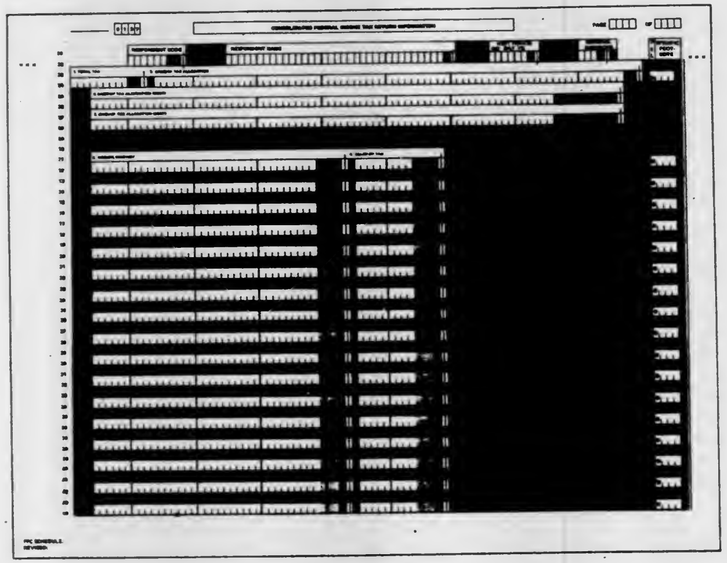


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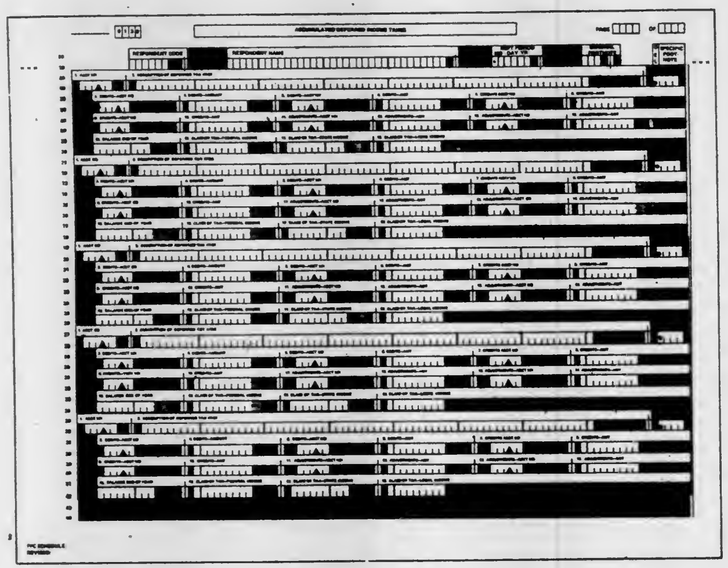


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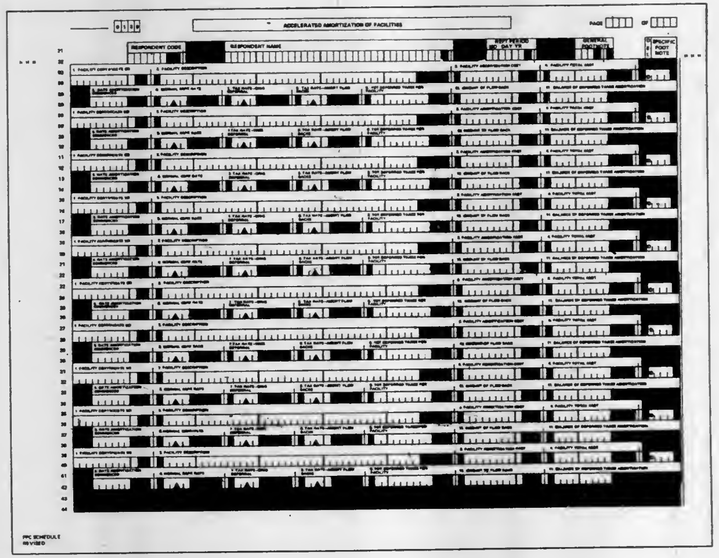
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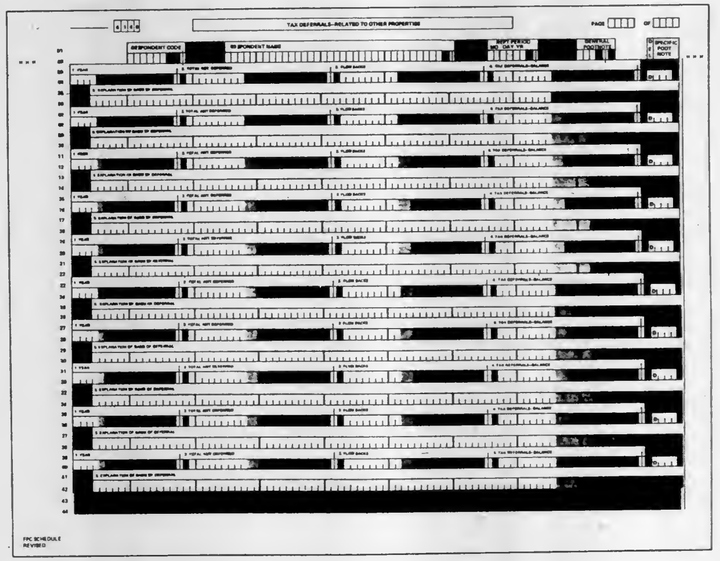
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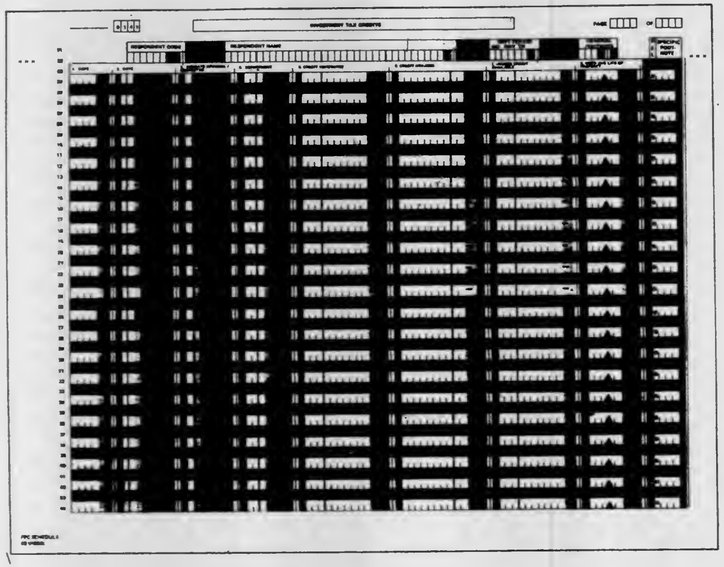


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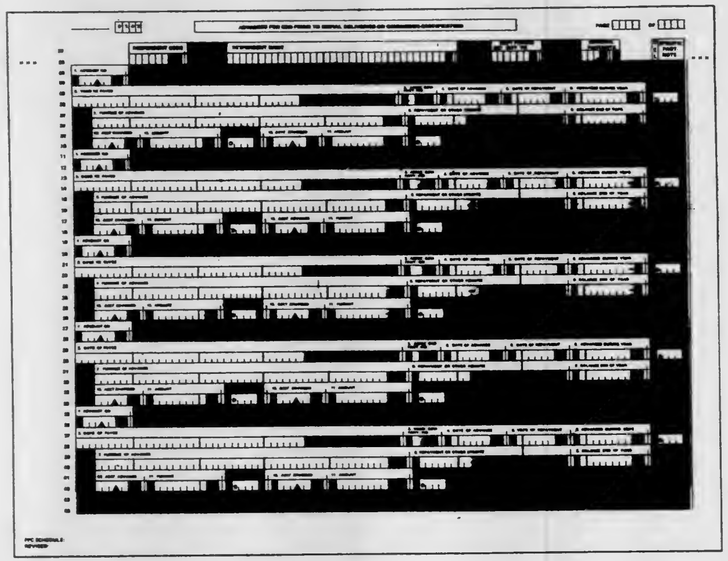


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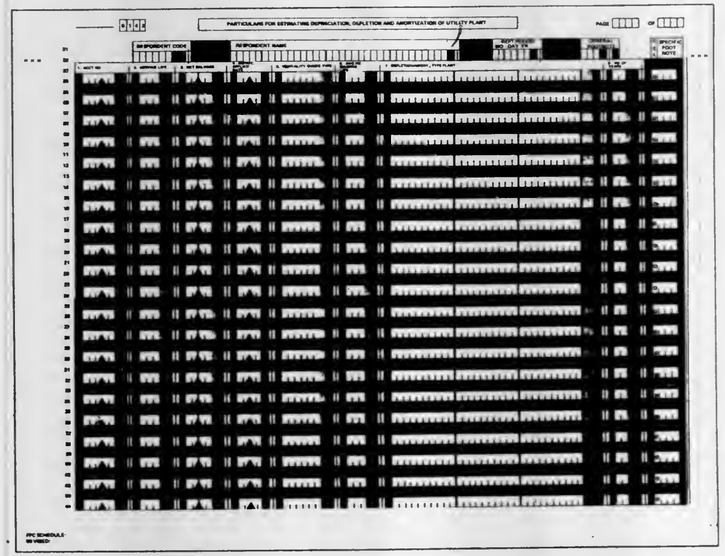
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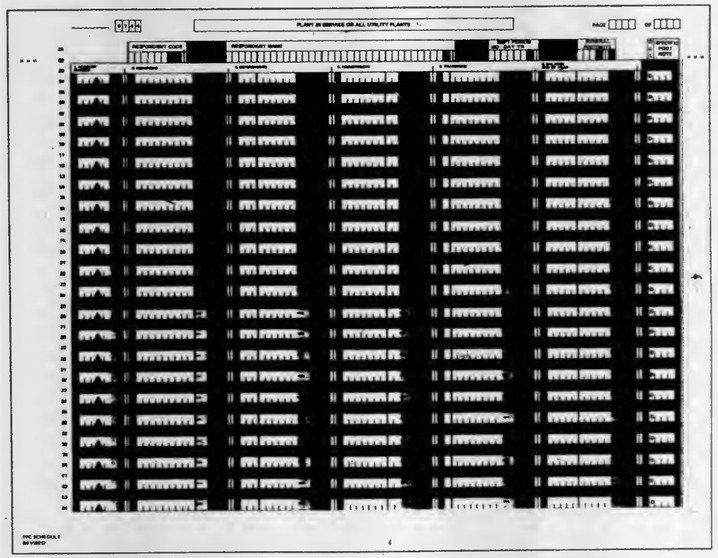
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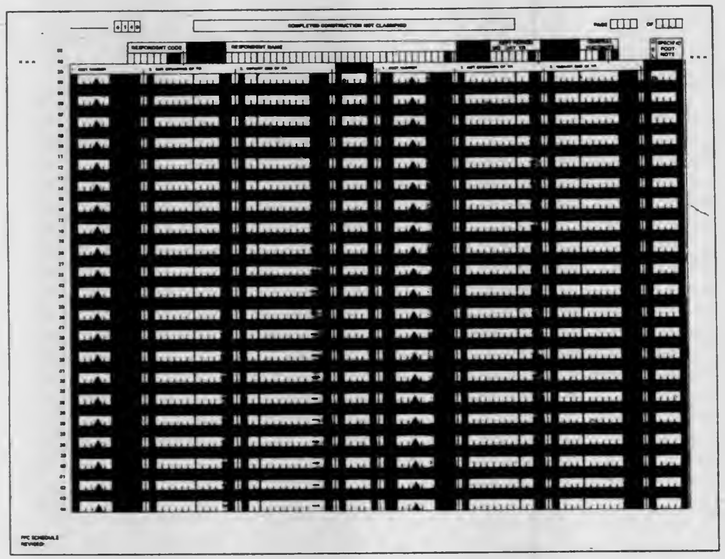


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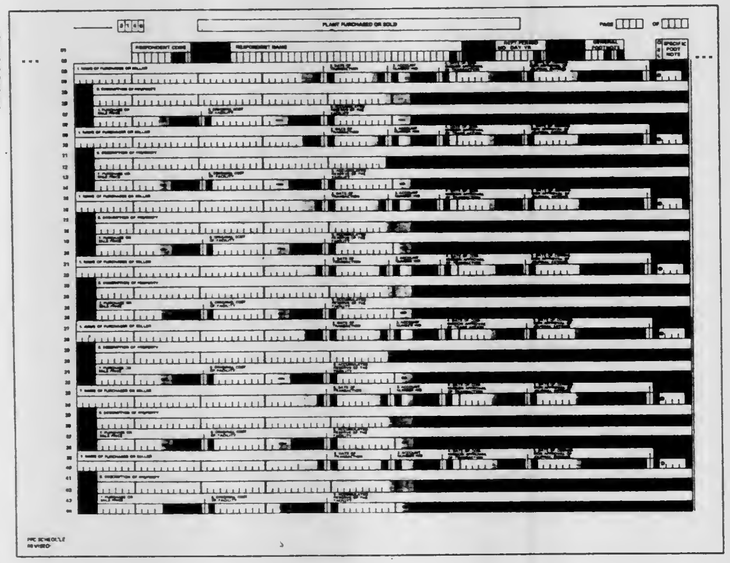


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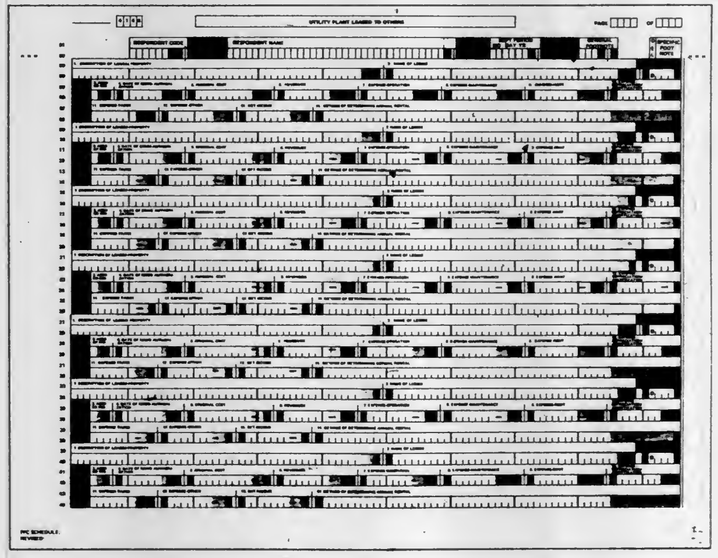
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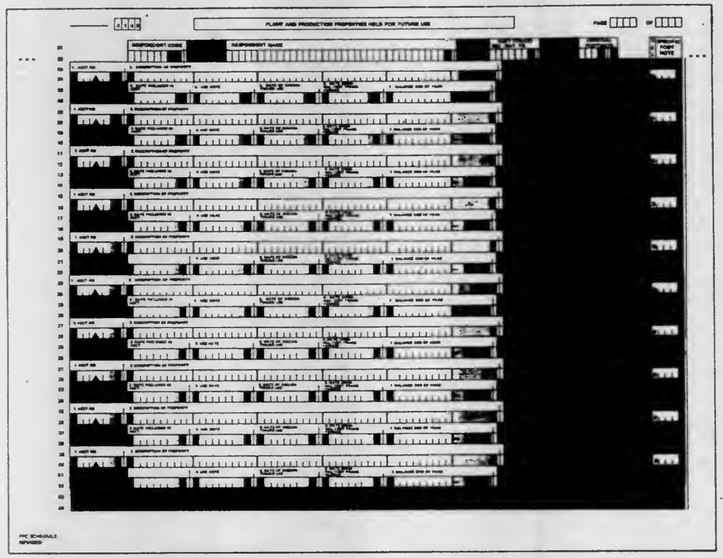


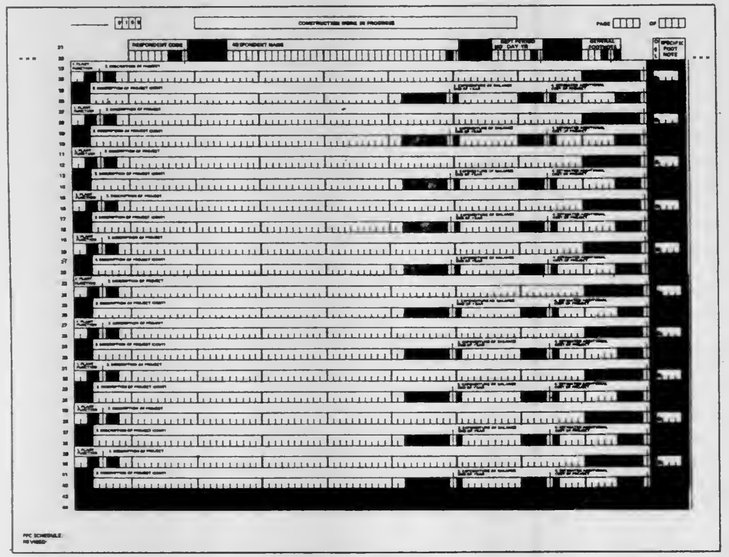
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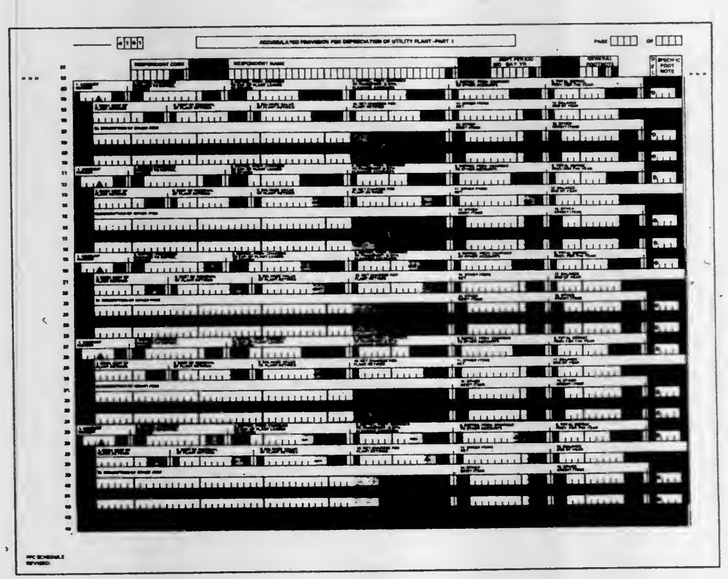
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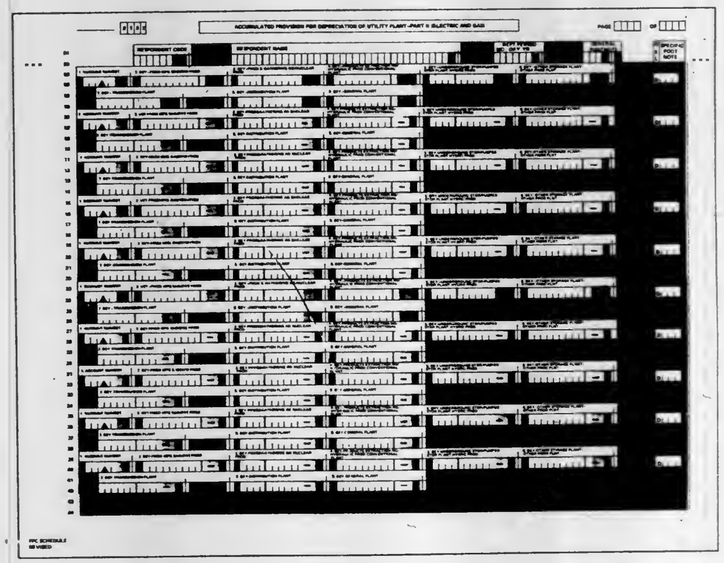
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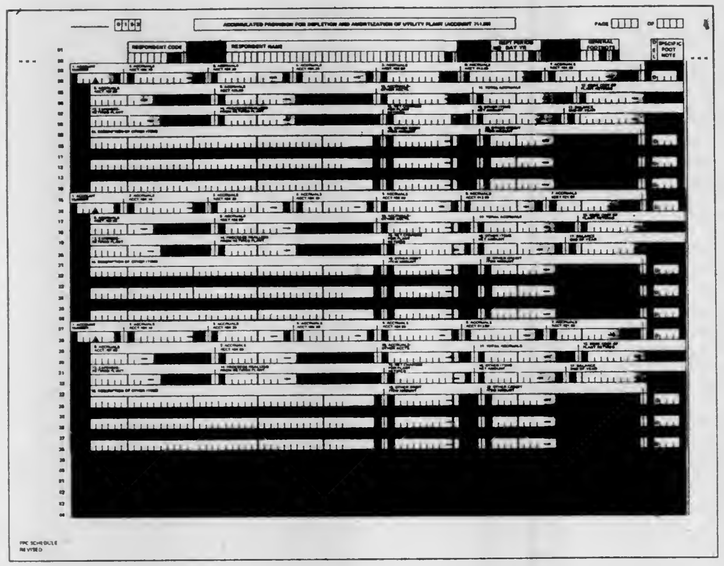
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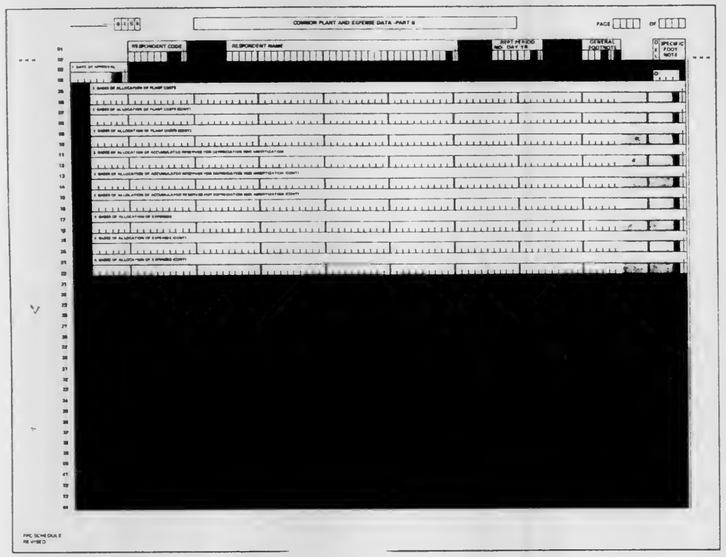




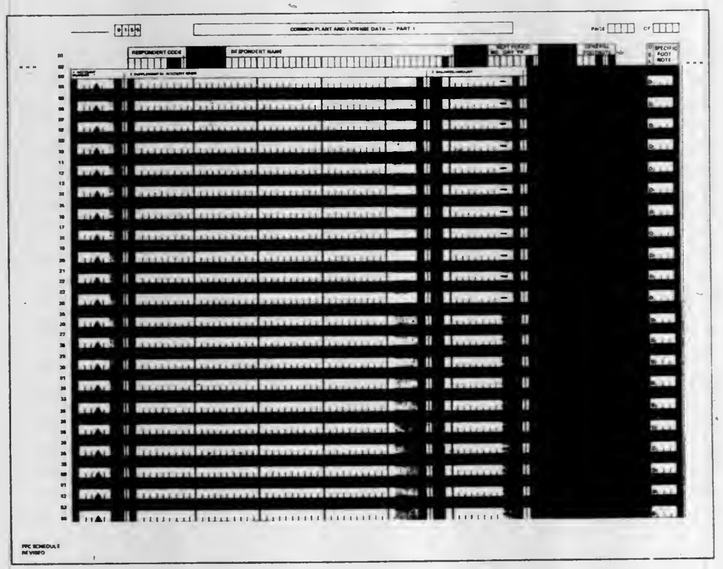
V41I175 SEP 8 76 UMI

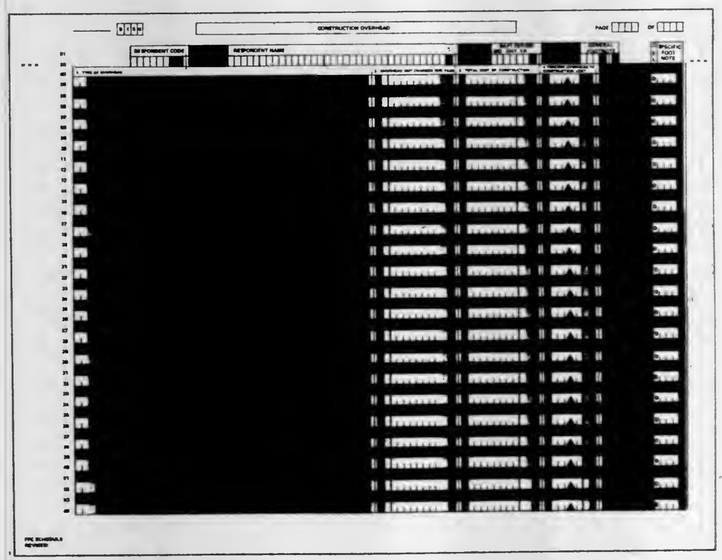
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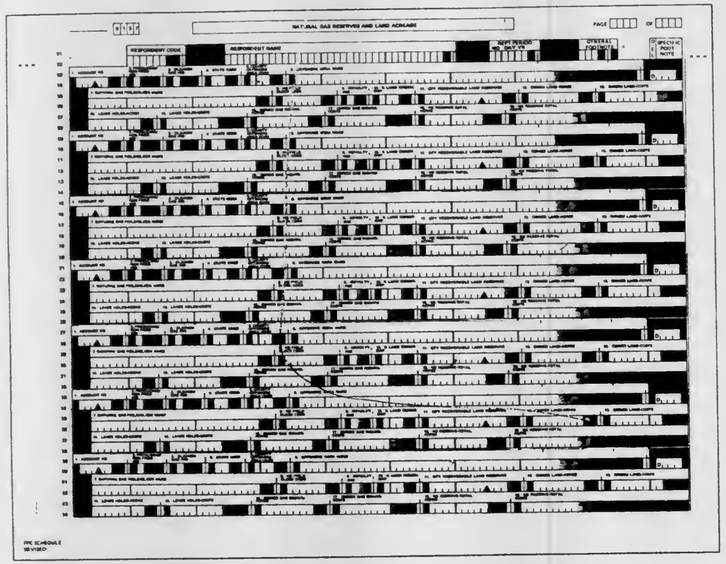
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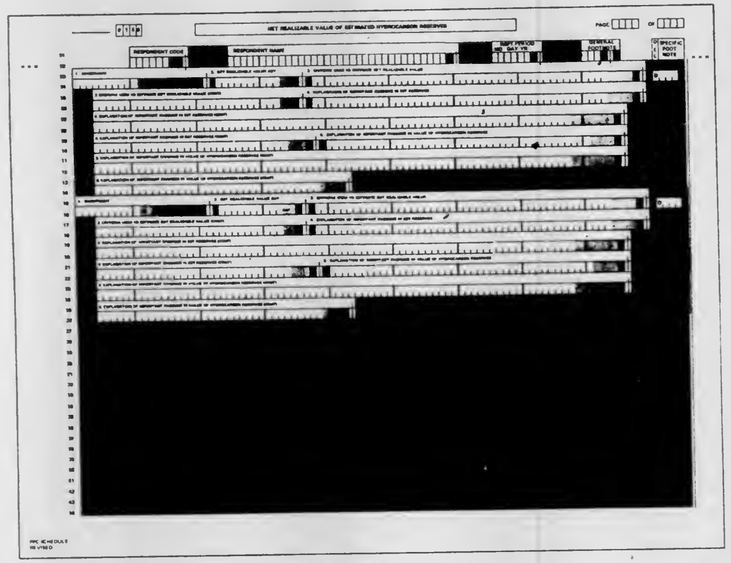


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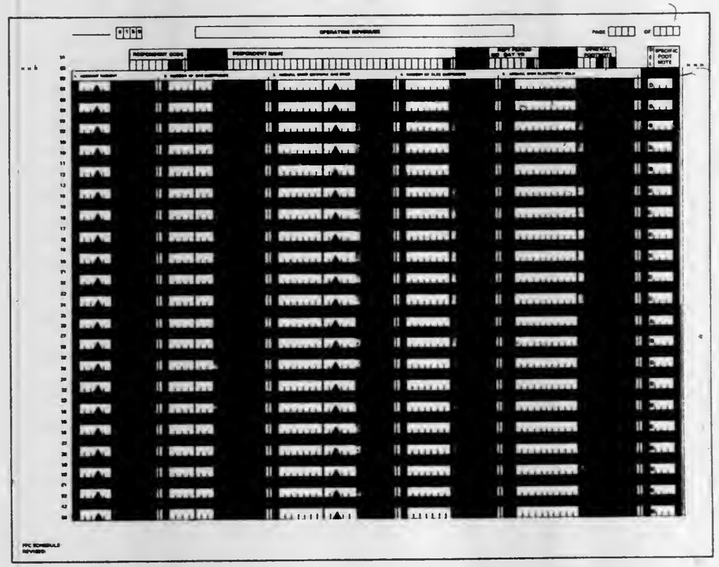
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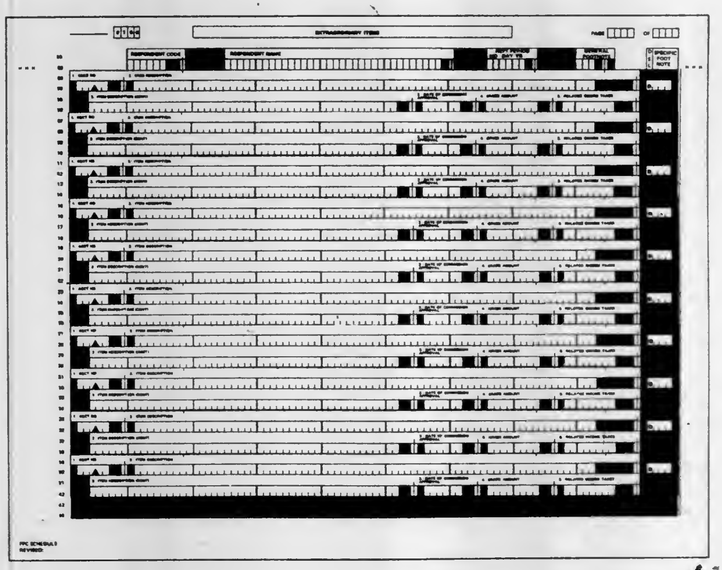
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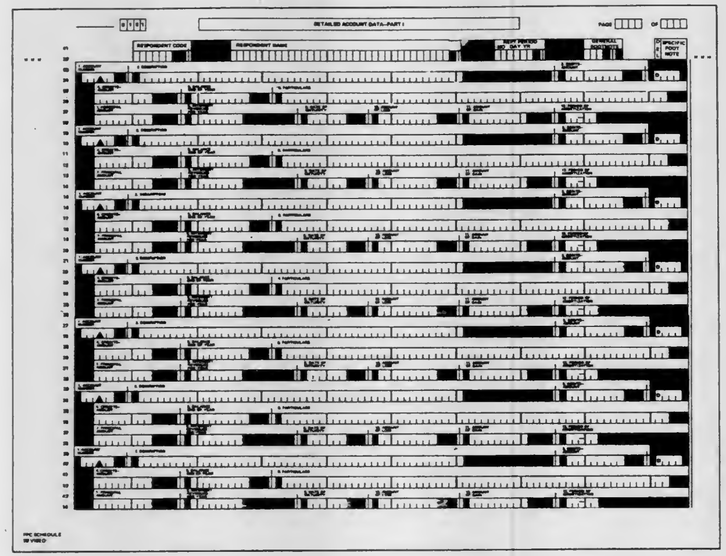


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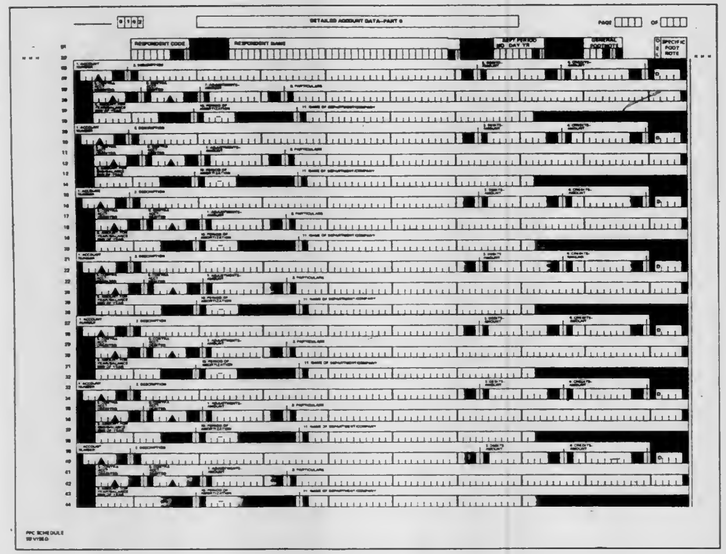


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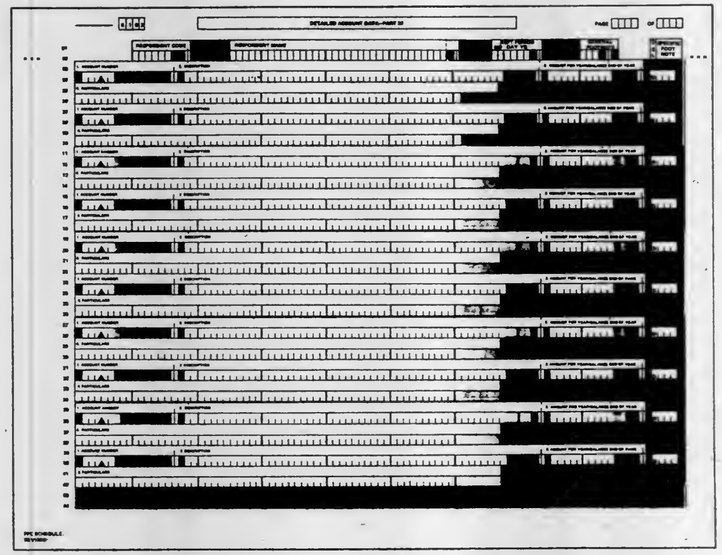
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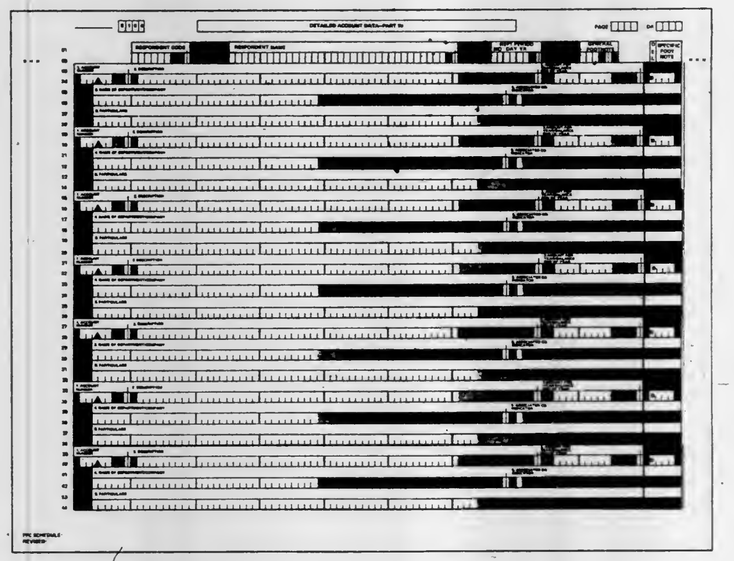
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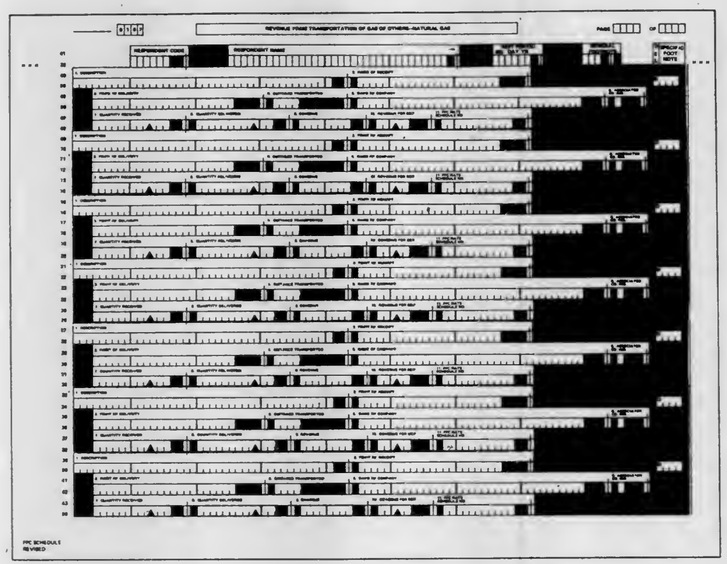


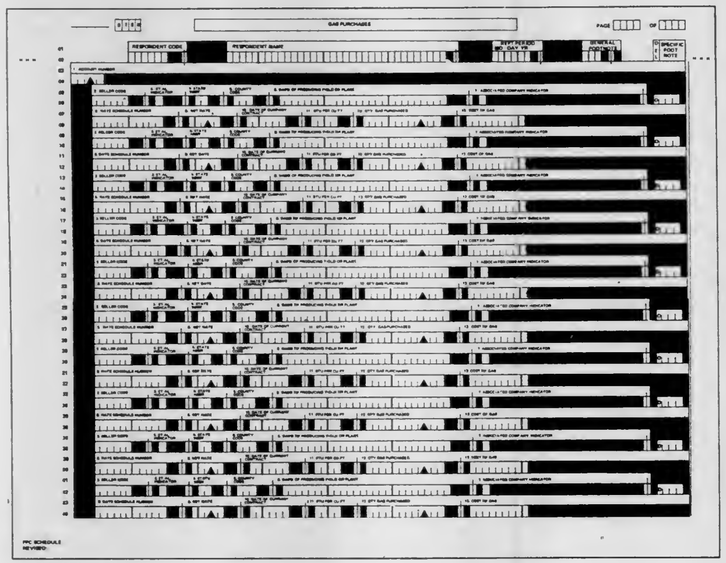
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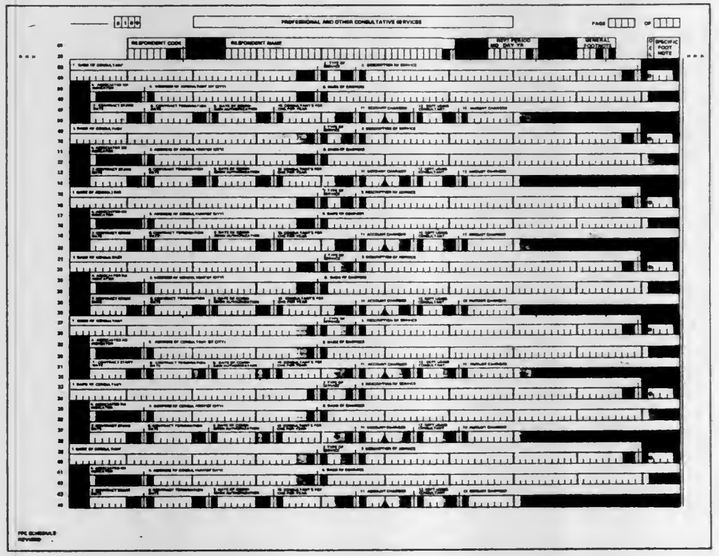
V41I175 SEP 8 76 UMI

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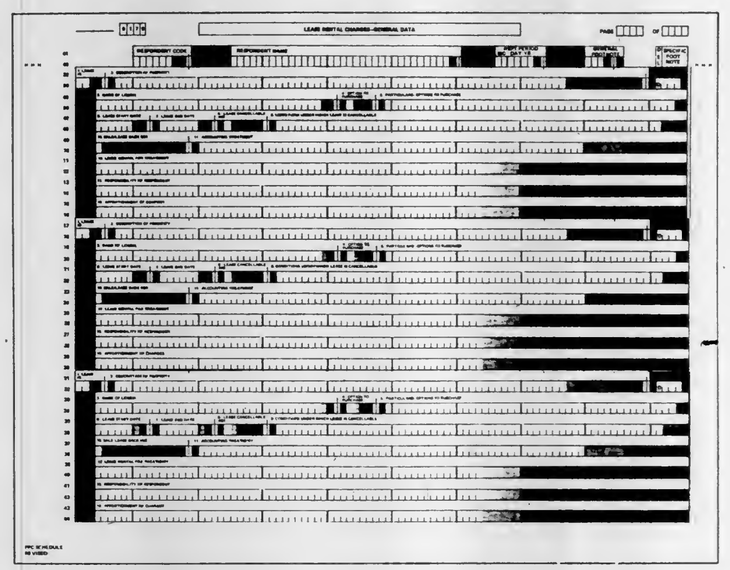




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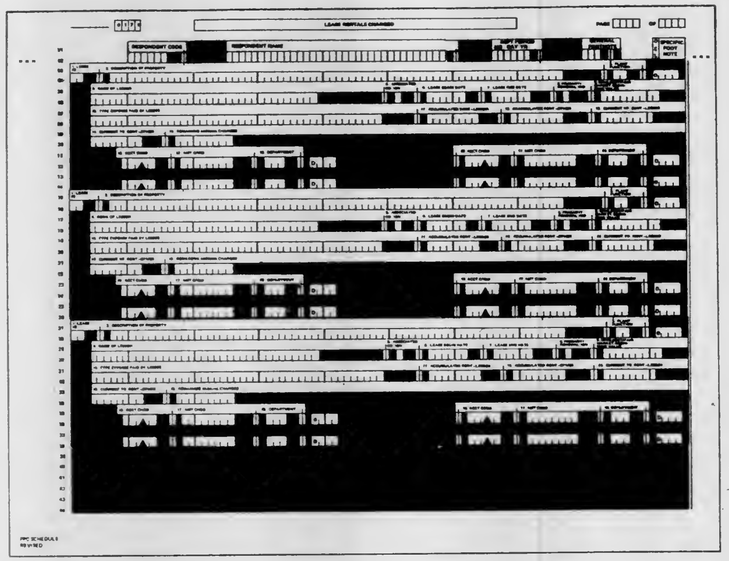


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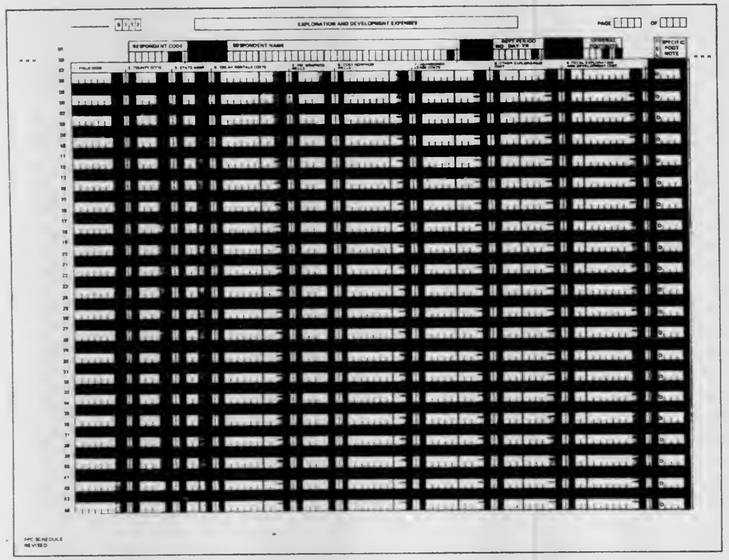


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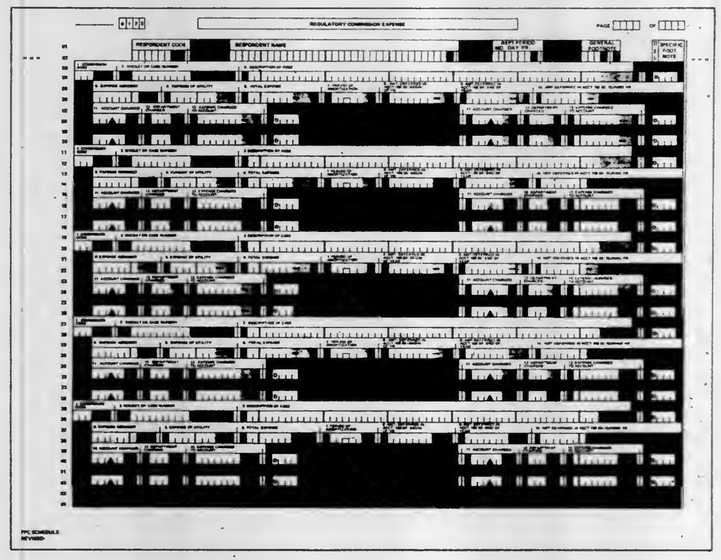
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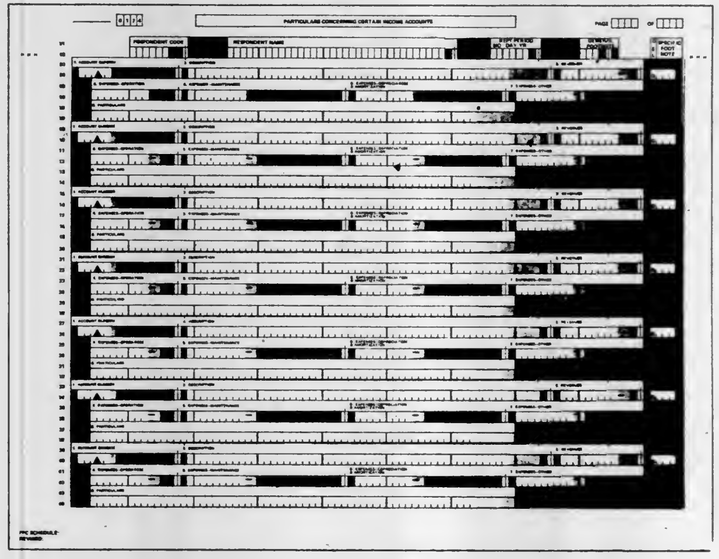
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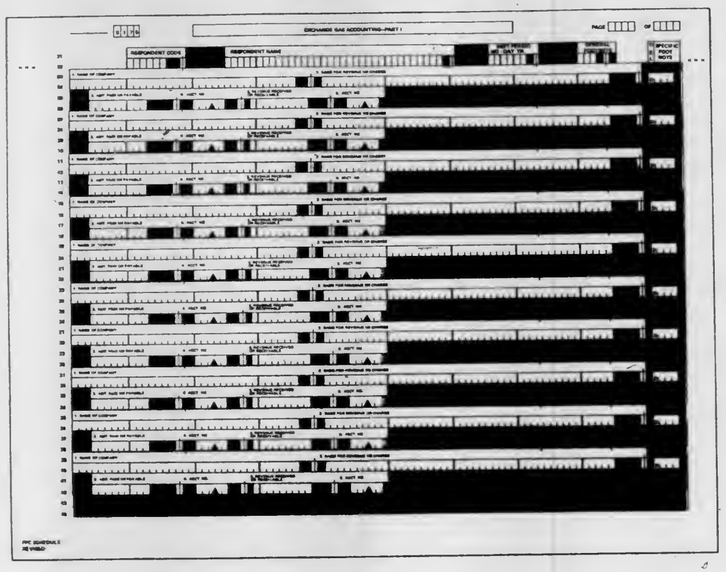


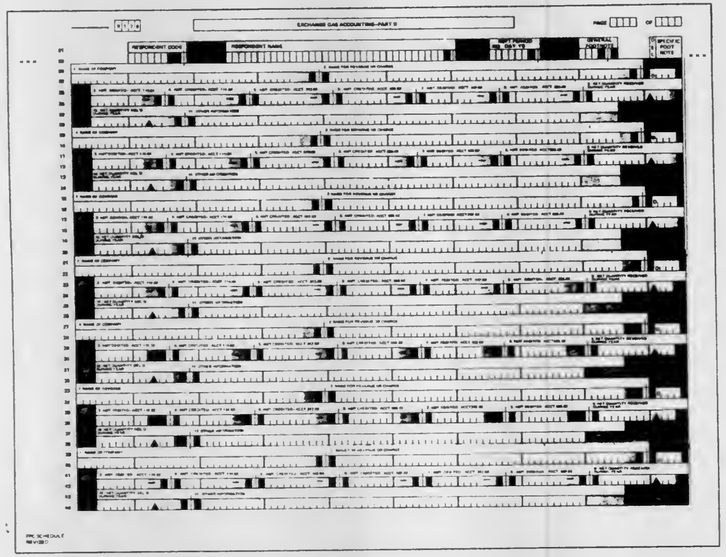
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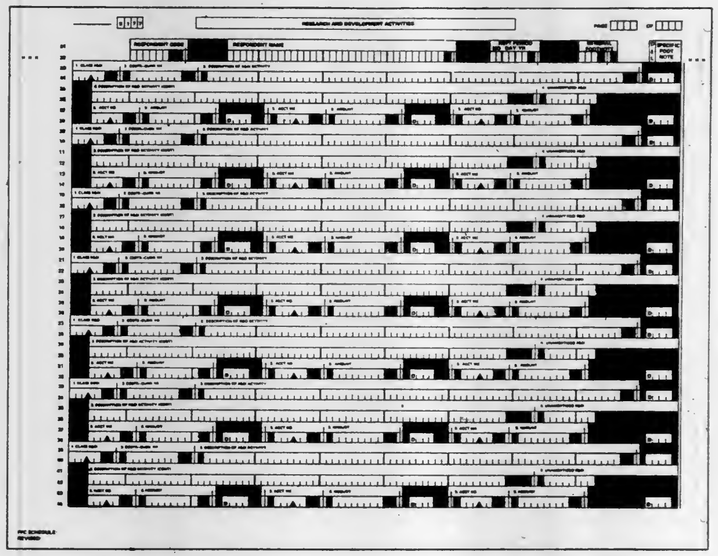
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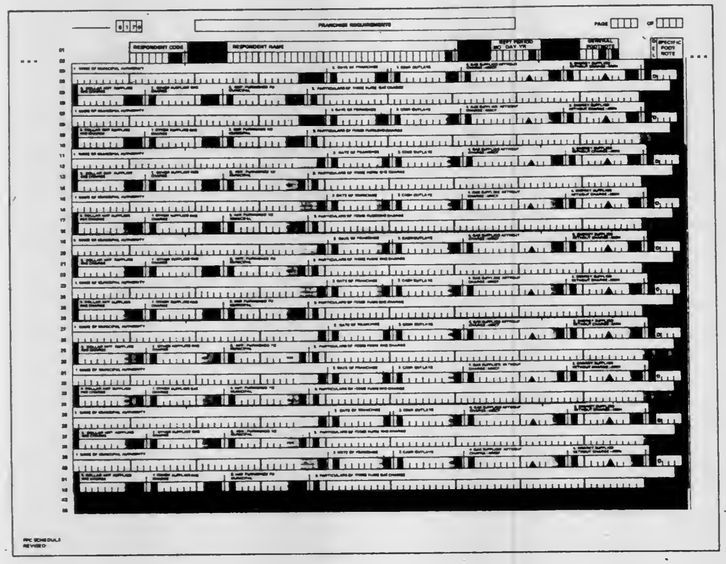
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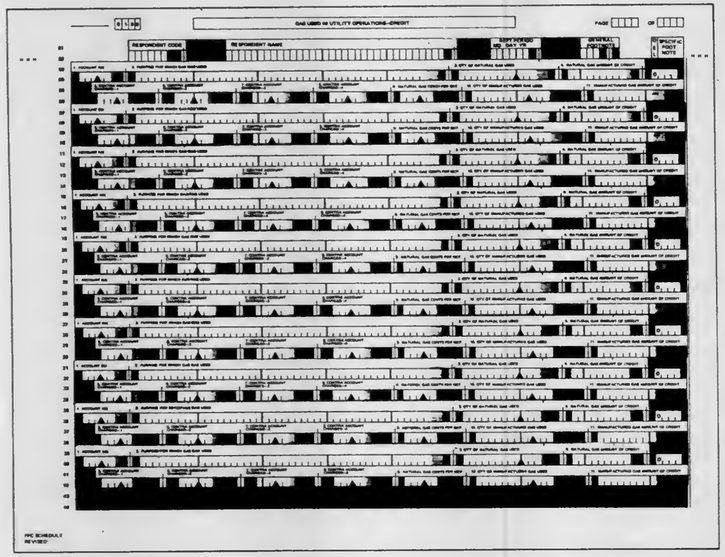


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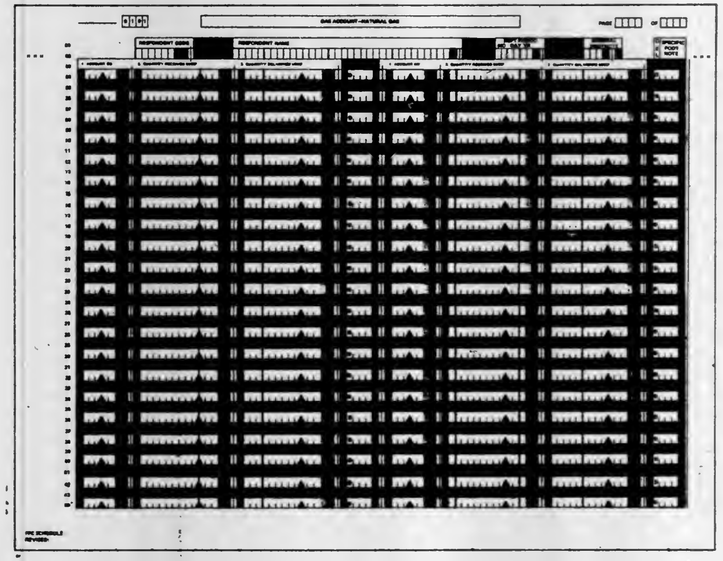
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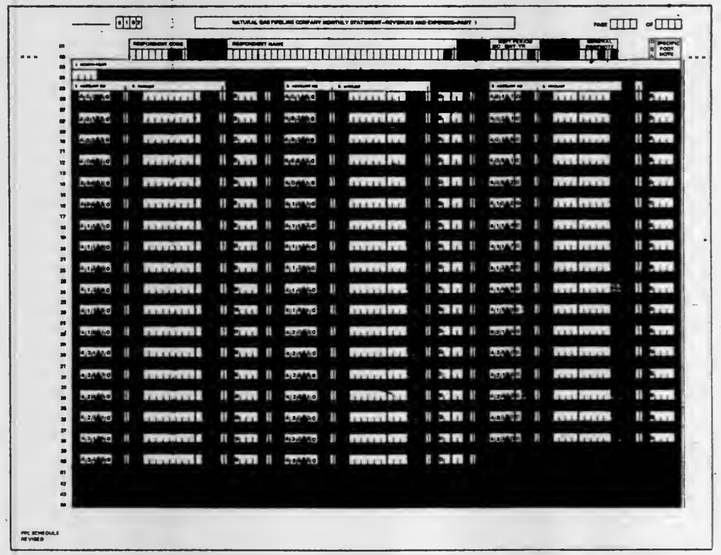
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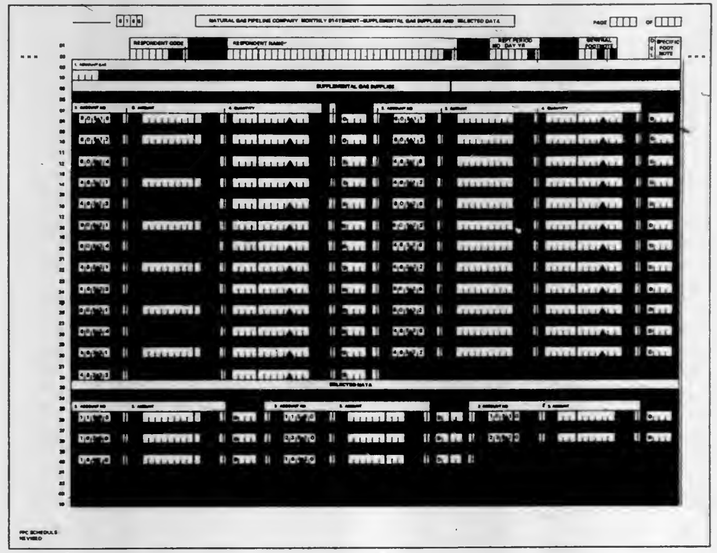
V41—175 SEP 8 76 UMI

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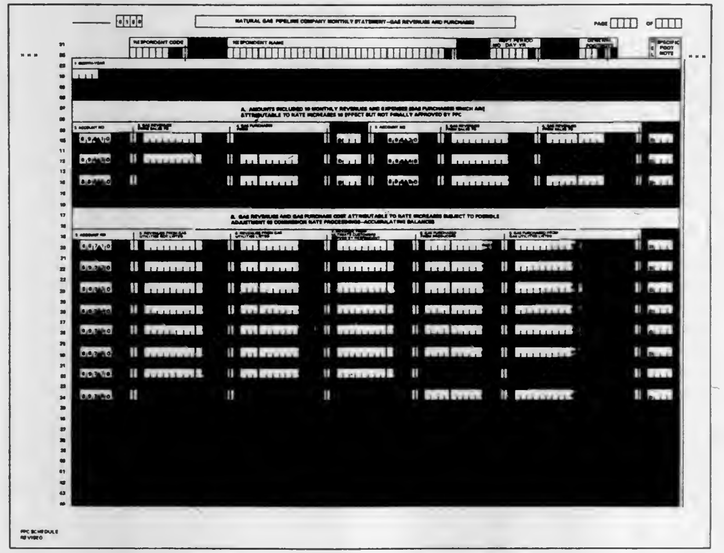




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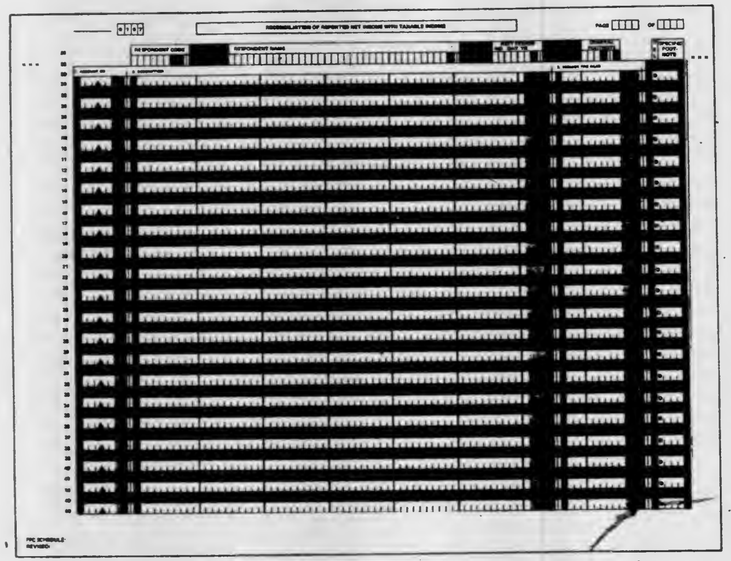


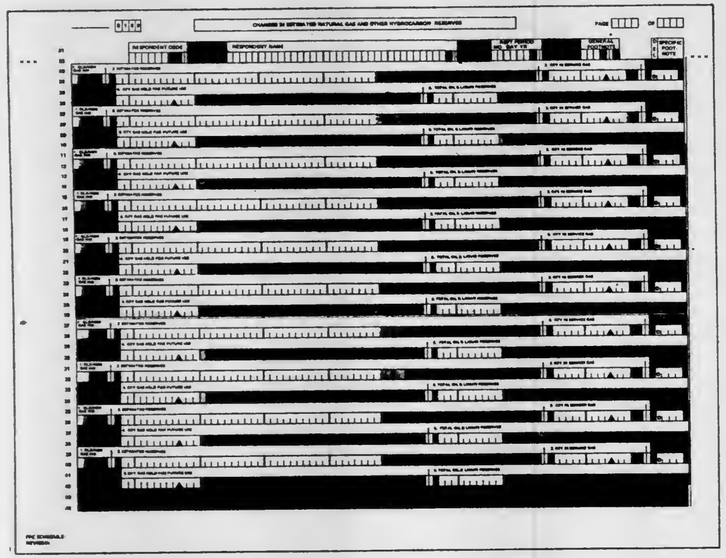
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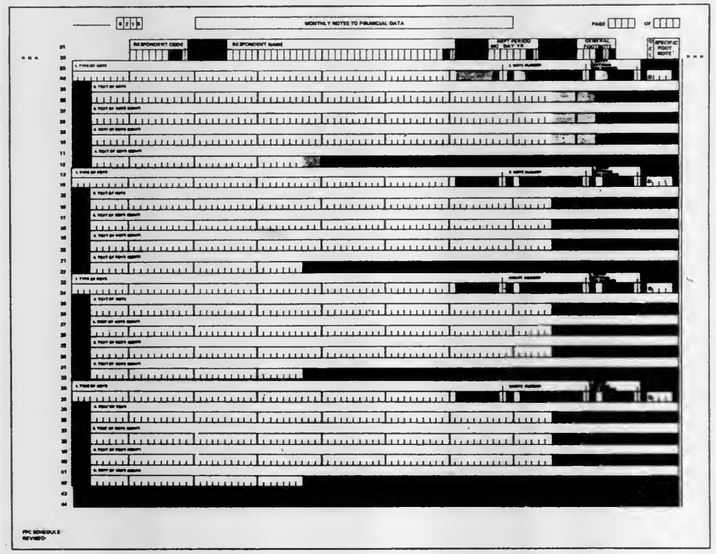
V41175 SEP 8 76 UMI

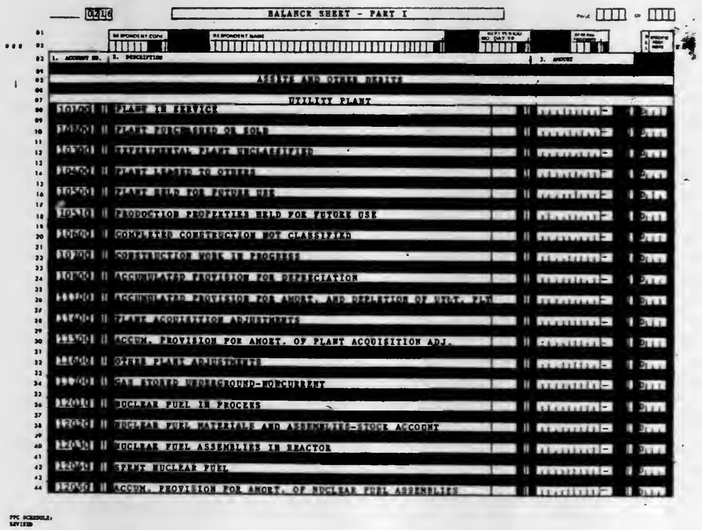
SAMPLE





SAMPLE





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SAMPLE

Form 0212 — BALANCE SHEET - PART II

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	NET UTILITY PLANT	
	OTHER PROPERTY AND INVESTMENTS	
12300	NONUTILITY PROPERTY	
12400	ACCUM. PROVISION FOR DEPR. AND AMORT. OF NONUTIL. PROP.	
12500	INVESTMENT IN ASSOCIATED COMPANIES	
12600	INVESTMENT IN SUBSIDIARY COMPANIES	
12700	OTHER INVESTMENTS	
12800	SINKING FUNDS	
12900	DEPRECIATION FUND	
13000	AMORTIZATION FUND-FEDERAL	
13100	OTHER SPECIAL FUNDS	
13200	TOTAL OTHER PROPERTY AND INVESTMENTS	
	CURRENT AND ACCRUED ASSETS	
13300	CASH	
13400	INTEREST SPECIAL DEPOSITS	
13500	DIVIDEND SPECIAL DEPOSITS	
13600	OTHER SPECIAL DEPOSITS	
13700	WORKING FUNDS	
13800	TEMPORARY CASH INVESTMENTS	
13900	NOTES RECEIVABLE	
14000	CUSTOMER ACCOUNTS RECEIVABLE	
14100	OTHER ACCOUNTS RECEIVABLE	
14200	ACCUM. PROVISION FOR UNCOLLECTABLE ACCOUNTS-CREDIT	

Form 0213 — BALANCE SHEET - PART III

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
14300	NOTES RECEIVABLE FROM ASSOCIATED COMPANIES	
14400	ACCOUNTS RECEIVABLE FROM ASSOCIATED COMPANIES	
15100	FUEL STOCK	
15200	FUEL STOCK EXPENSE UNDISTRIBUTED	
15300	RESIDUALS	
15400	PLANT MATERIALS AND OPERATING SUPPLIES	
15500	MERCHANDISE	
15600	OTHER MATERIALS AND SUPPLIES	
15700	NUCLEAR MATERIALS HELD FOR SALE	
15800	STORES EXPENSE UNDISTRIBUTED	
15900	GAS STORED UNDERGROUND-CURRENT	
16000	LIQUEFIED NATURAL GAS STORED	
16100	PREPAYMENTS	
16400	ADVANCES FOR GAS EXPLORATION, DEVELOPMENT AND PROD.	
16500	OTHER ADVANCES FOR GAS	
16600	INTEREST AND DIVIDENDS RECEIVABLE	
16700	RENTS RECEIVABLE	
16800	ACCRUED UTILITY REVENUES	
16900	MISCELLANEOUS CURRENT AND ACCRUED ASSETS	
17000	TOTAL CURRENT AND ACCRUED ASSETS	
18100	UNAMORTIZED DEBT EXPENSE	

SAMPLE

Form 0215 — BALANCE SHEET - PART IV

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
18200	EXTRAORDINARY PROPERTY LOSSES	
18300	PRELIMINARY SURVEY AND INVESTIGATION CHARGES	
18400	OTHER PRELIMINARY SURVEY AND INVESTIGATION CHARGES	
18500	CLEARING ACCOUNTS	
18600	TEMPORARY FACILITIES	
18800	MISCELLANEOUS DEFERRED DEBITS	
18900	DEFERRED LOSSES FROM DISPOSITION OF UTILITY PLANT	
19000	RESEARCH AND DEVELOPMENT EXPENDITURES	
19100	UNAMORTIZED LOSS ON REACQUIRED DEBT	
19200	ACCUMULATED DEFERRED INCOME TAXES	
19300	UNRECOVERED PURCHASE GAS COSTS	
19310	TOTAL DEFERRED DEBITS	
19320	TOTAL ASSETS AND OTHER DEBITS	

Form 0214 — BALANCE SHEET - PART V

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	LIABILITIES AND OTHER CREDITS	
	PROPRIETARY CAPITAL	
20100	COMMON STOCK ISSUED	
20200	COMMON STOCK SUBSCRIBED	
20300	COMMON STOCK LIABILITY FOR CONVERSION	
20400	PREFERRED STOCK ISSUED	
20500	PREFERRED STOCK REACQUIRED	
20600	PREFERRED STOCK LIABILITY FOR CONVERSION	
20700	PREMIUM ON CAPITAL STOCK	
20800	DONATIONS RECEIVED FROM STOCKHOLDERS	
20900	REDUCTION IN PAR OR STATED VALUE OF CAPITAL STOCK	
21000	GAIN ON RESALE OR CANCELLATION OF REACQUIRED CAP. STOCK	
21100	MISCELLANEOUS PAID-IN CAPITAL	
21300	INSTALLMENTS RECEIVED ON CAPITAL STOCK	
21400	DISCOUNT ON CAPITAL STOCK	
21500	CAPITAL STOCK EXPENSE	
21600	APPROPRIATED RETAINED EARNINGS	
21700	UNAPPROPRIATED RETAINED EARNINGS	
21800	UNAPPROPRIATED UNDISTRIBUTED SUBSIDIARY EARNINGS	
21900	REACQUIRED CAPITAL STOCK	
21910	TOTAL PROPRIETARY CAPITAL	

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SAMPLE

0221 BALANCE SHEET - PART VI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	LONG-TERM DEBT	
221DC	BONDS	
222DC	REACQUIRED BONDS	
223DC	ADVANCES FROM ASSOCIATED COMPANIES	
224DC	OTHER LONG-TERM DEBT	
225DC	UNAMORTIZED PREMIUM ON LONG-TERM DEBT	
226DC	UNAMORTIZED DISCOUNT ON LONG-TERM DEBT-DEBT	
227DC	TOTAL LONG TERM DEBT	
228DC	NOTES PAYABLE	
229DC	ACCOUNTS PAYABLE	
230DC	NOTES PAYABLE TO ASSOCIATED COMPANIES	
231DC	ACCOUNTS PAYABLE TO ASSOCIATED COMPANIES	
232DC	CUSTOMER DEPOSITS	
233DC	TAXES ACCRUED	
234DC	INTEREST ACCRUED	
235DC	DIVIDENDS DECLARED	
236DC	MATURED LONG-TERM DEBT	
237DC	MATURED INTEREST	
238DC	TAX COLLECTIONS PAYABLE	
239DC	MISCELLANEOUS CURRENT AND ACCRUED LIABILITIES	
240DC	TOTAL CURRENT AND ACCRUED LIABILITIES	

FPC SCHEDULE REVISED

0222 BALANCE SHEET - PART VII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	DEFERRED CREDITS	
241DC	CUSTOMER ADVANCES FOR CONSTRUCTION	
242DC	OTHER DEFERRED CREDITS	
243DC	ACCUMULATED DEFERRED INVESTMENT TAX CREDITS	
244DC	DEFERRED GAINS FROM DISPOSITION OF UTILITY PLANT	
245DC	UNAMORTIZED GAIN ON REACQUIRED DEBT	
246DC	ACCUM. DEFERRED INCOME TAXES-ACCELERATED AMORT. PROP.	
247DC	ACCUM. DEFERRED INCOME TAXES-OTHER PROPERTY	
248DC	ACCUM. DEFERRED INCOME TAXES-OTHER	
249DC	TOTAL DEFERRED CREDITS	
	OPERATING RESERVES	
250DC	PROPERTY INSURANCE RESERVE	
251DC	INJURIES AND DAMAGES RESERVE	
252DC	PENSIONS AND BENEFITS RESERVE	
253DC	AMORTIZATION RESERVE, FEDERAL	
254DC	MISCELLANEOUS OPERATING RESERVES	
255DC	TOTAL OPERATING RESERVES	
256DC	TOTAL LIABILITIES AND OTHER CREDITS	

FPC SCHEDULE REVISED

SAMPLE

0223 STATEMENT OF INCOME FOR THE YEAR - PART I

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	TOTAL UTILITY OPERATING INCOME	
	OPERATING REVENUES:	
400DC	OPERATING REVENUES	
412DC	REVENUES FROM PLANT LEASED TO OTHERS	
	OPERATING EXPENSES:	
401DC	OPERATING EXPENSE	
402DC	MAINTENANCE EXPENSE	
403DC	DEPRECIATION EXPENSE	
404DC	AMORTIZATION OF LIMITED-TERM PLANT	
405DC	AMORT. AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
406DC	AMORT OF PRODUCTION BYPRODUCT LAND AND LAND RIGHTS	
407DC	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
408DC	AMORTIZATION OF OTHER PLANT	
409DC	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
410DC	AMORTIZATION OF PROPERTY LOSSES	
411DC	AMORTIZATION OF CONVERSION EXPENSE	
412DC	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
413DC	INCOME TAXES-UTILITY OPERATING INCOME	
414DC	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
415DC	PROV FOR DEF INC TAXES-CREDIT, UTILITY OPERATING INCOME	
416DC	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
417DC	GAINS FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE REVISED

0224 STATEMENT OF INCOME FOR THE YEAR - PART II

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
417DC	LOSSES FROM DISPOSITION OF UTILITY PLANT	
418DC	EARNINGS OF PLANT LEASED TO OTHERS	
419DC	TOTAL UTILITY OPERATING EXPENSES	
420DC	NET UTILITY OPERATING INCOME	
	OTHER INCOME AND DEDUCTIONS	
	OTHER INCOME:	
421DC	REV FROM MERCHANDISING JOBBING AND CONTRACT WORK	
422DC	COSTS AND EXPENSES OF MERCH JOBBING AND CONTRACT WK	
423DC	REVENUES FROM NONUTILITY OPERATIONS	
424DC	EXPENSES OF NONUTILITY OPERATIONS	
425DC	NONOPERATING RENTAL INCOME	
426DC	EQUITY IN EARNINGS OF SUBSIDIARY COMPANIES	
427DC	INTEREST AND DIVIDEND INCOME	
428DC	ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION	
429DC	MISCELLANEOUS NONOPERATING INCOME	
430DC	GAINS ON DISPOSITION OF PROPERTY	
431DC	TOTAL OTHER INCOME	
	OTHER INCOME DEDUCTIONS	
432DC	LOSSES ON DISPOSITION OF PROPERTY	
433DC	MISCELLANEOUS AMORTIZATION	
434DC	DONATIONS	
435DC	LIFE INSURANCE	
436DC	PENALTIES	

FPC SCHEDULE REVISED

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SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART III

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
421.1	GIFTS MADE FOR CERTAIN CIVIC POL AND RELATED ACTIVITIES	
421.2	OTHER DEDUCTIONS	
421.3	TOTAL OTHER INCOME DEDUCTIONS	
	TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
422.1	TAXES OTHER THAN INCOME TAXES-OTHER INC AND DEDUCTIONS	
422.2	INCOME TAXES-OTHER INCOME AND DEDUCTIONS	
423.1	PROV FOR DEFERRED INC TAXES-CREDIT-OTHER INC AND DED	
423.2	PROV FOR DEFERRED INC TAXES-CREDIT-OTHER INC AND DED	
424.1	INVESTMENT TAX CREDIT ADJUSTMENTS-NONUTILITY OPERATIONS	
424.2	INVESTMENT TAX CREDITS	
425.1	TOTAL TAXES ON OTHER INCOME AND DEDUCTIONS	
425.2	NET OTHER INCOME AND DEDUCTIONS	
427.1	INTEREST ON LONG-TERM DEBT	
428.1	AMORTIZATION OF DEBT DISCOUNT AND EXPENSE	
428.2	AMORTIZATION OF LOSSES ON REACQUIRED DEBT	
429.1	AMORTIZATION OF PREMIUM ON DEBT-CREDIT	
429.2	AMORTIZATION OF GAIN ON REACQUIRED DEBT-CREDIT	
430.1	INTEREST ON DEBT TO ASSOCIATED COMPANIES	
431.1	OTHER INTEREST EXPENSE	
431.2	TOTAL INTEREST CHARGES	
432.1	INCOME BEFORE EXTRAORDINARY ITEMS	

FPC SCHEDULE REVISED

STATEMENT OF INCOME FOR THE YEAR - PART IV

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	EXTRAORDINARY ITEMS	
433.1	EXTRAORDINARY INCOME	
433.2	EXTRAORDINARY DEDUCTIONS	
434.1	NET EXTRAORDINARY ITEMS	
435.1	INCOME TAXES-EXTRAORDINARY ITEMS	
435.2	EXTRAORDINARY ITEMS AFTER INCOME TAXES	
436.1	BALANCE TRANSFERRED FROM INCOME	

FPC SCHEDULE REVISED

SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART V

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME-ELECTRIC/GAS DEPARTMENT	
	OPERATING REVENUES:	
400.1	OPERATING REVENUES	
	OPERATING EXPENSES:	
401.1	OPERATING EXPENSES	
402.1	MAINTENANCE EXPENSE	
403.1	DEPRECIATION EXPENSE	
404.1	AMORTIZATION OF LIMITED-TERM PLANT	
404.2	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
404.3	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
404.4	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
405.1	AMORTIZATION OF OTHER PLANT	
406.1	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
407.1	AMORTIZATION OF PROPERTY LOSSES	
407.2	AMORTIZATION OF CONVERSION EXPENSES	
408.1	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
409.1	INCOME TAXES-UTILITY OPERATING INCOME	
410.1	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
411.1	PROV FOR DEF INC TAXES-CREDIT-UTILITY OPERATING INCOME	
411.2	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
412.1	GAINS FROM DISPOSITION OF UTILITY PLANT	
413.1	LOSSES FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE REVISED

STATEMENT OF INCOME FOR THE YEAR - PART VI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
414.1	TOTAL UTILITY OPERATING EXPENSES	
415.1	NET UTILITY OPERATING INCOME	

FPC SCHEDULE REVISED

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SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART VII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME-ELECTRIC/GAS DEPARTMENT	
	OPERATING REVENUES:	
40002	OPERATING REVENUES	
	OPERATING EXPENSES:	
40102	OPERATING EXPENSES	
40202	MAINTENANCE EXPENSE	
40302	DEPRECIATION EXPENSE	
40402	AMORTIZATION OF LIMITED-TERM PLANT	
40502	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
40602	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
40702	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
40802	AMORTIZATION OF OTHER PLANT	
40902	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
41002	AMORTIZATION OF PROPERTY LOSSES	
41102	AMORTIZATION OF CONVERSION EXPENSES	
41202	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
41302	INCOME TAXES-UTILITY OPERATING INCOME	
41402	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
41502	PROV FOR DEF INC TAXES-CRED-UTILITY OPERATING INCOME	
[illegible]	[illegible]	
41702	GAINS FROM DISPOSITION OF UTILITY PLANT	
41802	LOSSES FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE

STATEMENT OF INCOME FOR THE YEAR - PART VIII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
[illegible]	TOTAL UTILITY OPERATING EXPENSES	
[illegible]	NET UTILITY OPERATING INCOME	

FPC SCHEDULE

SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART IX

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME-STEAM DEPARTMENT	
	OPERATING REVENUES:	
40004	OPERATING REVENUES	
	OPERATING EXPENSES:	
40104	OPERATING EXPENSE	
40204	MAINTENANCE EXPENSE	
40304	DEPRECIATION EXPENSE	
40404	AMORTIZATION OF LIMITED-TERM PLANT	
40504	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
40604	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
40704	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
40804	AMORTIZATION OF OTHER PLANT	
40904	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
41004	AMORTIZATION OF PROPERTY LOSSES	
41104	AMORTIZATION OF CONVERSION EXPENSES	
41204	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
41304	INCOME TAXES-UTILITY OPERATING INCOME	
41404	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
41504	PROV FOR DEF INC TAXES-CRED-UTILITY OPERATING INCOME	
41704	GAINS FROM DISPOSITION OF UTILITY PLANT	
41804	LOSSES FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE

STATEMENT OF INCOME FOR THE YEAR - PART X

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
[illegible]	TOTAL UTILITY OPERATING EXPENSES	
[illegible]	NET UTILITY OPERATING INCOME	

FPC SCHEDULE

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SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART XI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME (GAS OPERATIONS)	
	OPERATING REVENUES:	
400GAS	OPERATING REVENUES	
	OPERATING EXPENSES:	
401GAS	OPERATING EXPENSE	
402GAS	MAINTENANCE EXPENSE	
403GAS	DEPRECIATION EXPENSE	
404GAS	AMORTIZATION LIMITED-TERM PLANT	
405GAS	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
406GAS	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
407GAS	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
408GAS	AMORTIZATION OF OTHER PLANT	
409GAS	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
410GAS	AMORTIZATION OF PROPERTY LOSSES	
411GAS	AMORTIZATION OF CONVERSION EXPENSES	
412GAS	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
413GAS	INCOME TAXES-UTILITY OPERATING INCOME	
414GAS	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
415GAS	PROV FOR DEF INC TAXES-CREDIT-UTILITY OPERATING INCOME	
416GAS	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
417GAS	GAINS FROM DISPOSITION OF UTILITY PLANT	
418GAS	LOSSES FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE REVISED

STATEMENT OF INCOME FOR THE YEAR - PART XII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
419GAS	TOTAL UTILITY OPERATING EXPENSES	
420GAS	NET UTILITY OPERATING INCOME	

FPC SCHEDULE REVISED

SAMPLE

STATEMENT OF RETAINED EARNINGS FOR THE YEAR

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UNAPPROPRIATED RETAINED EARNINGS (ACCOUNT 216)	
215GAS	UNAPPROPRIATED RETAINED EARNINGS	
439GAS	ADJUSTMENTS TO RETAINED EARNINGS-CREDITS	
439GAS	ADJUSTMENTS TO RETAINED EARNINGS-DEBITS	
435GAS	BALANCE TRANSFERRED FROM NET INCOME	
436GAS	APPROPRIATIONS OF RETAINED EARNINGS	
437GAS	DIVIDENDS DECLARED PREFERRED STOCK	
438GAS	DIVIDENDS DECLARED COMMON STOCK	
215GAS	TRANSFERRED FROM ACCOUNT 216.10 UNAPP. UNDIS. SUB. EARNINGS	
215GAS	UNAPPROPRIATED RETAINED EARNINGS-END OF YEAR	
	APPROPRIATED RETAINED EARNINGS (ACCOUNT 215)	
215GAS	APPROPRIATED RETAINED EARNINGS	
215GAS	TOTAL RETAINED EARNINGS ACCOUNT 215 AND 216	

FPC SCHEDULE REVISED

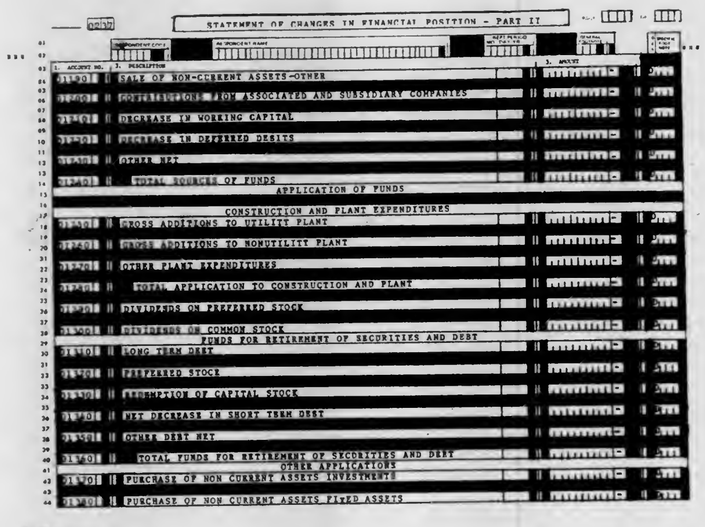
SAMPLE

STATEMENT OF CHANGES IN FINANCIAL POSITION - PART I

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	SOURCES OF FUNDS	
	FUNDS FROM OPERATIONS	
01GOG	NET INCOME	
	PRINCIPAL NON CASH CHARGES TO INCOME	
01GOG	DEPRECIATION AND DEPLETION	
01GOG	AMORTIZATION OF UTILITY PLANT	
01GOG	PROVISION FOR DEFERRED OR FUTURE INCOME TAXES NET	
01GOG	INVESTMENT TAX CREDIT ADJUSTMENTS	
01GOG	ALLOWANCE FOR FUNDS USED CONSTRUCTION	
01GOG	INCREASE IN UNDISTRIBUTED SUBSIDIARY EARNINGS	
01GOG	AMORTIZATION OTHER	
01GOG	OTHER NET	
01GOG	TOTAL FROM OPERATIONS	
	FUNDS FROM OUTSIDE SOURCES	
01GOG	LONG TERM DEBT	
01GOG	PREFERRED STOCK	
01GOG	COMMON STOCK	
01GOG	POLLUTION CONTROL BONDS	
01GOG	NET INCREASE IN SHORT TERM DEBT	
01GOG	OTHER NET	
01GOG	TOTAL FUNDS FROM OUTSIDE SOURCES	
	OTHER SOURCES	
01GOG	SALE OF NOT CURRENT ASSETS INVESTMENTS	
01GOG	SALE OF NON CURRENT ASSETS FIXED ASSETS	

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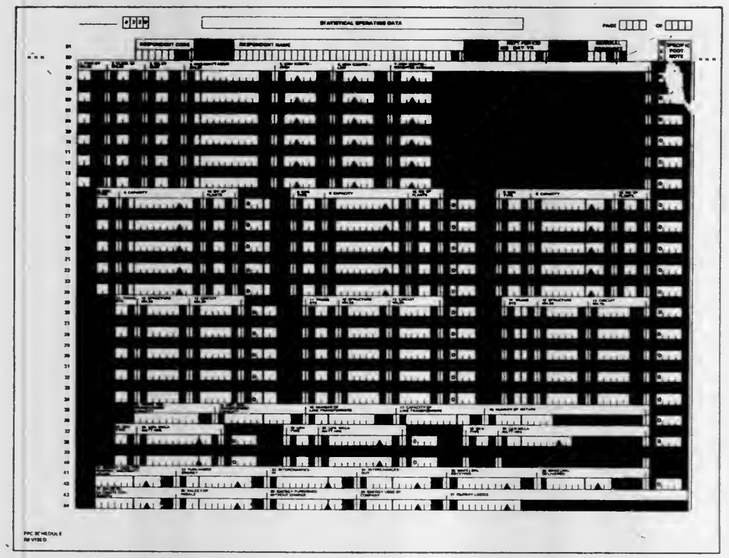
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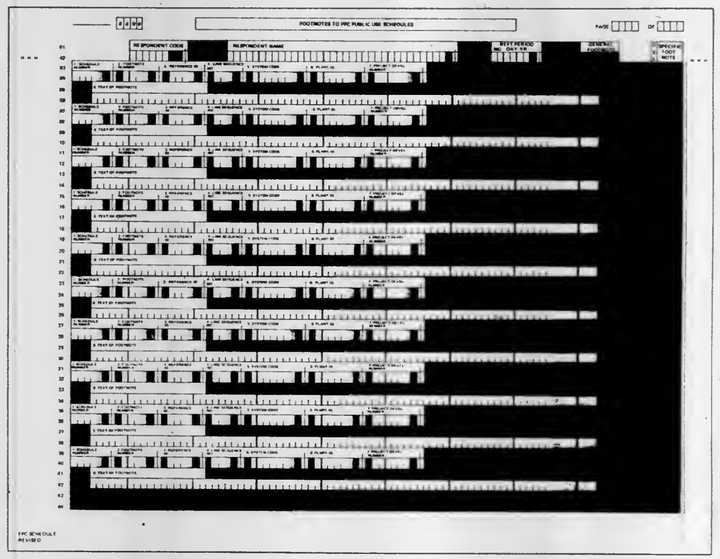




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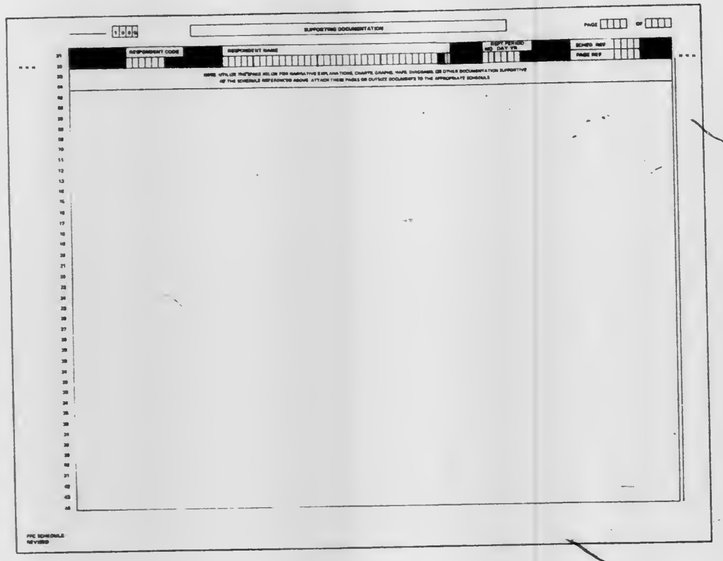




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SAMPLE



[FR Doc.76-25907 Filed 9-7-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 8, 1976

PART III:

GENERAL SERVICES ADMINISTRATION

■

PRIVACY ACT OF 1974

Systems of Records

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GSA/OAD 1

System name: Standards of Conduct Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice, GSA/OAD 22, the Central Office, Office of Per- sonnel at 18th & F Sts., NW, Washington, DC 20405, and the offices of supervisors and management officials who have a need for information relating to an employee's outside employment.

Categories of individuals covered by the system: All employees who have requested permission to engage in outside employment, received a copy of the standards of conduct, or have been the object of debt complaints.

Categories of records in the system:

1. Application to engage in outside employment, business or professional activities (GSA Form 1974).

2. Standards of Conduct.

3. Acknowledgement of receipt of GSA Standards of Conduct (GSA Form 2160).

4. Debt complaint files.

These records are maintained for the purpose of identifying employees who have received a copy of the standards of conduct, permission to engage in outside employment, or who have been the subject of debt complaints.

Authority for maintenance of the system: The records within this system are authorized by Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U. S. C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22 or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Employees requesting permission to engage in outside employment; firms and/or collection agencies filing debt complaints; supervisors and management officials.

GSA/OAD 2

System name: Employee Appraisal Files. GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice, GSA/OAD 22, and the Central Office, Office of Personnel at 18th & F Sts., NW., Washington, DC 20405.

Categories of individuals covered by the system: All GSA employees.

Categories of records in the system:

1. Performance ratings (including GSA Form 2892, Employee Performance Rating and Assessment Relevant to Promotion Potential.

2. Records of performance discussions.

3. Records of performance.

4. Documentation for ratings.

5. Recommendations for performance awards.

The above records are maintained for the purpose of carrying out employee appraisal responsibilities.

Authority for maintenance of the system: 5U.S.C. 4301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Performance ratings may be made available to prospective employers within or outside the agency in connection with a job application. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file drawers or cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Personnel at 18th & F Sts., NW, Washington, DC 20405

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: Employee supervisors.

GSA/OAD 3

System name: Fund Raising Campaigns Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, and all campaign officials' offices in all Regional and Central Office Services and Staff Offices.

Categories of individuals covered by the system: GSA employees who have made voluntary contributions to the Combined Federal Campaign and other fund raising campaigns.

Categories of records in the system:

1. Combined Federal Campaign reports.

2. United Givers Fund reports.

3. Other one-time campaign records.

These records are maintained in order to record those employees who have contributed to campaigns and to prepare necessary campaign statistics.

Authority for maintenance of the system: Executive Order 10927.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a(a) (7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th and F Streets, NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applic- able. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Campaign officials preparing fund raising campaign records and statistics, based on voluntary contributions and pledges of employees.

GSA/OAD 4

System name: Employee Drug Abuse (including alcoholism) Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th & F Sts., NW, Washington, DC 20405. in the offices of designated counselors, and in the offices of supervisors who have had employees suspected or known to have drug abuse problems (including alcoholism).

Categories of individuals covered by the system: GSA employees who have been suspected or known to have drug abuse problems.

Categories of records in the system:

1. Records of referrals for counseling

2. Records of counseling

3. Records of referrals for rehabilitative assistance

The above records are maintained for the purpose of:

(1) documenting that supervisors have properly dealt with employees whose work is affected by drug abuse

(2) aiding counselors in their efforts to assist employees

(3) providing a basis for meeting report requirements to the Civil Service Commission

Authority for maintenance of the system:

1. PL 92-555

2. 5 USC 7901

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file drawers or cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820 2)

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the GSA/OAD notices, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct re- quests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations outlined in 41 CFR 105-64

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Supervisors, counselors, personnel specialists, and the employees themselves.

GSA/OAD 5

System name: Incentive Awards Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel, 18th & F Sts., NW, Washington, DC 20405, and the offices of all supervisors initiating, reviewing, and recommending incentive awards

Categories of individuals covered by the system: Employees who have received recognition for suggestions, job performance, and other significant accomplishments.

Categories of records in the system:

1. Suggestion Award Certificate (GSA Form 1514)

2. Letters of commendation, citation, and awards.

These records and related supporting material are maintained for the purpose of identifying and recording those employees who have received recognition for suggestions and job performance.

Authority for maintenance of the system: 5 U.S.C. Chapter 45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 522a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Paper records in file cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel, 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Supervisors, management officials, officials with other agencies, and members of the public.

GSA/OAD 6

System name: Occupational Health and Injury Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the locations listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th & F Sts. NW, Washington, DC 20405, and the offices of all supervisors who have had employees injured on the job or other occupational health problems with employees supervised.

Categories of individuals covered by the system: GSA employees who have sustained injuries or other occupational health problems.

Categories of records in the system:

1. Accident reports (including CA-1 & 2: Federal Employees Notice of Injury or Occupational Disease)

2. Claims for compensation for injury or occupational disease (CA 4)

3. Claims for continuance of compensation on account of disability (CA 8)

4. Lists of employees receiving medical services

5. Health records

The above records are maintained for the purpose of identifying and recording those employees who have sustained injuries or other occupational health problems.

Authority for maintenance of the system: 5 U.S.C. Chap. 81, and 5 U.S.C. 7153 and 5 U.S.C. 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Certain records may at times be released to the Department of Labor for their records. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel, 18th & F Sts. NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information in this system of records is provided by the individuals to whom the records pertain, or by the personnel specialists who prepare various records or claims.

GSA/OAD 7

System name: Labor-Management Relations Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the locations listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th & F Sts., NW, Washington DC 20405, and various service and staff offices throughout GSA.

Categories of individuals covered by the system: GSA employees who are union officials or are in an exclusively recognized unit. Also GSA employees who have filed grievances under the negotiated grievance procedure.

Categories of records in the system:

1. Union dues withholding request or revocation.

2. List of employees who are elected or appointed union officers or officials.

3. Arbitration awards based on employee or union grievance.

4. Recognition petitions submitted to the Assistant Secretary of Labor for Labor-Management Relations.

The above records are maintained in order to identify and record those employees who are included in exclusively recognized units, under dues withholding, elected or appointed as union officers, and whose grievances have been resolved by arbitration awards.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records and machine listings in file cabinets.

Retrievability: Filed alphabetically at locations by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information per- taining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appeal initial determination are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: Officials preparing files and records submitted by employees.

GSA/OAD 8

System name: Disciplinary Action and Appeal and Grievance Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th & F Sts. NW, Washington, DC 20405, and the Offices of supervisors and management officials.

Categories of individuals covered by the system: GSA employees who may be or who have been subjects of disciplinary action and employees who have filed appeals or grievances.

Categories of records in the system:

1. Appeals and grievance register.

2. Index file of grievance and appeal examiners.

3. Warning letters and official reprimand files.

4. Grievance files. (Agency and Negotiated)

5. Adverse action decision letters.

6. Disciplinary action files.

7. Appeals hearing transcripts.

8. Background information in support of disciplinary and adverse actions.

The above records are maintained to identify, record and document those employees who have become the subject of potential or real disciplinary actions and those who have filed grievances and appeals.

Authority for maintenance of the system: E.O. 10987, E.O. 11491, E.O. 11787, and 5 U.S.C. Chap. 77.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Filed alphabetically by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts. NW, Washington, DC 20405

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the Appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: Employees who file appeals or grievances and management officials who prepare documents required in these files.

GSA/OAD 9

System name: Employee Benefits Files GSA/OAD

System location: The system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th & F Sts. N.W. Washington, DC 20405, and the offices of supervisors and management officials promoting blood donation and savings bonds programs and soliciting employees to attend White House ceremonies.

Categories of individuals covered by the system: All employees enrolled in authorized health and life insurance plans; receiving severance pay; contributing blood; authorizing withholding for savings bonds; attending White House ceremonies; and deceased employees with survivors entitled to death benefits.

Categories of records in the system:

1. Life and health insurance files.

2. Severance pay files.

3. Savings bonds lists.

4. Blood requests.

5. White House ceremonies files.

6. Death case files.

The above records are maintained for the purpose of identifying and recording those employees who have enrolled in authorized insurance plans, received severance pay, authorized witholding for savings bonds, made blood donations, attended White House ceremonies, and/or passed away leaving survivors entitled to death benefits.

Authority for maintenance of the system: 5 U.S.C. Chap 81, 5 U.S.C. 7153, 7901

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.s.c. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in files.

Retrievability: Filed alphabetically at each location by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820. 2)

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System manager(s) and address: The Director of Personnel at 18th & F Sts. NW., Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or to the Director of Personnel at the address noted above, whichever applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information in this system of records is provided by the individuals to whom the records pertain or by the personnel specialists who prepare various records or claims.

GSA/OAD 10

System name: Records Relating to Staffing Activities of GSA. GSA/OAD

System location: This system is maintained in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 and in the Central Office, Office of Personnel at 18th & F Sts. NW, Washington, DC 20405.

Categories of individuals covered by the system: Applicants for GSA employment; former and current GSA employees.

Categories of records in the system:

1. Recruitment, qualification and employment.

2. Merit promotion.

3. Separation.

These records are maintained for the purpose of making decisions relating to the hiring, maintaining, utilizing, promoting, reassigning and terminating of employees.

Authority for maintenance of the system:

1. Recruitment, qualification and employment - 5 U.S.C. 3109; E.O 11521; P.L. 93-508; 5 U.S.C. 7153; 75 U.S.C. 612; FPM Chapter 301; FPM Chap. 307; 5 U.S.C. 3582; 5 U.S.C. 3104; 5 U.S.C. 7512; 5 U.S.C. 3321; FPM Chap. 302; FPM Chap. 337; FPM Chap. 315; 5 U.S.C. 4301-4308; FPM Chap. 300.

2. Merit Promotion - 5 U.S.C. 4301-4308; FPM Chap. 335.

3. Separation - 5 U.S.C. 3501-3504; FPM Chap. 753; FPM Chap. 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: Records are retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts. NW, Washington, DC 20405

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor, from their Personnel Officer,(see the Appendix for the Office of Personnel following the notice GSA/OAD 22) or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from their former personnel office. Applicants for GSA employment may obtain information from the Personnel Officer responsible for the position for which they applied.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to the appropriate personnel officer (see the Appendix) or to the Director of Personnel at the address listed above. Former employees should direct requests to access records to their former personnel office. Applicants for GSA employment may obtain information from the Personnel Officer responsible for the position for which they applied. For identification require- ments refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, other employees and supervisors.

GSA/OAD 11

System name: Records relating to career and executive development. GSA/OAD

System location: This system is located in the personnel offices at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel, at 18th & F Streets NW., Washington, D.C. 20405, and within offices of the services and staff offices throughout GSA where there are participants in the GSA Career Development Program.

Categories of individuals covered by the system: GSA employees, both current and former.

Categories of records in the system:

1. Career folders (supervisory assessments, counseling report, specific and tentative developmental plans).

2. Training and Advancement Program (TAP), Career Ad- vancement Program(CAP), GSA Nationwide Cross-Training Agreement records, and Upward Mobility Development System records.

3. GSA Form 1349, Personal Data Statement

4. GSA Form 3328, Upward Mobility Interest Survey

5. GSA Form 2634, Job Element Appraisal for Career Potential

6. GSA Form 2990, Notice of Trainee Entry

The above records are maintained for the purpose of monitoring and documenting the performance and status of the GSA Career Development Program and GSA Executive Development participants.

Authority for maintenance of the system: 5 U.S.C. 4103 and 5 U.S.C. 4301-4308

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records as defined in 5 USC 552a (a) (7) and provided for in 5 USC 552a (b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Streets NW., Washington, D.C. 20405

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/ OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the Director of Personnel at the address listed above.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to the personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address noted above, which- ever applicable. Former employees should direct requests to access records to the Director of Personnel, General Services Building, at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the con- tents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register

Record source categories: The information upon which these records are based is provided by the following sources:

1. Career folders - employee completed GSA Form 1349, and supervisor's evaluations; except employees in levels GS-8 and below and wage system equivalents,where GSA Form 3328 is used.

2. TAP, CAP, and Cross-Training Agreements - corres- pondence between personnel specialists in GSA, Central Office, and the personnel specialists in the operating offices of GSA and those in the Civil Service Commission.

3. GSA Forms 1349 - employees and official personnel folder.

4. GSA Form 2634 - employment offices of the personnel offices, supervisors both past and present or other individuals who are familiar with the can- didates.

5. GSA Form 2990 - official personnel folder.

GSA/OAD 12

System name: Records relating to the assignment, promotion, and retirement activities for executives within General Services Administration.

System location: This system is maintained in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, the Central Office, Office of Personnel at 18th and F STREETS NW., Washington, D.C. 20405, and the executive offices of the service and staff offices of the GSA Central Office.

Categories of individuals covered by the system: GSA employees, Grade GS-13 and above.

Categories of records in the system:

1. Executive Assignment System case file

2. Retirement Executive Assignment Program file

3. Executive Manpower Resources file

4. Executive Interchange Program file

5. Executive Manpower Resources Applicant file

The above records are maintained for the purpose of administering to and monitoring the assignment, promotion and retirement activities of employees GS-13 and above.

Authority for maintenance of the system:

1. Executive Assignment System file - 5USC 4301-4308

2. Retirement Executive Assignment Program file - 5 USC Chap. 83.

3. Executive Manpower Resources file - 5 USC 4301-4308

4. Executive Interchange Program file - 5 USC 3376; E.O.11589

5. Executive Manpower Resources Applicant file - 5 USC 4301 - 4308

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3) are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820. 2).

System manager(s) and address: The Director of Personnel, 18th & F Streets NW., Washington. D.C. 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor, or from their Personnel Officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the Director of Per- sonnel at the address listed above.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to their Personnel Officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or to the Director of Personnel at the address listed above, whichever applicable. Former employees should direct requests to access records to the Director of Personnel at the General Services Building at the address listed in the appendix. For indentification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing inital determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information on which these records are baseed is provided by the following sources:

1. Executive Assignment System file - official personnel folder, Civil Service Executive Inventory and Executive Manpower Resources Applicant file.

2. Retirement Executive Assignment Program - official personnel folder, retirement eligibility report and application from employee involved.

3. Executive Manpower Resources file - official personnel folder, applications received from participants.

4. Executive Interchange Program file - official personnel folder, nominations received from Heads of Services and Staff Offices.

5. Executive Manpower Resources Applicant file - official personnel folder, application received from employee.

GSA/OAD 13

System name: Records related to trainee programs in GSA. GSA/OAD

System location: The system is officially maintained in the GSA personnel offices (see the Appendix for the Office of Personnel following the notice GSA/ OAD 22) and the Central Office, Office of Personnel,18th & F Streets NW, Washington, DC 20405. Related records in the system may be located throughout GSA wherever trainees are / were assigned.

Categories of individuals covered by the system: Individuals include: (1) Current and former GSA employees who are or were at one time participants in a formal GSA training program; and (2) in-

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dividuals who inquire about and/ or apply for employment as a participant in a formal training program.

Categories of records in the system:

1. Employment inquires and interview reports on job applicants for Management Intern, Summer Intern, and general trainee program positions.

2. Pubic Service Career and Worker-Trainee Opportunity Program files.

3. Cooperative Education Employment Program files.

The first category is used for referral purpose as an applicant source file; the other categories are used to record the progress of participants in the training programs, to evaluate both individuals and the program itself and to provide historical continuity for analytical purposes.

4. Report on current and former trainees (GSA Form 2977).

5. Trainee files which include evaluations, trainee reports, ect.

6. Summer Intern Programs files.

7. Management Intern Program files.

Authority for maintenance of the system: 5 U.S.C. 4103

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine uses of these records as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820. 2)

System manager(s) and address: The Director of Personnel, at 18th &F Streets, NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor, or from the appropriate personnel office at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address cited above, whichever applicable. Job applicants and former employees may obtain information from the appropriate personnel office (see the appendix).

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to the appropriate personnel office at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or to the Director of Personnel at the address listed above, whichever applicable. Job applicants and former employees should direct requests to access records to the appropriate Personnel Officer (see the appendix). For identification requirements, refer to the agency regulation as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, their Official Personnel Folders, other employees, and supervisors.

GSA/OAD 14

System name: Records relating to formal training of GSA employees. GSA/OAD

System location: The system is located at all GSA locations.

Categories of individuals covered by the system: GSA employees, both former and current.

Categories of records in the system:

1. Nomination and authorization forms

2. Annual Training Plan worksheets (GSA Form 2366)

3. Records relating to the training needs of new supervisors (GSA Form 2540, Regional Forms R3-1487, R4-1487, R9-1487--the latter 3 forms used for PBS Federal Protection Service purpose only)

4. Annual Training Report (required by USCSC) feeder reports

5. Monthly Summary of Training

6. Semi-annual Report of Training (copies are normally filed in OPF'S of individuals who receive training during the reporting period)

7. Records relating to the training needs and accomplishments of employees by specific programs (i e. , Federal Protection Service-- PBS, Office of General Counsel-- OGC, Contract Administration-- FSS and PBS)

The above records are maintained for the purpose of:

(1) planning for, scheduling, nominating, authorizing, and funding (if cost training) training for GSA employees who attend GSA sponsored training and

(2) recording and analyzing completed training

Authority for maintenance of the system: 5 U.S.C. , Chapter 41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be disclosed to training and educational facilities outside the agency both Governmental and non-government. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records except Monthly Summary of Training and Semi-annual Report of Training are maintained on paper; the two exceptions are ADP printouts maintained on magnetic tapes (DPM No 2 2 for both).

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Streets NW. Washington, D.C. 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their appropriate Personnel Office (see the Appendix for the Office of Per- sonnel following the notice GSA/OAD 22) or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the appropriate Personnel Officer (see the appendix).

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor. Former employees should direct request to access records to the appropriate Personnel Officer (see the Appendix for the Office of Personnel following the notice GSA/OAD 22). For indentification requirements refer to the agency regulations as outlined in 41 CFR 105-64

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, their Official Personnel Folders other employees and supervisors.

GSA/OAD 15

System name: General staffing information maintained by the Central Office, Office of Personnel and personnel offices of GSA. GSA/OAD

System location: The Personal Data Statement Notebook, Key GSA Official Book, and Schedule C and Non-career Executive Listing are maintained in the GSA Central Office, Office of Personnel, 18th & F Sts., NW, Washington, DC 20405. The General Personnel Staffing Information and Changes to the Personnel Roster records are maintained in the personnel offices of GSA at the locations listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Categories of individuals covered by the system: The Key GSA Official Book contains information on current key officials throughout GSA. The Schedule C and Non-career Executive Listing contains information on people under those type of appointments. The other records concern personnel employees in the personnel offices of GSA as listed in the Appendix for the Office of Personnel following the GSA/OAD Notices.

Categories of records in the system:

1. General Personnel Staffing Information

2. Changes to the Personnel Roster

3. Key GSA Official Book

4. Personal Data Statement Notebook

5. Schedule C and Non-career Executive Listing.

The above records are maintained for the purpose of monitoring the staffing situation within particular organizational units.

Authority for maintenance of the system: 5 U.S.C. 301-302

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3) are described in the Appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Former and current GSA employees may obtain information about whether or not they are a part of this system by contacting their Personnel Officer at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or to the Director of Personnel at the address noted above, whichever applicable.

Record access procedures: Requests from former and current employees to access records should be directed to the appropriate Personnel Officer at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address listed above, whichever applicable. For identification require- ments refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories:

1. General Personnel Staffing Information - information for this record is generated internally within the personnel office.

2. Changes to the personnel roster - the information for this record is drawn from service record cards and various files maintained in the processing and records function of the personnel offices.

3. Key GSA Official Book - the information is provided to the Director of Personnel by the various personnel offices throughout GSA.

4. Personal Data Statement Notebook - information for this record is obtained directly from the individual.

5. Schedule C and Non-career Executive Listing - the information is provided to the Director of Personnel by the various personnel offices throughout GSA.

GSA/OAD 16

System name: Special personnel studies and reports. GSA/OAD

System location: This system is maintained in the personnel offices of GSA at the locations listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 and in the GSA Central Office, Office of Personnel and Office of the Deputy Administrator, 18th and F Streets NW, Washington, DC 20405. Personnel management evaluation interview notes may also be maintained by survey team members who are not employees of the Office of Personnel.

Categories of individuals covered by the system: Current and former employees of GSA. The Annotated Performance Analysis Report subsystem applies only to personnel employees; the others may involve employees throughout the agency.

Categories of records in the system:

1. Annotated Performance Analysis Reports

2. Records relating to the Processing Control Record Report (PCR)

3. Executive Salary Ceiling Impact Report backup files

4. Personnel Management Evaluation reports and case listings

5. Personnel Management Evaluation interview notes

6. Allegations of merit system violations.

The above records are maintained for the purpose of conducting and/or preparing special personnel studies and reports.

Authority for maintenance of the system:

1. Annotated Performance Analysis Reports: 5 USC 301; FPM 250-3

2. Records relating to the Processing Control Record Report (PCR): 5 USC 301

3. Executive Salary Ceiling Impact Report backup files: 5 USC 5307

4. Personnel Management Evaluation reports and case listings: E.O. 9830

5. Personnel Management Evaluation interview notes: E.O. 9830

6. Allegations of merit system violations: E.O. 9830

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in the Personnel Management Evaluation official case files may be released to the Civil Service Commission. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Streets NW., Washington. DC 20405.

Notification procedure: Former and current GSA employees may obtain information about whether or not they are a part of this system of records by contacting their Personnel Officer at the address listed in the Appendix for the Office of Personnel following

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the notice GSA/OAD 22, or the Director of Personnel at the address noted above, whichever applicable.

Record access procedures: Requests from former and current employees to access records should be directed to the appropriate Personnel Officer at the address listed in the Appendix for the Office of Personnel fol- lowing the notice GSA/OAD 22 or to the Director of Personnel at the address listed above, whichever applicable. For indentification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information which these records are based on is drawn from the following sources:

1. Annotated Performance Analysis Reports - information is provided in general by the affected individuals.

2. Records relating to the Processing Control Record Report- information is drawn from SF-52, Request for Personnel Action.

3. Executive Salary Ceiling Impact Report backup files - this information is generally obtained from the Processing and Records function and the files which they maintain within each Personnel Office or Division.

4. Personnel Management Evaluation Reports, Case Listings, and Interview Notes - Information in these records is drawn from supervisors and employees, as well as personnel and administrative files.

5. Allegations of merit system violations - information is provided by concerned individuals.

GSA/OAD 17

System name: Records relating to compensation and classification activities within GSA. GSA/OAD

System location: This system is maintained in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, as well as the GSA Central Office, Office of Personnel, 18th & F Streets NW, Washington, DC 20405

Categories of individuals covered by the system: Current and former employees of GSA and applicants for GSA positions.

Categories of records in the system: Records consist of documents relating to overseas employees. supergrades, classification surveys, classification appeals, leave and pay administration, position descriptions, and Federal Pro- tective Officers. These records are maintained for the purpose of properly implementing the activities and requirements relevant to compensation and classification within GSA.

Authority for maintenance of the system:

1. Overseas employee file: 5 U.S.C. 5921 thru 5925

2. Supergrade file: 5 U.S.C. 5108

3. Classification surveys: 5 U.S.C. 5115

4. Classification appeals: 5 U.S.C. 5115

5. Leave and pay administration 5 U.S.C. 5301 thru 6326

6. Position description file: 5 U.S.C. 5113

7. Study: Federal Protective Officers: 40 U.S.C. 490

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 522a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposiog of records in the system:

Storage: All records within this system are maintained on paper in file folders and card files.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Streets, NW., Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel office at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or from the Director of Personnel at the address noted above, whichever applicable. Former employees and applicants for GSA positions may obtain information from the personnel officers located at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, or to the Director of Personnel at the address listed above, whichever applicable. Former employees and applicants for GSA positions should direct requests to gain access to information pertaining to them to the appropriate GSA personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information on which these records are based is provided by the individuals themselves, official personnel folders, other employees, and supervisors.

GSA/OAD 18

System name: Processing and Records files GSA/OAD

System location: This system is maintained in the personnel offices of GSA at the locations listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Categories of individuals covered by the system: Current and former employees of GSA.

Categories of records in the system:

1. Service record file (including separation, retirement, reemployment, furlough and other active records on current employees and inactive records on past employees).

2. Official Personnel Folder authorized user listing and charge-out system.

3. Leave Without Pay files.

4. Name change files.

5. Pending securities files.

6. SF-52 control sneet files.

The above records are maintained for the purpose of facilitating the processing and recording of personnel actions.

Authority for maintenance of the system: Executive Orders 10561, 9830, 10800, 10988, 11222, and 11246.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Civil Service Commission may utilize this information in the conduct of regulatory audits. The filing of state unemployment claims may also require that certain information be disclosed. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper in either folders or card files.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts. NW, Washington, D.C. 20405

Notification procedure: Former and current GSA employees may obtain information about whether or not they are a part of this system by contacting the Personnel Officer at the appropriate address listed in the Appen- dix for the Office of Personnel following the notice GSA/OAD 22.

Record access procedures: Requests from former and current employees to access records should be directed to the Personnel Officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information in this system is drawn from official personnel records, personnel specialists, employee supervisors, and the employees themselves.

GSA/OAD 19

System name: Office Personnel files GSA/OAD

System location: This system may be maintained at the supervisory or administrative office level throughout the Office of Admin- istration nationwide.

Categories of individuals covered by the system: GSA employees, both former and current, and applicants for employment.

Categories of records in the system: This system consists of a variety of employee related records maintained by operating officials for the purpose of admin- istering personnel matters affecting their employees. Examples of records contained in this system include:

1. GSA form 176 (Statement of Personal History).

2. GSA Form 2892 (Employee Performance Rating and Assessment Relevant to Promotion Potential).

3. Suggestions.

4. Position Descriptions.

5. Counseling report.

6. Supervisory assesment of employees' ability to meet career goals.

7. GSA Form 2424 (Assessment of Supervisory Potential).

8. Employment inquiries from other agencies.

9. Military Service Separation.

10. Developmental needs.

11. Training (miscellaneous).

12. GSA Form 1089 (Placement Follow-up Checklist)

13. Staffing patterns and rosters.

14. Leave and attendance information.

15. Employee addresses and phone numbers.

16. Military reserve lists.

17. Assignment rosters.

18. Affirmative Action Plan files.

19. Accession and separation information.

20. Performance and work measurement records.

21. Employee parking permit applications and related information.

The above records are maintained for the purpose of administering day to day personnel management responsibilities.

Authority for maintenance of the system: Executive Order 9830

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Executive Officer, OAD, at 18th & F Sts. N.W. Washington, DC. 20405

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor. Former employees may obtain information from the appropriate Personnel Officer at the address listed in the Appendix for the Office of Per- sonnel following the notice GSA/OAD 22.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor. Former employees should direct requests to the appropriate Personnel Officer at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, other employees, supervisors, and official and unofficial personnel records.

GSA/OAD 20

System name: Test Material GSA/OAD

System location: This system is maintained in the six Central Office personnel offices of GSA located in the Metropolitan Washington, D. C. area (see the Appendix for the Office of Personnel following the notice GSA/OAD 22.)

Categories of individuals covered by the system: Applicants for employment with GSA as well as current and former GSA employees.

Categories of records in the system: Records consist of test booklets, answer sheets and notices of rating. They are used for the purpose of determining the qualifications of applicants.

Authority for maintenance of the system: 5 USC Chapter 33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are reported to the Civil Service Commission for their records. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts. N. W., Washington, D. C. 20405.

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Notification procedure: Applicants for employment with GSA and current and former GSA employees may determine if they are included in this system by contacting the appropriate personnel office at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Record access procedures: See last paragraph.

Contesting record procedures: See last paragraph.

Record source categories: The information in this system is provided by the subject individuals.

Systems exempted from certain provisions of the act: In accordance with 5 USC 522a (k)(6) this system of records is exempt from subsections (c)(3),(d),(e),(1),(eg(4)(g)(h)and(i). Provisions for gaining access to and contesting these records are set forth in 41 CFR 105-64, published in the Federal Register

GSA/OAD 21

System name: Intergovernmental Management Trainee Association records. GSA/OAD

System location: This system of records is maintained in the GSA, Region 9 Personnel Division at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Categories of individuals covered by the system: State, local, and Federal Government employees who belong to the association.

Categories of records in the system: The records in this system contain the following information: name, position, and address of members. This information serves reference purposes for the members of the association.

Authority for maintenance of the system: This system of records was created by and for the use of the association members. The association was established in light of the Intergovernmental Personnel Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records as defined in 5 U.S.C. 552(a)(7) and provided for in 5 U.S.C. 552a (b)(3) are described in the Appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records within this system are maintained on paper.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: The records within this system are kept under lock and key.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Individuals may obtain information about whether they are a part of this system of records by contacting the GSA Region 9, Personnel Officer at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Record access procedures: Individuals should direct requests to access records to the GSA, Region 9, Personnel Officer at the address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual themselves who are state, local, and Federal government association members.

GSA/OAD 22

System name: Listing of Physicians GSA/OAD

System location: This system is located in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Categories of individuals covered by the system: Physicians certified by a board of qualified medical officials established by the Civil Service Commission and in some cases, other physicians approved by GSA.

Categories of records in the system: Names, addresses and phone numbers of the physicians included in this system. These records serve as a referral source for those who are in need of a physician for fitness for duty examination or on the job injuries.

Authority for maintenance of the system: FPM Chapter 831.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records within this system are maintained on paper.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th & F Sts., NW, Washington, DC 20405.

Notification procedure: Individuals may obtain information about whether they are included in this system by contacting the Personnel Office listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22.

Record access procedures: Individuals should direct requests to access records to the Personnel Office listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22, which is in their particular area. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The information in this system of records is provided by the individual themselves to either GSA or to the Civil Service Commission or Public Health Service who forward the information to GSA.

Appendix GSA/OAD Addresses of Locations

Central Office

Personnel Division (BPO)
GS Building
18th & F Streets N.W.
Washington, DC 20405
Area Code 202-566-0040

Regional Offices

Region 1
Regional Personnel Office
General Services Administration
John W. McCormack
Post Office & Courthouse
Boston, MA 02109
Area Code 617-223-2624

Region 2
Regional Personnel Office
General Services Administration
26 Federal Plaza
New York, NY 10007
Area Code 212-264-8318

Region 3
Regional Personnel Office
General Services Administration
7th & D Streets SW
Washington, DC 20407
Area Code 202-963-5384

Philadelphia Area Office
William J. Green Jr. Federal Building
600 Arch Street, Room 7250
Philadelphia, PA 19102
Area Code 215-597-0991

Baltimore Area Office
Federal Building, Room 110B
Baltimore, MD 21201
Area Code 301-962-4357

Region 4
Regional Personnel Office
General Services Administration
1776 Peachtree Street NW.
Atlanta, GA 30309
Area Code 404-526-5621

Region 5
Regional Personnel Office
General Services Administration
230 South Dearborn Street
Chicago, IL 60604
Area Code 312-353-5550

Region 6
Regional Personnel Office
General Services Administration
1500 E. Bannister Road
Kansas City, MO 64131
Area Code 816-926-7206

St. Louis Area Office
9700 Page Boulevard
Overland, MO 63132
Area Code 314-268-7273

Region 7
Regional Personnel Office
General Services Administration
819 Taylor Street
Fort Worth, TX 76102
Area Code 817-334-2366

Region 8
Regional Personnel Office
General Services Administration
Denver Federal Center Bldg. 41
Denver, CO 80225
Area Code 303-234-2345

Region 9
Regional Personnel Office
General Services Administration
525 Market Street
San Francisco, CA 94105
Area Code 415-556-6527

Stockton Area Office
Building 414
Rough and Ready Island
Stockton, CA 95204
Area Code 209-946-6256

Region 10
Regional Personnel Office
General Services Administration
GSA Center
Auburn, WA 98002
Area Code 206-833-5212

GSA/OAD 23

System name: Staffing Reporting System GSA/OAD

System location: Regional Office Bldg. 7th & D Sts., SW, Washington, DC, 20407

Categories of individuals covered by the system: Current and former ODS employees

Categories of records in the system: This system of records contains information such as names of personnel, salary, location of employees, job descriptions and vacancies.

Authority for maintenance of the system: 44 USC Chapter 21

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 USC 552A (A) (7) and provided for in 5 USC 552A (B) (3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper & ADP punch cards

Retrievability: By name

Safeguards: Released only to authorized officials with a need to know and filed in an automated system protected by password.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance & Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Data Systems, GSA, 7th & D Sts., SW, Washington, DC, 20407

Notification procedure: Individual may obtain information about whether they are a part of this system of records from the Director of Data Systems at 7th & D Sts., SW, Washington, DC, 20407.

Record access procedures: Access to records in this system may be gained by writing to the Director of Data Systems at 7th & D Sts., SW, Washington, DC, 20407. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for contesting the contents and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: ODS employee folder and applications for employment.

GSA/OAD 24

System name: Investigation and Personnel Security Case Files GSA/OAD

Security classification: Some of the material contained in the system has been classified in the interests of the national security pursuant to Executive Order 11652.

System location: The system is located in the Office of Investigations. 18th and F Streets, N.W., Washington, D.C. 20405.

Categories of individuals covered by the system: Individuals covered by the system are employees, applicants for employment, former employees of the General Services Administration; Commissions, Committees and small agencies serviced by the General Services Administration; historical researchers. Also included are employees of contractors performing custodial or guard services in buildings under GSA jurisdiction.

Categories of records in the system: Investigative files contain information such as name, date and place of birth, address, social security number, education, occupation, experience and investigatory material. These records are used as a basis for issuance of security clearances, suitability determinations and determinations in discrimination cases.

Authority for maintenance of the system: Executive Order 10450, April 27, 1953, Executive Order 11478, August 8, 1969, Executive Order 11652, March 8, 1972 and 40 USC. 318(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by officers and representatives of other government agencies on a need-to-know basis in the performance of their official duties under the authorities set forth above and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Indexed alphabetically and filed numerically.

Safeguards: Records are stored in locked alarmed vault type room and/or three way combination dial safes with access limited to authorized personnel. Information released only to authorized officials on a need-to-know basis.

Retention and disposal: Disposition of records is in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P.1820.2). Records are destroyed either by burning or pulping.

System manager(s) and address: The official responsibile for the system is the Director, Office of Investigations, 18th and F Streets, N.W., Washington, D.C. 20405.

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Notification procedure: Inquiries by individuals as to whether the system contains a record pertaining to themselves should be addressed to the official cited above or to the Director of Information, 18th and F Streets, N.W., Washington, D.C. 20405.

Record access procedures: Requests from individuals for access to records should be addressed to the Director, Office of Investigations and should include full name (maiden name where appropriate), address, date and place of birth. For personal visits the individual should be able to provide some acceptable identification. Only general inquiries may be made by phone.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individuals, employees, informants, law enforcement agencies, other government agencies, employers, references, co-workers, neighbors, educational institutions and intelligence sources.

Systems exempted from certain provisions of the act: In accordance with 5 U.S.C. 552 a(k) this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G)(H)(I) and f.

GSA/OAD 25

System name: Credentials (includes Passes and Licenses) GSA/OAD.

System location: This system of records is maintained by the Director of Management Services, 18th and F Streets, NW, Washington, DC and by the regional Management Services Divisions as listed in the appendix following notice GSA/OAD 28.

Categories of individuals covered by the system: All employees whose assigned responsibilities require the issuance of credentials for identification and security purposes.

Categories of records in the system:

1. GSA I.D. card, GSA Form 208 (name, service and date of issuance).

2. Request for and Record of Credential or Pass, GSA Form 48 (name, description of individual and place of employment).

3. Civil Defense I.D. Card Data, GSA Form 1315 (name, address, personal characteristics).

4. U.S. Government Motor Vehicle Operators I.D. Card (name, sex, DOB, hair color, eye color, height, weight, SSN, birthplace).

5. Night, Weekend and Holiday Pass, GSA Form 15 (various personal characteristics).

6. Civil Defense I.D. Card, SF 138 (name, service and ID number from SF 138).

7. Property Pass, OF 7 (name, building, description of property, agency and effective date).

The purpose of this system is to facilitate the issuance and control of cards, parking permits, building and dining room passes, drivers licenses, and similar credentials.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 522a (a)(7) and provided for in 5 U.S.C. 522a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms.

Retrievability: Name.

Safeguards: When not in use by an authorized person, these records will be stored in lockable metal file cabinets or in secured areas.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system is the Director of Management Services, 18th and F Streets, NW, Washington, DC 20405. Since this is a geographically dispersed system, individuals may gain access to it by contacting the officials at locations as listed in the appendix following notice GSA/OAD-28.

Notification procedure: The address of the agency offices to which inquiries should be addressed and addresses of locations at which the individual may present a request as to whether a system contains records pertaining to himself is the same as that shown in the appendix following notice GSA/OAD 28. Individual should provide name, social security number, period of employment, and position held to assist the office in locating the record.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the Director, Office of Management Services, or Regional Director, Management Services Division, as shown in the appendix following notice GSA/OAD 28.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information is provided by employee being issued credential, and issuing official.

GSA/OAD 26

System name: Application and physical fitness evaluation for motor vehicle operators

System location: This system of records is maintained in the personnel offices of GSA at the addresses listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 and in the offices of all designated officials who require such forms prior to issuing a U.S. Government Motor Vehicle Operator's Identification Card.

Categories of individuals covered by the system: All employees who require the issuance of a motor vehicle operators license.

Categories of records in the system: The purpose of this system is to assess the ability of an employee to safely operate a government motor vehicle and to determine the issuance of a government drivers license (SF 46) Records in this system include:

1. SF 47, Physical Fitness Inquiry for Motor Vehicle Operators

2. SF 78, Certificate of Medical Examination

3. GSA 1293, Application for Motor Vehicle Operator's Identification Card (SF 46)

Authority for maintenance of the system: 40 U.S.C. 491

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 522a (a)(7) and provided for in 5 U.S.C. 552a (b) (3), are described in the Appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Name

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2.).

System manager(s) and address: The Director of Personnel at 18th and F Streets, NW, Washington, DC 20405

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from the designated official or from their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or from the Director of Personnel at the address noted above, whichever applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to the designated official or to their personnel officer at the appropriate address listed in the Appendix for the Office of Personnel following the notice GSA/OAD 22 or to the Director of Personnel

at the address noted above, whichever applicable. Former employees should direct requests to the appropriate personnel officer at the address listed in the Appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of record and appealing initial determin- nations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The employee, designated officials and physicians.

GSA/OAD 27

System name: Roster of GSA Officials (GSA Form 2177) GSA/OAD.

System location: This system of records is maintained by the Director of Management Services, 18th and F Streets, NW, Washington, DC and by the regional Management Services Divisions as listed in the appendix following notice GSA/OAD 28.

Categories of individuals covered by the system: GSA-Officials at Division Director level and above.

Categories of records in the system: Name, organizational title, home address, home phone, office phone, The purpose of this system is to provide current directory in- formation on key GSA Regional office officials to the Central Office contact point for weekends, holidays, and emergencies and to provide a system for maintaining continuing liaison be- tween Central Office and the Regional offices.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 522a (a)(7) and provided for in 5 U.S.C. 522a(b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name.

Safeguards: When not in use by an authorized person, these records will be stored in lockable metal file cabinets or in secured areas.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system is the Director of Management Services, 18th and F Streets, NW, Washington, DC. Since this is a geographically dispersed system, individuals may gain access to it by contacting the officials at locations as listed in the appendix following notice GSA/OAD-28.

Notification procedure: Employees may obtain information as to whether they are part of this system of records from the Director of Management Services or the Regional Administrators at the addresses listed in the appendix following notice GSA/OAD 28.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the Director, Office of Management Services, or Regional Director, Management Services Division, as shown in the appendix following notice GSA/OAD 28.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information supplied by individual.

GSA/OAD 28

System name: Essential Residence Telephone Service GSA/OAD.

System location: This system of records is maintained by the Director of Management Services, 18th and F Streets, NW, Washington, DC and by the regional Management Services Divisions as listed in the appendix following notice GSA/OAD 28.

Categories of individuals covered by the system: GSA employees whose assigned functions and responsibilities dictate that telephone service during an emergency is essential.

Categories of records in the system: Contains the name, home phone, and the address of the individual. The purpose of this system is to provide essential telephone service to key employees during emergencies.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 522a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Indexed by name.

Safeguards: When not in use by an authorized person, these records will be stored in lockable metal file cabinets or in secured areas.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system is the Director of Management Services, 18th and F Streets, NW, Washington, DC 20405. Since this is a geographically dispersed system, individuals may gain access to it by contacting the officials at locations as listed in the appendix following notice GSA/OAD-28.

Notification procedure: Employees may obtain information as to whether they are included in this system from the applicable Director, or Regional Director at addresses as listed in the appendix following notice GSA/OAD 28.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the Director, Office of Management Services, or Regional Director, Management Services Division, as shown in the appendix following notice GSA/OAD 28.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information provided by individual.

Appendix GSA/OAD address of locations

Central Office - Office of Management Services
18th & F Sts., NW
Washington, DC 20405

Region 1 - Director of Management Services
Post Office Square
Boston, Massachusetts 02109

Region 2 - Director of Management Services
26 Federal Plaza
New York, New York 10007

Region 3 - Director of Management Services
7th & D Sts., SW
Washington, DC 20407

Region 4 - Director of Management Services
1776 Peachtree Street NW
Atlanta, Georgia 30309

Region 5 - Director of Management Services
219 South Dearborn Street
Chicago, Illinois 60604

Region 6 - Director of Management Services
1500 E. Bannister Road
Kansas City, Missouri 64131

Region 7 - Director of Management Services
819 Taylor Street
Fort Worth, Texas 76102

Region 8 - Director of Management Services
Building 41 - Denver Federal Center

V41175S SEP 8 76 UMI

Denver, Colorado 80225

Region 9 - Director of Management Services
49-4th Street
San Francisco, California 94103

Region 10 - Director of Management Services
GSA Center
Auburn, Washington 98002

GSA/OAD 29

System name: Disbursement and accounts payable files GSA/OAD.

System location: The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/OAD 34.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: The system provides for reporting each account's status. Accord- ingly records may include but are not limited to name, address, telephone number, vendor identification number, and social security number.

Authority for maintenance of the system: 31 USC 65 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the extent necessary the records are available outside GSA to monitor and document adverse action proceedings, advise on credit inquiries, and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files.

Retrievability: Filed alphabetically by name or identifying number.

Safeguards: Stored in guarded buiidings and/or in areas controlled by authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Finance, General Services Administration, 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Individuals may obtain information about whether they are part of this system of records from the finance office at the appropriate address listed in the appendix following notice GSA/OAD 34 or the Director of Finance at the General Services Administration, 18th & F Streets, NW, Washington, DC 20405, whichever is applicable.

Record access procedures: Request to access records should be directed to the finance officer at the appropriate address listed in the appendix following notice GSA/OAD 34. Inquiries should provide full name, social security number, vendor number, address, and telephone number and appropriate dates and transactions giving rise to the record. For identification requirements, refer to agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing the initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, employees, other agencies, management officials and non-Federal sources such as private firms.

GSA/OAD 30

System name: Accounts receivable claims files GSA/OAD.

System location: The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/OAD 34.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: The system provides for reporting each account's status. Accord- ingly records may include but are not limited to name, address, telephone number, vendor identification number, and social security number.

Authority for maintenance of the system: 31 USC 65 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the extent necessary the records are available outside GSA to monitor and document adverse action proceedings, advise on credit inquiries, and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files and magnetic tape files.

Retrievability: Filed alphabetically by name or identifying number.

Safeguards: Stored in guarded buildings and/or in areas controlled by authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Finance, General Services Administration, 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Individuals may obtain information about whether they are part of this system of records from the finance office at the appropriate address listed in the appendix following notice GSA/OAD 34 or the Director of Finance at the General Services Administration, 18th & F Streets, NW, Washington, DC 20405, whichever is applicable.

Record access procedures: Request to access records should be directed to the finance officer at the appropriate address listed in the appendix following notice GSA/OAD 34. Inquiries should provide full name, social security number, vendor number, address, and telephone number and appropriate dates and transactions giving rise to the record. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing the initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, employees, other agencies, management officials and non-Federal sources such as private firms.

GSA/OAD 31

System name: Travel System GSA/OAD

System location: This system is located in the General Services Administration (GSA) Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/OAD 34.

Categories of individuals covered by the system: Individuals include employees and former employees of GSA and other independent offices and commissions, such as Presidential commissions, serviced by GSA including those persons other than full time employees authorized to travel on Government business.

Categories of records in the system: This system provides control over expenditure of funds for travel and related expenses. Therefore, provisions are made to authorize travel, provide and account for advances, and to pay for travel costs. In this connection, the system contains records which may include, but are not limited to, name, social security number, residence address, dependents names and ages, duty stations and itinerary.

Authority for maintenance of the system: 5 USC 5701 - 5709

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files and magnetic tape files.

Retrievability: Filed alphabetically

Safeguards: Stored in guarded buildings and/or in areas controlled by authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Finance, General Services Administration. 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or finance office at the appropriate address listed in the appendix or from the Director of Finance at the General Services Administration, 18th & F Streets, NW, Washington, DC 20405, whichever is applicable. Former employees may obtain information from the finance office at the appropriate address listed in the appendix following notice GSA/OAD 34.

Record access procedures: Request to access records from current employees should be directed to the employees' supervisor, the appropriate regional finance offices, or to the Director of Finance at the address listed in the appendix following notice GSA/OAD 34. Former employees should direct requests to access records to the appropriate regional finance officer or to the Director of Finance at the address listed in the appendix following notice GSA/OAD 34. For written request, former employees should provide full name, social security number, address, and telephone number and approximate dates and places of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, other employees, supervisors, other agencies, management officials and non-Federal sources such as private firms.

GSA/OAD 32

System name: Manpower and Payroll Statistics System (MAPS)

System location: The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/OAD 34.

Categories of individuals covered by the system: Individuals include employees and former employees of the General Services Administration including those persons in intern, youth employment and work study programs.

Categories of records in the system: The Manpower and Payroll Statistic System (MAPS) is a comprehensive computerized payroll service and personnel statistics information system with the dual purposes of paying employees salaries, and providing for related accounting and statistical reporting. Thus, MAPS achieves multiple benefits from each data element introduced into the system which is patently designed to meet payroll and personnel statistics needs of all types and sizes of government depart- ments, agencies, bureaus and commissions. To accomplish the above, MAPS can and does provide a number of outputs to the payroll office such as a comprehensive payroll, detail accounting distribution of costs, annual - LWOP - sic! leave data reports summary, an employee's statement of earnings deductions and leave every payday for each employee, state and city unemployment compensation report, quarterly Federal and state tax reports, Form 941-FICA and taxable wages, W-2 wage and tax statements and produces reports of withholdings and contributions.

For the personnel office, MAPS produces reports such as an organization roster, classification survey lists, retention register, retirement eligibility list, mandatory retirement lists, report of Federal civilian employment, personnel change listing, length of service and awards lists, and listing of within grade increases.

Records consist of information accumulated by operating officials as well as personnel and finance officials in administering payroll and personnel matters for or about employees. In addition the system contains data necessary to perform detail accounting distributions and to automatically provide for such tasks as mailing checks and bonds, and preparing and mailing tax returns and reports. Accordingly the system contains a large number of records which may include, but are not limited to, name, social security number, date of birth, sex, region and agency, veterans preference, tenure group, service computation date, physcial handicap, agency transferred to (former employee), position title, position class number, supervisory code, organization location, geographic location - state or continent, geographic location - city, geographic location - county or country, type of appointment, occupation code, pay plan, grade, step, annual salary-table, hourly salary, second shift differential-rate, third shift differential- rate, post differenital, quarters allowance, cost of living allowance, hazardous duty allowance, within-grade beginning date, days worked since last step increase, date of next within-grade eligibility, within-grade withheld date, full-time/part-time intermittent code, pay rate determinate, employment-limits expiration date, employment-limits total hours, employment-limits balance of hours, employment-limits total salary, employment-limits balance of salary, Government life insurance code, type of retirement status code, normal hours, accounting-distribution fund code (designates specific appropriation or revolving fund to be charged), accounting-distribution allotment or general ledger account, accounting-distribution location facility, accounting-distribution craft code, accounting-distribution object class, wage board shift differentials, sick leave award, in-out of D.C., retirement annuity, date of last pay period, state tax code, state tax exemptions, Federal tax exemptions, Federal tax marital status/options or additonal withholdings, Federal employee health benefits plan number, Federal employee health benefits employee share of costs, balance of terminal leave repayment, per pay period terminal leave repayment, balance of Internal Revenue levy, per pay period Internal Revenue levy, union codes and dues, charity codes and amounts, other deduction code and amount, residence code, shift code, severence pay-total entitle and unpaid balance, check mail code, premium pay percent code, savings allotments-deduction amounts, constant for deducting regular Government life insurance, wage board schedule number, days worked calendar year-to-date, review date-detail, review date-temporary promotion, review date-temporary position, position occupation, promotion exception, U.S. citizenship, Federal employees health benefits Government share of costs, competitive service level, permanent from date, entered on duty date, date entered present grade, probationary period beginning date, educational level, degree-year, academic discipline, city tax code, city tax deduction, city tax deduction (calendar year-to-date), military retired pay grade, military service retired from, military retirement date, calendar year-to-date (cytd) base salary, cytd night differential, cytd overtime pay, cytd holiday pay, cytd sunday premium pay, cytd post differential, cytd quarters allowance, cytd cost of living, cytd awards, cytd education allowance, cytd terminal leave, cytd other earnings, cytd gross pay, cytd retirement, cytd Federal tax, cytd savings bond, cytd FICA deduction, cytd FICA gross, cytd Internal Revenue levy, cytd leave repayment, cytd union dues, cytd charity deductions, cytd savings allotments, cytd health insurance- employee share and Government share, cytd state taxes, cytd Government life insurance employee deduction and Government deduction, cytd other deductions, cytd net pay, cytd severance pay, leave category, annual leave (AL) ceiling, AL carry-over, AL credited, AL used year-to-date (ytd), AL credit balance, AL earned ytd, AL earned balance, sick leave (SL) carry-over, SL credited ytd, SL used ytd, SL balance, compensatory leave (CL) earned ytd, CL used ytd, CL balance, leave without pay (LWOP) used ytd, LWOP used since date shown for last step increase, LWOP carry-over, absent without authorized leave (AWOL) used ytd, AWOL used since last step increase, military leave (ML) ytd, court leave ytd, other leave ytd, net terminal leave hours, ML used prior year, bond denomination, bond deduction, bond accumulated balance, bond direct mail code, bond designee number (refers to an individual), bond designee counter (shows which designee is to appear on next bond issued), bond issue date, Mr. - Mrs. - Miss code, bond owner name (may be employee or another person such as a child), bond owner social security number, bond address line 1, bond address line 2, bond address line 3, W-2 street address, W-2 city-state-zip codes, savings allotments (SA) institution name, SA bank identification, SA bank employee account number, SA address line 1, SA bank address line 1, SA bank address line 2, SA bank zip code, net pay deposit for employee (NPD) bank name, NPD employee account number, NPD bank identification - composite checks, NPD bank address line 1, NPD bank address line 2, NPD bank zip code, payroll check direct mail address and zip code pay, and hours history by payroll and also year-to-date cumulative pay and hours records.

Authority for maintenance of the system: 5 USC, Part III

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses of records maintained in the system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the

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Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or in the absence thereofe in response to a written request from an appropriate official of the taxing jurisdiction to the Director of Administration, General Services Administration (B), Washington, DC 20405. The request must include a copy of the applicable statute or ordinance authorizing the taxation of the compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agrement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director of Administration, General Services Administration (B), Washington, DC 20405.

To the extent necessary, records are available outside GSA to monitor and document grievance proceedings, EEO complaints, and adverse actions; to proyide references to other agencies and persons for employees seeking employment elsewhere; to conduct counseling sessions; and to prepare biographical sketches of employees for release to other agencies and persons. Some routine uses of MAPS output data is shown by examples listed below:

1. SF 1150 Leave transcript: The SF 1150 is printed when an employee separates from an agency and is transferred along with the employee to wherever his destination may be. This is the primary vehicle by which an employee's leave is transferred from one agency to another. Information is provided for annual and sick leave, military leave, health benefits and Government life insurance;

2. Alphabetical listing of employees: The alphabetical listing is a monthly general use printout of all employees arranged alphabetically by last name. The listing contains information of interest to both payroll and personnel, and it serves as a handy reference in place of the official personnel folders to locate employees, verify employment and to supply basic employment information to answer questions for credit and other purposes outside GSA;

3. Alpha listing of employees by service: This report is identical to the alphabetical listing of employees except that is sorted by the service in which the employee is located. The report contains the basic personnel employment record for each listed employee; therefore, the report is used in the same manner as the alphabetical listing of employees to locate employees, verify employment, and to supply basic employment information for credit and other purposes rather than refer to an employee's official personnel folder;

4. Organization Roster. The organizational roster is a monthly listing of all employees by their organizational location. A separate report is produced for the Central Office and each of the ten regions. The uses of this listing are the same as those for the alphabetical listing of employees and the alpha listing of employees by service except this report is better for showing an accurate picture of the organizational structure of an office or other units;

5. Retention register: The retention register is a listing of all employees grouped by the factors which determine retention rights for reduction in force, RIF, purposes;

6. Executive health maintenance list: The executive health maintenance list is a listing of all employees over 40 years of age who are qualified for the Executive Health Maintenance Program according to paramaters set by each region. The listing is available upon request to management officials and Health Unit officials on a need-to-know basis; and also those Routine uses contained in the appendix following the GSA Notices;

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files, microfilm records in reels and cabinets, magnetic tapes and cards in cabinets and storage libraries, computer records within a computer and attached equipment.

Retrievability: Filed alphabetically by name, by social security number, or both methods at each focation for each person.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal containers or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Finance, General Services Administration, 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel office at the appropriate address listed in appendix following notice GSA/OAD 34 or from the Director of Personnel or the Director of Finance at General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, whichever is applicable. Former employees may obtain information from the Director of Personnel or the Director of Finance at the address listed above.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to the personnel or finance officer at the address in the appendix noted below or to the Director of Personnel or the Director of Finance, at the address noted above, whichever is applicable. Former employees should direct requests to access records to the personnel or finance officer at the proper address listed in appendix following notice GSA/OAD 34 or the Director of Personnel or the Director of Finance at the addresses noted, whichever is applicable. For written requests, former employees should provide full name, social security number, address, and telephone number, and approximate dates and places of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, other employees, supervisors, other agencies management officials and non-Federal sources such as private firms.

GSA/OAD 33

System name: Employee payroll and time and attendance reporting system

System location: The system is located in the General Services Administration Central Office service and staff offices and other offices wherever there are timekeepers and at the addresses listed in the Appendix following notice GSA/OAD 34.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: The system provides for reporting each employee's status as either on the job time or as paid or unpaid leave time including absences without authorized leave. Accordingly records include but are not limited to name, home address, telephone number, work location, social security number, hours of duty and attendance information for processing of the data to the Manpower and Payroll Statistics System

Authority for maintenance of the system: 5 USC Part III

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the extent necessary the records are available outside GSA to monitor and document grievance proceedings, EEO complaints and adverse actions; to conduct counseling sessions; and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files.

Retrievability: Filed alphabetically by name

Safeguards: Stored in guarded buildings and/or in areas controlled by authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director of Finance, General Services Administration, 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or finance office at the address in the appendix referenced below or from the Director of Finance at the General

Services Administration, 18th & F Streets, NW, Washington, DC 20405, whichever is applicable. Former employees may obtain information from the finance office at the appropriate address listed in the appendix following notice GSA/OAD 34 or from the Director of Finance at the address listed above.

Record access procedures: Request to access records from current employees should be directed to the employees' supervisor or to the finance officer at the address in the appendix referenced below or to the Director of Finance, at the address noted above, whichever is applicable. Former employees should direct requests to access records to the finance officer at the appropriate address listed in the appendix following notice GSA/OAD 34 or to the Director of Finance at the address noted, which ever is applicable. For written request, former employees should provide full name, social security number, address, and telephone number, and approximate dates and places of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA/OAD rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

Record source categories: The individuals themselves, other employees, supervisors, other agencies, management officials and non-Federal sources such as private firms.

GSA/OAD-34

System name: Employee Credit Reports GSA/OAD

System location: The system is located in the General Services Administration, Office of Finance, Financial Management Division, Credit and Finance Branch, 18th & F Streets, NW, Wqshington, DC 20405.

Categories of individuals covered by the system: Present and former employees who have refused to abide by the terms of their training agreement and/or other employment related contracts, and thereby have incurred a liability to the Government. If appropriate, similar information will be gathered on spouses.

Categories of records in the system: The categories are as follows: Name and address; age; number of dependents; name of employer; nature of business; position held/length held; full time or part-time employment; prospects for con- tinued permanent employment; net worth and what it consists of; annual earned income; additional income; reputation; credit record; financial record and personal history. Records are used in GSA to investigate employees who have defaulted on employment related contracts.

Authority for maintenance of the system: 31 U.S.C. 951-953

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to GAO. Also may be transferred for the routine uses listed in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records for both GSA and the contractor will be stored on paper.

Retrievability: The records within the system will be kept in alphabetical order by name.

Safeguards: All correspondence between GSA and the contractor will be secured in a locked cabinet in the Credit and Finance Branch. Only those people designated authority will handle this data. The contractor will retain his records in a secured office.

Retention and disposal: Disposal is in accordance with HB GSA Record Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Credit and Finance Branch, Financial Management Division, Office of Finance, OAD, 18th & F Streets, NW, Washington, DC 20405.

Notification procedure: Infomation may be obtained from official listed above.

Record access procedures: Procedures for contesting records are contained in 41 CFR 105-64.

Contesting record procedures: Procedures for access to records are contained in in 41 CFR 105-64.

Record source categories: Credit companies, individuals, employers/supervisors, former employers, banks and GSA contracted credit investigators.

Appendix GSA/OAD Addresses of Locations

Central Office

Office of Administration
Office of Finance
GS Building, Room 3131
18th & F Streets NW
Washington, DC 20405

Automated Data and Telecommunications Service
Financial Management Division
GS Building, Room 1204
18th & F Streets NW
Washington, DC 20405

Office of Preparedness
Executive Director
GS Building, Room 4241
18th & F Streets NW
Washington, DC 20405

Federal Supply Service
Office of Executive Director
Crystal Mall Building 4
1941 Jefferson Davis Highway
Room 1111
Arlington, VA 20406

National Archives and Records Service
Office of Executive Director
Archives Building
7th & Pennsylvania Avenue NW
Room 108
Washington, DC 20408

Public Buildings Service
Office of Executive Director
GS Building, Room 6340
18th & F Streets NW
Washington, DC 20405

Regional Offices

Region 1
Finance Division
General Services Administration
John W. McCormack
Post Office and Courthouse
Boston, MA 02109

Region 2
Finance Division
General Services Administration
26 Federal Plaza
New York, NY 10007

Region 3
Finance Division
General Services Administration
7th & D Streets SW
Washington, DC 20407

Philadelphia Area Office
William J. Green, Jr.
Federal Building
600 Arch Street, Room 7250
Philadelphia, PA 19102

Baltimore Area Office
Federal Building, Room 110B
Baltimore, MD 21201

Region 4
Finance Division
General Services Administration
1776 Peachtree Street NW
Atlanta, GA 30309

Region 5
Finance Division
General Services Administration

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230 South Dearborn Street
Chicago, IL 60604

Region 6
Finance Division
General Services Administration
1500 E. Bannister Road
Kansas City, MO 64131

St. Louis Area Office
9700 Page Boulevard
Overland, MO 63132

Region 7
Finance Division
General Services Administration
819 Taylor Street
Fort Worth, TX 76102

Region 8
Finance Division
General Services Administration
Denver Federal Center Bldg. 41
Denver, CO 80225

Region 9
Finance Division
General Services Administration
525 Market Street
San Francisco, CA 94105

Stockton Area Office
Building 414
Rough and Ready Island
Stockton, CA 95204

Region 10
Finance Division
General Services Administration
GSA Center
Auburn, WA 98002

GSA/OAD 35

System name: Discrimination Complaint File, GSA/OAD

System location: The system is located in the GS Building, 18th and F Streets, NW Washington, DC 20405, and in the regional offices located at the addresses listed in the appendix following the notice GSA/ OAD 22.

Categories of individuals covered by the system: Individuals include GSA employees or applicants for employment who consult an Equal Employment Opportunity (EEO) Counselor concerning allegations of discrimination.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by the Agency or the U.S. Civil Service Commission affecting an individual. The records include, but are not limited to, report of counseling, investigation, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision of determination, affidavits or statements, testimony of witnesses, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Executive Orders 11478 and 11141, the Equal Employment Opportunity Act of 1972, and the Age Discrimination in Employment Act of 1967, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used to adjudicate an appeal or complaint; and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in lockable metal file cabinets. Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosures.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Director, Equal Employment Opportunity Division
General Services Administration
18th and F Streets, NW
Washington, DC 20405

Notification procedure: Requests from individuals as to whether they are part of this system should be addressed to the official responsible for the system, or to the appropriate Regional EEO Officer at the address listed in the appendix following the notice GSA/OAD 22.

Record access procedures: Requests from individuals for access to this system of records should be addressed to the Director, Equal Employment Opportunity Division at the above address or to the appropriate EEO Officer at the address listed in the appendix following the notice GSA/OAD 22. For identification requirement, refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individuals to whom the record pertains; Agency officials, affidavits or statements from employee, testimony of witnesses, official documents relating to the request for counseling, appeal, or complaint, and correspondence from specific organizations or persons.

GSA/OGC 2

System name: Attorney Placement, GSA/OGC. This notice covers 6 unique systems of records of related subject matter.

System location: Each system is located in one of the following 6 offices; the supervisor in each of these 6 offices is the official who sets policies and procedures for the records in his own office: LS, and the Office of the Regional Counsels, Regions 1, 2,5,6, & 7. See appendix following notice OGC 6 for addresses.

Categories of individuals covered by the system: Each of the 6 systems covers attorneys and law students applying for employment

Categories of records in the system: Each of the 6 systems covers qualifications of applicants for legal positions; the Deputy General Counsel for Operations, LS, and the Regional Counsels for Regions 1, 2, 5, 6, and 7 and other authorized OGC employees use the records in their respective offices to fill vacancies and new positions with qualified applicants.

Authority for maintenance of the system: Each of the 6 systems is authorized by 5 U.S.C. 3101 and the Federal Property and Administrative Services Act of 1949 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual by name.

Safeguards: File folders are kept in guarded buildings and released only to authoized persons.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The system managers for the 6 systems are respectively: Deputy General Counsel for Operations, LS; and Regional Counsels, Regions 1, 2, 5, 6, and 7 for records within their offices. See appendix following notice OGC 6 for addresses.

Notification procedure: GSA notification procedures are contained in 41 CFR 105-64.

Record access procedures: GSA procedures for record access are contained in 41 CFR 105-64.

Contesting record procedures: GSA rules for contesting records are contained in 41 CFR 105-64.

Record source categories: Information in each of the 6 systems comes from one of the following sources: Applicants, placement offices, interviewers.

GSA/OGC 4

System name: General Law Files, GSA/OGC. This notice covers 21 unique systems of records involving related subject matter.

System location: The General Law Files of OGC are divided into 21 unique systems of related subject matter. Each system is located in one of the following 21 offices; the supervisor in each of these 21 offices is the official who sets policies and procedures for the records in his own office:

L, LL, LS, LB, LC, LE, LM, LR, LP, LT, LX, and Office of the Regional Counsels, Regions 1-10, for records in their respective offices. See appendix following notice OGC 6 for addresses.

For information on the location of specific law files contact LS at the address listed in the appendix.

Categories of individuals covered by the system: Each of the 21 systems covers one or more of the following categories of individuals:

GSA employees, past and present; other agency employees, members of the public (including individuals, corporations, and firms); witnesses in regulatory proceedings; persons who have made Freedom of Information and Privacy Act requests and persons about whom such requests have been made; persons involved in litigation with GSA; grievants under collective bargaining agreements; appellants.

Categories of records in the system: Each of the 21 systems covers one or more of the following categories of records:

Among other data, name of individuals, position description, grade, salary, SSN, work history, complaint, history of the case, applicable law, working papers of attorney, testimony of witnesses, background investigation materials, records subject to complaint, request, or litigation, correspondence, damage reports, contracts, accident reports, GSA Form 1593, SF 91, SF 91A, SF 92, pleadings, affidavits, credit ratings, medical diagnoses and prognoses, doctor's bills, estimates of repair costs, invoices, litigation reports, financial data. Records are used to give general legal advice, as requested, throughout GSA, and to prepare attorneys for hearings and trials, to reference past actions, and to maintain internal statistics.

Authority for maintenance of the system: Each of the 21 systems is authorized by one or more of the following statutes or Executive Orders:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; Freedom of Information Act, 5 U.S.C. 552 as amended; the Privacy Act of 1974, 5 U.S.C. 552a; 5 U.S.C., Part II (Civil Service Commission); 5 U.S.C., Chap. 33 (examination, selection and placement); Equal Employment Opportunity Act of 1972, 86 Stat. 103, 5 U.S.C. 5108, 5314-5316 and 42 U.S.C. 2000e, et. seq.; 5 U.S.C. 7151-7154 (antidiscrimination in employment); 5 U.S.C., 7301 (regulation of conduct); 5 U.S.C. 7501, note (adverse actions); 5 U.S.C., Chapter 77 (appeals); title 11 U.S.C. (bankruptcy); Federal Tort Claims Act, 28 U.S.C. 1291, 1346 (b)(c), 1402(b), 1504, 2110, 2401(b), 2402, 2411(b), 2412(c), 2671-2680; 1 Stat. 515, 676, 31 U.S.C. 191 (debts owed by or due to U.S.); Federal Claims Collection Act of 1972, 80 Stat. 308-309, 31 U.S.C. 951-953; 78 Stat. 767, 768, 79 Stat. 789, 82 Stat. 998, 84 Stat. 412, 86 Stat. 491, 31 U.S.C. 240-243 (settlement of claims); E.O. 1166 Organization of Executive Agencies; E.O. 10577, Amending the Civil Service Rules and Authorizing a new Appointment System for the Competitive Service; E.O. 11491, Labor-Management Relations in the Federal Service; E.O. 11787, Revoking Executive Order 10987, Relating to Agency Systems for Appeals from Adverse Actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released to the Department of Justice in review, settlement, defense, and prosecution of claims, complaints, and law suits involving contracts, torts, debts, bankruptcy, personnel adverse action, EEO, unit determinations, unfair labor practices, and Freedom of Information and Privacy Act requests. Other routine uses are listed in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual, by name.

Safeguards: Records are stored in secured buildings; available to authorized persons only.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2)

System manager(s) and address: The system managers for the 21 systems are, respectively:

General Counsel, L; Deputy General Counsel for Law, LL; Deputy General Counsel for Operations, LS; Assistant General Counsels, LB, LC, LE, LM, LP, LR, LT, LX, and Regional Counsels for Regions 1-10. See appendix following notice OGC 6 for addresses.

Notification procedure: GSA notification procedures are contained in 41 CFR 105-64.

Record access procedures: GSA procedures for record access are contained in 41 CFR 105-64.

Contesting record procedures: GSA rules for contesting records are contained in 41 CFR 105-64.

Record source categories: Information in each of the 21 systems comes from one or more of the following sources:

Federal employees and private parties involved in torts, contracts, personnel actions, unfair labor practices, and debts concerning the Federal Government; general law texts and sources; Dun and Bradstreet and other sources of financial information; law enforcement officers; witnesses, and others.

GSA/OGC 5

System name: General personnel files. This notice covers 21 unique systems of records involving related subject matter.

System location: These files are divided into 21 unique systems of related subject matter. Each system is located in one of the following 21 offices; the supervisor in each of these 21 offices is the official who sets policies and procedures for the records in his own office: L, LS, LA, LB, LC, LE, LM, LP, LT, LR, LX, Office of the Regional Counsels, Regions 1-10. See appendix following notice OGC 6 for addresses.

Categories of individuals covered by the system: OGC Central Office employees for those systems in the offices of L, LS, LA, LB, LC, LE, LM, LP, LT, LR, and LX; Regional employees for those systems in the Offices of the Regional Counsels, Regions 1-10.

Categories of records in the system: Each of the 21 systems covers one or more of the following types of records or information: Name, title, SSN, DOB, grade, salary, employment history, home address and telephone number, resume, age, marital status, GSA Form 834-Annual Attendance Record, Form 1349-Personal Data Statement, trans- cripts, OGC employee record, applications, directories of attorneys, news clippings, correspondence, letters of reference. Records are used in the agency to complete agency forms for requests for personnel actions, security clearances. travel and training authorizations, time and attendance records, reports, etc. Also used for issuing passes, motor pool ID, etc. Information is used 'in house' for personnel evaluation and management.

Authority for maintenance of the system: Each of the 21 systems is authorized by the following statutes: 5 U.S.C., generally; Federal Property and Administrative Services Act of 1949, as amended

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in each of the 21 systems is disclosed to persons outside the agency for verifying employment and salary, preparing letters of reference at the request of the employee, making travel and training arrangements, and furnishing copies of performance appraisals to other government agencies when employees have applied for jobs elsewhere. Other routine uses are listed in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in each of the 21 systems is stored in one or more of the following manners: In paper files, in the General Counsel's desk book, in supervisors' card indices.

Retrievability: Information in each of the 21 systems is retrieved manually by name, grade or title.

Safeguards: All records are safeguarded in accordance with GSA Privacy Regulations contained in 41 CFR 105-64.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2), paragraph 9B25.

System manager(s) and address: The system manager for each of the 21 systems, respectively, is: Gene ral Counsel, L; Deputy

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General Counsel, LS; Administrative Officer, LA; Assistant General Counsels2 LB, LC, LE, LM, LP, LR, LT, LX; Regional Counsels, Regions 1-10. See appendix following notice OGC 6 for addresses.

Notification procedure: GSA notification procedures are contained in 41 CFR 105-64.

Record access procedures: GSA procedures for record access are contained in 41 CFR 105-64.

Contesting record procedures: GSA rules for contesting records are contained in 41 CFR 105-64.

Record source categories: The source of information in each of the 21 systems is one or more of the following: Official personnel records, GSA Personnel and Finance Offices, supervisors, letters of reference or commendation furnished by agency officials or persons from private industry, educational information supplied by colleges and universities, periodicals, the individual.

GSA/OGC 6

System name: Potential employees referred by members of the Legislative and Executive branches and other sources.

System location: LC. See appendix following Notice GSA/OGC 6 for address.

Categories of individuals covered by the system: Applicants for employment at GSA.

Categories of records in the system: Resumes, applications, recommendations and replies, previous work history, reference checks, and notes. Used inside the agency in connection with litigation and hearings.

Authority for maintenance of the system: Civil Service Rule 5, 5 CFR 5.1-5.4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix following GSA notices. Also may be transferred to CSC, outside counsel, and respondents in connection with ongoing litigation and hearings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manually, by name.

Safeguards: Stored in locked room in guarded building, accessible to authorized persons only.

Retention and disposal: At the termination of all litigation and hearings relevant to the records, records will be integrated into individual Official Personnel Folders, to the extent possible. The remaining records will be disposed of in accordance with normal procedures.

System manager(s) and address: Assistant General Counsel, LC. See appendix following Notice GSA/OGC 6 for address.

Notification procedure: GSA notification procedures are contained in 41 CFR 105-64.

Record access procedures: GSA procedures for record access are contained in 41 CFR 105-64.

Contesting record procedures: GSA rules for contesting records are contained in 41 CFR 105-64.

Record source categories: GSA Personnel Offices, the individual, persons who provided references, former employees, GSA employees involved in personnel work.

Appendix GSA/OGC Address of Locations

Office of General Counsel, Central Office Divisions located at the General Services Building, 18th and F Streets, NW, Washington, DC 20405. Business hours are 8:00-4:30 EST.

L - General Counsel
(202) 566-1200

LL - Deputy General Counsel for Law
(202) 566-0050

LS - Deputy General Counsel for Operations
(202) 566-0681

LA - Administrative Officer
(202) 566-0681

LB - Assistant General Counsel
Public Buildings Division
(202) 566-0500

LC - Assistant General Counsel
Claims and Litigation Division
(202) 566-1594

LE - Assistant General Counsel
Preparedness and Policy Division
(202) 566-0528

LM - Assistant General Counsel
Labor Law Division
(202) 566-1460

LR - Assistant General Counsel
Administration and Records Division
(202) 566-1460

LT - Assistant General Counsel
Regulatory Law Division
(202) 566-0750

LX - Assistant General Counsel
Automated Data and Telecommunications Division
(202) 566-1156

Office of General Counsel, Central Office Division located at Crystal Mall. Building, Room 819, Washington, DC 20406. Business hours are 7:45-4:15 EST.

LP - Assistant General Counsel
Procurement Division
(202) 557-8417

Office of General Counsel, Regional Offices, located at:

Region 1 - GSA Regional Counsel
J. W. McCormack P.O. &
Court House
Boston, MA 02109
(617) 223-2621
8:20-4:50 EST

Region 2 - GSA Regional Counsel
26 Federal Plaza
New York, NY 10007
(212) 264-8306
8:15-4:45 EST

Region 3 - GSA Regional Counsel
7th and D Streets, SW
Washington, DC 20407
(202) 963-4221
8:15-4:45 EST

Region 4 - GSA Regional Counsel
1776 Peachtree Street, NW
Atlanta, GA 30309
(404) 526-5615
8:00-4:30 EST

Region 5 - GSA Regional Counsel
230 S. Dearborn Street
Chicago, IL 60604
(312) 353-5392
8:30-5:00 CST

Region 6 - GSA Regional Counsel
1500 E. Bannister Road
Kansas City, MO 64131
(816) 926-7212
8:00-4:30 CST

Region 7 - GSA Regional Counsel
819 Taylor Street
Fort Worth, TX 76102
(817) 334-2325
7:45-4:15 CST

Region 8 - GSA Regional Counsel
Building 41
Denver Federal Center
Denver, CO 80225
(303) 234-3813
7:30-4:00 MST

Region 9 - GSA Regional Counsel
525 Market Street
San Francisco, CA 94105
(415) 556-3963
7:45-4:15 PST

Region 10 - GSA Regional Counsel
GSA Center
Auburn, WA 98002
(206) 833-5225
7:30-4:00 PST

GSA/NARS 1

System name: Researcher Application Files, GSA/NARS

System location: The system is located in the National Archives Building, Presiden- tial libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Researchers who apply to use records in the National Archives, Presidential libraries, and records centers.

Categories of records in the system: Applications to use records including name, address, telephone number, occupation, research topic, education level, and field of interest. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to identify and record the individuals who use records in the National Archives and other repositories listed above, to provide a means of contacting the individual if additional information of research interest to him is found, and to mail notices of events and programs of interest to users of the records in the National Archives.

Authority for maintenance of the system: 44 U.S.C. 2104.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are cut off annually, held one year and retired. After 14 additional years they are destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW Washington, DC, 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix, following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have used records.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, the directors of Federal archives and records centers, or the directors of Federal records centers, depending on where individuals have used records. In person requests may be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates records were used. For personal visits, the individual should be able to provide some acceptable identifi- cation such as driver's license or student or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Researchers.

GSA/NARS 2

System name: Reference request files, GSA/NARS

System location: The system is located in the National Archives Building, Presi- dential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Researchers and correspondents, requesting information from the records in the National Archives, Presidential libraries, and records centers.

Categories of records in the system: Correspondence, reference service slips, receipts for money, deposit account records, reproduction orders, reference logs, lending files, and reference files pertaining to requests for infor- mation, including all or parts of the following: requester's name, address, telephone number, occupation, research topic, education level, and field of interest. Biographical material relating to individuals who are the subject of the reference inquiries may also be included. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to record individual requests for information and the responses to those requests; to maintain control over information requests received and answered; to enable later contact with the requester if required; to assist in the preparation of standard replies to similar questions; to facilitate preparation of statistical and other reports; to establish researcher accounta- bility for records; to maintain control of records being used; to record payment for reproduction orders and funds placed on deposit; to record loans of materials or records from the above locations; to monitor Freedom of Information Act requests and prepare reports; and, when requested by the individual researcher, to write recommendations for researchers applying for grants or employment.

Authority for maintenance of the system: 44 U.S.C. 2104 and 2907.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards, and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records which are:

(1) created in the administration of loans of materials are cut off after the return of the materials, held one year, and destroyed;

(2) created in the process of providing reference service by mail are cut off annually, held two years, and destroyed.

(3) created in the process of providing records to researchers in the National Archives research rooms are cut off annually, held one year, and retired. After 14 additional years they are destroyed.

These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW Washington, DC, 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix, following Notice GSA/NARS 10.

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Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have used records or directed inquiries. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, the directors of Federal archives and records centers, or the directors of Federal records centers, depending on where individuals used records or directed inquiries. In person requests may be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates of the correspondence or trans- action. For personal visits the individual should be able to provide some acceptable identification such as driver's liceuse or student or employee identification. Only general inquires may be made by telephone.

Contesting record procedures: Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Researchers, correspondents, and employees of the National Archives.

GSA/NARS 3

System name: Donors of historical materials files, GSA/NARS

System location: The system is located in the National Archives Building and the Presidential libraries. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Donors and potential donors of papers or other historical materials to the National Archives and Presidential libraries.

Categories of records in the system: Correspondence, deeds of gift, deposit agreements, accession files, accession cards, administrative files, inventory of museum objects, oral history use agreements, tapes, and transcripts, all of which relate to the solicitation and preservation of donations. Also included are biographical data on donors as well as their addresses, telephone numbers, and occupations. The records are primarily used by officers and employees of GSA who have a need for the records in the performance of their duties to record solicitation efforts and accessioning of papers and other historical materials for preser- vation in the above locations; to maintain control over the acces- sions program; to facilitate future solicitations of gifts; to record deeds of gift; to record agreements of use.

Authority for maintenance of the system: 44 U.S.C. 2107 and 2108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) include releasing biographi- cal material about donors and prospective donors to the public as well as the routine uses described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders; sound recordings.

Retrievability: Filed alphabetically at each location by name of individual donor.

Safeguards: Buildings employ security guards, and records and other materials are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are permanent. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Presidential Libraries at the National Archives Building, and the Directors of the Presidential Libraries. The addresses are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have donated materials or from which they have received requests for donations. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives or the Assistant Archivist for Presidential Libraries or the directors of Presidential libraries depending on which repository the individual has been associated with. In person requests may be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates of the correspondence or transaction. For personal visits the individ- ual should be able to provide some acceptable identification such as driver's license, employee identification card, etc. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Donors, potential donors, and employees of the National Archives.

GSA/NARS 4

System name: National and Regional Archives Advisory Council files, GSA/NARS.

System location: The system is located in the National Archives Building, the Federal archives and records centers, and the regional archives headquarters. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Former, current, and prospective Council members.

Categories of records in the system: Correspondence with and biographical information about former, current, and prospective Council members including all or parts of the following: name, address, telephone number, education, professional vita, and publications. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to review professional qualifica- tions of prospective Council members; to document activities of the Councils themselves; to conduct future correspondence with Council members; to serve as a mailing list with current and past members; to record the individual Council members' role; and to help formulate Council policy.

Authority for maintenance of the system: 5 U.S.C., Appendix 1, Section 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical material relating to Council members is made available to the public for purposes of publicizing the membership and activities of the Councils.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards, and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are cut off after each meeting, held five years, and offered to the National Archives (Regional council files are destroyed after five years). These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2)

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the Directors of the Federal Archives and Records Centers and the NARS Regional Commissioners. The addresses are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate location in the region where individuals serve, have served, or might serve on the Council. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives or to the Assistant Archivist for Educational Programs, the regional commissioners or the directors of Federal archives and records centers depending on the location of the Council with which the individual has been associated. In person requests may be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and if applicable, dates of service. For personal visits the individual should be able to provide some acceptable identification, such as driver's license, employee identification card, etc. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Former, current, and prospective Council members, associates of Council members, and employees of the National Archives.

GSA/NARS 5

System name: Conference and related activities files, GSA/NARS

System location: The system is located in the National Archives Building, the Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, the Federal archives and records centers, and NARS regional headquar- ters offices. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Participants or potential participants in symposia, conferences, lectures, etc.

Categories of records in the system: Biographical information about individuals involved in these activ- ities including the individual's name, address, telephone number, area of expertise, research interest, occupation, education, and publications. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties in the various archival programs indicated above; to provide a record of previous activities; to promote the use of archival materials; to provide mailing lists; to facilitate publication of the activity's proceedings; and to register persons attending the activity.

Authority for maintenance of the system: 44 U.S.C. 2105

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are cut off after the event, held for one year, and destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the Directors of the Presidential Libraries, the Directors of Federal Records Centers, and the Regional Commissioners. The addresses are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate location which sponsored the activity which the individual attended or in which he particpated. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Educational Programs, the directors of Presidential libraries, the directors of Federal records centers or the regional commissioners. In person requests may be made during normal busi- ness hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits the individual should be able to provide some acceptable identification such as a driver's license or an employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Participants, attendees, and employees of the National Archives.

GSA/NARS 6

System name: Mailing list files, GSA/NARS

System location: The system is located in the National Archives Building, Presi- dential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, Federal archives and records centers and NARS regional headquarters offices. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Researchers, tourists, government officials, professional colleagues, professionals in related fields, such as librarians, teachers, associates of the National Archives, and others with an interest in National Archives activities.

Categories of records in the system: Mailing lists include primarily the individual's name and address. Some lists also include telephone number, title, occupation, institutional affiliation and in the case of the associates, type of membership. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties, to address newsletters, announce- ments, programs, and material about special events; to bill researchers for reproduction orders; and to mail press releases and other information.

Authority for maintenance of the system: 44 U.S.C. 2105, 2108, 2307, 2902, and 2904.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Where the proposed use is compatible with the purpose for which the mailing list was compiled, copies of the lists are occasionally provided to archival, historical, and records management associations whose purposes relate to the programs and aims of the National Archives and Records Service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files, index cards, address plates, magnetic cards, punch cards, cassettes, magnetic tape.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Lists are reviewed annually, and updated. Outdated information is purged. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives, the Assistant Archivist for Presidential Libraries, the Assistant Archivist for Educational Programs and the Assistant Archivist for Records Management, all located in the National Archives Building. Other officials are the Directors of the Presidential Libraries, the Directors of Federal Records Centers, Directors of Federal Archives and Records Centers, and the NARS Regional Commissioners. The addresses for these locations are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate location in which the individual has expressed an interest or in which he has a potential interest. The addresses are listed in the appendix, following Notice GSA/NARS 10.

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Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Presidential Libraries, the Assistant Archivist for Educational Programs, the Assistant Archivist for Records Manage- ment, the directors of the Presidential libraries, the directors of the Federal records centers, directors of Federal archives and records centers, or the regional commissioners depending on which archives activity the individual expressed an interest in. In person requests may also be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate date of communication with the repository. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records, for contesting the contents, and for appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Individuals expressing an interest in archives activities and NARS employees.

GSA/NARS 7

System name: Mandatory review of classified documents/request files, GSA/NARS

System location: The system is located in the National Archives Building, Presidential libraries; Washington National Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Researchers requesting mandatory review of security classified documents.

Categories of records in the system: Applications requesting mandatory review of classified documents including requestor's name, address, telephone number, occupation, employer, and research topic. Records are used by officers and employees of GSA who have a need for the records in the perfor- mance of their duties to record requests for access to security- classified records; to record status of each mandatory review request; to assist in preparation of monthly reports on mandatory declassification review requests; and to record action taken on requests.

Authority for maintenance of the system: Executive Order 11652, June 1, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are cut off annually, held one year, and retired. After 14 additional years they are destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States National Archives Building, Eighth and Pennsylvania Avenue, NW Washington, DC, 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have requested mandatory review of classified records. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, directors of Federal archives and records centers, and the directors of the Federal records centers, depending on where the individual requested the mandatory review. In person requests may also be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the approximate dates research was conducted. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records; for contesting the contents, and for appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Researchers who have requested mandatory review of records.

GSA/NARS 8

System name: Restricted and classified records/access authorization files, GSA/NARS.

System location: The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Researchers who apply to use agency-restricted or classified records in the National Archives, Presidential libraries, and records centers.

Categories of records in the system: Applications and letters of authorization to use restricted/ classified records, including name, address, telephone number, occupation, employer, security clearance, social security number, date and place of birth, purpose, field of interest, citizenship, intention to publish, and type of publication. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties to control access to restricted materials; to maintain a record of requests for access; and to authorize access to restricted/ classified matter.

Authority for maintenance of the system: 44 U.S.C. 2104.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) include disclosing records to officials of the agencies whose records are restricted as well as the routine uses described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records relating to private individuals requesting access are cut off annually, held one year, and retired. After 14 additional years they are destroyed. Records relating to agency officials requesting access are destroyed on supersession or obsolescence of the authorization document, or on transfer or separation of the individual concerned. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW Washington, DC, 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have applied for access to records. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, directors of Federal archives and records centers, or the directors of the Federal records centers, depending on where the individual submitted his application for access to the records. In person requests may also be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should pro- vide full name, address, telephone number, and the approximate dates the application was made. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Researchers and agency officials.

GSA/NARS 9

System name: Authors files, GSA/NARS.

System location: The system is located in the National Archives Building, the Presidential libraries, and the Federal archives and records centers. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Authors whose publications are based on National Archives holdings, and authors who have submitted manuscripts which have been published or considered for publication in Prologue: The Journal of the National Archives.

Categories of records in the system: Biographical information about the authors including such information as name, address, telephone number, occupation, education, and research interests, and manuscript copies of writings. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties to provide an indication of specific areas of interest in archival holdings and the extent to which the scholarly community relies on National Archives holdings as primary source material; and to maintain a record of manu- scripts which Prologue has rejected, or accepted and published.

Authority for maintenance of the system: 44 U.S.C. 2307.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files or file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are cut off annually, held two years, and retired. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the Directors of the Presidential Libraries, and the Directors of the Federal Archives and Records Centers. The addresses are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individuals have used records or submitted manuscripts for publication. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Educational Programs, the directors of the Presidential libraries, or the directors of Federal archives and records centers. In person requests may also be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the title of his publication. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or an employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records, for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Authors and National Archives employees.

GSA/NARS 10

System name: Employee related files, GSA/NARS.

System location: The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, Federal archives and records centers, and NARS regional headquarters' offices. The addresses are listed in the appendix, following Notice GSA/NARS 10.

Categories of individuals covered by the system: Employees and former employees of the National Archives and Records Service.

Categories of records in the system: Documents accumulated by operating officials in administering personnel matters for or about employees, including but not limited to, name, home address, telephone number, work location and telephone number, social security number, date of birth, date of entry on duty, salary, grade, promotions, within grade increases, age, education, experience, biographical data, records relating to attendance, tardiness, issuance of passes and keys, work assignments, performance, work measurement, counseling, disciplinary actions, adverse actions, conduct, promotion evaluations, equal employment opportunity, labor relations, grievances, alcoholism, security clearances, and letters of reference and pictures. Records are primarily used by officers and employees of GSA who have a need for the records in the performance of their duties to monitor and document personnel actions; determine qualifications for promotion, related positions, and specific work assignments; for the convenience of the Personnel Management Division and supervisors in overseeing employee activities; to evaluate and rate perfor- mance of employees; to document disciplinary actions; to monitor grievance proceedings and EEO complaints; to prepare for adverse actions; to prepare statistical reports to measure overall performance and productivity of all employees; to conduct counseling sessions; to prepare EEO reports; to prepare staffing patterns and determine manpower requirements; and for use as a general management tool to oversee personnel administration of the organization.

Authority for maintenance of the system: 5 U.S.C., Part III.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) include disclosing information to other agencies and persons about employees seeking new employment and releasing biographical sketches about employees to other agencies or persons when an employee activity is being publicized as well as the routine uses described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in card files and file folders.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal: Records are reviewed annually, documents are updated, and irrelevant documents destroyed. Records are retained until employees are separated, then destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW, Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Director, Personnel Management Division at the National Archives Building

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or supervisors of the employees or former employees at all locations. The addresses are listed in the appendix following Notice GSA/NARS 10.

Notification procedure: Current employees may obtain information from their supervisor at the appropriate address listed in the appendix, following Notice GSA/NARS 10. Former employees may obtain information from the Director, Personnel Management Division, at the address listed in the appendix, following Notice GSA/NARS 10.

Record access procedures: Requests from current employees to access records should be directed to the employees' supervisor at the appropriate address listed in the appendix, following Notice GSA/NARS 10. Former employees should direct requests to access records to the Director, Personnel Management Division, at the address listed in the appendix, following Notice GSA/NARS 10. For written requests, former employees should provide full name, address, and telephone number, and approximate dates and places of employ- ment. For personal visits former employees should provide some acceptable form of identification such as a driver's license. Only general inquiries may be made by telephone.

Contesting record procedures: GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Record source categories: Employees and supervisors.

Appendix

GSA/NARS addresses of locations, telephone numbers, and business hours

National Archives Building
Eighth and Pennsylvania Avenue, NW.
Washington, DC 20408
Telephone (202) 655-4000
Hours: 8:45 a.m. to 5:15 p.m.
(Monday through Friday)

Presidential Libraries

Herbert Hoover Library
South Downey Street
West Branch, IA 52358
Telephone (319) 643-5301
Hours: 900 a.m. to 5:00 p.m.
(Monday through Friday)

Franklin D. Roosevelt Library
Albany Post Road
Hyde Park, NY 12538
Telephone (914) 229-8114
Hours: 9:00 a.m. to 5:00 p.m.
(Monday through Friday)

Harry S. Truman Library
Highway 24 at Delaware Street
Independence, MO 64050
Telephone (816) 833-1400
Hours: 9:00 a.m. to 5:00 p.m.
(Monday through Friday)

Dwight D. Eisenhower Library
South East Fourth Street
Abilene, KS 67410
Telephone (913) 827-9738
Hours: 9:00 a.m. to 5:00 p.m.
(Monday through Friday)

John F. Kennedy Library
380 Trapelo Road
Waltham, MA 02154
Telephone (617) 223-7250
Hours: 8:30 a.m. to 5:00 p.m.
(Monday through Friday)

Lyndon B. Johnson Library
2313 Red River
Austin, TX 78705
Telephone (512) 397-5137
Hours: 9:00 a.m. to 5:00 p.m.
(Monday through Friday)

Washington National Records Center
4205 Suitland Road
Suitland, MD--MAILING address:
General Services Administration
Washington National Records Center
Washington, DC 20409
Telephone (301) 763-7000
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

National Personnel Records Center

(Military Personnel Records)
9700 Page Boulevard
St. Louis, MO 63132
Telephone (314) 268-7201
Hours: 7:30 a.m. to 4:00 p.m.
(Monday through Friday)

(Civilian Personnel Records)
111 Winnebago Street
St. Louis, MO 63118
Telephone (314) 425-5722
Hours: 7:30 a.m. to 4:00 p.m.
(Monday through Friday)

Federal Records Centers

Naval Supply Depot
Building 308
Mechanicsburg, PA 17055
Telephone (717) 766-8511
Hours: 7:30 a.m. to 4:00 p.m.
(Monday through Friday)

2400 West Dorothy Lane
Dayton, OH 45439
Telephone (513) 461-5597
Hours: 7:30 a.m. to 4:00 p.m.
(Monday through Friday)

Federal Archives and Records Centers

380 Trapelo Road
Waltham, MA 02154
Telephone (617) 223-2657
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

Military Ocean Terminal
Building 22
Bayonne, NJ 07002
Telephone (201) 858-7161
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

5000 Wissahickon Avenue
Philadelphia, PA 19144
Telephone (215) 438-5200
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

1557 St. Joseph Avenue
East Point, GA 30344
Telephone (404) 526-7475
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

7358 South Pulaski Road
Chicago, IL 60629
Telephone (312) 353-8544
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

2306 East Bannister Road
Kansas City, MO 64131
Telephone (816) 926-7271
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

4900 Hemphill Street
Fort Worth, TX 76115
Telephone (817) 334-5515
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

Building 48
Denver Federal Center
Denver, CO 80225
Telephone (303) 234-3185
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

1000 Commodore Drive
San Bruno, CA 94066
Telephone (415) 876-9003
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

24000 Avila Road
Laguna Niguel, CA 92677
Telephone (714) 831-4220
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

6125 Sand Point Way
Seattle, WA 98115
Telephone (206) 442-4502
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

National Archives and Records Service--Regional Offices

General Services Administration
26 Federal Plaza
New york, NY 10007
Telephone (212) 264-3514
Hours: 8:15 a.m. to 4:45 p.m.
(Monday through Friday)

General Services Administration
Room 7016, 7th and D Streets, SW.
Washington, DC 20407
Telephone (202) 472-1223
Hours: 8:15 a.m. to 4:45 p.m.
(Monday through Friday)

General Services Administration
1776 Peachtree Street, NW.
Atlanta, GA 30309
Telephone (404) 526-5611
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

General Services Administration
819 Taylor Street
Fort Worth, TX 76102
Telephone (817) 334-2759
Hours: 7:45 a.m. to 4:15 p.m.
(Monday through Friday)

General Services Administration
1000 Commodore Drive
San Bruno, CA 94066
Telephone (415) 876-9015
Hours: 8:00 a.m. to 4:30 p.m.
(Monday through Friday)

GSA/FPA 1

System name: Computer Access Code Assignments, GSA/FPA

System location: Records are maintained at the Federal Preparedness Agency, General Services Administration, Washington, DC 20405

Categories of individuals covered by the system: Users of the GSA/FPA computer facility.

Categories of records in the system: Name, organization, office telephone number, computer access code for the purpose of in-house agency official use, based upon a need- to-know requirement, to restrict computer access to authorized users.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, computer access code.

Safeguards: Personnel screening; hardware and software computer security measures; paper records in a locked container and/or room and in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Readiness Systems Division, Mathematics and Computation Laboratory, Federal Preparedness Agency (EDMR), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry from an authorized user of the GSA/FPA computer facility need only include his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 2

System name: Distribution Lists, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

V41175 SEP 8 76 UMI

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Stockpile Disposal
General Services Administration
Washington, DC 20405

Categories of individuals covered by the system: Those who have requested to be put on distribution lists for GSA Federal Preparedness Agency and Stockpile Disposal publications, technical memoranda, and related communications.

Categories of records in the system: Name, address, telephone number for the purpose of in-house agency official use in distributing agency publications and communications among employees, associates, and other interested parties.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 522a (a) (7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name.

Safeguards: Personnel screening; hardware and software computer security measures ; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of individual interest. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry should include the individual's name and address in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 3

System name: Emergency Assignment System, GSA/FPA

System location: Records are maintained at the Federal Preparedness Agency, General Services Administration, Washington, DC 20405

Categories of individuals covered by the system: GSA/FPA Western Virginia Operations Office emergency assignees.

Categories of records in the system: Personnel data, skills inventory, assignment information, and other related information for the purpose of in-house agency official use, based upon a need-to-know requirement, to assist officials charged with emergency responsibilities in the assign- ment and coordination of activities in the Western Virginia Operations Office of the Conflict Preparedness Office.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, personal characteristic, or skills.

Safeguards: Personnel screening; hardware and software computer security measures; paper records in a locked container and/or room and in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Western Virginia Operations Office, Federal Preparedness Agency (EGW), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry from an individual emergency assignee should include his name and employing agency in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 4

System name: Employee Directories, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242.

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Stockpile Disposal
General Services Administration

Washington, DC 20405

Categories of individuals covered by the system: GSA Federal Preparedness Agency and Stockpile Disposal employees.

Categories of records in the system: Name, office and home addresses and telephone numbers for the purpose of providing an employee locator service for in-house agency use.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: MTST mag-tape, paper.

Retrievability: Records are indexed by name.

Safeguards: Personnel screening; tapes and paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of employment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry from an individual employee need include only his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 5

System name: National Defense Executive Reserve (NDER) Personnel and Management Information System, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Categories of individuals covered by the system: Applicants for and incumbents of NDER assignments.

Categories of records in the system: Personnel and administrative records, skills inventory, training data, and other related records necessary to coordinate and administer the NDER program.

Authority for maintenance of the system: Defense Production Act, 1950; Executive Order 11179, September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the purpose of administering the NDER program, agency officials and officials of participating departments and agencies may obtain from the NDER Coordinator data relevant to reservists assigned to their units. Periodically, a directory (containing name, title, business name and address, NDER unit, and status-- emeritus or active) will be distributed to reservists and to NDER units. Additional routine uses are contained in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, personnel data, skills, or agency.

Safeguards: Personnel screening; hardware and software computer security measures ; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of application or assignment Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: NDER Coordinator, Federal Preparedness Agency (EGG), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry should include the individual's name and address in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 6

System name: Office-level Employee Records, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

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Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 74106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Stockpile Disposal
General Services Administration
Washington, DC 20405

Categories of individuals covered by the system: GSA Federal Preparedness Agency and Stockpile Disposal employees.

Categories of records in the system: In-house agency official use of the following records, based upon a need-to-know requirement, is for the purpose of administering personnel and financial activities at the supervisory and administrative office level.

Official employee records: general personnel and financial information maintained at the supervisory level or administrative office level relating to compensation, training, employment, employee and labor relations, office personnel files, general employment inquiries, application files, etc. These records are described in detail in the Notices for official agency-wide employee-related systems published by the General Services Administration. These records include, among other data, training and travel records, applications, suggestions, position descriptions, request for and notification of personnel action, employee performance ratings and promotion appraisals, time and attendance records. System contains copies of Civil Service Commission and General Services Administration personnel and financial forms and reports, including, among others, outputs of the automated GSA Manpower and Payroll Statistics System, parking permit record, property pass, U.S. savings bond authorization, application for leave, employee record, employee appraisal, payroll change slip, notice of injury or occupational disease, claim for reimbursement for expenditures on official business, statement of earnings, promotion appraisal, receipt for property, employment cost and distribution, program budget administration, accounting distribution, employment staffing reports, budget reports, overtime work, employee changes input, travel authorizations, applica- tion and accounts for advance of funds, comprehensive payroll.

Unofficial personnel records: employee-related records maintained at the supervisory level or administrative office level including, but not limited to, personnel card files, annotated records, work assignments, work management records, performance measurements, counseling, labor relations, vacation schedules, etc.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962. NOTE: Detailed references to authority for official employee records maintained at the supervisory level or administrative office level appear in the Notices for official agency-wide employee-related systems published by the General Services Administration.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to persons outside the agency, upon request of individual employees, for purposes of verifying employment and salary, of preparing letters of reference, of making travel and training arrangements, etc. Other Routine Uses are contained in the appendix following the GSA Notices and in the GSA Notices of official agency-wide employee-related systems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Records are indexed by name.

Safeguards: Personnel screening; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of employment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Personnel officer, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405.

Notification procedure: An individual employee seeking to determine whether this system of records contains information about him should address his inquiry to the appropriate agency supervisor, administrative officer, and personnel official, Federal Preparedness Agency, General Services Administration, Washington, DC 20405. An inquiry should include the individual's name, date of birth, and Social Security Number in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Official personnel records, GSA Personnel and Finance Offices, supervisors, letters of reference or commendation furnished by agency officials or others outside the agency, educational information supplied by colleges and universities, the individual to whom the record pertains. An additional description of sources of official employee records can be found in the Notices for official agency-wide employee-related systems published by the General Services Administration.

GSA/FPA 7

System name: Official Employee Records, GSA/FPA

System location: Personnel Office, Federal Preparedness Agency, General Services Administration, Washington, DC 20405

Categories of individuals covered by the system: Employees whose official records are maintained by the FPA Personnel Office.

Categories of records in the system: In-house agency official use of the following records, based upon a need-to-know requirement, is for the purpose of administering personnel and financial activities, e.g., completing reports, taking personnel actions, making payroll adjustments, and meeting other official personnel and financial requirements.

Official personnel records: general personnel records, i.e., Official Personnel Folder and records related thereto; appeals, grievances, and complaints records; medical records; recruiting, examining, and placement records; retirement, life insurance, and health benefits records system. These records include, but are not limited to, personnel and financial information contained in Civil Service Commission (CSC) and General Services Administration (GSA) forms and reports relating to compensation, training, employment, employee and labor relations, processing and records. These official employee systems of records are described in detail in the Notices for government-wide systems of personnel records published by the Civil Service Commission and in the Notices for official agency-wide employee-related systems published by the General Services Administration. For other than GSA organizations serviced by the FPA Personnel Office, forms consistent with those of the General Services Administration are used for equivalent personnel programs.

Authority for maintenance of the system: Title 5 U.S.C., generally; Executive Order 11051, September 27, 1962. NOTE: Detailed references to authority for these records appear in the Notices for government-wide systems of personnel records published by the Civil Service Commission and in the Notices for official agency-wide employee-related systems published by the General Services Administration.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to persons outside the agency, upon request of individual employees, for purposes of verifying employment and salary, of preparing letters of reference, of making travel and training arrangements, etc. Other Routine Uses are contained in the appendix following the GSA Notices, in the Civil Service Commission Notices of government-wide systems of personnel records, and in the GSA Notices of official agency-wide employee-related systems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Records are indexed by name.

Safeguards: Personnel screening; paper records in a locked container and/or room and in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of employment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2). Additional retention and disposal information can be found in the Civil Service Commission Notices of government-wide systems of personnel records and in the General Services Administration Notices of official agency-wide employee-related systems.

System manager(s) and address: Personnel Officer, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405.

Notification procedure: Same as above. An inquiry from an individual whose official records are maintained by the FPA Personnel Office should include name, date of birth, and Social Security Number in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Personnel and Finance Offices, supervisors, letters of reference or commendation furnished by agency officials or others outside the agency, educational information supplied by colleges and universities, the individual to whom the record pertains. An additional description of sources of records can be found in the Civil Service Commission Notices of government-wide systems of personnel records and in the General Services Administration Notices of official agency-wide employee-related systems.

GSA/FPA 8

System name: Personnel Roster, GSA/FPA

System location: Records are maintained at the Federal Preparedness Agency, General Services Administration, Washington, DC 20405

Categories of individuals covered by the system: GSA/FPA Mathematics and Computation Laboratory employees.

Categories of records in the system: Personnel data for the purpose of in-house agency official use, based upon a need-to-know requirement, to support personnel manage- ment, budgeting, and planning activities.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, personnel characteristics.

Safeguards: Personnel screening; hardware and software computer security measures; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of employment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Mathematics and Computation Laboratory, Federal Preparedness Agency (EDM), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry from an individual employee need include only his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: GSA/FPA Mathematics and Computation Laboratory employee personnel actions.

GSA/FPA 9

System name: Project Management Information System, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New york, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Categories of individuals covered by the system: GSA/FPA project officers.

Categories of records in the system: Project assignments, progress reports, resource statistics, and other related information for the purpose of in-house agency official use, based upon a need-to-know requirement, to monitor the performance of the project management system.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, project description.

Safeguards: Personnel screening; hardware and software computer security measures paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of assignment to project. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Mathematics and Computation Laboratory, Federal Preparedness Agency (EDM), General Services Administration, Washington, DC 20405

Notification procedure: Same as above. An inquiry from an individual GSA/FPA project officer need only include his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 10

System name: Property Inventory System, GSA/FPA

System location: Records are maintained at the Federal Preparedness Agency, General Services Administration, Washington, DC 20405.

Categories of individuals covered by the system: GSA Federal Preparedness Agency employees.

Categories of records in the system: Property description, employee name, office description for the purpose of in-house agency official use, based upon a need-to-know requirement, to maintain a record of the locations and users of accountable property.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by property description, employee name, office location.

Safeguards: Personnel screening; hardware and software computer security measures; paper records in a locked container and/or room and in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for life of property item. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405.

Notification procedure: Same as above. An inquiry from an individual employee need include only his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Property inventory conducted by Office of Executive Director.

GSA/FPA 11

System name: Resource Interruption Monitoring System, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New york, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Categories of individuals covered by the system: Individuals reporting or commenting on resource shortages during national emergencies--private citizens; industry experts; business, labor, and government leaders.

Categories of records in the system: Name, address, telephone number, statements about resource problems, and other related information necessary to monitor resource interruptions. For the purpose of assessing the status of resources (supply shortages or problems of mal-distribution) which poses a threat to the health and welfare of communities or to the economy or security of the Nation when normal market mechanisms appear inadequate, agency analysts summarize reports for comparison to economic norms or for highlighting problems in an industry or in a geographic area. In-house agency use is also made of the computerized communication and confer- encing components of the system for the purpose of carrying on confer- ences and discussions, for processing weekly activity reports, and for transmitting other related communications among the offices of FPA.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individual applications for assistance may be referred for response to another agency with emergency responsibilities. Information may be provided to Federal, State, and local officials with emergency responsibilities and to selected industries for purpose of coordinating actions taken to alleviate the crisis situation; to Congressional inquiries; to news media. Additional Routine Uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name, problem resource, geographic area, phrase in text.

Safeguards: Personnel screening; hardware and software computer security measures; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of resource problem. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Manager, Resource Interruption Monitoring System, Federal Preparedness Agency (EFC), General Services Administration, Washington, DC 20405.

Notification procedure: Same as above. An inquiry should include the individual's name and address in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individual applications for assistance in locating alternate supplies; news media reports; notifications by individual correspondence or phone, from Congress, by original staff reports or reports from other agencies.

GSA/FPA 12

System name: Security Management System, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration.

Central Office
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
New Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6
811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 94104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Stockpile Disposal
General Services Administration
Washington, DC 20405

Categories of individuals covered by the system: GSA Federal Preparedness Agency and Stockpile Disposal employees.

Categories of records in the system: Security records for the purpose of in-house agency official use, based upon a need-to-know requirement, in maintaining office security for sensitive data and facilities. These records include: statement of personal history (SF-86); personal data (e.g., name, address, telephone number) contained on security clearance forms, rosters, lists, and forms for record container combinations; and other related records. Records do not contain investigatory material.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: An employee's level of security clearance may be reported at his request to another agency for the purpose of inter-agency security administration. Additional Routine Uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Records are indexed by name.

Safeguards: Personnel screening; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access.

Retention and disposal: Retention of records shall be for duration of employment. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency (EE), General Services Administration, Washington, DC 20405.

Notification procedure: Same as above. An inquiry from an individual employee need include only his name in order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/FPA 13

System name: Interagency Directories, GSA/FPA

System location: Records are maintained at the following offices of the Federal Preparedness Agency, General Services Administration:

Central Office
General Services Building
18th and F Streets, NW.
Washington, DC 20405

Region 1
605 John W. McCormack Post Office and Courthouse
Boston, MA 02109

Region 2
26 Federal Plaza, Room 2836
New York, NY 10007

Region 3
William J. Green, Jr. Federal Building
600 Arch Street, Room 7248
Philadelphia, PA 19106

Region 4
1776 Peachtree Street, NW
Atlanta, GA 30309

Region 5
Federal Building, Room 3747
230 South Dearborn Street
Chicago, IL 60604

Region 6

V41175 SEP 8 76 UMI

811 Grand Avenue, Room 132
Kansas City, MO 64106

Region 7
Federal Building, Room 7C52
1100 Commerce Street
Dallas, TX 75242

Region 8
Building No. 41, Denver Federal Center
Denver, CO 80225

Region 9
120 Montgomery Street
San Francisco, CA 84104

Region 10
Room 686, Federal Building
915 2nd Avenue
Seattle, WA 98174

Office of Stockpile Disposal
2000 L Street, NW.
General Services Administration
Washington, DC 20036

Categories of individuals covered by the system: GSA Federal Preparedness Agency and Stockpile Disposal employees and employees of other federal, state, and local agencies with related responsibilities; e.g., members of the Regional Preparedness Committee, the Interagency Emergency Preparedness Committee, and the Regional Field Board as well as Emergency Coordinators, Emergency Preparedness Directors, and State Civil Defense Directors.

Categories of records in the system: Name, office and home addresses and telephone numbers, and level of security clearance for the purpose of providing a locator service and a means of distributing publications and communications for in-house agency use and for the use of member agencies.

Authority for maintenance of the system: Executive Order 11051, September 27, 1962.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the purpose of providing a locator service and a means of distributing publications and communications, interagency directories will be distributed to federal, regional, and state interagency committee members and to the agencies which they represent; e.g., State Emergency Planning Directors, holders of the FPA 'Emergency Planning Reference Package for Regional Federal Governments' and 'Central Office Emergency Readiness Instructions,' and the White House Communications Agency. Additional Routine Uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape, drum, disc, paper.

Retrievability: Records are indexed by name and agency.

Safeguards: Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room or in a facility guarded to prevent unauthorized access; individuals apprised of responsibility to provide equivalent safeguards for directories kept in their possession.

Retention and disposal: Retention of records shall be for duration of individual membership in interagency organization. Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Federal Preparedness Agency; General Services Administration (EE), Washington, DC 20405.

Notification procedure: Same as above. An inquiry should include the individual's name and address and the directory name order to ascertain whether the system contains a record about him.

Record access procedures: Same as above.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual to whom the record pertains.

GSA/Regional Administrators 2

System name: Employee related files, GSA/Regions 1 through 10

System location: The system is located in the Office of the Regional Administrators, Regions 1 through 10.

GSA Region 1
Office of the Regional Adminiistrator (1A)
John W. McCormack Post Office and Courthouse
Boston, MA 02109

GSA Region 2
Office of the Regional Administrator (2A)
26 Federal Plaza
New York, NY 10007

GSA Region 3
Office of the Regional Administrator (3A)
7th and D Streets, SW.
Washington, D.C. 20407

GSA Region 4
Office of the Regional Administrator (4A)
1776 Peachtree Street, NW.
Atlanta, GA 30309

GSA Region 5
Office of the Regional Administrator (5A)
230 South Dearborn Street
Chicago, IL 60604

GSA Region 6
Office of the Regional Administrator (6A)
1550 East Bannister Road
Kansas City, MO 64131

GSA Region 7
Office of the Regional Administrator (7A)
819 Taylor Street
Fort Worth, TX 76102

GSA Region 8
Office of the Regional Administrator (8A)
Building 41, Denver Federal Center
Denver, CO 80225

GSA Region 9
Office of the Regional Administrator (9A)
525 Market Street
San Francisco, CA 94105

GSA Region 10
Office of the Regional Administrator (10a)
GSA Center
Auburn, WA 98002

Categories of individuals covered by the system: Individuals include employees in the offices of Regional Administrators Regions 1 through 10.

Categories of records in the system: Records consist of document accumulated by operating officials in administering personnel matters for or about employees, which may include but are not limited to names, home addresses, home phones, grades, salaries, job titles, personnel evaluations, performance appraisals, correspondence regarding promotions and work assignments, accident reports of lost time, reports of extended details, duty rosters, fitness for duty, training records, military service separation and training records, manpower reports, adverse action documents, personal qualification and data statements, employee record cards, position description and related information, professional registration information, equal employment opportunity records, time and attendance, payroll documents, merit promotion and related documents, use of government-owned vehicles and related information, designation of authorized representatives, security clearances and related information, personnel tickle lists, staffing data, carpool rosters, campaigns, budget, health benefits, travel data, credential data, work measurement records, record of personnel actions and other general correspondence relating to an employee. These records are used to monitor and document personnel actions, determine eligibility for promotion, and work assignment; for the convenience of supervisors in overseeing employee activities; to evaluate perfomance; document disciplinary action; monitor grievance proceedings and complaints; provide reference to other agencies when seeking employment elsewhere; and as a general management tool to oversee personnel administration of the organization.

Authority for maintenance of the system: Title 5, U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files.

Retrievability: Filed alphabetically by name.

Safeguards: Access limited to official use only on a need to know basis.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The officials responsible for the system of records are the Regional Administrators at the addresses listed above.

Notification procedure: Information may be obtained from the Regional Administrators at the addresses listed above.

Record access procedures: Requests to access records may be directed to the Regional Administrators, at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105-64, published in the Federal Register.

Contesting record procedures: GSA Rules for access to systems of records, contesting the contents of a system of records and appealing initial determinations are promulgated in 41CFR 105-64, published in the Federal Register.

Record source categories: Agency personnel and payroll records, and the individuals themselves.

GSA/Regional Administrators 3

System name: Biographical sketches

System location: This system is located in the offices of the Regional Administrators at the addresses listed below:

GSA Region 1
Office of the Regional Adminiistrator (1A)
John W. McCormack Post Office and Courthouse
Boston, MA 02109

GSA Region 2
Office of the Regional Administrator (2A)
26 Federal Plaza
New York, NY 10007

GSA Region 3
Office of the Regional Administrator (3A)
7th and D Streets, SW.
Washington, D.C. 20407

GSA Region 4
Office of the Regional Administrator (4A)
1776 Peachtree Street, NW.
Atlanta, GA 30309

GSA Region 5
Office of the Regional Administrator (5A)
230 South Dearborn Street
Chicago, IL 60604

GSA Region 6
Office of the Regional Administrator (6A)
1550 East Bannister Road
Kansas City, MO 64131

GSA Region 7
Office of the Regional Administrator (7A)
819 Taylor Street
Fort Worth, TX 76102

GSA Region 8
Office of the Regional Administrator (8A)
Building 41, Denver Federal Center
Denver, CO 80225

GSA Region 9
Office of the Regional Administrator (9A)
525 Market Street
San Francisco, CA 94105

GSA Region 10
Office of the Regional Administrator (10a)
GSA Center
Auburn, WA 98002

Categories of individuals covered by the system: Individuals include GSA and other Federal government officials.

Categories of records in the system: Records consist of biographical sketches of GSA and other Federal government officials. Records are used by the Regional Administrator and his staff for the purpose of preparing introductions for GSA and other Federal government officials, for speeches and public relations.

Authority for maintenance of the system: Title 5, U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Restricted to official use only on a need to know basis.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The officials responsible for the system of records are the Regional Administrators at the addresses listed above.

Notification procedure: Information may be obtained from the Regional Administrators at the addresses listed above.

Record access procedures: Requests to access records may be directed to the office of the Regional Administrator, at the address listed above, in accordance with the GSA rules as promulgated in 41CFR 105-64, published in the Federal Register.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of records and appealing initial determinations are promulgated in 41CFR 105-64, published in the Federal Register.

Record source categories: Public information, the individuals themselves, or news releases.

GSA/Regional Administrators 4

System name: Regional Administrator's official correspondence files,

System location: The system is located in the offices of the Regional Administrators, Regions 1 through 10, at the addresses listed below:

GSA Region 1
Office of the Regional Adminiistrator (1A)
John W. McCormack Post Office and Courthouse
Boston, MA 02109

GSA Region 2
Office of the Regional Administrator (2A)
26 Federal Plaza
New York, NY 10007

GSA Region 3
Office of the Regional Administrator (3A)
7th and D Streets, SW.
Washington, D.C. 20407

GSA Region 4
Office of the Regional Administrator (4A)
1776 Peachtree Street, NW.
Atlanta, GA 30309

V41175 SEP 8 76 UMI

GSA Region 5
Office of the Regional Administrator (5A)
230 South Dearborn Street
Chicago, IL 60604

GSA Region 6
Office of the Regional Administrator (6A)
1550 East Bannister Road
Kansas City, MO 64131

GSA Region 7
Office of the Regional Administrator (7A)
819 Taylor Street
Fort Worth, TX 76102

GSA Region 8
Office of the Regional Administrator (8A)
Building 41, Denver Federal Center
Denver, CO 80225

GSA Region 9
Office of the Regional Administrator (9A)
525 Market Street
San Francisco, CA 94105

GSA Region 10
Office of the Regional Administrator (10a)
GSA Center
Auburn, WA 98002

Categories of individuals covered by the system: Individuals include those corresponding with the Regional Administrators regarding savings bond campaigns, employees receiving letters of appreciation and commendation. Members of Congress. Mayors, and their staffs, and other individuals.

Categories of records in the system: Records consist of incoming correspondence, background material, and outgoing correspondence to individuals described in the system. The system is used as a record of correspondence received by the offices of the Regional Administrators and as a reference in preparing and replying to immediate and future correspondence.

Authority for maintenance of the system: Title 5, U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of the individual or firm.

Safeguards: Access limited to Regional Administrator and staff for official use only on a need to know basis.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The officials responsible for the system of records are the Regional Administrators at the addresses listed above.

Notification procedure: Information may be obtained from the Regional Administrators at the addresses listed above.

Record access procedures: Requests to access records may be directed to the offices of the Regional Administrators, at the addresess listed above, in accordance with the GSA rules as promulgated in 41CFR 105-64, published in the Federal Register.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of records and appealing initial determinations are promulgated in 41CFR 105-64, published in the Federal Register.

Record source categories: The actual correspondence and agency records.

GSA/PBS 1

System name: Employee Related Files, GSA/PBS

System location: This system is located in Public Buildings Service at addresses of each location listed in the appendix following Notice GSA/PBS 3.

Categories of individuals covered by the system: PBS Central Office, other Central Office employee files as necessary, and Regional employee files that are kept on employees in their respective offices.

Categories of records in the system: General personnel information, including but not limited to; name, home address, home telephone number, work location and telephone number, SSN, DOB, dates of service, salary, grade, within grade increases, promotions, age, education, work experience, biographical material, tardiness, grievances, executive justification, EEO Counselors, press inquiries, appraisal register (staff), work measurement time, attendance records, special handling of checks/bonds service and reimbursement agreement, report of absence, employee clearance sheet, request for personnel action and insurance, physical fitness reports, statement of personal history, retirement information, health benefit information, work assignments, notice of inquiry or occupational disease, property pass individual record of emergency data, employee parking permit application and related information, motor vehicle operators identification card (SF 46), payroll change slips, organizational roster, alcholisms, letters of reference and pictures, career plans, health & sick leave certificates, papers relating to accidents, dis-_ability information, position sensitivity, fingerprint chart, work assignment and orientation schedules. These records are used to monitor and document personnel actions, determine eligibility for promotion, and work assignment; for the convenience of supervisors in overseeing employee activities; to evaluate performance; document disciplinary action; monitor grievance proceeding and EEO complaints, provide reference to other agencies when seeking employment elsewhere; use as a general management tool to oversee personnel administration of the organization.

Authority for maintenance of the system: Title 5, U.S.C. general.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files.

Retrievability: Filed alphabetically by name at each location.

Safeguards: Information released only to authorized officials.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system of records is the Commissioner, Public Buildings Service, Washington, DC 20405.

Notification procedure: Information may be obtained from the officials cited above at the appropriate repository where individual have records. If not known, general inquiries should be made to the Commissioner, Public Buildings Service. The addresses of all locations are listed in the appendix following Notice GSA/PBS 3.

Record access procedures: Same as above. GSA rules for access to Systems of Records contesting the contents of a System of Record and appealing initial determinations are promulgated 41 CFR 105-64, published in the Federal Register.

Contesting record procedures: GSA rules for access to Systems of Records contesting the contents of a System of Record and appealing initial determinations are promulgated 41 CFR 105-64, published in the Federal Register.

Record source categories: Agency officials, individuals and personnel from finance and personnel

GSA/PBS 2

System name: Space Management and Employee Information, Automated Systems - GSA/PBS

System location: The hardware systems are located at Regional Federal Data Processing Centers (see appendix following Notice GSA/PBS 3) and INFONET System, El Segundo, Calif. (National Tele Processing Service).

Categories of individuals covered by the system: Congressmen and Senators; PBS Central office employees and regional office employees.

Categories of records in the system: Included are identification of current status of any particular space request or lease contract negotiations; computation of Federal Buildings Fund Standard Level User Charge Bills; determine cost of personnel time related to each project and computation of office of Space Management workload statistics for management. Space assignment and cost data maintained only for(congressional)space build under the Federal Building Fund concept. Maintains building and lease assignment information used for program management and computation of Standard Level User changes for the Federal Buildings Fund; provides timely and accuate management information to PBS personnel; maintains cost information (employee cost and hours expended); produce statistics from which standards of performance and manpower requirements can be determined.

Authority for maintenance of the system: Public Buildings Act, 1959; Public Law 92-313 and 5 U.S.C. Part III, General.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a) (7) and provided for in 5 U.S.C. 552a (b) (3) are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, cards and discs.

Retrievability: Employee name, grade and SSN

Safeguards: System user number and passwords, program name codes and keys, batch modes with reports provided only to authorized PBS personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system of record is the Commissioner, Public Buildings Service, Washington, DC. 20405.

Notification procedure: Same as above.

Record access procedures: Requests from individuals to access records should be addressed same as above. GSA rules for access to System of Records Contesting the contents of a System of Record and appealing initial determinations are promulgated 41 CFR 105-64, published in the Federal Register.

Contesting record procedures: GSA rules for access to Systems of Records contesting the contents of a System of Record and appealing initial determinations are promulgated 41 CFR 105-64, published in the Federal Register.

Record source categories: Agency officials, individuals.

GSA/PBS 3

System name: Incident Reporting System - GSA/PBS

Security classification: Unclassified to Top Secret

System location: The systems are located at each investigator's office, each Regional office; and Central Office. (See addresses of each location listed in the appendix following Notice GSA/PBS 3.)

Categories of individuals covered by the system: Category of Individuals: These files include the following:

a. Identification of individuals who were the source of 1) the initial complaint, or 2) an allegation that a crime has taken place.

b. Identification of witnesses having information or evidence relating to any side of an investigation;

c. Identification of possible and actual suspects in the criminal situation that is subject of investigation;

d. Identification material developed on subjects of investigation, both those whose identity is known and those who are unknown;

e. Identification on sources of information. Identification on sources of evidence. The identity of these individuals may be confidential as well as the subject matter they contribute. These files contain information vital to the outcome of administrative procedures, civil and criminal cases. Much of this information is subject to the Jencks Act, the FOI Act and the Privacy Act.

Categories of records in the system: Complete Criminal Investigation Report. From the opening of a case until its close. It may be closed administratively or by final court disposition. These files are used in the enforcement of criminal laws and rules and regulations that provide punitive sanctions. They are used in police efforts to prevent, control or reduce crime and apprehend criminals. Also they are used by prosecutors, the courts, and in connection with correctional, probation, pardon and parole activities. These files are instituted and maintained at varying points in the process. The processes of criminal justice and civil or administrative remedies require their partial or total disclosure.

Authority for maintenance of the system: 40 U.S.C. 318 et seq OFA P 5440.1, CHGE 315

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine Uses:

a. To officers and employees of the Federal Protective Service who need their content in the performance of their authorized duties;

b. To the various bureaus and divisions of the Justice Department that have primary jurisdiction in locations and on subject matters that the FPS shares, to some extent, the same jurisdiction;

c. To those subdivisions of the Justice Department that have the responsibility for prosecuting criminal cases and pursuing civil cases arising from authorized activities of the FPS;

d. To the Civil Service Commission for purposes which they are authorized to use the information;

e. Law enforcement agencies which have lawfully participated in an investigation jointly conducted with the FPS, and also those Routine Uses contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, mag tape, index cards.

Retrievability: Manually by name, file number, case number, by incident and location as well as type of incident.

Safeguards: Stored in steel filing cabinets with built in 3 position dial type combination safe lock, in space assigned FPS investigations in various government owned and leased buildings.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for this system of records is:

Assistant Commissioner for Federal Protective
Service Management
General Services Administration
Room 2042, 18th & F Streets, NW
Washington, DC. 20405

Record source categories: Information contained in these record systems is developed through investigation, informants, witnesses, official records, investi- gative leads, statements, depostions, business records or any other information source available to the Federal Protective Service investigators.

Systems exempted from certain provisions of the act: Disclosure Policies: On a case-by-case after tri-level consideration, the following officials will avail themselves of exemption under the Privacy Act of 1974 with the exception of Subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10) and (11) and (i), and Section B-7 of the FOI: Regional Director Federal Protective Service Division; Assistant Commissioner, Office of Federal Protective Service Management; and General Counsel. Rules exempting the system are published in the Federal Register.

Regional Office Buildings

Appendix GSA/PBS Addresses of Location

Regional Offices

Region 1
Post Office and Courthouse
Boston, Massachusetts 02109

Region 2
26 Federal Plaza

V41175 SEP 8 76 UMI

New York, New York 10007

Region 3
GSA Regional Office Building
7th & D Streets, SW.,
Washington DC 20407

Region 4
1776 Peachtree Street, NW.,
Atlanta, Georgia 30309

Region 5
Federal Building
230 S. Dearborn Street
Chicago, Illinois 60604

Region 6
Federal Building
1500 East Bannister Road
Kansas City, Missouri 64131

Region 7
819 Taylor Street
Fort Worth, Texas 76102

Region 8
Building 41
Denver Federal Center
Denver, Colorado 80225

Region 9
525 Market Street
San Francisco, California 94105

Region 10
GSA Center
Auburn, Washington 98002

Region 1

Field Offices & Addresses

John Fitzgerald Kennedy
Federal Building Field Office
Rm. E131, Government Center
Boston, MA 02203

John W. McCormack
Post Office & Courthouse Field
Office
Rm. 903, Post Office Square
Boston, MA 02109

Area Office & Address

Manchester
Rm. 113, Hoyt Building
497 Silver Street
Manchester, NH 03103

Field Offices & Addresses

Andover
Rm. 111, North Atlantic
Service Center
310 Lowell Street
Andover, MA 01810

Augusta
Rm. 101E, Federal Building &
Post Office
40 Western Avenue
Augusta, ME 04330

Burlington
Rm. 317, Federal Building
11 Elmwood Avenue
Burlington, VT 05401

Concord
Rm. 110, Federal Building, Post
Office & Courthouse
55 Pleasant Street
Concord, NH 03301

Portland
Rm. 117, Courthouse
156 Federal Street
Portland, ME 04111

Area Office & Address

Providence
Rm. 322, Federal Building,
Post Office
Exchange Terrace
Providence, RI 02903

Field Offices & Addresses

Hartford
Rm. 137, Federal Building
450 Main Street
Hartford, CT 06103

Providence
Rm. 318, Federal Building,
Post Office
Exchange Terrace
Providence, RI 02903

Waltham
Bldg. 147, Federal Center
424 Trapelo Road
Waltham, MA 02154

Worcester
Rm. 400, Federal Building,
Courthouse
595 Main Street
Worcester, MA 01608

Region 2

Area Office & Address

Albany
Rm. 929, Federal Building
Clinton Ave. & N. Pearl St.
Albany, NY 12207

Field Offices & Addresses

Albany
Rm. 213, Post Office &
Courthouse
Albany, NY 12201

Plattsburg
Federal Building
Plattsburg, NY 12901

Scotia
Bldg. 12, GSA Scotia Depot
Scotia, NY 12302

Area Office & Address

Brooklyn
Building 245, Mezznine
Raritan Depot
Edison, NJ 08817

Field Offices & Addresses

Airport
Rm. 101, Federal Building
JFK International Airport
Jamaica, NY 11430

Belle Mead
GSA Belle Mead Depot

Belle Mead, NY 08502

Brookhaven
Bldg. 1, IRS Center
1040 Waverly Avenue
Holtsville, NY 11742

Brooklyn
Rm. 327D, Federal Building
and Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Field Offices & Addresses

Newark
Rm. 135, Federal Building
970 Broad Street
Newark, NJ 07102

Trenton
Rm. 207, Post Office and Courthouse
Trenton, NJ 08608

Area Office & Address

Buffalo
Rm. 618, Federal Building
111 W. Huron Street
Buffalo, NY 14202

Field Offices & Addresses

Buffalo
Rm. 30, Federal Building
111 W. Huron Street
Buffalo, NY 14202

Binghamton
Rm. 200, Administration Building
GSA Depot, Hoyt Avenue
Binghamton, NY 13901

Rochester
Rm. 309, Federal Building and
Courthouse
100 State Street
Rochester, NY 14614

Area Office & Address

Manhattan
Rm. 2421
26 Federal Plaza
New York City, NY 10007

Field Offices & Addresses

Battery
Rm. 881
6 World Trade Center
New York City, NY 10048

Federal Plaza
Rm. 309, Federal Building
26 Federal Plaza
New York City, NY 10007

Greater Manhattan
5th Floor
252 - 7th Avenue
New York City, NY 10001

Courthouse

U.S. Courthouse
40 Foley Square, Rm. 104
New York City, NY 10007

Area Office & Address

Puerto Rico
GSA, Po Box 3672
San Juan, PR 00904

Field Office & Address

San Juan
GSA, PO Box 3672
San Juan, PR 00904

Region 3

Area Office & Address

Philadelphia
Rm. G-230, Regional Office
Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

E. Philadelphia
Rm. 1211,
Federal Building
600 Arch Street
Philadelphia, PA 19106

W. Philadelphia
Rm. 115, Federal Building
1421 Cherry Street
Philadelphia, PA 19102

Germantown
Rm. 38, Courthouse
and Federal Building
9th & Market Street
Philadelphia, PA 19107

Harrisburg
Rm. 863, Courthouse
and Federal Building
228 Walnut Street
Harrisburg, PA 17101

Pittsburgh
Rm. 2136, Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

Wilkes-barre
Rm. 504, Wyoming Valley
Vets. Building
19 N Main Street
Wilkes-barre, PA 18701

Area Office & Address

Richmond
Rm. G-226, Regional Office
Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

James River
Rm. 1010, Federal Building
400 N 8th Street
Richmond, VA 23240

Kanawha
Rm. 3017, Federal Building
500 Quarrier Street
Charleston, WV 25301

Norfolk
Rm. 5, Bank of Virginia Building
870 N Military Highway
Norfolk, VA 23502

V 41 175 SEP 8 76 UMI

Parkersburg
Rm. 3321, Federal Building
Juliana & 5th Streets
Parkersburg, WV 26101

Area Office & Address

South
Rm. G-230, Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

Anacostia
Building 205 NYA
2nd & M Streets, SE
Washington, DC 20407

Central Support
10 P Street, SW
Washington, DC 20407

Forrestal
Rm. 1G-024, Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20407

Agriculture
Rm. 1509, South Agriculture Bldg.
14th & Independence Avenue, SW
Washington, DC 20407

HEW
Rm. 1264, HEW North Building
330 Independence Avenue, SW
Washington, DC 20407

Southwest
Rm. LW1, Trans Point Building
2100 2nd Street, SW
Washington, DC 20595

Mall
Rm. 1102, GSA Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Area Office & Address

White House
Rm. 48, EOB
17th & Pennsylvania Ave, NW
Washington, DC 21056

Field Office & Address

Suitland
Rm. 1037, Federal Building 3
Suitland, MD 20033

Area Office & Address

West
Rm. G-228, Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

AEC
Rm. R-003, AEC Building
Germantown, MD 20545

Commerce
Rm. 1036, Commerce Building
14th & Constitution Ave, NW
Washington, DC 20231

Lafayette
Rm. 402
1016 16th Street, NW
Washington, DC 20005

Interior
Rm. 1452, Federal Building 9
1900 E Street, Nw
Washington, DC 20415

Rock Creek
Rm. 101, Gelman Building
2120 L Street, NW
Washington, DC 20407

State
Rm. 1481, State Building
320 21st Street, NW
Washington, DC 20520

Veterans
Rm. 118. Veterans Building
810 Vermont Avenue, NW
Washington, DC 20005

Area Office & Address

Arlington
Rm. G-228, Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

Alexandria
Rm. 428, Hoffman I
2461 Eisenhower Avenue
Alexandria, VA

Columbia Pike
Rm. 1030, Federal Building 2
Columbia Pike
Arlington, VA 20301

Jefferson Davis
Rm. 946, Crystal Plaza 6
2221 Jefferson Davis Highway
Arlington, VA 22202

McLean
Rm. 1E-12, CIA Building
McLean, VA 20505

Pentagon
Rm. 1A-331, Pentagon Building
Arlington, VA 20301

Rosslyn
Rm. 126, Architect Building
1400 Wilson Boulevard
Arlington, VA 22209

Area Office & Address

Baltimore
Rm. G-226, Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

Chesapeake
Rm. 315, Federal Building
31 Hopkins Plaza
Baltimore, MD 21202

Fort Meade
Rm. 9808, NSA Building

Baltimore, MD 21202

West Maryland
Rm. 1G25, Oper. Building.
Baltimore, MD 21202

Woodlawn
1 Rutherford Plaza
7133 Rutherford Road
Baltimore, MD 21207

Area Office & Address

North
Rm. G-230, Regional Office Building
7th & D Streets, SW
Washington, DC 20407

Field Offices & Addresses

GAO
Rm. 1057, GAO Building
441 G Street, NW.
Washington, DC 20407

Hyattsville
Rm. 1010, Presidential Building
6525 Belcrest Road
Hyattsville, MD 20782

Justice
Rm. 1B858, 9th & PA Avenue, NW
Washington, DC 20407

Labor
Rm. S-1207
3rd & Constitution Avenue, NW
Washington, DC 20407

Patrick Henry
Rm. 4426, 610 D Street, NW
Washington, DC 20407

Region 4

Field Office & Address

Atlanta
Federal Building
272 Ivy Street, NE
Atlanta, GA 30308

Area Office & Address

Birmingham
Rm. 1612, 2121 Building
2121 8th Avenue
Birmingham, AL 35203

Field Offices & Addresses

Birmingham
Rm. 243, Federal Building
1800 5th Avenue, N.
Birmingham, AL 35203

Huntsville
Rm. 1E, 1600 Ballistic Missle
Center, PO Box 1367, West Station
Huntsville, AL 35807

Jackson
Rm. 20, Post Office & Courthouse
245 E Capital Street
PO Box 1250
Jackson, MS 39205

Mobile
Rm. 407, Federal Building
Mobile, AL 36602

Montgomery
Rm. 400, Post Office & Courthouse
Corner Church & Lee Street
Montgomery, AL 36104

Tupelo
Rm. 320, Federal Building &
Post Office
500 W. Main, PO Box 711
Tupelo, MS 38801

Area Office & Address

Charlotte
Rm. 413, BSR Building
316 E Morehead Street
Charlotte, NC 28205

Field Offices & Addresses

Asheville
Rm. 77, Federal Building
Battery Park Avenue
Asheville, NC 28801

Charleston
Rm. 621, Federal Building
334 Meeting Street
Charleston, SC 29403

Columbia
Rm. 502D, Federal Building
901 Sumter Street
Columbia, SC 29201

Raleigh
Rm. 520, Federal Building,
Post Office and Courthouse
310 New Bern Avenue
Raleigh, NC 27601

Area Office & Address

Jacksonville
Rm. 448, Federal Building
400 W Bay Street, PO Box 35005
Jacksonville, FL 32202

Field Offices & Addresses

Jacksonville
Rm. 448, Federal Building
400 W Bay Street, PO Box 35005
Jacksonville, FL 32202

Miami
Rm. 1517, Federal Building
51 SW 1st Avenue
Miami, FL 33130

Savannah
Rm. 232, Post Office & Courthouse
Bull and State Street
Savannah, GA 31402

Tampa
Rm. 733, Federal Building
500 Zack Street
Tampa, FL 33602

Thomasville
Rm. 208, Federal Building
PO Box 1355
Broad & Monroe Streets
Thomasville, GA 31792

Area Office & Address

Nashville
Rm. A905, Federal Building

V41 I175 SEP 8 76 UMI

and Courthouse
801 Broadway
Nashville, Tn 37203

Field Offices & Addresses

Covington
Rm. 138, IRS Center
4th & Russell Streets
Covington, KY 41011

Louisville
Rm. 273, Federal Building
600 Federal Place
Louisville, KY 40202

Memphis
Rm. 382, Clifford Davis
Federal Building
167 N Main Street
Memphis, TN 38103

Nashville
Rm. 117, Federal Building
and Courthouse
801 Broadway
Nashville, TN 37203

Oak Ridge
Rm. G-209, Federal Building
Administration Road
PO Box 3474
Oak Ridge, TN 37830

Region 5

Field Offices & Addresses

Courthouse
Rm. 280, Everett Mckinley
Dirksen Building
219 S Dearborn
Chicago, IL 60604

North
Rm. 128, Federal Building and
Railroad Retirement Building
844 N Rush
Chicago, IL 60611

South
Rm. 127, Federal Building
Building A
1819 W Pershing Road
Chicago, IL 60609

Central
Rm. 292, Federal Building
536 S Clark Street
Chicago, IL 60605

Fort Wayne
GSA-FSS-Casad Depot
Building 11
New Haven
Fort Wayne, IN 46774

Hammond
Rm. 412, Federal Building
and Courthouse
507 State Street
Hammond, IN 46302

Indianapolis
Rm. 301, Federal Building
and Courthouse
46 E Ohio Street
Indianapolis, IN

Jeffersonville
Rm. 160, Federal Center
1201 E 10th Street
Jeffersonville, IN 47130

Terre Haute
Rm. 304, Post Office and
Courthouse
30 N 7th Street
Terre Haute, IN 47808

Canton
Rm. 148, Frank T. Bow Federal Buil
201 Cleveland Avenue, SW
Canton, OH 44701

Cincinnati
Rm. 440, Post Office and
Courtehouse
5th Main & Walnut Streets
Cincinnati, OH 44199

Columbus
Rm. 445, Federal Building and
Courthouse
85 Marconi Boulevard
Columbus, OH 43215

Dayton
Rm. 102, Federal Building and
Courthouse
118 W Third Street
Dayton, OH 45402

Toledo
Rm. 1213, Federal Building
234 Summit Street
Toledo, OH 43604

Detroit
Rm. 1016, Federal Building
and Courthouse
231 W Lafayette
Detroit, MI 48226

Grand Rapids
Rm. 180, Federal Building
and Courthouse
110 Michigan Street, NW
Grand Rapids, MI 49502

Battle Creek
Rm. 214, Federal Center
74 N Washington
Battle Creek, MI 49017

Pontiac
Rm. C9, Federal Building
and Post Office
35 E Huron Street
Pontiac, MI 48058

Duluth
Rm. 202, Federal Building,
Courthouse & Customhouse
515 W 1st
Duluth, MN 55802

St. Paul
Rm. 226, Federal Building
Ft. Snelling
Twin Cities
St. Paul, MN 55111

Minneapolis
Rm. 242, Federal Building
and Courthouse
110 S 4th
Minneapolis, MN 55401

Milwaukee
Rm. 62, Federal Building and
Courthouse

517 E Wisconsin Avenue
Milwaukee, WI 53202

Wausau
Federal Building
317 First Street
Wausau, WI 55401

Springfield
Rm. 104, Federal Building
and Courthouse
600 E Monroe Street
Springfield, IL 62701

Benton
Rm. 220, Post Office
and Courthouse
314 W Main Street
Benton, IL 62812

Region 6

Field Offices & Addresses

Topeka
Federal Center Warehouse
PO Box 19047
Topeka, KS 66619

Wichita
Rm. 280, Federal Building
418 S Main Street
Wichita, KS 67202

Kansas City North
Rm. 109, Federal Building
601 E 12th Street
Kansas City, MO 64106

Kansas City South
Rm. B-1, Federal Building
1500 E Bannister Road
Kansas City, MO 64131

Area Office & Address

St. Louis
Rm. 635, Courthouse and
Customhouse
1114 Market Street
St. Louis, MO 63101

Field Offices & Addresses

Mart
Rm. 113, Federal Building
405 S 12th Street
St. Louis, MO 63102

Downtown
Rm. 1624, Federal Building
1520 Market
St. Louis, MO 63103

MPRC
Rm. 2005, 9700 Page
St. Louis, MO 63132

Rolla
Rm. 1, Tucker Building
103-105 W 10th Street
Rolla, MO 65401

Columbia
Rm. 117, Federal Building
608 E Cherry Street
Columbia, MO 65201

Federal Center
Rm. 110, Building 107,
Federal Center
4300 Goodfellow Boulevard
St. Louis, MO 63120

Area Office & Address

Omaha
Rm. 1106, Federal Building and
Post Office
215 N 17th Street
Omaha, NE 68102

Field Offices & Addresses

Cedar Rapids
Rm. 126, Federal Building and
Courthouse
101 First Street, SE
Cedar Rapids, IA 52401

Fort Dodge
Rm. B-2, Federal Building,
Post Office and Courthouse
205 S 8th Street
Fort Dodge, IA 50501

Des Moines
Rm. 118, Federal Building
210 Walnut Street
Des Moines, IA 50309

Omaha
Rm. 1118, Federal Building,
Post Office and Courthouse
215 N 17th Street
Omaha, NE 68102

North Platte
Rm. 104, Federal Building,
Post Office and Courthouse
300 E 3rd Street
North Platte, NE 69101

Lincoln
Rm. 103, Federal Building and
Courthouse
129 N 10th Street
Lincoln, NE 68508

Region 7

Area Office & Address

Austin
Rm. 109, Courthouse
200 W 8th Street
Austin, TX 78701

Field Offices & Addresses

Austin
Rm. G100, Federal Building
and Post Office
300 E 8th Street
Austin, TX 78701

El Paso
Rm. 105, Courthouse.
500 E San Antonio Street
El Paso, TX 79901

Laredo
Rm. 300, Post Office and
Courthouse
Matamoros & Juarez
Laredo, TX 78040

San Antonio
Bldg. 3A, Federal Center
630 S Main Street
San Antonio, TX 78204

V41 I75 SEP 8 76 UMI

Area Office & Address

Little Rock
Rm. 1329, Federal Building
700 W Capitol Street
Little Rock, AR 72201

Field Offices & Addresses

Little Rock
Rm. 1120, Federal Building
700 W Capitol Street
Little Rock, AR 72201

Russellville
Rm. 114, Federal Building
River & David Streets
Russellville, AR 72801

Area Office & Address

New Orleans
Rm. 609, Federal Building
600 South Street
New Orleans, LA 70130

Field Offices & Addresses

Lafayette
Rm. 303, Federal Building,
Post Office and Courthouse
Jefferson & Main Streets
Lafayette, LA 70501

New Orleans
Rm. 610, Federal Building
600 South Street
New Orleans, LA 70130

Ruston
Rm. 108, Federal Building
Mississippi & Vienna Streets
Ruston, LA 72170

Area Office & Address

Dallas
Rm. 101, Federal Building
and Courthouse
1114 Commerce Street
Dallas, TX 75242

Field Offices & Addresses

Albuquerque
Rm. 1018, Federal Building
517 Gold Avenue, SW
Albuquerque, NM 87103

Dallas
Rm. 102, Federal Building
and Courthouse
1114 Commerce Street
Dallas, TX 75242

Fort Worth
Rm. 14A18, Fritz G. Lanham
Federal Building
819 Taylor
Fort Worth, TX 76102

Lubbock
Rm. 114, Federal Building
and Courthouse
1205 Texas Street
Lubbock, TX 79401

Santa Fe
Rm. 1221, Federal Building
S Federal and Grant
Santa Fe, NM 87501

Area Office & Address

Houston
Rm. 298, Customhouse
701 San Jacinto
Houston, TX 77052

Field Offices & Addresses

Beaumont
Rm. 256, Post Office
and Courthouse
Broadway and Willow Streets
Beaumont, TX 77701

Houston
Rm. 5009, Federal Building
and Courthouse
515 Rusk Avenue
Houston, TX 77002

Area Office & Address

Oklahoma City
Rm. 3436, Post Office,
Courthouse and Federal Building
201 NW 3rd Street
Oklahoma, OK 73101

Field Offices & Addresses

Muskogee
Rm. 110, Courthouse
and Federal Building
5th & W Okmulgee Streets
Muskogee, OK 74401

Oklahoma City
Rm. B031, Post Office,
Courthouse, and Federal Building
201 NW 3rd Street
Oklahoma, OK 73101

Tulsa
Rm. 106, Federal Building
224 S Boulder
Tulsa, OK 74103

Region 8

Field Offices & Addresses

Denver Federal Center
Entrance E, Building 41
Denver, CO 80225

York Street
Bldg. 7, 3800 York Street
Denver, CO 80205

Denver
Rm. 1415, Federal Building and
Courthouse
1961 Stout Street
Denver, CO 80202

Colorado Springs
PO Box 4788
Colorado Springs, CO 80930

Billings
Federal Building & Courthouse
PO Box 1477
Billings, MT 59103

Helena
Federal Building, Rm. 401
PO Box 1718
Helena, MT 59601

Missoula
Federal Building, Post Office &
Courthouse, Rm. 1003
PO Box 1205
Missoula, MT 59801

Bismarck
Federal Building, Post Office &
Courthouse, Rm. 228
220 East Rosser
Bismarck, ND 58501

Fargo
Federal Building & Post Office
Rm. 105
657 - 2nd Avenue, N
Fargo, ND 58102

Aberdeen
Rm. 120, Federal Building
115 - 4th Avenue, SE
Aberdeen, SD 57401
* Pierre
Rm. 210, Federal Building,
Post Office and Courthouse
225 S. Pierre Street
Pierre, SD 57501

Utah
Rm. 2201, Federal Building
125 S State Street
Salt Lake City, UT 84111

Casper
Rm. 1010, Federal Building and
Post Office
100 East B Street
Casper, WY 82601

Cheyenne
Joseph O'Mahoney Federal Center
2120 Capitol Avenue, Rm. 2016
Cheyenne, WY 82001

Region 9

Field Offices & Addresses

Sansome Street
Rm. 13, Appraisers Building
630 Sansome Street
San Francisco, CA 94111

Golden Gate
Rm. 1443, Federal Building
450 Golden Gate
San Francisco, CA 94102

East Bay
Rm. 416, Federal Building
1515 Clay Street
Oakland, CA 94612

Sacramento
Rm. 1542, Federal Building
and Courthouse
650 Capitol Mall
Sacramento, CA 95814

Stockton
GSA Federal Service Center
Bldg. 606, Rough and Ready
Island
Stockton, CA 95203

Fresno
Rm. 1001, Federal Building
and Courthouse
1130 'O' Street
Fresno, CA 93721

Santa Ana
Federal Building
34 Civic Center Drive
Delle, CA 90201

Central Los Angeles
Rm. G-11, Courthouse
312 N Spring Street
Los Angeles, CA 90012

West Los Angeles
Rm. 10218, Federal Building
11000 Wilshire Boulevard
Los Angeles, CA 90024

San Diego
Rm. 712, Charter Oil Bldg.
110 W 'C' Street
San Diego, CA 92101

San Clemente
GSA, US Coast Guard Station
San Clemente, CA 92672

Phoenix
Rm. 1006, Federal Building
230 N First Street
Phoenix, AZ 85025

Tucson
Rm. 412, Post Office and
Courthouse
Scott and Broadway
Tucson, AZ 85726

Honolulu
Rm. 214, Post Office and
Courthouse
335 Merchant Street
Honolulu, HI 96813

Reno
Rm. 3113, Federal Building
300 Booth Street
Reno, NV 89502

Las Vegas
Rm. 1-620, Federal Building
and Courthouse
300 Las Vegas Boulevard
Las Vegas, NV 87101

Region 10

Field Offices & Addresses

Seattle
Rm. 1890, Federal Building
915 2nd Avenue
Seattle, WA 98174

Bellingham
Rm. 112, Federal Building
104 West Magnolia
Bellingham, WA 98225

Spokane
Rm. 112, Courthouse
W 920 Riverside Avenue
Spokane, WA 99201

Richland
Rm. G62, Federal Building,
Post Office and Courthouse
PO Box 400
Richland, WA 99352

Auburn
Bldg. 815, GSA Center
Auburn, WA 98002

V 41 175 SEP 8 76 UMI

Portland
Rm. 201, Courthouse
SW Broadway & Main
Portland, OR 97205

Eugene
PO Box 10639
Eugene, OR 97401

Boise
Rm. 164, Federal Building
and Courthouse
550 W Fort Street
Boise, ID 83701

Area Office & Address

Anchorage
Federal Building, Post Office
and Courthouse
4th and F Streets
Anchorage, AK 99501

Field Offices & Addresses

Anchorage
Federal Building, Post Office
and Courthouse
4th and F Streets
Anchorage, AK 99501

Juneau
Rm. 103, Federal Building,
Post Office and Courthouse
709 W. Ninth
Juneau, AK 99801

GSA/ADTS 1

System name: Classified Control Files, GSA/ADTS.

System location: Office of Telecommunications, Central Office and Regional offices of ADTS at the addresses listed in the appendix following Notice GSA/ADTS notices.

Categories of individuals covered by the system: Employees of GSA, other Government Agencies, and commercial corporations.

Categories of records in the system: Records are maintained in this nonautomated system for the purpose of ensuring control over access to classified information and facilities. Contains records such as: security clearance levels, identification credentials, registers, access authorizations, official courier/messenger designations, security officer appointments, files custodian lists, security briefings and acknowledgments.

Authority for maintenance of the system: Executive Order 10450 April 27, 1953

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining and exchanging current information regarding authority of personnel to gain access to classified material or facilities. Documenting responsibilities of designated personnel to administer the overall security program. Used to verify clearance for access to classified material or facilities, to allow performance of maintenance and repair of classified communications equipment, to verify authority to release, transport and receive classified material, both inter and intra agency. Other routine uses are contained in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files kept in safes or storage cabinets.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Storage containers are either locked or located in a limited access area.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Secure and Emergency Communications Branch, Office of Telecommunications, GSA, ADTS, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CTOS), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the Chief, Secure and Emergency Communications Branch, at the above address or to the Director, Telecommunications Divison, of the appropriate regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, requests for clearance and/or access, other security forms.

GSA/ADTS 2

System name: Congressional Files, GSA/ADTS

System location: ADTS central office and in the regional headquarters offices at the addresses listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: Members of Congress and their staffs, State Governors and their staffs.

Categories of records in the system: Records are maintained in this nonautomated system for the pur- pose of ensuring that proper action is being taken on congressional and state requests for ADP and telecommunications service. Contains records used for ordering, billing and budget purposes. Contains telephone service requests, ADP service requests, billing for FTS and extended service, general inquiries, record of meeting, service complaints, and remedial actions.

Authority for maintenance of the system: Title 31, USC Section 680 a

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b) (3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, storage cabinets and file folders.

Retrievability: Filed alphabetically by name of individual.

Safeguards: Buildings employ security guards. Access is restricted to authorized personnel. Records are released only to authorized officials.

Retention and disposal: Disposition of Records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2)

System manager(s) and address: Executive Director, GSA, ADTS, 18th & F Street, N.W., Washington, D.C. 20405.

Notification procedure: Inquiries should be directed to the Office of Executive Director, ADTS or to the appropriate region at the address listed in the appendix following Notice GSA/ADTS 8. Any required assistance can be obtained from the system manager identified above.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves (correspondence, telephone calls etc), the staffs of the individuals concerned, other ADTS employees involved.

GSA/ADTS 3

System name: Discretionary Supervisor Files - GSA/ADTS.

System location: Normal place of business of supervisor in either the GSA/ADTS central office or regional locations. Headquarters addresses are listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: ADTS employees including those in intern, youth employment and temporary status.

Categories of records in the system: Records are maintained in this nonautomated system at the complete discretion of the ADTS supervisor. Contains records such as personnel actions, training requests, performance appraisals, letters of commendation, citations, awards, job description, accident reports, supervisor's assessment, career counseling, leave record, copies of warnings, grievances, reprimands, attendance, organizational charts, selection brief, outside employment and labor relations.

Authority for maintenance of the system: Title 5 U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files stored in metal lockable filing cabinets or metal lockable desk drawers.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records are maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Street, NW., Washington, DC; mailing address: General Services Administration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the individual's immediate supervisor. Any required additional assistance can be obtained from the system manager identified above, or the Regional Commissioner of the appropriate regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, personal observations of the supervisor, conversations, copies of documents prepared by the supervisor, other employees.

GSA/ADTS 4

System name: Emergency Notification Files, GSA/ADTS.

System location: Central and Regional Office of ADTS at the addresses listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: GSA/ADTS Central Office and Regional employees.

Categories of records in the system: Records are maintained in this nonautomated system for the purpose of notifying and identifying employees or their designees under emergency conditions. Contains records such as: employees name, address, position title, office phone number, home phone number.

Authority for maintenance of the system: Title 5 U.S.C. Section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining a current listing of Federal officials to be contacted during national disasters, contingency, and emergency situations, and providing this information, as necessary, in disasters or public or personal emergencies, to concerned agencies, telephone companies, telecommunications common carriers, civil defense and other activities and individuals involved in the emergency or relief effort. Contacting officials in support of Federal Emergency Plan D and NCS Plan for Communications Support in major disasters and emergencies. Notifying personnel in cases of operational or personal emergencies. Other routine uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files kept in safes or storage cabinets.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Storage containers are either locked or located in a limited access area. Information is released only to authorized officials.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2)

System manager(s) and address: Chief, Secure and Emergency Communications Branch, Office of Telecommunications, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CTOS), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the system manager identified above or to the Director, Telecommunications Division, at the regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, their supervisors, emergency listings, disaster plans and personnel files.

GSA/ADTS 5

System name: Financial Management Files, GSA/ADTS

System location: Financial Management Division, ADTS central office and in the offices of the ADTS Commissioner's and the Telecommunications Division Director's at the regions. Addresses are listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: GSA/ADTS Central Office and Regional Employees

Categories of records in the system: Records are maintained in both paper and automated form for the purpose of financial management. Contains information on financial projections for short and long range planning, preparation of annual financial plans, monthly and quarterly analysis of operation funds and verifying accounting reports. Contains records such as: travel logs, transportation requests, claims, vouchers, within grade notices and pay changes, opera- tor cost data, credit cards, requisitions, overtime requests, operating plans, time and attendance files, payroll, commercial call certifications, employment staffing, retirement eligibility, manpower and payroll statistics.

Authority for maintenance of the system: Title 31 U.S.C. Sections 66a, 66b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the Records, as defined in 5USC- 552(a)(7) and provided for in 5USC552 (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files are kept in storage containers. Magnetic tapes are filed in a tape library.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records containing personal information are maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access. Tapes and other records are stored in a limited access area.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the system manager identified above at the Central Office or to the Regional Commisioner of the appropriate regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individual as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Telephone Inventory and Accounting System and individuals submitting the various types of claims, vouchers and requests.

GSA/ADTS 6

System name: Personnel Administrative Files, GSA/ADTS

System location: Central Office and Regional offices of ADTS at the addresses listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: GSA, ADTS Central Office and regional employees.

Categories of records in the system: Records are maintained in this nonautomated system for the purpose off administering personnel

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matters in the ADTS Central Office and regions. Contains annotated organizational charts, training, duty and leave schedules, travel requests, authorizations, reprimands, warnings, vouchers, appraisals, position descriptions, biographic and career information, suggestions, details, personnel actions, grievance and appeal files, EEO files, personnel ceiling control. licenses, awards, essential residence telephone service listing, skill directory, trainee and intern files, property receipts, rosters, locators, job applications, surveys.

Authority for maintenance of the system: Title 5, U.S.C. Section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Action taken with Civil Service Commission or pending on grievances, reprimands, warnings, suggestions, etc. Other routine uses are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files kept in metal lockable filing cabinets or metal lockable desk drawers.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2)

System manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the employee's immediate supervisor. Any additional assistance can be obtained from the system manager identified above, or the Regional Commisioner of the appropriate regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individuals themselves, their supervisors and from other ADTS employees.

GSA/ADTS 7

System name: Workload Measurement Files, GSA/ADTS.

System location: Regional and Central Offices, ADTS at the addresses listed in the appendix following Notice GSA/ADTS 8.

Categories of individuals covered by the system: Current employees of GSA/ADTS.

Categories of records in the system: Records are maintained in both paper and magnetic tape is this system for the purpose of measuring the productivity of ADTS technical and operational personnel in the central office and regions. Contains records such as: tape, test, re-run logs, applied data processing time, productive performance, project status, personnel time summary, switchboard operator evaluation, RAMUS reports, systems and programming project status, tape error detection, FTS incoming and outgoing service message, switchboard operations reports, computer console, balance and job control sheets, historical and workload files.

Authority for maintenance of the system: Title 5 USC Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Routine Uses of these Records, as defined in 5 U.S.C. 552a (a)(7) and provided for in 5 U.S.C. 552a (b)(3), are described in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files are kept in file cabinets and desk drawers. Automated records are maintained in a tape library.

Retrievability: Records are filed alphabetically by individuals name, number, initials or operating location.

Safeguards: Buildings employ security guards and storage containers for paper records are either locked or in a limited access area. Automated records are maintained in a controlled tape library.

Retention and disposal: Disposition of Records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Commissioner, GSA, ADTS, 18th and F Streets, N.W., Washington, D.C. 20405.

Notification procedure: Inquiries should be directed to the Regional Commissioner of the appropriate regional office or the Executive Director at the central office at the addresses listed in the appendix following Notice GSA/ADTS 8.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The supervisor's review of message and tape logs, trouble reports, re-run sheets etc., the employee himself, other employees.

GSA/ADTS 8

System name: Special Purpose Telephone Contact Listings, GSA/ADTS

System location: GSA/ADTS Regional Telecommunications Offices and GSA operated switchboards within the ten GSA regions and the FTS Central Information Service and Emergency Poison Control listings at GSA, ADTS, Region 3. See Appendix GSA/ADTS Address of Locations following GSA/ADTS notices.

Categories of individuals covered by the system: Federal agency personnel as designated by the Federal agencies.

Categories of records in the system: Includes listings such as Key Personnel and Essential Residence Telephone Listing for the purpose of identifying essential residential telephone service to designated key officials in time of emergency; FTS Central Information Service for the purpose of contacting key officials for necessary day-to-day operations and in emergency situations; Emergency Poison Control Listings for the purpose of providing emergency medical assistance; and other listings of key officials for the purpose of day-to-day operations and emergencies. These listings may include name, position title, office address, office telephone number, home address, and/or home telephone numbe .

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), shall include: (1) The transfer to GSA of the above described information from the Federal agency responsible for collecting the information for inclusion in the GSA-maintained nationwide central information service and in regional listings of Federal personnel designated as key personnel or points of contact; (Personal information; i.e., home address or telephone number, will not be disclosed to a caller. The GSA switchboard operator will either 'patch' the call through to the subject, or will notify the subject that a call has been made to him for call-back purposes.) (2) the transfer of designated essential residence information (and deletions from such list) in the regions to the appropriate telephone companies to provide emergency line load control pursuant to 41 CFR 105-35.6; and (3) those routine uses described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, tapes, and/or cards.

Retrievability: Indexed by name and/or agency.

Safeguards: Limited access areas and records are accessible only to authorized personnel of GSA.

Retention and disposal: Maintained until rescinded by authorized agency.

System manager(s) and address: The officials responsible for the telephone contact listings are: (1) Central Information Service and Emergency Poison Control: Regional Director, Telecommunications Division, Region 3; (2) Regional listings: Regional Director, Telecommunications Division, in the appropriate region. The addresses of the responsible officials are listed in the appendix following GSA/ADTS notices.

Notification procedure: Information may be obtained from the officials listed above.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of records, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information provided by Federal agencies and subject individuals.

APPENDIX GSA/ADTS ADDRESS OF LOCATIONS

ADTS/GSA Central Office
18th & F Streets N.W.
Washington, D.C. 20405
Telephone: 202 - 566 - 1000

Region 1
Area Manager, ADTS
John W. McCormack P.O. & Courthouse
Post Office Square
Boston, Mass. 02109
Telephone: 617 -223-5055

Region 2
Regional Commissioner, ADTS
26 Federal Plaza
NewYork, N.Y. 10007
Telephone: 216 - 264-1711

Region 3
Regional Commissioner, ADTS
7th and D Streets S.W.
Washington, D.C. 20407
Telephone: 202 - 472-1200

Region 4
Regional Commissioner, ADTS
1776 Peachtree Street, N.W.
Atlanta, Georgia 30309
Telephone: 404 - 526-3801

Region 5
Regional Commissioner, ADTS
219 So. Dearborn Street
Chicago, Ill. 60604
Telephone: 312 - 353-5628

Region 6
Regional Commissioner, ADTS
1500 E. Bannister Road
Kansas City, Missouri 64131
Telephone: 816 - 926-7309

Region 7
Regional Commissioner, ADTS
819 Taylor Street
Fort Worth, Texas 76102
Telephone: 817 - 334-2379

Region 8
Regional Commissioner, ADTS
Building 41 - Denver Federal Cen.
Denver, Colorado 80225
Telephone: 303 - 234-4337

Region 9
Regional Commissioner, ADTS
525 Market Street
San Francisco, California 94105
Telephone: 415 - 556-3272

Region 10
Area Manager, ADTS
GSA Center
Auburn, Washington 98002
Telephone: 206 - 833-5431

GSA/FSS 1

System name: Quality Control Automated Management System - GSA/FSS

System location: Office of Standards and Quality Control, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406), and all Regional Quality Control Divisions at the regional office locations listed in the appendix following Notice GSA/FSS 15.

Categories of individuals covered by the system: Quality Assurance Specialists, Quality Inspection Specialists, and Supervisory Quality Assurance Specialists.

Categories of records in the system: Information on individual work assignments, man-hours spent on assignments, line items handled and production efficiency. Records are used only by officers and employees of GSA who have a need for the records in the performance of their duties to obtain status of all open work, to schedule work, measure work and to develop periodic operational statistics and budget input.

Authority for maintenance of the system: Title 40 U.S.C. Sections 481 and 487.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape and print-outs.

Retrievability: Code number assigned to individuals.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS. Information in computer is obtained only through coded access and limited distribution.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Assistant Commissioner, Office of Standards and Quality Control, Federal Supply Service, crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Regional Directors of Quality Control Divisions of the activity the individual is or was employed. If not known, general inquiries should be made to the Assistant Commissioner, Office of Standards and Quality Control, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, approximate period of employment, and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information contained in the system is obtained from individual daily source data, contracts, purchase orders, requests for quality complaint investigations, requests for plant facilities evaluations, and depot quality control and surveillance actions.

GSA/FSS 2

System name: Work Measurement, Performance and Analysis Systems -GSA/FSS

System location: Transportation Services Division and Logistics Data Management Division, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406), and Regional Offices of Property Manage- ment Divisions, Transportation Services Division, Quality Control Divisions, Printing and Publications Division, Procurement Divisions, Supply Control Divisions and Centralized Mailing Lists Services at the regional office locations listed in the appendix following Notice GSA/ FSS 15. Portions of the systems are also located at Interagency motor pools, sub-pools and dispatch points throughout the regions. Addresses of these locations can be obtained from the applicable regional office.

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Categories of individuals covered by the system: Federal Supply Service employees working at the activities described in the location portion of this notice.

Categories of records in the system: Information on employment, training, man-hours worked, work units produced, salary, nonproductive hours, places visited. (Records are used only by officers and employees of GSA who have a need for the records in the performance of their duties to collect basic work measurement data, provide a statistical source for budgeting, compute effectiveness, spot trends in divisional work performance and establish work standards.)

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377); Title 5 U.S.C. generally; Title 31 U.S.C. generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms

Retrievability: Name of employee and/or employee number

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS. Information is released only to authorized officials.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Director or Regional Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individual time records or labor reports of each employee and weekly reports compiled by individuals.

GSA/FSS 3

System name: Project Control, Assignment and Reporting Systems - GSA/FSS

System location: All or portions of the systems of records described in this notice are located at: Office of Interagency Support, Office of Standards and Quality Control, Program Development Staff of the Office of Supply Control, Logistics Management Division and Office of Supply Distribution, Federal Supply Service, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406).

Categories of individuals covered by the system: Standards Technicians and individuals to whom special projects are assigned.

Categories of records in the system: Type of project, workload associated with project, individual assigned project, and progress. Projects include Federal Item Identification Guide Project Control, Improvement Project Assignment, special projects, Weekly Activity Reports and specifications and standards. (Records are used only by officers and employees of GSA who have a need for the records in the performance of their duties.)

Authority for maintenance of the system: Title 40 U.S.C. Sections 481 and 487; Title 5 U.S.C., generally; and Title 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched cards, print-outs, and manual files.

Retrievability: Name and/or manager code of individual.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Assistant Commissioner or Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are pro- mulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: From individual assigned project, incoming workload requests, and internally generated projects.

GSA/FSS 4

System name: Hazardous Materials Exposure History System - GSA/FSS

System location: GSA/FSS Stockpile Depots at the addresses shown in the appendix following Notice GSA/FSS 15.

Categories of individuals covered by the system: Personnel working or visiting storage areas containing Hazardous Materials.

Categories of records in the system: Daily dosage of radiation received and hourly exposure to dangerous levels of asbestos and other hazardous materials, and related health records. The records are primarily used by officers and employees of the agency who have a need for the record in the performance of their duties.

Authority for maintenance of the system: Occupational Safety and Health Act of 1970, as amended (84 Stat. 1590).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information on exposure readings is provided to the Regulatory Agencies charged with the responsibility for regulating the handling of hazardous materials; other routine uses are con- tained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms.

Retrievability: Filed alphabetically by individual name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Assistant Commissioner, Office of Property Management, Crystal Square Building 5, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of Property Management, Crystal Square Building 5, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are pro- mulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Film badges and dosimeters, other instrumentation, work logs, and medical exams.

GSA/FSS 5

System name: Supply Distribution Work Measurement System - GSA/FSS

System location: All or portions of the systems of records described in this notice are located at Regional Supply Distribution Divisions at Regional Office locations and Supply Distribution Facilities at the addresses listed in the Appendix following Notice GSA/FSS 15.

Categories of individuals covered by the system: Regional Supply Distribution Employees.

Categories of records in the system: Man-hours expended by work activity for each employee and the units accomplished by each. Individual Performance Progress Record. (Records are used only by the officials and employees of GSA who have a need for the records in the performance of their duties to determine facility operation effectiveness, set work standards and grade employee accomplishments and to discuss with employees their per- formance and career objectives.)

Authority for maintenance of the system: Title 40 U.S.C. Section 481; Title 5 U.S.C., generally; and Title 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: EAM Cards, Mag-tape, print-outs and paper feed-in reports.

Retrievability: Automated reports are by employee code number and feed-in reports by employee name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS. Information in computer is obtained only through coded access and limited distribution.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official reponsible for the system of records is the Assistant Commissioner, Office of Supply Distribution, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Regional Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of Supply Distribution, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location. For written requests, the individual should provide full name, address and telephone number, period of employment, and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are pro- mulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: From employee daily reports, Bin/Bulk Selector Error Records, Individual Performance Progress Records and from Supervisors.

GSA/FSS-6

System name: Motor Vehicle accident and Claim Reporting System - GSA/FSS

System location: All or portions of the system of records described in this notice are located at: Motor Equipment Management Division, Office of Transportation and Public Utilities, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406, and at Regional Motor Equipment Services Division at Regional Office locations, at the addresses listed in the Appendix. In addition, portions of the systems of records are maintained at motor pools located throughout the regions. The addresses of such activities can be obtained from the applicable Regional Commissioners office at the addresses listed in the Appendix. Portions of this system are also maintained in agencies assigned GSA interagency motor pool vehicles.

Categories of individuals covered by the system: Operators of government motor vehicles, third parties and witnesses involved in accidents.

Categories of records in the system: Operator's Report of Motor Vehicle Accident, Report of Motor Vehicle Accidents, Investigation Report of Motor Vehicle Accident, record of contact/memoranda, statement of witnesses, notices of injury, action taken on the accident reports, police reports, photographs, and doctor certi- fications.

Authority for maintenance of the system: Title 40 U.S.C. Section 491

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses are to interagency supervisory officials of operators involved in accidents; state, county or municipal authorities as required by law; and involved third parties and their insurance carriers. Records of damage, injury or death may be provided to U.S. Attorney's Office. Federal agencies provide data on accidents involving GSA interagency motor pool vehicles to GSA. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Generally on paper forms. The automated portion of this system relating to the Motor Vehicle Accident Report System is stored on mag tape.

Retrievability: The manual portions of this system are retrieved by individual name. The automated system is retrieved only by motor pool and vehicle tag number.

Safeguards: Records are maintained in lockable file cabinets. Access to and use of these records are limited to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director, Motor Equipment Management Division, Federal Supply Service, Crystal Mall BUilding 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained by GSA employees from the Regional Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. Other agency personnel should direct the inquiry to their agency transportation offices. General inquiry can be made to the Director, Motor Equipment Management Division, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. For written requests, the individual should provide full name, address and telephone number, date of accident, driver's license number, and if a government employee, the agency where employed to assist the office in locating the record. For personal visits, the individual

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should be able to provide some acceptable identification such as driver's license or employee indentification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 1-64, published in the Federal Register.

Record source categories: Accident reports filed by individuals involved, police reports, witness reports, supervisors reports, doctor certificates, and from agencies assigned interagency motor pool vehicles.

GSA/FSS 7

System name: Vehicle and Motor Pool Services and Operations System - GSA/FSS

System location: All or portions of the systems of records are located at the Regional Offices of the Motor Equipment Services Divisions, Public Buildings Services, Supply Control Divisions, Supply Distribution Divisions, Quality Control Divisions, Federal Protective Service Divisions, and Civil Rights Divisions; Supply Distribution Facilities and Property Management Depots at the Regional Addresses listed in the appendix following Notice GSA/FSS 15.

Portions of the system of records are also maintained at Interagency Motor Pools, Minuteman Interagency Support Systems, Dispatch Points, Public Building Service Field Offices, Federal Protective Service Training Academies, Federal Telecommunications Centers, Customer Service Offices, Office of Operating Programs, and Federal Archives and Record Centers located throughout the regions. Addresses of Motor Pools can be obtained from the applicable Regional Director, Motor Equipment Services Divisions; and addresses of other activities can be obtained from the applicable Regional Administrator.

Categories of individuals covered by the system: Individuals using and maintaining motor pool vehicles and services and/or vehicle tag number.

Categories of records in the system: Operators identification cards, road test examinations, decal and entry permits, vehicle misuse, unauthorized credit card purchases, use of Government vehicle between residence and place of employment, authorized motor pool service requests, dispatch vehicle checkup, tool receipts, daily vehicle trip tickets, vehicle use records, assignment receipt, fuel log, vehicle repairs and request to leave privately owned vehicle at center.

Authority for maintenance of the system: 40 U.S.C. Section 491; Executive Order 10579 dated November 30, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interagency officials to be notified of authorized and unauthorized uses of services and vehicles by personnel of their respective agencies. Private citizens are provided information in answer to complaints on misuse of vehicles. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms

Retrievability: Name of individual and/or vehicle tag number

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director of Motor Equipment Services Division, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Regional Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of Transportation and Public Utilities, Crystal Mall Building 4, Washington, D.C. 20406, or the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, driver's license number, period of employment and position held and/or period of use of vehicle to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as drivers license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Users of vehicles, motor pool personnel, and agency officials.

GSA/FSS 8

System name: Employee Related Files - GSA/FSS

System location: All or portions of the systems of records described in this notice are maintained at the Division or Branch levels of the various Federal Supply Service offices located in Crystal Mall Buildings 2 and 4 and Crystal Square Building 5, Arlington, Virginia (Mail: Washington, D.C. 20406); Materials and Evaluation Development Laboratory, Van Ness and Reno Road, Washington, D.C., and Electronics Division of Office of Standards and Quality Control, Building 225, National Bureau of Standards, Gaithersburg, Maryland; and at Regional Office locations, GSA/FSS Stockpile Depots, and Supply Distribution Facilities at the addresses listed in the appendix following Notice GSA/FSS 15.

In addition, portions of the systems of records are maintained at self-service stores and motor pools located throughout the regions, the addresses of which can be obtained from the applicable Regional Commissioners Office.

Categories of individuals covered by the system: Current employees and former employees of the Federal Supply Service, applicants or potential applicants for employment, and employees of other agencies for employee relief bills.

Categories of records in the system: Records consist of a variety of documents accumulated by operating officials and supervisors in administering personnel matters for or about employees, including the following kinds of records, which are representative of the system: Equal employment opportunities; performance appraisals, potential performance appraisals, and supporting documents; promotions; applications, resumes, and biographical or employment history documents; emergency locator and notification documents containing name, address, home phone, emergency contacts; employee training, counseling, and development documents; position descriptions, management and classification documents; awards; security clearance records; leave, pay and time and attendance; emergency duty rosters; committee, team, task force participation rosters and documents; Congressional files relating to employee relief bills; staffing information, including organizational rosters for both Central Office and Regional personnel; retirement data; medical certifications for granting parking permits to handicapped; indebtedness complaints; news releases; duty station assignments; photographs; personnel plans; travel; employee record cards containing summary information; and injuries and occupational disease.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377); Title 5 U.S.C. generally; Title 31 U.S.C. generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Civil Service Commission in connection with recruitment activities and evaluation survey programs; Department of Labor in connection with settlement and adjudication of labor-management disputes. Other routine uses are as described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and card files, and printouts.

Retrievability: Alphabetically by individual's name

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS. Any records containing information, the unauthorized disclosure of which could result in substantial harm, embarrassment, inconvenience, or unfairness to the individual, is filed in locked cabinets.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the supervisor of the activity the individual is or was employed with. If not known, general inquiries should be made to the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, approximate dates and places of employment, and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable inentification such as driver's license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information in the record of systems is obtained from information furnished by the individual, personnel forms, congressional inquiries, committees, agency officials, third parties submitting indebtedness complaints, applications from individuals applying for positions, and doctors for individuals requesting handicap parking permits.

GSA/FSS 9

System name: Cataloging Action Master File - Work Measurement System - GSA/FSS

System location: General Services Administration, Tape Library, 7th & D Streets, SW, Washington, D.C. 20407.

Categories of individuals covered by the system: Supply catalogers processing catalog action requests.

Categories of records in the system: The system consists of records, kept on each individual, showing the status of transactions the individual has in process and the number of actions completed, rejected or approved. The records are primarily used by officers and employees of the agency to determine status of trans- actions and to summarize work done by individuals.

Authority for maintenance of the system: Title 40 U.S.C., Section 487

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag-tape and print-outs

Retrievability: Alphabetic code assigned to individuals.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director, Logistics Data Management Division, Office of Customer Services and Support, Federal Supply Service, Washington, D.C. 20406

Notification procedure: Information may be obtained from the official cited above.

Record access procedures: Requests from individuals to access records should be addressed to the official cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment, and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as drivers license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Data provided by individuals.

GSA/FSS 10

System name: Personal Property Disposal Work Measurement System - GSA/FSS

System location: All or portions of the systems of records described in this notice are located at: Office of Personal Property Disposal, Federal Supply Services, Crystal Square Building 5, Arlington, Virginia (Mail: Washington, D.C. 20406), and at Personal Property Division Regional Office locations at the addresses listed in the appendix following Notice GSA/FSS 15.

Categories of individuals covered by the system: Personal Property Division Regional employees of Utilitzation Branch, Sales Branch and Property Rehabilitation Branch.

Categories of records in the system: Breakdown of individual's daily time spent on assigned work tasks, leave, training and other functions. The records are primarily used by officers and employees of the agency who have a need for the record in the performance of their duties to evaluate overall productivity to determine the most efficient allocation of man- power requirements and financial resources.

Authority for maintenance of the system: Title 40 U.S.C. Section 483

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms.

Retrievability: Individual's name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Assistant Commissioner, Office of Personal Property Disposal (FW), Federal Supply Service; Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Regional Directors of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of Personal Property Disposal, Crystal Square Building 5, Washington, D.C. 20406, or the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as drivers license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individual daily man-hour reports.

GSA/FSS 11

System name: Work Record Systems - GSA/FSS

System location: Evaluation Branch, Office of Supply Distribution, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406), Retail Services Division, Fuels Branch, 7th & D

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Streets, SW, Washington, D.C. 20407, and Division Offices of Procurement, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406).

Categories of individuals covered by the system: Federal Supply Service employees performing duties at the activities listed in the location portion of this notice.

Categories of records in the system: Employee numbers for publication and report preparation, record of attendance and performance, work assignments, production procurement plan and status, and register of incoming workload.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, (63 Stat. 377); Title 5 U.S.C. generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a) (7) and provided for in 5 U.S.C. 552a(b) (3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms.

Retrievability: Individual's name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Branch Chief or Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as drivers license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information for the system of records described in this notice is obtained from agency work reports, incoming offers from business firms, incoming requisitions from other agencies, the individual's supervisor and the individual.

GSA/FSS 12

System name: Accountability and Property Inventory Systems - GSA/FSS

System location: Regional Commissioner's offices: Regional offices of the Property Management Division, Motor Equipment Services Division, Retail Services Division, Business Service Centers and Procurement Divisions; and Property Management Depots at the addresses listed in the Appendix following Notice GSA/FSS 15. In addition, portions of the systems of records are maintained at retail stores and motor pools in the regions. Addresses of these locations can be obtained from the applicable Regional Director.

Categories of individuals covered by the system: Property Management Division inspectors and depot personnel, store managers, motor pool personnel, Office of Business Affairs and Information Center employees and contracting officers.

Categories of records in the system: Custody of wax seals, record of keys issued, accountability of Government property and supplies, bonding of collection officers, contracting officer designations and discrepancy reports. (The records are primarily used by officers and employees of the agency who have a need for the record in the performance of their duties.)

Authority for maintenance of the system: Title 40 U.S.C. Section 483; Title 5 U.S.C. generally; Title 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a) (7) and provided for in 5 U.S.C. 552a(b) (3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms

Retrievability: Individual's name

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the Regional Director of the applicable activity shown in the location portion of this notice in which the individual is or was employed with. If not known, general inquiries should be made to the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Record access procedures: Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following Notice GSA/FSS 15.

For written requests, the individual should provide full name, address and telephoae number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as drivers license or employee identification. Only general inquiries may be made by telephone.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Individual prepared forms, agency supervisors and personnel action forms.

GSA/FSS-14

System name: Key Personnel Directory and Key Contact Card - GSA/FSS

System location: Administrative Services Staff, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, DC 20406).

Categories of individuals covered by the system: Central Office and Regional Office FSS employees, branch chief and above.

Categories of records in the system: Contains the name, position, office telephone, home address and home telephone number of the individual. The purpose of this system is to provide contact points for day-to-day operations and emergencies.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat/ 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 USC 552a(a) (7) and provided for in 5 USC 552a(b) (3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, cards, and Vydek work processing tape.

Retrievability: Indexed by name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director, Administrative Services Staff, Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, DC 20406.

Notification procedure: Information may be obtained from the official listed above.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the official cited above.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information provided by individual.

GSA/FSS-15

System name: Foreign Gift Records - GSA/FSS

System location: General Services Administration, 7th and D Sts., S.W., Washington, D.C. 20407, and Office of Personal Property Disposal, Federal Supply Service, Crystal Square BLdg. 5, Room 900, Washington, D.C. 20406.

Categories of individuals covered by the system: Individuals receiving gifts/decorations from foreign governments.

Categories of records in the system: Description of gifts/decorations received from foreign governments; donors. The information contained in these records is used as an accounting of those U.S. Government officials receiving gifts/decorations from foreign govern- ments on a need-to-know basis to personnel of the GSA as may be required in the performance of their official duties.

Authority for maintenance of the system: 22 U.S.C. 2621-2625 and Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is provided to the Executive Office of the President, State Department, Congress, media organizations, and general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Other routine uses are contained in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy, microfilm, computer.

Retrievability: By individual name, report number, item number, nomemclature.

Safeguards: Access to records and files in the program is limited and controlled by the Commissioner, FSS. Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS. Computer data is coded to protect the privacy of individuals.

Retention and disposal: These records are retained permanently. They are retired in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Director, Utilization and Donation Division, Office of Personal Property Disposal (FWU), FSS, Bldg. 5, Room 900, Washington, D.C. 20406.

Notification procedure: Individuals who have reason to believe that GSA might have records pertaining to then should write to the Commissioner, Federal Supply Service, Crystal Mall, Bldg. 4, Room 1121, Washington, D.C. 20406. The individual must specify that he wishes the foreign gifts records to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature of requestor; a brief descirption of the circumstance, including approximate dates which gives the individual cause to believe that GSA/FSS might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write the Commissioner, Federal Supply Service, Crystal Mall, Bldg. 4, Room 1121, Washington, D.C. 20406.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information contained in the system is obtained from officials preparing records on individuals to whom the records pertain.

APPENDIX - GSA/FSS ADDRESSES OF LOCATIONS

REGIONAL OFFICES

Region 1
John W. McCormack Post
Office and Courthouse
Post Office Square
Boston, Massachusetts 02109

Region 2
26 Federal Plaza
New York, New York 10007

Region 3
7th and D Streets, SW,
Washington, D.C. 20407

Region 4
1776 Peachtree Street, NW.
Atlanta, Georgia 30309

Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Region 6
1500 E. Bannister Road
Kansas City, Missouri 64131

Region 7
819 Taylor Street
Fort Worth, Texas 76102

Region 8
Building 41 - Denver Federal Center
Denver, Colorado 80225

Region 9
525 Market Street
San Francisco, California 94105

Region 10
GSA Center
Auburn, Washington 98002

GSA/FSS STOCKPILE DEPOT ADDRESSES

GSA-FSS Baton Rouge Depot
2695 N. Sherwood Forest Drive
Baton Rouge, LA 70814

GSA-FSS
Federal Service Center (C/D)
4747 Eastern Avenue
Building 1
Bell, CA 90201

GSA-FSS Bethlehem Depot
Bethlehem, PA 18015

GSA-FSS Belle Mead Depot
Belle Mead, NJ 08502

GSA-FSS Binghamton Depot
Binghamton, NY 13901

GSA-FSS Casad Depot
New Haven, IN 46774

GSA-FSS Depot
The Federal Depot
Clearfield, UT 84016

GSA-FSS Curtis Bay Depot
Baltimore, MD 21226

GSA-FSS Dayton Depot
2400 West Dorothy Lane
Dayton, OH 45439

GSA-FSS Erie Depot
P.O. Box 344
Port Clinton, OH 43452

GSA-FSS Fort Worth Depot

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819 Taylor Street
Fort Worth, TX 76102

GSA-FSS Gadsden Depot
P.O. Box 918
Hammond, IN 46325

GSA-FSS Marion Depot
P.O. Box 348
Marion, OH 43302

GSA-FSS Building 7050
P.O. Box 6
Mira Loma, CA 91752

GSA-FSS New Bedford Depot
King Street & Nash Road
New Bedford, MA 02745

GSA-FSS Pt. Pleasant Depot
2601 Madison Avenue
Point Pleasant, WVA 25550

GSA-FSS Scotia Depot
Scotia, NY 12302

GSA-FSS Sharonville Depot
P.O. Box 41131
Cincinnati, OH 45241

GSA-FSS Somerville Depot
State Highway No. 206
Somerville, NJ 08876

General Services Administration
GSA-FSS Depot
Rough & Ready Island
Building 606
Stockton, CA 95203

GSA-FSS Topeka Depot
Building 301
Topeka, KS 66601

GSA-FSS Warren Depot
Warren, OH 44482

GSA-FSS Buffalo Depot
All mail goes to Binghamton Depot

GSA-FSS Jeffersonville, IN
All mail goes to Sharonville Depot

GSA-FSS Marietta, PA
All mail goes to Region 3

GSA-FSS Terre Haute Depot
All mail goes to Sharonville Depot

GSA-FSS Voorheesville, NY
All mail goes to Scotia Depot

GSA SUPPLY DISTRIBUTION FACILITIES

GSA Supply Distribution Facility
295 Lindoln Street
Hingham, MA 02043

GSA Supply Distribution Facility
Belle Mead, NJ 08502

GSA Supply Distribution Facility
Military Ocean Terminal Bayonne, NJ 07002

GSA Supply Distribution Facility
Building 246 Raritan Depot
Edison, NJ 08817

GSA Supply Distribution Facility
Springfield, VA 22150

GSA Supply Distribution Facility
Federal Supply Service
2800 Eastern Boulevard
Middle River, MD 21220

GSA Supply Distribution Facility
Hampton Roads Army Terminal
7737 Hampton Boulevard
Norfolk, VA 23505

GSA Supply Distribution Facility
Garden City Terminal
Savannah State Docks and Warehouses
Garden City, GA 31408

GSA Supply Distribution Facility
7400 S. Pulaski Road
Chicago, IL 60629

GSA Supply Distribution Facility
Building 31
Shelby, OH 44875

GSA Supply Distribution Facility
1500 E. Bannister Road
Kansas City, MO 64131

GSA Supply Distribution Facility
Warehouse 3, Federal Center
Fort Worth, TX 76115

GSA Supply Distribution Facility
500 Edwards Avenue
Harahan, LA

GSA Supply Distribution Facility
Building 810, Denver Federal Center
Denver, Colorado 80225

GSA Supply Distribution Facility
1600 12th Street, NW,
Albuquerque, NM

GSA Supply Distribution Facility
Building C6, Annex 3, Federal Depot
Clearfield, UT 84016

San Juan P.R.
Building T3069, Hickam AFB
Honolulu, HI 96824

GSA Supply Distribution Facility
Building 512 Rough and Ready Island
Stockton, CA 95203

GSA Supply Distribution Facility
Auburn, WA 98002

APPENDIX

The following Routine Use statements will apply to General Services Administration notices where indicated.

Routine Use -- Law Enforcement

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or pro- secuting such violation or charged with enforcing or implementing the statute, or role, regulation or order issued pursuant thereto.

Routine Use - Disclosure When Requesting Information

A record from this system of records may be disclosed as a 'routine use' to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent informationi such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

Routine Use - Disclosure of Requested Information

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Routine Use - Grievance, Complaint, Appeal

A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with that agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Civil Service Commission as government wide records, those records will be considered as a part of that government wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Civil Service Commission in accordance with official personnel programs and activities as a routine use.

Routine Use - Congressional Inquiries

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

Routine Use - Private Relief Legislation

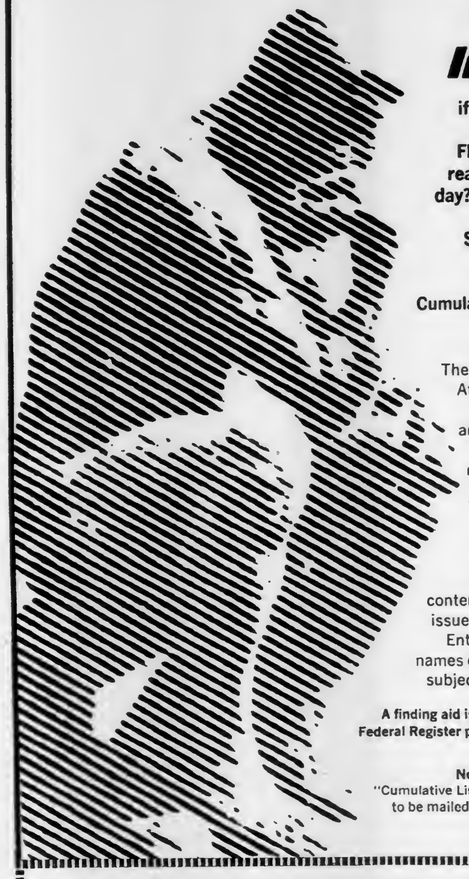
The information contained in the following systems of records - GSA/OAD 1 through 35; GSA/ADTS 3, 5, 6, and 7; GSA/PBS 1 and 2; GSA/FMPO 1; GSA/FSS-8; and GSA/FPA 1 through 12 - will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

[FR Doc.76-25538 Filed 8-30-76;8:45 am]

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federal register

THURSDAY, SEPTEMBER 9, 1976

highlights

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Presidential proclamation 38149

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 3435..... Pub. Law 94-394
To increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation
(Sept. 3, 1976; 90 Stat. 1198)

H.R. 3052..... Pub. Law 94-396
To amend section 512(b)(5) of the Internal Revenue Code of 1954 with respect to the tax treatment of the gain on the lapse of options to buy or sell securities
(Sept. 3, 1976; 90 Stat. 1201)

H.R. 13679..... Pub. Law 94-395
To provide assistance to the Government of Guam, to guarantee certain obligations of the Guam Power Authority, and for other purposes
(Sept. 3, 1976; 90 Stat. 1199)

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presidential documents

Title 3—The President

PROCLAMATION 4454

United Nations Day, 1976

By the President of the United States of America

A Proclamation

On October 24 we will observe the 31st anniversary of the United Nations Charter, adopted in 1945 by governments determined to prevent a repetition of world war, to encourage the development of human rights and justice, and to remove the underlying causes of conflict by promoting economic and social progress for all nations.

The United States has played a leading role in encouraging the Organization to fulfill the promise of the Charter. We, and the rest of mankind, have benefited greatly from the vital contributions made by the Organization, particularly the Security Council, to the maintenance of world peace—the most striking reminder being the current peacekeeping role of the United Nations in the Middle East.

The United Nations has also been a forum for other areas of international concern: conferences to work out laws to govern the use of the oceans, to promote arms control, and to focus world attention on such problems as human rights, health, education, and hunger; new programs to promote trade and economic developments; and other activities designed to solve many of the new problems associated with independence in today's world.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Sunday, October 24, 1976, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs that will promote the United Nations and its affiliated agencies.

I have appointed Edgar Speer to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and all agencies of communication to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of September in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26493 Filed 9-7-76; 12:36 pm]

V41 I176 SEP 9 76 UMI

PROCLAMATION 4455

Columbus Day, 1976

By the President of the United States of America

A Proclamation

In this our Bicentennial year, we owe special tribute to the great Italian explorer whose historic voyage to the new world opened the way to the founding of these United States.

Sustained by the vision and financial support of Queen Isabella I of Spain, Christopher Columbus established the first permanent European settlement in the Americas, paving the way for the generations of immigrants from all over the world who came to build a new nation. This great achievement marked the beginning of a new era in the history of mankind.

As the heirs to the spirit and determination of Christopher Columbus, we are proud to honor his memory and unshakable courage and faith which made his epic journey a reality nearly five centuries ago.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657, 36 U.S.C. 146), as modified by the Act of June 28, 1968 (82 Stat. 250, 5 U.S.C. 6103(a) and note), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, October 11, 1976, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26573 Filed 9-7-76;4:36 pm]

V41 I176 SEP 9 76 UMI

PROCLAMATION 4456

National Forest Products Week, 1976

By the President of the United States of America

A Proclamation

In the Nation's first century, Americans viewed their forests primarily as a source of survival and economic growth. In our second century, we continue to depend upon our forest resources for fuel, timber and sustenance, but we recognized the limits of our natural resource heritage and initiated action to conserve and manage our forests for future generations.

Fortunately, as we begin our third century, we have developed important tools to balance the needs of a growing population, our desire for an ever-improving standard of living, and concern for environmental quality.

Forestry research continues to make progress in achieving maximum efficient utilization of forest resources. In addition, strong Federal, State, and local forestry programs have been established to foster sound management of publicly owned forest lands and to encourage private forest landowners, through education, technical assistance, and grants, to practice sound forestry management on their lands. This cooperation among Federal, State, and private sectors is essential if we are to continue to provide the forest products our people require.

In order to emphasize America's reliance on forest resources and products, and to recognize their contribution in providing this Nation with consumer products, transportation systems, jobs and capital for economic growth, the Congress, by joint resolution of September 13, 1960 (74 Stat. 898; 36 U.S.C. 163), has designated the seven-day period beginning the third Sunday of October in each year as National Forest Products Week and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning Sunday, October 17, 1976, as National Forest Products Week, with activities and ceremonies designed to invite public attention to the forest resources with which we are blessed and from which we have benefited, both materially and spiritually.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26637 Filed 9-8-76;11:33 am]

V41 176 SEP 9 76 UMI

Executive Order 11936 • September 8, 1976

The President's Commission on Olympic Sports

By virtue of the authority vested in me as President of the United States, Section 4(c) of Executive Order No. 11868 of June 19, 1975, is hereby amended to read as follows:

"Sec. 4(c) The second report shall be an analysis of the organizational and developmental problems in each Olympic sport. This shall be submitted no later than January 15, 1977, and contain an analysis of the financial and facilities requirements of each sport and recommend ways to provide needed funds.".

Gerald R. Ford

THE WHITE HOUSE,
September 8, 1976.

[FR Doc.76-26638 Filed 9-8-76;11:34 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 544]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 10–16, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.844 Valencia Orange Regulation 544.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is stronger. Prices f.o.b. for the week ending September 2 were $3.54 per carton on 582 cars as compared with $3.53 per carton on 538 cars during the prior week. Track and rolling supplies at 341 cars were up 78 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were accorded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 7, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 10, 1976, through September 16, 1976, are hereby fixed as follows:

(i) District 1: 315,000 cartons;
(ii) District 2: 385,000 cartons;
(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26654 Filed 9-8-76;8:48 am]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

This document authorizes expenses of $378,000 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1976–77 fiscal year and fixes a rate of assessment of $0.0315 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On August 11, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 33922) regarding proposed expenses and the proposed rate of assessment, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until August 31, 1976, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1976, through July 31, 1977, will amount to $378,000.

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 910.41, is fixed at $0.0315 per assessable carton of lemons.

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It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1976, and said rate of assessment will automatically apply to all such lemons beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26312 Filed 9-8-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1976 Crop Rice Supplement Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Rice Loan and Purchase Program

RICE: CHANGES IN RATES

The regulations issued by the Commodity Credit Corporation (CCC) and published on June 14, 1976, at 41 FR 23930, which set forth specific requirements with respect to loans and purchases for the 1976 crop of rice, are hereby amended to increase the loan rates for rice. This increase reflects the change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period beginning on the date of enactment and ending July 31, 1976, as required by the Rice Production Act of 1975 (Pub. L. 94–214, 90 Stat. 181, approved February 16, 1976). It is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment because 1976 crop rice is currently being harvested and it is essential that the rates provided for in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraphs (a) and (c) of § 1421.328 are hereby revised to increase the loan rates for farm-storage and warehouse-storage rice. Accordingly, 7 CFR, 1421.328 (a) and (c) are revised to read as follows:

§ 1421.328 Loan and purchase rates.

(a) *Farm storage loans.* The loan rate for farm-storage rice shall be $6.19 per hundredweight for any class. The settlement rate shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provision of this section and §§ 1421.310 and 1421.22.

* * * * *

(c) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the milling yield (in pounds per hundredweight) of whole kernels by the applicable loan rate for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total milling yield and the whole kernels milling yield (in pounds per hundredweight) by the applicable loan rate for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Loan rates for whole kernels and broken rice

[Cents per pound]

Rough rice class	Whole kernels	Broken rice
Grains:		
Long	10.75	4.75
Medium	9.25	4.75
Short	9.25	4.75

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421).)

Effective date: This amendment takes effect on September 9, 1976.

Signed at Washington, D.C., on September 2, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-26370 Filed 9-8-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 410.1]

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Subpart A—Receiving and Processing Applications

Section 1801.2 of Subpart A, Part 1801 of Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 15737, Redesignated at 38 FR 4772; 41 FR 14860; 41 FR 26676) is amended. This amendment is required to comply with the revised Real Estate Settlement Procedures Act and the Department of Housing and Urban Development's Regulations.

This amendment is not published for proposed rulemaking because its effect is to provide for FmHA compliance with the Real Estate Settlement Procedures Act and regulations issued by the Department of Housing and Urban Development.

Sections 1801.2(l) and 1801.2(l) (1) and (2) are amended to make references to the information booklet entitled "Settlement Costs," and to Form FmHA 440–58, "Estimate of Settlement Costs" which replaces Exhibit A to Subpart I of Part 1901 if this chapter, entitled, "Attachment to Special Information Booklet".

As amended, § 1801.2 reads as follows:

§ 1801.2 Receiving applications.

* * * * *

(l) For all loans and credit sales secured by a first mortgage and involving the purchase of an existing 1 to 4 family unit or purchase of a building site and construction of 1 to 4 family residential units, the booklet entitled "Settlement Costs" will be hand-delivered to the applicant when the completed application is received or mailed to the applicant within three (3) business days after receipt of the application in the County Office.

(1) Form FmHA 440–58, "Estimate of Settlement Costs" will be completed by the County Supervisor and mailed or delivered to the applicant with the booklet.

(2) A record of the date and method of delivery of the booklet and Form FmHA 440–58 will be kept in the running record section of the applicant/borrower County Office case folder.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Effective date: This amendment is effective September 9, 1976.

Dated: August 27, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-26371 Filed 9-8-76;8:45 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 443.1]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart A—Farm Ownership Loan Policies, Procedures, and Authorizations

Sections 1821.4(a), 1821.7(b), and 1821.11(a) of Subpart A of Part 1821, Title 7, Code of Federal Regulations (38 FR 27055) are revised. Section 1821.4(a) is revised to include in the definition of a farm a residence physically separate from the farm acreage if it is ordinarily treated as part of the farm in the community. The revision to § 1821.7(b) removes the material in the "note" following paragraph (b)(3) of this section and incorporates its contents into § 1821.11(a). As revised, § 1821.11(a) will allow use of buildings owned by the applicant and not located on the farm; specify the requirements of farm dwellings financed with rural housing funds; and allow use of a mobile home as a dwelling when the mobile home is already owned by the applicant. By relieving certain restrictions, these revisions make the farm ownership program available to more present and future farmers. The revision is designed to meet the current needs of these farmers, as evidenced by the many applications already received for loans under the amended requirements contained herein. Delay in the processing of these applications caused by a delay in the effective date of this revision, would be contrary to the public interest. Notice and public procedure are therefore unnecessary. However, it is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. In accordance with the spirit of that policy, interested persons may submit written comments, suggestions or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before October 12, 1976. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.). Section 1821.4(a) and 1821.11(a) of Subpart A of Part 1821 as revised, however, will remain effective until they are further revised or amended.

As revised, § 1821.4(a) reads as follows:

§ 1821.4 Definitions.

(a) *Farm.* The term "farm" includes a tract or tracts of land, improvements, and other appurtenances considered to be farm property, and owned or to be acquired by the applicant, used or to be used in the production of crops or livestock including the production of fish under controlled conditions. The term "farm" also includes any such land and improvements and facilities used in a nonfarm enterprise. It will also include a residence which, although physically separate from the farm acreage, is ordinarily treated as part of the farm in the local community.

* * * * *

Section 1821.11(a) is revised to read as follows:

§ 1821.11 Special Requirements.

(a) *Dwellings and other essential buildings.* (1) Buildings adequate for the planned operation of the farm, including any nonfarm enterprise, must be available for the applicant's use after the loan is made. The necessary buildings ordinarily will be located on the applicant's farm. However, if an applicant already owns an adequate, decent, safe, and sanitary dwelling suitable for the family's needs, which is located close enough to the farm so the farm may be operated successfully, it will not be necessary to provide a dwelling on the farm. A real estate lien will be taken on such dwelling. In an unusual case, an exception to the requirement that the farm include a suitable dwelling may be made when the applicant has a long-term lease on acceptable rented buildings that are adjacent to or near the farm, or the applicant occupies suitable buildings of relatives that he will eventually inherit or be permitted to purchase.

(2) When provision of a dwelling is planned and an applicant is eligible for an RH loan, an RH loan will be processed simultaneously with the FO docket. Dwellings will meet the requirements for RH loans required in Subpart A of Part 1822 of this chapter.

(3) If the farm does not have an adequate dwelling and the applicant owns a suitable mobile home which he uses or plans to use as his residence, the applicant will not be required to build a dwelling.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: These revisions are effective September 9, 1976.

Dated: September 1, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-26372 Filed 9-8-76;8:45 am]

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart I—Truth in Lending—Real Estate Settlement Procedures

Section 1901.406 of Subpart I, Part 1901 of Chapter XVIII, Title 7, Code of Federal Regulations (41 FR 16159; 41 FR 26677) is amended. This amendment changes a reference made from the "Special Information Booklet" to "Settlement Costs" booklet and provides for a form to replace Exhibit A of this subpart. This amendment is necessary to comply with the revised Real Estate Settlement Procedures Act and the Department of Housing and Urban Development's Regulation X.

Specifically, this amendment makes the following changes:

1. Section 1901.406(c)(1) is amended to make reference to the information booklet entitled "Settlement Costs."

2. Section 1901.406(c)(1) (i) and (ii) are amended to make reference to Form FmHA 440–58, "Estimate of Settlement Costs" which is given to applicants. This form replaces Exhibit A, "Attachment to Special Information Booklet" which is deleted.

This amendment is not published for Proposed Rulemaking because its effect is to provide for FmHA compliance with the Real Estate Settlement Procedures Act and regulations issued by the Department of Housing and Urban Development.

§ 1901.406 Real estate settlement procedures.

* * * * *

(c) *Actions required.* (1) the information booklet entitled, "Settlement Costs," will either be given to the applicant at the time the completed application is received or mailed to the applicant no later than three (3) business days after receipt of the application in the County Office.

(i) Form FmHA 440–58 "Estimate of Settlement Costs" is to be used to provide a "good faith" statement of estimated closing costs. Form FmHA 440–58 will be completed by the County Supervisor and mailed or delivered to the applicant with the Settlement Costs booklet.

(ii) Form FmHA 440–58 does not replace Truth-In-Lending forms. Appropriate forms listed in § 1901.401 will continue to be used.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 40; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development. 7 CFR 2.70.)

Effective date: This amendment is effective on September 9, 1976.

Dated: August 27, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-26373 Filed 9-8-76;8:45 am]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart J—Grant-In-Aid Information

INTER-GOVERNMENTAL COOPERATION ACT—SECTION 201—TREASURY CIRCULAR—1082

There is hereby established under Chapter XVIII, Title 7, Subchapter H, "General—Part 1901, Program-Related Instructions," a new Subpart J, "Grant-In-Aid Information." (§§ 1901.451, 1901.500) in the Code of Federal Regulations. This new Subpart J provides guidelines to be followed by the Farmers Home Administration (FmHA) in order to comply with Section 201 of the Intergovernmental Cooperation Act of 1968, as set forth in Department of Treasury Circular Number 1082.

Inasmuch as FmHA is complying with the existing Intergovernmental Cooperation Act of 1968 and grants for Federal assistance provided by Pub. L. 90–448, 92–419, and 88–560, notice and public procedure thereon are unnecessary.

Accordingly, new Subpart J of Part 1901 is set forth below.

Subpart J—Grant-In-Aid Information

Sec.
1901.451 Purpose.
1901.452 Policy.
1901.453 Authorities and responsibilities.
1901.454 [Reserved]
1901.455 Preparation of Standard Form 424.
1901.456 Function of SCIRA.
1901.457–1901.500 [Reserved]
Exhibit A—Directory of State Clearinghouses and State Central Information Reception Agencies (For A–95/TC–1082 use).
Exhibit B—Standard Form 424, "Federal Assistance."

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of

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authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

§ 1901.451 Purpose.

This subpart outlines the procedures that the Farmers Home Administration (FmHA) must follow to comply with section 201 of the Intergovernmental Cooperation Act of 1968 as set forth in the Department of Treasury Circular Number 1082. (This section required that Federal agencies administering grant-in-aid programs to State Governments or their political subdivision must supply to the Governor and the legislature of any State, on the request of either the Governor or the legislature, information on the amounts and purposes of all grants under the program in that State.)

§ 1901.452 Policy.

FmHA will provide the required information to the State Central Information Reception Agency (SCIRA) (an agency designated by the Governor of a State, in consultation with the legislature, to serve as the central reception point in a State for Federal grant-in-aid information) about the following grants approved on or after July 1, 1970:

(a) Grants for self-help technical assistance under Pub. L. 90–448.

(b) Grants for facilitating the development of private business enterprises under Pub. L. 92–419 (Industrial Development Grants).

(c) Grants for development of water and waste disposal facilities under Pub. L. 92–419.

(d) Grants to provide low rent housing for domestic farm labor under Pub. L. 88–560.

§ 1901.453 Authorities and responsibilities.

The State Director, for the grants listed in § 1901.452, will:

(a) Notify SCIRA using section III of Standard Form 424, "Federal Assistance," within 7 days after approval of an initial or subsequent grant or after a change in the amount or purpose of a grant. One copy of CF 424 will be sent to SCIRA and clearinghouse. However, additional copies may be supplied on request.

(b) Keep current the name and address of the SCIRA. See Exhibit A, "Directory of State Clearinghouses and State Central Information Reception Agencies (for A–95/TC–1082 use).

§ 1901.454 [Reserved]

§ 1901.455 Preparation of Standard Form 424.

This form will be obtained from the Finance Office, St. Louis, Missouri. See Exhibit B for guidance in completing Standard Form 424 for grants listed in § 1901.452. The date of the application (on Form AD–624, "Application for Federal Assistance (Construction Projects)" for Water and Waste Disposal and Industrial Development grants, and on Form AD–625, "Application for Federal Assistant (Short Form)" for Technical Assistance grants) will be used as the "application received" date in Item 25 of Standard Form 424. In addition to copies of SCIRA and clearinghouse, a copy will be sent to the National Office (and to the US Department of Agriculture, Office of Management and Finance, 14th and Independence Avenue, SW., Washington, D.C. 20250.)

§ 1901.456 Function of the SCIRA.

In each State, this Agency will:

(a) Distribute information about FmHA grants available to the State and its political subdivisions provided by the State Director to the Governor, State legislature, and other agencies of the State that the Governor may designate.

(b) Make the information available to regional and metropolitan agencies and to local governments of the State.

§§ 1901.457–1901.500 [Reserved]

EXHIBIT A—DIRECTORY OF STATE CLEARINGHOUSES AND STATE CENTRAL INFORMATION RECEPTION AGENCIES (FOR A–95/TC–1082 USE)

The following addresses should be sent Federal assistance action notices in compliance with Circular A–95 for Clearinghouse, and in compliance with Circular TC–1082 for State Central Information Reception.

Agencies (SCIRAS). Note that in 44 States the address of the State Clearinghouse and the SCIRA is the same. A single notification will suffice when both A–95 and TC–1082 compliance (at State level) is required. Appropriate areawide clearinghouse addresses must also be informed as applicable under A–95. Please note, the State Clearinghouse and the SCIRA are different addresses in the States of Vermont, New Jersey, Illinois, Colorado, Nevada, and Hawaii. The list will be updated periodically, at least on an annual basis.

Alabama:
Alabama Development Office, State Office Building, Montgomery, Alabama 36104.

Alaska:
Planning and Research Div., Office of the Governor, Pouch AD, State Capitol, Juneau, Alaska 99801.

Arizona:
Dept. of Economic Planning and Development, Arizona State Clearinghouse, 1624 West Adams Street, Phoenix, Arizona 85007.

Arkansas:
Department of Planning, 400 Train Station Square, Little Rock, Arkansas 72201, Fred Kleinhauer (501) 371–2311.

California:
Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814.

Colorado (2):
(1) State Clearinghouse: Division of Planning, Department of Local Affairs, 1845 Sherman Street, Denver, Colorado 80203.
(2) SCIRA: Office of State Planning & Budgeting, 617 State Services Building, Denver, Colorado 80203, Gary Heats (916) 445–0613.

Connecticut:
Office of Intergovernmental Programs, 340 Capitol Avenue, Hartford, Connecticut 06115.

Delaware:
State Planning Office, Thomas Collins Building, 530 S. Dupont Highway, Dover, Delaware 19901.

Florida:
Bureau of Intergovernmental Relations, Division of State Planning, 660 Apalachee Parkway, Tallahassee, Florida 32304.

Georgia:
Office of Planning and Budget, Attention: Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334.

Hawaii (2):
(1) State Clearinghouse: Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804.
(2) SCIRA: State of Hawaii, Department of Budget and Finance, P.O. Box 150, Honolulu, Hawaii 96810.

Idaho:
Division of Budget, Policy Planning and Coordination, State House, Boise, Idaho 83720.

Illinois (2):
(1) State Clearinghouse: State Clearinghouse, Bureau of the Budget, 103 State House, Springfield, Illinois 62706.
(2) State of Illinois, Commission on Intergovernmental Cooperation, 217 S. First Street, Springfield Illinois 62706.

Indiana:
Indiana State Budget Agency, 212 State House, Indianapolis, Indiana 46204.

Iowa:
Office of Planning and Programming, 523 East 12th Street, Des Moines, Iowa 50310.

Kansas:
Division of Planning and Research, Department of Administration, State Office Building, Topeka, Kansas 66612.

Kentucky:
State Clearinghouse, Office for Local Government, Capitol Annex, Room 327, Frankfort, Kentucky 40601.

Louisiana:
Office of Intergovernmental Relations, P.O. Box 44455, Baton Rouge, Louisiana 70804.

Maine:
Executive Department, Maine State Clearinghouse, 184 State Street, Augusta, Maine 04333, Allen G. Pease (207) 289–3261.

Maryland:
Department of State Planning, 301 W. Preston Street, Baltimore, Maryland 21202.

Massachusetts:
Office of State Planning, John McCormack Building, 1 Ashburton Place, Boston, Massachusetts 02108.

Michigan:
Department of Management and Budget, Office of Intergovernmental Relations, Federal Aid Management Division, Lewis Cass Building, Lansing, Michigan 48913.

Minnesota:
State Clearinghouse, State Planning Agency, Capitol Square Building, Room 101, St. Paul, Minnesota 55101.

Mississippi:
Coordinator Federal-State Programs, Office of the Governor, 400 Watkins Building, 510 George Street, Jackson, Mississippi 39201.

Missouri:
Office of Administration, State Planning and Analysis Div., P.O. Box 809, State Capitol Building, Jefferson City, Missouri 65101, Terry Rehma (314) 751–4834.

Montana:
Research and Information Systems Division, Department of Community Affairs, 1424 9th Avenue, Helena, Montana 59601.

Nebraska:
Office of Planning and Programming, Box 94601, State Capitol, Lincoln, Nebraska 68509.

Nevada (2):
(1) State Clearinghouse: State Planning Coordinator, State Capitol Building, Carson City, Nevada 89701.
(2) SCIRA: State Department of Administration, Biasdale Building, Room 205, Carson City, Nevada 89701.

New Hampshire:
Coordinator of Federal Funds, State House, Concord, New Hampshire 03301.

New Jersey (2):
(1) State Clearinghouse: Bureau of State and Regional Planning, Department of Community Affairs, 329 W. State Street, P.O. Box 2768, Trenton, New Jersey 08625.
(2) SCIRA: Department of Treasury, Bureau of the Budget, State House, Trenton, New Jersey 08625.

New Mexico:
State Planning Office, State Capitol, Sante Fe, New Mexico 87501.

New York:
State Division of the Budget, State Capitol, Albany, New York 12224.

North Carolina:
Office of Intergovernmental Relation, 116 W. Jones Street, Raleigh, North Carolina 27603.

North Dakota:
State Planning Agency, State Capitol, Bismarck, North Dakota 58501.

Ohio:
Office of Governor, State Clearinghouse, State Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, Nancy Hippert (614) 466–2673.

Oklahoma:
State Grant-in-Aid Clearinghouse, 5500 N. Western, Oklahoma City, Oklahoma 73118.

Oregon:
Federal Aid Coordinator, Intergovernmental Relations Division, 240 Cottage Street, Salem, Oregon 97310.

Pennsylvania:
State Clearinghouse, Intergovernmental Relations Division, Governor's Office of Budget, P.O. Box 1323, Harrisburg, Pennsylvania 17120.

Rhode Island:
Statewide Planning Program, Dept. of Administration, Room 201, 265 Melrose Street, Providence, Rhode Island 02907.

South Carolina:
State Clearinghouse, Division of Administration, 1205 Pendleton Street, Columbia, South Carolina 29201.

South Dakota:
State Planning Bureau, State Capitol, Pierre, South Dakota 57501.

Tennessee:
Office of Urban and Federal Affairs, Suite 108, Parkway Towers, 404 Robertson Parkway, Nashville, Tennessee 37319.

Texas:
Division of Planning Coordination, Office of Governor, Capitol Station, P.O. Box 12428, Austin, Texas 78711.

Utah:
State Planning Coordinator, 118 State Capitol Building, Salt Lake City, Utah 84114.

Vermont (2):
(1) State Clearinghouse: State Planning Office, Pavilion Office Building, Montpelier, Vermont 05602.
(2) SCIRA: Department of Budget and Management, Pavilion Office Building, Montpelier, Vermont 05602.

Virginia:
Division of State Planning and Community Affairs, 1010 Madison Building, Richmond, Virginia 23219, Charles A. Christophensen.

Washington:
Office of Governor, Program Planning and Fiscal Management, House Office Building, Olympia, Washington 98504.

West Virginia:
Grant Information Department, Office of Federal-State Relations, State Capitol Building, Charleston, West Virginia 25305.

Wisconsin:
State Clearinghouse/Central Information Reception Agency, Department of Administration, Room B–158, State Office Building, 1 West Wilson Street, Madison, Wisconsin 53702.

Wyoming:
State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82002.

District of Columbia:
Office of Budget and Management Systems, District Building, 14th and E Street, NW., Washington, D.C. 20004.

Puerto Rico:
Planning Board, P.O. Box 9447, Santurce, Puerto Rico 00908.

Virgin Islands:
Office of the Governor, P.O. Box 599, St. Thomas, Virgin Islands 00801.

Guam:
Governor of Guam, Agana, Guam 96910.

Samoa:
Planning and Budget Office, Government of American Samoa, Pago Pago, American Samoa 96799.

– Exhibit-B
OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

SECTION I—APPLICANT/RECIPIENT DATA

1. TYPE OF ACTION (Mark appropriate box): ☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (Opt.) ☐ REPORT OF FEDERAL ACTION
2. APPLICANT'S APPLICATION — a. NUMBER: — b. DATE (Year month day) 19 — Leave Blank
3. STATE APPLICATION IDENTIFIER — a. NUMBER — b. DATE ASSIGNED (Year month day) 19
4. LEGAL APPLICANT/RECIPIENT — a. Applicant Name; b. Organization Unit; c. Street/P.O. Box; d. City; e. County; f. State; g. ZIP Code; h. Contact Person (Name & Telephone No.)
5. FEDERAL EMPLOYER IDENTIFICATION NO.
6. PROGRAM (From Federal Catalog) — a. NUMBER — b. TITLE
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT
8. TYPE OF APPLICANT/RECIPIENT — A–State; B–Interstate; C–Substate District; D–County; E–City; F–School District; G–Special Purpose District; H–Community Action Agency; I–Higher Educational Institution; J–Indian Tribe; K–Other (Specify): — Enter appropriate letter ☐
9. TYPE OF ASSISTANCE — A–Basic Grant; B–Supplemental Grant; C–Loan; D–Insurance; E–Other — Enter appropriate letter(s) ☐☐
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)
11. ESTIMATED NUMBER OF PERSONS BENEFITING
12. TYPE OF APPLICATION — A–New; B–Renewal; C–Revision; D–Continuation; E–Augmentation — Enter appropriate letter ☐
13. PROPOSED FUNDING — a. FEDERAL $ .00; b. APPLICANT .00; c. STATE .00; d. LOCAL .00; e. OTHER .00; f. TOTAL $ .00
14. CONGRESSIONAL DISTRICTS OF: — a. APPLICANT; b. PROJECT
15. TYPE OF CHANGE (For 11c or 12e) — A–Increase Dollars; B–Decrease Dollars; C–Increase Duration; D–Decrease Duration; E–Cancellation; F–Other (Specify): — Enter appropriate letter(s) ☐☐☐
16. PROJECT START DATE (Year month day) 19
17. PROJECT DURATION — Months
18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY (Year month day) 19
19. EXISTING FEDERAL IDENTIFICATION NUMBER
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)
21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶ — a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. — b. If required by OMB Circular A–95 this application was submitted, pursuant to latest circulars thereto, to appropriate clearinghouses and all responses are attached: (1) (2) (3) — Responses attached ☐☐☐
23. CERTIFYING REPRESENTATIVE — c. TYPED NAME AND TITLE — b. SIGNATURE — c. DATE SIGNED (Year month day) 19
24. AGENCY NAME
25. APPLICATION RECEIVED (Year month day) 19
26. ORGANIZATIONAL UNIT — 27. ADMINISTRATIVE OFFICE
28. FEDERAL APPLICATION IDENTIFICATION
29. ADDRESS
30. FEDERAL GRANT IDENTIFICATION

SECTION III—FEDERAL AGENCY ACTION

31. ACTION TAKEN — ☐ a. AWARDED; ☐ b. REJECTED; ☐ c. RETURNED FOR AMENDMENT; ☐ d. DEFERRED; ☐ e. WITHDRAWN
32. FUNDING — a. FEDERAL $ .00; b. APPLICANT .00; c. STATE .00; d. LOCAL .00; e. OTHER .00; f. TOTAL $ .00
33. ACTION DATE ▶ (Year month day) 19
34. STARTING DATE (Year month day) 19
35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)
36. ENDING DATE (Year month day) 19
37. REMARKS ADDED ☐ Yes ☐ No
38. FEDERAL AGENCY A–95 ACTION — a. If taking above action, any comments received from clearinghouse were considered. If agency response is due under provisions of Part I, OMB Circular A–95, it has been or is being made.
b. FEDERAL AGENCY A–95 OFFICIAL (Name and telephone no.)

471-101 — STANDARD FORM 424 PAGE 1 (10-75)

V41-176 SEP 9 76 UMI

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74–7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box. Pre-application and application guidance is in FMC 74–7 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A–95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:
   - A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
   - B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
   - C. Loan. Self explanatory.
   - D. Insurance. Self explanatory.
   - E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:
   - A. New. A submittal for the first time for a new project.
   - B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
   - C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
   - D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
   - E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

Item

16. Approximate date project expected to begin (usually associated with estimated date of availability of funding).

17. Estimated number of months to complete project after Federal funds are available.

18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 21.

19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item

22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.

23a. Name and title of authorized representative of legal applicant.

23b. Self explanatory.

23c. Self explanatory.

Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item

24. Executive department or independent agency having program administration responsibility.

25. Self explanatory.

26. Primary organizational unit below department level having direct program management responsibility.

27. Office directly monitoring the program.

28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.

29. Complete address of administering office shown in item 26.

30. Use to identify award actions where different from Federal application identifier in item 28.

31. Self explanatory. Use remarks section to amplify where appropriate.

32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.

33. Date action was taken on this request.

34. Date funds will become available.

35. Name and telephone no. of agency person who can provide more information regarding this assistance.

36. Date after which funds will no longer be available.

37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.

38. For use with A–95 action notices only. Name and telephone of person who can assure that appropriate A–95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. OMB Circular A–95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A–95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A–95 notifications to clearinghouses.

C. Special note. In most, but not all States, the A–95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A–95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

676–18–83999–1 GPO

Dated: August 18, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.76–26374 Filed 9–8–76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 5, Amdt. 6]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Deposit of Idle Funds in Savings Account

On June 29, 1976, a notice of proposed rulemaking regarding an amendment to § 107.808 of the SBA Regulations was published in the FEDERAL REGISTER (41 FR 26716) to expand current policy to permit Licensees to deposit funds not needed for current operations in savings accounts in any bank which is insured by the Federal Deposit Insurance Corporation, within the limits set by Regulation "Q," issued by the Board of Governors of the Federal Reserve System.

Interested parties were given 30 days to submit comments and no adverse comment was received. Accordingly, the substance of the amendment then proposed and hereinafter set forth shall become effective September 9, 1976.

Section 107.808 is amended to read as follows:

§ 107.803 Idle funds.

Funds of a Licensee not invested in Small Concerns or in accordance with the last sentence of section 308(b) of the Act shall be deposited without delay in a bank insured by the Federal Deposit Insurance Corporation, or may be (a) invested in Time Certificates of Deposit maturing within one year or less, issued by any bank which is insured by the Federal Deposit Insurance Corporation, or (b) deposited in a savings account of such bank: Provided, however, That a Licensee may maintain a petty cash fund up to $500.

(Catalog of Federal Domestic Assistance Program 59.0111 Small Business Investment Companies)

Dated: August 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–26322 Filed 9–8–76;8:45 am]

Miscellaneous Amendments

Correction

In FR Doc. 76–18573 appearing on page 26201 in the issue for Friday, June 25, 1976, in the brackets appearing under the heading for Part 119—Economic Oppor-

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tunity Loans in the third column of page 26202 now reading "(Rev. 2, Amdt. 11)" should have read "(Rev. 2, Amdt. 1)".

[Rev. 13, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Standard Differential for Hawaii, the Virgin Islands, Puerto Rico, and Guam

On June 7, 1976, there was published in the FEDERAL REGISTER (41 FR 22847) a notice that the Small Business Administration proposed to adopt differentials applicable, in the case of size standards based on "dollars" to concerns that have 50 percent or more of their annual receipts attributable to business activity in Hawaii; the Virgin Islands, Puerto Rico, and Guam. A differential for Alaska has been in effect for several years.

The public was given an opportunity to comment on the proposal and no adverse comment was filed. Under the circumstances, we have decided to amend the regulation as proposed.

Accordingly, § 121.3–7(a) of Part 121, Chapter I., Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3–7 Differentials.

(a) Alaska, Hawaii, and certain nonforeign areas outside the continental United States. In computing the annual receipts, average annual receipts, assets, net worth, or average net income of a concern (not including its affiliates) that has 50 percent or more of its annual receipts attributable to business activity within one of the States and nonforeign areas set forth below, such annual receipts, average annual receipts, assets, net worth, or average net income, shall be reduced by the percentage prescribed for such State or area.

	Percent
Alaska	25.0
Hawaii	12.5
Virgin Islands	10.0
Puerto Rico	7.5
Guam	7.5

Effective Date: This amendment shall become effective November 8, 1976, but, for the purpose of Government procurement, shall apply only to procurements for which invitations for bids or proposals are issued on or after November 8, 1976.

(All SBA programs listed in the catalog of Federal Domestic Assistance Programs under Nos. 59.001–59.025)

Dated: August 31, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–26323 Filed 9–8–76; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8927]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Maico Hearing Instruments, Inc.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.388 To control allocations and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealing, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records; 13.533–75 Warranties. Subpart—Cutting off access to customers or market: § 13.535 Contracts restricting customers' handling of competing products; § 13.560 Interfering with distributive outlets; § 13.580 Organizing and controlling seller-suppliers. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service; § 13.635 Refusing sales to, or same terms and conditions; § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1150 Penalties; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Maico Hearing Instruments, Inc., a corporation

Consent order requiring a Minneapolis, Minn., manufacturer of hearing aids, among other things to cease imposing on its dealers customer and territorial restrictions and exclusive dealing requirements. The order also requires the firm, under certain circumstances, to make its products available to all qualified dealers, and to maintain, for a ten-year period, a file record of any refusal to sell.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered, That Respondent and its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device in connection with the manufacturing, distribution, advertising, offering for sale, sale or repair of its own brand name or trademark hearing aids, or hearing aid accessories, in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, request, or in any other manner, any arrangement or method of doing business with a dealer of hearing aids and/or accessories which has the purpose or effect of precluding or preventing a dealer from selling the product of one or more other hearing aid manufacturers.

2. Refusing to make available promptly upon request:

(a) Respondent's hearing aids, Respondent's hearing aid accessories which Respondent sells or any of Respondent's written materials relating to fitting and selling such hearing aids or accessories, to any dealer engaged in the sale of hearing aids; or

(b) Repair or replacement parts for Respondent's hearing aids or any of Respondent's written materials relating to repairing or replacing such hearing aids, to any person engaged in the repair of hearing aids, when requested for such purpose, if Respondent makes repair or replacement part available to any dealer for such purpose; *Provided, however,* That Respondent may impose a Ten Dollar ($10.00) minimum order requirement for such parts;

(c) Repair service on a nondiscriminatory basis with respect to a hearing aid manufactured by Respondent when requested by any dealer who sold such aid; *Provided, however,* That if no other provision of this Order is violated thereby:

(i) Respondent may require as a condition to the availability from it of any of its products, services or materials, that the dealer or person referred to in 2 (a), (b) and (c) above has received instruction or met standards necessary for the fitting, servicing, and/or repairing of Respondent's hearing aids which are required at that time of all then existing dealers of Respondent's products or all persons then engaged at the request of Respondent in the repair of Respondent's products, so long as such instruction, if made available to any dealer or person, is made available by Respondent on reasonable terms and conditions to all dealers or persons wanting to deal in or repair Respondent's products;

(ii) Respondent may refuse to make available directly from it any of its products or materials to any dealer or person if such requesting dealer or person is able promptly to obtain the product or materials from another dealer or distributor at Respondent's price to such dealer for a single unit (meaning the same price and discount terms available from Respondent) plus a reasonable service charge not to exceed the sum of Twenty Five Dollars ($25.00), said sum to be adjusted annually by any increase or decrease after 1974 in the Consumer Price Index as published by the United States Government;

(iii) Respondent may refuse to make available directly from it any of its products, services or materials to any dealer or person on other grounds related to that dealer's or person's professional competence or ethical conduct, so long as such refusals are uniformly made where such grounds exist;

(iv) Respondent may refuse to make available directly from it any of its products or materials to any dealer or person if such requesting dealer or person will not agree to purchase a minimum initial order of five (5) of Respondent's hearing aids on a cash with order basis.

3. Entering into, maintaining, preserving or enforcing by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, request, report of sale, warranty limitation, use of names or addresses of a dealer's customers, or in any other manner, any arrangement or method of doing business which has the purpose or effect of restricting or limiting:

(a) The territory or area in which a dealer of Respondent's hearing aids advertises, offers for sale, sells or repairs such products, or

(b) The person or persons with whom a dealer of Respondent's hearing aids deals.

4. Failing to return any hearing aid submitted to Respondent for repair directly to the dealer who submitted such product for repair unless otherwise instructed in writing by such dealer.

5. Fixing, establishing, stabilizing, maintaining or suggesting the prices at which a dealer of Respondent's hearing aids may or shall advertise, offer for sale, or sell to the public, or a person repairing Respondent's hearing aid may repair such products; *Provided, however,* That nothing in this Order shall prohibit Respondent after ten years from the date of entry of this Order from exercising any lawful rights it may then have under the Miller-Tydings Act, 50 Stat. 693 (1937) and the McGuire Act, 66 Stat. 632 (1952) with respect to hearing aids, accessories or parts.

6. Requiring that a dealer participating in Respondent's cooperative advertising program must not state or imply, in such cooperative advertisements, that the dealer also deals in other brands of hearing aids; *Provided, however,* That Respondent may continue to prohibit in such cooperative advertisement the stating of other brand names of hearing aids.

7. Requiring or coercing a dealer of Respondent's hearing aids to submit to Respondent the names or addresses of any customers of such dealer, or, with respect to such customer names or addresses obtained from a dealer after the effective date of this Order, maintaining, using, publishing or disseminating them for any purpose, without securing the free and informed written consent of the dealer for each such purpose based upon full disclosure to the dealer of the specific uses and disseminations which would be made of the customer names. No such consent shall be sought for other than Respondent's advertising and promotional programs for at least One Hundred Twenty (120) days from the date of Respondent's initial shipment of hearing aids to a new dealer or, in the case of an existing dealer, at least sixty (60) days after service on the dealer of this Order and letter attached hereto as Appendix A.

8. Preventing any dealer from using Respondent's product (brand) name in connection with the advertising, offering for sale, sale or repair of any of Respondent's products, except that Respondent may protect its rights in such name recognized at law.

9. Failing to include and deliver with any of Respondent's hearing aids sold by Respondent any express product warranty for such product provided by Respondent to the user.

II

It is further ordered, That Respondent shall: (a) Forthwith distribute a copy of this Order to each of its operating units, to its present corporate officers and to its present sales and repair personnel, and shall secure from each such officer, employee or other person, a signed statement acknowledging receipt of said Order;

(b) Within Thirty (30) days after service upon it of this Order, distribute a copy of the letter attached to this Order and made a part hereof as Appendix A to each of its existing hearing aid dealers and to every person known to it to be engaged in the repair of Respondent's products;

(c) Within Sixty (60) days after service upon it of this Order, place a full-page advertisement in a trade journal or publication with circulation among hearing aid dealers, which advertisement shall clearly and conspicuously disclose the provisions of Part I of this Order;

(d) Within One Hundred and Twenty (120) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order, including a list of all dealers and other persons on whom it has served a copy of Appendix A, and a copy of the publication which includes Respondent's advertisement required by this Order;

(e) For a period of Ten (10) years from the date hereof establish and maintain a file of all records referring or relating to Respondent's refusal to sell to any hearing aid dealer, or person engaged in the business of repairing hearing aids, which file must contain a record of a communication to such dealers or persons explaining Respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and annually, for a period of Five (5) years from the date hereof, submit a report to the Commission listing the names of all dealers or persons with whom Respondent has refused to deal over the preceding year, a description of the reason for the refusal, and the date of the refusal;

(f) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation, which may affect compliance obligations arising out of this Order.

The Decision and Order was issued by the Commission, August 4, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76–26328 Filed 9–8–76; 8:49 am]

[1] Copies of the Complaint, Appendices, Decision and Order, filed with the original document.

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart D—Compensation and Allowances Tropical Differential

The purpose of this amendment is to authorize payment of a tropical differential to the United States citizen employee who, pursuant to a legal separation, is living apart from his or her spouse and who otherwise would be precluded by the regulations from receiving it.

In 35 CFR Part 253, § 253.135 is amended by adding a new paragraph (d) reading as follows:

§ 253.135 Tropical differential.

• • • • • •

(d) The rules set forth in paragraphs (b)(2) and (b)(3) of this section shall not disqualify for the differential the employee who is living apart from his or her spouse while subject to a separation agreement executed pursuant to 8 C.Z.C. § 275, a judgment or decree for separate maintenance, or an interlocutory judgment of divorce.

Effective date: This amendment is effective August 30, 1976.

(2 C.Z.C. 142(b), 146(2), 155, 76A Stat. 16, 17, 19; 35 CFR 251.2.)

Dated: September 1, 1976.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.76–26368 Filed 9–8–76; 8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Grazing on National Forests and National Grasslands

On May 27, 1976, a document was published in the FEDERAL REGISTER (41 FR 21644) proposing to amend the regulations in 36 CFR Parts 213, 231, and 261, concerning grazing on the National Forests and National Grasslands.

Interested parties were given 30 days to make written submissions regarding the proposal. On June 28, 1976, the period for comment was extended to July 28, 1976 (41 FR 26578). The written comments filed in response to the notice of proposed rulemaking have been carefully considered. Based on these comments, the clarification, modifications, and revisions explained below have been made in the final rule document.

Wording in § 231.2(a) has been changed to show clearly that management of private or State-owned land used in connection with National Forest land is possible only with concurrence of the owners of the private or State-owned land.

Changes proposed in § 231.7(d) have been withdrawn. The reason for this withdrawal is that special interest groups and agencies, as well as the general public, expressed concern that the Forest Service was proposing to assume full responsibility for the leadership role in cooperative management of non-Federal

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forested ranges. This was not the intent.

Paragraph (d)(1) of § 231.3 has been changed to express more clearly the periods of coverage of term grazing permits. Also for clarity, paragraph (d)(1)(iv) of § 231.3 has been restated. A new paragraph (d)(1)(vii) has been added to § 231.3 to cover waiver of grazing privileges and recognition of new applicants.

Paragraph (d)(6)(ii) of § 231.3 has been restated to clarify the conditions under which horses, mules or burros may be permitted where needed to manage permitted livestock.

Paragraph (d)(9) of § 231.3 has been changed to more clearly convey the meaning of a negotiated permit. The name of the permit has been changed to eliminate the word "bid" in the title. The wording now correctly conveys what the permit is intended to do.

Changes from the amendment proposal have also been made in § 231.6. These changes were made to show authority of line officers in the Forest Service to revoke or suspend term grazing permits. This is not a change in operating procedure. Such authority has, until now, been expressed in the Forest Service Manual. The reason for this change is to make clear by regulation the authority of Forest officers concerning revocation or suspension of term grazing permits.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

1. Paragraph (e) of § 213.1 is revised to read as follows:

§ 213.1 Designation, administration, and development of National Grasslands.

* * * * * *

(e) National Grasslands in the following States and counties are hereby grouped and designated as indicated:

State in which grassland is located	National grassland	Counties where located
Colorado	Pawnee	Weld.
	Comanche	Baca, Los Animas, Otero.
Idaho	Curlew	Oneida, Power.
Kansas	Cimarron	Morton, Stevens.
Nebraska	Oglala	Dawes, Sioux.
New Mexico	Kiowa	Colfax, Harding, Mora, Union.
North Dakota	Cedar River	Grant, Sioux.
	Sheyenne	Ransom, Richland.
	Little Missouri	Billings, Golden Valley, McKenzie, Slope.
Oklahoma	Rita Blanca	Cimarron.
Oklahoma-Texas	Black Kettle	Roger Mills (Okla.), Hemphill (Tex.).
Oregon	Crooked River	Jefferson.
South Dakota	Buffalo Gap	Custer, Fall River, Jackson, Pennington.
	Grand River	Corson, Perkins, Ziebach.
	Fort Pierre	Jones, Lyman, Stanley.
Texas	Lyndon B. Johnson	Montague, Wise.
	Rita Blanca	Dallam.
	Caddo	Fannin.
	McClellan Creek	Gray.
Wyoming	Thunder Basin	Campbell, Converse, Crook, Niobrara, Weston.

§ 213.5 [Removed]

2. Section 213.5, Grouping of the National Grasslands into administrative units and providing specific designations therefor is revoked.

PART 231—GRAZING

3. Paragraph (b)(1) of § 231.1 is revised to read as follows:

§ 231.1 Range resource development and administration.

* * * * * *

(b) *Definitions.* (1) "National Forest System lands," as used in this part, are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

* * * * * *

4. Section 231.2 is retitled and is revised to read as follows:

§ 231.2 Range planning and management.

(a) Range allotments will be designated on National Forest System lands and on other lands under Forest Service control. Associated private and other public lands should, with concurrence of the landowner, be considered in such designations to form logical range management units.

(b) Each range allotment and wild horse or burro territory will be initially analyzed and a plan of management developed and implemented. The analysis and plans will be updated whenever needed as determined by conditions on the allotment or territory.

(85 Stat. 649 (16 U.S.C. 1331–1340).)

5. Paragraph (d) of § 231.3 is amended to read as follows:

§ 231.3 Grazing permits and grazing agreements.

* * * * * *

(d) Grazing permits and grazing agreements authorizing livestock use on National Forest System lands and on other lands under Forest Service control shall be as follows:

(1) Paid term permits may be issued for periods of 10 years or less to persons who own the livestock to be grazed and such base ranch property as the Chief, Forest Service, may require. Term permits will be issued to expire December 31 of the mid-year of the decade (1985, 1995, etc.). Term permits may also be issued in connection with changes of ownership of the base property or the permitted livestock of term permittees. Term permits are renewable at the end of each term period provided the provisions and requirements under which they are issued continue to be met. The term permit provides its holder first priority for its renewal at the expiration of the term permit period. The Chief, Forest Service, shall prescribe provisions and requirements under which term permits may be issued, renewed, and administered, including:

(i) Criteria for eligibility;

(ii) Ownership of base property and livestock;

(iii) Specifications for ownership of base property;

(iv) Acquisition of base property and/or permitted livestock.

(v) Conditions for the approval of nonuse of permit for specified periods;

(vi) Upper limits governing size of permit that any person, firm or corporation may hold;

(vii) Conditions whereby waiver of grazing privileges may be confirmed and new applicants recognized.

(2) Paid temporary permits may be issued annually to persons under such provisions and requirements as the Chief, Forest Service, shall prescribe.

(3) Paid term or temporary permits with a specific on-and-off provision may be issued to persons owning livestock that will graze on range only part of which is National Forest System lands and on other lands under Forest Service control.

* * * * * *

(6) Free permits may be issued to:

(i) Persons who reside on ranch or agricultural lands within or contiguous to National Forest System lands for not to exceed 10 head of livestock owned or kept for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, and who distinctly need such National Forest System lands to support such domestic animals.

(ii) Persons who clearly need National Forest System lands to support the number of horses, mules or burros needed to manage permitted livestock.

(iii) Prospectors, campers, and travelers for the few head of livestock actually used during the period of occupancy.

(iv) Others as may be authorized by the Chief, Forest Service.

* * * * * *

(9) Negotiated permits may be issued in the absence of applicants qualified for other permits or agreements for periods up to 5 years. Authorized use will be under a grazing management plan.

* * * * * *

(64 Stat. 88 (16 U.S.C. 580 l))

6. Paragraph (a) of § 231.5 is amended by adding a paragraph (10):

§ 231.5 Fees, payments, and refunds or credits.

(a) * * *

* * * * * *

(10) For negotiated permits, fees paid will be a negotiated item. It may be more or less than standard fees.

* * * * * *

(Sec. 501, 65 Stat. 290, (31 U.S.C. 483a))

7. Section 231.6 is revised to read as follows:

§ 231.6 Revocation and suspension of grazing permits.

The Chief, Forest Service and Regional Foresters are authorized to revoke or suspend in whole or in part, and Forest Supervisors are authorized to revoke up to 20 percent, or suspend in whole or in part, term grazing permits or grazing agreements on all National Forest System lands and on other lands under Forest Service control if:

(a) The permittee does not comply with the provisions and requirements in the grazing permit, the regulations of the Secretary of Agriculture on which the permit is based, or instructions issued by Forest officers; and

(b) The permittee knowingly and willfully makes a false statement or representation in grazing application or amendments thereto; or

(c) The permittee violates or does not comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

8. Section 231.7 is amended to read as follows:

§ 231.7 Cooperation in management.

(a) *Cooperation with local livestock associations.* (1) *Authority.* The Chief, Forest Service, is authorized to recognize, cooperate with, and assist local livestock associations in the management of the livestock and range resources on a single range allotment, associated groups of allotments or other association-controlled lands on which the members' livestock are permitted to graze.

(2) * * *

* * * * * *

(iv) Share costs for handling of livestock, construction and maintenance of range improvements or other accepted programs deemed needed for proper management of the permitted livestock and range resources.

* * * * * *

(b) *Cooperation with national, State, and county livestock organizations.* The policies and programs of National, State, and county livestock organizations give direction to, and reflect in, the practices of their members. Good working relationships with these groups is conducive to the betterment of range management on both public and private lands. The Chief, Forest Service, will endeavor to establish and maintain close working relationships with National livestock organizations having an interest in the administration of National Forest System lands, and direct Forest officers to work cooperatively with State and county livestock organizations having similar interests.

(c) *Interagency cooperation.* The Chief, Forest Service, will cooperate with other Federal agencies interested in improving range management on public and private lands.

(d) *Cooperation with others.* The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals who have an interest in improvement of range management on public and private lands.

9. Paragraph (a) of § 231.8 is revised to read as follows:

§ 231.8 Cooperation in control of estray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the livestock which graze thereupon, the Chief, Forest Service, will cooperate with:

(1) State, county, and Federal agencies in the application and enforcement of all laws and regulations relating to livestock diseases, sanitation and noxious farm weeds;

(2) The Animal Plan Health Inspection Service and other Federal and/or State Agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary or brand boards in control of estray and unbranded livestock to the extent it does not conflict with the Wild Free-Roaming Horse and Burro Act of December 15, 1971.

(85 Stat. 649 (16 U.S.C. 1331–1340))

* * * * * *

10. Section 231.9 is amended to read as follows:

§ 231.9 Range improvements.

(a) The Chief, Forest Service, is authorized to install and maintain structural and nonstructural range improvements needed to manage the range resource on National Forest System lands and other lands controlled by the Forest Service.

(b) Such improvements may be installed and maintained by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement, memorandum of understanding or special use permit.

* * * * * *

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain such improvements in a satisfactory state of repair.

* * * * * *

(Sec. 12, 64 Stat. 85 (16 U.S.C. 580h))

PART 261—TRESPASS

11. Section 261.13 is amended and paragraph (g) is added as follows:

§ 261.13 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock on the National Forest System lands and on other lands under Forest Service control, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a Forest officer as provided herein.

(a) When a Forest officer determines unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name of the owners, such livestock may be impounded any time 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the kind of livestock, or if the name of the owners thereof are unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound unauthorized livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on National Forest System lands and on other lands under Forest Service control, which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in a local newspaper, and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value, a minimum acceptable redemption price at fair market value may be established for each head of livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing his bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock or livestock of unknown ownership are released to the agency for disposition in accordance with State law.

(g) The term livestock as used in this section refers to cattle, sheep, goats, hogs, and equines not meeting the definition of wild, free-roaming horses or burrors in 36 CFR 231.11(a)(2).

(30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472); 50 Stat. 525, as amended (7 U.S.C. 1011).)

Effective date: These provisions shall take effect on September 9, 1976.

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Signed at Washington, D.C., on August 31, 1976.

ROBERT W. LONG,
Assistant Secretary
U.S. Department of Agriculture.

[FR Doc.76-26369 Filed 9-8-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Reimbursement for Official Mail Service

On June 18, 1976, the Postal Service published in the FEDERAL REGISTER (41 FR 24726) a notice of proposed rulemaking on this subject, setting forth a proposed change in § 137.21 of the Postal Service Manual. The proposed change is designed to reflect more accurately the scope of the statutory provisions concerning the collection of postage and fees for official mail service provided to executive and judicial officers of the U.S. Government. Thus, the proposed regulation explicitly recognizes the broad authority of the Postal Service to obtain adequate reimbursement for official mail service, and indicates that the Manager of the Government Revenue and Examination Branch, Finance Department, of the Postal Service may require the use of postage meters, or other forms of positive accountability, where in his judgment such measures are necessary to secure adequate reimbursement.

Interested persons were invited to submit written data, views, or arguments concerning the proposed regulation. Upon request the initial comment period was extended two weeks (41 FR 30354).

Three comments were received. One commenter expressed the concerns of Federal agencies over the potential high cost to agencies if postage meters were required to be used. He said that, prior to implementing any such requirement, agency management officials would need to be assured that alternative actions had been considered and that the selected action has the best cost/benefit ratio. Another commenter requested that adequate advance notice be given to agencies of any major change in the method of official mail accountability. The third commenter expressed the fear that the use of postage meters would delay dispatch of mail because he believes that neither Congress nor the Office of Management and Budget would authorize additional personnel to handle the increased workload which he believes may result.

In our opinion, the comments generally suggest considerations and a reasonable modus operandi which we would have considered and adopted in the administration of this provision. However, in order to allay any fears we are amending the new regulation to make these suggestions explicit.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following amendment of the Postal Service Manual, effective immediately.

Section 137.21 of the Postal Service Manual is revised to read as follows:

§ 137.21 Collection of postage and fees.

Departments, agencies, and establishments of the United States Government must reimburse the Postal Service the equivalent amount of postage and fees due for the official mail service they receive. Instructions governing the manner of reimbursement for official mail service are issued and administered by the Manager, Government Revenue and Examination Branch, Finance Department. Federal Government offices and officers must promptly furnish, in the manner and form requested, all information the Manager considers necessary to assure the accuracy of measurements of official mail use and the adequacy of budgeting to facilitate timely payment. The Manager may require offices and officers to establish improved methods of estimating or measuring official mail volume, or to initiate the use of postage meters or other forms of positive accountability for the use of official mail services, where he determines such action is necessary to secure adequate reimbursement to the Postal Service. Prior to making any such determination the Manager will consult with the office or officer involved as to possible alternative actions that might be taken which would be effective but which might have a better cost/benefit ratio. If the Manager, nevertheless, decides to require the use of postage meters or other forms of positive accountability for the use of official mail services, adequate advance notice will be given to affected agencies.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401, 3206, 3209).

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc.76-26307 Filed 9-8-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER I—AIR PROGRAMS

[ERL 613-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Correction

On February 13, 1976, EPA published in the FEDERAL REGISTER (41 FR 6765) approval of regulations for review of Indirect Sources in the State of Connecticut. In that approval notice 40 CFR § 52.375, Review of New Sources and Modifications, was deleted. However, the section number, 52.375, was wrong and is hereby being corrected. The number 52.381 should have been deleted rather than the number 52.375. Therefore, Subpart H of Chapter I, Title 40, Part 52 of the Code of Federal Regulations is corrected as follows:

§ 52.331 [Deleted]

Section 52.381. Review of New Sources and Modifications is deleted.

Dated: September 2, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-26283 Filed 9-8-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 169]

PART 1-1—GENERAL

Subpart 1-1.3—General Policies

OFFERS BY FEMALE ENTERPRISES

This amendment of the Federal Procurement Regulations (FPR) changes § 1-1.302, Procurement sources, with respect to the solicitation of offers. The Special Assistant to the President for Women's Affairs has expressed the view that procurement regulations need to be revised to ensure that female enterprises are not discriminated against during the solicitation process. The amendment requires that offers shall not knowingly be solicited on the basis of race, creed, color, sex, age, or national origin.

Section 1-1.302-1 is amended to change paragraph (b), as follows:

§ 1-1.302-1 General.

* * * * *

(b) Irrespective of whether the procurement of supplies or services from sources outside the Government is to be effected by formal advertising or by negotiation, competitive offers ("bids" in the case of procurement by formal advertising, "proposals" in the case of procurement by negotiation) shall be solicited from all such qualified sources as are deemed necessary by the contracting officer to ensure such full and free competition as is consistent with the procurement of types of supplies and services necessary to meet the requirements of the agency concerned. Offers shall not knowingly be solicited on the basis of race, creed, color, sex, age, or national origin of prospective sources.

Effective date: This amendment is effective October 26, 1976.

Dated: September 2, 1976.

NOTE: It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-26534 Filed 9-8-76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-98]

PART 101-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101-46.4—Disposal

AVAILABILITY OF PROCEEDS OF SALE

This regulation provides updated references to title 7 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

Section 101-46.404 is amended as follows:

§ 101-46.404 Availability of proceeds of sale.

Except as otherwise authorized by law, proceeds from sales of personal property disposed of pursuant to this Subpart 101-46.4 shall be accounted for in accordance with General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Fiscal Procedures, section 15.4. The requirements for a written administrative determination to establish that a bona fide replacement is involved are set forth in § 101-46.202(a)(4). Procedures for the application of the proceeds from sale for the acquisition of similar items follow:

(a) *Sale of property before the purchase of replacement property.* (1) When the property to be replaced is sold before the acquisition of the replacement property, the proceeds of such sales will be credited to the agency's budget clearing account," ----F3875."

(2) * * *

(3) When the acquisition of the replacement property is subsequently made and the obligation incurred, Standard Form 1081, Voucher and Schedule of Withdrawals and Credits, or other approved form should be processed to charge the budget clearing account, "---F3875", and credit the appropriation charged for the replacement. For audit purposes, the voucher must include or be supported by sufficient evidence to show that the reimbursement to the appropriation is applicable to the obligation incurred for the acquisition of similar replacement personal property.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective September 9, 1976.

It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: August 30, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-26291 Filed 9-8-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-134; Amdt. No. 146-1]

PART 146—TRANSPORTATION OR STORAGE OF MILITARY EXPLOSIVES ON BOARD VESSELS

Authority Citations

For reasons set forth in a document amending the authority citations in Parts 171-179 of title 49, Code of Federal Regulations, appearing elsewhere in this issue of the FEDERAL REGISTER, 46 CFR Part 146 is amended by adding an authority citation immediately following the table of contents to read as follows:

* * * * *

AUTHORITY: 46 U.S.C. 170(7) (a-c); 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 (e), (f), unless otherwise noted.

(46 U.S.C. 170(7); 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 (e), (f).)

Effective date: This amendment is effective on January 3, 1977.

Issued in Washington, D.C., on August 31, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-26377 Filed 9-8-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-820]

PART 0—COMMISSION ORGANIZATION

Review Board

Adopted: August 31, 1976.

Released: September 3, 1976.

By the Commission: 1. Section 0.361 (f) of the rules provides that a minimum of three members will participate in each "case" referred to the Review Board. While it is relatively clear that the term "case" refers to the review of initial decisions only, and not to interlocutory matters, it is desirable that the provision be clarified. Action on urgent interlocutory matters (e.g., motions for extension of time) should not be deferred if less than three Board members are available to act. We are therefore amending the first sentence of § 0.361(f) to read as follows:

(f) Except for interlocutory matters, a minimum of three members will participate in each matter referred to the Board. * * *

2. Accordingly, it is ordered, effective September 15, 1976, That § 0.361 is amended as set out below. Authority for the amendment is set out in sections 4 (i) and (j), 5(d) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 155(d) and 303 (r). Because the amendment involves a matter of procedure and merely clarifies an existing provision, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.361 (f) is revised to read as follows:

§ 0.361 General authority.

* * * * *

(f) Except for interlocutory matters, a minimum of three members will participate in each matter referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

[FR Doc.76-26351 Filed 9-8-76;8:45 am]

Title 49—Transportation

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket HM-138; Amdt. No. 107-3]

PART 107—PROCEDURES

Preemption and Enforcement Procedures

The purpose of these amendments to 49 CFR Part 107 is to (1) establish procedural regulations that implement the preemption provisions of section 112 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633), (2) prescribe procedures to be followed by the Materials Transportation Bureau (MTB) in carrying out its enforcement responsibilities under sections 109, 110, and 111 of the same Act, and (3) add several general procedural provisions covering the MTB's hazardous materials public docket room, service of documents and subpoenas.

AMENDMENTS TO GENERAL PROVISIONS

The list of definitions in § 107.3 is expanded to include a definition of "person" which covers all of the commonly recognized classes of legal entities regularly doing business, as well as individuals. A definition of "respondent" is added for use in connection with the new Subpart D enforcement procedures. A definition of "State" is being incorporated verbatim from section 103(5) of the Hazardous Materials Transportation Act.

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A new § 107.9 is added setting forth a general description of the materials available for public inspection and copying in the MTB's hazardous materials public docket room.

A new § 107.11 prescribes the means for effecting service of documents for purposes of the various hazardous material procedural regulations.

A new § 107.13 specifies who has authority to issue subpoenas under section 109(a) of the Hazardous Materials Transportation Act and prescribes the procedures for their issuance and service, the payment of witness fees, the handling of motions to quash or modify, and their enforcement.

PREEMPTION

In enacting section 112 of the Hazardous Materials Transportation Act, the Congress endorsed the principle of Federal preemption in order to preclude a multiplicity of State and local regulations and the potential for varying, as well as conflicting, regulations in the area of hazardous materials transportation (S. Rep. No. 93-1193, 93rd Cong., 2d Sess. 37 (1974)). The pertinent provisions of section 112 read as follows:

Sec. 112. (a) *General.*—Except as provided in subsection (b) of this section, any requirement of a State or political subdivision thereof, which is inconsistent with any requirement set forth in this title, or in a regulation issued under this title, is preempted.

(b) *State Laws.*—Any requirement of a State or political subdivision thereof, which is not consistent with any requirement set forth in this title, or in a regulation issued under this title, is not preempted if, upon the application of an appropriate State agency, the Secretary determines, in accordance with procedures to be prescribed by regulation, that such requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of this title or of regulations issued under this title and (2) does not unreasonably burden commerce. Such requirement shall not be preempted to the extent specified in such determination by the Secretary for so long as such State or political subdivision thereof continues to administer and enforce effectively such requirement.

Section 112(a) operates to preempt and nullify requirements of States and their political subdivisions pertaining to the transportation of hazardous materials which are inconsistent with Federal requirements. The determination as to whether a State or local requirement is consistent or inconsistent with a Federal statute or Federal regulations is traditionally judicial in nature. It is to be expected that conflicts between State and local hazardous materials requirements and the Hazardous Materials Transportation Act and related regulations will be the subject of future litigation. The Bureau, however, does not see the courts as the exclusive arbitrators of the inconsistency questions that may be posed by § 112(a). Therefore, to facilitate the operation of section 112(a), procedures are established in new Subpart C providing States and their political subdivisions and persons affected by requirements of States or political subdivisions the opportunity to seek administrative rulings as to the consistency or inconsistency of any particular State or political subdivision requirement. Also established are the procedures required by section 112(b) by which States or political subdivisions may obtain formal determinations that their inconsistent requirements are not preempted.

The new Subpart C prescribes means for obtaining inconsistency rulings and preemption determinations with respect to existing hazardous materials requirements of States and political subdivisions of States. These procedures are not a vehicle for receiving pre-enactment approval by the MTB. The Bureau does not hold itself out as legislative drafting or editorial service nor will it provide legal research service for State or local governments or legislators. It will, however, upon application, review State and political subdivision requirements which have been officially adopted by a State or political subdivision.

In defining the term "political subdivision" used in section 112 of the Act, the Bureau has taken the view that it includes not only the agencies of a State government, as well as municipalities and other local governments, but also entities created by one or more States or municipalities.

Section 107.203 invites applications for inconsistency rulings from States, political subdivisions, and persons affected by hazardous materials requirements of States and political subdivisions. It also specifies what each applicant must submit as part of his application. Section 107.205 requires private applicants to serve a copy of their application on the State or political subdivision concerned and gives the State or political subdivision 45 days in which to comment. Irrespective of who files an application, the Office of Hazardous Materials Operations (OHMO) may serve notice on additional parties or publish notice of the application in the FEDERAL REGISTER and invite interested persons to file written comments. Under § 107.207 the Director, OHMO, exercises broad investigative authority to fully develop the information necessary for his evaluation of the application. Section 107.209 reserves to the Director, OHMO, the authority to review and issue an inconsistency ruling on his own motion, invoking as necessary the same procedural mechanisms as are available in the case initiated by an application. Paragraph (c) of this section sets forth criteria employed by the Director, OHMO, in making his ruling. These criteria comport with the test for conflicts between Federal and State statutes enunciated by the Supreme Court in *Hines* v. *Davidowitz*, 312 U.S. 52 (1941). Each ruling is issued in writing and is served on the applicant and others who may be involved in the proceeding. When major issues are involved or the ruling has broad application, it may be published in the FEDERAL REGISTER in addition to being served on interested individuals.

Section 107.211 provides a 30-day appeal period for any person aggrieved by a particular ruling.

Section 107.215 invites States and political subdivisions (not private parties) to submit applications for non-preemption determinations. As specified in paragraph (b) of this section, each application must set forth the facts and the applicant's rationale and arguments in support of the non-preemption determination sought.

Section 107.217 requires a State or political subdivision applying for a preemption determination to serve notice of that application on those persons which the State or political subdivision can reasonably identify as being affected by the requested determination. The OHMO may add to the service list or publish notice in the FEDERAL REGISTER, or both. All persons upon whom notice is served or who are identified in the FEDERAL REGISTER notice will have the opportunity to submit written comments. Under § 107.219, as in the case of inconsistency rulings, the Director, OHMO, has broad procedural authority to fully develop the necessary information for making his determination. This includes the authority to require supplemental submissions from the applicant. The Director may dismiss an application without prejudice if there is insufficient information to make his determination; if the applicant fails to provide requested additional information; or if the applicant fails to provide notice to affected persons. The Director will only consider a request for a preemption determination if the inconsistency of the State or political subdivision requirement in issue has been affirmatively fixed by the order of a court of competent jurisdiction by a § 107.209 administrative ruling that has become final, or through the express acknowledgement of inconsistency by the applicant. When the OHMO has received all of the information necessary for reaching a determination, all participants are so notified and, if a formal determination is not issued within 90 days, § 107.223 affords the applicant the same opportunity for appeal as in the case of a denial.

Section 107.221, which provides for the issuance of a written determination, specifies the principal factors considered by the Director, OHMO, in reaching that determination. Whether a particular inconsistent State or political subdivision requirement unreasonably burdens commerce is a question of fact and requires a balancing of the State's or political subdivision's interest in public health and safety against the national interest in maintaining a free flow of commerce. The factors listed in § 107.221(b), no single one of which is dispositive in determining whether a State or political subdivision requirement creates an unreasonable burden, provide in combination the test by which that determination is to be made. Such have been the factors employed by the Supreme Court in deciding whether various State transportation safety requirements impose an unreasonable burden on interstate commerce. See e.g. *South Carolina State Highway Department* v. *Barnwell*, 303 U.S. 177 (1938); *Southern Pacific* v. *Arizona*, 325 U.S. 761 (1945); *Bibb* v. *Navajo Freight Lines*, 359 U.S 520 (1959). Section 107221 also provides for service of each preemption determination upon the applicant and other interested persons.

As in the case of inconsistency rulings, a 30-day appeal period for preemption determinations is provided by § 107.225. An appeal may be filed by any person aggrieved by a particular preemption determination.

ENFORCEMENT

New Subpart D describes the investigative procedures and enforcement authorities of the MTB with respect to its assigned area of responsibility for enforcement of the hazardous materials regulations. It also sets forth the MTB's procedures governing the imposition of sanctions with respect to violations of those regulations.

Section 107.301 describes the division of enforcement responsibilities among the operating elements of the Department of Transportation, including the MTB. The MTB exercises its hazardous materials enforcement responsibility through the OHMO. As stated in § 107.303, Subpart D covers the OHMO segment of this enforcement responsibility. Section 107.305 describes the investigative procedures followed by OHMO inspectors.

Under separate headings the remainder of Subpart D describes the various enforcement sanctions available to the OHMO and with respect to those which are primarily administrative to nature (i.e., compliance orders and civil penalties) sets forth procedures governing the processing of individual actions. The choice of which enforcement action or combination of actions to be initiated in a given case is, of course, a matter of administrative discretion with the OHMO acting under the policy direction of the Director, MTB. The four types of enforcement sanctions available to the OHMO are compliance orders, injunctive actions, civil penalties, and criminal penalties.

Sections 107.307 through 107.321 set forth the procedures applicable to the issuance of compliance orders under section 109(a) of the Hazardous Materials Transportation Act. Sections 107.431 through 107.359 set forth the procedures applicable to civil penalties assessed under section 110(a) of the Hazardous Materials Transportation Act. In many respects of the compliance order and civil penalty procedures are similar. Both are initiated by the issuance of a notice of probable violation with the respondent having 30 days in which to reply. Both provide the respondent with an opportunity to present a rebuttal to the allegations, in writing or orally, or a combination of both. They also provide means for settlement through informal compromise. In addition, both provide the respondent with options as to the degree of formality with which the matter is to be processed.

After receiving a notice of probable violation indicating that the OHMO is considering issuance of a compliance order, the respondent may (1) elect not to contest the allegations, (2) proposed the negotiation of a consent order, or (3) contest the allegations. If a consent order cannot be worked out or the respondent contests the allegations, a hearing is held before an official who has the authority to dismiss the case or issue an order directing compliance. His order may be appealed within 20 days after service.

In a situation where an ongoing or impending violation poses a risk requiring corrective steps be taken for the protection of public health and safety without delay, an order directing immediate compliance can be issued under § 107.319. Although prior notice and opportunity for a hearing procedure do not apply in such a situation, the order is subject to administrative appeal.

Section 107.331 and 107.333 reflect generally the authority contained in section 111 (a) and (b), respectively, of the Hazardous Materials Transportation Act. These provisions provide for injunctive relief and punitive damages for violations of the hazardous materials regulations and for the enforcement of compliance orders. When time permits the Department of Justice will bring an action on behalf of the MTB in the appropriate U.S. District Court. However, when the situation involves an imminent hazard the Director, MTB, may bring the action on his own motion in the appropriate U.S. District Court.

When a respondent receives a notice of probable violation indicating that the Director, OHMO, is considering assessing a civil penalty, the respondent may, within 30 days of service, (1) pay the amount of the preliminary assessment, (2) make an informal response denying the allegations in whole or in part and offering explanatory information, or (3) request a hearing. The filing of an informal response provides the opportunity for informal conference and possible compromise of the case. If a hearing is requested it will be conducted before an OHMO official who may dismiss the case or issue an order assessing a civil penalty. His order may be appealed within 20 days after service. In any case in which a civil penalty is assessed, the factors listed in § 107.359 are considered.

At any time after the issuance of a notice of probable violation in a civil penalty case and before it is referred to the Department of Justice for collection, the civil penalty can be compromised and settled by payment of the amount agreed upon in compromise.

Section 107.371 reflects the criminal penalty provided for in section 110(b) of the Hazardous Materials Transportation Act. Section 107.373 describes generally the procedures followed by the OHMO and the MTB with respect to possible criminal violations.

Since these amendments relate to practices and procedures of the MTB and its Office of Hazardous Materials Operations, notice and public procedure thereon is not necessary. Because these amendments are intimately related to action being taken in Docket HM-134 appearing elsewhere in this edition of the FEDERAL REGISTER, these amendments are being made effective concurrently with those in HM-134. However, because the MTB contemplates a review of the procedures established by these amendments after they have been in operations for at least six months and since it is desirous of public participation in that review, interested persons are invited to submit such comments as they may desire with respect to the new preemption and enforcement provisions of new Subparts C and D of 49 CFR Part 107 to the Docket Section, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on June 1, 1977, will be considered during the review, and will be available in the docket for examination, both before and after that date.

To be given particular attention during the review will be the civil penalty hearing procedures set forth in § 107.355 which the Bureau recognizes may be more formal and burdensome than necessary to fulfill the statutorily required "opportunity for hearing". Accordingly, the Bureau is particularly desirous of receiving comments with respect to this specific subject.

In consideration of the foregoing, 49 CFR Part 107 is amended as follows:

1. The table of sections is amended by adding the following new section numbers and headings:

Subpart A—General Provisions

Sec.

• • • • •

107.9 Public docket room.
107.11 Service.
107.13 Subpoenas; witness fees.

• • • • •

Subpart C—Preemption

107.201 Purpose and scope.

INCONSISTENCY RULINGS

107.203 Application.
107.205 Notice.
107.207 Processing.
107.209 Ruling.
107.211 Appeal.

NON-PREEMPTION DETERMINATIONS

107.215 Application.
107.217 Notice.
107.219 Processing.
107.221 Determination and order.
107.223 Timeliness.
107.225 Appeal.

Subpart D—Enforcement

107.301 Responsibility for enforcement.
107.303 Purpose and scope.
107.305 Investigations.

COMPLIANCE ORDERS

107.307 Compliance orders generally.
107.309 Notice of probable violation.
107.311 Reply.
107.313 Consent order.
107.315 Hearing.
107.317 Presiding officer's decision.
107.319 Compliance order for immediate compliance.
107.321 Appeal.

INJUNCTIVE ACTION

107.331 Injunctions generally.
107.333 Imminent hazards.

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CIVIL PENALTIES

Sec.
107.341 Civil penalties generally.
107.343 Maximum penalties.
107.345 Notice of probable violation.
107.347 Reply.
107.349 Payment of penalty.
107.351 Informal response and assessment.
107.353 Request for hearing.
107.355 Hearing.
107.357 Presiding officer's decision.
107.359 Assessment considerations.
107.361 Appeal.

CRIMINAL PENALTIES

107.371 Criminal penalties generally.
107.373 Referral for prosecution.

2. The authority citation following the table of sections is revised to read as follows:

AUTHORITY: 18 U.S.C. 831–835; 46 U.S.C. 170(11); 49 U.S.C. 1421(c); 49 U.S.C. 1802, 1806, 1808–1811; 49 CFR 1.53(e)–(h).

3. 49 CFR 107.3 is amended by adding new definitions of "Act", "Person", "Respondent", and "State" and as amended reads as follows:

§ 107.3 Definitions.

As used in this part:

"Act" means the Hazardous Materials Transportation Act.

"OHMO" means the Office of Hazardous Materials Operations.

"MTB" means the Materials Transportation Bureau.

"Person" includes a corporation, company, association, firm, partnership, society, and joint stock company, joint venture, sole proprietorship, as well as any officer, director, owner or duly authorized representative of any such unit or an individual.

"Respondent" means a person upon whom the OHMO has served a notice of probable violation.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam.

4. Subpart A is amended by adding new §§ 107.9, 107.11, and 107.13 immediately following § 107.7 to read as follows:

§ 107.9 Public docket room.

There is established in the MTB offices at 2100 2nd Street, SW., Washington, D.C., a public docket room in which there is available for public inspection and copying:

(a) Copies of notices of proposed rulemaking issued by the OHMO or its predecessor agency, including advance notices, together with the comments received thereon during rulemaking proceedings, copies of any related FEDERAL REGISTER notices, final rules, petitions for reconsideration, and decisions issued in response to petitions for reconsideration;

(b) Applications for exemptions from the Department of Transportation's regulations governing the transportation of hazardous materials, including supporting data, memoranda of any informal meetings with applicants, related FEDERAL REGISTER notices, comments received thereon during the public comment period and copies of decisions issued granting or denying applications for exemptions;

(c) Applications for inconsistency rulings and nonpreemption determinations under Subpart C of this part, together with the comments received thereon, related documents filed with the MTB, copies of related FEDERAL REGISTER notices, and rulings, determinations and orders issued in response to those applications;

(d) Records of compliance order proceedings and copies of OHMO compliance orders;

(e) Appeals filed under this part and MTB decisions issued in response to those appeals; and

(f) Such other information pertaining to the MTB's hazardous materials program required by statute to be made available for public inspection and copying and any information which the MTB or OHMO determines should be made available to the public.

§ 107.11 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail, except as otherwise provided.

(b) Service upon a person's duly authorized representative constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

§ 107.13 Subpoenas; witness fees.

(a) The Director, MTB, the Assistant General Counsel for Materials Transportation Law, or the MTB official designated to preside over a hearing convened in accordance with this part, may sign and issue subpoenas either on his own initiative or, upon an adequate showing that the information sought will materially advance the proceeding, upon the request of any person participating in that proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail.

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (f) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at his office with the person in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to him at his last known address, or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of the person, or by mailing them by registered or certified mail to that representative at his last known address or by any method whereby actual notice is given to the representative and the fees are made available prior to the return date.

(e) The original subpoena bearing a certificate of service shall be filed with the MTB official having responsibility for the proceeding in connection with which the subpoena was issued.

(f) A witness subpoenaed by the MTB shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(g) Notwithstanding the provisions of paragraph (f) of this section, and upon request, the witness fees and mileage may be paid by the MTB if the MTB official who issued the subpoena determines on the basis of good cause shown, that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage.

(h) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the designated MTB official who issued the subpoena, or if he is unavailable, to the Director, MTB, to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The Director, MTB, or the designated MTB official, as the case may be, may:

(1) Deny the application;

(2) Quash or modify the subpoena; or

(3) Condition denial of the application to quash or modify the subpoena upon the satisfaction of certain just and reasonable requirements. The denial may be summary.

(i) If there is a refusal to obey a subpoena served upon any person under the provisions of this section, the MTB may request the Attorney General to seek the aid of the United States District Court for any District in which the person is found to compel that person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the MTB, or both.

5. New Subparts C and D are added immediately following Appendix B to Subpart B to read as follows:

Subpart C—Preemption

§ 107.201 Purpose and scope.

(a) This subpart prescribes procedures by which (1) a State or a political subdivision of a State having a requirement pertaining to the transportation of hazardous materials or any person affected by the requirement may obtain an administrative ruling as to whether the requirement is inconsistent with the Act or regulations issued under the Act, and (2) a State or a political subdivision of a State may obtain a determination as to whether a requirement of that State or political subdivision, which is inconsistent with the Act or regulations issued under the Act and therefore preempted by section 112(a) of the Act is not so preempted.

(b) For purposes of this subpart "political subdivision" includes a municipality; a public agency or other instrumentality of one or more States, municipalities, or other political subdivisions of a State; or a public corporation, board, or commission established under the laws of one or more States.

(c) For purposes of this subpart regulations issued under the Act means the regulations contained in this subchapter, Subchapter C of this chapter and 46 CFR Part 146.

(d) Unless otherwise ordered by the Director, OHMO, an application for an inconsistency ruling which includes an application for a determination that the requirement is not preempted will be treated and processed solely as an application for an inconsistency ruling.

INCONSISTENCY RULINGS

§ 107.203 Application.

(a) Any State or political subdivision or any person affected by a requirement of a State or political subdivision may apply to the OHMO for an administrative ruling as to whether a particular existing requirement of the State or political subdivision concerned is inconsistent with a requirement of the Act or the regulations issued under the Act.

(b) Each application filed under this section for a ruling must:

(1) Be submitted to the Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Hazardous Materials Preemption Docket;

(2) Set forth the text of the State or political subdivision requirement for which the determination is being sought;

(3) Specify each requirement of the Act or the regulations issued under the Act with which the applicant seeks the State or political subdivision requirement to be compared for consistency; and

(4) State why the applicant believes the State or political subdivision requirement to be consistent or inconsistent with the requirements of the Act or the regulations issued under the Act.

(c) The filing of an application for a ruling under this section does not constitute grounds for noncompliance with any requirement of the Act or a regulation issued under the Act.

§ 107.205 Notice.

(a) If the applicant is other than a State or political subdivision, the applicant shall mail a copy of the application to the State or political subdivision concerned accompanied by a statement that the State or political subdivision may submit comments regarding the application to the OHMO within 45 days. The application filed with the OHMO must include a certification that the applicant has complied with this paragraph and must include the names and addresses of each State or political subdivision official to whom a copy of the application was sent.

(b) The OHMO may be serving notice on any other persons readily identifiable by the OHMO as persons who will be affected by the ruling sought or by publication in the FEDERAL REGISTER afford those persons an opportunity to file written comments on the application.

(c) Each person submitting written comments to the OHMO with respect to an application filed under this section shall send a copy of the comments to the applicant and certify to the OHMO that he has complied with this requirement. The OHMO may notify other persons participating in the proceeding of the comments and provide an opportunity for those other persons to respond.

§ 107.207 Processing.

(a) The Director, OHMO, may initiate an investigation of any statement in an application and utilize in his evaluation any relevant facts obtained by that investigation. The Director, OHMO, may solicit and accept submissions from third persons relevant to an application and will provide the applicant an opportunity to respond to all third person submissions. In evaluating an application, the Director, OHMO, may consider any other source of information. The Director, OHMO, may convene a hearing or conference, if he considers that a hearing or conference will advance his evaluation of the application.

(b) The Director, OHMO, may dismiss the application without prejudice if:

(1) He determines that there is insufficient information upon which to base a ruling; or

(2) He requests additional information from the applicant and it is not submitted.

§ 107.209 Ruling.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the Director, OHMO, issue his ruling.

(b) Notwithstanding that application for a ruling has not been filed under § 107.203, the Director, OHMO, on his own initiative, may issue a ruling as to whether a particular State or political subdivision requirement is inconsistent with the Act or the regulations issued under the Act.

(c) In determining whether a State or political subdivision requirement is inconsistent with the Act or the regulations issued under the Act, the Director, OHMO, considers:

(1) Whether compliance with both the State or political subdivision requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

(d) The ruling includes a written statement setting forth the relevant facts and the legal basis for the ruling and provides that any person aggrieved thereby may file an appeal with the Director, MTB.

(e) The OHMO serves a copy of the ruling upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the OHMO as one who is affected by the ruling. A copy of each ruling is placed on file in the public docket. The OHMO may publish the ruling or notice of the ruling in the FEDERAL REGISTER.

(f) A ruling issued under this section constitutes an administrative determination as to whether a particular requirement of a State or local subdivision is inconsistent with the Act or the regulations issued under the Act. The fact that a ruling has not been issued under this section with respect to a particular requirement of a State or political subdivision carries no implication as to the consistency or inconsistency of that requirement with the Act or any regulations issued under the Act.

§ 107.211 Appeal.

Any person aggrieved by a ruling issued under § 107.209 may file an appeal with the Director, MTB. The appeal must be filed within 30 days of service of the ruling. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate process is completed by the issuance of an order by the Director, MTB, granting or denying the appeal.

NON-PREEMPTION DETERMINATIONS

§ 107.215 Application.

(a) Any State or political subdivision may apply to the OHMO for a determination that a particular existing requirement of that State or political subdivision which is inconsistent with the Act or the regulations issued under the Act is not preempted.

(b) Each application filed under this section for a nonpreemption determination must:

(1) Be submitted to the Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590 Attention: Hazardous Materials Preemption Docket;

(2) Set forth the text of the State or political subdivision requirement for which the determination is being sought;

(3) Include a copy of any court order and any ruling issued under § 107.209 having a bearing on the application;

(4) Contain an express acknowledgment by the applicant that the State or political subdivision requirement is in-

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consistent with one or more requirements of the Act or the regulations issued under the Act, unless it has been so determined by a court of competent jurisdiction or in a ruling issued under § 107.209;

(5) Specify each requirement of the Act or the regulations issued under the Act with which the State or political subdivision requirement is acknowledged or has been determined to be inconsistent;

(6) State why the applicant believes the State or political subdivision requirement affords an equal or greater level of protection to the public than is afforded by the requirements of the Act or the regulations issued under the Act;

(7) State why the applicant believes the State or political subdivision requirement does not unreasonably burden commerce; and

(8) Specify what steps the State or political subdivision is taking to administer and enforce effectively its inconsistent requirement.

§ 107.217 Notice.

(a) The applicant State or political subdivision shall mail a copy of the application and any subsequent amendments or other documents relating to the application to each person who is reasonably ascertainable by the applicant as a person who will be affected by the determination sought. The copy of the application must be accompanied by a statement that the person may submit comments regarding the application to the OHMO within 45 days. The application filed with the OHMO must include a certification that the application has complied with this paragraph and must include the names and addresses of each person to whom the application was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the State or political subdivision determines that compliance with paragraph (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application filed with the OHMO a description of the persons or class or classes of persons to whom notice was not sent.

(c) The OHMO may require the State or political subdivision to provide notice in addition to that required by paragraphs (a) and (b) of this section, or may determine that the notice required by paragraph (a) of this section is not impracticable, or that notice should be published in the FEDERAL REGISTER.

(d) The OHMO may serve notice on any other persons readily identifiable by the OHMO as persons who will be affected by the determination sought and may afford those persons an opportunity to file written comments on the application.

(e) Any person submitting written comments to the OHMO with respect to an application filed under this section shall send a copy of the comments to the applicant. The person shall certify to the OHMO that he has complied with the requirements of this paragraph. The OHMO may notify other persons participating in the proceeding of the comments and provide an opportunity for those other persons to respond.

§ 107.219 Processing.

(a) The Director, OHMO, may initiate an investigation of any statement in an application and utilize in his evaluation any relevant facts obtained by that investigation. The Director, OHMO, may solicit and accept submissions from third persons relevant to an application and will provide the applicant an opportunity to respond to all third person submissions. In evaluating an application, the Director, OHMO, on his own initiative may convene a hearing or conference, if he considers that a hearing or conference will advance his evaluation of the application.

(b) The Director, OHMO, may dismiss the application without prejudice if:

(1) He determines that there is insufficient information upon which to base a determination;

(2) Upon his request, additional information is not submitted by the applicant; or

(3) The applicant fails to provide the notice required by § 107.217.

(c) Except as provided in § 107.201(c), the Director, OHMO, will only consider an application for a non-preemption determination if—

(1) The applicant State or political subdivision expressly acknowledges in its application that the State or political subdivision requirement for which the determination is sought is inconsistent with the requirements of the Act or the regulations issued under the Act; or

(2) The State or political subdivision requirement has been determined by a court of competent jurisdiction or in a ruling issued under § 107.209 to be inconsistent with the requirements of the Act or the regulations issued under the Act.

(d) When the OHMO has received all substantive information it considers necessary to process an application for a non-preemption determination, it serves notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to § 107.217.

(e) To the extent possible, each application for a non-preemption determination will be acted upon in a manner consistent with the disposition of previous applications for non-preemption determinations.

§ 107.221 Determination and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the Director, OHMO, issues an order setting forth his determination.

(b) The Director, OHMO, may issue a non-preemption order only if he finds that the State or political subdivision requirement affords to the public a level of safety at least equal to that afforded by the requirements of the Act and the regulations issued under the Act and does not unreasonably burden commerce. In determining whether the State or political subdivision requirement unreasonably burdens commerce, the Director, OHMO, considers the following factors:

(1) The extent to which increased costs and impairment of efficiency result from the State or political subdivision requirement.

(2) Whether the State or political subdivision requirement has a rational basis.

(3) Whether the State or political subdivision requirement achieves its stated purpose.

(4) Whether there is need for uniformity with regard to the subject concerned and if so, whether the State or political subdivision requirement competes or conflicts with those of other States and political subdivisions.

(c) The order includes a written statement setting forth the relevant facts and the legal basis for the determination. The order provides that any person aggrieved thereby may file an appeal with the Director, MTB.

(d) The OHMO serves a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the OHMO as one who is affected by the order. A copy of each order is placed on file in the public docket. The Director, OHMO, may publish the order or notice of the order in the FEDERAL REGISTER.

(e) An order issued under this section constitutes an administrative determination as to whether a particular requirement of a State or local subdivision of a State, which is inconsistent with the requirements of the Act or the regulations issued under the Act is not preempted.

§ 107.223 Timeliness.

If the OHMO fails to take action on the application within 90 days of serving the notice required by § 107.219(d), the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in § 107.225.

§ 107.225 Appeal.

Any person aggrieved by an order issued under § 107.221 may file an appeal with the Director, MTB. The appeal must be filed within 30 days of service of the order. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate process is completed by the issuance of an order by the Director, MTB, granting or denying the appeal.

Subpart D—Enforcement

§ 107.301 Responsibility for enforcement.

In accordance with delegations of authority from the Secretary of Transportation set forth in Part 1 of this title, responsibility for enforcement of this subchapter and Subchapter C of this chapter is exercised by:

(a) The Federal Aviation Administration with respect to the transportation or shipment of hazardous materials by aircraft;

(b) The United States Coast Guard with respect to the transportation or shipment of hazardous materials by vessels;

(c) The Federal Highway Administration with respect to the transportation or shipment of hazardous materials by highway vehicles;

(d) The Federal Railroad Administration with respect to the transportation or shipment of hazardous materials by railroad; and

(e) The MTB in all other respects. The MTB exercises this enforcement responsibility through the OHMO.

§ 107.303 Purpose and scope.

This subpart describes the various enforcement authorities exercised by the OHMO and the associated sanctions and prescribes the procedures governing the exercise of those authorities and the imposing of those sanctions.

§ 107.305 Investigations.

(a) *General.* The OHMO may initiate investigations relating to compliance by any person with any provision of this subchapter [or Subchapter C of this chapter], and order issued thereunder, or any court decree relating thereto. The OHMO encourages voluntary cooperation with its investigations. When circumstances warrant, however, subpoenas may be issued to compel the attendance of witnesses or the production of documents in accordance with and subject to § 107.13 and hearings may be conducted, and depositions taken pursuant to section 109(a) of the Act. The OHMO may conduct investigative conferences and hearings in the course of any investigation.

(b) *Investigators.* Investigations are conducted by officials of the OHMO who are duly designated for that purpose. Each official so designated may administer oaths and receive affirmations in any matter under investigation by the OHMO.

(c) *Notification.* Any person who is under investigation by the OHMO and who is requested to furnish information or documentary evidence is notified as to the general purpose for which the information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file is closed without prejudice to further investigation by the OHMO at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the OHMO, remain confidential under the investigatory file exception to the public disclosure requirements of 5 U.S.C. 552.

COMPLIANCE ORDERS

§ 107.307 Compliance orders generally.

When the OHMO has reason to believe that a person is engaging in conduct which involves a violation of any provision of this subchapter or Subchapter C of this chapter for which the OHMO exercises enforcement responsibility, or of any exemption issued under Subpart B of this Part, and if time, the nature of the violation, and the public interest permit, the OHMO may conduct proceedings pursuant to section 109(a) of the Act to determine the nature and extent of the violation and may thereafter issue an order directing compliance.

§ 107.309 Notice of probable violation.

(a) The OHMO begins a compliance order proceeding by serving a notice of probable violation on a person charging him with violating one or more provisions of this subchapter.

(b) A notice of probable violation issued under this section includes:

(1) A statement of the provision[s] of this subchapter or Subchapter C of this chapter which the respondent is believed to be violating;

(2) A statement of the factual allegations upon which remedial action is being sought; and

(3) A statement of the remedial action being sought in the form of a proposed compliance order.

(c) The OHMO may amend a notice of probable violation issued under this section at any time before the entry of a final compliance order. If an amendment includes any new material allegation of fact or seeks new or additional remedial action, the respondent is given an opportunity to respond.

§ 107.311 Reply.

(a) Within 30 days of the service of a notice of probable violation issued under § 107.309, the respondent may file a reply with the OHMO official who issued the notice of probable violation. That official may extend the 30-day period for good cause shown.

(b) The reply must be in writing, signed by the person filing it, and state with respect to each factual allegation whether it is admitted or denied. Even though formally denied, a factual allegation set forth in a notice of probable violation is considered to be admitted for purposes of the proceeding unless:

(1) Opposed by the written statement of an individual having personal knowledge of the subject matter;

(2) Challenged as defective on its face together with a supporting explanation as to why it is believed to be defective; or

(3) Otherwise actively put at issue through the submission of relevant evidence.

(c) The reply must set forth any affirmative defenses and include a statement of the form and nature of proof by which those defenses are to be established.

(d) If it is necessary to respond to an amendment to the notice of probable violation, the respondent may amend his reply at any time before the issuance of an order under § 107.317.

(e) If the respondent elects not to contest one or more factual allegations, he should so state in the reply. An election not to contest a factual allegation is an admission of that allegation solely for the purpose of issuing a compliance order and constitutes a waiver of hearing as to that allegation but does not, by itself, constitute a waiver of the right to be heard on other issues. In connection with a statement of election not to contest a factual allegation, the respondent may propose an appropriate order for issuance by the Director, OHMO, or propose the negotiation of a consent order.

(f) Failure of the respondent to file a reply within the period provided constitutes a waiver of his right to appear and contest the allegation and authorizes the Director, OHMO, without further notice to the respondent, to find the facts to be as alleged in the notice of proposed violation and to issue an appropriate order directing compliance.

§ 107.313 Consent order.

(a) At any time before the issuance of an order under § 107.317, the OHMO and the respondent may execute an agreement for disposing of the case by the entry of a consent order. If the Director, OHMO, accepts the agreement, he issues an order in accordance with its terms. If the Director, OHMO, rejects the agreement, he directs that the proceeding continue.

(b) An agreement submitted to the Director, OHMO, under this section must include:

(1) A proposed compliance order suitable for the Director's signature;

(2) An admission of all jurisdictional facts;

(3) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of the order; and

(4) An acknowledgement that the notice of probable violation may be used to construe the terms of the order.

§ 107.315 Hearing.

(a) When a respondent files a reply contesting allegations in a notice of proposed violation issued under § 107.309 or when the OHMO and the respondent fail to agree upon an acceptable consent order, the Director, OHMO, or an official designated by him, convenes and presides over a hearing on the proposed compliance order.

(b) The presiding official may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 107.13;

(3) Adopt procedures for the submission of evidence;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

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(9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to compliance orders and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The OHMO official who issued the notice of proposed violation, or his representative, has the burden of proving the facts alleged in the notice of proposed violation and may offer such relevant information as may be necessary to fully inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the remedial action being sought and conduct such cross-examination as may be required for a full disclosure of the facts.

§ 107.317 Presiding officer's decision.

(a) After consideration of evidence, the presiding officer may dismiss the notice of proposed violation or issue an order directing compliance. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.

(b) A compliance order issued under this section is effective upon service on the respondent unless otherwise provided therein.

§ 107.319 Compliance order for immediate compliance.

(a) Notwithstanding §§ 107.309 through 107.317, the Director, OHMO, may issue a compliance order for immediate compliance, which is effective upon issuance, and until rescinded or suspended, if he finds

(1) There is strong probability that a violation is occurring or is about to occur;

(2) The violation poses an unreasonable risk to health or to safety of life or property; and

(3) The public interest requires the avoidance or amelioration of that unreasonable risk through immediate compliance and waiver of the procedures afforded under §§ 107.309 through 107.317.

(b) A compliance order for immediate compliance is served promptly upon the person against whom the order is issued by telex or telegram, with a copy served in the manner provided in § 107.11. The copy contains a written statement of the relevant facts and the legal basis for the order, including the findings required by paragraph (a) of this section.

(c) The Director, OHMO, may rescind or suspend a compliance order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 107.309.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in paragraph (a) of this section are satisfied, the Director, OHMO, may issue a compliance order for immediate compliance, even if the 30-day period for reply specified in § 107.311(a) has not expired.

(e) At any time after a compliance order for immediate compliance has become effective, the Director, MTB, or his delegate may request the Attorney General to bring an action for appropriate relief in accordance with § 107.331.

§ 107.321 Appeal.

(a) A respondent aggrieved by a compliance order or a compliance order for immediate compliance may file an appeal with the Director, MTB. The appeal must be filed within 20 days after service of the compliance order.

(b) The filing of an appeal does not stay the effectiveness of the order unless the Director, MTB, expressly so provides.

INJUNCTIVE ACTION

§ 107.331 Injunctions generally.

Whenever it appears to the OHMO that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of this subchapter or Subchapter C of this chapter for which the OHMO exercises enforcement responsibility or of any order issued thereunder, the Director, MTB, or his delegate, may request the Attorney General to bring an action in the appropriate United States District Court for such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages as provided by section 111(a) of the Act.

§ 107.333 Imminent hazards.

Whenever it appears to the OHMO that there is a substantial likelihood that death, serious illness, or severe personal injury will result from the transportation of a particular hazardous material before a compliance order proceeding or other administrative hearing or formal proceeding to abate the risk of that harm can be completed, the Director, MTB, or his delegate, may bring an action in the appropriate United States District Court for an order suspending or restricting the transportation of that hazardous material or for such other equitable relief as is necessary or appropriate to ameliorate the hazard as provided by section 111(b) of the Act.

CIVIL PENALTIES

§ 107.341 Civil penalties generally.

When the OHMO has reason to believe that a person has knowingly committed an act which is a violation of any provision of this subchapter or Subchapter C of this chapter for which the OHMO exercises enforcement responsibility or of any exemption issued under Subpart B of this part, it may conduct proceedings to assess and, if appropriate, compromise a civil penalty.

§ 107.343 Maximum penalties.

(a) A person who knowingly violates a requirement of this subchapter applicable to the transporting of hazardous materials or to the causing of them to be transported or shipped is liable for a civil penalty of not more than $10,000 for each violation. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of this subchapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a package or container which is represented, marked, certified or sold by that person for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $10,000.

§ 107.345 Notice of probable violation.

(a) The OHMO begins a civil penalty proceeding by serving a notice of probable violation on a person charging him with having violated one or more provisions of this subchapter or Subchapter C of this chapter.

(b) A notice of probable violation issued under this section includes:

(1) A statement of the provision(s) of this subchapter or Subchapter C of this chapter which the respondent is believed to have violated;

(2) A statement of the factual allegations upon which the proposed civil penalty is being sought;

(3) Notice of the maximum amount of civil penalty for which the respondent may be liable;

(4) Notice of the amount of the preliminary assessed civil penalty;

(5) A description of the manner in which the respondent should make payment of any money to the United States;

(6) A statement of the respondent's right to present written or oral explanations, information or any materials in answer to the allegations or in mitigation of the penalty; and

(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

§ 107.347 Reply.

(a) Within 30 days of the service of a notice of probable violation issued under § 107.345, the respondent may:

(1) Pay the preliminary assessment as provided in § 107.349(a) and thereby close the case;

(2) Make an informal response as provided in § 107.351; or

(3) Request a hearing as provided in § 107.353.

(b) The OHMO official who issued the notice of probable violation may extend the 30-day period for good cause shown.

(c) Failure of the respondent to reply by taking one of the three actions described in paragraph (a) of this section within the period provided constitutes a waiver of his right to appear and contest the allegations and authorizes the Director, OHMO, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and order the assessment of an appropriate civil penalty.

§ 107.349 Payment of penalty.

(a) Payment of a civil penalty should be made by certified check or money order payable to the Treasurer of the United States and sent to the Assistant General Counsel for Materials Transportation Law, Department of Transportation, Washington, D.C. 20590.

(b) At any time before an order assessing a civil penalty is referred to the Attorney General for collection, the respondent may offer to comprise for a specific amount by submitting a certified check or money order for that amount to the Assistant General Counsel who may accept or reject it. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty for the violation.

§ 107.351 Informal response and assessment.

(a) If a respondent elects to make an informal response to a notice of probable violation, he shall submit to the OHMO official who issued the notice such written explanations, information or other materials as he may desire in answer to the charges or in mitigation of the proposed penalty.

(b) The respondent may include in his informal written response a request for a conference. Upon receipt of such a request, the OHMO arranges for a conference as soon as practicable at a time and place of mutual convenience.

(c) Written explanations, information or material submitted by the respondent and relevant information presented during any conference held under this section are considered by the OHMO in reviewing the notice of proposed violation and determining the fact of violation and the amount of any penalty to be assessed.

(d) After consideration of an informal response including any relevant information presented at a conference, the Director, OHMO, may dismiss the notice of probable violation in whole or in part. If he does not dismiss it in whole he may issue an order assessing a civil penalty.

§ 107.353 Request for hearing.

(a) If a respondent elects to request a hearing, he shall submit a written request to the Director, OHMO. The request must:

(1) State the name and address of the respondent and of the person signing the request if different from the respondent;

(2) State with respect to each allegation whether it is admitted or denied; and

(3) State with particularity the issues to be raised by the respondent at the hearing.

(b) After a request for hearing which complies with the requirements of paragraph (a) of this section, the Director, OHMO, schedules a hearing for the earliest practicable date.

(c) The Director, OHMO, may grant extensions of the time of the commencement of the hearing for good cause shown.

§ 107.355 Hearing.

(a) When a hearing is requested and scheduled under § 107.353, the Director, OHMO, or an official designated by him, convenes and presides over the hearing. To the extent practicable, the hearing will be held in the general vicinity of the place where the alleged violation occurred or at a place convenient to the respondent. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

(b) The presiding official may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 107.13;

(3) Adopt procedures for the submission of evidence in written form;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

(9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to civil penalties and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The OHMO official who issued the notice of proposed violation, or his representative, has the burden of providing the facts alleged in the notice of proposed violation and may offer such relevant information as may be necessary to fully inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the penalty to be assessed and conduct such cross-examination as may be required for a full disclosure of the facts.

§ 107.357 Presiding officer's decision.

(a) After consideration of the evidence of record, the presiding officer may dismiss the notice of probable violation in whole or in part. If he does not dismiss it in whole, he will issue and serve on the respondent an order assessing a civil penalty. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.

(b) If, within 20 days after service of an order assessing a civil penalty, the respondent does not pay the civil penalty or file an appeal as provided in § 107.361 (a), the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

§ 107.359 Assessment considerations.

In assessing a civil penalty under §§ 107.351 and 107.355, the assessment is made only after considering:

(1) The nature and circumstances of the violation;

(2) The extent and gravity of the violation;

(3) The degree of the respondent's culpability;

(4) The respondent's history of prior offenses;

(5) The respondent's ability to pay;

(6) The effect on the respondent's ability to continue in business; and

(7) Such other matters as justice may require.

§ 107.361 Appeal.

(a) A respondent aggrieved by a presiding officer's decision and order issued under § 107.357 assessing a civil penalty may file an appeal with the Director, MTB. The appeal must be filed within 20 days of service of the presiding officer's order.

(b) If the Director, MTB, affirms the assessment and the respondent does not pay the civil penalty within 20 days after service of the Director's decision on appeal, the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

CRIMINAL PENALTIES

§ 107.371 Criminal penalties generally.

Section 110(b) of the Act (49 U.S.C. 1809(b)) provides a criminal penalty of a fine of not more than $25,000 and imprisonment for not more than five years, or both, for any person who willfully violates a provision of the Act or a regulation issued under the Act.

§ 107.373 Referral for prosecution.

If an inspector or other employee of the OHMO becomes aware of a possible willful violation of the Act, this subchapter or Subchapter C of this chapter for which the OHMO exercises enforcement responsibility, he reports it to the Office of the Assistant General Counsel for Materials Transportation Law. If appropriate, the Assistant General Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

Effective date: This amendment is effective on January 3, 1977.

(49 U.S.C. 1808–1811 and 49 CFR 1.53(e).)

Issued in Washington, D.C., on August 31, 1976.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.76-26375 Filed 9-8-76;8:45 am]

[Docket No. HM-134; Amdt. Nos. 171-34, 172-32, 173-100, 174-27, 175-2, 176-2, 177-87, 178-40, 179-17]

HAZARDOUS MATERIALS REGULATIONS

Reissuance

On March 3, 1976, the Materials Transportation Bureau (MTB) pub-

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lished a notice of proposed rulemaking in the FEDERAL REGISTER identified as Docket No. HM–134; Notice No. 76–2. In that notice the MTB proposed to amend certain of the hazardous materials regulations for which it has responsibility to expressly reflect a reissuance of those regulations under the authority of the Hazardous Materials Transportation Act (Title I of Pub. L. 93–633) (HMTA). To accomplish that purpose the MTB proposed to revise the authority citations and, where necessary, the applicability of the hazardous materials regulations in 14 CFR Part 103, 46 CFR Parts 64 and 146, and 49 CFR Parts 170–179.

The basis for the March 3 proposal is found in § 114(b) (2) of the HMTA:

> The Secretary shall take all steps necessary to bring orders, determinations, rules, and regulations into conformity with the purposes and provisions of this title as soon as practicable * * *

This reissuance, one step in meeting the mandate of section 114(b) (2), provides the necessary legal connection being made between the hazardous materials regulations and the HMTA so that the provisions of the HMTA and the authorities vested in the Secretary of Transportation by the HMTA can be implemented in relation to those regulations.

By virtue of the reissuance, a number of HMTA provisions will come into operation in such a way as to modify the overall application of the hazardous materials regulations. Specifically, reissuance of the regulations under the HMTA:

Extends the MTB's regulatory authority to the manufacturers of packages and containers that are represented, marked, certified, or sold for use in the transportation of hazardous materials;

Preempts inconsistent State and local regulations and law unless the State or local political subdivision concerned applies to the MTB for and is granted a determination that the inconsistent law or regulation is not preempted;

Extends to the concerned operating elements of the Department of Transportation authority to impose civil penalties for violations committed in the rail and highway modes;

Significantly increases the criminal fines for all violations of the hazardous materials regulations;

Provides, as additional enforcement tools, authority for the administrative issuance of compliance orders and judicial issuance of injunctions and awarding of punitive damages; and

Makes the hazardous materials regulations as fully applicable in Puerto Rico, the Virgin Islands, Samoa and Guam as they already are in the 50 States and the District of Columbia.

In addition to these specific changes which will become operational on the effective date of this reissuance, there is another significant feature of the HMTA yet to be exercised. In proscribing the range of transportation which may be regulated through the issuance of hazardous materials regulations, § 103(1) of the HMTA includes transportation which affects interstate transportation. Clearly, the scope of this new regulatory authority as described by § 103(1) of the HMTA, is broader than that which has been exercised under 18 U.S.C. 834 as limited by the definition of "interstate and foreign commerce" in 18 U.S.C. 831. The Bureau now contemplates exercising his expanded HMTA authority through individual rulemaking proceedings which it would initiate as the need for extending the hazardous materials regulations to particular intrastate situations affecting interstate commerce come into focus. Meanwhile the classes of shippers and transporters who are subject to the reissued hazardous materials regulations remain the same as immediately prior to the reissuance.

Although the MTB considered the proposed reissuance to be mandatory and therefore leaving the Bureau without discretion in the matter, interested persons were invited to participate in the HM–134 rulemaking by submitting comments with respect to matters which they regarded as being affected by the proposed reissuance. All comments received on Docket HM–134 have been given full consideration by the Bureau before a decision was made on the on the amendments contained herein. Of the many comments received, a number have been determined to be outside the scope of the HM–134 proposal. Such comments have been or will be given separate consideration and may be the subject of future rulemaking action. The remaining comments, including those offering full support for the proposed reissuance, concerned themselves with the following:

Lack of adequate notice in HM–134 as to specific substantive changes to existing regulations.

Retaining certain existing citations of authority to the regulations.

Deferring the proposed reissuance until the amendments under Dockets HM–112 and HM–103 are finalized.

Deferring the proposed reissuance pending recodification and simplification of the regulations.

DOT jurisdiction over non-commercial as well as commercial transportation.

Preemption of State and local laws and regulations.

An allegation that the reissuance of 49 CFR 173.115(a) under the terms of the proposal would be in violation of Sections 104 and 105(a) of the HMTA.

The need to clarify what have been called ambiguities in the Shipping Container Specifications of Part 178 of 49 CFR before reissuing those specifications.

The issues raised by these comments will be addressed separately in the discussion that follows.

ADEQUACY OF NOTICE

Several comments expressed the attitude that the proposed reissuance was merely a technical or housekeeping amendment and that HM–134 could not legally be used as the vehicle to make any substantive changes in the nature, extent and effect of the hazardous materials regulations.

The Materials Transportation Bureau does not consider the amendments to be made under the proposed reissuance to be merely technical or housekeeping in nature. The Congressional mandate of Section 114(b) (2), to which the proposal was in response, envisions much more than that. As previously stated, the reissuance will result in the necessary legal connection being made between the hazardous materials regulations and the HMTA so that the provisions of the HMTA and the authorities vested in the Secretary of Transportation by the HMTA can be implemented in relation to those regulations. The proposal gave notice of this result when it was stated that, "This proposal to revise the citations of authority and, where necessary, the applicability of certain hazardous materials regulations * * *, to expressly reflect a reissuance of those regulations under the authority of the HMTA is one step in meeting" the "Congressional mandate" of Section 114(b) (2) of the HMTA. This amendment will do no more than what was proposed in the March 3rd notice.

RETENTION OF EXISTING AUTHORITY CITATIONS

Because the Transportation of Explosives Act (18 U.S.C. 831–835) has not been repealed, one comment urged that the existing authority citations to that Act in 49 CFR Parts 171–179 be retained. The Bureau believes that to do so would not be consistent with the statutory mandate of section 114(b) (2) of the HMTA which requires the hazardous materials regulations to be brought into "conformity with the purposes and provisions of [the HMTA] as soon as practicable."

RELATIONSHIP TO HM–112 & HM–103

Subsequent to the March 3rd notice, the amendments under Dockets HM–112 and HM–103 were published (41 FR 15972, April 15, 1976). Those amendments became effective July 1, 1976, and resulted in a consolidation of hazardous materials regulations for all modes in 49 CFR. The consolidation revised and relocated to 49 CFR certain hazardous materials regulations previously in 14 and 46 CFR. The action resulted in the revocation of 14 CFR Part 103 and a substantial reduction of 46 CFR Part 146 (41 FR 15972, 41 FR 28116). Therefore, amendments to authority citations in 14 CFR Part 103 proposed by this rulemaking are unnecessary and amendments to authority citations in 46 CFR Part 146 need not be as extensive as originally anticipated.

The comments requesting the Bureau to defer action on the proposed reissuance until final action was taken on outstanding hazardous material Dockets HM–103 and HM–112 have been overtaken by events. Since that time those dockets have been finalized and became effective July 1, 1976 (41 FR 15972). The fact that mandatory compliance with various amendments under Dockets HM–103 and HM–112 is not required until after July 1, 1976, is not considered by the Bureau to be a valid reason for further delay in finalizing HM–134. The regulations as amended by HM–103 and HM–112 set forth the currently applicable standards. A violation of any of those standards subjects the violator to the applicable penalty provided by statute unless (1) the action constituting the violation is an action authorized in the effective date provision under Dockets HM–103 and HM–112, as amended at 41 FR 26014, to be performed in the manner provided by the regulations in existence on June 30, 1976, and (2) that action does in fact comply with the regulations as they existed on June 30, 1976.

RECODIFICATION

One comment urged the Bureau to consider completely recodifying the existing hazardous material regulations prior to their reissuance under the HMTA. In light of the Congressional mandate embodied in § 114(b) (2) of the HMTA and a recodification that may take a year or more to complete, the Bureau must reject this suggested approach.

By finalizing the proceedings in Dockets HM–103 and HM–112 the Materials Transportation Bureau completed the first major phase of its continuing effort to improve, update, and simplify the regulations governing the shipment and transportation of hazardous materials. The next phase will be a recodification of those hazardous materials regulations over which the Bureau has authority. Whereas the principal purpose of HM–103 and HM–112 was the consolidation and substantive improvement of specific segments of the regulations, the purpose of the recodification phase will be to rearrange and revise the language of the regulations in a more comprehensible and accessible form to reduce inconsistency, redundancy and obsolescence. The changes made in 49 CFR Parts 171, 172, 174, 175 and 176 by Dockets HM–103 and HM–112 have already instituted many of the changes that would be ordinarily achieved by a pure codification. Therefore, future codification efforts will be directed towards 49 CFR Parts 173, 177, 178 and 179.

Even if it were prepared to initiate formal codification rulemaking focusing on Parts 173 and 177–179, the Bureau believes that first a reasonable period should be allowed for the major changes effected by HM–103 and HM–112 to season and for persons affected by those changes to become accommodated to them.

NONCOMMERCIAL TRANSPORTATION

One comment read as follows:

> The statute [HMTA] does not limit the DOT's jurisdiction to commercial transportation. Historical experience in administering the hazardous materials regulations, however, supports the conclusion that concerns for public safety do not require regulations governing personal transportation in personal vehicles. [It is recommended] that this conclusion be reflected in regulations adopted under HM–134, thereby continuing the traditional limitation of coverage to commercial transportation.

While, as pointed out earlier, the action being taken by the Bureau in this proceeding does not expand the coverage of the hazardous materials regulations to any class of shippers or transporters who are not already subject to those regulations, it should be recognized that the express policy of Congress in enacting the HMTA was "to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." For the Bureau to do as this commentor suggests and circumvent that declared policy by attempting to divest itself of the responsibility and jurisdiction authority placed in it is neither appropriate nor wise. The Bureau must remain unhampered in its ability to act, within its now expanded jurisdictional authority, in the best interest of health and safety. In exercising its new broader jurisdiction in future rulemakings, the Bureau, of course, is not precluded from giving consideration to what this commentor calls "traditional limitations of coverage" or to the practical and economic impact that is likely to accompany actual exercises of this broadened jurisdiction.

PREEMPTION

Another series of comments addressed the issue of Federal preemption as provided for by § 112 of the HMTA. Some of these comments presented a pro or con position on the concept of preemption. Because preemption of inconsistent State and local laws and regulations is Congressionally mandated, a discussion of the advantages or disadvantages of preemption in this rulemaking is moot. Appearing elsewhere in this edition of the FEDERAL REGISTER are procedural regulations for the full implementation of section 112.

Other comments made the unfounded accusation that the Materials Transportation Bureau had proposed the reissuance solely to seek an advantage in current litigation where preemption is a central issue. Though coincidence might lend support to that belief, it is regrettable that lack of confidence in the Bureau's concern for public safety led to that distorted conclusion. In February of this year the Bureau was asked by the Senate Subcommittee on Transportation why it did not, upon enactment of the HMTA on January 3, 1975, immediately move to reissue the existing hazardous materials regulations under the authority of the HMTA. The Bureau responded:

> The consolidation rulemaking identified as Docket No. HM–112 was published in January 1974. DOT efforts with regard to the HM–112 rulemaking began in 1971. By July 1975, when the reorganization within DOT to implement the provisions of the HMTA was completed, a vast amount of time by both the Department and the affected public had already been invested in the HM–112 rulemaking. Because of that time and because further delay of the rulemaking would have major consequences on persons associated with all modes of transportation, the MTB considered finalizing of HM–112 to be its foremost priority.
>
> Upon completion of HM–112, it was the MTB's intention to immediately move to reissue the consolidated regulations under the authority of the HMTA and develop procedural regulations to implement certain provisions of the Act.

In accord with that stated intention, when the Bureau committed itself to submitting the final HM–112 rulemaking to the FEDERAL REGISTER on April 1, 1976, the Bureau published HM–134 on March 3, 1976, and at the same time continued its development of procedural regulations to implement the preemption and enforcement provisions of the HMTA.

The remaining comments with regard to preemption ran the spectrum from full support of the reissuance and its effect on the preemption provision of the HMTA; to suggesting that until efficient procedures for making preemption determinations have been established, State and local regulations in existence on the effective date of the HMTA be presumed to be not preempted unless the Bureau makes a determination to the contrary; to urging the MTB to reject any proposal to amend its regulations which would result in the preemption of any inconsistent State and local regulations and law. These last two comments reveal a basic misunderstanding of the relationship between reissuance and the preemption provisions of the HMTA. The Bureau believes a discussion to clarify this misunderstanding is in order.

The relationship between the authority of the Federal Government and that of State and local governments, with respect to the safe transportation of hazardous materials, was specifically addressed by Congress in section 112 of the HMTA.

In Senate Report No. 93–1192 accompanying S. 4057, which was eventually enacted as the HMTA, the Committee on Commerce in discussing section 112 stated:

> The Committee endorses the principle of Federal preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.

The express provision of preemption in section 112 of the HMTA provides that, "Except as provided in subsection (b) of this section, any requirement, of a State * * * which is inconsistent with any requirement set forth" in the Act "or in a regulation issued under" the HMTA "is preempted." Section 112(a))

Section 112(b) provides that a State requirement not consistent with any requirements set forth in the HMTA or in a regulation issued under the HMTA is not preempted if upon the application of an appropriate State agency, the Secretary determines, in accordance with procedures prescribed by regulation, that such requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of the HMTA or of regulations issued under the HMTA, and (2) does not unreasonably burden commerce. The contem-

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plated procedural regulations appear elsewhere in this edition of the FEDERAL REGISTER.

In order to fully implement the provisions of section 112(a), reissuance of existing hazardous materials regulations under the authority of the HMTA is necessary. Without this reissuance, section 112 would be inoperative with respect to those regulations. The procedures for State and local governments and individuals to seek administrative determinations under sections 112(a) and 112 (b) with regard to State and local laws and regulations appearing elsewhere in this edition of the FEDERAL REGISTER are effective on the same date this reissuance becomes effective.

Additionally, Congress did not intend to limit section 112 to a prospective application. The section applies to any requirement • • • which is inconsistent. In addition, the language of section 112(a) is self operative, i.e., "inconsistent" State requirements are, by law, preempted. The procedures published elsewhere in this edition of the FEDERAL REGISTER merely provide the opportunity to receive an administrative ruling as to consistency or inconsistency (as well as the procedures to seek non-preemption determinations under section 112(b)). The fact that such an administrative ruling had not been issued under section 112 with respect to a particular requirement of a State or political subdivision will carry no implication as to the consistency or inconsistency of that requirement with the Act or any regulations issued under the Act.

PROCEDURAL REQUIREMENTS OF HMTA

Several comments alleged that the proposed reissuance of 49 CFR 173.115 (a) under the terms of the proposal would be in violation of sections 104 and 105(a) of the HMTA.

Section 173.115(a) defines a flammable liquid for purposes of transportation as any liquid having a flashpoint below 100° F, (37.8° C) with certain exceptions. Because the material polyester resin has a flashpoint below 100° F, it is classed as a flammable liquid. The basis for the definition of flammable liquid was the subject of various rulemaking actions and will not be rediscussed here. Participants to those rulemakings have since sought to have polyester resin exempted from the flammable liquid class even though it met the definition. Every available procedure has been used to gain this relief including a still to be completed appeal from the denial of the exemption request under the procedures of 49 CFR 107.121. These same participants now seek to argue their case by alleging procedural inadequacies in this rulemaking.

The first claim that by reissuing § 173.-115(a) under the authority of the HMTA, the Bureau proposes to classify polyester resin as a flammable liquid without having made the statutorily required finding that it poses a threat to life or property. They assert that such action is in violation of section 104 of the HMTA which reads in part as follows:

> Upon a finding by the Secretary, in his discretion, that the transportation of a particular quantity and form of material in commerce *may* pose an unreasonable risk to health and safety or property, he shall designate such quantity and form of material • • • as a hazardous material (emphasis supplied).

The Bureau takes this opportunity to point out that section 104 permits the Secretary to designate a material as hazardous if it *may* pose an unreasonable risk to health and safety or property. The section does not require the Secretary to go beyond a finding that the material is capable of posing such a risk. The merits of the previous rulemaking with respect to the flammable liquid definition have been discussed at length in Docket HM–102 and are summarized in the discussion which follows. Although nearly all of the significant activity in Docket HM–102 predated the HMTA, the procedures used to reach the conclusions of that rulemaking are in full accord with the new requirements of section 104.

These same commentors also assert that the reissuance of § 173.115(a) violates section 105(a) of the HMTA, in that the Bureau did not provide "an opportunity for informal, oral presentation" on the proposal. It was under Docket HM–102 that the Hazardous Materials Regulations Board (predecessor of the MTB) published the currently applicable definition of flammable liquids found in 49 CFR 173.115 (4 CFR 22263, May 22, 1975). A historic review of the efforts that lead to that publication will also lead to a better understanding of the Bureau's reaction to this assertion with regard to section 105(a) of the HMTA.

The first notice of proposed rulemaking relative to Docket HM–102 appeared in the FEDERAL REGISTER on February 27, 1968 under Docket HM–3 (33 FR 3382). Subsequent to that notice meetings were held with industry and trade associations such as Manufacturing Chemists Association, the National Fire Protection Association, the National Paints and Coatings Association, the American Petroleum Institute, the Society of the Plastics Industries, Inc., and the American Society for Testing and Materials. Of concern was the appropriate definition for flammable liquids considering the transportation environment, and the need for compatibility with the flammable liquid definitions of other government agencies. The recommended test method specified for evaluating the flammability hazard of liquids was discussed extensively with these groups.

In 1969, a contract (DOT–OS–00007) was established with the Bureau of Mines for an evaluation of the Department's hazard classification system and test methods. This resulted in the publication of a report in April 1970 titled, "Recommendation of Flash Point Method for Evaluation of Flammability Hazard in the Transportation of Flammable Liquids." The report contained an analysis of the flammability hazard presented in transportation; and recommended a definition for flammable liquids, and a method of test as a criterion for this definition. An additional contract (DOT–OS–00038) was let in 1969 for the study of the transportation environment. An extensive report was published under this contract in October 1971 by the General American Transportation Corporation titled, "A Survey of Environmental Conditions Incident to the Transportation of Materials." Much of this study was devoted to the temperature environment to be encountered in transportation. Based on these two studies, the proposed definition of a flammable liquid was considered to be somewhat conservative with respect to the maximum temperature limit to be encountered in transportation.

Representatives of the Consumer Product Safety Commission, and the Department of Labor's Occupational Safety and Health Administration (OSHA) were specifically asked to participate in the discussions and evaluation of the classification problem. On May 29, 1971, OSHA published its regulations for Flammable and Combustible Liquids (29 CFR 1910.106 effective date August 31, 1971). They specify a definition for flammable liquids identical with the definition proposed by this Department. A public hearing was held by OSHA concerning this standard at which time the desirability of uniformity of definition between the Department of Labor and Department of Transportation was discussed.

As a result of these many efforts, modifications of the proposed amendment were made at various times. The more important modifications included:

1. Deletion of the open cup as an alternate test method. [HM–67 (35 FR 18534), December 5, 1970]

2. Additional requirements for combustible liquids and the addition of certain exemptions for flammable liquids newly regulated under this amendment. [HM–102 (39 FR 2768), January 24, 1974]

3. Addition of a Setaflash tester as an alternate test method and additional exemptions for certain specific commodities. [HM–102 (40 FR 22263), May 22, 1975]

Four additional notices appeared in the FEDERAL REGISTER during this time period. These were concerned primarily with an extension of the time period for consideration of this rulemaking. Extensive files on this subject are open to the public. The Bureau maintains a public reading room and welcomes visits by any interested party.

Regardless of the statutory authority for a particular proposed regulation, when the Bureau issues a notice of proposed rulemaking, it schedules a public hearing on its own motion if it believes that the rulemaking is likely to be materially advanced by supplementing the written comments with oral presentations. In the case of proposed hazardous materials regulations under section 105 (a) of the Hazardous Materials Transportation Act, the Bureau is fully cognizant of the "opportunity for informal, oral presentation" provision which distinguishes that section. We do not, however, subscribe to the view that "a hearing is now guaranteed by law." We perceive the true state of the law on this matter to be somewhat less absolute. Even where a statute goes further than section 105(a) and states in unqualified terms that a hearing shall be held, a hearing is not required if the only reasons asserted for holding it are legally insufficient. *Dyestuffs and Chemicals, Inc.* v. *Flemming*, 271 F. 2d 231 (8th Cir. 1959), cert. denied, 362 U.S. 911 (1960). In accord is the § 102.27(a) provision of the Bureau's procedural regulations which provides that a petition for a hearing will be granted only if the petitioner shows good cause for the hearing.

While the Bureau routinely schedules one or more informal public hearings on all of its significant hazardous materials rule-making proposals, as it did in HM–102 which resulted in the change to the definition of "flammable liquid", there is no compelling legal or policy reason for the Bureau to hold hearings on those occasions when there is nothing material to be heard.

CLARIFICATION OF AMBIGUITIES IN REGULATIONS BEING MADE APPLICABLE TO MANUFACTURERS

Several comments on the proposed reissuance received from container manufacturers and associations representing these manufacturers asserted that reissuance of 49 CFR Part 178 should be deferred until certain clarifications are made to the provisions of that Part.

Prior to the enactment of the HMTA, the DOT lacked any direct jurisdiction over manufacturers of packages and containers that are used for transporting hazardous materials in commerce. Therefore, detailed regulations spelling out the requirements for containers were necessarily addressed to a class of persons subject to DOT jurisdiction (i.e. shippers). Congress saw this as a serious weakness that frustrated the DOT's efforts to adequately regulate for the safe transportation of hazardous materials. Congress cured this weakness by vesting in the Secretary of Transportation, under various provisions of the HMTA, regulatory and enforcement authority over those manufacturers. One goal of this reissuance is to implement that new authority, therefore, necessitating certain changes to Parts 178 and 179 to delineate the new responsibilities of container manufacturers resulting from the reissuance of those parts under the HMTA.

To accomplish that purpose, Parts 178 and 179 have been amended to provide that any person performing a function prescribed by either part must perform that function in accordance with the applicable part. The Bureau is specifically requiring that the manufacturer mark the packaging or container with the DOT specification. That mark will be understood to certify compliance by the manufacturer, that the functions performed by the manufacturer, have been performed in compliance with the applicable part.

Because of the DOT's historical lack of direct jurisdiction over container manufacturers, Parts 178 and 179 presently prescribe many functions with regard to packagings and containers that are, by their nature, performed after the package or container has left the control of the manufacturer. To insure that a packaging or container meets all the applicable specification requirements when ultimately used in the transport of hazardous materials, new § 178.0–2 asks that the manufacturer of a packaging or container inform each person to whom that packaging or container is transferred of any specification requirements which have not been met at the time of transfer. In addition, § 173.22(a) has been revised to clarify the shipper's responsibility for compliance with packaging and container specifications. The revised paragraph requires that when a shipper performs a function covered by, or having an effect on a specification requirement of Part 178 or 179, the shipper must perform that function in accordance with the specification. (This revision to § 173.22 was proposed under Docket HM–117 published on June 14, 1974 (39 FR 20805).)

As a result of market forces, i.e. shippers required by regulation to transport hazardous materials in containers meeting the specifications of Parts 178 and 179, container manufacturers have produced their product in compliance with those specifications. One commenter stated, "we manufacture our [container] according to DOT specification • • • or exemption. All tests are also performed to the same specification."

Thus, while proclaiming past voluntary compliance with DOT container manufacture and testing specifications, these manufacturers are now heard to say that the same specifications are so vague and questionable that proposed reissuance would put a very unfair burden on them by imposing the risk of civil penalties and criminal prosecution. They assert that such burdens should not be placed on the manufacturer until the vagueness and ambiguity are removed from the specifications.

The Bureau is not persuaded by these comments to defer reissuance of 49 CFR Parts 178 and 179 under the authority of the HMTA. Several reasons lead to this conclusion:

Container manufacturers' own past practices under the "shipper" regulations with regard to manufacture and testing provide guidance as to the purpose and meaning of the regulations governing the design and construction of containers;

Container manufacturers' long exposure to the past practices of the DOT with regard to the interpretation and enforcement of manufacture and testing specifications with respect to shippers also provide guidance as to future DOT practices with regard to manufacturers;

As in the case of any Federal compliance or enforcement action, any container manufacturer who may be accused of non-conforming to a regulation which he considers vague or ambiguous is entitled to assert that as a defense; and

Container manufacturers have the same rights and opportunities to request interpretations of and changes to the regulations as are currently exercised with great frequency by the shippers and carriers who have long been directly subject to the Federal hazardous materials transportation regulations.

In consideration of the foregoing 49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178, and 179 are amended as follows:

1. In Part 171, the authority citation following the table of contents is revised to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

• • • • •

AUTHORITY: 49 U.S.C. 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

• • • • • •

2. In § 171.2, a new paragraph (c) is added to read as follows:

§ 171.2 General transportation requirements.

• • • • • •

(c) No person may represent, mark, certify, or sell a packaging or container as meeting the requirements of this subchapter governing the use of that packaging or container in the transportation in commerce of a hazardous material unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, or repaired, as the case may be, in accordance with this subchapter.

3. In § 171.8, a definition for "United States" is added alphabetically to read as follows:

§ 171.8 Definitions and abbreviations.

• • • • • •

"United States" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam.

• • • • • •

4. In Part 172, the authority citation following the table of contents is revised to read as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATION REGULATIONS

• • • • • •

AUTHORITY: 49 U.S.C. 1803, 1804; 49 CFR 1.53(e), unless otherwise noted.

• • • • • •

5. In § 172.3, a new paragraph (b) is added to read as follows:

§ 172.3 Applicability.

• • • • • •

(b) When a person, other than one of those provided for in paragraph (a) of this section, performs a packaging labeling or marking function required by this part, that person shall perform the function in accordance with this part.

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6. In Part 173, the authority citation following the table of contents is revised to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

* * * * *

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

* * * * *

7. In § 173.1, a new paragraph (c) is added to read as follows:

§ 173.1 Purpose and scope.

* * * * *

(c) When a person other than the person preparing a hazardous material for shipment performs a function required by this part, that person shall perform the function in accordance with this part, are made in containers which, unless otherwise provided in this part, have been made, assembled with all parts or fittings in their proper place and properly secured, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this subchapter or with specifications of the Department in effect at date of manufacture of container. The shipper may accept the manufacturer's certification or specification marking to determine that specification containers were manufactured in accordance with applicable specifications (see § 178.0–2 of this subchapter). When a shipper performs a function covered by, or having an effect on a specification requirement of Part 178 or Part 179, the shipper must perform that function in accordance with the specification.

* * * * *

8. In § 173.22, paragraph (a) is revised to read as follows:

§ 173.22 Shipper's responsibility.

(a) When a container is supplied by the shipper, the shipper shall be responsible to determine that shipments of hazardous materials.

* * * * *

9. In § 173.24, paragraph (c) (1) is revised to read as follows:

§ 173.24 Standard requirements for all packages.

* * * * *

(c) * * *

(1) Each specification container must be marked as follows:

(i) In an unobstructued area with letters and numerals identifying the container specification (e.g., DOT–1A, DOT–17E–304HT, DOT–23G40). See § 178.0–2 of this subchapter.

(ii) The name and adress or symbol of person making the mark specified in paragraph (c) (1) (i) of this section. Symbol letters, if used, must be registered with the Bureau of Explosives. Duplicate symbols are not authorized.

(iii) The markings must be stamped, embossed, burned, printed, or otherwise marked on the packaging to provide adequate accessibility, premanency, and contrast so as to be readily apparent and understood.

(iv) Unless otherwise specified, letters and numerals must be at least ½ inch high.

(v) Packaging which does not comply with the applicable specification listed in Parts 178 and 179 of this subchapter must not be marked to indicate such compliance (see § 178.0–2 and § 179.1 of this subchapter).

10. In Part 174, the authority citation following the table of contents is revised to read as follows:

PART 174—CARRIAGE BY RAIL

* * * * *

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

* * * * *

11. In Part 175, the authority citation following the table of contents is revised to read as follows:

PART 175—CARRIAGE BY AIRCRAFT

* * * * *

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

* * * * *

12. In Part 176, the authority citation following the table of contents is revised to read as follows:

PART 176—CARRIAGE BY VESSEL

* * * * *

AUTHORITY: 46 U.S.C. 170(7) (a–c); 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 (e), (f), unless otherwise noted.

* * * * *

13. In Part 177, the authority citation following the table of contents is revised to read as follows:

PART 177—CARRIAGE BY PUBLIC HIGHWAY

* * * * *

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

* * * * *

14. In Part 178, the authority citation following the table of contents is revised to read as follows:

PART 178—SHIPPING CONTAINER SPECIFICATIONS

* * * * *

AUTHORITY: 49 U.S.C. 1804, 1808; 49 CFR 1.53(e), unless otherwise noted.

15. In Part 178, new §§ 178.0, 178.0–1, and 178.0–2 are added immediately preceding Subpart A to read as follows:

§ 178.0 Purpose, scope, and applicability.

§ 178.0–1 Purpose and scope.

This part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.

§ 178.0–2 Applicability.

(a) Any person who performs a function prescribed in this part, shall perform that function in accordance with this part.

(b) When this part requires (either expressly or by reference to § 173.24 of this subchapter) a packaging or container to be marked with a DOT specification (for example, DOT–1A, DOT–17E–304HT, DOT–23G40), compliance with that requirement is the responsibility of the packaging or container manufacturer. Marking the packaging or container with the DOT specification shall be understood to certify compliance by the manufacturer, that the functions performed by the manufacturer, as prescribed in this part, have been performed in compliance with this part. (See also § 173.28 "Reuse of containers." That section envisions the marking of containers to be performed by a person other than the original manufacturer.)

(c) Except as specifically provided in § 178.340, the manufacturer of a packaging or container should inform each person to whom that packaging or container is transferred of any specification requirements which have not been met at time of transfer.

16. In §§ 178.1–8, 178.2–6, 178.3–8, 178.4–7, 178.5–7, 178.6–8, 178.7–7, 178.8–7, 178.9–7, 178.12–9, 178.13–5, 178.14–7, 178.182–4, 178.198–4, and 178.218–10, the second sentence in paragraph (a) (1) is deleted; and paragraph (a) (2) is revised to read as follows:

(a) * * *

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

* * * * *

17. In § 178.15–7, paragraph (b) is revised to read as follows:

§ 178.15–7 Marking.

* * * * *

(b) Each container must also be marked with the name or symbol of person making the mark specified in paragraph (a) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

18. Section 178.18 is revised to read as follows:

§ 178.18–8 Marking on each container.

(a) Marking on top head plainly and permanently as follows:

(1) DOT–43A.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above, below, or following that mark. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Rated gallonage and year of manufacture (for example, 5–50).

19. § 178.19–6 is revised to read as follows:

§ 178.19–6 Marking.

(a) Each container must be permanently marked by embossment in letters and figures at least ½ inch in size as follows:

(1) DOT–34**; stars to be replaced by the rated capacity of the container (for example, DOT–34–5).

(2) Month and year of manufacture. For example, DOT–34–5–6/65 to indicate a container of 5 gallons capacity made in June 1965.

(3) Name or symbol of person making the marks specified in paragraphs (a) (1) and (a) (2) of this section and located just above or below those marks. Symbol, if used, must be registered with the Bureau of Explosives.

20. In § 178.20–1, a new paragraph (e) is added to read as follows:

§ 178.20–1 Capacity, thickness of metal, test and closure.

* * * * *

(e) "Marking." Each container must be marked as prescribed in § 173.24 of this subchapter.

21. Section 178.21–2 is revised to read as follows:

§ 178.21–2 Capacity and marking of container.

(a) Containers of 5 to 13 gallons capacity are covered by this specification. Actual capacity of the container must be the marked capacity plus 5 percent minimum.

(b) Each container must be permanently marked with figures and letters at least ¼ inch high to show:

(1) DOT–2T.

(2) Name or symbol of person making the mark specified in paragraph (b) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Month and year of manufacture.

§ 178.315–5 Marking.

§ 178.318–3 Marking.

22. Part 178 is amended by adding new §§ 178.315–5 and 178.318–3 to read as follows:

Each container must be marked as prescribed in § 173.24 of this subchapter.

23. Section 178.24–5 is revised to read as follows:

§ 178.24–5 Marking.

(a) Each container must be permanently marked by embossment in figures and letters at least ¼ inch in size to show:

(1) DOT–2U.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Month and year of manufacture.

(4) Rated capacity.

§ 178.24–6 [Amended]

24. In § 178.24–6, paragraph (a) is amended by changing the word "chapter" to read "subchapter."

25. In § 178.27–2, paragraph (c) is revised to read as follows:

§ 178.27–2 Construction, capacity and marking.

* * * * *

(c) Marking: Each container must be permanently marked in figures and letters at least ¼ inch in size to show:

(1) DOT–2TL.

(2) Name or symbol of person making the mark specified in paragraph (c) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Month and year of manufacture.

(4) Rated (marked) capacity.

26. Section 178.33–9 is revised to read as follows:

§ 178.33–9 Marking.

(a) By means of printing, lithographing, embossing, or stamping, each container must be marked to show:

(1) DOT–2P.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

27. Section 178.33a–9 is revised to read as follows:

§ 178.33a–9 Marking.

(a) By means of printing, lithographing, embossing, or stamping, each container must be marked to show:

(1) DOT–2Q.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

28. In § 178.35–3, paragraph (b) is revised to read as follows:

§ 178.35–3 Construction, capacity and marking.

* * * * *

(b) Marking: Each container must be permanently marked with figures and letters at least ¼ inch in size to show:

(1) DOT–2S.

(2) Name or symbol of person making the mark specified in paragraph (b) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Month and year of manufacture.

(4) Minimum capacity.

* * * * *

29. In § 178.35a–2, paragraph (c) is revised to read as follows:

§ 178.35a–2 Construction, capacity and marking.

* * * * *

(c) Markings: Each container must be permanently marked with figures and letters at least ¼ inch in size to show:

(1) DOT–2SL.

(2) Name or symbol of person making the mark specified in paragraph (c) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Month and year of manufacture.

(4) Minimum capacity.

* * * * *

30. In §§ 178.38–20, 178.39–19, 178.40–20, 178.41–19, 178.42–14, 178.43–20, 178.44–23, 178.47–21, 178.48–19, 178.49–19, 178.50–19, 178.52–19, 178.53–18, 178.54–20, 178.55–20, 178.58–21, 178.59–18, 178.60–22, and 178.68–19, the second sentence in paragraph (a) (2) is revised and in §§ 178.36–20, 178.37–20, and 178.57–20, the second sentence in paragraph (a) (3) is revised to read as follows:

The symbol and numbers must be those of person making DOT mark.

§§ 178.51–19, 178.56–19, 178.61–20 [Amended]

31. In §§ 178.51–19, 178.56–19, and 178–61–20, the first sentence in paragraph (a) (2) is revised to read as follows:

The serial number and identifying symbol of person making DOT mark.

32. In § 178.65–14, paragraph (b) (8) is revised to read as follows:

§ 178.65–14 Marking.

* * * * *

(b) * * *

(8) The following statement: Federal law forbids transportation if refilled—penalty up to $25,000 fine and 5 years imprisonment (49 U.S.C. 1809).

* * * * *

33. In §§ 178.80–11, 178.81–11, 178.82–11, 178.83–11, 178.84–11, 178.87–11, 178.88–10, 178.89–9, 178.90–10, 178.91–11, 178.92–12, 178.97–9, 178.98–9, 178.99–9, 178.100–9, 178.101–9, 178.102–4, 178.110–8, 178.115–10, 178.116–10, 178.117–11, 178.118–10, 178.119–10, 178.130–8, 178.133–9, and 178.134–4, the last sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised, and in §§ 178.103–6, 178.131–9, 178.132–9, and 178.135–8, the last sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name or symbol of person making the marks specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

34. Section 178.85–10 is revised to read as follows:

§ 178.85–10 Marking.

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the plates perimeter, as follows:

(1) DOT–5F.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Serial number and name or symbol of company or person for whose use the container is made.

(4) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example 14–11–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 14/12–11–50 for body 14 gauge and head 12 gauge).

35. In §§ 178.107–9, 178.108–9, 178.109–9, 178.111–8, 178.112–10, 178.136–9, 178–146–15, 178.147–15, 178.148–5, 178.149–7, 178.155–12, 178.156–12, 178.157–12, 178–160–9, 178.161–9, 178.190–9, 178.191–9, 178.193–6, 178.196–15, and 178.197–14, the second sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above, below, or following that mark. Symbol, if used,

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must be registered with the Bureau of Explosives.

36. Section 178.140–6 is revised to read as follows:

§ 178.140–6 Marking.

(a) Marking on each container by embossing on head with raised marks as follows:

(1) DOT–13.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

37. Section 178.141–7 is revised to read as follows:

§ 178.141–7 Marking.

(a) Marking on each container by embossing on head with raised marks as follows:

(1) DOT–13A.

(2) Name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

(3) Size of markings (minimum): 5/16 inch high.

38. Section 178.150–7 is revised to read as follows:

§ 178.150–7 Marking.

(a) Each container must be marked as follows:

(1) DOT–33A.

(2) The letters "NRC", located just above or below the DOT mark, to indicate a nonreusable container.

(3) Name or symbol of person making the other marks specified in this section and located on the same face as those other marks. Symbol, if used, must be registered with the Bureau of Explosives.

(4) Size of markings: Specification markings prescribed in this section must be at least ¼ inch high. All markings must be legible.

39. In §§ 178.165–13, 178.176–6, 178.177–6, and 178.171–11, paragraph (a) (1) is deleted and a new paragraph (b) is added to read as follows:

Each box must also be marked with the name or symbol of person making the mark specified in paragraph (a) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

40. In §§ 178.168–18, 178.169–18, 178.170–17, and 178.171–17, the second sentence in paragraph (a) (1) is deleted and a new paragraph (d) is added to read as follows:

Each box must also be marked with the name or symbol of person making the other marks specified in this section. Symbol, if used, must be registered with the Bureau of Explosives.

§ 178.172–19 [Amended]

41. In § 178.172–19, the second sentence in paragraph (a) (1) is deleted and a new paragraph (b) is added to read as follows:

Each box must also be marked with the name or symbol of person making the mark specified in paragraph (a) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

§§ 178.185–19, 178.186–19 [Amended]

42. In §§ 178.185–19 and 178.186–19, the second sentence in paragraph (a) (1) is deleted and paragraph (b) is revised to read as follows:

The name or symbol of person making the marks specified in paragraph (a) of this section must be located just above, below, or following those marks. Symbol, if used, must be registered with the Bureau of Explosives.

§ 178.185–22 [Amended]

43. In § 178.185–22, paragraph (c) (3) is deleted and paragraph (c) (2) is revised to read as follows:

§ 178.185–22 Special box authorized only when used in conjunction with inside spec. 2U (§ 178.24 of this chapter) polyethylene 5- and 15-gallon cubical containers.

• • • • • •

(c) • • •

(2) The name or symbol of person making the mark specified in paragraph (c) (1) of this section and located just just above, below, or following that mark. Symbol, if used, must be registered with the Bureau of Explosives.

44. In § 178.187–5, paragraph (c) is deleted and paragraph (b) is revised to read as follows:

§ 178.187–5 Marking authorized.

• • • • • •

(b) The name or symbol of person making the mark specified in paragraph (a) of this section must be located just above, below, or following that mark. Symbol, if used, must be registered with the Bureau of Explosives.

45. In § 178.194–6, the existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 178.194–6 Marking.

• • • • • •

(b) Each jacket must also be marked with the name or symbol of person making the marks specified in paragraph (a) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

46. In §§ 178.205–18, 178.206–18, 178.207–18, 178.209–13, 178.214–17, and 178.219–3, the second sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name and address or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

47. Section 178.208–12 is revised to read as follows:

§ 178.208–12 Marking.

(a) Each box must be marked as follows:

(1) DOT–12E110.

(i) This marking shall be enclosed by a rectangle.

(2) Name and address or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

(3) When metal straps are prescribed, boxes must be marked "____ (number) Metal Straps Required" just above or below the mark specified in paragraph (a) (1) of this section.

(4) Size of markings: Specification markings specified in paragraph (a) (1) of this section must be at least ½ inch high. All markings must be legible.

§§ 178.210–12, 178.211–6 [Amended]

48. In §§ 178.210–12 and 178.211–6, the last sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name and address or symbol of person making the marks specified in paragraph (a) (1) of this section and located just above or below those marks. Symbol, if used, must be registered with the Bureau of Explosives.

§ 178.212–8 [Amended]

49. In § 178.212–8, the last sentence in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name or symbol of person making the other marks specified in this section and located on the same face as those other marks. Symbol, if used, must be registered with the Bureau of Explosives.

• • • • • •

50. In § 178.224–4, paragraph (a) (3) is deleted and paragraph (a) (2) is revised to read as follows:

§ 178.224–4 Marking.

(a) • • •

(1) • • •

(2) Name or symbol of person making the marks specified in paragraph (a) (1) of this section and located just above, below, or following those marks. Symbol, if used, must be registered with the Bureau of Explosives.

§ 178.225–3 [Amended]

51. In § 178.225–3, the last sentence in paragraph (a) (1) (i) is deleted.

52. Section 178.226–4 is revised to read as follows:

§ 178.226–4 Marking.

(a) Each container must be marked to show:

(1) DOT–29.

(2) The name or symbol of person making the mark specified in paragraph (a) (1) of this section. Symbol, if used, must be registered with the Bureau of Explosives.

53. In §§ 178.230–8, 178.233–9, 178.234–9, and 178.240–10, the semicolon and text following the DOT specification (for example, DOT–36A) in paragraph (a) (1) is deleted and paragraph (a) (2) is revised to read as follows:

Name and address or symbol of person making the mark specified in paragraph (a) (1) of this section and located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

54. In §§ 178.236–7, 178.237–7, 178.238–7, and 178.239–7, paragraphs (a) (1) and (a) (2) are deleted and a new paragraph (b) is added to read as follows:

Each bag must also be marked with the name and address or symbol of the person making the mark specified in paragraph (a) of this section and be located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

55. Section 178.241–5 is revised to read as follows:

§ 178.241–5 Marking.

(a) Each bag must be marked with letters and figures at least ½ inch high in rectangle as follows:

(1) DOT–44P.

(2) This marking shall be enclosed by a rectangle.

(b) Each bag must also be marked with the name and address or symbol of the person making the mark specified in paragraph (a) of this section and be located just above or below that mark. Symbol, if used, must be registered with the Bureau of Explosives.

56. In § 178.350–3, paragraph (b) is revised to read as follows:

§ 178.350–3 Marking.

• • • • • •

(b) The letter and number size and additional marking requirements of § 173.24 of this subchapter must be complied with.

PART 179—SPECIFICATIONS FOR TANK CARS

57. In Part 179, the authority citation following the table of contents is revised to read as follows:

• • • • • •

AUTHORITY: 49 U.S.C. 1804, 1806; 49 CFR 1.53(e), unless otherwise noted.

• • • • • •

58. Section 179.1 is revised to read as follows:

§ 179.1 General.

(a) This part prescribes the specifications for tanks that are to be mounted on or form part of a tank car and which are used for the transportation of hazardous materials in commerce.

(b) Except as provided in paragraph (c) of this section, tanks to which this part is applicable, must be built to the specifications prescribed in this part.

(c) Tanks built to specifications predating those in this part may continue in use as provided in § 173.31 of this subchapter.

(d) Any person who performs a function prescribed in this part, shall perform that function in accordance with this part.

(e) When this part requires a tank to be marked with a DOT specification (for example, DOT–105A100W), compliance with that requirement is the responsibility of the tank builder. Marking the tank with the DOT specification shall be understood to certify compliance by the builder that the functions performed by the builder, as prescribed in this part, have been performed in compliance with this part.

(f) The tank builder should inform each person to whom that tank is transferred of any specification requirements which have not been met at time of transfer.

Effective date: This amendment is effective on January 3, 1977.

(49 U.S.C. 1803, 1804, 1808 and 49 CFR 1.53(e).)

Issued in Washington, D.C. on August 31, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-26376 Filed 9-8-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[Fifth Revised S.O. No. 1234]

Distribution of Freight Cars

SEPTEMBER 3, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2nd day of September, 1976.

It appearing, That there is an acute shortage of freight cars for transporting shipments of fertilizer, [1] phosphate, (dried or ground, treated or untreated fish meal, grain, grain products, soybeans or [1] soybean products; that certain tariff provisions require the use of cars of specified cubic or weight carrying capacities; that the carriers are unable to furnish sufficient such cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of fertilizer and grain; that the inability of the carriers to furnish sufficient fertilizer and grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of fertilizer and grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Distribution of freight cars.

(a) Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of fertilizer, [1] phosphate, (dried or ground, treated or untreated), fish meal, grain, grain products, soybeans or [1] soybean products regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

"Car of (_____) cu. ft. and of (_____) lbs. or greater capacity ordered. Smaller cars furnished authority Fifth Revised ICC Service Order No. 1234."

(f) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(j) *Effective date.* This order shall become effective at 12:01 a.m., September 3, 1976.

(k) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1976 unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas

[1] Phosphate, (dried or ground, treated or untreated), and soybean products added

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J. Byrne, and William J. Love. Member Lewis R. Teeple not participating.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc.76-26393 Filed 9-8-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Cabeza Prieta National Wildlife Refuge, Arizona

The following special regulations are issued and are effective on September 1, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

The public hunting of bighorn sheep on the Cabeza Prieta National Wildlife Refuge, Arizona, is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 4 through December 19, 1976, inclusive. The open bighorn sheep area, comprising 641,420 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep subject to the following special conditions:

(1) Bighorn sheep limited to 4 permits issued by the Arizona Game and Fish Department.

(2) Bighorn sheep hunters may hunt in those areas designated on their permits.

(3) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber, magazine or clip.

(4) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

(5) Travel by vehicle is restricted to those roads and trails designated by the Refuge Manager. Maps showing these designated routes of travel are available to holders of Arizona Game and Fish Department permits to hunt sheep in this area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1976.

HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of bighorn sheep on the Havasu National Wildlife Refuge, Arizona, is permitted from December 4 through December 19, 1976, inclusive, but only in the Arizona (Unit 16A) portion designated by signs as open to hunting. This open area, comprising 18,600 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep subject to the following special conditions:

(1) Only the person holding the permit issued by the Arizona Game and Fish Department to hunt desert bighorn sheep in Unit 16A will be permitted to hunt on the refuge.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1976.

KOFA GAME RANGE

The public hunting of bighorn sheep and deer on the Kofa Game Range, Arizona, is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 4 through December 19, 1976, inclusive; the deer season extends from October 22 through November 7, 1976, inclusive, and from November 12 through November 21, 1976, inclusive. These open areas, comprising 660,000 acres, are delineated on maps available at refuge headquarters, Yuma, Arizona and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special conditions:

(1) Bighorn sheep limited to 9 permits issued by the Arizona Game and Fish Department.

(2) Bighorn sheep hunters may hunt only in those areas designated on their permits.

(3) Deer limited to 700 permits issued by the Arizona Game and Fish Department.

(4) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber or magazine.

(5) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard or gun case (soft or hard).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1976.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,000 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—from November 12 through November 21, 1976, inclusive; California—from September 25 through November 7, 1976, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearms other than a legal deer hunting firearm, as defined by State hunting regulations, is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,200 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is November 6 and 7, 1976, and from November 9 through November 21, 1976, inclusive.

(2) Bag limit is 1 antlered deer per season.

(3) All hunters must leave the refuge by 1 hour after sunset.

(4) Overnight camping is prohibited.

(5) Only center-fire rifles chambered for cartridges meeting the legal requirements of the State of New Mexico are legal weapons for the hunt.

(6) Vehicular travel is restricted to designated roads only.

(7) Hunting and retrieval of kills must be by foot. Horses are prohibited.

(8) Fires are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

SAN ANDRES NATIONAL WILDLIFE REFUGE

The public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 30 through October 31, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 278, San Antonio, New Mexico 87832, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State, Federal and military regulations subject to the following special conditions:

(1) Hunters must check in and out in person at the check station located on the Jornada road near U.S. 70. The check station will be open 24 hours a day. Hunters may check in during the afternoon of October 29, 1976. Time of entry into the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10:00 p.m., October 31, 1976.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of the officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

(4) Camping will be permitted only at designated campsites, which includes a quarter-mile radius from each campsite sign.

(5) No open fires are permitted.

(6) Vehicles are restricted to established roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1976.

The public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 2 through October 10, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 278, San Antonio, New Mexico 87832, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 10, 1976.

W. O. NELSON, JR.,
Regional Director,
Albuquerque, New Mexico.

AUGUST 31, 1976.

[FR Doc.76-26331 Filed 9-8-76;8:45 am]

PART 32—HUNTING

Fish Springs National Wildlife Refuge, Utah

The following special regulation is issued and is effective September 9, 1976.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

UTAH

FISH SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 2, 1976 through January 2, 1977, inclusive, but only on the area designated by signs as open to hunting. This open area comprises 6,773 acres and is delineated on maps available at refuge headquarters, 66 miles southwest of Dugway, Utah 84022, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Bldg., 125 South States Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all State and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) All hunters must register at the Visitor Information Station prior to hunting each day, and check out at the end of each day.

(2) Shooting from, upon, or across dikes or roads is prohibited.

(3) The use of small boats, canoes, etc. is permitted during the hunting season, but outboard motors or air thrust boats are prohibited.

(4) Dogs may be used for hunting, but are to be kept under control at all times.

The provisions of these special regulations supplement the regulations that govern hunting on wildlife refuge areas generally that are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1977.

ROLF H. KRAFT,
Refuge Manager, Fish Springs
National Wildlife Refuge.

AUGUST 31, 1976.

[FR Doc.76-26332 Filed 9-8-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations will be effective October 9, 1976. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

GENERAL CONDITIONS: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at the refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except snipe and pigeons and doves, may be hunted on the following refuge areas:

CALIFORNIA

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, California 92233.

Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93215.

Special condition: Due to a lack of water, Kern may not have a hunting program this year. Hunters are advised to contact the Refuge Manager or offices of the California Fish and Game Department for up to date information on water and hunting conditions.

Merced National Wildlife Refuge, (Headquarters: San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635).

Migratory game birds, except pigeons and doves, may be hunted on the following refuge areas:

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Kesterson National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635.

Clear Lake National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions: 1. Boats with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

2. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

Lower Klamath National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. Bow hunters must follow the same regulations as firearm hunters. The use of long bow is permitted.

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6. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily on all California portions of the refuge.

Tule Lake National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. In designated spaced blind areas, hunters may not possess any loaded firearm further than 100 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt. Hunters may shoot only from within their assigned blind sites.

6. The use of long bow is permitted. Bow hunters must follow the same regulations as firearm hunters.

7. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily.

Modoc National Wildlife Refuge, P.O. Box 1610, Alturas, California 96101.

Special conditions: 1. First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

2. After first weekend, hunting permitted on Tuesdays, Thursday, and Saturdays during authorized seasons.

3. Hunters are required to enter hunting area via designated parking sites.

4. Hunting area is open for access from 90 minutes prior to legal shooting hours until 90 minutes after sunset on days hunting is permitted.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

CALIFORNIA

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93215.

Special condition: Due to a lack of water, Kern may not have a hunting program this year. Hunters are advised to contact the Refuge Manager or offices of the California Fish and Game Department for up to date information on water and hunting conditions.

Merced National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Lower Klamath National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants during The Special Hunt.

Tule Lake National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134.)

Special conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants during The Special Hunt.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

JAMES W. TEETER,
Regional Director,
Fish and Wildlife Service.

[FR Doc 76-26290 Filed 9-8-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Landing Requirements for Private Aircraft Arriving From Areas South of the United States

In order to provide better Customs service to private aircraft arriving from certain areas south of the United States, it is considered desirable to add the Presidio-Lely International Airport, Presidio, Texas, to the list of designated airports set forth in § 6.14(e) of the Customs Regulations (19 CFR 6.14(e)).

Accordingly, notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), it is proposed to amend § 6.14(e) of the Customs Regulations (19 CFR 6.14(e)) by adding the Presidio-Lely International Airport, Presidio, Texas, to the list of designated airports for private aircraft arriving from certain areas south of the United States.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than September 24, 1976.

Written material and suggestions submitted will be available for public inspection in accordance with section 103.8 (b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.76-26367 Filed 9-8-76;8:45 am]

Office of the Secretary

[31 CFR Part 1]

DISCLOSURE OF RECORDS

Fees for Services

The Department of the Treasury proposes to amend its regulations at 31 CFR Part 1, governing fees for services rendered in connection with the disclosure of records. The proposed amendments are to the regulations issued pursuant to 5 U.S.C. 552, as amended (the Freedom of Information Act); however, pursuant to 31 CFR 1.26, the amendments would also affect the fees to be charged for requests made under the Privacy Act of 1974. The purposes of the amendments are: To more closely conform to the Freedom of Information Act, by eliminating minimum fees; to raise the fee charged for locating records under FOIA to a level which more closely approximates the cost of the service rendered and to eliminate the imposition and collection of fees when the charges would be minimal.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Department of the Treasury proposes, pursuant to the authority of 5 U.S.C. 552(a)(4)(A) and 31 U.S.C. 483a, to adopt the following amendments to Part 1, Subtitle A of Title 31 of the Code of Federal Regulations:

§ 1.6 [Amended]

1. Revise § 1.6(g)(1)(i) and (g)(3)(i) to read:

. . . . . .

(g) . . .

(i) Photocopies, per page up to 8½" x 14", $0.10 each, except that no charge shall be imposed for copying 10 pages or less.

. . . . . .

(i) The fee charged for services of personnel involved in locating records shall be $5.00 for each hour or fraction thereof, except that no charge shall be imposed for a search consuming one hour or less.

2. Amend 1.6(g)(3)(ii) by changing "$3.50" to read "$5.00."

Interested persons are invited to submit written comments, suggestions or objections regarding the above amendments to Richard R. Albrecht, General Counsel, Room 3000, Department of the Treasury, Washington, D.C. 20220, on or before October 12, 1976. Comments submitted in response to this Notice will be available to the public upon request therefor.

Dated: September 3, 1976.

RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.76-26321 Filed 9-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Grade Regulations for Shelled Filberts

Notice is given of proposals to (1) establish minimum grade regulations for shelled filberts, (2) change the grade requirement prescribed for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation, and (3) make a minor conforming change in the administrative rules and regulations. This action is pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 40 FR 53226, 55829), regulating the handling of filberts grown in Oregon and Washington (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 982.45(a) of the order provides, in part, that no handler shall handle any shelled filberts unless they meet such minimum standards as are established by the Secretary on the basis of a recommendation of the Filbert Control Board. The Board has now recommended that shelled filberts be required to meet the standards for Oregon No. 1 whole and broken grade for shelled filberts contained in the Oregon Grade Standards for Filbert (Hazelnut) Kernels.

It is necessary to establish these standards because of the continuing importance of the shelled filbert market. Mandatory inspection and certification of filbert kernels would tend to promote orderly marketing because only acceptable quality kernels could be handled, and consumers and users could depend on the quality of each shipment.

This proposal would also necessitate a change in the standards applied to shelled filberts declared and withheld by a handler in lieu of merchantable filberts in satisfaction of a restricted obligation pursuant to §§ 982.50(a) and 982.51(b). Section 982.50(a) currently provides that these shelled filberts should meet the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels, or such other standards as may be recommended by the Board and established by the Secretary. Because of its recommendation to establish minimum grade regulations for shelled filberts on the basis of Oregon No. 1 whole and broken grade, the Board also recommended, as a conforming change, the establishment of this grade for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation.

Both proposals would be included in § 982.101 of a new subpart entitled Subpart—Grade and Size Regulation.

It is also proposed that the reference to "Oregon Grades and Standards for Walnuts and Filberts" in § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) be changed to "Oregon Grade Standards

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Filberts In Shell." This is a conforming change to recognize a change in the title of the standards applicable under the order to inshell filberts.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 22, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposals follow:

Subpart—Grade and Size Regulation

1. Add a new subpart entitled Subpart—Grade and Size Regulation and include a § 982.101 in that subpart reading as follows:

§ 982.101 Minimum grade standards for shelled filberts.

(a) Pursuant to § 982.50(a), no handler shall handle any shelled filberts unless such filberts meet the requirements for Oergon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

(b) Pursuant to §§ 982.50(a) and 982.51 (b), a handler may declare and withhold shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation. Shelled filberts so declared and withheld shall, in lieu of the standards prescribed pursuant to § 982.50(a) (3), meet the standards in effect for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

2. In § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471), "Oregon Grades and Standards for Walnuts and Filberts" is revised to read "Oregon Grade Standards Filberts In Shell".

Dated: September 2, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-26311 Filed 9-8-76;8:45 am]

EDUCATION, AND WELFARE DEPARTMENT OF HEALTH,

Food and Drug Administration

[21 CFR Part 201]

[Docket No. 76N-0207]

EPINEPHRINE INHALATION PREPARATIONS; PRESCRIPTION DISPENSING AND WARNINGS

Withdrawal of Proposal and Termination of Rulemaking Proceeding

The Food and Drug Administration (FDA) is withdrawing the proposal (published in the FEDERAL REGISTER of April 15, 1972 (37 FR 7519)) to amend § 3.67 (now § 201.305 (21 CFR 201.305) pursuant to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) and terminating the rule making proceeding initiated by that proposal. The proposal, if adopted, would have limited epinephrine inhalation preparations to prescription dispensing and required that specified warnings be added to their labeling.

After considering the comments received in response to the proposal, the Commissioner of Food and Drugs concluded that the matter should be reviewed by the Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products Panel who would advise him on the safety, effectiveness, and adequacy of labeling of these over-the-counter (OTC) bronchodilator drug products. That review is now completed, and the proposed monograph including the panel's conclusions and recommendations to the Commission is published elsewhere in this issue of the FEDERAL REGISTER. The panel recommended that epinephrine inhalation drug products continue to be dispensed over-the-counter but with certain labeling changes. Interested persons will have an opportunity to comment on both the proposed monograph and the tentative final monograph, which the Commissioner will issue at a later date.

Accordingly, the Commissioner finds that the April 15, 1972 proposal is now superseded; however, the requirements in § 201.305 (21 CFR 201.305) (formerly § 3.67) governing isoproterinol inhalation preparations are not affected by this section.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502 503 (b), 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 (21 U.S.C. 352, 353(b), 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby withdraws the proposed amendment to § 3.67 published in the FEDERAL REGISTER of April 15, 1972 (37 FR 7519) and terminates the rulemaking proceeding initiated by that proposal.

Dated: July 30, 1976.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc.76-26174 Filed 9-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI 2296]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Livermore, California

The Federal Insurance Administrator, in accordance with section 110 of the Floor Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Livermore, California.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Livermore must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 2250 First Street, Livermore California 94550.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Helen Tirsell, City Hall, 2250 First Street, Livermore, California 94550. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Arroyo Mocho	Southern Pacific R.R.	450	40	40
	South edge of Stanley Blvd.	452	1,670	50
	West edge of Holmes St.	472	60	0
Arroyo Las Positas	West side of Airway Blvd.	381	50	800
	West edge of Bluebell Dr.	501	30	35
	West edge of Heather Lane	512	190	30
	Along north edge of Frontage Rd.	535	70	580
Altamont Creek	Along north edge of Bluebell Dr.	500	580	150
	West edge of Vasco Rd.	526	910	40
Arroyo Seco	South side Highway 50	506	90	90
	Lucille St.	551	0	0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-26365 Filed 9-8-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2295]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Riverside, Missouri

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Riverside, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Riverside must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Riverside, Missouri 64168.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor E. H. Young, City Hall, P.O. Box 9135, Riverside, Missouri 64168. The period for comment will be ninety days following the second publication of this notice in a newspaper or local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Burlington Creek	Paradise Valley Rd.	764	240	440
	MO-9	764	[1] 2,940	[1] 14,500
	Burlington Northern Inc.	764	[1] 2,460	[1] 15,280
East Creek	U.S. Highway 69	771	160	140
	Railroad bridge	767	80	60
Missouri River	I-635	779	(2)	1,070
	Fairfax Bridge	758	(2)	960
Line Creek	U.S. Highway 69	766	230	510
	Bridge No. 71	764	240	120
	Northwest Platte Rd.	767	600	[1] 4,640
Jumping Branch	50th St.	770	150	150
	U.S. Highway 69	760	100	200

[1] Extends to corporate limits.
[2] Bank outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: Aug. 24, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-26366 Filed 9-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1–22; Notice 03]

VEHICLE IDENTIFICATION NUMBER

Advance Notice of Proposed Rulemaking

This is an advance notice of proposed rulemaking to advise the public that the National Highway Traffic Safety Administration (NHTSA) has tentatively concluded that further specificity is desirable in the elements of Standard No. 115, *Vehicle Identification Number*, to reduce errors in and simplify data processing for programs such as safety defect recall, accident investigation studies, vehicle theft, certification, registration, titling, insurance, and inspection. Extension of the standard's applicability to all types of motor vehicles is also being considered. No rule will be issued without further notice and opportunity for comment.

The Vehicle Identification Number (VIN) is a number assigned to passenger cars by a manufacturer in accordance with Standard No. 115, and is unique as to that manufacturer's passenger car products for a 10-year period. Its purpose, in meeting the need for motor vehicle safety, is to make more difficult the unauthorized use of automobiles that contributes to hazardous highway conditions. Additionally, motor vehicle certification, compliance and safety defect recall, accident investigation studies and other research, are all aided by the requirement that passenger cars be identified by a virtually unique number. The NHTSA has stated its opinion that all aspects of the VIN are covered by Standard No. 115, and that any State or local requirements of general applicability that impose requirements beyond those set forth in the standard would be in violation of section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)).

Besides the VIN's use in reducing the incidence of unauthorized use of automobiles, it is important to State Motor Vehicle Administrators, automobile theft bureaus, the International Association of Chiefs of Police, the International Association of Auto Theft Investigators, and numerous other local, state, and international law enforcement agencies. The Federal Interagency Committee on Auto Theft Prevention regards the VIN as an an important tool in solving the stolen vehicle problem. This Committee, headed jointly by the Secretary of Transportation and the Attorney General, includes representatives of the Departments of State, Commerce, Treasury and Office of Management and Budget.

Volkswagen of American, Inc., and the Motor Vehicle Manufacturers Association (MVMA) have recently petitioned for the assignment of meaning to the VIN's characters and their arrangement, in order to convey detailed information about the vehicle's manufacture and description in addition to assigning it a unique identifier. In addition to containing information valuable to accident causation research and safety defect and compliance investigations, a uniform structure of the VIN presumably would provide a basis for compatible interconnection of electronic data files, and would reduce the number of errors attributable to manual transcription.

At least four systems for assigning meaning to the characters and arrangement of the VIN have been developed. It is anticipation of the difficulties in using these incompatible systems that prompts the two petitions and the agency's tentative conclusion that further specification of the elements in the VIN would contribute to motor vehicle safety. Under the agency's opinion that existing Standard No. 115 covers all aspects of the VIN, other regulatory bodies are prevented from establishing any further specificity in the VIN within the United States.

The agency also concludes that the same considerations underlying the value of the VIN for passenger cars may justify extension of the standard's applicability to all types of motor vehicles.

Through consultation with and participation in several standards setting organizations, the agency has selected the systems of the Vehicle Equipment Safety Commission (VESC) and the International Standards Organization (ISO) for consideration as the basis for standardization. Although the systems are identical in most respects, the VESC requires a vehicle descriptor with a fixed field of four characters, while the ISO requires a 12- to 17-character variable-length vehicle descriptor. Vehicle manufactures prefer the variable field's adaptability to existing VIN systems and the differing needs of each manufacturer. State motor vehicle administrations, the insurance companies, and others that use the VIN prefer a fixed field so that transcription is more accurate and electronic storage costs are minimized.

The agency sees the merits of both points of view. International harmonization of standards, the competing needs for flexibility and accuracy, and the costs of electronic storage are all relevant considerations in choosing a system.

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It is the agency's present view that aspects of each system can be adapted to serve the needs of all VIN users. Specifically, the NHTSA is considering a vehicle descriptor composed of a fixed field of six characters, with the manufacturer option to fill each position in the field with a character that has meaning or with a character that indicates that the position is blank. In this way, a fixed-length VIN is achieved in the interests of transcription accuracy. The agency believes that transcription accuracy will contribute to motor vehicle safety by aiding research in motor vehicle accident causation and the recall of defective or noncomplying vehicles. At the same time, manufacturers would retain flexibility in the number of meaningful characters they wish to utilize; permitting the continued use of existing codes and computer capacity.

The one-time costs of adopting any standardized system are solicited as the grounds for an agency decision on the reasonableness of proposing this change. Particular costs or complexity associated with extending the standard's applicability to all types of motor vehicles (i.e., trucks, buses, multipurpose passenger vehicles, trailers, and motorcycles) should be noted. Comments on anticipated leadtimes are also requested.

The views of all interested parties, particularly vehicle manufacturers, component suppliers, data processing specialists, vehicle administrators, insurance companies, and law enforcement officials, are solicited. It is anticipated that a public meeting to consider all issues raised by this notice will take place shortly after the comment closing date. To assist in the development of written and oral comments, a summary of the ISO and VESC systems follows.

The ISO VIN has a variable length of 12 to 17 alpha/numeric characters (except the last four must be numeric) and must not be identical to another VIN assigned within 30 years.

The ISO VIN consists of three sections:

1. The World Manufacturer Identifier (WMI)—three characters to identify continent, country and manufacturer.

2. The Vehicle Descriptor Section (VDS)—one to six characters to identify the general attributes of the vehicle.

3. The Vehicle Indicator Section (VIS)—eight characters to identify the year and plant of manufacture, and to provide for assignment of a sequential number.

The VESC VIN consists of two regulations published in 1976 to establish a system for passenger cars and non-motive powered recreational vehicles. This VIN specifies a fixed length of 15 characters. The informational content and type of each character is specified, except that the make and year characters may be roman letters or arabic numerals.

The format of the VESC VIN consists of two sections:

1. Vehicle Descriptor Section (VDS)—seven characters to describe the vehicle. For passenger cars this is a three character make identifier followed by car line, series, body type and engine type identifiers.

2. Vehicle Indicator Section (VIS)—eight characters to indicate model year, manufacturing plant and to provide for assignment of sequential number. The manufacturer identifier of the ISO System and the make identifier of the VESC system are the same for the United States.

The VESC system is consistent with the ISO system except that it requires the descripter section to be four alpha characters. The ISO requires at least one and permits up to six alpha or numeric characters in its descriptor section. Comments are requested concerning possible ways of resolving the differences between the two systems.

It is noted that the Volkswagen and MVMA petitions, which both request adoption of standardization in accordance with the ISO standard, will be granted or denied on the basis of the agency's future decision on a specific course of action.

Interested persons are invited to submit information, views, and arguments on the areas described and on the general subject of VIN standardization. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Comment closing date: October 26, 1976.

Issued: September 3, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76—26333 Filed 9-3-76;2:25 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 613-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Plan Revisions—Montana

On May 5, September 4, and December 1, 1975, the Governor of Montana submitted proposed revisions to the Montana State Implementation Plan (SIP). These revisions amend regulations applicable to incinerators, industrial processes, the storage of petroleum products, the control of odors, and aluminum reduction facilities (Anaconda Aluminum Company); and provides for new procedures relating to violations of emission standards caused by malfunctions. Additionally, the revisions adopted several Federal new source performance standards as State regulations.

REVISIONS APPLICABLE TO ANACONDA ALUMINUM

On May 5, 1975, the Governor of Montana submitted regulation 16-2.14(1)-S14080 of the Montana Administrative Code to clarify the particulate matter control strategy as it applies to Anaconda. Specifically, the regulation limits particulate matter emissions to 0.33 pounds per hour per reduction cell or 9.4 pounds per ton of aluminum produced per 24 hours, whichever is less.

Previously the only emission limitation applicable to this source was regulation 16-2.14(1)-S1430, a general regulation for industrial processes, which relates allowable emissions to the process weight. Because of the difficulty in defining actual process weight for aluminum reduction facilities, this provision was rendered unenforceable as a practical matter against this source.

On December 1, 1975, the Governor of Montana completed the May 5, 1975 SIP package by submitting a compliance schedule setting forth a timetable by which Anaconda will come into compliance with regulation S14080. The schedule includes incremental steps toward compliance with the emission limitation. The Anaconda Aluminum Company shall be in full compliance by June 1, 1979, with all applicable Montana laws and regulations on fluoride and particulate emissions from the company's aluminum reduction plant at Columbia Falls, Montana. The final control plan is designated to provide for attainment of the national ambient air quality standards for particulate matter as expeditiously as practicable in the vicinity of the aluminum reduction plant.

MISCELLANEOUS REVISIONS

On September 4, 1975, the Governor of Montana submitted various revisions to the SIP. The revisions consist of the following changes to the presently approved SIP:

Industrial Processes (16-2.14(1)-S1430): This revision indicates that reduction cells of a primary aluminum reduction plant and sources subject to the New Source Performance Standards listed in Montana Administrative Code regulation 16-2.14(1)-S14082 will not be subject to regulation *16-2.14(1)-S1430, Particulate Matter, Industrial Processes* since specific state regulations are in effect for these facilities.

Incinerators (16-2.14(1)-S1420: The presently approved SIP requires all incinerators to limit particulate matter emissions to 0.2 grains per standard cubic foot of dry flue gas.

The proposed revision requires all new incinerators (constructed or modified after September 5, 1975) to limit particulate matter emissions to 0.10 grains per standard cubic foot of dry flue gas, except that all new incinerators subject to the New Source Performance Standards set forth at 40 CFR Part 60 shall meet those Federal standards. Additionally, all existing incinerators must meet a particulate matter emission standard of 0.10 grains per standard cubic foot of dry gas by September 30, 1977. Further, all incinerators must comply with a 10 percent opacity limitation. These provisions would reduce overall particulate emissions from incinerators.

Storage of Petroleum Products (16-2.14(1)-S14070): The proposed revision adds crude oil to the list of petroleum products which are subject to the storage requirements. The proposed revision also exempts from the regulation existing refineries which normally process less than 7000 barrels per day of crude oil. In addition, the proposed revision extends the date for final compliance with the storage requirements from June 30, 1972 to January 1, 1977 for those refineries which normally process 7000 barrels per day or more of crude oil. These provisions would not result in an increase in emissions from existing facilities.

Control of Odors (16-2.14(1)-S1480): The proposed revision no longer exempts equipment used to process food for human consumption in food service establishments from the odor regulation. Since odors are not a criteria pollutant under the Clean Air Act, this provision would not be considered a part of the SIP.

Malfunction Regulation (16-2.14(1)-S14000): So called malfunction regulations are interpretations of an emission limitation in that they signify how the limitation will be enforced. Therefore, this State malfunction regulation advises the sources of the manner in which the State may exercise its discretion in enforcing the applicable emission limitation.

The proposed revision provides that when a malfunction of equipment causes an increase in emissions which would continue for four (4) hours, the owner or operator must notify the State agency. Application may be made by the owner or operator to continue operation for an extended period under malfunction conditions. In addition, the State agency may require the owner or operator to submit a written report of the malfunction. The regulation further provides that a source shall be considered in violation of the applicable emission limitation unless the appropriate procedures are followed and enforcement discretion is exercised.

The previously approved provision provided only for reporting of a malfunction that extended eight (8) hours.

Standards for New Sources (16-2.14(1)-S14082): This regulation incorporates the Federal New Source Performance Standards (40 CFR Part 60) as State Standards for the following source categories: Fossil fuel-fired steam generators, incinerators, portland cement plants, nitric acid plants, sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot plants, iron and steel plants, and sewage treatment plants.

Preliminary review indicates that EPA intends to approve all the revisions as submitted by Montana. The proposed revisions are available for public inspection at the office of the State agency and at the offices of the Environmental Protection Agency listed below.

Department of Health and Environmental Sciences, Environmental Sciences Division, Air Quality Bureau, Cogswell Building, Helena, Montana 59601.
Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.
Environmental Protection Agency, Room 329, 401 M Street, S.W., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on any of the proposed revisions. Such comments will be accepted for consideration until October 12, 1976. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

(Sec. 110, Clean Air Act (42 U.S.C. 1857c-5); 39 FR 18805.)

Dated: August 18, 1976.

JOHN A. GREEN,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart BB—Montana

1. In § 52.1383, the table is amended as follows:

§ 52.1383 Compliance schedules.

* * * * *

Source	Location	Date of State order	Regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*	*
Anaconda Aluminum.	Columbia Falls.	Nov. 21, 1975	S. 14080	Nov. 21, 1975	Immediate	June 1, 1979

[FR Doc.76-26287 Filed 9-8-76;8:45 am]

[40 CFR Part 55]

[FRL 612-8]

ENERGY RELATED AUTHORITY UNDER SECTION 119 OF THE CLEAN AIR ACT

Withdrawal of Proposed Compliance Date Extension for Niagara Mohawk Power Corporation, New York State

The purpose of this FEDERAL REGISTER notice is for the Environmental Protection Agency (EPA) to announce withdrawal of its proposed compliance date extension for the Niagara Mohawk Power Corporation, Albany Station, Units 1, 2, 3 and 4. This regulatory action was proposed by EPA under the authority of section 119 of the Clean Air Act on March 30, 1976 (41 FR 13371) and revised on June 14, 1976 (41 FR 23979).

Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended by the Energy Policy and Conservation Act, authorizes the Administrator of the Federal Energy Administration (FEA) to issue orders to certain powerplants and major fuel burning installations prohibiting such facilities from burning natural gas or petroleum products as their primary energy source. Section 3 of ESECA added a new Section 119 to the Clean Air Act which requires the Administrator of the EPA to issue compliance date extensions for meeting certain air pollution requirements to facilities issued FEA prohibition orders whenever certain eligibility criteria are satisfied.

One such eligibility criterion is the requirement of section 119(c)(2)(C) of the Clean Air Act that facilities receiving compliance date extensions must achieve the most stringent degree of emission reduction required under an applicable implementation plan as soon as practicable, but no later than December 31, 1978. In addition, section 2 of ESECA and section 119(d)(1)(B) of the Clean Air Act require the EPA Administrator to notify the FEA whether a facility that has been issued an FEA prohibition order will be able to burn coal and comply with all applicable air pollution requirements without an EPA compliance date extension.

If compliance without an extension is not possible, the prohibition on oil and natural gas use contained in an FEA prohibition order may not become effective any earlier than either:

(a) The date EPA certifies to FEA as the earliest date that certain conditions and limitations on the EPA-compliance date extension can be met, or

(b) For facilities which are ineligible for compliance date extensions, the earliest date on which the facility will be able to burn coal in compliance with all applicable air pollution requirements.

FEA plans to make its prohibition orders effective, after receipt of EPA's notifications or certifications, by service of Notices of Effectiveness which will set forth the dates after which burning of natural gas or petroleum products as a primary energy source will be prohibited.

On June 30, 1975 FEA issued prohibition orders Nos. OFU-056, 057, 058 and 059 to Niagara Mohawk Power Corporation, Albany Station, Units 1, 2, 3 and 4. On March 30, 1976 at 41 FR 13371 EPA proposed to issue a compliance date extension under Section 119 of the Clean Air Act to this facility which was revised on June 14, 1976 at 41 FR 23979. That proposal reflected EPA's finding that final compliance with the New York State Implementation Plan requirements for control of particulate matter and sulfur dioxide emissions while burning coal at these Units will take 30 months from the date of service by FEA of the Notices of Effectiveness of its prohibition orders.

V41-176 SEP 9 76 UMI

A schedule based on this time frame was proposed as part of the March 30, 1976 proposed EPA compliance date extension for the subject facility. Since the date of that proposal, FEA has advised EPA that FEA's Notices of Effectiveness for Niagara Mohawk Power Corporation, Albany Station, Units 1, 2, 3 and 4 will not be issued by a date 30 months before December 31, 1978. This will result in the proposed EPA compliance schedule extending past December 31, 1978, thereby making this facility ineligible for a compliance date extension under Section 119 of the Clean Air Act.

Therefore, EPA is rescinding its proposed compliance date extension for Niagara Mohawk Power Corporation, Albany Station, Units 1, 2, 3 and 4. To discharge its responsibilities under section 119(d)(1)(B) of the Clean Air Act, EPA will certify to FEA the earliest date at which this facility will be able to burn coal and comply with all applicable air pollution requirements. The prohibition contained in FEA's order may not become effective any earlier than the date so certified by EPA.

The FEA prohibition orders issued to Niagara Mohawk Power Corporation, Albany Station, Units 1, 2, 3 and 4 are not affected by this action except insofar as the projected date of effectiveness of the prohibition contained in the FEA orders may be adjusted to take account of the time needed for achieving compliance with all applicable air pollution requirements at this facility.

In addition, this action does not affect any authority which FEA may have to impose specified schedules for achieving compliance with applicable air pollution requirements in connection with the FEA prohibition orders or Notices of Effectiveness to the facility in question.

Dated: August 19, 1976.

MEYER SCOLNICK,
Acting Regional Administrator.

[FR Doc.76-26286 Filed 9-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 20870]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Order and Public Notice

Adopted: August 27, 1976.

Released: August 31, 1976.

In the Matter of Regulatory Policies and Procedures For the Domestic Public Land Mobile Radio Service.

By the Chief, Common Carrier Bureau:

1. Presently before us for consideration is the request of the National Association of Radiotelephone Systems (NARS) for an extension of time for filing comments and reply comments in the above-captioned proceeding. A notice of inquiry and notice of proposed rulemaking in this matter was adopted by the Commission on July 7, 1976 and was released on July 15, 1976 [41 CFR 29432, July 16, 1976].

2. NARS states that the broad scope of this proceeding, which is intended in part to formulate "objective" standards for licensing new or additional DPLMRS facilities, necessitates a comprehensive economic investigation of the radio common carrier industry together with a complete reevaluation of the substantive and procedural licensing policies of the Commission. Moreover, NARS states the Commission has imposed stringent pleading burdens on those parties who challenge the premises and conclusions expressed or implicit in the notice. Expressing a desire to assist the Commission in its examination of the issues in a systematic and comprehensive fashion, NARS insists that absent and adequate existing data base nor an in-house staff capable of conducting a major inquiry, additional time is required so that NARS might sponsor a study of the industry so as to obtain sufficient specific factual data which would enable NARS to prepare its comments.

3. We have considered all the matters advanced by NARS and agree that the public interest would be served by granting parties additional time in which to file comments in this proceeding. Although we do not agree with NARS that a six-month extension of time is necessary, we will extend for two months the filing dates as specified in the original notice.

4. Accordingly, pursuant to Section 0.303(c) of the Commission's rules, *it is ordered*, That, to the extent indicated above, the request of the National Association of Radiotelephone Systems, is granted, and the time for filing comments in this proceeding is extended from September 3 to November 5, 1976, and the time for filing reply comments is extended from October 1 to December 3, 1976; and that, in all other respects, this request is denied.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-26354 Filed 9-8-76;8:45 am]

[Docket No. 20811 RM-2681]

[47 CFR Part 73]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS (BILLINGS, MONTANA)

Extending Time for Filing Comments and Reply Comments

Adopted: September 1, 1976.

Released: September 2, 1976.

1. On May 13, 1976, the Commission adopted a notice of proposed rule making, 41 FR 21363, proposing the assignment of Channel 223 to Billings, Montana. The present dates, as previously extended, for filing comments and reply comments are September 2 and September 22, 1976, respectively.

2. On August 31, 1976, counsel for petitioner, Radio Billings, Inc., filed a request for a further extension of time and a waiver of § 1.46(b) of the Commission's rules which requires that such requests be filed at least 7 days before the filing date. Counsel states that due to recent personnel changes in the Broadcast Division of the parent corporation and the fact that a permanent director of that division has only been appointed within the last few weeks, the short additional time requested is needed to allow the parent corporation to further assess what action it wishes to take in this docket proceeding. It further states that in view of the fact that this proceeding was initiated by Radio Billings, Inc., grant of this extension request will not have any adverse impact on any other party in interest and feels that this short extension will not unduly delay action in this docket.

3. It appears that the requested waiver of § 1.46(b) and extension of time is warranted. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including September 23 and October 13, 1976, respectively. However, in view of the almost three months that have been allowed for the filing of initial comments herein, it is not contemplated that any further extension requests will be granted.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26352 Filed 9-8-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

ARMED FORCES INSTITUTE OF PATHOLOGY SCIENTIFIC ADVISORY BOARD

Cancellation Meeting

AUGUST 30, 1976.

Notice of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, announced in Volume 41, Federal Register, No. 163, on 20 August 1976, at page 35201, scheduled for 16–17 September, 1976, at 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C., is hereby cancelled.

Dated: September 2, 1976.

By authority of the Secretary of the Army.

R. S. SEEBERG,
LTC, U.S. Army Acting Director, Admin. Mgt. Directorate TAGCEN.

[FR Doc.76-26325 Filed 9-8-76;8:45 am]

SPECIAL COMMISSION ON THE UNITED STATES MILITARY ACADEMY

Establishment

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice was given on Friday, 3 September 1976, 41 FR 37352, that the Department of the Army would establish the Special Commission on the United States Military Academy. The Office of Management and Budget concurred in its establishment and in the publication of the above stated notice.

The Office of Management and Budget at the request of the Department of Defense has further reviewed the purpose for which the Special Commission on the United States Military Academy is being established and has determined that it is in the best interest of the public that this Commission be established at the earliest possible date. Therefore, the Office of Management and Budget agreed to waive its requirement that the above referenced notice appear in the FEDERAL REGISTER at least 15 days prior to the filing of the Committee's Charter with the appropriate standing Committee's of the Senate and the House of Representatives of the United States Congress. Accordingly, the Committee Management Secretariat of the Office of Management and Budget has authorized the Department of Defense to file the Charter for the Special Commission on the United States Military Academy this date with the Armed Services Committee of the United States Senate, the Armed Services Committee of the United States House of Representatives and the Library of Congress.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 7, 1976.

[FR Doc.76-26474 Filed 9-8-76;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON PATRIOT VULNERABILITY

Meeting

The Defense Science Board Task Force on PATRIOT Vulnerability will meet in closed session on 28, 29, and 30 September 1976, in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The task force will provide an analysis of the PATRIOT vulnerability to current and projected threats and provide related guidance and advice regarding R&D action considered appropriate within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this task force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 3, 1976.

[FR Doc.76-26306 Filed 9-8-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

"The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on July 30, 1976, Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11430, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Hydrocodone	II
Oxycodone	II
Oxymorphone	II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 14, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-26313 Filed 9-8-76;8:45 am]

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MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

"The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Eli Lilly & Company Mfg., Tippecanoe Laboratory, Box 685 Lilly Road, Lafayette, IN 47902 (undated):

Drug:	Schedule
Methadone	II
Methadone-intermediate	II

Eli Lilly & Co., 1249 South White River Parkway, East Drive, Building 80, Indianapolis, IN 46225 (undated):

Drug:	Schedule
Opium powders	II
Secobarbital	II
Amobarbital	II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firms have made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of any of the above basic class of controlled substances, may file written comments on or objections to the issuance of such registrations and may at the same time, file a written request for a hearing on the applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 14, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-26314 Filed 9-8-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes";

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on August 18, 1976, Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of methylphenidate, a basic class of controlled substance in schedule II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of methylphenidate, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 14, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: August 30, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-26315 Filed 9-8-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 28549]

NEW MEXICO

Notice of Application

AUGUST 31, 1976

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat 576), Gas Company of New Mexico, a division of Southern Union Company, has applied for two 6 and 8½-inch natural gas pipelines and a 1-acre compressor station site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 18 N., R. 5 W.,
Sec. 3, lot 2, SW¼NE¼, E½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼SW¼, S½SW¼ and NW¼SE¼;
Sec. 17, SE¼NE¼, NE¼SE¼ and S½SE¼;
Sec. 19, lot 4, E½SW¼ and N½SE¼;
Sec. 20, NW¼NE¼, E½NW¼ and N½SW¼;
Sec. 30, lots 1, 2, 3 and 4.
T. 19 N., R. 5 W.,
Sec. 15, SW¼SE¼ and E½SE¼;
Sec. 22, N½NE¼, SW¼NE¼ and W½SE¼;
Sec. 27, W½E½;
Sec. 34, W½E½.
T. 16 N., R. 8 W.,
Sec. 10, NE¼NW¼ and W½NW¼.
T. 15 N., R. 9 W.,
Sec. 8, E½SE¼;
Sec. 18, SE¼SE¼;
Sec. 30, W½NE¼, E½SW¼ and NW¼SE¼.
T. 11 N., R. 10 W.,
Sec. 14, NW¼NE¼, S½NE¼ and NE¼SE¼;
Sec. 24, E½NW¼ (lots 7 and 8).
T. 14 N., R. 10 W.,
Sec. 12, NE¼NW¼ and W½NW¼;
Sec. 22, within M.S. 2251.
T. 14 N., R. 11 W.,
Sec. 22, N½S½ and SE¼SE¼;
Sec. 24, S½S½.
T. 15 N., R. 17 W.,
Sec. 18, S½NE¼.

These pipelines will convey natural gas across 16.072 miles of national resource lands in McKinley and Valencia Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26329 Filed 9-8-76;8:45 am]

Geological Survey

UTAH

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1976:

(44) UTAH

NEWCASTLE KNOWN GEOTHERMAL RESOURCES AREA

SALT LAKE MERIDIAN

T. 36 S., R. 15 W.,
Secs. 20, 21, 29, and 30.

The area described aggregates 1,067 ha (2,636 acres) more or less.

Dated: August 25, 1976.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc.76-26330 Filed 9-8-76;8:45 am]

Fish and Wildlife Service

SEA WORLD, INC.

Issuance of Permit for Marine Mammals

On March 10, 1976, a notice was published in the FEDERAL REGISTER (41 FR 10239-41) that an application had been filed with the Fish and Wildlife Service by Sea World, Inc., San Diego, California (L. H. Cornell, D.V.M.) for a permit to take three (3) Sea Otters (*Enhydra lutris*), for the purpose of scientific research and public display.

Notice is hereby given that on September 2, 1976, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Sea World, Inc., subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: September 3, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-26401 Filed 9-8-76;8:45 am]

Bureau of Reclamation

[INT FES 76-47]

PROPOSED EASTERN NEW MEXICO WATER SUPPLY PROJECT, NEW MEXICO

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Eastern New Mexico Water Supply Project, New Mexico.

The environmental statement concerns a proposed 248-mile aqueduct to deliver municipal and industrial water from Ute Reservoir to nine project cities in Eastern New Mexico.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7626, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3022.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza Box H-4377, Amarillo, Texas 79101, telephone (806) 376-2404.
Albuquerque Planning Office, Bureau of Reclamation, Post Office Box 252, Albuquerque, New Mexico 87103, telephone (505) 766-2272.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Albuquerque Planning Officer. Please refer to the statement number above.

Dated: September 3, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.76-26341 Filed 9-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A370]

FLORIDA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Sumter County, Florida, as a result of excessive rainfall May 15 through June 15, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.-3(b) including the recommendation of Governor Reubin O'D. Askew that such designation be made.

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 27, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of September, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-26309 Filed 9-8-76;8:45 am]

[Notice of Designation No. A369]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Young County, Texas, as a result of prolonged drought beginning August 1, 1975, through May 24, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than October 26, 1976, for physical losses and May 27, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 1st day of September, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-26310 Filed 9-8-76;8:45 am]

Forest Service

PROPOSED ADDITION TO THE TETON WILDERNESS

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed addition to the Teton Wilderness, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-DES (Leg) 76-09.

The environmental statement evaluates the proposal to increase the Teton Wilderness from 557,311 to 585,629 acres by moving the present boundary

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westward to the border of the John D. Rockefeller, Jr. Memorial Parkway and Grand Teton National Park.

The proposed area is completely surrounded by classified wilderness and two popular National Parks. Present management has been limited to non-consumptive uses, chiefly recreation and watershed protection. The area is similar in character to the adjoining Teton Wilderness. Its location, in the heart of a very large area dedicated to recreation and preservation of natural ecosystems, makes the area highly sensitive to any management which would sharply conflict with the goals and philosophy of the surrounding areas.

This proposed addition of 28,318 acres to the existing Teton Wilderness would be administered by the U.S. Forest Service, in accordance with the provisions of the Wilderness Act, Public Law 88–577, dated September 3, 1964, and the Regulations of the Secretary of Agriculture, Title 36 C.F.R. 243.1.

This draft environmental statement was transmitted to CEQ on September 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th & Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324 25th Street, Ogden, Utah 84401.
Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, P.O. Box 1888, Jackson, Wyoming 83001.

A limited number of single copies are available upon request to John R. McGuire, Chief, Forest Service, South Agriculture Building, 12th and Independence Avenue, SW., Washington, D.C. 20250 and/or H. Reid Jackson, Forest Supervisor, Forest Service Building, P.O. Box 1888, Jackson, Wyoming 83001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor H. Reid Jackson, Forest Service Building, P.O. Box 1888, Jackson, Wyoming 83001. Comments must be received by November 2, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: September 2, 1976.

EINAR L. ROGET,
Associate Deputy Chief.

[FR Doc 76-26308 Filed 9-8-76;8:45 am]

Soil Conservation Service

WATKINS GLEN RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, N.Y.

Availability of Negative Declaration of Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Watkins Glen RC&D Measure, Schuyler County, New York.

The environmental assessment of this Federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, USDA, U.S Courthouse and Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13202, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include a floodwater diversion and the alteration of streets in the village of Watkins Glen.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, U.S. Courthouse & Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13202.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until September 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

AUGUST 30, 1976.

[FR Doc.76-26289 Filed 9-8-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BRIGHAM YOUNG UNIV.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00402. Applicant: Brigham Young University, Purchasing Department, Provo, Utah 84601. Article: Electron Microscope, Model EM 400 with an eucentric goniometer stage (high tilt). Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to examine materials at low, intermediate and high magnifications, to investigate freeze-etch replicas at various magnifications, to examine thick specimens, to examine stereo pairs of various kinds of tissue with both freeze-etch and thin section preparations, for various applications of histochemistry at various magnifications, to examine thick specimens, and to apply analytical electron microscopy to various tissue systems and in particulate investigations. Specific projects include the following:

Elemental Analysis of Tellospors of Smut Fungi.

Investigations of stereo pairs of biological materials.

Recombination of particles which constitute the photosynthetic apparatus

Intracellular distribution of trace metals in higher plants.

Analysis of air particulates

In addition, the article will be used for educational purposes in the following courses:

621 Electron Microscopy—to teach students principles of specimen preparation and handling and electron optics.
622 Electron Microscopy Laboratory—practical application of principles learned in 621.
526 Cell Biology—to teach principles of molecular physiology and ultrastructure of cells, with emphasis upon eucaryotic organisms.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with an eucentric goniometer stage which has a ±60 degree tilt. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU–4C available from the Adam David Company. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated August 17, 1976 that the eucentric goniometer stage of the article is pertinent to the applicant's intended purposes. HEW further advises that the EMU–4C does not have a scientifically equivalent eucentric goniometer stage. We, therefore, find that EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Program Division.

[FR Doc.76-26300 Filed 9-8-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00508. Applicant: DHEW, National Institutes of Health, Laboratory of Biophysics, IRP, NINCDS, Marine Biological Laboratory, L–320, Woods Hole, MA 02543. Article: Ultramicrotome, Model LKB 8800A with Cryokit, Model 14800–1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of the nervous system of several species of invertebrates and vertebrates. Special attention will be given to histochemistry with frozen sections. Investigators will study the subcellular localization of enzymes especially those involved with neurotransmitters metabolism. The distribution of diffusible substances within the cell after being taken up by the cell will also be investigated. Tracing specific synapses and other cell to cell contact with membrane specialization will be conducted after intracellular injection of markers to identified cells. Changes in intracellular spaces and in membrane structure or in membrane interaction between two neighboring cells induced by changes in their biochemical and biophysical environments will also be studied. Application received by Commissioner of Customs: August 12, 1976.

Docket Number: 76–00509. Applicant: Washington State University, Division of Purchasing, Pullman, Washington 99162. Article: Combination PZ 8 Flaker and a PSKM 8 Double Stream Mill (Ring Refiner). Manufacturer: L. Pallman KG, West Germany. Intended use of article: The article is intended to be used in composition board research to prepare particles from various species of wood, types of raw material (chips, shavings, hog trim, sawdust, plywood trim). The objective of this research is to produce 4 times as much product from the same forest base now available. The article will also be used in MSE 550, Parameters for Synthesis of Wood Composition Materials, a course for graduates students covering the theory and practice of wood composite materials and development. Application received by Commissioner of Customs: August 16, 1976.

Docket Number: 76–00510. Applicant: Cornell University Medical College, 525 East 68 Street, New York, New York 10021. Article: Blood Gas Electrode Meter Type D 22– modified for 110 V, 60C current. Manufacturer: L. Eschweiler & Co., West Germany. Intended use of article: The article is a replacement part for an existing blood gas instrument being used for investigation of oxygen and carbon dioxide tension in blood and cerebral spinal fluid. Application received by Commissioner of Customs: August 16, 1976.

Docket Number: 76–00511. Applicant: The University of Iowa, College of Medicine, Department of Physiology & Biophysics, Iowa City, Iowa 52240. Article: Flow scintillation counting system and accessories. Manufacturer: Berthold Instruments, West Germany. Intended use of article: The article is intended to be used for the study of peptide hormones and blood factors. Specifically, the article will be used for determination of the primary sequence of Somantomedian C isolated from human blood plasma which would allow synthesis of large quantities for clinical treatment of patients having growth hormone deficiencies. Application received by Commissioner of Customs: August 18, 1976.

Docket Number: 76–00512. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Ave., Brooklyn, New York 11203. Article: Superconductive Solenoid, Room Temperature Shim System and Programmed Energization/SC Shim Power Supply. Manufacturer: Canada Superconductor and Cryogenics Company Ltd., Canada. Intended use of article: The article is intended to be used for experiments aimed at detecting internal tumors in the monkey. The objective of this research is to develop a nmr technique that will ultimately detect and non-invasively localize internal tumors in man. Both high resolution nmr experiments utilizing P^{31} as the probe nucleus and relaxation measurements using P^{31}, K^{39}, Na^{23} and H^1 are planned. Application received by Commissioner of Customs: August 18, 1976.

Docket Number: 76–00513. Applicant: University of Georgia—Institute for Natural Products Research, Athens, Georgia 30602. Article: Fourier Transformation NMR Spectrometer System, Model JNM/FX60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research projects for which ^1H and ^{13}C nuclear magnetic resonance spectra are of vital significance:

(a) Structure determinations of naturally occurring diterpenoid alkaloids.
(b) Stereochemical assignments in alkaloids.
(c) Structural determinations of di-, sesqui-, and triterpenes.
(d) Structural studies on resin acid degradation products.
(e) Structural studies on pharmacologically active constituents of marsh and beach plants of Georgia and the Southeast.
(f) Synthetic studies on complex alkaloids and terpenes.
(g) Identification and synthesis of theoretically significant naturally occurring substances.
(h) Studies on bis-diterpenoid alkaloids.
(i) Studies on the biogenesis of diterpene alkaloids.

The experiments to be performed with the article all involve pulse (Fourier transform) NMR spectroscopy on proton and carbon nuclei. In addition to recording spectra for determination of structures of natural products and synthetic intermediates, chemical shifts, and homo- and heteronuclear coupling constants, experiments will include the determination of positions and amounts of isotopic labelling (carbon 13), conformational free energies, and occasionally the quantitative analysis of mixtures for determination of optical purities. The educational purposes of the article involve the training of graduate students and postdoctoral associates in the use and applications of ^1H and ^{13}C NMR spectroscopy to chemical problems under study. Application received by Commissioner of Customs: August 18, 1976.

Docket Number: 76–00514. Applicant: Duke University, Department of Chemistry, Durham, North Carolina 27706. Article: Fourier Transformation Nuclear Magnetic Resonance Spectrometer System, Model JNM/FX–60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a broad range of research programs which involve the acquisition of nmr spectra of hydrogen, carbon-13, fluorine and phosphorus nuclei. The materials derived for this study will originate from research programs being conducted in the areas of inorganic, organic physical, analytical and biological chemistry. These research projects will include the following:

(a) Structural Studies of Alkaloids.

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(b) Conformational Characteristics of Cyclic Nitrogen and Oxygen Heterocycles.

(c) Biosyntheses of Plant and Fungal Metabolites Using ^{13}C-enriched Precursors.

(d) Synthesis and Stereochemistry of Cyclohexylfurophosphoranes.

(e) Synthesis and Stereochemistry of Silylaminoboranes.

(f) Nuclear Relaxation Studies of Substrate Binding to Cobalt (II) Metalloenzymes.

(g) Development of a-Formyl Ketone Photochemical Annelation. Techniques in Natural Product Synthesis.

(h) Total Synthesis of Tetracyclic Sesquiterpenes.

(i) Total Synthesis of the Alkaloids Derived from *Gelsemien* Species.

(j) Low-temperature ^{13}C-Spectra of Organo-Zinc Compounds.

(k) Correlation of ^{13}C Chemical Shifts with Reaction Rates.

(l) Synthesis and Characterization of Cyano Cobaloximes and Cyanobridged Dicobaloximes.

(m) Structure and Isomerism in Phosphine Complexes of Nickel (II).

(n) Conformational Analysis of Crown Ethers and Their Complexes with Representative and Transition Metal Ions.

(o) Synthesis and Stereochemistry of 14 - and 17 - Phosphasteroids.

(p) Synthesis and Stereochemistry of 7-10 Membered Rings Containing Phosphorous.

(q) Synthesis of Phospholonaphthalenes, Phospholophenanthrenes, Phospholoquinolines, and Selected Heterocyclic Systems.

(r) Phospholane Derivatives with Epoxy and Aziridino Groups for Anticancer Testing.

(s) New Method for Constructing Multicyclic Phosphorus Compounds From 3-Monoalkylamino-2-phospholene Sulfides.

(t) Experimental and Theoretical Investigations of ^{31}P NMR Phenomena.

(u) McCormack Cycloadditions to Variously Substituted 1-Vinyl-cycloalkenes; Effects of Ring-biasing on the Stereochemistry of the Cycloaddition.

(v) Synthesis of Pyrethroids for Agricultural Purposes.

(w) ^{13}C and ^{1}H CIDNP Studies from Radical Pair Reactions.

(x) ^{13}C Studies of Cyclic Peroxides and Hydroperoxides Related to Prostaglandin Endoperoxides.

(y) ^{13}C Studies of Hydrocarbons Formed From Radical Cyclizations.

(z) ^{13}C Studies of Oxidized Phospholipids and Steroids.

The article will also be used for educational purposes in the following courses: (a) Spectral and Structural Study of Organic Compounds—to teach the practical application of various techniques in elucidating molecular structure and (b) Independent Study in Chemistry—to introduce undergraduate students to independent research in chemistry. Application received by Commissioner of Customs: August 18, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76 26304 Filed 9-8-76;8:45 am]

NAVAL REGIONAL MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00409. Applicant: Naval Regional Medical Center, Portsmouth, Virginia 23708. Article: Electron Microscope, Model EM 9S-2, and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in conducting the following experiments:

(a) A study of neonatal neural tissue with regard to viral inclusions.

(b) A morphologic study of the development of muscle cells.

(c) "The Origin of Islet-cells in the Pancreas, A Possible Neural Crest Derivative."

(d) "The Nature of the Proliferative Response in Experimental Glomerulonephritis."

(e) "The Occurrence of Nucleolar Caps in Malignant Tumors in Man."

(f) "Classification of Human Leukemias and Lymphomas by Ultrastructural and Immunologic Features."

(g) "An ultrastructural study of the cardiac conducting System in Myocardial Disease."

All of these research projects involve the use of transmission electron microscopy to examine epon-embedded tissue sectioned on an ultramicrotome. The article will also be used for educational purposes in the course Residency in Anatomic and Clinical Pathology in which residents will learn basic EM preparation techniques of biological materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received the application (May 4, 1976).

Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000 × (Magnifications of 140 to 1000 × are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time Customs received the application was Adam David Company's (AD) Model EMU–4C, a more complex instrument vis a vis the article which provides low distortion magnification at 500 × and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 17, 1976 that quality low magnification performance of the article as well as its simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU–4C is too complex for the applicant's program and does not provide equivalent low magnification performance. Furthermore, HEW advises that AD's Model PA–1 was in a development stage at the time Customs received the application. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time Customs received the application.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time Customs received the application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received the application.

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76-26302 Filed 9-8-76;8:45 am]

STANFORD UNIV.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00404. Applicant: Stanford University, School of Medicine, Room S142, Stanford, California 94305. Article: Nikon Model M inverted microscope and accessories. Manufacturer: Nikon Optical Co., Japan. Intended Use of article: The article is intended to be used for the study of the parasitic disease of man, schistosomiasis to obtain an understanding of the basic mechanisms of host-parasite interactions between the immature stages of the parasites and the fresh-water snails in which they develop. The article will also be used directly in the advanced training of postdoctoral fellows and other students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article provides an integrated system for cinephotomicrography. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 17, 1976 that the capability of the article described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument which provides the pertinent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director.
Special Import Programs Division.

[FR Doc.76-26303 Filed 9-8-76;8:45 am]

Economic Development Administration

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Availability of Application Forms

Notice is hereby given that, pursuant to authority contained in section 107 of Title I of the Public Works Employment Act of 1976 (42 USC 6701 *et seq.*), application forms for assistance under the Local Public Works Capital Development and Investment Act of 1976 are now available.

The application forms may be obtained from the Economic Development Administration's (EDA) Regional Offices. The following is a list of EDA Regional Offices.

Atlantic Regional Office, William J. Green, Jr., Federal Building, 600 Arch Street, Room 10424, Philadelphia, Pennsylvania 19106.
Southeastern Regional Office, 1365 Peachtree Street NE., Suite 700, Atlanta, Georgia 30309.
Midwestern Regional Office, 32 West Randolph Street, Room 1025, Chicago, Illinois 60601.
Southwestern Regional Office, 221 West Sixth Street, Suite 600, Austin, Texas 78701.
Rocky Mountain Regional Office, 909 17th Street, Suite 505, Denver, Colorado 80202.
Western Regional Office, 1700 West Lake Avenue, North, Suite 500, Seattle, Washington 98109.

No applications for financial assistance will be accepted until funds to implement the Local Public Works Capital Development and Investment Program have actually been appropriated and apportioned to and made available for use by EDA. EDA will publish notice in the FEDERAL REGISTER in advance of the date on which applications will be accepted.

Dated: September 1, 1976.

J. W. EDEN,
Assistant Secretary
for Economic Development.

[FR Doc.76-26334 Filed 9-8-76;8:45 am]

ELFSKIN CORP.

Petition for a Determination of Eligibility

A petition by Elfskin Corporation, Cherry Valley, Worcester, Massachusetts 01611, a producer of fabric linings and coated materials, was accepted for filing on September 2, 1976, under Section 251 of the Trade Act of 1974 (Pub. L. 93–618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN,
Chief, Trade Act Certification
Division, Office of Planning
and Program Support.

[FR Doc.76-26335 Filed 9-8-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on September 29 and 30, 1976, from 9:00 a.m. to 5:00 p.m. at the Hyatt Regency Hotel, Washington, D.C.

The Advisory Council on Financial Aid to Students is established under Section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

Assignment of work papers to be prepared by Council members on selected topics related to student financial aid. These papers will serve as basis for deliberation during the following meetings of the Council, preparatory to publishing its Third Annual Report to the Commissioner and to Congress.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed in Washington, D.C., on September 2, 1976.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc.76-26293 Filed 9-8-76;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Statement of Organization, Functions and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, Office of the Assistant Secretary for Administration and Management, is amended to revise Chapter 1T30, Office of Administration (40 FR 11622), to combine into a single OS headquarters Equal Employment Opportunity Office the responsibilities for all OS headquarters equal employment opportunity programs. The revised Chapter reads as follows:

Section 1T30.10 Organization. Delete: OS Equal Employment Opportunity Staff; OS Federal Women's Program Staff; OS Spanish-Speaking Program Staff.

Add: OS Office of Equal Employment Opportunity.

Section 1T30.20 Functions. Delete: G. OS Equal Employment Opportunity Staff; H. OS Federal Women's Program Staff; I. OS Spanish-Speaking Program Staff and substitute the following new paragraph G, OS Office of Equal Employment Opportunity as follows:

G. *OS Office of Equal Employment Opportunity:* Carries out equal employment opportunity activities within OS headquarters, particularly as they relate to special focus minority groups and women as mandated by Executive Order 11478 and as amended by Pub. L. 92–261 (42

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USC 2000 e16), Departmental and Civil Service Commission Regulations which require the establishment and maintenance of a positive program of nondiscrimination in employment based on race, color, religion, sex and national origin. The major functions of the Office (including provisions which focus on the Federal Women's Program and the Spanish-Speaking Program) are:

1. Provide direction and guidance on the EEO system to OS managers and employees at headquarters through development and issuance of directives, instructions, and guidelines.

2. Coordinate and formulate the OS headquarters Affirmative Action Plan; monitor and evaluate efficiency and effectiveness of the Plan.

3. Manages the OS headquarters EEO complaint system and prepares proposed dispositions on all formal complaints; ensures adequacy of counselors and advisors, as well as investigators through training and assignment. Processes discrimination complaints based on age (P.L. 93–259) under Section 713 of the Civil Service Commission's EEO provisions.

4. Maintains surveillance over minority employment data and provides for the analysis and issuance of manpower information relevant to minority, female, and Spanish-Speaking employment profiles through the OS automatic data systems.

5. Develops recommendations of policies and provides direction and guidance on activities related to the status of minorities, women, and Spanish-Speaking persons employed by Office of the Secretary headquarters.

6. Develops and issues guidelines providing technical advice in assuring understanding and positive attitudes toward equal employment opportunities for minorities, women, and Spanish-Speaking persons to OS headquarters managers and employees.

7. Coordinates and provides liaison functions for OS headquarters with organizations at the Departmental level and with other Federal and private agencies having to do with minority group, national women's, and Spanish-Speaking programs to develop awareness of the needs and attitudes of these special focus groups as affected by OS programs and to provide leadership in the creation of quality programs.

8. Analyzes the employment status of minorities, women, and Spanish-Speaking persons at OS headquarters and prepares reports evaluating the effectiveness of the OS Federal Women's and Spanish-Speaking Programs, identifying problems and recommending alternatives.

9. Advises OS headquarters managers in implementing special focus group employment programs, providing guidance in recruitment, training, upward mobility, and career counseling.

10. Counsels minorities, women, and Spanish-Speaking employees in all areas related to their employment and represents the OS headquarters at meetings affecting these groups.

Dated: August 30, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–26339 Filed 9–8–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–627]

SWANSBORO COUNTRY

Hearing

In the matter of: Swansboro Country, Richard H. Dyer, President, W & D Investment Company, Inc., OILSR No. 0–4335–04–791, Docket No. 76–207–IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Swansboro Country, Richard H. Dyer, President, W & D Investment Company, authorized agent and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. 9–448). (15 U.S.C. 1701 *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45 (b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Swansboro Country, located in El Dorado County, California, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 12, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Northern California, at a place to be determined, on October 6, 1976 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 8, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: August 20, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76–26357 Filed 9–8–76;8:45 am]

Office of Assistant Secretary for Housing Management

[Docket No. D–76–456]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Loan and Contract Servicing

The Redelegation of Authority to Regional Administrators et al. with respect to Loan and Contract Servicing published at 35 FR 16104, October 14, 1970, as amended, is further amended as follows:

In section A, paragraph 2 is revised to read as follows:

"2. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director is authorized to approve the deferment of principal for insured project mortgages subsequent to final endorsement and to endorse that approval on modification agreements by the mortgagor and mortgagee."

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971.)

Effective date. This amendment to redelegation of authority is effective on September 9, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.76–26356 Filed 9–8–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 93–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held October 12 through October 15, 1976, from 9 a.m. E.D.T. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 7A and B at FAA Headquarters, 800 Independence Ave., SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT–300, 800 Independence Ave., SW., Washington, D.C. 20591, telephone (202) 426–3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 27, 1976.

F. L. CUNNINGHAM,
Executive Director, ATPAC.

[FR Doc.76–26292 Filed 9–8–76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held September 24, 1976, RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C., 20006, commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Approval of Minutes of 7–23–1976 meeting; (2) Special Committee Activities'Report for July–August 1976; (3) Chairman's Report of RTCA Administration and Activities; (4) Report of RTCA MOC/MPS Informal Review Group; (5) Consideration of establishing additional Special Committees.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public pay present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 23, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76–26143 Filed 9–8–76;8:45 am]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Notice of Grants and Denials of Applications for Exemptions

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted July 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		GRANTS		
4108–X	DOT–E 4108	Southern Oxygen Supply Co., Atlanta, Ga.	49 CFR 172.5, 173.315(a).	To become a party to exemption No. 4108. (See application No. 76–288.) (Mode 1.)
4666–X	DOT–E 4666	American Cyanamid Co., Wayne, N.J.	49 CFR 173.377(a)(1), 178.205–17.	To allow a net weight increase of a class B poison packed in inside DOT–2D bags overpacked in DOT–12B fiberboard boxes closed by tape not less than 2 inches wide. (Modes 1 and 2.)
5167–X	DOT–E 5167	Chemagro Agricultural Division, Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(b); 46 CFR 146.25–200.	To ship a poisonous solid, class B in various DOT–2D/12B combination packages. (Modes 1, 2, and 3.)
5662–X	DOT–E 5662	Great Lakes Chemical Co., El Dorado, Ark.	49 CFR 173.353(a), 173.401(a)(1); 46 CFR 146.25–200.	To become a party to exemption 5662. (See application No. 76–158.) (Modes 1, 2, and 3.)
5719–X	DOT–E 5719	Platte Chemicals Co., Greeley, Colo.	49 CFR 173.377(a)(1); 46 CFR 146.25–200.	To become a party to exemption 5719. (See applications Nos. 76–221 and 76–349.) (Modes 1, 2, and 3.)
5854–X	DOT–E 5854	Sea-Land Service, Inc., Elizabeth, N.J.	46 CFR 146.21–100, 146.26–100; 49 CFR pt. 173.	To ship flammable and combustible liquids in intermodal portable tanks complying with DOT specification MC–306 with certain exceptions. (Modes 1, 2, and 3.)
6639–X	DOT–E 6639	Cosden Oil & Chemical Co., Calumet City, Ill.	49 CFR 172.5, 173.315(a).	To ship liquefied ethylene in a non-DOT specification insulated cargo tank. (Mode 1.)
6258–X, 76–249.	DOT–E 6258	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.119(a)(3).	To ship acetone in a DOT specification 12A fiberboard box with inside DOT–2F polyethylene bottles. (Modes 1 and 2.)
6258–P	DOT–E 6258	J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 173.119(a)(3).	To become a party to exemption 6258–X. (See applications Nos. 6258–X, 76–249, and 76–261.) (Modes 1 and 2.)
6461–X	DOT–E 6461	American LNG Co., Oak Brook, Ill.	49 CFR 173.315(a).	To ship LNG and liquefied ethylene in a non-DOT specification cargo tank. (Mode 1.)
6464–X	DOT–E 6464	New Bedford Gas & Edison Light Co., New Bedford, Mass.		
6464–X	DOT–E 6464	El Paso Products Co., Odessa, Tex.		
6464–X	DOT–E 6464	James Russell Engineering Works, Inc., Boston, Mass.		
6498–X	DOT–E 6498	Luxfer USA Ltd., Riverside, Calif.	49 CFR 173.302(a)(1), 173.304(a)(1) and (d)(3), 173.336(a)(2), 173.337(a)(1).	To ship liquefied and nonliquefied compressed gases, and certain other hazardous materials in non-DOT specification seamless, high pressure aluminum cylinders. (Modes 1, 2, 3, and 4.)
6519–X	DOT–E 6519	Hercules, Inc., Wilmington, Del.	49 CFR 173.53(a)(4)...	To ship a propellant explosive, liquid, class B in an insulated DOT specification MC–307 and MC–312 stainless steel cargo tanks. (Mode 1.)
6765–X	DOT–E 6765	Union Carbide Corp., Murray Hill, N.J.	46 CFR 146.24–100, 49 CFR 172.5, 173.315.	To become a party to exemption 6765. (See application No. 76–269.) (Modes 1 and 3.)
6787–X	DOT–E 6787	Advanced Chemical Technology, City of Industry, Calif.	49 CFR 173.119(a) and (b), 173.346(a), 173.357(b), 173.358(a), 173.359(a) and (b); 46 CFR 146.21–100, 146.23–100, 146.25–200.	To authorize DOT–31 polyethylene containers for shipment of class B poisonous liquids, flammable liquids and corrosive liquids. (Modes 1, 2, and 3.)
6824–X	DOT–E 6824	Bio-Lab, Inc., Decatur, Ga.	49 CFR 173.217(a)...	To ship certain oxidizing materials in a specially designed polyethylene bottles overpacked in non-DOT specification fiberboard boxes. (Modes 1 and 2.)
7007–X	DOT–E 7007	Jones Chemicals, Inc., Caledonia, N.Y.; Allied Chlorine and Chemical Pro., Inc., Miami, Fla.; Dixie Chemical Co., Houston, Tex.	49 CFR 173.314(c); 46 CFR 146.24–100.	To ship chlorine in specially designed DOT specification 110A500W tanks for export only. (Modes 1 and 3.)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7025-P	DOT-E 7025	Air Products & Chemicals, Allentown, Pa.	49 CFR 172.5, 173.315(a)(1).	To become a party to exemption 7025. (See applications Nos. 76-355, 75-115.) (Mode 1.)
7060-X	DOT-E 7060	Federal Express Corp., Clarksville, Md.	49 CFR 103.10(b), 103.23.	To become a party to exemption 7060. (See application No. 76-293.) (Mode 4.)
7233-X	DOT-E 7233	TMT Trailer Ferry, Inc., Jacksonville, Fla.	46 CFR 146.27-30 (d)(2)(i), 146.27-30 (d)(2)(ii); 49 CFR 173.120.	To waive certain operational requirements pertaining to motor vehicles containing fuel on unmanned barges. (Mode 3.)
76-75	DOT-E 7277	Structural Composites Industries, Inc., Azusa, Calif.	49 CFR 173.302(a)(1)	To authorize shipment of compressed air in non-DOT specification filament-wound reinforced plastic (FRP) aluminum lined cylinders. (Modes 1, 2, 3, 4, and 5.)
76-371	DOT-E 7283	Shipley Co., Inc., Newton, Mass.	49 CFR 173.249(a)	To ship caustic soda, liquid in a DOT specification 57 portable tank. (Mode 1.)
76-369	DOT-E 7284	Virginia Chemical Co., Portsmouth, Va.	49 CFR 173.249(a)(6)	To ship alkaline corrosive liquids, n.o.s. in a DOT specification MC-303 cargo tank. (Mode 1.)
76-282	DOT-E 7287	Erco Inc, Ltd., Canada, (Breit & Garcia Naval Architects, New Orleans, La.)	46 CFR 146.22-100	To authorize stowage of drums of elemental phosphorus under deck (Mode 3.)
7408-N	DOT-E 7408	Aerojet Solid Propulsion Co., Sacramento, Calif.	46 CFR 146.20-200	To authorize commercial shipment of rocket motors, class B explosives in non-DOT specification plywood boxes. (Mode 3.)
7428-N	DOT-E 7428	United States Steel Corp., McKeesport, Pa.	49 CFR 173.302(a)(3)	To authorize shipment of certain flammable and nonflammable compressed gases in 3 non-DOT specification seamless wire hoop-wrapped steel cylinders complying with DOT specification 3AAX1800 except for marking.
7436-N	DOT-E 7436	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	46 CFR 146.27-100	To ship ferrophosphorus in non-DOT specification fiber drums loaded in containers. (Mode 3.)
7443-N	DOT-E 7443	The Carborundum Co., Newark, N.J.	49 CFR 178.340-5	To ship waste corrosive liquids, n.o.s. in a non-DOT specification teflon-lined cargo tank conforming with DOT specification MC-312 except for head attachment. (Mode 1.)
7444-N	DOT-E 7444	El Paso Products Co., Odessa, Tex.; New Bedford Gas & Edison Light Co., New Bedford, Mass.; James Russell Engineering Works, Boston, Mass.	49 CFR 172.5, 173.315(a).	To ship certain flammable cryogenic liquids in a non-DOT specification cargo tank. (Mode 1.)
7460-N	DOT-E 7460	Fabricated Metals, Inc., San Leandro, Calif.; Boeing Aircraft Co., Seattle, Wash.	49 CFR 173.1[illegible]	To ship methylethyl ketone and toluol in a DOT specification 57 portable tank. (Mode 1.)
7461-N	DOT-E 7461	Ethyl Corp., Baton Rouge, La.	49 CFR 172.5, 173.315(a).	To ship hydrogen chloride, anhydrous in a non-DOT specification cargo tank. (Mode 1.)

EMERGENCY EXEMPTION

EE7233	DOT-E 7233	TMT Trailer Ferry, Inc., Jacksonville, Fla.	46 CFR 146.27-30	To transport motor vehicles containing fuel on unmanned barges with certain operational requirements are waived. (Mode 3.)

DENIALS

76-112 Request by American Hoechst Corp., Sommerville, N.J.—To ship various hazardous materials in drums complying with DOT Specification 37A except for markings, denied July 12, 1976.

76-300 Request by BASF Wyandotte Corp., Parsippany, N.J.—To renew SP 6700 authorizing shipment of flammable liquids, n.o.s. in non-DOT specification drums, denied July 14, 1976.

76-372 Request by Bayvet Corporation, Shawnee Mission, Kan.—To ship a 52 percent concentration of organic phosphate compound dry in DOT Specification 21C fiber drums, described as "Drugs, Chemicals, Medical or Cosmetics, n.o.s., Solid," denied July 28, 1976.

76-387 Request by Beech Aircraft Corp., Wichita, Kan.—To transport nonspillable aircraft batteries in excess of fifty pounds in an inaccessible cargo pit of any aircraft, denied July 2, 1976.

76-396 Request by Mobil Chemical Company, Richmond, Va.—To amend U.S. Coast Guard SP 43-71 to allow carriage of phosphorus oxychloride in specially designed portable tanks, denied July 7, 1976.

7007-X Request by Trinity Industries, Inc., Dallas, Texas—To authorize domestic shipments of chlorine in DOT Specification 110A500W tanks, denied July 9, 1976.

7408-N Request by Aerojet Solid Propulsion Co., Sacramento, Calif.—For priority exemption to make commercial shipment of rocket motors Class B, explosives in military specification plywood boxes, denied June 24, 1976.

7484-X Request by Trans-World Airlines, Inc., Kansas City, Mo.—To renew FAA Exemption 2169 authorizing the transportation of non-spillable electric storage batteries in an inaccessible cargo pit or bin, denied July 15, 1976.

7485-N Request by Technicon Instruments Corp., Tarrytown, N.Y.—To comingle packages of poisons and corrosives in the same sea container, denied July 15, 1976.

7486-N Request by Browning Chemical Corp., New York, N.Y.—To ship calcium hypochlorite in foreign-made drums complying with DOT Specification 37A except for markings, denied July 8, 1976.

EE7488-N Request by Mr. Michael Goldhammer, Portland, Ore.—For an emergency exemption to carry as carry-on baggage, his battery-powered wheelchair aboard a passenger-carrying aircraft, denied July 16, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-26378 Filed 9-8-76;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76-10W]

TRANS-ALASKA CRUDE OIL PIPELINE

Grant of Waiver

By letter dated March 19, 1976, the Alyeska Pipeline Service Company (Alyeska) requested a waiver from compliance with the welding requirement of 49 CFR 195.218 with respect to girth weld No. 49344T at the completed Jim River Crossing No. 2 on the Trans-Alaska crude oil pipeline. This girth weld serves to tie-in two sections of 48-inch concrete coated pipe in the 620-foot crossing. Section 195.218 requires that longitudinal weld seams on adjacent length of pipe must be offset. However, at weld No. 49344T, the seams on adjacent pipe lengths are abutting, not "offset" as required.

In requesting the waiver, Alyeska asserted that "there are no metallurgical or safety reasons for offsetting longitudinal seams on liquid pipelines." As further support for the waiver, Alyeska submitted that at the factory in Japan each seam had been ultrasonically inspected over its entire length and radiographed for a distance of eight inches from each end. Also, Alyeska said the girth weld was radiographically tested in the field and found acceptable under the standards of API Standard 1104 (1973 ed.), which are incorporated by reference in 49 CFR 195.228. Alyeska further stated that the entire crossing was hydrostatically tested to at least 1152 psi, or 92 percent of specified minimum yield strength (SMYS), and that the operating pressure at the weld is not to exceed 750 psi, or 60 percent of SMYS. (To meet the requirements of 49 CFR 195.302, the crossing must be tested again for 24 hours before being placed in operation.)

After reviewing the information and arguments presented by Alyeska, the Office of Pipeline Safety Operations (OPSO) denied the waiver request by letter dated August 6, 1976. The request was denied because Alyeska did not convincingly demonstrate that offseting of seams is not necessary for safety at weld No. 49344T. OPSO stated that even though the pressure and weld test data indicate an absence of unacceptable defects, "the data do not demonstrate that the concentration of stresses at the intersection of welds would not eventually be detrimental to the (girth) weld strength, which is what Section 195.218 is intended to prevent." Nevertheless, Alyeska was afforded an opportunity to submit a petition for reconsideration based on additional information about the safety of the girth weld and reasons why compliance with Section 195.218 would not be in the public interest.

On August 12, 1976, Alyeska submitted a petition for reconsideration. In its petition, Alyeska argues that because of the excellent notch toughness properties of the pipe and girth weld materials at weld No. 49344T, even the presence of surface flaws would not be a problem at the intersection of welds and thus a fracture would not result from the cyclic loading to which the pipe and girth weld materials will be subject. Alyeska further argues that the very small difference between material properties of the girth weld metal and pipe metal minimizes the opportunity for stress concentrations in the weld or heat affected zone, and that any strain in these areas would be accommodated by the ductility of the surrounding material.

In addition, Alyeska alleges that compliance with Section 195.218 would not be in the public interest because of the environmental disturbances that would occur if the weld must be replaced. Alyeska states that replacement would entail excavation to at least 30 feet below the water table with consequent silting and adverse effects on stream flow. According to Alyeska, the results would be harmful to the eggs and fry of the large fish population of the Jim River and to the river's use as a fishery.

On August 13, 1976, OPSO asked Alyeska to supplement its petition with data on the mechanical properties of the girth weld and pipe materials. The requested data indicates that the mechanical properties of elongation, hardness, and fracture toughness (as evidenced by high Charpy V-Notch energy levels at low temperatures) greatly exceed the pipeline's specifications for sound ductile welds. The data further indicates that the pipe and girth weld materials have similar tensile and notch toughness properties.

Additionally, OPSO discussed the welding problem with welding engineering experts outside the Government. In the opinion of these experts, the strength of the weld would not be reduced by the abutting longitudinal seams. The experts also agreed that replacement of the weld at its underwater location could reduce the pipeline's integrity, particularly in view of the apparently high quality of the existing weld. The latter opinion is premised by the many difficulties associated with properly replacing an existing girth weld under adverse working conditions.

Finally, OPSO asked the Department's welding/radiographic experts in Alaska to examine the radiograph of weld No. 49344T to determine the condition of the weld. The experts reported that the weld is of very high quality and exceeds the standards of acceptability under Sec. 6 of API Standard 1104 as incorporated by reference in 49 CFR 195.228.

The Materials Transportation Bureau (MTB) has reviewed the additional information and arguments submitted by Alyeska in connection with its petition for reconsideration. Based on that review and other relevant considerations, MTB finds that the requested waiver is not inconsistent with pipeline safety and is in the public interest. The reasons for this decision are:

1. The girth weld exceeds the standards of acceptability in Sec. 6 of API Standard 1104 and does not contain any weld defect which might grow to an unacceptable level under cyclic loadings.

2. The ductility of the pipe and girth weld metals would provide for localized yielding where high residual stresses may exist and thereby prevent fracture initiation and failure of the weld. (Section 195.218 was adopted when pipe and weld materials in general use were less ductile than the materials at weld No. 49344T.)

3. The similarity of mechanical properties between the girth weld and pipe metals minimizes the likelihood of any concentration of residual stresses existing at the intersection of welds and surrounding heat-affected zone.

4. The fact that the longitudinal seams are ground flush with the inside pipe circumference at the joint mitigates the likelihood of any concentration of residual stresses caused by excess metal at the intersection of welds. (The longitudinal seams were ground flush with the inside circumference at pipe ends when the pipe was manufactured to accommodate an internal line-up clamp during welding.)

5. Replacing weld No. 49344T to comply with Section 195.218 could reduce the pipeline's integrity because of the difficulties in cutting out a segment of the concrete coated crossing and rotating and realigning it, especially in view of the adversities of working in a 30-foot excavation in a river crossing.

Accordingly, effective immediately, Alyeska is hereby granted a waiver from compliance with 49 CFR 195.218 with respect to weld No. 49344T at the Jim River Crossing No. 2 on the Trans-Alaska crude oil pipeline.

(Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 USC 1655); (18 USC 831-835); 40 FR 43901, 49 CFR 1.53.)

Issued in Washington. D.C. on September 1, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-26209 Filed 9-8-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-4; Notice 3]

C. H. WATERMAN INDUSTRIES

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

C. H. Waterman Industries of Athol, Massachusetts, has petitioned for a 2-year exemption from S7.1.1 of Motor Vehicle Safety Standard No. 208, for an electric powered passenger car on grounds that it would facilitate the development and field evaluation of a low-emission motor vehicle.

Waterman has previously been granted an exemption expiring May 1, 1977, from all or a portion of 15 Federal motor vehicle safety standards, for a European passenger car that it converts to electric propulsion (40 FR 24549). Thus far the company has imported seven such vehicles for tests, and none have been sold for public use. Waterman's current petition states that it has experienced difficulty in locating passenger restraint systems that incorporate "automatic and/or emergency locking and adjusting features" which, it says, must be designed "in conjunction with the design of the vehicle structure in order to integrate the two in a practicable manner." Waterman has not found it possible to date to install in its automobile a restraint system of the sort required by Standard No. 208 since January 1972.

Petitioner argues that the exemption will not unreasonably degrade the safety of the vehicle as it will be equipped with non-retractable Type 2 belt systems in the front seats, and Type 1 lap belts in the rear offering protection equivalent to conforming systems. Waterman argues that it is in the public interest to develop its alternative to the internal combustion engine "despite the small inconveniences of a manually adjusted restraint system."

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of C. H. Waterman Industries, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: October 12, 1976.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on September 3, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.76-26404 Filed 9-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

AIR NEW ENGLAND, INC.

Meeting

Notice is hereby given that a presentation will be made by Air New England,

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Inc., on Thursday, September 23, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., regarding the status of the carrier as a result of the recent change in its management.

Dated at Washington, D.C., September 3, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26334 Filed 9-8-76;8:45 am]

THE FLYING TIGER LINE INC.

Meeting

Notice is hereby given that a presentation will be made by The Flying Tiger Line Inc., on Wednesday, September 22, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., regarding the marketing study made by the carrier.

Dated at Washington, D.C., September 3, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26345 Filed 9-8-76;8:45 am]

[Docket 27813; Agreement C.A.B. 26064 R-1 through R-15; Order 76-8-147]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Issued under delegated authority August 27, 1976.[1]

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, establishing North/Central Pacific fares from October 1, 1976 through March 31, 1977, was adopted at a conference held in New York on June 3-4, 1976.

As set forth in the attached appendices, Tokyo-Honolulu/west coast fares would take increases ranging from 3 to 19 percent. Normal economy fares would increase 3 percent and first-class and most promotional fares would increase 5 percent. However, the affinity group fare for 100 or more persons, available only for U.S. originations, would increase by 10 percent and the basic season group inclusive tour (GIT) fare would increase by 14 to 19 percent. Fares to other Far Eastern destinations would, in general, remain at present levels except that first-class fares would increase 4 percent and the basic season GIT fare would increase up to 7 percent.

Most fares from Anchorage would also remain at present levels except first-class, basic season GIT, and affinity group 100 fares to Japan which would increase 4, 7 and 10 percent, respectively.

[1] Appendices filed as part of the original document.

Two new 30/120-day excursion fare plans are proposed: one for round-trip travel eastbound from various Asian points (other than Japan) to the Western Hemisphere, and a second for round-trip travel westbound from Canada to similar Asian destinations but at lower levels than those proposed for eastbound travel.

Lastly, the agreement would remove stopover restrictions on use of GIT fares and would permit passengers using this fare to return individually from their last point of embarkation in Asia to their point of origin in the Western Hemisphere.[2]

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justifications should be set out in the tabular format suggested in Order 75-7-88, July 17, 1975, with historical data as reported to the Board in Form 41 reports by functional account for total transpacific services for the 12 month period ended June 30, 1976, adjusted to exclude market areas not covered by the agreement, e.g. South Pacific, and all scheduled cargo and charter operations pertaining to the North/Central Pacific market so as to establish the present economic status of scheduled passenger services in the North/Central Pacific market area covered by the agreement. The carriers will also be expected to include a forecast for the year ending September 30, 1977, both including and excluding the increased fares for which approval is sought. The carriers are expected to allocate costs between the passenger and cargo compartments of scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates, Orders 70-4-9 and 70-4-10.[3] In addition the carriers are required to submit detailed traffic data showing revenue passenger miles and revenue by specific fare category as well as capacity and load factor information both for the historical period and for the forecast period and including and excluding the increased fares for which approval is sought.

Northwest Airlines, Inc., a non-IATA carrier, will be required to file data similar to that required of the IATA carriers so that a full economic picture of U.S. carrier operations in the area under consideration may be obtained in order that the Board may be in a position to make a meaningful evaluation in its disposition of the agreement.

Accordingly, IT IS ORDERED THAT:

1. All United States air carrier members of the International Air Transport Association providing North/Central Pacific combination service shall file, within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;

2. Northwest Airlines, Inc. shall file within 15 calendar days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1 and 2 above and replies to comments received pursuant to ordering paragraph 3 above shall be submitted within 25 calendar days after the date of service of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26347 Filed 9-8-76;8:45 am]

[Docket 21162]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Notice of Postponement and Rescheduling of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding presently scheduled to be held on September 30, 1976 (41 F.R. 36537, August 30, 1976) in Columbus, Ohio and then to reconvene on October 5, 1976 in Washington, D.C., is hereby postponed to October 13, 1976 at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

The entire hearing will be held at the above time and place in Washington, D.C., and the Columbus, Ohio portion of the hearing is hereby cancelled.

Dated at Washington, D.C., September 2, 1976.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.76-26346 Filed 9-8-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ESTABLISHMENT OF EXPORT VISA REQUIREMENT AND CERTIFICATION FOR EXEMPT TEXTILE PRODUCTS FROM THE REPUBLIC OF THE PHILIPPINES

AUGUST 31, 1976.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, between the Governments of the United States and the Republic of the Philippines, the Government of the Republic of the Philippines has undertaken to limit its exports of cotton, wool and man-made fiber textile products to the United States to certain designated levels. Pursuant to this agreement, the Government of the United States and the Republic of the Philippines have established an administrative mechanism to preclude circumvention of the licensing system for exports to the United States of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Philippines. The two governments have also agreed to establish an administrative mechanism to exempt from the levels of restraint of the bilateral agreement: (1) shipments of cotton, wool and/or man-made fiber textile products valued under $250; (2) handmade cottage industry products of handloomed fabrics; and (3) traditional Philippine folklore handicraft textile products.

Effective on October 10, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton, wool or man-made fiber textile products, produced or manufactured in the Republic of the Philippines and exported on and after that date for which the Government of the Republic of the Philippines has not issued an appropriate export visa or certification for exemption, will be prohibited.

Application of these requirements to cotton, wool and man-made fiber textile products exported prior to October 10, 1976, is to become effective on December 9, 1976.

The export visa will be a circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will include the signature and title of an official authorized by the Government of the Philippines to issue visas.

Cotton, wool and/or man-made fiber textile products that are to be exempted from the levels of restraint of the bilateral agreement shall be accompanied by a certification issued by the Government of the Republic of the Philippines. The certification will be a rectangular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and will include the signature and title of the official authorized to issue the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. In the space marked "Description" on the certification stamp, the Government of the Republic of the Philippines will indicate that the shipment is either valued at less than $250; is a handmade cottage industry product of handloomed fabric; or will name the particular Philippine traditional folklore product listed in the attachment of this notice. An export visa will not be required to accompany shipments of exempt items.

Copies of the export visa and certification stamps are published as enclosures to the letter set forth below. The following officials have been authorized by the Government of the Republic of the Philippines to issue visas and certifications:

Alfredo Pio de Roda, Jr.
Woodrow S. Burgos
Eduardo G. Sanchez
Alicia L. de la Cruz

Interested parties are advised to take all necessary steps to insure that cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Philippines, which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa and certification requirements.

There is published below a letter of August 31, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing the administrative mechanism.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Director, Office of Textiles, U.S. Department of Commerce.

PHILIPPINE TRADITIONAL FOLKLORE HANDICRAFT TEXTILE PRODUCTS

"Philippine Items" are traditional Philippine products which have been cut, sewn, or otherwise fabricated by hand in cottage units of the cottage industry. The following is the agreed upon list of such items:

1. Batik and Hablon fabrics—Handwoven fabrics of the cottage industry.
2. Banaue cloth—Multicolored cotton handloomed fabric.
3. Other handwoven and handloomed fabrics of the cottage industry.
4. Articles and garments made by hand from handwoven and handloomed fabrics.
5. Hand crocheted garments, shawls, hats and accessories, including the "catsa group" type garments (heavily hand crochet work in combination with coarse or greige or dyed cotton fabric or batik fabric).

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 31, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 10, 1976, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-64, wool textile products in Categories 101-132, and man-made fiber textile products in Categories 200-243, produced or manufactured in the Republic of the Philippines, for which the Government of the Republic of the Philippines has not issued an appropriate visa.

The export visa will be a circular stamp in blue ink on the front side of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and will include the signature and title of an official authorized by the Government of the Republic of the Philippines to issue visas. A facsimile of the visa is enclosed.

You are further directed, effective on October 10, 1976, to exempt from the levels of restraint established under the bilateral agreement shipments of cotton, wool, and/or man-made fiber textile products valued under $250; handmade cottage industry products of handloomed fabrics; and traditional Philippine folklore handicraft textile products which have been certified for exemption by the Government of the Republic of the Philippines in accordance with the procedure described below.

The certification will be a rectangular stamp in blue ink on the front side of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and will include the signature and title of the official authorized to issue the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. In the space markeo "Description" on the certification stamp, the Government of the Republic of the Philippines will indicate that the shipment is either valued at less than $250; is a handmade cottage industry product of handloomed fabric; or will include the name of the particular Philippine traditional folklore product. A copy of the certification stamp is also enclosed.

An export visa will not be required to accompany shipments of exempt cotton wool and man-made fiber textile products.

Cotton, wool and man-made fiber textile products, exported from the Republic of the Philippines prior to the effective date of this directive shall not be denied entry until December 9, 1976.

Merchandise covered by an invoice which has an exempt certification but includes both exempt and non-exempt textile products, will be denied entry.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool, and/or man-made fiber textile products, produced or manufactured in the Republic of the Philippines, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Committee for the Implementation of Textile Agreements.

Textile products of the cottage industry of the Philippines which have been certified exempt from the levels of restraint of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, between the Governments of the United States and the Republic of the Philippines should be reported in accordance with the instructions transmitted in the letter of March

[2] The agreement also incorporates revisions to existing special fares available only for traffic originating in Japan reflecting an agreement reached by Japan Air Lines Company, Ltd., Northwest Airlines, Inc. and Pan American World Airways, Inc. in discussions held during March 1976 as authorized by the Board in Order 76-3-95, March 15, 1976.

[3] In furnishing the data requested, each carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

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7, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Enclosure.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Director, Office of Textiles, U.S. Department of Commerce.

REPUBLIC OF THE PHILIPPINES
NO. _____
TEXTILE EXPORT VISA
SIGNATURE
TITLE
DATE

REPUBLIC OF THE PHILIPPINES
CERTIFICATE NO.
EXEMPTED ITEMS
DESCRIPTION
CERTIFIED ON
AUTHORIZED SIGNATURE
TITLE

[FR Doc.76-25987 Filed 9-8-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on September 28, 1976 (8:30 a.m. to 5:00 p.m.) and September 29, 1976 (9:00 a.m. to 4:00 p.m.) at the Consumer Product Safety Commission, 1750 K Street, N.W., 6th Floor Conference Room.

The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances.

The agenda for the Tuesday, September 28, meeting will include orientation for new members during the morning session and a discussion of concepts of child-resistant packaging by the full Committee during the afternoon session.

On Wednesday, September 29, the morning session will be devoted to (1) a report on the Ammonia Proposal, (2) draft proposal to regulate household cleaning and maintenance products containing petroleum distillates, and (3) requests for exemption outstanding. A discussion on compliance activities under the Poison Prevention Packaging Act will take place in the afternoon.

Persons wishing to make oral or written presentations to the Committee should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: September 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-26316 Filed 9-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00032; FRL 613-6]

CHLORDANE AND HEPTACHLOR

Notice of Availability of Draft Environmental Impact Statement

On May 7, 1974, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 16186) a statement of policy announcing its intention to prepare Environmental Impact Statements in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with its most significant regulatory actions, although not required to do so by law.

Pursuant to that policy announcement, the EPA has prepared a Draft Environmental Impact Statement (EIS) on the proposed cancellation of chlordane and heptachlor. On November 18, 1974, the Administrator of the EPA determined that the continued registration and use of pesticides containing chlordane or heptachlor posed a substantial question of safety, and accordingly a Notice of intent to cancel was issued; this Notice was published in the FEDERAL REGISTER on November 26, 1974 (39 FR 41298). However, subsequent to the issuance of the Notice, new evidence came to the attention of the Administrator which confirmed and heightened the human cancer hazard posed by these pesticides. As a result, on July 29, 1975, the Administrator announced his intention to suspend the registration of pesticide products containing chlordane and heptachlor for all uses for which cancellation had been proposed in the Federal Register Notice mentioned, pending a final cancellation decision. This Notice of intent to suspend was issued in accordance with the "imminent hazard" provisions under sections 6(c) and 2(l) of the amended Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), and was published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34456). On December 24, 1975, following 43 days of public hearings, the Administrator issued a decision and order suspending some, but not all uses of these two pesticide chemicals; a Federal Register document containing the decision and order and other administrative actions on this subject was published on February 19, 1976 (41 FR 7552).

The EIS, a document totalling 51 pages including appendices, summarizes scientific information on chlordane and heptachlor with regard to toxicity to humans and animals, hazards to the environment, and costs and benefits of cancellation and other alternative regulatory actions.

Significant facts about chlordane and heptachlor are:

1. They have been used for over 20 years in considerable quantities for a variety of crop and noncrop pest control purposes.
2. They are chemically similar; chlordane contains about 10% heptachlor.
3. They and their toxic breakdown products are very persistent in the environment, resisting chemical or biological breakdown into harmless substances.
4. They or their toxic breakdown products are found as residues throughout the environment, i.e., in soil, water, air, wildlife, and food.
5. Their toxic breakdown products are found to have accumulated in human adipose tissue and in human milk.
6. They and some of their breakdown products are acutely toxic to many forms of life, in addition to target species.
7. Heptachlor epoxide has been found to have accumulated in the organs of stillborn infants.
8. Heptachlor, heptachlor epoxide and chlordane induce tumors in laboratory animals, and thus pose a cancer threat to man.
9. If cancellation occurs, economic impact on agricultural commodities and consumer prices would be minor, compared with normal year-to-year variations due to weather and other market factors.

EPA will file a copy of this draft statement with the Council on Environmental Quality on September 13, 1976. All comments on the EIS must be received by EPA within 45 days after the Council on Environmental Quality also lists its availability in the FEDERAL REGISTER. To be sure of receiving full consideration on the preparation of the final EIS, all comments should reach EPA within this time frame and should bear the identifying notation OPP-00032. Comments should be filed in triplicate and addressed to EPA, Office of the Federal Register Section, Attn: Sandy Radinsky, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Two background reports on chlordane and heptachlor are available along with a copy of this draft statement. One report, "Pesticidal Aspects of Chlordane and Heptachlor in Relation to Man and Environment; A Further Review, 1972-1975" (85 pages) considers the toxicity of the compounds. Another 1975 report, "EPA Actions to Cancel and Suspend Uses of Chlordane and Heptachlor as Pesticides" (355 pages), presents the economic and social implications of regulatory actions and EPA economic testimony at the chlordane/heptachlor suspension Hearings.

Copies of the EIS and accompanying background materials have been forwarded to Federal agencies, state pesticide groups, EPA regional offices, national environmental and conservation organizations and agricultural, trade and chemical groups.

This EIS and background materials are available for inspection in the EPA Office of the Federal Register Section (see address above); single copies of these materials will be provided free of charge.

Dated: September 3, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-26403 Filed 9-8-76;8:45 am]

[FRL 613-7]

ENERGY RELATED AUTHORITY

Report on Progress and Impact

Section 119(k)(2) of the Clean Air Act, as amended by the Energy Supply and Environmental Coordination Act of 1974, directs the Administrator to publish in the FEDERAL REGISTER at no less than 180 day intervals beginning January 1975, certain reports and findings on the implementation of EPA's energy related authority under section 119 of the Act. Specifically, the Administrator is directed to publish a concise summary of progress reports required to be filed by any person or source owner or operator to which the compliance data extension provisions of subsection 119(c) apply. Such reports are to include information on the status of compliance with requirements imposed by the Administrator under subsection 119(c). In addition, the Administrator is directed to publish up-to-date findings on the impact of Section 119 upon applicable State Implementation Plans and upon ambient air quality. On January 27, 1975, August 8, 1975, and February 23, 1976, notices meeting the requirements of Section 119(k)(2) were published in the FEDERAL REGISTER at 40 FR 4034, 40 FR 33489 and 41 FR 7989 respectively.

As of July 15, 1976, some applications for compliance date extensions under subsection 119(c) have been received by the Administrator; however, no such extensions have been granted as yet. Therefore, no progress reports were required of or filed by any person or source owner or operator under subsection 119(c). In addition, no postponements under subsection 119(l) were sought or granted before July 15, 1976. No actions taken during the period covered by this report resulted in any impact on air quality or state implementation plans.

Whenever the Federal Energy Administrator issues an order to a fuel-burning source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 which will apply after June 30, 1975, the Administrator of EPA is required to notify FEA if the source can burn coal and comply immediately with all applicable air pollution requirements without a compliance date extension. If such notification is not given, then the EPA Administrator must certify to FEA: (1) when the source can comply with primary standard conditions and/or regional limitations in the case of a source which is receiving a compliance date extension; or (2) when the source can comply with all air pollution requirements in the case of a source which is not receiving a compliance date extension.

As of July 15, 1976, the Administrator of EPA has notified FEA that seven plants can burn coal and comply immediately with all air pollution requirements without a compliance date extension. Those plants are: (1) Ames Station, Unit 7, Ames Electric Utility, Ames, Iowa; (2) Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa; (3) Des Moines Station, Units 10 and 11, Iowa Power and Light Company, Des Moines, Iowa; (4) Weston Station, Unit 2, Wisconsin Public Service Corporation, Rothchild, Wisconsin; (5) McWilliams Station, Unit 3, Alabama Electric Cooperative Inc., Gantt, Alabama; (6) Sheldon Station, Unit 2, Nebraska Public Power District, Columbus, Nebraska; and (7) Quindaro 3 Station, Units 1 and 2, Kansas City Board of Public Utilities, Kansas City, Kansas.

Also, the Administrator of EPA has certified to FEA that the following six stations cannot comply with all applicable air pollution requirements until beyond the statutory deadline for compliance, and therefore cannot receive compliance date extensions: (1) St. Clair Station, Unit 5, Detroit Edison Company, East China Township, Michigan; (2) Edge Moor Station, Units 1, 2, 3, and 4, Delmarva Power and Light Company, Wilmington, Delaware; (3) Crane Station, Units 1 and 2, Baltimore Gas and Electric Company, Baltimore, Maryland; (4) Wagner Station, Units 1 and 2, Baltimore Gas and Electric Company, Baltimore, Maryland; (5) Riverside Station, Units 4 and 5, Baltimore Gas and Electric Company, Baltimore, Maryland; and (6) Winnetka Station, Units 5, 6, 7, and 8, Village of Winnetka, Winnetka, Illinois. FEA's orders for these plants, therefore, cannot become effective until after January 1, 1979.

Two units at one plant (Hawthorne Station, Units 4 and 5, Kansas City Power and Light Company, Kansas City, Missouri) were ineligible for compliance date extensions because the units had generated more than half of their electricity through the use of coal during the period between Sept. 15, 1973 and March 15, 1974. The Administrator therefore certified January 1, 1977 and December 15, 1978 as the earliest dates on which the Federal Energy Administration's prohibition orders to units 4 and 5, respectively, may take effect. The Administrator also certified to FEA that the following two power plants will be able to burn coal in compliance with all applicable air pollution requirements within 6 months of the issuance of FEA's Notice of Effectiveness to the plants: (1) Chesterfield Station, Units 3, 4, 5, and 6, Virginia Electric Power Company, Chester, Virginia; and (2) Morgantown Station, Units 1 and 2, Potomac Electric Power Company, Newburg, Maryland.

Dated: August 31, 1976.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.76-26402 Filed 9-8-76;8:45 am]

[OPP-180083; FRL 613-5]

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

Issuance of a Specific Exemption To Use Guthion To Control the Carrot Weevil

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Massachusetts Department of Environmental Quality Engineering (hereafter referred to as the "Applicant"). Azinphos methyl (Guthion) will be used on thirty acres of carrot seedlings for the control of the carrot weevil in Middlesex County and certain other areas in Massachusetts. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested

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parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E–315, Washington, D.C. 20460.

According to the Applicant, the appearance of the Carrot Weevil (*Listronotus oregonensis*) as a problem is cyclical. The problem occurs every 4–5 years and lasts for a period of two years. Massachusetts is now in the second year of the present outbreak. If not controlled, the pest can inflict severe damage. Carrot weevil larvae tunnel in the tap root of carrots, leaving rust-colored feeding trails. Larval feeding early in the season results in mortality of seedling carrots, reducing the row-density. Later injury reduces the quality of market carrots, rendering many unmarketable. Further losses occur when carrots are placed in cold storage due to increased incidence of storage rot disease organisms (fungi and bacteria) which enter the carrots through weevil larvae feeding tunnels.

There appear to be neither alternative registered pesticides nor non-chemical methods of control available to suppress this insect. The Applicant proposed to apply azinphos methyl (Guthion) to carrot seedlings being grown both for processing and for consumption as a fresh vegetable. The pesticide will be applied at the rate of one-half (½) pound of actual insecticide per acre. No more than 3 applications will be made on any given field during the growing season. A thirty-five (35) day waiting period between treatment and harvest will be observed for carrots treated with Guthion. The pesticide will be applied with ground rigs only to carrot fields where the weevil has been detected visually or by means of traps. Application will be to 20–30 acres mainly in central Middlesex County; some applications will be made in scattered locations in western Massachusetts. These operations will be carried out under the supervision of the Extension Entomologist at the University of Massachusetts. Approximately 45 pounds of actual Guthion will be used.

The Applicant says the carrot crop has a value of $1,800 per acre to the growers; thus a thirty-acre crop would be worth $54,000 and an estimated fifty (50) percent loss due to carrot weevil damage would be an economic loss of $27,000.

Guthion is registered for a number of agricultural uses, many of which occur in Massachusetts in the process of growing fruits and vegetables. It is anticipated that no adverse effects on man and the environment will occur with this limited use of Guthion.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of carrot weevils has occurred; (b) there is no pesticide presently registered and available for use to control the carrot weevil in Massachusetts; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevils are not controlled; and (e) the time available for action to mitigate the problems posed is sufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 15, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

1. The carrot acreage to be treated with azinphos methyl (Guthion) is limited to thirty (30) acres;

2. The azinphos methyl (Guthion) will be applied with ground equipment;

3. The dosage rate may not exceed one-half (½) pound of actual azinphos methyl per acre per application;

4. The number of applications may not exceed three (3);

5. A thirty-five day preharvest interval must be observed;

6. Carrot tops treated with azinphos methyl may not be used for food, feed, or forage;

7. A residue level not to exceed 0.5 ppm on carrot roots has been determined to be adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action; and

8. The Applicant is responsible for ensuring that the restrictions pursuant to this specific exemption are met.

Dated: September 2, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–26285 Filed 9–8–76;8:45 am]

[OPP–180089; FRL 613–4]

NEVADA DIVISION OF HEALTH

Crisis Exemption Using DDT To Control Flea Vectors of Plague

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) gives notice that the Nevada Division of Health (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used DDT to control plague-infected fleas in rodent burrows at Nevada Beach, Lake Tahoe, Nevada. This exemption was subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning the exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the Federal Register on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information.

According to the Applicant, there was a bubonic plague outbreak in rodents at Nevada Beach at Lake Tahoe. At Nevada Beach, rodents were trapped to determine the percentage of flea infestation on rodents; this data was used to calculate a flea index on the number of rodents obtained by trapping. The rodents involved were the California Ground Squirrel, the Mantled Ground Squirrel, the Deer Mouse, the Douglas Chickaree, and the Northwest Chipmunk. On July 8, 1976, one hundred pounds of DDT in five-pound cans was obtained from the Sierra Army Depot in Herlong, California. On July 9, rodent burrows were dusted with 25 pounds (5 cans). Rodents were again trapped and flea infestation determined. The percentage dropped, but not significantly, according to the Applicant; re-dusting of the burrows was required.

On July 22, the burrows were again dusted, using 25 pounds (5 cans) of DDT. Flea infestation showed a drop, but was still high. The Applicant decided to use DDT bait dust stations to assure better dusting of the rodents. On July 27, approximately 250 DDT bait dust stations were set, requiring 10 pounds of DDT. Flea infestation was checked on July 29, 1976; infestation had dropped to a permissable level, and the Beach was permitted to reopen. The total amount of DDT used was 60 pounds (12 five-pound cans). Applications were made by trained personnel.

The official file concerning this exemption is available for inspection in the Registration Division (WH–567), Office of Pesticide Programs, EPA, Room E–315, 401 M St., S.W., Washington, D.C. 20460.

Dated: September 2, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–26284 Filed 9–8–76;8:45 am]

[FRL 606–7; OPP–50249]

S. B. PENICK AND CO. ET AL.

Issuance of Experimental Use Permits

Correction

In FR Doc. 76–25087 appearing at page 36247 in the issue for Friday, August 27, 1976, on page 36248, in the first column, in the first paragraph, the first line should read as follows:

"No. 148–EUP–23 Thompson-Hayward"

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, the High Energy Physics Advisory Panel (HEPAP) will meet September 27 and 28, 1976. The meeting will be held at the Energy Research and Development Administration offices at 400 First Street, NW., Washington, D.C. in Conference Room 200. The portion of the meeting which will be open to the public will convene from 10 a.m. to approximately 6 p.m. on September 27, and will resume at 9 a.m. to end at approximately 11:30 a.m. on September 28.

The Panel will examine the current status of budget requests for the High Energy Physics Program; consider plans for future facility recommendations; discuss criteria for foreign travel and conference delegations; consider computer policies at national laboratories; discuss the influence of the international Very Big Accelerator on regional plans; consider the research program and current facility development at the ZGS; and discuss the role of the High Energy Physics Program within the Energy Research and Development Administration.

Two (2) executive sessions of the Panel are scheduled. The first executive session will occur at approximately 9 a.m. prior to the open session on September 27; the second will begin at approximately 1 p.m. on September 28 and continue throughout the end of the meeting at approximately 4:30 p.m. Topics to be discussed at these executive sessions are the future allocation of resources for operations, priorities among proposed future construction projects and other similar matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics fo discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than September 17, 1976, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 22, 1976, to the office of the Executive Secretary of the Panel on (301) 353–3624 between 8:30 a.m. and 5 p.m. Eastern Time.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the open portions of the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Copies of minutes of public sessions will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C., upon payment of all charges required by law.

K. DEAN HELMS,
Acting Deputy Advisory Committee Management Officer.

[FR Doc.76–26327 Filed 9–8–76;8:45 am]

HIGH LEVEL WASTE STORAGE AND HANDLING FACILITIES HANFORD RESERVATION, RICHLAND, WASHINGTON

Negative Declaration

Pursuant to Part 1500.6(e) of the Council on Environmental Quality Guidelines of August 1, 1973, (38 FR 20550) and 10 CFR 711.7(d) [formerly 10 CFR 11.7(d)], the U.S. Energy Research and Development Administration (ERDA) hereby gives notice that an environmental statement is not being prepared for the construction project, High Level Waste Storage and Handling Facilities, at the Hanford Reservation, Richland, Washington which has been included in the President's FY 1977 Budget as submitted to the Congress.

The proposed project is to construct six additional double-shelled waste storage tanks at the ERDA Hanford Plant at Richland, Washington for the interim storage of high-level radioactive waste. Similar waste tank projects in previous budgets have had environmental statements prepared in view of the controversial nature of radioactive waste management. However, it has been determined that no separate statement need be prepared for this Project since its environmental impact had been evaluated previously in the Final Environmental Statement, Waste Management Operations, Hanford Reservation, ERDA–1538 (December 1975).

Copies of this negative declaration and its supporting documentation have been placed for public inspection in the following ERDA public document rooms:

ERDA Headquarters, 20 Massachusetts Avenue, NW, Washington, DC 20545.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, NM 87115.
Chicago Operations Office, 9500 South Cass Avenue, Argonne, IL 60439.
Idaho Operations Office, 550 Second Street, Idaho Falls, ID 83401.
Oak Ridge Operations Office, Federal Building, Oak Ridge, TN 37830.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, NV 89114.
Richland Operations Office, Federal Building, Richland, WA 99352.
San Francisco Operations Office, 1333 Broadway, Oakland, CA 94612.
Savannah River Operations Office, Savannah River Plant, Aiken, SC 29810.
Bartlesville Energy Research Center, P.O. Box 1398, Bartlesville, OK 74003.
Grand Forks Energy Research Center, P.O. Box 8213, University Station, Grand Forks, ND 58202.
Laramie Energy Research Center, P.O. Box 3395, University Station, Laramie, WY 82070.
Morgantown Energy Research Center, P.O. Box 880, Morgantown, WV 26505.
Pittsburgh Energy Research Center, 4800 Forbes Avenue, Pittsburgh, PA 15213.

Dated at Germantown, Maryland, this 2d day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76–26288 Filed 9–8–76;8:45 am]

[ERDA–1546]

POSITRON-ELECTRON STORAGE RING PROJECT STANFORD LINEAR ACCELERATOR CENTER STANFORD, CALIFORNIA

Notice of Availability of Final Environmental Statement

Notice is hereby given that the Final Environmental Statement, ERDA–1546, Positron-Electron Storage Ring Project, Stanford Linear Accelerator Center, Stanford, California, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of the project which was included in the ERDA Fiscal Year 1976 Appropriations Act.

Copies of the final statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies have been furnished to those who commented on the draft statement that was issued by the Energy Research and Development Administration as

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ERDA–1546, January 28, 1976. Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 27830 (615) 483–8611, Extension 34672. The statement is also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Germantown, Maryland, this 3rd day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-26326 Filed 9-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20817]

AN INQUIRY RELATING TO THE COMMISSION'S RADIO OPERATOR LICENSING PROGRAM

Order Extending Time To File Comments and Reply Comments

Adopted: August 25, 1976.

Released: August 27, 1976.

1. The Electronic Industries Association's (EIA) Land Mobile Communications Section and the National Association of Broadcasters (NAB) have submitted requests for an extension of time within which Comments and Reply Comments in the above-captioned matter (41 FR 22981, June 8, 1976) might be filed.

2. Because of the importance and complexity of this proceeding, and because of the Commission's desire to obtain the widest possible response, an extension of time to November 1, 1976 for the filing of Comments and November 15, 1976 for the filing of Reply Comments is ordered, pursuant to section 0.311 of the Commission's rules.

C. PHYLL HORNE,
Chief, Field Operations Bureau.

[FR Doc.76-26353 Filed 9-8-76;8:45 am]

[Docket No. 20820, File No. BPCT-4674; Docket No. 20821, File No. BPCT-4826; FCC 76R-239]

MIDWEST ST. LOUIS, INC. ST. LOUIS, MISSOURI; NEW LIFE EVANGELISTIC CENTER, INC. ST. LOUIS, MISSOURI

Applications for Construction Permit for a New Television Broadcast Station

MEMORANDUM OPINION AND ORDER

Adopted September 1, 1976;

Released: September 7, 1976

By the Review Board: Board Member Kessler concurring in result. 1. This proceeding involves the mutually exclusive applications of Midwest St. Louis, Inc. (Midwest) and New Life Evangelistic Center, Inc. (New Life) for construction permits for a new television broadcast station to operate on Channel 24, St. Louis, Missouri. Now before the Review Board for consideration is a petition to enlarge issues, filed by New Life on June 29, 1976, which seeks to add "viability," Rule 1.65,[1] lack of candor, and ascertainment issues against Midwest.[2]

2. As relevant background to understanding New Life's request for "viability" issues, the Board notes the following. At the time of designation,[3] the Commission also had before it an application by Midwest for authorization to conduct subscription television (STV) operations over the facilities of its proposed station on Channel 24 and a mutually exclusive application for STV authority filed by Evans Broadcasting Corporation (Evans), licensee of Station KDNL–TV, St. Louis. The Commission decided that examination of the STV application of Midwest was not necessary to the basic comparison between Midwest and New Life, and that action on the Midwest STV application should be deferred pending the outcome of this hearing. It also stated that should Midwest prevail herein, it would then undertake a comparative evaluation of the Midwest and Evans STV applications. However, it held that the STV programming proposal of Midwest could be compared with the programming proposal of New Life under the standard comparative issue.

3. New Life submits that Midwest's application for a construction permit is an integral part of its overall proposal to operate an STV service in St. Louis, and that since Midwest has not applied simply for a construction permit and the Commission has not made the STV application part of this proceeding, a question arises as to the viability of Midwest's proposal. Indeed, New Life asserts, should Midwest prevail in this hearing, it may actually obtain an authorization for a facility it does not wish—a conventional television broadcast station. In support, New Life cites the transmittal letter submitted by Midwest to the Commission with its application which recites that Midwest's conventional and STV applications are "mutually contingent";[4] furthermore, New Life contends that Midwest's financial proposal contemplates an STV authorization and that the loan commitment upon which it relies is predicated on the construction of a television station and operation of an STV facility.[5] Thus, New Life argues that Midwest has not made a financial or, for that matter, an ascertainment showing with respect to the operation of a conventional station and that it is not clear whether Midwest will operate at all unless it receives an STV authorization. New Life submits that issues are required to determine whether Midwest's conventional television application is a viable proposal, whether Midwest intends to construct and operate a conventional facility irrespective of and pending its success in obtaining an STV authorization, and whether Midwest is financially qualified to operate the proposed facility pending and irrespective of receipt of an authorization for STV service. Finally, New Life states that the Board may wish to certify to the Commission the question of whether the Evans application for STV authority should be consolidated in this proceeding.

4. The Broadcast Bureau supports enlargement of the issues but states that the request for certification should be made in a separate pleading. Evans also opposes certification, essentially on the ground that the Commission first must determine which of the two applicants for Channel 24 (New Life and Midwest) should receive a construction permit. Midwest, in opposition, initially agrees with New Life that certain "anomalies" could result from the bifurcated hearing process adopted by the Commission—such as Midwest being left with a construction permit it does not want should it prevail against New Life herein but lose subsequently to Evans in the STV comparative hearing. Midwest refers the Board to its Petition for Inquiry and Rulemaking filed with the Commission July 23, 1976, wherein it seeks reexamination of Commission policy and establishment of uniform standards to govern designation in this area. Midwest also supports certification of the question regarding consolidation of the Evans application. Because it believes rulemaking rather than ad hoc evidentiary hearing is the appropriate forum for these questions, Midwest opposes New Life's requested viability issue. Furthermore, Midwest states, in view of its representations in its pleadings to the Board and the Commission, there is no factual question requiring hearing as to whether it will construct and operate a conventional facility irrespective of its success in obtaining STV authorization. Finally, Midwest states, in view of the aforenoted mutual contingency of its conventional and STV applications, the question of whether Midwest would finance a conventional station even if it fails to receive STV authorization is hypothetical and its resolution irrelevant.

5. We see no need for issues concerning the viability of Midwest's application for a conventional television operation, or concerning Midwest's intentions to construct a conventional television facility in the event it is unsuccessful in obtaining an authorization for subscription television operations. Although the applications for a basic construction permit and for authority to conduct STV operations have been filed separately, it is now perfectly clear that Midwest does not want any authorization which does not include authority for STV operations. This position is improper. The Commission's rules, see Section 73.642(a), 47 CFR 73.642(a), provide for the grant of an authorization for STV service to "[a]n applicant for a construction permit for a new commercial television broadcast station * * *," as well as to the licensee or permittee of a commercial television broadcast station. The only proviso is that an authorization for STV operations will not be issued prior to issuance of the construction permit for the new station. Thus, while it is clear that an authorization for STV operation will not be issued unless the applicant is also basically qualified for a construction permit, there is no reason why the two applications cannot be considered together, and it is quite unrealistic, at least in the context of this case, to separate the two applications and judge Midwest upon the basis of something it is not in fact seeking and which the rules do not require it to seek—authority for a purely conventional operation. Since Midwest has now made its position unmistakably clear, there is no good reason to add issues concerning its intentions or the viability of its application for construction permit without regard to its application for STV authority. Nor, for the same reason, is there any warrant for adding the additional issue sought by New Life as to whether Midwest is financially qualified to construct and operate a conventional television facility "pending and irrespective of" receipt of authority to operate a subscription television service.

6. We also believe, since Midwest's intentions have now been made clear, that we should certify to the Commission for its further consideration the question of whether the STV application of Midwest should be included in this hearing and the further question of whether the application of Evans for STV operation should also be considered in the same proceeding. In this connection, we note that while a grant to New Life in the present posture of the matter would create no procedural difficulties, a finding that Midwest is to be preferred to New Life (assuming both parties are found basically qualified) could result in the unnecessary denial of the application of New Life and a grant to Midwest of something it does not seek (an authorization for a purely conventional operation) if Evans were later found superior to Midwest. Furthermore, considerable extra time might be required to compare New Life and Midwest in one proceeding and then to institute a new proceeding to compare Midwest and Evans. Since the efficiency of the presently designated hearing process must be determined upon the basis of both possible outcomes, i.e., a grant to either Midwest or New Life, it would seem that the present hearing structure might not be the most efficient. The remedy would appear to be a simultaneous consideration of all of the pending applications, so that the Commission could determine in one hearing proceeding the grant or grants required by the public interest. Since it is beyond the power of the Board to achieve this result, and since we think the parties have presented problems which warrant further consideration, we will rsepectfully refer these questions to the Commission for its judgment.

7. In support of its requests for Rule 1.65 and lack of candor issues, New Life recites that on May 3, 1973, Midwest consummated an agreement with The St. Louis Educational Television Commission (St. Louis), the licensee of station KETC–TV, for use of the latter's transmitter tower as Midwest's proposed antenna location for purposes of this application. However, New Life asserts, by letter dated December 20, 1975, Robert C. Glazier, Executive Director of St. Louis, advised Midwest that the agreement, which was due to expire May 3, 1976, could not be extended beyond that date "under any conditions."[6] New Life contends that Midwest has failed to notify the Commission of this development and concludes that the significance of the change in availability of Midwest's proposed transmitter site and the applicant's dereliction in notifying the Commission necessitate addition of Rule 1.65 and lack of candor issues.[7] In opposition, Midwest submits that it did comply with Rule 1.65 by reporting to the Commission the unavailability of its proposed site on July 29, 1976, which, it claims, was within thirty days of receiving a June 26, 1976 letter from St. Louis informing it that its option could not be renegotiated. Until that time, Midwest asserts, it believed it could convince St. Louis to reconsider its disinclination to renew the agreement.

8. The Board will add a Rule 1.65 issue. We agree with New Life that the unavailability of an applicant's proposed transmitter site is a decisionally significant matter which must be reported within thirty days. *Dale A. Owens*, 56 FCC 2d 482, 35 RR 2d 508 (Rev. Bd. 1975). Here, it is clear from the plain language of the correspondence from St. Louis to Midwest in December 1975 that Midwest did not have reasonable assurance of its proposed site after May 3, 1976, and it is also clear from Robert Glazier's affidavit that, in fact, Midwest's option did expire on the latter date. Nevertheless, Midwest did not inform the Commission of these developments until July 29, 1976, subsequent to the filing of New Life's petition herein. Although Midwest claims it acted promptly after receiving notification from St. Louis that the agreement would not be renegotiated, we have difficulty accepting this explanation, absent evidentiary inquiry, in view of the language of Glazier's letters in December, 1975. Accordingly, we will specify a Rule 1.65 issue encompassing inquiry into the applicant's basic and/or comparative qualifications; in view of the scope of this issue, a separate lack of candor issue is unnecessary.

9. New Life's final request is for issues relating to the adequacy of Midwest's efforts to ascertain community needs and to ascertain STV programming needs. We shall dismiss New Life's allegations with respect to STV ascertainment since Midwest's STV application is not part of this proceeding. With respect to Midwest's ascertainment of community problems, New Life initially alleges that Midwest contacted only 34 community leaders, and that this number is insufficient to represent the proposed service area. As a related matter, New Life points out that contacts with leaders of only two outlying communities were included in the survey. In addition, New Life asserts that Midwest has not consulted with leaders of all significant groups and that, in fact, representatives of the military,[8] consumer services, the elderly, and agriculture were not contacted.[9] Moreover, petitioner asserts that no representatives of transportation (other than aviation), medicine and health services (other than mental health), or professional and scholastic sports were interviewed, although these groups are identified by Midwest as being significant. New Life also challenges the adequacy of Midwest's general public survey, noting that the 202 telephone interviews listed were conducted by Edward G. Doody Co., and contending that Midwest's application does not specify whether this firm is a professional research or survey service. Furthermore, petitioner points out that Midwest characterizes the Doody survey as being "directed toward STV programming preferences, rather than toward traditional community needs, problems, and interests," and contends that this does not comply with the suvey requirements contained in the *Primer on Ascertainment of Community Needs by Broadcast Appli-*

[1] Rule 1.65 requires applicants to advise the Commission of changes which may be of decisional significance within thirty days of their occurrence.

[2] Related pleadings before the Board are: (a) opposition, filed July 13, 1976, by Evans Broadcasting Corporation; (b) reply, filed July 23, 1976, by Midwest; (c) comments, filed August 4, 1976, by the Broadcast Bureau; (d) opposition, filed August 4, 1976, by Midwest; (e) reply, filed August 20, 1976, by New Life Evangelistic Center.

[3] 41 FR 24015, published June 14, 1976.

[4] The letter states: There is submitted herewith on behalf of our client, Midwest St. Louis, Inc., an application in triplicate for a construction permit for a UHF station in St. Louis on Channel 24. There is also enclosed an application for STV authority for the St. Louis market. The attention of the Commission is respectfully invited to the fact that the two applications are mutually contingent.

[5] Midwest relies on a letter of credit from its parent corporation to meet its total cash requirements. The letter states in pertinent part: This letter will advise your corporation (hereinafter "St. Louis") that Midwest Radio-Television, Inc. (hereinafter "WCCO") is prepared to advance to St. Louis as loans, through the purchase of your securities, or by guaranteeing loans from financial institutions, such sums as may be required for the processing of the St. Louis applications for a construction permit for a UHF station in St. Louis and for STV authority for that market; for the construction and for the operation of the UHF station, should the construction permit be issued by the Federal Communications Commission; and for the costs of operating a subscription television system in the St. Louis market.

[6] New Life submits a copy of the letter in question, as well as a letter to the same effect dated December 27, 1975, and a subsequent affidavit from Glazier, dated June 25, 1976, which states that Midwest's option for space on the KETC–TV tower has expired and "will not be renewed."

[7] An issue as to the availability of Midwest's proposed site has already been specified in the designation Order.

[8] Specifically, petitioner refers to the U.S. Army Records Center located in St. Louis.

[9] Petitioner derives these categories from the Commission's recent *Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants*, 57 FCC 2d 418, 35 RR 2d 1555 (1976).

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cants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).[10]

10. The Board will add a general ascertainment issue. Before discussing the alleged inadequacies pointed out by New Life, we note that a prime deficiency in Midwest's showing is its failure, except for some rudimentary information as to population, racial composition, and general community characteristics, to provide the demographic composition of its proposed community of license called for by the *Primer*. Without a more specific breakdown of the governmental and economic activities, the public service organizations, and the other elements of the community that make it distinctive, we cannot be assured that the applicant's contracts are representative of the important groups in its community. See *Primer*, Q. and A. 4, 9, and 10; *Robert Cowan Wagner*, 38 FCC 2d 403, 25 RR 2d 1095 (Rev. Bd. 1972). Furthermore, as correctly noted by petitioner, significant groups which Midwest does indicate exist in St. Louis do not appear to be adequately reflected in the community leader survey. Thus, although Midwest characterizes transportation as an important part of the St. Louis economy and states that St. Louis is a medical center, the one purported representative from each of these groups listed is not clearly a leader in the field.[11] Similarly, although the manufacturing industry is stated to be an important activity by Midwest, no interviews with leaders representing this group were conducted. See *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974). Nor is it clear from the descriptions of some of the individuals listed by Midwest—*e.g.*, staff representative, UAW; office manager, League of Women Voters; store manager, Arrow Shirts—that these persons are community leaders.[12] Moreover, although Midwest argues in its opposition pleading that many of its 34 interviewees are active in more than one organization so that actually 58 significant groups are represented in its survey, the applicant has only set forth the "primary" organizational affiliation of each of these individuals and therefore it is impossible to conclude that a leader of each organization has been contracted. Outside of St. Louis, Midwest appears to have contacted purported leaders of only two communities, East St. Louis and Clayton; however, it has not explained why representatives of such nearby and apparently major communities as University City (1970 population 46,309), Webster Groves (1970 population 26,995), Ferguson (1970 population 28,915), and Kirkwood (1970 population 31,890) were not contacted. This would appear to violate Q. & A. 6 of the *Primer*. Finally, although Midwest lists a number of community problems ascertained from its survey, few of these appear to be reflected in its programming proposal, and the proposal itself is general and does not appear to comport with Q. & A. 28 of the *Primer* which requires specific information as to program description, time segment, frequency of broadcast, and problem or problems treated. In sum, Midwest's ascertainment showing appears to be deficient in many important respects and, consequently, we believe a general ascertainment issue is called for.[13]

11. Accordingly, it is ordered, That the petition to enlarge issues, filed by New Life Evangelistic Center, Inc. on June 29, 1976 is granted to the extent indicated herein, and is denied in all other respects; and

12. It is further ordered, That the issues in this proceeding are enlarged to include the following:

(2) (e) To determine whether Midwest St. Louis, Inc. has violated Rule 1.65 by failing to notify the Commission of the unavailability of its transmitter site and, if so, the effect on the applicant's basic and/or comparative qualifications.

(2) (f) To determine the efforts made by Midwest St. Louis, Inc. to ascertain the community problems of the area to be served and the means by which it proposes to meet those problems.

13. It is further ordered, That the burden of proceeding with respect to issue (2) (e) added herein shall be on New Life Evangelistic Center, Inc., and the burden of proceeding with respect to issue (2) (f) and the burden of proof under both of the issues added herein shall be on Midwest St. Louis, Inc.

14. It is further ordered, That there are certified to the Commission the questions whether the STV applications of Midwest St. Louis, Inc., and Evans Broadcasting Corporation, and associated revised issues, should be added to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26349 Filed 9-8-76;8:45 am]

[10] Midwest apparently used the same survey for purposes of its STV and non-STV ascertainment.

[11] Thus, with respect to the medical area, Miss Ida Boon is listed by Midwest as associated with the St. Louis Mental Health Association; however, her position in that organization or as a leader in her field is not indicated. Moreover, in a December 22, 1975 amendment in which Midwest seeks to clarify the organizational affiliations of its contactees, Ida Boon is identified as "Director, Local NAACP." With regard to transportation, although Midwest states that St. Louis is the nation's second largest railway center, its second largest trucking center, and the busiest port on the Mississippi River, the sole interviewee in the transportation field is the manager of the local airport.

[12] Also, Midwest claims it has contacted representatives of the elderly by speaking with a leader of the United Fund and the St. Louis Mental Health Association. However, Midwest has not demonstrated that these are organizations of or for the elderly. Similarly Midwest has made no contacts with representatives of youth organizations.

[13] We note, however, that Midwest has adequately responded to the questions raised as to its general public survey by indicating first, that the Doody firm is a professional research and survey organization, and, second, that the survey form distributed by the Doody company did contain questions designed to elicit community needs as well as STV programming preferences.

TV TRANSLATOR

Applications Ready and Available for Processing

Adopted: August 30, 1976.

Released: September 3, 1976.

By the Chief, Broadcast Bureau Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on October 22, 1976, the TV translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(d) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 21, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 21, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV translator application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Attachment.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3042	New, Kirtland, Ohio Educational Television Association of Metropolitan Cleveland Req: Channel 59, 10 watts Primary: WVIZ(TV), Cleveland, Ohio
BPTT-3043	New, Willoughby Hills Area, Ohio Educational Television Association of Metropolitan Cleveland Req: Channel 63, 10 watts Primary: WVIZ(TV), Cleveland, Ohio
BPTT-3044	New, Chagrin Falls, Ohio Educational Television Association of Metropolitan Cleveland Req: Channel 65, 10 watts Primary: WVIZ(TV), Cleveland, Ohio
BPTT-3045	New, Gates, Ohio Educational Television Association of Metropolitan Cleveland Req: Channel 67, 10 watts Primary: WVIZ(TV), Cleveland, Ohio
BPTT-3046	New, Alton & Rural Kane County, Utah University of Utah Req: Channel 57, 20 watts Primary: KUED(TV), Salt Lake City, Utah
BPTT-3047	New, Wellsville, New York Board of Cooperative Educational Services of Allegany County Req: Channel 56, 100 watts Primary: WNED(TV), Buffalo, New York
BPTT-3048	New, Rushford, New York Board of Cooperative Educational Services of Allegany County Req: Channel 56, 1 watt Primary: WNED(TV), Buffalo, New York
BPTT-3049	New, Allentown, New York Board of Cooperative Educational Services of Allegany County Req: Channel 59, 10 watts Primary: WNED(TV), Buffalo, New York
BPTT-3050	New, Andover, New York Board of Cooperative Educational Services of Allegany County Req: Channel 62, 10 watts Primary: WNED(TV), Buffalo, New York
BPTT-3051	New, Fillmore, New York Board of Cooperative Educational Services of Allegany County Req: Channel 62, 10 watts Primary: WNED(TV), Buffalo, New York
BPTT-3052	New, Friendship, New York Board of Cooperative Educational Services of Allegany County Req: Channel 62, 1 watt Primary: WNED(TV), Buffalo, New York
BPTT-3053	New, Whitesville, New York Board of Cooperative Educational Services of Allegany County Req: Channel 64, 1 watt Primary: WNED(TV), Buffalo, New York
BPTT-3054	New, Angelica, New York Board of Cooperative Educational Services of Allegany County Req: Channel 65, 1 watt Primary: WNED(TV), Buffalo, New York
BPTT-3055	New, Bolivar, New York Board of Cooperative Educational Services of Allegany County Req: Channel 65, 10 watts Primary: WNED(TV), New York
BPTT-3056	New, Centerville, (Belfast), New York Board of Cooperative Educational Services of Allegany County Req: Channel 67, 100 watts Primary: WNED(TV), Buffalo, New York
BPTT-3057	New, Rapid City, South Dakota Wyneco Communications, Inc. Req: Channel 15, 100 watts Primary: KYCU(TV), Cheyenne, Wyoming
BPTTV-5635A	New, California Polytechnic State University, California California Polytechnic State University Req: Channel 7, 1 watt Primary: KCOY(TV), Santa Maria, California
BPTTV-5637	New, Shell, Wyoming Shell TV Association Req: Channel 5, 1 watt Primary: KURL(TV), Billings, Montana
BPTTV-5638	New, Shell, Wyoming Shell TV Association Req: Channel 12, 1 watt Primary: KTVQ(TV), Billings, Montana
BPTTV-5639	New, Lonerock, Oregon Lonerock, Television Req: Channel 13, 1 watt Primary: KGW(TV), Portland, Oregon
BPTTV-5645	New, Fort Benton, Montana Fort Benton TV Club Req: Channel 9, 1 watt Primary: KTCM(TV), Helena, Montana

Application deleted from Public Notice released March 25, 1976, (Mimeo No. 62550, 41 F.R. 12922)

BPTTV-5490	New, California Polytechnic State University, California California Polytechnic State University Req: Channel 9, 1 watt Primary: KCOY(TV), Santa Maria, California

(Assigned new file number BPTTV-5635A)

[FR Doc.76-26348 Filed 9-8-76;8:45 am]

[Docket No. 20899; FCC 76-808]

WADE H. PATRICK, D/B/A WASHINGTON COUNTY UTILITY DISTRICT CATV DIVISION, WASHINGTON COUNTY, TENNESSEE

Cease and Desist Order

Adopted: August 24, 1976.

Released: September 2, 1976.

By the Commission: Commissioner Wasburn absent. 1. Actions initiating this proceeding commenced with the visit of an engineer from the Commission's Atlanta, Georgia, Field Operations Bureau office to the Washington County Utility District cable television system in order to obtain data concerning the system's technical performance measurements. The Commission engineer spoke with the system's manager and engineer. During the inspection the Commission's engineer determined that not only was the system technically deficient, but also that it had failed to conduct its technical performance tests as required by the Commission's Rules.[1] Moreover, the system's manager indicated that the system had been in operation since July 1969 without having made the required notifications or filings with the Commission.[2]

2. Upon receipt of this information, the Cable Television Bureau reviewed its files and determined that none of the required filings had been made. Therefore, the Bureau directed an inquiry (via certified mail, return receipt requested) to the cable television system to ascertain the nature and scope of its cable television operations. No response was received even though the certified receipt was returned evidencing delivery of the correspondence. The Bureau then initiated a follow-up letter, again via certified mail and the receipt was returned evidencing delivery. However, to date, no response has been received.

3. Information supplied to the Bureau by the Field Operations Bureau indicates that the facility serves approximately 1800 subscribers in Washington County, Tennessee, and carries the signals of the following television broadcast stations:[3]

WATE–TV (NBC, Channel 6), Knoxville, Tennessee.
WBIR–TV (CBS, Channel 10), Knoxville, Tennessee.
WKPT–TV (ABC, Channel 19), Kingsport, Tennessee.
WJHL–TV (CBS, Channel 11), Johnson City, Tennessee.
WSJK–TV (Educ., Channel 2), Sneedville, Tennessee.
WBTV (CBS, Channel 3), Charlotte, North Carolina.
WLOS–TV (ABC, Channel 13), Asheville, North Carolina.
WFBC–TV (NBC, Channel 4), Greenville, South Carolina.
WCYB–TV (NBC, Channel 5), Bristol, Virginia.

4. Commission correspondence to the cable system provided sufficient information concerning the Rules and afforded an opportunity for Washington County Utility District to bring its operation into compliance voluntarily. The letters also cautioned against operation in violation of the Commission's Rules. Moreover, Commission staff provided ample opportunity for the cable operator to request special temporary authority. Additionally, the correspondence cautioned the system that it could be subject to administrative sanctions.

[1] Section 76.601 (a) and (c) state in pertinent part:

"(a) The operator of each cable television system shall be responsible for insuring that each such system is designed, installed, and operated in a manner that fully complies with the provisions of this subpart. Each system operator shall be prepared to show, on request by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

(c) The operator of each cable television system shall conduct complete performance tests of that system at least once each calendar year (at intervals not to exceed 14 months) and shall maintain the resulting test data on file at the system's local office for at least five (5) years. It shall be made available for inspection by the Commission on request * * *"

[2] Former Section 74.1105 of the Commission's Rules generally required cable television systems which began operations prior to March 31, 1972, to notify station licensee or permittees of proposed signal carriage and to file such notifications with the Commission. Additionally, every cable television system is required to file annual reports on FCC Forms 325, 326, and 395 (if applicable).

[3] We note that with the exception of the signals of WKPT–TV, WJHL–TV, WSJK–TV and WCYB–TV the remaining signals carried by the cable system are not authorized by Section 76.59 of the Rules and since it appears the 74.1105 notice was never given, the carriage of these signals may not be properly grandfathered. However, the system may be permitted to continue to carry these signals because there are other systems in Washington County which are lawfully carrying them. This issue is appropriate for examination at the hearing we are ordering.

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5. It appears that the continued operation of the subject cable television system without a certificate of compliance is in violation of our Rules since it was not lawfully carrying television broadcast signals prior to March 31, 1972, and has not obtained a certificate of compliance. At a minimum, former Section 74.1105 of the Rules—which was deleted with the adoption of the 1972 Cable Television Report and Order—required the operator of a proposed cable television system to notify the licensees of local television broadcast stations that cable service would be undertaken. No such notification has been shown by Washington County Utility District to have ever been served nor do Commission records reflect that notification. Additionally, five of the signals currently carried are inconsistent with Section 76.59 of the Rules. The system has neither conducted technical performance tests as required by Section 76.601 of the Rules, nor filed its annual reports as required by Section 76.401 et seq. Finally, Washington County Utility District, although it has had ample opportunity, has failed to respond to official Commission correspondence. Finally, in this instance, enforcement of the Commission's Rules is stymied by Washington County Utility District's silence and forces us to rely upon unrebutted information in the action we take today. Given the cable system's failure to reply, coupled with its apparent violations of our Rules we believe the issuance of this Order to Show Cause is appropriate.

Accordingly, it is ordered, That pursuant to Section 312 (b) and (c) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c), Washington County Utility District, CATV Division, is directed to show cause why it should not be ordered to cease and desist from further violations of Part 76 of the Commission's Rules and Regulations by its cable television system in Washington County, Tennessee.

It is further ordered, That Washington County Utility District, CATV Division, is directed to appear and give evidence with respect to the matters described above at a hearing to be held at a time and place to be specified by subsequent order before an Administrative Law Judge, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That the Secretary of the Federal Communications Commission shall send copies of this order by certified mail to Washington County Utility District, CATV Division, Johnson City, Tennessee.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26350 Filed 9-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of Subcommittee C of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held on September 20, 1976, at the offices of Mobil Oil Corporation, 150 East 42nd Street, New York, New York, beginning at 10 a.m.

1. Opening remarks by Chairman.
2. Settlement of Disputes.
A. Draft on procedures/structure of a disputes settlement body.
3. Extraordinary Costs.
A. Draft on illustrative examples of situations which could lead to extraordinary costs claims.
B. Suggested redraft of IEA paper on extraordinary costs.
4. Pricing in an Emergency.
A. Draft paper on how complaints to the IEA would be handled.
B. Draft on disputes settlement when pricing issues are involved.
C. Draft papers on data availability.
1. Description of pricing data available to the IEA and member countries from published sources.
2. Data available to IEA countries from national sources.
D. Draft describing data available to the IEA from the SOM system.
E. Discuss how to incorporate items 4 (A) through (D) above, in the Secretariat summary paper.
5. Future Work Program of Subcommittee C.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 2, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-26295 Filed 9-3-76;10:12 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7738, E-7784, and E-8885]

BOSTON EDISON CO.

Notice of Conference

AUGUST 30, 1976.

Take notice that on September 17, 1976, Staff is convening a conference of all interested persons for the purpose of discussing the issues in the above-captioned dockets with a view toward settling these proceedings in Room 3200 (North Building) at the offices of the Federal Power Commission, 941 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increases or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-26272 Filed 9-8-76;8:45 am]

[Docket No. ER76-819]

CENTRAL ILLINOIS LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Intervention and Establishing Procedure

AUGUST 27, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On July 29, 1976, Central Illinois Light Company (CILCO) submitted for filing increases in the wholesale rate schedules applicable to two municipals and one cooperative customer.[1]

Under the wholesale rate schedule MW-2, demand charge would be raised to $6.00/kVa for the first 1,000 kVa or less and $5.50/kVa for additional demand from the old rates of $2.50/kVa and $2.35/kVa, respectively. Energy charge would be raised to 1.50¢/kWh for the first 300 kWh per kVa of demand and .90¢/kWh thereafter from .94¢/kWh and .80¢/kWh, respectively. A monthly charge of $90.00 has been instituted.

[1] See the following table:

Designation	Instrument	Customer
(1) Supp. No. 2 to rate schedule FPC No. 17 (supersedes supp. No. 1).	Rate MW-2	Village of Riverton, Ill.
(2) Supp. No. 3 to rate schedule FPC No. 17	Fuel clause	Do.
(3) Supp. No. 2 to rate schedule FPC No. 18 (supersedes supp. No. 1).	Rate MW-2	Village of Chatham, Ill.
(4) Supp. No. 3 to rate schedule FPC No. 18	Fuel clause	Do.
(5) Supp. No. 3 to rate schedule FPC No. 19 (supersedes supp. No. 2).	Rate REA-2	Corn Belt Electric Cooperative, Inc.
(6) Supp. No. 4 to rate schedule FPC No. 19	Fuel clause	Do.

Under the wholesale rate schedule REA-2, demand charge for the first 1,000 kVa or less will be raised to $4.50/kVa and for additional kVa would be raised to $4.00/kVa from the old rates of $2.40/kVa and $2.00/kVa, respectively. Energy charge would be raised to the same level as in MW-2. A monthly charge of $125.00 has been instituted. Billing demand under both schedules is subject to a 60%, eleven-month ratchet clause. The maximum monthly demand in any month shall not be less than 1,000 kVa, up from 500 kVa previously.

Public notice of CILCO's increase was issued on August 5, 1976, with comments, protests or petitions to intervene due on or before August 17, 1976. On August 16, 1976, Petitions to Intervene were filed by the Village of Chatham (Chatham) and Corn Belt Electric Cooperative, Inc. (Cooperative).

Chatham and Cooperative state that they will be directly and adversely affected by CILCO's proposed changes, that their respective interests cannot be adequately represented by other parties and, therefore, they request to intervene in this proceeding.

Chatham maintains that CILCO's proposed revised charges will result in an increase in rates to Chatham of 68%, that such increase is excessive and may be unjust and unreasonable.

Cooperative contends 1) that the proposed increase of 48% applicable to its rates is unreasonably high; 2) that the proposed increase is based on the Period II future test year ending June 30, 1977, which is not required for applications involving rate increases less than $1 million, 3) that the proposed increase should be based upon an existing test year, 4) that the wholesale rate cost of service allocation should be based on a ratio of summer peaks rather than a ratio of the twelve month average peaks, and 5) that CILCO's proposed rate results in an unreasonable rate of return on common equity.

The Commission's review of CILCO's proposed rate charges indicates that CILCO's proposed rate increases have not been shown to be just and reasonable and, therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, the proposed rate increases should be accepted for filing and suspended for five months.

CILCO proposes an effective date, after five month suspension, of February 1, 1977 for its filed increases. Such effective date is not within the ninety days prescribed by Section 35.3 of the Commission's Rules and Regulations. Good cause exists to waive the ninety day requirement as provided in Section 35.3(b), but in light of Cooperative's request for five month suspension and our decision to grant it, such waiver is unnecessary.

The Commission finds: (1) CILCO's proposed rate increases should be accepted for filing and suspended for five months.

(2) Good cause exists to allow Chatham and Cooperative to intervene in this proceeding.

The Commission orders: (A) Supplements No. 2 and No. 3 to Rate Schedule FPC No. 17, Supplements No. 2 and No. 3 to Rate Schedule FPC No. 18 and Supplements No. 3 and No. 4 to Rate Schedule FPC No. 19 are hereby accepted for filing and use thereof suspended for five months, or until February 1, 1977, at which time they may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in CILCO's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before February 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) CILCO shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(F) Chatham and Cooperative are hereby permitted to intervene in this proceeding, *Provided, however,* that participation by them shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of CILCO.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26271 Filed 9-8-76;8:45 am]

[Docket No. RP73-109]

EL PASO NATURAL GAS CO. (NORTHWEST DIVISION)

Order Approving Settlement Agreement With Condition; Pipelines Rates: Settlement

AUGUST 31, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On December 17, 1975, Presiding Administrative Law Judge Howe certified to the Commission a Stipulation and Agreement intended to settle a part of the captioned docket. Commission review of the proposed settlement agreement indicates that, as hereinafter ordered and conditioned, it represents a resolution in the public interest of the issues raised and should be approved and adopted.

This proceeding involves a rate increase filing for El Paso Natural Gas Company's then Northwest Division System filed on May 25, 1973. The increased rates went into effect, subject to refund, on November 25, 1973, and were intended to recover claimed increased costs of $3,427,112 annually. El Paso's Northwest Division System was divested on February 1, 1974, at which time Northwest Pipeline Corporation succeeded to the operation of the properties at the rates filed in Docket No. RP73-109. El Paso's refund liability as to the proposed rates terminated at the divestiture. Thus, it collected the proposed increase from November 25, 1973, through January 31, 1974.

El Paso proposes that it will reduce its rates for the refund period (November 25, 1973 through January 31, 1974) to the level of rates in effect prior to the rate increase filing,[1] exclusive of purchased gas cost adjustment increases, and refund the increase collected under the higher rates[2] with interest at 7% per annum.

The Commission believes that, except as to the interest rate to be used in computing refunds, the settlement agreement represents an appropriate resolution of the rate increase proposed herein for El Paso's former Northwest Division System. By Order No. 513-A,[3] issued July 14, 1976, the Commission amended its Regulations under the Natural Gas Act to comply with the court's mandate in *American Public Gas Association, et al. v. F.P.C.*, No. 75-1104 (D.C. Cir., May 19, 1976), to require that interest accrue at 9% per annum after October 10, 1974, on excess revenues collected prior to October 10, 1974. We shall accept and approve the settlement agreement on condition that El Paso repay the excess amounts collected, with interest accruing at the rate of 7% per annum from the date of collection through October 9, 1974, and at 9% per annum from Octo-

[1] The reduction amounts to 0.074¢ per therm under Rate Schedule PL-1 and 0.071¢ per therm under all other rate schedules.

[2] The principal amount of the increase during the refund period is computed as $672,875.01.

[3] Rate of Interest on Amounts Subject to Refund, Docket No. RM74-18.

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ber 10, 1974, to the date refunds are made.

The Commission finds: The settlement agreement filed herein is in the public interest and should be approved, subject to the condition hereinafter ordered.

The Commission orders: (A) The settlement agreement filed by El Paso, incorporated herein by reference, is hereby approved and adopted, subject to the condition hereinafter ordered.

(B) El Paso shall refund all revenues collected in excess of the settlement rates proposed, with interest at 7% per annum from the date of collection through October 9, 1974, and with interest at 9% per annum from October 10, 1974, until the date of payment of the refunds.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by Commission, its Staff, or El Paso in any proceeding now pending or hereinafter instituted by or against El Paso or any other person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26276 Filed 9-8-76;8:45 am]

[Docket No. RP76-97]

GULF ENERGY AND DEVELOPMENT CORP.

Notice of Extension of Procedural Date

AUGUST 31, 1976.

On August 24, 1976, Staff Counsel filed a motion to extend the date, fixed by order issued May 27, 1976, for service of Staff Top Sheets in the above-designated proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including November 30, 1976, within which Staff shall serve Top Sheets on all parties in the above-designated proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26277 Filed 9-8-76;8:45 am]

[Docket No. CI76-228]

KENT GLASGOW

Notice of Extension of Time

AUGUST 31, 1976.

On August 17, 1976, Champlin Petroleum Company filed a motion to extend the time within which to file certain contract amendments and related rate supplements to reflect rates approved by Commission order issued July 20, 1976.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 17, 1976, within which Mr. Glasgow and Champlin Vetroleum Company shall file the data required by Commission order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26278 Filed 9-8-76;8:45 am]

[Docket No. ER76-678]

MAINE ELECTRIC POWER CO.

Notice of Filing Revising Prior Filing

AUGUST 31, 1976.

Take notice that on August 16, 1976, Maine Electric Power Company (MEPCO) revised its May 4, 1976, filing of a supplement to its Rate Schedule FPC No. 1. The instant filing is in response to a deficiency letter from the Commission dated July 28, 1976, and to a Protest and Petition to Intervene filed by New England Power Company (NEP) on July 19, 1976.

MEPCO formally filed a Power Purchase and Transmission Agreement between MEPCO and certain New England electric utilities whereby MEPCO will transmit and sell power it purchases from the New Brunswick Electric Power Commission (New Brunswick) under a "Unit Participation Agreement" (submitted in the May 4, 1976, filing) to these utilities in accordance with rates specified thereunder.

MEPCO requests that the rate supplement become effective retroactively as of May 24, 1976, and that the normal notice requirements of 18 C.F.R. 35.11 be waived. MEPCO further requests a waiver of the requirements of 18 C.F.R. 35.13 since the additional information is either unavailable or has already been submitted through other filings with the Commission.

A major objection of the NEP Protest and Petition to Intervene was directed toward a "refund charge" imposed on MEPCO by New Brunswick and passed on by MEPCO to NEP, among others. MEPCO informs the Commission that, since the NEP Protest and Petition to Intervene was filed, New Brunswick has agreed that the subject refund charge is not a proper item of cost.

MEPCO states that copies of the filing were sent to all participants in the Power Purchase Transmission Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26279 Filed 9-8-76;8:45 am]

[Docket No. RP73-43 (PGA 76-3a)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

AUGUST 30, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on August 12, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Twenty-first Revised Sheet No. 3a and Twenty-second Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1 to be effective August 1, 1976 and August 2, 1976, pursuant to Commission Order dated July 30, 1976. Mid-Louisiana further states that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26273 Filed 9-8-76;8:45 am]

[Docket No. ER76-830]

MISSISSIPPI POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Interventions and Establishing Procedures; Electric Rates

AUGUST 27, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On July 30, 1976, Mississippi Power and Light Company (MP&L) tendered for filing proposed changes [1] in its wholesale electric rate schedules applicable to seven electric power associations at 60 delivery points and five municipals, which proposed changes would result in an increase in annual revenues of

[1] See Attachment A for designations.

$3,321,383 (12.3%) based on the 12 month period ending August 31, 1977. Said increase is based on the inclusion of construction work in progress (CWIP) in rate base as requested by MP&L in its filing. The proposed effective date of the rate increase is September 1, 1976. For the reasons hereinafter stated the Commission shall accept the proposed rate schedules for filing, suspend the proposed rates for three months, or until December 1, 1976, to be collected thereafter subject to refund, require MP&L to file within sixty (60) days revised charges reflecting the elimination of CWIP from rate base, and establish hearing procedures.

MP&L asserts that the principal reason for the increase in rates is that jurisdictional revenues at present rates are inadequate to meet cost of service and provide fair rate of return. MP&L further asserts that the required increase reflects a rate of return of 10.17% which is the minimum return required to carry on its operations, discharge its obligations to its investors and attract necessary additional capital to serve the future electric requirements of its customers.

MP&L asserts that the inclusion of CWIP in rate base is justified in that over 50% of the CWIP included in its rate base for period II represents projects relating to the conversion of existing generating units from gas to oil, and as such do not produce future revenue, and in that it anticipates a favorable ruling in the rulemaking proceeding in Docket No. RM75-13 which would allow all CWIP in rate base by the time the subject increased rates would be allowed to go into effect.

Public notice of MP&L's proposed increase was issued on August 17, 1976 with comments, protests or petitions to intervene due on or before August 25, 1976. On August 20, 1976, a protest, petition to intervene, and request for hearing and five month suspension was filed by the seven electric power associations and five municipals (hereinafter referred to as petitioners) being served under the rate schedules that MP&L proposes to change as described above. Said petitioners state that they will be directly and adversely affected by MP&L's proposed changes and that their interests cannot be represented adequately by other parties, and therefore, they request to intervene in the proceeding. Petitioners allege that: (1) the proposed increased rates tendered by MP&L for filing on July 30, 1976, are unjust and unreasonable because they are excessive; (2) several errors in the MP&L filing indisputably establish that the cost of service study substantially overstates the actual cost to MP&L of furnishing service to petitioners; and (3) the proposed increased rates to them are discriminatory and anti-competitive, representing a "price squeeze" which violates the antitrust laws as recognized in *FPC* v. *Conway Corp.*, 44 USLW 4777. Based on the forgoing petitioners request a full five month suspension.

Commission review of MP&L's proposed rate filing indicates the improper inclusion of CWIP in rate base in cost of service calculations.

The Commission's review indicates that that proposed increased rates filed July 30, 1976 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Many of the issues raised in the protest and petition to intervene by MP&L's wholesale customers are properly the subject for further development and consideration at hearing rather than at this state of the proceeding. The decision to suspend is discretionary and the Commission does not believe a full five month suspension is warranted in this case.

Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[2] As we stated in the Order Denying Application For Rehearing,[3] Georgia Power Company, Docket No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers. We have consistently applied the "used and useful" rule throughout our formally reported final decisions. Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle, although it has not been formally codified in a separate regulation, as in the case for gas pipeline companies, Sec. 154.63(f), 18 CFR.

We note that while it has not been the policy of this Commission to permit utilities to earn a return on CWIP, that practice is currently being reviewed in Docket No. RM75-13.[4] For all of the above reasons, it would therefore be inappropriate for MP&L to reflect in its rates the inclusion of CWIP in rate base for facilities which will not be placed into service prior to the end of the test period (Period II). Accordingly, we shall accept the proposed rate schedules for filing, require MP&L to file within 60 days revised charges reflecting the elimination of CWIP from rate base, suspend the proposed revised rates for three months until December 1, 1976, subject to refund, and establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing MP&L's proposed rates filed July 30, 1976, and to suspend those rates for three months, or until December 1, 1976, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists to require MP&L to file within sixty days of the issuance of this order revised charges reflecting the elimination of CWIP from rate base.

(3) Good cause exists to allow the above-named petitioners to intervene in this proceeding.

The Commission orders: (A) Pending a hearing and decision thereon, MP&L's proposed rate schedules are hereby accepted for filing and suspended from operation for three months, to become effective December 1, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the justness and reasonableness of the subject rate increase.

(C) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before March 1, 1977. (Administrative Order No. 157.)

(D) MP&L shall file within sixty days of the issuance of this order revised charges reflecting the elimination of CWIP from rate base.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) MP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[2] See e.g., Central Vermont Public Service Corporation, Docket No. E-9040, issued August 5, 1975; Green Mountain Power Corporation, Docket No. E-9446, issued June 13, 1975; New England Power Company, Docket Nos. E-9316 and E-9140, issued August 5, 1975; and Georgia Power Company, Docket No. E-9091, issued August 5, 1975.

[3] Pending review in *Georgia Power Company* v. *FPC*, No. 75-1940, D.C. Circuit. Denial of Application for Stay, issued October 3, 1975.

[4] Notice of Proposed Rulemaking issued November 14, 1974.

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ATTACHMENT A—MISSISSIPPI POWER & LIGHT COMPANY

RATE SCHEDULE MW–14

Rate schedule designations:	Other party (municipals)
(1) Supplement No. 6 to rate schedule FPC No. 88 (supersedes supplement No. 5).	Canton, Miss.
(2) Supplement No. 6 to rate schedule FPC No. 87 (supersedes supplement No. 51.	Kosciusko, Miss.
(3) Supplement No. 6 to rate schedule FPC No. 93 (supersedes supplement No. 5).	Leland, Miss.
(4) Supplement No. 2 to rate schedule FPC No. 236 (supersedes supplement No. 1).	Durant, Miss.
(5) Supplement No. 2 to rate schedule FPC No. 238 (supersedes supplement No. 1).	Itta Bena, Miss.

Rate schedule REA–17

Designations	Other party	Delivery point
(1) Supp. No. 4 to rate schedule FPC No. 165 (supersedes supp. No. 3).	Coahoma EPA	Clarksdale.
(2) Supp. No. 4 to rate schedule FPC No. 168 (supersedes supp. No. 3).	do	Darling.
(3) Supp. No. 4 to rate schedule FPC No. 169 (supersedes supp. No. 3).	do	Lula.
(4) Supp. No. 4 to rate schedule FPC No. 170 (supersedes supp. No. 3).	do	Sunflower.
(5) Supp. No. 4 to rate schedule FPC No. 170 (supersedes supp. No. 3).	do	Shelby.
(6) Supp. No. 4 to rate schedule FPC No. 171 (supersedes supp. No. 3).	do	Tunica.
(7) Supp. No. 4 to rate schedule FPC No. 172 (supersedes supp. No. 3).	do	Walls.
(8) Supp. No. 4 to rate schedule FPC No. 173 (supersedes supp. No. 3).	Delta EPA	Cleveland.
(9) Supp. No. 4 to rate schedule FPC No. 174 (supersedes supp. No. 3).	do	Greenville.
(10) Supp. No. 4 to rate schedule FPC No. 175 (supersedes supp. No. 3).	do	Greenwood.
(11) Supp. No. 4 to rate schedule FPC No. 176 (supersedes supp. No. 3).	do	Indianola.
(12) Supp. No. 4 to rate schedule FPC No. 177 (supersedes supp. No. 3).	do	Inverness.
(13) Supp. No. 4 to rate schedule FPC No. 178 (supersedes supp. No. 3).	do	Pace.
(14) Supp. No. 4 to rate schedule FPC No. 179 (supersedes supp. No. 3).	do	Schlater.
(15) Supp. No. 4 to rate schedule FPC No. 181 (supersedes supp. No. 3).	do	Winona.
(16) Supp. No. 4 to rate schedule FPC No. 182 (supersedes supp. No. 3).	Magnolia EPA	Brookhaven.
(17) Supp. No. 4 to rate schedule FPC No. 181 (supersedes supp. No. 3).	do	Fernwood.
(18) Supp. No. 4 to rate schedule FPC No. 185 (supersedes supp. No. 3).	do	Liberty.
(19) Supp. No. 4 to rate schedule FPC No. 186 (supersedes supp. No. 3).	do	Norfield.
(20) Supp. No. 4 to rate schedule FPC No. 188 (supersedes supp. No. 3).	do	Tylertown.
(21) Supp. No. 4 to rate schedule FPC No. 189 (supersedes supp. No. 3).	Southwest Mississippi EPA	Brookhaven.
(22) Supp. No. 4 to rate schedule FPC No. 190 (supersedes supp. No. 3).	do	Crosby.
(23) Supp. No. 4 to rate schedule FPC No. 191 (supersedes supp. No. 3).	do	Lorman.
(24) Supp. No. 4 to rate schedule FPC No. 192 (supersedes supp. No. 3).	do	Port Gibson.
(25) Supp. No. 4 to rate schedule FPC No. 194 (supersedes supp. No. 3).	do	Washington.
(26) Supp. No. 4 to rate schedule FPC No. 196 (supersedes supp. No. 3).	Twin County, EPA	Belzoni.
(27) Supp. No. 4 to rate schedule FPC No. 197 (supersedes supp. No. 3).	do	Greenville.
(28) Supp. No. 4 to rate schedule FPC No. 198 (supersedes supp. No. 3).	do	Hollandale.
(29) Supp. No. 4 to rate schedule FPC No. 199 (supersedes supp. No. 3).	do	Leland.
(30) Supp. No. 4 to rate schedule FPC No. 200 (supersedes supp. No. 3).	do	Onward.
(31) Supp. No. 4 to rate schedule FPC No. 201 (supersedes supp. No. 3).	do	Rolling Fork.
(32) Supp. No. 4 to rate schedule FPC No. 202 (supersedes supp. No. 3).	Yazoo Valley, EPA	Anchorage.
(33) Supp. No. 4 to rate schedule FPC No. 203 (supersedes supp. No. 3).	do	Lexington.
(34) Supp. No. 4 to rate schedule FPC No. 204 (supersedes supp. No. 3).	do	Pickens.
(35) Supp. No. 4 to rate schedule FPC No. 205 (supersedes supp. No. 3).	do	Redwood.
(36) Supp. No. 4 to rate schedule FPC No. 206 (supersedes supp. No. 3).	do	Yazoo City.
(37) Supp. No. 4 to rate schedule FPC No. 207 (supersedes supp. No. 3).	Southwest Mississippi EPA	Rolo.
(38) Supp. No. 4 to rate schedule FPC No. 208 (supersedes supp. No. 3).	Delta EPA	Minter City.
(39) Supp. No. 4 to rate schedule FPC No. 209 (supersedes supp. No. 3).	do	Shaw.
(40) Supp. No. 4 to rate schedule FPC No. 210 (supersedes supp. No. 3).	Coahoma	Marks.
(41) Supp. No. 4 to rate schedule FPC No. 211 (supersedes supp. No. 3).	Yazoo Valley EPA	Little Yazoo.
(42) Supp. No. 5 to rate schedule FPC No. 212 (supersedes supp. No. 4).	Southwest Mississippi EPA	Natchez.
(43) Supp. No. 5 to rate schedule FPC No. 213 (supersedes supp. No. 4).	Magnolia EPA	Jayess.
(44) Supp. No. 4 to rate schedule FPC No. 214 (supersedes supp. No. 3).	Delta EPA	Moorhead.
(45) Supp. No. 4 to rate schedule FPC No. 216 (supersedes supp. No. 3).	Southwest Mississippi EPA	Utica.
(46) Supp. No. 4 to rate schedule FPC No. 218 (supersedes supp. No. 3).	Magnolia EPA	Progress.
(47) Supp. No. 4 to rate schedule FPC No. 219 (supersedes supp. No. 3).	Delta EPA	Itta Bena.
(48) Supp. No. 4 to rate schedule FPC No. 220 (supersedes supp. No. 3).	do	Carrollton.
(49) Supp. No. 4 to rate schedule FPC No. 222 (supersedes supp. No. 3).	Southwest Mississippi EPA	Woodville.
(50) Supp. No. 4 to rate schedule FPC No. 223 (supersedes supp. No. 3).	Delta EPA	South Cleveland.
(51) Supp. No. 4 to rate schedule FPC No. 224 (supersedes supp. No. 3).	Magnolia EPA	Smithdale.
(52) Supp. No. 4 to rate schedule FPC No. 225 (supersedes supp. No. 3).	Delta EPA	Stringtown.
(53) Supp. No. 8 to rate schedule FPC No. 226 (supersedes supp. No. 7).	Southern Pine EPA	Silver Creek, Hazlehurst, Florence, Monticello.
(54) Supp. No. 4 to rate schedule FPC No. 227 (supersedes supp. No. 3).	Magnolia EPA	Gillsburg.
(55) Supp. No. 4 to rate schedule FPC No. 231 (supersedes supp. No. 3).	Delta EPA	Caplina.
(56) Supp. No. 4 to rate schedule FPC No. 232 (supersedes supp. No. 3).	Southwest Mississippi EPA	Pineridge.
(57) Supp. No. 4 to rate schedule FPC No. 233 (supersedes supp. No. 3).	Delta EPA	Acona.
(58) Supp. No. 2 to rate schedule FPC No. 237 (supersedes supp. No. 1).	Yazoo Valley EPA	Midway.

[FR Doc.76-26282 Filed 9-8-76;8:45 am]

[Docket Nos. CP76-52, CP76-166]

NORTHERN NATURAL GAS CO. OPERATING AS PEOPLES NATURAL GAS DIVISION

Order Providing for Formal Hearing, Consolidating Proceedings, Granting Petitions To Intervene, and Prescribing Procedures

AUGUST 31, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On August 11, 1975, Northern Natural Gas Company (Northern) filed an application in Docket No. CP76–52 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of vaporized liquefied natural gas (LNG) for its Peoples Natural Gas Division (Peoples) and the construction and operation of certain interconnection facilities. On November 20, 1975, an application, as supplemented March 22, 1976, was filed by Northern on behalf of Peoples requesting a declaratory order disclaiming jurisdiction or, in the alternative an order issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Act authorizing Peoples to construct and operate facilities for the liquefaction, storage and vaporization of natural gas in Hancock County, Iowa.

The applications indicate that Peoples is planning to construct an LNC plant with a net storage capacity of 1.5 million Mcf equivalent of varporous natural gas and a sendout design rate of 50,000 Mcf per day. The plant is proposed to be located approximately 4 miles south of Northern's Ventura Compressor Station in Hancock County. Northern states that the plant would be used for peak shaving during the heating season.

Northern states in its application in Docket No. CP76–166 that the proposed LNG facility is designed and would be used to aid and assist Peoples in the local distribution of natural gas in Iowa, Nebraska and Minnesota. The estimated cost of the proposed LNG plant is $28,406,350. Northern alleges that volumes of gas to be made available to the LNG facility in the summer for liquefaction would be volumes within Peoples' authorized contract demand from Northern of 436,507 Mcf per day. The application states that the volumes which would be made available from the facility during the winter would, by displacement, be utilized in the various distribution systems operated by Peoples for sale and delivery to residential and small volume consumers.

Northern alleges that the proposed LNG plant is nonjurisdictional under Section 1(b) of the Natural Gas Act as a facility used for local distribution of natural gas. Northern maintains that even though the facility is designed and would be used to assist Peoples in the distribution of gas in Iowa, Nebraska and Minnesota, such facility would be used for (local) distribution within these states and would not be used for the transportation of natural gas in interstate commerce. Northern requests a disclaimer of jurisdiction over said facilities or in the alternative certificate authorization therefor.

In Docket No. CP76–52, Northern requests a certificate of public convenience and necessity authorizing the transportation of LNG for Peoples and the construction and operation of certain interconnection facilities. Interconnection facilities are estimated to cost $210,000 which would be reimbursed by Peoples.

Thirteen customers of Northern have petitioned to intervene in these proceedings. Several petitioners voice concern that approval of the proposed LNG plant and interconnective facilities may increase the risk of curtailment to existing customers by allowing Peoples to provide service to new, higher priority customers during periods of gas supply shortages. In addition, on January 9, 1976, The Brick People, et al., filed a document entitled protest, petition to intervene out of time and request for formal hearing in Docket No. CP76–52, as well as a motion to consolidate for hearing the applications in Docket Nos. CP76–52 and CP76–166. The Brick People, et al.,[1] state in their petition in Docket No. CP76–52 that Northern's application therein for authorization to construct certain interconnection facilities and to transport LNG is contingent upon Peoples building an LNG plant in Hancock County. The Brick People, et al., allege that they had not recognized the potential far-reaching ramifications of the proceeding in Docket No. CP76–52 until reading the notice of application issued in Docket No. CP76–166 wherein it was indicated that the proposed LNG facilities would be used to serve new high priority customers. The Brick People, et al., assert that the question of growth is one of the most serious issues confronting Northern and its customers. In their motion to consolidate, The Brick People, et al., dispute Northern's contention that the proposed LNG plant is exempt under Section 1(b) of the Act, contending that there is nothing "local" about said proposed plant or its operations. The motion asserts that both proceedings involve common questions of law and fact and should be consolidated for formal hearing.

Section 1(b) of the Natural Gas Act states that the provisions of the Act shall apply to the transportation of natural gas in interstate commerce but exempts from Commission jurisdiction the local distribution of natural gas. The application in Docket No. CP76–166 indicates that the proposed LNG plant is designed and will be used to assist Peoples in the distribution of natural gas to consumers in three states. Northern argues that the Commission should declare the LNG facility exempt from jurisdiction since it would be involved in "local" distribution of gas and because Peoples' rates allegedly will be subject to state and city council jurisdiction.

Under the Natural Gas Act either transportation of natural gas in interstate commerce, or the sale in interstate commerce for resale is sufficient to confer jurisdiction upon the Commission. Moreover, Section 5(b) of the Act recognizes that a company may be a "natural-gas company" in cases where its rates may not be subject to the Commission's jurisdiction. In light of the foregoing statutory provisions of the Natural Gas Act and the legal and factual challenges that have been raised to Northern's request for a disclaimer, we decline to issue a declaratory order. Northern and/or Peoples will be afforded an opportunity in the formal hearing hereinafter scheduled to present evidence and argument in support of their contention that the proposed facilities do not fall within this Commission's jurisdiction.

[1] The Brick People, et al., consist of The Brick People, Region Six of Brick Institute of America, Griffin Pipe Products Company, Sewer Pipe Division of Can-Tex Industries, and Dickey Clay Manufacturing Company.

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The proposal in Docket No. CP76–52 to construct interconnective facilities to the proposed LNG facility and request for transportation authorization are intrinsically related with the proposal in the application in Docket No. CP76–166. Common questions of law and fact appear to exist sufficient to warrant consolidation of these two applications. A formal hearing will be provided to develop, inter alia, a record regarding:

1. How does construction of the proposed LNG plant and interconnective facilities attaching said plant to Northern's transmission facilities advance the public interest and necessity?

2. What customers and which markets will be served should the the LNG plant and interconnection facilities be constructed?

3. What effect would such proposed construction and operation have on existing customers?

4. Who would pay the cost of the proposed facilities and service?

5. Explain the operational relationship between Northern and its Peoples' Division, identify which entity would construct and operate the LNG plant and describe how said entity would obtain gas to operate the LNG facility?

6. Identify Peoples' 467–B priority 1 peak day requirements and priority 1 daily contract demand supplied by Northern? Identify the maximum volume of gas which could be served by Peoples during a period of peak demand, with and without the proposed LNG facility?

7. Will any existing customers of Peoples receive less gas on an annual basis as a result of the LNG plant?

8. If new customers are proposed to be served what gas usages are proposed and are alternative fuels available to meet these uses? How does continued addition of new customers advance the public interest?

The application in Docket No. CP76–52 was noticed on August 26, 1975, with interventions due by September 18, 1975. The application in Docket No. CP76–166 was noticed on December 18, 1975, with interventions due by January 9, 1976. The following petitions to intervene have been filed:

Party	Dockets Nos. CP76–52	Dockets Nos. CP76–166
City of Duluth, Minn.	Sept. 22, 1975	
Farmland Industries, Inc.		Jan. 9, 1976
Inter-City Gas Ltd.	Sept. 18, 1975	
Interstate Power Co.	Sept. 8, 1975	
Iowa Electric Light & Power Co.	Sept. 12, 1975	Jan. 12, 1976
Iowa Power & Light Co.	Sept. 18, 1975	
Iowa Southern Utilities Co.	Aug. 25, 1975	
North Central Public Service Co.	Sept. 18, 1975	
Northern States Power Co.	Sept. 15, 1975	
Minnesota Gas Co.	Sept. 26, 1975	Jan. 7, 1976
Terra Chemicals International, Inc.		Jan. 9, 1976
The Brick People, et al.	Jan. 9, 1976	Jan. 9, 1976
Wisconsin Gas Co.	Sept. 17, 1975	

On October 14, 1975, and January 9, 1976, The Iowa State Commerce Commission filed notices of intervention in Docket Nos. CP76–52 and CP76–166, respectively.

Petitioners to intervene and the Iowa State Commerce Commission indicate that they have interests in this proceeding that may not adequately be represented by existing parties.

Late petitions to intervene have been filed in Docket No. CP76–52 by Minnesota Gas Company and the Brick People, *et al.*; however, both petitioners have filed timely petitions to intervene in Docket No. CP76–166. A timely petition to intervene was filed in Docket No. CP76–52 by Iowa Electric Light and Power Company which company filed a late petition to intervene in Docket No. CP76–166. A late notice of intervention was filed by Iowa State Commerce Commission in Docket No. CP76–52; however, a timely notice of intervention was filed by it in Docket No. CP76–166. A late petition to intervene was filed in Docket No. CP76–52 by City of Duluth, Minnesota, alleging that said petitioner did not determine until September 16, 1975, that Northern's application might affect its ability to serve City of Duluth's requirements. The petition states that the City of Duluth purchases all its gas from Northern. Petitioner states it does not have sufficient information to determine whether Northern's proposal will affect service to the City of Duluth but should a hearing be held the city desires to be a party to represent the interests of its customers.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in these proceedings as hereinbefore described.

(2) Due to the related nature of the applications and since there may be common questions of law or fact involved, it is appropriate to consolidate the proceedings in Docket Nos. CP76–52 and CP76–166.

(3) Participation by Iowa Southern Utilities Company, Interstate Power Company, Iowa Electric Light and Power Company, Northern States Power Company, Wisconsin Gas Company, North Central Public Service Company, Inter-City Gas Limited, Iowa Power and Light Company, City of Duluth, Minnesota Gas Company, Terra Chemicals International, Inc., Farmland Industries, Inc., The Brick People, *et al.*, and the Iowa State Commerce Commission may be in the public interest. Permitting the filing of late petitions to intervene and Iowa State Commission's late notice of intervention will not delay the proceedings and may be in the public interest.

The Commission orders: (A) The above-mentioned intervenors are permitted to intervene in the instant consolidated proceeding subject to the rules and regulations of the Commission; *Provided,* however, that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in the proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Chapter 1), and the Regulations under the Natural Gas Act, a prehearing conference shall be held on September 21, 1976, commencing at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to discuss procedural issues and for the clarification of issues.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the prehearing conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions, (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The direct cases of Northern and Peoples, including testimony on the issues raised by this order, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before September 15, 1976. All supporting interveners, shall file testimony and exhibits comprising their cases in chief on or before September 15, 1976.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26280 Filed 9–8–76;8:45 am]

[Docket Nos. RP72–156, (PGA76–3) and RP72–64 (DCA76–2)]

TEXAS GAS TRANSMISSION CORP.

Notice of Filing

AUGUST 30, 1976.

Take notice that on August 13, 1976, the Texas Gas Transmission Corporation (Texas Gas) tendered for filing a revised tariff sheet reflecting the exclusion of costs associated with small producers in excess of the "130 percent formula" prescribed in Opinion No. 742 and costs associated with emergency purchases at rates in excess of those prescribed in Opinion No. 699–H, which costs were reflected in Texas Gas' filing of June 14, 1976. Texas Gas also filed a list of small producers from whom the company is purchasing gas at rates in excess of the "130 percent formula" in compliance with the Commission's order of July 30, 1976, whereby the Commission accepted the filing of June 14, 1976, and assigned it an effective date of August 2, 1976. Texas Gas requests that its revised tariff sheet becomes effective on August 1, 1976.

Texas Gas states that copies of the filing have been sent to all of its customers as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26274 Filed 9–8–76;8:45 am]

[Docket No. RP75–75 (AP76–10)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting Filing Subject to Refund and Setting Procedures; Pipeline Rates: Advance Payments

AUGUST 31, 1976.

On July 16, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets[1] containing an increase in rates reflecting increases in the level of advance payments[2] made by Transco to producers of natural gas. The proposed effective date is September 1, 1976. The filing is made pursuant to the terms of the settlement agreement approved by the Commission in Docket No. RP75–75. Because the advances may not be reasonable, appropriate procedures will be established to undertake their review. In accordance with the terms of the settlement agreement the increase will be accepted for filing and the rates made effective without suspension but subject to refund.

Transco's proposed increase reflects an increase of $14,317,676 in the advance payments amount over the level imbedded in Transco's rates which became effective July 1, 1976, subject to refund. The additional advance payments consist of (1) $327,021 attributable to two new advance payment agreements[3] and (2) $13,990,655 of additional advances less repayments received under agreements reflected in presently effective rates.

Public notice of Transco's filing was issued July 26, 1976, with Protests and Petitions to Intervene due on or before August 16, 1976.

The Commission's review indicates that the increased rates reflecting additional advances made pursuant to agreements subject to pending proceedings[4] should be allowed, subject to refund, pending the outcome of such proceedings. Commission review of the new advances listed in footnote 3 herein indicates that they have not been shown to be reasonably related to the producers' expenditures for exploration, development and production as required by Order No. 499, 50 FPC 2111 (1973) reh. den. 51 FPC 818 (1974). The Commission shall therefore convene a hearing to determine the lawfulness of those two advances.

The Commission finds: (1) Transco's rate increase, filed July 16, 1976, has not been shown to be just and reasonable in that the advance payments upon which it is based have not been shown to be reasonable and appropriate.

(2) The lawfulness of Transco's instant rate increase as it relates to the advances made pursuant to agreements that are the subject of litigation in other dockets is made subject to the outcome of those cases.

(3) The Commission should convene a hearing concerning the the lawfulness of the advances contained in the instant filing made pursuant to agreements which have not been the subject of prior Commission litigation.

The Commission orders: (A) Transco's filing is accepted for filing to become effective September 1, 1976, subject to refund.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a prehearing conference in this proceeding on September 2, 1976, at 9:30 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426. The issues in the proceeding shall be limited to the lawfulness of Transco's instant filing as it relates to advances made pursuant to agreements identified in footnote 3, *supra*. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(C) The lawfulness of Transco's rate increase as it relates to advances made pursuant to agreements which are the subject of prior Commission litigation at Docket Nos. RP75–48, and 75–3 and Docket No. RP75–75 (Advance Payments), *et al.*, is made subject to the outcome of such litigation.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26281 Filed 9–8–76;8:45 am]

[Docket No. E–9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Further Extension of Procedural Dates

AUGUST 30, 1976.

On August 16, 1976, ElectriCities of North Carolina filed a motion to extend the procedural dates, fixed by order issued January 22, 1975, as most recently modified by Notice issued May 25, 1976, in the above-designated proceeding. The motion states that parties to the proceeding have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, December 7, 1976.
Service of Staff Testimony, January 5, 1977.
Service of Company Rebuttal, January 19, 1977.
Service of Intervenor Rebuttal, February 9, 1977.
Hearing, February 16, 1977.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26275 Filed 9–8–76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 31, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if

[1] Twenty-ninth Revised Sheet No. 5 and Twenty-fourth Revised Sheet No. 6 to First Revised Volume No. 1 and Twenty-third Revised Sheet No. 52, Eleventh Revised Sheet No. 121, Nineteenth Revised Sheet No. 321, Fifteenth Revised Sheet No. 416 and Fourteenth Revised Sheet No. 495 to Original Volume No. 2.

[2] 18 C.F.R., Chapter 1, Part 201, Acc't 166.

[3] See the following table:

Producer	Agreement	Balance (June 30, 1976)
McMoRan Exploration Co.	Nov. 28, 1975	$323,095
Transco Exploration Co.	Aug. 15, 1975	3,926

[4] Docket Nos. RP74–48, and 75–3 and Docket No. RP75–75 (Advance Payments), *et al.*

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applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC and FEA requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests comments (in triplicate) must be received on or before September 27, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL TRADE COMMISSION

FTC requests clearance of a new single time questionnaire to be set to 23 insurance companies, 2 investment brokers, 8 mutual funds, 21 savings and loan associations and 21 banks requesting information about advertising and marketing practices in connection with the establishment of Individual Retirement Accounts/Annuities (IRAs) created under the Pension Reform Act of 1974. FTC estimates respondent burden to average 12 hours for each of the 75 respondents who represent a sample of the respondent universe in each category.

FEDERAL ENERGY ADMINISTRATION

FEA requests clearance of two new schedules, Schedule B—Supplier and Inventory Data, and Schedule C—Class of Purchaser Price Data, to be appended to schedules A–0, A–1, and A–2 of the FEA Form P112–M–1: No. 2 Heating Oil Supply/Price Monitoring Report which was accorded emergency clearance by GAO on August 5, 1976. These new schedules have been designed in response to a commitment made to Congress by the FEA to monitor price movements of No. 2 heating oil after decontrol and hold public hearings if prices appear to increase more than two cents per gallon to determine if any corrective measures are required. The Emergency Petroleum Allocation Act of 1973 (P.L. 93–159) as amended by the Energy Policy and Conservation Act (P.L. 94–163) provides that following the exemption of any product from regulation, FEA shall have the authority at any time to reimpose controls. Schedules B and C will be mailed out to a scientifically selected sample of 600 respondents from a universe of refiners, resellers, retailers and reseller-retailers of No. 2 heating oil. These schedules are to be held in a standby status and are not to be filed unless controls are reinstated and the companies are directed to do so by the FEA. By having these schedules in the hands of the potential respondents, FEA states that the respondents will be familiar with the contents and have less difficulty filing them in the event controls are reinstated. If required, the reports must be filed by the twentieth of the month following the reporting month. FEA estimates the reporting burden for schedules B and C average 8½ hours per month per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–26340 Filed 9–8–76;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on September 17–18, 1976 in the Auditorium of the D.C. Chapter of the American National Red Cross, 20th and E Streets, NW., Washington, D.C.

The meeting will begin at 9:00 a.m. on both days and will be for the purpose of considering and acting on reports from the Board's Committees and the President of the Corporation.

The meeting is open to the public.

SEPTEMBER 7, 1976.

THOMAS EHRLICH,
President.

TENTATIVE AGENDA, BOARD OF DIRECTORS MEETING, SEPTEMBER 17–18, 1976

Auditorium, D.C. Chapter, American National Red Cross, 20th and E Streets, NW., Washington, D.C.

1. Adoption of agenda.
2. Approval of minutes of July 23–24, 1976 meeting.
3. Reports by committees:

a. Regulations; (i) part 1617—class actions, (ii) part 1618—enforcement procedures, (iii) part 1619—public disclosure of recipient policies.

b. Appropriations and audit; (i) investment policies, (ii) 1977 budget allocation, (iii) 1978 budget request.

c. Provision of legal services.

4. Report by the president: a. support centers.
5. Other business.

The meeting will begin at 9:00 a.m. on September 17, 1976, and will continue until about 5:00 p.m., with an adjournment for lunch. The meeting will continue on September 18, 1976, if necessary. The Board will hold a brief executive session to discuss personnel matters and pending litigation at lunch on September 17. The film on legal services sponsored by the Corporation, the ABA Standing Committee on Legal Aid and Indigent Defendants, and the National Legal Aid and Defender Association will be shown immediately after lunch at 2:00 p.m. on September 17.

[FR Doc.76–26577 Filed 9–8–76;8:45 am]

LEGAL SERVICES OF NORTH FLORIDA

Notice of Grant and Contracts; Correction

SEPTEMBER 2, 1976.

Pursuant to Section 1007(f) of the Legal Services Corporation Act of 1974 (Public Law 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*) the Legal Services Corporation announced its intention to fund Florida Legal Services, Tallahassee.

Notice is hereby given that the intended grantee should have been Legal Services of North Florida, Tallahassee, Florida.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76–26305 Filed 9–8–76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Endowment for the Humanities announces the following meeting:

Name: Advisory Committee on Science, Technology and Human Values Meeting in Collaborative Session with the Advisory Committee on Ethical and Human Value Implications of Science and Technology, of the National Science Foundation.

Date: October 1, 1976.

Time: 9:30 a.m.

Place: Room 540, National Science Foundation, 1800 G Street N.W., Washington, D.C.

Type of Meeting: Open.

Contact person: Dr. Richard Hedrich, Coordinator, Program of Science Technology and Human Values, Office of Planning and Analysis, National Endowment for the Humanities, Washington, D.C. 20506. (Telephone 202–382–5996.) Individuals planning to attend are requested to notify Dr. Hedrich by September 28.

Purpose of Advisory Committee: To provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value relationships to developments in science and technology, in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation.

AGENDA

Reports on recent program activities.
Discussion of current patterns in college courses in science, technology and values.
Discussion of international perspectives on science, technology and values field.
Review of program plans and priorities.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76–26297 Filed 9–8–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Clinch River Breeder Reactor will meet on September 28–29, 1976 in the Auditorium of the American Museum of Atomic Energy, South Tulane Street, Oak Ridge, TN 37830.

The purpose of this meeting is to develop information for consideration by the ACRS in its review of the combined application of the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, and the Project Management Corporation (hereafter referred to as the CRBR Project Office) for a permit to construct this nuclear power plant. The facility will be located in Oak Ridge, TN. The plant is to use a liquid metal fast breeder reactor and is to have a gross capacity of 380 MW(e).

The agenda for subject meeting shall be as follows:

TUESDAY, SEPTEMBER 28, 1976

8:00 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations, relating to the above review.

8:30 a.m. until the conclusion of business on September 28

The Subcommittee will hear presentations by representatives of the NRC Staff and the CRBR Project Office and will hold discussions with these groups pertinent to the review of the application for a permit to construct the Clinch River Breeder Reactor Plant. In particular, this review will concern aspects of structural design of the plant.

WEDNESDAY, SEPTEMBER 29, 1976

8:00 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

8:30 a.m. until the close of business on September 29

The Subcommittee will hear additional presentations by representatives of the NRC Staff and the CRBR Project Office and will discuss aspects of a core disruptive accident.

At the conclusion of the open session on each day, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During these sessions, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of the caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions with the NRC Staff and applicant for the purpose of discussing confidential proprietary information.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than September 21, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning the Clinch River Breeder Reactor can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, TN 37902.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 27, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 6, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555, at the Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, TN 37902.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 after December 29, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 7, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–26504 Filed 9–8–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE THREE MILE ISLAND NUCLEAR STATION, UNIT 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Three Mile Island Nuclear Station, Unit 2, will meet on September 23 and 24, 1976 at the Quality Inn, 5680 Allentown Boulevard, Harrisburg, PA 17112. The purpose of this meeting is to review the application of the Metropolitan Edison Company for a license to operate Unit 2.

The agenda for subject meeting shall be as follows:

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Thursday, September 23, 1976, 1:00 p.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

2:00 p.m. until the conclusion of business on September 23, and 8:30 a.m. until the conclusion of business on September 24. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Metropolitan Edison Company, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed-session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions with the NRC Staff and Applicant for the purpose of discussing confidential proprietary information.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than September 17, 1976 to Mr. R. Muller, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, PA 17126.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 1, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, PA 17126.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after December 24, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: August 31, 1976.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.76–25643 Filed 9–3–76;8:45 am]

[Docket No. 50–261]

CAROLINA POWER AND LIGHT CO. (H. B. ROBINSON STEAM ELECTRIC PLANT UNIT NO. 2)

Order for Modification of License

I. Carolina Power and Light Company (the Licensee), is the holder of Facility Operating License No. DPR–23 which authorizes the operation of a nuclear power reactor known as H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2200 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site near Hartsville, South Carolina.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on October 14, 1975, as supplemented by correspondence dated August 3 and 22, October 17, November 13, 18, and 24, 1975, the Technical Specifications issued December 3, 1975, for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.30. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility and supplier of part of the nuclear fuel, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. The total nuclear peaking factor limits established above for the Westinghouse fuel are also conservative for the nuclear fuel supplied by the Exxon Nuclear Corporation.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to

be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60% of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100% of the reactor outlet-reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the H. B. Robinson, Unit No. 2 reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 200° F.

Extensive sensitivity studies, submitted with previous calculations in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced by .20 the calculated peak clad temperature for the H. B. Robinson, Unit No. 2 reactor would not exceed 2200° F. As directed by the NRC staff, the licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.20 to 2.10. However, subsequent to the licensee's submittal, further review of data presented by Westinghouse has led the staff to conclude that an additional reduction in F_Q over that presented by the licensee is warranted. This is based on the fact that the Westinghouse generic evaluation for plants with three reactor coolant loops, used the results from two different, but approved, ECCS models (the March 1975 and the October 1975 models). When consistent ECCS models are used the calculated peak clad temperature could increase by an additional 50° F.

After discussions with the NRC staff, on August 25, 1976, the Licensee amended his previous submission to account for this additional increase in peak clad temperature, by reducing F_Q to 2.05. The NRC staff believes that the licensee's actions, under the circumstances, are appropriate and should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform with the criteria of 10 CFR 50.46 (b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina 29550, (1) Licensee's letters of August 3 and 22, October 14 and 17, and November 13, 18, and 24, 1975, (2) Amendment No. 15 to Facility License No. DPR–23, (3) Licensee's letters of August 18 and 25, 1976, and (4) This Order for Modification of License, In the Matter of Carolina Power and Light Company, H. B. Robinson Steam Electric Plant Unit No. 2, Docket No. 50–261.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered*, that Facility Operating License No. DPR–23 is hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.05.

Dated in Bethesda, Md., this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26159 Filed 9–8–76;8:45 am]

[Dockets Nos. 50–295, 50–304]

COMMONWEALTH EDISON CO. ZION STATION UNITS NOS. 1 & 2

Order for Modification of License

I. The Commonwealth Edison Company (the Licensee), is the holder of Facility Operating Licenses Nos. DPR–39 and DPR–48 which authorize the operation of the nuclear power reactors known as Zion Station, Units Nos. 1 and 2 (the facility) at steady state reactor power levels not in excess of 3250 megawatts thermal (rated power). The facility consists of two pressurized water reactors (PWR) located at the Licensee's site near Zion, Illinois.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on September 3, 1974 and April 21, 1975, the Technical Specifications issued May 12, 1976 for the facilities limit the reactor total nuclear peaking factor (F_Q) to 2.25 and 2.20 for Units Nos. 1 and 2, respectively. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facility would confrom to the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of relatively cooler reactor inlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the head. Accordingly, upper head temperatures were assumed in evaluating ECCS performance to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is warmer than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet—reactor outlet differential. On August 12, 1976, the staff directed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet—reactor inlet differenial) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Zion Station reactors indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 40° F.

Extensive sensitivity studies, provided with previous calculations submitted in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor

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total nuclear peaking factor (FQ) and calculated peak clad temperature such that if F_Q is reduced by 0.04 the calculated peak clad temperature for the Zion Station reactors would not exceed 2200° F.

As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.04 to 2.21 and 2.16, for Units Nos. 1 and 2, respectively. The staff believes that the Licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and in the Waukegan Public Library, 128 North County Street, Waukegan, Illinois, (1) the ECCS evaluations dated September 3, 1974 and April 21, 1975, (2) Amendments 20 and 17 to Facility Licenses Nos. DPR–39 and DPR–48, (3) the Licensee's August 18, 1976 letter, and (4) This Order for Modification of License, In the Matter of Commonwealth Edison Company, Dockets Nos. 50–295 and 50–304.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating Licenses Nos. DPR–39 and DPR–48 are hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.21 and 2.16 for Units Nos. 1 and 2, respectively.

Dated in Bethesda, Md., this August 27, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director,
Office of Nuclear Reactor Regulation.

[FR Doc.76–26151 Filed 9–8–76;8:45 am]

[Docket Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO. IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 30 and 29 to Facility Operating License Nos. DPR–29 and DPR–30, issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Unit Nos. 1 and 2 (the facilities) located in Rock Island County, Illinois. The amendments are effective as of their date of issuance.

The amendments reissued the Technical Specifications contained in Appendices A and B of License Nos. DPR–29 and DPR–30 in their entirety as a separate document for each of the two units. Previously there was a single document applicable to both units. The format and section numbering of the reissued Technical Specifications have been revised to be consistent with current regulatory practice. There were no changes in requirements or limitations.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for the amendments dated February 9, 1976, and supplements thereto dated July 8 and July 20, 1976, (2) Amendment Nos. 30 and 29 to License Nos. DPR–29 and DPR–30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of August 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc.76–26163 Filed 9–8–76;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)

Order for Modification of License

I. Consolidated Edison Company of New York, Inc. (the Licensee), is the holder of Facility Operating License No. DPR–26 which authorizes the operation of a nuclear power reactor known as Indian Point Nuclear Generating Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2758 thermal megawatts. The facility is a pressurized water reactor (PWR) located at the Licensee's site in Westchester County, New York.

II. Evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility were submitted by the Licensee by letter dated September 6, 1974, as supplemented by letters dated October 21, 1974, November 6, 1974, December 2 and 6, 1974, January 29, 1975, April 21 and 29, 1975, May 21, 1975, July 9 and 21, 1975, February 4, 9, and 19, 1976, April 22, 1976, May 27, 1976, June 14, 1976, and July 13 and 15, 1976. The Commission's Order issued December 27, 1974, for the facility limits the reactor nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet—reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet—reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Indian Point Unit No. 2 reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The limitations presently incorporated in the Technical Specifications for the facility continue to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York, (1) letter from Consolidated Edison dated September 6, 1974, and supplements relative to ECCS, (2) letter from Consolidated Edison dated August 17, 1976, and (3) This Order for Modification of License, In the Matter of Consolidated Edison Company of New York, Inc., Indian Point Nuclear Generating Unit No. 2, Docket No. 50–247.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR–26 is hereby amended by adding the following new provision:

As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Md., this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26158 Filed 9–8–76;8:45 am]

[Docket No. 50–286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

Order for Modification of License

I. The Consolidated Edison Company of New York, Inc. (the Licensee), is the holder of Facility Operating License No. DPR–64 which authorizes the operation of a nuclear power reactor known as Indian Point Nuclear Generating Unit No. 3 (the facility) at steady state reactor power levels not in excess of 2760 thermal megawatts. The facility is a pressurized water reactor (PWR) located at the Licensee's site in Westchester County, New York.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on October 10, 1975, November 12, 1975, March 11, 1976, and April 1, 1976, the Technical Specifications issued April 5, 1976, for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet-reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Indian Point Unit No. 3 reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 8° F.

Extensive sensitivity studies, submitted with previous calculations submitted in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced by 0.01 the calculated peak clad temperature for the reactor would not exceed 2200° F.

As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.01 to 2.31. The staff believes that the Licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York, (1) letters from Consolidated Edison dated October 10, 1975, Novem-

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ber 12, 1975, March 11, 1976, and April 1, 1976, (2) DPR–64 License Amendment dated April 5, 1976, (3) letter from Consolidated Edison dated August 18, 1976, and (4) This Order for Modification of License. In the Matter of Consolidated Edison Company of New York, Inc., Indian Point Nuclear Generating Unit No. 3, Docket No. 50–286.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR–64 is hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.31.

Dated in Bethesda, Md., this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26161 Filed 9–8–76;8:45 am]

[Dockets Nos. 50–269, 50–270 and 50–287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 31, 31, and 28 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments establish provisions for implementing alternate measures to assure that liquid waste effluent release limits are not exceeded whenever liquid waste monitors cannot be set to properly alarm and control liquid releases.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CRF 51.5(d)(4) an environmental impact statement, negative declaration, or environmental impact appraisal not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 30, 1976, (2) Amendments Nos. 31, 31, and 28 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of August 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–26164 Filed 9–8–76;8:45 am]

[Docket No. 50–334]

DUQUESNE LIGHT CO., ET AL. (BEAVER VALLEY POWER STATION UNIT NO. 1)

Order for Modification of License

I. Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), are the holders of Facility Operating License No. DPR-66 which authorizes the operation of a nuclear power reactor known as Beaver Valley Power Station, Unit No. 1 (the facility) at steady state reactor power levels not in excess of 2652 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site in Beaver County, Pennsylvania.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on June 5, 1975, the Technical Specifications issued January 30, 1976, for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.23. Although the present Technical Specifications limit the reactor total nuclear peaking factor to 2.23, the Licensee has submitted revised ECCS analyses which support a change in F_Q from the present limit of 2.23 to 2.32. The NRC staff has reviewed these analyses and found them acceptable, although the Technical Specifications have not been formally modified. Therefore, the corrective actions set forth below are based upon an F_Q limit of 2.32 since the analyses provide assurance that the peak clad temperature would conform to the criteria of 10 CFR 50.46(b). The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet—reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet—reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Beaver Valley Unit No. 1 reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 77° F.

Extensive sensitivity studies, submitted with previous calculations in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced by .08 the calculated peak clad temperature for the Beaver Valley Unit No. 1 reactor would not exceed 2200 F. As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by .08 to 2.24. However, subsequent to the licensee's submittal, further review of data presented by Westinghouse has led the staff to conclude that an additional reduction in F_Q over that presented by the licensee is warranted. This is based on the fact that the Westinghouse generic evaluation for plants with three reactor coolant loops, used the results from two different, but approved, ECCS models (the March 1975 and the October 1975 models). When consistent ECCS models are used the calculated peak clad temperature could increase by an additional 17 F.

After discussions with the NRC staff, on August 25, 1976, the licensee amended his previous submission to account for this additional increase in peak clad temperature, by reducing F_Q to 2.22. The NRC staff believes that the licensee's actions, under the circumstances, are appropriate and should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform with the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009, (1) Licensee's Amendment No. 17 dated June 5, 1975, to his Application for an Operating License, (2) Facility Operating License including Appendix A (Technical Specifications) dated January 30, 1976, (3) Licensee's letters of August 18 and 25, 1976, and (4 This Order for Modification of License, In the Matter of Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company, Beaver Valley Power Station, Unit No. 1, Docket No. 50–334.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is Ordered*, That Facility Operating License No. DPR-66 is hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.22.

For The Nuclear Regulatory Commission.

Dated in Bethesda, Md. this 27th day of August 1976.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26162 Filed 9–8–76;8:45 am]

[Docket Nos. 50–250 and 50–251]

FLORIDA POWER & LIGHT CO. (TURKEY POINT PLANT UNITS NOS. 3 AND 4)

Order for Modification of License

I. The Florida Power and Light Company (the Licensee), is the holder of Facility Operating Licenses No. DPR–31 and DPR–41 which authorize the operation of the nuclear power reactors known as Turkey Point Plant Units Nos. 3 and 4 (the facilities) at steady state reactor power levels not in excess of 2200 thermal megawatts (rated power). The facilities are pressurized water reactors (PWR) located at the Licensee's site in Dade County Florida.

II. In conformance with evaluations of the performance of the facilities' Emergency Core Cooling System (ECCS) submitted by the Licensee on March 10, 1975, and supplemented by letters dated April 10, April 30, May 15 and May 21, 1975, the Technical Specifications issued June 5, 1975, for the facilities limit the reactor total nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facilities, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet-reactor outlet differential. On August 13, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet-reactor inlet differential) and to operate the facilities in accordance with the results of this analysis. The results of the evaluation submitted for the Turkey Point Plant reactors indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 160° F.

Extensive sensitivity studies, submitted with previous calculations in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced by 0.16 the calculated peak clad temperature for the Turkey Point Plant reactors would not exceed 2200°F. As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.16 to 2.16. However, subsequent to the licensee's submittal, further review of data presented by Westinghouse has led the staff to conclude that an additional reduction in F_Q over that presented by the licensee is warranted. This is based on the fact that the Westinghouse generic evaluation for plants with three reactor coolant loops, used the results from two different, but approved, ECCS models (the March 1975 and the October 1975 models). When consistent ECCS models are used the calculated peak clad temperature could increase by an additional 50°F.

After discussions with the NRC staff, on August 24, 1976 the licensee amended his previous submission to account for this additional increase in peak clad temperature, by reducing F_Q to 2.11. The NRC staff believes that the licensee's actions, under the circumstances, are appropriate and should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperatures, such

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calculations will demonstrate that operation with this total nuclear peaking factor would conform with the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555 and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida: (1) ECCS performance dated March 10, 1975 and supplemented by letters dated April 10, April 30, May 15 and May 21, 1975, (2) Amendments Nos. 9 and 8 to Licenses DPR–31 and DPR–41 dated June 5, 1975, (3) Letter dated August 19, 1975, from Florida Power and Light Company to Office of Nuclear Reactor Regulation and (4) This Order for Modification of License, In the Matter of Florida Power and Light Company (Turkey Point Plant, Units Nos. 3 and 4), Dockets Nos. 50–250 and 50–251.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating Licenses Nos. DPR–31 and DPR–41 are hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.11.

Dated in Bethesda, Md. this 27th day of August, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-26156 Filed 9-8-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT UNIT NO. 1)

Order for Modification of License

I. Indiana & Michigan Electric Company and Indiana & Michigan Power Company (the Licensee) is the holder of Facility Operating License No. DPR–58 which authorizes the operation of a nuclear power reactor known as Donald C. Cook Nuclear Plant Unit No. 1 (the facility) at steady state reactor power levels not in excess of 3250 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site in Berrien County, Michigan.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on September 6, 1974, October 31 and December 12, 1975, January 9 and 26, 1976 and in a letter NS–CE–832 dated November 4, 1975 from C. Eicheldinger (Westinghouse) to B. C. Rusche (NRC), the Technical Specifications issued March 30, 1976 for the facility limit the reactor total nuclear peaking factor (F_Q) to 1.98. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet-reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the D.C. Cook Unit No. 1 reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The limitations presently incorporated in the Technical Specifications for the facility continue to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085: (1) Licensee's ECCS submittals dated September 6, 1974, October 31 and December 12, 1975, January 9 and 26, 1976 and letter NS–CE–832 dated November 4, 1975 from C. Eicheldinger (Westinghouse) to B. C. Rushce (NRC), (2) Amendment No. 12 to Operating License DPR–58 dated March 30, 1976, (3) Licensee's letter dated August 18, 1976, and (4) This Order for Modification of License, In the Matter of Indiana & Michigan Electric Company and Indiana & Michigan Electric Company, Donald C. Cook Nuclear Plant Unit No. 1, Docket No. 50–315.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR–58 is hereby amended by adding the following new provision:

As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Md. this 27th day of August, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-26155 Filed 9-8-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program Safety Guide SG–03 "Operational Limits and Conditions" has been developed and the NRC staff is soliciting comments on this Guide from the U.S. public.

An IAEA Working Group, consisting of Mr. N. Veeraraghavan of India, Mr. A. Higashi of Japan, and Mr. K. V. Seyfrit (Nuclear Regulatory Commission) of the United States developed the draft from an IAEA collation during a meeting that was held in Vienna, Austria on July 5–16, 1976.

As the next step in its development the draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Commitee on Operations at a meeting in Vienna, Austria on October 4–8, 1976. Comments received by September 20, 1976 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 24th day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-26169 Filed 9-8-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment will provide for a redesigned undervoltage (UV) reactor trip function for the Reactor Protective System (RPS).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 15.5 (d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1976, (2) Amendment No. 17 to License No. DPR–65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717H Street N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of August 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactor Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26165 Filed 9-8-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to eliminate the required operability and surveillance of the Turbine Runback feature of the Engineered Safety Feature Actuation System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30225). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 26, 1976 and supplements dated June 14, 1976 and June 22, 1976, (2) Amendment No. 13 to License No. DPR–65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of August, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26166 Filed 9-8-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT UNIT NOS. 1 AND 2)

Order for Modification of Licenses

I. The Northern States Power Company (the Licensee) is the holder of

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Facility Operating License Nos. DPR–42 and DPR–60 which authorize the operation of nuclear power reactors known as Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 (the facilities) at steady state power levels not in excess of 1650 thermal megawatts (rated power per Unit). The facilities are pressurized water reactors (PWR) located at the Licensee's site near Redwing, Minnesota.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facilities submitted by the Licensee on April 14, 1975, April 17, 1975, July 9, 1975, October 21, 1975, January 7, 1976 and March 1, 1976, the proposed Technical Specifications submitted by the Licensee on February 2, 1976 for the facilities limit the reactors total nuclear peaking factor (F_Q) to 2.15. The ECCS performance evaluation submitted by the Licensee was based upon previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facilities, to conform with the requirements of the Commission's ECCS Acceptance Criteria; 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet-reactor inlet differential) and to operate the facilities in accordance with the results of this analysis. The results of the evaluation submitted for the Prairie Island reactors indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facilities are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facilities as soon as possible. The limitations presently incorporated in the Technical Specifications for the facilities continue to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401: (1) the application for amendments dated February 2, 1976 and earlier filings dated April 14, 1975, April 17, 1975, July 9, 1975, October 21, 1975, January 1, 1976 and March 1, 1976, (2) letter from Northern States Power Company dated August 17, 1976, and (3) This Order for Modification of License, In the Matter of the Northern States Power Company, Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2, Docket Nos. 50–282 and 50–306.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License Nos. DPR–42 and DPR–60 are hereby amended by adding the following new provision:

As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Maryland this 27th day of August, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26154 Filed 9–8–76;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, the City of Eugene, Oregon and Pacific Power and Light Company which revised the Technical Specifications for operation of the Trojan Nuclear Plant located on the west shore of the Columbia River in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment corrects editorial omissions and errors in Table 3.6–1 (Containment Isolation Valves) of Appendix A of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1976, (2) Amendment No. 8 to License No. NPF–1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of August 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–26167 Filed 9–8–76;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

Order for Modification of License

I. Portland General Electric Company, The City of Eugene, Oregon and Pacific Power and Light Company (the Licensee) are the holder of Facility Operating License No. NPF–1 which authorizes the operation of a nuclear power reactor known as Trojan Nuclear Plant (the facility) at steady state reactor power levels not in excess of 3411 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site on the west side of the Columbia River in Columbia County, Oregon.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on November 4, 1974 and September 5, 1975, the Technical Specifications issued November 21, 1975 for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of the reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60 percent of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75 percent of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100 percent of the reactor outlet—reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Trojan reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible. The limitations presently incorporated in the Technical Specifications for the facility continue to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20555 and at the Columbia County Courthouse, Law Library, Circuit Court, St. Helens, Oregon 97051: (1) the ECCS performance evaluations dated November 4, 1974 and September 5, 1975, (2) Facility License No. NPF–1 issued November 21, 1975, (3) the Licensee's letter dated August 18, 1976, and (4) This Order for Modification of License, In the Matter of Portland General Electric Company, The City of Eugene, Oregon, Pacific Power and Light Company, Docket No. 50–344.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. NPF–1 is hereby amended by adding the following new provision:

As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Maryland, this Auguest 27, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26153 Filed 9–8–76;8:45 am]

[Docket No. 50–537]

PROJECT MANAGEMENT CORP. AND TENNESSEE VALLEY AUTHORITY (CLINCH RIVER BREEDER REACTOR PLANT)

Special Meeting With Counsel

AUGUST 31, 1976.

The Licensing Board will hold a special meeting with counsel to consider all matters related to the Memorandum and Order of the Nuclear Regulatory Commision dated August 27, 1976, in connection with Contentions 10 and 11 submitted by Intervenors NRDC, *et al.* Such meeting with Counsel will be held on Thursday, September 23, 1976, at 10:00 a.m. at the Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel Office; 4th Floor, East-West Towers Bldg., 4350 East-West Highway, Bethesda, Maryland, to consider the following aspects of the Commission's Order:

1. Action consistent with the Memorandum and Order of the Commission entered August 27, 1976.
2. Schedule revisions or amendments.
3. The likelihood that the proposed CRBR project will meet its objectives within the LMFBR program, as a relevant issue.
4. Alternatives for meeting such objectives, evaluated in terms of the objectives defined in the ERDA impact statement.
(a) Alternatives sites outside the Tennessee Valley Authority service area.
5. Clarification of the subcontentions of NRDC Contention 10.
6. Limitations on discovery and cross-examination, consistent with the standards described in the Commission's Memorandum and Order.
7. Other matters reasonably related to the foregoing subjects.

Counsel are requested to have any relevant papers they desire to submit in the offices of the Licensing Board at the above address on or before 4:00 p.m., Friday, September 17, 1976.

It is so ordered.

Dated at Bethesda, Maryland, this 31st day of August, 1976.

ATOMIC SAFETY AND LICENSING BOARD.
MARSHALL E. MILLER,
Chairman.

[FR Doc.76–26170 Filed 9–8–76;8:45 am]

[Docket No. 50–376]

PUERTO RICO WATER RESOURCES AUTHORITY

Availability of Draft Environmental Statement (Spanish Translation) for North Coast Nuclear Plant, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (Spanish translation) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for construction of the North Coast

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Nuclear Plant, Unite No. 1. The proposed site is located on the north central coast of Puerto Rico (Islote). The Draft Environmental Statement (NUREG–0113) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., the Arecibo City Hall Library, Post Office Box 1086, Arecibo, Puerto Rico 00612 and the Etien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. The Draft Statement is also being made available at the Puerto Rico Planning Board, P.O. Box 41119, Minillas Station, Santurce, Puerto Rico 00940. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

An English language version of this Draft Environmental Statement was issued on August 23, 1976, the availability of which was published in the FEDERAL REGISTER on August 26, 1976 (41 FR 36093).

The Applicant's Environmental Report, as supplemented, submitted by Puerto Rico Water Resources Authority, is also available for public inspection at the above designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on February 14, 1975 (40 FR 6835).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal, Commonwealth, and specified local agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement. Other interested persons or local agencies may obtain these documents upon request. Comments on both the English language and Spanish translation are due by October 26, 1976. Comments, by Federal, Commonwealth, and local officials, or other members of the public will be made available by the Commission for public inspection at the Commission's Public Document Room in Washington, D.C., the Arecibo City Hall Library, Arecibo, Puerto Rico 00612, and the Etien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 31st day of August 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-26148 Filed 9-8-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.121, "Bases for Plugging Degraded PWR Steam Generator Tubes," describes a method acceptable to the NRC staff for establishing the limiting safe conditions of tube degradation of steam generator tubing, beyond which defective tubes as established by inservice inspection should be removed from service by welding plugs at each end of the tube. This guide applies only to pressurized water reactors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.121 will, however, be particularly useful in evaluating the need for an early revision if received by November 5, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 30th day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-26168 Filed 9-8-76;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP. AND R. E. GINNA NUCLEAR POWER PLANT

Order for Modification of License

I. The Rochester Gas and Electric Corporation (the Licensee), is the holder of Provisional Operating License No. DPR-18 which authorizes the operation of a nuclear power reactor known as R. E. Ginna Nuclear Power Plant (the facility) at steady state reactor power levels not in excess of 1520 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site near Rochester, New York.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on March 11, 1975, the Technical Specifications issued May 14, 1975 for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by Westinghouse Electric Corporation (Westinghouse), the designer of the facility, (to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform to the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of relatively cooler reactor inlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the head. Accordingly, upper head temperatures were assumed in evaluating ECCS performance to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is warmer than the reactor inlet water temperature, by about some 60 percent of the reactor inlet-reactor outlet temperature differential. This increase in upper head water temperature over that used in ECCS performance calculations would have the effect of increasing the calculated peak clad temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff directed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100% of the reactor inlet-reactor outlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the R. E. Ginna reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with the total nuclear peaking factor would conform to the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR § 50.46 are to be provided for the facility as soon as possible. The limitations presently incorporated in the Technical Specifications for the facility continue to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555 and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489, (1) Licensee letter dated March 11, 1975, (2) NRC letter dated May 14, 1975, (3) Licensee letter dated August 18, 1975, and (4) This Order for Modification of License, In the Matter of R. E. Ginna Nuclear Power Plant, Docket No. 50–244.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, IT IS ORDERED THAT Provisional Operating License No. DPR–18 is hereby amended by adding the following new provision:

1. As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Maryland this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-26150 Filed 9-8-76;8:45 am]

[Dockets Nos: 50–280 and 50–281]

VIRGINIA ELECTRIC AND POWER CO. SURRY POWER STATION, UNITS 1 AND 2

Order for Modification of License

I. Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating Licenses Nos. DPR–32 and DPR–37 which authorizes the operation of two nuclear power reactors known as Surry Power Station, Units 1 and 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactors are pressurized water reactors (PWR) located at the Licensee's site in Surry County, Virginia.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on April 15, 1975, as supplemented May 1, May 20, June 6, June 9 and June 11, 1975, the Technical Specifications issued June 16, 1975 for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.10 for each unit. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the nuclear steam supply system, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECS cooling performance for the facility would conform with the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head water temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60% of the difference between reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad-temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet—reactor outlet differential. On August 13, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100% of the reactor outlet—reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Surry reactors indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 250°F for Surry Unit 1 and 250°F for Surry Unit 2.

Extensive sensitivity studies, submitted with previous calculations in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced by 0.25 for Surry Unit 1 and 0.23 for Unit 2 the calculated peak clad temperature for the Surry reactors would not exceed 2200° F.

As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.25 to 1.85 for Surry Unit 1 and 0.23 to 1.87 for Surry Unit 2. However, subsequent to the licensee's submittal, further review of data presented by Westinghouse has led the staff to conclude that an additional reduction in F_Q over that presented by the licensee is warranted. This is based on the fact that the Westinghouse generic evaluation for plants with three reactor coolant loops, used the results from two different, but approved, ECCS models (the March 1975 and October 1975 models). When consistent ECCS models are used the calculated peak clad temperature could increase by an additional 50° F.

After discussions with the NRC staff, on August 24 and 25, 1976, the licensee amended his previous submission to account for this additional increase in peak clad temperature, by reducing F_Q to 1.80 for Surry Unit 1 and 1.82 for Surry Unit 2. The NRC staff believes that the licensee's actions, under the circumstances, are appropriate and should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that op-

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eration with this total nuclear peaking factor would conform with the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR §50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555 and at the Swem Library, College of William and Mary, Williamsburg, Virginia. (1) Licensee's Appendix K Analyses submitted April 15, 1975, as supplemented May 1, May 20, June 6, June 9 and June 11, 1975, (2) ECCS Approval by License Amendment No. 7 dated June 16, 1975. (3) Letter from Licensee dated August 18, 1976, (4) Letter from Licensee dated August 26, 1976, and (5) This Order for Modification of License. In the Matter of Virginia Electric and Power Company, Surry Power Station Units 1 and 2, Dockets Nos. 50-280 and 50-281.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that Facility Operating Licenses Nos. DPR-32 and DPR-37 are hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 1.80 for Surry Unit 1 and 1.82 for Surry Unit 2.

Dated in Bethesda, Maryland this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-26160 Filed 9-8-76;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees), for operation of the Point Beach Nuclear Plant, Unit No. 1, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the Technical Specifications to eliminate the fuel residence time limit and alter the core power distribution limits to allow operation of Point Beach Unit No. 1 in core Cycle 5.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 12, 1976 the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intrevene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 30, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26147 Filed 9-8-76;8:45 am]

[Docket Nos. 50-266 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO. POINT BEACH NUCLEAR PLANT UNITS NOS. 1 AND 2

Order for Modification of License

I. The Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the Licensees), are the holders of Facility Operating Licenses Nos. DPR-24 and DPR-27 which authorize the operation of two nuclear power reactors known as Point Beach Nuclear Plant, Units Nos. 1 and 2, respectively, (the facility) at steady state reactor power levels not in excess of 1518 thermal megawatts (rated power). The facility consists of two pressurized water reactor (PWR) located at the Licensee's site near Two Creeks, Manitowoc County, Wisconsin.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on September 6, 1974, June 24, and October 6, 1975 and supplements dated December 6, 1974, May 7, November 5 and 26 and December 15 and 18, 1975, the Technical Specifications issued December 24, 1975 for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.32. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding ovidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60% of the difference betwen reactor inlet and reactor outlet temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff instructed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100% of the reactor outlet-reactor inlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Point Beach reactors indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the worst case break would not exceed the Commission's ECCS performance criteria.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equal reactor vessel outlet water temperature, such calculations will demonstrate that operation with this total nuclear peaking factor would conform to the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR § 50.46 are to be provided for the facility as soon as possible. The limitations presently incorporated in the Technical Specifications for the facility continued to provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin: (1) the applications for amendment dated September 6, 1974, June 24 and October 6, 1975, and supplements dated December 6, 1974, May 7, November 5 and 26, and December 15 and 18, 1975, (2) Amendments Nos. 14 and 18 to License Nos. DPR-24 and DPR-27, (3) Licensees letter dated August 18, 1976, and (4) This Order for Modification of License. In the Matter of Wisconsin Electric Power Company and Wisconsin Michigan Power Company, Point Beach Nuclear Plant, Units Nos. 1 and 2, Docket Nos. 50-266 and 50-301.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that Facility Operating License Nos. DPR-24 and DPR-27 are hereby amended by adding the following new provision:

1. As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

Dated in Bethesda, Maryland this 27th day of August 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-26157 Filed 9-8-76;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. KEWAUNEE NUCLEAR POWER PLANT

Order for Modification of License

I. The Wisconsin Public Service Corporation (the licensee), is the holder of Facility Operating License No. DPR-43 which authorized the operation of a nuclear power reactor known as the Kewaunee Nuclear Power Plant (the facility) at steady state reactor power levels not in excess of 1650 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the licensee's site in Kewaunee County, Wisconsin.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on September 4, 1974, as supplemented December 2, 1974; December 23, 1974; April 1, 1975; April 18, 1975; April 22, 1975; July 8, 1975; January 22, 1976; February 10, 1976; and February 20, 1976, the Technical Specifications issued March 22, 1976 for the facility limit the reactor total nuclear peaking factor (F_Q) to 2.15. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by the Westinghouse Electric Corporation (Westinghouse), the designer of the facility, to conform with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with a total nuclear peaking factor limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR § 5046(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the Westinghouse reactor vessel design, a small portion of reactor inlet water which is cooler than outlet water is directed through several nozzles located on the periphery of the vessel to cool the upper portion of the vessel head. Accordingly, upper head temperatures used in evaluating ECCS performance were assumed to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the upper head is higher than the reactor inlet water temperature, by about 60% of the difference between reactor inlet and reactor outlet temperature. This increase in upper head water temperature over that used in ECCS performance calculations would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for each type of Westinghouse reactor and fuel design using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff directed the licensee to submit an analysis similar to the Westinghouse evaluation with the clearly conservative assumption of upper head water temperature equal to rector outlet temperature (100% of the reactor inlet-reactor outlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Kewaunee reactor indicated that with this modification of the upper head water temperature the calculated peak clad-temperature for the worst case break would exceed the Commission's ECCS performance criteria by about 400 F.

Extensive sensitivity studies, provided with previous calculations submitted in connection with assessment of Westinghouse evaluation models, have established a relationship between the reactor total nuclear peaking factor (F_Q) and calculated peak clad temperature such that if F_Q is reduced to 0.04, the calculated peak clad temperature for the Kewaunee reactor would not exceed 2200° F.

As directed by the NRC staff, the Licensee agreed to operate the facility with the total nuclear peaking factor reduced by 0.04 to 2.11. The staff believes that the Licensee's action, under the circum-

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stances, is appropriate and that this action should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation with the total nuclear peaking factor would conform to the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR § 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555 and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin, 54216, (1) Wisconsin Public Service Corporation letters dated September 4, 1974, as supplemented December 2, 1974; December 23, 1976; April 1, 1975; April 18, 1975; April 22, 1975; July 8, 1975; January 22, 1976; February 10, 1976; and February 20, 1976, (2) NRC letter dated March 22, 1976, (3) Wisconsin Public Service Corporation letter dated August 18, 1976, and (4) This Order for Modification of License, In the Matter of the Kewaunee Nuclear Power Plant, Docket No. 50–305.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR–43 is hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved Westinghouse Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) shall be reduced to 2.11.

Dated in Bethesda, Maryland this August 27, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 76–26152 Filed 9–8–76; 8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.; YANKEE NUCLEAR POWER STATION (YANKEE-ROWE)

Order for Modification of License

I. Yankee Atomic Electric Company, is the holder of Facility Operating License No. DPR–3 which authorizes the operation of a nuclear power reactor known as Yankee Nuclear Power Station [Yankee-Rowe] (the facility) at steady state reactor power levels not in excess of 600 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site in Rowe, Franklin County, Massachusetts.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the Licensee on February 20, 1976, the Technical Specifications issued on June 2, 1976 (Amendment No. 26), for the facility limit the allowable peak linear heat generation rate (LHGR) as set forth in Figure 8–1 of the Technical Specifications. The ECCS performance evaluation submitted by the Licensee was based upon a previously approved ECCS evaluation model developed by Exxon Nuclear Corporation (Exxon), the nuclear fuel vendor, to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46 and Appendix K. The evaluation indicated that with the peak LHGR limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform to the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Due to the configuration of the reactor vessel design, a small portion of relatively cooler reactor inlet water is directed through a bypass gap in the inlet nozzles to cool the upper portion of the head. Accordingly, upper head temperatures were assumed in evaluating ECCS performance to be equal to the reactor inlet water temperature. However, recent operating data gathered at the Connecticut Yankee facility has indicated that, contrary to this expectation, the temperature of the water in the uppear head is warmer than the reactor inlet water temperature, by about some 60% of the reactor inlet-reactor outlet temperature differential. This increase in upper head water temperature over that used in ECCS performance calculations would have the effect of increasing the calculated peak clad temperature. This higher upper head water temperature would have the effect of increasing the calculated peak clad temperature in the event of a loss of coolant accident.

In a meeting with the staff on August 9, 1976, Westinghouse, the reactor designer, presented generic evaluations of the effect on calculated peak clad temperature for the worst break identified in previous calculations for several types of Westinghouse reaction designs using an upper head water temperature exceeding reactor inlet water temperature by an amount equal to 75% of the reactor inlet-reactor outlet differential. On August 12, 1976, the staff directed the licensee to submit an analysis with the clearly conservative assumption of upper head water temperature equal to reactor outlet temperature (100% of the reactor inlet-reactor outlet differential) and to operate the facility in accordance with the results of this analysis. The results of the evaluation submitted for the Yankee-Rowe reactor indicated that with this modification of the upper head water temperature the calculated peak clad temperature for the previously established worst case break would not exceed the Commission's ECCS performance criteria if the peak LHGR were reduced by 0.35 Kw/ft. This evaluation was performed using the approved Exxon ECCS evaluation model. However, since a revised evaluation for the entire break spectrum for the facility using such an approved evaluation model with the properly corrected upper head temperature cannot be completed for some time, the staff believes that it is prudent to impose an interim penalty on allowable peak LHGR to account for uncertainties that may exist. The staff concludes that a further limitation on peak LHGR, in addition to that originally proposed by the Licensee will eliminate uncertainties resulting from the preliminary calculations thus far performed, and will assure that ECCSS performance at the facility will conform to all the criteria set forth in 10 CFR § 50.46(b).

After discussions with the NRC staff on August 26, 1976, the licensee amended his previous submission, to account for these uncertainties, by reducing the peak LHGR by another 0.5 kw/ft for a total reduction of 0.85 kw/ft. The NRC staff believes that the licensee's actions, under the circumstances, are appropriate and should be confirmed by NRC Order.

The staff expects that, when revised calculations for the facility are submitted using an approved evaluation model with correct input for upper head water temperature, or assuming that the upper head water temperature equals reactor vessel outlet water temperature, such calculations will demonstrate that operation at the reduced peak LHGR would conform to the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to the requirements of 10 CFR § 50.46 are to be provided for the facility as soon as possible. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and are being placed in the Commission's Local Public Document Room, Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581, (1) Licensee letter dated February 20, 1976, (2) NRC letter dated June 2, 1976, and (3) This Order for Modification of License, In the Matter of Yankee Nuclear Power Station (Yankee-Rowe), Docket No. 50–29.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, IT IS ORDERED THAT Facility Operating License No. DPR–3 is hereby amended by adding the following new provisions:

1. As soon as possible, the Licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an approved ECCS Evaluation Model, with appropriate correction for upper head water temperature.

2. Until further authorization by the Commission, the Technical Specification limit for allowable peak LHGR (Table 8–1 in the Technical Specifications) shall be reduced by 0.85 Kw/ft.

Dated in Bethesda, Maryland this August 27, 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–26149 Filed 9–8–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 3, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Unit Operation Equipment Survey, single-time, Warren Topelius, 395–5872.

ACTION

Action Cost-Sharing Study Project Survey Instruments, single-time, project directors, staff, advisory council in action Project Housing, Veterans and Labor Division. Raynsford, R., 395–3532.

DEPARTMENT OF AGRICULTURE

Extension Service. Vermont woodland owner study, single-time, woodland owners. Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Evaluation of DIBA Business Assistance Programs, DIB–2007P, single-time, users of DIBA services, Peterson, M. O., 395–5631.

Bureau of Census:

Reinterview Questionnaire and Reconciliation Record, AHS–1976 national sample panels 2 and 6, AHS–394, annually, households in 461 PSU design, Sunderhauf, M. B., 395–6140.

National Longitudinal Surveys, Survey of Work Experience of Young Women—1977 Questionnaire and Advance Letter, GT–471 and 47, annually, women between the ages of 14–24 in 1967. Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Project Developmental Continuity Survey Forms, (1) Teacher Survey, (2) Parent Survey, (3) Child Rating Scale; semi-annually, experimental and comparison teachers, parents, Human Resources Division, Raynsford, R., 395–3532

Office of Education, National Evaluation of Title I Programs for Neglected and Delinquent Children in State Institutions, OE–518, single-time, state title I coordinator, teacher, students, Human Resources Division, Raynsford, R., 395–3532.

Public Health Service, Survey of Attitudes Toward Advances in Biomedical and Behavioral Research and Technology, OASH 0105, single-time, 1600 households, national cross-section, George Hall, 395–6140.

Office of the Secretary, Evaluation of the Child and Family Resource Program, semi-annually, parents, teachers, program staff children, Human Resources Division, Reese. B. F., 395–3532.

Public Health Service, 1977–78 National Inventory of Optometrists, single-time, licensed optometrist, Richard Eisinger. Lowry, R. L. 395–6140.

DEPARTMENT OF LABOR

Employment and Training Administration, Job Corpsmember Participation in the 1976 Upward, Bound Program, MA–18, single-time, all Job Corps centers, Human Resources Division, C. Louis Kincannon, 395–3532.

DEPARTMENT OF THE INTERIOR

Departmental and Other, Claim for Relocation Payments Under P.L. 91–646, on occasion, displaced persons applying for relocation benefits, Warren Topelius, 395–5872.

REVISIONS

VETERANS ADMINISTRATION

Obtaining Supplemental Information from Doctor or Hospital, FL29–551B, on occasion, doctor or hospital official, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Economic Development Administration, Marketing and Capacity Information Reports, ED 220, annually, comercial and industrial firms, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education:

Application for Federal Assistance (Nonconstruction Programs): Instructions for Parts B and C, Title IV, Public Law 92–318, OE 267, on occasion, Indian tribes, organization, education, agencies, Lowry, R. L., 395–3772.

Application for Federal Assistance—Title IV, Civil Rights Act, OE 296, annually, LEA's, SEA's, institutions of higher education, Lowry, R. L., 395–3772.

Social and Rehabilitation Service:

Annual Statistical Report on Hearings, SR SNCSS105, semiannually, State public assistance agencies, Sunderhauf, M. B., 395–6140.

Office of Education:

Application for Federal assistance (Nonconstruction): Instructions for Part A, Title IV, Public Law 92–318, OE 444, annually, LEA's, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Employment Standards Administration:

Application for a Farm Labor Contractor Certificate of Registration, WH–410, annually, agricultural workers. Warren Topelius, 395–5872.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Description of Significant Experience, CSC 1201, on occasion, households in any geographic area in United States. Marsha Traynham, 395–4529.

List of College Courses, CSC 1202, on occasion, households in any geographic area in United States, Marsha Traynham. 395–4529.

DEPARTMENT OF COMMERCE

Economic Development Administration:

Borrower's Request for Equity Credit, ED 266, on occasion, business entities expanding or building new facilities, Warren Topelius, 395–5872.

Status of Payments on Project Accounts, ED 268, on occasion, business entities constructing new or expanded facilities, Warren Topelius, 395–5872.

Business Loan Project Inspection and Certification of Acceptability, ED 269, on occasion, business firms expanding or building new facilities, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:

Annual Statistical Report on Cost Standards and Maximum and Other Limitations on Money Payments, SRS NCSS 1, annually, State public assistance agencies, Sunderhauf, M. B., 395–6140.

Office of Education:

Application for Federal Assistance (Nonconstruction Programs) Instructions for Community Education, OE 453 annually, LEA's, SEA's, IHE's, Marsha Traynham. 395–4529.

Social and Rehabilitation Service:

Administrative and Legal Actions on Questions of Suspected Fraud Under Medical Assistance Programs, SRS NCSS 1, quarterly, State medicaid (title XIX) agencies, Human Resources Division, Warren Topelius, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–26517 Filed 9–7–76;3:01 pm]

SECURITIES AND EXCHANGE COMMISSION

SMITH, BARNEY EQUITY FUND, INC. AND SMITH, BARNEY INCOME AND GROWTH FUND, INC., 1345 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10019

[Rel. No. 9418 (812–3960)]

Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Order Exempting Certain Transactions From Section 22(d) of the Act

AUGUST 26, 1976.

Notice is hereby given that Smith, Barney Equity Fund, Inc. ("Equity") and

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Smith, Barney Income and Growth Fund, Inc. ("Income and Growth"), both Maryland corporations registered under the Act as open-end diversified management companies (collectively "Funds" or "Applicants"), filed an application on May 28, 1976, and amendments thereto on July 30 and August 24, 1976, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from Section 22(d) of the Act to the extent necessary to permit the Funds to implement a schedule of sales charges which would not apply to certain classes of persons. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Equity has operated since its inception, and Income and Growth since May 1, 1971, as no-load funds offering shares at net asset value without any sales charge being paid by purchasers of shares. Smith, Barney, Harris Upham & Co. Incorporated (Smith Barney), and its predecessor Smith, Barney & Co. Incorporated, have acted as distributors of the Funds' shares and Smith, Barney Advisers, Inc., a wholly-owned subsidiary of Smith Barney, acts as manager to both Funds. Smith, Barney Advisers, Inc. has sub-advisory agreements with Smith Barney.

It is proposed that, in the future, sales charges will be imposed on sales of the Funds' shares. However, all shareholders of record as of a cut-off date (to be determined) would have the right to make additional investments at net asset value at any time without the imposition of any sales charge. Persons who were not shareholders prior to the cut-off date would be subject to sales charges. However, after such a person shall have been a shareholder continuously for 24 months, he may make additional investments at net asset value without any sales charge, provided he is a shareholder at the time of purchase.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Funds have requested that the Commission issue an order pursuant to Section 6(c) of the Act for an exemption from the provisions of Section 22(d) of the Act with respect to (1) the sale of additional shares of the Funds without a sales charge to present shareholders of the Funds as of a record date to be set by the Boards of Directors of the Funds, and (2) the sale of additional shares of the Funds without a sales charge to shareholders who have become and remain shareholders for 24 consecutive months subsequent to such record date and who remain shareholders at the time of the purchase of such additional shares.

Applicants state that the distinction the proposed plan makes between existing shareholders and new shareholders is based on the difference in the cost of selling an additional share to a present shareholder and the cost of selling the first share to a non-shareholder. Applicants assert that no sales effort or explanation by salesmen is necessary for additional purchases by existing investors, and that, for new shareholders, shares purchased in the first 24 months will be available with a sales charge somewhat below that imposed by other funds with standard sales charges. With respect to group programs as permitted by Rule 22d-1 (a) and (b), which own shares prior to the cut-off date or which become and remain shareholders subsequent to the cut-off date for 24 consecutive months. Applicants contend that there is an absence of selling costs incurred in adding a new person to the persons for whose benefit such programs hold the shares, which justifies the non-imposition of a sales charge on purchases of shares for the benefit of a new person covered by such a program.

Applicants assert that the proposed plan has certain benefits for existing shareholders, new shareholders and the Funds themselves. For existing shareholders the "no-load" status of the Funds is preserved; new shareholders may invest at "no-load" after 24 months; and the Funds will have a broader and more effective sales effort to reverse a downtrend in sales and return to a positive cash flow. Finally, Applicants also contend that, by exempting the shareholder who has held shares for 24 months from future sales charges, interest by longer term holders is encouraged and continuing compensation to salesmen when their services are no longer required is eliminated.

Notice is further given that any interested person may, not later than September 20, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-26318 Filed 9-8-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to this Commission will convene at 6:00 pm. and end at 10:30 pm. on September 28, 1976, and reconvene at 9:30 am. and end at 6:00 pm. on September 29, 1976, at the Great Smokies Hilton, 1 Hilton Drive, Ashville, North Carolina 28806.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is planning for the Migrant Project. Discussion of migrant study proposal. Reports from the jury selection and employment subcommittees.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee,
Management Officer.

[FR Doc.76-26659 Filed 9-8-76;12:02 pm]

VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the Virginia Advisory Committee (SAC) to this Commission will convene at 1:00 pm. and end at 2:00 pm. on September 30, 1976, at the U.S. Post Office Building, 101-25th Street, Newport News, Virginia 26307.

Persons wishing to attend this press conference should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this conference is to release a report by the Advisory Committee on school desegregation progress in Newport News Public School Districts since 1971, which supplements a national report on school desegregation released by the Commission on August 24th.

This conference will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-26659 Filed 9-8-76;12:02 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 139]

ASSIGNMENT OF HEARINGS

SEPTEMBER 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136640 (Sub-No. 11), Robert L. Allen, DBA Allen Transport, now assiged October 13, 1976, at Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

MC 141932 (Sub-No. 1), Polar Transport, Inc., now assigned October 14, 1976, at Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

MC-F-12802, Terminal Transport Co., Inc.—Purchase—Goguen Transportation Co., Inc. and MC 22229 (Sub-No. 108), now assigned October 18, 1976, at Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26396 Filed 9-8-76;8:45 am]

[Notice AB 6 (Sub-No. 33)]

BURLINGTON NORTHERN, INC.—ABANDONMENT BETWEEN—WAVERLY AND MOUNT HOPE IN SPOKANE COUNTY, WASHINGTON

AUGUST 27, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by Burlington Northern Inc., of its railroad between Waverly and Mount Hope in Spokane County, Wash., a distance of 8.7 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that because of the small amount of traffic which would be diverted to motor carriers no significant environmental impacts will result from the abandonment of the line. The Washington Department of Game has identified the right-of-way as valuable wildlife habitat for several species and recommends that the corridor be preserved for wildlife and wildlife-oriented recreation. Inasmuch as there are no economic development plans in the area dependent upon the subject line, abandonment would not have a serious adverse effect on rural and community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 8, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26395 Filed 9-8-76;8:45 am]

[Notice AB 18 (Sub-No. 23)]

THE CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT BETWEEN FOREST AND MCVEY IN RALEIGH COUNTY, WEST VIRGINIA

AUGUST 31, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Chesapeake and Ohio Railway Company (C&O) of its line of railroad between Valuation Station 280+80.5 at or near Forest to the end of the line at Valuation Station 328+55, a distance of 0.90 miles, at or near McVey, all in Raleigh County, West Virginia, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because no traffic has been handled on the line since 1968, and, therefore, no diversion of traffic is expected. Consequently, no alterations in existing air quality, fuel consumption, or noise intrusions is expected. Also, no land use plans of an economic or industrial importance exist which are dependent upon the continued operation of the line. Although the major mineral commodity produced in the general area is coal, there is no demand for shipping along this portion of the line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Comimssion, Washington, D.C. 20423, on or before October 12, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc.76-26399 Filed 9-8-76;8:45 am]

[Notice AB 92]

THE SALT LAKE CITY UNION DEPOT AND RAILROAD COMPANY ABANDONMENT OPERATIONS SALT LAKE RAILROAD STATION, SALT LAKE CITY, UTAH

AUGUST 31, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Salt Lake City Union Depot and Railroad Company of its passenger depot and track and terminal facilities in Salt Lake City, Utah, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that service will continue to be provided on the line by the applicant's co-owners and, therefore, there will be no diversion of rail freight or passenger traffic. The Denver and Rio Grande Railroad Station is to be acquired for preservation purposes by the State of Utah. It is expected that the building will be adapted to another use, possibly as a museum. The historic and architectural characteristics of the building will not be altered.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce

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Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 12, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc.76-26394 Filed 9-8-76;8:45 am]

[Notice AB 69 (Sub-No. 4)]

WESTERN MARYLAND RAILWAY COMPANY ABANDONMENT OF ITS FAIRMONT-BINGAMON BRANCH NEAR HENSHAW IN HARRISON COUNTY, WEST VIRGINIA

AUGUST 31, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Western Maryland Railway Company (WM) of its line of railroad between Milepost 3.88 to the end of the line at Milepost 5.72, a distance of 1.84 miles, near Henshaw, all in Harrison County, West Virginia, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among things, that the environmental impacts of the proposed action are considered insignificant because no traffic has been handled on the line since 1963, and, therefore, no diversion of traffic is expected. Consequently, there will be no alterations in existing air quality, fuel consumption, or noise intrusions. In addition, no land use plans of economic or industrial importance exist in the affected area which are dependent upon the continued operation of the line. Western Maryland Railway Company will continue to maintain rail service to Williams Mines, an active strip coal mining area located immediately south of the subject right-of-way. Interest has been expressed in acquiring the right-of-way for recreational use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 12, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26398 Filed 9-8-76;8:45 am]

[Notice No. 24]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicant's representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or he applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76651, filed August 27, 1976. Transferee: RAPID FREIGHT SYSTEMS, 1819 S. Soto St., Los Angeles, Calif. 90023. Transferor: Intercity Delivery Service, Inc., Internal Revenue Truck & Delivery Service, Inc., Internal Revenue Service, Successor-in-Interest, 16941 So. Reegan, Carson, Calif. 90746. Applicants' Representative: Donald Murchison, Attorney-at-Law, 9454 Wilshire Blvd., No. 400, Beverly Hills, Calif. 90212. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 99877 (Sub-No. 1), issued October 17, 1963, as follows: General commodities, between points within the Los Angeles Basin Territory, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76710, filed August 19, 1976. Transferee: DAVID ALEXANDER CARSON, 1306 Speaker Drive, Auburndale, Florida 33823. Transferor: Glosson Motor Lines, Inc., P.O. Box 1328, Lexington, North Carolina 27292. Applicant's Attorney: John P. McMahon, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 41255 (Sub-No. 64), issued October 10, 1966, as follows: specified commodities, from, to and between specified points in Massachusetts, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, Alabama, Mississippi, New York, New Jersey, Virginia, Rhode Island, Delaware, Pennsylvania, Maryland, Connecticut, Maine, New Hampshire, Vermont, West Virginia and Washington, D.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76711, filed August 19, 1976. Transferee: ERNEST L. SECCOMB, JR. AND ERNEST M. KINGSBURY, a partnership, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Montana 59701. Transferor: Ernest L. Seccomb and Ernest M. Kingsbury, a partnership, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Montana 59701. Applicants' representative: Ernest L. Seccomb, 700 East Front Street, Butte, Montana 59701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 70176 and No. MC 70176 (Sub-No. 3), issued August 2, 1967 and February 16, 1971, respectively, as follows: Heavy machinery, between points in Silver Bow County, Mont., on the one hand, and, on the other, points in Montana within 100 miles of Butte, Mont., equipment, materials and supplies, used or useful in the control of forest fires, between Butte, Mont., and points within 250 miles of Butte, general commodities, between Butte, Mont., on the one hand, and, on the other, points in Silver Bow County, Mont., and general commodities, with certain exceptions, between points in Silver Bow County, Mont., other than Butte, Mont.; and used household goods,

between specified counties in Montana. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26392 Filed 9-8-76;8:45 am]

Office of Proceedings

[Notice No. 116]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 2, 1976.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 112963 (Sub-No. 62TA), filed August 25, 1976. Applicant: ROY BROS. INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Bucksport, Maine, to Everett, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Freeport Sulphur Company, P.O. Box 61520, New Orleans, La. 70161. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 113908 (Sub-No. 381TA), filed August 25, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 E. Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and deicer*, from Viroqua, Wis., to points in Arkansas, Colorado, Kentucky, Missouri, Montana, Oklahoma, Tennessee and Wyoming, for 180 days. Supporting shipper: Howard Johnson Enterprises, Railroad Ave., Viroqua, Wis. 54665. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114045 (Sub-No. 447TA), filed August 25, 1976. Applicant: TRANS-COLD EXPRESS, INC., P. O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients* in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company, located in Decatur, Ill., to points in Arkansas, Louisiana, Texas, Oklahoma and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Archer Daniels Midland Company, P. O. Box 1470, Decatur, Ill. 62525. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 110525 (Sub-No. 1164TA), filed August 26, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Nalco Chemical Co., at Sugarland, Tex., to points in Courtland and Decatur, Ala.; Miami, Ariz.; Armorel and El Dorado, Ark.; Dania and Pensacola, Fla.; Dry Branch and Jonesboro, Ga.; Muncie and Whiting, Ind.; Tyrone, N. Mex.; and Ahoskie and Kinston, N.C.; and to points in Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Kentucky and Wyoming, for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 110563 (Sub-No. 188TA), filed August 26, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, 113 N. Ohio Ave., Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread crumbs, or cubes, salad dressing preparations, dry and mixes, dips, dry*, (except in bulk or frozen), from the plantsite and storage facilities of The Clorox Company and/or of the Grocery Store Products Company, located in Kennett Square and West Chester, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio and Wisconsin, for 180 days. Supporting shipper: The Clorox Company, 1221 Broadway, Oakland, Calif. 94612. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 110563 (Sub-No. 189TA), filed August 27, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, 113 N. Ohio Ave., Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corporation, at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the origin point and destined to the named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corporation, 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 115904 (Sub-No. 58TA), filed August 23, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fiber, mineral fiber products and insultating materials*, from Pueblo, Colo., to points in Idaho, for 180 days. Supporting shipper: Intermountain Gas Company, P.O. Box 7608, Boise, Idaho 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 123233 (Sub-No. 59TA), filed August 25, 1976. Applicant: PROVOST CARTAGE INC., 7887 Rue Grenache, Ville D'Anjou 437, P.Q. Canada HLJ 1C4. Applicant's representative: J. P. Vermette, 7887 2E Ave., Ville D'Anjou, P.Q.,

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Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in tank vehicles, from McConnellsville, N.Y., to the International Boundary Line between the United States and Canada, located near Alexandria Bay, N.Y., restricted to the transportation of traffic destined to points in the Province of Quebec, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper: W. R. Cuthbert Ltd., 47 Duke St., Montreal, P.Q., Canada. Send protests to: David Demers, District Supervisor. 87 Stat St., P.O. Box 548, Montpelier, Vt. 05602.

No. MC 123255 (Sub-No. 78TA), filed August 26, 1976. Applicant: **B & L MOTOR FREIGHT, INC.**, 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Cliffwood, N.J., to points in New York, for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Frank L. Calvary. District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123255 (Sub-No. 79TA), filed August 26, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container and container ends*, from the warehouse site of the National Can Corporation, at Sharonville, Ohio, to La-Crosse, Wis., and Evansville, Ind., for 180 days. Supporting shipper: National Can Corporation, 8101 West Higgins Road, Chicago, Ill. 60631. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123255 (Sub-No. 80 TA), filed August 26, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Baltimore, Md.; Milford, Mass.; Cliffwood, N.J.; and Brockway, Clarion, Connellsville, Oil City, and Washington, Pa., to the Miller Brewing Company, at South Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 128746 (Sub-No. 28 TA), filed August 10, 1976. Applicant: D'AGATA NATIONAL TRUCKING CO., 3224-44 South 61st St., Philadelphia, Pa. 19153. Applicant's representative: Edward J. Kiley, 1730 M St., NW, Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Cliffwood, N.J., to points in New York, for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffood, N.J. 07721. Send protests to: Monica A. Blodgett. Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 129624 (Sub-No. 7 TA), filed August 20. 1976. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bambridge St., Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, pharmaceuticals and health care products*, between the facilities of E. R. Squibb, Inc., in Somerset, Somerset County, N.J., on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and New Castle County, Del., for 180 days. Supporting shipper: E. R. Squibb, Inc., 5 Georges Road, New Brunswick, N.J. 08902. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 133796 (Sub-No. 36 TA), filed August 27, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair curlers, shampoos, cream rinses, bobby pins, waterproof plastic capes, towels, brooms, nail files, scissors, notions and novelties* (except fireworks); *materials and supplies* used in the manufacture of the commodities described above; *and such merchandise* as is dealt in by variety stores (except commodities in bulk), originating at the plantsite of Wilson Manufacturing Corporation, and Hugh H. Wilson Company, at Sunbury, Pa., and destined to Carrollton, Tex., La Mirada and South San Francisco, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Manufacturing Corporation, Hugh H. Wilson Company, Packer St., Sunbury, Pa. 17801. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134084 (Sub-No. 3 TA), filed August 26, 1976. Applicant: CLIFFORD M. SHROCK, 940 Blaine St., Woodburn, Oreg. 97071. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clackamas County, Oreg., to Portland, Oreg., and points in Clark and Cowlitz Counties, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Avison Lumber Co., P.O. Box 597, Molalla, Oreg. 97038. Brazier Forest Products, Inc., P.O. Box 5, Molalla, Oreg. 97038. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 134349 (Sub-No. 20 TA), filed August 26, 1976. Applicant: B. L. T. CORPORATION, 405 Third Ave., Brooklyn, N.Y. 11215. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Small live animals, birds, fish and foods, medicines, toys, books, accessories and supplies related to their care and treatment and such other commodities* as are dealt in or used by a manufacture and distributor thereof, between Harrison, Jersey City and Bloomfield, N.J.; and Tampa, Fla., on the one hand, on the other, Birmingham, Leeds, Tuscaloosa, Geneva and Anniston, Montgomery, Ala.; Van Buren, Ark.; Denver and Grand Junction, Colo.; Jacksonville, Tampa, Hialeah, Miami, Hallendale, Largo and Ocala, Fla.; Atlanta, Albany, Forest Park, Morrow, Decatur and Douglas, Ga.; Addison, Berkely, Chicago, Elk Grove and Rock Island, Ill.; Fort Wayne, Indianapolis, Evansville and Marion, Ind.; Davenport, Grinnel and Urbandale, Iowa; Topeka, Wichita and Olathe, Kans.; Louisville, Ky.; New Orleans, Harahan, Kenner, La Combe and Metairie, La.; Baltimore, Brentwood, Elkridge, Beltsville, Columbia City, Jessup, Silver Springs, Timonium and Landover, Md.; Grand Rapids, Ferndale, Monroe, Warren, Detroit, Hastings, Novi, Bay City, Romulus and Keego Harbor, Mich.; Minneapolis, Edina, Marshall and Hopkins, Minn.; Jackson and Indianola, Miss.; Independence, Kansas City, St. Louis, Hazelwood and Desloge, Mo.; Omaha and Lincoln, Nebr.; Ashboro, Charlotte, Hickory, Kernersville, Winston Salem, and Greenville, N.C.; Cincinnati, Dayton, Middleburg Heights, Toledo, Cleveland, Fairfield, Sharonville, Youngstown, Columbus, Loveland, Solon, Bedford Heights, Bellefontaine, N. Lima, Vanwert and Findlay, Ohio; Oklahoma City, Tulsa and Muskogee, Okla.; Allentown, Dunmore, Leetsdale, Sunbury, Carnegie, Harrisburg, Pittsburgh, Monroeville, Flifton Heights, Lancaster, Robesonia, E. Butler, Parkersburg and Shiremanstown, Pa., Greenville and Charleston Heights, S.C.; Chattanooga, Memphis, Nashville and Bristol, Tenn.; Arlington, Kilgore, Mesquite, Dallas, Lubbock, Beaumont, Grand Prairie, San Antonio, Amarillo, Houston, Fort Worth and Garland, Tex.; Norfolk, Richmond, Salem, Newington and Roanoke, Va.; Milwaukee, Wausau and Waukesha, Wis., under a continuing contract with The Hartz Mountain Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Hartz Mountain Corporation, 700 South Fourth St., Harrison, N.J. 07029. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135658 (Sub-No. 2 TA), filed August 27, 1976. Applicant: ROCK RIVER CARTAGE, INC., R.R. No. 2, P.O. Box 430, Rock Falls, Ill. 61071. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory materials and products* (except in bulk), for the account of Northwestern Steel and Wire Company, from Lake County, Ind., to Sterling, Ill., under a continuing contract with Northwestern Steel and Wire Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northwestern Steel and Wire Company, Lanny J. Nunz, Chief Rate Analyst, 121 Wallace St., Sterling, Ill. 61081. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 136220 (Sub-No. 36 TA), filed August 27, 1976. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate* (in bulk in dump vehicles), from the plantsite of Arkansas Lightweight Aggregate Corporation, near West Memphis, Ark., to points in Kentucky and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Lightweight Aggregate Corporation, P.O. Box 157, West Memphis, Ark. 72301. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 139460 (Sub-No. 20 TA), filed August 24, 1976. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratago Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wollastonite*, in bulk, in tank vehicles, from Willsboro, N.Y. (Essex County), to Blanchester, Ohio, for 180 days. Supporting shipper: Interpace Corporation, Willsboro, N.Y. 12996. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., P.O. Box 1167, Albany, N.Y. 12201.

No. MC 139923 (Sub-No. 19 TA), filed August 24, 1976. Applicant: MILLER TRUCKING CO., 105 S. 8th St., Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plantsite and warehouse facilities of Archer Daniels Midland Company, at or near Decatur, Ill., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 139923 (Sub.-No. 21TA), filed August 26, 1976. Applicant: MILLER TRUCKING CO., INC., 105 S. 8th St., Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products, fruit juices and table sauces* (except commodities in bulk), from the plantsite and warehouse facilities of or utilized by Ocean Spray Cranberries, Inc., located at or near Kenosha, Wis., and North Chicago, Ill., to Kansas City, Mo., and points in its Commercial Zone, and to points in Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ocean Spray Cranberriers, Inc., 7800 South 60th Ave., Kenosha, Wis. 53140. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 142309TA, filed August 25, 1976. Applicant: MARY PACKER AND JOHN COOLEN, doing business as, PACKER & COOLEN TRUCKING, Route 1. Box 725, Coos Bay, Oreg. 97420. Applicant's representative: Mary Packer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer and used machinery*, from Willow Creek, Calif., to the Grants Pass, Medford, White City and Glendale, Oreg. area; and from Brookings, Oreg., to the Grants Pass, Medford, White City and Glendale, Oreg., area, for 180 days. Supporting shippers: Willow Creek, Inc., Willow Creek, Calif. Fourply, Inc., P.O. Drawer AN, Brookings, Oreg. 97415. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill St., Portland, Oreg. 97204.

No. MC 142340 (Sub-No. 1TA), filed August 23, 1976. Applicant: HERBERT F. CLARK, JR., INC., R.D. 2, Box 357 D, Selkirk, N.Y. 12158. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, (1) from Albany, N.Y., to Newark, N.J.; Jersey City, N.J.; North Haven, Conn.; and Port of Entry at Niagara Falls, N.Y.; and (2) from Village of Colonie (Albany County), N.Y., to Newark, N.J., and Jersey City, N.J., for 180 days. Supporting shippers: V. T. E. Industries, Foot of Binghamton St., Albany, N.Y. 12202. Empire Alloys Corp., Foot of First St., Colonie, N.Y. 12205. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 142358 (Sub-No. 1TA), filed August 23, 1976. Applicant: J. J. GILLAM TRUCKING COMPANY, INC., 1028 Sinnock Ave., P.O. Box 297, Moberly, Mo. 65270. Applicant's representative: Thomas P. Rose, Jefferson, Bldg., P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Howard County, Mo., to Quincy, Ill., under a continuing contract with Universay Coal and Energy Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Coal and Energy Company, Inc., 1102 E. Broadway, Columbia, Mo. 65201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 142380TA, filed August 26, 1976. Applicant: GART, INC., 35 Brown St., Washington, N.J. 07882. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay* (except in bulk), from Skillman, N.J., to points in Connecticut, Kentucky, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Tennessee, Virginia, Washington, D.C., and West Virginia and (2) *Talc, materials and supplies* used in the manufacturing or ceramics (except in bulk), from the above destination states to Skillman, N.J., under a continuing contract with Standard Clay Mines, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Clay Mines, Camp Meeting, Skillman, N.J. 08558. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 142381TA, filed August 26, 1976. Applicant: WAYNE E. BELL, doing business as WAYNE BELL, Box 34,

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Colusa, Ill. 62329. Applicant's representative: Edward G. Pree, 904–5 Myers Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in open top vehicles, from points in Iowa on or south of U.S. Highway 30 and on or east of U.S. Highway 69; and from Hannibal, Mexico, Montgomery City, Marshall and Smithton, Mo.; and from Kansas City, Kans., to the facilities of Cargill, Inc., at or near Carthage, Ill., under a continuing contract with Cargill, Inc., Nutrena Feed Division, for 180 days. Supporting shipper: Cargill, Inc., Nutrena Feed Division, Fred K. Coerper, General Traffic Manager, Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

By the Commission.

[SEAL] GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc.76–26390 Filed 9–8–76;8:45 am]

[Notice No. 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1976.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 88TA), filed August 26, 1976. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave., SE., Atlanta, Ga. 30315. Applicant's representative: R. J. Reynolds, III, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) between Atlanta, Ga., and Cartersville, Ga., serving no intermediate points, but serving the terminii of Atlanta, Ga., and Cartersville, Ga., and all points within their respective commercial zones; from Atlanta, Ga., to Cartersville, Ga., over U.S. Highway 41 (also over all completed portions of Interstate Highway 75 between Atlanta, Ga., and Cartersville, Ga., and over all roads and portions of roads connecting completed portions of Interstate Highway 75 to U.S. Highway 41) and return over the same route. Restriction: No point may be served by operating over Interstate Highway 75 that is not also authorized for service over U.S. Highway 41; (2) between Cartersville, Ga., and Chattanooga, Tenn., serving (a) the terminii of Cartersville, Ga., and Chattanooga, Tenn., and all points within their respective commercial zones; and (b) all intermediate points between Cartersville, Ga., and Chattanooga, Tenn., and all places within the commercial zones of each of said intermediate points; from Cartersville, Ga., to Chattanooga, Tenn., over U.S. Highway 41 (also over all completed portions of Interstate Highway 75 between Cartersville, Ga., and Chattanooga, Tenn., and over all roads and portions of roads connecting completed portions of Interstate Highway 75 to U.S. Highway 41); and return over the same route. Restriction: No point may be served by operating over Interstate Highway 75 that is not also authorized for service over U.S. Highway 41.

(3) Serving the plantsite of E. T. Barwick Industries, Inc., near the intersection of Georgia Highways 143 and 193 at or near Hedges, Ga., located in Walker County, Ga., as an off-route point in connection with carrier's authorized regular-route operations described above between Atlanta and Cartersville, Ga., and between Cartersville, Ga., and Chattanooga, Tenn.; and (4) between Chattanooga, Tenn., and Knoxville, Tenn., serving no intermediate points, but serving the termini of Chattanooga, Tenn., and Knoxville, Tenn., and all points within their respective commercial zones; from Chattanooga, Tenn., to Knoxville, Tenn., over Interstate Highway 75, and return over the same route. Applicant intends to tack its existing authority with MC 56679 Subs 2, 9, 10, 15, 37, 43, 72, and 85. Applicant also intends to interline at Atlanta, Ga., Chattanooga, Tenn., and Knoxville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 70 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 95376 (Sub-No. 13TA), filed August 26, 1976. Applicant: McVEY TRUCKING, INC., Route No. 1, Oakwood, Ill. 61858. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, dry animal and poultry mineral mixtures, animal and poultry tonics, insecticides* (other than agricultural) *and premiums and advertising matter relating to such products*, from Danville, Ill., to points in Kentucky, restricted to traffic originating at the plantsite and facilities of Shur-Grain Feed Division, William Davies Co., Inc., at Danville, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shur-Grain Feed Division of William Davies Co., Inc., W. L. Lavery, General Manager, 628 E. Fairchild St., Danville, Ill. 61832. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 110420 (Sub-No. 760TA), filed August 27, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Priarie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can coating, paint, and resins*, from Milwaukee, Wis., to points in California, for 180 days. Supporting shipper: PPF Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 119619 (Sub-No. 90TA), filed August 26, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, Ill. 60609. Applicant's representative: Bruce J. Robbins, One Lafrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Elcona Foods, Inc., located at Elkhart, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elcona Foods, Inc., Keith A. Gary, Sales Supervisor, 24402 CR 45, Elkhart, Ind. 46514. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 123061 (Sub-No. 83TA), filed August 27, 1976. Applicant: LEATHAM BROTHERS, INC., 46 Orange St. Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and sheets*, corrugated or not corrugated, K.D.F., from the plantsite of Boise Cascade Corp., in or near Nampa, Idaho, to North Salt Lake, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 125023 (Sub-No. 41TA), filed August 25, 1976. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Chicago, Ill., to points in Massachusetts, New York, and New Jersey (Boston, Lawrence, New Bedford, Nonquitt, and Williamsett, Mass.; Albany, Brooklyn, Buffalo, Rochester, Utica, N.Y.; and Hammonton, Lynhurst, Newark, and Orange, N.J.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter Hand Brewing Company, 1000 W. North Ave., Chicago, Ill. 60622. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 128007 (Sub-No. 90TA), filed August 27, 1976. Applicant's representative: Hofer, Inc., P.O. Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, related articles, fitting and jointing materials*, from Pittsburg, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) *clay, clay products*, fittings, equipment, materials, and supplies, used or useful in the manufacturing, packaging, transporting, and distributing of clay products and jointing materials, from the plantsites and/or storage facilities of W. S. Dickey Clay Manufacturing Co., at or near Bradenton, Fla.; Bessemer, Ala.; Texarkana, Texas-Arkansas; San Antonio, Tex.; Meridian, Miss.; and St. Louis, Mo., to the plantsite and/or storage facility of W. S. Dickey Clay Manufacturing Co., at or near Pittsburg, Kans., for 180 days. Supporting shipper: Dickey Clay Manufacturing Company, P.O. Box 6, Pittsburg, Kans. 66762. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 134922 (Sub-No. 186TA) (Amendment), filed July 22, 1976, published in the FEDERAL REGISTER issue of August 5, 1976, and republished as amended this issue. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold and used by wholesale, retail and discount stores and *chemicals*, in vehicles equipped with mechanical refrigeration (except foodstuffs, alcoholic beverages, commodities in bulk and those which because of size or weight require the use of special equipment), from Muskegon and Greenville, Mich.; Brockway, Pa.; Corning, N.Y.; Cumberland, Md.; and Jackson, Miss., to points in Idaho, Washington, Oregon, California, Nevada, Arizona and Utah and from Memphis, Tenn., to points in Nevada, for 180 days. Supporting shipper: Triple 5 Tire Center, Inc., Vice President of Operations, 412 Madison St., Petaluma, Calif. 94952. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201. The purpose of this republication is to delete Brazoria County, Tex., and to change the name of the supporting shipper:

No. MC 136315 (Sub-No. 11TA), filed August 27, 1976. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from the facilities of Weyerhaeuser Company, Lamar County, Ala., to points in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Wisconsin; and (2) *Equipment, materials and supplies* (except in bulk), from points in the above named states to the facilities of Weyerhaeuser Company, in Lamar County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Company, P.O. Box 1060, Hot Springs, Ark. 71901. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138274 (Sub-No. 35TA) filed August 27, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods stuffs*, in vehicles equipped with mechanical refrigeration, from Richmond and Clearfield, Utah, to Omaha, Nebr.; Springdale, Ark.; Sumter, S.C.; Salisbury, Md. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peperidge Farm, Inc., P.O. Box 145, Richmond, Utah 84333. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Bldg., Bureau of Operations, 125 South State St., Salt Lake City, Utah 84138.

No. MC 142350 (Sub-No. 1 TA), filed August 27, 1976. Applicant: MALT TRANSPORT, INC., P.O. Box 1488, Springfield, Mass. 01101. Applicant's representative: William P. Sullivan, 1818 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; and (2) *Returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, to South Volney, N.Y., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewer Company, 4000 West State St., Milwaukee, Wis. 53201. Send protests to: James D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 01103.

No. MC 142376TA, filed August 27, 1976. Applicant: BILLY A. LAMBERT TRUCKING, Route 3, Box 220B, Staunton, Va. 24401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk, in dump vehicles, from the plantsite of Harry T. Campbell & Sons Quarry, located at or near Westminster, Md., to Black Marble Quarry,

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in Harrisonburg, Va., under a continuing contract with The Frazier Quarry, Inc., for 180 days. Supporting shipper: The Frazier Quarry, Inc., P.O. Box 695, Harrisonburg, Va. 22801. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 142378TA, filed August 26, 1976. Applicant: CENTRAL DISPATCH, INC., 650 Manhattan St., Harvey, La. 70058. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine or motor parts and equipment and parts thereof* used in ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels, between points in the Parishes of Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge, Calcasieu Parish, Louisiana, Harrison County, Miss., Orange and Jefferson Counties, Tex., Bay Town, Houston, Galveston, Corpus Christie, Texas City and Freeport, Tex., restricted to traffic moving in foreign commerce and under U.S. Custom bond, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 143279TA, filed August 27, 1976. Applicant: TULOMA, INC., 2901 Dawson Road, Tulsa, Okla. 74110. Applicant's representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper articles, rods, cathodes and ingots*, on flat bed trailers, from Port of Catoosa, Okla., to Shawnee, Okla., under a continuing contract with Wolverine, UOP Inc., for 180 days. Supporting shipper: Wolverine, UOP Inc., F. R. Petru, Traffic Supervisor, 2901 Dawson Road, Tulsa, Okla. 74110. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26391 Filed 9-8-76;8:45 am]

[Notice No. MC-C-4000 (Sub-No. 6)]

MOTOR TRANSPORTATION OF PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

Chicago O'Hare Airport Terminal Area; Petition To Extend Exempt Zone

Petitioner: Hammond Yellow and Checker Cab, Inc., doing business as, Airport Limousine Service, Hammond, Ind., Petitioner's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. By the instant petition, filed May 17, 1976, the above named petitioner requests the Commission to reopen the proceeding in MC-C-4000, 95 M.C.C. 526 at pages 538-539, for the purpose of redefining the limits of the zone within which may be performed motor transportation of passengers having an immediately prior or subsequent movement by air, pursuant to section 203(b)(7a) of the Interstate Commerce Act, within the Chicago O'Hare International Airport air terminal area so as to include all points in Lake and Porter Counties, Ind. The limits of terminal areas at airports within which such transportation may be performed under the section 203(b)(7a) exemption were defined on July 17, 1964, in Motor Transportation of Passengers Incidental to Transportation by Aircraft, 95 M.C.C. 526, at pages 538-539 (49 CFR 1047.45). Petitioner here seeks to have the exemption redefined to include all points in Lake and Porter Counties, Ind.

Petitioner states that it has been conducting passenger terminal operations for a number of years but has found that numerous passengers utilizing the Chicago O'Hare facilities for transportation do, in fact, originate at various points in Lake and Porter Counties which are beyond the exempt area.

No oral hearing is contemplated at this time but any interested person wishing to make representations in favor of or in opposition to the relief sought by the petition may do so by submitting written statements. All such persons, including motor carriers, air carriers, shippers and receivers of freight, and others, whether or not subject to the Commission's jurisdiction, are invited to submit representations setting forth any facts or argument pertinent to the proper scope of the exempt zone surrounding the O'Hare International Airport at Chicago, Ill.

An original and 15 copies, where possible, of representations containing data, views, or arguments shall be filed with the Commission on or before November 8, 1976. One copy of each representation should be served upon petitioner's representative shown above.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th & Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26400 Filed 9-8-76;8:45 am]

[Volume No. 47]

SEPTEMBER 3, 1976.

Permanent authority petitions and applications; finance matters (including temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before October 12, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 121630 (Sub-No. 3) (Notice of Filing of Petition to Remove Restriction), filed May 17, 1976. Petitioner: LEMORE TRANSPORTATION, INC., doing business as: ROYAL TRUCKING CO., 1420 Royal Industrial Way, P.O. Box 6085, Concord, Calif. 94524. Petitioner's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* Certificate in No. MC 121630 (Sub-No. 3), issued July 26, 1976, authorizing transportation over irregular routes, of (1) *Dry commodities*, in bulk, in dump or hopper-type vehicles (except earth, sand, loam, gravel, stone, cement, asphalt, and cement or asphalt mixes), between points in Solano, Contra Costa and Alameda Counties, Calif., on the one hand, and, on the other, Pittsburg, Benicia, Selby, Richmond, Oakland, and Alameda, Calif.; and (2) *General commodities* (except (a) commodities of unusual value, (b) classes A and B explosives, (c) household goods as defined by the Commission, (d) commodities requiring special equipment, (e) commodities in vehicles equipped with mechanical refrigeration, (f) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids, in bulk, in tank vehicles, (g) earth, sand, loam, gravel, stone, cement, asphalt and cement or asphalt mixes, in bulk, in dump or hopper-type vehicles, (h) logs, and (i) fresh fruits and vegetables), between points in San Francisco, Alameda, and Contra Costa County, Calif., which are on and east of California Highway 82, those points in Santa Clara County, Calif., which are on, north, and west of California Highways 17 and 82, and those points in Solano County, Calif., which are bounded by a line beginning at the junction of Interstate Highway 680 and the Solano-Contra Costa, Calif., County line, and extending along Interstate Highway 680 to junction Interstate Highway 80, thence extending along Interstate Highway 80 to junction of the Solano-Contra Costa, Calif., County line, and thence extending along the Solano-Contra Costa, Calif., County line to the point of beginning (i.e. the junction of said county line and Interstate Highway 680), including points on the said line, restricted in (1) and (2) above, to or from San Francisco, Calif., to the transportation of traffic having a prior or subsequent movement by water.

By the instant petition, petitioner seeks to delete the restriction from the above authority.

No. MC 140540 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed August 19, 1976. Petitioner: L. MONTGOMERY, INC., 4 Tilton Ave., Red Bank, N.J. 07721. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 140540 (Sub-No. 1), issued March 2, 1976, authorizing transportation over irregular routes, of *styrofoam products, plastic lids, plastic tumblers, plastic plates, and plastic utensils*, from the facilities of Thompson Industries Co., located at New Shrewsbury, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, under a continuing contract, or contracts, with Thompson Industries Co.

By the instant petition, petitioner seeks (1) to modify the commodity description by submitting "styroproducts" in lieu of "styrofoam products"; (2) to add Alexander, Va. and Milford, N.H. as additional origin points: and (3) to add Alexander, Va., Milford, N.H., and New Shrewsbury, N.J. as additional destination points to the above authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 4966 (Sub-No. 20), filed August 2, 1976. Applicant: JONES TRANSFER COMPANY, 300 Jones Avenue, Monroe, Mich. 48161. Applicant's representative: Thomas M. Hummer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and household goods as defined by the Commission), serving the plantsite and facilities of Molmec, Inc., located at Fowlerville, Mich., as an off-route point in connection with applicant's existing regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., Chicago, Ill. or Washington, D.C.

No. MC 8535 (Sub-No. 58), filed August 3, 1976. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, paperboard and paperboard articles* (except commodities in bulk), from Chesapeake and Lynchburg, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 375), filed July 30, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite and facilities of Masonite Corporation located in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 22195 (Sub-No. 168), filed August 2, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc. located at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Sioux Falls, S. Dak.

No. MC 29886 (Sub-No. 332), filed July 28, 1976. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van delivery vehicles and motor homes*, in truckaway and driveaway service, from Forest City, Iowa to points in Illinois, Indiana, Michigan, Ohio and Wisconsin.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 29910 (Sub-No. 173), filed July 29, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire and wire products*, from Van Buren, Ark., to Reno, Nev., and points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee and Texas; and (2) *steel wire carriers*, from Reno, Nev., to Van Buren, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 36556 (Sub-No. 31), filed August 2, 1976. Applicant: BLACKMON TRUCKING INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal feed ingredients*, frozen, from the plantsite and storage facilities of Bydalek Fur Farms Inc. located in Kenosha County, Wis., to points in Illinois and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 42487 (Sub-No. 854), filed July 29, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, assembled automobiles, and those requiring special equipment): Serving Central City, Iowa, as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 44735 (Sub-No. 29), filed August 2, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connectors, and accessories* (except iron and steel pipe), from the plantsite of Armco Steel Corporation located at or near Springfield, Ill., to points in Iowa, Kansas, Missouri and Nebraska.

NOTE.—If a hearing is deemed necessary the applicant requests a consolidated hearing but does not specify a location.

No. MC 44735 (Sub-No. 30), filed July 30, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings* and *connections, valves, hydrants, and gaskets and related commodities*, used in the installation of plastic pipe and plastic conduit (except commodities as described in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of The Clow Corporation, located at or near Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant requests a consolidated hearing with other similar filed applications, but does not specify a location.

No. MC 51146 (Sub-No. 474), filed July 30, 1976. Applicant: SCHNEIDER TRANSPORT, INC. 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and printed matter*, between Marlin, Tex., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Ohio, Kentucky, Michigan Minnesota, and Wisconsin; and (2) *paper and paper products, and carbon paper ink* in semi-solid (non-fluid) form, between Brenham, Tex., on the one hand, and, on the other, points in Illinois Indiana, Iowa, Ohio, Kentucky, Michigan, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 131), filed August 2, 1976. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and their equipment of caps, covers and tops*, from the warehouse facilities utilized by Laurens Glass Company located at or near Greenville and Mauldin, S.C., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Indiana, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 57697 (Sub-No. 3), filed July 30, 1976. Applicant: LESTER SMITH TRUCKING, INC., 11460 West 44th Avenue, West Ridge, Colo. 80033. Applicant's representative: David J. Lister, P.O. Box 1125, Arvada, Colo. 80001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, farm machinery and used farm equipment*, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo. or Omaha, Nebr.

No. MC 61231 (Sub-No. 94), filed August 2, 1976. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings and couplings, connectors and accessories for pipe* (except iron or steel pipe), from the plantsite of Armco Steel Corporation located at or near Springfield, Ill., to points in Iowa, Kansas, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Springfield, Ill.

No. MC 61396 (Sub-No. 313), filed August 2, 1976. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries located at or near Barnesville and Benson, Minn., to points in Minnesota, North Dakota, Montana, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. MC 69116 (Sub-No. 186), filed August 2, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and warehouse facilities of Aerofin Corporation, located at or near Amherst, Va., as an off-route point in connection with applicant's previously authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 80430 (Sub-No. 158), filed July 27, 1976. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: Drew L. Carraway, 501 Perpetual Bldg., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Iuka, Miss. and Memphis, Tenn. serving all intermediate points on U.S. Highway 72 from Iuka to junction Mississippi Highway 15: From Iuka, Miss. over U.S. Highway 72 to Memphis, Tenn., and return over the same route; (2) Between Columbus, Miss. and Corinth, Miss. serving all intermediate points: (a) From Columbus over U.S. Highway 45 to Corinth, Miss., and return over the same route: and (b) From Columbus over U.S. Highway 82 to junction U.S. Highway Alternate 45, thence over U.S. Highway Alternate 45 to junction U.S. Highway 45 and return over the same route: (3) Between Columbus, Miss. and Brownfield, Miss. serving all intermediate points:

From Columbus, Miss., over U.S. Highway 82 to junction Mississippi Highway 15, thence over Mississippi Highway 15 to Brownfield, Miss., and return over the same route; (4) Between Columbus, Miss. and Iuka, Miss. serving all intermediate points: From Columbus, Miss. over U.S. Highway 45 to junction Mississippi Highway 25 to Iuka, Miss., and return over the same route; (5) Between junction Mississippi Highway 15 with Mississippi Highway 32, and junction Mississippi Highway 32 with U.S. Highway Alternate 45 serving all intermediate points: From junction Mississippi Highway 15 and Mississippi Highway 32, thence over Mississippi Highway 32 to junction Mississippi Highway 32 and U.S. Highway Alternate 45, and return over the same route; and (6) Between Tremont, Miss. and Atlanta, Ga., serving no intermediate points: From Tremont, Miss. over U.S. Highway 78 to junction U.S. Highway 278 via Hamilton, Ala. thence over U.S. Highway 278 to junction Alabama Highway 5 via Natural Bridge, Ala., thence over Alabama Highway 5 to junction U.S. Highway 78 via Jasper, Ala., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route serving all points in that part of Mississippi bounded on the east by the Mississippi-Alabama State line, on the north by the Mississippi-Tennessee State line, on the west by Mississippi Highway 15, and on the south by U.S. Highway 82, including points on the indicated portions of Mississippi Highway 15 and U.S. Highway 82, as off route points in connection with applicant's regular route operations requested above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tupelo, Miss. and Orlando, Fla.

No. MC 82492 (Sub-No. 135), filed July 30, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Karns City, Pa., to points in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

Mo. MC 82841 (Sub-No. 181), filed August 2, 1976. Applicant: HUNT TRANSPORTATION, INC., 1077 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe, fittings and accessories* necessary for the installation thereof, from Van Buren, Ark., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 82841 (Sub-No. 182), filed August 2, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead and alloys*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii): (2) *materials and supplies* (except in bulk) used in the manufacture and distribution of lead alloys, from points in the United States (except Alaska and Hawaii), to Omaha, Nebr.; and (3) *dore bullion*, from Omaha, Nebr. and Tacoma, Wash., to Armarillo, Tex., restricted in (1), (2), and (3) above to the transportation of shipments originating at or destined to the facilities of Asarco, Incorporated, located at Omaha, Nebr.; Tacoma, Wash.; and Amarillo, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 82841 (Sub-No. 183), filed August 2, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connectors and accessories* (except iron and steel pipe), from the plantsite of Armco Steel Corporation located at or near Springfield, Ill., to points in Iowa, Kansas and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Springfield, Ill.

No. MC 87909 (Sub-No. 25), filed July 29, 1976. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis-St. Paul, Minn., and points in their respective commercial zones, and Rochester, Minn., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving Rochester, Minn., for joinder purposes only: From Minneapolis-St. Paul, Minn., over Minnesota Highway 55 to junction U.S. Highway 52, thence over U.S. Highway 52 to Rochester, Minn., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 94350 (Sub-No. 366), filed July 30, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings* in sections, mounted on wheeled undercarriages, from points in Columbia and Leon Counties, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 103051 (Sub-No. 376), filed August 4, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulfamate*, from Eufaula, Ala., to Dunbarton, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 103051 (Sub-No. 377), filed Aug. 4, 1976. Applicant: FLEET TRANS-

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PORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry slag*, in bulk, in tank or hopper type vehicles, from Carrollton, Ga., to Ozark, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 106195 (Sub-No. 9), filed July 23, 1976. Applicant: CLARK BROS. TRANSFER, INC., 800 North First St., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from Chicago, Alton and Sterling, Ill.; Kansas City and St. Louis, Mo.; and Wilton Junction, Iowa, to Norfolk, Nebr.; and (2) *ferrous scrap metal*, from points in Colorado, Illinois, Iowa, Kansas, Minnesota, South Dakota, Wyoming, and points in that part of Missouri on and north of Interstate Highway 70, to the Nucor Steel Mill located at or near Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106398 (Sub-No. 746), filed August 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single wide and double wide mobile homes*, in initial movements, in truckaway service, from Adams County, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 747), filed August 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in initial movements, in truckaway service, from Wood County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 106398 (Sub-No. 749), filed August 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in initial movements, in truckaway service, from points in Cumberland and Montgomery Counties, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 106398 (Sub-No. 751), filed Aug. 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, irrespective of their intended use, in initial movements, in truckaway service, from points in Pulaski and White Counties, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 106398 (Sub-No. 752), filed August 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, irrespective of their intended use, in initial movements, in truckaway service, from points in Lincoln, Montgomery, and Vance Counties, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106433 (Sub-No. 10), filed August 5, 1976. Applicant: ANTRIM TRANSPORTATION CO., INC., 7–11 Suffern Place, Suffern, N.Y. 10901. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Midland Glass Company, Inc., located at or near Cliffwood, N.J., to points in New York; and (2) *returned shipments*, from points in New York, to the origin point named in (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York.

No. MC 106775 (Sub-No. 41), filed July 29, 1976. Applicant: ATLAS TRUCK LINE, INC., 761 San Jacinto Bldg., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Thomas Harper, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire and wire products;* and (2) *steel wire carriers*, (a) from Van Buren, Ark., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas and Reno, Nev.; and (b) from Reno, Nev., to Van Buren, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 107403 (Sub-No. 982, filed August 3, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur hexafluoride*, in bulk, in shipper provided trailers, from Metropolis, Ill., to East Chicago, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C

No. MC 107496 (Sub-No. 1040), filed August 2, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster and plaster products*, in bulk, in tank vehicles, from the facilities of Georgia Pacific Corporation located at or near Fort Dodge, Iowa, to points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 107515 (Sub-No. 1018), filed August 2, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles and paper products*, from the plantsite and warehouse facilities of Union Camp Corporation, located at or near Franklin, Va., to points in Chicago, Ill., and its Commercial Zone; Indiana on and north of U.S. Highway 40; Michigan on and south of Michigan Highway 21, and points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 127), filed August 2, 1976. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina,

Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Roanoke, Va.

No. MC 107715 (Sub-No. 9), filed August 2, 1976. Applicant: DUQAL, LTD., 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potting soil and pesticides* (except in bulk), *and pottery* in mixed loads with feeds and fertilizers, from points in and south of Fresno, Inyo, Monterey and San Benito Counties, Calif., to points in Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 107993 (Sub-No. 47), filed August 2, 1976. Applicant: J. J. WILLIS TRUCKING CO., 2608 Electronic Lane, Dallas, Tex. 75220. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe, fittings, and couplings*, from the plantsite and storage facilities of Cement Asbestos Products Company located at or near Van Buren, Ark., to points in Arizona, California, Colorado, North Dakota and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Dallas, Tex.

No. MC 109692 (Sub-No. 40), filed August 2, 1976. Applicant: GRAIN BELT TRANSPORTATION CO., INC., 340 North James, Kansas City, Kans. 66118. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo, 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connectors, and accessories* (except iron and steel pipe), from the plantsite of Armco Steel Corporation located at or near Springfield, Ill., to points in Iowa, Kansas, Missouri, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Springfield, Mo.

No. MC 110144 (Sub-No. 18), filed July 30, 1976. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, P.O. Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between points in Tennessee on and east of U.S. Highway 27, on the one hand, and, on the other, points in Bradley, McMinn, Meigs and Monroe Counties, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland or Athens, Tenn.

No. MC 110191 (Sub-No. 28), filed July 23, 1976. Applicant: TURNER'S EXPRESS, INC., 1300 Shelton Avenue, Norfolk, Va. 23502. Applicant's representative: D. L. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and Classes A and B explosives), between Norfolk, Va. and its Commercial Zone, and Chesapeake, Nansemond, Portsmouth, Virginia Beach, Va. and their Commercial Zones, and points in Accomack, James City, Northampton, and York Counties, Va. and points in Camden, Currituck, Gates and Pasquotank Counties, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Norfolk, Va. or Washington, D.C.

No. MC 110563 (Sub-No. 186), filed Aug. 3, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Compressed fireplace logs and related advertising materials and display racks*, in mixed loads with compressed fireplace logs, from Suffolk, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Coralina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (B) *compressed fireplace logs, char and charcoal briquettes, and wood blocks, woodchips, sawdust, fuel lighting, liquids, flavoring sticks or pellets, vermiculite* (other than crude), *perlite* (other than crude), and *related advertising materials and display racks*, when shipped with char and charcoal briquetts, and fireplace logs, from Marion, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111045 (Sub-No. 131), filed Aug. 2, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate and sodium sulfite and mixtures thereof*, dry, in bulk, in tank vehicles, from Montgomery, Ala., to points in Alabama, Connecticut, Delaware, Illinois, (except the East St. Louis Commercial Zone), Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri (except the St. Louis Commercial Zone), New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, (except points in Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery and Paris Counties), Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Reichhold Chemicals, Inc., at Montgomery, Ala., and destined to the destination territory described above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 111045 (Sub-No. 132), filed August 4, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn, cane and beets, and blends* of said commodities, in bulk, from the plantsite and warehouse facilities of The Amalgamaize Company, located at or near Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Mobile or Montgomery, Ala.

No. MC 111231 (Sub-No. 202), filed July 29, 1976. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire and wire products*, from Van Buren, Ark., to Reno, Nev., and points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas; and (2) *steel wire carriers*, from Reno, Nev., to Van Buren, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

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No. MC 111729 (Sub-No. 673), filed August 3, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers, decorative greens, and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between points in Arizona, restricted to traffic having an immediately prior or subsequent movement by air or motor vehicle.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 674), filed August 4, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media* of all kinds, *and blue prints*, (1) between Richmond, Va., on the one hand, and, on the other, Bristol, Chattanooga, Cleveland, Dyersburg, Harriman, Jackson, Knoxville, Memphis, Morristown, Nashville, and Shelbyville, Tenn., and Dover, Del.; and (2) between Monroe, Mich., on the one hand, and, on the other, Monett, Mo., Harrisburg, Va. and Wausau, Wis.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 110), filed August 4, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe or conduit, and fittings, connections, valves, hydrants, gaskets, materials, and supplies*, used in the installation thereof, from the plantsite and shipping facilities of the Clow Corporation, at or near Pell City, Ala., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113325 (Sub-No. 145 (Amendment), filed July 1, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished as amended this issue. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of Chemical Interchange Co. located at or near Blytheville, Ark.; Depue, Marseilles, and Wood River, Ill.; Flint, Grand Rapids, Kalamazoo, Mt. Clemens, Port Huron, and Warren, Mich.; and Louisiana, Mo.; and points within 5 miles of each of the named points, to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin.

NOTE.—The purpose of this republication is to indicate the amended origin territory. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 114045 (Sub-No. 446), filed July 27, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linoleum and adhesive materials*, in vehicles equipped with mechanical refrigeration, from Salem, N.J., to Corpus Christi, Laredo, and San Antonio, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 114211 (Sub-No. 278), filed July 21, 1976. Applicant: WARREN TRANSPORT, INC. 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, millworks, forest products and such commodities* as are manufactured or distributed by lumber mills and lumber yards, from points in the United States (except Alaska and Hawaii), to ports of entry on the International Boundary line between the United States and Canada, located at or near Pembina and Dunseith, N. Dak., and Noyes, Minn., restricted to traffic moving to the Provinces of Manitoba, Saskatchewan and Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak. or Minneapolis, Minn., with similar application of Arnold Bros. Transport, Ltd.

No. MC 114211 (Sub-No. 280), filed August 2, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and pallets*, from the plantsite and facilities of Smith Pallet Company, Inc. located at or near Hatfield, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Smith or Little Rock, Ark.

No. MC 114211 (Sub-No. 281), filed July 29, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, fiberboard, gypsum board, particleboard, moldings, beams, laminated products and building materials*, from Boise, Idaho, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing at either Boise or Pocatello, Idaho.

No. MC 114293 (Sub-No. 4), filed August 4, 1976. Applicant: SOUTHARD TRUCKING CO., INC., P.O. Box 326, Clinton, Ind. 47842. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from points in Clark County, Ill., to points in Clay, Park, Sullivan, Vermillion and Vigo Counties, (a New York corporation).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 115495 (Sub-No. 31), filed July 26, 1976. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representative: S. Harrison Kahn, 733 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between the premises of Montgomery Ward's Catalog Houses in Oakland, Calif.; Denver, Colo.; Chicago, Ill.; St. Paul, Minn.; Kansas City, Mo.; Portland, Oreg.; and Ft. Worth, Tex.; on the one hand, and, on the other, points in Arizona, Arkansas, Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, New Mexico, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. (2) Between points in Pennsylvania, Virginia, and West Virginia within ten miles of the Pennsylvania-Ohio, Virginia-Kentucky, Virginia-North Carolina, Virginia-Tennessee, and the West Virginia-Kentucky States lines, on the one hand, and, on the other, points in Arizona, Arkansas, Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, New Mexico, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to packages originating at, or destined to the premises of Montgomery Ward's Catalog Houses in Oakland, Calif.; Denver, Colo.; Chicago, Ill.; Baltimore, Md.; St. Paul, Minn.; Kansas City, Mo.; Albany, N.Y.; Portland, Oreg.; and Ft. Worth, Tex.; and further restricted to packages having an immediately prior or, subsequent movement by United Parcel Service, Inc. a New York corporation.

(3) Between the premises of Sears, Roebuck and Co. Catalog Merchandise Distribution Centers and their associated warehouses in Los Angeles, Calif.; Jacksonville, Fla.; Atlanta, Ga.; Chicago and Elk Grove Village, Ill.; Minneapolis, Minn.; Kansas City, Mo.; Greensboro, N.C.; Columbus, Ohio; Memphis, Tenn.; Dallas, Tex.; and Seattle, Wash.; on the one hand, and, on the other, points in Arizona, Arkansas, Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, New Mexico, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin; and Wyoming and (4) Between points in Pennsylvania, Virginia, and West Virginia, within ten miles of the Pennsylvania-Ohio, Virginia-Kentucky, Virginia-North Carolina, Virginia-Tennessee, and West Virginia-Kentucky States lines, on the one hand, and on the other, points in Arizona, Arkansas, Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, New Mexico, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to packages originating at, or destined to the premises of Montgomery Ward's Catalog Houses in Oakland, Calif.; Denver, Colo.; Chicago, Ill.; Baltimore, Md.; St. Paul, Minn.; Kansas City, Mo.; Albany, N.Y.; Portland, Oreg.; and Ft. Worth, Tex.; and further restricted to packages having an immediately prior or, subsequent movement by United Parcel Service, Inc. a New York corporation.

(3) Between the premises of Sears, Roebuck and Co. Catalog Merchandise Distribution Centers and their associated warehouses in Los Angeles, Calif; Jacksonville, Fla.; Atlanta, Ga.; Chicago and Elk Grove Village, Ill.; Boston, Mass.; Minneapolis, Minn.; Kansas City, Mo.; Greensboro, N.C.; Columbus, Ohio; Memphis, Tenn.; Dallas, Tex.; and Seattle, Wash.; and further restricted to packages having an immediately prior or subsequent movement by United Parcel Service, Inc., (a New York corporation).

Restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds contract carrier authority in MC 13426 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116200 (Sub-No. 9), filed July 26, 1976. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, N.Y. 10036. Applicant's representative: S. Harrison Kahn, 733 Investment Bldg., 1511 K Street, NW., Wasington, D.C./20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between the premises of Montgomery Ward's Catalog Houses in Albany, N.Y., and Baltimore, Md., on the one hand, and on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. (2) between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to packages originating at, or destined to the premises of Montgomery Ward Catalog Houses in Baltimore, Md.; Albany, N.Y.; Chicago, Ill.; Denver, Colo.; Ft. Worth, Tex.; Kansas City, Mo.; Oakland, Calif.; Portland, Oreg.; and St. Paul, Minn., and further restricted to packages having an immediately prior or subsequent movement by United Parcel Service, Inc. (an Ohio Corporation).

(3) Between the premises of Sears, Roebuck and Co. Catalog Merchandise Distribution Centers and their associated warehouses in Philadelphia, Pa. and Boston, Mass., on the one hand, and on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia; and (4) between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to packages originating at, or destined to the premises of Sears, Roebuck and Co. Catalog Merchandise Distribution Centers and their associated warehouses in Philadelphia, Pa.; Boston, Mass.; Greensboro, N.C.; Atlanta, Ga.; Jacksonville, Fla.; Memphis, Tenn.; Columbus, Ohio; Chicago and Elk Grove Village, Ill.; Minneapolis, Minn.; Kansas City, Mo.; Dallas, Tex.; Los Angeles, Calif. and Seattle, Wash., and further restricted to packages having an immediately prior or subsequent movement by United Parcel Service, Inc. (an Ohio Corporation). Restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds contract carrier authority in MC 63063 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117119 (Sub-No. 539), filed July 29, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed edible flour* (except commodities in bulk), (1) from the plantsite of Modern Maid Food Products located at Vernon, Calif., to the plantsite of Modern Maid Food Products located at Ponchatoula, La.; (2) from the plantsite of Modern Maid Food Products located at Ponchatoula, La., to Brownsville and Amarillo, Tex.; and (3) from the plantsite of Modern Maid Food Products located at Ponchatoula, La., to Miami, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at New Orleans, La.

No. MC 117119 (Sub-No. 590), filed July 29, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, from the facilities of Morton Frozen Foods located at Crozet, Va., to the facilities of Morton Frozen Foods located at Russellville, Ark.; (B) *frozen foods*, from Buffalo, N.Y., to the facilities of Morton Frozen Foods located at Russellville, Ark.; and (C) *prepared flour* (except in bulk), from Minneapolis, Minn., to the facilities of Morton Frozen Foods located at Russellville, Ark., restricted in (A), (B) and (C) to traffic originating at the named origins points and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 117765 (Sub-No. 211), filed July 30, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Scrap or waste paper, paper, and paper products,* for recycling, from points in Iowa and Nebraska, to the plantsite of United States Gypsum Company, at North Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117820 (Sub-No. 9), filed August 2, 1976. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Processed fish,* in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of Vita Food Products, Inc., located in Chicago, Ill., to points in Maryland, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC 141918 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 184), filed July 30, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, those of unusual value, explosives, commodities in bulk, household goods, and those requiring special equipment), (1) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) from points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to shipments originating at the above named origins and destined to the facilities of or utilized by Gamble Skogmo, Inc., and its subsidiaries, at the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 118202 (Sub-No. 60), filed July 27, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Candy and cherries,* from Winona, Minn., to Atlanta, Ga.; Boston, Mass.; Charlotte, N.C., and points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, and Pennsylvania, restricted to shipments originating at the plantsites of and warehouse facilities utilized by Schuler Cholcolates, Inc.; located at Winona, Minn., and destined to the destination points named above; (b) *new furniture,* in containers, from Arcadia, Wis., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the plantsites of and warehouse facilities utilized by Ashley Furniture Corporation, located at Arcadia, Wis., and destined to the destination points named above; (c) *radio, phonograph, television, and stereo cabinets, record changer bases, and speaker boxes,* (1) from Winona and Red Wing, Minn., to points in that part of the New York, New York Commercial Zone as defined in *Commercial Zones and Terminals Areas,* 111 M.C.C. 123, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act ("The Exempt Zone") and to Los Angeles, Calif.

(2) from Winona and Red Wing, Minn., to Seattle, Wash.; Jessup, Md., and points in Massachusetts, (3) from Red Wing and Winona, Minn., to Atlanta, Ga.; Dallas, Tex.; and Miami and Tampa, Fla.; and (4) from Arcadia, Wis., to Chatsworth, City of Industry, and Pacoima, Calif.; Miami, Fla.; Atlanta, Ga.; Boston, Braintree, Cambridge, and Framingham, Mass.; Bayonne and Jersey City, N.J.; Brooklyn and Glendale, N.Y.; and Dallas, Tex., restricted in (1), (2), (3), and (4) above to shipments originating at the plantsites of and warehouse facilities utilized by Winona Industrial Sales Corp. at said named origins and destined to the destination points named above; (d) (1) *radio, phonograph, and stereo cabinets, record changer bases, and speaker boxes,* from Chetek, Wis., to Paterson, N.J.; Batavia, N.Y.; Smithfield, N.C.; Indianapolis, Ind.; Sioux City, Iowa; and Los Angeles, Calif.; and points in Kings County, N.Y.; (2) new furniture, in containers, from Chetek, Wis., to points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above to shipments originating at the plantsites of and warehouse facilities utilized by A. B. C. Chetek, Inc., located at Chetek, Wis.

(e) (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Winona, Minn., to points in the United States (except Alaska and Hawaii); and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Massachusetts, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, to Winona, Minn., restricted in (1) above to shipments originating at the plantsites of and warehouse facilities utilized by Watkins Products, Inc., located at Winona, Minn., and restricted in (2) above to shipments originating in the origin territory named above and destined to Watkins Products, Inc., located at Winona, Minn.

NOTE.—Applicant states that the purpose of this application is to convert presently held permits as a contract carrier authority to certificates as a common carrier and to eliminate the issue of dual operations in pending and furture applications. Applicant presently holds extensive authority as a a common carrier. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis or St. Paul, Minn.

No. MC 118535 (Sub-No. 88), filed August 2, 1976. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Minerals, mineral mixtures, feed and fertilizer materials* and *compounds and ingredients thereof,* from Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118561 (Sub-No. 19), filed July 29, 1976. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Maryville, Tenn. 37801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk, in tank vehicles), in mechanically refrigerated equipment, in mixed loads with meats, meat products, meat by-products, and articles distributed by meat packinghouses, from the plantsite of Oscar Mayer & Co., Inc., at or near Goodlettsville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia; and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture, sale,

or distribution of foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses, from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia, to the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at or near Goodlettsville, Tenn., restricted in Part (1) above, to shipments originating at the named facilities and destined to points in States named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 119632 (Sub-No. 70), filed July 29, 1976. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of Ovaltine Products Company, located at or near Villa Park, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, the Lower Peninsula of Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia; and (2) *materials, equipment, and supplies* used or useful in the manufacturing, production, packaging, and distribution of the commodities described in (1) above (except commodities in bulk), from points in Connecticut, Delaware, Indiana, Kentucky, Maryland, the Lower Peninsula of Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to the plantsite and storage facilities of Ovaltine Products Company, located at or near Villa Park, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Chicago, Ill.

No. MC 119789 (Sub-No. 296), filed August 4, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sheet steel and plastic water coolers, plastic cooling boxes, plastic articles, hardware, paper drinking cups,* and *plastic faucets,* from Winfield, Kans., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Mississippi, Montana, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Dallas, Tex.

No. MC 119988 (Sub-No. 96), filed July 22, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, advertising matter, printed matter, and steel and paper cores,* from Brookfield and New Berlin, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, on rcturn.

NOTE.—Applicant holds contract carrier authority in No. MC 140271 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., Dallas, Tex., or Washington, D.C.

No. MC 119988 (Sub-No. 97), filed July 28, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles.

NOTE.—Applicant holds contract carrier authority in MC 140271 and subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 121496 (Sub-No. 2), filed July 22, 1976. Applicant: CANGO CORP., 110 Milam Building, Suite 2900, Houston, Tex. 77002. Applicant's representative: Eugene T. Liipfert, 1660 L Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, including, but not limited to (1) petroleum products listed in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 206 (1952), and (2) acetic anhydride; acetylene; acrylonitrile; aromatic distillate; alkyl-pyridine; aqua ammonia; butylene; butylene glycol; captan; chloroform; commercial cyclohexane; cyanhydrine; D.D.T. (technical); diallyl phthalate; dichloroisopropyl ether; diethanollamine; diethylene glycol; dimethyl formamide; dimethylamine; dinonyl phenol; dipropylene glycol; durene; ethane; ethyl chloride; "ethyl" fluid; ethylene amines; ethylene dibromide; ethylene oxide; ethylidene dichloride; formalin; gasoline, synthetic; glycerin; glycerol dichlorohydrin; hexane; iso-butane; iso-pentane; isopropyl alcohol; ketone, methyl vinyl pyridine; liquid elemental sulphur; liquid latex; liquid sulphur; methyl chloroform; methyl chloride; methyl ethyl ketone; methyl ethyl-pyridine; methyl isobutyl carbinol; methyl isobutyl ketone; methylene chloride; methylethyl benzene; nonyl phenol; octanes; orthoxylene; paraformaldehyde; paraxylene; perchlorethylens; polyethylene glycol; polyglycol; polythene; polyvinyl chloride; propyl formcel; propylene dichloride; propylene glycol; propylene oxide; propionic acid; pseudocumene; solvesse 100 and 150; styrene-butadiene latex; tetraethylene glycol; tetrapropylene; trichlorethane; triethanolamine; triethylene glycol; and tripropylene glycol; (a) Between points Texas (except Brooks, Cameron, Chambers, El Paso, Hidalgo, Jefferson, Jim Hogg, Kenedy, Kleberg, Newton, Orange, Starr, Willacy and Zapata Counties, Tex.) (b) from points in Brooks, Cameron, Chambers, El Paso Hidalgo, Jefferson, Jim Hogg, Kenedy, Kleberg, Newton, Orange, Starr, Willacy and Zapata Counties, Tex., to points in Texas.

NOTE.—Applicant states that the purpose of this application is to convert its Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 121664 (Sub-No. 15), filed August 4, 1976. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, doing business as, HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: Gerald D. Colvin, Jr., 630 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transportings *Cement, lime and mortar mix,* from the facilities of National Cement Company, Inc., located at or near Ragland, Ala., and the facilities of Martin Marietta Cement, Southern Division, located at or near Roberta, Ala., to points in Florida, Georgia, Mississippi, Louisiana, Tennessee, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Mobile, Ala.

No. MC 123383 (Sub-No. 79), filed August 3, 1976. Applicant: BOYLE BROTHERS, INC., RD 2, Box 329 C, Medford, N.J. 08055. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from the plantsite and storage facilities of Armstrong Cork Company located at E. Hempfield Township (Lancaster County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia and District of Columbia, and *refused and rejected shipments* on return.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123675 (Sub-No. 3), filed June 24, 1976. Applicant: ELI I. SOLDIER AND JAMES J. SOLDIER, a partnership, doing business as SOLDIER BROS. AUTO BODY TRANSIT LINES, 614 Paine Avenue, Toledo, Ohio 43605. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway passenger car seats*, set up, wrapped, from Toledo, Ohio, to Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Lansing, Mich.

No. MC 12374 (Sub-No. 24), filed July 28, 1976. Applicant: BULTER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnace lining scrap or refuse* from points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to the plantsites of North American Refractories Co., located at or near Ironton, Ohio; White Cloud, Mich.; Mt. Union, Curwensville, Womelsdorf and Little Gap, Pa., and Farber, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Harrisburg, Pa.

No. MC 124004 (Sub-No. 34), filed August 5, 1976. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal poultry and pet feed ingredients and cracklings*, (1) between points in Delaware, Maryland and Virginia, on the one hand, and, on the other, points in North Carolina and South Carolina; (2) from points in New York, New Jersey and Pennsylvania, to points in South Carolina; (3) from points in Virginia, to points in Illinois, Indiana, Michigan, Minnesota, and Ohio and Wisconsin; and (4) from Silver City, N.C., Zanesville, Ohio, and Atlanta, Ga., to points in Connecticut, Delaware, Maryland, Massachussets, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 124211 (Sub-No. 278), filed August 2, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, and scrap, rubber, plastic, rubber and plastic products, and cellular products, and waste materials* (except liquids, in bulk), between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Washington, D.C.

No. MC 124896 (Sub-No. 15) (Correction) filed June 29, 1976, published in the FR issue of August 5, 1976, and republished, in part, as corrected this issue. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts, roasted peanuts and peanut products* (except in bulk, in tank vehicles), (5) from the facilities of Carolina Peanuts of Robersonville, Inc., located at or near Robersonville, N.C., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and the District of Columbia.

NOTE.—The purpose of this republication in part is to correct the territorial description in (5), which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125023 (Sub-No. 40), filed July 28, 1976. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Utica, N.Y., to points in Delaware, Maryland, North Carolina, Virginia and the District of Columbia; and (2) *empty malt beverage containers* in the reverse direction or on return.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 126736 (Sub-No. 90), filed August 2, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., P.O. Box 1559, 155 East 21st Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground dolomitic limestone* and *ground calcium limestone*, in bulk, in dump trailers, from points in Jackson County, Fla., to points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 127337 (Sub-No. 17), filed July 30, 1976. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper articles and plastic articles* (except in bulk, in tank vehicles), from Richmond, Va., and Woburn, Mass., to ports of entry on the International Boundary line between the United States and Canada, located in Maine, restricted to the transportation of shipments destined to points in the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128273 (Sub-No. 233), filed July 30, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fittings, fixtures, materials, equipment and supplies*, from Ferguson, Ky., to points in the United States (except Alaska, Hawaii, and Kentucky).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128570 (Sub-No. 19), filed July 30, 1976. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19899. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media, computerized billing forms, business documents and records related thereto*, between King of Prussia, Pa., on the one hand, and, on the other, points in New Castle, Kent and Sussex Counties, Del.

NOTE.—Applicant holds contract carrier authority in MC 115601 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129923 (Sub-No. 12), filed July 6, 1976. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Wheeler St., West Memphis, Ark. 72301. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts*, roasted, in containers, (except in bulk), from Sylvester, Ga., to

points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 133095 (Sub-No. 104), filed July 27, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chain saws, generators, pumps and lawn and garden equipment, related materials, accessories and supplies*, from Gastonia, N.C., to points in the United States in and west of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 133363 (Sub-No. 7), filed July 21, 1976. Applicant: WILLIAM T. HARRIS AND THEATRIS HARRIS, doing business as: HARRIS BROS. CO., 1317 49th St., Philadelphia, Pa. 19143. Applicant's representative: Morris J. Levin, 1620 Eye St., NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulated wire and lead terminals*, between the plants of Keystone Cable Corp. located in Philadelphia, Pa.; Detroit, Mich.; Dallas, Tex.; and Atlanta, Ga., under a continuing contract, or contracts, with Keystone Cable Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 134449 (Sub-No. 10), filed July 30, 1976. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby 2, British Columbia, Canada. Applicant's representative: Michael D. Duppenthaler, Rm 515, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from Visalia, Calif., to the ports of entry on the International Boundary line between the United States and Canada, located at or near Blaine, Lynden, and Sumas, Wash.; Eastport, Idaho; and Sweetgrass, Mont., restricted to shipments destined to Vancouver, B.C., and Calgary and Edmonton, Alberta, Canada, under contract with California Pretzel Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Los Angeles, Calif.

No. MC 134472 (Sub-No. 9), filed August 2, 1976. Applicant: RICHARD KUSTERMANN, doing business as KUSTERMANN TRUCK SERVICE, R.R. #2, Highland, Ill. 62249. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, foods and foodstuffs and paper and plastic supplies* used by drive-in restaurants and dairy stores, in containers in vehicles equipped with mechanical refrigeration, from Granite City, Ill., to points in Tennessee; (2) *margarine*, from Osceola, Ark., to Granite City, Ill.; (3) *empty milk cartons*, from Sikeston, Mo., to Granite City, Ill.; (4) *chocolate syrup*, from Humboldt, Tenn., to Granite City, Ill.; and (5) *cheese*, from Monett, Mo., to Granite City, Ill.; (1) through (5) above are for the account of and under a continuing contract, or contracts, with P.F.D. Supply Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 134534 (Sub-No. 10), filed August 2, 1976. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83330. Applicant's representative: Jay L. Depew, P.O. Box 961, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing house products*, from points in Gooding County, Idaho, to points in Cascade, and Silver Bow County, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, Salt Lake City, Utah or Denver, Colo.

No. MC 135007 (Sub-No. 54), filed June 23, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet lining and padding*, from Richmond, Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with William Volker and Company.

NOTE.—Applicant holds common carrier authority in No. MC 135078 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Omaha, Nebr.

No. MC 135444 (Sub-No. 3), filed July 2, 1976. Applicant: SOUTHERN OHIO TRUCK LINES, INC., 3585 Hamilton-Trenton Road, Hamilton, Ohio 45011. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products;* and *materials and supplies* (except commodities in bulk), used or useful in the production, manufacture and distribution of paper and paper products, (1) between West Carrollton, Ohio, on the one hand, and, on the other, Binghampton and Sidney, N.Y.; and (2) between Oneonta, N.Y., on the one hand, and, on the other, Jeffersonville, Ind.; Louisville, Ky. and Aurora, Columbus, Cincinnati, Dayton, and Toledo, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 135895 (Sub-No. 11), filed August 2, 1976. Applicant: DON RAY BOYD AND JACKIE ROGERS, a partnership, doing business as B & R DRAYAGE COMPANY, P.O. Box 8534, Battlefield Station, Jackson, Miss. 39204. Applicant's representative: Christopher A. Shapley, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast concrete products;* (2) *steel reinforcing bars, mesh and wire;* and (3) *articles* used in the manufacture, installation or construction of commodities described in (1) and (2) above, between the plantsites and warehouses of Con-Plex Corporation, a Division of U.S. Industries, Inc., located in Madison County, Miss. and points in Alabama, Arkansas, Louisiana, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 136008 (Sub-No. 75), filed Augut 2, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, caliche, ore, ready mix asphalt, aggregate, clinker, gypsum, clay and cement* mixed with aggregate in bulk, (1) between points in Colorado and Kansas (except points in Blue Rapids, Buffalo, and Chanute, Kans.; Baca, Bent, Crowley, Las Animas, and Prowers Counties, Colo.); (2) between points in Colorado and Oklahoma (except points in Baca; Bent, Crowley, Las Animas, and Prowers Counties, Colorado); (3) between points in Colorado and Texas (except points in Baca, Bent, Crowley, Las Animas, and Prowers Counties, Colo.); (4) between points in Kansas and Oklahoma (except points in Blue Rapids, Buffalo, and Chanute, Kans.; Craig and Ottawa Counties, Okla.; and Cherokee, Clark, Crawford, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearney, Meade, Morton, Seward, Stanton, and Stevens Counties, Kans.; Marble City, Sallisaw, and Stroud, Okla.); (5) between points in Kansas and Texas (except points in Cherokee, Clark, Crawford, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearney, Meade, Morton, Seward, Stanton, and Stevens Counties, Kans.); (6) between points in Oklahoma and Texas (except points in Freestone, Liberty, Navarro, Polk, and

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Walker Counties, Tex.; Marble City, Mill Creek, and Sallisaw, Okla.; Atoka, Beaver, Beckham, Bryan, Choctaw, Cimarron, Craig, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, McCurtain, Major, Ottawa, Pushmataha, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward Counties, Okla.; and (7) between points in Oklahoma, restricted in (1), (2) and (3) above against the transportation of gravel from Pueblo County, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136247 (Sub-No. 12) (correction), filed July 9, 1976, published in the FEDERAL REGISTER issue of August 12, 1976, and republished as corrected this issue. Applicant: WRIGHT TRUCKING, INC., 409 17th Street SW., Jamestown, N. Dak. 58401. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass beverage containers*, from Rosemont, Minn., to Jamestown, N. Dak., restricted to traffic originating at the plantsite and storage facilities of Brockway Glass Company, Inc., at Rosemont, Minn., and destined to the plantsite and storage facilities of Coca-Cola Bottling Co., at Jamestown, N. Dak.

NOTE.—The purpose of this amendment is to indicate the proper destination as Jamestown, N. Dak., in lieu of James, N. Dak. If a hearing is deemed necessary, applicant requests it be held at Fargo or Jamestown, N. Dak., or Minneapolis, Minn.

No. MC 136301 (Sub-No. 5), filed August 4, 1976. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 333, Millsboro, Del. 19966. Applicant's representative: Jack R. Turney, Jr., 2001 Massachusetts, Ave., NW., Washington, D.C. 20036. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Volney, N.Y., to Salisbury, Cambridge, and Centerville, Md.; points in Delaware; and points in Accomac and Northampton Counties, Va.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 136310 (Sub-No. 5) (amendment), filed June 1, 1976, published in the FEDERAL REGISTER issue of July 15, 1976, and republished as amended this issue. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, cereals, and seeds and grains*, in packages, from Seattle, Wash., to Portland, Oreg.; Phoenix, Ariz., and points in California; and (2) *bakery goods*, in packages, from Montebello, Calif., to Portland, Oreg.; Seattle, Wash; and Phoenix, Ari., for the account of, and under a continuing contract, or contracts, with Oroweat Foods Co., Grocery Products Div., located at Seattle, Wash. and Oroweat Baking Company, located at Montebello, Calif.

NOTE.—The purpose of this republication is to amend applicant's requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 136315 (Sub-No. 9), filed August 4, 1976. Applicant: OLEN BURRAGE TRUCKING, INC., Route No. 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from the plantsite of Crown Zellerbach Corporation, located at Joyce, La., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas; and (2) *posts, poles and piling*, from the plantsite of Crown Zellerbach Corporation, located at Urania, La., to points in Alabama, Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Illinois, Indiana, Oklahoma, Texas, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 123905 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 136489 (Sub-No. 2), filed August 2, 1976. Applicant: RALPH L. NORTON, Route 15, P.O. Box 27, Jericho, Vt. 05465. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Secaucus, N.J., and Fogelsville, Pa., to Burlington, Vt.; (2) *empty malt beverage containers*, from Burlington, Vt., to Secaucus, N.J., and Fogelsville, Pa.; (3) *soda*, from Burlington, Vt., to Claremont, N.H., and Malone and Ogdensburg, N.Y.; (4) *empty glass bottles*, from New York, N.Y., and Glenshaw, Pa., to Burlington, Vt.; and (5) *wine*, from Newark, N.J., and Long Island City, N.Y., to Burlington, Vt.; (1) through (5) above are under a continuing contract, or contracts, with Vermont Fruit & Grocery Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Burlington or Montpelier, Vt.

No. MC 138144 (Sub-No. 11), filed August 5, 1976. Applicant: FRED OLSON CO., INC., 6022 W. State Street, Milwaukee, Wis. 53213. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles;* and (2) *materials and supplies* used in the manufacture and distribution of electric motors and generators, from Earlville. Ill., to Wausau, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 138256 (Sub-No. 5), filed August 2, 1976. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal building materials*, from Minneapolis, Minn., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, under a continuing contract, or contracts., with Gifford-Hill Company, Inc.; and (2) *steel coil*, from points in California, Oregon, Utah, and Washington, to Minneapolis, Minn., under a continuing contract, or contracts, with Gifford-Hill Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Spokane, Wash.

No. MC 138741 (Sub-No. 24), filed August 4, 1976. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the plantsite, shipping and warehouse facilities of GAF Corporation, in Posey and Vanderburgh Counties, Ind., to points in Arkansas, Iowa. Kansas, Nebraska, Oklahoma, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139495 (Sub-No. 156), filed August 3, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal care products*, from the facilities of the Warner-Lambert Company, located at or near Milford and Orange, Conn., to the facilities of Warner-Lambert Company, located at or near Lititz, Pa.; Elk Grove Village, Ill.; Grand Prairie, Tex.; Anaheim, Calif.; and Milwaukee, Oreg., restricted to shipments originating at and destined to the facilities of the Warner-Lambert Company.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134592 (Sub-No. 9), filed August 2, 1976. Applicant: HERB MOORE AND HAZEL MOORE, doing business as H & H TRUCKING CO., 10360 North Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Robert G. Simpson, 1200 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, champagne, brandy, and malt beverages*, between points in California, on the one hand, and, on the other, points in Idaho, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., San Francisco, Calif., or Seattle, Wash.

No. MC 139858 (Sub-No. 8), filed July 22, 1976. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those which require the use of special equipment), from the warehouse and distribution facilities of American Standard, located at Hamilton, Ohio, to points in and west of Colorado, Montana, New Mexico, and Wyoming, under a continuing contract, or contracts, with American Standard, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Washington, D.C.

No. MC 140693 (Sub-No. 8), filed August 3, 1976. Applicant: BEER TRANSPORTATION COMPANY, a corporation, 1120 Germantown Ave., Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt, beverages*, in containers, and *related advertising materials*, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 141076 (Sub-No. 7), filed August 2, 1976. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, P.O. Box 388 D2, Hackettstown, N.J. 07840. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Newburgh, N.Y., to the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 140781, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141114 (Sub-No. 1), filed July 21, 1976. Applicant: RETAILERS DELIVERY FACILITY CO., INC., 901 Washington Street, Wilmington, Del. 19899. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden supplies, lawn ornaments, lawn tools, assembled garden trellises, patio blocks, curbstone, paving and construction materials, flower boxes, pots, and containers*, from points in the United States on and west of a line beginning at the mouth of the Hudson River where it joins the Atlantic Ocean, thence northerly along the east bank of the Hudson River, over U.S. Highway 9, to the International Boundary line between the United States and Canada, to points in the United States in and east of Arkansas, Iowa, Minnesota, Missouri, and Texas, under a continuing contract, or contracts, with Lawn & Garden Shops Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141141 (Sub-No. 4) (Amendment), filed July 2, 1976, published in the FEDERAL REGISTER issue of August 5, 1976, and republished as amended this issue. Applicant: NAVAJO LINE, INC., Route No. 1, Moncure, N.C. 27559. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except commodities in bulk), on special I-beam flatbed trailers with hydraulic unloaders, (1) from points in Chatham and Wake Counties, N.C., to points in Ohio and West Virginia; (2) from Nitro, W. Va., Coal Grove, Ohio and Minerva, Ohio, to points in North Carolina, South Carolina, and Virginia, and (3) from points in York County, S.C., to points in North Carolina, South Carolina, Virginia, and West Virginia, under a continuing contract, or contracts, with Cherokee Brick Company of North Carolina.

NOTE.—The purpose of this republication is (A) to indicate the correct name of the Applicant as "Navajo Line, Inc." in lieu of "Navajo Lines, Inc." as was previously published; and (B) to indicate in part (2) of the territorial description the origin point of Coal Grove, Ohio in lieu of Ironton, Ohio. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 141759 (Sub-No. 4), filed August 2, 1976. Applicant: OHIO PACIFIC EXPRESS, INC., 6914 Conservation Drive, Springfield, Va. 22153. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic articles and chemical compounds* (except in bulk, in tank or hopper vehicles), between Ottowa, Ill. and Morgantown, Parkersburg, and Washington, W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Delaware, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, under a continuing contract, or contracts, with Borg-Warner Chemicals.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141918 (Sub-No. 5), filed August 2, 1976. Applicant: AURELIA TRUCKING CO., a Corporation, 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Duluth, Minn., to points in Illinois, Indiana, and Michigan, restricted to a transportation service to be performed under a continued contract or contracts with Jeno's Inc., of Duluth, Minn.

NOTE.—Applicant holds common carrier authority in MC 117820 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., Chicago, Illinois of Washington, D.C.

No. MC 142071 (Sub-No. 1), filed July 28, 1976. Applicant: AMERICAN TERMINALS, INC., 1187 N. Kraemer, Anaheim, Calif. 92806. Applicant's representative: Stanley Gustafson, Suite 909, World Trade Center 333 S. Flower St., Los Angeles, Calif. 90071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool and flooring glazed and quarried tile products and related bonding materials*, (1) between the plantsites of Quality Marble and Tile Company, located in Atlanta, Ga., Baltimore, Md., Dallas, Tex., Englewood, Colo., Lenexa, Kans., Phoenix, Ariz., and Anaheim, North Hollywood, Sacramento, San Diego, and San Leandro, Calif.; (2) from the plantsites of U.S. Ceramics located in Houston, Miss., and Canton, Ohio, to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above; (3) from the plantsites of Chicago Mastics located in Hamilton, Ohio, to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above; and (4) from Miami, Fla., Mobile, Ala., and Long Beach, Los Angeles, Oakland, San Francisco and San Pedro, Calif., to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above, restricted against transportation between points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 142186 (Sub-No. 3), filed August 4, 1976. Applicant: WHEELS WEST, INC., 612 159th Place SE., Bellevue, Wash. 98008. Applicant's representative: Henry C. Winters, 100 IBM Building,

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Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tire shop equipment and supplies, and parts and accessories*, for automobiles, trucks, utility trailers, mobile homes, and for off-road pneumatic-tired machinery, from points in California, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin, to points in Idaho, Montana, Oregon, Utah, and Washington, restricted to a transportation service to be performed under a continuing contract or contracts, with Six Robblees' Inc., at Seattle, Wash., and Six Robblees', Inc., at Portland, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 142196 (Sub-No. 2), filed July 27, 1976. Applicant: THREE–B'S TRANSPORTATION, INC., 230 South 30th Street, Philadelphia, Pa. 19104. Applicant's representative: J. Michael Farrell, 1725 K Street, N.W., Suite 814, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such foods, commodities and equipment* as are used in connection with the operation of hotels, restaurants, and others engage in food operations, from the facilities of Buff-Hanley Paper Company, located at Baltimore and Columbia, Md.; Wood Ridge, N.J.; and Philadelphia, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia, under a continuing contract, or contracts, with Buff-Hanley Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 142207 (Sub-No. 1), filed July 29, 1976. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Rd., NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber and wood products*, from the facilities of Crown Zellerbach, located at or near Joyce, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 142308, filed July 23, 1976. Applicant: BOB FORMAN ASSOCIATES, INC., 3221 Commerce Street, Dallas, Tex. 75226. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, or in paper, polyurethane and/or sisal wrap, from Dallas, Houston and Lubbock, Tex., to points in Texas, restricted to traffic having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Greensboro or Charlotte, N.C. or Dallas, Tex.

No. MC 142314, filed July 21, 1976. Applicant: EVANS TRUCKING, INC., 52 Harrison Ave., Branford, Conn. 06405. Applicant's representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered shale* (aggregate), between Cohoes and Saugerties, N.Y., on the one hand, and, on the other, Westbrook, Conn., under a continuing contract, or contracts, with Westbrook Concrete Block Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or New York, N.Y.

PASSENGER APPLICATIONS

No. MC 59717 (Sub-No. 8), filed August 4, 1976. Applicant: JACKSONVILLE BUS LINE CO., a Corporation, 2106 East Cornell Street, Springfield, Ill. 62703. Applicant's representative: Melvin Routman, 300 Reish Building, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in charter and special operations, in all expense sightseeing and pleasure tours, between points in Hancock, McDonough, Fulton, Peoria, Tazewell, Mason, Menard, Sangamon, Cass, Brown, Schuyler, Adams, Morgan, Calhoun, Pike, Scott, Macoupin, Greene, Jersey, Montgomery, Madison, St. Clair, Logan, McLean and Dewitt Counties, Ill., Marion, Lewis and St. Louis Counties, Mo., including the St. Louis-East St. Louis, Mo.-Kans. Commercial Zone and Lee County, Iowa, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill. The application is filed with applicant's initial verified statements.

No. MC 84697 (Sub-No. 1), filed June 25, 1976. Applicant: LEIPHART BUS COMPANY, INC., R.D. No. 12, Hellam Branch, York, Pa. 17406. Applicant's representative: Penny Bonadonna, 141 E. Market Street, P.O. Box 709, York, Pa. 17405. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage*, in groups, in charter operations, between York, Pa., and points within 15 miles thereof, and points in New York, North Carolina, Ohio, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either York, Harrisburg or Philadelphia, Pa.

BROKER APPLICATION

No. MC 130198 (Sub-No. 1), filed August 2, 1976. Applicant: ROBERT GAVIN & ASSOCIATES, INC., 2258 South Kinnickinnic Avenue, Milwaukee, Wis. 53207. Applicant's representative: F. Thomas Olson, 211 West Wisconsin Avenue, Milwaukee, Wis. 53203. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Milwaukee, Wis., to sell or offer to sell the transportation by motor, rail, water or air carreirs, of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in round-trip, all-expense tours, beginning and ending at points in Adams, Brown, Calumet, Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Langlade, Lincoln, Manitowoc, Marathon, Marquette, Oneida, Outagamie, Ozaukee, Portage, Walworth, Waupaca, Waushara, Winnebago and Wood Counties, Wis., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Madison or Green Bay, Wis.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission on or before October 12, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC–F–12913. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL., 32203, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o Arthur S. Olick, 39th Floor, 630 Fifth Avenue, New York, N.Y., 10020, and for acquisition by IU TRANSPORTATION SERVICES, INC., 1105 N. Market St., Wilmington, Del., 19801, The Wilmington Tower, which is in turn controlled by IU INTERNATIONAL CORPORATION, The Wilmington Tower, 1105 N. Market St., Wilmington, Del., 19801, of control of such rights through the purchase. Applicants' attorneys: H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, PA., 19102, Roland Rice, Suite 501, Perpetual Bldg., Washington, D.C., 20004, and Fritz R. Kahn, 1660 L Street, NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in New Hampshire; between points in Rhode Island, on the one hand, and, on the other, points in New Hampshire, moving through Boston, Mass., and points within 10 miles of Boston, in Suffolk and Middlesex Counties; between points in that part of Maine, on and south of a line beginning at the New Hampshire-Maine State line, and extending along Maine Highway 16 to junction unnumbered highway (formerly portion Maine Highway 16) near Milo, thence along unnumbered highway to junction Maine Highway 6 (formerly portion Maine Highway 16) near Howland, thence along Maine Highway 6 to the United States-Canada Boundary line, at New Brunswick, on the one hand, and, on the other, points in that part of Massachusetts beginning at a point on and east of a line and extending in a general northerly direction along Massachusetts Highway 32 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction Massachusetts Highway 78, and thence along Massachusetts Highway 78 to the Massachusetts-New Hampshire State line, except points in Hampden County, and those on Cape Cod east and south of Cape Cod Canal; between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire, moving through Suffolk and Middlesex Counties, Mass., any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

NOTE.—Applicant does not intend to tack its irregular route authority with those of the vendor.

No. MC–F–12923. Authority sought for purchase by JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, TX 79106, of a portion of the operating rights of FAIRWAY TRANSIT, INC., N. 10 W. 24730 Highway TJ, Pewaukee, WI 53072, and for acquisition by JACK B. KELLEY, of Amarillo, TX 79106, of control of such rights through the purchase. Applicants' attorney: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, TX 78701. Operating rights sought to be transferred: *Liquid Oxygen, Liquid Nitrogen and Liquid Argon*, in tank vehicles, as a *common carrier* over irregular routes from Waukesha, Wisconsin, to points in Michigan, Indiana, Ohio, Illinois, Minnesota and Iowa, with no transportation for compensation on return except as otherwise authorized, with restriction. Vendee is authorized to operate as a *common carrier* in all the States in the United States including District of Columbia, but excluding Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC–123392 (Sub-No. 69) is a directly related matter.

No. MC–F–12946. Authority sought for purchase by BILKWAYS EXPRESS, CO., 830 Old Corlies Avenue, Neptune, N.J., 07753, of the operating rights of BENTON'S HARTFORD EXPRESS, INC., 1 Cooper Lane, Stafford Springs, CT., 06076, and for acquisition by WILLIAM J. KORTENHAUS, 510 Bowne Rd., Wayside, N.J., 07712, and ROBERT A. KORTENHAUS, 18 Pitney Ave., Spring Lake, N.J., 07762, of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT., 06117, and John L. Alfano and Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y., 10528. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–57346 (Sub No. 1) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC–73616 (Sub-No. 3) is a directly related matter.

No. MC–F–12947. Authority sought for control and merger by McLEAN TRUCKING CO., 617 Waughtown Street, P.O. Box 213, Winston-Salem, NC 27102, of the operating rights and property of CRESCENT MOTOR LINE, 7105 Lone Oak Road, Spartanburg, SC 29302, of control of such rights and property through the transaction. Applicants' attorneys: David G. Macdonald, Esq., Macdonald, & McInerny, 1000 16th Street, NW., Washington, D.C., 20036 and Horace L. Bomar, Esq., Suite 305, Montgomery Building, Spartanburg, S.C., 29301. Operating rights sought to be controlled and merged: *Commodities generally*, except those of unusual value, and except dangerous explosives (other than small-arms ammunition), livestock household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, loose-bulk commodities, and those requiring special equipment, as a *common carrier* over irregular routes from Charleston, S.C., Savannah and Port Wentworth, Ga., to points and places in Spartanburg and Greenville, Cys., S.C., and return with no transportation for compensation, except as otherwise authorized; *Textile Products, Bagging, Bags and Cotton-Baling Ties*, from points and places in Anderson, Greenville, Spartanburg, and Union Cy., S.C., and Savannah and Port Wentworth, Ga., and return with no transportation for compensation, except as otherwise authorized; *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Spartanburg and Lyman, S.C., on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina within 100 miles of Spartanburg; *Calcium carbide*, in containers, limited to shipments weighing not less than 20,000 pounds each from any one consignor, from Ivanhoe, Va., and points within 2 miles of Ivanhoe, to points in North Carolina and South Carolina; and *Empty calcium carbide containers*, from the above specified destination points to Ivanhoe, Va., and points within 2 miles of Ivanhoe; *Canned goods*, limited to shipments weighing not less than 20,000 pounds each from any one consignor, from points in Spartanburg County, S.C., except Spartanburg and Lyman, to points in North Carolina within 100 miles of Spartanburg, with no transportation for compensation on return except as otherwise authorized; *Calcium carbide*, over irregular routes, from Ivanhoe, Va., to points in Alabama and Georgia;

Empty containers used in transportation of calcium carbide, from points in Alabama and Georgia to Ivanhoe, Va.; *General commodities*, with exceptions, from Charleston, S.C., and Savannah and Port Wentworth, Ga., to points in South Carolina within 100 miles of Spartanburg, S.C., points in that part of Georgia on and north of a line extending from the Alabama-Georgia State line near Columbus, Ga., over U.S. Highway 80 to Macon, Ga., thence along Georgia Highway 49 to Milledgeville, Ga., thence along Georgia Highway 22 to Sparta, Ga., thence along Georgia Highway 16 to Warrenton, Ga., and thence along U.S. Highway 278 to the Georgia-South Carolina State line, and points in North Carolina on and north of a line extending from the North Carolina-South Carolina State line near Rockingham, N.C., over U.S. Highway 1 to the North Carolina-Virginia State line; and *Textile Products, Bagging, Bags, and Cotton-Baling Ties*, from points in South Carolina within 100 miles of Spartanburg, S.C., from points in that part of Georgia on and north of a line extending from the Alabama-Georgia State line near Columbus, Ga., along U.S. Highway 80 to Macon, Ga., thence along Georgia Highway 49 to Milledgeville, Ga., thence along Georgia Highway 22 to Sparta, Ga., thence along Georgia Highway 16 to Warrenton, Ga., thence along U.S. Highway 278 to the Georgia-South Carolina State line, and from points in North Carolina on and north of a line extending from the North Carolina-South Carolina State line near Rockingham, N.C., over U.S. Highway 1 to the North Carolina-Virginia State line, to Charleston, S.C., and Savannah and Port Wentworth, Ga. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—No. MC–31389 is a directly related matter.

No. MC–F–12949. Application under Section 5(1) of the Interstate Commerce

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Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025 (MC–42487), (A) BEST-WAY MOTOR FREIGHT, INC., 1765 6th Avenue, South Seattle, WA., 98134 (MC 9269), SUMAS-EVERSON AUTO FREIGHT, 308 Baker, Everson, WA., MC–69626), (C) WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore, Spokane, WA., 99202, (MC 1924), (D) OAK HARBOR FREIGHT LINES, 6400 South 143rd, Seattle, WA., 98168, (MC 139763), (E) EVERGREEN FREIGHT LINES, INC., 5205 E. Union Avenue, Spokane, WA., 99206, (MC 125624), (F) HASLETT COMPANY, 324 Union Street, Oakland, CA., 94607, (MC 73826), (G) SYSTEM 99, 8201 Edgewater Drive, Oakland, CA., 94621, (MC 98327), and (H) VICTORVILLE-BARSTOW TRUCK LINE, 4366 E 26th Street, Los Angeles, CA., 90023, (MC 97863), seeks to enter into an agreement for the pooling of traffic consisting of (A) general commodities moving in interstate commerce between interchange on all traffic at Spokane, Washington. From Spokane over interstate 90 to Moses Lake serving no intermediate points and the off route points in Grant and Franklin Counties as follows: Othello, Warden, Moses Lake, Soap Lake, Ephrata, Quincy, Grant Orchards, Grant County Airport, Wheeler, Westlake, and Bruce. (B) Between Acme, Deming Everson, Nooksack, and Sumas, Washington. (C) Between (Part I) points located on U.S. Highway 10 (Interstate Highway 90) between Post Falls, Idaho and the Idaho-Montana State line, including Post Falls. (Part II) points located on U.S. Highway 95 between Dalton Gardens, Idaho and Bonners Ferry, Idaho including Dalton Gardens and Bonners Ferry. (Part III) Moyie Springs Idaho, Troy, Montana, Libby, Montana, points of interchange, Spokane, Washington—(1) All traffic destined to points in Part I above. (2) All traffic destined to points in Part II above located on U.S. Highway 95 between Dalton Gardens, Idaho and Sandpoint, Idaho, excluding Sandpoint. (3) All traffic destined to points in Parts I, II and III originating west of the western boundaries of the States of Montana, Wyoming, Colorado and New Mexico, Kalispell, Montana—(1) All traffic destined to points in Part III above which originates east of the western boundaries of the States of Montana, Wyoming, Colorado and New Mexico. (2) All traffic destined to points in Part II above located on U.S. Highway 95 between Sanpoint and Bonners Ferry, Idaho, including Sanpoint and Bonners Ferry, which originates east of the western boundaries of the States of Montana, Wyoming, Colorado and New Mexico. Representative points; Post Falls, ID., Kingston, ID., and Coeur D'Alene, ID., Kellogg, ID., Eagle, ID., Smelterville, ID., Osburn, ID., Wallace, ID., Mullan, ID., Sandpoint, ID., Bonners Ferry, ID., Moyie Springs, ID., Troy, MT., Libby, MT.; (D) Allen, Big Lake, Birch Bay, Blaine, Bow, Chuckanut, Conway, Custer, Edison, Lynden, Monteborne, and Samish, WA.;

(E) Reardan, Deep Creek, Davenport, Harrington, Odessa, Wilson Creek, Marlin, Stratford, Coulee City, Hartline, Almira, Wilbur, Creston, Lincoln (City), Electric City, Grand Coulee, Coulee City, Ritzville, and Sprague, WA; (F) all intermediate points between the junction of Interstate 5 and California Highway 104 to and including Ione, California, Herald Clay and Ione, CA; (G) Part I—Traffic to following points to be interchanged at Portland, Oregon: Beaver Marsh, Bend, Burns, Chemult, Chiloquin, OR, Crescent, Culver, Fort Klamath, Gilchrist, Hines, LaPine, Lakeview, Madras, Metolius, Paisley, Prineville, Prineville S.E., Redmond, Sisters, Terrebonne, Warm Springs, Harney, Buchanan, Drewsey, Juntura, Harper. Part II—Traffic to following points to be interchanged at Eugene, Oregon: Blue River, OR, Couger Dam, McKenzie Bride, Part III—Traffic to following points to be interchanged at Reno, Nevada: Garderville, NV, Minden, NV, Part IV—Traffic to following points to be interchanged at Los Angeles, California: West Yuma, AZ, (H) Victorville, Barstow, Daggett, George Air Force Base, Marine Corps Supply Center, Newberry Springs, Oro Grande, Hodge, Lenwood, and Helendale, CA, applicants' representative: G. T. West, Vice President—Traffic, 175 Linfield Drive, Menlo Park, CA, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR 97028. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC–F–12951. Authority sought for purchase by B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, NC 28043, of the operating rights of (B) FOREST DALE MOTORS, INC., Route 4, Box 374, Forest City, NC 28043, and for control and merger of (BB) SHELBY MOTOR LINES, INC., Box 1787 E., Dixon Boulevard, Shelby, NC 28150, and for acquisition by R. D. WORKMAN, COY LAMBERT, and ALMA MOOREE WORKMAN, all of the Forest City, NC 28043, address of control of such rights through the purchase and transaction. Applicants' attorney: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Operating rights sought to be transferred: (B) *New furniture*, crated and uncrated, and *furniture parts*, as a *common carrier* over irregular routes from points in McDowell County, N.C., to points in Rutherford County, N.C., with no transportation for compensation on return except as otherwise authorized; from Forest City, Rutherford County, N.C., to points in that part of North Carolina west of U.S. Highway 220, with no transportation for compensation on return except as otherwise authorized; Operating rights sought to be controlled and merged: (BB) *General commodities* (with usual exceptions) as a common carrier over irregular routes between Shelby, N.C., and points in North Carolina within 25 miles thereof; between Shelby, NC, and points in North Carolina within 25 miles thereof, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 221 and on and west of U.S. Highway 220. Vendee is authorized to operate as a *common carrier* in all the United States including District of Columbia but excluding Alaska and Hawaii. Application has been filed for temporary authority under Section 210a(b).

NOTE.—No. MC 106074 (Sub-Nos. 26 and 27) is a directly related matter.

No. MC–F–12952. Authority sought for control and merger by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223, of EXLEY EXPRESS, INC., 2610 SE. 8th Avenue, Portland, OR 97202, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY and DAVID H. RATNER, 310 South Michigan Avenue, Chicago, IL 60604, of control of such rights through the transaction. Applicants' attorneys: Leonard R. Kofkin, 39 S. La Salle St., Chicago, IL 60603, Edward K. Wheeler, 15th and H Streets NW., Washington, D.C. 20005, and James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Operating rights sought to be controlled and merged: *Commodities* requiring refrigeration, as a common carrier over regular routes between Seattle, Wash., and Los Angeles, Calif., serving the intermediate points of Tacoma, Kalama, and Chehalis, Wash., Portland and Medford, Oreg., and Sacramento, San Francisco, Stockton, Fresno, and Bakersfield, Calif., with restrictions: *commodities* requiring refrigeration, over alternate routes for operating convenience only, between Tacoma, Wash., and Teniono, Wash., serving no intermediate points or the termini except as otherwise authorized, between Goshen, Oreg., and Weed, Calif., serving no intermediate points or the termini except as otherwise authorized, between San Francisco, Calif., and Los Angeles, Calif., serving no intermediate points or the termini except as otherwise authorized, between Gilroy, Calif., and junction California Highway 152 and U.S. Highway 99 serving no intermediate points or the termini except as otherwise authorized; *fish and seafoods*, as a *common carrier* over irregular routes from Westport and Ilwaco, Wash., to points in that part of California south of a line drawn east and west through Chico, Calif., with no transportation for compensation on return except as otherwise authorized; *fish*, fresh, frozen, smoked, and salted, *fish livers, processed seafoods, poultry, agricultural and horticultural products, frozen and processed fruits, berries, and vegetables*, from points in King and Pierce Counties, Wash., and Marion, Multnomah, and Washington Counties, Oreg., to points in that part of California south of a line drawn east and west through Chico, Calif.; *agricultural and horticultural products*, from points

in that part of California south of a line drawn east and west through Chico, Calif., to points in that part of Oregon and Washington west of the Cascade Mountains; *fish livers*, from Eureka, California and Pacific Coast points in that part of California south of a line drawn east and west through Chico, Calif. to Seattle, Wash.

Lumber, from points in Curry County, Oreg., and points in Oregon within five miles of Curry County, and from Bandon, Oreg., to points in California; *frozen fruits, frozen vegetables*, and *frozen berries*, between points in California, Oregon, and Washington, from points in Oregon and Washington, to Phoenix, Tucson, and Safford, Ariz., and Las Vegas and Reno, Nev., from Nampa and Lewiston, Idaho, to points in Oregon and California; *bananas, fresh fruits*, and *fresh vegetables*, in mixed loads, from Los Angeles, Calif., to Portland, Oreg.; *fish*, in mixed loads with frozen fruits, frozen vegetables, and frozen berries, from Hillsboro, Oreg., to Phoenix and Tucson, Ariz.; *frozen foods* (except frozen fruits, frozen vegetables, and frozen berries), between points in Yamhill, Umatilla, Multnomah, Marion, and Washington Counties, Oreg., on the one hand, and, on the other, Phoenix and Tucson, Ariz., between Walla Walla, Wash., and Phoenix, Ariz.; *bananas* and *fresh fruits, fresh vegetables*, and *fresh berries* when moving in the same vehicle with bananas, from points in California, to Pendleton, Oreg., Lewiston, Idaho, and points in Washington east of the Cascade Mountains; *frozen foods* and *potato products*, not frozen, from points in Oregon and Washington to points in California and Phoenix, Safford, and Tucson, Ariz.; *frozen foods*, except frozen fruits, vegetables and berries, from Ventura, Corona, Modesto, and Ontario, Calif., to Seattle, Wash., and Portland, Oreg.; *canned goods*, between Sherwood, Oreg., on the one hand, and, on the other, Vancouver, Wash., and points in Multnomah, Polk, Lane, Benton, and Umatilla Counties, Oreg.; *bananas* and *fresh fruits, fresh vegetables*, and *fresh berries*, when moving in the same vehicle with bananas, from points in California, to Bend and Klamath Falls, Oreg.; *canned fruits, berries, and vegetables*, from points in Polk, Lane, Benton, and Umatilla Counties, Oreg., and Vancouver, Wash., to points in that part of California south of a line drawn east and west through Chico, Calif.; *frozen foods*, from points in California, to Spokane, Wash.

Frozen prepared vegetables, from points in California, to Seattle, Wash., and points in Yamhill, Multnomah, Marion, and Washington Counties, Oreg., from points in Oregon to points in California, from points in Yamhill, Umatilla, Multnomah, Marion, and Washington Counties, Oreg., to Seattle, Wash., and Phoenix and Tucson, Ariz., from points in Washington, to points in California, and points in Marion, Multnomah, Washington, Umatilla, and Yamhill Counties, Oreg., from Walla Walla, Wash., to Phoenix, Ariz, from Nampa, Idaho, to Hillsboro, Woodburn, and Portland, Oreg., and San Francisco, Calif., from points in Oregon and Washington, to Phoenix, Safford, and Tucson, Ariz., and points in California; *foodstuffs* (except in bulk) from Kennewick, Wash., to points in Nevada; *foodstuffs* (except in bulk, in tank vehicles), from the plantsites of the Welch Grape Juice Company, Inc., at or near Kennewick and Grandview, Wash., to points in California; *foodstuffs*, from Anaheim and Santa Fe Springs, Calif., to Lewiston, Idaho, and to points in Oregon and Washington, from Vacaville, Calif., to points in Oregon and Washington, with restrictions; *foodstuffs and matches*, from Fullerton, Hayward, Oakdale, and Davis, Calif., to Lewiston, Idaho, and to points in Oregon and Washington, with restrictions; frozen foods, fresh and cured meats, and commodities the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with frozen foods, and fresh and cured meats, from points in California, to points in Oregon, Washington, and Lewiston, Idaho; *canned goods*, from points in California, to points in Oregon and Washington; *pickles, sauerkraut*, and *relish*, from the plantsites of Steinfield's Products Company at Scappose and Portland, Ore., to Redding, Calif.; *candy*, in vehicles equipped with mechanical refrigeration from San Jose, Calif., to Bellevue and Spokane, Wash., and Clackamas, Oreg.; *foodstuffs*, from Kennewick, Wash., to points in Arizona, with restrictions; *canned goods and frozen foods*, from Prosser, Wash., to points in Arizona, California, Nevada, and Oregon; *canned goods, frozen foods*, and *processed fruits, berries*, and *vegetables*, from Grandview, Wash., to points in Arizona, Nevada, and Oregon, from Kennewick, Wash., to points in Oregon.

Containers, from Portland, Oreg., to the plantsite of Welch Foods, Inc., at or near Grandview and Kennewick, Wash.; *bananas*, from Seattle, Wash., to Portland, Oregon; foodstuffs, not frozen (except commodities in bulk), canned goods, and meats, in vehicles equipped with mechanical refrigeration, from Los Angeles, Calif., to Aberdeen, Everett, Spokane, Yakima, Grandview, Kennewick, and Walla Walla, Wash., and Albany, Astoria, Bend, Coos Bay, Cornelius, Corvallis, Grants Pass, Hood River, Klamath, Falls, Salem, and Springfield, Oreg.; *canned goods*, from Gresham, Portland, Salem, Stayton, Silverton, Springbrook, and Weston, Oreg., to points in Arizona; *pickles, sauerkraut*, and *relish*, from Scappose, Oreg., to points in California (except Redding and points in its commercial zone as defined by the Commission), and to points in Arizona and Nevada; *bananas*, from Seattle, Wash. to ports of entry on the United States-Canada boundary line located at or near Blaine and Sumas, Wash.; cheese, cheese products, and whey powder, from Tillamook, Oreg., to points in California; *canned goods* in mixed loads with frozen foods, and (2) *frozen foods* in mixed loads with canned goods, from Gresham, Portland, Salem, Stayton, Silverton, Springbrook, and Weston, Oreg., to points in Nevada; meat, meat products, and meat by-products, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wallula and Toppenish, Wash., to points in California, from Seattle, Wash., to points in Oregon and Arizona, from Ellensburg, Wash., to points in California and Oregon, from Albany, Oreg., to points in California and Washington, canned goods, from Walla Walla, Wash., to points in California from Vancouver, Wash., and points in Benton, Lane, Polk, Marion, Multnomah, Umatilla, and Washington Counties, Oreg., to points in that part of California north of a line drawn east and west through Chico, Calif.; *bananas*, from Seattle, Wash., to points in Oregon, Idaho, Washington, and Montana, from points in California, to La Grande, Oreg.; *frozen foods*, from the plantsite and storage facilities utilized by Lamb-Weston, Inc., division of Amfac, Inc., at points in Umatilla County, Oreg., and Benton, Franklin, Grant, and Walla Walla Counties, Wash., to points in Oregon and Washington, and those in Washoe County, Nev.; *wine*, (except in bulk, in tank vehicles), from Prosser, Wash., to points in Oregon, California, Arizona and Nevada.; *pet food*, in containers, from Long Beach, Terminal Island, and Vernon, Calif., to points in Oregon and Washington.

Canned seafoods and pet foods, from Bellingham, Wash., and Astoria, Oreg., to points in Arizona and California; meat, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Spokane, Wash., to points in Oregon and California; *containers*, in mixed loads with foodstuffs, not frozen (except commodities in bulk, canned goods, and meats), from the plants of Wilsey Foods, Inc., at Los Angeles, Calif., to the plant of Wilsey Foods at Salem, Oreg.; *milk cartons*, from Turlock, Calif., to Tillamook, Oreg.; *margarine, mayonnaise, salad and cooking oils, and salad dressings*, from Sunnyvale and Oakland, Calif., to points in Oregon and Washington; *such merchandise as is dealt in by wholesale and retail grocers*, from Fullerton, Hayward, Davis, and Oakdale, Calif., to Lewiston, Idaho, and points in Oregon and Washington, with restrictions; *meat products, and smoked salmon*, from Tillamook, Oreg., to points in California; there are pending before the Commission pending applications for authority under irregular routes (MC 114290 Sub-No. 74) *Margarine, mayonnaise, salad and cooking oils*, and salad dressings, from points in Alameda, San Francisco, Santa Clara, and San Mateo Counties, California, to points in Oregon, (MC 114290 Sub-78) *canned vegetables*, from

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La Conner, Wash., to Salem, Oregon, and (MC 114290 Sub-80) *pet food*, in containers from San Diego, Calif., to points in Oregon and Washington. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kansas, Colorado, Oklahoma, New Mexico, Arizona, California, Wyoming, Utah, Nebraska, Missouri, Texas, Nevada, Louisiana, Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Kentucky, Ohio, and Michigan. Application has not been filed for temporary authority under section.

No. MC-F-12957. Authority sought for control by ROY A. LEIPHART TRUCKING, INC., 1298 Toronita Street, York, Pa., 17402, of York Transportation Company, Inc., 2301 Mt. Rose Avenue, P.O. Box 707, York, Pa., 17402, and for acquisition by Clair E. Forry, and Robert M. Ewell, both of 1298 Toronita Street, York, Pa., 17402, of control of York Transportation Company, through the acquisition by Clair E. Forry and Robert M. Ewell. Applicants' attorneys: Charles E. Creager, 1329 Pennsylvania Avenue, Hagerstown, Md., 21740 and Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, with exceptions as a common carrier over regular routes between York, Pa., and New York, N.Y., serving the intermediate points between and including Trenton, N.J., and New York, N.Y., restricted to eastbound movement, and those between and including Lancaster and York, Pa., restricted to westbound movement, and the off-route points of Mineola and White Plains, N.Y., and those in New York, in the New York, N.Y., Commercial Zone, as defined by the Commission, those in New Jersey within 20 miles of New York, N.Y., and those within 30 miles of York, Pa., between Paoli, Pa., and junction Pennsylvania Highway 43 and U.S. Highway 1, serving no intermediate points, as an alternate route for operating convenience only; *Iron and steel chains and parts, hardware, and mechanics' tools*, as a common carrier over regular and irregular routes between York, Pa., and Bridgeport, Conn., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before October 12, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 114273 (Sub-No. 253), filed August 10, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles, and hides), (a) from the plantsite of Swift and Company, located at or near Grand Island, Nebr., to points in Indiana and Louisville, Ky.; (b) from Sioux City, Iowa, and Omaha, Nebr., to Louisville, Ky., and points in Indiana; (2) *canned goods* from Grundy Center, Iowa to Louisville, Ky., and points in Indiana; (3) *canned goods, canning factory machinery and supplies* between points in Indiana and Louisville, Ky., and points in Iowa within 100 air miles of Cedar Rapids, Iowa, and Sac City, Storm Lake, LaPorte City and Garrison, Iowa, points in Minnesota, points in Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63 and Aurora, Bolivar, Carthage, Clinton, Joplin, Neosho, St. Louis, Springfield, and Webb City, Mo., and points in Kansas on and west of U.S. Highway 81; (4) *iron and steel articles* from Louisville, Ky., and points in Indiana, to Dubuque, Iowa and points in Iowa within 100 miles of Cedar Rapids, Iowa. (5) *iron and steel articles* from Louisville, Ky., and points in Indiana, to points in Minnesota. (6) *iron and steel articles and non-ferrous metal articles* when moving in the same vehicle and at the same time with iron and steel articles, from Louisville, Ky., and points in Indiana, to points in Colorado on and east of the Continental Divide.

(7) *General commodities*, (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between that part of Michigan on and west of a line beginning at Battle Creek, Mich., and extending along Michigan Highway 66 to the Michigan-Indiana State line, on the one hand, and, on the other, that part of Indiana on and west of U.S. Highway 31; (8) *General commodities*, (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between that part of Michigan on, east, and south of a line beginning at Bay City, Mich.; thence along Michigan Highway 47 to Saginaw, thence along Michigan Highway 46 to St. Louis, thence along U.S. Highway 27 to Marshall, thence along Interstate Highway 94 to the junction of Michigan Highway 66, thence along Michigan Highway 66 to the Indiana-Michigan State line, located at Midland, Mich., and Toledo, Ohio, on the one hand, and, on the other, that part of Indiana on, west and north of a line beginning at the Indiana-Michigan State line along Indiana Highway 15 to the junction of Indiana Highway 25, to the junction of Indiana Highway 28, thence along Indiana Highway 28 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line; (9) *General commodities* (except commodities in bulk, Classes A and B explosives household goods as defined by the Commission, and those requiring special equipment), between that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 422, and Dayton Cincinnati and Hamilton, Ohio on the one hand, and on the other, that part of Indiana on, west and south of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 39 to the junction of Indiana Highway 10, thence along Indiana Highway 10 to the Illinois-Indiana State line.

(10) *Frozen Foods, food products, meats, meat products, and meat by products articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles, and hides), between points in Indiana and Louisville, Ky., on the one hand, and on the other, points in Minnesota, those in Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63, points in Kansas on and east of U.S. Highway 81; (11) *Paper, paper products, craft wrapping paper, and wood pulpboard in rolls*, from Franklin, Va. to Chicago, Ill.; and points in Indiana. (12) *General commodities*, (except commodities in bulk, in tank vehicles, and hides), between that part of Indiana on, west and south of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 39 to the junction of Indiana Highway 10, thence along Indiana Highway 10 to the Illinois-Indiana State line, on the one hand, and on the other, points in that part of Ohio on and south of U.S. Highway 40 (except Dayton, Cincinnati and Hamilton), restricted in (1) above to traffic originating at the plantsite of Swift & Company.

NOTE.—The purpose of this filing is to eliminate (A) the gateway of Chicago, Ill. in (1), (2), (3), (4), (6), (7), (8), and (9) above; (B) the gateways of the facilities of Central Steel & Wire; A. M. Castle & Co., and Joseph T. Ryerson & Son, Inc., located at Chicago, Ill. in (5) above; (C) the gateways of Chicago and Chicago Heights, Ill. in (10) above; (D) the gateways of Pittsburgh, Pa., and Hammond, Ind. in (11) above; and (E) the gateways of Dayton, Ohio and Chicago, Ill. in (12) above. This matter is directly related to a Section 5(2) finance proceeding in MC-F-12929, published in the Federal Register issue of August 26, 1976. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 12, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 85850 (Sub-No. 7) (Deviation No. 3), (Correction) NEYLON FREIGHT LINES, INC., c/o Jones Truck Lines, Inc., 610 E. Emma Ave., Springdale, Ark. 72764, filed August 6, 1976. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to junction Iowa Highway 2, thence over Iowa Highway 2 to Nebraska City, Nebr., thence over Nebraska Highway 2 to Lincoln, Nebr., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 73 to Hiawatha, Kans., thence over U.S. Highway 36 to junction Kansas Highway 15E, thence east over U.S. Highway 36 to Marysville, Kans., thence over U.S. Highway 77 to Lincoln, Nebr., and return over the same route.

NOTE.—The purpose of this republication is to add a Nebraska Highway to the proposed deviation route which was inadvertently omitted.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 12, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 712) (Cancels Deviation No. 677), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed August 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Chicago, Ill., over Interstate Highway 90 to junction Illinois Highway 5, thence over Illinois Highway 5 to junction Interstate Highway 80 and Illinois Highway 92, with the following access routes: (1) From junction Illinois Highway 5 and De Kalb East Road, over De Kalb East Road to junction Illinois Highway 38, thence over Illinois Highway 38 to De Kalb, Ill., (2) From junction Illinois Highway 5 and Anne Glidden Road, over Anne Glidden Road to junction Illinois Highway 38, thence over Illinois Highway 38 to De Kalb, Ill., and (3) From junction Illinois Highway 78 and Illinois Highway 5 over Illinois Highway 78 to junction Illinois Highway 2, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Illinois Highway 2 and Illinois Highway 92 over Illinois Highway 2 to junction Illinois Highway 38, thence over Illinois Highway 38 to Geneva, Ill., thence over Illinois Highway 31 to St. Charles, Ill., thence over Illinois Highway 64 to Chicago, Ill., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 002892 A1A, filed August 18, 1976. Applicant: HENSLEY FREIGHT LINES, INC., P.O. Box 276, Marion, Tex. 78124. Applicant's representative: Mike Cotton, P.O. Box 1148, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over the following routes (1) Between Marion, Tex., and Seguin, Tex., serving all intermediate points; From Marion over FM-78 to Seguin and return over the same route. (2) Between Seguin, Tex. and Luling, Tex., serving all intermediate points; From Seguin over U.S. Highway 90 to Luling and return over the same route. (3) Between Luling, Tex. and Gonzales, Tex., serving all intermediate points and serving the junction of U.S. Highway 183 and U.S. Highway 90-A for purposes of joinder; From Luling over U.S. Highway 183 to Gonzales and return over the same route. (4) Between junction U.S. Highway 183 and U.S. Highway 90-A and Seguin, Tex., serving all intermediate points: From junction U.S. Highway 183 and U.S. Highway 90-A over U.S. Highway 90-A to Seguin, Tex. and return, and joining, tacking and coordinating the authority described above with authority presently contained in Common Carrier Certificate No. 2892. Intrastate, interstate and foreign commerce authority sought.

HEARING.—Date, time and place will be assigned for a hearing approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.76-26389 Filed 9-8-76;8:45 am]

[Ex Parte MC 103]

PETITION OF HERMAN BROS., INC., FOR THE INSTITUTION OF RULEMAKING PROCEEDINGS

SEPTEMBER 2, 1976.

Notice to all parties: At the request of Fritz R. Kahn, representative for Herman Bros., Inc., the time for filing comments in the above-entitled proceeding has been extended from September 22, 1976, to November 22, 1976. No further extensions.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc.76-26397 Filed 9-8-76;8:45 am]

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federal register

THURSDAY, SEPTEMBER 9, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

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OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 341]

[Docket No. 76N-0052]

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products

The Food and Drug Administration (FDA) proposes to establish conditions under which over-the-counter (OTC) cold, cough, allergy, bronchodilator and antiasthmatic drugs are generally recognized as safe and effective and not misbranded, based on the recommendations of the Advisory Review Panel on Over-the-Counter (OTC) Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products; comments by December 8, 1976.

Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on March 3, 1976, the report of the Advisory Review Panel on Over-The-Counter (OTC) Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products. In accordance with § 330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner is issuing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC cold, cough, allergy, bronchodilator and antiasthmatic drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The purpose of issuing the unaltered conclusions and recommendations of the Panel is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet fully evaluated the report, but has concluded that it should first be issued as a formal proposal to obtain full public comment before any decision is made on the recommendations of the Panel. The report of the Panel represents the best scientific judgment of the members. The report has been prepared independently of FDA and does not necessarily reflect the agency position on any particular matter contained therein. After a careful review of all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the FEDERAL REGISTER to establish a monograph for OTC cold, cough, allergy, bronchodilator and antiasthmatic drug products.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), all data and information concerning OTC cold, cough, allergy, bronchodilator and antiasthmatic drug products submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and FDA. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before October 12, 1976, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to FDA, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20852.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded, or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for not longer than 2 to 5 years (for the specific conditions specified in this document) after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel. The period of time within which studies must be completed will be carefully reviewed by the Commissioner after receipt of comments on this document and will probably be revised downward.

This proposal sets forth the conclusion of the Advisory Review Panel on Over-the-Counter (OTC) Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products that several ingredients are safe and effective for OTC use which heretofore have been limited to prescription use or classified for OTC use at a dosage level lower than that recommended by the Panel. The Commissioner is aware that a number of questions have been presented to the agency regarding the OTC marketing status of ingredients or amounts of ingredients previously limited to prescription use prior to finalization of an applicable monograph for the ingredients. The reclassification of ingredients from prescription to OTC status presents important issues that need careful and special consideration.

Accordingly, the Commissioner proposed, in the FEDERAL REGISTER of December 4, 1975 (40 FR 56675), a policy to clarify the marketing status of (1) all ingredients currently restricted to prescription use which an OTC advisory panel recommends as Category I (safe and effective), Category II (not safe and effective), or Category III (the available data are insufficient to classify the drug); and (2) the use of active ingredients at dosage levels higher than that available in any OTC drug product.

The Commissioner also advised in the preamble to the proposal in the December 4, 1975 FEDERAL REGISTER that he may indicate his disagreement with the panel's recommendation(s) regarding specific ingredients proposed for Category I, e.g., ingredients having manufacturing or formulation problems or unresolved questions concerning a potential for abuse or misuse; and he may make a tentative determination that an approved new drug application (NDA) is required for marketing an OTC product containing such ingredients. The Commissioner acted on this proposal by final regulation published in the FEDERAL REGISTER of August 4, 1976 (41 FR 32580).

The Commissioner has reviewed those ingredients included in the Panel's recommendations that are currently limited to prescription use or classified for OTC use at a dosage level lower than that recommended by the Panel. He has made an initial determination that an approved NDA is required for OTC marketing of promethazine for any indication, for OTC marketing of doxylamine succinate as an antihistamine at a dosage level in excess of 7.5 milligrams (mg), and for OTC marketing of diphenhydramine as an antihistamine. The Commissioner is deferring his decision on the Panel's recommendation that diphenhydramine be considered generally recognized as safe and effective for OTC use as an antitussive until the agency has had an opportunity to rule on a supplemental NDA now pending for OTC use of an antitussive product containing diphenhydramine. The Commissioner has made an initial determination to accept the Panel's recommendations on OTC use of a number of ingredients among which are chlorpheniramine, pseudoephedrine, theophylline, and methoxyphenamine. However, the Commissioner wishes to raise several pertinent points regarding these drugs, and they are fully explained below.

Promethazine. The Panel recommended classification of the ingredient promethazine as a Category I OTC antihistaminic drug. This ingredient is presently a component of drug products that are the subject of approved NDA's for prescription use as antihistamines, as

sedatives, as antiemetics, as adjuncts with narcotics for preoperative sedation, and in the postoperative management of pain. Promethazine is the only antihistaminic drug reviewed by the Panel that is chemically identified as a phenothiazine derivative; no ingredients in this class are currently available for OTC use. Promethazine, like other phenothiazines, is known to produce certain serious adverse effects, including agranulocytosis, thrombocytopenia, hypoplastic anemia, extrapyramidal symptoms, and hypotension (*AMA Drug Evaluations*, 2d Ed., p. 497), although it may produce these less frequently than do other phenothiazines. Although these adverse effects are of considerable concern, the major consideration relates to the effects of promethazine on the central nervous system (CNS). Promethazine is known to have a hypnotic effect more conspicuous than that of the other antihistaminics (see Krantz and Carr, *The Pharmacologic Principles of Medical Practice*, 8th Ed., p. 818), a problem sufficient to cause the Panel to recommend a warning, "may cause marked drowsiness," a warning not required for OTC antihistamines in general. Overdosage is thus potentially a problem with promethazine, especially for children. Children also seem particularly liable to develop such CNS adverse reactions as disturbances of the psyche, changes in sensorium, evidence of extrapyramidal disturbances, convulsions, and, rarely, coma and death. The Commissioner notes that other OTC antihistamines are available that are as effective as promethazine and less hazardous. Thus the risk of adverse effects from OTC availability of this ingredient is not justified in the absence of an offsetting benefit in the form of therapeutic superiority in comparison with antihistamine ingredients already marketed OTC.

Doxylamine succinate. The Panel recommended classification of the ingredient doxylamine succinate as a Category I OTC antihistaminic drug at the 7.5 to 12.5 mg dosage level. This ingredient is presently the subject of an approved NDA for prescription use, and for OTC use at the 7.5 mg dosage level, for several indications, including the management of perennial and seasonal rhinitis and vasomotor rhinitis pursuant to the requirements of § 310.201(a)(13) (21 CFR 310.201(a)(13)). The Commissioner concludes that doxylamine succinate should continue to be classified as a new drug and a prescription drug at dosage levels in excess of 7.5 mg. The Commissioner makes this determination because other OTC antihistaminic agents are available that are safer than doxylamine succinate at that dosage level.

Doxylamine succinate is a member of the ethanolamine class of antihistamines. As noted in the *AMA Drug Evaluations*, 2d Ed., p. 493, this class of drugs exhibits a high incidence of drowsiness compared with the other classes of antihistamines (ethylenediamines and alkylamines). As noted in the proposal regarding OTC sleep-aid drug products, published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292), about 50 percent of those persons receiving conventional antihistamine treatment doses of drugs in the ethanolamine class experienced drowsiness. In addition to the pronounced tendency to induce sedation, drugs in this group also possess significant atropine-like activity. Therefore, the Commissioner concludes that doxylamine succinate should remain a prescription new drug ingredient at the dosage levels greater than 7.5 mg.

Diphenhydramine hydrochloride. Diphenhydramine hydrochloride is the active ingredient in several products with approved NDA's. All such products are limited to prescription use. The Panel recommended that diphenhydramine hydrochloride be classified in Category I for antihistaminic use at 25 to 50 mg, which is the usual prescription dosage level. Diphenhydramine hydrochloride, like doxylamine succinate, is a member of the ethanolamine class of antihistamines. It, too, has a pronounced tendency to produce sedation in a high proportion of those persons who take it (*AMA Drug Evaluations*, 2d Ed., p. 493). For this reason, the Commissioner concludes that diphenhydramine hydrochloride should remain a prescription new drug ingredient and not be available for use as an OTC antihistamine. No diphenhydramine hydrochloride product is currently marketed OTC as an antihistamine at any dosage level.

The Panel also recommended that diphenhydramine hydrochloride be classified in Category I for OTC use as an antitussive. Diphenhydramine hydrochloride is the active ingredient in a cough syrup product now being marketed OTC. The currently effective NDA for this product limits it to prescription use and labels it as an expectorant only. The holder of the NDA has submitted a supplemental NDA that contains data in support of a claim that the product is safe and effective for use as an antitussive. The supplemental NDA also requests that the product be approved for OTC use. The Commissioner has concluded that the marketing status of diphenhydramine hydrochloride as an antitussive should be resolved by first considering the approvability of this supplemental NDA. After that, he will address the Panel's recommendation that diphenhydramine hydrochloride be considered generally recognized as safe and effective for OTC use as an antitussive.

The agency will rule on the pending supplemental NDA in the near future. The Commissioner advises that if the supplemental NDA is denied because diphenhydramine hydrochloride in the amount present in that product is not considered safe and effective for OTC use as an antitussive, he will at that time issue a notice in the FEDERAL REGISTER stating his disagreement with the Panel's recommendation that diphenhydramine hydrochloride be classified in Category I for OTC antitussive use. In that event, any such product marketed OTC would thereupon be subject to immediate regulatory action, in accordance with the enforcement policy announced in the FEDERAL REGISTER of August 4, 1976 (41 FR 32580). If the supplemental NDA is approved, the Commissioner may nevertheless conclude that the safety and/or effectiveness of antitussive products containing diphenhydramine hydrochloride has not achieved general recognition in the scientific community, and he may state such conclusion by notice in the FEDERAL REGISTER when the supplemental NDA is approved or at a later time, e.g., in the preamble to the tentative final monograph.

The Commissioner notes that the marketing status of diphenhydramine hydrochloride as an antihistamine raises different issues from those surrounding its OTC use as an antitussive. The indications, dosage levels, and number of available effective alternatives are different depending on the condition for which diphenhydramine hydrochloride is to be used. Also, the effectiveness of the ingredient is established in relation to antihistaminic use, but has not yet been ruled on in the context of the pending supplemental NDA for OTC use of a cough syrup product. Accordingly, the Commissioner's initial decision not to accept the Panel's recommendation for Category I classification of diphenhydramine hydrochloride for use as an antihistamine is independent of his decision on its status as an antitussive, although, obviously, some of the underlying factual considerations are common to each.

Chlorpheniramine, pseudoephedrine, theophylline, and methoxyphenamine. The Panel recommended that chlorpheniramine as an OTC antihistamine and pseudoephedrine as an OTC oral nasal decongestant be available at dosage levels twice those currently permitted for OTC use. Although he does not disagree with these recommendations at this time, the Commissioner is concerned that consumers accustomed to purchasing a particular product may not be aware of the increased amount of active ingredient per dosage unit. The Commissioner concludes that consumers should be fully informed about the increased dosage. He has determined, therefore, that all manufacturers who elect to reformulate their marketed products shall clearly indicate any increased dosage level on the principal display panel of each product. He further suggests that, in the case of tablet formulations, scored tablets be available to assist the consumer in achieving a lower dosage, if one is desired.

The Panel further recommended that theophylline and methoxyphenamine be made available OTC as single ingredients. The Commissioner does not contest the judgment of the Panel regarding the safety of these ingredients. However, he points out that he believes there is a scientific issue whether the recommended dosage levels are therapeutically effective for a significant identifiable population of asthmatics. Therefore, these two ingredients are currently undergoing extensive review within the agency. Consequently, the decision of the Panel may be subject to modification in the tentative final monograph.

The Commissioner invites full public comment on all of the conclusions and

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recommendations of the Panel, and on his own specific conclusions regarding promethazine, doxylamine succinate, diphenhydramine, chlorpheniramine, pseudoephedrine, theophylline, and methoxyphenamine.

The Commissioner has reviewed the potential environmental impact of the recommendations and proposed monograph of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products and has concluded that the Panel's recommendations and proposed monograph will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the Panel's recommendations and proposed monograph, and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare. Copies of the environmental and inflation impact assessments are on file with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The conclusions and recommendations in the report of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products follow:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness and labeling of all OTC drugs by independent advisory review panels. On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10 published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately. Pursuant to these regulations the Commissioner issued a request for data and information on all cold, cough, allergy, bronchodilator and antiasthmatic (CCABA) active ingredients in drug products, in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029).

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC cold, cough, allergy, bronchodilator and antiasthmatic ingredients pursuant to § 330.10(a) (1):

Francis C. Lowell, M.D., Chairman
Hylan A. Bickerman, M.D.
Halla Brown, M.D.
Robert K. Chalmers, Ph.D.
Mary Jo Reilly, M.S.
James R. Tureman, M.D.
Colin R. Woolf, M.D.

The Panel was first convened on November 6, 1972, in an organizational meeting. Working meetings were held on December 11 and 12, 1972; January 23 and 24, February 28 and March 1, April 5 and 6, May 10 and 11, June 19 and 20, September 25 and 26, October 31 and November 1, December 6 and 7, 1973; January 8 and 9, March 19 and 20, June 12 and 13, September 11 and 12, October 31, November 1, December 3 and 4, 1974; January 30 and 31, April 3, 4 and 5, May 15 and 16, July 17 and 18, September 24 and 25, November 19, 20 and 21, and December 17, 18 and 19, 1975; February 2, and March 2 and 3, 1976.

Two nonvoting liaison representatives served on the Panel. Mrs. Anita Ohlhausen, nominated by an ad hoc group of consumer organizations, served as the consumer liaison and Joseph L. Kanig, Ph. D., nominated by the Proprietary Association, served as the industry liaison. The following employees of the Food and Drug Administration served: Anna L. Standard, M.D., Executive Secretary until March 26, 1974 followed by Joel Aronson, R. Ph.; Thomas D. DeCillis, R. Ph., Panel Administrator; Recie Bomar, R. Ph., Drug Information Analyst until February, 1973 followed by Lloyd G. Scott, R. Ph. until May, 1974 followed by Gary P. Trosclair, R. Ph.

In addition to the Panel members and liaison representatives, the following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Paul Bass, Ph. D.
C. Warren Bearman, M.D.
John Behrman, M.D.
Richard C. Brogle, Ph. D.
C. Edward Buckley III, M.D.
A. Lee Caldwell, Jr., Ph. D.
Robert B. Choate
Sanford Chodosh, M.D.
John T. Connell, M.D.
Joseph Dresner
Constantine Falliers, M.D.
Arthur D. Flanagan, M.D.
Spencer Free, Ph. D.
Arthur Grollman, M.D.
Robert M. Hodges
George F. Hoffnagle, Sc. D.
Clarence Imboden, M.D.
Charles Janeway, M.D.
Anita Johnson, Esq.
Stuart J. Land, Esq.
Ben Marr Lanman, M.D.
Vincent D. Larkin, M.D.
Louis G. Limarelli, M.D.
Jennifer Loggie, M.D.
S. J. London, M.D.
Leslie M. Lueck, M.D.
Guillermo Martinez
John McLean, M.D.
Fletcher B. Owen, M.D.
Elias W. Packman, Sc. D.
Joseph Page, Esq.
Joseph J. Pittelli, M.D.
William R. Pool
Thomas W. Richards, M.D.
Norman Salik, M.D.
Robert T. Scanlon, M.D.
Daniel L. Shaw, Jr., M.D.
Alex Silverglade, M.D.
Joseph Smith, M.D.
Alfred E. Sutherland, Esq.
Garret W. Swenson, Esq.
M. L. Thomson, M.D.
Sumner Yaffee, M.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through March 3, 1976 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to these classes of drugs are set out in three categories:

Category I. Conditions under which cold, cough, allergy, bronchodilator and antiasthmatic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which cold, cough, allergy, bronchodilator and antiasthmatic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel recommends the following for each group of drugs:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded; or as Category II not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for a period of time justified in the report of 2, 3, 4 or 5 years for the specific conditions after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

I. SUBMISSION OF DATA AND INFORMATION

Pursuant to the notice published in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029) requesting the submission of data and information on cold, cough, allergy, bronchodilator and antiasthmatic (CCABA) drugs, the following firms made submissions relating to the indicated products:

A. SUBMISSIONS BY FIRMS

Firm	*Marketed products*
Abbott Laboratories, North Chicago, Ill. 60064.	Calcidrine Syrup, Quelidrine Cough Syrup.
Block Drug Co., Inc., Jersey City, N.J. 07302	BC All Clear.
Boericke & Tafel, Inc., Philadelphia, Pa. 19107.	B & R Dictan Cough Syrup, B & R Tablets No. 241.
Breon Laboratories, Inc., New York, N.Y. 10016.	Bronkotabs, Bronkotabs-HAFS, Bronchoelixir.
Calgon Consumer Prod., Co., Inc., Pittsburgh, Pa. 15230.	Sucrets Cold Decongestant Formula, Sucrets Cough Control Formula, Sucrets Sore Throat Lozenges.
Chesebrough-Pond's, Inc., Trumbull, Conn. 06611.	Cold-Team-24 Daytime Tablets, Cold-Team-Nighttime Liquid, Pertussin 8-Hour Cough Formula, Pertussin Medicated Vaporizer, Pertussin Plus Night-Time Cold Medicine, Pertussin Wild Berry Cough Syrup.
Ciba-Geigy Corp., Summit, N.J. 07901	Otrivin Nasal Solution, Otrivin Nasal Spray, Otrivin Pediatric Nasal Solution, Otrivin Pediatric Nasal Spray, Privine Nasal Solution, Privine Nasal Spray.
Colgate-Palmolive Co., Piscataway, N.J. 08854.	Congestaid Aerosol.
Creomulsion Co., Atlanta, Ga. 30301	Cough Chek, Colchek, Creomulsion Cough Medicine, Creomulsion Cough Medicine for Children, Creozets Cough and Throat Lozenges.
Dorsey Laboratories, Lincoln, Nebr. 68501	Chexit Tablets, Dor-C Tablets, Dorcol Pediatric Cough Syrup, Triaminic Expectorant, Triaminic Syrup, Triaminicin Nasal Spray, Triaminicin Tablets, Triaminicol Cough Syrup, Tussagesic Suspension, Tussagesic Tablets, and Ursinus Tablets.
The Dow Chemical Co., Zionsville, Ind. 46077	Novahistine DH, Novahistine Elixir, Novahistine Expectorant, Novahistine Fortis Capsules, Novahistine Melet Tablets, 2/G, and 2G/DM.
Drew Laboratories, New York, N.Y. 10016	Bronkaid Mist, Bronkaid Tablets.
F & F Laboratories, Inc., Chicago, Ill. 60632	F. & F. Original Formula Cough Lozenges.
Father John's Medicine Co., Inc., Lowell. Mass. 01853.	Father John's Medicine for Cough and Colds.
G. E. Laboratories, Inc., Shamokin, Pa. 17872	Troutman's Cough Syrup.
Glenbrook Laboratories, New York, N.Y. 10016.	Breacol Decongestant Cough Medication with Neo-Synephrine.
Hall Brothers, Radcliffe, Manchester England.	Hall's Honey-Lemon Cough Drops.
Hall Brothers, Whitefield, Manchester England.	Hall's Cherry Cough Drops.
Hoffman-LaRoche, Inc., Nutley, N.J. 07110	Theporin, Phenindamine.
The Holford Co., Minneapolis, Minn. 55403	Holford's Famous Inhaler, Indian Chief Inhaler.
Ives Laboratories, Inc., New York, N.Y. 10017	Cerose, Cerose Compound Cerose-DM, Cetro-Cerose.
Johnson & Johnson, New Brunswick, N.J. 08903.	Sine-Aid.
Key Pharmaceuticals, Inc., Miami, Fla. 33169	Key Tussicapine.
Knoll Pharmaceutical Co., Whippany, N.J. 07981.	Verequad Suspension, Verequad Tablets.
LaMay's Asthma Eze, Inc., Kalaska, Mich. 49646.	Asthma Eze.
Luden's, Inc., Reading, Pa. 19601	Luden's Honey Lemon Cough Drops, Luden's Honey Licorice Cough Drops, Luden's Menthol Cough Drops, Luden's Menthol Eucalyptus Cough Drops, Luden's Wild Cherry Cough Drops.
Menley & James Laboratories, Philadelphia, Pa. 19101.	Contac.
The Metholatum Co., Inc., Buffalo, N.Y. 14213.	Mentholatum Ointment.
Merck and Co., Inc., Rahway, N.J. 07065	Nectadon.
Merck Sharp & Dohme, West Point, Pa. 19486	Propadrine Capsules 25 mg, Propadrine Capsules 50 mg, Propadrine Elixir.
Miles Laboratories, Inc., Elkhart, Ind. 46514	Alka-Seltzer Plus Cold Tablets.
Monsanto Co., St. Louis, Mo. 63166	Methapyrilene Fumarate, Methapyrilene Hydrochloride.
McNeil Laboratories, Inc., Fort Washington, Pa. 19034.	Co-Tylenol Cold Formula.

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Mitchum-Thayer, Inc., New York, N.Y. 10020	Arrestin Extra Strength Cough Medicine with D-Methorphan, Asthma-Nefrin Solution "A" Inhalant, AsthmaNefrin Automatic Aerosol Mist, AsthmaNefrin Capsules, Liquiprin Nighttime Cold Medicine for Children.
Norwich Products, Norwich, N.Y. 13815	Norwich Baby Cough Syrup, Norwich Terpin Hydrate and Dextromethorphan Hydrobromide Elixir N.F., Quadrin Decongestive Tablets.
Parke-Davis & Co., Detroit, Mich. 48232	Benylin Cough Syrup, Benadryl.
S. B. Penick & Co., New York, N.Y. 10007	Glyceryl Guaiacolate.
Pfipharmecs Pfizer Pharmaceuticals, New York, N.Y. 10017.	Toclase Cough Syrup, Toclase Cough Tablets.
Pharmacraft, Rochester, N.Y. 14603	Allerest Allergy Tablets, Allerest Nasal Spray, Allerest Time Capsules, Children's Allerest Allergy Tablets, Sinarest.
Plough, Inc., Memphis, Tenn. 38101	St. Joseph Cough Syrup for Children.
Reid-Provident Laboratories, Inc., Atlanta, Ga. 30308.	Coton Syrup, Histalet-DM, Reidacol, Tusstrol, Tusstrol-DM.
A. H. Robins Co., Richmond, Va. 23220	Dimetane Elixir, Dimetane Tablets, Robitussets Troches, Robitussin, Robitussin-DM Cough Calmers, Robitussin-DM, Robitussin-PE Decongestant Expectorant.
Roerig, New York, N.Y. 10017	Coryban-D Cold Capsules, Coryban-D Cough Syrup, Coryban-D Nasal Spray.
Sandoz Pharmaceuticals, E. Hanover, N.J. 07938.	Flogesic.
Sauter Labs., Inc., Nutley, N.J. 07110	Children's Romilar Cough Syrup, Romilar CF Capsules, Romilar CF Syrup, Romilar CF 8-Hour Cough Formula, Romilar Chewable Cough Tablets for Children, Romilar Cough and Cold Capsules, Romilar Cough Discs, Romilar Expectorant, Romilar Hydrobromide Tablets, Romilar Syrup, Romilar III Cough Syrup with Expellin.
G. D. Searle & Co., Chicago, Ill. 60680	Amodrine.
Schering Corp., Bloomfield, N.J. 07003	Afrin Decongestant Nasal Spray, Afrin Decongestant Nose Drops, Chlor-Trimeton Antihistamine Syrup, Chlor-Trimeton Antihistamine Tablets, Coricidin "D" Tablets, Children's Coricidin Demilets Tablets, Children's Coricidin Medilets, Coricidin.
R. Schiffmann Co., Los Angeles, Calif. 90031	Asthmador.
Smith, Kline, & French Laboratories, Philadelphia, Pa. 19101.	Benzedrex Inhaler, Ornacol Cough and Cold Capsules, Ornacol Cough and Cold Liquid, Ornex, Toryn Syrup, Toryn Tablets.
E. R. Squibb & Sons, Inc., New Brunswick, N.J. 08903.	Spec-T Anesthetic Lozenges, Spec-T Sore Throat Decongestant Lozenges, Spec-T Sore Throat Spray, Spec-T Sore Throat Cough Suppressant Lozenges.
Sterling Products International, New York, N.Y. 10016.	Breacol with Prylon.
Templetons, Inc., Buffalo, N.Y. 14223	Raz-Mah Greys Capsules.
Henry Thayer Co., Cambridge, Mass. 02138	Thayers Slippery Elm Throat Lozenges, Thayers Slippery Elm Throat Lozenges (Wild Cherry).
Thayer Labs, Inc., Cambridge, Mass. 02138	AsthmaNefrin Syrup.
The Upjohn Co., Kalamazoo, Mich. 49001	Cheracol Cough Syrup, Cheracol D Cough Syrup, Cidicol Syrup, Elixir Terpin Hydrate and Codeine N.F., Elixir Terpin Hydrate and Codeine Sulfate, Emeracol Cough Syrup, Hydriodic Acid Cough Syrup, Aromatic Iodized Lime Expectorant Tablets, Orthoxicol Cough Syrup, Pyrroxate Capsules, Pyrroxate Tablets, Special Formula No. 2 Analgesic Antipyretic Tablets.
Vick Chemical Co., New York, N.Y. 10017	Vicks NyQuil Nighttime Colds Medicine, Vicks Cough Silencers, Vicks Cough Syrup, Vicks Formula 44 Cough Discs, Vicks Formula 44 Cough Mixture, Vicks Formula 44-D Cough Mixture, Vicks Inhaler, Vicks Medicated Cough Drops (Blue Mint), Vicks Medicated Cough Drops (Menthol-Eucalyptus), Vicks Medicated Cough Drops (Regular), Vicks Medicated Cough Drops (True Lemon), Vicks Medicated Cough Drops (Wild Cherry), Vicks Sinex Decongestant Nasal Spray, Vicks Vaporub, Victors Menthol-Eucalyptus Dual Action Cough Drops and Victors Menthol-Eucalyptus Dual Action Cough Drops (Cherry), Vicks Vaporub, Vicks Vaposteam, Oil of Turpentine, Doxylamine Succinate.

Warner-Chilcott Laboratories, Morris Plains, N.J. 07950.	Tedral Tablets, Tedral Anti-H Tablets, Tedral Pediatric Suspension.
Warner-Lambert Co., Morris Plains, N.J. 07950.	Listerine Big 4 Cough Formula, Hall's Mentho-Lyptus Cough Tablets, Listerine Antiseptic, Listerine Antiseptic Throat Lozenges (lemon-mint), Listerine Antiseptic Throat Lozenges (orange), Listerine Antiseptic Throat Lozenges (regular), Listerine Cold Tablet, Listerine Cough Control Lozenges, Smith Brothers Medicated Cough Drops (black licorice), Smith Brothers Medicated Cough Drops with Benzocaine (minted menthol), Smith Brothers Medicated Cough Drops (Wild Cherry), Super Anahist Decongestant Tablets, Super Anahist Decongestant Nasal Spray.
Whitehall Laboratories, Inc., New York, N.Y. 10017.	Bronitin Tablets, Bronitin Mist, Clear & Dry Sinus Clearant Tablets, Dondril Anticough Tablets, Dristan Decongestant Tablets, Dristan Capsules, Dristan Nasal Mist, Dristan Decongestant Vapor Nasal Spray, Primatene M Formula Tablets, Primatene Mist, Primatene P Formula Tablets, Dristan Decongestant Cough Formula.
Winthrop Laboratories, New York, N.Y. 10016.	Neo-Synephrine Compound Decongestant Cold Tablets, Neo-Synephrine HCl Decongestant Elixir, Neo-Synephrine HCl Jelly, Neo-Synephrine Nasal Spray ¼ percent, Neo-Synephrine Nasal Spray ½ percent, Neo-Synephrine Decongestant Nose Drops ⅛ percent, Neo-Synephrine Decongestant Nose Drops ¼ percent, Neo-Synephrine Decongestant Nose Drops ½ percent, Neo-Synephrine Decongestant Nose Drops 1 percent, NTZ Nasal Spray, NTZ Decongestant Nose Drops, Synephricol Antihistaminic Cough Syrup.
Winthrop Products, Inc., New York, N.Y. 10016.	NRT Antihistaminic Decongestant, NRT Nasal Spray, Asafen Tablets, Deka Expectorant Cough Syrup, NTR Decongestant Antihistaminic, NTR Nasal Spray, Recindal, Synephricol Cold Tablets, Neosynephrine Intranasal Drops ¼ percent, Neosynephrine Intranasal Drops 1 percent.
Wyeth Laboratories, Philadelphia, Pa. 19101	Phenergan.

In addition, the following firms or groups made related submissions:

Firm	*Submissions*
Bristol-Myers Products, New York, N.Y. 10022.	Phenylephrine hydrochloride, Phenylpropanolamine.
Chattem Drug & Chemical Co., Chattanooga, Tenn. 37409.	Theophylline sodium glycinate.
Lilly Research Laboratories, Indianapolis, Ind. 46206.	Methapyrilene hydrochloride.
Miles Laboratories, Inc., Elkhart, Ind. 46514	Phenylpropanolamine salts.
Parke Davis & Co., Detroit, Mich. 48232	Diphenhydramine and pseudoephedrine.
A. H. Robins, Richmond, Va. 23220	Glyceryl guaiacolate.
Smith, Kline & French Laboratories, Philadelphia, Pa. 19101.	Chlorpheniramine, Brompheniramine maleate, Phenylpropanolamine, propylhexedrine, caramiphen edisylate.
Linda Tallaferro, Austin, Tex. 78712	Stramonium-belladonna.
Vick Chemical Co., New York, N.Y. 10017	Topical ephedrine, doxylamine succinate, xylometazoline hydrochloride.
Vick Division Research, Mount Vernon, N.Y. 10553.	Alcohol.
Whitehall Laboratories, Inc., New York, N.Y. 10017.	Oral phenylephrine, and oral phenindamine.
Wyeth Laboratories, Inc., Philadelphia, Pa. 19101.	Promethazine hydrochloride.

E. LABELED INGREDIENTS CONTAINED IN MARKETED PRODUCTS SUBMITTED TO THE PANEL

Acetaminophen (*N*-acetyl-*p*-aminophenol)
Acetic acid
N-acetyl-*p*-aminophenol (acetaminophen)
Alcohol
Alkyl dimethyl benzylammonium chloride (benzalkonium chloride)
Aloin
Aluminum hydroxide-magnesium carbonate co-dried gel
Aminophylline
Ammonium chloride
Anethole
Anise
Antimony potassium tartrate
Ascorbic acid (vitamin C)
Aspirin
Atropine sulfate
Banana arome
Beechwood creosote
Belladonna
Belladonna alkaloids
Benzalkonium chloride (alkyl dimethyl benzylaminonium chloride)
Benzocaine
Benzyl alcohol
Benzaldehyde
Blood root
Boric acid
Bornyl acetate
Brompheniramine maleate
Bryonia tincture
Caffeine
Calcium carbaspirin
Calcium iodide anhydrous (iodides)
Camphor
Capsicum
Caramel
Caramiphen edisylate (caramiphen ethanedisulfonate)
Caramiphen ethanedisulfonate (caramiphen edisylate)
Carbetapentane citrate
Cascara
Cedar leaf oil
Cedar, natural
Cetalkonium chloride
Cetylpyridinium chloride
Cherry flavoring
Cherry nut flavoring
Chlorobutanol
Chloroform
Chlorpheniramine maleate
Citric acid
Citric acid (hydrate)
Cocillana
Cod liver oil
Codeine
Codeine alkaloid
Codeine phosphate
Codeine sulfate
Compound white pine syrup
l-Desoxyephedrine
Dextromethorphan
Dextromethorphan hydrobromide
Dextrose
Dioctyl sodium sulfosuccinate
Diphenhydramine hydrochloride
Dipropylene glycol
Disodium edetate
Doxylamine succinate
Drosera tincture
Elm bark
Ephedrine
Ephedrine hydrochloride
Ephedrine sulfate
Epinephrine
Epinephrine bitartrate
Epinephrine hydrochloride (racemic)
Eriodictyon fluid extract (yerba santa)
Ethylmorphine hydrochloride
Eucalyptol
Eucalyptus oil
Euphorbia pilulifera
Exract white pine compound
F. E. Horehound
Fluidextract ipecac (ipecac fluidextract)
Glycerin
Glyceryl guaiacolate
Glycyrrhiza (licorice)
Grape flavoring
Grindelia
Gum arabic
Hexylresorcinol
Honey
Hydriodic acid (iodides)
Hydrocodone bitartrate
Hyoscyamine sulfate
Iodides (calcium iodide anhydrous, hydriodic acid syrup, iodized lime, potassium iodide)
Iodized lime (iodides)
Ipecac
Ipecac fluidextract (fluidextract ipecac)
Lemon oil
Licorice (glycyrrhiza)
Lobelia
Lobellum
Menthol/peppermint oil
Methapyrilene fumarate
Methapyrilene hydrochloride
Methoxyphenamine hydrochloride
Methylcellulose
Methylparaben

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Methyl salicylate
Monocalcium phosphate
Mustard oil
Myristica oil
Naphazoline hydrochloride
Noscapine
Noscapine hydrochloride
Oil of pine
Oleyl alcohol
Oxymetazoline hydrochloride
Peppermint oil/menthol
Petrolatum base
Phenacetin
Phenindamine tartrate
Pheniramine maleate
Phenobarbital
Phenylephrine bitartrate
Phenylephrine hydrochloride
Phenylmercuric acetate
Phenylpropanolamine hydrochloride
Phenylpropanolamine bitartrate
Phenylpropanolamine maleate
Phenyltoloxamine citrate
Pineapple flavoring
Pine tar
Podophyllum resin
Potassium guaiacolsulfonate
Potassium nitrate
Promethazine hydrochloride
Propylhexedrine
Propylparaben
Pseudoephedrine sulfate
Pyrilamine maleate
Quinine sulfate
Racemic epinephrine hydrochloride
Racephedrine hydrochloride
Rumex
Salicylamide
Saline phosphate buffer solution
Scopolamine hydrobromide
Sodium bicarbonate
Sodium bisulfite
Sodium citrate
Spirits of turpentine (turpentine oil)
Squill extract
Sticta pulmonaria
Stramonium
Sucrose
Sugar
Sugar base
Syrup base
Terpin hydrate
Thenyldiamine hydrochloride
Theophylline
Theophylline anhydrous
Theophylline calcium salicylate
Thimerosal
Thonzonium bromide
Thonzylamine hydrochloride
Thymol
Tincture of benzoin
Tolu
Tolu balsam
Tolu balsam tincture
Triethylene glycol
Vegetable stearate
Vitamin C (ascorbic acid)
White pine
Wild cherry
Wild cherry fluid extract
Yerba santa (eriodictyon fluid extract)
Xylometazoline hydrochloride

Ingredients reviewed by the Panel in addition to the submitted data:

Ipecac syrup
Potassium iodide (iodides)
Theophylline sodium glycinate

C. CLASSIFICATION OF INGREDIENTS

1. Active ingredients. The Panel has classified the following ingredients submitted to the Panel into groups identified below:

ANTITUSSIVES

Beachwood creosote
Camphor
Caramiphen edisylate (caramiphen ethanedisulfonate)
Caramiphen ethanedisulfonate (caramiphen edisylate)
Carbetapentane citrate
Cod liver oil
Codeine
Codeine alkaloid
Codeine phosphate
Codeine sulfate
Dextromethorphan
Dextromethorphan hydrobromide
Diphenhydramine hydrochloride
Elm bark
Ethylmorphine hydrochloride
Eucalyptol/eucalyptus oil
Horehound
Horehound (horehound fluid extract)
Hydrocodone bitartrate (dihydrocodeinone)
Menthol/peppermint oil
Noscapine
Noscapine hydrochloride
Thymol
Turpentine oil (spirits of turpentine)

EXPECTORANTS

Ammonium chloride
Antimony potassium tartrate
Beechwood creosote
Camphor
Chloroform
Compound benzoin tincture
Compound white pine syrup
Eucalyptol/eucalyptus oil
Extract white pine compound
Glyceryl guaiacolate
Iodides (calcium iodide anhydrous, hydriodic acid syrup, iodized lime, potassium iodide)
Ipecac fluidextract
Ipecac syrup
Menthol/peppermint oil
Pine tar
Potassium guaiacolsulfonate
Sodium citrate
Squill
Squill extract
Syrup of pine tar
Terpin hydrate
Terpin hydrate elixir
Tincture of benzoin
Tolu
Tolu balsam
Tolu balsam tincture
Turpentine oil (spirits of turpentine)
White pine

BRONCHODILATORS

SYMPATHOMIMETIC AMINES

Belladonna alkaloids
Ephedrine
Ephedrine hydrochloride
Ephedrine sulfate
Epinephrine
Epinephrine bitartrate
Epinephrine hydrochloride (racemic)
Methoxyphenamine hydrochloride
Pseudoephedrine hydrochloride
Pseudoephedrine sulfate
Racephedrine hydrochloride

THEOPHYLLINES

Aminophylline
Theophylline anhydrous
Theophylline calcium salicylate
Theophylline sodium glycinate

MISCELLANEOUS

Euphorbia pilulifera

ANTICHOLINERGICS

Atropine sulfate
Belladonna
Belladonna alkaloids
Hyoscyamine sulfate
Scopolamine hydrobromide
Stramonium

ANTIHISTAMINES

Brompheniramine maleate
Chlorpheniramine maleate
Diphenhydramine hydrochloride
Doxylamine succinate
Methapyrilene fumarate
Methapyrilene hydrochloride
Phenindamine tartrate
Pheniramine maleate
Phenyltoloxamine citrate
Promethazine hydrochloride
Pyrilamine maleate
Thenyldiamine hydrochloride
Thonzylamine hydrochloride

NASAL DECONGESTANTS

Beechwood creosote
Bornyl acetate
Camphor
Cedar leaf oil
l-Desoxyephedrine
Ephedrine
Ephedrine hydrochloride
Ephedrine sulfate
Eucalyptol/eucalyptus oil
Menthol/peppermint oil
Mustard oil (allylisothiocyanate)
Naphazoline hydrochloride
Oxymetazoline hydrochloride
Phenylephrine hydrochloride
Phenylpropanolamine hydrochloride
Phenylpropanolamine bitartrate
Phenylpropanolamine maleate
Propylhexedrine
Pseudoephedrine hydrochloride
Pseudoephedrine sulfate
Racephedrine hydrochloride
Thenyldiamine hydrochloride
Thymol
Turpentine oil (spirits of turpentine)
Xylometazoline hydrochloride

2. Miscellaneous labeled ingredients:

Antihistamines with sleep-aid claims
Ascorbic acid (vitamin C)
Caffeine
Phenobarbital
Vitamins

3. Ingredients submitted to the Panel and classified as inactive and/or pharmaceutical necessary ingredients:

Acetic acid
Alcohol
Alkyl dimethyl benzylammonium chloride (benzalkonium chloride)
Aluminum hydroxide—magnesium carbonate (co-dried gel)
Anethole
Anise
Banana arome
Benzaldehyde
Benzalkonium chloride (alkyl dimethyl benzylammonium chloride)
Blood root
Bryonia tincture
Caramel
Cedar, natural
Cetalkonium chloride
Cetylpyridinium chloride
Cherry flavoring
Cherry nut flavoring
Chlorobutanol
Chloroform (0.4% maximum)
Citric acid
Citric acid (hydrate)
Cocillana
Dextrose
Dipropylene glycol
Disodium edetate
Drosera tincture
Eriodictyon fluidextract (yerba santa)
Glycerin
Glycyrrhiza (licorice)
Grape flavoring
Grindelia
Gum arabic

Honey
Lemon oil
Licorice (glycyrrhiza)
Lobelia
Lobelium
Methyl cellulose
Methylparaben
Monocalcium phosphate
Myristica oil
Oleyl alcohol
Petrolatum base
Phenylmercuric acetate
Pineapple flavoring
Potassium nitrate
Propylparaben
Rumex
Saline phosphate buffer solution
Sodium bisulfite
Sticta pulmonaria
Sucrose
Sugar
Sugar base
Syrup base
Thimerosol
Thonzonium bromide
Triethylene glycol
Vegetable stearate
Wild cherry
Wild cherry fluidextract
Yerba santa (eriodictyon fluidextract)

4. Ingredients submitted to the Panel and deferred to other OTC advisory review panels.

a. Ingredients deferred to the Advisory Review Panel on OTC internal analgesic including antirheumatic drug products:

(1) Acetaminophen (*N*-acetyl-*p*-aminophenol)
(2) *N*-acetyl-*p*-aminophenol (acetaminophen)
(3) Aspirin
(4) Calcium carbaspirin
(5) Phenacetin
(6) Quinine sulfate
(7) Salicylamide

b. Ingredients deferred to the Advisory Review Panel on OTC laxative, antidiarrheal, emetic and antiemetic drug products:

(1) Aloin
(2) Cascara
(3) Dioctyl sodium sulfosuccinate
(4) Podophyllum resin

c. Ingredients deferred to the Advisory Review Panel on OTC topical analgesic, antirheumatic, otic, burn, and sunburn treatment and prevention drug products:

(1) Benzocaine
(2) Benzyl alcohol
(3) Boric acid
(4) Capsicum
(5) Methyl salicylate

d. Ingredients deferred to the Advisory Review Panel on OTC oral cavity drug products:

(1) Hexylresorcinol
(2) Methyl salicylate

e. Ingredient deferred to the Advisory Review Panel on antacid drug products:

(1) Sodium bicarbonate

II. GENERAL STATEMENTS AND RECOMMENDATIONS

A. GENERAL COMMENT

The OTC cold, cough, allergy, bronchodilator and antiasthematic Panel was charged with the review and the evaluation of safety and effectiveness data on cold, cough, allergy, bronchodilator, and antiasthmatic ingredients and combinations thereof, the adequacy of their labeling, and to advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter (OTC) drug products are generally recognized as safe and effective and not misbranded. The Panel also served as a forum for the exchange of views regarding the prescription or nonprescription status of these various active ingredients and combinations thereof. Panel members were expected to call upon their own expert knowledge and experience in carrying out each element of this charge. Specifically the Panel was charged with the following:

1. Review and evaluation of all data made available to the panel members concerning the safety and effectiveness of cold, cough, allergy, bronchodilator and antiasthmatic treatment and prevention agents, and combinations thereof, utilized in these OTC drug products.

2. Advising the Food and Drug Administration as to the adequacy of the labeling of such cold, cough, allergy, bronchodilator and antiasthmatic treatment and prevention drug products and to make recommendations as to the contents of future labeling of such products.

3. Making recommendations to the Food and Drug Administration regarding those ingredients, their amounts, and combinations thereof, which, based upon the available data, could be considered safe and effective for the above stated uses. These recommendations must be in keeping with agency stated definitions of the terms "safe" and "effective" and in keeping with the agency OTC drug combination policy (21 CFR 330.10(a)(4)(iv)).

4. Making recommendations to the Food and Drug Administration regarding those ingredients, their amounts, and combinations thereof, which based upon the available data, are not considered as safe and effective for the above stated uses. The same criteria must apply as in the determinations of those ingredients which are found to be safe and effective.

5. Advising the Food and Drug Administration regarding those ingredients which in their judgment are likely to be safe and effective, but for which more data are needed. In such cases the Panel was requested to give some guidance as to what type of studies and the maximum time period they feel would be adequate to produce such information for future consideration by the Food and Drug Administration.

6. Advising the Food and Drug Administration on the promulgation of a monograph or monographs establishing conditions under which these OTC drug products are generally recognized as safe and effective and not misbranded. This information is submitted in the form of a written report by the Panel containing the following basic recommendations:

a. Listing of the acceptable active ingredients, singly or combinations thereof.

b. Acceptable dosage ranges of these active ingredients and their combinations.

c. A statement of the acceptable indications for use.

d. Recommended labeling guidelines—warnings, precautions, contraindications, directions for use.

B. DISEASES AND RELATED SYMPTOMS RELIEVED BY OTC COLD, COUGH, BRONCHODILATOR AND ANTIASTHMATIC PRODUCTS

The Panel makes the following statements and recommendations concerning the symptoms related to the use of antitussives, expectorants, bronchodilators, anticholinergics, antihistamines and nasal decongestants. The symptoms which these drugs may be expected to relieve are those occurring in certain allergic states such as hay fever, asthma, and symptoms in the nose, eyes, sinuses and throat caused by the common cold and other mild respiratory infections. It must be kept in mind that the ingredients and combinations reviewed are not intended to cure but are OTC drugs to provide symptomatic relief.

The Panel has prepared the following table which lists symptoms and the acceptable corresponding pharmacologic groups of drugs for the treatment of these symptoms:

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Symptom	*Pharmacologic group*
1. Bronchospasm or asthma	Bronchodilators (sympathomimetic amines, theophyllines)—with the Category I labeling indications recommended by the Panel. (See pt. V. par. B.1. below—Labeling.)
2. Cough	Antitussives—with the Category I labeling indications recommended by the Panel. (See pt. III. par. B.1. below—Labeling.) Expectorants—with the Category I labeling indications recommended by the Panel. (See pt. IV. par. B.1. below—Labeling.).
3. Runny nose	Anticholinergics—with the Category I labeling indications recommended by the Panel. (See pt. VI. par. B.1. below—Labeling.)
4. Nasal congestion	Nasal decongestants—with the Category I labeling indications recommended by the Panel. (See pt. VIII. par. B.1. below—Labeling.)
5. Sinus congestion	Do.
	Analgesics—with the Category I labeling indications recommended by the OTC Internal Analgesic Panel.
6. Sneezing, watery eyes, and itchy eyes	Antihistamines—with the Category I labeling indications recommended by the Panel. (See pt. VII. par. B.1. below—Labeling.)
7. Sore throat	Analgesics—with the Category I labeling indications recommended by the OTC Internal Analgesic Panel. Local anesthetics—with the Category I labeling indications recommended by the OTC Oral Cavity Panel.
8. Generalized aching	Analgesics—with the Category I labeling indications recommended by the OTC Internal Analgesic Panel.
9. Fever	Antipyretics—with the Category I labeling indications recommended by the OTC Internal Analgesic Panel.

1. *Allergy.* Allergy is a complex of symptoms which arises under circumstances when a person who has acquired a hypersensitivity to a substance encounters that substance. Although one may be born with a tendency to become allergic, one must be exposed to a substance for weeks, months or years before one actually becomes allergic to it. Probably about 15 percent or more of the population becomes significantly allergic. Substances to which people ordinarily become allergic are pollens, mold spores, animal dander and certain dusts and sprays in the home and in industry. These are airborne and are inhaled. One may also become allergic to certain foods and drugs and to substances coming in contact with the skin such as drugs and poison ivy (poison oak). Substances to which people become allergic are called allergens. In our highly industrial and technological society we are increasingly exposed to allergens never encountered by our forebears; for this reason, the number of persons with allergies is rising and may continue to rise.

The allergic symptoms with which the Panel is concerned are nasal (sneezing, watery or mucous discharge, itching and obstruction), and bronchial (cough, bronchospasm and expectoration). Another manifestation of allergy is itchy and watery eyes. Allergy of this type belongs to a subgroup of the so-called "immune" class of disease termed "atopy." In this class of disease an antibody mediates the reaction. The antibody belongs to the IgE class of immunoglobulins which has the peculiarity of attaching itself to a certain type of cell (mast cells in the tissues and basophils in the blood). With the arrival of the allergen, union between the allergen and the antibody attached to these cells occurs and leads to the release of substances which in turn cause the symptoms we call "allergic." One of the substances released, and perhaps the principal one, is histamine. The antihistaminic drugs block the action of histamine.

Identification and elimination of the offending substance (allergen) are the measures of choice. However, these are often impossible to achieve. The proper use of OTC products containing antihistamines, sympathomimetics, or theophyllines may provide relief of allergy symptoms. Although OTC drugs are often adequate for relief, the allergic reaction may be so intense that OTC drugs are not adequate and other measures, such as epinephrine by injection, and corticosteroids, requiring the supervision of a physician are needed. In the case of allergy to pollens and some other inhaled allergens, symptoms can be lessened or eliminated under medical supervision by a course of injections of suitably prepared allergenic extract.

REFERENCES

(1) Sheldon, J. M., R. G. Lovell and K. P. Mathews, "A Manual of Clinical Allergy," 2d Ed., W. B. Saunders Co., Philadelphia, 1967.

(2) Patterson, R., "Allergic Diseases: Diagnosis and Management," The J. B. Lippincott Co., Philadelphia, 1972.

2. *Asthma and other respiratory diseases and the use of bronchodilators.* Asthma is a disease in which there is widespread narrowing of the airways due to airway wall muscle spasm which occurs in response to various stimuli. Among the stimuli which may lead to asthma is the inhalation of substances such as pollens and animal danders in people who are allergic to these substances. This reaction causes partial obstruction to air flow and shortness of breath. The spasm causing narrowing of the air tubes may subside either spontaneously or as a result of therapy. Airway narrowing occurs also where there is widespread bronchial infection such as in acute or chronic bronchitis, in pulmonary emphysema where there is destruction of the lung tissue, and in pulmonary congestion from failure of the left side of the heart. Asthma is a difficult disease condition for the layman to diagnose and even physicians have difficulty in distinguishing asthma from the above other conditions which cause airway narrowing. Therefore, it is very important that the diagnosis of asthma first be established by a physician before the use of OTC bronchodilator preparations.

Medications which relax the airway muscle spasm and relieve the shortness of breath of asthma are called bronchodilators. Usually these drugs are given by mouth as a tablet or liquid, or they may be inhaled as a spray from a suitable dispenser. The response of mild or even moderate asthma to these drugs is often quick and there is effective relief from shortness of breath. The Panel believes that, when taken as directed, the drugs are safe for OTC use, but undesirable effects can occur. These adverse effects are mainly exhibited as increased rate and force of the heart beat, rise in blood pressure, nervousness and sleeplessness, and nausea or vomiting.

Asthma is a very common disease and it is reasonable to have bronchodilators available on a nonprescription basis so that in mild cases relief may be obtained quickly without the possible delays of obtaining a physician's prescription. However, it is very important that the diagnosis of asthma first be established by a physician as some of the other conditions which resemble asthma, such as pulmonary congestion from failure of the left side of the heart, should not be treated by certain types of bronchodilators. Even the patient with true asthma should be warned that if a bronchodilator does not cause excellent and rapid relief, he should call his physician. The reason he should call his physician is that in a severe and worsening attack of asthma, slight relief may be given by these bronchodilators and this may give a false sense of security. The patient may then postpone seeking medical help or going to a hospital until his disease has reached life-threatening severity. Therefore, labeling of these preparations should be very precise in that the patient should be instructed to seek medical assistance immediately if relief of his symptoms does not occur within a short time of using the bronchodilator preparation. In the use of epinephrine aerosol, relief should occur within 20 minutes; in the use of ephedrine, methoxyphenamine tablets and tablets of theophylline and its salts, relief should occur within 1 hour.

REFERENCES

(1) Harris, H. W. et al., "Chronic Bronchitis, Asthma and Pulmonary Emphysema. A statement by the Committee on Diagnostic Standards for Nontuberculous Respiratory Disease, American Thoracic Society," *American Review of Respiratory Diseases*, 85:762-768, 1962.

3. *The "common cold" (cold).* The "common cold" (cold) is a self-limited respiratory infection caused by one or more viruses. A cold is rarely serious and is readily transmitted. Throughout this document, the Panel has used the term "common cold" which the Panel considers synonymous with the term "cold."

A "common cold" often begins quite abruptly with soreness or discomfort in the pharynx, sneezing, watery nasal discharge, followed by nasal congestion. The discharge may subsequently become mucoid or purulent. After the first day or two the eyes may become suffused and the voice husky. The nasal congestion intensifies and the sense of smell and taste is often suppressed or absent. Extension into the sinuses may occur as described in the rhinitis statement. Lethargy, some aches and pains and slight fever may be present. The course is variable and may extend for 7 to 14 days. Cough may occur, especially in the later stages.

Early in its course, the cold is indistinguishable from the early stages of measles, rubella, chickenpox, pertussis, cerebrospinal fever, influenza and atypical pneumonia. The cold also closely simulates allergic rhinitis. The physician's main role in the cold is to exclude more serious illness.

There is no generally accepted treatment that can prevent, cure or shorten the course of the "common cold." Treatments which are available only relieve symptoms. Immunity is apparently of short duration since many individuals have one to three colds each year.

4. *Cough.* A cough is the rapid expulsion of air at high velocity from the respiratory airway producing a noise of varying pitch and intensity. Impulses that initiate the cough reflex may arise from many areas within and outside the respiratory tract.

Normally, coughing is produced by stimulation of the sensory endings of the glossopharyngeal and vagus nerves within the mucous membranes of the respiratory tract. This stimulation can be initiated by infection, chemical irritation, the presence of retained secretions, or foreign material blocking the breathing passages. Localized narrowing of the air tubes may play an important role in stimulation of the cough reflex. Cough can also occur from stimulation outside the respiratory tract. For example, if the external ear is tickled, a cough is produced. Cough can be under considerable voluntary control and therefore can be self-suppressed to a degree. Likewise, an individual can initiate a cough at will. Cough occurs in healthy individuals as a mechanism for clearing the airway of any obstructing mucus or inhaled foreign material.

Medications which suppress the act of coughing by reducing the number of coughs and/or the intensity of coughing are known as antitussive drugs. These preparations are administered by mouth in the form of tablets, syrups, elixirs and lozenges, and by inhalation in the form of rubs and vaporizer additives, and when used as directed provide relief from annoying cough. These drugs are generally safe at the dosages recommended for OTC use. However, antitussives derived from narcotics, such as codeine and hydrocodone, commonly cause constipation as a side effect.

The cough is a protective, physiologic reflex occurring in healthy as well as diseased individuals. It is frequently the presenting symptom in a wide variety of pathologic states, ranging from a mild, self-limiting illness to a serious and even fatal disease. In certain disease states such as asthma, chronic bronchitis and cystic fibrosis, the cough reflex is essential in maintaining an open airway by clearing the respiratory passages of excessive secretions. Because of its importance in preserving the function of the lung, by maintaining an open airway, the cough reflex should not be suppressed indiscriminately.

The irritative cough associated with a self-limiting respiratory tract infection is usually viral in nature or follows the inhalation of irritant gases or dusts, and can readily be recognized and serves no useful function. These conditions are usually associated with a dry, hacking, nonproductive cough in which no sputum is expectorated and lends itself to rational self-medication with OTC preparations. On the other hand, the loose, productive type of cough frequently associated with asthma and bronchitis indicates the presence of retained bronchial secretions which could lead to increasing disability if suppressed; and therefore, should not be treated with an antitussive drug. Any cough which persists for longer than 1 week should be investigated by a physician to exclude the presence of an underlying, potentially serious, respiratory disease.

5. *Symptoms of sinus congestion.* Paranasal sinuses are mucous membrane-lined air cavities in the bony structure of the skull which are continuous with the nasal cavity. Impaired sinus drainage due to nasal congestion, e.g., rhinitis of upper respiratory infection or nasal allergy, may result in sinus inflammation (sinusitis) with associated headache and facial pain or tenderness in the region of the affected sinus(es).

Self-medication with an oral or topical nasal decongestant may aid in resolving the problem by diminishing the nasal obstruction which impairs sinus drainage. An orally administered analgesic, e.g., aspirin, acetaminophen, should provide symptomatic relief from headache and pain associated with the sinus congestion. If symptoms persist, intensify and/or are accompanied by fever, a physician should be consulted.

6. *Rhinitis (allergic rhinitis, vasomotor rhinitis).* a. *Allergic rhinitis.* Allergic rhinitis is caused by allergy to airborne allergens including pollens, animal danders, molds and house dust as described elsewhere in this document. (See part II. paragraph B.1. above—Allergy).

The symptoms of allergic rhinitis are sneezing, watery discharge from the nose, nasal stuffiness and obstruction and nasal itching. The eyes may also be involved in which case there is itching, tearing or redness. There may also be puffiness of the eyelids. Less frequently there is headache, itching of the throat and ears and there may be cough. A few patients feel listless or very tired and some describe themselves as feeling generally ill. Hay fever is the familiar example of allergic rhinitis which occurs in persons allergic to pollens.

In addition to rhinitis the paranasal sinuses are frequently involved. This may cause headache usually frontal in distribution or pain or discomfort in the area of the frontal, ethmoid, maxillary or antral sinuses in the front of the face surrounding the nose.

Sneezing may occur irregularly or in paroxysms, more commonly on awaking in the morning, or may be caused by such nonspecific factors as exposure to abrupt changes in temperature or inhalation of particulate matter.

The nasal discharge may be watery in nature, mucoid or purulent. When purulent, bacterial infection is usually assumed to be present. However, this feature is determined by the number of white cells present and not necessarily by the presence of infectious organisms. The nasal discharge of some patients with rhinitis contains such a large number of eosinophils that the discharge acquires a purulent appearance without evidence of infection.

Rhinitis is classically an allergic response to an inhaled allergen, be it pollen, mold or animal dander. However, rhinitis also occurs as the characteristic feature of infections such as the "common cold."

The diagnosis of allergic rhinitis its based on a history of characteristic symptoms as described above and the demonstration by skin testing that the injection of an aqueous extract prepared from the appropriate pollen or allergen will cause within 10 to 20 minutes local redness, a wheal and itching similar to the reaction to the bite of a mosquito. Examination of the nose characteristically but not invariably shows swelling of the internal membranes which are often pearly gray or reddened instead of pink, their normal color.

b. *Vasomotor rhinitis.* There also occurs a form of rhinitis the symptoms of which are not caused by any recognized allergic exposure. This form of rhinitis tends to occur throughout the year with little or no seasonal variation. The condition is usually called vasomotor rhinitis suggesting an abnormal reactivity of the

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blood vessels in the nasal lining but in fact the reason for symptoms is unknown. The symptoms of vasomotor rhinitis are the same as those in allergic rhinitis. Skin tests are not helpful in diagnosis.

c. *Treatment of rhinitis symptoms.* The antihistamines are most effective in the treatment of mild allergic rhinitis (such as hay fever). They are less effective in vasomotor rhinitis. These drugs are discussed more completely later in this document. (See part VII. below—Antihistamines.) Nasal decongestants and anticholinergics have also been used in the management of the symptoms of rhinitis. The use of these drugs will be discussed more completely later in this document. (See part VI. below—Anticholinergics and part VIII. below—Nasal Decongestants.)

C. PRINCIPLES APPLICABLE TO COMBINATION PRODUCTS

1. *General combination policy.* Most cold, cough, allergy, bronchodilator and antiasthmatic (CCABA) products currently in the marketplace containing ingredients which the Panel reviewed are promoted or sold to relieve a number of different symptoms. For example, OTC products commonly used for the treatment of the symptoms of the "common cold" include ingredients intended to provide relief of two or more concomitant symptoms such as nasal congestion, running nose, coughing, watery eyes, headache, fever and muscular aches. These products contain more than one active ingredient in order to cover a spectrum of symptoms. Some of these OTC preparations contain ingredients not reviewed by the Panel, e.g., aspirin, which has been deferred to the Advisory Review Panel on OTC internal analgesic including antirheumatic drug products for evaluation of analgesic and antipyretic claims.

In order to clarify the place of combinations in the marketplace, the Panel applied the OTC Drug Review Regulation (21 CFR 330.10(a)(4)(iv)) which states:

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients and when the combination, when used under adequate direction for use, and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel concurs with the regulation and strongly believes that each active ingredient in a combination product must contribute to the claimed effects and that each active ingredient must be necessary for rational therapy of concurrent symptoms. It is the view of the Panel that it is irrational to use a combination product unless each of the contained active ingredients contributes to the effective treatment of at least one of the labeled symptoms for which the combination product is recommended.

The Panel is familiar with the arguments for combination products and at the same time recognizes the disadvantages of fixed-dosage combination products. One major disadvantage commonly expounded is the inability to permit individualized dosage of each active ingredient. The Panel agrees in principle with this argument. However, if the combination product contains only active ingredients at doses of demonstrated safety and effectiveness and all ingredients are necessary for treatment of symptoms, the Panel concludes that certain combinations may offer a convenient and rational approach for relief of concurrent symptoms.

The Panel refers to a recognized source of drug information which notes that cold remedy mixtures are widely used and enjoy a certain amount of acceptance by the medical profession and the laity (Ref. 1). It is the view of the Panel that certain combinations, as established by the Panel are acceptable and summarized below. (See part II. paragraph C.8.b. below—Criterion.) To support this view, the Panel refers to the conclusion in the above-referenced text (Ref. 1) which states "* * * a physician who chooses to prescribe a cold remedy must be certain that the mixture is composed of drugs with known effectiveness, that the ingredients are present in adequate therapeutic amounts, and that they are therapeutically rational for the type and severity of symptoms being treated."

The Panel has established specific criteria for the treatment of symptoms with combination products. Each Category I combination is currently limited to one active ingredient from any one pharmacologic group. The Panel has placed combinations of two active ingredients from the same pharmacologic group in Category III. Each active ingredient must be generally recognized as safe and effective when used alone for the labeled claim(s) and hence make a contribution to the claimed effect(s) of the combination. The acceptable pharmacologic groups included for treatment of symptoms as determined by the Panel differ sufficiently one from another to reduce the likelihood of a competitive or potentiating effect between agents. Therefore, the Panel has recommended only specific combinations be provided and limited to one active ingredient from any one pharmacologic group. The Panel concludes that products containing the combinations of ingredients provided for below are safe and effective. (See part II. paragraph C.8.b. below—Criterion.)

The Panel further concludes that such combinations of ingredients can provide rational concurrent therapy for a significant and existing target population that can benefit from such use. The Panel emphasizes that these combinations must contain adequate directions for use and include warnings against unsafe use. These combinations of ingredients must clearly indicate in their labeling that they are to be used only when the multiple symptoms are present concurrently. It would not be rational for a consumer having only one symptom to take a combination of ingredients intended for treatment of more than one symptom, or containing active ingredient(s) not required for relief of symptoms present in that individual.

2. *Limitation of ingredients in combination products.* The Panel concludes that, in general, the fewer the ingredients in an OTC product, the safer and more rational the therapy. The Panel has discussed the advantages of single ingredient products elsewhere in this document. (See part II. paragraph J. below—Advantages of Single Ingredient Products.) The Panel believes that the interests of the consumer are best served by exposing the user of OTC drugs to the smallest number of ingredients possible at the lowest possible dosage consistent with a satisfactory level of effectiveness. OTC drugs containing safe and effective single active ingredients are preferred to those having multiple active ingredients because with fewer ingredients there is a reduced risk of undesirable additive or synergistic effects.

Single ingredients are also preferred because the ratio in which components exist in a fixed combination may be unsuitable for some individuals. This is due in part to the great variability of reactions and side effects among these persons to the various drugs in the combination. It is also due in part to the inability of such persons to correlate certain side effects with the use of a particular drug when more than one drug is present in a combination. Both points are discussed more fully elsewhere in this document. (See part II. paragraph J. below—Advantages of Single Ingredient Products.)

The Panel believes that single active ingredient preparations should be available in the OTC market to allow the consumer the opportunity of selecting a single drug for a specific symptom or symptoms. As an example, a single active ingredient preparation containing only an antitussive should be available for treatment of cough. Likewise, a single active ingredient preparation containing only an antihistamine should be available for treatment of running nose, sneezing, and watery eyes. It is the Panel's opinion that presently the public has too little choice in selecting an appropriate drug treatment for such symptoms because of the current OTC market scarcity of single drug ingredient preparations.

In fact, of the 339 volumes received as submissions for review by the Panel, only 44 volumes contained data concerning 24 single active ingredients being marketed in 46 products. This represents 24 single active ingredients, out of a total of 152 active ingredients submitted by firms, as being present in marketed OTC CCABA products. The 46 products containing the single active ingredients represent a wide variety of dosage forms which include aerosols, liquids, tablets, syrups, drops, sprays, jellies and elixirs. The Panel has prepared the following table of the 24 single active ingredients marketed alone in CCABA products and submitted to the Panel for review:

MARKETED DRUG PRODUCTS CONTAINING A SINGLE ACTIVE INGREDIENT

Active ingredient	*Dosage form (number of products)*
Products for the relief of asthma:	
Epinephrine hydrochloride	Aerosols (5) and solutions (1).
Products for the relief of cough:	
Ammonium chloride	Drops (1).
Caramiphen ethanedisulfonate	Do.
Carbetapentane citrate	Syrups (1) and drops (1).
Cocillana	Drops (1).
Dextromethorphan	Syrups (2).
Menthol	Drops (2).
Noscapine	Syrups (2) and bulk chemicals—not a marketed drug product (1).
Products for relief of nasal congestion:	
Naphazoline hydrochloride	Drops (1) and sprays (1).
Oxymetazoline hydrochloride	Do.
Phenylephrine	Drops (1).
Phenylephrine hydrochloride	Sprays (2), jellies (1), and elixirs (1).
Phenylpropanolamine hydrochloride	Tablets (2) and liquids (1).
Xylometazoline hydrochloride	Drops (2) and sprays (2).
Products for use as antihistamines:	
Brompheniramine maleate	Tablets (1) and liquids (1).
Chlorpheniramine maleate	Tablets (1) and syrups (1).
Methapyrilene fumarate	Bulk chemicals—not a marketed drug product (1).
Methapyrilene hydrochloride	Bulk chemicals—not a marketed drug product (1).
Promethazine	Liquids (1).
Products for use as an expectorant:	
Glyceryl guaiacolate	Liquids (2).
Hydriodic acid	Liquids (1).
Iodized lime	Tablets (1).
Products for use in relief of sore throat:	
Benzocaine	Lozenges (1).
Hexylresorcinol	Lozenges (3).

The Panel concludes that in light of the numerous CCABA combination products on the market, there appears to be a shortage of single active ingredient products for the consumer to adequately and individually treat a specific symptom. This may or may not be representative of the marketplace but certainly indicates a paucity of single ingredient products. The Panel recommends that this situation be altered so that the public may make a more discriminating selection in the purchasing of OTC drugs. The Panel recognizes the consumer's prerogative for self-medication and believes that this can only be fully realized when single as well as combination products are more readily available.

The Panel is also aware of the inclusion of inactive, i.e., nontherapeutic, ingredients in CCABA preparations. These inactive ingredients are used for various purposes such as preservatives and flavors for specific product formulations. The Panel recognizes that some ingredients may be necessary for marketing purposes. However, the Panel recommends that the safety of inactive ingredients and the advisability of including them in drug products be reviewed by an appropriate body. The Panel further discusses inactive ingredients elsewhere in this document. (See part II. paragraph I. below—Inactive Ingredients.)

In summary, the Panel recommends that marketed products contain only those active and inactive ingredients that are essential to the product.

3. *Combining of active ingredients reviewed by the Panel from different pharmacologic groups.* The Panel is aware of the concept that it may be more convenient to include more than one active ingredient in the same product. Symptoms of the "common cold" or hay fever may include nasal congestion, running nose and coughing. The Panel has determined that if a combination product contains ingredients which are limited to one active ingredient from each representative pharmacologic group, e.g., nasal decongestant, antihistamine and antitussive, each of which is generally recognized as safe and effective when used alone for the specific symptom, e.g., antitussive for cough, the combination is rational and convenient for treatment of concurrent symptoms. The Panel concludes that the combinations of ingredients from pharmacologic groups identified below are safe and effective for a significant proportion of the target population having concurrent symptoms. (See part II. paragraph C.8.b. below—Criterion.)

The Panel clearly desires to avoid the so-called "shotgun approach" for the treatment of symptoms with a combination of ingredients in a single product. However, due to the unique nature of symptoms to be treated by CCABA preparations under consideration by this Panel, such combinations, with restrictions as established by the Panel, are justifiable.

The Panel is aware of a regulation (21 CFR 331.15(b)) providing for the combining of safe and effective (Category I) antacid and nonantacid active ingredients for the treatment of concurrent symptoms. The Panel emphasizes that the regulation provides for combining ingredients with different pharmacologic activities without additional clinical testing of the combination. This concept has been adopted by this Panel for certain combinations that the Panel has classified as Category I.

The Panel believes that these combinations of pharmacologic groups identified as Category I may offer a convenient and rational approach for relief of concurrent symptoms. The Panel has limited such combinations to three pharmacologic groups because it is unable to determine a significant target population which could benefit from a combination product containing greater than three pharmacologic groups. The Panel can find little scientific justification for including four or more pharmacologic groups in the same product since it is improbable that concurrent symptoms of sufficient duration and severity exist to warrant such combinations. As previously noted in the discussion pertaining to the "common cold," the course and symptoms of the disease are variable and may extend for 7 to 14 days. It would appear highly unlikely that at any one time, simultaneous symptoms would be present and of such severity in the course of the disease as to warrant the need for a product containing more than three pharmacologic groups. Therefore, the Panel has determined that combination products containing four or more different pharmacologic groups be classified as Category III. Before such products may be classified as Category I, a significant target population requiring such a combination for the treatment of concurrent symptoms of sufficient duration and severity must be identified.

4. *Combining of active ingredients reviewed by the Panel from the same pharmacologic group.* The Panel is concerned with the marketing of products containing drugs from the same pharmacologic group. Each Category I combination is currently limited to one active ingredient from any one pharmacologic group. The Panel can find little scientific justification for combining more than one active ingredient from the same pharmacologic group in the same product. The Panel is unaware of adequate supportive data which would establish sufficient argument for combining ingredients from the same pharmacologic group. For most products reviewed by the Panel, these ingredients from the same pharmacologic group are present in subtherapeutic doses. There is a lack of data on the effects of full therapeutic doses of ingredients from the same pharmacologic group in combination and therefore such combinations could not be evaluated by the Panel.

As an example, suppose two ingredients from the same pharmacologic group are combined in equal amounts in terms of pharmacologic activity (i.e., each at one-half the therapeutic dose) in the same product. The Panel doubts the justification in assuming that a dose of the product containing one-half the adult dose of each drug will produce an effect equal to one adult therapeutic dose of

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either of the ingredients. The Panel is unable to find data to support the theory of the contribution of subtherapeutic doses of each ingredient in the same pharmacologic group in presently marketed combination products submitted for review to the Panel. The Panel is aware of certain combinations, such as "triple sulfas" to reduce the inherent toxicity of administering a single sulfa drug. However, this concept is difficult to relate to CCABA preparations since little evidence was submitted to the Panel demonstrating sufficient need for such combinations of ingredients from the same pharmacologic group.

It is the opinion of the Panel that to provide for combinations containing ingredients from the same pharmacologic group would contribute to the likelihood of undesirable additive or synergistic effects as noted above. (See part II. paragraph C.2. above—Limitation of ingredients in combination products.) It is accepted medical practice to give only those drugs necessary for the safe and effective treatment of the patient. The Panel believes that this concept should also apply to self-medication where a consumer treats symptoms without the advice of a physician.

In conclusion, to allow for the possibility, however unlikely, that there may be advantages to combining two drugs from the same pharmacologic group, the Panel has determined that such combinations be classified as Category III. Additional studies as described below in Principle No. 10 are needed for Category III combinations to determine their safety and effectiveness. (See part II. paragraph 10. below—Criteria and testing procedures for Category III combination products (for oral use unless otherwise specified).) The Panel has further determined that any combination product containing more than two active ingredients from the same pharmacologic group (e.g., three antihistamines) is irrational since there seems to be no reason to expect a possible benefit from the combination, and is therefore classified by this Panel as a Category II combination.

5. *Combining of active ingredients not reviewed by the Panel from the same or different pharmacologic group.* Many CCABA preparations contain active ingredients that have not been reviewed by this Panel because they are ingredients that have been or currently are being reviewed by other OTC panels. These ingredients include acetaminophen, aspirin, benzocaine, caffeine, quinine sulfate and salicylamide. Claims such as "temporarily relieves minor sore throat pain," or "For temporary relief of headache, aches, pains and fever due to colds" are examples of the labeling commonly found on CCABA preparations containing these ingredients. Such claims do not directly relate to the active ingredients reviewed by this Panel. The Panel has reviewed, for example, antitussives and the corresponding labeling claims for cough. However, the Panel has not reviewed analgesics and/or antipyretics for the labeling claims of pain and fever.

The Panel has evaluated the active ingredients in combination products submitted for review from the standpoint of their safe and effective use as cold, cough, allergy, bronchodilator and antiasthmatic products. Active ingredients included for concurrent symptoms, e.g., an analgesic for pain, have been reviewed only for their rational use in such combination products. The determination as to the safety and effectiveness of individual analgesics, for example, remains with the OTC Internal Analgesic Panel. The following are the Panel's conclusions as to the appropriateness of such combinations:

a. *Combination products containing vitamins.* The Panel is cognizant of the popular use of vitamin C (ascorbic acid) for the prevention or treatment of the "common cold." The Panel has reviewed the available data for the ingredient as a single entity and finds that the data are insufficient to permit final classification as safe and effective for OTC use in the prevention or treatment of the cold. The Panel has discussed the safety and effectiveness of vitamins including vitamin C as claimed active ingredients elsewhere in this document. (See part IX. paragraph B.1.b. below—Vitamins used alone or in combination CCABA products with labeling claims for the prevention or treatment of the "common cold.") and (See part IX. paragraph B.2.b. below—Ascorbic acid (vitamin C).) The Panel has also discussed the labeling of these claimed active ingredients elsewhere in this document. (See part IX. paragraph B.1.b. below—Vitamins used alone or in combination CCABA products with labeling claims for the prevention or treatment of the "common cold.") and (See part IX. paragraph B.2.b. below—Ascorbic acid (vitamin C).)

The Panel found no study which demonstrated that vitamin C is unequivocally effective for the prevention or treatment of the "common cold" although some data tended to favor effectiveness for treatment of cold symptoms. Since no conclusive data on the dose or dosage schedule are available on vitamin C used alone or in combination products with other ingredients for prevention or treatment of the cold, the Panel is unable to propose adequate labeling with a dosage regimen and has therefore classified such labeling as Category II. In summary, the Panel has reviewed vitamin C and has classified the "ingredient" as Category III and any "labeling" for the prevention or treatment of the cold as Category II.

With regard to combination products, the Panel further notes that the use of vitamins in CCABA combination products for the prevention of colds is irrational since the other ingredients in these products should only be used when the symptoms of the "common cold" are present. It is difficult for the Panel to rationalize the use of vitamin C or any other vitamin for the treatment of the "common cold" in combination products which are to be used only for a short duration while symptoms persist. It would be illogical for a consumer to take a cold combination product to prevent a cold. The Panel has therefore placed the labeling claims of combination products containing vitamins including vitamin C for prevention of the "common cold" in Category II.

b. *Combination products containing antihistamines with sleep-aid claims.* Antihistamines are primarily useful for relief of allergic disorders but secondarily act centrally to produce sedation or sleep. The Panel has discussed the safety and effectiveness of antihistamines elsewhere in this document. (See part VII. below—Antihistamines.) The Panel has established a safe and effective dosage range for certain antihistamines when used to treat symptoms of running nose, sneezing, itching nose or throat and watery eyes. The Panel has recommended that the labeling for these ingredients contain the warning, "May cause drowsiness".

The Panel notes that CCABA combination products are currently available for use at bedtime and promoted for such various claims as "for restful sleep". The Panel recognizes that if the symptoms of cough and cold are adequately treated, there is a greater likelihood of normal sleep. However, the duration of drug effects from "nighttime cold preparations" which are recommended to be taken once at bedtime is not fully documented.

The Panel is unable to make a final determination as to safe and effective use of an antihistamine or other agent when used as a sleep-aid in CCABA preparations. It is obvious an antihistamine may have several activities, e.g., antitussive, antihistamine, or sedative activity depending upon the dosage level used. The Panel has therefore placed sedation claims associated with CCABA combination products containing an antihistamine in Category III. The Panel further concludes that the combining of an additional antihistamine in a CCABA combination product for the exclusive purpose of sedation is irrational. Therefore, the Panel classifies such combinations as Category II.

c. *Combination products containing analgesics and antipyretics.* Many currently marketed combination products contain analgesics and antipyretics for treatment of concurrent symptoms of headaches, muscular aches, pains and fever which accompany colds. The Panel finds these claims to be acceptable and rational. Therefore, where not expressly prohibited, a generally recognized as safe and effective analgesic and/or antipyretic may be combined with the Category I ingredients reviewed by the Panel. Certain combinations that are contraindicated and placed in Category II are summarized below. (See part II. paragraph C.9. below—Criteria for Category II combination products (for oral use unless otherwise specified).)

d. *Combination products containing local anesthetics or other agents with claims for relief of sore throat.* The symptoms of sore throat often accompany cough and the "common cold." It is usually a simple irritation aggravated by breathing through the mouth. The Panel has referred the evaluation of the safety and effectiveness of individual ingredients and labeling claims for sore throat to the OTC Oral Cavity Panel. The Panel believes that combination products containing safe and effective agents to relieve minor throat irritation are rational. The Panel has therefore placed combinations containing local anesthetics with other Category I CCABA agents in Category I. The Panel recommends that labeling contain adequate warnings against use when persistent or chronic sore throat is present and is accompanied by fever or other symptoms. (See part II. paragraph F. below—Deferral of "Sore Throat" Claim.)

The Panel recognizes that most sore throat remedies are applied topically while other symptoms of the cold are usually treated internally through oral ingestion. As an example, a throat lozenge containing a local anesthetic (benzocaine) and an antitussive (dextromethorphan) produces two pharmacologic activities. The lozenge releases benzocaine locally in the oral cavity whereas the dextromethorphan is ingested for a systemic action.

e. *Combination products containing correctives (stimulants and sedatives).* The Panel is aware that caffeine is included in some CCABA preparations with claims such as "for relief without drowsiness". Caffeine is also sometimes added to a combination product with no reference in the labeling as to its pharmacologic activity. The Panel presumes that the rationale for the inclusion of caffeine in such combinations is to reduce the sedating side effects of antihistamines.

While the Panel agrees with the rationale for caffeine serving as a "stimulant corrective," combinations containing it are placed in Category III until such "corrective" pharmacological action can be proven. This activity of caffeine should be identified on the label as "an ingredient added to counteract drowsiness caused by other drugs in this product." Where caffeine is added only as a corrective, labeling claims such as "for relief without drowsiness" are unjustified and are therefore misleading. The Panel has classified such labeling claims as Category II.

The Panel believes that combining Category I CCABA ingredients with a stimulant such as caffeine at a fully effective dose (not as a corrective) is irrational since the Panel is unaware of a significant target population having a need for CCABA ingredients and a stimulant. Accordingly, the Panel places combinations of CCABA ingredients combined with stimulants at effective dosage levels in Category II.

In addition, sympathomimetic drugs and theophyllines may cause central nervous system stimulation in some patients. To counteract this effect the Panel presumes that phenobarbital has been added to some combinations as a "sedative corrective" rather than as an active ingredient. While the Panel agrees with the rationale for phenobarbital serving as a "sedative corrective," combinations containing it are placed in Category III until such "corrective" pharmacological action can be proven. (See part IX. paragraph B.2.d. below—Phenobarbital.) This activity of phenobarbital should be identified on the label as "an ingredient added to counteract nervousness caused by other drugs in this product." The Panel has included in this document a protocol designed to evaluate the effectiveness of phenobarbital under the above circumstances to show whether it has an additional beneficial or adverse effect on bronchospasm. (See part IX. paragraph B.2.d.(5) below—Evaluation.)

6. *Labeling of active ingredients.* As discussed above, the Panel has determined that each claimed active ingredient in a combination product must make a contribution to the claimed effect(s). (See part II. paragraph C.1. above—General combination policy.) Based upon this determination, the Panel concludes that combination products must be labeled to reflect all of the proven pharmacologic activities of each active ingredient in the combination. If a single ingredient has several activities, these should all be identified in the labeling consistent with the activities found at the recommended dosage for the product.

The Panel recommends that the labeling of a combination product containing active ingredients for treatment of concurrent symptoms emphasize the use of the product only when all such symptoms are present. The consumer should be adequately informed through the labeling of the therapeutic capabilities of the product. If, for example, only the symptom of running nose is present, a single ingredient rather than a combination product would be the rational therapy. Labeling should therefore fully reflect the activities of all active ingredients at the dosage recommended so that a consumer may select an appropriate product for relief of concurrent symptoms. If a product contains an active ingredient for which no labeling claim is made, it is clearly misleading to the consumer.

7. *Marketing experience for cold, cough, allergy, bronchodilator and antiasthmatic combination products.* The Panel recognizes the extensive marketing history of CCABA preparations. The drug industry presented data to the Panel summarizing consumer complaint information obtained from a survey of 32 pharmaceutical manufacturers (Ref. 2). A total of 117 combination CCABA products representing over 4 billion package units were included in the survey. The products were combinations of 83 ingredients representing 9 pharmacologic groups (nasal decongestants, antitussives, expectorants, antihistamines, anticholinergics, bronchodilators, analgesics, sedatives and stimulants). Inactive ingredients such as glycine and alcohol were also included in the data presented.

The drug industry reported to the Panel that the overall number of consumer complaints in the survey, in terms of either adverse reactions and/or ineffectiveness was less than one complaint per one million packages sold. However, from the survey data the Panel is unable to determine whether the information on adverse reactions was gathered during the entire period for which marketing data were reported for the products. The drug industry acknowledged that not every consumer complaint is well-founded or attributable to the drug product. In addition, not every consumer who fails to receive relief or experiences side effects registers complaints with the drug manufacturer.

The Panel has considered the marketing data submitted. The Panel finds that of the 83 ingredients included in the survey, only 11 ingredients have been classified by the Panel as Category I whereas 27 have been classified as Category III. Only one of the ingredients, belladonna alkaloids, has been classified as Category II when used by inhalation in the treatment of asthma. The remaining ingredients were not submitted for review to the Panel, pursuant to the call for data published in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029), and therefore were not considered by the Panel. Several of these ingredients are currently available only by prescription while others are inactive ingredients. The actual quantities of active ingredients contained in the products and the amounts actually consumed by consumers were not included in the survey data and can only be estimated.

It would appear from the data that there is a low incidence of obvious adverse reactions which the consumer can attribute to the drug product. Since the quantities of drug administered in the surveyed products are not known, the Panel has reviewed the quantities of active ingredients contained in the marketed products submitted for review to the Panel. (See part I. paragraph A. above—Submissions by Firms.) The Panel presumes that the quantities of active ingredients contained in these products are generally representative of the products contained in the survey. The Panel concludes that while marketing data are limited and difficult to interpret they tend to support the safe use of combinations of active ingredients reviewed by the Panel.

The fact that over 4 billion packages of the 117 combination products have been sold would tend to indicate that consumers perceive a need for such drugs. It is obvious that consumers believe these products useful, to account for the many sales, but the extent to which this belief by the consumer is established by advertising rather than by a need perceived independently of advertising cannot be determined by the Panel. In addition, belief in the usefulness of a product may be related to a placebo response and also to the fact that a self-limiting illness is being treated.

Regarding effectiveness, the Panel has applied the OTC Drug Review Regulation (21 CFR 330.10(a)(4)(ii)) which provides, that as a source of corroboration for proof of effectiveness, the reports of significant human experience during

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marketing are appropriate. The Panel finds the data helpful but not conclusive. The Panel believes that marketing experience, in and of itself, cannot be regarded as constituting adequate proof of effectiveness. Since the amounts of active ingredients included in the survey are not known, it is difficult for the Panel to determine the effectiveness of these combination products.

Data were contained in the survey of combinations by pharmacologic groups. For example, products with antitussives and nasal decongestants were compared to products containing antitussives, nasal decongestants and expectorants, etc. The data tend to indicate the addition of a drug from an additional pharmacologic group does not alter the complaint ratios. The Panel concludes that the data meet the criteria of the regulation (21 FR 330.10(a)(4)(ii)) and are limited but tend to support the effective use of certain combinations.

8. *Criteria for Category I combination products (for oral use unless otherwise specified).* Based upon an evaluation of the drug combinations submitted to the Panel for review, the following criteria have been established:

a. *Criterion.* Each claimed active ingredient and its labeling in a combination must be generally recognized as safe and effective (Category I) and each active ingredient must be combined within the established effective dosage range as set forth elsewhere in this document.

b. *Criterion.* Products containing one active ingredient from each pharmacologic group in the combinations identified below are classified as Category I combination products, provided the active ingredients and their labeling are generally recognized as safe and effective (Category I) and such ingredients are present in amounts within the effective dosage range.

(1) Combinations containing an analgesic-antipyretic and an antihistamine.

(2) Combinations containing an analgesic-antipyretic and a nasal decongestant.

(3) Combinations containing an analgesic-antipyretic, a nasal decongestant and an antihistamine.

(4) Combinations containing an antihistamine and an antitussive provided the product is labeled "*Caution:* May cause marked drowsiness." The labeling term "marked" relating to the warning statement may be removed if adequate data are supplied to the Food and Drug Administration to demonstrate that the combination product does not cause a significant increase in drowsiness as compared with each ingredient when tested alone.

(5) Combinations containing an antihistamine and a nasal decongestant.

(6) Combinations containing an antihistamine, an antitussive and a nasal decongestant.

(7) Combinations containing an antitussive and an expectorant provided the product is labeled only for nonproductive cough. Expectorants are expected to have their major usefulness in the irritative nonproductive cough as well as those coughs productive of scanty amounts of thick, sticky secretions. Antitussives suppress the act of coughing and may promote retention of some mucous secretions and thereby coat inflamed bronchial membrane linings.

(8) Combinations containing an antitussive and a nasal decongestant.

(9) Combinations containing an antitussive and a local anesthetic or local analgesic-antipyretic provided the product is available only as a lozenge.

(10) Combinations containing an antitussive, an expectorant and a nasal decongestant provided the antitussive and expectorant ingredients in the product are labeled only for nonproductive cough. Expectorants are expected to have their major usefulness in the irritative nonproductive cough as well as those coughs productive of scanty amounts of thick, sticky secretions. Antitussives suppress the act of coughing and may promote retention of some mucous secretions and thereby coat inflamed bronchial membrane linings.

(11) Combinations containing an oral bronchodilator and an expectorant provided the product is labeled only for cough associated with asthma.

(12) Combinations containing an oral bronchodilator (sympathomimetic) and an oral bronchodilator (theophylline).

(13) Combinations containing an expectorant and a nasal decongestant.

(14) Combinations containing a nasal decongestant and a local anesthetic or local analgesic-antipyretic provided the product is available only as a lozenge.

9. *Criteria for Category II combination products (for oral use unless otherwise specified).* Based upon an evaluation of the drug combinations submitted to the Panel for review, the following criteria have been established:

a. *Criterion.* A combination is Category II if a Category II ingredient or labeling is present in the combination product.

b. *Criterion.* A combination product containing Category I ingredients from different pharmacologic groups is classified as Category II if it includes any ingredient(s) at less than the minimum effective dosage established by the Panel unless the ingredient(s) are being used to treat the same symptom. (See Part II. paragraph C. 10.b.(1) below—Category III Combination.)

c. *Criterion.* If a product contains an active ingredient or labeling that has not been reviewed by this or other OTC Advisory Review Panels, such ingredient or labeling is classified by this Panel as Category II.

d. *Criterion.* A combination product is classified as Category II if it includes more than two active ingredients from the same pharmacologic group.

e. *Criterion.* Combinations of active ingredients and labeling which have been determined by the Panel to be unsafe or irrational and classified as Category II are as follows:

(1) Combinations containing an analgesic-antipyretic and a bronchodilator. This combination contains an analgesic for the symptomatic treatment of fever or muscular aches, etc., associated with the "common cold" and contains a bronchodilator with a claim for the treatment of symptoms of asthma. The Panel concludes that if an individual with a cold needs relief of asthma, he should take a bronchodilator separately since there may be a more frequent need of this drug than for the other ingredients contained in the preparation. In addition, the Panel further concludes that a bronchodilator should only be labeled for use in patients with asthma and that the addition of an analgesic is irrational. The Panel believes that for treatment of concurrent symptoms where an asthmatic requires an analgesic or antipyretic, he should take such drugs separately because the dosage and need for each of the ingredients varies with the likelihood that the bronchodilator is more frequently required.

(2) Combinations containing an anticholinergic and an expectorant. This combination is irrational because an expectorant promotes the production of secretions whereas the anticholinergic produces an opposite effect, i.e., antisecretory action.

(3) Combinations containing an antihistamine and an expectorant. This combination is irrational because an expectorant promotes the production of secretions whereas the anticholinergic activity of an antihistamine produces an opposite effect, i.e., anti-secretory action.

(4) Combinations containing a bronchodilator and an anticholinergic. This combination is irrational because the anti-secretory action of the anticholinergic may produce thickened bronchial secretions which may cause further obstruction of the airways in individuals with asthma.

(5) Combinations containing a bronchodilator and an antihistamine. This combination is irrational because the anticholinergic effect, i.e., anti-secretory action, of antihistamines may produce thickened bronchial secretions which may cause further obstruction of the airways in individuals with asthma.

(6) Combinations containing an oral bronchodilator and an antitussive when the product is labeled only for cough associated with asthma. This combination is irrational because the antitussive suppresses cough and the cough reflex is essential in asthma to maintain an open airway by clearing the respiratory passages of excessive secretions.

(7) Combinations containing an antitussive and an antihistamine if the antitussive is also generally recognized as safe and effective as an antihistamine. This combination is not safe because the antihistaminic side effects of the antitussive may combine with the side effects of the antihistamine.

(8) Combinations containing an antihistamine and an antitussive if the antihistamine is also generally recognized as safe and effective as an antitussive. This combination is not safe because the antitussive side effects of the antihistamine may combine with the side effects of the antitussive.

f. *Criterion.* Combination products containing any vitamins, e.g., vitamin C, with labeling claims which represent or suggest the product for the prevention or treatment of the "common cold". (See part II. paragraph C.5.a. above—Combination products containing vitamins.)

g. *Criterion.* Combination products containing a stimulant, e.g., caffeine, at a fully effective level (not as a "corrective"). (See part II. paragraph C.5.e. above—Combination products containing correctives (stimulants and sedatives).)

h. *Criterion.* Combination products containing more than one antihistamine in which an additional antihistamine is added for the exclusive purpose of sedation and the product contains labeling which represents or suggests the additional antihistamine as a "sleep-aid." (See part II. paragraph C.5.b. above—Combination products containing antihistamines with sleep-aid claims.)

10. *Criteria and testing procedures for Category III combination products (for oral use unless otherwise specified).* Based upon an evaluation of the drug combinations submitted to the Panel for review the following criteria and corresponding testing procedures are recommended:

a. *Criterion.* (1) *Category III combination.* If a Category III ingredient or labeling is present in a combination product containing no Category II ingredient or labeling, the combination is classified as Category III.

(2) *Category III testing procedure.* The Category III ingredient (or ingredients) for the labeling claims (symptom(s)) must be tested in accordance with the evaluation protocol specified for that particular pharmacologic group. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group. If when tested alone the Category III ingredient (or ingredients) can be shown to be safe and effective in accordance with the standards for evaluation established in the protocol(s), it then qualifies for Category I status. The combination will then contain only Category I ingredients and will be considered Category I without further testing provided the combination is identified above. (See part II. paragraph C.8.b. above—Criterion.)

b. *Criterion.* (1) *Category III combination.* If two or more ingredient(s) are being used to treat the same symptom (labeling claim), a combination product is classified as Category III even if it contains Category I ingredients from different pharmacologic groups when any ingredient(s) is present at less than the minimum effective dosage established by the Panel.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each of the individual ingredients in the minimum effective dosage, and each of the individual ingredients in the less than the minimum effective dosage used in the combination, and a placebo are evaluated, all in the same study, against the relevant symptom (labeling claim). In this way, comparisons of safety and effectiveness can be made directly between the combination, the individual ingredients and the placebo. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group. If when tested alone the Category III ingredient (or ingredients) can be shown to be safe and effective in accordance with the standards for evaluation established in the protocol(s), it then qualifies for Category I status. The combination will then contain only Category I ingredients and will be considered Category I without further testing provided the combination is identified above. (See part II. paragraph C.8.b. above—Criterion.)

b. *Criterion.* (1) *Category III combination.* If two or more ingredient(s) are being used to treat the same symptom (labeling claim), a combination product is classified as Category III even if it contains Category I ingredients from different pharmacologic groups when any ingredient(s) is present at less than the minimum effective dosage established by the Panel.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each of the individual ingredients in the minimum effective dosage, and each of the individual ingredients in the less than the minimum effective dosage used in the combination, and a placebo are evaluated, all in the same study, against the relevant symptom (labeling claim). In this way, comparisons of safety and effectiveness can be made directly between the combination, the individual ingredients and the placebo. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group.

For a combination of Category I ingredients from different pharmacologic groups used to treat the same symptom and in which at least one of the ingredients is in less than the minimum effective dosage, to be classified as a Category I combination, the relative incidence of side effects and/or other untoward effects of the combination should not be significantly greater than those of any individual ingredient in that combination alone in the minimum effective dosage. In addition, the combination must exert a significant effect against the relevant symptom which is not less than any one of the ingredients when tested alone in the minimum effective dosage. The justification for these requirements is that such a combination should not compromise effectiveness nor should it pose a greater risk of side effects than is associated with an ingredient alone in its minimum effective dosage.

c. *Criterion.* (1) *Category III combination.* A combination product is classified as Category III if it includes two Category I ingredients from the same pharmacologic group.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each of the individual ingredients, at its minimum effective dosage, and a placebo are evaluated, all in the same study, against the relevant symptom (labeling claim). In this way, comparisons of safety and effectiveness can be made directly between the combination, the individual active ingredients from the same pharmacologic group at its minimum effective dosage and the placebo. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group.

For a combination of two Category I ingredients from the same pharmacologic group to be classified as a Category I combination, the relative incidence of side effects and/or other untoward effects of the combination should not be significantly greater than those of either individual ingredient alone at its minimum effective dosage. In addition, the combination must exert a significant effect against the relevant symptom(s) which is not less than either one of the ingredients when tested alone at its minimum effective dosage. The justification for these requirements is that such a combination should not compromise effectiveness nor should it pose greater risk of side effects than is associated with an individual ingredient alone.

d. *Criterion.* (1) *Category III combination.* A combination product containing two Category I ingredients from the same pharmacologic group is classified as Category III if it includes either or both ingredient(s) at less than the minimum effective dosage established by the Panel.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each of the individual ingredients in the minimum effective dosage, and each of the individual ingredients in the less than the minimum effective dosage used in the combination, and a placebo are evaluated, all in the same study, against the relevant symptom. In this way, comparisons of safety and effectiveness can be made directly between the combination, the individual active ingredients from the same pharmacologic group and the placebo. The appropriate protocol(s) under the heading "Data Required for Evaluation" is identified elsewhere in this document for each respective pharmacologic group. Each individual ingredient which is in less than the minimum effective dosage should demonstrate a contribution, but not necessarily a significant effect, against the relevant symptom when compared to placebo. It is very difficult to develop a generally applicable definition of a "contribution." Each ingredient and the symptom that it should affect must be analyzed individually as to the effect on the patient population in which it is being used. For an ingredient to be judged as contributing to the alleviation of the relevant symptom, the Panel suggests that the drug effect should demonstrate a 10 percent or greater difference from placebo.

For a combination of two Category I ingredients from the same pharmacologic group to be classified as a Category I combination, the relative incidence of side effects and/or other untoward effects of the combination should not be significantly greater than those of either individual ingredient alone in the minimum effective dosage established by the Panel. The justification for these requirements is that such a combination should not compromise effectiveness nor should it pose greater risk of side effects than is associated with an individual ingredient alone in the minimum effective dosage.

e. *Criterion.* (1) *Category III combination.* Combinations of active ingredients for which the available safety data are insufficient for the Panel to make a final

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determination and are classified as Category III: (i) Combinations containing atropine and an oral nasal decongestant. Additional studies are necessary to assess the potential additive central nervous system stimulant side effects.

(ii) Combinations containing an antihistamine and an anticholinergic. Additional studies are necessary to assess the nature and extent of additive anticholinergic side effects.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination and a placebo are evaluated in suitable subjects so that comparisons can be made of the particular side effect(s) of concern which are specified above. In addition, data on the relative incidence and intensity of those side effects must be available for the individual active ingredients in the same dosage as in the combination either evaluated in the same study as above, or evaluated in a separate study using a comparable test protocol. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group.

If the relative incidence and intensity of the side effect(s) of the combination are increased to a degree which prevents its safe use as an OTC product, it will be classified as a Category II combination for those dosages. If the relative incidence and intensity of side effect(s) are significantly greater than with either ingredient administered alone but not to a degree to prevent its safe OTC use, a suitable warning regarding potential for that side effect should be specified in the labeling for the combination product. If the relative incidence and/or intensity of side effect(s) with the combination are not significantly greater than with either ingredient administered alone, no warnings other than the standard Category I warnings for those ingredients are needed on the label.

f. *Criterion.* (1) *Category III combination.* Combinations of active ingredients for which the available effectiveness data are insufficient for the Panel to make a final determination or for which there is no rationale for use and are classified as Category III are as follows: (i) Combinations containing a nasal decongestant and an antihistimine administered topically as a spray or drops. Additional studies are necessary to assess the contribution of the antihistamine administered by the topical route since there are inadequate studies demonstrating the effectiveness of the antihistamines topically in such combinations.

(ii) Combination products containing an antitussive and a bronchodilator used as an antitussive provided the product is labeled only for cough not associated with asthma. Additional studies are necessary to assess the antitussive effects of a bronchodilator in combination with an antitussive in reducing cough.

(iii) Combination products containing an expectorant and a bronchodilator used as an antitussive provided the product is labeled only for cough not associated with asthma. Additional studies are necessary to assess the antitussive effects of a bronchodilator in combination with an expectorant in reducing cough.

(iv) Combination products containing an antitussive and an expectorant provided the product is labeled only for productive cough. Additional studies are necessary to assess the combined effects of an antitussive and an expectorant in the presence of excessive or more fluid bronchial secretions.

(v) Combination products containing an antitussive, an expectorant and a nasal decongestant provided the antitussive and expectorant ingredients in the product are labeled only for productive cough. Additional studies are necessary to assess the combined effects of an antitussive and an expectorant in the presence of excessive or more fluid bronchial secretions.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each individual ingredient, and a placebo are evaluated against the relevant symptoms either in the same study or in separate studies using comparable test protocols. The appropriate protocol(s) under the heading "Data Required for Evaluation" is identified elsewhere in this document for each respective pharmacologic group. In this way, comparisons of effectiveness can be made between the combination, the individual active ingredients and the placebo by that route of administration. When tested alone by that route of administration, each individual ingredient should demonstrate a significant effect against the relevant symptom when compared to placebo.

For the combination of Category I ingredients from different pharmacologic groups to be a Category I combination by that route of administration, the combination must also exert a significant effect against each of the relevant symptoms when compared with the placebo.

g. *Criterion.* (1) *Category III combination.* Combination products containing an active ingredient specifically intended to counteract a side effect of other ingredients in the product, i.e., a "corrective", for which the available data are insufficient for the Panel to make a final determination, are classified as Category III.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination with and without the corrective is evaluated to assess the effectiveness of the corrective to significantly decrease the incidence and/or intensity of the undesirable side effect, and to assess the safety of this combination.

h. *Criterion.* (1) *Category III combination.* Combination products containing an antihistamine with a sleep-aid claim for which data are insufficient for the Panel to make a final determination and are classified as Category III.

(2) *Category III testing procedure.* If a sleep-aid effect is claimed for the antihistamine, the Panel recommends a testing protocol in conformance with requirements specified by the OTC sedative, tranquilizer and sleep-aid drug products Panel as published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292).

i. *Criterion.* (1) *Category III combination.* Combination products containing several claimed active ingredients which are mixtures of volatile substances with overlapping pharmacologic activities for which a minimum effective dosage cannot be established for one or more of the ingredients when tested alone are classified as Category III.

(2) *Category III testing procedure.* An acceptable test procedure will be one in which the combination, each of the individual ingredients in the dosage used in the combination, and a placebo must be evaluated against the relevant symptom (labeling claim), either in the same study, or in separate studies using comparable test protocols. The appropriate protocol(s) under the heading "Data Required for Evaluation" are identified elsewhere in this document for each respective pharmacologic group. When tested alone, each individual ingredient should demonstrate a contribution, but not necessarily a significant effect, against the relevant symptom when compared to placebo. It is very difficult to develop a generally applicable definition of a "contribution." Each ingredient and the symptom that it should affect must be analyzed individually as to the effect on the patient population in which it is being used. For an ingredient to be judged as contributing to the alleviation of the relevant symptom, the Panel suggests that the drug effect should demonstrate a 10 percent or greater difference from placebo.

For the combination of these ingredients to be classified as Category I, it must exert a significant effect against the relevant symptom when compared to placebo meeting the standards of evaluation set forth for that pharmacologic group. Furthermore, the combination product must be judged safe for OTC use as evaluated by the incidence and/or intensity of side effects and/or other untoward effects.

j. *Criterion.* (1) *Category III combination.* There is lack of data on a suitable target population with concurrent symptoms of sufficient duration to justify combination products containing four or more different pharmacologic groups. Therefore, the Panel classifies combination products containing four or more different pharmacologic groups as Category III. Examples of such combinations are as follows:

(i) Combinations containing an analgesic-antipyretic, an antitussive, an expectorant and a nasal decongestant.

(ii) Combinations containing an analgesic-antipyretic, an antitussive, an antihistamine and a nasal decongestant.

(2) *Category III testing procedure.* Before such combinations may be classified as Category I, a significant target population requiring such a combination for the treatment of concurrent symptoms of sufficient duration and severity must be identified by appropriate epidemiological studies. If a suitable target population is found such combinations may be classified as Category I.

REFERENCES

(1) "AMA Drug Evaluations," 2d Ed., American Medical Association, Chicago, pp. 499–503, 1973.

(2) OTC Volume 040287.[1]

(3) Cohen, B. M., "Sympathomimetic/Xanthine Broncholysis in Obstructive Ventilatory Disorders," *International Journal of Clinical Pharmacology*, 9:6–15, 1974.

D. STATEMENT ON CATEGORY III TESTING PROCEDURES

1. *Comments on study design.* The Panel has agreed that the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved technology in the future.

Experimental design should take into account the need to include a sufficient number of subjects or trials so as to provide meaningful conclusions which can be supported by appropriate statistical analysis. The selection of appropriate subjects or patients can be of major importance when the effect of a drug in a specific illness or symptom is under study.

A role for bias is assumed in all situations wherein the subject, the observer or both make a judgment as to the nature of magnitude of a response. Biological factors also contribute to variation in response between individuals in a given study sample. Although bias and biological variation cannot be eliminated, their effect on the outcome of an experiment can be avoided or minimized by adopting a "double-blind, placebo-controlled" or other suitably blinded design. In such a design, one group of subjects receives a placebo or dummy preparation so that the response unmodified by drug under test can be established. Neither the subjects nor the observer should be able to detect the identity of the preparations under test. This requires that the test and placebo preparations be indistinguishable in regard to taste, color and shape except in the case of preparations containing volatile substances where it will be impossible to make the active ingredients indistinguishable from the placebo.

It is often desirable to include a standard drug (a drug used as a positive control known to exert a significant effect against the relevant symptom(s) being tested) with which the unknown can be compared. Finally the inclusion of two or more dose levels of the drug under test may be desirable in order to provide an estimate of an effective therapeutic dose range free from undesirable side effects. If a crossover design is utilized, i.e., each subject serves as his own control, the sequence in which the placebo, standard and test drugs are administered should be randomized and a sufficient "washout period" between tests should be permitted.

Wherever possible, objective measurements should be made in perference to subjective judgments. However, such measurements should be relevant to the symptom or symptom complex for which the drug under test is to be used.

2. *Testing period provided for Category III conditions.* The Panel concludes that the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded, or as Category II—not being generally recognized as safe and effective, or would result in misbranding be permitted to remain in use for the period of time specified below after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

The Panel has established the following specific time limitations for testing based upon the applicable pharmacologic group:

Pharmacologic group:	*Time provided for testing (years)*
Anticholinergic	3
Antihistamine	3
Antitussive	4
Bronchodilator sympathomimetic	3
Bronchodilator theophylline	3
Expectorant	5
Nasal decongestant	3

The Panel believes that testing for bronchodilators, antihistamines, anticholinergics and nasal decongestants can be completed within 3 years. The techniques for testing are all well-established and are discussed in the relevant sections of the document below. The Panel feels that 1 year is necessary for the development of protocols with 2 years provided for the actual testing. Clinical testing should start within 6 months of publication of the final monograph.

The techniques for testing antitussives involve cough counting. At present, there are relatively few laboratories available to do this work, and the techniques are very time-consuming. Because of these factors, 4 years have been provided as the time limitation. Clinical testing should start within 1 year of the publication of the final monograph.

The Panel recognizes that the evaluation of expectorants is difficult and there is no completely accepted technique available for the assessment of this pharmacologic group of drugs. It seems likely that new techniques will have to be developed for effective testing of these substances. Because of the need for developmental technical work, the time limitation is placed at 5 years. Clinical testing should start within 18 months of the publication of the final monograph.

The Panel concludes that for Category III combination drug products containing more than one pharmacologic group, the time established for testing shall be determined by the pharmacologic group having the longest period provided for testing. (See part II. paragraph C.10 above—Criteria and testing procedures for Category III combination products (for oral use unless otherwise specified).)

In addition to establishing time limitations of testing for specific pharmacologic groups, the Panel has established the following periods for testing of other Category III conditions:

Category III condition:	*Time provided for testing (years)*
Antihistamines with sleep-aid claims	3
Caffeine (stimulant corrective)	2
Phenobarbital (sedative corrective)	2
Timed-release drug formulations	4
Vitamin C (ascorbic acid)	3

The Panel recognizes that CCABA combination products are available for use at bedtime and promoted for such various claims as "for restful sleep." The Panel has discussed sleep-aid claims elsewhere in this document (See part II. paragraph C.5.b. above—Combination products containing antihistamines with sleep-aid claims).

The Panel is unable to make a final determination as to safe and effective use of antihistamines or other agents as sleep-aids in CCABA preparations. The Panel has therefore placed sedation claims associated with CCABA combination products containing antihistamines in Category III and has provided 3 years for testing and documentation of such claims.

The Panel is aware that caffeine is included in some CCABA preparations with claims such as "for relief without drowsiness". Caffeine is also contained in combination products with no reference in the labeling as to its pharmacologic activity. The Panel presumes that the rationale for the inclusion of caffeine in such combinations is to reduce the sedating side effects of antihistamines. The Panel has discussed the use of "stimulant correctives" elsewhere in this document. (See part II. paragraph C.5.e. above—Combination products containing correctives (stimulants and sedatives).) The Panel agrees with the rationale for caffeine serving as a "stimulant corrective" but combinations containing it are placed in Category III until such "corrective" pharmacological action can be proven. The Panel has provided 2 years for testing and documentation of such claims.

Timed-release drug formulations have been reviewed elsewhere in this document. (See part II. paragraph E. below—Effect of Timed-Release Formulations on Effectiveness and Safety of OTC Drug

[1] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notice published in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029). The volumes are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

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Products.) The Panel has provided 4 years for the development of suitable tests for the standardization of all OTC timed-release CCABA products.

Vitamin C (ascorbic acid) has been reviewed elsewhere in this document. (See part IX. paragraph B.1.b. below—Vitamins used alone or in combination CCABA products with labeling claims for the prevention or treatment of the "common cold" and part IX. paragraph B.2.b. below—Ascorbic acid (vitamin C).)

The Panel concludes that the effectiveness of vitamin C in the prevention or treatment of the "cold" has not been established and has classified the ingredient as Category III with 3 years provided for testing. However, all labeling claims for the ingredient for the prevention or treatment of the "cold" are classified as Category II.

Phenobarbital has been reviewed elsewhere in this document. (See part II. paragraph C.5.e. above — Combination products containing correctives (stimulants and sedatives) and part IX. paragraph B.2.d. below—Phenobarbital.) Several products used in the treatment of the symptoms of asthma contain drugs which stimulate the central nervous system in some patients. The Panel presumes that phenobarbital is included to counteract these effects and is therefore a "sedative corrective" rather than an active ingredient. The Panel agrees with the rationale for phenobarbital serving as a "sedative corrective" but has classified such combinations as Category III until such "corrective" action is proven. The Panel has provided 2 years for testing and documentation of such claims.

E. EFFECT OF TIMED-RELEASE FORMULATIONS ON EFFECTIVENESS AND SAFETY OF OTC DRUG PRODUCTS

1. *Introduction.* The oral route is the most common method of administration for OTC cold, cough, allergy, bronchodilator and antiasthmatic products. Such products are swallowed and absorbed from the stomach and intestines. Drugs administered orally are dissolved in gastrointestinal fluids and are absorbed into the systemic circulation where they exert an action on "target" organs or receptors. Generally, this action occurs within an hour or so of ingestion of the drug and peaks, e.g., in an hour or two, but the drug action lasts for several hours, e.g., 3 to 6 hours. When the drug action begins to decline, e.g., at the end of 3 to 6 hours, it is necessary to take another dose so that the desired action will continue at a more or less constant level. Most drug studies showing safety and effectiveness have been carried out with oral dosage forms that act in this manner. There are, however, a number of OTC CCABA products that are formulated in another kind of oral dosage form called timed-release formulations. Theoretically, these products are formulated so as to dissolve in gastrointestinal fluids in a controlled manner so that small amounts will be absorbed over a longer period of time, e.g., over 3 to 6 hours rather than 1 hour, and the duration of drug action will be extended over a longer period, e.g., 8 to 12 hours rather than 3 to 6 hours.

Since the specific formulation of a product can affect its safety and effectiveness, the Panel has considered timed-release formulations of OTC products under its review. The Panel did not consider in detail each of these formulations nor evaluate the dissolution times of the specific formulation or the affect of formulation on safety and effectiveness of each individual ingredient under review when formulated in this unique manner. The Panel does recognize certain advantages and disadvantages of timed-released formulations. The Panel has reviewed the pertinent literature and selected articles regarding timed-release formulations and has set forth certain guidelines to be used in their evaluation (Refs. 1 through 9).

2. *General discussion.* To produce its characteristic effect, a drug must achieve adequate concentrations at its site of action. One important factor in determining the concentration attained is the extent and rate of drug absorption. Other factors include the amount of drug administered, its distribution within the body, binding or localization in tissues, inactivation or metabolism and excretion.

The latent period between administration of a drug and its onset of action is influenced by the route of administration, e.g., orally, topically, by inhalation, etc., and the rate of absorption and the penetration of the drug at the site of action. The duration of drug effects is determined largely by the rate of inactivation and excretion of the drug. The duration of action of the drug effect is determined by a balance between all of these factors.

The rate of absorption of oral dosage forms is dependent mainly on their dissolution rate in gastrointestinal fluids. Theoretically, slow release and sustained effects (up to 8 hours or longer) of drugs administered in oral dosage forms should be attained if such drugs are formulated so as to dissolve in gastrointestinal fluids in a controlled manner.

A number of the active ingredients reviewed by the Panel are presently formulated in repeat action or extended release dosage forms. These formulations are known by a variety of names such as sustained action, sustained release, prolonged release, controlled release, long-acting time release, etc. Repeat-action tablets periodically release complete doses of active drug to the gastrointestinal fluids. Extended-release tablets continuously release increments of the contained medication to the gastrointestinal fluids. These terms are often used interchangeably and, although technically different, are referred to in this document as timed-release formulations.

3. *Advantages.* The principle of controlled release of drugs from oral dosage units is generally accepted to provide several advantages over the conventional dosage forms that require a shorter time interval regimen of administration.

Among these advantages may be listed the principal ones of better patient compliance, increased patient convenience, and lower incidence and/or severity of side effects of the drugs due to elimination of the peaks in the level of drug concentration in the blood that often occur after repeated administration of traditional dosage forms.

4. *Disadvantages.* Among the disadvantages is the fact that uniformly effective preparations of time-released drugs have been difficult to achieve, in part because of technical problems associated with their manufacture, but also because the dissolution rate of these preparations in gastrointestinal fluids may be irregular and because variations in gastrointestinal acidity, gastric emptying, and intestinal motility and other physiological factors also influence drug absorption.

If reasonable uniformity of effectiveness is not achieved, for whatever reason, the dissolution rate, for example, may be so slow that no effect is achieved or, conversely, it may be so fast that the patient receives the effect of all the active drug within a short time period, resulting in an increased incidence and/or severity of side effects.

On theoretical grounds, there are a number of reasons why a given drug should not be formulated as a timed-release product. These reasons relate to the inherent nature of a specific drug. For example, a drug may have a very long half-life, i.e., it may be metabolized and eliminated from the body over a long period of time, and thus conventional dosing already provides sustained blood levels. A drug may require a very large dose before sustained action is possible and a timed-release product containing a dose sufficient for 8 or 12 hours would necessitate an inconvenient amount of drug being swallowed. Potent drugs, i.e., those having a very small difference between the effective and toxic doses, or those to which patient response is variable, necessitate individualization of dose or dosage interval, and timed-release products are designed to release the drug in a fixed pattern. Drugs that are poorly absorbed or poorly soluble are likely to be absorbed erratically, and thus the predictability of response following ingestion of a timed-released product is difficult. Since the amount of drug contained in a timed-release formulation is usually greater than in a conventional formulation, increased side effects or toxicity is possible. Variations in the patient's physiological response or a technical flaw in the formulation may result in the release of the entire amount of active drug from the formulation in a short period of time, thus producing adverse reactions.

Some drugs reviewed by the Panel are inappropriate for formulation in a timed-release product. Glyceryl guaiacolate is a drug that for effectiveness requires a relatively large dose at regular intervals. Thus, the dose of the drug required to obtain an effective action over an extended period of time, e.g., 8 to 12 hours, would be difficult to swallow. The theophyllines represent an example of a potent drug for which patient dosage should be individualized because of the drugs' variable rates of metabolism. Such individualization of dosage is best obtained by ingestion of small doses of theophyllines at more frequent intervals than are possible with timed-release products.

All other drugs reviewed by the Panel would, on theoretical grounds, be suitable for incorporation into a timed-release product. For approval of any drug in a given type of timed-release formulation, evidence should be presented to demonstrate that blood levels or clinical effects are comparable and the incidence of side effects is not greater than that seen when compared to the preparation given in repeated, single doses (conventional dosage).

5. *Guidelines for evaluation of timed-release formulations.* Timed-release formulations generally fall into one of three major categories: Extended release—those that provide for gradual and continuous release of active substance along the gastrointestinal tract; repeated action—those that provide two or more essentially discrete release times for the active constituents, e.g., coat/core formulations; and those that combine the mechanisms of both of the foregoing kinds of formulations.

Evaluation of any type of long-acting oral formulation should accomplish two objectives. First, it should establish that the dosage form provides delayed absorption of all or part of the drug(s) as claimed in the labeling. Secondly, it should establish that the formulation delivers the claimed dosage of the drug(s) to the patient.

There are basically two major methods of evaluating these specialized dosage forms:

a. *Clinical methods.* Controlled clinical tests, aimed at measuring the magnitude and duration of either the therapeutic effect or a characteristic pharmacologic effect resulting from timed-release drug as compared to the concentration or drug activity resulting from the usual dose administered in solution or a rapidly disintegrating solid dosage form, offers an ideal way of determining the safety and effectiveness of a timed-release dosage form of a drug. Unfortunately, however, there are few objective measurements currently available that will demonstrate drug action even though there are pharmacologic responses (see other sections of this document describing evaluation protocols for clincial studies). Where such methods are available, they should be the evaluative method of choice to compare the timed-release product with suitably repeated doses of the drug in a conventional formulation. In the absence of clinical trials of timed-release preparations, blood levels and urinary excretion determinations are acceptable if these measurements can be related to pharmacologic effects.

b. *Drug absorption methods.* (1) *Blood level measurements.* Long-acting dosage forms can be evaluated by methods that measure the rate and extent to which the active ingredients are absorbed into the bloodstream. A principal way of determining this drug absorption makes use of tests in which the blood levels of the drug are measured at specified time intervals after administration of the product.

The analytical method should permit quantitative evaluation of rates of absorption, peak drug levels, and peak time and areas under blood drug-level curves. The latter are particularly useful in evaluation of time-release formulations because the area under the blood drug-level curve of such a formulation should approximate that obtained with appropriately repeated doses of a conventional oral form of the drug. Thus, for example, two experimental approaches may be considered: For coat/core formulations, the aim is to establish whether the release time of each ingredient corresponds to the labeling claim, and then to determine whether the blood-level curve obtained with the core approximates that obtained with conventional tablets; and for other timed-release formulations one can also compare blood levels with those of a conventional form of the drug when each preparation has been administered at recommended time-intervals.

Where appropriate, it is preferable to measure blood levels of the parent drug and/or its metabolites; however, urinary excretion measurements offer an alternative approach.

(2) *Urinary excretion measurements.* There are many instances where adequate reproducible methods of determining blood levels have not yet been developed. In which case, urinary analytical methods offer an alternative to blood level measurements in evaluating a timed-release oral form of a drug. Urinary excretion measurements can provide quantitative data only when the drug is excreted unchanged in the urine or when the metabolism of the drug is well understood. In utilizing measurements of urinary levels and excretion rates, the timed-release product should also be compared with suitably repeated doses of a conventional oral form of the drug. With both preparations, the urinary excretion levels and rates over the test period should be roughly similar but need not be equal.

6. *Summary.* If claims of timed-release are made, these claims must be supported by evidence as compared to usual suitably repeated doses of the drug in a conventional oral formulation. Such evidence should be obtained from studies in humans, which are based upon the measurement of a therapeutic effect or acute pharmacologic effect of the drug or may be based upon the blood level and/or excretion characteristics of the drug.

The results obtained by suitable clinical methods or by blood level or urinary excretion methods should be correlated with appropriate in vitro dosage performance tests defined by the manufacturer. The in vitro tests should be incorporated into the quality control procedures as part of the Food and Drug Administration's regulations on good manufacturing practices identified in 21 CFR Part 211. The ongoing in vitro quality control procedure would assure product performance on a level in consonance with the in vivo results obtained during the initial stages of development of the particular timed-release product.

The Panel has reviewed § 200.31 (21 CFR 200.31) of the regulations, which regards a timed-release dosage form as a new drug when any such dosage form contains per dosage unit a quantity of active ingredient that is not generally recognized as safe (GRAS) for administration as a single dose under the conditions suggested in the labeling. In such cases, a new drug application (NDA) is required to demonstrate that the drug is properly formulated to release at a safe rate the total dose contained per dosage unit.

The Panel is concerned with the issue of sustained-release formulations of active ingredients placed in Category I. This concern relates to approval of dosage levels of Category I active ingredients in excess of the maximum effective dosage per dosage unit based upon sustained-release or timed-release characteristics of the particular product.

The issue facing the Panel is whether to recommend to the agency that timed-release products be reviewed on a product-by-product basis through the new drug application procedures or whether suitable standards can be developed for testing which can be included in the CCABA drug monograph. The Panel views the exclusive use of the new drug application procedures as eliminating any possible general recognition for timed-release products. The Panel is aware that the drug industry has developed appropriate test procedures for specific timed-release mechanisms which would assure that various timed-release products deliver an effective dosage of active ingredient over a claimed extended period of time between, e.g., 8 and 12 hours. The Panel encourages the drug industry with the assistance of the Food and Drug Administration to develop suitable tests for the standardization of all OTC timed-release CCABA products. The Panel recommends that 4 years be provided for the development of such testing procedures. The Panel is concerned, however, that in the interim some products would be marketed with timed-release claims which, due to poor formulations, would deliver unsafe or ineffective dosages of drugs to the consumer. To assure that safe and effective products are available to the consumer, the Panel recommends that, during this interim period while the drug industry is developing standards with the Food and Drug Administration, sustained-release claims not be permitted in the labeling unless data have been presented before marketing to the Food and Drug Administration documenting that the timed-release preparation exceeds the single therapeutic dosage by an amount sufficient to produce blood levels or other effects that approximate those achieved by multiple administration of single therapeutic dosage units at accepted intervals based on the absorption and/or excretion characteristics of the drug.

The Panel is concerned that after reviewing the safety and effectiveness of active ingredients, a timed-release formulation may modify the safety and ef-

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fectiveness in such a way that in essence these products will not be as safe or as effective as the Panel intends.

Any active ingredients or combination of active ingredients that include a claim for time-release will therefore be placed in Category III unless appropriate data can be presented to the Food and Drug Administration as outlined above.

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F. DEFERRAL OF "SORE THROAT" CLAIM

The term "sore throat" is used by consumers to describe a symptom frequently accompanying cough, nasal congestion, or the symptom complex of the "common cold." Sore throat appears as an indication or claim for a variety of products included in submissions reviewed by the Panel.

Ingredients to which sore throat indications and claims are attributed include, in general, local anesthetics and antibacterials. The Panel, working in conjunction with the Food and Drug Administration, has determined that the expertise for evaluating these ingredients for safety and effectiveness resides in the OTC Oral Cavity Panel and has therefore referred these ingredients and the "sore throat" indication and claim to the Oral Cavity Panel.

The Panel notes, however, that while the sore throat may be due to simple irritation resulting from nasal congestion and consequent breathing through the mouth, it may also be due to an infection with potential for serious complications. In the latter circumstances, the patient should not self-medicate and suppress the pain of a sore throat because delay in obtaining medical attention can have serious consequences. Labeling for products intended for relief of sore throat should emphasize that such products are for use only for "minor throat irritation." The products should bear adequate warnings that they are not intended for persistent or chronic sore throat accompanied by fever or other symptoms like headache, rash, nausea or vomiting, or glandular swelling. Labeling should also indicate the potential seriousness of a sore throat and bear adequate instructions for obtaining medical consultation.

G. DRUG MISUSE AND ABUSE

Drug abuse, in its broadest sense, can be described as intentional consumption of a drug for reasons other than legitimate therapeutic uses, often in excess of normally acceptable doses and dosage intervals. Drug misuse generally refers to overuse of a drug for therapeutic purposes due to misinformation or ignorance about its rational use. To the extent that OTC drugs are able to suppress symptoms and through their pharmacological actions also affect other systems to produce overtly perceived effects, i.e., side effects, misuse and/or abuse of OTC products can be expected to occur. The Panel believes, however, that drugs having documented effectiveness, therapeutic utility, and safety when used prudently for self-diagnosable conditions in accordance with label instructions represent a valuable, national public health resource.

Misuse and abuse of drugs is an increasing problem in our society. The Panel is aware of this problem and has addressed it to a limited extent. Of those drugs reviewed by this Panel, the formerly exempt narcotics listed in Schedule V (21 CFR 1308.15), alcohol, sympathomimetics, and belladonna alkaloids appear to be most subject to abuse. It is not within the purview or charge to the Panel to evaluate the numerous psychological, sociological, or economic factors involved in drug abuse. Consequently, the following comments and recommendations are based on medical and scientific data related to safety and effectiveness of these OTC drugs.

The risk of misuse and/or abuse is minimized by restriction on the types of pharmacologic agents in available OTC products, limitations on dosage and concentration of active drug, and adequate and explicit directions for use coupled with appropriate warnings. The Panel also urges that all appropriate measures be directed to reducing the incidence and severity of accidental overdosage, including increased education of the consumer regarding storage of medications, limitations on dosage units per product packages, and employment of safety packaging.

In general, OTC products that have been carefully formulated, thoroughly tested, and adequately labeled are safe when taken in accordance with label instructions for use and dosage. However, when these products are misused or abused, they may have unusual, unexpected, and/or toxic effects. Such drug abuse affects not only the individual himself, but society as a whole. The drug abuse problem is a complex one requiring the joint effort for solution by health care professionals, government, industry, educational institutions, and consumers.

The Panel urges for a balance in educational programs directed to consumers, which illustrate not only the horrors of narcotic addiction, but also the beneficial properties of effective therapeutic agents, their contribution to man's well-being, their undesirable side effects as well as the dangers inherent in all drugs if not properly used. The Panel believes prevention to be the key to the solution of drug misuse and abuse problems, and education to be the key to prevention. Because of the progressive nature of involvement with drugs, it is mandatory that groundwork in drug abuse prevention be laid down for children at an early age and reinforced throughout their lifetime.

There is, at this time, a conspicuous lack of data available on the nature and extent of misuse and abuse of OTC products. The Panel believes it is an obligation of the industry, government, and health care professionals to find out how these products, and especially potentially abusable ones, are being used and misused. The Panel recognizes a need for and recommends attention be directed to definitive, properly conducted studies to provide an indication of the magnitude and severity of the problem attendant to misuse and abuse of OTC products, especially those affecting the central nervous system.

1. *Codeine abuse.* During the time the Panel was in session, the Food and Drug Administration issued a proposed regulation in the FEDERAL REGISTER of September 12, 1972 (37 FR 18741) which proposed to place codeine-containing cough preparations on prescription by modification of 21 CFR 329.20.

At the present time, codeine-containing cough syrups are available for purchase OTC after the patient has signed a registry which records the consumer's name, amount purchased, intended use, and date of purchase. The proposed regulation would have restricted the availability of codeine-containing cough preparations, making such preparations available only by a physician's prescription.

At the request of the Food and Drug Administration, the Panel reviewed the studies on the basis of which the Bureau of Narcotics and Dangerous Drugs (BNDD) (now the Drug Enforcement Administration) asked the Food and Drug Administration to revoke the OTC status and discussed these studies with representatives of the BNDD. In addition, the Panel discussed the potential for codeine abuse with representatives from Food and Drug Administration's Division of Neuropharmacologic Drug Products and discussed with Food and Drug Administration officials aspects of the national policy concerning opium products and production.

This policy was related to the need to reduce illicit drug traffic in narcotics by reducing national imports of opium. A high percentage of imported opium is processed to produce codeine, which is used in codeine-containing OTC cough

preparations. By placing these preparations in a "prescription only" category, their use would be severely reduced and thus the nation's need for imported opium reduced. In addition, BNDD had performed several studies that seemed to indicate a high incidence of abuse of codeine-containing cough preparations, possibly leading to drug addiction and contributing to the illicite drug traffic.

After review of all pertinent scientific data, the Panel concluded that codeine and its salts are safe and effective for OTC use as antitussives when used in accordance with instructions on the label. The potential for abuse of codeine is viewed by the Panel as negligible. When taken by mouth, codeine rarely causes physical dependence. Although codeine can partially suppress morphine withdrawal, it may require high doses in the range of 1,200 to 1,800 mg per day given by injection.

The Panel forwarded to the Commissioner the following statement:

> Deliberations of the Panel have resulted in a statement that codeine is safe and effective for OTC use as a cough suppressant. It is further the opinion of the Panel that under usual conditions of therapeutic use, codeine has low dependence liability. On the basis of scientific and medical evidence alone, it is the Panel's opinion that codeine-containing cough suppressant preparations should continue to be available over-the-counter. The Panel recognizes, however, that in the matter now pending before the Food and Drug Administration (removal of prescription exemption for such preparations), considerations go beyond questions of safety and effectiveness alone. The Panel does not deem it part of its function to evaluate factors which are not directly concerned with medical safety and effectiveness. Because there appears to be a conflict between the findings regarding the basic safety and effectiveness of codeine and the removal of the prescription exemption, the Panel strongly urges that FDA clearly identify all factors which lead to FDA's final decision.

As a result, the Commissioner issued a notice withdrawing this proposal in the FEDERAL REGISTER of March 24, 1975 (40 FR 12998), thus retaining codeine-containing cough preparations on OTC status.

2. *Alcohol abuse.* Alcohol, in concentrations up to 42 percent, i.e., 84 proof, is present as a vehicle in a variety of OTC products reviewed by the Panel.

The Panel recognizes a potential for abuse of alcohol contained in OTC cold, cough, allergy, bronchodilator, and antiasthmatic products and recommendations directed to educational programs and need for studies to determine the incidence and severity of misuse and abuse of drugs apply equally to abuse and misuse of alcohol.

H. PEDIATRIC DOSAGE

The Panel is aware that data on the use in children of most drugs in CCABA products are negligible or nonexistent. Yet, pediatric patients comprise a substantial proportion of the population that receives these OTC products.

The dosage that will produce optimum therapeutic effects in a particular patient, adult or child, is dependent upon factors such as the drug itself, individual patient variables such as special sensitivity or tolerance to the specific agent, age, weight and metabolic, pathological, or psychological conditions. Children's dosage calculated by any method that does not take all of these variables into account, therefore, can only be considered general guides.

Definitive pediatric drug dosage should be derived from data obtained in clinical trials with children using protocols similar to those used in adult patients. The Panel recognizes the extreme difficulties attendant upon such trials but also recognizes the immediate need to make recommendations for pediatric dosage pending availability of such definitive data.

Traditionally, pediatric dosage calculations for infants and children have been based on body surface area, weight, or age of the child as a proportion of the "usual adult dose." Dosage calculated on the basis of the age of the child, although convenient, may be the least reliable method because of the large variation in the weight of patients at a specific age. However, for OTC products that have a relatively wide margin of safety, the Panel has concluded that dosage recommendations based on age are the most reasonable since they would be most easily understood by the consumer.

In order to provide the needed dosage recommendations for pediatric patients, the Panel sought the assistance of a panel of experts in pediatric drug therapy. This Special Panel on Pediatric Dosage was convened and met concurrently with this Panel on October 31 and November 1, 1974 and made recommendations. Members of the Pediatric Panel were:

Charles Janeway, M.D.
Sumner Yaffee, M.D.
Jennifer Loggie, M.D., B. Ch
C. Warren Bierman, M.D.
Louie G. Linarelli, M.D.
Vincent D. Larkin, M.D.
Constantine Falliers, M.D

Subsequently, the Special Panel on Pediatric Dosage conducted correspondence and review of all pediatric dosage recommendations. These recommendations have been considered in the preparation of this document.

Unless indicated contrarily, the Panel recommends the following guidelines for determining safe and effective pediatric dosages for the individual CCABA ingredients discussed in this document: For infants under 2 years of age, the pediatric dosage should be established by a physician. For children 2 to under 6 years of age, the pediatric dosage is ¼ the adult dosage; for children 6 to under 12 years of age, the dosage is ½ the adult dosage.

The Panel has determined that the labeling terms "baby" and/or "infant" on CCABA products implies that such products have been approved for use in children under 2 years of age. The Panel, therefore, concludes that CCABA products exclude from their labeling the imprecise terms "baby" and/or "infant" unless the ingredient(s) has been specifically demonstrated as safe and effective for children under 2 years of age. In addition, products shown to be safe and effective for children under 2 years of age must provide specific dosages in their labeling for that indication(s). Products with labeling claims for children under 2 years of age not shown to be safe and effective for that age group are considered Category II.

The differences between children under 2 years of age, and other age groups with respect to the anatomy and physiology disorders of their respiratory system, their responses to diseases affecting the respiratory system, and their responses to drugs make general labeling restrictions for this age group essential. For example, infants because of the smaller diameter of their respiratory airways are particularly prone to the complications of respiratory distress during an acute respiratory tract infection such as may occur in the "common cold." Therefore, parents of children under 2 years of age should be advised to consult a physician for diagnosis and individualized therapeutic recommendations, even for symptoms and conditions that are considered appropriate for self-medication in older children and adults. Because of these considerations, the Panel recommends that the general labeling of CCABA products for use in children under 2 years of age requires the advice and supervision of a physician.

The Panel concurs with accepted medical practice that recommends that children be administered a minimum amount or no alcohol. Therefore, alcohol in pediatric formulations should be maintained at the lowest possible concentration. If pharmaceutically possible, products should be formulated without alcohol. Therefore, the Panel recommends that CCABA products containing an alcoholic content greater than 10 percent (weight/weight) should not be given to children under 6 years except under the advice and supervision of a physician.

In the recommendation of the Special Panel on Pediatric Dosage, restrictions on the use of certain drugs were made because of the lack of data and/or experience in the pediatric population. Some drugs may be restricted because of the need for a physician's examination and evaluation of the medical problem for which a drug may be indicated. Still other drugs are not recommended for use in children because of inherent drug toxicity in the pediatric age group. This Panel will indicate, where applicable, pediatric dosages, limits, or warnings, in its discussion below of individual ingredients.

I. INACTIVE INGREDIENTS

A variety of inactive ingredients is used in the manufacture and formulation of products reviewed by the Panel. Such ingredients are intended as flavoring agents, aromatics, vehicles, colorants, sweeteners, etc.

Although the Panel did not review these inactive ingredients, it is the view of the Panel that their safety and the advisability of including them in drug products be reviewed by an appropriate body. Since many of these ingredients are used in the formulation of many drug

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products other than those reviewed by this Panel, it is not appropriate that they be dealt with specifically and solely in relation to CCABA products.

For various reasons, individuals may wish to avoid using certain inactive ingredients found in drug products. These reasons may be allergic reactions, idiosyncratic responses, fear of safety (whether valid or not), or personal dislike. It is impossible to make a free choice in this regard unless the full contents of drug products are listed on the label. Therefore, this Panel strongly recommends that the Food and Drug Administration require full ingredient labeling of inactive as well as active ingredients in descending order of quantities present in all drug products. In support of this position the Panel notes that food products are already required to have such labeling, and since the purpose of a drug is to alleviate symptoms of disease, it would seem much more compelling to have this information on all drugs.

In line with the Panel's desire to expose the consumer to the smallest number of ingredients possible, the Panel has previously recommended that marketed products contain only those ingredients essential to the product. (See part II. paragraph C.2. above—Limitation of Ingredients in Combination Products.)

Although chloroform was reviewed, and considered by the Panel to be an inactive ingredient, it was reviewed again at the special request of the Food and Drug Administration, because of reports suggesting that it is carcinogenic (Refs. 1 and 2). A discussion can be found later in this document. (See part IV. paragraph B.2.b. below—Chloroform.)

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J. ADVANTAGES OF SINGLE INGREDIENT PRODUCTS

OTC drug combination products seem to provide the public with many options from which to select the preparation most likely to relieve a symptom or group of symptoms. The combinations available would seem on the surface to be rational. The Panel has discussed CCABA combination products earlier in this document. (See part II. paragraph C.1. above—General combination policy.) However, the individual may need or tolerate only one of the ingredients in the combination product and the presence of the others may be unnecessary or, because of side effects or idiosyncratic reactions, their presence may preclude use of the combination.

Great variability with regard to side effects induced by drugs is seen among patients. Common examples are drowsiness caused by antihistamines and nervousness and sleeplessness caused by ephedrine. Furthermore, the ratio in which the components exist in the combination will be unsuitable for some persons. Although these effects and the drugs producing them are familiar to physicians and pharmacists, the public is unlikely to identify the ingredient causing the side-effect if the ingredient is present in a combination. This difficulty is largely avoided with single ingredients, which many physicians prefer to prescribe. With a single ingredient, whether available OTC or on prescription only, the patient can recognize the drug's action with relative ease and can adjust the dosage according to need. Experience gained in this way could be very useful to the patient on occasions of future need for self medication.

Single ingredients are rarely available among CCABA OTC drugs. Since many physicians prefer to treat with single ingredients, it seems logical for the public to have the option to medicate themselves with single ingredients also.

In summary, availability of individual ingredients would provide increased opportunity for the public to evaluate OTC drugs and allow the public to avoid taking two or more drugs where one might suffice. This will promote more specific and possibly safer self-medication.

It is strongly recommended therefore, that any active ingredient marketed in OTC preparations for cold, cough, etc. be equally available OTC as a single ingredient and in a form equally convenient to administer.

K. ADVERTISING

The Panel is aware that the role of the Food and Drug Administration is to regulate labeling of over-the-counter drugs and the role of the Federal Trade Commission is to enforce adherence to such labeling in advertising. In addition to recommending specific labeling claims, warnings, and dosages, the Panel would like to make some general comments and recommendations regarding advertising of drugs.

Advertisements extend the label beyond the pharmaceutical counter or medicine cabinet. The public may well receive most of its attitude toward CCABA remedies from advertisements—particularly television advertisements.

For this reason the Panel strongly urges the Federal Trade Commission to challenge any advertisement which:

1. In any way negates or dilutes the information on the label, especially the contraindications and/or warnings;

2. Suggests or leans heavily on words, phrases, and portrayals that lead the lay person to assume that the product is to be used in any manner not recommended in the monograph established below, or that it cures when in reality it only alleviates symptoms.

The Panel further recommends that advertisements for CCABA remedies not be placed where they can promote or suggest use by children, and if such an advertisement is placed where numbers of children may learn of the indications for the product, that such advertisement contain clear and specific warnings and contraindications concerning child use.

L. STATEMENT ON CCABA COMBINATION PRODUCTS CONTAINING ASPIRIN

The Panel is aware that certain individuals develop manifestations simulating an allergic reaction within 15 to 45 minutes after taking 300 to 600 mg of aspirin (acetylsalicylic acid) (Ref. 1). Such reactions may occur even though aspirin has previously been well tolerated by these individuals for many years. The major manifestation of such an allergic type reaction to aspirin is asthma, which may be of such severity as to be life-threatening. These manifestations are those seen in acute allergic reactions. Other manifestations include intense nasal stuffiness and urticaria. However, all efforts to demonstrate an allergic mechanism to account for these reactions have failed.

In a study of nine analgesic drugs with respect to their capacity to induce bronchial reactions in aspirin-sensitive asthmatic patients and their ability to inhibit prostaglandin synthetase activity, those five drugs (aspirin, indomethacin mefenamic acid, flufenamic acid, and phenylbutazone) active in causing asthma were also active in inhibiting the enzymes (Ref. 2). Of the nine analgesics, four drugs (salicylamide, paracetamol, benzydamine, and chloroquine) lacking the capacity to induce asthma on challenge in aspirin-sensitive asthmatic patients also lacked the capacity to inhibit prostaglandin synthetase activity. Since some prostaglandins have bronchoconstrictor activity whereas others have bronchodilator activity, it was postulated that aspirin and other drugs giving asthma on challenge may do so by modifying prostaglandin synthesis. Inhibitors of prostaglandin biosynthesis such as aspirin should not be given to patients with aspirin-sensitive asthma (Ref. 2).

The available clinical evidence indicates that the presence of the acetyl group in aspirin is essential for such reactions to occur since sodium salicylate and other salicylates are well tolerated in aspirin-sensitive persons.

The frequency of adverse reactions to aspirin among asthmatic children 6 to 16 years of age is reported to be 1.9 percent (Ref. 3), and among adult asthmatics the reported frequency exceeds 3 percent and may be substantially higher (Refs. 1, 4, 5, and 6). There are at least two reports of death following the ingestion of aspirin (Refs. 7 and 8). Asthma may appear for the first time, after taking aspirin, in individuals who may have previously tolerated aspirin. Therefore, the Panel feels that a warning limited to the statement that aspirin-containing preparations be avoided by those with already existing asthma would be inadequate.

A common history in individuals who previously tolerated aspirin is long-standing perennial rhinitis, chiefly characterized by nasal stuffiness. Nasal polyps are very common but are not invariably present. Asthma may or may not have been present. The Panel is concerned that individuals having tolerated aspirin in the past may develop a severe reaction, usually an asthmatic attack, following the taking of a CCABA product containing aspirin. If aspirin is present in a combination drug product, aspirin is usually not recognized as the cause of

the reaction until such episodes occur once or twice more.

The association between nasal polyps, asthma, and aspirin sensitivity has been recognized for many years, and there are many reports in the literature (Refs. 1, 3, and 9). Eosinophilia is the rule in these patients and this should be considered as part of the syndrome. The yellow dye, tartrazine, and the anti-inflammatory drug, indomethacin, are also reported to cause asthma in these patients (Ref. 9).

The Panel recognizes that prevention is the logical course, which includes recognition of the syndrome and proper instruction given to the patient. However, the Panel notes that the presence of aspirin in combination with other drugs can lead to ingestion of aspirin by error, a point frequently made by patients. Furthermore, the first reaction of this kind in aspirin-sensitive individuals will often go unrecognized if aspirin is in combination with other drugs. For this reason the Panel concludes that the availability of aspirin in combination drug products can be expected to lead to more of these severe reactions than would occur if aspirin were only available as a single ingredient.

The OTC drugs under review by the Panel are frequently taken by consumers in whom reactions to aspirin are most frequent. The Panel notes that other analgesics like acetaminophen are available and may be included in specific combination products. (See part II. paragraph C. above—Principles Applicable to Combination Products.) For this reason, the Panel concludes that CCABA combination products containing aspirin (acetylsalicylic acid) should be labeled under the heading *"Warning":* "This product contains aspirin and should not be taken by individuals who are sensitive to aspirin."

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M. GENERAL STATEMENTS ON THE DETERMINATION OF SAFETY AND EFFECTIVENESS FOR CCABA PRODUCTS

1. *Determination of safety.* a. *Single drugs.* In deciding on the safety of a drug or combination of drugs, both animal and human studies were considered.

Although animal studies were of interest, they were seldom very helpful because it would be unusual for a drug to reach the market without satisfactory animal safety data. The animal data usually related to levels of the drug that might cause death and the effect of the drug on various organs such as the bone marrow, liver, and kidneys.

Major attention was paid to information related to adverse effects in humans, both adults and children. A knowledge of the pharmacology of the drug or drugs under consideration made it possible to look specifically for adverse effects in one or more systems. It was important that there be studies in which the drug was compared with a placebo. In addition, blood levels related to toxic effects were very useful and could be related to various dosages and routes of administration. Examples of the great variety of possible toxic effects are as follows:

(1) An adverse effect might be present but this might not be very serious and could be dealt with by careful labeling, e.g., the drowsiness caused by many antihistamine drugs.

(2) A drug might have abuse potential. For example, the abuse potential for codeine was considered small, but the abuse potential for stramonium was considered very high.

(3) The effect of repeated doses of the drug had to be considered, e.g., the rebound nasal congestion which can occur with repeated doses of nasal decongestant drops or sprays.

(4) A possible excessive therapeutic effect was considered, e.g., the drying effect of drugs from different pharmacologic groups (antihistamines and anticholinergics) on the bronchial tree.

(5) The possible depressant effect other than that related to the symptom under consideration, e.g., a cerebral depressant effect of an antitussive.

(6) The route of administration of drugs had to be considered, for example, the local effect on the bronchial tree of drugs used in the treatment of asthma where these were administered in an aerosol. Another example is the use of suppositories of theophylline that could be additive to theophylline given by mouth.

(7) The seriousness and frequency of known idiosyncratic reactions might be critical, e.g., the very serious adverse effects of aspirin in some patients with asthma.

(8) There might be interactions with other drugs such as the serious result of taking ephedrine with a monoamine oxidase inhibitor which would cause a severe rise in blood pressure.

All the above were considered, and in addition, information was sought regarding any differences that might occur when the drugs were given to children of various ages as compared with adults. Children less than 1 year tend to metabolize drugs differently from older children and, as this was difficult to predict, this was one factor leading to the decision of the Panel not to label drugs for OTC use in children under 2 years except under the advice and supervision of a physician. (See part II. paragraph H. above—Pediatric Dosage.)

The importance of clear labeling of warnings and cautions was continually considered, and it is recommended that the public be educated to read labels carefully and to take the warnings and cautions seriously.

b. *Drug interactions.* There is little, if any, documentation of drug interactions between OTC drug products or between OTC drug products and prescription products and only speculation can be offered regarding such potential interactions. Even well-documented drug interactions may depend on drug dosage levels not usually attained with OTC products. Therefore, in considering the safety of OTC drugs, one must consider not only possible effects of single drugs but also possible adverse effects of interactions between drug combinations. The Panel has recommended appropriate labeling warnings where there are serious concerns.

2. *Determination of effectiveness.* In determining effectiveness, it was necessary to consider each pharmacologic group separately although certain general principles applies to all groups.

Animal studies were seldom very helpful except in the case of antihistamines where one of the requirements for efficacy was the capacity of the drug to decrease or suppress anaphylaxis and the effects produced by histamine in animals.

Major attention was paid to clinical studies especially where the double-blind technique could be employed. In some situations the ability to do a crossover study was of additional value. Studies in which there were objective measurements with proper controls and statistical analysis were of considerable weight in the Panel's decision to place an ingredient in Category I. However, certain drug actions made such objective measurements extremely difficult or impossible and therefore, large well-controlled subjective studies were considered of reasonable use. Partially controlled and uncontrolled clinical studies were of very limited value but both were considered by the Panel. Clinical experience of a general nature, if documented by qualified experts, added somewhat to the final decision. It was considered particularly useful if similar results were obtained.

In some instances, the Panel considered the Drug Efficacy Study data. The Drug Efficacy Study of the National Academy of Sciences—National Research Council (NAS/NRC) reviewed the data submitted to the Food and Drug Administration to support effectiveness of only marketed products that had re-

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ceived premarket clearance through a New Drug Application (NDA) for safety prior to 1962. The Panel in reaching its decision considered all the studies available including information from the Drug Efficacy Study.

Examples of the different types of studies (all of which should be placebo controlled) used by the Panel to assess different drug groups are as follows:

a. Antitussives are best assessed by objective cough-counting techniques. The antitussive can be tested by decreasing induced cough or by decreasing the cough in patients with chronic cough.

b. Expectorants may be assessed by large double-blind crossover subjective studies in patients with chronic lung disease or randomized double-blind studies in patients with acute upper respiratory infections. These studies are acceptable because objective techniques for assessing the expectorant action of a drug are not yet satisfactory and require further development.

c. Bronchodilators are best assessed by objective measurements of pulmonary function in asthmatics where a significant improvement in pulmonary function can be shown after the use of the drug.

d. Antihistamines require the study of large groups of patients with strict double-blind control using a subjective evaluation of the effect of the drug on allergic rhinitis or on the symptoms of the "common cold". These clinical subjective studies are acceptable as there is no definite objective technique for measuring the effect of antihistamines in these conditions. Anticholinergic drugs which are used in the treatment of rhinitis with rhinorrhea require clinical testing similar to that of the antihistamines.

e. Nasal decongestants which relieve obstruction to the nasal passages are best assessed by objective measurements of resistance to air flow through the nose. In this way comparisons of the drug and the placebo can be made using data of airway resistance measurements.

Although all the evidence related to the effectiveness of a drug was considered, the above studies in the various pharmacologic groups had the greatest influence in determining a Category I classification.

It was extremely difficult to judge the effectiveness of combinations of ingredients because of the many different dosages involved and the difficulty in determining the effect of each individual ingredient in the combination. The Panel considered it reasonable that Category I ingredients from different pharmacologic groups differed sufficiently from one another to reduce the likelihood of a competitive or potentiating effect between ingredients, and their combination was therefore considered effective. There are some exceptions to this and these exceptions are discussed in the section on combination drugs. (See part II. paragraph C.—Principles Applicable to Combination Products.)

To assist in the testing of ingredients in the future, the Panel developed clinical testing procedures for each pharmacologic group. These procedures have been included in the "Data Required for Evaluation" sections following the ingredient(s) statements for each pharmacologic group.

N. AEROSOL DOSAGE FORMS OF DRUGS UTILIZED IN CCABA PRODUCTS

The utilization of the pressurized, self-contained and self-propelled "aerosol" dosage forms in delivering pharmaceuticals was begun in the 1950's when advances in the technologies of propellants, valves, and containers made possible the accurate delivery of metered doses for direct inhalation into the respiratory system. Development in the areas of fine particle technology and different aerosol systems kept pace with the evolution of specialized valves and actuators, containers of diverse materials such as glass, coated metals and plastics, and a variety of propellant gases such as the halocarbons, compressed gases (nitrogen, carbon dioxide, nitrous oxide), and hydrocarbon gases (butane, isobutane, pentane).

The Panel is aware of the advantages and disadvantages of the pressurized drug products that were the subject of submissions to the Panel.

Among the advantages may be listed:

1. Aerosol products are permanently sealed units, and thus their contents are maintained in a stable form that is protected from accidental contamination by organisms, atmospheric gases, moisture, and sunlight that are sometimes encountered with the use of ordinary containers that are repeatedly opened.

2. The utilization of specialized valves and adapters permit the release of mists, sprays, or true aerosols (particles suspended in gas), in a controlled manner that assures the rapid administration of the aerosolized drug. This is particularly useful when prompt onset of action is desirable.

3. Metering valves and containers are available in compact form, so as to permit the consumer to carry the product on his person with little inconvenience and with quick accessibility when medication is required.

4. Aerosol products designed to emit an intermittent or continuous spray of medicaments into the atmosphere of a room are capable of producing aerosolized mists containing particles that are fine enough to be inhaled and thus exert their effect rapidly in the respiratory tract.

In recent years the advantages of the aerosolized forms of drugs for treatment of bronchial asthma and the transitory symptoms of the "common cold" have been challenged because of potential toxicities. These include the cardiotoxicity potential of the halocarbon propellent, fluorocarbon 11. Several studies have been reported that indicate that the propellant can be absorbed into the blood with a persistence of a small quantity in the blood after 1 hour.

Reports of accidental sudden deaths following the inhalation of aerosols emptied into a plastic bag indicate an abuse potential that cannot be overlooked.

More recently predictions based on the use of computer models have warned about the possibility that halocarbons released into the air from aerosol products may be the cause of depletion of the ozone layer in the stratosphere. Concern has been expressed that if these predictions are accurate then the protective elements of the stratosphere against ultraviolet radiation may become impaired.

The Panel, therefore, concludes that although aerosol products do possess inherent advantages for specialized application of drugs in bronchial asthma and other respiratory conditions, the possibility of toxic effects of the halocarbon propellants should be carefully evaluated by a suitable Panel of experts in this area.

O. CCABA PRODUCT LABELING CLAIMS NOT SUPPORTED BY SCIENTIFIC EVIDENCE

The Panel has reviewed the submitted labeling claims made for CCABA products. It is interesting to note that products sold for relief of symptoms of the "common cold" and allergies are probably the largest category of OTC drug products on the United States OTC drug market. In fact, there are estimates by the Food and Drug Administration that as many as 50,000 different OTC CCABA drug products are currently marketed. Because of this vast array of products, the consumer is often faced with a myriad of confusing claims, which are not only vague and hard to comprehend, but also make it almost impossible for the consumer to distinguish between these products.

One of the primary functions of this Panel is to minimize this confusion by clarifying the labeling. In that way the ordinary individual who purchases an OTC drug product for the relief of symptoms, e.g., of the "common cold" or allergies, will understand exactly what the product will do for him, the limits of the product's capability, and the cautions to be observed when using that product. It is also a basic function of the Panel to attempt to reduce confusing labeling claims to a reasonably concise number of understandable claims, permitting the consumer to easily distinguish between various CCABA products. The Panel believes that at the present time this is not possible since the labeling that appears on many currently marketed CCABA products tends to be overly complicated, vague, unsupported by scientific data, and in some cases is false and misleading.

The Panel understands the drug industry's desire to market OTC drug products for the relief of symptoms of the "common cold" or allergies by suggesting uniqueness or superiority of one product over another. But uniqueness or superiority must be proven scientifically or labeling will mislead and unduly confuse the consumer. For example, if one ingredient can be demonstrated to be superior to another because of greater effectiveness, then the consumer should be so informed. Conversely, if two ingredients are indistinguishable with regard to effectiveness, e.g., both are equally

effective in suppression of cough, then it is misleading to claim superiority for one of the ingredients. In this regard, the Panel wishes to make clear that its function is not to compare various ingredients in order to determine the OTC drug of choice. Rather, the Panel determines only safety and effectiveness for active OTC CCABA ingredients, as well as proper dosage ranges for OTC drug use. In reviewing the scientific literature for CCABA ingredients, it is clear that ingredients of the same pharmacologic group that are Category I, i.e., generally recognized as safe and effective, have similar effectiveness in the dosage ranges recommended. Consequently, the Panel concludes that all claims which imply superiority of one product over another, both of which contain Category I ingredients in the same pharmacological group, should be prohibited from the labeling of CCABA products. These claims would include such phrases as "Superior to ordinary" and "Specially improved or selected ingredients".

In addition, the Panel has determined that statements alluding to superiority due to greater potency, such as "extra strength" or "contains more active ingredient per dose", are also misleading unless fully documented. The Panel can find no justification for claiming more activity per dose for one Category I ingredient over another because there is no scientific merit from a therapeutic point of view between a product containing 15 mg of a drug A and another containing 30 mg of drug B if they are similarly effective. Unsubstantiated claims for "extra strength" or "contains more active ingredient per dose" or "higher dose level" or "stronger than" are therefore misleading. However, assuming that claims of greater potency were based on documented facts, such increase in potency might also indicate an increase in the potential side effects. Under such circumstances the Panel feels that such claims are misleading to the consumer.

Misleading superiority claims may also manifest themselves as claims that state or imply actions peculiar to a particular product, when in fact those claims are applicable to all OTC drug products or all Category I ingredients of the same pharmacologic group. Thus, for example, if two different OTC cough products contain different Category I antitussive ingredients, it would be misleading to make such claims as "specially formulated" or "specially selected ingredients". This view would, of course, also be applicable to combinations of appropriate CCABA ingredients or combinations of CCABA and non-CCABA ingredients. Thus, claims such as "teamed components" would also be considered misleading by the Panel.

Another area of concern to the Panel is claims implying a unique physiological action that either has no scientific foundation or meaning or that will be meaningless to the consumer. Such claims include pseudo-medical terms such as "antiallergic", or pseudo-medical activities such as "gets at the roots of", "fights", "wakes up", and "multiaction". Some claims mislead the consumer into believing a product has a unique action, when in fact that pharmacologic action is shared by all similar OTC drug products containing active ingredients from the same pharmacologic class. Examples include claims that an ingredient "travels through the bloodstream" or "works internally". All drugs taken internally "work internally" and virtually all drugs taken internally are absorbed into the bloodstream. Thus, these claims are also not appropriate in OTC labeling.

Finally, the Panel is concerned about vague generalizations relating to time that do not actually relate to the directions or indications. This is especially true where the time stated in the claim is indeterminate. Thus, claims such as "fast" and "prompt" should not appear on labels unless they are directly correlated to the directions for use permitted in the monograph.

P. CCABA PRODUCT NAMES AND LABELING CLAIMS ASSOCIATED WITH DISEASES AND RELATED SYMPTOMS

The Panel has made a clear distinction in this document between the treatment for the relief of the symptoms of a disease, e.g., cough, runny nose, and the treatment of the disease itself, e.g., "common cold." With few exceptions, CCABA products are indicated only for the treatment for the relief of symptoms. The most common disease associated with CCABA products is the "common cold." The Panel has discussed this respiratory disease earlier in this document. (See part II. paragraph B.3. above—The "common cold.") The Panel concludes that there is no demonstrated safe and effective OTC active ingredient or combination of active ingredients acceptable for specific treatment of the "common cold." Consequently, the Panel recommends that product names or labeling claims that infer or suggest a direct relationship to the "common cold," e.g., "cold medicine," "cold formula," "for relief of colds," should not be allowed. Such statements may mislead the consumer into believing that these products prevent, treat, or cure the disease itself.

The active ingredients reviewed by the Panel and included in currently marketed CCABA products are generally used for the treatment or relief of the symptoms of disease. The Panel concludes that if labeling is restricted to the proven pharmacologic activities of the active ingredients in CCABA products, reference in labeling to the specific activities of such ingredients in alleviating symptoms is acceptable. The Panel has summarized the commonly encountered symptoms and the acceptable pharmacologic groups earlier in this document. (See part II. paragraph B. above—Diseases and Related Symptoms Relieved by OTC Cold, Cough, Bronchodilator and Antiasthmatic Products.)

For drugs used to treat the symptoms of the "common cold," the Panel recommends that in addition to the acceptable claims (Category I) for specific pharmacologic groups, the following phrases may be used: "(symptoms) as may be associated with the 'common cold' " or "as may occur in the 'common cold' ". An example for a product containing an antitussive would be "For cough as may occur in the 'common cold'."

On the other hand, the Panel finds that certain OTC bronchodilator active ingredients are safe and effective for the treatment of asthma. This disease is effectively treated by OTC products but requires prior diagnosis of asthma by a physician. Bronchodilators serve to relieve the primary manifestations of asthma, shortness of breath, which is caused by widespread narrowing of the airways due to airway wall muscle spasm. The Panel recognizes that bronchodilators cannot prevent or cure the disease but are effective in relieving the primary symptoms. Because of these unique symptoms and because the Panel believes these products should be easily identifiable and accessible to those afflicted with the disease, the Panel concludes that use of the term "asthma" in labeling of products containing Category I bronchodilator active ingredients, either as part of a product name, e.g., "asthma medicine", or appearing alone in labeling claims, e.g., "treatment of asthma", is acceptable. The Panel is of the opinion that reference to asthma in labeling is not misleading and further is essential for those individuals diagnosed by a physician as having the disease. This of course is acceptable, based upon the Panel's recommendation later in this document that the following warning be on all products containing bronchodilators: "Do not use this product unless a diagnosis of asthma has been made by a physician". (See part V.-paragraph B.1. below—Category I Labeling.)

The Panel also recognizes that allergic rhinitis (such as hay fever) is a very common disease. Unlike the "common cold," most affected individuals understand the etiology of such a disease and realize that it cannot be prevented or cured by OTC antihistamines or nasal decongestants. However, as was the case with asthma, the manifestations of this disease can be treated with such a product. Here again, it is the Panel's conclusion that it is also acceptable for the terms "hay fever", and "allergic rhinitis", to appear in labeling of products containing Category I ingredients either as part of a product name, e.g., hay fever medicine, or appearing alone in labeling claims, e.g., "Dries running nose as may occur with allergic rhinitis", or "For treatment of hay fever".

Q. INGREDIENT EQUIVALENCE

The Panel recognizes that the ingredients submitted and reviewed may exist in chemical forms other than those considered in this document. The Panel notes that other salts, esters, and complexes of these ingredients may be available, which may be therapeutically equivalent to the forms of the ingredients considered by the Panel. In recognition of this fact, the Panel concludes that provided that there are suitable data to establish bioequivalence and safety, salts, esters, and complexes of ingredients dis-

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cussed in the monograph would be acceptable. However, it is essential that the dosage used be equivalent to the dosage of the ingredient in the monograph.

INTRODUCTION TO PHARMACOLOGIC CLASSIFICATIONS

Not all CCABA products are used for the same purpose, nor should the requirements for effectiveness be the same. In an attempt to classify CCABA active ingredients and their products it was necessary to distinguish between the pharmacologic activities and resulting effectiveness for labeled claims of these products.

The following classifications of CCABA product ingredients was developed by the Panel in an attempt to simplify categorization of ingredients and thereby eliminate labeling confusion:

Antitussives
Expectorants
Bronchodilators
Anticholinergics
Antihistamines
Nasal decongestants
Miscellaneous active ingredients

III. ANTITUSSIVES

A. GENERAL DISCUSSION

An antitussive agent specifically inhibits or suppresses the act of coughing. Direct inhibtion may result from: depression of medullary or higher centers in the brain; diminishing the sensitivity of the cough receptors in the membranes lining the throat and respiratory passageway; interruption of the transmission of the cough impulses to the brain or to the muscles that are involved in the act of coughing; and by removal of irritants and excessive secretions through the improvement in bronchial drainage.

In theory, cough suppression may be produced indirectly by one of two mechanisms: A soothing action on the irritated or inflamed throat, which would in effect decrease the sensitivity of special nerve endings or cough receptors in such membranes; and a relief of spasm or localized constriction of the airway. This is known to occur in asthma or following the inhalation of an irritant.

The Panel has followed the presently accepted medical approach and has classified antitussives according to their principal site of action.

1. Centrally acting antitussive agents produce cough suppression by acting on the central nervous system to depress the medullary (brain) cough center and thus raise its threshold for afferent (incoming) cough impulses. These agents may be further subdivided into narcotic antitussives, such as codeine, and nonnarcotic antitussives such as dextromethorphan.

2. Peripherally acting antitussive agents act on the nerve receptors within the respiratory tract. Cough suppression may be produced by several different mechanisms such as a local anesthetic (pain deadening) or analgesic (pain suppressing) action on the mucosa of the respiratory tract; enhancing bronchial airway drainage by reducing the viscosity (thickness) of retained secretions, which may occur with effective expectorant agents or with adequate humidification of the airway; relaxation of the smooth muscle of the bronchial airway in the presence of spasm; or a soothing (demulcent) effect on the irritated throat and bronchial airway walls.

The narcotic antitussives have traditionally been the most effective agents available for suppressing cough. Because of its low abuse potential, codeine, the best known and most widely used antitussive in this group, has been considered safe for OTC use. Except in unusual circumstances in which cough is associated with pain, e.g., in pleurisy, the more potent narcotics such as morphine are not used because of their potential for acute toxicity from overdosage (respiratory depression) and abuse potential. Such drugs are best administered under medical supervision.

Nonnarcotic antitussives, such as dextromethorphan, act by selective suppression of the central cough mechanism and have no significant abuse liability. Therefore, they would seem to be more advantageous for use in treating cough and also for use in individuals who seem psychologically predisposed to drug dependence.

In general, the antitussives available for OTC use are and should be designed to diminish coughs associated with acute, self-limiting conditions that cause irritation to the respiratory airway. Since it is highly unlikely that such conditions would persist for more than 1 week, the Panel has limited the period of administration of these antitussives to a maximum of 7 days. A persistent cough for more than 1 week or one accompanied by high fever, rash, or persistent headache may be indicative of a serious disease, which should be treated by a physician and does not lend itself to self medication by antitussives. (See part II. paragraph B.4. above—Cough.) In asthma, bronchitis, pulmonary emphysema, and a number of other respiratory diseases, there is often an over production of secretions which accumulates in the airway and results in a cough productive of thick sputum. The suppression of cough by antitussives in such instances would impair clearing of the airway and could be harmful.

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Labeling

Consumers often have difficulty understanding the intended meaning of OTC drug labeling. The Panel concludes that use of vague words, or words which imply a greater effectiveness than other similar OTC products, is false and misleading. The Panel has reviewed the labeling that was submitted for antitussives and for other pharmacologic groups and has attempted to explain why some labeling is acceptable, objectionable, or questionable.

In the case of antitussives, the Panel has reviewed the symptoms of cough and the mechanisms by which the physiologic response is produced. Cough occurs in healthy individuals as a mechanism for clearing the airway of any obstructing mucus or inhaled foreign material. As indicated above, medications that suppress the act of coughing by reducing the number of coughs and/or the intensity of coughing are known as antitussive drugs. Based upon the previous discussion of cough and the discussion of antitussives, the Panel concludes that the following indications are acceptable labeling claims for generally recognized safe and effective antitussives (cough suppressants) for the temporary relief of cough: "Cough suppressant which temporarily reduces the impulse to cough". "For the temporary relief of coughs due to minor throat and bronchial irritation as may occur with the common cold or inhaled irritants". "Temporarily quiets coughing by its antitussive action". "Temporarily helps you cough less". "Temporarily helps to quiet the cough reflex that causes coughing".

Because of the lack of clinical studies in children under 2 years of age, the Panel was unable to determine an OTC dose for this age group. Based upon the lack of available data, the Panel recommends the following warning for products containing antitussives: "Do not give this product to children under 2 years except under the advice and supervision of a physician".

Since a persistent or chronic cough may be a sign of a serious condition requiring medical intervention and should be brought to the attention of a physician, the Panel recommends that all labeling for antitussive products bear the following warning: *"Caution:* A persistent cough may be a sign of a serious condition. If cough persists for more than 1 week, tends to recur, or is accompanied by high fever, rash or persistent headache, consult a physician".

In asthma, bronchitis, pulmonary emphysema, and a number of other respiratory diseases, there is often an overproduction of secretions, which accumulate in the airways and results in a cough that produces thick mucus. The suppression of cough by antitussives in such instances would impair clearing of the airway and could be harmful; therefore, the Panel recommends the following additional *"Warning":* "Do not take this product for persistent cough such as occurs with smoking, asthma, emphysema, or where cough is accompanied by excessive secretions except under the advice and supervision of a physician".

B. CATEGORIZATION OF DATA

1. *Category I conditions under which antitussive ingredients are generally recognized as safe and effective and are not misbranded.*

Category I—active ingredients

The Panel has classified the following antitussive active ingredients as generally recognized as safe and effective and not misbranded:

Codeine preparations: Codeine, Codeine alkaloid, Codeine phosphate, Codeine sulfate
Dextromethorphan
Dextromethorphan hydrobromide
Diphenhydramine hydrochloride

a. *Codeine preparations (codeine, codeine alkaloid, codeine phosphate, codeine sulfate).* The Panel concludes that codeine and its salts are safe and effective for OTC use as antitussives as specified in the dosage section discussed below.

(1) *Safety.* Side effects such as drowsiness, light headedness, excitement, loss of appetite, nausea, vomiting, headache, abdominal discomfort and constipation with oral doses of 20 mg of codeine have not been significantly greater than with placebo (Ref. 1). The Panel has reviewed the literature and finds that respiratory depression may occur but is usually seen when codeine products are used as prescription medication with dose levels of 120 mg every 4 hours which results in the codeine having analgesic activity similar to that of 10 mg of morphine (Ref. 2). Such high doses of codeine would present a real hazard in certain cases of respiratory disease associated with a tendency towards carbon dioxide retention. By central depression of respiration, the exchange of oxygen and carbon dioxide would be impaired and there would be a tendency for the carbon dioxide to accumulate in the blood resulting in or aggravating respiratory acidosis with a dulling of the senses progressing to coma. As little as 60 mg of codeine in adults has produced measurable respiratory depression, judging from carbon dioxide response curves (Refs. 3 and 4). This has not been apparent with the doses approved for OTC use. In an infant, doses of 10 mg every 2 hours for 10 doses has led to deep coma (Ref. 5). Death has occurred from overdosage with codeine in the range of 875 to 1,750 mg but effects were complicated by the presence of other central nervous system depressants (Ref. 6).

The Panel believes the potential for abuse of codeine is negligible (Refs. 7, 8, and 9). It is further the opinion of the Panel that under usual conditions of therapeutic use, codeine has low dependency liability. Codeine may cause addiction, but requires consistently high daily dosage (Ref. 9). (See part II. paragraph G. above—Drug Misuse and Abuse.)

(2) *Effectiveness.* A paper by Eddy et al. (Ref. 10) summarized all the data in animals and indicates the varied techniques used and results obtained. Practically all animal studies have demonstrated the ability of codeine to suppress the cough reflex.

Studies of experimentally produced cough in man were also reviewed by Eddy et al. (Ref. 10). Cough-inducing agents used were citric acid aerosol, ammonia vapour, acetylcholine aerosol, peppermint water spray, and paraldehyde. The dose of codeine ranged from 5 mg to 120 mg with most investigators using 15 to 30 mg and they were able to demonstrate a cough suppressant effect in humans.

Eddy's review of 33 clinical trials by 16 investigators (Ref. 10) indicated that codeine in doses ranging between 10 to 60 mg was an effective cough suppressant in a wide variety of disease states associated with cough. Twenty-four of these studies employed objective cough-counting techniques. All had placebo controls, and many compared codeine with other drugs as well. While all of the objective studies employed patients with chronic cough (Refs. 11 through 16), two of the subjective studies employed patients with an acute cough due to an upper respiratory infection (Refs. 17 and 18).

The technique of employing citric acid aerosols to stimulate the cough reflex in healthy subjects (Ref. 19) has also been used to demonstrate the effectiveness of codeine as an antitussive in dose ranges of 15 to 30 mg.

There are no well-controlled studies on the antitussive activity of codeine in children, and hence, dosage recommendations in children have been based on the general experience of a Pediatric Panel, which reviewed these recommended dosages. (See part II. paragraph H. above—Pediatric Dosage.) Because the majority of clinical trials have been in chronic cough, the Panel has accepted the principle that the effectiveness of codeine in coughs due to upper respiratory infection may, in large measure, be extrapolated from the information on antitussive activity in chronic cough. This is further supported by an extensive clinical experience with the use of codeine over the past 50 years.

Because of abuse liability of codeine if available as a single ingredient in unlimited supply, the Panel concurs with the present Drug Enforcement Agency regulations, which limit the sale of codeine over-the-counter. These regulations limit the amount of codeine or its salts contained in an OTC product to 200 mg per 100 ml for liquid preparations or 200 mg per 100 gm for solid dosage forms (21 CFR 1308.15(b)(1)). These regulations further specify that codeine for OTC purchase must include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer medicinal qualities upon the product other than those possessed by codeine alone (21 CFR 1308.15(b)). In addition, these regulations limit OTC sale of such codeine containing products to quantities not exceeding 120 ml or 24 dosage units (21 CFR 1306.32(b)).

(3) *Dosage.* Adult oral dosage is 10 to 20 mg every 4 to 6 hours not to exceed 120 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 to 10 mg every 4 to 6 hours not to exceed 60 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 to 5 mg every 4 to 6 hours not to exceed 30 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling claims referrable to a central mechanism of action: (i) *Indications.* "Calms the cough control center and relieves coughing".

(ii) *Warnings.* (*a*) "May cause or aggravate constipation".

(*b*) "Do not give this product to children taking other drugs except under the advice and supervision of a physician".

(*c*) "Do not take this product if you have a chronic pulmonary disease or shortness of breath except under the advice and supervision of a physician".

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b. *Dextromethorphan, dextromethorphan hydrobromide.* The Panel concludes that dextromethorphan and dextromethorphan hydrobromide are safe and effective for OTC use as antitussives as specified in the dosage section discussed below.

(1) *Safety.* Dextromethorphan is the dextrorotatory isomer of the morphinan molecule which, unlike the levo isomer, has no analgesic or addictive properties (Ref. 1). With usual antitussive doses, no effect has been noted on respiration, the cardiovascular system, or the gastrointestinal tract. With very large doses such as occur in drug abuse or accidental poisoning, respiratory depression has been noted (Refs. 2 and 3). However, no fatalities have been reported, even with doses in excess of 100 times the normal adult dose. Abuse has been reported by Degkwitz (Ref. 4) with doses of 300 to 1,500 mg several times daily, resulting in intoxication with bizarre behavior but no physical dependence.

(2) *Effectiveness.* Dextromethorphan is an active antitussive comparable to codeine on a mg-for-mg basis for cough suppression. Studies involving many species of animals and many methods for inducing cough have demonstrated that effectiveness of dextromethorphan as an antitussive is comparable to codeine (Refs. 5 through 7). Two studies (Refs. 8 and 9) reported that dextromethorphan was less effective than codeine in equivalent doses. It has been demonstrated that dextromethorphan, like codeine, acts through central (brain) inhibition of incoming cough stimuli (Refs. 10 and 11).

There have been a large number of studies in man over the past 20 years. These have consisted of: Experimentally induced cough with controlled double-blind crossover designs (Refs. 12 through 15) in which all but one (Ref. 13) showed effective antitussive activity; controlled subjective studies in pathologic cough (Refs. 13, 16 through 18); controlled objective studies in pathologic cough (Refs. 19 and 20); and uncontrolled subjective studies in a variety of disease states resulting in cough (Refs. 21 and 22).

The wide range of safety and low order of toxicity in clinical trials has been documented by Ralph (Ref. 21). The lack of addiction liability has been confirmed recently by Mansky and Jasinski (Ref. 23).

The majority of these clinical studies demonstrate effective antitussive activity. Even though a few of the studies questioned the effectiveness of dextromethorphan, the Panel concluded that based on the evidence presented, dextromethorphan is generally recognized as effective, and because of its low order of toxicity it is probably the safest antitussive presently available.

(3) *Dosage.* Adult oral dosage is 10 to 20 mg every 4 hours or 30 mg every 6 to 8 hours not to exceed 120 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 to 10 mg every 4 hours or 15 mg every 6 to 8 hours not to exceed 60 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 to 5 mg every 4 hours or 7.5 mg every 6 to 8 hours not to exceed 30 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling claims referable to a central mechanism of action and its nonnarcotic designation: (i) *Indications.* (*a*) "Calms the cough control center and relieves coughing".

(*b*) "Non-narcotic cough suppressant for the temporary control of coughs".

(*c*) "Calms cough impulses without narcotics".

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c. *Diphenhydramine hydrochloride.* The Panel concludes that diphenhydramine hydrochloride is safe and effective for OTC use as an antitussive as specified in the dosage section discussed below.

(1) *Safety.* Diphenhydramine was the first of the antihistamines to be developed in the U.S. and was first used in 1946, clinically, for the relief of a wide variety of allergic symptoms. Diphenhydramine had a low order of toxicity in laboratory animals combined with a high degree of antihistaminic action. The Panel reviewed a number of studies contained in the submissions (Refs. 1 and 2) and concluded that with the exception of sedation, adverse effects have been rare and the drug is safe. The Panel has also found the drug to be safe for use as an antihistamine and this use is discussed elsewhere in this document. (See part VII. paragraph B.1.c. below—Diphenhydramine hydrochloride.)

Clinical experience indicates that about 50 percent of persons have drowsiness as a side effect when 50 mg is given (Ref. 3). A double-blind controlled study in 20 males showed no evidence of interference with tests for memory, rotary pursuit, or reaction time with diphenhydramine hydrochloride in doses of 12.5 and 25 mg (Ref. 4). In a double-blind controlled subjective study on 546 patients with acute upper respiratory infection, drowsiness was reported in 11 of 269 patients receiving 25 mg diphenhydramine 4 times daily over a 3 day period (Ref. 5). Two of 277 patients receiving placebo also reported drowsiness. In infants, high doses of diphenhydramine may cause excitement and convulsions (Ref. 1). The acute toxicity of diphenhydramine in a variety of animal species is similar to other antihistamines such as pyribenzamine (Ref. 6). In children, 20 to 30 tables or capsules containing 50 mg each may represent a lethal or near lethal dose (Ref. 3).

The Panel has recommended specific warnings (see below) because an atropine-like effect is described by patients which includes a drying sensation of the mouth and nose and difficulty with urination in patients with enlarged prostates.

The Panel is aware that recently there was some concern expressed about the potential for misuse and abuse of diphenhydramine. This concern was contained in the statement of the Commissioner of Food and Drugs, which was included in the preamble to the report of the OTC Advisory Panel on Sedatives, Tranquilizers and Sleep-Aid Drug Products and published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292). This Panel will not attempt to comment on the findings of the other Panel or on the societal impact or abuse potential of diphenhydramine when used as an OTC nighttime sleep-aid. However, after a review of all the available data, the Panel concluded that diphenhydramine, as well as the other antihistamines reviewed, have a very low abuse potential and that there is little if any evidence of tolerance or habituation. However, the Panel does recognize that doses of diphenhydramine higher than those recommended for OTC use are likely to result in some side effects but that these side effects are sufficient to discourage abuse or misuse. In addition, the two pharmacologic groups for which this Panel is recommending diphenhydramine for OTC use, i.e., as an antitussive and as an antihistamine, are not recognized as being abusable by the drug abusing subculture. It should also be noted that diphenhydramine is available without a prescription for use as an antihistamine in Canada, the United Kingdom, and many other industralized countries of the world. The Panel was unable to determine that significant abuse of this ingredient was a problem in any of these countries.

The Panel concludes that diphenhydramine hydrochloride is safe for OTC use as an antitussive in the dosage ranges described below.

(2) *Effectiveness.* A number of animal studies employing chemical and mechanical methods for inducing cough (Refs. 7 through 9), including stimulation of the superior laryngeal nerve, the nerve that supplies the larynx and upper airway (Ref. 10), have demonstrated a reduction in cough frequency, which ranges from 25 percent to 120 percent of that produced by codeine depending on the species of animal employed and the method for inducing cough. The exact mechanism of action of diphenhydramine is not precisely known. However, because of its ability to inhibit the cough reflex resulting from stimulation of the superior laryngeal nerve, the Panel believes a central site of activity of diphenhydramine is a reasonable mode of action. Furthermore, the animal studies are cited as evidence that cough inhibition is not due to a general depression of the central nervous system but to a specific action, similar to codeine, on the "cough center".

Studies in man have consisted of: Experimentally induced cough employing a controlled double-blind crossover design in which both the 25 and 50 mg dose of diphenhydramine hydrochloride produced significant cough suppression equivalent to 15 mg of codeine (Refs. 11 through 13); two double-blind controlled objective studies in chronic cough, which showed antitussive activity for both 25 and 50 mg diphenhydramine hydrochloride as compared with placebo (Refs. 14 and 15), and the most common adverse reaction was drowsiness; controlled subjective study in chronic cough (Ref. 16) demonstrating antitussive activity superior to placebo but less than codeine; two subjective studies in acute upper respiratory infections, one controlled and one uncontrolled (Refs. 5 and 17), yielding equivocal results; and two objective cough counting studies in chronic cough, which were uncontrolled and showed a decrease in cough with all treatments (Refs. 18 and 19).

While drowsiness did not appear to be a major problem in the single dose studies, it is quite conceivable that repetitive doses may cause profound drowsiness in susceptible individuals. Furthermore, the drying effect of the drug's antihistaminic action could hinder bronchial drainage in patients with productive cough by making the secretions thicker and more difficult to expectorate.

(3) *Dosage.* Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III, paragraph B.1 below—Category I Labeling.) In addition, the Panel recommends the following specific labeling claims referable to a central mechanism of action and its nonnarcotic designation: (i) *Indications.* (*a*) "Calms the cough control center and relieves coughing".

(*b*) "Non-narcotic cough suppressant for the temporary control of coughs".

(*c*) "Calms cough impulses without narcotics".

(ii) *Warnings.* (a) "May cause marked drowsiness".

(*b*) "May cause excitability especially in children".

(*c*) "Do not take this product if you have glaucoma or have difficulty in urination due to enlargement of the prostate gland except under the advice and supervision of a physician".

(*d*) "*Caution.* Avoid driving a motor vehicle or operating heavy machinery".

(*e*) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(iii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours.

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Category I Labeling

The Panel recommends the following Category I labeling for antitussive active ingredients to be generally recognized as safe and effective and not misbranded as well as the specific labeling discussed in the individual ingredient statements:

a. *Indications.* (1) "Cough suppressant which temporarily reduces the impulse to cough".

(2) "For the temporary relief of cough due to minor throat and bronchial irritation as may occur with the common cold (cold) or with inhaled irritants".

(3) "Temporarily quiets coughing by its antitussive action".

(4) "Temporarily helps you cough less".

(5) "Temporarily helps to quiet the cough reflex that causes coughing".

b. *Warnings.* (1) "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(2) "Do not take this product for persistent or chronic cough such as occurs with smoking, asthma, or emphysema, or where cough is accompanied by excessive secretions except under the advice and supervision of a physician".

(3) *"Caution:* A persistent cough may be a sign of serious condition. If cough persist for more than 1 week, tends to recur or is accompanied by high fever, rash or persistent headache, consult a physician".

2. *Category II conditions under which antitussive ingredients are not generally recognized as safe and effective or are misbranded.* The use of antitussives under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following ingredients and labeling should be removed from the market until scientific testing supports their use.

Category II Active Ingredients

The Panel has classified the following antitussive active ingredients as not generally recognized as safe and effective or as misbranded:

Hydrocodone bitartrate (dihydrocodeinone)

Turpentine oil (spirits of turpentine) (oral)

a. *Hydrocodone bitartrate (dihydrocodeinone).* The Panel concludes that hydrocodone bitartrate (dihydrocodeinone) is safe for prescription use but that its addiction potential and other adverse reactions, including respiratory depression, are so serious that it is not appropriate for OTC use. The Panel concludes that the current prescription status of hydrocodone bitartrate under the Federal Controlled Substances Act is appropriate and that the ingredient should not be available as an OTC antitussive.

(1) *Safety.* Pharmacologically, hydrocodone is a more potent antitussive and analgesic than codeine and its adverse reactions, including addiction potential, are greater than codeine (Refs. 1 through 3). Depression of respiration has been noted in animals (Ref. 4) and man (Ref. 5). The addiction problem, which approaches that of the more potent narcotics such as morphine, has been reviewed by Rosenwald and Russell (Ref. 6). Because its potency as a narcotic falls between morphine and codeine, respiratory depression can be a real hazard with hydrocodone, especially in patients with chronic obstructive pulmonary disease.

(2) *Effectiveness.* Hydrocodone is an active antitussive with a potency approximately three times that of codeine on a weight basis.

A number of uncontrolled clinical trials (Refs. 7 through 10) suggest effective antitussive activity in chronic lung disease, including pulmonary tuberculosis lasting for 8 to 12 hours. A subsequent double-blind clinical trial (Ref. 11) and experimental cough-challenge study (Ref. 12) confirmed its antitussive activity.

(3) *Evaluation.* The Panel concludes that the activity of hydrocodone bitartrate in chronic and serious diseases make it a valuable drug for use under proper medical supervision and for that reason recommends that its availability continue to be restricted to prescription use only, under the Federal Controlled Substances Act.

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b. *Turpentine oil (spirits of turpentine) (oral).* The Panel concludes that oil of turpentine is not safe for OTC use when taken orally as an antitussive.

(1) *Safety.* Oil of turpentine is a volatile oil distilled from turpentine, an oleoresin obtained from the pine tree. It has a characteristic odor and taste. The substance has been administered orally, topically, and by inhalation.

In doses of 15 ml in children and 150 ml in adults fatal poisoning may occur (Ref. 1). Excessive oral doses produce marked irritation of the alimentary tract, especially of the stomach and of the pelvic organs. Toxic symptoms include vomiting, diarrhea, acute pain, renal irritation, bloody stools and hyperemia of all abdominal organs. Continued use may lead to cloudy swelling and fatty degeneration of the liver. Abnormal central nervous system symptoms may develop (Refs. 2 and 3).

Since no safe oral dose has been established for effective use as an antitussive, the Panel concludes that turpentine oil should not be available for oral OTC use as an antitussive. However, elsewhere in this document, the Panel concludes that the ingredient is safe when applied topically or used as an inhalant but that there are insufficient data to permit final classification of its effectiveness for inhalant or topical use as an antitussive. (See part III. paragraph B.3.1. below—Turpentine oil (spirits of turpentine) (topical/inhalant).)

(2) *Effectiveness.* Oil of turpentine is irritating and its chief suggested uses are based on this property (Refs. 1 and 4). There is no evidence to support its effectiveness as an antitussive when taken orally.

(3) *Evaluation.* The Panel is unable to determine a safe oral dose for turpentine oil for use as an antitussive. The Panel is of the opinion that the risk from oral administration outweighs whatever benefit might occur. Therefore, the Panel concludes that turpentine oil is not safe for oral use as an antitussive.

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Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety and/or effectiveness of the product is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel has previously discussed such labeling. (See part II. paragraph O. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.) However, labeling that is descriptive of the product such as its taste or appearance is acceptable.

Unacceptable claims for antitussives include any statement containing the term chest or lung congestion. The term "congestion", which may be interpreted by the target population to denote a discomfort of the chest, may result from a variety of causes, several of which may be of a most serious nature and require professional attention.

All claims that state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies are not acceptable, e.g., "specially formulated", "improved", or "selected", "natural", "extra strength", "teamed components", "superior to ordinary", "modern", and "superior".

Statements alluding to greater potency, such as "extra strength" or "contains more antitussive per dose" are misleading because there are no acceptable controlled studies documenting that one preparation is more potent than another, particularly for Category I drugs. There is also no justification for claiming more antitussive per dose because there is no scientific merit from a therapeutic point of view between 15 mg of drug A and 30 mg of drug B if they are both effective. Therefore, any claim for "extra strength" or "higher dose level" may be misleading in that the product is no more effective and in fact may increase the potential for side effects. Under such circumstances the Panel feels that all such claims are misleading to the consumer.

Claims implying a physiological effect that either has no foundation or meaning will be meaningless to the public are unacceptable; such as, "gets to the roots of", "recommended by doctors", "travels through the blood stream", "works internally".

Claims for relief where time is indeterminate and not supported by scientific data are unacceptable; such as, "fast" and "prompt".

Statements such as "a dramatic advance", "the greatest advance in cough relief", "the modern way to stop coughs" etc., are vague generalizations, which imply a superiority of a product. These statements cannot be supported by scientific evidence, and since they are meaningless, can only have the effect of misleading the consumer.

The Panel concludes that such labeling should be removed from the market until scientific testing supports their use.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed ingredients and conditions listed below. The Panel believes it reasonable to provide 4 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 4 years, however, the ingredients and conditions listed in this category should no longer be marketed in over-the-counter products. Effectiveness as an antitussive must be demonstrated by controlled objective studies employing cough-counting techniques. Subjective data, alone, are unacceptable because of the marked variability in the subjective awareness of cough. Studies have shown (Refs. 1 and 2) that there is a poor correlation in the subjective appraisal of the effectiveness of the cough suppressant and the actual objective studies done by employing cough-counting techniques.

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Category III Active Ingredients

The Panel concludes that the available data are insufficient to permit final classification of the following claimed antitussive active ingredients:

Beechwood creosote
Camphor (topical/inhalant)
Caramiphen edisylate (caramiphen ethanedisulfonate)
Carbetapentane citrate
Cod liver oil
Elm bark
Ethylmorphine hydrochloride
Eucalyptol/eucalyptus oil (topical/inhalant)
Horehound (horehound fluidextract)
Menthol/peppermint oil (topical/inhalant)
Noscapine (noscapine hydrochloride)
Thymol (topical/inhalant)
Turpentine oil (spirits of turpentine) (topical/inhalant)

a. *Beechwood creosote.* The Panel concludes that beechwood creosote is safe in the dosage range used as an antitussive, but there are insufficient data to permit final classification of its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that beechwood creosote in the usual doses contained in lozenges or cough mixtures for antitussive activity is safe.

Creosote is a distillate of wood tar and has a smokey color and a pungent taste. Dosages in excess of 4 gm 3 times daily produce giddiness, dimness of vision, circulatory collapse, convulsions and coma (Ref. 1). Because of the taste, it is normally given well-diluted (Ref. 2). Occasional adverse gastrointestinal side effects are mentioned in one report but are poorly documented (Ref. 3). Based on the available data and the presence of beechwood creosote on the market for many years, the Panel concludes that this ingredient is safe for OTC use.

(2) *Effectiveness.* There are no well-controlled objective studies documenting the effectiveness of beechwood creosote, alone, as an antitussive. Only one submission to the Panel (Ref. 4), reports a double-blind controlled study, for a combination product containing creosote, in 25 patients with chronic cough employing cough-counting techniques, which is said to show transient drug activity with statistical significance at 1 hour after drug administration. The statistical analysis and methodology is cumbersome and confusing. It is unclear whether a significant difference from the placebo was obtained. Because the dose of the product is unstated there is a lack of information regarding the smoking habits of the subjects in this study, and no evidence to indicate that the high speed, automatic electronic counter is accurate and reliable by comparing it with actual cough counts, serious questions are raised by the Panel about the acceptability of this study.

According to the standard compendia (Refs. 1 and 5), an average dose of beechwood creosote is 250 mg 3 or 4 times daily. In the two submissions to the panel listing of creosote, the dosages are 3.29 mg/lozenge and 33 mg/15 ml every 3 hours (Ref. 6). This 40 to 80 fold differ-

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ence in dose (3.29 mg/lozenge, 8 doses/daily) appears illogical, and there is no evidence to indicate that creosote is effective in such low doses. The Panel concludes that further studies are needed to determine effectiveness.

(3) *Proposed dosage.* Adult oral dosage is 250 mg every 4 to 6 hours not to exceed 1500 mg in 24 hours. Children 6 to under 12 years oral dosage is 125 mg every 4 to 6 hours not to exceed 750 mg in 24 hours. Children 2 to under 6 years oral dosage is 62.5 mg every 4 to 6 hours not to exceed 375 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness as an antitussive will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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(4) OTC Volume 040289.

(5) The National Formulary, 7th Ed., Committee on National Formulary, American Pharmaceutical Association, Washington, D.C., pp. 105–106, 1942.

(6) OTC Volume 040235.

b. *Camphor (topical/inhalant).* The Panel concludes that camphor is safe in the dosage ranges used when applied topically or as an inhalant, but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that camphor (topical/inhalant) is safe in the dose ranges used as an antitussive.

Camphor is a local irritant producing skin redness when rubbed on the skin. However, when not vigorously applied, it may produce a feeling of coolness on the skin as does menthol. It acts similarly on the respiratory tract. Taken orally in small doses it produces a feeling of warmth and comfort in the stomach, but in larger doses it is irritating and can cause nausea and vomiting. Camphor also has a mild local anesthetic action, and its application to the skin may be followed by numbness. The systemic effects are primarily related to stimulation of the central nervous system. The ingestion of solid camphor by children can cause convulsions (Ref. 1). As little as 0.75 gm of camphor (equivalent to a teaspoonful of liniment of camphor or camphorated oil, which contain 20 percent camphor) has been fatal to a child. Commercially available ointments containing mixtures of volatile substances for use as decongestants or antitussives contain about 5 percent camphor. Since it is conceivable that ingestion of a sufficient amount of such a preparation could produce toxic effects in a young child, a suitable warning should be present on the label. The ingestion of 2 gm of camphor generally produces toxic effects in an adult, although up to 45 gm has been ingested with recovery (Ref. 2).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of camphor (topical/inhalant) as an antitussive. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

Studies involving objective measurement of antitussive activity of camphor primarily involve mixtures of volatile substances topically applied as ointments (Refs. 3 and 4), as steam inhalations (Refs. 5 through 7), and as lozenges (Refs. 8 and 9), evaluated against artificially induced cough in normal subjects by the citric acid aerosol method. In these studies, significant antitussive activity is demonstrated for a mixture of volatile substances containing camphor compared to placebo, but the contribution of the camphor component to this effect is not evident. In a crossover study involving 16 subjects, the effects of 5.3 percent camphor in a petrolatum ointment applied to the chests of subjects were compared to an ointment containing several volatile substances including 5.3 percent camphor and to a placebo (petrolatum) in suppressing a citric acid aerosol-induced cough. The combination ointment containing camphor induced a significant decrease in cough counts at all challenge times from ½ hour through 2 hours averaging about 20 percent decrease in cough counts at the ½- and 1-hour intervals, whereas the single ingredient camphor ointment yielded a significant decrease in cough counts just at the ½- and 1-hour intervals averaging about 10 percent reduction, and the petrolatum yielded no significant difference in cough counts compared with base line (Ref. 3).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 5 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or wash basin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 0.02 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations:

(i) For topical ointment use: Data to demonstrate effectiveness will require only one additional controlled cough-counting objective study in patients with coughs due to respiratory disease in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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(9) Packman, E. W., "Vicks Cough Drops. Antitussive Screening: Citric Acid Aerosol Technique. CRD 73–7," Draft of unpublished data is included in OTC Volume 040298.

c. *Caramiphen edisylate (caramiphen ethanedisulfonate).* The Panel concludes that caramiphen edisylate is safe but there are insufficient data to permit final determination of its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that caramiphen edisylate is safe in the dose ranges used as an antitussive. Acute and chronic toxicity studies in animals indicate a wide margin of safety, and caramiphen was judged to be considerably less toxic than codeine (Ref. 1). Instances of dizziness and drowsiness have been reported with dosage levels of 10 mg of caramiphen edisylate 3 times daily (Ref. 2). The incidence of these mild reactions increased when the dose was doubled, and one patient experienced a transient period of disorientation (Ref. 2). In a number of clinical trials, 12 of 172 patients reported adverse reactions, 4 of which were probably not drug related (Ref. 3). Although caramiphen pharmacologically is anticholinergic, with ½ to 1/10 the drying (antisecretory) effects of atropine, there have been no reports concerning its effect on bronchial secretions and no difficulty with retained secretions (Ref. 4).

At the average dose of 10 to 20 mg 3 to 4 times daily, few toxic reactions have been reported. Reported side effects have included slight nausea, dizziness, and occasional drowsiness, which appeared to be dose related. Until additional experience has accumulated, the labeling warning below concerning glaucoma and enlarged prostate, which may cause a block to the flow of urine, is deemed necessary in view of the drug's anticholinergic properties (Ref. 4).

(2) *Effectiveness.* There are no well-controlled objective, clinical studies documenting the effectiveness of caramiphen edisylate as an antitussive.

Studies in animals indicate that caramiphen is a centrally acting antitussive (Refs. 1 and 5). Cough suppression is due to an increase in the central threshold for cough. Almost all of the reports of studies are uncontrolled, subjective clinical trials (Refs. 6 and 7). Two controlled studies with induced cough showed 10 mg caramiphen to be singificantly superior to placebo but slightly less active than codeine 15 mg (Refs. 8 and 9). The only well-controlled crossover study was performed by Abelmann, Gaensler and Badger (Ref. 2), who concluded that caramiphen was superior to placebo but not as effective as codeine or dihydrocodeinone as a cough suppressant by subjective criteria, and that it decreased the amount of sputum in 61 percent of patients but without evidence of retention of secretions.

A controlled cough-counting study was recently reported in 25 patients with chronic cough (Ref. 10). The results of this study failed to show the efficacy of a single dose of 20 mg caramiphen as compared with placebo, but offered to show a significant antitussive effect after the fourth and fifth doses of the drug. Because of a lack of information regarding the smoking habits of the subjects in this study, and no evidence to indicate that the high speed, automatic electronic counter is accurate and reliable by comparing it with actual cough counts, serious questions about the acceptability of this study are raised.

(3) *Proposed dosage.* Adult oral dosage is 10 to 20 mg every 4 to 6 hours not to exceed 80 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 to 10 mg every 4 to 6 hours not to exceed 40 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 to 5 mg every 4 to 6 hours not to exceed 20 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific claims referrable to a central mechanism of action and its nonnarcotic designation: (i) *Indications.* (*a*) "Calms the cough control center and relieves coughing".

(*b*) "Non-narcotic cough suppressant for the temporary control of coughs".

(*c*) "Calms cough impulses without narcotics".

(ii) *Warnings.* (*a*) "Do not take this product if you have glaucoma or have difficulty in urination due to an enlarged prostate gland except under the advice and supervision of a physician".

(*b*) *"Caution:* Do not give this product to children taking other drugs except under the advice and supervision of a physician".

(5) *Evaluation.* Data to demonstrate effectiveness will be required from only one additional well-controlled cough-counting objective study in patients with cough due to respiratory disease in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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d. *Carbetapentane citrate.* The Panel concludes that carbetapentane citrate is safe but there are insufficient data to permit final determination of its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that carbetapentane citrate is safe in the dose range used as an antitussive.

Studies in several animal species revealed a low order of toxicity, which was comparable to codeine phosphate (Ref. 1). Intravenous administration resulted in slight transient falls in blood pressure with no effect on respiration. In addition, carbetapentane possesses marked antispasmodic (relieves spasms) activity with weak anticholinergic (atropine-like) and local anesthetic properties. Adverse reactions in humans consisted for the most part of mild dryness of the mouth (Ref. 2). In this study, nine of 31 patients reported this side effect. An additional patient complained of severe nausea and loss of appetite and discontinued medication.

At an average dose of 25 mg 4 times daily, few side effects have been reported, and have consisted mostly of dryness of the mouth. On the whole, this atropine-like effect was mild and did not interfere with sputum production (Ref. 3), but the labeling warning (see below) concerning glaucoma and enlarged prostate is deemed necessary because of the anticholinergic properties of carbetapentane.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of carbetapentane citrate as an antitussive.

Animal studies employing a variety of methods for experimentally inducing cough as well as pathologic cough in dogs indicate that the onset of action and duration of cough suppression is equivalent to codeine (Refs. 1 and 4), but in a review of the literature (Ref. 5) there was considerable disagreement as to carbetapentane's relative antitussive potency as compared with codeine. Clinical studies were all subjective in type and only one had a placebo control (Ref. 6). At doses ranging between 7 and 25 mg 3 to 4 times daily, most investigators have reported "good" to "excellent" antitussive effect. Many of the clinical trials were of short duration in acute respiratory conditions and were uncontrolled (Refs. 3, and 7 through 9). The Council on Drugs of the American Medical Association has stated that, "available clinical evidence suggests that the effectiveness of the drug is limited to the acute (short duration) type of cough. Further and better controlled observations are

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needed to establish its clinical usefulness" (Ref. 10). However, other investigators (Refs. 5, 11, and 12) have found carbetapentane to be effective in all types of cough. In one study, carbetapentane was not as effective as codeine for severe (intense and frequent) cough (Ref. 13). None of these clinical studies employed objective cough-counting techniques and few were adequately controlled.

(3) *Proposed dosage.* Adult oral dosage is 15 to 30 mg every 4 to 6 hours not to exceed 180 mg in 24 hours. Children 6 to under 12 years oral dosage is 7.5 to 15 mg every 4 to 6 hours not to exceed 90 mg in 24 hours. Children 2 to under 6 years oral dosage is 3.75 to 7.5 mg every 4 hours not to exceed 45 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific claims referable to a central mechanism of action and its nonnarcotic designation: (i) *Indications.* (*a*) "Calms the cough control center and relieves coughing".

(*b*) "Non-narcotic cough suppressant for the temporary control of coughs".

(*c*) "Calms cough impulses without narcotics".

(ii) *Warnings.* (*a*) "Do not take this product if you have glaucoma or have difficulty in urination due to an enlarged prostate gland except under the advice and supervision of a physician".

(*b*) "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(*c*) "*Caution:* Do not give this product to children taking other drugs except under the advice and supervision of a physician".

(5) *Evaluation:* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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(12) Jamar, J. "Clinical Data on Carbetapentane," *International Record of Medicine and G. P. Clinics*, 168:735–736, 1955.

(13) Letter to Dumas, K. from S. Katz is included in OTC Volume 040298.

e. Cod liver oil. The Panel concludes that cod liver oil is safe but there are insufficient data to determine its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that cod liver oil is safe in the dose ranges used as an antitussive. Clinical experience over more than 100 years of use has demonstrated that cod liver oil is safe, and no significant evidence of toxicity has been reported when used in a wide variety of disease states as well as for vitamin supplementation. Rare instances of hypervitaminosis with resulting nausea, vomiting, and diarrhea have been reported with excessive doses (Ref. 1).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of cod liver oil as an antitussive. Except for a brief statement that cod liver oil is also given with benefit in "respiratory catarrhs" in subacute and chronic bronchitis, "catarrhal pneumonia," and frequent and persistent "colds" in children and the aged (Ref. 1), there is no actual reference to its value as a cough suppressant. In fact, all of the available references state that the value of cod liver oil in therapeutics lies in its high content of vitamins A and D (Refs. 2 and 3).

(3) *Proposed dosage.* The usual dosage is said to be 5 ml (1 teaspoon), which contains no less than 3,900 USP units of vitamin A and 386 USP units of vitamin D which provides the daily requirements for children and adults of both these vitamins (Refs. 3 and 4). The dosage of an emulsion containing 50 percent cod liver oil is 15 ml or 1 tablespoon (Ref. 2). However, all of these dosage forms refer to its use as a vitamin supplement.

The Panel is aware of one reference to a dosage of 2 teaspoons after each meal in convalescence from respiratory diseases. The duration of therapy is not stated (Ref. 2). The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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f. Elm Bark. The Panel concludes that elm bark (slippery elm, ulmus rubra) is safe but there are insufficient data to determine its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that elm bark is safe in the dose ranges used as an antitussive. Clinical experience over a period of several hundred years has yielded no evidence of toxicity when used either as a lozenge, infusion for internal consumption, or as a poultice applied to the skin for antitussive action.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of elm bark as an antitussive. Elm bark was used by the Indians and early settlers of North America in the form of poultices and liquids for the treatment of fevers and colds with cough. It is referred to by Schopf in 1787 as "salve bark" (Ref. 1). The mucilaginous quality of these preparations is said to confer excellent protective demulcent properties, which were employed in the form of lozenges to relieve irritation of the pharynx (Ref. 2).

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. Troches or lozenges of slippery elm are listed as containing 0.2 gm of elm per troche with the dosage being one troche, and the frequency of administration is given as "ad libitum" (Ref. 3). A warm infusion was prepared by stirring 1 oz of the powdered bark in a pint of hot water, which was then taken "ad libitum" (Ref. 2). The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends

that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See paragraph III. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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g. Ethylmorphine hydrochloride. The Panel concludes that ethylmorphine hydrochloride is safe but there are insufficient data to permit final determination of its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that ethylmorphine hydrochloride is safe in the dose range used as an antitussive.

There are few well-documented studies in animals and man defining the incidence of adverse reactions. Ethylmorphine is the ethyl ether of morphine and its pharmacologic properties are similar to codeine, the methyl ether of morphine. Tolerance and physical dependence have been reported after prolonged use of ethylmorphine (Ref. 1). Other adverse reactions, such as constipation and respiratory depression, are similar to those of codeine. Topically, ethylmorphine is an irritant to mucous membranes and causes an inflammatory reaction with increased secretion of mucus (Ref. 2).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of ethylmorphine as an antitussive.

Animal studies employing induced cough showed ethylmorphine to have some antitussive activity (Refs. 3 and 4).

Since the early 1900's, ethylmorphine has been used clinically at approximately the same dosage level as codeine. Because of its failure to demonstrate any advantage over codeine, it never attained the popularity of codeine as an antitussive (Ref. 5), and hence there are few studies demonstrating its use as an antitussive. Only one paper reported that ethylmorphine in a dose of 15 to 22.5 mg was as effective as 30 to 60 mg of codeine in suppressing cough due to tuberculosis (Ref. 6). Unlike codeine, there are no objective clinical trials or well-controlled subjective studies in the literature.

Dosage range and pharmacologic activity, including adverse reactions and abuse potential, are similar to codeine. While ethylmorphine is regulated under the Federal Controlled Substances Act, it has not been tested at the Addiction Research Center, Lexington, KY because of its infrequent use (Ref. 5).

(3) *Proposed dosage.* Adult oral dosage is 15 mg every 4 to 6 hours not to exceed 90 mg in 24 hours. Children 6 to under 12 years oral dosage is 7.5 mg every 4 to 6 hours not to exceed 45 mg in 24 hours. Children 2 to under 6 years oral dosage is 3.75 mg every 4 to 6 hours not to exceed 22.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the labeling for Category I antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific claims referrable to its central mechanism of action: (i) *Indications.* "Calms the cough control center and relieves coughing".

(ii) *Warnings.* (*a*) "May cause or aggravate constipation".

(*b*) "Do not give this product to children taking other drugs except under the advice and supervision of a physician".

(*c*) "Do not take this product if you have a chronic pulmonary disease or shortness of breath except under the advice and supervision of a physician".

(5) *Evaluation:* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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h. Eucalyptol/eucalyptus oil (topical/inhalant). The Panel concludes that eucalyptol/eucalyptus oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that eucalyptol/eucalyptus oil (topical/inhalant) is safe in the dose ranges used as an antitussive.

Eucalyptus oil is about 70 percent active eucalyptol. Fatalities have followed doses of the oil as small as 3.5 ml, although recovery has occurred after doses of 20 and even 30 ml. Symptoms include epigastric burning with nausea and vomiting, vertigo, ataxia, muscle weakness and stupor (Refs. 1 and 2). A study of 223 subjects in which an ointment containing several volatile substances, including eucalyptus oil 1.3 percent, was applied for 48 hours to areas of intact skin under a patch and to abraded skin, revealed no instances of irritation, inflammation, wheal or hives following the period of exposure (Ref. 3). A study of 10 subjects who received application of an ointment containing several volatile substances, including eucalyptus oil 1.3 percent, to their trunks 3 times daily for 3 weeks, then 1 week off followed by another 1 week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 4). A study of infants and children with respiratory infection who received an ointment containing a mixture of volatile oils, including eucalyptus oil 1.3 percent, applied to the chest and neck demonstrated no adverse effect from inhaled vapors by that route of administration on the rate of clearing of laryngeal edema (Ref. 5).

Vapors are also produced by placing a liquid mixture of volatile substances, including eucalyptus oil 1.7 percent, in the water of a hot steam vaporizer and administered via inhalation. Exaggerated-use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations of these vapors either due to sitting in closer proximity to the vaporizer or placing two to five times the recommended dose of the volatile substance in the vaporizer, were not associated with irritating or toxic effects (Refs. 6 and 7).

A series of studies assessing buccal safety and overt side effects from lozenges containing a mixture of volatile oils was conducted in over 300 subjects (Refs. 8 through 11). Lozenges containing up to 5.5 mg eucalyptus oil were dissolved in the mouth every hour for 8 hours on 2 successive days. Mild erythema of the buccal mucosa and tongue was observed but did not differ appreciably from the response to dissolving lozenge sugar base without volatile oils. The incidence of gastrointestinal symptoms did not differ from control either (Refs. 8 through 11).

An aerosolized dosage form of volatile substances including 1 percent eucalyptus oil has also been utilized for treatment of nasal congestion. In humans, such aerosol sprays have been generally safe when used as directed, but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 12). Furthermore, one commercial preparation containing a particular solvent (1,1,1-trichloroethane) was recently

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recalled from the market due to potential hazards of this substance (Ref. 13).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of ecualyptol/eucalyptus oil (topical/inhalant) as an antitussive. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

Eucalyptus oil is a component of a number of currently marketed OTC topically applied preparations utilized as antitussives, e.g., ointments, steam inhalation, and lozenges. In a crossover study involving 16 subjects, the effects of a 1.3 percent eucalyptus oil in petrolatum ointment applied to the chests of the subjects was compared to an ointment containing several volatile substances, including 1.3 percent eucalyptus oil, and to petrolatum in suppressing a citric acid aerosol induced cough. The combination ointment containing eucalyptus oil induced a significant decrease in cough counts at all challenge times from ½ hour through 2 hours averaging about 20 percent decrease at the ½ and 1 hour intervals, whereas the single ingredient eucalyptus oil ointment yielded a significant decrease in cough counts at the ½ hour through 1 and ½ hour intervals averaging about 15 to 18 percent reduction at these times, and the petrolatum yielded no significant decrease in cough counts compared with base line (Ref. 14). Similar results with a combination ointment containing 1.3 percent eucalyptus oil were obtained in two additional induced cough studies conducted by the same investigator (Refs. 14 and 15).

A single-blind crossover cough counting study of 27 patients exhibiting stabilized chronic cough, utilized twice daily chest application of either the ointment containing several volatile substances an ointment containing several volatile oils including 1.3 percent eucalyptus oil or a placebo (petrolatum base). Neither the ointment mixture of volatile substances nor the eucalyptus oil ointment induced a significant decrease in cough counts compared to placebo after the morning application, but a significant 20 percent cough count reduction compared to placebo was obtained following the afternoon dose of the ointment mixture. An average reduction in cough counts of about 10 percent compared to placebo was noted following the afternoon dose of eucalyptus oil ointment but this was not statistically significant (Ref. 16).

A liquid mixture of volatile substances was evaluated. The mixture was added to water of a hot steam vaporizer and administered via inhalation, and contains menthol 3.66 percent, camphor 7 percent, eucalyptus oil 1.7 percent and tincture of benzoin 5 percent. Three crossover studies compared the effects of this volatile substance containing liquid in steam (1 tablespoonful per quart of water) to steam alone in suppressing coughs artificially induced by the citric acid aerosol technique. In each case, both steam and medicated steam induced a statistically significant reduction in cough counts during the period of administration. In two of the studies the cough reduction with the medicated steam was statistically greater than with steam alone and persisted beyond the period of actual administration to the subjects (Refs. 17 through 19). In an objective cough counting study on patients with acute upper respiratory disease, the medicated steam showed significantly lower cough counts than the unmedicated steam for the 4 hours the patients were exposed to vaporization, and for 2 additional hours after vaporizer therapy was discontinued (Ref. 20). Subjective evaluation studies of adults and infants with cough associated with respiratory infection demonstrated statistically significant antitussive effectiveness of both the volatile substances in steam (1 tablespoon per quart) and of steam alone. In some of these studies the effect of the medicated steam was judged statistically superior to the steam alone (Refs. 21 and 22).

The variety of lozenge preparations containing a mixture of volatile substances that include eucalyptus oil have been studied for their ability to suppress citric acid aerosol induced cough in normal subjects. Since each of these lozenge preparations contain different concentrations of eucalyptus oil and other volatile substances, the study results will be individually summarized. The general study format involved a single blinded crossover design in which a group of cough standardized normal subjects were tested with each of two lozenge formulations, i.e., the active formulation and its vehicle control against cough artificially induced by the citric acid aerosol technique.

Two studies involving a total of 40 subjects used similar active formulations consisting of menthol 9.6 mg and eucalyptus oil 5.5 mg per lozenge. In these studies the active formulation produced significant cough reductions at the 10 to 40 minute challenge periods, reaching a peak of 25 to 35 percent reduction at the 10 and 20 minute intervals, whereas the control lozenge produced a significant reduction, 10 to 15 percent maximum, at only the 10 minute challenge (Refs. 23 and 24). In a study of 9 subjects receiving a two lozenge dose of menthol (1.0 mg/lozenges) and eucalyptol (7.6 mg/lozenge) elevated citric acid thresholds of 130 to 146 percent of control for 3 to 5 hours after dosing were obtained, although a placebo control lozenge was not utilized in this study for comparison (Ref. 25). Another study of 20 subjects utilizing a formulation of menthol 2.78 mg, eucalyptus oil 0.77 mg plus smaller amounts of camphor, thymol, and tolu balsam, produced significant cough reductions at the 10 through 40 minute challenge periods reaching a peak of 35 percent reduction at the 10 and 20 minute intervals whereas a control lozenge produced a significant reduction of 11 to 17 percent maximum at the 10 and 20 minute challenge periods only (Ref. 26). Similar results were obtained in 16 subjects using an active formulation containing menthol, eucalyptus oil, camphor, thymol and tolu balsum present in about one-half the amounts utilized in the preceding study (Ref. 27).

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term double-blind, placebo-controlled, subjective study in school children. The results of the study revealed milder nasal symptoms and cough symptoms in individuals using the medicated mouthwash as compared to the placebo. Although the medicated mouthwash contained 0.91 mg/ml eucalyptol, the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 28).

(3) *Proposed dosage.* Dosage for is as follows: (i) For topical use as a 1.3 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 1.7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 0.2 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

(iv) For use as a mouthwash 0.91/mg/ml solution: Gargle with ⅔ oz (20 ml) twice daily.

For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations:

(i) For topical ointment use: Data to demonstrate effectiveness will be required from only one additional controlled cough-counting objective study in patients with coughs due to respiratory disease in accordance with the guidelines set forth below for testing antitussive drugs.(See part III. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(v) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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(28) OTC Volume 040278.

1. *Horehound (horehound fluidextract).* The Panel concludes that horehound (marrubium) is safe but there are no data to evaluate its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that horehound is safe in the dose ranges used as an antitussive. Horehound has been used for many centuries in the folk medicine of Europe in the form of a sweetened tea or bitter flavoring agent in decoctions and candies (Ref. 1). No adverse reactions have been cited and on the basis of long clinical experience, the Panel concludes that it is safe at the dose ranges employed for OTC use.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of horehound as an antitussive. There is no information available as to the effectiveness of horehound. It is stated that it was formerly used as an expectorant in various types of bronchitis but "has been abandoned by physicians" (Ref. 2). Another text (Ref. 1) states that it was dropped from the "Primary List" of drugs in 1910.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage.

One marketed product for children contains the following dosage range: Children over 5 years oral dosage is 44 mg. Children 2 to 5 years oral dosage is 22 mg (Ref. 3). The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required according to the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.) However, the Panel notes that if claims for antitussive activity were withdrawn, this preparation could be considered a pharmaceutical necessity or flavoring agent.

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j. *Menthol/peppermint Oil (topical/inhalant).* The Panel concludes that menthol/peppermint oil is safe in the dosage ranges used when applied topically as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that menthol/peppermint oil (topical/inhalant) is safe in the dosage ranges used as an antitussive.

Menthol is the chief constituent of peppermint oil comprising not less than 50 percent. It may be obtained by distillation of the oil or by synthesis (Ref. 1). Toxic effects with an excess ingestion of peppermint oil or mentholated products can include abdominal pain, nausea, vomiting, and symptoms of central nervous system depression such as dizziness, staggering gait, slowed respiration, flushed face, sleepiness, and coma (Refs. 2 and 3). The fatal oral dose of menthol itself in man is about 2 gm (Ref. 4). Topically applied menthol produces a cooling sensation presumably due to stimulation of the cold sensory receptors, whereas higher concentrations have irritant properties. In one study, a 20 percent solution of menthol in oil rubbed on to the skin induced an intense and lasting cooling sensation followed by numbness with slight burning and skin redness. A 0.5 percent solution applied to the nasal or oral mucosa was subjectively irritating, whereas a 0.2 percent solution was judged nonirritating (Ref. 5). A study of 223 subjects in which an ointment containing several volatile substances including menthol 2.8 percent was applied for 48 hours to areas of intact skin under a patch and to abraded skin revealed no instances of inflammation, wheal, hives, or primary irritation following the period of exposure (Ref. 6). Repeated topical application of mentholated products has been reported to give rise to hypersensitivity reactions, including contact der-

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matitus (Ref. 4). A study of ten subjects who received an application of an ointment containing several volatile substances including menthol 2.8 percent to their trunks 3 times daily for 3 weeks, then 1 week off, followed by another week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 7). The incidence of hypersensitivity to menthol appears to increase with increased duration of use. For example, one survey revealed an incidence of less than 1 percent menthol hypersensitivity in 542 patients using a mentholated ointment for less than 10 years, whereas an incidence of 3.4 percent hypersensitivity was seen in 414 patients using this type of a preparation for longer than 10 years (Ref. 8).

In infants and small children under 2 years, intranasal use of ointments or drops containing high percentages of menthol may cause spasm of the glottis. A case of dangerous asphyxiation has been reported in a 3-week-old infant following intranasal application (Ref. 9). For this reason a warning against the topical application of menthol-containing products directly to the nostrils of infants has been recommended (Refs. 4 and 9). A study of infants and children with respiratory infection was made. They received an ointment containing a mixture of volatile oils including 2.8 percent menthol applied to the chest and neck; the study demonstrated no adverse effect from the inhaled vapors by that route of administration on the rate of clearing of laryngeal inflammation. In this study 35 children, 23 under 2 years of age, with respiratory infection received only standard forms of therapy, e.g., antibiotics and fluids, while 37 children, 30 under 2 years of age, received standard therapy plus the mentholated ointment to the chest and neck. Laryngoscopic examination revealed comparable rates of clearing of laryngeal inflammation (Ref. 10).

A liquid mixture of volatile substances including 3.66 percent menthol is placed in the water of a hot steam vaporizer and administered via inhalation. A number of studies involving nearly 900 subjects in which this mixture was administered at recommended doses was not associated with significant complaints of subjectively perceived adverse effects (Refs. 11 through 23). Exaggerated-use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations, either due to sitting in closer proximity to the vaporizer or placing 2 to 5 times the recommended dose of the volatile substance in the vaporizer was not associated with irritating or toxic effects (Refs. 24 and 25).

In two studies, 40 healthy subjects who were each asked to dissolve two candy-base lozenges, each lozenge containing 1.36 mg of menthol together with other volatile oils, every 20 minutes for 2 hours exhibited no adverse effects with the exception of one report of nausea and vomiting. This was attributed to a dislike for the wild cherry flavor of the lozenge (Refs. 26 and 27). In a group of 70 healthy subjects, 50 adults and 20 children ages 8 to 12, half dissolved a menthol-eucalyptus lozenge containing 9.62 mg menthol and 5.55 mg eucalyptus oil every 4 to 8 hours on 2 successive days, the other half dissolved the cough drop base without the aromatics. In this intensive dosage schedule, a slightly larger number of subjects demonstrated mild irritation of the oral mucosa on days 1 and 2, but there were no differences between the two groups in the severity of irritation or residual findings after day 2. No systemic complaints were reported (Ref. 28). A similar study using a lozenge formulation containing menthol 8.14 mg and eucalyptus oil 4.625 mg versus a lozenge base without volatile substances produced comparable results (Ref. 29).

An aerosolized dosage form of volatile substances including 1 percent menthol has also been utilized for treatment of nasal congestion and cough symptoms. Rats exposed to acute overdoses of the spray in a confined chamber for 6 hours revealed no untoward behaviorial responses or airway tissues abnormality upon autopsy examination (Ref. 30). A group of four monkeys were exposed to 200 gm per day of the aerosol, i.e., 2 gm of menthol total dose in divided doses over an 8 hour period for 14 consecutive days in a confined chamber. Eye irritation was the only pharmacotoxic sign observed during the study (Ref. 31). In humans, such aerosol sprays have been generally safe when used as directed, but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 32). Furthermore, one commercial preparation containing a particular solvent, 1,1,1-trichloroethane, was recently recalled from the market due to potential hazards of this substance (Ref. 33).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of menthol/peppermint oil (topical/inhalant) as an antitussive. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

The local anesthetic effect of menthol vapor has been the justification for including menthol in topically administered ointments and lozenges for alleviation of cough. In a crossover study involving 16 subjects, the effects of a 2.8 percent mentholated petrolatum ointment applied to the chest of the subjects was compared to an ointment containing several volatile substances including 2.8 percent menthol, and to petrolatum in suppressing a citric acid aerosol induced cough. A combination ointment containing menthol induced a significant decrease in cough counts at all challenge times from ½ hour through 2 hours, averaging about 20 percent decrease at the ½ and 1 hour intervals, whereas the single ingredient menthol ointment yielded a significant decrease in cough counts just at the ½ and 1 hour intervals, averaging about 10 percent reduction. The petrolatum yielded no significant decrease in cough counts compared with base line (Ref. 34). Similar results with the combination ointment containing 2.8 percent menthol were obtained in two additional induced-cough studies conducted by the same investigator (Refs. 34 and 35).

A single-blind crossover cough-counting study of 27 patients exhibiting stabilized chronic cough, utilized twice daily chest applications of either the ointment containing several volatile substances including 2.8 percent menthol, an ointment containing 1.3 percent eucalyptus oil, or petrolatum base. Neither the ointment mixture nor the eucalyptus oil ointment induced a significant decrease in cough counts compared to placebo after the morning application, but a significant 20 percent cough-count reduction compared to placebo was obtained following the afternoon dose of the ointment mixture. An average reduction in cough counts of about 10 percent compared to placebo was noted following the afternoon dose of eucalyptus oil ointment, but this was not statistically significant (Ref. 36).

A liquid mixture of volatile substances added to the water of a hot steam vaporizer and administered via inhalation contained menthol 3.66 percent, camphor 7 percent, eucalyptus oil 1.7 percent, and tincture of benzoin 5 percent. Three crossover studies compared the effects of this volatile substance containing liquid in steam, 1 tablespoonful per quart of water, to steam alone in suppressing coughs artificially induced by the citric acid aerosol technique. In each case, both steam and medicated steam induced a statistically significant reduction in cough counts during the period of administration. In two of the studies the cough reduction with the medicated steam was statistically greater than with steam alone and persisted beyond the period of actual administration to the subject (Refs. 37, 38, and 39). In an objective cough-counting study on patients with acute upper respiratory disease, the medicated steam showed significantly lower cough counts than does unmedicated steam for the 4 hours the patients were exposed to vaporization and for 2 additional hours after vaporizer therapy was discontinued (Ref. 40). Subjective evaluation studies of adults and infants having cough associated with respiratory infection demonstrated statistically significant antitussive effectiveness of the volatile substances in steam, 1 tablespoon per quart of water, and of steam alone. In some of these studies the effect of the medicated steam was judged statistically superior to the steam alone (Refs. 41 and 42).

The variety of lozenge preparations containing a mixture of volatile substances including menthol have been studied for their ability to suppress citric acid aerosol induced cough in normal subjects. Since each of these lozenge preparations contain different concentrations of menthol and other volatile substances, the results of the study will be individually summarized. The general study format involved an unblinded crossover design in which a group of

cough-standardized normal subjects were tested with each of two lozenge formulations, i.e., the active formulation and its vehicle control, against cough artificially induced by the citric acid aerosol technique. Two studies involved lozenges in which menthol was the principal active ingredient and consequently represent an indication of the effectiveness of this mode of administering menthol to suppress cough. One of the studies involving 16 subjects used a lozenge containing menthol 2.64 mg and peppermint oil 2.29 mg plus benzyl alcohol 5.76 mg. The active formulation produced significant cough reductions at the 10 to 40 minute challenge periods, reaching a peak of 30 to 35 percent at the 10 and 20 minute intervals, whereas the control lozenge produced a significant reduction of 15 to 20 percent at the 10 and 20 minute intervals only (Ref. 43). The other study of 10 subjects, utilizing a lozenge containing menthol 1.13 mg plus citric acid flavoring, produced greater cough reduction than the control lozenge at the 10 through 30 minute challenge periods, although both the active and control lozenges in this study produced cough reductions at these time intervals (Ref. 44).

Two studies involving a total of 40 subjects used similar active formulations consisting of menthol 9.6 mg and eucalyptus oil 5.5 mg per lozenge. In these studies the active formulation produced significant cough reductions at the 10 to 40 minute challenge periods, reaching a peak of 25 to 35 percent reduction at the 10 and 20 minute intervals, whereas the control lozenge produced a significant reduction of 10 to 15 percent maximum at only the 10 minute challenge (Refs. 45 and 46). In a study of nine subjects receiving lozenge doses of menthol 1.5 mg and eucalyptol 0.35 mg, elevated citric acid thresholds of 130 to 146 percent of control for 3 to 5 hours after dosing were obtained, although a placebo control lozenge was not utilized in this study for comparison (Ref. 47). Another study of 20 subjects utilizing a formulation of menthol 2.78 mg, eucalyptus oil 0.77 mg, plus smaller amounts of camphor, thymol, and tolu balsam, produced significant cough reductions at the 10 through 40 minute challenge periods, reaching a peak of 35 percent reduction at the 10 and 20 minute intervals, whereas a control lozenge produced a significant reduction of 11 to 17 percent maximum at the 10 and 20 minute challenge periods only (Ref. 48). Similar results were obtained in 16 subjects using an active formulation containing menthol, eucalyptus oil, camphor, thymol and tolu balsam present in about ½ the amounts utilized in the preceding study (Ref. 49).

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term, double-blind, placebo-controlled, subjective study in school children. The results of the study revealed milder nasal symptoms and cough symptoms in individuals using the medicated mouthwash as compared to the placebo. Although the medicated mouthwash contained 0.42 mg/ml menthol, the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 50).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 2.8 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 3.66 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 1.0 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

(iv) For use as a mouthwash 0.42 mg/ml solution: Gargle with ⅔ oz (20 ml) twice daily.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required from only one additional controlled cough-counting objective study in patients with coughs due to respiratory disease in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iv) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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k. *Noscapine (noscapine hydrochloride)*. The Panel concludes that noscapine is safe but there are insufficient data to determine its effectiveness for OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that noscapine is safe in the dosage ranges used as an antitussive. Noscapine belongs to the isoquinoline alkaloids of opium and, like papaverine, has a weak spasmolytic (relieves spasm) effect on smooth muscle but little or no effect on the heart or gastrointestinal tract (Ref. 1). There is no evidence that it causes addiction, and it is not subject to the Federal Controlled Substances Act. A large margin of safety in both animals and man has been reported (Refs. 2 and 3). Nausea, drowsiness, and lightheadedness have been reported in a few instances, but this was similar to the incidence in placebo reactors (Ref. 4). Bellville et al. (Ref. 5) found no depression of respiration with doses as high as 90 mg.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of noscapine as an antitussive. Effectiveness has not been established by objective, controlled clinical trials.

For the most part, the animal studies employing a variety of methodologies for inducing cough by mechanical and chemical means have shown noscapine to have an antitussive effect equivalent to codeine (Refs. 6, 7, and 8). Controlled studies in man using experimentally induced cough have been conflicting (Refs. 4, 9, and 10). Most of the clinical trials reported have been poorly controlled subjective studies. The majority of these studies indicate that noscapine is equal to codeine in clinical effectiveness (Refs. 3 and 11 through 15).

Unlike the narcotic antitussives, respiratory depression and constipation have not been reported for noscapine. Doses as high as 90 mg have been given with no significant increase in toxicity (Ref. 16).

(3) *Proposed dosage.* Adult oral dosage is 15 to 30 mg every 4 to 6 hours not to exceed a total of 180 mg in 24 hours. Children 6 to under 12 years oral dosage is 7.5 to 15 mg every 4 to 6 hours not to exceed 90 mg in 24 hours. Children 2 to under 6 years oral dosage is 3.75 to 7.5 mg every 4 to 6 hours not to exceed 45 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific claims referable to its central mechanism of action and its nonnarcotic designation:

(i) *Indications.* (a) "Calms the cough control center and relieves coughing".

(b) "Non-narcotic cough suppressant for the temporary control of coughs".

(c) "Calms cough impulses without narcotics".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.) The Panel recommends that one experimentally induced cough study and one controlled study in patients with cough due to respiratory illness employing objective cough-counting techniques be performed in order to establish effectiveness as an antitussive.

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1. *Thymol (topical/inhalant)*. The Panel concludes that thymol is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an antitussive.

(1) *Safety.* Clinical experience has confirmed that thymol (topical/inhalant) is safe in the dosage ranges used as an antitussive.

Thymol is an alkyl derivative of phenol and has bactericidal, fungicidal and anthelmintic properties (Ref. 1). When hydrogenated, thymol is converted to the closely related drug, menthol (Ref. 2). The LD_{50} of thymol in mice is 1800 mg/kg orally (Ref. 3). No data were found bearing on the drug's toxicity in man. In view of thymol's relative inactivity compared to menthol, of which 50 to 120 gm "would have to be absorbed to cause poisoning" (Ref. 4), thymol is presumably relatively nontoxic.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of thymol (topical/inhalant) as an antitussive. Experiments in anesthetized rabbits have indicated that thymol administered by steam inhalation augmented the concentration of soluble mucous in the respiratory tract fluid (Ref. 2). The dose administered was unknown but the concentration in the vaporizer was in excess of 81 mg/kg. The volume of secretions did not change. Much lower concentrations of menthol were effective (1 mg/kg). In man no data on effectiveness of thymol alone were found although a mixture containing thymol, menthol, eucalyptol and propylene glycol appeared to suppress citric acid induced cough (Ref. 5) and to reduce resistance in the nasal and bronchial airways (Ref. 6).

Studies involving the objective measurement of the antitussive activity of thymol were done with mixtures of volatile substances, topically applied as ointments (Refs. 7, 8 and 9), and in steam inhalations (Refs. 10 and 11). Although significant antitussive activity as compared to placebo was demonstrated, it was not evident whether the thymol component contributed to this effect.

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term, double-blind, placebo-controlled, subjective study in school children. The results of the study revealed milder cough symptoms in individuals using the medicated mouthwash as compared to placebo. Although the medicated mouthwash contained 0.63 mg/ml thymol the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 12).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 0.1 percent preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For inhalation use as a 0.13 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For inhalation use as a 0.1 percent room spray: Spray room for 15 to 20 seconds in the vicinity of the patient. May be repeated at ½ to 1 hour intervals as needed.

(iv) For topical use as a lozenge 0.2 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

(v) For use as a mouthwash 0.63 mg/ml solution: Gargle with ⅔ oz (20 ml) twice daily.

For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(ii) For inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iii) For inhalation use as a room spray: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(iv) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(v) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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m. *Turpentine oil (spirits of turpentine) (topical/inhalant)*. The Panel concludes that turpentine oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an antitussive.

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(1) *Safety.* Clinical experience has confirmed that turpentine oil is safe when applied topically or used as an inhalant in the dosage ranges used as an antitussive. The Panel concludes that oil of turpentine is safe when applied externally or vaporized in boiling water as a steam inhalant. However, the Panel has determined elsewhere in this document that it is not safe for OTC use when used orally as an antitussive. (See part III. paragraph B.2.b. above—Turpentine oil (spirits of turpentine) (oral).)

Oil of turpentine is a volatile oil consisting of a mixture of pinenes derived from the oleoresin obtained from Pinus palustrus. Nelson et al. (Ref. 1) found exposure to a vapor of 420 to 560 mcg/l acceptable to most of their human subjects. The threshold for industrial exposure for 8 hours has been set at 560 mcg/l. The maximum concentration obtainable with a currently marketed OTC preparation is 36 mcg/l (Refs. 2 and 3). No histological evidence of pulmonary lesions were seen in mice and rats exposed to lethal concentrations of turpentine vapors (Ref. 4). Inhalation of 300 mcg/l of turpentine vapor by mice for 15 minutes did not influence the electrocardiogram, respiratory minute volume, pulmonary airway, resistance, or compliance (Ref. 5). One study in mice using a mixture of volatile oils, one of which was turpentine, showed a decrease in pulmonary antibacterial activity (Ref. 6). Two other studies showed no change when the mixture was used (Refs. 7 and 8).

In several studies in children and infants suffering from minor breathing discomforts associated with the "common cold" no side effects that were drug related were observed when a medicated steam was administered (Refs. 9 through 13). Turpentine has been widely used as a part of a mixture of volatile oils for many years with approximately two complaints per million packages purchased (Ref. 14).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of turpentine oil (topical/inhalant) as an antitussive. Its effectiveness is uncertain due to a lack of properly controlled studies of the substance by itself.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 4.0 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapor rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 5.5 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antitussive active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations:

(i) For topical ointment use: Data to demonstrate effectiveness will be required from only one additional well-controlled cough-counting objective study in patients with coughs due to respiratory disease in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing antitussive drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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(14) OTC Volume 040279.

Category III Labeling

The Panel concludes that the available data are insufficient to permit final classification of the labeling claims identified below for antitussives. The Panel concludes that certain words used in the context of claims for antitussives are statements which have no scientific meaning and therefore are misleading to the consumer. Additional data are required to support the following antitussive claims:

a. The term "soothing" in labeling such as "Calms coughing by soothing the irritated throat".

b. The term "throat soothing" in labeling such as "Throat soothing and recommended for coughs due to colds and dry, husky or tickling throats".

c. The term "smooth coating" in labeling such as "Produces a smooth coating that gives quick comfort to irritated throats and helps relieve coughs".

d. The terms "demulcent action" and "soothes" in labeling such as "Demulcent action which gently sooths cough-irritated throat membranes".

e. Statements referring to "duration of action" unless there is acceptable documentation to verify this.

f. Terms relating to sleep such as "Quiets annoying cough and lets you sleep". An antitussive is capable of quieting annoying cough, but has not been demonstrated to be directly related to sleep.

g. The term "soothing" has not been scientifically demonstrated to have an antitussive effect. In fact, none of the antitussive ingredients reviewed by the Panel have any "soothing" properties since the Panel cannot determine what such a property would be. The same is true for the term "smooth". Again, the Panel is unaware of how the ingredients act to smooth an irritated throat or sooth membranes by a "demulcent" action.

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Principles in the design of an experimental protocol for testing antitussive drugs.* a. *General principles.* The effectiveness of an antitussive agent is dependent on its ability to relieve the coughing of patients with a variety of disease conditions associated with cough. Relief of coughing may occur with a reduction in the frequency or number of coughs, or with a decrease in the intensity of the coughing, or both. Because coughing is such a common symptom occurring in health as well as disease, adaptation readily occurs to the extent that many patients are unaware of the extent of their coughing, and hence any subjective evaluation is apt to be highly variable and with an unacceptable margin for error. Objective studies employing the actual recording of the cough are required to document a decrease in cough frequency and/or intensity.

b. *Selection of patients.* The study design will depend on whether the patients in the study have chronic lung disease or acute self-limiting illnesses. For a cough study in patients with chronic lung disease, a crossover design could be used in a small group of 10 to 20 patients whose underlying chronic pulmonary disease is relatively stable so that daily fluctuations in the recorded cough counts performed prior to drug administration are minimized. The smoking habit of the patients must be carefully documented and maintained at the same level throughout the clinical trials. No smoking would be permitted during the actual recording sessions. For a cough study in patients with acute upper respiratory infection, a larger number of patients, averaging between 50 and 100, would have to be studied because of the marked variation in cough from day to day and hour to hour in upper respiratory infection. The patients would have to be assigned in a randomized design to either the placebo or drug groups. The sensitivity of this type of study could be improved by matching the groups for age, sex, severity of cough, and smoking habit.

c. *Methods of study.* To establish effectiveness of a drug as an antitussive, objective controlled studies employing cough-counting techniques are recommended. Two types of investigation are acceptable to the Panel. These are:

(1) A study may be done in a small group of healthy volunteers, approximately 10 to 20 in number, who are preferably nonsmokers. If smokers are included, their smoking habits must be well documented and remain at the same level during the entire course of the study. Any departure from smoking habits must be documented and made part of the evaluation of data. The data obtained in such a study including smokers and nonsmokers should be evaluated separately before combined. A challenge technique employing an irritant aerosol such as citric acid is used to assess effectiveness, dose, and time responses against the experimentally induced cough. This is performed under controlled laboratory conditions with a double-blind or suitably blinded, crossover design in suitably trained individuals.

(2) A double-blind, controlled study may be done in patients with cough due to respiratory disease. The dose and formulation of the drug to be tested would be as recommended for OTC use. Coughs are recorded and counted for stated periods before and after giving the drug or placebo so that adequate comparisons can be made concerning the onset and duration of antitussive activity following a single dose, as well as the effect of multiple doses. As a model for OTC drugs, however, the requirement for long periods of testing would be unnecessary since effective relief should be obtained fairly rapidly and, in most instances, after 1 or, at most, 2 days.

d. *Interpretation of data.* Evidence of drug effectiveness is required from a minimum of two positive studies based on the results of two different investigators or laboratories. All of the required studies in man should employ objective cough-counting techniques for recording the cough reflex. In the reevaluation of those drugs for which there was insufficient evidence of antitussive effectiveness and for the assessment of drugs that have not been submitted for review by the Panel, the two required studies should consist of either one challenge study with experimentally induced cough plus a study with cough in respiratory disease, or, alternatively, two studies by different investigators in patients with respiratory disease. A significant reduction in cough when compared with placebo by acceptable statistical analysis of the data will permit reclassification of such drugs into Category I.

All data submitted to the Food and Drug Administration must present both favorable and unfavorable results.

e. *Evaluation of safety.* Tests for safety should involve the usual tests for toxicity relevant to the known possible adverse effects of the drugs under testing. Tests should be done in the form of dose-response curves up to maximum therapeutic effectiveness.

IV. EXPECTORANTS

A. GENERAL DISCUSSION

Expectorants are agents that are used to promote or facilitate the evacuation of secretions from the bronchial airways to provide for the temporary relief of coughs due to minor throat and bronchial irritation as may occur with upper respiratory infection. This may be accomplished by reducing the thickness of these secretions or by augmenting the formation of a more fluid secretion. The secretions (sputum or phlegm) expectorated consists in part of respiratory tract fluids (RTF) together with a varying mixture of saliva and postnasal secretions.

In general, the mechanisms of action of the expectorants have been shown to be due to one or more of the following: The stimulation of reflexes from the stomach (the major action of certain drugs that are irritants to the gastrointestinal tract and act through their nauseant effect which increases the output from the secretory glands of the gastrointestinal as well as the respiratory tracts); stimulation of vagal nerve endings in the glands of the bronchial tubes; direct effect on the secretory cells lining the airway when administered by inhalation or if excreted by the respiratory tract; and stimulation of centers in the brain such as the vomiting center.

By facilitating the evacuation of secretions from the bronchial airway, local irritants are removed. In addition, by increasing the amount of mucous that covers and protects the lining of the throat and the bronchial airway, it is claimed that a "soothing" or demulcent" action is exerted which relieves irritated membranes in the respiratory passages. While these effects may indirectly serve to diminish the tendency to cough, the mechanism of this indirect action is quite different from that of an antitussive which is specifically designed to inhibit or suppress cough. Any claim relating to the amelioration of cough must be supported by the type of studies suggested above for evaluation of antitussives. (See part III. paragraph C. above—Data Required for Evaluation.) Expectorants would be expected to have their major usefulness in the irritative nonproductive cough as well as those coughs productive of scanty amounts of thick, sticky secretions.

As a group, the expectorant drugs have been widely used for many decades in the form of liquid preparations. By and large, in the dosages used for OTC administration, these drugs have had a good safety record. The few exceptions, where hypersensitivity reactions or cumulative toxicity represents a distinct hazard, have been discussed under the individual sections. While the expectorants have been traditionally used for their effect on aiding in the expectoration of phlegm (sputum) and thus relieving certain aspects of difficulty in breathing, there is little or no evidence to document this. In summary, the Panel concludes that while many of the expectorants on the market with long usage are generally safe, most lack evidence of efficacy and furthermore, all expectorants must be clearly identified on the labels of drug products as having a primary effect on respiratory sputum and not primarily as an antitussive.

B. CATEGORIZATION OF DATA

1. *Category I conditions under which expectorant ingredients are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredient

The panel was unable to classify a claimed expectorant active ingredient as generally recognized as safe and effective and not misbranded.

Category I Labeling

The Panel recommends the following Category I labeling for expectorant active ingredients to be generally recognized as safe and effective and not misbranded:

a. *Indications.* (1) "Helps loosen phlegm (sputum)".

(2) "Helps rid the passageways of bothersome mucus".

(3) "Expectorant action to help loosen phlegm (sputum) and bronchial secretions".

(4) "Helps drainage of the bronchial tubes by thinning the mucus".

(5) "Relieves irritated membranes in the respiratory passageways by preventing dryness through increased mucus flow".

b. *Warnings.* (1) "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(2) "Do not take this product for persistent or chronic cough such as occurs with smoking, asthma, or emphysema, or where cough is accompanied by excessive secretions except under the advice and supervision of a physician".

(3) *"Caution:* A persistent cough may be a sign of a serious condition. If cough

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persists for more than 1 week, tends to recur or is accompanied by high fever, rash or persistent headache, consult a physician".

2. *Category II conditions under which expectorant ingredients are not generally recognized as safe and effective or are misbranded.* The use of expectorants under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following ingredients and labeling should be removed from the market until scientific testing supports their use.

Category II Active Ingredients

The Panel has classified the following expectorant active ingredients as not generally recognized as safe and effective or as misbranded:

Antimony potassium tartrate
Chloroform
Iodides: Calcium iodide anhydrous, Hydriodic acid syrup, Iodized lime, Potassium iodide
Ipecac fluidextract
Squill preparations: Squill, Squill extract
Turpentine oil (spirits of turpentine) (oral)

a. *Antimony potassium tartrate.* The Panel concludes that antimony potassium tartrate is not safe for OTC use as an expectorant.

(1) *Safety.* Antimony potassium tartrate is not safe in the dosage range used as an expectorant.

The trivalent salts of antimony are potent inducers of vomiting; they act on centers in the brain as well as locally on the stomach walls. Because the antimony ingredient in this preparation tends to accumulate in the body and not to be excreted in a manner similar to arsenic, the danger of toxic reactions increases with repetitive or chronic use. These toxic reactions consist of marked irritation of the stomach and intestinal mucosa. Pain in joints and muscles are common, and the muscles of the heart may be depressed. Abdominal pain, rash and vascular collapse as well as a number of cases of hemolytic anemia, some fatal, have been reported (Ref. 1). Such toxic effects have been seen with the use of the trivalent compound at higher doses for the treatment of helminthic infections; but even in doses suitable for expectorant activity, antimony potassium tartrate is considered too toxic because of its cumulative properties to be used as an OTC product (Ref. 1).

(2) *Effectiveness.* There is no evidence that antimony potassium tartrate is effective as an expectorant.

When administered in subemetic doses, antimony potassium tartrate theoretically exerts its expectorant activity through reflex stimulation of the salivary and bronchial glands (Ref. 2). There is, however, not one documented study in either animals or man demonstrating its effect on cough, sputum production or respiratory tract secretions (Ref. 3).

(3) *Evaluation.* Because of its toxicity and tendency to accumulate in the body, the Panel is of the opinion that even subemetic doses present risks which outweigh whatever benefit theoretically might occur since there is no evidence to support effectiveness.

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(2) "Drill's Pharmacology in Medicine," 2d Ed., Edited by DiPalma, J. R., McGraw-Hill, New York, p. 689, 1958.

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b. *Chloroform.* The Panel concludes that chloroform is not effective for OTC use as an expectorant. The Panel is aware that the safety of chloroform is being questioned at present and has therefore limited its use only as a flavoring agent in CCABA preparations.

(1) *Safety.* The Panel concludes that the question of safety is dependent on dosage and abuse potential.

In doses of 4 to 8 ml orally, chloroform has been known to produce a narcotism similar to that occurring when administered by inhalation but developing more slowly and of longer duration (Ref. 1). The mean lethal dose by ingestion is approximately 30 ml (Ref. 2), although as little as a teaspoonful has produced serious illness. Symptoms of toxicity due to chloroform ingestion are often delayed for 2 or more days (Ref. 3). The problem of abuse at a "chloroform party" has recently been reported (Ref. 4).

Three documents concerning the safety of chloroform were submitted to the Panel for review and appropriate action. These pertained to the possible carcinogenicity of chloroform (Refs. 5 and 6) and the acute toxicity of chloroform in rats with an extrapolation to a suggested "maximum permissible limit" in humans (Ref. 7).

The first document was a review of a report by Harris on the implications of cancer causing substances in Mississippi River water (Ref. 5). A detailed analysis of the epidemiological data, presented together with a review of the statistical methods and the animal studies, is reported in full in the minutes of the 17th meeting of the Panel, Appendix 9 (Ref. 8). The Panel recognizes that there are serious inconsistencies in the report which makes the extrapolation of the data to possible risks of cancer from chloroform in drinking water unacceptable. Furthermore, the evidence of carcinogenicity in mice is conflicting and inconclusive and its extrapolation to another species, man, is open to serious question. Accordingly, the Panel concludes that for the report pertaining to the possibility of chloroform being a carcinogen in drinking water there is no evidence to support this possible carcinogenic hazard in the recommended dosages. This view is supported by an ad hoc Study Group on "Assessment of Health Risk from Organics in Drinking Water" in their report to the Hazardous Materials Advisory Committee of the Environmental Protection Agency (Ref. 9).

The second document (Ref. 7) attempts to establish some guidelines on permissible limits of solvent residues in chemicals. The authors list the obvious limitations of their study, i.e., the difficulty of extrapolating from rat to man; an acute single dose study does not provide an answer regarding the effect of chronic exposure; and the questionable use of arbitrary conversion factors that have no scientific basis. Their revised figure for the permissible limit for chloroform is 0.25 ml/60 kg. The Panel's recommended concentration of 0.4 percent by volume is therefore well within the authors' suggested permissible limit. The Panel recommends that chloroform be available only as a flavoring agent at a maximum concentration of 0.4 percent which represents 0.004 ml/ml or 0.02 ml/5 ml (teaspoon) of a product dosage. This is well within their revised permissible limit of 0.25 ml/60 kg. of body weight.

The third document is a preliminary report from the National Cancer Institute entitled, "Report on Carcinogenesis Bioassay of Chloroform" dated February 1976 (Ref. 6). The protocol consisted of a total of 400 rats and mice with suitable control animals receiving daily doses of chloroform orally for a total of 546 days. The treated animals were divided into low and high dose groups.

For rats, the results of the study showed a decreased survival rate which appeared dose related. Clinical evidence of toxicity appeared during the first 10 weeks but became more apparent during the second year of the study. The control groups also showed these signs by the 70th week. Transient palpable nodules were noted in both test and control groups by the end of the second year. The incidence of "all tumors" in both treated and control rats did not differ. Significant differences from control groups occurred with kidney tumors in male rats which appeared dose related and thyroid tumors in the female rats but the thyroid tumors were not considered relevant to the study because of the known incidence of spontaneously occuring thyroid tumors in this strain of rat. Neoplastic nodules of the liver occurred with equal frequency in test and matched controls (5 percent). Necrosis of hepatic parenchyma occurred with slightly greater frequency in the chloroform-treated rats.

For mice, results of the study showed that there were no significant differences in survival rate between the controls and treated mice except for the high dose female group. Beginning after 42 weeks of treatment, the chloroform-treated mice began to exhibit a bloated appearance with abdominal distention. The incidence of "all tumors" in the treated groups was significantly higher, and this was solely due to the presence of hepatocellular cancer.

The conclusions to be drawn from this study are that orally administered chloroform can produce hepatic neoplasms in this strain of mice when administered at these levels and for a prolonged period of time. There was a less striking correlation of kidney tumors with chloroform ingestion in the rat species. But the lack of any increase in hepatic tumors in the rats or kidney tumors

in the mice is attributed by the authors as illustrating "species differences in organ specificity and sensitivity." The Panel questions whether this then can be extrapolated to other species such as dog or man.

The Panel has considered the dosage of chloroform administered in the study. The average 400-gm rat received 36 to 80 mg/day for 546 days or a total of 19.656 to 43.680 gm. The average 30-gm mouse received 4 to 14 mg/day for 546 days or a total of 2.184 to 7.644 gm. In terms of an average 60-kg human, the equivalent doses would be 5.4 to 12.0 gm/day or a total of 2,984.4 to 6,552 gm for 546 days. If the mouse dosage is extrapolated, the human dose would be 8.0 to 28.0 gm/day or a total of 4,368 to 15,288 gm. The Panel finds that the use of chloroform as a flavoring agent at a maximum allowable concentration of 0.4 percent or 0.4 gm/100 ml would require the consumption of 1.35 to 7 liters/day for a total of 737.1 to 8,822 liters in 546 days. If the usual cough mixture is dispensed in a 120 ml bottle, this would represent the consumption of 31,850 bottles in a 2-year period. The Panel questions how many other drugs, food stuffs, flavoring agents, etc. would be toxic or even carcinogenic at these levels.

In the final analysis, the Panel is unable to determine from the available data the lack of safety of chloroform in man at the 0.4 percent concentration proposed for use as a flavoring agent. Obviously, there is a dose-response relationship with respect to toxicity and the potential for abuse exists just as with alcohol.

(2) *Effectiveness.* There is no evidence that chloroform is effective as an expectorant or that it ameliorates cough.

There is no documentation of the expectorant activity of chloroform. One report (Ref. 9) states that it is "probably harmless as well as useless in the dosages used." *The U.S. Dispensatory* reports that chloroform has been added to cough mixtures as a respiratory sedative, but its action is too fleeting to be of any great value (Ref. 1). *Remington's Practice of Pharmacy* (Ref. 10) classifies chloroform as a pharmaceutical necessity.

(3) *Evaluation.* The Panel concludes that chloroform should be restricted to use as a flavoring agent (pharmaceutical necessity) in amounts not to exceed 0.4 percent by volume in an OTC CCABA product.

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(5) Harris, R. H., "The Implications of Cancer Causing Substances in Mississippi River Water," The Environmental Defense Fund, Washington, D.C., 1974.

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(8) Summary Minutes of the OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Advisory Panel is included in OTC Volume 040298.

(9) "Assessment of Health Risk from Organics in Drinking Water," *Ad Hoc* Study Group to the Hazardous Materials Advisory Committee, Environmental Protection Agency, 1975.

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c. *Iodides (calcium iodide anhydrous, hydriodic acid syrup, iodized lime, potassium iodide).* The Panel concludes that the iodides are neither safe nor effective for OTC use as expectorants.

(1) *Safety.* At a dosage that may be effective, iodides are not considered safe as OTC preparations.

The action and toxic effects of these compounds are due to the iodide content. The iodides are readily absorbed from the gastrointestinal tract and concentrated primarily in the secretions of the respiratory tract. The Panel is unaware of any animal studies on the safety of the iodides. There are no controlled studies on short-term use of iodides as expectorants. The incidence of side effects and toxicities are directly proportional to the dose and duration of therapy, and practically all persons continually treated with high doses will manifest symptoms of iodism which may simulate the symptoms of the "common cold". Some individuals, though not frequently, are highly sensitive to iodides and will react to the first few doses with serious consequences (Ref. 1). The clinical experience with iodides has been mostly in the treatment of chronic diseases, such as bronchial asthma, chronic bronchitis, bronchiectasis and emphysema; therefore, most of the toxicity has been related to chronic administration. The effective dose is 900 mg daily in divided doses (Refs. 2 and 3). Leonardy (Ref. 4) estimates the optimal dose at 25 to 35 mg/kg daily in divided doses. At these doses, there is a high incidence of toxic effects varying in seriousness from mild iodism to generalized papulovesicular eruptions, hypothyroidism, edema of the glottis, submandibular adenitis (Ref. 1), and iodide fever (Ref. 5).

Murray and Stewart (Ref. 6) reported two cases of iodide goiter and found at least 170 cases in the literature as well as several other cases through personal communications. Carswell, Kerr and Hutchison (Ref. 7) reported iodide-induced goiters in the fetuses of pregnant women. Two cases of neonatal death apparently due to congenital goiter caused by iodides compressing the trachea are reported by Galina, Avnet and Einhorn (Ref. 8). Continued heavy use in children and adults may produce goiter and/or hypothyroidism (Refs. 9 and 10). *The Medical Letter* (Ref. 11) discusses the hazards of drug-induced goiters and cites iodides as the most frequent cause. The blood levels needed to induce goiter could not be established. Falliers et al. (Ref. 2), in a double-blind crossover study of 52 asthmatic children, found a high incidence of adverse effects. One child could not complete the study because of the development of a severe generalized papulovesicular eruption. Sixteen adolescents developed acne-form lesions. Eighteen showed thyroid enlargement but no evidence of suppressed thyroid functions. Leonardy (Ref. 4), in discussing the use of iodides in the treatment of bronchial asthma, cites a review by Peacock and Davison (Ref. 12) of 500 cases in which 13.5 percent of patients receiving iodides had sufficient side effects to warrant discontinuing the drug.

There is a wide variety of diseases which contraindicate the use of iodides or require caution that the consumer does not have the expertise to determine, such as hypersensitivity to iodides, thyroid disease, psoriasis (Refs. 3 and 13) and various types of dermatoses.

Because of the high incidence of untoward effects and the potential for toxicity, iodides should be used only under the advice and supervision of a physician.

(2) *Effectiveness.* Iodides may be effective as an expectorant when given in adequate doses in some chronic respiratory disease. There is no evidence that they are efficacious in acute upper respiratory infections.

Animal studies have demonstrated the presence of iodides in the respiratory tract fluid (RTF) and an increase in the amount of RTF or a decrease in its viscosity (Refs. 14 and 15). Numerous investigators have reported observations on the expectorant action of iodides (Ref. 14). Many cite the rapid appearance of iodides in the RTF after the administration (Refs. 16, 17, and 18). The mechanism of the action of iodides as expectorants is not clear. Their presence in the RTF does not necessarily indicate increased amounts of RTF or decreased viscosity. It has been suggested by Lieberman and Kurnick (Ref. 19) that the iodides may liquefy purulent sputum by inducing the enzymatic hydrolysis of proteins. In asthmatics, no consistent change in viscosity resulting from iodides was reported by Leonardy (Ref. 4), citing as evidence a number of studies. Hirsh et al. (Ref. 20), using a new technique to measure viscosity, have been able to obtain consistent and reproducible results, but no final answer is yet available.

Falliers et al. (Ref. 2), in a 3-year double-blind study of 52 children with chronic asthma, demonstrated a statistically significant improvement in the children receiving potassium iodide 300 mg 3 times daily. The population receiving iodides improved but there was a wide variability in the response of the individuals in the study, and there is no an-

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swer to why. It may be due to some other property than that of its expectorant property.

While the iodides are possibly expectorants, there are insufficient studies to confirm this. This would suggest the need for more controlled studies and better techniques for evaluation of the action of iodides.

(3) *Evaluation.* The Panel concludes that iodides are not safe for OTC use. Because of the wide variety of diseases which contraindicate their use and because of the potential for toxicity and untoward effects, iodides should be used only under the advice and supervision of a physician.

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d. *Ipecac fluidextract.* The Panel concludes that ipecac fluidextract is not safe for OTC use as an expectorant.

(1) *Safety.* Based on its long history of use, it is generally accepted that syrup of ipecac is safe although no studies can be found to substantiate this belief (Ref. 1). The fluidextract of ipecac, however, is 14 times more potent than the syrup (Ref. 2) possessing a 2 percent total alkaloidal content. The chief alkaloids of ipecac are emetine and cephaeline varying in ratio from equal parts to a fourfold preponderance of emetine. These alkaloids are responsible for its therapeutic and toxic manifestations (Ref. 3).

Toxic, even fatal doses may occur in man at 2 oz of the fluidextract. A dose of 10 ml produced death in a 4-year-old child (Ref. 4). Death from the ingestion of the syrup has not been reported. However, it is believed that many cases of overdosage result from mistaking the fluidextract for the syrup. Toxic manifestations of overdosage include nausea, bloody stools, and vomitus, cramping, and abdominal pain. Myocardial manifestations have also been reported (Ref. 3).

The Panel is aware of a reference to an expectorant dose of the fluidextract of 0.2 to 0.5 ml (Ref. 5), however the Panel feels that the syrup possesses a superior benefit-to-risk ratio and that ipecac fluidextract should not be available for OTC use as an expectorant.

(2) *Effectiveness.* Ipecac fluidextract has both local and central effects; however, there are no acceptable clinical studies to substantiate its use as an expectorant.

(3) *Evaluation.* The Panel is unable to determine a safe dose for ipecac fluid extract for use as an expectorant. Because of its documented toxicity and since there is no evidence to support effectiveness, the Panel concludes that ipecac fluidextract is not safe for use as an expectorant.

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e. *Squill preparations (squill, squill extract).* The Panel concludes that squill preparations are not safe or effective for OTC use as expectorants.

(1) *Safety.* Squill is a toxic substance capable of causing nausea, vomiting, and violent purging. It contains scillarin A and scillarin B, glycosides that may be toxic to the heart. The powdered drug and extracts from it have been used as rat poison. As a rat poison, red squill is usually preferred but all squill preparations have the same general properties (Ref. 1). Although the market experience would indicate that squill is probably safe, the doses used are small and there are no data available to relate this dose to effectiveness or to the lower limits of toxic doses (Ref. 2). Available information relates to sources and methods for preparation. The lowest toxic dose is currently estimated at 50 mg/kg (Ref. 3).

(2) *Effectiveness.* Squill is an irritant to the gastric mucosa and produces a reflex expectorant action. In larger doses it is an emetic (Refs. 1, 4, and 5). There are no available data to relate these effects to dose. Squill is practically always given as one of several drugs in various preparations and there are no data to indicate whether it does or does not contribute to the expectorant action of the preparation.

(3) *Evaluation.* Because of its known toxicity and historical use as a rat poison, and since there are no data available to relate marketed doses as an expectorant to the lower limits of toxic doses, the Panel is of the opinion that the risks outweigh whatever benefit might occur. Therefore, the Panel concludes that squill preparations are not safe or effective for OTC use.

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f. *Turpentine oil (spirits of turpentine) (oral).* The Panel concludes that oil of turpentine is not safe for OTC use when taken orally as an expectorant.

(1) *Safety.* Oil of turpentine is a volatile oil distilled from turpentine, an oleoresin obtained from the pine tree. It has a characteristic odor and taste. The substance has been administered orally, topically and by inhalation.

In doses of 15 ml in children and 150 ml in adults fatal poisoning may occur (Ref. 1). Excessive oral doses produce marked irritation of the alimentary tract, especially of the stomach and of the pelvic organs. Toxic symptoms include vomiting, diarrhea, acute pain, renal irritation, bloody stools and hyperemia of all abdominal organs. Continued oral use may lead to cloudy swelling and fatty degeneration of the liver. Abnormal central nervous system symptoms may develop (Refs. 2 and 3).

Since no safe oral dose has been established for effective use as an expectorant, the Panel concludes that turpentine oil should not be available for oral OTC use as an expectorant. However, elsewhere in this document, the Panel concludes that the ingredient is safe when applied topically or used as an inhalant but that there are insufficient data to permit final classification of its effectiveness for inhalant or topical use as an expectorant. (See part IV. paragraph B.3.n. below—Turpentine oil (spirits of turpentine) (topical/inhalant).)

(2) *Effectiveness.* Oil of turpentine is irritating and its chief suggested uses are based on this property (Refs. 1 and 4). There is no evidence to support its effectiveness as an expectorant when taken orally.

(3) *Evaluation.* The Panel is unable to determine a safe oral dose for turpentine oil for use as an expectorant. The Panel is of the opinion that the risk from oral administration outweighs whatever benefit might occur. Therefore, the Panel concludes that turpentine oil is not safe for oral use as an expectorant.

REFERENCES

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Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety and/or effectiveness of the product are unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel has previously discussed such labeling. (See part II. paragraph O. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.) However, labeling that is descriptive of the product such as its taste or appearance are acceptable.

The Panel concludes that the following claims are misleading and are unacceptable for preparations used as expectorants. These and similar claims are unsupported by scientific data. The term "congestion", which may be interpreted by the target population to denote a discomfort of the chest, may result from a variety of causes, several of which may be of a most serious nature and require professional attention. Other terms and phrases are descriptive, but vague, and cannot be scientifically evaluated. Statements or phrases which allude to greater potency or suggest superiority of a product are not acceptable.

All claims that state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies are not acceptable, e.g., "specially formulated", "improved", "selected", "natural", "extra strength", "teamed components", "superior to ordinary", "modern", and "superior".

Claims implying a physiological effect that has no foundation or meaning or will be meaningless to the public are unacceptable; such as "antiallergic", "gets at the roots of", "fights", "wakes up", "recommended by doctors", "multiaction", and "travels through the blood stream", "works internally", and "actively moistens".

Claims for relief where time is indeterminate and not supported by scientific data are unacceptable, such as "fast" and "prompt". Using the above criteria the Panel feels that the following specific claims are unacceptable:

a. *Unacceptable claims because of vagueness and the inability to evaluate them scientifically.* (1) "Temporarily relieves cough congestion by working internally to break up phlegm".

(2) "Help decongest bronchial passage".

(3) "To help clear congestion".

(4) "Frees secretions along lower respiratory tract".

(5) "Helps loosen congestion so you can cough it up and get it off your chest".

(6) "Works internally".

(7) "Actively moistens the bronchial lining".

(8) "Soothes tired throats".

(9) "Promotes free breathing".

(10) "Restores free breathing".

(11) "Eases breathing".

b. *Unacceptable because the claims allude to greater potency or suggest superiority of a product which is not supported by scientific data.* (1) "Full expectorant".

(2) "Combines modern expectorant".

(3) "Superior expectorant".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed conditions listed below. Because of the lack of suitable objective criteria for evaluating expectorant activity and the need to rely on subjective assessment of highly variable symptoms, the Panel believes it reasonable to provide 5 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 5 years, however, the conditions listed in this category should no longer be marketed as over-the-counter products.

Category III Active Ingredients

The Panel has concluded that the available data are insufficient to permit final classification of the following claimed expectorant active ingredients:

Ammonium chloride
Beechwood creosote
Benzoin preparations (inhalant): Compound tincture of benzoin, Tincture of benzoin
Camphor (topical/inhalant)
Eucalyptol/eucalyptus oil (topical/inhalant)
Glyceryl guaiacolate
Ipecac syrup
Menthol/peppermint oil (topical/inhalant)
Pine tar preparations: Extract white pine compound, Pine tar, Syrup of pine tar, Compound white pine syrup, White pine
Potassium guaiacolsulfonate
Sodium citrate
Terpin hydrate preparations: Terpin hydate, Terpin hydrate elixir
Tolu preparations: Tolu, Tolu balsam, Tolu balsam tincture
Turpentine oil (spirits of turpentine) (topical/inhalant)

a. *Ammonium chloride.* The Panel concludes that ammonium chloride is safe in the dosage range used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that ammonium chloride is safe in the dosage ranges used as an expectorant.

Several studies have documented the occurrence of severe acidosis, especially in patients with renal or hepatic dysfunction (Refs. 1 through 3). Most of these occurred with doses in excess of 6 to 8 gm per day where it was being used as a diuretic. Relman, Shelburne and Talman (Ref. 4) reported two near fatal cases following ingestion of huge amounts, 82 gm taken in a 48 hour period; while Ticktin, Fazekas and Evans (Ref. 5) described a case report of hepatic coma precipitated by 6 gm in a patient with congestive heart failure. At the dose ranges of 250 to 500 mg 4 to 6 times daily, which is the customary dose as an expectorant, the major adverse reaction has been nausea and emesis (Ref. 6).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of ammonium chloride as an expectorant. No objective evaluations have been reported. Partially controlled subjective studies (Ref. 7) showed no significant change in either sputum volume or viscosity. Several investigators (Refs. 8 through 10) felt that sputum was more fluid and easier to raise when given at doses 0.3 gm every 2 hours, and Basch, Holinger and Poncher (Ref. 11) reported a decrease in viscosity and pH (acidity) in patients with damaged bronchial tubes and infection.

(3) *Proposed dosage.* Adult oral dosage is 300 mg every 2 to 4 hours. Children 6 to under 12 years oral dosage is 150 mg every 2 to 4 hours. Children 2 to under 6 years oral dosage is 75 mg every 4 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings.* (i) "*Caution:* This product must be taken with adequate amounts (½ to 1 glass) of fluids with each dose".

(ii) "Do not take this product if you have heart trouble or chronic kidney or lung disease except under the advice and supervision of a physician".

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(5) *Evaluation.* Data to demonstrate effectiveness as an expectorant will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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b. *Beechwood creosote.* The Panel concludes that beechwood creosote is safe in the dosage range used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that beechwood creosote in the usual dosages contained in lozenges or cough mixtures for expectorant activity is safe.

Creosote is a distillate of wood tar and has a smokey color and a pungent taste. Dosages in excess of 4 gm 3 times daily produces giddiness, dimness of vision, circulatory collapse, convulsions and coma (Ref. 1). Because of the taste, it is normally given well-diluted (Ref. 2). Occasional adverse gastrointestinal side effects are mentioned in one report but are poorly documented (Ref. 3). Based on the available data and the presence of beechwood creosote on the market for many years, the Panel concludes that this ingredient is safe for OTC use.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of beechwood creosote as an expectorant. No controlled or partially controlled studies were submitted to the Panel documenting its effectiveness as an expectorant. Only one reference (Ref. 3) was found that reported some increase of respiratory tract fluid (RTF) in animals given high dosages but the authors expressed doubt as to the applicability of these data to man. According to the standard compendia (Refs. 1 and 4), an average dose of beechwood creosote is 250 mg 3 or 4 times a day. In the two submissions to the Panel listing creosote, the dosages are 3.29 mg/lozenge and 33 mg/15 ml every 3 hours (Ref. 5). This 40 to 80-fold difference in dosage (3.29 mg/lozenge, 8 dosages daily) appears illogical and there is no evidence to indicate that creosote is effective in such low doses. The Panel concludes that further studies are needed to determine effectiveness.

(3) *Proposed dosage.* Adult oral dosage is 250 mg every 4 to 6 hours not to exceed 1,500 mg in 24 hours. Children 6 to under 12 years oral dosage is 125 mg every 4 to 6 hours not to exceed 750 mg in 24 hours. Children 2 to under 6 years oral dosage is 62.5 mg every 4 to 6 hours not to exceed 375 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness as an expectorant will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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(5) OTC Volume 040208 and 040235.

c. *Benzoin preparations (compound benzoin tincture, tincture of benzoin) (inhalant).* The Panel concludes that tincture of benzoin and compound benzoin tincture are safe in the dosage ranges used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that benzoin tincture and compound benzoin tincture are safe in the dosage ranges used in boiling water as a steam inhalant for expectorant purposes.

Benzoin is the balsamic resin obtained from *Styrax benzoin* Dryander or Styrax paralleloneurus Perkins, known in commerce as Sumatra Benzoin or from *Styrax* tonkinensis (Pierre) Craib ex Hartwich, or other species of the Section *Anthostyrax* of the genus Styrax, known in commerce as Siam benzoin (San. *Styraceae*) (Ref. 1).

Benzoin is used in preparing official preparations, e.g., compound benzoin tincture, United States Pharmacopeia XIX (Ref. 1) and benzoin tincture, National Formulary XI (Ref. 2). Compound benzoin tincture contains 74 to 80 percent alcohol and is prepared by a maceration process incorporating benzoin, aloe, storax and tolu balsam using alcohol as a menstruum (Ref. 1). Benzoin tincture contains 75 to 83 percent alcohol and is also prepared by macerating benzoin, the final product being a 20 percent solution of benzoin (Ref. 2). These preparations are used topically as a protectant and antiseptic and by steam inhalation as an expectorant (Refs. 3 and 4). It is generally recognized as safe when administered by steam inhalation in accordance with recommended concentrations. The alcohol content would be responsible for the major toxic signs and symptoms arising from oral administration of the tincture (Ref. 5).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of tincture of benzoin and compound benzoin tincture as an expectorant.

Although compound benzoin tincture and benzoin tincture have been advocated and used for generations as a component of steam inhalations to promote an expectorant action, no studies demonstrating this effect have been found in the literature or OTC submissions.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years of age is as follows: Add 1 teaspoonful of compound benzoin tincture or benzoin tincture to a pint of water in a hot steam vaporizer, bowl or washbasin. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV, paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warning:* "For use by steam inhalation only. Do not take by mouth".

(5) *Evaluation.* Data to demonstrate effectiveness as an expectorant will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

REFERENCES

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d. *Camphor (topical/inhalant).* The Panel concludes that camphor is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that camphor (topical/inhalant) is safe in the dosage ranges used as an expectorant.

Camphor is a local irritant producing skin redness when rubbed on the skin. However, when not vigorously applied, it may produce a feeling of coolness on the skin as does menthol. It acts similarly on the respiratory tract. Taken orally in small doses it produces a feeling of warmth and comfort in the stomach but in larger doses it is irritating and can cause nausea and vomiting. Camphor also has a mild local anesthetic action and its application to the skin may be followed by numbness. The systemic effects are primarily related to stimulation of the central nervous system. The ingestion of solid camphor by children can cause convulsions (Ref. 1). As little as 0.75 gm of camphor equivalent to a teaspoonful of linament of camphor or camphorated oil that contains 20 percent camphor has been fatal to a child. Commercially available ointments containing mixtures of volatile substances for use as decongestants or antitussives contain about 5 percent camphor. Since it is conceivable that ingestion of a sufficient amount of such a preparation could produce toxic effects in a young child, a suitable warning should be present on the label. The ingestion of 2 gm of camphor generally produces toxic effects in an adult although up to 1.5 oz has been ingested with recovery (Ref. 2).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of camphor (topical/inhalant) as an expectorant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

A standard text indicates that camphor may have a slight expectorant action (Ref. 1). Well-controlled specific studies to document this effect have not been found in the literature.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 5 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapor rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 0.02 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below— Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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e. *Eucalyptol/eucalyptus oil (topical/inhalant).* The Panel concludes that eucalyptol/eucalyptus oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that eucalyptol/eucalyptus oil (topical/inhalant) is safe in the dosage ranges used as an expectorant.

Eucalyptus oil is about 70 percent active eucalyptol. Fatalities have followed doses of the oil as small as 3.5 ml although recovery has occurred after doses of 20 and even 30 ml. Symptoms include epigastric burning with nausea and vomiting, vertigo, ataxia, muscle weakness and stupor (Refs. 1 and 2). A study of 223 subjects in which an ointment containing several volatile substances, including eucalyptus oil 1.3 percent, was applied for 48 hours to areas of intact skin under a patch and to abraded skin, revealed no instances of irritation, inflammation, wheal or hives following the period of exposure (Ref. 3). A study of ten subjects who received application of an ointment containing several volatile substances including eucalyptus oil 1.3 percent to their trunks 3 times daily for 3 weeks, then 1 week off followed by another 1 week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 4). A study of infants and children with respiratory infection who received an ointment containing a mixture of volatile oils, including eucalyptus oil 1.3 percent, applied to the chest and neck demonstrated no adverse effect from inhaled vapors by that route of administration on the rate of clearing of laryngeal edema (Ref. 5). In another study, the vapors were produced by placing a liquid mixture of volatile substances, including eucalyptus oil 1.7 percent, in the water of a hot steam vaporizer and administered via inhalation. Exaggerated use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations either due to sitting in closer proximity to the vaporizer or placing 2 to 5 times the recommended dose of the volatile substance in the vaporizer, were not associated with irritating or toxic effects (Refs. 6 and 7).

A series of studies assessing buccal safety and overt side effects from lozenges containing a mixture of volatile oils was conducted in over 300 subjects (Refs. 8 through 11). Lozenges containing up to 5.5 mg eucalyptus oil were dissolved in the mouth every hour for 8 hours on 2 successive days. Mild erythema of the buccal mucosa and tongue was observed but did not differ appreciably from the response to dissolving lozenge sugar base without volatile oils. Incidence of gastrointestinal symptoms did not differ from control either (Refs. 6 through 11).

An aerosolized dosage form of volatile substances including 1 percent eucalyptus oil has also been utilized for treatment of nasal congestion. In humans, such aerosol sprays have been generally safe when used as directed but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 12). Furthermore, one commercial preparation containing a particular solvent (1,1,1-trichloroethane) was recently recalled from the market due to potential hazards of this substance (Ref. 13).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of eucalyptol/eucalyptus oil (topical/inhalant) as an expectorant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

Eucalyptus oil is traditionally assumed to have an expectorant action by virtue

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of direct stimulation of bronchial secretory cells following inhalation (Ref. 14). In one study, eucalyptus oil was administered via steam inhalation to rabbits and respiratory tract fluid collected (Ref. 15). At normal doses eucalyptus oil did not increase the volume or decrease the specific gravity of the collected fluids. Larger doses were required for eucalyptus oil to produce this effect, and these doses led to local inflammation and several animal deaths (Ref. 15). In a later study, this group administered eucalyptol by stomach tube to anesthetized animals. Eucalyptol was shown to be an expectorant in rats, guinea pigs, rabbits, cats, and dogs. The effect was not influenced by section of the afferent gastric nerves. From this observation the authors concluded that eucalyptol does not act by a reflex mechanism in the stomach but directly upon the secretory cells of the respiratory tract (Ref. 16). Conclusive studies to confirm this expectorant property in humans are lacking.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 1.3 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 1.7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 0.2 to 15.0 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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f. *Glyceryl guaiacolate.* The Panel concludes that glyceryl guaiacolate is safe in the dosage ranges used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that glyceryl guaiacolate is safe in the dosage ranges used as an expectorant.

Acute and chronic toxicity studies in animals demonstrated no adverse pathologic findings (Ref. 1). A number of studies in humans also demonstrates the safety of glyceryl guaiacolate over a wide range of dosages (Refs. 2, 3, and 4). Carter (Ref. 5) administered 100 mg/lb of body weight to 18 children with cerebral palsy for periods of 1 month. One child complained of loss of appetite and two exhibited nausea and vomiting. All laboratory data remained within normal limits (blood chemistry, complete blood count, and urine). An epidemiological study (Ref. 6) indicates that glyceryl guaiacolate is one of the most widely used medications with few reported adverse reactions.

Inhibition of in vitro platelet aggregation in the blood with prolongation of coagulation time of activated plasma has been described (Refs. 7 and 8) but appears to have no clinical significance (Refs. 9 and 10). Glyceryl guaiacolate may interfere with certain laboratory tests, such as 5-hydroxyindoleacetic acid and vanillyl mandelic acid (Refs. 11 and 12) which are employed as screening tests for carcinoid (hormone secreting) tumors and pheochromocytoma.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of glyceryl guaiacolate as an expectorant.

Earlier animal studies, in which glycerol guaiacolate was reported as increasing respiratory tract fluid (Refs. 13 and 14) were subsequently revised to indicate that the expectorant activity of glyceryl guaiacolate occurred only at extremely high doses (Ref. 15).

There have been a large number of clinical studies in man. Even in the early studies, the lack of acceptable standard techniques for evaluation was recognized. These studies can be subdivided into subjective uncontrolled reports (Refs. 16, 17, and 18) claiming effectiveness in the management of cough and good patient acceptance; subjective controlled or semicontrolled studies (Refs. 19 and 20) claiming superiority of glyceryl guaiacolate (100 to 200 mg 4 times daily) over placebo with respect to ease of raising sputum, and ameliorating the unproductive cough and objective controlled studies in which the flow properties of sputum were measured or the clearance rates of inhaled radioactive tracer particles were determined. Hirsch et al. (Ref. 2) and Hirsch, Viernes and Kory (Ref. 21) found glyceryl guaiacolate at dosages of 800 to 1,600 mg daily to be no more effective than placebo in lowering sputum consistency, increasing sputum volume or improving ventilatory function. The subjective ease of expectoration was also no different than with placebo. Chodosh (Ref. 22) and Chodosh, Medici and Enslein (Ref. 23), on the other hand, dispute these findings and in a letter to the editor of *Chest*, Chodosh and Medici (Ref. 24) claim improvement in subjective symptoms, pulmonary function tests, and sputum stickiness (adhesiveness) with 2.4 gm glyceryl guaiacolate daily. Perhaps the most striking point in his discussion is that even at 2.4 gm daily the most significant changes were noted only after 10 days

although trends could be detected at 7 days. The report by Thomson, Pavia and McNicol (Ref. 25) showing a significantly faster clearance of inhaled radioactive particles over the first 5 hours with glyceryl guaiacolate in single doses of 200 mg as compared to placebo in bronchitic patients in a double-blind crossover study is of special interest both in the evaluation of glyceryl guaiacolate and as an objective type of assessment for expectorant drugs. This is a new approach to the study of expectorants and is objective in design. If results can be confirmed, it may represent a "breakthrough" in methodology.

If glyceryl guaiacolate requires 7 to 10 days to begin to demonstrate a significant expectorant effect, it is obviously not suited for OTC use where rapid relief of symptoms in a self-limited illness of relatively short duration is desired. It should be emphasized that the study by Thomson, Pavia and McNicol (Ref. 25) suggesting drug activity is a single study that has not been confirmed by any other investigator. Hirsch et al. (Ref. 2) and Hirsch, Viernes and Kory (Ref. 21), employing another objective controlled method of study, were unable to demonstrate effectiveness. It would appear that the contradictory results of these two studies cancel each other out in a manner of speaking.

A recent subjective double-blind study was submitted in which there were 121 patients in a placebo group and 118 who received 200 mg every 6 hours for a period of 72 hours (Ref. 26). Statistical analysis of the data was reported as showing a significant reduction in cough frequency and intensity in the patients on glyceryl guaiacolate. However, this conclusion by a subjective method of evaluation is unacceptable as a claim for suppression of cough frequency or intensity in keeping with the Panel's statement that effectiveness of a drug with respect to antitussive activity must be assessed by objective techniques, such as cough-counting methods as described in the section under evaluation of antitussives. (See part III. paragraph C. below—Data Required for Evaluation.)

In addition, this study reported that glyceryl guaiacolate administration was associated with the production of a significantly thinner sputum and was effective in increasing sputum volume and facilitating the raising of secretions in patients with a productive cough. In examining the data, it was noted that one investigator in this multidisciplinary study submitted two separate studies with a total of 76 subjects which accounted for approximately one-third of the total subject population. Another investigator presented data that showed no significant difference from placebo and a third investigator showed a significant trend in favor of glyceryl guaiacolate. Because of the conflicting results of the different investigators on this study and the likelihood that the data from the single investigator referred to above would bias the results of the study when all the information is pooled, serious questions are raised as to the validity of the study. Retrospective analysis of the data with respect to smoking showed that there was no bias introduced by the incidence of smoking of the subjects (Ref. 27).

There are a number of controlled, objective studies with combinations of theophylline and glyceryl guaiacolate in reversible airway obstruction studies but these were not relevant to its expectorant acivity.

There is considerable dispute as to the effective dosage. From the more recent reports in the literature it would appear to be 2 to 4 times higher than the customary dose of 100 mg.

(3) *Proposed dosage.* Adult oral dosage is 200 to 400 mg every 4 hours not to exceed 2400 mg in 24 hours. Children 6 to under 12 years oral dosage is 100 to 200 mg every 4 hours not to exceed 1200 mg in 24 hours. Children 2 to under 6 years oral dosage is 50 to 100 mg every 4 hours not to exceed 600 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. Effectiveness to be established by only one additional controlled study which in view of the difficulty in obtaining objective criteria for such evaluations, could be a well-designed subjective study. (See part IV. paragraph C. below—Data Required for Evaluation.)

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g. *Ipecac syrup.* The Panel concludes that ipecac syrup is safe in the dosage ranges used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that syrup of ipecac is safe in the dosage ranges used as an expectorant but there are no known studies to substantiate this belief. There are no known studies on the toxicity of ipecac as a single ingredient. The chief alkaloids of ipecac, emetine and cephaeline, are very toxic (Ref. 1). It has been shown that when these alkaloids are given parenterally (by injection), they are cumulative with toxic effects on the heart, liver, kidney, intestinal tract, and skeletal muscle (Refs. 1 and 2); however,

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when given orally, there is no information on the absorption of small doses from the gastrointestinal tract, or on the cumulative effects of repeated administration. In view of possible cumulative effects from oral administration, the Panel recommends a 1-week time limit of use for any ipecac preparation except when given under the advice and supervision of a physician.

Based on the long history of use and on the available data, the Panel concludes that when given in small doses as proposed below, ipecac syrup is safe for OTC use.

(2) *Effectiveness.* In large doses, ipecac is an emetic. However, in the subemetic dosages used as an expectorant, its effectiveness is questionable. There are no acceptable clinical studies to substantiate its use as an expectorant.

Practically all the work with ipecac was done more than 2 decades ago. Animal studies using varying preparations of ipecac indicate that this drug may increase the flow of respiratory tract fluid (Refs. 3 through 7). Several controlled studies in humans with chronic cough did not demonstrate that ipecac was effective as an expectorant (Refs. 8, 9, and 10). In one study, bronchial fluid collected by bronchoscopic drainage revealed lowered viscosity following ipecac administration (Ref. 11). The available data is insufficient to make a determination that ipecac is effective, and the Panel recommends further study.

(3) *Proposed dosage.* Adult oral dosage is 0.5 to 1 ml of a syrup containing not less than 123 mg and not more than 157 mg of total ether-soluble alkaloids of ipecac per 100 ml 3 to 4 times daily. Children 6 to under 12 years oral dosage is 0.25 to 0.5 ml of syrup 3 to 4 times daily. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warning:* "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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h. *Menthol/peppermint oil (topical/inhalant).* The Panel concludes that menthol/peppermint oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectivness for topical or inhalant OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that menthol/peppermint oil (topical/inhalant) is safe in the dosage ranges used as an expectorant.

Menthol is the chief constituent of peppermint oil, comprising not less than 50 percent. It may be obtained by distillation of the oil or by synthesis (Ref. 1). Toxic effects with an excess ingestion of peppermint oil or mentholated products can include abdominal pain, nausea, vomiting and symptoms of central nervous system depression, such as dizziness, staggering gait, slowed respiration, flushed face, sleepiness, and coma (Refs. 2 and 3). The fatal oral dose of menthol itself in man is about 2 gm (Ref. 4). Topically applied menthol produces a cooling sensation presumably due to stimulation of the cold sensory receptors, whereas higher concentrations have irritant properties. In one study, a 20 percent solution of menthol in oil rubbed on to the skin induced an intense and lasting cooling sensation followed by numbness with slight burning and skin redness. A 0.5 precent solution applied to the nasal or oral mucosa was subjectively irritating whereas a 0.2 percent solution was judged nonirritating (Ref. 5). A study of 223 subjects in which an ointment containing several volatile substances including menthol 2.8 percent was applied for 48 hours to areas of intact skin under a patch and to abraded skin revealed no instances of inflammation, wheal, hives, or primary irritation following the period of exposure (Ref. 6). Repeated topical application of mentholated products has been reported to give rise to hypersensitivity reactions, including contact dermatitis (Ref. 4). A study of ten subjects who received an application of an ointment containing several volatile substances including menthol 2.8 percent to their trunks 3 times daily for 3 weeks, then 1 week off, followed by another week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 7). One study suggests that the incidence of hypersensitivity to menthol appears to increase with increased duration of use. This survey revealed an incidence of less than 1 percent menthol hypersensitivity in 542 patients using a mentholatcd ointment for less than 10 years, whereas an incidence of 3.4 percent hypersensitivity was seen in 414 patients using this type of a preparation for longer than 10 years (Ref. 8).

In infants and small children, nasal ointment or drops containing menthol may cause spasm of the glottis and cases of dangerous asphyxiation have been reported in infants following local application of menthol. For this reason a warning against the topical application of menthol-containing products directly to the nostrils of infants has been recommended (Refs. 4 and 9). A study of infants and children with respiratory infection who received an ointment containing a mixture of volatile oils including 2.8 percent menthol applied to the chest and neck demonstrated no adverse effect from the inhaled vapors by that route of administration on the rate of clearing of laryngeal inflammation. In this study 35 children, 23 under 2 years of age, with respiratory infection received only standard forms of therapy, e.g., antibiotics and fluids, while 37 children, 30 under 2 years of age, received standard therapy plus the mentholated ointment applied to the chest and neck. Laryngoscopic examination revealed comparable rates of clearing of laryngeal inflammation (Ref. 10).

A liquid mixture of volatile substances including 3.66 percent menthol is placed in the water of a hot steam vaporizer and administered via inhalation. A number of studies involving nearly 900 subjects in which this mixture was administered at recommended doses was not associated with significant complaints of subjectively perceived adverse effects (Refs. 11 through 23). Exaggerated-use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations either due to sitting in closer proximity to the vaporizer or placing 2 to 5 times the recommended dose of the volatile substance in the vaporizer was not associated with irritating or toxic effects (Refs. 24 and 25).

In two studies, 40 healthy subjects asked to dissolve two candy-base lozenges, each lozenge containing 1.36 mg of menthol together with other volatile oils, every 20 minutes for 2 hours exhibited no adverse effects with the exception of one report of nausea and vomiting. This was attributed to a dislike for the wild cherry flavor of the lozenge (Refs. 26 and 27). In a group of 70 healthy subjects, 50 adults and 20 children ages 8 to 12, half dissolved a menthol-eucalyptus lozenge containing

9.62 mg menthol and 5.55 mg eucalyptus oil every 4 to 8 hours on 2 successive days, the other half dissolved the cough drop base without the aromatics. In this intensive dosage schedule, a slightly larger number of subjects demonstrated mild irritation of the oral mucosa on day 1 and day 2, but there were no differences between the two groups in the severity of irritation or residual findings after day 2. No systemic complaints were reported (Ref. 28). A similar study using a lozenge formulation containing menthol 8.14 mg and eucalyptus oil 4.625 mg versus a lozenge base without volatile substances produced comparable results (Ref. 29).

An aerosolized dosage form of volatile substances including 1 percent menthol has also been utilized for treatment of nasal congestion and cough symptoms. Rats exposed to acute overdoses of the spray in a confined chamber for 6 hours revealed no untoward behaviorial responses or airway tissues abnormality upon autopsy examination (Ref. 30). A group of four monkeys were exposed to 200 gm per day of the aerosol, i.e., 2 gm of menthol total dose in divided doses over an 8-hour period for 14 consecutive days in a confined chamber. Eye irritation was the only pharmacotoxic sign observed during the study (Ref. 31). In humans, such aerosol sprays have been generally safe when used as directed, but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 32). Furthermore, one commercial preparation containing a particular solvent, 1,1,1-trichloroethane, was recently recalled from the market due to potential hazards of this substance (Ref. 33).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of menthol/peppermint oil (topical/inhalant) as an expectorant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

The local anesthetic effect of menthol vapor has been the justification for including menthol in topically administered ointments and lozenges for alleviation of cough. In a crossover study involving 16 subjects the effects of a 2.8 percent mentholated petrolatum ointment applied to the chest of the subjects was compared to an ointment containing several volatile substances including 2.8 percent menthol, and to petrolatum in suppressing a citric acid aerosol-induced cough. A combination ointment containing menthol induced a significant decrease in cough counts at all challenge times from ½ hour through 2 hours, averaging about 20 percent decrease at the ½ and 1 hour intervals, whereas the single ingredient menthol ointment yielded a significant decrease in cough counts just at the ½ and 1 hour intervals, averaging about 10 percent reduction. The petrolatum yielded no significant decrease in cough counts compared with base line (Ref. 34). Similar results with the combination ointment containing 2.8 percent menthol were obtained in two additional induced-cough studies conducted by the same investigator (Refs. 34 and 35).

A single-blind crossover cough-counting study of 27 patients exhibiting stabilized chronic cough utilized twice daily chest applications of either the ointment containing several volatile substances including 2.8 percent menthol, an ointment containing 1.3 percent eucalyptus oil, or petrolatum base. Neither the ointment mixture nor the eucalyptus oil ointment induced a significant decrease in cough counts compared to placebo after the morning application, but a significant 20 percent cough-count reduction compared to placebo was obtained following the afternoon dose of the ointment mixture. An average reduction in cough counts of about 10 percent compared to placebo was noted following the afternoon dose of eucalyptus oil ointment, but this was not statistically significant (Ref. 36).

A liquid mixture of volatile substances added to the water of a hot steam vaporizer and administered via inhalation contained menthol 3.66 percent, camphor 7 percent, eucalyptus oil 1.7 percent, and tincture of benzoin 5 percent. Three crossover studies compared the effects of this volatile substance containing liquid in steam, 1 tablespoonful per quart of water, to steam alone in suppressing coughs artifically induced by the citric acid aerosol technique. In each case both steam and medicated steam induced a statistically significant reduction in cough counts during the period of administration. In two of the studies the cough reduction with the medicated steam was statistically greater than with steam alone and persisted beyond the period of actual administration to the subject (Refs. 37, 38, and 39). Subjective evaluation studies of adults and infants having cough associated with respiratory infection demonstrated statistically significant antitussive effectiveness of the volatile substances in steam, 1 tablespoon per quart of water, and of steam alone. In some of these studies the effect of the medicated steam was judged statistically superior to the steam alone (Refs. 40, 41, and 42).

The variety of lozenge preparations containing a mixture of volatile substances including menthol have been studied for their ability to suppress citric acid aerosol induced cough in normal subjects. Since each of these lozenge preparations contain different concentrations of menthol and other volatile substances, the results of the study will be individually summarized. The general study format involved an unblinded crossover design in which a group of cough-standardized normal subjects were tested with each of two lozenge formulations, the active formulation and its vehicle control, against cough artificially induced by the citric acid aerosol technique. Two studies involved lozenges in which menthol was the principal active ingredient and consequently represent an indication of the effectiveness of this mode of administering menthol to suppress cough. One of the studies involving 16 subjects used a lozenge containing menthol 2.64 mg and peppermint oil 2.29 mg plus benzyl alcohol 5.76 mg. The active formulation produced significant cough reductions at the 10- to 40-minute challenge periods, reaching a peak of 30 to 35 percent at the 10- and 20-minute intervals whereas the control lozenge produced a significant reduction of 15 to 20 percent at the 10- and 20-minute intervals only (Ref. 43). The other study of ten subjects utilizing a lozenge containing menthol 1.13 mg plus citric acid flavoring produced greater cough reduction than the control lozenge at the 10- through 30-minute challenge periods although both the active and control lozenges in this study produced cough reductions at these time intervals (Ref. 44).

Two studies involving a total of 40 subjects used similar active formulations consisting of menthol 9.6 mg and eucalyptus oil 5.5 mg per lozenge. In these studies the active formulation produced significant cough reductions at the 10- to 40-minute challenge periods, reaching a peak of 25 to 35 percent reduction at the 10- and 20-minute intervals whereas the control lozenge produced a significant reduction of 10 to 15 percent maximum at only the 10-minute challenge (Refs. 45 and 46). In a study of nine subjects receiving lozenge doses of menthol 1.5 mg and eucalyptol 0.35 mg, elevated citric acid thresholds of 120 to 146 percent of control for 3 to 5 hours after dosing were obtained, although a placebo control lozenge was not utilized in this study for comparison (Ref. 47). Another study of 20 subjects utilizing a formulation of menthol 2.78 mg, eucalyptus oil 0.77 mg plus smaller amounts of camphor, thymol, and tolu balsam, produced significant cough reductions at the 10- through 40-minute challenge periods, reaching a peak of 35 percent reduction at the 10- and 20-minute intervals whereas a control lozenge produced a significant reduction of 11 to 17 percent maximum at the 10- and 20-minute challenge periods only (Ref. 48). Similar results were obtained in 16 subjects using an active formulation containing menthol, eucalyptus oil, camphor, thymol, and tolu balsam present in about ½ the amounts utilized in the preceding study (Ref. 49).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 2.8 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 3.66 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 1.0 to 12 mg: Allow lozenge to dissolve

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slowly in mouth. May be repeated every ½ to 1 hour.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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i. *Pine tar preparations (extract white pine compound, pine tar, syrup of pine tar, compound white pine syrup, white pine).* The Panel concludes that pine tar preparations are safe in the dosage range used as expectorants but effectiveness at those dosages has not been established.

(1) *Safety.* Clinical experience has confirmed that the pine tar preparations are safe in the dosage ranges used as expectorants. The above preparations are administered orally for an expectorant activity. The active ingredient is pine tar, a product obtained by the destructive distillation of wood of various species of pine, usually "Pinus palustrus." It is a viscid blackish-brown noncrystalline liquid. It has a turpentine-like odor and a sharp taste of organic decomposition. It has been used mainly for diseases of the skin, being slightly irritating, antiseptic, and with local anesthetic properties.

The Panel is unaware of any studies to evaluate the safety of pine tar. It is probably safe in the recommended doses since it has been used for decades without any recorded reports of adverse effects (Refs. 1 through 4).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of pine tar preparations as expectorants. The use of pine tar preparations as expectorants appears to be based solely on tradition. There is no evidence that they are effective as an expectorant when taken orally.

(3) *Proposed dosage.* Adult oral dosage is 1.6 mg every 3 to 4 hours. Children 6 to under 12 years oral dosage is 0.8 to 1.0 mg every 3 to 4 hours. Children 2 to under 6 years oral dosage is 0.4 to 0.5 mg every 3 to 4 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness as an expectorant will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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j. *Potassium guaiacolsulfonate.* The Panel concludes that potassium guaiacolsulfonate is safe in the dosage ranges used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that potassium guaiacolsulfonate is safe in the dosage ranges used as an expectorant. There is no evidence of toxicity in the available literature. Information is sparse, and there is no documentation of adverse reactions.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of potassium guaiacolsulfonate as an expectorant. While subjective studies would indicate that it is ineffective as an expectorant (Refs. 1 and 2), potassium guaiacolsulfonate has been used empirically, for many decades, in expectorant mixtures. Connell, et al. (Ref. 3) showed no change in water content of the respiratory tract of rats. Two papers cited that potassium guaiacolsulfonate is not metabolized to guaiacol (Refs. 1 and 2).

Many of the submissions to the Panel listed preparations containing potassium guaiacolsulfonate at 80 to 90 mg/5 ml with 1 tablespoonful recommended as the adult dose (240 to 270 mg per dose). One study, however, employed an adult dose of 500 mg (Ref. 4). Based on the scanty evidence, the Panel concludes that there is a wide dose range with no specific optimum level for expectorant activity.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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k. *Sodium citrate.* The Panel concludes that sodium citrate is safe in the dosage range used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience over more than a half a century has confirmed that sodium citrate is safe in the dose ranges used as an expectorant. It is mildly diuretic and, in larger doses, may be laxative. Gastric irritation can be produced if taken undiluted (Ref. 1).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of sodium citrate as an expectorant. Goodman and Gilman (Ref. 1) states that the use of citrates as expectorants is mainly empirical and it is "probable that the water ingested with them is the basis for any beneficial effect." A similar preparation, potassium citrate was found to have very little effect upon the output of respiratory tract fluid in a dose as high as 0.4 gm/kg of body weight (Ref. 2).

(3) *Proposed dosage.* Adult oral dosage is 1.0 to 2.0 gm every 2 to 4 hours taken well diluted with at least ½ glass of water or fruit juice (Ref. 3). Children 6 to under 12 years oral dosage is 0.5 to 1.0 gm every 2 to 4 hours diluted as above with water or fruit juice. Children 2 to under 6 years oral dosage is 250 to 500 mg every 2 to 4 hours diluted as above with water or fruit juice. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings:* (i) *"Caution:* This product must be taken with adequate amounts of fluids (½ to 1 glass) with each dose".

(ii) *"Caution:* Do not take this product if you have heart trouble or kidney disease except under the advice and supervision of a physician".

At smaller amounts, less than the proposed doses above, sodium citrate has been employed in liquid mixtures for its mild saline taste. In these instances, it is not classified as an active ingredient, and no labeling claim should be made for it since it is being used as a flavoring agent.

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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l. *Terpin hydrate preparations (terpin hydrate, terpin hydrate elixir).* The Panel concludes that terpin hydrate is safe in the dosage ranges used as an expectorant but there are insufficient data to permit final classfication of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that terpin hydrate is safe in the dosage ranges used as an expectorant.

A few papers noted gastrointestinal distress from dosages of 340 to 680 mg/24 hours, with nausea and vomiting (Refs. 1 and 2). Elixir terpin hydrate has a high alcoholic content of approximately 42 percent which could be subject to alcohol abuse (Ref. 3). The Panel has recognized the potential for such abuse as stated in a previous section of this document. (See part II. paragraph G. above—Drug Misuse and Abuse.) Based on the available data and its long history of use, the Panel concludes that terpin hydrate is safe for OTC use in the dosages discussed below. However, because of the high alcohol content required to formulate and manufacture elixir terpin hydrate, the Panel recommends that elixir terpin hydrate not be used in children younger than 12 years.

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(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of terpin hydrate as an expectorant. The majority of papers in the literature question the effectiveness of terpin hydrate and indicate that it is probably harmless and useless (Refs. 2 through 5). Two papers indicate that at a dose of 300 mg 4 times daily, it had a "loosening effect," but these were subjective evaluations (Refs. 6 and 7). The Panel concludes that the information available is not sufficient to determine that terpin hydrate is effective as an expectorant.

(3) *Proposed dosage.* Adult oral dosage is 200 mg every 4 hours not to exceed 1200 mg in 24 hours. The elixir should not be given to children under 12 years of age but terpin hydrate by itself or in a nonalcoholic mixture can be used. Children 6 to under 12 years oral dosage is 100 mg every 4 hours not to exceed 600 mg in 24 hours. Children 2 to under 6 years oral dosage is 50 mg every 4 hours not to exceed 300 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings.* (i) "May produce nausea and vomiting".

(ii) For elixir products containing 42 percent alcohol: *"Caution:* This product contains 42 percent alcohol and should not be given to children under 12 years except under the advice and supervision of a physician".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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m. *Tolu preparations (tolu, tolu balsam, tolu balsam tincture).* The Panel concludes that tolu balsam is safe in the dosage range used as an expectorant but there are insufficient data to permit final classification of its effectiveness for OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that tolu preparations are safe in the dosage ranges used as expectorants. Tolu balsam can be considered safe in the dosages used for expectorant activity when administered orally or by inhalation.

There is no documentation as to toxicity at the dose levels in general usage in man. One report (Ref. 1) states that huge doses, "1,000 times that recommended," when given by inhalation produced an acute inflammation of the tracheal lining in rabbits.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of tolu preparations as expectorants. There is no evidence that tolu balsam possesses expectorant activity.

Several reports by Boyd and his coworkers (Refs. 2 through 4) are conflicting and consist for the most part of statements rather than data from studies, i.e., "Syrup of Tolu did have an expectorant action." Certain volatile oils (Friar's balsam) stimulate the output of respiratory tract fluids (RTF) or bronchial secretions (Ref. 3). In another paper (Ref. 4), the author states that inhalation by animals of therapeutic doses of certain volatile oils (Friar's balsam) has no effect upon respiratory tract fluids. A standard text states that tolu balsam syrup is "widely employed as a vehicle for expectorant drugs but has no specific virtue for this purpose" (Ref. 5). The Panel takes cognizance of the fact that tolu balsam has been used for many decades as an ingredient in steam inhalations and in oral expectorant mixtures but concludes that there are insufficient data to determine the effectiveness of tolu balsam as an expectorant.

(3) *Proposed dosage.* Adult oral dosage is 50 mg every 2 to 3 hours. Children 6 to under 12 years oral dosage is 25 mg every 2 to 3 hours. Children 2 to under 6 years oral dosage is 12.5 mg every 2 to 3 hours. For children under 2 years, there is no recommended dose except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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n. *Turpentine oil (spirits of turpentine) (topical/inhalant).* The Panel concludes that turpentine oil is safe in the dose ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as an expectorant.

(1) *Safety.* Clinical experience has confirmed that turpentine oil is safe when applied topically or used as an inhalant in the dose ranges used as an expectorant. The Panel concludes that oil of turpentine is safe when applied externally or vaporized in boiling water as a steam inhalant. However, the Panel has determined elsewhere in this document that it is not safe for OTC use when used orally as an expectorant. (See part IV. paragraph B.2.f. above—Turpentine oil (spirits of turpentine) (oral).)

Oil of turpentine is a volatile oil consisting of a mixture of pinenes derived from the oleoresin obtained from Pinus palustrus. Nelson et al. (Ref. 1) found exposure to a vapor of 420 to 560 mcg/l acceptable to most of their human subjects. The threshold for industrial exposure for 8 hours has been set at 560 mcg/l. The maximum concentration obtainable with a currently marketed OTC preparation is 36 mcg/l (Refs. 2 and 3). No histological evidence of pulmonary lesions were seen in mice and rats exposed to lethal concentrations of turpentine vapors (Ref. 4). Inhalation of 300 mcg/l of turpentine vapor by mice for 15 minutes did not influence the electrocardiogram, respiratory minute volume, pulmonary airway, resistance or compliance (Ref. 5). One study in mice using a mixture of volatile oils, one of which was turpentine, showed a decrease in pulmonary antibacterial activity (Ref. 6). Two other studies showed no change when the mixture was used (Refs. 7 and 8).

In several studies in children and infants suffering from minor breathing discomforts associated with the "common cold," no side effects that were drug related were observed when a medicated steam was administered (Refs. 9 through 13). Turpentine has been widely used as a part of a mixture of volatile oils for many years, with approximately two complaints per million packages purchased (Ref. 14).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of turpentine oil as an expectorant when applied externally or vaporized in boiling water as a steam inhalant due to a lack of objective measurement studies of the substance by itself.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 4.0 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapor rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use a 5.5 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for expectorant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required from only one additional well-controlled cough-counting objective study in patients with coughs due to respiratory disease in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing expectorant drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

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(14) OTC Volume 040279.

Category III Labeling

The Panel concludes that substantiation by additional data is required before statements regarding duration of action, e.g., "all day", "all night", "for hours" will be acceptable. Such statements must specify in the labeling the number of hours of relief claimed. The statements must be verified by appropriate documentation.

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Principles in the design of an experimental protocol for testing expectorant drugs.* a. *General principles.* The effectiveness of an expectorant preparation is based on its ability to facilitate the removal of sputum from the respiratory passageways and thus clear the airway of retained secretions. By aiding in the removal of these secretions and through a soothing effect on irritated mucous membranes, it will indirectly ease the act of coughing. While the ease in raising secretions may seem simple to measure and assess, there are, at present, no suitable objective methods for evaluating this. This difficulty stems, in part, from a lack of basic knowledge concerning the biochemical and physiochemical nature of respiratory tract secretion in various respiratory diseases, as well as the changes produced by expectorant drugs, and the lack of evidence as to which property of sputum correlates best with ease of expectoration. Because of this, the subjective evaluation of the patient must be relied upon the assessment of the drug's expectorant activity.

b. Selection of patients. Based upon the method of study to be used, two types of patients may be selected. One patient type who would be chosen for a crossover study could include subjects with chronic cough due to chronic pulmonary disease such as chronic bronchitis, pulmonary emphysema, inactive pulmonary tuberculosis, etc., and whose condition is relatively stable with no evidence of intercurrent infection that would affect cough or character of the sputum. A second patient type could include subjects with an acute upper respiratory infection, such as an acute bronchitis or tracheobronchitis, in which a dry nonproductive cough is a prominent feature. Because the production of respiratory secretions may be influenced by other systems, such as the circulation, patients with congestive heart failure or significant renal or hepatic disease must be excluded. Furthermore, every effort must be made to maintain the same relative state of hydration and activity, and drugs must be prohibited that may affect sputum, such as the anticholinergics and antihistamines. While nonsmokers would be preferable as subjects, the smoking habits of patients must be carefully documented and maintained at the same level throughout the clinical trials. No smoking would be permitted during the actual recording sessions. While impractical to control, the effect of environmental factors such as temperature, humidity, and degree of air pollution should be recognized.

c. Methods of study (1) *Double-blind crossover design in patients with chronic lung disease.* A suitable period for baseline studies must be performed prior to the administration of the test drugs. During this period, the following subjective indices will be noted: Ease of expectoration; character of the cough (whether productive or not); frequency of coughing; and breathing comfort, i.e., heavy, noisy, rattling, etc. Additional help in evaluating effectiveness may be provided by some objective indices such as: The volume and dry weight of sputum collections over a given time (12 to 24 hours); the character and color of the sputum raised; and some measure of its flow properties, such as viscosity or consistency. If a cough suppression claim is to be substantiated, an objective cough-counting study must be done as discussed under antitussives. (See part III. paragraph C. above—Data Required for Evaluation.) Following baseline studies, similar observations are obtained during the administration of the drug and placebo which must be indistinguishable from each other, randomized, and provided at a dose and time sequence recommended for OTC use. This type of study would require approximately 3 weeks, 1 week on each preparation and 1 week for the baseline data.

(2) *A randomized double-blind design in patients with acute upper respiratory infections.* Groups of patients would receive either a placebo or the drug under study in a similar dose and time interval as recommended for OTC use over a period of 3 to 5 days. Similar observations, as discussed above, would be obtained where possible to evaluate effectiveness, but no prior baseline period would be obtainable with this model and most of the data would be limited to the subjective indices. Patient diaries would be kept in which the type of symptoms, their duration and severity as well as adverse reactions would be recorded daily.

d. Interpretation of data. Evidence of drug effectiveness is required from a minimum of three positive studies based on the results of three different investigators or laboratories. At least one of the three studies must be in patients with chronic pulmonary disease. Approximately 20 to 30 patients will be required for the crossover study described above. Because of the marked variability in cough and sputum production in acute respiratory disease from day to day together with the spontaneous waning of

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symptoms as part of its natural history, a much larger number of patients, possible 75 or more, must be studied for this group. The subjective indices to be evaluated can be scored for statistical analysis, with a p value of 0.05 or less (95 percent confidence level) being acceptable as evidence of a drug effect when compared with placebo.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

e. *Evaluation of safety.* Tests for safety of expectorant ingredients not reviewed by this Panel should involve the usual animal studies and observations in man relevant to various organs and system, i.e., cardiovascular, respiratory, renal, hepatic, cerebral, and hematologic. Of special note insofar as expectorant drugs may be concerned are such factors as carcinogenicity, effect on clotting mechanisms, thyroid function, electrolyte and acid-base balance, in addition to the general areas mentioned above.

V. Bronchodilators

A. General discussion

Bronchodilators are agents used for the symptomatic treatment of the wheezing and shortness of breath associated with asthma. These agents are used to overcome the spasm that causes narrowing of the bronchial air tubes. These drugs are also used but are much less effective in relieving the shortness of breath of chronic bronchitis and emphysema. The drugs most commonly used as bronchodilators are some sympathomimetics (sympathomimetic amines), theophylline, and theophylline salts. The Panel has classified these two major forms of bronchodilators, i.e., sympathomimetic amines and theophyllines, as distinct pharmacologic groups. The sympathomimetic amines and theophyllines work well when given together, but it is preferable that the dose of each should be individualized for each patient (Ref. 1).

The sympathomimetics may be given orally (ephedrine and methoxyphenamine), by aerosol inhalation (epinephrine solution), by rectal installation, by injections under the skin or into the muscle of the upper arm or buttocks, and in some situations under medical supervision sympathomimetics may be used under the tongue.

Theophyllines are usually given by oral administration but they may also be given, under medical supervision, by the rectal route or by intravenous injection. The oral preparations of theophylline are not affected by food in the stomach (Ref. 2). Excessive doses result in high blood levels which cause nausea and vomiting. Individuals metabolize these drugs at different rates. Therefore, some patients require only a relatively small dose of the drug while others require quite large doses for a satisfactory effect. Occurrence of nausea or vomiting will indicate when the dose of drug is excessive. Only one of the theophyllines and only one route of administration should be used at a time because of the additive effects of these drugs.

Adverse reactions associated with the sympathomimetic bronchodilators consist primarily of those affecting the cardiovascular and central nervous systems. These drugs may cause arrhythmias, hypertension, dizziness, tremor, nervousness, and sleeplessness. They may also cause a rise in blood sugar concentration and in older men they may cause slowing or even obstruction to the urinary stream. Because of these possible reactions, the drugs should be used with caution in individuals with cardiac disease, hypertension, hyperthyroidism, diabetes, or prostatic enlargement.

The theophyllines given orally or rectally may produce nausea and vomiting which, in extreme cases, may result in dehydration and shock.

Theoretically a combination product containing a theophylline drug and a sympathomimetic to be taken by mouth, for example, as a tablet, should be very effective and convenient. However, to obtain the most effective bronchodilation, the dose of theophylline should be individualized because of individual variation in the metabolic breakdown of theophyllines (Ref. 3).

The Panel is concerned that in a patient who is a rapid metabolizer of theophylline, a fixed-dose of a theophylline and a sympathomimetic in an oral combination product might have reduced effectiveness because of a low theophylline dose. If the number of dosage units, e.g., combination tablets taken, is increased to provide an effective theophylline dose, the dose of sympathomimetic might be excessive and cause side effects. Conversely, in a patient who is a slow metabolizer of theophylline, the standard dose of an oral combination product of theophylline and a sympathomimetic might produce theophylline toxic effects. If the number of combination tablets is decreased to avoid these side effects, then the dose of sympathomimetic might be so low as to have a low effectiveness.

Therefore, it would appear that single ingredient preparations containing either a theophylline or a sympathomimetic would be both more effective and have increased safety as compared to combination products.

Although the bronchodilators are generally safe for OTC use at recommended dosage and are effective in relieving the shortness of breath caused by bronchospasm, the Panel emphasizes that these preparations should not be used unless a diagnosis of asthma has been made by a physician and a dosage schedule of OTC medicine has been established by a physician.

Patients with asthma may also require prescription drugs which may have serious dangers and side effects and there is, then, an added need for continued medical supervision.

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B. Categorization of data

1. *Category I conditions under which bronchodilator ingredients are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Panel has classified the following bronchodilator active ingredients as generally recognized as safe and effective and are not misbranded:

Sympathomimetic amines

Ephedrine preparations: Ephedrine, Ephedrine hydrochloride, Ephedrine sulfate, Racephedrine hydrochloride

Epinephrine preparations (inhalant): Epinephrine, Epinephrine bitartrate, Epinephrine hydrochloride (racemic)

Methoxyphenamine hydrochloride

Theophyllines

Theophylline preparations: Aminophylline, Theophylline anhydrous, Theophylline calcium salicylate, Theophylline sodium glycinate

a. *Ephedrine preparations (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride).* The Panel concludes that ephedrine preparations are safe and effective for OTC use as bronchodilators as specified in the dosage section discussed below.

(1) *Safety.* Ephedrine, when absorbed systemically, has effects both on the brain (central) and on nerve endings (peripheral) (Ref. 1). In clinical usage, the central effects are stimulatory and include tenseness, nervousness, tremor and sleeplessness. Peripheral effects include bronchodilatation, and possibly shrinkage of mucous membranes (decongestion), although this has not been documented. Other peripheral effects include awarness of heartbeat and rapid heart beat accompanied usually by some elevation of blood pressure. However, a study by Dulfano and Glass on 26 asthmatics between the ages of 28 and 61 years showed that a single dose of 25 mg had no significant effect on either heart rate or blood pressure (Ref. 2). Another recent study of the cardiovascular effects of 25 mg ephedrine in 20 asthmatics showed there was only a modest increase in heart rate up to 11 beats per minute as a maximum, and the systolic and diastolic blood pressure showed no significant change (Ref. 3). In spite of these findings, the cardiovascular and central effects appear to set limits on dosage, limits which vary widely among patients as judged by clinical experience. Loss of appetite and nausea also occur in some patients. Difficulty in urination may occur in older males who might have enlarged prostate glands. The drug, under these circumstances, exacerbates obstruction to urine flow by causing spasm of the outlet of the bladder. Overdosage results in exaggeration of the side effects which patients describe as disagreeable and can usually be depended upon to prevent overuse or abuse. Ordinary doses may cause marked and potentially dangerous increases in blood pressure in patients taking drugs containing monoamine oxidase (MAO) inhibitors.

(2) *Effectiveness.* The bronchodilator effects of ephedrine taken by mouth are slow in onset, probably 15 to 25 minutes, and probably persist for 2 to 3 hours, based on the Panel's clinical observations. The drug is less effective as a bronchodilator than epinephrine, and its usefulness is limited to the milder forms of asthma.

A dose of 25 mg by mouth given to asthmatic patients prevented the bronchospasm induced by various chemicals (Ref. 4). The fall in vital capacity induced by histamine was prevented to the extent of 40 percent and that by methacholine to the extent of 32 percent (Ref. 4). Although based on objective measurements, this study does not seem to have been rigorously planned or executed as judged by today's standards.

In a double-blind comparison of 24 mg ephedrine and a combination of 24 mg ephedrine and 130 mg theophylline, measurements including specific airway resistance, vital capacity, and FEV_1 (forced expiratory volume in one second—a measurement related to airway obstruction, the higher the figure the better the airflow and the less the obstruction in the air tubes) showed that ephedrine significantly decreased the first and increased the last two over a period of 2 hours, an effect that was enhanced and prolonged by the presence of theophylline (Ref. 5). Each preparation also contained 8 mg of phenobarbital. Although a placebo was not included, these findings carried out with sophisticated objective measurements, strongly support a bronchodilator effect for ephedrine.

In a study comparing ephedrine and terbutaline in 26 asthmatics, it was shown that 25 mg ephedrine resulted in a maximal change of FVC 11 percent, FEV_1 18 percent, MVV 17 percent, MMF 25 percent, and MEFR 24 percent over the controlled figures. The improvement in the pulmonary function tests were statistically significant between 120 and 240 minutes after taking a single dose. The results were similar to 2.5 mg terbutaline but were less than the effect of 5.0 mg terbutaline (Ref. 2).

In a recent study of 20 patients with asthma, 25 mg ephedrine showed effective bronchodilation for up to 4 hours (the respiratory function tests of FVC, FEV_1 and airway resistance were used) (Ref. 3).

(3) *Dosage.* Adult oral dosage is 12.5 to 25 mg not more often than every 4 hours not to exceed 150 mg in 24 hours. Children 2 to under 12 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician. There is insufficient information as to the possible toxic effect of ephedrine in this age group.

The Panel strongly recommends that ephedrine be available as scored tablets containing 12.5 mg and 25 mg ephedrine per tablet to permit flexibility in dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for bronchodilator active ingredients. (See part V. paragraph B.1. below—Category I Labeling.) In addition the Panel recommends the following specific labeling: *Warnings.* (i) *"Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse".

(ii) "Nervousness, tremor, sleeplessness, nausea and loss of appetite may occur".

(iii) "Do not take this product if you have heart disease, high blood pressure, thyroid disease, diabetes, or difficulty in urination due to enlargement of the prostate gland".

(iv) *Drug Interaction Precaution.* "Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor".

(v) "Do not give this product to children under 12 years except under the advice and supervision of a physician".

(vi) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 6 to under 12 years oral dosage is 6.25 to 12.5 mg not more often than every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 0.3 to 0.5 mg/kg of body weight not more often than every 4 hours not to exceed 2 mg/kg of body weight in 24 hours.

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b. *Epinephrine preparations (epinephrine, epinephrine bitartrate, epinephrine hydrochloride (racemic)) (inhalant).* The Panel concludes that epinephrine is safe and effective for OTC use as a bronchodilator as specified in the dosage section discussed below.

(1) *Safety.* Wide use of epinephrine aerosols for temporary relief of spasm that causes narrowing of air tubes has been attended by few and mild side effects. However, one early report by Benson and Perlman (Ref. 1) raised the possibility that excessive use of epinephrine aerosols caused serious harm to the lining of the air tubes, resulting in an increase in air tube secretions which in turn predisposes to infection and collapse of small areas of the lungs. Alternative causes for these changes were not seriously considered. The report was retrospective and it found that a greater number of deaths occurred in users of epinephrine aerosols, 48 of 648 (7.4 percent) as compared with 22 of 1,588 nonusers (1.4 percent). The possibility that the users might have had a more severe illness than nonusers was not considered and might well explain the findings.

In a study of 86 patients with various types of cardiac involvement and 16 patients with uncontrolled diabetes who inhaled aqueous epinephrine from a nebulizer (Ref. 2), no untoward effects developed following administration of many times the dose considered to be effective in asthma, nor were there significant changes in pulse rate, blood pressure, electrocardiogram, or blood sugar level. The authors conclude that the presence of cardiovascular disease or diabetes is not a contraindication to the use of d,l-epinephrine (racemic) or l-epinephrine (levorotatory) by inhalation.

Epinephrine aerosol was used for many years before its safety was seriously questioned. The question arose because of an increase in the number of deaths among those using a chemically related drug, isoproterenol, a prescription drug, which also caused aggravation of the airway obstruction in some patients.

The reports of an increase in deaths from isoproterenol had their origin in England (Ref. 3). A possible explanation was that the preparation used there had a concentration of isoproterenol 5 times greater than that used in Sweden, Australia, and the United States, where no such increase in deaths had been noted (Ref. 4). It was inferred that the high concentration of isoproterenol accounted for the increased deaths. Deaths decreased when a lower concentration of isoproterenol was used.

Aggravation of the obstructive abnormality clearly occurs in some patients with asthma following administration of isoproterenol (Ref. 5). This may be due to some fraction of absorbed isoproterenol being converted to a metabolite which could predispose to causing spasm of air tubes (Ref. 6).

It has been further observed (Ref. 7) that isoproterenol by inhalation, while producing bronchodilation, may simultaneously cause a small and usually clinically insignificant fall in blood oxygen level. That this has not been observed with epinephrine by inhalation may merely reflect the small amount of interest in this drug in the years since techniques for making the necessary measurements have become readily available, but the tests have not been done.

It is unlikely that these observations of toxicity concerning isoproterenol are relevant in judging the safety of epinephrine by inhalation. Epinephrine stimulates both alpha and beta receptors (Ref. 8) and would be expected to have a local constrictor effect on blood vessels in the lungs as it does in subcutaneous tissue, an effect expected to limit systemic absorption of the administered

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drug. Isoproterenol is predominantly a stimulator of beta receptors (Ref. 8) and would be expected to cause vascular dilatation and systemic absorption of the administered drug. The relative therapeutic advantage or disadvantage of this difference between the two drugs is unknown and needs further study.

Since the isoproterenol adverse reactions are not known to bear on the safety of epinephrine by inhalation and since these postulated hazards would appear to be avoidable by using low concentrations and by instructing the patient by appropriate labeling, epinephrine by inhalation is judged by the Panel to be a safe preparation for OTC use.

One additional difficulty may arise which applies to all sympathomimetic drugs self-administered by inhalation for relief of asthma. A patient with severe and worsening obstructive pulmonary disease may obtain very temporary relief and this relief may give a false sense of security. Under such circumstances the patient may postpone calling a physician or going to a hospital until his disease has reached life-threatening severity and the suggested labeling in this document takes this possibility into account. The safety of propellants used in these preparations has not been reviewed by this Panel because they are considered to be pharmaceutical necessities which should be reviewed independently by the Food and Drug Administration. The side effects of sympathomimetics are worsened by monoamine oxidase inhibitors which prevent the breakdown of these drugs.

(2) *Effectiveness.* A number of letters from experts in the field of respiratory and allergic disease attest to the safety and effectiveness of inhaled aerosolized epinephrine (Ref. 9). In a double-blind study in asthmatics the timed vital capacity ($FEV_{.5}$) was compared after metered inhalations of 0.125 mg epinephrine delivered per inhalation, 0.06 mg isoproterenol delivered per inhalation and a placebo (Ref. 10). The means taken to maintain experimental control are not described. Both epinephrine and isoproterenol gave significant increase within 15 minutes accompanied by symptomatic relief whereas the placebo gave little change. Side effects were not mentioned.

In a comparative study of several bronchodilator preparations including epinephrine but lacking a placebo (Ref. 11), epinephrine and the other preparations gave improved bronchial air flow in 12 asthmatic subjects. A specific bronchodilator effect for the preparations given seems highly probable but remains unestablished because of the lack of experimental control and the failure to include a placebo. In an uncontrolled study of the capacity of sympathomimetic drugs to prevent the fall in vital capacity and expiratory flow rate induced by methacholine and histamine (Ref. 12), inhaled epinephrine was effective.

(3) *Dosage.* Adults and children 4 years and above inhalation dosage is 1 to 3 inhalations of a 1 percent aqueous solution of l-epinephrine or the equivalent in a pressurized preparation not more often than every 3 hours, except under the advice and supervision of a physician. For children under 4 years, there is no recommended dosage except under the advice and supervision of a physician.

Children and adolescents should not have unsupervised access to this inhaler. There is the possibility of abuse of this material and possible adverse effects on the heart if excessively used.

(4) *Labeling.* The Panel recommends the Category I labeling for bronchodilator active ingredients. (See part V. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling for preparations of epinephrine used by inhalation: *Warnings.* (i) "Do not take this product at higher than recommended doses except under the advice and supervision of a physician for it may cause nervousness and rapid heart beat".

(ii) *"Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 20 minutes or become worse".

(iii) "Do not take this product if you have heart disease or high blood pressure except under the advice and supervision of a physician".

(iv) *"Drug Interaction Precaution.* Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor".

(v) "Keep this product out of reach of children and adolescents because unsupervised access may cause abuse or possible adverse effects on the heart if excessively used".

(vi) "Do not give this product to children under 4 years except under the advice and supervision of a physician".

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c. *Methoxyphenamine hydrochloride.* The Panel concludes that methoxyphenamine hydrochloride is safe and effective for OTC use as a bronchodilator as specified in the dosage section discussed below.

(1) *Safety.* In a crossover study in 12 asthmatics, comparing 100 mg methoxyphenamine orally against 30 mg ephedrine sulfate, the types of side effects noted were similar although the frequency of complaints of side effects were only about one-half as frequent with methoxyphenamine. Other studies in asthmatic patients have also reported a lower incidence of side effects, particularly blood pressure changes and central nervous system stimulation, with comparable bronchodilator doses of methoxyphenamine and ephedrine (Refs. 1 through 4). Patients with a history of ephedrine intolerance were often able to tolerate 100 to 200 mg methoxyphenamine without experiencing the usual ephedrine-like side effects of nervousness, insomnia, tremor, and headache (Refs. 2 and 5). The most common side effects of methoxyphenamine appear to be dryness of mouth and mild anorexia (Ref. 4).

(2) *Effectiveness.* In asthmatic patients, oral methoxyphenamine 200 mg and ephedrine sulfate 30 mg offered comparable protection against decreased vital capacity and asthma-like symptoms due to parenterally administered histamine or methacholine (Refs. 1 and 6). Objective measurement studies in asthmatic patients have revealed an increase in vital capacity, up to 20 percent over a 4-hour period, following oral methoxyphenamine 100 to 200 mg (Refs. 2, 4, and 7). Of 61 asthmatic patients who took 100 mg every 4 hours, 37 obtained subjective relief of breathing difficulty. Six of the remaining 24 gained relief with a 200 mg dose every 4 hours (Ref. 2).

No data on the use of methoxyphenamine in children under 12 years are available and there has been little clinical experience with this drug in children. The Panel concludes that methoxyphenamine should not be used in children under 12 years until such time as satisfactory evidence of safety and effectiveness is available.

(3) *Dosage.* Adult oral dosage is 100 mg every 4 to 6 hours not to exceed 600 mg in 24 hours. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for bronchodilator active ingredients. (See part V. paragraph B.1 below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings.* (i) *"Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse."

(ii) "Nervousness, tremor, sleeplessness, nausea and loss of appetite may occur".

(iii) "Do not take this product if you have heart disease, high blood pressure, thyroid disease, diabetes or difficulty in urination due to enlargement of the prostate gland".

(iv) *"Drug Interaction Precaution.* Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor".

(v) "Do not give this product to children under 12 years except under the advice and supervision of a physician".

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d. *Theophylline preparations (aminophylline, theophylline anyhydrous, theophylline calcium salicylate, theophylline sodium glycinate).* The Panel concludes that the theophylline preparations are safe and effective for OTC use as bronchodilators as specified in the dosage section discussed below when the dosage is based on the anhydrous theophylline equivalent.

(1) *Safety.* The most commonly encountered adverse effects of theophylline—anorexia, nausea, and vomiting—are apparently centrally mediated. Whether administered orally as uncoated tablets, by injection, or rectally, gastrointestinal symptoms in adults and children are usually negligible if whole blood levels of theophylline do not exceed 8 μg/ml (equivalent to plasma levels of 15 μg/ml). The corresponding plasma level is greater because theophylline does not enter the red blood cells (Refs. 1 through 7). Gastrointestinal symptoms were associated with orally administered aminophylline (theophylline ethlenediamine) when whole blood levels of theophylline exceeded 11 μg/ml (equivalent to plasma levels of 20 μg/ml) (Ref. 1).

Aminophylline administered as an uncoated tablet or theophylline as an alcoholic elixir is quite rapidly and reproducibly absorbed within 1 hour from an empty stomach. Thus, oral absorption and tissue response to a given concentration of theophylline as well as rate of renal excretion are fairly uniform from patient to patient. However, administration with meals or as an enteric coated tablet markedly contributes to slowing and variability in extent of absorption (Refs. 5 and 7). However, recent studies showed that food makes little difference in the absorption of theophylline provided the tablet has a satisfactory dissolution time (Refs. 8 and 9). Studies of theophylline indicate that variations between patients in their maintenance dose requirements are attributable to remarkable differences in the rate at which theophylline is metabolized. In one study of 83 patients, oral aminophylline dosage ranged from 400 to 3,200 mg/24 hours in order to maintain therapeutic blood levels. About 10 percent of patients receiving 300 mg every 4 hours for at least 48 hours experienced loss of appetite, nausea, and vomiting. Despite apparent variations in rate of theophylline metabolism between patients, each individual is internally quite stable in terms of rate of handling this drug so that it is possible to individualize a safe and effective dose for continued therapy (Ref. 1).

In children, oral doses of aminophylline of 4 to 5 mg/kg every 8 hours (80 percent of this dose for theophylline calculated as the free base) is recommended as generally devoid of undesirable side effects (Refs. 8 and 9). Severe toxicity in children may include vomiting with blood in the vomitus and dehydration, central nervous system stimulation leading to convulsions and coma, and cardiovascular collapse. The majority of literature reports of theophylline and aminophylline toxicity in children, and particularly those resulting in death, have been associated with use of aminophylline suppositories. Administered dosage of suppositories in reported toxicity cases ranged from a normal dosage of 10 mg/kg/24 hours to 75 mg/kg/36 hours (Refs. 8 and 10 through 29). Analysis of the cases of toxicity with recommended dosage of suppositories reveal the concurrent oral or parenteral administration of a theophylline preparation. Because of the toxicity potential from overdose unless the dose is individualized to the needs of a child on a mg/kg basis, the Panel believes that such OTC products should not contain labeling with a recommended dosage for children.

Aminophylline, due to its ethylenediamine content, may produce a contact-type dermatitis upon systematic administration to individuals previously sensitized to the topical application of ethylenediamine (Ref. 30).

(2) *Effectiveness.* Following intravenous aminophylline in a variety of patients with narrowing of the air tubes caused by spasm, the degree of objectively measured bronchodilation using measurements of air flow and airway resistance was correlated with whole blood levels of theophylline between 2 μg/ml up to a maximum effect at 8 μg/ml (equivalent to plasma levels of 3.6 to 14.5 μg/ml). A study of airway resistance changes in adult asthmatics following single oral doses of aminophylline demonstrated minimum whole blood levels of theophylline for maximal bronchodilator effect to range from 4.5 to 11 μg/ml (equivalent to plasma levels of 8 to 21 μg/ml). Because of patient variability in metabolism of aminophylline, the authors found that doses of 400 to 3,200 mg/24 hours, averaging 1,200 mg/24 hours, were needed to maintain therapeutically effective "trough" levels (middosing blood levels) of theophylline in the 5.5 to 11 μg/ml range. These authors recommend 300 mg aminophylline (240 mg anhydrous theophylline every 6 hours, 4 times daily (Ref. 1). Following 130 mg doses, blood levels at best reach 4.3 μg/ml (equivalent to plasma levels of 7.6 μg/ml) (Refs. 1, 3, and 31 through 33). Since the blood level attained and maintained in a given patient is dependent on drug metabolism rate, which varies among individuals, an OTC dose recommendation of 100 to 200 mg of anhydrous theophylline equivalent should help patients individualize the dose for optimal response yet minimize side effects.

The Panel recommends that scored compressed tablets in dosage units of 50 mg, 100 mg and 200 mg of anhydrous theophylline equivalent be made available for OTC use. The Panel is concerned that theophylline tablets be readily absorbed when ingested. All tablets must pass a satisfactory dissolution test. The Panel recommends that each tablet formulation be tested according to the procedures described in the United States Pharmacopeia XIX (Ref. 34). The tablets shall be considered satisfactory for OTC use if the quantity of theophylline dissolved within 15 minutes is not less than 50 percent of the labeled amount (based on anhydrous theophylline equivalent content) and the quantity of theophylline dissolved within 30 minutes is not less than 90 percent of the labeled amount of theophylline (based on anhydrous theophylline equivalent content) for any of the tablets tested. The resulting data should be submitted to the Food and Drug Administration prior to marketing.

A double-blind controlled study in 300 asthmatic children, ages 6 to 12, receiving 150 mg theophylline by mouth in plain capsules correlated with significant improvement as measured by pulmonary function tests with theophylline blood levels greater than 3.2 μg/ml (equivalent to plasma levels of 6 μg/ml) (Ref. 3).

A review of oral theophylline drugs lists the anhydrous theophylline equivalents in various proprietary preparations (Ref. 29). For purposes of standardization, the dosage recommendations of the Panel are based on anhydrous theophylline equivalent content.

(3) *Dosage.* Adult oral dosage based on the anhydrous theophylline equivalent is 100 to 200 mg every 6 hours not to exceed 800 mg in 24 hours. Children 2 to under 12 years oral dosage is identified in the labeling section discussed below under professional labeling. For children

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under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

The Panel recommends that scored compressed tablets in dosage units of 50 mg, 100 mg and 200 mg of anhydrous theophylline equivalent be made available for OTC use.

(4) *Labeling.* The Panel recommends the Category I labeling for bronchodilator active ingredients. (See part V. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings.* (i) "Do not exceed recommended dosage except under the advice and supervision of a physician".

(ii) "Do not take this product if nausea, vomiting or restlessness occurs".

(iii) "*Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse".

(iv) "Do not take this product if you are presently taking a drug or suppository containing any form of theophylline except under the advice and supervision of a physician".

(v) "Do not give this product to children under 12 years except under the advice and supervision of a physician. Excessive use may cause toxic effects and even death in children".

(vi) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 12 years oral dosage based on the anhydrous theophylline equivalent is 3.33 mg/kg of body weight 3 times daily every 8 hours not to exceed 10 mg/kg in 24 hours.

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Category I Labeling

The Panel recommends the following Category I labeling for bronchodilator active ingredients to be generally recognized as safe and effective and not misbranded as well as the specific labeling discussed in the individual ingredient statements.

a. *Indications.* (1) "For temporary relief of bronchial asthma".

(2) "For symptomatic control of bronchial asthma".

(3) "Provides temporary relief from acute symptoms of bronchial asthma".

(4) "Relaxes tense bronchial muscles to ease breathing for asthma patients".

(5) "For temporary relief of wheezing (attacks and distress) of bronchial asthma".

(6) For products to be taken by inhalation: statements as to onset of action, e.g., "fast" or "quick", must be substantiated and accompanied by a specific time, e.g., "within 5 minutes".

b. *Warnings.* (1) "*Caution:* Do not take this product unless a diagnosis of asthma has been made by a physician".

2. *Category II conditions under which bronchodilator ingredients are not generally recognized as safe and effective or are misbranded.* The use of bronchodilators under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following ingredients and labeling should be removed from the market until scientific testing supports their use.

Category II Active Ingredients

The Panel has classified the following bronchodilator active ingredients as not generally recognized as safe and effective or as misbranded:

Belladonna alkaloids
Pseudoephedrine preparations: Pseudoephedrine hydrochloride, Pseudoephedrine sulfate

a. *Belladonna alkaloids by inhalation (as contained in Atropa belladonna and Datura stramonia).* The Panel concludes that belladonna alkaloids by inhalation are not safe and effective for OTC use in the treatment of asthma. The effectiveness of this preparation is unproven and it has great potential for drug abuse and toxicity. In view of the availability of other safer and effective OTC drugs for the treatment of asthma, the Panel concludes that there is no place for this preparation in the OTC treatment of asthma.

(1) *Safety.* A mixture of stramonium and belladonna is available and is utilized by smoking the cigarettes or pipe mixture or by burning the powder, like incense, and inhaling the smoke. Per unit dose (cigarette, pipeful, etc.), the alkaloid content presumably absorbed systemically is about 0.0125 mg (Refs. 1 and 2). However, the preparation is easily abused for its psychomimetic properties, by excessive use or ingestion of cigarettes, liquid suspensions or capsules filled with the powder (Ref. 2). Intoxication is generally characterized by confusion, delirium, hallucinations, and various anticholinergic effects, such as difficulty in swallowing due to dry mouth, blurred vision, photophobia, difficulty in urination, and constipation. Some deaths have been reported (Ref. 2). The adverse effects of excessive use of the powder have been well described (Ref. 3). There are numerous reports of intoxication using the powder or ingesting seeds or leaves of stramonium plants (Refs. 4 through 9). Clearly, products containing belladonna alkaloids present a risk to the consumer.

(2) *Effectiveness.* Belladonna alkaloids may be of benefit when given in the form of cigarettes (Ref. 9), but there has been no critical assessment of effectiveness. There are no well-controlled studies or other evidence to support its effectiveness as a bronchodilator when used by inhalation in the treatment of asthma.

(3) *Evaluation.* The Panel concludes that the effectiveness of belladonna alkaloids by inhalation is unproven. In view of the high potential for abuse and toxicity and the availability of other safe and effective drugs, the Panel concludes that belladonna alkaloids by inhalation are not safe and effective for OTC use in the treatment of asthma.

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b. *Pseudoephedrine preparations (pseudoephdrine hydrochloride, pseudoephedrine sulfate).* The Panel concludes that pseudoephedrine preparations are safe but not effective for OTC use as a bronchodilator.

(1) *Safety.* In a study of cardiovascular effects of pseudoephedrine, dose response in four subjects showed that 210 to 240 mg (3.05 to 4.0 mg/kg) were required to raise diastolic blood pressure to 90 mm Hg or above (Ref. 1). However, a serious rise in blood pressure may occur if the drug is taken concurrently with monoamine oxidase (MAO) inhibitors (Refs. 2 and 3). Skin reactions both of long and short duration may be associated with taking the drug but these are rare (Refs. 4 and 5). Six of 21 patients who took 60 mg orally had mild side effects of drowsiness, nausea, insomnia, and headache (Ref. 6).

(2) *Effectiveness.* In a careful double-blind study using 210 mg pseudoephedrine hydrochloride orally in nine subjects with reversible obstruction to air flow, measurements were made of vital capacity and forced expiratory volume in 1 second (FEV_1), which is a measurement related to airway obstruction, the higher the figure the better the air flow and the less the obstruction in the air tubes (Ref. 1).

This high dose of pseudoephedrine increased FEV_1 to less than half that produced by ephedrine. The maximum mean percentage increased in FEV_1 was only 11 percent after pseudoephedrine and this is within the variation of the technique and not considered a significant change. Ephedrine was used in the same study and caused a 27 percent improvement in FEV_1. In another double-blind placebo-controlled study, 100 to 200 mg pseudoephedrine was given intravenously and was ineffective in 12 human subjects as a bronchodilator as judged by changes in forced vital capacity (FVC) and forced expired volume (FEV_1) (Ref. 7).

(3) *Evaluation.* Based on the two studies reviewed (Refs. 1 and 7), the Panel concludes that pseudoephedrine is ineffective for use as a bronchodilator and therefore cannot be generally recognized as effective in the treatment of asthma.

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Category II Labeling

All claims that state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies are not acceptable. The Panel has previously discussed such labeling (See part II. paragraph O. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.). However, labeling that is descriptive of the product such as its taste or appearance are acceptable.

The Panel concludes that the following labeling is misleading and contains unacceptable claims for preparations used for the treatment of asthma. The Panel assumes that preparations under consideration will contain only a sympathomimetic of the bronchodilator type and/or theophylline ingredients. The Panel believes that the language expressed in the following misleading claims is excessive and claims either too much or claims effects which do not occur. For example, most asthma preparations have no effect on hay fever, the nose, the "common cold", or on congestion. The following apply regardless of whether the preparation is given by inhalation or by mouth:

a. *Unacceptable labeling because these claimed effects do not occur with bronchodilators.* (1) "Relief of hay fever".

(2) Claims for any effects "on nasal passages".

(3) Statements related to "congestion of air tubes or lungs".

(4) "Decongests swollen membranes, acts to loosen congestion, relief of general respiratory congestion".

(5) "Relief of bronchitis or 'the common cold' ".

(6) "Relief of fear, anxiety, nervous tension".

(7) "Cleans bronchial passages".

(8) "Contains anti-allergen ingredient".

(9) "Eases irritation of bronchial and nasal mucous membranes, and itchy, watery eyes".

(10) "Relief of other respiratory conditions".

(11) "Phlegm broken up and one is able to expel the phlegm with little effort".

(12) "Nagging cough is reduced to a minimum and as a result sleep is much deeper and uninterrupted".

b. *Unacceptable labeling because of the difficulty to substantiate and the implication that high use rate is evidence of the particular effectiveness of the ingredients.* "Most prescribed or recommended by doctors in medical practice".

c. *Unacceptable labeling because the claim suggests it is particularly effective.* "Proved highly effective in medical practice". The Panel notes that effectiveness must already be established to be classified as Category I.

d. *Unacceptable labeling because the claim is excessive and difficult to substantiate.* "Effective when all other available means have failed".

e. *Unacceptable labeling because excessive claims are made in emotional terms.*

(1) "Relieves gasping for air".

(2) "Free breathing restored".

(3) "Breathes a sigh of relief".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed ingredient and conditions listed below. The Panel believes it is reasonable to provide 3 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 3 years, however, the ingredient and conditions listed in this category should no longer be marketed in over-the-counter products. Effectiveness as a bronchodilator must be demon-

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strated by controlled objective studies. Subjective data alone are unacceptable because of the marked variability in the subjective awareness of the wheezing and shortness of breath associated with asthma.

Category III Active Ingredient

The Panel concludes that the available data are insufficient to permit final classification of the following claimed bronchodilator active ingredient.

The Panel concludes that there is insufficient evidence that euphorbia pilulifera is effective as a bronchodilator.

a. *Safety.* Clinical experience has confirmed that euphorbia pilulifera is safe in the dosage ranges used as a bronchodilator. In large dosage, it is said to be an irritant to the gastric mucous membrane (Ref. 1). There is some disagreement as to its effect on the skin. In one reference it is said not to irritate the skin (Ref. 1), but in others it is said to produce vesication (Refs. 2 and 3). It produces an increase in bronchial secretion, and large doses cause vomiting and diarrhea. Limited animal experiments showed no serious side effects (Ref. 4). Marketing experience of a capsule product has resulted in no serious complaints (Ref. 4).

b. *Effectiveness.* There are no well-controlled studies documenting the effectiveness of euphorbia pilulifera as a bronchodilator. The drug has been used in the treatment of asthma and bronchitis but "its value is not apparent" (Ref. 5). In Pharmacotherapeutics, 1928, (Ref. 2) it stated: "It finds some use as a bronchodilator in spasmodic asthma and in chronic bronchitis." It has been employed as a constituent of cough mixtures containing more active drugs and it has occasionally been employed in small dose in the treatment of the "common cold" and hay fever (Ref. 2). It has been marketed in a dosage of 0.715 gm in combination with aspirin and caffeine as a capsule, and many patients have claimed relief from asthma, sinusitis, bronchitis, hay fever, and rhinitis as well as good results in colds (Ref. 4). However, there is no evidence from the references that the drug has ever had any type of scientific testing.

c. *Proposed dosage.* The Panel is unable to determine a proposed dosage. Euphorbia pilulifera has been used as an elixir, fluidextract, tincture, in capsule and powder form, and as leaves to be smoked. The dosages are as follows: Elixir euphorbiae compositum (National Formulary) 4 to 46 mg followed by 92 mg twice daily for not more than a total of 3 doses daily; 8 ml fluidextractum euphorbiae (National Formulary) 1 to 3 ml; and tinctura euphorbiae (unofficial) 0.6 to 1.8 ml; powder 0.6 to 4 gm; and capsule (no dose could be determined). These dosages are recommended in the literature (Refs. 2 and 6). There are no details regarding frequency of dosage.

The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

d. *Labeling.* The Panel recommends the Category I labeling for bronchodilator active ingredients. (See part V. paragraph C. below—Category I Labeling.)

e. *Evaluation.* Data to demonstrate effectiveness as a bronchodilator will be required in accordance with the guidelines set forth below for testing bronchodilator drugs. (See part V. paragraph C. below—Data Required For Evaluation.)

REFERENCES

(1) "The Dispensatory of the United States of America," 25th Ed., Edited by Osol, A. and G. E. Farrar, J. B. Lippincott Co., Philadelphia, p. 1688, 1960.

(2) Solis-Cohen, S. and T. S. Githens, "Pharmacotherapeutics, Materia Medica and Drug Action," D. Appleton and Co., New York, p. 1391, 1928.

(3) Culbreth, D. M. R., "A Manual of Materia Medica and Pharmacology," 7th Ed., Lea and Febiger, Philadelphia, p. 372, 1927.

(4) OTC Volume 040211.

(5) Hellerman, R. C. and L. W. Hazelton, "The Antispasmodic Action of Euphorbia Pilulifera," *Journal of the American Pharmaceutical Association (Scientific Edition)*, 39:142–146, 1950.

(6) "The Merck Index," 5th Ed., Merck and Co., Inc., Rahway, New Jersey, p. 232, 1940.

Category III Labeling

The Panel concludes that the available data are insufficient to permit final classification of the labeling claim identified below for bronchodilators. Additional data are required to support the following bronchodilator claim: "For temporary relief of cough caused by the 'common cold' or 'bronchitis'". The Panel concludes that the effect of bronchodilators on cough (other than due to asthma) is uncertain.

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to substantiate Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Principles in the design of an experimental protocol for testing bronchodilator drugs.* a. *General principles.* The effectiveness of a bronchodilator drug is determined by its ability to reverse the airway obstruction of patients with asthma. Although clinical improvement may be reported, it is essential to have objective measurements of pulmonary function to substantiate improvement. Tests of bronchodilator drugs should be double-blind and crossover studies. Pulmonary function tests should be performed before and after the drug or placebo is given. Objective testing should be done for a sufficient time to show the duration of action of the drug. For OTC drugs a single dose should be shown to be effective. Continual taking of the drug over days or weeks to show improvement is not acceptable for OTC products. The patient needs to get quick and obvious relief from a single dose. The drugs used should be tested in the same dosage as the purchaser might be expected to take, i.e., the recommended dosage on the label.

To show effectiveness it is necessary for two studies by two different investigators to indicate that there is definite improvement in pulmonary function following single doses of the drug under test as described under Interpretation of data, below.

b. *Selection of patients.* Selection of patients for testing should be based on the diagnosis of asthma. There should be generalized airway obstruction whose severity varies greatly over short periods of time, and this should be demonstrated by pulmonary function tests improving significantly after the use of an accepted bronchodilator drug.

c. *Methods of study.* For large series of patients, the forced vital capacity, forced expiratory volume (one second), and maximal midexpiratory flow rate are the simplest and most available tests. However, measurements of flow from flow-volume curves at 50 percent and 75 percent of the vital capacity, measurements of airway resistance and specific conductance using a body plethysmograph are recommended when the complex equipment is available.

The precise number of patients to be tested cannot be stated. However, if the drug is effective, approximately 20 patients should be sufficient for satisfactory statistical analysis of data.

d. *Interpretation of data.* Ideally, the response should be interpreted according to the recognized variability in the laboratory in which the test is being performed. Where such variability is not precisely defined, improvement of 15 to 25 percent may be considered a slight reversibility; a change of 26 to 50 percent is moderate reversibility; and greater than 50 percent is marked reversibility. However, for the purposes of an experimental protocol, statistical analysis and significance is essential.

Evidence of drug effectiveness is required from a minimum of two positive studies based on the results of two different investigators or laboratories.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

e. *Evaluation of safety.* Tests of safety should involve the usual tests for toxicity to the respiratory system and be relevant to the known possible adverse effects of the drugs under testing. Tests should be done in the form of dose response curves up to maximum therapeutic effectiveness.

REFERENCE

(1) Woolf, C. R., R. Kory and J. Ross, "Criteria for the Assessment of Reversibility in Airway Obstruction," *Chest*, 65:552–553, 1974.

VI. ANTICHOLINERGICS

A. GENERAL DISCUSSION

Anticholinergics are drugs used in the symptomatic relief of excessive secretions of the nose (rhinorrhea) and eyes commonly associated with hay fever, allergy, rhinitis and the "common cold." The tissues responsible for these secretions, the glands of the nasal mucosa and the lacrimal glands, are supplied by nerves known as cholinergic or parasympathetic nerves. These nerves release a neurohumoral substance, acetylcholine (ACh), which acts on receptors in these tissues apparently causing the excessive secretions. The anticholinergic drugs, by competing with ACh for these receptors, reduce or prevent the secretions.

There are other tissues having receptors acted on by ACh, and the anticholinergic drugs are able to prevent the response usually caused by ACh at these sites as well. These other tissues are the sweat, salivary and bronchial glands, the muscles for visual accommodation (adaptation of the eye for distinct vision at different distances), the heart, the gastrointestinal tract, and the urinary bladder. The cholinergic nerves which innervate these tissues are compositely known as the parasympathetic nervous system. All these tissues are not equally sensitive to the anticholinergic agents and the responses are dose related. Small doses depress salivary bronchial and sweat secretions. Larger doses are required to inhibit visual accommodation or increase the heart rate. Still larger doses are required to inhibit the parasympathetic control of the gastrointestinal tract or the urinary bladder.

The naturally occurring anticholinergic drugs, the alkaloids of the belladonna plants, are widely distributed in nature especially among the Solanaceae. The active drugs derived from these plants are atropine (dl-hyoscyamine) and scopolamine (l-hyoscine) depending upon which plant is the source. The official preparations of belladonna act chiefly by virtue of their atropine content.

Atropine is the classical representative of this group of anticholinergic drugs. It is dl-hyoscyamine, the stereoisomers being present in equal amounts but the activity residing in the l-form. The drying effect on the respiratory tract may be useful in the symptomatic relief of excessive secretions of the nose (rhinorrhea) and eyes commonly associated with hay fever, allergy, rhinitis and the "common cold." The effect of atropine is most noticeable if there are excessive secretions. There is no evidence that the course of the illness is altered by these drugs. At higher doses, the bronchi and bronchioles (large and small airways) are relaxed. This relaxation is most pronounced if the bronchi and bronchioles are contracted by histamine or increased parasympathetic activity and the atropine is administered by inhalation.

These drugs reduce the volume of secretions as well as making them less fluid. The less fluid secretions are more difficult to remove from the respiratory passages and may lead to obstruction. This predisposes the patient to infection. In a person with bronchial asthma or chronic obstructive pulmonary disease, this may be extremely hazardous.

The belladonna alkaloids will have little effect on the intraocular pressure of the normal eye. However, in the glaucomatous eye, when the intraocular pressure is initially above normal, they are likely to increase the intraocular pressure and damage the eye, especially in narrow angle glaucoma.

The toxic or side effects of the anticholinergic drugs are an extension of the pharmacologic effects of the drugs. These effects are dry mouth, anhydrosis, tachycardia, dilatation of the pupil and blurred vision, photophobia, restlessness, confusion and difficulty in urination. Very large doses may cause elevated body temperature and respiratory depression. Elderly men with enlargement of the prostate gland may develop urinary obstruction with less than toxic doses. There are numerous synthetic anticholinergic compounds, none of which differ significantly in pharmacologic effects or toxic effects from the naturally occurring drugs. Antihistaminics in varying degrees also have an anticholinergic effect. Antihistamines are discussed in another section of this document. (See part VII. below—Antihistamines.) Given together with an anticholinergic in the same preparation or at the same time, an antihistaminic drug will have at least an additive anticholinergic effect. With this in mind, the dose of each should be adjusted accordingly.

REFERENCES

(1) Innes, I. R. and M. Nickerson, "Drugs Inhibiting the Action of Acetylcholine on Structures Innervated by Postganglionic Parasympathetic Nerves (Antimuscarinic or Atropinic Drugs)," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. A. and A. Gilman, MacMillan Co., New York, pp. 524–548, 1970.

(2) "Drill's Pharmacology in Medicine," 4th Ed., Edited by DiPalma, J. R., McGraw-Hill, pp. 608–626, 1971.

B. CATEGORIZATION OF DATA

1. *Category I conditions under which anticholinergic ingredients are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Panel was unable to classify a claimed anticholinergic active ingredient as generally recognized as safe and effective and not misbranded.

Category I Labeling

The Panel recommends the following Category I labeling for anticholinergic active ingredients to be generally recognized as safe and effective and not misbranded:

a. *Indications.* (1) "For temporary relief of watery nasal discharge and watering eyes as may occur in certain allergic conditions and infections of the upper respiratory tract".

(2) "Temporarily suppresses watery nasal discharge".

(3) "Temporary relief from excessive nasal secretions".

(4) "Temporary relief from running nose".

(5) "Temporarily suppresses watering of eyes".

b. *Warnings.* (1) "Do not exceed recommended dosage except under the advice and supervision of a physician".

(2) "Do not continue to take this product if constipation, excessive dryness of the mouth, insomnia, excitement, confusion, rapid pulse, or blurring of vision occur".

(3) "*Caution:* Do not take this product if you have asthma, glaucoma or have difficulty in urination due to enlargement of the prostate gland except under the advice and supervision of a physician".

(4) "Do not give this product to children under 12 years except under the advice and supervision of a physician".

2. *Category II conditions under which anticholinergic ingredients are not generally recognized as safe and effective or are misbranded.* The use of anticholinergics under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following ingredients and labeling should be removed from the market until scientific testing supports their use.

Category II Active Ingredients

The Panel has classified the following anticholinergic active ingredient as not generally recognized as safe and effective or as misbranded:

The Panel concludes that belladonna alkaloids (as contained in Atropa belladonna and Datura stramonia) when used by inhalation are not safe and effective for OTC use in asthma. The effectiveness of this preparation is unproven and it has great potential for drug abuse and toxicity. In view of the availability of other, safer, effective OTC drugs for the treatment of asthma, the Panel concludes that there is no place for this preparation in the OTC treatment of asthma.

a. *Safety.* The Panel has discussed the safety of belladonna alkaloids by inhalation in reference to the treatment of asthma with bronchodilators. (See part V. paragraph B.2.a. above—Belladonna alkaloids by inhalation (as contained in Atropa belladonna and Datura stramonia).)

b. *Effectiveness.* The Panel has discussed the effectiveness of belladonna alkaloids by inhalation in reference to the treatment of asthma with bronchodilators. (See part V. paragraph B.2.a. above—Belladonna alkaloids by inhalation (as contained in Atropa belladonna and Datura stramonia).)

c. *Evaluation.* The Panel concludes that the effectiveness of belladonna alkaloids by inhalation is unproven. In view of the high potential for abuse and toxicity and the availability of other drugs, the Panel concludes that belladonna alkaloids by inhalation are not safe and effective for OTC use as an anticholinergic.

Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety and/or effectiveness of the product are unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel has previously discussed such labeling. (See part II. paragraph Q. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.) However, labeling that is descriptive of the product such as its taste or appearance is acceptable.

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The Panel concludes that the following claims are misleading and are unacceptable for preparations used as anticholinergics:

a. *Claims not supported by scientific data.* "Clears nasal passages, open airways".

b. *All claims which state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies.* These include claims such as "specially formulated", "scientifically improved or selected", "natural", "extra strength", "teamed components", "superior to ordinary", also claims implying a physiological effect which either has no foundation or meaning or will be meaningless or misleading to the public such as "antiallergic", "gets at the roots of", "fights", "wakes up", "recommended by doctors", and "travels through the blood stream".

c. *Claims for relief where time is indeterminate, and not supported by scientific data.* These include claims such as "all day", "all night", "for hours", "fast", and "prompt".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed ingredients and conditions listed below. The Panel believes it reasonable to provide 3 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 3 years, however, the ingredients listed in this category should no longer be marketed as over-the-counter products. Effectiveness as an anticholinergic must be demonstrated by the ability to reduce rhinorrhea in patients with acute or chronic rhinitis. The evaluation must be a subjective study since the Panel is unaware of any technique for objective measurements.

Category III Active Ingredients

The Panel concludes that the available data are insufficient to permit final classification of the following claimed anticholinergic active ingredients: Atropine sulfate, Belladonna alkaloids.

a. *Atropine sulfate.* The Panel concludes that atropine sulfate is probably safe in the dosage range currently used (0.2 mg to 0.3 mg) as an anticholinergic but there are insufficient data to permit final classification of its effectiveness for OTC use as an anticholinergic. Although atropine at a higher dose, 0.6 mg, may be effective in relieving excessive secretions of the nose, there is no evidence that smaller doses as used in OTC preparations will do this. However, the Panel recommends that atropine not be made available for OTC use at a 0.6 mg dosage until suitable studies have been completed to show safety.

(1) *Safety.* Clinical experience has confirmed that atropine sulfate is probably safe in adults when taken orally as an anticholinergic in the currently marketed OTC dose of 0.03 mg to 0.2 mg total belladonna alkaloids. Dryness of the mouth appears first at about 0.5 mg (Ref. 1). No adverse effect was found in patients with open angle glaucoma taking 0.6 mg 3 times daily for 7 days (Ref. 2). Suppression of salivation occurred in children at the following oral doses: 1 to 12 months, 0.016 mg/kg; 12 to 36 months 0.014 mg/kg; 3 to 6 years, 0.022 mg/kg; and 6 to 12 years, 0.02 mg/kg (Ref. 3). A 7-week infant took more than 40 mg in 24 hours and recovered (Ref. 4). Ingestion of 450 mg in an adult has been followed by recovery (Ref. 5). There is a lack of data to support the use of anticholinergic active ingredients in children under the age of 12. The Pediatric Consultant Panel recommended that no dosage be marketed for children until further studies were completed. (See part II. paragraph H. above—Pediatric dosage.)

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of atropine sulfate as an anticholinergic. In the treatment of excessive secretions of the nose associated with the "common cold," atropine appears to be ineffective, but only one study is available (Ref. 6). The study indicated that a dose of 0.6 mg given early may transiently reduce the nasal secretions associated with the "common cold" giving some temporary comfort. However, there is no evidence that the very small doses of belladonna alkaloids per dosage unit in currently marketed OTC preparations, i.e., 0.03 to 0.2 mg total alkaloids, are effective.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. Although 0.6 mg atropine sulfate may be effective, the Panel concludes that such a dosage should not be available for OTC use until studies demonstrate safety. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product. In such a case, the Panel concludes that for children under 12 years, there be no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for anticholinergic active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing anticholinergic drugs. (See part VI. paragraph C. below—Data Required for Evaluation.)

REFERENCES

(1) Gowdy, J. M., "Stramonium Intoxication," *Journal of the American Medical Association*, 221:585–587, 1972.

(2) Lazenby, G. W., J. W. Reed and W. M. Grant, "Anticholinergic Medication in Open-Angle Glaucoma," *Archives of Ophthalmology*, 84:719–723, 1970.

(3) Unna, K. R., K. Glaser, E. Lipton and P. R. Patterson, "Dosage of Drugs in Infants and Children: I. Atropine," *Pediatrics*, 6:197–207, 1950.

(4) Joos, H. A., "Atropine Intoxication in Infancy," *American Journal of Diseases of Children*, 79:855–861, 1950.

(5) Comroe, B. I., "Atropine Poisoning: Recovery After 7½ Grains of Atropine Sulfate by Mouth," *Journal of the American Medical Association*, 101:448–447, 1933.

(6) Personnel of the U.S. Naval Medical Research Unit No. 4, "The Prophylaxis and Treatment of Acute Respiratory Diseases with Antihistaminic Drugs," *Journal of Laboratory and Clinical Medicine*, 36:555–569, 1951.

b. *Belladonna alkaloids.* The Panel concludes that the belladonna alkaloids are probably safe in the dosage range used as anticholinergics but there are insufficient data to permit final classification of their effectiveness for OTC use as anticholinergics.

(1) *Safety.* Clinical experience has confirmed that belladonna alkaloids are safe in the dosage ranges used as anticholinerics. The belladonna alkaloids contain atropine (d, dl hyoscyamine) and scopolamine (l-hyoscine) and are present in official preparations, e.g., belladonna tincture United States Pharmacopoeia (USP) and belladonna extract National Formulary (NF). These preparations act by virtue of their atropine content. Scopolamine is approximately 10 percent of the total alkaloid content and has the same pharmacological effect and toxicity as atropine, but is slightly more potent. The Panel has discussed the safety of atropine elsewhere in this document. (See part VI. paragraph B.3.a. above—Atropine sulfate.)

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of belladonna alkaloids as anticholinergics. Atropine and other belladonna alkaloids and substitutes reduce secretion in both the upper and the lower respiratory tract, and they are common constituents of proprietary "cold" tablets (Ref. 1). This effect in the nasopharynx may provide some symptomatic relief of acute rhinitis associated with conditions such as coryza or hay fever. However, there are no controlled studies to support this hypothesis.

The belladonna alkaloids can induce bronchial dilatation. This is particularly marked when they are administered by inhalation, but it is still less than can be achieved by other types of medication.

All antimuscarinic agents reduce the volume of bronchial secretion which results in decreased fluidity and inspissation of the residual secretion. This viscid material is difficult to remove from the respiratory tree, and its presence can dangerously obstruct airflow and predispose to infection. Because of the effect on bronchial secretion, repeated administration of any antimuscarinic to a patient with chronic lung disease must be considered as potentially hazardous.

(3) *Proposed dosage.* Adult oral dosage is 0.2 mg 2 times daily. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for anticholinergic active ingredients. (See part VI. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for anticholinergic drugs. (See part VI. paragraph C. below—Data Required for Evaluation.)

REFERENCE

(1) Innes, I. R. and M. Nickerson, "Drugs Inhibiting the Action of Acetylcholine on Structures Innervated by Postganglionic Parasympathetic Nerves (Antimuscarinic or Atropinic Drugs)," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, p. 542, 1970.

Category III Labeling

The Panel concludes that the available data are insufficient to permit final classification of the labeling claim identified below for anticholinergics. Additional data are required to support the following anticholinergic claim: a. "Prolongs relief by helping to prevent further swelling and irritation."

b. The Panel concludes that claims relating to duration of action, e.g. "all day", "all night", "for hours", will require documentation.

c. *Claims that sleep will be facilitated.* These include claims such as "helps you fall asleep" and "for restful sleep".

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Principles in the design of an experimental protocol for testing anticholinergic drugs.* a. *General principles.* The effectiveness of an anticholinergic drug should be determined by the ability to reduce rhinorrhea (excessive watery nasal secretions) in patients with acute or chronic rhinitis. Tests should involve double-blind placebo controlled assessment of the ability of the drug to decrease watery nasal secretions and/or tearing when administered orally and increase the comfort of the patient. This evaluation must be a subjective one since there is no technique for objective measurements. The dosage, intervals of administration and conditions for the trials should be identical to the labeled recommendations.

b. *Selection of patients.* Selection of patients for treatment should be based on the diagnosis of rhinitis with rhinorrhea. Patients with chronic allergic or vasomotor rhinitis may present more stable symptoms but in most patients rhinorrhea is a variable and inconstant symptom. Because of this, a large number of suitable patients, e.g., approximately 50 subjects depending upon the protocol, must be used and assigned in a random fashion to placebo or drug groups. Further, these groups should be matched by age and sex, and if possible, by severity of symptom. It is also highly desirable to control conditions of temperature and humidity.

c. *Methods of study.* There is nothing in the literature concerning techniques for testing rhinorrhea and it is possible that a subjective method could be developed. It might be possible to semi-quantitate the degree of rhinorrhea by weighing tissues or handkerchiefs; the wet weight minus the dry weight would be a rough index of the amount of secretions per unit of time. The subjects should be evaluated on the basis of the severity of the rhinorrhea and the subject's appraisal of his discomfort. Numerical values should be assigned indicating increasing severity. A double-blind technique is used for patients with acute rhinitis and in chronic rhinitis with rhinorrhea a double-blind crossover design. Observation should be carried out for 3 to 5 days to determine the extent of possible side effects.

d. *Interpretation of data.* The data should be subjected to statistical analysis and a p value of 0.05 or less would be acceptable as evidence of drug action.

Evidence of drug effectiveness is required from a minimum of three positive studies based on the results of three different investigators or laboratories.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

e. *Evaluation of safety.* Tests of safety should involve the usual tests for toxicity relevant to the known possible adverse effects of the drugs under testing. Tests should be done in the form of dose-response curves up to maximum therapeutic effectiveness.

VII. ANTIHISTAMINES

A. GENERAL DISCUSSION

1. *Development.* The antihistamines were developed in France from a series of compounds with pronounced antihistaminic activity in the laboratory but which were too toxic for clinical use. One of these antihistaminic drugs, Antergan, was used for the first time clinically in 1942 in France. This was promptly followed by pyrilamine maleate. There then followed in 1946 the appearance in the United States of diphenhydramine and tripelennamine (Ref. 1). Many active antihistamine drugs appeared soon thereafter and the total number currently marketed is probably now close to fifty.

REFERENCE

(1) Loew, E. R., "Pharmacology of Antihistamine Compounds," *Physiological Reviews*, 27:542–573, 1947.

2. *Mechanism of action.* The antihistamines are useful primarily for the symptomatic relief of certain allergic disorders (Refs. 2 through 5). They suppress symptoms presumably caused by the release of histamine and possibly other chemical mediators from mast cells in mucous membranes (Refs. 1, 2, 5, and 6). Histamine attaches to specific receptor sites at the surface of cells in the nose, eyes, lungs, and skin and causes characteristic "allergic" symptoms. The antihistamines appear to act by competing with histamine for the receptor sites. If the antihistamine reaches the receptor site first, histamine is blocked from initiating a response. In this manner, antihistamines effectively block most smooth muscle responses to histamine.

The antihistaminic drugs are well tolerated by laboratory animals and produce recognizable effects on blood pressure, heart rate or respiration when given in large oral doses. These effects are more pronounced if the drugs are given intravenously (Refs. 2 and 5).

In man, the involvement of renal (kidney), hepatic (liver), hematologic (blood) or other major body systems in adverse reactions appears to be remarkably uncommon (Refs. 5 and 7).

In the skin of man, antihistamines inhibit the wheal, flare and itch reaction that occurs within a few minutes after the injection of histamine intracutaneously (into the skin). The antihistaminic drugs also inhibit similar reactions mediated by antibodies belonging to the IgE class of immunoglobulins (antibodies), but to a somewhat lesser degree. The Panel has previously discussed the role of antibodies in allergy earlier in this document. (See part II. paragraph B.1. above—Allergy.) Examples of reactions mediated by antibodies of the IgE class are those produced by skin testing with pollen extracts in which histamine release is involved. In addition to histamine, there are other chemical mediators released in IgE mediated reactions, and the antihistaminic drugs antagonize these much less effectively if at all. It is probably for this reason that these drugs are more active in protecting against the effects of injected histamine than in protecting against anaphylaxis in animals or allergic symptoms in man.

REFFRENCES

(1) Loew, E. R., "Pharmacology of Antihistamine Compounds," *Physiological Reviews*, 27:542–573, 1947.

(2) Douglas, W. W., "Histamine and Antihistamines; 5-Hydroxytryptamine and Antagonists," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, pp. 635–642, 1970.

(3) "AMA Drug Evaluations," 2d Ed., Publishing Sciences Group, Incorporated, Action, Massachusetts, pp. 491–492, 1973.

(4) "Antihistamine Drugs," *in* "American Hospital Formulary Service," The American Society of Hospital Pharmacists, Washington, D.C., 4:00, 1975.

(5) Beckman, H., "Pharmacology; The Nature, Action and Use of Drugs," 2d Ed., The W. B. Saunders Co., Philadelphia, 1961.

(6) Roth, F. E. and I. I. A. Tabachnick, "Histamine and Antihistamines," *in* "Drill's Pharmacology in Medicine," 4th Ed., Edited by Dipalma, McGraw Hill Co., New York, pp. 995–1020, 1971.

(7) Wyngaarden, J. B. and M. H. Seevers, "The Toxic Effects of Antihistamine Drugs," *Journal of the American Medical Association*, 145:277–282, 1951.

3. *Preclinical studies.* As a group the antihistamines have the capacity to decrease or suppress effects produced by histamine in animals (Refs. 1 through 4). Animal "models" are therefore useful in determining drugs which will have antihistamine activity. An animal commonly used is the guinea pig. Guinea pigs can be protected by an antihistaminic drug from the often fatal narrowing of the air passages in the lung (bronchoconstriction) produced by histamine which causes death by asphyxia. Likewise, contraction of isolated tissues

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of the guinea pig intestine (ileum) and of the airways of the trachea and bronchus produced by histamine is prevented by antihistamines in in vitro studies. These effects are most easily demonstrated in the guinea pig because of the animal's intense sensitivity to histamine but the antihistaminic drugs also act in a similar manner in some other laboratory animals and in man (Refs. 1 through 3).

The antihistaminic drugs are somewhat protective in experimental allergic reactions (anaphylaxis) but their action here is not so intense as their action against histamine. Apparently in man, some allergic reactions (hay fever and hives) are caused entirely or in large part by histamine release whereas other reactions, for example asthma, are not. The capacity to block the symptom-producing effects of histamine presumably explains why antihistamines are effective in relieving the symptoms of hay fever and hives (consisting of rashes associated with itching wheals) in which release of histamine apprears to be the main cause of the symptoms (Refs. 2 and 3).

In concentrations that are effective against the spasmogenic activity of histamine, antihistamines have little or no capacity to counter the spasmogenic activity of other drugs such as acetylcholine, nicotine or barium.

Gastric ulcers with perforation have occurred in guinea pigs receiving both histamine and antihistamine under highly artificial conditions (Ref. 3). The experiment depends on the fact that antihistamine drugs can protect against histamine-induced bronchospasm and asphyxia although the antihistaminic drugs do not prevent another action of histamine which is to stimulate the production of acid within the stomach. Under the conditions of the experiment, increased acid production is induced in the guinea pig by giving large doses of histamine. The antihistamine protects the guinea pig from bronchospasm and fatal asphyxia which the histamine would otherwise cause. The Panel finds, therefore, that the antihistaminic drugs play no ulcer-producing role in this type of experiment and there are no other data which would implicate the antihistaminic drugs in promoting acid production in the stomach or ulcer.

In view of the chemical heterogeneity of the antihistamines, there is a surprising unanimity among the statements of critical investigators and authorities in describing their antihistaminic actions. The antihistamines under consideration are described as being intense antagonists of histamine, are of low acute (Ref. 1) and chronic (Ref. 2) toxicity and most are effective in suppressing the symptoms of allergic rhinitis (Refs. 1, 2, 3, 5, and 6). It is because these attributes are shared by most or all of the antihistamine drugs that individual drugs are not often singled out for special attention in the texts reviewed.

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(4) Loew, E. R., "Pharmacology of Antihistamine Compounds," *Physiological Reviews*, 27:542–573, 1947.

(5) "AMA Drug Evaluations," 2d Ed., Publishing Sciences Group, Incorporated, Acton, Massachusetts, pp. 491–492, 1973.

(6) "Antihistamine Drugs," *in* "American Hospital Formulary Service," The American Society of Hospital Pharmacists, Washington, D.C., 4:00, 1975.

4. *Common side effects.* Among the antihistamines, there are minor differences in the nature and frequency of side effects and toxicity which are related to chemical class (Refs. 1 through 3). With the exception of phenindamine, all the antihistamines considered by the Panel cause central nervous system depression, often recognized as drowsiness (sedation). Drowsiness is most marked among the antihistamines from the chemical class known as the ethanolamines, e.g., diphenhydramine, doxylamine and phenyltoloxamine, and least marked among the alkylamines, e.g., chlorpheniramine, brompheniramine and pheniramine. The ethylenediamines, e.g., methapyrilene, pyrilamine maleate, thenyldiamine and thonzylamine, are intermediate in this respect.

There is a wide range of susceptibility to actions of the antihistaminic drugs especially as regards the central nervous system. The chief danger from overdosage of antihistamines is central nervous system depression. The ethanolamines, (e.g., diphenhydramine and doxylamine) and the ethylenediamines, (e.g., methapyrilene) are also used as mild sleep inducers, and the ethanolamines, (e.g., diphenhydramine and dimenhydrinate) and the ethylenediamines, (e.g., methazine) as antiemetics for the treatment of the symptoms of motion sickness. Some are useful in treating paralysis agitans and petit mal seizures. No exact explanation for these actions is available.

Stimulation of the central nervous system has been observed in patients with focal cortical lesions in whom small doses of antihistamines may cause electroencephalographic activity and even frank seizures (Ref. 4). However, the precise basis for this stimulation is not fully understood. Excessive doses in any patient may cause restlessness, excitation, delirium, tremors, and even convulsions (Refs. 1 through 3). Phenindamine causes stimulation rather than depression as a common side effect and is unique in this respect among the antihistamines under consideration. The Panel has discussed this side effect observed with phenindamine later in this document. (See part VII. paragraph B.1.f. below—Phenindamine tartrate.)

Dryness of the mouth is also a common side effect of the antihistaminic drugs. Other side effects which are not as common as drowsiness have been reported in scientific texts but are poorly documented and often cannot be definitely ascribed to antihistamines. These include gastrointestinal effects such as anorexia (appetite loss), nausea, vomiting, epigastric distress, constipation or diarrhea (Ref. 1).

Also reported are cardiovascular symptoms which may include palpitations, hypotension, headache or tightness of the chest (Ref. 1). In the genitourinary system, an effect on the frequency of urination and/or dysuria may be encountered (Ref. 1). Cutaneous side effects such as urticarial, eczematous, bullous, or petechial rashes and photosensitivity may occur (Ref. 5). Hematologic complications that have been reported have included rare occurrences of pancytopenia, thrombocytopenia, hemolytic anemia and agranulocytosis (Ref. 5).

The Panel concludes that serious side effects produced by the antihistaminic drugs in the dosages recommended for OTC use are rare and the more common side effects are rarely serious.

REFERENCES

(1) Douglas, W. W., "Histamine and Antihistamine; 5-Hydroxytryptamine and Antagonists," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, pp. 635–642, 1970.

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(4) King, G. and S. D. Weeks, "Pyribenzamine Activation of the Encephalogram, EEG," *Clinical Neurophysiology*, 18:503, 1965.

(5) "AMA Drug Evaluations," 2d Ed., Publishing Sciences Group, Incorporated, Acton, Massachusetts, pp. 491–492, 1973.

5. *Reduction of nasal secretions.* A common but variable action of the antihistaminic drugs is their anticholinergic effect of reducing nasal secretions. Some patients describe this as a disagreeable drying effect. In the recommended dosage, the drying effect of most antihistamines is less intense than that of atropine. This action appears to be entirely palliative and does not alter or shorten the course of the illness. The Panel is aware that a controversy exists concerning the use of antihistamines in patients with bronchial asthma where a "drying action" is undesirable. Many physicians consider this effect to be disadvantageous in patients with bronchial asthma and some maintain that the antihistaminic drugs are contraindicated in patients with this disease.

It is the view of the Panel that in the presence of allergic rhinitis and in the "common cold," secretions are often excessive and a "drying" agent may then be appropriate. However, the Panel finds, as do other investigators, that effectiveness of antihistamines widely used in the "common cold" has not been demonstrated in controlled studies (Ref. 1). In addition, the Panel concludes that there is no evidence that release of histamine is either the cause of symptoms in the "common cold" nor is histamine release a significant factor in the "common cold." This will be discussed more fully below. (See part VII. paragraph C.2. below—Principles in the design of an experimental protocol for testing antihistamine drugs in the "common cold.")

REFERENCE

(1) West, S., B. Brandon, P. Stolley and R. Rumrill, "A Review of Antihistamines and the Common Cold," *Pediatrics*, 56:100–107, 1975.

6. *Human toxicity.* Unlike other classes of drugs, the extensive clinical experience with antihistamines has fairly well identified virtually all of the central nervous system manifestations of toxicity. The Panel has extensively reviewed these known toxic symptoms. While many of the more severe symptoms of antihistamines are relatively rare or are due to large doses or accidental overdose, the Panel has included them in the interest of completeness of this review.

Although rare, fatal or near fatal doses cause fixed, dilated pupils; muscular twitching followed by convulsions, sometimes with opisthotonos; coma; circulatory collapse; and respiratory failure. Convulsions may persist for 24 hours, coma for several days. Death rarely occurs later than 24 hours after ingestion unless due to infection associated with agranulocytosis (Ref. 1).

Because of the unique nature and wide use of antihistaminic drugs and because of the lack of extensive well-controlled clinical studies, the Panel has reviewed adverse reaction reporting systems to obtain a better understanding of the safety of antihistamines. Two major sources of data are the adverse reaction files of the Food and Drug Administration and the latest Poison Control Studies of the National Clearinghouse for Poison Control Centers. Since antihistamines have been extensively marketed for nearly 30 years, the Panel believes that a review of adverse reactions reports will serve as an indication of their safety.

It should be emphasized that these information sources are not entirely accurate nor do they necessarily give a valid picture of the incidence or prevalence of particular side effects. However, these reporting mechanisms do highlight the types of adverse reactions that can be expected. Where massive overdoses are ingested, such as in suicide attempts, these reports give a clearer picture of an ingredient's toxicological profile, significant elements of which include morbidity levels, toxic reactions which occur at varying dosage levels as well as dosage levels at which reversibility of an ingredient's toxic effects may occur.

The latest "Poison Control Statistics," published by the National Clearinghouse for Poison Control Centers provides the latest published data now available and covers the period from January to December, 1973 (Ref. 2). This publication presents collective toxicity data on household products and medicines from the Nation's 580 Poison Control Centers. This information reflects the treatment or response to each telephone inquiry to the Poison Control Centers concerning a poisoning or accidental ingestion and usually is not verified for accuracy except for the more obvious incongruities. Although only 1973 statistics were reviewed in detail by the Panel, that particular year is considered representative of all the years for which this type data was compiled.

Unlike the Poison Control Center data the adverse reaction data compiled by the Food and Drug Administration are cumulative and represent the total number of reported cases since the reporting system was implemented in 1968. Adverse reactions are reported to the agency in a variety of ways and at various levels of sophistication. These sources include hospitals, physicians, pharmaceutical manufacturers, consumers, or Food and Drug Administration personnel who often obtained these reports from consumers and physicians. While some of the data are verified for accuracy, they are often incomplete. Data are reported as having one of four causal relationships: directly related, probably related, possibly related and remotely related. For the Panel's purposes, only the adverse reactions which are directly or probably related to drug ingestion are discussed. The Panel recognizes that the statistics generated by the Poison Control Center and the Food and Drug Administration can be misleading and must be carefully used in determining the potential health threat of ingredients to consumers because the extenuating circumstances of each individual case are not represented.

A review of these two sources reveals several variables in the collection and comprehensiveness of the data which must be taken into consideration for a realistic view of the statistics compiled. For example, in the Poison Control Center data, few of the ingestions were of a single chemical entity. Most ingestions were of multi-ingredient products identified by brand name or conversly were ingestion of multiple products. Thus, it is improper to clearly attribute the symptom(s) reported to any one ingredient contained in a product. Further, in some cases no clear delineation of the quantity or number of units of an agent ingested is given. These data were often incomplete and left blank or "unknown" on the document. Of those listing a quantity, several were found to be at normal or subnormal dosage levels with no symptoms exhibited. These cases are included in the Poison Control Statistics as a reported "poisoning" when in fact no "poisoning" occurred. In addition, reported cases of hospitalization allude to symptoms serious enough to require treatment in a hospital, but give no indication whether the patient was seen only at the emergency room or actually admitted for treatment. Many of these same weaknesses and inconsistencies in data collection and assimilation also appear in the compilations from the Food and Drug Administration.

The Panel concludes that summaries of the Poison Control Statistics and the data from the Food and Drug Administration can only be used as an indication of the potential threat posed by OTC products because ingestions of both prescription and OTC products are combined in such statistics.

REFERENCES

(1) Loew, E. R., "Pharmacology of Benadryl and the Specificity of Antihistamine Drugs," *Annals of the New York Academy of Sciences*, 50:1142, 1950.

(2) "Poison Control Statistics, 1973," National Clearinghouse for Poison Control Centers, Bethesda, 1973.

7. *Criteria for classification of antihistamines as Category I.* In evaluating the antihistamines submitted for review, the Panel established the following criteria for classification of an ingredient as safe and effective and not misbranded for use as an antihistamine:

a. *Antihistamine activity.* If an ingredient has been tested in animal models and demonstrated to have antihistamine activity, i.e., in vitro test and in vivo tests (animal challenge with histamine and animal anaphylaxis protection), the findings were used to support a Category I determination.

b. *Animal toxicity.* If an ingredient has been tested in animals and found to have a low order of toxicity, the findings were used to support a Category I determination.

c. *Clinical studies.* If an ingredient has been tested clinically and the studies were determined to be controlled double-blind studies of an adequate design that included an appropriate dosing interval for each age group of patients, the findings were used to support a Category I determination. The Panel has discussed adequate design for clinical testing later in this document. (See part VII. paragraph C. below—Data Required for Evaluation.)

d. *Clinical experience.* If an ingredient has been subjected to uncontrolled clinical trials and has been shown to have sufficiently broad acceptable clinical use, i.e., general use and recognition by the medical community of safety and effectiveness for the treatment of allergic rhinitis, the findings were used to support a Category I determination. The Panel has determined that such clinical use may have been acquired while the ingredient was marketed and available only by prescription but only when used for the treatment of allergic rhinitis similar to that to be encountered with OTC use.

e. *Acceptable side effects.* If an ingredient is shown to have side effects in man for which appropriate labeling can be established, i.e., adequate directions for use and warnings against unsafe use such as "May cause drowsiness", the findings were used to support a Category I determination. In considering the acceptability of these side effects, the Panel questioned whether warnings were sufficient or whether the degree of side effects, and possibility of abuse or misuse under ordinary conditions of use, could be compensated for with adequate labeling. The Panel finds that this is an

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especially important consideration for recommended dosages of ingredients higher than those currently available for OTC use, e.g., chlorpheniramine 4 mg or for ingredients previously not available for OTC use, e.g., diphenhydramine.

The Panel has summarized the findings in the following table:

Active ingredients	Antihistamine activity [1]	Animal toxicity [2]	Clinical studies [3]	Clinical experience [4]	Acceptable side effects [5]
Brompheniramine maleate	+	+	+	+	+
Chlorpheniramine Maleate	+	+	+	+	+
Diphenhydramine hydrochloride	+	+	0	+	++
Doxylamine succinate	+	+	+	+	++
Methapyrilene fumarate and hydrochloride	+	+	0	+	++
Phenindamine tartrate	+	+	0	+	+−
Pheniramine maleate	+	+	0	+	++
Phenyltoloxamine citrate	+	+	0	0	+
Promethazine hydrochloride	+	+	0	+	++
Pyrilamine maleate	+	+	0	+	+
Thenyldiamine hydrochloride	+	+	0	0	0
Thonzylamine hydrochloride	+	+	0	+	+

[1] The (+) symbol indicates that the ingredient showed antihistamine activity in animals.
[2] The (+) symbol indicates that animal studies are available and show low toxicity.
[3] The (+) symbol indicates that controlled double-blind clinical studies of adequate design are available. The (0) symbol indicates that no data are available.
[4] The (+) symbol indicates that adequate clinical experience with the ingredient exists. The (0) symbol indicates that no data are available.
[5] The (+) symbol indicates a positive finding of "drowsiness." The (++) symbol indicates a positive finding of "marked drowsiness." The (+−) symbol indicates a positive finding of either "drowsiness" or "nervousness and insomnia." The (0) symbol indicates that no data are available.

The Panel has determined that if four of the five criteria are satisfied (antihistamine activity, animal toxicity, clinical experience and acceptable side effects), the ingredient may be classified as Category I. The Panel has further determined that the availability of clinical studies is not always required for each ingredient. The Panel has fully discussed these ingredients in the appropriate sections below. (See part VII. paragraph B. below—Categorization of Data.)

8. *Summary.* The antihistamine ingredients as a group are strikingly antihistaminic in animal models. This is their main pharmacologic action and appears to be closely related to their clinical effectiveness. The Panel has found that three of these ingredients, chlorpheniramine, brompheniramine, and doxylamine, have been subjected to controlled clinical studies which support their clinical effectiveness. For most of the remaining ingredients marketed OTC, extensive clinical use over a period exceeding 20 years indicates that these antihistaminic drugs are also effective in treating allergic rhinitis. As a group the antihistamines possess a low order of toxicity which the Panel feels is essential for the use of any ingredient in the OTC market.

B. CATEGORIZATION OF DATA

1. *Category I conditions under which antihistamine ingredients are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Panel has classified the following antihistamine active ingredients as generally recognized as safe and effective and not misbranded:

Brompheniramine maleate
Chlorpheniramine maleate
Diphenhydramine hydrochloride
Doxylamine succinate
Methapyrilene preparations: Methapyrilene fumarate, Methapyrilene hydrochloride
Phenindamine tartrate
Pheniramine maleate
Promethazine hydrochloride
Pyrilamine maleate
Thonzylamine hydrochloride

a. *Brompheniramine maleate.* The Panel concludes that brompheniramine maleate is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Studies in animals indicate that brompheniramine maleate has low toxicity (Ref. 1). The chief side effect of brompheniramine is sedation which occurs in about 20 percent or less of patients taking clinically effective doses (Refs. 2 and 3). Also observed is an atropine-like effect (anticholinergic action), which is not pronounced, but might have an adverse effect in patients with narrow angle glaucoma. The drying effect due to atropine-like action has been considered to be disadvantageous in patients with asthma because drying of secretions interferes with their removal from the airway. However, the Panel is unable to find evidence that these possible adverse effects are of clinical significance (Ref. 4).

Recovery from accidental overdosage with brompheniramine indicates that this drug has a wide margin of safety (Ref. 5). An injection of 100 mg caused only dry mouth 8 hours later in a hospitalized patient (Ref. 5). Observations in children indicate a relatively low degree of toxicity for brompheniramine (Ref. 2).

A 6-year-old boy tolerated 8 mg/lb/24 hours orally. A 2-year-old boy received a single oral dose of 60 mg without side effects and a 4-year-old boy received 96 mg in a single dose and subsequently had mild drowsiness. A 2½-year-old boy ingested an estimated twenty-five 12 mg tablets in whom hyperactivity and convulsions occurred followed by gastric lavage 2½ hours later with final recovery (Refs. 1 and 6).

The Panel is aware of a reported case of agranulocytosis following therapy with two antihistaminic drugs, thenalidine tartrate and parabromdylamine maleate (Ref. 7). The incident occurred during 1958 in which a 64-year-old female had taken both drugs. The drug manufacturer of thenalidine tartrate discontinued marketing the ingredient within months of its reported association in the medical literature with agranulocytosis. The other drug, parabromdylamine maleate, is also known as brompheniramine maleate. The patient had taken 4 mg brompheniramine maleate orally 4 times daily concurrently with an antibiotic ointment for the treatment of a pruritic rash. The patient received a total dose of 568 mg brompheniramine maleate over a period of approximately 60 days. The symptoms persisted and the drug was discontinued at which time 25 mg thenalidine tartrate was given orally 4 times daily for an additional period of approximately 60 days for a total dose of 1,850 mg thenalidine maleate prior to hospitalization. The author reporting the case noted that previous investigators had reported three cases of agranulocytosis associated with thenalidine tartrate therapy (Ref. 8). The Panel concludes that the data do not adequately substantiate that brompheniramine maleate was the causative factor in producing the blood dyscrasia. The drug has been extensively marketed and available by prescription for over 15 years with no documented cases of agranulocytosis occurring.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 600 million dosage units of brompheniramine maleate were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 568 reported cases of suspected poisonings for brompheniramine maleate, 17.1 percent exhibited some symptoms and 5.5 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There was one fatality reported with the drug identified as a contributing cause of death but it was not possible to determine whether the ingestion was accidental or suicidal.

The Panel's review of the data supplied by the Food and Drug Administration showed a total of 47 adverse reaction reports on three marketed products containing brompheniramine since 1968 (Ref. 9). Of the 47, no adverse reactions were listed as being definitely related to ingestion of brompheniramine, 43 were listed as probably caused by ingestion of the drug and 4 were listed as possibly related to its ingestion.

The only other serious adverse reaction, aplastic anemia, was listed as possibly related to brompheniramine ingestion. A review of the source document disclosed few details of the case except that several other drugs were also ingested. The Panel was unable to conclude from the sketchy data whether there was any relationship between ingestion of brompheniramine and the aplastic anemia.

It should be noted that while brompheniramine is currently available only by prescription, the dosage levels are comparable to those that would be available in OTC use. Therefore, the safety considerations presented to the Panel for prescription marketing have given a reasonably accurate picture of what to expect from OTC use of this ingredient.

The Panel concludes that brompheniramine maleate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* Studies in animals have shown brompheniramine to have intense antihistaminic activity and to protect against anaphylaxis (Refs. 1 and 6). In addition to its demonstrated effectiveness as an antihistamine and protection against anaphylaxis in animals, brompheniramine has been shown in double-blind studies in humans to be effective in suppressing the symptoms of allergic rhinitis in doses of 4 mg or more given at 4 to 6 hour intervals (Refs. 10 through 12).

Available evidence indicates that brompheniramine has about the same effectiveness on a mg for mg basis as chlorpheniramine (Ref. 13).

In studies of the treatment of perennial rhinitis, efficacy was reported in 23 children ages 2 months to 2 years at a dosage of 0.2 mg to 0.5 mg/lb in 24 hours divided into 3 doses (Ref. 2). Likewise, 0.2 mg/lb in 24 hours was reported as effective in 28 children ages 2 to 6 years and 0.15 mg/lb in 24 hours in 16 children ages 6 to 14 years. Most of these patients had received other antihistamines without benefit. In addition to treatment with brompheniramine, all had been instructed in environmental control measures and many were receiving injections of allergenic extracts. The contribution made by these measures to the reported benefit cannot be assessed. There were no controlled groups although the statement is made that the patients were selected by "alternate allocation," the meaning of which is unclear. The statement that over three-fourths of the patients had failed to obtain benefit from "various other antihistaminic agents" is surprising in the light of what is known today about the efficacy of the antihistaminic drugs in rhinitis. Therefore, the Panel concludes that evidence of effectiveness for children is insufficient.

The Panel concludes that brompheniramine maleate 4 mg is the minimum effective OTC dosage for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 4 mg every 4 to 6 hours not to exceed 24 mg in 24 hours. Children 6 to under 12 years oral dosage is 2 mg every 4 to 6 hours not to exceed 12 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. below—Catagory I Labeling.) In addition, the Panel recommends the following specific labeling: *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 1 mg every 4 to 6 hours not to exceed 6 mg in 24 hours.

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(2) McGovern, J. P., T. R. McElhenney, T. R. Hall and K. D. Burdon, "Evaluation of Effectiveness, Dosage and Toxicity of 'Para-Bromdylamine Maleate' in Allergic Rhinnitis of Infants and Children. A Clinical Study in 200 Cases," *Annals of Allergy*, 17:915–922, 1959.
(3) Thomas, J. W. "Parabromdylamine Maleate (Dimetane). A Clinical Evaluation: Report of 140 Cases," *Annals of Allergy*, 16:128–134, 1958.
(4) Bierman, C. W. et al., "The Pharmacological Assessment of Single Drugs and Drug Combinations in Exercise-Induced Asthma," (abstract), *Journal of Allergy and Clinical Immunology*, 51:88, 1973.
(5) Thomas, J. W., "The Treatment of Major Allergic Manifestations with Dimetane Injectable," *Annals of Allergy* 17:25–33, 1959.
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(13) The Pharmacological Basis of Therapeutics, 3d Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, 1968.

b. *Chlorpheniramine maleate.* The Panel concludes that chlorpheniramine maleate is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* The chief side effect of chlorpheniramine is sedation which occurs in about 10 to 20 percent of persons taking clinically effective doses. The drug also has a mild atropine-like effect (anticholinergic action) in some patients. This effect might have an adverse effect in patients with narrow angle glaucoma. Likewise, a drying effect has been considered to be a disadvantage in patients with asthma because drying of secretions interferes with their removal from the airways. Data supporting these potentially adverse effects in glaucoma and asthma are not available. Overdosage with chlorpheniramine has been relatively well tolerated. Adults receiving 1.5 gm orally in 69 hours and 200 mg in a single intramuscular dose recovered from the induced side effects without incident (Ref. 1) as did a 4-year-old boy who received 175 mg orally in 3½ hours (Ref. 2).

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 2 billion dosage units of chlorpheniramine maleate were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 1,609 reported suspected poisonings for chlorpheniramine maleate 15.8 percent exhibited some symptoms and 5.3 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel's review of the data supplied by the Food and Drug Administration disclosed a total of 14 adverse reaction reports on chlorpheniramine since 1968 (Ref. 3). Of the 14 reports, no adverse reactions were listed as being definitely related to ingestion of chlorpheniramine, three were listed as probably caused by this drug's ingestion, five were listed as possibly related to its ingestion and six were listed as remotely related to ingestion of this drug.

It should be noted that chlorpheniramine is available by prescription at the 4 mg dosage level and OTC at the 2 mg dosage level. However, the safety picture presented by the prescription dosage level has given the Panel a reasonably accurate idea of what to expect from OTC marketing of the 4 mg dosage level.

The Panel concludes that chlorpheniramine maleate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* Chlorpheniramine has been demonstrated to be effective in animal challenge tests with histamine in anaphylaxis protection (Ref. 4). In addition, its effectiveness in doses of 4 to 8 mg 4 times daily in the treatment of allergic rhinitis is described in a number of articles and uncontrolled studies and is supported by controlled studies (Refs. 5 through 8).

In a double-blind controlled study of the effectiveness of doxylamine succinate, chlorpheniramine was included as a standard of effectiveness. In this study 7.5 mg and 12.5 mg doxylamine were compared with chlorpheniramine 4 mg and a placebo, all given 4 times daily. Each group contained approximately 40 patients and the study extended for 1½ days. Chlorpheniramine and both dosages of doxylamine gave relief of pollen-induced symptoms of allergic rhinitis as compared with the placebo. The effectiveness of chlorpheniramine 4 mg was not significantly different from 7.5 or 12.5 mg doxylamine. In this study measurements of resistance to nasal air flow were made and failed to show any effect of the antihistamine preparations as compared with the placebo (Ref. 9). Other studies corroborate this finding. Using measurements of resistance to airflow in the nose, a well-controlled study

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to determine the effect of chlorpheniramine given in an oral dose of 4 mg on relief of nasal obstruction gave no objective evidence of any effect over a period of 4 hours (Ref. 10). There was a significant decrease in resistance to flow when pseudoephedrine was given in a dose of 30 mg, indicating that the method was capable of revealing therapeutic effect. Likewise, a study submitted in an OTC Volume showed increased nasal obstruction in patients with nonallergic acute rhinitis after 8 mg chlorpheniramine in sustained action form (Ref. 11). Both of these studies were done in patients without evidence of allergy. These studies indicate that chlorpheniramine does not relieve and indeed, may aggravate nasal obstruction.

Only one study (Ref. 5) appears to have been done using a 2 mg dose, which is commonly used in OTC preparations, demonstrating effectiveness. The Panel concludes that chlorpheniramine maleate has not been shown to be effective for adults at a dose less than 4 mg.

The Panel concludes that chlorpheniramine maleate 4 mg is the minimum effective OTC dosage for adults for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 4 mg every 4 to 6 hours not to exceed 24 mg in 24 hours. Children 6 to under 12 years oral dosage is 2 mg every 4 to 6 hours not to exceed 12 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. below—Category I Labeling.) In addition the Panel recommends the following specific labeling: *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 1 mg every 4 to 6 hours not to exceed 6 mg in 24 hours.

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c. *Diphenhydramine hydrochloride.* The Panel concludes that diphenhydramine hydrochloride is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Diphenhydramine has a low order of toxicity in laboratory animals (Ref. 1). Its first clinical use was in 1946. Since then it has been used widely for treatment of such common conditions as allergic rhinitis, sundry rashes, the "common cold", and has also been used as a sedative. With the exception of sedation, adverse effects have been rare and the drug is considered safe. The Panel has also reviewed the side effects and toxicity of diphenhydramine when used as an antitussive and finds it to be safe when used at the same dosage level and regimen. That safety discussion is included elsewhere in this document. See part III. paragraph B.1.c. above—Diphenhydramine hydrochloride.)

In a double-blind study in 20 males (Ref. 2) there was no evidence of interference with tests for memory, rotary pursuit, or reaction time at a dose of 12.5 mg or 25 mg. These doses are below that recommended for adults on the treatment of allergic rhinitis. Clinical experience indicates that about 50 percent of persons have drowsiness as a side effect when 50 mg is given (Refs. 3 and 4). In some individuals, this occurs to a degree which would probably impair competence in driving a car or operating machinery. An atropine-like effect is also frequently described by patients as a drying sensation of the mouth and nose.

Many toxicologic studies have been carried out on diphenhydramine hydrochloride. Unpublished animal studies performed with mice demonstrated the LD_{50} to be 145 mg/kg and 263.0 mg/kg (Refs. 5 through 7). In rats, the LD_{50} was found to be 520 mg/kg and 549.5 mg/kg. The results of these studies are very similar when different animal strains, times when the studies were run, and variations inherent under different laboratory conditions are considered (Ref. 5). Diphenhydramine hydrochloride was demonstrated to have low toxicity in all three studies. Based upon these studies the usual adult human oral dosage level of 50 mg or 0.7 mg/kg 3 to 4 times daily is $\frac{1}{300}$th of the oral LD_{50} of diphenhydramine hydrochloride in mice (the LD_{50} is equivalent to at least 200 times the therapeutic dose in man) and $\frac{1}{700}$th the LD_{50} in rats (the LD_{50} is equivalent to at least 700 times the therapeutic dose in man) (Ref. 5).

In chronic toxicity studies dogs were given diphenhydramine hydrochloride at dosage levels of 10, 25, 40 and 60 mg/kg/day for periods up to 6 months. There were no gross microscopic pathologic changes attributable to diphenhydramine hydrochloride (Ref. 5).

Toxic psychoses from overdoses of diphenhydramine have occurred. A case of schizophrenic-like behavior was described by Nigro (Ref. 8). Possibly the earliest suicide was that reported by Duerfeldt in 1947 (Ref. 9).

Wyngaarden and Seevers also found that very high doses of diphenhydramine in infants may cause excitement and convulsions. They reviewed three cases in children under 3 years of age ($2\frac{1}{2}$, $1\frac{2}{3}$, and $1\frac{1}{2}$ years of age) who had taken 850 mg, 800 mg and 150 to 250 mg of diphenhydramine respectively with all doses resulting in convulsions (Ref. 10). In another case, a 32-month-old baby swallowed 9 capsules (450 mg) of diphenhydramine, after which a state of excitation was observed. Phenobarbital was prescribed, and the next day, the baby was normal (Ref. 10).

They also reviewed a group of adults ranging from 18 to 72 years, who sustained nonfatal convulsions, excitation, toxic psychosis, coma, petit mal, or somnolence (Ref. 10).

One case involved a 72-year-old asthmatic man, weighing 145 pounds who ingested 2,500 mg (50 capsules) of diphenhydramine hydrochloride. He fell into a deep sleep. Approximately 16 hours later, he awoke, feeling well. He had received no medication for this somnolence. In other cases dealing with adult fatalities, Wyngaarden and Seevers found that the ability to withstand large overdoses appears to increase with age, and the older the patient, the more the toxic manifestation shifts from that of central nervous system stimulation to that of depression. But it was also seen that a 47-year-old severely asthmatic woman died in depression after ingesting only 200 mg of diphenhydramine hydrochloride. However, the death cannot be unequivocally attributed to diphenhydramine since the shock-like state observed could well have been a complication of the disease itself and could easily have been influenced by other depressant medicaments that were given (Ref. 9).

The Panel considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 187.4 million dosage units of diphenhydramine hydrochloride were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 334 reported suspected poisonings for diphenhydramine hydrochloride, 37.4 percent exhibited some symptoms and 16.5 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were two fatalities reported with the drug identified as a contributing cause of death.

The Panel's review of the data supplied by the Food and Drug Administration disclosed a total of 178 adverse reaction reports on diphenhydramine since 1968 (Ref. 11). Of those 178 reports, nine were listed as definitely related to diphenhydramine ingestion, 95 were listed as probably caused by the drug's ingestion, 58 were listed as possibly related to its ingestion and 16 were listed as remotely related to diphenhydramine ingestion.

A 69-year-old female who had a history of serious medical problems and drug ingestion was diagnosed to have agranulocytosis. Three days after termination of pentazocine lactate by injection and 1 day after termination of diphenhydramine therapy, her white blood cell count progressively climbed to normal values (Ref. 11).

The Panel is aware that recently there was some concern expressed about the potential for misuse and abuse of diphenhydramine. This concern was contained in the statement of the Commissioner of Food and Drugs, which was included in the preamble to the report of the OTC Advisory Panel on Sedatives, Tranquilizers and Sleep Aid Drug Products and published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292). This Panel will not attempt to comment on the findings of the other Panel or on the societal impact or abuse potential of diphenhydramine when used as an OTC nighttime sleep-aid. However, after a review of all the available data, the Panel concluded that diphenhydramine, as well as the other antihistamines reviewed, have a very low abuse potential and that there is little if any evidence of tolerance or habituation. However, the Panel does recognize that doses of diphenhydramine higher than those recommended for OTC use are likely to result in some side effects but that these side effects are sufficient to discourage abuse or misuse. In addition, the two pharmacologic groups for which this Panel is recommending diphenhydramine for OTC use, i.e., as an antitussive and as an antihistamine, are not recognized as being abusable by the drug abusing subculture. It should also be noted that diphenhydramine is available without a prescription for use as an antihistamine in Canada, the United Kingdom, and many other industrialized countries of the world. The Panel was unable to determine that significant abuse of this ingredient was a problem in any of these countries.

The Panel notes that the dosage levels of diphenhydramine currently available by prescription are comparable to those that would be available for OTC use. Therefore, the safety considerations presented to the Panel for prescription marketing have given a reasonably accurate picture of what to expect from OTC use of this ingredient.

The Panel concludes that diphenhydramine hydrochloride is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* In animal tests, diphenhydramine has an intense antihistamine action both in vitro (Refs. 1 and 12) and in vivo (Refs. 1 and 13). The drug gives protection to guinea pigs against anaphylactic shock (Ref. 13).

Diphenhydramine is also effective for the symptomatic treatment of allergic rhinitis. Although no studies with a double-blind control were found, the Panel's opinion concerning effectiveness in the treatment of allergic rhinitis rests on wide usage over a period of 30 years.

A number of uncontrolled clinical studies indicate that the drug is effective in relieving the symptoms of allergic rhinitis (Refs. 14 through 16) and one study also describes reduction of whealing in the skin induced by intracutaneous injection of both histamine and allergic extracts in patients with hay fever (Ref. 17). The Panel has also found the drug to be effective for use as an antitussive, which is discussed elsewhere in this document. (See part III. paragraph B.1.c. above—Diphenhydramine hydrochloride.)

The Panel concludes that diphenhydramine hydrochloride 25 to 50 mg is an effective OTC dosage range for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 25 to 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 to 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistaminic active ingredients. (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "May cause marked drowsiness."

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 6.25 to 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours.

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d. *Doxylamine Succinate.* The Panel concludes that doxylamine succinate is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Doxylamine has a low oral toxicity in laboratory animals (LD_{50}: mice 470 mg/kg; rabbits 250 mg/kg) at doses which greatly exceed those required to demonstrate antihistaminic effects (Ref. 1). Brown and Werner found the intravenous LD_{50} to be 49 and 62 mg/kg for rabbits and mice, respectively (Ref. 1). The subcutaneous dose in mice was about 87 percent less toxic than when given intravenously. The oral dose was about 80 percent less toxic than when given in rabbits. The administration of doses of doxylamine succinate as high as 45 mg/kg twice daily for a period of 38 days had no significant effect in rats. Repeated administration of increasing doses from 50 to 150 mg/kg also had no gross effects. However, an increase to 200 mg/kg resulted in a decreased rate of growth in some animals, and an increase up to 400 mg/kg caused lack of appetite and death in one case. Thus, repeated doses resulted in toxicity only when the doses approached acutely lethal ones (Ref. 1). Daily administration of doxylamine to dogs, rats and monkeys in doses of 3 to 7.5 mg/kg for 2 months gave no evidence of accumulation and the drug was well tolerated (Ref. 2).

Clinical experience indicates that the primary side effect in humans is central nervous system depression. Standard scientific tests state that there is a high incidence of sedation at the usual therapeutic dosage of 12.5 to 25 mg up to 4 times daily (Refs. 3 through 7). In one double-blind, placebo controlled study, the hypnotic effectiveness of doxylamine, 25 to 50 mg, was greater than that of 100 mg secobarbital (Ref. 8). Dizziness and nervousness occur less frequently than sedation (Ref. 3).

One study reports that of 118 patients being treated for allergy with doses of

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12.5 to 50 mg of doxylamine succinate, side effects were observed in 39 (Ref. 9). Sedation or sleepiness was seen in 36 of these 39 patients or 92 percent. Nervousness was noted in four patients, and vertigo in four others. No serious toxic effects were noted after use of the drug for 6 months. Sheldon et al. (Ref. 10) gave allergic patients 12.5 to 50 mg of doxylamine succinate and found that 57 percent complained of drowsiness. However, there was no apparent correlation, they stated, between the dosage of the drug and drowsiness. Palpitation, irritability, and diarrhea were noted in three patients. There was no evidence of any hepatic, renal or vascular changes. In the study by Ferguson there was no change in pulse, respiration, temperature or blood pressure with high doses of up to 1,600 mg of doxylamine succinate daily by mouth for up to 6 months (Ref. 11). Blood chemistry and organ function tests remained normal. In addition, Ferguson found that there has been no habituation to doxylamine, but he noted a mild degree of tolerance (Ref. 11).

Selzer and Waldman gave chronic psychotic patients doses of doxylamine (unspecified salt) up to 900 mg/day for 3 months in which side effects were virtually nonexistent (Ref. 12).

In a review of antihistaminic drugs, it is reported that 36 percent of 56 patients receiving the drug for treatment of allergic rhinitis had side effects, chiefly drowsiness (Ref. 13).

It appears from some studies that 50 mg and above of doxylamine succinate produces the side effect of sedation which is characteristic of antihistamines (Refs. 9 and 13). However, as stated above, Ferguson (Ref. 11) and Selzer and Waldman (Ref. 12) gave doses up to 900 mg daily in three divided doses with little evidence of drowsiness in the schizophrenic patients. Such apparently contradictory results have not yet been explained.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 60 million dosage units of doxylamine succinate were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 100 suspected poisonings reported for doxylamine succinate, 32 percent exhibited some symptoms and 5 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel has reviewed and concurs with the statement in the report of the Advisory Review Panel on OTC Sedatives, Tranquilizers and Sleep-Aid Drug Products published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292) "that no literature was found by the Panel concerning poisoning or doses which cause death in humans."

The Panel's review of the data supplied by the Food and Drug Administration disclosed a total of 10 adverse reaction reports on doxylamine succinate since 1968 (Ref. 14). Of the 10 reports none was listed as directly related to ingestion of doxylamine succinate, five were listed as probably caused by this drug's ingestion, three were listed as possibly related to its ingestion and two were listed as remotely related to ingestion of doxylamine succinate.

The Panel concludes that doxylamine succinate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* Doxylamine is highly active in the protection of guinea pigs against the intravenous injection of histamine (Ref. 1). Using ileum strips in vitro, marked antihistaminic action was also demonstrated. The drug was also effective in protecting guinea pigs against anaphylaxis (Ref. 1).

Clinical experience and standard scientific textbooks indicate that doxylamine is an effective antihistamine in dosages of 12.5 to 25 mg up to 4 times daily (Refs. 3, 7, and 15).

Two double-blind clinical trials have demonstrated the effectiveness of doxylamine in a dosage of 12.5 and 25 mg up to 4 times daily in the treatment of hay fever (Refs. 15 and 16). In these studies, subjective evaluations by patients and physicians were logged and analyzed.

In a third well-designed study, doxylamine was given in a dose of 7.5 mg to one group and in a dose of 12.5 mg to a second group and a placebo to a third group, all with allergic rhinitis caused by pollen. The preparations were administered 4 times a day as required for 6 days with double-blind control. There were 40 to 45 patients in each group. Both the 7.5 mg and 12.5 mg dosages gave significant relief of symptoms as compared with the placebo, with the effectiveness of 12.5 mg exceeding that of 7.5 mg (Ref. 17). The incidence of drowsiness in both the 7.5 mg and 12.5 mg groups was not different from placebo.

In a fourth well-designed study with double-blind control, 7.5 and 12.5 mg doxylamine were compared with chlorpheniramine 4 mg and a placebo, all given 4 times daily. Each group contained approximately 40 patients and the study extended for 1½ days. Chlorpheniramine and both dosages of doxylamine gave relief of pollen-induced symptoms of allergic rhinitis as compared with the placebo. The effectiveness of chlorpheniramine 4 mg was not significantly different from either 7.5 or 12.5 mg doxylamine. In this study, measurements of resistance to nasal air flow were made and failed to show any effect of the antihistamine preparations as compared with the placebo (Ref. 17). One study ranked doxylamine 8th in a series of 13 antihistamines tested for antihistamine activity in man (histamine wheal test) (Ref. 18). Doxylamine has also been described as being slightly "less potent" than promethazine but having a longer duration of action (Ref. 5). An effective dosage for children 6 to 12 years of age is 6.25 mg 2 to 4 times daily (Ref. 3) or 2 mg/kg/24 hours of 60 mg/m²/24 hours divided in 4 to 6 doses (Ref. 19).

The Panel concludes that doxylamine succinate 7.5 mg is the minimum effective OTC dosage for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 7.5 to 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 6 to under 12 years oral dosage is 3.75 to 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "May cause marked drowsiness."

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 1.9 to 3.125 mg every 4 to 6 hours not to exceed 18.75 mg in 24 hours.

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e. *Methapyrilene preparations (methapyrilene fumarate, methapyrilene hydrochloride).* The Panel concludes that methapyrilene fumarate and methapyriline hydrochloride are safe and effective for OTC use as antihistamines in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* In animal studies, methapyrilene appears to have a low order of toxicity in laboratory animals as compared with other common antihistaminics (Refs. 1 and 2). From the results of human studies, methapyrilene appears to be safe at the recommended dosage (Ref. 3). Specifically, in the Friedlaender and Friedlaender study (Ref. 4) of 117 patients, one or more side effects, usually mild in nature, were encountered in approximately 25 percent of the patients receiving methapyrilene hydrochloride. These occurred most often when doses of 100 mg were administered but usually abated after the initial treatment and seldom affected the continued use of the drug. In most instances, a reduction in dosage to 50 mg obviated the side effects while not modifying the effectiveness. Drowsiness, the most common side effect, occurred in 13 patients. Vertigo, headache, nausea and vomiting, diarrhea and excessive dryness of mouth were next in order of frequency. No serious toxic effect was observed in any patients in this group receiving a daily dose of 200 to 300 mg (50 mg every 4 to 6 hours) (Ref. 4).

In another study, Peirce and Mothersill studied 77 patients and reported that five patients who had been treated with methapyrilene hydrochloride in daily amounts of 100 to 200 mg showed minor side effects but no toxic symptoms (Ref. 5). Rarely did side effects interfere with the patient's ability to continue the administration of the drug. In some cases, lowering the dosage obviated the side effects without significantly altering the therapeutic effectiveness of the drug. Peirce and Mothersill concluded that, ordinarily, 200 mg could be taken daily with "no discomfort" (Ref. 5).

Douglas stated that methapyrilene hydrochloride has been found to have low to intermediate activity for sedation, and its action is less pronounced than that of other antihistamines in therapeutic doses, particularly diphenhydramine (Ref. 3). Occasionally, the anticholinergic action of antihistamines generally may predominate and methapyrilene may cause excitation that results in insomnia, tremors, nervousness, irritability, and palpitation. Dryness of mouth, blurred vision, urinary retention, tachycardia, and constipation may also occur, but these reactions are rare unless large doses are used (Ref. 3). This same view of the toxicity of methapyrilene also appears in several other standard scientific texts (AMA Drug Evaluation, and New and Nonofficial Drugs) (Refs. 6 and 7). However, AMA Drug Evaluation also states that convulsions have been reported in patients with focal lesions of the cerebral cortex and in individuals who have ingested toxic doses (Refs. 6 and 7).

In a study of three patients receiving 400 mg a day for 8 to 10 weeks, no change in blood or urine constituents was observed (Ref. 4). An accidental overdose of 800 mg methapyrilene in a 20-month-old infant resulted in cyanosis, loss of consciousness, convulsions, and cardiorespiratory depression with eventual recovery (Ref. 8). An unusual case of fever, rigor, vomiting, and general malaise with recovery after 3 days is also described (Ref. 9). The symptoms recurred after challenge with methapyrilene 2 weeks after the initial attack. An 18-year-old man who became stuporous after ingestion of an unknown quantity of methapyrilene recovered (Ref. 10).

Methapyrilene fatalities have included a 16-month-old girl who developed hyperpyrexia, cerebral edema, upper nephron nephrosis and uremia (Ref. 11), an adult suicide who died in convulsions after ingestion of methapyrilene (Ref. 12), and two other adults who were found dead (Refs. 13 and 14). Nonfatal cases include two adults (Ref. 15) manifesting convulsions, and two other adults in coma (Ref. 16).

The panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which 543 million dosage units of methapyrilene were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 168 suspected poisonings reported for methapyrilene fumarate or methapyrilene hydrochloride, 11.9 percent exhibited some symptoms and 5.9 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel's review of the data supplied by the Food and Drug Administration showed a total of one adverse reaction report on methapyrilene since 1968 (Ref. 17).

The Panel concludes that methapyrilene fumerate and methapyrilene hydrochloride are safe for OTC use as antihistamines in the dosage ranges described below.

(2) *Effectiveness.* Tests in animal models have demonstrated methapyrilene's specific antihistamine activity. Methapyrilene prevents histamine-induced contraction of the guinea pig ileum and protects sensitized guinea pigs from anaphylactic shock when challenged with an antigen (Refs. 2 and 18).

No double-blind human studies using methapyrilene alone were found. Uncontrolled studies of methapyrilene reported that 63 to 79 percent of patients suffering from hives or hay fever were relieved following administration of the drug (Refs. 4, 5, 15, 18, and 19). In the Friedlaender study, approximately 75 percent of the 40 patients suffering from acute seasonal hay fever obtained some benefit from methapyrilene fumarate or methapyrilene hydrochloride, although the relief of the symptoms was seldom complete. This study utilized 100 mg doses in adults, administered 4 times daily, after meals and at bedtime (Ref. 20).

The Peirce and Mothersill study found that 75 patients received methapyrilene hydrochloride for periods varying from 1 day to 3 months (Ref. 5). The medication exhibited its greatest effectiveness in acute skin rash due to drug and food allergy, watery eyes and runny nose due to pollen sensitivity, and histamine induced headaches. They found that the effective dosage ranged from 50 to 400 mg daily. The average maintenance dose for all cases was between 150 to 200 mg daily (Ref. 5).

In the Feinberg and Bernstein study of 112 patients with allergic rhinitis (seasonal as well as that due to the pollen of trees, grasses and weeds, and to the spores of molds), 79 patients or 70 percent benefited from methapyrilene hydrochloride. Of 95 patients with vasomotor rhinitis (nonseasonal hay fever) 44 patients or 46 percent received some measure of relief (Ref. 19). The symptoms of asthma were not appreciably altered in 30 patients although the preasthmatic, spasmodic cough was decidedly helped in 6 out of 9 patients. The subjective symptoms of skin rash were helped in 4 of 12 patients. In 13 patients with atopic dermatitis (skin rash), 8 obtained considerable relief from itching. The average dose of methapyrilene hydrochloride in the Feinberg-Bernstein study was 50 mg orally, 1 to 4 times daily (Ref. 19). A controlled study of 236 patients receiving methapyrilene and 203 receiving powdered starch presented no evidence that methapyrilene aborted or ameliorated colds (Ref. 20).

The Panel concludes that methapyrilene fumarate 50 mg and methapyrilene hydrochloride 50 mg are the minimum effective OTC dosages for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 6 to under 12 years oral dosage is 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "May cause marked drowsiness."

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals, but not to the general public may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours.

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1. Phenindamine tartrate. The Panel concludes that phenindamine tartrate is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Acute toxicity studies in guinea pigs indicated an LD_{50} value of 125 mg intraperitoneally which is approximately the same as the intraperitoneal LD_{50} value for diphenhydramine. Daily doses of 100 mg for 5 months or of 200 mg for 6 months were reported to have no adverse effects on the weight, blood formation, blood glucose and non protein nitrogen of dogs. No histopathological changes were found (Refs. 1 and 2).

In 136 healthy subjects ingesting 75 to 600 mg phenindamine daily for 7 to 31 days, toxicity studies revealed no abnormality of hemoglobin, red cell count or white cell count, urinalysis, blood pressure, electrocardiogram, gastric acidity, glucose tolerance, pulse rate, basal metabolic rate or blood chemistry (Ref. 3). In 15 healthy volunteers receiving 50 mg or more daily for 6 months, the blood and urine remained normal (Ref. 4).

In 280 patients receiving 25 to 150 mg daily (adults averaging 75 mg; children 30 mg daily), there were side effects in 27 percent (Ref. 1). In more than 1,000 subjects side effects were frequent but mild and were directly related to dosage. At 75 mg daily, 15 percent of the subjects developed side effects. At 150 mg daily, 25 percent of 380 patients developed side effects. At 300 mg daily, 50 percent of the patients suffered side reactions, and many discontinued the drug. Receiving a dose of 600 mg daily for 7 days, 75 percent of the patients developed side effects (Refs. 3 and 5). Side effects included insomnia, stimulation, nervousness, dryness of mouth, and drowsiness (Refs. 1 through 6).

The Panel recognizes that phenindamine may produce stimulation in some persons and drowsiness in others (Ref. 7). In one study, stimulation is reported to have occurred in 35 percent of patients (Ref. 4). In a review of clinical studies (Ref. 7) comprising 250 patients with allergic rhinitis, it was reported that 3 percent had drowsiness and 12 percent had stimulation. However, data that would establish the frequency of stimulation or drowsiness among those taking the drug in recommended dosages are inadequate and cannot be used for making phenindamine an exception with respect to a warning regarding the occurrence of drowsiness as a side effect.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 14 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 118 reported suspected poisonings for phenidamine tartrate, 21.2 percent exhibited some symptoms and 10.2 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel's review of the data supplied by the Food and Drug Administration disclosed no adverse reaction reports on phenindamine tartrate since 1968 (Ref. 8).

The Panel concludes that phenindamine tartrate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* The Panel concludes on the basis of clinical reports that phenindamine tartrate is effective for OTC use in the treatment of the symptoms of allergic rhinitis (Refs. 2, 3 and 6).

Phenindamine tartrate demonstrated antihistaminic activity in animals. It could protect guinea pigs against lethal doses of histamine. The histamine-induced contraction of guinea pig intestinal strips in vitro was inhibited by phenindamine. The drug also had a protective action in guinea pigs against fatal anaphylactic shock produced by horse serum sensitization (Refs. 1 and 2).

Clinical trials have also shown the effectiveness of phenindamine tartrate as an antihistamine in man. A dose of 200 mg of phenindamine inhibited the wheals and flares produced in ragweed-sensitive patients after they were skin-tested with ragweed or histamine (Ref. 2).

In a subjective, uncontrolled clinical evaluation of phenindamine in 389 patients with allergic conditions such as hay fever, allergic perennial rhinitis, bronchial asthma, atopic dermatitis, contact dermatitis, urticaria and angioneurotic edema, and migraine, a dose of 25 mg every 4 hours was given orally (Ref. 2). Of the 180 patients in the study with hay fever who took the drug during the hay fever season, 44 percent reported complete relief, 32 percent reported moderate relief, 14 percent had slight relief and 10 percent reported no relief. In the 71 patients with allergic perennial rhinitis, 35 percent had complete relief, 39 percent moderate relief, 9 percent slight relief and 17 percent had no relief. The relief from a dose of 25 mg lasted approximately 2 to 5 hours. Of the 389 patients, 23 percent had side reactions such as nervousness, palpitations, nausea, vomiting, insomnia, drowsiness, headache, constipation, etc. No appreciable change was seen in blood pressure or electrocardiogram.

In another report, 78.2 percent of 197 patients with hay fever who were given a daily dose of 25 to 150 mg of phenindamine for an average of 17 days reported fair to excellent relief (Ref. 1). The drug was of benefit to 76.1 percent of the 71 patients with nonseasonal vasomotor rhinitis in this study.

The symptomatic relief of allergic rhinitis by daily doses of 25 to 200 mg of phenindamine was studied in 131 patients. Seventy-five to 100 percent relief was reported by 105 of these patients whose ages ranged from 2 to 70 years. Only 27 of the patients complained of side effects (Ref. 6). In a study of 40 patients with hay fever, a daily dose of 25 to 75 mg gave marked relief to 52.5 percent, moderate relief to 25 percent, slight relief to 15 percent and 7.5 percent had no relief (Ref. 4). Daily doses of 75 to 120 mg phenindamine for 15 to 120 days to 66 hay fever subjects gave complete relief to 18 percent, partial relief to 62 percent and 20 percent were not helped (Ref. 3). Daily doses of 75 to 250 mg to 25 patients with vasomotor rhinitis brought no relief for 44 percent and complete relief for 20 percent. At 75 mg daily, approximately 15 percent of the patients showed side effects.

Experience has also indicated that the duration of effect of one 25 mg dose is 2 to 10 hours averaging 4 to 5 hours. The onset of action is rapid, occurring within 15 minutes of ingestion (Ref. 1). In one study, 86 percent of 66 patients with hay fever received moderate to complete relief receiving a dosage of 75 to 150 mg daily. In a review of the antihistamine drugs (Ref. 7), 76 percent of 912 patients with allergic rhinitis were benefited.

In one study, moderate to marked relief of hay fever occurred in 78 percent of 40 patients taking 50 mg daily (Ref. 4).

Seventy-eight percent of patients with hay fever noted fair to excellent relief (Ref. 1). A placebo failed to provide relief of the symptoms in these patients.

The Panel concludes that phenindamine tartrate 25 mg is the minimum effective OTC dosage for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients (See Part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "*Caution:* May cause nervousness and insomnia in some individuals."

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours.

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(8) OTC Volume 040325.

g. Pheniramine maleate. The Panel concludes that pheniramine maleate is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Pheniramine maleate has been shown in animal experiments to possess a high degree of antihistaminic activity and a low order of toxicity (Refs. 1 and 2). Clinical experience has confirmed that pheniramine maleate is safe in the dosage ranges used as an antihistamine. The chief side effect of pheniramine appears to be sedation. It also appears to have a mild atropine-like effect. Since most of the studies have been done with other drugs combined with pheniramine, the action of this drug alone cannot be described with certainty. In one study in which pheniramine alone was given, drowsiness and dryness of the mouth (atropine-like effect) occurred in 11 percent of the subjects (Ref. 3). In a review of clinical studies with the antihistamine drugs (Ref. 4) 29 percent of 49 patients receiving pheniramine maleate 25 mg for allergic rhinitis had side effects, chiefly drowsiness. Among 184 subjects receiving 10 mg pheniramine 4 times daily in the course of a double-blind study of the "common cold," side effects, chiefly drowsiness, did not significantly exceed the side effects in an equal number of subjects receiving a placebo (Ref. 5). There appear to be no reports of accidental overdose. A single case was described in which acute psychosis occurred following treatment for 2 months with pheniramine 25 mg 3 times daily (Ref. 6). Following withdrawal of pheniramine, recovery occurred in 8 days. No definite conclusion could be drawn in this case as to the role played by pheniramine. An atropine-like effect suggests a potential hazard in patients with enlargement of the prostate gland and also narrow angle glaucoma and this effect has also been considered to be disadvantageous in patients with asthma although data supporting this potentially adverse effect are not available.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 291 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 358 suspected poisonings reported for pheniramine maleate, 20 percent exhibited some symptoms and 1.7 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug identified as a contributing cause of death.

The Panel's review of the data supplied by the Food and Drug Administration disclosed no adverse reaction reports on pheniramine maleate since 1968 (Ref. 7).

The Panel concludes that pheniramine maleate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* Pheniramine maleate has been shown in animal experiments to possess a high degree of antihistaminic activity (Refs. 1 and 2).

There are no well-controlled studies documenting the effectiveness of pheniramine maleate as an antihistamine. In a review of several reports of clinical experience, pheniramine in a dose of 25 mg gave relief of allergic rhinitis in 81 percent of 442 patients (Ref. 4). Likewise the drug gave relief in 66 percent of patients with nonallergic rhinitis (vasomotor rhinitis).

The Panel concludes that pheniramine maleate 12.5 mg is the minimum effective OTC dosage for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 12.5 to 25 mg every 4 or 6 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 6.25 to 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "May cause marked drowsiness".

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals, (but not to the general public), may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 3.125 to 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours.

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(7) OTC Volume 040325.

h. *Promethazine hydrochloride.* The Panel concludes that promethazine hydrochloride is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Promethazine is well-tolerated by laboratory animals; doses which greatly exceed those giving protection against histamine are well tolerated by guinea pigs (Ref. 1). Like other antihistamine drugs, promethazine may cause drowsiness when taken in clinically effective doses. In a study in which up to 1 gm was administered therapeutically 4 times daily to psychiatric patients, drowsiness occurred as the most important and frequent side effect (Ref. 2). In a suicide attempt a 35-year-old female survived an estimated dose of 1.5 gm, developing coma and clonic contractions (Ref. 3). Another such case had a similar course after the patient consumed 500 mg of promethazine (Ref. 4). Children may be less tolerant of this drug. Seven to 10 hours after a 12-year-old boy ingested 200 mg, he was hospitalized with many symptoms including restlessness, excitation, stupor, fright and hallucinations. Recovery followed in 3 days (Ref. 5).

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which a minimum of 385 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 56 reported suspected poisonings for promethazine, 28.6 percent exhibited some symptoms and 14.3 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug. This relative incidence of adverse reactions is remarkably low in light of the substantial and long use of the drug (4½ billion oral doses have been used since 1951 (Ref. 6)).

The Panel's review of the data supplied by the Food and Drug Administration showed a total of 169 adverse reactions involving marketed products containing promethazine (Ref. 7). Of the 169, 4 adverse reactions were listed as being definitely related to the oral ingestion or injection of promethazine, 105 were listed as probably caused by the drug's use, 49 were listed as possibly related to its use and 11 were listed as remotely related to promethazine.

Of particular concern are blood dyscrasias which have been reportedly associated with the drug. A total of five adverse experience reports have remotely related blood dyscrasias to promethazine. Analysis of the experience reports indicates that these dyscrasias are not attributable to promethazine. One case of agranulocytosis is reported to have occurred in a patient who was receiving promethazine and methaqualone. The patient's white blood cell count and the neutrophils began to increase and returned to normal 3 days after methaqualone was discontinued. Agranulocytosis was reported in another patient receiving large doses of two antibiotics intravenously who was also receiving oral promethazine. Additional drugs in the regimen included a thyroid derivative and tetracycline prior to the other medications. This blood dyscrasia may well be attributed to the two antibiotics, methacillin and/or cephalothin, both of which are known to cause agranulocytosis. A case of thromocytopenia was reported in a 2-year-old child who developed symptoms of an upper respiratory infection with fever and cough. The patient was treated with aspirin, a product containing triprolidine hydrochloride and pseudoephedrine, and promethazine syrup with dextromethorphan. The attending physician believed that the thromocytopenia was caused by the basic disease process and not by the medications. Leukopenia and thrombocytopenia was reported in a patient receiving promethazine but there are no data provided on the patient's disease state or concomitant drug therapy. On the basis of this limited data it is not possible to determine the cause and effect relationship between promethazine and the blood dyscrasias. Another patient, an 88-year-old male, with an upper respiratory infection who was receiving promethazine, tetracycline and propoxyphene reportedly had hypoplastic anemia secondary to drug reaction. Again, no information on drug dosages or final diagnosis was available and promethazine cannot be determined to cause the hypoplastic anemia.

A further review of adverse reaction reports from the Boston Collaborative Drug Surveillance Program and the University of Florida adverse reaction study shows a low incidence (5.2 percent and 7.1 percent, respectively) of adverse reactions (Ref. 8). The most frequently occurring reactions were drowsiness and confusion or disorientation. In contrast to other phenothiazine derivatives, promethazine showed few incidences of extrapyramidal syndrome (1 of 2,468 patients followed in the studies who received promethazine) and hypotension (3 of 2,468 patients followed in the studies who received promethazine).

Clinical studies (Refs. 1, 9, 10, and 11) indicate that the drug is safe in a dosage effective in allergic rhinitis and authorities in the field of clinical allergy concur (Refs. 12 and 13).

The Panel is aware of the current package insert labeling for promethazine which warns against various possible adverse reactions. These adverse effects are those usually associated with phenothiazine derivatives and clinical experience generally supports their occurrence with most other phenothiazine compounds. According to one authority, jaundice, excessive hypotension or hematopoietic damage have not been reported (Ref. 13). After analysis of published research studies and adverse experience reports on promethazine, however, the Panel concluded that promethazine does not cause the wide range of serious or potentially toxic effects characterizing other members of the chemical class of phenothiazines.

It should be noted that while promethazine is currently available only by prescription, the dosage levels are comparable to those that would be available in OTC use. Therefore, the safety considerations presented to the Panel for prescription marketing have given a reasonably accurate picture of what to expect from OTC use of this ingredient.

The Panel concludes that promethazine hydrochloride is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* In animal studies, promethazine is highly effective in protecting guinea pigs against histamine and the drug is also effective in protecting guinea pigs against anaphylaxis (Ref. 13). Promethazine appears to share with other antihistamine drugs the capacity to suppress rhinorrhea, sneezing and itching but differs from most other antihistamine drugs under consideration in having a longer duration of action. However, no controlled clinical trials appear to have been done to test the effectiveness of promethazine in allergic rhinitis nor in the "common cold". A number of uncontrolled studies indicate that promethazine is effective in the treatment of allergic rhinitis in a dose of 12.5 to 25 mg (Refs. 1, 7, 10, and 13). Based on clinical experience and the data available, the Panel concludes that promethazine is effective when taken in the recommended dosage.

The Panel concludes that promethazine hydrochloride 6.25 mg is the minimum effective OTC dosage for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 6.25 to 12.5 mg every 8 to 12 hours not to exceed 37.5 mg in 24 hours. Children 6 to under 12 years oral dosage is 3.125 to 6.25 mg every 8 to 12 hours not to exceed 18.75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "May cause marked drowsiness."

(ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 1.56 to 3.125 mg every 8 to 12 hours not to exceed 9.375 mg in 24 hours.

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i. *Pyrilamine maleate.* The Panel concludes that pyrilamine maleate is safe and effective for OTC use in suppressing symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Chronic animal toxicity studies done by Winter et al. showed no evidence of a cumulative effect (Ref. 1). In that study, pyrilamine maleate had been administered to rats, dogs and monkeys for varying lengths of time up to 6 months. The following doses appeared to be entirely safe: in rats 10 mg/kg 5 times weekly for 6 months and up to 200 mg/kg daily for 32 days; in dogs, 20 mg/kg 5 times weekly for 6 months, and in monkeys, 50 mg/kg daily for 35 days. No toxic signs nor any hematological, biochemical or pathological abnormalities were found in the animals on these doses.

In human studies, pyrilamine has a low order of toxicity. Side effects are not infrequent but are usually mild. They include drowsiness, listlessness, irritability, and anorexia (loss of appetite) (Ref. 2). In a study by Gay et al., only 3 percent of the 147 patients showed any sign of drowsiness and the incidence of loss of appetite, nausea and vomiting occurred in 27 percent of the patients (Ref. 3).

Two fatalities were reported with pyrilamine maleate. One was of a 21-month-old child who had ingested 600 mg and died 2¾ hours after ingestion, exhibiting a post-convulsive coma. The other fatality was of a 2-year-old child that had ingested 1,400 mg and died during convulsions 4 hours after ingestion (Ref. 4).

The Panel's review of the data supplied by the Food and Drug Administration disclosed a total of two adverse reaction reports on pyrilamine since 1968 (Ref. 5). Both of the adverse reactions were miner and neither was listed as directly related or probably caused by the ingestion of pyrilamine.

The Panel has also considered the most recent data available from the records compiled from Poison Control Centers. (See part VII. paragraph A.6. above—Human toxicity.) Of the 358 suspected poisonings reported for pyrilamine maleate, 18.7 percent exhibited symptoms and 1.7 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel's review of the data supplied by the Food and Drug Administration showed a total of only two adverse reaction reports on pyrilamine since 1968 (Ref. 5). Of the two reports, no adverse reactions were listed as being definitely related to ingestion of pyrilamine; both were listed as possibly related to its ingestion.

The Panel concludes that pyrilamine maleate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* In vitro and in vivo animal studies indicate that pyrilamine has an intense antihistamine action (Ref. 6) and that the drug has protective activity against histamine and anaphylaxis in the guinea pig (Ref. 7). Pyrilamine and diphenhydramine were equally effective in protecting against anaphylaxis and in preventing histamine-induced contractions of sensitized guinea pig ileum. Winter found in his animal studies that 0.01 mg/kg of pyrilamine protected 100 percent of 19 guinea pigs against a lethal dose of histamine (0.5 mg/kg) for 2 hours (Ref. 1). Gay et al. used the same dose and 91 percent of the guinea pigs were protected for 2 hours (Ref. 3). In this same study, 80 percent of 10 guinea pigs pretreated with 0.1 mg/kg of pyrilamine survived. The pharmacological effects and the histamine antagonism of pyrilamine are comparable to those of chlorpheniramine and similar to those of the other antihistamines (Refs. 1, 6, and 7).

In an uncontrolled study of several antihistaminic drugs including pyrilamine (Ref. 3), this drug was given to 102 patients with allergic rhinitis of whom 70 percent were improved. Two other comparative uncontrolled studies gave similar findings (Refs. 8 and 9) and in a review of the antihistaminic drugs, 66 percent of 604 patients with allergic rhinitis usually receiving a dose of 50 mg were benefited (Ref. 10).

The Panel concludes that pyrilamine maleate 25 to 50 mg is an effective OTC dosage range for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 25 to 50 mg every 6 to 8 hours not to exceed 200 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 to 25 mg every 6 to 8 hours not to exceed 100 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamines. (See part VII. paragraph B.1. below—Category I Labeling). In addition, the Panel recommends the following specific labeling: *Professional labeling:* The Panel recommends that the labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 6.25 to 12.5 mg every 6 to 8 hours not to exceed 50 mg in 24 hours.

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(4) Wyngaarden, J. B. and M. H. Seevers, "The Toxic Effects of Antihistamine Drugs," *Journal of the American Medical Association*, 145:277–282, 1951.

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(6) Landau, S. W. and L. N. Gay, "Comparative Study of Antihistamine Substances. I. Introduction and Dale Experiments," *Bulletin of the Johns Hopkins Hospital*, 83:330–342, 1948.

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(8) Arbesman, C. E., "Comparative Studies of Several Antihistaminic Drugs," *Journal of Allergy*, 19:178–183, 1948.

(9) Bernstein, T. B., J. M. Rose and S. M. Feinberg, "New Antihistaminic Drugs (Benadryl, Pyribenzamine and Neoantergan) in Hay Fever and Other Allergic Conditions," *Illinois Medical Journal*, 92:90–95, 1947.

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j. *Thonzylamine hydrochloride.* The Panel concludes that thonzylamine hydrochloride is safe and effective for OTC use as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the dosage section discussed below.

(1) *Safety.* Thonzylamine hydrochloride has been shown in animal experiments to possess antihistaminic activity and a low order of toxicity (Ref. 1). Clinical experience has confirmed that thonzylamine hydrochloride is safe in the dosage ranges used as an antihistamine. Although there are no controlled studies using thonzylamine, the incidence and degree of side effects appear to be less than with most other antihistamines (Refs. 2 and 3). In one report in which patients with "allergies" received an average dose of 50 to 100 mg orally 2 to 4 times daily, investigators in seven separate studies concurred that

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thonzylamine was the "least toxic" of the antihistamines then in general use (Ref. 4). In other studies, the incidence of side effects was also low (Refs. 5 through 9) but the dosage of thonzylamine was generally not specified. Of the entire series of 874 patients, an average of 10.9 percent reported side effects which consisted of slight nervousness, headache, gastric disturbance, drowsiness, and dizziness. Most of these side effects were not significant, but the drug was discontinued in a small number of patients due to headache or gastric disturbance.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which 80 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) There were no reported suspected poisonings for thonzylamine hydrochloride.

The Panel's review of the data supplied by the Food and Drug Administration showed no adverse reaction reports on thonzylamine hydrochloride since 1968 (Ref. 10).

The Panel concludes that thonzylamine hydrochloride is safe for OTC use as an antihistamine at the dosage ranges described below.

(2) *Effectiveness.* Thonzylamine hydrochloride, administered orally, is generally recognized as possessing antihistamine properties and providing symptomatic relief in allergic rhinitis. However, there are only uncontrolled studies documenting the effectiveness of thonzylamine hydrochloride as an antihistamine.

Most textbooks and several studies (Refs. 5, 7, and 9) indicate thonzylamine hydrochloride has antihistamine action. In a series of uncontrolled studies, 64 percent of patients with "allergy" benefited from oral doses of 50 to 100 mg thonzylamine hydrochloride 2 to 4 times daily (Ref. 4) while in the other studies, thonzylamine was found to be about as effective as other antihistamine drugs. In a review of the antihistamines, thonzylamine 50 mg was reported to have given benefit in 54 percent of 384 patients with allergic rhinitis (Ref. 11). The studies cited suggest that a recommended dosage of 50 to 100 mg up to 4 times a day is effective.

The Panel concludes that thonzylamine hydrochloride 50 to 100 mg is an effective OTC dosage range for the relief of the symptoms of allergic rhinitis.

(3) *Dosage.* Adult oral dosage is 50 to 100 mg every 4 to 6 hours not to exceed 600 mg in 24 hours. Children 6 to under 12 years oral dosage is 25 to 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I Labeling for antihistamine active ingredients. (See part VII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 2 to under 6 years oral dosage is 12.5 to 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours.

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(3) Feinberg, S. M., "Antihistamine Therapy, Experimental and Clinical Correlation," *Annals of the New York Academy of Sciences*, 50:1186–1201, 1950.

(4) Roberts, E. F., "A New Development in Antihistaminic Therapy," *Industrial Medicine*, 17:263–265, 1948.

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(6) Tebrock, H. E., "Management of the Common Cold with Neohetramine. Final Report," *International Archives of Allergy and Applied Immunology*, 2:1–7, 1951.

(7) Bernstein, T. B. and S. M. Feinberg, "Histamine Antagonists. XII. Neohetramine, 2-(N-Dimethylaminoethyl - N - p - Methoxybenzyl)-Amino Pyrimidine Hydrochloride; Clinical and Pharmacologic Results," *The Journal of Allergy*, 19:393–395, 1948.

(8) Schwartz, E. and J. Reicher, "A Clinical Evaluation of Neohetramine in Allergic Diseases," *Annals of Allergy*, 7:320–324, 1949.

(9) Schwartz, E., "Comparative Toxicity and Side Effects of the Antihistaminic Drugs," *Annals of Allergy*, 5:770–777, 1949.

(10) OTC Volume 040325.

(11) Loveless, M. H. and M. Dworin, "Allergy and Antihistamine Therapy: A Review," *Bulletin of New York Academy of Medicine*, 25:173–187, 1949.

Category I Labeling

The Panel recommends the following Category I labeling for antihistamine active ingredients to be generally recognized as safe and effective and not misbranded as well as the specific labeling discussed in the individual ingredient statements:

a. *Indications.* (1) "Alleviates, decreases, or for temporary relief of, running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(2) "Alleviates, decreases, or for temporary relief of, running nose as may occur in allergic rhinitis (such as hay fever)".

(3) "Alleviates, decreases, or for temporary relief of, sneezing as may occur in allergic rhinitis (such as hay fever)".

(4) "Alleviates, decreases, or for temporary relief of, itching of the nose or throat as may occur in allergic rhinitis (such as hay fever)".

(5) "Alleviates, decreases, or for temporary relief of, itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(6) "Dries running nose as may occur in allergic rhinitis (such as hay fever)".

b. *Warnings.* The drowsiness often produced by the antihistaminic drugs is a potential hazard under circumstances in which alertness is important. Therefore the Panel believes that a warning regarding drowsiness should appear on the label for all products containing antihistamine drugs. The Panel believes it is prudent to regard the atropine-like effects of the antihistamines as a possible hazard in patients with glaucoma and as possibly leading to difficulty in urination in those individuals with prostatic hypertrophy. In asthma, the antihistamines may cause drying of bronchial secretions, making expectoration of the secretions more difficult and thereby increasing obstruction of the airway.

Therefore, the Panel recommends that labeling include the following warnings and cautions: (1) For active ingredients not containing the specific warning "May cause marked drowsiness", the statement "May cause drowsiness" should be used.

(2) "May cause excitability especially in children".

(3) "Do not take this product if you have asthma, glaucoma or difficulty in urination due to enlargement of the prostate gland except under the advice and supervision of a physician".

(4) "*Caution.* Avoid driving a motor vehicle or operating heavy machinery".

(5) "*Caution:* Avoid alcoholic beverages while taking this product".

(6) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

There are insufficient data to establish the safety of OTC preparations containing antihistamines in children under 6 years. Individuals vary widely in the degree to which drowsiness, and less commonly, other adverse effects occur when they are given antihistaminic drugs. For this reason, the frequency and severity of side effects cannot be predicted. Respiration may be depressed and this effect can be serious in infections involving the airway. Parents and others may have difficulty assessing the intensity of induced side effects and children cannot be expected to understand their potential hazards. For these reasons, medical supervision is recommended when children under 6 years are given antihistaminic drugs.

2. *Category II conditions under which antihistamine ingredients are not generally recognized as safe and effective or are misbranded.* The use of antihistamines under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following labeling should be removed from the market until scientific testing supports their use.

Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety and/or effectiveness of the product are unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel has previously discussed such labeling. (See part II. paragraph O. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.) However, labeling that is descriptive of the product such as its taste or appearance is acceptable.

Unacceptable claims for antihistamines include statements such as the following:

a. *All claims which state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies.* These include claims such as "specially formulated", "scientifically improved", or "selected", "natural", "extra strength", "teamed components", "superior to ordinary—".

b. *Claims implying a physiological effect which either have no foundation or meaning or will be meaningless or misleading to the public.* Items include: "gets at the root of—"; "fights"; "wakes up"; "recommended by doctors"; "travels through the blood stream".

c. *Claims for relief where time is indeterminate.* Terms include: "fast"; "prompt".

d. *Claims for relief of nasal symptoms (other than running nose, itchy nose, and sneezing).* Terms include: "decreases nasal obstruction"; "decreases nasal congestion"; "relief of stuffy nose (stopped up nose, nasal stuffiness, clogged up nose)".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed active ingredients listed below. The Panel believes it reasonable to provide 3 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 3 years, however, the ingredients listed in this category should no longer be marketed as over-the-counter products. Effectiveness as an antihistamine must be demonstrated by controlled, double-blind studies because of the subjective nature of both the symptoms and the effects of any drug-induced changes.

Category III Active Ingredients

The Panel concludes that the available data are insufficient to permit final classification of the following claimed antihistamine active ingredients:

Phenyltoloxamine citrate
Thenyldiamine hydrochloride (oral)

a. *Phenyltoloxamine citrate.* The Panel concludes that phenyltoloxamine citrate is safe for OTC use but there are insufficient data available regarding its effectiveness to permit final classification as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the proposed dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that phenyltoloxamine citrate is safe in the dose ranges used as an antihistamine. Animal studies have indicated phenyltoloxamine is one of the least toxic antihistamines. As much as 680 mg/kg given orally to rats produced no symptoms. In dogs, 10 mg/kg for 50 days was well tolerated (Ref. 1).

Studies in humans also suggest a low incidence of side effects at a dosage of 100 to 200 mg in 24 hours with moderate drowsiness occurring following dosage in excess of 200 mg in 24 hours (Ref. 2). One reference states that in therapeutic doses, soporific effects occur in less than 7 percent of patients (Ref. 3). A low incidence of side effects, 6.5 percent, was reported in one study in which allergy patients were given 25 or 50 mg 3 or 4 times daily (Ref. 4). In another study (Ref. 5), phenyltoloxamine was given for its "ataraxic" effect in a dosage of 300 mg daily, 100 mg after lunch for daytime sedation and 200 mg at bedtime for nighttime sedation. Side effects were reported to be minimal in this study.

Sainz (Ref. 6) performed a study in 48 patients to determine side effects and toxicity and found that mild drowsiness appeared at oral doses above 200 mg 4 times daily, or with single doses of 400 mg. Ataxia or abnormal reflexes were not noted at oral doses of 400 mg 4 times a day. There were no extrapyramidal symptoms. The EEG was not affected. A slight blood pressure increase was seen and doses higher than 200 mg 4 times daily produced adrenergic stimulation (increased salivation, gastritis, and diarrhea). Heartburn was found in 14 percent of patients taking the drug, and occasionally nausea was seen. No changes were noted in metabolic, nutritional, endocrine, hematologic, urologic or liver function parameters. Sainz concluded that the drug is not only safe but remarkably free from undesirable reactions at oral doses of the dihydrogen citrate salt of phenyltoloxamine at 100 mg (56 mg of the active moiety) 4 times daily.

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which 423 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) Of the 90 suspected poisonings reported for phenyltoloxamine citrate, 15.6 percent exhibited some symptoms and 5.6 percent exhibited symptoms serious enough to require treatment or observation at a hospital. There were no fatalities reported with the drug.

The Panel's review of data supplied by the Food and Drug Administration showed only one adverse reaction report on phenyltoloxamine citrate since 1968 (Ref. 7). The adverse reaction was listed as possibly related to abnormal kidney function tests.

The Panel concludes that phenyltoloxamine citrate is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of phenyltoloxamine citrate as an antihistamine. Phenyltoloxamine citrate is an antihistamine drug which in animal studies antagonizes most of the pharmacologic actions of histamine (Ref. 1). In clinical use, the drug appears to provide symptomatic relief of allergic symptoms (Refs. 2 and 3), although no controlled studies are available which permit a determination of the minimum effective dosage level.

Cronk and Naumann (Ref. 2) used a dosage of 25 to 50 mg 4 times daily, but reported "relief" only in patients receiving 50 mg 4 times daily. Seyler and Simon (Ref. 4) likewise recommended a dosage of 50 mg 3 or 4 times daily. Thus, clinical experience indicates a daily dosage of 150 to 200 mg.

The Panel concludes that although there are insufficient data to determine that phenyltoloxamine citrate is effective for the relief of the symptoms of allergic rhinitis, 50 mg is the proposed dosage at which this ingredient is most likely effective.

(3) *Proposed dosage.* Adult oral dosage is 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 2 to under 12 years oral dosages are identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 6 to under 12 years oral dosage is 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours; children age 2 to under 6 years oral dosage is 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours.

(5) *Evaluation.* Data to demonstrate effectiveness will be required according to the guidelines set forth below for testing antihistamine drugs. (See part VII. paragraph C. below—Data Required for Evaluation.)

REFERENCES

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(2) Cronk, G. A. and D. E. Naumann, "Phenyltoloxamine—Dosage, Toxicity and Clinical Application," *New York State Journal of Medicine*, 55:1465–1467, 1955.

(3) "Phenyltoloxamine Citrate," Council on Pharmacy and Chemistry, *Journal of the American Medical Association*, 163:357, 1957.

(4) Seyler, L. E. and S. W. Simon, "Bristamin, A New Antihistaminic Drug," *The Journal of Allergy*, 24:261–263, 1953.

(5) Fleischmajer, R., S. Blau and N. B. Kanof, "The Mental Action and Antihistaminic Efficacy of Phenyltoloxamine in Cutaneous Disorders," *Antibiotic Medicine and Clinical Therapy*, 5:120–124, 1958.

(6) Sainz, A., "Studies in Psychic Action of Phenyltoloxamine," *Proceedings of the Mohawk Valley Psychiatric Association*, 1957.

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b. *Thenyldiamine hydrochloride (oral).* The Panel concludes that thenyldiamine hydrochloride (oral) is safe for OTC use but there are insufficient data available regarding effectiveness to permit final

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classification as an antihistamine in suppressing the symptoms of allergic rhinitis as specified in the proposed dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that thenyldiamine hydrochloride (oral) is safe in the dosage ranges used as an antihistamine. The Panel has discussed the topical use of this drug as a nasal decongestant elsewhere in this document. (See part VIII. paragraph B.3.k. below—Thenyldiamine hydrochloride (topical).)

This drug was selected from among several related compounds because of marked antihistaminic and anti-anaphylactic properties and its low toxicity in animals (Refs. 1 and 2). Thenyldiamine is relatively nontoxic in animals. The oral LD_{50} for mice is about 190 mg/kg and for the guinea pig 240 mg/kg. There are no human safety data on the use of thenyldiamine administered orally alone. Data in uncontrolled studies with a combination product containing phenylephrine, acetaminophen and caffeine in addition to thenyldiamine in a dose of 25 to 150 mg daily revealed no significant changes in pulse rate or blood pressure (Refs. 3 and 4). Tabulations of side effects in patients receiving thenyldiamine hydrochloride alone and those receiving the combination formulation are difficult to interpret. The chief side effect appears to be sedation or drowsiness. Dizziness, dryness of the throat, headache, perspiration, and nausea have also been reported (Ref. 1).

The Panel has considered the most recent data available from the records compiled from Poison Control Centers during 1973 in which 2.5 million dosage units were sold. (See part VII. paragraph A.6. above—Human toxicity.) In the one suspected poisoning reported for thenyldiamine hydrochloride, no symptoms were exhibited.

The Panel's review of the data supplied by the Food and Drug Administration showed no adverse reaction reports on thenyldiamine hydrochloride since 1968 (Ref. 5).

The Panel concludes that thenyldiamine hydrochloride is safe for OTC use as an antihistamine in the dosage ranges described below.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of thenyldiamine hydrochloride (oral) as an antihistamine and reports of clinical experience are lacking. Thenyldiamine hydrochloride was official in U.S.P. XII. The dose was 15 mg orally. The frequency of treatment was not stated. A secondary reference source indicates the dosage to be 15 to 30 mg (Ref. 6). It appears that effective adult dosage may not be attained by using the commercially available OTC combination products which contain 2.5 to 7.5 mg per dosage unit.

In vitro studies of 0.03 gamma thenyldiamine in a 20 ml bath gave 75 percent inhibition of a standardized contraction produced by 0.3 gamma histamine. The drug compared well with diphenhydramine and pyrilamine as measured by histamine shock in the guinea pig where 1 mg/kg gave complete protection against the LD_{50}. The drug also gave marked protection against anaphylaxis in the guinea pig.

The Panel concludes that although there are insufficient data to determine that thenyldiamine hydrochloride (oral) is effective for the relief of the symptoms of allergic rhinitis, 15 to 30 mg are the proposed dosage at which this ingredient is most likely effective.

(3) *Proposed dosage.* Adult oral dosage is 15 to 30 mg every 4 to 6 hours not to exceed 180 mg in 24 hours. Children 2 to under 12 years oral dosages are identified in the labeling section discussed below under professional labeling. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antihistamine active ingredients. (See part VII. paragraph B.1. above—Category I Labeling.) However, the Panel recommends that the Category I warning pertaining to use in children be revised from 6 years to 12 years with the following specific labeling: (i) *Warning.* "Do not give this product to children under 12 years except under the advice and supervision of a physician". (ii) *Professional labeling.* The Panel recommends that labeling provided to health professionals (but not to the general public) may contain the following additional dosage information: Children 6 to under 12 years oral dosage is 7.5 to 15 mg every 4 to 6 hours not to exceed 90 mg in 24 hours; children 2 to under 6 years oral dosage is 3.75 to 7.5 mg every 4 to 6 hours not to exceed 45 mg in 24 hours.

(5) *Evaluation.* Data to demonstrate effectiveness will be required according to the guidelines set forth below for testing antihistamine drugs. (See part VII. paragraph C. below—Data Required for Evaluation.)

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(1) Gould, W. J., "Clinical Summary of *NTZ Study MRD* 70-65," Draft of unpublished paper is included in OTC Volume 040298.

(2) Roth, L. W. et al., Pharmacological Properties of N, N-Dimethyl-N'-(alpha-Pyridyl) - N' - (alpha - Thenyl) - Ethylenediamine Hydrochloride (Thenylene Hydrochloride) A New Antihistamine Compound," *Archives of Internal Pharmacodynamics*, 75:362-370, 1948.

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(4) OTC Volume 040169.

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Category III Labeling

The Panel concludes that the available data are insufficient to permit final classification of the labeling claims identified below for antihistamines. Additional data are required to substantiate these claims for OTC antihistamine use: a. The following statements of duration are unacceptable unless documentation can specify the number of hours: "provides hours of relief" "all day" "all night".

b. "Alleviates, decreases or for temporary relief of running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in the common cold".

c. "Alleviates, decreases or for temporary relief of running nose as may occur in the common cold."

d. "Alleviates, decreases or for temporary relief of sneezing as may occur in the common cold".

e. "Alleviates, decreases or for temporary relief of itching of the nose or throat as may occur in the common cold".

f. "Alleviates, decreases or for temporary relief of itchy and watery eyes as may occur in the common cold".

g. "Dries running nose as may occur in the common cold".

h. *Claims that sleep will be facilitated.* Terms include "promotes restful sleep".

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to bring a category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved technology in the future.

1. *Principles in the design of an experimental protocol for testing antihistamine drugs in allergic rhinitis.* a. *General principles.* The antihistaminic drugs are indicated for the symptomatic relief of IgE mediated allergic reactions. (See part II paragraph B.1.—Allergy.) When such reactions occur in the upper airway, the symptoms include sneezing, nasal discharge, nasal obstruction and itching of the nose, eyes, throat and ears. Such symptoms may or may not be accompanied by objective manifestations and for this reason, the patients' subjective sensations must be relied upon in the assessment of drug action. However, observations on the degree of edema of the nasal mucus membrane, the quantity of nasal discharge and the degree of injection of the sclerae may be helpful. The action of this group of drugs is limited to a few hours so that reepated doses at regular intervals are required for a sustained effect. All the antihistamines have side effects which again are subjective and have virtually no objective counterpart. Because of the subjective nature of both the symptoms and the effect of any drug-induced change, double-blind experimental control is especially important in the assessment of antihistaminic drugs.

Considerable experience in assessing therapy for allergic rhinitis caused by pollen (hay fever) has accumulated in the past 15 or more years in the course of efforts to determine the effectiveness of injection therapy (immunotherapy). Hitherto unrecognized problems in the selection of cases, the recording and scoring of symptoms, the tally of medication other than preparation(s) under test and the maintenance of experimental control became apparent (Ref. 1).

b. *Selection of patients.* The selection of patients should be limited of those

giving a clear history of having had allergic symptoms (hay fever) in at least two consecutive annual pollen seasons, who are free from symptoms at other times of the year, who react intensely to prick or scratch test with an extract of the appropriate pollen and who are otherwise in good general health. Patients who are not undergoing treatment with injections of allergenic extracts are preferred in the study.

The diagnosis of allergic rhinitis depends on both a history of the symptoms occurring at the times of allergenic exposure and their absence at other times, and the presence of intense relevant immunologic reactivity commonly determined by skin test. The patient's statements as to the time of year when symptoms occur may be in error. Therefore, documentation of the occurrence of symptoms at the time of exposure and the absence of symptoms at other times by observation of the patient is preferable to the history. Patients who react intensively by skin test to one pollen usually react to several other pollens also. Some of the reactions obtained by skin test may be irrelevant, a positive skin test being a necessary but not sufficient basis for identifying the cause of the symptoms. Thus the limitations of the history and the skin test need to be taken into account.

c. *Methods of study.* Assessment of therapy is based on a subjective response. Therefore, some means of quantitating symptoms must be adopted. Experience has indicated that this can be done satisfactorily by maintaining a daily tally of symptoms specifying type, e.g., sneezing, rhinorrhea, etc., duration in hours per day and intensity. Most patients have little difficulty in describing intensity numerically if they are given an intensity scale wherein points on the scale are defined by statements indicating the degree of discomfort (Refs. 2 and 3). Assignment of a numerical value to the degree of discomfort is space saving and greatly facilitates analysis of the data. However, account should be taken of the burden that a diary imposes on the patient. If too detailed and complicated, patients lose interest and record their symptoms in a perfunctory manner with the result that the data may be worthless. Some compromise between what is ideal and what is practicable must be reached. A satisfactory compromise was one in which the patient was given a symptom score card covering 1 week of study, to be filled out at the end of each day. The patient returned with the card at the end of each week at which time the patient was interviewed and the card rechecked for comprehensibility (Ref. 2). A new card was then supplied.

In a double-blind study which includes a placebo, some patients will suffer severe symptoms and the patient's continuation in the study will thereby be jeopardized. If the design of the study does not permit withdrawal from the study because of severe symptoms as an endpoint, then the investigator will be under great pressure to prescribe or permit use of medication other than the preparations under test or the patient will take medication without reporting having done so. Such medications, if taken, should be recorded accurately on the weekly diary form. Before the study is started, each such drug should be assigned a numerical value per dose based on anticipated efficacy in relieving symptoms of allergic rhinitis. The data may then be incorporated into the analysis at the end of the study.

A placebo identical in appearance and closely similar or identical in taste to the preparation(s) under test must be included in any assessment of drugs for the treatment of allergic rhinitis. Assignment of subjects to the drug(s) under test and the placebo must be random and the code identifying the preparations administered must not be broken until the study is complete.

Patients should be seen throughout the season not less often than every week. Patient diaries should be maintained in which the type, frequency and severity of symptoms and side effects are recorded daily as well as the medication taken. A crossover double-blind design with 30 or more patients is recommended in which each patient takes the test drug or the placebo on alternate weeks. If two dose levels of the test drug are tested, twice the number of patients will be needed.

d. *Interpretation of data.* Results should be subjected to statistical analysis, a p value of 0.05 or less (95 percent confidence or more) being acceptable as evidence of a drug effect. Evidence of drug effectiveness is required from a minimum of three positive studies based on results from three different investigators or laboratories.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

(5) *Evaluation of safety.* The effect of the drug on the hepatic, renal and other systems should be monitored with particular emphasis on systems expected to be influenced by the drug. In the case of the antihistamines the central nervous system is often affected as indicated by such side effects as drowsiness and fatigue. These should not be induced by the drug at a frequency and intensity which might pose a hazard to the patient in the performance of a daily routine.

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2. *Principles in the design of an experimental protocol for testing antihistamine drugs in the "common cold."* a. *Assessment of the use of antihistaminic drugs for the "common cold."* The antihistaminic drugs have been widely used for the treatment of the symptoms of the "common cold." These drugs are usually marketed in combination products with nasal decongestant drugs. It is the Panel's view that this use of the antihistaminic drugs has been based predominantly on clinical impressions and uncontrolled clinical trials, the first of which was published by Brewster in 1947 (Ref. 1). On the other hand, a number of trials have been conducted with double-blind experimental controls but have failed for the most part to substantiate claims for effectiveness. These negative results indicate that if the antihistaminic drugs indeed have a favorable effect on the symptoms of the "common cold," this effect must be of a relatively low order. The subject has been recently reviewed (Ref. 2). The Panel concurs with the authors who stated:

> Many of the reports favoring antihistamine use were published some years ago when a well-controlled, randomized, double-blind clinical trial was not generally recognized as important in the evaluation of therapy. However, results supporting antihistamine use should be interpreted with caution when the research goals are imprecise and the study design permits biases. On the other hand, the findings of the less favorable reports that antihistamines appear not to prevent, abort, or relieve the symptoms of a cold, are supported by only a slightly greater specificity of definition and increased rigor of research methodology. Of all the reports, only two combined precision in definitions and controlled design; their conclusions did not support the use of antihistamines to prevent or relieve the symptoms of a cold. The general lack of specificity in defining disease and research goals and lack of rigor in research design in the majority of all studies is noteworthy. In short, there appears to be little valid evidence that antihistamines have any effect on the common cold.

Studies on the efficacy of the antihistaminic drugs in the treatment of the "common cold" may be misleading if the means of selection do not minimize inadvertent inclusion of subjects with allergic rhinitis, the symptoms of which are similar to those of the "common cold." Relief of symptoms will then be erroneously ascribed to favorable effect of the antihistaminic drugs on the symptoms of the "common cold" when indeed the observed benefit may be attributable to the known efficacy of the antihistaminic drugs in allergic rhinitis. The Panel has earlier discussed in this document both the "common cold" and allergic rhinitis. (See part II. paragraph B.3. above—The "common cold" and part II. paragraph B.6.a. above—Allergic rhinitis.)

The Panel concludes that the effectiveness of the antihistaminic drugs in relieving or allaying the symptoms of the "common cold" has not been established. If further studies on the effectiveness of the antihistaminic drugs in the treatment of the "common cold" are to be carried out, the Panel suggests that particular attention be directed to the selection of subjects and the means of recording symptoms using groups of patients large enough to give statistically meaningful results.

b. *General principles.* The symptoms of allergic rhinitis and the "common cold" have many similarities. A watery

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nasal discharge is characteristic of allergic rhinitis and is usual in the "common cold" in the first 1 to 3 days. Sneezing is likewise common to both. Itching of the nose and eyes is more common in allergic rhinitis but also occurs in the "common cold." Nasal congestion occurs in both conditions. Coughing is not a frequent symptom of allergic rhinitis but it occurs in a small percent of cases. Cough likewise occurs in the "common cold," usually in the latter phase of the illness. Fever of low degree may occur in the "common cold," but it is not frequently present. Fever is absent in allergic rhinitis. Watering and redness of the eyes may occur in both conditions (Refs. 3, 4, and 5).

It is commonly stated in texts on allergic disease that examination of the patient with allergic rhinitis reveals swelling within the nose (swollen turbinates) which has a bluish or gray color (Ref. 5), whereas in the "common cold" their color is red (Ref. 4). No studies have been done to test the frequency with which this distinction is diagnostic and its reliability as a means of selecting patients for inclusion in a study of antihistaminic drugs in the treatment of the "common cold" remains uncertain. No other finding on examination appears to be useful in distinguishing between the early phases of the "common cold" and allergic rhinitis.

Because the symptoms of allergic rhinitis and the "common cold" are so similar, the two conditions are readily confused. The reported efficacy of the antihistaminic drugs in the treatment of the "common cold" has been attributed to the inadvertant inclusion of some cases of allergic rhinitis in some studies (Ref. 2) in which condition the antihistaminic drugs are recognized as effective. Unless steps are taken to eliminate subjects with allergic rhinitis from the study population, the results of the study of the "common cold" may be misleading.

c. *Selection of patients.* Since the distinction between allergic rhinitis and the "common cold," especially in its early phases, is difficult or impossible to make on the basis of symptoms and examination, the following means of minimizing inclusion of subjects with symptoms of allergic rhinitis should be adopted:

(1) Subjects giving a history of allergic rhinitis, e.g., hay fever or allergy to animals, should be excluded.

(2) Studies should be done in the months when allergic exposure is less likely and the "common cold" is more prevalent.

Selection of subjects according to these principles will minimize but cannot entirely eliminate the inclusion of some subjects who are having symptoms of allergic rhinitis and not a "common cold."

Subjects selected for the studies should be in good health except for the presence of a "common cold." The symptoms to be evaluated, i.e., runny nose, sneezing, etc., should have been present for 1 day but not longer than 3 days. Fever should be absent or should not exceed 100° F by mouth (adults) or 101° F by mouth (children under 12 years). Those with evidence of bacterial infection of the pharynx (exudative pharyngitis) or who have severe pharyngitis and severe sore throat should be excluded.

d. *Methods of study.* The drug(s) to be tested and a placebo should be identical in appearance and closely similar in taste identifiable by code only. Strict double-blind control throughout the study is essential. The groups of subjects should be matched by age, sex and severity and duration of illness.

Each group should contain 50 to 100 subjects. This large number is considered mandatory for the following reasons: a crossover design is not possible in so short an illness; the assessment is based on a subjective response; there are uncertainties in diagnosis; there is possible heterogeneity of the study population with respect to the type of virus causing the illness; and the effect of the antihistaminic drug in relieving symptoms of the "common cold" is not marked.

Medication other than the preparations in the test should not be taken during the course of the study. The design of the study should be such as to permit determination of each preparation's effect on each type of symptom and the stage in the disease in which this effect takes place. Therefore, each subject should maintain an appropriate tally of the type, duration and intensity of symptoms. The study should be of sufficient length to encompass the entire illness to provide data on all possible effects of the drug under test on the course of the disease. If a subject drops out of the study, the reason for doing so should be determined and recorded.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

e. *Interpretation of data.* A recommended dose of the antihistamine should induce a statistically significant reduction in symptoms when compared to the placebo response. Results should be subjected to statistical analysis, a p value of 0.05 or less (95 percent confidence or more) being acceptable as evidence of a drug effect. A decision on drug effectiveness should be based on demonstrable drug effectiveness in a minimum of three positive comparable double-blind studies based on results from three different investigators or laboratories.

f. *Evaluation of safety.* If the safety of the drug has not been established, then the effect of the drug on the hepatic, renal and other systems should be monitored with particular emphasis on systems expected to be influenced by the drug. In the case of the antihistamines, the central nervous system is often affected, as indicated by such side effects as drowsiness and fatigue. These should not be induced by the drug at a frequency and intensity that might pose a hazard to the patient in the performance of a daily routine.

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VIII. NASAL DECONGESTANTS

A. GENERAL DISCUSSION

A nasal decongestant is an agent which reduces nasal congestion in patients with acute or chronic rhinitis. These agents may be administered topically as drops, sprays or inhaled vapors or orally in a solid or liquid dosage form. The drug effect is brought about by constriction of dilated blood vessels (vasoconstriction) within the nasal mucosa, thus temporarily reducing the swelling associated with inflammation of the mucous membrane lining the nasal passage (Ref. 1).

Topically administered nasal decongestants produce an intense degree of vasoconstriction, a factor responsible for the rapid and pronounced reduction in nasal obstruction. This intense local vasoconstriction also accounts for negligible absorption of the nasal decongestant into the general circulation. Consequently, negligible systemic effects occur following topical use of nasal decongestants unless excessive nasal solution is applied causing drainage into the stomach where it may be absorbed. Studies demonstrating minimal systemic absorption of radioactively labeled oxymetazoline following intranasal application (Ref. 2) and negligible cardiovascular effects following normal and excessive intranasal doses of phenylephrine or xylometrazoline (Refs. 3 through 7) support this point. Because of the remarkable degree of nasal decongestion which follows topical application of these agents, there is the tendency on the part of patients to administer nasal decongestants too frequently and for too long a period of time. Continued and intense drug-induced vasoconstriction can lead to rebound dilation of the blood vessels as the drug effect subsides. This phenomenon, which intensifies nasal congestion and perpetuates the rhinitis condition, has been termed "rebound congestion." This problem is minimized if topically applied decongestants are administered in accordance with label directions at recommended intervals for periods not exceeding 3 days.

Another practical caution with the use of topically applied decongestants is in regard to the possible spread of infection if the drug dispenser is used by more than one person. This can occur if the tip of the dropper or spray container comes in contact with the nose during drug administration.

Some of the nasal decongestants (sympathomimetic amines) are also effective when administered orally. Although the intensity of vasoconstriction in the nasal mucosa and associated symptomatic relief of nasal congestion are less than that produced by the topical application of decongestants, the problem of rebound congestion is not a factor with use of the orally administered nasal decongestants. These orally administered sympathomimetic amines are distributed by the circulation to other target tissues as well as the nasal mucosa and thus produce side effects not seen following use of nasal decongestants topically.

In general, side effects associated with recommended oral doses of OTC nasal decongestants are minimal, but at higher doses may include nervousness, dizziness, and sleeplessness. Individuals with disease conditions which can be aggravated by sympathomimetic drug action, e.g., high blood pressure, heart disease, diabetes mellitus and hyperthyroidism, should not use decongestants orally except under the advice and supervision of a physician. Likewise, patients taking other drugs whose action can intensify the sympathomimetic drug action, e.g., monoamine oxidase inhibitors, should not take nasal decongestants orally except under the advice and supervision of a physician. The Panel does not feel these restrictions should apply to topically applied nasal decongestants when administered in recommended doses because of their localized action, i.e., minimal systemic absorption.

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B. CATEGORIZATION OF DATA

1. *Category I conditions under which nasal decongestant ingredients are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Panel has classified the following nasal decongestant active ingredients as generally recognized as safe and effective and not misbranded:

Ephedrine preparations (topical): Ephedrine, Ephedrine hydrochloride, Ephedrine sulfate, Racephedrine hydrochloride
Naphazoline hydrochloride (topical)
Oxymetazoline hydrochloride (topical)
Phenylephrine hydrochloride (oral/topical)
Phenylpropanolamine preparations (oral): Phenylpropanolamine bitartrate, Phenylpropanolamine hydrochloride, Phenylpropanolamine maleate
Propylhexedrine (inhalant)
Pseudoephedrine preparations (oral): Pseudoephedrine hydrochloride, Pseudoephedrine sulfate
Xylometazoline hydrochloride (topical)

a. *Ephedrine preparations (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride) (topical).* The Panel concludes that ephedrine and its salts are safe and effective as topical nasal decongestants for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that ephedrine and its salts (topical) are safe in the dosage ranges used as nasal decongestants. Having been introduced from China in 1924 (Ref. 1) there has been a long experience with this drug which is used orally, chiefly from bronchodilation and usually in a dosage of 25 mg 4 times daily and topically in the nose as a 0.5 percent to 3 percent solution (Ref. 2). No reports describing adverse effects when used topically were encountered nor were there studies directed at the question of adverse local effects. Based on general clinical experience with topical nasal decongestants, rebound congestion would be expected with continued use. However, concentrations of 1 percent or less, as judged by the clinical experience of the Panel, would not be expected to cause this reaction if use is limited to a few days.

(2) *Effectiveness.* Extensive clinical experience indicates that ephedrine and its salts in 0.5 to 1 percent concentrations applied as drops or spray have a nasal decongestant effect (Ref. 3). Ephedrine as a prototype of the topical sympathomimetic nasal decongestant agents has been compared to other effective topical nasal decongestants in both objective measurement studies (Ref. 4) and subjective observation of nasal decongestant activity (Refs. 5 and 6) in patients with acute rhinitis. Ephedrine sulfate in 1 percent solution has been demonstrated to induce a prompt nasal decongestant effect which persists at maximal levels for up to 1 hour and gradually declines to pretreatment levels by the 4th hour.

(3) *Dosage.* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.5 percent aqueous solution not more frequently than every 4 hours. Children 6 to under 12 years topical dosage is 1 to 2 drops or sprays of a 0.5 percent solution not more frequently than every 4 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients (see part VIII. paragraph B.1. below—Category I Labeling). In addition, the Panel recommends the following specific labeling: *Warning:* "Do not give this product to children under 6 years except under the advice and supervision of a physician".

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b. *Naphazoline hydrochloride (topical).* The Panel concludes that naphazoline hydrochloride is safe and effective as a topical nasal decongestant for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that naphazoline hydrochloride (topical) is safe in the dosage ranges used as a nasal decongestant. Studies involving visualization of the nasal mucosa following a single application of naphazoline, 0.05 to 0.1 percent, revealed rebound congestion as a fairly consistent sequel to the 4 to 6 hour period of nasal decongestion (Refs. 1 and 2). The tendency for frequent and continued use due to rebound congestion has been reported by several authors (Refs. 3 through 6). The continued use of naphazoline hydrochloride may result in dependence. To avoid this dependence, naphazoline use should not exceed 3 days duration.

In infants and young children, nasal administration as well as accidental ingestion of 0.05 to 0.1 percent naphazoline have been associated with systemic effects such as sedation, nervousness, increase in systolic blood pressure and bradycardia (Refs. 7 through 13). Furthermore, because rebound congestion with naphazoline is also a problem in infants, this nasal decongestant should probably not be used in children under 6 years (Ref. 1). For children 6 to 12 years, the pediatric concentration of 0.025 percent, should be used to minimize exposure to excess quantities of the drug.

(2) *Effectiveness.* Single dose applications of naphazoline, 0.1 percent in adult rhinitis patients using objective meas-

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urement, revealed onset of nasal decongestion within 10 minutes and persisting up to 6 hours (Refs. 2 and 14). A single-dose objective measurement study in children demonstrated nasal decongestion of up to 5 hours duration (Ref. 1). The number and ages of the children and the concentration of naphazoline were not specified. In one study involving repeated administration of 0.05 percent naphazoline drops over a 1-week period, 34 of 35 patients experienced satisfactory nasal decongestion as judged subjectively by the patient and by visualization of the nasal mucosa (Ref. 15).

(3) *Dosage.* Adult topical dosage is 1 to 2 drops or sprays of a 0.05 percent aqueous solution in each nostril not more frequently than every 6 hours. Children 6 to under 12 years topical dosage is 1 to 2 drops or sprays of a 0.025 percent aqueous solution in each nostril not more frequently than every 6 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling:

Warnings. (i) *For products containing a concentration of 0.025 percent naphazoline hydrochloride:* "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(ii) *For products containing a concentration of 0.05 percent naphazoline hydrochloride:* "For adult use only. Do not give this product to children under 6 years since it may cause sedation if swallowed".

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c. *Oxymetazoline hydrochloride (topical).* The Panel concludes that oxymetazoline hydrochloride is safe and effective as a topical nasal decongestant for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that oxymetazoline hydrochloride (topical) is safe in the dosage ranges used as a nasal decongestant. Because the decongestant effect of oxymetazoline hydrochloride administered as drops or spray persists up to 5 to 6 hours and gradually declines thereafter, rebound congestion after single administration is negligible (Ref. 1). Twice a day dosing which should give adequate relief of nasal congestion should be expected to have a negligible incidence of rebound congestion. Several studies in adults with chronic rhinitis using either 0.05 percent drops or spray for 2 days to 4 weeks support this contention (Refs. 2 through 5). In one study 92 chronic rhinitis patients used 0.05 percent oxymetazoline spray in one nostril and 0.25 percent phenylephrine spray in the other nostril for 2 weeks. In this double-blind study rebound congestion was subjectively noted in one-third of the oxymetazoline-treated nostrils and two-thirds of the phenylephrine-treated nostrils (Ref. 6). No rebound congestion was noted over a 6 hour observation period following 5 drops of 0.025 percent oxymetazoline in each nostril of 33 children with allergic rhinitis (Ref. 7). In 30 children ages 4 to 10 years with allergic rhinitis, treatment with 0.025 percent oxymetazoline, 3 drops in each nostril 3 times a day, was associated with no loss of effectiveness during a 2-week treatment period as measured by electronic posterior rhinometry and no rebound congestion in a 2 week posttreatment evaluation period (Ref. 8).

Animal studies with radioactively labeled oxymetazoline indicate that the rate of systemic absorption from nasal application is too slow to achieve pharmacologic levels in the plasma (Ref. 9). Furthermore, double-blind studies in healthy adults reveal that 1.8 mg, the equivalent of 3.6 ml of a 0.05 percent solution, was the minimal orally administered dose of oxymetazoline producing any measurable effect on the cardiovascular system. Nonspecific EKG changes were not accompanied by blood pressure or heart rate changes (Ref. 10).

Because of these safety considerations the Panel recommends that oxymetazoline, which is currently a drug available only by prescription, be reclassified to permit OTC use as well.

(2) *Effectiveness.* In a double-blind subjective evaluation study, 92 adult patients with chronic rhinitis judged oxymetazoline, 0.05 percent spray, to induce nasal decongestion of 4 to 8 hours duration (Ref. 6). Objective studies in 20 patients with either chronic rhinitis due to allergy or acute rhinitis due to head cold showed effectiveness of a 0.05 percent oxymetazoline spray in two-thirds of the patients with airways still twice pretreatment size at the end of 6 hours (Ref. 1).

In a double-blind subjective evaluation study in 14 children, 2 to 6 years of age with allergic rhinitis, complete opening of the nasal airway was restored for 9 to 12 hours in 7 of the 14 patients receiving 1 drop of 0.025 percent oxymetazoline solution per nostril 2 times daily (Ref. 11). Objective studies in 30 children with allergic rhinitis, ages 4 to 10 years, receiving 0.025 percent oxymetazoline, 3 drops per nostril 3 times daily revealed persistent effectiveness over a 2-week treatment period (Ref. 8).

(3) *Dosage.* Adults and children 6 to under 12 years topical dosage is 2 to 3 drops or sprays of a 0.05 percent aqueous solution in each nostril 2 times daily (in the morning and evening). Children 2 to under 6 years topical dosage is 2 to 3 drops of a 0.025 percent aqueous solution in each nostril 2 times daily (in the morning and evening). Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling).

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d. *Phenylephrine hydrochloride (oral/topical).* The Panel concludes that phenylephrine hydrochloride is safe and effective as an oral and as a topical nasal decongestant for OTC use as specified in the dosage section discussed below.

(1) *Safety.* (i) *As an oral nasal decongestant:* Clinical experience has confirmed that phenylephrine hydrochloride is safe in the dosage ranges used as an oral nasal decongestant.

Key and Violante reported that oral doses of 40 to 60 mg phenylephrine are necessary for consistent clinically meaningful cardiovascular effects such as increased diastolic pressure and reflex cardiac slowing (Ref. 1). Various reports reinforce the impression that in normal volunteers, blood pressure and pulse rate responses to 10 to 15 mg oral doses are equal to or only minimally greater than placebo. The maximum blood pressure increase does not exceed 2 to 7 mm Hg and the pulse rate changes do not exceed ±6 beats/minute. At doses of 25 mg, blood pressure increases up to 7 mm Hg and pulse changes of ±4–13 beats per minute were occasionally noted at some time intervals (Refs. 1 through 11). If patients were also receiving MAO inhibitors, however, even 10 mg doses of phenylephrine can induce clinically significant cardiovascular responses (Ref. 12).

Overtly perceived side effects at 10-mg doses approximate the incidence and pattern of a placebo response, whereas 15 to 25-mg doses are associated with an increasing incidence of symptoms related to mild central nervous system stimulation (Ref. 1).

(ii) *As a topical nasal decongestant:* Clinical experience has confirmed that phenylephrine hydrochloride is safe in the dosage ranges used as a topical nasal decongestant. Gundrum, Stambuck and Gaines reported a study in which supratherapeutic doses of 0.25 percent phenylephrine drops were chronically administered to rabbits (Ref. 13). The animals were given drops in each nostril either 3 times daily for 10 days or 10 times daily for 3 days. Examination of nasal tissue sections removed from these treated animals revealed no gross or microscopic changes from normal nasal mucosa.

Objective measurement studies showed transient rebound congestion in 3 of 12 adult rhinitis patients during 3 days of treatment with 0.5 percent phenylephrine spray (Ref. 14). Two thirds of 92 chronic rhinitis patients using 0.25 percent phenylephrine spray for 2 weeks noted rebound congestion (Ref. 15). Rhinoscopic observation revealed rebound congestion in 4 of 33 children following single doses of 0.25 percent phenylephrine drops, 5 drops in each nostril (Ref. 16).

Groups of patients with either cardiac, hypertensive and hyperthyroid disorders or diabetes mellitus were administered 5 drops of 0.25 percent or 1 percent phenylephrine solution into each nostril remaining in a head-low position for several minutes to maximize contact time (Refs. 17 and 18). No marked changes in blood pressure control readings were noted over a 45-minute observation period.

(2) *Effectiveness.* (i) *As an oral nasal decongestant:* Clinical studies have documented the effectiveness of phenylephrine as an oral nasal decongestant.

A series of five double-blind crossover placebo-controlled studies over a 3-year period in one laboratory revealed oral doses of phenylephrine from 5 to 25 mg to induce objectively measurable nasal decongestion when compared to placebo in patients with head cold as determined by an anterior rhinometry procedure (Refs. 5 through 9, and 19). Onset time was in 15 to 20 minutes with a duration of 2 to 4 hours. Maximum nasal decongestant effect was associated with the 25 mg dose. Two other laboratories conducted five similarly designed experiments, but because of greater apparent placebo response and variability in inpatient response the studies could not demonstrate a statistically significant difference of 10 to 25 mg from placebo (Refs. 20 through 24).

Subsequent studies measuring nasal airway resistance in head cold patients demonstrated significant nasal decongestant responses to 10 to 25 mg phenylephrine (Ref. 10). In these studies, 25 mg induced a maximal reduction of nasal resistance approaching that reported for noncongested normals, and 10 to 15 mg doses were clinically equivalent in inducing a decrease of nasal resistance about ⅔ maximal. Onset of these effects occurred within 15 minutes. The maximum effect occurred within 30 to 90 minutes with a gradual decline thereafter. A double-blind crossover study in 20 chronic rhinitis patients, however, could demonstrate no significant decrease in nasal airway resistance as compared to placebo with 10, 20, or 40 mg of phenylephrine, orally, over a 4-hour observation period (Ref. 25). In this study, phenylpropanolamine 40 mg and pseudoephedrine 60 mg each produced a significant decrease in nasal airway resistance persisting for at least 3 hours.

A recent double-blind controlled study involving 50 adult patients with nasal congestion associated with the "common cold" (25 patients in each group) demonstrated that a single oral 10 mg dose of phenylephrine led to a reduction in nasal airway resistance averaging 11 percent at 15 minutes, 21 percent at 30 minutes, 28 percent at 60 minutes and 26 percent at 120 minutes (Ref. 26). These reductions were all significantly different from placebo at the corresponding measurement times. These 50 patients were part of a 200-patient subjective evaluation study group with nasal congestion associated with the "common cold", 100 of each who received either 10 mg phenylephrine or placebo at 4-hour intervals over a 12-hour period. Patient subjective evaluation revealed that the phenylephrine treatment group experienced relief of nasal congestion, runny nose and sneezing throughout the 12-hour observation period. Symptom relief in each case was significantly different from that reported by the placebo group (Ref. 26).

(ii) *As a topical nasal decongestant:* In a double-blind crossover placebo-controlled study, phenylephrine was given as a 0.5 percent spray, 1 spray in each nostril repeated in 3 minutes, to one group of 16 patients with head cold and one group of 9 patients with allergic rhinitis. Objective measurements using both posterior electronic rhinometry and body plethysmography revealed significant nasal decongestion at the 30- and 60-minute recording times (Ref. 27).

In another study using 0.5 percent phenylephrine spray in 12 adult rhinitis patients, objectively measured nasal decongestant effects persisted from 1 to 3 hours following administration (Ref. 14). In a 2-week subjective evaluation study of phenylephrine 0.25 percent spray in 92 chronic rhinitis patients, the duration of effect following each dose was generally reported to be 4 hours or less (Ref. 15).

(3) *Dosage.* (i) *As an oral nasal decongestant:* Adult oral dosage is 10 mg every 4 hours not to exceed 60 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 mg every 4 hours not to exceed 30 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 mg every 4 hours not to exceed 15 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *As a topical nasal decongestant:* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.25 to 0.5 percent aqueous solution not more frequently than every 4 hours. Children 6 to under 12 years topical dosage is 2 to 3 drops or sprays in each nostril of a 0.25 percent aqueous solution not more frequently than every 4 hours. Children 2 to under 6 years topical dosage is 2 to 3 drops in each nostril of a 0.125 percent aqueous solution not more frequently than every 4 hours. Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there

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is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* (i) *As an oral nasal decongestant:* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

(ii) *As a topical nasal decongestant:* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Warnings: (a) For products containing a concentration of 0.125 percent phenylephrine hydrochloride:* "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(b) For products containing a concentration of 0.25 percent phenylephrine hydrochloride: "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(c) For products containing a concentration of 0.5 percent phenylephrine hydrochloride: "For adult use only. Do not give this product to children under 12 years except under the advice and supervision of a physician".

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e. Phenylpropanolamine preparations (phenylpropanolamine bitartrate, phenylpropanolamine hydrochloride, phenylpropanolamine maleate) (oral). The Panel concludes that phenylpropanolamine and its salts are safe and effective as oral nasal decongestants for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that phenylpropanolamine and its salts (oral) are safe in the dosage ranges used as nasal decongestants. Phenylpropanolamine is one of the most frequently used oral nasal decongestants, similar in action to ephedrine but with less central nervous system stimulation (Ref. 1). Subjective evaluation studies reveal that, in adults, phenylpropanolamine in plain capsules in doses up to 50 mg every 3 hours is associated with overt side effects either equal to or only slightly exceeding those of placebo. The side effects consisted of nervousness, insomnia, motor restlessness and nausea (Refs. 2 and 3).

Boyer reported three patients with prostatic hypertrophy who complained of urinary retention following ephedrine dosing but had no urinary retention at effective nasal decongestant doses of phenylpropanolamine (Ref. 3).

In three reports involving a total of over 200 children ages 2 to 15, phenylpropanolamine, in age-related doses of 6.25 to 25 mg 4 times daily in combination with acetaminophen and in one study also with phenyltoloxamine, was subjectively observed to relieve symptoms of nasal congestion with a low incidence of side effects (Refs. 4 through 6).

Individuals with normal blood pressure receiving phenylpropanolamine alone, either as a 50 mg plain capsule 4 times daily or as a 50 mg sustained release capsule 2 times daily had no significant effect on blood pressure or pulse rate. No adverse effect on cardiovascular systems was noted after 5 to 42 days of treatment (Refs. 7 through 10). Intravenous administration of phenylpropanolamine induced dose-related systolic blood pressure increases in humans. A 16 to 28 mm increase following 20 to 25 mg and a 44 to 82 mm increase following 50 mg were observed (Ref. 11).

Phenylpropanolamine 50 mg, in sustained release combination with belladonna alkaloids 0.2 mg, and chlorpheniramine 4 mg, was administered 2 times daily for 7 days to groups of patients with normal anterior chamber angle, with narrow angle but no glaucoma signs and to patients with frank glaucoma controlled by medication. No drug-induced alteration of intraocular tension was evidenced in any of the 3 groups of subjects (Refs. 12 and 13).

There have been isolated "letter to the editor" reports of individuals consuming therapeutic doses of phenylpropanolamine-containing preparations and experiencing an acute hypertensive episode (Ref. 14). Details relative to other contributing factors are usually too vague to determine if the phenylpropanolamine was entirely responsible. One "letter" reported an acute overdose of a sustained release phenylpropanolamine combination product, eight spansules containing 50 mg of phenylpropanolamine in combination with isopropamide and diphenylpyraline, was followed within 2 hours by an acute hypertensive response, severe headaches, restlessness and vomiting (Ref. 15).

One paper cited three cases of "psychotic episodes" associated with presumably therapeutic doses of phenylpropanolamine 50 mg, in combination with isopropamide and phenyltoloxamine (Ref. 16). The authors indicated that personality changes following phenylpropanolamine preparations were not an uncommon occurrence in patients in their hospitals.

In summary then, at therapeutic doses of phenylpropanolamine taken orally, the incidence of side effects in adults and

children is low. There have been isolated reports, however, of individuals experiencing idiosyncratic reactions of central nervous system stimulation and/or blood pressure rise following therapeutic doses. These effects would also be expected in most individuals with acute overdoses of the drug.

Prior MAO inhibitor treatment has been clearly shown to potentiate dangerously the blood pressure elevating effects of 30 to 50 mg phenylpropanolamine (Refs. 17 through 20).

A single incident was reported of phenylpropanolamine 50 mg, in combination with chlorpheniramine and isopropamide, antagonizing the antihypertensive effect of bethanidine sulfate, an analogue of guanethidine sulfate (Ref. 21). The antihypertensive effect of guanethidine can be antagonized by concurrent administration of amphetamine (Ref. 22). Current evidence suggests that phenylpropanolamine, being structurally similar to amphetamine, might be expected to exert a similar antagonistic effect (Ref. 23). However, this effect is important to note but not sufficiently documented to elicit a warning statement.

(2) *Effectiveness.* Three of five objective, double-blind, crossover studies comparing phenylpropanolamine with placebo in patients with chronic nasal congestion have demonstrated oral nasal decongestant effectiveness in 25 to 40 mg doses.

The earliest report, using anterior rhinometry in 88 patients, some with acute and some with chronic nasal congestion, showed that ephedrine sulfate 25 mg, orally was significantly better than placebo at the 1-hour time period; but phenylpropanolamine hydrochloride 25 mg, as well as pseudoephedrine hydrochloride, 60 mg, and phenylephrine hydrochloride 10 mg, were not significantly different from placebo. In this crossover study the patients were tested on 5 consecutive days (Ref. 24).

The second study measuring in 12 patients nasal airway resistance at a flow rate of 0.5 l/second demonstrated phenylpropanolamine hydrochloride 18 mg orally to yield greater reduction in nasal airway resistance from pre-drug state than placebo throughout a 4-hour period of observation. The validity of these results is unclear since acetaminophen 325 mg orally also induced a similar magnitude of response in this test (Ref. 25).

A similar followup study in 12 patients by the same author did show significant difference between phenylpropanolamine 25 mg orally and placebo during a 4-hour observation period (Ref. 26).

This author then compared 3 successive doses of 25 mg at 4-hour intervals with a single 75-mg dose in a timed-release formulation in a crossover design in 12 patients and demonstrated continued reduction in nasal airway resistance throughout a 13-hour test period in both cases (Ref. 27). Urinary excretion of phenylpropanolamine, administered as a 75-mg timed-release capsule, approximates 3 doses of 25 mg administered at 4-hour intervals (Ref. 28). Although blood level data more directly reflect rate of drug absorption and drug level at sites of action, these urinary excretion data are consistent with the sustained decrease in nasal airway resistance obtained with a 75 mg timed-release capsule and three consecutive doses of 25 mg.

Another investigation measuring nasal airway resistance at a flow rate of 0.2 l/second in trained volunteers, demonstrated that phenylpropanolamine 40 mg orally induces a peak affect up to 3 hours with gradual return toward control thereafter (Refs. 29 and 30). This investigator also demonstrated that a timed-release formulation of phenylpropanolamine hydrochloride 50 mg in combination with belladonna alkaloids 0.2 mg and chlorpheniramine maleate 4 mg induced a significant decrease in nasal resistance compared to placebo over a 10-hour testing interval (Ref. 31).

(3) *Dosage.* Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours or 50 mg every 8 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours or 25 mg every 8 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours or 12.5 mg every 8 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B. 1. below—Category I Labeling.)

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f. *Propylhexedrine (inhalant).* The Panel concludes that propylhexedrine (inhalant) is safe and effective as an inhalant nasal decongestant for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that propylhexedrine (inhalant) is safe in the dosage ranges used as a nasal decongestant. Because of a wide margin of safety and the relative freedom from toxic effects, use by inhalation is not contraindicated for patients in whom an ephedrine-like pressor or stimulant action would be undesirable (Ref. 1). Excessive doses, at least six inhalations per nostril, of propylhexedrine inhaler produced no undesirable side effects such as angina attacks, ECG changes, or vasopressor responses in 20 patients with history of severe angina pectoris due to arteriosclerosis (Ref. 2). Two inhalations of propylhexedrine inhaler, 250 mg per inhaler, is reported to deliver approximately 0.5 mg of the volatile amine to the nostril (Ref. 3).

Oral doses of propylhexedrine alone, 100 mg, in normal adults induces a 17 to 23 mm blood pressure rise and reflex bradycardia but no overt symptoms of euphoria, palpitation or dry mouth (Ref. 4). Another investigator reported that 250 mg by mouth induced only slight nervousness, anxiety and tachycardia (Ref. 5). A 3-year old who ingested 15 tablets of propylhexedrine, a total dose of 375 mg, developed pronounced symptoms of central nervous stimulation consisting of insomnia, tremor, muscular hypertonicity and tachycardia which subsided in 3 days (Ref. 6). Propylhexedrine is marketed outside of the United States as an anorexic.

One individual ingesting the contents of a propylhexedrine inhaler containing 250 mg of amine plus menthol and lavender oil, developed an extreme illness lasting 4 weeks and involved "shock lung" syndrome (Ref. 7). Two notes report psychotic behavioral changes in persons with a habit of chewing the inhaler or dissolving the contents in coffee and consuming it (Refs. 8, 9, and 10).

Rats inhaling propylhexedrine, 0.55–0.70 mg/800 ml air, for 6 to 10 minute periods daily for 30 days revealed no histological evidence of tracheobronchial mucosal irritation (Ref. 11). A double-blind study was undertaken to assess the effect of inhaler administration every 4 hours of propylhexedrine plus menthol vapors to 20 normal human volunteers and menthol vapors alone to 18 normal human volunteers over a 2-week period (Ref. 12). Nasal airway resistance measurements on days 1, 7 and 14 revealed no evidence of diminished responsiveness to the propylhexedrine inhaler with this repeated use. The results indicate that under these conditions of dosing, rebound congestion is not a prominent feature.

(2) *Effectiveness.* Four noncontrolled subjective evaluation studies of propylhexedrine inhaler in a total of 140 patients with various types of nasal congestion problems revealed subjective improvement with minimal side effects. Slight stinging occurred in some cases (Refs. 13 and 14). In one of these studies of 20 patients, the onset of subjective relief was noted between 30 seconds to 5 minutes following two inhalations per nostril with "clear nasal breathing" reported to persist for 30 to 120 minutes.

A recent well-controlled double-blind trial of adults with head colds has been done with inhalers containing either propylhexedrine plus menthol or menthol alone, and using single nostril airway resistance measurements (Ref. 15). Unfortunately, propylhexedrine alone was not used. However, menthol in an inhaler alone appeared to have no significant effect on nasal airway resistance but menthol plus propylhexedrine did significantly reduce nasal airway resistance for about 2 hours with a maximum effect at about 30 minutes. It should be noted that two inhalations were used in one nostril and then repeated after 2 hours. Measurements made 4 hours after the initial inhalation, that is, 2 hours after the repeat inhalation, suggest a possible rebound congestion.

A subsequent double-blind objective measurement study by another investigator compared the nasal decongestant effect of a propylhexedrine inhaler with a placebo inhaler in 50 adult patients with nasal congestion due to head cold, divided equally between active and placebo group (Ref. 16). Following a control period for recording baseline nasal airway resistance, each patient administered two inhalations per nostril from their coded inhaler. Nasal airway resistance (NAR) measured at intervals up to 4 hours demonstrated significant decrease in NAR in the propylhexedrine group compared to placebo for up to 90 minutes and decline toward control levels thereafter. These results were associated with patient perception of decreased nasal congestion during the first 90 minutes. In this single dose administration study no side effects or evidence of rebound congestion was noted.

(3) *Dosage.* Adults and children 6 to under 12 years inhalant dosage from an inhaler that shall deliver in each 800 ml of air 0.40 to 0.50 mg of propylhexedrine is 2 inhalations in each nostril not more frequently than every 2 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician. The inhaler should retain effectiveness for a minimum of 2 to 3 months.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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g. *Pseudoephedrine preparations (pseudoephedrine hydrochloride, pseudoephedrine sulfate) (oral).* The Panel concludes that the pseudoephedrine and its salts are safe and effective as oral nasal decongestants for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that pseudoephedrine and its salts (oral) are safe in the dosage ranges used as nasal decongestants. In a series of 21 patients who took 60 mg of pseudoephedrine orally, mild side effects such as drowsiness, insomnia, and headache occurred in six of these patients (Ref. 1).

In a study of cardiovascular effects, dose responses in four subjects showed that 210 to 240 mg or 3.0 to 3.4 mg/kg were required to raise diastolic blood pressure to 90 mm Hg or above (Ref. 2).

Acute blood pressure rises may occur, however, if pseudoephedrine in therapeutic doses is taken with MAO inhibitors (Refs. 3 and 4).

(2) *Effectiveness.* A double-blind subjective study in allergic rhinitis patients showed pseudoephedrine to be better than placebo (Ref. 1). In children, a double-blind subjective study showed pseudoephedrine to be better than placebo in allergic respiratory disease and possibly also in non-allergic respiratory conditions, but no statistics are given (Ref. 5). In a study of 88 patients, there were no differences between the drug and placebo group subjectively or by rhinometry (Ref. 6). However, significant increases in nasal flow rates up to 20 percent after 60 mg orally and lasting at least 2 hours have been shown in other series (Refs. 7 and 8). Recent work with measurements of nasal airway resistance confirms a nasal decongestant effect, after an oral dose of 60 mg lasting up to 4 hours and returning to control values by 6 hours (Ref. 9).

(3) *Dosage.* Adult oral dosage is 60 mg every 4 hours not to exceed a maximum of 360 mg in 24 hours. Children 6 to under 12 years oral dosage is 30 mg every 4 hours not to exceed 180 mg in 24 hours. Children 2 to under 6 years oral dosage is 15 mg every 4 hours not to exceed 90 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling).

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h. *Xylometazoline hydrochloride (topical).* The Panel concludes that xylometazoline is safe and effective as a topical nasal decongestant for OTC use as specified in the dosage section discussed below.

(1) *Safety.* Clinical experience has confirmed that xylometazoline hydrochloride (topical) is safe in the dosage ranges used as a nasal decongestant. Because the decongestant effect of xylometazoline hydrochloride, administered as drops or sprays, persists up to 5 hours with gradual decline thereafter, objective measurement studies in adults revealed no rebound congestion after single administration of 0.05 or 0.1 percent solutions (Refs. 1 through 4). Both objective and subjective measurement studies of 0.05 percent xylometazoline in infants and 0.05 or 0.1 percent, in children, reveal negligible rebound congestion with 3 times daily dosing for periods of 2 days to 2 weeks (Refs. 5 through 9). No cardiovascular changes were produced by nasal application of xylometazoline (Refs. 5, 7, and 10). Because of these safety considerations, the Panel recommends that xylometazoline, which is currently a drug available only by prescription, be reclassified to permit OTC usage as well.

(2) *Effectiveness.* Objective measurement studies in acute and chronic rhinitis among adults showed a single application of xylometazoline, 0.1 percent drops or sprays, to induce a rapid (5 to 10 minutes) and a prolonged (up to 10 hours) decrease, in nasal airway resistance (Refs. 1 through 4). In infants and children, objective measurement studies (Ref. 5) and subjective evaluation (Refs. 7, 9, and 11) demonstrated the nasal decongestant effectiveness of 0.01, 0.05 and 0.1 percent xylometazoline drops or sprays.

(3) *Dosage.* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.1 percent aqueous solution every 8 to 10 hours. Children 2 to under 12 years topical dosage is 2 to 3 drops or sprays in each nostril of a 0.05 percent aqueous solution every 8 to 10 hours. Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling:

Warnings: (i) *For products containing a concentration of 0.05 percent xylometazoline hydrochloride:* "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(ii) *For products containing a concentration of 0.1 percent xylometazoline hydrochloride:* "For adult use only. Do not give this product to children under 12 years except under the advice and supervision of a physician".

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Category I Labeling

The Panel recommends the following Category I labeling for nasal decongestant active ingredients to be generally recognized as safe and effective and not misbranded as well as the specific labeling discussed in the individual ingredient statements:

a. *Indications.* (1) "For temporary relief of nasal congestion due to the common cold".

(2) "For temporary relief of nasal congestion due to hay fever or other upper respiratory allergies".

(3) "For temporary relief of nasal congestion associated with sinusitus".

(4) "For the temporary relief of stuffy nose (stopped up nose, nasal stuffiness, clogged up nose)".

(5) "Reduce swelling of nasal passages; shrinks swollen membranes".

(6) "Decongests nasal passages".

(7) "Temporarily restores freer breathing through the nose".

(8) "Helps clear nasal passages".

(9) "Helps decongest sinus openings, sinus passages".

(10) "Promotes nasal and/or sinus drainage".

(11) For products with claims for duration of effect: Statements as to duration of effect must be substantiated and

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accompanied by a specific time period expressed in minutes or hours, as appropriate.

(12) For products used as topical nasal decongestants with claims for rapid onset of action: Statements relating to time to onset of action, such as, "fast" or "quick", must be accompanied by a specific time period expressed in minutes.

(13) For topical nasal decongestants which can demonstrate a cooling sensation: (i) "Provides cooling sensation".

(ii) "Cooling".

(iii) "Cools nasal passages".

b. *Warnings.* (1) *For products used as topical nasal decongestants:* (i) "Do not exceed recommended dosage because symptoms may occur such as burning, stinging, sneezing, or increase of nasal discharge".

(ii) "Do not use this product for more than 3 days. If symptoms persist, consult a physician".

(iii) "The use of this dispenser by more than one person may spread infection".

(2) *For products used as oral nasal decongestants:* (i) "Do not exceed recommended dosage because at higher doses nervousness, dizziness, or sleeplessness may occur".

(ii) "If symptoms do not improve within 7 days or are accompanied by high fever, consult a physician before continuing use".

(iii) "Do not take this product if you have high blood pressure, heart disease, diabetes or thyroid disease except under the advice and supervision of a physician.

(iv) *"Drug interaction precaution:* Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor except under the advice and supervision of a physician".

(3) *For products used as inhalant nasal decongestants:* (i) "This inhaler should be warmed in the hand before use to increase effectiveness".

(ii) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(iii) "Children should not have unsupervised access to this inhaler".

(iv) *"Caution:* Not for use by mouth".

2. *Category II conditions under which nasal decongestant ingredients are not generally recognized as safe and effective or are misbranded.* The use of nasal decongestants under the following conditions is unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following active ingredients and labeling should be removed from the market until scientific testing supports its use.

Category II Active Ingredients

The Panel has classified the following nasal decongestant active ingredients as not generally recognized as safe and effective or as misbranded:

Mustard oil (allylisothiocyanate) (topical/inhalant)
Turpentine oil (spirits of turpentine) (oral)

a. *Mustard oil (allylisothiocyanate) (topical/inhalant).* The Panel concludes that mustard oil is neither safe nor effective for topical or inhalant OTC use as a nasal decongestant.

(1) *Safety.* Mustard oil is obtained from Black mustard. Black mustard, which is official in the National Formulary XI, consists of dried, ripe seeds from various varieties of either or both of two species of the genus *Brassica* (*Cruciferae*), namely, *Brassica nigra* (Brown mustard) and *Brassica juncea* (Chinese mustard) (Ref. 1). The formation of the irritant constituent, allylisothiocyanate (active ingredient), in black mustard seed results from the hydrolytic activity of the enzyme mirosin, on a glycoside substrate sinigrin (potassium mironate). Allylisothiocyanate is designated as the volatile oil of mustard (Ref. 1), as opposed to the fixed (expressed) oil of mustard, which is composed chiefly of the glycerides of oleic, arachidic, and other fatty acids (Ref. 2). Allylisothiocyanate, the volatile oil of mustard, is isolated from black mustard by distillation (Ref. 3).

The active ingredient of mustard oil, allylisothiocyanate, is present in about 0.6 percent concentration in mustard seed powder. Mustard powder, because of this substance, is a local irritant which has been used in topically applied preparations, e.g., "mustard plaster," for its rubefacient and counterirritant effects and by oral administration for its emetic effect. The vapors of mustard oil are reported to cause irritation of conjunctival, nasal and bronchial mucosa (Refs. 4, 5, and 6). A 15 percent solution of mustard oil in liquid petrolatum has been used to induce mucosal inflammation in an experimental protocol to study anti-inflammatory agents (Refs. 4 and 7).

The Panel is unable to determine a safe dose for mustard oil for topical use or as an inhalant that is also effective as a nasal decongestant.

(2) *Effectiveness.* The effectiveness of mustard oil as a nasal decongestant is uncertain. Black mustard has been used for centuries as a rubefacient and a counterirritant. Mustard plaster, a poultice type of medicament, is used for relieving the pain resulting from bruises and sprains. Mustard preparations are commonly used internally as emetics and as food condiments (Ref. 1). The usual emetic dose of black mustard is 10 gm (Ref. 8).

There is no evidence to support the effectiveness of mustard oil (allylisothiocyanate) as a nasal decongestant when applied topically or used as an inhalant. The Panel is aware that the official preparation Mustard Plaster, National Formulary XI, is indicated for use as a local irritant. The Panel is also aware of a marketed product containing mustard oil in combination with other volatile oils for OTC use. The product is administered by inhalation from the cork that seals the OTC medicine vial (Ref. 9). There is no evidence in the literature that this oil or its active ingredient, allylisothiocyanate, possesses nasal decongestant properties. Literature sources all refer to the local irritant effect only (Refs. 4, 5, 8, and 9).

(3) *Evaluation.* The Panel is unable to determine a safe topical or inhalant dosage for mustard oil for use as a nasal decongestant. The Panel is of the opinion that the risk from topical or inhalant administration outweighs whatever benefit might occur. Therefore, the Panel concludes that mustard oil is not safe for topical or inhalant use as a nasal decongestant.

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(9) OTC Volume 040212.

b. *Turpentine oil (spirits of turpentine) (oral).* The Panel concludes that oil of turpentine is not safe for OTC use when taken orally as a nasal decongestant.

(1) *Safety.* Oil of turpentine is a volatile oil distilled from turpentine, an oleoresin obtained from the pine tree. It has a characteristic odor and taste. The substance has been administered orally, topically, and by inhalation.

In doses of 15 ml in children and 150 ml in adults, fatal poisoning may occur (Ref. 1). Excessive oral doses produce marked irritation of the alimentary tract, especially of the stomach and of the pelvic organs. Toxic symptoms include vomiting, diarrhea, acute pain, renal irritation, bloody stools and hyperemia of all abdominal organs. Continued use may lead to cloudy swelling and fatty degeneration of the liver. Abnormal central nervous system symptoms may develop (Refs. 2 and 3).

Since no safe oral dose has been established for effective use as a nasal decongestant, the Panel concludes that turpentine oil should not be available for oral OTC use as a nasal decongestant. However, elsewhere in this document, the Panel concludes that the ingredient is safe when applied topically or used as an inhalant but that there are insufficient data to permit final classification of its effectiveness for inhalant or topical use as a nasal decongestant. (See part VIII. paragraph B.3.m. below—Turpentine oil (spirits of turpentine) (topical/inhalant).)

(2) *Effectiveness.* Oil of turpentine is irritating and its chief suggested uses are based on this property (Refs. 1 and 4). There is no evidence to support its effectiveness as a nasal decongestant when taken orally.

(3) *Evaluation.* The Panel is unable to determine a safe oral dosage for turpentine oil for use as a nasal decongestant. The Panel is of the opinion that the risk from oral administration outweighs whatever benefit might occur. Therefore, the Panel concludes that turpentine oil is not safe for oral use as a nasal decongestant.

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Category II Labeling

All claims that state or imply a therapeutic action or safety property peculiar to the preparation that cannot be demonstrated in controlled studies are not acceptable. The Panel has previously discussed such labeling. (See part II. paragraph O. above—CCABA Product Labeling Claims Not Supported by Scientific Evidence.) However, labeling that is descriptive of the product such as its taste or appearance are acceptable.

The Panel concludes that the examples of language expressed in the following misleading claims are excessive and claims either too much or claims effects which do not occur and therefore such labeling should be removed from the market until scientific testing supports their use:

a. *Topical nasal decongestants.* (1) Reference to "germ-laden mucous" is unacceptable because it implies a curative action rather than symptom-relieving.

(2) The statement "Seldom causes rebound distress like others" is unacceptable because Category I topical nasal decongestants if used in accordance with labeled instructions as to dose and frequency should seldom cause rebound distress.

(3) The term "nonirritating base" is unacceptable because it may encourage a misleading conclusion about the safety characteristics of the total product.

b. *Oral nasal decongestants.* (1) The statement "Mild stimulant to overcome drowsiness", is unacceptable because there is no evidence to prove that an OTC decongestant could overcome drowsiness caused by antihistamine.

(2) Reference to "fast" or "prompt" onset of relief is unacceptable for oral products because this action does not occur and is a claim allowed only for topical products.

c. *Topical or oral nasal decongestants.* (1) Reference to effect on "local congestion" is unacceptable since this may be confused with congestion in the bronchioles and chest.

(2) Reference to "extra strength", the "most effective", "improved remedy" are unacceptable because they suggest the product is particularly effective. All Category I ingredients have been judged effective but no acceptable controlled studies were submitted to the Panel documenting one preparation as more effective than another.

(3) Reference to "used by" or "most recommended by doctors or scientists" is unacceptable because it is difficult to substantiate.

(4) "Checks irritation caused by cold virus" is unacceptable because it implies a curative action rather than symptom-relieving.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed ingredients and conditions listed below. The Panel believes it reasonable to provide 3 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within 3 years, however, the conditions listed in this category should no longer be marketed in over-the-counter nasal decongestant products. Effectiveness as a nasal decongestant must be demonstrated by determining the ability of a drug to reduce nasal obstruction in patients with acute or chronic rhinitis.

Category III Active Ingredients

The Panel concludes that the available data are insufficient to permit final classification of the following claimed nasal decongestant active ingredients:

Beechwood creosote
Bornyl acetate (topical)
Camphor (topical/inhalant)
Cedar leaf oil (topical)
1-Desoxyephedrine (inhalant)
Ephedrine preparations (oral): Ephedrine, Ephedrine hydrochloride, Ephedrine sulfate, Racephedrine hydrochloride
Eucalyptol/eucalyptus oil (topical/inhalant)
Menthol/peppermint oil (topical/inhalant)
Phenylpropanolamine hydrochloride (topical)
Thenyldiamine hydrochloride (topical)
Thymol (inhalant)
Turpentine oil (spirits of turpentine) (topical/inhalant)

a. *Beechwood creosote.* The Panel concludes that beechwood creosote is safe in the dosage ranges used as a nasal decongestant but there are insufficient data to permit final classification of its effectiveness for OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that beechwood creosote in the usual dosages contained in lozenges or cough mixtures for nasal decongestant activity is safe.

Creosote is a distillate of wood tar and has a smoky color and a pungent taste. Dosages in excess of 4 gm 3 times daily produces giddiness, dimness of vision, circulatory collapse, convulsions and coma (Ref. 1). Because of the taste, it is normally given well-diluted (Ref. 2). Occasional adverse gastrointestinal side effects are mentioned in one report but are poorly documented (Ref. 3). Based on the available data and the presence of beechwood creosote on the market for many years, the Panel concludes that this ingredient is safe for OTC use.

(2) *Effectiveness.* Except for a recent submission (Ref. 4), there have been no well-controlled studies documenting the effectiveness of beechwood creosote alone or in combination as a nasal decongestant. A single study is reported dealing with nasal airway resistance in 66 patients with degrees of the "common cold." These patients were studied by objective techniques and this study showed significant reduction in nasal resistance for beechwood creosote combination as compared with a placebo 2 hours following administration. Subjective studies with respect to runny nose should note significant changes from the placebo. It is stated that the investigator global evaluations were too small in number to permit statistical interpretation. In reviewing this study it is difficult for the Panel to interpret these statistical analyses which appear to be cumbersome and confusing. In addition, since no dosage information is supplied, the Panel questions the acceptability of the study.

According to the standard compendia (Refs. 1 and 5), an average dosage of beechwood creosote is 250 mg 3 or 4 times daily. In the two submissions to the Panel listing creosote, the dosages are 3.29 mg/lozenge and 33 mg/15 ml every 3 hours (Refs. 6). This 40- to 80-fold difference in dose (3.29 mg/lozenge, 8 doses/day) appears illogical and there is no evidence to indicate that creosote is effective in such low doses. The Panel concludes that further studies are needed to determine effectiveness.

(3) *Proposed dosage.* Adult oral dosage is 250 mg every 4 to 6 hours not to exceed 1500 mg in 24 hours. Children 6 to under 12 years oral dosage is 125 mg every 4 to 6 hours not to exceed 750 mg in 24 hours. Children 2 to under 6 years oral dosage is 62.5 mg every 4 to 6 hours not to exceed 375 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part IV. paragraph B.1. above—Category I Labeling).

(5) *Evaluation.* Data to demonstrate effectiveness as a nasal decongestant will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part IV. para-

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graph C. below—Data Required for Evaluation.)

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(2) "Drill's Pharmacology in Medicine," 2d Ed., Edited by DiPalma, J. R., McGraw-Hill Co., New York, p. 690, 1958.
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(4) OTC Volume 040289.
(5) "The National Formulary," 7th Ed., American Pharmaceutical Association, Washington, D.C., pp. 105–106, 1942.
(6) OTC Volume 040208 and 040235.

b. *Bornyl acetate (topical)*. The Panel concludes that bornyl acetate is safe in the dose ranges used when applied topically but there are insufficient data to permit final classification of its effectiveness for topical OTC use as a nasal decongestant.

(1) *Safety*. Clinical experience has apparently confirmed that bornyl acetate (topical) is safe in the dosage ranges used as a nasal decongestant. There are no studies to substantiate its safety. The Merck Index (Ref. 1) states that this compound may cause nausea and vomiting, mental confusion, dizziness and convulsions. The dose is not given. The amount present in a commercially available inhaler is not given (Ref. 2). It is one of several aromatic substances in the inhaler.

(2) *Effectiveness*. There are no well-controlled studies documenting the effectiveness of bornyl acetate (topical) as a nasal decongestant. In a report (Ref. 3), bornyl acetate was one of eleven aromatic substances evaluated as nasal decongestants. Patients presumably with nasal congestion were used. Nasal resistance was measured before treatment and at 5, 15, 30, 60, 90 and 120 minutes after treatment. Bornyl acetate 112.5 mg was impregnated on a cotton wick through which air was forced and the patient inhaled. In the morning, 50 cc of air was administered in each nostril and 150 cc in each nostril in the afternoon. In 11 patients, there was a statistically significant decrease in the nasal resistance at the higher dose. This was not a well designed study.

(3) *Proposed dosage*. The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling*. The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation*. Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(1) "The Merck Index," 8th Ed., Merck and Company, Inc., Rahway, New Jersey, p. 160, 1968.
(2) OTC Volume 040065.
(3) Grubb, T. C., "The Nasal Decongestant Effect of Aromatic Substances," Draft of unpublished study is included in OTC Volume 040298.

c. *Camphor (topical/inhalant)*. The Panel concludes that camphor is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical/inhalant OTC use as a nasal decongestant.

(1) *Safety*. Clinical experience has confirmed that camphor (tropical/inhalant) is safe in the dosage ranges used as a nasal decongestant.

Camphor is a local irritant producing skin redness when rubbed on the skin. However, when not vigorously applied, it may produce a feeling of coolness on the skin as does menthol. It acts similarly on the respiratory tract. Taken orally in small doses it produces a feeling of warmth and comfort in the stomach but in larger doses it is irritating and can cause nausea and vomiting. Camphor also has a mild local anesthetic action and its application to the skin may be followed by numbness. The systemic effects are primarily related to stimulation of the central nervous system. The ingestion of solid camphor by children can cause convulsions (Ref. 1). As little as 0.75 gm of camphor equivalent to a teaspoonful of linament of camphor or camphorated oil which contains 20 percent camphor has been fatal to a child. Commercially available ointments containing mixtures of volatile substances for use as decongestants or antitussives contain about 5 percent camphor. Since it is conceivable that ingestion of a sufficient amount of such a preparation could produce toxic effects in a young child, a suitable warning should be present on the label. The ingestion of 2 gm of camphor generally produces toxic effects in an adult although up to 1.5 oz has been ingested with recovery (Ref. 2).

(2) *Effectiveness*. There are no well-controlled studies documenting the effectiveness of camphor (topical/inhalant) as a nasal decongestant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

Using an electronic technique for measuring nasal airflow in infants and children, Noller reported that following application of a camphor-containing ointment to the nasal passageway resulted in an initial reduction in airflow followed by an increase in airflow over the pretreatment level. The study report did not, however, indicate the concentration of camphor applied nor were data supplied in the report (Ref. 3). Other studies involving the objective measurement of the nasal decongestant activity of camphor utilized mixtures of volatile substances in topically applied ointments (Refs. 4 through 6) and in steam inhalations (Ref. 7). In these studies, although significant nasal decongestion compared to placebo has been demonstrated, it is not evident whether the camphor component contributed to this effect.

(3) *Proposed dosage*. Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 5 percent ointment preparation: To be rubbed on the throat, chest and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapor rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in any hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For topical use as a lozenge 0.2 to 15 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling*. The Panel recommends the Category I labeling for topical nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: Warning "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: Warning: "For steam inhalation only. Do not take by mouth".

(5) *Evaluation*. The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation).

(iii) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation).

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(1) Swinyard, E. A. "Demulcents, Emollients, Protectives and Absorbents, Antiperspirants and Deodorants, Absorbable Hemostatics, Astringents, Irritants, Sclerosing Agents, Caustics, Keratolytics, Antiseborrheics, Melanizing and Demelanizing Agents, Mucolytics, and Certain Enzymes," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, p. 993, 1970
(2) Thienes, C. H. and T. J. Haley, "Clinical Toxicology of Commercial Products," 3d Ed., Lea and Febiger, Philadelphia, pp. 24–25, 1955.
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(5) Stamos, E., "Vaporub. Nasal Decongestant Study: Vick Rhinorrheometer. CRD 71–1," Draft of unpublished data is included in OTC Volume 040298.
(6) Carter, V. H., "Vaporub. Nasal Decongestant Study: Vick Rhinorrheometer. CRD 72–7," Draft of unpublished data is included in OTC Volume 040298.
(7) Ciampi, L. A., "Vaposteam. Nasal Decongestant Vick Rhinorrheometer. CRD 71–5." Draft of unpublished data is included in OTC Volume 040298.

d. *Cedar leaf oil (topical)*. The Panel concludes that cedar leaf oil is safe in the dosage ranges used when applied topically but there are insufficient data to permit final classification of its effectiveness for topical OTC use as a nasal decongestant.

(1) *Safety*. Clinical experience has confirmed that cedar leaf oil (topical) is safe in the dosage ranges used as a nasal decongestant.

Cedar leaf oil is the volatile oil steam distilled from the fresh leaves of Thuja occidentialis. The oil is reputed to be ecbolic but abortions cannot be induced with safe doses. The actions are like turpentine but the toxicity greater. In most cases oral ingestion of a teaspoonful may cause illness in an adult and less than 1 oz may be lethal (Refs. 1 and 2).

Several studies support the safety of a topically applied mixture of volatile oils, 16 percent weight/weight, in petrolatum. Although this mixture contains cedar leaf oil, the concentration of individual ingredients is not specified (Ref. 3).

(2) *Effectiveness*. There are no well-controlled studies documenting the effectiveness of cedar leaf oil (topical) as a nasal decongestant. Cedar leaf oil by inhalation is probably transiently effective as a nasal decongestant.

In a study of 10 patients with head colds, not double-blind or placebo-controlled, inhalation of a measured volume of cedar leaf oil vapors induced a significant nasal decongestant effect persisting for 30 minutes as measured by anterior rhinometry. Increasing the volume of inhaled vapors intensified but did not prolong the decrease in nasal resistance (Ref. 4).

In a placebo-controlled crossover study of 36 patients with head colds, application to the chest of a 16 percent weight/weight mixture of volatile oils in petrolatum containing cedar leaf oil demonstrated an apparently significant decrease in nasal resistance compared to the petrolatum control over a 4 hour observation period. The concentration of the cedar leaf oil was not specified. A similar study in 20 additional patients resulted in control and treatment data with overlapping standard errors (Ref. 4). Other studies involving the objective measurements of the nasal decongestant activity of cedar leaf oil utilized mixtures of volatile substances in topically applied ointments (Refs. 5 through 7) and in steam inhalations (Ref. 8). In these studies, although significant nasal decongestion compared to placebo was demonstrated, it was not evident whether the cedar leaf oil component contributed to this effect.

(3) *Proposed dosage*. The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling*. The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling).

(5) *Evaluation*. Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation).

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(2) "The Dispensatory of the United States of America," 25th Ed., Edited by Osol, A. and G. E. Farrar, Jr., J. B. Lippincott, Philadelphia, p. 1901, 1960.
(3) OTC Volume 040057.
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(7) Carter, V. H., "Vaporub. Nasal Decongestant Study: Vick Rhinorrheometer. CRD 72–7," Draft of unpublished data is included in OTC Volume 040298.
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e. *1-Desoxyephedrine (inhalant)*. The Panel concludes that 1-desoxyephedrine is safe in dosage ranges used when used as an inhalant but there are insufficient data to permit final classification of its effectiveness for inhalant OTC use as a nasal decongestant.

(1) *Safety*. Clinical experience has confirmed that 1-desoxyephedrine (inhalant) is safe in the dosage ranges used as a nasal decongestant.

Aqueous nose drops and aqueous spray in concentrations up to 1 percent caused burning, stinging, rhinorrhea and sneezing in up to 21.5 percent of subjects. Palpitations were rare (Ref. 1). With oral doses of 50 to 100 mg two of ten subjects had transient dizziness and nervousness but no blood pressure changes were seen (Ref. 2). No untoward effects of an oral dose of 25 mg 3 times daily for up to 28 days were observed in eight patients (Ref. 2).

(2) *Effectiveness*. There are no well-controlled studies documenting the effectiveness of 1-desoxyephedrine as a nasal decongestant. The effectiveness is therefore uncertain, as data are conflicting and properly controlled objective studies have not been presented.

Uncontrolled studies using nasal drops, 0.25 percent to 1.0 percent concentration, suggest that nasal mucous membrane constriction does occur at the higher concentrations (Ref. 1). An uncontrolled subjective study using an inhaler in 100 patients showed relief of nasal obstruction in 89 percent of cases. Onset of relief was usually in 1 minute and lasted up to 4 hours (Ref. 3). In another similar study duration of relief varied from ½ to 2 hours (Ref. 4). Two double-blind studies of inhalers containing aromatic oils with and without 1-desoxyephedrine showed no differences in nasal airflow studies using the Butler-Ivy technique (Refs. 5 and 6). However, one study (Ref. 6) showed that the inhalers with or without 1-desoxyephedrine were more effective than a placebo inhaler. This suggests the possibility that at least part of the effectiveness of the inhaler might be due to the aromatic oils. Some improvement for less than 30 minutes in airway resistance was shown for camphor, menthol, and bornyl acetate (Ref. 7).

Two single-blind studies comparing an inhaler containing aromatic oils and 1-desoxyephedrine, an inhaler containing only 1-desoxyephedrine, and a placebo inhaler were done using nasal airway resistance measured by a rhinorrheometer (Refs. 8 and 9). Both studies showed that the inhaler with aromatic oils and 1-desoxyephedrine was better than the inhaler containing only 1-desoxyephedrine and both were better than the placebo. Activity was maintained for at least 30 minutes with a maximum at 5 minutes but for less than 60 minutes. These studies suggest that 1-desoxyephedrine has some transient nasal vasoconstrictor effect.

In a recent double-blind, noncrossover, subjective rhinoscopic study of 100 male patients both the drug containing inhaler and placebo inhaler gave significant subjective effect for up to 60 minutes (Ref. 10). Slight rhinoscopic improvement was present in both groups. However, the drug containing inhaler groups, when compared with placebo had significantly greater subjective relief and greater improvement in rhinoscopic parameters.

The above review suggests that 1-desoxyephedrine probably has a nasal vasoconstrictor effect which is relatively brief. However, to be certain of effectiveness, double-blind studies with objective measurements of nasal airway resistance are required. These studies should also provide information as to rebound congestion with repeated nasal use.

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(3) *Proposed dosage.* Adult inhalant dosage from an inhaler that shall deliver in each 800 ml air 40 to 150 mcgm l-desoxyephedrine is 2 inhalations in each nostril not more frequently than every 2 hours. Children 6 to under 12 years inhalant dosage from an inhaler that shall deliver in each 800 ml air 40 to 150 mcgm l-desoxyephedrine is 1 inhalation in each nostril not more frequently than every 2 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients (See part VIII. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required from one additional objective nasal airway resistance study in patients with nasal congestion due to acute rhinitis in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(3) Greenberg, L., "Resume of Clinical Study of l-Desoxyephedrine Inhaler," Draft of unpublished data is included in OTC Volume 040298.

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(8) Mendoza. J. A., "Vick Inhaler," Draft of unpublished data is included in OTC Volume 040298.

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(10) OTC Volume 040231.

f. Ephedrine preparations (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride) (oral). The Panel concludes that ephedrine and its salts are safe in the dosage ranges used orally but there are insufficient data to permit final classification of their effectiveness for oral OTC use as nasal decongestants.

(1) *Safety.* Clinical experience has confirmed that ephedrine and its salts (oral) are safe in the dosage ranges used as a nasal decongestant.

Ephedrine has both central and peripheral effects when absorbed systemically and stimulates, directly or indirectly, both alpha and beta receptors (Ref. 1). In clinical usage the central effects are stimulatory and include tenseness, nervousness, tremor and sleeplessness. Peripheral effects include bronchodilation, and possible shrinkage of mucous membranes (decongestion) although this has not been documented. Other peripheral effects include awareness of heartbeat and tachycardia accompanied usually by some elevation of blood pressure, both systolic and diastolic. The cardiovascular and central effects set limits on dosage, limits which vary widely among patients as judged by clinical experience. Anorexia and nausea also occur in some patients. Difficulty in urination may occur in older males with prostatic hypertrophy. Overdosage results in exaggeration of the side effects which patients describe as disagreeable and can usually be depended upon to prevent overuse or abuse. Ordinary doses may cause marked and potentially dangerous increases in blood pressure in patients taking monoamine oxidase (MAO) inhibitors.

(2) *Effectiveness.* There are insufficient studies documenting the effectiveness of ephedrine and its salts (oral) as nasal decongestants. One controlled objective measurement study in patients with nasal obstruction demonstrated nasal decongestant effectiveness of orally administered ephedrine sulfate in doses of 25 mg (Ref. 2). No conclusive data were found to support claims of effectiveness for doses 8 to 12 mg contained in OTC submissions.

(3) *Proposed dosage.* Adult oral dosage is 8 to 12 mg not more than every 4 hours not to exceed 72 mg in 24 hours. Children 6 to under 12 years oral dosage is 4 to 6 mg not more than every 4 hours not to exceed 36 mg in 24 hours. Children 2 to under 6 years oral dosage is 2 to 3 mg not more than every 4 hours not to exceed 18 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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g. Eucalyptol/eucalyptus oil (topical/inhalant). The Panel concludes that eucalyptol/eucalyptus oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that eucalyptol/eucalyptus oil (topical/inhalant) is safe in the dosage ranges used as a nasal decongestant.

Eucalyptus oil is about 70 percent active eucalyptol. Fatalities have followed doses of the oil as small as 3.5 ml although recovery has occurred after doses of 20 and even 30 ml. Symptoms include epigastric burning with nausea and vomiting, vertigo, ataxia, muscle weakness and stupor (Refs. 1 and 2). A study of 223 subjects in which an ointment containing several volatile substances including eucalyptus oil 1.3 percent was applied for 48 hours to both areas of intact skin under a patch and to abraded skin revealed no instances of irritation, inflammation, wheal or hives following the period of exposure (Ref. 3). A study of 10 subjects who received application of an ointment containing several volatile substances including eucalyptus oil 1.3 percent to their trunks 3 times daily for 3 weeks, then 1 week off followed by another 1 week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 4). A study of infants and children with respiratory infection who received an ointment containing a mixture of volatile oils including eucalyptus oil 1.3 percent applied to the chest and neck demonstrated no adverse effect from inhaled vapors by that route of administration on the rate of clearing of laryngeal edema (Ref. 5). A liquid mixture of volatile substances including eucalyptus oil 1.7 percent is placed in the water of a hot steam vaporizer and administered via inhalation. Exaggerated use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations either due to sitting in closer proximity to the vaporizer or placing 2 to 5 times the recommended dose of the volatile substance in the vaporizer, was not associated with irritating or toxic effects (Refs. 6 and 7).

A series of studies assessing buccal safety and overt side effects from lozenges containing a mixture of volatile oils was conducted in over 300 subjects. Lozenges containing up to 5.5 mg eucalyptus oil were dissolved in the mouth every hour for 8 hours on 2 successive days. Mild erythema of the buccal mucosa and tongue was observed but did not differ appreciably from the response to dissolving lozenge sugar base without volatile oils. The incidence of gastrointestinal symptoms did not differ from control either (Refs. 8 through 11).

An aerosolized dosage form of volatile substances including 1 percent eucalyptus oil has also been utilized for treatment of nasal congestion. In humans, such aerosol sprays have been generally safe when used as directed but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 12). Furthermore, one commercial preparation containing a particular solvent, 1,1,1-trichloroethane, was recently recalled from the market due to potential hazards of this substance (Ref. 13).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of eucalyptol/eucalyptus oil (topical/inhalant) as a nasal decongestant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

In a study of nine patients with head colds, which was not double-blinded or placebo controlled, inhalation of 50 ml volume of eucalyptus vapors did not induce a significantly decreased airway resistance as measured by anterior rhinometry. Increasing the inhaled volume to 300 ml of eucalyptus oil vapors did induce a significant decrease in airway resistance for 15 minutes, but this was followed by increased nasal resistance over the next 100 minutes (Ref. 14). Other studies involving objective measurement of nasal decongestant activity of eucalyptus oil involved mixtures of volatile substances topically applied as ointments (Refs. 15 through 17), in steam inhalations (Refs. 18 and 19) and room aerosol sprays (Refs. 20 through 23). In these studies, although significant nasal decongestant activity as compared to placebo was demonstrated, whether the eucalyptus oil component contributed to this effect is not evident.

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term double-blind placebo-controlled subjective study in school children. The results of the study revealed milder nasal symptoms and cough symptoms in individuals using the medicated mouthwash as compared to the placebo. Although the medicated mouthwash contained 0.91 mg/ml eucalyptol, the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 24).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 1.3 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 1.7 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For inhalation use as a 1 percent room spray: Spray room for 15 to 20 seconds in the vicinity of the patient. May be repeated at ½ to 1 hour intervals as needed.

(iv) For topical use as a lozenge 0.2 to 15.0 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

(v) For use as a mouthwash 0.91 mg/ml solution: Gargle with ⅔ oz (20 ml) twice daily.

For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII, paragraph C. below—Data Required for Evaluation.)

(iii) For inhalation use as a room spray: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(iv) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(v) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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h. Menthol/peppermint oil (topical/inhalant). The Panel concludes that menthol/peppermint oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that menthol/peppermint oil (topical/inhalant) is safe in the dosage ranges used as a nasal decongestant.

Menthol is the chief constituent of peppermint oil, comprising not less than 50 percent, and may be obtained by distillation of the oil or by synthesis (Ref. 1). Toxic effects with an excess ingestion of peppermint oil or mentholated products can include abdominal pain, nausea, vomiting and symptoms of central nervous system depression such as dizziness, staggering gait, slowed respiration, flushed face, sleepiness and coma (Refs. 2 and 3). The fatal oral dose of menthol itself in man is about 2 gm (Ref. 4). Topically applied menthol produces a cooling sensation presumably due to

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stimulation of the cold sensory receptors, whereas higher concentrations have irritant properties. In one study, a 20 percent solution of menthol in oil rubbed on to the skin induced an intense and lasting cooling sensation followed by numbness with slight burning and skin redness. A 0.5 percent solution applied to the nasal or oral mucosa was subjectively irritating whereas a 0.2 percent solution was judged nonirritating (Ref. 5). A study of 223 subjects in which an ointment containing several volatile substances including menthol 2.8 percent was applied for 48 hours to both areas of intact skin under a patch and to abraded skin revealed no instances of inflammation, wheal, hives or primary irritation following the period of exposure (Ref. 6). Repeated topical application of mentholated products has been reported to give rise to hypersensitivity reactions including contact dermatitis (Ref. 4). A study of 10 subjects who received application of an ointment containing several volatile substances including menthol 2.8 percent to their trunks 3 times daily for 3 weeks, then 1 week off followed by another week of treatment, revealed no local reactions during this subsequent challenge phase (Ref. 7). The incidence of hypersensitivity to menthol appears to increase with increased duration of use. For example, one survey revealed an incidence of less than 1 percent menthol hypersensitivity in 542 patients using a mentholated ointment for less than 10 years whereas an incidence of 3.4 percent hypersensitivity was seen in 144 patients using this type of a preparation for longer than 10 years (Ref. 8).

In infants and small children nasal ointment or drops containing menthol may cause spasm of the glottis and cases of dangerous asphyxiation have been reported in infants following local application of menthol. For this reason a warning against the topical application of menthol-containing products directly to the nostrils of infants has been recommended (Refs. 4 and 9). A study of infants and children with respiratory infection who received an ointment containing a mixture of volatile oils including a 2.8 percent menthol applied to the chest and neck demonstrated no adverse effect from the inhaled vapors by that route of administration on the rate of clearing of laryngeal inflammation. In this study 35 children (23 under 2 years of age) with respiratory infection received only standard forms of therapy, e.g., antibiotics and fluids, while 37 children (30 under 2 years of age) received standard therapy plus the mentholated ointment to the chest and neck. Laryngoscopic examination revealed comparable rates of clearing of laryngeal inflammation (Ref. 10).

A liquid mixture of volatile substances including 3.66 percent menthol is placed in the water of a hot steam vaporizer and administered via inhalation. A number of studies involving nearly 900 subjects in which this mixture was administered at recommended doses was not associated with significant complaints of subjectively perceived adverse effects (Refs. 11 through 23). Exaggerated use studies in adults and children, i.e., exposure for several hours to higher than recommended exposure concentrations either due to sitting in closer proximity to the vaporizer or placing 2 to 5 times the recommended dose of the volatile substance in the vaporizer, was not associated with irritating or toxic effects (Refs. 24 and 25).

In two studies involving 40 healthy subjects who were asked to dissolve 2 candy-base lozenges every 20 minutes for 2 hours, each containing 1.36 mg of menthol together with other volatile oils, exhibited no adverse effects with the exception of one report of nausea and vomiting. This was attributed to a dislike for the wild cherry flavor of the lozenge (Refs. 26 and 27). In a group of 70 healthy subjects (50 adults and 20 children, ages 8 to 12), half of the subjects dissolved a menthol-eucalyptus lozenge, 9.62 mg menthol and 5.55 mg eucalyptus oil, every hour for 8 hours on 2 successive days, the other half dissolved the cough drop base without the aromatics. In this intensive dosage schedule, a slightly larger number of subjects demonstrated mild irritation of the oral mucosa on days 1 and 2, but there were no differences between the two groups in the severity of irritation or residual findings after day 2. No systemic complaints were reported (Ref. 28). A similar study using a lozenge formulation containing menthol 8.14 mg and eucalyptus oil 4.625 mg versus a lozenge base without volatile substances produced comparable results (Ref. 29).

An aerosolized dosage form of volatile substances including 1 percent menthol has also been utilized for treatment of nasal congestion and cough symptoms. Rats exposed to acute overdoses of the spray in a confined chamber for 6 hours revealed no untoward behavorial response or airway tissues abnormality upon autopsy examination (Ref. 30). A group of four monkeys were exposed to 200 gm per day of the aerosol, i.e., 2 gm of menthol total dose in divided doses over an 8 hour period for 14 consecutive days in a confined chamber. Eye irritation was the only pharmacotoxic sign observed during the study (Ref. 31). In humans, such aerosol sprays have been generally safe when used as directed but there have been reports of deaths from deliberate sniffing abuse, particularly when the subject inhales from a plastic bag into which the material has been sprayed (Ref. 32). Furthermore, one commercial preparation containing a particular solvent, 1,1,1-trichloroethane, was recently recalled from the market due to potential hazards of this substance (Ref. 33).

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of menthol/peppermint oil (topical/inhalant) as a nasal decongestant. Its effectiveness is uncertain due to lack of properly controlled studies of the substance by itself.

Menthol has been used in external preparations for its effects in the nasal passages. A decided cooling sensation is noticed when the substance is applied to the skin or to the mucous membrane. A cooling sensation noted in nasal passages is associated with a feeling of decreased nasal congestion. The cooling sensation, however, is not associated with an actual decrease in surface temperature, thus it is not dependent upon nasal constriction but rather appears to result from an influence on sensory nerve endings responsible for cold reception (Ref. 34). Standard texts, in fact, have noted that the feeling of nasal decongestion accompanying menthol vapor action may be an illusion and, in fact, may be accompanied by increased congestion (Ref. 1).

Using an electronic technique for measuring nasal airflow in 18 infants and children, Noller demonstrated that intranasal application of a 2.82 percent mentholated ointment induced a reduction in airflow during the first 20 minutes which was followed by an increase in airflow over the pretreatment level, lasting 1 to 3 hours (Ref. 35). In three children the menthol ointment was applied to the chest and back with one nostril remaining closed throughout the experiment except during measurement. Increased airflow was noted only in the open nostril up to 4 hours after administration, leading to the conclusion that the effect of menthol was due to the inhaled vapors (Ref. 35).

In a study of 50 patients with head colds, 15 of whom also received a petrolatum placebo application, application to the chest of an ointment containing a mixture of volatile substances including 2.8 percent menthol induced a significant degree of nasal decongestion compared to placebo over an 8 hour period as determined by a modified Butler-Ivy procedure (Ref. 36). Two additional objective-measurement placebo-controlled crossover studies involving chest, throat and back application of an ointment containing a mixture of volatile substances including 2.8 percent menthol revealed a significant nasal decongestant effect compared to placebo over an 8 hour period in a total of 90 patients with head colds (Refs. 37 and 38).

A liquid mixture of volatile substances which is to be added to the water in a hot steam vaporizer and administered via inhalation contains menthol 3.66 percent, camphor 7 percent, eucalyptus oil 1.7 percent and tincture of benzoin 5 percent. Two objective-measurement placebo-controlled studies in patients with nasal congestion due to head cold revealed that this liquid containing volatile substances placed in hot water in a dose of 1 tablespoon per quart induced a statistically significant decrease in nasal airway resistance compared to inhalation of steam alone during the period of steam inhalation (Refs. 24 and 39). It was demonstrated that an optimal distance between the subject and the vaporizer to elicit this effect was 4 to 6 feet (Ref. 24).

An aerosolized mixture of volatile substances to be sprayed in the room and containing menthol 1 percent and eucalyptus oil 1 percent has been studied for its nasal decongestant effect by objective measurement studies. When sprayed into the room for 15 seconds in the vicinity of the subject's head, measurement of expiratory nasal flow rate in 25 head cold patients revealed at least a 20 percent increase in expiratory flow rate in 19 of the patients when compared to pretreatment control readings. No placebo was utilized, however, and since measurements were only made for 6 minutes after drug administration, the average duration of effect was not determined (Ref. 40). In a subsequent study on five patients with head colds, the aerosolized mixture of volatile substances readministered at 0, 2, 4 and 7 hours led to a transient increase in expiratory nasal flow rate over the pretreatment level each time. Duration of this effect following each dose was not determined (Ref. 41). In an objective-measurement placebo-controlled study of 15 patients with head colds, nasal airway resistance was determined following a 20-second placebo aerosol spray and then for 30 minutes after a 20-second spraying of the volatile oil mixture which provided a total of 20 gm of aerosolized material. A significant decrease in nasal airway resistance was obtained with the medicated aerosol compared to placebo in 9 of the 15 subjects, but in only 3 of these subjects did the effect persist throughout the 30-minute period of observation (Ref. 42). A similar study with an additional 15 patients having partial nasal congestion due to head colds revealed comparable results (Ref. 43).

Use of a sensitive gas chromatographic technique has revealed the presence of menthol vapors in air expired through the nasal passage during the time a menthol-containing lozenge was dissolving in the subject's mouth (Ref. 44). Patients with nasal congestion due to head colds were divided into 2 groups of 15 each. One group received a 4.27 gm lozenge containing 0.15 percent menthol and 0.04 percent eucalyptus oil while the other group received a nonmedicated lozenge base. No significant difference in nasal airway resistance between the placebo and active medication group could be demonstrated (Ref. 45). In a subjective evaluation study using allergic rhinitis patients, 78.4 percent of the patients using the menthol-eucalyptol lozenge compared to 65.4 percent of the placebo groups claimed relief of their stuffy nose after 1 day of treatment. The difference between the groups was not, however, statistically significant (Ref. 46).

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term double-blind placebo-controlled subjective study in school children. The results of the study revealed milder nasal symptoms and cough symptoms in individuals using the medicated mouthwash as compared to the placebo. Although the medicated mouthwash contained 0.42 mg/ml menthol, the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 47).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 2.8 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 3.66 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For inhalation use as a 1 percent room spray: Spray room for 15 to 20 seconds in the vicinity of the patient. May be repeated at ½ to 1 hour intervals as needed.

(iv) For topical use as a lozenge 1.0 to 10 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every ½ to 1 hour.

(v) For use as a mouthwash 0.42 mg/ml solution: Gargle with ⅔ oz (20 ml) twice daily.

For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by moutb or place in nostrils".

(ii) For steam inhalation use: *Warning.* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required from one additional controlled objective measurement study in patients with nasal congestion due to acute rhinitis in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(iii) For inhalation use as a room spray: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(iv) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(v) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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1. *Phenylpropanolamine hydrochloride (topical)*. The Panel concludes that phenylpropanolamine hydrochloride is safe in the dosage ranges used when applied topically but there are insufficient data to permit final classification of its effectiveness for topical OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that phenylpropanolamine hydrochloride (topical) is safe in the dosage ranges used as a nasal decongestant. Phenylpropanolamine hydrochloride as 1 to 5 percent aqueous solution administered by drops or intranasal tampon was well tolerated by most patients, although a few complained of transitory stinging (Refs. 1, 2, and 3). Rhinoscopic examination revealed little or no evidence of nasal irritation following prolonged and continuous use of 3 percent phenylpropanolamine nasal solution but details of time parameters of drug administration were not given (Ref. 2). There is a need for additional data relating frequency of use with incidence and intensity of rebound nasal congestion in adults and children.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of phenylpropanolamine hydrochloride (topical) as a nasal decongestant. Its effectiveness is uncertain because no properly controlled objective measurement studies have been presented.

Phenylpropanolamine hydrochloride is generally considered to exert a nasal decongestant effect when topically applied as a 1 to 3 percent solution (Refs. 1 through 5). Administration as drops or soaked intranasal tampons (3 to 5 minutes contact time) to adult chronic rhinitis patients resulted in subjective and rhinoscopic evidence of nasal decongestion persisting up to 2 hours. None of these studies were controlled, double-blind or contained objective measurements in their design. No data from studies in children were presented. Studies of nasal decongestant effectiveness of topical phenylpropanolamine hydrochloride in 0.25 percent to 0.5 percent concentrations are currently in progress and the Panel was told that a report will be submitted when completed (Ref. 6).

(3) *Proposed dosage.* Adults and children above 6 to under 12 years topical dosage is 2 to 3 drops or sprays of a 1 percent solution in each nostril every 2 to 4 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician. Concentrations and frequency of administration for safe and effective use have not been established in children under 6 years.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(6) Letter to DeCillis, T. from B. M. Lanman is included in OTC Volume 040250.

j. *Thenyldiamine hydrochloride (topical)*. The Panel concludes that thenyldiamine hydrochloride is safe in the dosage ranges used when applied topically but there are insufficient data to permit final classification of thenyldiamine hydrochloride as safe and effective for OTC use as a topical nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that thenyldiamine hydrochloride (topical) is safe in the dosage ranges used as a nasal decongestant. Topically, 0.1 percent or 0.2 percent thenyldiamine hydrochloride in combination with phenylephrine hydrochloride, 0.25 and 0.5 percent, produced only "slight" or "moderate" stinging in some of the subjects in human intranasal irritation studies conducted by a manufacturer (Ref. 1). Preparations containing 0.5 percent thenyldiamine hydrochloride produced "moderate" to "severe" stinging in all subjects and irritation of the larynx in a few subjects. There are no data available on the incidence of rebound congestion.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of thenyldiamine hydrochloride (topical) as a nasal decongestant. In a randomized, double-blind, and crossover study of patients with acute rhinitis, a combination of thenyldiamine hydrochloride, 0.1 percent, with other active ingredients applied intranasally as a sprayed solution produced a subjectively evaluated nasal decongestant effect which was significant as compared to that produced by a placebo solution (Ref. 2). However, in this study the effectiveness of the combination product, thenyldiamine with phenylephrine and benzalkonium, was not significantly different from that of the product minus thenyldiamine. In fact, the nasal decongestant effect produced by phenylephrine alone and the nasal decongestant effect produced by thenyldiamine alone were not significantly different from the nasal decongestant effect produced by the combination commercial product. The three preparations did not differ at the 95 percent confidence level.

In another controlled study to determine the therapeutic contribution of topically applied thenyldiamine in a combination product with phenylephrine and benzalkonium chloride, no additive or synergistic effect was evident over that obtained by phenylephrine 0.5 percent alone, when measured by posterior electronic rhinometry or by a plethysmograph with a face mask (Ref. 3).

The manufacturer's labeling states that thenyldiamine hydrochloride "offsets the results of mediator release to the extent it is producing obstruction and at the same time opposes cholinergic hyperemia and rhinorrhea." Thacker (Ref. 4) supports inclusion of antihistamines in OTC nasal decongestant products to prevent engorgement from migration of excessive body fluids from the vascular system into tissue spaces and to aid in alleviating allergic reactions to ingredients in the solution. This supposition, however, is not supported by scientific evidence.

Studies with topical thenyldiamine indicate it may be a nasal decongestant but no nasal decongestant claims are made for this ingredient in the commercially available OTC products, although the products themselves are nasal decongestants. Present claims made for thenyldiamine are based on topical application of an antihistamine but there are no studies on the antihistamine activity of the drug applied topically.

There are no data on the use of this drug in children.

(3) *Proposed dosage.* Adult topical dosage is 1 to 3 drops or sprays of a 0.1 percent solution in each nostril not more than every 4 hours. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(1) OTC Volume 040167.
(2) Cohen, B. M., "Nasal Resistance Observations in Decongestant Spray Trials," Draft of unpublished paper is included in OTC Volume 040298.
(3) Gould, W. J., "Clinical Summary of NTZ Study. MRD, 70–65," Draft of unpublished paper is included in OTC Volume 040298.
(4) Thacker, E. A., "Nasal Solutions with Combined Therapeutic Effects," *The Eye, Ear, Nose and Throat Monthly*, 29:609–613, 1950.

k. *Thymol (topical/inhalant)*. The Panel concludes that thymol is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical/inhalant OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has apparently confirmed that thymol (inhalant) is safe in the dosage ranges used as a nasal decongestant.

Thymol is an alkyl derivative of phenol and has bactericidal, fungicidal, and anthelmintic properties (Ref. 1). When hydrogenated, thymol is converted to the closely related drug, menthol (Ref. 2). The LD_{50} of thymol in mice is 1,800 mg/kg orally (Ref. 3). No data were found bearing on the drug's toxicity in man. In view of thymol's relative inactivity compared to menthol, of which 50 to 120 gm "would have to be absorbed to cause poisoning" (Ref. 4), thymol is presumed to be relatively nontoxic.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of thymol (inhalant) as a nasal decongestant. Experiments in anesthetized rabbits have indicated that thymol administered by steam inhalation augmented the concentration of soluble mucous in the respiratory tract fluid (Ref. 2). The dose administered was unknown but the concentration in the vaporizer was in excess of 81 mg/kg. The volume of secretions did not change. Much lower concentrations of menthol were effective (1 mg/kg). In man no data on effectiveness of thymol alone were found although a mixture containing thymol, menthol, eucalyptol, and propylene glycol appeared to suppress citric acid induced cough (Ref. 5) and to reduce resistance in the nasal and bronchial airways (Ref. 6).

Studies involving the objective measurement of the nasal decongestant activity of thymol were done with mixtures of volatile substances, topically applied as ointments (Refs. 7, 8 and 9), and in steam inhalations (Refs. 10 and 11). Although significant nasal decongestant activity as compared to placebo was demonstrated, it was not evident whether the thymol component contributed to this effect.

The effect of rinsing and gargling twice daily with an aqueous mixture of volatile substances on the incidence of colds and the severity of the symptoms associated with colds was evaluated in a long-term double-blind placebo-controlled subjective study in school children. The results of the study revealed milder nasal symptoms in individuals using the medicated mouthwash as compared to the placebo. Although the medicated mouthwash contained 0.63 mg/ml thymol, the results did not demonstrate the contribution of this component to the overall alleviation of symptoms (Ref. 12).

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 0.1 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapors rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 0.13 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl or washbasin; or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

(iii) For inhalation use as a 0.1 percent room spray: Spray room for 15 to 20 seconds in the vicinity of the patient. May be repeated at 1_2 to 1 hour intervals as needed.

(iv) For topical use as a lozenge 0.02 to 2.0 mg: Allow lozenge to dissolve slowly in mouth. May be repeated every 1_2 to 1 hour.

(v) For use as a mouthwash 0.63 mg/ml solution: Gargle with $^2_3$ oz (20 ml) twice daily.

For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(iii) For inhalation use as a room spray: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(iv) For topical use as a lozenge: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(v) For use as a mouthwash: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(5) Calesnick, B., J. A. Christensen, G. Hoff and G. Weintrub, "Antitussive Effect of Aerosolized Medication on Experimentally Induced Cough in Man," *Clinical Medicine*, 71:1938–1944 1964.

(6) Letter to Beckley, J. H. from M. S. Sadove is included in OTC Volume 040298.

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(8) Stamos, E., "Vaporub. Nasal Decongestant Study: Vick Rhinorrheometer. CRD 71–1," Draft of unpublished data is included in OTC Volume 040298.

(9) Carter, V. H., "Vaporub. Nasal Decongestant Study—Vick Rhinorrheometer. CRD 72–7," Draft of unpublished data is included in OTC Volume 040298.

(10) Shapiro, M., "Steam Alone vs. Vaposteam in Steam," Draft of unpublished data is included in OTC Volume 040298.

(11) Ciampi, L. A., "Vaposteam. Nasal Decongestant Vick Rhinorrheometer. CRD 75–1," Draft of unpublished data is included in OTC Volume 040298.

(12) OTC Volume 040278.

1. *Turpentine oil (spirits of turpentine) (topical/inhalant).* The Panel concludes that turpentine oil is safe in the dosage ranges used when applied topically or as an inhalant but there are insufficient data to permit final classification of its effectiveness for topical or inhalant OTC use as a nasal decongestant.

(1) *Safety.* Clinical experience has confirmed that turpentine oil (topical/inhalant) is safe in the dosage ranges used as a nasal decongestant.

Oil of turpentine is a volatile oil consisting of a mixture of pinenes derived from the oleoresin obtained from *Pinus palustris*. Nelson et al. (Ref. 1) found exposure to a vapor of 420 to 560 mcg/l acceptable to most of their human subjects. The threshold for industrial exposure for 8 hours has been set at 560 mcg/l. The maximum concentration obtainable with a currently marketed OTC preparation is 36 mcg/l (Refs. 2 and 3). No histological evidence of pulmonary lesions were seen in mice and rats exposed to lethal concentrations of turpentine vapors (Ref. 4). Inhalation of 300 mcg/l of turpentine vapor by mice for 15 minutes did not influence the electrocardiogram, respiratory minute volume, pulmonary airway resistance or compliance (Ref. 5). One study conducted in mice using a mixture of volatile oils, one of which was turpentine, showed a decrease in pulmonary antibacterial activity (Ref. 6). Two other studies showed no change when the mixture was used (Refs. 7 and 8).

In several studies in children and infants suffering from minor breathing discomforts associated with the "common cold" no side effects that were drug related were observed when a medicated steam was administered (Refs. 9 through 13). Turpentine has been widely used as a part of a mixture of volatile oils for many years with approximately two complaints per million packages purchased (Ref. 14).

(2) *Effectiveness.* Studies involving the objective measurement of the nasal decongestant activity of turpentine were done with mixtures of volatile substances, topically applied as ointments (Refs. 15, 16, and 17), and in steam inhalation (Refs. 18 and 19). Although significant nasal decongestant activity as compared to placebo was demonstrated in these studies, it was not evident whether the turpentine contributed to this effect.

(3) *Proposed dosage.* Dosage for adults and children 2 to under 12 years is as follows: (i) For topical use as a 4.0 percent ointment preparation: To be rubbed on the throat, chest, and back as a thick layer. The area of application may be covered. However, clothing should be left loose about the throat and chest to help the vapor rise to reach the nose and mouth. Applications may be repeated up to 3 times daily.

(ii) For steam inhalation use as a 5.5 percent solution: 1 tablespoonful of solution per quart of water is added directly to the water in a hot steam vaporizer, bowl, or 2 teaspoonfuls of solution per pint of water are added to an open container of boiling water. Breathe in vapors during the period of medicated steam generation. May be repeated 3 times daily.

For children under 2 years, there is no recommended topical or inhalant dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for nasal decongestant active ingredients. (See part VIII. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) For topical ointment use: *Warning:* "For external use only. Do not take by mouth or place in nostrils".

(ii) For steam inhalation use: *Warning:* "For steam inhalation only. Do not take by mouth".

(5) *Evaluation.* The Panel made the following recommendations: (i) For topical ointment use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

(ii) For steam inhalation use: Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for testing nasal decongestant drugs. (See part VIII. paragraph C. below—Data Required for Evaluation.)

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(5) Watanabe, T. and D. M. Aviado, "Cardiopulmonary Effects of Turpentine in Mice," Draft of unpublished data is included in OTC Volume 040298.

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(15) Blanchard, C. L., S. J. Borsanyi and T. C. Grubb, "Evaluation of Nasal Decongestant Drugs," *The Eye, Ear, Nose and Throat Monthly*, 43:76–82, 1964.

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Category III Labeling

The Panel concludes that the available data are insufficient to permit final classification of the labeling claims identified below for nasal decongestants. Additional data are required to support the following nasal decongestant claims:

Reference to "preventing sneezing", "drying runny nose" or "checking post nasal drip" are unsubstantiated claims for nasal decongestants unless studies specifically designed to assess these activities are presented. Studies of nasal decongestants have assessed the effect on nasal airway resistance or the ease of breathing but not the effect on rhinorrhea.

Reference to an indirect effect in "preventing or alleviating cough" by an effect on nasal congestion is an unsubstantiated claim unless studies specifically designed to assess this activity are presented.

Reference to an effect "to reduce sinus pressure" is an unsubstantiated claim since studies of nasal decongestant activity assess the effect on nasal airway resistance. Although it is assumed that this effect on the nasal mucosa may indirectly facilitate sinus drainage and thus decrease sinus congestion, it would be unsubstantiated to claim a drug effect to decrease sinus pressure without evidence to support this claim.

Reference to the extent of the penetration of topically applied nasal decongestants is unsubstantiated without specific studies to demonstrate the extent of penetration (depth of penetration into the nasal cavity and/or the extent of penetration into the nasal mucosa).

Pressure within the antrum can be measured and recorded in terms of centimeter of water compared to ambient pressure by means of a suitable needle or small trocar placed in the antrum under topical anesthesia. This would be performed in a small number of patients (5 to 10) with nasal congestion associated with an acute respiratory infection who complain of localized headache and/or tenderness in the sinus areas. These pressure measurements would be repeated following the administration of the test preparation or placebo in the dosage range and time intervals recommended for OTC usage. Subjective symptoms such as headache, tenderness, etc., could be evaluated in conjunction with the pressure measurements.

C. DATA REQUIRED FOR EVALUATION

The Panel has agreed that the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in keeping with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Principles in the design of an experimental protocol for testing nasal decongestant drugs.* a. *General principles.* The effectiveness of a nasal decongestant drug should be determined by its ability to reduce nasal obstruction in patients with acute or chronic rhinitis. Tests should involve double-blind placebo-controlled assessment of the drug's ability to decrease nasal airway resistance. Patient-reported subjective assessment is also desirable. The drugs used should be the same as in the OTC preparation and should be given in the same dosage as the recommended label instructions for the preparation. Since either oral or topical nasal decongestants may be administered repeatedly during episodes of nasal congestion, studies should bear on the appropriate interval for dosing to maintain optimal relief of symptoms. For locally applied nasal decongestants, wherein rebound congestion with repeated use is a concern, labeling should specify short-term use in providing temporary relief of nasal congestion. Specific data on this matter should be obtained by testing the topical nasal decongestant in the concentrations and maximal dosage frequencies to be recommended for periods of at least 1 week in order to assess the incidence and severity of a drug-induced increase in nasal airway resistance.

b. *Selection of patients.* Selection of patients for testing should be based on the diagnosis of rhinitis with nasal congestion. Patients with chronic allergic or vasomotor rhinitis present relatively stable nasal congestion and consequently can serve as their own controls in a crossover study design. Patients with acute allergic or infectious rhinitis also represent a large proportion of the patient type likely to self-medicate with a nasal decongestant. Because of the relatively brief time course of these acute disorders and greater variation in stability of congestion, larger numbers of these patients would have to be studied by assigning them in random fashion to placebo or drug groups. Further, for comparative purposes these groups have to be matched by age, sex, and if possible, the degree of nasal congestion at the time of study. Smoking by test subjects should be prohibited 24 hours prior to and during the test.

c. *Methods of study.* Observation should include both the subjective response and objectively measured nasal airway resistance before the drug or placebo is administered, and at appropriate intervals thereafter to demonstrate time of onset, magnitude, and duration of response.

d. *Interpretation of data.* A recommended dose of the test drug should induce a statistically significant reduction in nasal airway resistance when compared with the placebo response.

Evidence of drug effectiveness is required from a minimum of two positive studies based on the results of two different investigators or laboratories.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

e. *Evaluation of safety.* Tests of safety should involve the usual tests for toxicity relevant to the known possible adverse effects of the drugs under testing. Tests should be done in the form of dose response curves up to a maximum therapeutic effectiveness.

IX. MISCELLANEOUS INGREDIENTS

A. GENERAL COMMENT

The action of several drugs considered by the Panel do not fall within the main pharmacologic groups, i.e., antitussives, expectorants, bronchodilators, anticholinergics, antihistamines, and nasal decongestants reviewed by the Panel. However, these miscellaneous ingredients are found in many OTC CCABA products. Because of the differences in their intended action in CCABA products, they are discussed individually below.

B. CATEGORIZATION OF DATA

The miscellaneous ingredients and/or labeling have been reviewed and classified as follows:

1. *Conditions under which CCABA products are not generally recognized as safe and effective or are misbranded.* The use of certain conditions are unsupported by scientific data, and in some instances by sound theoretical reasoning. The Panel concludes that the following ingredients and/or labeling should be removed from the market until scientific testing supports their use.

a. *Antihistamines in combination CCABA products exclusively for sedation.* The Panel concludes that the combining of an antihistamine in a CCABA combination product for the exclusive purpose of sedation is irrational. The Panel is aware that CCABA combination products are currently available for use at bedtime and promoted for such various claims as "for restful sleep". However, the duration of drug effects in "nighttime cold preparations" which are recommended to be taken once at bedtime is not fully documented. Although antihistamines produce sedation as a side effect depending upon the dosage, the addition of an antihistamine for the primary purpose of sedation is not rational. The Panel has recommended the use of antihistamines in CCABA combination products only for the relief of symptoms of allergic rhinitis. (See part II. paragraph C.5.b. above—Combination products containing antihistamines with sleep-aid claims.)

Certain antihistamines are generally considered safe for OTC use. The Panel has recommended specific doses for each of these antihistamines after a consideration of the scientific data available for these ingredients. The Panel concluded that the antihistamines reviewed by the Panel and classified as Category I are both safe and effective for the treatment of the symptoms of allergic rhinitis when administered as labeled. (See part VII. paragraph B.1. above—Category I conditions under which antihistamine ingredients are generally recognized as safe and effective and are not misbranded.) However, the Panel does not recommend the addition of another antihistamine to a CCABA combination product for the exclusive purpose of sedation. The rationale for the use of an additional antihistamine in CCABA combination products for the exclusive purpose of sedation has not been demonstrated.

b. *Vitamins used alone or in combination CCABA products with labeling claims for the prevention or treatment of the "common cold".* The Panel is unaware of any well-controlled studies documenting the safety or effectiveness

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of vitamins for use in the prevention or treatment of the "common cold". In addition, the Panel concludes that the use of any vitamin in CCABA combination products for the prevention of colds is irrational since such products should only be used when the symptoms of the "common cold" are present. It would, therefore, be irrational for a consumer to take a cold combination product containing vitamins to prevent a cold. The Panel has discussed this issue earlier in this document. (See part II. paragraph C.5.a. above—Combination products containing vitamins.)

The Panel is aware of the popular use of vitamin C for treatment of the symptoms of the "common cold." However, the Panel has reviewed the available data which is discussed below and concludes that no drug labeling claims should be made for vitamin C for the prevention or treatment of the symptoms of the "common cold" until adequate data are available to substantiate such claims. (See part IX. paragraph B.2.b. below—Ascorbic acid (vitamin C).)

2. *Conditions for which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available at this time to permit final classification of the claimed active ingredients for the conditions listed below. The Panel believes it reasonable to provide 3 years for vitamin C, 2 years for phenobarbital and caffeine, and 3 years for antihistamines for the development and review of evidence to substantiate the conditions specified below. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness data are not obtained within the time period provided, the ingredients listed in this category should no longer be marketed as over-the-counter products. The ingredients considered in this category are:

Antihistamines in combination CCABA products with sleep-aid claims

Ascorbic acid (vitamin C)
Caffeine
Phenobarbital

a. *Antihistamines in combination CCABA products with sleep-aid claims.* The Panel concludes that there are insufficient data to permit final classification of the safety and effectiveness for OTC use of sleep-aid claims for antihistamines in combination CCABA products in which their primary claim is for the relief of the symptoms of allergic disorders. The Panel is aware that antihistamines may have several activities, e.g., antitussive, antihistamine or sedative activity, depending on the dosage level used. The Panel has discussed this issue earlier in this document. (See part II. paragraph C.5.b. above—Combination products containing antihistamines with sleep-aid claims.)

(1) *Safety.* Clinical experience has confirmed that antihistamines are safe in the dosage ranges used in combination CCABA products with sleep-aid claims.

The Panel concludes that the antihistamines reviewed by the Panel and classified as Category I are both safe and effective for the treatment of the symptoms of allergic rhinitis when administered as labeled. (See part VII. paragraph B.1. above—Category I conditions under which antihistamine ingredients are generally recognized as safe and effective and are not misbranded.) However, the Panel was unable to make a final definition as to the safe and effective use of antihistamines as sleep-aids in CCABA products.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of antihistamines in combination CCABA products as sleep-aids. Although sedation may be a side effect, the effectiveness of antihistamines in CCABA combination products as sleep-aids, is not fully understood.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends that labeling claims contained in each drug manufacturer's currently marketed product, i.e., "for restful sleep", should be used.

(5) *Evaluation.* Data to demonstrate effectiveness will be required to be completed in 3 years. The Panel recommends a testing protocol in conformance with the requirements specified by the OTC Sedative, Tranquilizer and Sleep-Aid Drug Products Panel as published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292).

b. *Ascorbic acid (vitamin C).* The Panel concludes that there are insufficient data to permit final classification of ascorbic acid as safe and effective for OTC use in the prevention or treatment of the "common cold." The use of vitamin C in CCABA combination products has been discussed earlier in this document. (See part II. paragraph C.5.a. above—Combination products containing vitamins.)

(1) *Safety.* Long experience and innumerable studies attest to the fact that ascorbic acid, in doses preventing scurvy, is entirely safe. The daily requirement of ascorbic acid for the adult man is 30 mg and the National Academy of Sciences-National Research Council has therefore set the daily dietary allowance for ascorbic acid at 45 mg (Ref. 1). Ascorbic acid is probably safe in the dosage used for the treatment of acute catarrhal conditions of the nasal mucous membranes which is usually accompanied with profuse discharge from the nostrils, referred to as coryza. Dosages recommended for prevention or treatment of coryza range from 1 to 3 gm or more daily raising blood levels above the renal threshold with consequent rapid excretion by the kidney. Change from a high to a low level of ascorbic acid in the diet appears to predispose to the development of scurvy (Ref. 2).

In humans, massive doses of vitamin C, from 1 to 10 or more gm per day, have not caused toxic symptoms. Diarrhea is the only symptom reported. High levels of urinary ascorbic acid may give false positive tests for sugar in diabetic patients (Ref. 3). Also, theoretically, large doses of ascorbic acid increase the level of uric and oxalic acid in the urine, a possible hazard in patients with a tendency to gout or oxalate renal stones (Ref. 2). Large doses of vitamin C in laboratory animals have been reported to reduce fertility (Ref. 3). In a large study in human subjects (Ref. 4) the administration of large daily doses of vitamin C caused a marked but transitory fall in the vitamin C content of the blood when the vitamin C was discontinued.

(2) *Effectiveness.* There are no well-controlled studies documenting the effectiveness of vitamin C in the prevention or treatment of the "common cold."

Ten or more studies have left the matter of effectiveness in doubt. None of the studies done to date have shown ascorbic acid in any of the dosage schedules used to be unequivocally effective, although trends in favor of effectiveness have been seen. The need for elimination of bias by careful design of clinical trials has been repeatedly stressed.

The claimed effects of large doses of vitamin C on the "common cold" include prevention of colds, more rapid recovery and reduced severity.

In reviews of the data, Pauling argued persuasively (Refs. 5 through 8) that the data favored a beneficial effect of large dosages of vitamin C in treating the "common cold." In another review of these data more caution is urged in accepting this interpretation (Ref. 3). In a third review (Ref. 9), data presented by the reviewer as well as data from many other studies are interpreted as favoring a beneficial effect of large dosages of vitamin C in treating the "common cold." However, an addendum citing data published in 1974 (Ref. 10) failed to support a beneficial effect in doses ranging from 50 to 1,000 mg of vitamin C daily.

In a double-blind study comprising 1,000 subjects (Ref. 11) receiving a placebo or vitamin C in a dose of 1,000 mg daily and 4,000 mg for each of the first 3 days of a cold, there were 30 percent fewer days of confinement to the house among those receiving vitamin C as compared with those receiving the placebo, a finding that was highly significant ($p = 0.001$). A second study indicated that the effect observed was not ascribable to either a prophylactic or a therapeutic effect alone (Ref. 4). A dosage level of 2,000 mg day was not significantly different in its effects from one of 250 mg/day.

In the third of a series of large-scale double-blind studies on the effect of vitamin C on the "common cold" also recently published, the data indicated that subjects receiving vitamin C either in regular or sustained release forms in a dose of 500 mg each week, 1,500 mg on the first day of a cold and 1,000 mg daily for the next 4 days, had a significantly

milder illness than those receiving a placebo (Ref. 12). These findings indicate that very large daily doses of vitamin C may be unnecessary.

In a recent study (Ref. 13), a random sample of employees in the National Institutes of Health comprising 190 subjects were given prophylactic daily ascorbic acid (3,000 mg) or a placebo and with the onset of a "cold" were given 3,000 mg or 6,000 mg ascorbic acid or a placebo. The study was well-designed with the exception that the placebo differed in taste from the active drug thus leading the investigators to question whether the observed result of "minor influence on the duration and severity of colds" was attributable to this flaw in the study design rather than to a beneficial effect of ascorbic acid.

One means by which vitamin C might favorably influence the "common cold" is suggested by recent in vitro studies showing that in the presence of 250 mcg/ml vitamin C and glutathione, the growth of one of the causes of the "common cold," rhinovirus, was markedly suppressed. This concentration of vitamin C was without an adverse effect on the cells (Ref. 14). In contrast to the implication that vitamin C has a specific antiviral effect, one of the recent clinical studies indicates that vitamin C has a beneficial effect on various types of illnesses and not only the syndrome referred to as the "common cold" (Ref. 11).

The Panel concludes that the published data support a beneficial effect of vitamin C on the severity and perhaps frequency of the "common cold" when given in dosages exceeding the daily requirement. However, it is not yet clear that this effect is clinically significant. The magnitude of the dosages needed and the optimum schedule for prophylaxis and therapy remain to be determined.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing.

(4) *Labeling.* The Panel is unable to determine suitable labeling. The Panel concludes that no drug labeling claims should be made for vitamin C for the prevention or treatment of the symptoms of the "common cold" until adequate data are available to substantiate such claims. The Panel has discussed such labeling claims above. (See part IX. paragraph B.1.b. above—Vitamins used alone or in combination CCABA products with labeling claims for the prevention or treatment of the "common cold.") The Panel recognizes that vitamin C is readily available as a food supplement to any consumer who so selects to treat the symptoms of the "common cold."

(5) *Evaluation.* Data to demonstrate effectiveness will be required to be completed in 3 years.

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c. *Caffeine.* The Panel concludes that there are insufficient data to permit final classification of caffeine as safe and effective as a "stimulant corrective" for OTC use in combination CCABA products containing central nervous system sedating drugs, such as the antihistamines. The Panel presumes that caffeine has been added as a "stimulant corrective" rather than as an active ingredient. The Panel has discussed this issue earlier in this document. (See part II. paragraph C.5.e. above—Combination products containing correctives (stimulants and sedatives).)

(1) *Safety.* Clinical experience has confirmed that caffeine is generally considered safe in the doses (15 to 30 mg) commonly contained in CCABA combination products.

The Panel is aware of the OTC Sedative, Tranquilizer and Sleep-Aid Drug Product Panel's findings regarding caffeine which were published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292). That Panel concluded that caffeine when used alone and not in a combination drug product is safe and effective for use as a stimulant at a recommended dose of 100 to 200 mg not more often than every 3 to 4 hours.

(2) *Effectiveness.* There are no well-controlled studies demonstrating the effectiveness of caffeine as a "stimulant corrective" in combination CCABA products. The Panel is unaware of any data that support such use in combination products.

(3) *Proposed dosage.* The Panel is unable to determine a proposed dosage. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage for testing. Otherwise, the Panel recommends that each drug manufacturer evaluate the dosage as labeled on the manufacturer's marketed product(s).

(4) *Labeling.* The Panel recommends the labeling claims contained in each drug manufacturer's currently marketed products. In addition, the Panel recommends the activity of caffeine should be identified on the label as "an ingredient added to counteract drowsiness caused by other drugs in this product."

(5) *Evaluation.* Data to demonstrate effectiveness as a stimulant corrective will be required to be completed in 2 years. An acceptable test procedure will be one in which the combination with and without the corrective is evaluated to assess the effectiveness of the corrective to significantly decrease the incidence and/or intensity of the undesirable side effect and the safety of this combination.

d. *Phenobarbital.* The Panel concludes that there are insufficient data to permit final classification of phenobarbital as safe and effective for OTC use as a "stimulant corrective" in combination products with central nervous system stimulant drugs, such as the theophyllines and ephedrine. The Panel presumes that phenobarbital has been added as a "sedative corrective" rather than as a CCABA active ingredient. The Panel has discussed this issue earlier in this document. (See part II. paragraph C.5.e. above—Combination products containing correctives (stimulants and sedatives).)

(1) *Safety.* Clinical experience has confirmed that phenobarbital is generally considered safe in the doses recommended for sedative effect.

The generally recognized dose of phenobarbital as a sedative is 15 to 30 mg given 2 to 4 times daily (Refs. 1 through 3). An official compedium gives a range of 50 to 200 mg daily (Ref. 4). Adverse reactions are infrequent. Effective sedation is usually accompanied by lengthened reaction time (Ref. 5). There are occasional reports of megaloblastic anemia on prolonged use (Ref. 3). Phenobarbital stimulates the synthesis of drug-metabolizing enzymes in the liver, which may increase the metabolism (biotransformation) of other drugs administered at the same time. This type of interaction interferes with obtaining a predictable intensity and/or duration of action of other drugs administered during the period of phenobarbital administration (Refs. 1 through 3). Barbiturates, as a class, are subject to abuse. In patients with acute intermittent porphyria, phenobarbital may precipitate a dangerous rise in the level of porphyrins.

(2) *Effectiveness.* Phenobarbital is used in combination products containing

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theophyllines and ephedrine, at a dose of 8 mg, to counteract the central nervous stimulant effect of these drugs. However, the effectiveness of phenobarbital as a "sedative corrective" at a dose of 8 mg has not been established.

The generally recognized dose of phenobarbital as a sedative is 15 to 30 mg given 2 to 4 times daily (Refs. 1 through 2). It would be reasonable to expect that if there is stimulation from other drugs such as ephedrine, the dose to antagonize the stimulation should be at least the minimum effective sedation dose. All the citations in the various volumes submitted state only that a barbiturate is useful in counteracting the stimulant effects of drugs like ephedrine. None suggest a dose. Phenobarbital stimulates hepatic enzymes which may increase the metabolism of other drugs and thereby reduce their expected activity (Refs. 1 and 2). It would seem that the only way to determine the effectiveness of an 8 mg dose of phenobarbital and whether it contributes to the combination of antiasthmatic preparations is by conducting controlled clinical trials.

(3) *Proposed dosage.* Adult oral dosage is 8 to 16 mg every 4 hours.

(4) *Labeling.* The Panel recommends the following: (i) *Indications.* The activity of phenobarbital should be identified on the label as "an ingredient added to counteract nervousness caused by other drugs in this product".

(ii) *Warnings.* (*a*) *"Caution:* May cause drowsiness. Avoid driving a motor vehicle or operating heavy machinery".

(*b*) "Do not take this product if you are presently taking other drugs except under the advice and supervision of a rective":

(c) "May be habit-forming".

(5) *Evaluation.* Effectiveness at 8 mg has not been established. Further studies must be completed in 2 years. The Panel recommends the following guidelines to establish effectiveness as a "sedative corrective".

a. *General principles.* Sympathomimetic drugs and theophyllines may cause central nervous system stimulation in some patients. To counteract this a small dose of sedative has been added to some combinations. An experimental protocol should be designed to evaluate the effectiveness of the sedative under the above circumstances and, in addition, it is necessary to show whether the sedative has any additional beneficial or adverse effects on bronchospasm.

b. *Selection of patients.* Testing should be based on the diagnosis of asthma. There should be generalized airway obstruction whose severity varies greatly over a short period of time and this should be demonstrated by pulmonary function tests with significant improvement occurring after the use of a Category I bronchodilator drug.

c. *Methods of study.* The study should consist of testing the bronchodilator drug or drugs without the sedative and in combination with a Category I sedative. The trial should be double-blind and crossover in design. The preparations should probably be given ½ hour before meals to be sure of good absorption. It is suggested that the preparation be given at the manufacturer's suggested dosage 4 times daily for 5 days, and then a crossover alternate be given for a similar period.

Two methods of evaluating the preparation should be involved:

(1) There should be a questionnaire with questions related to nervousness, insomnia, irritability, and tremor. There should also be questions related to the patient's assessment of change in his asthmatic condition. The questionnaire might best be developed in the form of a diary.

(2) Pulmonary function tests and blood gas estimations: The latter are important to determine if the sedative is producing any respiratory depressant effect. These determinations should be done at the beginning of the trial and at the end of the trial before taking the first dose and 1 hour after taking the first dose. Therefore, there should be sets of pulmonary function tests as follows:

(i) First preparation (bronchodilator alone or with a sedative): One half hour before taking the first dose of the first preparation and 1 hour after taking the first dose of the first preparation.

(ii) As above at the end of the 5 days when the last dose of the first preparation is taken.

Evidence of drug effectiveness is required from a minimum of two positive studies based on the results of two different investigators or laboratories.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

(iii) Second preparation (crossover alternate with bronchodilator alone or with a sedative): After an appropriate washout period, the second preparation is given. Determinations are made ½ hour before taking the first dose of the second preparation and 1 hour after taking the first dose of the second preparation.

(iv) As above at the end of the second 5-day series when the last dose of the second preparation is taken.

(v) If possible, repeated estimations of peak expiratory flow rates should be done each day of the 5-day periods, for example, 1 hour after taking the medication.

To obtain sufficient data it will probably be necessary to test about 30 patients.

If the sedative is to be combined with a theophylline it would probably be useful to test for theophylline blood levels at intervals after an oral dose of the theophylline and after an oral dose of the theophylline plus the sedative. This is to determine whether there are any abnormalities of absorption produced. These tests need not be done on asthmatics and could probably be done on volunteers. Probably only 15 individuals need be tested.

From a safety point of view it is assumed that the bronchodilators and sedatives afe all in Category I.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24268)) the Commissioner of Food and Drugs proposes that Subchapter D be amended by adding a new Part 341 to read as follows:

PART 341—COLD, COUGH, ALLERGY, BRONCHODILATOR AND ANTIASTHMATIC PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
341.1 Scope.
341.3 Definitions.

Subpart B—Active Ingredients

341.12 Antihistamines.
341.14 Antitussives.
341.16 Bronchodilators.
341.20 Nasal decongestants.
341.40 Permitted combinations of active ingredients.

Subpart C—Testing Procedures

341.45 Theophylline tablet dissolution testing.

Subpart D—Labeling

341.50 Labeling of cold, cough, allergy, bronchodilator and antiasthmatic products.
341.70 Products containing anticholinergics
341.72 Products containing antihistamines.
341.74 Products containing antitussives.
341.76 Products containing bronchodilators
341.78 Products containing expectorants.
341.80 Products containing nasal decongestants.
341.85 Labeling of combinations of active ingredients.
341.90 Professional labeling.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 341.1 Scope.

An over-the-counter cold, cough, allergy, bronchodilator or antiasthmatic product in a form suitable for oral, inhalant, or topical administration is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 341.3 Definitions.

As used in this part:

(a) *Age (dosage) range.* Infant or baby (under 2 years), child (2 years to under 12 years), and adult (12 years and over).

(b) *Allergy product.* A drug product used for the relief of the symptoms of allergic rhinitis (such as hay fever).

(c) *Antiasthmatic drug.* A drug product used for the control of the symptoms of bronchial asthma.

(d) *Anticholinergic drug.* A drug used for the relief of excessive secretions of the nose and eyes, symptoms commonly associated with hay fever, allergy, rhinitis, and the "common cold" (cold).

(e) *Antihistaminic drug.* A drug used for the relief of the symptoms of mild allergic rhinitis (such as hay fever) (seasonal allergic rhinitis) and perennial allergic rhinitis.

(f) *Antitussive drug.* A drug which inhibits, controls or suppresses the act of coughing.

(g) *Asthma product.* A drug product used for the control of the symptoms of bronchial asthma.

(h) *Bronchodilator drug.* A drug used to overcome spasms that cause narrowing of the bronchial air tubes, such as in the symptomatic treatment of the wheezing and shortness of breath of asthma.

(i) *Cough product.* A drug product used to inhibit, control or suppress the act of coughing.

(j) *Expectorant drug.* A drug used to promote or facilitate the removal of secretions from the respiratory airways.

(k) *Hay fever product.* A drug product used for the relief of the symptoms of allergic rhinitis (such as hay fever).

(l) *Inhalant dosage.* The dosage range that is generally recognized as safe and effective inhaled nasally or by mouth.

(m) *Nasal decongestant drug.* A drug which reduces nasal congestion caused by acute or chronic rhinitis.

(n) *Oral dosage.* The dosage range that is generally recognized as safe and effective by mouth.

(o) *Topical dosage.* The dosage range that is generally recognized as safe and effective applied topically, such as by external rub for inhalation, as a lozenge for local application by mouth, or as drops or sprays for local application intranasally.

Subpart B—Active Ingredients

§ 341.12 Antihistamines.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Brompheniramine maleate.* Adult oral dosage is 4 mg every 4 to 6 hours not to exceed 24 mg in 24 hours. Children 6 to under 12 years oral dosage is 2 mg every 4 to 6 hours not to exceed 12 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(a). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Chlorpheniramine maleate.* Adult oral dosage is 4 mg every 4 to 6 hours not to exceed 24 mg in 24 hours. Children 6 to under 12 years oral dosage is 2 mg every 4 to 6 hours not to exceed 12 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(b). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *Diphenhydramine hydrochloride.* Adult oral dosage is 25 to 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 to 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(c). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(d) *Doxylamine succinate.* Adult oral dosage is 7.5 to 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 6 to under 12 years oral dosage is 3.75 to 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(d). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(e) *Methapyrilene preparations.* Adult oral dosage is 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 6 to under 12 years oral dosage is 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(f). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(f) *Phenindamine tartrate.* Adult oral dosage is 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(g). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(g) *Pheniramine maleate.* Adult oral dosage is 12.5 to 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 6.25 to 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(h). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(h) *Promethazine hydrochloride.* Adult oral dosage is 6.25 to 12.5 mg every 8 to 12 hours not to exceed 37.5 mg in 24 hours. Children 6 to under 12 years oral dosage is 3.125 to 6.25 mg every 8 to 12 hours not to exceed 18.75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(i). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(i) *Pyrilamine maleate.* Adult oral dosage is 25 to 50 mg every 6 to 8 hours not to exceed 200 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 to 25 mg every 6 to 8 hours not to exceed 100 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(j). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(j) *Thonzylamine hydrochloride.* Adult oral dosage is 50 to 100 mg every 4 to 6 hours not to exceed 600 mg in 24 hours. Children 6 to 12 years oral dosage is 25 to 50 mg every 4 to 6 hours not to exceed 300 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(1). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 341.14 Antitussives.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Codeine preparations (codeine, codeine alkaloid, codeine phosphate, codeine sulfate).* (1) Adult oral dosage is 10 to 20 mg every 4 to 6 hours not to exceed 120 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 to 10 mg every 4 to 6 hours not to exceed 60 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 to 5 mg every 4 to 6 hours not to exceed 30 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) Shall apply to products pursuant to the requirements identified in § 329.20(a) and § 1308.15(b) of this chapter.

(b) *Dextromethorphan, dextromethorphan hydrobromide.* Adult oral dosage is 10 to 20 mg every 4 hours or 30 mg every 6 to 8 hours not to exceed 120 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 to 10 mg every 4 hours or 15 mg every 6 to 8 hours not to exceed 60 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 to 5 mg every 4 hours or 7.5 mg every 6 to 8 hours not to exceed 30 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *Diphenhydramine hydrochloride.* Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is identified in § 341.90(c). For children under 2 years, there is no recomended dosage except under the advice and supervision of a physician.

§ 341.16 Bronchodilators.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Ephedrine preparations, (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride).* Adult oral dosage is 12.5 to 25 mg not more often than every 4 hours not to exceed 150 mg in 24 hours. Children 2 to under 12 years oral dosage is identified in § 341.90(e). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Epinephrine preparations (epinephrine, epinephrine bitartrate, epi-*

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nephrine hydrochloride (racemic) (inhalant)). Adults and children 4 years and above inhalation dosage is 1 to 3 inhalations of a 1 percent aqueous solution of l-epinephrine or the equivalent in a pressurized preparation not more often than every 3 hours, except under the advice and supervision of a physician. For children under 4 years, there is no recommended dosage except under the advice and supervision of a physician.

Children and adolescents should not have unsupervised access to this inhaler. There is the possibility of abuse of this material and possible adverse effects on the heart if excessively used.

(c) *Methoxyphenamine hydrochloride.* Adult oral dosage is 100 mg every 4 to 6 hours not to exceed 600 mg in 24 hours. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(d) *Theophylline preparations (aminophylline, theophylline anhydrous, theophylline calcium salicylate, theophylline sodium glycinate).* Adult oral dosage based on the anhydrous theophylline equivalent is 100 to 200 mg every 6 hours not to exceed 800 mg in 24 hours. Children 2 to under 12 years oral dosage is identified in § 341.90(k). For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 341.20 Nasal decongestants.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Ephedrine preparations (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride) (topical).* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.5 percent aqueous solution not more frequently than every 4 hours. Children 6 to under 12 years topical dosage is 1 or 2 drops or sprays of a 0.5 percent solution not more frequently than every 4 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Naphazoline hydrochloride (topical).* Adult topical dosage is 1 to 2 drops or sprays of a 0.05 percent aqueous solution in each nostril not more frequently than every 6 hours. Children 6 to under 12 years topical dosage is 1 to 2 drops or sprays of a 0.025 percent aqueous solution in each nostril not more frequently than every 6 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *Oxymetazoline hydrochloride (topical).* Adults and children 6 to under 12 years topical dosage is 2 to 3 drops or sprays of a 0.05 percent aqueous solution in each nostril 2 times daily (in the morning and evening). Children 2 to under 6 years topical dosage is 2 to 3 drops of a 0.025 percent aqueous solution in each nostril 2 times daily (in the morning and evening). Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(d) *Phenylephrine hydrochloride (oral/topical—(1) As an oral nasal decongestant.* Adult oral dosage is 10 mg every 4 hours not to exceed 60 mg in 24 hours. Children 6 to under 12 years oral dosage is 5 mg every 4 hours not to exceed 30 mg in 24 hours. Children 2 to under 6 years oral dosage is 2.5 mg every 4 hours not to exceed 15 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *As a topical nasal decongestant.* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.25 to 0.5 percent aqueous solution not more frequently than every 4 hours. Children 6 to under 12 years topical dosage is 2 to 3 drops or sprays in each nostril of a 0.25 percent aqueous solution not more frequently than every 4 hours. Children 2 to under 6 years topical dosage is 2 to 3 drops in each nostril of a 0.125 percent aqueous solution not more frequently than every 4 hours. Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(e) *Phenylpropanolamine preparations (phenylpropanolamine bitartrate, phenylpropanolamine hydrochloride, phenylpropanolamine maleate) (oral).* Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours or 50 mg every 8 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours or 25 mg every 8 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours or 12.5 mg every 8 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(f) *Propylhexedrine (inhalant).* Adults and children 6 to under 12 years inhalant dosage from an inhaler that shall deliver in each 800 ml of air 0.40 to 0.50 mg of propylhexedrine is 2 inhalations in each nostril not more frequently than every 2 hours. For children under 6 years, there is no recommended dosage except under the advice and supervision of a physician. The inhaler should retain effectiveness for a minimum of 2 to 3 months.

(g) *Pseudoephedrine preparations (pseudoephedrine hydrochloride, pseudoephedrine sulfate) (oral).* Adult oral dosage is 60 mg every 4 hours not to exceed a maximum of 360 mg in 24 hours. Children 6 to under 12 years oral dosage is 30 mg every 4 hours not to exceed 180 mg in 24 hours. Children 2 to under 6 years oral dosage is 15 mg every 4 hours not to exceed 90 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(h) *Xylometazoline hydrochloride (topical).* Adult topical dosage is 2 to 3 drops or sprays in each nostril of a 0.1 percent aqueous solution every 8 to 10 hours. Children 2 to under 12 years topical dosage is 2 to 3 drops or sprays in each nostril of a 0.05 percent aqueous solution every 8 to 10 hours. Only drops should be used in children 2 to under 6 years since the spray is difficult to use in the small nostril. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 341.40 Permitted combinations of active ingredients.

(a) Any single antihistamine active ingredient identified in § 341.12 may be combined with any single generally recognized as safe and effective analgesic-antipyretic active ingredient: *Provided,* That the combination contains any applicable labeling identified in § 341.85(d).

(b) Any single antihistamine active ingredient identified in § 341.12 may be combined with any single oral nasal decongestant active ingredient identified in § 341.20.

(c) Any single antihistamine active ingredient identified in § 341.12 may be combined with any single oral nasal decongestant active ingredient identified in § 341.20 with any single generally recognized as safe and effective analgesic-antipyretic active ingredient: *Provided,* That the combination contains the labeling identified in § 341.85(d).

(d) Any single antihistamine active ingredient identified in § 341.12 may be combined with any single antitussive active ingredient identified in § 341.14: *Provided,* That the combination contains the labeling identified in § 341.85(a).

(e) Any single antihistamine active ingredient identified in § 341.12 may be combined with any single oral nasal decongestant active ingredient identified in § 341.20 with any single antitussive active ingredient identified in § 341.14.

(f) Any single antitussive active ingredient identified in § 341.14 may be combined with any single oral bronchodilator active ingredient identified in § 341.16: *Provided,* That the combination contains the labeling identified in § 341.85(b).

(g) Any single antitussive active ingredient identified in § 341.14 may be combined with any single generally recognized as safe and effective expectorant active ingredient.

(h) Any single antitussive active ingredient identified in § 341.14 may be combined with any single oral nasal decongestant active ingredient identified in § 341.20.

(i) Any single antitussive active ingredient identified in § 413.14 may be combined with any single generally recognized as safe and effective expectorant active ingredient with any single oral nasal decongestant active ingredient identified in § 341.20.

(j) Any single antitussive active ingredient identified in § 341.14 may be combined with any single generally recognized as safe and effective local anesthetic or local analgesic active ingredient: *Provided,* That the product is available only as a lozenge.

(k) Any single bronchodilator active ingredient identified in § 341.16(a) may be combined with any single bronchodilator active ingredient identified in § 341.16(d).

(l) Any single oral bronchodilator active ingredient identified in § 341.16 may be combined with any single generally recognized as safe and effective expectorant active ingredient: *Provided,* That the combination contains the labeling identified in § 341.85(c).

(m) Any single oral nasal decongestant active ingredient identified in § 341.20 may be combined with any single generally recognized as safe and effective analgesic-antipyretic active ingredient: *Provided,* That the combination contains the labeling identified in § 341.85(d).

(n) Any single oral nasal decongestant active ingredient identified in § 341.20 may be combined with any single generally recognized as safe and effective expectorant active ingredient.

(o) Any single nasal decongestant active ingredient identified in § 341.20 may be combined with any single generally recognized as safe and effective local anesthetic or local analgesic active ingredient: *Provided,* That the product is available only as a lozenge.

Subpart C—Testing Procedures

§ 341.45 Theophylline tablet dissolution testing.

All tablet product formulations containing theophylline preparation(s) identified in § 341.16(d) shall be tested according to the procedures described in the United States Pharmacopeia XIX (page 651). The tablets shall be suitable for OTC use if the quantity of theophylline dissolved within 15 minutes is not less than 50 percent of the labeled amount, based on the anhydrous theophylline, equivalent content, and the quantity of theoplylline dissolved within 30 minutes is not less than 90 percent of the labeled amount of theophylline, based on the anhydrous theophylline equivalent content, for each of the tablets tested. The resulting data shall be submitted by petition to the Food and Drug Administration for approval prior to use. The petition and the data contained therein shall be maintained in a permanent file for public review by the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Subpart D—Labeling

§ 341.50 Labeling of cold, cough, allergy, bronchodilator, and antiasthmatic products.

(a) *Indications.* (1) The labeling shall identify the product pursuant to the appropriate definition(s) established in § 341.3 and shall contain the applicable labeling for the active ingredient(s) as set forth in §§ 341.70, 341.72, 341.74, 341.76, 341.78, and 341.80.

(2) In addition, labeling may also contain the following indication(s): *Provided,* That such phrase(s) is combined and contiguous with the indications required as set forth in § 341.50(a)(1):

(i) "as may be associated with the common cold (cold)."

(ii) "as may occur in the common cold (cold)."

(b) *Directions for use.* The labeling of the product contains the recommended dosage and appropriate directions identified under §§ 341.12, 341.14, 341.16, or 341.20 under the heading "Directions," per time interval, e.g., every 4 hours, or other time period, e.g., 3 times daily, broken down by age groups, if appropriate, followed by "or as directed by a physician."

(c) *Warnings.* The labeling of the product contains the appropriate warning(s) under §§ 341.70, 341.72, 341.74, 341.76, 341.78, or 341.80 and, if applicable, the following general warning under the heading "Warning," which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable. For products containing an alcoholic content greater than 10 percent (weight/weight) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(d) *Drug interaction precautions.* The labeling of the product, where appropriate under § 341.76 or § 341.80, contains drug interaction precautions, under the heading "Drug Interaction Precautions".

§ 341.70 Products containing anticholinergics.

(a) *Indications.* The labeling of the product shall contain any of the following indications, under the heading "Indications":

(1) "For temporary relief of watery nasal discharge and watering eyes as may occur in certain allergic conditions and infections of the upper respiratory tract".

(2) "Temporarily suppresses watery nasal discharge".

(3) "Temporary relief from excessive nasal secretions".

(4) "Temporary relief from running nose".

(5) "Temporarily suppresses watering of eyes".

(b) *Warnings.* The labeling of the product contains the following warnings, under the heading "Warning":

(1) "Do not exceed recommended dosage except under the advice and supervision of a physician".

(2) "Do not continue to take this product if constipation, excessive dryness of the mouth, insomnia, excitement, confusion, rapid pulse, or blurring of vision occur".

(3) "*Caution:* Do not take this product if you have asthma, glaucoma or have difficulty in urination due to enlargement of the prostate gland except under the advice and supervision of a physician".

(4) "Do not give this product to children under 12 years except under the advice and supervision of a physician".

§ 341.72 Products containing antihistamines.

(a) *Indications.* The labeling of the product shall contain any of the following indications, under the heading "Indications":

(1) "Alleviates, decreases, or for temporary relief of, running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(2) "Alleviates, decreases, or for temporary relief of, running nose as may occur in allergic rhinitis (such as hay fever)".

(3) "Alleviates, decreases, or for temporary relief of, sneezing as may occur in allergic rhinitis (such as hay fever)".

(4) "Alleviates, decreases, or for temporary relief of, itching of the nose or throat as may occur in allergic rhinitis (such as hay fever)".

(5) "Alleviates, decreases, or for temporary relief of, itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(6) "Dries running nose as may occur in allergic rhinitis (such as hay fever)".

(b) *Warnings.* The labeling of the product contains the following warnings, under the heading "Warnings":

(1) "May cause excitability especially in children".

(2) "Do not take this product if you have asthma, glaucoma or difficulty in urination due to enlargement of the prostrate gland except under the advice and supervision of a physician".

(3) "*Caution:* Avoid driving a motor vehicle or operating heavy machinery".

(4) "*Caution:* Avoid alcoholic beverages while taking this product".

(5) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(6) For products containing the active ingredients identified in paragraphs (a), (b), (f), (i), and (j) of § 341.12: "May cause drowsiness".

(7) For products containing the active ingredients identified in paragraphs (c), (d), (e), (g), and (h) of § 341.12: "May cause marked drowsiness".

(8) For products containing an active ingredient identified in § 341.12(f): "*Caution:* May cause nervousness and insomnia in some individuals".

§ 341.74 Products containing antitussives.

(a) *Indications.* The labeling of the product may contain any of the following indications, under the heading "Indications": (1) "Cough suppressant which temporarily reduces the impulse to cough".

(2) "For the temporary relief of cough due to minor throat and bronchial irritation as may occur with the common cold (cold) or with inhaled irritants".

(3) "Temporarily quiets coughing by its antitussive action".

(4) "Temporarily helps you cough less".

(5) "Temporarily helps to quiet the cough reflex that causes coughing".

(6) For products containing an ingredient identified in § 341.14(a): "Calms the cough control center and relieves coughing".

(7) For products containing an ingredient identified in § 341.14 (b) and (c):

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(i) "Calms the cough control center and relieves coughing".

(ii) "Non-narcotic cough suppressant for the temporary control of coughs".

(iii) "Calms cough impulses without narcotics".

(b) *Warnings.* The labeling of the product contains the following warnings, under the heading "Warnings": (1) "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(2) "Do not take this product for persistent or chronic cough such as occurs with smoking, asthma, or emphysema, or where cough is accompanied by excessive secretions except under the advice and supervision of a physician".

(3) "*Caution:* A persistent cough may be a sign of a serious condition. If cough persists for more than 1 week, tends to recur or is accompanied by high fever, rash or persistent headache, consult a physician".

(4) For products containing an ingredient identified in § 341.14(a):

(i) "May cause or aggravate constipation".

(ii) "Do not give this product to children taking other drugs except under the advice and supervision of a physician".

(iii) "Do not take this product if you have a chronic pulmonary disease or shortness of breath except under the advice and supervision of a physician".

(5) For products containing an ingredient identified in § 341.14(c): (i) May cause marked drowsiness".

(ii) "May cause excitability especially in children".

(iii) "Do not take this product if you have glaucoma or have difficulty in urination due to enlargement of the prostate gland except under the advice and supervision of a physician".

(iv) "Caution: Avoid driving a motor vehicle or operating heavy machinery".

(v) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

§ 341.76 Products containing bronchodilators.

(a) *Indications.* (1) The labeling of a product to be taken by inhalation may contain under the heading "Indications" the time to onset of action expressed in minutes.

(2) The labeling of the product shall contain any of the following indications, under the heading "Indications":

(i) "For temporary relief of bronchial asthma".

(ii) "For symptomatic control of bronchial asthma".

(iii) "Provides temporary relief from acute symptoms of bronchial asthma".

(iv) "Relaxes tense bronchial muscles to ease breathing for asthma patients".

(v) "For temporary relief of wheezing (attacks and distress) of bronchial asthma".

(b) *Warnings.* The labeling of the product contains the following warning, under the heading "Warnings": (1) "Caution: Do not take this product unless a diagnosis of asthma has been made by a physician".

(2) For products containing an ingredient identified in § 341.16 (a) and (c):

(i) "*Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse".

(ii) "Nervousness, tremor, sleeplessness, nausea and loss of appetite may occur".

(iii) "Do not take this product if you have heart disease, high blood pressure, thyroid disease, diabetes or difficulty in urination due to enlargement of the prostate gland".

(iv) *Drug interaction precaution.* "Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor".

(v) "Do not give this product to children under 12 years except under the advice and supervision of a physician".

(3) For products containing an ingredient identified in § 341.16(b):

(i) "Do not take this product at higher than recommended doses except under the advice and supervision of a physician for it may cause nervousness and rapid heart beat".

(ii) "*Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 20 minutes or become worse".

(iii) "Do not take this product if you have heart disease or high blood pressure except under the advice and supervision of a physician".

(iv) *Drug interaction precaution.* "Do not take this product of you are presently taking a prescription antihypertensive or antidepressant drug containing a monamine oxidase inhibitor".

(v) "Keep this product out of reach of children and adolescents because unsupervised access may cause abuse or possible adverse effects on the heart if excessively used".

(vi) "Do not give this product to children under 4 years except under the advice and supervision of a physician".

(4) For products containing an ingredient identified in § 341.16(d):

(i) "Do not exceed recommended dosage except under the advice and supervision of a physician".

(ii) "Do not take this product if nausea, vomiting or restlessness occurs".

(iii) "*Caution:* Do not continue to take this product but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse".

(iv) "Do not take this product if you are presently taking a drug or suppository containing any form of theophylline except under the advice and supervision of a physician".

(v) "Do not give this product to children under 12 years except under the advice and supervision of a physician. Excessive use may cause toxic effects and even death in children".

§ 341.78 Products containing expectorants.

(a) *Indication.* The labeling of the product may contain any of the following indications, under the heading "Indications":

(1) "Helps loosen phlegm (sputum)".

(2) "Helps rid the passageways of bothersome mucus".

(3) "Expectorant action to help loosen phlegm (sputum) and bronchial secretions".

(4) "Helps drainage of bronchial tubes by thinning the mucus".

(5) "Relieves irritated membranes in the respiratory passageways by preventing dryness through increased mucus flow".

(b) *Warnings.* The labeling of the product contains the following warnings, under the heading, "Warnings":

(1) "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(2) "Do not take this product for persistent or chronic cough such as occurs with smoking, asthma, or emphysema, or where cough is accompanied by excessive secretions except under the advice and supervision of a physician".

(3) "*Caution:* A persistent cough may be a sign of a serious condition. If cough persists for more than 1 week, tends to recur or is accompanied by high fever, rash or persistent headache, consult a physician".

§ 341.80 Products containing nasal decongestants.

(a) *Indications.* The labeling of the product shall contain any of the following indications, under the heading "Indications":

(1) "For temporary relief of nasal congestion due to the common cold (cold)".

(2) "For temporary relief of nasal congestion due to hay fever or other upper respiratory allergies".

(3) "For temporary relief of nasal congestion associated with sinusitus".

(4) "For the temporary relief of stuffy nose (stopped up nose, nasal stuffiness, clogged up nose)".

(5) "Reduces swelling of nasal passages; shrinks swollen membranes".

(6) "Decongest nasal passages".

(7) "Temporarily restores freer breathing through the nose".

(8) "Helps clear nasal passages".

(9) "Helps decongest sinus openings, sinus passages".

(10) "Promotes nasal and/or sinus drainage".

(11) For products with claims for duration of effect: Statements as to duration of effect must be substantiated and accompanied by a specific time period expressed in minutes or hours, as appropriate.

(12) For products to be used as topical nasal decongestants with claims for rapid onset of action: Statements relating to time to onset of action, such as, "fast" or "quick", must be accompanied by a specific time period expressed in minutes.

(13) For products to be used as topical nasal decongestants which can demonstrate a cooling sensation:

(i) "Provides cooling sensation".

(ii) "Cooling".

(iii) "Cools nasal passages".

(b) *Warnings.* The label of the product contains the following warnings, under the heading "Warnings".

(1) For products containing topical nasal decongestants:

(i) "Do not exceed recommended dosage because symptoms may occur such as burning, stinging, sneezing, or increase of nasal discharge.

(ii) "Do not use this product for more than 3 days. If symptoms persist, consult a physician".

(iii) "The use of this dispenser by more than one person may spread infection".

(2) For products used as oral nasal decongestants:

(i) "Do not exceed recommended dosage because at higher doses nervousness, dizziness, or sleeplessness may occur".

(ii) "If symptoms do not improve within 7 days or are accompanied by high fever, consult a physician before continuing use".

(iii) "Do not take this preparation if you have high blood pressure, heart disease, diabetes, or thyroid disease except under the advice and supervision of a physician".

(iv) "*Drug interaction precaution:* Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor except under the advice and supervision of a physician".

(3) For products used as inhalant nasal decongestants:

(i) "This inhaler should be warmed in the hand before use to increase effectiveness".

(ii) "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(iii) "Children should not have unsupervised access to this inhaler".

(iv) "*Caution:* Not for use by mouth".

(4) For products containing the active ingredient identified in § 341.20(a) at a concentration of 0.5 percent: "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(5) For products containing the active ingredient identified in § 341.20(b) at a concentration of 0.025 percent: "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(6) For products containing the active ingredient identified in § 341.20(b) at a concentration of 0.05 percent: "For adult use only. Do not give this product to children under 6 years since it may cause sedation if swallowed".

(7) For products containing the active ingredient identified in § 341.20(d) (2) at a concentration of 0.125 percent: "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(8) For products containing the active ingredient identified in § 341.20(d) (2) at a concentration of 0.25 percent: "Do not give this product to children under 6 years except under the advice and supervision of a physician".

(9) For products containing the active ingredient identified in § 341.20(d) (2) at a concentration of 0.5 percent: "For adult use only. Do not give this product to children under 12 years except under the advice and supervision of a physician".

(10) For products containing the active ingredient identified in § 341.20(h) at a concentration of 0.05 percent: "Do not give this product to children under 2 years except under the advice and supervision of a physician".

(11) For products containing the active ingredient identified in § 341.20(h) at a concentration of 0.1 percent: "For adult use only. Do not give this product to children under 12 years except under the advice and supervision of a physician".

§ 341.85 Labeling of combinations of active ingredients.

(a) *Antihistamine combined with an antitussive.* A combination identified in § 341.40(d) shall contain the following warning under the heading "Warning": "Caution: May cause marked drowsiness". The Food and Drug Administration will grant an exemption to the labeling term "marked", which may be removed from the warning statement upon petition if adequate data are submitted to demonstrate that the combination product does not cause a significant increase in drowsiness as compared with each active ingredient when tested alone. The petition and the data contained therein shall be maintained in a permanent file for public review by the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

(b) *Antitussive combined with a bronchodilator.* A combination identified in § 341.40(f) shall contain the following warning, under the heading "Warning": "This product should be used only for cough associated with asthma".

(c) *Bronchodilator combined with an expectorant.* A combination identified in § 341.40(l) shall contain the following warning, under the heading "Warning": "This product should be used only for cough associated with asthma".

(d) *Aspirin (acetylsalicylic acid) containing combinations.* Any combination identified in § 341.40 (a), (c), or (m) containing aspirin (acetylsalicylic acid) shall contain the following warning, under the heading "Warning": "This product contains aspirin and should not be taken by individuals who are sensitive to aspirin".

§ 341.90 Professional labeling.

The labeling of the product provided to health professionals (but not to the general public) may contain the following additional dosage information for products containing the active ingredients identified below:

(a) For products containing brompheniramine maleate: Children 2 to under 6 years oral dosage is 1 mg every 4 to 6 hours not to exceed 6 mg in 24 hours.

(b) For products containing chlorpheniramine maleate: Children 2 to under 6 years oral dosage is 1 mg every 4 to 6 hours not to exceed 6 mg in 24 hours.

(c) For products containing diphenhydramine hydrochloride:

(1) *For use as an antihistamine:* Children 2 to under 6 years oral dosage is 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours.

(2) *For use as an antitussive:* Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours.

(d) *For products containing doxylamine succinate:* Children 2 to under 6 years oral dosage is 1.9 to 3.125 mg every 4 to 6 hours not to exceed 18.75 mg in 24 hours.

(e) *For products containing ephedrine preparations for use as a bronchodilator (ephedrine, ephedrine hydrochloride, ephedrine sulfate, racephedrine hydrochloride):* Children 6 to under 12 years oral dosage is 6.25 to 12.5 mg not more often than every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 0.3 to 0.5 mg/kg of body weight not more often than every 4 hours not to exceed 2 mg kg of body weight in 24 hours.

(f) *For products containing methapyrilene preparations (methapyrilene fumarate, methapyrilene hydrochloride):* Children 2 to under 6 years oral dosage is 12.5 mg every 4 to 6 hours not to exceed 75 mg in 24 hours.

(g) *For products containing phenindamine tartrate:* Children 2 to under 6 years oral dosage is 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours.

(h) *For products containing pheniramine maleate:* Children 2 to under 6 years oral dosage is 3.125 to 6.25 mg every 4 to 6 hours not to exceed 37.5 mg in 24 hours.

(i) *For products containing promethazine hydrochloride:* Children 2 to under 6 years oral dosage is 1.56 to 3.125 mg every 8 to 12 hours not to exceed 9.375 mg in 24 hours.

(j) *For products containing pyrilamine maleate:* Children 2 to under 6 years oral dosage is 6.25 to 12.5 mg every 6 to 8 hours not to exceed 50 mg in 24 hours.

(k) *For products containing theophylline preparations (aminophylline, theophylline anhydrous, theophylline calcium salicylate, theophylline sodium glycinate):* Children 2 to under 12 years oral dosage based on the anhydrous theophylline equivalent is 3.33 mg/kg of body weight 3 times daily every 8 hours not to exceed 10 mg/kg in 24 hours.

(l) For products containing thonzylamine hydrochloride: Children 2 to under 6 years oral dosage is 12.5 to 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours.

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Interested persons are invited to submit their comments in writing (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before December 8, 1976. Such comments should be addressed to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before January 7, 1977. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 30, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22710 Filed 9-8-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 9, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

■

RECOMBINANT DNA RESEARCH GUIDELINES

Draft Environmental Impact Statement

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

RECOMBINANT DNA RESEARCH GUIDELINES

Draft Environmental Impact Statement

On Wednesday, June 23, 1976, the Director of the National Institutes of Health, with the concurrence of the Secretary of Health, Education, and Welfare and the Assistant Secretary for Health, issued Guidelines that will govern the conduct of NIH-supported research on recombinant DNA molecules.

The decision by the NIH Director to release the Guidelines was reached after extensive scientific and public airing of the issues. The issues were discussed at public meetings of the Recombinant DNA Molecule Program Advisory Committee (Recombinant Advisory Committee) and the Advisory Committee to the NIH Director. The Recombinant Advisory Committee debated three different versions of the Guidelines during this period, and made detailed recommendations to the NIH Director on how this line of research could proceed effectively with maximum protection of workers and the environment against possible hazards.

The Advisory Committee to the NIH Director, augmented with consultants representing law, ethics, consumer affairs, and the environment, was asked to advise on whether the proposed Guidelines balanced responsibility to protect the public with the potential benefits through the pursuit of new knowledge. The many points of view expressed at an open meeting of the Committee on February 9 and 10, 1976, and in subsequent correspondence, were taken into consideration in the Director's decision.

A number of public commentators urged NIH to consider preparing an environmental impact statement on recombinant DNA research activity. They evoked the possibility that organisms containing recombinant DNA molecules might escape and affect the environment in potentially harmful ways. It should be noted that the development of the guidelines was in large part tantamount to conducting an environmental impact assessment. For example, the objectives of recombinant DNA research were considered and the potential hazards and risks analyzed. Possible alternative approaches to the objectives were thoroughly explored, to maximize safety and minimize potential risks. And an elaborate review structure to ensure safety has been created.

The Guidelines are premised on physical and biological containment to prevent the release or propagation of DNA recombinants outside the laboratory. Deliberate release of organisms into the environment is prohibited. The stipulated physical and biological containment ensures that this research will proceed with a high degree of safety and precaution.

With a view to promoting public understanding of its issuance of the Guidelines, NIH conducted an environmental impact assessment and prepared the present draft environmental impact statement in accordance with the National Environmental Policy Act of 1969. Notice of the availability of this document appeared in the FEDERAL REGISTER of September 2.

In order to extend the opportunity for public comment and consideration, the present draft environmental impact statement is offered for general comment. Please address any comments on this draft statement to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments should be submitted by October 18, 1976.

Additional copies of this draft are available from Dr. Rudolf G. Wanner, Associate Director for Environmental Health and Safety, Building 12A, Room 4051, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: August 26, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

GUIDELINES FOR RESEARCH INVOLVING RECOMBINANT DNA MOLECULES

NATIONAL INSTITUTES OF HEALTH
BETHESDA, MARYLAND

August 19, 1976

GUIDELINES FOR RESEARCH INVOLVING RECOMBINANT DNA MOLECULES

National Institutes of Health, Public Health Service, DHEW, Bethesda, Maryland

(X) Draft ( ) Final Environmental Impact Statement.

Name of Action

(X) Administrative ( ) Legislative Action.

Additional Information

Additional information on the proposed action, including technical documents pertinent to this statement may be obtained from:

Dr. Donald S. Fredrickson, Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone: (301) 496-2433.

A copy of the "Guidelines for Research Involving Recombinant DNA Molecules" is attached. (Appendix D)

COMMENTS

The Department, in issuing this draft, is requesting comments on the accuracy of the factual information (including the absence of relevant material) and projections contained therein. Comments shall be submitted by October 18, 1976, the Council on Environmental Quality weekly notice in the FEDERAL REGISTER. Address comments to Dr. Donald S. Fredrickson.

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1. Possible hazardous situations.
2. Expected benefits of DNA recombinant research.
3. Long-range implications.
4. Possible deliberate misuse.
V. Description of the proposed action.
VI. Description of alternatives.
A. No action.
B. NIH prohibition of funding of all experiments with recombinant DNA.
C. Development of different guidelines.
D. No guidelines but NIH consideration of each proposed project on an individual basis before funding.
E. General Federal regulation of all such research.
VII. Environmental impact of the guidelines.
A. Impact of issuance of NIH guidelines.
1. Impact on the safety of laboratory personnel and on the spread of possibly hazardous agents by infected laboratory personnel.
2. Impact on the environmental spread of possibly hazardous agents.
3. Cost impact.
4. Secondary impacts.
B. Impact of experiments conducted under the guidelines.
1. Possible undesirable impacts.
2. Beneficial impacts of DNA recombinant research.

APPENDICES

A. Glossary.
B. Suggested references for additional reading.
C. Documents describing the implementation of the guidelines.
D. "Recombinant DNA Research" containing "Decision of the Director, National Institutes of Health to Release Guidelines for Research on Recombinant DNA Molecules" and "Guidelines for Research Involving Recombinant DNA Molecules" as published in the FEDERAL REGISTER, Part II, July 7, 1976.

FOREWORD

Recent developments in molecular genetics, particularly in the last 4 years, open avenues to science that were previously inaccessible. In the "recombinant DNA" experiments considered here, genes—deoxyribonucleic acid (DNA) molecules—from virtually any living organism can be transferred to cells of certain completely unrelated organisms. For example, the genes from one species of bacteria have been transferred to bacteria of another species. And genes from toads and from fruit flies have been introduced into the bacterium *Escherichia coli*.

If the recipient bacterium is then allowed to multiply, it will propagate these newly acquired genes as part of its own genetic complement. It appears likely that any kind of gene from any kind of organism could be introduced into *E. coli* and certain other organisms.

This ability to join together genetic material from two different sources and to propagate these hybrid elements in bacterial and animal cells has resulted in a profound and qualitative change in the field of genetics. Now, for the first time, there is a methodology for crossing very large evolutionary boundaries, and for moving genes between organisms that are believed to have previously had little genetic contact.

The promise of recombinant DNA research for better understanding and improved treatment of human disease is great. There is also a possible risk that microorganisms with foreign genes might cause disease or alter the environment should they escape from the laboratory and infect human beings, animals, or plants. However, in the absence of further experimental data neither the benefits nor the risks can be precisely identified or assessed.

On June 23, 1976, the Director of the National Institutes of Health released Guidelines governing the conduct of NIH-supported research on recombinant DNA molecules (See Appendix D). Promulgation of these Guidelines followed 2 years of intensive discussion and debate within the scientific community and NIH itself, with public participation, concerning the possible hazards of such research and the best means for averting them, although the possible hazards remain speculative. The Guidelines prohibit certain kinds of recombinant DNA experiments and, for those experiments that are permitted, they specify safety precautions and conditions designed to protect the health of laboratory workers, the general public, and the environment should the putative hazards prove real.

The issuance of Guidelines establishing conditions and precautions with respect to such experiments is viewed by NIH as a Federal action that may significantly affect the quality of the human environment, and NIH Director Dr. Donald S. Fredrickson ordered the preparation of this statement pursuant to the National Environmental Policy Act.

Although NEPA assumes that such Federal actions will not be taken until the NEPA procedures are completed, the Director of NIH concluded that the public interest required immediate issuance of the Guidelines, rather than deferral for the months that would be required for completion of the NEPA process. This was because the escape of potentially hazardous organisms was more likely in the absence of NIH action. Further, prompt issuance of the Guidelines was believed necessary in order to promote their acceptance by scientists in the United States and abroad who do not come under the purview of NIH.

Issuance of and compliance with the Guidelines is, in itself, expected to decrease the chance of any detrimental environmental impact. However, since there has been little actual experience to date with recombinant DNA experiments, the indicated confidence in the Guidelines rests essentially upon the judgment of scientists. Their confidence is based on two premises. First, it is believed that the containment measures specified in the Guidelines make the escape of potentially harmful recombinant organisms into the environment highly improbable. Second, it is believed that, even if an experiment performed in accordance with the Guidelines does result in accidental release of recombinant organisms, adverse effects will either not occur or not be serious.

In the absence of an adequate base of data derived from either experiments or experience, it must be recognized that future events may not conform to these judgments. There is some statistical probability that recombinant organisms will find their way into the environment either from experiments under NIH auspices or from the activities of others. It is not difficult to construct scenarios in which injury could result. Although the possibility of significant environmental consequences is entirely speculative, the chance of an event that could cause severe injury, however low the probability, must be treated as an environmental impact.

The NIH Guidelines, in addition to ensuring the safety of NIH-supported researchers, the general public and the environment, are serving as a model for other laboratories throughout the world, thereby promoting environmental protection beyond that achievable through other actions available to the Federal Government. And the experiments themselves may be expected ultimately to lead to an increase of knowledge and the advancement of medicine and other sciences.

Although the action in question—that is, issuance of the Guidelines—has already been taken, the Director of NIH believes that the NEPA review will further enlighten the public and focus attention on the important issues involved, in the interest of gaining the understanding and views of the broadest possible segment of the American people. In issuing the Guidelines, the NIH Director pointed out that they will be subject to continuous review and modification in the light of changing circumstances. Constructive modification could result from information received during the NEPA process.

II. AUTHORITY

The Federal action discussed in this document is taken under the authority of Title III of the Public Health Service Act—General Powers and Duties of Public Health Service; Part A—Research and Investigation; sections 301 and 307 (42 U.S.C. 241 and 242*l*).

III. OBJECTIVE OF THE NIH ACTION

The objective of the proposed action—release of the NIH Guidelines—is the protection of laboratory workers, the general public, and the environment from infection by possibly hazardous agents that may result from recombinant DNA research. The Guidelines are meant to ensure that experiments involving recombinant DNA molecules and which are supported by NIH, are carried out under conditions and safeguards that minimize the possibility of the harmful exposure of any human being or other component of the environment to these possibly hazardous agents.

It is NIH policy that all work supported by NIH, either in its own laboratories or through grants or contracts to various organizations, must be carried out according to the Guidelines. As part of this objective, the Guidelines describe procedures that will be used to ensure implementation. A further objective of establishing the Guidelines is to influence, to the extent possible, other Federal, non-Federal, and foreign organizations in their efforts to assure that recombinant DNA experiments will be carried out with minimal risk to laboratory workers, the general public, and the environment.

IV. BACKGROUND

A. DESCRIPTION OF THE RECOMBINANT DNA EXPERIMENTAL PROCESS

All living things, from subcellular particles to higher organisms, require specific information for their reproduction and functions. The basic source of this information is deoxyribonucleic acid (DNA), which is the principal substance of the genes, the units of heredity (1). Each cell of an organism is composed of various organized structures, several of which contain DNA. Figure IV-1 illustrates a typical cell.

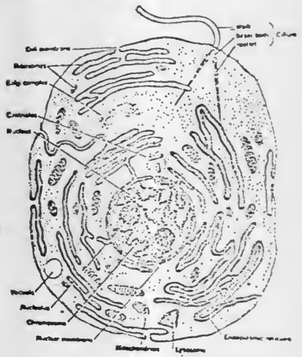


FIGURE IV-1

DNA plays two roles: (1) Provides information for the reproduction, growth, and functions of the cell, and (2) preserves and directs replication of this information and transfers it to the offspring. These two roles of DNA are common to animals, plants, single-cell organisms, and many viruses. The DNA of cells is mainly found in organized structures called chromosomes.

Intracellular DNA also occurs outside of the chromosomes as separately replicating molecules. Such DNA molecules include the plasmids, found in bacteria; the DNA of chloroplasts, common to green plants; and the DNA of mitochondria, the energy-producing units of the cells of complex organisms. These DNAs, while not strictly part of the inherent genetic make-up of a cell, help define the cell's functional capability. Another type of DNA commonly found in cells is the DNA of infecting viruses.

In the past 30 years the structure of the DNA molecule has been studied in-

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tensively, and it can now be described in much detail. The molecule may be compared to a very long, but twisted step-ladder with thousands to millions of rungs (shown in Figure IV–2). The sides of the ladder are formed of sugar molecules (deoxyribose) attached end to end through phosphate groups. At right angles to each sugar molecule is one of four possible bases—adenine, guanine, thymine, and cytosine. The precise sequence of these bases, the rungs of the ladder, codes the information contained. The "reading" of the code contained in the sequence of bases results in the formation of proteins which in turn permit the essential functions of the cell.

A gene is a portion of the DNA molecule which codes for the manufacture of a single protein. In higher organisms, much of the DNA may not serve as genes in this sense, but may regulate the activity of nearby genes. It is possible to break open cells and isolate DNA, free of other cellular constituents.



FIGURE IV–2

In recombinant DNA experiments, DNA is first isolated from two different cell types. Each DNA is then broken into segments. Each segment may contain one or more genes, or it may contain a portion of the DNA that lacks functional genes. The breaking is accomplished by means of bacterial enzymes (restriction endonucleases), which cut the DNA in such a way that the chemical structure at the ends of the segments permits interchangeable rejoining when the two different DNAs are mixed. In this way single DNA molecules containing portions of the two different DNAs are constructed. The DNA recombined in these experiments can be derived from widely divergent sources. The DNA from one of the sources serves as a carrier, or vector, for the insertion of the recombined DNA into a cell, or host. The vector may be DNA from a virus or a plasmid, usually derived from the same species as will serve as the host of the recombinant DNA. From a growth culture of the host cells, those containing the DNA fragment of particular interest are selected and allowed to multiply. The resulting population of identical cells is called a "clone." In some experiments the DNA will be extracted from the cells for study; in others, the properties of the cells themselves will be investigated.

In the experiments discussed in the Guidelines, the host cells are generally single-cell microorganisms such as bacteria, or animal or plant cells that were originally obtained from living tissue but are grown as single cells under special laboratory conditions.

The process of producing recombinant DNA molecules and introducing them into cells is illustrated in Figure IV–3.

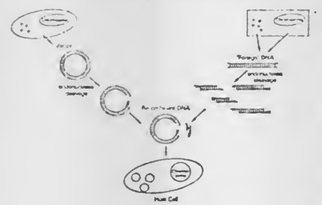


FIGURE IV–3

The cell represented at the upper left contains chromosomal DNA and several separately replicating DNA molecules. The nonchromosomal DNA molecules can be isolated from the cell and manipulated to serve as vectors (carriers) for DNA from a foreign cell. Most DNA molecules used as vectors are circular. They can be cleaved, as shown, by enzymes (restriction endonucleases) to yield linear molecules with rejoinable ends.

At the upper right is another cell, represented here as a rectangle. It serves as the source of the foreign DNA to be inserted in the vector. This DNA can also be cleaved by enzymes. The rectangular cell could be derived from any living species, and the foreign DNA might contain chromosomal or nonchromosomal DNA, or both.

In the next steps, the foreign DNA fragment is mixed and combined with the vector DNA, and the recombinant DNA is reinserted into a host cell. In most experiments this host cell will be of the same species as the source of the vector. The recipient cells are then placed under conditions where they grow and multiply by division. Each new cell will contain recombinant DNA.

B. EVENTS LEADING TO DEVELOPMENT OF GUIDELINES

On June 23, 1976, the Director, NIH, released "National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules" (see Appendix D). This action was approved by the Secretary of Health, Education, and Welfare and the Assistant Secretary for Health. The Guidelines established carefully controlled conditions for the conduct of experiments involving the insertion of recombinatn genes into organisms, such as bacteria. The chronology leading to the present Guidelines and the decision to release them are outlined below.

It was some of the scientists engaged in recombinant DNA research who called for a moratorium on certain kinds of experiments in order to assess the risks and devise appropriate guidelines. The capability to perform DNA recombinations, and the potential hazards, had become apparent at the Gordon Research Conference on Nucleic Acids in July 1973. Those in attendance voted to send an open letter to Dr. Philip Handler, President of the National Academy of Sciences, and to Dr. John R. Hogness, President of the Institute of Medicine, NAS. The letter, appearing in "Science" (2), suggested that the Academy "establish a study committee to consider this problem and to recommend specific actions or guidelines, should that seem appropriate."

In response, NAS formed a committee, and its members published another letter in "Science" in July of 1974 (3). Under the title "Potential Biohazards of Recombinant DNA Molecules," the letter proposed:

> First, and most important, that until the potential hazards of such recombinant DNA molecules have been better evaluated or until adequate methods are developed for preventing their spread, scientists throughout the world join with the members of this committee in voluntarily deferring • • • [certain] experiments • • •.
>
> Second, plans to link fragments of animal DNAs to bacterial plasmid DNA or bacteriophage DNA should be carefully weighed • • •.
>
> Third, the Director of the National Institutes of Health is requested to give immediate consideration to establishing an advisory committee charged with (i) overseeing an experimental program to evaluate the potential biological and ecological hazards of the above types of recombinant DNA molecules; (ii) developing procedures which will minimize the spread of such molecules within human and other populations; and (iii) devising guidelines to be followed by investigators working with potentially hazardous recombinant DNA molecules.
>
> Fourth, an international meeting of involved scientists from all over the world should be convened early in the coming year to review scientific progress in this area and to further discuss appropriate ways to deal with the potential biohazards of recombinant DNA molecules.

On October 7, 1974, the NIH Recombinant DNA Molecule Program Advisory Committee (hereafter "Recombinant Advisory Committee") was established to advise the Secretary of HEW, the Assistant Secretary for Health, and the Director of NIH" concerning a program for developing procedures which will minimize the spread of such molecules within human and other populations, and for devising guidelines to be followed by investigators working with potentially hazardous recombinants."

The international meeting proposed in the "Science" article (2) was held in February 1975 at the Asilomar Conference Center, Pacific Grove, California. It was sponsored by the National Academy of Sciences and supported by the National Institutes of Health and the National Science Foundation. One hundred and fifty people attended, including 52 foreign scientists from 15 countries, 16 representatives of the press, and 4 attorneys.

The conference reviewed progress in research on recombinant DNA molecules and discussed ways to deal with the potential biohazards of the work. Participants felt that experiments on construction of recombinant DNA molecules should proceed: *Provided*, that appropriate containment is utilized. The conference made recommendations for matching levels of containment with levels of possible hazard for various types of experiments. Certain experiments were judged to pose such serious potential dangers that the conference recommended against their being conducted at the present time.

A report on the conference was submitted to the Assembly of Life Sciences, National Research Council, NAS, and approved by its Executive Committee on May 20, 1975. A summary statement of the report (4) was published in "Science, Nature," and the "Proceedings of the National Academy of Sciences." The report noted that "in many countries steps are already being taken by national bodies to formulate codes of practice for the conduct of experiments with known or potential biohazards. Until these are established, we urge individual scientists to use the proposals in this document as a guide."

The NIH Recombinant Advisory Committee held its first meeting in San Francisco immediately after the Asilomar conference. It proposed that NIH use the recommendations of the Asilomar conference as guidelines for research until the committee had an opportunity to elaborate more specific guidelines, and that NIH establish a newsletter for informal distribution of information. NIH accepted these recommendations.

At the second meeting, held on May 12–13, 1975, in Bethesda, Maryland, the committee received a report on biohazard-containment facilities in the United States and reviewed a proposed NIH contract program for the construction and testing of microorganisms that would have very limited ability to survive in natural environments and would thereby limit any possible hazards. A subcommittee chaired by Dr. David Hogness was appointed to draft guidelines for research involving recombinant DNA molecules, to be discussed at the next meeting.

The NIH committee, beginning with the draft guidelines prepared by the Hogness subcommittee, prepared proposed guidelines for research with recombinant DNA molecules at its third meeting, held on July 18–19, 1975, in Woods Hole, Massachusetts.

Following this meeting, many letters were received which were critical of the guidelines. The majority of critics felt that they were too lax, others that they were too strict. The committee reviewed all letters, and a new subcommittee, chaired by Dr. Elizabeth Kutter, was appointed to revise the guidelines.

A fourth committee meeting was held on December 4–5, 1975, in La Jolla, California. For this meeting a "variorum edition" had been prepared, comparing line-for-line the Hogness, Woods Hole, and Kutter guidelines. The committee reviewed these, voting item-by-item for their preference among the three variations and, in many cases, adding new material. The result was the "Proposed Guidelines for Research Involving Recombinant DNA Molecules," which were referred to the Director, NIH, for a final decision in December 1975.

The Director of the National Institutes of Health called a special meeting of the Advisory Committee to the Director to review these proposed guidelines. The meeting was held at NIH, Bethesda, on February 9–10, 1976. The Advisory Committee is charged to advise the Director, NIH, on matters relating to the broad setting—scientific, technological, and socioeconomic—in which the continuing development of the biomedical sciences, education for the health professions, and biomedical communications must take place, and to advise on their implications for NIH policy, program development, resource allocation, and administration. The members of the committee are knowledgeable in the fields of basic and clinical biomedical sciences, the social sciences, physical sciences, research, education, and communications. In addition to current members of the committee, the Director, NIH, invited a number of former committee members as well as other scientific and public representatives to participate in the special February session.

The purpose of the meeting was to seek the committee's advice on the guidelines proposed by the Recombinant Advisory Committee. The Advisory Committee to the Director was asked whether, in their judgment, the guidelines balanced scientific responsibility to the public with scientific freedom to pursue new knowledge.

Public responsibility weighs heavily in this genetic research area. The scientific community must have the public's confidence that the goals of this profoundly important research accord respect to important ethical, legal, and social values of our society. A key element in achieving and maintaining this public trust is for the scientific community to ensure an openness and candor in its proceedings. Representatives of the international press were invited to the Asilomar conference, and the proceedings received extensive coverage. The meetings of the Director's Advisory Committee and the Recombinant Advisory Committee have also reflected the intent of science to be an open community in considering the conduct of recombinant DNA experiments. Notification of all the meetings was published in the FEDERAL REGISTER and all the meetings were attended and reported by representatives of the press. At the Director's Advisory Committee meeting, there was ample opportunity for comment and an airing of the issues, not only by the committee members but by public witnesses as well. All major points of view were broadly represented.

The guidelines were reviewed in light of the comments and suggestions made by participants at that meeting, as well as the written comments received afterward. As part of that review the Recombinant Advisory Committee was asked to consider at its meeting of April 1–2, 1976, a number of selected issues raised by the commentators. Those issues and the response of the Recombinant Advisory Committee were taken into account in arriving at the final decision on the Guidelines.

The history of the events and discussions leading to the development of the Guidelines are described in greater detail in the "Decision of the Director, NIH," published as a preamble to the Guidelines in the FEDERAL REGISTER, Part II, July 7, 1976 (See Appendix D).

C. DESCRIPTION OF ISSUES RAISED BY RECOMBINANT DNA RESEARCH

1. *Possible hazardous situations.* The stable insertion of DNA derived from a different species into a cell or virus (and therefore the progeny thereof) may change certain properties of the host. The changes may be advantageous, detrimental, or neutral with regard to (a) the survival of the recipient species, (b) other forms of life that come in contact with the recipient and (c) aspects of the nonliving environment. Current knowledge does not permit accurate assessment of whether such changes will be advantageous, detrimental or neutral, and to what degree, when considering a particular recombinant DNA experiment. At present it is only possible to speculate on ways in which the presence of recombinant DNA in a cell or virus could bring about these effects. It should be emphasized that there is no known instance in which a hazardous agent has been created by recombinant DNA technology. The following discussion is speculative and consider ways in which hazardous agents might be produced.

a. *The effect of foreign DNA on the survival of recipient species (host cells or viruses).* The effect of foreign DNA on the survival of recipient species is important to the discussion of possible hazards of recombinant DNA experiments because although a recipient species may acquire a potential for harmful effects as a result of the foreign DNA, the possibility that the harmful effect will occur will depend on the survival of the recipient and its ability to multiply. If acquisition of foreign DNA increases the probability of survival and multiplication the possibility of harmful effects will increase. Similarly, if acquisition of foreign DNA decreases the probability of survival or multiplication, the possibility of harmful effects will decrease. It is important to recognize, in evaluating the potential for harmful effects, that significant infections of animals and plants by bacteria or viruses may require contact with either a large or small number of the infectious agent, depending on the agent.

There are various indications that bacteria and viruses containing inserted foreign DNA are less likely to survive and multiply than are the original organisms. Natural evolution results in the survival of well-balanced and efficient organisms. Essential functions are carefully controlled, and can be switched on and off as needed. It is unlikely that uncontrolled, nonessential properties such as might be introduced by foreign genes would result in any advantage to the survival and multiplication of an other-

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wise well-balanced organisms. It is more likely that the new properties accompanying insertion of foreign genes will confer some relative disability to the recipient organisms. Therefore it is likely that bacterial cells containing inserted foreign DNA will multiply more slowly than the same cells without foreign DNA. Thus, in a natural competitive environment, bacteria containing recombinant DNA would generally be expected to disappear. The rate of disappearance will depend on the relative rate of growth compared to other, competing bacteria. The following calculation demonstrates this point.

Assume that a new organism constitutes 90 percent of a population, but grows 10 percent less rapidly than its natural counterpart. The new organism will drop from a concentration of 90 percent to a concentration of 0.0001 percent (1 part in 1,000,000) in 207 generations. If the generation time of the natural organism is one hour, this amounts to about 8½ days.

One example of a situation in which the capability of recipient bacterial host cells to survive may be significantly increased as the result of the presence of a foreign DNA is the case of resistance to antibiotics and drugs. It is well known that such resistance is often genetically determined and genes specifying resistance have been described. Furthermore it is well known that such genes may be transferred, by natural DNA recombination, from one species of microorganism to another. Such natural events are in fact responsible for the rapid and wide spread of resistance to clinically important drugs that has been observed during the last 20 years.

The ability of recipient bacterial host cells to survive and multiply might also be enhanced by acquisiton and expression of a foreign gene conferring the ability to metabolize particular nutrients. In an environmental niche containing the metabolite, such a recombinant might compete succesfully against organisms native to the niche. This could result in destruction of an environmental component—that is, the metabolite. Also, if the native organisms were performing beneficial functions, those functions could be lost upon the successful establishment of the recombinant in the niche.

b. *The effect of bacteria and viruses containing recombined DNA on other forms of life.* The analysis leading to the Guidelines centered on the possibility of deleterious effects, since the concern was the health and safety of living organisms, including humans, and the environment. Agents constructed by recombinant DNA technology could prove hazardous to other forms of life by becoming pathogenic (disease-producing) or toxigenic (toxin-producing), or by becoming more pathogenic or toxigenic than the original agent.

There are two basic mechanisms by which a recipient microorganism might be altered with regard to its pathogenicity or toxicity as a result of a resident recombinant:

(1) *The recombinant DNA may result in formation of a protein that has undesirable effects.* The case in which bacterial cells are used as carriers of foreign DNA is discussed first. A foreign protein, specified by the foreign DNA, might act after being liberated from the microorganism, or it could function within the microorganism and alter, secondarily, normal microbial cell function in such a way that the cell is rendered harmful to other living things. Either means depends on the expression of the foreign genes; that is, the information in the foreign genes must be used by the recipient bacterium to produce a foreign protein. Examples of protein that might prove harmful to other organisms are hormones, enzymes and toxins.

The weight of present evidence suggests that foreign DNA from bacteria of one species, when inserted into bacteria of another species, may be expressed in the recipient. For example, if the donor of the foreign DNA produces a toxic substance, then the recipient call may produce such a substance if the gene for the toxic substance is present in the recombinant. The recipient may or may not be more hazardous than the original donor organism, depending on the relative ability of the two organisms to grow and infect an animal or plant species at risk.

The evidence available at present is insufficient to predict whether or not foreign genes derived from a complex organism (animals, plants, yeasts, and fungi) will be expressed in a bacterium in any particular instance. It may be that specific manipulations will be required to permit bacteria to express information of a foreign DNA efficiently. Faithful expression of a gene requires accurate functioning of the complex bacterial machinery involved in protein synthesis. At each step, specific signals originating in the foreign gene must be recognized by the bacterial machinery. Evolutionary divergence has resulted in different signals in bacteria and complex organisms.

Attempts to translate animal virus and animal cell genes into portein, using cell-free systems containing the protein-synthesizing machinery isolated from bacteria such as *E. coli* yield some protein-like products. The protein products characterized to date were not faithful products of the information in the genes.

In a few cases, intact bacteria containing recombined genes from complex organisms have been tested for evidence of expression of the inserted gene. By and large, accurate expression of the genes has not yet been demonstrated, although it may occur at a low frequency. In some instances, a new protein has been found, replacing one encoded by a bacterial gene. This result is expected if a bacterial gene is interrupted by insertion of the new DNA sequence within it, and does not necessarily indicate expression of the foreign gene. DNA fragments from yeast have been inserted into a strain of the bacterium *E. coli* which cannot manufacture the amino acid histidine (5). (Histidine is a component of most proteins and therefore is required for the growth of all organisms.) After insertion, some cells no longer required histidine: thus, the presence of the yeast DNA overcame the requirement for histidine. This is the first suggestion that a foreign gene from an organism more complex than bacteria may actually function in a bacterial cell. (Although yeast is a single-cell organism, it contains an organized nucleus like cells of higher organisms.) However, the detailed mechanism explaining this observation is unknown.

Analogous issues must be considered for the case in which animal viruses are the carriers of foreign DNA. Many viruses are simply described as DNA molecules enclosed and protected by coats of protein molecules. The protein coat protects the DNA from environmental effects, thus increasing the ability of the viral DNA to infect a cell. If viral DNAs are recombined with foreign DNAs in such a way that necessary viral genes remain intact, then the recombinant DNA may in turn be able to produce, and be packaged in, the coat of the virus. Inadvertent dispersal of such a viral particle outside of the laboratory might then result in entry of the recombinant DNA into cells of living organisms. The foreign genes may be expressed, resulting in the formation of a protein foreign to the infected cell, or the uncontrolled synthesis of a normal protein. The likelihood of expression of the foreign genes will probably depend on the degree of relatedness between its source and the infected organism as well as its location in the viral DNA used as vector. Currently, few if any relevant experimental data are available so that estimates of the probability of expression are, in these instances, impossible.

(2) *The recombined DNA may itself cause pathogenic or toxic effects.* Foreign DNA inserted in a bacterial gene, might so alter the microbial cell's properties that it becomes harmful to other organisms. This might happen, for example, through a change in the growth rate and competitive advantage of the recipient microbial cell, resulting in increased virulence of a mildly pathogenic bacteria. In general, one would expect the inserted DNA to result in a reduced growth rate and a selective disadvantage to the organism, as discussed in "a" above. Similar issues arise where animal viruses serve as carriers of foreign DNA.

It is also necessary to consider situations in which DNA molecules themselves may escape from the laboratory or from the experimental host cell and enter cells of living organisms with which they come in contact. Although free DNA molecules are themselves relatively fragile (and the probability that they would survive, in a significant form or for a significant time, in air, water, or any other medium, is considered remote), they can be protected in nature in a variety of ways and be released either into, or close to, a living cell.

When a cell or virus dies, or comes close to or invades the tissue of another living organism, the recombinant DNA may effectively enter a new cell. A hazardous situation similar to that described above might ensue if foreign proteins were manufactured in this "secondary" recipient. The recombinant DNA might survive as an independent cellular component, or it could recombine by natural

process with the DNA of the secondary recipient. Various possible deleterious consequences of such a recombination may be considered.

If the secondary recipient is another microorganism, the same considerations described in IV–C–1-a apply. If the secondary recipient is one of the cells of an animal or plant, different considerations apply. The latter include alterations of normal cellular control mechanisms, synthesis of a foreign protein (such as a hormone), and insertion of genes involved in cancer production (if, for example, the foreign DNA were derived from a cancer-producing virus).

It should be pointed out that the likelihood of causing inheritable changes in the offspring of complex organisms by such a mechanism is extremely low in animals because of the protection afforded germ-line cells (eggs and sperm) by their location. Thus, the possibility that recombined foreign DNA would reach germ line cells at a time in the life of such cells when secondary recombination can occur is extremely remote. With one-celled organisms, plants, or simple multicellular organisms, the probability of causing heritable change by secondary recombination may be higher.

What is the probability of secondary recombination between prokaryotes and eukaryotes in nature? It is generally held that recombination in nature is more likely if similar or identical sequences of bases (rungs in the DNA ladder) occur in the two recombining DNAs. The greater the degree of similar sequences, the more likely is recombination. In general, the more closely two species are related, the more likely it is that similar sequences will be found in their DNAs. Thus, DNA from primates has more DNA sequences in common with human DNA than does DNA from mice, or fish, or plants. Recombination may also occur between DNAs not sharing sequences but at lower frequencies.

It is possible that the capacity for interspecies recombination between distantly related species exists in nature. For example, bacteria in animal intestines are constantly exposed to fragments of animal DNA released from dead intestinal cells. Significant recombination requires the uptake of intact segments of animal DNA and their subsequent incorporation into the bacterial DNA. The frequency of such events is unknown.

There are very few available data permitting assessment of the reverse process—namely, the incorporation of bacterial DNA into the cells, or DNA, of more complex organisms. Although there are reports of experiments in which bacterial DNA was inserted into animal and plant species and production of the bacterial protein followed, the process is very inefficient and many investigators have been unable to repeat these experiments (6–8).

There are certain well-documented instances in which the DNAs of different living things become more or less permanently recombined in nature. These instances involve recombination between the DNAs of nonchromosomal genes, such as those of viruses or plasmids, or recombination between the DNAs of viruses or plasmids and chromosomal genes. The former instance, for example, is the mechanism behind the rapid spread of resistance to antibiotics among different bacterial species (9, 10). This spread accompanied the prevalent use of antibiotics in medicine and agriculture. Some viral DNAs recombine into and persist in chromosomal DNA of cells of receptive organisms (11, 12). Some viral DNAs acquire, in stable form, DNA sequences derived from their host cells (13, 14). There is also strong evidence for recombination of the DNA form of RNA tumor virus genes with chromosomal genes (15–17).

2. *Expected benefits of DNA recombinant research.* Benefits may be divided into two broad categories: An increased understanding of basic biological processes, and practical applications for medicine, agriculture, and industry.

At this time the practical applications are, of course, speculative. It is important to stress that the most significant results of this work, as with any truly innovative endeavor, are likely to arise in unexpected ways and will almost certainly not follow a predictable path.

a. *Increased understanding of basic biological processes.* There are many important fundamental biomedical questions that can be answered or approached by DNA recombinant research. In order to advance against diseases in inheritance, we need to understand the structure of genes and how they work. The DNA recombinant methodology provides a simple and inexepensive way to prepare large quantities of specific genetic information in pure form. This should permit elucidation of the organization and function of the genetic information in higher organisms. For example, current estimates of the fraction of this information that codes for proteins are simply educated guesses. There are almost no clues about the function of the portions of DNA that do not code for proteins, although these DNA sequences are suspected of being involved in the regulation of gene expression.

The existing state of ignorance is largely attributable to our previous inability to isolate discrete segments of the DNA in a form that permits detailed molecular analysis. Recombinant DNA methodology remove this barrier. Furthermore, ancillary techniques have been developed whereby pure DNA segments that contain particular sequences of interest can be identified and selected. Of particular interest is the isolation of pure DNA segments that contain the genes for the variable and constant portions of the immunoglobin proteins. The analyses of such segments obtained from both germline and somatic cells should be of inestimable value in determining the mechanism of immunologic diversity.

A major problem in understanding the mechanism by which certain viruses cause cancer is how and where the infecting or endogenous viral genomes are integrated into the cell's chromosome. This bears on the question of how the expression of the integrated viral genes affects cellular regulation, thus leading to the abnormal growth characteristics of cancer cells. With the recombinant DNA techniques for isolation and purification of specific genes, this research problem is reduced to manageable proportions. It is possible to isolate the desired DNA segment in pure form. Large quantities can be obtained for detailed study by simply extracting a culture of the bacteria carrying the viral DNA segment in a plasmid.

b. *Potential practical applications for medicine, agriculture and industry.* Certain of the potential applications will only be realized if the reproduction of the recombined foreign DNA in a recipient host cell is followed by expression of the genetic information contained in the DNA in the form of synthesis of proteins. Since the efficient translation of eukaryote genes in bacterial (prokaryote) hosts has yet to be proved, these potential applications are speculative at this time. Applications that depend on the expression of foreign prokaryotic genes in prokaryotic recipient cells are presently more certain.

(1) *Synthesis of medically important proteins and other substances.* It has been suggested that genes coding for medically important substances be attached to bacterial vectors, and that the bacteria then be used to produce large quantities of the desired material. A number of costly and/or rare substances would be prime candidates for such synthesis:

Human insulin (a future shortage of currently used animal insulin appears to be likely);

Human growth hormone (presently available only from human cadavers and in short supply);

Clothing factor VIII (for treatment of hemophilia).

Specific antibodies and antigens (for preventing and treating infectious, allergic, and autoimmune disease, and perhaps even cancer);

Certain enzymes, such as fibrinolysin and urokinase (promising agents in the treatment of embolism) and lysosomal enzymes.

(2) *Endowment of plants with new synthesis capabilities.* Whole plants may be generated from a single cell, and thus insertion of recombinant DNA into such cells might make it possible to endow plant species with the capability of—

Improved photosynthetic fixation of carbon dioxide;

Nitrogen fixation by presently inept species (thereby reducing the need for costly chemical fertilizers that cause pollution—e.g., eutrophication);

Producing a higher quality or quantity of food protein.

(3) *Some industrial applications.* A number of industrial processes utilize microorganisms containing enzymes (which are proteins) to produce important chemicals (e.g., sterold hormones or other drugs, vitamins) or foodstuffs (e.g., cheese). Such processes could be improved through innovations effected by DNA recombinant research. Completely new biosynthetic reactions may thereby become available, permitting the synthesis of large amounts of complex and

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valuable compounds with ease and at low cost.

Some highly speculative applications relate to the area of energy production and neutralization of pollutants—e.g., as in oil spills. Genetic modification through DNA recombination might it possible to devise microorganisms tailor-made for such important purposes.

3. *Long-range implications.* The experimental situations treated in the Guidelines are those that appear feasible either currently or in the near future. The experiments primarily involve insertion of recombined DNA into bacteria or into single cells derived from more complex organisms and maintained under special laboratory conditions. It is only in the case of plants that the Guidelines cover experiments involving insertion of DNA into cells capable of developing into complex, multicellular organisms. The Guidelines and the discussions leading to their development have focused on problems of safety.

It is possible that techniques similar to or derived from current recombinant DNA methodology may, in the future, be applicable to the deliberate modification of complex animals, including humans. Such modification might have as its aim correction of an inherited defect in an individual, or alteration of heritable characteristics in the offspring of individuals of a given species. The latter type of alteration has been successfully achieved in agriculture for centuries, by classical breeding techniques. It may be that recombinant DNA methods, should they develop in appropriate ways, may offer new opportunities for specificity and accuracy in animal breeding.

The deliberate application of such methods for the correction of individual genetic defects or the alteration of heritable characteristics in man raises complex and difficult problems. In addition to philosophical, moral, and ethical questions of concern to individuals, serious societal issues are involved. Broad discussion of these problems in a variety of forums will be required to inform both private and public decision-making.

4. *Possible deliberate misuse.* In the event that recombinant DNA technology can yield hazardous agents, such agents might be considered for deliberate perpetration of harm to animals (including humans), plants or the environment. The possibilities include biological warfare or sabotage. Because it is not known whether recombinant DNA technology can yield such agents, discussion of these problems such as theft by saboteurs is hypothetical and difficult. With regard to biological warfare, a July 3, 1975 letter to Dr. David Baltimore from James L. Malone, General Counsel of the United States Arms Control and Disarmament Agency says, "you raise the question as to whether the Biological Weapons Convention prohibits production of recombinant DNA molecules for purposes of constructing biological weapons. In our opinion the answer is in the affirmative. The use of recombinant DNA molecules for such purposes clearly falls within the scope of the Convention's provisions."

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V. DESCRIPTION OF THE PROPOSED ACTION

The Director, National Institutes of Health, has issued Guidelines that will govern the conduct of NIH-supported research on recombinant DNA molecules. The Guidelines will apply to all NIH-supported research on such molecules—that is, molecules which are made by combining segments of DNA from different organisms in a cell free-system and which can be inserted into some living cell, there to replicate. The objective of the Guidelines is the protection of the laboratory worker, the general public, and the environment from infection by possibly hazardous agents that may result from this research. The complete text of the Guidelines is found in the FEDERAL REGISTER, Part II, for Wednesday, July 7, 1976. As an integral part of this Draft Environmental Impact Statement the Guidelines are found in Appendix D.

The mechanisms by which the NIH will implement the application of the Guidelines are outlined in the Guidelines themselves and are specified in greater detail in Appendix C. Noncompliance with the Guidelines will result in termination of funding of research grants and contracts.

The Guidelines describe (1) safeguards that protect the laboratory worker, the general public, and the environment, (2) the criteria for assessing the possible dangers from experiments involving recombinant DNA molecules, (3) the criteria for matching the assessed possible dangers of individual experiments with the appropriate safeguards, and (4) the roles and responsibilities of principal investigators, their institutions, and NIH for ensuring the implementation of the requirements specified in these Guidelines. The emphasis on protection of laboratory workers from infection reflects the fact that laboratory workers are the persons at the greatest risk of infection and that the most likely route of escape of possibly hazardous agents from the laboratory is the laboratory worker.

The physical safeguards have been grouped into four levels providing increasing capability for containment. The four levels approximate those recommended by the Center for Disease Control for the control of known infectious agents that have been determined to be of (1) no or minimal, (2) ordinary, (3) special, or (4) extreme hazard to man and other living things. These correspond to the terms Minimal, Low, Moderate, and High risk, respectively, as used in the NIH Guidelines. The safeguards include usual and special microbiological safety practices, primary physical barriers that isolate the experiment from the laboratory worker, and facility installations that either markedly reduce or eliminate the potential for accidental dissemination of recombinant DNA molecules to the environment. The four levels, designated P1 to P4, provide increasing protection against contact with or accidental release of microorganisms containing recombinant DNA molecules.

Additional safeguards are provided by the use of host cells and vectors with demonstrably limited ability to survive in other than specially designed laboratory environments. This concept is called "biological containment" in the Guidelines. In the case of bacterial host cells and vectors, this means that particular strains of cells and vectors with genetically determined and fastidious survival requirements must be used. For those experiments judged to be of potentially moderate or high risk, the properties of the bacterial strains to be used must be certified by the NIH Recombinant Advisory Committee prior to initiation of experiments. In the case of a vector derived from an animal virus, the virus itself must be a low risk agent (CDC or National Cancer Institute), and a strain of the virus that is defective in infection must serve as the source of the vector DNA.

The selection of containment (safeguard) levels is dependent on the assessed possible dangers of the experiment. The Guidelines provide standards for evaluating the conceivable dangers of particular experiments involving recombinant DNA molecules. In the absence of evidence of any hazard actually occurring, these standards are based on relevant current knowledge. Permissible experiments are placed into four classes of increasing possible danger which correspond to the four levels of increasing containment capability (safeguards). Certain experiments, judged to have the potential for extreme hazard, should they prove dangerous, are prohibited.

The possibility for danger depends on—

(1) The biohazard associated with the DNA of the cell or microorganism that serves as the DNA source (e.g., genes for toxin production),

(2) The degree to which the DNA segment has been purified away from other genes and shown to be free of harmful characteristics,

(3) The biohazard associated with the vector that serves to transmit the source DNA to a recipient host cell,

(4) The ability of the vector to survive in natural environments or habitats,

(5) The kinds and number of different organisms that are susceptible to infection by the recipient or vector,

(6) The biohazard of the recipient host cell that serves to replicate the recombinant DNA molecule,

(7) The ability of the recipient cell to survive in natural environments or habitats,

(8) The ability of the recipient cell to transmit the recombinant DNA molecule to other cells capable of surviving in natural environments or habitats,

(9) The potential of the recipient cell to obtain the source DNA by natural means, and

(10) The evolutionary relatedness of the DNA source to humans.

The Guidelines prohibit a number of types of experiments, including those in which an organism contributing DNA is itself a biohazard of greater than low risk as determined by conventional methods of risk assessment (low risk corresponds to class 2 agents as defined by the Center for Disease Control). The host cells and vectors are required to be of no or minimal risk. The potential dangers are considered to increase as the organism providing the source DNA approaches humans phylogenetically. Thus, source DNA from primate cells is considered to have greater potential dangers than source DNA from lower eukaryotes. In general, greater possible dangers are assigned to recombinants than are present in the most hazardous component used to construct the DNA. The risk-assessment standards are specified in detail for one prokaryote host-vector system employing a variant of *E. coli* called strain K12, which is, by itself, of no or minimal risk. Eukaryote host-vector systems using defective viral vectors are also described. The descriptions of these systems provide principles by which the potential dangers of recombinant DNA experiments with other host-vector systems can be assessed.

The Guidelines also establish an administrative framework for assigning the responsibility for ensuring safety in recombinant DNA research supported by NIH. This responsibility is shared among the principal investigators, their institutions, and NIH. The principal investigators have the primary responsibility for hazard assessment and for implementation of appropriate safeguards. The institutions are responsible for ensuring that the principal investigators have the capabilities for meeting the requirements stipulated in the Guidelines. NIH is responsible for securing an independent assessment of the potential dangers of this research and for ensuring that no research is supported unless it conforms to the requirements stipulated in the Guidelines.

The Guidelines require that the institutions establish biohazard committees to carry out the institutional responsibility, and stipulate the qualifications and expertise of the committee membership. NIH responsibilities are detailed in the Guidelines and are divided among (1) NIH Initial Review Groups, (2) the NIH Recombinant DNA Molecule Program Advisory Committee, and (3) the NIH staff.

Physical containment requirements

The safeguards in the Guidelines require the use of procedures and physical containment systems to protect laboratory workers and the environment from exposure to potentially harmful organisms. The requirements include procedures and equipment in which work is to be done and special laboratory room and building features, as well as appropriate training of workers. The systems are grouped into four levels of containment—P1, P2, P3, and P4—each providing a level of containment greater than the one preceding it. The level of containment that must be provided by a laboratory in which an experiment is to be done is based on an assessment of the degree of hazard involved.

The following description of the physical containment levels is presented to outline these requirements. A complete description may be found in the Guidelines (Appendix B).

P1 Level (Minimal). A laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P1 level is shown in Figure V–1. Such a laboratory possesses no special engineering design features. Work in this laboratory is generally conducted on open bench tops. Special containment equipment is neither required nor generally available. The laboratory is not separated from the general traffic patterns of the building, and public access is permitted. Control of biohazards is provided by standard microbiological practices.

P2 Level (Low). A laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P2 level (see Figure V–2) is similar in construction and design to the P1 laboratory. The P2 laboratory must have access to an autoclave within the building, and it may have a biological safety cabinet. Work that does not produce a considerable aerosol is conducted on the open bench. However, when excessive aerosols may be produced, low-risk experiments must be conducted in special cabinets (biological safety cabinets) that provide physical barriers against possible release of organisms. Although this laboratory is not separated from the general traffic patterns of the building, access to it is limited when experiments requiring P2-level physical containment are being conducted.

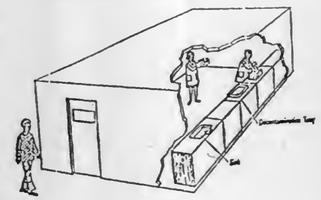


FIGURE V–1

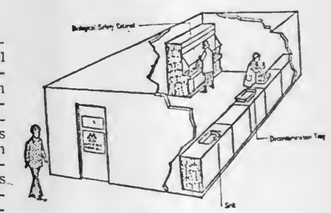


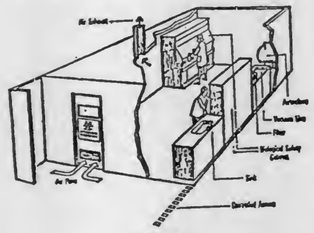
FIGURE V–2

P3 Level (Moderate). As shown in Figure V–3, a laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P3 level has special engineering design features and physical containment equipment. The laboratory is separated from areas that are open to the general public. Separation is generally achieved by controlled access corridors and air locks, locker rooms, or other double-doored facilities not available for use by the general public. Access to the laboratory is controlled. Biological safety cabinets are available within the controlled laboratory area. An autoclave shall be available within the building and preferably within the controlled laboratory area. Environmental protection is provided by waste sterilization techniques. The surfaces of walls, floors,

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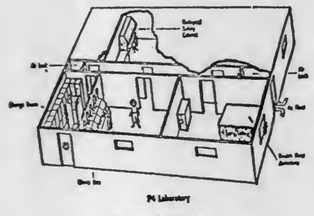
bench tops, and ceilings are easily cleanable to facilitate housekeeping and space decontamination. The laboratory ventilation system is balanced to provide for an inflow of supply air from the access corridor into the laboratory. No work in open vessels is conducted on the open bench; all such procedures are confined to biological safety cabinets.

P4 Level (High). As shown in Figure V–4, experiments involving recombinant DNA molecules requiring physical containment at the P4 level shall be confined to work areas in a maximum-security facility of the type designed to contain microorganisms that are extremely hazardous to man or may cause serious epidemic disease. The facility is either a separate building or a controlled interior area completely isolated from all other areas of a building. Access to the facility is under strict control. Class III biological safety cabinets are available.



P3 Laboratory

FIGURE V–3



P4 Laboratory

FIGURE V–4

A P4 facility has engineering features, shown in Figure V–5, designed to prevent the escape of microorganisms to the environment (1–4). The special features in a P4 facility include:

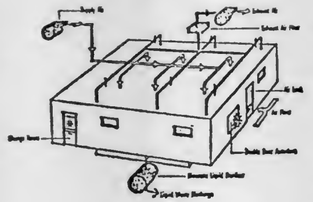
Monolithic walls, floors, and ceilings in which all penetrations such as for air ducts, electrical conduits, and utility pipes are sealed to ensure the physical isolation of the work area and to facilitate housekeeping and space decontamination.

Air locks through which supplies and materials can be brought safely into the facility.

Contiguous clothing change and shower rooms through which personnel enter into and exit from the facility.

Double-door autoclaves to sterilize and safely remove wastes and other materials from the facility.

A biowaste treatment system to sterilize liquid effluents if facility drains are installed.



P4 Laboratory Suite
Secondary Barriers

FIGURE V–5

A separate ventilation system that maintains negative air pressures and directional airflow within the facility.

A treatment system to decontaminate exhaust air before it is dispersed to the atmosphere. A central vacuum utility system is not encouraged; if one is installed, each branch line leading to a laboratory shall be protected by a high-efficiency particulate air filter.

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VI. DESCRIPTION OF ALTERNATIVES

The following general classes of action have been considered as alternatives to, or in addition to, the proposed action. The impact of each is described briefly, and reference is made to other portions of this document which have a more complete discussion of the particular impact in question.

A. NO ACTION

This alternative would perpetuate the situation existing prior to June 23, 1976. At that time the only restrictions on recombinant DNA research stemmed from voluntary compliance of the research community with the guidelines developed at the International Conference on Recombinant DNA Molecules, held at Asilomar, California, in February of 1975, which were published in scientific journals. The Asilomar guidelines differ in substance from the NIH Guidelines, and are considerably less stringent and less detailed in their requirements for containment of potentially hazardous organisms. For example, experiments that may be carried out with minimal containment according to the specific language of the Asilomar guidelines (e.g., the construction of an *E. coli* plasmid containing the noncancer-producing DNA segment of SV40) require P3 or P4 according to the NIH Guidelines. In addition, while the Asilomar guidelines recommend that certain experiments be deferred, the list of experiments to be deferred is expanded in the NIH Guidelines. Furthermore, disregard of the Asilomar guidelines carries no sanctions on investigators, and it could be expected that the currently high level of voluntary compliance would be eroded with time.

The "no action" alternative would greatly increase the probability that possibly hazardous organisms would be released into the environment. In addition, public concern would be increased in the absence of any Federal action. It is concluded that the "no action" alternative would not afford adequate protection of laboratory workers, the general public, and the environment from the possible hazards described in section IV–C–1.

The alternative of "no action" would essentially remove from the conduct of research the restrictions inherent in the NIH Guidelines. Experiments concerning basic biological processes, and the development of technology applicable to medical, agricultural, and industrial problems, would proceed at a faster rate. Moreover, the immediate cost of conducting research would be markedly decreased with the "no action" alternative, since the need for costly physical containment would be less.

B. NIH PROHIBITION OF FUNDING OF ALL EXPERIMENTS WITH RECOMBINANT DNA

NIH could refuse to fund any any recombinant DNA experiments. This would not necessarily result in the cessation of such research, since it may still be supported by non-NIH funds both in this country and abroad. Therefore a reduction of risks but not elimination of risks might be achieved by total NIH prohibition. Because the NIH funds a large proportion of the total biomedical research effort, a significant delay might be expected in the achievement of the goals and missions of programs designed to elucidate basic biological processes and, in turn, the mechanisms underlying various disease states. It is widely anticipated that a variety of research—impacting on health and other areas of human concern—will benefit from recombinant DNA technology (see Section IV–C–2).

American scientists have played a leading role in bringing the potential hazards of recombinant DNA research to the attention of scientists, governments, and international organizations. As a result, there is an effort to adopt safety procedures for the conduct of this research in many countries. Although nations differ in their perceptions of the need to adopt safety measures, and of what the exact measures should be, the NIH Guidelines are being used as a model. NIH prohibition of the work would undermine American leadership in the establishment of worldwide standards for safety.

Finally, prohibition would be likely to have important impacts on American science, both in research and in development of technology. The leadership of the United States in biological research would be threatened. Further, historical precedents indicate that measures which interfere with free inquiry in one area of interest, often inhibit the vitality of other aspects of society.

C. DEVELOPMENT OF DIFFERENT GUIDELINES

Each of the stipulations in the NIH Guidelines was made after assessment of the possible hazards associated with particular experiments. The available data, however, were limited, and different conclusions could have been reached. Some issues addressed in the preparation of the Guidelines which could have led to different specifications are as follows:

1. *Levels of physical containment.* For certain experiments in which the potential risk is controversial, the physical containment level could have been higher or lower. Examples of controversial issues are the recommendations with respect to containment levels for recombinant experiments involving bacterial cells and DNA derived from cold-blooded animals, and for experiments involving the use of DNA from animal viruses.

2. *Establishment of a few national P3 facilities openly available to all investigators, with the requirement that all experiments requiring P3 containment be conducted therein.* In effect, this will be the situation with respect to P4 facilities under the Guidelines. There are several advantages to working in regional centers:

a. It would be less expensive to construct and staff a few such regional centers than many such facilities.

b. Training would be centralized.

c. P3 facilities would be more uniformly accessible to qualified investigators from a variety of institutions.

d. There would be greater assurance that the facilities meet the specified requirements.

e. Banks of cells containing recombinant DNA could be maintained, with a view to decreasing the number of times the actual recombination process would be performed (such banks can also be maintained in the absence of centralized P3 facilities).

f. The sites could be placed away from population centers.

The disadvantages of establishing regional centers include:

a. Long-range planning would be necessary.

b. Scheduling would be a problem.

c. The investigator's independence would be diminished.

d. Competition for access might favor established investigators or established ideas.

e. The nature of the process, which might require only brief access of P3 facilities in a given day but over a lengthy period of time.

f. Access problems might unnecessarily discourage valuable research.

3. *All permissible recombinant DNA experiments be conducted in P4 facilities.* This alternative implies no distinction among experiments. It does not recognize that certain recombinant DNA experiments are widely agreed to pose little, if any, possible hazard. It is equivalent to a total prohibition on much recombinant DNA research because of the limited number of P4 facilities that are available and the high cost of construction. Because of access problems, interesting and important research of low or moderate possible hazard would be discouraged.

4. *Experiments prohibited at this time.* Certain types of experiments are prohibited by the Guidelines. Their selection was a matter of judgment, and depended on the assessment of the seriousness of the possible hazard. Alternative assessments would result in either an expansion or a contraction of the list of prohibited experiments and consequent decrease or increase in the possible risks. Some of the controversial recommendations are—

a. *The prohibition of experiments involving more than 10 liters of culture fluid containing recombinant DNAs known to make harmful products without the express approval of the NIH Recombinant Advisory Committee.* Controversy over this recommendation relates to the fact that some investigators and laboratories contend that larger volumes of culture fluid can be safety contained by special procedures and facilities. The recommendation places responsibility for evaluating the containment on the NIH Recombinant Advisory Committee.

b. *Sanction of the use of the bacterium Escherichia coli as a recipient for recombinant DNA molecules.* This organism has been studied extensively and is well suited to recombinant DNA research. It has been argued, however, that *E. coli* should not be used at the present time. This is because many *E. coli* strains are intimately associated with humans and other living things, and because they readily exchange DNA (genes) with certain other bacteria in nature.

Theoretically, the most desirable bacterial recipient of recombinant DNA would be a species uniquely adapted to carefully controlled laboratory environments and unable to survive or transmit DNA to other organisms in any natural environment. This means that the bacteria should be unable to survive in normal ecological niches, either in the laboratory or neighboring areas. It should be unable to colonize or survive in or on other living things, or in soil or water. In addition, these properties should not be significantly altered by the insertion into the bacterium of the recombined DNA. The bacteria must also be able to be manipulated for successful execution of the proposed experiment.

No bacteria is known to meet all these requirements. The guidelines permit the use of various forms of a particular strain of *E. coli* called K12. (The forms are called EK1, EK2 and EK3 in the Guidelines where they are discussed in detail.) Some of these forms already exist, others need to be constructed. Although related to other *E. coli* strains that do not in any way meet the definition of the ideal organism, these permissible strains of *E. coli* partially fulfill many of the criteria in the definition of the ideal strain. At present, no other bacterial species is known to approximate the definition as closely as *E. coli* K–12 and its derivatives. In the future, other bacteria, closer to the ideal, may become known, or the properties of already known species may be shown to approach the ideal more closely than *E. coli* strain K12 and its derivatives, as defined in the Guidelines.

c. *Sanction of the use of Simian Virus 40 (SV 40) as a carrier of a foreign DNA fragment.* It has been argued that SV40 should not be permitted, since it is known to cause cancer in laboratory animals. There is little evidence that SV40 results in disease in humans. However, SV40 infects humans, and demonstrable antibodies to SV40 indicate that infection has occurred in some members of the general population. Some of the infection may have resulted from the inadvertent inoculation of millions of individuals during the initial mass program of immunization aganist polio virus before SV40 was identified as a contaminant in the vaccine. The antibodies may have been formed against SV40-like viruses known to exist naturally in humans (1). It is possible that a recombined DNA carried by SV40 could infect humans and significantly affect their health (2). The Guidelines restrict the use of SV40 DNA to DNA from strains of the virus that are defective in the infection process. In addition, stringent physical containment is required.

d. *Sanction of experiments involving the transfer of uncharacterized mixtures of DNA segments derived from warm-blooded animals into bacteria.* Such experiments are believed to present a greater possible risk than others because they involve a conglomeration of undefined genes that might include DNA capable of causing disease.

e. *Sanction of the use of oncogenic viruses.* It has been argued that the introduction into *E. coli* of the whole DNA or any purified segment of the DNA of any virus oncogenic in any species should not be permitted.

D. *No guidelines but NIH consideration of each proposed project on an individual basis before funding.* With this alternative, individual investigators requesting NIH funds for projects involving recombinant DNA research would bring plans for proposed experiments to an NIH committee that would, without the use of formal guidelines, recommend suitable containment measures. Depending on the criteria used by the committee, this might result in lower or higher containment levels than are currently imposed by the Guidelines. The advantages of such a procedure would include constant reevaluation of potential hazards and containment measures, and up-to-date information for investigators. The disadvantages include the enormous time and resources required for review, given the size of the biological research enterprise in the United States, the problem of finding knowledgeable individuals to serve on such a committee—essentially a full-time occupation—the opportunity for arbitrary decisions, and the bypassing of local input in assessment of hazards.

It should be pointed out that under the present NIH Guidelines, local institutional biohazards committees must consider proposed research projects on an individuals basis and may impose more

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stringent safeguards than those required by the Guidelines. The judgments of the investigator and his local committee will be reevaluated by the NIH Study Section reviewing the scientific merit of the proposal.

E. GENERAL FEDERAL REGULATION OF ALL SUCH RESEARCH

The NIH Guidelines control only recombinant DNA research supported by NIH. Nevertheless, NIH has assumed a real responsibility to work toward the promulgation of safety measures for all such research. Nationally, NIH has conducted and is continuing to conduct meetings with representatives of other Federal agencies and of private industry. In the case of the Federal Government, consideration is being given to the imposition of the Guidelines either by individual agency adoption or through an Executive Order. Non-Federal groups have indicated that they will voluntarily comply with reasonable guidelines designed to be applicable to their specific needs.

From the international standpoint, the NIH has been in communication with relevant national bodies, the World Health Organization, the European Molecular Biology Organization, and the International Council of Scientific Unions, among others, to encourage the widest possible application of the Guidelines.

A variety of administrative mechanisms could be employed to regulate recombinant DNA research. Relevant agencies are the Center for Disease Control (CDC), including the National Institute for Occupational Safety and Health (NIOSH), or the Occupational Safety and Health Administration, Department of Labor (OSHA). For example NIH could petition OSHA to enforce and monitor such research through its standard procedures. If OSHA concurred, the adopted guidelines could be extended to all facilities under OSHA's responsibility.

Legislation could be passed to impose procedures and specify containment for recombinant DNA experiments. Specific guidelines, as well as appropriate enforcement mechanisms and penalties, could be established as statute. The advantages of this approach would include uniformity in coverage and process. The disadvantages include the need for establishment of a new administrative mechanism and consequent costs, the long time generally required for enactment of legislation, and the relative inflexibility of law. Flexibility is desirable because presently recommended containment procedures will surely require timely revision as knowledge and experience are accumulated.

A body like the National Commission on the Protection of Human Subjects of Biomedical and Behavioral Research could be legislatively established. It should be noted that a bill (S. 2515) currently under consideration in the Congress would assign responsibility for consideration of recombinant DNA experiments to a permanent President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. A real concern would be the inability of a group with such a broad mandate to deal effectively with the highly specialized subject of recombinant DNA research.

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VII. ENVIRONMENTAL IMPACT OF THE GUIDELINES

A. IMPACT OF ISSUANCE OF NIH GUIDELINES

The primary impact of issuance of the Guidelines is to provide a mechanism for the protection of the laboratory worker, the general public, and the environment from the possible hazards that might result from recombinant DNA molecule research. These hazards are purely speculative at present; the speculations may prove to be wrong. Nevertheless the Guidelines take cognizance of the possibility of dangers to the laboratory worker, other persons, and the environment posed by the emergency research technology involving recombinant DNA molecules, and call for a number of measures aimed at reducing or eliminating human and environmental exposure to materials containing recombinant DNA molecules, in case they should prove hazardous. The Guidelines govern only work supported by the NIH, including NIH supported research at various institutions (grants and contracts) and research carried out within NIH intramural laboratories.

With regard to the anticipated but speculative benefits of recombinant DNA research, adherence to the Guidelines may postpone their realization. Certain experiments are prohibited; many permissible experiments will be delayed pending availability of suitable containment facilities and certification of appropriate hosts and vectors.

1. *Impact on the safety of laboratory personnel and on the spread of possibly hazardous agents by infected laboratory personnel.* The NIH Guidelines are directly concerned with reducing and eliminating exposures of laboratory personnel and all other persons to host cells and microorganisms containing recombinant DNA molecules. Because laboratory personnel would be the chief source of infection of other people, protection of personnel is of primary importance. Lack of knowledge about the real risks of such molecules makes it impossible to determine either the nature of the hazards or the extent to which laboratory personnel are endangered by exposures to the materials. Nevertheless present understanding of biology permits a ranking of the possible risks that may be associated with a given experiment.

Four levels of possible risk have been established: minimal, low, moderate, and high. Protection of personnel from minimal risk materials is provided by ordinary microbiological techniques. Since these procedures are generally performed on the open bench, exposures may occur. The avoidance of harmful effects depends more on the exceedingly low potential of these materials to cause a harmful infection than of the elimination of potential exposures. Potential harmful effects would require exposure to large numbers of organisms, e.g., due to accidental ingestion by poor pipetting techniques or self-inoculation by needle and syringe). Such exposures should be prevented by adherence to practices recommended for this risk level.

The safety of personnel handling materials of minimal risk in the prescribed manner is supported by the absence of any documented laboratory-acquired bacterial or viral infections involving known human etiologic agents that are customarily handled in the same fashion—i.e., CDC class 1 agents (see *Glossary*).

The protection of personnel from potential dangers associated with low- and moderate-risk materials is provided by a greater reliance on physical barriers separating the laboratory personnel from the experimental process as well as on safe microbiological practices. Accidental exposure by ingestion would be prevented by the adherence to the required use of mechanical pipetting for low- and moderate-risk materials. Potential exposure to low-risk materials through aerosols is reduced by the requirement that all processes that produce significant aerosols are to be confined to biological safety cabinets. Potential exposure to moderate-risk materials through aerosols is further reduced by the requirement to contain all processes that produce any aerosol. The use of Class I and Class II biological safety cabinets that comply with the standards specified in the Guidelines can reduce the potential exposure by a factor of 10,000 (1). Potential exposures of laboratory personnel not involved in these experiments are further controlled by the specified laboratory access procedures. These measures do not provide absolute protection from exposures, and the required primary barriers can be compromised by lack of attention to technique, poor placement of equipment, and human error. Experience demonstrates that the use of these measures reduces but does not prevent the potential for laboratory-acquired infections with relatively infectious agents such as class 2 and class 3 agents.

The nature of the harmful effects from exposures to low- and moderate-risk recombinant DNA materials cannot be determined. However, the ability for these materials to cause disease or injury, should they be hazardous can be estimated by comparison of their infectivity with that of known class 2 and class 3 agents. The requirement that recipient bacterial cells be class 1 agents (no or minimal risk) and that animal virus vectors be similarly low risk agents (in the absence of recombined DNA) reduces the likelihood that they will have the infectious properties of class 2 or 3 agents upon insertion of foreign DNA.

Recombinant DNA experiments assessed to have high-risk potential require special precautions designed to prevent exposures, as specified in the Guidelines. All such experimental procedures are required to be surrounded by absolute primary barriers that are gas-tight. These are barriers that physically isolate the experimental process from the laboratory worker. Research is conducted within these barriers through attached gloves. Materials are not removed from the barriers until they have been sterilized or put into hermetically sealed containers, which are then surface sterilized.

Experience with class 3 and 4 human etiologic agents demonstrates that the absolute primary barriers can be operated without exposure of the operators under standardized procedures, employing stable, well trained and well-disciplined personnel (2). This conclusion is based on those data in reference 2 that refer to the experience of recent years; the earlier experience is less relevant because of important recent developments in the design and availability of containment equipment. The procedures for combining segments of DNA and inserting them into recipient cells can be standardized, and the Guidelines require that research personnel be well trained and proficient in the necessary operational practices. Inspection and certification of all high-risk research facilities by NIH personnel provide additional assurances that these requirements will be met.

Thus, potentially harmful effects from research with high risk recombinant DNA molecules should be extremely unlikely given strict adherence to the NIH Guidelines.

Insofar as research sponsored by NIH is concerned, potentially harmful effects from experiments judged to present the possibility of very severe hazard should be prevented completely since those experiments are prohibited.

2. *Impact on the environmental spread of possibly hazardous agents.* The NIH guidelines are directly concerned with preventing the release of cells and microorganisms containing recombinant DNA molecules, or the release of recombinant DNA molecules themselves, into the environment, thus preventing potential exposures of humans, other animals and plant communities.

The Guidelines require decontamination of all liquid and solid wastes generated by low-, moderate-, or high-risk experiments. As the potential risk of these materials increases (low → high), further measures are required to increase the certainty of containment. The Guidelines recommend the decontamination of no- or minimal-risk materials before their disposal to the environment. This is standard microbiological practice.

The Guidelines prohibit the release of contaminated air under ordinary conditions. Procedures involving low- and moderate-risk materials that may produce aerosols are confined to primary barriers. Contaminants in the exhaust air from these barriers are removed by filtration.

The potential for accidental release of recombinant DNA materials into the atmosphere, however, increases with decreasing containment requirements (moderate → minimal). Harmful secondary effects from such accidental release of minimal-, low-, or moderate-risk materials are exceedingly remote. An analysis of 36 reported laboratory-acquired micro-epidemics in the period 1925–1975 involving over 1,000 infections with class 2, class 3, and class 4 human etiologic agents demonstrated no infections among persons who were never in the laboratory building or who were not associated in some way with the laboratory (2). Almost all of these outbreaks occurred in the absence of genuine efforts to control contaminated air, liquid wastes, refuse, and laundry.

Any potential release of high-risk materials to the environment should be prevented by adherence to the NIH Guidelines. All high-risk materials are required to be isolated in physically contained, absolute primary barriers. All effluents from these barriers are sterilized. The barriers themselves are located in maximum-security facilities, which are provided with additional barriers to prevent any accidental release. Air locks, negative air pressure, clothes-change rooms, filtration and incineration of all air exhausted from the facility, and the secondary sterilization of all liquid and solid wastes, provide additional protection to the environment.

The NIH Guidelines also define requirements for protecting the environment from potential dangers that may be associated with the shipment of recombinant DNA materials. Federal packaging standards appropriate for the shipment of class 4 human etiologic agents are required for the shipment of all recombinant materials.

3. *Cost impact.* The direct cost impact of the NIH guidelines is the cost of complying with their provisions. The costs will vary according to the level of potential risk of the research. There are no special facility requirements for work with minimal- and low-risk recombinant DNA materials (P1 and P2). There are equipment requirements for work involving low-risk recombinant DNA materials that will involve little cost impact. Low-risk research requires a biological safety cabinet for procedures that may produce significant aerosols and an autoclave for sterilizing waste materials. These items of equipment, however, are generally available within the existing facilities where such research is being conducted. The cost impact of the NIH guidelines on minimal- and low-risk research is therefore not significant.

Special equipment and facility requirements are specified for moderate-risk recombinant DNA research (P3). All work at this level of potential risk is to be conducted within biological safety cabinets (Class I or II). This requirement will necessitate the acquisition of many additional cabinets, the number being dependent on the scope of the research effort. It is estimated that one cabinet will be required for every three persons involved in the research. The cost of each cabinet is approximately $5,000.

Directional air flow, single-pass ventilation, and provisions for ensuring restricted access are facility requirements specified for moderate risk (P3) recombinant DNA research. While many new facilities (those constructed in the last decade) have been constructed with this capability, few older facilities can provide this capability without extensive renovation. Creating adequate access control by construction of architectural barriers (e.g., air locks, double-door alcove, etc.) is not expensive. However, th cost of renovation of air-handling systems to provide for single-pass, directional air flow may prevent some institutions from conducting moderate-risk research. It has been estimated that installation of air-handling systems that comply with the NIH Guidelines would cost approximately $200 per square foot of space serviced by the system.

The NIH Guidelines require that high-risk (P4) research involving recombinant DNA materials be conducted only in class III biological safety cabinets (glove boxes) that are installed in maximum security facilities. Fewer than 30 facilities within the United States have the potential for meeting the requirements specified in the Guidelines for such facilities. A smaller number may actually be available for this research. It is estimated that approximately $750,000 would be required to construct and equip a maximum-security facility having two 10-foot by 20-foot laboratory modules with class III cabinetry. This great cost is due to sophisticated mechanical support systems (e.g., negative pressure, exhaust air filtration, air waste treatment plant) and architectural barriers (e.g., clothes-change rooms, air locks, waste-staging areas, and monolithic walls, floors, and ceilings). The cost of class III cabinetry installed is approximately $3000 per linear foot. In addition, the cabinetry line and the facility each require a double-door autoclave, costing a minimum of $15,000 and $65,000 respectively.

4. *Secondary impacts.* There are three secondary impacts which further provide for environmental protection—i.e., reduce the potential risk to the environment from recombinant DNA research:

a. *Limited maximum-security containment capability.* The small number of facilities available to support high-risk research greatly restricts the number of such experiments that can be conducted. The reduction in the number of experiments minimizes the probability of accidental exposure of laboratory workers and subsequent secondary environmental impacts.

b. *Safety awareness.* The safe performance of biomedical research is dependent on an awareness of the risks and the safeguards required to control the risks. Issuance of the NIH Guidelines should strengthen safety performance in general by providing safety information and increasing the awareness of the laboratory worker to the potential hazards associated with biomedical research.

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c. *Early recognition of potential hazards.* The Guidelines require that the principal investigator notify NIH of any serious or extended illness or accident that may result in serious exposure to man or to the environment. This monitoring procedure will provide an early warning of possible unforeseen hazard. For example, if a laboratory infection from exposure to a recombinant DNA molecule is confirmed, indicating a real hazard, an increase in safeguards or cessation of experiments can be required to minimize the hazard to other investigators conducing similar studies. This upgrading will also reduce any potential for environmental effects.

B. IMPACT OF EXPERIMENTS CONDUCTED UNDER THE GUIDELINES

1. *Possible undesirable impact*—a. *Dispersion of potentially hazardous agents.* The hypothetical mechanisms by which insertion of foreign genes into cells or viruses might result in the formation of hazardous agents are described in Section IV–C. There is, as stated before, no known instance in which a hazardous agent has been created by recombinant DNA technology. Current knowledge permits no more than speculation that such agents may be produced and an equally speculative assessment of the nature and extent of hazards that may follow upon a particulr recombinant DNA experiment. This is the underlying reason that the thrust of the Guidelines is to minimize contact of organisms containing recombinant DNA with other organisms or the environment. Therefore the following analysis of possible undesirable impacts due to dispersion of potentially hazardous agents emphasizes the likelihood of significant dispersion rather than the nature of the hazard itself. The analysis given does not apply in detail to all the possible situations, but can serve as a model for analyzing different situations.

In order that any potential hazard be realized, it is necessary that each of a number of sequential events occur. Each event in the sequence is possible only if the earlier events have occurred. The organism must—

(a) Contain foreign genes,
(b) Escape from the experimental situation,
(c) Survive after escape,
(d) Become established in an environment permitting its growth and multiplication,
(e) Contact other living organisms in a significant manner, including contact by a sufficient number of organisms to ensure survival and growth and to cause infection. (Note that the environment in (d) may be a living organism itself).

In those cases where the detrimental effect results from the formation of a harmful protein, the organism containing the recombinant DNA must—

(f) Contain a gene for a potentially harmful protein,
(g) Be able to express the foreign gene—that is, synthesize the foreign protein,
(h) Synthesize the protein in sufficient quantity to be deleterious to the infected organism.

In those cases where the foreign DNA itself may be the cause of undesirable effects, another set of events must be considered. In the case where the foreign DNA increases the pathogenicity of the initial host cell or virus, the inserted DNA must—

(i) Impart a selective advantage for growth to the carrier of the recombinant DNA as compared with the original cell or virus,
(j) Alter the metabolism of the carrier so that it becomes disease producing.

In the case where the foreign DNA causes undesirable effects by virtue of its transfer out of the original recipient and reinsertion into cells of another species, the DNA must—

(k) Leave the original recipient without being destroyed,
(l) Survive transfer to another cell,
(m) Become associated with the other cell in a stable manner, either as an independent element or by natural recombination.

For example, in a hypothetical experiment classified as low-risk and carried out according to the requirements of the Guidelines, events (a) through (h) might be required to yield a hazardous situation. Available data might permit assignment of probabilities of : 1 for (a); of 10^{-2} (1 in 100) for (b); of 10^{-4} (1 in 10,000) for (c); and of 10^{-6} (1 in a million) for (d). Lack of any pertinent knowledge concerning events (e) through (h) would make assignment of probabilities impossible. Even assuming a probability of one for each event (e) through (h), the overall probability of a deleterious effect on a member of a species at risk in this hypothetical situation would then be the product of all probabilities (a) through (h), namely 10^{-12} (one in a trillion). This probability then needs to be compared with the number of organisms grown for the experiment. Typically, bacteria are grown in liquid mixtures to a concentration of between 10^8 and 10^{10} organisms per ml. The probability will also need to be corrected for the length of time over which the experiment is to be conducted. In reality, it may frequently be difficult to assess the relevant probabilities.

It is currently impossible to assign specific probabilities for many experiments, although crude estimates can often be made from current knowledge of laboratory-acquired infections, from prototype experiments set up to measure bacterial or viral escape (4), and from knowledge concerning the stability of organisms and DNA. NIH is currently supporting research designed to improve the ability to evaluate certain of these probabilities.

b. *Other considerations.* The foregoing descriptions of the kinds of possibly hazardous situations that might arise from organisms obtained through recombinant DNA experiments must be considered in the light of certain more general issues.

(1) *Monitoring for release of organisms containing recombined DNA.* Control of the spread of any agent outside of an experimental situation to laboratory workers or the outside environment is greatly assisted by adequate means for monitoring the agent in question. A pertinent example is the monitoring for spillage and spread of radioisotopes. The presence of radioisotopes is readily measured, and the exposure of laboratory personnel or the environment to radiation can be quantified. The situation is fundamentally different in the case of organisms or viruses containing recombined DNA. No simple general procedure exists for identifying an organism released from the laboratory against the large background level of related and unrelated organisms occurring naturally.

It is possible, however, to devise special pertinent procedures for detection of some of the agents used in recombinant DNA experiments. For example, development of bacterial strains, phages, or plasmids carrying readily detectable genetic traits would enable the monitoring of laboratory personnel, people working in the area, and their families for the presence of those agents. This would be analogous to the examination of drinking water, lakes, etc., for fecal contamination with enteric organisms. Detection in such instances could be at levels as low as 10^{-7} (1 part in 10,000,000). The adequacy of such screening is not presently known.

Given the nature of the series of events that might characterize a hazardous situation, the time factors involved in those events become relevant. Certain possible types of organisms containing recombinant DNA might, if they escaped and if they were hazardous, be immediately perceived as such—e.g., production of toxic foreign proteins. We might therefore be aware of the potential problem soon after dispersal of the organism, and reasonable means for minimizing further dispersal could be undertaken. In other instances—e.g., a cancer-producing DNA fragment—evidence of harmful effects might not be apparent for many years. The connection between the causative organisms and the observed harmful effects could be difficult to establish. Further, dispersal of the hazardous agent might then be so widespread as to make control difficult or impossible.

(2) *Natural occurrence of DNA recombination between unrelated organisms.* Concern over the potential for hazard in organisms containing recombined DNA develops from the central idea that such recombinants will be unique types of organisms, not normally arising in nature, and that their properties will therefore be unknown and unpredictable. Natural environments provide many opportunities for recombination of DNA between unrelated species, as for example, in the intestines of animals. Whether, or at what frequency, such recombinations may occur is not known at present, but it is probably low given the very low extent of shared base sequences that can be detected in DNAs derived from distantly related organisms. It would appear that naturally occurring interspecies recombinants, if they occur in nature, may have been selected against in evolution. However tests for shared base sequences are of limited sensitivity.

(3) *Relative irreversibility of spread of organisms.* Should organisms containing recombined DNA be dispersed into the environment, they might, depending on their fitness relative to naturally occuring organisms, find a suitable ecological niche for their own reproduction, and a potentially dangerous organism could then multiply and possibly spread. Subsequent cessation of experiments would not stop the diffusion of the hazardous agent. While means to eradicate the organism might be found, as in the case of smallpox, it is also possible that such means will not be available, or that they will be available too late to prevent or stop untoward events.

As described earlier, the likelihood is that newly constructed organisms will be less fit than those occurring naturally and therefore will disappear over time.

2. *Beneficial impacts of recombinant DNA research.* Section IV–C–2 describes the various anticipated benefits of recombinant DNA research. As with the possible hazards, many of the proposed benefits are speculative. Assessment of the likelihood that they will be realized will depend on information acquired from future experimentation. For example, assessment of the category of anticipated benefits that depends on the synthesis of eukaryote proteins in prokaryote cells (see IV–C–1–b) awaits additional data on the expression of the foreign genes. Should these benefits be realized, it may be expected that the cost of manufacturing certain clinically important proteins can be markedly decreased. Other clinically important proteins that are either in short supply (e.g. human growth hormone) or unobtainable by existing techniques may be made readily available. Innovative approaches to immunization against infectious diseases can also be expected.

Some of the indicted benefits appear certain. These are the benefits to be derived from an increased understanding of both basic biological processes and the mechanisms underlying a variety of disease states.

Application of the restrictions imposed by the Guidelines will retard progress toward the realization of the possible benefits. In addition to the prohibitions on certain experiments, there are many permissible experiments which will need to be postponed until the requirements in the Guidelines can be met. The acquisition and installation of P3 facilities requires adequate funds, extensive planning and installation. P4 facilities are limited in number. Experiments that require hosts and vectors with demonstrably limited ability to survive in natural environments must await development of appropriate hosts and vectors; their testing, and finally their certification by the NIH Recombinant Advisory Committee. Time will also be required for the various review processes that are required.

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APPENDIX A

GLOSSARY

1. Aerosol: A colloid of liquid or solid particles suspended in a gas, usually air.

2. Antibody: A protein which is formed in the body as a result of the inoculation of an antigen.

3. Antigen: A substance which when injected into an animal causes the formation of antibodies.

4. Autoclave: An apparatus for effecting sterilization by steam under pressure. It is fitted with a gauge that automatically regulates the pressure, and therefore the degree of heat to which the contents are subjected.

5. Bacteriophage: A virus that infects only bacteria.

6. Bid: Bureaus Institutes, and Divisions of NIH.

7. Biohazard: A contraction of the words biological hazard; infectious agents presenting a risk or potential risk to the well-being of man, or other animals, either directly through infection or indirectly through disruption of the environment.

8. Biohazardous Agent: Any microbial unit capable or potentially capable of presenting a biohazard.

9. Biohazard Area: Any area (a complete operating complex, a single facility, a single room within a facility, etc.) in which work has been, or is being performed with biohazardous agents or materials.

10. Biohazard Control: Any set of equipment and procedures utilized to prevent or minimize the exposure of man and his environment to biohazardous agents or materials.

11. Biohazardous Material: Any substance which contains or potentially contains biohazardous agents.

12. Biowaste: Liquid wastes from biological research procedures.

13. CDC: Center for Disease Control, United States Public Health Service, Atlanta, Georgia.

14. CDC Classification of etiologic agents on the basis of hazard: A system for evaluating the hazards associated with various etiologic agents, and definition of minimal safety conditions for their management in microbiological investigations. The basis for Agent Classification is as follows:

Class 1: Agents or no or minimal hazard under ordinary conditions of handling

Class 2: Agents of ordinary potential hazard. This class includes agents which may produce disease of varying degrees of severity from accidental inoculation or injection or other means of cutaneous penetration but which are contained by ordinary laboratory techniques.

Class 3: Agents involving special hazard or agents derived from outside the United States which require a federal permit for importation unless they are specified for higher classification. This class includes pathogens which require special conditions for containment.

Class 4: Agents that require the most stringent conditions for their containment because they are extremely hazardous to laboratory personnel or may cause serious epidemic disease. This class includes Class 3 agents from outside the United States when they are employed in entomological experiments or when other entomological experiments are conducted in the same laboratory area.

Class 5: Foreign animal pathogens that are excluded from the United States by law or whose entry is restricted by USDA administrative policy.

NOTE: Federally licensed vaccines containing live bacteria or viruses are not subject to these classifications. These classifications are applicable, however, to cultures of the strains used for vaccine production, or further passages of the vaccine strains.

15. Class I biological safety cabinet: A ventilated cabinet for personnel protection only, having an open front with inward flow of air away from the operator. The cabinet exhaust air is filtered through a high efficiency particulate air (HEPA) filter before being discharged to the outside atmosphere. This cabinet can be used for work with low- to moderate-hazard risk agents where no product protection is required.

16. Class II biological safety cabinet: An open-front cabinet for personnel and product protection with mass recirculated airflow with HEPA filtered exhaust and HEPA filtered recirculated air. This cabinet can be used for work with low- to moderate-hazard risk agents. It is not suitable for use with explosive and flammable substances, toxic agents, or radioactive materials.

17. Class III biological safety cabinet: A gas-tight cabinet providing total isolation for personnel and product protection with a HEPA-filtered air supply and a HEPA-filtered exhaust. The cabinet is fitted with gloves and is maintained under negative air pressure. This cabinet provides the highest containment reliability and should be utilized for all activities involving high-hazard risk agents.

18. Clone: A population of cells derived, by asexual reproduction, from a single cell. Every cell in the population is presumed to be genetically identical. In recombinant DNA research, every cell in a clone contains the same recombinant DNA species.

19. Coding sequence: The orderly array of codons which are subunits of a gene.

20. Chromosome: One or more small rod-shaped body(s) in the nucleus of a cell that contains genetic information for that cell. A collection of genes.

21. Deoxyribonucleic acid, or DNA: A complex substance of which genes are composed.

22. Effluent: A liquid or gas flowing from a process.

23. Endogenous: Developing or originating within the organism, or arising from causes within the organism.

24. Escherichia coli: A bacterium commonly found in the intestinal tract of animals.

25. Etiologic agent: A viable microorganism or its toxin which causes, or may cause, human disease.

26. Eukaryotic cell: A cell that contains a nucleus with a nuclear membrane surrounding multiple chromosomes; also contains extranuclear organelles.

27. Gene: The smallest portion of a chromosome that contains the hereditary information for the production of a protein.

28. Genetic engineering: Directed intervention with the content and/or organization of an organism's genetic complement.

29. Genome: The complete set of hereditary information in a cell as the chromosomes in

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a eukaryote or the single chromosome in a prokaryote.

30. HEPA filter: (High Efficiency Particulate Air Filter) A disposable, extended medium, dry type filter with a particle removal efficiency of no less than 99.97% for 0.3um particles.

31. Infectious: Capable of invading a susceptible host, replicating, and causing an altered host reaction commonly referred to as a disease.

32. Laminar air flow: Air flow in which the entire body of air within a designated space moves with uniform velocity in one direction along parallel flow lines.

33. Laboratory acquired infection: Any infection resulting from exposure to biohazardous materials in a laboratory environment. Exposure may be the result of a specific accident or inadequate biohazard control procedure or equipment.

34. Messenger ribonucleic acid (mRNA): A complex molecule that transmits the information from the gene to a template on which a protein is formed.

35. Mitochondrion: A DNA-containing structure present in all aerobic eukaryotic cells. The mitochrondia produce energy for the cell and divide by fission after cell division has occurred.

36. Nucleotide: A basic unit of the polymeric structure of DNA. Each unit contains a sugar (deoxyribose), phosphoric acid, and one of the following organic substances: adenine, guanine, thymine or cytosine.

37. Oncogenesis: The process of tumor formation.

38. Organelle: An independent structural body existing within cells, generally related to a particular cellular function, and containing a special group of genes within an extrachromosomal DNA molecule (e.g., mitochrondria and chloroplasts).

39. Pathogenic: Producing or capable of producing disease.

40. Phenotype: The visible traits of an organism as determined by the genome or genotype.

41. Plasmid: A genetic element outside of the cromosome that is capable of replicating independently of the chromosome.

42. Polymer: A large molecule composed of simpler repeating units. DNA is a polymer composed of nucleotides, while starch and cellulose are polymers composed of sugars.

43. Prokaryotic organism or Prokaryote: Cells of bacteria or blue-green algae which are characterized as being rather small, having a single chromosome that is not enclosed by a nuclear membrane, and lacking organelles.

44. Restriction endonuclease: An enzyme capable of breaking DNA at specific sites. The action of the enzyme is unique in that "sticky" ends are formed which can join with other fragments of DNA to form a recombinant DNA molecule. In nature, these bacterial enzymes restrict invasion of foreign DNA.

45. Reverse transcriptase: An enzyme found in certain viruses which reverses the normal synthesis of RNA from DNA. DNA is formed for the replication of viral RNA.

46. R plasmid: A plasmid that carries genetic information for resistance to antibiotics and/or other antibacterial drugs.

47. Shotgun experiment: An experiment in which all the DNA fragments cleaved by a restriction endonuclease are inserted into a vector DNA, which is then put into a cell. This is in contrast to other recombinant DNA experiments where only selected fragments of DNA are inserted into a vector DNA.

48. Sterilize: Any act which results in the absence of all life on or in an object.

49. Vector: A carrier of a recombinant DNA molecule; usually a plasmid or bacteriophage.

50. Viable: Literally, "capable of life." Generally refers to the ability of microbial cells to grow and multiply as evidenced by, for example, formation of colonies on an agar culture medium. Frequently organisms may be viable under one set of culture conditions and not under another set, making it extremely important to define precisely the conditions used for determining viability.

APPENDIX B

SUGGESTED REFERENCES FOR ADDITIONAL READING

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Appendix C

DOCUMENTS DESCRIBING THE IMPLEMENTATION OF THE GUIDELINES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, NATIONAL INSTITUTES OF HEALTH

June 18, 1976.

To: Director, NIH, Through: Director, NIGMS, NIH.

From: Executive Secretary, Recombinant DNA Molecule Program Advisory Committee.

Subject: Operation of the Office of Recombinant DNA Activities (ORDA).

The proposed structure and responsibilities of an Office of Recombinant DNA Activities (ORDA) were described in Dr Kirschstein's memorandum to you of April 28, 1976. The purpose of this document is to present our views as to how such an office can function effectively at the NIH. Consequently, the following relationships and activities are discussed:

I. *Office of the Director, NIH (OD, NIH).* The Office of Recombinant DNA Activities (ORDA) will be responsible for keeping the Office of the Director, NIH, (OD, NIH) and

particularly the Deputy Director for Science informed concerning the activities of ORDA, the status of BID extramural programs and intramural research involving recombinant DNA molecules, and on scientific and public developments which may affect NIH policy decisions and procedures regarding recombinant DNA technology. ORDA will interact with the Deputy Director for Science and the Associate Director for Collaborative Research, NIH in their capacities as chairman and vice-chairman, respectively, of the Recombinant DNA Molecule Program Advisory Committee (Recombinant Advisory Committee).

OD, NIH, in turn, should involve ORDA in all major planning activities leading to formation of NIH policies and procedures. As is current practice, the Executive Secretariat, NIH will provide ORDA with information copies of all correspondence relating to recombinant DNA matters. OD, NIH should provide ORDA with copies of outgoing correspondence, responses to Congressional inquiries, etc., to ensure that the NIH maintains uniform positions on the various matters relating to this technology.

An Executive Recombinant DNA Committee (Executive Committee) should be established in the Office of the Director, NIH. Members of the Committee would be: Deputy Director for Science (Chairman); Associate Director for Extramural Research and Training; Associate Director for Collaborative Research; Associate Director for Program Planning and Evaluation; Director, Office of Research Safety, NCI; and Associate Director for Environmental Health and Safety, DRS. The Special Assistant for Intramural Affairs will serve as Executive Secretary of the Executive Committee. There will be representation on this committee of one or more of the BIDS most involved in the support of research utilizing this technology. Problems (such as suitability of institutional biohazards committees, adequacy of review of applications, appropriateness of proposed new initiatives by BIDs, etc.) which cannot be resolved at the level of ORDA will be referred to the Executive Committee. Problems which can not be resolved at the level of the Executive Committee will be referred to the Recombinant Advisory Committee or subcommittees thereof by telephone, mail or presentation at the next meeting. The Deputy Director for Science will have the ultimate responsibility for decisions and can make urgent decisions without consultation with the committees. (OD, NIH may wish to propose an alternative approach other than the establishment of an Executive Committee).

The Deputy Director for Science, NIH, will have the responsibility for assigning to the individual BIDs various projects developed by the Executive Committee or Recombinant Advisory Committee or solicited by ORDA.

The Office of the Director, NIH will be responsible for promulgation and enforcement of regulations, and for accountability to congressional committees, DHEW, and the public. ORDA will keep the Deputy Director for Science, NIH informed of any potential problems which may lead to regulatory activities and/or need for accountability and may make appropriate recommendations in these circumstances.

II. *Dissemination of information.* The Office of the Director, NIH will be responsible for the promulgation of "Guidelines for Research Involving Recombinant DNA Molecules" (Guidelines), and should undertake the initial mass distribution of Guidelines to institutions and research laboratories through its mailing keys and use of the appropriate instrument, such as the "NIH Guide for Grants and Contracts" (NIH Guide), NIH Manual Issuance (NIH Manual), etc. Thereafter, ORDA will be responsible for distributing Guidelines and responding to requests by institutions and investigators regarding NIH policies and procedures. Dissemination of major changes in the Guidelines should also be handled as above.

The NIAID will have responsibility for publication of the "Nucleic Acid Recombinant Scientific Memoranda" (NARSM). Major announcements in NARSM, such as distribution of Guidelines, statements of NIH policies and procedures, announcements of certified host-vector systems, training courses, workshops, conferences, etc. will be coordinated with ORDA.

III. *Division of research grants.* ORDA will work with the Associate Director for Scientific Review, DRG on procedures for the review of grant applications involving recombinant DNA technology. On request, ORDA will brief executive secretaries and study sections on NIH policies and procedures.

Involvement of DRG in the processing of grant applications is discussed in Appendix A.

IV. *Institutes and divisions.* Institutes and Divisions will be required to report to ORDA on all activities involving recombinant DNA technology, including: intramural research projects, extramural grants and contracts, workshops, training courses, conferences, etc. BIDs will provide ORDA with copies of all incoming and outgoing correspondence dealing with recombinant DNA activities. Awarding components must consult with ORDA prior issuing Requests for Proposals (RFPs) and Requests for Applications (RFAs) likely to result in projects utilizing recombinant DNA technology. Procedures for obtaining information on extramural research, and for the processing of applications are proposed in Appendix A. Procedures for monitoring intramural research are proposed in Appendix B.

ORDA will be a source of information for the Institutes and Divisions, and their initial review groups, regarding current NIH policies and procedures. ORDA may establish an inter-BID Recombinant DNA Coordinating Committee to facilitate interchange of information. Because of the procedures proposed, NIH awarding components may wish to consider naming specific staff for liaison with ORDA.

V. *Special NIH relationships.* ORDA will maintain close working relationships with the Director, Office of Research Safety, NCI, the Associate Director for Environmental Health and Safety, DRS and the NIH Biohazards Committee, and will coordinate their activities on matters relating to recombinant DNA technology. The Office of Research Safety, NCI will continue to have primary responsibility for matters relating to physical containment of recombinant DNA materials, and will continue to maintain a register of high containment facilities in this country and abroad. However, plans for site inspections of P4 physical containment facilities currently or envisaged to be engaged in recombinant DNA research, and of other facilities as deemed necessary, will be coordinated through ORDA, and copies of site visit reports will be filed with ORDA.

VI. *Federal relationships.* ORDA will develop interrelationships with other federal agencies concerned with recombinant DNA technology, including but not limited to the following: National Academy of Sciences, National Science Foundation, Energy Research and Development Administration, Department of Agriculture, Environmental Protection Agency, National Aeronautics and Space Administration, and the Occupational Safety and Health Administration.

Parenthetically, it should be mentioned that representatives of the National Academy of Sciences and National Science Foundation are already attending meetings of the Recombinant Advisory Committee on a regular basis, and the National Aeronautics and Space Administration and the Energy Research and Development Administration have sent a representative to several of the meetings.

VII. *Non-Federal and international relationships.* ORDA will attempt to develop interrelationships with private foundations, professional societies, scientific journals and industry, and to coordinate NIH policies with international bodies concerned with recombinant DNA technology. The Executive Secretary of the Recombinant Advisory Committee already has a working relationship with the European Molecular Biology Organization.

VIII. *Institutional Biohazards Committees.* ORDA will receive directly from each institution involved in recombinant DNA activities the roster of its institutional biohazards committee. The minimum information should include the names, addresses, occupations and qualifications of the chairman and members of the committee. Institutions will be notified by the appropriate instrument (NIH Guide, NIH Manual, etc.) of the necessity for filing this information with ORDA.

As stipulated in the Guidelines, ORDA will assist in the formation of area biohazards committees composed of members of a given institution and/or other organizations beyond its own staff. An area committee will be necessary when expertise from outside a given institution is necessary for the biohazards committee to fulfill its functions.

ORDA will review the composition of institutional biohazards committees for compliance with the recommendations stated in the Guidelines, and will maintain updated lists of such complying committees. Serious questions about the suitability of a committee will be brought to the attention of the Executive Committee.

IX. *Information on accidents, containment and innovations.* As stipulated by the Guidelines, investigators are required to report to ORDA and to their institutional biohazards committees any serious or extended illness of a worker, or any accidents of the type described in the Guidelines. The Guidelines also require that investigators report to ORDA and their biohazards committee any problems pertaining to operation and implementation of biological and physical containment safety practices and procedures, or equipment or facility failure.

ORDA will receive from investigators information on purported EK2 and EK3 systems, and information bearing on the Guidelines, such as technical information relating to hazards and new safety procedures or innovations.

ORDA will receive and file these reports and, as appropriate bring them to the attention of the Deputy Director for Science, NIH, the Office of Research Safety, NCI, and the Recombinant Advisory Committee or subcommittees thereof. ORDA may, after review, recommend appropirate action to the Deputy Director for Science, NIH.

X. *Recombinant DNA molecule program advisory committee.* ORDA will have the management responsibilities for the Recombinant Advisory Committee, will serve as its staff, and will provide the Executive Secretary. Staff functions will include the gathering, analysis and dissemination of information, the presentation of issues, etc.

XI. *Transition and implementation.* Proposals for initial gathering of information on NIH activities in this area and implementation of the Guidelines are discussed in this Appendix C.

The relationships, responsibilities and procedures proposed in this memorandum and its appendices are wide-ranging and complex. They are, however, an attempt to describe how NIH might administer the Guidelines governing this controversial technology responsibly and effectively. I look forward to

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hearing your comments and those of your staff on these proposals.

WILLIAM J. GARTLAND, JR PH D.

APPENDIX A TO APPENDIX C

PROCESSING, REVIEW, AND MANAGEMENT OF EXTRAMURAL PROJECTS INVOLVING RECOMBINANT DNA TECHNOLOGY

I. *General.* The purpose of this appendix is to discuss procedures for the processing, review and management of NIH supported projects which involve the use of recombinant DNA technology. The term "application.", as used here, refers to all contract proposals and grant applications for research projects, program projects, centers, training, fellowships, research career development, etc., as defined in NIH Manual Issuance 4101: "Activity Codes, Organizational Codes and Definitions used in Extramural Programs." The procedures would apply to applications reviewed by DRG study sections and Institute and Division initial review groups.

II. *Capture of information.* One of the primary functions of the Office of Recombinant DNA Activities (ORDA) is to maintain a central register of NIH supported projects which involve recombinant DNA technology so that the NIH will know where these projects are located and will have the capability of rapidly communicating with project directors should the need arise.

In order to maintain an updated central register of projects it will be necessary for the NIH to modify application forms to indicate on the face sheet whether or not recombinant DNA technology is involved in the project. This could be modeled after the statement currently in use regarding research involving human subjects. The information would be captured, as is the case for human experimentation, and permit sorting by different parameters such as awarding component, geographic location of projects, etc.

III *Receipt of applications.* Through the use of appropriate instrument (NIH Guide, NIH Manual, etc.), the NIH will inform applicants of the necessity for assessing the physical and biological containment required for the proposed experiments as stipulated in the NIH guidelines. This assessment must be incorporated into the application.

All applications requesting support for projects involving recombinant DNA technology will be required to have on file two documents: A Memorandum of Understanding and Agreement (MUA) and a Certification Statement (Certification) from the institutional biohazards committee. The NIH must and will require that a properly executed MUA and Certification accompany all applications proposing to use recombinant DNA technology. This will eliminate the need for tracking these documents after the application is accepted for review. The originals of these documents will be placed in the official files of the NIH awarding components with copies on file in ORDA.

IV. *Review of applications.* The executive secretaries of initial review groups are responsible for identifying all applications involving recombinant DNA technology, and for placing on the first page of every summary statement the following special note:

RECOMBINANT DNA MOLECULES—POTENTIAL BIOHAZARD

The executive secretaries are responsible for ensuring that the initial review groups make an independent assessment of the biological and physical containment levels required for the proposed experiments, and for stating in the text of the summary statement the initial review group's determination as to whether the containment levels proposed by the investigator meet the levels stipulated in the NIH guidelines. If the proposed containment levels are inadequate, the initial review group should discuss, in as much detail as possible, the inadequacies of the proposed containment and under what circumstances, if at all, the application should be eligible for funding. Initial review groups should be encouraged to disapprove applications if the proposed containment levels are so inadequate as to be irresponsible. It will be the responsibility of the awarding unit to inform applicants directly as to the fact that this was the reason for disapproval.

Executive secretaries and members of relevant initial review groups will receive a copy of the Guidelines to permit them to make these judgments. Problems relating to assessment of biological and physical containment levels proposed by investigators versus those required by the Guidelines will be referred to ORDA.

As in the case of human experimentation, national advisory councils and boards and final review bodies are expected to carefully scrutinize proposals, involving recombinant DNA technology, and make appropriate recommendations.

V. *Award of new and competing renewal projects.* Prior to the award of any project involving recombinant DNA technology, the NIH awarding component will forward to ORDA one copy of each of the following documents: The application, summary statement, MUA, Certification, any comments of the final review body, and a request for clearance to award. In those cases in which the initial or final review group, or staff of an awarding BID finds that a project requires a higher level of containment than that originally proposed by the applicant or the institution, a properly executed revised MUA and Certification Statement will be required prior to a request for approval to award. ORDA will review the documents and indicate concurrence or non-concurrence with the request for clearance to award. In the latter case, ORDA will prepare a memorandum outlining the reasons for disapproval but emphasizing that the action is independent of scientific merit or other reasons. Such a memorandum should be forwarded to the applicant through the awarding unit. In those cases in which ORDA is not able to reach a decision, or in which the awarding component or applicant disputes the decision, the decision will be submitted to the Executive Committee, and, if necessary, to the Recombinant Advisory Committee, for review. The final decision will rest with the Deputy Director for Science, NIH.

BIDs will forward to ORDA a copy of all award statements involving these applications.

ORDA will retain in its files the documents cited above. In the event that the volume of filed documents becomes excessive, ORDA will retain a copy of the face sheet of a funded application rather than the entire application. In those cases in which the proposed project involving recombinant DNA technology is but one component of a multiproject application, ORDA will retain in its files the face sheet of the application and the section(s) describing the project(s) involving recombinant DNA technology.

It must be emphasized that the primary responsibility for ensuring that applications have been properly reviewed, and that required documents are properly executed lies with NIH staff involved with the initial review groups and program areas. The procedures proposed above are intended to serve as a final review prior to award. ORDA will be available to NIH staff for advice and consultation, but it can not be expected to make decisions for review units and awarding components.

VI. *Award of non-competing renewals and incrementally-funded contracts.* Each non-competing renewal of a grant and subsequent budget period of an incrementally-funded contract utilizing recombinant DNA technology must be accompanied by an updated Certification Statement from the institutional biohazards committee. Prior to any award of this type the program official in the awarding component has the responsibility for reviewing the application for conformity with the Guidelines, for determining whether the proposed protocols do or do not require a higher level of containment than was required in the application as reviewed by the initial review group, and for ensuring that the required documents are properly executed. The program official will then forward to ORDA one copy of the application and the certification statement, along with a request for clearance to award. The latter will include a statement to the effect that the program official has reviewed the application for conformity with the Guidelines, and that the proposed containment levels are adequate. Thereafter, the procedures described in V will be followed, and BIDs will forward to ORDA a copy of all award statements involving these projects.

If the investigator proposes to significantly alter an approved protocol at the time of the non-competing renewal or subsequent budget period of an incrementally-funded contract, then the procedures described in VII must be followed. It is the responsibility of the program official to ensure that all the information and properly executed documents required in VII are present in the application prior to forwarding the request to ORDA.

VII. *Changes in awarded projects.* Since in many cases the NIH supports projects for project periods longer than one year, a number of situations will arise in funded projects. One situation arises when an investigator makes a decision to utilize recombinant DNA technology after the project has been reviewed and awarded. Another situation arises when an investigator decides to close DNA segments other than those originally reviewed, and for which higher levels of containment may be required. In these cases, and in all cases in which an investigator wishes to significantly alter an approved protocol, the investigator must first apply to the NIH awarding component for permission before proceeding. This requirement should be stated in the appropriate NIH instrument (NIH Manual, NIH Guide, etc.) The investigator will be required to submit to the awarding component a proposed protocol, an assessment of the levels of physical and biological containment required by the Guidelines, an MUA, and a Certification Statement from the institutional biohazards committee. The program official in the awarding component has the responsibility for reviewing the request in light of the Guidelines, for ensuring that the required documents are properly executed, and for forwarding to ORDA a copy of all the documents along with a recommendation. The latter should include the program official's independent assessment of the levels of physical and biological containment required by the NIH Guidelines, and a recommendation as to how to proceed. ORDA will review the request, and, when appropriate, refer the request to the initial review group, the Recombinant Advisory Committee, or ad hoc consultants.

VIII. *Requests for lowering of containment levels.* Under "characterized clones of DNA recombinants derived from shotgun experiments," the Guidelines state:

• • • before containment conditions lower than the ones used to clone the DNA can be adopted, the investigator must obtain approval from the granting agency. Such approval would be contingent upon data concerning: (a) The absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or which code for toxic substances), (b) the relation between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable), and (c) maintenance of the biological properties of the vector.

This stipulation for NIH approval may be one of the most difficult sections of the Guidelines to implement. This is because of the technical nature of the data to be evaluated, and because of the volume of requests which can be anticipated. Therefore, the following proposed procedures are especially viewed as a feasibility trial.

An investigator who wishes to use lower levels of containment for characterized clones derived from shotgun experiments must state, in writing, the justification for the request to the program official of the NIH awarding component. Such justification will provide data on (a), (b) and (c) as stated above. The program official will retain the original request in the awarding component's file, and forward a copy to ORDA which will submit the request to the Recombinant Advisory Committee or to a subcommittee thereof for evaluation, or, if a precedent has been established, will make a decision independently. The decision will be forwarded to the program official who may appeal. The final decision rests with the Deputy Director for Science, NIH.

IX. *Large-scale expcriments.* The Guidelines state that:

• • • at this time large-scale experiments (e.g., more than 10 liters of culture) with recombinant DNAs known to make harmful products are not to be carried out • • •. However, specific experiments in this category may be exempted from this rule if special biological containment precautions and equipment designed for large-scale operations are used, and provided that these experiments are expressly approved by the Recombinant DNA Molecule Program Advisory Committee.

An investigator who wishes to conduct such experiments must submit a request, along with a properly executed MUA and Certification Statement from the institutional biohazards committee, to the program official of the NIH awarding component. The program official will retain the original request in the awarding component's file, and forward copies to ORDA. ORDA will bring the request to the attention of the Recombinant Advisory Committee or subcommittees thereof, by mail, telephone, or presentation at the next meeting or, if a precedent has been established, will make a decision independently.

APPENDIX B TO APPENDIX C

NIH INTRAMURAL RESEARCH

Because NIH intramural research projects are reviewed in a very different fashion than extramural projects, different procedures are applicable than those proposed in Appendix A.

At present, the Chief of the Laboratory in which an investigator plans to utilize recombinant DNA technology requests approval through the Scientific Director of the relevant BID to the Deputy Director for Science, NIH with copies to the Associate Director for Environmental Health and Safety, DRS. The request for approval is in the form of a draft Memorandum of Understanding and Agreement (MUA) which describes the type of experiment, nature of host-vector system, assessment of potential risk, proposed safety measures, proposed training of personnel, etc. The Deputy Director for Science then requests the NIH Biohazards Committee to review the research plan and procedures proposed in the draft MUA. The recommendations of the NIH Biohazards Committee are forwarded to the Deputy Director for Science, NIH. Recommendations of the NIH Biohazards Committee must be included in a final MUA, and the Associate Director for Environmental Health and Safety, DRS must certify that the safety measures included in the final MUA are available. The research cannot proceed until the final MUA is fully approved. The original copy of the MUA is sent to the Associate Director for Environmental Health and Safety, DRS with copies to the requesting investigator, the Laboratory Chief, the Scientific Director and the Executive Secretary of the NIH Biohazards Committee.

It is proposed here that a copy of the final MUA be forwarded to ORDA for review. If ORDA does not concure with the recommendations of the NIH Biohazards Committee, it may request the Deputy Director for Science, NIH to bring the matter to the attention of the Executive Committee or the Recombinant Advisory Committee for resolution.

ORDA will assist the NIH Biohazards Committee with problems relating to assessment of biological and physical containment levels proposed by investigators versus those required by the Guidelines, with requests for the use of lower containment levels for characterized clones derived from shotgun experiments, and with requests for permission to do large-scale experiments with recombinants known to make harmful products. ORDA will also assist the NIH Biohazards Committee in periodic review and revisions of MUAs. If ORDA does not concur with the decisions of the NIH Biohazards Committee, it may request the Deputy Director for Science, NIH to bring the matter to the attention of the Executive Committee or the Recombinant Advisory Committee.

APPENDIX C TO APPENDIX C

TRANSITION AND IMPLEMENTATION

The procedures proposed in Appendices A and B should be implemented as soon as possible. However, clearly there will be an interim period after the Guidelines are issued and before all the procedures are functioning. It is the purpose of this Appendix to propose how the Office of Recombinant DNA Activities (ORDA) might initiate coordination and gathering of information during this period.

I. *Intramural research.* ORDA will brief the Scientific Directors of the BIDs who will be expected to assure ORDA and the Deputy Director for Science, NIH of present and future compliance by intramural research scientists with the Guidelines.

ORDA will request the Deputy Director for Science, NIH to provide a copy of the final MUA on all intramural projects, utilizing recomingant DNA technology, which are already in progress. After review of the MUAs, ORDA will report any concerns to the Deputy Director for Science, NIH.

II. *Extramural programs.* ORDA will brief the Executive Committee for Extramural Affairs on NIH policies and procedures.

BIDs will be required to report to ORDA all presents or planned workshops, training courses, conferences, etc., relating to recombinant DNA technology. BIDs must also report all present or planned RPFs and RFAs likely to result in projects utilizing recombinant DNA technology. After review of this information, ORDA will report any concerns to the Deputy Director for Science, NIH and/or the Executive Committee.

With regard to active grants and contracts, BIDs will be required to submit to ORDA a copy of the application, summary statement and award statement for each currently funded project involving recombinant DNA technology. NIH awarding components will be responsible for ensuring that this reporting is as complete as possible.

BIDs will send a letter to investigators identified in the paragraph above to determine whether active research projects are in compliance with the Guidelines. Responses to this query will be retained in BID official files, and a copy will be forwarded to ORDA for review. If ORDA is satisfied that a project is in compliance with the Guidelines, no further action is required. If the investigator reports that the project is not in full compliance with the guidelines, those aspects of the project which are not in compliance will have to be terminated. However, investigators will have the opportunity to petition the Recombinant Advisory Committee to permit continued use of characterized clones already in existence and constructed under Asilomar guidelines. Presumably, the use of these clones will be permitted to continue until the Recombinant Advisory Committee or a subcommittee thereof, has rendered its opinion.

The above procedures assume that all investigators are already at least in compliance with Asilomar guidelines. If projects are identified which appear not to be in compliance with Asilomar guidelines, they will be brought to the immediate attention of the Deputy Director for Science, NIH and the Recombinant Advisory Committee.

APPENDIX D

RECOMBINANT DNA RESEARCH

Guidelines
as published in the
FEDERAL REGISTER, Part II,
July 7, 1976

On Wednesday, June 23, 1976, the Director, National Institutes of Health, with the concurrence of the Secretary of Health, Education, and Welfare, and the Assistant Secretary for Health, issued guidelines that will govern the conduct of NIH-supported research on recombinant DNA molecules. The NIH is also undertaking an environmental impact assessment of these guidelines for recombinant DNA research in accordance with the National Environmental Policy Act of 1969.

The NIH Guidelines establish carefully controlled conditions for the conduct of experiments involving the production of such molecules and their insertion into organisms such as bacteria. These Guidelines replace the recommendations contained in the 1975 "Summary Statement of the Asilomar Conference on Recombinant DNA Molecules." The latter would have permitted research under less strict conditions than the NIH Guidelines.

The chronology leading to the present Guidelines is described in detail in the NIH Director's decision document that follows. In summary, scientists engaged in this research called, in 1974, for a moratorium on certain kinds of experiments until an international meeting could be convened to consider the potential hazards of recombinant DNA molecules. They also called upon the NIH to establish a committee to provide advice on recombinant DNA technology.

The international meeting was held at the Asilomar Conference Center, Pacific Grove, California, in February 1975. The consensus of this meeting was that certain experiments should not be done at the present time, but that most of the work on construction of recombinant DNA molecules should proceed with appropriate physical and biological barriers. The Asilomar Conference report also

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made interim assignments of the potential risks associated with different types of experiments. The NIH then assumed responsibility for translating the broadly based Asilomar recommendations into detailed guidelines for research.

The decision by the NIH Director on these Guidelines was reached after extensive scientific and public airing of the issues during the sixteen months which have elapsed since the Asilomar Conference. The issues were discussed at public meetings of the Recombinant DNA Molecule Program Advisory Committee (Recombinant Advisory Committee) and the Advisory Committee to the NIH Director. The Recombinant Advisory Committee extensively debated three different versions of the Guidelines during this period.

The Advisory Committee to the NIH Director, augmented with consultants representing law, ethics, consumer affairs and the environment, was asked to advise as to whether the proposed Guidelines balanced responsibility to protect the public with the potential benefits through the pursuit of new knowledge. The many different points of view expressed at this meeting were taken into consideration in the decision.

The NIH recognizes a special obligation to disseminate information on these guidelines as widely as possible. Accordingly, the Guidelines will be sent to all of the approximately 25,000 NIH grantees and contractors. Major professional societies which represent scientists working in this area will also be asked to endorse the Guidelines. The Guidelines will be sent to medical and scientific journals and editors of these journals will be asked to request that investigators include a description of the physical and biological containment procedures used in any recombinant research they report on. International health and scientific organizations will also receive copies of the guidelines for their review.

Filing of an environmental impact statement will provide opportunity for the scientific community, Federal, State and local agencies and the general public to address the potential benefits and hazards of this research area. In order for there to be further opportunity for public comment and consideration, these guidelines are being offered for general comment in the FEDERAL REGISTER. It must be clearly understood by the reader that the material that follows is not proposed rulemaking in the technical sense, but is a document on which early public comment and participation is invited.

Please address any comments on these draft policies and procedures to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments should be received by November 1, 1976.

Additional copies of this notice are available from the Acting Director, Office of Recombinant DNA Activities, National Institute of General Medical Sciences, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

DONALD S. FREDRICKSON, M.D.,
Director,
National Institutes of Health.

JUNE 25, 1976.

DECISION OF THE DIRECTOR, NATIONAL INSTITUTES OF HEALTH TO RELEASE GUIDELINES FOR RESEARCH ON RECOMBINANT DNA MOLECULES

JUNE 23, 1976.

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INTRODUCTION

Today, with the concurrence of the Secretary of Health, Education, and Welfare and the Assistant Secretary for Health, I am releasing guidelines that will govern the conduct of NIH-supported research on recombinant DNA molecules (molecules resulting from the recombination in cell-free systems of segments of deoxyribonucleic acid, the material that determines the hereditary characteristics of all known cells). These guidelines establish carefully controlled conditions for the conduct of experiments involving the insertion of such recombinant genes into organisms, such as bacteria. The chronology leading to the present guidelines and the decision to release them are outlined in this introduction.

In addition to developing these guidelines, NIH has undertaken an environmental impact assessment of these guidelines for recombinant DNA research in accordance with the National Environmental Policy Act of 1969 (NEPA). The guidelines are being released prior to completion of this assessment. They will replace the current Asilomar guidelines, discussed below, which in many instances allow research to proceed under less strict conditions. Because the NIH guidelines will afford a greater degree of scrutiny and protection, they are being released today, and will be effective while the environmental impact assessment is under way.

Recombinant DNA research brings to the fore certain problems in assessing the potential impact of basic science on society as a whole, including the manner of providing public participation in those assessments. The field of research involved is a rapidly moving one, at the leading edge of biological science. The experiments are extremely technical and complex. Molecular biologists active in this research have means of keeping informed, but even they may fail to keep abreast of the newest developments. It is not surprising that scientists in other fields and the general public have difficulty in understanding advances in recombinant DNA research. Yet public awareness and understanding of this line of investigation is vital.

It was the scientists engaged in recombinant DNA research who called for a moratorium on certain kinds of experiments in order to assess the risks and devise appropriate guidelines. The capability to perform DNA recombinations, and the potential hazards, had become apparent at the Gordon Research Conference on Nucleic Acids in July 1973. Those in attendance voted to send an open letter to Dr. Philip Handler, President of the National Academy of Sciences, and to Dr. John R. Hogness, President of the Institute of Medicine, NAS. The letter, appearing in "Science 181," 1114, (1973), suggested "that the Academies [*sic*] establish a study committee to consider this problem and to recommend specific actions or guidelines, should that seem appropriate."

In response, NAS formed a committee, and its members published another letter in "Science 185," 303, (1974). Entitled "Potential Biohazards of Recombinant DNA Molecules," the letter proposed:

First, and most important, that until the potential hazards of such recombinant DNA molecules have been better evaluated or until adequate methods are developed for preventing their spread, scientists throughout the world join with the members of this committee in voluntarily deferring * * * [certain] experiments * * *.

Second, plans to link fragments of animal DNAs to bacterial plasmid DNA or bacteriophage DNA should be carefully weighed * * *.

Third, the Director of the National Institutes of Health is requested to give immediate consideration to establishing an advisory committee charged with (i) overseeing an experimental program to evaluate the potential biological and ecological hazards of the above types of recombinant DNA molecules; (ii) developing procedures which will minimize the spread of such molecules within human and other populations; and (ii) devising guidelines to be followed by investigators working with potentially hazardous recombinant DNA molecules.

Fourth, an international meeting of involved scientists from all over the world should be convened early in the coming year to review scientific progress in this area and to further discuss appropriate ways to deal with the potential biohazards of recombinant DNA molecules.

On October 7, 1974, the NIH Recombinant DNA Molecule Program Advisory Committee (hereafter "Recombinant Advisory Committee") was established to advise the Secretary, HEW, the Assistant Secretary for Health, and the Director, NIH, "concerning a program for developing procedures which will minimize the spread of such molecules within human and other populations, and for devising guidelines to be followed by investigators working with potentially hazardous recombinants."

The international meeting proposed in the "Science" article (*185*, 303, 1974) was held in February 1975 at the Asilomar Conference Center, Pacific Grove, California. It was sponsored by the National Academy of Sciences and supported by the National Institutes of Health and the National Science Foundation. One hundred and fifty people attended, including 52 foreign scientists from 15 countries, 16 representatives of the press, and 4 attorneys.

The conference reviewed progress in research on recombinant DNA molecules and discussed ways to deal with the potential biohazards of the work. Participants felt that experiments on construction of recombinant DNA molecules should proceed, provided that appropriate biological and physical containment is utilized. The conference made recommendations for matching levels of containment with levels of possible hazard for various types of experiments. Certain experiments were judged to pose such serious potential dangers that the conference recommended against their being conducted at the present time.

A report on the conference was submitted to the Assembly of Life Sciences, National Research Council, NAS, and approved by its Executive Committee on May 20, 1975. A summary statement of the report was published in "Science 188," 991 (1975), "Nature 225," 442, (1975), and the "Proceedings of the National Academy of Sciences 72," 1981, (1975). The report noted that "in many countries steps are already being taken by national bodies to formulate codes of practice for the conduct of experiments with known or potential biohazard. Until these are established, we urge individual scientists to use the proposals in this document as a guide."

The NIH Recombinant Advisory Committee held its first meeting in San Francisco immediately after the Asilomar conference. It proposed that NIH use the recommendations of the Asilomar conference as guidelines for research until the committee had an opportunity to elaborate more specific guidelines, and that NIH establish a newsletter for informal distribution of information. NIH accepted these recommendations.

At the second meeting, held on May 12-13, 1975, in Bethesda, Maryland, the committee received a report on biohazard-containment facilities in the United States and reviewed a proposed NIH contract program for the construction and testing of microorganisms that would have very limited ability to survive in natural environments and would thereby limit the potential hazards. A subcommittee chaired by Dr. David Hogness was appointed to draft guidelines for research involving recombinant DNA molecules, to be discussed at the next meeting.

The NIH committee, beginning with the draft guidelines prepared by the Hogness subcommittee, prepared proposed guidelines for research with recombinant DNA molecules at its third meeting, held on July 18-19, 1975, in Woods Hole, Massachusetts.

Following this meeting, many letters were received which were critical of the guidelines. The majority of critics felt that they were too lax, others that they were too strict. All letters were reviewed by the committee, and a new subcommittee, chaired by Dr. Elizabeth Kutter, was appointed to revise the guidelines.

A fourth committee meeting was held on December 4-5, 1975, in La Jolla, California. For this meeting a "variorum edition" had been prepared, comparing line-for-line the Hogness, Woods Hole, and Kutter guidelines. The committee reviewed these, voting item-by-item for their preference among the three variations and, in many cases, adding new material. The result was the "Proposed Guidelines for Research Involving Recombinant DNA Molecules," which were referred to the Director, NIH, for a final decision in December 1975.

As Director of the National Institutes of Health, I called a special meeting of the Advisory Committee to the Director to review these proposed guidelines. The meeting was held at NIH, Bethesda, on February 9-10, 1976. The Advisory Committee is charged to advise the Director, NIH, on matters relating to the broad setting—scientific, technological, and socioeconomic—in which the continuing development of the biomedical sciences, education for the health professions, and biomedical communications must take place, and to advise on their implications for NIH policy, program development, resource allocation, and administration. The members of the committee are knowledgeable in the fields of basic and clinical biomedical sciences, the social sciences, physical sciences, research, education, and communications. In addition to current members of the committee, I invited a number of former committee members as well as other scientific and public representatives to participate in the special February session.

The purpose of the meeting was to seek the committee's advice on the guidelines proposed by the Recombinant Advisory Committee. The Advisory Committee to the Director was asked to determine whether, in their judgment, the guidelines balanced scientific responsibility to the public with scientific freedom to pursue new knowledge. Public responsibility weighs heavily in this genetic research area. The scientific community must have the public's confidence that the goals of this profoundly important research accord respect to important ethical, legal, and social values of our society. A key element in achieving and maintaining this public trust is for the scientific community to ensure an openness and candor in its proceedings. The meetings of the Director's Advisory Committee, the Asilomar group, and the Recombinant Advisory Committee have reflected the intent of science to be an open community in considering the conduct of recombinant DNA experiments. At the Director's Advisory Committee meeting, there was ample opportunity for comment and an airing of the issues, not only by the committee members but by public witnesses as well. All major points of view were broadly represented.

I have been reviewing the guidelines in light of the comments and suggestions made by participants at that meeting, as well as the written comments received afterward. As part of that review I asked the Recombinant Advisory Committee to consider at their meeting of April 1-2, 1976, a number of selected issues raised by the commentators. I have taken those issues and the response of the Recombinant Advisory Committee into account in arriving at my decision on the guidelines. An analysis of the issues and the basis for my decision follow:

I. GENERAL POLICY CONSIDERATIONS

A word of explanation might be interjected at this point as to the nature of the studies in question. Within the past decade, enzymes capable of breaking DNA strands at specific sites and of coupling the broken fragments in new combinations were discovered, thus making possible the insertion of foreign genes into viruses or certain cell particles (plasmids). These, in turn, can be used as vectors to introduce the foreign genes into bacteria or into cells of plants or animals in test tubes. Thus transplanted, the genes may impart their hereditary properties to new hosts. These cells can be isolated and cloned—that is, bred into a genetically homogeneous culture. In general, there are two potential uses for the clones so produced: as a tool for studying the transferred genes, and as a new useful agent, say for the production of a scarce hormone.

Recombinant DNA research offers great promise, particularly for improving the understanding and possibly the treatment of various diseases. There is also a potential risk—that microorganisms with transplanted genes may prove hazardous to man or other forms of life. Thus special provisions are necessary for their containment.

All commentators acknowledged the exemplary responsibility of the scientific community in dealing publicly with the potential risks in DNA recombinant research and in calling for a self-imposed moratorium on certain experiments in order to assess potential hazards and devise appropriate guidelines. Most commentators agreed that the process leading to the formulation of the proposed guidelines was a most responsible and responsive one. Suggestions by the commentators on broad policy considerations are presented below. They relate to the science policy aspects of the guidelines, the implementation of the guidelines for NIH grantees and contractors, and the scope and impact of the guidelines nationally and internationally.

A. SCIENCE POLICY CONSIDERATIONS

Commentators were divided on how best to steer a course between stifling research through excessive regulation and allowing it to continue with sufficient controls. Several emphasized that the public must have assurance that the controls afford adequate protection against potential hazards. In the views of these commentators, the burden is on the scientific community to show that the danger is minimal and that the benefits are substantial and far outweigh the risks.

Opinion differed on whether the proposed guidelines were an appropriate response to the potential benefits and hazards. Several found the guidelines to so exaggegrate safety procedures that inquiry would be unnecessarily retarded, while others found the guidelines weighted toward promoting research. The issue was how to strike a reasonable balance—in fact, a proper policy "bias"—between concerns to "go slow" and those to progress rapidly.

There was strong disagreement about the nature and level of the possible hazards of recombinant DNA research. Several commentators believed that the hazards posed were unique. In their view, the occurrence of an accident or the escape of a vector could initiate an irreversible process, with a potential for creating problems many times greater than those arising from the multitude of genetic recombinations that occur spontaneously in nature. These commentators stress the moral obligation on the part of the scientific community to do no harm.

Other commentators, however, found the guidelines to be adequate to the hazards posed. In their view, the guidelines struck an appropriate balance so that research could proceed cautiously. Still other commentators found the guidelines too onerous and restrictive in light of the potential benefits of this research for medicine, agriculture, and industry. Some felt that the guidelines are perhaps more stringent than necessary given the available evidence on the likelihood of hazards, but supported them as a compromise that would best serve the scientific community and the public at large. Many commentators urged that the guidelines be adopted as soon as possible to afford more specific direction to this research area.

I understand and appreciate the concerns of those who urge that this research proceed because of the benefits and of those who urge caution because of potential hazards. The guidelines issued today allow the research to go forward in a manner responsive and appropriate to hazards that may be realized in the future.

The object of these guidelines is to ensure that experimental DNA recombination will have no ill effects on those engaged in the work, on the general public, or on the environment. The essence of their construction is subdivision of potential experiments by class; decision as to which experiments should be permitted at present, and assignment to these of certain procedures for containment of recombinant organisms.

Containment is defined as physical and biological. Physical containment involves the isolation of the research by procedures which have evolved over many years of experience in laboratories studying infectious microorganisms. P1 containment—the first physical containment level—is that used in most routine bacteriology laboratories. P2 and P3 afford increasing isolation of the research from the environment. P4 represents the most extreme measures used for containing virulent pathogens, and permits no escape of contaminated air, wastes, or untreated materials. "Biological" containment is the use of vectors or hosts that are crippled by mutation so that the recombinant DNA is incapable of surviving under natural conditions.

The experiments now permitted under the guidelines involve no known additional haz-

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ard to the workers or the environment beyond the relatively low risk known to be associated with the source materials. The additional hazards are speculative and therefore not quantifiable. In a real sense they are considerably less certain than are the benefits now clearly derivable from the projected research.

For example, the ability to produce, through "molecular cloning," relatively large amounts of pure DNA from the chromosomes of any living organism will have a profound effect in many areas of biology. No other procedure, not even chemical synthesis, can provide pure material corresponding to particular genes. DNA "probes," prepared from the clones will yield precise evidence on the presence or absence, the organization, and the expression of genes in health and disease.

Potential medical advances were outlined by scientists active in this research area who were present at the meeting of the Director's Advisory Committee. Of enormous importance, for example, is the opportunity to explore the malfunctioning of cells in complicated diseases. Our ability to understand a variety of hereditary defects may be significantly enhanced, with amelioration of their expression a real possibility. There is the potential to elucidate mechanisms in certain cancers, particularly those that might be caused by viruses.

Instead of mere propagation of foreign DNA, the expression of the genes of one organism by the cell machinery of another may alter the new host and open opportunities for manipulating the biological properties of cells. In certain prokaryotes (organisms with a poorly developed nucleus, like bacteria), this exchange of genetic information occurs in nature. Such exchange explains, for instance, an important mechanism for the changing and spreading of resistance to antibiotics in bacteria. Beneficial effects of this mechanism might be the production of medically important compounds for the treatment and control of disease. Examples frequently cited are the production of insulin, growth hormone, specific antibodies, and clotting factors absent in victims of hemophilia.

Aside from the potential medical benefits, a whole host of other applications in science and technology have been envisioned. Examples are the large-scale production of enzymes for industrial use and the development of bacteria that could ingest and destroy oil spills in the sea. Potential benefits in agriculture include the enhancement of nitrogen fixation in certain plants, permitting increased food production.

While the projected research offers the possibility of many benefits, it must proceed only with assurance that potential hazards can be controlled or prevented. Some commentators are concerned that nature may maintain a barrier to the exchange of DNA between prokaryotes and eukaryotes (higher organisms, with a well-formed nucleus)—a barrier that can now be crossed by experimentalists. They further argue that expression of the foreign DNA may alter the host in unpredictable and undesirable ways. Conceivable harm could result if the altered host has a competitive advantage that would foster its survival in some niche within the ecosystem. Other commentators believe that the endless experiments in recombination of DNA which nature has conducted since the beginning of life on the earth, and which have accounted in part for the evolution of species, have most likely involved exchange of DNA between widely disparate species. They argue that prokaryotes such as bacteria in the intestines of man do exchange DNA with this eukaryotic host and that the failure of the altered prokaryotes to be detected attests to a sharply limited capacity of such recombinants to survive. Thus nature, this argument runs, has already tested the probabilities of harmful recombination and any survivors of such are already in the ecosystem. The fact is that we do not know which of the above-stated propositions is correct.

The international scientific community, as exemplified by the Asilomar conference and the deliberations attendant upon preparation of the present guidelines, has indicated a desire to proceed with research in a conservative manner. And most of the considerable public commentary on the subject, while urging caution, has also favored proceeding. Three European groups have independently arrived at the opinion that recombinant DNA research should proceed with caution. These are the Working Party on Experimental Manipulation of the Genetic Composition of Micro-Organisms, whose "Ashby Report" was presented to Parliament in the United Kingdom by the Secretary of State for Education and Science in January 1975; the Advisory Committee on Medical Research of the World Health Organization, which issued a press release in July 1975; and the European Molecular Biology Organization Standing Committee on Recombinant DNA, meeting in February 1976.

There is no means for a fiat proscription of such research throughout the world community of science. There is also no need to attempt it. It is likely that the evaluation engendered in the preparation and application of these guidelines will lead to beneficial review of some of the containment practices in other work that is not technically defined as recombinant DNA research.

Recombinant DNA research with which these guidelines are concerned involves microorganisms such as bacteria or viruses or cells of higher organisms growing in tissue culture. It is extremely important for the public to be aware that this research is not directed to altering of genes in humans although some of the techniques developed in this research may have relevance if this is attempted in the future.

NIH recognizes its responsibility to conduct and support research designed to determine the extent to which certain potentially harmful effects from recombinant DNA molecules may occur. Among these are experiments, to be conducted under maximum containment, that explore the capability of foreign genes to alter the character of host or vector, rendering it harmful, as through the production of toxic products.

Given the general desire that no rare and unexpected event arising from this research shall cause irreversible damage, it is obvious that merely to establish conservative rules of conduct for one group of scientists is not enough. The precautions must be uniformly and unanimously observed. Second, there must be full and timely exchange of experiences so that guidelines can be altered on the basis of new knowledge. The guidelines must also be implemented in a manner that protects all concerned—the scientific workers most likely to encounter unexpected hazards and all forms of life within our biosphere. The responsibility of the scientists involved is an inescapable and extreme as is their opportunity to beneficially enrich our understanding.

B. Implementation Considerations Within the NIH

All the commentators had suggestions concerning the structure and function of decision making as it relates to the principal investigator, the local biohazards committee, the peer review group, and the NIH Recombinant Advisory Committee. These comments and my response on the section of the guidelines relating to roles and responsibilities of investigators, their institutions, and the National Institutes of Health are presented below.

Of considerable concern to all commentators was the process by which NIH would proceed to implement the guidelines. The scientific community generally urged that there be no Federal regulations, while some of the public commentators recommended the regulatory process.

Many who opposed changing the proposed guidelines into Federal regulations expressed concern for flexibility and administrative efficiency, which could best be achieved, in their view, through voluntary compliance. Other commentators, however, believed it imperative to proceed toward regulation. In their view, the guidelines could be implemented for purposes of NIH funding and would govern the conduct of experiments until regulations were in effect. Another commentator who thought regulation would be harmful rather than helpful suggested that if there were to be regulations, they should be along lines similar to those that govern the sale, distribution, use, and disposal of radioisotopes.

The question of how best to proceed now that the guidelines have been released deserves careful attention. I share the concern of those who feel that the guidelines must remain flexible. It is especially important that there be opportunity to change them quickly, based on new information relating to scientific evidence, potential risks, or safety aspects of the research program.

The suggestions for regulation need further attention at this time. The process for regulation not only involves the Director of NIH, but also the Assistant Secretary for Health and the Secretary of Health, Education, and Welfare. These guidelines are being promulgated now in order to afford additional protection to all concerned. Consideration of their conversion to regulations can proceed with continuing review of their content and present and future implications. Meanwhile, the NIH shall continue to provide the opportunity for public comment and participation at least equivalent to that provided if steps towards regulations were to proceed immediately. The guidelines will be published in the FEDERAL REGISTER forthwith to allow for further public comment.

C. Implementation Considerations Beyond the Purview of NIH

Special concern has been expressed by many commentators regarding the application of the guidelines to research outside NIH by investigators other than its grantees or contractors. It has been urged that the guidelines be made applicable to recombinant DNA research conducted or supported by other agencies in HEW and by NSF, ERDA, DoD, and other governmental departments. Most commentators believe that these or similar guidelines should also govern research in the private sector, including industry, voluntary organizations, and foundations. Many feel that experiments conducted in colleges, universities, and even in high schools require some form of monitoring. And finally, all agree that in view of the potential hazards of recombinant DNA research to the biosphere, some form of international understanding on guidelines for the research is essential.

The committee, in the proposed guidelines, has suggested as one means of control that a description of the physical and biological containment procedures practiced in a research project be included in the publication of research results. In the scientific community this can be a powerful force for conformity and we will undertake to present the recommendation to all appropriate journals. We are also prepared to take steps to disseminate the guidelines widely, and to arrange for a continual flow of information outward concerning the activities of the Recombinant Advisory Committee and the Advisory Committee to the Director, NIH, in the evolution of the guidelines and their implementation.

In response to these suggestions, I have already held a meeting with relevant HEW agencies and with representatives from other departments of the Federal Government. The purpose of the meeting was to exchange information on recombinant DNA research and to discuss the NIH guidelines. It served as an important beginning to address a common concern of these public institutions. A number of the representatives indicated that various departments might very well adopt the guideline for research conducted both in-house and supported outside. Following up, I have begun preliminary discussions with the Assistant Secretary for Health and the Secretary of HEW, to determine possible methods to ensure adoption of the guidelines by all Federal agencies. Encouraged by these efforts, we held a meeting on June 2 with representatives of industry to provide them with full information about the guidelines and to help determine the present and future interests of industrial laboratories in this type of research. The meeting provided one of the first opportunities for industry representatives to convene for a discussion of this research area, and an industry committee under the auspices of the Pharmaceutical Manufacturers Association will be formed to review the guidelines for potential application to the drug industry. Further meetings will be scheduled with other groups that have an active interest in recombinant DNA research.

It is my hope that the guidelines will be voluntarily adopted and honored by all who support or conduct such research throughout the United States, and that at least very similar guidelines will obtain throughout the rest of the world. NIH places the highest priority on efforts to inform and to work with international organizations, such as the World Health Organization and the International Council of Scientific Unions, with a review to achieving a consensus on safety standards in this most important research area.

There has been considerable international cooperation and activity in the past, and I expect it to continue in the future. The aforementioned Ashby Report, presented to Parliament in January 1975, describes the advances in knowledge and possible benefits to society of the experiments involving recombinant DNA molecules, and attempts to assess the hazards in these techniques. The Asilomar meeting also had a number of international representatives, as mentioned previously. The European Molecular Biology Organization (EMBO) has been involved in considering guidelines for recombinant DNA research. They have closely followed the activities of NIH, and will thus be encouraged, I believe, to monitor their research with augmented cooperation and coordination. For example, EMBO recently announced plans for a voluntary registry of recombinant DNA research in Europe. Following this EMBO initiative, NIH shall similarly maintain a voluntary registry of investigators and institutions engaged in such research in the United States. Plans for establishing this registry are under way.

D. Environmental Policy Considerations

A number of commentators urged NIH to consider preparing an environmental impact statement on recombinant DNA research activity. They evoked the possibility that organisms containing recombinant DNA molecules might escape and affect the environment in potentially harmful ways.

I am in full agreement that the potentially harmful effects of this research on the environment should be assessed. As discussed throughout this paper, the guidelines are premised on physical and biological containment to prevent the release or propagation of DNA recombinants outside the laboratory. Deliberate release of organisms into the environment is prohibited. In my view, the stipulated physical and biological containment ensures that this research will proceed with a high degree of safety and precaution. But I recognize the legitimate concern of those urging that an environmental impact assessment be done. In view of this concern and ensuing public debate, I have reviewed the appropriateness of such an assessment and have directed that one be undertaken.

The purpose of this assessment will be to review the environmental effects, if any, of research that may be conducted under the guidelines. The assessment will provide further opportunity for all concerned to address the potential benefits and hazards of this most important research activity. I expect a draft of the environmental impact statement should be completed by September 1 for comment by the scientific community, Federal and State agencies, and the general public.

It should be noted that the development of the guidelines was in large part tantamount to conducting an environmental impact assessment. For example, the objectives of recombinant DNA research, and alternate approaches to reach those objectives, have been considered. The potential hazards and risks have been analyzed. Alternative approaches have been thoroughly considered, to maximize safety and minimize potential risk. And an elaborate review structure has been created to achieve these safety objectives. From a public policy viewpoint, however, the environmental impact assessment will be yet another review that will provide further opportunity for the public to participate and comment on the conduct of this research.

II. Methods of Containment

Comments on the containment provisions of the proposed guidelines were directed to the definitions of both physical and biological containment and to the safety and effectiveness of the prescribed levels. Several commentators found the concept of physical containment imprecise and too subject to the possibility for human error. Others questioned the concept of biological containment in terms of its safety and purported effectiveness in averting potential hazards. The commentators were divided on which method of containment would provide the most effective and safe system to avoid hazards. Several suggested that each of the physical containment levels be more fully explained.

W. Emmett Barkley, Ph.D., Director of the Office of Research Safety, National Cancer Institute, was asked to review the section on physical containment in light of these comments. Dr. Barkley convened a special committee of safety and health experts, who met to consider not only this section of the guidelines but also the section of the roles and responsibilities of researchers and their institutions. The committee thoroughly reviewed the section on physical containment and recommended a number of changes. The Recombinant Advisory Committee, meeting on April 1-2, 1976, reviewed the recommendations of the Barkley group. These are incorporated, with editorial revisions, in the final version of the guidelines.

The present section on physical containment is directly responsive to those commentators who asked for greater detail and explanation. Although different in detail, the four levels of containment approximate those given by the Center for Disease Control for human etiologic agents and by the National Cancer Institute for oncogenic viruses. For each of the proposed levels, optional items have been excluded, and only those items deemed absolutely necessary for safety are presented. Necessary facilities, practices, and equipment are specified. To give further guidance to investigators and their institutions, a supplement to the guidelines explains more fully safety practices appropriate to recombinant DNA research. And a new section has been added to ensure that shipment of recombinant DNA materials conforms, where appropriate, to the standards, prescribed by the U.S. Public Health Service, the Department of Transportation, and the Civil Aeronautics Board.

The section on physical containment is carefully designed to offer a constructive approach to meeting potential hazards for recombinant experiments at all levels of presumed risk. Certain commentators had suggested that the first level of physical containment (P1) be merged with the second level (P2). This suggestion, however, would tend to apply overly stringent standards for some experiments and might result in a lowering of standards necessary at the second level. I believe the level of control must be consistent with a reasonable estimate of the hazard; and the section on physical containment does provide this consistency. Accordingly, the first and second levels of physical containment remain as separate sections in the guidelines.

Because of the nature and operation of facilities required for experiments to be done at the fourth level of containment (P4), a provision has been included that the NIH shall review such facilities prior to funding them for recombinant DNA studies. The situation merits the special attention of experts who have maximum familiarity with the structure, operation, and potential problems of P4 installations. Several commentators advocated that NIH arrange for sharing of P4 facilities, both in the NIH intramural program and in institutions supported through NIH awards. In response to these suggestions, we are currently reviewing our facilities, including those at the Frederick Cancer Research Center (Fort Detrick), to determine how such a program can best be devised. It is most important that P4 facilities be made available to investigators. It should be noted that incidents of infection by even the most highly infectious and dangerous organisms are extremely infrequent at P4 facilities, and therefore the potential for hazard in certain complex experiments in recombinant DNA research is considerably reduced.

III. Prohibited Experiments

1. Practically all commentators supported the present prohibition of certain experiments. There were suggestions for a clearer definition of the prohibition of certain experiments where increased antibiotic resistance may result. And it was urged by some that the prohibition be broadened to include experiments that result in resistance to any antibiotic, irrespective of its use in medicine or agriculture. Consideration of such a suggestion must take into account that antibiotic resistance occurs naturally among bacteria, and that resistance is a valuable marker in the study of microbial genetics in general and recombinants in particular.

In view of these concerns, however, the Recombinant Advisory Committee was asked to reconsider carefully the prohibition and related sections concerning antibiotic resistance. The committee noted that the prohibition relating to drug resistance was intended to ban those experiments that could compromise drug use in controlling disease agents in veterinary as well as human medicine and this is now clearly stated.

In the draft guidelines there were two statements concerning resistance to drugs which related to experiments with *E. coli*. The statements appeared to allow experi-

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ments that would extend the range of resistance of this bacterium to therapeutically useful drugs and disinfectants, and thus seemed to be in conflict with the general prohibition on such research. There are numerous reports in the scientific literature indicating that E. coli can acquire resistance to all antibiotics known to act against it. Since E. coli acquires resistance naturally, the prohibition directed against increasing resistance does not apply. The ambiguous statements have been deleted from the present guidelines. On the other hand, new language has been inserted in the section dealing with other prokaryote species to set containment levels for permitted experiments.[1]

2. The Recombinant Advisory Committee was also asked to clarify whether the prohibition of use of DNA derived from pathogenic organisms (those classified as 3, 4, and 5 by the Center for Disease Control, USPHS) also included the DNA from any host infected with these organisms. The committee explained that this prohibition did extend to experiments with cells known to be so infected. To avoid misunderstanding, the prohibition as now worded includes such cells. In addition, the prohibitions have been extended to include moderate-risk oncogenic viruses, as defined by the National Cancer Institute, and cells known to be infected with them.

3. Two other issues relating to the section on prohibited experiments were raised by Roy Curtiss III, Ph.D., Professor, Department of Microbiology, University of Alabama School of Medicine, Birmingham, who is a member of the Recombinant Advisory Committee. Dr. Curtiss noted that for the class of experiments prohibited on the basis of production of highly toxic substances, only substances from microorganisms were cited as examples. He suggested that other examples be included, such as venoms from insects and snakes. The committee approved the suggestion and I concur.

In the proposed guidelines, release of organisms containing recombinant DNA molecules into the environment was prohibited unless a series of controlled tests had been done to leave no reasonable doubt of safety. Dr. Curtiss felt that the guidelines should provide greater specificity for testing and should include some form of review prior to release of the organism. I have decided that the guidelines should, for the present, prohibit any deliberate release of organisms containing recombinant DNA into the environment. With the present limited state of knowledge, it seems highly unlikely that there will be in the near future, any recombinant organism that is universally accepted as being beneficial to introduce into the environment. When the scientific evidence becomes available that the potential benefits of recombinant organisms, particularly for agriculture, are about to be realized, then the guidelines can be altered to meet the need for release. It is most important that the potential environmental impact of the release be considered.

IV Permissible Experiments: E. coli K-12 Host-Vector Systems

The continued use of E. coli as a host has drawn considerable comment, including some suggestions that its use be prohibited presently or within a specified time limit. It should be stressed that the use of E. coli as detailed in the guidelines is limited to E. coli K-12, a strain that has been carried in the laboratory for decades, and does not involve the use of any strain of E. coli that is freshly isolated from a natural source. E. coli K-12 does not usually colonize the normal bowel, even when given in large doses, and exhibits little if any multiplication while passing through the alimentary canal. For years it has been the subject of more intense investigation than any other single organism, and knowledge of its genetic markup and recombinant behavior exceeds greatly that pertaining to any other organism. I believe that because of this experience, E. coli K-12 will provide a host-vector system that is safer than other candidate microorganisms.

NIH recognizes the importance of supporting the development of alternative host-vector systems (such as B. subtilis, which has no ecological niche in man) and will encourage such development. It should be noted, however, that for each new host-vector system, the same questions of risk from altered properties attendant upon the presence of recombinant genes will apply as apply to E. coli. NIH does not believe it wise to set a time limit on replacement of E. coli systems by other organisms.

There were specific suggestions concerning the three levels of biological containment prescribed for use of E. coli K-12 vectors. Some commentators requested a more detailed explanation of the adequacy of protection for laboratory personnel with the first level of containment (EK1).[2] Sections of the guidelines dealing with physical containment and roles and responsibilities now specify the need for safety practices and accident plans.

For the second level of containment (EK2), it is required that a cloned DNA fragment be contained in a host-vector system that has no greater than a 10-8 probability of survival in a nonpermissive or natural environment. It was suggested that the selection of this level of biological containment and the appropriate tests for verification be more fully explained in the guidelines. The committee, in responding to a request for further examination of this point, reviewed at considerable length the testing for an EK2 system and recommended certain modifications. We have accepted the committee's new language that better explains testing of survival of a genetic marker carried on the vector, preferably on an inserted DNA fragment.

Possible tests to determine the level of biological containment afforded by these altered host-vector systems are outlined in this section. Because this is such a new area of scientific research and development, however, it is inappropriate to standardize such testing at the present time. Standards will gradually be set as more experience with EK2 host-vector systems is acquired. The committee, for example, during its April 1976 meetings gave its first approval to an EK2 host-vector system. What is necessary is that new and more effective tests be devised by investigators, and this effort is very likely to occur under the present guidelines. For example, one task recognized by the committee is to clarify how survival of the organism and the cloned DNA should be defined in terms of temperature, medium, and other variables.

It is also very important to note here that the stringent requirements set by the committee for EK2 biological containment jeopardize considerably the capacity of such crippled organisms to survive and replicate even under permissive laboratory conditions. More experience will be required to determine whether EK2 containment will permit some lines of important research to be followed.

Several commentators suggested that methods and procedures to confirm an EK system at the third level of containment (EK3) be more fully explained. The Recombinant Advisory Committee was asked to consider this suggestion. After considerable discussion the committee declined to define the procedures more fully at this time, because development of an EK3 system is still far enough in the future not to warrant specific testing procedures. Further, it is not clear what tests are best suited. The language, therefore, remains general. The committee, however, is aware of the concerns for a more completely defined system of testing, and has considered the possibility of organizing a symposium for purposes of designating tests. In my view, more fully developed protocols for testing EK3 systems are warranted, and it is necessary that guidelines here be more fully developed before the committee proceeds to certify such a system. In this regard the NIH is prepared through the National Institute of Allergy and Infectious Diseases to support contracts to accomplish this task. We will seek the advice and assistance of the committee to define the scope of necessary work.

These guidelines also include a statement that for the time being no EK2 or EK3 host-vector system will be considered bona fide until the Recombinant Advisory Committee has certified it. I share the concern of the commentators that new host-vector systems require the highest quality of scientific review and scrutiny. At this early stage of development, it is most important that the committee provide that scrutiny. Further, I believe that until more experience has been gained, the committee should encourage and the NIH support research that will independently confirm and augment the data on which certification of EK2 host-vector systems are based.

V. Classification of Experiments Using the E. Coli K-12 Containment Systems

The guidelines assign different levels of containment for experiments in which DNA from different sources is to be introduced into an *E. coli* K-12 host-vector system. The variation is based on both facts and assumptions. There are some prokaryotes (bacteria) which constantly exchange DNA with *E. coli*. Here it is assumed that experimental conditions beyond those obtained in careful, routine microbiology laboratories are superfluous, because any exchange experiments have undoubtedly been performed already in nature.

In every instance of artificial recombination, consideration must be given to the possibility that foreign DNA may be translated into protein (expressed), and also to the possibility that normally repressed genes of the host may be expressed and thus change, undesirably, the characteristics of the cell. It is assumed that the more similar the DNAs of donor and host, the greater the probability of expression of foreign DNA, or of possible derepression of host genes. In those cases where the donor exchanges DNA with *E. coli* in nature, it is unlikely that recombination experiments will create new genetic combinations. When prokaryote donors not known to exchange DNA with *E. coli* in nature are used, however, there is a greater potential for new genetic combinations to be formed and be expressed. Therefore, it is required that experiments involving prokaryotic DNA from a donor that is not known to exchange DNA with *E. coli* in nature be carried out at a higher level of containment. Recombination using prokaryotic DNA from an organism known to be highly pathogenic is prohibited.

There are only limited data available concerning the expression of DNA from higher forms of life (eukaryotes) in *E. coli* (or any other prokaryote). Therefore, the containment prescriptions for experiments inserting eukaryotic DNA into prokaryotes are based on risks having quite uncertain probabilities.

On the assumption that a prokaryote host might translate eukaryotic DNA, it is further presumed that the product of that foreign gene would be most harmful to man if it were an enzyme, hormone, or other protein that was similar (homologous) to proteins already produced by or active in man. An example is a bacterium that could produce insulin. Such a "rogue" bacterium could be of benefit if contained, a nuisance or possibly dangerous if capable of surviving in nature. This is one reason that the higher the phylogenetic order of the eukaryote, the higher the recommended containment, at least until the efficiency of expression of DNA from higher eukaryotes in prokaryotes can be determined.

There is a second, more concrete reason for scaling containment upward as the eukaryote host becomes similar to man. This is the concern that viruses capable of propagating in human tissue, and possibly causing diseases, can contaminate DNA, replicate in prokaryote hosts, and infect the experimentalist. Such risks are greatest when total DNA from donor tissue is used in "shotgun" recombinant experiments; it diminishes to much lower levels when pure cloned DNA is used.

The commentators were clearly divided on the classification of containment criteria for different kinds of recombinant DNAs. Many commentators considered the guidelines too stringent and rigid. Others viewed the guidelines in certain instances as too permissive. And still others endorsed the guidelines as sensible and reasonable, affording the public an enormous degree of protection from the speculative risks. Several suggestions were made for the specific classes of experiments, and they follow:

1. Comment on the use of DNA from animals and plants in recombinant experiments varied widely. Some commentators suggested banning the use of DNA from primates, other mammals, and birds. Others suggested that higher levels of the containment be used for all such experiments. Still others believed that the guidelines were too strict for experiments of this class. I have carefully reviewed the issues raised by the commentators and the response of the committee to certain queries concerning use of animal and plant DNA in these experiments.

In my view, the classification for the use of DNA from primates, other mammals, and birds is appropriate to the potential hazards that might be posed. The physical and biological containment levels are very strict. For example, biological containment levels are at EK2 or EK3, and will effectively preclude experimentation until useful EK2 and EK3 systems are available. EK2 systems are still in the initial stages of development, and the first system was only certified at the most recent meeting of the Recombinant Advisory Committee. An EK3 host-vector system has yet to be tested, and its certification is far enough in the future to place a moratorium on those experiments requiring biological containment at an EK3 level. The physical containment levels of P3 or P4 themselves afford a very high degree of protection. I am satisfied that the guidelines demonstrate the caution and prudence that must govern the conduct of experiments in this category.

The guidelines allow reduced containment levels for primate DNA when it is derived from embryonic tissue or germ-line cells. This is based on evidence that embryonic material is less likely to contain viruses than is tissue from the adult. Obviously, the embryonic tissue must be free of adult tissue, and the present guidelines so indicate.

I have also carefully considered the special concerns arising from the use of DNA from cold-blooded vertebrates and other cold-blooded animals, because several commentators questioned the basis of lower physical and biological containment levels for DNA from these species. The Recombinant Advisory Committee has debated this extensively, and they were asked to do so once again in April.[3] The committee has now recommended high containment levels (P3+EK2) when the DNA is from a cold-blooded vertebrate known to produce a potent toxin. That recommendation is included in the present guidelines. Where no toxin is involved the committee supported lower containment levels. The guidelines specify P2+EK2 levels for such work. There was considerable discussion concerning the advisability of recommending lower containment (P2+EK1) when the DNA is isolated from embryonic tissue or germ-line cells from cold-blooded vertebrates. Those supporting lower containment levels argued that the justification for P2+EK2 was the possibility that cold-blooded vertebrates may carry viruses and that the distinction between adult and germ cell tissue is real. Others argued that, contrary to the situation with primate DNA, viruses are not a central problem with cold-blooded vertebrates and therefore no distinction should be made on the basis of tissue origin. Finally, the committee recommended, on a divided vote (8 to 4), to adopt P2+EK1 when the cold-blooded vertebrate DNA is isolated from embryonic tissue or germ-line cells. Upon reviewing these considerations, I have decided to retain the containment levels for embryonic or germ-line DNA from cold-blooded vertebrates as recommended by the committee.

In April the committee also reviewed, at our request, the classification of experiments where DNA is derived from other cold-blooded animals or lower eukaryotes. Several commentators, for example, had been concerned about the fact that insects are known to carry agents pathogenic to man. In the committee review, it was noted that viruses carried by insects and known to transmit disease to man are RNA rather than DNA viruses and do not reproduce via DNA copied from RNA. In order, however, to make the intent clearer, the guidelines have been rewritten for experiments of this class. New language is inserted to ensure that strict containment levels are employed when the DNA comes from known pathogens or species known to carry them. Further, to reduce the potential hazards, we have also included in the guidelines the requirement that any insect must be grown under laboratory conditions for at least 10 generations prior to its use as a DNA source.

2. As alluded to above, certain commentators expressed concern that when *E. coli* becomes the host of recombinant DNA from prokaryotes with which DNA is not usually exchanged, there is hazard of altered host characteristics resulting from translation of the DNA into functioning proteins. The committee was asked to review the guidelines and take into account this potential hazard. They agreed that the containment levels should be increased for this category of experiment, from P2+EK1 to either P2+EK2 or P3+EK1. That recommendation is included in the present guidelines.

Comments were made concerning that class of experiments in which the recombinant DNA, regardless of source, has been cloned. A clone is a population of cells derived from a single cell and therefore all the cells are presumed to be genetically identical. As outlined in the proposed guidelines, clones could be used at lower containment levels if they had been rigorously characterized and shown to be free of harmful genes. Several commentators inquired how the characterization was to be performed and the freedom from harmful genes demonstrated. Although the committee acknowledges that these terms are unavoidably vague, they do cite appropriate scientific methods to make relevant determinations. Again, this is a rapidly changing area and more clarity and precision can be expected with experience. Reduced containment requirements for this class of experiment are warranted because of the purified nature of clones. Further, the granting agency must approve the clone before containment conditions can be reduced, thus providing an additional element of review.

4. Another comment was related to the use of DNA from organelles (intracellular elements that contain special groups of genes for particular cell functions). Concern was expressed about the potential contamination of purified organelle DNA with DNA from viruses because of the similarity of their structures. The committee agrees, and the guidelines now specify a requirement, that the organelles be isolated prior to extracting DNA, as a further means of reducing the hazard of viral contamination.

5. Some commentators were troubled about the lowering of containment for that class of experiments involving recombinations with cell DNA segments purified by chemical or physical methods. They asked that procedures for determining the state of purification be more fully detailed and that the Recombinant Advisory Committee certify the purity. There are, however, appropriate techniques, such as gel electrophoresis, with which a purity of 99 percent by mass can be achieved and ascertained. There is no way for the committee to certify these results beyond repeating the experiments themselves. These techniques are well documented and described in the literature. I do not believe it is necessary or feasible for the committee to review each procedure for purification of DNA.

6. Comments were made concerning the use of DNA derived from animal viruses. It

[1] Specifically, experiments that would extend resistance to therapeutically useful drugs must use P3 physical containment plus a host-vector comparable to EK1, or P2 containment plus a host-vector comparable to EK2.

[2] The EK1 system presently consists of a battery of different vectors and of E. coli K-12 mutants, all of which afford a considerable degree of biological containment. The diversity of vectors and of host mutants in this battery has permitted a wide range of important scientific questions to be attacked. For example, the availability of different vectors with cleavage sites for different restriction endonucleases have increased the kind of DNA segments that can be cloned. By contrast, the first EK2 host-vector systems are only now being considered by the Recombinant Advisory Committee. While NIH is supporting the development of more EK2 host-vector systems, it is not expected that a battery equivalent to that available for the EK1 system will be certified by the Recombinant Advisory Committee in the near future.

[3] A committee member, David S. Hogness, Ph. D., Professor, Department of Biochemistry, Stanford University, California, submitted a statement in support of lower containment levels based on current scientific evidence. That evidence is based on certain differences between cold- and warm-blooded vertebrates. One of the criteria used for the evaluation of the relative risk that might be encountered with different levels of shotgun experiment is the degree of sequence homology between the DNA of the given species and that of humans. This criterion is used to estimate the likelihood that segments of DNA from the given species might be integrated into the human genome by recombination; the greater the homology, the greater the likelihood of integration. Studies of sequence homologies indicate that there is a considerable degree of homology between human DNA and DNA from other primates, much less homology between primates and other mammals, and even lower but detectable homology between birds and primates. By contrast, no significant homologies between cold-blooded vertebrates and primates have been detected.

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was urged that containment levels for this class of experiment be increased. On the basis of my review, I find the containment conditions appropriate to the potential hazard posed. As defined in the guidelines, experiments are to be done at very strict levels of containment and these can be lowered only when the cloned DNA recombinants have been shown to be free of possibly harmful genes by suitable biochemical and biological tests. This also pertains to DNA that is copied from RNA viruses. In no instance are the guidelines more lenient, and in most instances they are more stringent than conditions obtaining in many laboratories where such viruses are studied in non-DNA-recombinant experiments.

VI. CLASSIFICATION OF EXPERIMENTS USING CONTAINMENT SYSTEMS OTHER THAN E. COLI K 12

1. No issue with regard to these guidelines raised more comment than the use of animal viruses as vectors. Of special concern to many commentators was the use of the simian (monkey) virus 40 (hereafter "SV40"). Some suggested a complete ban on the use of this virus; others urged its retention as a vector. SV40 is not known to produce any disease in man, although it can be grown in human cells and on very rare occasions has been isolated from humans. Many humans have received SV40 virus inadvertently in vaccines prepared from virus grown in monkey kidney-cell cultures. An intensive search has been made and is continuing for evidence that SV40 might cause cancer or be otherwise pathogenic for man. At present, it is my view that the extensive knowledge we have of SV40 virus provides us with sufficient sophistication to ensure its safe handling under the conditions developed for its use in the guidelines.

I believe work with SV40 should continue under the most careful conditions, but I do recognize and appreciate the concerns expressed over its possible harmful effects in humans. In light of these concerns, I asked the Recombinant Advisory Committee to review this section of the guidelines. The committee reconsidered the containment conditions for this class of experiments and judged them appropriate to meet the potential hazards.[4]

This class of experiments will proceed under the most careful and stringent conditions. Work with SV40 virus will be done at the maximum level of physical containment (P4). The extraordinary precautions required in a P4 facility lessen the likelihood of a potential hazard from this work. Only defective SV40 virus will be used as vector; that is, the SV40 virus particles that carry the foreign DNA cannot multiply by themselves. When a number of strict conditions are met, this work will be permitted to go on at the third level of containment (P3), which in itself requires care and precision. It should be noted that SV40 virus and its DNA can be efficiently disinfected by Clorox and autoclaving. These are customary procedures for disinfecting glassware and other items used in SV40 animal-cell work.

Some commentators suggested that the containment criteria for experiments using polyoma virus as the vector be strengthened. There is no evidence that polyoma infects humans or replicates to any significant extent in human cells. It holds promise as a vector, as is more fully documented in an appendix to these guidelines.

[4] One member dissented from this position. During the discussion, additional language was recommended (and adopted) to ensure that the defective SV40-virus/helper-virus system, with its inserted non-SV40 DNA segment, does not replicate in human cells with significantly more efficiency than does SV40.

2. Several commentators found the guidelines inadequate regarding experiments with plant host-vector systems. Because NIH shared these concerns, a group of extensive experience with plants was appointed to review this section. The group met concurrently with the Recombinant Advisory Committee in April 1976 and made several modifications. The suggested revisions were acceptable to the full committee, and we have included them in the guidelines.

The modifications are responsive to the stated concerns of the commentators. A description of greenhouse facilities is given, and physical containment conditions have been modified to take into account operations with whole plants. On the whole the respective portions of the guidelines relating to plants are more fully explained and the intent is clarified.

I have also accepted the recommendation of the subcommittee to lower the biological containment level from EK2 to EK1 for experiments in which the DNA from plants is used in conjunction with the *E. coli* K–12 host-vector system, thereby setting containment in this instance at the same level required for experiments with lower-eukaryote DNA.

VII. ROLES AND RESPONSIBILITIES

1. Most commentators had suggestions for the section on the roles and responsibilities of investigators, their local institutions, and NIH. Commentators generally urged openness, candor, and public participation in the process, emphasizing shared responsibility and accountability from the local to the national level. We reviewed that section of the guidelines in light of these comments and have asked the Recombinant Advisory Committee to review certain issues.

It is clear that much of the success of the guidelines will lie in the wisdom with which they are implemented. Because of the importance of this section, especially in terms of safety programs and plans, we have carefully weighed the comments and suggestions made in this regard. NIH has a special responsibility to take a leading role in ensuring that safety programs are part of all recombinant DNA research. Dr. Barkley and a specially convened committee were asked to provide greater detail for safety, accident, and training plans for this section of the guidelines. Based on their recommendations, the section has been extensively rewritten to clarify the respective responsibilities of the principal investigator, the institution (including the institutional biohazards committee), the NIH initial review group (study section), the NIH Recombinant DNA Molecule Program Advisory Committee, and NIH staff.

This section has a definitive administrative framework for assuring that safety is an essential and integrated component of research involving recombinant DNA molecules. The guidelines require investigators to institute, monitor, and evaluate containment and safety practices and procedures. Before research is done, the investigator must have safety and accident plans in place and training exercises for the staff well under way.

Some commentators suggested that the investigator be required to obtain informed consent of laboratory personnel prior to their participation. Rather than rely explicitly on an informed consent document, the guidelines now make the investigator responsible for advising his program and support staff as to the nature and assessment of the real and potential biohazards. He must explain and provide for any advised or requested precautionary medical policies, vaccinations, or serum collections. Further, an appendix to the guidelines includes detailed explanations for dealing with accidents, as well as instructions for the training of staff in safety and accident procedures.

In response to suggestions for epidemiological monitoring, the guidelines now require the principal investigator to report certain categories of accidents, in writing, to appropriate officials. NIH is investigating procedures for long-term surveillance of workers engaged in recombinant DNA research.

2. A number of comments on the role and responsibilities of the institutional biohazards committee were received. Comments were directed to the structure of the committee, the scope of its responsibility, and the methods for operation. Comments on structure included suggestions that the committee have a broadly based representation, especially in terms of health and safety expertise. Some others suggested NIH require certain classes of representation. In response to these suggestions, the guidelines now recommend membership from a diversity of disciplines relevant to recombinant DNA molecule technology, biological safety, and engineering.

For broader representation beyond the immediate scientific expertise, the guidelines now recommend that local committees should possess, or have available, the competence necessary to determine the acceptability of their findings in terms of applicable laws, regulations, standards of practice, community attitudes, and health and environmental considerations. The names of and relevant background information on the committee members will be reported to NIH.

In response to suggestions that decisions of the committee be made publicly available, the guidelines now recommend that minutes of the meetings should be kept and made available for public inspection.

Commentators generally approved of the responsibility given to the institutional biohazards committee to serve as a source of advice and reference to the investigator on scientific and safety questions. It was further suggested that the committee's responsibility be broadened in the development, monitoring, and evaluation of safety standards and procedures. In response to these suggestions, the guidelines now indicate that the institutional biohazards committee has the responsibility to certify, and recertify annually, to NIH that the facilities, procedures, practices, training, and expertise of involved personnel have been reviewed and approved. The Recombinant Advisory Committee suggested that examination might be unnecessary for P1 facilities, but we believe that all facilities should be reviewed to emphasize the importance of safety programs.

Some commentators suggested that the guidelines should stipulate that the local committees be required to determine the containment conditions to be imposed for a given project (which the draft guidelines specifically noted was not their responsibility). The Recombinant Advisory Committee took exception to this suggestion. They urged NIH not to include these conditions as local requirements, arguing among other things that review by the NIH study sections would provide the necessary scrutiny at the national level and assure uniformity of standards in application of the guidelines. I do not believe that NIH should require the local institution to have its biohazards committee assess what containment conditions are required for a given project. On the other hand, the guidelines should not prohibit the local institution from having its biohazards committee perform this function. Accordingly, I have deleted the prohibition that appeared in the proposed guidelines.

Another suggestion was that the local committee ensure that research is carried out in accordance with standards and procedures under the Occupational Safety and Health Act (OSHA). This is an area of importance to the local institutions under Federal and State law, but need not be included as a requirement in the guidelines. NIH will maintain liaison with the Occupational Safety and Health Administration (Department of Labor) to ensure maximum Federal cooperation in this venture.

I would also encourage all institutions, as suggested by several commentators, to review their insurance compensation programs to determine whether their laboratory personnel, in the research area, are covered for injuries.

3. The commentators approved of having the NIH study sections responsible for making an independent evaluation of the classification of the proposed research under the guidelines, along with the customary judgment of the scientific merit of each grant application. This additional element of review will ensure careful attention to potential hazards in the research activity. The study sections will also scrutinize the proposed safeguards. Biological safety expertise shall be available to the study section for consultation and guidance in this regard.

4. Several commentators made suggestions concerning the structure, function, and scope of responsibility of the NIH Recombinant DNA Molecule Program Advisory Committee.

Comments on possible structural mechanisms for decision making included suggestions that there be a scientific and technical committee and a general advisory public policy committee. It was also suggested that the scientific committee include scientists who are not actively engaged in recombinant research, and that the public policy committee have a broad scientific and public representation.

I have carefully reviewed these comments and suggestions. In response, the following structure has been devised. The Recombinant Advisory Committee shall serve as the scientific and technical committee. Its membership shall continue to include scientists who represent disciplines actively engaged in recombinant DNA research. In my view, it is most important that this committee have the necessary expertise to assure that the guidelines are of the highest scientific quality. The committee has provided this expertise in the past, and it must continue to do so. The committee shall also include members from other scientific disciplines.

It should be noted that the present committee recommended on its own initiative that a nonscientist be appointed. Emmette S. Redford, Ph. D., LL. D., Ashbel Smith Professor of Government and Public Affairs at the Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, serves in that capacity. An ethicist has also been nominated for appointment.

The Advisory Committee to the Director, NIH, shall serve to provide the broader public policy perspectives. This committee, at its meeting on February 9–10, 1976, reviewed the proposed guidelines with the participation of public witnesses, and shall continue to provide such review for future activities of the Recombinant Advisory Committee.

In response to suggestions, the responsibilities of the Recombinant Advisory Committee have been expanded. In addition to reviewing the guidelines for possible modification as scientific evidence warrants, the committee will certify EK2 and EK3 systems. In response to requests by the investigator, local committee, or study section, the committee will also provide evaluation and review in order to advise on levels of required containment, on lowering of requirements when coloned recombinants are to be used, and on questions concerning potential biohazard and adequacy of containment provisions.

Commentators also asked that the committee review ongoing research initiated prior to the implementation of the guidelines. Now that the guidelines are being released, NIH-funded investigators in this field will be asked to give assurance, within a given period, that they will comply. Any investigators who constructed clones under the Asilomar guidelines will be asked to petition NIH for special consideration of their case, if the new guidelines require higher containment than did the Asilomar guidelines. Here the advice of the Recombinant Advisory Committee will be sought.

There were also suggestions that the committee certify chemical purification of recombinant DNA, but as I indicated earlier, these procedures are too well known to require NIH monitoring.

5. In light of comments received, NIH will provide review, through appropriate NIH offices, of data from institutional biohazards committees (including accident reports) and will ensure dissemination of these findings as appropriate. Dr. William Gartland will head the newly created NIH Office of Recombinant DNA Activities for these purposes. In addition, NIH will provide for rapid dissemination of information through its Nucleic Acid Recombinant Scientific Memoranda (NARSM), distributed by the National Institute for Allergy and Infectious Diseases. NIH will also provide an appropriate mechanism for approving and certifying clones before containment conditions can be lowered.

With these extended modifications, the section of the guidelines dealing with roles and responsibilities now sets forth a more fully developed review structure involving the principal investigator, local biohazards committees, and the Recombinant Advisory Committee, as well as peer review committees. Guidelines now provide extensive opportunity for advice, from the local to the national level. Several levels of review and scrutiny are provided, ensuring the highest standards for scientific merit and conditions for safety.

The Recombinant Advisory Committee in conjunction with the Director's Advisory Committee shall continue to serve as an ongoing forum for examining progress in the technology and safety of recombinant DNA research. Their responsibility, and that of the NIH Director, is to ensure that the guidelines, through modification when called for, reflect the soundest scientific and safety evidence as it accrues in this area. Their task, in a sense, is just beginning.

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NATIONAL INSTITUTES OF HEALTH

GUIDELINES FOR RESEARCH INVOLVING RECOMBINANT DNA MOLECULES

JUNE 1976.

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I. INTRODUCTION

The purpose of these guidelines is to recommend safeguards for research on recombinant DNA molecules to the National Institutes of Health and to other institutions that support such research. In this context we define recombinant DNAs as molecules that consist of different segments of DNA which have been joined together in cell-free systems, and which have the capacity to infect and replicate in some host cell, either autonomously or as an integrated part of the host's genome.

This is the first attempt to provide a detailed set of guidelines for use by study sections as well as practicing scientists for evaluating research on recombinant DNA molecules. We cannot hope to anticipate all possible lines of imaginative research that are possible with this powerful new methodology. Nevertheless, a considerable volume of written and verbal contributions from scientists in a variety of disciplines has been received. In many instances the views presented to us were contradictory. At present, the hazards may be guessed at, speculated about, or voted upon, but they cannot be

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known absolutely in the absence of firm experimental data—and, unfortunately, the needed data were, more often than not, unavailable. Our problem then has been to construct guidelines that allow the promise of the methodology to be realized while advocating the considerable caution that is demanded by what we and others view as potential hazards.

In designing these guidelines we have adopted the following principles, which are consistent with the general conclusions that were formulated at the International Conference Center, Pacific Grove, California, in February 1975 (3): (i) There are certain experiments for which the assessed potential hazard is so serious that they are not to be attempted to the present time. (ii) The remainder can be undertaken at the present time provided that the experiment is justifiable on the basis that new knowledge or benefits to humankind will accrue that cannot readily be obtained by use of conventional methodology and that appropriate safeguards are incorporated into the design and execution of the experiment. In addition to an insistence on the practice of good microbiological techniques, these safeguards consist of providing both physical and biological barriers to the dissemination of the potentially hazardous agents. (iii) The level of containment provided by these barriers is to match the estimated potential hazard for each of the different classes of recombinants. For projects in a given class, this level is to be highest at initiation and modified subsequently only if there is a substantiated change in the assessed risk or in the applied methodology. (iv) The guidelines will be subjected to periodic review (at least annually) and modified to reflect improvements in our knowledge of the potential biohazards and of the available safeguards.

In constructing these guidelines it has been necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account existing and anticipated special procedures and information that will allow particular experiments to be carried out under different conditions than indicated here without sacrifice of safety. Indeed, we urge that individual investigators devise simple and more effective containment procedures and that study sections give consideration to such procedures which may allow change in the containment levels recommended here.

It is recommended that all publications dealing with recombinant DNA work include a description of the physical and biological containment procedures practiced, to aid and forewarn others who might consider repeating the work.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information therefore already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs (4–17). The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) A set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard.

Experiments on recombinant DNAs by their very nature lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which either limit the infectivity of a vector or vehicle (plasmid, bacteriophage or virus) to specific hosts, or its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these three means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying different combinations of the physical and biological barriers to a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the guidelines for research on the different kinds of recombinant DNAs (Section III).

A. *Standard practices and training.* The first principle of containment is a strict adherence to good microbiological practices (4–13). Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs must receive adequate instruction. This should include at least training in aseptic techniques and instruction in the biology of the organisms used in the experiments so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard should have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. If a research group is working with a known pathogen for which an effective vaccine is available, all workers should be immunized. Serological monitoring, where appropriate, should be provided.

B. *Physical containment levels.* A variety of combinations (levels) of special practices, equipment, and laboratory installations that provide additional physical barriers can be formed. For example, 31 combinations are listed in "Laboratory Safety at the Center for Disease Control" (4); four levels are associated with the "Classification of Etiologic Agents on the Basis of Hazard" (5), four levels were recommended in the "Summary Statement of the Asilomar Conference on Recombinant DNA Molecules" (3); and the National Cancer Institute uses three levels for research on oncogenic viruses (6). We emphasize that these are an aid to, and not a substitute for, good technique. Personnel must be competent in the effective use of all equipment needed for the required containment level as described below. We define only four levels of physical containment here, both because the accuracy with which one can presently assess the biohazards that may result from recombinant DNAs does not warrant a more detailed classification, and because additional flexibility can be obtained by combination of the physical with the biological barriers. Though different in detail, these four levels (P1<P2<P3<P4) approximate those given for human etiologic agents by the Center for Disease Control (i.e., classes 1 through 4; ref. 5), in the Asilomar summary statement (i.e., minimal, low moderate, and high; ref. 3), and by the National Cancer Institute for oncogenic viruses (i.e., low, moderate, and high; ref. 6), as is indicated by the P-number or adjective in the following headings. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of hazardous organisms.

We anticipate, and indeed already know of, procedures (14) which enhance physical containment capability in novel ways. For example, miniaturization of screening, handling, and analytical procedures provides substantial containment of a given host-vector system. Thus, such procedures should reduce the need for the standard types of physical containment, and such innovations will be considered by the Recombinant DNA Molecule Program Advisory Committee.

The special practices, equipment and facility installations indicated for each level of physical containment are required for the safety of laboratory workers, other persons, and for the protection of the environment. Optional items have been excluded; only those items deemed absolutely necessary for safety are presented. Thus, the listed requirements present basic safety criteria for each level of physical containment. Other microbiological practices and laboratory techniques which promote safety are to be encouraged. Additional information giving further guidance on physical containment is provided in a supplement to the guidelines (Appendix D).

P1 Level (Minimal). A laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P1 level is a laboratory that possesses no special engineering design features. It is a laboratory commonly used for microorganisms of no or minimal biohazard under ordinary conditions of handling. Work in this laboratory is generally conducted on open bench tops. Special containment equipment is neither required nor generally available in this laboratory. The laboratory is not separated from the general traffic patterns of the building. Public access is permitted.

The control of biohazards at the P1 level is provided by standard microbiological practices of which the following are examples: (i) Laboratory doors should be kept closed while experiments are in progress. (ii) Work surfaces should be decontaminated daily and following spills of recombinant DNA materials. (iii) Liquid wastes containing recombinant DNA materials should be decontaminated before disposal. (iv) Solid wastes contaminated with recombinant DNA materials should be decontaminated or packaged in a durable leak-proof container before removal from the laboratory. (v) Although pipetting by mouth is permitted, it is preferable that mechanical pipetting devices be used. When pipetting by mouth, cotton-plugged pipettes shall be employed. (vi) Eating, drinking, smoking, and storage of food in the working area should be discouraged. (vii) Facilities to wash hands should be available. (viii) An insect and rodent control program should be provided. (ix) The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

P2 Level (Low). A laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P2 level is similar in construction and design to the P1 laboratory. The P2 laboratory must have access to an autoclave within the building; it may have a Biological Safety Cabinet.[1] Work which does not produce a considerable aerosol is conducted on the open bench. Although this laboratory is not separated from the general traffic patterns of the building, access to the laboratory is limited when experiments requiring P2 level physical containment are being conducted. Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

The P2 laboratory is commonly used for experiments involving microorganisms of low biohazard such as those which have been classified by the Center for Disease Control as Class 2 agents (5).

See footnotes on p. 38459.

The following practices shall apply to all experiments requiring P2 level physical containment: (i) Laboratory doors shall be kept closed while experiments are in progress. (ii) Only persons who have been advised of the potential biohazard shall enter the laboratory. (iii) Children under 12 years of age shall not enter the laboratory. (iv) Work surfaces shall be decontaminated daily and immediately following spills of recombinant DNA materials. (v) Liquid wastes of recombinant DNA materials shall be decontaminated before disposal. (vi) Solid wastes contaminated with recombinant DNA materials shall be decontaminated or packaged in a durable leak-proof container before removal from the laboratory. Packaged materials shall be disposed of by incineration or sterilized before disposal by other methods. Contaminated materials that are to be processed and reused (i.e., glassware) shall be decontaminated before removal from the laboratory. (vii) Pipetting by mouth is prohibited; mechanical pipetting devices shall be used.[1] (viii) Eating, drinking, smoking, and storage of food are not permitted in the working area. (ix) Facilities to wash hands shall be available within the laboratory. Persons handling recombinant DNA materials should be encouraged to wash their hands frequently and when they leave the laboratory. (x) An insect and rodent control program shall be provided. (xi) The use of laboratory gowns, coats, or uniforms is required. Such clothing shall not be worn to the lunch room or outside the building. (xii) Animals not related to the experiment shall not be permitted in the laboratory. (xiii) Biological Safety Cabinets[1] and/or other physical containment equipment shall be used to minimize the hazard of aerosolization of recombinant DNA materials from operations or devices that produce a considerable aerosol (e.g., blender, lyophilizer, sonicator, shaking machine, etc.). (xiv) Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

P3 Level (Modcrate). A laboratory suitable for experiments involving recombinant DNA molecules requiring physical containment at the P3 level has special engineering design features and physical containment equipment. The laboratory is separated from areas which are open to the general public. Separation is generally achieved by controlled access corridors, air locks, locker rooms or other double-doored facilities which are not available for use by the general public. Access to the laboratory is controlled. Biological Safety Cabinets[1] are available within the controlled laboratory area. An autoclave shall be available within the building and preferably within the controlled laboratory area. The surfaces of walls, floors, bench tops, and ceilings are easily cleanable to facilitate housekeeping and space decontamination.

Directional air flow is provided within the controlled laboratory area. The ventilation system is balanced to provide for an inflow of supply air from the access corridor into the laboratory. The general exhaust air from the laboratory is discharged outdoors and so dispersed to the atmosphere as to prevent reentry into the building. No recirculation of the exhaust air shall be permitted without appropriate treatment.

No work in open vessels involving hosts or vectors containing recombinant DNA molecules requiring P3 physical containment is conducted on the open bench. All such procedures are confined to Biological Safety Cabinets.[1]

The following practices shall apply to all experiments requiring P3 level physical containment: (i) The universal biohazard sign is required on all laboratory access doors. Only persons whose entry into the laboratory is required on the basis of program or support needs shall be authorized to enter. Such persons shall be advised of the potential biohazards before entry and they shall comply with posted entry and exit procedures. Children under 12 years of age shall not enter the laboratory. (ii) Laboratory doors shall be kept closed while experiments are in progress. (iii) Biological Safety Cabinets[1] and other physical containment equipment shall be used for all procedures that produce aerosols of recombinant DNA materials (e.g., pipetting, plating, flaming, transfer operations, grinding, blending, drying, sonicating, shaking, etc.). (iv) The work surfaces of Biological Safety Cabinets[1] and other equipment shall be decontaminated following the completion of the experimental activity contained within them. (v) Liquid wastes containing recombinant DNA materials shall be decontaminated before disposal. Solid wastes contaminated with recombinant DNA materials shall be decontaminated or packaged in a durable leak-proof container before removal from the laboratory. Packaged material shall be sterilized before disposal. Contaminated materials that are to be processed and reused (i.e., glassware) shall be sterilized in the controlled laboratory area or placed in a durable leak-proof container before removal from the controlled laboratory area. This container shall be sterilized before the materials are processed. (vii) Pipetting by mouth is prohibited; mechanical pipetting devices shall be used, (viii) Eating, drinking, smoking, and storage of food are not permitted in the laboratory. (ix) Facilities to wash hands shall be available within the laboratory. Persons shall wash hands after experiments involving recombinant DNA materials and before leaving the laboratory. (x) An insect and rodent control program shall be provided. (xi) Laboratory clothing that protects street clothing (i.e., long sleeve solid-front or wrap-around gowns, no-button or slipover jackets, etc.) shall be worn in the laboratory. FRONT-BUTTON LABORATORY COATS ARE UNSUITABLE. Gloves shall be worn when handling recombinant DNA materials. Provision for laboratory shoes is recommended. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry. (xii) Raincoats, overcoats, topcoats, coats, hats, caps, and such street outerwear shall not be kept in the laboratory. (xiii) Animals and plants not related to the experiment shall not be permitted in the laboratory. (xiv) Vacuum lines shall be protected by filters and liquid traps. (xv) Use of the hypodermic needle and syringe shall be avoided when alternate methods are available. (xvi) If experiments of lesser biohazard potential are to be conducted in the same laboratory concurrently with experiments requiring P3 level physical containment they shall be conducted only in accordance with all P3 level requirements. (xvii) Experiments requiring P3 level physical containment can be conducted in laboratories where the directional air flow and general exhaust air conditions described above cannot be achieved, provided that this work is conducted in accordance with all other requirements listed and is contained in a Biological Safety Cabinet[1] with attached glove ports and gloves. All materials before removal from the Biological Safety Cabinet[1] shall be sterilized or transferred to a non-breakable, sealed container, which is then removed from the cabinet through a chemical decontamination tank, autoclave, ultraviolet air lock, or after the entire cabinet has been decontaminated.

P4 Level High. Experiments involving recombinant DNA molecules requiring physical containment at the P4 level shall be confined to work areas in a facility of the type designed to contain microorganisms that are extremely hazardous to man or may cause serious epidemic disease. The facility is either a separate building or it is a controlled area, within a building, which is completely isolated from all other areas of the building. Access to the facility is under strict control. A specific facility operations manual is available. Class III Biological Safety Cabinets[1] are available within work areas of the facility.

A P4 facility has engineering features which are designed to prevent the escape of microorganisms to the environment (14, 15, 16, 17). These features include: (i) Monolithic walls, floors, and ceilings in which all penetrations such as for air ducts, electrical conduits, and utility pipes are sealed to assure the physical isolation of the work area and to facilitate housekeeping and space decontamination; (ii) air locks through which supplies and materials can be brought safely into the facility; (iii) contiguous clothing change and shower rooms through which personnel enter into and exit from the facility; (iv) double-door autoclaves to sterilize and safely remove wastes and other materials from the facility; (v) a biowaste treatment system to sterilize liquid effluents if facility drains are installed; (vi) a separate ventilation system which maintains negative air pressures and directional air flow within the facility; and (vii) a treatment system to decontaminate exhaust air before it is dispersed to the atmosphere. A central vacuum utility system is not encouraged: if one is installed, each branch line leading to a laboratory shall be protected by a high efficiency particulate air filter.

The following practices shall apply to all experiments requiring P4 level physical containment: (i) The universal biohazard sign is required on all facility access doors and all interior doors to individual laboratory rooms where experiments are conducted. Only persons whose entry into the facility or individual laboratory rooms is required on the basis of program or support needs shall be authorized to enter. Such persons shall be advised of the potential biohazards and instructed as to the appropriate safeguards to ensure their safety before entry. Such persons shall comply with the instructions and all other posted entry and exit procedures. Under no condition shall children under 15 years of age be allowed entry. (ii) Personnel shall enter into and exit from the facility only through the clothing change and shower rooms. Personnel shall shower at each exit from the facility. The air locks shall not be used for personnel entry or exit except for emergencies. (iii) Street clothing shall be removed in the outer facility side of the clothing change area and kept there. Complete laboratory clothing including undergarments, pants and shirts or jumpsuits, shoes, head cover, and gloves shall be provided and used by all persons who enter into the facility shall be placed in an entry air be stored in lockers provided for this purpose or discarded into collection hampers before personnel enter into the shower area. (iv) Supplies and materials to be taken into the facility shall be placed in an entry air lock. After the outer door (opening to the corridor outside of facility) has been secured, personnel occupying the facility shall retrieve the supplies and materials by opening the interior air lock door. This door shall be secured after supplies and materials are brought into the facility. (v) Doors to laboratory rooms within the facility shall be kept closed while experiments are in progress. (vi) Experimental procedures requiring P4 level physical containment shall be confined to Class III Biological Safety Cabinets.[1] All materials, before removal from these cabinets, shall be sterilized or transferred to a non-breakable sealed container, which is then removed from the system through a chemical decontaminated tank, autoclave, or after the

See footnotes on p. 38459.

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entire system has been decontaminated. (vii) No materials shall be removed from the facility unless they have been sterilized or decontaminated in a manner to prevent the release of agents requiring P4 physical containment. All wastes and other materials and equipment not damaged by high temperature or steam shall be sterilized in the double-door autoclave. Biological materials to be removed from the facility shall be transferred to a non-breakable sealed container which is then removed from the facility through a chemical decontamination tank or a chamber designed for gas sterilization. Other materials which may be damaged by temperature or steam shall be sterilized by gaseous or vapor methods in an air lock or chamber designed for this purpose. (viii) Eating drinking, smoking, and storage of food a not permitted in the facility. Foot-opera water fountains located in the facility corridors are permitted. Separate potable water piping shall be provided for these water fountains. (ix) Facilities to wash hands shall be available within the facility. Persons shall wash hands after experiments. (x) An insect and rodent control program shall be provided. (xi) Animals and plants not related to the experiment shall not be permitted in the facility. (xii) If a central vacuum system is provided, each vacuum outlet shall be protected by a filter and liquid trap in addition to the branch line HEPA filter mentioned above. (xiii) Use of the hypodermic needle and syringe shall be avoided when alternate methods are available. (xiv) If experiments of lesser biohazard potential are to be conducted in the facility concurrently with experiments requiring P4 level containment, they shall be confined in Class I or Class II Biological Safety Cabinets[1] or isolated by other physical containment equipment. Work surfaces of Biological Safety Cabinets[1] and other equipment shall be decontaminated following the completion of the experimental activity contained within them. Mechanical pipetting devices shall be used. All other practices listed above with the exception of (vi) shall apply.

C. Shipment. To protect product, personnel, and the environment, all recombinant DNA material will be shipped in containers that meet the requirements issued by the U.S. Public Health Service (Section 72.25 of Part 72, Title 42, Code of Federal Regulations), Department of Transportation (Section 173.387 (b) of Part 173, Title 49, Code of Federal Regulations) and the Civil Aeronautics Board (C.A.B. No. 82, Official Air Transport Restricted Articles Tariff No. 6–D) for shipment of etiologic agents. Labeling requirements specified in these Federal regulations and tariffs will apply to all viable recombinant DNA materials in which any portion of the material is derived from an etiologic agent listed in paragraph (c) of 42 CFR 72.25. Additional information on packing and shipping is given in a supplement to the guidelines (Appendix D, part X).

D. Biological containment levels. Biological barriers are specific to each host-vector system. Hence the criteria for this mechanism of containment cannot be generalized to the same extent as for physical containment. This is particularly true at the present time when our experience with existing host-vector systems and our predictive knowledge about projected systems are sparse. The classification of experiments with recombinant DNAs that is necessary for the construction of the experimental guidelines (Section III) can be accomplished with least confusion if we use the host-vector system as the primary element and the source of the inserted DNA as the secondary element in the classification. It is therefore convenient to specify the nature of the biological containment under host-vector headings such as those given below for *Escherichia coli* K–12.

III. Experimental Guidelines

A general rule that, though obvious, deserves statement is that the level of containment required for any experiment on DNA recombinants shall never be less than that required for the most hazardous component used to construct and clone the recombinant DNA (i.e. vector, host, and inserted DNA). In most cases the level of containment will be greater, particularly when the recombinant DNA is formed from species that ordinarily do not exchange genetic information. Handling the purified DNA will generally require less stringent precautions than will propagating the DNA. However, the DNA itself should be handled at least as carefully as one would handle the most dangerous of the DNAs used to make it.

The above rule by itself effectively precludes certain experiments—namely, those in which one of the components is in Class 5 of the "Classification of Etiologic Agents on the Basis of Hazard" (5), as these are excluded from the United States by law and USDA administrative policy. There are additional experiments which may engender such serious biohazards that they are not to be performed at this time. These are considered prior to presentation of the containment guidelines for permissible experiments.

A. Experiments that are not to be performed. We recognize that it can be argued that certain of the recombinants placed in this category could be adequately contained at this time. Nonetheless, our estimates of the possible dangers that may ensue if that containment fails are of such magnitude that we consider it the wisest policy to at least defer experiments on these recombinant DNAs until there is more information to accurately assess that danger and to allow the construction of more effective biological barriers. In this respect, these guidelines are more stringent than those initially recommended (1).

The following experiments are not to be initiated at the present time: (i) Cloning of recombinant DNAs derived from the pathogenic organisms in Classes 3, 4, and 5 of "Classification of Etiologic Agents on the Basis of Hazard" (5), or oncogenic viruses classified by NCI as moderate risk (6), or cells known to be infected with such agents, regardless of the host-vector system used. (ii) Deliberate formation of recombinant DNAs containing genes for the biosynthesis of potent toxins (e.g., botulinum or diphtheria toxins; venoms from insects, snakes, etc.). (iii) Deliberate creation from plant pathogens of recombinant DNAs that are likely to increase virulence and host range. (iv) Deliberate release into the environment of any organism containing a recombinant DNA molecule. (v) Transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture.

In addition, at this time large-scale experiments (e.g., more than 10 liters of culture) with recombinant DNAs known to make harmful products are not to be carried out. We differentiate between small- and large-scale experiemnts with such DNAs because the probability of escape from containment barriers normally increases with increasing scale. However, specific experiments in this category that are of direct societal benefit may be excepted from this rule if special biological containment precautions and equipment designed for large-scale operations are used, and provided that these experiments are expressly approved by the Recombinant DNA Molecule Program Advisory Committee of NIH.

B. Containment guidelines for permissible experiments. It is anticipated that most recombinant DNA experiments initiated before these guidelines are next reviewed (i.e., within the year) will employ *E. coli* K–12 host-vector ssytems. These are also the systems for which we have the most experience and knowledge regarding the effectiveness of the containment provided by existing hosts and vectors necessary for the construction of more effective biological barriers.

For these reasons, *E. coli* K–12 appears to be the system of choice at this time, although we have carefully considered arguments that many of the potential dangers are compounded by using an organism as intimately connected with a man as is *E. coli*. Thus, while proceeding cautiously with *E. coli*, serious efforts should be made toward developing alternate host-vector systems; this subject is discussed in considerable detail in Appendix A.

We therefore consider DNA recombinants in *E. coli* K–12 before proceeding to other host-vector systems.

1. *Biological containment criteria using E. coli K–12 host-vectors EK1 host-vectors.* These are host-vector systems that can be estimated to already provide a moderate level of containment, and include most of the presently available systems. The host is always *E. coli* K–12, and the vectors include nonconjugative plasmids [e.g., pSC101, ColE1 or derivatives thereof (19–26)] and variants of bacteriophage γ (27–29).

The *E. coli* K–12 nonconjugative plasmid system is taken as an example to illustrate the approximate level of containment referred to here. The available data from experiments involving the feeding of bacteria to humans and calves (30–32) indicate that *E. coli* K–12 did not usually colonize the normal bowel, and exhibited little, if any, multiplication while passing through the alimentary tract even after feeding high doses (i.e., 10^9 to 10^{10} bacteria per human or calf). However, general extrapolation of these results may not be warranted because the implantation of bacteria into the intestinal tract depends on a number of parameters, such as the nature of the intestinal flora persent in a given individual and the physiological state of the inoculum. Moreover, since viable *E. coli* K–12 can be found in the feces after humans are fed 10^9 bacteria in broth (30) or $3x10^8$ bacteria protected by suspension in milk (31), transductional and conjugational transfer of the plasmid vectors from *E. coli* K–12 to resident bacteria in the fecal matter before and after excretion must also be considered.

The nonconjugative plasmid vectors cannot promote their own transfer, but require the presence of a conjugative plasmid for mobilization and transfer to other bacteria. When present in the same cell with derepressed conjugative plasmids such as F or R1drd19, the nonconjugative ColE1, ColE1-trp and pSC101 plasmids are transferred to suitable recipient strains under ideal laboratory conditions at frequencies of about 0.5, 10^{-4} to 10^{-6}, and 10^{-8} per donor cell, respectively. These frequencies are reduced by another factor of 10^2 to 10^4 if the conjugative plasmid employed is repressed with respect to expression of donor fertility.

The experimental transfer system which most closely resembles nonconjugative plasmid transfer in nature is a triparental mating. In such matings, the bacterial cell possessing the nonconjugative plasmid must first acquire a conjugative plasmid from another cell before it can transfer the nonconjugative plasmid to a secondary recipient. With ColE1, the frequencies of transfer are 10^{-3} and 10^{-4} to 10^{-5} when using conjugative plasmid donors possessing derepressed and repressed plasmids, respectively. Mobilization of ColE1-trp and pSC101 under similar laboratory conditions is so low as to be usually undetectable (33). Since most conjugative plasmids in nature are repressed for expression of donor fertility, the frequency at which nonconjugative plasmids are mobilized and transferred by this sequence of events *in vivo* is difficult to estimate. However, in calves fed on an antibiotic-supplemented diet, it has been estimated that such triparental nonconjugative R plasmid transfer occurs at frequencies of no more than 10^{-15} to 10^{-12} per 24 hours per calf (32). In terms of considering other means for plasmid transmission in nature, it should be noted that transduction does operate *in vivo* for *Staphylococcus aureus* (34) and probably for *E. coli* as well. However, no data are available to indicate the frequencies of plasmid transfer *in vivo* by either transduction or transformation.

These observations indicate the low probabilities for possible dissemination of such plasmid vectors by accidental ingestion, which would probably involve only a few hundred or thousand bacteria provided that at least the standard practices (Section II–A above) are followed, particularly the avoidance of mouth pipetting. The possibility of colonization and hence of transfer are increased, however, if the normal flora in the bowel is disrupted by, for example, antibiotic therapy (35). For this reason, persons receiving such therapy must not work with DNA recombinants formed with any *E. coli* K–12 host-vector system during the therapy period and for seven days thereafter; similarly, persons who have achlorhydria or who have had surgical removal of part of the stomach or bowel should avoid such work, as should those who require large doses of antacids.

The observations on the fate of *E. coli* K–12 in the human alimentary tract are also relevant to the containment of recombinant DNA formed with bacteriophage λ variants. Bacteriophage can escape from the laboratory either as mature infectious phage particles or in bacterial host cells in which the phage genome is carried as a plasmid or prophage. The fate of *E. coli* K–12 host cells carrying the phage genome as a plasmid or prophage is similar to that for plasmid-containing host cells as discussed above. The survival of the λ phage genome when released as infectious particles depends on their stability in nature, their infectivity and on the probability of subsequent encounters with naturally occurring λ-sensitive *E. coli* strains. Although the probability of survival of λ and its infection of resident intestinal *E. coli* in animals and humans has not been measured, it is estimated to be small given the high sensitivity of λ to the low pH of the stomach, the insusceptibility to λ infection of smooth *E. coli* cells (the type that normally resides in the gut), the infrequency of naturally occurring λ-sensitive *E. coli* (36) and the failure to detect infective λ particles in human feces after ingestion of up to 10^{13} λ particles (37).

Moreover, λ particles are very sensitive to desiccation.

Establishment of λ as a stable lysogen is a frequent event (10^0 to 10^{-1}) for the art- int- cI^+ phage so that this mode of escape would be the preponderant laboratory hazard; however, most EK1 λ vectors currently in use lack the att and int functions (27–29) thus reducing the probability of lysogenization to about 10^{-2} to 10^{-4} (38–40). The frequency for the conversion of λ to a plasmid state for persistence and replication is also only about 10^{-8} (41). Moreover, the routine treatment of phage lysates with chloroform (42) should eliminate all surviving bacteria including lysogens and λ plasmid carriers. Lysogenization could also occur when an infectious λ containing cloned DNA infects a λ-sensitive cell in nature, and recombines with a resident lambdoid prophage. Although λ-sensitive *E. coli* strains seem to be rare, a significant fraction do carry lambdoid prophages (43–44) and thus this route of escape should be considered.

While not exact, the estimates for containment afforded by using these host-vectors are at least as accurate as those for physical containment, and are sufficient to indicate that currently employed plasmid and λ vector systems provide a moderate level of biological containment. Other nonconjugative plasmids and bacteriophages that, in association with *E. coli* K–12 can be estimated to provide the same approximate level of moderate containment are included in the EK1 class.

EK2 host-vectors. These are host-vector systems that have been genetically constructed and shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. The genetic modifications of the *E. coli* K–12 host and/or the plasmid or phage vector should not permit survival of a genetic marker carried on the vector, preferably a marker within an inserted DNA fragment, in other than specially designed and carefully regulated laboratory environments at a frequency greater than 10^{-8}. This measure of biological containment has been selected because it is a measurable entity. Indeed, by testing the contributions of preexisting and newly introduced genetic properties of vectors and hosts, individually or in various combinations, it should be possible to estimate with considerable precision, that the specially designed host-vector system can provide a margin of biological containment in excess of that required. For the time being, no host-vector system will be considered to be a bona fide EK2 host-vector system until it is so certified by the NIH Recombinant DNA Molecule Program Advisory Committee.

For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate the vector and/or a cloned DNA fragment under non-permissive conditions designed to represent the natural environment either by survival of the original host or as a consequence of transmission of the vector and/or a cloned DNA fragment by transformation, transduction or conjugation to a host with properties common to those in the natural environment.

In terms of potential EK2 plasmid-host systems, the following types of genetic modifications should reduce survival of cloned DNA. The examples given are for illustrative purposes and should not be contrued to encompass all possibilities. The presence of the non-conjugative plasmids ColE1-trp and pS101 in an *E. coli* K–12 strain possessing a mutation eliminating host-controlled restriction and modification (hsdS) results in about 10^2-fold reduction in mobilization to restriction-proficient recipients. The combination of the dapD8, ΔbioH-asd, Δgal-chl^r and rfb mutations in *E. coli* K–12 results in no detectable survivors in feces of rats following feeding by stomach tube of 10^{10} cells in milk and similarly leads to complete lysis of cells suspended in broth medium lacking diaminopimelic acid. *E. coli* K–12 strains with ΔthyA and deoC(dra) mutations undergo thymineless death in growth medium lacking thymine and give a 10^2-fold reduced survival during passage through the rat intestine compared to wild-type thy- *E. coli* K–12. (However, the ΔthyA mutation alone or in combination with a deoB(drm) mutation only reduces *in vivo* survival by a factor of 10^2.) Other host mutations, as yet untested, that might further reduce survival of the plasmid-host system or reduce plasmid transmission are: the combination polA(TS) recA(TS) ΔthyA which might interfere with ColE1 replication and lead to DNA degradation at body temperatures; Con mutations that reduce the ability of conjugative plasmids to enter the plasmid-host complex and thus should reduce mobilization of the cloned DNA to other strains; and mutations that confer resistance to known transducing phages Mutations can also be introduced into the plasmid to cause it to be dependent on a specific host, to make its replication thermosensitive and/or to endow it with a killer capability such that all cells (other than its host) into which it might be transferred will not survive.

In the construction of EK2 plasmid-host systems it is important to use the most stable mutations available, preferably deletions. Obviously, the presence of all mutations contributing to higher degrees of biological containment must be verified periodically by appropriate tests. In testing the level of biological containment afforded by a proposed EK2 plasmid-host system, it is important to design relevant-tests to evaluate the survival of the vector and/or a cloned DNA fragment under conditions that are possible in nature and that are also most advantageous for its perpetuation. For example, one might conduct a triparental mating with a primary donor possessing a redepressed F-type or I-type conjugative plasmid, the safer host with ΔbioH-asd, dapD8, Δgal-chl^r, rfb, ΔthyA, deoC, trp and hsdS mutations and a plasmid vector carrying an easily detectable marker such as for ampicillin resistance or an inserted gene such as trp$^+$, and a secondary recipient that is Su$^+$ hsdS trp (i.e., permissive for the recombinant plasmid). Such matings would be conducted in a medium lacking diamino pimelic acid and thymine and survival of the Ap^r or trp marker in any of the three strains followed as a function of time. Survival of the vector and/or a cloned marker by transduction could also be evaluated by introducing a known generalized transducing phage into the system. Similar experiment should also be done using a secondary recipient that is restrictive for the plasmid vector as well as with primary donors possessing repressed conjugative plasmids with incompatibility group properties like those commonly found in enteric microorganisms. Since a common route of escape of plasmid-host systems in the laboratory might be by accidental ingestion, it is suggested that the same types of experiments be conducted in suitable animal-model systems. In addition to these tests on survival of the vector and/or a cloned DNA fragment, it would be useful to determine the survival of the host strain under nongrowth conditions such as in water and as a function of drying time after a culture has been spilled on a lab bench.

For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate itself and/or a cloned DNA fragment under non-permissive conditions designed to represent the natural environment either (a) as a prophage or plasmid in the laboratory host used for phage propagation or (b) by surviving in natural environments and transferring itself and/or a cloned DNA fragment to a host (or its resident lambdoid prophage) with properties common to those in the natural environment.

In terms of potential EK2 λ-host systems, the following types of genetic modification should reduce survival of cloned DNA. The examples given are for illustrative purposes and should not be construed to encompass all possibilities. The probability of establishing λ lysogeny in the normal laboratory host should be reduced by removal of the phage att site, the Int function, the repressor gene(s) and adding virulence-enhancing mutations. The frequency of plasmid formation, although normally already less than 10^{-8}, could be further reduced by defects in

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the P_R–Q region, including mutations such as *tif-s*, *cro*(TS), *cI7*, *ri*^{s}, *O*(TS), *P*(TS), and *nin*. Moreover, chloroform treatment used routinely following cell lysis would reduce the number of surviving cells, including possible lysogens or plasmid carriers, by more than 10^5. The host may also be modified by deletion of the host λ*att* site and inclusion of one or more of the mutations described above for plasmid-host systems to further reduce the chance of formation and survival of any lysogen or plasmid carrier cell.

The survival of escaping phage and the chance of encountering a sensitive host in nature are very low, as discussed for EK1 systems. The infectivity of the phage particles could be further reduced by introducing mutations (e.g., suppressed ambers) which would make the phage particles extremely unstable except under special laboratory conditions (e.g., high concentrations of salts or putrescine). Another means would be to make the phage itself a two-component system, by eliminating the tail genes and reproducing the phage as heads packed with DNA; when necessary and under specially controlled conditions, these heads could be made infective by adding tail preparations. An additional safety factor in this regimen is the extreme instability of the heads, unless they are stored in 10mM putrescine, a condition easy to obtain in the laboratory but not in nature. The propagation of the escaping phage in nature could further be blocked by adding various conditional mutations which would permit growth only under special laboratory conditions or in a special permissive laboratory host with suppressor or *gro*-type (*mop*, *dnaB*, *rpoB*) mutations. An additional safety feature would be the use of an r$^-$ m$^-$ (*hsdS*) laboratory host, which produces phage with unmodified DNA which should be restricted in r$^-$ m$^-$ bacteria that are probably prevalent in nature. The likelihood of recombination between the λ vector and lambdoid prophages which are present in some *E. coli* strains might be reduced by elimination of the Red function and the presence of the recombination-reducing Gam function together with mutations contributing to the high lethality of the λ phage. However, these second-order precautions might not be relevant if the stability and infectivity of the escaping λ particles are reduced by special mutations or by propagating the highly unstable heads.

Despite multiple mutations in the phage vectors and laboratory hosts, the yield of phage particles under suitable laboratory conditions should be high (10^{10}—10^{11} particles/ml). This permits phage propagation in relatively small volumes and constitutes an additional safety feature.

The phenotypes and genetic stabilities of the mutations and chromosome alterations included in these λ-host systems indicate that containment well in excess of the required 10^{-8} or lower survival frequency for the λ vector with or without a cloned DNA fragment should be attained. Obviously the presence of all mutations contributing to this high degree of biological containment must be verified periodically by appropriate tests. Laboratory tests should be performed with the bacterial host to measure all possible routes of escape such as the frequency of lysogen formation, the frequency of plasmid formation and the survival of the lysogen or carrier bacterium. Similarly, the potential for perpetuation of a cloned DNA fragment carried by infectious phage particles can be tested by challenging typical wild-type *E. coli* strains or a λ-sensitive nonpermissive laboratory K–12 strain, especially one lysogenic for a lambdoid phage.

In view of the fact that accurate assessment of the probabilities for escape of infectious λ grown on r$^-$ m$^-$ Su$^+$ hosts is dependent upon the frequencies of r$^-$, Su$^+$, and λ-sensitive strains in nature, investigators need to screen *E. coli* strains for these properties. These data will also be useful in predicting frequencies of successful escape of plasmid cloning vectors harbored in r$^-$ m$^-$ Su$^+$ strains.

When any investigator has obtained data on the level of containment provided by a proposed EK2 system, these should be reported as rapidly as possible to permit general awareness and evaluation of the safety features of the new system. Investigators are also encouraged to make such new safer cloning systems generally available to other scientists. NIH will take appropriate steps to aid in the distribution of these safer vectors and hosts.

EK3 host-vectors. These are EK2 systems for which the specified containment shown by laboratory tests has been independently confirmed by appropriate tests in animals, including humans or primates, and in other relevant environments in order to provide additional data to validate the levels of containment afforded by the EK2 host-vector systems. Evaluation of the effects of individual or combinations of mutations contributing to the biological containment should be performed as a means to confirm the degree of safety provided and to further advance the technology of developing even safer vectors and hosts. For the time being, no host-vector system will be considered to be a bona fide EK3 host-vector system, until it is so certified by the NIH Recombinant DNA Molecule Program Advisory Committee.

2. *Classification of experiments using the E. coli K–2 containment systems.* In the following classification of containment criteria for different kinds of recombinant DNAs, the stated levels of physical and biological containment are minimums. Higher levels of biological containment (EK3>EK2>EK1) are to be used if they are available and are equally appropriate for the purposes of the experiment.

<*a*>*Shotgun experiments.* These experiments involve the production of recombinant DNAs between the vector and the total DNA or (preferably) any partially purified fraction thereof from the specified cellular source.

(i) *Eukaryotic DNA recombinants—Primates.* P3 physical containment+an EK3 host-vector, or P4 physical containment+an EK2 host-vector, except for DNA from uncontaminated embryonic tissue or primary tissue cultures therefrom, and germ-line cells for which P3 physical containment+an EK2 host-vector can be used. The basis for the lower estimated hazard in the case of DNA from the latter tissues (if freed of adult tissue) is their relative freedom from horizontally acquired adventitious viruses.

Other mammals. P3 physical containment +an EK2 host-vector.

Birds. P3 physical containment+an EK2 host-vector.

Cold-blooded vertebrates. P2 physical containment+an EK2 host-vector except for embryonic or germ-line DNA which require P2 physical containment+an EK1 host-vector. If the eukaryote is known to produce a potent toxin, the containment shall be increased to P3+EK2.

Other cold-blooded animals and lower eukaryotes. This large class of eukaryotes is divided into the following two groups:

(*1*) Species that are known to produce a potent toxin or are known pathogens (i.e., an agent listed in Class 2 of ref. 5 or a plant pathogen) or are known to carry such pathogenic agents must use P3 physical containment+an EK2 host-vector. Any species that has a demonstrated capacity for carrying particular pathogenic agents is included in this group unless it has been shown that those organisms used as the source of DNA do not contain these agents; in this case they may be placed in the second group.

(2) The remainder of the species in this class can use P2+EK1. However, any insect in this group should have been grown under laboratory conditions for at least 10 generations prior to its use as a source of DNA.

Plants. P2 physical containment+an EK1 host-vector. If the plant carries a known pathogenic agent or makes a product known to be dangerous to any species, the containment must be raised to P3 physical containment+an EK2 host-vector.

(ii) *Prokaryotes DNA recombinants—Prokaryotes that exchange genetic information with E. coli*[2].

The level of physical containment is directly determined by the rule of the most dangerous component (see introduction to Section III). Thus P1 conditions can be used for DNAs from those bacteria in Class 1 of ref. 5. ("Agents of no or minimal hazard * * *") which naturally exchange genes with *E. coli*; and P2 conditions should be used for such bacteria if they fall in Class 2 of ref. 5 ("Agents of ordinary potential hazard * * *"), or plant pathogens or symbionts. EK1 host-vectors can be used for all experiments requiring only P1 physical containment; in fact, experiments in this category can be performed with *E. coli* K–12 vectors exhibiting a lesser containment (e.g., conjugative plasmids) than EK1 vectors. Experiments with DNA from species requiring P2 physical containment which are of low pathogenicity (for example, enteropathogenic *Escherichia coli*, *Salmonella typhimurium*, and *Klebsiella pneumoniae*) can use EK1 host-vectors, but those of moderate pathogenicity (for example, *Salmonella typhi*, *Shigella dysenteriae* type I, and *Vibrio cholerae*) must use EK2 host-vectors.[3] A specific example of an experiment with a plant pathogen requiring P2 physical containment+an EK2 host-vector would be cloning the tumor gene of *Agrobacterium tumefaciens*.

Prokaryotes that do not exchange genetic information with E. coli. The minimum containment conditions for this class consist of P2 physical containment+an EK2 host-vector or P3 physical containment+an EK1 host-vector, and apply when the risk that the recombinant DNAs will increase the pathogenicity or ecological potential of the host is judged to be minimal. Experiments with DNAs from pathogenic species (Class 2 ref. 5 plus plant pathogens) must use P3+EK2.

(iii) *Characterized clones of DNA recombinants derived from shotgun experiments.* When a cloned DNA recombinant has been rigorously characterized[4] and there is sufficient evidence that it is free of harmful genes,[4] then experiments involving this recombinant DNA can be carried out under P1+EK1 conditions if the inserted DNA is from a species that exchanges genes with *E. coli*, and under P2+EK1 conditions if not.

<*b*> *Purified cellular DNAs other than plasmids, bacteriophages, and other viruses.* The formation of DNA recombinants from cellular DNAs that have been enriched[5] by physical and chemical techniques (i.e., not by cloning) and which are free of harmful genes can be carried out under lower containment conditions than used for the corresponding shotgun experiment. In general, the containment can be decreased one step in physical containment (P4→P3→P2→P1) while maintaining the biological containment specified for the shotgun experiment, or one step in biological containment (EK3→EK2→EK1) while maintaining the specified physical containment—provided that the

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new condition is not less than that specified above for characterized clones from shotgun experiments (Section <*a*> —iii).

<*c*> *Plasmids, bacteriophages, and other viruses.* Recombinants formed between EK-type vectors and other plasmid or virus DNAs have in common the potential for acting as double vectors because of the replication functions in these DNAs. The containment conditions given below apply only to propagation of the DNA recombinants in *E. coli* K–12 hosts. They do not apply to other hosts where they may be able to replicate as a result of functions provided by the DNA inserted into the EK vectors. These are considered under other host-vector systems.

(1) *Animal viruses.* P4+EK2 or P3+EK3 shall be used to isolate DNA recombinants that include all or part of the genome of an animal virus. This recommendation applies not only to experiments of the "shotgun" type but also to those involving partially characterized subgenomic segments of viral DNAs (for example, the genome of defective viruses, DNA fragments isolated after treatment of viral genomes with restriction enzymes, etc). When cloned recombinants have been shown by suitable biochemical and biological tests to be free of harmful regions, they can be handled in P3+EK2 conditions. In the case of DNA viruses, harmless regions include the late region of the genome; in the case of DNA copies of RNA viruses, they might include the genes coding for capsid proteins or envelope proteins.

(ii) *Plant viruses.* P3+EK1 or P2+EK2 conditions shall be used to form DNA recombinants that include all or part of the genome of a plant virus.

(iii) *Eukaryotic organelle DNAs.* The containment conditions given below apply only when the organelle DNA has been purified[6] from isolated organelles. Mitochondrial DNA from primates: P3+EK1 or P2+EK2. Mitochondrial or chloroplast DNA from other eukaryotes: P2+EK1. Otherwise, the conditions given under shotgun experiments apply.

(iv) *Prokaryotic plasmid and phage DNAs. Plasmids and phage from hosts that exchange genetic—information with E. coli.* Experiments with DNA recombinants formed from plasmids or phage genomes that have not been characterized with regard to presence of harmful genes or are known to contribute significantly to the pathogenicity of their normal hosts must use the containment conditions specified for shotgun experiments with DNAs from the respective host. If the DNA recombinants are formed from plasmids or phage that are known not to contain harmful genes, or from purified[6] and characterized plasmid or phage DNA segments known not to contain harmful genes, the experiments can be performed with P1 physical containment+an EK1 host-vector.

Plasmids and phage from hosts that do not exchange genetic information with E. coli. The rules for shotgun experiments with DNA from the host apply to their plasmids or phages. The minimum containment conditions for this category (P2+EK2, or P3+EK1) can be used for plasmid and phage, or for purified[6] and characterized segments of plasmid and phage DNAs, when the risk that the recombinant DNAs will increase the pathogenicity or ecological potential of the host is judged to be minimal.

NOTE: Where applicable, cDNAs (i.e., complementary DNAs) synthesized in vitro from cellular or viral RNAs are included within each of the above classifications. For example, cDNAs formed from cellular RNAs that are not purified and characterized are included under <*a*>, shotgun experiments; cDNAs formed from purified and characterized RNAs are included under <*b*>; cDNAs formed from viral RNAs are included under <*c*>; etc.

3. *Experiments with other prokaryotic host-vectors.* Other prokaryotic host-vector systems are at the speculative, planning, or developmental stage, and consequently do not warrant detailed treatment here at this time. However, the containment criteria for different types of DNA recombinants formed with *E. coli* K–12 host-vectors can, with the aid of some general principles given here, serve as a guide for containment conditions with other host-vectors when appropriate adjustment is made for their different habitats and characteristics. The newly developed host-vector systems should offer some distinct advantage over the *E. coli* K–12 host-vectors—for instance, thermophilic organism or other host-vectors whose major habitats do not include humans and/or economically important animals and plants. In general, the strain of any prokaryotic species used as the host is to conform to the definition of Class 1 etiologic agents given in ref. 5 (i.e., "Agents for no or minimal hazard * * *"), and the plasmid or phage vector should not make the host more hazardous. Appendix A gives a detailed discussion of the *B. subtilis* system, the most promising alternative to date.

At the initial stage, the host-vector must exhibit at least a moderate level of biological containment comparable to EK1 systems, and should be capable of modification to obtain high levels of containment comparable to EK2 and EK3. The type of confirmation test(s) required to move a host-vector from an EK2-type classification to an EK3-type will clearly depend upon the preponderant habitat of the host-vector. For example, if the unmodified host-vector propagates mostly in, on, or around higher plants, but not appreciably in warm-blooded animals, modification should be designed to reduce the probability that the host-vector can escape to and propagate in, on, or around such plants, or transmit recombinant DNA to other bacterial hosts that are able to occupy these ecological niches, and it is these lower probabilities which must be confirmed. The following principles are to be followed in using the containment criteria given for experiments with *E. coli* K–12 host-vectors as a guide for other prokaryotic systems. Experiments with DNA from prokaryotes (and their plasmids or viruses) are classified according to whether the prokaryote in question exchanges genetic information with the host-vector or not, and the containment conditions given for these two classes with *E. coli* K–12 host-vectors applied. Experiments with recombinants between plasmid or phage vectors and DNA that extends the range of resistance of the recipient species to therapeutically useful drugs must use P3 physical containment + a host-vector comparable to EK1 or P2 physical containment + a host-vector comparable to EK2. Transfer of recombinant DNA to plant pathogens can be made safer by using nonreverting, doubly auxotrophic, non-pathogenic variants. Experiments using a plant pathogen that affects an element of the local flora will require more stringent containment than if carried out in areas where the host plant is not common.

Experiments with DNAs from eukaryotes (and their plasmids or viruses) can also follow the criteria for the corresponding experiments with *E. coli* K–12 vectors if the major habitats of the given host-vector overlap those of *E. coli*. If the host-vector has a major habitat that does not overlap those of *E. coli* (e.g., root nodules in plants), then the containment conditions for some eukaryotic recombinant DNAs ned to be increased (for instance, higher plants and their viruses in the preceding example) while others can be reduced.

4. *Experiments with eukaryotic host-vectors*—<*a*> *Animal host-vector systems.* Because host cell lines generally have little if any capacity for propagation outside the laboratory, the primary focus for containment is the vector, although cells should also be derived from cultures expected to be of minimal hazard. Given good microbiological practices, the most likely mode of escape of recombinant DNAs from a physically contained laboratory is carriage by humans; thus vectors should be chosen that have little or no ability to replicate in human cells. To be used as a vector in a eukaryotic host, a DNA molecule needs to display all of the following properties:

(1) It shall not consist of the whole genome of any agent that is infectious for humans or that replicates to a significant extent in human cells in tissue culture.

(2) Its functional anatomy should be known—that is, there should be a clear idea of the location within the molecule of:

(a) The sites at which DNA synthesis originates and terminates,

(b) The sites that are cleaved by restriction endonucleases,

(c) The template regions for the major gene products.

(3) It should be well studied genetically. It is desirable that mutants be available in adequate number and variety, and that quantitative studies of recombination have been performed.

(4) The recombinant must be defective, that is, its propagation as a virus is dependent upon the presence of a complementing helper genome. This helper should either (a) be integrated into the genome of a stable line of host cells (a situation that would effectively limit the growth of the vector to that particular cell line) or (b) consist of a defective genome or an appropriate conditional lethal mutant virus (in which case the experiments would be done under nonpermissive conditions), making vector and helper dependent upon each other for propagation. However, if none of these is available, the use of a non-defective genome as helper would be acceptable.

Currently only two viral DNAs can be considered as meeting these requirements: These are the genomes of polyoma virus and SV40.

Of these, polyoma virus is highly to be preferred. SV40 is known to propagate in human cells, both *in vivo* and *in vitro*, and to infect laboratory personnel, as evidenced by the frequency of their conversion to producing SV40 antibodies. Also, SV40 and related viruses have been found in association with certain human neurological and malignant diseases. SV40 shares many properties, and gives complementation, with the common human papova viruses. By contrast, there is no evidence that polyoma infects humans, nor does it replicate to any significant extent in human cells *in vitro*. However, this system still needs to be studied more extensively. Appendix B gives further details and documentation.

Taking account of all these factors:

1. Polyoma virus. a Recombinant DNA molecules consisting of defective polyoma virus genomes plus DNA sequences of any nonpathogenic organism, including Class 1 viruses (5), can be propagated in or used to transform cultured cells. P3 conditions are required. Appropriate helper virus can be used if needed. Whenever there is a choice, it is urged that mouse cells, derived preferably from embryos, be used as the source of eukaryotic DNA. Polyma virus is a mouse virus and recombinant DNA molecules containing both viral and cellular sequences are already known to be present in virus stocks grown at a high multiplicity. Thus, recombinants formed *in vitro* between polyoma virus DNA

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and mouse DNA are presumably not novel from an evolutionary point of view.

b. Such experiments are to be done under P4 conditions if the recombinant DNA contains segments of the genomes of Class 2 animal viruses (5). Once it has been shown by suitable biochemical and biological tests that the cloned recombinant contains only harmless regions of the viral genome (see Section IIIB-2-c-i) and that the host range of the polyoma virus vector has not been altered, experiments can be continued under P3 conditions.

2. *SV40 Virus. a.* Defective SV40 genomes, with appropriate helper, can be used as a vector for recombinant DNA molecules containing sequences of any non-pathogenic organism or Class I virsus (5), (i.e., a shotgun type experiment). P4 conditions are required. Established lines of cultured cells should be used.

b. Such experiments are to be carried out in P3 (or P4) conditions if the non-SV40 DNA segment is (a) a purified [4] segment of prokaryotic DNA lacking toxigenic genes, or (b) a segment of eukaryotic DNA whose function has been established, which does not code for a toxic product, and which has been previously cloned in a prokaryotic host-vector system. It shall be confirmed that the defective virus—helper virus system does not replicate significantly more efficiently in human cells in tissue culture than does SV40, following infection at a multiplicity of infection of one or more helper SV40 viruses per cell.

c. A recombinant DNA molecule consisting of defective SV40 DNA lacking substantial segments of the late region, plus DNA from non-pathogenic organisms or Class I viruses (5), can be propagated as an autonomous cellular element in established lines of cells under P3 conditions provided that there is no exogenous or endogenous helper, and that it is demonstrated that *no* infectious virus particles are being produced. Until this has been demonstrated, the appropriate containment conditions specified in 2 *a.* and 2. b. shall be used.

d. Recombinant DNA molecules consisting of defective SV40 DNA and sequences from non-pathogenic prokaryotic or eukaryotic organisms or Class I viruses (5) can be used to transform established lines of non-permissive cells under P3 conditions. It must be demonstrated that no infectious virus particles are being produced; rescue of SV40 from such transformed cells by co-cultivation or transfection techniques must be carried out in P4 conditions.

3. Efforts are to be made to ensure that all cell lines are free of virus particles and mycoplasma.

Since SV40 and polyoma are limited in their scope to act as vectors, chiefly because the amount of foreign DNA that the normal virions can carry probably cannot exceed 2×10^6 daltons, the development of systems in which recombinants can be cloned and propagated purely in the form of DNA, rather than in the coats of infectious agents is necessary. Plasmid forms of viral genomes or organelle DNA need to be explored as possible cloning vehicles in eukaryotic cells.

<b> *Plant host-vector systems.* For cells in tissue cultures, seedlings, or plant parts (e.g., tubers, stems, fruits, and detached leaves) ,or whole mature plants of small species (e.g., *Arabidopsis*) the P1–P4 containment conditions that we have specified previously are relevant concepts. However, work with most plants poses additional problems.

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The greenhouse facilities accompanying P2 laboratory physical containment conditions can be provided by: (i) Insect-proof greenhouses, (ii) appropriate sterilization of contaminated plants, pots, soil, and runoff water, and (iii) adoption of the other standard practices for microbiological work. P3 physical containment can be sufficiently approximated by confining the operations with whole plants to growth chambers like those used for work with radioactive isotopes: *Provided*, That (i) such chambers are modified to produce a negative pressure environment with the exhaust air appropriately filtered, (ii) that other operations with infectious materials are carried out under the specified P3 conditions, and (iii) to guard against inadvertent insect transmission of recombinant DNA, growth chambers are to be routinely fumigated and only used in insect proof rooms. The P2 and P3 conditions specified earlier are therefore extended to include these cases for work on higher plants.

The host cells for experiments on recombinant DNAs may be cells in culture, in seedling or plant parts. Whole plants or plant parts that cannot be adequately contained shall not be used as hosts for shotgun experiments at this time, and attempts to infect whole plants with recombinant DNA shall not be initiated until the effects on host cells in culture, seedlings or plant parts have been thoroughly studied.

Organelle or plasmid DNAs and DNAs of viruses of restricted host range may be used as vectors. In general, similar criteria for selecting host-vectors to those given in the preceding section on animal systems are to apply to plant systems.

DNA recombinants formed between the initial moderately contained vectors and DNA from cells of species in which the vector DNA can replicate, require P2 physical containment. However, if the source of the NA is itself pathogenic or known to carry pathogenic agents, or to produce products dangerous to plants, or if the vector is an unmodified virus of unrestricted host range, the experiments shall be carried out under P3 conditions.

Experiments on recombinant DNAs formed between the above vectors and DNAs from other species can also be carried out under P2 if that DNA has been purified [4] and determined not to contain harmful genes. Otherwise, the experiments shall be carried out under P3 conditions if the source of the inserted DNA is not itself a pathogen, or known to carry such pathogenic agents, or to produce harmful products—and under P4 conditions if these conditions are not met.

The development and use of host-vector systems that exhibit a high level of biological containment permit a decrease of one step in the physician containment specified above (P4→P3→P2→P1).

<c> *Fungal or similar lower eukaryotic host-vector systems.* The containment criteria for experiments on recombinant DNAs using these host-vectors most closely resemble those for prokaryotes, rather than those for the preceding eukaryotes, in that the host cells usually exhibit a capacity for dissemination outside the laboratory that is similar to that for bacteria. We therefore consider that the containment guidelines given for experiments with *E. coli* K–12 and other prokaryotic host-vectors (Sections IIIB–1 and –2, respectively) provide adequate direction for experiments with these lower eukaryotic host-vectors. This is particularly true at this time since the development of these host-vectors is presently in the speculative stage.

IV. Roles and Responsibilities

Safety in research involving recombinant DNA molecules depends upon how the research team applies these guidelines. Motivation and critical judgment are necessary, in addition to specific safety knowledge, to ensure protection of personnel, the public, and the environment.

The guidelines given here are to help the principal investigator determine the nature of the safeguards that should be implemented. These guidelines will be incomplete in some respects because all conceivable experiments with recombinant DNAs cannot now be anticipated. Therefore, they cannot substitute for the investigator's own knowledgeable and discriminating evaluation. Whenever this evaluation calls for an increase in containment over that indicated in the guidelines, the investigator has a responsibility to institute such an increase. In contrast, the containment conditions called for in the guidelines should not be decreased without review and approval at the institutional and NIH levels.

The following roles and responsibilities define an administrative framework in which safety is an essential and integrated function of research involving recombinant DNA molecules.

A. *Principal investigator.* The principal investigator has the primary responsibility for: (i) Determining the real and potential biohazards of the proposed research, (ii) determining the appropriate level of biological and physical containment, (iii) selecting the microbiological practices and laboratory techniques for handling recombinant DNA materials, (iv) preparing procedures for dealing with accidental spills and overt personnel contamination, (v) determining the applicability of various precautionary medical practises, serological monitoring, and immunization, when available, (vi) securing approval of the proposed research prior to initiation of work, (vii) submitting information on purported EK2 and EK3 systems to the NIH Recombinant DNA Molecule Program Advisory Committee and making the strains available to others, (viii) reporting to the institutional biohazards committee and the NIH Office of Recombinant DNA Activities new information bearing on the guidelines, such as technical information relating to hazards and new safety procedures or innovations, (ix) applying for approval from the NIH Recombinant DNA Molecule Program Advisory Committee for large scale experiments with recombinant DNAs known to make harmful products (i.e., more than 10 liters of culture), and (x) applying to NIH for approval to lower containment levels when a cloned DNA recombinant derived from a shotgun experiment has been rigorously characterized and there is sufficient evidence that it is free of harmful genes.

Before work is begun, the principal investigator is responsible for: (i) Making available to program and support staff copies of those portions of the approved grant application that describe the biohazards and the precautions to be taken, (ii) advising the program and support staff of the nature and assessment of the real and potential biohazards, (iii) instructing and training this staff in the practices and techniques required to ensure safety, and in the procedures for dealing with accidentally created biohazards, and (iv) informing the staff of the reasons and provisions for any advised or requested precautionary medical practises, vaccinations, or serum collection.

During the conduct of the research, the principal investigator is responsible for: (i) Supervising the safety performance of the staff to ensure that the required safety practices and techniques are employed, (ii) investigating and reporting in writing to the NIH Office of Recombinant DNA Activities and the institutional biohazards committee any serious or extended illness of a worker or any accident that results in (a) inoculation of recombinant DNA materials through cutaneous penetration, (b) ingestion of recombinant DNA materials, (c) probable inhalation of recombinant DNA materials following gross aerosolization, or (d) any incident causing serious exposure to personnel or danger of environmental contamination, (iii) invesigating and reporting in writing to the NIH Office of Recombinant DNA Activities and the institutional biohazards committee any problems pertaining to operation and implementation of biological and physical containment safety practices and procedures, or equipment or facility failure, (iv) correcting work errors and conditions that may result in the release of recombinant DNA materials, and (v) ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., genotypic and phenotypic characteristics, purity, etc.).

B. *Institution.* Since in almost all cases, NIH grants are made to institutions rather than to individuals, all the responsibilities of the principal investigator listed above are the responsibilities of the institution under the grant, fulfilled on its behalf by the principal investigator. In addition, the institution is responsible for establishing an institutional biohazards committee [1] to: (i) Advise the institution on policies, (ii) create and maintain a central reference file and library of catalogs, books, articles, newsletters, and other communications as a source of advice and reference regarding, for example, the availability and quality of the safety equipment, the availability and level of biological containment for various host-vector systems, suitable training of personnel and data on the potential biohazards associated with certain recombinant DNAs, (iii) develop a safety and operations manual for any P4 facility maintained by the institution and used in support of recombinant DNA research, (iv) certify to the NIH on applications for research support and annually thereafter, that facilities, procedures, and practices and the training and expertise of the personnel involved have been reviewed and approved by the institutional biohazards committee.

The biohazards committee must be sufficiently qualified through the experience and expertise of its membership and the diversity of its membership to ensure respect for its advice and counsel. Its membership should include individuals from the institution or consultants, selected so as to provide a diversity of disciplines relevant to recombinant DNA technology, biological safety, and engineering. In addition to possessing the professional competence necessary to assess and review specific activities and facilities, the committee should possess or have available to it, the competence to determine the acceptability of its findings in terms of applicable laws, regulations, standards of practices, community attitudes, and health and environmental considerations. Minutes of the meetings should be kept and made available for public inspection. The institution is responsible for reporting names of and relevant background information on the members of its biohazards committee to the NIH.

C. *NIH Initial Review Groups (Study Sections).* The NIH Study Sections, in addition to reviewing the scientific merit of each grant application involving recombinant DNA molecules, are responsible for: (i) Making an independent evaluation of the real and potential biohazards of the proposed research on the basis of these guidelines, (ii) determining whether the proposed physical containment safeguards certified by the institutional biohazards committee are appropriate for control of these biohazards, (iii) determining whether the proposed biological containment safeguards are appropriate, (iv) referring to the NIH Recombinant DNA Molecule Program Advisory Committee or the NIH Office of Recombinant DNA Activities those problems pertaining to assessment of biohazards or safeguard determination that cannot be resolved by the Study Sections.

The membership of the Study Sections will be selected in the usual manner. Biological safety expertise, however, will be available to the Study Sections for consultation and guidance.

D. *NIH Recombinant DNA Molecule Program Advisory Committee.* The Recombinant DNA Molecule Program Advisory Committee advises the Secretary, Department of Health, Education, and Welfare, the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the Director, National Institutes of Health, on a program for the evaluation of potential biological and ecological hazards of recombinant DNAs (molecules resulting from different segments of DNA that have been joined together in cell-free systems, and which have the capacity to infect and replicate in some host cell. either autonomously or as an integrated part of their host's genome), on the development of procedures which are designed to prevent the spread of such molecules within human and other populations, and on guidelines to be followed by investigators working with potentially hazardous recombinants.

The NIH Recombinant DNA Molecule Program Advisory Committee has responsibility for: (1) Revising and updating guidelines to be followed by investigators working with DNA recombinants, (ii) for the time being, receiving information on purported EK2 and EK3 systems and evaluating and certifying that host-vector systems meet EK2 or EK3 criteria, (iii) resolving questions concerning potential biohazard and adequacy of containment capability if NIH staff or NIH Initial Review Group so request, and (iv) reviewing and approving large scale experiments with recombinant DNAs known to make harmful products (e.g., more than 10 liters of culture).

E. *NIH Staff.* NIH Staff has responsibility for: (i) assuring that no NIH grants or contracts are awarded for DNA recombinant research unless they (a) conform to these guidelines, (b) have been properly reviewed and recommended for approval, and (c) include a properly executed Memorandum of Understanding and Agreement, (ii) reviewing and responding to questions or problems or reports submitted by institutional biohazards committees or principal investigators, and disseminating findings, as appropriate, (iii) receiving and reviewing applications for approval to lower containment levels when a cloned DNA recombinant derived from a shotgun experiment has been rigorously characterized and there is sufficient evidence that it is free of harmful genes, (iv) referring items covered under (ii) and (iii) above to the NIH Recombinant DNA Molecule Program Advisory Committee, as deemed necessary, and (v) performing site inspections of all P4 physical containment facilities, engaged in DNA recombinant research, and of other facilities as deemed necessary.

APPENDIX D

V. Foototes

[1] Biological Safety Cabinets referred to in this section are classified as *Class I, Class II* or *Class III* cabinets. A *Class I* cabinet is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high efficiency or high efficiency particulate air (HEPA) filter before discharged to the outside atmosphere. This cabinet is used in three operational modes; (1) with an 8 inch high full width open front, (2) with an installed front closure panel (having four eight inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm length rubber gloves. The face velocity of the inward flow of air through the full width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor. Michigan. A *Class III* cabinet is a closed front ventilated cabinet of gas tight construction which provides the highest level of personnel protection of all Biohazard Safety Cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through HEPA filters or incinerated before being discharged to the outside environment.

[2] Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection and/or conjugation with transfer of phage, plasmid and/or chromosomal genetic information.

[3] The bacteria which constitute Class 2 of ref. 5 ("Agents of ordinary potential hazard . . .") represent a broad spectrum of etiologic agents which possess different levels of virulence and degrees of communicability. We think it appropriate for our specific purpose to further subdivide the agents of Class 2 into those which we believe to be of relatively low pathogenicity and those which are moderately pathogenic. The several specific examples given may suffice to illustrate the principle.

[4] The terms "characterized" and "free of harmful genes" are unavoidably vague. But in this instance, before containment conditions lower than the ones used to clone the DNA can be adopted, the investigator must obtain approval from the National Institutes of Health. Such approval would be contingent upon data concerning: (a) The absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or which code for toxic substances), (b) the relation between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable), and (c) maintenance of the biological properties of the vector.

[5] A DNA preparation is defined as enriched if the desired DNA represents at least 99% (w/w) of the total DNA in the preparation. The reason for lowering the containment level when this degree of enrichment has been obtained is based on the fact that the total number of clones that must be examined to obtain the desired clone is

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markedly reduced. Thus, the probability of cloning a harmful gene could, for example, be reduced by more that 10⁶-fold when a non-repetitive gene from mammals was being sought. Furthermore, the level of purity specified here makes it easier to establish that the desired DNA does not contain harmful genes.

"True DNA preparation is defined as purified if the desired DNA represents at least 99 percent (w/w) of the total DNA in the preparation, provided that it was verified by more than one procedure.

In special circumstances, in consultation with the NIH Office of Recombinant DNA Activities, an area biohazards committee may be formed, composed of members from the institution and or other organizations beyond its own staff, as an alternative when additional expertise outside the institution is needed for the indicated reviews.

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APPENDIX A TO APPENDIX D

STATEMENT ON THE USE OF BACILLUS SUBTILIS IN RECOMBINANT MOLECULE TECHNOLOGY

Unquestionably, *Escherichia coli* is the most well characterized unicellular organism. Years of basic research have enabled investigators to develop a well characterized genetic map, to obtain detailed knowledge of virulent and temperate bacteriophages, and to explore the physiology, genetics, and regulation of plasmids. More recently, the development of DNA-mediated transformation has permitted exogenous fragments or molecules of DNA to be incorporated into the genome or to reside as self-replicating units. The discovery of transformation of *Bacillus subtilis* by Spizizen (1) stimulated the development of an alternative model system. The purpose of this report is to summarize the current status of this genetic system and to describe the actual and potential vectors and vehicles available for recombinant molecule technology.

A. *Current knowledge of the chromosomal architecture and mechanisms of genetic exchange in B. subtilis.* Two mechanisms of genetic exchange have been utilized to establish the linkage map of *B. subtilis*, DNA-mediated transformation (capable of transferring approximately 1 percent of the genome) and transduction with bacteriophage PBS1 (capable of transferring 5-8 percent of the chromosome). Recent detailed genetic studies with PBS1 by Lepesant-Kejzlorova *et al.* (2) have resulted in the development of a circular genetic map for this organism. The current edition of the map (3) contains 196 loci. Biophysical analyses have established that the chromosome is circular (4) and replicates bidirectionally (5).

Transformation with purified fragments of DNA is a highly efficient process in *B. subtilis* with frequencies of 1 to 4 percent usually attained for any auxotrophic or antibiotic resistance markers. Frequencies of approximately 10 percent transformation can be achieved with DNA prepared from gently lysed L-forms or protoplasts (6). These large fragments of DNA are readily incorporated by the recipient cell. Generalized transduction occurs with bacteriophages SP10 (7), PBS1 (8), and SPP1 (9), while a low frequency of specialized transduction has been reported with bacteriophage φ105 (10).

Although transformation is most efficient in homologous crosses (*B. subtilis* into *B. subtilis*), it has also been possible to exchange DNA among closely related species (11). The most extensively studied members of the *B. subtilis* genospecies include *B. licheniformis*, *B. pumilus*, *B. amyloliquefaciens*, and *B. globigii* (refer to reference 12 for a review and references 13-15 for examples of this heterologous exchange). This exchange occurs even though there is a surprisingly wide discrepancy between DNA-DNA hybridization among these organisms (16). Even though the frequency of transformation is low in the heterologous cross [e.g., *B. amyloliquefaciens* (donor)/*B subtilis* (recipient)], the newly acquired DNA from *B. amyloliquefaciens* in the *B. subtilis* background can be readily transferred at high efficiencies to other recipient strains of *B. subtilis* (14). Therefore, the extremely high frequency of transformation permits the recognition and selection of rare events.

B. *Current and potential vectors for recombinant molecule experiments.* Lovett and coworkers have recently described crypti plasmids in *B. pumilus* (17) and *B. subtilis* (18). Of these organisms, *B. subtilis* ATCC 7003 appears to be the most useful since it carries one to two copies of a plasmid with a molecular weight of 46 × 10⁶. This strain is also closely related to *B. subtilis* 168. Another strain of *B. subtilis* (ATCC 15841) contains 16 copies of a plasmid with a molecular weight of 4.6 × 10⁶. Currently it is not known whether genetic markers can be readily introduced into these plasmids. To date it has not been possible to readily stabilize plasmids derived from *B. pumilus* in *B. subtilis* even with heavy selective pressure (P. Lovett, personal communication).

Two temperate bacteriophages are under development as vectors in *B. subtilis*, φ3T and SPO2. Lysogeny of thymine auxotrophs (strains carrying *thyA thyB*) by bacteriophage φ3T results in "conversion" to a Thy⁺ phenotype. The attachment site for this bacteriophage and the bacteriophage gene for thymidylate synthetase (*thyP*) map between the bacterial *thyA* and *thyB* loci in the terminal region of the chromosome of *B. subtilis* (19). The viral genome is readily cleaved by the site-specific endonuclease, Bam I (20), to produce 5 fragments (one of which carries the *thyP* gene). The *thyP* carrying gene can be integrated into the bacterial genome in the absence of the intact viral genome. Because deletions are available that include the *thyP* region, it is theoretically possible to introduce *thyP* at many sites on the chromosome. The *thyP* gene can be readily purified for insertion into plasmids or utilized as a scaffold to integrate other heterologous DNA into the chromosome of *B. subtilis*. Alternatively, it is possible to purify fragments of the chromosome by gel electrophoresis (21, 22), for insertion into bacteriophage φ3T or SPO2. At present, unfortunately, only the former carries a selective marker, i.e., the gene for thymidylate synthetase, *thyP*.

C. *Development of vehicles. B. subtilis* is a Gram-positive sporulating rod that usually inhabits soil. Although it can exist on cutaneous surfaces of man (23) and experimental animals, it rarely produces disease. To develop a suitable vehicle it is imperative to have a host that is asporogenic. The most appropriate deletion mutation is deletion 29 (cit D). In addition to a deficiency in sporulation this mutant rapidly lyses when it has reached the end of its growth cycle. Presumably this is due to the failure to inactivate one of the autolytic enzymes (24). Through the introduction of a D-alanine requirement (34 ug/ml) it is possible to block transport of compounds that are transported by active transport (25,26). The further introduction of thymine auxotrophy (defects in the *thyA thyB* loci) will enable the strain to survive only with a plasmid vector carrying the purified *thyP* gene from bacteriophage φ3T or a defective bacteriophage φ3T carrying the *thyP* gene but attached to the chromosome at an alternative site (due to the presence of deletion 29 in the host). We have recently isolated temperature-sensitive *thyP* mutants. If we can isolate a temperature-dependent lysogen that will grow only at 48°C it should be possible to make an unusual vehicle.

D. *Site-specific endonucleases.* Recently two restriction modification systems have been observed between *B. subtilis* 168 and other bacilli. Trautner *et al.* have isolated an effective system that inhibits infection of the R strain of *B. subtilis* by bacteriophage SPPI propagated on *B. subtilis* 168 (27). The site-specific nuclease recognizes the sequence

GGCC,
CCGG

Young, Radnay, and Wilson observed a restriction modificaiton system between *B. amyloliquefaciens* and *B. subtilis* 168 (28). The endonuclease from *B. amyloliquefaciens* (20) recognizes the sequence GGTAC (29).

CCTAGG

More recently, two additional enzymes have been isolated from *B. globigii* (30). The recognition sequence is not known.

E. *Advantages and liabilities of the B. subtilis system*—a. *Advantages.* 1. *B. subtilis* is nonpathogenic. Asporogenic deletion mutants are available to preclude the problem of persistence through sporulation.

2. The circular chromosomal map is well defined. At least 196 loci have been positioned.

3. The organism is commercially important in the fermentation industry.

4. Large numbers of organisms can be disposed of readily with minimal environmental impact.

5. Unlike *E. coli*, it lacks endotoxin in the cell wall. Therefore the cells can be used as a single cell protein source.

6. The frequency of transformation is very high, facilitating the detection of rare events.

7. A unique bacteriophage, φ3T, exists that carries a gene that can be readily purified for "scaffolding" experiments.

b. *Disadvantages.* 1. The knowledge of genetics and physiology of plasmids and viruses is primitive compared with *E. coli*.

2. High-frequency, specialized transduction is not available as a means of gene enrichment.

Based on its promise, it seems appropriate, and not chauvinistic, to urge development of this system.

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APPENDIX B TO APPENDIX D

POLYOMA AND SV40 VIRUS

Polyoma virus is a virus of mice, and infection of wild mouse populations is a common events, for the virus has often been isolated from a high proportion of healthy adult animals, both wild and laboratory bred, of many colonies (Gross, L., Proc. Soc. Exp. Biol. *88*, 362–368, 1955; Rowe, W. P., Bact. Rev. *25*, 18–31, 1961). As far as is known the virus almost never causes a disease in these animals. However, when large quantities of the virus are inoculated into newborn or suckling mice or hamsters, a variety of solid tumors is induced (Gross, L., Oncogenic Viruses, Second Edition, Pergamon Press, NY).

Polyoma virus grows lytically in mouse cells in tissue culture. Thus mouse cells in culture are probably transformed only by virus particles that contain certain kinds of defective geonmes. Cells of other rodent species, however, can be transformed by polyoma virus particles that contain complete genomes (Folk, W., J. Virol., *11*, 424–431, 1973). The virus does not replicate to a significant extent in human cells in tissue culture (Eddy, B.E., Virol. Monogr., *7*, 1–114, 1969; Pollack, R. E., Salas, J., Wang R. Kusano T., and Green, H., J. Cell Physiol. *77*, 117–120, 1971). The resistance of the cells seems to be a consequence of the failure of the virus to absorb or uncoat. However even when naked viral DNA is introduced into the cells only an abortive cycle of replication ensues; early viral proteins are made, there is induction of cellular DNA synthesis, but no expression of late viral proteins is detectable (Gruen, R., Grassmann, M. and Grassmann, A. Virology, *58*, 290–293, 1974).

There is no evidence that polyoma virus can infect humans (Hartley, J., Huebner, R., Parker, J. and Rowe, W. P., unpublished data). Thus no antibodies to the virus have been detected in people living in buildings that are infested with virus-infected mice, nor in laboratory workers who have been exposed to the virus for a number of years.

At most, a small segment of polyoma virus DNA shows weak homology with a portion of the late region of SV40 DNA (Ferguson, J. and Davis, R. W., J. Mol. Biol., *94*, 135–150, 1975). However, there appears to be no genetic interaction between the two viruses and there is no immunological cross-reaction between the gene products of the two viruses.

SV40 causes persistent but apparently harmless infections of the kidneys of virtually all adult rhesus monkeys (Hsiung, G. D., Bact. Revs. *32*, 185–205, 1968), it causes tumors when injected into newborn hamsters (Girardi, A. J., Sweet, B. H., Slotnick, V. B. and Hillemann, M. R., Proc. Soc. Exp. Biol. Med., *105*, 420–427, 1964) and transforms cells of several mammalian species (including human). SV40 is able to infect humans since antibodies to the virus are found in a small proportion of the human population (Shah, K. V., Goverdhan, M. K. and Ozer, H. L., Am. J. Epid. *93*, 291–298, 1970) and serum conversions have been noted in many laboratory personnel who have been exposed to the virus (Horvath, L. B., Acta Microbiol. Acta Sci. Hung. *12*, 201–206, 1965).

Isolations of SV40 have been reported from humans, twice from patients suffering from the rare demyelinating disease, progressive multifocal leukoencephalopathy (Weiner, L., Herndon, R., Narayon, O., Johnson, R. T., Shah, K., Rubinstein L. G. Prezozisi T. J. and Conley, F. K., New England J. Med *286*, 385–390, 1972) and apparently from a tumor of a person with metastatic melanoma (Sortano, F., Shelburne, C. E. and Gokcen, M., Nature, *249*, 421–424, 1974). In other studies a nonstructural antigen characteristic of papovaviruses, T antigen, has been detected in the nuclei of cells cultured from 2 meningiomas, while another SV40-specific antigen, U antigen, has been found in the cells of a third tumor of the same type (Weiss, A. F., Portman, R., Fisher, H., Simon, J. and Zang, K. D., Proc, Nat. Acad. Sci. USA *72*, 609–613, 1975). Furthermore new papovaviruses have been isolated from the brains of patients with PML (JC virus-Padgett, B. L., Walker, D. L., zuRhein, G. M., Eckroade, R. I. and Dessel, B. H., Lancet *1*, 1257–1260, 1971), from the urine of a patient carrying a renal allograft (BK virus-Gardner, S. D., Field, A. M., Coleman, D. V. and Hulme, B. Lancet *1*, 1253–1257, 1971) and from a reticulum cell sarcoma and the urine of patients with the sex-linked recessive disorder, Wiskott-Aldrich syndrome (Takemoto, K. K., Rabson, A. S., Mullarkey, M. F., Blaese, R. M. Garon, C. F. and Nelson, D. J., Nat. Cancer Inst., *53*, 1205–1207, 1974). All of these viruses which are distributed widely throughout human populations share antigenic and biological properties with SV 40; the virus particles are identical in size and architecture (Madeley, C. R., In Virus Morphology, Churchill-Livingstone, London, 134–135, 1972); the non-structural intracellular T antigen, which appears to be coded by the A gene of SV40 cross reacts extensively with antigens found in cells infected or transformed by BK or JC viruses; both JC and BK viruses induce tumors in newborn hamsters (Walter, D. L., Padgett, B. L., zuRhein, B. M., Albert, A. E. and Marsh, R. F., Science *181*, 674–676, 1973; Shah, K. V., Daniel, R. W. and Strandberg, J., J. Nat. Cancer Inst. *54*, 945–950, 1975); BK virus causes transformation of hamster cells in culture (Major, E. D., and DiMayorca, G., Proc. Nat. Acad. Sci. US *70*, 3210–3212, 1973; Portolani, M., Barbanti, A., Brodano, G. and LaPlaca, M.J., Virol, *15*, 420–422, 1975) and is able to complement the growth of certain temperature-sensitive mutants of SV40 (Mason, D. H. and Takemoto, K. K., submitted for publication).

FURTHER WORK

At present, a potential eukaryotic vector of choice is polyoma virus. And while available information indicates that it fulfills all the necessary criteria, we recommend that the following subjects be further investigated:

1. The molecular mechanism of resistance of human cells to the virus.

2. The extent of homology between polyoma virus DNA and the DNAs of human papovaviruses.

3. The ability of human papovaviruses to complement defective polyoma virus genomes.

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APPENDIX C TO APPENDIX D

SUMMARY OF THE WORKSHOP ON THE DESIGN AND TESTING OF SAFER PROKARYOTIC VEHICLES AND BACTERIAL HOSTS FOR RESEARCH ON RECOMBINANT DNA MOLECULES

Torrey Pines Inn, La Jolla, California

The development of techniques for the cloning of DNA from both prokaryotic and eukaryotic organisms in bacteria has had great impact on research in biology and medicine and promises extraordinary social benefits. The biohazards involved in the use of this technology in many instances are very difficult to assess. For this reason codes of practice are being formulated in the United States and other countries for the conduct of those experiments that present a potential biohazard. One of the requirements for conducting certain cloning experiments is the use of safer vector (bacteriophage or plasmid) -host systems, i.e., vector-bacterium systems that have restricted capacity to survive outside of controlled conditions in the laboratory. Approximately sixty scientists from the United States and several foreign countries participated in a workshop on the Design and Testing of Safer Prokaryotic Vehicles and Bacterial Hosts for Research on Recombinant DNA Molecules at La Jolla, California, on December 1 to 3, 1975. The workshop was sponsored by the Research Resources Branch of the National Institute of Allergy and Infectious Diseases. The purposes of the meeting were the exchange of recent data on the development of safer prokaryotic host-vector systems, devising methods of testing the level of containment provided by these systems and exploring the various directions that future research should take in the construction of safer bacterial systems for the cloning of foreign DNA.

The first session of the workshop, chaired by W. Szybalski (University of Wisconsin), was devoted to bacteriophage vectors. Szybalski outlined the main safety features of the two-component, phage-bacterial system, in which the host bacteria offer the safety feature of not carrying the cloned DNA, and the phage vectors cannot be propagated in the absence of an appropriate host. There are two primary escape routes for the clones of foreign DNA carried by the phage vector: (1) Establishment of a stable prophage or plasmid in the laboratory host used for phage propagation, and subsequent escape of this self replicating lysogen or carrier system, and (2) escape of the phage vector which carries the cloned DNA and its subsequent productive encounter with a suitable host in the natural environment. The general consensus was that to ensure safety, both routes should be blocked by appropriate genetic modifications. For phage λ, route (1) can be blocked by phage mutations that interfere with lysogenization (*att-*, *int-*, cI-, cIII-, *vir*) and plasmid formation (*N*-, *nin*R, rS, *ri*-, c17, *Ots*, *crots*), and by mutations on the *Escherichia coli* host that affect these processes (*att*B-, *dnc*Ats) and host survival. Route (2), (which is of low probability since λ phages do not survive well in natural environments (no λcI phage was recovered after ingestion of 10^8–10^{11} particles), are killed by desiccation, and have a low chance to encounter a naturally sensitive host) can be blocked further by the following phage modifications: (a) Mutations which result in extreme instability of the infectious phage particles under all conditions other than those specially designed for phage propagation in the laboratory (e.g., high concentrations of putrescine or some other compound), or (b) employing phage vectors in which the tail genes are deleted and which permit propagation of only the DNA-packed heads; only under laboratory conditions could such heads be made transiently infectious by rejoining them with separately prepared tails. The high instability of the phage would minimize the possibility of transfer of the cloned genes into receptive bacteria found in nature. Moreover, the propagation of the phage can be blocked by many conditional mutations, which would be designed to block any secondary route of escape, mainly depending on transfer of the cloned DNA into another phage or bacterial host. It was recommended further that the vector be designed in such a manner as to permit easy insertion and monitoring of the foreign DNA and rapid assay of the safety features and give a high yield of cloned DNA (not less than 10^{11} molecules per ml). There also was general agreement that host-phage systems other than *E. coli* should be considered, especially those restricted to very rare and unusual environments. Also, plasmids derived from phage vectors and which give very high DNA yields while exhibiting safety features, e.g., λdvcrots, should be considered as vehicles for cloned DNA.

Szybalski and S. Brenner (Cambridge University) stressed that research on recombinant DNA molecules may lend itself to very simple and inexpensive mechanical containment, e.g., a small sealed glove box, since all the vectors that carry such recombinant molecules possibly can be both created and destroyed in such a box, while development of special methods might permit study of many properties of the recombinant DNA, without ever removing it from the box.

These safety features were reflected in the subsequent presentations. F. Blattner and W. Williams (Universiy of Wisconsin) described four specially constructed λ-ϕ80 phages which incorporate many of these safety features, and which they named Charon phages, for the mythical boatman of the river Styx. Some of these highly contained phages give yields of over 10^{11} particles/ml. R. Davis, J. Cameron and K. Struhl (Stanford University) found that λ phages that carry foreign DNA never grow as well as the parental vector, which would select against their survival in nature. They also reported that some eukaryotic genes could be expressed in *E. coli*, partially compensating for deficiencies in the histidine pathway or in *polA* or *lig* functions. These investigators surveyed over 1000 strains of *E. coli* isolated in the natural environment and did not find a single strain that could support propagation of the λ*vir* vector.

V. Bode (Kansas State University) discussed the possibility of growing tail-free λ heads. Such heads, which are packed with DNA, are very fragile, unless stored in 0.1 M putrescine buffer. Head yields close to 10^{13}/ml could easily be attained and, when required, heads could be quantitatively rejoined with separately supplied tails under special laboratory conditions. W. Arber, D. Scandella and J. Elliott (University of Basel) described bacterial host mutants that permit efficient infection only by phages with a full complement of DNA. This permits selecting for vectors that carry long fragments of foreign DNA.

K. Matsubara, T. Mukai and Y. Takagi (University of Osaka and Kyushu University), and G. Hobom and P. Philippsen (University of Freiburg and Stanford University) described various defective λ plasmids (λdv) that could be used as efficient vectors. Matsubara has shown that temperature-sensitive *cro* mutations permit obtaining between 1000 and 3000 cloned molecules per cell and at the same time result in killing of the carrier cells at body temperature. The mutations *Ots* and *Pts* were also evaluated as safety features. Philippsen described many new λdv plasmids created by cutting λ DNA with *Hind*III and *Bam*I restriction endonucleases followed by ligation. The final talk by F. Young, G. Wilson and M. Williams (University of Rochester) summarized the progress on the development of safer *Bacillus subtilis* host mutants and phages, especially ϕ3, as vectors. New restriction nucleases, Bgl–1 and Bgl–2, were also described.

The morning session on bacteriophage vectors was followed by a session on plasmid vectors that was chaired by D. Helinski (University of California, San Diego). Helinski presented the following properties as highly desirable characteristics of a safer plasmid vehicle: (a) Non-conjugative; (b) non-mobilizable or poorly mobilizable by a conjugative plasmid; (c) possesses little or no extraneous genetic information; (d) poorly recombines or does not recombine with the chromosome of the host cell; (e) provides no selective advantage to the host cell or the selective property is conditional; and (f) possesses mutations that restrict its maintenance to a specific host, prevent replication at mammalian body temperature and/or provide with the capability of killing any cell to which it might be transmitted other than the host cell. V. Hershfield (University of California, San Diego) described the properties of a variety of derivatives of the ColE1 derivatives, ColE1-*trp*, constructed in collaboration with C. Yanofsky and N. Franklin (Stanford University) provides the means to use the tryptophan genes of *E. coli* as a selective marker in transformation with recombinant DNA in situations where it is desirable to avoid antibiotic resistance genes. In addition, Hershfield described collaborative work with H. Boyer that resulted in the development of a mini-ColE1 plasmid and derivatives of this plasmid (mini-ColE1-*kan* and mini-ColE1-*trp*) as cloning vehicles. Finally, she described the temperature-sensitivity properties of *trp* and *kan* derivatives of a temperature-sensitive replication mutant of ColE1 isolated by J. Collins (Molecular Biology Institute, Stockholm) and hybrid ColE1 plasmids carrying the *Eco*RI generated Cts fragment of bacteriophage λ-trp61.

J. Carbon (University of California, Santa Barbara) described a replica plating method that greatly facilitates the detection of *E. coli* clones bearing ColE1 plasmids. The procedure, which utilizes the F′ plasmid to promote the transfer of a hybrid ColE1 plasmid to a suitable auxotrophic recipient, was successful in identifying clones bearing hybrid plasmids carrying a number of different regions of the *E. coli* chromosome. The contributions of A. J. Clark and collaborators (University of California, Berkeley) were relevant to the problem of the mobilization and subsequent transfer of non-conjugative plasmids carrying foreign DNA of a potentially hazardous nature. Clark described the variations in transmission frequencies between the nonconjugative plasmids pSC101, pML31, pSC138 and a number of pSC101 hybrids containing various *Eco*RI fragments of F when the conjugal transfer of these plasmids was promoted by several different conjugative plasmids.

I. C. Gunsalus and collaborators (University of Illinois) and A. Chakrabarty (General Electric Research and Development Center)

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described the properties of a variety of plasmids isolated from *Pseudomonas putida*. These contributions were followed by a discussion on the merits of developing plasmid-host systems involving *Pseudomonas* strains that naturally exhibit unusual growth requirements. Similar studies with plasmids isolated from *Bacillus megaterium* by B. Carlton (University of Georgia) from *B. subtilis* by P. Lovett (University of Maryland) and other naturally occurring *Bacillus* species by W. Goebel and K. Bernhard (Microbiology Institute, Wurzburg) were discussed and their further development as plasmid-host cloning systems was explored. It was clear from these presentations that considerable progress has meen made recently in the identification and characterization of a variety of plasmid elements that occur naturally in *Pseudomonas* and *Bacillus* species. Several of the plasmids described show considerable promise as plasmid cloning systems involving a host other than *E. coli*.

A third session on the ecology and epidemiology of vector-host systems was chaired by S. Falkow (University of Washington). This workshop emerged, in part, from expressed fears that microorganisms containing cloned fragments of foreign DNA may potentially pose a threat to health or disrupt the normal ecological chain in some manner. Consequently, this session was devoted to a review of currently available information on the ecology and epidemiology of *E. coli* and related bacterial species since it was recognized that *E. coli* K–12 would be the prokaryotic host most commonly employed in the cloning of DNA molecules in the immediate future. F. Ørskov (Escherichia Reference Center, Copenhagen) reviewed the state of *E. coli* serotyping and what has been learned about the distribution of *E. coli* types in health and disease. Only certain *E. coli* types are generally recognized as good colonizers of the human gut and such strains come from a handful of the 160 well defined O (lipopolysaccharide) antigen types and invariably possess K (acidic polysaccharide capsule) antigens. Some serotypes apparently have become disseminated worldwide and possibly represent the proliferation of a bacterial clone because of, as yet unknown, selective pressures. In contrast, *E. coli* K–12 has no detectable O or K antigens and is considered to be rough. This may account, at least in part, for its demonstrate poor ability to colonize the human or animal gut. However, R. Freter (University of Michigan) pointed out that we still remain largely ignorant of the factors which control intestinal *E. coli* populations. Freter also noted that while adherence to the mucosal surface of the small intestine is important in the pathogenesis of *E. coli* diarrheal disease, the 'normal' long-lasting symbiotic relationship between a mammalian host and bacterium is established in the cecum and colon. It is in these locations that factors come into play to determine whether an *E. coli* strain passing through the intestine will become successfully implanted or whether it will be quickly eliminated in the feces. The factors controlling implantation include competition for substrates, inhibitors and the physiological state of the organism when it reaches the large bowel. For example, ingested *E. coli* previously grown under usual laboratory conditions fare poorly while cells of the same strain 'pre-adapted' in Eh, pH, etc., often colonize well. Freter has developed a continuous flow culture model which may be useful in studying the mechanisms of implantation. Falkow reviewed the pathogenicity of *E. coli*. *E. coli* causes diarrheal disease either by direct invasion of the bowel epithelium or by elaboration of enterotoxin(s). While invasive *E. coli* appear to owe their pathogenicity to a constellation of at least five unlinked chromosomal gene clusters, toxigenic *E. coli* species generally owe their pathogenicity to the possession of two species, Ent and K. The introduction of Ent and K plasmids may be sufficient to convert a normal wild-type *E. coli* into a strain now capable of causing overt clinical disease. However, the introduction of these plasmids into *E. coli* K–12 sublines had no discernible effect on their ability to cause disease, although the K–12 strains could now better colonize calves. Despite the observation that *E. coli* K–12 did not appear to offer a significant hazard as a potential enteric pathogen even when it possessed well-defined determinants of pathogenicity it was emphasized by Ørskov, Freter and Falkow that *E. coli* K–12 strains carrying recombinant DNA molecules could still act as effective genetic donors *in vivo* and still posed a significant problem requiring control. E. Geldreich (U.S. Environmental Protection Agency, Cincinnati, Ohio) discussed the possible outcomes of the release of *E. coli* containing recombinant DNA molecules into the aquatic environment and concluded that total reliance cannot be placed on sewage treatment and the natural self-purification capacity of receiving waters to limit potential hazards. While these are realistic barriers to the dissemination of *E. coli* and associated fecal organisms via the water route, they are not infallible because of technological limitations, improper operational practices and system overloading. Finally, M. Starr (University of California, Davis) described the numerous genera of gram-negative bacteria found naturally occurring in the soil and on plants. He stated that most of these organisms do not appear to be a reasonable alternative to *E. coli* K–12 as a host for recombinant DNA molecules. Indeed, Starr pointed out that since such genera as *Erwinia*, *Rhizobium* and *Agrobacterium* are known to conjugate with *E. coli*, the potential dissemination of recombinant DNA molecule includes a greater spectrum of microorganisms than just enteric species.

The fourth session of the workshop, chaired by R. Curtiss III (University of Alabama), was concerned with the construction of safer bacterial hosts for DNA cloning. The goals in constructing safer host strains enumerated at the beginning of the session included introduction of mutations that would: (a) Preclude colonization in normal ecological niches; (b) preclude cell wall biosynthesis except in specially defined media; (c) cause degradation of genetic information in normal ecological niches; (d) cause vectors to be host-dependent; (e) minimize transmission of recombinant DNA to other strains in normal ecological niches; (f) increase usefulness for recombinant DNA molecule research; and (g) permit monitoring.

Most of the progress in developing safer hosts has been achieved with *E. coli* K–12, although F. Young described a *B. subtilis* strain with a deletion for sporulation genes which readily undergoes autolysis. The strain also has defects in genes for purine and TTP biosynthesis and a mutation conferring a D-alanine requirement can be introduced to cause cell wall biosynthesis to be defective. This strain may be defective in transformation, however, and therefore might be useful only with a phage vector which has yet to be developed and/or discovered.

A. I. Bukhari (Cold Spring Harbor Laboratory) described the use of the *dapD8* mutation in *E. coli* K–12 to block cell wall biosynthesis and another non-reverting mutation which causes sensitivity to bile salts and detergents. The *dapD8* allele is the most stable *dap* point mutation known, although it does revert at frequencies of 10^{-8} to 10^{-9}. The mutation conferring bile salts sensivity was obtained after Mu-I infection of an Hfr strain and, although exhibiting the theoretically useful properties of ease of DNA isofation and inability to survive in the intestinal tract, might be due to Mu insertion which would compromise its use for safe strain construction.

Curtiss reported on the work performed by him and his coworkers in constructing and testing numerous strains with different mutations. Survival of strains *in vitro* was tested by feeding rats 10^{10} cells in milk by stomach tube. *Δpur* mutations did not reduce strain titers in feces whereas *ΔthyA; ΔthyA drm;* and *ΔthyA dra* mutations gave 10^{2}-fold, 10^{5}-fold and 10^{6}-fold reductions, respectively, in strain titers in feces. Strains with *ΔthyA* mutations also exhibited thymineless death in *in vitro* tests. Since strains with *dapD8* allele can revert to Dap^{+}, strains were constructed with both *dapD8* and *ΔbioH-asd* mutations. These strains have not been observed to revert to Dap^{+} but can survive passage through the rat intestine and in growth media lacking diaminopimelic acid but containing NaCl and 0.5% usable carbon sources. This survival was due to the production of the mucopolysaccharide, colanic acid, which permits many of the cells to grow and survive as spheroplasts. A *Δgal-chl*^{r} mutation (also deletes *λatt, bio* and *uvrB* genes) was introduced which blocks colanic acid biosynthesis and leads to no detectable survivors in media lacking diaminopimelic acid or following passage through the rat intestine. The *dapD8 ΔbioH-asd Δgal-chl*^{r}*-uvrB hsr nalA*^{r} (for ease in monitoring) Su^{-} λ^{r} 480^{r} strain to accomplish this objective.

The final session involved a general discussion of some of the major points raised previously in the workshop. There was general agreement at this session that both plasmid-host and phage-host systems have been developed that should meet the criteria of an EK2 system specified by the National Institutes of Health guidelines for research on recombinant DNA molecules. Additional testing is required to confirm the EK2 properties of these available systems, but it is anticipated that these vector-host systems will meet these tests.

Dr. Donald R. Helinski, University of California, San Diego.
Dr. Stanley Falkow, University of Washington.
Dr. Roy Curtiss III, University of Alabama.
Dr. Waclaw Szybalski, University of Wisconsin.

APPENDIX D TO APPENDIX D

SUPPLEMENTARY INFORMATION ON PHYSICAL CONTAINMENT

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A. Slide-tape cassettes.
B. Films.
C. Courses.
XII. Outline of a safety and operation manual for a P4 facility.
References.

I. BIOLOGICAL SAFETY CABINETS

Biological Safety Cabinets suitable for confining operations involving recombinant DNA molecules are described below:

1. *Class I.* A ventilated cabinet for personnel protection only, with an unrecirculated inward flow of air away from the operator. The exhaust air from this cabinet may be filtered through a high-efficiency or high-efficiency particulate air (HEPA) filter before being discharged to the outside atmosphere. This cabinet is suitable for research work with the Center for Disease Control (CDC) classes of etiologic agents 1, 2 and 3 where no product protection is required. This cabinet may be used in three operational modes: (i) With an eight-inch high, full-width open front; (ii) with an installed front closure panel (having four, eight-inch diameter openings) without gloves; and (iii) with an installed front closure panel equipped with arm length rubber gloves. See Table I for ventilation requirements, agent use limitations, and minimum performance requirements.

2. *Class II.* A ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA-filtered recirculated mass air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. Two models of this cabinet are available, Type 1 and Type 2.

(i) *Type 1.* The Type 1 recirculates approximately 70 percent of the air. The exhaust air from this cabinet may discharge into the laboratory or be diverted out of the laboratory. This cabinet is suitable for CDC classes of etiologic agents 1, 2, and 3. Vapors or gases which are hazardous from a toxic, radioactive, or flammability standpoint should not be used in this cabinet because of the high quantity of recirculated air.

(ii) *Type 2.* The Type 2 cabinet recirculates approximately 30 percent of the air. The exhaust air from this cabinet is normally ducted out of the laboratory through a HEPA filter and, occasionally, an activated charcoal filter depending on the operation. The cabinet may be used with gases or vapors that are hazardous from a toxic, radioactive, or flammability standpoint. However, any consideration of use of such materials should be evaluated carefully from the standpoint of build-up to dangerous levels and problems of decontamination of the cabinet. See Table I for ventilation requirements, agent use limitations, and minimum performance requirements.

3. *Class III.* A closed front ventilated cabinet of gastight construction providing total protection for personnel and product from contaminants exterior to the cabinet. The cabinet is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is HEPA-filtered. Exhaust air is HEPA-filtered or incinerated to protect the environment. This cabinet, fitted with arm length rubber gloves, provides the highest containment of these three classes of cabinets and is utilized for all activities involving high risk agents (i.e., CDC etiologic agents, class 4). See Table I for ventilation requirements, agent use limitations, and minimum performance requirements.

The integrity of any cabinet depends on initial and periodic evaluation to meet established performance tests. Table I outlines the minimum performance required to assure that the cabinets will provide protection of personnel and the environment.

TABLE I

BIOLOGICAL SAFETY CABINETS

SAFETY PERFORMANCE REQUIREMENTS AND SPECIFICATIONS
JUNE 1976

CABINET	USE CLASSIFICATION		PERFORMANCE REQUIREMENTS				
	DNA[a]	CDC[b]	FACE VELOCITY (linear feet per minute)	EXHAUST AIR (CFM)[c] 4' hood	6' hood	LEAK TIGHTNESS	EXHAUST FILTER EFFICIENCY
	—	—					
Class I	P1-P3	1-3	75	200	300	Not applicable	99.97%
Class II, Type 1	P1-P3	1-3	75	260	400	Gas tight; Leak rate < $1x10^{-6}$ cc/sec at 2"wg pressure	99.97%
Class II, Type 2	P1-P3	1-3	100	250	360	Pressure tight; No air/soap bubble at 2"wg pressure	99.97%
Class III	P4	4	Not applicable	d	d	Gas tight; Leak rate < $1x10^{-6}$ cc/sec at 3"wg pressure	99.97%

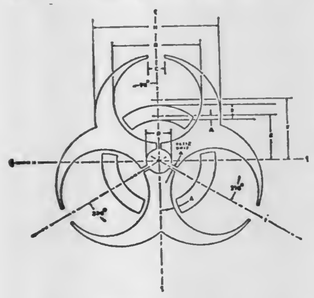
a - For work with recombinant DNA molecules.
b - Center for Disease Control (US Public Health Service).
c - CFM=cubic feet per minute.
d - Based on one volume of air change each 3 minutes, in the absence of unusual heat or moisture that would require more air changes.

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II. UNIVERSAL BIOHAZARD WARNING SYMBOL (1)

The biological hazard warning symbol (biohazard symbol) specified herein shall be used to signify the actual or potential presence of a biohazard and to identify equipment, containers, rooms, materials, experimental animals or combinations thereof which contain or are contaminated with viable hazardous agents.

The biohazard symbol shall be designed and proportioned as illustrated here:



DIMENSION	A	B	C	D	E	F	G	H
UNITS	1	1½	4	6	11½	13	21	36

The symbol shall be as prominent as practical, and of a size consistent with the size of the equipment or material to which it is affixed, provided the proportions shown above are maintained, and, in any case, that the symbol can be easily seen from as many directions as possible.

Except when circumstances do not permit, the symbol shall be oriented with one of the three open circles pointed up and the other two forming a base.

The symbol color shall be a fluorescent orange or orange-red color.* Background color is optional as long as there is sufficient contrast for the symbol to be clearly defined.



Revised 3-7-66
*Day-Glo® Fire Orange of the Switzer Brothers, Inc. is cited as an example, not as endorsement.

The biohazard symbol shall be used or displayed only to signify the actual or potential presence of biological hazard.

Appropriate wording may be used in association with the symbol to indicate the nature or identity of the hazard, name of individual responsible for its control, precautionary information, etc., but never should this information be superimposed on the symbol. (See next page)

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ADMITTANCE TO AUTHORIZED PERSONNEL ONLY

Hazard identity: _____

Responsible Investigator: _____

In case of emergency call:

Daytime phone _____ Home phone _____

Authorization for entrance must be obtained from the Responsible Investigator named above.

III. LABORATORY TECHNIQUES FOR BIOHAZARD CONTROL

A. *Pipetting.* 1. No infectious or toxic materials should be pipetted by mouth (2, 3, 4).

2. No infectious mixtures should be prepared by bubbling expiratory air through a liquid with a pipette (2, 3, 4).

3. No infectious material should be blown out of pipettes (2, 3, 4).

4. Pipettes used for the pipetting of infectious or toxic materials should be plugged with cotton (2, 3, 4).

5. Contaminated pipettes should be placed horizontally in a pan containing enough suitable disinfectant to allow complete immersion (2, 3, 4). They should not be placed vertically in a cyclinder.

6. The pan and pipettes should be autoclaved as a unit and replaced by a clean pan with fresh disinfectant (2, 3, 4).

7. Infectious material should not be mixed by alternate suction and expulsion through a pipette (2, 3, 4).

8. Mark-to-mark pipettes are preferable to other types, as they do not require expulsion of the last drop (5).

9. Discharge should be as close as possible to the fluid or agar level, or the contents should be allowed to run down the wall of the tube or bottle whenever possible—not dropped from a height (5).

10. A disinfectant-wetted towel over the immediate work surface is useful in some cases to minimize the splash from accidental droppage (9).

B. *Syringes and Needles* (9). 1. To lessen the chance of accidental injection, aerosol production or spills, avoid unnecessary use of the syringe and needle. For instance:

(i) Use the needle for parenteral injections but use a blunt needle or a cannula on the syringe for oral or intranasal inoculations.

(ii) Do not use a syringe and needle as a substitute for a pipette in making dilutions of dangerous fluids.

2. Use the syringe and needle in a Biological Safety Cabinet only and avoid quick and unnecessary movements of the hand holding the syringe.

3. Examine glass syringes for chips and cracks, and needles for barbs and plugs.

NOTE: This should be done *prior* to sterilization before use.

4. Use needle-locking (Luer-Lok ® type) syringes only, and be sure that the needle is locked securely into the barrel. A disposable syringe-needle unit (where the needle is an integral part of the unit) is preferred.

5. Wear surgical or other type rubber gloves for all manipulations with needles and syringes.

6. Fill the syringe carefully to minimize air bubbles and frothing of the inoculum.

7. Expel excess air, liquid and bubbles from a syringe vertically into a cotton pledget moistened with the proper disinfectant, or into a small bottle of sterile cotton.

8. Do not use the syringe to expel forcefully a stream of infectious fluid into an open vial or tube for the purpose of mixing. Mixing with a syringe is condoned only if the tip of the needle is held below the surface of the fluid in the tube.

9. If syringes are filled from test tubes, take care not to contaminate the hub of the needle, as this may result in transfer of infectious material to the fingers.

10. When removing a syringe and needle from a rubber-stoppered bottle, wrap the needle and stopper in a cotton pledget moistened with the proper disinfectant. If there is danger of the disinfectant contaminating sensitive experiments, a sterile dry pledget may be used and discarded immediately into disinfectant solution.

11. Inoculate animals with the hand "behind" the needle to avoid punctures.

12. Be sure the animal is properly restrained prior to the inoculation, and be on the alert for any unexpected movements of the animal.

13. Before and after injection of an animal, swab the site of injection with a disinfectant.

14. Discard syringes into a pan of disinfectant without removing the needle. The syringe first may be filled with disinfectant by immersing the needle and slowly withdrawing the plunger, and finally removing the plunger and placing it separately into the disinfectant. The filling action clears the needle and dilutes the contents of the syringe. Autoclave syringes and needles in the pan of disinfectant.

15. Use separate pans of disinfectant for disposable and nondisposable syringes and needles to eliminate a sorting problem in the service area.

16. Do not discard syringes and needles into pans containing pipettes or other glassware that must be sorted out from the syringes and needles.

C. *Opening Culture Plates, Tubes, Bottles, and Ampoules.* 1. Plates, tubes and bottles of fungi may release spores in large nur bers when opened. Such cultures should be manipulated in a Biological Safety Cabinet (6,15).

2. In the absence of definite accidents or obvious spillage, it is not certain that opening of plates, tubes and bottles of other microorganisms has caused laboratory infection. However, it is probable that among the highly infective agents, some infections have occurred by this means and are represented in the 80% for which no known act or accident is ascribable (3).

3. Water of syneresis in petri dish cultures is usually infected and forms a film between the rim and lid of the inverted plate. Aerosols are dispersed when this film is broken by opening the plate. Vented plastic petri dishes where the lid touches the rim at only three points are less likely to offer this hazard (8,19).

4. The risk may also be minimized by using properly dried plates, but even these (when incubated anaerobically) are likely to be wet after removal from an anaerboci jar. Filter papers fitted into the lids reduce, but do not prevent, dispersal. If plates are obviously wet they should be opened in the Biological Safety Cabinet (8).

5. Less obvious is the release of aerosols when screw-capped bottles or plugged tubes are opened. This happens when a film of infected liquid which may collect between the rim and the liner is broken during removal of the closure (8).

6. Dried, infected culture material may also collect at or near the rim or neck of culture tubes and may be disposed into the air when disturbed (18). Containers of dry powdered hazardous materials, (e.g., Class 3 fungal agents in the spore phase of growth) should be opened only in a Biological Safety Cabinet (6, 14).

7. When the neck of an ampoule containing liquid is broken after nicking with a file, the snapping action creates aerosols. The following methods have been recommended:

(i) After nicking the ampoule with a file, wrap the ampoule in disinfectant-wetted cotton before breaking. Wear gloves (2).

(ii) The bottom of the ampoule should be held in several layers of tissue paper to protect the hands, and a file mark made at the neck. A hot glass rod should be carefully applied to the mark. The glass will crack, allowing air to enter the ampoule and equalize the pressurea. After a few seconds the ampoule should be wrapped in a few layers of tissue and broken along the crack. The tissues and ampoule neck can then be discarded into disainfectant, and the contents of the ampoule removed with a syringe. If the ampoule contains dried cultures, about 0.5 cm^3 of broth should be added slowly to avoid blowing dried material out. The contents may then be mixed without bubbling and withdrawn into a culture tube (8).

(iii) The researcher uses an intense, but tiny, gas-oxygen flame and heats the tip of the hard glass ampoule until the expanding internal air pressure blows a bubble. After allowing this to cool, he breaks the bubble while holding it in a large low temperature flame; this immediately incinerates any infectious dust which may come from the ampoule when the glass is broken (16). Preliminary practice with a simulant ampoule of the same type actually in use is necessary to develop a technique that will not cause explosion of the ampoule.

(iv) A simple device has been recommended consisting of a sleeve of rubber tubing into which the ampoule is inserted before it is broken (17,18).

D. *Centrifuging.* 1. A safety centrifuge cabinet or safety centrifuge cup (3,7,8,14,22) may be used to house or safeguard all centrifuging of infectious substances. When bench type centrifuges are used in a Biological Safety Cabinet, the glove panel should be in place with the glove ports covered. The centrifuge operation creates air currents that may cause escape of agent from an open cabinet (2,3,4,13).

2. In some situations, in the absence of O-ring cap sealed trunnion cups, specimens can be enclosed in sealed plastic bags before centrifugation (12).

3. Before centrifuging, inspect tubes for cracks, inspect the inside of the trunnion cup for rough walls caused by erosion or adhering matter, and carefully remove bits of glass from the rubber cushion (4,10).

4. A germicidal solution should be added between the tube and trunnion cup to disinfect the materials in case of accidental breakage. This practice also provides an excellent cushion against shocks that might otherwise break the tube (4,10).

5. Avoid decanting centrifuge tubes. If you must do so, afterwards wipe off the outer rim with a disinfectant; otherwise the infectious fluid will spin off as an aerosol (4, 10).

6. Avoid filling the tube to the point that the rim, cap or cotton plug ever becomes wet with culture (4, 10).

7. Screw caps, or caps which fit over the rim outside the centrifuge tube are safer than plug-in closures. Some fluid usually collects betwen a plug-in closure and the rim of the tube. Even screw-capped bottles are not without risk, however; if the rim is soiled some fluid will escape down the outside of the tube. Screw-capped bottles may jam in the bucket, and removing them is hazardous. Propping such bottles higher in the bucket with additional rubber buffers is mechanically unsound (8).

8. Kitchen foil is often used to cap centrifuge tubes. This creates more risk then the screw cap. Foil caps often become detached in handling and centrifuging (8).

9. The balancing of buckets is often mismanaged. Care must be taken to ensure that matched sets of trunnios, buckets and plastic inserts do not become mixed. If the components are not inscribed with their weights by the manufacturer, colored stains can be applied to avoid confusion. When the tubes are balanced, the buckets, trunnions and luserts should be included in the procedure; and care must be taken to ensure that the centers of gravity of the tubes are equidistant from the axis of rotation. To illustrate the importance of this, two identical tubes containing 20g of mercury and 20g of water respectively will balance perfectly on the scales; but their performance in motion is totally different, leading to violent vibration with all its attendant hazards (5).

10. Fill and open centrifuge tubes or trunnion cups in a Biological Safcty Cabinet (10).

E. *High-Speed Centrifuges* (22). 1. In high-speed centrifuges the bowl is connected to a vacuum pump. If there is a breakage or accidental dispersion of infected particles the pump and the oil in it will become contaminated. A high efficiency filter should be placed between the centrifuge and the pump (8).

2. High speed rotor heads are prone to metal fatigue, and where there is a chance that they may be used on more than one machine each rotor should be accompanied by its own log book indicating the number of hours run at top or de-rated speeds. Failure to observe this precaution can result in dangerous and expensive disintegration. Frequent inspection, cleaning and drying are important to ensure absence of corrosion or other traumata which may lead to creeping cracks. Rubber O-rings and tube closures must be examined for deterioration and be kept lubricated with the material recommended by the makers. Where tubes of different materials are provided (e.g., celluloid, polypropylene, stainless steel), care must be taken that the tube closures designed specifically for the type of tube in use are employed. These caps are often similar in appearance, but are prone to leakage if applied to tubes of the wrong material. When properly designed tubes and rotors are well maintained and handled, leaking should never occur (5).

3. Cleaning and disinfection of tubes, rotors and other components requires considerable care. It is unfortunate that no single process is suitable for all items, and the various manufacturers' recommendations must be followed meticulously if fatigue, distortion and corrosion are to be avoided. This is not the place to catalogue recommended methods, but one less well appreciated fact is worthy of mention. Celluloid (cellulose nitrate) centrifuge tubes are not only highly inflammable and prone to shrinkage with age and distortion on boiling, but can behave as high explosive in an autoclave (5). Large-scale zonal centrifugation requires special attention (11).

F. *Blenders, ultrasonic disintegrators, colloid mills, ball mills, jet mills, grinders, motar and pestle.* All these devices release considerable aerosols during their operation. For maximum protection to the operator during the blending of infectious materials, the following practices should be observed:

1. Operate blending and cell-disruption and grinding equipment in a Biological Safety Cabinet (9).

2. Use safety blenders designed to prevent leakage from the rotor bearing at the bottom of the bowl (9).

3. In the absence of a leak-proof rotor, inspect the rotor bearing at the bottom of the blender bowl for leakage prior to operation. Test it in a preliminary run with sterile saline or methylene blue solution prior to use with infected material (9).

4. Sterilize the device and residual infectious contents promptly after use. Use a towel moistened with disinfectant over the top of the blender (9).

5. Glass blender bowls are undesirable for use with infectious material because of potential breakage. If used, they should be covered with a polypropylene jar to prevent dispersal of glass (8).

6. A new machine, the Colworth Stomacker (England), in which material is homogenized in a plastic bag in a closed container, would appear to be safer than some of the other blenders (8).

7. A heat-sealed flexible plastic film enclosure for a grinder or blender can be used, but it must be opened in a Biological Safety Cabinet (7).

8. Blender bowls sometimes require supplemental cooling to prevent destruction of the bearings and to minimize thermal efforts on the product (7).

9. Before opening the safety blender bowl, permit the blender to rest for at least one minute to allow settling of the aerosol cloud.

10. Clinical or other laboratories handling human blood should be aware of the aerosols produced by the microhaematocrit centrifuge, the autoanalyzer stirrer, and the micotonometer, inasmuch as it seems that airborne transmission of infectious hepatitis may occur in the laboratory (20).

G. *Miscellaneous precautions and recommendations.* 1. Water baths and Warburg baths used to inactivate, incubate, or test infectious substances should contain a disinfectant. For cold water baths, 70 percent propylene glycol is recomemnded (4, 10).

2. Deepfreeze, liquid nitrogen, and dry ice chests and refrigerators should be checked and cleaned out periodically to remove any broken ampoules, tubes, etc., containing infectious material, and decontaminated. Use rubber gloves and respiratory protection during this cleaning. All infectious or toxic material stored in refrigerators or deepfreezes should be properly labelled. Security measures should be commensurate with the hazards (4,10,21).

3. Freeze-dried culture ampoules should always be opened in a Biological Safety Cabinet. The ampoule should be wrapped in a disinfectant-soaked swab before breaking it open to minimize the risk of cutting the hands, and to a lesser extent of releasing

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aerosol of dried material. Whenever possible, ampoules should be filled with dry nitrogen after freeze-drying, thus avoiding implosion that may occur during the sealing as well as opening of evacuated ampoules. The whole process of freeze-drying itself should be performed in a Biological Safety Cabinet. Filtration of the effluent air from the vacuum pump is desirable either up (preferably), or down stream of the pump (5).

4. Ensure that all virulent fluid cultures or viable powdered infectious materials in glass vessels are transported, incubated, and stored in easily handled, nonbreakable leak-proof containers that are large enough to contain all the fluid or powder in case of leakage or breakage of the glass vessel (4,10).

5. All inoculated petri plates or other inoculated solid media should be transported and incubated in leak-proof pans or leak-proof containers (4,10).

6. Care must be exercised in the use of membrane filters to obtain sterile filtrates of infectious materials. Because of the fragility of the membrane and other factors, such filtrates cannot be handled as noninfectious until culture or other tests have proved their sterility (4,10).

7. Shaking machines should be examined carefully for potential breakage of flasks or other containers being shaken. Screw capped durable plastic or heavy walled glass flasks should be used. These should be securely fastened to the shaker platform. An additional precaution would be to enclose the flask in a plastic bag with or without an absorbent material.

8. No person should work alone on an extremely hazardous operation (4,10).

IV. PERSONAL HYGIENE, HABITS, AND PRACTICES

Personal hygienic practices in the laboratory are directed, in most part, toward the prevention of occupationally acquired physical injury or disease. To a less obvious extent, they can raise the quality of the laboratory work by reducing the possibilities for contamination of experimental materials. The reasons for many of the recommended precautions and practices are obvious, but, in some instances, amplification will permit a better review of the applicability to any one specific laboratory.

Consequently, what might be forbidden in one laboratory might be only discouraged in another, and be permissible in a third. Nevertheless, adherence to safe practices that become habitual, even when seemingly not essential, provides a margin of safety in situations where the hazard is unrecognized. The history of occupational injury is replete with examples of hazards unrecognized until too late. The following guidelines, recommendations, and comments are presented with this in mind:

1. Food, candy, gum, and beverages for human consumption will be stored and consumed only outside the laboratory (5, 10).

2. Foot-operated drinking fountains should be the sole source of water for drinking by human occupants of the laboratory (27).

3. Smoking is not permitted in the laboratory or animal quarters. Cigarettes, pipes, and tobacco will be kept only in clean areas (5, 10, 26).

4. Shaving and brushing of teeth are not permitted in the laboratory. Razors, toothbrushes, toiletry supplies, and cosmetics are permissible only in clean change rooms or other clean areas, and should never be used until after showering or thorough washing of the face and hands (27).

5. A beard may be undesirable in the laboratory in the presence of actual or potential airborne contamination, because it retains particulate contamination more persistently than clean-shaven skin. A clean-shaven face is essential to the adequate facial fit of a face mask or respirator when the work requires respiratory protection (10,27,31).

6. Develop the habit of keeping hands away from mouth, nose, eyes, face, and hair. This may prevent self-inoculation (10,27).

7. For product protection, persons with long hair should wear a suitable hair net or head cover that can be decontaminated. This has long been a requirement in hospital operating rooms and in the manufacture of biological pharmaceutical products. A head cover also will protect the hair from fluid splashes, from swinging into Bunsen flames and petri dishes, and will reduce facial contamination caused by habitual repetitive manual adjustment of the hair (5).

8. Long-flowing hair and loose-flapping clothing are dangerous in the presence of open flame or moving machinery. Rings and wrist watches also are a mechanical hazard during operation of some types of machines (5, 10).

9. Contact lenses do not provide eye protection. The capillary space between the contact lenses and the cornea may trap any material present on the surface of the eye. Caustic chemicals trapped in this space cannot be washed off the surface of the cornea. If the material in the eye is painful or the contact lens is displaced, muscle spasms will make it very difficult, if not impossible, to remove the lens. For this reason, contact lenses must not be worn by persons exposed to caustic chemicals unless safety glasses with side shields, goggles, or plastic face masks are also worn to provide full protection. It is the responsibility of supervisors to identify employees who wear contact lenses (25, 26).

10. Personal items, such as coats, hats, storm rubbers or overshoes, umbrellas, purses, etc., do not belong in the laboratory. These articles should be kept elsewhere (25).

11. Plants, cut flowers, an aquarium, and pets of any kind are undesirable sources of yeast, molds, and other potential microbial contaminants of biological experimental materials (25).

12. Books and journals returnable to the institutional library should be used only in the clean areas as much as possible (10,27).

13. When change rooms with showers are provided, the employer should furnish skin lotion (27).

14. When employees are subject to potential occupational infection, the shower and/or face/hand-washing facilities should be provided with germicidal soap (8,27).

15. Personal cloth handkerchiefs should not be used in the laboratory. Cleansing tissue should be available instead.

16. Hand washing for personal protection:

(i) This should be done promptly after removing protective gloves. Tests show it is not unusual for microbial or chemical contamination to be present despite use of gloves, due to unrecognized small holes, abrasions, tears, or entry at the wrist.

(ii) Throughout the day, at intervals dictated by the nature of the work, the hands should be washed. Presence of a wrist watch discourages adequate washing of the wrist (10,25).

(iii) Hands should be washed after removing soiled protective clothing, before leaving the laboratory area, before eating, and before smoking. The provision of hand cream by the employer encourages these practices (5,8,10).

(iv) A disinfectant wash or dip may be desirable in some cases, but its use must not be carried to the point of causing roughening, desiccation or sensitization of the skin.

17. Anyone with a fresh or healing cut, abrasion, or skin lesion should not work with infective material unless the injured area is completely protected (8,25).

18. Persons vaccinated for smallpox may be shedders of vaccinia virus during the phase of cutaneous reaction. Therefore, vaccination requires permission of the appropriate supervisor, because two weeks' absence may be necessary before returning to work with normal cell cultures or with susceptible animals, especially the normal mouse colony (25).

19. The surgeon's mask of gauze or filter paper is of little value for personal respiratory protection (29). It is designed to prevent escape of droplets from the nose or mouth (23G). If biohazards demand respiratory protection, then nothing but a full face respirator or ventilated hood will suffice. A half-mask respirator does not protect the eyes, which are an unevaluated avenue of infection through the conjuctiva and the nasolacrimal duct (5,8).

20. Nonspecific contamination by environmental organisms from humans, animals, equipment, containers for specimens or supplies, and outside air is a complication that may affect or invalidate the results of an experiment. The human sources of this contamination are evaluated as follows:

(i) Sneezing, coughing and talking (23A, 24A). Sneezing, variously reported to generate as many as 32,000 or 1,000,000 droplets below 100 microns in diameter; coughing, which produces fewer and larger droplets; and talking, which has been reported to average only 250 droplets when speaking 100 words, show great differences between persons in regard to the number of microorganisms aerosolized. As a general rule, it may be said that these actions by normal healthy persons may play a less important role in transmission of airborne infection to humans or experimental materials than does liberation of microorganisms from human skin.

(ii) Dispersal of bacteria from human skin. There is a tremendous variation in the number of bacteria shed from the skin by a clothed subject. For instance, in one study, the number varied from 6,000 to 60,000 per minute (23C). These bacteria were released on skin scales which were of a size that could penetrate the coarse fabric used for the laboratory and surgical clothing in the test (23D). Dispersal of skin bacteria was several times greater from below the waist than from upper parts of the body (24D). Effective reduction is accomplished by use of closely-woven or impervious clothing fitted tightly at the neck, wrists, and ankles to prevent the clothing from acting as a bellows that disperses air carrying skin scales laden with bacteria (23B). Such clothing sometimes is too warm to work in. It was found that a significant reduction in dispersal of bacteria occurred with the wearing of close-fitting and closely-woven underpants beneath the usual laboratory clothing (23D). The purpose of this summary is to alert laboratory personnel to the existence of this source of contamination (9).

(iii) Prolific dispersal of bacteria occurs from infected abrasions, small pustules, boils, and skin disease (23F, 24B). Washing the lesions with germicidal soap will greatly decrease the number of organisms on the skin and dispersal into the air. Healthy nasal carriers who generate aerosolized staphylococci usually can be identified by the presence of heavy contamination of their fingers, face, and hair (23E). This point may be useful in investigating the source of staphylococcal contamination of cell lines.

(iv) Footwear. In moderate and high risk situations, shoes reserved for only laboratory use have been recommended as a precaution against transporting spilled infectious agents outside the laboratory. However, in experiments during which reduction of potential contamination of experimental materials is important, laboratory-only shoes can reduce the microbial load brought into the laboratory each day by street shoes. Shoes are efficient transporters. In one study, there were 4 to 850 times as many bacteria per square centimeter on the laboratory footwear as on the floor itself (30).

V. CARE AND USE OF LABORATORY ANIMALS (10,32–37)

A. *Care and handling.* 1. Special attention must be given to the humane treatment of all laboratory animals in accordance with the Animal Welfare Act of 1970. The implementing rules and regulations appear in the Code of Federal Regulations (CFR) Title 9, Chapter I, Subchapter A, Parts 1, 2, 3. Recommended provisions and practices that meet the requirements of the Act have been published by the U.S. Public Health Service (32).

2. There are specific minimum requirements (33) concerning the caging, feeding, watering, and sanitation for dogs, cats, guinea pigs, hamsters, rabbits, and nonhuman primates. To meet these requirements, the animal room supervisor must have a copy of 9 CFR Chapter I, Subchapter A, Parts 1, 2, 3.

3. Each laboratory should establish procedures to ensure the use of animals that are free of diseases prejudicial to the proposed experiments and free from carriers of disease or vectors, such as ectoparasites, which endanger other experimental animals or personnel (10).

B. *Cages housing infected animals* (10). 1. Careful handling procedures should be employed to minimize the dissemination of dust from cage refuse and animals.

2. Cages should be sterilized by autoclaving. Refuse, bowls and watering devices should remain in the cage during sterilization.

3. All watering devices should be of the "non-drip" type.

4. Cages should be examined each morning and at each feeding time so that dead animals can be removed.

5. Heavy gloves should be worn when feeding, watering, handling, or removing infected animals. Bare hands should NEVER be placed in the cage to move any object therein.

6. When animals are to be injected with biohazardous material, the animal caretaker should wear protective gloves and the laboratory workers should wear surgeons gloves. Animals should be properly restrained to avoid accidents that might result in disseminating biohazardous material, as well as to prevent injury to the animal and to personnel.

7. Animals exposed to biohazardous aerosols should be housed in ventilated cages, in gas-tight cabinet systems, or in rooms designed for protection of personnel by use of ventilated suits.

8. Animals inoculated by means other than by aerosols should be housed in equipment suitable for the level of risk involved.

9. Infected animals to be transferred between buildings should be placed in ventilated cages or other aerosol-proof containers.

10. The oversize canine teeth of large monkeys present a particular biting hazard; these are important in the potential transmission of naturally-occurring, and very dangerous, monkey virus infections. Such teeth should be blunted or surgically removed by a veterinarian.

11. Presently available epidemiological evidence indicates that infectious hepatitis may be transmitted from non-human primates (typically chimpanzees) to man. Newly imported animals may be naturally infected with this disease, and persons in close contact with such animals may become infected. After six months residence in this country, chimpanzees apparently no longer transmit the disease. A record should be maintained for each newly imported animal. A sign should be posted at rooms housing these animals to warn that the animals are potentially infectious.

C. *General Guidelines that Apply to Animal Room Maintenance* (10). 1. Doors to animal rooms should be kept closed at all times except for necessary entrance and exit.

2. Unauthorized persons should not be permitted to enter animal rooms.

3. A container of disinfectant should be kept in each animal room for disinfecting gloves and hands, and for general decontamination, even though no infectious animals are present. Hands, floors, walls, and cage racks should be washed with an approved disinfectant at the recommended strength as frequently as the supervisor directs.

4. Floor drains in animal rooms, as well as floor drains throughout the building should be flooded with water or disinfectant periodically to prevent backup of sewer gases.

5. Shavings or other refuse on floors should *not* be washed down the floor drain because such refuse clogs the sewer lines.

6. An insect and rodent control program should be maintained in all animal rooms and in animal food storage areas.

7. Special care should be taken to prevent live animals, especially mice, from finding their way into disposable trash.

D. *Necropsy rules for infected animals* (10). 1. Necropsy of infected animals should be carried out by trained personnel in Biological Safety Cabinets with the hinged glass panel down. The glove port panel with or without attached gloves, and a respirator should be used at the discretion of the supervisor.

2. Surgeons gowns should be worn over laboratory clothing during necropsies.

3. Rubber gloves should be worn when performing necropsies.

4. The fur of the animal should be wetted with a suitable disinfectant.

5. Small animals should be pinned down or fastened on wood or metal in a metal tray.

6. Upon completion of necropsy, all potentially biohazardous material should be placed in suitable containers and sterilized immediately.

7. Contaminated instruments should be placed in a horizontal bath containing a suitable disinfectant.

8. The inside of the Biological Safety Cabineta and other potentially contaminated surfaces should be disinfected with a suitable germicide.

9. Grossly contaminated rubber gloves should be cleaned in disinfectant before removal from the hands, preparatory to sterilization.

10. Dead animals should be placed in proper leak-proof containers, autoclaved and properly tagged before being placed outside for removal and incineration.

VI. DECONTAMINATION AND DISPOSAL (7, 10, 38–42)

A. *Introduction.* Available data on the efficacy of various decontaminants for etiologic agents indicate that no major surprises will be forthcoming regarding the susceptibility of organisms containing recombinant DNA molecules. In the absence of adequate information, tests to determine the efficacy of candidate decontaminants should be conducted with the specific agent of interest. The goal of decontamination is not only the protection of personnel and the environment from exposure to infectious agents, but also the prevention of contamination of experimental materials by a variable, persistent, and unwanted background of microorganisms. This additional factor should be considered in selecting decontamination materials and methods.

B. *Decontamination Methods.* Physical and chemical means of decontamination fall into four main categories: Heat; Liquid Decontaminants; Vapors and Gases; and UV Radiation.

1. *Heat.* The application of heat, either moist or dry, is recommended as the most effective method of sterilization. Steam at 121 C under pressure in the autoclave is the most convenient method of rapidly achieving sterility. Dry heat at 160 to 170 C for periods of 2 to 4 hours is suitable for destruction of viable agents on impermeable nonorganic material such as glass, but is not reliable in even shallow layers of organic or inorganic material that can act as insulation. Incineration is another use of heat in the decontamination of microorganisms and also serves as an efficient means for disposal.

2. *Liquid Decontaminants.* In general, the liquid decontaminants find their most practical use in surface decontamination and, at sufficient concentration, as decontaminants of liquid wastes for final disposal in sanitary sewer systems. There are many misconceptions concerning the use of liquid decontaminants. This is due largely to a characteristic capacity of such liquids to perform dramatically in the test tube and to fail miserably in a practical situation. Such failures often occur because proper consideration was not given to such factors as temperature, time of contact, pH, concentration, and the presence and state of dispersion, penetrability and reactivity of organic material at the site of application. Small variations in the above factors may make large differences in effectiveness of decontmination. For this reason, even when used under highly favorable conditions, complete reliance should not be placed on liquid decontaminants when the end result must be sterility.

There are many liquid decontaminants available under a wide variety of trade names. In general, these can be categorized as halogens, acids or alkalies, heavy metal salts, quaternary ammonium compounds, phenolic compounds, aldehydes, ketones, alcohols and amines. Unfortunately, the more active the decontaminant the more likely it is that the decontaminant will possess undesirable characteristics, such as the possession of corrosive properties. None is equally useful or effective under all conditions.

3. *Vapors and Gases.* A variety of vapors and gases possess decontamination properties. The most useful of these are formaldehyde and ethylene oxide. When these can be employed in closed systems and under controlled conditions of temperature and humidity, excellent decontamination can result. Vapor and gas decontaminants are primarily useful in decontaminating: (i) Biological Safety Cabinets and associated effluent air-handling systems and air filters; (ii) bulky or stationary equipment that resists pentration by liquid surface decontaminants; (iii) instruments and optics that might be damaged by other decontamination methods; and (iv) rooms and buildings and associated air-handling systems.

4. *Radiation.* The usefulness of ultraviolet (UV) irradiation as a decontaminant is limited by its low penetrating power. No information is available regarding the effectiveness of UV irradiation for decontaminating microorganisms containing recombinant DNA molecules. Dependence on UV must be based on the results of experiments imitating particular anticipated environmental conditions and applications. Ultraviolet light is generally of limited application and is primarily useful in air locks and animal holding areas for controlling low levels of airborne contaminants.

No one procedure or material will solve all decontamination problems. The only method of assuring the efficacy of selected methodologies is to critically examine the results

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obtained in practical tests with the microorganism(s) of interest.

C. Laboratory spills. A troublesome problem that may occur in the laboratory is the decontamination of an overt biological spill. The occurrence of a spill poses less of a problem if it occurs in a Biological Safety Cabinet provided splattering to the outside of the cabinet does not occur. Direct application of concentrated liquid decontaminant and a thorough wipe down of the internal surfaces of such cabinetry will usually be effective for decontaminating the work zone but gaseous decontaminants would be required to rid the interior sections of the cabinet of contaminants. Each researcher must realize that in the event of an overt accident, research materials such as tissue cultures, media, and animals within such cabinets may well be lost to the experiment.

The greater problem arises if the incident occurs in the open laboratory. All laboratory protocols should be designed to prevent such occurrences. The first action in the event of an overt laboratory spill is evacuation of the affected area to minimize the exposure of personnel involved. Next, the spill area must be isolated to prevent exposure of personnel and experimental materials beyond those involved in the immediate area of the spill. The procedures adopted must be rapidly effective and must not create additional aerosol or foster mechanical transfer of materials to unaffected areas. Personnel carrying out the procedures must be provided with protective clothing and equipment, including respiratory protection. Consideration must be given to the safe disposal of all materials and liquids resulting from cleanup procedures. Reentry of personnel to the area should be avoided until it can be reasonably established that the area has been effectively decontaminated. Further specific details are provided in Section VIII.

D. *Disposal.* Decontamination and disposal in infectious disease laboratories are closely interrelated acts in which decontamination constitutes the introductory phase of disposal. All materials and equipment used in research on recombinant DNA molecules will ultimately be disposed of; however, in the sense of daily use, only a portion of these will require actual removal from the laboratory complex or on-site destruction. The remainder will be recycled for use either within the same laboratory or in other laboratories that may or may not engage in DNA recombinant research. Examples of the latter that immediately come to mind are: Reusable laboratory glassware, instruments used in necropsy of infected animals, and laboratory clothing. Disposal should therefore be interpreted in the broadest sense of the word, rather than in the restrictive sense of dealing solely with a destructive process.

The principal questions to be answered prior to disposal of any objects or materials from laboratories dealing with potentially infectious microorganisms or animal tissues are:

1. Have the objects or materials been effectively decontaminated by an approved procedure?

2. If not, have the objects or materials been packaged in an approved manner for immediate on-site incineration or transfer to another laboratory?

3. Does disposal of the decontaminated objects or materials involve any additional potential hazards, biological or otherwise, to personnel either: (i) Those carrying out the immediate disposal procedures or (ii) Those who might come into contact with the objects or materials outside the laboratory complex?

Laboratory materials requiring disposal will normally occur as liquid, solid, and animal room wastes. The volume of these can become a major problem when there is the requirement that all wastes be decontaminated prior to disposal. It is most evident that a significant portion of this problem can be eliminated if the kinds of materials initially entering the laboratory are reduced. In any case, and wherever possible, materials not essential to the research should be retained in the nonresearch areas for disposal by conventional methods. Examples are the packaging materials in which goods are delivered, disposable carton-cages for transport of animals, and large carboys or tanks of fluids which can be left outside and drawn from as required. Reduction of this bulk will free autoclaves and other decontamination and disposal processes within the laboratory for the more rapid and efficient handling of materials known to be contaminated.

Inevitably, disposal of materials raises the question, "How can we be sure that the materials have been treated adequately to assure that their disposal does not constitute a hazard?" In the small laboratory, the problem is often solved by requiring that each investigator decontaminate all contaminated materials not of immediate use at the end of each day and place them in suitable containers for routine disposal. In larger laboratories where the mass of materials for disposal becomes much greater and sterilization and decontamination bottlenecks occur, materials handling and disposal will likely be the chore of personnel not engaged in the actual research. In either situation, a case can be made for establishing a positive method of designating the state of materials to be disposed of. This may consist of a tagging system stating that the materials are either sterile or contaminated.

Disposal of materials from the laboratory and animal holding areas will be required for research projects ranging in size from an individual researcher to those involving large numbers of researchers of many disciplines. Procedures and facilities to accomplish this will range from the simplest to the most elaborate. The primary consideration in any of these is to dispel the notion that laboratory wastes can be disposed of in the same manner and with as little thought as household wastes. Selection and enforcement of safe procedures for disposal of laboratory materials are of no less importance than the consideration given to any other methodology for the accomplishment of research objectives.

Materials of dissimilar nature will be common in laboratories studying recombinant DNA molecules. Examples are combinations of common flammable solvents, chemical carcinogens, radioactive isotopes, and concentrated viruses or nucleic acids. These may require input from a number of disciplines in arriving at the most practical approach for their decontamination.

E. *Characteristics of chemical decontaminants in common use in laboratory operations.* Every person actively working with viable microorganisms, no matter how remote the field of specialization, will, from time to time, find it necessary to decontaminate by chemical methods work areas and materials, equipment, and specialized instruments. Chemical decontamination is necessary because the use of pressurized steam, the most rapid and reliable method of sterilization, is not normally feasible for decontaminating large spaces, surfaces, and stationary equipment. Moreover, high temperatures and moisture often damage delicate instruments, particularly those having complex optical and electronic components.

Chemicals with decontaminant properties are, for the most part, available as powders, crystals, and liquid concentrates. These may be added to tap water for application as surface decontaminants, and some, when added in sufficient quantity, find use as decontaminants of bulk liquid wastes. Chemical decontaminants that are gaseous at room temperatures are useful as space-penetrating decontaminants. Others become gases at reasonably elevated temperatures and can act as either aqueous surface or gaseous space-penetrating decontaminants.

Inactivation of microorganisms by chemical decontaminants may occur in one or more of the following ways: (1) Coagulation and denaturation of protein, (2) Lysis, (3) Binding to enzymes, or inactivation of an essential enzyme by either oxidation, binding, or destruction of enzyme substrate.

The relative resistance to the action of chemical decontaminants can be substantially altered by such factors as: Concentration of active ingredient, duration of contact, pH, temperature, humidity and presence of extrinsic organic matter. Depending upon how these factors are manipulated, the degree of success achieved with chemical decontaminants may range from minimal inactivation of target microorganisms to an indicated sterility within the limits of sensitivity of the assay systems employed.

There are dozens of contaminants available under a wide variety of trade names. In general, these decontaminants can be classified as halogens, acids or alkalies, heavy metal salts, quaternary ammonium compounds, phenolic compounds, aldehydes, ketones, alcohols, and amines. Unfortuately, the more active the decontaminant the more likely it will possess undesirable characteristics. For example, peracetic acid is a fast-acting, universal decontaminant. However, in the concentrated state it is a hazardous compound that can readily decompose with explosive violence. When diluted for use, it has a short half-life, produces strong, pungent, irritating odors, and is extremely corrosive to metals. Nevertheless, it is such an outstanding decontaminant that it is commonly used in germ-free animal studies despite these undesirable characteristics.

The halogens are probably the second most active group of decontaminants. Chlorine, iodine, bromine, and fluorine will rapidly kill bacterial spores, viruses, rickettsiae, and fungi. These decontaminants are effective over a wide range of temperatures. In fact, chlorine has been shown to be effective at —40 F. (On the other hand, phenols and formaldehyde have high temperature coefficients). The halogens have several undesirable features. They readily combine with protein, so that an excess of the halogen must be used if proteins are present. Also, the halogens are relatively unstable so that fresh solutions must be prepared at frequent intervals. Finally, the halogens corrode metals. A number of manufacturers of decontaminants have treated the halogens to remove some of the undesirable features. For example, sodium hypochlorite reacts with p-toluenesulfonamide to form Chloramine T, and iodine reacts with certain surface-active agents to form the popular iodophors. These "tamed" halogens are stable, non-toxic, odorless, and relatively noncorrosive to metals. However, the halogens are highly reactive elements, and, because they are reactive they are good germicides. When a haolgen acts as a decontaminant, free halogen is the effective agent. Raising the pH or combining the halogen with other compounds to decrease the corrosive effect will also decrease the germicidal power. A trade-off situation occurs.

Ineffectiveness of a decontaminant is due primarily to the failure of the decontaminant to contact the microorganisms rather than failure of the decontaminant to act. If one places an item in

a liquid decontaminant, one can see that the item is covered with tiny bubbles. Of course, the area under the bubbles is dry, and microorganisms in these dry areas will not be affected by the decontaminant. Also, if there are spots of grease, rust or dirt on the object, microorganisms under these protective coatings will not be contacted by the decontaminant. Scrubbing an item when immersed in a decontaminant is helpful, and a decontaminant should have, and most do have, incorporated surface-active agents.

F. *Properties of some common decontaminants*—1. *Alcohol.* Ethyl or isopropyl alcohol in a concentration of 70–80 percent by weight is often used. Alcohols denature proteins and are somewhat slow in their germicidal action. However, they are effective decontaminants against lipid-containing viruses.

2. *Ether and Chloroform.* These compounds are not ordinarily used as decontaminants, but they do demonstrate the fact that lipid-containing viruses are inactivated by these organic solvents, whereas non-lipid-containing viruses are quite resistant.

3. *Formaldehyde.* Formaldehyde for use as a decontaminant is usually marketed as a solution of about 37 percent concentration referred to as formalin or as a solid polymerized compound called paraformaldehyde. Formaldehyde in a concentration of 5 percent active ingredient is an effective liquid decontaminant. It loses considerable activity at refrigeration temperatures and the pungent, irritating odors make formaldehyde solutions difficult to use in the laboratory. Formaldehyde vapor generated from formaldehyde solution is an effective space decontaminant for decontaminating rooms or buildings, but in the vapor state with water it tends to polymerize out on surfaces to form paraformaldehyde, which is persistent and unpleasant. Formaldehyde gas can be liberated by heating paraformaldehyde to depolymerize it. In the absence of high moisture content in the air, formaldehyde released in the gaseous state forms less polymerized residues on surfaces and less time is required to clear treated areas of fumes than formaldehyde released in the vapor state.

4. *Phenol.* Phenol itself is not often used as a decontaminant. The odor is somewhat unpleasant and a sticky, gummy residue remains on treated surfaces. This is especially true during steam sterilization. Although phenol itself may not be in widespread use, phenol homologs and phenolic compounds are basic to a number of popular decontaminants. The phenolic compounds are effective decontaminants against some viruses, rickettsiae, fungi and vegetative bacteria. The phenolics are not effective in ordinary usage against bacterial spores.

5. *Quaternary Ammonium Compounds or Quats.* After 30 years of testing and use, there is still a considerable controversy about the efficacy of the Quats as decontaminants. These cationic detergents are strongly surface-active and are effective against lipid-containing viruses. The Quats will attach to protein so that dilute solutions of Quats will quickly lose effectiveness in the presence of proteins. The Quats tend to clump microorganisms and are neutralized by anionic detergents, such as soap. The Quats have the advantages of being nontoxic, odorless, nonstaining, noncorrosive to metals, stable, and inexpensive.

6. *Chlorine.* This halogen is a universal decontaminant active against all microorganisms, including bacterial spores. Chlorine combines with protein and rapidly decreases in concentration in its presence. Free, available chlorine is an active element. It is a strong oxidizing agent, corrosive to metals. Chlorine solutions will gradually lose strength so that fresh solutions must be prepared frequently. Sodium hypochloride is usually used as a base for chlorine decontaminants. An excellent decontaminant can be prepared from household or laundry bleach. These bleaches usually contain 5.25 percent available chlorine or 52,500 ppm. If one dilutes them 1 to 100, the solution will contain 525 ppm of available chlorine, and, if a nonionic detergent such as Naccanol is added in a concentration of about 0.7 percent, a very good decontaminant is created.

7. *Iodine.* The characteristics of chlorine and iodine are similar. One of the most popular groups of decontaminants used in the laboratory is the iodophors, and Wescodyne is perhaps the most popular. The range of dilution of Wescodyne recommended by the manufacturer is 1 oz. in 5 gal. of water giving 25 ppm of available iodine to 8 oz. in 5 gal. giving 75 ppm. At 75 ppm, the concentration of free iodine is .0075 percent. This small amount can be rapidly taken up by any extraneous protein present. Clean surfaces or clear water can be effectively treated by 75 ppm available iodine, but difficulties may be experienced if any appreciable amount of protein is present. For bacterial spores, a dilution of 1 to 40 giving 750 ppm is recommended by the manufacturer. For washing the hands, it is recommended that Wescodyne be diluted 1 to 10 or 10 percent in 50 percent ethyl alcohol (a reasonably good decontaminant itself) which will give 1,600 ppm of available iodine, at which concentration relatively rapid inactivation of any and all microorganisms will occur.

G. *Vapors and gases.* The use of formaldehyde as a vapor or gas has already been discussed. Other chemical decontaminants which have been used this way included ethylene oxide, peracetic acid, beta-propiolactone (BPL), methyl bromide, and ethylene amine. When these can be used in closed systems and under controlled conditions of temperature and humidity, excellent decontamination can be obtained. Residues from ethylene oxide must be removed by aeration; but otherwise it is convenient to use, versatile, and noncorrosive. Paracetic acid is corrosive for metals and rubber. BPL in the vapor form acts rapidly against bacteria, rickettsiae, and viruses. It has a half-life of 3.5 hours when mixed with water, is easily neutralized with water, and lends itself to removal by aeration. The National Institutes of Health does not recommend BPL as a decontaminant because it has been identified as a suspect carcinogen.

H. *Residual action of decontaminants.* As noted in the preceding discussion of decontaminant properties, many of the chemical decontaminants often have residual properties that may be considered a desirable feature in terms of aiding in the control of background contamination. One is cautioned, however, to consider residual properties carefully. Ethylene oxide used to sterilize laboratory shoes can leave residues which cause skin irritation. Animal cell cultures, as well as viruses of interest, are also inhibited or inactivated by decontaminants persisting after routine cleaning procedures. Therefore, reusable items that are routinely held in liquid decontaminant prior to autoclaving and cleaning should receive particular attention in rinse cycles. Similarly, during general area decontamination with gases or vapors, it may be necessary to protect new and used clean items by removing them from the area or by enclosing them in gastight bags or by insuring adequate aeration following decontamination.

I. *Selecting chemical decontaminants for research on recombinant DNA molecules.* No single chemical decontaminant or method will be effective or practical for all situations in which decontamination is required. Selection of chemical decontaminants and procedures must be preceded by practical consideration of the purposes for the decontamination and the interacting factors that will ultimately determine how that purpose is to be achieved. Selection of any given procedure will be influenced by the information derived from answers to the following questions:

1. What is the target microorganism(s)?

2. What decontaminants in what form are known to, or can be expected to, inactivate the target microorganism(s)?

3. What degree of inactivation is required?

4. In what menstruum is the microorganism suspended; i.e., simple or complex, on solid or porous surfaces, and/or airborne?

5. What is the highest concentration of cells anticipated to be encountered?

6. Can the decontaminant either as an aqueous solution, a vapor, or a gas reasonably be expected to contact the microorganisms, and can effective duration of contact be maintained?

7. What restrictions apply with respect to compatibility of materials?

8. Does the anticipated use situation require immediate availability of an effective concentration of the decontaminant or will sufficient time be available for preparation of the working concentration shortly before its anticipated use?

The primary target of decontamination in the infectious disease laboratory is the microorganism under active investigation. Laboratory preparations or infectious agents usually have titers grossly in excess of those normally observed in nature. The decontamination of these high-titer materials presents certain problems. Maintenance systems for bacteria or viruses are specifically selected to preserve viability of the agent. Agar, proteinaceous nutrients, and cellular materials can be extremely effective in physically retarding or chemically binding active moieties of chemical decontaminants. Such interferences with the desired action of decontaminants may require the use of decontaminant concentrations and contact times in excess of those shown to be effective in the test tube. Similarly, a major portion of decontaminant contact time required to achieve a given level of agent inactivation may be expended in inactivating a relatively small number of the more resistant members of the population. The current state of the art provides little information on which to predict the probable virulence of these survivors. These problems are, however, common to all potentially pathogenic agents and must always be considered in selecting decontaminants and procedures for their use.

Microorganisms exhibit a range of resistance to chemical decontaminants. In terms of practical decontamination, most vegetative bacteria, fungi and lipid-containing viruses, are relatively susceptible to chemical decontamination. The non-lipid-containing viruses and bacteria with a waxy coating such as tubercle bacillus occupy a mid-range of resistance. Spore forms are the most resistant.

A decontaminant selected on the basis of its effectiveness against microorganisms on any range of the resistance scale will be ef-

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fective against microorganisms lower on the scale. Therefore, if decontaminants that effectively control spore forms are selected for routine laboratory decontamination, it can be assumed that any other microorganisms generated by laboratory operations, even in high concentrations, would also be inactivated.

An additional area that must be considered and for which there is little definitive information available is the "inactivation" of nucleic acids. Nucleic acids often have better survival characteristics under adverse conditions than do the intact virions and cells from which they were derived. Strong oxidizers, strong acids and bases, and either gaseous or aqueous formaldehyde should react readily with nucleic acids. Their ability to destroy the nucleic acid being studied, however, should be confirmed in the experimenter's laboratory. Because of innate differences in the chemistry of RNA and DNA the effectiveness of a decontaminant for one cannot be extrapolated to the other. For example, RNA molecules are susceptible to mild alkaline hydrolysis by virtue of the free hydroxyl group in the 2' position, whereas DNA molecules are not susceptible to mild alkaline hydrolysis.

Table II summarizes pertinent characteristics and potential applications for several categories of chemical decontaminants most likely to be used in the biological laboratory. Practical concentrations and contact times that may differ markedly from the recommendations of manufacturers of proprietary products are suggested. It has been assumed that microorganisms will be afforded a high degree of potential protection by organic menstruums. It has not been assumed that a sterile state will result from application of the indicated concentrations and contact times. It should be emphasized that these data are only indicative of efficacy under artificial test conditions. The efficacy of any of the decontaminants should be conclusively determined by individual investigators. It is readily evident that each of the decontaminants has a range of advantages and disadvantages as well as a range of potential for inactivation of a diverse microflor. Equally evident is the need for compromise as an alternative to maintaining a veritable "drug store" of decontaminants.

Appendix B

Table II

SUMMARY OF PRACTICAL DECONTAMINANTS FOR USE IN THE LABORATORY

Type	Category	Practical requirements: Concentration active ingredient	Contact time (Exposure): Low temp. (4°C)	Room temp. (20°C)	Toxic to	Inactivates: Vegetative cells	Low viruses	Mycobacterium sp.	Bacterial spores	Inactivant characteristics: Effective upon soiled surfaces	Corrosive	Flammable	Explosive in dry state	Odorous	Inactivates by oxidation	Low compatibility	Electrolyte compatible	Eyes irritant	Eye irritancy (severity)	Toxic	Potential application: Work surfaces	Dirty surfaces	Large area decon.	Air sanitizing (fumigation)	Physical equip. surface decon.	Penetrating decon.	Stationary equip. surface decon.	Stationary equip. penetrating decon.	Laundry	Laundry for biocidal	Books, papers	Representative decontaminating chemicals
Alc	Ethanol	70%	10	10			•	•				•										✓	✓		✓							
	Isopropanol	70%	10	10			•	•				•										✓	✓		✓							
Ald	Formaldehyde	8%	10	10			•	•	•													✓	✓		✓							
	Glutaraldehyde	2%	10	10			•	•	•													✓	✓		✓							
Ox	Sodium hypochlorite	525 ppm	10	10			•	•	•													✓	✓		✓							
	Iodophor	50 ppm	10	10			•	•	•													✓	✓		✓							
Ph	Phenolic	3%	10	10			•	•														✓	✓		✓							
Hal	Chlorine	3%	10	10			•	•	•													✓	✓		✓							
	Iodophor	3%	10	10			•	•	•													✓	✓		✓							
Alcoh	Ethanol	95%	10	10			•	•														✓	✓		✓							
	Alcohol, Isopropyl	95%	10	10			•	•														✓	✓		✓							
Ald	Formaldehyde	8%	10	10			•	•	•													✓	✓		✓							
	Glutaraldehyde	2%	10	10			•	•	•													✓	✓		✓							
Ox	Sodium Oxide	525 ppm	10	10	37	10	•	•	•													✓										
	Paraformaldehyde	100%	10	10	21	10	•	•	•													✓										

1. Use at room temperature = 4°C = 4 hour exposure.
2. Variable results dependent on virus.
3. Various flammable or explosive in 95% O2 or fluorinated hydrocarbon aid form.
4. At concentrations of 3 to 5% by volume in air, mild exposure to open flame.
5. Potential from light and air.
6. By odor as much as both - refer to manufacturer's literature and/or safety index.
7. Where limitations pertain (during all practical situations, individual testing (as occasional) do not apply endorsement or (preference of any product by the NIH.
8. Delay in fixation and cancer (rare).

VII. HOUSEKEEPING

A. *Introduction.* Well-defined housekeeping procedures and schedules are essential in reducing the risks of working with etiologic agents and in protecting the integrity of the research program. This is particularly true in the biological laboratory operating under less than total containment concepts and in all areas used for the housing of animals, whether or not they have been intentionally infected. A well-conceived and well-executed housekeeping program limits physical clutter that could distract the attention and interfere with the activities of laboratory personnel at a critical moment in a potentially hazardous procedure, provides a work area that will not in itself be a source of physical injury or contamination, and provides an area that promotes the efficient use of decontaminants in the event of the inadvertent release of a harmful agent. Less immediately evident are the benefits of establishing, among personnel of widely varying levels of education, an appreciation of the nature and sources of biological contamination.

Housekeeping is an omnibus term that can be interpreted as broadly or as narrowly as one chooses. It can be seen that many of the procedures found under special headings, such as decontamination, disposal, and animal care, are, in reality, specific instructions for safely accomplishing otherwise routine housekeeping chores. In these safety suggestions for research on recombinant DNA molecules, it has been elected to address specifically only tasks of a janitorial nature under the subject of housekeeping.

The objectives of housekeeping in the biological laboratory are to:

1. Provide an orderly work area conducive to the accomplishment of the research program.

2. Provide work areas devoid of physical hazards.

3. Provide a clean work area with background contamination ideally held to a zero level but more realistically to a level such that extraordinary measures in sterile techniques are not required to maintain integrity of the biological systems being researched.

4. Prevent the accumulation of materials from current and past experiments that constitute a hazard to laboratory personnel.

5. Prevent the creation of aerosols of hazardous materials as a result of the housekeeping procedures used.

Procedures developed in the area of housekeeping should be based on the highest level of risk to which the personnel and integrity of the experiments will be subject. Such an approach avoids the confusion of multiple practices and retraining of personnel. The primary function, then, of routine housekeeping procedures is to prevent the accumulation of organic debris that (i) may harbor microorganisms that are a potential threat to the integrity of the biological systems under investigation, (ii) may enhance the survival of microorganisms inadvertently released in experimental procedures, (iii) may retard penetration of decontaminants, (iv) may be transferable from one area to another on clothing and shoes, (v) may, with sufficient buildup, become a biohazard as a consequence of secondary aerosolization by personnel and air movement, and (vi) may cause allergenic sensitization of personnel, e.g., to animal danders.

Housekeeping in animal care units has the same primary function as that stated for the laboratory and should, in addition, be as meticulously carried out in quarantine and conditioning areas as in areas used to house experimentally infected animals. No other areas in the laboratory have the constant potential for creation of significant quantities of contaminated organic debris than do animal care facilities.

In all laboratories, efforts to achieve total decontamination and to conduct a major cleanup of the biological complex are normally undertaken at relatively long time intervals. Routine housekeeping must be relied on to provide a work area free of significant sources of background contamination. The provision of such a work area is not simply a matter of indicating in a general way what has to be done, who will do it, and how often. The supervisor must view each task critically in terms of the potential biohazard involved, decide on a detailed procedure for its accomplishment, and provide instructions to laboratory personnel in a manner that minimizes the opportunity for misunderstanding.

The following checklist outlines a portion of the items requiring critical review by the laboratory supervisor. It is not intended to be complete but is presented as an example of the detailed manner in which housekeeping in the biological laboratory complex must be viewed.

Administration Areas
Aisles
Animal Food Storage
Animal Bedding Storage
Biological Safety Cabinets
Bench Tops and Other Work Surfaces
Ceilings
Change Rooms
Cleaning Solution Disposal
Cages and Cage Racks
Dry Ice Chests
Deep Freeze Chests
Entry and Exit Ways
Equipment Storage
Floors
Glassware
General Laboratory Equipment Cleanup
Hallways
Incubators
Instruments
Insect and Rodent Control
Light Fixtures
Mechanical Equipment Areas
Mops
Pipes—Wall and Celling Hung
Refrigerators
Showers
Supply Storage
UV Lamps
Vacuum Cleaners
Waste Accumulations
Waste Water Disposal
Others

Housekeeping in the laboratory is one of the avenues that leads to accomplishing the research program safely. It is important that housekeeping tasks be assigned to personnel who are knowledgeable of the research program and special hazards of the research environment. The recommended approach to housekeeping is the assignment of housekeeping tasks to the research teams on an individual basis for their immediate work areas and on a cooperative basis for areas of common usage. Similarly, animal caretaker personnel should be responsible for housekeeping in animal care areas. The laboratory supervisor must determine the frequency with which the individual and cooperative housekeeping chores need be accomplished. He should provide schedules and perform frequent inspection to assure compliance. This approach assures that research work flow patterns will not be interrupted by an alien cleanup crew, delicate laboratory equipment will be handled only by those most knowledgeable of its particular requirements, and the location of concentrated biological preparations and contaminated equipment used in their preparation and application will be known.

B. *Floor care.* Avoidance of dry sweeping and dusting will reduce the formation of nonspecific environmental aerosols. Wet mopping or vacuum cleaning with a high-efficiency particulate air (HEPA) filter on the exhaust is recommended.

Careful consideration must be given to design and quality in the selection of cleaning equipment and materials and in their use to prevent the substitution of one hazard for another.

In the absence of overt hazardous spills, the cleaning process commonly will consist of an initial vacuuming to remove all gross particulate matter and a follow-up wet mopping with a solution of chemical decontaminant containing a detergent. Depending on the nature of the surfaces to be cleaned and availability of floor drains, removal of residual cleaning solutions can be accomplished by a number of methods. Among these are: Pickup with a partially dry mop, pickup with a wet vacuum that has an adequately filtered exhaust, or removal to a convenient floor drain by use of a floor squeegee.

After cleaning up a spill of infected material, the residual solution should not be discharged to a sanitary sewer until it has been autoclaved or given further chemical treatment, such as by the addition of sodium hypochlorite sufficient to provide a final concentration of 500 ppm chlorine. Most household bleaches are marketed with a chlorine content of 5.25%. These in a final dilution of 1:100, yield 525 ppm of available chlorine. After allowing a contact time of 15 minutes, these solutions may be flushed down any available drain. Chlorine solutions in these high concentrations may be too corrosive for general application to floors and equipment. In any event, if solutions are used in this way, after the contact time the area should be rinsed with water.

C. *Dry sweeping.*—While it is recommended that dry sweeping be minimized, this may be the only method available or practicable under certain circumstances. In such cases, sweeping compounds used with push brooms and dry-dust mop heads treated to suppress aerosolization of dust should be used.

Sweeping compounds available from the usual janitorial supply firms fall in three categories:

Wax-based compounds used on vinyl floors and waxed floor coverings.

Oil-based compounds for concrete floors.

Oil-based compounds with abrasives (such as sand) to achieve a dry scouring action where much soil is present.

Dry-dust mop heads can be purchased as treated disposable units or as reusable, washable heads that must be treated with appropriate sprays or by other means to improve their dust-capturing property.

D. *Vacuum cleaning.* In the absence of a HEPA filter on the exhaust, the usual wet and dry industrial-type vacuum cleaner is a potent aerosol generator. The HEPA-filtered exhaust used in conjunction with a well-sealed vacuum unit, however, can negate this factor because of its ability to pass large volumes of exhaust air while retaining particles with a minimum efficiency of 99.97 percent. Wet and dry units incorporating a HEPA filter on the exhaust are available from a number of manufacturers.

There are no particular requirements with respect to the manner in which the dry vacuuming is accomplished other than to emphasize that the objective is to remove all debris and particulate matter. The manufacturer's directions adequately detail the frequency of bag changes, filter changes, and mechanical adjustments.

Dry material vacuum-collected during these floor-cleaning activities is potentially contaminated, but the nature of the risk is probably greater to the experiment than to the experimenter. It is wise to effect bag and filter changes and to clean out collection tanks in a manner that will avoid or minimize aerosolizing the contents of the vacuum cleaner.

A vacuum machine that collects debris in a disposable bag is preferable to machines that collect the major debris in a tank and on an exposed primary filter. Even though it may serve as a primary filter, the disposable bag must be removed with caution. A bellows effect may pump dust out of the bag if its intake opening is not sealed before moving it to a plastic bag for transfer out of the area. In any event, the outer surface of the disposable bag will probably bear some dust contamination, which also may occur on inner surfaces of the machine.

To avoid contaminating experimental materials, the emptying of vacuum collection tanks and changing of bags and filters are best done away from the immediate laboratory area, for example, in a small area that can be easily cleaned afterwards. The use of heavy rubber gloves is recommended when removing wastes from tanks in case broken glass is present. After making the filter changes, all external surfaces of the immediate work area and the equipment should be wiped with a cloth moistened in decontaminant. The operator might plan for a change of laboratory clothing afterwards so as to minimize carrying contamination into other areas of the laboratory.

Avoid use of dry vacuum cleaning equipment in work with high risk agents in the open laboratory. Should it be necessary to use it, it is recommended that gaseous sterilization may be used to minimize aerosolization of microorganisms before waste is emptied from the vacuum container. Because complete penetration of sterilizing gases into the collected dry dust may be a problem, all wastes should be placed in a plastic bag, which then is tightly closed and incinerated or disposed of in an approved manner.

When dry vacuum cleaning equipment has been used within a gastight safety cabinet system, it can be treated in an attached double-door carboxyclave (an autoclave equipped with an ethylene oxide gas sterilization system) to allow for removal and emptying of the collection tank.

If a wet vacuum is to be used for pickup of the detergent-germicide solution from the floor, the manufacturer's recommendations on filter life should be followed. In addition, the operation of the vacuum should be closely observed for evidence of operating changes indicating restricted airflow or, conversely, increased flow indicating filter failure. Liquids collected in the vacuum cleaner after floor mopping will contain decontaminant materials. These liquids may be poured down a convenient floor drain, except in the case of cleanup wastes from an overt spill. The collected liquid should then be autoclaved or treated with chlorine solution before disposal.

Provisions should be made for regular decontamination of the entire vacuum cleaner with formaldehyde gas or vapor, or ethylene oxide. This should be done after use if the vacuum is used in any manner for cleanup of overt spills of infectious material.

E. *Selection of a cleaning solution.* The selection of a detergent-decontaminant combination for routine cleaning of the laboratory complex should be based on the requirements of the area of greatest potential for contamination by the widest spectrum of microorganisms. With rare exception, this will be identified as the animal holding area and the expected microorganisms may well include fungi, viruses, and the vegetative and spore forms of bacteria. A decontaminating solution for such a range of microorganisms would, however, be expensive and excessively corrosive for routine use. Except in those rare instances where it can be assumed that pathogenic spores are being shed by laboratory animals, the risks from the spores are more likely to affect the experiments than the personnel. The spores tend to be associated with organic debris from bedding and food, thus offering potential for removal or at least a large initial reduction in their numbers by vacuum cleaning. A wide range of cleaning solutions that are mildly sporicidal, reasonably residual, and are not destructive to the physical plant are available. Phenol derivatives in combination with a detergent have these characteristics and have been selected for routine use in a number of research facilities. There are numerous detergent-phenolic combinations available on the market. The phenols are one type of a broad spectrum of biocidal substances that include the mercurials, quaternary ammonium compounds, chlorine compounds, iodophores, alcohols, formaldehyde, glutaraldehyde, and combinations of alcohol with either iodine or formaldehyde. These have been discussed in Section VI.

The laboratory supervisor should make a selection from those types most readily avail-

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able which meet the general criteria of effectiveness, residual properties, and low corrosiveness.

F. *Wet mopping—two-bucket method.* Wet mopping of floors in laboratory and animal care areas is, from a safety standpoint, most conveniently and efficiently accomplished using a two-bucket system. The principal feature of such a system is that fresh detergent-decontaminant solution is always applied to the floor from one bucket, while all spent cleaning solution wrung from the mop is collected in the second bucket. Compact dolly-mounted double-bucket units with foot-operated wringers are available from most janitorial supply houses. A freshly laundered mop head of the cotton string type should be used daily. This requires that a mop with removable head be provided as opposed to a fixed-head type. In practice, the mop is saturated with fresh solution, very lightly wrung into the second bucket and applied to the floor using a figure eight motion of the mop head. After every four or five strokes, the mop head is turned over and the process continued until an area of approximately 100 ft² has been covered. After allowing a contact time of five minutes, the solution is removed with either a wet vacuum cleaner with HEPA-filtered exhaust or with the wrung-out mop. The mopping is continued in 100 ft² increments until the total floor area has been covered. Floor-cleaning procedures are most effectively completed after the majority of the work force has departed and should progress from areas of least potential contamination to those of greatest potential. Before a mop head is sent to a laundry, it should be autoclaved. Spent cleaning fluids are disposed of by flushing down the drain.

If the cleanup follows an overt spill of infectious material, the spent cleaning solution, after removal from the floor, should be autoclaved or treated with chlorine solution. Chlorine (as household bleach) should be added to give 500 ppm and held for a contact time of 15 minutes before dumping in the sanitary sewer.

G. *Alternative floor cleaning method for animal care areas and areas with monolithic floors.* The absence of permanently placed laboratory benches and fixed equipment, coupled with the mobility of modern cage racks, makes possible alternate floor-cleaning procedures in animal care facilities. As in all considerations of methodologies in biomedical laboratory facilities, it is necessary to assess the compatibility of procedures and facilities from the hazard point of view. The alternative floor-cleaning procedure to be discussed requires that floors are completely sealed or of monolithic construction so that liquid leakage to adjacent areas does not occur and that floor drains or wet vacuum cleaners are available.

Subsequent to the removal of all debris by dry vacuum, move the cage racks to one side of the room. Cover the floor of the remaining cleared portion of the room with a detergent-decontaminant solution applied at a rate of approximately one gallon per 144 ft² from a one-gallon tank sprayer, using a setting on the nozzle which will cause the solution to flow on and not create a spray. The nozzle is placed close to the floor. Allow a fifteen-minute contact period; then push the cleaning solution to the floor drain with a large floor squeegee or pick it up with a wet vacuum. Allow the floor to air dry; move the cage racks into the cleaned area, and repeat the process for the remaining floor area. Floor drains in these areas should be *rim-flush*, at least six inches in diameter, and fitted with a screen or porous trap bucket to catch large debris that escapes the initial dry cleaning. Such screens and baskets should be emptied after treatment with a decontaminant. If space utilization does not require frequent floor washdown, pour a half-gallon of detergent-decontaminant solution into the drain each week to keep the trap in the waste line filled against backup of sewer gases.

VIII. CLEAN-UP OF BIOHAZARDOUS SPILLS (8, 9, 10)

A. *Biohazardous spill in a biological safety cabinet.* Chemical decontamination procedures should be initiated at once *while the cabinet continues to operate* to prevent escape of contaminants from the cabinet.

1. Spray or wipe walls, work surfaces, and equipment with a 2 percent solution of an iodophor-decontaminant (Wescodyne or equivalent). A decontaminant detergent has the advantage of detergent activity, which is important because extraneous organic substances frequently interfere with the reaction between the microorganisms and the active agent of the decontaminant. Operator should wear gloves during this procedure.

2. Flood the top work surface tray, and, if a Class II cabinet, the drain pans and catch basins below the work surface, with a decontaminant and allow to stand 10-15 minutes.

3. Remove excess decontaminant from the tray by wiping with a sponge or cloth soaked in a decontaminant. For Class II cabinets, drain the tray into the cabinet base, lift out tray and removable exhaust grille work, and wipe off top and bottom (underside) surfaces with a sponge or cloth soaked in a decontaminant. Then replace in position and drain recontaminant from cabinet base into appropriate container and autoclave according to standard procedures. Gloves, cloth or sponge should be discarded in an autoclave pan and autoclaved.

B. Biohazard spill outside a biological safety cabinet. 1. Hold your breath, leave the room immediately, and close the door.

2. Warn others not to enter the contaminated area.

3. Remove and put into a container contaminated garments for autoclaving and thoroughly wash hands and face.

4. Wait 30 minutes to allow dissipation of aerosols created by the spill.

5. Put on a long-sleeve gown, mask, and rubber gloves before reentering the room. (For a high risk agent, a jumpsuit with tight-fitting wrists and use of a respirator should be considered).

6. Pour a decontaminant solution (5% iodophor or 5% hypochlorite are recommended) around the spill and allow to flow into the spill. Paper towels soaked with the decontaminant may be used to cover the area. To minimize aerosolization, avoid pouring the decontaminant solution directly onto the spill.

7. Let stand 20 minutes to allow an adequate contact time.

8. Using an autoclavable dust pan and squeege, transfer all contaminated materials (paper towels, glass, liquid, gloves, etc.) into a deep autoclave pan. Cover the pan with aluminum foil or other suitable cover and autoclave according to standard directions.

9. The dust pan and squeegee should be placed in an autoclavable bag and autoclaved according to standard directions. Contact of reusable items with non autoclavable plastic bags should be avoided—separation of the plastic after autoclaving can be very difficult.

C. *Radioactive biohazard spill outside a biological safety cabinet.* In the event that a biohazardous spill also involves a radiation hazard, the clean-up procedure may have to be modified, depending on an evaluation of the risk assessment of relative biological and radiological hazard.

Laboratories handling radioactive substances must have the services of a designated radiation protection officer available for consultation.

The following procedure indicates suggested variations from the biohazard spill procedure (above) that should be considered when a radioactive biohazard spill occurs outside a Biological Safety Cabinet.[1]

1. Holding your breath, leave the room immediately and close the door.

2. Warn others not to enter the contaminated area.

3. Remove and put in a container contaminated garments for autoclaving and thoroughly wash hands and face.

4. Wait thirty minutes to allow dissipation of aerosols created by the spill.

**Before clean-up procedures begin, a radiation protection officer should survey the spill for external radiation hazard to determine the relative degree of risk.*

5. Put on a long-sleeve gown, mask, and rubber gloves before reentering the room. (For a high risk agent, a jumpsuit with tight-fitting sleeves and a respirator should be considered).

6. Pour a decontaminant solution (5% iodophor or 5% hypochlorite are recommended) around the spill and allow to flow into the spill. Paper towels soaked with the decontaminant may be used to cover the area. To minimize aerosolization, avoid pouring the decontaminant solution directly onto the spill.

7. Let stand 20 minutes to allow adequate disinfectant contact time.

8. **In most cases, the spill will involve ¹⁴C or ³H, which present no external hazard. However, if more energetic beta or gamma emitters are involved, care must be taken to prevent hand and body radiation exposure. The radiation protection officer must make this determination before the clean-up operation is begun.*

If the radiation protection officer approves, the bio-hazard-handling procedure may begin: Using an autoclavable dust pan and squeegee, transfer all contaminated materials (paper towels, glass, liquid, gloves, etc.) into a deep autoclave pan. Cover the pan with aluminum foil or other suitable cover and autoclave according to standard directions.

**If the radiation protection officer determines that radioactive vapors may be released and thereby contaminate the autoclave, the material must not be autoclaved. In that case, sufficient decontaminant solution to immerse the contents should be added to the wastes container. The cover should be sealed with waterproof tape, and the container stored and handled for disposal as radioactive waste. Radioactive and biohazard warning symbols should be affixed to the waste container. As a general rule, autoclaving should be avoided.*

9. If autoclaving has been approved, the dust pan and squeegee should be placed in an autoclavable bag and autoclaved according to standard directions. Contact of reusable items with plastic bags should be avoided—separation of the plastic after autoclaving can be very difficult.

**A final radioactive survey should be made of the spill area, dust pan, and squeegee with a Geiger counter, or a smear should be taken and counted in a liquid scintillation counter.*

IX. A SECONDARY RESERVOIR AND FILTRATION APPARATUS FOR VACUUM SYSTEMS

The aspiration of tissue culture media from monolayer cultures and of supernatants from centrifuged samples into collection vessels or reservoirs is a common procedure in many laboratories. To prevent the accidental contamination by aerosols or fluids of house vacuum systems or laboratory pumps, some investigators have installed side arm flasks containing cotton, sulfuric acid or decontaminant between the reservoir and the vacuum line. Cotton is not completely effective as a filtering agent, sulfuric acid will corrode pipes, and contaminants may lose their inactivating ability upon standing. The introduction of a cartridge-type filter that is moisture resistant and has a rated capacity to remove particles 350 nm (0.35u) or larger in size provides an effective barrier to virus aerosols.

[1] Changes in procedures have been starred and italicized.

The secondary reservoir and filtration apparatus can be assembled from readily available units as shown in Figure 1. A length of plastic tubing ¼ inch I.D x ⅛ inch wall is attached at one end of the reservoir and at the other end to the lower arm of a filtration and media storage flask. These flasks vary in capacity from 250 to 4000 ml, the choice of flask depending on available space and amount of fluid that could be accidentally aspirated. A second tube of the same dimensions is attached from the upper arm of the flask to the inlet port of the disposable filter assembly. The third tube is attached from the filter assembly to a vacuum source. The tubes are securely held to the filter by fittings supplied with the filter and the other tubing connections can be secured by worm drive hose clamps.

Ideally the flask should be placed higher than the reservoir of collection vessel. If fluid is accidentally drawn into the flask, the liquid can drain back into the reservoir by gravity if the connection at the vacuum line is broken. This prevents the loss of fluid which the investigator needs to retain.

Should the flask be used only for the recovery and storage of waste fluids, then the addition of a few grams of Dow Corning Antifoam A to the flask will reduce violent foaming of fluids aspirated into it. Such fluids can be decontaminated by introducing into the reservoir a final 5% concentration of an iodophor or other appropriate decontaminant, holding for 30 minutes and draining as above.

If the filter becomes contaminated or requires changing, the filter and flask can be safely removed by clamping the line between filter and vacuum source. The filter and flask should be autoclaved before the filter is discarded. A new filter can then be installed and the assembly replaced.

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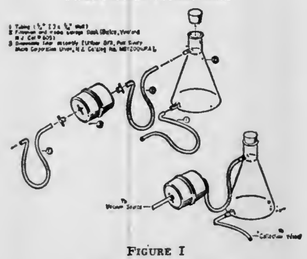


FIGURE I

X. PACKAGING AND SHIPPING

A. *Introduction.* Federal regulations and carrier tariffs have been promulgated to ensure the safe transport of hazardous biological materials. The NIH Guidelines specify that all DNA recombinant materials will be packaged and shipped in containers that meet the requirements of these regulations and carrier tariffs. In addition when any portion of the recombinant DNA material is derived from an etiologic agent listed in paragraph (c) of 42 CFR 72.25 (which is included at the end of this section, page D-85) the labeling requirements in these regulations and carrier tariffs shall apply.

B. *Packaging of recombinant DNA materials.* 1. *Volume less than 50 ml.* Material shall be placed in a securely closed, watertight container [primary container (test tube, vial, etc.)] which shall be enclosed in a second, durable watertight container (secondary container). Several primary containers may be enclosed in a single secondary container, if the total volume of all the primary containers so enclosed does not exceed 50 ml. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient nonparticulate absorbent material to absorb the entire contents of the primary container(s) in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiberboard, cardboard, wood, or other material of equivalent strength.

If dry ice is used as a refrigerant, it must be placed outside the secondary container(s).

Descriptions of this packaging method are given in Table III.

2. *Volumes of 50 ml or Greater.* Material shall be placed in a securely closed, watertight container (primary container) which shall be enclosed in a second, durable watertight container (secondary container). Single primary containers shall not contain more than 500 ml. of material. However, two or more primary containers whose combined volumes do not exceed 500 ml. may be placed in a single secondary container. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient non-particulate absorbent material to absorb the entire contents of the primary container(s) in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiberboard, cardboard, wood, or other material of equivalent strength. A shock absorbent material, in volume at least equal to that of the absorbent material between the primary and secondary containers, shall be placed at the top, bottom, and sides between the secondary container and the outer shipping container. Not more than eight secondary shipping containers may be enclosed in a single outer shipping container. (The maximum amount of materials which may be enclosed within a single outer shipping container should not exceed 4,000 ml.).

If dry ice is used as a refrigerant, it must be placed outside the secondary container(s). If dry ice is used between the secondary container and the outer shipping container, the shock absorbent material shall be placed so that the secondary container does not become loose inside the outer shipping container as the dry ice sublimates.

Descriptions of packages which comply with the regulations of the Department of Transportation (DOT) are given in Table IV.

C. Labeling of packages containing recombinant DNA materials. 1. Materials which do not contain any portion of an etiologic agent listed in paragraph (c) of 42 CFR 72.25.

Material data forms, letters, and other information identifying or describing the material should be placed around the outside of the secondary container. Place only the address label on the outer shipping container.

DO NOT USE THE LABEL FOR ETIOLOGIC AGENTS/BIOMEDICAL MATERIAL.

2. Materials which contain any portion of an etiologic agent listed in paragraph (c) of 42 CFR 72.25.

Material data forms, letters, and other information identifying or describing the material should be placed around the outside of the secondary container. In addition to the address label, the label for Etiologic Agents/Biomedical Material must be affixed to the outer shipping container. This label is described in paragraph (c)(4) of 42 CFR 72.25.

3. Materials which contain any portion of a plant pest (plant pathogens) which are so defined by the Department of Agriculture (USDA).

Material data forms, letters, and other information identifying or describing the material should be placed around the outside of the secondary container. In addition to the address label, the shipping labels furnished by the USDA as part of the General, Courtesy, or Special Permits required for research with and shipment of such agents shall be affixed to the outer shipping container.

D. *Additional shipipng requirements and limitations for recombindnt DNA materials.*—1. *Domestic Transportation.* Civil Aeronautics Board Rule No. 82 (Air Transport Association Restricted Articles Tariff 6-D) requires that a Shipper's Certificate, depicted below, be completed and affixed to all shipments which bear the ETIOLOGIC AGENT/BIOMEDICAL MATERIALS label required under the provisions of the Interstate Quarantine regulations (42 CFR 72.25(c)). The Certificate must be completed in duplicate and affixed to the outer shipping container.

This is to certify that the contents of this consignment are properly classified, described by proper shipping name and are packed, marked and labelled and are in proper condition for carriage by air according to all applicable carrier and government regulations. (For international shipments add "and to the IATA Restricted Articles Regulations".) This consignment is within the limitations prescribed for: PASSENGER AIRCRAFT/CARGO ONLY (cross out nonapplicable).

Number of Packages	Specify Each Article Separately (Proper Shipping Name)	Classification	Net Quantity per Package
	ETIOLOGIC AGENT, n.o.s.	ETIO. AG.	

Shipper: _____ Date _____

(Signature of Shipper)

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Shipments of recombinant DNA Materials exceeding 50 ml in volume and containing any portion of an etiologic agent listed in paragraph (c) of 42 CFR 72.25 are restricted, by DOT regulations, to transport by cargo only aircraft. When the volume of a single primary container exceeds the 50 ml limitation, this restriction must be indicated on the Shipper's Certificate by crossing out "Passenger Aircraft".

When dry ice is used as a refrigerant an "ORA—Group A—DRY ICE LABEL" should be affixed to the outer shipping container. The amount of dry ice used and the date packed should be designated on the label.

2. *International Transportation.*—In addition to the packaging and labeling requirements of the regulations previously cited, international shipments of recombinant DNA materials in which any portion of the material is derived from an etiologic agent listed in paragraph (c) of 42 CFR 72.25 must have one or more of the following documents—depending on the country of destination:

(1) Parcel Post Customs Declaration (PS 2966) tag.

(2) Parcel Post Customs Declaration (PS 2966–A) label.

(3) International Parcel Post—Instructions Given by Sender (POD 2922) label.

(4) Dispatch note (POD 2972) tag.

(5) "Violet Label"

(6) Shipper's Certificate specified in the current International Air Transport Association Tariff. Individual country requirements are listed in "International Postage Rates and Fees" (USPO Publication 51).

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TABLE III

Description of Packages for Material in Volumes less than 50 ml.

Volume (ml)	Primary Container	Packing	Secondary Container	Packing	Outer Shipping d/ Container
35 max.	Sealed vial(s) or small glass test tube, screw cap[a] or stopper, taped	a/	Metal can 1" diam. x 7" O.D. metal screw cap	None Required	Fiberbody; metal screw cap, top and bottom; 1-1/2" diam. x 7 to 7-1/2" O.D.
50 or less	One 20 x 150 mm test tube, taped[a] stopper or multiple small vials	a/	Metal can 2-1/2" diam. x 6-1/2" high O.D. screw cap	None Required	Fiberbody; metal screw cap, top and bottom; 3-1/4" diam. x 7 to 7-1/2" O.D.
50 or less	Plastic[a] screw cap[a] bottle or Pyrex glass with skirt rubber stopper	a/	Metal can 2-1/2" diam. x 6-1/2" high O.D. screw cap	None Required	Fiberbody; metal screw cap, top and bottom; 3-1/4" diam. x 7 to 7-1/2" O.D.
50 or less	Multiple watertight vials or [A] tubes, taped stoppers	a/	One or more friction-seal tin cans b/ 306 x 400 or larger	c/	Fiberboard box

[a]The flexibility of the plastic bottle requires that a stopper or screw cap be secured in place by adhesive tape. The usual equivalent-size glass flat-sided prescription bottle is too fragile for use. For air transport, all stoppers, corks, and caps on primary containers must be secured in place with wire, tape, or other means, and all screw-capped containers of unfrozen liquid must be placed in 5 or 6 mil polyvinyl tubing heat-sealed at both ends to prevent atmospheric decompression that may result in leakage past the screw cap.

O.D. = outside dimensions.

a/ Nonparticulate absorbent material at top, bottom and sides that will completely absorb contents of the primary container(s).

b/ 610 x 708 and 804 x 908 are trade designations for outside dimensions of 6-10/16 inches diameter x 7-8/16" height, and 8-4/16" x 9-8/16".

c/ None required, but with the 306 x 400 cans or larger cans use sufficient nonparticulate shock-absorbent material to prevent rattling.

d/ If materials are to be refrigerated, it is recommended that an overpack be used to contain the refrigerant and the secured (original) outer shipping container. A leak proof outer container must be used for water ice. If dry ice is used the outer container must permit release of carbon dioxide. Interior supports must be provided to hold the container(s) in the original position(s) after wet or dry ice has dissipated.

TABLE IV

Description of Packages for Material in Volumes of 50 ml or greater

Volume (ml)	Primary Container	Packing	Secondary Container	Packing With Refrigerant	Packing Without Refrigerant	Outer Shipping Container With Refrigerant	Outer Shipping Container Without Refrigerant
51 to 100 ml	Plastic[a] or Pyrex glass screw cap[a] bottle; rubber or skirt rubber stopper, taped[a]	a/	Consists of metal container & outer container specified in Table III	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	Corrugated fiberboard or cardboard box, taped shut
100 max.	One 100 ml plastic[a] screw cap[a] narrow neck bottle or Pyrex glass, taped[a]	a/	No. 3 crimp seal tin can 404 x 700 or a 1-gallon friction-seal tin can, 610 x 708, top soldered or clipped at 4 points b/	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	V3C cardboard box PS3 type, 9-3/16" x 9-3/16" x 11-1/4" high O.D. taped shut with 3" type PS3 tape
200 max.	Two 100 ml plastic[a] screw cap[a] bottles or Pyrex glass, taped	a/	No. 3 crimp seal tin can 404 x 700 or a 1-gallon friction-seal tin can, 610 x 708, top soldered or clipped at 4 points b/	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	V3C cardboard box PS3 type, 9-3/16" x 9-3/16" x 11-1/4" high O.D. taped shut with 3" type PS3 tape
250 max.	One 250 ml, plastic[a] narrow mouth screw cap[a] bottle or Pyrex glass skirted rubber stopper, taped[a]	a/	No. 3 crimp seal tin can 404 x 700 or a 1-gallon friction-seal tin can, 610 x 708, top soldered or clipped at 4 points b/	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	V3C cardboard box PS3 type, 9-3/16" x 9-3/16" x 11-1/4" high O.D. taped shut with 3" type PS3 tape
500 max.	Two 250 ml plastic[a] screw cap[a] bottles or Pyrex glass bottles, taped[a]	a/	2-gallon friction-seal tin can, 804 x 908, top soldered or clipped at 4 points b/	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	V3C cardboard box 12-1/4" x 12-1/4" x 10-3/16" high O.D. taped shut with 3" wide PS3 tape.
500 max.	500 ml Pyrex glass bottle, rubber-skirt stopper, taped, or 500 ml plastic[a] bottle, narrow or wide mouth, screw cap[a], taped	a/	No. 12 crimp seal tin can 603 x 810 2-gallon friction-seal tin can, 804 x 908, top soldered or clipped at 4 points b/	Styrofoam box shock-absorbent insulation	c/	Fiberboard box closely fitting the styrofoam box, taped shut	V3C cardboard box 12-1/4" x 12-1/4" x 10-3/16" high O.D. taped shut with 3" wide PS3 tape. For the No. 12 can a cardboard box is ok taped shut

[a]The flexibility of the plastic bottle requires that a stopper or screw cap be secured in place by adhesive tape. The usual equivalent-size glass flat-sided prescription bottle is too fragile for use. For air transport, all stoppers, corks, and caps on primary containers must be secured in place with wire, tape, or other means, and all screw-capped containers of unfrozen liquid must be placed in 5 or 6 mil polyvinyl tubing heat-sealed at both ends to prevent atmospheric decompression that may result in leakage past the screw cap.

O.D. = outside dimensions.

a/ Nonparticulate absorbent material at top, bottom and sides that will completely absorb contents of the primary container(s).

b/ 610 x 708 and 804 x 908 are trade designations for outside dimensions of 6-10/16 inches diameter x 7-8/16" height, and 8-4/16" x 9-8/16".

c/ Shock absorbent material, in volume at least equal to that between the primary and secondary container(s), at the top, bottom, and sides between the secondary container and the outer shipping container. The shock absorbent material shall be so placed that the secondary container(s) does not become loose inside the outer shipping container as the water ice or dry ice is dissipated.

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APPENDIX D, Page D-85 ATTACHMENT I

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
CENTER FOR DISEASE CONTROL
ATLANTA, GEORGIA 30333
Telephone: (404) 633-3311, Ext. 3783

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 72—INTERSTATE QUARANTINE

Subpart C—Shipment of Certain Things

Section 72.25 of Part 72, Title 42, Code of Federal Regulations, is amended to read as follows:

§ 72.25 Etiologic agents.[1]

(a) *Definitions.* As used in this section:

(1) An "etiologic agent" means a viable microorganism or its toxin which causes, or may cause, human disease.

(2) A "diagnostic specimen" means any human or animal material including, but not limited to, excreta, secreta, blood and its components, tissue, and tissue fluids being shipped for purposes of diagnosis.

(3) A "biological product" means a biological product prepared and manufactured in accordance with the provisions of 9 CFR Part 10, Licensed Veterinary Biological Products, 42 CFR Part 73, Licensed Human Biological Products, 21 CFR 130.3, *New drugs for investigational use in humans*, 9 CFR Part 103, Biological Products for Experimental Treatment of Animals, or 21 CFR 130.3(a), *New drugs for investigational use in animals*, and which, in accordance with such provisions, may be shipped in interstate traffic.

(b) *Transportation; etiologic agent minimum packaging requirements.* No person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, any material, including but not limited to, diagnostic specimens and biological products, containing, or reasonably believed by such person to contain, an etiologic agent unless such material is packaged to withstand leakage of contents, shocks, pressure changes, and other conditions incident to ordinary handling in transportation.

(c) *Transportation; etiologic agents subject to additional requirements.* No person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, any material, other than diagnostic specimens and biological products, containing, or reasonably believed by such person to contain, one or more of the following etiologic agents unless such material is packaged in accordance with the requirements specified in paragraph (b) of this section, and unless, in addition, such material is packaged and shipped in accordance with the requirements specified in subparagraphs (1)–(6) of this paragraph:

BACTERIAL AGENTS

Actinobacillus—all species.
Arizona hinshawii—all serotypes.
Bacillus anthracis.
Bartonella—all species.
Bordetella—all species.
Borrelia recurrentis, B. vincenti.
Brucella—all species.
Clostridium botulinum, Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani.
Corynebacterium diphtheriae C. equi, C. haemolyticum, C. pseudotuberculosis, C. pyogenes, C. renale.
Diplococcus (Streptococcus) pneumoniae.
Erysipelothrix insidiosa.
Escherichia coli, all enteropathogenic serotypes.
Francisella (Pasteurella) tularensis.
Haemophilus ducreyi, H. influenzae.
Herellea vaginicola.
Klebsiella—all species and all serotypes.
Leptospira interrogans—all serotypes.
Listeria—all species.
Mima polymorpha.
Moraxella—all species.
Mycobacterium—all species.
Mycoplasma—all species.
Neisseria gonorrhoeae, N. meningitidis.
Pasteurella—all species.
Pseudomonas pseudomallei.
Salmonella—all species and all serotypes.
Shigella—all species and all serotypes.
Sphaerophorus necrophorus.
Staphylococcus aureus.
Streptobacillus moniliformis.
Streptococcus pyogenes.
Treponema carateum, T. pallidum, and *T. pertenue.*
Vibrio fetus, V. comma, including biotype El Tor, and *V. parahemolyticus.*
Yersenia (Pasteurella) pestis.

FUNGAL AGENTS

Actinomycetes (including *Nocardia species, Actinomyces* species and *Arachnia propionica*).
Blastomyces dermatitidis.
Coccidioides immitis.
Cryptococcus neoformans.
Histoplasma capsulatum.
Paracoccidioides brasiliensis.

VIRAL, RICKETTSIAL, AND CHLAMYDIAL AGENTS

Adenoviruses—human—all types.
Arboviruses.
Coxiella burnetii.
Coxsackie A and *B viruses*—all types.
Cytomegaloviruses.
Dengue virus.
Echoviruses—all types.
Encephalomyocarditis virus.
Hemorrhagic fever agents, including *Crimean hemorrhagic fever (Congo), Junin*, and *Machupo viruses*, and others as yet undefined.
Hepatitis-associated antigen.
Herpesvirus—all members.
Infectious bronchitis-like virus.
Influenza viruses—all types.
Lassa virus.
Lymphocytic choriomeningitis virus.
Marburg virus.
Measles virus.
Mumps virus.
Parainfluenza viruses—all types.
Poliioviruses—all types.
Poxviruses—all members.
Psittacosis - Ornithosis - Trachoma-Lymphogranuloma group of agents.
Rabies virus—all strains.
Reoviruses—all types.
Respiratory syncytial virus.
Rhinoviruses—all types.
Rickettsia—all species.
Rubella virus.
Simian viruses—all types.
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever*, and *Central European encephalitis viruses.*
Vaccinia virus.
Varicella virus.
Variola major and *Variola minor viruses.*
Vesicular stomatis virus.
Yellow fever virus.

(1) *Volume less than 50 ml.* Material shall be placed in a securely closed, watertight container (primary container (test tube, vial, etc.)) which shall be enclosed in a second, durable watertight container (secondary container). Several primary containers may be enclosed in a single secondary container. If the total volume of all the primary containers so enclosed does not exceed 50 ml. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient nonparticulate absorbent material to absorb the entire contents of the primary container(s) in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiberboard, cardboard, wood, or other material of equivalent strength.

(2) *Volume 50 ml. or greater.* Packaging of material in volumes of 50 ml. or more shall include, in addition, a shock-absorbent material, in volume at least equal to that of the absorbent material

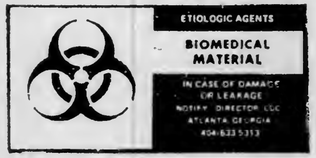
[1] The requirements of this section are in addition to and not in lieu of any other packaging or other requirements for the transportation of etiologic agents in interstate traffic prescribed by the Department of Transportation and other agencies of the Federal Government.

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between the primary and secondary containers, at the top, bottom, and sides between the secondary container and the outer shipping container. Single primary containers shall not contain more than 500 ml. of material. However, two or more primary containers whose combined volumes do not exceed 500 ml. may be placed in a single, secondary container. Not more than eight secondary shipping containers may be enclosed in a single outer shipping container. (The maximum amount of etiologic agent which may be enclosed within a single outer shipping container shall not exceed 4,000 ml.)

(3) *Dry ice.* If dry ice is used as a refrigerant, it must be placed outside the secondary container(s). If dry ice is used between the secondary container and the outer shipping container, the shock absorbent material shall be so placed that the secondary container does not become loose inside the outer shipping container as the dry ice sublimates.

(4) *Labels.* The label for Etiologic Agents/Biomedical Material, except for size and color, must be as shown:



(i) The color of material on which the label is printed must be white and the symbol and printing in red.

(ii) The label must be a rectangle measuring 51 mm. (2 inches) high by 102.5 mm. (4 inches) long.

(iii) The red symbol measuring 38 mm. (1½ inches) in diameter must be centered in a white square measuring 51 mm. (2 inches) on each side.

(iv) Type size of the letters of label shall be as follows:

ETIOLOGIC AGENT	10 pt. rev.
BIOMEDICAL MATERIAL	14 pt.
IN CASE OF DAMAGE OR LEAKAGE	10 pt. rev.
NOTIFY DIRECTOR CDC ATLANTA, GA.	8 pt. rev.
404 633 5313	10 pt. rev.

(5) *Damaged packages.* Carriers shall promptly, upon discovery of damage to the package that indicates damage to the primary container, isolate the package and notify the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333 (telephone (404) 633-5313), and the sender.

(6) *Registered mail or equivalent system.* Transportation of the following etiologic agents shall be by registered mail or an equivalent system which requires or provides for sending notification to the shipper immediately upon delivery:

Actinobacillus mallei.
Coccidioides immitis.
Francisella (Pasteurella) tularensis.
Hemorrhagic fever agents, including, but not limited to, *Crimean hemorrhagic fever (Congo), Junin, Machupo viruses.*
Herpesvirus simiae (B virus).
Histoplasma capsulatum.
Lassa virus.
Marburg virus.
Pseudomonas pseudomallei.
Tick-borne encephalitis virus complex, including, but not limited to, *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever*, and *Central European encephalitis viruses, Variola minor* and *Variola major.*
Yersenia (Pasteurella) pes:

(d) *Notice of delivery, failure to receive.* When notice of delivery of agents containing, or suspected of containing, etiologic agents listed in paragraph (c) (6) of this section is not received by the sender within 5 days following anticipated delivery of the package, the shipper shall notify the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333 (telephone (404) 633-5313).

(e) *Requirements; variations.* The Administrator may approve variations from the requirements of this section if, upon review and evaluation, he finds that such variations provide protection at least equivalent to that provided by compliance with the requirements specified in this section and makes such findings a matter of official record.

(Sec. 361, 58 Stat. 703; 42 U.S.C. 264)

[redacted]

Effective July 30, 1972

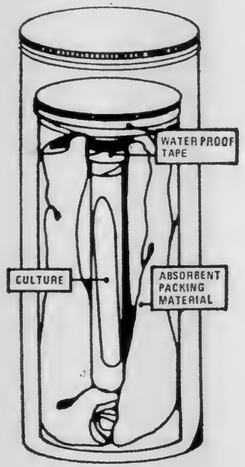
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FIGURE 1



PACKAGING AND LABELING OF ETIOLOGIC AGENTS

FIGURE 2



CROSS SECTION OF PROPER PACKING

The Interstate Quarantine Regulations (42 CFR, Part 72.25 Etiologic Agents) was revised July 31, 1972 to provide for packaging and labeling requirements for etiologic agents and certain other materials shipped in interstate traffic.

Figures 1 and 2 diagram the packaging and labeling of etiologic agents in volumes of less than 50 ml. in accordance with the provisions of subparagraph (C) (1) of the cited regulation. Figure 3 illustrates the color and size of the label, described in subparagraph (C) (4) of the regulations, which shall be affixed to all shipments of etiologic agents.

For further information on any provision of this regulation contact:

Center for Disease Control
Attn: Biohazards Control Office
1600 Clifton Road
Atlanta, Georgia 30333

Telephone: 404 633 3311

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FIGURE 3



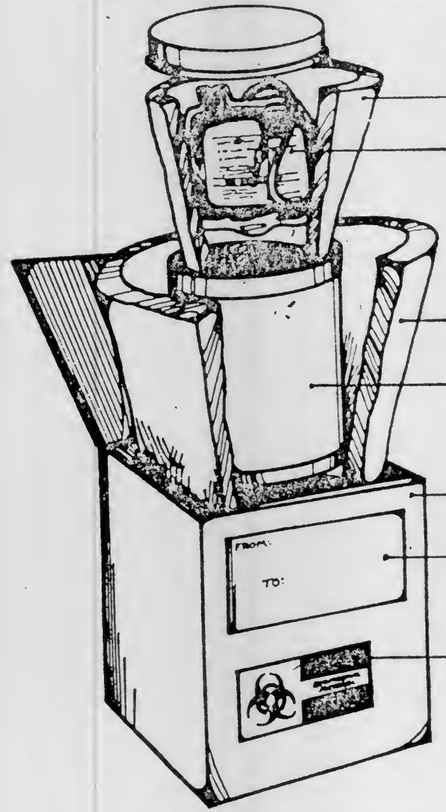
ETIOLOGIC AGENTS

BIOMEDICAL MATERIAL

IN CASE OF DAMAGE OR LEAKAGE
NOTIFY: DIRECTOR, CDC
ATLANTA, GEORGIA
404/633-5313

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PACKAGING AND LABELING OF ETIOLOGIC AGENTS



*NOTE: Single primary containers may not exceed 500 ml. of material. Two or more primary containers whose combined volumes do not exceed 500 ml. may be enclosed in a single, secondary container. The maximum volume of etiologic agent which may be enclosed in a single outer shipping container shall not exceed 4000 ml.

The Interstate Quarantine Regulations (42 CFR, Part 72.25, Etiologic Agents) was revised July 31, 1972, to provide for packaging and labeling requirements for etiologic agents and certain other materials shipped in interstate traffic. The illustration shows acceptable packaging and labeling of etiologic agents in accordance with subparagraphs (c) (2) and (4) of the cited regulation.

For further information on any provision of this regulation contact:

Center for Disease Control
Attn: Biohazards Control Office
1600 Clifton Road
Atlanta, Georgia 30333

Telephone: 404-633-3311

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XI. TRAINING AIDS, MATERIALS AND COURSES

A. *Slide-tape cassettes.* 1. Assessment of Risk in the Cancer Virus Laboratory ($10).

2. Effective Use of The Laminar Flow Biological Safety Cabinet ($10).

3. Formaldehyde Decontamination of Laminar Flow Biological Safety Cabinets ($10).

4. Certification of Class II (Laminar Flow) Biological Safety Cabinets ($13).

5. Hazard Control in the Animal Laboratory ($10).

6. Basic Principles of Contamination Control (In preparation).

7. Selection of a Biological Safety Cabinet (In preparation).

These slide tape cassettes are available for purchase from the National Audiovisual Center. The price for each is given above after the title. Send your order prepaid with a check or money order made payable to National Archives Trust Fund and mail to: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

8. Research Laboratory Safety.

This slide tape cassette, stock number 176.79, is available for $75 from the National Safety Council, 425 North Michigan Avenue, Chicago, Illinois 60611.

B. *Films.* 1. Air Sampling for Microbiological Particulates (M-926).

2. Handling the Laboratory Guinea Pig (T2618-X).

3. Handling the Laboratory Mouse (T2617-X).

4. Infectious Hazards of Bacteriological Techniques (M-382).

5. Laboratory Design for Microbiological Safety (M-1091).

6. Plastic Isolators: New Tools for Medical Research (M-599).

7. Safe Handling of Laboratory Animals (M-455).

8. Surface Sampling for Microorganisms (Rodac Method) (M-924).

9. Surface Sampling for Microorganisms (Swab Method) (M-925).

These films are available on loan without charge from: Media Resources Branch, National Medical Audiovisual Center (Annex), Station K, Atlanta, Georgia 30324. The same films (except 2 and 3) can be rented or bought from: National Audiovisual Center (GSA), (Rental Branch)—(Sales Branch). Washington, D.C. 20409.

C. *Courses.* 1. Biohazard and Injury Control in the Biomedical Laboratory. Presented by the University of Minnesota, School of Public Health and the National Cancer Institute, Office of Research Safety. Direct inquiries to Dr. Donald Vesley, University of Minnesota, School of Public Health, 1325 Mayo Memorial Building, Minneapolis, Minnesota 55455. June 22-24, 1976, Los Angeles, CA; October 26-28, 1976, Boston, MA; December 7-9, 1976, Bethesda, MD.

2. Biohazard Containment and Control for Recombinant DNA Molecules. Presented by the University of Minnesota, School of Public Health and the National Cancer Institute, Office of Research Safety. Direct inquires as above. September 8-9, 1976, Stanford, CA; September 21-11, 1976, Cold Spring Harbor, NY.

3. Safety in Laboratory. Presented by National Institute of Occupational Safety and Health, Division of Training and Manpower Development, by special arrangement. Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

4. Laboratory Safety Management. Presented by the Laboratory and Training Division, Bureau of Laboratories, Center for Disease Control, Atlanta, Georgia, September 14-16, 1976 and September 13-15, 1977.

XII. OUTLINE OF A SAFETY AND OPERATION MANUAL FOR A P4 FACILITY

A. *Purpose.*

B. *Policy.*

C. *Responsibility and Authority.* 1. Management.

2. Supervisor.

3. Each Employee.

4. Facility Safety Officer.

5. Biohazard Safety Committee

D. *Facility Assignment Procedures*

E. *Reporting of Major and Minor Accidents and Injuries, Exposure to Toxic or Infectious Materials, Unsafe Conditions and Property Damages, and Rendering First-Aid.*

F. *General Laboratory Safety.* 1. Fire.

2. Equipment.

3. Physical.

4. Chemical.

5. Radiological.

G. *Safety Procedures Associated with Biohazard Activities of the Laboratory.* 1. Personnel Practices.

2. Operational Practices.

H. *Medical Surveillance.*

I. *Facility Operations.* 1. Personnel Access Procedures.

2. Access Procedures for Equipment Materials and Supplies.

3. Maintenance and Support.

4. Zone Classification.

5. Facility Monitoring Procedures.

6. Housekeeping.

J. *Others.* 1. Packaging and Shipment of Biohazardous Materials.

2. Emergency Procedures.

3. Insect and Rodent Control

4. Orientation and Training.

Appendix D was prepared by a Working Group Consisting of: W. Emmett Barkley (Chairman), National Cancer Institute, NIH; Manuel S. Barbeito, National Cancer Institute, NIH; Everett Hanel, Jr., Frederick Cancer Research Center; George S. Michaelsen, School of Public Health, University of Minnesota; Vinson R. Oviatt, Division of Research Services, NIH; Warren V. Powell, Division of Research Services, NIH; John Richardson, Center for Disease Control; James F. Sullivan, National Animal Disease Laboratories; and Arnold G. Wedum, Frederick Cancer Research Center

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highlights

PART I:

GENERAL PULASKI'S MEMORIAL DAY
Presidential proclamation 38485

VETERANS DAY
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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Rules Going Into Effect Today

DOT/FHA—Construction and maintenance; general material requirements. 36204; 8–27–76

FCC—Radio frequency devices; receiver certification program; technical specifications 32590; 8–4–76

Revision of Operating Rules for Class D Stations in the Citizens Radio Services 32678; 8–4–76

Interior FW—Hunting; national wildlife refuges in certain States 35849; 8–25–76

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PS—Implementation of mail classification changes 28478; 7–12–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 3650..... Pub. Law 94–397
To clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes.
(Sept. 3, 1976; 90 Stat. 1202)

H.R. 10370..... Pub. Law 94–398
To amend the Act of January 3, 1975, establishing the Canaveral National Seashore.
(Sept. 4, 1976; 90 Stat. 1204)

H.R. 11009..... Pub. Law 94–399
To provide for an independent audit of the financial condition of the government of the District of Columbia.
(Sept. 4, 1976; 90 Stat. 1205)

S. 3542 ..... Pub. Law 94–400
To authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin Federal reclamation project in Idaho, and for other purposes.
(Sept. 7, 1976; 90 Stat. 1211)

H.R. 12455..... Pub. Law 94–401
To amend title XX of the Social Security Act so as to permit greater latitude by the States in establishing criteria respecting eligibility for social services, to facilitate and encourage the implementation by States of child day care services programs conducted pursuant to such title, to promote the employment of welfare recipients in the provision of child day care services, and for other purposes.
(Sept. 7, 1976; 90 Stat. 1215)

H.R. 12261..... Pub. Law 94–402
To extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District.
(Sept. 7, 1976; 90 Stat. 1220)

presidential documents

Title 3—The President

PROCLAMATION 4457

General Pulaski's Memorial Day, 1976

By the President of the United States of America

A Proclamation

The success of the struggle for American independence was insured in large measure by the courage, selflessness and sacrifice of patriots dedicated to the principles of freedom and equality. Casimir Pulaski was such a patriot and, one hundred and ninety-seven years ago this October, his devotion to these principles and their realization cost him his life.

General Pulaski, in exile from his native land, came to America in 1777 to join the Revolutionary Army. He fought courageously at Brandywine and in other battles, and he commanded Pulaski's Legion which fought so valiantly and contributed greatly to the achievement of our independence.

In October, 1779, General Pulaski died of wounds received in the Battle of Savannah. In commemoration of his heroic sacrifice in the cause of American independence, it is appropriate to pay grateful tribute to him and to the millions of Americans of Polish descent who have played such an important part in founding our country, fostering its growth, and preserving and perpetuating its ideals.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, October 11, 1976, as General Pulaski's Memorial Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski on that day with appropriate exercises and ceremonies in suitable places throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26758 Filed 9-9-76;10:46 am]

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PROCLAMATION 4458

Veterans Day, 1976

By the President of the United States of America

A Proclamation

America has entered its third century as a Nation whose citizens still are enriched by the priceless blessings of freedom.

None among us has done more to defend and preserve our freedom than the patriotic men and women who answered our country's call to service and sacrifice, and who today bear the proud title of "veteran."

None among us has done more to defend and preserve our freedom than the priate ceremonies our esteem for and gratitude to these courageous, unselfish Americans, the Congress determined (5 U.S.C. 6103(a)) that one day shall be set aside each year, as a national holiday, to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that you, my fellow Americans, participate in the observance of Monday, October 25, 1976, as Veterans Day. I deem it most appropriate that in public ceremonies as well as in private thoughts and prayers we gratefully acknowledge the magnificent contribution of our veterans to an America that today remains free and, with the help of God, at peace.

Veterans Day, 1976, can be made especially meaningful for our veterans who are patients in Veterans Administration hospitals by a visit from their relatives, friends and other Americans. Such a visit, however brief, will tell them as no words can that they have not been forgotten.

I ask that Federal, State and local government officials arrange for the display of the flag of the United States on this day, and I ask those government officials to support fully and personally the observance of Veterans Day. Finally, I urge schools, churches, unions, and civic, patriotic and veterans' organizations to participate in appropriate public ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26772 Filed 9-9-76;11:30 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Private Secretary to the Deputy Under Secretary for Legislative Affairs is excepted under Schedule C.

Effective on September 10, 1976, § 213.3315(a)(51) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(51) One Private Secretary to the Deputy Under Secretary for Legislative Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26413 Filed 9-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that the position of Associate Administrator/Comptroller is excepted under Schedule C.

Effective on September 10, 1976, § 213.3348(v) is added as set out below.

§ 213.3348 National Aeronautics and Space Administration.

* * * * *

(v) Associate Administrator/Comptroller

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26414 Filed 9-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Subpart C—Excepted Schedules

MISCELLANEOUS REVOCATIONS

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b, the following 61 positions are no longer excepted under Schedule C:

EXECUTIVE OFFICE OF THE PRESIDENT

(1)(6) One Confidential Secretary to the Director.

DEPARTMENT OF STATE

(a)(2) One Private Secretary to the Secretary; (a)(20) one Secretary to the Executive Assistant to the Secretary; (k)(1) one Private Secretary to the Assistant Secretary.

DEPARTMENT OF THE TREASURY

(a)(9) One Special Assistant to the Deputy Secretary; (a)(51) two Special Assistants to the Assistant Secretary (Legislative Affairs); (a)(61) one Special Assistant to the Assistant Secretary (Enforcement, Operations, and Trade Affairs).

DEPARTMENT OF DEFENSE

(a)(1) One Private Secretary to the Secretary; (a)(2) one Private Secretary to the General Counsel; (14) one Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense; (a)(47) one Personal and Confidential Assistant to the Secretary of Defense.

DEPARTMENT OF AGRICULTURE

(a)(11) One Confidential Assistant to the Assistant Secretary for Conservation, Research, and Education; (a)(25) one Private Secretary to the Assistant to the Secretary for Public Affairs; (m)(3) one Confidential Assistant to the Administrator.

DEPARTMENT OF COMMERCE

(a)(31) One Special Assistant to the Special Assistant to the Secretary for Public Affairs; (d)(2) one Confidential Research Assistant to the Director; (f)(1) one Administrative Officer; (q)(8) one Special Assistant to the Deputy Assistant Secretary for Economic Development.

DEPARTMENT OF LABOR

(a)(37) One Special Assistant to the Associate Assistant Secretary for National Programs, Occupational Safety and Health Administration; (f)(1) one Private Secretary to the Director.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(a)(13) One Assistant to the Secretary; (a)(15) one Private Secretary to the Secretary; (a)(25) one Confidential Assistant to the Special Assistant to the Secretary for Health Policy.

ENVIRONMENTAL PROTECTION AGENCY

(b)(2) One Congressional Liaison Representative.

INTER-AMERICAN FOUNDATION

(a) One Confidential Assistant to the President; (c) one Private Secretary to the Vice President; (e) one Administrative Aide to the President.

FEDERAL POWER COMMISSION

(a) One Private Secretary to a Commissioner and one Confidential Assistant to a Commissioner; (f) one Technical Assistant to a Commissioner.

NATIONAL LABOR RELATIONS BOARD

(d) One Confidential Assistant to the General Counsel.

EXPORT-IMPORT BANK OF THE UNITED STATES

(c) One Private Secretary to a member of the Board of Directors; (d) one Special Assistant to the President and Chairman; (h) one Secretary (Typing) to the Congressional Liaison Officer; (m) one Secretary to the General Counsel; (n) one Vice President for Public Affairs; (p) one Congressional Liaison Officer; (r) one Secretary to the Special Assistant to the President and Chairman.

FEDERAL HOME LOAN BANK BOARD

(h) One Secretary to the General Counsel.

ACTION

(q) One Staff Assistant to the Director; (r) one Special Assistant to the Director.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

(g) One Special Assistant for Management Policy to the Director for Planning and Management, National Endowment for the Arts; (i) one Special Projects Officer to the Chairman, National Endowment for the Humanities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(a)(9) Two Special Assistants to the Under Secretary; (a)(12) one Special Assistant to the Secretary; (a)(25) one Staff Assistant to the Assistant to the Secretary (Public Affairs); (a)(27) one Assistant for Legislative Affairs; (a)(36) one Private Secretary to the Assistant to the Secretary (Public Affairs); (a)(46) two Public Information Officers, Office of the Assistant to the Secretary for Public Affairs; (a)(51) one Staff Assistant to the Assistant to the Secretary for Programs for the Elderly and Handicapped; (b)(14) one Private Secretary to the President, Government National Mortgage Association; (d)(3) one Special Assistant to the Assistant Secretary; (h)(1) one Private Secretary to the Administrator; (l)(1) one Executive Assistant to the Assistant Secretary; (l)(6) one Deputy Assistant Secretary for Policy Development; (j)(1) one Administrative Aide to the President/General Manager.

FEDERAL ENERGY ADMINISTRATION

(c)(2) One Special Assistant to the Director.

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DEPARTMENT OF TRANSPORTATION

(a) (40) One Secretary to the Deputy Assistant Secretary for Congressional and Intergovernmental Affairs; (a) (43) one Staff Assistant to the Deputy Secretary.

Effective on September 10, 1976, Subpart C of Part 213 is amended as set out below:

§ 213.3303 Executive Office of the President.

• • • • • •

(i) *Office of Telecommunications Policy.* • • •

(6) (Revoked).

• • • • • •

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Secretary.

• • • • • •

(20) (Revoked).

• • • • • •

(k) (Revoked).

• • • • • •

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(9) (Revoked).

• • • • • •

(51) One Special Assistant to the Assistant Secretary (Legislative Affairs).

• • • • • •

(61) (Revoked).

• • • • • •

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*

(1) One Special Assistant, one Personal Assistant, one Assistant, and two Private Secretaries to the Secretary.

(2) One Private Secretary to the Deputy Secretary of Defense and one Private Secretary to each of the following: Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic Systems), (Research and Technology); the Director, Advanced Research Project Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Program Analysis and Evaluation), (Intelligence), and (Legislative Affairs); the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

• • • • • •

(14) (Revoked).

• • • • • •

(47) (Revoked).

• • • • • •

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(11) One Confidential Assistant to the Assistant Secretary for Conservation, Research, and Education.

• • • • • •

(25) (Revoked).

• • • • • •

(m) *Agricultural Marketing Service.* • • •

(3) (Revoked).

• • • • • •

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(31) (Revoked).

• • • • • •

(d) (Revoked).

• • • • • •

(f) (Revoked).

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* • • •

(8) (Revoked).

• • • • • •

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(37) (Revoked).

• • • • • •

(f) *Women's Bureau.*

(1) (Revoked).

• • • • • •

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(13) Four Assistants to the Secretary.

• • • • • •

(15) (Revoked).

• • • • • •

(25) (Revoked).

• • • • • •

§ 213.3318 Environmental Protection Agency.

• • • • • •

(b) *Office of Legislation.* • • •

(2) (Revoked).

• • • • • •

§ 213.3320 Inter-American Foundation.

(a) (Revoked).

• • • • • •

(c) (Revoked).

• • • • • •

(e) (Revoked).

• • • • • •

§ 213.3329 Federal Power Commission.

(a) Five Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary to each of two Commissioners.

• • • • • •

(f) Two Assistants to the Chairman and three Technical Assistants to the other three Commissioners.

• • • • • •

§ 213.3341 National Labor Relations Board.

• • • • • •

(d) One Confidential Assistant to the General Counsel.

• • • • • •

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(c) One Private Secretary to each of two members of the Board of Directors.

(d) One Special Assistant to the President and Chairman.

• • • • • •

(h) (Revoked).

• • • • • •

(m) (Revoked).

(n) (Revoked).

• • • • • •

(p) (Revoked).

• • • • • •

(r) (Revoked).

• • • • • •

§ 213.3354 Federal Home Loan Bank Board.

• • • • • •

(h) (Revoked).

• • • • • •

§ 213.3359 ACTION.

• • • • • •

(q) One Staff Assistant to the Director.

• • • • • •

§ 213.3382 National Foundation on the Arts and the Humanities.

• • • • • •

(g) (Revoked).

• • • • • •

(i) (Revoked).

• • • • • •

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(9) One Special Assistant to the Under Secretary.

• • • • • •

(12) Two Special Assistants to the Secretary.

• • • • • •

(25) One Staff Assistant to the Assistant to the Secretary (Public Affairs).

• • • • • •

(27) Seven Assistants for Legislative Affairs.

• • • • • •

(36) (Revoked).

• • • • • •

(46) Two Public Information Officers, Office of the Assistant to the Secretary for Public Affairs.

• • • • • •

(51) (Revoked).

• • • • • •

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* • • •

(14) (Revoked).

• • • • • •

(d) *Office of the Assistant Secretary for Community Planning and Management.* • • •

(3) Four Special Assistants to the Assistant Secretary.

• • • • • •

(h) (Revoked).

• • • • • •

(i) *Office of the Assistant Secretary for Policy Development and Research.*

(1) (Revoked).

• • • • • •

(6) (Revoked).

• • • • • •

(j) *Community Development Corporation.*

(1) (Revoked).

• • • • • •

§ 213.3368 Federal Energy Administration.

• • • • • •

(c) *Office of Communications and Public Affairs.* • • •

(2) (Revoked).

• • • • • •

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(40) (Revoked).

• • • • • •

(43) (Revoked).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26415 Filed 9-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that the title of the position of Director of State and Community Operations, National Endowment for the Arts, is changed to Director of Federal-State Partnerships and to show that one position of Planning Officer, Office of Planning and Analysis, National Endowment for the Humanities, under Schedule A exception, is extended until September 30, 1980.

Effective on September 10, 1976, § 213.3182(a)(2) and (b)(25) are amended as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* • • •

(2) Until September 30, 1980, Director of Federal-State Partnerships, when filled at GS–15 and below.

• • • • • •

(b) *National Endowment for the Humanities.* • • •

(25) Until September 30, 1980, one Planning Officer, Office of Planning and Analysis.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26528 Filed 9-9-76;8:45 am]

CHAPTER III—OFFICE OF MANAGEMENT AND BUDGET

PART 1302—PRIVACY ACT PROCEDURES

On August 14, 1975, the Office of Management and Budget issued a notice of proposed rulemaking (40 FR 34165) to promulgate Chapter III, Part 1302 of Title 5, Code of Federal Regulations regarding the implementation of 5 U.S.C. 552a(f), Pub. L. 93–579 of December 31, 1974 (the Privacy Act of 1974) (88 Stat. 1896). Written comments were invited through September 12, 1975.

No written comments were received in response to the notice of proposed rulemaking, however, suggestions were received following a review by the Privacy Act Task Force that was established by the Office of Management and Budget. Accordingly, the proposed rules have been revised to accommodate the suggested changes.

In view of the foregoing, Chapter III, Part 1302 of Title 5, Code of Federal Regulations is promulgated as set forth below, effective September 13, 1976.

Sec.

1302.1 Rules for determining if an individual is the subject of a record.
1302.2 Requests for access.
1302.3 Access to the accounting of disclosures from records.
1302.4 Requests to amend records.
1302.5 Request for review.
1302.6 Schedule of fees.

AUTHORITY: Pub. L. 93–579, 88 Stat. 1896 (5 USC 553a(f).

§ 1302.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Office of Management and Budget contains a record pertaining to them should address their inquiries to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503. The written inquiry should contain a specific reference to the system of records maintained by OMB listed in the OMB Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of OMB systems of records subject to the Privacy Act will be made in the FEDERAL REGISTER and copies of the notices will be available upon request to the Assistant to the Director for Administration when so published. A compilation of such notices will also be made and published by the Office of Federal Register, in accordance with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should also contain sufficient information to identify the requester in order to allow OME to determine if there is a record pertaining to that individual in a particular system of records. In instances when the information is insufficient to insure disclosure to the individual to whom the information pertains, in view of the sensitivity of the information, OMB reserves the right to ask the requester for additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of receipt of such a request (excluding Saturdays, Sundays, and legal Federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within the 10 days, the Assistant to the Director for Administration will inform the requester of the reasons for the delay and the date by which a response may be anticipated.

§ 1302.2 Requests for access.

(a) *Requirement for written requests.* Individuals desiring to gain access to a record pertaining to them in a system of records maintained by OMB must submit their request in writing in accordance with the procedures set forth in paragraph b, below. Due to security measures in effect in both the Old and New Executive Office Buildings, requests made in person (walk-ins) cannot be accepted, except that individuals who are employed by the Office of Management and Budget may make their request on a regularly scheduled workday (Monday through Friday, excluding legal Federal holidays) between the hours of 9:00 a.m. and 5:30 p.m. Such requests for access by individuals employed by OMB need not be made in writing.

(b) *Procedures.* (1) *Content of the Request.* (i) The request for access to a record in a system of records shall be addressed to the Assistant to the Director for Administration, at the address cited above, and shall name the system of records or contain a description (as concise as possible) of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of specifying solely the Privacy Act of 1974 and, if the request may be processed under both the Freedom of Information Act and the Privacy Act and the request specifies both or neither act, the procedures under the Privacy Act of 1974 will be employed. The individual will be advised that the procedures of the Privacy Act will be utilized, of the existence and the general effect of the Freedom of Information Act, and the difference between procedures under the two acts (e.g. fees, time limits, access). The request should contain necessary information to verify the identity of the requester (see § 1302.2(b)(2)(vi), below). In addition, the requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.) as well as any other identifying information contained in and required by the OMB Notice of Systems of Records.

(ii) If the request for access follows a prior request under section 1302.1, above, the same identifying information need not be included in the request for access if a reference is made to that prior correspondence, or a copy of the OMB response to that request is attached.

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(iii) If the individual specifically desires a copy of the record, the request should so specify.

(2) *OMB action on request.* A request for access will ordinarily be answered within 10 days, except when the Assistant to the Director for Administration determines that access cannot be afforded in that time, in which case the requester will be informed of the reason for the delay and an estimated date by which the request will be answered. Normally, access will be granted within 30 days from the date the request was received by the Office of Management and Budget. At a minimum, the answer to the request for access shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by OMB;

(ii) a statement as to whether access will be granted only by providing a copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternative arrangements may be made with the official specified in § 1302.-2(b)(1) above;

(iii) a statement, when appropriate, that examination in person will be the sole means of granting access only when the Assistant to the Director for Administration has determined that it would not unduly impede the requester's right of access;

(iv) the amount of fees charged, if any (see § 1302.6 below) (Fees are applicable only to requests for copies.);

(v) the name, title, and telephone number of the OMB official having operational control over the record; and

(vi) the documentation required by OMB to verify the identity of the requester. At a minimum, OMB's verification standards include the following:

(A) *Current or former OMB employees.* Current or former OMB employees requesting access to a record pertaining to them in a system of records maintained by OMB may, in addition to the other requirements of this section, and at the sole discretion of the official having operational control over the record, have his or her identity verified by visual observation. If the current or former OMB employee cannot be so identified by the official having operational control over the records, identification documentation will be required. Employee identification cards, annuitant identification, driver licenses, or the "employee copy" of any official personnel document in the record are examples of acceptable identification validation.

(B) *Other than current or former OMB employees.* Individuals other than current or former OMB employees requesting access to a record pertaining to them in a system of records maintained by OMB must produce identification documentation of the type described herein, prior to being granted access. The extent of the identification documentation required will depend on the type of record to be accessed. In most cases, identification verification will be accomplished by the presentation of two forms of identification. Any additional requirements are specified in the system notices published pursuant to 5 U.S.C. 552a (e)(4).

(C) *Access granted by mail.* For records to be accessed by mail, the Assistant to the Director for Administration shall, to the extent possible, establish identity by a comparison of signatures in situations where the data in the record is not so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom they pertain. No identification documentation will be required for the disclosure to the requester of information required to be made available to the public by 5 U.S.C. 552. When, in the opinion of the Assistant to the Director for Administration, the granting of access through the mail could reasonably be expected to result in harm or embarrassment if disclosed to a person other than the individual to whom the record pertains, a notarized statement of identity or some similar assurance of identity will be required.

(D) *Unavailability of identification documentation.* If an individual is unable to produce adequate identification documentation the individual will be required to sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to $5,000. In addition, depending upon the sensitivity of the records sought to be accessed, the official having operational control over the records may require such further reasonable assurances as may be considered appropriate; e.g., statements of other individuals who can attest to the identity of the requester. No verification of identity will be required of individuals seeking access to records which are otherwise available to any person under 5 U.S.C. 552, Freedom of Information Act.

(E) *Access by the parent of a minor, or legal guardian.* A parent of a minor, upon presenting suitable personal identification, may access on behalf of the minor any record pertaining to the minor maintained by OMB in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, absent a court order or consent, a parent or legal guardian has no absolute right to have access to a record about a child. Minors are not precluded from exercising on their own behalf rights given to them by the Privacy Act.

(F) *Granting access when accompanied by another individual.* When an individual requesting access to his or her record in a system of records maintained by OMB wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record, a signed statement authorizing that person access to the record.

(G) *Denial of access for inadequate identification documentation.* If the official having operation control over the records in a system of records maintained by OMB determines that an individual seeking access has not provided sufficient identification documentation to permit access, the official shall consult with the Assistant to the Director for Administration prior to finally denying the individual access.

(H) *Review of decision to deny access.* Whenever the Assistant to the Director for Administration determines, in accordance with the procedures herein, that access cannot be granted, the response will also include a statement of the procedures to obtain a review of the decision to deny in accordance with section 1302.5 below.

(vii) *Exceptions.* Nothing in these regulations shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceedings. The mere fact that records in a system of records are frequently the subject of litigation does not bring those systems of records within the scope of this provision. This provision is not intended to preclude access by an individual to records which are available to that individual under other processes such as the Freedom of Information Act or the rules of civil procedure.

§ 1302.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosures are the same as those for granting access to the records (including verification of identity) outlined in § 1302.2, above.

§ 1302.4 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertain to them in a system of records maintained by OMB, must submit their request in writing in accordance with the procedures set forth herein unless this requirement is waived by the official having responsibility for the system of records. Records not subject to the Privacy Act of 1974 will not be amended in accordance with these provisions. However, individuals who believe that such records are inaccurate may bring this to the attention of OMB.

(b) *Procedures.* (1) (i) The request to amend a record in a system of records shall be addressed to the Assistant to the Director for Administration. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record in accordance with the provisions concerning access to records as set forth above, copies of previous correspondence between the requester and OMB will serve in lieu of a separate description of the record.

(ii) When the individual's identity has been previously verified pursuant to § 1302.2(b)(2)(vi) herein, further verification of identity is not required as long as the communication does not suggest that a need for verification is present. If the individual's identity has not been

previously verified, OMB may require identification validation as described in § 1302.2(b)(2)(vi). Individuals desiring assistance in the preparation of a request to amend a record should contact the Assistant to the Director for Administration at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete should be set forth with such particularity as to permit OMB not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by OMB of personal information merely to permit verification of records, the burden of persuading OMB to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timeliness, or incompleteness of the record.

(v) Incomplete or inaccurate requests will not be rejected categorically. The individual will be asked to clarify the request as needed.

(2) *OMB action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days, excluding Saturdays, Sundays, and legal Federal holidays. The response reflecting the decision upon a request for amendment will include the following:

(i) The decision of the Office of Management and Budget whether to grant in whole, or deny any part of the request to amend the record.

(ii) The reasons for the determination for any portion of the request which is denied.

(iii) The name and address of the official with whom an appeal of the denial may be lodged.

(iv) The name and address of the official designated to assist, as necessary, and upon request of, the individual making the request in the preparation of the appeal.

(v) A description of the review of the appeal within OMB (see § 1302.5 below).

(vi) A description of any other procedures which may be required of the individual in order to process the appeal.

If the nature of the request or the system of records precludes a decision within 10 days, the individual making the request will be informed within 10 days of the expected date for a decision. Such a decision will be issued as soon as it is reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal Federal holidays) unless unusual circumstances preclude completing action within that time. If the expected completion date for the decision indicated cannot be met, the individual will be advised of that delay and of a revised date when the decision may be expected to be completed.

§ 1302.5 Request for review.

(a) Individuals wishing to request a review of the decision by OMB with regard to an initial request to access or amend a record in accordance with the provisions of §§ 1302.2 and 1302.4 above, should submit the request for review in writing and, to the extent possible, include the information specified in § 1302.-5(b), below. Individuals desiring assistance in the preparation of their request for review should contact the Assistant to the Director for Administration at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from OMB in which the request to access or to amend was denied and also the reasons why the requester believes that access should be granted or the disputed information amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by §§ 1302.2 and 1302.4 above set forth by OMB in its decision denying access or amendment. Appeals filed without a complete statement by the requester setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be set forth in an understandable manner. In order to avoid the unnecessary retention of personal information, OMB reserves the right to dispose of the material concerning the request to access or amend a record if no request for review in accordance with this section is received by OMB within 180 days of the mailing by OMB of its decision upon an initial request. A request for review received after the 180 day period may, at the discretion of the Assistant to the Director for Administration, be treated as an initial request to access or amend a record.

(c) The request for review should be addressed to the Assistant to the Director for Administration.

(d) Upon receipt of a request for review, the Assistant to the Director for Administration will convene a review group composed of the Assistant to the Director for Administration, the General Counsel, or their designees, and the official having operational control over the record. This group will review the basis for the requested review and will develop a recommended course of action to the Deputy Director. If at any time additional information is required from the requester, the Assistant to the Director for Administration is authorized to acquire it or authorize its acquisition from the requester.

(e) The Office of Management and Budget has established an internal Committee on Freedom of Information and Privacy (hereinafter referred to as the Committee). The Committee is composed of:

(1) Deputy Director;
(2) Assistant to the Director for Administration;
(3) General Counsel;
(4) Assistant Director for Budget Review;
(5) Assistant Director for Legislative Reference;
(6) Assistant to the Director for Public Affairs;
(7) Deputy Associate Director for Information Systems;
(8) Deputy Associate Director for Statistical Policy;
(9) Deputy Associate Director for National Security;
(10) Budget and Management Officer;
(11) Personnel Officer.

(f) The Committee, when directed by the Assistant to the Director for Administration, will review the Office's administration of the Freedom of Information and Privacy Acts and make recommendations for the improvement thereto. In addition, the Committee, upon the request of the Deputy Director, may evaluate a request for review or appeal and recommend a decision to the Deputy Director, who has the final authority regarding appeals.

(g) The Deputy Director will inform the requester in writing of the decision on the request for review within 20 days (excluding Saturdays, Sundays, and legal Federal holidays) from the date of receipt by OMB of the individual's request for review unless the Deputy Director extends the 20 day period for good cause. The extension and the reasons therefor will be sent by OMB to the requester within the initial 20 day period. Such extensions should not be routine and should not normally exceed an additional thirty days. If the decision does not grant in full the request for amendment, the notice of the decision will provide a description of the steps the individual may take to obtain judicial review of such a decision, a statement that the individual may file a concise statement with OMB setting forth the individual's reasons for his disagreement with the decision and the procedures for filing such a statement of disagreement. The Assistant to the Director for Administration has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper concise statement by the individual, any subsequent disclosure of the information in dispute will be clearly noted so that the fact that the record is disputed is apparent, a copy of the concise statement furnished and a concise statement by OMB setting forth its reasons for not making the requested changes, if OMB chooses to file such a statement. A notation of a dispute is required to be made only if an individual informs the agency of his disagreement with OMB's determination in accordance with § 1302.5 (a), (b) and (c). A copy of the individual's statement, and if it chooses, OMB's statement will be sent to any prior transferee of the disputed information who is listed on the accounting

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required by 5 U.S.C. 552a(c). If the reviewing official determines that the record should be amended in accordance with the individual's request, OMB will promptly correct the record, advise the individual, and inform previous recipients if an accounting of the disclosure was made pursuant to 5 U.S.C. 552(a)(c). The notification of correction pertains to information actually disclosed.

§ 1302.6 Schedule of fees.

(a) *Prohibitions against charging fees.* Individuals will not be charged for:

(1) The search and review of the record,

(2) Any copies of the record produced as a necessary part of the process of making the record available for access, or

(3) Any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(b) *Waiver.* The Assistant to the Director for Administration may at no charge, provide copies of a record if it is determined the production of the copies is in the interest of the Government.

(c) *Fee schedule and method of payment.* Fees will be charged as provided below except as provided in subsections a and b above.

(1) *Duplication of records.* Records will be duplicated at a rate of $.10 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or fewer pages.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25.00, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with Office personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requester.

(3) Fees should be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests copies will not be provided for any subsequent request until the arrears have been paid in full.

(4) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503.

(5) A receipt for fees paid will be given upon request.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-26458 Filed 9-9-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 56]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 12–18, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.356 Lemon Regulation 56.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is stronger early this week. Average f.o.b. price was $5.41 per carton the week ended September 4, 1976, compared to $6.13 per carton the previous week. Track and rolling supplies at 100 cars were down 35 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 7, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 12, 1976 through September 18, 1976, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26813 Filed 9-9-76;12:14 pm]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $122,262 of the Industry Committee, under Marketing Order No. 926, for the 1976–77 season and fixes the rate of assessment at six cents ($0.06) per No. 38L grape lug or equivalent quantity of Tokay grapes, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from the 1975–76 season.

On August 16, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 34647) regarding proposed expenses and the related rate of assessment for the season of April 1, 1976, through March 31, 1977, and the carryover of unexpended 1975–76 assessment funds, under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 1, 1976. No such material was submitted.

After consideration of all relevant matter presented, including the proposals set forth in the notice which were submitted by the Industry Committee (established under the amended marketing agreement and order) it is found and determined that:

§ 926.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1976, through March 31, 1977, will amount to $122,262.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 926.46, is fixed at six cents ($0.06) per No. 38L grape lug (as specified in § 1387.11 of the Regulations of the California Department of Food and Agriculture) or equivalent quantity of Tokay grapes.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the season ended March 31, 1976, shall be carried over as a reserve in accordance with the applicable provisions of § 926.47.

(d) *Terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) assessable shipments of the current crop of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of the season; and (3) the season began on April 1, 1976, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: September 3, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26476 Filed 9-9-76;8:45 am]

[Pear Reg. 15, Amdt. 1]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

This amendment, issued pursuant to the amended marketing agreement and Order No. 927, as amended, changes the expiration date of Pear Regulation 15 from September 15, 1976 to June 30, 1977. In addition, this amendment lowers the quality requirements applicable to fresh shipments to Beurre D'Anjou, Beurre Bosc, Doyenne du Comice, and Winter Nelis varieties of winter pears from the Medford District by permitting the handling of such pears which fail to meet U.S. No. 2 grade requirements only because of healed hail marks if the shape of the pear is such that it will cut at least one good half. Also, the provision for lowering the core temperature of Beurre D'Anjou pears shipped from the Oregon and Washington Districts to 35° Fahrenheit or less is extended to October 15, 1976.

The amended regulation is the same, other than the aforesaid changes, as extant § 927.315 (Pear Regulation 15; 41 FR 31181) effective pursuant to said marketing agreement and order regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Control Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh winter pears shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of August 12, 1976 (41 FR 34050), that the Department was giving consideration to a proposal to amend § 927.315 by changing the expiration date thereof from September 15, 1976, to June 30, 1977. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than August 27, 1976. No such material was received. However, during the notice period the committee recommended lowering the grade requirements in the Medford District, which has suffered varied damage to winter pears from hailstorms since the original recommendation. A substantial portion of the winter pear crop in that district would fail to meet the original regulation requirements because of hail damage. Therefore, it was recommended to allow the handling of winter pears from the Medford District which fail to meet U.S. No. 2 grade requirements only because of serious damage but not very serious damage caused by healed hail marks if the shape of the pear is such that it cuts at least one good half.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Control Committee, and other available information, it is hereby found that the limitation of handling of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found it is impracticable and contrary to the public interest to give further notice and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipment made during the season in order to effectuate the declared policy of the act; (2) the regulatory requirements are the same as those currently in effect except for the exception for healed hail marks; and (3) compliance with this amended regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of § 927.315(a) through subparagraph (5) thereof and paragraph (c) are hereby amended to read as follows:

§ 927.315 Pear Regulation 15.

Order. (a) During the period August 1, 1976, through June 30, 1977, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified.

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2 except that any handler may ship a quantity of Beurre D'Anjou pears that are not smaller than 180 size and not less than U.S. No. 1 grade which quantity shall not exceed 2 percent of the total U.S. No. 1 or better grades of such variety shipped by the handler, during the aforesaid period: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding $\frac{3}{16}$ of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size: *Provided further*, That pears of such variety produced in the Medford District which fail to meet the U.S. No. 2 grade requirements only because of serious damage but not very

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serious damage caused by healed hail marks, may be shipped if the shape of the pear is such that it will cut at least one good half;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1976, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size: *Provided further*, That pears of such variety produced in the Medford District which fail to meet the U.S. No. 2 grade requirements only because of serious damage but not very serious damage caused by healed hail marks may be shipped if the shape of the pear is such that it will cut at least one good half;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size: *Provided further*, That pears of such variety produced in the Medford District which fail to meet the U.S. No. 2 grade requirements only because of serious damage but not very serious damage caused by healed hail marks, may be shipped if the shape of the pear is such that it will cut at least one good half; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety produced in the Medford District which fail to meet the U.S. No. 2 grade requirements only because of serious damage but not very serious damage caused by healed hail marks, may be shipped if the shape of the pear is such that it will cut at least one good half.

* * * * *

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and Other Similar Varieties (7 CFR 51.1300–51.1323); "135 size," "165 size", "180 size," and "195 size" shall mean that the pears of such designated sizes will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-26544 Filed 9-9-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Miscellaneous Amendments

● *Purpose.* To restate the licensing requirements for products prepared in a licensed establishment. ●

Statement of Considerations: Under the present regulations, an application for a product license, with supporting data showing the product is pure, safe, potent, and efficacious, must be submitted for each product to be prepared in a licensed establishment (9 CFR 102.3(b)). Experimental biological products shall not be prepared with organisms or antigens that are not presently being used in the preparation of licensed products unless authorized by the Deputy Administrator (9 CFR 103.1).

Under the present regulations, biological products shall not be prepared in or brought onto the premises of a licensed establishment, or shipped or delivered for shipment, or otherwise dealt with as having been prepared under the regulations if they were not prepared in compliance with the regulations (9 CFR 114.2).

It has been administratively determined that an additional statement is needed in the regulations to clarify Department policy that the preparation of unlicensed biological products on the premises of a licensed establishment is prohibited. These amendments provide this statement in a new paragraph 114.2(c).

Pursuant to the authority contained in the Virus - Serum - Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Part 114, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Section 114.2 is amended by adding a new paragraph (c) to read:

§ 114.2 Products not prepared under license.

* * * * *

(c) Except as provided in Part 103 of this Subchapter, a biological product shall not be prepared in a licensed establishment unless the person to whom the establishment license is issued holds an unexpired, unsuspended, and unrevoked product license issued by the Deputy Administrator to prepare such biological product.

(21 U.S.C. 151 and 154; FR 26477; 36 FR 19141)

These amendments provide administrative changes in the licensing procedures used in the veterinary biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective September 10, 1976.

Done at Washington, D.C., this 2d day of September 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-26317 Filed 9-9-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-156, Amdt. 29]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Discretionary Review

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 3, 1976.

This notice amends the Board's rules of practice, 14 CFR Part 302, to extend the discretionary review procedures for initial decisions to matters in which the administrative law judge makes a recommended decision.

By notice of proposed rulemaking published March 24, 1976 (PDR-40, 41 FR 12229), the Board proposed to make the procedural rules for discretionary review of administrative law judge "recommended decisions," required in matters subject to Presidential approval under section 801 of the Act, the same as presently exist for review of "initial decisions," which the administrative law judge makes in all other matters. The discretionary review procedures for initial decisions, as set forth in § 302.28, provide for a more summary and time-saving process than the "exception" procedure of § 302.30, in matters where the Board finds no basis on which to upset the judge's decision, and the former also provide more specific and useful directives as to the basis for review.

No comments in respect to the proposal were filed, and the changes are made as proposed. In addition, it has been found that there is no good reason for different criteria for termination of the administrative law judge's authority in the two types of cases, and § 302.22(c) is being amended to make the criteria the same for both types.

Accordingly, the Civil Aeronautics Board makes the following amendments to Part 302 of the Procedural Regulations (14 CFR Part 302), effective October 11, 1976, as follows:

1. The table of contents of Part 302 is amended to read as follows:

* * * * *

302.28 Petitions for discretionary review of initial decisions or recommended decisions; review proceedings.

* * * * *

302.30 Exceptions to tentative decisions of the Board.

* * * * *

2. The last sentence of paragraph (c) of § 302.22 is amended to read:

§ 302.22 Administrative law judges.

* * * * *

(c) *Powers.* * * *

The administrative law judge's authority in each case will terminate either upon the certification of the record in the proceeding to the Board, or upon the expiration of the period within which petitions for discretionary review of his initial or recommended decision may be filed, or when he shall have withdrawn from the case upon considering himself disqualified.

3. The caption of § 302.28 and paragraph (a) (1) are amended to read:

§ 302.28 Petitions for discretionary review of initial decisions or recommended decisions; review proceedings.

(a) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision or recommended decision within 21 days after service thereof, except that the administrative law judge may fix a different period in any recommended decision involving a foreign air carrier where the action of the Board is subject to the approval of the President pursuant to section 801 of the Act. Such petitions shall be accompanied by proof of service on all parties.

4. The caption and paragraph (a) of § 302.30 are amended to read:

§ 302.30 Exceptions to tentative decisions of the Board.

(a) *Time for filing.* Within ten (10) days after service of any tentative decision of the Board, any party to a proceeding may file exceptions to such decision with the Board.

5. Paragraph (a) of § 302.31 is amended to read:

§ 302.31 Briefs before the Board.

(a) *Time for filing.* Within such period after the date of service of any tentative decision by the Board as may be fixed therein, any party may file a brief addressed to the Board, in support of his exceptions to such decision or in opposition to the exceptions filed by any other party. Briefs to the Board on initial decisions or recommended decisions of administrative law judges shall be filed only in those cases where the Board grants discretionary review and orders further proceedings, pursuant to § 302.28(d)(2), and only upon those issues specified in the order. Such briefs shall be filed within 30 days after date of service of the order granting discretionary review. In cases where, because of the limited number of parties and the nature of the issues, the filing of opening, answering, and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the administrative law judge (where the administrative law judge's decision was not made under delegated authority) may direct that the parties file briefs at different times rather than at the same time.

6. § 302.33 is amended to read:

§ 302.33 Waiver of procedural steps after hearing.

The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in §§ 302.25 through 302.32: Oral argument before the administrative law judge, the filing of proposed findings and conclusions for the administrative law judge or for the Board, a recommended decision of the administrative law judge, a tentative decision of the Board, exceptions to a tentative decision of the Board, a petition for discretionary review of an initial decision or recommended decision, the filing of briefs with the Board, or oral argument before the Board.

(Secs. 204 and 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26551 Filed 9-9-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N-0008]

PART 26—NUTRITIVE SWEETENERS

Glucose Sirup and Dried Glucose Sirup; Confirmation of Effective Date of Amendment of Standards of Identity

The Food and Drug Administration confirms June 25, 1976 as the effective date of a final regulation amending the standards of identity for glucose sirup and dried glucose sirup to provide for the use of the alternative names "sorghum grain sirup," "dried sorghum grain sirup," and "sorghum grain sirup solids," as applicable, when the food is derived from the starch component of sorghum grain.

In the final regulation published in the FEDERAL REGISTER April 26, 1976 (41 FR 17381), the Commissioner provided that any person who would be adversely affected by the amendment could at any time on or before May 26, 1976, file written objections to and request a hearing on the regulation. No objections or requests for hearings were filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919, and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), notice is given that no objections were filed to the amended regulation published on April 26, 1976. Accordingly, the amended regulation became effective on June 25, 1976.

Dated: September 3, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26464 Filed 9-9-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2290]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The

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Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Delaware	Sussex	Unincorporated areas	Apr. 16, 1971, emergency; Oct. 6, 1976, regular; Oct. 15, 1976, suspended.	Dec. 13, 1974	100029
Do.	do.	South Bethany, town of	Sept. 15, 1972, emergency; Oct. 6, 1976, regular; Oct. 15, 1976, suspended.	May 31, 1974	100051
Massachusetts	Suffolk	Winthrop, town of	Nov. 3, 1972, emergency; Oct. 8, 1976, regular; Oct. 15, 1976, suspended.	June 28, 1974	250289
Missouri	Pulaski	Waynesville, city of	Sept. 1, 1972, emergency; Oct. 6, 1976, regular; Oct. 15, 1976, suspended.	Feb. 1, 1974	290300A
Texas	Cameron	Port Isabel, city of	Oct. 29, 1971, emergency; Oct. 6, 1976, regular; Oct. 15, 1976, suspended.	Jan. 16, 1974	480109
Do.	Refugio	Refugio, town of	Aug. 7, 1970, emergency; Oct. 6, 1976, regular; Oct. 15, 1976, suspended.		480340

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974

Issued: August 31, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26195 Filed 9-9-76;8:45 am]

[Docket No. FI-2291]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance non-residential additions or improvements to be used solely for agricultural purposes on a farm.

The effective date of identification shall be October 12, 1976. This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	De Kalb	Crossville, town of	H 010367 01 through H 010367 09.	Mayor, P.O. Box 278, Crossville, Ala. 35962	Oct. 29, 1976
Do	Franklin	Phil Campbell, city of	H 010333 01 through H 010333 06.	Mayor, Drawer E, Phill Campbell, Ala. 35581	Do.
Do	De Kalb	Sylvania, town of	H 010364 01 through H 010364 13.	Mayor, Town Hall, Sylvania, Ala. 35988	Do.
Arizona	Navajo	Holbrook, town of	H 040067A 01 through H 040067A 04.	Mayor, Town Hall, 465 Isl Ave., Holbrook, Ariz. 86025	Do.
Arkansas	Lonoke	Allport, town of	H 050379 01	Mayor, Town Hall, Route 2, Box 35, Allport, Ark. 72046	Do.
Do	Benton	Cave Springs, city of	H 050398 01	Mayor, City Hall, Cave Springs, Ark. 72718	Do.
Do	Johnson	Hartman, town of	H 050251 01	Recorder Treasurer, Town Hall, Hartman, Ark. 72840	Do.
California	Los Angeles	Culver City, city of	H 060114B 01 through H 060114B 04.	City Engineer, 9770 Culver Blvd., Culver City, Calif. 90230.	June 28, 1974 Oct. 31, 1975 Sept. 3, 1976
Do	Merced	Livingston, city of	H 060450 01 through H 060450 02.	Mayor, City Hall, 1448 C St., Livingston, Calif. 95334	Oct. 29, 1976
Do	Alameda	San Leandro, city of	H 060013A 01 through H 060013A 10.	Mayor, City Hall, 835 East 14th St., San Leandro, Calif. 94577.	June 7, 1974 Oct. 29, 1976
Colorado	Morgan	Fort Morgan, city of	H 080131 01 through H 080131 04.	Mayor, City Hall, P.O. Box 100, Fort Morgan, Colo. 80701	Oct. 29, 1976
Do	Ouray	Ouray, city of	H 080137A 01	Mayor, City Hall, 320 Sixth Ave., Ouray, Colo. 81427	May 24, 1974 Sept. 3, 1976
Connecticut	New London	Montville, town of	H 090099A 01 through H 090099A 17.	Selectman, Town Hall, 310 Norwich-New London Turnpikes, Uncasville, Conn. 06382.	Oct. 18, 1974 Sept. 3, 1976
Florida	Walton	Freeport, city of	H 120319A 01 through H 120319A 03.	Mayor, P.O. Box 188, Freeport, Fla. 32439	Oct. 29, 1976
Do	Columbia	Lake City, city of	H 120406A 01 through H 120406A 02.	Mayor, P.O. Box 1687, Lake City, Fla. 32055	Do.
Georgia	Bleckey	Cochran, city of	H 130279A 01 through H 130279A 02.	Mayor, P.O. Box 8, Cochran, Ga. 31014	Apr. 4, 1975 Sept. 3, 1976
Do	Gordon	Unincorporated areas	H 130094 01 through H 130094 30.	Chairman, P.O. Box 580, Calhoun, Ga. 30701	Oct. 29, 1976
Do	Camden	St. Marys, city of	H 130027A 01 through H 130027A 06.	Mayor, 418 Osborn St., St. Marys, Ga. 31558	May 17, 1974
Idaho	Renewah	Plummer, city of	H 160149 01	Mayor, City Hall, Plummer, Idaho 83851	Oct. 29, 1976
Illinois	Henry	Colona, village of	H 170749 01 through H 170749 02.	Village president, P.O. Box 188, Colona, Ill. 61241	Do.
Do	Rock Island	East Moline, city of	H 170387A 01 through H 170387A 04.	Mayor, 915, 16th Ave., East Moline, Ill. 61244	Do.
Indiana	Wells	Vera Cruz, town of	H 180293A 01	President, Town Board, R.D. 3, Bluffton, Ind. 46714	Dec. 7, 1973
Iowa	Boone	Beaver, city of	H 190222 01	Mayor, City Hall, Beaver, Iowa 50031	Oct. 29, 1976
Do	Monona	Blencoe, city of	H 190705 01	Mayor, City Hall, Blencoe, Iowa 51523	Do.
Do	Buchanan	Brandon, city of	H 190328 01	Mayor, City Hall, Brandon, Iowa 52210	Do.
Do	Audubon	Brayton, city of	H 190930 01	Mayor, City Hall, Brayton, Iowa 50042	Do.
Do	Linn	Center Point, city of	H 190439 01	Mayor, City Hall, Center Point, Iowa 52213	Do.
Do	Webster	Clare, city of	H 190714 01	Mayor, City Hall, Clare, Iowa 50524	Do.
Do	Louisa	Columbus City, city of	H 190730 01	Mayor, City Hall, Columbus City, Iowa 52737	Do.
Do	Cass	Cumberland, city of	H 190345 01	Mayor, City Hall, Cumberland, Iowa 50843	Do.
Do	Sac	Early, city of	H 190572 01	Councilman, Early Savings Bank, Early, Iowa 50535	Do.
Do	Hancock	Garner, city of	H 190581 01	Mayor, City Hall, Garner, Iowa 50438	Do.
Do	Delaware	Greeley, city of	H 190739 01	Mayor, City Hall, Greeley, Iowa 52050	Do.
Do	Allamakee	Harpers Ferry, city of	H 190316 01	Mayor, City Hall, Harpers Ferry, Iowa 52146	Do.
Do	Delaware	Hopkinton, city of	H 190364 01 through H 190364 02.	Mayor, City Hall, Hopkinton, Iowa 52237	Do.
Do	Wayne	Humeston, city of	H 190596 01	Mayor, City Hall, Humeston, Iowa 50123	Do.
Do	Fremont	Imogene, city of	H 190391 01 through H 190391 02.	Mayor, City Hall, Imogene, Iowa 51645	Do.
Do	Buchanan	Jesup, city of	H 190599 01	Mayor, City Hall, Jesup, Iowa 50648	Do.
Do	Hancock	Kanawha, city of	H 190408 01	Mayor, City Hall, Kanawha, Iowa 50477	Do.
Do	Humboldt	Livermore, city of	H 190608 01	Mayor, City Hall, Livermore, Iowa 65668	Do.
Do	Harrison	Magnolia, city of	H 190773 01	Mayor, City Hall, Magnolia, Iowa 51550	Do.
Do	do	Marne, city of	H 190348 01 through H 190348 02.	Mayor, City Hall, Marne, Iowa 51552	Do.
Do	Cerro Gordo	Meservey, city of	H 190777 01	Mayor, City Hall, Meservey, Iowa 50457	Do.
Do	Pottawattamie	Minden, city of	H 190781 01	Mayor, City Hall, Minden, Iowa 51553	Do.
Do	Webster	Moorland, city of	H 190784 01	Mayor, City Hall, Moorland, Iowa 50566	Do.
Do	O'Brian	Primghar, city of	H 190643 01 through H 190643 02.	Mayor, City Hall, Primghar, Iowa 51245	Do.
Do	Calhoun	Rinard, city of	H 190342 01 through H 190342 02.	Mayor, City Hall, Rinard, Iowa 50587	Do.
Do	Clay	Royal, city of	H 190799 01	Mayor, City Hall, Royal, Iowa 51357	Do.
Do	Poweshiek	Searsboro, city of	H 190490 01	Mayor, City Hall, Searsboro, Iowa 50242	Do.
Do	Benton	Shellsburg, city of	H 190319 01	Mayor, City Hall, Shellsburg, Iowa 52332	Do.
Do	Calhoun	Somers, city of	H 190344	Mayor, City Hall, Somers, Iowa 50586	Do.
Do	Winneshiek	Spillville, city of	H 190285 01	Mayor, City Hall, Spillville, Iowa 52168	Do.
Do	Linn	Walker, city of	H 190445 01	Mayor, City Hall, Walker, Iowa 52352	Do.
Do	Fayette	Westgate, city of	H 190823 01	Mayor, P.O. Box 2, Westgate, Iowa 50681	Do.
Do	Dickinson	West Okoboji, city of	H 190824 01	Mayor, City Hall, Okoboji, Iowa 51351	Do.
Kansas	Montgomery	Elk City, city of	H 200468 01	Mayor, City Hall, Elk City, Kans. 67344	Do.
Do	Sedgwick	Maize, city of	H 200539 01 through H 200539 02.	Mayor, City Hall, 502 Queen St., Maize, Kans. 67101	Do.
Do	Pratt	Preston, city of	H 200449 01	Mayor, City of Preston, Preston, Kans. 67569	Do.
Kentucky	Grayson	Caneyville, city of	H 210084A 01	Mayor, Box 67, Caneyville, Ky. 42721	May 10, 1974 Sept. 3, 1976
Do	do	Leitchfield, town of	H 210085A 01 through H 210085A 02.	Mayor, 314 West White Oak, Leitchfield, Ky. 42754	May 10, 1974 Sept. 3, 1976
Do	Lawrence	Louisa, city of	H 210241A 01	Mayor, City Bldg., Louisa, Ky. 41230	Oct. 29, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Clark	Winchester, city of	H 210056A 01 through H 210056A 04.	Mayor, P.O. Box 12, Winchester, Ky. 40396	May 31, 1974 Sept. 3, 1976
Louisiana	Natchitoches Parish,	Powhatan, village of	H 220300 01	Mayor, Village Hall, Powhatan, La. 71066	Oct. 29, 1976
Do	Calcasieu	Sulphur, city of	H 220041A 01 through H 220041A 03.	Mayor, City Hall, Sulphur, La. 70663	May 24, 1974 Sept. 3, 1976
Maine	Kennebec	Farmingdale, town of	H 230164A 01 through H 230164A 06.	Chairman, Board of Selectman, 15 Dale St., Hallowell, Maine 04347.	Aug. 2, 1974 Sept. 3, 1976
Do	Penobscot	Garland, town of	H 230387A 01 through H 230387A 12.	Town Manager, Town Office, Garland, Maine 04939	Feb. 7, 1975 Sept. 3, 1976
Do	Androscoggin	Livermore Falls, town of	H 230006 01 through H 230006 08.	Selectman, Town Hall, Livermore Falls, Maine 04254	Feb. 15, 1974 Sept. 3, 1976
Do	Aroostook	Oakfield, town of	H 230038A 01 through H 230038A 12.	Assessor, Office of Selectmen, Oakfield, Maine 04763	Sept. 6, 1974 Sept. 3, 1976
Do	Kennebec	Readfield, town of	H 230245A 01 through H 230245A 11.	Town Manager, Town Office, Readfield, Maine 04355	Feb. 21, 1975 Sept. 3, 1976
Do	Cumberland	South Portland, city of	H 230053A 01 through H 230053A 21.	Mayor, City Hall, South Portland, Maine 04106	Sept. 3, 1976
Do	Knox	South Thomaston, town of	H 230078A 01 through H 230078A 09.	Selectman, Town Hall, South Thomaston, Maine 04858	Nov. 1, 1974 Sept. 3, 1976
Do	Penobscot	Stacyville, town of	H 230101 01 through H 230101 12.	Chairman, Board of Selectman, Stacyville Town Office, Sherman Station, Maine 04777.	Oct. 29, 1976
Do	Aroostook	St. Agatha, town of	H 230135A 01 through H 230135A 12.	Town Manager, Town Hall, St. Agatha, Maine 04772	Feb. 21, 1975 Sept. 3, 1976
Massachusetts	Middlesex	Ayer, town of	H 250180A 01 through H 250180A 09.	Superintendent—Public Works, Department of Public Works, Brook St., Ayer, Mass. 01432.	Mar. 22, 1974 Sept. 3, 1976
Do	Bristol	Dighton, town of	H 250032A 01 through H 250032A 08.	Chairman, Board of Selectman, Town Hall, Somerset Ave., Dighton, Mass. 02715.	Aug. 2, 1974 Sept. 3, 1976
Do	Worcester	Leicester, town of	H 250313A 01 through H 250313A 08.	Selectman, Town Hall, Washburn Sq., Leicester, Mass. 01424.	July 19, 1974 Sept. 3, 1976
Do	Essex	Lynnfield, town of	H 250089A 01 through H 250089A 06.	Selectman, Town Hall, Summer St., Lynnfield, Mass. 01940.	Sept. 6, 1974 Sept. 3, 1976
Do	do	Merrimac, town of	H 250092A 01 through H 250092A 04.	Selectman, Town Hall, School St., Merrimac, Mass. 01860	Oct. 18, 1973 Sept. 3, 1976
Do	Plymouth	Pembroke, town of	H 250277A 01 through H 250277A 08.	Selectman, Town Hall, Pembroke, Mass. 02359	July 26, 1974 Sept. 3, 1976
Michigan	Bay	Frankenlust, township of	H 260622 01 through H 260622 07.	Township Supervisor, 6212 Three Mile Rd., Frankenlust, Mich. 48706.	Oct. 29, 1976
Do	St. Clair	Port Huron, township of	H 260672 01 through H 260672 08.	Township Supervisor, 3800 Lapeer Rd., Port Huron, Mich. 48060.	Do.
Do	Macomb	Warren, city of	H 260128A 01 through H 260128A 12.	Mayor, 29500 Van Dyke Ave., Warren, Mich. 48093	May 17, 1974 Sept. 3, 1976
Do	Berrien	Weesaw, township of	H 260099A 01 through H 260099A 11.	Township Supervisor, P.O. Box 93, New Troy, Mich. 49119.	June 28, 1974 Sept. 3, 1976
Minnesota	Watonwon	Unincorporated areas	H 270649 01 through H 270649 36.	Chairman, County Commissioners, Courthouse, St. James, Minn. 56081.	Oct. 29, 1976
Mississippi	Covington	Collins, town of	H 280047 01 through H 280047 02.	Mayor, City Hall, Collins, Miss. 39428	Do
Do	Bolivar	Shelby, city of	H 280024 01	Mayor, P.O. Box 43, Shelby, Miss. 38774	Do
Missouri	Maries and Osage	Belle, city of	H 290753 01	Mayor, City Hall, Belle, Mo. 65013	Do.
Do	Lafayette	Higginsville, city of	H 290713 01 through H 290713 05.	Mayor, City Hall, P.O. Box 110, Higginsville, Mo. 64037	Do.
Do	Jefferson	Pevely, city of	H 290677 01 through H 290677 02.	Mayor, City Hall, Pevely, Mo. 63070	Do.
Do	Polk	Pleasant Hope, village of	H 290537 01	Chairman, Village Hall, Pleasant Hope, Mo. 65725	Do.
Do	Cape Girardeau	Pocahontas, village of	H 290680 01	Chairman, Village Hall, Pocahontas, Mo. 63779	Do.
Do	Newton	Silver Creek village of	H 290524 01 through H 290524 02.	Chairman, Village Hall, Silver Creek, Mo. 64801	Do.
Do	Lawrence	Stotts City, city of	H 290531 01	Mayor, City Hall, Stotts City, Mo. 65756	Do.
Do	Lincoln	Troy, city of	H 290641 01 through H 290641 02.	Mayor, City Hall, 451 Main St., Troy, Mo. 63374	Do.
Do	Henry	Urich, city of	H 290615 01	Mayor, City Hall, Urich, Mo. 64788	Do.
Nebraska	Hall	Grand Island, city of	H 310103A 01 through H 310103A 15.	City Manager, City Hall, Grand Island, Nebr. 68801	Apr. 21, 1974 Sept. 3, 1976
Do	Franklin	Riverton, village of	H 310084 01	Chairman, Village Hall, Riverton, Nebr. 68972	Oct. 29, 1976
Do	Buffalo	Shelton, village of	H 310099A 01	Chairman, Village Hall, Shelton, Nebr 68876	Mar. 19, 1976
Do	Cuming	Wisner, city of	H 310049A 01 through H 310049A 02.	Mayor, P.O. Box 367, Wisner, Nebr. 68791	Dec. 7, 1973 Sept. 3, 1976
Do	Gage	Wymore, city of	H 310095A 01	Mayor, City Hall, Wymore, Nebr. 68466	May 3, 1974 Sept. 3, 1976
New Hampshire	Merrimack	Hopkinton, town of	H 330116A 01 through H 330116A 12.	Selectman, Town Hall, Hopkinton, N.H. 03229	Aug. 23, 1974 Sept. 3, 1976
Do	Strafford	Lee, town of	H 330048A 01 through H 330048A 08.	First Selectman, R.F.D. No. 1, Durham, N.H. 03824	June 21, 1974 Sept. 3, 1976
Do	Rockingham	Rye, town of	H 330141A 01 through H 330141A 07.	Selectman, Town Hall, Rye, N.H. 03870	June 28, 1974 Sept. 3, 1976
Do	Cheshire	Surry, town of	H 330170A 01 through H 330170A 08.	Town Clerk, Town Hall, Surry, N.H. 03431	Jan. 3, 1975 Sept. 3, 1976
New Jersey	Somerset	Branchburg, township of	H 340431A 01 through H 340431A 08.	Mayor, 27 Cedar Grove Rd., Somerville, N.J. 08874	Apr. 12, 1974 Sept. 3, 1976
Do	Hunterdon	Delaware, township of	H 340506A 01 through H 340506A 10.	Mayor, Township Hall, Sargeantsville, N.J. 08557	Oct. 29, 1976
Do	Bergen	Englewood, city of	H 340031 01 through H 340031 02.	Mayor, P.O. Box 228, Englewood, N.J.	Do.
Do	Monmouth	Neptune, township of	H 340317A 01 through H 340317A 04.	Mayor, 25 Neptune, N.J. 07753	July 19, 1973 Sept. 3, 1976
Do	Mercer	Princeton, borough of	H 340253 01	Borough Administrator, P.O. Box 390, Princeton, N.J. 08540.	Oct. 29, 1976
Do	Gloucester	Woolwich, township of	H 340217A 01 through H 340217A 04.	Mayor, Township Liner, Swedesboro, N.J. 08085	Apr. 5, 1974 Sept 3 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
New York	Genesee	Alabama, town of	H 361067A 01 through H 361067A 12.	Town Supervisor, 2408 Lewiston Rd., Oakfield, N.Y. 14125.	May 31, 1974 Sept. 3, 1976
Do	Oswego	Albion, town of	H 361577A 01 through H 361577A 13.	Town Supervisor, Mexico St., Altmar, N.Y. 13302.	Oct. 29, 1976
Do	Greene	Athens, village of	H 360285A 01 through H 360285A 02.	Mayor, 93 North Washington, Athens, N.Y. 12015	Do.
Do	Albany	Bethlehem, town of	H 361540A 01 through H 361540A 04.	Town Supervisor, 303 Delaware Ave., Delmar, N.Y. 12054	May 31, 1974 Sept. 3, 1976
Do	Allegany	Bolivar, town of	H 361097A 01 through H 361097A 09.	Town Supervisor, 252 North Main St., Bolivar, N.Y. 14715	Oct. 29, 1976
Do	Westchester	Buchanan, village of	H 361531 01	Mayor, 218 Westchester Ave., Buchanan, N.Y. 10511	Do.
Do	Niagara	Cambria, town of	H 360499A 01 through H 360499A 10.	Supervisor, Town Hall, Lockport, N.Y. 14094	Apr. 12, 1974 Sept. 3, 1976
Do	Erie	Hamburg, village of	H 360243 01 through H 360243 02.	Mayor, 100 Main St., Hamburg, N.Y. 14075	Oct. 29, 1976
Do	Hamilton	Hope, town of	H 361403A 01 through H 361403A 04.	Supervisor, Star Route, Northville, N.Y. 12134	Nov. 22, 1974 Sept. 3, 1976
Do	Essex	Jay, town of	H 360295A 01 through H 360295A 09.	Supervisor, Town Hall, Sable Forks, N.Y. 12942	Nov. 8, 1974 Sept. 3, 1976
Do	Chautauqua	Lakewood, village of	H 360142A 01 through H 360142A 02.	Mayor, 50 West Summit St., Lakewood, N.Y. 14750	Oct. 29, 1976
Do	Cortland	McGraw, village of	H 360184A 01	Mayor, 38 Main St., McGraw, N.Y.	Mar. 29, 1974 Sept. 3, 1976
Do	Otsego	Otsego town of	H 361283A 01 through H 361283A 15.	Otsego Planning, 197 Main St., Cooperstown, N.Y. 13326	Oct. 29, 1976
Do	Oswego	Parish, village of	H 361575A 01	Mayor, Village Hall, Parish, N.Y. 13131	Do.
Do	Genesee	Pembroke, town of	H 360283A 01 through H 360283A 12.	Supervisor, 1145 Main Rd., Corfu, N.Y. 14036	Apr. 5, 1974 Sept. 3, 1976
Do	Monroe	Penfield, town of	H 360126A 01 through H 360126A 11.	Supervisor, 3100 Atlantic Ave., Penfield, N.Y. 14526	Aug. 9, 1974 Sept. 3, 1976
Do	Nassau	Plandome Heights, village of	H 360385A 01	Mayor, Box 19, Plandome Heights, N.Y. 11030	Oct. 29, 1976
Do	Albany	Rensselaerville, town of	H 360014A 01 through H 360014A 05.	Town Supervisor, Town Hall, Preston Hollow, N.Y. No ZIP Code.	Dec. 6, 1974 Sept. 3, 1976
Do	Jefferson	Rutland, town of	H 360350H 01 through H 360350H 11.	Supervisor, Route Number 2, Watertown, N.Y. 13601	Jan. 16, 1976 June 7, 1974 Sept. 3, 1976
Do	Wyoming	Warsaw, village of	H 360351A 01 through H 360351A 02.	Mayor, Box 49, Warsaw, N.Y. 14569	May 17, 1974 Sept. 3, 1976
Do	Livingston	West Sparta, town of	H 360391A 01 through H 360391A 08.	Town Supervisor, R.D. 1, Nunda, N.Y. 14517	Oct. 29, 1976
Do	Jefferson	Wilna, town of	H 360357H 01 through H 360357B 07.	Supervisor, 431 North Washington, Carthage, N.Y. 13619	Dec. 19, 1975 July 19, 1974 Sept. 3, 1976
North Carolina	Buncombe	Jupiter, city of	H 370383 01	County Courthouse, P.O. Box 7451, room 111, Asheville, N.C. 28807.	Oct. 29, 1976
Do	Wake	Morrisville, town of	H 370242A 01	Mayor, P.O. Box 166, Morrisville, N.C. 27560	Do.
Do	Pender	Unincorporated areas	H 370344 01 through H 370344 64.	County Chairman, Courthouse, Burgaw, N.C. 28425	Do.
Do	Brunswick	Shallotte, town of	H 370388A 01	Mayor, P.O. Box 27, Wall St., Shallotte, N.C. 28459	May 24, 1974 Sept. 3, 1976
Do	Johnston	Smithfield town of	H 370110 01 through H 370110 02.	Mayor, P.O. Box 761, Smithfield, N.C. 27577	Oct. 29, 1976
North Dakota	Richland	Abercrombie, city of	H 380151 01	Mayor, City Hall, Abercrombie, N. Dak. 58001	Do.
Do	Ward	Donnybrook, city of	H 380143 01	Mayor, City Hall, P.O. Box 57, Donnybrook, N. Dak. 58734.	Do.
Do	Grand Fork and Trail.	Reynolds, city of	H 380160 01	Mayor, City Hall, P.O. Box 176, Reynolds, N. Dak. 58275.	Do.
Ohio	Tuscarawas	Bolivar, village of	H 390613 01	Mayor, Village Hall, Bolivar, Ohio 44612	Do.
Do	Putnam	Fort Jennings, village of	H 390068A 01	Mayor, Box 113, Fort Jennings, Ohio 45844	May 31, 1974 Sept. 3, 1976
Do	Holmes	Glenmont, village of	H 390277A 01	Mayor, Box 45, Glenmont, Ohio 44628	Oct. 29, 1976
Do	Miami	Troy, city of	H 390402A 01 through H 390402A 05.	Mayor, 100 South Market St., Troy, Ohio 45373	Feb. 15, 1974 Sept. 3, 1976
Oklahoma	Blain and Canadian.	Geary, city of	H 400381 01 through H 400381 02.	Mayor, City Hall, P.O. Box 125, Geary, Okla. 73040	Oct. 29, 1976
Do	Delaware	Grove, town of	H 400385 01 through H 400385 05.	President, Town Hall, 301 West Third St., Grove, Okla. 74344.	Do.
Do	Coal	Lehigh, city of	H 400299 01	Mayor, City Hall, P.O. Box 185, Lehigh, Okla. 74556	Do.
Do	Love	Marietta, city of	H 400400 01 through H 400400 02.	Mayor, Town Hall, P.O. Box 446, Oakland, Okla. 73452	Do.
Do	Marshall	Oakland, town of	H 400313 01	President, Town Hall, P.O. Box 446, Oakland, Okla. 73452	Do.
Do	Oklahoma	The Village, city of	H 400420 01	City Manager, 2201 West Britton Road, The Village, Okla. 73120.	Do.
Do	Garvin	Wynnewood, city of	H 400251 01 through H 400251 02.	Mayor, City Hall, 207 West Robert S. Kerr St., Wynnewood, Okla. 73098.	Do.
Pennsylvania	Lebanon	Annville, township of	H 420570A 01	Chairman, Township Commissioners, P.O. Box 178, Annville, Pa. 17003.	Nov. 9, 1973 Sept. 3, 1976
Do	Butler	Brady, township of	H 422241A 01 through H 422241A 02.	Chairman, R.D. 1, Slippery Rock, Pa. 16057	Oct. 25, 1974 Sept. 3, 1976
Do	Lancaster	Caernarvon, township of	H 421763 01 through H 421763 06.	Township Section, c/o Warren Weiler, Township secretary, R.D. 1, Box 48, Morgantown, Pa. 19543.	Oct. 29, 1976
Do	do	East Earl, township of	H 421770A 01 through H 421770A 05.	Chairman, East Earl Township, Box 104-G, R.D. 1, East Earl, Pa. 17519.	Do.
Do	do	East Lampeter, township of	H 421771A 01 through H 421771A 06.	Chairman, 2205 Old Phila Pike, Lancaster, Pa. 17602	Sept. 6, 1974 Sept. 3, 1976
Do	Greene	Gilmore, township of	H 422433A 01 through H 422433A 09.	Township attorney, Township Bldg., Gilmore, Pa	Sept. 10, 1975 Sept. 3, 1976
Do	Cambria	Johnstown, city of	H 420231A 01 through H 420231A 06.	Mayor, City Hall, Johnstown, Pa. 15901	Jan. 16, 1974 Sept. 3, 1976
Do	Northumberland	Jordan, township of	H 421939A 01 through H 421939A 05.	Chairman, Township Hall, Herndon, Pa. 17830	Oct. 29, 1976
Do	Wyoming	Laceyville, borough of	H 420943A 01	Mayor, Laceyville, Pa. 18623	June 28, 1974 Sept. 3, 1976
Do	Lackawanna	Newton, township of	H 421756 01 through H 421756 09.	Chairman, R.D. 2, Clarks Summit, Pa. 18411	Oct. 29, 1976
Do	Columbia	Roaring Creek, township of	H 421557A 01 through H 421557A 07.	Chairman, R.D. 1, Catawissa, Pa. 17820	Dec. 13, 1974 Sept. 3, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Bradford	Rome, township of	H 422939A 01 through H 422939A 02.	Chairman, Township Supervisors, R.D. 2, Box 212, Wyalusing, Pa. 18854.	Oct. 29, 1976
Do	do	Smithfield, township of	H 421101 01 through H 421104 05.	Chairman, Township Supervisor, R.D. 1, Box 183, Milan, Pa. 18831.	Do
Do	Lebanon	South Londonderry, township of	H 421043 01 through H 421043 07.	Chairman, Township Hall, Campbelltown, Pa. 17033	Do
Do	Chester	West Pikeland, township of	H 421151A 01 through H 421151A 03.	Supervisor, R.D. 1, Chester Springs, Pa. 19425	Sept. 29, 1974
Do	Luzerne	Yatesville, borough of	H 420031 01	Mayor, 17½ Hale St., Yatesville, Pa. 18640	Sept. 3, 1976
South Carolina	Greenwood	Greenwood, city of	H 450093A 01 through H 450093A 05.	Mayor, P.O. Box 10, Greenwood, S.C. 29646	Oct. 29, 1976
Do	Darlington	Hartsville, city of	H 450082A 01 through H 450082A 03.	Mayor, P.O. Box 146, Hartsville, S.C. 29550	June 21, 1974
South Dakota	Bon Homme	Avon, city of	H 460154 01	Mayor, City Hall, Avon, S. Dak. 57315	Sept. 3, 1976
Do	Edmunds	Bowdle, city of	H 460157 01	Mayor, City Hall, Bowdle, S. Dak. 57428	June 7, 1974
Do	do	Hosmer, city of	H 460117 01	Mayor, City Hall, Hosmer, S. Dak. 57448	Sept. 3, 1976
Do	Kingsbury	Oldham, city of	H 460120 01	Mayor, Town Hall, Oldham, S. Dak. 57051	Do
Tennessee	McMinn	Calhoun, city of	H 470232A 01 through H 470232A 03.	Mayor, P.O. Box 115, Calhoun, Tenn. 37309	Oct. 29, 1976
Do	Polk	Copperhill, city of	H 470269A 01 through H 470269A 02.	Mayor, P.O. Drawer 610, Copperhill, Tenn. 37317	Mar. 8, 1974
Do	Cumberland	Crab Orchard, city of	H 470093A 01 through H 470093A 07.	Mayor, P.O. Box 67, Crab Orchard, Tenn. 37723	Sept. 3, 1976
Do	do	Crossville, city of	H 470095A 01 through H 470095A 07.	Mayor, P.O. Drawer 528, Crossville, Tenn. 38555	May 10, 1974
Do	Chester	Enville, city of	H 470028 01 through H 470028 02.	Mayor, City Hall, Enville, Tenn. 38382	June 14, 1974
Do	Union	Maynardville, city of	H 470210A 01 through H 470210A 09.	Mayor, P.O. Box 45, Maynardville, Tenn. 37807	Sept. 3, 1976
Do	Henry	Paris, city of	H 470090A 01 through H 470090A 04.	Mayor, P.O. Box 970, Paris, Tenn. 38242	Oct. 29, 1976
Do	Bledsoe	Savannah, city of	H 470081A 01 through H 470081A 06.	Mayor, 102 Main St., Savannah, Tenn. 38372	May 17, 1974
Do	Hamilton	Signal Mountain, town of	H 470078A 01 through H 470078A 07.	Mayor, P.O. Box 178, Signal Mountain, Tenn. 37377	Feb. 1, 1974
Texas	Dallas	Addison, town of	H 481091 01 through H 481091 02.	City Administrator, City Hall, Addison, Tex. 75001	Mar. 8, 1974
Do	Grayson	Bells, town of	H 480830 01 through H 480830 02.	Town Hall, P.O. Box 35, Bells, Tex. 75414	Sept. 3, 1976
Do	Delta	Cooper, city of	H 480993A 01	Mayor, City Hall, 101 Northwest First St., Cooper, Tex 75432.	Oct. 29, 1976
Do	Denton	Flower Mound, town of	H 480777 01 through H 480777 12.	Mayor, P.O. Box 129, Lewisville, Tex. 75067	Jan. 9, 1974
Do	Sabine	Hemphill, city of	H 480967 01	City Hall, P.O. Drawer L, Hemphill, Tex. 75948	Sept. 3, 1976
Do	Grayson	Howe, city of	H 480831 01 through H 480833 05.	Mayor, P.O. Box 531, Howe, Tex. 75459	Do
Do	Hill	Hubbard, city of	H 480830 01	Mayor, City Hall, 118 Magnolia, Hubbard, Tex. 76648	Do
Do	Hood	Lipan, village of	H 480075 01	Mayor, P.O. Box 128, Lipan, Tex. 76462	Do
Do	Houston	Lovelady, city of	H 480874 01	Mayor, City Hall, P.O. Box 83, Lovelady, Tex. 75851	Do
Do	McCulloch	Melvin, town of	H 480924 01	Mayor, Town Hall, Melvin, Tex. 76858	Do
Do	McLennan	Northcrest, town of	H 481115 01	Mayor, Town Hall, 613 Lacy Dr., Northcrest, Tex. 76705	Do
Do	Falls	Rosebud, city of	H 481119 01	Mayor, P.O. Box 613, Rosebud, Tex. 76570	Do
Do	Fayette	Round Top, town of	H 480816 01	Mayor, Town Hall, Round Top, Tex. 78954	Do
Do	Duval	San Diego, city of	H 481199 01 through H 481199 02.	Mayor, P.O. Box 160, San Diego, Tex. 78384	Do
Do	Harrison	Waskom, city of	H 480850 01	City Clerk, P.O. Box 257, City Hall, Waskom, Tex. 75692	Do
Do	Tarrant	White Settlement, town of	H 480917A 01 through H 480917A 10.	Mayor, Town Hall, 214 Meadow Park Dr., White Settlement, Tex. 76108.	May 24, 1974
Do	Firestone	Wortham, town of	H 480826 01	Mayor, P.O. Box 186, Wortham, Tex. 76693	Sept. 3, 1976
Utah	Carbon	East Carbon, city of	H 490225 01 through H 490225 03.	Mayor, P.O. Box 801, East Carbon, Utah 84520	Oct. 29, 1976
Do	Kane	Kanab, city of	H 490083 01	Mayor, City Hall, Kanab, Utah 84037	Do.
Do	Davis	Kaysville, city of	H 490046A 01 through H 490046A 02.	Mayor, City Hall, Kaysville, Utah 84037	June 28, 1974 Sept. 3, 1976
Do	Utah	Orem, city of	H 490216 01 through H 490216 06.	Mayor, City Hall, Orem, Utah	Oct. 29, 1976
Do	Summit	Park City, city of	H 490139A 01 through H 490139A 03.	Mayor, City Hall, Park City, Utah 84060	Sept. 6, 1974 Sept. 3, 1976
Do	Weber	Uintah, town of	H 490192 01	Town President, Town Hall, Uintah, Utah 84403	Oct. 29, 1976
Vermont	Addison	Orwell, town of	H 500168A 01 through H 500168A 16.	Planning Commission, Orwell, Vt. 05760	Nov. 15, 1974 Sept. 3, 1976
Washington	Pierce	Bonney Lake, city of	H 530274 01 through H 530274 02.	Engineer, 19306 Bonney Lake Blvd., Bonney Lake, Wash. 98390.	Oct. 29, 1976
Do	Thurston	Rainier, town of	H 530260 01	Mayor, Town Hall, Rainier, Wash. 98576	Do.
Do	Skagit	Sedro Woolley, city of	H 530159 01 through H 530159 04.	Mayor, City Hall, Sedro Woolley, Wash. 98284	Do.
Wisconsin	Waupaca	Weyauwega, city of	H 550503A 01	Mayor, City Hall, Main St., Weyauwega, Wis. 54983	Dec. 17, 1973

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.)

Issued: August 31, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26194 Filed 9-9-76;8:45 am]

[Docket No. FI-1041]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Skagway, Kenai Peninsula, Alaska

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Skagway, Kenai Peninsula, Alaska under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Clerk's desk, City Hall, Skagway.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet measured from top riverside of dike to 100-yr flood boundary on opposite bank
Skagway River	Upstream corporate limits	77	1,245
	At 23d Avenue Bridge	64	1,220
	12th Ave. (extended)	38	460
	9th Ave. (extended)	32	465
	6th Ave. (extended)	24	630
	3d Ave. (extended)	18	480
	1st Ave. (extended)	15	495
	Downstream end of dike	9	770

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26363 Filed 9-9-76;8:45 am]

[Docket No. FI-1093]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Tell City, Perry County, Indiana

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Tell City, Perry County, Indiana under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board at the City Hall, Tell City, Indiana.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ohio River	Corporate limits (downstream)	399	(1)	820
	Tell St. (extended)	399	(1)	300
	Jefferson St. (extended)	399	(1)	180
	Franklin St. (extended)	400	(1)	180
	Pestalozzi St. (extended)	400	(1)	150
	Blum St. (extended)	400	(1)	200
	Corporate limits (upstream)	400	(1)	350
Windy Creek	Corporate limits (downstream)	399	840	(1)
	Payne St. (State route 37)	399	280	710
	19th St.	407	790	260
	Tell St.	408	600	330
	Franklin St.	415	550	10
	Pestalozzi St.	421	180	570
	Washington St.	423	50	70
	State highway 66 (downstream)	430	150	30
	State highway 66 (upstream)	444	10	20
	Corporate limits (upstream)	456	15	45

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–26364 Filed 9–9–76;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 721—THE RETAIL TRADE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 644 (41 FR 15085–15086), the Secretary of Labor appointed and convened Industry Committee No. 134–C for the Retail Trade Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 134–C are hereby published, revising §§ 721.1 and 721.2 of Part 721, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a), (b) and (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 721.1 reads as follows:

§ 721.1 Definition.

The Retail Trade Industry in Puerto Rico is defined as follows: The selling of goods at retail, and incidental activities (including servicing, installation, delivery and repair) performed by employees of a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act: *Provided, however,* That the industry shall not include the activities of employees who are engaged in the following industries or occupations: (a) wholesaling, warehousing and other distribution of products manufactured by their employer in Puerto Rico; (b) activities covered by the wage order for the wholesaling and warehousing industry (which applies, among other activities, to retail distribution centers and central office functions of retail enterprises);[1] (c) food service employees of retail or service establishments; (d) retail or service employees brought within scope of the Act's coverage by the 1974 amendments;[2] (e) activities covered by the wage order for the communications, utilities and transportation industry; (f) the hotel and motel industry; (g) the restaurant and food service industry; or (h) activities covered by the wage order for the business, professional and miscellaneous services industry.

As revised, § 721.2 (a) and (b) (1) reads as follows:

§ 721.2 Wage rates.

* * * * *

(a) *Pre-1966 coverage classifications.* The classifications for pre-1966 coverage apply to all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(1) *Gasoline service stations classification.* (i) The minimum wage for this classification is $2.05 an hour for the period ending April 30, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the operation of any gasoline service establishment engaged primarily in the selling of gasoline and lubricating oil.

(2) *Other activities classification.* (i) The minimum for this classification is $2.30 an hour (section 6(c)(5)).

(ii) This classification is defined as all activities in the Retail Trade Industry except those within the gasoline service stations classification.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $2.20 an hour for the period ending December 31, 1976. Since the mainland rate has been attained, the rate specified in section 6(b) now applies, namely, $2.30 an hour effective January 1, 1977 (section 6(c)(5)).

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date: The revised rates shall be effective September 26, 1976.

Signed at Washington, D.C., this 2d day of September 1976.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76–26380 Filed 9–9–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–192]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.49—Illustrations of Forms

ILLUSTRATION OF REVISED FORM

This amendment illustrates the revised edition of GSA Form 1424, GSA Supplemental Provisions.

Section 101–26.4902–1424 is revised to illustrate the February 1976 edition of GSA Form 1424, GSA Supplemental Provisions.

[1] (This) Refers to activities covered by Part 683 for which the minimum rate is $2.30 an hour, effective January 1, 1976, in accordance with section 6(c)(5) of the Act.

[2] (This) Refers to employees covered by § 701.2(b) i.e. those employed in small retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $200,000 through December 31, 1976, and in any amount after January 1, 1977. For such employees the minimum rate is $2.20 an hour for the period ending December 31, 1976 (in accordance with section 6(b)) and $2.30, effective January 1, 1977, (section 6(c)(5)).

NOTE: The form illustrated in § 101–26.4902–1424 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date: This regulation is effective September 10, 1976.

It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 2, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–26533 Filed 9–9–76;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1609—FEE-GENERATING CASES

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("the Act"). Section 1007(b)(1) of the Act, 42 U.S.C. 2996f(b)(1), prohibits the use of Corporation funds to provide legal assistance with respect to any fee-generating case, except in accordance with guidelines promulgated by the Corporation.

On May 5, 1976 (41 FR 18528) a proposed regulation on fee-generating cases was published. Interested persons were given until June 3, 1976 to submit comments on the proposed regulation. All comments received were given full consideration. The following issues were among those considered before adoption of the final regulation.

PURPOSE

Generally the private Bar is eager to accept contingent fee cases and cases in which there may be an award of attorneys' fees to be paid by the opposing party pursuant to specific statutory authorization. However, there may be instances when no private attorney is willing to represent an individual, because the recovery of a fee is unlikely, the potential fee too small, or for some other reason. The Act requires the Corporation to issue guidelines to insure that eligible clients will be able to obtain legal assistance in such cases, with appropriate safeguards to prevent legal services lawyers from competing with the private bar when private representation is in fact available.

The definition of "fee-generating case" in § 1609.2(a) includes every situation in which an attorney reasonably may expect to receive a fee for services from any source except the client.

SAFEGUARDS

Section 1609.3 prohibits representation in a fee-generating case unless other adequate representation is unavailable. Section 1609.4 sets forth the circumstances in which a fee-generating case may be accepted. The principal safeguard is in the requirement that either the client or the recipient attempt to find private representation through the local lawyer referral service, or by request made to two private lawyers. Referral need not be attempted, however, if the recipient knows from past experience that it would be futile because the case is of a type that private lawyers ordinarily do not accept; and referral may be postponed if emergency circumstances require immediate action. Referral is not required when a client is obliged to pay a fee before a case will be considered. The provision should encourage local referral services and members of the private Bar to waive their customary fees for initial consultation when a recipient refers an eligible client with a fee-generating case. When recovery of damages is not the principal object of a case, a request for damages sometimes may be necessary, for tactical reasons, or because a latent counterclaim is discovered in the course of representation. Referral in such cases is rarely feasible, and requiring that it be attempted is an unnecessary administrative burden the Committee decided not to impose.

AWARDS OF FEES OR COSTS

In recent years statutes have begun to include provisions for the award of attorneys' fees to successful plaintiffs, and § 1609.5 encourages legal services programs to take advantage of this trend. Such cases are subject to the safeguards in § 1609.4 applicable to all fee-generating cases, but if referral is not possible, a recipient may take the case and may accept an award of attorneys' fees. The proceeds must be remitted to the recipient, used solely for purposes authorized by the Act, and reported to the Corporation.

Recipients are encouraged to take advantage of statutory provisions for attorneys' fees. Many courts have held that the fact that an attorney did not charge a fee to the client does not disqualify the attorney from receiving a fee under such statutes. See generally: *Tafte* v. *Department of Social and Health Services*, 85 Wash. 2d 161 (1975) and cases cited therein; *Hoitt* v. *Vitek*, 495 F.2d 219 (1st Cir. 1974); *Miller* v. *Amusement Enterprises, Inc.*, 426 F.2d 534 (5th Cir. 1970); Comment, "Award of Attorney's Fees to Legal Aid Officers," 87 Harv. L.R. 411 (1973).[1] Awards to recipients will increase their resources, and may encourage private attorneys to undertake similar cases on behalf of eligible clients. A recipient's tax status will not be affected by its acceptance, and use for program purposes, of fees awarded in cases undertaken for eligible clients.

The disclaimers in § 1609.6 (a) and (b) clarify the intention of the original draft. Section 1609.6(c) is new. It was added in response to suggestions that such a provision would encourage desirable cooperation between recipients and the private Bar. A private lawyer may be reluctant to undertake a low-fee case in a possibly novel area of the law without the assurance of assistance from a recipient. By permitting a recipient to share its expertise with the private Bar, the Corporation can, without expending its own resources, increase the number of lawyers available to serve the poor. In such cases it seems appropriate to allow the recipient to share in any award of attorneys' fees that may be made.

Sec.
1609.1 Purpose.
1609.2 Definitions.
1609.3 Prohibition.
1609.4 Authorized representation in a fee-generating case.
1609.5 Acceptance of fees.
1609.6 Acceptance of reimbursement.
1609.7 Application.

AUTHORITY: Sec. 1007(b)(1), (42 U.S.C. 2996f(b)(1)).

§ 1609.1 Purpose.

This part is designed to insure that recipients do not compete with private attorneys and, at the same time, to guarantee that eligible clients are able to obtain appropriate and effective legal assistance.

§ 1609.2 Definition.

"Fee-generating case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

§ 1609.3 Prohibition.

No recipient shall use funds received from the Corporation to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All recipients shall establish procedures for the referral of fee-generating cases.

§ 1609.4 Authorized representation in a fee-generating case.

Other adequate representation is deemed to be unavailable when (a) The recipient has determined that free referral is not possible because:

(1) The case has been rejected by the local lawyer referral service, or by two private attorneys; or

(2) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(3) The case is of the type that private attorneys in the area ordinarily do not accept, or do not accept without prepayment of a fee; or

(4) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(b) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief; or inclusion of a coun-

[1] To the extent that the basis for the award in federal cases is the "private attorney general" theory they have been rendered obsolete by the decision in *Alyeska Pipeline Service Company* v. *The Wilderness Society*, 421 U.S. 240 (1975); but Alyeska did not undermine the principle that legal services programs are entitled to equal treatment with private attorneys when there is statutory authorization for an award of fees.

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terclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(c) A court appoints a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

§ 1609.5 Acceptance of fees.

(a) A recipient may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if

(1) The requirements of § 1609.4 are met, and

(2) Funds received are not used for purposes prohibited by the Act, and are accounted for in the manner directed by the Corporation.

(b) If a legal fee is awarded or approved by a court or administrative body, it shall be remitted promptly to the recipient.

§ 1609.6 Acceptance of reimbursement.

When a case or matter subject to this Part results in a recovery of damages, other than statutory benefits, a recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(a) The requirements of § 1609.4 are met, and

(b) The client has agreed in writing to reimburse the recipient for such costs and expenses.

§ 1609.7 Application.

Nothing in this part shall prevent a recipient from

(a) Requiring a client to pay court fees when the client does not qualify to proceed in forma pauperis under the rules of the jurisdiction; or

(b) Accepting a fee in a case that was initiated prior to adoption of this part; or

(c) Acting as co-counsel with a private attorney when appropriate, and accepting part of any fee that may result from a shared case.

Effective date: This part becomes effective on October 12, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-26499 Filed 9-9-76;8:45 am]

PART 1613—RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(1) of the Act restricts the use of Corporation funds in criminal proceedings.

A proposed regulation was published on June 11, 1976 (41 FR 23728–9), and interested persons were given until July 12, 1976 to submit comments. All comments received were given full consideration before adoption of a final regulation. The following issues were among those considered.

DEFINITION

An initial policy question was whether to leave the scope of the prohibition against criminal representation to the varying definition of "criminal" in state and federal law, or to adopt a uniform definition. Consistent with the Corporation's policy seeking uniformity in application of the Act and its regulations, a uniform definition has been adopted.

Many minor infractions, such as housing, sanitation and traffic law violations, that are punishable by no more than a fine, are basically civil in nature. They are treated as civil in some states and in the Model Penal Code, and the ABA recommends their removal from criminal codes. "ABA Report, New Perspectives on Crime" iv (1972). Because the Corporation believes such offenses are basically civil in nature, and because the imposition of a fine may be extremely burdensome for the clients of legal services programs, the regulation permits representation of defendants in such cases.

The definition in the original draft has been amended to exclude cases prosecuted by private citizens to vindicate claims that are civil in nature, even though criminal sanctions or procedures may be provided by some states. Examples are child support and alimony cases. The change is consistent with the Conference Report, which states that the conferees understood "criminal proceedings" to refer to actions brought by governmental units.

The definition may leave a gap between cases where legal services lawyers can provide representation, and those where the Sixth Amendment right to counsel in criminal prosecution applies, because the Supreme Court has suggested that the Sixth Amendment is inapplicable when imprisonment is unlikely, although authorized. "Argersinger v. Hamlin," 407 U.S. 25 (1975). Recognizing that gap, the Corporation still believes that legal services lawyers should not participate in cases where an alternative jail sentence is authorized, even though they are arguably civil in nature. The Corporation's resources are too limited to accept the substantially expanded quasi-criminal caseload that might result if such representation were permitted.

If no more than a fine can result from conviction, the Part does not prohibit representation. But whether representation actually should occur is a question for a recipient to decide on the basis of its own priorities and resources, and the availability of other legal assistance in the community.

The prohibition of this part does not apply until adversary judicial criminal proceedings have been initiated by formal complaint, indictment, or information. Choice of this point was suggested by the Supreme Court's decision in "Kirby v. Illinois," 406 U.S. 682 (1972), where the Court explained that "The initiation of judicial criminal proceedings is far from a mere formalism. It is the starting point of our whole system of adversary criminal justice. For it is only then that the government has committed itself to prosecute, and only then that the adverse positions of government and defendant have solidified * * *. It is this point, therefore, that marks the commencement of [a] 'criminal prosecution' * * *." 406 U.S. 689.

AUTHORIZED REPRESENTATION

The legislative history makes it clear that certain limited exceptions to the general prohibition against criminal representation were intended.

In geographic areas where there is no Public Defender, and there are relatively few lawyers available, a legal services lawyer may be required by a court to accept appointment to represent an indigent defendant. If appointment is made pursuant to a statute or a court rule or practice of general applicability to all attorneys in the jurisdiction, § 1613.4(a) permits a legal services lawyer to fulfill an attorney's responsibility as an officer of the court, as long as criminal representation is not inconsistent with the primary responsibility of the legal services program to provide assistance to eligible clients in civil matters.

Occasionally a noncriminal matter undertaken on behalf of a juvenile evolves into a criminal proceeding (as for example, when a juvenile court waives jurisdiction). Section 1613.4(b) permits continued representation of the juvenile in the criminal proceeding, if required by professional responsibility.

Section 1613.4(c) was added to permit representation, if required by professional responsibility, in a case in which a criminal charge directly arises out of a civil matter in which a client has received or is receiving legal assistance from a recipient.

This Part does not prohibit legal assistance with respect to any matters that are not part of a criminal prosecution, such as probation revocation after sentence has been imposed, "Mempa v. Rhay," 389 U.S. 128 (1967), parole revocation, "Morrissey v. Brewer," 408 U.S. 471 (1972), or relief from illegal conditions of confinement.

Sec.
1613.1 Purpose.
1613.2 Definition.
1613.3 Prohibition.
1613.4 Authorized Representation.

AUTHORITY: Sec. 1007(b)(1); (42 U.S.C. 2996f(b)(1)).

§ 1613.1 Purpose.

This part is designed to insure that Corporation funds will not be used to provide legal assistance with respect to criminal proceedings unless such assistance is required as part of an attorney's responsibilities as a member of the Bar.

§ 1613.2 Definition.

"Criminal proceeding" means the adversary judicial process prosecuted by a public officer and initiated by a formal complaint, information, or indictment charging a person with an offense denominated "criminal" by applicable law, and punishable by death, imprisonment, or a jail sentence. A misdemeanor or lesser offense tried in an Indian tribal court is not a "criminal proceeding".

§ 1613.3 Prohibition.

Corporation funds shall not be used to provide legal assistance with respect to a criminal proceeding, unless authorized by this part.

§ 1613.4 Authorized representation.

Legal assistance may be provided with respect to a criminal proceeding

(a) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that it is consistent with the recipient's primary responsibility to provide legal assistance to eligible clients in civil matters; or

(b) When professional responsibility requires continued representation of a juvenile pursuant to § 1614.6; or

(c) When professional responsibility requires representation in a criminal proceeding arising out of a transaction with respect to which the client is being, or has been, represented by a recipient.

Effective date. This part becomes effective on October 12, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-26500 Filed 9-9-76;8:45 am]

PART 1614—LEGAL ASSISTANCE TO JUVENILES

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996–2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(4) of the Act restricts the use of Corporation funds in the representation of juveniles.

A proposed regulation was published on June 11, 1976 (41 FR 23729), and interested persons were given until July 12, 1976 to submit comments. All comments received were given full consideration before adoption of a final regulation. The following issues were among those considered.

PURPOSE

The legislative history of the Act shows that Congress intended to prohibit legal services programs from providing legal assistance to a juvenile when doing so would create or exacerbate conflict between parent and child. At the same time, assistance is authorized when family relationships have broken down or essential rights of a juvenile are at stake. This part is designed to meet these dual concerns.

REPRESENTATION AT THE REQUEST OF A PARENT, GUARDIAN, OR COURT

Section 1614.4 follows the Act in permitting legal assistance at the request of one of the juvenile's parents or guardians, or a court of competent jurisdiction. Requests made by agents or officials such as probation officers, youth workers and counselors, through whom a court normally acts, are considered requests of a court.

When a legal services program is asked to provide assistance to a juvenile who is tried as an adult in a criminal proceeding, the limitations of Part 1613 apply. The Act permits legal assistance to juveniles in noncriminal proceedings, but if a case is one in which a juvenile has a right to appointed counsel, Corporation funds should not be used to relieve governmental entities of their financial responsibilities. The original draft attempted to meet that concern in § 1614.3(c). However, many comments were received objecting that the provision went beyond the Act by unduly restricting representation of juveniles in cases in which there is a legal right to appointed counsel. It was pointed out that there are many situations when adults, as well as juveniles, may have a legal right to counsel compensated by the state (e.g., mental commitment proceedings), and there is no indication that Congress intended there to be greater restrictions on the representation of juveniles than adults in such cases. (The legislative history of the section indicates that the chief concern of Congress was to prevent legal services programs from providing representation injurious to the integrity of a family—a concern that is irrelevant in the types of cases at issue here.) Further, many comments stated that the right to appointed counsel in noncriminal cases is scarcely implemented, if at all, in many states. To the extent that the legal right to appointed counsel is a reality within a jurisdiction, the provisions of Part 1609, requiring referral of fee-generating cases, should be adequate to prevent legal services programs from competing with the private Bar, whether the potential client is a juvenile or an adult.

Because of the critical comments received, § 1614.3(c) was deleted and § 1614.7 added in its place. The new provision allows a recipient to adopt a policy consistent with its own resources and priorities, and the realities of practice within the jurisdiction. If a state provides adequate representation for juveniles, it may be assumed that a recipient will refrain from undertaking such cases.

REPRESENTATION WITHOUT THE REQUEST OF A PARENT, GUARDIAN, OR COURT

When the normal relationship between parent and child no longer exists, or the interests of parent and child conflict, the Act permits legal assistance to a juvenile without a request from a parent, guardian, or court. Sections 1614.5 (a) and (b) carry out the intent of the Act by providing that assistance may be given in cases of child neglect, as well as child abuse; and in proceedings involving guardianship, as well as custody. Section 1614.5(c) tracks section 1007(b)(4)(C) of the Act in permitting legal assistance to a juvenile in cases involving the initiation, continuation, or conditions of institutionalization.

Consistent with the balance struck by the Act between preserving parent-child relationships and protecting the legal rights of juveniles, section 1007(b)(4)(D) of the Act permits legal assistance to secure or prevent the loss of legal benefits or services, except when judicial action is commenced against a juvenile's parent or guardian. "Guardian", in this context, has been construed to mean "non-institutional guardian", because doing otherwise would shield institutional guardians from their legal responsibilities. This interpretation is supported by the legislative history of the provision. "Congressional Record," S. 12934. July 18, 1974.

If, after commencement of a case, a parent or guardian joins the action as a defendant or respondent, the Part permits legal representation of a juvenile to continue. Withdrawal at that point would violate Disciplinary Rule 2–110 of the ABA Code of Professional Responsibility; and the Corporation could not require it without violating section 1006(a)(3) of the Act, that prohibits interference with an attorney's fulfillment of professional responsibilities. Here, too, the regulation is supported by legislative history.

CONTINUITY OF REPRESENTATION

Proceedings initiated in a juvenile court are sometimes transferred to an adult court where criminal proceedings ensue. If a legal services lawyer has represented a juvenile prior to transfer, Disciplinary Rule 2–110 of the ABA Code of Professional Responsibility prohibits withdrawal until the lawyer has taken reasonable steps to avoid foreseeable prejudice to the rights of the client. Therefore, while requiring an attorney to make a good faith effort to be relieved from representation in the criminal proceeding, § 1614.6 permits continued representation unless the attorney is relieved by the court.

Sec.
1614.1 Purpose.
1614.2 Definitions.
1614.3 Policy.
1614.4 Request of a parent, guardian, or court.
1614.5 Representation without request of a parent, guardian, or court.
1614.6 Continuity of representation.
1614.7 Limitation policy.

AUTHORITY: Sec. 1007(b)(4) (42 U.S.C. 2996f(b)(4)).

§ 1614.1 Purpose.

This part is designed to prevent improper interference in parent-child relationships, while permitting legal as-

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sistance when it is necessary to protect essential rights of a juvenile.

§ 1614.2 Definitions.

As used in this part,

(a) "Guardian" means a person or institution lawfully appointed to protect the interests of a juvenile.

(b) "Institution" means any facility, public or private, providing a juvenile with shelter, care, education or other services.

(c) "Juvenile" means any person less than 18 years of age who is not emancipated under applicable law.

§ 1614.3 Policy.

Corporation funds may be used to provide legal assistance to a juvenile when authorized by this part.

§ 1614.4 Request of a parent, guardian, or court.

(a) Legal assistance may be provided to a juvenile

(1) When the written request of a parent or guardian of the juvenile is received; or

(2) At the request of an official or agent of a court of competent jurisdiction; but

(b) Legal assistance shall not be provided to a juvenile who is tried as an adult in a criminal proceeding, as defined in § 1613.2, unless required as part of an attorney's professional responsibilities, pursuant to § 1613.4, or § 1614.6.

§ 1614.5 Representation without request of a parent, guardian, or court.

Legal assistance may be provided to a juvenile without a request from a parent, guardian, or court in

(a) Cases, proceedings, or matters

(1) Involving child abuse or neglect;

(2) To determine legal custody or guardianship of a juvenile;

(3) In which a court has jurisdiction by reason of a juvenile's alleged need for treatment, services, supervision or control, including but not limited to proceedings formally designed for persons in need of supervision (PINS) under state law; or

(4) Involving the initiation, continuation, or conditions of institutionalization of a juvenile; or

(b) When no judicial action is commenced against the parent or non-institutional guardian of the juvenile, legal assistance may be provided

(1) To secure or prevent the loss of benefits or services, or

(2) To prevent the imposition of services against the will of the juvenile.

§ 1614.6 Continuity of representation.

If a criminal proceeding, as defined in § 1613.2, arises out of a case, proceeding, or matter with respect to which a juvenile has received assistance authorized by this part, an attorney should make a good faith effort, consistent with professional responsibility, to obtain approval of the court to withdraw from representation in the criminal proceeding, but may continue to provide representation unless relieved by the court.

§ 1614.7 Limitation policy.

A recipient shall adopt policies designed to insure that Corporation funds are not used to relieve a governmental entity of its legal responsibility to provide compensated counsel to represent juveniles in particular categories of cases, matters, or proceedings.

Effective date: This part becomes effective on October 12, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-26501 Filed 9-9-76;8:45 am]

PART 1615—RESTRICTIONS ON ACTIONS COLLATERALLY ATTACKING CRIMINAL CONVICTIONS

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(1) of the Act restricts the use of Corporation funds in certain civil actions challenging criminal convictions.

A proposed regulation was published on June 11, 1976 (41 FR 23730), and interested persons were given until July 12, 1976 to submit comments. All comments received were given full consideration before adoption of a final regulation. The following issues were among those considered.

This part implements the provision of Section 1007(b)(1) of the Act that prohibits legal assistance in certain civil actions brought to challenge criminal convictions. The prohibition includes writs of habeas corpus, and other writs such as coram nobis that, in some jurisdictions, perform the same function of collaterally attacking the validity of a criminal conviction.

Some comments objected that the proposed regulation went far beyond the Act by adding, in subsection 1615.2(a), "a public officer who has custody of a convicted person" to the statutory list of proscribed defendants. That formulation was used because merely tracking the statutory language would not have carried out the intent of Congress, but that purpose does not require inclusion of others besides prison wardens, such as the directors of state mental institutions in which both criminally convicted and civilly committed individuals are confined. Special circumstances and legal issues arise when convicted persons are confined in institutions other than prisons, and the statutory purpose can be satisfied without prohibiting legal assistance in such cases. Therefore, the original phrase has been replaced by a narrower one, "custodian of an institution for persons convicted of crimes."

The final phrase "by a court officer or law enforcement official" was added to § 1615.2(b) in response to criticisms that, as originally drafted, the section was unclear. Because the prohibition against representation in collateral attacks on convictions is *in pari materia* with the one against representation in criminal proceedings, the limited exception permitting criminal representation in certain instances has been carried over to this part.

Consistent with the statutory language and its legislative history, this Part does not prohibit cases seeking relief from illegal conditions of confinement, or any other actions that do not have the objective of overturning a criminal conviction.

Sec.
1615.1 Purpose.
1615.2 Prohibition.
1615.3 Application of this part.

AUTHORITY: Sec. 1007(b)(1); (42 U.S.C. 2996f(b)(1))

§ 1615.1 Purpose.

This part prohibits the provision of legal assistance in an action in the nature of habeas corpus seeking to collaterally attack a criminal conviction.

§ 1615.2 Prohibition.

Except as authorized by this part, no Corporation funds shall be used to provide legal assistance in an action in the nature of habeas corpus collaterally attacking a criminal conviction if the action

(a) Is brought against an officer of a court, a law enforcement official, or a custodian of an institution for persons convicted of crimes; and

(b) Alleges that the conviction is invalid because of any alleged acts or failures to act by an officer of a court or a law enforcement official.

§ 1615.3 Application of this part.

This part does not prohibit legal assistance—

(a) To challenge a conviction resulting from a criminal proceeding in which the defendant received representation from a recipient pursuant to Corporation regulations; or

(b) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that it is consistent with the primary responsibility of the recipient to provide legal assistance to eligible clients in civil matters.

Effective date: This part becomes effective on October 12, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-26502 Filed 9-9-76;8:45 am]

PART 1616—ATTORNEY HIRING

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(a)(8) of the Act provides that the Corporation shall ensure that recipients solicit recommendations of the local Bar in filling staff attorney positions, giving preference to qualified local residents, and section 1006(b)(6) requires the Corporation to provide, to the extent feasible, in areas where a language other than English is the principal language of significant numbers of eligible clients, that such language is used in the provision of legal assistance to those clients.

A proposed regulation was published on June 11, 1976 (41 FR 23730-1), and interested persons were given until July 12, 1976 to submit comments. All comments received were given full consideration before adoption of a final regulation. The following issues were among those considered.

Section 1007(a)(8) of the Act requires a recipient to solicit recommendations from the local Bar before filling staff attorney positions, and to give preference to qualified local applicants. This part draws upon Part 1607, Governing Bodies, by requiring a recipient to seek recommendations from other appropriate groups as well as from the local Bar. And because these requirements serve the laudable purpose of promoting a cooperative relationship between a recipient and the local Bar and community, they have been applied to all attorney positions, not just "staff attorneys", as that term is defined in the Act. Local applicants need be given preference only when they are equally qualified with non-residents.

The part requires a recipient to establish qualifications for attorneys; and the enumerated criteria include those for the attorney members of governing bodies under § 1607.3(b) of the Corporation's regulations, and for State Advisory Council members under §§ 1603.3 and 1603.4. This part also implements section 1006(b)(6) of the Act, that requires legal assistance to be provided in the principal language, other than English, used by significant numbers of eligible clients in a given area.

Sec.
1616.1 Purpose.
1616.2 Definition.
1616.3 Qualifications.
1616.4 Recommendations.
1616.5 Preference to local applicants.
1616.6 Equal employment opportunity.
1616.7 Language ability.

AUTHORITY: Secs. 1007(a)(8); 1006(b)(6); 1006(b)(4); (42 U.S.C. 2996f(a)(8); 2996e(b)(6); 2996e(b)(4)).

§ 1616.1 Purpose.

This part is designed to promote a mutually beneficial relationship between a recipient and the local Bar and community, and to insure that a recipient will choose highly qualified attorneys for its staff.

§ 1616.2 Definition.

"Community", as used in this part, means the geographical area most closely corresponding to the area served by a recipient.

§ 1616.3 Qualifications.

A recipient shall establish qualifications for individual positions for attorneys providing legal assistance under the Act, that may include, among other relevant factors:

(a) Academic training and performance;

(b) The nature and extent of prior legal experience;

(c) Knowledge and understanding of the legal problems and needs of the poor;

(d) Prior working experience in the client community, or in other programs to aid the poor;

(e) Ability to communicate with persons in the client community, including, in areas where significant numbers of eligible clients speak a language other than English as their principal language, ability to speak that language; and

(f) Cultural similarity with the client community.

§ 1616.4 Recommendations.

(a) Before filling an attorney position, a recipient shall notify the organized Bar in the community of the existence of a vacancy, and of the qualifications established for it, and seek recommendations for attorneys who meet the qualifications established for the position.

(b) A recipient shall similarly notify and seek recommendations from other organizations, deemed appropriate by the recipient, that have knowledge of the legal needs of persons in the community unable to afford legal assistance.

§ 1616.5 Preference to local applicants.

When equally qualified applicants are under consideration for an attorney position, a recipient shall give preference to an applicant residing in the community to be served.

§ 1616.6 Equal employment opportunity.

A recipient shall adopt employment qualifications, procedures, and policies that meet the requirements of applicable laws prohibiting discrimination in employment, and shall take affirmative action to insure equal employment opportunity.

§ 1616.7 Language ability.

In areas where a significant number of clients speak a language other than English as their principal language, a recipient shall adopt employment policies that insure that legal assistance will be provided in the language spoken by such clients.

Effective date: This part becomes effective on October 12, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-26503 Filed 9-9-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Clarification of the Record-keeping Requirement for Migratory Bird Preservation Facilities

On July 29, 1976, the Director, U.S. Fish and Wildlife Service, published notice (41 FR 31535) that regulations redefining the term "commercial preservation facility" and clarifying the tagging requirements for migratory birds in custody at such preservation facilities had been amended (effective date: August 30, 1976). As the result of these amendments, § 20.82 of Part 10, Title 50, Code of Federal Regulations, reads as follows:

§ 20.82 Records required.

No migratory bird preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and showing (1) the number of each species; (2) the location where taken; (3) the date such birds were received; (4) the name and address of the person from whom such birds were received; (5) the date such birds were disposed of; and (6) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

(c) Record keeping as required by this section will not be necessary at hunting clubs which do not fully process migratory birds by removal of both the head and wings.

On closer examination, it now appears that the wording of § 20.82 does not make it explicit that the required records must be maintained for each bird in the custody of the facility and for each bird received by the facility. It was the clear intention that § 20.82 as a whole, and particularly subsections (a)(3), (a)(4), and (b), apply to all birds received by or in the custody of any migratory bird preservation facility. The purpose of the amendment here announced is to make this intention explicit in the language of the regulation by adding to § 20.82(a) the words "received by or" following the words "each bird" and preceding the words "in the custody of".

This rewording of § 20.82 does not involve any substantive change whatever in the regulation. Therefore, since it is considered desirable to effect this rewording in time for the forthcoming hunting season, the Director finds that "good cause" exists within the meaning of 5 U.S.C. § 553(d)(3) (the Administrative Procedure Act) to implement § 20.82 as clarified immediately upon publication.

This rulemaking is issued under the authority contained in the Migratory Bird Treaty Act (16 U.S.C. § 704).

Dated: September 2, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

Accordingly, 50 CFR Part 20 is amended by revising § 20.82 to read as follows:

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§ 20.82 Records required.

(a) No migratory bird preservation facility shall:

(1) Receive or have in custody any migratory game bird unless accurate records are maintained which can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show (i) the number of each species; (ii) the location where taken; (iii) the date such birds were received; (iv) the name and address of the person from whom such birds were received; (v) the date such birds were disposed of; and (vi) the name and address of the person to whom such birds were delivered, or

(2) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

(b) Record keeping as required by this section will not be necessary at hunting clubs which do not fully process migratory birds by removal of both the head and wings.

[FR Doc.76-26405 Filed 9-9-76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 11, 1976 through October 31, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Areas. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware, 19977, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts, 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special conditions:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted on the opening day and on Fridays and Saturdays only thereafter from September 11 through October 2.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 80.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of an archery qualification test. This test will consist of placing three out of five arrows in the 9 x 14 inch chest area of a standard size deer target at 25 yards. Hunters qualified in 1973 must requalify. The qualification is valid for three years only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 1, 1976.

[FR Doc.76-26444 Filed 9-9-76;8:45 am]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on September 10, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Pathfinder National Wildlife Refuge, Wyo., is permitted within 1976 waterfowl open season dates established by Wyoming Game and Fish Commission, but only on areas of Pathfinder Refuge known as Goose Bay, DeWeese Creek, and Sage Creek-Platte Units. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through open season dates established on these species by Wyoming Game and Fish Commission.

V. CARROL DONNER,
Refuge Manager, Pathfinder
National Wildlife Refuge.

SEPTEMBER 1, 1976.

[FR Doc.76-26443 Filed 9-9-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 11, 1976 through January 15, 1977.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open deer hunting area, comprising approximately 2,320 acres, is delineated on a map available at the refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery hunters must show proof of completion of an archery qualification test. This test will consist of placing three out of five arrows in the 9 x 14 inch chest area of a standard size deer target at twenty-five yards. Hunters qualified in 1973 must requalify. The qualification is valid for three years only.

(2) Seasonal permits are required for the North Hunting Area and will be issued at the refuge office Mondays through Fridays betwen 7:30 AM and 4:00 PM. Permits may also be requested by mail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 1, 1976.

[FR Doc.76-26445 Filed 9-9-76;8:45 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on September 10, 1976.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. EST each day from December 1, 1976 through December 31, 1976, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All bow and arrow hunters must possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

(2) Applications for Federal permits must be received at the refuge office on or before October 31, 1976.

(3) All hunters must exhibit their hunting license, Federal permit, deer tag, game, and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

ROBERT G. JOHNSON,
Refuge Manager, Shiawassee
National Wildlife Refuge.

SEPTEMBER 3, 1976.

[FR Doc.76-26442 Filed 9-9-76;8:45 am]

PART 32—HUNTING

Swan Lake National Wildlife Refuge, Missouri

The following special regulations are issued and effective on September 10, 1976. Time limitations preclude issuance of a public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres within Swan Lake National Wildlife Refuge, Missouri. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following.

(1) Each hunter must obtain a State permit issued at the checking station prior to hunting, hunt only from his lottery-assigned blind, fire no more than ten (10) shells, and include not more than one (1) Canada goose in his daily bag.

(2) Authorized officials may retrieve legally shot geese falling inside the refuge boundary for the hunters who shot them.

(3) A harvest quota of 25,000 Canada geese has been set for the Swan Lake Zone. Hunting will be permitted in accordance with the season dates and hours selected by the State of Missouri.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1977.

ALFRED O. MANKE,
Refuge Manager,
Swan Lake National Wildlife Refuge.

AUGUST 25, 1976.

[FR Doc.76-26441 Filed 9-9-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 972]

ACCOUNTING AND FINANCE

Reports of Survey

The Department of the Air Force proposes to add a new Subchapter R—Accounting and Finance to Title 32 CFR, and a new Part under that Subchapter, Part 972—Reports of Survey, consisting of Sections 1 through 9.

This new Part prescribes the policies and procedures for initiating, preparing and reviewing DD Forms 200, Report of Survey, and AF Forms 2444, GPLD Survey Certificate. It provides guidance for developing facts and ascertaining the liability for loss of or damage to Air Force-owned or controlled property. The entire Air Force, including Air National Guard and Air Force Reserve activities, will follow these procedures. Suggestions for improvement, additions or revisions are encouraged and should be sent to AFAFC/XSM, Denver, CO 80279.

This Part is affected by the Privacy Act of 1974. Each form except the register which is required by this Part contains a Privacy Act statement either incorporated in the body of the document or in a separate statement accompanying each such document.

Interested persons are invited to comment on the proposed rulemaking on or before October 15, 1976. Written data, views, arguments concerning the proposal must be submitted in writing to AFAFC/XSM, Denver, CO 80279. Comments and suggestions submitted will be available for public inspection and copying at the above address.

The proposed Part will read as follows:

PART 972—REPORTS OF SURVEY

Sec.

972.1 Purpose.
972.2 Property responsibility.
972.3 Statutory authorities.
972.4 Policies.
972.5 Explanation of terms.
972.6 Collection from states, ANG members, and ANG technicians.
972.7 Joint and several liability.
972.8 Repayments by retired personnel.
972.9 Reopening reports of survey for reconsideration or appeal.

AUTHORITY: The provisions of this Part 972 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012 except as otherwise mentioned herein.

SOURCE: AFM 177–111.

NOTE: Part 806 states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the manuals and regulations that are referenced herein.

§ 972.1 Purpose.

This Part outlines the policies and procedures for processing reports of survey and Government property lost damaged or destroyed (GPLD) survey certificates and Government property lost, damaged or destroyed while under the control of the Air Force as prescribed by 10 U.S.C. 9835. This system is one method used by the Air Force to determine responsibility and pecuniary liability and adjust accountability for the loss, damage or destruction of public property under its control. The system applies only when other methods of accountability or collection for GPLD are not appropriate. DD Form 200, Report of Survey, is used to record and present facts in support of a determination of pecuniary liability and to serve as, or support, a property adjustment voucher. AF Form 2444, GPLD Survey Certificate, issued to authorize repair of damaged property or adjustment of property records for the loss of Government property when a report of survey is not required. Completion of DD Form 200 and AF Form 2444 requires the requesting and recording of personal information. In compliance with AFR 12–35, provide the individual from whom the information is being sought with a copy of DD Form 200, Privacy Act Statement, or AF Form 2444, Privacy Act Statement, whichever is appropriate.

§ 972.2 Property responsibility.

(a) All AF, AF Reserve, and Air National Guard (ANG) personnel (including civilian employees and ANG technicians) have property responsibility (see AFR 67–10). This responsibility cannot be delegated and applies to each level of command regardless of duty assignment. It applies to all AF-controlled property whether or not issued to the care, use or custody of, or receipted for by, an individual.

(b) Responsibility includes pecuniary liability for the loss, damage, or destruction of property resulting from negligence, willful misconduct, or deliberate unauthorized use.

(c) The AF is responsible for any loss or damage (other than fair wear and tear) to General Services Administration (GSA) motor pool vehicles and commercial rental vehicles under AF control. AF personnel are held pecuniarily liable for any loss or damage to such vehicles caused by their gross negligence, willful misconduct, or deliberate unauthorized use. See AFM 177–102, parts one and two, for payment information.

(d) Responsibility for non-DOD property is determined under local, State, or Federal laws and regulations.

(e) Responsibility for property of DOD components other than the AF and the processing of reports is in accordance with the component's regulations and/or interservice agreements.

§ 972.3 Statutory authorities.

Statutory authorities governing the accounting for Government property lost, damaged or destroyed and the fixing of responsibility and liability through the report of survey system are found in various U.S. Codes. Significant authorities are:

(a) *Air Force.* (1) General authority 10 U.S.C. 9832, "The Secretary of the Air Force may prescribe regulations for the accounting for Air Force property and the fixing of responsibility for that property."

(2) *Reports of survey.*—(i) 10 U.S.C. 9835(a), "Under such regulations as the Secretary of the Air Force may prescribe, any officer of the Air Force designated by him may act upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability or destruction of or damage to property of the United States under the control of the Air Force."

(ii) 10 U.S.C. 9835(b), "Action taken under subsection (a) is final, except that action holding a person pecuniarily liable for loss, spoilage, destruction or damage is not final until approved by the Secretary or an officer of the Air Force designated by him."

(iii) 37 U.S.C. 1007(e), "The amount of any damage, or cost of repairs, to arms or equipment caused by the abuse or negligence of a member of the Army or the Air Force, as the case may be, who had care of, or was using, the property when it was damaged, shall be deducted from his pay."

(b) *Air National Guard.* (1) 32 U.S.C. 710(a), "All military property issued by the United States to the National Guard remains the property of the United States."

(2) 32 U.S.C. 710(b), "If property issued to the National Guard is lost, damaged, or destroyed, or becomes unserviceable or unsuitable, a survey of the circumstances thereof shall be made by • • • a disinterested commissioned officer of the Regular Air Force or the Air National Guard detailed by the Secretary of the Air Force • • • The report of the surveying officer shall be sent to the Secretary concerned or to an officer designated by him to receive those reports."

(3) 32 U.S.C. 710(c), "The Secretary concerned or his designated representative may relieve the State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, of further accountability and pecuniary liability for the property. However, if it was lost, damaged or destroyed through negligence, the money value of the property or the damage thereto shall be charged (1) to the State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, to be paid from its funds, or from any non-Federal funds; or (2) to the member to whom the loss, damage, or destruction is charged from pay due him for duties performed in his status as a member of the National Guard."

(4) 32 U.S.C. 710(d), "If property survey under this section is found to be unserviceable or unsuitable, the Secretary or his designated representative shall direct its disposition by sale or otherwise. The proceeds of the following under this subsection shall be deposited in the Treasury under 31 U.S.C. 725c(b)(22).

(i) A sale.

(ii) A stoppage against a member of the National Guard.

(iii) A collection from a person, or from a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, to reimburse the United States for the loss or destruction of, or damage to, the property."

(5) 32 U.S.C. 710(e), "If a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, neglects or refuses to pay for the loss or destruction of, or damage to, property charged against it under subsection (c), the Secretary concerned may bar it from receiving any part of appropriations for the Army National Guard or the Air National Guard as the case may be, until the payment is made."

§ 972.4 Policies.

(a) As a general rule, pecuniary liability for property is imposed only when the loss, damage, or destruction is a result of the willful misconduct or gross negligence of the individual(s) involved, except:

(1) The standard of simple negligence, not gross negligence, applies in cases falling under 32 U.S.C. 710, National Guard, and 37 U.S.C. 1007(e), Damage to Arms or Equipment. Note: 37 U.S.C. 1007(e) pertains only to the damage or destruction of arms or equipment by a military member. Hence, the gross negligence rule applies to loss of arms or equipment by a military member, and to loss, damage or destruction of arms or equipment by a civilian employee.

(2) Pecuniary liability is assessed without proof of negligence if an individual has made deliberate unauthorized use of property which as a result is lost, damaged, or destroyed.

(b) When the preliminary investigation fails to show positive evidence of gross negligence the responsible or accountable officer completes part 1 of AF Form 2444, fig. 2–3, recommending all concerned be relieved of pecuniary liability. The accountable officer sends completed form to the appointing authority for approval of those discrepancies $500 or less and for review and submission to the approving authority for final action those over $500. Relief from pecuniary liability of all concerned should not affect any decisions about disciplinary action.

(c) Pecuniary assessment must not be used instead of, or as a form of, disciplinary action. Commanders should take appropriate disciplinary action, whether or not pecuniary liability was assessed. Disciplinary measures against military personnel are in the manual for courts martial and the Uniform Code of Military Justice. Civilians may be disciplined under AFR 40–750; 18 U.S.C. 1361 also applies to anyone who willfully damages US property.

(d) Military and civilian personnel are held pecuniarily liable for the loss, damage, or destruction of property issued to them or authorized for their exclusive personal use when the loss, damage, or destruction results from their gross negligence, willful misconduct, or deliberate unauthorized use. If doubt exists, the individual is not held liable.

(e) Property accountable officers are held liable for the loss, damage, or destruction of property for which they are accountable when the loss, damage, or destruction results from their gross negligence, willful misconduct, or deliberate unauthorized use.

(f) If the loss, damage, or destruction of property resulted from the gross negligence, willful misconduct, or deliberate unauthorized use of two or more persons, they are held jointly and severally liable for the full amount of the loss or damage.

(g) Pecuniary liability for the loss, damage, or destruction of AF property issued to the ANG is assessed:

(1) Against the state when the loss, damage, or destruction is caused by the negligence of an official or employee of the state, or by the negligence of an unknown member of the ANG.

(2) Against an ANG member when the loss, damage, or destruction was caused by the member's negligence, willful misconduct, or deliberate unauthorized use of the property.

(3) Jointly and severally against the state and the ANG member when the loss, damage, or destruction was caused by the member's negligence in performing his or her ANG military duties.

(4) Against the ANG technician incident to his or her employment as a technician when the loss, damage, or destruction was caused by his or her gross negligence, willful misconduct, or deliberate unauthorized use of the property.

(h) Damage to AF property through the operation of privately owned motor vehicles, boats, airplanes, or other conveyances is exempt from the provisions of the report of survey system. Claims against the owner or operator of the conveyance are processed under AFM 112–1.

(i) AFR 34–3 authorizes the loan to or use by nonappropriated fund activities of specified items of property. The activity rather than the individual who receipts for the property assumes responsibility and is held liable for loss or damage resulting from gross negligence, willful misconduct, or deliberate unauthorized use by its officer(s), employee(s), or patron(s). The nonappropriated fund activity maintains the right to hold its officer(s), employee(s), or patron(s) pecuniarily liable and to collect from them for damages incurred in the same manner as if the property had been owned by the activity. A report of survey finding that the activity is liable does not affect this right.

(j) Funds received from the sale of services or property are considered property until they are deposited with the AFO. Loss of these funds before deposit is investigated by a surveying officer or a survey board.

(k) For major weapons such as aerospace vehicles and missiles:

(1) Reports of survey covering loss, damage, or destruction of such major weapons, including component parts and attached equipment, are prepared only when the loss, damage, or destruction did not occur incident to:

(i) Authorized flight, takeoff, landing, taxiing, or ground handling by the pilot, copilot, or authorized ground personnel.

(ii) Unserviceability due to fair wear and tear.

(iii) Disassembly for recovery of component parts or salvage authorized by competent authority.

(iv) Abandonment as a result of an accident incident to authorized operations.

(v) Act of God.

(2) When a report of survey is not prepared for the loss, damage, or destruction IAW(1) above, property accountability is adjusted by AF Form 1005, Aerospace Vehicle Accountability Termination Document, per AFM 67–1, volume I, part one, chapter 16.

(3) If loss or damage to an aerospace vehicle or missile is caused by a deliberate unauthorized use, both a report of survey and an AF Form 1005 must be prepared.

(4) Installed property on aerospace vehicles accounted for on DD Form 780, Aircraft Inventory Record, is dropped from accountability if the items are totally lost by fire, or by an Act of God during an authorized operation. Refer to the specific AF Form 1005 dropping accountability for the vehicle on DD Form 780. If the items are damaged, a report of survey is required (AFM 67–1, volume I, part one, chapter 10).

(l) Investigations by the Office of Special Investigations (OSI), Special Technical Survey Teams, Boards of Officers, Security Police, Fire Inspectors, etc., may be used instead of reports of survey when conclusive. When such investigations are used, the appointing authority determines whether they are sufficiently detailed or further investigation is required.

(m) The Staff Judge Advocate must be consulted on all legal questions. Obtain his or her written opinion of the case before completing any report of survey that recommends assessment of pecuniary liability.

(n) Air Reserve personnel are subject to the provisions of the report of survey

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system as if they were Regular Air Force members.

(o) A DD Form 200 may serve as, or support, an inventory adjustment document to drop items from the property records. An approved AF Form 2444 may also be used as an inventory adjustment document.

§ 972.5 Explanation of terms.

(a) *Arms or equipment.* Arms or equipment within the meaning of 37 U.S.C. 1007(e) and this manual are small arms such as hand guns and rifles and organizational equipment issued to an individual for his or her personal use and care, such as flight and arctic clothing. The term "arms and equipment" does not include typewriters, tool kits, vehicles, etc.

(b) *Negligence.* (1) *Gross.*—The failure to exercise even a slight degree of care; or, an extreme departure from the course of action to be expected of a reasonably prudent person, all circumstances being considered. NOTE: A person is not held pecuniarily liable for the loss or destruction of, or the damage to, Government property unless the negligence charged (simple or gross) constitutes the proximate cause, rather than a remote cause, of the loss or damage. Proximate cause is defined as the cause which, in a natural and continuous sequence, unbroken by a new cause, produces the loss or damage, and without which the loss or damage would not have occurred.

(2) *Simple.* The failure to act as a reasonably prudent person would have acted under similar circumstances. Failure to comply with existing laws or regulations may be evidence of simple negligence.

(c) *Property.* The terms public property, Government property, AF property, military property, or property, as used in this manual, include all US Government property under control of the AF. "Property" also includes property acquired by donation, lease or any other method.

(d) *Report of survey.* An official report of the facts and circumstances supporting the assessment of pecuniary liability for the loss, damage, or destruction of AF controlled property. It serves as the basis for the Government's claim for restitution for the loss or damage against the person(s), state, territory, or activity.

(e) *Technical Survey Team.* A team of investigators consisting of officers, enlisted members, and/or civilian employees who are technically trained and qualified to investigate an accident, incident, or occurrence within their area of expertise.

(f) *AF Form 2444.* A certificate to be prepared by the responsible or accountable officer when there is no evidence of gross negligence, willful misconduct, or deliberate unauthorized use and all concerned are to be relieved of pecuniary liability.

(g) *Accountable Officer.* An individual appointed to keep auditable records. In all cases, the accountable officer is responsible for controlling the processing of supporting documents and maintains supporting document files. When records are maintained on computers, the individual responsible for providing computer support is not accountable unless he or she is specifically appointed to serve as the accountable officer. The accountable officer is provided auditable listings of transactions processed to ensure supporting documents are accurately reflected in the computer records.

(h) *Responsible Officer.* The person having supervisory jurisdiction over the individual having custody or lawful possession of the property when it was lost, damaged, or destroyed.

(i) *Willful misconduct.* Deliberately acting in conscious disregard of, or indifference to, the risks of damage to property; or, acting without realizing or appreciating the high degree of risk involved, although a reasonable person in similar circumstances would realize and appreciate the risk. Intentional disregard of regulations, instructions, lawful orders or the rights of others may be evidence of willful misconduct.

(j) *Deliberate unauthorized use.* Willful or intentional use without right, permit, or authority.

(k) *Intermediate Air Commander (IAC).* Commander of a subdivision of a major command having administrative jurisdiction over two or more bases within that command.

§ 972.6 Collection from states, ANG members, and ANG technicians.

(a) This paragraph establishes the procedures to be followed when pecuniary liability is assessed and when repayment of an amount collected or withheld in excess of the amount due is required.

(b) The final action authority starts collection action on ANG reports of survey. That office advises the State Adjutant General of each pecuniary charge against the State, ANG member, or ANG technician. The notice identifies the pertinent report of survey and establishes a 60-day suspense for collection of the debt.

(1) *State held liable.* Ask the State Adjutant General to reimburse the AF.

(2) *ANG Member held liable.* The State Adjutant General informs the individual of his or her rights, initiates collection action, and reports the initiation and collection to the final action authority. If for any reason the State Adjutant General cannot collect or the account becomes delinquent, the State Adjutant General reports its to the final action authority and:

(i) Makes immediate cash collection in accordance with AFM 177–108 if the account becomes delinquent; or

(ii) Collects by voucher deduction in accordance with AFM 177–105. If repaid in installments, a locally reproduced debt liquidation record is placed in the member's personnel folder and in the property file. The record includes information as to the total amount of the charge, the amount collected on the current payroll, cumulative amount collected, voucher numbers, date of collection, and balance due.

(iii) If the member is in a nonpay status and all methods of collection available to the State have proven unsuccessful, the State Adjutant General makes a full report to the final action authority and requests that person pursue collection action. (In the office of final action the Accounting and Finance Office (AFO) considers action on the case under AFM 177–101, part two, and AFM 177–102, part three).

(3) ANG Technician held liable. The final action authority advises the State Adjutant General to request payment under AFM 177–104, part four.

§ 972.7 Joint and several liability.

(a) Each person held liable jointly and severally with others is liable for the entire amount of the charge regardless of the extent of involvement. No attempt is made to break down the charge and allocate amounts to specific individuals.

(b) Where an ANG member and the State are held jointly and severally liable, the State Adjutant General reports the initiation of collection action to the final action authority. The State is responsible for any remaining debt that cannot be collected from the ANG member. When the amount of the debt becomes delinquent or becomes the responsibility of the State, the State Adjutant General:

(1) Makes cash collection under AFM 177–108.

(2) Submits a copy of the letter notifying the State of the indebtedness to the AFO for preparation of military pay order in accordance with AFM 177–373.

(3) If any amount of the charge cannot be collected from the member, notifies the final action authority that action has been initiated to reimburse the Government the amount of the State's liability for the portion which cannot be collected from the member.

§ 972.8 Repayments by retired personnel.

The approving authority notifies the AFO or civilian pay office, as appropriate, to prepare the necessary repayment documentation if the member's address is known. The repayment voucher must be properly supported by the document authorizing the repayment. If the member's address is unknown, the complete file is forwarded to AFAFC/RMF, Denver, CO 80279, for disposition.

§ 972.9 Reopening reports of survey for reconsideration or appeal.

(a) *General.* After final action has been taken on a report of survey under the provisions of this Part, it is not reopened, corrected or altered in any manner except as provided in this Part.

(b) *Requests for reconsideration.* Upon receipt of a request the headquarters which took final action on the report of survey determines what further action is necessary. Such action may consist of one of the following:

(1) *Minor corrections.* Minor corrections which do not involve important changes in finding or recommendations of the surveying officers or in the action of appointing or approving authorities, can usually be made in the office where the original is filed. Notify offices where other copies are filed that correction has been made on the original and that corresponding corrections should be made on all other copies.

(2) *Cancellation.* Cancellation of a finalized report of survey where a copy has been filed as a property or supporting voucher is seldom necessary or desirable. The headquarters which took final action may, however, cancel the original report of survey on file if circumstances warrant. Circumstances warranting cancellation would be, for example, duplicate report of survey; discovery of items reported lost; and report of survey erroneously initiated to cover property belonging to activities other than the AF. The headquarters cancelling a report of survey notifies each activity on distribution of the copies of the action and annotates the retained copies. Cancelled reports of survey are retained for the same period as regular reports of survey.

(3) *Reopening based on new evidence.* When the headquarters designated to take final action has determined or been directed by higher authority to reopen a report of survey, action may consist of amended final action either with or without reinvestigation by a surveying officer. If further investigation is determined to be necessary, the original report of survey is returned through forwarding channels to the station of origin. The appointing authority may reappoint the same surveying officer or appoint a new surveying officer to make whatever additional investigation has been directed or is appropriate. Upon completion of the additional investigation and report of it, the report of survey is redistributed and resubmitted through original channels to the headquarters taking previous final action. Should the additional action require final approval by a higher headquarters, the report of survey is forwarded for such action. If the headquarters taking the previous final action determines that further investigation by a surveying officer is not necessary, additional amendatory action may be indicated on the report of survey immediately or, if desired after additional information or evidence has been obtained by correspondence. Notice of amendatory action on any report of survey must be communicated through proper channels to all offices where copies of the reports of survey are required to be filed.

(4) *Property recovered is damaged.* When property believed to be lost and dropped from property records by an approved report of survey is later found but is damaged the original report of survey should be cancelled and a new report of survey or GPLD survey certificate initiated to:

(i) Establish responsibility for the damage.

(ii) Establish pecuniary liability, if warranted.

(iii) Establish monetary loss or cost of repair.

(iv) Dispose of unserviceable property.

(c) *Appeals.* (1) A person held liable may appeal. It must be a written statement of his desire to appeal and specifically list the alleged errors in the original decision. A request for reconsideration based on new evidence or a protest is not considered an appeal. The authority who took the final action, or the successor, reconsiders new evidence, subject to the right of appeal.

(2) The appeal is reviewed by the authority who took final action, or the successor. The authority may grant or deny the appeal and, as appropriate, requires the related actions in c through h below to be taken.

(3) Suspend collection action immediately when the appeal is received. Make a setoff from final pay if the person who is appealing is to be discharged, separated, or released from active duty before final action can be completed on the appeal.

(4) If the amount due was based on estimated repair costs, check to see if the repairs have been made. If so, be sure the liability is adjusted to the actual cost of repairs. If the adjustment increases the amount due, notify the appellant of his or her additional right to appeal.

(5) If the final action authority grants the appeal, the refund of the erroneous collection is processed IAW AFM 177–101. Do not refer the appeal to AFAFC unless they were the final authority or they ask for it.

(6) If the final authority denies the appeal, send the file to AFAFC/JA. The Commander, AFAFC, is authorized to take final action "By Authority of the Secretary of the Air Force" on all appeals from actions taken by base, station, wing, ALC, SOA, IAC, and MAJCOM (see AFM 177–131). If the appeal is by a member of the ANG or a State, send the file through the NGB/CF, Washington DC 20310, for comments and/or recommendations and forwarding to AFAFC/JA.

(7) The file sent to AFAFC consists of:

(i) A transmittal letter, in duplicate (with information copies to higher echelons of command).

(ii) The appeal, in duplicate.

(iii) The report of survey and any supporting documents.

(8) The transmittal letter or an attached statement must:

(i) Specify completely the reasons for denying the appeal.

(ii) Answer every contention or allegation raised by the appeal.

(iii) Show whether unrepaired property will be repaired. (This is needed only when liability is based on estimated repair costs and the property has not been repaired.)

(iv) Give the appellant's present mailing address.

(v) Contain whatever additional information is needed to satisfactorily reach a final decision.

(vi) Show the amount that has been collected from each appellant and the cash collection, and/or payroll deduction, voucher numbers.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-26435 Filed 9-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 212]

[Docket No. 78N–0099]

HUMAN DRUGS

Current Good Manufacturing Practice in the Manufacture, Processing, Packing, or Holding of Large Volume Parenterals; Denial of Extension of Time for Comments

The Food and Drug Administration is denying a request for extension of time for filing comments on the proposed regulations for current good manufacturing practice of large volume parenteral (LVP) drug products.

The proposal for current good manufacturing practice regulations for (LVP) drug products was published in the FEDERAL REGISTER of June 1, 1976 (41 FR 22202), with time for public comment until September 29, 1976.

A notice was published in the same issue of the FEDERAL REGISTER (41 FR 22219) requesting comments and information by August 30, 1976 regarding the applicability of the proposed regulations for current good manufacturing practice of LVP drug products to small volume parenteral drug products.

Interested persons were given 120 days to submit comments on the proposed current good manufacturing practice regulations for LVP drug products. As the Commissioner indicated in that proposal, no extension of time would be granted except under extraordinary circumstances.

The Food and Drug Administration received a request from the Parenteral Drug Association (PDA) to extend the comment period to October 29, 1976 because of the comprehensiveness and magnitude of the documents and the need for PDA to complete review of extensive comments received from small volume parenteral drug manufacturers at a special meeting held in August.

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs agrees to extend the time for submitting comments to the June 1, 1976 notice regarding the small volume parenteral drug products. However, the request to extend the time to submit comments on the proposed current good manufacturing practice regulations for LVP drug products is denied. The Commissioner has determined that the PDA request for an extension of time did not indicate any extraordinary circumstances justifying such an extension.

V41177SEP1076 UMI

Therefore, the Commissioner hereby denies the request for an extension of time for filing comments with regard to the proposed regulations for current good manufacturing practice of large volume parenteral drug products.

Dated: September 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26471 Filed 9-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2256]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Scott County, Iowa

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for Scott County, Iowa.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board in the Lobby of the Scott County Courthouse, 412 West 4th Street, Davenport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Chairman George Thuenen, Scott County Board of Supervisors, 412 West 4th Street, Davenport, Iowa 52801. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spencer Creek	Upstream corporate limits	659	360	230
	East 67th St	648	270	100
	Wells Ferry Rd	592	140	190
	East Valley Dr	580	310	290
Black Hawk Creek	175 ft upstream of I-280	703	10	1,200
	200 ft downstream of I-280	672	30	1,080
Duck Creek	County road	692	300	210
	County trunk	683	230	370
	I-280	676	540	230
	Downstream corporate limits	674	570	400
Mississippi River	Upstream corporate limit	585	(1)	200
	Bowkers Lane (extended)	583	(1)	130
	Downstream corporate limit and city of Le Claire.	582	(1)	130
	Upstream corporate limit	579	(1)	630
	Lock and dam No. 14	578	(1)	500
	South Spencers Rd. (extended)	576	(1)	1,200
	Downstream corporate limit and city of Bettendorf.	575	(1)	2,370
	Upstream corporate limit and city of Buffalo.	564	(1)	200
	Unnamed road	563	(1)	1,480
	Downstream Muscatine County and Scott County.	563	(1)	930

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 5, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26362 Filed 9-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2258]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Township of Blythe, Schuylkill County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Blythe, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Map and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, New Philadelphia, Kaska, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Stanley Dobies, Chairman of the Board of Supervisors of Blythe, P.O. Box 416, Cumbola, Pennsylvania 17930. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Western corporate limits of the township of Blythe.	664	80	440
	Western corporate limits of the borough of New Philadelphia.	671	20	180
	Eastern corporate limits of the borough of New Philadelphia.	698	100	220
	Western corporate limits of the borough of Middleport.	723	260	380
	Eastern corporate limits of the borough of Middleport.	733	570	180
	Eastern corporate limits of the township of Blythe.	749	80	320

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26360 Filed 9-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2257]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Freemont, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Village of Freemont, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village of Freemont, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Village Hall, Freemont, Wisconsin 54940.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Thomas R. Pitts, Village President, Freemont, Wisconsin 54940. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Wolf River	U.S. Highway 10	756	1,980	1,410

V41177 SEP 10 76 UMI

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26361 Filed 9-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2294]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Hempstead, Nassau County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Hempstead, Nassau County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, Town Hall Plaza, Main Street, Hempstead, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Francis T. Purcell, Presiding Supervisor of Hempstead, Town Hall, Town Hall Plaza, Main Street, Hempstead, New York 11550. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Referenced location	Elevation in feet above mean sea level	Distance and direction from referenced location to 100-yr flood boundary
Atlantic Ocean	Ocean Blvd. at Daytona St.	9	120 ft north.
	Ocean Blvd. and Bermuda St.	9	80 ft south.
	Ocean Blvd. at Albany Blvd.	9	160 ft south.
	Ocean Blvd. at Genesee Blvd.	9	220 ft south.
	Ocean Blvd. at Queen Ave.	9	210 ft south.
	Beech St. at Clayton Ave.	9	70 ft south.
	Beech St. at Trenton Ave.	9	40 ft south.
	Lido Blvd. at Blackheath Rd.	9	70 ft south.
	Lido Blvd. at Greenway St.	9	180 ft south.
	Lido Blvd at Allevard St.	9	70 ft south.
	Lido Blvd. at Biarritz St.	9	80 ft south.
	Lido Blvd. at Prescott St.	9	Do.
	Ocean Blvd. at Parkside Dr.	9	60 ft south.
	Ocean Blvd. at Inwood Ave.	9	At intersection.
Jones Inlet	Mineola Ave., 400 ft south of Beech St.	7	100 ft west.
Reynolds Channel	Glenwood Ave. at Beech St.	7	70 ft north.
	Parkside Drive at Beech St.	9	110 ft south.
	Lido Blvd. at Prescott St.	7	400 ft north.
	Lido Blvd. at Biarritz St.	7	265 ft north.
	Lido Blvd. at Allevard St.	7	420 ft north.
	Lido Blvd. at Fairway St.	7	400 ft north.
	Fairway St. at Blackheath Rd.	7	480 ft south.
	Beech St. at Trenton Ave.	7	320 ft north.
	Beech St. at Clayton Ave.	7	300 ft north.
	Bay Blvd. at Bayside Dr.	7	100 ft south.
	Bay Blvd at Lewis Ave.	7	110 ft north.
	Bay Blvd. at Genesee Blvd.	7	100 ft north.
	Bay Blvd. at Alban Blvd.	7	150 ft north.
East Rockaway Inlet	Bay Blvd. at Bermuda St.	9	180 ft north.
	Bay Blvd. at Daytona St.	9	480 ft north.
Motts Basin	Bayview Ave. at State Rd. (west)	9	220 ft south.
	Bayview Ave. at State Rd. (east)	9	At intersection.
	Nassau Ave. at Sheridan Blvd.	9	100 ft west and 200 ft south.
	Bayview Ave. at Monroe St.	9	560 ft south.
Head of Jamaica Bay	Sheridan Blvd. at Roger Ave.	9	460 ft northwest.
	Sheridan Blvd. at Bayswater Blvd.	9	140 ft west.
	Donahue Ave. at Healy Ave.	9	110 ft northeast and 140 ft northwest.
	Doughty Blvd. at Healy Ave.	9	720 ft west, 1,060 ft north, 500 ft east and 340 ft south.
	Burnside Ave. at Doughty Blvd.	9	At intersection.
	Burnside Ave. at Henry St.	9	520 ft south.
	Burnside Ave. at Morgan St.	9	At intersection.
Motts Creek/Hook Creek	Ibsen St. at Barnard Ave.	9	40 ft south.
	Glen Dr. at Howard Ave.	9	120 ft northwest.
	Glen Dr. at Longacre Ave.	9	150 ft southeast.
Valley Stream/Motts Creek	Woodmere Blvd. at Mayfield Rd.	9	75 ft southeast and 80 ft east.
	Penninsula Blvd. at Saddleridge Rd.	9	110 ft southeast.
	Penninsula Blvd. at Franklin Ave.	9	At intersection.
Hewlett Bay	Hewlett Point Rd. between Everdell Ave. and Frederick Rd.	7	Along inland side of road.
	Hewlett Blvd. at Frederick Rd.	7	460 ft west and 1,060 ft east.
	East Rockaway Blvd.	7	Entire length contained.
Thixton Creek	Everdell Ave. at Frederick Rd.	7	40 ft southeast.
	Everdell Ave. at Cornell Rd.	7	40 ft west.

Source of flooding	Referenced location	Elevation in feet above mean sea level	Distance and direction from referenced location to 100-yr flood boundary
East Rockaway Channel	Waterview St.	7	Entire length contained.
	Marjorie Lane	7	Entire length to Bay Park entrance, along a line 250 ft west of Marjorie Lane.
Mill River/Powell Creek	Pearl St. at Rockaway Ave.	7	130 ft west.
	Bayside Ave. at East Rockaway Rd.	7	80 ft west.
	Davison Ave. at East Rockaway Rd.	7	At intersection.
Parsonage Creek	Westend Ave.	7	Entire length contained.
	Cheshire Dr. at Anderson St.	7	60 ft east.
	Barnes Ave. at 2d Pl.	7	50 ft east.
	Lincoln St. at Baldwin Rd.	7	80 ft west.
	Moreland Ave. at Grove Pl.	7	40 ft west.
	Imperial Dr.	7	Entire length contained.
Millburn Creek	Millburn Ave. at Merrick Rd.	7	30 ft west.
	Eastern Blvd. at Atlantic Ave.	7	At intersection.
	Cornwell at Hastings St.	7	450 ft west.
Bedell Creek	Neptune Ave. at Rose St.	7	300 ft east.
	Neptune Ave. at Bedell St.	7	630 ft east.
	Perry Ave. at Frederick St.	7	500 ft west.
	Judith Lane at Perry Ave.	7	140 ft west.
	Ocean Ave.	7	Entire length contained.
	Links Dr. both east and west.	7	Do.
Merrick Creek	Whaleneck Dr. at Brighton Way	7	390 ft northeast.
	Barnum Ave. at Lake End Rd.	7	150 ft northeast.
	Barnum Ave. at Brook Park Dr.	7	At intersection.
Cedar Swamp Creek	Frankel Blvd. at Wyneum Ave.	7	200 ft east.
	Frankel Blvd. at Brighton Way	7	300 ft southwest.
	Soma Ave.	7	Entire length contained.
	Frankel Blvd. at Elliott St.	7	60 ft southwest.
	Merrick Rd. at Henry St.	7	30 ft northeast.
	Merrick Rd. at Ocean Ave.	7	20 ft west.
Newbridge Creek	April Lane at Legion St.	7	At intersection.
	Malibu Rd. at Legion St.	7	Do.
	Marine Pl. at Legion St.	7	40 ft west.
	Anthony Ave. at St. Marks Ave.	7	30 ft west.
	Legion St. at Williams Ct.	7	140 ft northeast.
	Park Pl. at Legion St.	7	140 ft east.
Bellmore Creek	Judith Dr. at Belle Rd.	7	At intersection.
	Barbara Rd.	7	Entire lengt hcontained.
	Bellport Ave. at Everly Rd.	7	700 ft southeast and 170 ft north.
	Bellmore Ave. at Anthony Ave.	7	800 ft west.
Seamans Creek	Ocean Ave.	6	Entire length contained.
	Bayview St.	6	Do.
	Riverside Ave.	6	Do.
Seaford Creek	Harbor Blvd. at Seamans Neck Rd.	6	260 ft west and 310 ft north.
	Merrick Rd. at Washington Ave.	6	340 ft east.
	Beacon Rd.	6	Entire length contained.
Valley Stream	Flower Rd. at Forest Rd. (west)	9	100 ft northeast.
	Southgate Rd.	9	Entire length contained.
	Edward Pl.	9	Do.
	Flower Rd. at Forest Rd. (east)	9	80 ft north.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26358 Filed 9-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2293]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Borough of Parkside, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Parkside, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Parkside, Delaware County, Pennsylvania must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Office, 505 West Forestview Road, Parkside.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Office of the Borough Secretary, 105 West Forestview Road, Parkside, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ridley Creek	From bank of Ridley Creek 120 ft along east corporate limits 280 ft along west corporate limits.	39	(1)	200

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26359 Filed 9-9-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 86, 600]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES AND FUEL ECONOMY OF MOTOR VEHICLES

Notice of Proposed Rulemaking; Fuel Economy Testing and Calculation Procedures, 1979 and Later Model Year Automobiles; Exhaust Emissions Test Procedures, 1979 and Later Model Year Automobiles and Light Duty Trucks

CROSS REFERENCE: For the substance of proposed rules amending 40 CFR Parts 86 and 600 affecting 1979 and subsequent model year vehicles, see FR Doc. 76–26343, Part IV of this issue.

FR Doc. 76–26343 contains final interim rules affecting 1977 and 1978 model year vehicles. These same rules are proposed to apply to 1979 and subsequent model year vehicles.

FR Doc. 76–26343 also includes specific proposed amendments for 1979 and subsequent model year vehicles and 1980 model year vehicles.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20904; RM–2708]

TABLE OF ASSIGNMENTS; FM BROADCAST STATIONS

Notice of Proposed Rule Making and Order To Show Cause

Adopted: September 1, 1976.
Released September 8, 1976.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Castle Rock and Greeley, Colorado.

1. *Petitioner Proposal and Comments:* (a) Notice of Proposed Rule Making is hereby given concerning amendment to the FM Table of Assignments, § 73.202 (b) of the Commission's rules and regulations, regarding the assignment of Channel 221A to Castle Rock, Colorado, and the substitution of Channel 223 for Channel 222 (presently occupied by Station KRGE(FM), at Greeley, Colorado.

(b) The petition was received on May 13, 1976, from Maurice J. DaVolt. No comments were submitted.

2. *Demographic Data:*

(a) *Location:* Castle Rock, the seat of Douglas County, is situated approximately 32 kilometers (20 miles) south of Denver, Colorado, and 56 kilometers (35 miles) north of Colorado Springs, Colorado.

(b) *Population:* Castle Rock—1,531; Douglas County—8,407[1] (1970 U.S. Census).

(c) *Present Aural Services:* Castle Rock—none; Douglas County—none.

3. *Community Data:* Petitioner proposes the assignment of Channel 221A to Castle Rock as a first FM assignment to the community and as a first aural service in Douglas County. He alleges that both Castle Rock and Douglas County have undergone significant growth in recent years and he cites projections which show substantial future growth. The petition recites that Castle Rock is an incorporated municipality with an elected local government and serves as the site for county services and facilities. Petitioner informs us that the county is in the middle of an area which experiences violent summer and winter storms and that a local broadcast facility could provide weather warnings and reports to local residents. He notes that, although the residents receive service from Denver stations, information about local problems and events are inadequate. Petitioner affirms that he intends to apply for a permit to construct a station on Channel 221A at Castle Rock if assigned.

4. *Preclusion Considerations:* The proposed assignment of Channel 221A to Castle Rock, Colorado, and substitution of Channel 223 for Channel 222 at Greeley, Colorado will have the effect of increasing the present area of availability for Channels 221A and 222. Significant preclusion would occur on Channel 224A including an area with the communities of Akron (pop. 1,775) and Yuma (pop. 2,259), Colorado.[2] However, Channel 221A would be available to Akron or Yuma. Yuma already has Channel 265A assigned but presently unoccupied and unapplied for.

5. *Other Considerations:* The proposed assignment of Channel 221A to Castle Rock would necessitate the substitution of Channel 223 for Channel 222 at Greeley, Colorado.[3] Station KGRE(FM), licensed to Meroco Broadcasting Company, is presently operating on Channel 222 at Greeley. Under existing Commission precedents, see Circleville, Ohio, 8 F.C.C. 2d 159 (1967), reimbursement to Station KGRE(FM) for the necessary and reasonable costs of converting to the new frequency will be required. Petitioner recognizes the requirement of reimbursement and has expressed his consent thereto if he obtains a permit for proposed Channel 221A at Castle Rock.

6. Accordingly, pursuant to authority contained in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments for the communities listed below, as follows:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Castle Rock, Colo.		221A
Greeley, Colo.	222, 241	223, 241

7. It is ordered, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Meroco Broadcasting Company shall show cause why its license for Station KGRE(FM) (Channel 222), should not be modified to specify operation on Channel 223 in lieu of Channel 222 at Greeley, Colorado. This Order is being made with the understanding that Meroco Broadcasting Co. will receive reimbursement from the ultimate licensee of Channel 221A at Castle Rock, Colorado, for all necessary and reasonable expenses incurred in the channel change.

8. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station KGRE(FM), Meroco Broadcasting Company, may, not later than October 18, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Meroco Broadcasting Company may, not later than October 18, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Meroco Broadcasting Company to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Meroco Broadcasting Company is deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraph 6 above, are found to be in the public interest.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are shown below and are incorporated herein.

10. Interested parties may file comments on or before October 18, 1976, and reply comments on or before November 8, 1976.

11. It is further ordered, That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to Meroco Broadcasting Company, 816 Ninth Street, Greeley, Colorado 80631, the party to whom the Order to Show Cause is directed.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth below.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-26526 Filed 9-9-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20902; RM–2642; RM–2477]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Proposed Rule Making and Memorandum Opinion and Order

Adopted: September 1, 1976.

Released: September 8, 1976.

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (St. Louis, Missouri).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration two petitions for rule making filed by Double Helix Corporation (Helix) requesting the amendment of Section 73.606(b) of the Commission's Rules and Regulations, by proposing the assignment of noncommercial UHF television Channel *18 or *46 to St. Louis. The assignment of Channel *18 to St. Louis would require both the deletion of Channel *18 and the substitution of Channel *56 at Edwardsville, Illinois. The assignment of Channel *46 to St. Louis would not require any other changes in the Television Table of Assignments.

2. Helix states that it is a non-profit organization incorporated in Missouri for the purposes of ownership and operation of noncommercial, educational radio and television stations. Petitioner points out that St. Louis is presently served by five commercial television stations—KTVI, Channel 2, an ABC affiliate; KMOX–TV, Channel 4, a CBS owned and operated station; KSD–TV, Channel 5, an NBC affiliate; KPLR–TV, Channel 11; and KDNL–TV, Channel 30. St. Louis is also currently served by one noncommercial educational station, KETC–TV, Channel *9, licensed to the St. Louis Educational Television Commission. In addition, petitioner states that both itself and the St. Louis Educational Television Commission are competing applicants for unoccupied, noncommercial, educational Channel *40. See files BPET–497 (Double Helix) and BPET–505 (St. Louis Educational Television Commission). Finally, there are two applicants for Channel 24, the one remaining unoccupied, commercial television assignment at St. Louis. See files BPCT–4674 and BPCT–4826.

THE CHANNEL *18 PROPOSAL (RM–2477)

3. Southern Illinois University (SIU) filed on Oppcsition to Helix's petition for the assignment of Channel *18 to St. Louis because SIU has an interest in applying for Channel *18 at Edwardsville, Illinois, and thus does not want to see the deletion of that assignment. Helix filed a Reply to SIU's Opposition. Subsequently, both parties filed amendments to their pleadings. However, we need not consider these documents because by a letter to the Commission dated July 16, 1976, Double Helix withdrew its petition for the assignment of Channel *18 to St. Louis. However, Helix indicated that it would like the Commission to consider its petition for the assignment of Channel *46 to St. Louis.

THE CHANNEL *46 PROPOSAL (RM–2642)

4. On January 7, 1976, Helix submitted a second petition for rule making requesting the assignment of Channel *46 to St. Louis. As stated in paragraph 1 above, this proposed assignment would not affect any other existing television assignments. Also, no opposition to this latter petition has been filed.

5. Although Helix states that it is confident that it would prevail in a comparative hearing against the St. Louis Educational Television Commission for the grant of a construction permit for Channel *40 in St. Louis, Helix believes that St. Louis needs a third noncommercial, educational assignment to serve the area's growing population and to deal with St. Louis' problems. Petitioner declares that St. Louis has a population of 622,236 and is the twelfth largest television market in the United States and the tenth largest Standard Metropolitan Statistical Area with a population of 2,362,900, which is an increase of 12.3% over the 1960 figure. In addition, Helix argues that a third noncommercial channel could help revitalize the stagnant cultural and social life of St. Louis by giving exposure and publicity to local artists and local cultural institutions. Moreover, Helix feels that the added channel would provide a needed diversity of voices, especially among the noncommercial broadcasters.

[1] The petitioner states that according to the Douglas County Chamber of Commerce the 1975 population estimate of the county is 16,000 persons.

[2] The recent assignment of Channel 224A at Ogallala, Nebraska, 41 Fed. Reg. 23955 (Docket No. 20070 (1976)), significantly reduces the preclusive effect of the proposed amendments herein on adjacent and co-channels.

[3] The Commission's rule (§ 73.207) requires a 168 kilometer (105 miles) separation between first adjacent (0.2 mHz) channels. Castle Rock is approximately 103 kilometers (79 miles) south of Greeley.

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DISCUSSION

6. The issue before us for consideration is whether or not we should propose the assignment of a third reserved, noncommercial educational television channel to St. Louis. We believed, based on Helix's petition for the assignment of Channel *46 to St. Louis, that sufficient data has been presented to justify proposing this assignment for the purpose of obtaining comments and reply comments. However, we want to emphasize that we will not assign a television channel merely to avoid a comparative hearing between two parties. Consequently, we need more information than has been presented thus far to show that there is really a need for a third noncommercial educational television channel at St. Louis and that the assignment of Channel *46 to St. Louis would not be made merely to avoid a comparative hearing.

7. In view of the foregoing, pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.606(b) of the Commission's rules, the Television Table of Assignments, as follows:

§ 73.606 [Amended]

City	Channel No.	
	Present	Proposed
St. Louis, Mo...	2,4−,5−,*9,11−, 24+,30+,*40−	2,4−,5−,*9,11−, 24+,30+,*40−,*46

8. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are shown below and are incorporated herein.

9. Interested parties may file comments on or before October 18, 1976, and reply comments on or before November 8, 1976.

10. It is ordered That Double Helix's petition (RM–2477) for the assignment of Channel *18 to St. Louis is dismissed as discussed in paragraph 3, above.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-26522 Filed 9-9-76;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 114]

[Notice 1976–42]

REGISTRATION AND VOTING INFORMATION

Notice of Proposed Rulemaking

The Commission announces a proposed amendment to § 114.4(c)(2) of its proposed regulations concerning corporate and labor organization political activity published at 41 FR 35957, August 25, 1976.

The Commission invites immediate public coment with regard to the subject amendment to the proposed regulations. The period for submitting written comments will close September 17, 1976. Hearings will not be scheduled and written comments should be submitted to the Office of the General Counsel.

In proposed regulations previously approved by the Commission and submitted to the Congress under 2 U.S.C. § 438c on August 3, 1976, a corporation or labor organization may, under the provisions of § 114.4(c), provide nonpartisan registration and voting information to persons other than those within their respective "permissible groups" with whom they may communicate on any subject. (2 U.S.C. § 441b(b)(1)(A).) The permissible group of persons for a corporation under the statute is its stockholders and executive or administrative personnel; the permissible group for labor organizations under the statute is its members. The following proposed amendment would consider the distribution of official registration-by-mail forms prescribed under applicable State law as informational and would allow a corporation or labor organization to distribute the forms to the general public as well as to all employees. When the Commission authorized publication of this proposed amendment to the proposed regulations on September 2, 1976, it adopted as a matter of policy the position reflected in the proposed amendment but considers it necessary to affirm its position through a supplemental proposed regulation.

The amendatory language to the proposed regulation would be inserted as a new sentence after § 114.4(c)(2). As amended the proposed regulation would provide:

§ 114.4 Nonpartisan communications.

* * * * *

(c) * * *

(2) A corporation or labor organization may distribute or reprint (in whole) any registration or voting information, such as instructional materials, which have been produced by the official election administrators for distribution to the general public. A corporation or labor organization may distribute official registration-by-mail forms to the general public if permitted by the applicable State law. The registration forms must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with a particular party.

* * * * *

Dated: September 3, 1976.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

[FR Doc.76-26479 Filed 9-9-76;8:45 am]

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

[25 CFR Part 700]

PROPOSED RELOCATION COMMISSION REGULATIONS

Establishment of New Chapter and Part

Notice is hereby given that it is proposed to establish a new Chapter IV, entitled Navajo and Hopi Indian Relocation Commission, and to add a new Part 700, entitled Commission Operations and Relocation Procedures, to Title 25 of the Code of Federal Regulations. The addition of a new Chapter and Part is proposed pursuant to the authority contained in the Act of December 22, 1974 (P.L. 93–531; 88 Stat. 1712), specifically Sections 12(g), 13(a), 13(c), 15(b)(1), and 15(c.

The proposed regulations set forth the operating procedures of the Commission and the procedures for developing a relocation report; provide that the contents to be contained in the relocation report are standards consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894); and are designed to insure fair, equitable and uniform treatment of all persons displaced as a result of partitionment of the lands lying within the joint use area of the reservation established by Executive Order of December 16, 1882 and lands lying within the reservation boundaries defined by the Act of June 14, 1934, 48 Stat. 960.

It is the policy of the Navajo and Hopi Indian Relocation Commission, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments to the Chairman, Navajo and Hopi Indian Relocation Commission, Post Office Box 1178, Flagstaff, Arizona 86001, on or before October 12, 1976.

It is proposed to add a new Chapter IV, entitled Navajo and Hopi Indian Relocation Commission, and a new Part 700, entitled Commission Operations and Relocation Procedures, to Title 25 of the Code of Federal Regulations to read as follows:

CHAPTER IV—NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Sec.
700.1 Purpose.
700.2 Scope.
700.3 Applicability.
700.4 Objectives.
700.5 Definitions.
700.6 Development of a relocation report.
700.7 Relocation.
700.8 Commission hearings.
700.9 Hearing officers.
700.10 Payments for relocation and purchase of improvements.
700.11 Relocation standards.
700.12 Resale of property.
700.13 Public information.
700.14 Internal operations.
700.15 Compliance with Federal law and District Court Decisions.
700.16 Cooperation and concurrent action with other Federal agencies and State agencies.

AUTHORITY: 88 Stat. 1712.

§ 700.1 Purpose.

These regulations are designed to insure fair, equitable and uniform treatment of persons displaced by partitionment of the 1882 Executive Order area and the 1934 Boundary Act area; to set forth the procedures by which the Commission shall operate; and to implement the provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712).

§ 700.2 Scope.

The regulations apply to the programs of the Navajo and Hopi Indian Relocation Commission. The geographical coverage is limited to serve the residence of the lands lying within the joint use area of the reservation established by the Executive Order of December 16, 1882, and lands, lying within the reservation described by the Act of June 14, 1934 (48 Stat. 960).

§ 700.3 Applicability.

The provisions of this Act and the regulation in this part apply to the operations of the Commission, its members and employees, and to all persons displaced by partitionment of the joint use area in the 1934 Boundary Act.

§ 700.4 Objectives.

The objectives of these regulations are to facilitate development of a relocation plan according to the Act, and to carry out the directed relocation as promptly and fairly as possible with a minimum amount of hardship and discomfort to the relocatees.

§ 700.5 Definitions.

As used in this part:

(a) *The Act.* "The Act" is P.L. 93–531, (88 Stat. 1712) approved December 22, 1974, providing for the final settlement of the conflicting rights and interests of the Navajo and Hopi tribes to and in the lands lying within the joint use area of the reservation established by Executive Order of December 16, 1882, hereinafter referred to as the Joint Use Area, and land lying within the reservation described by the Act of June 14, 1934 hereinafter referred to as the 1934 Boundary Act, and for other purposes.

(b) *Appraisal.* An "appraisal" shall refer to the value placed on the habitation and other improvements owned by a relocatee that are fixtures on the land, which cannot be moved without substantial damage or unreasonable cost.

(c) *Appraisers.* "Appraisers" shall be persons appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraisers shall be paid by the Commission.

(d) *Business.* The term "business" means any lawful activity, except a farm operation, conducted primarily;

(1) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of service to the public;

(3) By a nonprofit organization;

(4) For assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or service by the direction and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(e) *Commission.* The "Commission" is an independent entity in the Executive Branch established pursuant to Section 12(a) of the Act. The Commission is composed of three members and shall carry out the purposes of the Act as directed.

(f) *Commission staff.* The "Commission staff" are those persons hired or appointed as full or part-time employees of the Commission to carry out the duties and functions of the Commission as directed by its members.

(g) *Consultants.* "Consultants" are persons hired by the Commission to do specific acts or functions as directed by the Commission and to carry out the duties and functions of the Commission.

(h) *Displaced person.* "Displaced person" means any person who on or before one year prior to the date of the Act moved into an area partitioned to a tribe of which he is not a member and must therefore be relocated to another site. This term is synonymous with the term "relocatee".

(i) *Dwelling.* A "dwelling" is the place of permanent or customarily usual abode of a person, including a single family dwelling; a single family unit and a two family, multifamily, or multipurpose dwelling; a cooperative housing project; a non housekeeping unit or any other residential unit including a mobile home which cannot be moved without substantial damage or unreasonable cost.

(j) *Comparable replacement dwelling.* A "comparable replacement dwelling" is a dwelling which is:

(1) Decent, safe and sanitary, and comparable to the acquired dwelling with respect to the number of rooms or habitable living space, but in any event adequate to accommodate the displaced persons;

(2) In an area not subject to unreasonable adverse environmental conditions from either natural or man made sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and reasonable access to the displaced person's present or potential place of employment;

(3) Available on private market to the displaced person and available to all persons regardless of race, color, religion or national origin in a manner consistent with Title VIII of the Civil Rights Act

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of 1968, which is available to all persons regardless of sex;

(4) To the extent practicable and where consistent with paragraph (j)(1) of this section, functionally equivalent at substantially the same as the acquired dwelling, but not excluding newly constructed housing;

(5) Within the financial means of the displaced persons, providing that this paragraph shall be construed only in accordance with the intent to put such persons in an equal or better position. However, if the housing meeting the requirements of this paragraph is not available, the Commision may, on proper finding of the need therefor, consider available housing exceeding these basic criteria.

(k) *Decent, safe and sanitary housing.* "Decent, safe and sanitary housing" means housing in sound, clean and weather tight condition, in conformance with local housing codes and which meets the following minimum standards:

(1) Each housekeeping unit shall include a kitchen with a full usable sink, a stove, or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, adequate and safe wiring systems for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(2) Each nonhousekeeping unit shall be in conformance with local code standards for boarding houses, hotels or other dwellings for congregate living.

(3) Occupancy standards shall be in conformance with local code.

(l) *Farm operation.* The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(m) *Federal agency.* The term "Federal agency" means any department, agency or instrumentality in the Executive Branch of the United States Government.

(n) *Habitation.* The "habitation" shall mean the principal place of residence of the displaced person.

(o) *Head of household.* A person who qualifies as a "head of household" under the Internal Revenue Code of 1954, as amended, shall qualify as a head of household under these regulations.

(p) *Improvements.* "Improvements" shall be fixtures added to the land in addition to the habitation, which cannot readily be moved without substantial damage or whose movement would require unreasonable cost.

(q) *Livestock.* "Livestock" shall include all domesticated animals of every type owned by the displaced person.

(r) *Moving expenses.* "Moving expenses" mean:

(1) The actual reasonable expenses in moving the dislocated person, his family, his business, farm operation or other personal property;

(2) The actual direct loss of tangible personal property as a result of moving or discontinuing a business or farm operations, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the Commission; and

(3) Actual reasonable expenses in searching for a replacement business or farm.

(s) *Person.* The term "person" means any individual, partnership, corporation, association, or farm operation.

(t) *Relocatee.* The term "relocatee" means a member of the Hopi Tribe within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act. This term shall be synonymous with the term "displaced person."

(u) *Relocation report.* The "relocation report" shall be the report prepared by the Commission and submitted to Congress concerning the location of households and members thereof of each tribe, and the personal property, including livestock, from lands partitioned to the other tribe pursuant to the Act.

(v) *Relocation plan.* The "relocation plan" shall be a detailed plan providing for the relocation of the households and the members identified pursuant to the relocation report submitted to Congress, and shall be developed in accordance with the Act.

(w) *State.* The term "state" means any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, the territory of the Pacific Islands, and any political subdivision thereof.

§ 700.6 Development of a relocation report.

(a) The relocation report shall be completed within 24 months from the issuance of an order of the District Court pursuant to Section 4 of the Act and shall contain:

(1) The names of all members of the Navajo Tribe within the areas partitioned to the Hopi Tribe and the names of all members of the Hopi Tribe who reside within the areas partitioned to the Navajo Tribe.

(2) The fair market value of the habitations and improvements owned by the heads of households identified by the Commission as being named in paragraph (a)(1) of this section.

(3) A detailed plan providing for the relocation of households and their members identified pursuant to paragraph (a)(1) of this section. The plan shall:

(i) Be developed to the maximum extent feasible in consultation with the persons involved in such relocation and appropriate representatives of their tribal councils;

(ii) Take into account the adverse social, economic, cultural and other impacts of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts;

(iii) Identify the sites to which such households shall be relocated, including the distance involved;

(iv) Assure that housing and related community services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their relocation sites; and

(v) Take effect thirty days after the date of submission of the plan to the Congress.

(b) The Commission may utilize such hearings, meetings with the Navajo and Hopi Tribal Councils, meetings with appropriate chapter houses, meetings with such individuals or groups as they deem advisable, individual surveys, or such other methods as the Commission deems appropriate to gather the necessary information to develop the relocation report.

(c) The Commission may use whatever means they deem appropriate to provide adequate notice to all interested parties of the proceedings in their development of the relocation report.

(d) To develop the fair market value of the habitations and improvements owned by the heads of households;

(1) The property of the relocatees shall be appraised by such qualified appraiser or appraisers as shall be appointed by the Commission. Upon the completion of the appraisal report, the appraiser shall forward one copy of the report to the Commission and one copy to the relocatee.

(2) Appraisals of property of relocatees shall be provided first to those relocatees who apply for voluntary relocation on a first come first served basis. However, appraisals may be made in specified areas without regard to this requirement. All other appraisals shall be conducted as directed by the Commission.

(e) If the relocatee disagrees with the value placed on his property, he may appeal the appraisal to the Commission who shall hold a hearing on such appeal pursuant to these regulations.

(f) If any person feels his name was wrongfully left out of, or wrongfully put into the relocation report, he may request the Commission staff to correct the error. If the staff refuses to correct the error within 15 days of the request, he may appeal the staff's decision to the Commission, and the Commission shall hold a hearing on said appeal.

§ 700.7 Relocation.

Pursuant to the relocation plan all members of the Navajo Tribe within the areas partitioned to the Hopi Tribe, and all members of the Hopi Tribe within the areas partitioned to the Navajo Tribe shall be relocated, except for those persons exempt from relocation by the Act. Such relocation shall be carried out within five years from the date the relocation plan takes effect as follows:

(a) *Voluntary relocation.* As soon as the Commission determines that it is practicable, relocatees may voluntarily begin relocation. Said relocatees who wish to relocate pursuant to this paragraph shall notify the Commission, in writing or by contacting a member of

the Commission staff at the Commission's office during regular business hours, that they desire to voluntarily relocate and request an appraisal of their habitation and improvements, identify a site as to where they desire to be relocated, and to sign a contract for the relocation.

(b) *Involuntary relocation.* (1) Relocatees who do not voluntarily contact the Commission for relocation shall be contacted by the Commission as soon as practicable after 30 days from the date the relocation report is submitted to Congress and shall:

(i) Request that the head of household choose an available area for relocation.

(ii) Make available to the relocatee suitable housing in an available area of his choice.

(iii) Arrange to purchase the relocatee's habitation, and improvements.

(iv) Arrange for the relocatee and his family to be moved.

(2) If a relocatee fails or refuses to move after the actions in paragraph (b)(1) of this section are taken by the Commission, the Commission may order the relocatee to appear before it at a hearing and show cause why he should not relocate. If the relocatee fails to appear at said hearing, or refuses to relocate after a hearing and after the Commission orders him to relocate, the Commission may apply to a court of competent jurisdiction to order the relocatee to relocate pursuant to the Commission decision.

§ 700.8 Commission hearings.

The Commission shall conduct such hearings as it deems appropriate or necessary pursuant to these regulations. Such hearings shall be conducted as follows:

(a) *Procedures.* The procedure at all hearings of the Commission shall be conducted in an informal manner, with the goal of affording every person appearing before the Commission the right to fully state their position and to be heard on the issues.

(b) *Right of representation.* Any person appearing before the Commission may be represented by himself or by any other person he chooses, including an attorney at law.

(c) *Place.* Commission hearings shall be held at the regular office of the Commission or such other places as the Commission determines are convenient or necessary.

(d) *Notice of hearings.* Notice of all hearings held for the purpose of the development of a relocation plan shall be conducted pursuant to § 700.6(c). Notice of all other hearings shall be given by personal service or registered mail to all interested parties at least ten days prior to such hearing.

(e) *Rehearing.* In order to insure equity, a rehearing on any matter may be granted by the Commission upon a showing of good cause.

§ 700.9 Hearing officers.

The Commission may appoint such hearing officers as they deem appropriate to hear any matter pending before the Commission. Such hearing officer shall make a written report to the Commission on any hearing conducted by them. The Commission shall make a final determination based on the hearing officer's report. Any individual member of the Commission may act as a hearing officer.

§ 700.10 Payments for relocation and purchase of improvements.

(a) The Commission shall purchase from the head of each household whose household is required to relocate under the terms of the Act the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements as determined under clause (2) of subsection (b) of section 13 of the Act.

(b) In addition to the payments made pursuant to paragraph (a) of this section, the Commission shall:

(1) Reimburse each head of household whose household is required to relocate pursuant to the Act for the actual reasonable moving expenses of the household as if the household members were displaced persons under section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84. Stat. 1894);

(2) Pay to each head of a household whose household is required to relocate pursuant to the Act an amount which when added to the fair market value of the habitation and improvements purchased under paragraph (a) of this section, equals the reasonable costs of a comparable replacement dwelling adequate to accommodate such household. However, the additional payment authorized by this paragraph shall not exceed $17,000 for a household of three or less and not more than $25,000 for a household of four or more, except that the Commission may, after consultation with the Secretary of Housing and Urban Development, annually increase or decrease such limitations to reflect changes in housing or development and construction costs, other than costs of land, during the preceding year. The additional payment authorized by this paragraph shall be made only to a head of household required to relocate pursuant to the Act who purchases and occupies such replacement dwelling not later than the end of the two-year period beginning on the date on which he receives from the Commission final payment for the habitation and improvements purchased under paragraph (a) of this section, or on the date on which such household moves from such habitation, whichever is the later date. The payments made pursuant to this paragraph shall be used only for the purpose of obtaining comparable replacement dwellings adequate to accommodate the households relocated pursuant to the Act.

(c) The Commission shall be responsible for the provision of housing for each household eligible for payments under this section in one of the following manners:

(1) Should any head of household apply for and become a participant or homebuyer in a mutual help housing or other home ownership opportunity project undertaken under the United States Housing Act of 1937 (50 Stat. 888), as amended (42 U.S.C. 1401), or in any other federally assisted housing program now or hereafter established, the amounts payable with respect to such household under paragraph (b)(2) of this section and under paragraph (a) of this section shall be paid to the local housing agency or sponsor involved as a voluntary equity payment and shall be credited against the outstanding indebtedness or purchase price of the household's home in the project in a manner which will accelerate to the maximum extent possible the achievement by that household of debt free homeownership.

(2) Should any head of household wish to purchase or have constructed a dwelling which the Commission determines is decent, safe, sanitary, and adequate to accommodate the household, the amounts payable with respect to such household under paragraph (b)(2) of this section and under paragraph (a) of this section shall be paid to such head of household in connection with such purchase or construction in a manner which the Commission determines will assure the use of the funds for such purpose.

(3) Should any head of household not make timely arrangements for relocation housing, or should any head of household elect and enter into an agreement to have the Commission construct or acquire a home for the household, the Commission may use the amounts payable with respect to such household under paragraph (b)(2) of this section and under paragraph (a) of this section for the construction or acquisition (including enlargement or rehabilitation if necessary) of a home and related facilities for such household: *Provided*, That the Commission may combine the funds for any number of such households into one or more accounts from which the costs of such construction or acquisition may be paid on a project basis and the funds in such account or accounts shall remain available until expended: *Provided further*, That the title to each home constructed or acquired by the Commission pursuant to this paragraph shall be vested in the head of the household for which it was constructed or acquired upon occupancy by such household, but this shall not preclude such home being located on land held in trust by the United States.

(d)(1) In addition to the payments made pursuant to section 15 of the Act, the Commission shall make payments to heads of households identified in the report prepared pursuant to section 13 of the Act upon the date of relocation of such households as determined by the Commission, in accordance with the following schedule:

(i) The sum of $5,000 to each head of a household who, prior to the expiration of one year after the effective date of

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the relocation plan, contracts with the Commission to relocate;

(ii) The sum of $4,000 to each head of household who is not eligible for the payment provided for in paragraph (d)(1)(i) of this section but who, prior to the expiration of two years after the effective date of the relocation plan, contracts with the Commission to relocate;

(iii) The sum of $3,000 to each head of household who is not eligible for the payments provided for in paragraph (d)(1)(i) or (ii) of this section but who, prior to the expiration of three years after the effective date of the relocation plan, contracts with the Commission to relocate; and

(iv) The sum of $2,000 to each head of household who is not eligible for the payments provided for in paragraph (d)(1)(i), (ii), or (iii) of this section but who, prior to the expiration of four years after the effective date of the relocation plan, contracts with the Commission to relocate.

(2) No payment shall be made pursuant to this section to or for any person who, after May 29, 1974, moved into an area partitioned pursuant to section 8 or section 3 or 4 of the Act, to a tribe of which he is not a member.

(3) The date for determining what, if any voluntary bonus a relocatee shall receive shall be determined by the date the Commission receives a notice from the relocatee that the relocatee desires to be relocated, as provided in § 700.7(a).

§ 700.11 Relocation standards.

The following standards and procedures shall govern all relocation of displaced persons:

(a) *Notice of displacement.* The Commission is responsible for administration of programs affected by the Act and shall give a written notice of displacement to each individual, family, business, or farm operation to be displaced after partitionment. Such notice shall be served personally or by certified mail. However, the Act authorizes and directs the Commission to proceed with voluntary relocations as promptly as practicable following its first meeting.

(b) *Eligibility requirements.* To be eligible for benefits under the Act as a displaced person, the following conditions must be fulfilled:

(1) The person must live in the area partitioned to the tribe of which he is not a member.

(2) The person must move because he was given notification to move himself and his livestock out of the partitioned area.

(c) *Statement of just compensation to the owner.* The Commission shall provide the owner of personal property to be acquired with a written statement of and a summary basis for the amount established as just compensation. The summary statement shall include the following:

(1) Identification of the personal property and its location including all habitations, buildings, structures, or improvements.

(2) A statement explaining the basis for the determination of just compensation and that such compensation:

(i) Is based on the estimated fair market value of the property.

(ii) Is not less than the approved appraisal of the property.

(d) *Uniform Relocation Assistance and Real Property Acquisition Policies Act.* The provisions of these regulations and this paragraph shall be carried out in a manner that is consistent with the Federal Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). If provisions of these regulations are inconsistent therewith, the Relocation Assistance and Real Property Acquisition Policies Act shall govern.

§ 700.12 Resale of property.

The Commission is authorized to dispose of dwellings and other improvements acquired pursuant to the Act in such manner, including resale of such dwellings and improvements to members of the tribe exercising jurisdiction over the area at prices no higher than the acquisition or construction cost, as best affects section 8 of the Act and the order of the District Court pursuant to sections 3 and 4 of the Act. All resale of said property shall proceed as follows:

(a) The tribe acquiring jurisdiction of the partitioned area shall have the first opportunity to purchase the acquired property at the price paid by the Commission for said property.

(b) If the tribe does not purchase any of said improvements on the property, the improvements may be sold to a person designated by the tribe for the price paid by the Commission for said improvements.

(c) If the individual designated by the tribe does not purchase the property from the Commission at the set price, the property shall be sold to any member of the tribe having jurisdiction over said acquired property at a public auction. If more than one person bids the price paid by the Commission for said habitation and improvement, the buyer will be determined by the drawing of lots.

(d) If no person purchases said property, the Commission may dispose of it by giving it to the tribal government having jurisdiction over said property, or by giving it to any Federal agency having programs that can make use of said improvements.

(e) Notices for any such sales shall be first mailed to the tribal governments and the tribal government shall exercise their option to purchase said property within thirty days of said notice unless the Commission extends the option purchase date. If the tribal government does not purchase said property and an individual is designated by the tribe to purchase said property, said individual shall have thirty days from the date of notice of his option, in which to exercise his option to purchase the improvements, unless such period of time is extended by the Commission. Notices of any public auctions or sales of said improvements shall be published in a newspaper of general circulation in the area where the property is to be sold at least four times in the thirty day period immediately prior to the sale, the last publication being not later than one week prior to the sale. In addition the Commission shall use what other methods are deemed appropriate to insure adequate notification of the sale to all persons who may be eligible to purchase said improvements.

§ 700.13 Public information.

Any person may obtain information concerning the procedures or decisions of the Commission, or any information from the Commission that is not of a confidential nature by notifying the Commission in writing at Post Office Box 1178, Flagstaff, Arizona 86001 describing the nature and type of information they desire and by paying the actual cost of producing said information by the Commission. If it is not possible to determine said actual cost prior to the request, the Commission shall immediately notify the person requesting said information of the cost and shall make the information available as soon as possible after the receipt of said cost. This provision shall be interpreted in connection with the Freedom of Information Act, and if these regulations contain any provisions inconsistent therewith the Freedom of Information Act shall govern.

§ 700.14 Internal operations.

The internal operation of the Commission and the duties and regulations of Commission employees shall be governed by management memoranda, passed, amended or repealed by a majority of the Commissioners at any regular or special meeting of the Commission. The Commission shall hold a regular monthly meeting on the first Monday of each month, unless said Monday falls on a legal holiday and in that event the meeting shall begin on the next regular workday at the main office of the Commission. Said monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be adjourned from time to time by the Commission and reconvened at any time designated by the Commission at their regular meeting.

§ 700.15 Compliance with Federal law and District Court Decisions.

If any provisions of these regulations are contrary to Federal law or orders of the District Court, said Federal law or said order of the District Court shall govern and may supersede, supplant or repeal these regulations.

§ 700.16 Cooperation and concurrent action with other Federal agencies and State agencies.

The Commission may cooperate with any Federal or State agencies administering programs which may be of assistance to displaced persons covered by the Act, and shall cooperate to the maximum extent possible with any Federal or State agencies to insure that the provisions of the Act are carried out to the full intent of Congress.

HAWLEY ATKINSON,
Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc.76-26460 Filed 9-9-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Defense Communications Agency

SCIENTIFIC ADVISORY GROUP

Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on 4 and 5 November 1976. The meeting will be at the Defense Communications Agency, Director's Conference Room at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The agenda items will be Long Range R&D Planning Architecture and System Control in the areas of ATEC and RTAC, and group discussions.

Any person desiring information about the advisory group may telephone (area code 202-692-1765) or write Chief Scientist-Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense. (Freedom of Information Act 5 U.S.C. 552(b)(1).)

MARGARET E. ANDERSON,
Committee Management Officer.

[FR Doc.76-26438 Filed 9-9-76;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 2, 1976.

The USAF Scientific Advisory Board Ad Hoc Independent Technical Assessment Committee on the B-1 will hold meetings on September 28 and 29, 1976 in the Pentagon from 8:30 a.m. to 5 p.m. both days.

The Committee will receive classified briefings and conduct classified discussions on technical aspects and progress of the B-1 development program.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

VAN L. CRAWFORD, JR.,
Colonel, USAF,
Deputy Director of Administration.

[FR Doc.76-26516 Filed 9-9-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 1, 1976.

The USAF Scientific Advisory Board Tactical Panel will hold meetings on September 27 and 28, 1976 at Langley Air Force Base, Virginia from 8:30 a.m. to 5:00 p.m. both days.

The Panel will conduct classified preliminary discussions on the Tactical Electronic Warfare (1976 Summer Study) report and will also discuss Tactical Air Command problems.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-26436 Filed 9-9-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 31, 1976.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, will hold a meeting on 30 September 1976 from 8:00 a.m. to 4:00 p.m. and on 1 October 1976 from 8:00 a.m. to 3:00 p.m. at the Air Force Rocket Propulsion Laboratory, Edwards AFB, California, in Building 8353, Laboratory Conference Room.

The Group will receive classified briefings and participate in classified discussions relating to selected Air Force Rocket Propulsion Laboratory programs.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-26437 Filed 9-9-76;8:45 am]

Department of the Army

SPECIAL COMMISSION ON THE UNITED STATES MILITARY ACADEMY

Partially Closed Meeting

1. In accordance with Section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: The Special Commission on the United States Military Academy.

Dates of Meeting: 28 September through 8 October 1976.

Place: United States Military Academy, West Point, New York.

Time: 1300-1500 hours, 28 September—Open Session; 1500-1700 hours, 28 September—Closed Session (unless deferred to permit greater public participation); 29 September—8 October 1976—Closed Session.

Proposed Agenda: The Commission will convene during the period 1300-1500 hours, 28 September, to receive its basic orientation. During this time it will receive its basic charge of responsibilities by the Honorable Martin R. Hoffmann, Secretary of the Army. This portion of the meeting will be open to the public; however, in order to assure adequate space accommodations, it is necessary for all persons wishing to attend, appear before or file statements with the Commission during the initial orientation session to advise the Executive Director of the Commission in writing not later than 24 September 1976 at the following address: Office of the Secretary of the Army, Room 3E721, The Pentagon, Washington, D.C. 20310. This portion of the meeting will remain open to the public as long as is required on 28 September to permit all persons having expressed an interest in appearing before or in filing statements with the Commission to do so. Persons appearing before the Commission are asked to limit their presentations to a reasonable period of time, the length of which will be determined by the Executive Director of the Commission, based upon the number of persons wishing to appear.

2. The Commission will recess its initial orientation session at 1500 hours, 28 September 1976, unless public participation determines that the closed session be deferred as stated above. The Commission will immediately reconvene in closed sessions from 1500 to 1700 hours, 28 September 1976, or as soon thereafter as public participation in open session has been concluded, but not later than 0900 hours, 29 September 1976. The Commission will remain in closed session until such time as may be determined by the Secretary of the Army or his designee, but not later than 8 October 1976. These sessions will be closed to the public since the Commission will be addressing matters directly involved with the Electrical Engineering 304 cheating incident and the alleged Honor Code violations resulting therefrom. An integral and inseparable portion of the subject matter of the closed sessions will involve discussion and review of personnel and similar files as well as personal interviews of individuals, many of whom have cases still pending. The public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy of the individuals concerned. Further,

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investigatory records compiled in connection with investigation of the cheating incident will also be reviewed during these sessions. The disclosure of this information could interfere with enforcement proceedings, deprive persons of a right to fair trial or impartial adjudication and constitute an unwarranted invasion of personal privacy. These matters are exempt from public disclosure under Title 5, U.S.C., Section 552 (b)(6) and (7)(A), (7)(B) and (7)(C). Accordingly, it has been determined necessary to close these portions of the 28 September—8 October 1976 meeting to the public pursuant to Section 10(d) of Pub. L. 92-463. The Federal Advisory Committee Act.

3. Persons wishing additional information on the above scheduled meeting may write the Executive Director at the address given above or may telephone the Executive Director at 202-695-6184.

Dated: September 7, 1976.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.76-26521 Filed 9-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. CERTAIN-TEED PRODUCTS CORP. AND PPG INDUSTRIES, INC.

Proposed Consent Judgment, Stipulation and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16 (b) through (h), that a proposed consent judgment, stipulation and competitive impact statement as set out below have been filed with the United States District Court for the Eastern District of Pennsylvania in Civil Action No. 74-471, *United States of America* v. *Certain-teed Products Corp. and PPG Industries, Inc.* The complaint in this case alleged that the acquisition of PPG Industries, Inc.'s fiberglass insulation manufacturing plant in Shelbyville, Indiana by Certain-teed Products Corp. substantially lessened competition in the manufacture and sale of industrial mineral wool and industrial fiberglass insulation products in violation of section 7 of the Clayton Act. The proposed consent judgment requires Certain-teed to divest itself of the Shelbyville plant as a going manufacturing operation. The proposed judgment provides that a trustee, to be appointed by the Court, will be empowered to seek a purchaser for the plant within a period of 15 months, any sale to be subject to the approval of the Court. Public comment is invited on or before November 10, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, Department of Justice, 3430 United States Courthouse, Philadelphia, Pennsylvania 19106.

Dated: September 1, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

United States of America, plaintiff, v. Certain-Teed Products Corporation and PPG Industries, Inc., Defendants. (Civil No. 74-471; filed: September 1, 1976.)

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff or defendant in this or any other proceeding.

Dated: September 1, 1976.

For Plaintiff: Donald I. Baker, Acting Assistant Attorney General; William E. Swope, Charles F. B. McAleer, John J. Hughes, Raymond D. Cauley, Morton M. Fine, Warren Marcus, William A. DeStefano, Attorneys, Department of Justice.

For Defendant: Certain-teed Products Corporation, Inc., John G. Harkins, Jr.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

United States of America, plaintiff, v. Certain-teed Products Corporation; and PPG Industries, Inc., Defendants. (Civil Action No. 74-471; filed: September 1, 1976.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on February 27, 1974, and the defendant Certain-teed Products Corporation (Certain-teed) having appeared and filed its Answer to the Complaint denying the substantive allegations thereof; and the plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue of fact or law herein;

Now, therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties, hereto, it is hereby ordered, adjudged, and decreed as follows:

I. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendant Certain-teed under Section 7 of the Clayton Act (15 U.S.C. Section 18).

II. (A) "person" shall mean any individual, corporation, partnership, firm, association or any other business or legal entity.

(B) "Fiberglass insulation products used for other than building insulation purposes" shall mean all thermal and/or acoustical insulation products made wholly or partly of glass fibers with the exception of blankets, batts, and loose wool used as structural insulation in buildings (not including mobile homes or prefabricated metal buildings) for human comfort.

(C) "Subsidiary" shall mean any person 50% or more of whose voting stock is owned by Certain-teed.

III. The provisions of this Final Judgment applicable to the defendant Certain-teed shall apply to such defendant and its officers, directors, agents, employees, subsidiaries, successors, assigns, and to all other persons in active concert with such defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV. (A) Certain-teed Products Corporation is ordered and directed, subject to the terms and conditions of this Final Judgment, to sell its Shelbyville, Indiana, fiberglass plant ("Shelbyville plant"), consisting of the real estate, buildings and equipment therein, as a going manufacturing operation as set forth in paragraph IV(J).

(B) As soon as practicable after the entry of this Final Judgment, the Court shall appoint a Trustee for the purpose of selling the Shelbyville plant. The Court shall receive nominations from the parties and appoint a Trustee after hearing the parties as to the qualifications of any nominee.

(C) The Trustee shall be entitled to reasonable compensation and actual expenses to be set by the Court and paid by Certain-teed.

(D) The Trustee shall submit a report in writing to the Court every ninety (90) days, the first report to be filed ninety (90) days from the date of its appointment, indicating the efforts made in seeking to dispose of the Shelbyville plant. The Trustee may at any time submit to the Court such additional reports as it may consider warranted. Copies of all reports submitted to the Court shall promptly be furnished by the Trustee to the parties.

(E) If the Trustee has not sold the Shelbyville plant within fifteen (15) months after its appointment the Trustee shall so notify the Court and either the plaintiff or defendant Certain-teed may apply to the Court for further directions regarding the disposition of this property.

(F) The Trustee's primary duty shall be to sell the Shelbyville plant as a going manufacturing operation as described in paragraph IV (A) of this Final Judgment to a purchaser who will commence business operations at the Shelbyville plant in the manufacture and sale of fiberglass insulation products. Certain-teed shall be entitled to the proceeds of the sale.

(G) The Trustee shall have such authority as is necessary to sell the Shelbyville plant. The Trustee is specifically authorized but not limited to the power to:

(1) Compile cost and accounting information relating to the Shelbyville plant such as would permit the Trustee to develop a meaningful pro forma operating statement of sales, material costs, labor costs and other pertinent expenses of the Shelbyville plant to be used by the Trustee solely in connection with the implementation of the Judgment and the sale of the Shelbyville plant;

(2) Have access to the Shelbyville plant for the purpose of conducting any necessary inspections. Such rights of access shall include access in company with its advisers or consultants or with any potential purchaser;

(3) Have access to financial, production, customer and other records related to the Shelbyville plant in the possession or under the control of Certain-teed which the Trustee may deem necessary and which are reasonably related to the Shelbyville plant. Pending confirmation of a sale, the price, terms and other conditions of any offer shall be treated as confidential and not subject to disclosure to a third party without prior approval by the Court. The Trustee shall not disclose financial or production information or the identification of particular Certain-teed customers to persons other than prospective purchasers and shall only disclose such information to prospective purchasers after having entered into a non-disclosure agreement with such prospective purchasers;

(4) Have access to customer lists which Certain-teed received from PPG;

(5) Interview officers and employees of Certain-teed;

(6) Employ independent business appraisers, i.e., persons or firms customarily retained to appraise the value of business entities, to appraise the Shelbyville plant in order to advise the Trustee. The Trustee is further empowered to retain such other consultants, attorneys or other representatives as is reasonable.

(H) Certain-teed shall cooperate with any purchaser pursuant to the Final Judgment in the employment of personnel then employed at the Shelbyville plant whom the purchaser may desire to employ and shall release from employment any such person who, within a reasonable time, not to exceed sixty (60) days after the consummation of the sale, notify Certain-teed of their desire to accept such employment.

(I) For a period of six months from the day of sale, Certain-teed shall, at actual cost, provide said purchaser with such instructions and technical assistance with respect to the operation of the Shelbyville plant as shall enable purchaser's technically competent personnel to operate the plant using the equipment and methods employed by Certain-teed at the Shelbyville plant to produce the fiberglass insulation products produced at the time of sale.

(J) Certain-teed shall remain responsible for the operation and maintenance of the Shelbyville plant during the period of Trusteeship. Certain-teed shall take such steps as are necessary to maintain the plant during this period substantially at the level of operating performance existing at the time of entry of this Final Judgment, except to the extent that changes or reductions in operations are required to conform to pollution control or other laws, regulations or orders; and provided that nothing contained in this Final Judgment shall be deemed to require Certain-teed to make any additional capital investment in the Shelbyville plant to improve, upgrade or change the type of the equipment or methods of operation employed by Certain-teed at the time of entry of such Judgment. Certain-teed shall promptly notify the Trustee and the Plaintiff of any changes in the operating level of the Shelbyville plant and of any conditions in such plant which would substantially affect the operating level of the plant. If Plaintiff so requests, the Court shall afford opportunity to the parties to be heard with respect to such changes or conditions and may make such orders as it deems appropriate to insure fulfillment of Certain-teed's responsibilities as provided in this paragraph IV (J).

(K) The Trustee shall advise the parties of all significant matters arising in the negotiations. Upon the reaching of an understanding in principle on the basic terms and conditions of a prospective sale and at least forty-five (45) days before any proposed consummation date, the Trustee shall advise the Court, with notice to the defendant Certain-teed and the United States, identifying the prospective purchaser or purchasers and describing the terms and conditions of the prospective sale. Within thirty (30) days of said notice to defendant and the United States, any party may file a statement of objections to the proposed sale. Defendant Certain-teed will not be ordered to execute an appropriate and formal agreement of sale by the Court until defendant Certain-teed and the United States have had an opportunity to present views and recommendations on any issue presented and shall have a right to be heard thereon.

(L) The Trustee shall begin to perform its duties from the date of its appointment and shall continue until fifteen (15) months from such date when the trusteeship shall terminate, provided, however, in the event the above termination date occurs prior to a final sale but the Trustee is then engaged in serious negotiations which it believes may result in divestiture, the Trustee shall so notify the parties and the Court. The Court may extend the Trusteeship for a reasonable length of time to permit the Trustee to complete such negotiations. Should the Trustee or the plaintiff establish to the Court that the Trustee's duties under this Order were impeded by delay caused by Certain-teed, the Trusteeship may be extended for a period of any such established delay.

V. For a period of ten (10) years from the date of the Final Judgment, Certain-teed is enjoined and restrained from acquiring all or any part of the stock or assets, other than goods or services in the normal course of business, of any person engaged in the United States or its territories or possessions in the manufacture of fiberglass insulation products used for other than building insulation purposes except with the prior written consent of the plaintiff, or if such consent is refused, then upon approval by this Court. Certain-teed is not, however, enjoined from (1) the acquisition of all or part of the securities or assets of any of its subsidiaries and (2) the formation of subsidiaries by the transfer thereto of assets of Certain-teed or of other subsidiaries.

VI. (A) For the purpose of determining or securing compliance with this Final Judgment, Certain-teed shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Certain-teed at its principal office, subject to any legally recognized privilege:

(1) Access during the office hours of Certain-teed to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Certain-teed which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of Certain-teed and without a restraint or interference from it, to interview officers or employees of Certain-teed, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, Certain-teed shall submit such reports in writing, with respect to the matters contained in this Final Judgment, as may from time to time be requested.

(C) No information obtained by the means provided in this Section VI of this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment or as otherwise required by law.

VII. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the applicable provisions thereof, for the enforcement of compliance therewith, and for the punishemnt of violations thereof.

VIII. Entry of this Final Judgment is in the public interest.

Dated: _____

_____
United States District Judge.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

United States of America, plaintiff, v. Certain-Teed Products Corp. and PPG Industries, Inc., defendants. (Civil No. 74-471; filed: September 1, 1976.)

COMPETITIVE IMPACT STATEMENT

This Statement is made pursuant to the requirements of Section 5 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. § 16), commonly known as the Antitrust Procedures and Penalties Act.

I. *Nature and Purpose of the Proceeding.* On February 27, 1974, a civil action was instituted against Certain-teed Products Corp. and PPG Industries, Inc. under Section 15 of the Act of Congress of October 15, 1914, as amended (15 U.S.C. § 25), commonly known as the Clayton Act.

The purpose of the action is to prevent and restrain the continuing violation by the defendants of Section 7 of the Clayton Act, as amended (15 U.S.C. § 18). The violation arose from the acquisition by Certain-teed Products Corp. (Certain-teed) of the industrial fiberglass insulation manufacturing plant in Shelbyville, Indiana, owned by PPG Industries, Inc. (PPG).

II. *The Events Giving Rise to the Alleged Violation.* Mineral wool is a fibrous, woollike material made from either molten slag (slag wool) or molten glass or silica (fiberglass wool). It is used to manufacture pipe insulation, duct insulation, insulation rolls for prefabricated buildings, appliance and transportation insulation, and insulation for original equipment manufacturers.

The violation alleged in this action involves the manufacture and sale of industrial mineral wool insulation products which are distinct from building insulation products. Building insulation products are primarily used to insulate residential dwellings. PPG's Shelbyville plant acquired by Certain-teed produced only industrial mineral wool insulation products made from fiberglass.

There are about a dozen primary manufacturers of industrial mineral wool insulation products. Prior to Certain-teed's acquisition of PPG's Shelbyville plant, only four of these manufacturers produced industrial fiberglass insulation products.

The manufacture and sale of industrial mineral wool insulation products in the United States is highly concentrated. Total sales in 1972 amounted to approximately $157,000,000. Total sales of industrial mineral wool insulation products made from fiberglass amounted to $147,000,000. Four companies accounted for about 94 percent of industrial mineral wool insulation products

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and 100 percent of such products made from fiberglass.

On March 30, 1973, Certain-teed acquired PPG's Shelbyville plant. This acquisition eliminated PPG from the market since the Shelbyville plant was its only manufacturing facility for industrial fiberglass insulation products. In 1972, PPG's sales of such products were about $17,431,000 and Certain-teed's sales were about $27,070,000. Thus, PPG's share of the market was about 12 percent and Certain-teed's share was about 18 percent. The acquisition combined the third and fourth ranking manufacturers, thereby considerably increasing concentration in an already highly concentrated market and reducing the number of manufacturers from four companies to three companies.

The Complaint alleged that the effect of Certain-teed's acquisition of PPG's Shelbyville plant substantially lessened competition by eliminating competition between Certain-teed and PPG, by lessening competition generally in the manufacture and sale of industrial insulation products made from mineral wool and fiberglass, and by increasing concentration in the manufacture and sale of such products.

III. *Explanation of the Proposed Final Judgment.* The proposed Final Judgment requires Certain-teed to sell its Shelbyville, Indiana fiberglass plant as a going manufacturing operation. The Judgment contemplates that the Court shall appoint a trustee whose function is to sell the plant to a buyer who will use the plant to manufacture and sell fiberglass insulation products. The trustee has such authority as is necessary to sell the Shelbyville plant. This authority includes the power to compile cost and accounting information relating to the plant, to have access to the plant for inspection purposes and to financial, production, customer and other records relating to the plant. The trustee's powers further include access to customer lists which Certain-teed received from PPG, the right to interview Certain-teed's officers and employees, and the right to employ an independent firm to appraise the value of the Shelbyville plant.

Certain-teed is obligated to cooperate with the buyer in furnishing personnel presently employed at the Shelbyville plant. Certain-teed is also obligated, for six months after the sale, to provide instructions and technical assistance to operate the plant. The proposed Final Judgment further requires Certain-teed to maintain the plant at the level of operating performance existing at the time the Judgment is entered, but Certain-teed is not obligated to make any additional capital investment to improve or upgrade the plant.

The proposed Final Judgment provides that if the trustee has not sold the Shelbyville plant within 15 months, either plaintiff or Certain-teed may apply to the Court for further directions regarding its disposition.

Plaintiff recognized that, in order to create the most favorable conditions for restoring competition lost in this industry from the acquisition, it was essential that the buyer of the Shelbyville plant obtain a viable manufacturing entity with the capacity to begin the manufacture and sale of industrial fiberglass insulation products immediately. Therefore, plaintiff insisted that Certain-teed be required to divest the plant as a going manufacturing operation. Plaintiff has provided in the proposed Final Judgment that the trustee have such powers as are necessary to effectuate the sale of a going manufacturing operation and that Certain-teed maintain the operating level and performance of the plant during the period of trusteeship. Experienced personnel and technical assistance are also necessary adjuncts to the divestiture of a viable going manufacturing operation and, accordingly, this has been provided for in the proposed Final Judgment.

The Judgment contemplates that the defendant, Certain-teed, will divest itself of all right, title and interest in the Shelbyville plant. A trustee, appointed by the Court, will be empowered to seek a purchaser for the property within a period of 15 months, any sale to be subject to the approval of the Court.

The parties are not unaware that, in the special circumstances of this decree and under the special conditions presently extant in this industry, a divestiture of the Shelbyville plant may prove impossible. The parties have therefore provided that, following the expiration of the period for divestiture through the efforts of the trustee, either party may apply to the Court for further directions as to the disposition of such property if the divestiture contemplated by this decree has not theretofore taken place. The parties recognize that such directions may permit Certain-teed to retain such property in the event that good faith efforts by the trustee have shown that divestiture thereof is impossible or unlikely under the circumstances then obtaining, or which have obtained since the entry of this decree.

For a period of ten years following the entry of the proposed Final Judgment, Certain-teed is enjoined from acquiring the stock or assets of any person engaged in the manufacture of fiberglass insulation products in the United States used for other than building insulation purposes without the prior approval of the Antitrust Division or the Court. The proposed Final Judgment also provides the Antitrust Division with rights to inspect the records of Certain-teed and to interview its officers and employees to determine and secure compliance with the Final Judgment.

The effect of the proposed Final Judgment is to provide a means of restoring the competition lost as a result of the acquisition. If the trustee sells the Shelbyville plant, a fourth manufacturer will enter a very highly concentrated industry to resume the competition previously offered by PPG.

IV. *Remedies Available to Potential Private Plaintiffs.* Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had were the proposed Final Judgment not entered. However, this Judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5 (a) of the Clayton Act, as amended, (15 U.S.C. § 16(a)).

V. *Procedures Available for the Modification of the Proposed Judgment.* Within the statutory period of sixty (60) days, (15 U.S.C. § 16), of the filing of the proposed Final Judgment with the United States District Court for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, any person may comment regarding the proposed Final Judgment to:

John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106.

Such comments and the Antitrust Division's responses thereto will be filed with the District Court and published in the FEDERAL REGISTER.

After the entry of the proposed Final Judgment, jurisdiction is retained by the United States District Court for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, to enable the parties to the Final Judgment to apply to the Court for modification of any of the provisions thereof.

VI. *Alternatives to the Proposed Judgment Considered by the United States.* An alternative to the proposed Final Judgment considered by the Antitrust Division of the Department of Justice was a full trial on the merits. Such alternative would not have resulted in any different relief against Certain-teed than that provided for in the proposed Final Judgment. If plaintiff had prevailed in a trial on the merits, the Court might have granted a longer period of time to accomplish divestiture. However, a trial would have resulted in extensive delay in securing that relief. Additionally, there is always an element of uncertainty concerning the outcome of any antitrust litigation and there is no assurance that the Court would have ordered a longer period for divestiture if the Government were successful in establishing liability under Section 7 of the Clayton Act.

A second alternative considered by the plaintiff was a proposal of Certain-teed to divest a fiberglass insulation manufacturing plant other than the Shelbyville plant to a prospective buyer. This alternative would have been acceptable to the plaintiff as a means of restoring competition in the industry but the prospective buyer failed to consummate the purchase.

There are no materials or documents which were determinative in formulating the proposed Final Judgment. Consequently, none are being filed by plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)).

Dated: September 1, 1976.

John J. Hughes, Raymond D. Cauley, Morton M. Fine, Warren Marcus, William A. DeStefano, *Attorneys, Department of Justice, Antitrust Division, 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106.*

[FR Doc.76-26457 Filed 9-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Permit Avigation and Hazard Easement and Right-of-Way

SEPTEMBER 3, 1976.

Notice is hereby given that on June 3, 1976, the Federal Aviation Administration, Alaskan Region, pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 1701, et. seq.), requested that land be conveyed to the State of Alaska, Department of Public Works, Division of Aviation, for the purpose of operating a public airport, a permit, avigation and hazard easement and right-of-way, serial No. AA-9095, over and upon the following described land:

T. 28 N., R. 84 W., Seward Meridian, Alaska (Unsurveyed), Sec. 10.

This tract has an area of .69 acres, more or less.

This notice is for the purpose of allowing all persons having bona fide objections to the proposed conveyance or claiming an interest in the land an opportunity to file a protest with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, together with evidence that a copy of the protest has been served on the State of Alaska, Division of Aviation, within 30 days from the date of first publication.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-26447 Filed 9-9-76;8:45 am]

ALASKA

Segregation of Lands

SEPTEMBER 3, 1976.

Notice is hereby given that pursuant to the act of May 24, 1928 (49 U.S.C. 211–214), the State of Alaska, Department of Public Works, Division of Aviation, has applied for an airport lease for the following land:

T. 28 N., R. 84 W., Seward Meridian, Alaska, Secs. 10, 15 and 16.

Wade-Hampton Recording District, Second Judicial District, State of Alaska.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-26448 Filed 9-9-76;8:45 am]

ARIZONA; PHOENIX DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

The Phoenix District Multiple Use Advisory Board will meet at 9:00 a.m., on October 8, 1976, in the Conference Room of the Granada Royale Hometel, 3210 Grand Avenue, Phoenix, Arizona.

The agenda will include current progress on the grazing environmental impact statement program in the Black Mountain-Cerbat Grazing EIS area of the Phoenix District, and a discussion of the proposed new Off-Road Vehicle Regulations. The Board may make recommendations on the administration of either of the above programs as they apply to the Phoenix District. The Board will also discuss plans for future meetings.

The meeting will be open to the public to the limits of available space. Time will be available for a limited number of statements by members of the public. Those wishing to make oral statements should so inform the Advisory Board Chairman at the address given below prior to the day of the meeting. Time limitations may require that oral statements be limited to five minutes.

Any member of the public may submit a written statement. These should be directed to Advisory Board Chairman, c/o District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Dated: September 3, 1976.

W. K. BARKER,
District Manager.

[FR Doc.76-26456 Filed 9-9-76;8:45 am]

BOISE DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Bureau of Land Management Boise District Multiple Use Advisory Board will tour the West Owyhee Planning Unit October 7 and 8, 1976. The tour will commence October 7, 1976 at 9:00 a.m. at the Boise District Office of the Bureau of Land Management, 230 Collins Road.

The Board will offer advice and/or make recommendations on the following agenda items that will be viewed during the tour:

1. The District's approach to development of allotment management plans in the Owyhee environmental impact statement area.
2. Proposed rehabilitation measures for meadow areas.
3. Management programs on Juniper Mountain.
4. Inspection of West Owyhee Planning Unit and discussion on management framework plan decisions.

Recommendations will also be made on range improvement projects that are proposed to be financed with Advisory Board funds.

The tour is open to the public but interested persons must provide their own transportation, food, and lodging. Four-wheel drive vehicles will be used to transport the Advisory Board to the various places along the tour route. Those wishing to attend the tour should notify the District Manager at the Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702 prior to October 7 for information regarding the tour route and scheduled stops.

Those wishing to make an oral statement concerning agenda items must so inform the Advisory Board Chairman in writing prior to October 7, 1976. Written statements will be accepted but must also be submitted to the Advisory Board Chairman prior to October 7. Statements should be mailed to: Chairman, Boise District Multiple Use Advisory Board, c/o District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

D. DEAN BIBLES,
District Manager.

[FR Doc.76-26451 Filed 9-9-76;8:45 am]

[N-11030]

NEVADA

Airport Lease Application Withdrawn

SEPTEMBER 1, 1976.

Notice is hereby given of the withdrawal of airport lease application on the following lands:

MOUNT DIABLO MERIDIAN
NEVADA

T. 28 N., R. 67 E.,
Sec. 22, S½, S½NE¼;
Sec. 23, W½W½;
Sec. 27, NE¼, N½SE¼.

Therefore, at 10:00 A.M., on October 6, 1976 the lands will be relieved of the segregation effect of the application.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.76-26450 Filed 9-9-76;8:45 am]

[OR 7283]

OREGON

Order Providing for Opening of Public Land

SEPTEMBER 3, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 18 S., R. 13 E.,
Sec. 36.
T. 19 S., R. 13 E.,
Sec. 13, SW¼SW¼;
Sec. 24, E½, E½NW¼, and NW¼NW¼;
Sec. 25, NE¼.
T. 19 S., R. 14 E.,
Sec. 7, E½;
Sec. 16;
Sec. 17, NW¼NE¼, NW¼, and W½ SW¼;
Sec. 18, lots 1 and 2, E½W½, N½SE¼, and SW¼SE¼;
Sec. 19, lots 1 and 2 and E½NW¼;
Sec. 31, E½.
T. 18 S., R. 15 E.,
Sec. 13, NE¼SE¼ and S½SE¼;
Sec. 24, NE¼ and SE¼NW¼.
T. 19 S., R. 15 E.,
Sec. 16;
Sec. 36, NE¼, W½NW¼, SE¼NW¼, and SE¼SE¼.
T. 17 S., R. 16 E.,
Sec. 36, N½SW¼, excepting and excluding that parcel of land containing 2.97 acres conveyed by deed dated December 22, 1959, and recorded at Book 50, Page 404, State Record of Deeds.
T. 18 S., R. 16 E.,
Sec. 35, NW¼SW¼;
Sec. 36, NW¼NW¼.
T. 20 S., R. 16 E.,
Sec. 7, lots 3 and 4, E½SW¼, and SE¼.
T. 17 S., R. 17 E.,
Sec. 36, N½ and N½S½.
T. 18 S., R. 17 E.,
Sec. 31, lots 3 and 4, SE¼NW¼, NE¼SW¼, and SE¼.
T. 19 S., R. 17 E.,
Sec. 29, W½;
Sec. 31, S½NE¼;
Sec. 32, NW¼ and N½SW¼.
T. 20 S., R. 17 E.,
Sec. 6, lot 2.
T. 21 S., R. 17 E.,
Sec. 36.
T. 22 S., R. 17 E.,
Sec. 31, lots 3 and 4, E½SW¼, and S½ SE¼;
Sec. 32, S½SW¼;
Sec. 36, S½.

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T. 20 S., R. 18 E.,
Sec. 15, W½;
Sec. 31, S½ excluding lots 3, 4, and 6;
Sec. 35, S½, excepting and excluding that parcel of land containing 9.87 acres in the N½SE¼ conveyed by deed recorded October 22, 1938, at Vol. 57, Page 58, deed records of Deschutes County, Oregon.
T. 22 S., R. 18 E.,
Sec. 16, E½;
Sec. 24, S½.
T. 20 S., R. 19 E.,
Sec. 36.
T. 21 S., R. 19 E.,
Sec. 25, lots 1, 2, 3, and 4, W½E½, and W½;
Sec. 32, E½.
T. 22 S., R. 19 E.,
Sec. 31, NE¼, E½NW¼, and N½SE¼;
Sec. 36, NE¼.
T. 18 S., R. 20 E.,
Sec. 36, NE¼, E½NW¼, and S½SE¼.
T. 21 S., R. 20 E.,
Sec. 3, lot 4, S½NW¼, W½SW¼, and SE¼SW¼;
Sec. 4, lot 1 and SE¼NE¼;
Sec. 31, NE¼ and N½SE¼;
Sec. 32, W½NW¼.
T. 18 S., R. 21 E.,
Sec. 21, S½SE¼;
Sec. 27, W½NW¼;
Sec. 28, E½NE¼, NW¼NE¼, and NE¼NW¼;
Sec. 36.
T. 19 S., R. 21 E.,
Sec. 5, lots 3 and 4, S½NW¼, and N½SW¼;
Sec. 6, lots 1 and 2;
Sec. 36.
T. 23 S., R. 21 E.,
Sec. 36.
T. 16 S., R. 25 E.,
Sec. 36, W½.

The areas described aggregate, after making the aforesaid exceptions, 15,384.34 acres in Deschutes, Crook, and Lake Counties.

2. The United States did not acquire the mineral rights to the coal, oil, gas, and related hydrocarbons with the lands in T. 18 S., R. 15 E.; Tps. 17 and 18 S., R. 16 E.; Tps. 17, 18, and 19 S., R. 17 E.; T. 18 S., R. 20 E.; Tps. 18 and 19 S., R. 21 E.; and T. 16 S., R. 25 E.

3. The United States did not acquire the mineral rights to the mercury with the lands in Tps. 17 and 18 S., R. 16 E. and T. 18 S., R. 17 E.

4. The United States did not acquire the mineral rights to the uranium and related fissionable products with the land in T. 18 S., R. 16 E.

5. The subject lands consist of widely scattered parcels located approximately from 20 to 80 miles southeast of the City of Bend in the high desert of Central Oregon. Elevation varies from 4,000 to 5,000 feet above sea level, and the topography is generally flat with some rolling hills and basalt outcrops. Vegetation consists primarily of sagebrush, juniper, and native grasses. In the past, the lands have been used for livestock grazing purposes. The lands also have wildlife habitat values, and they will be managed, together with adjoining national resource lands, for multiple use.

6. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraphs 2, 3, and 4 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. October 9, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

7. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26449 Filed 9-9-76;8:45 am]

[ORE 015560]

OREGON

Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 1, 1976.

Notice of an application filed by the United States Department of Agriculture on behalf of the Forest Service, ORE 015560, for withdrawal and reservation of lands within the Siskiyou National Forest as a scenic and recreation area was published as FEDERAL REGISTER Document No. FR 64-8745 on page 12405 of the issue for August 28, 1964. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such lands will be at 10:00 a.m. on October 7, 1976, relieved of the segregative effect of the above-mentioned application.

With the enactment of Public Law 90-542 on October 2, 1968 all the lands are now included within the National Wild and Scenic Rivers System.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26452 Filed 9-9-76;8:45 am]

[Roseburg 022911]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 3, 1976.

1. In an exchange of lands made under the provisions of the Act of July 31, 1939, 53 Stat. 1144, the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 7 S., R. 6 W.,
Sec. 6, S½NW¼, SW¼, SW¼SE¼, and E½SE¼;
Sec. 22, NW¼ and W½SW¼;
Sec. 28, SE¼.
T. 15 S., R. 6 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, N½ and SW¼;
Sec. 18, lots 1, 2, 3, and 4, NE¼, and E½W½.
T. 7 S., R. 7 W.,
Sec. 26, N½;
Sec. 34, lots 5, 6, 7, and 8.
T. 8 S., R. 7 W.,
Sec. 4, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 10, NW¼NW¼;
Sec. 11, SE¼NW¼.
T. 14 S., R. 7 W.,
Sec. 26, S½N½ and S½;
Sec. 34;
Sec. 36, SE¼NE¼, W½NW¼, SW¼SE¼, and E½SE¼.
T. 15 S., R. 7 W.,
Sec. 2, lot 1, S½NE¼, SE¼NW¼, and SE¼;
Sec. 4, SW¼NE¼, SE¼NW¼, SW¼, and S½SE¼;
Sec. 8, SW¼, SW¼SE¼, and E½SE¼;
Sec. 10;
Sec. 12, lots 1, 2, 3, and 4, W½E½, and W½;
Sec. 16;
Sec. 18, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20.
T. 15 S., R. 8 W.,
Sec. 24, NE¼ and S½;
Sec. 26, NE¼ and SW¼;
Sec. 36, W½.

The areas described aggregate 9,671.34 acres in Benton, Lane, and Polk Counties, and are administered under the policy of sustained-yield forest management which governs the administration of the revested Oregon and California Railroad lands.

2. The SE¼NE¼ and N½SE¼, Sec. 18, T. 15 S., R. 7 W., is reserved for material site purposes and remains withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. The E½SE¼NE¼, Sec. 26, T. 14 S., R. 7 W., is reserved for public recreation site purposes and remains withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of law applicable to revested Oregon and California Railroad lands, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraph 2 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10 a.m., October 9, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26576 Filed 9-9-76;8:45 am]

[Utah 12576]

UTAH

Termination of Provisional Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964, (43 USC 1411-18) and to the regulations in 43 CFR 2430.5 the public lands described below were classified for sale under the Public Land Sale Act of September 19, 1964 (43 USC 1421-27). The provisional proposed classification issued September 25, 1970, by the Utah State Director, Bureau of Land Management, segregated the lands from all forms of disposal under the public land laws, including the mining laws, except for sale under the Public Land Sale Act (43 USC 1421-27).

SALT LAKE MERIDIAN

T. 6 N., R. 9 W.,
Sec. 20, S½SW¼SW¼, S½SE¼SW¼;
Sec. 21, S½SW¼SW¼, S½SE¼SW¼;
Sec. 22, lots 5, 6 and 12;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼, SW¼NE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 29, W½;
Sec. 30, E½NE¼NE¼, SE¼NE¼, SE¼, E½SE¼;
Sec. 31, all.

The public lands described above aggregate approximately 1,828.05 acres.

2. The classification of these public lands for sale under the Public Land Sale Act of September 19, 1964, is hereby terminated. Publication of this notice terminates the segregative effect of the provisional proposed classification as to these lands.

3. At 10:00 a.m. on October 15, 1976, subject to valid rights, the provisions of existing withdrawals and the requirements of applicable law, the lands will be open to the operation of the public land laws, including the mining laws and the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

WILLIAM G. LEAVELL,
Associate State Director.

[FR Doc.76-26529 Filed 9-9-76;8:45 am]

[Utah 12575]

UTAH

Termination of Provisional Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 USC 1411-18) and to the regulations in 43 CFR 2430.5 the public lands described below were classified for sale under the Public Land Sale Act of September 19, 1964 (43 USC 1421-27). The provisional proposed classification issued September 25, 1970, by the Utah State Director, Bureau of Land Management, segregated the lands from all forms of disposal under the public land laws, including the mining laws, except for sale under the Public Land Sale Act (43 USC 1421-27).

SALT LAKE MERIDIAN

T. 6 N., R. 11 W.
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, E½SE¼;
Sec. 8, E½E½;
Sec. 9, all;
Sec. 10, all;
Sec. 11, Lots 1, 2, W½SW¼;
Sec. 14, N½NW¼;
Sec. 15, N½N½.

The public lands described above aggregate approximately 2,505.20 acres.

2. The classification of these public lands for sale under the Public Land Sale Act of September 19, 1964, is hereby terminated. Publication of this notice terminates the segregative effect of the provisional proposed classification as to these lands.

3. At 10:00 a.m. on October 15, 1976, subject to valid rights, the provisions of existing withdrawals and the requirements of applicable law, the lands will be open to the operation of the public land laws, including the mining laws and the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

WILLIAM G. LEAVELL,
Associate State Director.

[FR Doc.76-26530 Filed 9-9-76;8:45 am]

VALE DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Vale District, Bureau of Land Management Multiple Use Advisory Board, will meet September 30, 1976, at 9:00 a.m. in the conference room of the Vale District office at 365 "A" Street West, Vale, Oregon 97918.

The board will discuss the BLM Organic Act, and the proposed revision of grazing and off road vehicle regulations. They will also hear an update on the progress of the Ironside Environmental Impact Statement, wild horse program, rockhound-mining activity and other resource management programs.

The public is invited to attend the meeting.

Further information concerning the meeting may be obtained from Grant Baugh, Vale District, Bureau of Land Management.

FEARL M. PARKER,
District Manager.

AUGUST 20, 1976.

[FR Doc.76-26446 Filed 9-9-76;8:45 am]

[Colorado 24276]

WESTERN SLOPE GAS CO.

Pipeline Application

SEPTEMBER 2, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 4.5-inch natural gas gathering pipeline and a 4.5-inch trunk line totaling approximately 7,767.96 linear feet across the following lands:

SIXTH PRINCIPAL MERIDIAN

COLORADO

T. 2 S., R. 101 W.,
Sec. 36.
T. 3 S., R. 101 W.,
Sec. 1 and 2 all in Rio Blanco County.

The primary purpose for construction of the proposed pipeline is to enable the applicant to convey natural gas from the Fuelco 1-1 and 1-2 natural gas wells in the East Douglas Natural Gas Field to the Grand Junction, Colorado, market area to the south or the Craig-Steamboat Springs, Colorado, market area to the northeast.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.76-26454 Filed 9-9-76;8:45 am]

[Colorado 24277]

WESTERN SLOPE GAS CO.

Pipeline Application

SEPTEMBER 2, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 4.5-inch o.d. natural gas gathering pipeline crossing approximately 831.81 linear feet of National Resource Land in Rio Blanco County, Colorado:

T. 5 S., R. 101 W., 6th P.M.
Section 7; Lot 9.

The facility will enable the applicant to construct, operate, and maintain a gas gathering pipeline to connect the Imperial-American No. 7-1 natural gas well to the applicant's West Douglas to Grand Junction Natural Gas Transmis-

V41177 SEP 10 76 UMI

sion Pipeline. The applicant will be able to convey natural gas from the said gas well to Grand Junction, Colorado, market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any person asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.76-26455 Filed 9-9-76;8:45 am]

[Colorado 24278]

WESTERN SLOPE GAS CO.

Pipeline Application

SEPTEMBER 2, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for 4.5-inch o.d. natural gas gathering pipelines crossing approximately 9,208.23 linear feet of the following National Resource Land in Rio Blanco County, Colorado:

T. 2 S., R. 103 W., 6th P.M.
Secs. 9, 10, 15 and 16.

The facility will enable applicant to construct, operate, and maintain the proposed pipelines and convey natural gas from the Willard Pease 3-9, Willard Pease 9-1, and Willard Pease No. 1 Standifird in the West Douglas Natural Gas Field gathering system to the Grand Junction, Colorado, market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.76-26453 Filed 9-9-76;8:45 am]

National Park Service

ADVISORY BOARD ON NATIONAL PARKS HISTORIC SITES, BUILDINGS AND MONUMENTS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on October 4, 5 and 6 at the Department of the Interior, 18th and C Streets, NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park Service and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Linden C. Pettys (Chairman) Ludington, Michigan
Dr. Douglas W. Schwartz (Vice Chairman) Sante Fe, New Mexico
Hon. E. Y. Berry (Secretary) Rapid City, South Dakota
Hon. Alan Bible, Reno, Nevada
Mr. Laurence W. Lane, Jr., Menlo Park, California
Mrs. Anne Jones Morton, Easton, Maryland
Mrs. Nancy M. Rennell, Greenwich, Connecticut
Mr. Steven L. Rose, La Canada, California
Dr. William G. Shade, Bethlehem, Pennsylvania
Dr. Edgar A. Toppin, Petersburg, Virginia

Meetings will be held in different locations as follows:

October 4, 9 a.m., Room 5160. The Advisory Board will meet in general session in regard to administrative matters pertaining to the Board and to receive reports on several topics including legislation affecting the National Park System; urban parks study; Jackson Hole Land Use Study; land acquisition program; Historic Perservation Grants program; and International Park affairs.

October 5, 9 a.m., Room 5160, the History Areas Committee will meet to consider reports on two areas and to hear reports on various subthemes or portions of subthemes of the National Survey of Historic Sites and Buildings including "Architecture," "Science and Invention," The Contemplative Society—considering properties associated with the role of Afro-Americans in U.S. History; and special studies on Dumbarton Oaks; Railroad train sheds remaining in the United States; Bentley Hall, Meadville, Pennsylvania; Pemberton House, Vicksburg, Mississippi; Missouri Botanical Garden, St. Louis, Missouri; Delaware Canal, Easton to Bristol in Pennsylvania; and Abbotts Farm Historic District, vicinity of Trenton, New Jersey.

October 5, 8 a.m., Room 7000A, Committee on Surplus Federal Property will meet to consider the application for transfer of 29.8 acres of the Boston Naval Shipyard at Charlestown to the Boston Redevelopment Authority; report on deed amendment, Old U.S. Branch Mint, New Orleans, Louisiana; status reports on new applications—Old U.S. Post Office, Courthouse and Custom House, Evansville, Indiana; U.S. Custom House at Bowling Green, New York, N.Y.; Old Hospital Building, Fort Mifflin, Philadelphia, Pennsylvania, and brief reports on applications previously acted on.

October 5, 9 a.m., Room 8068, North Penthouse, the Natural Areas Committee will meet to receive reports on two areas; summaries of natural history theme studies; and shall consider approximately 15 natural areas as potential additions to the National Registry of Natural Landmarks.

October 5, 2 p.m., Room 7000A, the Oversight Committee will meet to consider reports on budgetary problems and Advisory Board operations.

On October 6, 9:30 a.m., Room 5160, the Advisory Board will reconvene to receive reports from the committee meetings; a report on the June 1976 field trip; consideration of the FY 1977 Advisory Board program; and to formulate its comments and recommendations.

The meetings will be open to the public, but facilities and space to accommodate members of the public are limited, and it is expected that not more than 25 people will be able to attend.

Any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed. Persons desiring further information concerning this meeting or who wish to file written statements may contact Shirley Luikens, National Park Service, Washington, D.C., at 202-343-2012.

Minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3123, Interior Building, Washington, D.C.

Dated: September 3, 1976.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.76-26498 Filed 9-9-76;8:45 am]

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PDT) on Tuesday evening, October 5, 1976 at the Marin County Civic Center Planning Chambers in Room 319.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman.
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Mr. William Thomas
Dr. Edgar Wayburn
Mr. Joseph Williams

The major items on the agenda will be swearing in of Gimmy Park Li, a report on the Point Reyes Resource Management Plan, and an update on the current planning process for Golden Gate/Point Reyes National Seashore.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by November 10, 1976 in the Office of the General Manager, Bay Area National Park, Fort Mason, San Francisco, CA.

Dated: August 31, 1976.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

[FR Doc.76-26497 Filed 9-9-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD

Meeting

SEPTEMBER 7, 1976.

The Cooperative Forestry Research Advisory Board will meet October 2, 1976, in New Orleans, Louisiana beginning at 2 p.m.

The meeting is open to the public and will be held in Terrace Room 2, Braniff Place Hotel.

The Board will review questions pertaining to the allocation of funds appropriated for distribution to the states for cooperative forestry research.

Names of Board Members and agenda for the meeting are available upon request to the Executive Secretary of the Board, T. S. Ronningen, Acting Administrator, CSRS, USDA, Washington, D.C. 20250. Written statements may be filed with the Board before or after the meeting.

T. S. RONNINGEN,
Acting Administrator.

[FR Doc.76-26545 Filed 9-9-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A372]

OHIO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Washington County, Ohio, as a result of sever hail and wind damage on June 22, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.-3(b) including the recommendation of Governor James A. Rhodes that such designation be made.

Applications for emergency loans must be received by this Department no later than October 29, 1976, for physical losses and June 1, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interes to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 3rd day of September, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-26475 Filed 9-9-76;8:45 am]

Foreign Agricultural Service

1976 WHITE OR IRISH POTATO

Production Estimate

Headnote 2 of Subpart A of Part 8 of Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 37.5 cents per 100 pounds is provided by TSUS item 137.25 for the 12-month period beginning September 15.

The estimate of the Department of Agriculture, made as of September 1, 1976, is that for the calendar year 1976 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C., this 3rd day of September 1976.

DAVID L. HUME,
Administrator.

[FR Doc.76-26520 Filed 9-9-76;8:45 am]

Forest Service

BANKHEAD NATIONAL FOREST TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Bankhead National Forest Timber Management Plan, National Forests in Alabama, USDA-FS-R8-DES (Adm.) 76-23.

This unit contains 179,294 acres of National Forest land located in Winston, Lawrence and Franklin Counties. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ September 1, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree St NW., Rm. 804, Atlanta, Georgia 30309.
U.S. Forest Service, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101.

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Alabama, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in Alabama, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101. Comments must be received by October 31, 1976 in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

SEPTEMBER 1, 1976.

[FR Doc.76-26429 Filed 9-9-76;8:45 am]

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BIG MOUNTAIN SKI AREA MASTER PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Big Mountain Ski Area Master Plan, Forest Service Report Number USDA-FS-R1-FES-Adm-75-8.

The environmental statement concerns the proposed implementation of a Master Plan for the Big Mountain Ski Resort, Flathead National Forest, Flathead County, Montana. The Master Plan provides direction for a two-phase, fifteen-year development program that includes expansion of ski lifts and related facilities on the Flathead National Forest and adjacent private land. There are two existing special-use permits for the National Forest lands: a terminable permit for 1,139 acres of ski slopes, trails, and roads; and a 20-year permit for ski lifts, structures, and other improvements needed for furnishing winter and summer recreation to the public. The Master Plan does not include any additional National Forest land outside the existing permit area. Expansion would be primarily on private lands adjacent to the base area, the base area itself, and added facilities to more fully utilize the capacity of the ski terrain.

This final environmental statement was transmitted to CEQ on September 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agricultural Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, DC 20205

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Flathead National Forest
290 North Main Street
Kalispell, MT 59901

USDA, Forest Service
Flathead National Forest
Tally Lake Ranger District
Whitefish, MT 59937

A limited number of single copies are available upon request to:

USDA, Forest Service
Flathead National Forest
290 North Main Street
Kalispell, MT 59901

USDA, Forest Service
Flathead National Forest
Tally Lake Ranger District
Whitefish, MT 59937

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

E. L. CORPE,
Forest Supervisor,
Flathead National Forest.

SEPTEMBER 3, 1976.

[FR Doc.76-26430 Filed 9-9-76;8:45 am]

COSSATOT-LITTLE MISSOURI UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cossatot-Little Missouri Planning Unit, Ouachita National Forest, Arkansas, USDA-FS-R8-FES (Adm.)-76-08.

This environmental statement concerns the proposed management direction and resource allocation for the 113,507 acre Cossatot-Little Missouri Unit, Ouachita National Forest.

This final environmental statement was transmitted to CEQ on September 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, N.W., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
Ouachita National Forest
P.O. Box 1270, Federal Building
Hot Springs, Arkansas 71901

Mena Ranger District
507 Mena Street
Mena, Arkansas 71953

Caddo Ranger District
P.O. Box 369
Glenwood, Arkansas 71943

A limited number of single copies are available upon request to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

ALVIS Z. OWEN,
Forest Supervisor.

SEPTEMBER 2, 1976.

[FR Doc.76-26431 Filed 9-9-76;8:45 am]

NORTHEASTERN FOREST RESEARCH ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the Northeastern Forest Research Advisory Committee for an additional 2-year period ending September 25, 1978.

This is a regional advisory committee established by the Forest Service on April 24, 1924, to consider research program direction and advise the Director of the Northeastern Forest Experiment Station on policies, programs, and research planning affecting forestry research problems in the Northeast.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with the duties imposed on the Department by law.

J. W. DEINEMA,
Deputy Chief.

[FR Doc.76-26546 Filed 9-9-76;8:45 am]

SOUTH FOURCHE UNIT

Availability of Draft Environmental Statement; Correction

In FR Doc. 76-24806 appearing at page 35876 in the FEDERAL REGISTER of August 25, 1976, in the first paragraph the Forest Service report number "USDA-FS-R8-DES (Adm.)-76-08" is corrected to read "USDA-FS-R8 DES (Adm.)-76-17."

Dated: September 2, 1976.

ALVIS Z. OWEN,
Forest Supervisor.

[FR Doc.76-26473 Filed 9-9-76;8:45 am]

Soil Conservation Service

OAK ORCHARD CREEK, NEW YORK

Authorization of Federal Assistance in the Installation of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 USC 1001-1008) has been authorized for the following watershed:

Oak Orchard Creek, New York

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 USC 1001-1008.)

Date: September 2, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-26432 Filed 9-9-76;8:45 am]

PIKESIDE FLOOD PREVENTION RC&D MEASURE, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pikeside Flood Prevention RC&D Measure. Berkeley County, West Virginia.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Craig M. Right, State Conservationist, Soil Conservation Service, USDA, Federal Building, 75 High Street, Morgantown, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention and measure area protection. The planned works of improvement include conservation land treatment and a grassed waterway to be installed through the community of Pikeside.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Federal Building, 75 High Street, Morgantown, West Virginia 26505.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until September 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: September 2, 1976.

THOMAS N. SHIFLET,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-26434 Filed 9-9-76;8:45 am]

UPPER QUABOAG RIVER WATERSHED PROJECT, MASSACHUSETTS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Moose Hill Reservoir structure of the Upper Quaboag River Watershed project, Worcester, Hampden, and Hampshire Counties, Massachusetts.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Dr. Benjamin Isgur, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, flood prevention, water supply, recreation, and fish and wildlife habitat improvement. The Moose Hill Reservoir structure as described in the negative declaration includes storage for town water supply and for flood prevention.

Upper Quaboag River Watershed Project, Massachusetts, Notice of Availability of Negative Declaration

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until September 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566.)

Dated: September 2, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-26433 Filed 9-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of October 1976:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

OCTOBER 7-8; 9:30 A.M.

Conference Rooms G and H, Parklawn Building, Rockville, Maryland.

Open—October 7. Closed—Otherwise.

Contact Helen F. Osheroff, Parklawn Building, Room 14C-04, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4703.

Purpose: The National Advisory Council on Alcohol Abuse and Alcoholism advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Alcohol Abuse and Alcoholism, regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: October 7 will be devoted to a discussion of policy issues. These will include discussions of: a status report on the budget; report on renewal legislation; status of research activities; report on activities of the planning panel on counselor credentialing; report on the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; presentation by the Coordinating Council of the Area Alcohol Education and Training Programs; resolution from the National Coalition for Adequate Alcoholism Programs on the Impact of Title XX; and report from Task Force on Grants/Contracts to National Organizations awarded by National Institute on Alcohol Abuse and Alcoholism.

From 9:30 a.m. to adjournment, October 8, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 652(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Agenda items are subject to change as priorities dictate.

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

OCTOBER 11-12; 9:30 A.M.

Brent Room, Old Town Holiday Inn, 480 King Street, Old Town Alexandria, Virginia.

Open—October 11, 9:30-10:00 a.m. Closed—Otherwise.

Contact Mrs. Lavinia Walsh, Parklawn Building, Room 10C-09, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3774.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:30 to 10:00 a.m., October 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

DRUG ABUSE TRAINING REVIEW COMMITTEE

OCTOBER 13-15; 9:00 A.M.

8th Floor Conference Room, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland.

Open—October 13, 9:00-10:00 a.m. Closed—Otherwise.

Contact Ms. Sally Connell, Rockwall Building, Room 640, 11400 Rockville Pike, Rockville, Md. 20852, 301-443-6720.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 to 10:00 a.m., October 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

OCTOBER 13-15; 9:00 A.M.

American Public Health Association, Conference Room A, 8th Floor, 1015 18th Street, N.W., Washington, D.C.

Open—October 13, 9:00-10:00 a.m. Closed—Otherwise.

Contact James Cumiskey, Parklawn Building, Room 11C-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3765.

Purpose: The Committee is charged with the initial review of grant applications for

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Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., October 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

OCTOBER 17-19; 9:00 A.M.

District Room, Hotel Washington, Pennsylvania Avenue at 15th Street, N.W., Washington, D.C.

Open—Octber 17, 9:00-10:00 a.m. Closed—Otherwise.

Contact Mrs. Eileen Nugent, Parklawn Building, Room 10C-06, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., October 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

OCTOBER 18-19; 9:30 A.M.

Open meeting.

Conference Rooms G and H, Parklawn Building, Rockville, Md.

Contact Helen Osheroff, Parklawn Building, Room 14C-04, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4703.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement and economic opportunity laws.

Agenda: This meeting will be open to the public. On October 18 and 19, the Committee will discuss individual program status reports on alcohol-related activities prepared by each of the Federal Departments and Agencies represented on the Committee. Upon completion of the program review, discussions will be held to identify areas of potential collaboration and cooperation.

Attendance by the public will be limited to space available.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

OCTOBER 21-22; 9:30 A.M.

Open meeting.

Conference Room C, Parklawn Building, Rockville, Md.

Contact Dr. Gene Cohen, Parklawn Building, Room 18-97, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3726.

Purpose: The Committee on Mental Health and Illness of the Elderly will study and make recommendations to the Secretary, HEW, respecting: (1) the future needs for mental health facilities, manpowcr, research, and training to meet the mental health care needs of elderly persons; (2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions; and (3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly. A report on the findings and recommendations of this Committee shall be submitted by the Secretary, HEW, to the Senate Committee on Labor and Public Welfare and to the House Committee on Interstate and Foreign Commerce; the Committee shall terminate 30 days after submission of the report.

Agenda: The October 21-22 meeting of the Committee (the second of five 2-day meetings planned to accomplish its purpose) will be open to the public. On Thursday, October 21, discussion will include the development, coordination and evaluation of programs of research, training, and services related to the mental health of the aging, including collaborative efforts with the newly-established Center for Studies of the Mental Health of the Aging, Division of Special Mental Health Programs, National Institute of Mental Health; Administration on Aging, HEW; the National Institute on Aging, National Institutes of Health; and other relevant offices and agencies in HEW and the Federal Government. On Friday, October 22, discussion will be devoted to general mental health issues in the area of aging as they relate to the work of the Committee, including attention to proposals for implementing the recommendations on mental health concerns of the 1971 White House Conference on Aging.

Attendance by the public will be limited to space available.

DRUG ABUSE RESEARCH REVIEW COMMITTEE

OCTOBER 28-29; 9:00 A.M.

Conference Rooms 845, 873 and 677, Rockwall Building, Rockville, Md.

Open—October 26, 9:00-9:30 a.m. Closed—Otherwise.

Contact Ms. Ellen Simon Stover, Rockwall Building, Room 750, 11400 Rockville Pike, Maryland 20852, 301-443-6664.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 to 9:30 a.m., October 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

OCTOBER 28-29; 9:00 A.M.

United Way South, Ramada Inn of Alexandria, 901 N. Fairfax Street, Alexandria, Virginia.

Open—October 28, 9:00-9:30 a.m. Closed—Otherwise.

Contact Mrs. Phyllis Pinzow, Parklawn Building, Room 15-99, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3373.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

ALCOHOL RESEARCH REVIEW COMMITTEE

OCTOBER 27-29, 9:00 A.M.

Holiday Inn, Bethesda, Maryland.

Open—October 27, 9:00-10:00 a.m. Closed—Otherwise.

Contact James C. Teegarden, Ph.D., Parklawn Building, Room 6C-03, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4223.

Purpose: The Committee provides initial review of applications for basic research grants, applied research grants, and special grants, in such project areas as pharmacological, physiological, sociological and psychological aspects of alcohol use, incidence and prevalence of alcohol-related problems and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9:00 to 10:00 a.m., October 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

OCTOBER 27-29; 9:00 A.M.

Circle Room, Dupont Plaza Hotel, Dupont Circle, NW., Washington, D.C.

Open—October 27, 9:00-9:30 a.m. Closed—Otherwise.

Contact John Hammack, Parklawn Building, Room 10-95, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3936.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., October 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

OCTOBER 28-29; 9:00 A.M.

Conference Room B, Parklawn Building, Rockville, Md.

Open—October 28, 9:00-9:30 a.m. Closed—Otherwise.

Contact Dr. Dorothy Karp, Parklawn Building, Room 9-97, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE

OCTOBER 28-30; 9:00 A.M.

Kalorama Room, Washington Hilton Hotel, Connecticut Avenue at Columbia Road, NW., Washington, D.C.

Open—October 28, 9:00-9:30 a.m. Closed—Otherwise.

Contact Mrs. Diana Souder, Parklawn Building, Room 10-104, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3566.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

CLINICAL PROGRAM—PROJECTS RESEARCH REVIEW COMMITTEE

OCTOBER 29-30; 9:00 A.M.

Independence Room, Washington Hilton Hotel, 1919 Connecticut Avenue, NW., Washington, D.C.

Open—October 29, 9:00-10:00 a.m. Closed—Otherwise.

Contact Evelyn Cralle, Parklawn Building, Room 10C-25, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4707.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., October 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3306. The NIDA Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Joshua Hammond, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6458. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3600.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26472 Filed 9-9-76;8:45 am]

Center for Disease Control

INFECTIOUS DISEASES COMMITTEE

Meeting

The Center for Disease Control announces the following meeting: [1]

Name: American Academy of Pediatrics' Committee on Infectious Diseases.
Date: September 8, 1976.
Place: Building 1, Room 207, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.
Time: 8:30 a.m.-3:00 p.m.
Type of Meeting: Open.

[1] This document was not received by the Office of the Federal Register in time to publish before the date of the meeting.

Contact Person: H Bruce Dull, M.D., Assistant Director for Program, Building 1, Room 2116, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Phone: AC/404 633-3311, Extension 3701. FTS: 283-3701.

This committee will meet to make recommendations for the National Influenza Immunization Program to transmit to physicians concerning the immunization of children at high risk from influenza infection.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 2, 1976.

WILLIAM C. WATSON, JR.,
Acting Director, Center for Disease Control.

[FR Doc.76-26527 Filed 9-9-76;8:45 am]

Food and Drug Administration

[Docket No. 76F-0342]

AIRWICK INDUSTRIES, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6H3217) has been filed by Airwick Industries, Inc., 380 North St., Teterboro, NJ 07608, proposing that § 121.2547 Sanitizing solutions (21 CFR 121.2547) be amended in paragraph (b)(16) to provide for the safe use of *alpha*-hydro-*omega*-hydroxypoly(oxyethylene) poly(oxypropylene) (15-18 mole minimum) poly(oxyethylene) block copolymer, having a minimum molecular weight of 1,900 as an adjuvant substance.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-26468 Filed 9-9-76;8:45 am]

[Docket No. 76F-0347]

BORG-WARNER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3218) has been filed by Borg-Warner Corp., Washington, WV 26181, proposing that § 121.2566 *Antioxidants*

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and/or stabilizers for polymers (21 CFR 121.2566) be amended to provide for the safe use of di-*n*-octyltin bis(2-ethylhexyl maleate) as an antioxidant and/or stabilizer in acrylonitrile polymers intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–26466 Filed 9–9–76;8:45 am]

[Docket No. 76F–0340]

DOW CHEMICAL CO.

Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, has withdrawn its petition (FAP 3B2900) notice of which was published in the FEDERAL REGISTER of January 4, 1974 (39 FR 1084), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride as a preservative for latex pigment binders as components of paper and paperborad intended for use in contact with food.

Dated: September 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–26465 Filed 9–9–76;8:45 am]

[Docket No. 76F–0352]

GOODYEAR TIRE & RUBBER CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3192) has been filed by The Goodyear Tire and Rubber Co., 142 Goodyear Blvd., Akron, OH 44316, proposing that § 121.2510 *Polystyrene and rubber-modified polystyrene* (21 CFR 121.2510) be amended to provide for the safe use of poly(α-methylstyrene) as an optional ingredient in rubber-modified polystyrene intended for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–26467 Filed 9–9–76;8:45 am]

[Docket No. 76N–0100]

INJECTABLE DRUG PRODUCTS

Request for Comments and Information Regarding Small Volume Parenteral Drug Products; Extension of Time for Comments

The Food and Drug Administration is extending to October 29, 1976 the time for filing comments on a notice requesting comments and information regarding the applicability of proposed large volume parenteral regulations to small volume parenteral drug products.

A notice was published in the FEDERAL REGISTER of June 1, 2976 (41 FR 22219) requesting comments and information by August 30, 1976 regarding the applicability of the proposed regulations for current good manufacturing practice of large volume parenteral drug products (published in the FEDERAL REGISTER of June 1, 1976 (41 FR 22202)) to small volume parenteral drug products.

The Food and Drug Administration received a requst from the Parenteral Drug Association (PDA) to extend the comment period to October 29, 1976 because of the comprehensiveness and magnitude of the documents and the need for PDA to complete review of extensive comments received from small volume parenteral drug manufacturers at a special meeting held in August.

The Commissioner agrees with the request and hereby extends the time for filing comments to the June 1, 1976 notice with regard to small volume parenteral drug products, and interested persons may, on or before October 29, 1976, submit written comments (preferably in quintuplicate and identified with the docket number found in the heading of this notice) to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: September 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–26470 Filed 9–9–76;8:45 am]

[Docket No. 76F–0317]

NALCO CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5A3026) has been filed by Nalco Chemical Co., 180 North Michigan Ave., Chicago, IL 60601 proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of poly(N-methylethyleneammonium) chloride as a processing aid in the manufacture of silica and silicates intended for food additive use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–26463 Filed 9–9–76;8:45 am]

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, November 4–5, 1976, National Institutes of Health, Building 14–G, VRB Conference Room, Bethesda, Maryland 20014. This meeting will be open to the public on November 4 from 9:00 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:30 a.m. to 5:00 p.m. on November 4 and from 9:00 a.m. to adjournment on November 5 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs, and other technical data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. Dennis O. Johnsen, Executive Secretary, Animal Resources Advisory Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, 301/496–5507, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26487 Filed 9–9–76;8:45 am]

ANNUAL JOINT WORKING CONFERENCE OF THE VIRUS CANCER PROGRAM

Meeting

Notice is hereby given of the Eleventh Annual Joint Working Conference of the Virus Cancer Program, Hershey Motor Lodge, Hershey, Pennsylvania, November 9, 10, 11, 1976.

This meeting will be open to the public from 9:00 a.m. to 5:30 p.m. November 9 and 10 and from 9:00 a.m. to 12:30 p.m. November 11, 1976 for presentation of scientific papers. Attendance by the public will be limited to space available.

For additional information, please contact: Louis R. Sibal, Ph.D., Building 37, Room 1A15, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–2796.

Dated: September 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26488 Filed 9–9–76;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, November 15, 1976, at 8:30 a.m., in the Town and Country Hotel, 500 Hotel Circle, San Diego, CA 92138.

This meeting will be open to the public from 8:30 a.m. until 9:30 a.m., on November 15th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 15th from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications in the field of communicative disorders.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, MD 20014, (301) 396–5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Federal Bldg., Room 9C10A, Bethesda, MD 20014, (301) 496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health.)

Dated: September 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26489 Filed 9–9–76;8:45 am]

CONFERENCE ON GUIDELINES FOR TRAINING PROGRAMS IN GASTROINTESTINAL ONCOLOGY

Meeting

Notice is hereby given of the Conference on Guidelines for Training Programs in Gastrointestinal Oncology sponsored by the National Institute of Arthritis, Metabolism, and Digestive Diseases, and the National Cancer Institute, November 18–19, 1976, National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. until 5:00 p.m. both days. Attendance by the public will be limited to space available. This meeting is being held to discuss the need for specialized training, explore the various disciplines which would contribute to specialized oncologic training of gastroenterologists, support resources available, develop framework of guidelines and plan follow-up workshops for finalizing guidelines in this specialty.

Dr. Harold P. Roth, Associate Director for Digestive Diseases, NIAMDD, Westwood Building, Room 603, Bethesda, Maryland 20014, (301) 496–7455, will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.848, National Institutes of Health.)

Dated: August 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 76–26490 Filed 9–9–76; 8:45 am]

DATA COORDINATORS OF THE COMPREHENSIVE CANCER CENTERS

Meeting

Notice is hereby given of the "Workshop for the Data Coordinators of the Comprehensive Cancer Centers" sponsored by the Division of Cancer Research Resources and Centers, National Cancer Institute to be held October 27, 1976, at the Fred Hutchinson Cancer Center, 1124 Columbia Street, Seattle, Washington 98104.

This meeting will be open to the public on October 27 from 9:00 a.m. to 5:00 p.m. Attendance by the public will be limited to space available.

Genrose D. Copley, M.D. Program Director of Epidemiology, Division of Cancer Research Resources and Centers, 5333 Westbard Avenue, Westwood Building, Room 854, Bethesda, Maryland 20016. Tel. A/C (301) 496–7805 will provide additional information.

Dated: September 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26486 Filed 9–9–76;8:45 am]

INFECTIOUS DISEASE COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Infectious Disease Committeee, National Institute of Allergy and Infectious Diseases, October 14–15, 1976, Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to recess on October 14, and from 8:30 a.m. until 11:00 a.m. and from 1:30 p.m. until adjournment on October 15, to review and discuss the Antiviral Substancees Program, the performance of contractors, and the proposed reorganization of the Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)4 and 552(b)6,

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Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 11:00 a.m. to 12:30 p.m. on October 15 for the review, discussion, and evaluation of information of a proprietary or confidential nature, including detailed research protocols, designs of therapeutic substances, and other technical information; salary data; and personal information concerning performance of individuals associated with contracts in the Antiviral Substances Program.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496–5717, will furnish summaries of the meeting and rosters of committeee members.

(Catalog of Federal Domestic Assistance Program No. 13.857, National Institutes of Health.)

Dated: September 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26482 Filed 9–9–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, October 7–8, 1976, at the National Institutes of Health, Bethesda, Maryland, Building 1, Conference Room 8. The meeting will be open to the public from 9:00 a.m. on October 7 until adjournment and from 9:00 a.m. on October 8 until 10:30 a.m. for remarks, status reports, and discussion of matters relating to program.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 8, from 10:30 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 4B–63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: August 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26481 Filed 9–9–76;8:45 am]

National Cancer Institute

NCI BOARD OF SCIENTIFIC COUNSELORS, DCT

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, October 25–26, 1976, Building 31C, Conference Room 10, National Institutes of Health. This meeting will be open to the public on October 25, 1976, from 9:00 a.m. to 5:00 p.m., and October 26, 1976, from 9:00 a.m. to adjournment, to review reports and program plans for the coming year. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 25, 1976, from 8:00 p.m. to 10:00 p.m. for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Vincent T. DeVita, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A52, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4291) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: August 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26484 Filed 9–9–76;8:45 am]

NIH PUBLIC ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Minority Access to Research Careers Review Committee.

Authority for this committee will expire on May 31, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: August 30, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–26491 Filed 9–9–76;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, October 27, 1976, National Institutes of Health, Building 31, C-Wing, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:00 a.m. until adjournment for the review, discussion and evaluation of a renewal resource application and individual initial pending research grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. Dennis Johnsen, Executive Secretary, Primate Research Centers Advisory Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, 301/496–5507 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

Dated: September 2, 1976.

SUZANNE E. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26585 Filed 9–9–76;8:45 am]

RESEARCH CONTRACT PROPOSALS

Meetings for Review

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of commitee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: Combined Modality Committee.
Dates: October 5–6, 1976; 9:00 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: October 5 and 6, 9:00 a.m.–9:30 a.m.—Closed: October 5, 9:30 a.m.–5:00 p.m.; October 6, 9:30 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Harry Handelsman. Address: Building 37, Room 6D28, National Institutes of Health. Phone: 301/496–1774.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)
Name of committee: Carcinogenesis Program Scientific Review Committee A.
Dates: October 8, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open: October 8, 9:00 a.m.–9:30 a.m.—Closed: October 8, 9:30 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Richard A. Pledger. Address: Landow Building, Room A306, National Institutes of Health. Phone: 301/496–5471.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)
Name of committee: Carcinogenesis Program Scientific Review Committee B.
Dates: October 15, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open: October 15, 9:00 a.m.–9:30 a.m.—Closed: October 15, 9:30 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Marcia D. Litwack. Address: Landow Building, Room A306, National Institutes of Health, Phone: 301/496–5471.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)
Name of committee: Committee on Cancer Immunodiagnosis.
Dates: October 19, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: October 19, 1:00–1:30 p.m.—Closed: October 19, 1:30 p.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen. Address: Building 10, Room 4B17, National Institutes of Health, Phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)
Name of committee: Cancer Control Community Activities Review Committee.
Dates: October 20–22, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Times: Open: October 20, 8:30 a.m.–9:00 a.m.—Closed: October 20, 9:00 a.m.—5:00 p.m., October 21, 8:30 a.m.—5:00 p.m., October 22, 8:30 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Robert F. Browning. Address: Blair Building, Room 7A07, National Institutes of Health, Phone: 301/427–7944.
(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)
Name of Committee: Drug Development Committee.
Dates: October 27, 1976; 10:00 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times: Open: October 27, 10:00 a.m.–12:00 noon—Closed: October 27, 12:00 noon–adjournment.
Agenda for Open Portion: Open for general discussion of progress on ongoing contract for the Design, Synthesis and Biochemical Action of Agents Affecting Plasma Membranes.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Naomi FitzGibbon. Address: Blair Building, Room 5A09, National Institutes of Health. Phone: 301/427–7337.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Dated: September 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–26480 Filed 9–9–76;8:45 am]

TEMPORARY CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the Temporary Cancer Institutional Fellowship Review Committee and its Subcommittees, for October 1976, Sheraton Hotel, 19400 Collins Avenue, Miami Beach, Florida.

These meetings will be open to the public to discuss administrative details from 8:30 a.m. to 9:00 a.m. on the dates specified in the notice. Attendance by the public will be limited to space available. These meetings will be closed thereafter until adjournment in accordance with the provisions set forth in Sections 552(b)(4) 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual initial pending grant applications. The closed portions involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7803).

NAME AND DATE

Subcommittee on Cancer Etiology and Prevention, October 20–21.
Subcommittee on Detection and Diagnosis, October 20–21.
Subcommittee on Treatment and Restorative Care, October 20–21.
Temporary Cancer Institutional Fellowship Review Committee, October 22.
(Catalog of Federal Domestic Assistance Program No. 13.398, National Institutes of Health.)

Dated: August 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–24683 Filed 9–9–76;8:45 am]

VIRUS CANCER PROGRAM ADVISORY COMMITTEE

Renewal

The Director, National Institutes of Health, announces the renewal of a charter, August 16, 1976, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Virus Cancer Program Advisory Committee.

Purpose: The Committee provides to the Director, NCI and the Director, Division of Cancer Cause and Prevention, advice on the search for viruses or virus genetic information which may be a model of and/or etiologically related to human cancer and the development of

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therapeutic and preventive measures for control of human cancers when such causative agents are found. The Committee will terminate two years from the date of renewal, unless renewed by appropriate action as authorized by law.

Dated: August 31, 1976.

DONALD S. FREDERICKSON,
Director,
National Institutes of Health.

[FR Doc.76-26492 Filed 9-9-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held October 19-20, 1976, from 9:00 a.m. to 4:00 p.m. in the ASE Conference Room, Room 3000, 400 Maryland Avenue SW., Washington, D.C. 20202.

There will be a brief informal orientation meeting for the two new members on October 18, 1976, at 2:00 p.m. in room 3036, 7th and D Streets SW., Washington, D.C. 20202.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The proposed agenda includes:

1. Report on FY 1976 appropriation and plans for FY 1977.
2. Status and overview of Developing Institutions Programs.
3. Report on Commissioner's response to recommendations made by the Council in 1976 Annual Report.
4. Status of HEA, Title III, legislative proposals.
5. Report by Office of Civil Rights.
6. Reports on BIDP and AIDP consortia.
7. Report on site visits by Council members.
8. Other administrative matters and related business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 3036, ROB, 7th & D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C., on September 7, 1976.

PRESTON VALIEN,
OE Delegate to the Council.

[FR Doc.76-26513 Filed 9-9-76;8:45 am]

THE NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Amendment to Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the agenda for the September 24th-25th, 1976, meeting of the National Advisory Council on Equality of Educational Opportunity has been changed from that previously announced in the FEDERAL REGISTER.

The meeting, which is open to the public, will convene at 9:30 a.m. on Friday, September 24th, until 4:30 p.m., and reconvene at 9:30 a.m. on Saturday, September 25th, until 1:00 p.m. Dr. George Rhodes, Assistant to the Associate Commissioner for Equal Educational Opportunity, will discuss the FY 1976 ESAA/CRA funding cycle in place of Dr. Herman Goldberg who is unable to attend the meeting.

Signed at Washington, D.C. on September 8, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76-26700 Filed 9-9-76;8:45 am]

Office of Human Development

DEVELOPMENTAL DISABILITIES PROGRAM

Intention to Reallot Funds

Section 132(d) of the Developmental Disabilities Services and Facilities Construction Act, as amended by Pub. L. 94-103, provides that the amount of a State's fiscal year allotment (as determined in accordance with section 132(a)(1)(A) which will not be required by such State shall be available for reallotment to other States in proportion to the original allotment of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, with the total of such reductions being similarly reallotted among the States whose proportionate amounts were not so reduced.

Section 132(d) further provides that such reallotments shall not be made until 30 days after notice has been published in the FEDERAL REGISTER.

Notice is hereby given that the following allotments reserved for Utah and Trust Territory will not be required:

Protection and advocacy fiscal year 1976 allotment	$20,000
Protection and advocacy transitional quarter allotment	5,000

It is the intention of the Secretary that the above amounts will be reallotted as follows:

Fiscal year 1976 and transitional quarter allotments

State:	Protection and advocacy
Alabama	$507
Alaska	172
Arizona	238
Arkansas	298
California	1,940
Colorado	258
Connecticut	170
Delaware	172
District of Columbia	170
Florida	878
Georgia	597
Guam	172
Hawaii	172
Idaho	172
Illinois	1,038
Indiana	587
Iowa	318
Kansas	240
Kentucky	469
Louisiana	514
Maine	170
Maryland	393
Massachusetts	590
Michigan	916
Minnesota	434
Mississippi	363
Missouri	537
Montana	170
Nebraska	172
Nevada	172
New Hampshire	170
New Jersey	670
New Mexico	170
New York	1,693
North Carolina	699
North Dakota	172
Ohio	1,154
Oklahoma	339
Oregon	253
Pennsylvania	1,307
Puerto Rico	465
Rhode Island	172
South Carolina	393
South Dakota	170
Tennessee	553
Texas	1,409
Vermont	170
Virginia	554
Virgin Islands	554
Washington	360
West Virginia	263
Wisconsin	522
Wyoming	170

Consideration will be given to any comments on this proposed reallotment of funds if received on or before October 12, 1976. Comments must be in writing and submitted to the Director, Developmental Disabilities Office, Department of Health, Education, and Welfare, 330 C Street, SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.630 Developmental Disabilities—Basic Support)

Dated: September 7, 1976.

STANLEY B. THOMAS, JR.,
Assistant Secretary
for Human Development.

[FR Doc.76-26547 Filed 9-9-76;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Tuesday, October 12, 1976, at 8:30 a.m. and on Wednesday, October 13, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from Vida H. Beaven, Ph.D., Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 472-3002.

VIDA H. BEAVEN,
Executive Secretary,
Review Panel on New Drug Regulation.

SEPTEMBER 2, 1976.

[FR Doc.76-26440 Filed 9-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-628]

NATIONAL INSURANCE DEVELOPMENT ADVISORY BOARD

Public Meeting

The purpose of this notice is to announce that the Acting Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold a Public Meeting of the National Insurance Development Advisory Board in Room 2135 of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. on Wednesday, September 22, 1976, commencing at 10 a.m.

The National Insurance Development Advisory Board, established under the authority of Section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1968, as amended by the National Insurance Development Act of 1975 (Pub. L. 94-13, April 8, 1975), advises the Secretary of existing or potential problems of unavailability of essential property insurance, and other matters related to FAIR (Fair Access to Insurance Requirements) Plan operations and riot reinsurance rates and coverage.

The effectiveness of the private sector to provide essential property insurance on reasonable terms and conditions at reasonable rates is a matter of deep concern to the Administration and Congress. The Federal Insurance Administration is charged with the responsibility to assure that the programs authorized under the Urban Property Protection and Reinsurance Act of 1968, as amended, aid the insurance purchasing consumer.

The Acting Federal Insurance Administrator J. Robert Hunter, appointed Chairman by the Secretary of Housing and Urban Development, announces that a Public Meeting of the Advisory Board will be held on September 22, 1976, to consider the following:

(a) Status report on the number of companies currently reinsured;

(b) Status report on the Crime Insurance Program;

(c) Status report on the Office of Review and Compliance;

(d) Review of proposed State legislative changes in FAIR Plan States and their impact on the consumer.

(e) Expiration of the Urban Property Protection and Reinsurance Act on April 31, 1977, and its impact on the consumer, and

(f) Any other matters raised by mmebers.

The meeting is open to the public. Public attendance may be limited depending on available space. Any member of the public may file a written statement before, during or after the meeting. To the extent that time permits, interested persons will be allowed public presentation of oral statements at the meeting.

AUTHORITY: Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 1103, 82 Stat. 566; 12 U.S.C. 1749bbb-17.

All communications concerning this meeting should be addressed to Acting Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C., on September 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-26518 Filed 9-9-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m., September 27, 1976 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, NW., Washington, D.C.

The Committee will meet to discuss proposed recommendations concerning procedures used in adopting interpretive rules and policy statements. (See 41 F.R. 28576, July 12, 1976.) Also scheduled for discussion is the project concerning legislative control of agency rulemaking.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (202-254-7020). Minutes of the meeting will be available on request.

EMMETT J. GAVIN,
Executive Director.

SEPTEMBER 3, 1976.

[FR Doc.76-26428 Filed 9-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29747; Order 76-9-26]

AIR BVI LIMITED, ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September, 1976.

Five foreign air carriers hold scheduled authority to transport persons, property, and mail pursuant to the bilateral Air Transport Services Agreement entered into between the Governments of the United States and the United Kingdom, effective February 11, 1946, last amended by an exchange of notes effective May 27, 1966. The authority held by these carriers is as follows:

AIR BVI LIMITED [1]

Between the coterminal points Antigua, Barbuda, Montserrat, St. Kitts, Nevis, and Anguilla, British West Indies; and the British Virgin Islands; the intermediate points St. Maarten, Netherlands Antilles; St. Croix and St. Thomas, Virgin Islands; and San Juan, Puerto Rico; and the terminal point Santo Domingo, Dominican Republic.

BRITISH AIRWAYS BOARD [2]

1. Between the coterminal points London and Manchester, England, and Prestwick, Scotland, the intermediate points Shannon, Ireland; Iceland; Gander and Montreal, Canada; the Azores; Bermuda; and the coterminal points Boston, Mass., New York, N.Y., Philadelphia, Pa., Baltimore, Md., Washington, D.C., Chicago, Ill., and Detroit, Mich., and (a) between the intermediate points New York, N.Y.; the Bahama Islands; Cuba; Jamaica; and Panama; a point in Colombia; a point in Ecuador; the intermediate point Lima, Peru; and the terminal point Santiago, Chile; and (b) between the in-

[1] This permit was issued pursuant to Order 72-4-149, approved April 26, 1972.

[2] The permit was issued to British Overseas Airways Corporation pursuant to Order E-26074, approved December 4, 1967, and was transferred to British Airways Board pursuant to Order 74-4-17, approved April 2, 1974

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termediate points New York, N.Y.; St. Kitts; Antigua; Dominica; St. Lucia; St. Vincent; Barbados; Grenada; Trinidad and Tobago; and the terminal point Guyana;

2. Between the terminal point London, England; the intermediate points New York, N.Y.; San Francisco, Calif.; Honolulu, Hawaii; Wake; and Tokyo, Japan; and the terminal point Hong Kong;

3. Between the terminal point the Bahama Islands, and the terminal point New York, N.Y.;

4. Between a point or coterminal points in the Bahama Islands and the coterminal points Miami and Palm Beach, Fla.;

5. Between the terminal point London, England; the intermediate point Chicago, Ill.; and the terminal points Los Angeles and San Francisco, Calif.;

6. Between the terminal point Bermuda and the coterminal points Baltimore, Md., Washington, D.C., New York, N.Y., and Boston, Mass.;

7. Between the terminal point London, England; the intermediate points New York, N.Y.; San Francisco and Los Angeles, Calif.; Honolulu, Hawaii; American Samoa; and Fiji; and coterminal points in Australia and New Zealand;

8. Between the terminal point London, England, and the terminal point Miami, Fla.

BRITISH CALEDONIAN AIRWAYS LIMITED [3]

1. Between the coterminal points London and Manchester, England, and Prestwick, Scotland; and the terminal point, New York, New York;

2. Between the terminal point London, England; and the intermediate point Chicago, Illinois; and the terminal point Los Angeles, California.

CAYMAN AIRWAYS LIMITED [4]

Between a point or points in the Cayman Islands; the intermediate points Merida, Cozumel, and Chetumal, Mexico; and intermediate point or points in Jamaica; and the terminal point Miami, Florida.

LIAT (1974) LIMITED [5]

Between the coterminal points Antigua; Barbuda; Montserrat; St. Kitts; Nevis; Anguilla and British Virgin Islands; the intermediate points St. Maarten, N.W.I.; St. Croix and St. Thomas, Virgin Islands; and San Juan, Puerto Rico; and the terminal point Santo Domingo, Dominican Republic.

Although the bilateral agreement between the Governments of the United States and the United Kingdom does not relate to nonscheduled authority, the permits described above also authorize the holders to engage in charter trips in foreign air transportation.

In addition, British Airways holds a second foreign air carrier permit authorizing it, on scheduled flights operated between the United Kingdom and Japan, to engage in foreign air transportation of passengers, property, and mail between the United Kingdom and Anchorage, Alaska, and to grant passenger stopover privileges at Anchorage. This authority was awarded without reference to the U.S.-U.K. bilateral and will expire by its own terms on March 19, 1980.[6]

Each of the above-described permits which were granted pursuant to the bilateral agreement contains an express termination clause which provides, inter alia, that the "permit shall terminate * * * upon the termination or expiration of the Air Services Agreement between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland."

On June 22, 1976, the Government of the United Kingdom delivered a Notice of Termination to the Government of the United States stating its intention to terminate the Agreement pursuant to Article 13 thereof. Article 13 specifies that the effective date of the termination shall be one year after date of receipt of the notice of intention to terminate.

The Board has decided that it is in the public interest to begin an investigation now to determine in what manner the outstanding authority of British scheduled carriers should be renewed, terminated, modified, or conditioned. The parties are, moreover, hereby placed on notice that the Board's decision in this proceeding will be determinative of the issues raised and rights sought with respect to future applications for renewal of currently outstanding authority that may be filed (See 5 U.S.C. 558(c)). The investigation will include consideration of the following issues:

1. Will it be in the public interest to renew all or any part of or otherwise amend the foreign air carrier permits granted to Air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited, and LIAT (1974) Limited pursuant to Orders 72–4–149, 74–4–17, 73–3–33, 71–11–100, and 75–5–58, respectively?

2. Are Air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited and LIAT (1974) Limited substantially owned and effectively controlled by nationals of the United Kingdom?

3. Are Air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited and LIAT (1974) Limited fit, willing, and able properly to perform the foreign air transportation authorized in such permits as may be issued herein and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

4. If the foreign air carrier permits described above are renewed or amended in their entirety or in part, what should be the effective date of such action, the duration of the permits, and what other terms, conditions, and limitations, if any, should be attached thereto?

Accordingly, it is ordered that:

1. An investigation be and it hereby is instituted in Docket 29747 to consider the renewal and/or modification, as outlined above, of the foreign air carrier permits granted to Air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited, and LIAT (1974) Limited pursuant to Orders 72–4–149, 74–4–17, 73–3–33, 71–11–100, and 75–5–58, respectively, and will be set for hearing before an administrative law judge of the Board at a time and place to be hereinafter designated, as the orderly administration of the Board's docket permits; and

2. The issues in said investigation shall include those outlined above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–26549 Filed 9–9–76;8:45 am]

[3] British Caledonian Airways' permit was granted pursuant to Order 73–3–33, approved March 9, 1973.

[4] This permit was granted pursuant to Order 71–11–100, approved November 23, 1971.

[5] The permit was originally issued to Leeward Islands Air Transport Services Limited pursuant to Order E–25175, approved May 22, 1967 (renewed pursuant to Order 73–5–84, approved May 15, 1973), and was transferred to LUIAT (1974) Limited pursuant to Order 75–5–58, approved May 14, 1975.

[6] See Orders 75–3–68, approved March 19, 1975, 75–3–69, served March 24, 1975, and 76–6–15, June 3, 1976.

[Docket 27573, Agreement C.A.B. 25781, Agreement C.A.B. 25810, R–1 through R–4; Order 76–9–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of September 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 65th meeting of Traffic Conference 1 held in Miami during March 1976 and would establish TC1 (Western Hemisphere) cargo rates for effect June 15, 1976 through September 30, 1977.[1]

The agreement, which supersedes the pending worldwide 3 percent fuel increase, would increase current general commodity rates by approximately 6 percent and specific commodity rates by about 13 percent in the U.S.-Caribbean market. In the U.S.-Mexico market, general commodity rates would increase by 3–4 percent and specific commodity rates by 10–12 percent. For the U.S.-South America service, generally, the southbound general commodity rates would remain unchanged while northbound rates and most specific commodity rates would increase by an average of 10 percent. General commodity rates to/from Venezuela would increase approximately 5 percent in both directions. The 100 kg. weightbreak would be canceled for all of the Western Hemisphere except in U.S.-Central America and to/from Venezuela where it would increase by 5 percent in both directions. Minimum charges would be increased $2 in the U.S.-Caribbean/Central America markets and certain long-haul markets and by $1 in the U.S.-Mexico market and to/from Venezuela and would remain unchanged in a number of U.S.-South America markets. Container rates and charges would remain unchanged in most markets except to/from Venezuela when they would increase 5 percent. In addition, the agreement includes some minor restructuring of rates to more closely reflect mileage differences; adjusts Detroit rates to the Windsor level; and eliminates a number of specific commodity rates in each market.

[1] We are also acting herein on Agreement C.A.B. 25810 which would increase Mid Atlantic cargo rates by 5–7 percent effective October 1, 1976.

Statements of justification and supporting data have been submitted by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American). Comments in support of the agreement have been submitted by Venezolana Internacional de Aviacion, S.A. (VIASA). No comments in opposition have been received.

U.S.-MEXICO

The following table summarizes the carriers' justifications of the agreement in terms of their U.S.-Mexico scheduled cargo services for the year ending June 30, 1977.[2] The U.S. carriers anticipate a $0.6 million improvement in operating revenues and an overall return on investment (ROI) of 10 percent under the proposed rates.

[2] Forecast operating expenses for all areas have been adjusted with respect to fuel cost to reflect the difference between the average price paid during 1975 and the March 1976 price as contained in the carriers' Form 41, Schedule P12(a) reports.

[Dollars in thousands]

Carrier	Percentage gain in revenue under proposed rates	Investment	ROI present rates (percent)	ROI proposed rates (percent)
American	2.8	$1,141	8.59	11.92
Braniff	3.8	213	(25.35)	(23.00)
Eastern	3.3	1,310	9.62	11.53
Pan American [1]	2.5	10,936	8.38	10.42
Combination only	2.1	9,025	14.84	16.63
All-cargo only	4.3	1,911	(22.14)	(18.94)
Total for U.S. carriers	2.6	13,600	7.66	10.02

[1] Includes Central American operations.

U.S.-CARIBBEAN

On U.S.-Caribbean cargo services for the year ending June 30, 1977, the U.S. carriers anticipate a $1 million improvement in operating revenues and an overall ROI of a negative 3.5 percent under the proposed rates. The following table summarizes the justifications of the individual carriers.

[Dollars in thousands]

Carrier	Percentage gain in revenue under proposed rates	Investment	ROI present rates (percent)	ROI proposed rates (percent)
American	8.1	$2,459	(2.52)	6.83
Eastern	6.5	1,057	(17.50)	(10.22)
Pan American	8.0	4,636	(11.63)	(7.40)
Combination only	6.2	1,720	9.13	11.98
All-cargo only	8.8	2,916	(23.87)	(18.83)
Total for U.S. carriers	7.8	8,152	(9.64)	(3.47)

U.S.-SOUTH AMERICA

The following table summarizes the economic justifications presented by the two U.S. carriers operating in the South America market for the forecast year ending June 30, 1977.

[Dollars in thousands]

Carrier	Percentage gain in revenue under proposed rates	Investment	ROI present rates (percent)	ROI proposed rates (percent)
Braniff	4.0	$4,479	28.00	32.32
Pan American	6.0	25,830	(2.98)	1.92
Combination only	4.8	9,977	1.32	4.37
all-cargo only	6.5	15,853	(5.68)	.39
Total for U.S. carriers	5.6	30,309	1.60	6.42

FINDINGS

In its disapproval of most of the previous IATA agreement covering Western Hemisphere cargo rates (Order 76–1–16, January 5, 1976), the Board noted that it was not prepared to accept increases in general commodity rates unless the carriers were prepared to make "meaningful progress" toward major revisions in the overall rate structure. The instant agreement appears to meet that criteria in that the proposed increases in specific commodity rates are significantly greater than those proposed for general rates and in the cancellation of a number of specific commodity rates. Nevertheless, there remains a large gap between the two rate categories which subsequent agreements must reduce if a sensible rate structure is to prevail in these markets.

In each of the three market areas covered by the agreement there appears to be a need for increased revenues inasmuch as the composite return for U.S. carriers in each is well below the Board's 12 percent guideline. Further, with the exception of Braniff's combination service in South America, approval of the instant agreement will not place any of the carriers in an excess-earnings position.[4] It is noted that, with the exception of Pan American, each of the carriers shows an improvement in its rate of return compared with those presented in justification of the previous agreement submitted in the last quarter of 1975. This difference is a result of the Board's request that the carriers use the space-allocation technique in allocating expenses between passenger and cargo operations on combination aircraft in their justifications of the instant agreement.

Pan American's forecast expenses for all-cargo operations in the South America market appear to be somewhat overstated. In constructing its forecast aircraft operating expense for all-cargo service in this market, Pan American used the experienced cost for its B–747 combination aircraft rather than the lower, experienced cost of its B–747 freighter aircraft, citing limited operations with the latter during 1975 as justification. Pan American has been operating B–747 freighters in this market beginning with the last quarter of 1974 and this aircraft was responsible for more than half of Pan American's total all-cargo capacity in South America in 1975. This should constitute sufficient experience on which to base a cost forecast. Pan American's forecast operating expense in this market has therefore been adjusted to reflect the carrier's experienced 1975 cost with B–747 freighter aircraft as reported on the Form 242. This adjustment raises the anticipated return for Pan American's all-cargo operations in South America to 0.6 and 6.7 percent under present and proposed

[4] Apparently Braniff considers its cargo traffic on flights stopping in Mexico to be predominantly destined to/from South America, thus resulting in the anomalous earnings position shown in the tables for U.S.-Mexico and U.S.-South America service.

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rates, and increases the composite ROI in this market to 4.9 and 9.7 percent under present and proposed rates, respectively, still well below the Board's 12 percent guideline.

Based on the improved rate structure embodied in the agreement and the apparent need for additional revenues in each of the three market areas as presented above, we will approve the agreement for the period requested. In none of the separate areas will the U.S. carriers, on a composite basis, experience excess earnings under the proposed rates.

We will also approve a separate agreement proposing increases in Mid Atlantic cargo rates inasmuch as only Pan American's operations to/from San Juan are involved and the impact on the carrier is minimal.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions which are incorporated in the agreements indicated are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25781	003e	Special Readoption Resolution	1.
R-1	003gg	General Increase in Cargo Rates (New)	1/2 (Middle Atlantic).
R-2	022ll	JT12 (Mid and South Atlantic) Special Rules for Sales of Air Transportation (amending).	1/2.
R-3	022kk	JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (amending).	1/2.
R-4	501	Minimum Charges for Cargo-Mid Atlantic (amending)	1/2.

Accordingly, *it is ordered* that: 1. Agreements C.A.B. 25781 and 25810 specified in the finding paragraph above be and hereby are approved, subject, where applicable, to conditions previously imposed by the Board;

2. Tariffs implementing Agreement C.A.B. 25781 may be filed on not less than one day's notice for effectiveness not earlier than September 15, 1976. The short-notice authority in this paragraph expires October 15, 1976; and

3. Tariffs implementing Agreements C.A.B. 25781 and 25810 shall be marked to expire not later than September 30, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26550 Filed 9-9-76;8:45 am]

[Docket 28194]

EASTERN AIR LINES, INC.—PIEDMONT AVIATION, INC. ROUTE EXCHANGE AGREEMENT

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on September 14, 1976 (41 F.R. 35106, August 19, 1976), is postponed to September 15, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., September 7, 1976.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[5] Partial dissent by Minetti, and West filed as part of the original document.

[FR Doc.76-26552 Filed 9-9-76;8:45 am]

CIVIL SERVICE COMMISSION

CONSUMER PRODUCT SAFETY COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Consumer Product Safety Commission to fill by noncareer executive assignment in the excepted service the positon of International Affairs Officer, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc 76-26179 Filed 9-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of August 22, 1975, F.R. Doc. 75-22421 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Director, Office of Policy Development, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Policy Development and Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26177 Filed 9-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Planning and Evaluation (Education), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26182 Filed 9-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Commissioner, Assistance Payments Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26178 Filed 9-9-76;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Employment Standards, Employment Standards Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26180 Filed 9-9-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of

Chief Counsel, Federal Highway Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26183 Filed 9-9-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Science Advisor to the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.76-26181 Filed 9-9-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

PROPOSED CHICAGO MERCANTILE EXCHANGE PLATINUM FUTURES CONTRACT

Request for Public Comment

The Commodity Futures Trading Commission ("Commission") today announced that it was seeking public comment on the Chicago Mercantile Exchange's ("CME") application for designation as a contract market for trading platinum futures. On August 2, 1976 the CME submitted to the Commission an application for designation as a contract market. That application, pursuant to the Commission's Guideline I,[1] was accompanied by an economic justification for trading in platinum futures. The contract terms and conditions and the economic justification for the contract are set forth below.[2]

The Commission is interested in comments on whether the CME should be designated as a contract market for trading platinum futures and on the specific terms and conditions of the proposed CME contract. The Commission has already received comment from certain interested persons concerning the quality of platinum deliverable on the contract. Additional comments are being solicited on this issue and on any other issues which the public believes should be considered by the Commission, such as how the contract terms and conditions compare to the cash market and affect deliverable supply.

Interested persons should direct their comments by October 11, 1976, to the Commodity Futures Trading Commission; 2033 K Street NW., Washington, D.C. 20581, attention Ms. Jane Stuckey, Director, Office of the Secretariat. Copies of all comments received will be available for inspection at the Commission's office in Washington, D.C. Persons who believe that oral hearings should be held on the proposed contract should so state in their written submission.

Issued in Washington, D.C. on September 7, 1976.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-26519 Filed 9-9-76;8:45 am]

[1] Exhibit I filed as part of the original document. Guideline I is published at 40 FR 25849 (June 19, 1975).

[2] It should also be noted that on July 18, 1975 the New York Mercantile Exchange was designated as a contract market for trading in platinum futures. Therefore, the submission of the CME platinum contract raises the issue of proliferation, i.e., the trading of a futures contract in a particular commodity on more than one exchange. Exhibits II, III, and IV filed as part of the original document.

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 76-11]

ANIMAL HAIR PRODUCTS CONTAMINATED WITH ANTHRAX SPORES

Denial of Petition

The purpose of this notice is to announce that the Consumer Product Safety Commission has denied a petition for a consumer product safety rule that would ban importation of animal hair products contaminated with anthrax spores.

Section 10 of the Consumer Product Safety Act (CPSA) (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

On April 23, 1976, John K. Emerson, the chief public health veterinarian for the Colorado Department of Health, petitioned the Commission to develop a consumer product safety rule which would reduce the unreasonable risk of injury to consumers of hazardous animal hair products contaminated with anthrax spores by: (1) Banning the importation of such products and (2) Establishing procedures requiring universal nondestructive sterilization of such imported products.

The petition stated that the Colorado Department of Health was notified in May 1975, by the Center for Disease Control, Atlanta, Georgia, that one animal hair saddle pad made by a Colorado firm was found to be anthrax positive. Later in February 1976, the Department was notified that animal fiber yarn from Pakistan had been implicated in the death of a California resident. This yarn was randomly collected and was preliminarily found to be anthrax positive in one of four samples tested of materials collected in the Denver area. The Department carried out a state-wide effort at retrieval of this yarn because of its concern that anthrax is being introduced into non-anthrax-enzootic areas, such as Colorado, by the continuous distribution of these potentially hazardous imported animal hair products.

The Commission staff undertook a study of available information to respond to the petition. The medical literature shows that anthrax is a disease of wild and domesticated animals such as cattle, sheep, goats, horses and swine. Although this infectious disease has been acquired by persons in the United States from handling the hair, hides or carcasses of imported animals infected with anthrax, infection of persons in the United States has progressively decreased over the past five decades. Information received by the Commission from the Center for Disease Control, a division of the United States Public Health Service of the Department of Health, Education and Welfare, indicates that there are two or three cases of human anthrax per year in the United States. Of the two cases reported in 1976, one resulted in the first death since 1964. Anthrax manifestations have decreased from over 150 a year in the early 1920's to approximately two per year in the 1970's; there have been 15 deaths in this century.

The Commission is informed that several United States agencies have powers to deal with anthrax contaminated products: the Department of Agriculture (USDA), the Occupational Health and Safety Administration (OSHA) of the Department of Labor, and the Department of Health, Education, and Welfare (HEW), through its divisions, the Center for Disease Control (CDC) and the Food and Drug Administration (FDA). A review of the authority of these U.S. agencies to deal with product related anthrax shows:

(1) The USDA is empowered by 21 U.S.C. 111 to prohibit the introduction and dissemination of anthrax, among other contagious diseases. Although the USDA's primary purpose in containing the spread of anthrax is to preserve animal health, the health of persons may be benefited indirectly by USDA regulations forbidding the movement of anthrax-infected animals and certain animal byproducts.

(2) OSHA may promulgate regulations that require places of employment to be free from hazards that are likely to cause death or serious physical harm to employees (29 U.S.C. 654). Such regulations could be issued to apply to factories that produce goods from animal byproducts which may be contaminated with anthrax. Such regulations have not been promulgated.

(3) HEW has extensive authority under the Public Health Service Act to regulate against the introduction and spread of communicable diseases (42 U.S.C. 264) such as anthrax, if there appears to be a threat to the public health from contamination and spread. In such a case

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the Center for Disease Control (CDC) of HEW would monitor importation and the Food and Drug Administration (FDA) would monitor interstate movement of products that may spread the disease. Such regulations have not been promulgated as to anthrax since a finding of threat to the public health has not been made.

Upon careful consideration of the information submitted by the petitioner, the epidemiological information and the data on injuries, and the other matters discussed herein relating to the ways in which other agencies are empowered to halt the spread of anthrax in working environments as well as consumer environments, the Commission is unable to determine from the information available that an unreasonable risk of injury to the public is associated with imported animal hair products contaminated with anthrax. Therefore, the Commission does not believe that further regulation in the form of a ban is reasonably necessary to protect the public. Accordingly, the Commission has denied the petition.

The Commission notes that the petitioner is concerned with the potential for introduction of anthrax into the United States and wishes to assure the petitioner that the Commission shares this concern. The Commission's Office of Product Defect Identification has worked closely with the Center for Disease Control in the recent past to monitor and eliminate such imported products as animal hair saddle pads and yarns that were contaminated with anthrax. Such cooperation, as well as liaison between Commission staff and the staffs of other agencies interested in preventing such injury and illness, will continue.

Copies of the petition and other relevant materials may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K St., N.W., Washington, D.C. 20207, during working hours Monday through Friday.

Dated: September 3, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-26478 Filed 9-9-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Environmental impact statements received by the Council on Environmental Quality from August 30 through September 3, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 25, 1976.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Karta Unit Plan, Tongass National Forest, Alaska, Aug. 31: Proposed is a land use plan for the Karta Planning Unit in southeast Alaska on Prince of Wales Island. The area includes about 81,000 land acres and 2,000 acres of freshwater lakes. This statement discusses six possible alternatives and describes the various impacts associated with each. (120 pages.) (ELR Order No. 61285.)

Prospect Unit Plan, Lolo National Forest, Sanders County, Mont., Sept. 1: Proposed is the implementation of a revised Multiple Use Plan for the Prospect Planning Unit, located on the Thompson Falls Ranger District, Lolo National Forest. The plan recommends that 124,920 acres be managed in various combinations for timber, esthetics, recreation, watershed, wildlife, fisheries, and range. An area of 14,080 acres which will remain unroaded will be managed for wildlife, esthetics, recreation, and watershed. The primary adverse effects involve the modification of natural conditions on 62,830 acres that are presently roadless. (235 pages.) (ELR Order No. 61294.)

Bull Run Unit Plan, Mt. Hood National Forest, Clackamas, Multnomah, Hood River Counties, Oreg., Sept. 1: This statement refers to the Bull Run Planning Unit, Mt. Hood National Forest. The proposed action is to establish a new boundary for the Bull Run Reserve, and new direction for the management of the Bull Run Reserve in the Counties of Clackamas, Multnomah, and Hood River. Under the Proposed Plan, the Reserve would be managed to protect water quality as a domestic watershed for the City of Portland, while permitting other compatible activities. The areas outside the Reserve would be managed for a variety of uses including timber harvest and recreation. Adverse effects are expected to be minimal. (292 pages.) (ELR Order No. 61293.)

Final

Land Use Plan, Emerald Creek Unit, St. Joe National Forest, Benewah, Latah, Shoshone Counties, Idaho, Aug. 30: The project concerns the implementation of a land use plan for the Emerald Creek Planning Unit, which consists of 27,800 acres in the St. Joe National Forest. Adverse impacts of the land use plan are as follows: soil disturbance and increased stream turbidity (associated with road construction, timber harvest, and garnet digging), and degradation of air quality (due to periodic burning of logging debris). (136 pages.) Comments made by: DOI, USDA, EPA, HUD, AHP, state agencies, concerned individuals. (ELR Order No. 61277.)

Bienville National Forest, Timber Management Plan, several counties, Miss., Sept. 3: Proposed is the implementation of a new 10-year Timber Management Plan for the Bienville National Forest, effective 1 October 1976. The Bienville National Forest contains 177,073 acres of National Forest land in Jasper, Newton, Scott, and Smith Counties, Mississippi. The plan proposes even-aged forest management for that part of the forest which is suitable for sustained yield timber production and not reserved for some other use. Environmental impacts will result from timber harvesting and other timber management activities, road construction and reconstruction, prescribed burning, and use of pesticides. (188 pages.) Comments made by: DOC, DOI, EPA, USA, HEW, ERDA, state agencies, concerned groups and individuals. (ELR Order No. 61312.)

Homochitto National Forest, Timber Management Plan, several counties, Miss., Sept. 3: Proposed is the implementation of a new 10-year Timber Management Plan for the 189,000 acre Homochitto National Forest. The plan proposes even-aged forest management for that part of the forest which is suitable for sustained yield timber production and not reserved for some other use. An estimated 2668 acres will be site prepared and reforested annually. Soils, water quality, vegetation, wildlife, aesthetics, air quality, and the local economy will be affected by the proposed actions. (163 pages.) Comments made by: HEW, COE, DOT, DOI, EPA, ERDA, state and local agencies, concerned groups and individuals. (ELR Order No. 61311.)

Lower West Fork Unit, Bitterroot National Forest, Ravalli County, Mont., Aug. 31: The proposed action is the implementation of a revised land use plan for the 197,431-acre Lower West Fork Planning Unit, Bitterroot National Forest. Major impacts generated by management will be in soil, vegetation, wildlife, aesthetics, water and roadless area values due to management activities related to intensive timber management and road construction. Increased air pollution will result from smoke from management activities such as slash burning and site preparation. Timber production will be foregone on 55,269 acres manage as Wilderness or other forms of unroaded area. (263 pages.) Comments made by: USDA, HEW, DOI, COE, EPA, state and local agencies, interested persons and groups. (ELR Order No. 61287.)

O'Brien-17 Mile-Cross Mt. Units, Kootenai National Forest, Lincoln County, Mont., Aug. 31: The action involves the implementation of a revised multiple use management plan for the O'Brien-Seventeen-mile-Cross Mountain Planning Units, Kootenai National Forest. The proposal will cover approximately 146,500 acres of land. The plan calls for continued development activity, management of the wildlife and visual resources, and increased timber production due to more intensive management. (200 pages.) Comments made by: DOI, USDA, EPA, state and local agencies, interested groups and persons. (ELR Order No. 61288.)

Curtis Creek Unit, Pisgah National Forest, McDowell County, N.C., Aug. 30: Proposed is a ten year management plan for the 20,690 acre Curtis Creek Unit of Pisgah National Forest. Management decisions will affect major forest resources such as wildlife, water, soils, vegetative cover, aesthetics, roads, trails, and recreation. Adverse environmental effects will result from operation of motor vehicles and from movement of soil into streams from logging operations. Scenic values may be adversely affected by construction activities, timber harvesting, and littering. (80 pages.) Comments made by: TVA, DOI, EPA, state agencies. (ELR Order No. 61284.)

SOIL CONSERVATION SERVICE

Draft

Avery Brook Watershed, Hartford County, Conn., Sept. 3: Proposed is a watershed project for watershed protection and flood prevention located in the town of South Windsor, Connecticut. The plan encompasses an area of 1,664 acres, and proposes conservation land treatment supplemented by two floodwater retarding structures and floodproofing. Installation of the two structures will destroy 315 feet of stream channel. Water, noise, and air pollution will be increased during construction. (100 pages.) (ELR Order No. 61306.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202–OX 7–9297.

Draft

Loring A.F.B., proposed reduction, Maine, Sept. 3: The proposed action is to reduce Loring Air Force Base ME to a forward operating base by inactivating the 42 Bombardment Wing and its supporting operation and maintenance squadrons. The 14 B–52G aircraft would be relocated to remaining installations that support the same weapon systems. The 30 KC–135 aircraft assigned to Loring AFB would be relocated and transferred to the Air Reserve Forces. Selected tenant organizations would be retained because of special missions requirements. As a result of this candidate reduction, the natural environment should improve due to the decrease in aircraft operations. (80 pages.) (ELR Order No. 61303.)

Kincheloe Air Force Base, closure, Mich., Sept. 3: The U.S. Air Force has proposed the following candidate action designed to reduce excess capability and result in substantial resource savings. The action is to inactivate the 449th Bombardment Wing and its supporting organizations, close Kincheloe AFB MI by the end of FY 1977, and declare the base excess to Air Force requirements. The 16 B–52H aircraft assigned to Kincheloe AFB would be relocated and transferred to the Air Reserve Forces. As a result of base closure, the natural environment is expected to improve. (85 pages.) (ELR Order No. 61302.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development. Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314. (202) 693–6795.

Draft

Flambeau Mining Corp. Open Pit Copper Mine, Permit. Rusk County, Wis., Sept. 3: Proposed is the granting of a permit to the Flambeau Mining Corporation to establish a 55-acre open pit copper mine near Ladysmith, Wisconsin. The mine would be in operation for 11 years, after which time Flambeau would reevaluate the copper ore deposit. Flambeau would construct a concentrator plant adjacent to the mine pit to concentrate the ore for shipment by rail to smelters in the western U.S. Flambeau also proposes to build a 156-acre waste containment area approximately 2 miles south of the mine pit to contain waste rock stripped from the mine pit and tailings from the concentrator plant. Adverse effects involve depletion of the known mineral resources in the area. (St. Paul District.) (175 pages.) (ELR Order No. 61310.)

Final

Bon Secour River, Maintenance Dredging, Alabama, Sept. 3: The statement refers to the continued operation and maintenance of an existing navigation channel from the Gulf Intercoastal Waterway through Bon Secour Bay and up Bon Secour River to a point about 600 feet above Oak Landing. Spoil from maintenance dredging will be pumped to diked land disposal sites. Adverse impacts are the destruction of benthic communities, displacement of wildlife, a temporary decrease in water quality, and a temporary increase in noise levels in the project area. (Mobile District.) (85 pages.) Comments made by: DOI SDA2 state agencies (ELR Order No. 61299.)

Los Angeles-Long Beach Harbors, Los Angeles County, Calif., Aug. 31: The revised statement refers to the proposed deepening of areas within the Los Angeles port of the Harbors, and use of the fill to create new lands for terminals. Impact of the action would include the socio-economic impacts from increased trade; use of the harbor by larger vessels, with reduction in the total number of commercial vessels and a corollary reduction in discharge of pollutants; and the loss of harbor bottom habitat and open space. The loss of marine habitat will include a part of the present catch areas for a large part of the southern California live bait anchovy fishery. (Los Angeles District.) (262 pages.) Comments made by: TVA, DOI, EPA, state agencies. (ELR Order No. 61283.)

Mississippi River Outlets, Venice, Louisiana, Sept. 3: The proposed project provides for the enlargement and maintenance of existing channels of Baptiste and Collete Bayou for purposes of providing a shorter navigation route between the east and west Gulf waters in the vicinity of Venice, Louisiana. Adverse impacts include temporary water pollution and disturbance of 5,320 acres of marsh and bay bottoms and the elimination of 250 acres of bay bottoms used as a nursery area by marine organisms. (New Orleans District.) (126 pages.) Comments made by: HEW, AHP, state agencies. (ELR Order No. 61304.)

Pass Christian Harbor, Mississippi, Sept. 3: The proposed action is to maintain Pass Christian Harbor 7 feet deep, 1,000 feet long, and 700 feet wide within the limits of the existing bulkheads and breakwaters constructed by local interests. The project will also maintain the 100 foot wide entrance channel to the 70 foot contour in the Mississippi Sound, a distance of approximately 250 feet. Adverse impacts are increased turbidity, destruction of fish and crab habitat and reduction in population of aquatic bottom organisms. (Alabama District.) (70 pages.) Comments made by: USDA, EPA, HEW, DOI, DOT, state agencies. (ELR Order No. 61300.)

Flood Control, La Crosse County, Wis., Sept. 3: This statement proposes a flood control project consisting of a system of levees, road raises, flood wall, road and soil closures, interior drainage facilities, and the evacuation of one flood prone area in the City of La Crosse, La Crosse County, on the Mississippi River. Adverse impacts are the elimination of 50 acres of marsh and 3.4 acres of northern pike spawning area, and temporary noise, increased traffic and dust pollution during construction. (St. Paul District.) (203 pages.) Comments made by: USDA, HEW, DOI, DOT, EPA, a state agency, concerned citizens. (ELR Order No. 61305.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington D.C. 20350. (202) 692–3227.

Final

USN Air Station Sanitary Landfill, San Diego County, Calif., Sept. 3: Proposed is the outlease of 216 acres of Naval Air Station North Island and Naval Air Station Miramar land to the county of San Diego, California. The land will be used as a part of a total 500 acre sanitary landfill operation to be operated by the county. Adverse effects of project implementation include the permanent alteration of rugged canyon terrain by filling operations. Small animal and bird habitats will be temporarily moved to adjacent open areas until the final topsoil fills are replanted with native vegetation. (200 pages.) Comments made by: EPA, local agencies. (ELR Order No. 61301.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington D.C. 20460. (202) 755–0780 (stop 460).

Draft

Central Contra Costa Co. Wastewater Management, Contra Costa County, Calif., Sept. 1: This statement concerns a two phase management program for the Central Contra Costa Wastewater Facilities. Phase I consists of an expansion of secondary treatment capacity at the Central Contra Costa Sanitary District plant with discharge to Suisan Bay through an existing outfall. Phase II provides for a "hybrid" system which utilizes a municipal solid waste sorting facility to recover ferrous and aluminum metals and to produce a combustible fraction. Adverse impacts include the emission of stack gas from thermal processing of the sludge and solid waste, and increases in noise, dust, and traffic due to construction. (Region IX.) (475 pages.) (ELR Order No. 61289.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E–201, ERDA, Washington, D.C. 20545. (301) 973–4241.

Final

Positron-Electron Storage Ring Project, Stanford, San Mateo County, Calif., Sept. 3: Proposed is the construction of the positron-electron colliding beam storage ring facilities at the Stanford linear Accelerator Center at Stanford University. The PEP storage ring will be about 700 meters in diameter buried at depths of 20 to 100 feet and located at the eastern extremity of the SLAC site. Positron and electron beams will collide in the storage ring to provide higher energies and hence higher particle velocities than have been heretofore achieved. Normal operation of the storage ring facility is not expected to produce significant adverse environmental effects different from operation of the existing facilities and the addition of one water cooling tower. (290 pages.) Comments made by: USDA, HEW, DOI, EPA, FPC, NSF, state and local agencies, concerned persons and groups. (ELR Order No. 61314.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426. (202) 275–4791.

Draft

Cook Inlet-California Project, Alaska, Sept. 2: Proposed is the granting of a certificate of public convenience and necessary authorization to the Pacific Alaska LNG Co., Alaska California LNG Co., and Pacific Alaska LNG Associates for the construction and operation of facilities to collect and liquefy natural gas (LNG), the transportation of LNG in interstate commerce, and the sale of natural gas to Southern California Gas Co. and Pacific Gas and Electric Co. The LNG facilities would include a marine terminal two 550,000-barrel LNG storage tanks, seawater exchange base load vaporizer and other appurtenant facilities. Impacts would occur with respect to land use, vegetation, wildlife and water and air quality. (685 pages.) (ELR Order No. 61297.)

Final

Calcasieu LNG Project, Calcasieu Parish, La., Aug. 30: The statement concerns an application from Trunkline LNG Company seeking authorization to import liquified natural gas from Algeria to a terminal to be constructed about 12 miles southwest of Lake Charles in Calcasieu Parish, Louisiana.

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Trunkline Gas Company has also filed a certificate application to construct and operate approximately 45.8 miles of 30-inch diameter pipeline and a metering station. The project would require the clearing of approximately 475 acres of land and the alteration of some of the physiographic features of the existing environment. (304 pages.) Comments made by: AHP, NRC, COE, USDA, EPA, ERDA, DOI, USCG, state agencies, concerned citizens. (ELR Order No. 61276.)

LNG Import Terminal, Everett, Middlesex County, Mass., Sept. 3: The proposed action arises from applications by Distrigas Corporation to import liquified natural gas from Algeria to the Distrigas of Massachusetts Corporation (DOMAC) LNG marine terminal located at Everett, Massachusetts. Concurrent with the Distrigas applications, DOMAC has filed an application seeking certification to construct and operate certain facilities necessary to unload, store, revaporize, and distribute the imported LNG. This statement proposes the construction and operation of an unloading dock, a 374,000-barrel LNG tank, a 600,000-barrel LNG tank, and vaporized units on the north bank of the Mystic River in Everett, Massachusetts. (305 pages.) Comments made by: AHP, DOC, EPA, ERDA, HUD, DOI, NRC, FPC, state and local agencies, interested groups and persons. (ELR Order No. 61307.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410. (202) 755–6308.

Draft

Woodside Village, West Covina—Walnut, Los Angeles County, Calif., Sept. 1: Proposed is the development of a planned residential area incorporating public and commercial land uses and containing 2218 acres, 12,000 dwelling units, and an ultimate population estimated at 35,100. The project is located 28 miles east of the Los Angeles Civic Center, 4 miles south of the San Bernardino Freeway, and 2 miles north of the Pomona Freeway in the southerly portion of the City of West Covina and the westerly portion of the City of Walnut. HUD involvement in this project relates to the provision of mortgage insurance for the purchase of one-to-four family dwellings and the financing of multi-family dwellings. (105 pages.) (ELR Order No. 61290.)

Final

The Preserve Planned Unit Development, Hennepin County, Minn., Aug. 30: The proposed project involves application for mortgage insurance for Northmark Single Family Subdivisions (28 lots), Winslope Apartments (168 units), Neill Lake Apartments (84 units), and East-West Parkway Apartments (129 units) in the City of Eden Prairie, Minnesota. Development of the Preserve will entail the eventual construction of approximately 5000 housing units on 1200 acres in north central Eden Prairie. Adverse effects include removal of farmland from production, and removal of some existing vegetation and wildlife. (266 pages.) Comments made by: COE, DOT, HEW, DOI, EPA, GSA, AHP, state and county agencies, concerned citizens. (ELR Order No. 61275.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Upper Ashbury Rehabilitation Assistance Program, California, Sept. 1: Proposed is the application of Community Development Block Grant funds to the Upper Ashbury area of San Francisco, containing approximately 3,700 dwelling units and 8,700 persons. The San Francisco Rehabilitation Assistance Program is a financial assistance and code enforcement program, designed to carry out the City's policy of residential rehabilitation and neighborhood conservation. The impacts of the proposed Upper Ashbury program are evaluated in this EIS in light of the controversy in the proposed area regarding the social and economic impacts associated thereto. (150 pages.) (ELR Order No. 61292.)

Henderson, Texas Sewer Improvements, Texas, Aug. 30: The statement refers to the application by the City of Henderson for Community Block Grant funds to construct sewer line improvements. The project would be constructed in the Western portion of Henderson and would extend along Highway 64 to Richardson Drive. It would provide facilities for 492 low and moderate income persons who are presently served by outdoor toilets, septic tanks, or one lift station. Adverse effects include destruction of vegetation, possible erosion and stream pollution, and increases in noise and air pollution due to construction activitiy. (23 pages.) (ELR Order No. 61274.)

Final

Crawford Heights Project, Martins Ferry, Belmont County, Ohio, Sept. 3: Proposed is the Crawford Heights Project located in Martins Ferry, Ohio. The Crawford Heights plan for future development envisions constructing a total of 477 housing units over an extended period of time. Housing construction would proceed contingent upon the availability of funds to provide needed public facilities such as streets, sidewalks, water and sewer lines, and recreation areas. The first stage for construction proposes that 24 single-family housing units be constructed sometime during 1976. The plan also proposes inclusion of the following supporting facilities: recreation, education, fire station, library, convenience shopping, and off-street parking. (186 pages.) Comments made by: EPA, HEW, DOI, state agencies, concerned individuals. (ELR Order No. 61308.)

Macon Co. Hwy. 10S Rural Water Line, Macon County, Tenn., Aug. 30: Proposed is the installation of approximately 7.6 miles of 6-inch plastic water pipe in the shoulder of State Highway 10S from the City of Lafayette to the Macon-Trousdale County line. This project will be located in Macon County Census Ennumeration District Number Ten, and is intended to help mitigate the socio-economic impact of the Tennessee Valley Authority's nuclear power plant construction project at Hartsville, Tennessee. No significant adverse elects are anticipated. (20 pages.) Comments made by: DOI, USDA, TVA, EPA. (ELR Order No. 61273.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF RECLAMATION

Draft

San Juan powerplant expansion, San Juan County, N. Mex., Aug. 31: Proposed is the construction and operation of 3 additional operating units at the existing San Juan powerplant, 12 miles north of Farmington. At the projected date of completion (1980), four units will produce a net total generating capacity of 1588 MWe. As each unit becomes operational, new areas will be mined on the existing Western Coal Company mine lease area. The primary adverse impact of project implementation is the temporary disturbance of 2,800 acres of land during the mining operation. (552 pages.) (ELR Order No. 61286.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555. 303–492–7373.

Final

Mixed oxide fuels, light water reactors, Aug. 30: This generic statement refers to the use of mixed oxide fuel in light water nuclear reactors. The statement analyzes as principal issues: the environmental impacts which result from plutonium recycle in the LWR fuel cycle, and their acceptability on a cost-benefit-risk analysis; the safety in operation when a portion of the low enriched uranium fuel (UO2) is replaced with mixed fuel (UO2+PuO2); and the adequacy of materials and plant protection in a plutonium recycle economy. (1533 pages.) Comments made by: USDA, USCG, DOC, FPC, HEW, EPA, DOI, CEQ, FEA, STAT, state and local agencies, concerned persons and groups. (ELR Order No. 61281.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Final

Columbia-Waterloo Airport, Monroe and St. Clair Counties, Ill., Sept. 1: The proposed action is the selection of an airport site and the acquisition of land for the development of a new airport which will serve the St. Louis Metropolitan area. The proposed site is located in Monroe and St. Clair Counties, Illinois, near the towns of Columbia and Waterloo, on 18,650 acres of land situated 19 miles southeast of St. Louis, Missouri, Central Business District. Major adverse impacts include the relocation of more than 900 persons, changes in air quality and noise levels, and alteration of the rural character of the Columbia-Waterloo area (347 pages). Comments made by: EPA, DOI, USDA, DOC, COE, state and local agencies, interested persons and groups. (ELR Order No. 61296.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Project U160–2(14) through Alamosa, Alamosa County, Colo., Sept. 3: Proposed is the design and staged construction of a highway facility or facilities from a point 2.5 miles west of the intersection of U.S. Highways 160 and 285 in the City of Alamosa, to a point approximately 2.5 miles east of the intersection of U.S. 160 and State Highway 17 east of Alamosa. Designs depending on the alternate include four-lane and two lane rural primary. Length on the present alignment is 5.7 miles. General impacts include the disturbance of the Rio Grande River during construction of bridges, and the temporary disturbance or destruction of vegetation (Region 8) (166 pages). (ELR Order No. 61313.)

West 10th Street, I–465 to West St., Marion County, Ind., Sept. 3: The proposed action consists of the upgrading to primary arterial status of West 10th Street from its intersection with I–465 east to its intersection with West Street. The only portion of the proposed action scheduled for improvement at this time is the bridge over the White River and its approaches. Adverse effects include displacement of homes and businesses, severance of community activities, and possible undesirable development of adjacent areas (Region 5) (102 pages). (ELR Order No. 61309.)

U.S. 15, Putnam Road to Maryland 77, 4(f), Frederick County, Md., Aug. 30: Proposed is the dualization of U.S. 15 between Putnam Road and Maryland Route 77, near Thurmont, Maryland. All of the alignments under consideration are approximately 6.5 miles in leugth, and involve the construction of two of three ultimate lanes in each direction. The 4(f) statement concerns Alignment 1, which will pass through the Catoctin Furnace Historic District. (Region 3) (159 pages). (ELR Order No. 61278.)

I–93, Franconia Notch and alternate routes, Grafton County, N.H., Aug. 30: Proposed is the construction of a roadway that serves to complete the Interstate Highway System in the White Mountains region of New Hampshire. This roadway will serve to close a "missing link" in the I–93 system which consists of the originally proposed highway through Franconia Notch State Park. Six major alternatives and their respective beneficial and adverse effects are discussed. A 4(f) statement is included. (Region 1) (7 vols.). (ELR Order No. 61279.)

Final

F.A.S. 28 and 5306(2), Scotts Bluff, Scotts Bluff County, Nebr., Sept. 1: The proposed improvement consists of two projects located on Federal-Aid Secondary Route No. 28 and Federal-Aid Urban Route 5306 in Scotts Bluff County, Nebraska. The project is approximately 2.6 miles long, beginning 1.3 miles east of the junction of Highway N–91 and N–72 and extending north to East Overland Drive in Scotts Bluff. Proposed construction includes roadway reconstruction, new construction, drainage structures, gravel and high type surfacing, and construction of a new bridge over North Platte River. The relocation of wildlife and fisheries will be necessary. (Region 7) (103 pages). Comments made by: FAA, USAF, USCG, USDA, DOI, EPA, state and local agencies, concerned persons and groups. (ELR Order No. 61291.)

I–80, Elko and Nevada Counties, Nev., Aug. 30: Proposed is the design and construction of a 6.5 mile section of Interstate Route 80 which lies between a point 0.6 miles northeast of the north city limits. Adverse effects include division of a parcel of Indian Colony lands. Five residential relocations will result from project implementation. (200 pages.) Comments made by: EPA, DOI, one state agency, concerned groups and persons. (ELR Order No. 61262.)

Supplement

I–93, Littleton, N.H.–Waterford, Vt. Aug. 30: This statement is a supplement to a final EIS approved by the Department of Transportation July 8, 1974. The proposed action is the construction of a 4-lane, 6.5 mile section of Interstate 93 between New Hampshire Route 18 at Littleton, New Hampshire, and the Vermont bank of the Connecticut River in the Town of Waterford, Vermont. Adverse effects include the acquisition of 360 acres of land and the displacement of 2 families. (Region 1) (175 pages). (ELR Order No. 61280.)

Charlotte, Inner Belt Loop, N.C. 49 to Central Ave., Mecklenburg County, N.C., Sept. 2: This statement is a supplement to a final EIS filed with CEQ February 21, 1975. The FEIS was accepted by the Washington Office of the Federal Highway Administration on the condition that a revised noise analysis would be prepared by the N.C. Department of Transportation. This supplement discusses the adverse noise effects upon the Alexander Graham Junior High School Neighborhood Park and the Grayson Park which are located near the highway. (Region 4) (25 pages). (ELR Order No. 61298.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–26607 Filed 9–9–76;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS: AN ANALYSIS OF SIX YEARS' EXPERIENCE OF SEVENTY FEDERAL AGENCIES

Cancellation of Public Meetings

The Council on Environmental Quality will not hold public meetings on its report entitled Environmental Impact Statements: An Analysis of Six Years' Experience of Seventy Federal Agencies as previously announced on July 30, 1976 (41 FR 31935). Persons interested in commenting on the report are still invited to do so in writing. All such comments and any questions about this announcement should be directed to Malcolm F. Baldwin at the Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

STEVEN D. JELLINEK,
Staff Director.

[FR Doc.76–26625 Filed 9–9–76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 77 of the proposed deletion of the following service from Procurement List 1976, November 25, 1975 (40 F.R. 54742).

SIC 7349

Janitorial/Custodial Service, Boise Interagency Fire Center, Boise, Idaho

Comments and views regarding the proposed deletion may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–26510 Filed 9–9–76;8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 6150

Cable Assemblies, Power, Electrical: 6150–00–935–8799; 6150–00–666–0045; 6150–00–117–8867; 6150–00–666–0041.

Comments and views regarding the proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–26511 Filed 9–9–76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

LEGALIZED GAMBLING IN FOREIGN JURISDICTIONS

Hearings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), noticeis hereby given that the Commimssion on the Review of the National Policy Toward Gambling, established under the authority of Section Pub. L. 91–452, Part D, Sec. 804–808 of the Organized Crime Control Act of 1970, will hold hearings September 21, 22 and 23, 1976. These hearings will be held in Room 318, Russell Senate Office Building, Washington, D.C. The times for these hearings will be: September 21, 9:00 a.m. through 1:00 p.m.; September 22, 9:00 a.m. through 1:00 p.m.; September 23, 10:00 a.m. through 5:00 p.m.

The purpose of these hearings is to elicit testimony from representatives of selected foreign jurisdictions with regard to their experiences in the area of legalized gambling.

The hearings of the Commission are open to the public, and interested persons are invited to attend. The Rules of Procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the Federal Register September 5, 1975.

JAMES E. RITCHIE,
Executive Director.

AUGUST 31, 1976.

[FR Doc.76–26461 Filed 9–9–76;8:45 am]

V41177SEP1076 UMI

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 999]

ACTIONS IN RULE MAKING PROCEEDINGS

Petitions for Reconsideration

SEPTEMBER 1, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20508	Part 76	Amendment of pt. 76 of the Commission's rule and regulations concerning the cable television channel capacity and access channel requirements of sec. 76.251.	
		Filed by Paul J. Fox, Susan C. Greene, Harold E. Horn, Sheila Mahony, and Victor Nicholson for Cable Television Information Center of the Urban Institute.	June 21, 1976
		Filed by Robert Pinto et. al. for the Alternate Media Center	July 14, 1976
20097		Regulatory policies concerning resale and shared use of common services and facilities.	
		Filed by John M. Lothschnetz, Carolyn C. Hill, and Warren E. Baker, attorneys for United System Service, Inc. on behalf of member companies of the United Telephone System.	Aug. 16, 1976
		Filed by Kenneth W. Gross, attorney for T RT Telecommunications Corp.	Do.
		Filed by Herbert E. Marks, Stephen R. Bell, and James E. Magee, attorneys for Remote Processing Services Section of Adapso, Inc.	Aug. 25, 1976
		David R. Anderson and J. Gordon Walter, attornies for International Business Machines Corp.	Do.
		Filed by Thormund A. Miller, Richard S. Kopf, and James M. Tobin for Southern Pacific Communications Co.	Do.
		Filed by Robert E. Conn and Stephen C. Weingarten, attorneys for Western Union International, Inc.	Do.
		Filed by Alfred A. Green, William J. Free, J. Robert Fitzgerald, and Bennett Feigenbaum, attorneys for American Telephone & Telegraph Co.	Do.
		Filed by Joseph M. Kittner, Virginia S. Carson, and John S. Voorhees, attorneys for Computer & Business Equipment Manufactures Association.	Do.
		Filed by Phillip M. Walker, vice president and general counsel and Donald E. Ward, attorney for Telenet Communications Co.	Do.
		Filed by Richard McKenna, Walter Pond, and Allen R. Frischkorn, Jr., attorneys for GTE Service Corp.	Do.
		Filed by James E. Landry and William E. Miller, attorneys for Air Transport Association of America and Charles R. Cutler and John L. Bartlett, attorneys for Aeronautical Radio, Inc.	Do.
		Filed by John R. Baskin and Jonathan E. Thackeray, attorneys for United Press International, Inc.	Do.
		Filed by Joel Yohalem and Leon M. Kestenbaum, attorneys for the Western Union Telegraph Co.	Do.
20774	Part 68	Revision of pt. 68 of the Commission's rules to specify standard plugs and jacks for the connection of telephone equipment to the national telephone network.	Aug. 11, 1976
		Filed by Joe H. Hunt, assistant vice president—customer services and Edward L. Freidman, William L. Leonard, Cornelia McDougald, and Mary M. Waterstone, attorneys for American Telephone & Telegraph Co.	
20189	Part 74, subpart D,	Amendment of pt. 74, Subpt. D (remote pickup broadcast stations), of the Commission's Rules and Regulations.	Aug. 18, 1976
		Filed by John W. Pettit, Louise A. Sunderland, and Joe D. Edge, attorneys for National Association of Business and Educational Radio, Inc.	
20682		Development of policy re change in the entertainment formats of Broadcast stations.	Aug. 30, 1976
		Filed by Marguerite Sutherland, president for Classical Music Supporters, Inc.	
		Filed by Earle K. Moore and Ellen Shaw Agress, attorneys for the Office of Communication of the United Church of Christ, the Mexican-American Legal Defense and Educational Fund, the National Latino Media Coalition, the National Council of LaRaza, the Bilingual Bicultural Coalition on Mass Media, the American G.I. Forum and Public Communication, Inc.	Do.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26523 Filed 9-9-76;8:45 am]

[Report No. I-268]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

SEPTEMBER 7, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATION SERVICES

482-DSE-P/L-76 Vision Cable of Sumter S.C., Sumter, South Carolina. For authority to construct, own and operate a domestic communications Satellite Receive-Only earth station at this location. Lat. 33°56'-54", Long. 80°23'35". Rec. freq: 3700–4200 MHz. Emission (None listed). With a 10 meter antenna.

483-DSE-P/L-76 Cox Cable Communications, Inc., Aberdeen, Washington. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 46°58'35", Long. 123°48'23". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

484-DSE-P/L-76 RCA American Communications, Inc., Goldstone, California. For authority to construct, operate and establish channels of communications by means of a communications satellite earth station at this location for operation with a domestic communication satellite system. Lat. 35°20'75". Long. 116°52'24". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission from 18000F9 to 36000F9. With a 10 meter antenna.

485-DSE-P/L-76 American Cable Television, Inc., Pampa, Texas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 35°32'46", Long. 101°00'02". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc.76-26524 Filed 9-9-76;8:45 am]

TV BROADCAST APPLICATIONS

Availability for Processing

Adopted: September 1, 1976.

Released: September 3, 1976.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that on October 15, 1976, the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 14, 1976 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on October 14, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

TELEVISION BROADCAST APPLICATIONS

BPCT-4929 (New), Winston-Salem, North Carolina, Good News TV Network, Channel 45, ERP, Vis: 1607 kw HAAT: 526 Feet.

BPCT-4934 KSTW, Tacoma, Washington, Gaylord Broadcasting Company, Channel 11, ERP, Vis: 240 kw HAAT: 2424 Feet.

BPCT-4936 (New), Houston, Texas, CPI Subscription TV, Inc., Channel 20, ERP, Vis: 166 kw HAAT: 735.2 Feet.

BPCT-4937 (New), St. Cloud, Minnesota, Northwest Theater Corp., Channel 41, ERP, Vis: 1000 kw HAAT: 0757 Feet.

BPCT-4939 (New), Rock Springs, Wyoming, Western Broadcasting, Inc., Channel 13, ERP, Vis: 10 kw HAAT: 57.3 Feet.

BPCT-4940, WOWL-TV, Florence, Alabama, Television Muscle Shoals, Inc., Channel 15, ERP, Vis: 1410 kw HAAT: 730 Feet.

BPET-547 (New), Atlanta, Georgia, Amistad Production, Inc., Channel 57, ERP, Vis: 1420 kw HAAT: 701 Feet.

BPET-550 (New), Park Falls, Wisconsin, Ed Communications Bd., Channel 36, ERP, Vis: 741 kw HAAT: 1468 Feet.

[FR Doc.76-26525 Filed 9-9-76;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1976-41, AOR 1976-71 through 1976-75]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's notice of proposed rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976-71 through 1976-75 have been made public at the Commission. Copies of AOR 1976-71 and AOR 1976-72 were made available on August 19, 1976; AOR 1976-73 was made available on August 26; and AOR 1976-74 and AOR 1976-75 were made available on August 31, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-71: Use of excess 1972 campaign funds by a Senator to contribute to Federal candidates, to purchase photographs of the Senator, and to pay part of the expenses of retirement parties for retiring Senators.—Requested by Senator Carl T. Curtis, U.S. Senate.

NOTE.—The Commission decided to issue the response before expiration of the comment period. A copy of the response is available at the Commission.

AOR 1976-72: Whether a State party committee may use funds consisting in part of prohibited contributions to reimburse its Federal account for a portion of administrative expenses previously paid for in total by the Federal account with funds consisting of permitted contributions; whether administrative expenses may be paid for from an account consisting in part of prohibited contributions which account is later reimbursed in ratable portion by a Federal account.—Requested by David E. Brown, Treasurer & Vice Chairman, Illinois Republican State Central Committee, Long Grove, Illinois

AOR 1976-73: Whether a division of an incorporated trade association may designate as its political action committee the political action committee of another trade association.—Requested by Philip A. Hutchinson, Jr., Counsel, Political Committee for Design Professionals, Washington, D.C.

AOR 1976-74: Whether contributions made by a candidate's immediate family in December 1975 are subject to a $1,000 limitation; whether such contributions in excess of $1,000 must be returned.—Requested by Richard L. Ottinger, New Rochelle, New York

AOR 1976-75: Whether a corporate political action committee's monthly payroll deductions with respect to existing members are "solicitations;" whether management employees who supervise hourly employees are prevented from membership because of the payroll deduction method.—Requested by B. P. Ransdell, Campaign Treasurer, Communicators Political Action Committee, San Angelo, Texas

Dated: September 2, 1976.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

[FR Doc.76-26477 Filed 9-9-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-16]

KEY FEDERAL SAVINGS AND LOAN ASSOCIATION

Approval of Conversion; Final Action

SEPTEMBER 2, 1976.

Notice is hereby given that on September 2, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation by Resolution No. 76-671, approved the application of Key Federal Savings and Loan Association, Randallstown, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street N.W., Washington D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Peachtree Center Station, P.O. Box 56527, 260 Peachtree Street, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-26512 Filed 9-9-76;8:45 am]

FEDERAL TRADE COMMISSION

QUARTERLY FINANCIAL REPORT PROGRAM

Proposals To Change Sample Size

The Federal Trade Commission is considering ways in which the sample used in preparing its Quarterly Financial Report (QFR) can be decreased. The QFR publishes current aggregate statistics on the financial results and position of domestic corporations. Section 6(b) of the Federal Trade Commission [15 U.S.C. 46(b)] requires designated corporations to complete the QFR form.

Currently, the Commission requires quarterly income statement and balance sheet information from about 11,000 manufacturing, 1,000 mining, and 4,000 trade corporations. The manufacturing sample consists of 2.5 percent of manufacturing corporations with assets under $1 million, 25 percent with assets of $1 million to $5 million, 75 percent with assets of $5 million to $10 million, and all with assets over $10 million. The mining sample consists of 7 percent of the total mining population and the trade sample consists of less than 1 percent of the total trade population. Each manufacturing corporation is assigned to one of twenty-three industry classifications.

The Commission believes that the sample can be decreased by about 4,000 manufacturing firms without a significant loss of utility or reliability through one of two alternatives outlined below. Such reduction is necessary because the Commission is committed to reducing the burden on small businesses of completing QFR.

Under alternative one, the sample in each manufacturing asset size category under $10 million would be reduced by 50% the effect spread equally over all manufacturing industry classifications. Under alternative two, some classifications would be combined into a durable (lumber, furniture, stone-clay-glass, and miscellaneous) and a non-durable (textiles, apparel, printing, rubber, and leather) residual. The sample of firms with assets less than $10 million would be reduced by 75 percent in these classifications. In addition, the sample of firms with assets less than $10 million would be reduced by 50 percent in food, fabricated metals, and machinery classifications.

The impact of the alternatives on the standard error of estimate of net income before taxes varies among industry categories. For third quarter 1975, the coefficient of variation for all manufacturing would increase from 0.6 to 0.8 under alternative 1 and to 1.1 under alternative 2. A complete description of the impact of these alternatives can be obtained from the Bureau of Economics, Federal Trade Commission, Washington, D.C. 20580.

Interested persons are invited to comment on these alternatives and to suggest other methods in which the sample can be reduced. The Commission also requests that such persons describe their specific uses of the QFR data. Of interest are the individual items of data used, the form in which they are used, and the parameters which are being estimated. Any problems or preferences regarding the specification of estimates, the system of aggregation by asset size and in-

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dustry classification, or the relative usefulness of the survey items should also be noted. Comments should be submitted to the Bureau of Economics, Federal Trade Commission, Washington, D.C. 20580. All comments received before November 10, 1976, will be considered.

By direction of the Commission dated September 2, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26548 Filed 9-9-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the Archives Advisory Council shown below will meet at the time and place indicated. Anyone interested in attending, or who wishes additional information, should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL

REGION 2

Meeting Date: October 29, 1976.
Time: 9:30 A.M.
Place: Federal Archives and Records Center, 380 Trapelo Road, Waltham, Massachusetts 02154.
Agenda: "Current Issues of Concern to the National Archives," including a discussion of presidential papers, Public Documents Commission, and access to Census records.
For information contact: Mr. Guy Ricci, Regional Commissioner, NARS, General Services Administration, 26 Federal Plaza, New York, N.Y. 10007 (212-264-3514).

Issued in Washington, D.C. on September 1, 1976.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.76-26531 Filed 9-9-76;8:45 am]

[Temporary Reg. E-44; Supplement 1]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Reporting Procedures

To: Heads of Federal agencies.

Subject: Revised procedures for reporting quality deficiencies.

1. *Purpose.* The purpose of this supplement is to extend the expiration date of FPMR Temporary Regulation E-44.

2. *Effective date.* This supplement is effective September 1, 1976.

3. *Expiration date.* This supplement expires February 28, 1977, unless sooner superseded or canceled.

4. *Revised expiration date.* The expiration date in paragraph 3 of FPMR Temporary Regulation E-44 is extended to February 28, 1977.

Dated: September 2, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-26532 Filed 9-9-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL (OPERA)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Opera) to the National Endowment for the Arts will be held on September 29-30, 1976 from 9:00 a.m.-6:00 p.m. and on October 1, 1976 from 9.30 a.m.-1:00 p.m. in the fourteenth floor conference room of the Columbia Plaza office building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on September 29 from 2:15 p.m.-3:30 p.m., on September 30 from 11:30 a.m.-12:50 p.m. and on October 1 from 11:10 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. On September 29 there will be a preparation for Guidelines review and on September 30 and October 1 there will be a discussion of Opera Guidelines.

The remaining sessions of this meeting on September 29 from 9:00 a.m.-2:15 p.m. and from 3:45 p.m.-6:00 p.m., on September 30 from 9:00 a.m.-11:30 a.m. and from 2:15 a.m.-6:00 p.m. and on October 1 from 9:30 a.m.-11:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26574 Filed 9-9-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-37]

LETTERS CONCERNING SAFETY RECOMMENDATIONS

Receipt of Responses and Availability of NTSB Reply

Letters in Response to Safety Board Recommendations. — The National Transportation Safety Board during the past week received two letters from the U.S. Coast Guard in response to Board safety recommendations.

Coast Guard letter of August 25 updates response to recommendation 69-M-60, issued as a result of investigation into the explosion and fire on *Continental Oil Rig 43-A* in the Gulf of Mexico, October 24, 1967. Coast Guard's letter also updates response to recommendation 71-M-28, issued following investigation of the explosion and fire on the Chambers and Kennedy Offshore Oil Platform and fire on the *M/V Carryback*, May 28, 1970, also in the Gulf of Mexico. Both recommendations asked for evaluation and revision of regulations governing fixed and mobile offshore drilling and production structures under Federal jurisdiction. Coast Guard's letter indicates that proposed regulations spoken to in its response of last February 19 (41 FR 9424, March 4, 1976) will be published this year. Coast Guard promises further response to 71-M-28 prior to June 1, 1977.

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Endowment for the Arts on September 27, 28, and 29, 1976 from 9:00 a.m.-6:00 p.m. and on September 30, 1976 from 9:00 a.m.-2:00 p.m. in the 12th floor screening room of the Columbia Plaza office building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26575 Filed 9-9-76;8:45 am]

Coast Guard letter of August 19 updates response to recommendation M-74-21, issued as a result of investigation into th eexplosion and fire on board the *M/V Venus* on the St. Lawrence River, May 4, 1972. The recommendation asked for a special inspection on the *Venus* and similar tank vessels operating on the Great Lakes to correct inadequacies concerning prevention of entry of inflammable vapors into the deckhouse. Coast Guard is now completing the inspection program as requested and will provide further response before January 1, 1977.

Safety Board Reply to Recommendation Response.—Board letter of August 30 replies to U.S. Coast Guard letter of August 6 (41 FR 35090, August 19, 1976) regarding recommendation M-71-20 concerning the Board's special study on recreational boating accidents. The Safety Board has reviewed the Coast Guard Boating Accident Investigator's Manual (CG-472) which was developed and distributed in response to the recommendation. Referring to Coast Guard's earlier letter of November 25, 1975 (40 FR 57726, December 11, 1975), which described both the boating accident investigation seminar in which Coast Guard investigators and a State investigator participated and the International Association of Police Chief's Boating Accident Investigation Manual, the Safety Board believes that periodic seminars or similar training sessions in boating accident investigation are important for assuring that guidance contained in CG-472 is followed by boating accident investigators. According to the Board, both the Police Chief's Manual and participation by State investigators in the Coast Guard training program will improve State investigation of boating accidents. The Board accepts Coast Gaurd's response of August 6 as being in compliance with recommendation M-71-20.

Copies of letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Fedcral Register Liaison Officer.

SEPTEMBER 7, 1976.

[FR Doc.76-26610 Filed 9-9-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT

Recommendation A-18, Management and Classification of Procurement Positions

Notice is given that the executive branch has accepted Commission on Government Procurement Recommendation A-18 and will implement it in accordance with the plan described in this notice. Recommendation A-18 states:

Establish grade levels together with job prerequisites to reflect the authority and responsibility vested in procurement personnel.

Implementation of this recommendation will be effected through the program directed by the President in his memorandum of May 27, 1976, asking department and agency heads to ensure that their position management and classification systems "are operating effectively and in full compliance with applicable laws and regulations." The President's memorandum also charges the Civil Service Commission with the responsibility for assessing and reporting on the quality of position management and classification programs in the agencies.

The Civil Service Commission will issue the following Bulletins to carry out the program:

Bulletin No. 250-7.
Subject: Review of Position Management and Classification Systems.
Bulletin No. 511-14.
Subject: Classification of Nonsupervisory Positions for Which There Are No Directly Applicable Evaluation Criteria.

The Administrator for Federal Procurement Policy will transmit copies of these Bulletins to key procurement managers in the agencies to inform them of the program and the opportunity afforded by these issuances to have the classification of their procurement jobs reviewed. The Administrator will urge procurement managers and supervisors to inform themselves on the implementation of the programs in their respective agencies to assure their full and effective participation in the review and evaluation of the management and classification of procurement positions.

This implementation plan is consistent with the position of the executive branch task group that evaluated Recommendation A-18 and is concurred in by the Civil Service Commission.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

[FR Doc.76-26459 Filed 9-9-76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington D.C. on October 6, 1976 at 10 a.m. The meeting will be held for the purpose of reviewing the July 20, 1976 decision of the Director, Veterans Administration Center, Togus, Maine, that benefits to all eligible persons enrolled in Northeast School of the Bible, 224 Main St., So., Berwick, Maine 03908 be discontinued, effective July 31, 1976.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850) prior to October 1, 1976.

Dated: September 3, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-26515 Filed 9-9-76;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Thursday, September 30, 1976, at 9:00 a.m., the Denver Regional Office Station Committee on Educational Allowances shall, in the Hearings Room of the Denver Veterans Administration Regional Office, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Elba Systems Corporation, 5909 East 38th Avenue, Denver, Colorado should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: August 31, 1976.

F. W. NEWTON,
Director, VA Denver Regional Office.

[FR Doc.76-26462 Filed 9-9-76;8:45 am]

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 7, 1976, Thursday, October 21, 1976, Thursday, November 4, 1976, Thursday, November 18, 1976, Thursday, December 2, 1976, Thursday, December 16, 1976, Thursday, December 30, 1976.

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage

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rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552 (b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552 (b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, D.C.

Dated: September 3, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76–26514 Filed 9–9–76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 1:30 p.m., September 22, 1976, at the General Accounting Office Building, 441 G Street NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Treatment of Health Care in the Revised CPI
2. Status Report on Homeownership in the Revised CPI
3. Status Report on Publication of 1972–73 CEX Diary Data.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C., this 1st day of September 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76–26379 Filed 9–9–76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of September 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Sept. 3, 1976

Name of applicant	Location of enterprise	Principal product or activity
Cummins Engine Co., Inc.	Lakewood, N.Y.	Manufacture of diesel engines.
Valley Haven Rest Home, Inc.	Wellsburg, W. Va.	Intermediate nursing care.
A. M. Sessums	Forest, Miss.	Motel.
Alabama Theme Parks, Inc.	Baldwin County, Ala.	Amusement park.
Gowdy Grain Co., Inc.	Lake City, S.C.	Grain storage and drying.
Lazenby Enterprises, Inc.	Monroeville, Ala.	Manufacture of precast concrete panels and ready mix concrete.
Dixon-Present Coal Co., Inc.	DuBois, Ind.	Mining low sulphur coal.
I.P.S. Inc. (Tenant of city of El Dorado)	El Dorado, Kans.	Manufacture oil well drilling and servicing machines and parts.
The Bailey Co.	Gillette, Wyo.	Wholesaling coin-operated vending machines.
Alyncan Interstate Corp.	Rock Springs, Wyo.	Office and shop rental.

[FR Doc.76–26388 Filed 9–9–76;8:45 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON LONGSHORING SAFETY AND HEALTH

Establishment of Committee; Correction

In FR Doc.76–23726 appearing at page 34386 in the Federal Register of August 13, 1976, the following change should be made:

On page 34386 paragraph B is corrected to read as follows:

"B. *The Committee's objections and the scope of its activity.* To provide advice to the Assistant Secretary of Labor for Occupational Safety and Health on the various mechanisms for reducing accidents and illnesses in the longshoring industry."

Signed at Washington, D.C. this 1st day of September, 1976.

M. H. MOSKOW,
Acting Secretary of Labor.

[FR Doc.76–26553 Filed 9–9–76;8:45 am]

SOUTH CAROLINA

Approval of Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the implementation of State plans which have been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the Federal Register (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. By letter dated October 31, 1975, Edgar L. McGowan, Commissioner, South Carolina Department of Labor, submitted a supplement to the plan involving a State initiated change. (See Subpart E, 29 CFR Part 1953.) The supplement is described below.

2. *Description of the supplement.* Training and Consultation. An office staffed by two safety specialists and one industrial hygienist will provide both training and consultant services. As the need arises, additional training co-ordinators and non-enforcement personnel will be utilized.

Training will be provided for employers and employees in both the private and public sectors as well as in-house training for the Division of Occupational Safety and Health personnel. On-site consultation services (Taxpayer's Assistance) will also be available. The State's Compliance Manual details procedures to be followed in the consultation effort.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29208.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the South Carolina plan supplement described above is consistent with commitments contained in the approved plan and supplements which were previously made available for public comment. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After consideration, the South Carolina plan change outlined herein is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed this 31st day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–26264 Filed 9–9–76;8:45 am]

UTAH

Approval of Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and of the adoption of Subpart E of Part 1952 containing the decision of approval. On January 19, 1976, the State of Utah submitted a supplement to its plan involving State-initiated changes (see Subpart E).

2. *Description of the supplement.* The State-initiated changes update Parts IV through XI and Part XIII of the plan. These changes either have been approved previously or are editorial in nature. They will provide in the narrative parts of the plan, an overview of the Utah Occupational Safety and Health Division's procedures which fulfill the various steps outlined in the original plan submission and thus provide a compilation of current practices. Changes were made to the following parts of the plan: Part IV—Personnel; This section has been revised to reflect the complex staffing of the growing agency by both direct and contractual personnel, and to add a new organizational chart and affirmative action statement. Part V—Selection and Assignment of Industries; This section has been merely reorganized. Part VI—Complaints; the complaint process has been more clearly defined and the distinction between discrimination and safety and health complaints clarified. Part VII—Training; the "in house" and "out reach" training activities are more fully discussed and the role of the Utah State University is more clearly defined. Part VIII—Occupational Health; This part has been amended to reflect changes recommended by a Semi-annual evaluation. Part IX—Recordkeeping—Statistical and Management Information Systems; The roles and objectives of the program have been more clearly defined. Part XI—Budget; The preliminary plan budget has been superseded by the Grant Agreements. Part XIII—Safety and Health Studies; a staff study from the Statistical Information Division has been added to this part showing the needs of the UOSH Division.

3. *Location of the Supplement for Inspection and Copying.* A copy of the plan and its supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 3112–N, 200 Constitution Avenue, NW., Washingtonfi D.C. 20210; Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Utah Industrial Commission, 350 East Fifth South, Salt Lake City, Utah 54111.

4. *Public Participation.* Under § 1953.2 of this chapter, the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. These changes incorporate elements of the plan which have either already been approved by the Assistant Secretary or are editorial in nature and do not impact upon the effectiveness of the plan. Accordingly, it is found that public comment is not necessary.

5. *Decision.* After careful considerations, the Utah plan supplement described above is approved under Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 31st day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–26265 Filed 9–9–76;8:45 am]

Office of the Secretary

[TA–W–1048]

ALLIED CHEMICAL COATINGS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 30, 1976 the Department of Labor received a petition dated August 19, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Allied Chemical Coatings, Inc., Saco, Maine (TA–W–1048). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in

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Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sneakers produced by Allied Chemical Coatings, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26562 Filed 9-9-76;8:45 am]

[TA-W-924]

ALLOY AND TOOL STEEL DEPARTMENT OF THE BETHLEHEM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-924; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing tool steel and alloy steel at the Alloy and Steel Department of Bethlehem Steel Corporation in Bethlehem, Pennsylvania.

The notice of investigation was published in the Federal Register on June 18, 1976 (41 FR 24793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 22 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 41.0 percent in 1975 compared to 1974 and 50.6 percent in the first two quarters of 1976 compared to the same time period of 1975.

Sales, Production, or Both Have Decreased Absolutely. Sales of tool steel declined 36.6 percent in 1975 compared to 1974 and 16.6 percent in the first quarter of 1976 compared to the same quarter of 1975.

Sales of high alloy steel bars declined 77.1 percent in 1975 compared to 1974 and 88.8 percent in the first quarter of 1976 compared to the same quarter of 1975.

Increased Imports. U.S. imports of alloy tool steel increased from 12.7 thousand net tons in 1971 to 15.0 thousand net tons in 1972 and 21.7 thousand net tons in 1973. Imports declined to 13.7 thousand net tons in 1974, and then increased to 19.1 thousand net tons in 1975. The ratios of imports to domestic shipments and consumption increased from 12.1 percent and 11.6 percent, respectively, in 1974 to 27.7 and 23.4 percent, respectively, in 1975.

U.S. imports of alloy steel bars declined from 99.4 thousand net tons in 1971 to 83.8 thousand net tons in 1972 and 70.3 thousand net tons in 1973. Imports declined to 44.4 thousand net tons in 1974 and then increased to 74.5 thousand net tons in 1975. The ratios of imports to domestic shipments and consumption increased from 1.4 and 1.5, respectively, in 1974 to 3.1 and 3.0, respectively, in 1975.

Contributed Importantly. Customers of the Alloy Tool and Steel Department are distributors of steel. These customers have reduced their purchases of tool steel and alloy steel products from Bethlehem either because they have switched purchases to imported steel or because their own businesses have been adversely affected by competition from imported tool and alloy steel products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the tool steels and alloy steels produced at the Alloy and Tool Steel Department of the Bethlehem Steel Corporation contributed importantly to the total or partial separations of the workers at the Department.

In accordance with the provisions of the Act, I make the following certification:

All employees of the Alloy and Tool Steel Department of the Bethlehem Steel Corporation in Bethlehem, Pennsylvania who became totally or partially separated from employment on or after May 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-26556 Filed 9-9-76;8:45 am]

[TA-W-1,059]

AMERICAN MOTORS SALES CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated July 28, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of American Motors Sales Corp., St. Louis, Missouri, a division of American Motors Corp., Detroit, Michigan (TA-W-1,059). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with servicing the dealers and distribution of automobiles provided by American Motors Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26571 Filed 9-9-76;8:45 am]

[TA-W-1,042]

AMERICAN STAMPING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated August 14, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of American Stamping Company, Euclid, Ohio, a division of Alco Standard, Valley Forge, Pennsylvania (TA-W-1,042). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with truck and automotive parts produced by American Stamping Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of this investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26561 Filed 9-9-76;8:45 am]

[TA-W-953]

BURROUGHS, INC., ELECTRONIC COMPONENT DIVISION

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-953; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 24, 1976 in response to a worker petition received on June 24, 1976 which was filed on behalf of workers and former workers producing electronic calculator displays at the Electronic Component Division of Burroughs, Inc., located in Warren, New Jersey. The notice of investigation was published in the FEDERAL REGISTER on July 9, 1976 (41 FR 28373). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Burroughs Electronic Component Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers at Burroughs Electronic Component Division declined 4.7 percent from 1973 to 1974 and 42.3 percent from 1974 to 1975. Employment declined 32.3 percent in the first six months of 1976 compared to the same period in 1975.

Employment of salaried personnel increased 8.3 percent from 1973 to 1974 and declined 10.0 percent from 1974 to 1975.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales of electronic displays by Burroughs Electronic Componets Division declined 30.5 percent in value from 1973 to 1974 and 48.1 percent from 1974 to 1975. Sales declined 7.5 percent in value in the first half of 1976 compared to the same period in 1975.

Increased Imports. Imports of alphanumeric displays and components increased 108.3 percent in value from 1971 to 1972, increased 86.4 percent from 1972 to 1973 and increased 26.8 percent from 1973 to 1974. While imports declined absolutely by 3.9 percent from 1974 to 1975, the ratios of imports to domestic production and consumption in 1975 of 45.1 percent and 39.4 percent, respectively, were well above the 1971-1974 averages of 38.7 percent and 36.1 percent, respectively. Imports of electronic displays in the first half of 1976 were 14.9 percent above the first half of 1975.

Contributed Importantly. The Department's investigation revealed that customers of Burroughs Electronics Division have indicated that they have reduced purchases from Burroughs and increased purchases of imported electronic displays. The price differential between domestic and imported displays was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

Conclusion. After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with electronic calculator displays produced by the Electronic Components Division of Burroughs, Inc. located in Warren, New Jersey contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Electronic Component Division of Burroughs, Inc., located in War-

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ren, New Jersey who became totally or partially separated from employment on or after June 17, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of August 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-26558 Filed 9-9-76;8:45 am]

[TA-W-1,053]

CENTRAL SLIPPER CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 30, 1976 the Department of Labor received a petition dated August 25, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Central Slipper Company, Inc., Wilkes-Barre, Pennsylvania, a subsidiary of Frier Industries, Inc., Carlstadt, New Jersey (TA-W-1,053). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with slippers and sneakers produced by Central Slipper Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subjec matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26565 Filed 9-9-76;8:45 am]

[TA-W-1,010]

CONSOLIDATED NOVELTY CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976 the Department of Labor received a petition dated July 19, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Mayfield, Kentucky plant of Consolidated Novelty Company, Inc., Patterson, New Jersey (TA-W-1,010). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act of 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with artificial Christmas trees and wreaths produced by Consolidated Novelty Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26559 Filed 9-9-76;8:45 am]

[TA-W-1,055]

EDRU SHOE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 25, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Edru Shoe, Incorporated, Boyertown, Pennsylvania (TA-W-1,055). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' shoes produced by Edru Shoe, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart 8 of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26567 Filed 9-9-76;8:45 am]

[TA-W-922]

EXCELLENT BAG CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-922: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by the Pocketbook and Novelty Workers Union on behalf of workers and former workers producing handbags at the Excellent Bag Corp., Brooklyn, New York.

The notice of investigation was published in the Federal Register on June 18, 1976 (41 FR 24796). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Excellent Bag Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers at Excellent Bag Corp. declined 37 percent in 1974 compared to 1973 and averaged the same in 1975 as 1974. Employment in the first 5 months of 1975 and 1976 was 17 and 12 percent lower, respectively, than the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of handbags at Excellent Bag Corp. declined 37 percent in quantity in 1974 compared to 1973 and 6 percent in 1975 compared to 1974. Production in the first 5 months of 1975 and 1976 was 19 and 37 percent lower, respectively, than the same period in 1974.

Increased Imports. The quantity of handbags imported into the U.S. increased absolutely in 1972 and decreased in 1973 and 1974. Imports increased from 54.4 million in 1974 to 57.9 million in 1975 and from 13.8 million the first quarter of 1975 to 21.1 million the first quarter of 1976.

The quantity of imports of handbags relative to domestic production increased in 1972 and 1973 and decreased in 1974. In 1975, imports increased to 76.08 percent of domestic production from 70.01 percent in 1974. In the first quarter of 1976, imports were 122.67 percent of domestic production compared to 93.88 percent in the first quarter of 1975.

Contributed Importantly. Customers of Excellent Bag Corp. indicated they have decreased their purchases of handbags from Excellent Bag Corp. and have increased purchases of imported handbags.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with handbags produced at Excellent Bag Corp., Brooklyn, New York, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of handbags at Excellent Bag Corp., Brooklyn, New York, who became totally or partially separated from employment on or after May 27, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of August 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-26595 Filed 9-9-76;8:45 am]

[TA-W-1,056]

EXENTO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 27, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the

on behalf of the workers and former workers of Exento, Incorporated, Chowchilla, California (TA-W-1,056). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cream of tartar and rochelle salt for cooking produced by Exento, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26568 Filed 9-9-76;8:45 am]

[TA-W-1,049]

INTERLAKE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976 the Department of Labor received a petition dated August 1, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Interlake, Incorporated, Beverly, Ohio (TA-W-1,049). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ferro chrome

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and ferro silicon produced by Interlake, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26563 Filed 9-9-76;8:45 am]

[TA-W-951]

INTERNATIONAL SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-951: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 24, 1976 in response to a worker petition received on June 24, 1976 which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing work shoes at the Windsor, Missouri plant of the International Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29514). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and to issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantity, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one, two and three have been met, criterion four has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Windsor, Missouri plant of the International Shoe Company declined 6.0 percent in 1975 compared to 1974 and 4.9 percent in the first two quarters of 1976 compared to the first two quarters of the previous year. Average number of hours worked per week declined 9.3 percent in 1975 compared to 1974 and then increased 1.9 percent in the first two quarters of 1976 compared to the corresponding quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual production of work shoes in quantity declined 11.4 percent in 1975 compared to 1974. Production in quantity declined 4.3 percent in the first two quarters of 1976 compared to the corresponding time period in 1975.

INCREASED IMPORTS

Imports of work shoes increased in 1972 compared to 1971 and in 1973 compared to 1972. Imports increased again in 1974 compared to 1973 and then declined in 1975 compared to 1974. Imports increased in the first quarter of 1976 compared to the first quarter of 1975.

The ratios of imports to domestic production and consumption declined to 11.2 percent and 10.2 percent, respectively, in 1975, compared to 11.6 percent and 10.4 percent, respectively, in 1974. In the first quarter of 1976, the ratios of imports to domestic consumption and production increased to 15.9 percent and 13.7 percent, respectively, compared to 8.6 percent and 7.9 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Customers of International Shoe indicated that they have not switched their purchases of work shoes from International Shoe to foreign sources. Quality was cited as an important factor in their decisions not to purchase imported work shoes. Customers who reduced purchases indicated that they had switched purchases to other domestic producers. Other customers cited adverse domestic business conditions as the major reason for reducing purchases of work shoes from the International Shoe Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the work shoes produced by the Windsor, Missouri plant of the International Shoe Company, a subsidiary of Interco, Inc., St. Louis, Missouri did not contribute importantly to the total or partial separation of the workers of such firm or subdivision.

Signed at Washington, D.C. this 27th day of August 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-26557 Filed 9-9-76;8:45 am]

[TA-W-864]

ITT HARPER, DIVISION OF INTERNATIONAL TELEPHONE AND TELEGRAPH CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-864; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing non-corrosive industrial fasteners and extruded products at the Morton Grove, Illinois plant of ITT Harper, Division of International Telephone and Telegraph Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20948). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of ITT Harper Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm, or appropriate subdivision thereof have be-threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 10.5 percent in 1975 from 1974 and decreased 16.1 percent in the first quarter of 1976 compared to the first quarter of 1975. Production workers work interchangeably on products at ITT Harper and are not identifiable by product line.

Employment of salaried workers declined 7.8 percent in 1975 from 1974 and decreased 12.6 percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales, in quantity, increased 23.8 percent in 1974 from 1973, declined 13.3 percent in 1975 from 1974, and increased 8.8 percent in the first quarter of 1976 compared to the first quarter of 1975.

Production of non-corrosive fasteners by ITT Harper Division declined 5.1 percent in 1974 from 1973, decreased 17.5 percent in 1975 from 1974, and decreased 31.6 percent in the first quarter of 1976 compared to the first quarter of 1975.

Sales of extruded products, which include stainless steel seamless pipe, increased 7.9 percent in 1974 from 1973, increased 26.1 percent in 1975 from 1974, and decreased 23.6 percent in the first quarter of 1976 compared to the first quarter of 1975.

Production of extruded products declined 12.1 percent in 1975 from 1974 and decreased 6.3 percent in the first quarter of 1976 compared to the first quarter of 1975.

INCREASED IMPORTS

Imports of stainless steel fasteners increased absolutely from 4.0 million pounds in 1972 to 5.9 million pounds in 1973 and increased to 6.6 million pounds in 1974. The ratios of import/production and import/consumption increased from 23.4 percent and 20.1 percent, respectively, in 1972 to 36.3 percent and 28.3 percent, respectively, in 1974. While imports of stainless steel fasteners declined absolutely in 1975 from 1974, domestic production declined to a greater degree. Consequently, imports as a percentage of domestic production, increased to 41.6 percent in 1975 and the share of domestic consumption held by imported stainless steel fasteners increased to 32.6 percent in 1975.

Imports of stainless steel tubing increased absolutely 60.4 percent in 1974 from 1973 and increased 28.2 percent in 1975 from 1974. Imports, as a percentage of domestic production, increased from 14.8 percent in 1973 to 25.7 percent in 1975. Imports increased their share of domestic consumption from 14.3 percent in 1973 to 24.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that in recent years customers of non-corrosive fasteners and extruded products produced by ITT Harper Division have reduced purchases from the Morton Grove, Illinois plant and have increased purchases of imports of such products. Customers indicated that there exists a significant price differential between domestically produced and foreign produced non-corrosive fasteners and extruded products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with non-corrosive fasteners and extruded products produced at the Morton Grove, Illinois plant of ITT Harper, Division of International Telephone and Telegraph Corporation contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provision of the Trade Act of 1974, I make the following certification:

"All workers at the Morton Grove, Illinois plant of ITT Harper, Division of International Telephone and Telegraph Corporation, who became totally or partially separated from employment on or after April 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 27th day of August 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-26554 Filed 9-9-76;8:45 am]

[TA-W-1,051]

KAYSER ROTH

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 30, 1976 the Department of Labor received a petition dated August 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Kayser Roth, Whitman, Massachusetts (TA-W-1,051). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and women's footwear produced by Kayser Roth or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26564 Filed 9-9-76;8:45 am]

[TA-W-1,037]

KENNETT CANNING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976 the Department of Labor received a petition dated July 29, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Kennett Canning Company, Kennett Square, Pennsylvania (TA-W-1,037). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau or International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

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The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the processed and canned mushrooms produced by Kennett Canning Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26560 Filed 9-9-76;8:45 am]

[TA-W-1058]

KENOSHA AUTO TRANSPORT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 25, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Kenosha Auto Transport Corporation, Springfield, Ohio, a wholly owned subsidiary of Jupiter Corp., Chicago, Illinois (TA-W-1058). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the delivery of new trucks to the dealers provided by Kenosha Auto Transport Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such requests is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26570 Filed 9-9-76;8:45 am]

[TA-W-1,057]

KUT-RITE SLACKS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Kut-Rite Slacks, Easton, Pennsylvania (TA-W-1,057). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the cutting of men's slacks by Kut-Rite Slacks or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26569 Filed 9-9-76;8:45 am]

[TA-W-1,054]

LITTLE LISA LTD.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 9, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Little Lisa Ltd., New York, New York (TA-W-1,054). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with acrylic sweaters and nylon T shirts produced by Little Lisa Ltd. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26566 Filed 9-9-76;8:45 am]

[TA-W-1,060]

UNITED SCREW & BOLT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 6, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace, Agricultural and Implement Workers of America on behalf of the workers and former workers of United Screw & Bolt Corporation, Cleveland, Ohio (TA-W-1,060). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with machine screws, cap screws produced by United Screw & Bolt Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26522 Filed 9-9-76;8:45 am]

[TA-W-1045]

BRIDGEWATER SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated August 20, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Bridgewater Shoe Corporation, Bridgewater, Massachusetts (TA-W-1045). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shoes produced by Bridgewater Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26381 Filed 9-9-76;8:45 am]

[TA-W-1040]

BROOKFIELD ATHLETIC SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976 the Department of Labor received a petition dated August 17, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brookfield Athletic Shoe Company, East Brookfield, Massachusetts (TA-W-1040). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with athletic footwear produced by Brookfield Athletic Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant

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number or proportion of the workers of such firm or subdivision. The investigation will further relate, as apropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26382 Filed 9-9-76;8:45 am]

BUTTE ANACONDA & PACIFIC RAILWAY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated July 13, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Transportation Union on behalf of the workers and former workers of Butte Anaconda & Pacific Railway Co., Rocker, Montana, a wholly owned subsidiary of The Anaconda Co., New York, New York (TA-W-1044). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transporting of commodities by rail by Butte Anaconda & Pacific Railway Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26383 Filed 9-9-76;8:45 am]

[TA-W-1038]

FIELDSTON CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976, the Department of Labor received a petition dated August 11, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Fieldston Clothes, Inc., New York, New York (TA-W-1038). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with boys' and girls' coats, jackets, pea coats, and raincoats produced by Fieldston Clothes, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26384 Filed 9-9-76;8:45 am]

[TA-W-1039]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 20, 1976, the Department of Labor received a petition dated August 9, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers on behalf of the workers and former workers of International Shoe Company, Batesville, Arkansas, a division of Interco, Inc., St. Louis, Missouri (TA-W-1039). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and children's footwear produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26385 Filed 9-9-76;8:45 am]

[TA-W-1043]

TEXTRON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated April 28, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile Workers of America on behalf of the workers and former workers of Seymoor, Indiana Talon Division of Textron, Inc., Providence, Rhode Island (TA-W-1043). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with component parts for zippers (sliders) produced by Textron, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26386 Filed 9-9-76;8:45 am]

[TA-W-1046]

TRIAD-UTRAD

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated August 19, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Triad-Utrad, Blytheville, Arkansas, division of Litton Systems, Beverly Hills, Calif. (TA-W-1046). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with deflection yokes for color televisions produced by Triad-Utrad or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of August, 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26387 Filed 9-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 140]

ASSIGNMENT OF HEARINGS

SEPTEMBER 7, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 126286 Sub 15, Nix Transportation, Inc., now assigned October 27, 1976, at Salem, Oregon, will be held in Room E, Labor Industry Bldg.

MC 112989 Sub 45, West Coast Truck Lines, Inc., now assigned October 4, 1976, at Salem, Oregon, will be held in the Basement Room E-4, Labor Industry Bldg.

MC 97310 (Sub-No. 20), Sharron Motor Lines, Inc., now assigned September 13, 1976 at Montgomery, Alabama, is cancelled and reassigned September 13, 1976 (2 weeks) at Atlanta, Georgia; in the Atlanta International Hotel, 450 Capitol Avenue.

MC 140829 (Sub-No. 7), Cargo Contract Carrier Corp. now assigned October 27, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

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MC 141610 (Sub-No. 2), Washington Transportation Corp., now assigned October 28, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 136786 (Sub-No. 91), Frozen Food Express, now assigned November 2, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 106207 (Sub-No. 435), Frozen Food Express, now assigned November 2, 1976, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 10761 (Sub Nos. 184, 240, 246, 247, 253, 254, 256, 257, 259, 260, 266, 268, and 274), Transamerican Freight Lines, Inc. now being assigned September 16, 1976 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-C-8833. Oliver Trucking Company, Inc.-v-Eck Miller Transportation Corporation, now assigned September 28, 1976, at Frankfort, Kentucky, is canceled.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26538 Filed 9-9-76;8:45 am]

[Ex Parte No. 241; Third Revised Exemption No. 125-A]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

TO: *ALL RAILROADS.* Upon further consideration of Third Revised Exemption No. 125 issued July 13, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 125 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, vacated and set aside.

This amendment shall become effective 12:01 a.m., September 1, 1976.

Issued at Washington, D.C., August 27, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26537 Filed 9-9-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before September 27, 1976.

FSA No. 43230—*Vinyl Chloride from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-629), for interested rail carriers. Rates on vinyl chloride, in tank-car loads, as described in the application, from specified points in Louisiana and Texas, to Perryville, Maryland and Pottstown, Pennsylvania.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Southwestern Freight Bureau, Agent, tariff 12-J, I.C.C. No. 5219. Rates are published to become effective on September 28, 1976.

FSA No. 43231—*Pipeline Rates—Liquid Fertilizers from the Southwest.* Filed by Williams Pipe Line Company (No. 7). Rates on liquid fertilizers, as described in the application, from Verdigris (Tulsa), Oklahoma, to Jordan and Greenwood, Indiana, the intermediate points; Dublin, Indiana, the end destination.

Grounds for relief—Motor-water competition.

Tariff—Williams Pipe Line Company tariff No. 7, I.C.C. No. 9. Rates are published to become effective on October 1, 1976.

FSA No. 43232—*Chatt from and to Points in Texas.* Filed by Western Trunk Line Committee, Agent (No. A-2729), for interested rail carriers. Rates on chatt, in carloads, as described in the application, from Treece, Kansas, to various points in Kansas.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Western Trunk Line Committee, Agent, tariff 407-F, I.C.C. No. A-5010. Rates are published to become effective on October 10, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26542 Filed 9-9-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 3, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 20, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-83539 (Sub-No. E279) (Partial correction), filed May 30, 1974, published in the FEDERAL REGISTER issue of July 8, 1976, and republished, as corrected, this issue. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and, parts thereof when moving in connection with such commodities; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and, *related machinery, tools, parts, and supplies* moving in connection therewith, restricted in (2) to commodities which are transported on trailers; (a) between points in Mississippi, on the one hand, and, on the other, points in Missouri in and west of Newton, Jasper, Barton, Vernon, Bates, Henry, Johnson, Lafayette, Ray, Caldwell, Daviess, and Harrison Counties; and • • • The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this correction is to state the correct spelling of a county in Missouri to read as Barton instead of Burton.

No. MC-89617 (Sub-No. E2) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of November 6, 1974, and republished, as corrected, this issue. Applicant: LEWIS TRUCK LINES, INC., Rt. 6, Box 65-A, Conway, S.C. 29526. Applicant's representative: Jim Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, and forest products*, from Savannah, Ga., to the District of Columbia, and points in Maryland, Delaware, New Jersey, Pennsylvania, and that part of Virginia east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Horry County, S.C.

NOTE.—The purpose of this correction is to state that the above letter-notice is No. MC-89617 (Sub-No. E2) which was previously published under the incorrect No. MC-106485 (Sub-No. E2).

No. MC 102616 (Sub-No. E138) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of July 29, 1975, and republished, as corrected, this issue. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Baltimore, Md., to points in Cuyahoga, Hamilton, Mahoning, Stark, Summit and Trumbull Counties, Ohio, Allegheny, Beaver, Butler, Cambria, Fayette and McKean Counties, Pa., and Brooke, Hancock, Marshall, Pleasants and Wetzel Counties, W. Va. The purpose of this filing is to eliminate the gateway of Altoona, Pa.

NOTE.—The purpose of this correction is to state the correct Sub-No. E138.

No. MC 113843 (Sub-No. E77) (Partial correction), filed May 3, 1974, published in the FEDERAL REGISTER issue of August 27, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (3) between those points in Chautauqua County, N.Y. on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 430 to junction New York Highway 424, thence along New York Highway 424 to junction New York Highway 322, thence along New York Highway 322 to the Chautauqua-Cattaraugus County line, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC-113843 (Sub-No. E598) (partial correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of July 15, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between Wilkes-Barre, Pa., and those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to its intersection with Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Pennsylvania Highway 690, thence along Pennsylvania Highway 690 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Ohio on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line • • •. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct origin description in Part (1) above. The remainder of the letter-notice remains as previously published.

No. MC-113843 (Sub-No. E677) (Partial correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of June 12, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (37) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 37 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to the Delaware River, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Ohio River; and (39) between those points in New Jersey on, east, and north of a line beginning at the Delaware River and extending along unnumbered highway to Fairton, thence along unnumbered highway to Bridgeton, thence along New Jersey Highway 77 to junction U.S. Highway 322, thence along U.S. Highway 322 to the New Jersey Turnpike, thence along the New Jersey Turnpike to junction New Jersey Highway 551 Spur, thence along New Jersey Highway 551 Spur to the Delaware River, on the one hand, and, on the other, those points in Indiana on, west, and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct territorial descriptions in (37 and 39).

No. MC-114552 (Sub-No. E182), filed September 18, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories in the manufacture and installation of composition boards* (except commodities in bulk), from points in Nebraska on and west of U.S. Highway 385, to points in Florida on and south and east of Florida Highway 84 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Broward County-Palm Beach County line, thence along Broward County-Palm Beach County line to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 70, thence along Florida Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC-114552 (Sub-No. E186), filed September 18, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Colorado Highway 133, thence along Colorado Highway 133 to junction Colorado Highway 135, thence along Colorado Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 149, thence along Colorado Highway 149 to junction Gunnison County-Hinsdale County line, thence along the Gunnison County-Hinsdale County line, to junction Gunnison County-Ouray County line, thence along the Gunnison County-Ouray County line to junction Ouray County-Montrose County line, thence along Ouray County-Montrose County line to junction Montrose County-San Miguel County line to junction Colorado Highway 141, thence along Colorado Highway 141 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction Utah-Colorado State line, thence along the Utah-Colorado State line to junction Colorado-New Mexico State line, to points in Florida on and south of Florida Highway 84. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC 114552 (Sub-No. E203), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Au-

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thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Oklahoma to points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 655, thence along Virginia Highway 655 to junction Maryland Highway 107, thence along Maryland Highway 107 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Howard County-Carroll County line, thence along the Howard County-Carroll County line, to junction Carroll County-Baltimore County line, thence along Carroll County-Baltimore County line to the Maryland-Pennsylvania State line, to points in New Jersey on and south of Interstate Highway 78, and to the District of Columbia. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC–114552 (Sub-No. 212), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Missouri, to points in Virginia, on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roarding River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC–114552 (Sub-No. E220), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Mississippi, to points in New Jersey, to the District of Columbia, to points in Maryland on and east of a line beginning at the Carroll County-Frederick County line to junction Maryland Highway 26, thence along Maryland Highway 26 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 107, thence along Maryland Highway 107 to the Maryland-Virginia State line, to points in Delaware, and to points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 15 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 605, thence along Virginia Highway 605 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Orange County-Spotsylvania County line, thence along the Orange County-Spotsylvania County line to junction Culpeper County-Staf-Culpeper County line, thence along the Spotsylvania County-Culpeper County line to junction Culpeper County-Stafford County line, thence along Culpeper County-Stafford County line to junction Stafford County-Fauquier County line, thence along Stafford County-Fauquier County line to junction Fauquier County-Prince William County line, thence along the Fauquier County-Prince William County line to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 655, thence along Virginia Highway 655 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC–114552 (Sub-No. E223), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards* as are also supplies and accessories used in the manufacture and installation of composition boards (except commodities in bulk) from points in Alabama, to points in New Jersey, points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 610, thence along Virginia Highway 610 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 622, thence along Virginia Highway 622 to junction Virginia Highway 708, thence along Virginia Highway 708 to junction Virginia Highway 153, thence along Virginia Highway 153 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Delaware, to the District of Columbia, to points in Maryland, on the east of a line beginning at the Maryland-Virginia State line and extending along Maryland Highway 112 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Maryland-Pennsylvania State line, and to points in Pennsylvania on and east of the line beginning at the Maryland-Pennsylvania State line and extending along Pennsylvania Highway 194 to junction Pennsylvania Highway 116, thence along Pennsylvania Highway 116 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC–114552 (Sub-No. E224), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition* boards as are also supplies and accessories used in the manufacture and installation of composition boards (except commodities in bulk) from points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, to points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to junction Virginia Highway 619, thence along Virginia Highway 619 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 610, thence along Virginia Highway 610 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 622, thence along Virginia Highway 622 to junction Dinwiddie County-Amelia County line, thence along the Dinwiddie County-Amelia County line, to junction Amelia County-Chesterfield County line, thence along the Amelia County-Chesterfield County line to junction Amelia County-Powhatan County line, thence along the Amelia County-Powhatan County line to junction Powhatan County-Cumberland County line, thence along the Powhatan County-Cumberland County line to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 622, thence along Virginia Highway 622 to junction U.S. Highway 15 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC–115322 (Sub-No. E88), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida, on and south of Florida Highway 40, to points in Tennessee (except Nashville). The purpose of this filing is to eliminate the gateway of Hot House, N.C.

No. MC–119531 (Sub-No. E254) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of September 9, 1974, and republished, as corrected, this issue. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, (1) from Ashtabula, Ohio, to points in Indiana. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, (2) from Ashtabula, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Anderson, Ind. (3) from Ashtabula, Ohio, to points in Kentucky on and west of Interstate Highway 65 and points in Missouri. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio and the plant and warehouse sites of Weyerhoeuser Company at Columbus, Ind.

NOTE.—The purpose of this correction is to state the correct origin and destination territories.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–26543 Filed 9–9–76;8:45 am]

[Notice No. 25]

MOTOR CARRIER APPLICATIONS ASSIGNED FOR ORAL HEARING

The following publications include motor carrier, water carrier, broker and or freight forwarder applications which have designated for oral hearing at a time and place to be fixed.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.-250.

Protest to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d)(4) or section 240(c)(4) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named.

No. MC–FC–75721. Authority sought by transferee, GENERAL MOVERS, INC., East St. Louis, Illinois, for purchase of the operating rights of transferor, Fasgo Motor Express, Inc., East St. Louis, Ill., set forth in Certificates Nos. MC 37544 and MC 37544 (Sub-No. 1) issued March 28, 1969, and February 4, 1970, and the operating rights of transferor, Modern Truck Lines, Inc., set forth in Certificate No. MC 115169, issued April 4, 1962. Applicants' attorney: A Charles Tell, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, Ohio 43215.

Operating rights in Certificates No. MC 37544 and MC 37544 (Sub-No. 1) sought to be transferred: General commodities, with exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and between Palestine, Ill., and Evansville, Ind., serving the intermediate points of Heathsville, and Russellville, Ill., and Vincennes, Ind., and the off-route point of Richwoods, Ill., restricted against the transportation of traffic between Evansville, Ind., and Vincennes, Ind.

Operating rights in Certificate No. MC 115169 sought to be transferred: General commodities, with exceptions, and other specified commodities, from, to and between specified points in Kentucky, Missouri and Illinois, and Tennessee.

The subject application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, along with directly related conversion and gateway elimination applications in No. MC 120879 (Sub-Nos. 2 and 3). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–26541 Filed 9–9–76;8:45 am]

[Notice No. 27]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76724. By application filed September 2, 1976, Ted L. Nichols and Christina M. Nichols, husband and wife, individuals, dba INTERCITY FREIGHT LINES, seeks temporary authority to lease the operating righs of Harvey L. Doty and Jean C. Doty, a partnership, dba Intercity Freight Lines, 407 West 2nd Street, Plains, M8. 59859, under section 210a(b). The transfer to Ted L. Nichols and Christina M. Nichols, individuals, dba Intercity Freight Lines, of the operating rights of Harvey L. Doty and Jean C. Doty, a partnership, dba Intercity Freight Lines, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–26539 Filed 9–9–76;8:45 am]

[Notice No. 26]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76715. By application filed August 26, 1976, DAVIS TRUCKING CO., INC., 2518 38th Avenue, Long Island City, N.Y., seeks temporary authority to lease the operating rights of G & B Movers, Inc., 91 14th Street, Brooklyn, N.Y., 11215, under section 210a(b). The transfer to L. Davis Trucking Co., Inc., of the operating rights of G & B Movers, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–26540 Filed 9–9–76;8:45 am]

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federal register

FRIDAY, SEPTEMBER 10, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Administration on Aging

■

MULTIPURPOSE SENIOR CENTERS

Acquisition, Alteration or Renovation of Facilities; Interim Regulations

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Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 911—MULTIPURPOSE SENIOR CENTERS

Acquisition, Alteration or Renovation of Facilities; Interim Regulations

Interim regulations are hereby promulgated by the Commissioner on Aging and the Assistant Secretary for Human Development with the approval of the Secretary of Health, Education, and Welfare.

The purpose of these interim regulations is to establish procedures for implementing the provisions of sections 501–505 of Title V of the Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 93–29), hereafter referred to as "Title V." The program is administered by the Administration on Aging in the Office of Human Development.

Title V is designed to provide facilities that will serve as a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons. The programs to be conducted in such facilities shall be coordinated with State and Area Agencies on Aging, who are charged under the Older Americans Act, with the responsibility for developing comprehensive systems of services for older Americans. The Title V program will be an integral part of the overall planning and service delivery scheme of State and Area Agencies on Aging. Title V applications will be reviewed by both Area and State Agencies, who shall transmit such applications to the Commissioner after first having recommended and ranked them.

There are five terms defined in the interim regulations, one of which, "multipurpose senior center," is defined in the statute. The other four terms are—"acquisition," "alter," "existing facility," and "renovate." With only minor exceptions, they are standard definitions.

As indicated earlier, the Title V program is to be coordinated through State and Area Agencies on Aging. In this regard, see Subpart C of the interim regulations, whereby a portion of the funds appropriated under Title V have been designated to States in the same way that allocations are made under the Administration on Aging formula grant program. The State in turn shall designate a portion of its amount to each planning and service area, where applications from such areas will be considered and grants made (by the Commissioner) up to a given amount within the overall amount designated for the State. Title V applications will be transmitted to the Commissioner on Aging through Area and State Agencies on Aging.

Under Subpart D of the interim regulations, required conditions for facilities are identified. One section dealing with the applicability of State and local laws is not required by statute. It is reasonable to require that all State and local laws, which are applicable, should apply to facilities supported under this program. The areas of concern are—health, fire, zoning, safety, and sanitation.

The Act requires that the Commissioner on Aging consult with the Secretary of the Department of Housing and Urban Development with regard to the technical adequacy of any application for alteration or renovation. Negotiations with the Department of Housing and Urban Development are still in process. In the meantime, to facilitate the statutory requirement for consultation, applicants were instructed to send one copy of the application to the Department of Housing and Urban Development Area Office at the same time that they submit their application to the Administration on Aging, through the Area Agency on Aging. The representatives of the Area Office of the Department of Housing and Urban Development will decide, within seven working days, whether or not to comment on the application. If they do comment within this period of time, their comments should be transmitted at once by the applicant agency to the Administration on Aging through the Area Agency on Aging and/or the State Agency on Aging, together with a statement as to what changes, if any, the applicant is making in the application in light of the Department of Housing and Urban Development comments. The Department of Housing and Urban Development may advise that an application for acquisition or for structural modification of an existing facility should not be approved unless additional supporting material is submitted. If it is determined that the proposal is one which merits funding, a conditional approval will be given. This means, however, that no Title V funds can be spent until the additional materials are submitted and approved.

The Architectural Barriers Act applicability is stated as in the Act. The Davis-Bacon Act applicability, while included in the Act, was interpreted broadly in the interim regulations. The Act, under section 502(a)(4) states that grants or contracts for purchase shall be covered by the Architectural Barriers Act. The Act does not state "purchase of facility," it says "purchase." We do not believe the Act meant "purchase of facility" for applicability of the Davis-Bacon Act, because the Davis-Bacon Act, which deals with wage rates paid to laborers and mechanics, would not be applicable to the purchase of a facility. Clearly, Davis-Bacon applicability pertains to alteration and renovation, where contracting work will require the service of laborers and mechanics.

A section in the interim regulations (911.10) discusses shared facilities in that Title V funds shall pay only for that portion of the shared facility to be used for older persons.

The Act under section 502(a)(1)(D) prohibits the use of the facility for sectarian instruction or religious worship. The interim regulations state this prohibition in § 911.12.

Accessibility to the facility is noted in the Act in section 501(a) when it states that facilities shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center. Section 911.13 of the interim regulations say the same thing. However, another point made in connection with § 911.13 deals with the special emphasis given to the proximity of the facility to low income and minority elderly individuals of the community. Special emphasis to low-income and minority older persons with regard to Older Americans Act programs, has been in effect since the passage of the Nutrition Program for the Elderly in 1972 (Pub. L. 92–258), and additionally when the Older Americans Comprehensive Services Amendments of 1973 were enacted.

In legislation establishing the Nutrition Program for the Elderly, low income and minority older persons are singled out as groups with particular need for this program. Nutrition sites are located near heavy concentrations of such groups of older persons, and after every effort is made to reach and attract minority and low-income older persons to the program, all older persons 60 years of age or older are eligible to participate.

In addition to the Declaration of Objectives of the Older Americans Act, the 1973 Amendments to the Older Americans Act added several objectives in section 101. One of these objectives states—"(2) give full and special consideration to older citizens with special needs in planning such programs, and pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need." Title I of the Older Americans Act is, in a real sense, the preamble to all provisions contained within the Act. Therefore, it follows that special consideration, though not exclusive consideration, should be given to low-income and minority older persons in the Title V program.

Another condition under Subpart D, § 911.14, relates to information about the program which is to be conducted within the facility. The authority in the Act supporting the request for this program information is found in section 502(a)(1)(c) of the Act, "sufficient funds will be available when purchase is completed, for effective use of the facility for the purpose for which it is being purchased." While most of the content contained in the interim regulations deal with facilities, this section relates exclusively to the program to be conducted. The other major reference to program is found in Subpart E, § 911.15(1), which gives priority to the applicants who propose to operate the program in close coordination with the comprehensive service systems for older persons being developed by State and Area Agencies on Aging under Title III of the Older Americans Act. Section 502(b)(1) of the Act provides the basis for the relationship between such facilities and coordinated systems under Title III of the Act. The second citation under § 911.5 refers to broadening the base of financial support for the program to be conducted in

the facility. Again the authority to support this citation rests with the "effectiveness" clause found in section 502(a)(c). Subpart F deals with general requirements. Allowable expenditures in § 911.17, are identified as being those customarily associated with acquiring, altering, or renovating facilities. The unallowable costs, in § 911.18 are associated with—

(1) Administrative costs by State or Area Agencies—because the Administration on Aging provides funds, under other authority, to State and Area Agencies to administer Older Americans Act programs;

(2) Additional floor space or cubage—because this is contrary to standard Department of Health, Education, and Welfare interpretation of this type of statutory language;

(3) Demolition of existing facilities—because the Act clearly calls for acquiring, altering or renovating existing facilities, not demolishing them;

(4) Purchase of land not related to facility—because the Act speaks to facilities, not land without a facility;

(5) Program operational costs, rent, leasing etc.—because Part B would have covered most of these items. Part B of Title V of the Act was not authorized for appropriation.

Monitoring of the progress of activities carried out under this program is covered in § 911.22. State or Area Agencies on Aging are requested by the Commissioner on Aging to conduct the monitoring activities, since these agencies will be more knowledgeable about progress and developments at the local level of these grant programs. In those cases where State or Area Agencies on Aging are unable or unwilling to conduct such monitoring activities, the Commissioner on Aging will direct that these activities be carried out by the Administration on Aging.

Section 504 of the Older Americans Act provides for the recapture of payments, if within ten years after purchase of any facility for which funds have been paid, the sponsorship changes from public or nonprofit, or the facility ceases to be used for the purpose for which it was purchased. In § 911.23 of the interim regulations, an exception to this recapture clause is stated, allowing the Department of Health, Education, and Welfare to permit the sale of such a facility when that facility is no longer adequate in which to provide the level and quantity of services required. The amount of money realized from the sale must then be used to purchase another facility in the community which meets the standards of these interim regulations.

A project period of 12 months has been established as the time period when the activities to be paid for by this program will be completed, and when the senior center program within the facility will have been developed. The urgent need for additional facilities to be used as multipurpose senior centers for older persons has been demonstrated by the requests from community groups to State and Area Agencies on Aging for assistance in establishing a senior center in their community. In a 1975 national study of senior group programs in the United States, conducted by the National Council on the Aging, "inadequate senior center facilities were found to have serious programmatic implications." Another finding of the report noted, "• • • that communities and their older citizens were increasingly by accepting senior centers as "social utilities" for older adults, i.e., resources and facilities directed to the needs of older persons (not just their problems) and accessible to all who need and want them.

Good cause exists to dispense with notice of Proposed Rulemaking in order to inform the public of the Title V program in light of the September 30 deadline. To apprise representatives of the aging network constituency of our plans, the Administration on Aging sent a draft of these regulations to State and Area Agencies on Aging, national organizations of older persons, and to relevant Congressional staff persons. A revised draft of the interim regulations, which included an application kit and additional explanatory materials was transmitted to State and Area Agencies on Aging, and to prospective Title V applicants who have indicated an interest in applying for funds under the Title V program. In the interest of expediting the implementation of the Title V program, State and Area Agencies and potential applicants were advised that the revised draft of the regulations, pending approval by the Secretary, would be used as a basis for review of applications and award of grants during the period ending September 30, 1976. The revised draft of the interim regulations reflect some of the comments received from the field and from within the Department of Health, Education, and Welfare.

Comments received from State and Area Agencies and others in the field, and from the Department of Health, Education, and Welfare, who reviewed the early draft of the interim regulations, are listed below with the following actions taken—

1. Clarify or remove § 905.6 in the early draft which deals with a priority to be given to applicants who possess title to a facility, and to applicants with facilities that require less alteration or renovation.

Action Taken: Section 905.6 was dropped, and is not included in the revised draft of interim regulations.

2. Concerning procedures for making awards in the early draft found in § 905.7(a), there was ambiguity concerning the phrasing of the 10% maximum amount for each State under the Title V appropriation.

Action Taken: Concur, section 911.4-(a) was revised to more accurately describe the statutory limitation found in section 501(b) of the Act.

3. Request revision that would allow only State Agencies on Aging to be Title V grantees.

Action Taken: Rejected. The Title V statute does not permit this approach.

4. Public Hearings, § 905.21, to be held prior to the acquisition, alteration, or renovation of facilities would be too time-consuming and duplicative in terms of potential benefit.

Action Taken: Concur. Section 905.21—Public Hearings—was removed. However, to assure citizen involvement, § 911.4(d) of the revised draft adds the requirement of Area Agency Advisory Council participation in the review and ranking of applications.

5. State specifically whether applicants are to send applications to the Department of Housing and Urban Development's Regional Office or to the Area Office.

Action Taken: Further consultation with the Department of Housing and Urban Development has resulted in the decision that applications are to be sent only to Area Offices, and is so reflected in § 911.7 of the revised draft.

6. Remove § 905.3 concerning program participant's dues or contributions, since this suggests that the Federal Government is encouraging such dues or contributions in the senior center programs to be held in the facility.

Action Taken: Concur. Section 905.3 removed.

7. Add a section relative to "non-Federal contributions" to the revised draft, stating that such contribution is required to be identified in the Title V application form.

Action Taken: A new § 911.16 was added to the revised draft as recommended.

8. Add a new subsection under § 905.48 which more accurately informs the applicants of acquisition and procurement policies.

Action Taken: A new § 911.19(a) was added to the revised draft as recommended.

The authorization to extend Title V, Part B—Initial Staffing—was not enacted when Part A was extended in the 1975 Older Americans Act Amendments. Part B, therefore, is not included in these interim regulations.

Funds to implement sections 506 and 507 of Title V of the Act, which deal with mortgage insurance and annual interest grants, were not included in the 1976 Second Supplemental Appropriations Bill (Pub. L. 94–303). These sections are not included in these interim regulations.

Prior to amending these interim regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Commissioner, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, 400 6th Street, SW., Washington, D.C. 20201, on or before November 9, 1976. Comments received will be available for public inspection in Room 4853, 400 6th Street, SW., Washington, D.C. 20201,

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on Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. (202.245-0011).

NOTE.—It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflation Impact Evaluation.

(Catalog of Federal Domestic Assistance Program No. 13.609 Special Programs for the Aging.)

Dated: August 16, 1976.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Dated: August 18, 1976.

STANLEY B. THOMAS, JR.,
Assistant Secretary for Human Development.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

Subpart A—Purpose

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Subpart G—Contract Authority

911.27 Authority.

AUTHORITY: Secs. 501–505, Title V, Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 33–29).

Subpart A—Purpose

§ 911.1 Purpose.

The purpose of these regulations is to establish procedures for implementing sections 501–505 of Title V of the Older Americans Act which provide for the making of grants to pay part of the costs of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such centers) which will provide focal points in communities for the development and delivery of social services and nutritional services designed primarily for older persons.

Subpart B—Definitions

§ 911.2 Definitions.

In addition to the definitions set forth in §§ 901.2 and 903.2 of this chapter, the following definitions are applicable for the purposes of this part:

(a) "Acquisition" means obtaining ownership of an existing facility based upon a consideration.

(b) "Alter" means the making of reasonable changes or modifications in an existing facility necessary to its more effective utilization as a multipurpose senior center.

(c) "Existing facility" means an existing building together with necessary land and appurtenances which is, or which may be, with reasonable alteration or renovation, suitable for utilization as a multipurpose senior center.

(d) "Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services (including the provision of health, social and educational services and provision of facilities for recreational activities) for older persons.

(e) "Renovate" means the reasonable repair, renewal or restoration of an existing facility necessary to its more effective utilization as a multipurpose senior center.

Subpart C—Grants Authorized

§ 911.3 Eligibility.

The Commissioner is authorized to make grants to units of general purpose local government or other public or nonprofit private agencies or organizations for paying part of the costs of acquiring, altering, or renovating existing facilities designed to carry out the purpose of this part. Funds may not be used for the construction of new facilities. In making such grants the Commissioner will consider the recommendations of State agencies and Area agencies as provided in this part.

§ 911.4 Procedures for making awards.

(a) The Commissioner will notify each State Agency on Aging that he will make grants up to a specified amount in that State. The amount designated for each State shall be determined in the same way that allocations are made each year under section 303 of the Act, except that total funds awarded to any State in any fiscal year shall not exceed ten percent of the funds appropriated by the Congress for the nation for that fiscal year.

(b) Each State Agency on Aging shall notify Area Agencies on Aging, and through the Area Agencies, other agencies and organizations in each planning and service area, that applications from the area shall be considered and grants made up to a given amount within the over-all amount designated for the State.

(c) In order to be considered for funding under this part, all applications must be submitted on forms prescribed for this purpose by the Commissioner.

(d) All applications submitted to the Commissioner from planning and service areas that have a designated Area Agency on Aging shall be transmitted through the Area Agency to the State Agency. In transmitting the applications to the State Agency on Aging, the Area Agency shall include, as proposed recommendations to the Commissioner, a ranking of the applications in order of priority. Such recommendations and ranking shall be consistent with the objectives established by the Area Agency in the Area Plan. The Advisory Council to the Area Agency shall participate in the review of applications, the making of recommendations and the ranking of applications in order of priority.

(e) All applications submitted to the Commissioner from planning and service areas that do not have a designated Area Agency on Aging shall be through the State Agency on Aging.

(f) The State Agency on Aging shall transmit all applications to the Commissioner on Aging grouped by planning and service areas and ranked in order of priority. Such recommendations and ranking shall be consistent with the objectives established by the State Agency in the State Plan. If the State Agency on Aging decides that changes should be made in the order of priority recommended by an Area Agency on Aging, it shall provide the Commissioner with its reasons for recommending such changes.

(g) All applications to the Commissioner received under this part by State and Area Agencies shall be forwarded to the Commissioner for consideration for funding.

(h) If approvable projects in any State do not require the amount designated for the State in § 911.4(a), the amount not required shall be available for grants in other States up to the 10 percent maximum.

§ 911.5 Availability of facilities for leasing.

The applicant shall assure that in the case of applications for acquisition that there are no existing facilities in the community suitable for leasing as a multipurpose senior center.

Subpart D—Required Conditions for Facilities Acquired, Altered or Renovated Under This Part

§ 911.6 Applicability of State and local laws.

As a condition to acquire, alter or renovate a facility to serve as a multipurpose senior center, the applicant shall assure that all such facilities, when all activities under this part are completed, will comply with all applicable State and local health, fire, zoning, safety and sanitation codes.

§ 911.7 Determination of technical adequacy of activities by the Department of Housing and Urban Development.

The applicant shall assure that representatives of Area Offices of the U.S. Department of Housing and Urban Development have been provided the opportunity to comment on the technical adequacy of any proposed alteration or renovation of a facility. Such comments, if any, shall be transmitted to the Commissioner.

§ 911.8 Applicability of the Architectural Barriers Act.

The applicant shall assure that all facilities to be acquired under this part shall meet the Architectural Barriers Act of 1968, 41 CFR 101–17.703.

§ 911.9 Applicability of the Davis-Bacon Act.

The application for acquisition, alteration, or renovation of a facility shall be supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5).

§ 911.10 Costs of shared facilities.

If the facility to be acquired, altered or renovated will be shared with other age groups, the applicant shall assure that funds under this part will be used only for that portion of the facility that will be used by older persons. Where the same floor space is to be shared with different age groups, funds under this part may be used proportionately to acquire, alter or renovate the facility only to the extent that such floor space will be used by older persons.

§ 911.11 Length of time facilities must be used.

(a) An application for acquisition of a facility under this part shall provide reasonable assurances that for not less than ten years after acquisition, the facility will be used for the purposes for which it is to be purchased.

(b) An application for alteration or renovation of a facility shall set forth the arrangements that have been made, or are contemplated, relative to the length of time the facility will be used for the purposes intended under this part.

§ 911.12 Religious worship in facilities.

Applications for a grant or contract for acquisition shall be supported by reasonable assurances that, "the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship" (Section 502(a)(1)(2) of this Act).

§ 911.13 Accessibility of facilities.

The applicant shall assure that any facility to be acquired, altered or renovated under this part will be in close proximity, within walking distance where possible, to the majority of individuals eligible to use the multipurpose senior center, with special emphasis on its proximity to low-income and minority elderly individuals of the community.

§ 911.14 Multipurpose senior center program.

The application shall provide information on the following points:

(a) Services to be available in the facility;

(b) Leadership and staffing of the facility;

(c) Involvement of elderly participants in decisions relating to center programs;

(d) Days and hours per week the center facility will be accessible to the elderly;

(e) Training plans for professional senior center personnel; and

(f) A financial plan demonstrating that when the facility has been acquired, altered, or renovated, sufficient funds will be available for effective use of the facility.

Subpart E—Priority Consideration for Funding Under This Part

§ 911.15 Funding priorities.

Priority will be given by the Commissioner to applications submitted by eligible applicant agencies or organizations which:

(a) Plan to operate, in accordance with the Congressional intent, a multipurpose senior center program that will be closely coordinated with, and made part of, the comprehensive service system for older persons being developed by State and Area Agencies on Aging under Title III of the Act; and

(b) Have developed a plan, including written commitments, under which other Federal, State, local, or private agencies will utilize the facility for the purpose of delivering services to older persons, or will contribute resources in such a manner as to broaden the service base of the facility.

Subpart F—General Requirements

§ 911.16 Non-Federal contributions.

The Commissioner is authorized to pay up to 75 per centum of the costs of acquiring, altering or renovating facilities to serve as multipurpose senior centers. The non-Federal share of proposed costs under this part shall be identified by the applicant in the application.

§ 911.17 Allowable expenditures.

(a) In acquiring facilities, Federal funds may be used to meet costs customarily associated with the acquisition of real estate in the locality, such as: Costs of title search, title insurance, attorney fees, recording fees and other related costs.

(b) In altering or renovating facilites, costs customarily associated with altering or renovating a facility in the locality is permissible, including: Consultant fees, architectural fees, charges for plan development and other related costs.

(c) The cost of initial equipment and furnishings is allowable.

§ 911.18 Unallowable expenditures.

The following expenditures are unallowable:

(a) Administrative expenses incurred by State or Area Agencies in carrying out activities under this part;

(b) Use of funds for additional floor space or cubage beyond the existing facility;

(c) The demolition of existing facilities;

(d) The purchase of land not related to acquisition of an existing facility; and

(e) Any cost associated with the operation of the multipurpose senior center, including: Rent, maintenance, leasing costs, personnel and supplies.

§ 911.19 Grantee acquisition and procurement.

The applicable provisions of Part 74 of this title shall apply to all acquisition, alteration or renovation activities approved by the Commissioner under this part.

§ 911.20 Reports and records.

(a) Agencies receiving funds under this part shall make such reports in such form and containing such information as the Commissioner may determine.

(b) Grantee agencies shall maintain such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 911.21 Civil rights.

(a) The applicant shall assure that all activities undertaken under this part shall conform to the Civil Rights Act of 1964 and all applicable policies and procedures established relating to such Act, including the development and implementation of an affirmative action plan in the area of employment, and the development and implementation of a plan designed to provide maximum opportunity for participation in the service programs operating out of the center by low income and minority personnel.

(b) The applicant shall also give assurance that, subject to merit employment systems of State and local governments, preference shall be given to persons 60 or over for any staff position (full time or part-time) related to the acquisition, renovation or alteration of the facility or to service programs operated out of the facility by the applicant.

§ 911.22 Monitoring activities.

(a) The State Agency on Aging will be requested by the Commissioner to regularly monitor the progress of all acquisition, alteration or renovation activities undertaken in those planning and service areas not having approved Plans under Title III of the Act.

(b) The Area Agency on Aging will be requested by the Commissioner to regularly monitor the progress of all acquisition, alteration or renovation activities undertaken in those planning and service areas having approved area Plans under Title III of the Act.

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§ 911.23 Recapture of payments.

If within ten years after the acquisition of the facility, under this part, either the owner of the facility ceases to be a public or nonprofit private agency or organization, or the facility ceases to be used for the purpose for which it was acquired, the Department shall be entitled to recover from the agency or other owner of the facility an amount, which bears to the then value of the facility, or so much thereof as constituted an approved project award or awards, the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States District Court for the district in which such facility is situate. Release by the Department from recapturing the payment may occur if the facility as originally acquired is no longer adequate as a setting to provide the type and level of services now required by older persons in the community, and therefore, the facility, as originally acquired, altered or renovated, will be sold at a price, determined as reasonable by the Department, and that such funds resulting from the sale of the original facility will be used to purchase another facility in the community which meets the standards of this part.

§ 911.24 Notification of action taken on proposals.

Applicants will be notified in writing of the final action taken by the Commissioner on each application. For those applications approved by the Commissioner, this notification shall set forth the amount of funds awarded, and shall constitute for such amounts the incumbrance of Federal funds for such proposal on the date of the award.

§ 911.25 Project period.

Except in those instances where an exemption is approved by the Commissioner:

(a) The period of a grant award approved in any fiscal year may not exceed 12 months following the effective date of the "Notice of Grant Awarded" relating to such grant.

(b) All activities relating to the acquisition, alteration or renovation of a facility under this part shall be completed, and the multipurpose program operational, within 12 months following the approval of the grant relating to that activity.

§ 911.26 Payments.

Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

Subpart G—Contract Authority

§ 911.27 Authority.

(a) The Commissioner is authorized to make contracts to carry out the purposes of this part with any agency or organization to pay not to exceed 75 per centum of the costs of such program, subject to the ten per centum maximum payments in any State in any fiscal year.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all of the relevant regulations relating to grants under this title as well as to all other applicable laws, regulations and Department policy.

(c) Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

[FR Doc.76-26338 Filed 9-9-76;8:45 am]

federal register

FRIDAY, SEPTEMBER 10, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

RECODIFICATION

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0320]

Recodification Editorial Amendments

The Food and Drug Administration is in the process of recodifying all of Chapter I of Title 21 of the Code of Federal Regulations, for the purposes of providing orderly development of such regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand.

The fourteenth in a series of recodification documents, which reorganize and recodify sections of the general regulations of Subchapter A and the general food regulations under Subchapter B that have applicability to animal drugs, feeds, and related products, is published elsewhere in this issue of the FEDERAL REGISTER. These regulations are now in Parts 501, 503, 507, 508, 509, 564, 570, 571, 573, and 582 of Subchapter E.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be amended at this time.

Due to the complexity and volume of cross-references involved in the recodification of these regulations, if necessary, supplemental documents will be issued at a later date.

Therefore, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. Section 1.1 is amended by revising paragraph (c) to read as follows:

§ 1.1 General.

* * * * *

(c) The definition of "package" in § 1.1b and of "principal display panel" in §§ 1.7, 201.60, 501.1, 701.10 and 801.60 of this chapter; and the requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in §§ 1.8b(f), 201.62(e), 501.105(f), 701.13(f) and 801.62(e) of this chapter to type size requirements for net quantity declaration in §§ 1.8b(i), 201.62(h), 501.105(i), 701.13(i) and 801.62(h) of this chapter, to initial statement of ounces in the dual declaration of net quantity in §§ 1.8b(j) and (m), 201.62 (i) and (k), 501.105(j) and (m), 701.13 (j) and (m) and 801.62 (i) and (k) of this chapter, to initial statement of inches in declaration of net quantity in §§ 201.62(m), 701.13(o) and 801.62(m) of this chapter, to initial statement of square inches in declaration of net quantity in §§ 201.62(n), 701.13(p) and 801.62(n) of this chapter, to prohibition of certain supplemental net quantity statements in §§ 1.8b(o), 201.62(o), 501.105 (o), 701.13(q) and 801.62(o) of this chapter, and to servings representations in §§ 1.8c and 501.8 are provided for solely by the Fair Packaging and Labeling Act. The other requirements of this part are issued under both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act, or by the latter act solely, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

* * * * *

PART 8—COLOR ADDITIVES

§ 8.301 [Amended]

2. Section 8.301(b)(2)(ii) is amended by changing the reference "§ 121.202" to read "§ 573.380."

§ 8.306 [Amended]

3. Section 8.306(c)(2)(ii) is amended by changing the reference "§ 121.202" to read "§ 573.380."

PART 121—FOOD ADDITIVES

§ 121.1001 [Amended]

4. Section 121.1001(b) is amended by changing the reference "§§ 121.201 and 121.202" to read "§§ 573.380 and 573.400."

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: September 2, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26298 Filed 9-9-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Recodification Docket No. 14; Docket No. 76N-0320]

REORGANIZATION AND REPUBLICATION

The Food and Drug Administration is reorganizing and republishing certain sections of the general regulations and the general food regulations that have applicability to animals other than man, effective September 10, 1976.

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the fourteenth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

This material consists of sections of the general regulations under Subchapter A and the general food regulations under Subchapter B. These regulations are being moved to Subchapter E, which will contain all of the regulations on animal drugs, feeds, and related products. Those regulations that pertain to food for human consumption will remain in Subchapter B, which will be recodified in the near future and be limited to just human food. New Parts 501, 503, 507, 508, 509, 564, 570, 571, 573, and 582 are taken from Parts 1, 3, 10, 90, 102, 121, 122, 128b, and the section numbers are keyed to the projected new human food section numbers wherever possible. The texts of the sections are editorially modified to reflect animal applicability.

This document merely recodifies existing regulations and does not represent a change in current requirements for animal feed or pet food.

The following table shows the relationship of the CFR section numbers under Subchapters A and B to this redesignation reflected in Parts 501, 503, 507, 508, 509, 564, 570, 571, 573, and 582:

Old sec.:	New sec.
1.7	501.1
1.8	501.3
1.8a	501.5
1.8b	501.105
1.8c	501.8
1.8d	501.2
1.9	501.15
1.10	501.4
1.10a	501.100
1.10b	501.103
1.12	501.22
1.13	501.17
1.15	501.18
1.16	501.110
3.93	509.15
10.1	564.3
10.2	564.5
10.3	564.8
10.4	564.20
10.5	564.17
10.6	564.12
10.7	564.14
10.8	564.6
90.1	508. 3
90.2	508. 19
90.3	508. 5
90.4	508. 7
90.5	508. 10
90.6	508. 6
90.7	508. 12
90.20	508. 35
102.1	503. 20
102.2	503. 22
121.1 except pars. (n) and (o)	570. 3
121.2	570. 19
121.3	570. 30
121.4	570. 18
121.5	570. 22
121.6	570. 20
121.11	570. 6
121.40	570. 35
121.41	570. 38
121.51 except pars. (k) and (l)	571. 1
121.51 pars. (k) and (l)	571. 100
121.52	571. 7
121.53	571. 6
121.54	571. 102
121.55	571. 110
121.56	571. 200
121.57	571. 203
121.58	571. 202
121.59	571. 120
121.60	571. 204
121.61	571. 220
121.62	571. 221
121.63	571. 222
121.64	571. 205
121.65	571. 206
121.66	571. 208
121.67	571. 210
121.68	571. 212
121.69	571. 214
121.70	571. 230
121.71	571. 232
121.72	570. 15
121.73	571. 235

Old sec.:	New sec.
121.74	571. 130
121.75	570. 17
121.101 except table in (d) and (e) through (l)	582. 1
121.101(d)	582.1005, 582.1009, 582.1033, 582.1057, 582.1061, 582.1069, 582.1073, 582.1077, 582.1087, 582.1091, 582.1095, 582.1099, 582.1125, 582.1127, 582.1129, 582.1131, 582.1135, 582.1137, 582.1139, 582.1141, 582.1143, 582.1155, 582.1165, 582.1191, 582.1193, 582.1195, 582.1199, 582.1205, 582.1207, 582.1210, 582.1217, 582.1235, 582.1240, 582.1275, 582.1320, 582.1324, 582.1355, 582.1366, 582.1400, 582.1425, 582.1428, 582.1431, 582.1480, 582.1500, 582.1516, 582.1540, 582.1585, 582.1613, 582.1619, 582.1625, 582.1631, 582.1643, 582.1655, 582.1666, 582.1685, 582.1711, 582.1721, 582.1736, 582.1742, 582.1745, 582.1748, 582.1751, 582.1763, 582.1775, 582.1778, 582.1781, 582.1792, 582.1804, 582.1810, 582.1901, 582.1973, 582.1975, 582.1978, 582.2122, 582.2227, 582.2437, 582.2727, 582.2729, 582.2906, 582.3013, 582.3021, 582.3041, 582.3061, 582.3089, 582.3109, 582.3149, 582.3169, 582.3173, 582.3189, 582.3221, 582.3225, 582.3280, 582.3336, 582.3490, 582.3616, 582.3637, 582.3640, 582.3660, 582.3670, 582.3731, 582.3733, 582.3739, 582.3766, 582.3784, 582.3795, 582.3798, 582.3845, 582.3862, 582.3890, 582.4101, 582.4505, 582.4521, 582.4666, 582.5013, 582.5017, 582.5049, 582.5065, 582.5118, 582.5145, 582.5159, 582.5191, 582.5195, 582.5201, 582.5210, 582.5212, 582.5217, 582.5223, 582.5230, 582.5245, 582.5250, 582.5252, 582.5260, 582.5271, 582.5273, 582.5301, 582.5304, 582.5306, 582.5308, 582.5311, 582.5315, 582.5361, 582.5370, 582.5375, 582.5381, 582.5406, 582.5411, 582.5431, 582.5434, 582.5443, 582.5446, 582.5449, 582.5452, 582.5455, 582.5458, 582.5461, 582.5464, 582.5470, 582.5475, 582.5477, 582.5530, 582.5535, 582.5580, 582.5590, 582.5622, 582.5628, 582.5634, 582.5650, 582.5676, 582.5695, 582.5697, 582.5701, 582.5772, 582.5778, 582.5835, 582.5875, 582.5878, 582.5881, 582.5890, 582.5892, 582.5915, 582.5920, 582.5925, 582.5930, 582.5933, 582.5936, 582.5945, 582.5950, 582.5963, 582.5985, 582.5988, 582.5991, 582.5994, 582.5997, 582.6033, 582.6085, 582.6099, 582.6185, 582.6193, 582.6195, 582.6197, 582.6199, 582.6203, 582.6215, 582.6219, 582.6285, 582.6290, 582.6386, 582.6511, 582.6540, 582.6651, 582.6754, 582.6757, 582.6760, 582.6769, 582.6778, 582.6787, 582.6789, 582.6801, 582.6804, 582.6807, 582.6810, 582.6851, 582.7115, 582.7133, 582.7187, 582.7255, 582.7330, 582.7333, 582.7339, 582.7343, 582.7349, 582.7351, 582.7610, 582.7724
121.101(e)(1)	582. 10
121.101(e)(2)	582. 20
121.101(e)(3)	582. 30
121.101(e)(4)	582. 40
121.101(e)(5)	582. 50
121.101(f)	582. 80
121.101(g)	582. 60
121.102	582. 99
121.201	573. 400
121.202	573. 380
121.203	573. 820
121.206	573. 500
121.209	573. 180
121.219	573. 480
121.222	573. 1000
121.223	573. 700
121.224	573. 640
121.229	573. 940
121.230	573. 420
121.231	573. 300
121.234	573. 600
121.235	573. 860
121.236	573. 840
121.239	573. 780
121.242	573. 660
121.246	573. 680
121.247	573. 580
121.250	573. 260
121.261	573. 720
121.265	573. 320
121.271	573. 360
121.272	573. 960
121.273	573. 900
121.275	573. 520
121.277	573. 740
121.282	573. 560
121.283	573. 980
121.284	573. 1020
121.285	573. 160
121.286	573. 620
121.288	573. 120
121.295	573. 760
121.298	573. 440
121.301	573. 540
121.302	573. 200
121.306	573. 280
121.307	573. 880
121.313	573. 240
121.319	573. 140
121.320	573. 800
121.322	573. 340
121.325	573. 920
121.328	573. 220
121.329	573. 460
122.1	509.3
122.10	509.30
128b.1	507.3
128b.2	507.1
128b.3	507.81
128b.4	507.83
128b.5	507.87
128b.6	507.40
128b.7	507.60
128b.8	507.110
128b.9	507.89
128b.10	507.10

The changes being made are nonsubstantive and editorial; and for this reason, notice and public procedure are not prerequisites to this promulgation. For the convenience of the user, the entire text of Parts 501, 503, 507, 508, 509, 564, 570, 571, 573, and 582 is set forth below.

Dated: September 2, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

Therefore, 21 CFR is amended by redesignating animal food provisions under Parts 1 and 3 of Subchapter A and Parts 10, 90, 102, 121, 122, and 128b of Subchapter B as Parts 501, 503, 507, 508, 509, 564, 570, 571, 573, and 582 of Subchapter E—Animal Drugs, Feeds, and Related Products and republished to read as follows:

PART 501—ANIMAL FOOD LABELING

Subpart A—General Provisions

Sec.
501.1 Principal display panel of package form animal food.
501.2 Information panel of package for animal food.
501.3 Identity labeling of animal food in package form.
501.4 Animal food, designation of ingredients.
501.5 Animal food; name and place of business of manufacturer, packer, or distributor.
501.8 Labeling of animal food with number of servings.
501.15 Animal food; prominence of required statements.
501.17 Animal food labeling warning statements.
501.18 Misbranding of animal food.

Subpart B—Specific Animal Food Labeling Requirements

501.22 Animal foods; labeling of spices, flavorings, colorings, and chemical preservatives.

Subparts C Through E—[Reserved]

Subpart F—Exemptions From Animal Food Labeling Requirements

501.100 Animal food; exemptions from labeling.
501.103 Petitions requesting exemptions from or special requirements for label declaration of ingredients.
501.105 Declaration of net quantity of contents when exempt.
501.110 Animal feed labeling; collective names for feed ingredients.

AUTHORITY: Secs. 4, 6, 80 Stat. 1297, 1299, 1300 (15 U.S.C. 1453, 1455) and secs. 403, 602, 701, 52 Stat. 1047-1048 as amended, 1054-1056 as amended (21 U.S.C. 343, 362, 371), unless otherwise noted.

Subpart A—General Provisions

§ 501.1 Principal display panel of package form animal food.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any otherwise shaped container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale

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§ 501.2 Information panel of package for animal food.

(a) The term "information panel" as it applies to packaged food means that part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel with the following exceptions:

(1) If the part of the label immediately contiguous and to the right of the principal display panel is too small to accommodate the necessary information or is otherwise unusable label space, e.g., folded flaps or can ends, the panel immediately contiguous and to the right of this part of the label may be used.

(2) If the package has one or more alternate principal display panels, the information panel is immediately contiguous and to the right of any principal display panel.

(3) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(b) All information required to appear on the label of any package of food pursuant to §§ 501.4, 501.5, 501.8 and 501.17 shall appear either on the principal display panel or on the information panel, unless otherwise specified by regulations in this chapter.

(c) All information appearing on the principal display panel or the information panel pursuant to this section shall appear prominently and conspicuously, but in no case may the letters and/or numbers be less than 1/16 inch in height unless an exemption pursuant to paragraph (f) of this section is established. The requirements for conspicuousness and legibility shall include the specifications of §§ 501.15 and 501.105(h) (1) and (2).

(1) Packaged foods are exempt from the type size requirements of this paragraph: *Provided*, That:

(i) The package is designed such that it has a surface area that can bear an information panel and/or an alternate principal display panel.

(ii) The area of surface available for labeling on the principal display panel of the package as this term is defined in § 501.1 is less than 10 square inches.

(iii) The label information includes a full list of ingredients in accordance with regulations in this part.

(iv) The information required by paragraph (b) of this section appears on the principal display panel or information panel label in accordance with the provisions of this paragraph (c) except that the type size is not less than 3/64 inch in height.

(2) Packaged foods are exempt from the type size requirements of this paragraph: *Provided*, That:

(i) The package is designed such that it has a single "obvious principal display panel" as this term is defined in § 501.1 and has no other available surface area for an information panel or alternate principal display panel.

(ii) The area of surface available for labeling on the principal display panel of the package as this term is defined in § 501.1 is less than 12 square inches and bears all labeling appearing on the package.

(iii) The label information includes a full list of ingredients in accordance with regulations in this part.

(iv) The information required by paragraph (b) of this section appears on the single, obvious principal display panel in accordance with the provisions of this paragraph (c) except that the type size is not less than 1/32 inch in height.

(3) Packaged foods are exempt from the type size requirements of this paragraph: *Provided*, That:

(i) The package is designed such that it has a total surface area available to bear labeling of less than 12 square inches.

(ii) The label information includes a full list of ingredients in accordance with regulations in this part.

(iii) The information required by paragraph (b) of this section appears on the principal display panel or information panel label in accordance with the provisions of this paragraph (c) except that the type size is not less than 1/32 inch in height.

(d) All information required to appear on the principal display panel or on the information panel pursuant to this section shall appear on the same panel unless there is insufficient space. In determining the sufficiency of the available space, any vignettes, design, and other nonmandatory label information shall not be considered. If there is insufficient space for all of this information to appear on a single panel, it may be divided between these two panels except that the information required pursuant to any given section or part shall all appear on the same panel. A food whose label is required to bear the ingredient statement on the principal display panel may bear all other information specified in paragraph (b) of this section on the information panel.

(e) All information appearing on the information panel pursuant to this section shall appear in one place without other intervening material.

(f) If the label of any package of food is too small to accommodate all of the information required by §§ 501.4, 501.5, 501.8, and 501.17, the Commissioner may establish by regulation an acceptable alternative method of disseminating such information to the public, e.g., a type size smaller than one-sixteenth inch in height, or labeling attached to or inserted in the package or available at the point of purchase. A petition requesting such a regulation, as an amendment to this paragraph, shall be submitted to the Hearing Clerk in the form established in § 2.65 of this chapter.

§ 501.3 Identity labeling of animal food in package form.

(a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or, in the absence thereof,

(2) The common or usual name of the food; or, in the absence thereof,

(3) An appropriately descriptive term, or when the nature of the food is obvious, a fanciful name commonly used by the public for such food.

(c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size bearing a reasonable relation to the size of the letters forming the other components of the statement of identity; except that if the optional form is visible through the container or is depicted by an appropriate vignette, the particular form need not be included in the statement. This specification does not affect the required declarations of identity under definitions and standards for foods promulgated pursuant to section 401 of the act.

(d) This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

(e) Under the provisions of section 403(c) of the Federal Food, Drug, and Cosmetic Act, a food shall be deemed to be misbranded if it is an imitation of another food unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(1) A food shall be deemed to be an imitation and thus subject to the requirements of section 403(c) of the act if it is a substitute for and resembles another food but is nutritionally inferior to that food.

(2) A food that is a substitute for and resembles another food shall not be deemed to be an imitation provided it meets each of the following requirements:

(i) It is not nutritionally inferior to the food for which it substitutes and which it resembles.

(ii) Its label bears a common or usual name that complies with the provisions of § 503.20 of this chapter and that is not false or misleading, or in the absence of an existing common or usual name, an appropriately descriptive term that is not false or misleading. The label may, in addition, bear a fanciful name which is not false or misleading.

(3) A food for which a common or usual name is established by regulation (e.g., in a standard of identity pursuant to section 401 of the act, in a common or usual name regulation pursuant to false or misleading. The label may, in addition, bear a fanciful name which is part 503 of this chapter), and which complies with all of the applicable requirements of such regulation(s), shall not be deemed to be an imitation.

(4) Nutritional inferiority includes:

(i) Any reduction in the content of an essential nutrient that is present in a measurable amount.

(ii) If the Commissioner concludes that a food is a substitute for and resembles another food but is inferior to the food imitated for reasons other than those set forth in this paragraph, he may propose appropriate revisions to this regulation or he may propose a separate regulation governing the particular food.

(f) A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Part 503 of this chapter.

(Secs. 403, 701(a), 52 Stat. 1047–1048, as amended, 1055; 21 U.S.C. 343, 371(a))

§ 501.4 Animal food; designation of ingredients.

(a) Ingredients required to be declared on the label of a food, including foods that comply with standards of identity that require labeling in compliance with this Part 501, except those exempted by § 501.100, shall be listed by common or usual name in descending order of predominance by weight on either the principal display panel or the information panel in accordance with the provisions of § 501.2.

(b) The name of an ingredient shall be a specific name and not a collective (generic) name, except that:

(1) Spices, flavorings, colorings and chemical preservatives shall be declared according to the provisions of § 501.22.

(2) An ingredient which itself contains two or more ingredients and which has an established common or usual name, conforms to a standard established pursuant to the Meat Inspection or Poultry Products Inspection Acts by the U.S. Department of Agriculture, or conforms to a definition and standard of identity established pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, shall be designated in the statement of ingredients on the label of such food by either of the following alternatives:

(i) By declaring the established common or usual name of the ingredient followed by a parenthetical listing of all ingredients contained therein in descending order of predominance except that, if the ingredient is a food subject to a definition and standard of identity established in this subchapter E, only the ingredients required to be declared by the definition and standard of identity need be listed; or

(ii) By incorporating into the statement of ingredients in descending order of predominance in the finished food, the common or usual name of every component of the ingredient without listing the ingredient itself.

(3) Skim milk, concentrated skim milk, reconstituted skim milk, and nonfat dry milk may be declared as "skim milk" or "nonfat milk".

(4) Milk, concentrated milk, reconstituted milk, and dry whole milk may be declared as "milk".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(6) Sweetcream buttermilk, concentrated sweetcream buttermilk, reconstituted sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(7) Whey, concentrated whey, reconstituted whey, and dried whey may be declared as "whey".

(8) Cream, reconstituted cream, dried cream, and plastic cream (sometimes known as concentrated milk fat) may be declared as "cream".

(9) Butteroil and anhydrous butterfat may be declared as "butterfat".

(10) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(11) Dried egg whites, frozen egg whites, and liquid egg whites may be declared as "egg whites".

(12) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(13) A livestock or poultry feed may be declared by a collective name listed in § 501.110 if it is an animal feed within the meaning of section 201(x) of the act and meets the requirements for the use of a collective name as prescribed in § 501.110 for certain feed ingredients.

(14) [Reserved]

(15) When all the ingredients of a wheat flour are declared in an ingredient statement, the principal ingredient of the flour shall be declared by the name(s) specified in §§ 15.1, 15.40, 15.80 and 15.100 of this chapter, i.e., the first ingredient designated in the ingredient list of flour, or bromated flour, or enriched flour, or self-rising flour is "flour", "white flour", "wheat flour", or "plain flour"; the first ingredient designated in the ingredient list of durum flour is "durum flour"; the first ingredient designated in the ingredient list of whole wheat flour, or bromated whole wheat flour is "whole wheat flour", "graham flour", or "entire wheat flour"; and the first ingredient designated in the ingredient list of whole durum wheat flour is "whole durum wheat flour".

(c) When water is added to reconstitute, completely or partially, an ingredient permitted by paragraph (b) of this section to be declared by a class name, the position of the ingredient class name in the ingredient statement shall be determined by the weight of the unreconstituted ingredient plus the weight of the quantity of water added to reconstitute that ingredient, up to the amount of water needed to reconstitute the ingredient to single strength. Any water added in excess of the amount of water needed to reconstitute the ingredient to single strength shall be declared as "water" in the ingredient statement.

§ 501.5 Animal food; name and place of business of manufacturer, packer, or distributor.

(a) The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including invoice).

(e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 501.3 Labeling of animal food with number of servings.

(a) The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular. A statement of the number of units in a package is not in itself a statement of the number of servings.

(b) If there exists a voluntary product standard promulgated pursuant to the procedures found in 15 CFR Part 10 by the Department of Commerce, quantitatively defining the meaning of the term "serving" with respect to a particular food, then any label representation

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as to the number of servings in such packaged food shall correspond with such quantitative definition. (Copies of published standards are available upon request from the National Bureau of Standards, Department of Commerce, Washington, DC 20234.)

§ 501.15 Animal food; prominence of required statements.

(a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 403(f) of the act by reason (among other reasons) of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under section 403 (e) or (i) of the act, shall apply if such insufficiency is caused by:

(1) The use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(2) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by section 403(f) of the act; or

(3) The use of label space for any representation in a foreign language.

(c)(1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear therein in the English language: *Provided, however,* That in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a Territory where the predominant language is one other than English, the predominant language may be substituted for English.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If any article of labeling (other than a label) contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on such article of labeling.

§ 501.17 Animal food labeling warning statements.

(a) *Self-pressurized containers.* (1) The label of a food packaged in a self-pressurized container and intended to be expelled from the package under pressure shall bear the following warning:

WARNING.—Avoid spraying in eyes. Contents under pressure. Do not puncture or incinerate. Do not store at temperature above 120° F. Keep out of reach of children.

(2) In the case of products intended for use by children, the phrase "except under adult supervision" may be added at the end of the last sentence in the warning required by paragraph (a)(1) of this section.

(3) In the case of products packaged in glass containers, the word "break" may be substituted for the word "puncture" in the warning required by paragraph (a)(1) of this section.

(4) The words "Avoid spraying in eyes" may be deleted from the warning required by paragraph (a)(1) of this section in the case of a product not expelled as a spray.

(b) *Self-pressurized containers with halocarbon or hydrocarbon propellants.* (1) In addition to the warning required by paragraph (a) of this section, the label of a food packaged in a self-pressurized container in which the propellant consists in whole or in part of a halocarbon or a hydrocarbon shall bear the following warning:

WARNING.—Use only as directed. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

(2) The warning required by paragraph (b)(1) of this section is not required for the following products:

(i) Products expelled in the form of a foam or cream, which contain less than 10 percent propellant in the container.

(ii) Products in a container with a physical barrier that prevents escape of the propellant at the time of use.

(iii) Products of a net quantity of contents of less than 2 ozs that are designed to release a measured amount of product with each valve actuation.

(iv) Products of a net quantity of contents of less than ½ oz.

§ 501.18 Misbranding of animal food.

(a) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

(b) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

(c) Among representations in the labeling of a food which render such food misbranded is any representation that expresses or implies a geographical origin of the food or any ingredient of the food except when such representation is either:

(1) A truthful representation of geographical origin.

(2) A trademark or trade name provided that as applied to the article in question its use is not deceptively misdescriptive. A trademark or trade name comprised in whole or in part of geographical words shall not be considered deceptively misdescriptive if it:

(i) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by the consumer to mean the product of a particular manufacturer or distributor; or

(ii) Is so arbitrary or fanciful that it is not generally understood by the consumer to suggest geographic origin.

(3) A part of the name required by applicable Federal law or regulation.

(4) A name whose market significance is generally understood by the consumer to connote a particular class, kind, type, or style of food rather than to indicate geographical origin.

Subpart B—Specific Animal Food Labeling Requirements

§ 501.22 Animal foods; labeling of spices, flavorings, colorings, and chemical preservatives.

(a)(1) The term "artificial flavor" or "artificial flavoring" means any substance, the function of which is to impart flavor, which is not derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products thereof. Artificial flavor includes the substances listed in §§ 582.60 and 121.1164(b) of this chapter except where these are derived from natural sources.

(2) The term "spice" means any aromatic vegetable substance in the whole, broken, or ground form, except for those substances which have been traditionally regarded as foods, such as onions, garlic and celery; whose significant function in food is seasoning rather than nutritional; that is true to name; and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include the spices listed in Subpart A of Part 582 of this chapter, such as the following:

Allspice	Marjoram
Anise	Mustard flour
Basil	Nutmeg
Bay leaves	Oregano
Caraway seed	Paprika
Cardamon	Parsley
Celery seed	Pepper, black
Chervil	Pepper, white
Cinnamon	Pepper, red
Cloves	Rosemary
Coriander	Saffron
Cumin seed	Sage
Dill seed	Savory
Fennel seed	Star aniseed
Fenugreek	Tarragon
Ginger	Thyme
Horseradish	Turmeric
Mace	

Paprika, tumeric, and saffron or other spices which are also colors, shall be declared as "spice and coloring" unless declared by their common or usual name.

(3) The term "natural flavor" or "natural flavoring" means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional. Natural flavors, include the natural essence or extractives obtained from plants listed in Subpart A of Part 582 of this chapter, and the substances listed in § 121.1163 of this chapter.

(4) The term "artificial color" or "artificial coloring" means any "color additive" as defined in § 8.1(f) of this chapter.

(5) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

(b) A food which is subject to the requirements of section 403(k) of the act shall bear labeling, even though such food is not in package form.

(c) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

(d) A food shall be exempt from compliance with the requirements of section 403(k) of the act if it is not in package form and the units thereof are so small that a statement of artificial flavoring, artificial coloring, or chemical preservative, as the case may be, cannot be placed on such units with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

(e) A food shall be exempt while held for sale from the requirements of section 403(k) of the act (requiring label statement of any artificial flavoring, artificial coloring, or chemical preservatives) if said food, having been received in bulk containers at a retail establishment, is displayed to the purchaser with either (1) the labeling of the bulk container plainly in view or (2) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to section 403(k) of the Act.

(f) A fruit or vegetable shall be exempt from compliance with the requirements of section 403(k) of the act with respect to a chemical preservative applied to the fruit or vegetable as a pesticide chemical prior to harvest.

(g) A flavor shall be labeled in the following way when shipped to a food manufacturer or processor (but not a consumer) for use in the manufacture of a fabricated food, unless it is a flavor for which a standard of identity has been promulgated, in which case it shall be labeled as provided in the standard:

(1) If the flavor consists of one ingredient, it shall be declared by its common or usual name.

(2) If the flavor consists of two or more ingredients, the label either may declare each ingredient by its common or usual name or may state "All flavor ingredients contained in this product are approved for use in a regulation of the Food and Drug Administration." Any flavor ingredient not contained in one of these regulations, and any nonflavor ingredient, shall be separately listed on the label.

(3) In cases where the flavor contains a solely natural flavor(s), the flavor shall be so labeled, e.g., "strawberry flavor," "banana flavor," or "natural strawberry flavor." In cases where the flavor contains both a natural flavor and an artificial flavor, the flavor shall be so labeled, e.g., "natural and artificial strawberry flavor." In cases where the flavor contains a solely artificial flavor(s), the flavor shall be so labeled, e.g., "artificial strawberry flavor."

(h) The label of a food to which flavor is added shall declare the flavor in the statement of ingredients in the following way:

(1) Spice, natural flavor, and artificial flavor may be declared as "spice," "natural flavor," or "artificial flavor," or any combination thereof, as the case may be.

(2) An incidental additive in a food, originating in a spice or flavor used in the manufacture of the food, need not be declared in the statement of ingredients if it meets the requirements of § 501.100(a)(3).

(3) Substances obtained by cutting, grinding, drying, pulping, or similar processing of tissues derived from fruit, vegetable, meat, fish, or poultry, e.g., powdered or granulated onions, garlic powder, and celery powder, are commonly understood by consumers to be food rather than flavor and shall be declared by their common or usual name.

(4) Any salt (sodium chloride) used as an ingredient in food shall be declared by its common or usual name "salt."

(5) Any monosodium glutamate used as an ingredient in food shall be declared by its common or usual name "monosodium glutamate."

(6) Any pyroligneous acid or other artificial smoke flavors used as an ingredient in a food may be declared as artificial flavor or artificial smoke flavor. No representation may be made, either directly or implied, that a food flavored with pyroligneous acid or other artificial smoke flavor has been smoked or has a true smoked flavor, or that a seasoning sauce or similar product containing pyroligneous acid or other artificial smoke flavor and used to season or flavor other foods will result in a smoked product or one having a true smoked flavor.

(i) If the label, labeling, or advertising of a food makes any direct or indirect representations with respect to the primary recognizable flavor(s), by word, vignette, e.g., depiction of a fruit, or other means, or if for any other reason the manufacturer or distributor of a food wishes to designate the type of flavor in the food other than through the statement of ingredients, such flavor shall be considered the characterizing flavor and shall be declared in the following way:

(1) If the food contains no artificial flavor which simulates, resembles or reinforces the characterizing flavor, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor in letters not less than one-half the height of the letters used in the name of the food, except that:

(i) If the food is one that is commonly expected to contain a characterizing food ingredient, and the food contains natural flavor derived from such ingredient and an amount of characterizing ingredient insufficient to independently characterize the food, or the food contains no such ingredient, the name of the characterizing flavor may be immediately preceded by the word "natural" and shall be immediately followed by the word "flavored" in letters not less than one-half the height of the letters in the name of the characterizing flavor.

(ii) If none of the natural flavor used in the food is derived from the product whose flavor is simulated, the food in which the flavor is used shall be labeled either with the flavor of the product from which the flavor is derived or as "artificially flavored."

(iii) If the food contains both a characterizing flavor from the product whose flavor is simulated and other natural flavor which simulates, resembles or reinforces the characterizing flavor, the food shall be labeled in accordance with the introductory text and paragraph (i)(1)(i) of this section and the name of the food shall be immediately followed by the words "with other natural flavor" in letters not less than one-half the height of the letters used in the name of the characterizing flavor.

(2) If the food contains any artificial flavor which simulates, resembles or re-

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inforces the characterizing flavor, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name(s) of the characterizing flavor, in letters not less than one-half the height of the letters used in the name of the food and the name of the characterizing flavor shall be accompanied by the word(s) "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor.

(3) Wherever the name of the characterizing flavor appears on the label (other than in the statement of ingredients) so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, without any intervening written, printed, or graphic matter, except:

(i) Where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor; and

(ii) If the finished product contains more than one flavor subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such food.

(iii) If the finished product contains three or more distinguishable characterizing flavors, or a blend of flavors with no primary recognizable flavor, the flavor may be declared by an appropriately descriptive generic term in lieu of naming each flavor.

(4) A flavor supplier shall certify, in writing, that any flavor he supplies which is designated as containing no artificial flavor does not, to the best of his knowledge and belief, contain any artificial flavor, and that he has added no artificial flavor to it. The requirement for such certification may be satisfied by a guarantee under section 303(c)(2) of the act which contains such a specific statement. A flavor used shall be required to make such a written certification only where he adds to or combines another flavor with a flavor which has been certified by a flavor supplier as containing no artificial flavor, but otherwise such user may rely upon the supplier's certification and need make no separate certification. All such certifications shall be retained by the certifying party throughout the period in which the flavor is supplied and for a minimum of 3 years thereafter, and shall be subject to the following conditions:

(i) The certifying party shall make such certifications available upon request at all reasonable hours to any duly authorized office or employee of the Food and Drug Administration or any other employee acting on behalf of the Secretary of Health, Education, and Welfare. Such certifications are regarded by the Food and Drug Administration as reports to the government and as guarantees or other undertakings within the meaning of section 301(h) of the act and subject the certifying party to the penalties for making any false report to the government under 18 U.S.C. 1001 and any false guarantee or undertaking under section 303(a) of the act. The defenses provided under section 303(c)(2) of the act shall be applicable to the certifications provided for in this section.

(ii) Wherever possible, the Food and Drug Administration shall verify the accuracy of a reasonable number of certifications made pursuant to this section, constituting a representative sample of such certifications, and shall not request all such certifications.

(iii) Where no person authorized to provide such information is reasonably available at the time of inspection, the certifying party shall arrange to have such person and the relevant materials and records ready for verification as soon as practicable; provided that, whenever the Food and Drug Administration has reason to believe that the supplier or user may utilize this period to alter inventories or records, such additional time shall not be permitted. Where such additional time is provided, the Food and Drug Administration may require the certifying party to certify that relevant inventories have not been materially disturbed and relevant records have not been altered or concealed during such period.

(iv) The certifying party shall provide, to an officer or representative duly designated by the Secretary, such qualitative statement of the composition of the flavor or product covered by the certification as may be reasonably expected to enable the Secretary's representatives to determine which relevant raw and finished materials and flavor ingredient records are reasonably necessary to verify the certifications. The examination conducted by the Secretary's representative shall be limited to inspection and review of inventories and ingredient records for those certifications which are to be verified.

(v) Review of flavor ingredient records shall be limited to the qualitative formula and shall not include the quantitative formula. The person verifying the certifications may make only such notes as are necessary to enable him to verify such certification. Only such notes or such flavor ingredient records as are necessary to verify such certification or to show a potential or actual violation may be removed or transmitted from the certifying party's place of business: *Provided*, That, where such removal or transmittal is necessary for such purposes the relevant records and notes shall be retained as separate documents in Food and Drug Administration files, shall not be copied in other reports, and shall not be disclosed publicly other than in a judicial proceeding brought pursuant to the act or 18 U.S.C. 1001.

(j) A food to which a chemical preservative(s) is added shall, except when exempt pursuant to § 501.100, bear a label declaration stating both the common or usual name of the ingredient(s) and a separate description of its function, e.g., "preservative," "to retard spoilage," "a mold inhibitor," "to help protect flavor" or "to promote color retention."

(Secs. 402, 403, 409, 701(a), 702, 703, 704, 52 Stat. 1046, 1047, 1048–1049 as amended, 1055, 1056–1057 as amended; 21 U.S.C. 342, 343, 348, 371(a), 372, 373, 374.)

Subparts C–E—[Reserved]

Subpart F—Exemptions From Animal Food Labeling Requirements

§ 501.100 Animal food; exemptions from labeling.

(a) The following foods are exempt from compliance with the requirements of section 403(i)(2) of the act (requiring a declaration on the label of the common or usual name of each ingredient when the food is fabricated from two or more ingredients).

(1) An assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating by name other ingredients which may be present.

(2) A food having been received in bulk containers at a retail establishment, if displayed to the purchaser with either (i) the labeling of the bulk container plainly in view or (ii) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to section 403(i)(2) of the act.

(3) Incidental additives that are present in a food at insignificant levels and do not have any technical or functional effect in that food. For the purposes of this paragraph (a)(3), incidental additives are:

(i) Substances that have no technical or functional effect but are present in a food by reason of having been incorporated into the food as an ingredient of another food, in which the substance did have a functional or technical effect.

(ii) Processing aids, which are as follows:

(a) Substances that are added to a food during the processing of such food but are removed in some manner from the food before it is packaged in its finished form.

(b) Substances that are added to a food during processing, are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food.

(c) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food.

(iii) Substances migrating to food from equipment or packaging or otherwise affecting food that are not food additives as defined in section 201(s) of the act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) A food repackaged in a retail establishment is exempt from the following provisions of the act if the conditions specified are met.

(1) Section 403(e)(1) of the act (requiring a statement on the label of the name and place of business of the manufacturer, packer, or distributor).

(2) Section 403(g)(2) of the act (requiring the label of a food which purports to be or is represented as one for which a definition and standard of identity has been prescribed to bear the name of the food specified in the definition and standard and, insofar as may be required by the regulation establishing the standard the common names of the optional ingredients present in the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required by these provisions.

(3) Section 403(i)(1) of the act (requiring the label to bear the common or usual name of the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the common or usual name of the food, or if the common or usual name of the food is clearly revealed by its appearance.

(c) [Reserved]

(d) Except as provided by paragraphs (e) and (f) of this section, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of section 403 (c), (e), (g), (h), (i), (j) and (k) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post office addresses of such person and such operator, and containing, such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will ensure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such food from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(e) Conditions affecting expiration of exemptions. (1) An exemption of a shipment or other delivery of a food under paragraph (d)(1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(2) An exemption of a shipment or other delivery of a food under paragraph (d)(2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by paragraph (d)(2) of this section.

(3) An exemption of a shipment or other delivery of a food under paragraph (d)(2) of this section shall expire:

(i) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(ii) Upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement as required by such paragraph.

(f) [Reserved]

(g) The label declaration of a harmless marker used to identify a particular manufacturer's product may result in unfair competition through revealing a trade secret. Exemption from the label declaration of such a marker is granted, therefore, provided that the following conditions are met:

(1) The person desiring to use the marker without label declaration of its presence has submitted to the Commissioner of Food and Drugs full information concerning the proposed usage and the reasons why he believes label declaration of the marker should be subject to this exemption; and

(2) The person requesting the exemption has received from the Commissioner of Food and Drugs a finding that the marker is harmless and that the exemption has been granted.

§ 501.103 Petitions requesting exemptions from or special requirements for label declaration of ingredients.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition pursuant to Part 2 of this chapter may issue a proposal to amend § 501.4 to specify the manner in which an ingredient(s) shall be declared, i.e., by specific or class name, or § 501.100 to exempt an ingredient(s) from the requirements for label declaration.

§ 501.105 Declaration of net quantity of contents when exempt.

(a) The principal display panel of a food in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used. Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity.

(b)(1) Statements of weight shall be in terms of avoirdupois pound and ounce.

(2) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall:

(i) In the case of frozen food that is sold and consumed in a frozen state, express the volume at the frozen temperature.

(ii) In the case of refrigerated food that is sold in the refrigerated state, express the volume at 40° F (4° C).

(iii) In the case of other foods, express the volume at 68° F (20° C).

(3) Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce

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shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or ccunt (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part.

(g) The declaration shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith; provided that in the case of foods packed in containers designed to deliver the food under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than 1/16 inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than 1/8 inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than 3/16 inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than 1/4 inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than 1/2 inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraph (i)(1) through (4) of this section shall be increased by 1/16 of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m)(1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section).

(2) If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces (see example in paragraph (m)(5) of this section).

(3) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. Net wt." and "6 fl. oz." or "Net contents 6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts, or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see paragraph (m)(6) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lb.)".

(2) A declaration of ¾ pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)".

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1½ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".

(5) On a random package, declaration of ¾ pound avoirdupois may be expressed as "Net Wt. .75 lb."

(6) A declaration of 2½ gallons liquid measure shall be expressed as "Net contents 2½ gallons," "Net contents 2.5 gallons," or "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints".

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	pint pt.
ounce oz.	quart qt.
pound lb.	fluid fl.
gallon gal.	

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents; provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numercial count, net contents plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and may be located on the principal display panel.

(p) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(r) [Reserved]

(s) On a multiunit retail package, a statement of the quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by paragraph (j)(1) of this section. A multiunit retail package may thus be properly labeled: "6–16 oz. bottles—(96 fl. oz.)" or "3–16 oz. cans—(net wt. 48 oz.)." For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part. Open multiunit retail packages that do not obscure the number of units nor prevent examination of the labeling on each of the individual units are not subject to this paragraph if the labeling of each individual unit complies with the requirements of paragraphs (f) and (i) of this section.

(t) Where the declaration of net quantity of contents is in terms of net weight and/or drained weight or volume and does not accurately reflect the actual quantity of the contents or the product falls below the applicable standard of fill of container because of equipment malfunction or otherwise unintentional product variation, and the label conforms in all other respects to the requirements of this chapter (except the requirement that food falling below the applicable standard of fill of container shall bear the general statement of substandard fill specified in § 564.14(b) of this chapter), the mislabeled food product, including any food product that falls to bear the general statement of substandard fill specified in § 564.14(b) of this chapter, may be sold by the manufacturer or processor directly to institutions operated by Federal, State or local governments: *Provided*, That:

(1) The purchaser shall sign a statement at the time of sale stating that he is aware that the product is mislabeled to include acknowledgement of the nature and extent of the mislabeling, e.g., "Actual net weight may be as low as ----% below labeled quantity") and that any subsequent distribution by him of said product except for his own institutional use is unlawful. This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subsequent to the date of shipment of the product and shall be available to the Food and Drug Administration upon request.

(2) The product shall be labeled on the outside of its shipping container with the statement(s):

(i) When the variation concerns net weight and/or drained weight of volume—"Product Mislabeled. Actual net weight (drained weight or volume where appropriate) may be as low as ----% below labeled quantity. This Product Not for Retail Distribution", the blank to be filled in with the maximum percentage variance between the labeled and actual weight or volume of contents of the individual packages in the shipping container, and

(ii) When the variation is in regard to a fill of container standard—"Product Mislabeled. Actual fill may be as low as --% below standard of fill. This Product Not for Retail Distribution."

(3) The statements required by paragraph (t)(2) (i) and (ii) of this section, which may be consolidated where appropriate, shall appear prominently and conspicuously as compared to other printed matter on the shipping container and in boldface print or type on a clear, contrasting background in order to render them likely to be read and understood by the purchaser under ordinary conditions of purchase.

(Sec. 5(a), 80 Stat. 1298; 15 U.S.C. 1454)

§ 501.110 Animal feed labeling; collective names for feed ingredients.

(a) An animal feed shall be exempt from the requirements of section 403(i)(2) of the act with respect to its label bearing the common or usual names of the animal feed ingredients listed in paragraph (b) of this section under the following prescribed conditions:

(1) The animal feed is intended solely for livestock and poultry.

(2) The label of the animal feed bears the collective name(s) prescribed in paragraph (b) of this section in lieu of the corresponding common or usual names of the individual feed ingredients contained therein.

(3) The label of the animal feed otherwise conforms to the requirements of section 403(i)(2) of the act.

(4) The ingredients of any feed listed in paragraph (b) of this section neither contain nor are food additives as defined in section 201(s) of the act unless provided for by and in conformity with applicable regulations established pursuant to section 409 of the act.

(b) Each collective name referred to in this paragraph may be used for the purpose of labeling where one or more of the ingredients listed for that collective name are present. The animal feed ingredients listed under each of the collective names are the products defined by the Association of American Feed Control Officials. The collective names are as follows:

(1) "Animal protein products" include one or more of the following: Animal products, marine products, and milk products.

(2) "Forage products" include one or more of the following: Alfalfa meals, entire plant meals, hays, and stem meals.

(3) "Grain products" include one or more of the following: Barley, grain sorghums, maize (corn), oats, rice, rye, and wheat.

(4) "Plant protein products" include one or more of the following: Algae meals, coconut meals (copra), cottonseed meals, guar meal, linseed meals, peanut meals, safflower meals, soybean meals, sunflower meals, and yeasts.

(5) "Processed grain byproducts" include one or more of the following: Brans, brewers dried grains, distillers grains, distillers solubles, flours, germ meals, gluten feeds, gluten meals, grits, groats, hominy feeds, malt sprouts, middlings, pearled, polishings, shorts, and wheat mill run.

(6) "Roughage products" include one or more of the following: Cobs, hulls, husks, pulps, and straws.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300 (15 U.S.C. 1453, 1455) and secs. 403, 602, 701, 52 Stat. 1047–1048, 1054–1056 as amended (21 U.S.C. 343, 352, 362, 371).)

PART 503—COMMON OR USUAL NAMES FOR NONSTANDARDIZED ANIMAL FOODS

Sec.
503.20 General principles.
503.22 Petitions.

AUTHORITY: Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–48 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a)).

§ 503.20 General principles.

(a) The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the proportion of such ingredients(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is actually the case. The following requirements shall apply unless modified by a specific regulation in this part.

(1) The percentage of a characterizing ingredient or component shall be declared on the basis of its quantity in the finished product (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids).

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(2) The percentage of a characterizing ingredient or component shall be declared by the words "containing (or contains) ____ percent (or %) ____" or "____ percent (or %) ____" with the first blank filled in with the percentage expressed as a whole number not greater than the actual percentage of the ingredient or component named and the second blank filled in with the common or usual name of the ingredient or component. The word "containing" (or "contains"), when used, shall appear on a line immediately below the part of the common or usual name of the food required by paragraph (a) of this section. For each characterizing ingredient or component, the words "____ percent (or %) ____" shall appear following or directly below the word "containing" (or "contains"), or directly below the part of the common or usual name of the food required by paragraph (a) of this section when the word "containing" (or "contains") is not used, in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(i) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(ii) Not less than one-half the height of the largest type appearing in the part of the common or usual name of the food required by paragraph (a) of this section.

(c) The common or usual name of a food shall include a statement of the presence or absence of any characterizing ingredient(s) or component(s) and/or the need for the user to add any characterizing ingredient(s) or component(s) when the presence or absence of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present when it is not, and consumers may otherwise be misled about the presence or absence of the ingredient(s) or component(s) in the food. The following requirements shall apply unless modified by a specific regulation in this part.

(1) The presence or absence of a characterizing ingredient or component shall be declared by the words "containing (or contains) _____" or "containing (or contains) no _____" or "no _____" or "does not contain _____" with the blank being filled in with the common or usual name of the ingredient or component.

(2) The need for the user of a food to add any characterizing ingredient(s) or component(s) shall be declared by an appropriate informative statement.

(3) The statement(s) required under paragraph (c)(1) and/or (2) of this section shall appear following or directly below the part of the common or usual name of the food required by paragraphs (a) and (b) of this section, in easily legible bold face print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the alternatives established under paragraph (b)(2) (i) and (ii) of this section.

(d) A common or usual name of a food may be established by common usage or by establishment of a regulation in this part, in a standard of identity, or in other regulations in this chapter.

§ 503.22 Petitions.

(a) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish or amend, under this part, a regulation prescribing a common or usual name for a food. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds for the proposed regulation.

(b) If the principal display panel of a food for which a common or usual name regulation is established is too small to accommodate all mandatory requirements, the Commissioner may establish by regulation an acceptable alternative (e.g., a smaller type size). A petition requesting such a regulation, which would amend the applicable regulation, shall be submitted to the office of the Hearing Clerk in the form set forth in § 2.65 of this chapter.

PART 507—THERMALLY PROCESSED LOW-ACID ANIMAL FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Subpart A—General Provisions

Sec.

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507.3 Definitions.
507.10 Personnel.

Subpart B—[Reserved]

Subpart C—Equipment

507.40 Equipment and procedures.

Subpart D—Control of Components, Food Product Containers, Closures, and In-Process Materials

507.60 Containers.

Subpart E—Production and Process Controls

507.81 Product preparation.
507.83 Establishing scheduled processes.
507.87 Operations in the thermal processing room.
507.89 Deviations in processing.

Subpart F—Records and Reports

507.110 Processing and production records.

AUTHORITY: Secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(4), 371(a)).

Subpart A—General Provisions

§ 507.1 Current good manufacturing practice.

The criteria in §§ 507.10 through 507.110 shall apply in determining whether the facilities, methods, practices, and controls used by the commercial processor in the manufacture, processing, or packing of low-acid foods in hermetically sealed containers are operated or administered in a manner adequate to protect the public health.

§ 507.3 Definitions.

(a) "Aseptic processing and packaging" means the filling of a commercially sterilized cooled product into presterilized containers, followed by aseptic hermetical sealing, with a presterilized closure, in an atmosphere free of microorganisms.

(b) "Bleeders" means openings used to remove air, that enters with steam, from retorts and steam chambers and to promote circulation of steam in such retorts and steam chambers. Bleeders may serve as a means of removing condensate.

(c) "Coming-up-time" means the time which elapses between the introduction of steam into the closed retort and the time when the retort reaches the required processing temperature.

(d) "Commercial processor" shall include any person engaged in commercial custom, and so-called sportsman processing or institutional processing of food.

(e) "Commercial sterility" of food means the condition achieved by application of heat which renders such food free of viable forms of microorganisms having public health significance, as well as any microorganisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution. "Commercial sterility" of equipment and containers used for aseptic processing and packaging of food means the condition achieved by application of heat, chemical sterilant(s), or other appropriate treatment which renders such equipment and containers free of viable forms of microorganisms having public health significance as well as any microorganisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution.

(f) "Flame sterilizer" means an apparatus in which hermetically sealed containers are agitated at atmospheric pressure, by either continuous, discontinuous, or reciprocating movement, over gas flames to achieve sterilization temperatures. A holding period in a heated section may follow the initial heating period.

(g) "Headspace, gross" is the vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the top edge of the container (the top of the double seam of a can or the top edge of a glass jar).

(h) "Headspace, net" of a container having a double seam, such as a can, is the vertical distance between the level of the product (generally the liquid surface) in the upright rigid container and the inside surface of the lid.

(i) "Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

(j) "Incubation" means the holding of a sample(s) at a specified temperature for a specified period of time before examination.

(k) "Initial temperature" means the average temperature of the contents of the coldest container to be processed at the time the sterilizing cycle begins, as determined after thorough stirring or shaking of the filled and sealed container.

(l) "Lot" means the product produced during the period of time indicated by a specific code.

(m) "Low-acid foods" means any foods, other than alcoholic beverages, with a finished equilibrium pH value greater than 4.6 and a water activity greater than 0.85 and also includes any normally low-acid fruits, vegetables, or vegetable products in which for the purpose of thermal processing the pH value is reduced by acidification. Tomatoes, pears, and pineapples, or the juices thereof, having a pH of less than 4.7 and figs having a pH of 4.9 or below shall not be classed as low-acid foods.

(n) "Minimum thermal process" means the application of heat to food, either before or after sealing in a hermetically sealed container, for a period of time and at a temperature scientifically determined to be adequate to ensure destruction of microorganisms of public health significance.

(o) "Retort" means any closed vessel or other equipment used for the thermal processing of foods.

(p) "Scheduled process" means the process selected by the processor as adequate under the conditions of manufacture for a given product to achieve commercial sterility. This process may be in excess of that necessary to ensure destruction of microorganisms of public health significance.

(q) "Shall" and "should." As used in this part, "shall" refers to mandatory requirements and "should" refers to recommended or advisory procedures or equipment.

(r) "Vents" means openings controlled by gate, plug cock, or other adequate valves used for the elimination of air during the venting period.

(s) "Water activity" or "a_w" means the vapor pressure of the food product divided by the vapor pressure of pure water under identical conditions of pressure and temperature.

§ 507.10 Personnel.

All operators of retorts, processing systems, and aseptic processing and packaging systems, and container closure inspectors shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections, and has been identified by that school as having satisfactorily completed the prescribed course of instruction.

Subpart B—[Reserved]

Subpart C—Equipment

§ 507.40 Equipment and procedures.

(a) *Equipment and procedures for pressure processing in steam in still retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer with a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a 1/16 inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeder for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with a steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Steam inlet.* The steam inlet to each still retort shall be large enough to provide sufficient steam for proper operation of the retort. Steam may enter either the top portion or the bottom portion of the retort but, in any case, shall enter the portion of the retort opposite the vent; for example, steam inlet in bottom portion and vent in top portion.

(6) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of still retorts.

(7) *Steam spreaders.* Steam spreaders, which are perforated or other style continuations of the steam line inside the retort, should not be larger than the steam inlet line. Horizontal still retorts shall be equipped with steam spreaders that extend along the bottom for the length of the retort; the perforations should be along the top 90° of this pipe. Horizontal still retorts over 30 feet long should have two steam inlets connected to the spreader. In vertical still retorts the steam spreaders, if used, should be in the form of a cross with the perforations along the top or sides of the pipe. The number of perforations in spreaders for both horizontal and vertical still retorts should be such that the total cross-sectional area of the perforations is equal to 1½ to 2 times the cross-sectional area of the steam inlet line.

(8) *Bleeders.* Bleeders, except those for thermometer wells, shall be one-eighth inch or larger and shall be wide open during the entire process, including the coming-up-time. For horizontal retorts, bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top. Vertical retorts shall have at least one bleeder opening located in that portion of the retort opposite the steam inlet. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to ensure removal of condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

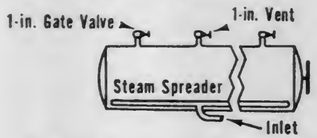
(9) *Stacking equipment and position of containers.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is used for the bottoms, the perforations should be approximately the equivalent of 1-inch holes on 2-inch centers. If dividers are used between the layers of containers, they should be perforated as above. When there is stratification of the product in the containers, the containers should be processed in such a position that the plane of stratification is vertical.

(10) *Vents.* Vents shall be installed in such a way that air is removed from the retort before timing of the process is started. Vents shall be controlled by

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gate, plug cock, or other adequate type valves which shall be fully open to permit rapid discharge of air from the retort during the venting period. Vents shall not be connected directly to a closed drain system. If the overflow is used as a vent, there shall be an atmospheric break in the line before it connects to a closed drain. The vent shall be located in that portion of the retort opposite the steam inlet; for example, steam inlet in bottom portion and vent in top portion. Where a retort manifold connects several vent pipes from a single still retort, it shall be controlled by a gate, plug cock, or other adequate type valve. The retort manifold shall be of a size such that the cross-sectional area of the pipe is larger than the total cross-sectional area of all connecting vents. The discharge shall not be directly connected to a closed drain without an atmospheric break in the line. A manifold header connecting vents or manifolds from several still retorts shall lead to the atmosphere. The manifold header shall not be controlled by a valve and shall be of a size such that the cross-sectional area is at least equal to the total cross-sectional area of all connecting retort manifold pipes from all retorts venting simultaneously. Timing of the process shall not begin until the retort has been properly vented and the processing temperature has been reached. Retorts using air for pressure cooling shall be equipped with a ball or globe valve or suitable valve and piping arrangement on the air line to prevent air leakage into the retort during processing. Some typical installations and operating procedures reflecting the requirements of this section for venting still retorts are given in paragraph (a)(10)(i) (*a*) through (*d*) and (ii) (*a*) and (*b*) of this section. Other installations and operating procedures which deviate from the above specifications may be used, provided that there is evidence that they accomplish adequate venting of air.

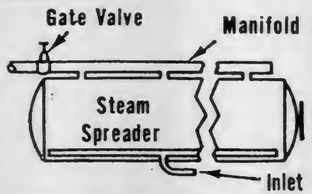
(i) *Venting horizontal retorts.* (*a*) Venting through multiple 1-inch vents discharging directly to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length, equipped with a gate or plug cock valve and discharging to atmosphere; end vents not more than 2½ feet from ends of retort.

Venting method. Vent valves should be wide open for at least 5 minutes and to at least 225° F, or at least 7 minutes and to at least 220° F.

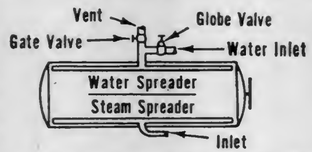
(*b*) Venting through multiple 1-inch vents discharging through a manifold to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length; end vents not over 2½ feet from ends of retort; size of manifold—for retorts less than 15 feet in length, 2½ inches; for retorts 15 feet and over in length, 3 inches.

Venting method. Manifold vent gate or plug cock valve should be wide open for at least 6 minutes and to at least 225° F, or for at least 8 minutes and to at least 220° F.

(*c*) Venting through water spreaders.

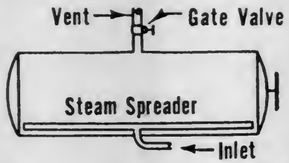


Size of water inlet, vent pipe, and vent valve. For retorts less than 15 feet in length, 2 inches; for retorts 15 feet and over in length, 2½ inches.

Size of water spreader. For retorts less than 15 feet in length, 1½ inches; for retorts 15 feet and over in length, 2 inches.

Venting method. Water spreader vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 225° F, or for at least 7 minutes and to at least 220° F.

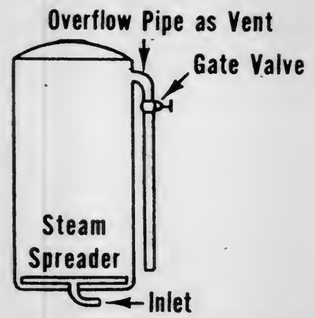
(*d*) Venting through a single 2½-inch top vent (for retorts not exceeding 15 feet in length).



Specifications. A 2½-inch vent equipped with a 2½-inch gate or plug cock valve and located within 2 feet of the center of the retort.

Venting method. Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 220° F.

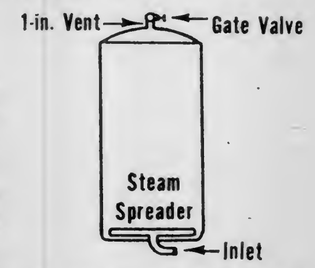
(ii) *Venting vertical retorts.* (*a*) Venting through a 1½-inch overflow.



Specifications. A 1½-inch overflow pipe equipped with a 1½-inch gate or plug cock valve and with not more than 6 feet of 1½-inch pipe beyond the valve before break to the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 218° F, or for at least 5 minutes and to at least 215° F.

(*b*) Venting through a single 1-inch side or top vent.



Specifications. A 1-inch vent in lid or top side, equipped with a 1-inch gate or plug cock valve and discharging directly into the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 230° F, or for at least 7 minutes and to at least 220° F.

(11) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(b) *Equipment and procedures for pressure processing in water in still retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length or a temperature range of not more than 150° F on a scale at least 9 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be located in such a position that they are beneath the surface of the water throughout the process. On horizontal retorts this entry should be made in the side at the center, and the thermometer bulbs shall be inserted directly into the retort shell. In both vertical and horizontal retorts, the thermometer bulbs shall extend directly into the water a minimum of at least 2 inches without a separable well or sleeve. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The recording thermometer bulb should be located adjacent to the bulb of the mercury-in-glass thermometer except in the case of a vertical retort equipped with a combination recorder-controller. In such vertical retorts the temperature recorder-control bulb shall be located at the bottom of the retort below the lowest crate rest in such a position that the steam does not strike it directly. In horizontal retorts the temperature recorder-control bulb shall be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for direct steam impingement upon the control bulb.

(3) *Pressure gages.* (i) Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 lbs or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(ii) An adjustable pressure relief, or control valve of a capacity sufficient to prevent undesired increase in retort pressure when the water valve is wide open and should be installed in the overflow line.

(4) *Steam introduction.* The distribution of steam in the bottom of the retort shall be accomplished in a manner adequate to provide uniform heat distribution throughout the retort. In vertical retorts, uniform steam distribution can be achieved by any of several methods. In horizontal retorts, the steam distributor shall run the length of the bottom of the retort with perforations distributed uniformly along the upper part of the pipe.

(5) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of the retort. Centering guides should be installed so as to ensure that there be about 1½-inches clearance between the side wall of the crate and the retort wall.

(6) *Stacking equipment.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is used for the bottoms, the perforations should be approximately the equivalent of 1-inch holes on 2-inch centers. If divider plates are used between the layers of containers, they should be perforated as above.

(7) *Drain valve.* A nonclogging, watertight valve shall be used. Screens should be installed over all drain openings.

(8) *Water level indicator.* There shall be a means of determining the water level in the retort during operation (e.g., by using a gage water glass or petcock(s)). Water shall cover the top layer of containers during the entire coming-up-time and processing periods and should cover the top layer of containers during the cooling periods.

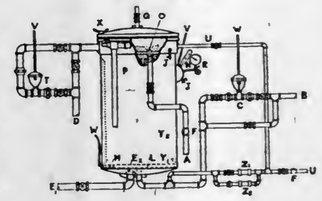
(9) *Air supply and controls.* In both horizontal and vertical still retorts for pressure processing in water, a means shall be provided for introducing compressed air at the proper pressure and rate. The proper pressure shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system. Air or water circulation shall be maintained continuously during the coming-up-time, processing, and cooling periods; if air is used to promote circulation it shall be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort.

(10) *Cooling water supply.* In vertical retorts the cooling water should be introduced at the top of the retort between the water and container levels; in horizontal retorts the cooling water should be introduced into the suction side of the pump. A check valve should be included in the cooling water line.

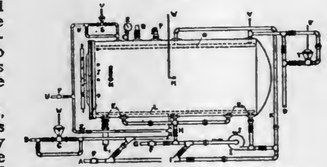
(11) *Retort headspace.* The headspace necessary to control the air pressure should be maintained between the water level and the top of the retort shell.

(12) *Vertical and horizontal still retorts.* Vertical and horizontal still retorts should follow the arrangements in the following diagrams or be equivalent.

Vertical Retorts



Horizontal Retorts



LEGEND FOR VERTICAL AND HORIZONTAL STILL RETORTS

A—Water line.
B—Steam line.
C—Temperature control.
D—Overflow line.
E_1—Drain line.
E_2—Screens.
F—Check valves.
G—Line from hot water storage.
H—Suction line and manifold.
I—Circulating pump.
J—Petcocks.
K—Recirculating line.
L—Steam distributor.
M—Temperature controller bulb.
N—Thermometer.
O—Water spreader.
P—Safety valve.
Q—Vent valve for steam processing.
R—Pressure gage.
S—Inlet air control.
T—Pressure control.
U—Air line.
V—To pressure control instrument.
W—To temperature control instrument.
X—Wing nuts.
Y_1—Crate support.
Y_2—Crate guides.
Z—Constant flow orifice valve.
Z_1—Constant flow orifice valve used during come-up.
Z_2—Constant flow orifice valve used during cook.

(13) *Water circulation.* When a water circulating system is used for heat distribution it shall be installed in such a manner that water will be drawn from the bottom of the retort through a suction manifold and discharged through a spreader which extends the length of the top of the retort. The holes in the water spreader shall be uniformly distributed and should have an aggregate area not greater than the cross section area of the outlet line from the pump. The suction outlets should be protected with nonclog-

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ging screens to keep debris from entering the circulating system. The pump shall be equipped with a pilot light or other signaling device to warn the operator when it is not running, and with a bleeder to remove air when starting operations.

(14) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(c) *Equipment and procedures for pressure processing in steam in continuous agitating retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeders for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be 1/8-inch or larger and shall be wide open during the entire process, including the coming-up-time. Bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top of the retort. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Venting and condensate removal.* Vents shall be located in that portion of the retort opposite the steam inlet. Air shall be removed before processing is started. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision shall be made for continuing drainage of condensate during the retort operation. The condensate bleeder in the bottom of the shell serves as an indicator of continuous condensate removal.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The speed shall be adjusted and recorded when the retort is started, at any time a speed change is made, and at intervals of sufficient frequency to ensure that the retort speed is maintained as specified in the scheduled process. These adjustments and recordings should be made every 4 hours or less. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Emergency stops.* If a retort jams or breaks down during processing operations, necessitating cooling the retort for repairs, the retort shall either be operated as a still retort, with all containers being given a full still retort process before the retort is cooled, or the retort shall be cooled promptly and all containers shall be either reprocessed, repacked and reprocessed, or discarded.

(i) Any containers in the retort intake valve of a continuous retort at the time of breakdown shall either be reprocessed, repacked and reprocessed, or discarded.

(ii) Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter. If the alternative procedure of prompt cooling is followed, the subsequent handling methods used for the containers in the retort at the time of stopping and cooling shall be entered on the production records.

(9) *Temperature drop.* If the temperature of the continuous retort drops below the temperature specified in the scheduled process while containers are in the retort, the retort reel shall be stopped promptly. An automatic device should be used to stop the reel when the temperature drops below the specified process temperature. Before the reel is restarted, all containers in the retort shall be given a complete still retort process if the temperature drop was 10° F or more below the specified temperature. Alternatively, container entry to the retort shall be stopped and the reel shall be restarted to empty the retort. The discharged containers shall be either reprocessed, repacked and reprocessed, or discarded. Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter. If the alternative procedure of emptying the retort is followed, the subsequent handling methods used for the containers in the retort at the time of the temperature drop shall be entered on the production records. If the temperature drop was less than 10° F, an authorized emergency still process approved by a qualified person(s) having expert knowledge of thermal processing requirements may be used before restarting the retort reel. Alternatively, container entry to the retort shall be stopped and an authorized emergency agitating process may be used before container entry to the retort is restarted. If any emergency process and procedure is utilized, no containers shall enter the retort during this time and the process and procedures used shall be entered on the production records.

(10) *Critical factors.* The minimum headspace of containers, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process, the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to ensure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to ensure that they are as specified in the scheduled process. All measurements and recordings of critical

factors should be made at intervals not to exceed 15 minutes.

(d) *Equipment and procedures for pressure processing in steam in discontinuous agitating retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeder for external wells shall emit steam continuously during the entire processing period. Thermometers shall be installed where they can be accurately and easily read. A thermometer with a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be 1/8 inch or larger and shall be wide open during the entire process, including the coming-up-time. Bleeders shall be located within approximately 1 foot of each end; additional bleeders shall be located not more than 8 feet apart along the top of the retort. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to ensure removal of condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Venting and condensate removal.* The air in each retort shall be removed before processing is started. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision should be made for continuing drainage of condensate during the retort operation.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The rotational speed shall be adjusted, as necessary, to ensure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Critical factors.* The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to ensure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to ensure that they are as specified in the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(e) *Equipment and procedures for pressure processing in water in discontinuous agitating retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. Thermometers shall be installed where they can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period.

(3) *Pressure gages.* Each retort shall be equipped with a pressure gage. The gage should be graduated in divisions of 2 pounds or less, should be connected to the retort shell or external well by a short gooseneck tube, and should be not more than 4 inches higher than the gooseneck. The gage should be checked for accuracy at least once a year.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The rotational speed shall be adjusted, as necessary, to ensure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes shall be provided.

(6) *Air supply and controls.* Means shall be provided for introducing compressed air at the proper pressure and rate. The proper pressure shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system.

(7) *Critical factors.* The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is

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as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to ensure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. Measurements of these critical factors shall be made and recorded at intervals of sufficient frequency to ensure that they are as specified in the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(f) *Equipment and procedures for pressure processing in steam in hydrostatic retorts*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length. The scale divisions shall be no more than 2° F. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure their accuracy. The thermometer shall be located in the steam dome near the steam-water interface. Where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, a mercury-in-glass thermometer shall be located in each hydrostatic water leg in a position near the bottom automatic recorder so that it can be accurately and easily read. A thermometer that has a divided mercury column or that deviates more than 1° F from the standard shall be repaired or replaced. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort adjusted to agree within 1° F of the known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 50° F per in. within a range of 20° F of the processing temperature. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the steam dome or in a well attached to the dome. Temperature recorder bulb wells shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the entire processing period. Additional temperature recorder bulbs shall be installed in the hydrostatic water legs if the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs.

(3) *Recording of temperatures.* Temperatures indicated by the mercury-in-glass thermometer or thermometers shall be entered on a suitable form during processing operations. Temperatures shall be recorded by an accurate automatic recorder or recorders at the following points:

(i) In the steam chamber between the steam-water interface and the lowest container position.

(ii) Near the top and the bottom of each hydrostatic water leg if the scheduled process specifies maintenance of particular temperatures in the legs.

(4) *Venting.* Before the start of processing operations, the retort steam chamber or chambers shall be vented to ensure removal of air.

(5) *Bleeders.* Bleeder openings 1/4-inch or larger shall be located at the end of the steam chamber or chambers opposite from the point of steam entry. Bleeders shall be wide open and shall emit steam continuously during the entire process, including the coming-up-time. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Retort speed.* The speed of the container conveyor chain shall be specified in the scheduled process and shall be determined and recorded at the start of processing and at intervals of sufficient frequency to ensure that the retort speed is maintained as specified. The speed should be determined and recorded every 4 hours. An automatic device should be used to stop the chain when the temperature drops below that specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(7) *Critical factors.* (i) Where maximum drained weight is specified in the scheduled process, it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Minimum closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(g) *Aseptic processing and packaging systems*—(1) *Product sterilizer*—(i) *Equipment*—(a) *Temperature indicating device.* Each product sterilizer shall be equipped with at least one mercury-in-glass thermometer that has a temperature range of not more than 100° F in the processing range on a scale at least 7 inches in length, or an equivalent temperature indicating device, such as a thermocouple-recorder. The scale divisions or chart graduations of the temperature indicating device shall be no more than 2° F within the range of 10° F of the product sterilization operating range. The device shall be installed in the product at the holding tube outlet between the holding tube and the inlet to the cooler. The temperature indicating device shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently as may be necessary to ensure its accuracy. The device shall be installed so that it can be accurately and easily read. A thermometer that has a divided mercury column or a device that deviates more than 1° F from the standard shall be repaired or replaced. The temperature indicating device shall be the reference instrument for indicating the processing temperature.

(b) *Temperature recording device.* There shall be an accurate temperature recording device on each product presterilizer. The temperature sensor shall be located in the presterilized product at the holding tube outlet between the holding tube and the inlet of the cooler. The recording device shall be adjusted to agree with a known accurate standard mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The recording device shall not deviate more than 1° F from the standard thermometer; it shall be installed so that it can be accurately and easily read. The recording chart graduations shall not exceed 2° F within a range of 10° F. of the desired product sterilization temperature. The chart shall have a working scale of not more than 50° F per inch within a range of 20° F of the processing temperature.

(c) *Temperature recorder-controller.* An accurate temperature recorder-controller shall be located in the product sterilizer at the final heater outlet. It shall be capable of assuring that the desired product sterilization temperature is maintained. The chart graduations shall not exceed 2° F within a range of 10° F of the desired product sterilization temperature.

(d) *Product-to-product regenerators.* Where a product-to-product regenerator is used to heat the cold unsterilized product entering the sterilizer by means of a heat exchange system. It shall be designed, operated, and controlled so that the pressure of the sterilized product in the regenerator is greater than the pressure of any unsterilized product in the regenerator to ensure that any leakage in the regenerator will be from the sterilized product into the unsterilized product.

(e) *Differential pressure recorder-controller.* Where a product-to-product regenerator is used, there shall be an accurate differential pressure recorder-controller installed on the regenerator. The scale divisions shall not exceed 2 pounds per square inch on a working scale of not more than 20 pounds per square inch per inch. The controller shall be tested for accuracy against a known accurate standard pressure indicator, upon installation and at least once every

3 months of operation thereafter or more frequently as may be necessary to ensure its accuracy. One pressure sensor shall be installed at the sterilized product regenerator outlet, and the other pressure sensor shall be installed at the unsterilized product regenerator inlet.

(f) *Metering pump.* A metering pump shall be located upstream from the holding tube and shall be operated to maintain the required rate of product flow. A means of preventing unauthorized speed changes shall be provided.

(g) *Product holding tube.* The product sterilizing holding tube shall be designed to give continuous holding of every particle of food for at least the minimum holding time specified in the scheduled process. The holding tube shall be designed so that no portion between the product inlet and the product outlet can be heated, and it shall be sloped upward at least 0.25 inch per foot.

(ii) *Operation*—(a) *Startup.* Prior to the start of aseptic processing operations, the product sterilizer shall be brought to a condition of commercial sterility.

(b) *Temperature drop in product sterilizing holding tube.* When product temperature in the holding tube drops below the temperature specified in the scheduled process, the product holding tube and any further system portions affected shall be returned to a condition of commercial sterility before flow is resumed to the filler.

(c) *Loss of proper pressures in the regenerator.* Where a regenerator is used the product may lose sterility whenever the pressure of sterilized product in the regenerator is less than 1 lb. per square in. greater than the pressure of unsterilized product in the regenerator. Product flow to the filler shall not be resumed until the cause of the improper pressure relationships in the regenerator has been corrected and the affected system(s) has been returned to a condition of commercial sterility.

(d) *Records.* Readings at the following points shall be observed and recorded at the start of aseptic packaging operations and at intervals of sufficient frequency to ensure that these values are as specified in the scheduled process: Temperature indicating device in holding tube outlet; temperature recorder in holding tube outlet; temperature recorder-controller at final heater outlet; differential pressure recorder-controller, if a product-to-product regenerator is used; and product flow rate as established by the metering pump or as determined by filling and closing rates. Such measurements and recordings should be made at intervals not to exceed 1 hr.

(2) *Container sterilizing, filling, and closing operation*—(i) *Equipment*—(a) *Recording device.* The container and closure sterilization system and product filling and closing system shall be instrumented to show that commercial sterility is being achieved. Automatic recording devices shall be used to record, where applicable, the sterilization media flow rates and/or temperatures. Where a batch system is used for container sterilization, the sterilization conditions shall be recorded.

(b) *Timing method(s).* A method(s) shall be used either to give the retention time of containers, and closures if applicable, in the sterilizing environment as specified in the scheduled process, or to control the sterilization cycle at the rate as specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(ii) *Operation*—(a) *Startup.* Prior to the start of packaging operations, both the container and closure sterilizing system and the product filling and closing system shall be brought to a condition of commercial sterility.

(b) *Loss of sterility.* In the event of loss of sterility, the system(s) shall be returned to a condition of commercial sterility before resuming packaging operations.

(c) *Records.* Observations and measurements of operating conditions shall be made and recorded at intervals of sufficient frequency to ensure that commercial sterility of the food product is being achieved; such measurements shall include the sterilization media flow rates and/or temperatures, the container and closure rates (if applicable) through the sterilizing system, and the sterilization conditions if a batch system is used for container sterilization. The measurements and recordings should be made at intervals not to exceed 1 hour.

(3) *Incubation.* Incubation tests shall be conducted on a representative sample of containers of product from each code; records of the tests shall be maintained.

(h) *Equipment and procedures for flame sterilizers.* The container conveyor speed shall be specified in the scheduled process. The container conveyor speed shall be measured and recorded at the start of operations and at intervals of sufficient frequency to ensure that the conveyor speed is as specified in the scheduled process. Such measurements and recordings should be done at 1-hour intervals. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on the conveyor shall be provided. The surface temperature of at least one container from each conveyor channel shall be measured and recorded at the end of the holding period at intervals of sufficient frequency to ensure that the temperatures specified in the scheduled process are maintained. Such measurements and recordings should be done at intervals not to exceed 15 minutes.

(i) *New systems.* The development of new systems for the thermal processing of low-acid foods in hermetically sealed containers shall conform to the applicable requirements of this part and shall ensure that the methods and controls used for the manufacture, processing, and/or packing of such foods are operated or administered in a manner adequate to achieve commercial sterility.

Subpart D—Controls of Components, Food Product Containers, Closures, and In-Process Materials

§ 507.60 Containers.

(a) *Closures.* Regular observations shall be maintained during production runs for gross closure defects. Any such defects shall be recorded, and corrective action shall be taken and recorded. At intervals of sufficient frequency to ensure proper closure, the operator, closure supervisor, or other qualified container closure inspection person shall visually examine either the top seam of a can randomly selected from each seaming head or the closure of any other type of container being used, and shall record his observations. Such measurements and recordings should be made at intervals not to exceed 30 minutes. Additional visual closure inspections shall be made immediately following a jam in a closure machine, after closing machine adjustment, or after startup of a machine following a prolonged shutdown. All pertinent observations shall be recorded. Where irregularities are found, the corrective action shall be recorded.

(1) Teardown examinations for double seam cans shall be performed by a qualified individual and the results therefrom shall be recorded at intervals of sufficient frequency on enough containers from each seaming station to ensure maintenance of seam integrity. Such examinations and recordings should be made at intervals not to exceed 4 hours. The results of the teardown examinations shall be recorded and the corrective action taken, if any, shall be noted.

(i) Required and optional can seam measurements:

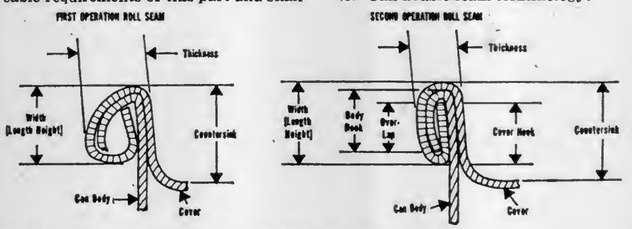
(a) Micrometer measurement system:

Required	*Optional*
Cover hook.	Overlap (by calculation).
Body hook.	Countersink.
Width (length, height).	Thickness.
Tightness (observation for wrinkle).	

(b) Seam scope or projector:

Required	*Optional*
Body hook.	Width (length, height).
Overlap.	Cover hook.
Tightness (observation for wrinkle).	Countersink.
	Thickness.

(c) Can double seam terminology:



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(ii) Two measurements at different locations, excluding the side seam, shall be made for each double seam characteristic if a seam scope or seam projector is used. When a micrometer is used, three measurements shall be made at points approximately 120° apart, excluding the side seam.

(iii) Overlap length can be calculated by the following formula:

The theoretical overlap length =
CH + BH + T − W where
CH = cover hook
BH = body hook
T = cover thickness, and
W = seam width (height, length)

(2) For closures other than double seams, appropriate detailed inspections and tests shall be conducted by qualified personnel at intervals of sufficient frequency to ensure proper closing machine performance and consistently reliable hermetic seal production. Records of such tests shall be maintained.

(b) *Cooling.* Container cooling water should be chlorinated as necessary by the processor so that there is a measurable free chlorine residual at the water discharge point of the container cooler. Other safe chemical or physical treatment which is equivalent to chlorination in its bactericidal effect may be used. Where pressure cooling is utilized, adequate pressure should be maintained for a time sufficient to prevent permanent distortion of the container.

(c) *Coding.* Each hermetically sealed container of low-acid processed food shall be marked with an identifying code which shall be permanently visible to the naked eye. Where the container does not permit the code to be embossed or inked, the label may be legibly perforated or otherwise marked, provided that the label is securely affixed to the product container. The required identification shall identify in code the establishment where packed, the product contained therein, the year packed, the day packed, and the period during which packed. The packing period code shall be changed with sufficient frequency to enable ready identification of lots during their sale and distribution. Codes may be changed on the basis of one of the following: Intervals of every 4 to 5 hours; personnel shift changes; or batches, provided the containers comprising such batch do not extend over a period of more than one personnel shift.

(d) *Postprocess handling.* Where cans are handled on belt conveyors, such conveyors should be so constructed as to minimize contact by the belt with the double seam, i.e., cans should not be rolled on the double seam. All worn and frayed belting, can retarders, cushions, etc., should be replaced with new nonporous material. All tracks and belts which come into contact with the can seams should be thoroughly scrubbed and sanitized at intervals of sufficient frequency to avoid product contamination. Automatic equipment used in handling filled containers should be so designed and operated in such a manner as to preserve the can seam or other container closure integrity.

Subpart E—Production and Process Controls

§ 507.81 Product preparation.

(a) Incoming raw materials, ingredients, and packaging components should be inspected upon receipt to ensure that they are suitable for processing. Raw materials should be received in an area separate from the processing areas. Prior to being placed in inventory, ingredients susceptible to microbiological contamination which would render them unsuitable for processing either should be examined for microbiological condition or should be received under a supplier's guarantee that they are of a microbiological condition suitable for use in processing low-acid foods. Products should be held prior to processing in such a manner as to minimize growth of microorganisms.

(b) Blanching by heat, when required in the preparation of food for canning, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food or passing it to subsequent processing without delay. Thermophilic growth and contamination in blanchers should be minimized by the use of adequate operating temperatures and by cleaning. Where the blanched food product is washed prior to filling, potable water should be used.

(c) The filling of containers, either mechanically or by hand, shall be controlled so as to ensure that the filling requirements specified in the scheduled process are met.

(d) The exhausting of containers for the removal of air shall be controlled so as to meet the conditions for which the process was designed. This may be done by heat exhausting, mechanical exhausting, hot brining, or steam injection.

(e) When normally low-acid fruits, vegetables, or vegetable products require sufficient acidification to permit safe processing at low temperatures, such as in boiling water, there shall be careful supervision to ensure that the equilibrium pH of the finished product meets that of the scheduled process.

§ 507.83 Establishing scheduled processes.

Scheduled processes for low-acid foods shall be established by qualified persons having expert knowledge of thermal processing requirements for low-acid foods in hermetically sealed containers and having adequate facilities for making such determinations. The type, range, and combination of variations encountered in commercial production shall be adequately provided for in establishing the scheduled process. Critical factors which may affect the scheduled process (e.g., minimum headspace, consistency, maximum drained weight, etc.), shall be specified in the scheduled process. Acceptable scientific methods of establishing heat sterilization processes shall include, where necessary, but not be limited to microbial thermal death time data, process calculations based on product heat penetration data, inoculated packs, and incubation tests. Product heat penetration data may be mathematically converted in calculating processes for different container sizes and thermal processing temperatures. If incubation tests are necessary, they shall include containers from test trials and from actual commercial production runs during the period of instituting the process. The incubation tests for establishing scheduled processes should include the containers from the test trials and a number of containers from each of four or more actual commercial production runs. The number of containers from actual commercial production runs should be determined on the basis of recognized scientific methods to be of a size sufficient to ensure the adequacy of the process. Complete records covering all aspects of the establishment of the process and associated incubation tests shall be prepared and shall be permanently retained by the person or organization making the determination.

§ 507.87 Operations in the thermal processing room.

(a) Scheduled processes and venting procedures to be used for each product and container size being packed shall either be posted in a conspicuous place near the processing equipment or shall be made readily available to the retort or processing system operator and any duly authorized employee of the Food and Drug Administration.

(b) All retort baskets, trucks, cars, or crates containing unretorted food product, or some of the containers on the top of each basket, shall be plainly and conspicuously marked with a heat sensitive indicator, or by other effective means, which will visually indicate to thermal processing personnel whether or not each such unit has been retorted.

(c) The initial temperature of the contents of the containers to be processed shall be determined and recorded with sufficient frequency to ensure that the temperature of the product is no lower than the minimum initial temperature specified in the scheduled process.

(d) Timing devices used in recording thermal process time information shall be accurate to the extent needed to ensure that the processing time specified in the scheduled process is achieved. Pocket or wrist watches shall not be considered satisfactory for timing purposes.

(e) For continuous agitating retorts, the condensate bleeder shall be checked with sufficient frequency to ensure adequate removal of condensate. A record shall be kept to show how it is functioning.

§ 507.89 Deviations in processing.

Whenever any process is less than the scheduled process for any low-acid food or container system as disclosed from records, by processor check, or otherwise, the commercial processor of such low-acid food shall either fully reprocess that portion of the production involved, keeping full records of the reprocessing conditions or, alternatively, shall set aside that portion of the production involved for further evaluation as to any potential

public health significance. Such evaluation shall be made by a competent processing authority and shall be in accordance with procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health. Unless such evaluation demonstrates that the product had been given a thermal process that rendered it free of microorganisms of potential public health significance, the product set aside either shall be fully reprocessed to render it commercially sterile or it shall be destroyed. A record shall be made of the evaluation procedures used and the results. Either upon completion of full reprocessing and the attainment of commercial sterility or after the determination that no significant potential for public health hazard exists, that portion of the production involved may be shipped in normal distribution. Otherwise, the portion of the production involved shall be destroyed.

Subpart F—Records and Reports

§ 507.110 Processing and production records.

(a) Processing and production information shall be entered by the retort or processing system operator, or other designated person, on forms which shall include the product, the code number, the retort or processing system number, the size of container, the approximate number of containers per coding interval, the minimum initial temperature, the actual processing time and temperature, the mercury-in-glass and recording thermometer readings, and other appropriate processing data. Closing machine vacuum (in vacuum-packed products), maximum drained weight, or other critical factors specified in the scheduled process shall also be recorded. In addition, the following records shall be maintained:

(1) *Still retorts.* Time steam on; time temperature up to processing temperature; time steam off; venting time and/or temperature to which vented (as applicable).

(2) *Agitating retorts.* Functioning of condensate bleeder; retort speed; and, where specified in the scheduled process, headspace, consistency, maximum drained weight, minimum net weight, and percent solids.

(3) *Hydrostatic retorts.* The temperature in the steam chamber between the steam-water interface and the lowest container position; speed of the container conveyor chain: and, where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, the temperatures near the top and the bottom of each hydrostatic water leg.

(4) *Aseptic processing and packaging systems.* Product temperature in the holding tube outlet as indicated by the temperature indicating device and the temperature recorder; product temperature in the final heater outlet as indicated by the temperature recorder-controller; differential pressure as indicated by the differential pressure recorder-controller, if a product-to-product regenerator is used; product flow rate, as determined by the metering pump or by filling and closing rates; sterilization media flow rate and/or temperature; retention time of containers, and closures where applicable, in the sterilizing environment; and, where a batch system is used for container and/or closure sterilization, sterilization cycle times and temperatures.

(5) *Flame sterilizers.* Container conveyor speed; surface temperature at the end of the holding period; nature of container.

(b) Recording thermometer charts shall be identified by date, and other data as necessary, so they can be correlated with the written record of lots processed. Each entry on the record shall be made by the retort or processing system operator, or other designated person, at the time the specific retort or processing system condition or operation occurs, and the retort or processing system operator or such designated person shall sign or initial each record form. Not later than 1 working day after the actual process, and prior to shipment or release for distribution, a representative of plant management who is qualified by suitable training or experience shall review all processing and production records for completeness and to ensure that the product received the scheduled process. The records, including the recording thermometer chart(s), shall be signed or initialed by the person conducting the review.

(c) Written records of all container closure examinations shall specify the product code, the date and time of container closure inspections, the measurements obtained, and all corrective actions taken. Records shall be signed or initialed by the container closure inspector and shall be reviewed by management with sufficient frequency to assure that the containers are hermetically sealed.

(d) Copies of all records provided for in this part except those required under § 507.83 establishing scheduled processes, shall be retained at the processing plant for a period of not less than 1 year, and at the processing plant or other reasonably accessible location for an additional 2 years. If during the first year of the 3-year record retention period the processing plant is closed for a prolonged period between seasonal packs, the records may be transferred to some other reasonably accessible location at the end of the seasonal pack.

PART 508—EMERGENCY PERMIT CONTROL

Subpart A—General Provisions

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508.3 Definitions.
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508.6 Revocation of determination of need for permit.
508.7 Issuance or denial of permit.
508.10 Suspension and reinstatement of permit.
508.12 Manufacturing, processing, or packing without a permit or in violation of a permit.
508.19 Establishment of requirements for exemption from section 404 of the act.

Subpart B—Specific Requirements and Conditions for Exemption From or Compliance With an Emergency Permit

508.35 Thermal processing of low-acid animal foods packaged in hermetically sealed containers.

AUTHORITY: Secs. 402, 404, 701, 52 Stat. 1046–1047 as amended, 1048, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 342, 344, 371.

Subpart A—General Provisions

§ 508.3 Definitions.

(a) The definitions contained in section 201 of the Federal Food, Drug, and Cosmetic Act are applicable to such terms when used in this part.

(b) "Commissioner" means the Commissioner of Food and Drugs.

(c) "Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(d) "Permit" means an emergency permit issued by the Commissioner pursuant to section 404 of the act for such temporary period of time as may be necessary to protect the public health.

(e) "Manufacture, processing, or packing of food in any locality" means activities conducted in a single plant or establishment, a series of plants under a single management, or all plants in an industry or region, by a manufacturer, processor, or packer.

§ 508.5 Determination of the need for a permit.

(a) Whenever the Commissioner determines after investigation that a manufacturer, processor, or packer of a food for which a regulation has been promulgated in Subpart B of this part does not meet the mandatory conditions and requirements established in such regulation, he shall issue to such manufacturer, processor, or packer an order determining that a permit shall be required before the food may be introduced or delivered for introduction into interstate commerce by that person. The order shall specify the mandatory conditions and requirements with which there is a lack of compliance.

(1) The manufacturer, processor, or packer shall have 3 working days after receipt of such order within which to file objections. Such objections may be filed by telegram, telex, or any other mode of written communication addressed to the Food and Drug Administration, Bureau of Foods, 200 C St. SW., Washington, DC 20204. If such objections are filed, the determination is stayed pending a hearing to be held within 5 working days after the filing of objections on the issues involved unless the Commissioner determines that the objections raise no genuine and substantial issue of fact to justify a hearing.

(2) If the Commissioner finds that there is an imminent hazard to health, the order shall contain this finding and the reasons therefor, and shall state that the determination of the need for a permit is effective immediately pending an expedited hearing.

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(b) A hearing under this section shall be conducted by the Commissioner or his designee at a location agreed upon by the objector and the Commissioner or, if such agreement cannot be reached, at a location designated by the Commissioner. The manufacturer, processor, or packer shall have the right to cross-examine the Food and Drug Administration's witnesses and to present witnesses on his own behalf.

(c) Within 5 working days after the hearing, and based on the evidence presented at the hearing, the Commissioner shall determine whether a permit is required and shall so inform the manufacturer, processor, or packer in writing, with the reasons for his decision.

(d) The Commissioner's determination of the need for a permit constitutes final agency action from which appeal lies to the courts. The Commissioner will not stay a determination of the need for a permit pending court appeal except in unusual circumstances, but will participate in expediting any such appeal.

§ 508.6 Revocation of determination of need for permit.

(a) A permit shall be required only during such temporary period as is necessary to protect the public health.

(b) Whenever the Commissioner has reason to believe that a permit holder is in compliance with the mandatory requirements and conditions established in Subpart B of this part and is likely to remain in compliance, he shall, on his own initiative or on the application of the permit holder, revoke both the determination of need for a permit and the permit that had been issued. If denied, the applicant shall, upon request, be afforded a hearing conducted in accordance with § 508.5 (b) and (c) as soon as practicable. Such revocation is without prejudice to the initiation of further permit proceedings with respect to the same manufacturer, processor, or packer should later information again show the need for a permit.

§ 508.7 Issuance or denial of permit.

(a) After a determination and notification by the Commissioner in accordance with the provisions of § 508.5 that a manufacturer, processor, or packer requires a permit, such manufacturer, processor, or packer may not thereafter introduce or deliver for introduction into interstate commerce any such food manufactured, processed, or packed by him unless he holds a permit issued by the Commissioner or obtains advance written approval of the Food and Drug Administration pursuant to § 508.12(a).

(b) Any manufacturer, processor, or packer for whom the Commissioner has made a determination that a permit is necessary may apply to the Commissioner for the issuance of such a permit. The application shall contain such data and information as is necessary to show that all mandatory requirements and conditions for the manufacture, processing or packing of a food for which regulations are established in Subpart B of this part are met and, in particular, shall show that the deviations specified in the Commissioner's determination of the need for a permit have been corrected or suitable interim measures established. Within 10 working days after receipt of such application, (except that the Commissioner may extend such time an additional 10 working days where necessary), the Commissioner shall issue a permit, deny the permit, or offer the applicant a hearing conducted in accordance with § 508.5 (b) and (c) as to whether the permit should be issued. The Commissioner shall issue such a permit to which shall be attached, in addition to the mandatory requirements and conditions of Subpart B of this part, any additional requirements or conditions which may be necessary to protect the public health if he finds that all mandatory requirements and conditions of Subpart B of this part are met or suitable interim measures are established.

(c) Denial of a permit constitutes final agency action from which appeal lies to the courts. The Commissioner will not stay such denial pending court appeal except in unusual circumstances, but will participate in expediting any such appeal.

§ 508.10 Suspension and reinstatement of permit.

(a) Whenever the Commissioner finds that a permit holder is not in compliance with the mandatory requirements and conditions established by the permit, he shall immediately suspend the permit and so inform the permit holder, with the reasons for the suspension.

(b) Upon application for reinstatement of a permit, the Commissioner shall, within 10 working days, reinstate the permit if he finds that the person is in compliance with the mandatory requirements and conditions established by the permit or deny the application.

(c) Any person whose permit has been suspended or whose application for reinstatement has been denied may request a hearing. The hearing shall be conducted by the Commissioner or his designee within 5 working days of receipt of the request at a location agreed upon by the objector and the Commissioner or, if an agreement cannot be reached, at a location designated by the Commissioner. The permit holder shall have the right to present witnesses on his own behalf and to cross-examine the Food and Drug Administration's witnesses.

(d) Within 5 working days after the hearing, and based on the evidence presented at the hearing, the Commissioner shall determine whether the permit shall be reinstated and shall so inform the permit holder, with the reasons for his decision.

(e) Denial of an application for reinstatement of a permit constitutes final agency action from which appeal lies to the courts. The Commissioner will not stay such denial pending court appeal except in unusual circumstances, but will participate in expediting any such appeal.

§ 508.12 Manufacturing, processing, or packing without a permit or in violation of a permit.

(a) A manufacturer, processor, or packer may continue at his own risk to manufacture, process, or pack without a permit a food for which the Commissioner has determined that a permit is required. All food so manufactured, processed, or packed during such period without a permit shall be retained by the manufacturer, processor, or packer and may not be introduced or delivered for introduction into interstate commerce without the advance written approval of the Food and Drug Administration. Such approval may be granted only upon an adequate showing that such food is free from microorganisms of public health significance. The manufacturer, processor, or packer may provide to the Commissioner, for his consideration in making any such determination, an evaluation of the potential public health significance of such food by a competent authority in accordance with procedures recognized as being adequate to detect any potential hazard to public health. Within 20 working days after receipt of a written request for such written approval the Food and Drug Administration shall either issue such written approval or deny the request. If the request is denied, the applicant shall, upon request, be afforded a prompt hearing conducted in accordance with § 508.5 (b) and (c).

(b) Except as provided in paragraph (a) of this section, no manufacturer, processor, or packer may introduce or deliver for introduction into interstate commerce without a permit or in violation of a permit a food for which the Commissioner has determined that a permit is required. Where a manufacturer, processor, or packer utilizes a consolidation warehouse or other storage facility under his control, interstate shipment of any such food from the point of production to that warehouse or storage facility shall not violate this paragraph, provided that no further introduction or delivery for introduction into interstate commerce is made from that consolidated warehouse or storage facility except as provided in paragraph (a) of this section.

§ 508.19 Establishment of requirements for exemption from section 404 of the act.

(a) Whenever the Commissioner finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with microorganisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he shall promulgate regulations in Subpart B of this part establishing requirements and conditions governing the manufacture, processing, or packing of the food necessary to protect the public health. Such regulations may be proposed by the Commissioner on his own initiative or in response to a petition from any interested person. Petitions requesting promulgation of regulations in Subpart B of this part shall be in the form specified in § 2.65 of this chapter.

(b) A manufacturer, processor, or packer of a food for which a regulation has been promulgated in Subpart B of this part shall be exempt from the requirement for a permit only if he meets all of the mandatory requirements and conditions established in that regulation.

Subpart B—Requirements and Conditions for Exemption From or Compliance With an Emergency Permit

§ 508.35 Thermal processing of low-acid foods packaged in hermetically sealed containers.

(a) Inadequate or improper manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers may result in the distribution in interstate commerce of processed foods that may be injurious to health. The harmful nature of such foods cannot be adequately determined after these foods have entered into interstate commerce. The Commissioner of Food and Drugs therefore finds that, in order to protect the public health, it may be necessary to require any commercial processor, in any establishment engaged in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers, to obtain and hold a temporary emergency permit provided for under section 404 of the Federal Food, Drug, and Cosmetic Act. Such a permit may be required whenever the Commissioner finds, after investigation, that the commercial processor has failed to fulfill all the requirements of this section, including registration and the filing of process information, and the mandatory portions of Part 507 of this chapter. These requirements are intended to ensure safe manufacture, processing, and packing procedures and to permit the Food and Drug Administration to verify that these procedures are being followed. Such failure shall constitute a prima facie basis for the immediate application of the emergency permit control provisions of section 404 of the act to that establishment, pursuant to the procedures established in Subpart A of this part.

(b) The definitions in § 507.3 of this chapter are applicable when such terms are used in this section.

(c) Registration and process filing: (1) *Registration.* A commercial processor when first engaging in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers in any state, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register with the Food and Drug Administration on Form FD–2541 (food canning establishment registration) information including (but not limited to) his name, principal place of business, the location of each establishment in which such processing is carried on, the processing method in terms of the type of processing equipment employed, and a list of the low-acid foods so processed in each such establishment. These forms are available from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch, HFF–326, 200 C St. SW., Washington, DC 20204, or at any Food and Drug Administration district office. The completed form shall be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food Technology, HFF–419, 200 C St. SW., Washington, DC 20204. Commercial processors presently so engaged shall register not later than July 13, 1973. Commercial processors duly registered in accordance with this section shall notify the Food and Drug Administration not later than 90 days after such commercial processor ceases or discontinues the manufacture, processing, or packing of thermally processed foods in any establishment: *Provided*, That such notification shall not be required as to the temporary cessation necessitated by the seasonal character of the particular establishment's production or caused by temporary conditions including but not limited to strikes, lockouts, fire, or acts of God.

(2) *Process filing.* A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall, not later than 60 days after registration and prior to the packing of a new product, provide the Food and Drug Administration information as to the scheduled processes including but not limited to the processing method, type of retort or other thermal processing equipment employed, minimum initial temperatures, times and temperatures of processing, sterilizing value (F_o), or other equivalent scientific evidence of process adequacy, critical control factors affecting heat penetration, and source and date of the establishment of the process, for each such low-acid food in each container size: *Provided*, That the filing of such information does not constitute approval of the information by the Food and Drug Administration, and that information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on the following forms as appropriate: Form FD–2541a (food canning establishment and process filing for still retort processes), form FD–2541b (food canning establishment and process filing for agitating processes), or form FD–2541c (food canning establishment and process filing for other than still retort and agitating processes). These forms are available from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch, HFF–326, 200 C St. SW., Washington, DC 20204, or at any Food and Drug Administration district office. The completed form(s) shall be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food Technology, HFF–419, 200 C St. SW., Washington, DC 20204.

(i) If all the necessary information is not available for existing products, the processor shall, at the time the existing information is provided to the Food and Drug Administration request in writing an extension of time for submission of such information, specifying what additional information is to be supplied and the date by which it is to be submitted. Within 30 working days after receipt of such request the Food and Drug Administration shall either grant or deny such request in writing.

(ii) If a packer intentionally makes a change in a previously filed scheduled process by reducing the initial temperature or retort temperature, reducing the time of processing, or changing the product formulation, the container, or any other condition basic to the adequacy of scheduled process, he shall prior to using such changed process obtain substantiation by qualified scientific authority as to its adequacy. Such substantiation may be obtained by telephone, telegram, or other media, but must be promptly recorded, verified in writing by the authority, and contained in the packer's files for review by the Food and Drug Administration. Within 30 days after first use, the packer shall submit to the Food and Drug Administration, Bureau of Foods, 200 C St. SW., HFF–419, Washington, DC 20204 a complete description of the modifications made and utilized, together with a copy of his file record showing prior substantiation by a qualified scientific authority as to the safety of the changed process. Any intentional change of a previously filed scheduled process or modification thereof in which the change consists solely of a higher initial temperature, a higher retort temperature, or a longer processing time, shall not be considered a change subject to this paragraph, but if thereafter that modification is to be regularly scheduled, the modified process shall be promptly filed as a scheduled process, accompanied by full information on the specified forms as provided in this paragraph.

(iii) Many packers employ an "operating" process in which retort operators are instructed to use retort temperatures and/or processing times slightly in excess of those specified in the scheduled process as a safety factor to compensate for minor fluctuations in temperature or time to assure that the minimum times and temperatures in the scheduled process are always met. This would not constitute a modification of the scheduled process.

(3) *Process adherence and information.* (i) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers in any registered establishment shall process each low-acid food in each container size in conformity with at least the scheduled processes and modifications filed pursuant to paragraph (c) (2) of this section.

(ii) Process information availability: When requested by the Food and Drug Administration in writing, a commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall provide the Food and Drug Administration with any information concerning processes and

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procedures which is deemed necessary by the Food and Drug Administration to determine the adequacy of the process: *Provided*, That the furnishing of such information does not constitute approval of the information by the Food and Drug Administration, and that the information concerning processes and other data so furnished shall be regarded as trade secrets within the meaning of 21 U.S.C. 331 (j) and 18 U.S.C. 1905.

(d) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall promptly report to the Food and Drug Administration any instance of spoilage or process deviation the nature of which indicates potential health significance where any lot of such food has in whole or in part entered distribution.

(e) A commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall promptly report to the Food and Drug Administration any instance wherein any lot of such food, which may be injurious to health by reason of contamination with microorganisms, has in whole or in part entered distribution.

(f) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall have prepared and in his files a current procedure which he will use for products under his control and which he will ask his distributor to follow, including plans for effecting recalls of any product that may be injurious to health; for identifying, collecting, warehousing, and controlling the product; for determining the effectiveness of such recall; for notifying the Food and Drug Administration of any such recall; and for implementing such recall program.

(g) All operators of retorts, thermal processing systems, aseptic processing and packaging systems, or other thermal processing systems, and container closure inspectors shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in retort operations, aseptic processing and packaging systems operations or other thermal processing systems operations, and container closure inspections, and has satisfactorily completed the prescribed course of instruction: *Provided*, That this requirement shall not apply in the State of California as listed in paragraph (j) of this section and shall not apply until March 25, 1975 in any other State. The Commissioner will not withhold approval of any school qualified to give such instruction.

(h) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall prepare, review, and retain at the processing plant for a period of not less than 1 year, and at the processing plant or other reasonably accessible location for an additional 2 years, all records of processing, deviations in processing, container closure inspections, and other records specified in Part 507 of this chapter. If during the first year of the 3-year record retention period the processing plant is closed for a prolonged period between seasonal packs, the records may be transferred to some other reasonably accessible location at the end of the seasonal pack. Upon written demand during the course of a factory inspection pursuant to section 704 of the act by a duly authorized employee of the Food and Drug Administration, a commercial processor shall permit the inspection and copying by such employee of these records to verify the adequacy of processing, the integrity of container closures, and the coding of the products.

(i) This section shall not apply to the commercial processing of any food processed under the continuous inspection of the meat and poultry inspection program of the Animal and Plant Health Inspection Service of the Department of Agriculture under the Federal Meat Inspection Act (34 Stat. 1256, as amended by 81 Stat. 584 (21 U.S.C. 601 et seq.)) and the Poultry Products Inspection Act (71 Stat. 441, as amended by 82 Stat. 791; 21 U.S.C. 451 et seq.).

(j) Compliance with State regulations: (1) Wherever the Commissioner finds that any State regulates the commercial thermal processing of low-acid foods in accordance with effective regulations specifying at least the requirements of Part 507 of this chapter, he shall issue a notice stating that compliance with such State regulations shall constitute compliance with Part 507 of this chapter. However, the provisions of this section shall remain applicable to the commercial processing of low-acid foods in any such State, except that, either the State through its regulatory agency or each processor of low-acid foods in such State shall file with the Bureau of Foods the registration information and the processing information prescribed in paragraph (c) of this section.

(2) The Commissioner finds that the regulations adopted by the State of California under the laws relating to cannery inspections governing thermal processing of low-acid foods packaged in hermetically sealed containers satisfy the requirements of Part 507 of this chapter.

Accordingly, processors, who under the laws relating to cannery inspections are licensed by the State of California and who comply with such state regulations, shall be deemed to comply with the requirements of Part 507 of this chapter.

(k) Imports: (1) This section shall apply to any foreign commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers and offering such foods for import into the United States except that, in lieu of providing for the issuance of an emergency permit under paragraph (a) of this section, the Commissioner will request the Secretary of the Treasury to refuse admission into the United States, pursuant to section 801 of the act, of any such low-acid foods which the Commissioner determines, after investigation, may result in the distribution in interstate commerce of processed foods that may be injurious to health as set forth in paragraph (a) of this section.

(2) Any such food refused admission shall not be admitted until such time as the Commissioner may determine that the commercial processor offering the food for import is in compliance with the requirements and conditions of this section and that such food is not injurious to health. For the purpose of making such determination, the Commissioner reserves the right for a duly authorized employee of the Food and Drug Administration to inspect the commercial processor's manufacturing, processing, and packing facilities.

(l) The following data and information submitted to the Food and Drug Administration pursuant to this section are not available for public disclosure unless they have been previously disclosed to the public as defined in § 4.81 of this chapter or they relate to a product or ingredient that has been abandoned and they no longer represent a trade secret or confidential commercial or financial information as defined in § 4.61 of this chapter:

(1) Manufacturing methods or processes, including quality control information.

(2) Production, sales, distribution, and similar data and information, except that any compilation of such data and information aggregated and prepared in a way that does not reveal data or information which is not available for public disclosure under this provision is available for public disclosure.

(3) Quantitative or semiquantitative formulas.

PART 509—UNAVOIDABLE CONTAMINANTS IN ANIMAL FOOD AND FOOD-PACKAGING MATERIAL

Subpart A—General Provisions

Sec.
509.3 Definitions and interpretations.
509.15 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

Subpart B—Tolerances for Unavoidable Poisonous or Deleterious Substances

509.30 Temporary tolerances for polychlorinated biphenyls (PCB's).

AUTHORITY: Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371.

Subpart A—General Provisions

§ 509.3 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where such substance cannot be avoided by good manufacturing practice.

§ 509.15 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and nonflammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, and plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistent and ubiquitous contaminant in the environment, causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn caused the contamination of food products intended for human consumption (meat, milk and eggs). Investigations by the Food and Drug Administration have revealed that a significant percentage of paper food-packaging material contains PCB's which can migrate to the packaged food. The origin of PCB's in such material is not fully understood. Reclaimed fibers containing carbonless copy paper (contains 3 to 5 percent PCB's) have been identified as a primary souce of PCB's in paper products. Some virgin paper products have also been found to contain PCB's, the source of which is generally attributed to direct contamination from industrial accidents from the use of PCB-containing equipment and machinery in food-packaging manufacturing establishments. Since PCB's are toxic chemicals, the PCB contamination of food-packaging materials as a result of industrial accidents, which can cause the PCB contamination of food, represents a hazard to public health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in establishments manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) On or before September 4, 1973, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's or verify the absence of PCB's in such formulations by other appropriate means. On or before Sept. 4, 1973, any such fluid formulated with PCB's must to the fullest extent possible commensurate with current good manufacturing practices be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the establishment any other PCB-containing equipment, machinery and materials wherever there is a reasonable expectation that such articles could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iii) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (*a*) its toxicity; (*b*) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (*c*) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (*d*) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(c) The provisions of this section do not apply to electrical transformers and condensers containing PCB's in sealed containers.

Subpart B—Tolerances for Unavoidable Poisonous or Deleterious Substances

§ 509.30 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Polychlorinated biphenyls (PCB's) are toxic, industrial chemicals. Because of their widespread, uncontrolled industrial applications, PCB's have become a persistent and ubiquitous contaminant in the environment. As a result, certain foods and animal feeds, principally those of animal and marine origin, contain PCB's as unavoidable, environmental contaminants. PCB's are transmitted to the food portion (meat, milk, and eggs) of food producing animals ingesting PCB contaminated animal feed. In addition, a significant percentage of paper food-packaging materials contain PCB's which may migrate to the packaged food. The source of PCB's in paper food-packaging materials is primarily of certain types of carbonless copy paper (containing 3 to 5 percent PCB's) in waste paper stocks used for manufacturing recycled paper. Therefore, temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time. For the purposes of this paragraph, the term "polychlorinated biphenyls (PCB's)" is applicable to mixtures of chlorinated biphenyl compounds, irrespective of which mixture of PCB's is present as the residue. The temporary tolerances for residues of PCB's are as follows:

(1) 2.5 parts per million in milk (fat basis).

(2) 2.5 parts per million in manufactured dairy products (fat basis).

(3) 5 parts per million in poultry (fat basis).

(4) 0.5 part per million in eggs.

(5) 0.2 part per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food-producing animals.

(7) 5 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) [Reserved]

(9) 10 parts per million in paper food-packaging material intended for or used with finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining compliance with the tolerances established in this section is available from the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

NOTE: At 38 FR 22794, Aug. 24, 1973, the following appeared concerning § 509.30(a)(9):

* * * § 509.30(a)(9) is hereby stayed pending full review of the objections and requests for hearing. * * *

In the interim, as stated in the final order (38 FR 18998) the Food and Drug Administration will enforce the temporary tolerance level established by § 509.30(a)(9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the act.

PART 564—DEFINITIONS AND STANDARDS FOR ANIMAL FOOD

Subpart A—General Provisions

Sec.
564.3 Definitions and interpretations.
564.5 Procedure for establishing food standards under the Federal Food, Drug, and Cosmetic Act.
564.6 Review of Codex Alimentarius Food Standards.
564.8 Conformity to definitions and standards of identity.
564.12 General methods for water capacity and fill of container.
564.14 General statements of substandard quality and substandard fill of container.
564.17 Temporary permits for interstate shipment of experimental packs of animal food varying from the requirements of definitions and standards of identity.

Subpart B—Food Additives in Standardized Animal Food

564.20 Food additives proposed for use in animal foods for which definitions and standards of identity are established.

AUTHORITY: The provisions of this Part 10 issued under secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371.

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§ 564.3 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in regulations promulgated under the act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the act shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding. For example, all regulations under section 401 of the act contemplate that the food and all articles used as components or ingredients thereof shall not be poisonous or deleterious and shall be clean, sound, and fit for food. A provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

(d) "Safe and suitable" means that the ingredient:

(1) Performs an appropriate function in the food in which it is used.

(2) Is used at a level no higher than necessary to achieve its intended purpose in that food.

(3) Is not a food additive or color additive as defined in section 201 (s) or (t) of the act as used in that food, or is a food additive or color additive as so defined and is used in conformity with regulations established pursuant to section 409 or 706 of the act.

§ 564.5 Procedure for establishing food standards under the Federal Food, Drug, and Cosmetic Act.

Section 401 of the Federal Food, Drug, and Cosmetic Act provides for the formulation of definitions and standards of identity and standards of quality and fill of container for foods. This procedure is condensed as follows:

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, it is the duty of the Commissioner to publish the proposal and afford opportunity for other interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, to which objection may be taken by persons who would be adversely affected. Thus the issues in controversy are singled out for a public hearing.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In passing on proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he is in a position to substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The facts declared furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal, if adopted, would promote honesty and fair dealing in the interest of consumers.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the FEDERAL REGISTER.

§ 564.6 Review of Codex Alimentarius Food Standards.

(a) All food standards adopted by the Codex Alimentarius Commission will be reviewed by the Food and Drug Administration and will be accepted without change, accepted with change, or not accepted.

(b) Review of Codex standards will be accomplished in one of the following three ways:

(1) Any interested person may petition the Commissioner to adopt a Codex standard, with or without change, by proposing a new standard or an appropriate amendment of an existing standard, pursuant to section 401 of the act. Any such petition shall specify any deviations from the Codex standard, and the reasons for any such deviations. The Commissioner shall publish such a petition in the FEDERAL REGISTER as a proposal, with an opportunity for comment, if reasonable grounds are provided in the petition. Any published proposal shall state any deviations from the Codex standard and the stated reasons therefor.

(2) The Commissioner may on his own initiative propose by publication in the FEDERAL REGISTER the adoption of a Codex standard, with or without change, through a new standard or an appropriate amendment to an existing standard, pursuant to section 401 of the act. Any such proposal shall specify any deviations from the Codex standard, and the reasons for any such deviations.

(3) Any Codex standard not handled under paragraph (b) (1) or (2) of this section may be published in the FEDERAL REGISTER for review and informal comment. Interested persons shall be requested to comment on the desirability and need for the standard, on the specific provisions of the standard, on additional or different provisions that should be included in the standard, and on any other pertinent points. After reviewing all such comments, the Commissioner either shall publish a proposal to establish a food standard pursuant to section 401 of the act covering the food involved, or shall publish a notice terminating consideration of such a standard.

(c) All interested persons are encouraged to confer with different interest groups (consumers, industry, the academic community, professional organizations, and others) in formulating petitions or comments pursuant to paragraph (b) of this section. All such petitions or comments are requested to include a statement of any meetings and discussions that have been held with other interest groups. Appropriate weight will be given by the Commissioner to petitions or comments that reflect a consensus of different interest groups.

§ 564.8 Conformity to definitions and standards of identity.

In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard, unless such ingredient is an incidental additive introduced at a nonfunctional and insignificant level as a result of its deliberate and purposeful addition to another ingredient permitted by the terms of the applicable standard and the presence of such incidental additive in unstandardized foods has been exempted from label declaration as provided in § 501.100 of this chapter.

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

§ 564.12 General methods for water capacity and fill of container.

For the purposes of regulations promulgated under section 401 of the act:

(a) The term "general method for water capacity of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Measure the vertical distance from the top level of the container to the top level of the food.

(3) Remove the food from the container; wash, dry, and weigh the container.

(4) Fill the container with water to 3/16 inch vertical distance below the top level of the container. Record the temperature of the water, weigh the container thus filled, and determine the weight of the water by subtracting the weight of the container found in paragraph (b) (3) of this section.

(5) Maintaining the water at the temperature recorded in paragraph (b) (4) of this section, draw off water from the container as filled in paragraph (b) (4) of this section to the level of the food found in paragraph (b) (2) of this section, weigh the container with remaining water, and determine the weight of the remaining water by subtracting the weight of the container found in paragraph (b) (3) of this section.

(6) Divide the weight of water found in paragraph (b) (5) of this section by the weight of water found in paragraph (b) (4) of this section, and multiply by 100. The result shall be considered to be the percent of the total capacity of the container occupied by the food.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in paragraph (b) (2) to (6) of this section, except that under paragraph (b) (4) of this section, fill the container to the level of the top thereof.

(b) The term "general statement of substandard fill" means the statement "Below Standard in Fill" printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) of this section is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

§ 564.14 General statements of substandard quality and substandard fill of container.

For the purposes of regulations promulgated under section 401 of the act:

(a) The term "general statement of substandard quality" means the statement "Below Standard in Quality Good Food—Not High Grade" printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" constitute the first line, and the second immediately follows. If the quantity of the contents of the container is less than 1 pound, the type of the first line is 12-point and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point, and of the second, 10-point. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, is on a strongly contrasting, uniform background, and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

(b) It is the purpose of the Administration to permit such tests when it can be ascertained that the sole purpose of the tests is to obtain data necessary for reasonable grounds in support of a petition to amend food standards, that the tests are necessary to the completion or conclusiveness of an otherwise adequate investigation, and that the interests of consumers are adequately safeguarded; permits for such tests shall normally be for a period not to exceed 15 months. The Commissioner, for good cause shown by the applicant, may provide for a longer test market period. The Administration will therefore refrain from recommending regulatory proceedings under the act on the charge that a food does not conform to an applicable standard, if the person who introduces or causes the introduction of the food into interstate commerce holds an effective permit from the Commissioner providing specifically for those variations in respect to which the food fails to conform to the applicable definition and standard of identity. The test period will begin on the date the person holding an effective permit from the Commissioner introduces or causes the introduction of the food covered by the permit into interstate commerce but no later than 3 months after notice of the issuance of the permit is published in the FEDERAL REGISTER. The Commissioner shall be notified in writing of the date on which the test period begins as soon as it is determined.

(c) Any person desiring a permit may file with the Commissioner a written application in triplicate containing as part thereof the following:

(1) Name and address of the applicant.

(2) A statement of whether or not the applicant is regularly engaged in producing the food involved.

(3) A reference to the applicable definition and standard of identity (citing applicable section of regulations).

(4) A full description of the proposed variation from the standard.

(5) The basis upon which the food so varying is believed to be wholesome and nondeleterious.

(6) The amount of any new ingredient to be added; the amount of any ingredient, required by the standard, to be eliminated; any change of concentration not contemplated by the standard; or any change in name that would more appropriately describe the new product under test. If such new ingredient is not a commonly known food ingredient, a description of its properties and basis for concluding that it is not a deleterious substance.

(7) The purpose of effecting the variation.

(8) A statement of how the variation is of potential advantage to consumers. The statement shall include the reasons why the applicant does not consider the data obtained in any prior investigations which may have been conducted sufficient to support a petition to amend the standard.

(9) The proposed label (or an accurate draft) to be used on the food to be market tested. The label shall conform in all respects to the general requirements of the act and shall provide a means whereby the consumer can distinguish between the food being tested and such food complying with the standard.

(10) The period during which the applicant desires to introduce such food into interstate commerce, with a statement of the reasons supporting the need for such period. If a period longer than 15 months is requested, a detailed explanation of why a 15-month period is inadequate shall be provided.

(11) The probable amount of such food that will be distributed. The amount distributed should be limited to the smallest number of units reasonably required for a bona fide market test. Justification for the amount requested shall be included.

(12) The areas of distribution.

(13) The address at which such food will be manufactured.

(14) A statement of whether or not such food has been or is to be distributed in the State in which it was manufactured.

(15) If it has not been or is not to be so distributed, a statement showing why.

(16) If it has been or is to be so distributed, a statement of why it is deemed

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necessary to distribute such food in other States.

(d) The Commissioner may require the applicant to furnish samples of the food varying from the standard and to furnish such additional information as may be deemed necessary for action on the application.

(e) If the Commissioner concludes that the variation may be advantageous to consumers and will not result in failure of the food to conform to any provision of the act except section 403(g), a permit shall be issued to the applicant for interstate shipment of such food. The terms and conditions of the permit shall be those set forth in the application with such modifications, restrictions, or qualifications as the Commissioner may deem necessary and state in the permit.

(f) The terms and conditions of the permit may be modified at the discretion of the Commissioner or upon application of the permittee during the effective period of the permit.

(g) The Commissioner may revoke a permit for cause, which shall include but not be limited to the following:

(1) That the permittee has introduced a food into interstate commerce contrary to the terms and conditions of the permit.

(2) That the application for a permit contains an untrue statement of a material fact.

(3) That the need therefor no longer exists.

(h) During the period within which any permit is effective, it shall be deemed to be included within the terms of any guaranty or undertaking otherwise effective pursuant to the provisions of section 303(c) of the act.

(i) If an application is made for an extension of the permit, it shall be accompanied by a description of experiments conducted under the permit, tentative conclusions reached, and reasons why further experimental shipments are considered necessary. The application for an extension shall be filed not later than 3 months prior to the expiration date of the permit and shall be accompanied by a petition to amend the affected food standard. If the Commissioner concludes that it will be in the interest of consumers to issue an extension of the time period for the market test, a notice will be published in the FEDERAL REGISTER stating that fact. The notice will include an invitation to all interested persons to participate in the market test under the same conditions that applied to the initial permit holder, including labeling and the amount to be distributed, except that the designated area of distribution shall not apply. The extended market test period shall not begin prior to the publication of a notice in the FEDERAL REGISTER granting the extension and shall terminate either on the effective date of an affirmative order ruling on the proposal or 30 days after a negative order ruling on the proposal, whichever the case may be. Any interested person who accepts the invitation to participate in the extended market test shall notify the Commissioner in writing of that fact, the amount to be distributed, and the area of distribution; and along with such notification, he shall submit the labeling under which the food is to be distributed.

(j) Notice of the granting or revocation of any permit shall be published in the FEDERAL REGISTER.

(k) All applications for a temporary permit, applications for an extension of a temporary permit, and related records are available for public disclosure when the notice of a permit or extension thereof is published in the FEDERAL REGISTER. Such disclosure shall be in accordance with the rules established in Part 4 of this chapter.

Subpart B—Food Additives in Standardized Animal Food

§ 561.20 Food additives proposed for use in animal foods for which definitions and standards of identity are established.

(a) Where a petition is received for the issuance or amendment of a regulation establishing a definition and standard of identity for a food under section 401 of the act, which proposes the inclusion of a food additive in such definition and standard of identity, the provisions of the regulations in this subchapter E shall apply with respect to the information that must be submitted with respect to the food additive. Since section 409(b)(5) of the act requires that the Commissioner publish notice of a petition for the establishment of a food-additive regulation within 30 days after filing, notice of a petition relating to a definition and standard of identity shall also be published within that time limitation if it includes a request, so designated, for the establishment of a regulation pertaining to a food additive.

(b) If a petition for a definition and standard of identity contains a proposal for a food-additive regulation, and the petitioner fails to designate it as such, the Commissioner, upon determining that the petition includes a proposal for a food-additive regulation, shall so notify the petitioner and shall thereafter proceed in accordance with the regulations in this subchapter E.

PART 570—FOOD ADDITIVES

Subpart A—General Provisions

Sec.
570.3 Definitions.
570.6 Opinion letters on food additive status.
570.15 Adoption of regulation on initiative of Commissioner.
570.17 Exemption for investigational use and procedure for obtaining authorization to market edible products from experimental animals.
570.18 Tolerances for related food additives.
570.19 Pesticide chemicals in processed foods.

Subpart B—Food Additive Safety

570.20 General principles for evaluating the safety of food additives.
570.22 Safety factors to be considered.
570.30 Eligibility for classification as generally recognized as safe (GRAS).
570.35 Affirmation of generally recognized as safe (GRAS) status.
570.38 Determination of food additive status.

AUTHORITY: Secs. 409, 701, 52 Stat. 1055–1056 as amended, 72 Stat. 1785–1788 as amended (21 U.S.C. 348, 371), unless otherwise noted.

Subpart A—General Provisions

§ 570.3 Definitions.

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Commissioner" means the Commissioner of Food and Drugs.

(d) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1936 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301–392).

(e) "Food additives" includes all substances not exempted by section 201(s) of the act, the intended use of which results or may reasonably be expected to result, directly or indirectly, either in their becoming a component of food or otherwise affecting the characteristics of food. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food packed in the container. "Affecting the characteristics of food" does not include such physical effects, as protecting contents of packages, preserving shape, and preventing moisture loss. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. A substance that does not become a component of food, but that is used, for example, in preparing an ingredient of the food to give a different flavor, texture, or other characteristic in the food, may be a food additive.

(f) "Common use in food" refers to consumption of a substance by animals, regardless of the number of manufacturers who may produce it.

(g) The word "substance" in the definition of the term "food additive" includes a food or feed or a component of a food or feed consisting of one or more ingredients.

(h) "Scientific procedures" include not only original animal, analytical, and other scientific studies, but also an unprejudiced compilation of reliable information, both favorable and unfavorable, drawn from the scientific literature.

(i) "Safe" means that after reviewing all available evidence, including:

(1) The probable consumption of the substance and of any substance formed in or on food because of its use;

(2) The cumulative effect of the substance in the diet, taking into account any chemically or pharmacologically related substance or substances in such diet; and

(3) Safety factors which in the opinion of experts qualified by scientific

training and experience to evaluate the safety of food and feed and food and feed ingredients are generally recognized as appropriate in the use of animal experimentation data; the Food and Drug Administration can conclude that no significant risk of harm will result when the substance is used as intended.

(j) The term "nonperishable processed food" means any processed food not subject to rapid decay or deterioration that would render it unfit for consumption. Not included are hermetically sealed foods and other processed foods requiring refrigeration.

(k) "Generally recognized as safe" means general recognition of safety by experts qualified by scientific training and experience to evaluate the safety of such a substance, as determined through the procedure prescribed by § 570.30 (b)(2). On the basis of scientific data derived from published literature, available to experts generally, reporting on credible toxicological testing, or for those substances used in food prior to January 1, 1958, on the basis of a reasoned judgment founded in experience with common food use, the substance is recognized to have no significant risk of harm if used as intended, taking into account in either case:

(1) Reasonably anticipated patterns of consumption of the substance and of any substance formed in or on food because of the use of the substance;

(2) The cumulative effect of the substance, and any chemically or pharmacologically related substance, in the diet of man or animals; and

(3) Safety factors appropriate for the utilization of animal experimentation data.

§ 570.6 Opinion letters on food additive status.

(a) Over the years the Food and Drug Administration has given informal written opinions to inquirers as to the safety of articles intended for use as components of, or in contact with, food. Prior to the enactment of the Food Additives Amendment of 1958 (Public Law 85–929, Sept. 6, 1958), these opinions were given pursuant to section 402(a)(1) of the Federal Food, Drug, and Cosmetic Act, which reads in part: "A food shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health;".

(b) Since enactment of the Food Additives Amendment, the Food and Drug Administration has advised such inquirers that an article:

(1) Is a food additive within the meaning of section 201(s) of the act; or

(2) Is generally recognized as safe (GRAS); or

(3) Has prior sanction or approval under that amendment; or

(4) Is not a food additive under the conditions of intended use.

(c) In the interest of the public health, such articles which have been considered in the past by the Food and Drug Administration to be safe under the provisions of section 402(a)(1), or to be generally recognized as safe for their intended use, or to have prior sanction or approval, or not to be food additives under the conditions of intended use, must be reexamined in the light of current scientific information and current principles for evaluating the safety of food additives if their use is to be continued.

(d) Because of the time span involved, copies of many of the letters in which the Food and Drug Administration has expressed an informal opinion concerning the status of such articles may no longer be in the file of the Food and Drug Administration. In the absence of information concerning the names and uses made of all the articles referred to in such letters, their safety of use cannot be reexamined. For this reason all food additive status opinions of the kind described in paragraph (c) of this section given by the Food and Drug Administration are hereby revoked.

(e) The prior opinions of the kind described in paragraph (c) of this section will be replaced by qualified and current opinions if the recipient of each such letter forwards a copy of each to the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Veterinary Medicine, Office of Compliance (HFV–200), 5600 Fishers Lane, Rockville, MD 20852, along with a copy of his letter of inquiry, on or before July 23, 1970.

(f) This section does not apply to food additive status opinion letters pertaining to articles that were considered by the Food and Drug Administration to be food additives nor to articles included in regulations in this subchapter E if the articles are used in accordance with the requirements of such regulations.

(Sec. 201, 72 Stat. 1784–88, as amended; 21 U.S.C. 321)

§ 570.15 Adoption of regulation on initiative of Commissioner.

(a) The Commissioner upon his own initiative may propose the issuance of a regulation prescribing, with respect to any particular use of a food additive, the conditions under which such additive may be safely used. Notice of such proposal shall be published in the FEDERAL REGISTER and shall state the reasons for the proposal.

(b) Action upon a proposal made by the Commissioner shall, after publication of the notice, proceed as provided in §§ 571.1 and 571.100 and section 409 of the act.

§ 570.17 Exemption for investigational use and procedure for obtaining authorization to market edible products from experimental animals.

A food additive or food containing a food additive intended for investigational use by qualified experts shall be exempt from the requirements of section 409 of the act under the following conditions:

(a) If intended for investigational use in vitro or in laboratory research animals, it bears a label which states prominently, in addition to the other information required by the act, the warning:

Caution. Contains a new food additive for investigational use only in laboratory research animals or for tests in vitro. Not for use in humans.

(b) If intended for use in animals other than laboratory research animals and if the edible products of the animals are to be marketed as food, permission for the marketing of the edible products as food has been requested by the sponsor, and authorization has been granted by the Food and Drug Administration in accordance with § 511.1 of this chapter or by the Department of Agriculture in accordance with 9 CFR 309.17, and it bears a label which states prominently, in addition to the other information required by the act, the warning:

Caution. Contains a new food additive for use only in investigational animals. Not for use in humans.

Edible products of investigational animals are not to be used for food unless authorization has been granted by the U.S. Food and Drug Administration or by the U.S. Department of Agriculture.

§ 570.18 Tolerances for related food additives.

(a) Food additives that cause similar or related pharmacological effects will be regarded as a class, and in the absence of evidence to the contrary, as having additive toxic effects and will be considered as related food additives.

(b) Tolerances established for such related food additives may limit the amount of a common component that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present or may limit the total amount of related food additives that may be present.

(c) Where food additives from two or more chemicals in the same class are present in or on a food, the tolerance for the total of such additives shall be the same as that for the additive having the lowest numerical tolerance in this class, unless there are available methods that permit quantitative determination of the amount of each food additive present or unless it is shown that a higher tolerance is reasonably required for the combined additives to accomplish the physical or technical effect for which such combined additives are intended and that the higher tolerance will be safe.

(d) Where residues from two or more additives in the same class are present in or on a food and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(1) Determine the quantity of each residue present.

(2) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(3) Add the percentages so obtained for all residues present.

(4) The sum of the percentages shall not exceed 100 percent.

§ 570.19 Pesticide chemicals in processed foods.

When pesticide chemical residues occur in processed foods due to the use of

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raw agricultural commodities that bore or contained a pesticide chemical in conformity with an exemption granted or a tolerance prescribed under section 408 of the act, the processed food will not be regarded as adulterated so long as good manufacturing practice has been followed in removing any residue from the raw agricultural commodity in the processing (such as by peeling or washing) and so long as the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity. But when the concentration of residue in the processed food when ready to eat is higher than the tolerance prescribed for the raw agricultural commodity, the processed food is adulterated unless the higher concentration is permitted by a tolerance obtained under section 409 of the act. For example, if fruit bearing a residue of 7 parts per million of DDT permitted on the raw agricultural commodity is dried and a residue in excess of 7 parts per million of DDT results on the dried fruit, the dehydrated fruit is adulterated unless the higher tolerance for DDT is authorized by the regulations in this part. Food that is itself ready to eat, and which contains a higher residue than allowed for the raw agricultural commodity, may not be legalized by blending or mixing with other foods to reduce the residue in the mixed food below the tolerance prescribed for the raw agricultural commodity.

Subpart B—Food Additive Safety

§ 570.20 General principles for evaluating the safety of food additives.

(a) In reaching a decision on any petition filed under section 409 of the act, the Commissioner will give full consideration to the specific biological properties of the compound and the adequacy of the methods employed to demonstrate safety for the proposed use, and the Commissioner will be guided by the principles and procedures for establishing the safety of food additives stated in current publications of the National Academy of Sciences-National Research Council. A petition will not be denied, however, by reason of the petitioner's having followed procedures other than those outlined in the publications of the National Academy of Sciences-National Research Council if, from available evidence, the Commissioner finds that the procedures used give results as reliable as, or more reliable than, those reasonably to be expected from the use of the outlined procedures. In reaching a decision, the Commissioner will give due weight to the anticipated levels and patterns of consumption of the additive specified or reasonably inferable. For the purposes of this section, the principles for evaluating safety of additives set forth in the above-mentioned publications will apply to any substance that may properly be classified as a food additive as defined in section 201(s) of the act.

(b) Upon written request describing the proposed use of an additive and the proposed experiments to determine its safety, the Commissioner will advise a person who wishes to establish the safety of a food additive whether he believes the experiments planned will yield data adequate for an evaluation of the safety of the additive.

§ 570.22 Safety factors to be considered.

In accordance with section 409(c)(5)(C) of the act, the following safety factors will be applied in determining whether the proposed use of a food additive will be safe: Except where evidence is submitted which justifies use of a different safety factor, a safety factor in applying animal experimentation data to man of 100 to 1, will be used; that is, a food additive for use by man will not be granted a tolerance that will exceed 1/100th of the maximum amount demonstrated to be without harm to experimental animals.

§ 570.30 Eligibility for classification as generally recognized as safe (GRAS).

(a) To provide assurance that any substance is absolutely safe for human or animal consumption is impossible.

(b) A substance used as food, or the intended use of which results or may reasonably be expected to result directly or indirectly in its becoming a component of food or affecting the characteristics of food, may be eligible for classification as generally recognized as safe (GRAS) under the following criteria:

(1) Substances that will be considered as GRAS and for which a promulgation in the FEDERAL REGISTER is not required:

(i) Any substance of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without detrimental effect when used under reasonably anticipated patterns of consumption.

(ii) Substances defined in paragraph (b)(1)(i) of this section that have been modified by conventional processing as practiced prior to January 1, 1958.

(2) Substances that will be affirmed as GRAS by the Commissioner after he has given notice in the FEDERAL REGISTER that the status of such substance (and limitations, if any) is under consideration, invited experts qualified by scientific training and experience to evaluate the safety of foods and food ingredients to submit comments, reviewed all available evidence and the comments received, and found convincing evidence of its general recognition of safety:

(i) Substances defined in paragraph (b)(1)(i) of this section that have been modified by processes proposed for introduction into commercial use after January 1, 1958, where such processes may reasonably be expected to significantly alter the composition of the substance.

(ii) Substances that have had significant alteration of composition by breeding or selection and the change may reasonably be expected to alter to a significant degree the nutritive value or the concentration of toxic constituents therein.

(iii) Distillates, isolates, extracts, concentrates of extracts, or reaction products of substances considered as GRAS.

(iv) Substances not of natural biological origin including those for which evidence is offered that they are identical with a GRAS counterpart of natural biological origin.

(v) Substances of natural biological origin intended for consumption for other than their nutrient properties.

(c) Substances that do not meet the criteria of paragraph (b) of this section are not eligible for GRAS status and hence require a food additive regulation promulgated under section 409 of the act, and no substance will be eligible for GRAS status if it has no history of food use or requires prescribed limitations for safe use.

(d) Any substance used in food must be of food-grade quality. The Commissioner regards the applicable specifications in the current edition of "Food Chemicals Codex" as establishing food grade unless he has by FEDERAL REGISTER promulgation established other specifications.

(e) If the Commissioner has not affirmed a given substance as GRAS on his own initiative, such affirmative ruling may be sought by submitting to the Commissioner a request containing all relevant usage and safety data.

(f) Substances listed as GRAS may require reclassification either because of the criteria established by this section or because of new information regarding safety. The initial results of a new investigation, even if not convincing with respect to potential harm, may establish that the substance in question can no longer be considered as GRAS. Newly reported information will be carefully evaluated by the Commissioner, along with other available information, to determine whether or not there has been a significant increase in risk to the public health from using the substance as intended. No change will be made in existing GRAS status until the Commissioner determines that the substance requires evaluation.

(g) If a responsible and substantial question of safety has been raised regarding a substance previously listed as GRAS, but the main weight of the scientific evidence still establishes safety within certain limits, an interim food additive regulation may be proposed in the FEDERAL REGISTER. This will permit further scientific investigations to define the conditions of safe use for a food additive regulation of indefinite duration.

§ 570.35 Affirmation of generally recognized as safe (GRAS) status.

(a) The Commissioner, either on his initiative or on the petition of an interested person, may affirm the GRAS status of substances that directly or indirectly become components of food.

(b) (1) If the Commissioner proposes on his own initiative that a substance is entitled to affirmation as GRAS, he will place all of the data and information on which he relies on public file in the office of the Hearing Clerk and will publish in the FEDERAL REGISTER a notice giving the name of the substance, its proposed uses, and any limitations proposed for purposes other than safety.

(2) The FEDERAL REGISTER notice will allow a period of 60 days during which any interested person may review the data and information and/or file comments with the Hearing Clerk. Copies of all comments received shall be made available for examination in the Hearing Clerk's office.

(3) The Commissioner will evaluate all comments received. If he concludes that there is convincing evidence that the substance is GRAS as defined in § 570.3(k), he will publish a notice in the FEDERAL REGISTER listing the substance in this subchapter E as GRAS.

(4) If, after evaluation of the comments, the Commissioner concludes that there is a lack of convincing evidence that the substance is GRAS and that it should be considered a food additive subject to section 409 of the act, he shall publish a notice thereof in the FEDERAL REGISTER in accordance with § 570.38.

(c) (1) Persons seeking the affirmation of GRAS status of substances as provided for in § 570.30(e), except those subject to the NAS–NRC GRAS list survey (36 FR 20546), shall submit to the Commissioner of Food and Drugs a petition for GRAS affirmation in quadruplicate. Such petition shall contain information to establish that the GRAS criteria as set forth in § 570.30(b) have been met, in the following form:

(i) Description of the substance, including:

(a) Common or usual name.

(b) Chemical name.

(c) Chemical Abstract Service (CAS) registry number.

(d) Empirical formula.

(e) Structural formula.

(f) Specifications for food grade material, including arsenic and heavy metals. (Recommendation for any change in the Food Chemicals Codex monograph should be included where applicable.)

(g) Quantitative compositions.

(h) Manufacturing process (excluding any trade secrets).

(ii) Use of the substance, including:

(a) Date when use began.

(b) Information and reports or other data on past uses in food.

(c) Foods in which used, and levels of use in such foods, and for what purposes.

(iii) Methods for detecting the substance in food, including:

(a) References to qualitative and quantitative methods for determining the substance(s) in food, including the type of analytical procedures used.

(b) Sensitivity and reproducibility of such method(s).

(iv) Information to establish the safety and functionality of the substance in food. Published scientific literature, evidence that the substance is identical to a GRAS counterpart of natural biological origin, and other data may be submitted to support safety. Any adverse information or consumer complaints shall be included. Complete bibliographic references shall be provided where a copy of the article is not provided.

(v) A statement signed by the person responsible for the petition that to the best of his knowledge it is a representative and balanced submission that includes unfavorable information, as well as favorable information, known to him pertinent to the evaluation of the safety and functionality of the substance.

(2) Within 30 days after the date of filing the petition, the Commissioner will place the petition on public file in the office of the Hearing Clerk and will publish a notice of filing in the FEDERAL REGISTER giving the name of the petitioner and a brief description of the petition including the name of the substance, its proposed use, and any limitations proposed for reasons other than safety. A copy of the notice will be mailed to the petitioner at the time the original is sent to the FEDERAL REGISTER.

(3) The notice of filing in the FEDERAL REGISTER will allow a period of 60 days during which any interested person may review the petition and/or file comments with the Hearing Clerk. Copies of all comments received shall be made available for examination in the Hearing Clerk's office.

(4) The Commissioner will evaluate the petition and all available information including all comments received. If the petition and such information provide convincing evidence that the substance is GRAS as defined in § 570.3, he will publish an order in the FEDERAL REGISTER listing the substance in this subchapter E as GRAS.

(5) If, after evaluation of the petition and all available information, the Commissioner concludes that there is a lack of convincing evidence that the substance is GRAS and that it should be considered a food additive subject to section 409 of the act, he shall publish a notice thereof in the FEDERAL REGISTER in accordance with § 570.38.

(Sec. 201, 72 Stat. 1784–1788; 21 U.S.C. 321)

§ 570.38 Determination of food additive status.

(a) The Commissioner may, in accordance with § 570.35(b)(4) or (c)(5), publish a notice in the FEDERAL REGISTER determining that a substance is not GRAS and is a food additive subject to section 409 of the act.

(b) (1) The Commissioner may, on his own initiative, or on the basis of a petition establishing reasonable grounds therefor in accordance with § 571.130 of this chapter filed in quadruplicate by an interested person, publish a notice in the FEDERAL REGISTER proposing to determine that a substance is not GRAS and is a food additive subject to section 409 of the act. The Commissioner will place all of the data and information on which he relies on public file in the office of the Hearing Clerk and will include in the FEDERAL REGISTER notice the name of the substance, its known uses, and a summary of the basis for the determination.

(2) The FEDERAL REGISTER notice will allow a period of 60 days during which any interested person may review the data and information and/or file comments with the Hearing Clerk. Copies of all comments shall be made available for examination in the Hearing Clerk's office.

(3) The Commissioner will evaluate all comments received. If he concludes that there is a lack of convincing evidence that the substance is GRAS or is otherwise exempt from the definition of a food additive in section 201(s) of the act, he will publish a notice thereof in the FEDERAL REGISTER. If he concludes that there is convincing evidence that the substance is GRAS, he will publish an order in the FEDERAL REGISTER listing the substance in this subchapter E as GRAS.

(c) A FEDERAL REGISTER notice determining that a substance is a food additive shall provide for the use of the additive in food or food-contact surfaces as follows:

(1) It may promulgate a food additive regulation governing use of the additive.

(2) It may promulgate an interim food additive regulation governing use of the additive.

(3) It may require discontinuation of the use of the additive.

(4) It may adopt any combination of the above three approaches for different uses or levels of use of the additive.

(Sec. 201, 72 Stat. 1784–1788; 21 U.S.C. 321)

PART 571—FOOD ADDITIVE PETITIONS

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AUTHORITY: Secs. 409, 701, 52 Stat. 1055–1056 as amended, 72 Stat. 1785–1788 as amended (21 U.S.C. 348, 371), unless otherwise noted.

Subpart A—General Provisions

§ 571.1 Petitions.

(a) Petitions to be filed with the Commissioner under the provisions of section 409(b) of the act shall be submitted in triplicate. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall state petitioner's post office address to which published notices or orders issued or objections filed pursuant to section 409 of the act may be sent.

(b) Pertinent information may be incorporated in, and will be considered as part of, a petition on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to unpublished information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it. Any reference to published information offered in support of a food-additive petition should be accompanied by reprints or photostatic copies of such references.

(c) Petitions shall include the following data and be submitted in the following form:

(Date)

Name of petitioner ----------
Post office address ----------
Date ----------
Name of food additive and proposed use ----

Food and Drug Administration
BUREAU OF VETERINARY MEDICINE,
Associate Director for Scientific Evaluation (HFV–100), Rockville, MD 20852.

DEAR SIRS: The undersigned, ----------, submits this petition pursuant to section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act with respect to ----------
---
(Name of the food additive and proposed use)

Attached hereto, in triplicate, and constituting a part of this petition, are the following:

A. The name and all pertinent information concerning the food additive, including chemical identity and composition of the food additive, its physical, chemical, and biological properties, and specifications prescribing the minimum content of the desired component(s) and identifying and limiting the reaction byproducts and other impurities. Where such information is not available, a statement as to the reasons why it is not should be submitted.

When the chemical identity and composition of the food additive is not known, the petition shall contain information in sufficient detail to permit evaluation regarding the method of manufacture and the analytical controls used during the various stages of manufacturing, processing, or packing of the food additive which are relied upon to establish that it is a substance of reproducible composition. Alternative methods and controls and variations in methods and controls within reasonable limits that do not affect the characteristics of the substance or the reliability of the controls may be specified.

If the food additive is a mixture of chemicals, the petition shall supply a list of all substances used in the synthesis, extraction, or other method of preparation, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name and complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

If the petitioner does not himself perform all the manufacturing, processing, and packing operations for a food additive, the petition shall identify each person who will perform a part of such operations and designate the part.

The petition shall include stability data, and, if the data indicate that it is needed to ensure the identity, strength, quality, or purity of the additive, the expiration date that will be employed.

B. The amount of the food additive proposed for use and the purposes for which it is proposed, together with all directions, recommendations, and suggestions regarding the proposed use, as well as specimens of the labeling proposed for the food additive and any labeling that will be required by applicable provisions of the Federal Food, Drug, and Cosmetic Act on the finished food by reason of the use of the food additive. If the additive results or may reasonably be expected to result from the use of packaging material, the petitioner shall show how this may occur and what residues may reasonably be anticipated.

(Typewritten or other draft-labeling copy will be accepted for consideration of the petition, provided a statement is made that final printed labeling identical in content to the draft copy will be submitted as soon as available and prior to the marketing of the food additive.

If the food additive is one for which a tolerance limitation is required to assure its safety, the level of use proposed should be no higher than the amount reasonably required to accomplish the intended physical or other technical effect, even though the safety data may support a higher tolerance.)

C. Data establishing that the food additive will have the intended physical or other technical effect or that it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food and the amount necessary to accomplish this. These data should include information in sufficient detail to permit evaluation with control data.

D. A description of practicable methods to determine the amount of the food additive in the raw, processed, and/or finished food and of any substance formed in or on such food because of its use. The test proposed shall be one that can be used for food-control purposes and that can be applied with consistent results by any properly equipped and trained laboratory personnel.

E. Full reports of investigations made with respect to the safety of the food additive.

(A petition may be regarded as incomplete unless it includes full reports of adequate tests reasonably applicable to show whether or not the food additive will be safe for its intended use. The reports ordinarily should include detailed data derived from appropriate animal and other biological experiments in which the methods used and the results obtained are clearly set forth. The petition shall not omit without explanation any reports of investigations that would bias an evaluation of the safety of the food additive.)

F. Proposed tolerances for the food additive, if tolerances are required in order to ensure its safety. A petitioner may include a proposed regulation.

G. If submitting petition to modify an existing regulation issued pursuant to section 409(c)(1)(A) of the act, full information on each proposed change that is to be made in the original regulation must be submitted. The petition may omit statements made in the original petition concerning which no change is proposed. A supplemental petition must be submitted for any change beyond the variations provided for in the original petition and the regulation issued on the basis of the original petition.

H. The petitioner is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the food additive pursuant to § 6.1 of this chapter.

Yours very truly.
Petitioner ----------
By ----------
(Indicate authority)

(d) The petitioner will be notified of the date on which his petition is filed, and an incomplete petition, or one that has not been submitted in triplicate, will usually be retained but not filed as a petition under section 409 of the act. The petitioner will be notified in what respects his petition is incomplete.

(e) The petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

(f) The data specified under the several lettered headings should be submitted on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by specific reference to the earlier. If part of the data have been submitted by the manufacturer of the food additive as a master file, the petitioner may refer to the master file if and to the extent he obtains the manufacturer's written permission to do so. The manufacturer may authorize specific reference to the data without disclosure to the petitioner. Nothing herein shall prevent reference to published data.

(g) A petition shall be retained but shall not be filed if any of the data prescribed by section 409(b) of the act are lacking or are not set forth so as to be readily understood.

(h)(1) The following data and information in a food additive petition are available for public disclosure, unless extraordinary circumstances are shown, after the notice of filing of the petition is published in the FEDERAL REGISTER or, if the petition is not promptly filed because of deficiencies in it, after the petitioner is informed that it will not be filed because of the deficiencies involved:

(i) All safety and functionality data and information submitted with or incorporated by reference in the petition.

(ii) A protocol for a test or study, unless it is shown to fall within the exemption established for trade secrets and confidential commercial information in § 4.61 of this chapter.

(iii) Adverse reaction reports, product experience reports, consumer complaints, and other similar data and information, after deletion of:

(*a*) Names and any information that would identify the person using the product.

(*b*) Names and any information that would identify any third party involved with the report, such as a physician or hospital or other institution.

(iv) A list of all ingredients contained in a food additive, whether or not it is in descending order of predominance. A particular ingredient or group of ingredients shall be deleted from any such list prior to public disclosure if it is shown to fall within the exemption established in § 4.61 of this chapter, and a notation shall be made that any such ingredient list is incomplete.

(v) An assay method or other analytical method, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in § 4.61 of this chapter.

(2) The following data and information in a food additive petition are not available for public disclosure unless they have been previously disclosed to the public as defined in § 4.81 of this chapter or they relate to a product or ingredient that has been abandoned and they no longer represent a trade secret or confidential commercial or financial information as defined in § 4.61 of this chapter:

(i) Manufacturing methods or processes, including quality control procedures.

(ii) Production, sales, distribution, and similar data and information, except that any compilation of such data and information aggregated and prepared in a way that does not reveal data or information which is not available for public disclosure under this provision is available for public disclosure.

(iii) Quantitative or semiquantitative formulas.

(3) All correspondence and written summaries of oral discussions relating to a food additive petition are available for public disclosure in accordance with the provisions of Part 4 of this chapter when the food additive regulation is published in the FEDERAL REGISTER.

(4) For purposes of this regulation, safety and functionality data include all studies and tests of a food additive on animals and humans and all studies and tests on a food additive for identity, stability, purity, potency, performance, and usefulness.

(i)(1) Within 15 days after receipt, the Commissioner will notify the petitioner of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. If accepted, the date of the notification letter sent to petitioner becomes the date of filing for the purposes of section 409(b)(5) of the act. If the petitioner desires, he may supplement a deficient petition after being notified regarding deficiencies. If the supplementary material or explanation of the petition is deemed acceptable, petitioner shall be notified. The date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing.

(2) The Commissioner will publish in the FEDERAL REGISTER within 30 days from the date of filing of such petition, a notice of the filing, the name of the petitioner, and a brief description of the proposal in general terms. In the case of a food additive which becomes a component of food by migration from packaging material, the notice shall include the name of the migratory substance, and where it is different from that of one of the original components, the name of the parent component, the maximum quantity of the migratory substance that is proposed for use in food, and the physical or other technical effect which the migratory substance or its parent component is intended to have in the packaging material. A copy of the notice will be mailed to the petitioner when the original is forwarded to the FEDERAL REGISTER for publication.

(j) The Commissioner may request a full description of the methods used in, and the facilities and controls used for, the production of the food additive, or a sample of the food additive, articles used as components thereof, or of the food in which the additive is proposed to be used, at any time while a petition is under consideration. The Commissioner shall specify in the request for a sample of the food additive, or articles used as components thereof, or of the food in or on which the additive is proposed to be used, a quantity deemed adequate to permit tests of analytical methods to determine quantities of the food additive present in foods for which it is intended to be used or adequate for any study or investigation reasonably required with respect to the safety of the food additive or the physical or technical effect it produces. The date used for computing the 90-day limit for the purposes of section 409(c)(2) of the act shall be moved forward 1 day for each day after the mailing date of the request taken by the petitioner to submit the sample. If the information or sample is requested a reasonable time in advance of the 180 days, but is not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn without prejudice.

§ 571.6 Amendment of petition.

After a petition has been filed, the petitioner may submit additional information or data in support thereof. In such cases, if the Commissioner determines that the additional information or data amounts to a substantive amendment, the petition as amended will be given a new filing date, and the time limitation will begin to run anew. Where the substantive amendment proposes a substantial change to the petition which may affect the quality of the human environment, the petitioner is required to submit an environmental impact analysis report pursuant to § 6.1 of this chapter.

§ 571.7 Withdrawal of petition without prejudice.

(a) In some cases the Commissioner will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a regulation or the regulation requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal will be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling.

(b) At any time before the order provided for in § 571.100(a) has been forwarded to the FEDERAL REGISTER for publication, the petitioner may withdraw the petition without prejudice to a future filing. Upon refiling the time limitation will begin to run anew.

Subpart B—Administrative Actions on Applications

§ 571.100 Regulation based on petition.

(a) The Commissioner will forward for publication in the FEDERAL REGISTER, within 90 days after filing of the petition (or within 180 days if the time is extended as provided for in section 409(c)(2) of the act), a regulation prescribing the conditions under which the food additive may be safely used (including, but not limited to, specifications as to the particular food or classes of food in or on which such additive may be used, the maximum quantity that may be used or permitted to remain in or on such food, the manner in which such additive may be added to or used in or on such food, and any directions or other labeling or packaging requirements for such additive deemed necessary by him to assure the safety of such use), and prior to the forwarding of the order to the FEDERAL REGISTER for publication shall notify the petitioner of such order and the reasons for such action; or by order deny the petition, and shall notify the petitioner of such order and of the reasons for such action.

(b) If the Commissioner determines that additional time is needed to study and investigate the petition, he shall by written notice to the petitioner extend the 90-day period for not more than 180 days after the filing of the petition.

§ 571.102 Effective date of regulation.

A regulation published in accordance with § 571.100(a) shall become effective upon publication in the FEDERAL REGISTER.

§ 571.110 Objection to regulation and request for hearing.

(a) Objections to an order promulgated pursuant to section 409(f)(1) of

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the act shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, at the address specified in such order. Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It is received for filing more than 30 days after the date of publication of the order in the FEDERAL REGISTER.

(2) It fails to establish that the objector will be adversely affected by the regulation.

(3) It does not specify with particularity the provisions of the regulation to which objection is taken.

(4) It does not state reasonable grounds for each objection raised. Grounds that it is reasonable to conclude are capable of being established by reliable evidence at the hearing, and which if proved would call for changing the provisions specified in the objections, will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to the filing of a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by certified mail to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt by him of the objections to make written reply.

§ 571.120 Request for stay of effective date of regulation pending a hearing.

When a hearing is requested under § 571.110, the request may also include a request for a stay of effectiveness of the order, in whole or in part, which request shall include the reasons for the stay together with a showing that the stay involves no hazard to the public health.

§ 571.130 Procedure for amending and repealing tolerances or exemptions from tolerances.

(a) The Commissioner or any interested person may propose the issuance of a regulation amending or repealing a regulation pertaining to a food additive or granting or repealing an exemption for such additive. Such a proposal by an interested person shall be in writing. If such proposal by an interested person furnishes reasonable grounds therefor the Commissioner will publish a notice announcing the proposal. Proposals initiated by the Commissioner will likewise be published. Following such publication, the proceedings shall be the same as prescribed by section 409 of the act and the regulations in this part for the promulgation of a regulation.

(b) "Reasonable grounds" shall include an explanation showing wherein the person has a substantial interest in such regulation and an assertion of facts (supported by data if available) showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or repeal. New data should be furnished in the form specified in § 571.1 for submitting petitions.

Subpart C—Hearing Procedures

§ 571.200 Notice of public hearing.

If the objections and statements filed by any person when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed), show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, and a public hearing on the objections is requested, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of publication of the notice in the FEDERAL REGISTER) when the hearing will commence. The hearing will convene at the place and time announced in the notice, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing. Included in such notice shall be a statement indicating whether the regulation to which objection was taken shall be stayed pending the outcome of the hearing.

§ 571.202 Appearances and burden of proof at public hearing.

At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7(c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the notice of appearance his interest in the proceeding and shall set forth the specific provisions of the regulation concerning which objections have been made on which such person desires to be heard. The notice of appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file notice of his appearance within the time prescribed, in the absence of a clear showing of good cause why the notice of appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 571.203 Administrative Law Judge.

The hearing shall be conducted by an Administrative Law Judge, who shall be an Administrative Law Judge appointed as provided in the Administrative Procedure Act (sec. 11, 60 Stat. 244, as amended; 5 U.S.C. 1010 et seq.) and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with the regulations in this part and the requirements of the Administrative Procedure Act. The Administrative Law Judge shall have the power to administer oaths and affirmations, to rule upon offers of proof and admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 571.204 Prehearing and other conferences.

(a) The Administrative Law Judge, on his own motion or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specific time and place for a prehearing conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts, and documents.

(3) The possibility of the limitation of the number of witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The Administrative Law Judge shall make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, and the scheduling of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The Administrative Law Judge may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 571.205 Transcript of the testimony.

Testimony given at a public hearing shall be reported verbatim. All written

statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7(c), 60 Stat. 238; 5 U.S.C. 1008(c)). Exhibits shall if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the Administrative Law Judge shall exercise his discretion in determining whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the Administrative Law Judge. Where the testimony of a witness refers to a statute, or to a report or document, the Administrative Law Judge shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the Administrative Law Judge.

§ 571.206 Oral and written arguments.

(a) Unless the Administrative Law Judge issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The Administrative Law Judge shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 571.208 Index of hearing record.

(a) Whenever it appears to the Administrative Law Judge that the record of hearing will be of such length that an index to the record will permit a more orderly analysis of the evidence and reduce delay, the Administrative Law Judge shall require counsel for the parties to prepare a daily topical index, which will be available to the Administrative Law Judge and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index shall include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index shall also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 571.210 Certification of hearing record.

At the close of the hearing, the Administrative Law Judge shall afford witnesses and their counsel a short time (not longer than 30 days, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The Administrative Law Judge shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony and he shall certify the transcript of testimony and the exhibits to the Commissioner.

§ 571.212 Filing of hearing record.

As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, all exhibits, and any written arguments that may have been filed.

§ 571.214 Copies of hearing record.

The Department will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

Subpart D—Evidence

§ 571.220 Submission of documents in advance of hearing.

(a) All documents to be offered at the hearing shall be submitted to the Administrative Law Judge and to the interested parties sufficiently in advance of the offer of such documents for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The Administrative Law Judge, after consultation with the parties at a conference called in accordance with § 571.204, shall make an order specifying the time at which documents shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documents not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the documents sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the Administrative Law Judge upon notice to the other parties within the time specified by the Administrative Law Judge in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 571.221 Excerpts from documents.

When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the Administrative Law Judge and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 571.222 Submission and receipt of evidence.

(a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the Administrative Law Judge may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The Administrative Law Judge shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the Administrative Law Judge is satisfied that the witness is properly qualified.

(e) The Administrative Law Judge shall file as an exhibit a copy of the FEDERAL REGISTER promulgating the regulation to which objections were taken and the objections that form the basis for the hearing. All documents constituting the record bearing on the point in controversy, and not entitled to protection under section 301(j) of the act, accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the Hearing Clerk, Food and Drug Administration, Parklawn Bldg., Rm. 465, 5600 Fishers Lane, Rockville, Md. 20852.

(f) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the Administrative Law Judge on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

Subpart E—Findings of Facts and Order

§ 571.230 Proposed order after public hearing.

As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall set forth in detail the findings of fact

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and conclusions, and recommend decision on the objections that were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 60 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum or brief.

§ 571.232 Final order after public hearing.

As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation, which shall specify the date on which the order shall take effect.

Subpart F—Judicial Review

§ 571.235 Judicial review.

The Secretary of Health Education and welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Subpart A—[Reserved]

Subpart B—Food Additive Listing

Sec.
- 573.120 Acrylamide-acrylic acid resin.
- 573.140 Ammoniated cottonseed meal.
- 573.160 Ammoniated rice hulls.
- 573.180 Anhydrous ammonia.
- 573.200 Condensed animal protein hydrolysate.
- 573.220 Feed-grade biuret.
- 573.240 Calcium periodate.
- 573.260 Calcium silicate.
- 573.280 Feed-grade calcium stearate.
- 573.300 Choline xanthate.
- 573.320 Diammonium phosphate.
- 573.340 Diatomaceous earth.
- 573.360 Disodium EDTA.
- 573.380 Ethoxyquin in animal feeds.
- 573.400 Ethoxyquin in certain dehydrated forage crops.
- 573.420 Ethyl cellulose.
- 573.440 Ethylene dichloride.
- 573.460 Formaldehyde.
- 573.480 Formic acid.
- 573.500 Condensed, extracted glutamic acid fermentation product.
- 573.520 Hemicellulose extract.
- 573.540 Hydrolyzed leather meal.
- 573.560 Iron ammonium citrate.
- 573.580 Iron-choline citrate complex.
- 573.600 Lignin sulfonated.
- 573.620 Menadione dimethylpyrimidinol bisulfite.
- 573.640 Methyl esters of higher fatty acids.
- 573.660 Methyl glucoside-coconut oil ester.
- 573.680 Mineral oil.
- 573.700 Sodium nitrite.
- 573.720 Petrolatum.
- 573.740 Odorless light petroleum hydrocarbons.
- 573.760 Poloxalene.
- 573.780 Polyethylene.
- 573.800 Polyethylene glycol (400) mono- and dioleate.
- 573.820 Polyoxyethylene glycol (400) mono- and dioleates.
- 573.840 Polysorbate 60.
- 573.860 Polysorbate 80.
- 573.880 Normal propyl alcohol.
- 573.900 Pyrophyllite.
- 573.920 Selenium.
- 573.940 Silicon dioxide.
- 573.960 Sorbitan monostearate.
- 573.980 Taurine.
- 573.1000 Vermiculite.
- 573.1020 Yellow prussiate of soda.

AUTHORITY: Sec. 409, 72 Stat. 1785–1788 as amended (21 U.S.C. 348) unless otherwise noted.

Subpart A—[Reserved]

Subpart B—Food Additive Listing

§ 573.120 Acrylamide-acrylic acid resin.

Acrylamide-acrylic acid resin (hydrolized polyacrylamide), only for the purposes of this section as described below, may be safely used in accordance with the following prescribed conditions:

(a) The additive is produced by polymerization of acrylamide with partial hydrolysis, or by copolymerization of acrylamide and acrylic acid with the greater part of the polymer being composed of acrylamide units.

(b) The additive meets the following specifications:

(1) Molecular Weight range: 3 to 6 million.

(2) Viscosity range: 3,000 to 6,000 centipoises at 77° F in a 1 percent aqueous solution as determined by LVF Brookfield Viscometer or equivalent using a number 6 spindle at 20 r.p.m.

(3) Residual acrylamide: Not more than 0.05 percent.

(c) It is used as a thickener and suspending agent in nonmedicated aqueous suspensions intended for addition to animal feeds.

§ 573.140 Ammoniated cottonseed meal.

The food additive ammoniated cottonseed meal may be safely used in accordance with the following conditions:

(a) The food additive is the product obtained by the treatment of cottonseed meal with anhydrous ammonia until a pressure of 50 pounds per square inch gauge is reached.

(b) It is used or intended for use in the feed of ruminants as a source of protein and/or as the sole source of nonprotein nitrogen in an amount not to exceed 20 percent of the total ration.

(c) To assure safe use, the label and labeling of the additive and of any feed additive supplement, concentrate, or premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) Directions for use to provide not more than 20 percent of the additive in the total ration, and a prominent statement: "Warning—This feed should be used only in accordance with the directions furnished on the label."

§ 573.160 Ammoniated rice hulls.

The food additive ammoniated rice hulls may be safely used in accordance with the following prescribed conditions:

(a) The food additive is the product obtained by the treatment of ground rice hulls with monocalcium phosphate and anhydrous ammonia at a temperature of 350° F and a pressure of 175 pounds per square inch.

(b) It is used or intended for use in the feed of beef cattle as a source of crude fiber and as the sole source of nonprotein nitrogen in an amount not to exceed 20 percent of the total ration.

(c) To assure safe use of the additive, the label and labeling of the additive and of any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom, shall contain, in addition to other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) Directions for use to provide not more than 20 percent of the additive in the total ration, and a prominent statement: "Warning—This feed should be used only in accordance with the directions furnished on the label."

§ 573.180 Anhydrous ammonia.

The food additive anhydrous ammonia may be safely used in accordance with the following conditions:

(a) The food additive is used as a component of an aqueous premix which includes ammonia, molasses and minerals so that the premix contains not less than 16 percent nor more than 17 percent ammonia and not less than 83 percent crude protein.

(b) The premix is used or intended for use for mixing with corn plant material prior to ensiling, as a source of nonprotein nitrogen and minerals.

(c) To assure safe use, the label and labeling of the premix shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of ammonia contained therein.

(3) The maximum percentage of equivalent crude protein from nonprotein nitrogen.

(4) An expiration date that is not more than 10 weeks following the date of its manufacture.

(5) A statement that silage treated with the additive is to be fed to cattle only.

(6) A statement that additional protein should not be fed to lactating dairy cows producing less than 32 pounds of milk per day, or beef cattle consuming less than 1 percent of body weight daily in shelled corn.

(7) A warning statement to read as follows: "Warning—Use only as directed; additional trace mineral supplementation should not be fed with treated silage."

§ 573.200 Condensed animal protein hydrolysate.

(a) *Identity.* The condensed animal protein hydrolysate is produced from the meat byproducts scraped from cured (salted) hides taken from cattle slaughtered for food consumption. The meat byproduct is hydrolyzed with heat and phosphoric acid.

(b) *Specifications.* The additive shall conform to the following percent-by-weight specifications:

Moisture, not less than 45 percent nor more than 50 percent.
Protein, not less than 24 percent.
Salt (NaCl), not more than 15 percent.
Phosphorus, not less than 2.25 percent.

(c) *Uses.* It is used or intended for use as a source of animal protein, phosphorus, and salt (NaCl) as follows:

(1) In poultry and swine feed in an amount not to exceed 5 percent by weight of the feed.

(2) In feed concentrates for cattle in an amount not to exceed 10 percent by weight of the concentrate.

(d) *Labeling.* The label and labeling shall bear, in addition to the other information required by the act:

(1) The name of the additive, condensed animal protein hydrolysate.

(2) Adequate directions for use including maximum quantities permitted for each species and a guaranteed analysis of the additive.

§ 573.220 Feed-grade biuret.

The food additive feed grade biuret may be safely used in ruminant feed in accordance with the following prescribed conditions:

(a) The food additive is the product resulting from the controlled pyrolysis of urea conforming to the following specifications:

	Percent
Biuret	55 minimum.
Urea	15 maximum.
Cyanuric acid and triuret	30 maximum.
Mineral oil	0.5 maximum.
Total nitrogen (equivalent to 218.75 pct crude protein).	35 minimum.

(b) It is used in ruminant feeds as a source of nonprotein nitrogen.

(c) To assure safe use of the additive:

(1) The label and labeling of the additive and that of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to other information required by the act, the following:

(i) The name of the additive.

(ii) The maximum percentage of equivalent crude protein from nonprotein nitrogen.

(iii) The statement "Do not feed to animals producing milk for human consumption."

(2) The label shall recommend that the diet be balanced to provide adequate nutrients when equivalent crude protein from all forms of nonprotein nitrogen exceed one-third of the total crude protein in the total daily ration.

§ 573.240 Calcium periodate.

The food additive calcium periodate may be safely used in accordance with the following prescribed conditions:

(a) The additive is produced by reacting calcium iodate with calcium hydroxide or calcium oxide to form a substance consisting of not less than 60 percent by weight of penta calcium orthoperiodate containing 28 to 31 percent by weight of iodine.

(b) It is used or intended for use in salt for livestock as a source of iodine.

§ 573.260 Calcium silicate.

Calcium silicate, including synthetic calcium silicate, may be safely used as an anticaking agent in animal feed, provided that the amount of calcium silicate does not exceed 2 percent.

§ 573.280 Feed-grade calcium stearate.

Feed-grade calcium stearate may be safely used in an animal feed in accordance with the following prescribed conditions:

(a) Feed-grade calcium stearate is the calcium salt of a fatty acid mixture that is predominately stearic acid. Associated fatty acids, including palmitic acid and minor amounts of lauric, myristic, pentadecanoic, margaric, arachidic, and other fatty acids may be contained in the mixture, but such associated fatty acids in aggregate do not exceed 35 percent by weight of the mixture. The fatty acids may be derived from feed-grade fats or oils.

(b) The additive meets the following specifications:

(1) Unsaponifiable matter does not exceed 2 percent.

(2) It is free of chick-edema factor.

(c) The additive is manufactured so that in aqueous solution it is exposed for 1 hour or longer to temperature in excess of 180° F.

(d) It is used as an anticaking agent in animal feeds in accordance with good manufacturing practice.

§ 573.300 Choline xanthate.

Choline xanthate may be safely used as a component of animal feed as an added source of choline to supplement the diets of poultry, ruminants, and swine in accordance with good feeding practice.

§ 573.320 Diammonium phosphate.

The food additive diammonium phosphate may be safely used in ruminant feed in accordance with the following prescribed conditions:

(a) The food additive is the product resulting from the neutralization of feeding-phosphoric-acid or defluorinated wet-process phosphoric acid with anhydrous ammonia. It contains not less than 106.25 percent equivalent crude protein (nitrogen X 6.25) and 20 percent phosphorus. It contains not more than the following:

1 part fluorine to 100 parts phosphorus.
75 parts per million or arsenic (as As).
30 parts per million of heavy metals, as lead (Pb).

(b) It is used in ruminant feeds as a source of phosphorus and nitrogen in an amount that supplies not more than 2 percent of equivalent crude protein in the total daily ration.

(c) To assure safe use of the additive, the label and labeling of the additive and that of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) If the feed additive premix, feed additive concentrate, or feed additive supplement contains more than 2 percent equivalent crude protein from diammonium phosphate, adequate directions for use and a prominent statement, "Warning—This feed should be used only in accordance with directions furnished on the label."

§ 573.340 Diatomaceous earth.

(a) *Identity.* The additive consists of siliceous skeletal material derived from various species of diatoms.

(b) *Specifications.* The additive shall conform to the following specifications:

Lead, not more than 15 parts per million.
Arsenic (as As), not more than 20 parts per million
Fluorine, not more than 600 parts per million.

(c) *Uses.* It is used or intended for use as an inert carrier or anticaking agent in animal feeds in an amount not to exceed 2 percent by weight of the total ration.

§ 573.360 Disodium EDTA.

The food additive disodium EDTA (disodium ethylenediaminetetraacetate) may be safely used in animal feeds, in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used to solubilize trace minerals in aqueous solutions, which are then added to animal feeds.

(c) It is used or intended for use in an amount not to exceed 240 parts per million of the additive in finished feed.

(d) To assure safe use of the additive the label and labeling shall bear:

(1) The name of the additive; and

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(2) Adequate mixing directions to ensure that the chelated trace-mineral mix is uniformly blended throughout the feed.

§ 573.380 Ethoxyquin in animal feeds.

Ethoxyquin (1,2-dihydro - 6 - ethoxy-2,2,4-trimethylquinoline) may be safely used in animal feeds, when incorporated therein in accordance with the following prescribed conditions.

(a) It is intended for use only: (1) As a chemical preservative for retarding oxidation of carotene, xanthophylls, and vitamins A and E in animal feed and fish food and, (2) as an aid in preventing the development of organic peroxides in canned pet food.

(b) The maximum quantity of the additive permitted to be used and to remain in or on the treated article shall not exceed 150 parts per million.

(c) To assure safe use of the additive, the label and labeling of the food additive container and that of any intermediate premixes prepared therefrom shall contain, in addition to other information required by the act:

(1) The name of the additive, ethoxyquin.

(2) A statement of the concentration or strength contained therein.

(3) Adequate use directions to provide for a finished article with the proper concentration of the additive as provided in paragraph (b) of this section, whether or not intermediate premixes are to be used.

(d) The label of any animal feed containing the additive shall, in addition to the other information required by the act, bear the statement "Ethoxyquin, a preservative" or "Ethoxyquin added to retard the oxidative destruction of carotene, xanthophylls, and vitamins A and E."

§ 573.400 Ethoxyquin in certain dehydrated forage crops.

Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) may be safely used in the dehydrated forage crops listed in paragraph (a) of this section when incorporated therein in accordance with the conditions prescribed in this section:

(a) It may be added to dehydrated forage prepared from:

Alfalfa	Medicago sativa.
Barley	Hordeum vulgare.
Clovers:	
Alsike clover	Trifolium hybridum.
Crimson clover	Trifolium incarnatum.
Red clover	Trifolium pratense.
White clover (including Ladino)	Trifolium repens.
White sweetclover	Melilotus alba.
Yellow sweetclover	Melilotus officinalis.
Coastal Bermudagrass	Cynodon dactylon.
Corn	Zea mays.
Fescue	Festuca sp.
Oats	Avena sativa.
Orchardgrass	Dactylis glomerata.
Reed canarygrass	Pharlaris arundinacea.
Ryegrass (annual and perennial)	Elymus sp. and Lolium perenne.
Sorghums	Sorghum vulgare vars, feterita, shallu, kaoliang, broomcorn.
Sudan grass	Sorghum vulgare sudanense.
Wheat	Triticum aestivum.

or any mixture of such forage crops, for use only as an animal feed.

(b) Such additive is used only as a chemical preservative for the purpose of retarding oxidative destruction of naturally occurring carotenes and vitamin E in the forage crops.

(c) It is added to the dehydrated forage crops in an oil mixture containing only suitable animal or suitable vegetable oil, prior to grinding and mixing.

(d) The maximum quantity of the additive permitted to be used and to remain in or on the dehydrated forage crop shall not exceed 150 parts per million.

(e) To assure the safe use of the additive, the label of the market package shall contain, in addition to other information required by the act:

(1) The name of the additive as specified in this section.

(2) Directions for the incorporation of the additive in the forage crops, as specified in paragraph (c) of this section, with the directive that only suitable animal or suitable vegetable oils are to be used in the oil mix.

(f) The label of any dehydrated forage crops treated with the additive or the label of an animal-feed supplement containing such treated forage crops, shall, in addition to other information required by the act, bear the following statements:

(1) "Ethoxyquin, a preservative," or "Ethoxyquin added to retard the oxidative destruction of carotene and vitamin E."

(2) The statement "For use in animal feed only."

§ 573.420 Ethyl cellulose.

The food additive ethyl cellulose may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is a cellulose ether containing ethoxy (OC_2H_5) groups attached by an ether linkage and containing on an anhydrous basis not more than 2.6 ethoxy groups per anhydroglucose unit.

(b) It is used or intended for use as a binder or filler in dry vitamin preparations to be incorporated into animal feed.

§ 573.440 Ethylene dichloride.

The food additive ethylene dichloride may be safely used in the manufacture of animal feeds in accordance with the following prescribed conditions:

(a) It is used as a solvent in the extraction processing of animal byproducts for use in animal feeds.

(b) The maximum quantity of the additive permitted to remain in or on the extracted byproducts shall not exceed 300 parts per million.

(c) The extracted animal byproduct is added as a source of protein to a total ration at levels consistent with good feeding practices, but in no event at levels exceeding 13 percent of the total ration.

§ 573.460 Formaldehyde.

The food additive formaldehyde may be safely used in the manufacture of animal feeds in accordance with the following conditions:

(a) The additive is used, or intended for use, to improve the handling characteristics of animal fat in combination with certain oilseed meals by producing therefrom a dry, free-flowing product as follows:

(1) An aqueous blend of soybean and sunflower meals in a ratio of 3: 1, respectively, is mixed with animal fat such that the oilseed meals and animal fat are in a ratio of 3: 2. The feed ingredients are those defined by the "Official Publication" of the Association of American Feed Control Officials, Inc., 1976 ed., pages 86, 103, and 109.[1]

(2) Formaldehyde (37 percent solution) is added to the mixture at a level of 4 percent of the dry matter weight of the oilseed meals and animal fat. This mixture, upon drying, contains not more than 1 percent formaldehyde and not more than 12 percent moisture.

(b) The dried mixture described in paragraph (a) of this section is used, or intended for use, as a component of dry, nonpelleted feeds for beef and nonlactating dairy cattle.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the dried mixture described in paragraph (a) of this section shall bear:

(1) The name of the additive.

(2) Adequate directions for use providing that feed as consumed is not to contain more than 25 percent of the mixture

§ 573.480 Formic acid.

Formic acid may be safely used as a preservative in hay crop silage in an amount not to exceed 2.25 percent of the silage on a dry weight basis or 0.45 percent when direct-cut. The top foot of silage stored should not contain formic acid and silage should not be fed to livestock within 4 weeks of treatment.

§ 573.500 Condensed, extracted glutamic acid fermentation product.

Condensed, extracted glutamic acid fermentation product may be safely used in animal feed under the following conditions:

(a) The additive is a concentrated mixture of the liquor remaining from the extraction of glutamic acid, combined with the cells of *Corynebacterium lilium* used to produce the glutamic acid.

(b) It is used or intended for use as follows:

(1) In poultry feed as a source of protein in an amount not to exceed 5 percent of the total ration.

(2) In cattle feed as a source of protein in an amount not to exceed 10 percent of the feed.

(c) In order to assure safe use, the label and labeling of the additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration of the additive contained in any mixture.

(3) Adequate directions for use.

[1] Copies may be obtained from: Ernest A. Epps, Jr., Treasurer, Division of Agricultural Chemistry, P.O. Box 16390-A, Baton Rouge, LA 70803.

§ 573.520 Hemicellulose extract.

Hemicellulose extract may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is produced from the aqueous extract obtained by the treatment of wood with water at elevated temperatures (420°–535° F) and pressure (300–900 pounds per square inch) and contains primarily pentose and hexose sugars.

(b) The additive may be used in a liquid or dry state with the liquid product containing not less than 55 percent carbohydrate and the dry product containing not less than 84 percent carbohydrate.

(c) The additive is used as a source of metabolizable energy in animal feed in accordance with good manufacturing and feeding practices.

§ 573.540 Hydrolyzed leather meal.

(a) *Identity.* Hydrolyzed leather meal is produced from leather scraps that are treated with steam for not less than 33 minutes at a pressure of not less than 125 pounds per square inch.

(b) *Specifications.* The additive shall conform to the following percent-by-weight specifications:

Moisture, not less than 5 percent nor more than 10 percent.
Crude protein, not less than 60 percent.
Crude fat, not less than 5 percent.
Crude fiber, not more than 6 percent.
Chromium, not more than 2.75 percent.

(c) *Use.* It is used or intended for use as a source of protein in swine feeds in an amount not to exceed 1.0 percent by weight of the finished feed.

(d) *Labeling.* The labels and labeling shall bear, in addition to the other information required by the act:

(1) The name of the additive, hydrolyzed leather meal.

(2) Adequate directions to provide finished feeds complying with paragraph (c) of this section.

§ 573.560 Iron ammonium citrate.

Iron ammonium citrate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The additive is the chemical green ferric ammonium citrate.

(b) The additive is used or intended for use as an anticaking agent in salt for animal consumption so that the level of iron ammonium citrate does not exceed 25 parts per million (0.0025 percent) in the finished salt.

(c) To assure safe use of the additive the label or labeling of the additive shall bear, in addition to the other information required by the act:

(1) The name of the additive.

(2) Adequate directions to provide a final product that complies with the limitations prescribed in paragraph (b) of this section.

§ 573.580 Iron-choline citrate complex.

Iron-choline citrate complex made by reacting approximately equimolecular quantities of ferric hydroxide, choline, and citric acid may be safely used as a source of iron in animal feed.

§ 573.600 Lignin sulfonates.

Lignin sulfonates may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) For the purpose of this section, the food additive is either one, or a combination of, the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood or of abaca (*Musa textilis*) or of sisal (*Agave sisalana*) in either a liquid form (moisture not to exceed 50 percent by weight) or dry form (moisture not to exceed 6 percent by weight).

(b) It is used or intended for use in an amount calculated on a dry weight basis, as follows:

(1) As a pelleting aid in the liquid or dry form in an amount not to exceed 4 percent of the finished pellets.

(2) As a binding aid in the liquid form in the flaking of feed grains in an amount not to exceed 4 percent of the flaked grain.

(3) As a surfactant in molasses used in feeds, as liquid lignin sulfonate, in an amount not to exceed 11 percent of the molasses.

(4) As a source of metabolizable energy, in the liquid or dry form, in an amount not to exceed 4 percent of the finished feed.

§ 573.620 Menadione dimethylpyrimidinol bisulfite.

The food additive, menadione dimethylpyrimidinol bisulfite, may be safely used in accordance with the following conditions:

(a) The additive is the 2-hydroxy-4, 6-dimethylpyrimidinol salt of menadione ($C_{11}H_{10}O_2N_2S$).

(b) The additive is used or intended for use as a nutritional supplement for the prevention of vitamin K deficiency as follows:

(1) In chicken and turkey feed at a level not to exceed 2 grams per ton of complete feed.

(2) In the feed of growing and finishing swine at a level not to exceed 10 grams per ton of feed.

(c) To assure safe use, the label and labeling of the additive shall bear adequate directions for use.

§ 573.640 Methyl esters of higher fatty acids.

The food additive methyl esters of higher fatty acids may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reaction of methyl alcohol with feed-grade fats or oils and consists of not less than 70 percent methyl esters of the following straight-chain monocarboxylic acids: Docosahexanoic acid, eicosapentanoic acid, linoleic acid, myristic acid, oleic acid, palmitic acid, palmitoleic acid, and stearic acid, and lesser amounts of the associated acid esters.

(b) The food additive meets the following specifications:

(1) Free methyl alcohol not to exceed 150 parts per million.

(2) Unsaponifiable matter not to exceed 2 percent.

(3) It is free of chick-edema factor or other factors toxic to chicks, as evidenced during the bioassay method for determining the check-edema factor as prescribed in paragraph (b)(4)(ii) of this section.

(4) For the purposes of this section:

(i) Unsaponifiable matter shall be determined by the method described in section 26.049, Official Methods of Analysis of the Association of Official Agricultural Chemsits, 9th Ed. (1960).[1]

(ii) The chick-edema factor bioassay method described in the Journal of the Association of Official Agricultural Chemists, Volume 44, page 146 (1961),[1] shall be employed. The presence of chick-edema factor shall be determined by a comparison between the mean log of the pericardial fluid volumes of a test group and of a concurrent negative control group. The significance of the difference in pericardial fluid volumes between the test group and the negative control group is determined by calculating a "t" value according to the formula:

$$t = \frac{\bar{x}_t - \bar{x}_c}{\sqrt{\frac{s_t^2}{n_t} + \frac{s_c^2}{n_c}}}$$

where:

$\bar{x}_t$ and $\bar{x}_c$ are the means of the logs of the pericardial fluid volumes of the test and control groups, respectively;

n_t and n_c are the number of chicks in the respective groups;

s_t^2 and s_c^2 are the variances of the test and control groups, respectively.

The variances are calculated as follows:

$$s^2 = \frac{n(\Sigma x^2) - (\Sigma x)^2}{n(n-1)}$$

where:

Σx is the sum of the logs of the pericardial fluid volumes;

Σx^2 is the sum of the squares of the logs of the pericardial fluid volumes for either the test (t) or control (c) group data.

The test sample is judged to contain chick-edema factor if the calculated "t" exceeds +1.3 and the mean log of the pericardial fluid volume obtained from the negative control group multiplied by 100 is less than 1.1461.

(iii) "Other factors toxic to chicks" referred to in paragraph (b)(3) of this section shall be determined during the course of the bioassay test described in paragraph (b)(4)(ii) of this section, on the basis of chick deaths or other abnor-

[1] Copies are available from: Association of Official Analytical Chemist, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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malities not attributable to chick-edema factor or to the experimental conditions of the test.

(c) It is used or intended for use as a supplementary source of fat for animal feed.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear:

(i) The name of the additive.

(ii) The designation "feed grade" in juxtaposition with the name and equally as prominent.

(2) The label or labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear adequate directions for use.

§ 573.660 Methyl glucoside-coconut oil ester.

Methyl glucoside-coconut oil ester may be safely used in accordance with the following conditions:

(a) The additive meets the specifications prescribed in § 121.1151 of this chapter.

(b) It is used as a surfactant in molasses intended for use in animal feed at a level not to exceed 320 parts per million.

§ 573.680 Mineral oil.

Mineral oil may be safely used in animal feed, subject to the provisions of this section.

(a) Mineral oil, for the purpose of this section, is that complying with the definition and specifications contained in § 121.1146 (a) and (b) or in § 121.2589 (b) (1) (i) and (ii) of this chapter.

(b) It is used in animal feeds for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks and to improve resistance to moisture of such pellets, cubes, or blocks.

(3) To prevent the segregation of trace minerals in mineralized salt.

(4) To serve as a diluent carrier in the manufacture of feed grade bluret in accordance with good manufacturing practice.

(c) The quantity of mineral oil used in animal feed shall not exceed 3.0 percent in mineral supplements, nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

§ 573.700 Sodium nitrite.

Sodium nitrite may be safely used in canned pet food containing meat and fish in accordance with the following prescribed conditions:

(a) It is used or intended for use alone as a preservative and color fixative in canned pet food containing fish, meat, and fish and meat byproducts so that the level of sodium nitrite does not exceed 20 parts per million.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

§ 573.720 Petrolatum.

Petrolatum may be safely used in or on animal feed, subject to the following prescribed conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XII for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b) of this chapter.

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) It is used in animal feed for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks, and to improve resistance to moisture of such pellets, cubes, or blocks.

(d) The quantity of petrolatum present in animal feeds from the uses specified in paragraph (c) of this section shall not exceed 3 percent in mineral supplements nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

(e) When used in combination with technical white mineral oil for the uses described in paragraph (c) of this section, the total quantity of combined petrolatum and technical white mineral oil shall not exceed the limits prescribed in paragraph (d) of this section.

(f) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

§ 573.740 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons complying with § 121.1182 (a) and (b) of this chapter may be safely used in an amount not in excess of that required as a component of insecticide formulations used in compliance with regulations issued in this part.

§ 573.760 Poloxalene.

The food additive poloxalene may be safely used in accordance with the following prescribed conditions:

(a) The additive consists of polyoxypropylene-polyoxyethylene glycol nonionic block polymer meeting the following specifications:

(1) Molecular weight range: 2,850–3,150.

(2) Hydroxyl number: 35.7–39.4.

(3) Cloud point (10 percent solution): 42° C–46° C.

(4) Structural formula:

$$HO(CH_2-CH_2-O)_{(a-m)}$$
$$CH-CH_2-O_{(35-n)}\quad (CH_2-CH_2-O)_{(a-15)}H$$
$$CH_3)$$

(b) In feed as a surfactant for the flaking of feed grains when added to liquid grain conditioner in an amount not to exceed 1.0 percent of the conditioner. The conditioner is added to the feed at a rate of 1 quart per ton of feed.

(c) The label and labeling shall bear, in addition to the other information required by the act:

(1) The name of the additive.

(2) Adequate directions and warnings for use.

§ 573.780 Polyethylene.

(a) *Identity.* Polyethylene consists of basic polymers manufactured by the catalytic polymerization of ethylene.

(b) *Specifications.* (1) For the purposes of this section, polyethylene shall meet the specifications in item 2.1 of § 121.2501(c) of this chapter.

(2) The polyethylene is designed in a pellet form in a configuration presenting maximum angular surface having the following dimensions in centimeters:

0.9±0.1 x 0.8±0.1 x 1.2±0.1

(c) *Use.* It is used as a replacement for roughage in feedlot rations for finishing slaughter cattle.

(d) *Labeling.* The labels and labeling shall bear in addition to the other information required by the act:

(1) The name of the additive "polyethylene roughage replacement."

(2) Adequate directions for use which shall provide for the administration of one-half pound of polyethylene pellets per head per day for 6 successive days. All natural roughage should be removed for a minimum of 12 hours prior to administration of polyethylene roughage replacement. Roughage replacement must be adequately mixed in the ration for uniform distribution.

§ 573.800 Polyethylene glycol (400) mono- and dioleate.

(a) The food additive polyethylene glycol (400) mono- and dioleate meets the following specifications: Saponification number, 80–88; acid number, 5.0 maximum; and average molecular weight range, 640–680.

(b) It is used as a processing aid in the production of animal feeds when present as a result of its addition to molasses in an amount not to exceed 250 parts per million of the molasses.

§ 573.820 Polyoxyethylene glycol (400) mono- and dioleates.

The food additive polyoxyethylene glycol (400) mono- and dioleates may be safely used as an emulsifier in calf-milk replacer formulations.

§ 573.840 Polysorbate 60.

The food additive polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) It is used alone or in combination with sorbitan monostearate as an emulsifier in mineral premixes and dietary supplements for animal feeds.

(b) It is used as an emulsifier in milk-replacer formulations for calves.

§ 573.860 Polysorbate 80.

The food additive polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) may be safely used as an emulsifier in milk-replacer formulations for calves.

§ 573.880 Normal propyl alcohol.

Normal propyl alcohol may be safely used in feeds and feed supplements for cattle as a source of metabolizable energy. It is incorporated in the feed or feed supplement in an amount which provides not more than 54.5 grams of the additive per head per day.

§ 573.900 Pyrophyllite.

Pyrophyllite (aluminum silicate monohydrate) may be safely used as the sole anticaking aid, blending agent, pelleting aid, or carrier in animal feed when incorporated therein in an amount not to exceed 2 percent in complete animal feed.

§ 573.920 Selenium.

The food additive selenium may be safely used in accordance with the following prescribed conditions:

(a) The additive is used in animal feed as a nutrient in the form of sodium selenite or sodium selenate.

(b) It is added to the complete feed of growing chickens up to 16 weeks of age and to the complete feed of swine at a level not to exceed 0.1 part per million of added selenium; it is added to the complete feed of turkeys at a level not to exceed 0.2 part per million of added selenium.

(c) The additive shall be incorporated into each ton of the complete feed of growing chickens up to 16 weeks of age and of swine by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound. The additive shall be incorporated into each ton of the complete feed of turkeys by a premix containing no more than 181.6 milligrams of added selenium and weighing not less than 2 pounds.

(d) The premix manufacturer shall analyze each production batch of selenium premix and shall establish by such analysis that the levels of selenium specified in paragraph (c) of this section are not exceeded.

(e) The label or labeling of any selenium premix shall bear adequate directions and cautions for use including this statement: "Caution: Follow label directions. The addition to feed of higher levels of this premix containing selenium is not permitted."

(f) Feeds containing added selenium may not be administered to hens laying eggs for human consumption.

§ 573.940 Silicon dioxide.

The food additive silicon dioxide may be safely used in animal feed in accordance with the following conditions:

(a) The food additive is manufactured by vapor phase hydrolysis or by other means whereby the particle size is such as to accomplish the intended effect.

(b) It is used or intended for use in feed components as an anticaking agent, and/or grinding aid, as follows:

Feed component:	*Limitations (percent)*
BHT (butylated hydroxytoluene)	2
Methionine hydroxy analog and its calcium salts	1
Piperazine, piperazine salts	0.8
Sodium propionate	1
Urea	1
Vitamins	3

(c) It is used in feed as an anticaking agent in an amount not to exceed that reasonably required to accomplish its intended effect and in no case in an amount to exceed 2 percent by weight of the finished feed.

§ 573.960 Sorbitan monostearate.

The food additive sorbitan monostearate may be safely used alone or in combination with polysorbate 60 as an emulsifier in mineral premixes and dietary supplements for animal feeds.

§ 573.980 Taurine.

The food additive taurine (2-aminoethanesulfonic acid) may be safely used in feed in accordance with the following prescribed conditions:

(a) It is used as a nutritional supplement in the feed of growing chickens.

(b) It is added to complete feeds so that the total taurine content does not exceed 0.054 percent of the feed.

(c) To assure safe use of the additive, the label and labeling shall bear in addition to the other information required by the act:

(1) The name of the additive.

(2) The quantity of the additive contained therein.

(3) Adequate directions for use.

§ 573.1000 Verxite.

The food additive verxite may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The additive is a magnesium-aluminum-iron silicate conforming to one of the following:

(1) (i) Verxite granules: The additive contains a minimum of 98 percent of hydrobiotite; it is thermally expanded and has a bulk density of from 5 to 9 pounds per cubic foot.

(ii) It is used or intended for use:

(*a*) In poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting caloric intake in pullet replacement feeds.

(*b*) As an anticaking or blending agent, pelleting aid, or nonnutritive carrier for the incorporation of nutrients in poultry, swine, dog, or ruminant feeds, in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1.5 percent of the dog feed or 5 percent of the final feed for other animals.

(2) (i) Verxite flakes: The additive contains a minimum of 98 percent of hydrobiotite; it has a bulk density of from 20 to 30 pounds per cubic foot.

(ii) It is used or intended for use as an anticaking or blending agent in ruminant feeds in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1 percent by weight of the final feed for ruminants.

(3) (i) Verxite grits: The additive contains a minimum of 80 percent of hydrobiotite; it has a bulk density of from 40 to 50 pounds per cubic foot.

(ii) It is used or intended for use as a partial roughage replacement in ruminant feeds in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1 percent by weight of the final feed.

(b) To assure safe use of the additive, the label of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the name of the additive (verxite granules, verxite flakes, or verxite grits), adequate directions for use, and, when the additive is present in excess of 1 percent, a statement of the quantity of the additive contained therein an the term "nonnutritive" in juxtaposition therewith.

§ 573.1020 Yellow prussiate of soda.

Yellow prussiate of soda (sodium ferrocyanide decahydrate; $Na_4FE(Cn)_6 \cdot 10H_2O$) may be safely used as an anticaking agent in salt for animal consumption at a level not to exceed 13 parts per million. The additive contains a minimum of 99.0 percent by weight of sodium ferrocyanide decahydrate.

PART 582—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

Subpart A—General Provisions

Sec.	
582.1	Substances that are generally recognized as safe.
582.10	Spices and other natural seasonings and flavorings.
582.20	Essential oils, oleoresins (solvent-free), and natural extractives (including distillates).
582.30	Natural substances used in conjunction with spices and other natural seasonings and flavorings.
582.40	Natural extractives (solvent-free) used in conjunction with spices, seasonings, and flavorings.
582.50	Certain other spices, seasonings, essential oils, oleoresins, and natural extracts.
582.60	Synthetic flavoring substances and adjuvants.
582.80	Trace minerals added to animal foods.
582.99	Adjuvants for pesticide chemicals.

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Subpart B—General Purpose Food Additives

Sec.
582.1005 Acetic acid.
582.1009 Adipic acid.
582.1033 Citric acid.
582.1057 Hydrochloric acid.
582.1061 Lactic acid.
582.1069 Malic acid.
582.1073 Phosphoric acid.
582.1077 Potassium acid tartrate.
582.1087 Sodium acid pyrophosphate.
582.1091 Succinic acid.
582.1095 Sulfuric acid.
582.1099 Tartaric acid.
582.1125 Aluminum sulfate.
582.1127 Aluminum ammonium sulfate.
582.1129 Aluminum potassium sulfate.
582.1131 Aluminum sodium sulfate.
582.1135 Ammonium bicarbonate.
582.1137 Ammonium carbonate.
582.1139 Ammonium hydroxide.
582.1141 Ammonium phosphate.
582.1143 Ammonium sulfate.
582.1155 Bentonite.
582.1165 Butane.
582.1191 Calcium carbonate.
582.1193 Calcium chloride.
582.1195 Calcium citrate.
582.1199 Calcium gluconate.
582.1205 Calcium hydroxide.
582.1207 Calcium lactate.
582.1210 Calcium oxide.
582.1217 Calcium phosphate.
582.1235 Caramel.
582.1240 Carbon dioxide.
582.1275 Dextrans.
582.1320 Glycerin.
582.1324 Glyceryl monostearate.
582.1355 Helium.
582.1366 Hydrogen peroxide.
582.1400 Lecithin.
582.1425 Magnesium carbonate.
582.1428 Magnesium hydroxide.
582.1431 Magnesium oxide.
582.1480 Methylcellulose.
582.1500 Monoammonium glutamate.
582.1516 Monopotassium glutamate.
582.1540 Nitrogen.
582.1585 Papain.
582.1613 Potassium bicarbonate.
582.1619 Potassium carbonate.
582.1625 Potassium citrate.
582.1631 Potassium hydroxide.
582.1643 Potassium sulfate.
582.1655 Propane.
582.1666 Propylene glycol.
582.1685 Rennet.
582.1711 Silica aerogel.
582.1721 Sodium acetate.
582.1736 Sodium bicarbonate.
582.1742 Sodium carbonate.
582.1745 Sodium carboxymethylcellulose.
582.1748 Sodium caseinate.
582.1751 Sodium citrate.
582.1763 Sodium hydroxide.
582.1775 Sodium pectinate.
582.1778 Sodium phosphate.
582.1781 Sodium aluminum phosphate.
582.1792 Sodium sesquicarbonate.
582.1804 Sodium potassium tartrate.
582.1810 Sodium tripolyphosphate.
582.1901 Triacetin.
582.1973 Beeswax.
582.1975 Bleached beeswax.
582.1978 Carnauba wax.

Subpart C—Anticaking Agents

582.2122 Aluminum calcium silicate.
582.2227 Calcium silicate.
582.2437 Magnesium silicate.
582.2727 Sodium aluminosilicate.
582.2729 Hydrated sodium calcium aluminosilicate.
582.2906 Tricalcium silicate.

Subpart D—Chemical Preservatives

Sec.
582.3013 Ascorbic acid.
582.3021 Benzoic acid.
582.3041 Erythorbic acid.
582.3081 Propionic acid.
582.3089 Sorbic acid.
582.3109 Thiodipropionic acid.
582.3149 Ascorbyl palmitate.
582.3169 Butylated hydroxyanisole.
582.3173 Butylated hydroxytoluene.
582.3189 Calcium ascorbate.
582.3221 Calcium propionate.
582.3225 Calcium sorbate.
582.3280 Dilauryl thiodipropionate.
582.3336 Gum guaiac.
582.3490 Methylparaben.
582.3616 Potassium bisulfite.
582.3637 Potassium metabisulfite.
582.3640 Potassium sorbate.
582.3660 Propyl gallate.
582.3670 Propylparaben.
582.3731 Sodium ascorbate.
582.3733 Sodium benzoate.
582.3739 Sodium bisulfite.
582.3766 Sodium metabisulfite.
582.3784 Sodium propionate.
582.3795 Sodium sorbate.
582.3798 Sodium sulfite.
582.3845 Stannous chloride.
582.3862 Sulfur dioxide.
582.3890 Tocopherols.

Subpart E—Emulsifying Agents

582.4101 Diacetyl tartaric acid esters of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.
582.4505 Mono- and diglycerides of edible fats or oils, or edible fat-forming acids.
582.4521 Monosodium phosphate derivatives of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.
582.4666 Propylene glycol

Subpart F—Nutrients and/or Dietary Supplements

582.5013 Ascorbic acid.
582.5017 Aspartic acid.
582.5049 Aminoacetic acid.
582.5065 Linoleic acid.
582.5118 Alanine.
582.5145 Arginine.
582.5159 Biotin.
582.5191 Calcium carbonate.
582.5195 Calcium citrate.
582.5201 Calcium glycerophosphate.
582.5210 Calcium oxide.
582.5212 Calcium pantothenate.
582.5217 Calcium phosphate.
582.5223 Calcium pyrophosphate.
582.5230 Calcium sulfate.
582.5245 Carotene.
582.5250 Choline bitartrate.
582.5252 Choline chloride.
582.5260 Copper gluconate.
582.5271 Cysteine.
582.5273 Cystine.
582.5301 Ferric phosphate.
582.5304 Ferric pyrophosphate.
582.5306 Ferric sodium pyrophosphate.
582.5308 Ferrous gluconate.
582.5311 Ferrous lactate.
582.5315 Ferrous sulfate.
582.5361 Histidine.
582.5370 Inositol.
582.5375 Iron reduced.
582.5381 Isoleucine.
582.5406 Leucine.
582.5411 Lysine.
582.5431 Magnesium oxide.
582.5434 Magnesium phosphate.
582.5443 Magnesium sulfate.
582.5446 Manganese chloride.
582.5449 Manganese citrate.
582.5452 Manganese gluconate.
582.5455 Manganese glycerophosphate.
582.5458 Manganese hypophosphite.
582.5461 Manganese sulfate.
582.5464 Manganous oxide.
582.5470 Mannitol.
582.5475 Methionine.
582.5477 Methionine hydroxy analog and its calcium salts.
582.5530 Niacin.
582.5535 Niacinamide.
582.5580 D-Pantothenyl alcohol.
582.5590 Phenylalanine.
582.5622 Potassium chloride.
582.5628 Potassium glycerophosphate.
582.5634 Potassium iodide.
582.5650 Proline.
582.5676 Pyridoxine hydrochloride.
582.5695 Riboflavin.
582.5697 Riboflavin-5-phosphate.
582.5701 Serine.
582.5772 Sodium pantothenate.
582.5778 Sodium phosphate.
582.5835 Sorbitol.
582.5875 Thiamine hydrochloride.
582.5878 Thiamine mononitrate.
582.5881 Threonine.
582.5890 Tocopherols.
582.5892 α-Tocopherol acetate.
582.5915 Tryptophane.
582.5920 Tyrosine.
582.5925 Valine.
582.5930 Vitamin A.
582.5933 Vitamin A acetate.
582.5936 Vitamin A palmitate.
582.5945 Vitamin B_{12}.
582.5950 Vitamin D_2.
582.5953 Vitamin D_3.
582.5985 Zinc chloride.
582.5988 Zinc gluconate.
582.5991 Zinc oxide.
582.5994 Zinc stearate.
582.5997 Zinc sulfate.

Subpart G—Sequestrants

582.6033 Citric acid.
582.6085 Sodium acid phosphate.
582.6099 Tartaric acid.
582.6185 Calcium acetate.
582.6193 Calcium chloride.
582.6195 Calcium citrate.
582.6197 Calcium diacetate.
582.6199 Calcium gluconate.
582.6203 Calcium hexametaphosphate.
582.6215 Monobasic calcium phosphate.
582.6219 Calcium phytate.
582.6285 Dipotassium phosphate.
582.6290 Disodium phosphate.
582.6386 Isopropyl citrate.
582.6511 Monoisopropyl citrate.
582.6540 Potassium citrate.
582.6651 Sodium citrate.
582.6754 Sodium diacetate.
582.6757 Sodium gluconate.
582.6760 Sodium hexametaphosphate.
582.6769 Sodium metaphosphate.
582.6778 Sodium phosphate.
582.6787 Sodium pyrophosphate.
582.6789 Tetra sodium pyrophosphate.
582.6801 Sodium tartrate.
582.6804 Sodium potassium tartrate.
582.6807 Sodium thiosulfate.
582.6810 Sodium tripolyphosphate.
582.6851 Stearyl citrate.

Subpart H—Stabilizers

582.7115 Agar-agar.
582.7133 Ammonium alginate.
582.7187 Calcium alginate.
582.7255 Chrondrus extract.
582.7330 Gum arabic.
582.7333 Gum ghatti.
582.7339 Guar gum.
582.7343 Locust bean gum.
582.7349 Sterculia gum.
582.7351 Gum tragacanth.
582.7610 Potassium alginate.
582.7724 Sodium alginate.

AUTHORITY: Secs. 201(s), 409, 701, 52 Stat. 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371), unless otherwise noted.

Subpart A—General Provisions

§ 582.1 Substances that are generally recognized as safe.

(a) It is impracticable to list all substances that are generally recognized as safe for their intended use. However, by way of illustration, the Commissioner regards such common food ingredients as salt, pepper, sugar, vinegar, baking powder, and monosodium glutamate as safe for their intended use. The lists in Subparts B through H of this part include additional substances that, when used for the purposes indicated, in accordance with good manufacturing or feeding practice, are regarded by the Commissioner as generally recognized as safe for such uses.

(b) For the purposes of this section, good manufacturing or feeding practice shall be defined to include the following restrictions:

(1) The quantity of a substance added to animal food does not exceed the amount reasonably required to accomplish its intended physical, nutritional, or other technical effect in food; and

(2) The quantity of a substance that becomes a component of animal food as a result of its use in the manufacturing, processing, or packaging of food, and which is not intended to accomplish any physical or other technical effect in the food itself, shall be reduced to the extent reasonably possible.

(3) The substance is of appropriate grade and is prepared and handled as a food ingredient. Upon request the Commissioner will offer an opinion, based on specifications and intended use, as to whether or not a particular grade or lot of the substance is of suitable purity for use in food and would generally be regarded as safe for the purpose intended, by experts qualified to evaluate its safety.

(c) The inclusion of substances in the list of nutrients does not constitute a finding on the part of the Department that the substance is useful as a supplement to the diet for animals.

(d) Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are listed in Subparts B through H of this part. When the status of a substance has been reevaluated and affirmed as GRAS or deleted from Subparts B through H of this part, an appropriate explanation will be noted, e.g., "affirmed as GRAS," "food additive regulation," "interim food additive regulation," or "prohibited from use in food," with a reference to the appropriate new regulation. Such notation will apply only to the specific use covered by the review, e.g., direct animal food use and/or indirect animal food use and/or animal feed use and will not affect its status for other uses not specified in the referenced regulation, pending a specific review of such other uses.

§ 582.10 Spices and other natural seasonings and flavorings.

Spices and other natural seasonings and flavorings that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Common name	*Botanical name of plant source*
Alfalfa herb and seed	*Medicago sativa* L.
Allspice	*Pimenta officinalis* Lindl.
Ambrette seed	*Hibiscus abelmoschus* L.
Angelica	*Angelica archangelica* L. or other spp. of Angelica.
Angelica root	Do.
Angelica seed	Do.
Angostura (cusparia bark)	*Galipea officinalis* Hancock.
Anise	*Pimpinella anisum* L.
Anise, star	*Illicium verum Hook. f.*
Balm (lemon balm)	*Melissa officinalis* L.
Basil, bush	*Ocimum minimum* L.
Basil, sweet	*Ocimum basilicum* L.
Bay	*Laurus nobilis* L.
Calendula	*Calendula officinalis* L.
Camomile (chamomile), English or Roman.	*Anthemis nobilis* L.
Camomile (chamomile), German or Hungarian.	*Matricaria chamomilla* L.
Capers	*Capparis spinosa* L.
Capsicum	*Capsicum frutescens* L. or *Capsicum annuum* L.
Caraway	*Carum carvi* L.
Caraway, black (black cumin)	*Nigella sativa* L.
Cardamom (cardamon)	*Elettaria cardamomum* Maton.
Cassia, Chinese	*Cinnamomum cassia* Blume.
Cassia, Padang or Batavia	*Cinnamomum burmanni* Blume.
Cassia, Saigon	*Cinnamomum loureirii* Nees.
Cayenne pepper	*Capsicum frutescens* L. or *Capsicum annuum* L.
Celery seed	*Apium graveolens* L.
Chervil	*Anthriscus cerefolium* (L.) Hoffm.
Chives	*Allium schoenoprasum* L.
Cinnamon, Ceylon	*Cinnamomum zeylanicum* Nees.
Cinnamon, Chinese	*Cinnamomum cassia* Blume.
Cinnamon, Saigon	*Cinnamomum loureirii* Nees.
Clary (clary sage)	*Salvia sclarea* L.
Clover	*Trifolium* spp.
Cloves	*Eugenia caryophyllata* Thunb.
Coriander	*Coriandrum sativum* L.
Cumin (cummin)	*Cuminum cyminum* L.
Cumin, black (black caraway)	*Nigella sativa* L.
Dill	*Anethum graveolens* L.
Elder flowers	*Sambucus canadensis* L.
Fennel, common	*Foeniculum vulgare* Mill.
Fennel, sweet (finocchio, Florence fennel).	*Foeniculum vulgare* Mill. var. dulce (DC.) Alex.
Fenugreek	*Trigonella foenum-graecum* L.
Galanga (galangal)	*Alpina officinarum* Hance.
Garlic	*Allium sativum* L.
Geranium	*Pelargonium* spp.
Ginger	*Zingiber officinale* Rosc.
Glycyrrhiza	*Glycyrrhiza glabra* L. and other spp. of *Glycyrrhiza*.
Grains of paradise	*Amomum melegueta* Rosc.
Horehound (hoarhound)	*Marrubium vulgare* L.
Horseradish	*Armoracia lapathifolia* Gilib.
Hyssop	*Hyssopus officinalis* L.
Lavender	*Lavandula officinalis* Chaix.
Licorice	*Glycyrrhiza glabra* L. and other spp. of *Glycyrrhiza*.
Linden flowers	*Tilia* spp.
Mace	*Myristica fragrans* Houtt.
Marigold, pot	*Calendula officinalis* L.
Marjoram, pot	*Majorana onites* (L.) Benth.
Marjoram, sweet	*Majorana hortensis* Moench.
Mustard, black or brown	*Brassica nigra* (L.) Koch.
Mustard, brown	*Brassica juncea* (L.) Coss.
Mustard, white or yellow	*Brassica hirta* Moench.
Nutmeg	*Myristica fragrans* Houtt.
Oregano (oreganum, Mexican oregano, Mexican sage, origan).	*Lippia* spp.

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Common name	Botanical name of plant source
Paprika	*Capsicum annuum* L.
Parsley	*Petroselinum crispum* (Mill.) Mansf.
Pepper, black	*Piper nigrum* L.
Pepper, cayenne	*Capsicum frutescens* L or *Capsicum annuum* L.
Pepper, red	Do.
Pepper, white	*Piper nigrum* L.
Peppermint	*Mentha piperita* L.
Poppy seed	*Papaver somniferum* L.
Pot marigold	*Calendula officinalis* L.
Pot marjoram	*Majorana onites* (L.) Benth.
Rosemary	*Rosmarinus officinalis* L.
Rue	*Ruta graveolens* L.
Saffron	*Crocus sativus* L.
Sage	*Salvia officinalis* L.
Sage, Greek	*Salvia triloba* L.
Savory, summer	*Satureia hortensis* L. (Satureja).
Savory, winter	*Satureia montana* L. (Satureja).
Sesame	*Sesamum indicum* L.
Spearmint	*Mentha spicata* L.
Star anise	*Illicium verum* Hook. f.
Tarragon	*Artemisia dracunculus* L.
Thyme	*Thymus vulgaris* L.
Thyme, wild or creeping	*Thymus serpyllum* L.
Turmeric	*Curcuma longa* L.
Vanilla	*Vanilla planifolia* Andr. or *Vanilla tahitensis* J. W. Moore
Zedoary	*Curcuma zedoaria* Rosc.

§ 582.20 Essential oils, oleoresins (solvent-free), and natural extractives (including distillates).

Essential oils, oleoresins (solvent-free), and natural extractives (including distillates) that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Common name	Botanical name of plant source
Alfalfa	*Medicago sativa* L.
Allspice	*Pimenta officinalis* Lindl.
Almond, bitter (free from prussic acid)	*Prunus amygdalus* Batsch, *Prunus armeniaca* L., or *Prunus persica* (L.) Batsch.
Ambrette (seed)	*Hibiscus moschatus* Moench.
Angelica root	*Angelica archangelica* L.
Angelica seed	Do.
Angelica stem	Do.
Angostura (cusparia bark)	*Galipea officinalis* Hancock.
Anise	*Pimpinella anisum* L.
Asafetida	*Ferula assa-foetida* L. and related spp. of Ferula.
Balm (lemon balm)	*Melissa officinalis* L.
Balsam of Peru	*Myroxylon pereirae* Klotzsch.
Basil	*Ocimum basilicum* L.
Bay leaves	*Laurus nobilis* L.
Bay (myrcia oil)	*Pimenta racemosa* (Mill.) J. W. Moore.
Bergamot (bergamot orange)	*Citrus aurantium* L. subsp. bergamia Wright et Arn.
Bitter almond (free from prussic acid)	*Prunus amygdalus* Batsch, *Prunus armeniaca* L., or *Prunus persica* (L.) Batsch.
Bois de rose	*Aniba rosacodora* Ducke.
Cacao	*Theobroma cacao* L.
Camomile (chamomile) flowers, Hungarian.	*Matricaria chamomilla* L.
Camomile (chamomile) flowers, Roman or English.	*Anthemis nobilis* L.
Cananga	*Cananga odorata* Hook. f. and Thoms.
Capsicum	*Capsicum frutescens* L. and *Capsicum annuum* L.
Caraway	*Carum carvi* L.
Cardamom seed (cardamon)	*Elettaria cardamomum* Maton.
Carob bean	*Ceratonia siliqua* L.
Carrot	*Daucus carota* L.
Cascarilla bark	*Croton eluteria* Benn.
Cassia bark, Chinese	*Cinnamomum cassia* Blume.
Cassia bark, Padang or Batavia	*Cinnamomum burmanni* Blume.
Cassia bark, Saigon	*Cinnamomum loureirii* Nees.
Celery seed	*Apium graveolens* L.
Cherry, wild, bark	*Prunus serotina* Ehrh.
Chervil	*Anthriscus cerefolium* (L.) Hoffm.
Chicory	*Cichorium intybus* L.
Cinnamon bark, Ceylon	*Cinnamomum zeylanicum* Nees.
Cinnamon bark, Chinese	*Cinnamomum cassia* Blume.
Cinnamon bark, Saigon	*Cinnamomum loureirii* Nees.
Cinnamon leaf, Ceylon	*Cinnamomum zeylanicum* Nees.
Cinnamon leaf, Chinese	*Cinnamomum cassia* Blume.
Cinnamon leaf, Saigon	*Cinnamomum loureirii* Nees.

Common name	Botanical name of plant source
Citronella	*Cymbopogon nardus* Rendle.
Citrus peels	*Citrus* spp.
Clary (clary sage)	*Salvia sclarea* L.
Clove bud	*Eugenia caryophyllata* Thunb.
Clove leaf	Do.
Clove stem	Do.
Clover	*Trifolium* spp.
Coca (decocainized)	*Erythroxylum coca* Lam. and other spp. of Erythroxylum.
Coffee	*Coffea* spp.
Cola nut	*Cola acuminata* Schott and Endl., and other spp. of Cola.
Coriander	*Coriandrum sativum* L.
Corn silk	*Zea mays* L.
Cumin (cummin)	*Cuminum cyminum* L.
Curacao orange peel (orange, bitter peel).	*Citrus aurantium* L.
Cusparia bark	*Galipea officinalis* Hancock.
Dandelion	*Taraxacum officinale* Weber and *T. laevigatum* DC.
Dandelion root	Do.
Dill	*Anethum graveolens* L.
Dog grass (quackgrass, triticum)	*Agropyron repens* (L.) Beauv.
Elder flowers	*Sambucus canadensis* L. and S. nigra L.
Estragole (esdragol, esdragon, tarragon).	*Artemisia dracunculus* L.
Estragon (tarragon)	Do.
Fennel, sweet	*Foeniculum vulgare* Mill.
Fenugreek	*Trigonella foenum-graecum* L.
Galanga (galangal)	*Alpinia officinarum* Hance.
Garlic	*Allium sativum* L.
Geranium	*Pelargonium* spp.
Geranium, East Indian	*Cymbopogon martini* Stapf.
Geranium, rose	*Pelargonium graveolens* L'Her.
Ginger	*Zingiber officinale* Rosc.
Glycyrrhiza	*Glycyrrhiza glabra* L. and other spp. of Glycyrrhiza
Glycyrrhizin, ammoniated	Do.
Grapefruit	*Citrus paradisi* Macf.
Guava	*Psidium* spp.
Hickory bark	*Carya* spp.
Horehound (hoarhound)	*Marrubium vulgare* L.
Hops	*Humulus lupulus* L.
Horsemint	*Monarda punctata* L.
Hyssop	*Hyssopus officinalis* L.
Immortelle	*Helichrysum augustifolium* DC.
Jasmine	*Jasminum officinale* L. and other spp. of Jasminum.
Juniper (berries)	*Juniperus communis* L.
Kola nut	*Cola acuminata* Schott and Endl., and other spp. of Cola.
Laurel berries	*Laurus nobilis* L.
Laurel leaves	*Laurus* spp.
Lavender	*Lavandula officinalis* Chaix.
Lavender, spike	*Lavandula latifolia* Vill.
Lavandin	Hybrids between *Lavandula officinalis* Chaix and *Lavandula latifolin* Vill.
Lemon	*Citrus limon* (L.) Burm. f.
Lemon balm (see balm).	
Lemon grass	*Cymbopogon citratus* DC. and *Cymbopogon flexuosus* Stapf.
Lemon peel	*Citrus limon* (L.) Burm. f.
Licorice	*Glycyrrhiza glabra* L. and other spp. of Glycyrrhiza.
Lime	*Citrus aurantifolia* Swingle.
Linden flowers	*Tilia* spp.
Locust bean	*Ceratonia siliqua* L.
Lupulin	*Humulus lupulus* L.
Mace	*Myristica fragrans* Houtt.
Malt (extract)	*Hordeum vulgare* L., or other grains.
Mandarin	*Citrus reticulata* Blanco.
Marjoram, sweet	*Majorana hortensis* Moench.
Maté	*Ilex paraguariensis* St. Hil.
Melissa (see balm).	
Menthol	*Mentha* spp.
Menthyl acetate	Do.
Molasses (extract)	*Saccharum officinarum* L.
Mustard	*Brassica* spp.
Naringin	*Citrus paradisi* Macf.
Neroli, bigarade	*Citrus aurantium* L.

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Common name	*Botanical name of plant source*
Nutmeg	*Myristica fragrans* Houtt.
Onion	*Allium cepa* L.
Orange, bitter, flowers	*Citrus aurantium* L.
Orange, bitter, peel	Do.
Orange leaf	*Citrus sinensis* (L.) Osbeck.
Orange, sweet	Do.
Orange, sweet, flowers	Do.
Orange, sweet, peel	Do.
Origanum	*Origanum* spp.
Palmarosa	*Cymbopogon martini* Stapf.
Paprika	*Capsicum annuum* L.
Parsley	*Petroselinum crispum* (Mill.) Mansf.
Pepper, black	*Piper nigrum* L.
Pepper, white	Do.
Peppermint	*Mentha piperita* L.
Peruvian balsam	*Myroxylon pereirae* Klotzsch.
Petitgrain	*Citrus aurantium* L.
Petitgrain lemon	*Citrus limon* (L.) Burm. f.
Petitgrain mandarin or tangerine	*Citrus reticulata* Blanco.
Pimenta	*Pimenta officinalis* Lindl.
Pimenta leaf	*Primenta officinalis* Lindl.
Pipsissewa leaves	*Chimaphila umbellata* Nutt.
Pomegranate	*Punica granatum* L.
Prickly ash bark	*Xanthoxylum* (or *Zanthoxylum*) *Americanum* Mill. or *Xanthoxylum clava-hercutis* L.
Rose absolute	*Rosa alba* L., *Rosa centifolia* L., *Rosa damascena* Mill., *Rosa gallica* L., and vars. of these spp.
Rose (otto of roses, attar of roses)	Do.
Rose buds	Do.
Rose flowers	Do.
Rose fruit (hips)	Do.
Rose geranium	*Pelargonium graveolens* L'Her.
Rose leaves	*Rosa* spp.
Rosemary	*Rosmarinus officinalis* L.
Rue	*Ruta graveolens* L.
Saffron	*Crocus sativus* L.
Sage	*Salvia officinalis* L.
Sage, Greek	*Salvia triloba* L.
Sage, Spanish	*Salvia lavandulaefolia* Vahl.
St. John's bread	*Ceratonia siliqua* L.
Savory, summer	*Satureia hortensis* L.
Savory, winter	*Satureia montana* L.
Schinus molle	*Schinus molle* L.
Sloe berries (blackthorn berries)	*Prunus spinosa* L.
Spearmint	*Mentha spicata* L.
Spike lavender	*Lavandula latifolia* Vill.
Tamarind	*Tamarindus indica* L.
Tangerine	*Citrus reticulata* Blanco.
Tannic acid	Nutgalls of *Quercus infectoria* Oliver and related spp. of Quercus. Also in many other plants.
Tarragon	*Artemisia dracunculus* L.
Tea	*Thea sinensis* L.
Thyme	*Thymus vulgaris* L. and *Thymus zygis* var. gracilis Boiss.
Thyme, white	Do.
Thyme, wild or creeping	*Thymus serpyllum* L.
Triticum (see dog grass).	
Tuberose	*Polianthes tuberosa* L.
Turmeric	*Curcuma longa* L.
Vanilla	*Vanilla planifolia* Andr. or *Vanilla tahitensis* J. W. Moore.
Violet flowers	*Viola odorata* L.
Violet leaves	Do.
Violet leaves absolute	Do.
Wild cherry bark	*Prunus serotina* Ehrh.
Ylang-ylang	*Cananga odorata* Hook. f. and Thoms.
Zedoary bark	*Curcuma zedoaria* Rosc.

§ 582.30 Natural substances used in conjunction with spices and other natural seasonings and flavorings.

Natural substances used in conjunction with spices and other natural seasonings and flavorings that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Common name	*Botanical name of plant source*
Algae, brown (kelp)	*Laminaria* spp. and *Nereocystis* spp.
Algae, red	*Porphyra* spp. and *Rhodymenia palmata* (L.) Grev.
Dulse	*Rhodymenia palmata* (L.)

§ 582.40 Natural extractives (solvent-free) used in conjunction with spices, seasonings, and flavorings.

Natural extractives (solvent-free) used in conjunction with spices, seasonings, and flavorings that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Common name	*Botanical name of plant source*
Algae, brown	*Laminaria* spp. and *Nereocystis* spp.
Algae, red	*Porphyra* spp. and *Rhodymenia palmata* (L.) Grev.
Apricot kernel (persic oil)	*Prunus armeniaca* L.
Dulse	*Rhodymenia palmata* (L.) Grev.
Kelp (see algae, brown).	
Peach kernel (persic oil)	*Prunus persica* Sieb. et Zucc.
Peanut stearine	*Arachis hypogaea* L.
Persic oil (see apricot kernel and peach kernel).	
Quince seed	*Cydonia oblonga* Miller.

§ 582.50 Certain other spices, seasonings, essential oils, oleoresins, and natural extracts.

Certain other spices, seasonings, essential oils, oleoresins, and natural extracts that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Common name	*Derivation*
Ambergris	*Physeter macrocephalus* L.
Castoreum	Castor fiber L. and C. *canadensis* Kuhl.
Civet (zibeth, zibet, zibetum)	Civet cats, *Viverra civetta* Schreber and *Viverra zibetha* Schreber.
Cognac oil, white and green	*Ethyl oenanthate*, so-called.
Musk (Tonquin musk)	Musk deer, *Moschus moschiferus* L.

§ 582.60 Synthetic flavoring substances and adjuvants.

Synthetic flavoring substances and adjuvants that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acetaldehyde (ethanal).
Acetoin (acetyl methylcarbinol).
Aconitic acid (equisetic acid, citridic acid, achilleic acid).
Anethole (parapropenyl anisole).
Benzaldehyde (benzoic aldehyde).
N-Butyric acid (butanoic acid).
d- or l-Carvone (carvol).
Cinnamaldehyde (cinnamic aldehyde).
Citral (2,6-dimethyloctadien-2,6-*al*-8, geranial, neral).
Decanal (*N*-decylaldhehyde, capraldehyde, capric aldehyde, caprinaldehyde, aldehyde C-10).
Diacetyl (2,3-butandeione).
Ethyl acetate.
Ethyl butyrate.
3-Methyl-3-phenyl glycidic acid ethyl ester (ethyl-methyl-phenyl-glycidate, so-called strawberry aldehyce, C-16 aldehyde).
Ethyl vanillin.
Eugenol.
Geraniol (3,7-dimethyl-2,6 and 3,6-octadien-1-*ol*).
Geranyl acetate (geraniol acetate).
Glycerol (glyceryl) tributyrate (tributyrin, butyrin).
Limonene)*d-, l-, and dl-*).
Linalool (linalol, 3,7-dimethyl-1,6-octadien-3-*ol*).
Linalyl acetate (bergamol).
1-Malic acid.
Methyl anthranilate (methyl-2-aminobenzoate).
Piperonal (3,4-methylenedioxy-benzaldehyde, heliotropin).
Vanillin.

§ 582.80 Trace minerals added to animal feeds.

These substances added to animal feeds as nutritional dietary supplements are generally recognized as safe when added at levels consistent with good feeding practice.[1]

Element	*Source compounds*
Cobalt	Cobalt acetate.
	Cobalt carbonate.
	Cobalt chloride.
	Cobalt oxide.
	Cobalt sulfate.
Copper	Copper carbonate.
	Copper chloride.
	Copper gluconate.
	Copper hydroxide.
	Copper orthophosphate.
	Copper oxide.
	Copper pyrophosphate.
	Copper sulfate.
Iodine	Calcium iodate.
	Calcium iodobehenate.
	Cuprous iodide.
	3,5-Diiodosalicylic acid.
	Ethylenediamine dihydroiodide.
	Potassium iodate.
	Potassium iodide.
	Sodium iodate.
	Sodium iodide.
	Thymol iodide.
Iron	Iron ammonium citrate.
	Iron carbonate.
	Iron chloride.
	Iron gluconate.
	Iron oxide.
	Iron phosphate.
	Iron pyrophosphate.
	Iron sulfate.
	Reduced iron.
Manganese	Manganese acetate.
	Manganese carbonate.
	Manganese citrate (soluble).
	Manganese chloride.
	Manganese gluconate.
	Manganese orthophosphate.
	Manganese phosphate (dibasic).
	Manganese sulfate.
	Manganous oxide.
Zinc	Zinc acetate.
	Zinc carbonate.
	Zinc chloride.
	Zinc oxide.
	Zinc sulfate.

[1] All substances listed may be in anhydrous or hydrated form.

§ 582.99 Adjuvants for pesticide chemicals.

Adjuvants, identified and used in accordance with 40 CFR 180.1001 (c) and (d), which are added to pesticide use dilutions by a grower or applicator prior to application to the raw agricultural commodity, are exempt from the requirement of tolerances under section 409 of the act.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Subpart B—General Purpose Food Additives

§ 582 .1005 Acetic acid.

(a) *Product.* Acetic acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1009 Adipic acid.

(a) *Product.* Adipic acid.

(b) [*Reserved*]

(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used as a buffer and neutralizing agent in accordance with good manufacturing or feeding practice.

§ 582.1033 Citric acid.

(a) *Product.* Citric acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1057 Hydrochloric acid.

(a) *Product.* Hydrochloric acid.

(b) [*Reserved*]

(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used as a buffer and neutralizing agent in accordance with good manufacturing or feeding practice.

§ 582.1061 Lactic acid.

(a) *Product.* Lactic acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

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§ 582.1069 **Malic acid.**

(a) *Product.* Malic acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1073 **Phosphoric acid.**

(a) *Product.* Phosphoric acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1077 **Potassium acid tartrate.**

(a) *Product.* Potassium acid tartrate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1087 **Sodium acid pyrophosphate.**

(a) *Product.* Sodium acid pyrophosphate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1091 **Succinic acid.**

(a) *Product.* Succinic acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1095 **Sulfuric acid.**

(a) *Product.* Sulfuric acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1099 **Tartaric acid.**

(a) *Product.* Tartaric acid.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1123 **Aluminum sulfate.**

(a) *Product.* Aluminum sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1127 **Aluminum ammonium sulfate.**

(a) *Product.* Aluminum ammonium sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1129 **Aluminum potassium sulfate.**

(a) *Product.* Aluminum potassium sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1131 **Aluminum sodium sulfate.**

(a) *Product.* Aluminum sodium sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1135 **Ammonium bicarbonate.**

(a) *Product.* Ammonium bicarbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1137 **Ammonium carbonate.**

(a) *Product.* Ammonium carbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1139 **Ammonium hydroxide.**

(a) *Product.* Ammonium hydroxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1141 **Ammonium phosphate.**

(a) *Product.* Ammonium phosphate (mono- and dibasic).

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1143 **Ammonium sulfate.**

(a) *Product.* Ammonium sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1155 **Bentonite.**

(a) *Product.* Bentonite.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1165 **Butane.**

(a) *Product.* Butane.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1191 **Calcium carbonate.**

(a) *Product.* Calcium carbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1193 **Calcium chloride.**

(a) *Product.* Calcium chloride.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1195 **Calcium citrate.**

(a) *Product.* Calcium citrate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1199 **Calcium gluconate.**

(a) *Product.* Calcium gluconate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1205 **Calcium hydroxide.**

(a) *Product.* Calcium hydroxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1207 **Calcium lactate.**

(a) *Product.* Calcium lactate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1210 **Calcium oxide.**

(a) *Product.* Calcium oxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1217 **Calcium phosphate.**

(a) *Product.* Calcium phosphate (mono-, di-, and tribasic).

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1235 **Caramel.**

(a) *Product.* Caramel.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1240 **Carbon dioxide.**

(a) *Product.* Carbon dioxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1275 **Dextrans.**

(a) *Product.* Dextrans of average molecular weight below 100,000.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1320 **Glycerin.**

(a) *Product.* Glycerin.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1324 **Glyceryl monostearate.**

(a) *Product.* Glyceryl monostearate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1355 **Helium.**

(a) *Product.* Helium.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1366 **Hydrogen peroxide.**

(a) *Product.* Hydrogen peroxide.

(b) [Reserved]

(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used as a bleaching agent in accordance with good manufacturing or feeding practice.

§ 582.1400 **Lecithin.**

(a) *Product.* Lecithin.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1425 **Magnesium carbonate.**

(a) *Product.* Magnesium carbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1428 **Magnesium hydroxide.**

(a) *Product.* Magnesium hydroxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1431 **Magnesium oxide.**

(a) *Product.* Magnesium oxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1480 **Methylcellulose.**

(a) *Product.* U.S.P. methylcellulose, except that the methoxy content shall not be less than 27.5 percent and not more than 31.5 percent on a dry-weight basis.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1500 **Monoammonium glutamate.**

(a) *Product.* Monoammonium glutamate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1516 **Monopotassium glutamate.**

(a) *Product.* Monopotassium glutamate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1540 **Nitrogen.**

(a) *Product.* Nitrogen.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1585 **Papain.**

(a) *Product.* Papain.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1613 **Potassium bicarbonate.**

(a) *Product.* Potassium bicarbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1619 **Potassium carbonate.**

(a) *Product.* Potassium carbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1625 **Potassium citrate.**

(a) *Product.* Potassium citrate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1631 **Potassium hydroxide.**

(a) *Product.* Potassium hydroxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1643 **Potassium sulfate.**

(a) *Product.* Potassium sulfate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1655 **Propane.**

(a) *Product.* Propane.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1666 **Propylene glycol.**

(a) *Product.* Propylene glycol.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1685 **Rennet.**

(a) *Product.* Rennet (rennin).

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1711 **Silica aerogel.**

(a) *Product.* Silica aerogel as a finely powdered microcellular silica foam having a minimum silica content of 89.5 percent.

(b) [Reserved]

(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used as a component of antifoaming agents in accordance with good manufacturing or feeding practice.

§ 582.1721 **Sodium acetate.**

(a) *Product.* Sodium acetate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1736 **Sodium bicarbonate.**

(a) *Product.* Sodium bicarbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1742 **Sodium carbonate.**

(a) *Product.* Sodium carbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1745 **Sodium carboxymethylcellulose.**

(a) *Product.* Sodium carboxymethylcellulose is the sodium salt of carboxymethylcellulose not less than 99.5 percent on a dry-weight basis, with maximum substitution of 0.95 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 25 centipoises for 2 percent by weight aqueous solution at 25° C.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1748 **Sodium caseinate.**

(a) *Product.* Sodium caseinate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1751 **Sodium citrate.**

(a) *Product.* Sodium citrate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1763 **Sodium hydroxide.**

(a) *Product.* Sodium hydroxide.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1775 **Sodium pectinate.**

(a) *Product.* Sodium pectinate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1778 **Sodium phosphate.**

(a) *Product.* Sodium phosphate (mono-, di-, and tribasic).

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1781 **Sodium aluminum phosphate.**

(a) *Product.* Sodium aluminum phosphate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1792 **Sodium sesquicarbonate.**

(a) *Product.* Sodium sesquicarbonate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1804 **Sodium potassium tartrate.**

(a) *Product.* Sodium potassium tartrate.

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(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1810 **Sodium tripolyphosphate.**

(a) *Product.* Sodium tripolyphosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1901 **Triacetin.**

(a) *Product.* Triacetin (glyceryl triacetate).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1973 **Beeswax.**

(a) *Product.* Beeswax (yellow wax).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1975 **Bleached beeswax.**

(a) *Product.* Bleached beeswax (white wax).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.1978 **Carnauba wax.**

(a) *Product.* Carnauba wax.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

Subpart C—Anticaking Agents

§ 582.2122 **Aluminum calcium silicate.**

(a) *Product.* Aluminum calcium silicate.
(b) *Tolerance.* 2 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in table salt in accordance with good manufacturing or feeding practice.

§ 582.2227 **Calcium silicate.**

(a) *Product.* Calcium silicate.
(b) *Tolerance.* 2 percent and 5 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used at levels not exceeding 2 percent in table salt and 5 percent in baking powder in accordance with good manufacturing or feeding practice.

§ 582.2437 **Magnesium silicate.**

(a) *Product.* Magnesium silicate.
(b) *Tolerance.* 2 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in table salt in accordance with good manufacturing or feeding practice.

§ 582.2727 **Sodium aluminosilicate.**

(a) *Product.* Sodium aluminosilicate (sodium silicoaluminate).
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 2 percent in accordance with good manufacturing or feeding practice.

§ 582.2729 **Hydrated sodium calcium aluminosilicate.**

(a) *Product.* Hydrated sodium calcium aluminosilicate (sodium calcium silicoaluminate).
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 2 percent in accordance with good manufacturing or feeding practice.

§ 582.2906 **Tricalcium silicate.**

(a) *Product.* Tricalcium silicate.
(b) *Tolerance.* 2 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in table salt in accordance with good manufacturing or feeding practice.

Subpart D—Chemical Preservatives

§ 582.3013 **Ascorbic acid.**

(a) *Product.* Ascorbic acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3021 **Benzoic acid.**

(a) *Product.* Benzoic acid.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.1 percent in accordance with good manufacturing or feeding practice.

§ 582.3041 **Erythorbic acid.**

(a) *Product.* Erythorbic acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3081 **Propionic acid.**

(a) *Product.* Propionic acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3089 **Sorbic acid.**

(a) *Product.* Sorbic acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3109 **Thiodipropionic acid.**

(a) *Product.* Thiodipropionic acid.
(b) *Tolerance.* This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content including essential (volatile) oil content of the food, provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3149 **Ascorbyl palmitate.**

(a) *Product.* Ascorbyl palmitate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3169 **Butylated hydroxyanisole.**

(a) *Product.* Butylated hydroxyanisole.
(b) *Tolerance.* This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content, including essential (volatile) oil content of food provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3173 **Butylated hydroxytoluene.**

(a) *Product.* Butylated hydroxytoluene.
(b) *Tolerance.* This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content, including essential (volatile) oil content of food provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3189 **Calcium ascorbate.**

(a) *Product.* Calcium ascorbate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3221 **Calcium propionate.**

(a) *Product.* Calcium propionate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3225 **Calcium sorbate.**

(a) *Product.* Calcium sorbate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3280 **Dilauryl thiodipropionate.**

(a) *Product.* Dilauryl thiodipropionate.
(b) *Tolerance.* This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food, provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3336 **Gum guaiac.**

(a) *Product.* Gum guaiac.
(b) *Tolerance.* 0.1 percent (equivalent antioxidant activity 0.01 percent).
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in edible fats or oils in accordance with good manufacturing or feeding practice.

§ 582.3490 **Methylparaben.**

(a) *Product.* Methylparaben (methyl *p*-hydroxybenzoate).
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.1 percent in accordance with good manufacturing or feeding practice.

§ 582.3616 **Potassium bisulfite.**

(a) *Product.* Potassium bisulfite.
(b) [Reserved]

(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3637 **Potassium metabisulfite.**

(a) *Product.* Potassium metabisulfite.
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3640 **Potassium sorbate.**

(a) *Product.* Potassium sorbate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3660 **Propyl gallate.**

(a) *Product.* Propyl gallate.
(b) *Tolerance.* This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food, provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3670 **Propylparaben.**

(a) *Product.* Propylparaben (propyl *p*-hydroxybenzoate).
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.1 percent in accordance with good manufacturing or feeding practice.

§ 582.3731 **Sodium ascorbate.**

(a) *Product.* Sodium ascorbate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3733 **Sodium benzoate.**

(a) *Product.* Sodium benzoate.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.1 percent in accordance with good manufacturing or feeding practice.

§ 582.3739 **Sodium bisulfite.**

(a) *Product.* Sodium bisulfite.
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3766 **Sodium metabisulfite.**

(a) *Product.* Sodium metabisulfite.
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3784 **Sodium propionate.**

(a) *Product.* Sodium proplonate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3795 **Sodium sorbate.**

(a) *Product.* Sodium sorbate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3798 **Sodium sulfite.**

(a) *Product.* Sodium sulfite.
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3845 **Stannous chloride.**

(a) *Product.* Stannous chloride.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.0015 percent calculated as tin in accordance with good manufacturing or feeding practice.

§ 582.3862 **Sulfur dioxide.**

(a) *Product.* Sulfur dioxide.
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice, except that it is not used in meats or in food recognized as source of vitamin B_1.

§ 582.3890 **Tocopherols.**

(a) *Product.* Tocopherols.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

Subpart E—Emulsifying Agents

§ 582.4101 **Diacetyl tartaric acid esters of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.**

(a) *Product.* Diacetyl tartaric acid esters of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.4505 **Mono- and diglycerides of edible fats or oils, or edible fat-forming acids.**

(a) *Product.* Mono- and diglycerides of edible fats or oils, or edible fat-forming acids.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.4521 **Monosodium phosphate derivatives of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.**

(a) *Product.* Monosodium phosphate derivatives of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.4666 **Propylene glycol.**

(a) *Product.* Propylene glycol.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

Subpart F—Nutrients and/or Dietary Supplements [1]

§ 582.5013 **Ascorbic acid.**

(a) *Product.* Ascorbic acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5017 **Aspartic acid.**

(a) *Product.* Aspartic acid (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5049 **Aminoacetic acid.**

(a) *Product.* Glycine (aminoacetic acid).
(b) [Reserved]
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in animal feeds in accordance with good manufacturing or feeding practice.

§ 582.5065 **Linoleic acid.**

(a) *Product.* Linoleic acid prepared from edible fats and oils and free from chick-edema factor.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5118 **Alanine.**

(a) *Product.* Alanine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5145 **Arginine.**

(a) *Product.* Arginine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5159 **Biotin.**

(a) *Product.* Biotin.

[1] Amino acids listed in this subpart may be free hydrochloride salt, hydrated, or anhydrous form, where applicable.

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(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5191 Calcium carbonate.

(a) *Product.* Calcium carbonate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5193 Calcium citrate.

(a) *Product.* Calcium citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5201 Calcium glycerophosphate.

(a) *Product.* Calcium glycerophosphate.
(b) *Conditions of use.* This substance is generally recognied as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5210 Calcium oxide.

(a) *Product.* Calcium oxide.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5212 Calcium pantothenate.

(a) *Product.* Calcium pantothenate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5217 Calcium phosphate.

(a) *Product.* Calcium phosphate (mono-, di-, and tribasic).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5223 Calcium pyrophosphate.

(a) *Product.* Calcium pyrophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5230 Calcium sulfate.

(a) *Product.* Calcium sulfate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5245 Carotene.

(a) *Product.* Carotene.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5250 Choline bitartrate.

(a) *Product.* Choline bitartrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5252 Choline chloride.

(a) *Product.* Choline chloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5260 Copper gluconate.

(a) *Product.* Copper gluconate.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.005 percent in accordance with good manufacturing or feeding practice.

§ 582.5271 Cysteine.

(a) *Product.* Cysteine (L-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5273 Cystine.

(a) *Product.* Cystine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5301 Ferric phosphate.

(a) *Product.* Ferric phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5304 Ferric pyrophosphate.

(a) *Product.* Ferric pyrophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5306 Ferric sodium pyrophosphate.

(a) *Product.* Ferric sodium pyrophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5308 Ferrous gluconate.

(a) *Product.* Ferrous gluconate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5311 Ferrous lactate.

(a) *Product.* Ferrous lactate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5315 Ferrous sulfate.

(a) *Product.* Ferrous sulfate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5361 Histidine.

(a) *Product.* Histidine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5370 Inositol.

(a) *Product.* Inositol.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5375 Iron reduced.

(a) *Product.* Iron reduced.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5381 Isoleucine.

(a) *Product.* Isoleucine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5406 Leucine.

(a) *Product.* Leucine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5411 Lysine.

(a) *Product.* Lysine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5431 Magnesium oxide.

(a) *Product.* Magnesium oxide.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5434 Magnesium phosphate.

(a) *Product.* Magnesium phosphate (di- and tribasic).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5443 Magnesium sulfate.

(a) *Product.* Magnesium sulfate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5446 Manganese chloride.

(a) *Product.* Manganese chloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5449 Manganese citrate.

(a) *Product.* Manganese citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5452 Manganese gluconate.

(a) *Product.* Manganese gluconate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5455 Manganese glycerophosphate.

(a) *Product.* Manganese glycerophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5458 Manganese hypophosphite.

(a) *Product.* Manganese hypophosphite.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5461 Manganese sulfate.

(a) *Product.* Manganese sulfate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5464 Manganous oxide.

(a) *Product.* Manganous oxide.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5470 Mannitol.

(a) *Product.* Mannitol.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5475 Methionine.

(a) *Product.* Methionine.
(b) [Reserved].
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in animal feeds in accordance with good manufacturing or feeding practice.

§ 582.5477 Methionine hydroxy analog and its calcium salts.

(a) *Product.* Methionine hydroxy analog and its calcium salts.
(b) [Reserved].
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in animal feeds in accordance with good manufacturing or feeding practice.

§ 582.5530 Niacin.

(a) *Product.* Niacin.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5535 Niacinamide.

(a) *Product.* Niacinamide.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5580 D-Pantothenyl alcohol.

(a) *Product.* D-Pantothenyl alcohol.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5590 Phenylalanine.

(a) *Product.* Phenylalanine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5622 Potassium chloride.

(a) *Product.* Potassium chloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5628 Potassium glycerophosphate.

(a) *Product.* Potassium glycerophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5634 Potassium iodide.

(a) *Product.* Potassium iodide.
(b) *Tolerance.* 0.01 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in table salt as a source of dietary iodine in accordance with good manufacturing or feeding practice.

§ 582.5650 Proline.

(a) *Product.* Proline (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5676 Pyridoxine hydrochloride.

(a) *Product.* Pyridoxine hydrochloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5695 Riboflavin.

(a) *Product.* Riboflavin.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5697 Riboflavin-5-phosphate.

(a) *Product.* Riboflavin-5-phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5701 Serine.

(a) *Product.* Serine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5772 Sodium pantothenate.

(a) *Product.* Sodium pantothenate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5778 Sodium phosphate.

(a) *Product.* Sodium phosphate (mono-, di-, and tribasic).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5835 Sorbitol.

(a) *Product.* Sorbitol.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5875 Thiamine hydrochloride.

(a) *Product.* Thiamine hydrochloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5878 Thiamine mononitrate.

(a) *Product.* Thiamine mononitrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5881 Threonine.

(a) *Product.* Threonine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5890 Tocopherols.

(a) *Product.* Tocopherols.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5892 α-Tocopherol acetate.

(a) *Product.* α-Tocopherol acetate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5915 Tryptophane.

(a) *Product.* Tryptophane (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5920 Tyrosine.

(a) *Product.* Tyrosine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5925 Valine.

(a) *Product.* Valine (L- and DL-forms).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5930 Vitamin A.

(a) *Product.* Vitamin A.
(b) *Conditions of use.* This substance is generally recognized as safe when used

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in accordance with good manufacturing or feeding practice.

§ 582.5933 Vitamin A acetate.

(a) *Product.* Vitamin A acetate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5936 Vitamin A palmitate.

(a) *Product.* Vitamin A palmitate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5943 Vitamin B_{12}.

(a) *Product.* Vitamin B_{12}.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5950 Vitamin D_2.

(a) *Product.* Vitamin D_2.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5953 Vitamin D_3.

(a) *Product.* Vitamin D_3.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5985 Zinc chloride.

(a) *Product.* Zinc chloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5988 Zinc gluconate.

(a) *Product.* Zinc gluconate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5991 Zinc oxide.

(a) *Product.* Zinc oxide.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5994 Zinc stearate.

(a) *Product.* Zinc stearate prepared from stearic acid free from chick-edema factor.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.5997 Zinc sulfate.

(a) *Product.* Zinc sulfate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

Subpart G—Sequestrants [1]

[1] For the purpose of this subpart, no attempt has been made to designate those sequestrants that may also function as chemical preservatives.

§ 582.6033 Citric acid.

(a) *Product.* Citric acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6085 Sodium acid phosphate.

(a) *Product.* Sodium acid phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6099 Tartaric acid.

(a) *Product.* Tartaric acid.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6185 Calcium acetate.

(a) *Product.* Calcium acetate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6193 Calcium chloride.

(a) *Product.* Calcium chloride.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6195 Calcium citrate.

(a) *Product.* Calcium citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6197 Calcium diacetate.

(a) *Product.* Calcium diacetate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6199 Calcium gluconate.

(a) *Product.* Calcium gluconate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6203 Calcium hexametaphosphate.

(a) *Product.* Calcium hexametaphosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6215 Monobasic calcium phosphate.

(a) *Product.* Monobasic calcium phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6219 Calcium phytate.

(a) *Product.* Calcium phytate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6285 Dipotassium phosphate.

(a) *Product.* Dipotassium phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6290 Disodium phosphate.

(a) *Product.* Disodium phosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6386 Isopropyl citrate.

(a) *Product.* Isopropyl citrate.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.02 percent in accordance with good manufacturing or feeding practice.

§ 582.6511 Monoisopropyl citrate.

(a) *Product.* Monoisopropyl citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6540 Potassium citrate.

(a) *Product.* Potassium citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6651 Sodium citrate.

(a) *Product.* Sodium citrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6754 Sodium diacetate.

(a) *Product.* Sodium diacetate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6757 Sodium gluconate.

(a) *Product.* Sodium gluconate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6760 Sodium hexametaphosphate.

(a) *Product.* Sodium hexametaphosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6769 Sodium metaphosphate.

(a) *Product.* Sodium metaphosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6778 Sodium phosphate.

(a) *Product.* Sodium phosphate (mono-, di-, and tribasic).
(b) *Conditions of use.* This substance is generally recognized as safe when used

in accordance with good manufacturing or feeding practice.

§ 582.6787 Sodium pyrophosphate.

(a) *Product.* Sodium pyrophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6789 Tetra sodium pyrophosphate.

(a) *Product.* Tetra sodium pyrophosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6801 Sodium tartrate.

(a) *Product.* Sodium tartrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6804 Sodium potassium tartrate.

(a) *Product.* Sodium potassium tartrate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6807 Sodium thiosulfate.

(a) *Product.* Sodium thiosulfate.
(b) *Tolerance.* 0.1 percent.
(c) *Limitations, restrictions, or explanation.* This substance is generally recognized as safe when used in salt in accordance with good manufacturing or feeding practice.

§ 582.6810 Sodium tripolyphosphate.

(a) *Product.* Sodium tripolyphosphate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.6851 Stearyl citrate.

(a) *Product.* Stearyl citrate.
(b) *Tolerance.* This substance is generally recognized as safe for use at a level not exceeding 0.15 percent in accordance with good manufacturing or feeding practice.

Subpart H—Stabilizers

§ 582.7115 Agar-agar.

(a) *Product.* Agar-agar.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7133 Ammonium alginate.

(a) *Product.* Ammonium alginate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7187 Calcium alginate.

(a) *Product.* Calcium alginate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7255 Chondrus extract.

(a) *Product.* Chondrus extract (carrageenin).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7330 Gum arabic.

(a) *Product.* Acacia (gum arabic).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7333 Gum ghatti.

(a) *Product.* Gum ghatti.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7339 Guar gum.

(a) *Product.* Guar gum.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7343 Locust bean gum.

(a) *Product.* Locust (carob) bean gum.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7349 Sterculia gum.

(a) *Product.* Sterculia gum (karaya gum).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7351 Gum tragacanth.

(a) *Product.* Tragacanth (gum tragacanth).
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7610 Potassium alginate.

(a) *Product.* Potassium alginate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.7724 Sodium alginate.

(a) *Product.* Sodium alginate.
(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

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federal register

FRIDAY, SEPTEMBER 10, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

FUEL ECONOMY TESTING; CALCULATION AND EXHAUST EMISSIONS TEST PROCEDURES FOR 1977–1979 MODEL YEAR AUTOMOBILES

Interim Final Rule Making
and Proposed Rule Making

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 603-5]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Testing for 1978 Model Year Automobiles and Calculation Procedures for 1977 and Subsequent Model Year Automobiles; Exhaust Emissions Test Procedures for 1978 Model Year Automobiles and Light Duty Trucks

I. Synopsis of Action

On December 22, 1975, the President signed the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871, Title III of this Act amends the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq. (hereinafter referred to as "the Act") for the purpose of regulating the fuel economy of automobiles. This notice relates primarily to Section 501 of the Act relating to definitions and Section 503 which requires the Administrator of EPA to promulgate rules prescribing testing and calculation procedures which will be used for computation of automobile manufacturers' fuel economy averages for 1978 and subsequent model years. These manufacturer's average fuel economy values will be used by the Secretary of Transportation (hereinafter referred to as "the Secretary") to determine compliance with the minimum fuel economy standards prescribed in Section 502 of the Act.

Due to the time constraints and statutory requirements more fully explained below, this notice contains both *interim final* fuel economy testing and calculation procedures for the 1978 model year and proposed procedures for 1979 and subsequent model years.

In addition to the interim final promulgation of the regulations applicable to the 1978 model year, several provisions which were previously proposed for the 1977 model year (41 FR 21002, May 21, 1976) are being published as final for 1977 in this rulemaking, rather than with the regulations requiring the labeling of 1977 and subsequent model year automobiles, as they are essential to the understanding and implementation of this action.

These procedures provide means by which EPA will test automobiles, or cause them to be tested, and calculate an average fuel economy for each manufacturer's product line. EPA will select test vehicles from among all of the various combinations of models, engines, transmissions and drive trains offered for sale by the manufacturers. Since there are many thousands of such combinations, EPA will not be collecting data from every such combination. However, a high percentage of the vehicles in each manufacturer's product line will be *represented* by EPA test vehicle selections. In general, the increase in the number of test vehicles over the number now being tested for emissions certification and fuel economy labeling purposes will be quite modest.

In addition to fuel economy testing and calculation procedures, EPA is hereby promulgating and proposing changes to the test procedures used for measuring both exhaust emissions and city fuel economy for 1978 model year automobiles and light duty trucks. These changes are intended to improve the accuracy or representativeness of the tests, but not to affect their stringency.

A detailed explanation of the actions taken herein and the reasons for EPA's promulgation of final regulations for the 1978 model year without the prior issuance of a formal Notice of Proposed Rule Making (NPRM) are set forth below.

II. 1978 Final Rule Making

Section 503 of the Act provides that "Testing and calculation procedures applicable to a model year * * * shall be promulgated not less than 12 months prior to the model year to which such procedures apply." Section 502 of the Act provides that fuel economy standards will first go into effect for the 1978 model year. Thus, final regulations are required by the Act to be promulgated no later than twelve months prior to the beginning of the 1978 model year.

The Act provides a definition of model year for individual manufacturers, but not for the industry as a whole. EPA, in consultation and coordination with the Department of Transportation (DOT), has determined that no specific date can be deemed the beginning of a model year for the entire industry. However, for the domestic manufacturers (whose model years traditionally begin earlier than importers') model year production has in the past generally begun in August. Consequently, for the purposes of the statutory deadline in Section 503 of the Act, EPA finds that the 1978 model year will begin no earlier than August, 1977, and that these regulations are required to be promulgated during August, 1976, to the extent that they are applicable to the 1978 model year.

The Energy Policy and Conservation Act was enacted on December 22, 1975, as noted previously. Since then considerable time and intensive interagency effort have been devoted to developing, drafting and reviewing these regulations. During this same period, regulations have been prepared pursuant to Section 506 of the Act for the mandatory fuel economy labeling program. An NPRM was issued for labeling on May 21, 1976, 41 FR 21002. EPA has consulted and coordinated with DOT and has consulted with the Federal Energy Administration and the Federal Trade Commission as required by the Act. The complexity of the issues that had to be resolved and the efforts required to prepare this action and coordinate it with the other interested agencies, together with the deadline in the Act, have made it impossible to issue rules for 1978 with prior issuance of an NPRM.

Section 553 of Title 5 of the United States Code (pertaining to administrative procedure) provides for the promulgation of regulations without prior issuance of an NPRM, "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." For the reasons cited above, EPA finds that issuance of an NPRM and provision of a public comment period for the 1978 model year are impracticable. EPA further finds that failure to promulgate regulations prior to the end of August, 1976 would risk rendering the 1978 fuel economy standards substantially unenforceable (at least for those manufacturers beginning production in August) and that this result would be contrary to the public interest as articulated by the Congress in the Act.

Nevertheless, EPA has made every effort to inform interested parties of its plans and has attempted to receive comments from these parties prior to taking this action. Various drafts have been offered directly to industry members, trade associations, consumer groups and environmental groups and were placed on the public record at EPA. The availability of the drafts was announced at an open meeting held on March 17, 1976 by EPA (pursuant to notice published in the Federal Register, 41 FR 6121, February 11, 1976) and the contents of early drafts were explained by EPA at the meeting. Comments were solicited and received, and numerous consultations have taken place between EPA staff, Department of Transportation staff and various interested parties.

In a series of consultations with interested parties who had reviewed drafts of this action, including manufacturers and the other interested agencies, several significant deficiencies were brought to EPA's attention regarding the form and content of the drafts. The direction ultimately taken by EPA in formulating this action, the criteria used for evaluating alternative courses of action available to EPA, and the drafting of the regulatory provisions now contained in this action were all significantly affected by these consultations.

Thus, the procedures set forth *for the 1978 model year* in Part 86, Subparts A and B are final and the procedures set forth for the 1977 and 1978 model years in Part 600 are *final*. All of the regulatory provisions contained in this notice which are applicable beginning in 1979 are *proposed* and will be amended in accordance with the record of this proceeding or as otherwise appropriate. Based on comments received, EPA will endeavor to issue any necessary and appropriate amendments for 1978 which are technical or clerical in nature or which will otherwise not prejudice the interests of affected parties.

III. Effective Dates

The regulatory provisions contained in this action become effective as follows:

(1) The provisions applicable to the 1978 model year in Parts 86 and 600: §§ 86.078-37, 86.113-78, 86.114-78, 86.121-78, 86.123-78, 86.135-78, 86.136-78, 86.137-78, 86.142-78, 86.144-78, 600.101-78 through 600.113-78 and 600.501-78 through 600.512-78 are hereby promulgated on an *interim final* basis for the 1978 model year;

(2) The provisions listed above in Parts 86 and 600 are hereby *proposed* for 1979 and subsequent model years.

(3) The provisions in §§ 86.079-2, 86.079-24, 86.113-79, 86.129-79 pertaining to test procedures changes are *not* effective for the 1978 model years, but are *proposed* for 1979 and subsequent model years.

(4) Section 600.511-80 is hereby *proposed* for the 1980 model year.

In addition to the sections enumerated above, some provisions included in this notice for 1977 implementation were originally proposed by EPA in connection with another action required by the Act. On May 21, 1976, EPA issued an NPRM relating to the fuel economy labeling program required by Section 506 of the Act. See, *Fuel Economy Regulations and Test Procedures for 1977 and Later Model Automobiles*, 41 FR 21002 (hereafter referred to as the "labeling regulations.") These labeling regulations contain certain definitions and procedures essential to the calculation of manufacturer's fuel economy averages.

It was originally intended that the labeling regulations would be promulgated before the regulations contained in this notice, but this has become impossible. Therefore, certain provisions contained in the labeling regulations have been included in this notice for 1977 implementation. These include the provisions in Part 600, Subparts A and C [except §§ 600.005, 600.007(e), 600.206 (b) and (c) and 600.207 (c) and (d)]. Comments were solicited and received from manufacturers on certain of these provisions. One comment expressed the concern that the use of EPA approved data might constitute acceptance of the data's validity by the manufacturer and would, as a consequence, jeopardize the right to appeal under § 600.009-77. It is the Agency's opinion that the only position consistent with the preservation of a manufacturer's right to appeal is that manufacturers who contest the fuel economy data to be used on the fuel economy label must label their vehicles with the fuel economy data determined and/or approved by the Administrator and may sell vehicles with this label, but that the use of this fuel economy data does not constitute acceptance of the data's validity or in any way prejudice the manufacturer's right to appeal pursuant to § 600.009-77.

Other comments were received questioning the requirement of section 600.207 that manufacturers must supply test results from vehicles representing the highest production volume configuration in each base level not otherwise represented by a test vehicle. It was pointed out that the highest selling configuration might not be readily derived from already existing test vehicles through the changing of components or through testing at alternative weights, both options available under the regulations. Consequently, it was suggested that EPA accept data from such a derivative, even though a car so derived from an existing test vehicle might not represent the highest selling configuration in an otherwise unrepresented base level. EPA does not anticipate this to occur except in relatively rare cases. In most instances, untested base levels will be subject to representation by test results from an already tested vehicle which has been simply altered as to some components or which will be tested at multiple inertia weights. Thus the burden imposed on the industry by this section of the regulations is quite small. On the other hand, it is important that base levels be represented by those vehicles which most closely approximate the fuel economy of the base level as a whole, i.e., the highest selling configuration. EPA is compromising by accepting data from certification vehicles to represent base levels even though the certification vehicles may not represent highest sellers. This is being done so that multiple testing within a base level is not required for labeling. However, in cases in which there is no data for a base level, it is only reasonable that EPA require the most representative configuration to be tested, particularly in light of the modest burden this entails.

Comments were also received concerning the degree of decimal precision to be employed in calculating fuel economy values. Some commenters made the erroneous argument that all test results and calculations should be expressed to the highest degree of precision possible since, in a unique situation, two different final fuel economy results could be calculated. What they did not point out, however, is that increasing precision, i.e., the number of decimal places reported, does not necessarily improve accuracy. EPA has determined that a single test on a vehicle provides fuel economy information accurate to the nearest whole MPG.

Since the individual test results are accurate to the nearest whole MPG, accepted data reduction methodology indicates that for the purpose of subsequent calculations, fuel economy test values may be expressed to one more decimal place, i.e., the nearest tenth of a mile per gallon. This rationale and methodology were employed consistently in the proposed regulations which, therefore, do not require revision for the reporting provisions of fuel economy test values.

However, the Agency recognizes that in certain unique circumstances, the practice of rounding off each intermediate calculation to the nearest 0.1 MPG could result in a different and perhaps less accurate final general label value. Therefore, in order to minimize even the slight possibility of introducing error due to successive round-off, all intermediate calculated values will be rounded to a four decimal place precision (i.e., 0.0001 MPG). The final report values (e.g., general and specific label values) will continue to be rounded off to the nearest whole MPG.

The high level of coordination and cooperation between EPA and interested parties concerning the received comments and all aspects of this action has enabled the promulgation of these provisions for 1977 and subsequent model years along with the sections enumerated earlier.

IV. Other Statutory Requirements

These regulations fulfill the requirements of the Energy Policy and Conservation Act imposed upon EPA regarding testing and calculation procedures for determining a manufacturer's average fuel economy. Regulations for fuel economy labeling as required by the Act for 1977 and later model years have previously been proposed by EPA, as noted above. Final labeling regulations for the 1976 model year are promulgated on March 19, 1976 (41 FR 11506). Procedures for testing and evaluation of retrofit fuel economy devices under Section 511 of the Act will be issued by EPA by separate notice to follow.

As required by the Act, consultation and coordination between EPA and the Department of Transportation (DOT) have been carried out. In addition, EPA has consulted with the Federal Energy Administration (FEA) and various other interested parties as noted above.

Comments are hereby requested from interested parties on the provisions set forth below. Comments on either the proposed actions for 1979 and subsequent model years or the interim final action for 1978 will be considered. However, amendments to the 1978 interim final regulations will only be made to the following limited extent:

(1) That any such changes are necessary and appropriate, and

(2) That any such changes will prejudice the interests of parties affected thereby, or

(3) That such changes are merely technical or clerical in nature.

V. Testing, Sampling and Calculation Procedures

The following is a more detailed explanation of the regulatory provisions contained in this action which set forth the means by which EPA will select cars for testing, test the cars or cause them to be tested, and calculate fuel economy averages for each manufacturer of passenger automobiles.

A. *Basic Definitions.* Several basic definitions are employed throughout this preamble and the regulations themselves. EPA believes that an introductory discussion of these terms is therefore in order so that the reader might better understand this action. (Each of these terms is defined formally in the regulations which follow this preamble.)

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The Act specifies fuel economy standards for passenger automobiles. A *passenger automobile* is any automobile which is rated at 6000 pounds gross vehicle weight or less and which the Secretary of DOT determines is manufactured primarily for use in the transportation of not more than 10 individuals. (Under the provisions of Section 501 of the Act, the Secretary of Transportation can expand the definition to include heavier vehicles.) All passenger automobiles so designated by the Secretary will be included in the calculation of each manufacturer's fuel economy average.

For fuel economy purposes, the first major subdivision of a manufacturer's product line is *car line*. A *car line* denotes a group of vehicles within a make or car division which has a degree of commonality in construction. Car line does not consider any level of decor or opulence and is generally not distinguished by characteristics such as roof line, number of doors, seats or windows, although station wagons are considered distinct car lines from sedans. For example, in the *1976 EPA/FEA Gas Mileage Guide for New Car Buyers*, Buick, a division of General Motors, had listed nine car lines: Electra, Skylark, Opel, Century/Regal, Century Wagon, LeSabre, Estate Wagon, Skyhawk and Riviera.

Within any car line, a number of model types may exist. *Model type* means a unique combination of car line, basic engine, and transmission class. This definition of model type incorporates two key parameters which most affect fuel economy *and* which are capable of being understood and used by the average consumer. Thus, a major function of model type is to provide a meaningful concept for publishing fuel economy information (since model type corresponds to nameplates known to the general public) as well as being used to calculate manufacturers' average fuel economy.

An additional system of classification is used for subdividing a manufacturer's product line into smaller groups for determining test requirements, both for the purpose of calculating manufacturers' averages and for calculating fuel economy label values. This alternative system classifies each manufacturer's product line into base levels. A *base level* is a unique combination of inertia weight class, basic engine and transmission class. (Note that base level is nearly the same as model type except that weight is substituted for car line.) The fuel economy for each model type is simply the sales-weighted, harmonic average [1] of the fuel economy of each base level comprising the model type. The significance of the concept of base level is that the vehicle characteristics which define a base level are those that most profoundly affect fuel economy. At least one vehicle from each base level produced by the manufacturer must be tested in order to calculate the fuel economy results for a manufacturer. Again using the Buick example, a typical base level would be a 3500 pound vehicle, 231 cubic inch, 6 cylinder engine with 2 barrel carburetor, catalyst, and manual transmission. *Basic engine* distinguishes engines of a particular displacement, number of cylinders, fuel system, and catalyst usage. *Transmission class* is the basic type of transmission, i.e., manual, automatic, or semiautomatic.

An additional level of delineation is necessary to identify individual test vehicles. Base levels are subdivided into vehicle configurations. A *vehicle configuration* is defined as a unique combination of inertia weight class, basic engine, and transmission class (all of which determine a base level) plus engine code, transmission configuration, and axle ratio. *Engine code* goes beyond the definition of basic engine by isolating different variations of carburetor, distributor, and other key engine and emission control system components. *Transmission* configuration considers more than just manual or automatic and distinguishes transmissions by their number of forward gears, e.g., three-speed manual and four-speed manual. An example of a vehicle configuration is 3500 pound, 231 cubic inch, 6 cylinder, 2 barrel carburetor engine of engine code 4, with catalyst, 4-speed manual transmission and 2.56 axle ratio.

As more fully explained below, the individual vehicles which will be tested pursuant to these rules will be specified as *vehicle configurations*. Data from the vehicle configurations tested within a *base level* will be combined (weighted as to production projections or actual production figures) to arrive at a fuel economy value for each base level. These base level values will in turn be combined to yield fuel economy values for each model type. Pursuant to the Act, each manufacturer's fuel economy average will be the harmonic, production-weighted average fuel economy of that manufacturer's model types.

B. *Calculation of Average Fuel Economy.* Beginning with the 1978 model year, the average fuel economy of passenger automobiles produced by each manufacturer is required to be no less than 18.0 miles per gallon (MPG), with the standard gradually increasing to 27.5 MPG in 1985. (The Secretary has authority to adjust these standards somewhat under circumstances specified in the Act.) Failure to meet the standard applicable in any given year subjects a manufacturer to a civil penalty. However, this penalty can be offset by a credit if the manufacturer exceeded the applicable standard in the year previous to the violation or if he exceeds the standard in the year following the violation.

The penalties provided for in the Act are quite substantial—five dollars for each passenger automobile produced for each 0.1 MPG that the applicable standard exceeds the manufacturer's average fuel economy for that year. Credits are assessed by a similar formula at the same rates. For a manufacturer who failed to meet the standard by a mere one tenth of a mile per gallon in a year in which he produced five million passenger automobiles, the penalty specified by the Act would be 25 million dollars. (However, the penalties accruing to the nation as a result of this failure would amount to *23.2 million* fewer gallons of fuel available for consumption each year and an additional annual cost to the American public of $15,000,000 [2])

Due to the potential for such large penalties and credits based on shifts of tenths of an MPG, and due to the potentially large differences in aggregate fuel consumption that small changes in average fuel economies may represent, it is in the interest of both the government and the industry that manufacturers' calculated fuel economy averages be as truly representative of manufacturers' product line fuel economies as practicable. An inadequate testing and calculation plan could result in the imposition of an undue financial burden on a manufacturer in the form of large, unwarranted penalties, or costly and unwarranted vehicle modifications, or production shifts if the calculated value were too low. Alternatively an incorrectly high calculated average could deprive the nation of the total fuel savings envisioned by the Act and could inappropriately give the manufacturer a credit.

EPA's role in this program is to measure the fuel economy of manufacturers' passenger automobiles, to calculate manufacturer's fuel economy averages and to transmit these data and calculations to DOT so that the Secretary can make determinations of compliance and assess penalties as required.

The calculated manufacturers' average fuel economies are a function of three factors—production figures, the mathematical methodology used and the vehicle test data included in the calculation. Production data are discussed at more length below. The mathematical methodology is not an issue since the Act specifies that the average will be the harmonic, production-weighted average of the model type fuel economies determined for each manufacturer. The last of these factors, the vehicle test data to be included, is not so precisely specified in the Act.

Although the Act does not specify which cars EPA must test for the purposes of calculating manufacturers' averages under Section 503, it does provide some guidance. EPA is directed to conduct fuel economy tests for the purposes of this section in conjunction with emissions tests carried out under Section 206 of the Clean Air Act, 42 U.S.C. 1857 f–5, to the extent practicable. Since it is essential to know that fuel economy data is being derived from a vehicle that also meets the emission standards as required by the Clean Air Act, and since the emissions test is identical to the urban fuel economy test, and since urban fuel economy and emissions measurements are made simultaneously, Congress' instructions in this regard are well taken. However, Congress also provided the Administrator of EPA with general authority to issue regulations prescribing the means by which fuel economy values will be measured and averages calculated. EPA has found it necessary to use this general authority to augment the fleet of cars tested for emissions purposes in order to have tested a fleet which will be representative of manufacturers' product lines for fuel economy purposes as well as emissions.

For emissions purposes, EPA groups manufacturers' various designs by those characteristics most significant to emissions performance, rather than fuel economy. EPA then selects individual designs for testing according to the requirements of the Clean Air Act. Since the emissions standards only require EPA to make a pass/fail determination, rather than to quantify the degree of passage or failure, and since every design tested must meet the emissions standards in order to be sold, EPA selects many designs for testing which are judged to be the least likely within an emissions category or grouping of designs (known as "engine families") to pass the emissions test.

For the purpose of calculating manufacturer's fuel economy averages, EPA's testing needs are quite different from those under the Clean Air Act. In the first instance, EPA must group manufacturers' designs by those characteristics which most affect fuel economy. Since some vehicle characteristics affect fuel economy more than emissions, and vice versa, these groupings are not always consistent with engine families. Moreover, under Section 503 of the Act, EPA must quantify the degree of passage or failure for a manufacturer's entire line; how an individual car performs is not at issue. Thus, an emissions test fleet containing a disproportionate number of cars judged to be the least likely to meet emissions standards (which coincidentally are likely to have somewhat low fuel economies relative to many cars with higher sales volumes) is not representative of a manufacturer's overall production for fuel economy purposes. For these reasons, EPA has found it necessary to augment the fleet of cars tested for emissions in order to provide a data base from which fuel economy averages can be calculated with enough accuracy to enable the Administrator to have a reasonable basis for the values calculated and to enable the Secretary to bring successful enforcement of actions.

The emissions test fleet is already augmented by the addition of cars used for fuel economy labeling purposes. This practice has been proposed to continue under Section 506 of the Act in the labeling program for 1977 and later years. (See, 41 FR 21002, May 21, 1976.) However, the addition of these cars alone is not adequate for the purposes of Section 503 of the Act since some configurations with high production volumes would still not be tested. Under the labeling program, fuel economy estimates are rounded to the nearest whole MPG. This provides a means by which consumers can compare the relative fuel economy of new cars, a purpose for which greater precision is not required. However, the data used to generate these whole MPG values cannot provide the precision needed to make Section 503 determinations (with their potentially enormous consequences) and consequently would not provide a reasonable basis for assessing penalties.

VI. Alternative Approaches to the Selection of Fuel Economy Test Vehicles

Several alternative approaches to the selection of fuel economy test vehicles (hereinafter referred to as "fuel economy data vehicles") were examined by EPA in close coordination and consultation with DOT. EPA employed the following criteria in selecting among the various alternative approaches to picking fuel economy data vehicles:

(1) The degree to which the resulting fleet of test vehicles would yield a *calculated* average *representative* of the manufacturer's actual fleet average; [3]

(2) The enforceability of a penalty assessed on the basis of a manufacturer's calculated value being below the standard;

(3) The degree to which the vehicle selection scheme would permit a manufacturer to respond with mid-year product design or production mix changes to remedy a potential non-compliance situation; and

(4) The resources required by both industry and EPA to conduct the necessary testing (for which the public ultimately pays).

All of the alternatives considered for augmenting the emissions and labeling test fleets fall into one of two categories. Either they amount to the accumulation of data intended to provide a statistically valid sampling of the manufacturer's vehicles, or they provide a representative, rather than statistical, sample of each manufacturer's line. However, just as an approach only employing emissions program data could not seriously be considered for calculating manufacturer's averages, a pure statistical sampling approach was quickly dismissed as a possibility. EPA and DOT did, however, consider in detail several alternative means of sampling which were variations on either the representative sampling scheme (herein adopted) or which were hybrids combining aspects of both representative and statistical sampling. These two basic alternatives, the adopted approach and the hybrid, are discussed below. Alternative 1, the hybrid "Statistical Sampling Approach," specifies the minimum number of vehicles which would have to be tested to determine an average fuel economy for each manufacturer at a predetermined level of accuracy and statistical confidence. Alternative 2, the "Representative Approach" specifies a relatively low level of additional testing, over and above emissions and fuel economy labeling testing, and provides manufacturers with secure base fuel economy values, i.e., the measured fuel economy of each base level does not change unless the production mix changes or the manufacturer elects to make mid-year design changes.

Statistical Sampling Approach

In this approach manufacturers must test the minimum number of vehicles required to calculate average fuel economy values to a predetermined level of confidence. This minimum number is a function of:

(1) Base level variability,

(2) Minimum incremental accuracy required,

(3) Manufacturer's calculated average fuel economy,

(4) Desired confidence level about the average,

(5) The level of the standard.

EPA and DOT examined several types of statistical sampling approaches against the criteria enumerated above. All of these sampling plans suffered from the same problems, i.e., if enough cars were to be tested to ensure the enforceability of the standard, each manufacturer would have to test a great many cars and the manufacturer would not know his precise fuel economy until it was too late to make mid-year changes which would either bring him into compliance or at least reduce the degree by which he failed to meet the standard. Under the best of these variants of statistical sampling, by 1985, most manufacturers would have to test thousands of cars annually and for the industry as a whole, the test burden would be tens, if not hundreds, of thousands of cars (even though only manufacturers whose average was close to, or below, the standard would have to conduct a full test program). The cost of such an extensive program of testing, exclusive of the costs of new test facilities which would have to be built, would be in the hundreds of millions of dollars.

(A more detailed discussion of the statistical sampling schemes analyzed by EPA and DOT is available on the public record of this rule making proceeding.)

EPA has rejected the use of a statistical sampling plan for the following reasons:

(1) The number of tests required to be conducted would be much more costly than is justified, if not altogether prohibitive.

(2) The value of a statistical sampling plan is primarily that it is possible to preselect a test fleet which characterizes the fleet produced by a manufacturer and measure the fuel economy of that fleet within specified confidence intervals. However, in order to keep the level of testing down to even the infeasible numbers referred to above, it is necessary to assume a degree of variability within base levels which cannot be verified. (It

[1] The harmonic average *fuel economy* is computed by taking the inverse of average *fuel consumption* where consumption is expressed as gallons per mile.

[2] This assumes five million cars produced, a standard of 18.0 MPG, average annual mileage accumulation of 15,000 miles and an average fuel cost of $0.65 per gallon.

[3] A manufacturer's actual fleet average is the average fuel economy that would be measured *using the prescribed test procedures* if every car produced were actually tested.

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would take more testing to prove this variability for each base level than to calculate the average itself.) Thus a manufacturer could challenge a calculated average on the grounds that EPA's assumed variability was lower than the manufacturer's actual variability and that EPA consequently had not caused enough cars to be tested.

(3) Due to the large number of cars that would have to be tested, manufacturers could not conduct all of the requisite tests prior to, or early in, the model year. Testing would have to be distributed throughout the model year and might have to extend beyond the end of production for the model year. Consequently, manufacturers would not know if they had met the standard applicable to a given year until it was too late to change the mix of designs in their product lines (to increase the number of cars of configurations with good fuel economy they were producing) or to effect design changes to improve fuel economy. Since the purpose of the Act is to reduce fuel consumption and not to collect penalties, it is essential that manufacturers' opportunities to comply not be curtailed in this way.

Unlike *statistical* approaches to sampling, representative sampling plans rely on the testing of enough cars within each base level so that the fuel economy of production vehicles within each base level is adequately represented by the vehicles tested. An additional feature of the particular representative sampling plan agreed to in the course of consultation and coordination between EPA and DOT is that fuel economy values for base levels would not change during a model year unless the proportions of the different designs in the product line changed or the manufacturer elected to make changes in the designs themselves (the latter known as "running changes").

Under the adopted representative sampling plan, EPA would make a preliminary calculation of each manufacturer's average fuel economy soon after the beginning of the model year. This calculation would employ five sources of data (weighted according to their contribution to total projected production) as follows:

(1) Original emission certification test vehicles ("emission data vehicles");

(2) Vehicles required to be tested for fuel economy labeling;

(3) Vehicles representing running changes made early in the year which are required to be tested for emissions purposes;

(4) Vehicles representing high production volume configurations in significant base levels;

(5) Vehicles submitted voluntarily by the manufacturer.

After this preliminary calculation is made, manufacturers will have the option of petitioning the Administrator to be exempted from providing additional test data representing running changes implemented after the preliminary calculation is made. The exemption would be granted if EPA determined that the preliminary average was sufficiently above the standard so that, in spite of any reasonably foreseeable changes in the production mix and the potential change in the average due to running changes, there would be little likelihood that the manufacturer would be below the applicable standard in the year for which the calculation was being made *and* so that there would be little likelihood that the manufacturer would need a credit in the following year. (As noted earlier, the Act contains a provision offsetting penalties for failure to meet applicable standards if the standards for the prior year of failure or following the year of failure were exceeded.)

EPA will establish criteria for the granting of such exemptions based on the number of cars tested prior to the calculation of the preliminary average, the applicable standard, the potential for change in the average due to running changes, and other factors as appropriate. Comments are requested on the criteria that should be used for making these determinations and the manner of their application.

EPA at one time considered granting such petitions for exemption only if, based on the preliminary calculation of a manufacturer's average, the manufacturer was not only in no danger of failing to meet the standard in a given year (so that no penalty would be assessed), but if the manufacturer was also already clearly meeting the standard for the following year (so that no credit would be necessary).

Thus, it is not EPA's intention to require unnecessary testing in situations in which the preliminary data is adequate. If a manufacturer is in no danger of failing to meet a standard or of needing a credit to offset a penalty which might be assessed in the future, irrespective of production mix or running changes, no useful purpose is served by requiring the manufacturer to incur the costs of a full test program. However, if there may either be a penalty or credit based on a test program, the preliminary calculation would be inadequate as a manufacturer could artificially inflate a credit or reduce the size of a penalty by manipulating his production projections or his running changes.

EPA now believes, and DOT concurs, that these interests are adequately addressed if exemptions from full testing are granted under either of the following conditions:

(1) Based on the preliminary calculation of a manufacturer's average (with the application of the types of criteria noted above), there is a high degree of assurance that the manufacturer is meeting, and will continue to meet, the standards both for a given year and the following year; or

(2) Based on the preliminary calculation as above, there is a high degree of assurance that the manufacturer is meeting and will continue to meet the standard only for a given year (but may need a credit in the following year), if the manufacturer waives any credit that might be based on the preliminary calculation.

If a manufacturer fails to obtain an exemption, the agency would require that each running change implemented during the model year be evaluated for possible effects on the fuel economy of "significant" base levels.[4] EPA is requiring that data for the configuration representing the most production units that are affected by the running change and that are also within the top 90 percent (based on proportion of production) of a significant base level be submitted. These data could be the results of testing or derived by an analytical technique such as an approved regression analysis.

Based upon data available from the 1976 model year certification and labeling programs, an average of less than 5 additional vehicles per manufacturer would be required to represent 90 percent of the projected production of the significant base levels for the four large domestic manufacturers. However, insufficient data exist to accurately assess the additional test burden resulting from evaluating mid-year design changes, although it is possible to predict that this testing will be well within the limits of feasibility. Furthermore, the number of running change tests required will be ultimately within the control of the manufacturers since running changes themselves are not required by any regulations.

The required resource levels for this approach are reasonable and consistent with apparent Congressional intent. This approach should be at least as enforceable as any feasible statistical approach since any manufacturer who does not believe that the testing required by EPA provides a reasonable basis for making compliance determinations may submit additional data as provided in the Act.

Not only is the direct economic cost of this approach less than that of the statistical approach as a result of a lower test volume, but the lower number of required tests will provide the manufacturers with the opportunity to make mid-year adjustments that might be necessary to meet the fuel economy standard. A requirement for as large a number of tests as required under the statistical approach would dictate the distribution of mandated testing over the entire model year due to limited test facilities. Under the statistical approach the manufacturer would be placed in the untenable position of not knowing the fuel economy values used in calculating his average until half-way or even later into the model year. If then he found out that he was in jeopardy of failing the standard, little time would be left to correct the situation except through drastic production mix shifts. By providing this fuel economy data information early in the model year, the representative approach minimizes these problems and gives manufacturers more flexibility and opportunity to meet standards by either shifting model mix or by making mid-year design modifications.

[4] A significant base level is any that represents 1 percent or more of a manufacturer's production.

The selected approach has an additional advantage over the statistical approach in that it makes optimum use of certification and labeling test volume. All certification and fuel economy labeling data are used to meet test data requirements which might have to be satisfied by different vehicles under other sampling plans. Furthermore, by permitting exemptions to running change testing, the number of manufacturers involved in higher levels of testing will be greatly reduced.

Having examined these alternative methods of sampling manufacturers' product lines, EPA found, as indicated by the preceding discussion, that only the Representative Approach is feasible and meets the criteria set forth previously to an adequate degree. Consequently, this is the approach being promulgated for the 1978 model year and proposed for subsequent model years. Nevertheless, EPA is hereby specifically requesting comments on various aspects of this method of sampling manufacturers' product lines, in addition to general comments on this and other issues involved in this action. Manufacturers are requested to comment on the fuel economy test variability they would anticipate seeing within each of their respective base levels and the components and sources of that variability. Manufacturers are further requested to comment on the testing and cost implications of the recommended plan, e.g., the expected number of required test vehicles and vehicle tests that will have to be provided as a result of this action, the availability of sufficient test capacity, and the costs of complying with these regulations itemized as to such individual costs as vehicle procurement, fuel economy testing and mileage accumulation. Finally, comments are most particularly requested on the enforceability of the standards given a compliance testing program such as that adopted herein, i.e., the acceptability of fuel economy averages derived from such a sampling plan as forming the bases for the assessment of penalties and credits.

VII. 40 CFR Part 86 Procedure Changes

A. *1978 Model Year Test Procedure Changes.* Effective for the 1978 model year and proposed for 1979 and later model years, the following six amendments are considered relatively straightforward and will provide a more accurate measurement of the fuel economy and exhaust emission levels of the test vehicles. EPA contemplates no adjustment of the emission or fuel economy standards due to these changes as the changes only serve to improve the accuracy of the test measurement or to make the test fuel more representative of commercially available fuel. These changes will have insignificant testing cost impacts.

(1) *Quarterly production reports.*—The previous requirement for reporting vehicle production on a quarterly basis has yielded information which has not been sufficiently definitive to assess what vehicle configurations are being produced. The previously required level of definition did not provide production information based on vehicle parameters such as axle ratio, engine and emission control system calibrations, or vehicle car line. Furthermore, the quarterly production report can provide, with some modification, vehicle production information necessary to provide support to emissions and fuel economy related programs and, for the 1978 model year, information required to calculate the manufacturers' average fuel economy values.

The modifications are intended to make the quarterly production reports more useful in supporting both emissions and fuel economy programs (and are essential for calculating manufacturers' averages) with only a single reporting requirement on the manufacturer.

(2) *Measure the actual distance traveled.*—The actual distance traveled by a vehicle during a test will be measured and used in the calculation of grams/mile and miles/gallon values. Currently, the nominal test cycle distances of 7.5 miles for the city cycle and 10.2 miles for the highway cycle are used. The proposed change is intended to accurately weigh the emission levels and fuel usage by the actual miles traveled rather than by an arbitrarily fixed distance. This change in no way affects the actual performance of the vehicle, but merely measures this performance more accurately.

(3) *Increase the Number of Calibration Gases.* The number of HC and NOx calibration gases is increased from 2 to 6. This change will improve the confidence in the accuracy with which the progressively lower levels of HC and NOx are measured.

(4) *Change the Diesel Fuel Specification.* The Diesel fuel specification is being changed to drop the allowable use of No. 1 Diesel fuel which is not commonly available for light duty automotive use. Only No. 2 Diesel fuel will be allowed. No. 2 Diesel fuel is commonly available, has generally been used in past certification programs, and is specified by manufacturers for customer use in all currently marketed Diesels for light duty automotive applications.

(5) *Specify Separate Procedures for Cold and Hot Start Failures.* Current regulations only specify a single test procedure to be followed should a vehicle fail to easily start during the test. The 1975 Federal Test Procedure includes both a cold start and a hot start. The proposed test procedure change will delineate separate procedures to follow should a vehicle fail to cold start or hot start. The proposed change will apply the present procedure to cold start failure only. A new hot start procedure will be incorporated into the regulations to cover those very infrequent hot start failures. These changes will serve to provide further delineation of procedures which have been followed by EPA and which have commonly been accepted by the automotive industry.

Comments were received from manufacturers regarding ambiguities in the wording used in earlier drafts of this action relating to the implementation of this change in test procedure. EPA has responded to these concerns and the current language reflects these changes.

(6) *Allow Use of Overdrive.* The current regulations require that vehicles equipped with overdrive or free-wheeling units be used according to manufacturer-out of operation. The test procedure regulations are hereby being amended so that they no longer disallow the use of overdrive units, but do require that these units be used according to manufacturers' recommendations. In addition, free-wheeling units are no longer required to be locked out of operation. Thus, the regulations will now recognize and give the same credit to the fuel economy benefits of an overdrive unit as is realized in actual use.

B. *1979 and Later Model Year Proposed Changes.* Beginning with the 1979 model year (to allow comment and sufficient lead time for implementation), several major test procedure changes are proposed without implementation in 1978. Each of these test procedure changes will provide a more accurate simulation of what the vehicle "sees" during actual on-the-road operation. Although these test procedure changes could be expected to affect exhaust emissions and fuel economy on a specific vehicle, no directional change in either average exhaust emissions or fuel economy is expected when looking at the entire population of vehicles. For example, if all the 1976 model year vehicles currently being sold were tested under both the existing and the proposed test procedures, the average exhaust emission levels and fuel economy would be for all practical purposes the same. Since no necessary or intended directional shift in either exhaust emission or fuel economy will result from these test procedure changes, it will not be necessary to apply a correction factor to the fuel economy test values in order to yield comparable results to the 1975 test procedures as required by the Act.

(1) *Use of More Accurate Road Load Simulation.* Another change proposed for the 1979 model year is a revised method for setting the dynamometer power absorber. The dynamometer power absorber setting simulates the vehicle road load. This is accomplished by setting the dynamometer power absorber to a value that reflects all major components of total road load of the vehicle: vehicle weight, aerodynamic drag of the vehicle and losses resulting from free-rolling friction of the non-driving tires and wheels. When the vehicle is operated on a dynamometer, the driving tires dissipate more power on the curved roll surface(s) than is dissipated on a flat road surface. This additional power dissipation must be subtracted from vehicle road load to obtain the appropriate dynamometer power absorber setting.

Where twin-roll dynamometers are in use, the additional power dissipated by the driving tires, over and above normal power dissipation on a flat road surface, is assumed to adequately compensate for the power dissipation attributed to non-driving tires and wheels. Therefore, in

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calculating the total vehicle road load, the additional power dissipation caused by the curved roll surfaces need not be subtracted. With this assumption the dynamometer power absorber setting represents the aerodynamic drag of the vehicle.

The aerodynamic drag of a vehicle is a function of the vehicle frontal area, body shape, protuberances and other aerodynamic factors. Since the vehicle weight and external size tend to be related, the weight can be used as an indirect predictor of vehicle aerodynamic drag. Vehicle weight is currently used to predict the dynamometer power absorber setting. The functional form of the prediction system is:

$$P = aW^2 + bW + c$$

Where:
P = Dynamometer power absorber setting
W = Vehicle weight
a, b and c are predetermined constants

A relationship such as this, based upon weight only, is satisfactory only so long as most vehicles have about the same weight-to-size correlation that existed when the prediction system was developed. However, the recent emphasis on fuel efficient vehicles has resulted in criticism of this simplified method for selecting the proper dynamometer setting since the manufacturer does not receive credit for aerodynamic improvements. Automobile manufacturers have commented in the past that the flat surface rolling resistance advantage of radial tires is not reflected on the dynamometer. Consequently, criticism has been received that the current dynamometer adjustment procedure does not reflect the fuel economy advantages of radial tires. It should be parenthetically noted that the manufacturers currently have the option of measuring actual road load power and requesting that this empirical value be used to set the dynamometer.

In response to these criticisms and in recognition of the fact that the original data base is already six years old, the EPA conducted a track test program using approximately 70 light-duty vehicles and 15 light-duty trucks. The trucks were tested with various payloads, resulting in a total of approximately 60 light-duty truck tests.

As a result of this test program a system to predict the dynamometer power absorber setting as a function of vehicle weight, frontal area, protuberances and tire type was developed and is being proposed. An equation is proposed for both twin roll dynamometers (with nominal roll diameters of 8–9″) and single roll dynamometers (with nominal roll diameters of 48″).

Comments on, and data relating to, this proposed approach for determining dynamometer power absorber settings are requested. The data most needed are those relating to tire-road and tire-roll effects. Information and test data are also requested regarding the simulation of air conditioner operation.

(2) *Reduction in Inertia Weight Test Increments.* The second change proposed for the 1979 model year is to reduce the range of inertia weight test intervals. Currently, the inertia intervals are quite broad, 250 pound intervals for inertia settings up through 2750 pounds, and 500 pound intervals for settings from 3000 to 5500 pounds. Manufacturers argue that even relatively significant weight reductions may go unrewarded, particularly if a vehicle is near the upper end of a class. They also contend that little incentive exists to reduce vehicle weight if they do not receive credit for their action in terms of the testing procedure. On the other hand, relatively minor weight reductions would receive substantial reward if the vehicle were just above the lower end of the class. Manufacturers have every incentive to make these minor changes. Reducing the intervals by half, from 250 to 125 pounds and 500 to 250 pounds would provide incentive for the manufacturers to engage in vehicle weight reduction programs that would result in real fuel economy benefits. This change would also reduce weight-related test errors to 0.4 MPG or less.

Reducing the inertia weight test increments would have a significant impact upon test facilities. Test dynamometers would require physical modifications to allow implementation of smaller inertia weight intervals. This change is proposed for 1979 rather than 1978 because it is doubtful that a sufficient number of dynamometers used by EPA or manufacturers could be modified in time for 1978 model year testing.

One other aspect of this change merits consideration. Currently vehicles are selected to represent the dynamometer inertia intervals. Increasing the number of inertia intervals need not require a corresponding increase in the number of vehicles chosen as test vehicles, but this increase would result if the selection criterion were not revised appropriately. Without revision, the number of test vehicles required may nearly double. The current method of calculating fuel economy values, manufacturers' average values and label values, requires at least one vehicle per inertia weight class. Consideration will be given to revising this such that the number of test vehicles does not increase appreciably *and such large increases are not contemplated by these proposals. Interested parties, particularly manufacturers, are invited to comment on this aspect of reducing the inertia weight test increments.*

(3) *Definition of option and model, and revision of optional equipment usage.*—The fourth minor change proposed for the 1979 model year includes revisions to emission certification procedures. The current emission regulations lack definitions for model and for option, although both terms are used in the text of the regulations. The lack of a definition for these terms has led to disagreement between EPA and the manufacturers over the interpretation of the certification requirements. One specific area where controversy exists is that of the manufacturer's product line description. The variety of interpretation of the terms "model" and "option" has led to a lack of consistency in manufacturers' applications for certification. This lack of specificity when referring to "options" may also affect fuel economy values. The current procedure requires that test vehicles includes equipment if 33 percent or more of the vehicles in an engine family are projected to be sold with that equipment. This causes many vehicles to be tested at unrepresentative road load and inertia weights, which can result in somewhat unrepresentative fuel economy values.

The definitions proposed for model and option, and the additional related definitions, are intended to clarify the certification requirements and to bring about consistency in the related programs.

The previous certification requirements concerning optional equipment usage as they impacted test vehicle equipment, vehicle inertia weight class and road load air conditioning factor were based on the usage of optional equipment on greater than 33 percent of the engine family. This provision was initially instituted in the 1972 model year regulations as an attempt to more accurately characterize the manufacturer's product lines during testing, on the basis of typical in-use vehicles.

Recently, the engine family basis for definitions relating to optional equipment usage has proven inadequate in making certification vehicles represent in-use vehicles. Some vehicles have been required to be equipped in a manner not typical of in-use vehicles of the same configuration (but typical of vehicles within the engine family).

The proposal to revise the basis for decisions related to optional equipment usage from "engine family" to "car line" should improve the accuracy of the representation of the manufacturers' product lines by their respective test vehicles without having any directional effect on emission or fuel economy results.

(4) *Revise the Fuel Octane Requirements.*—The fuel octane requirements for mileage accumulation and emission testing are being changed to allow use of a lower octane fuel. This change will bring the allowable fuel octane requirements more in line with the fuel commercially available to the consumer and with the minimum octane levels recommended to the purchaser. Thus, this change will allow a more representative assessment of in-use vehicle performance.

VIII. Determination of Domestic Production

Under certain circumstances, Section 503 of the Act provides that separate fuel economy averages will be calculated for manufacturers' domestic and imported vehicles in cases wherein a manufacturer's product line includes both. This section further provides that the Administrator of EPA may prescribe rules for determining how passenger automobiles will be classified as either foreign or domestic. EPA has found it necessary to define a procedure by which this determination will be made so that all manufacturers will be treated in the same manner and so that manufacturers may plan for future model years in which this determination may become critical to the question of whether or not their domestic production meets the fuel economy standards.

IX. Request for Comments

Manufacturers and other interested parties may participate in this rulemaking by submitting comments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control, 401 M Street, SW., Washington, D.C. 20460. All relevant material received on or before December 9, 1976, will be considered.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

In accordance with Executive Order 11821 a review of this action was undertaken to determine whether it met the criteria for a "major action" requiring preparation of an Inflationary Impact Statement. The review indicated that the costs and economic impacts of this action are far less than a "major" action and that therefore no IIS is required.

No significant environmental impacts are associated with this action.

X. Title and Statutory Authority

The provisions of this notice pertaining to 40 CFR Part 600 are issued under the authority of Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq., as amended by Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, Stat. 901.

The provisions of Part 86 are issued under the authority of sections 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a)).

Parts 86 and 600 of Chapter I, Title 40 of the Code of Federal Regulations are amended, or proposed to be amended as noted above, as follows, effective immediately and applicable as provided herein.

Dated: August 30, 1976

John Quarles,
Acting Administrator.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is amended in Subparts A and B as follows:

1. It is proposed to add § 86.079–2 as follows:

§ 86.079–2 Definitions.

The following definitions apply beginning with the 1979 model year. Section 86.078–2 remains effective.

"Body Style" means a level of commonality in vehicle configuration as defined by number of doors and roof treatment (e.g., Sedan, Convertible, Fastback, Hatchback). Station Wagons and light trucks are identified as separate car lines.

"Drivetrain Configuration" means a unique combination of engine code, transmission configuration and axle ratio.

"Frontal Area" means the area enclosed by the geometrical projection of the vehicle, including tires, onto a plane perpendicular to the longitudinal axis of the vehicle.

"Model" means a specific combination of carline, body style, and drivetrain configuration.

"Option" means any available equipment or feature not standard equipment on a model.

"Public Introduction Date" means that date on which the manufacturer has released for retail sale vehicle configurations whose total projected model year production is estimated to be twenty-five percent or more of his total model year projected production volume.

"Standard Equipment" means those features or equipment which are marketed on a vehicle over which the purchaser can exercise no choice.

2. It is proposed to add a new § 86.079–24 as follows:

§ 86.079–24 Test vehicles and engines.

(a) through (f) inclusive (see paragraphs (a) through (f) of § 86.078–24).

(g)(1) This paragraph applies to light duty vehicles and light duty trucks.

(2) Where it is expected that more than 33 percent of a car line, within an engine-system combination, may be equipped with an item (whether that item is standard equipment or an option), the full estimated weight of that item shall be included in the curb weight computation of each vehicle available with that item in that carline, within that engine-system combination. Where it is expected that 33 percent or less of the carline, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) no weight for that item will be added in computing the curb weight for any vehicle in that carline, within that engine-system combination, unless that item is standard equipment on the vehicle. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing the curb weight. Optional items weighing less than three pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of a car line, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, then such items shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability data vehicles of that car line, within that engine-system combination, on which the items are intended to be offered in production. Items that can reasonably be expected to influence emissions are: air conditioning, power steering, power brakes, and other items determined by the Administrator.

(4) Where it is expected that 33 percent or less of a car line within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, that item shall not be installed on any emission data vehicle or durability data vehicle of that car line, within that engine-system combination, unless that item is standard equipment on that vehicle or specifically required by the Administrator.

3. A new § 86.078–37 is added and reads as follows:

§ 86.078–37 Production vehicles and engines.

(a) (see paragraph (a) of § 86.077–37.)

(b)(1) Any manufacturer of light duty vehicles or light duty trucks, obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of vehicles domestically produced for sale in the United States and the number of vehicles produced and imported for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 86.077–36. The notification must be submitted 30 days after the close of the reporting period. The vehicle production information required shall be submitted as follows:

(i) Total production volume expressed in terms of units produced.

(ii) Model type production volume, expressed for each model type in terms of units produced and as a percentage of total production.

(iii) Base level production volume, expressed for each base level in terms of units produced and as a percentage of (A) the total production of its respective model type(s) and, (B) total production.

(iv) Vehicle configuration production volume, expressed for each vehicle configuration in terms of units produced, and as a percentage of the total production of its respective base level. In addition, each vehicle configuration shall be identified by its appropriate engine-system combination.

(2) [See paragraph (b)(2) of § 86.077–37]

(c) [See paragraph (c) of § 86.077–37]

(d) The following definitions apply to this section:

(1) "Model Type" means a unique combination of car line, basic engine, and transmission class.

(2) "Base Level" means a unique combination of basic engine, inertia weight, and transmission class.

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4. It is proposed to add a new section, § 86.113–79, to read as follows:

§ 86.113–79 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	98	93
Sensitivity, minimum		9.0	7.5
Lead (organic), grams/U.S. gallon		[1] 1.4	0.00-0.05
Distillation range:			
IBP,[2] [3] F	D86	75–95	75–95
10 pct point, ° F	D86	120–135	120–135
50 pct point, ° F	D86	200–230	200–230
90 pct point, ° F	D86	300–325	300–325
EP, ° F (maximum)	D86	415	415
Sulphur, weight percent, maximum	D1266	0.10	0.10
Phosphorus, grams/U.S. gallon, maximum		0.01	0.005
RVP [3] [4] pounds per square inch	D323	8.7–9.2	8.7–9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aromatics, percent maximum	D1319	35	35
Saturates	D1319	[5]	[5]

[1] Minimum.
[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75–105.
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2.
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2.
[5] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 1.0 research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 8.0 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.077–21(b)(3).

§ 86.113–78 [Amended]

5. § 86.113–78 is amended by revising the last sentence of the text and the table in paragraph (b)(2), and revising the last sentence of the text and the table in paragraph (b)(3) as follows:

(b) * * *

(2) * * * "Type 2D" grade diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane	D613	42–50
Distillation range	D86	
IBP, °F		340–400
10 pct point, °F		400–460
50 pct point, °F		470–540
90 pct point, °F		550–610
EP, °F		580–660
Gravity, °API	D287	33–37
Total sulfur, percent	D129 or D2622	0.2–0.5
Hydrocarbon composition	D1319	
Aromatics, percent (minimum)		27
Paraffins, naphthenes, olefins		Remainder
Flashpoint °F (minimum)	D93	130
Viscosity, centistokes	D445	2.0–3.2

(3) * * * "Type 2-D" grade diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane (minimum)	D613	38–58
Distillation range:		
90 percent point, °F	D86	430–630
Gravity °API	D287	30–42
Total sulfur, percent (minimum)	D129 or D2622	0.2
Flashpoint, °F (minimum)	D93	130
Viscosity, centistokes	D455	1.5–4.5

* * * * *

6. § 86.114–78 is amended by adding paragraph (a)(7) to read as follows:

§ 86.114–78 Analytical gases.

(a) * * *

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentrations is allowable provided their use has been approved in advance by the Administrator.

7. § 86.121–78 is amended by revising paragraph (b)(3) to read as follows:

§ 86.121–78 Hydrocarbon analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit nonlinear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

8. § 86.123–78 is amended by revising paragraph (b)(3) to read as follows:

§ 86.123–78 Oxides of nitrogen analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each normally used operating range with NO in N2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit nonlinear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

9. It is proposed to add a new section, § 86.129–79, to read as follows:

§ 86.129–79 Dynamometer Adjustment To Stimulate Vehicle Inertia and Road Load.

(a) Flywheels, electrical or other means of simulating inertia as shown in the following table be used.

(1) *Light duty vehicles.*

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)
Up to 1,062	1,000
1,063 to 1,187	1,125
1,188 to 1,312	1,250
1,313 to 1,437	1,375
1,438 to 1,562	1,500

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)
1,563 to 1,687	1,625
1,688 to 1,812	1,750
1,813 to 1,937	1,875
1,938 to 2,062	2,000
2,063 to 2,187	2,125
2,188 to 2,312	2,250
2,313 to 2,437	2,375
2,438 to 2,562	2,500
2,563 to 2,687	2,625
2,688 to 2,812	2,750
2,813 to 2,937	2,875
2,938 to 3,062	3,000
3,063 to 3,187	3,125
3,188 to 3,312	3,250
3,313 to 3,437	3,375
3,438 to 3,562	3,500
3,563 to 3,687	3,625
3,688 to 3,812	3,750
3,813 to 3,937	3,875
3,938 to 4,125	4,000
4,126 to 4,375	4,250
4,376 to 4,625	4,500
4,626 to 4,875	4,750
4,876 to 5,125	5,000
5,126 to 5,375	5,250
5,376 to above	5,500

(2) *Light duty trucks.* The table in paragraph (a)(1) of this section shall apply to light duty trucks with loaded vehicle weights below 5,375 lbs. Above 5,375 lbs, the following table shall apply:

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)
5376 to 5750	5,500
5751 to 6250	6,000
6251 to 6750	6,500
6751 to 7250	7,000
7251 to 7750	7,500
7751 to 8250	8,000
8251 to 8750	8,500
8751 to 9250	9,000
9251 to 9750	9,500
9751 to 10,000	10,000

(b) Power absorption unit adjustment. (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.118 or other suitable means.

(2) The dynamometer road load setting is determined from the equivalent inertia weight, the frontal area, the body shape, the vehicle protuberances and the tire type by the following equations. Alternately, the vehicle road load may be determined by a procedure proposed by the manufacturer and approved in advance by the Administrator.

(i) For light duty vehicles to be tested on a twin roll dynamometer (with nominal roll size of 8.65" and 17" nominal roll spacing [6]).

$$Hp = 2.48 + 4.78 \times 10^{-1} A + 1.73 \times 10^{-2} AS + 1.56P + 2.17 \times 10^{-4} TW$$

where:

Hp = the dynamometer power absorber setting at 50 mph (horsepower)
A = vehicle frontal area ((ft.²)
S = vehicle shape factor (dimensionless)
P = vehicle protuberance factor (dimensionless)
T = tire type (0 for bias ply tires, −1 for radial ply)
W = vehicle equivalent inertia weight (lbs.) from the table in paragraph (a)

(A) The vehicle shape factor is given by:

$$S = \sum_{i=1}^{6} a_i s_i$$

where the a_i weighting factors are:

$a_1 = 2$
$a_2 = 1$
$a_3 = 1$
$a_4 = 1$
$a_5 = 1$
$a_6 = 2$

and the s_i are defined in the following paragraphs.

(1) The shape factors consider the front deck of the vehicle, the rear deck, the front, rear and side surfaces and the transitions from these surfaces to the other vehicle surfaces. The front deck is defined as the horizontal or inclined surface extending forward from the foremost point of the windshield. The rear deck is defined to include all horizontal or inclined surfaces extending rearward from the rearmost point of the windshield. The front surface of the vehicle is defined as the vertical or nearly vertical surface at the front of the vehicle. The vehicle side surface is defined as the vertical or nearly vertical surface in a frontal view of the vehicle.

(2) The term s_1 describes the longitudinal sections of the front deck of the vehicle and their transition into the front surface (side view of the vehicle front deck).

$s_1 = -1$ for those vehicles where the projected area of the front deck of the vehicle, which is inclined less than 30° from the horizontal, is at least 33% of the projected frontal area of the vehicle below the windshield-body transition.

$s_1 = -1$ for those vehicles where the transition from the front deck to the front surface has a radius of curvature greater than 8" in all longitudinal sections. (The curvature must subtend an angle greater than or equal to one radian to be considered.)

$s_1 = 0$ for those vehicles not satisfying the $s_1 = -1$ criteria, but where the transition from the front deck to the front surface has a radius of curvature greater than 1" but less than or equal to 8" in all longitudinal sections. (The curvature must subtend an angle of greater than or equal to one radian to be considered.)

$s_1 = +1$ for all other vehicles.

(3) The term s_2 describes the transition between the vehicle front and side surfaces through horizontal sections. (Top view of the vehicle front surface.)

$s_2 = -1$ for those vehicles where the transition has a radius of curvature greater than 8" in all horizontal sections. In addition there can be no protuberances on this surface.

$s_2 = 0$ for those vehicles where the transition has a radius of curvature greater than 4" but less than 8" in all horizontal sections. In addition, there can be no protuberances on this surface.

$s_2 = +1$ for all other vehicles.

(4) The term s_3 describes the windshield surface, and the transition of this surface to the vehicle side surface through horizontal sections. (Top view.)

$s_3 = -1$ for those vehicles where the radius of curvature of the transition from the center of the windshield to the side surface of the vehicle is greater than 8".

$s_3 = 0$ for those vehicles where the radius of curvature of the transition from the center of the windshield to the side of the vehicle is greater than 4" but less than or equal to 8".

$s_3 = +1$ for all other vehicles.

(5) The term s_4 describes the angle of inclination (from horizontal) of the windshield at the centerline.

$s_4 = -1$ for vehicles where the angle of inclination is less than 30° from horizontal.

$s_4 = 0$ for vehicles where the angle of inclination is less than 60° but greater than or equal to 30° from horizontal.

$s_4 = +1$ for vehicles not satisfying either of the above criteria.

(6) The term s_5 describes the transition of the side surface to the rear surface through horizontal sections. (Top view of the vehicle rear.)

$s_5 = -1$ for those vehicles where at least 33% of the rear projected area of the vehicle have lines of intersection with horizontal longitudinal planes which form an angle of less than 20° from the longitudinal axis of the vehicle.

$s_5 = 0$ for those vehicles where at least 20% but less than 33% of the rear projected area of the vehicle have lines of intersection with horizontal longitudinal planes which form an angle of less than 20° with the longitudinal axis of the vehicle.

$s_5 = +1$ for all other vehicles.

(7) The term s_6 describes the longitudinal sections of the rear deck of the vehicle and their transition into the rear surface. (Side view of the vehicle rear deck.)

$s_6 = -2$ for those vehicles where greater than 50% of the projected rear areas of the vehicle have lines of intersection with vertical longitudinal section planes which are inclined less than 20° from the horizontal.

$s_6 = -1$ for those vehicles where greater than 33% but less than or equal to 50% of the projected rear area of the vehicle has lines of intersection with vertical longitudinal section planes which are inclined less than 20° from the horizontal.

$s_6 = 0$ for those vehicles where greater than 33% of the projected rear area of the vehicle has lines of intersection with vertical longitudinal section planes which are inclined less than 45° from the horizontal.

$s_6 = +1$ for those vehicles not satisfying the $s_6 = -2$, $s_6 = -1$ or $s_6 = 0$ criteria, but which have closed rear surfaces.

$s_6 = +2$ for those vehicles with an open rear surface, (such as a pick-up bed).

(B) the protuberance factor is given by:

$$P = \sum_{i=1}^{7} b_i p_i$$

where the weighting factors b_i are:

$b_1 = 1.00$
$b_2 = 0.200$
$b_3 = 0.04$
$b_4 = 0.25$
$b_5 = 0.250$
$b_6 = 0.350$
$b_7 = 0.500$

The protuberance terms are:

$P_1 = 1$ if the vehicle is equipped with a roof rack
P_2 = the number of protruding external aerials
P_3 = the number of hood ornaments protruding more than 0.375 inch from the hood surface
P_4 = the number of mirrors on the vehicle which are not located directly in the vehicle air stream, having aerodynamic shapes (where the longitudinal dimension exceeds the maximum transverse dimension).
P_5 = the number of mirrors on the vehicle, not directly located in the vehicle air stream, but which do not meet the dimensional criterion of P_4.
P_6 = the number of mirrors on the vehicle which are located in the vehicle air stream, having aerodynamic shapes (where the maximum longitudinal dimension exceeds the maximum transverse dimension.)
p_7 = the number of mirrors on the vehicle not meeting the criteria of p_5, p_5, or p_4

(1) Protuberance terms p_5, p_6, & p_7 shall be zero if the vehicle is not equipped with such items. For protuberance terms p_4 through p_7, a mirrow shall be considered in the vehice air stream unless it is entirely behind the projection of the windshield surface and within 8" of the vehicle side.

[6] NOTE.—Dynamometers with roll specifications other than those shown may be used if the road load power settings can be shown to be equivalent and if approved in advance by the Administrator.

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(ii) For light duty vehicles to be tested on a single, large roll dynamometer (with nominal roll diameter of 48 inches*):

$$H_p = 2.48 + 4.78\times10^{-4}\,A + 1.73\times10^{-2}\,AS + 1.56P + (6.13\times10^{-4} + 1.08\times10^{-4}T)W$$

All symbols in the above equation are defined in paragraph (b)(2)(i) of this section.

(iii) For light duty trucks to be tested on a twin roll dynamometer (with nominal roll size 8.65" and 17" nominal spacing*):

$$H_p = 2.48 + 4.78\times10^{-4}\,A + 1.73\times10^{-2}\,AS + 1.56P + 2.47\times10^{-4}\,TW$$

All symbols in the above equation are defined in paragraph (b)(2)(i) of this section.

(iv) For light duty trucks to be tested on a single, large roll dynamometer (with nominal roll diameter of 48 inches*):

$$H_p = 2.48 + 4.78\times10^{-4}\,A + 1.73\times10^{-2}\,AS + 1.56P + (6.13\times10^{-4} + 1.08\times10^{-4}T)W$$

All symbols in the above equation are defined in paragraph (b)(2)(i).

(v) If vehicles exist within a car line within an engine-system combination with different shapes and protuberance factors, these factors shall be chosen such that less than 33% of the vehicles sold have a higher actual or expected road load than the value resulting from the methodology contained in this paragraph using the selected shape and protuberance factors.

(3) Where it is expected that more than 33 percent of a car ine within an engine-system combination will be equipped with air conditioning, per § 86.078–24(g)(2), the road load power as determined in paragraph (b)(2) of this section shall be increased by 10 percent for testing all test vehicles of that car line within that engine-system combination if those vehicles are intended to be offered with air conditioning in production.

10. § 86.135–78 is amended by adding paragraph (h) to read as follows:

§ 86.135–78 Dynamometer procedure.

* * * * * *

(h) The driving distance as measured by counting the number of dynamometer roll or shaft revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

11. § 86.136–78 is amended by revising paragraph (c) to read as follows:

§ 86.136–78 Engine starting and restarting.

* * * * * *

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The gas flow measuring device (or revolution counter) on the constant volume sampler (and the hydrocarbon integrator when testing diesel vehicles, see § 85.135 Dynamometer Test Runs) shall be turned off and the sample selector valves placed in the "standby" position during this diagnostic period. In addition, either the CVS should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start.

(1) If a failure to start occurs during the cold portion of the test and is caused by a vehicle malfunction corrective action of less than 30 minutes duration may be taken (according to § 86.077–25), and the test continued. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, and corrective action may be taken according to § 86.077–25. The reasons for the malfunction (if determined) and the corrective action taken shall be reported.

(2) If a failure to start occurs during the hot start portion of the test and is caused by vehicle malfunction, the vehicle must be started within one minute of key on. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If the vehicle cannot be started within one minute of key on, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, (according to § 86.077–25), and the vehicle rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

* * * * * *

12. § 86.137–78 is amended by adding a second sentence to paragraph (b)(1), revising paragraph (b)(7), inserting a sentence after the first sentence of paragraph (b)(11), inserting a sentence after the first sentence of paragraph (b)(13), revising the second sentence of paragraph (b)(16), and adding a sentence at the end of paragraph (b)(17). § 86.137–78 is amended to read as follows:

§ 86.137–78 Dynamometer test runs.

* * * * * *

(b) * * *

(1) * * * Reset and enable the roll revolution counter.

* * * * * *

(7) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag (turn on the diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable), turn the key on, and start cranking the engine.

* * * * * *

(11) * * * Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter.* * *

* * * * * *

(13) * * * Record the measured roll or shaft revolutions and reset the counter.* * *

* * * * * *

(16) * * * The key-on operation step described in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) * * * Record the measured roll or shaft revolutions.

* * * * * *

13. § 86.142–78 is amended by revising paragraph (f) and adding paragraph (p) to read as follows:

§ 86.142–78 Records required.

* * * * * *

(f) Vehicle: ID number, Manufacturer, Model year, Standards, Engine family, Evaporative emissions family, Basic engine description (including displacement, number of cylinders, and catalysts usage), Fuel system (including number of carburetors, number of carburetor barrels, fuel injection type, and fuel tank(s) capacity and location), Engine code, Inertia weight class, Actual curb weight at zero miles, Actual road load at 50 mph, Transmission configuration, Axle ratio, Car line, Odometer reading, Idle rpm and Drive wheel tire pressure, as applicable.

* * * * * *

(p) The driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

14. Section 86.144–78 is amended by revising paragraph (a); adding two terms to the end of the text portion of paragraph (d)(1), revising the equation for humidity and adding two equations to the end of paragraph (d)(1); adding two equations to the end of paragraph (d)(2); adding two equations to the end of paragraph (d)(3); and revising paragraph (d)(4). § 86.144–78 is amended to read as follows:

§ 86.144–78 Calculations; exhaust emissions.

The final reported test results shall be computed by use of the following formula:

(a) For light duty vehicles and light duty trucks:

$$Y_{wm} = 0.43\,((Y_{ct}+Y_s)/(D_{ct}+D_s)) + 0.57\,(Y_{ht}+Y_s)/(D_{ht}+D_s))$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e., HC, CO, NO_x or CO_2, in grams per vehicle mile.

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in miles.

D_{ht} = The measured distance from the "transient" phase of the hot start test, in miles.

D_s = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

[1] Dynamometers with roll specifications other than those shown may be used if the road load power settings can be shown to be equivalent and if approved in advance by the Administrator.

* * * * * *

(d) * * *

(1) * * * $CO_{21} = 0.032\%$; $D_{ct} = 3.598$ miles.

* * *

$H = (43.478)\ (48.2)\ (22.225)/[762 - (22.225 \times 48.2/100)] = 62$ grains of water per pound of dry air.

* * *

$CO_{2mass} = 1.43 - .032\ (1 - 1/9.116) = 1.402\%$

$CO_{2mass} = (2595.0)\ (51.85)\ (1.402/100) = 1886$ grams per test phase.

(2) * * *

$CO_{2mass} = 2316$ grams per test phase.

$D_s = 3.902$ miles.

(3) * * *

$CO_{2mass} = 1758$ grams per test phase.

$D_{ht} = 3.598$ miles.

(4) Weighted mass emission results:

$HC_{wm} = 0.43\ [4.027 + 0.62)/(3.598 + 3.902)] + 0.57\ [(0.51 + 0.62)/(3.598 + 3.902)] = 0.352$ grams per vehicle mile.

$NO_{x_{wm}} = 0.43\ [(1.389 + 1.27)/(3.598 + 3.902)] + 0.57\ [(1.38 + 1.27)/(3.598 + 3.902)] = .354$ grams per vehicle mile.

$CO_{wm} = 0.43\ [(23.96 + 5.98)/(3.598 + 3.902)] + 0.57\ [(5.01 + 5.98)/(3.598 + 3.902)] = 2.55$ grams per vehicle mile.

$CO_{2wm} = 0.43\ [(1886 + 2346)/(3.598 + 3.902)] + 0.57\ [(1758 + 2346)/(3.598 + 3.902)] = 555$ grams per vehicle mile.

Sec. 202, 206, 207, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a)).

15. 40 CFR Part 600 is added as follows:

Subpart A—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—General Provisions

Sec.

600.001–77 General applicability.
600.002–77 Definitions.
600.003–77 Abbreviations.
600.004–77 Section numbering, construction.
600.005–77 [Reserved]
600.006–77 Data to be submitted.
600.007–77 Vehicle acceptability.
600.008–77 Review of fuel economy data, testing by the Administrator.
600.009–77 Hearings on acceptance of test data.

Subpart B—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Test Procedures

600.101–78 General applicability.
600.102–78 Definitions.
600.103–78 Abbreviations.
600.104–78 Section numbering, construction.
600.105–78 Record keeping.
600.106–78 Equipment requirements.
600.107–78 Fuel specifications.
600.108–78 Analytical gases.
600.109–78 EPA driving cycles.
600.110–78 Equipment calibration.
600.111–78 Test procedures.
600.112–78 Exhaust sample analysis.
600.113–78 Fuel economy calculations.

Subpart C—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Procedures for Calculating Fuel Economy Values

600.201–77 General applicability.
600.202–77 Definitions.
600.203–77 Abbreviations.
600.204–77 Section numbering, construction.
600.205–77 Record keeping.
600.206–77 Calculation and use of fuel economy values for a vehicle configuration.
600.207–77 Calculation and use of fuel economy values for a model type.

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Procedures for Determining Manufacturer's Average Fuel Economy

600.501–78 General applicability.
600.502–78 Definitions.
600.503–78 Abbreviations.
600.504–78 Section numbering, construction.
600.505–78 Record keeping.
600.506–78 Preliminary determination of manufacturer's average.
600.507–78 Running change data requirements.
600.508–78 Addition of a base level-data requirements.
600.509–78 Voluntary submission of additional data.
600.510–78 Determination of average fuel economy.
600.511–78 Determination of domestic production.
600.511–80 Determination of domestic production.
600.512–78 Independent audit of production data.
Appendix I—Highway Fuel Economy Driving Schedule.
Appendix II—Sample Test Value Calculation.

AUTHORITY: Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 871.

Subpart A—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—General Provisions

§ 600.001–77 General applicability.

The provisions of this subpart are applicable to 1977 and later model year automobiles. The requirements apply to all automobiles of the respective model year regardless of the date of production.

§ 600.002–77 Definitions.

(a) As used in this subpart all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part I of Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Secretary" means the Secretary of Transportation or his authorized representative.

(4) "Automobile" means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, or highways (except any vehicle operated on a rail or rails) and which is rated at 6,000 lbs gross vehicle weight or less or is a type of vehicle which the Secretary determines is substantially used for the same purposes.

(5) "Passenger Automobile" means any automobile which the Secretary determines is manufactured primarily for use in the transportation of no more than 10 individuals.

(6) "Model Year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(7) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Part 86 for the respective model year, which are used to derive city fuel economy data.

(8) "Federal Highway Fuel Economy Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Subpart B of this part and which are used to derive highway fuel economy data.

(9) "Fuel" means gasoline and diesel fuel.

(10) "Fuel Economy" means the average number of miles traveled by an automobile or group of automobiles per gallon of gasoline or diesel fuel consumed as computed in § 600.113 or § 600.207.

(11) "City Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Emission Test Procedure.

(12) "Highway Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Highway Fuel Economy Test Procedure.

(13) "Combined Fuel Economy" means the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively.

(14) "Average Fuel Economy" means the production-weighted combined fuel economy value of all passenger automobiles produced by a manufacturer in a single model year as computed in § 600.510.

(15) "Certification Vehicle" means a vehicle which is selected under § 86.077–24(b) and used to determine compliance under § 86.077–30 for issuance of an original certificate of conformity.

(16) "Fuel Economy Data Vehicle" means a vehicle used for the purpose of determining fuel economy which is not a certification vehicle.

(17) "Label" means a sticker that contains fuel economy information and is affixed to new automobiles in accordance with Subpart D of this part.

(18) "Dealer" means a person who resides or is located in the United States, any territory of the United States or the District of Columbia and who is engaged in the sale or distribution of new automobiles to the ultimate purchaser.

(19) "Model Type" means a unique combination of car line, basic engine, and transmission class.

(20) "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis.) Car line does not consider any level of decor or opulence and is not gen-

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erally distinguished by characteristics as roof line, number of doors, seats or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.

(21) "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator.

(22) "Transmission Class" means the basic type of transmission, e.g., manual, automatic or semi-automatic.

(23) "Base Level" means a unique combination of basic engine, inertia weight, and transmission class.

(24) "Vehicle Configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, and axle ratio within a base level.

(25) "Engine Code" means a unique combination, within an engine-system combination (as defined in Part 86), of displacement, carburetor (or fuel injection) calibration, distributor calibration, choke calibration, auxiliary emission control devices and other engine and emission control system components specified by the Administrator.

(26) "Inertia Weight" means the inertia weight class into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

(27) "Transmission Configuration" means a unique combination, within a transmission class, of the number of forward gears, and, if applicable, overdrive. The Administrator may further subdivide a transmission configuration (based on such criteria as gear ratios, torque converter multiplication ratio, stall speed, shift calibration, etc.) if he determines that significant fuel economy differences exist within that transmission configuration.

(28) "Axle Ratio" means the number of times the input shaft to the differential (or equivalent) turns for each turn of the drive wheels.

(29) "Auxiliary Emission Control Devices (AECD)" means an element of design as defined in Part 86.

(30) "Rounded" means a number shortened to the specific number of decimal places in accordance with the "Round Off Method" specified in ASTM E 29-67.

(31) "Calibration" means the set of specifications, including tolerances, unique to a particular design, version or application of a component or component assembly capable of functionally describing its operation over its working range.

(32) "Production Volume" means, for a domestic manufacturer, the number of vehicle units domestically produced in a particular model year but not exported, and for a foreign manufacturer, means the number of vehicle units of a particular model imported into the United States.

§ 600.003–77 Abbreviations.

(a) The abbreviations used in this subpart have the same meaning as those in 40 CFR Part 86, with the addition of the following: "MPG" means miles per gallon.

§ 600.004–77 Section numbering, construction.

The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section is effective until superseded.

EXAMPLE: Section 600.111–78 applies to the 1978 and subsequent model years until superseded. If a section 600.111–81 is promulgated it would take effect beginning with the 1981 model year; § 600.111–78 would apply to model years 1978 through 1980.

§ 600.005–77 [Reserved]

§ 600.006–77 Data to be submitted.

(a) For certification vehicles the requirements of this section are considered to have been met.

(b) The manufacturer shall submit the following information for each fuel economy data vehicle:

(1) A description of the vehicle, exhaust emission test results, applicable deterioration factors, and adjusted exhaust emission levels.

(2) A statement of the origin of the vehicle including total mileage, mode of mileage accumulation, and modifications (if any) from the vehicle configuration in which the mileage was accumulated. (For modifications requiring advance approval by the Administrator, the name of the Administrator's representative approving the modification and date of approval are required.) If the vehicle was previously used for testing for compliance with Part 86 of this chapter or previously accepted by the Administrator as a fuel economy data vehicle in a different configuration, the requirements of this subparagraph may be satisfied by reference to the vehicle number and previous configuration.

(3) A description of all maintenance to engine, emission control system or fuel system components performed within 2000 miles prior to fuel economy testing.

(4) A copy of calibrations for engine, fuel system, and emission control devices, showing the calibration of the actual components on the test vehicle as well as the design tolerances. (If calibrations for components were submitted previously as part of the description of another vehicle or configuration, the original submittal may be referenced.)

(5) A statement that the fuel economy data vehicle, with respect to which data are submitted:

(i) Has been tested in accordance with applicable test procedures,

(ii) Is, to the best of the manufacturer's knowledge, representative of the vehicle configuration listed, and

(iii) Is in compliance with applicable exhaust emission standards.

(c) The manufacturer shall submit the following fuel economy data:

(1) For each fuel economy data vehicle: all individual test results, including results of invalid and zero mile tests, and the harmonic average of all city fuel economy tests (except the results of invalid or zero mile tests) and the harmonic average fuel economy of all highway fuel economy tests (except the results of invalid or zero mile tests), conducted by the manufacturer.

(2) For a certification vehicle, as defined in this part and tested by the Administrator under Part 86 of this chapter: the city and highway fuel economy results from the test or tests on that vehicle.

(d) The manufacturer shall submit an indication of the intended purpose of the data (e.g., data required by the general labeling program or voluntarily submitted for specific labeling, etc.).

(e) In lieu of submitting actual data from a test vehicle, a manufacturer may provide fuel economy values derived from an analytical expression, e.g., regression analysis. In order for fuel economy values derived from analytical methods to be accepted, the expression (form and coefficients) must have been approved by the Administrator.

(f) If in conducting tests required or authorized by this part the manufacturer utilizes procedures, equipment, or facilities not described in the Application for Certification required in § 86.077–21, the manufacturer shall submit a description of such procedures, equipment, and facilities.

§ 600.007–77 Vehicle acceptability.

(a) All certification vehicles and other vehicles tested to meet the requirements of Part 86 (other than those chosen per § 86.077–24(c)) are considered to have met the requirements of this section.

(b) Any vehicle not meeting the provisions of paragraph (a) must be judged acceptable by the Administrator under this section in order for the test results to be reviewed for use in Subpart C or F of this part. The Administrator will judge the acceptability of a fuel economy data vehicle on the basis of the information supplied by the manufacturer under § 600.006(b). The criteria to be met are:

(1) A fuel economy data vehicle may have accumulated not more than 10,000 miles. This requirement will be considered to have been met if the base vehicle (i.e., chassis and basic engine) has accumulated 10,000 or fewer miles. Components other than engine, emission control system, and drivetrain are not required to be the same components installed when the mileage was accumulated.

(2) A vehicle may be tested in different vehicle configurations by change of vehicle components, as specified in paragraph (b)(1), or by testing at different inertia weights or road load power settings. For the purpose of this part, each vehicle configuration will be considered a distinct vehicle and must be identified accordingly.

(3) The mileage on a fuel economy data vehicle must be, to the extent possible, accumulated according to § 86.077–26(a)(2).

(4) Each fuel economy data vehicle must meet the same exhaust emission standards as certification vehicles of the respective engine-system combination during the test in which the city fuel economy test results are generated. The deterioration factors established for the respective engine-system combination per § 86.077–28 will be used.

(5) The calibration information submitted under § 600.006(b) must be representative of the vehicle configuration for which the fuel economy data were submitted.

(c) If, based on review of the information submitted under § 600.006(b), the Administrator determines that a fuel economy data vehicle meets the requirements of this section, the fuel economy data vehicle will be judged to be acceptable and fuel economy data from that fuel economy data vehicle will be reviewed pursuant to § 600.008.

(d) If, based on the review of the information submitted under § 600.006(b), the Administrator determines that a fuel economy data vehicle does not meet the requirements of this section, the Administrator will reject that fuel economy data vehicle and inform the manufacturer of the rejection in writing.

§ 600.008–77 Review of fuel economy data, testing by the administrator.

(a) Fuel economy data must be judged acceptable by the Administrator in order for the test results to be used for the purposes of Subpart C or F of this part. The Administrator will evaluate the acceptability of the fuel economy data from either a fuel economy data vehicle or a certification vehicle on the basis of the data submitted under § 600.006 or test data generated by the Administrator, as applicable, in accordance with good engineering practice.

(b) If, in the Administrator's judgment, the city and highway fuel economy results (or the harmonic averages, as applicable, if more than one test were conducted) for a fuel economy data vehicle, or for a certification vehicle, are reasonable and representative, the Administrator will accept the fuel economy data (or harmonic averages, as applicable, of the city and highway fuel economy data if more than one test was conducted) for use in Subpart C or F. In making this determination, the Administrator will, when possible, compare the results of a test vehicle to those of other similar test vehicles.

(c) If, in the Administrator's judgment, the city and highway fuel economy results (or the harmonic averages if more than one test were conducted) for a fuel economy data vehicle or for a certification vehicle are not reasonable or representative, the Administrator will notify the manufacturer in writing of his finding and require the manufacturer to submit the test vehicle(s) in question, at a place he may designate, for the purpose of fuel economy testing.

(d) The Administrator may require that any fuel economy data vehicle or certification vehicle be submitted, at a place he may designate, for the purpose of confirmation of fuel economy testing.

(e) For any fuel economy data vehicle that the Administrator has required to be submitted, at a place he may designate for the purpose of fuel economy testing, and for any certification vehicle, the Administrator will follow this procedure:

(1) The manufacturer's data (or harmonically averaged data if more than one test was conducted) will be compared with the results of the Administrator's test.

(2) If, in the Administrator's judgment, the comparison in paragraph (e)(1) of this section indicates a disparity in the data, the Administrator will repeat the city test or the highway test or both as applicable.

(i) The manufacturer's average test results and the results of the Administrator's first test will be compared with the results of the Administrator's second test as in paragraph (e)(1) of this section.

(ii) If, in the Administrator's judgment, both comparisons in (2)(i) indicate a disparity in the data, the Administrator will repeat the city fuel economy test or highway fuel economy test or both as applicable until

(A) In the Administrator's judgment no disparity in the data is indicated by comparison of two tests by the Administrator or by comparison of the manufacturer's average test results and a test by the Administrator, or

(B) Four city tests or four highway tests or both, as applicable, are conducted by the Administrator in which a disparity in the data is indicated when compared as in paragraph (e)(2) of this section.

(3) If there is, in the Administrator's judgment, no disparity indicated by comparison of manufacturer's average test results with a test by the Administrator, the test values generated by the Administrator will be used to represent the vehicle.

(4) If there is, in the Administrator's judgment, no disparity indicated by comparison of two tests by the Administrator, the harmonic averages of the city and highway fuel economy results from those tests will be used to represent the vehicle.

(5) If the situation in paragraph (e)(2)(ii)(B) of this section occurs, the Administrator will notify the manufacturer, in writing, that the Administrator rejects that fuel economy data vehicle.

(f) The fuel economy data determined by the Administrator under paragraph (e)(3) or (4) of this section, together with all other fuel economy data submitted for that vehicle under § 600.006 (c) or (e) will be evaluated for reasonableness and representativeness per paragraph (b) of this section. The fuel economy data which are determined to best meet the criteria of paragraph (b) of this section will be accepted for use in Subpart C or F.

(g) If, based on a review of the fuel economy data generated by testing under paragraph (e) of this section, the Administrator determines that an unacceptable level of correlation exists between fuel economy data generated by a manufacturer and fuel economy data generated by the Administrator, he may reject all fuel economy data submitted by the manufacturer until the cause of the discrepancy is determined and the validity of the data is established by the manufacturer.

§ 600.009–77 Hearings on acceptance of test data.

(a) If the Administrator rejects the use of a manufacturer's fuel economy data vehicle, in accordance with § 600.008 (e) or (g), or the use of fuel economy data, in accordance with § 600.008 (c), or (f), or with the determination of a vehicle configuration, in accordance with § 600.206(a), or with the identification of a car line, in accordance with § 600.207(d), or with the fuel economy label values approved by the Administrator under § 600.213(a) the manufacturer may, within 30 days following receipt of such notification, request a hearing on the Administrator's decision. The request may be in writing, signed by an authorized representative of the manufacturer and include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objection. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, the manufacturer shall have a hearing in accordance with the provisions of this section with respect to such issue.

(b)(1) After granting a request for a hearing under paragraph (a) of this section the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under paragraph (a) of this section the hearing will be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(c)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer shall establish a hearing file. The file consists of the notice issued by the Administrator under paragraph (a) of this section together with any accompanying material, the request for a hearing and the supporting data submitted therewith and correspondence and other data material to the hearing.

(2) The hearing file will be available for inspection by the applicant at the office of the Presiding Officer.

(d) A manufacturer may appear in person, or may be represented by counsel or by any other duly authorized representative.

(e)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by the Presiding Officer to consider the following:

(i) Simplification and clarification of the issues;

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(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(f) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of 19 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witnesses may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authority, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and will be reported as part of the record unless otherwise ordered.

(g) (1) The Presiding Officer will make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator will have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administration will include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the appeal or considered in the review.

(h) A manufacturer's use of any fuel economy data which the manufacturer challenges pursuant to this section shall not constitute final acceptance by the manufacturer nor prejudice the manufacturer in the exercise of any appeal pursuant to this section challenging such fuel economy data.

Subpart B—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Test Procedures

§ 600.101–78 General applicability.

The provisions of this subpart are applicable to 1978 and later model year automobiles.

§ 600.102–78 Definitions.

The definitions in § 600.002 apply to this subpart.

§ 600.103–78 Abbreviations.

The abbreviations in § 600.003 apply to this subpart.

§ 600.104–78 Section numbering, construction.

The section numbering system set forth in § 600.004 applies to this subpart.

§ 600.105–78 Record keeping.

The record keeping requirements set forth in § 600.005 apply to this subpart.

§ 600.106–78 Equipment requirements.

The requirements for test equipment to be used for all fuel economy testing are given in §§ 86.106, 86.107, 86.108, 86.109, and 86.111 of this chapter, as applicable.

§ 600.107–78 Fuel specifications.

(a) The test fuel specifications for gasoline-fueled automobiles are given in paragraph (a) (1) of § 86.113 of this chapter.

(b) The test fuel specifications for diesel automobiles are given in paragraphs (b) (1) and (2) of § 86.113 of this chapter.

§ 600.108–78 Analytical gases.

The analytical gases for all fuel economy testing must meet the criteria given in § 86.114 of this chapter.

§ 600.109–78 EPA driving cycles.

(a) The driving cycle to be utilized for generation of the city fuel economy data is prescribed in § 86.115 of this chapter.

(b) The driving cycle to be utilized for generation of the highway fuel economy data is specified in this paragraph.

(1) The Highway Fuel Economy Driving Schedule is set forth in Appendix I to this Part. The driving schedule is defined by a smooth trace drawn through the specified speed versus time relationships.

(2) The speed tolerance at any given time on the dynamometer driving schedule specified in Appendix I, or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of paragraph (b) of § 600.111 is defined by upper and lower limits. The upper limit is 2 mph higher than the highest point on trace within 1 second of the given time. The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences.

(3) A graphic representation of the range of acceptable speed tolerances is found in paragraph (c) of § 86.115 of this chapter.

§ 600.110–78 Equipment calibration.

The equipment used for fuel economy testing must be calibrated according to the provisions of § 86.116 of this chapter.

§ 600.111–78 Test procedures.

(a) The test procedures to be followed for generation of the city fuel economy data are those prescribed in §§ 86.127 through 86.138 of this chapter, as applicable. (The evaporative loss portion of the test procedure may be omitted unless specifically required by the Administrator.)

(b) The test procedures to be followed for generation of the highway fuel economy data are those specified in § 600.111–78 (b) through (h) inclusive.

(1) The Highway Fuel Economy Dynamometer Procedure consists of a preconditioning highway driving sequence and a measured highway driving sequence.

(2) The highway fuel economy test is designated to simulate non-metropolitan driving with an average speed of 48.6 mph and a maximum speed of 60 mph. The cycle is 10.2 miles long with 0.2 stops per mile and consists of warmed-up vehicle operation on a chassis dynamometer through a specified driving cycle. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis using a constant volume (variable dilution) sampler. Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle must be functioning during all procedures in this subpart. The Administrator may authorize maintenance to correct component malfunction or failure.

(c) Transmissions—The provisions of § 86.128 of this chapter apply for vehicle transmission operation during highway fuel economy testing under this subpart.

(d) Road load power and inertia weight determination—§ 86.129 of this chapter applies for determination of road load power and inertia weight for highway fuel economy testing.

(e) Vehicle preconditioning—The Highway Fuel Economy Dynamometer Procedure is designed to be performed immediately following the Federal Emission Test Procedure, §§ 86.127 through 86.138 of this chapter. When conditions allow, the tests should be scheduled in this sequence. In the event the tests cannot be scheduled within three hours of the Federal Emission Test Procedure (including one hour hot soak evaporation loss test, if applicable) the vehicle should be preconditioned as in paragraph (e) (1) or (2) of this section, as applicable.

(1) If the vehicle has experienced more than three hours of soak (68° F–86° F) since the completion of the Federal Emission Test Procedure, or has experienced periods of storage outdoors, or in environments where soak temperature is not controlled to 68° F–86° F, the vehicle must be preconditioned by operation on a dynamometer through one cycle of the EPA Urban Dynamometer Driving Schedule, § 86.115 of this chapter.

(2) In unusual circumstances where additional preconditioning is desired by the manufacturer, the provisions of paragraph (a) (3) of § 86.132 of this chapter apply.

(f) Highway Fuel Economy Dynamometer Procedure—

(1) The dynamometer procedure consists of two cycles of the Highway Fuel Economy Driving Schedule (§ 600.109 (b)) separated by 15 seconds of idle. The first cycle of the Highway Fuel Economy Driving Schedule is driven to precondition the test vehicle and the second is driven for the fuel economy measurement.

(2) The provisions of paragraphs (b), (c), (e), (f), (g), and (h) of § 86.135 *Dynamometer procedure* of this chapter, apply for highway fuel economy testing.

(3) Only one exhaust sample and one background sample are collected and analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, and carbon dioxide.

(4) The fuel economy measurement cycle of the test includes two seconds of idle indexed at the beginning of the second cycle and two seconds of idle indexed at the end of the second cycle.

(g) Engine starting and restarting—

(1) If the engine is not running at the initiation of the highway fuel economy test (preconditioning cycle), the start-up procedure must be according to the manufacturer's recommended procedures.

(2) False starts and stalls during the preconditioning cycle must be treated as in paragraphs (d) and (e) of § 86.136 of this chapter. If the vehicle stalls during the measurement cycle of the highway fuel economy test, the test is voided, corrective action may be taken according to § 86.077–25 of this chapter, and the vehicle may be rescheduled for test. The person taking the corrective action shall report the action so that the test records for the vehicle contain a record of the action.

(h) Dynamometer Test Run—The following steps must be taken for each test:

(1) Place the drive wheels of the vehicle on the dynamometer. The vehicle may be driven onto the dynamometer.

(2) Open the vehicle engine compartment cover and position the cooling fan(s) required. Manufacturers may request the use of additional cooling fans for additional engine compartment or under-vehicle cooling and for controlling high tire or brake temperatures during dynamometer operation.

(3) Preparation of the CVS must be performed before the measurement highway driving cycle.

(4) Equipment preparation—The provisions of paragraphs (b) (3) through (5) inclusive of § 86.137 of this chapter apply for highway fuel economy test except that only one exhaust sample collection bag and one dilution air sample collection bag need be connected to the sample collection systems.

(5) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109.

(6) When the vehicle reaches zero speed at the end of the preconditioning cycle, the driver has 13 seconds to prepare for the emission measurement cycle of the test. Reset and enable the roll revolution counter.

(7) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109 while sampling the exhaust gas.

(8) Sampling must begin two seconds before beginning the first acceleration of the fuel economy measurement cycle and must end two seconds after the end of the deceleration to zero. At the end of the deceleration to zero speed, the roll or shaft revolutions must be recorded.

§ 600.112–78 Exhaust sample analysis.

The exhaust sample analysis must be performed according to § 86.140 of this chapter.

§ 600.113–78 Fuel economy calculations.

The calculations of vehicle fuel economy values require the weighted grams/mile values for HC, CO, and CO_2 for the city fuel economy test and the grams/mile values for HC, CO, and CO_2 for the highway fuel economy test. The city and highway fuel economy values must be calculated by the procedures of this section. A sample calculation appears in Appendix II to this Part.

(a) Calculate the weighted grams/mile values for the city fuel economy test for HC, CO, and CO_2 as specified in § 86.144 of this chapter.

(b) (1) Calculate the mass values for the highway fuel economy test for HC, CO, and CO_2 as specified in paragraph (b) of § 86.144 of this chapter.

(2) Calculate the grams/mile values for the highway test for HC, CO, and CO_2 by dividing the mass values obtained in (b) (1) by the actual distance traveled, measured in miles, as specified in paragraph (h) of § 86.135 of this chapter.

(c) Calculate the city fuel economy and highway fuel economy from grams/mile values for HC, CO, and CO_2. The HC values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest 0.01 grams/mile. The CO values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest 0.1 grams/mile. The CO_2 values (obtained per paragraph (a) or (b) of this section as applicable) used in each calculation in this section are rounded to the nearest gram/mile.

(d) For gasoline-fueled automobiles, calculate the fuel economy in miles per gallon of gasoline by dividing 2421 by the sum of three terms:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c)),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO_2 (in grams/mile as obtained in paragraph (c)).

Round to quotient to the nearest 0.1 mile per gallon.

(e) For diesel powered automobiles, calculate the fuel economy in miles per gallon of diesel fuel by dividing 2778 by the sum of three terms:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c) of this section),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO_2 (in grams/mile as obtained in paragraph (c)).

Round the quotient to the nearest 0.1 mile per gallon.

Subpart C—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Procedures for Calculating Fuel Economy Values

§ 600.201–77 General applicability.

The provisions of this subpart are applicable to 1977 and later model year automobiles.

§ 600.202–77 Definitions.

The definitions in § 600.002 apply to this subpart.

§ 600.203–77 Abbreviations.

The abbreviations in § 600.003 apply to this subpart.

§ 600.204–77 Section numbering, construction.

The section numbering system set forth in § 600.004 applies to this subpart.

§ 600.205–77 Record keeping.

The record keeping requirements set forth in § 600.005 apply to this subpart.

§ 600.206–77 Calculation and use of fuel economy values for a vehicle configuration.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the Administrator) for which data are available.

(1) If only one city fuel economy and one highway fuel economy value exist

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for a vehicle configuration, those values, rounded to the nearest tenth of a mile per gallon, comprise the city fuel economy value and highway fuel economy value for that configuration.

(2) If more than one city fuel economy value and one highway fuel economy value exist for a vehicle configuration, all values for that vehicle configuration are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the highway fuel economy values, in order to determine a city and a highway fuel economy value for that configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values, as determined in § 600.206(a) (1) and (2), weighted 0.55 and 0.45, respectively, and rounding to 0.0001 of a mile per gallon. A sample of this calculation appears in Appendix II to this Part.

§ 600.207–77 Calculation and use of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each vehicle configuration within each car line to the Administrator.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.007–21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted test data for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date the manufacturer requests the Administrator to calculate the respective general label values), data as specified in § 600.006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level.

(4) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Procedures for Determining Manufacturer's Average Fuel Economy

§ 600.501–78 General applicability.

The provisions of this subpart are applicable to 1978 and later model year passenger automobiles.

§ 600.502–78 Definitions.

(a) The definitions in § 600.002 and the following definitions apply to this subpart.

(1) "Declared value" of imported components shall be the value at which components are declared by the importer to the U.S. Customs Service at the date of entry into the customs territory of the United States, or, with respect to imports into Canada, the declared value of such components as if they were declared as imports into the United States at the date of entry into Canada.

(2) "Cost of production" of a car line shall mean the aggregate of the products of:

(i) The average U.S. dealer wholesale price for such car line as computed from each official dealer price list effective during the course of a model year, and

(ii) The number of passenger cars within the car line produced during the part of the model year that the price list was in effect.

§ 600.503–78 Abbreviations.

The abbreviations in § 600.003 apply to this subpart.

§ 600.504–78 Section numbering, construction.

The section numbering procedure set forth in § 600.004 applies to this subpart.

§ 600.505–78 Record keeping.

The record keeping procedure set forth in § 600.005 applies to this subpart.

§ 600.506–78 Preliminary determination of manufacturer's average.

(a) The manufacturer shall submit for approval by the Administrator, no later than 10 days after his public introduction date, a determination of his preliminary average fuel economy value, calculated according to the procedures in § 600.510 except that:

(1) Sales projections will be used for the calculations in place of the production values, and must be updated at the time of the preliminary calculation.

(2) The fuel economy data used in the calculation shall be that approved by the Administrator as of the public introduction date including:

(i) All fuel economy data from original certification vehicles and fuel economy data vehicles as required by § 600.207,

(ii) Fuel economy data from all vehicles tested for running changes approved under § 86.077–23, and

(iii) Fuel economy data required by paragraph (c).

(b) Minimum data requirements will be established under paragraph (c) of this section for each base level with a sales fraction of 0.0100 or greater (known as a significant base level).

(1) The sales to be used in this determination are those in paragraph (a)(1) of this section.

(2) For the purposes of this section, the sales fraction for a base level shall be the quotient of projected sales of the base level divided by the manufacturer's total projected sales of passenger automobiles, where total projected sales are calculated according to § 600.511 except that projected sales are used in place of production values.

(c) For each significant base level identified in paragraph (b) of this section the manufacturer shall submit prior to public introduction, fuel economy data for those vehicle configurations, taken in order of decreasing sales (according to the projection submitted in paragraph (a)(1) of this section, whose sales total a minimum of 90 percent of the sales of that base level. For all other base levels, the minimum data requirements of § 600.207(a)(3)(iii) must be met.

(d) All fuel economy data submitted under this subpart must:

(1) Be determined by the test procedures specified in Subpart B or an approved analytical method as permitted under § 600.006(e), and

(2) Be accepted by the Administrator under the requirements of Supbart A.

§ 600.507–78 Running change data requirements.

(a) The manufacturer will be required to submit additional running change fuel economy data for any running change approved under § 86.077–23 which creates a new vehicle configuration in a significant base level originally identified for minimum data under § 600.506(b), or subsequently identified in § 600.508(b), unless exempted by the Administrator.

(1) The manufacturer may petition the Administrator for an exemption from the requirement to submit additional running change fuel economy data.

(2) If the exemption is not granted, the Administrator will notify the manufacturer of the denial and the manufacturer shall submit running change fuel economy data as prescribed in this section.

(3) If the manufacturer is to generate a credit to be deducted from the amount of civil penalty which has been or may be asessed against him under section 507(1) of the Act, the manufacturer shall submit additional running change fuel economy data required by this section.

(b) The additional fuel economy data required for a running change in paragraph (a) of this section will be determined based on the sales of the vehicle configurations in the affected base level as updated and submitted to the Administrator at the time of running change approval.

(1) Within each base level identified in paragraph (a) of this section, fuel economy data shall be submitted for the new vehicle configuration, created by the running change, with the greatest projected sales.

(2) Fuel economy data required by this section shall be submitted no later than 30 days after the manufacturer receives approval of the running change for those running changes approved after the calculation of the manufacturer's preliminary average, and no later than 90 days after the calculation of the preliminary average for those running changes approved prior to the calculation of the preliminary average.

(c) Any manufacturer required to submit data under this section as a result of an addition of a base level under § 600.508, must submit data on any running change identified by paragraph (a) of this section.

(1) Data identified by paragraph (a) of this section which were approved prior to the date of approval to add the base level which caused the recalculation of the preliminary average fuel economy value according to § 600.508, must meet the requirements of (b) of this section, except that the data may be submitted at any time before the final calculation of the manufacturer's average fuel economy value in § 600.510.

(2) Any running change identified by paragraph (a) of this section approved on or after that date, must be submitted according to paragraph (b)(2) of this section.

§ 600.508–78 Addition of a base level—data requirements.

(a) Any manufacturer who adds a base level to his product line at any time after the preliminary determination of his average fuel economy value in § 600.506, shall submit in accordance with the requirements of § 600.207, fuel economy and sales projection data for such base level.

(b) If a new base level being added has a sales fraction of 0.0100 or greater (as defined in § 600.506(b)(2)) using sales updated as of the date of receipt of approval to add the base level, the manufacturer shall:

(1) Submit to the Administrator the minimum data required for that base level in accordance with § 600.506(c), and then

(2) Recalculate and submit to the Administrator fuel economy values in accordance with procedures in § 600.506 except that all fuel economy data approved by the Administrator to date shall be used.

(c) If the total projected sales, updated as of the date of approval to add the latest base level, of all base levels added since the initial calculation in § 600.506 is equal to a sales fraction of 0.0300 or greater (as defined in § 600.506(b)(4)), the manufacturer shall recalculate his average as in paragraph (b)(2).

(d) Any manufacturer required under paragraph (b) or (c) to perform a recalculation may be required by the Administrator to supply any additional data required under § 600.507 regardless of any exemption granted under § 600.507(a), based upon the results of that recalculation.

§ 600.509–78 Voluntary submission of additional data.

(a) The manufacturer may, at his option, submit data in addition to the data required by the Administrator.

(1) Additional fuel economy data may be submitted by the manufacturer for any vehicle configuration which is to be tested as required in § 600.506 or § 600.507 or for which fuel economy data were previously submitted under paragraph (a)(2) of this section.

(2) Within a base level, additional fuel economy data may be submitted by the manufacturer for any vehicle configuration which is not required to be tested by § 600.506 or § 600.507. Additional data which is submitted within a base level after the calculation of the manufacturer's preliminary average fuel economy must be submitted in rank order such that data is first submitted for all configurations with a higher sales fraction (as defined in § 600.506(b)(2)).

§ 600.510–78 Determination of average fuel economy.

(a) For each model year, the manufacturer shall submit to the Administrator a report, known as the model year report, containing all information necessary for the calculation of the manufacturer's average fuel economy.

(1) The model year report shall be submitted no later than 60 days after the report required in § 86.078–37 for the final production quarter.

(2) The Administrator may waive the requirement that the model year report be submitted within 60 days after the final quarterly production report. Based upon a request by the manufacturer, if the Administrator determines that 60 days is insufficient time for the manufacturer to provide all additional data required as determined in either § 600.506, 600.507, or 600.508, the Administrator shall establish a date by which the model year report must be submitted.

(3) The model year report must be in writing, signed by an authorized representative of the manufacturer and include the following information:

(i) All fuel economy data used in the preliminary calculation and subsequently required by the Administrator either under §§ 600.506, 600.507, or 600.508.

(ii) All fuel economy data for certification vehicles.

(iii) Any additional fuel economy data submitted by the manufacturer under § 600.509.

(iv) A fuel economy value for each model type for the manufacturer's product line calculated according to paragraph (d).

(v) The manufacturer's average fuel economy value calculated according to paragraph (e) of this section.

(vi) A listing of both domestically and non-domestically produced car lines as determined in § 600.511 and the cost information upon which the determination was made.

(vii) Passenger car production data verified by an independent audit as required by § 600.512.

(b) The fuel economy data utilized in the calculation of the manufacturer's average fuel economy under this subpart is the combined fuel economy value calculated according to § 600.206 for each vehicle configuration for which data has been submitted under paragraph (a)(3)(i), (ii), (iii) of this section.

(c) A fuel economy value for each base level is calculated according to § 600.207 with the exception that actual passenger automobile production data, as required by this subpart, is used instead of sales projections.

(d) A fuel economy value for each model type is calculated according to § 600.207 with the exception that:

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(1) Annual passenger automobile production data, as required by this subpart, will be used instead of sales projections.

(2) The fuel economy value of diesel-powered model types will be multiplied by the factor 0.96 to convert gallons of diesel fuel to equivalent gallons of gasoline.

(3) The fuel economy value will be rounded to the nearest 0.0001 mpg.

(e) Average fuel economy will be determined separately for domestically produced and non-domestically produced passenger automobiles and is calculated by dividing:

(1) The total number of passenger automobiles produced in a given model year by a manufacturer, by

(2) A sum of terms, each term of which corresponds to a model type and is a fraction determined by dividing

(i) The number of passenger automobiles of a given model type produced by the manufacturer in the model year, by

(ii) The fuel economy calculated for the model type in accordance with paragraph (d) of this section.

(f) Any reference in this subpart to automobiles produced by a manufacturer shall be deemed to include all automobiles manufactured by persons who control, are controlled by, or are under common control with such manufacturer except those vehicles excluded by § 600.511.

§ 600.511–78 Determination of domestic production.

(a) In calculating average fuel economy under § 600.510, the Administrator will separate the total number of passenger automobiles produced by a manufacturer into the following two categories:

(1) Passenger automobiles which are domestically produced by the manufacturer plus passenger automobiles which are within the includable base import volume of the manufacturer.

(2) Passenger automobiles which are not domestically produced by the manufacturer, are imported by the manufacturer, and are not within the includable base import volume of the manufacturer.

(b) The Administrator will calculate the average fuel economy of each separate category, and, for purposes of this subpart, each category will be treated as if produced by a separate manufacturer.

(c) For purposes of this section:

(1) The term "includable base import volume," with respect to any manufacturer, is the number of passenger automobiles which is the lesser of

(i) The manufacturer's base import volume or

(ii) The number of passenger automobiles calculated by multiplying

(A) The quotient obtained by dividing the manufacturer's base import volume by the manufacturer's base production volume, times

(B) The total number of passenger automobiles produced by the manufacturer during such model year.

(2) The term "base import volume" means one-half the sum of:

(i) The total number of passenger automobiles which were not domestically produced by the manufacturer during the 1974 model year and which were imported by the manufacturer during the 1974 model year, plus

(ii) 133 percent of the total number of passenger automobiles which were not domestically produced by the manufacturer during the first 9 months of model year 1975 and which were imported by the manufacturer during that 9-month period.

(3) The term "base production volume" means one-half of the sum of

(i) The total number of passenger automobiles produced by the manufacturer during model year 1974 plus

(ii) 133 percent of the total number of passenger automobiles produced by the manufacturer during the first 9 months of model year 1975.

(d) For purposes of paragraphs (c) (2) and (c) (3) of this section, any passenger automobile imported during model year 1976, but prior to July 1, 1975, will be deemed to have been produced (and imported) during the first 9 months of model year 1975.

(e) An automobile shall be considered domestically produced in any model year if it is included within a domestically produced car line (car line includes station wagons for purposes of this paragraph), unless the assembly of such automobile is completed in Canada and such automobile is not imported into the United States prior to the expiration of 30 days following the end of the model year. For purposes of this paragraph, a car line will be considered domestically produced if the following ratio is less than 0.25:

(1) The sum of the declared value, as defined in § 600.502, of all of the imported components installed or included on automobiles produced within such a car line within a given model year plus the cost of transportation and insuring such components to the United States or Canadian port of entry but exclusive of any customs duty, divided by

(2) The cost of production, as defined in § 600.502, of automobiles within such car line.

(f) If it is determined by the Administrator at some date later than the date of entry that the declared value of such imported components did not represent fair market value at the date of entry, through U.S. Bureau of Customs appraisals, the Administrator may review the determination made pursuant to paragraph (e) of this section as to whether the pertinent car lines which utilize such components were correctly included within the manufacturer's domestically-produced or foreign-produced fleets. If such a determination was in error due to misrepresentation of the valuation of imported components at the date of entry, the Administrator may recalculate the manufacturer's average for the affected model year, according to § 600.510, to reflect the correct valuation of such imported components in each affected car line.

(g) For purposes of calculations under this paragraph with respect to automobiles manufactured during any model year, an average exchange rate for the country of origin of each imported component shall be used that is calculated by taking the mean of the exchange rates in effect at the end of each quarter set by the Federal Reserve Bank of New York for twelve calendar quarters prior to and including the calendar quarter ending just prior to one year before the public introduction date of such model year. Such rate, once calculated, shall be in effect for the duration of the model year. Upon petition of a manufacturer, the Administrator may permit the use of a different exchange rate where appropriate and necessary.

(h) Components shall be considered imported unless they are either:

(1) Wholly the growth, product or manufacture of the United States and/or Canada, or

(2) Substantially transformed in the United States or Canada into a new and different article of commerce.

(i) The fuel economy of each passenger automobile which is imported by a manufacturer and which is not domestically produced by the manufacturer will be deemed to be equal to the average fuel economy value determined by harmonically averaging, according to the number of passenger automobiles imported, the fuel economy of all passenger automobiles which are imported by the manufacturer and which are not domestically produced by the manufacturer.

§ 600.511–80 Determination of domestic production.

(a) In calculating average fuel economy under § 600.510 the Administrator shall separate the total number of passenger automobiles produced by a manufacturer into the following two categories:

(1) Passenger automobiles which are domestically produced by the manufacturer,

(2) Passenger automobiles which are not domestically produced by the manufacturer.

(b) The Administrator shall calculate the average fuel economy of each separate category, and, for purposes of this subpart, each category shall be treated as if produced by a separate manufacturer.

(c) An automobile shall be considered domestically produced in any model year if it is included within a domestically produced car line (car line includes station wagons for purposes of this paragraph), unless the assembly of such automobile is completed in Canada and such automobile is not imported into the United States prior to the expiration of 30 days following the end of the model year. For purposes of this paragraph, a car line will be considered domestically produced if the following ratio is less than 0.25:

(1) The sum of the declared value, as defined in § 600.502, of all of the imported components to be installed or included on automobiles within such car line plus the cost of transportation and insuring such components to the United States or Canadian port of entry but exclusive of any customs duty,
divided by

(2) The cost of production, as defined in § 600.502, of automobiles.

(d) If it is determined by the Administrator at some date later than the date of entry that the declared value of such imported components did not represent fair market value at the date of entry, through U.S. Bureau of Customs appraisal, the Administrator may review the determination made pursuant to paragraph (c) of this section as to whether the pertinent car lines which utilize such components were correctly included with the manufacturer's domestically-produced or foreign-produced fleets. If such a determination was in error due to misrepresentation of the valuation of imported components at the date of entry, the Administrator may recalculate the manufacturer's average fuel economy for the affected model year, according to § 600.510, to reflect the correct valuation of such imported components in each affected car line.

(e) For purposes of calculations under this section with respect to automobiles manufactured during any model year, an average exchange rate for the country of origin of each imported component shall be used that is calculated by taking the mean of the exchange rates in effect at the end of each quarter set by the Federal Reserve Bank of New York for twelve calendar quarters prior to and including the calendar quarter ending just prior to one year before the public introduction of such model year. Such rate, once calculated, shall be in effect for the duration of the model year. Upon petition of a manufacturer, the Administrator may permit the use of a different exchange rate where appropriate and necessary.

(f) Components shall be considered imported unless they are either:

(1) Wholly the growth, product or manufacture of the United States and/or Canada; or

(2) Substantially transformed in the United States or Canada into a new and different article of commerce.

(g) The fuel economy of each passenger automobile which is imported by a manufacturer and which is not domestically produced by the manufacturer will be deemed to be equal to the average fuel economy value determined by harmonically averaging, according to the number of passenger automobiles imported, the fuel economy of all passenger automobiles which are imported by the manufacturer and which are not domestically produced by the manufacturer.

§ 600.512 Independent audit of production data.

(a) Annual passenger automobile production data, as required by § 600.510(a) (3) must be audited by an independent accountant who will report on its accuracy.

(b) The Administrator will not recognize any person as an accountant who is not duly registered in good standing as such under the laws of the place of his residence or principal office.

(1) The Administrator will not recognize any accountant as independent:

(i) who is not in fact independent with respect to any manufacturer or any of its parents, entities, subsidiaries or other affiliates or,

(ii) who, during the period of his professional engagement to examine the production data being reported on or at the date of his report he or his firm or a member thereof had, or was committed to acquire, any direct financial interest in the manufacturer or any of its parents, entities, subsidiaries or other affiliates or,

(iii) who, during the period of his professional engagement to examine the production data being reported on, at the date of his report or during the period covered by the production data, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer or employee of any manufacturer except that a firm will be deemed independent in regard to a particular manufacturer if a former officer or employee of such manufacturer is employed by the firm and such individual has completely disassociated himself from the manufacturer and its affiliates and does not participate in auditing production data of the manufacturer or its affiliates covering any period of his employment by the manufacturer.

(2) For the purposes of this subpart the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

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APPENDIX I.—HIGHWAY FUEL ECONOMY DRIVING SCHEDULE

*** SPEED (MPH) VS TIME (SECS) ***

SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH
0	SAMPLE ON	50	38.6	100	48.5	150	44.1	200	43.6	250	48.8	300	33.4	350	59.8
1	8.9	51	39.3	101	48.8	151	44.3	201	43.2	251	49.0	301	29.6	351	58.9
2	8.8	52	40.0	102	49.1	152	44.4	202	43.2	252	49.0	302	27.5	352	58.8
3	12.0	53	40.7	103	49.2	153	44.6	203	43.1	253	48.8	303	29.1	353	58.6
4	14.9	54	41.4	104	49.1	154	44.7	204	43.2	254	48.2	304	31.8	354	58.4
5	16.1	55	42.2	105	49.1	155	44.9	205	43.3	255	48.2	305	34.1	355	58.2
6	16.3	56	42.9	106	49.3	156	45.2	206	43.5	256	48.4	306	34.8	356	58.1
7	14.5	57	43.5	107	49.6	157	45.7	207	43.4	257	48.6	307	32.4	357	58.0
8	17.3	58	44.0	108	49.1	158	45.9	208	43.9	258	48.9	308	32.8	358	57.9
9	19.6	59	44.3	109	49.2	159	46.3	209	44.8	259	49.1	309	33.1	359	57.8
10	21.8	60	44.5	110	49.3	160	46.5	210	45.5	260	49.1	310	33.8	360	57.4
11	24.0	61	44.5	111	49.4	161	46.9	211	46.0	261	47.1	311	44.3	361	57.2
12	25.8	62	44.9	112	49.5	162	47.3	212	46.5	262	49.1	312	44.7	362	57.1
13	27.1	63	45.3	113	49.5	163	47.1	213	46.7	263	49.1	313	45.0	363	57.0
14	29.0	64	45.1	114	49.5	164	47.5	214	46.8	264	49.0	314	45.2	364	57.0
15	29.9	65	45.4	115	49.4	165	47.4	215	46.9	265	48.9	315	45.4	365	56.9
16	30.0	66	45.7	116	49.1	166	46.0	216	46.3	266	49.2	316	45.5	366	56.9
17	29.7	67	46.0	117	48.9	167	44.9	217	45.8	267	47.7	317	45.8	367	56.9
18	31.5	68	46.3	118	48.6	168	43.9	218	45.0	268	47.5	318	46.0	368	57.0
19	33.2	69	46.5	119	48.4	169	43.6	219	44.7	269	47.2	319	46.1	369	57.0
20	32.9	70	46.8	120	48.1	170	43.5	220	43.1	270	46.7	320	46.5	370	57.0
21	33.5	71	46.9	121	47.7	171	43.7	221	43.2	271	46.2	321	46.8	371	57.0
22	34.1	72	47.0	122	47.4	172	43.2	222	43.4	272	46.0	322	47.1	372	57.0
23	34.6	73	47.1	123	47.3	173	45.9	223	43.9	273	45.8	323	47.7	373	57.0
24	34.9	74	47.2	124	47.5	174	45.7	224	44.3	274	45.6	324	48.3	374	57.0
25	35.1	75	47.3	125	47.8	175	45.8	225	44.7	275	45.4	325	49.0	375	57.0
26	35.7	76	47.2	126	47.9	176	45.6	226	45.1	276	45.2	326	49.7	376	57.0
27	35.9	77	47.1	127	48.0	177	45.3	227	45.4	277	45.2	327	50.2	377	56.9
28	35.8	78	47.0	128	47.9	178	45.0	228	45.8	278	44.7	328	51.0	378	56.8
29	35.3	79	46.9	129	47.9	179	44.8	229	46.5	279	44.5	329	51.7	379	56.5
30	34.9	80	46.9	130	47.9	180	44.1	230	46.9	280	44.2	330	52.3	380	56.2
31	34.5	81	46.9	131	48.2	181	43.2	231	47.2	281	43.5	331	53.1	381	56.8
32	34.2	82	47.0	132	48.4	182	42.5	232	47.3	282	42.8	332	53.8	382	56.0
33	34.8	83	47.1	133	44.0	183	41.5	233	47.3	283	42.0	333	54.5	383	56.0
34	35.1	84	47.1	134	47.9	184	42.1	234	47.3	284	41.1	334	55.2	384	56.1
35	34.7	85	47.1	135	47.9	185	42.7	235	47.2	285	39.6	335	55.8	385	56.4
36	34.1	86	47.1	136	48.0	186	43.5	236	47.2	286	37.5	336	56.4	386	56.7
37	33.2	87	47.0	137	48.3	187	43.9	237	47.2	287	35.8	337	56.9	387	56.9
38	32.5	88	46.9	138	48.2	188	43.6	238	47.1	288	34.7	338	57.3	388	57.1
39	32.7	89	46.5	139	39.5	189	43.3	239	47.0	289	34.5	339	57.1	389	57.2
40	36.9	90	46.3	140	39.2	190	43.0	240	47.0	290	33.9	340	57.2	390	57.4
41	37.8	91	46.2	141	39.3	191	43.1	241	46.9	291	32.5	341	57.6	391	57.4
42	37.0	92	46.3	142	39.8	192	43.8	242	46.8	292	31.7	342	57.8	392	57.2
43	37.0	93	46.5	143	39.1	193	44.4	243	46.9	293	30.6	343	58.0	393	57.0
44	37.8	94	46.9	144	39.5	194	44.3	244	47.0	294	29.8	344	58.1	394	58.9
45	37.8	95	47.1	145	40.1	195	44.1	245	47.2	295	28.8	345	58.5	395	58.6
46	37.8	96	47.4	146	41.8	196	44.9	246	47.3	296	29.5	346	58.7	396	58.3
47	37.1	97	47.7	147	42.8	197	44.8	247	47.9	297	28.6	347	58.8	397	58.1
48	37.2	98	48.0	148	42.9	198	44.4	248	48.6	298	29.5	348	58.9	398	58.4
49	37.6	99	48.2	149	43.7	199	43.9	249	48.0	299	31.4	349	59.8	399	58.7

SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH
400	57.1	450	58.2	500	54.7	550	54.8	600	48.3	650	53.2	700	54.2	750	24.8
401	57.5	451	54.1	501	54.6	551	55.0	601	49.8	651	50.7	701	54.5	751	24.5
402	57.6	452	50.0	502	54.4	552	53.4	602	47.9	652	51.1	702	54.8	752	21.5
403	57.8	453	51.8	503	54.3	553	50.2	603	47.4	653	51.7	703	55.0	753	18.5
404	58.0	454	54.0	504	54.3	554	50.1	604	47.7	654	52.2	704	55.5	754	17.4
405	58.2	455	54.8	505	54.2	555	51.8	605	48.0	655	52.5	705	55.9	755	15.1
406	58.3	456	54.8	506	54.1	556	54.9	606	48.3	656	52.1	706	56.1	756	12.4
407	58.3	457	54.8	507	54.1	557	54.6	607	49.8	657	51.4	707	56.1	757	9.7
408	58.4	458	54.8	508	54.1	558	54.4	608	49.1	658	51.4	708	56.4	758	7.9
409	57.9	459	54.8	509	54.1	559	54.2	609	49.0	659	51.8	709	56.5	759	5.8
410	57.8	460	54.8	510	54.0	560	54.1	610	48.9	660	51.8	710	56.7	760	3.3
411	57.7	461	55.1	511	54.0	561	53.4	611	48.3	661	51.1	711	56.9	761	2.9
412	57.7	462	55.1	512	54.0	562	53.4	612	47.1	662	51.4	712	57.0	762	0.7
413	57.8	463	55.0	513	54.0	563	53.3	613	46.2	663	51.7	713	57.3	763	0.8
414	57.9	464	54.1	514	54.0	564	53.1	614	46.1	664	52.3	714	57.7	764	0.8
415	57.9	465	53.3	515	54.0	565	52.9	615	46.1	665	52.6	715	58.2	765	SAMPLE OFF
416	57.9	466	53.2	516	54.0	566	52.6	616	46.2	666	52.6	716	58.4	766	
417	58.4	467	54.2	517	54.1	567	52.4	617	46.7	667	52.6	717	59.1	MON APR 22/74	
418	58.5	468	54.1	518	54.2	568	52.2	618	47.4	668	52.7	718	59.2		
419	58.9	469	54.1	519	54.3	569	52.1	619	47.8	669	52.5	719	59.1		
420	59.4	470	54.0	520	54.4	570	52.0	620	48.0	670	52.1	720	59.1		
421	59.8	471	53.5	521	54.5	571	52.0	621	48.3	671	52.1	721	59.1		
422	59.8	472	51.8	522	54.5	572	52.0	622	48.8	672	52.2	722	59.5		
423	59.5	473	51.4	523	54.5	573	52.1	623	49.3	673	52.4	723	59.8		
424	59.3	474	51.8	524	54.5	574	52.2	624	49.7	674	52.5	724	59.9		
425	59.0	475	52.2	525	54.4	575	52.3	625	49.5	675	52.5	725	59.9		
426	58.5	476	52.1	526	54.3	576	52.4	626	49.2	676	52.5	726	59.8		
427	58.2	477	52.0	527	54.2	577	52.5	627	49.0	677	52.5	727	59.9		
428	57.9	478	52.0	528	54.2	578	52.5	628	48.9	678	52.5	728	59.9		
429	57.9	479	52.0	529	54.2	579	52.6	629	48.9	679	52.5	729	59.9		
430	58.0	480	52.0	530	54.2	580	52.6	630	48.9	680	51.2	730	59.8		
431	58.0	481	52.0	531	54.2	581	51.5	631	48.9	681	50.4	731	59.8		
432	58.0	482	52.0	532	54.2	582	50.8	632	48.9	682	49.8	732	59.8		
433	58.0	483	52.0	533	54.2	583	50.1	633	48.9	683	49.8	733	59.9		
434	58.0	484	52.0	534	54.2	584	49.8	634	48.9	684	49.8	734	59.8		
435	57.9	485	52.0	535	54.1	585	49.8	635	48.9	685	49.8	735	59.8		
436	57.8	486	52.0	536	54.1	586	49.8	636	48.9	686	49.8	736	59.8		
437	57.8	487	52.0	537	54.1	587	49.8	637	48.9	687	49.8	737	59.8		
438	57.8	488	52.0	538	54.1	588	49.8	638	48.9	688	49.8	738	59.8		
439	57.8	489	52.0	539	54.1	589	49.8	639	48.9	689	49.8	739	59.8		
440	57.9	490	52.0	540	54.0	590	49.8	640	48.9	690	49.8	740	59.8		
441	57.9	491	52.0	541	54.0	591	49.8	641	48.9	691	49.8	741	59.8		
442	57.9	492	52.0	542	54.0	592	49.8	642	48.9	692	49.8	742	59.8		
443	57.9	493	52.0	543	54.0	593	49.8	643	48.9	693	49.8	743	59.8		
444	57.9	494	52.0	544	54.0	594	49.8	644	48.9	694	49.8	744	59.8		
445	58.0	495	52.0	545	54.0	595	49.8	645	48.9	695	49.8	745	59.8		
446	58.1	496	52.0	546	54.0	596	49.8	646	48.9	696	49.8	746	59.8		
447	58.1	497	52.0	547	54.0	597	49.8	647	48.9	697	49.8	747	59.8		
448	58.2	498	52.0	548	53.9	598	49.8	648	48.9	698	49.8	748	59.8		
449	58.2	499	52.0	549	53.9	599	49.8	649	48.9	699	49.8	749	59.8		

SEC	RPM	SEC	RPM	SEC	RPM	SEC	RPM	SEC	RPM	SEC	RPM	SEC	RPM	SEC	RPM
400	91.8	450	92.6	500	84.0	550	89.7	600	77.9	650	88.7	700	87.2	750	43.1
401	92.5	451	92.5	501	87.0	551	89.4	601	77.2	651	85.5	701	87.7	751	39.4
402	93.0	452	93.4	502	87.5	552	89.1	602	77.0	652	82.2	702	88.1	752	34.5
403	93.8	453	93.4	503	87.6	553	88.4	603	76.8	653	83.2	703	88.5	753	31.3
404	93.9	454	92.3	504	87.5	554	87.6	604	76.7	654	83.9	704	89.2	754	27.9
405	93.3	455	93.3	505	87.2	555	86.6	605	76.8	655	83.8	705	89.5	755	24.3
406	93.3	456	92.3	506	87.2	556	86.4	606	77.7	656	83.8	706	90.2	756	20.8
407	93.3	457	93.3	507	87.8	557	87.4	607	78.8	657	83.8	707	90.6	757	15.6
408	93.2	458	93.2	508	88.0	558	87.5	608	78.9	658	82.2	708	90.9	758	11.2
409	92.9	459	93.2	509	88.0	559	87.2	609	78.9	659	82.1	709	90.9	759	8.8
410	92.9	460	93.3	510	88.0	560	87.6	610	78.8	660	82.1	710	91.0	760	5.2
411	92.8	461	93.3	511	88.0	561	87.8	611	78.6	661	82.2	711	91.0	761	3.2
412	92.9	462	93.5	512	88.0	562	87.9	612	78.7	662	82.4	712	91.1	762	1.0
413	92.9	463	93.6	513	88.0	563	88.0	613	78.9	663	82.1	713	92.2	763	0.0
414	93.1	464	93.4	514	88.0	564	88.4	614	78.1	664	83.0	714	92.9	764	0.0
415	93.3	465	93.6	515	88.0	565	89.1	615	78.1	665	84.0	715	93.1	765	SAMPLE OFF
416	93.5	466	93.8	516	88.0	566	89.7	616	78.1	666	84.6	716	93.4	MON APR 22/74	
417	93.8	467	93.8	517	87.8	567	89.3	617	78.4	667	84.9	717	93.7		
418	94.2	468	93.6	518	87.8	568	89.0	618	78.9	668	84.8	718	93.8		
419	94.1	469	93.6	519	88.0	569	89.7	619	78.8	669	84.8	719	93.8		
420	93.5	470	93.8	520	88.1	570	89.6	620	78.0	670	84.1	720	94.0		
421	93.2	471	93.5	521	88.2	571	89.4	621	77.3	671	84.1	721	94.1		
422	93.2	472	91.8	522	88.5	572	89.0	622	77.8	672	84.2	722	93.5		
423	93.3	473	91.4	523	88.0	573	89.2	623	78.2	673	84.4	723	92.8		
424	93.5	474	91.8	524	88.2	574	89.0	624	78.7	674	84.8	724	93.2		
425	93.9	475	92.2	525	88.4	575	89.3	625	79.2	675	84.7	725	93.6		
426	93.5	476	92.1	526	88.5	576	89.5	626	79.2	676	84.6	726	93.6		
427	93.2	477	92.0	527	88.2	577	89.5	627	79.0	677	84.9	727	93.9		
428	93.2	478	92.0	528	88.2	578	89.5	628	78.9	678	85.2	728	93.9		
429	93.2	479	92.0	529	88.2	579	89.6	629	78.9	679	85.2	729	93.9		
430	93.2	480	92.0	530	88.2	580	89.6	630	78.9	680	85.2	730	93.8		
431	93.2	481	92.0	531	88.2	581	89.6	631	78.9	681	85.2	731	93.8		
432	93.2	482	92.0	532	88.2	582	89.6	632	78.9	682	85.2	732	93.8		
433	93.2	483	92.0	533	88.2	583	89.6	633	78.9	683	85.2	733	93.8		
434	93.2	484	92.0	534	88.2	584	89.6	634	78.9	684	85.2	734	93.8		
435	93.2	485	92.0	535	88.1	585	89.6	635	78.9	685	85.2	735	93.8		
436	93.2	486	92.0	536	88.1	586	89.6	636	78.9	686	85.2	736	93.8		
437	93.2	487	92.0	537	88.1	587	89.6	637	78.9	687	85.2	737	93.8		
438	93.2	488	92.0	538	88.1	588	89.6	638	78.9	688	85.2	738	93.8		
439	93.2	489	92.0	539	88.1	589	89.6	639	78.9	689	85.2	739	93.8		
440	93.2	490	92.0	540	88.1	590	89.6	640	78.9	690	85.2	740	93.8		
441	93.2	491	92.0	541	88.1	591	89.6	641	78.9	691	85.2	741	93.8		
442	93.2	492	92.0	542	88.1	592	89.6	642	78.9	692	85.2	742	93.8		
443	93.2	493	92.0	543	88.1	593	89.6	643	78.9	693	85.2	743	93.8		
444	93.2	494	92.0	544	88.1	594	89.6	644	78.9	694	85.2	744	93.8		
445	93.2	495	92.0	545	88.1	595	89.6	645	78.9	695	85.2	745	93.8		
446	93.2	496	92.0	546	88.1	596	89.6	646	78.9	696	85.2	746	93.8		
447	93.2	497	92.0	547	88.1	597	89.6	647	78.9	697	85.2	747	93.8		
448	93.2	498	92.0	548	88.1	598	89.6	648	78.9	698	85.2	748	93.8		
449	93.2	499	92.0	549	88.1	599	89.6	649	78.9	699	85.2	749	93.8		

APPENDIX II.—SAMPLE TEST VALUE CALCULATIONS

(a) Assume that a gasoline-fueled vehicle was tested by the Federal Emission Test Procedure and the following results were calculated:

HC=1.03 grams/mile

CO=6.74 grams/mile

CO_2=785 grams/mile

According to the procedure in § 600.113, the city fuel economy or MPG_c for the vehicle may be calculated by substituting the HC, CO, and CO_2 gram/mile values into the following equation.

$$MPG_c = \frac{2421}{(0.866 \times HC) + (0.429 \times CO) + (0.273 \times CO_2)}$$

$$= \frac{2421}{(0.866 \times 1.03) + (0.429 \times 6.74) + (0.273 \times 785)}$$

$$= \frac{2421}{218.1}$$

$$= 11.1 \text{ MPG}$$

(b) Assume that the same vehicle was tested by the Federal Highway Fuel Economy Test Procedure and a calculation similar to that shown in (a) resulted in a highway fuel economy or MPG_h of 18.6. According to the procedure in § 600.113, the combined fuel economy (called $MPG_{c/h}$) for the vehicle may be calculated by substituting the city and highway fuel economy values into the following equation:

$$MPG_{c/h} = \frac{1}{\frac{0.55}{MPG_c} + \frac{0.45}{MPG_h}}$$

$$= \frac{1}{\frac{0.55}{11.1} + \frac{0.45}{18.6}}$$

$$= \frac{1}{0.0737}$$

$$MPG_{c/h} = 13.6 \text{ MPG}$$

[FR Doc.76-26343 Filed 9-9-76;8:45 am]

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FRIDAY, SEPTEMBER 10, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

HOUSING ASSISTANCE PAYMENTS PROGRAM

Fair Market Rents for New Construction and Substantial Rehabilitation

VOL. 41 — NO. 177 — SEP 10 76

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

Notice was given on March 1, 1976, at 41 FR 8882 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for all market areas.

A revised Schedule A for all market areas was published for effect on April 6, 1976, at 41 FR 14662 with a statement that, "Comments received after March 27, 1976, will be carefully considered and, if warranted, additional amendments will be published."

Since March 27, 1976, HUD has received seventeen additional comments in response to the March 1, 1976, publication. Most of these comments stated that the proposed Schedule A Fair Market Rents were too low for a specific market area or areas. All comments were seriously considered, and as a result, the Schedule A rents for twenty-six additional market areas are now being modified.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Schedule A of Part 888, Subpart A, is amended for certain market areas as set forth below (see 41 FR 14668, 14671, 14675–14680, 14697, 14698, 14707, and 14716 for the rents prior to the effective date of this amendment).

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).))

Effective date. These amendments are effective on September 10, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM.)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

INSURING OFFICE WILMINGTON, DEL. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	-	-	320	385	402
	SEMI-DETACHED/ROW	201	219	290	360	380
	WALKUP	195	212	272	347	-
	ELEVATOR	233	285	368	-	-

AREA OFFICE RICHMOND, VA. REGION III-PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WARRENTON	DETACHED	-	-	266	290	363
	SEMI-DETACHED/ROW	-	212	249	287	326
	WALKUP	160	193	227	278	327
	ELEVATOR	181	222	257	-	-
BRISTOL	DETACHED	-	-	230	290	334
	SEMI-DETACHED/ROW	-	193	220	280	318
	WALKUP	167	183	211	265	303
	ELEVATOR	210	235	290	-	-
HARRISONBURG	DETACHED	-	-	266	290	363
	SEMI-DETACHED/ROW	-	212	249	287	326
	WALKUP	160	193	227	278	327
	ELEVATOR	181	222	257	-	-

AREA OFFICE NEWARK, NEW JERSEY REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED	-	- /	485	548	597
	SEMI-DETACHED/ROW	-	343	436	492	538
	WALKUP	300	321	407	460	503
	ELEVATOR	366	392	496	573	616
ASBURY PARK	DETACHED	-	-	471	532	583
	SEMI-DETACHED/ROW	289	341	424	480	524
	WALKUP	271	319	397	448	490
	ELEVATOR	329	389	484	-	-
FREEHOLD	DETACHED	-	-	493	554	603
	SEMI-DETACHED/ROW	305	337	442	498	542
	WALKUP	286	315	414	465	507
	ELEVATOR	350	384	505	-	-
NORTH BERGEN	DETACHED	-	-	531	612	675
	SEMI-DETACHED/ROW	-	374	477	551	606
	WALKUP	309	349	447	514	567
	ELEVATOR	376	425	545	611	654
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

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AREA OFFICE BIRMINGHAM, ALABAMA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BIRMINGHAM	DETACHED	-	-	290	354	384
	SEMI-DETACHED/ROW	-	219	254	326	356
	WALKUP	173	205	245	314	342
	ELEVATOR	216	249	358	-	-
DOTHAN	DETACHED	-	-	279	317	344
	SEMI-DETACHED/ROW	-	202	248	303	333
	WALKUP	172	202	248	303	333
	ELEVATOR	228	253	310	-	-
FLORENCE	DETACHED	-	-	274	346	380
	SEMI-DETACHED/ROW	-	216	274	346	380
	WALKUP	176	196	239	299	329
	ELEVATOR	220	245	299	-	-
HUNTSVILLE	DETACHED	-	-	274	341	375
	SEMI-DETACHED/ROW	-	219	274	341	375
	WALKUP	173	208	249	286	314
	ELEVATOR	216	260	311	-	-
MOBILE	DETACHED	-	-	287	344	366
	SEMI-DETACHED/ROW	-	207	265	317	349
	WALKUP	173	200	236	317	349
	ELEVATOR	216	250	295	-	-
MONTGOMERY	DETACHED	-	-	274	358	393
	SEMI-DETACHED/ROW	-	205	260	358	393
	WALKUP	173	196	237	284	312
	ELEVATOR	216	245	296	-	-

AREA OFFICE BIRMINGHAM, ALABAMA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TUSCALOOSA	DETACHED	-	-	282	344	377
	SEMI-DETACHED/ROW	-	193	237	307	337
	WALKUP	173	193	237	307	337
	ELEVATOR	216	241	296	-	-

INSURING OFFICE TAMPA, FLORIDA REGION IV-ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TAMPA	DETACHED	-	-	290	345	380
	SEMI-DETACHED/ROW	-	230	276	344	380
	WALKUP	190	230	276	344	380
	ELEVATOR	215	240	316	-	-
ST. PETERSBURG	DETACHED	-	-	290	345	380
	SEMI-DETACHED/ROW	-	230	276	344	380
	WALKUP	190	230	276	344	380
	ELEVATOR	215	240	316	-	-
ORLANDO	DETACHED	-	-	280	361	380
	SEMI-DETACHED/ROW	-	215	272	340	360
	WALKUP	190	215	272	328	345
	ELEVATOR	215	240	316	-	-

INSURING OFFICE ALBUQUERQUE, N. M. REGION VI- DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE	DETACHED	-	-	274	335	378
	SEMI-DETACHED/ROW	200	227	253	302	358
	WALKUP	163	202	228	270	313
	ELEVATOR	205	240	303	-	-
GALLUP	DETACHED	-	-	296	352	424
	SEMI-DETACHED/ROW	222	254	283	337	403
	WALKUP	182	226	255	303	330
	ELEVATOR	208	241	304	-	-

INSURING OFFICE DENVER, COLORADO REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLORADO SPRINGS	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	177	200	263	295
	WALKUP	144	164	195	257	289
	ELEVATOR	174	193	224	-	-
DURANGO	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	185	205	240	288	308
	WALKUP	172	193	235	274	294
	ELEVATOR	178	198	240	-	-
GRAND JUNCTION	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	202	223	278	334	355
	WALKUP	196	220	271	328	348
	ELEVATOR	202	223	278	-	-
GREELEY	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	190	216	298	326
	WALKUP	165	180	211	294	312
	ELEVATOR	187	202	235	-	-
PUEBLO	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	183	215	278	299
	WALKUP	155	170	202	271	292
	ELEVATOR	190	204	244	-	-

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INSURING OFFICE HONOLULU, HAWAII REGION IX-SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRUST TERRITORY	DETACHED	–	–	490	517	583
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	–	–	–	–	–
	ELEVATOR	–	–	–	–	–

[FR Doc.76-26355 Filed 9-9-76;8:45 am]

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FRIDAY, SEPTEMBER 10, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Connecticut	CT76–2109
Kentucky	KY76–1096, KY76–1097

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1073	Aug. 8, 1975.
Georgia:	
GA76–1089	Aug. 27, 1976.
Hawaii:	
HI76–5081	Aug. 27, 1976.
Iowa:	
IA76–4092	May 21, 1976.
IA76–4099	June 18, 1976.
Kentucky:	
KY76–1080	July 23, 1976.
Nevada:	
NV76–5074	Aug. 8, 1976.
New Jersey:	
NJ76–3127	Feb. 27, 1976.
Pennsylvania:	
PA76–3181	June 18, 1976.
Virginia:	
MD76–3225	July 30, 1976.
Washington, D.C.:	
DC76–3226	July 30, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Iowa:	
IA76–4056 (IA76–4145); IA 76–4057 (IA76–4146); IA 76–4058 (IA76–4147); IA 76–4058 (IA76–4148); IA 4060 (IA76–4149).	Feb. 27, 1976.
Nevada:	
NV76–5069 (NV76–5083)	July 30, 1976.
South Carolina:	
SC75–1017 (SC76–1100)	Jan. 31, 1976.
Utah:	
UT76–5052 (UT76–5082)	June 25, 1976.
Virginia:	
AM–1874 (VA76–3244); AM–1875 (VA76–3245).	Aug. 20, 1971.

Signed at Washington, D.C., this 3d day of September 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. CT76-2109

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. Paid Holidays: D and Good Friday
b. Last 4 working hours on Christmas Eve is paid half day providing the employee has worked the five consecutive days prior to Christmas Eve.
c. Paid Holidays: B and D and ½ day paid holiday the Friday after Thanksgiving Day and the last working day before Christmas Day and a paid ½ day for Good Friday.
d. Paid Holiday: Labor Day
e. Paid Holidays: C, D, & E and ½ day paid holiday the Friday after Thanksgiving Day.

NEW DECISION

STATE: Connecticut
DECISION NUMBER: CT76-2109
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

COUNTY: New Haven
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, Cement Masons, Tile Setters:					
Devon to the Orange Town line and the Indian River in Milford	$9.60	.50	.50		50.00p/y
Ansonia - Derby	9.10	.50	.50	a	
Meriden	9.15	.50	.50		
Beacon Falls - Middlebury Midville - Naugatuck-Prospect-Waterbury-Marion-Wolcott-Thomaston-Woodbury	9.41	.50	.55		
Remainder of County	9.55	.50	.50		
Carpenters	6.55				
Electricians	7.39				
Ironworkers	11.10	.55	.95	b	.08
Laborers	5.21				
Painters	5.69				
Plumbers and Steamfitters:					
Milford	9.39	.55	.50	.38	.01
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	10.45	.83	.70	c	.05
Middlebury-Southbury-Waterbury-Wolcott-South Britain	9.80	.83	.70	c	.05
Cheshire-Meriden-Wallingford-Durham-Southington	10.10	.75	.70	d	.03
Remainder of County	9.98	.75	.70	e	.02
Roofers:					
Cheshire-Meriden-Prospect-Wallingford-Waterbury	8.75	.425	.60	.45	
Remainder of County	9.25	.80	.50		.07
Sheet Metal Workers	10.15	.50	.66		
Truck Drivers	5.44				

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DECISION NO. CT76-2109

POWER EQUIPMENT OPERATORS (Building construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone	$10.90	.45	.90	a	.10
Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane	10.80	.45	.90	a	.10
Maintenance engineer	10.70	.45	.90	a	.10
Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger	10.45	.45	.90	a	.10
Compressor battery operator	9.70	.45	.90	a	.10
Asphalt spreader	10.25	.45	.90	a	.10
Bulldozer; Carry-all operators; Grader; & Scraper pan	10.20	.45	.90	a	.10
Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader	10.15	.45	.90	a	.10
Air and steam valve	9.45	.45	.90	a	.10
Compressor; Generator; Pump and Well point; Welding machine	9.35	.45	.90	a	.10

DECISION NO. CT76-2109

POWER EQUIPMENT OPERATORS (Building construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Fork lift not over 4'; & Steam Jenny	$10.05	.45	.90	a	.10
Mechanical heater	9.20	.45	.90	a	.10
Roller	9.95	.45	.90	a	.10
Dinky machine; Power pavement breaker	9.80	.45	.90	a	.10
Fireman (High pressure)	9.00	.45	.90	a	.10
Oiler	8.55	.45	.90	a	.10
Crane with boom, excluding jib, over 150' - $.25 extra					
Crane with boom, excluding jib, over 200' - $.50 extra					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

NEW DECISION

STATE: Kentucky COUNTY: *See below
DECISION NUMBER: KY76-1096 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*COUNTIES: Boyle, Casey, Clinton, Garrard, Lincoln, Pulaski, Russell, Rockcastle, and Wayne	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	$3.57				
Blocklayers & Brick masons	4.00				
Carpenters	4.17				
Cement masons	4.00				
Drywall finishers	4.00				
Drywall hangers	4.05				
Electricians	5.00				
Insulation installers	3.52				
Laborers	3.00				
Painters	3.78				
Plumbers & Pipefitters	4.44				
Roofers	3.93				
Sheet metal workers	3.25				
Soft floor layers	4.00				
Tile setters	4.00				
Truck drivers	3.00				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.10				
Bulldozer	4.50				
Front end loader	5.00				

NEW DECISION

STATE: Kentucky COUNTY: *See below
DECISION NUMBER: KY76-1097 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Clay, Estill, Jackson, Lee, Owsley, Powell, and Wolfe	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	$4.00				
Blocklayers & Brick Masons	4.01				
Carpenters	4.00				
Cement masons	4.00				
Drywall finishers	4.00				
Drywall hangers	4.00				
Electricians	4.00				
Insulation installers	4.00				
Laborers:					
Laborers	2.50				
Hod carriers	3.50				
Painters	4.00				
Plumbers & Pipefitters	5.45				
Roofers	3.00				
Sheet metal workers	4.81				
Soft floor layers	4.00				
Tile setters	4.00				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	5.00				

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1073 - Mod. #4 (40 FR 33580 - August 8, 1975) Montgomery County, Alabama					
OMIT: Painters Schedule as originally issued.					
ADD: Painters: Commercial Brush, roller, caulker	$ 6.50		.30		
Wall coverer (Paperhanger)	6.75		.30		
Stage work, steel, sand & water blasting, special coatings	7.80		.30		
Painters: Industrial Brush, roller, spray	7.80		.30		
Extra hazardous work (all work above 40 feet from working plane (floor, ground, etc.), elevated water tanks, cables and pick boards, and all work of a character similar.)	8.80		.30		
DECISION #CA76-1089 - Mod. #1 (41 FR-36378 - August 27, 1976) Clayton, Cobb, Fulton, & DeKalb Counties, Georgia					
Drop: Roofers:					
Roofers & weatherproofers	$6.75	.30	.20		
Slate, tile, & asbestos shingles	7.00	.30	.20		
Roofers' helpers	5.00	.30	.20		
Add: Roofers:	6.32				
DECISION #HI76-5081 - Mod. #1 (41 FR 36380 - August 27, 1976) Statewide, Hawaii					
Change: Fence Erectors (Chain Link)	$4.70	.19	.24	.10	.04
Sheet Metal Workers	10.05	.76	1.82 +.40	.88	.38+.02

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4092 - Mod. #2 (41 FR 21079 - May 21, 1976) Black Hawk County (City of Waterloo and Abutting Municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction: Electricians:					
Electricians	$10.33	.45	1%		1%
Cable Splicers	10.64	.45	1%		1%
Ironworkers	10.565				.02
Laborers:					
Group 1	7.00	.38	.20		
Group 2	7.10	.38	.20		
Group 3	7.25	.38	.20		
DECISION #IA76-4099 - Mod. #2 (41 FR 24844 - June 18, 1976) Cerro Gordo County (City of Mason City), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Bricklayers	8.74		.50		
Glaziers	7.55	.45	.25	4%	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY76-1080 - Mod. #1 (41 FR 30532 - July 23, 1976) Breckinridge, Bullit, Hardin, Jefferson, Marion, Meade, Nelson, Oldham, Shelby, Spencer, and Washington Counties, Kentucky					
Add: Plasterers	$5.00				
DECISION #NV76-5074 - Mod. #4 (41 FR 33162 - August 8, 1976) Clark County (excluding the Nevada Test Site), Nevada					
Change: Soft Floor Layers	$12.12	.40			.15
DECISION #NJ76-3127 - Mod. #4 (41 FR 8702 - February 27, 1976) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey					
Change: Ironworkers Structural, Ornamental and Reinforcing: Atlantic and Cape May Counties	$11.60	.84	1.21		

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #PA76-3181 - Mod. # 3 (41 FR 24858 - June 18, 1976) Schuylkill County, Pennsylvania					
Change: Painters: Commercial & Industrial					
Brush	$8.40	.60	.45		
Steel	9.45	.60	.45		
Spray	9.45	.60	.45		
Decision #MD76-3225 - Mod. # 2 (41 FR 32141 - July 30, 1976) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, Virginia; the City of Alexandria, Virginia for Washington Metropolitan Area Transit Authority - Rapid Rail System construction projects only					
Change:					
Asbestos Workers	$10.77	.59	.89		.03
Carpenters & Soft Floor Layers	10.00	.65	.53		.05
Electricians	10.80	.65	1%+.80		.13
Elevator Constructors	10.38	.495	.32	4%+4b	.02
Elevator Constructors Helpers	7.27	.495	.32	4%+4b	.02
Elevator Constructors Helpers (Prob.)	5.19				
Lathers	10.36	.50	.50		.025
Millwrights	10.46	.65	.53		.05
Piledrivermen	10.21	.65	.53		.05
Plumbers	10.49	.87	.83		.25
Sheet metal workers	10.74	.84	.96		.12
Steamfitters	10.73	.65	.90		.16

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MODIFICATIONS P. 5

Decision #DC76-3226 - Mod. # 2 (41 FR 32194 - July 30, 1976) Washington, D. C.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Building & Heavy Construction (Including WMATA)					
Asbestos Workers	$10.77	.59	.89		.03
Carpenters & Soft Floor Layers	10.00	.65	.53		.05
Electricians	10.80	.65	12%+.80		.13
Elevator Constructors	10.38	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.27	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.19				
Lathers	10.36	.50	.50		.025
Millwrights	10.46	.65	.53		.05
Piledrivermen	10.21	.65	.53		.05
Plumbers	10.49	.87	.83		.25
Sheet metal workers	10.74	.84	.96		.12
Steamfitters	10.73	.65	.90		.16
Paving & Incidental Grading plus Sewer & Water Lines (Excluding WMATA - Rapid Rail Transit System)					
Carpenters	10.00	.65	.53		.05

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton and abutting municipalities)

DECISION NO.: IA76-4145

DATE: Date of Publication

Supersedes Decision No. IA76-4056, dated February 27, 1976, in 41 FR 8674

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.25		.45		
CARPENTERS:					
Carpenters	8.74	.45	.60		
Piledrivermen	9.14	.45	.60		
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.75		.45		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	11.22	.50	.375		.07
LABORERS:					
GROUP 1 - Common laborers	7.27	.30	.25		
GROUP 2 - Operator on air or power tools; mortar mixer man; any work 35 ft. high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work 8 ft. below ground level; any man working with creosote materials	7.52	.30	.25		
GROUP 3 - Cutting torch burner; caisson & cofferdam workers	7.57	.30	.25		
MARBLE SETTERS	9.20		.50		
PAINTERS:					
Brush	8.77	.45	.60		.12
Spray; Structural steel	9.02	.45	.60		.12
PLASTERERS	9.25		.45		
PLUMBERS & STEAMFITTERS	10.31	.60			.10
ROOFERS	11.20		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SOFT FLOOR LAYERS	8.74	.45	.60		
SPRINKLER FITTERS	11.23	.60	.90		.08
TERRAZZO WORKERS	9.20		.50		
TILE SETTERS	9.20		.50		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

Page 2

DECISION NO. IA76-4145

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derricks, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator; Dipper Dredge Craneman, Dual Purpose Truck (boom or winch); Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required); Pile Driver, Room Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Hucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing 1 paver); Bulldozer, Endoloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Plexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Rooster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work; Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Gypsum Pump, Conveyor over 20 HP, Puller-Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

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DECISION NO. IA76-4145

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Construction, alteration or repair of bridges, locks, dams, levees, docks & on drainage & soil conservation work thereon, which relates to the Mississippi River	$ 9.83	.35	.50		.02
Other heavy & highway construction:					
Carpenters & piledrivermen	7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb Machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

DECISION NO. IA76-4145

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, crane, backhoe and dragline; Central mix plant operator; Dredge engineer; Dredge leverman; Paver or spreader operator; Hoisting engineer (steel erection); Motor patrol; Piledriver machine operator; Concrete mixer; Tow or push boat operator; Master mechanic

GROUP 2 - C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant operator; Front endloader operator; Scraper operator; Bulldozer; Push Cat; Tractor pulling scraper; Sidebcom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown operator; Asphalt Screed Operator; Asphalt Heater-planer unit; Asphalt roller operator; Self-propelled elevating grader or similar machine; Spreader Operator (concrete); Horizontal boring machine operator; Mechanics-Welders; Group equipment greaser; Concrete pump

GROUP 3 - Concrete curb breaking machine; Concrete widening machine operator; Paving breaker operator; Barber-Green, Haiss Loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

GROUP 4 - Self-propelled roller operator (other than asphalt); Distributor operator; Screening and washing plant operator; Self-propelled vibrating compactor; Trenching machine operator (other than above); Steel placing machine operator; Conveyor Operator; Finishing Machine Operator (on concrete); Flexplane Operator; Bull Float Operator; Form Grader Operator

GROUP 5 - Boiler Operator; Mechanical broom operator; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine operator; Pump Operator (other than dredge); Boom and winch truck operator; Compressor Operator; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine operator; Safety boat operator

GROUP 6 - Batch plant operator - dry

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington and abutting municipalities and Burlington Ordnance Plant)

DECISION NO.: IA76-4146

DATE: Date of Publication

Supersedes Decision No. IA76-4057, dated February 27, 1976, in 41 FR 8676

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.52		.20		
CARPENTERS:					
Carpenters	9.25	.45	.60		.04
Millwrights & piledrivermen	9.93	.45	.60		.04
CEMENT MASONS	10.25				
ELECTRICIANS	10.90	.38	1%		1%
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	10.25	.50	.30		
LABORERS:					
GROUP 1 - Common laborers; Signal man; Wrecking deck hand	7.87	.30			
GROUP 2 - Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill operator; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanically operated tools; Excavation work over 6 ft. deep below ground level or basement level	8.03	.30			
GROUP 3 - Tile layers (sewers)	8.13	.30			
GROUP 4 - Gunniting & sandblasting	8.24	.30			
GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep; Caisson worker & drill operator in tunnel & caisson; Powdermen	8.34	.30			
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	a	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	a	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	a	1/2%

DECISION NO. IA76-4146

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 7.00	.35	1%	a	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	a	1/2%
PAINTERS:					
GROUP 1 - Brush	8.05		.15		
GROUP 2 - Rollers	8.15		.15		
GROUP 3 - Sign	8.55		.15		
GROUP 4 - Structural steel over 25 ft. from the ground or floor; bridges, water towers & stage work	8.75		.15		
GROUP 5 - Spray gun & sandblasting	9.05		.15		
PLASTERERS	9.88				
PLUMBERS & STEAMFITTERS	10.25	.35	.70		.05
ROOFERS	6.85			.25	
SHEET METAL WORKERS	9.00	.45			.10
SOFT FLOOR LAYERS	9.25	.45	.60		.04
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS:					
GROUP 1 - Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E batches or less; Chip spreader	8.02	13.50p/w			
GROUP 2 - Cheater axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E	8.23	13.50p/w			
GROUP 3 - Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	8.33	13.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a Seven paid holidays - A thru G

Paid Holidays
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO. IA76-4145

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Construction, alteration or repair of bridges, locks, dams, levees, docks & on drainage & soil conservation work there on, which relates to the Mississippi River	$ 9.83	.35	.50		.02
Other heavy & highway construction:					
Carpenters & piledrivermen	7.30	.31	-		
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb Machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

DECISION NO. IA76-4145

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, crane, backhoe and dragline; Central mix plant operator; Dredge engineer; Dredge leverman; Paver or spreader operator; Hoisting engineer (steel erection); Motor patrol; Piledriver machine operator; Concrete mixer; Tow or push boat operator; Master mechanic

GROUP 2 - C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant operator; Front endloader operator; Scraper operator; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown operator; Asphalt Screed Operator; Asphalt Heater-planer unit; Asphalt roller operator; Self-propelled elevating grader or similar machine; Spreader Operator (concrete); Horizontal boring machine operator; Mechanics-Welders; Group equipment greaser; Concrete pump

GROUP 3 - Concrete curb breaking machine; Concrete widening machine operator; Paving breaker operator; Barber-Green, Haiss Loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

GROUP 4 - Self-propelled roller operator (other than asphalt); Distributor operator; Screening and washing plant operator; Self-propelled vibrating compactor; Trenching machine operator (other than above); Steel placing machine operator; Conveyor Operator; Finishing Machine Operator (on concrete); Flexplane Operator; Bull Float Operator; Form Grader Operator

GROUP 5 - Boiler Operator; Mechanical broom operator; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine operator; Pump Operator (other than dredge); Boom and winch truck operator; Compressor Operator; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine operator; Safety boat operator

GROUP 6 - Batch plant operator - dry

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington and abutting municipalities and Burlington Ordnance Plant)

DECISION NO.: IA76-4146

DATE: Date of Publication

Supersedes Decision No. IA76-4057, dated February 27, 1976, in 41 FR 8676

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.52		.20		
CARPENTERS:					
Carpenters	9.25	.45	.60		.04
Millwrights & piledrivermen	9.93	.45	.60		.04
CEMENT MASONS	10.25				
ELECTRICIANS	10.90	.38	1%		1%
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	10.25	.50	.30		
LABORERS:					
GROUP 1 - Common laborers; Signal man; Wrecking deck hand	7.87	.30			
GROUP 2 - Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill operator; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanically operated tools; Excavation work over 6 ft. deep below ground level or basement level	8.03	.30			
GROUP 3 - Tile layers (sewers)	8.13	.30			
GROUP 4 - Gunniting & sandblasting	8.24	.30			
GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep; Caisson worker & drill operator in tunnel & caisson; Powdermen	8.34	.30			
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	a	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	a	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	a	1/2%

DECISION NO. IA76-4146

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 7.00	.35	1%	a	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	a	1/2%
PAINTERS:					
GROUP 1 - Brush	8.05		.15		
GROUP 2 - Rollers	8.15		.15		
GROUP 3 - Sign	8.55		.15		
GROUP 4 - Structural steel over 25 ft. from the ground or floor; bridges, water towers & stage work	8.75		.15		
GROUP 5 - Spray gun & sandblasting	9.05		.15		
PLASTERERS	9.88				
PLUMBERS & STEAMFITTERS	10.25	.35	.70		.05
ROOFERS	6.85			.25	
SHEET METAL WORKERS	9.00	.45			.10
SOFT FLOOR LAYERS	9.25	.45	.60		.04
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS:					
GROUP 1 - Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-3YE batches or less; Chip spreader	8.02	13.50p/w			
GROUP 2 - Cheater axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-3YE	8.23	13.50p/w			
GROUP 3 - Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	8.33	13.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a Seven paid holidays - A thru G

Paid Holidays

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day; G-Friday after Thanksgiving

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DECISION NO. IA76-4146

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Upper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blaw-Knox Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheepsfoot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lbs. capacity or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating Motor), Dope Chop Machine, Distributor (Back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Gypsum Pump, Conveyor over 20 HP, Puller Kenyon Cement Pump or similar machines; Air Compressor (775 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA76-4146

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line or block and tackle; Drill operator of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor

DECISION NO. IA76-4146

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, crane, backhoe and dragline; Central mix plant operator; Dredge engineer; Dredge leverman; Paver or spreader operator; Hoisting engineer (steel erection); Motor patrol; Piledriver machine operator; Concrete mixer; Tow or push boat operator; Master mechanic

GROUP 2 - C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt plant operator; Front endloader operator; Scraper operator; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar capacity); Asphalt laydown operator; Asphalt screed operator; Asphalt heater-planer unit; Asphalt roller operator; Self-propelled elevating grader or similar machines; Spreader operator (concrete); Horizontal boring machine operator; Mechanics-Welders; Group equipment greaser; Concrete pump

GROUP 3 - Concrete curb breaking machine; Concrete widening machine operator; Paving breaker operator; Barber-Greene, Haiss loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

GROUP 4 - Self-propelled roller operator (other than asphalt); Distributor operator; Screening and washing plant operator; Self-propelled vibrating compactor; Trenching machine operator (other than above); Steel placing machine operator; Finishing machine operator (on concrete); Flexplane operator; Bull float operator; Form Grader operator; Conveyor

GROUP 5 - Boiler operator; Mechanical broom operator; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine operator; Pump operator (other than dredge); Boom and winch truck operator; Compressor operator; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine operator; Safety boat operator

GROUP 6 - Batch plant operator - dry

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SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Dubuque (City of Dubuque and abutting municipalities)

DECISION NO.: IA76-4147

DATE: Date of Publication

Supersedes Decision No. IA76-4058, dated February 27, 1976, in 41 FR 8679

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.14	.38			
CARPENTERS:					
Carpenters	8.90		.37		
Piledrivermen	9.30		.37		
Millwrights	9.40		.37		
CEMENT MASONS	9.28				
ELECTRICIANS	9.97	.30	1%+.25		1%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.75	.55	1.00		
IRONWORKERS					
SE Portion	11.22	.50	.375		.07
Remainder of County	10.565				.02
LABORERS:					
GROUP 1 - Common laborers; Gas distributors	5.97	.30	.10		
GROUP 2 - All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	6.07	.30	.10		
GROUP 3 - Tile setters (10" and up)	6.22	.30	.10		
LATHERS	9.25				
MARBLE SETTERS	9.14	.38			
PAINTERS:					
Brush or roller epoxy; Paperhanging; Tapers	7.90		.30		
High work and steel; spraying	8.35		.30		
PLASTERERS					
PLUMBERS & STEAMFITTERS	10.81	.36	.30		.08

DECISION NO. IA76-4147

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.39		.20		
SHEET METAL WORKERS	9.10	.45	.40		.10
SPRINKLER FITTERS	11.23	.60	.90		.08
TERRAZZO WORKERS	9.14	.38			
TILE SETTERS	9.14	.38			
TRUCK DRIVERS:					
Single axle	5.24	9.50p/w			
Tandem axle; Tractor trailers; winches	5.39	9.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:

a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A thru F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. IA76-4147

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

GROUP 2 - 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck Cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machines (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist care operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractor (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

DECISION NO. IA76-4147

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air trace, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammers, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

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DECISION NO. IA76-4147

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

GROUP 3 - Boiler, Mechanical Broom; Oiler or Mechanics' Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Johnson (City of Iowa City and abutting municipalities)

DECISION NO.: IA76-4148

DATE: Date of Publication

Supersedes Decision No. IA76-4059, dated February 27, 1976, in 41 FR 8682

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.25		.55		
CARPENTERS:					
Carpenters; Soft floor layers	8.39	.45	.45		.08
Piledrivermen	8.89	.45	.45		.08
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.80	.38			
ELECTRICIANS	10.70	.65	1%		1%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)	50%JR				
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	10.565				.02
LABORERS:					
GROUP 1 - Common laborers	5.72	.30	.25		
GROUP 2 - Mason mortar mixers	5.92	.30	.25		
GROUP 3 - All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25		
LATHERS	10.06				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.00	.35	1%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	b	1/2%

DECISION NO. IA76-4148

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BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush & rollers	$ 9.18				
Paperhangers	9.43				
Sandblasting; Spray painting	9.83				
PLASTERERS	10.31				
PLUMBERS & STEAMFITTERS	10.50	.45	.55		.10
ROOFERS	7.70				
SHEET METAL WORKERS	10.64		.50		.01
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a - Employer contributes 4% of the basic hourly rate for over 5 years' service and 2% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit. Six paid holidays - A thru F

b - Seven paid holidays - A thru G

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

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DECISION NO. IA76-4148

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS	$				
GROUP 1	$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)
GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)
GROUP 3 - Tractors (under 35 H2) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"
GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

DECISION NO. IA76-4148

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
Group 1	5.50	.30	.10		
Group 2	5.25	.30	.10		
Group 3	5.00	.30	.10		
Group 4	4.85	.30	.10		
Group 5	4.75	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by Laborers working from a boatn chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills
GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers
GROUP 4 - Form tamper; Air,gas and electric tool operator, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finisher' helpers
GROUP 5 - Fence erectors; Handling and placing of metal mesh; dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot casphalt labor; Stringman on paving work

DECISION NO. IA76-4148

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator
GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 17 and all similar equipment, over 10 cu. yds. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or ripper; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepafoot roller, 100,000 lbs. and over; Central mix plant operator, concrete, under 5 cu. yds.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator
GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator,high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yds. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (PAH and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.
GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Plexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator
GROUP 5 - Boiler Operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc, harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; [illegible] and winch truck
GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller

DECISION NO. IA76-4148

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP 1	$ 4.65	.25			
GROUP 2	4.75	.25			

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles
GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Linn
DECISION NO.: IA76-4149 DATE: Date of Publication
Supersedes Decision No. IA76-4060, dated February 27, 1976, in 41 FR 5645
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.25		.55		
CARPENTERS:					
Carpenters	8.39	.45	.45		.08
Millwrights; Piledrivermen	8.89	.45	.45		.08
CEMENT MASONS	8.80	.38			
ELECTRICIANS	10.70	.65	1%		1%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	10.565				.02
LABORERS:					
GROUP 1 - Common laborers	7.605	.30	.50		
GROUP 2 - All water service, mortar mixers; Sewer tile layers	7.73	.30	.50		
GROUP 3 - Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	7.805	.30	.50		
LATHERS	10.06				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.00	.35	1%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	b	1/2%

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush & rollers	$ 9.18				
Paperhangers	9.43				
Sandblasting; Spraying	9.83				
PLASTERERS	10.31				
PLUMBERS & STEAMFITTERS	10.50	.45	.55		.10
ROOFERS	7.70				
SHEET METAL WORKERS	10.64		.50		.01
SOFT FLOOR LAYERS	8.39	.45	.45		.08
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS	5.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE
a - Employer contributes 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A thru F
b - Paid Holidays A thru G

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower Cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)
GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-457 or equal)
GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"
GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills
GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade Checker and cutting torches on demolition work
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers
GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

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DECISION NO. IA76-4149

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Levermen; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer, Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barger-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV76-5083

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada
DATE: Date of Publication

Supersedes Decision Number NV76-5069 dated July 30, 1976, in 41 FR 32150.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$11.36	.78	$1.02		
Elko, Eureka, White Pine Counties	9.99	.52	1.02		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	12.00	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	10.87	.45	.30		.06
Remaining Counties and Nye County (north of Hwy. #6):					
Zone A: 0-15 miles from Courthouse in Reno, Nevada	10.75	.45	.45		.01
Zone B: 15-35 miles from Courthouse in Reno, Nevada	11.25	.45	.45		.01
Zone C: 35-75 miles from Courthouse in Reno, Nevada	11.65	.45	.45		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye Counties	7.77	.36	1.25	1.00	
Remaining Counties:					
Zone A: 0-35 miles from the Courthouse in Reno, Nevada	9.10	.50	.90	.55	.05
Zone B: 35-75 miles from the Courthouse in Reno, Nevada	10.00	.50	.90	.55	.05
CARPENTERS:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the North by the Nellis spur track and on the West by the train line of the Union Pacific Railroad:					

CARPENTERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah) (Cont'd):					
Zone 1 (Cont'd):					
Carpenters	$10.46	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	11.21	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	12.71	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.86	.55	.90	1.00	.10
Piledrivermen	12.91	.55	.90	1.00	.10
Millwrights	13.31	.55	.90	1.00	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties (Cont'd):					
Zone 4: Area over 40 road miles from the above communities:					
Carpenter	$10.85	.65	$1.01	$1.00	.05
Floor layer; Patent Scaffold Erector; Power Saw Operator	11.00	.65	1.01	1.00	.05
Piledriverman	11.05	.65	1.01	1.00	.05
Millwrights	11.45	.65	1.01	1.00	.05
CEMENT MASONS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08
Lake Tahoe Area:					
Cement Masons	10.10	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.35	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.75	1.00	.03
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the city of Reno, and within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	8.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.75	1.00	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenter	$9.35	.65	$1.01	$1.00	.05
Floor layer; Patent Scaffold Erector; Power Saw Operator	9.50	.65	1.01	1.00	.05
Piledriverman	9.55	.65	1.01	1.00	.05
Millwrights	9.95	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Carpenter	9.95	.65	1.01	1.00	.05
Floor layer; Patent Scaffold Erector; Power Saw Operator	10.10	.65	1.01	1.00	.05
Piledrivermen	10.15	.65	1.01	1.00	.05
Millwrights	10.55	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Carpenter	10.15	.65	1.01	1.00	.05
Floor layer; Patent Scaffold Erector; Power Saw Operator	10.30	.65	1.01	1.00	.05
Piledrivermen	10.35	.65	1.01	1.00	.05
Millwrights	10.75	.65	1.01	1.00	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL INSTALLERS (Cont'd):					
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6) (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	$10.20	.65	$1.01	$1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.40	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	.65	1.01	1.00	.05
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	12.46	.63	1% + .40		.05
Cable Splicers	12.79	.63	1% + .40		.05
Remaining portions of Nye County and all Remaining Counties including Lake Tahoe Area:					
Electricians; Technicians	11.84	.65	1% + .77		.08
Cable Splicers	13.02	.65	1% + .77		.08
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	12.39	.495	.32	3% + a	.02
Nevada east of 118° longitude and south of 39° N. latitude	12.00	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.63	.35	.40		.05
Remaining Counties	9.765	.37	1.20		
IRONWORKERS:					
Elko Area (including Montello, Wells, Elko, Carlin, Battle Mountain, Eureka, Pioche, Panaca, Caliente, McGill, Ruth, Ely); White Pine County; Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	9.35	.55	.85		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd):					
Remaining Counties (Cont'd):					
Zone 2-Highway construction:					
Area outside of Zone 1:	$9.90	.65	.75	$1.00	.03
Cement Masons	10.15	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons					
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.75	1.00	.03
Zone 2-Non-Highway construction:					
Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.75	1.00	.03
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	10.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base	9.60	.65	1.01	1.00	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd):					
Remaining Counties:					
Fence Erector	$10.14	$1.09	$1.83	$1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	9.30	.50	1.00	1.00	.06
Remaining Counties	10.86	.56	.20		.01
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (south half):					
Line Equipment Operator	12.90	.73	1%		3/4%
Cable Splicers	5%overJR	.73	1%		3/4%
Lake Tahoe Area:					
Lineman	10.34	.53	1% + .25		.03
Line Equipment Operator	9.31	.53	1% + .25		.03
Groundman	7.76	.53	1% + .25		.03
Cable Splicer	11.37	.53	1% + .25		.03
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	9.59	.53	1% + .25		.03
Line Equipment Operator	8.63	.53	1% + .25		.03
Groundman	7.19	.53	1% + .25		.03
Cable Splicers	10.55	.53	1% + .25		.03
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half):					
Brush; Roller	10.72	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.07	.75	.35		.05
Buffing Steel; Sandblasters; Structural Steel	11.32	.75	.35		.05
Steeplejack	12.22	.75	.35		.05
Nye County (north half) and Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$9.98	$1.00	.40	$1.20	.08
Remaining Counties	9.35	.50	1.00		
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	7.75	.50	.45		
PLUMBERS: Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.05	1.05	1.90	1.85	.08
Remaining Counties and Nye County (north half)	10.64	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.64	.73	.80	1.95	.10
PLUMBER HELPER (Utility)	5.60	.73	.10	.50	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.68	.65			
Remaining Counties and Nye County (north half)	10.10	.45	.20		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	10.23	.83	1.60	1.00	.07
Remaining Counties and Nye County (north half)	9.40	.94	1.80	.94	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.12	.40			.15
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$10.87	.45	.50		.06
Remaining Counties and Nye County (north half):					
Zone A: 0-15 miles from Courthouse in Reno, Nevada	10.75	.45	.45		.01
Zone B: 15-35 miles from Courthouse in Reno, Nevada	11.25	.45	.45		.01
Zone C: 35-75 miles from Courthouse in Reno, Nevada	11.65	.45	.45		.01

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$7.63	.51	$1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection)					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Group 1	$8.45	.40	.60		
Group 2	8.56	.40	.60		
Group 3	8.61	.40	.60		
Group 4	8.77	.40	.60		
Group 5	8.95	.40	.60		
Group 6	9.45	.40	.60		

LABORERS
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers. Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Op. (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-Man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (lead man); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile Man; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Op.; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

LABORERS (Cont'd)
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10c per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compreasor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds), Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish), Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and including 1-1/2 yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted);

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel), Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yards, up to and including 6-1/2 yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

Group 7: Crane (Over 25 tons up to and including 100 tons M.R.C., Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple, engine, Euclid, Caterpillar and similar) (Over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and Wheel type over 6-1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50c per hour additional)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Clark, Esmeralda, Lincoln and Nye (South of Hwy. #6) Counties

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel (under 2500 gallons); Pickups; Service; Repairman Helper; Drivers of Busses (on jobsite used for transportation of up to 25 passengers)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Gas and Oil Pipeline Working Truck Driver (including winch truck and all sizes of trucks); Water and Fuel (2500 gallons to 4000 gallons); Truck Greaser and Tireman; Drivers of Busses (on jobsite used for transportation of more than 25 passengers); Road Oil Spreading Truck; Time spent Spreading Oil

Group 3: Transit-mix (less than 3 yards); Dumpcrete (less than 6½ yards)

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type Spreader Trucks; Dumpster; Transit-mix Trucks (3 yards but less than 6 yards); Dumpcrete (6½ yards and over); Fork Lift; Ross Carrier; Highway Water and Fuel Truck (4000 but less than 6000 gallons)

Group 5: Transit-mix (6 yards or more); Truck Repairman; Dump Trucks (Over 22 yards); Trucks (legal payload capacity 20 tons and over); Fuel and Water Trucks (6000 gallons and over)

Group 6: D. W. and similar type equipment, D. W. 10 and D. W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of Equipment; also PB and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Building construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10
Group 6-A	9.15	.50	.90		.10
Group 6-B	8.85	.50	.90		.10
Group 6-C	8.50	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd):					
Building construction (Cont'd):					
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	$8.55	.50	.90		.10
Group 2	8.65	.50	.90		.10
Group 3	8.80	.50	.90		.10
Group 4	9.05	.50	.90		.10
Group 5	9.35	.50	.90		.10
Group 6-A	9.35	.50	.90		.10
Group 6-B	9.05	.50	.90		.10
Group 6-C	8.70	.50	.90		.10
Zone 4: Area over 40 road miles from the above communities:					
Group 1	9.25	.50	.90		.10
Group 2	9.35	.50	.90		.10
Group 3	9.50	.50	.90		.10
Group 4	9.75	.50	.90		.10
Group 5	10.05	.50	.90		.10
Group 6-A	10.05	.50	.90		.10
Group 6-B	9.75	.50	.90		.10
Group 6-C	9.40	.50	.90		.10
Highway construction:					
Area 1:					
Group 1	7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10

LABORERS (Cont'd): Remaining Counties (Cont'd): Highway construction (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 21					
Group 1	8.90	.50	.90		.10
Group 2	9.00	.50	.90		.10
Group 3	9.15	.50	.90		.10
Group 4	9.40	.50	.90		.10
Group 5	9.70	.50	.90		.10
Group 6-A	9.70	.50	.90		.10
Group 6-B	9.40	.50	.90		.10
Group 6-C	9.05	.50	.90		.10

LABORERS
(Remaining Counties)

GROUP 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

GROUP 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group 3): Greasing Dowels

GROUP 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Cut setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric); Post driver; Riprap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units, High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt rakers

GROUP 5: Blasters and powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

GROUP 6-A: Nozzleman, Rodman

GROUP 6-B: Gunman, Materialman

GROUP 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection): Remaining Counties:	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.75	$9.90	$1.12	$2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)
(Remaining Counties)

GROUP 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman

GROUP 2: Compressor; Material loader and/or conveyor (handling building materials); Pump; Tar pot fireman (power agitated)

GROUP 3: Box Operator (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rodman or chainman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

GROUP 4: Ballast Jack Tamper; Ballast regulator; Ballast tamper multipurpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie spacer; Line Master

GROUP 5: Concrete Mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

GROUP 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors, Self-propelled tape machine

GROUP 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Instrument man; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plant; Self-propelled boom type lifting device (Center Mount) (10 ton cap. or less); Slusher, Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties

) ft. depth) Truck type loader; Welding machines (gasoline or diesel); Roller (Asphalt)

GROUP 8: Asphalt Plant Engineer; Car Passer; Cast-in-place pipe laying machine; Combination slusher and motor, Dozer, Concrete batch plant (multiple units); Elevating grader; Grooving and Grinding machine (Highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck," M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer, Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor, Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine

GROUP 9: Canal Finger Drain Digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

GROUP 10: Boom type backfilling machine; Bridge crane; Cary-lift or similar; Chemical grouting machine; Chief of party; Derricks; Derrick barges (except excavation work); Euclid loader & similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and incl. 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire wrapping machine; Rubber tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (200 H.P. and over); Shuttle car (Reclaim station); Single engine scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley Crane (up to and incl. 25 tons), Trenching machine; Multi-engine with sloping attachments (JEFFCO or similar)

GROUP 10-A: Backhoe (up to and incl. 1 cu. yd. hydraulic); Backhoe (up to and incl. 1 cu. yd. (cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and incl. 1 cu. yd.); Motor patrol; Power shovels, Clamshells, Draglines, Cranes (up to and incl. 1 cu. yd.); Rubber-tired scraper, self-loading (Twin engine); Self-propelled boom-type lifting device (Center Mount) (Over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.), Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

AREA DEFINITIONS

Laborers:
Remaining Counties:
Highway construction:

Power Equipment Operators:
(Except Piledriving and
Steel Erection):
Remaining Counties:

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner of township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thence westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following line:
Commencing at the S.W. corner of township 37N, range 52E;
Thence easterly to the S.E. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Thence northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 32N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

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TRUCK DRIVERS (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 8.45	$ 9.60	.51	.65		.05
4 yards and under 8 yards	8.65	9.80	.51	.65		.05
8 yards and under 18 yards	8.85	10.00	.51	.65		.05
18 yards and under 35 yards	9.00	10.15	.51	.65		.05
35 yards and under 60 yards	9.25	10.40	.51	.65		.05
60 yards and under 75 yards	9.40	10.55	.51	.65		.05
75 yards and under 100 yards	9.55	10.70	.51	.65		.05
100 yards and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	8.85	10.00	.51	.65		.05
8 yards and including 12 yards	8.95	10.10	.51	.65		.05
Over 12 yards	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	8.65	9.80	.51	.65		.05
2,500 gallons and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit 2 axle	8.65	9.80	.51	.65		.05
Single unit 3 axle	8.75	9.90	.51	.65		.05

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
(Remaining Counties)	AREA I	AREA II				
BUS AND MANHAUL DRIVERS, Single unit Pickup:						
Up to 18,000 pounds	$ 8.50	$ 9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	8.60	9.75	.51	.65		.05
18,000 pounds and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSEMAN SPOTTERS, Teamsters	8.55	9.70	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05

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TUNNEL LABORERS (Statewide except Clark, Esmeralda and Lincoln Cos., & the S 1/2 of Nye County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding and spreading; Grout Crew incl. Headerman and Potman; Reboundmen	$ 8.50	.50	.65		.10
NIPPER; Chuck Tenders and Cable Tenders; Powderman - Primer House; Steel Form Raisers and Setters; Vibratormen, Pavement Breakers	8.60	.50	.65		.10
GROUT GUNMEN; Jetgunmen; Gunmen	8.75	.50	.65		.10
MINERS-Tunnel, incl. Top and Bottom Man on Shaft and Raise Work; Timbermen, Retimberman - Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster - Potman (work assignment interchangeable)	8.80	.50	.65		.10
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	9.10	.50	.65		.10
SHIFTERS	9.35	.50	.65		.10
SHAFT WORK & Raise-Shifters	9.65	.50	.65		.10

SUPERSEDEAS DECISION

STATE: South Carolina
DECISION NUMBER: SC76-1100
COUNTY: See below*
DATE: Date of Publication
Supersedes Decision No.: SC75-1017 dated January 31, 1975 in 40 FR-4785.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Cherokee, Spartanburg and Union.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.25				
Bricklayers	5.75				
Carpet layers	3.25				
Carpenters	4.00				
Cement masons	4.25				
Dry wall finishers	3.00				
Dry wall hangers	3.00				
Electricians	4.50				
Insulation installer	3.20				
Ironworkers	3.50				
Laborers:					
Laborers	2.91				
Asphalt Raker	3.00				
Painters, brush	4.00				
Plumbers	4.75				
Roofers	3.80				
Sheet metal workers	4.75				
Soft floor layers	3.25				
Tile setters	3.30				
Truck drivers	3.00				
Welders	4.67				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.70				
Asphalt finisher	3.75				
Asphalt paver	3.28				
Asphalt sweeper	3.00				
Backhoe	3.82				
Bulldozer	4.75				
Dragline	3.70				
Front end loader	3.30				
Motor grader	3.30				
Pan operator	3.70				
Roller	3.25				
Scraper	3.23				
Tractor	3.75				
Trenching machine	4.75				

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd):					
South section of Utah (Remaining Counties):					
Zone 1: Davis County, south of 41st Parallel; Salt Lake County; Utah County (north of 40th Parallel); the northeast corner of Tooele County (beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele and thence west along said township line to the southwest corner of Section 32, Township 3 south, Range 4 west, Salt Lake Base Meridian; thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west; then west to the Nevada line; then north along the line of longitude 112.5° to the north line of Tooele County):					
Area A: Ten miles either direction (east or west) from Interstate Hwy. #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel:					
Electricians	$10.50	.45	1% + .50		8/10%
Cable Splicers	10.75	.45	1% + .50		8/10%
Area B: The balance of Zone 1 that lies in Davis, Salt Lake and Utah Counties:					
Electricians	11.25	.45	1% + .50		8/10%
Cable Splicers	11.50	.45	1% + .50		8/10%
Area C: The balance of Zone 1 that lies in Tooele County:					
Electricians	12.00	.45	1% + .50		8/10%
Cable Splicers	12.25	.45	1% + .50		8/10%

SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: UT76-5082
Supersedes Decision No. UT76-5052 dated June 25, 1976, in 41 FR 26537.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.99	.52	$1.02	.50	.02
BOILERMAKERS	10.65	.75	1.00		.07
BRICKLAYERS	9.76	.40	.42		
CARPENTERS:					
Carpenters	9.00	.50	.60	.25	.03
Saw Operators, Carpenters handling creosote materials	9.25	.50	.60	.25	.03
Millwrights	9.50	.50	.60	.25	.03
CEMENT MASONS:					
Cement Masons	8.76	.50	.60	.25	
Machine Operator; Mastic Floor Materials; Swing Scaffold; Swing Stage	8.885	.50	.60	.25	
DRYWALL INSTALLERS; Taping, finishing and texturing (hand or machine)	9.54	.51	.30		.03
ELECTRICIANS:					
North section of Utah (Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties;					
Zone 1: Cache, Davis County (north of 41st Parallel), Weber Counties:					
Electricians	10.50	.45	1% + .50		8/10%
Cable Splicers	10.75	.45	1% + .50		8/10%
Zone 2: Box Elder (east of 112.5° longitude), Morgan Counties:					
Electricians	11.00	.45	1% + .50		8/10%
Cable Splicers	11.25	.45	1% + .50		8/10%
Zone 3: Box Elder (west of 112.5° longitude), Rich Counties:					
Electricians	12.50	.45	1% + .50		8/10%
Cable Splicers	12.75	.45	1% + .50		8/10%
In the above areas on any job or project not exceeding $15,000 electrical labor and material including Zone 1 rates shall apply.					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Pipefitters (Cont'd):	$10.05	.51	$1.00		.04
Zone 2: Zone 1 plus 35 miles.	11.40	.51	1.00		.04
Zone 3: All area beyond Zone 2	11.90	.51	1.00		.04
REFRIGERATION AND AIR CONDITIONING:					
Under 50 tons	8.55	.51	.75		.04
50 tons and over	9.15	.51	.75		.04
ROOFERS	9.06	.57	.35		
SHEET METAL WORKERS	9.83	.50	.54		.08
SOFT FLOOR LAYERS	8.28	.51	.12		
SPRINKLER FITTERS	10.43	.60	.90		.08
TERRAZZO WORKERS	9.40	.20			
TILE SETTERS	9.40	.20			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Years Days; B-Memorial Day; E-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd):					
South section of Utah (Remaining Counties) (Cont'd):					
Zone 2: Remainder of Counties and all portions of Counties not included in Zones 1 and 2 of south section of Utah:					
Electricians	$13.25	.45	1% + .50		8/10%
Cable Splicers	13.50	.45	1% + .50		8/10%
ELEVATOR CONSTRUCTORS	10.03	.545	.35	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.02	.545	.35	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.015	.51	.03		
GLAZIERS	10.02				
IRONWORKERS:					
Ornamental, Reinforcing, Fence Erectors, Structural	10.05	.55	1.00		.10
LATHERS	8.88	.50	.50		.01
MARBLE SETTERS	9.40	.20			
PAINTERS:					
Area north of the 41st Parallel:					
Brush; Roller	8.19	.51	.50		.03
Spray; Sandblast; Steeple Jack	8.44	.51	.50		.03
Spray (Swing Stage); Sandblaster (Swing Stage)	8.64	.51	.50		.03
Remaining part of State:					
Brush; Roller	8.57	.21	.18		.02
Brush (Swing Stage); Brush (Steel and Bridge); Spray, Sandblaster; Steeple Jack	8.87	.21	.18		.02
Spray (Swing Stage); Spray (Steel and Bridge); Sandblaster (Swing Stage)	9.12	.21	.18		.02
Wallcovering hanger	8.82	.21	.18		.02
PILEDRIVERMEN:					
Bridge, Wharf and Dock Carpenters; Riggers, Boom men	11.38	.50	.60	.25	.03
	8.86	.50	.60		.01
PLASTERERS					
PLUMBERS; Pipefitters: Zone 1: Within 45 mile radius from the center of Salt Lake City, and Provo, Utah	9.40	.51	1.00		.04
Zone 2: Zone 1 plus 15 miles	9.70	.51	1.00		.04

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	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS*:	$6.455	$7.455	.30	.35	.30	.04
Group 1	6.58	7.58	.30	.35	.30	.04
Group 2	6.705	7.705	.30	.35	.30	.04
Group 3	6.83	7.83	.30	.35	.30	.04
Group 4	7.18	8.18	.30	.35	.30	.04
Group 5	7.68	8.68	.30	.35	.30	.04
Group 6						
LABORERS (Tunnel and Shaft Work):						
Group 1	6.58	7.58	.30	.35	.30	.04
Group 2	6.68	7.68	.30	.35	.30	.04
Group 3	6.78	7.78	.30	.35	.30	.04
Group 4	6.88	7.88	.30	.35	.30	.04
Group 5	7.18	8.18	.30	.35	.30	.04
Group 6	7.33	8.33	.30	.35	.30	.04
LINE CONSTRUCTION WORKERS						
Linemen		9.65	.35	1%		3/4%
Cable Splicers		10.61	.35	1%		3/4%
Line Equipment Operators		8.70	.35	1%		3/4%
Groundman		7.19	.35	1%		3/4%
Line Equipment Mechanic:						
Right-of-way		9.14	.35	1%		3/4%
Base shop		8.56	.35	1%		3/4%
Line Equipment Servicemen		8.56	.35	1%		3/4%

*LABORERS - AREA DEFINITION:
Area 1: That area of Utah within 45 road miles of the County seats excluding Daggett County.

Area 2: That area in Utah beyond 45 miles of the County seats including Daggett County.

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LABORERS

Group 1: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing and Grading; Cleaning of equipment and parts in connection with concrete; Concrete Crew; Dock-hand and Cleaning Man; Fence Erector and Installer (includes installation and erection of fences, guard rails, median rails, reference post, guide post, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking and Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader and Weighman; Stake Jumper; Stripping and Cleaning of steel and pans; Tool Dispatcher and Checker (full time); Unloading and packing of reinforcing steel rods and mesh

Group 2: Air-track Helper; Asphalt Rakers and Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Maker; Rollers; Screen and Clean-up Man; Signal and Dumpman on Concrete Construction; Tunnel and Belt Man

Group 3: Barko Vibratory Roller and similar type compacting machines; Concrete Cutting Torch; Hand and Chain Saw Operator (Bucking and Falling Timbers); High Pressure Water Nozzleman; J Tampers and similar type tampers; Jackhammer and Pavement Breaker; Mortar and Grout Mixer; Multi-plate Installer; Operator of pneumatic and electric tools and compressors and concrete saw; Operator of Power-type Form Cleaner and Oiling Machine; Pipelayer ; Powderman Helper; Power Type Buggies; Pumpcrete Operator; Refinery Tank and Vessel Cleaners; Sandblasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches and tools needed in wrecking; Laser Beam Operator

Group 4: Air-track and Core Diamond Drillers; Drill Mechanic (on job site); High Scaler operating Jackhammer&reaker; Mailn Vibrators and similar types 70 lbs.; Multiple Side Boom Driller; Wagon Driller

Group 5: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

Group 6: Powderman

LABORERS (Tunnel and Shaft Work)

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

Group 3: Nipper; Screedman; Vibrator; Tapman

Group 4: Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader and Tuggers; Steelman; Timberman

Group 5: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

Group 6: Shifter

NOTICES

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:	$7.31	$8.31	.69	$1.475	.75	.10
Group 1	7.59	8.59	.69	1.475	.75	.10
Group 2	7.94	8.94	.69	1.475	.75	.10
Group 3	8.12	9.12	.69	1.475	.75	.10
Group 4	8.23	9.23	.69	1.475	.75	.10
Group 4-A	8.23	9.23	.69	1.475	.75	.10
Group 5	8.69	9.69	.69	1.475	.75	.10
Group 6	8.84	9.84	.69	1.475	.75	.10
Group 7	8.95	9.95	.69	1.475	.75	.10
Group 7-A	9.25	10.25	.69	1.475	.75	.10
Group 8	9.31	10.31	.69	1.475	.75	.10
Group 8-A	9.37	10.37	.69	1.475	.75	.10
Group 9	9.53	10.53	.69	1.475	.75	.10
Group 10	9.97	10.97	.69	1.475	.75	.10
Group 11	10.93	11.93	.69	1.475	.75	.10
Group 11-A	11.38	12.38	.69	1.475	.75	.10
Group 11-B	11.54	12.54	.69	1.475	.75	.10
Group 12						
POWER EQUIPMENT OPERATORS:						
PILEDRIVING:						
Group 1-A	8.58		.69	1.475	.75	.10
Group 1-B	8.71		.69	1.475	.75	.10
Group 1-C	8.86		.69	1.475	.75	.10
Group 2-A	9.49		.69	1.475	.75	.10
Group 2-B	9.70		.69	1.475	.75	.10
Group 3	10.00		.69	1.475	.75	.10
Group 3-A	10.38		.69	1.475	.75	.10
Group 4	10.93		.69	1.475	.75	.10
Group 5	11.08		.69	1.475	.75	.10
Group 6	12.09		.69	1.475	.75	.10
STEEL ERECTION:						
Group 1	8.82		.69	1.475	.75	.10
Group 2	9.20		.69	1.475	.75	.10
Group 3	10.21		.69	1.475	.75	.10
Group 4	10.35		.69	1.475	.75	.10
Group 4-A	10.64		.69	1.475	.75	.10
Group 5	11.12		.69	1.475	.75	.10
Group 6	11.53		.69	1.475	.75	.10
Group 6-A	12.09		.69	1.475	.75	.10
Group 7	13.07		.69	1.475	.75	.10

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POWER EQUIPMENT OPERATORS

Group 1: Repairman Helper

Group 2: Asphalt Plant Fireman; Brakeman - Locomotive; Elevator Operator; Oiler, Boxman; Rear Chainman; Fireman Hydraulic Monitor; Material Loader or Conveyor; Partsman - Field; Rodmen; Chainmen

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant)(continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler; Boxman, Asphalt Plant

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 cu. yd. Struck MRC; Hoist Operator 1 Drum; Line Master; Slip Form Pumps; Gradesetter

Group 4-A: Slurry Seal Machine or similar

Group 5: Air Compressor Operator (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco and similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Lube and Service Engineer (mobile and grease rack); Concrete Conveyor (Building Site); Slurry Seal Machine or similar

Group 6: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork Lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 cu. yd. up to and including 2 cu. yd. struck MRC); Power Jumbo Operator (setting slip forms, etc., in tunnels); Small Rubber Tired Trenching Machine

Group 7: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor - Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High Lift (40 ft. or similar); Roller Operator or self-propelled compactor; Concrete conveyor or concrete pump truck, or equipment mounted (Boom length to apply)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: (Cont'd)
mechanical burm, curb and/or curb gutter machine (concrete or asphalt), self-propelled compactor with or without dozer, drilling and boring machinery, horizontal and vertical (not to apply to waterliners, wagon drills or Jackhammers), self-propelled compactor (with multiple-propulsion power units)

Group 7-A: Side Boom Operator; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or Drag-type Shovel or Boom attachment) (up to and including D-7 or similar), Truck or equipment mounted

Group 8: Do-more Loader and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Scooper (or similar, up to 5 cu. yds. Struck MRC); Mucking Machine Operator; Saurman Type Dragline (under 5 cu. yds. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (Automatic Subgrader - fine - grader); Self-propelled Boom Type lifting Device; Mechanical Trench Shield; Rubber-tired Scraper (under 35 cu. yds. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar), Combination Backhoe and Loader (3/4 yards or over Struck MRC)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar

Group 9: Combination Mixer and Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar design and capacity) (in the erection, dismantling and moving of equipment there shall be additional Operator Engineer)

Group 10: Highline Cableway Operator (Signalman required); Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Pre-stree Wire Wrapping Machine; Saurman type Dragline (5 cu. yds. Struck MRC and over); Tractor Tandem Scrapers - DW 10, 20, etc. (Tandem Scraper); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Gradeall, etc.) (up to and including 5 cu. yds. Struck MRC); Loader (over 5 cu. yds. up to and including 12 cu. yds. Struck MRC); Self-propelled Boom type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Concrete Slip Form Paver (Gradesetter, Screedman); Koehring Scooper (or similar) (5 cu. yds. and over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 cu. yds. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with Shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC); Rubber-tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile

DECISION NO. UT76-5082

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11-A: Multi-Purpose Earth Moving Machines (two or more scrapers) (over 75 cu. yds. Struck MRC); Power Shovels and Draglines (over 7 cu. yds. Struck MRC); Loader (over 12 cu. yds. Struck MRC)

Group 11-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 12: Cranes over 125 tons

POWER EQUIPMENT OPERATORS
(Piledriving)

Group 1-A: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-B: Compressor Operator

Group 1-C: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting materials only)

Group 2-B: Compressor Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device (center mount) (10 ton capacity or less MRC)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (without boiler) up to and including 1 cu. yd. rating; Truck Crane Operator (up to and including 25 tons) (hoisting material only); Self-propelled boom type lifting device (center mount) (over 10 tons)

Group 5: Operator of diesel or gasoline powered crane piledriver (without boiler) over 1 cu. yd. rating; Operator of Crane (with steam flash boiler, pump or compressor attached), (Group 4 Operating Engineer required); Operator of steam powered Crawler or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons), (Hoisting material or performing Piledriving work)

Group 6: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS
(Steel Erection)

Group 1: Assistant to Engineer (Oiler)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Steel Erection)

Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or disel driver (100 KW); Rodman; Chainman

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using Mechanical equipment); Fork Lift

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman; Welder

Group 5: Dual Purpose "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons MRC or less); Single Drum Hoist; Tugger Hoist; Chief of Party; Self-propelled Boom type lifting device (center mount) (10 ton capacity or less MRC)

Group 6: Crawler Cranes and Truck Cranes (over 15 tons MRC); Derricks (2 Operators required when swing engine remote from hoist); Highline Cableway (signalman required); Gantry Rider (or similar equipment); Self-propelled Boom type lifting device (center mount over 10 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types in erection, dismantling and moving of equipment there shall be an additional Operating Engineer); Two or more drum hoist

DECISION NO. UT76-5082

TRUCK DRIVERS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
DUMP TRUCKS - Water Level Capacity (Bottom, end and side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers and Dumpcrete)			H & W	Pensions	Vacation	Education and or Appr. Tr.
	AREA I	AREA II				
Less than 8 yards	$7.60	$8.60	.54	.65	.82	.10
8 yards and less than 14 yards	7.75	8.75	.54	.65	.82	.10
14 yards and less than 35 yards	7.90	8.90	.54	.65	.82	.10
35 yards and less than 55 yards	8.10	9.10	.54	.65	.82	.10
55 yards and less than 75 yards	8.30	9.30	.54	.65	.82	.10
75 yards and less than 95 yards	8.50	9.50	.54	.65	.82	.10
95 yards and less than 105 yards	8.70	9.70	.54	.65	.82	.10
105 yards and less than 130 yards	8.82	9.82	.54	.65	.82	.10
All over 130 cu. yds. to be paid one-half cent ($.005) per cu. yds. capacity per hour in addition to rate for 105 yards and less than 130 yards						
FLAT RACK TRUCKS, BULK Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity); Pickup	7.425	8.425	.54	.65	.82	.10
Less than 10 tons	7.50	8.50	.54	.65	.82	.10
10 tons and less than 15 tons	7.65	8.65	.54	.65	.82	.10
15 tons and less than 20 tons	7.75	8.75	.54	.65	.82	.10
20 tons and over	7.90	8.90	.54	.65	.82	.10
TRANSIT MIX TRUCKS:						
4-½ yards capacity and less	7.625	8.625	.54	.65	.82	.10
Over 4½ yards capacity to and including 6½ yards	7.725	8.725	.54	.65	.82	.10
Over 6½ yards	7.825	8.825	.54	.65	.82	.10
Concrete Pumping Trucks	7.825	8.825	.54	.65	.82	.10

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DECISION NO. UT76-5082

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA I	AREA II				
WATER, FUEL AND OIL TANK TRUCKS:						
0 to 1200 gallons	$7.475	8.475	.54	.65	.82	.10
1200 gallons to 2500 gallons	7.60	8.60	.54	.65	.82	.10
2500 gallons to 4000 gallons	7.75	8.75	.54	.65	.82	.10
4000 gallons to 6000 gallons	8.05	9.05	.54	.65	.82	.10
6000 gallons to less than 10,000 gallons	8.30	9.30	.54	.65	.82	.10
10,000 gallons to less than 15,000 gallons	8.55	9.55	.54	.65	.82	.10
15,000 gallons to less than 20,000 gallons	8.80	9.80	.54	.65	.82	.10
20,000 gallons to less than 25,000 gallons	9.05	10.05	.54	.65	.82	.10
Over 25,000 gallons	9.30	10.30	.54	.65	.82	.10
OIL SPREADER OPERATOR (on single man Operation where Boot Man is not required)	8.39	9.30	.54	.65	.82	.10
CONSTRUCTION JOB SERVICEMEN:						
Teleacopic Manlift Truck	7.80	8.80	.54	.65	.82	.10
Fork Lift (under 6 tons) and Straddle Truck	7.80	8.80	.54	.65	.82	.10
Truck Driver Helper	7.375	8.375	.54	.65	.82	.10
Chauffeurs	7.375	8.375	.54	.65	.82	.10
Bunkers and Truck Loaders	7.50	8.50	.54	.65	.82	.10
Warehousemen (Counter Clerk)	7.55	8.55	.54	.65	.82	.10
Warehousemen	7.425	8.425	.54	.65	.82	.10
Washers, Greasers and Tiremen	7.575	8.575	.54	.65	.82	.10
Gas Station Attendants	7.425	8.425	.54	.65	.82	.10
Fork Lift (over 6 tons)	7.90	8.90	.54	.65	.82	.10
Teamster Mechanic	8.61	9.61	.54	.65	.82	.10
Teamster Mechanic Helper	8.36	9.36	.54	.65	.82	.10
Teamster Welder	8.61	9.61	.54	.65	.82	.10
Teamster Driving Two Horses	8.375	9.375	.54	.65	.82	.10
Teamster Driving Three or more Horses	8.475	9.475	.54	.65	.82	.10
Sweeper or Vacuum Truck	7.75	8.75	.54	.65	.82	.10

DECISION NO. UT76-5082

AREA DEFINITIONS
Power Equipment Operators and Truck Drivers

AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the northerly line of township 36S, thence easterly along the northerly lines of township 36S to the northeast corner of township 36S, range 17W;
Thence northerly to the N.W. corner of township 35S, range 16W;
Thence easterly to the N.E. corner of township 35S, range 16W;
Thence northerly to the N.W. corner of township 31S, range 15W;
Thence easterly to the N.E. corner of township 31S, range 15W;
Thence northerly to the N.W. corner of township 26S, range 14W;
Thence easterly to the N.E. corner of township 26S, range 14W;
Thence northerly to the N.W. corner of township 25S, range 13W;
Thence easterly to the N.E. corner of township 25S, range 13W;
Thence northerly to the N.W. corner of township 24S, range 12W;
Thence easterly to the N.E. corner of township 24S, range 12W;
Thence northerly to the N.W. corner of township 19S, range 11W;
Thence easterly to the N.E. corner of township 19S, range 11W;
Thence northerly to the N.W. corner of township 17S, range 10W;
Thence easterly to the N.E. corner of township 17S, range 10W;
Thence northerly to the N.W. corner of township 16S, range 9W;
Thence easterly to the N.E. corner of township 16S, range 9W;
Thence northerly to the N.W. corner of township 15S, range 8W;
Thence easterly to the N.E. corner of township 15S, range 8W;
Thence northerly to the S. W. corner of township 7S, range 7W;
Thence westerly to the S.W. corner of township 7S, range 10W;
Thence northerly crossing the Salt Lake BaseLine to the N.W. corner of township 6N, range 10W;
Thence easterly to the N.W. corner of township 6N, range 8W;
Thence northerly to the N.W. corner of township 12N, range 8W;
Thence easterly to the N.E. corner of township 12N, range 8W;
Thence northerly along the westerly line of range 7W to the Utah-Idaho Border
Thence easterly along the Utah-Idaho Border crossing the Salt Lake Meridian to the intersection of the Utah-Idaho-Wyoming Borders
Thence southerly along the Utah-Wyoming Border
Thence easterly along the Utah-Wyoming Border to the easterly line of range 11E;
Thence southerly along the east line of range 11E, crossing the Salt Lake Base line to the N.E. corner of township 4S, range 11E;
Thence easterly to the N.W. corner of township 4S, range 18E;
Thence northerly to the N.W. corner of township 1S, range 18E;
Thence easterly along the Salt Lake Base Line to the N.E. corner of township 1S, range 24E;

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AREA DEFINITIONS
Power Equipment and Truck Drivers

AREA 1: (Cont'd)

Thence southerly to the N.E. corner of township 3S, range 24E;
Thence easterly along the northern line of township 3S to the Utah-Colorado Border;
Thence southerly along the Utah-Colorado Border, to the Southerly line of township 6S;
Thence westerly to the N.E. corner of township 7S, range 23E;
Thence southerly to the S.E. corner of township 7S, range 23E;
Thence westerly to the S.W. corner of township 7S, range 20E;
Thence southerly to the S.E. corner of township 8S, range 19E;
Thence westerly to the S.E. corner of township 8S, range 16E;
Thence southerly to the S.E. corner of township 11S, range 16E;
Thence westerly to the S.E. corner of township 11S, range 14E;
Thence southerly to the S.E. corner of township 16S, range 14E;
Thence westerly to the S.E. corner of township 16S, range 12E;
Thence southerly to the S.E. corner of township 20S, range 12E;
Thence westerly to the S.E. corner of township 20S, range 8E;
Thence southerly to the S.E. corner of township 21S, range 8E;
Thence westerly to the S.E. corner of township 21S, range 6E;
Thence southerly to the S.E. cornerof township 23S, range 6E;
Thence westerly to the S.E. corner of township 23S, range 5E;
Thence southerly to the N.E. corner of township 27S, range 5E;
Thence easterly to the N.E. corner of township 27S, range 7E;
Thence southerly to the S.E. corner of township 30S, range 7E;
Thence westerly to the S.E. corner of township 30S, range 4E;
Thence southerly to the S.E. corner of township 31S, range 4E;
Thence westerly to the S.W. corner of township 31S, range 4E;
Thence southerly to the S.E. corner of township 35S, range 3E;
Thence westerly to the S.W. corner of township 35S, range 3E;
Thence southerly to the S.E. corner of township 37S, range 2E;
Thence westerly to the S.W. corner of township 37S, range 2E;
Thence southerly to the S.E. corner of township 39S, range 1E;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39S, range 2W;
Thence southerly to the S.E. corner of township 41S, range 2W;
Thence westerly to the S.E. corner of township 41s, range 4W;
Thence southerly along the easterly line of range 4W, to the Utah-Arizona Border;
Thence westerly along the Utah-Arizona Border to the S.W. corner of Utah;
Thence northerly along the Utah-Nevada Border to the Point of beginning;
Commencing at the intersection of the Utah-Colorado Border and the southerly line of township 34S;
Thence westerly to the S.W. corner of township 34S, range 21E;

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AREA DEFINITIONS (Cont'd)
Power Equipment Operators and Truck Drivers (Cont'd)

AREA 1 (Cont'd):
Thence northerly to the S.W. corner of township 29S, range 21E;
Thence westerly to the S.W. corner of township 29S, range 19E;
Thence northerly to the N.W. corner of township 23S, range 19E;
Thence easterly to the N.W. corner of township 23S, range 22E;
Thence northerly to the N.W. corner of township 21S, range 22E;
Thence easterly to the N.E. corner of township 21S, range 24E.

AREA 2:
All areas not included within Area 1 as defined above.

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SUPERSEDEAS DECISION

STATE: VIRGINIA
DECISION NO.: VA76-3245

COUNTIES: Alleghany, Austin, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Shenandoah & Warren

Supersedes Decision No. AM-1875, dated August 20, 1971, in 36 FR 16343.
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt raker	$ 3.35				
Carpenter structure	4.36				
Carpenter structure helper	3.00				
Concrete finisher	4.00				
Concrete finisher helper	3.55				
Electrician	3.50				
Guardrail erector	3.00				
Ironworker - reinforcing	4.00				
Laborer - unskilled	3.00				
Landscape worker	2.30				
Mason structure	7.00				
Mechanic	4.25				
Mechanic helper	3.79				
Painter	3.25				
Pipelayer	3.50				
Powderman blaster	4.00				
Sign erector	4.86				
Truck Drivers:					
Heavy duty (over 7cy)	3.39				
Multi-rear axle	3.37				
Single-rear axle	3.00				
Power Equipment Operators:					
Asphalt distributor	3.50				
Asphalt paver	3.50				
Backhoe	4.52				
Bulldozer	4.00				
Concrete finishing machine	4.25				
Crane, derrick & dragline (1yd & under)	4.25				
Crane, derrick & dragline (over 1yd)	4.54				
Drill	3.50				
Loader (1yds & under)	3.50				
Loader (over 2yds)	3.95				
Motor grader (fine)	4.86				
Motor grader (rough)	4.25				
Oiler greaser	3.75				
Power tool operator	3.00				
Roller	3.25				
Scraper-pan	4.00				
Shovel - (over 1yd)	4.25				
Stone spreader	3.00				

SUPERSEDEAS DECISION

STATE: VIRGINIA
DECISION NO.: VA76-3244

COUNTIES: Albemarle, Culpeper, Fauquier, Fluvanna, Greene Loudoun, Louisa, Madison, Orange, Prince William & Rappahannock

Supersedes Decision No. AM-1874, dated August 20, 1971, in 36 FR 16342.
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt raker	$ 3.88				
Carpenter structure	4.28				
Carpenter structure helper	3.49				
Concrete finisher	4.38				
Concrete finisher helper	3.75				
Electrician	6.29				
Form setter - road	5.50				
Guardrail erector	3.90				
Ironworker - reinforcing	4.75				
Laborer - unskilled	3.09				
Landscape worker	2.50				
Mechanic	4.52				
Mechanic helper	3.00				
Painter - bridge	6.00				
Pipelayer	3.83				
Sign erector	3.75				
Truck drivers:					
Heavy duty (7cy and under)	3.25				
Heavy duty (over 7cy)	3.58				
Multi-rear axle	4.00				
Single-rear axle	3.00				
Power Equipment Operators:					
Asphalt paver	4.12				
Backhoe	4.00				
Bulldozer	4.00				
Crane, derrick & dragline (1yd & under)	4.32				
Crane, derrick & dragline (over 1yd)	5.16				
Drill	4.00				
Loader (2yds. and under)	4.00				
Loader (over 2yds.)	5.50				
Motor grader (fine)	4.66				
Roller	3.65				
Roller (finish)	3.77				
Scraper-pan	4.64				
Tractor - utility	3.75				

[FR Doc.76-26319 Filed 9-9-76;8:45 am]

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FRIDAY, SEPTEMBER 10, 1976

PART VII:

OFFICE OF MANAGEMENT AND BUDGET

FOREIGN MILITARY CREDIT SALES PROGRAM

Rescission

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OFFICE OF MANAGEMENT AND BUDGET

FOREIGN MILITARY CREDIT SALES PROGRAM

Rescission

To THE CONGRESS OF THE UNITED STATES

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $126,750,000 in budget authority available in the transition quarter for the Foreign military credit sales program. Approval of this rescission proposal would reduce Federal spending by $83 million through 1979.

Unusual circumstances not provided for by the Impoundment Control Act of 1974 have brought about the transmission of this special message at a time that will not allow for a 45-day period of continuous session of the Congress prior to the end of the transition period when the affected funds lapse. These circumstances result from the coincidence of (1) the late approval of the Foreign Assistance Appropriations Act, 1976, on June 30, 1976, the eve of the transition quarter, (2) the short duration of the unique transition quarter itself, and (3) the schedule of congressional recesses of more than three days during this period. In view of this unusual situation, I ask the Congress to give prompt consideration to the proposed rescission.

The details of the proposed rescission are contained in the attached report.

Gerald R. Ford

THE WHITE HOUSE, September 7, 1976.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Funds Appropriated to the President:	
	International Security Assistance	
R76-50	Foreign military credit sales	126,750

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976 AND THE TRANSITION QUARTER
(amounts in thousands of dollars)

	Rescissions	Deferrals
Twentieth special message:		
New items.....	126,750	---
Changes to amounts previously submitted.....	---	---
Effect of the twentieth special message.....	126,750	---
Previous special messages.....	3,455,314	8,335,296
Adjustments to eliminate double counting.....	---	-242,023
Total amount proposed in special messages.....	3,582,064 (in 50 rescission proposals)	8,093,273 (in 117 deferrals)

NOTE: All amounts listed represent budget authority except for $114,828,220 consisting of two general revenue sharing deferrals (of outlays only). Supplementary reports for these deferrals (D76-25F and D76-67A) are included in the seventeenth special message.

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Rescission Proposal No: R76-50

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority TQ $ 140,000,000
Bureau International Security Assistance	(P.L. 94-330) Other budgetary resources TQ 141,560,000
Appropriation title & symbol	Total budgetary resources TQ 281,560,000
Foreign Military Credit Sales 1161082	Amount proposed for rescission $ 126,750,000*
OMB identification code: 04-09-1082-0-1-052	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification

Pursuant to Public Law 90-629, the "Foreign Military Sales Act," approved October 22, 1968, as amended (including Title II of Public Law 94-329, the International Security Assistance and Arms Export Control Act of 1976, approved June 30, 1976), and Executive Order No. 11501 of December 22, 1969, as amended, the Secretary of Defense, under the continuous supervision and general direction of the Secretary of State, uses appropriated funds to make loans to friendly foreign countries and international organizations to finance procurement of defense articles and defense services from the United States or to guarantee loans made by private U.S. financial institutions or the Federal Financing Bank for the same purpose.

Public Law 94-330, the "Foreign Assistance and Related Programs Appropriation Act, 1976, and the period ending September 30, 1976," approved June 30, 1976, appropriated $1,065,000,000 for fiscal year 1976 and $140,000,000 for the period July 1, 1976, through September 30, 1976, "to enable the President to carryout the provisions of the Foreign Military Sales Act" (now the Arms Export Control Act). At the end of June 30, 1976, a balance of $134,750,000 of the 1976 appropriation remained unobligated and would otherwise have expired: however, as a result of section 204 of Public Law 93-554, approved December 27, 1974, that balance remains available until September 30, 1976. On July 1, 1976, the unobligated balance of the 1976 appropriation was merged with the funds appropriated for the period July 1, 1976, through September 30, 1976, pursuant to Public Law 94-274, the "Fiscal Year Transition Act," approved April 21, 1976. In addition, $6,810,000 of fiscal year 1976 funds which were obligated in 1976 have become available.

*$140,250,000 was placed in reserve on July 30, 1976. On August 30, 1976, the amount in reserve was revised to $126,750,000.

The President has determined that a part of the available budget authority will not be required to carry out the full objectives and scope of the Foreign Military Credit Sales program for which it was provided. Therefore, a rescission of $126,750,000 is proposed. This excess amount arose as a result of increased reliance on guaranteed loans rather than direct credit during fiscal year 1976. Under the guarantee program, funds equal to 10% of the face value of loans are obligated to guarantee loans provided to foreign aid recipients by the Federal Financing Bank or private lending institutions, while in direct credit transactions, the full face value of the loans is obligated by the U.S. government.

Estimated Effect:

Planned programs will not be reduced by this rescission. If rescission of the excess funds is not effected and the funds are obligated, the funds would have to be used for lower priority projects or for projects planned for fiscal year 1977.

Outlay Effect: (Estimated in millions of dollars)

Comparison with the President's 1977 budget:

1. Budget outlay estimate for the transition quarter	192.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimate for the Transition Quarter:

3. Without rescission	869.0
4. With rescission	854.0
5. Current outlay savings (line 3 - line 4)	15.0
Outlay Savings for 1977	39.0
Outlay Savings for 1978	20.0
Outlay Savings for 1979	9.0

Foreign Military Credit Sales

Of the funds appropriated under this head in the Foreign Assistance and Related Programs Appropriations Act, 1976, and the period ending September 30, 1976, $126,750,000 are rescinded.

[FR Doc.76-26678 Filed 9-8-76;3:05 pm]

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Advance Orders are now being Accepted
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(Revised as of November 1, 1975)

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Executive Order 11937 • September 10, 1976

Relating to Appointments to the Quetico-Superior Committee

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11342 of April 10, 1967, is hereby amended as follows:

SECTION 1. Section 2(b) is amended by deleting "Two" and inserting "Five" in lieu thereof.

SEC. 2. Section 4(a) is amended to read as follows:

"Sec. 4. *Terms; compensation.* (a) The terms of the members of the Committee appointed pursuant to subsections 2(a) and 2(b) of this Order shall be limited to the remaining life of the Committee, determined in accord with the Federal Advisory Committee Act (5 U.S.C. App. I), at the time of the appointment; however, in the event that the life of the Committee is extended beyond January 5, 1977, any member so appointed prior to that date shall be deemed to be appointed for an additional term.".

SEC. 3. Section 6 is redesignated as Section 7 and a new Section 6 is added as follows:

"Sec. 6. *Responsibilities.* Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to the Committee, shall be performed by the Secretary of Agriculture in accordance with guidelines and procedures established by the Office of Management and Budget.".

Gerald R. Ford

THE WHITE HOUSE,
September 10, 1976.

[FR Doc.76-26942 Filed 9-10-76;11:31 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 543, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 3–9, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 543 (41 FR 37091). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

§ 908.843 [Amended]

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 908.843 (Valencia Orange Regulation 543 (41 FR 37091) are hereby amended to read as follows:

"(i) District 1: 337,000 cartons; (ii) District 2: 413,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26657 Filed 9–10–76;8:45 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Grade and Size Requirements for Certain Olives

This amendment establishes grade and size requirements and size tolerances applicable to processed olives which are used in the production of limited use style olives during the 1976–77 fiscal year (September 1, 1976–August 31, 1977). They are the same requirements as have been established each fiscal year since 1971. Limited use means the use of processed olives in the production of halved, quartered, segmented, sliced, chopped, or minced canned ripe olives.

This amendment is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act." The amendment was recommended by the Olive Administrative Committee, which is established under the order as the agency to administer its terms.

Section 932.52 (a) (2) and (a) (3) of the order specify the minimum sizes of processed olives (by variety) that may be used in the production of whole and pitted styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Section 932.52(a) (3) also provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use, and the subparagraph further provides that each such minimum size may also include a size tolerance as recommended by the committee and approved by the Secretary. Any such tolerances may also be recommended and approved annually. Therefore, this amendment approves establishment, for olives from the 1976–77 crop, of minimum sizes contained in § 932.52(a) (3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety 2 olives.

This amendment reflects the committee's appraisal of the 1976–77 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide good quality fruit, of the styles specified, in the interest of consumers and producers.

It is found that amendment of Subpart—Rules and Regulations (7 CFR 932.108–932.161) by adding a new § 932.153 containing grade and size requirements and tolerances for processed olives for limited use, is in accordance with the order and will tend to effectuate the declared policy of the act. Therefore, such amendment, as hereinafter set forth, is approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1976 crop of olives is expected to begin on or about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

Therefore, § 932.153a of Subpart—Rules and Regulations (7 CFR 932.108–932.161) is redesignated as § 932.153 and amended to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1976–77 olives for limited use.

(a) *Grade.* On and after September 8, 1976, any handler may use processed olives of the respective variety groups in the production of limited use styles of

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canned ripe olives if such olives were processed after August 31, 1976, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 8, 1976, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were processed during the period September 1, 1976, through August 31, 1977, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1976, or after August 31, 1977;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/50 pound: *Provided*, That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/60 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/110 pound: *Provided*, That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/110 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/80 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/80 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: September 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26707 Filed 9-10-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Advance Notice to Alien of Time and Place of Surrender for Deportation

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of January 19, 1976 (41 FR 2647) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) in which there was set forth the proposed amendment to 8 CFR 243.3 pertaining to the advance notice given an alien ordered deported as to the time and place of surrender for deportation.

In the notice it was proposed to amend the existing regulation by providing that once an order of deportation becomes final, an alien not in the physical custody of the Service shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation, and that the advance notice requirement shall not preclude taking an alien into custody at any time, including any time within the 72-hour period, if information is received that the alien is likely to abscond, or that his being at large constitutes a danger to public safety or security. However, in such an instance the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72-hour notice period, whichever is less.

Representations in favor of and in opposition to the proposed rule have been received, and they have all been carefully considered.

The Government Regulations Section of the Criminal Division of the Department of Justice which handles civil litigation under the Immigration and Nationality Laws supported the proposed rule because the existing regulation in many cases has served as a notice to "skip town" to the alien. They recommended that the proposal be further amended to provide that the alien could be taken into custody prior to the expiration of the 72-hour period where "the district director has reason to believe that the alien is likely to abscond". It has been decided to adopt this recommendation.

The representations which criticized the proposed rule argued that it was open-ended and vague; lacking in specificity as to the type, kinds, or degree of specificity of information which would result in taking the alien into custody prior to expiration of the 72-hour period, lacking in constitutional or procedural safeguards against the possible abuse of discretion by lower echelon Service officers and lacking any provision for administrative review of the exercise of that discretion. The proposal was also criticized because no opportunity is provided therein for informing the alien of the information giving rise to his being taken into custody nor is he given an opportunity under the proposal to rebut that information. Additionally, some representations suggested that the Service ought to be able to determine the likelihood to abscond at a stage of the proceedings when the alien can still seek administrative review of the custody determination. In this connection several representations suggested that the Service should not wait until it is ready to deport the alien before detaining him as likely to abscond but should set release conditions at an earlier stage, when he can still seek administrative review of the custody determination. It is the policy of the Service that, to the extent practicable, when the necessity of arresting the alien is perceived early enough he will be arrested or re-arrested promptly in accordance with 8 CFR 242.2(a) or 8 CFR 242.2(c), with right of administrative appeal. Nevertheless, there are particular circumstances in which the suggested procedure can not be followed, necessitating last minute arrest of the alien. One of these circumstances is when the risk that the alien will run away does not become substantial until the very end. Another is when the alien has been under an order of deportation for over six months and the authority of the Service to keep him in custody for any reason except immediate deportation is barred by section 242(d) of the Immigration and Nationality Act.

In the light of the foregoing, the following changes have been made to the proposed regulation. The penultimate sentence of the proposed regulation will be changed to read: "The advance notice requirement above does not preclude taking an alien into custody at any time, including any time within the 72-hour period, if his being at large constitutes a danger to public safety or security, or the district director has reason to believe that the alien is likely to abscond, or if information is received that the alien is likely to abscond". The order in which the conditions have been set forth has been rearranged to establish an order of priority of reasons for which the Service may take an alien into custody prior to the expiration of the 72-hour period.

In response to several suggestions received and in order to provide the alien taken into custody with the reasons or information on which that decision was based and prevent the possibility of abuse of discretion by lower echelon Service officers, a new paragraph is being added to the proposed regulation. That paragraph provides that an alien shall be taken into custody only pursuant to an order issued by an official empowered under 8 CFR 242.2(a) to issue warrants of arrest. Those officials are district directors, acting district directors, deputy district directors, assistant district directors for investigations, and officers in charge at locations specified in 8 CFR 242.1(a). 8 CFR 242.2(a) also provides that when a warrant of arrest is served, the alien is to be informed of the reason for his arrest and of his right to be represented by counsel. It is at this time that the alien would have an opportunity to rebut the reasons of the district director or information received which led to his placement in custody prior to expiration of the 72-hour period.

In promulgating this rule, the Service wishes to emphasize that it is not an "instant deportation" rule. Even if taken into custody to prevent his absconding, the alien will not be deported prior to the expiration of 72 hours from the date the notice to surrender for deportation was issued.

The following rule, modified as described above, is hereby prescribed. Section 243.3 is revised to read as follows:

§ 243.3 Expulsion.

Once an order of deportation becomes final, an alien, not in the physical custody of the Service, shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation. If the alien fails to surrender as directed, he shall be deported without further notice when located. When an alien is directed to surrender for deportation, he shall do so notwithstanding the filing of an application for a stay of deportation unless he has been informed prior to the surrender date that a stay has been granted. The advance notice requirement above does not preclude taking an alien into custody at any time, including any time within the 72 hour period, if his being at large constitutes a danger to public safety or security, or the district director has reason to believe the alien is likely to abscond, or if information is received that the alien is likely to abscond. However, in such an instance, the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72 hour notice period, whichever is less. An alien shall be taken into custody prior to the time specified in the surrender notice only pursuant to an order by an official empowered under § 242.2(a) of this Chapter to issue warrants of arrest.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the rule prescribed in this order is to set forth conditions under which an alien, not in the physical custody of the Service, may be taken into custody prior to the expiration of the 72-hour advance notice period given an alien between the time the alien is notified to surrender for deportation, and the alien's actual surrender for deportation. The establishment of provisions for taking an alien into custody prior to the expiration of the 72-hour period is necessary to prevent aliens from absconding to avoid deportation after they have been issued the required written advance notice of the time and place of surrender for deportation.

Effective date: The amendment contained in this order shall become effective October 13, 1976.

Dated: September 7, 1976.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-26633 Filed 9-10-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0038; (Reg. B)]

PART 202—EQUAL CREDIT OPPORTUNITY

Termination of Proposed Rulemaking and Extension of Effective Date

The purpose of this notice is to announce that the Board of Governors is terminating consideration of the amendments to § 202.6 of its Regulation B (Docket No. R-0038), which were published in the FEDERAL REGISTER on June 4, 1976 (41 FR 22592). In addition, the Board is extending the effective date of § 202.6 to June 1, 1977.

The existing language of § 202.6 (which the Board has decided to retain) requires a creditor to determine whether a particular account is one which both spouses will use or for which both will be contractually liable. The creditor must then designate the account accordingly. Section 202.6(a)(2)(i) now provides that when the creditor reports information concerning the account to a consumer reporting agency, it must report the information "in a manner which will enable the agencies to provide access to information about the account in the name of each spouse."

The Board's proposed amendment to § 202.6 would have substituted the phrase "in a way which reflects the participation of each spouse" for "in the name of each spouse."

Upon review of the comments received in response to the publication of the proposed amendments, the Board has determined that the most appropriate mechanism for regulating the designation and reporting by creditors of credit information relating to joint accounts held by married persons is contained in the present version of § 202.6. Therefore, the Board has decided not to adopt the proposed amendments.

The Board recognizes, however, that, because of the uncertainty that has existed until now about the reporting requirements of § 202.6, many creditors and the credit reporting industry are not prepared to comply with the provisions of the section by November 1, 1976. Therefore, the Board has decided to extend the effective date of the designation and reporting requirements of § 202.6 to June 1, 1977. The Board's proposed revision of Regulation B, which was published in the FEDERAL REGISTER on July 20, 1976 (41 FR 29870), will be amended to incorporate this change.

§ 202.6 [Amended]

For the reasons stated in this notice and pursuant to the authority granted in section 703 of the Equal Credit Opportunity Act (Title VII of the Consumer Credit Protection Act, as amended, 15 U.S.C. 1601 et seq.), the Board amends § 202.6 of Regulation B (12 CFR 202), effective October 6, 1976, as follows: (1) The date "June 1, 1977" is substituted for the date "November 1, 1976" wherever the latter appears in § 202.6; (2) the date "October 1, 1977" is substituted for the date "February 1, 1977" where the latter appears twice in § 202.6(b)(1)(ii); and (3) the phrase "June 1977" is substituted for the phrase "November 1976" where the latter appears in § 202.6(b)(1)(ii).

By order of the Board of Governors, September 2, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26755 Filed 9-10-76;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to the Secretary of the Federal Open Market Committee

Section 10 of the Federal Reserve Act (12 U.S.C. 247(a)) requires the Board to keep a record of policy actions of the Federal Open Market Committee and to include such record in its annual report to Congress. Effective this date, the Board of Governors has delegated to the Secretary of the Federal Open Market Committee authority to approve policy record entries for inclusion in the annual report if no Board member has asked for review at a Board meeting of a draft distributed for review by Board members individually.

To reflect this delegation of authority, effective immediately, § 265.2 is amended by adding a new paragraph (i) to read as follows:

§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

* * * * * *

(i) The Secretary of the Federal Open Market Committee (or, in his absence, the Deputy Secretary) is authorized: To approve for inclusion in the Board's annual report to Congress records of policy actions of the Federal Open Market Committee.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date were not followed in connection with the adoption of § 265.2(i) because the rule is procedural in nature and does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors of the Federal Reserve System, September 1, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26681 Filed 9-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NW-15-AD; Amdt. 39-2720]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727-100/100C Series Airplanes

There have been failures of the aft cargo door lower stop fittings on Boeing Model 727-100 and 727-100C series airplanes. Also, there has been resultant cracking in the door frame to which the fittings are attached. Failure of a door-stop fitting results in a significant loss of door strength. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections of the stop fittings and repair/replacements as necessary on affected Boeing Model 727-100 and 727-100C series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

V41178 SEP 13 76 UMI

BOEING: Applies to all Model 727–100 and 727–100C series airplanes certificated in all categories, listed in Boeing Alert Service Bulletin No. 727–52–A102, or later FAA approved revisions, with P/N 65–19670 –2 and –3 aft cargo door lower stop fittings which have accumulated 15,000 or more pressurization cycles. Compliance required as indicated.

To detect cracks in the aft cargo door lower stop fittings, accomplish the following:

A. Within the next 500 flights from the effective date of this AD, unless accomplished within the last 500 flights, and thereafter at intervals not to exceed 500 flights until the eddy current inspection per paragraph B or terminating action per paragraph D is accomplished, visually inspect (externally) the aft cargo door lower stop fittings (two forward and two aft) and attaching door frame for cracking in accordance with Figure 1, Steps 1 and 2 of Boeing Alert Service Bulletin No. 727–52–A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Within the next 2,500 flights from the effective date of this AD, unless accomplished within the last 2,500 flights, and thereafter at intervals not to exceed 2,500 flights until terminating action per paragraph D is accomplished, eddy current inspect the aft cargo door lower stop fittings (two forward and two aft) for cracks in accordance with Figure 1, Steps 1 and 4 of Boeing Alert Service Bulletin No. 727–52–A102, Revision 1, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If a cracked fitting(s) and/or frame(s) are detected:

1. Replace the fitting and repair or replace the door frame section, as necessary, prior to further flight in accordance with Boeing Alert Service Bulletin No. 727–52–A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or

2. Continue service with no more than one cracked fitting and/or frame for up to 50 flights under the following conditions:

a. Frame cracks may not extend along the frame more than 4.5 inches, including the length of the stop fitting cutout, and no cracks may be present in the frame flange radius. Stop drill all frame cracks, which do not terminate in an existing fastener hole.

b. Assure that the stop fittings adjacent to the cracked fitting, including the lower sill stop fitting, are crack-free by the external visual inspection specified in the service bulletin.

c. Within 25 flights repeat the external visual inspection of the adjacent fittings and frame per paragraph C2a and b of this section.

d. Within 50 flights replace the fitting with a crack-free 7079–T6 aluminum or steel fitting and repair or replace the door frame, as necessary, in accordance with the service bulletin.

D. Installation of a new steel fitting in accordance with Boeing Alert Service Bulletin No. 727–52–A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD at that fitting.

E. For the purpose of this AD, when conclusive records are not available to show the number of flights accumulated by a particular fitting, the number of flights may be computed by dividing the airplane time-in-service since the fitting was installed in the airplane by the operator's fleet average time per flight for his Model 727 airplanes.

F. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 21, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

C. B. WALK, JR.,
Director, Northwest Region.

(NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

Issued in Seattle, Washington, September 1, 1976.

[FR Doc.76-26407 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Georgia, South Carolina, and Barnwell, South Carolina, transition areas.

The three transition areas are described in § 71.181 (41 FR 440) and all contain reference to Restricted Area 6004. The restricted area was revoked effective August 16, 1976, and it is necessary to amend the descriptions by deleting reference to R–6004. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Georgia transition area is amended as follows:

"• • • excluding the portion within R–6004." is deleted.

In § 71.181 (41 FR 440), the South Carolina transition area is amended as follows:

"• • • excluding the airspace within R–6004." is deleted.

In § 71.181 (41 FR 440), the Barnwell, South Carolina, transition area is amended as follows:

"• • • excluding the portion within R–6004." is deleted.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26419 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone.

The control zone is described in § 71.181 (41 FR 355). In the description extensions are predicated on the Lost Mountain RBN, the Norcross VORTAC and the extended centerline of Runway 29. The extension predicated on Lost Mountain is no longer required as the RBN is being decommissioned on October 1, 1976. The Norcross extension is no longer required as the instrument approach procedure upon which it was predicated has been cancelled. The extension predicated on Runway 29 will not be required as the basic radius of the control zone is being increased from five miles to six miles to accommodate Category E aircraft. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone is amended to read:

Within a 6-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°54'54" N., Long. 84°-30'59" W.); within 1.5 miles each side of Dobbins TACAN 301° radial, extending from the 6-mile radius zone to 6.5 miles northwest of the TACAN; excluding the portion within the Atlanta, Ga., (Charlie Brown County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26420 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-GL-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Cancellation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to cancel the Delaware, Ohio, transition area.

The proposed Non-Directional Beacon and the instrument approach procedure at Delaware Municipal Airport, Delaware, Ohio, have not been implemented. Since this cancellation imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (41 FR 440) the following transition area is cancelled:

DELAWARE, OHIO

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76-26423 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Extension of VOR Airways

On June 24, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 26028) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign and extend Federal Airways V–3, V–37 and V–51 and lower the airway floor of V–437 between Jetty Intersection, Fla., and Starfish Intersection, Ga., all in the vicinity of Jacksonville, Fla.

Subsequent to publication of the NPRM, it was determined that an operational advantage would result by altering the V–3 radial south of Brunswick, Ga., from 176° T/176° M to 175° T/175° M. Thereby providing at least 15 degrees divergence between airways.

Since this is a minor alteration which will not appreciably alter the airway alignment, it has been concluded that this is a minor matter upon which the public would have no desire to comment and which may be effected herein without recourse to further public notice.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

1. In V–3 "Ormond Beach, Fla.; INT Ormond Beach 334° and Jacksonville, Fla., 159° radials; Jacksonville; Brunswick, Ga." is deleted and "Ormond Beach, Fla.; INT Ormond Beach 345° and Brunswick 175° radials; Brunswick, Ga." is substituted therefor.

2. In V–37 "Savannah, Ga.," is deleted and "Jacksonville, Fla.; Brunswick, Ga.; Savannah, Ga.," is substituted therefor.

3. In V–51 "Ormond Beach, Fla.; INT Ormond Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville;" is deleted and "Ormond Beach, Fla.; INT Ormond Beach 345° and Jacksonville, Fla., 155° radials; Jacksonville;" is substituted therefor.

4. In V–437 "Ormond Beach, Fla., 37 miles, 76 miles 75 MSL, Savannah, Ga.;" is deleted and "Ormond Beach, Fla.; Savannah, Ga.;" is substituted therefor.

(Sec. 307(a) and 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on August 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26424 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-WE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On July 15, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 29152) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at the Naval Auxiliary Landing Field, Crows Landing, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, November 4, 1976.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on August 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In consideration of the foregoing, the FAA proposes the following airspace action.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) the following control zone is added:

CROWS LANDING, CALIFORNIA

Within a 5-mile radius of NALP Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) excluding the portion within a 1-mile radius of Patterson Field, Patterson, California (latitude 37°28'05" N., longitude 121°10'06" W.) This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

[FR Doc.76-26425 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On July 26, 1976, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (41 FR 30656) and stated that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fullerton, California Control Zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, November 4, 1976.

(Sec. 307(a) Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c) of the Department of Transportation (49 U.S.C. 1655(c))).

Issued in Los Angeles, California on August 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (41 FR 355) the description of the Fullerton, California control zone is amended as follows:

FULLERTON, CALIFORNIA

Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N, longitude 117°58'45" W) and within 2.5 miles each side of the Fullerton Municipal Airport Runway 24 centerline extended, extending from the 3-mile radius zone to 5.5 miles east of Runway 24 threshold, excluding the portion within the Long Beach, California control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.76-26426 Filed 9-10-76;8:45 am]

V41178 SEP 13 76 UMI

[Airspace Docket No. 76-SO-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Paducah, Kentucky, transition area.

The Paducah transition area is described in § 71.181 (41 FR 440). In the description a transition area and extension is designated to provide controlled airspace protection for IFR operations at the Metropolis Airport, Metropolis, Illinois. The proposed NDB which would have supported IFR operations will now be used for VFR operations only; therefore, it is necessary to amend the Paducah transition area to revoke the airspace at Metropolis Airport. Since this amendment lessens the burden on the public, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Paducah transition area is amended as follows:

"• • • VORTAC; within a 5.5-mile radius of Metropolis Airport, Metropolis, Ill. (latitude 37°11'09" N., longitude 88°45'02" W.); within 3 miles each side of the 353° bearing from Metropolis RBN (latitude 37°11'03" N., longitude 88°44'54" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN • • •" is deleted and "• • • VORTAC • • •" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 30, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26427 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SW-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Sandy, Tex., transition area.

On July 22, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 30137) stating the Federal Aviation Administration proposed to alter the Big Sandy, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Big Sandy, Tex., transition area is amended as follows:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB; within an 8.5-mile radius of Upshur County Airport, Gilmer, Tex. (latitude 32°41'57" N., longitude 94°56'55" W.) and an 8.5-mile radius of Holly Lake Ranch Airport, Hawkins, Tex. (latitude 32°41'46" N., longitude 95°12'36" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 1, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-26611 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-PC-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the description of the Saipan Island control zone.

On April 1, 1976, the Pacific-Asia Region invited interested persons to comment on a proposal to relocate the Saipan nondirectional radio beacon (NDB) from a place serving the abandoned Kobler Field to a position 2,900 feet from the landing threshold of Runway 7 of Saipan International Airport (Isley Field). All comments received were favorable.

It is necessary to redescribe the Saipan Island control zone because of this relocation.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Because this action merely reorients a control zone from an abandoned airport to an adjacent one, it is a minor matter in which the public would have no particular desire to comment further. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will become effective on November 4, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth. § 71.171 (41 FR 355) is amended by deleting the description of Saipan Island and substituting the following therefor:

Within a 5-mile radius of Saipan International Airport (lat. 15°07'13" N., long. 145°43'49"E.) and within 3 miles each side of the Saipan RBN (lat. 15°06'46" N., long. 145°42'40" E.) 265° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 7.5 miles east of Saipan International Airport. This control zone is effective from 0600 to 1800, local time, daily and during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on September 2, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26408 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-NW-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On July 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 27739) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area in the vicinity of Boardman, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth. In § 71.163 (41 FR 348) the following additional control area is added:

BOARDMAN, OREGON

That airspace extending upward from 1200 AGL bounded on the northeast by the southwest edge of V-4, on the southeast and the southwest by the north edge of V-112, and on the northwest by the southeast edge of V-520; excluding the portion within Restricted Area R-5704 during its published hours of designation.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26409 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Division and Renumbering of Restricted Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to renumber the Cape Kennedy, Fla., Restricted Areas 2902 A and B and to divide R-2902A into four areas.

These actions will not alter the overall dimensions nor increase the present altitude limitations. Controlling and using agencies will remain the same as will the time of designation. They will provide more flexible management and make the airspace more easily available for public use when it is not in use by the using agency. Because these actions are considered minor actions on which the public would have no particular desire to comment, notice and public procedure are unnecessary.

Due to changing mission requirements of the Air Force Eastern Test Range the Cape Kennedy Restricted Areas are activated for missile operations and short duration tests/missions that are hazardous to aircraft.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 71.151 [Amended]

Section 71.151 (41 FR 345) is amended as follows:

1. "R-2902 Cape Kennedy, Fla." is deleted.

2. "R-2922 Cape Kennedy, Fla. R-2925 Cape Kennedy, Fla." is added.

§ 73.29 [Amended]

Section 73.29 (41 FR 664) is amended as follows:

1. R-2902A Cape Kennedy, Fla., title and text is deleted.

2. R-2902B Cape Kennedy, Fla., title and text is deleted.

3. R-2921 Cape Kennedy, Fla., is added as follows:

R-2921 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°41'40" N., Long. 80°35'00" W.; to Lat. 28°38'00" N., Long. 80°47'02" W.; to Lat. 28°45'00" N., Long. 80°37'50" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

4. R-2922 Cape Kennedy, Fla., is added as follows:

R-2922 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°38'00" N., Long. 80°47'02" W.; to Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to Lat. 28°38'00" W.; to Lat. 28°24'30" N., Long. 80°41'45" W.; to Lat. 28°30'30" N., Long. 80°43'30" W.; to Lat. 28°37'35" N., Long. 80°46'50" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

5. R-2923 Cape Kennedy, Fla., is added as follows:

R-2923 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°41'40" N., Long. 80°35'00" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00" N., Long. 80°29'05" W.; to Lat. 28°30'00" N., Long. 80°36'42" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

6. R-2924 Cape Kennedy, Fla., is added as follows:

R-2924 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°24'30" N., Long. 80°38'00" W.; to Lat. 28°24'30" N., Long. 80°30'30" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00" N., Long. 80°29'05" W.; to Lat. 28°30'00" N., Long. 80°36'42" W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

7. R-2925 Cape Kennedy, Fla., is added as follows:

R-2925 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°41'40" N., Long. 80°35'00" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°24'30" N., Long. 80°30'30" W.; to Lat. 28°24'30" N., Long. 80°38'00" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to point of beginning.
Designated altitudes. 5000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.
(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on September 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26410 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-GL-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency for Restricted Area R-4305 Lake Superior, Minn.

The change will correct the identity of the military organization for whom the restricted area is designated.

Since designation of a different using agency is a minor amendment upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on September 13, 1976. In § 73.43 (41 FR 680) the using agency for R-4305 Lake Superior, Minn., is changed to read as follows:

Using agency. Commander, Eighth Air Force, Barksdale AFB, La.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on September 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26411 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SW-34]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Establishment of Jet Route

On July 15, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 29153) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J-168 from Wichita Falls, Tex., direct to Lamar, Colo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. The Air Transport Association endorses the proposal. The Department of the Air Force's Representative objected, stating that "This proposal has the potential for adversely impacting Sheppard AFB flying training operations." Since the Fort Worth ARTCC provides direct routing only when training is not being affected, designation of the jet route would not derogate the training program.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth. § 75.100 (41 FR 704) is amended by adding the following:

Jet Route No. 168 from Wichita Falls, Tex., to Lamar, Colo.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

V41178 SEP 13 76 UMI

Issued in Washington, D.C., on September 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-26412 Filed 9-10-76;8:45 am]

[Docket No. 16078; Amdt. No. 1037]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs. *effective November 4, 1976.*

Flagstaff, AZ—Pulliam Arpt., VOR-A, Amdt. 2
Flagstaff, AZ—Pulliam Arpt., VOR/DME Rwy 21, Original
Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 10L/R, Amdt. 6
Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 28L/R, Amdt. 7
Santa Ynez, CA—Santa Ynez Arpt., VOR-A, Amdt. 3
Santa Ynez, CA—Santa Ynez Arpt., VOR-B, Amdt. 2

* * * *effective October 21, 1976.*

Alma, GA—Bacon County Arpt., VOR Rwy 33, Amdt. 3
Lawrenceville, GA—Gwinnett County Arpt., VOR Rwy 7, Amdt. 5
Lawrenceville, GA—Gwinnett County Arpt., VOR/DME Rwy 25, Amdt. 1
Bowling Green, KY—Bowling Green-Warren County, VOR/DME Rwy 21, Original
Leonardtown, MD—St. Mary's County Arpt., VOR Rwy 29, Original
Hastings, MI—Hastings Muni. Arpt., VOR Rwy 12, Amdt. 4
Clinton, NC—Sampson County Arpt., VOR/DME-A, Original
New Philadelphia, OH—Harry Clever Field, VOR/DME-A, Amdt. 2
Eagle Lake, TX—Eagle Lake Arpt., VOR Rwy 17, Amdt. 2
Gilmer, TX—Gilmer-Upshur County Arpt., VOR/DME-A, Original
Gruver, TX—Cluck Ranch Arpt., VOR/DME-A, Original
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 3, Amdt. 8
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 21, Amdt. 12
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 30, Amdt. 11

* * * *effective September 23, 1976*

Grand Rapid, MN—Grand Rapids Itasca County Arpt., VOR Rwy 34, Amdt. 4

* * * *effective August 27, 1976*

Olympia, WA—Olympia Arpt., VOR Rwy 17, Amdt. 8

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 21, 1976.*

Laconia, NH—Laconia Muni Arpt., LOC Rwy 8, Amdt. 2

* * * *effective September 23, 1976.*

Tucson, AZ—Tucson Int'l Arpt., LOC Rwy 11L, Amdt. 7
Mosinee, WI—Central Wisconsin Arpt., LOC (BC) Rwy 26, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 4, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, NDB Rwy 28R, Amdt. 2

* * * *effective October 21, 1976.*

Colby, KS—Shaltz Field, NDB Rwy 17, Amdt. 1
Portland, ME—Portland Int'l Jetport, NDB Rwy 11, Amdt. 10
Indianola, MS—Indianola Legion Field, NDB Rwy 17, Original
Indianola, MS—Indianola Legion Field, NDB Rwy 18, Amdt. 1, cancelled
Indianola, MS—Indianola Legion Field, NDB Rwy 35, Original
Indianola, MS—Indianola Legion Field, NDB Rwy 36, Amdt. 1, cancelled
Laconia, NH—Laconia Muni. Arpt., NDB Rwy 8, Amdt. 2
Clinton, NC—Sampson County Arpt., NDB Rwy 6, Amdt. 1
Burnet, TX—Burnet Muni. Kate Craddock Field, NDB-A, Amdt. 1

* * * *effective October 7, 1976.*

Troutdale, OR—Portland-Troutdale Arpt., NDB-A, Amdt. 4

* * * *effective September 23, 1976.*

Antigo, WI—Langlade County Arpt., NDB Rwy 16, Original
Greenville, TX—Majors Arpt., NDB Rwy 17, Original
Brownsville, TX—Brownsville Int'l Arpt., NDB Rwy 31L, Original
El Campo, TX—El Campo Metro Inc., NDB Rwy 35, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 4, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, ILS Rwy 28R, Amdt. 6

* * * *effective October 21, 1976.*

Portland, ME—Portland Int'l Jetport, ILS Rwy 11, Amdt. 13

* * * *effective September 23, 1976.*

Tucson, AZ—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 5
Greenville, TX—Majors Arpt., ILS Rwy 17, Original
Mosinee, WI—Central Wisconsin Arpt., ILS Rwy 8, Amdt. 2

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 4, 1976.*

Norman, OK—Max Westheimer Field, RNAV Rwy 3, Original

* * * *effective October 21, 1976.*

Omaha, NE—Millard Arpt., RNAV Rwy 12, Original
Albuquerque, NM—Albuquerque Int'l Arpt., RNAV Rwy 8, Amdt. 3

* * * *effective September 23, 1976.*

Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 11L, Amdt. 2, cancelled
Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 29R, Amdt. 1, cancelled

Correction: In Docket Number 15967, Amendment Number 1032, To Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER Dated Thursday, August 5, 1976, on page 32736, under § 97.27. *effective September 16, 1976:*

* * * Appleton, WI—Outagamie County Arpt.

Change NDB Rwy 2 Amdt 4 to NDB Rwy 3 Amdt 4, and NDB Rwy 20 Amdt 2 to NDB Rwy 21 Amdt 2.

Under § 97.29, *effective September 16, 1976:*

* * * Appleton, WI—Outagamie County Arpt.

Change ILS Rwy 2 Amdt 5 to ILS Rwy 3 Amdt 5.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), and sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 2, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.76-26406 Filed 9-10-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Applications for Registration of Associated Persons

The Commodity Futures Trading Commission has amended § 1.10b of the General Regulations to obviate the necessity of repeating in full certain information which associated persons have previously furnished to the Commission. A person who seeks to renew his registration as an associated person of a futures commission merchant under section 4k of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. 6k (Supp. IV, 1974), is required to file a new application for registration on Form 4-R in accordance with § 1.10b of the General Regulations under the Act, 17 CFR 1.10b. The Commission has recently received comments from several futures commission merchants that it is unduly burdensome to have an associated person respond in full to all items of Form 4-R for the purpose of re-registration when much of the information called for by the Form has already been furnished to the Commission in a previous application and has not changed since that application was submitted. The Commission agrees with these comments.

The amendment to § 1.10b provides that persons applying for renewal of registrations as associated persons may insert the words "No Change" in order to complete the items on Form 4-R listed below, if there has been no change in the information previously furnished to the Commission on Form 4-R in response to these items and no additional information is required to be furnished in response to these items in order to update the information. These items are as follows:

Item No.:	*Subject matter*
8	Prior employment.
9	Prior residence addresses.
10, 10A	Registrations with commodity or securities exchanges as commodity futures representative, customers' man or account executive.
11, 11A	Memberships on commodity or securities exchanges or in national securities associations.
13, 13A	Examinations taken testing knowledge of commodity futures trading.
14	Colleges and specialized institutions attended.

In addition, if there has been no change in the information previously furnished to the Commission in response to these items but additional information is required to be furnished in order to update the information, the amendment permits applicants for renewal to complete these items by inserting the words "Information Since Last Application" and providing all such additional information. All other items on application Form 4-R (i.e., items 1 through 7, 12, 12A, 12B, 15A, 15B, 15C, 15D and 15E) must be completed in full in response to the instructions on the Form by all applicants seeking to renew their registration as associated persons.

In consideration of the foregoing, the Commission, pursuant to its authority in sections 4k and 8a(5) of the Act, 7 U.S.C. 6k and 12a(5) (Supp. IV, 1974), hereby amends § 1.10b of Chapter I of Title 17 of the Code of Federal Regulations by designating the present paragraph as (a) and adding a new paragraph (b) thereto to read as follows:

§ 1.10b Applications for registration of associated persons.

* * * * *

(b) Each registrant applying for renewal of its registration as an associated person on Form 4-R may insert the words "No Change" in response to any of the following items of Form 4-R, if there has been no change in the information called for by the item for which such response is given from that previously furnished to the Commission by the registrant on Form 4-R and no additional information is required to be furnished in response to the item:

Item 8—Prior employment.
Item 9—Prior resident addresses.
Items 10, 10A—Registrations with commodity or securities exchanges as commodity futures representative, customers' man or account executive.
Items 11, 11A—Memberships on commodity or securities exchanges or in national securities associations.
Item 13, 13A—Examinations taken testing knowledge of commodity futures trading.
Item 14—Colleges and specialized institutions attended.

If there has been no change in the information previously furnished to the Commission by the registrant on Form 4-R in response to any of the items listed above, but additional information is required to be furnished by the registrant in response to any of such items, the registrant may complete any of such items by inserting the words "Information Since Last Application" and by providing all such additional information as required by the item for which such response is made. If a registrant applies for renewal on Form 4-R and completes any of the items listed above as provided in this paragraph, all information previously furnished to the Commission by the registrant on Form 4-R in response to those items shall be deemed incorporated by reference on the Form 4-R on which such application for renewal is made.

The foregoing amendment is adopted effective immediately. The Commission finds that the foregoing action relieves a burden heretofore imposed and otherwise relates solely to agency practice and procedures. For these reasons, the Commission finds that the notice and other public procedures called for by 5 U.S.C. 553, are not required.

Issued in Washington, D.C. on September 8, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-26685 Filed 9-10-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 2—GENERAL POLICY AND INTEPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

Rehearings

SEPTEMBER 2, 1976.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975 to December 31, 1976; Docket No. RM75-14. Order granting petitions for rehearing for purposes of further consideration, granting interventions and providing for oral argument (issued September 2, 1976).

On July 27, 1976, (41 FR 33364) the Commission issued its Opinion No. 770 and its order amending Section 2.56a of the Statement of General Policy and Interpretations, Part 2, Subchapter A of the Chapter I of Title 18 of the Code of Federal Regulations. These provisions of the Regulations set forth, inter alia, a new national rate of $1.42 per Mcf, with a one cent per quarter escalator, for sales of natural gas from wells commenced on and after January 1, 1975, and new dedications of natural gas to interstate commerce on and after January 1, 1975; these provisions also set forth a new national rate of $1.01 per Mcf for sales of natural gas from wells commenced and new dedications of natural gas on or after January 1, 1973 and prior to January 1, 1975.

Petitions to intervene out of time were subsequently filed by a number of parties.[1] After review of the petitions to intervene it appears that all may have a substantial interest in the instant proceeding that may not be adequately represented by any other party to the proceeding.

On August 12, 1976, Continental Oil Company filed with the Commission a petition for rehearing of Opinion No. 770. It stated:

On July 27, 1976, the Commission issued Opinion No. 770 in the above docket. In that Opinion, the Commission did not expressly

[1] Senator Hubert H. Humphrey (July 26, 1976); Senators Abourezk, Durkin and Proxmire and Representatives Bedell, Brodhead, Harrington, Harris, Hughes, Maguire, Moffett, Moss, Ottinger and Seiberling (July 30, 1976); Representatives Oberstar and Studds (August 4, 1976); Public Utilities Commission of the State of South Dakota (August 6, 1976); Public Service Commission of Wisconsin (August 23, 1976); and County of Erie, New York and City of Buffalo, New York (August 26, 1976).

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state that any rates collected under Opinion No. 770 would, as a matter of law, be collected subject to refund, should the rates be modified by the Commission on rehearing or at the instance of a court having jurisdiction under Section 19(b) of the Natural Gas Act (15 U.S.C. § 717r(b)). Nor did the Commission state that the Commission has jurisdiction and discretion to order the ultimate disposition of refund liability, if any, including the reduction or elimination thereof, in a subsequent proceeding, subject to judicial review. This Petition for Rehearing respectfully calls upon the Commission to issue an order in the above docket expressly stating the above positions of law without modifying the legal principles involved.

Timely applications for rehearing, reconsideration and clarification of Opinion No. 770 were also filed by other parties to this proceeding and by certain of the aforementioned intervenors.[2] An application for rehearing and reconsideration was filed out of time by Enserch Exploration, Inc. For the reasons hereinafter set forth, we grant all petitions for rehearing, reconsideration, and/or clarification of Opinion No. 770 for the sole purpose of further consideration of that opinion.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such petitions if not acted upon "within thirty days after it is filed . . . may be deemed to have been denied."[3] Because these time constraints do not allow sufficient time for a considered decision of the Commission upon all of the applications for rehearing of Opinion No. 770, the public interest requires that we grant the applications for rehearing in part for the sole purpose of reconsideration of Opinion No. 770. This action does not constitute a grant or denial of any or all of the petitions for rehearing of Opinion No. 770 on their merits in whole or in part.[4]

Because the Commission intends to deal with all applications for rehearing in a single order, it is important to note that the Commission's order of August 13, 1976, imposing a refund condition pursuant to the order of the Court of Appeals for the District of Columbia Circuit, did not constitute a denial of Continental Oil Company's August 12, 1976 petition for rehearing.

In the applications for rehearing, reconsideration and clarification, several issues have been raised which warrant further examination. These include:

1. The productivity computation and the reliability of AGA reserve data and API drilling data.

2. The reliability of JAS drilling cost data.

3. The inclusion and extent of an income tax component in the DCF cost analysis.

4. Whether lease acquisition costs should be allowed in their entirety.

5. The use of an escalator to various rates established.

6. Whether renewal contracts should be permitted the 52 cent rate and whether contracts of unlimited duration should be permitted that rate after 20 years.

7. Whether 1973–1974 biennium gas should be vintaged and whether such gas should be entitled to a rate different than that established in Opinion No. 699–H.

8. Whether wells "recompleted" or drilled into existing reservoirs on or after January 1, 1975 should be entitled to the $1.42 rate.

9. The effect of advance payments on the cost of capital.

10. The necessity for a biennial review.

11. Whether the investment allocation method is more appropriate than the liquid credit method of dealing with the joint production of gas and liquids and what is the appropriate allocation basis.

12. The need to permit pipelines to stretch out any surcharge and the use of a carrying charge therewith.

13. The need for special relief for deep water and deeper drilling.

We find that it is in the public interest to hear oral argument on these issues and any other issues raised on rehearing from the parties that filed applications for rehearing, reconsideration and clarification.

In view of the importance of this proceeding, we believe that oral argument should be held as soon as possible. Accordingly, any applicant for rehearing, notice of its intent to present argument, reconsideration or clarification, giving will be permitted to address the aforementioned issues before the Commission on September 16 and 17, 1976. The oral argument will commence at 12:00 noon (EDST) on September 16, 1976, and conclude no later than 3:00 P.M. (EDST) on September 17, 1976. The allowance of time for oral argument will be determined by the Commission after requests for allotments of time have been received. Each participant that wishes to be heard on oral argument shall so indicate by September 7, 1976, and at the same time shall indicate to the Commission the amount of time which it requests to present its argument. Those parties having common interests and who will espouse a common view on any of the aforementioned issues are requested to make a single presentation on oral argument of their positions. The parties will be advised by notice of the Secretary of the time allotted on or before September 10, 1976.

The Commission orders: (A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission entered in this proceeding.

(B) The petitions for rehearing of Opinion No. 770 filed by the parties listed in Appendix A and that of Enserch Exploration, Inc., are hereby granted for the sole purpose of further consideration of Opinion No. 770.

(C) Oral argument by the parties filing applications for rehearing will be heard on the above-mentioned issues raised in the applications for rehearing in this proceeding commencing at 12:00 noon (EDST) on September 16, 1976, and concluding no later than 3:00 P.M. (EDST) on September 17, 1976, in Hearing Room A of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) Each party hereto desiring to present oral argument upon such issues raised in the various applications for rehearing filed herein, shall file its request for an allotment of time therefor with the Secretary of the Commission on or before September 7, 1976.

(E) The Secretary is directed to publish this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

PARTIES FILING APPLICATIONS FOR REHEARING

American Public Gas Association, et al.
Indicated Producer Respondents
Atlanta Gas Light Company
Commonwealth of Pennsylvania, et al.
South Dakota Public Utilities Commission
Aztec Oil and Gas Company
Senator James Abourezk, et al.
County of Erie, New York, et al.
Alabama Gas Corporation
GHK Company and Gasanadarko, Ltd.
Continental Oil Company
Mountain Fuel Supply Company
Interstate Natural Gas Association of America
Public Service Commission of the State of New York
Cities Service Gas Company
United Distribution Companies
Belco Petroleum Corporation
Austral Oil Company, Inc.
Georgia Public Service Commission

[FR Doc.76-26764 Filed 9-10-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-259]

PART 1—GENERAL PROVISIONS

Port Limits of Mobile, Alabama

On June 25, 1976, a notice of proposal to extend the port limits of Mobile, Alabama, in the Mobile, Alabama, Customs district (Region V) was published in the FEDERAL REGISTER (41 FR 26224). No comments were received regarding the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), the port limits of Mobile, Alabama, in the Mobile, Alabama, Customs district (Region V), are extended to include all the territory within the boundaries of Mobile and Baldwin Counties, Alabama.

§ 1.2 [Amended]

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by deleting the language "(including territory described in E.O. 10042, Mar. 10, 1949; 14 FR 1155)," which appears after "Mobile, Ala." in the column headed "Ports of entry" in the Mobile, Alabama, Customs district (Region V) and adding in lieu thereof the language "(including the territory described in T.D. 76–259)."

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date: This amendment shall become effective October 13, 1976.

Dated: September 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-26720 Filed 9-10-76;8:45 am]

[T.D. 76-258]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Increase in the Interest Rate on Delinquent Payments of Deferred Taxes on Imported Alcoholic Beverages and To Reflect the Method by Which That Interest Rate May Be Changed

Section 24.4(f)(2) of the Customs Regulations (19 CFR 24.4(f)(2)) provides that, when any bill for deferred taxes on imported alcoholic beverages is not paid on time, interest at the rate of 6 percent per annum shall be charged on the delinquent tax bill. Section 6621 of the Internal Revenue Code of 1954 (26 U.S.C. 6621), added by Public Law 93–625 of January 3, 1975, and effective on July 1, 1975, increased this interest rate to 9 percent per annum. That section also requires the Secretary of the Treasury or his delegate to periodically adjust this interest rate to correspond, to the nearest full percent, to the existing "adjusted prime interest rate charged by banks" as defined in section 6621(c) of the Internal Revenue Code.

Pursuant to this latter requirement, Revenue Ruling 75–487, dated November 10, 1975, reduced the interest rate to 7 percent per annum, effective February 1, 1976. This 7 percent rate will remain in effect at least until January 31, 1978, when the rate may once again be adjusted in accordance with section 6621 of the Internal Revenue Code.

Accordingly, in order to provide for the new procedure by which the interest rate may be changed, paragraph (f)(2) of section 24.4 of the Customs Regulations (19 CFR 24.4(f)(2)) is amended to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * * * *

(f) *Payment procedure.*

(1) * * *

(2) *Interest on overdue accounts.* When any bill for deferred taxes is not paid within the period specified in subparagraph (f)(1) of this section, interest thereon from the date following the end of the specified period to the date of payment of the bill shall be assessed, collected, and paid in the same manner as the basic tax. The rate of interest to be assessed shall be 7 percent per annum or such other rate as is established by the Secretary of the Treasury or his delegate in accordance with 26 U.S.C. 6621(b).

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 201, 72 Stat. 1322, 1334, 1335, Ch. 736, 68A Stat. 917 (19 U.S.C. 66, 1624, 26 U.S.C. 5007, 5054, 5061; 7805).)

Because this amendment merely conforms the Customs Regulations to a statutory amendment, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: The statutory change reflected by this amendment was effective July 1, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-26721 Filed 9-10-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0060]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHOXYLATED MONO- AND DIGLYCERIDES

The Food and Drug Administration is amending the food additive regulation for ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) by inserting the name "polyglycerate 60" and the Chemical Abstracts Service (CAS) Registry Number for the food additive; by removing the "solid-state" limitation on edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee to provide for use of the additive in all physical forms of the substitutes (dry, frozen, and liquid); by recognizing "ethoxylated mono- and diglycerides" as the common name for the food additive; and by prescribing a condition for the use of the name "polyglycerate 60" on labeling; effective September 13, 1976; objections by October 13, 1976.

Notice was given by publication in the FEDERAL REGISTER of July 2, 1975 (40 FR 27960), that a petition (FAP 5A3103) had been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, proposing that § 121.1221 (21 CFR 121.1221) be amended (1) by adding "polyglycerate 60" as an alternative name for the food additive and (2) in the listing in paragraph (c), by deleting from item 6 in the "Use" column the term "solid-state," to expand the use of substitutes for milk or cream in beverage coffee to include all physical forms such as dry, frozen, and liquid coffee whiteners.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.1221 should be amended as proposed, and he further concludes on his own initiative that the name "ethoxylated mono- and diglycerides," having been established as the common or usual name for "polyoxyethylene (20) mono- and diglycerides of fatty acids" as evidenced by its universal usage over a period of time, may be used in the food additive regulations without reference to the chemical name except where it is desirable for informational purposes to include initially the chemical name as a synonym; and that the CAS Registry Number for the additive should be included in the regulation.

Since "polyglycerate 60" has also been used as a name for the food additive, but to a lesser extent, and the petitioner has proposed its addition to § 121.1221, the Commissioner concludes that the use of this name in conjunction with the common name "ethoxylated mono- and diglycerides" or chemical name "polyoxyethylene (20) mono- and diglycerides of fatty acids" in parentheses should be permitted, e.g., "polyglycerate 60 (ethoxylated mono- and diglycerides)" or "polyglycerate 60 (polyoxyethylene (20) mono- and diglycerides of fatty acids)."

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in § 121.1221 by revising the section heading and introductory paragraph, by revising item 6 of the listing in paragraph (c), and by adding new paragraph (d) to read as follows:

§ 121.1221 Ethoxylated mono- and diglycerides.

The food additive ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) (polyglycerate 60) [Chemical Abstracts Service Registry No. 977051-30-1] may be safely used in food in accordance with the following prescribed conditions:

* * * * * * *

(c) * * *

[2] Appendix A sets forth a list of all parties filing petitions for rehearing of Opinion No. 770.

[3] 52 Stat. 831 (1938); 15 U.S.C. § 717r(a) (1970).

[4] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 1091 (1968).

V41178 SEP 13 76 UMI

Use	Limitations
• • •	• • •
6. As an emulsifier in edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.	Not to exceed 0.4 percent by weight of the finished vegetable fat-water emulsions.

(d) When the name "polyglycerate 60" is used in labeling it shall be followed by either "polyoxyethylene (20) mono- and diglycerides of fatty acids" or "ethoxylated mono- and diglycerides" in parentheses.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 13, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective September 13, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 3, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26640 Filed 9-10-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Procaine Penicillin G, Neomycin, Novobiocin

The Food and Drug Administration (FDA) is revoking regulations providing for the certification of procaine penicillin G-sodium novobiocin in oil, and procaine penicillin G-neomycin in oil for intramammary use, on September 13, 1976 or on the effective date of the court's mandate in *Masti-Kure Products Co. Inc.* v. *Mathews*, Civil Action No. 75–1231 (D.C. Cir. 1975), whichever is later.

Elsewhere in this issue of the Food and Drugs is issuing a notice of effective date of withdrawal of approval for certain intramammary infusion products for treating mastitis. All parties marketing drugs that were approved under these monographs were issued a notice and opportunity for hearing, and final orders were issued withdrawing approval of the affected products. The Commissioner is currently revoking certain of the monographs that covered only mastitis products whose approval of the drug products are the subject of that notice. Monographs that cover both mastitis products and others are being amended to revoke those sections applicable to mastitis products.

The background and details of this action are fully discussed in the related notice published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 505.10 [Amended]

1. Part 505 is amended in § 505.10 Animal drug warning and caution statements required by regulations by revoking the listing for "PENICILLIN-NEOMYCIN OINTMENT," which includes a parenthetical reference and one paragraph.

§§ 540.874b, 540.874c [Revoked]

2. Part 540 is amended by revoking § 540.874(b) Procaine penicillin G-sodium novobiocin in oil and § 540.874c Procaine penicillin G-neomycin in oil.

Effective date: These revocations are effective September 13, 1976 or on the effective date of the court's mandate in *Masti-Kure Products Inc.* v. *Mathews*, Civil Action No. 75–1231 (D.C. Cir. 1975), whichever is later.

(Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b).)

Dated: September 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26761 Filed 9-10-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1023]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Carpinteria, California

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Carpinteria, California under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 5775 Carpinteria Avenue, Carpinteria, California 93013.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Carpinteria Creek	Freeway 101	45	3,500	100
	Carpinteria Ave	33	250	200
	8th Street Footbridge	30	150	150
	South Pacific RR	13	500	200
Franklin Creek	Malibu Dr	21	500	800
	Freeway 101	18	400	1,100
	Carpinteria Ave	17	500	800
	7th St	15	600	1,200
	South Pacific RR	15	400	2,500
	3d St	10		2,200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26666 Filed 9-10-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7432]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Use of Composite Listing in Evaluating Stocks and Bonds

PREAMBLE

This document contains amendments to the Estate Tax Regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954, and the Gift Tax Regulations (26 CFR Part 25) under section 2512 of the Internal Revenue Code of 1954. The amendments are designed to require that, when the records of the principal exchange are not available, the published composite listing of transactions on the combined exchanges be relied upon in the evaluation of stocks and bonds for both estate and gift tax purposes.

Section 2031 of the Code relates to the determination of the value of the gross estate of a decedent. Section 2512 of the Code relates to the valuation of gifts. Present regulations under both sections provide that the value of stocks and bonds is their fair market value. Where there is a market on a stock exchange, the fair market value is the mean between the highest and lowest quoted selling prices on the valuation date (for estate taxes) or the date of the gift (for gift taxes). If stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in are required to be employed.

On January 27, 1976, 375 publications of general circulation, including such publications as the Wall Street Journal, began reporting security transactions only by a daily composite listing of the combined exchanges. Consequently, it became impossible to determine from such listing the performance of a stock or bond on its principal exchange. The amended regulations provide that the records of the principal exchange be employed only when they are available in a generally available listing or publication of general circulation. When such records are not available, if the particular stock or bond is reported on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the amended regulation requires the use of such listing.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to require that the published composite listing of transactions on the combined exchanges be relied upon in the evaluation of stocks and bonds for both estate and gift tax purposes, the Estate Tax Regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954, and the Gift Tax Regulations (26 CFR Part 25) under section 2512 of the Internal Revenue Code of 1954 are amended as follows:

ESTATE TAX REGULATIONS

Paragraph 1. Section 20.2031–2(b) is amended by modifying the fourth sentence of paragraph (b)(1), and adding thereafter a new sentence. This amendment reads as follows:

§ 20.2031–2 Valuation of stocks and bonds.

• • • • • •

(b) *Based on selling prices.* (1) • • • If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed if such records are available in a generally available listing or publication of general circulation. In the event that such records are not so available and such stocks or bonds are listed on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the records of such combined exchanges should be employed.

• • • • •

GIFT TAX REGULATIONS

Paragraph 2. Section 25.2512–2(b) is amended by modifying the fourth sentence of paragraph (b)(1), and adding thereafter a new sentence. This amendment reads as follows:

§ 25.2512–2 Stocks and bonds.

• • • • • •

(b) *Based on selling prices.* (1) • • • If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed if such records are available in a generally available listing or publication of general circulation. In the event that such records are not so available and such stocks or bonds are listed on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the records of such combined exchanges should be employed.

• • • • •

Because of the need for immediate guidance with respect to the valuation of stocks and bonds to which this Treasury decision relates, it is found impracticable and unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: September 3, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-26723 Filed 9-10-76;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—PAYMENT OF PREMIUMS

Correction

In FR Doc. 76–22678 appearing in the FEDERAL REGISTER of Thursday, August 5, 1976 on page 32740 § 2602.3(d) appearing on page 32741 is corrected to read as follows:

§ 2602.3 Filing requirement.

• • • • • •

(d) No later than the last date prescribed for the payment of premiums for any plan year beginning on or after September 2, 1977, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part to enable the PBGC to reconcile the premium payments paid, with the actual premium payment due, for any plan year beginning on or after September 2, 1976.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 76–148]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Revocation of Service Requirements for Certification as Qualified Member of Engine Department

In the July 26, 1976, issue of the FEDERAL REGISTER (41 FR 30648), an amendment deleting temporary regulations for adequate manning of vessels was published. That amendment deleted the regulations in Title 46 of the Code of Federal Regulations. This amendment deletes the temporary regulations in Title 33 of the Code of Federal Regulations.

This amendment is issued without notice of proposed rulemaking. The regulations are being deleted because they no longer serve a useful purpose and thus notice and public procedure thereon are unnecessary.

V41178 SEP 13 76 UMI

Accordingly, Part 19 of Title 33 of the Code of Federal Regulations is amended by deleting § 19.20.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938, (46 U.S.C. 375, 416, 49 U.S.C. 1655(b)); 49 CFR 1.46(b)).

Effective date: This amendment shall become effective on September 13, 1976.

Dated: September 1, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76-26693 Filed 9-10-76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 206—FISHING AND HUNTING REGULATIONS

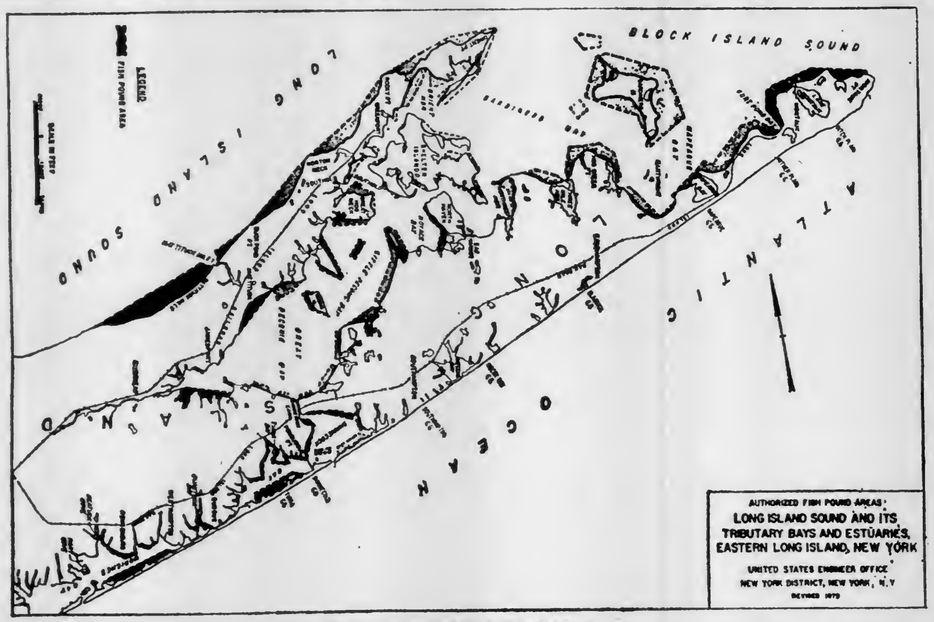
On 2 July 1976 there was published in the FEDERAL REGISTER (Vol. 41, No. 129, pages 27378 and 27379) a notice of proposed rulemaking to amend 33 CFR 206.-40 which establishes new limits for fish pounds and traps in waters tributary to the Atlantic Ocean in the vicinity of Long Island, New York. Interested parties were given the opportunity to submit comments or objections on or before 2 August 1976.

No comments have been received and accordingly, the proposed amendment is hereby established without change and is set forth below effective September 13, 1976.

Dated: August 16, 1976.

VICTOR V. VEYSEY,
Assistant Secretary of the Army
(Civil Works).

§ 206.40 Bays and estuaries tributary to the Atlantic Ocean between Montauk Point, N.Y., and Cape Charles, Va. and in the State of New York, tributary to Long Island Sound; fishing.



[FR Doc.76-26014 Filed 9-10-76;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Overpayment of Educational Benefits, Administrative Review

Section 1.968 provides that the amount of an overpayment of educational allowances or special training allowances on behalf of a veteran or eligible person constitutes a liability of the school in certain instances. Paragraph (f) provides that a request for an administrative review will be forwarded to Central Office where it will be considered by an ad hoc Board convened for that purpose. In the past, the few cases for review where the Regional Office had held the schools liable for the overpayment made to veterans could be handled expeditiously through an ad hoc process. However, because the volume of cases increased greatly the ad hoc review process was no longer administratively advantageous and a permanent Central Office School Liability Administrative Review Board was established. A permanent Board permits a more efficient review process.

Compliance with the provisions of § 1.12 as to notice of proposed regulatory development and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment consists of internal procedure and practice.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

In § 1.968, paragraph (f) is revised to read as follows:

§ 1.968 Educational benefits.

• • • • •

(f) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by the Central Office School Liability Administrative Review Board. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station Committee in any case where the Board reverses a finding made by the Committee that the school is liable.

• • • • • •

Effective date: This VA Regulation is effective September 7, 1976.

Approved: September 7, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-26699 Filed 9-10-76;8:45 am]

PART 3—ADJUDICATION

Subpart B—Burial Benefits

PAYMENT OR REIMBURSEMENT FOR FUNERAL AND BURIAL EXPENSES

On pages 29188 and 29189 of the FEDERAL REGISTER of July 15, 1976, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to payment or reimbursement for funeral and burial expenses of deceased veterans. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

One written comment concerning burial benefits was received. This comment, however, did not relate to the proposed amendment.

For this reason the proposed amendment is hereby adopted without change and is set forth below.

Effective date: Sections 3.1600, 3.1601, 3.1602 and 3.1604 are effective September 7, 1976.

Approved: September 7, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.1600, paragraphs (a), (b) (1), (2), (4), and (c) are revised to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

• • • • •

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 ($800 if he (or she) dies of a service-connected disability) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920. (38 U.S.C. 902; 907; 107(a))

(b) *Peacetime veterans.* The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

(1) If he (or she) was discharged or retired from active service for a disability incurred or aggravated in line of duty. The official service department records showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding, that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty; or

(2) If he (or she) was at the time of his (or her) death in receipt of, or but for receipt of retirement pay would have been entitled to receive disability compensation: or

• • • • • •

(4) If he (or she) dies of a service-connected disability. (38 U.S.C. 902)

(c) *Death while properly hospitalized.* If a person dies while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed $250 ($800 if he or she died of a service-connected disability) for the actual cost of funeral and burial, and an additional amount for transportation of the body to the place of burial. See § 3.1605. (38 U.S.C. 903; 907)

• • • • • •

2. In § 3.1601, paragraph (a) (introductory portion) and (a)(2)(i) is revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.* Claims for reimbursement or direct payment of burial and funeral expenses, transportation of the body and plot or interment allowance, must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his (or her) discharge from service, but after his (or her) death the discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904)

• • • • • •

(2) Claims for the plot or interment allowance may be executed by:

(i) The funeral director, if he (or she) provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if unpaid balance is less than $150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

• • • • • •

3. In § 3.1602, paragraph (a) is revised to read as follows:

§ 3.1602 Special conditions governing payments.

(a) *Two or more persons expended funds.* If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by such person. (See § 3.1601(a)(3).)

• • • • • •

4. In § 3.1604, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.1604 Payments from non-Veterans Administration sources.

(a) *Contributions or payments by public or private organizations.* When contributions or payments on the burial expenses have been made by a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran only the difference between the entire burial expenses and the amount paid thereon by any of these agencies or organizations, not to exceed $250 ($800 if death was service connected), will be authorized. Contributions or payments by any other public or private organization such as a lodge, union, fraternal or beneficial organization, society, burial association or insurance company, will bar payment of the burial allowance if such allowance would revert to the funds of such organization or would discharge such organization's obligation without payment.

[FR Doc.76-26686 Filed 9-10-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-123]

PART 61—PERIODIC TESTS AND INSPECTION

Tailshaft Inspection

• Purpose. The purpose of this regulation change is to allow the District Commanders to extend, upon request, the period for the drawing of tailshafts fitted with oil lubricated bearings and mechanical seals. •

For a Certificate of Inspection to be reissued or remain valid, each tailshaft of an ocean or coastwise vessel, except for extensions as authorized by the Commandant, must be drawn as required by 46 CFR 61.20-15. Extensions are granted to vessels for the drawing of tailshafts fitted with oil lubricated bearings and mechanical seals that meet the qualifying criteria.

Due to the increase in the number of vessels being fitted with tailshafts having oil lubricated bearings and mechanical seals, an increasingly larger number of

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vessels are requesting extensions. To expedite these requests, this regulation change will allow the extensions to be granted by the District Commanders. To provide for uniformity in the granting of extensions, this regulation will also set forth the qualifying criteria to be used in making the determinations that a vessel's tailshaft withdrawal period may be extended. Also, an editorial change is made to paragraph (d) for clarification purposes.

Proposed rules, which would have amended the rules for tailshaft inspection, were published in the March 1, 1972 issue of the FEDERAL REGISTER (37 FR 4292). This proposal was withdrawn by a notice published in the May 22, 1975 issue of the FEDERAL REGISTER (40 FR 23764).

The notice and public rulemaking procedure requirements in 5 U.S.C. 553(b) do not apply because the changes are procedural.

In consideration of the foregoing, Title 46 CFR, Chapter I, is amended as follows:

§ 61.20–15 Tailshaft survey.

* * * * *

(d) * * * but not to exceed four months for those vessels that do not have oil lubricated tailshafts with mechanical seals.

* * * * *

(e) Upon request, the District Commander may extend for a period not in excess of two years, the drawing of an oil lubricated tailshaft with mechanical seals for vessels of either single or multiple shafts if—

(1) the vessel qualifies for a normal four year interval between tailshaft drawings as required in paragraph (b) of this section;

(2) at the four year interval, the tailshaft has been examined in place including the condition of the bearing clearance, shaft seals and lubricating oil systems in the presence of a marine inspector;

(3) the seals and bearings were examined at the last drawings in the presence of a marine inspector;

(4) the keyway and the tapered end were examined and non-destructively tested in the presence of marine inspector;

(5) no major repairs by grinding or welding have been made to the shaft; and

(6) review of the vessel's file and last drydock report satisfies the District Commander that no deficiencies exist that would preclude the extension.

(46 U.S.C. 375; 416; 14 U.S.C. 633; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)) (46 U.S.C. 392 (b).)

Effective date. This amendment is effective on October 14, 1976.

Dated: September 1, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76–26692 Filed 9–10–76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Amendment Permitting Waterfowl Hunting With Toxic Shot Material in Certain Shotshell Gauges in Areas Designated for Non-Toxic Shot Material

On pages 31386–31389 of the FEDERAL REGISTER of July 28, 1976, there was published a final ruling on the use of steel shot ammunition or ammunition containing pellets made of other approved material for waterfowl hunting. This ruling amended Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations by adding a new paragraph (j), to § 20.21—Hunting Methods. The amendment was worded as follows and became effective on August 27, 1976.

(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: Provided, That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of 50 CFR Part 20.

On September 13, 1976, a final rulemaking was published in the FEDERAL REGISTER and this ruling designated zones in which steel shot only would be permitted for waterfowl hunting in hunting seasons commencing in 1976 in nine Atlantic Flyway States. Public comment on this rulemaking was received from July 28, 1976, until August 24, 1976. There was strong opposition expressed during this comment period with respect to the exclusive use of steel shot only in the designated zones of the nine Atlantic Flyway States because steel shot ammunition could not be supplied in 1976 in any gauge other than 12 gauge. Shotguns with barrels bore for 12 gauge ammunition were viewed as too large to be used by some people, particularly young people. A survey of waterfowl hunters conducted by the U.S. Fish and Wildlife Service in 1973 indicated that about 15 percent of all waterfowl hunters use gauges other than 12 gauge. As was pointed out in the Proposed rulemaking (41 FR 31395–31396) of July 28, 1976, an additional factor requiring consideration for 1976 was the limitation on the amount of steel shot ammunition that could be produced and distributed by the manufacturers in time for the 1976 hunting season.

It was anticipated at the time of the final rulemaking on July 23, 1976 (41 FR 31386) that 12 gauge ammunition would not be the only type of steel shot available. However, it has subsequently been brought to the Service's attention that supplies of steel shot ammunition would not be available in any gauge other than 12 gauge. In light of the rapidly approaching waterfowl hunting season and the late discovery of the unavailability of non-12 gauge shot, the Service now finds that it would be impracticable and contrary to the public interest within the meaning of section 553(b)(3)(B) of the Administrative Procedures Act to provide an opportunity for public comment on this amendment. The earliest opening date for the waterfowl hunting season is September 18, 1976 for sea ducks. Therefore, the States in the Atlantic Flyway must immediately begin the incorporation of these regulations if they are to be implemented and enforced at all. For the same reasons, the Service finds that there is "good cause" within the meaning of section 553(d)(3) of the Administrative Procedures Act to make this amendment effective immediately upon publication. Accordingly, Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations is amended by adding this exception to § 20.21(j).

This rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: September 8, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

Accordingly, 20.21(j) is amended as follows:

§ 20.21 Hunting methods.

* * * * *

(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided*, That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of this Part 20. In the waterfowl hunting season commencing in 1976, for one year only, shot made of metal that is toxic to waterfowl can be used for hunting waterfowl in areas designated for approved non-toxic shot in the Atlantic Flyway and described in a final rulemaking published in the FEDERAL REGISTER on September 13, 1976: *Provided*, The toxic shot is used in shotguns with bores smaller than 12 gauge.

[FR Doc.76–26673 Filed 9–10–76;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Regarding Areas in Which Steel Shot Will Be Required for Waterfowl Hunting in Hunting Seasons Commencing in 1976

On page 31395 of the FEDERAL REGISTER of July 28, 1976 there was published a proposed ruling to amend Subpart K, § 20.105e of Title 50 Code of Federal Regulations. This proposal designated specific areas in the Atlantic Flyway in hunting seasons commencing in 1976 where no person shall take ducks, geese, and coots with a shotgun containing shells loaded with shot composed of any metal other than such material as may be determined by the Director to be non-toxic when ingested by waterfowl. At the present time the only shot available for use in this regard is steel shot.

The areas described in the proposed ruling were located in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia. The period of public comment extended from July 28 to August 23, 1976.

PURPOSE OF REGULATIONS

The purpose of the proposed regulations is to eliminate further deposition of lead pellets in specific major waterfowl hunting areas of the Atlantic Flyway. Spent lead pellets are known to be consumed by waterfowl causing death to a portion of the resource each year.

BACKGROUND

Regulations requiring the use of steel shot or other approved shot types for waterfowl hunting in specifically described areas in the United States were published in the FEDERAL REGISTER on July 28, 1976 along with a description of the reasons and purposes of the regulations.

On March 20, 1976, the Secretary of the Interior announced a plan for progressive implementations of steel shot over the next 3 years. According to this plan steel shot will be required for waterfowl hunting in specifically designated areas of the Atlantic Flyway in 1976, in the Mississippi Flyway in 1977 and in the Central and Pacific Flyways in 1978.

At a March 21, 1976, meeting of the Atlantic Flyway Council in Washington, D.C., Council members indicated that the Service should develop recommendations about specific areas and criteria for identifying them.

Accordingly, the Service recommended that steel shot be required for waterfowl hunting in counties or portions of counties in the Atlantic Flyway where waterfowl are harvested at the highest and most intensive levels as indicated by long-term records of the harvest of ducks. An additional factor requiring consideration for 1976 was a limitation on the amount of steel shot ammunition that could be produced and distributed by the manufacturers in time for the 1976 hunting season.

The following criteria were used to identify counties to be considered for use of steel shot in 1976:

1. An average annual harvest rate of 25 or more ducks per square mile.
2. An average annual duck harvest of 12,000 or more.

Counties meeting these criteria are believed to represent some of the most critical lead poisoning problem areas in the flyway. The high levels and intensity of harvest in these counties are indicative that hunting is sufficiently intensive to result in the annual deposition of large quantities of lead shot in waterfowl habitat.

Based on the above criteria, the Service identified 12 counties in nine States of the Atlantic Flyway. In consideration of limited availability of steel shot ammunition in 1976, and in order to insure that adequate amounts of ammunition would be available for hunters required to use steel shot, it was determined that the program would be implemented in no more than one county in each of the nine States. This information and the Service's recommendations were presented and discussed with Atlantic Flyway Council representatives at a meeting in Hershey, Pennsylvania, on April 27, 1976. Affected States not present were contacted separately immediately after the meeting.

Additionally, all States in the Atlantic Flyway were informed of the Service's recommendations for 1976 as presented at the Hershey, Pennsylvania meeting in a memorandum from the Director, U.S. Fish and Wildlife Service, dated May 7, 1976. Discussion with the nine States involved in the 1976 program regarding precise boundary descriptions of the recommended areas or alternative areas proposed by the States were in progress from April 27, 1976 to July 23, 1976. On July 28, 1976 descriptions of the proposed zones were published in the FEDERAL REGISTER (41 FR 31395–31396).

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

Written responses to the July 28, 1976 FEDERAL REGISTER publication of proposed rulemaking containing descriptions of areas in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia where steel shot would be required for waterfowl hunting in hunting season commencing in 1976 were received and reviewed until August 24, 1976. Letters received during this period represented the views of 177 individuals, 12 organizations and 8 States. In addition, a public hearing was held in Cambridge, Maryland on August 25, 1976. It was attended by approximately 350 people, many of whom expressed their views on the proposed ruling to representatives of the U.S. Fish and Wildlife Service who were in attendance. The views expressed at this public hearing were considered.

All comments, with the exception of two organizations and four individuals, expressed objections to the proposed rulemaking. Many of the comments did not relate directly to the individual zones that were proposed, instead they questioned the need for a conversion to steel shot for waterfowl hunting and the adequacy of steel shot as a non-toxic alternative to lead shot. Public comment on these two issues was received by the U.S. Fish and Wildlife Service during the period July 23–November 15, 1974 in response to a July 23, 1974 notice in the FEDERAL REGISTER (39 FR 26764). With regard to the proposed rulemaking of July 28, 1976 (41 FR 31395) such comments were not considered relevant.

Objections directed more specifically to the proposed amendment relating to portions of nine States of the Atlantic Flyway in 1976 can be summarized as follows:

Comment. Lead poisoned waterfowl have not been observed in the zone or zones designated and waterfowl do not ingest lead shot in these areas because spent pellets disappear rapidly in bottom sediment or for other reasons spent pellets are not available to feeding waterfowl.

Response. Over 50,000 gizzards of waterfowl have been examined since studies of the subject of lead poisoning in waterfowl began in the early 1900's. Lead pellets have been found in the gizzards of a portion of the waterfowl population of all areas that have been sampled, including Alaska. Ducks, geese, and swans are known to feed on certain plant and animal life that can only be obtained by digging into soft mud bottoms of water areas. Some waterfowl foods are obtained from the bottoms of water areas that are quite deep. The so-called surface-feeding ducks are known to dive to the bottom of areas 10 to 15 feet in depth and diving duck species go deeper to feed in some situations. Feeding by waterfowl occurs in both fresh and saline waters and spent shot can be ingested in either situation.

Many areas do not have waterfowl deaths due to lead poisoning occurring as an observable phenomenon, therefore deaths due to this cause are not documented for all areas. A very small proportion of the deaths occurring to wild animal populations each year is observed by humans. Deaths due to lead poisoning are no exception. Individual birds affected by lead poisoning lose their ability to fly and subsequently move to dense vegetation. Unless a large number of such birds are affected at the same time at one location it is unlikely that deaths from this cause would be observed.

Comment. Shotgun shells loaded with steel will be available for 12 gauge guns but not for other gauges in 1976, consequently it is unfair to require the use of steel shot in designated zones in hunting seasons commencing in 1976 since many young hunters are not capable of hunting with shotguns as large as 12 gauge.

Response. Based on a survey of waterfowl hunters in the United States conducted by the U.S. Fish and Wildlife Service in 1973, approximately 15 percent of all waterfowl hunters use guns of gauges other than 12 gauge. The lack of steel shotshells in other gauges is a problem for young waterfowl hunters in the zones in which steel shot will be required; consequently, Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations has been amended to permit the hunting of ducks, geese, and coots in steel shot zones with guns loaded with shells containing other shot material, if such guns are of smaller bore than 12 gauge. This amendment will apply for one year only, that being the hunting seasons commencing in 1976, and it will apply only to those steel shot zones described in the final rulemaking presented below. The amendment described above was published in the FEDERAL REGISTER on September 13, 1976. As a result of this amendment the final ruling on zones requiring steel shot

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will be changed from the proposed rulemaking (FR 41-31395) to reflect this one-year exception regarding gauges and shot material to be permitted for waterfowl hunting in the zones.

CORRECTION AND CLARIFICATION OF THE DESCRIPTIONS OF STEEL SHOT ZONES PROPOSED FOR NEW YORK, MASSACHUSETTS, AND DELAWARE

The original wording of the proposed zone for New York described the west boundary as a line extending northward from Long Island Sound. This should have been described as a line extending northward from the Long Island shoreline.

The original wording of the proposed zone for Massachusetts described the eastern boundary as a line extending northward along the shoreline of Ipswich Bay and the Atlantic Ocean to the Massachusetts-New Hampshire State line. This boundary can be described more accurately as a line extending northward along the shoreline of Ipswich Bay up to and including Little Neck, then across Plum Island Sound to Plum Island and northward along the Atlantic Ocean shoreline to the Massachusetts-New Hampshire State line.

In the original description of the areas proposed for Delaware an exclusion of uplands more than 150 yards from water was omitted and this provision should have been added.

ADOPTION AND EFFECTIVE DATE

Following review and consideration of the comments received on the proposed rulemaking of July 28, 1976 (41 FR 31395-31396) the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711), deems it appropriate to adopt the following proposal with modifications as described above. In doing this, the Service recognized that at the comment period's close, time would be of the essence because of the rapidly approaching waterfowl hunting season and the need to provide the hunting public the maximum amount of time to acquire steel shot supplies. That is, if there were a 30 day delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States and the public would have insufficient time to implement and comply with the "steel shot" regulations. In particular, it was believed that the States would be unable to establish and publicize the necessary regulations and procedures to implement the regulation if a 30 day effective date was imposed. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this regulation will, therefore, be effective September 13, 1976.

Dated: September 8, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

Accordingly, Subpart K of Chapter I, Subchapter B of title 50 of the Code of Federal Regulations is amended by adding to § 20.105e the following rules.

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(e) *Atlantic, Mississippi and Central Flyways.*

Atlantic flyway

Non-toxic shot requirements: In the hunting seasons commencing in 1976, in the areas designated below, no person shall take ducks, geese, or coots with a 12 gauge shotgun loaded with any material other than steel. In the areas designated below, for one year only, shotguns loaded with materials other than steel will be permitted for taking ducks, geese, and coots, if the bore of such shotguns is smaller than 12 gauge.

DELAWARE

On all open waters, lakes, ponds, marshes, swamps, rivers, and streams and within a 150 yard zone of land adjacent to the margin of such waters in the following areas. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision:

1. Woodland Beach Wildlife Area; 2. Little Creek Wildlife Area; 3. Gordon's Pond Wildlife Area; 4. Assawoman Wildlife Area; 5. Prime Hook Wildlife Area.

FLORIDA

In that portion of Brevard County, Florida, lying east of Interstate Highway 95.

MAINE

On the waters of the Kennebec River, known as Merrymeeting Bay, bounded as follows: From the high tension wires at Chop's Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset and Eastern Rivers, and the Richmond-Dresden Bridge on the Kennebec River, and within a 150 yard zone of land adjacent to the margins of these waters, being in the Counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

In Dorchester County, Maryland on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150 yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

MASSACHUSETTS

Within that portion of Essex County, Massachusetts, bounded on the north by the Massachusetts-New Hampshire State line; on the west by U.S. Rt. 1, from its intersection with the Massachusetts-New Hampshire State line southward to its juncture with Rt. 1A in Newburyport, thence southward on Rt. 1A to its juncture with Rt. 133 south of Ipswich, thence southeastward on Rt. 133 to its juncture with Rt. 128; bounded on the south by Rt. 128 from the juncture with Rt. 133 eastward to the west bank of the Annisquam River; bounded on the east by the west bank of the Annisquam River northward to Ipswich Bay and continuing northward along the shoreline of Ipswich Bay, up to and including Little Neck, then across Plum Island Sound to Plum Island and northward along the Atlantic Ocean shoreline to the Massachusetts-New Hampshire State line.

NEW JERSEY

In that portion of Atlantic County, New Jersey, lying east of the Garden State Parkway.

NEW YORK

In those portions of Nassau and Suffolk Counties, New York bounded on the south by the Long Island shoreline from the Robert Moses Causeway west to the Nassau County-New York City line; on the west by the New York City-Nassau County line northward from Long Island shoreline to the Sunrise Highway (Rt. 27); on the north by the Sunrise Highway (Rt. 27) eastward to its juncture with the Captree Highway (Robert Moses Causeway); on the east by the Captree Highway (Robert Moses Causeway) southward to its terminus at Fire Island Inlet.

NORTH CAROLINA

In Currituck County, North Carolina, on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150 yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

VIRGINIA

In the city of Virginia Beach on Back Bay and its tributaries and the marshes adjacent thereto, and the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and the shore of North Landing River and the marshes adjacent thereto and along the shore of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

[FR Doc.76-26672 Filed 9-10-76;8:45 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective September 13, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of ducks, mergansers and coots is permitted on the Ouray National Wildlife Refuge, Utah, from October 2, 1976, through January 2, 1977, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,375 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl, subject to the following special regulation:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1977.

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

AUGUST 27, 1976.

[FR Doc.76-26618 Filed 9-10-76;8:45 am]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colorado

The following special regulation is issued and is effective September 13, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and mergansers on the Browns Park National Wildlife Refuge, Colorado, is permitted for the 1976-77 season in accordance with State regulations, except in those areas designated by signs as closed to hunting. This open area, comprising 1,775 acres, is delineated on maps available at refuge headquarters, Greystone, Colorado, and from the Area Supervisor, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl, subject to the following special regulations:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1977.

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Greystone, Colorado.

AUGUST 27, 1976.

[FR Doc.76-26619 Filed 9-10-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Control Committee expenses of $103,947 and an assessment rate of $0.005 per standard western pear box or equivalent quantity of regulated winter pears to support committee activities during the 1976–77 fiscal period under Marketing Order No. 927. The committee has also proposed that unexpended assessment income from 1975–76 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1976, through June 30, 1977, will amount to $103,947.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1976, and prior years be carried over as a reserve in accordance with the applicable provisions of § 927.42.

Terms used in the amended marketing agreement and order shall when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than September 24, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26708 Filed 9–10–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED AND AMOUNT OF ASSISTANCE

Hearings

Notice is hereby given that public hearings will be conducted in Pennsylvania, Texas, and California on September 28, 1976, October 19, 1976, and November 4, 1976, respectively, to receive comments regarding the revision of the regulations at 45 CFR 233.20, Need and Amount of Assistance. These regulations describe the Federal requirements upon State agencies, for the consideration, disregard, and setting aside of income and resources in determining eligibility for financial assistance to families with dependent children (AFDC).

A Notice of Intent, published in the FEDERAL REGISTER on July 8, 1976, 41 FR 27973, gives some details of the purposes of the revision and some of the areas on which comments are requested. The public is urged to attend these hearings and participate.

Individuals who wish to participate should register with the appropriate HEW Regional Office 24 hours prior to the hearing date either by writing or telephoning the contact person in the city in which they wish to be heard. Testimony from individuals who have not registered prior to commencement of the hearing will be heard following testimony of registrants. Late registration will be open at each hearing site one-half hour prior to commencement of hearing.

If for any reason attendance is not possible, individuals are urged to forward written statements to the Administrator, Social and Rehabilitation Service, P.O. Box 2382, Washington, D.C. 20013. Mailed comments will become part of the public hearing record and will be given the same consideration as testimony presented at the hearings. Questions will be pursued to the extent that time allows.

Persons who plan to testify, and those who are interested in obtaining background materials related to the hearings, should contact the appropriate HEW Regional Offices listed below.

The hearings are scheduled as follows:

SEPTEMBER 28, 1976—9:00 A.M.

Allegheny County Court House, 5th and Grant Streets, Pittsburgh, PA.

Contact person: Mr. Richard Gilbert, SRS Assistance Payments, 3535 Market Street, Philadelphia, PA. 19104. Area Code: 215/598–1304.

OCTOBER 19, 1976—9:30 A.M.

Dallas Convention Center, Akard and Canton Streets, Dallas, TX.

Contact person: Mr. Juan Acosta, SRS Assistance Payments, 1200 Main Tower Bldg., Dallas, TX. 75202. Area Code: 214/655–4085.

NOVEMBER 4, 1976—9:30 A.M.

San Franciscan Hotel, Market Street (Between 8th and 9th Streets), San Francisco, CA.

Contact person: Ms. Lucy H. Ellison, SRS Assistance and Public Services, 50 United Nations Plaza, San Francisco, CA. 94102. Area Code: 415/556–7800 or 415/556–6662.

Dated: September 7, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

[FR Doc.76–26658 Filed 9–10–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–NE–33]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Proposed Alteration of Control Zone

The Federal Aviation Administration is considering amending § 71.171 of the Federal Aviation Regulations so as to alter the Lebanon, New Hampshire, Control Zone.

A new non-directional beacon approach procedure has been developed to Runway 25 at the Lebanon Regional Airport, Lebanon, New Hampshire, utilizing the existing state-owned and operated Hanover, New Hampshire, non-directional radio beacon. A revision to the Lebanon, New Hampshire, Control Zone is necessary to provide controlled airspace for aircraft executing this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 08103. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

As a minor rule, this proposal has been reviewed and does not require an inflationary impact statement.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the area of Lebanon, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of Lebanon Regional Airport Control Zone, Lebanon, New Hampshire, in its entirety and insert the following in lieu thereof:

LEBANON, N.H.

Within a 5-mile radius of the center, latitude 43°37'41" N., Longitude 72°18'21" W., of Lebanon Regional Airport, Lebanon, New Hampshire; within 3 miles each side of the Hanover NDB 246° and 066° bearings, extending from the 5-mile radius zone to 8.5 miles northeast of the NDB; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway; within 2 miles either side of the White River NDB 075° bearing extending from the 5-mile radius zone to 7.5 miles from the end of runway 07.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on August 30, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76–26612 Filed 9–10–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–NW–22]

ALTERATION OF TRANSITION AREA

Lewiston, Idaho

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, Transition Area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of procedures in the Lewiston, Idaho, area indicates there are excessive restrictions to arriving and departing aircraft utilizing the airspace of the presently designated Lewiston terminal area. The controlled airspace provided by the present low altitude airway structure and transition area is not compatible with all routes now being flown by aircraft arriving and departing the Lewiston, Idaho, and Pullman, Washington, airports. Additionally, the present airspace configuration does not support the effective use of radar in the arrival and departure phases.

The designation of additional transition area will result in more advantageous routing, a reduction in flying time with commensurate reduction in fuel costs and improved service to the user through better utilization of radar.

In consideration of the foregoing, the FAA proposed the following airspace actions.

In § 71.181 (41 FR 531), the description of the Lewiston, Idaho, Transition Area be amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (Latitude 46°22'29" N, Longitude 117°00'51" W); within 3 miles each side of the ILS localizer course extending from the 5-mile radius circle to 16.5 miles east of the airport, and within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by W. Longitude 116°, bounded on the south by N. Latitude 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (Latitude 46°06'13" N, Longitude 118°17'29" W), and bounded on the north by V–536.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on August 30, 1976.

C. B. WALK,
Director, Northwest Region.

[FR Doc.76–26417 Filed 9–10–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SO–81]

ALTERATION OF TRANSITION AREA

Williamston, N.C.

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Williamston, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 26, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Williamston transition area described in § 71.181 (41 FR 440) would be amended by deleting the present description and substituting the following therefor:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Martin County Airport (Lat. 35°51'45" N., Long. 77°10'35" W.); within 3 miles each side of the 018° bearing from the Williamston RBN (Lat. 33°51'39" N., Long. 77°10'31" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

The proposed alteration is required for the following reasons:

1. Increase basic radius area from 5 miles to 6.5 miles to provide additional controlled airspace for IFR departures.

2. Revoke an extension predicated on the Rocky Mount VOR as it will not be needed if the basic radius area is increased.

3. Establish an extension north of the Williamston RBN to provide controlled airspace for a proposed instrument approach procedure to Martin County Airport Runway 21.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) Department of Tranportation Act (49 U.S.C. 1655(c)).)

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Issued in East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26418 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-31]

DESIGNATION OF TRANSITION AREA

Belvidere, Ill.

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Belvidere, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 13 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974), and it has been determined that an inflation impact statement is not required.

A standard instrument approach procedure has been developed to the Belvidere Airport, Belvidere, Illinois.

Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is added:

BELVIDERE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five mile radius of Belvidere Airport (latitude 42°19'-25" N, longitude 88°50'25" W); and within two miles either side of the 319° bearing from the airport extending from the five mile radius area to 6.5 miles from the airport.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c) Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-26421 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-32]

DESIGNATION OF TRANSITION AREA

Marysville, Ohio

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marysville, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974), and it has been determined that an inflation impact statement is not required.

A standard instrument approach procedure has been developed to the Union County Airport, Marysville, Ohio.

Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as herinafter set forth:

In § 71.181 (41 FR 440), the following transition area is added:

MARYSVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Union County Airport, (latitude 40°13'29" N, longitude 83°21'00" W); and within 2 miles on each side of the 088° bearing from the airport extending from the 5 mile radius area to 8 miles west of the airport.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-26422 Filed 9-10-76;8:45 am]

[14 CFR Parts 121 and 135]

[Docket No. 16097; Notice No. 76-18]

PART 135—REGULATORY REVIEW PROGRAM

Air Taxi Operators and Commercial Operators of Small Aircraft

The Federal Aviation Administration gives public notice of the Part 135 Regulatory Review. This program will be administered by the Safety Regulations Division, Flight Standards Service. The Review will proceed in accordance with the following key events: (1) The development and distribution of an Agenda and Compilation of Proposals; (2) The holding of a review conference at the Stouffer Denver Inn, Denver, Colorado during the week of November 8–12, 1976; (3) The issuance of a notice of proposed rulemaking with 90 days for comments; and, (4) The analysis of comments and adoption of appropriate amendments.

The need for a general upgrading of Part 135, as well as additional specific requirements has been under intense study and analysis by the FAA for several years. A fundamental objective of the Review is to provide a level of safety for Commuter Air Carriers, "Air Taxi Operators", comparable to that of Part 121 Certificate Holders. This upgrading is part of the new Regulatory Review Program which will be administered by the Operations Review Branch, AFS–920.

Operating experience under Part 135 in recent years has shown a need for upgrading of the Part including some additional requirements. The increasing volume and complexity of air taxi operations, especially those known as "Commuter Air Carriers", and the use of more complex aircraft with higher passenger carrying capacity, has shown a need to ensure a higher level of safety. The upgrading of the rules under which these carriers operate will involve changes to several existing sections and the addition of new subparts.

The FAA in its Listening Session with Commuter Airline Association of America on June 8, 1976 was requested to "issue a draft NPRM and call a mini-conference of all interested parties to discuss same".

Accordingly, the FAA announces the Part 135 Regulatory Review and the availability of the Agenda and Compilation of Proposals for the conference. While many of the proposals in the Compilation resulted from sources outside of the FAA, all proposals to be discussed at the conference were developed by the General Aviation and the Air Carrier Divisions of Flight Standards Service. Some were previously discussed at the Operations Review Conference held in December 1975. Proposals other than those developed and distributed by the FAA in the Compilation of Proposals are not within the scope of this Regulatory Review and will not be discussed at the conference.

Several committees chaired by FAA will be established to discuss the proposals during the conference. The Agenda and Compilation of Proposals, information concerning registration for the conference, and reservations for rooms will be distributed to all listed air taxi operators and will be provided to anyone who requests the information prior to the conference from the Operations Review Branch, AFS–920, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone 202–426–8146. Copies will also be available for inspection and copying in the FAA Rules Dockets, Docket No. 16097. The Agenda and Compilation of Proposals may be used by attendees at the conference. The Agenda, in addition to providing general information relating to the conference, will contain detailed information on scheduling of the proposals for discussion by the respective committees. Persons who plan to attend the conference should be aware that the following procedures have been established to facilitate the workings of the conference.

1. The conference will begin at 9:00 a.m. on the morning of November 8. in the Stouffer Denver Inn, Denver, Colorado. There will be no admission fee or other charge to attend and participate in the conference. All conference sessions will be open, on a space available basis, to all interested persons who registered to attend. If necessary to complete the Agenda, conference sessions may be extended to evenings or additional days.

2. All meetings will be recorded. Copies of the tapes may be purchased, at fees determined in accordance with 49 CFR 7.95(j), from the Office of the Chief Counsel, AGC–24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

3. The FAA will not consider material presented at the conference by participants on any issue that is not contained in the Compilation of Proposals distributed by the FAA. Position papers or clarification of language in the proposals may be accepted at the discretion of the Committee Chairman.

4. All proposals appearing in the Agenda will not necessarily be included in a notice of proposed rulemaking, and although the FAA may propose a change or indicate concurrence or agreement in its comments, this is not intended to indicate a final FAA position. The FAA will decide after discussion of these proposals at the conference and subsequent analysis, which proposals will be adopted, changed, expanded, rejected, or deferred. The FAA may, after the conference, dispose of all proposals that are not adequately supported or that require further research and study, without including them in the notice of proposed rulemaking.

"Pending Notices" Appendix A to this notice identifies a number of notices of proposed rulemaking which affect Part 135. These notices will be pursued to a conclusion outside the Review and the substance of the rules proposed in these notices will not be considered during this Review.

"Petitions for Rulemaking" Appendix B of this notice shows the status of Part 135 and the last amendment thereto and lists petitions for rulemaking which affect Part 135. These or other petitions may or may not be included for consideration in the Review. Those which are at an advanced state of processing may be acted upon independently of the Review.

"Proposed and Final Rulemaking." The proposals and discussion thereon will be used by the FAA in developing an appropriate notice of proposed rulemaking which will be published in the FEDERAL REGISTER. This notice, when published, will provide interested persons an opportunity to comment on specific proposed amendments to Part 135 and Part 121. Final rules adopted as a result of the notice will be issued after consideration of all comments received in response to this Notice.

(Sections 313(a) and 601(c) of the Federal Aviation Act of 1958 (U.S.C. 1354(a) and 1421) and section 6(c) of the Department of Transportation Act (45 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

APPENDIX A—PENDING NOTICES OF PROPOSED RULEMAKING EXCLUDED FROM THIS REVIEW

The FAA has issued a number of notices of proposed rulemaking proposing amendment to Part 135 of the Federal Aviation Regulations. These notices will be pursued to a conclusion outside this Review and the substance of these proposals will not be considered herein. They are identified below:

1. Notice 74–25 (39 FR 24667, July 5, 1974) *"Air Transportation of Handicapped Persons."* This notice proposed "amending Parts 121 and 135 of the Federal Aviation Regulations to provide rules for the safe carriage by the holders of Part 121 and 135 certificates of persons who, because of a physical condition, may require the assistance of another person during an emergency evacuation." The notice affects §§ 135.27, 135.81 and 135.139. The comment period closed October 9, 1974.

Notice 75–39, (40 FR 236, December 8, 1975) *Clarifying and Editorial Change.* This notice proposed amending Part 135 (among others) of the Federal Aviation Regulations to make several clarifying and editorial changes. This notice affects §§ 135.2, 135.11, 135.43, 135.67, 135.127, 135.138, 135.140, 135.-144, 135.144a, 135.555, 135.163, and 135.167. The comment period closed March 8, 1976.

3. Notice 76–7, (41 FR 13952, April 1, 1976) *"Air Carriers, Commercial Operators, and Air Taxi Operators: Operation of Certain Large Airplanes Under the Rules Governing Air Taxi Operations."* This notice proposed amending Part 135 (among others) of the Federal Aviation Regulations to permit, with certain exceptions, air carriers, commercial operators, air travel clubs, and air taxi operators temporarily to conduct operations in airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to maximum certificated takeoff weight, in accordance with the rules of Part 135 of the Federal Aviation Regulations. This notice affects § 135.2. The comment period closed May 3, 1976.

4. In addition to the above, several notices are scheduled for issuance under the Operations Review Program which will contain a number of proposed amendments to Part 135 of the Federal Aviation Regulation which are not included in this Review. Sections 135.7(b), 135.39(d), 135.43(e), 135.60(d)(3), 135.63(b) and (h) (new), 135.65(b), 135.68. 13581(g), 135.97(a)(2), 135.107(b), 135.111 (a), 135.131(g), 135.142(a) and (b), and 135.-161(a)(b) and (c) will be affected to some extent.

APPENDIX B—STATUS OF PART 135 OF FEDERAL AVIATION REGULATIONS AND RELATED ACTIONS

The last amendment to this part (as of July 1, 1976) is Amendment 135–41, "Certain Part 121 Equipment Requirements for Certain Airplanes," issued May 13, 1975, and effective May 15 (40 FR 21704, May 19, 1975).

In addition, the FAA has received several petitions for rulemaking, described below to amend Part 135. Item Nos. 1 and 2 are within the scope of this Review and may be discussed and disposed of as a result of this Review. Item Nos. 3 and 4 will not be discussed as they are outside the scope of this Review.

1. National Air Transportation Conference, Inc., and Executive Air Fleet Corporation (Docket No. 12768) and to amend § 135.2 (b) to rescind certain equipment requirements for operations of large aircraft under 27,000 pounds maximum certificated takeoff weight with passenger capacities of not more than 12 persons.

2. Air Illinois, Inc., Golden West Airlines, Inc., and Swift Aire Lines, Inc., (Docket No. 15733) petition for rulemaking to Part 135 to permit operations of certain large aircraft under Part 135 in lieu of the rules of Part 121.

3. The Helicopter Association of America (Docket No. 14307) seeks to rescind § 135.89, "Helicopter Operations: Emergency landing areas."

4. The Helicopter Association of America (Docket No. 15730) seeks to rescind § 135.1(b)(2), "Nonstop sightseeing flights that begin and end at the same airport, and are conducted within a 25-mile radius of the airport."

[FR Doc.76-26887 Filed 9-10-76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 173]

[Docket No. HM-139; Notice No. 76-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Conversion of Individual Exemptions to Regulations of General Applicability

The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on data and analysis supplied in selected exemption applications or on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider

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access to the benefits of transportation innovations recognized as effective and safe.

Comments by: October 15, 1976.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to Docket No. HM-139 and be submitted in triplicate.

For further information: Complete copies of the exemptions and their related applications and supporting documentation are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C. Telephone 202-426-2077.

BACKGROUND

The regulations governing the transportation of hazardous materials as they have evolved from early in this century tend to be extremely specific in describing how particular hazardous materials must be packaged for shipment and how they are to be handled and stowed during shipment. Also tending to be extremely specific are the regulations pertaining to tanks and tank cars for the carriage of bulk hazardous materials by highway or railroad. Amendments to the regulations have not kept pace with commercial development of new commodities and new packaging materials and techniques. Often the exemptions issued had little or no safety implication, but strictly speaking were determined necessary to assure compliance. As a result, the granting of one or more forms of administrative relief (e.g. special permits, exemptions, waivers, deviation authorizations) became a necessary practice for the various Federal agencies responsible for administering hazardous materials regulations on a mode-by-mode basis before the consolidation of rulemaking and exemption responsibility in the Material Transportation Bureau.

A permanent remedy of the problem may require a restructuring of some of the regulations to make them more flexible. The Bureau believes that many existing practices and techniques now sanctioned only by virtue of exemptions granted to an individual holder or groups of holders are prime candidates for adoption directly into the regulations. In addition, there are some applications for exemption that obviously present little or no safety concern. In such cases, provision should be made in the regulations for general use of practice or technique. Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternative previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemptions demonstrate that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived from an existing exemption will obviate the need for that exemption and effective terminate it, in which even the affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments on the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of the transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

(49 CFR U.S.C. 1804, 1806; 49 CFR 1.53(e), paragraph (a) (4) of App. A. to Part 102, and Part 107, Subpart B)

Issued in Washington, D.C., on September 7, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-3348-No	RMI Co	173.208(a)	Authorizes shipment of titanium metal powder, wet, with not less than 50 pct water by weight in any DOT specification full removable head drum authorized in 49 CFR 173.154 (mode 1).	To add para. (2) to read, "(2) Titanium metal powder, wet, with not less than 50% water by weight may be packed in any full removable head drum specified in Section 173.154."
E-4065-No, E-5018-P	Weslinghouse Electric Corp.; Daniel International Corp.	173.306(e)(i)	To amend DOT-E 5013, to allow shipments of certain refrigerating machines in non-DOT specification packaging by additional shippers (modes 1, 2, 3).	To amend subpara. (i) to read, "(i) Each pressure vessel may not contain more than 5,000 pounds of Group I refrigerant as classified in American National Standard B9.1 or not more than 50-pounds of refrigerant other than Group I."
SP 5018	E. I. du Pont de Nemours & Co., Inc.; Hercules Inc.; Vicksburg Chemical Co.; Department of Defense NASA.	173.336(a)	Authorizes shipment of nitrogen tetroxide in compliance with 49 CFR 173.336(a)(3), except each valve opening is made gas-tight by the use of metal screw plugs or screw caps (modes 1, 2).	To amend subpara. (3) to read. "(3) Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives or all valve openings made gas-tight by the use of screw plug or screw caps."
SP 1852, SP5387	Allied Chemical Corp., Mallinckrodt Chemical Works.	173.299(a)(2)	Authorizes shipment of etching acid liquid, n.o.s. in a DOT specification 37M cylindrical steel overpack with an inside specification 2S or 2SL polyethylene container not over 55 gal capacity or a specification 6D cylindrical steel overpack with inside specification 2SL polyethylene container not over 55 gal capacity (modes 1, 2, 3).	To amend subpara. (2) to read, "(2) Spec. 6D (nonreusable) or 37M (178.102, 178.134 of this chapter). Cylindrical steel overpack with inside Spec. 2S or 2SL (178.35 or 178.35a of this chapter) polyethylene container not over 55 gallons capacity. Spec. 37M overpack of over 30 gallons must be constructed of at least 20-gauge steel throughout."
E-5401	Dow Chemical Co	173.262(a)	Authorizes shipment of hydrobromic acid not over 49 percent strength in a DOT specification 37M cylindrical steel overpack with an inside specification 2SL polyethylene container (modes 1, 2).	To add subpara. (12) to read, "(12) Specification 37M (nonreusable) (§ 178.134 of this chapter) cylindrical steel overpack with inside Spec. 2SL (§ 178.35a of this chapter) polyethylene container. Overpack must have rolled hoops and be constructed of 20-gauge body and 18-gauge heads."
E-5602	E. I. du Pont de Nemours & Co.; Inc.	173.119(m)(5)	Authorizes shipment of flammable liquids n.o.s. in a DOT specification 37P steel drum of not over 15 gal capacity with an inside polyethylene liner (modes 1, 2, 3).	To amend the 1st sentence of subpara. (5) to read, "Steel drums, not over 15-gallons capacity with polyethylene liner (nonreusable container)."

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-5655	MC/B Manufacturing Chemists	173.364(a)(2)	Authorizes shipment of poisonous solids, class B in inside plastic bottles or jars otherwise packed in accordance with 49 CFR 173.364(a)(2) (modes 1, 2).	To amend the 1st sentence of subpara. (2) to read "In inside plastic bottles or jars, chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5-pounds capacity each, packed in outside fiberboard or wooden boxes."
SP 6165-X	E. I. du Pont de Nemours & Co., Inc.; Thompson-Hayward Chemical Co.; Lehigh Valley Chemical Co.	173.272(g)	To renew SP 6165 authorizing shipment of sulfuric acid in DOT-6D/28 or 28L packaging (modes 1, 2, 3).	To amend subpar. (g) to read, "(g) Sulfuric acid concentration of greater than 95-percent to not over 100.5 percent: Authorized packagings is described in subparagraphs (1) through (4), (6), and (14) through (22) of paragraph (i) of this section."
		173.272(i)		To amend the last sentence of subpara. (i)(6) to read. "Overpack of 30-gallon capacity and over must be constructed of at least 16-gauge steel throughout when used for sulfuric acid of 93 percent or greater concentration."
E-6211	Foote Chemical Co.; Stauffer Chemical Co.	173.247a(a)	Authorizes shipment of vanadium oxytrichloride blanketed by an inert nonsolubie gas in DOT Specification MC-310, MC-311, or MC-312 cargo tanks, (mode 1).	To add subpara. (3) to read. "(3) Specification MC-310, MC-311, or MC-312 (§ 178.343 of this chapter). Tank motor vehicles. Authorized only for vanadium oxytrichloride blanketed by an inert non-soluble gas."
E-6220	Economies Laboratory, Inc.; Van Waters & Rogers; DuBois Chemicals.	173.277(a)(7)	Authorizes shipment of a solution not exceeding 16 percent sodium hypochlorite in DOT specification 21P fiber drum overpack with an inside Specification 2S, 2SL, 2T, or 2U polyethylene container (mode 1).	To add subpara. (7) to read. "(7) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with inside Spec. 2S, 2SL, 2T, or 2U (§ 178.35, 178.35(a), 178.21, or 178.24 of this chapter) polyethylene container. Authorized for not over 16-percent sodium hypochlorite solution only."
SP-6411	ProSoCo, Inc.; Diversey Chemicals; Zea Chemical; Hooker Chemical Corp.	173.263(a)(17)	Authorizes shipment of compounds, cleaning, liquid containing hydrochloric (muriatic) acid in DOT Specification 37M cylindrical steel overpack with an inside specification 2U polyethylene container (modes 1, 2).	To amend subpara. (17) to read. "(17) Spec. 6D or 37M (non-reusable container) (§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside Spec. 2S, 2SL, 2T, 2TL, or 2U (§ 178.35, 178.35a, 178.21, 173.27 or 178.24 of this chapter) polyethylene container."
E-6475	FMC Corp	173.266(b)(9)	Authorizes shipment of hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight in a DOT specification 37P steel drum with an inside specification 2U polyethylene container having a minimum thickness of .015 mil, not over 15 gal capacity (modes 1, 2, 3).	To add subpara. (9) to read. "(9) Spec. 37P (§ 178.133 of this chapter). Steel drums, not over 15-gallons capacity, with inside Spec. 2U (§ 178.24 of this chapter) polyethylene container having a minimum thickness of .015 mil. The closure of the inside 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage"."
SP 6767	Hercules Inc	173.66(a (1)	Authorizes shipment of detonating primers in accordance with 49 CFR 173.66(a)(1), except inside packaging may consist of polyethylene plastic bags not subject to static generation (mode 1).	To amend the 1st 2 sentences of subpara. (1) to read. "(1) Spec. 14, 15A or 16A (§ 178.165, 178.168, or 178.185 of this chapter). Wooden boxes (see § 173.67(a)(1), Note (1) or Spec. 12H 32F, or 23H (§ 178.209, 178.214, or 178.219 of this chapter), fiberboard boxes, with inside container which must be polyethylene plastic bags not subject to static generation, pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal or plastic tubes or spools with wires wrapped around the tube or spool."
SP 6886, SP 6887, SP 6888, SP 6095.	Feed Services Corp.; Leonard's Truck Service; Stauffer Chemical Co.; MC Corp.; Molasses Truck Service; Fertilizers Inc.; PMS West; Lommix Inc.; American Transfer Co., Allyn Transportation Co.; W. S. Hatch Co., Inc.; Valley Nitrogen Products Inc., Pennzoil Chemical Inc.	173.245(a)(29)	Authorizes shipment of phosphoric acid and solutions thereof in MC-306 tank motor vehicles fabricated from 12 gauge, type 16 stainless steel (mode 1).	To amend subpara. (a)(29) to read. "(29) Specification MC-303 or MC-304. Tank motor vehicle meeting § 178.343-2(c) of this subchapter. Spec. MC-303 must have tanks fabricated from 12-gauge, Type 316 stainless steel. Authorized only for phosphoric acid and solutions thereof."
		173.245(a)(31)	Authorizes shipment of phosphoric acid and solutions thereof in MC-306 tank motor vehicles fabricated from 12-gauge, Type 316 stainless steel (mode 1).	To amend subpara. (a)(31) to read. "(31) Specification MC-306, MC-310, MC-311, or MC-312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If cargo tank is constructed with bottom outlets, they must meet § 178.343 5 of this subchapter. Specification MC 306 must have tanks fabricated from 12-gauge, Type 316 stainless steel. Authorized only for phosphoric acid and solution thereof."
SP 6892	Ohio Art Co.; Mattel, Inc	173.100(p)	Authorizes shipment of toy plastic caps as prescribed in 49 CFR 173.100(p), except the plastic sheet of blister package is 0.006 in. in thickness (modes 1, 2, 3).	To amend the 1st sentence of subpara. (p) to read; "(p) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.006 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ½ inch in height."
SP 6914-X	Hercules, Inc	173.66(c)	To renew SP 6914, authorizing shipment of blasting caps having inside packaging consisting of polyethylene bags (mode 1).	To amend the last sentence of subpara. (c) to read: "All inside containers must then be packed snugly in polyethylene plastic bags not subject to static generation, cartons or wrappings made of paper or pasteboard."
SP 6941-X	Mobay Chemical Corp.; Rubicon Chemicals, Inc.; Olin Corp.; BASF Wyandotte Corp.; Allied Chemical.	173.346(a)(12)	To renew SP 6941, authorizing shipment of toluene diisocyanate in MC-304 or MC-307 cargo tanks equipped with external valves (modes 1, 3).	To add at the end of subpara. (12): "Tank motor vehicles designed and constructed to Spec. MC-304 or MC-307 except for bottom outlets equipped with approved external ball valves are authorized for toluene diisocyanate only."
SP 6945	Helmerich & Payne, Inc.; Stauffer Chemical Co.	173.141(a)(7)	Authorizes shipment of ethyl mercaptan in DOT specification 105A200A LW tank cars (mode 2).	To amend subpara. (a)(7) to include specification 105A200A LW tank cars. Authorized for ethyl mercaptan only.
E-6954	Department of Defense	173.145(a)(7)	Authorizes shipment of methylhydrazine in DOT specification MC-312 tank motor vehicles (mode 1).	To amend subpara. (a)(7) by deleting the last sentence which now reads. "Authorized only for dimethylhydrazine, unsymmetrical".
E-6967	Hooker Chemicals & Plastics Corp.	173.271(a)(11)	Authorizes shipment of phosphorus trichloride in DOT specification 103CW tank cars fabricated from type 430 stainless steel (mode 2).	To amend subpara. (a)(11) to include specification 103CW tank cars fabricated from type 430 stainless steel. Authorized for phosphorus trichloride only.

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Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-7034-X	E. I. du Pont de Nemours & Co., Inc.	173.373(a)	To renew SP 7034 authorizing shipment of paranitroaniline solid in DOT-56 portable tanks (mode 1).	To add subpara. (a)(5) to read, "(5) Spec. 56 (§ 178.252 of this chapter). Metal portable tank. Authorized for paranitraniline (paranitroaniline), solid only."
E-7279	Hill Brothers Chemical Co.	173.263(a)(15)	Authorizes shipment of hydrochloric acid solution, inhibited in a DOT specification 12B fiberboard box with 1 inside polyethylene bottle of not more than 3 gal capacity (modes 1, 2).	To amend subpara. (a)(15) to read, "(15) Spec. 12A or 12B (§ 178.210 or § 178.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1-gallon capacity each, or not more than one 3-gallon capacity, suitably cushioned to prevent movement within the box. Gross weight of completed package must not exceed 65 pounds."

[FR Doc.76-26677 Filed 9-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 614-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Imperial County Agricultural Burning Implementation Plan

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Imperial County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, submission and being acted upon by this package consist of the addition of an Agricultural Burning Implementation Plan, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, submission.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Imperial County Air Pollution Control District, 940 West Main Street, El Centro, CA 92243.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, California 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Date: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc 76-26596 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Lassen County Agricultural Burning Implementation Plan

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Lassen County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, submission and being acted upon by this package consist of the addition of an Implementation Plan for Agricultural Burning, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, submission.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville CA 96130.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, California 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26599 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Modoc County Agricultural Burning Implementation Plan and Air Contaminant Standards

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Modoc County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of a rule listing the State and Federal air contaminant standards and the addition of an Agricultural Burning regulation, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973 submission.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas CA 96101.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5.)

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26600 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: San Diego County, Procedural Changes

On July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the San Diego County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). The submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On July 19, 1974 and November 3, 1975 revisions to Rule 61, *Storage of Volatile Organic Compounds*, and Rule 63, *Volatile Organic Compound Loading Facilities*, were submitted by the Air Resources Board. These rules are not being acted upon h. this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VIII, submitted on January 10, 1975 and November 3, 1975, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the San Diego County new source review rules (Regulation II) submitted on July 25, 1973, July 19, 1974, and July 22, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976 submissions being acted upon by this package include the following: addition of authority for specified individuals to arrest violators of regulations; revision of rule controlling organic solvents; addition of rules governing open burning; addition of reporting requirements for permits; exemption of emission data from confidentiality clauses; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976 submissions with the exception of the rules specified above which are not being acted upon at this time.

Rule 66, *Organic Solvents*, has been revised to conform to the Federal promulgation for control of dry cleaning solvent vapor losses (40 CFR Part 52.246), control of degreasing operations (40 CFR Part 52.252), and organic solvent usage (40 CFR Part 52.260). It is proposed to rescind the substitute regulations in 40 CFR Part 52.246(b), and 40 CFR Part 52.252(b) for San Diego County. It is also proposed to rescind 40 CFR Part 52.-260 in its entirety since the regulation applies only to San Diego.

Regulation IX, *Public Records*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.-224(b) or San Diego County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego CA 92123.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26601 Filed 9-10-76; 8:45 am]

[40 CFR Part 52]

[FRL 614-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Siskiyou County Agricultural Burning Implementation Plan, Etc.

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Siskiyou County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Siskiyou County new source review rules (Regulation II), submitted on July 25, 1973, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of an exemption to the uncombined water regulation for visible emissions; addition of an implementation plan for agricultural burning; exemption of emission data from confidentiality clauses; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes contained in the July 25, 1973 submission

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with the exception of the rules specified above which are not being acted upon at this time.

Rule 2.13, *Regulation for Public Availability of Emissions Data*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) for Siskiyou County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Siskiyou County Air Pollution Control District, 525 So. Foothill Drive, Yreka CA 96097.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26602 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Sutter County, Agricultural Burning, Etc.

On July 25, 1973, July 19, 1974, January 10, 1975, and July 22, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Sutter County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 25, 1973 submission is superseded by the July 19, 1974, January 10, 1975, and July 22, 1975 submissions, only the latest submissions will be addressed in this notice, except when such latter submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Sutter County new source review rules (Regulation III), submitted on July 25, 1973 and July 19, 1974, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions and being acted upon by this package include the following: revision of a definition for agricultural burning; exemption of emission data from confidentiality clauses; addition of requirements for waste wood burning; addition of requirements for rice straw burning; addition of requirements for range improvement burning; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes contained in July 19, 1974, January 10, 1975, and July 22, 1975 submissions except the rules specified above that are not being acted upon at this time.

Rule 1.3, *Public Records*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) for Sutter County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sutter County Air Pollution Control District, 142 Garden Highway, Yuba City, CA 95991.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26603 Filed 9-10-76;8:45 am]

[40 CFR Part 180]

[FRL 615-4; PP5F1606/P32]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical 2-Chloro-N-(2-Ethyl-6-Methylphenyl)-N-(2-Methoxy-1-Methylethyl)Acetamide

On April 23, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 17872) that Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409, had filed a pesticide petition (PP 5F1606). This petition proposed that 40 CFR Part 180 be amended by the establishment of tolerances for combined residues of the herbicide (2-chloro-N-(2-ethyl-6-methylphenyl) - N - (2 -methoxy - 1 - methylyethyl)) acetamide and its metabolites determined as 2-((2-ethyl-6-methylphenyl) amino) propanol and 4-(2-ethyl - 6 - methylphenyl) - 2 - hydroxy - 5 - methyl-3-morpholinone in or on the following raw agricultural commodities: corn forage and fodder at 0.75 part per million (ppm); fresh corn, including sweet corn (kernels plus cob with husk removed) at 0.05 ppm (negligible residue); and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm (negligible residue).

Ciba-Geigy has subsequently amended the petition by requesting that the tolerance for combined residues of the herbicide and its metabolites be established only in or on the raw agricultural commodity corn grain, excluding popcorn, at 0.1 ppm.

Based on data submitted in the petition and all other relevant material, it has been determined that no detectable residues are expected to result in or on corn grain. Short-term feeding studies have been conducted and evaluated, and even though the long-term chronic feeding study requirement will not be satisfied until February 1978, it has been concluded that a tolerance of 0.1 ppm in or on corn can be set at this time. In the event that the chronic study should give any indication of potential or actual adverse effects, the Agency intends to revoke this tolerance. Therefore, no significant chronic exposure would result, and the Agency has determined that the proposed tolerance will protect the public health. The petitioner has also agreed by letter to the Agency dated March 18, 1976 to remove the product from the market if the chronic study should prove the product to be carcinogenic. The 0.1 ppm level is being set at the level of sensitivity of the analytical method for enforcement purposes and will be calculated as a residue at this level in determining cumulative tolerances for this pesticide. The pesticide is considered to be useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). Because this petition was amended by increasing the level of residues from that initially requested, the establishment of the 0.1 ppm tolerance for residues of the herbicide and its metabolites is being proposed to allow opportunity for public comment. It is, therefore, proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 13, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before October 13, 1976, and should bear a notation indicating the subject "PP5F1606/P32". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 2, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))

It is proposed that 40 CFR Part 180, Subpart C be amended by the establishment of a new § 180.368 containing a 0.1 ppm tolerance for combined residues of the herbicide 2-chloro-N-(2-ethyl-6-methylphenyl - N - (2 - methoxy - 1 - methylethyl) acetamide and its metabolites determined as 2-((2-ethyl-6-methylphenyl) amino) propanol and 4-(2-ethyl - 6 - methylphenyl) - 2 - hydroxy - 5 - methyl-3-morpholinone in or on the raw agricultural commodity corn grain (excluding popcorn) to read as follows:

§ 180.368 2 - chloro - N - (2 - ethyl - 6 - methylphenyl) - N - (2 - methoxy - 1 - methylethyl) acetamide; tolerances for residues.

A tolerance is established for combined residues of the herbicide (2-chloro-N - (2 - ethyl-6-methylphenyl) -N-(2-methoxy-1-methylethyl) acetamide and its metabolites, determined as the derivatives, 2 - ((2 - ethyl-6-methylphenyl) amino) propanol and 4-(2-ethyl-6-methylphenyl) - 2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the following raw agricultural commodity:

Commodity:	Parts per million
Corn grain (exc. pop)	0.1

[FR Doc.76-26731 Filed 9-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20903; RM-2706]

FM BROADCAST STATIONS, DECATUR, TEX.

Proposed Table of Assignments

Adopted: September 1, 1976.

Released: September 8, 1976.

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Decatur, Texas).

1. *Petitioner, proposal and comments:* (a) Notice of Proposed Rule Making is hereby issued concerning the amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with regard to the community of Decatur, Texas.

(b) The petition for rule making, of which Public Notice was given (Report No. 983) June 8, 1976, was filed on behalf of Wise Media, Inc. (petitioner) proposing the assignment of Channel 244A to Decatur as its first FM assignment. No oppositions were filed to the petition.

(c) Channel 244A could be assigned to Decatur in conformity with the mileage separation requirements provided a site is chosen at least 14.5 kilometers (9 miles) northwest of Decatur.

(d) Petitioner states that if the channel is assigned it will promptly apply for a construction permit to build a broadcast facility.

2. *Demographic data:* (a) Decatur is located in north-central Texas, approximately 61 kilometers (38 miles) northwest of Fort Worth, Texas, and 96 kilometers (60 miles) northwest of Dallas, Texas.

(b) Population: (1970 U.S. Census)—Decatur, 3,240, seat of Wise County, 19,687.

(c) Present aural services: Decatur has no local aural services.

(d) Economic considerations: Petitioner states that the Bureau of Economic Analysis, U.S. Department of Commerce, projects a 139.6 percent increase in population from 1970 through 2020. It notes an effective buying income of $49,206,000 and total retail sales of $27,416,000, for Wise County. In addition, petitioner points out that the six banks in Wise County show total deposits of $50,784,812, in 1975, with an increase of 5,148,486, since 1974. It notes that the economy of the area is based upon oil and gas production, livestock, and gravel production.

3. *Additional considerations:* (a) Petitioner states that, although Wise County is served by six newspapers, it must rely on broadcasting facilities outside of the boundaries of the county. It contends that there is a clear need to have a broadcasting facility to serve the people of Wise County.

(b) In its engineering study, petitioner indicates that a Class A station operating from an assumed site with maximum power and antenna height above average terrain would provide a 70 dBu signal over Decatur because the terrain slopes downward toward Decatur. However, the Commission's terrain study indicates that it may be difficult to provide a 70 dBu signal to the entire community because the terrain configuration is contrary to petitioner's allegation. The petitioner should therefore include a showing that city grade coverage may be obtained over all parts of the community, depicting with particularity the facilities to be used as it would be shown in an application for a construction permit.

(c) Petitioner's engineering study shows a small area of preclusion to be limited to the co-channel (244A).

4. Comments are invited on the following proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules:

City	Channel No. Present	Channel No. Proposed
Decatur, Tex.		244A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures used; and filing requirements are contained below and are incorporated herein.

6. Interested parties may file comments on or before October 18, 1976, and reply comments on or before November 8, 1976.

Federal Communications Commission.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

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(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters. 1919 M Street, NW., Washington, D.C.

[FR Doc.76–26687 Filed 9–10–76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 202]

EQUAL CREDIT OPPORTUNITY

Termination of Proposed Rulemaking

CROSS REFERENCE: For a document terminating proposed rulemaking in 12 CFR Part 202 see FR Doc.76–26755 in the Rules section of this issue.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–12758; File No. S7–652]

EXEMPTION OF CERTAIN NON-BANK LENDERS

Broker-Dealer Registration Requirement

The Securities and Exchange Commission today published for comment proposed Rule 15a–5 [17 CFR 240.15a–5] which would exempt from the broker-dealer registration requirement of Section 15(a)(1) of the Securities Exchange Act of 1934 (the "Act") non-bank lenders participating in the guaranteed loan program of the Small Business Administration (SBA).[1] The rule is proposed to be adopted pursuant to section 15(a)(2) of the Act.

Proposed Rule 15a–5 would exempt from the Act's broker-dealer registration requirement non-bank lenders participating in the SBA's guaranteed loan program provided that their securities activities, requiring such registration, are limited to making such loans and selling the guaranteed portion. The exemption would be available to financial institutions participating in the SBA loan program and would permit such institutions to sell the guaranteed portion of a note evidencing any such loan provided that the sale is made through, or to, a broker or a dealer registered with the Commission pursuant to Section 15(a)(1) of the Act.

The text of proposed § 240.15a–5 is as follows:

§ 240.15a–5 Exemption of certain non-bank lenders.

A lender approved under the rules and regulations of the Small Business Administration shall be exempt from the registration requirements of section 15(a)(1) of the Act if it does not engage in the business of effecting transactions in securities or of buying and selling securities for its own account except in respect of receiving notes evidencing loans to small business concerns and selling through, or to, a registered broker or dealer the portion of such notes guaranteed by the Small Business Administration.

Interested persons are invited to submit written views, data and arguments concerning proposed Rule 15a–5 before October 15, 1976. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. All submissions should refer to File No. S7–652.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1976.

[FR Doc.76–26583 Filed 9–10–76;8:45 am]

[1] *See* 15 U.S.C. 636.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[Public Notice CM–6/94]

DEPARTMENT OF STATE

STUDY GROUP 6 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 14, 1976 at 2:00 p.m. in Room 804 of the Lincoln Campus Center, University of Massachusetts at Amherst.

Study Group 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The agenda for the meeting on October 14 is:

1. Review international texts and determine further actions requried;

2. Identify needed new texts and establish a time table for the work;

3. Organization for work in consideration of the structure of the international Study Group.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

GORDON L. HUFFCUTT,
Chairman, U.S. National Committee.

SEPTEMBER 7, 1976.

[FR Doc.76–26620 Filed 9–10–76;8:45 am]

[Public Notice CM–6/93]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, October 6, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, DC.

The purpose of the meeting is to:

Review the report of the 19th Session of the Subcommittee on Subdivision, Stability and Load Lines of the Intergovernmental Maritime Consultative Organization (IMCO) held in London, June 21–25, 1976; and

Discuss items of work in preparation of the 20th Session of that Subcommittee.

Requests for further information on the meeting should be directed to Mr. William A. Cleary, Jr., United States Coast Guard. He may be reached by telephone on (area code 202) 426–2187.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 7, 1976.

[FR Doc.76–26621 Filed 9–10–76;8:45 am]

[Public Notice CM–6/92]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON MARITIME LAW

Meeting

A meeting of the Subcommittee on Maritime Law of the Shipping Coordinating Committee will be held at 10:00 a.m. on Friday, October 15, 1976, in Room 6320 of the Department of State, 2201 C Street, N.W., Washington, D.C. The meeting will be open to the public

The purpose of the meeting is to discuss preparations for the Ad Hoc Intergovernmental Group on Container Standards, which meets under the auspices of the United Nations Conference on Trade and Development (UNCTAD). The Ad Hoc Group will meet in Geneva November 1–12, 1976. The principal item on the agenda of the October 15 meeting will be the consideration of the U.S. position for the Ad Hoc Group on Container Standards.

Any questions concerning this meeting should be directed to Mr. Richard Johe, Office of Maritime Affairs, Department of State. He may be reached by telephone on (area code 202) 632–1313.

Comments from the public will be welcomed.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 2, 1976.

[FR Doc.76–26622 Filed 9–10–76;8:45 am]

[Public Notice CM–6/91]

ADVISORY PANEL ON MUSIC

Meeting

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Music has scheduled a meeting to be held on Wednesday, October 6, 1976, in Room 507 at the Department of State, Annex 2, 515 22nd Street, N.W., Washington, D.C. The meeting hours will be from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:30 p.m.

The sessions will be open to the public. The agenda is:

(1) review of program policies and guidelines;

(2) review of recent overseas tours in the music field sponsored by the Department of State;

(3) evaluation of tapes and records of performing arts groups which are planning tours abroad, and other music groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before October 4; the telephone number is (area code 202) 632–2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

GUY E. CORIDEN,
Director, Office of
International Arts Affairs.

SEPTEMBER 7, 1976.

[FR Doc.76–26623 Filed 9–10–76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Allen, Carl L., Jr., RR 2, Box 121, Pattonsburg, Missouri, convicted on March 6, 1972, in the Circuit Court of Daviess County, Missouri.

Ariale, Dominic, 1127 50th Street, Brooklyn, New York, convicted on or about November 12, 1971, in the United States District Court, Eastern District of New York, New York.

Ashworth, Clayton L., Jr., 3039 East Grange Avenue, Cudahy, Wisconsin, convicted on February 18, 1971, in the Circuit Court of the County of Milwaukee, Wisconsin.

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Beaumier, Blair E., Route 1, 454 Beaumier Lane, Sobieski, Wisconsin, convicted on March 25, 1970, in the Shawano-Menominee County Court, Shawano County, Wisconsin.

Breitenstein, Dennis M., 54 Aldine Avenue, Reading, Pennsylvania, convicted on December 16, 1964, in the Berks County Court of Common Pleas, Reading, Pennsylvania.

Brewster, Daniel B., Green Road, Glydon, Maryland, convicted on June 25, 1975, in the United States District Court, District of Columbia, Washington, D.C.

Burr, Ronnie K., 113 S. Hill Avenue, Albemarle, North Carolina, convicted on March 27, 1968, in the Superior Court, Stanley County, North Carolina.

Caricofe, Bruce H., P.O. Box 2386, Route 6, Stuart Road, Martinsville, Virginia, convicted on January 6, 1958, in the Circuit Court, Rockingham County, Virginia.

Carson, Charles H., Sr., 2647 Chesapeake Blvd., Norfolk, Virginia, convicted on December 8, 1937, Miami, Florida; on November 9, 1938, in the United States District Court, Eastern District of Virginia; and on September 12, 1939, in the Superior Court, Edgecombe County, North Carolina.

Chack, Thomas J., 2202 Schofield Avenue, Schofield, Wisconsin, convicted on February 5, 1973, in the Circuit Court, Marathon County, Wisconsin.

Criss, Frederick C., 801 German Street, Erie Pennsylvania, convicted on November 19, 1969, in the Erie County Court of Common Pleas, Criminal Division, Erie, Pennsylvania.

Cullop, Edward H., Star Route 4, Box 105, Brightwood, Virginia, convicted on November 1, 1954, in the Roanoke County Circuit Court, Salem, Virginia.

Eakins, John F., 440 Minneopa, Ottumwa, Iowa, convicted on or about December 26, 1972, in the District Court of the State of Iowa, Van Buren County.

Filipow, Louis G., Route 5, Marietta, Ohio, convicted on January 4, 1973, in the General Court of Justice, Superior Court Division, Cumberland County, North Carolina.

Fogle, Robert M., Sr., 2158 Fig Street, Simi Valley, California, convicted on February 12, 1974, in the Superior Court, County of Ventura, State of California.

Grewe, Allen P., 2235 North Snelling, Roseville, Minnesota, convicted on September 7, 1974, in the District Court, Tenth Judicial District, County of Pine, Minnesota.

Hayes, Berlin, 3556 W. 113th Street, Inglewood, California, convicted on November 15, 1967, in the Superior Court of California for Los Angeles County.

Jarecek, John C., Route 2, Wilber, Nebraska, convicted on January 8, 1973, in the District Court, Salina County, Wilber, Nebraska.

Kotlarz, Francis J., III, 2415 Buchanan Street, Beaumont, Texas, convicted on June 6, 1968, in the Criminal District Court of Jefferson County, Texas.

Leuty, Ben David, 135 Forrest Lake Drive, NW, Atlanta, Georgia, convicted on January 27, 1972, in the United States District Court, District of New Jersey.

Luna, Felipe J., 645 South 6th Street, Milwaukee, Wisconsin, convicted on or about August 24, 1965, in the Circuit Court, County of Milwaukee, Milwaukee, Wisconsin.

McGee, Bryan T., 924 Eskridge Street, Olympia, Washington, convicted on February 1, 1974, in the Superior Court, County of Thurston, State of Washington.

Menius, Richard Benard, 966 Kenleigh Circle, Winston-Salem, North Carolina, convicted on April 21, 1976, in the United States District Court for Middle District of North Carolina.

Miller, Joe E., 4942 Bellingham E. Drive, Indianapolis, Indiana, convicted on May 25, 1967, in the United States District Court, Southern District of Indiana, Indianapolis, Indiana.

Murray, Raymond E., 3711 East 11th Street, Kansas City, Missouri, convicted on April 3, 1962, in the Circuit Court, Howell County, West Plains, Missouri; and on December 11, 1963, in the Circuit Court, Jackson County, Missouri.

Nalis, Joseph F., 314 Chestnut Street, Harrisburg, Pennsylvania, convicted on July 2, 1969, in the Court of Common Pleas, Dauphin County, Pennsylvania; and on January 8, 1971, in the Court of Common Pleas, Dauphin County, Pennsylvania.

Parrinello, Charles, 3525 Second, Detroit, Michigan, convicted on June 28, 1930, in the Recorder's Court, Detroit, Michigan; and on or about May 26, 1939, in the United States District Court, Eastern Judicial District of Michigan.

Quinn, John Paul, 10726 12th Avenue, NW, Seattle, Washington, convicted on May 12, 1967, in the Superior Court, King County, Washington.

Riley, Fred, Level Plains Trailer Court, Lot 36, Z Street, Level Plains, Alabama, convicted on May 24, 1949, in the Circuit Court for Houston County, Alabama.

Roelofs, Thomas Barry, P.O. Box 52, Capeville, Virginia, convicted on January 10, 1973, in the United States District Court, Eastern District of California, Sacramento, California.

Rogers, Richard Scot, 4904 McCargar, Yakima, Washington, convicted on September 29, 1972, in the Washington Superior Court, County of Kittitas, Washington.

Schott, Robert L., 29827 Charlemagne, Novi, Michigan, convicted on July 25, 1951, in the Circuit Court, First Judicial Circuit, County of Douglas, State of South Dakota.

Schultz, Frederick K., 1410 Primrose Place, Homewood, Alabama, convicted on June 19, 1964, on May 12, 1965, and on October 18, 1967, in the State Court for Norfolk, Virginia.

Shelton, Donald R., 316 East Lexington, Bennington, Kansas, convicted on March 20, 1942, in the District Court of Riley County, Kansas; on October 6, 1943, and on August 16, 1949, in the District Court of Saline County, Kansas.

Shultz, Gregori E., 21 Wingaersheek Road, Gloucester, Massachusetts, convicted on January 27, 1965, in the Middlesex Superior Court, Cambridge, Massachusetts.

Snyder, John N., 3882 Hereford Road, Erie, Pennsylvania, convicted on April 27, 1971, Court of Common Pleas, Erie County, Pennsylvania.

Starcher, Roger L., P.O. Box 3002, Parkersburg, West Virginia, convicted on July 12, 1968, in the Circuit Court of Wood County, West Virginia.

Stevens, James D., 3315 Irving, Denver, Colorado, convicted on April 22, 1966, in the District Court, City and County of Denver, Colorado.

Thielen, John P., 3320 Bridge Street South, Minnetonka, Minnesota, convicted on April 17, 1959, in the District Court, Linn County, Iowa.

Thompson, Thomas F., Jr., Route 1, Box 83, Sugar Grove, Virginia, convicted on March 5, 1969, and on May 12, 1969, in the Circuit Court of Smyth County, Marion, Virginia.

Tonn, Gregory Allen, 1920 Oakdale Avenue, West Saint Paul, Minnesota, convicted on November 16, 1970, in the District Court, Second Judicial District, Ramsey County, Minnesota; and on October 18, 1972, in the District Court, Second Judicial District, Ramsey County, Minnesota.

Waldron, Clarence D., Route 1, Box 11, Hardy, Virginia, convicted on or about December 29, 1971, and on January 11, 1973, in the Circuit Court, Bedford County, Virginia.

Wiessner, Dennis E., 305 N. 10th Street, Allentown, Pennsylvania, convicted on March 8, 1972, in the Court of Common Pleas of Lehigh County, Pennsylvania.

Wiley, Melvin W., R.D. 2, Saegertown, Pennsylvania, convicted on September 12, 1972, in the Court of Common Pleas of Crawford County (Criminal), Pennsylvania.

Wood, Roland, W., 3312 Urban Street, Winston-Salem, North Carolina, convicted on April 6, 1964, and on April 7, 1964, in the Superior Court of Forsyth County, North Carolina.

Signed at Washington, D.C., this 20th day of August 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-26691 Filed 9-10-76;8:45 am]

Internal Revenue Service

CLOSED MEETINGS OF THE ART ADVISORY PANEL OF THE COMMISSIONER OF INTERNAL REVENUE

Availability of Report

Pursuant to the provision of the Federal Advisory Commitee Act, 5 U.S.C. App. I (Pub. L., 92–463), and OMB Circular A–63 of March 27, 1974, a supplemental report on the closed meetings, during the period November 19, 1974 to July 16, 1975, of the Art Advisory Panel of the Commissioner of Internal Revenue has been filed with the Secretary and furnished to the Library of Congress. Copies of the report are available for public inspection at the following locations:

The Library of Congress, Rare Book Division, Room 256, Main Building, 10 First Street, S.E., Washington, D.C.

Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-26722 Filed 9-10-76;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES V. EXXON CORP.

Stipulation of Settlement in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 1, 1976, a stipulation of settlement and order in "United States v. Exxon Corporation," was approved and signed by the United States District Court for the Disrtict of Alaska. The stipulation requires Exxon Corporation to pay the United States $100,000 as a civil penalty, to apply to the Environmental Protection Agency for National Pollutant Discharge Elimination System permits for exploratory drilling operations conducted within the territorial seas of the State of Alaska, and to discharge pollutants from such operations only in accordance with the terms of said permits.

Although it is Departmental Policy to allow, in ordinary circumstances, public comment for 30 days prior to entry of a consent decree to enjoin discharges of pollutants the environment, 28 CFR 50.7 recognizes that extraordinary circumstances may require the adoption of an alternative procedure where it is clear that the public interest will not be compromised by that procedure. The Assistant Attorney General of the Land and Natural Resources Division determined that effectuation as soon as possible of the "United States v. Exxon" stipulation—even prior to opportunity for public comment thereon—was of extreme importance to assure that NPDES permits will be sought for all exploratory drilling operations in Alaska. In addition, 33 U.S.C. 1342(b)(3) provides that before any NPDES permit can be issued, there must be the opportunity for a public hearing on each permit application. Thus, in the circumstances of the present case, the Assistant Attorney General has established the following procedures for public comment.

The Department of Justice will receive, from the date of publication of this notice, written comments relating to the stipulation of settlement. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "United States v. Exxon Corporation," D.J. Ref. 90–5–1–1–483.

The stipulation of settlement may be examined at the office of the United States Attorney, District of Alaska, P.O. Box 680, Anchorage, Alaska; the Clerk of the District Court, District of Alaska, Anchorage, Alaska; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2629, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the stipulation of settlement may be obtained in person or by mail from the Pollution Control Section.

PETER R. TAFT,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.76–26653 Filed 9–10–76;8:45 am]

Antitrust Division

UNITED STATES V. PARKER-HANNIFIN AND PUROLATOR, INC.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comment on the proposed judgment filed with the United States District Court for the Central District of California in Civil Action No. 71–1011–FW, C.D. Calif., *United States of America* v. *Parker-Hannifin Corporation and Purolator, Inc.*, was received by the Department of Justice and is published herewith, together with Justice's response to this comment.

Dated: September 3, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

GRUMMAN AEROSPACE CORPORATION,
Bethpage, N.Y., August 19, 1976.

MR. DWIGHT MOORE,
Chief, Los Angeles Office, Antitrust Division, Department of Justice, Los Angeles, Calif.

Re United States v. Parker-Hannifin Corp. et al., Civil No. 71–1011–LTL, United States District Court, Central District of California.

Reference: Letter dated October 28, 1974 from W. D. Paxson of Grumman Aerospace Corporation to Raymond P. Hernacki, Esq., Department of Justice.

DEAR MR. MOORE: Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)) and Section V of the Competitive Impact Statement filed on June 22, 1976 in the captioned proceeding relating to the proposed consent judgment submitted for entry also on June 22, 1976 in this proceeding, we respectfully submit our comments on said proposed judgment as set forth below.

As we stated in the above-referenced letter to the Department of Justice, our preference is not to have any divestiture by Parker-Hannifin. However, we fully recognize that the antitrust laws must be enforced. At the same time, we trust it is understood that our principal interest as a prime contractor for the Department of the Navy is one of fulfilling our obligations under the F–14A prime contract including required delivery schedules and of minimizing costs to Grumman and the Department of the Navy. It is paramount that Grumman prevent any disruption of scheduled F–14A deliveries or any additional cost burdens to the F–14A program.. In consideration thereof and of the inclusion of ten important F–14A fuel system components in the divestiture, we are particularly interested in the selection of the purchaser under the divestiture and in the purchaser's design and production capabilities, engineering skills and financial and management qualifications.

Accordingly, we recommend that the proposed judgment be amended to provide that prior to approval by the Plaintiff or the Court of the divestiture under provisions of Section IX B, the pertinent Prime Contractors (including Grumman) shall be advised in writing by the Plaintiff of the name of the proposed purchaser and all pertinent information respecting the proposed divestiture, and afforded reasonable opportunity, but not less than thirty days, to submit written comments thereto which shall be evaluated and considered in determining whether or not approval of the divestiture should be given.

Very truly yours,

JOHN O'BRIEN,
Senior Vice President.

UNITED STATES
DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Los Angeles, Calif., August 30, 1976.

MR. JOHN O'BRIEN,
Senior Vice President,
Grumman Aerospace Corporation,
Bethpage, N.Y.

Re: United States v. Parker-Hannifin Corp., et al.

DEAR MR. O'BRIEN: In your letter of August 19, 1976 you expressed the concern of Grumman Aerospace Corporation (Grumman) that the purchaser of the assets to be divested by Parker-Hannifin under the proposed judgment have the requisite design and production capabilities, engineering skills and financial and management qualifications to produce the ten F–14A fuel system components included in the divestiture without disruption of scheduled F–14A deliveries or any additional cost burdens to the F–14A program. We share these concerns and have included provisions in the proposed judgment to achieve these goals.

For example, Section V B of the proposed judgment states:

B. The contract of divestiture and divestiture ordered by this Final Judgment shall be made to a single purchaser who shall demonstrate to the plaintiff that it has the potential to design and manufacture the Divestiture Components. Divestiture shall be accomplished so as to not disrupt delivery schedules, and should be made so as to minimize inconvenience to prime contractors.

Additionally, Section V E requires that Parker-Hannifin reimburse each prime contractor, including Grumman, for the additional costs resulting from the divestiture and Sections V C and V D of the proposed judgment require Parker-Hannifin to assist the purchaser in promptly accomplishing the divestiture.

You also suggest that the proposed judgment be amended to provide that Grumman be given the opportunity to submit written comments concerning the proposed purchaser to be considered in determining whether or not approval of the divestiture should be given. We can afford Grumman the desired opportunity to comment, without the necessity of amending the judgment, because as plaintiff, we must approve the proposed purchaser. This is mandated by Section IX B, which provides:

B. The divestiture ordered by this Final Judgment shall be first approved by the Plaintiff, or failing such approval, the approval of the Court, after reasonable notification to the plaintiff that defendant intends to seek Court approval.

Also, Section IX D states:

D. At least sixty (60) days in advance of the anticipated closing date of any contract of divestiture pursuant to this Final Judgment, Parker shall supply plaintiff with the name of the proposed purchaser, and all pertinent information respecting the proposed divestiture, together with any additional information plaintiff may request. Plaintiff will advise Parker in writing, within 30 days after Parker has supplied all the requested information, of plaintiff's objections, if any, to the proposed divestiture.

Thus, I can assure you that the Antitrust Division will consult with Grumman, the Department of the Navy, and other knowledgeable persons or firms before approving the proposed purchaser and the terms of the proposed divestiture. It is therefore believed that the proposed judgment, as written, combined with this expressed intention of the Antitrust Division to consult Grumman before approving any proposed divestiture, provides for Grumman's input so that an amendment of the proposed judgment is unnecessary. We are required to publish your letter and this reply, forthwith, in the FEDERAL REGISTER.

Thank you for your comments.

Sincerely,

RAYMOND P. HERNACKI,
Assistant Chief,
Los Angeles Field Office.

[FR Doc.76–26615 Filed 9–10–76;8:45 am]

UNITED STATES OF AMERICA V. N.V. NEDERLANDSCHE COMBINATIE VOOR CHEMISCHE INDUSTRIE, ET AL.

Proposed Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 70 Civ. 2079 (D.N.E.), *United States of*

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America v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., Defendants. ((D.N.E.) Civil No. 70 Civ. 207.)

PLAINTIFF'S THIRD RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGMENT BETWEEN THE UNITED STATES AND DEFENDANTS BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN ZIMMER & CO. GMBH

This response is directed to the third and final group of comments (attached hereto as Exhibit A) upon the proposed consent judgment between the United States and defendants Boehringer Mannheim GmbH and Vereinigte Chininfabriken Zimmer & Co. ("consenting defendants"). These comments were received during the period following June 30, 1976 and ending July 29, 1976, the closing date for all comments. This response is made in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16 (b) & (d)).

The proposed consent judgment and Competitive Impact Statement were filed with the Court on April 30, 1976, and published in the Federal Register on May 3, 1976 (41 Fed. Reg. 18328–34 (1976)). Comments received as of May 29th and the response of the United States thereto ("First Response to Comments," attached hereto as Exhibit B), dated June 18, 1976, were published in the Federal Register on July 1, 1976 (41 Fed. Reg. 27090–95 (1976)). Comments received as of June 30, 1976 and the response of the United States thereto ("Second Response to Comments"), dated July 26, 1976, were published in the Federal Register on August 3, 1976 (41 Fed. Reg. 32441–45 (1976)). This response and the comments to which it is directed will also be published together in the Federal Register.

During this third comment period the Department of Justice received three comments upon the proposed consent judgment. One comment, received from a consumer of quinidine-based drugs, is directed toward the continued high prices of these products. Another comment, written by a registered pharmacist, inquires as to the procedures available to obtain monetary recovery for alleged overcharges for quinidine-based drugs. Copies of plaintiff's First Response to Comments together with this response have been mailed to the writers of these comments.

A third letter, written under a fictitious name, purports to have evidence or knowledge that a quinine cartel still exists and controls the supply of the raw material used in the production of quinine and quinidine-based drugs. This writer suggests that the raw material, cinchona bark, should be made available at a non-discriminatory price to any and all qualified parties who wish to produce quinidine.

I. THE EXTREME PRICE INCREASE FOR QUINIDINE-BASED PRODUCTS IN THE POST-1966 PERIOD AND PRIVATE REMEDIES AVAILABLE TO USERS OR PURCHASERS OF QUINIDINE-BASED PRODUCTS

In plaintiff's First Response to Comments (See Exhibit B below), factors which could have contributed at least in part to the post-1966 price increases of quinidine-based products are discussed. Also discussed in plaintiff's First Response to Comments are the private remedies available to users of quinidine-based products. The inquiry made by Mr. Robert A. Garland, a registered pharmacist, as to what remedies he might have for recovery, is covered by Part II of the First Response to Comments (See Exhibit B, attached), which discusses the effect of a prior class action brought on behalf of wholesalers and retailers of quinine, quinidine, other cinchona products and any other related products or substances. If Mr. Garland is not foreclosed from recovery by that class action, or if he believes that price increases during the post-1966 period are the result of violations of the antitrust laws, he retains his right to bring antitrust civil damage or injunctive proceedings against consenting defendants or any of the original defendants in the above entitled action. This consent decree, however, when approved by the Court, may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

II. ALLEGATION THAT A CARTEL CONTROLLING THE SUPPLY OF THE RAW MATERIAL, CINCHONA BARK, EXISTS AND SUGGESTION THAT CINCHONA BARK BE MADE AVAILABLE TO ALL POTENTIAL PRODUCERS OF QUINIDINE

Plaintiff has received an extensive comment from a writer using a fictitious name, A. A. Curiae, alleging that a German and Dutch cartel exists that controls the supply of the raw material, cinchona bark, and by virtue of this exclusive access to the raw material controls the production and marketing of bulk quinidine, thereby maintaining high prices for quinine and quinidine.

Because this comment is written under a fictitious name, plaintiff has no direct means of contacting the writer to request the evidence underlying his allegations. Entry of the proposed consent judgment, of course, will not terminate consideration or investigation of complaints or indications of post-judgment violations in the industry. Facts underlying complaints of antitrust violations should, therefore, be brought to the attention of the Department of Justice.

The writer also suggests that cinchona should be made available at a non-discriminatory price to any and all qualified parties who wish to produce quinidine. Pursuant to Paragraph V of the proposed decree, for a period of ten years, if consenting defendants (including each of consenting defendants' subsidiaries, successors and assignees) sell any product (defined in Section II of the proposed final judgment as cinchona or any pharmaceutical product composed in whole or in part of quinine, quinidine or cinchona derivatives or any other product containing a not insubstantial amount of any of these substances) to any person other than a distributor purchasing only for resale, they must sell such product to any financially and commercially responsible person if the product is available and not a specialty product. Moreover, Paragraph IV of the proposed consent judgment prohibits consenting defendants, through arrangements with others, from confining the processing or manufacturing of the product to any certain manufacturers or processors and through such arrangements from allocating, dividing or sharing purchases of cinchona bark. These and other prohibitions coupled with affirmative obligations imposed upon consenting defendants are designed to foster competition within this industry.

Plaintiff, in connection with relief in this case, does not, however, have the power to control the acts of the governments of the major cinchona-producing countries, which, as is discussed in Section I of plaintiffs First Response to Comments (See Exhibit B below), regulate the export of and the export price of cinchona bark and its derivatives.

Dated: August 26, 1976.

Respectfully submitted: Donald A. Kaplan and Julie Brooks Murray.

EXHIBIT A

ROANOKE, VA., *June 16, 1976.*

Hon. Judge DAVID N. EDELSTEIN,
U.S. District Court,
New York, N.Y.

DEAR JUDGE EDELSTEIN: This communication is directed to you in regard to the proposed Quinine settlement as delineated in one of the drug journals. As a drug store owner and Pharmacist during the period in question, I remember quite well the dramatic price increases of these drugs, perhaps as high as five or six times the price we were accustomed to.

Accordingly, what steps should this writer make and to whom for any claim that might be due me as a result of these overcharges?

Thanking you for your attention to this matter, I am,

Yours truly,

ROBERT A. GARLAND,
Registered Pharmacist.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR SIR: Considering that the matter critically affects the lives of millions of U.S. citizens, one has to be dismayed at the small number and piteous quality of the letters you have received in the matter of: *United States* v. *N.F. Nederlandsche Conbinatie Voor Chemische Industrie, et al.* (FEDERAL REGISTER, July 1, 1976).

Even more dismaying is the feeble, fatuous and disingenuous reply to these letters prepared by Messrs. Kaplan and Murray for the Department of Justice. Does anyone really believe that "interviews with leading U.S. pharmaceutical manufacturers, importers and government officials of nations which produce the raw material" have yielded reliable or useful information in this matter? They are simply passing on propaganda generated by the cartel. For the pharmaceutical manufacturers, when the bulk price of Quinidine goes up, the price of their tablets and the size of their profit goes up. Should one expect them to be concerned out of altruism? One might reflect in this connection that merely 4 or 5 pharmaceutical houses supply well over 80% of all Quinidine preparations prescribed in the U.S. Who wants to rock that boat, the annual market value of which is many times the market value of the bulk Quinidine?

The Quinidine market is as thoroughly cartelized today as it ever was. Does anyone believe that Dutch control of Indonesian raw material ceased when Indonesia's Dutch colonial status ceased? Does anyone find it remarkable that the German and Dutch shares of the bulk Quinidine market remain constant at about 85% of all Quinidine imported into the U.S.? Does anyone think it significant that Quinidine produced from new Cinchona plantations in Zaire costs the same as Quinidine produced from old Cinchona plantations in Indonesia? With the U.S. market for bulk Quinidine now exceeding $30,000,000 in value and the technology for producing Quinidine being in the public domain, why is its production still so overwhelmingly dominated by the same Dutch and German interests?

It is useful to recall that several years ago the U.S. firm Hexagon Laboratories began the production of Quinidine using U.S. Government stockpiled Quinine as raw material. Shortly thereafter, the U.S. broke its contract to supply this Quinine to Hexagon and subsequently sold it to the Dutch party of the cartel. How is one to infer from this history that the U.S. has a really serious interest in decartelizing the Quinidine market?

Quinine sold for the production of Quinidine has essentially the same quality as Quinine sold for consumption as such. How can it be explained then that the former is sold at a considerably lower price than the latter? Is it unreasonable to suggest that someone with long colonial experience might know exactly how to go about acquiring a virtual monopoly on the raw material upon which Quinidine production depends? The control of raw material is not only a matter of price, it is a matter of access. Who has the access in Indonesia?

Who has it in Zaire? Who would be surprised to discover that it is none other than the well-known Dutch and German parties to the cartel? Regardless of the "nationalization" of Cinchona production in Indonesia and Zaire, the practical fact is that the production and marketing of bulk Quinidine are as tightly controlled as ever.

Where does relief from this situation lie? Shortage of Cinchona, if in fact one ever existed, was brief and transient. Cinchona is now in abundant supply and will remain so at the growers' will. As long as Cinchona is available only in highly localized areas and is "nationalized" in these areas, the price of Quinine, hence also Quinidine, will remain high. The prospect that Zaire will place itself in aggressive competition with Indonesia is as unlikely as that the Dutch and Germans will actually compete with each other. Could it be that the two situations run parallel?

What can be undertaken, at the least, is an effort to make these plentiful raw materials available at non-discriminatory prices to any and all qualified parties who wish to produce Quinidine.

Very truly yours,

A. A. CURIEA.

cc: Hon. DAVID N. EDELSTEIN,
Chief Judge, U.S. District Court, Southern District of New York.

JUNE 22, 1976.

Mrs. MANNIE J. DOLIN
2 Bratenahl Place
Bratenahl, Ohio 44108.

DEAR SIRS: Under Doctor's orders I have been taking Quinaglute Dura-Tabs NDC 41–101–10 (Quinidine gluconate) manufactured by Cooper Laboratories, Wayne, N.J. 07470, U.S.A. I am now paying $27.80 per hundred. I was told the war raised the price but see no reduction since its ending.

Sincerely,

RHODA DOLIN.

EXHIBIT B

UNITED STATES DISTRICT COURT, FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., defendants. (D.N.E.; Civil No. 70, Civ. 2079.)

PLAINTIFF'S RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGEMENT BETWEEN THE UNITED STATES AND DEFENDANTS, BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN, ZIMMER & CO. GMBH

This response to comments upon the proposed consent judgment between the United States and defendants Boehringer Mannheim Gmbh and Vereinigte Chininfabriken Zimmer & Co. Gmbh ("Consenting Defendants") is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b) & (d)). The proposed consent judgment and a Competitive Impact Statement were filed with the Court on April 30, 1976 and published in the FEDERAL REGISTER on May 3, 1976 (41 Fed. Reg. 18328–18334 (1976)). Comments received as of May 29, 1976 will be published simultaneously with this response and typewritten copies of the comments are attached hereto as Exhibit A.

As of May 29, 1976 the Department of Justice has received 32 comments upon the proposed consent judgment. Other than simple requests for copies of the settlement papers, these comments with one exception (discussed below) are concerned with three topics: (1) the sharp increase in price for quinidine-based drugs in the post 1966 period; (2) the availability of private remedies for supposed overcharges for quinidine-base drugs related to these price increases; and (3) the effect of the proposed consent judgment on the present prices to the consumer of quinine and quinidine-based products. One additional comment raises a number of different questions which will be discussed separately below.

I. THE EXTREME PRICE INCREASE FOR QUINIDINE-BASED PRODUCTS IN THE POST 1966 PERIOD

Almost all of the comments upon the proposed consent judgment are directed at the substantial increase in retail prices for quinidine-based drugs which has occurred mainly in the early 1970's. While the complaint in this action, which was filed on May 21, 1970, alleges a conspiracy beginning in 1958 and ending in 1966, the proposed judgment is designed to prevent these consenting defendants from engaging in any illegal price fixing, customer or market allocation or bid rigging in the future. Unfortunately, factors not within control of these consenting defendants and, thus, beyond the power of this consent judgment to remedy, have undoubtedly contributed to the recent price increases.

In order to determine reasons for recent price increases, the Department of Justice conducted interviews with leading United States pharmaceutical manufacturers, importers and government officials of nations which produce the raw material (cinchona bark). These inquiries indicate several factors other than illegal private collusion may, in part, explain the price increases.

A significant factor affecting current prices is the involvement of governments in the production, pricing and export of raw cinchona bark. For instance, Indonesia, the largest producer of cinchona bark, has nationalized almost all of the cinchona plantations and controls the export of cinchona products through a government-owned company. In addition, Indonesian law forbids the export of the raw bark, requiring that it be processed initially in Indonesia. One result is that prices charged for quinine sulphate by the Indonesian government-owned company to United States importers rose from approximately $70 per kilogram (2.2 pounds) to approximately $190 per kilogram between June 1974 and June 1975. Another example of government involvement is found in Zaire, the only other major producer of cinchona bark. Although both public and private ownership of cinchona plantations exists in Zaire, the export price of cinchona bark is controlled by the government. Price increases that are a result of regulation by foreign governments within their borders may be beyond the reach of the antitrust laws of the United States.

According to all sources interviewed, another major factor contributing to the price increases is an unprecedented and unanticipated increase in the demand for quinidine heart medicine and for quinidine antimalarial agents. The problem of increased demand is compounded by the fact that it takes at least seven years, and more often 14 years, before cinchona trees mature enough to be commercially useful. Even then, the bark may be stripped only at seven-year intervals. Therefore, it would normally take nearly a decade for the supply of raw material to respond to a dramatic increase in demand as is presently occurring.

Adding to the problem are international currency fluctuations and the devaluation of the United States dollar that have occurred in the past several years, which put United States purchasers of West German and Dutch products (whose currencies are among the strongest) at a disadvantage. As most cinchona products are processed by West German and Dutch businesses (consenting defendants are West German corporations), these currency fluctuations and devaluations are probably reflected in quinine prices. Still another factor contributing to the price increases is the pervasive world-wide inflation, which has pushed up cost at every stage of production of the product. This inflation has generally been more pronounced outside the United States; thus, products imported into the United States such as quinine and quinidine reflect these higher rates of inflation.

In summary, many significant factors, other than conduct by consenting defendants and other private persons and firms subject to attack under our antitrust laws, may be among the causes for the recent price increases for quinidine-based drugs. Nonetheless, the Department of Justice will continue to monitor the situation for evidence of illegal practices, not only as part of its continuing specific responsibility for supervision under the proposed consent judgment, but also pureuant to its general responsibility to protect the American consumer against violations of the antitrust laws.

II. PRIVATE REMEDIES AVAILABLE TO USERS OF QUINIDINE-BASED DRUGS RELATED TO RECENT PRICE INCREASES

If users of quinidine-based drugs believe that the recent price increases are the result of violations of the antitrust laws, they retain their full rights to bring antitrust civil damage actions against consenting defendants or any of the original defendants in the above entitled action. Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered. The entry of the proposed final judgment will not have any effect on the right of any potential private plaintiffs claiming they have been damaged as a result of post 1966 conduct to sue for monetary damages or any other legal or equitable remedies.

However, with respect to persons believing they have been overcharged for quinidine products or otherwise damaged as a result of the activities during the 1958 to 1966 period which were the subject of the complaint in this action, their rights to sue under Section 4 of the Clayton Act may be foreclosed as a result of two antitrust class actions brought on behalf of consumers of cinchona bark derivative products and wholesalers and retailers of these same products in the United States District Court for the Eastern District of Pennsylvania. A class action entitled *Mary Cusick, Executrix of the Estate of Richard J. Cusick, Deceased, et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action No. 68–2457 (the "Cusick action"), was

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filed on November 8, 1968 on behalf of individual consumers of quinine, quinidine, other cinchona products and any other related products or substances, who would have suffered as a result of the same violations alleged in the complaint in this action. A second class action entitled *Sol S. Turnoff Drug Distributors, Inc., et al. v. N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action 69–1883 (the "Turnoff action"), was brought on August 14, 1969 on behalf of wholesalers and retailers of the same products, suffering as a result of the same alleged violations. Boehringer was named as a defendant in both actions and contributed $180,000 to a joint settlement pool, which totaled $1,300,000. The plaintiff makes no comment with respect to the effect of these settlements on Boehringer's wholly-owned subsidiary, Zimmer, which was named in the complaints but not in the settlements.

Against the total settlement pool all injured members of the two classes were entitled to file claims. An order establishing the classes for settlement purposes and providing for notice to class members was signed by the United States District Court for the Eastern District of Pennsylvania on April 10, 1973. The terms of the settlement and notices of the opportunity to file claims or to request exclusion from the settlement pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure were printed in English or Spanish newspapers throughout the United States. The individual druggists and wholesalers each received a similar notice by direct mail. Approximately 750 consumer claims and 750 wholesaler and retailer claims were filed. A final order approving the settlement was signed by the same court on June 25, 1973.

As a consequence of these settlements, all potential users, retailers or wholesalers of cinchona bark products, except for those requesting exclusion from the two classes, had an opportunity to receive relief based upon the same antitrust violations by consenting defendant Boehringer alleged in the complaint in this action. All other potential private plaintiffs who might have been damaged by the alleged violations retain their rights to sue for monetary damages and any other legal and equitable relief based on the 1958–1966 period. However, this proposed consent judgment, when approved by the Court, may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

III. EFFECT OF THE PROPOSED CONSENT JUDGMENT ON THE PRESENT PRICES TO THE CONSUMER OF QUININE AND QUINIDINE-BASED PRODUCTS

The effects of the proposed consent judgment are described in detail beginning at Section 3 of the Competitive Impact Statement, entitled "The Proposed Consent Judgment And Its Antiticipated Effects On Competition." The comments, however, are generally addressed to what effect the proposed consent judgment wil have upon persons who are paying present prices for quinidine-based drugs. To the extent these prices are the result of the factors described under Section I above, the proposed consent judgment will have little effect on such prices, and will offer little opportunity for redress to consumers. However, the proposed consent judgment will prevent and restrain consenting defendants from taking any action of a nature similar to that alleged in the complaint, such as fixing prices, allocating markets, rigging bids, establishing quotas and allocating supplies, which might have contributed to the recent sharp price increase. The goal of this final judgment is a more diverse and competitive industry in quinine and quinidine drugs at both the manufacturing and the refining stage (at least with respect to private persons and firms).

IV. RESPONSE TO ADDITIONAL QUESTIONS AND COMMENTS RAISED BY JAMES MORGAN SCOTT, JR.

In addition to inquiries simlar to those raised by other persons commenting upon the proposed judgment, Mr. James Morgan Scott, Jr. raises several additional questions and puts forward several additional comments which are dealt with below.

Mr. Scott inquires as to the total damage to the United States public caused by the known and suspected illegal practices of consenting defendants. There has been no determination of the total damage to the United States public resulting from the practices alleged to have been committed by consenting defendants during the period of the conspiracy, 1958 to 1966. However, to the extent that damages to the United States as a quinine purchaser and seller and damages to members of the quinine-product consuming public or to sellers of these products make up part of the total damage to the United States public, some figures are available. Defendant Boehringer has paid $100,000 in settlement of a damage suit brought by the United States based upon the allegations similar to those in this action, *United States v. N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, 70 Civ. 2080 (S.D.N.Y., filed May 21, 1970). Defendant Boehringer also contributed $180,000 to the settlement of the two private treble damage class actions referred to in Section II above. Of course, these amounts do not necessarily represent the total damage to the United States Government or to the members of the private treble damage class allegedly sustained at the hands of consenting defendants for their actions during the period 1958 to 1966 any more than does any other settlement of a damage action.

Mr. Scott next poses three questions as to the wisdom and propriety of the settlement and why no damages were recovered. The United States does not, by this proposed consent judgment, concede the innocence of consenting defendants, nor do consenting defendants concede any wrongdoing under the antitrust laws. The essence of a consent judgment is that the parties have seen fit to avoid the cost and uncertainties of full litigation in favor of this proposed consent judgment which, as stated in the Competitive Impact Statement, provides for relief which fully prohibits and corrects the violations alleged in the complaint.

In Section 4 of the Competitive Impact Statement, the Government's position with respect to the alternative of full trial on the merits is stated fully. Furthermore, the sole purpose of this action was to enjoin and restrain consenting defendants from continuing or renewing any of the violations of the antitrust laws alleged in the complaint. No damages were sought in this action. A separate damage action brought on behalf of the United States (described in Section 3 of the Competitive Impact Statement) was settled for $100,000.

Mr. Scott inquired as to the cost to United States taxpayers of this lawsuit thus far. This action was filed on May 21, 1970 and was part of a larger investigation by the Department of Justice that began in 1966 with Grand Jury hearings. During the early Grand Jury stages of the investigation, two or three attorneys from the Antitrust Division were devoting nearly full time to the investigation. This lasted approximately one and one half to two years. Subsequent to indictments by the Grand Jury in 1968, a much smaller amount of time was expended, since most of the activity in the case was related to the settlement agreements reached with various defendants. Thus, in total, approximately three to five person-years in attorneys' time have been spent in the investigation, litigation and settlement of all aspects of the criminal, civil injunctive and civil damage casea involving the quinine cartel of the 1958 to 1966 period. Mr. Scott also inquired as to the number of active cases in the Antitrust Division and how many cases have been filed. As of April 30, 1976, there were 150 pending cases in which the Antitrust Division of the Department of Justice presently has responsibility. Since July 1, 1969, the Antitrust Division has initiated 464 civil and criminal cases.

Mr. Scott also inquired as to the percentage of complaints to the Antitrust Division which result in the filing of a case and what portion of filed cases result in settlements. There is no way to determine what percentage of complaints by members of the public result in the filing of cases by the Antitrust Division. Very often investigations are commenced before any complaint is received. On the other hand, many complaints do not involve violations of the antitrust laws. The great majority of all cases filed by the Antitrust Division result in settlement, either by a consent judgment in civil cases or by pleas of nolo contendere or guilty in criminal cases.

Mr. Scott requests further explanation of the statement, following Section 6 of the Competitive Impact Statement, that no materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered determinative in formulating this proposed consent judgment. Such statement simply means that no one particular document or group of documents alone convinced the Department of Justice to enter into the proposed consent judgment presented to the Court for its approval. The Department was, of course, aware of the numerous documents produced in this action and the testimony of witnesses before the Grand Jury. It was the totality of this evidence rather than any particular part of it or any document subsequently furnished to the Department of Justice which was determinative in formulating the proposed consent judgment. Consequently, Mr. Scott's next comment, where he suggested that it would be more truthful to say that several hundred pounds of material were considered determinative in reaching the settlement, is not entirely incorrect. Within the meaning of the statutory requirements, however, no such documents in and of themselves were "determinative", but it is correct to assume that the substantial evidence upon which the original lawsuit was based was considered by attorneys for the Department of Justice in connection with this proposed consent judgment.

Mr. Scott's final inquiry concerns the volume of the pleadings and transcripts in this case. With respect to consenting defendants, the only documents filed are the complaint, proposed consent judgment, Competitive Impact Statement, two orders by the Court related to the procedures under the Antitrust Procedures and Penalties Act and a statement pursuant to section 2(g) of the Act (15 U.S.C. § 16(g)) filed by consenting defendants. There was one hearing in court related to the settlement, on December 9, 1974. The transcript of that proceeding contains 42 pages.

Dated: June 17, 1976.

Respectfully submitted,

DONALD A. KAPLAN.
JULIE BROOKS MURRAY.

[FR Doc.76 26016 Filed 9–10–76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The Advisory Council will meet on October 8 and 9, 1976. The meeting will be held at the Seattle Hilton Hotel, 6th and University, Seattle, Washington 98101. The meeting will convene at 9:00 a.m. and will be open to the public. Discussion will continue on the methodology to be utilized in accomplishing the national needs assessment of minorities and their relationship with the criminal justice system.

For further information, please contact Mr. Lewis W. Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue, NW., Washington, DC 20531, telephone number 202/376–3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Council.

[FR Doc.76-26652 Filed 9–10–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112. Clyde A. Hill, Curator of Mammals.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

[x] RENEWAL

1. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-234-5151

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

Export two male and two female black & white ruffed lemurs Varecia variegata, endangered species for breeding in captivity

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.

DATE OF BIRTH | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES

PHONE NUMBER, WHERE EMPLOYED | SOCIAL SECURITY NUMBER

OCCUPATION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

Public zoo - Wildlife exhibition, research programs in addition to educational and related activities

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Clyde A. Hill, Curator of Mammals 714-234-5151

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Export from San Diego, CA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)

PRT 8-383-I-E, ES409
1962-10 (of 1944 law issued 62)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE | DATE
Clyde A. Hill | 28 July 1976

3-200
16-748

Zoological Society of San Diego,
San Diego, Calif., July 28, 1976.

Director (FWS/LE),
U.S. Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to export two male and two female black and white reffed lemurs *Varecia variegata.*

1. COMMON AND SCIENTIFIC NAMES OF THE SPECIES OR SUBSPECIES, NUMBER, AGE AND SEX OF THE WILDLIFE TO BE COVERED IN THE PERMIT.

The San Diego Zoo has a male and two female black and white ruffed lemurs *Varecia variegata* born in 1972 at our institution, plus a male born here in 1974. We propose to sell these primates to the Assiniboine Park Zoo, 2355 Corydon Avenue, Winnipeg, Manitoba, Canada R3P OR5. Mr. Ken Chisholm of Mich Ken Breeding Farms, 01314 Charlevoix Street, Montreal Quebec H3K 2Z9 will be acting as the Winnipeg Zoo's agent.

2. COPY OF THE CONTRACT OR OTHER AGREEMENT UNDER WHICH SUCH WILDLIFE IS TO BE IMPORTED, SHOWING THE COUNTRY OF ORIGIN, NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF THE CONTRACT, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE WILDLIFE.

Attached are photocopies of letters from Mr. Clive G. Roots, Zoo Director, and Mr. Chisholm. Data to fulfill this section are contained in these letters.

3. A FULL STATEMENT OF JUSTIFICATION FOR THE PERMIT INCLUDING DETAILS OF THE PROJECT OR OTHER PLANS FOR UTILIZATION OF THE WILDLIFE IN RELATION TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATIONAL PURPOSES AS APPROPRIATE AND THE PLANNED DISPOSITION OF THE WILDLIFE UPON TERMINATION OF THE PROJECT.

In 1965, after two years of negotiation with the Malagasy Government, the San Diego Zoo was made an official repository of various lemur species, including *Varecia variegata.* Our goal was to learn the captive husbandry of these primates, propagate them and send them to zoos within the United States and the rest of the world so that the species could be conserved in captivity. By establishing them in different continents and countries we should ensure their survival regardless of national calamity, whether natural or man-made. The two pairs going to Winnipeg are an effort to continue and expand the captive breeding population.

4. A DESCRIPTION AND THE ADDRESS OF THE INSTITUTION OR OTHER FACILITY WHERE THE WILDLIFE WILL BE USED OR MAINTAINED.

The ruffed lemurs *Varecia variegata* will be held at the Assiniboine Park Zoo, which has the reputation of being one of Canada's leading zoological gardens. It is owned and operated by the City of Winnipeg and financed by the Province of Manitoba as a non-profit, public facility. There is no admission charge to the zoo and the attendance averages 1.5 million visitors annually. The postal address is: The City of Winnipeg, Parks and Protection Department, Assiniboine Park Zoo, 2355 Corydon Avenue, Winnipeg, Manitoba R3P OR5.

5. A STATEMENT THAT AT THE TIME OF APPLICATION THE WILDLIFE TO BE IMPORTED IS STILL IN THE WILD, WAS BORN IN CAPTIVITY OR HAS BEEN REMOVED FROM THE WILD.

The four lemurs to be sent to the Assiniboine Zoo were born in the San Diego Zoo. One male and two females were born on 26 April 1972. The male is tattooed "J" on the

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inside of the upper lip, the females are tattooed "9" and "10". The second male was born in 1974 and is tattooed "BK2" on the inside of the upper lip.

6. A RESUME OF THE APPLICANT'S ATTEMPTS TO OBTAIN THE WILDLIFE TO BE IMPORTED FROM SOURCES WHICH WOULD NOT CAUSE THE DEATH OR REMOVAL OF ADDITIONAL ANIMALS FROM THE WILD.

All the animals in this transaction were born in captivity, thus will not be a drain on the natural population of wild lemurs.

(v) FOR THE FIVE YEARS PRECEDING THE DATE OF THIS APPLICATION PROVIDE A DETAILED DESCRIPTION OF ALL MORTALITIES INVOLVING THE SPECIES COVERED IN THE APPLICATION AND HELD BY THE APPLICANT, IF ANY (OR ANY OTHER WILDLIFE OF THE SAME GENUS OR FAMILY HELD BY THE APPLICANT), INCLUDING THE CAUSES OF SUCH MORTALITIES AND THE STEPS TAKEN TO AVOID OR DECREASE SUCH MORTALITIES.

The Assiniboine Park Zoo has never exhibited the ruffed lemur *Varecia variegata*. There have been no mortalities of other lemur species at the Assiniboine Park Zoo for a period of five years preceding the date of this application.

7. (i) A COMPLETE DESCRIPTION, INCLUDING PHOTOGRAPHS OR DIAGRAMS, OF THE AREA AND FACILITIES IN WHICH THE WILDLIFE WILL BE HOUSED.

The Assiniboine Park Zoo maintains an exhibit which contains four cages designated for the display and propagation of lemurs. These currently contain lemurs of the species *Lemur mongoz* and *Lemur macaco rufus*, but one is vacant. This lemur accommodation is basically an open air display. The vacant exhibit comprises a large outdoor cage and indoor quarters (see attached drawing). The outdoor cage is enclosed entirely in 1'' weldmesh and is landscaped and planted, containing rocks, logs, grass, trees, shrubs, climbing branches and feed and resting shelves. The partitions between each lemur exhibit are densely planted with shrubs. The indoor quarters contain several shelves at different heights and are heated by means of electric, thermostatically controlled heaters.

(ii) A BRIEF RESUME OF THE TECHNICAL EXPERTISE AVAILABLE, INCLUDING ANY EXPERIENCE THE APPLICANT OR HIS PERSONNEL HAVE HAD IN PROPAGATING THE SPECIES OR CLOSELY RELATED SPECIES TO BE IMPORTED.

Personnel resumes of the Assiniboine Park Zoo senior staff are enclosed. In their zoo careers these officers have had experience in the propagation of the following closely related lemurs: Mongoose Lemur—*Lemur mongoz;* Black Lemur—*Lemur macaco;* Ringtailed Lemur—*Lemur catta.*

(iii) A STATEMENT OF WILLINGNESS TO PARTICIPATE IN A COOPERATIVE BREEDING PROGRAM AND MAINTAIN OR CONTRIBUTE DATA TO A STUDBOOK.

No studbook for the ruffed lemurs exists. We are willing to participate in a studbook if one is started.

(iv) A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER: ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE WILDLIFE IN TRANSIT: AND THE ARRANGEMENTS FOR CARING FOR THE WILDLIFE ON IMPORTATION INTO THE UNITED STATES.

The lemurs will be transported on Western Airlines to Vancouver and Air Canada from Vancouver to Winnipeg. Trasportation to Los Angeles will be made by zoo truck driven by an experienced primate keeper. The shipping crates will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities are built into the crates. At Vancouver the lemurs will be met by Kuhne and Nagel, customs house brokers. The Winnipeg Zoo will make advance arrangements with these brokers when shipping reservations are confirmed.

The Winnipeg Zoo will also have the Stanley Park Zoo in Vancouver meet the animals at the airport, care for them and assist the customs house brokers. The San Diego Zoo has met the registration standards for HEW effective 11 October 1975.

8. (iv) THE PLANNED DISPOSITION OF SUCH WILDLIFE UPON TERMINATION OF THE ACTIVITIES SOUGHT TO BE AUTHORIZED.

The Manitoba Museum of Man and Nature receives all suitable carcasses after thorough postmortem examination at the Provincial Pathology Laboratory. After preparation such carcasses or "parts thereof" are made available to the University of Manitoba, the University of Winnipeg and other interested institutes of higher learning.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-330-07; please refer to this number when submitting comments. All relevant comments received on or before October 13, 1976 will be considered.

Dated: September 7, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-26664 Filed 9-10-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-550]

BALDWIN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Baldwin Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following face equipment: one 14 BU–7 Joy loader, one Epling cutting machine, one Paul's repair roof bolter, one Royal roof bolter, one Epling mine tractor, and two Mescher mine tractors.

2. Petitioner operates in the Blair coal seam, which has an average height, in those areas where the foregoing equipment is being used, of between 36–38 inches.

3. Petitioner produces 130 tons of coal per day on one production shift, and describes its roof and floor conditions as good.

4. Petitioner states that, due to the height of the coal-bed, installation of cabs or canopies would reduce operator visibility by at least 85 percent, and would yield cramped operating positions, endangering personal safety.

5. Petitioner states that there have never been any fatal roof falls in the subject mine, or in adjoining mines in this coal seam.

6. Petitioner states that installation of cabs and canopies would create more of a danger than a benefit in the subject mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26643 Filed 9-10-76;8:45 am]

[Docket No. M 76-529]

DEAN JONES COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Jones Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 7 Mine, Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks a modification of the foregoing standard as it applies to all electric and self-propelled electric face equipment in its No. 7 Mine.

2. Said No. 7 Mine is an underground, bituminous coal mine, with an average height of 30 inches.

3. Petitioner states that installation of canopies would confine the operator and impair his mobility, thus creating a safety hazard.

4. Petitioner states that due to the low coal height in its No. 7 Mine, canopies or cabs would prevent the miner operator from having the necessary peripheral vision of equipment and surroundings to permit safe operation.

5. Petitioner states that it has an approved roof control plan, approved by the Virginia Division of Mines and by the Mining Enforcement and Safety Administration, which is adequate for roof support in this mine.

6. Petitioner states that its accident record for roof falls is clean, and that no fatalities or injuries by roof falls have occurred in any of its underground mines since their opening in 1967.

7. Petitioner employs a Wilcox continuous miner which has a height of 26 inches, and its coalbed has some dips and nonuniform slopes. The miner operator, Petitioner states, feels that it would be impossible to operate the miner safely with a canopy or cab installed, as it would diminish necessary peripheral vision and limit operator movement to the point of creating a safety hazard.

8. Petitioner states that canopies or cabs installed on its electric face equipment would be a greater hinderance than a help in its continuous miner operation due to its coal height and the impaired peripheral vision created by said installation. Petitioner thus maintains that application of this required safety standard presents more of a safety hazard than operating without a canopy or cab in the circumstances of its mining operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 2203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76-26644 Filed 9-10-76;8:45 am]

[Docket No. M 76-530]

DEAN JONES COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Jones Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 8 Mine, Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks a modification of the foregoing standard as it applies to all electric and self-propelled electric face equipment in its No. 8 Mine.

2. Said No. 8 Mine is an underground, bituminous coal mine, with an average height of 36 inches.

3. Petitioner states that installation of canopies would confine the operator and impair his mobility, thus creating a safety hazard.

4. Petitioner states that due to the low coal height in its No. 8 Mine, canopies or cabs would prevent the miner operator from having the necessary peripheral vision of equipment and surroundings to permit safe operation.

5. Petitioner states that it has an approved roof control plan, approved by the Virginia Division of Mines and by the Mining Enforcement and Safety Administration, which is adequate for roof support in this mine.

6. Petitioner states that its accident record for roof falls is clean, and that no fatalities or injuries by roof falls have occurred in any of its underground mines since their opening in 1967.

7. Petitioner employs a Wilcox continuous miner which has a height of 26 inches, and its coalbed has some dips and nonuniform slopes. The miner operator, Petitioner states, feels that it would be impossible to operate the miner safely with a canopy or cab installed, as it would diminish necessary peripheral vision and limit operator movement to the point of creating a safety hazard.

8. Petitioner states that canopies or cabs installed on its electric face equipment would be a greater hindrance than a help in its continuous miner operation due to its coal height and the impaired peripheral vision created by said installation. Petitioner thus maintains that ap-

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plication of this required safety standard presents more of a safety hazard than operating without a canopy or cab in the circumstances of its mining operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76-26645 Filed 9-10-76;8:45 am]

KIMBERLY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kimberly Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following electric face equipment: two Paul Elswick P–11003 roof bolting machines, one Epling Spinner MFS 1 battery tractor, and one Mescher HD12–P loading machine.

2. Petitioner states that it operates in the Splashdam coal seam, with a height of between 40–60 inches on the haul road. Petitioner states that the height of the seam varies, but that at present it is between 48–60 inches.

3. Petitioner produces an average of 135 tons of coal per day, on one production shift. The floor and roof in its subject mine is uneven, with rolls and dips throughout. It has several times encountered dips that lower the seam height to 40 inches. The mine, according to Petitioner, is wet, and the bottom heaves at times.

4. Petitioner states that application of the foregoing standard will result in hazards in its mine as follows:

(a) The uneven top and floor conditions will cause hazards to the equipment operators and the other miners, due to the operator's visibility being obstructed;

(b) Equipment operators may have to lean out of the side of the cab or canopy to see their direction of travel. This causes a hazard to the operators of being mashed or pinned against a rib or a mine timber; and

(c) Roof bolts and roof-bolt headers will be broken, causing the roof to become unsupported.

5. Petitioner states that its subject mine uses the full roof bolting system with half-headers on each roof bolt, and other support if needed. The length of the roof bolts is 36 inches, and they are set on 4 foot centers, with 3 by 36 inch half-headers. This mine has draw slate from 0 to 6 inches. If the canopies or cabs should hit the roof-bolts and dislodge them, this draw slate will break out and fall, petitioner states. Petitioner further maintains that it has had excellent results with the present roof control plans. The top consists of laminated sandstone, with very firm shale, above the draw rock.

6. Petitioner suggests that at least 6 inches of clearance be required over the top of canopies and cabs.

7. Petitioner states that its mine does not have conditions that will permit the use of cabs or canopies safely, as required by the foregoing standard. Petitioner may be able to buy or have constructed, canopies or cabs, for its mine equipment, but installing these parts on a solid frame that will support the canopies or cabs will generate other problems that have not been answered. Mining equipment of this design was not built to accommodate canopies or cabs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26646 Filed 9-10-76;8:45 am]

[Docket No. M 76-516]

LITTLE ROCK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Little Rock Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that it has been recently cited by the Mining Enforcement and Safety Administration for noncompliance with the foregoing mandatory standard, with respect to the following equipment.

(a) One Long-Airdox coal loader with a height from the ground of 25 inches;

(b) One AR–4 Elkhorn scoop with a height from ground of 25 inches;

(c) One roof-bolting machine manufactured by Pauls Repair Shop, Grundy, Virginia, with a height from ground of 24 inches.

2. Petitioner states that at present the coal height in the Norton Seam, in which it mines, ranges from 38 to 56 inches with rolls and swags that vary in elevation from 2 to 6 feet in short distances. However, according to the Virginia Iron Coal & Coke Company, Coeburn, Virginia, engineering section, the coal height in some cases will reduce to 20 inches further back in the unmined section.

3. Petitioner contends that installation of canopies on the foregoing equipment will probably impair operator visibility and flexibility, and increase the probability of collision-type accidents.

4. Petitioner contends that due to the rolls in the coal seam and the changing height of the seam in its No. 1 Mine, it would be almost impossible to design and install canopies which would effectively provide the operator any additional protection.

5. Petitioner states that informal discussions with the miners, who average 10 years of mining experience each, who operate the afore-described equipment, reveals that in their opinion, installation of canopies on this type of equipment would create danger to them and would not improve personal safety.

6. Petitioner states that installation of canopies on the foregoing equipment, as in this type of mine, could compromise rather than enhance safety.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76-26647 Filed 9-10-76;8:45 am]

[Docket No. M 76-544]

M & S COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), M & S Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following electric face equipment: one Joy loading machine, one S & S battery tractor, one Royal roof bolting machine, one Paul Elswick roof bolting machine.

2. Petitioner operates in the Splashdam coal seam, which has an average height, in those areas where the foregoing equipment operates, of between 54–89 inches.

3. Petitioner produces an average of 100 tons of coal per day on one production shift. Its roof and floor conditions are described as uneven, with rolls and dips continually throughout the mine.

4. Petitioner maintains that the installation of canopies or cabs on its present equipment would not increase the protection of miners due to the design of said face equipment. Some of its equipment is as old as 30 years, and such equipment is not provided with frames which will support canopies or cabs.

5. Petitioner states that it does not wish to train its miners to rely on canopies or cabs inasmuch as it believes that the approved roof control plan may be disregarded, in that miners will not properly install roof supports, or will fail to scale the loose roof material down as they do now.

6. Petitioner states that if canopies or cabs are installed, miners will be inclined to lean outside of the canopy or cab to see their direction of travel, creating a hazard of personal injury.

7. Petitioner states that it may be able to buy or have constructed, canopies or cabs, for this mine equipment, but that installing these parts on a solid frame that will support the strength of the canopies or cabs will engender other problems that have not been answered. Mining equipment of this design was not built for the installation of canopies or cabs, Petitioner states.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26648 Filed 9-10-76;8:45 am]

[Docket No. M 76-535]

PYRO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pyro Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Pyro No. 2 Mine, Union County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

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(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard for the reason that the use of canopies or cabs on its electric face equipment allegedly will result in a diminution of safety to the miners in its Pyro No. 2 Mine.

2. Petitioner states that the height of the coal in said mine, as compared to the size of the equipment operating therein, generates the diminution of safety to the miners described.

3. Petitioner states that a notice to provide safeguards issued on November 27, 1973, gives the height of the coal in said Pyro No. 2 Mine as 54 inches. Donan Engineering of Madisonville, Kentucky, was commissioned to measure the average height of the coal, and the clearance from the bottom to the Pyrite concretions or other protruding objects in the roof. This report does not allow for 8-inch cross bars that are used in addition to roof bolting in unusual roof conditions.

4. Petitioner states that the clearance between the equipment and the normal roof, excluding any Pyrite concretions and/or cross bars, will not permit the safe use of canopies or cabs. Petitioner states that information contained in an extension of a notice of violation issued by Federal Inspector Welborn F. Vaughn on July 1, 1975, the measurements by Donan Engineering, and said safeguard notice all coincide as to the height of the coal compared to the size of the equipment in its Pyro No. 2 Mine.

5. Petitioner states that the two most valuable assets a miner possesses are hearing and sight, and that miners depend on sight more than hearing for their safety. Canopies or cabs reduce the miners' visibility by approximately 72 percent, Petitioner maintains.

6. Petitioner states that the installation of canopies or cabs would cause more injuries or perhaps deaths than would occur if they were not used at all. There have been several deaths that were directly attributed to canopies or cabs since the enforcement of this safety standard, Petitioner states. One such accident occurred as recently as February 3, 1976. This accident claimed the life of a car driver in West Virginia. The coal height was 48 inches to 56 inches.

7. Petitioner states that the average roof conditions at its Pyro No. 2 Mine are the best in its mining area. No person has been seriously injured or killed by a roof fall in Pyro No. 2 Mine or the Pyro No. 1 Mine. Pyro No. 1 Mine opened in August 1964, and closed in 1967. Pyro No. 2 Mine has been operating since April 1967, and neither mine, Petitioner avers, has had a serious injury or death from a roof fall.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26649 Filed 9-10-76;8:45 am]

[Docket No. M 76-531]

RUFUS TESTER T/A R & W COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rufus Tester T/A R & W Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 9 Mine, Dickenson County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that it is unable to comply with the foregoing standard due to the fact that its coal seam runs from 26 o 3 2inches in height.

2. Petitioner states that it would be impossible for men to operate equipment under these circumstances in this seam of coal.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26650 Filed 9-10-76;8:45 am]

[Docket No. M 76-536]

SMITH & STOVER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is herby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Smith and Stover Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Hunter Mine, Raleigh County, West Virgina.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner operates its Hunter Mine in which the coalbed height varies between 27 and 29 inches.

2. Petitioner states that by memorandum to all district managers dated September 20, 1973, the Mining Enforcement and Safety Administration's (MESA) Acting Assistant Administrator interpreted the foregoing standard to mean that the mining heights in the aforesaid sections were "the distance from the floor to the finish roof, less twelve inches," so that the effective mining heights for the application of the aforesaid sections to Petitioner's mine would be a maximum of 27 to 29 inches, less 12 inches, yielding a mining height for said purposes of less than 24 inches.

3. Petitioner states that technology does not presently exist to enable it to equip its self-propelled, electric face equipment with suitable canopies to protect and provide for the safety of the equipment operators.

4. The average mining height for the subject mine without any deduction or decrease in said height is 27 to 29 inches, and, according to Petitioner, the average decrease in said height as a result of installation of supplemental supports in accordance with approved roof support plans reduces the said average mining height to a maximum of 25 to 27 inches.

5. Petitioner states that the coal seam also undulates and rolls, resulting in ascending and descending grades that further limit and prevent the effective use of cabs and canopies.

6. Petitioner states that operators of face equipment, including shuttle car operators, are under MESA-approved plans for permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled, electric face equipment and these helpers and other personnel freely move about the mine under the protection of approved roof support.

7. Petitioner maintains that the application of the mandatory standard will result in a diminution of safety to the miners in its Hunter Mine, as follows:

(a) By installing cabs or canopies on its face equipment, it would create an impairment of vision and place its operators in a cramped position;

(b) The combination of impaired vision and cramped position could cause the operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib;

(c) Ingress to and egress from the cab would be limited and could effectively prevent quick escape when mining conditions warrant such escape;

(d) Impaired vision could be a major cause of operators damaging or severing power cables by running over them; and

(e) Impaired vision would also subject the operators and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

8. The alternate method Petitioner proposes to establish in lieu of the mandatory standard is to request a modification until such time as technology establishes, beyond doubt, that canopies can be safely used in Petitioner's mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26651 Filed 9-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLUMBIA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00412. Applicant: Columbia University—College of Physicians & Surgeons, Dept. of Pediatrics, BHA–115, 630 West 168th Street, New York, N.Y. 10032. Article: TCM1 Transcutaneous Oxygen Monitor System Including a TCM101 Calibrating Unit and Two Electrodes. Manufacturer: Radiometer A/S Denmark. Intended use of article: The article is intended to be used to evaluate the performance and clinical efficiency of an electrode designed specifically for continuous monitoring of the oxygen tension of the blood by use of a sensor which is attached to the skin. This is a very new development in the field of monitoring and is very important for caring for patients, especially newborn infants, with respiratory diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous, non-invasive determination of transcutaneous oxygen tension. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 17, 1976 that the capability described above is pertinent to the applicant's use in a performance analysis of the article as well as the assessment of its clinical feasibility for monitoring blood oxygen concentration of newborn infants and patients with respiratory disease. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26629 Filed 9-10-76;8:45 am]

LAMONT-DOHERTY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00249. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Route 9W, Palisades, New York 10964. Article: VG Micromass 903 Mass Spectrometer. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used mainly to analyze O^{18}/O^{16} and C^{13}/C^{12} ratios of very small samples of carbonate shell of organisms in the oceans and in the deep sea sediment cores with high precision and ease of operation. The article will also be used

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to determine the C^{13}/C^{12} and O^{18}/O^{16} of CO_2 and O_2 gas. In addition, the article is intended to be used in training students in the operation and use of the instrument as well as the interpretation of results.

Comments: No comments have been received with respect to this application. A letter dated March 8, 1976 was received from Nuclide Corporation (Nuclide). Nuclide's letter which was received after expiration of the period for comment is being treated as an offer to provide additional factual information in accordance with Subsection 301.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 19, 1975).

Reasons: The foreign article is equipped with a triple collector system. The National Bureau of Standards (NBS) advises in its memoranda dated March 5, 1976 and August 19, 1976 that the use of a triple collector is pertinent to the applicant's intended research on very small samples of carbon dioxide. NBS further advises that although Nuclide apparently offered a triple collector system comparable to that of the article in February, 1976 and possibly could have developed one at the time of order, it knows of no system of equivalent scientific value to the foreign article which was available from a domestic manufacturer prior to September, 1975.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26630 Filed 9-10-76;8:45 am]

UNIVERSITY OF NEBRASKA MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00449. Applicant: University of Nebraska Medical Center, 4215 Emile Street, Omaha, Nebraska 68105. Article: Assorted clamps for a custom-made animal holder and a special resistance meter for microelectrodes. Manufacturer: Narishigi Scientific Instruments, Japan. Intended use of article: The clamps are intended to be used with existing equipment to support electrodes and electrode carrier and the ohm meter will be used in fabricating the electrodes during investigation of electrical signals from nerve cells in the brain of animals. Experiments are to be conducted to determine how limb-position sense is derived and encoded by sensory receptors.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The National Bureau of Standards advises in its memorandum dated August 18, 1976 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26628 Filed 9-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting Cancellation

Notice is given of the cancellation of meeting of the Minority Advisory Committee, ADAMHA, scheduled for September 15-17, 1976, and published in Vol. 41, No. 169, at page 36530 in the issue of Monday, August 30. This meeting will be rescheduled shortly and reannounced in the FEDERAL REGISTER.

Dated: September 7, 1976.

DAVID F. KEFAUVER,
Associate Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-26634 Filed 9-10-76;8:45 am]

Food and Drug Administration

[Docket No. 76N-0315; DESI 8200]

CERTAIN RADIOACTIVE PREPARATIONS CONTAINING THERAPEUTIC OR DIAGNOSTIC SODIUM IODIDE I-131

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8200) published in the FEDERAL REGISTER of January 27, 1971 (36 FR 1280), the Food and Drug Administration announced its conclusions that sodium iodide I-131 is (1) effective as a diagnostic agent of thyroid function and in localizing metastases associated with thyroid malignancies; and as a therapeutic agent for the treatment of hyperthroidism and selected cases of carcinoma of the thyroid; and (2) possibly effective for use in the management of euthyroid heart disease, such as angina pectoris and congestive heart failure. No person has submitted any data in support of the possibly effective indication and that indication is now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning that indication and sets forth the conditions for marketing the drug products for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before October 13, 1976.

1. NDA 8-200; Sodium Iodide I-131 Sterile Solution, Radiocaps-131 Capsules, Tracervial-131 Sterile Solution, Oriodide-131 Oral Solution, and Theriodide-131 Capsules, all containing sodium iodide I-131; marketed by Abbott Laboratories, Abbott Park, 14th & Sheridan Rd., North Chicago, IL 60064.

2. NDA 10-929; Iodotope Capsules, Oral Solution, and Injection, all containing sodium iodide I-131; marketed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.

The following drugs containing sodium iodide I-131, although not included in the January 27, 1971 notice, are affected by this notice:

1. NDA 16-515; Sodium Iodide I-131 Therapeutic Solution; and

2. NDA 16-517; Sodium Iodide I-131 Capsules; Mallinckrodt Chemical Works, Pharmaceutical Division, P.O. Box 5439, St. Louis, MO 63147.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request

an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indication evaluated as possibly effective in the January 27, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.*—The drug is in capsule or solution form suitable for oral administration or in sterile solution form suitable for parenteral administration.

2. *Labeling conditions.*—a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Radioiodide is indicated for use in performance of the radioactive iodide (RAI) uptake test to evaluate thyroid function. Diagnostic doses may also be employed in localizing metastases associated with thyroid malignancies.

Therapeutics doses of radioiodide may be indicated in the treatment of hyperthyroidism and selected cases of carcinoma of the thyroid. Palliative effects may be seen in patients with papillary and/or follicular carcinoma of the thyroid. Stimulation of radioiodide uptake may be achieved by the administration of thyrotropin. (Radioiodide will not be taken up by giant cell and spindle cell carcinoma of the thyroid or by amyloid solid carcinomas.)

3. *Marketing status.*—a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before November 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 13, 1976, a written notice of appearance and request for hearing, and (2) on or before November 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

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Communications forwarded in response to this notice should be identified with the reference number DESI 8200, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD–150), Rm. 17B–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–191), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 2, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–26639 Filed 9–10–76;8:45 am]

HEALTH CARE AND SERVICES

Open Meeting

The Food and Drug Administration (FDA) announces a forthcoming Ad Hoc Professional Meeting to be chaired by the Commissioner of Food and Drugs. The meeting will be held on September 15, 1976, at 1 p.m. in the HEW North Building Auditorium, 330 Independence Ave. SW., Washington, DC, and will be open to all interested health professionals.

The purpose of the meeting is to exchange information relative to FDA's established procedures for eliciting health professional input into the agency's decisionmaking process, to identify common problems within the sphere of FDA's responsibility that have an effect on the practitioner and/or the delivery of health services, to seek solutions to those problems, and to conduct other activities of mutual interest and benefit.

Further information may be obtained by contacting Alan S. Kaplan, M.D., Office of Professional Programs, (HFG–15), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, (301) 443–5470.

Dated: September 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–26642 Filed 9–10–76;8:45 am]

[Docket No. 76F–0341]

TOYO SEIKAN KAISHA, LTD.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3223) has been filed by Toyo Seikan Kaisha, Ltd., 3–1 Uchisaiwaicho 1-Chome, Chiyoda-Ku, Tokyo 100, Japan, proposing that the food additive regulations be amended to provide for the safe use of components of a flexible laminated pouch intended to contact food under retort conditions. The petitioned food-contact surface is a polyethylene-polyisobutylene film. The adhesive component of the system is a polyurethane adhesive manufactured from polyethylene phthalate polymers, 4,4'-isopropylidene-diphenolepichlorohydrin resins and polyurethane resins produced by reacting toluene diisocyanate with trimethylolpropane or its chloroformate.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 3, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–26641 Filed 9–10–76;8:45 am]

[Docket No. 76N–0081]

INTRAOCULAR LENSES

Notice to Manufacturers of Marketing Conditions

The Food and Drug Administration (FDA) is publishing this notice to explain the status of intraocular lenses under the provisions of the Medical Device Amendments of 1976 (Pub. L. 94–295) and requests comments on the investigational use guidelines that should be applicable to intraocular lenses. Comments should be submitted by November 12, 1976.

In a notice appearing in the FEDERAL REGISTER of April 6, 1976 (41 FR 14570), the Commissioner of Food and Drugs announced his determination that intraocular lenses were new drugs subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (hereafter, "the act"). That notice also stated that all intraocular lenses within the jurisdiction of the act after October 7, 1976 would be required to comply with the provisions of section 505 of the act and the regulations issued under that section. The notice also set forth the policy that FDA intended to follow in applying the requirements of section 505 and the implementing regulations to the distribution, investigation, and use of intraocular lenses.

On May 28, 1976, the Medical Device Amendments of 1976 became law adding sections 513 through 521 to the act (21 U.S.C. 360c through 360k) and amending other provisions. Because the definition of "device" has been expanded under the amended law, several products previously regulated as drugs now come within the definition of device. Intraocular lenses are such products. Moreover, new section 520(l)(1)(E) of the act (21 U.S.C. 360j(l)(1)(E)) provides that any device intended for human use that, by notice published in the FEDERAL REGISTER prior to the date of enactment, was declared to be a new drug is automatically classified in class III (premarket approval) unless, pursuant to a petition filed under section 520(l)(2) of the act, it is reclassified by the agency into class I (general controls), or class II (performance standards). (See section 513 of the act, 21 U.S.C. 360c.) A device classified in class III may not be introduced into interstate commerce unless there is in effect either an approved premarket approval application under section 515 of the act (21 U.S.C. 360e) or an investigational device exemption under section 520(g) of the act.

Section 520(l)(3)(D)(iii) of the act establishes a special effective date for the premarket approval application requirement as it applies to intraocular lenses. The requirement of an approved premarket approval application is not applicable to intraocular lenses until 18 months after the date of enactment of the amendments. This section of the act also authorizes the Commissioner, during the period beginning 180 days after the date of enactment (i.e., November 24, 1976), to restrict intraocular lenses to investigational use by experts who by training or experience are qualified to use the devices and who adhere to the requirements for investigational use of the devices under section 520(g) of the act and regulations proposed by FDA under Part 812 (21 CFR Part 812) in the FEDERAL REGISTER of August 20, 1976 (41 FR 35282). Under section 520(l)(3)(D)(iii) of the act, if intraocular lenses are restricted to investigational use, the Commissioner is required to assure that the devices are made reasonably available to all physicians meeting appropriate qualifications prescribed by him.

Accordingly, effective May 28, 1976, the date of enactment of the amendments, intraocular lenses are regulated as devices under the act and are classified in class III, premarket approval. Not later than November 28, 1977, intraocular lenses manufactured for distribution or distributed within the jurisdiction of the Federal Food, Drug, and Cosmetic Act that are not the subject of an approved premarket approval application under section 515 of the act, or an effective investigational device exemption under section 520(g) and proposed Part 812, shall be subject to regulatory action. The new drug controls announced in the FEDERAL REGISTER of April 6, 1976 are no longer applicable to intraocular lenses since, as of May 28, 1976, they have been replaced by similar new controls applicable to class III devices. Accordingly, the portion of the April 6 notice that pertains to new drug controls is rescinded.

The Commissioner has concluded that it is necessary to restrict the use of intraocular lenses to investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of such devices. The FDA will apply the restrictions so that lenses are reasonably available to physicians meeting appropriate qualifications to be prescribed in the guidelines for the testing of these products. The Commissioner believes that the regulations in proposed Part 812, which cover exemptions for investigational use of devices, are appropriate for investigational control of intraocular lenses, but he recognizes that these regulations may not be in effect by November 24, 1976 (i.e., the date upon which FDA may, under the statute, first require that an investigational device exemption be in effect to permit continued use of intraocular lenses). Therefore, to permit sponsors adequate time to develop and submit applications for investigational device exemptions that meet the requirements of Part 812, as published in final form, the Commissioner is establishing, as the date by which applications for investigational device exemptions for intraocular lenses must be filed, the effective date of the final regulations for Part 812, i.e., 90 days after publication of such regulations.

Interested persons may submit comments and suggestions pertinent to the restriction of intraocular lenses to use by experts by November 12, 1976, to Executive Secretary, Panel on Review of Ophthalmic Devices (HFK–410), 8757 Georgia Ave., Silver Spring, MD 20910. Previous submissions requested in the April 6, 1976 FEDERAL REGISTER notice relative to the development of Claimed Investigational Exemption for a New Drug (IND) guidelines applicable to intraocular lenses will be considered in the development of guidelines for testing of the lenses pursuant to exemptions for investigational use of these devices under section 520(g) of the act and Part 812.

Regulations describing the procedures to be followed when submitting applications for premarket approval will be published in the FEDERAL REGISTER in the near future, with opportunity for public comment.

Dated: September 8, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–26635 Filed 9–10–76;8:45 am]

[Docket No. 76N–0307; DESI 8085]

METHOTREXATE AND METHOTREXATE SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8085) published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16428), the Food and Drug Administration announced its conclusions that the drug products described below are effective for certain types of malignancies and possibly effective for treatment of others. The manufacturer of the drug products has deleted the possibly effective indications from the labeling. No data in support of the possibly effective indications have been submitted, and those indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning those indications and sets forth the conditions for marketing the drug products for the indications for which they are now regarded as effective. Persons who wish to request a hearing may do so on or before October 13, 1976. Other drugs included in the October 21, 1970 notice are not affective by this notice.

1. NDA 8–085; Methotrexate Tablets; and
2. NDA 11–719; Methotrexate Sodium Parenteral; Lederle Laboratories, Division of American Cyanamide Co., P.O. Box 500, Pearl River, NY 10965.

The following drugs were not included in the October 21, 1970 notice but are affected by this notice:

1. NDA 17–022; Methotrexate Tablets; and
2. NDA 17–023; Methotrexate Sodium Injection; Lederle Laboratories.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indications listed in the labeling conditions below. Psoriasis is among the indications set forth in the labeling conditions below. At the time the October 21, 1970 notice was published, the drug products had not been approved for that indication. They were subsequently approved.

The drug products now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the October 21, 1970 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviatcd supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Methotrexate preparations are in tablet form suitable for oral administration or in sterile aqueous solution suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications and Boxed Warning are as follows:

INDICATIONS

ANTINEOPLASTIC CHEMOTHERAPY

Methotrexate is indicated for the treatment of gestational choriocarcinoma, and in patients with chorioadenoma destruens and hydatidiform mole.

Methotrexate is indicated for the palliation of acute and subacute lymphocytic and meningeal leukemia. Greatest effect has been observed in palliation of acute lymphoblastic (stem-cell) leukemias. In combination with corticosteroids, methotrexate may be used for induction of remission. The drug is now most commonly used for the maintenance of induced remissions.

Methotrexate is also effective in the treatment of the advanced stages (III and IV, Peters Staging System) of lymphosarcoma, particularly in those cases in children; and in advanced cases of mycosis fungoides.

PSORIASIS CHEMOTHERAPY

Because of high risk attending its use, methotrexate is indicated only in the symptomatic control of severe, recalcitrant, disabling psoriasis which is not adequately responsive to other forms of therapy, but only when the diagnosis has been established, as by biopsy and/or after dermatologic consultation.

WARNING

METHOTREXATE MUST BE USED ONLY BY PHYSICIANS EXPERIENCED IN ANTIMETABOLITE CHEMOTHERAPY.

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BECAUSE OF THE POSSIBILITY OF FATAL OR SEVERE TOXIC REACTIONS, THE PATIENT SHOULD BE FULLY INFORMED BY THE PHYSICIAN OF THE RISKS INVOLVED AND SHOULD BE UNDER HIS CONSTANT SUPERVISION.

DEATHS HAVE BEEN REPORTED WITH THE USE OF METHOTREXATE IN THE TREATMENT OF PSORIASIS.

IN THE TREATMENT OF PSORIASIS, METHOTREXATE SHOULD BE RESTRICTED TO SEVERE, RECALCITRANT, DISABLING PSORIASIS WHICH IS NOT ADEQUATELY RESPONSIVE TO OTHER FORMS OF THERAPY, BUT ONLY WHEN THE DIAGNOSIS HAS BEEN ESTABLISHED, AS BY BIOPSY AND/OR AFTER DERMATOLOGIC CONSULTATION.

1. Methotrexate may produce marked depression of bone marrow, anemia, leukopenia, thrombocytopenia, and bleeding.

2. Methotrexate may be hepatotoxic, particularly at high dosage or with prolonged therapy. Liver atrophy, necrosis, cirrhosis, fatty changes, and periportal fibrosis have been reported. Since changes may occur without previous signs of gastrointestinal or hematologic toxicity, it is imperative that hepatic function be determined prior to initiation of treatment and monitored regularly throughout therapy. Special caution is indicated in the presence of preexisting liver damage or impaired hepatic function. Concomitant use of other drugs with hepatotoxic potential (including alcohol) should be avoided.

3. Methotrexate has caused fetal death and/or congenital anomalies; therefore, it is not recommended in women of childbearing potential unless there is appropriate medical evidence that the benefits can be expected to outweigh the considered risks. Pregnant psoriatic patients should not receive methotrexate.

4. Impaired renal function is usually a contraindication.

5. Diarrhea and ulcerative stomatitis are frequent toxic effects and require interruption of therapy; otherwise, hemorrhagic enteritis and death from intestinal perforation may occur.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following if he has not previously done so:

(a) On or before November 12, 1976, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

(b) On or before March 14 1976 data to show that it is biologically available in the formulation marketed.

4. *Marketing status of all other products.* (a) Approval of an abbreviated new drug application must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f) and shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing.

(b) Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), wihtdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substanital evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug products(s) will have all the effects it purports or is represented to have under the conditons of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 13, 1976, a written notice of appearance and request for hearing, and (2) on or before November 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8085, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Rm. 17B-34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 2, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-26636 Filed 9-10-76;8:45 am]

[Docket No. 75N-0008]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Effective Date of Withdrawal of Approval

The Food and Drug Administration is terminating certification services for certain intramammary infusion products because the U.S. Court of Appeals for the District of Columbia Circuit has affirmed the February 24, 1975 order by the Commissioner of Food and Drugs (published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10221) under Docket No. FDC-D-708) withdrawing the approvals of numerous Masti-Kure Products Co., Inc., fixed combination mastitis products.

The Commissioner proposed to withdraw certain approvals for fixed combination mastitis products and to terminate certification services for them in a notice published in the FEDERAL REGISTER of August 30, 1974 (39 FR 31678). He agreed to certify all batches of these products irrevocably committed to manufacture, and in return, the sponsors agreed not to legally contest the eventual termination of certification services. The agreement nevertheless permitted to sponsors to challenge the withdrawal of the approvals. One sponsor, Masti-Kure Products Co., Inc., obtained a preliminary injunction (*Masti-Kure Products Co., Inc.* v. *Weinberger, etc.*, Civil Action No. 74-1444 (D. D.C. Oct 21, 1974)) requiring certification of its products until agency action against these products was completed.

When the Commissioner issued the final order, published in the March 5, 1975 FEDERAL REGISTER, withdrawing the approvals for Masti-Kure's products, the court of appeals again stayed the FDA termination of certification services. At that time the other sponsors of combination mastitis products threatened to litigate the issue of certification services termination, and the Commissioner proposed resolution of the issue by out-of-court settlement. In April 1975, FDA agreed to certify all affected combination mastitis products until the circuit court ruled on Masti-Kure's appeal of the withdrawal order; Masti-Kure's attempt to enjoin this out-of-court settlement was denied (*Masti-Kure Products Co., Inc.* v. *Weinberger*, Civil Action No. 750876 (D. D.C., Sept. 3, 1975) appeal dismissed per stipulation). In accordance with this agreement, the Commissioner stayed the effective date of his order withdrawing approvals for mastitis products subject to the notices published in the FEDERAL REGISTER of June 3, and August 28, 1975 (40 FR 23918, 39540).

On August 12, 1976, the court of appeals affirmed the Commissioner's withdrawal of Masti-Kure's approvals (*Masti-Kure Products Co., Inc.* v. *Mathews*, Civil Action No. 75-1231 (D.C. Cir. 1976)) and stayed the effective date of the order for 30 days. Masti-Kure has filed a petiton for rehearing, which has stayed the mandate of the court under Fed. R. App. P. 41. The Commissioner, therefore, announces that certification services for all fixed combination mastitis products certified under the terms of the previous agreements will be terminated on September 13, 1976 or when the mandate of the court subsequently becomes effective, whichever is later. Few batches of these antibiotics have been certified in recent months, and the Commissioner does not believe that immediate removal of these products which do not pose a direct risk to the public health at this time (the drug products have not been shown to be effective as combinations) justifies the diversion of agency resources necessary to assure an effective recall of the products. Moreover, these drug products have been certified under court order for the past 2 years. For these reasons, the Commissioner has not ordered a recall of these drug products, and the antibiotic certificates shall remain effective in accordance with § 514.-50 (21 CFR 514.50).

Published elsewhere in this issue of the FEDERAL REGISTER is a final order revoking several monographs underlying approvals of certain of the drug products covered by this notice.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26760 Filed 9-10-76;8:45 am]

Office of Education

ADVISORY COUNCILS AND COMMITTEES

Annual Reports for 1976

In accordance with the policy of the Department of Health, Education, and Welfare, this is to notify interested persons that a copy of each annual report, covering calendar year 1975, of the advisory councils and committees affiliated with the Office of Education is deposited with the HEW Library, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201. An additional set is filed with the Committee Management Officer, Office of Education, Room 4156, 400 Maryland Avenue, SW., Washington, D.C. 20202.

As required by Section 13 of the Federal Advisory Committee Act, eight copies of each report will be forwarded to the Library of Congress. As required by section 443 of the General Education Provisions Act, two copies of each report will be forwarded to the Congress of the United States.

Individual copies of these reports are available to the public upon request directly to the council or committee or to the Committee Management Officer. Following are the names and addresses of each council/committee whose report is now available:

Accreditation and Institutional Eligibility Advisory Committee, DHEW/OE, Room 3030 ROB, Washington, D.C. 20202.

National Advisory Council on Adult Education, 425 - 13th St., NW., Suite 323, Washington, D.C. 20004.

National Advisory Council on the Education of Bilingual Children, DHEW/OE, Room 422 Reporters Building, Washington, D.C. 20202.

National Advisory Council for Career Education, DHEW/OE, Room 3100 ROB, Washington, D.C. 20202.

Community Education Advisory Council, DHEW/OE, Room 5622 ROB, Washington, D.C. 20202.

Advisory Council on Developing Institutions, DHEW/OE, Room 3036 ROB, Washington, D.C. 20202.

National Advisory Council on the Education of Disadvantaged Children, 425 - 13th St., NW., Suite 1012, Washington, D.C. 20004.

National Advisory Council on Education Professions Development, 1111 20th St., NW., Suite 306, Washington, D.C. 20036.

Advisory Council on Environmental Education, DHEW/OE, Room 2025, Washington, D.C. 20202.

National Advisory Council on Equality of Educational Opportunity, 1325 G St., NW., Suite 710, Washington, D.C. 20005.

National Advisory Council on Ethnic Heritage Studies, DHEW/OE, Room 3907 ROB, Washington, D.C. 20202.

National Advisory Council on Extension and Continuing Education, 425 - 13th St., NW., Suite 529, Washington, D.C. 20004.

Advisory Council on Financial Aid to Students, DHEW/OE, Room 4931 ROB, Washington, D.C. 20202.

National Advisory Committee on the Handicapped, DHEW/OE, Room 2604 ROB, Washington, D.C. 20202.

National Advisory Council on Indian Education, 425 - 13th St., NW., Suite 326, Washington, D.C. 20004.

National Advisory Council on Vocational Education, 425 - 13th St., NW., Suite 412, Washington, D.C. 20004.

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Advisory Council on Women's Educational Programs, 1832 M St., NW., Suite 821, Washington, D.C. 20036.

Dated: September 3, 1976.

ANN V. BAILEY,
Committee Management Officer,
Office of Education.

[FR Doc.76-26617 Filed 9-10-76;8:45 am]

ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Council on Environmental Education will be held on September 28 from 1 p.m. to 5 p.m., September 29 from 9 a.m. to 5 p.m., and September 30 from 9 a.m. to Noon, at the U.S. Office of Education in Room 4173, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education Act, P.L. 91-516, Section 3 (84 Stat. 1312), as amended by P.L. 93-278 (88 Stat. 121).

The Council shall:

(A) Advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) Make recommendations to the Office with respect to the allocation of funds appropriated pursuant to Section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) Develop criteria for the review of applications and their disposition; and

(D) Evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

1. Consideration of reports prepared by sub-committees of the Council.

2. Presentation by contractor personnel and program staff on contract recently awarded to analyze resources for Environmental Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on September 9, 1976.

EDWARD H. BROWN,
Acting Director,
Office of Environmental Education.

[FR Doc.76-26853 Filed 9-10-76;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, and Executive Order No. 11936 dated September 8, 1976 will hold a meeting on September 25, 1976 from 10:00 AM to 5:00 PM, on September 26, 1976 from 9:00 AM to 5:00 PM, and on September 27, 1976 from 9:00 AM to 5:00 PM at the Alexandria Old Towne Holiday Inn Hotel, 480 King Street, Alexandria, Virginia.

A determination to close this meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education, and Welfare on September 9, 1976. The closed meeting will discuss opinions and interpretations concerning an intra-agency memorandum prepared by the staff of the Commission, the disclosure of which would inhibit the frank and candid exchange of ideas and hinder the functioning of this Commission within the meaning of 5 U.S.C. 552(b).

Summary minutes, a roster of Commitee members and further information on the Commission may be obtained 14 days after the meeting from Mr. Michael T. Harrigan, Executive Director.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc.76-26900 Filed 9-10-76;9:36 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on September 17, 1976, at the National Institute of Education, 1200 19th Street, N.W., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 4:30 p.m.

The National Council on Educational Research is established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of eudcational research.

This meeting will be open to the public except for the closed session. The tentative agenda is as follows:

PUBLIC SESSION

9:30—Convene.
9:30-10:30—NCER Committee Meetings.
10:30-12:00—Executive Committee Report on Policy Agenda for NIE and Initial Assignment of Issues to NCER Committees.

EXECUTIVE SESSION

(CLOSED)

12:00-1:30—Luncheon: Executive Session on FY 1978 Budget.

PUBLIC SESSION

1:30-2:00—Report of Program Committee.
2:00-3:00—Discussion of Curriculum Development Policy Issues.
3:00-4:00—Staff Report and Discussion on NIE Relationships with State and Local Education Agencies.

The above closed session will consist of a discussion of the FY 1978 Budget which has not yet been released by the Executive Branch of the Federal Government. This is in accordance with the Council's policy that all sessions be open unless they concern confidential budgetary or personnel information or concern other matters requiring confidentiality. This policy is consistent with the provisions of the Federal Advisory Committee Act.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and Mrs. Ella L. Jones, Administrative Coordinator of the Council, at the address shown below.

In accordance with Council Policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Administrative Coordinator. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Administrative Coordinator, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202-254-7900.

This meeting was previously announced in the FEDERAL REGISTER dated Tuesday, July 6, 1976.

Also, notice is hereby given that the National Council on Educational Research Program Development Committee will meet on September 16, 1976, from 10:30 a.m. to 4:00 p.m., in Room 722. This meeting will be open to the public, although seating is limited. Persons interested in attending this meeting should contact the Administrative Coordinator. The agenda is as follows:

(1) Field-Initiated Studies: Policies and Procedures.

(2) Progress of the Curriculum Development Project With Special Attention to the Issue of Whether to Hold Regional Public Hearings.

(3) Status of the Director's Response to Questions of the Program Committee Regarding the Status of the Nation's Education R&D System.

(4) Staff Report on NIE Project Monitoring.

(5) Staff Report on NIE's External Information Activities.

(6) Staff Report on NIE Procurement Policies and Practices.

(7) Briefing on Staff Report About NIE Relationships with State and Local Education Agencies.

(8) Status Report on NIE Program to Increase the Participation of Women and Minorities in the Nation's R&D Effort.

(9) Status Report on Planning for NIE Activities Relevant to Postsecondary Education.

(10) Initial Discussion of Council Guidance to the Director on FY 1979 Planning.

Dated: September 10, 1976.

HAROLD L. HODGKINSON,
Director, National
Institute of Education.

[FR Doc.76-26939 Filed 9-10-76;10:42 am]

National Institutes of Health

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Commission for the Control of Huntington's Disease and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on September 22, 1976, in Guggenheim Hall, Mt. Sinai Hospital, 98th Street and Fifth Avenue, New York City, N.Y. 10029.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. subject to space available. The purpose of the meeting will be to receive testimony from interested members of the public and professionals.

Persons who wish to appear before the Commission, or to submit testimony for consideration, shall file a written statement or detailed summary of remarks with the Executive Director, address listed below, by September 15, 1976. The time allotted to each witness will be determined by the Commission based upon the number of individuals who request an opportunity to testify.

Dr. Nancy Wexler, Executive Director, Commission for the Control of Huntington's Disease and Its Consequences, NIH, Building 31, Room 8A11, Bethesda, Maryland 20014, (301) 496-9275, will accept written statements or summaries and provide substantive program information.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, NINCDS, Building 31, Room 8A03, Bethesda, Maryland 20014, (301) 496-5751, will provide summaries of the meeting and rosters of Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: September 9, 1976.

SUZANNE L. FREMEAU,
Committee Management Director,
National Institutes of Health.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-362; FDAA-520-DR]

NEW YORK

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 3, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York resulting from Hurricane Belle beginning about August 9, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of New York.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, FDAA Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of New York to have been adversely affected by this declared major disaster:

The Counties of:

Nassau Suffolk

The City of New York.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 3, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc.76-26665 Filed 9-10-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-629]

OCEAN COLONY-SOUTH, INC.

Notice of Hearing

In the Matter of: OCEAN COLONY-SOUTH, INC., Developer, Ocean Colony-South, Inc., OILSR No. 0-1456-38-26, No. ED-76-13-IS.

Notice is hereby given that: 1. Ocean Colony-South, Inc., Developer, Ocean Colony-South, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. 90-348) (15 U.S.C. 1701 *et seq.*) received a Notice of Suspension dated August 16, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted for Ocean Colony-South, Inc., was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated September 2, 1976, in answer to the allegations of the Notice of Suspension dated August 16, 1976.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 C.F.R. 1720.155(b), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in Room 7146, Department of Housing and Urban Development Building, 451 Seventh Street, S.W., Washington, D.C. on September 22, 1976 at 10:00 a.m. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before September 16, 1976.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

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This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: September 7, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-26714 Filed 9-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-171]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from June 11, 1976 to July 19, 1976 (List No. 17–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain kapok buoyant vests for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.047/650/0, 160.047/651/0 and 160.047/652/0 were therefore terminated effective June 21, 1976.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain unicellular plastic foam buoyant vests for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.052/420/0, 160.052/421/0 and 160.052/422/0 were therefore terminated effective June 21, 1976.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

The Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, no longer manufactures certain foam filled life preservers and Approval Nos. 160.055/108/0 and 160.055/109/0 were therefore terminated effective June 11, 1976.

MARINE BUOYANT DEVICE

The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/290/0, 160.064/303/0, 160.064/304/0, 160.064/305/0, 160.064/419/0, 160.064/420/0, 160.064/421/0, 160.064/422/0, 160.064/423/0, 160.064/537/0 and 160.064/538/0 were therefore terminated effective July 19, 1976.

The Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770 and Approval Nos. 160.064/759/0, 160.064/760/0, 160.064/761/0, 160.064/762/0, 160.064/763/0, 160.064/764/0 and 160.064/765/0 were therefore terminated effective July 19, 1976.

The Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for Nihon Kyumeikigu Mfg. Co., Ltd., Yamura Factory, 500 Shimoya Tsurushi, Yamanashi-Ken, Japan and Approval Nos. 160.064/842/0, 160.064/843/0, 160.064/844/0 and 160.064/845/0 were therefore terminated effective July 19, 1976.

Dated: September 7, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-26694 Filed 9-10-76;8:45 am]

Office of Hazardous Materials Operations

TRANSPORTATION OF HAZARDOUS MATERIALS

Exemption Applications

In accordance with the procedures governing the application for, and the proceeding of, exemption from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

Comments by: October 15, 1976, with respect to applications for a new exemption: and October 1, 1976, with respect to applications for renewal and applications to become a party.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

For further information: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. Telephone number 202-426-2077.

Each mode of transportation for which a particular exemption, renewal or party status is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
2787-X	MTMC, Department of the Army, Washington, D.C.	49 CFR 173.302(a)(1)	To renew SP 2787, authorizing shipments of hydraulic accumulators precharged with nitrogen (modes 1, 2, 3, 4).
2981-X	Hercules, Inc., Wilmington, Del.	49 CFR 173.64(a), 173.93(a).	To renew SP 2981, authorizing shipment of slurry type explosives, class A or B, in plastic bag within a fiberboard tube (modes 1, 2).
3193-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314, 173.315.	To renew SP 3193, authorizing shipment of certain halogenated hydrocarbons in certain DOT specification tank cars, portable tanks and tank motor vehicles (modes 1, 2, 3).
3307-X	Hercules Inc., Wilmington, Del.	49 CFR 173.154, 173.182.	To renew SP 3307, authorizing shipment of certain oxidizing materials in a plastic bag spiral tube packaging (modes 1, 2, 3).
3439-X	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.269(a)	To renew SP 3439, authorizing shipment of perchloric acid, less than 72-percent concentration in DOT-2S/6D packagings (modes 1, 2).
4168-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To renew SP 4168, authorizing shipment of sulfur hexafluoride in DOT-3AA1800 cylinders filled to 120 pct) (modes 1, 2).
4354-X	Chemetron Corp., LaPorte, Tex.	49 CFR 173.245, 173.288.	To amend SP 4354, which presently authorizes DOT 6D and 37M overpacks with inside DOT 2S, 2SL, and 2T polyethylene containers with vented closures for shipments of certain chloroformates (modes 1, 2, 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
4554-X	B. F. Goodrich Chemical Co., Cleveland, Ohio.	49 CFR 173.315(a)(1)	To renew SP 4554, authorizing shipment of liquid ethylene in specially designed MC-331 cargo tank (mode 1).
5064-X	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(g)	To renew SP 5064, authorizing shipment of organic phosphate compound mixtures, dry, in DOT-21D/44B packagings (modes 1, 2, 3).
5129-X	Diamond Shamrock Corp., Cleveland, Ohio.	49 CFR 173.314	To renew and amend SP 5129, authorizing anhydrous hydrogen chloride in DOT-105A500W and 105A600W tank cars (mode 2).
5196-X	Shell Oil Co., Houston, Tex.	49 CFR 173.315(a)(1)	To renew SP 5196, authorizing shipment of liquid ethylene in non-DOT specification cargo tanks (mode 1).
5200-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c), 179.101-1(a).	To renew SP 5200, authorizing shipment of dispersant, refrigerant, or other gas mixtures in DOT-105A100W and 114A340W tank cars (mode 2).
5372-X	Dow Chemical Co., U.S.A., Freeport, Tex.; Union Carbide Corp., Tarrytown N.Y.	49 CFR 173.301(d), 173.302(a)(1), 173.304(a)(2).	To renew SP 5372, authorizing shipment of certain compressed gases in cylinders complying with DOT specification 3AAX with certain exceptions (modes 1, 3).
5634-X	Matson Navigation Co., San Francisco, Calif.	49 CFR 173.119, 173.125.	To renew SP 5634, authorizing shipment of acetone and methanol in non-DOT specification portable tanks (modes 1, 3).
5680-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.358(a)(11).	To renew SP 5680 authorizing shipment of an organic phosphate compound, liquid in DOT-105A300W tank cars (mode 2).
5736-X	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.314(c)	To renew SP 5736, authorizing shipment of liquid ethylene in proposed specification 113C120W tank cars (mode 2).
5749-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a)	To renew SP 5749, authorizing shipment of a flammable compressed gas, n.o.s., in a MC-331 cargo tank (mode 1).
5849-X	Diamond Shamrock, Cleveland, Ohio.	49 CFR 173.217(a)(5)	To renew SP 5849, authorizing shipment of calcium hypochlorite mixtures, dry in DOT-21C fiber drum with aluminum sheet liner (modes 1, 2, 3, 4).
5967-X	Rocket Research Corp., Redmond, Wash.	49 CFR 173.304(a)(2)	To renew SP 5967 authorizing shipment of monochlorodifluoromethane (cool gas generator) in a non-DOT specification steel pressure vessel (modes 1, 2, 4, 5).
6016-X	Georgia Welding Supply Inc., Jacksonville, Fla.	49 CFR 173.315(a)(1)	To renew SP 6016, authorizing the transportation of liquelled oxygen, nitrogen, or argon in non-DOT specification portable tanks (mode 1).
6111-X	Air Products and Chemicals Inc., Allentown, Pa.; Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.315(a)	To renew SP 6111, authorizing shipment of liquid hydrogen in non-DOT specification cargo tanks (mode 1).
6116-X	AAI Corp., Baltimore, Md.	49 CFR 173.385(b)	To renew DOT-E 6116 authorizing shipment of tear gas grenades with functioning elements assembled therein (modes 1, 2, 3, 4).
6225-X	Great Lakes Chemical Corp., W. Lafayette, Ind.	49 CFR 173.252(g)	To renew and amend SP 6225 to authorize shipment of bromide in glass jugs in DOT-33A poly-styrene cases or DOT-15A boxes (modes 1, 3).
6501-X	Gearhart-Owen Industries, Inc., Fort Worth, Tex.	49 CFR 173.62(a)	To renew SP 6501, authorizing shipment of liquid high explosives in DOT-17E,44J composite packaging (mode 1).
6516-X	Chemetron Corp., LaPorte, Tex.	49 CFR 173.288	To renew SP 6516, authorizing shipment of certain chloroformates in DOT-111-A-W and 112A-W series tank cars (mode 2).
6517-X	Coyne Cylinder Co., Huntsville, Ala.	49 CFR 173.303(a)	To renew SP 6517, authorizing shipment of acetylene in cylinders complying with DOT specification 4BW with certain exceptions (modes 1, 2, 3).
6530-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302(c)	To renew SP 6530, authorizing shipments of hydrogen cylinders charged to a pressure 10 percent in excess of their marked service pressure (mode 1).
6653-X	Shell Oil Co., Houston, Tex.	49 CFR 173.358	To renew SP 6653, authorizing shipment of a liquid organic phosphate compound in DOT-6D drums having inside polyethylene containers and to add monomethylchloroacetoacetamide (MMCAA) as an authorized commodity (modes 1, 2, 3).
6805-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.301(d), 173.302(a)(3), (f).	To renew SP 6805, authorizing shipment of compressed gas, n.o.s. in DOT-3AAX cylinders (mode 1).
6908-X	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302(a)(1)	To renew SP 6908, authorizing shipment of a cold cold gas actuation system containing compressed gas in cylinders similar to DOT specification 39 (modes 1, 2, 4).
6912-X	Dow Chemical Co., Plaquemine, La.	49 CFR 172.101, 173.302(a)(1).	To renew SP 6912, authorizing shipment of a hydrogen sphere in a portable gas chromatographic instrument (mode 5).
6931-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245(a)(32)	To renew SP 6931, authorizing shipment of corrosive liquids, n.o.s. in AAR specification 201A-s6W tank cars (mode 2).
7013-X	ASM Enterprises, Inc., Pine Bluff, Ark.	49 CFR 173.315(a)	To renew SP 7013, authorizing shipment of certain compressed gases in non-DOT specification ASME code cargo tanks (mode 1).
7015-X	Linde AG, Germany	49 CFR 172.101, 178.315(a)(1).	To reinstate SP 7015, authorizing the shipment of liquelied helium in a non-DOT specification insulated containerized portable tank (modes 1, 3).
7026-X	Hydraulic Research, Pacoima, Calif.	49 CFR 173.304(a)(1), 178.47.	To amend SP 7026, to provide for shipment of bromotrilmoromethane in modified DOT-4DS type pressure vessels (modes 1, 4, 5).
7031-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.63, 173.64, 173.65.	To renew SP 7031, authorizing shipment of class A and B explosives in DOT-12H boxes having flaps secured by hot melt adhesive (modes 1, 2, 3).

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Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
7042-X	Walter Kidde & Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a).	To amend and renew SP 7042, to provide for shipment of bromotrifluoromethane and other compressed gases in none-DOT specification aluminum cylinders (modes 1, 2, 3, 4).
7151-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304	To renew USCG SP 4-67, authorizing shipment of liquid argon in Linde model 200-VCC Transportable cold converter mounted in a Matson dry freight container (mode 3).
7452-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.61	To renew USCG SP 23-73, authorizing shipment of class A explosives in 69 series or later containers owned by Sea-Land and now owned by Puerto Rico Marine Management, Inc. (mode 3).
7453-X	do	49 CFR 173.93	To renew USCG SP 25-70, authorizing shipment of "Pourvex Extra" propellant explosives (liquid) class B in polyethylene bags sealed against leakage overpacked in specification DOT-12H fiberboard boxes or DOT-4H wooden boxes (mode 3).
7454-X	do	49 CFR 176.110(c)(2)	To renew USCG SP 49-69, authorizing shipment of nitro carbo nitrate in the same magazine with dynamite without any type of bulkhead separating the two (mode 3).
7455-X	do	49 CFR 176.110 c	To renew USCG SP 31-71, authorizing shipment of nitro carbo nitrate in the same magazine with dynamite, commercial boosters, and other nonpriming non-initiating types of explosives which are compatible with dynamite without any type of bulkhead separating the two (mode 3).
7456-X	do	49 CFR 173.370	To renew USCG SP 33-71, authorizing shipment of sodium cyanide in steel flo-bin type containers on a platform type Sea-Land or Puerto Rico Maritime Shipping Authority container (mode 3).
7457-X	do	49 CFR 173.61	To renew USCG SP 16-75, authorizing containerized shipments of class A explosives (mode 3).
7459-X	ASM Enterprises, Pine Bluff, Ark.	49 CFR 173.315(a)(1)	To renew AA200, authorizing the transportation of LPG and MAPP gas in a cargo tank complying with ASME code, sec. U-69 (mode 1).
7462-X	Monsanto Corp., St. Louis, Mo.	49 CFR 173.245	To renew USCG SP 36-75, authorizing transportation of glacial acetic acid in MC-307 or MC-312 cargo tanks on cargo vessels (mode 3).
		Parties to an exemption	
2582-P	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To become a party to DOT-E 2582, authorizing shipment of nitrosyl chloride in mouel cylinders (modes 1, 2).
5854-P	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	49 CFR pt 173, Subpart C.	To become a party to DOT-E 5854, authorizing the shipment of flammable and combustible liquids in MC-306 cargo tanks with certain exceptions (modes 1, 2, 3).
6948-P	Thompson-Hayward Chemical Co., Memphis, Tenn.	49 CFR 173.358, 173.359.	To become a party to DOT-E 6948, to ship organic phosphate mixtures in a DOT-51 portable tank (mode 1).
7222-P	Michael F. Hardesty, Seattle, Wash.	49 CFR 173.220(d)	To become a party to DOT-E 7222, authorizing the applicant to offer for transportation, by air, as carryon baggage, electric storage batteries in connection with a self propelled wheelchair (mode 5).

Appearing elsewhere in the Proposed Rules Section of this edition of the FEDERAL REGISTER is a notice of proposed rulemaking containing a number of proposed amendments to the regulations governing the transportation of hazardous materials based on selected applications or existing exemptions, one or more of which may be the subject of a pending application of renewal or to become a party thereto. In the event the Materials Transportation Bureau decides not to adopt any of those proposals that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B.

(49 U.S.C. 1806; 49 CFR 153(e) and Part 107, Subpart B)

Issued in Washington, D.C., on September 7, 1976.

Dr. C. H. THOMPSON,
Chief, Regulations Division Office of Hazardous Materials Operations.

[FR Doc.76-26676 Filed 9-10-76;8:45 am]

Pipeline Safety Operations Office

[Docket No. 76-12W; Notice 2]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver for Girth Welds

On August 12, 1976, the Office of Pipeline Safety Operations (OPSO) in the Materials Transportation Bureau, issued a public notice stating that the Alyeska Pipeline Service Company (Alyeska) had advised the Department of Transportation that it expected to petition for waivers of provisions of the Department's pipeline safety regulations applicable to girth welds on the Trans-Alaska pipeline (41 FR 34375, August 13, 1976). As indicated, it was anticipated that the petition would be accompanied by a fracture mechanics analysis offered in support thereof. Accordingly, in that notice, OPSO set forth a preliminary determination of the information and data required for processing any request for a waiver to allow girth weld defects or arc burns greater than allowed by 49 CFR Part 195, Subpart D, on the basis of a fracture mechanics concept.

On September 1, 1976, Alyeska filed a petition for exemptions from the requirements of 49 CFR Part 195 governing the transportation of liquids by pipeline for 612 individual welds in the main line pipe of the Trans-Alaska Pipeline System. The petition consists of a letter requesting the "exemptions" and summarizing the supporting evidence and arguments; an Appendix I identifying each weld for which an exemption is requested by weld number and location, and setting forth in tabular form the type, location, and dimensions (length and depth) of defect for each listed weld or arc burn, together with the citation to the specific regulation in 49 CFR Part 195 from which an exemption is requested; an Appendix II discussing the environmental considerations on a location-by-location basis and the cost considerations associated with the repairs which would have to be made if the requested exemptions are not granted; two volumes of radiograph evaluations prepared by Southwest Research Institute containing, among other things, depth estimates from images of the defects as shown on radiographs identified by Alyeska as being radiographs of the welds for which the exemptions are requested; and Parts 1, 2, and 3 of Alyeska's Fracture Mechanics Study of Buried Girth Welds which are incorporated by reference but were actually delivered under separate correspondence which indicates that a Part 4 is to be delivered at a later date.

In support of its petition, Alyeska asserts that:

"* * * the material transmitted in support of this petition demonstrates that the presence of the discontinuities in the welds for which exemptions are requested does not jeopardize the integrity of either the welds involved or the Pipeline System as a whole and, further that it is not in the national interest to excavate these welds to perform repairs necessary to place them in strict compliance with applicable regulations. The welds for which exemptions are * * * requested only nominally fail to meet the dimensional limitations of applicable regulations. It would serve no useful purpose to require remedial work to literally comply with the regulations when the remedial work will not contribute to the strength of the welds nor to the integrity of the Pipeline System.

With respect to the fracture mechanics study submitted in support of its petition, Alyeska states:

That Study proposes alternative allowable flaws for all types of weld discontinuities, other than cracks. The Study supports the proposed alternative allowable weld flaws by fracture mechanics analyses using the worst case fatigue stress spectrum. The crack growth analyses in the Study account for both cyclic and sustained stresses in the most deleterious service environments and temperatures which will be present during operation of the Trans-Alaska Pipeline System.

The final output of the Study at Part 3 * * * consists of proposed allowable flaw size diagrams plotting weld discontinuity depth versus weld discontinuity length in accord with Requirement I of the Notice [Federal Register Notice of Anticipated Petition for Waiver (41 FR 34375, August 13, 1976)], which incorporates multiple safety factors resulting in highly conservative flaws. We request that discontinuities with dimensions which fall below the applicable curve be accepted under Requirement I of the Notice without further remedial work and that exemptions from the requirements of applicable regulations be granted with respect to all welds identified in Appendix I containing such discontinuities.

Notwithstanding that it has petitioned for exemptions for 612 girth welds, Alyeska states in its petition that:

To assure timely completion of the Pipeline System, it is necessary that we continue to repair discrepant welds subject to this Petition while the Petition is pending. As repair of such welds is accomplished, we will notify you and request that such repaired welds be withdrawn from consideration hereunder.

Parts 1, 2, and 3 of Alyeska's fracture mechanics study which were delivered to OPSO in advance of the petition have been preliminarily reviewed for completeness against the information and data requirements specified in the August 13, 1976, Notice for Requirement I—Evaluation of Proposed Alternative Maximum Allowable Weld Defect and Arc Burn Sizes, and Alyeska has been notified of the following deficiencies which OPSO anticipates will be corrected by Alyeska's submission of Part 4 of the study:

1. A worst case fatigue stress spectrum based on the maximum operating pressure is required. The spectrum currently provided is not a worst case spectrum because the line pressure was only 830 psi.

2. Rationale for the worst case fatigue spectrum is required.

3. The fatigue cycles used for the fatigue analysis need to account for the complete stress range. Specifically, for the case of surges in the hoop stress spectrum, the stress range should be zero to 80 percent of SMYS, not 72 to 80 percent of SMYS. Similar adjustments are needed for the axial stress spectrum.

4. Environmental enhanced fatigue crack growth should include an appropriate factor on Maddox's data. This factor can be based on information available in the technical literature.

5. The flaw size used in the fatigue crack growth analysis should be the initial defect size enlarged by the appropriate factors of safety as published in the August 13, 1976, notice.

6. Minimum fracture toughness data are required for use in the fracture mechanics analysis. Omission of any data must be thoroughly justified.

7. The arc burn analysis requires a factor of safety of two on length and depth used to establish an allowable flaw (arc burn) size curve. An additional factor of two is required on arc burn depth estimated on the basis of metallographic examination of other arc burns of representative severity.

8. The weld defect depths must be estimated on the basis of inspection records and the uncertainties in the estimates must be identified. A 0.025 inch correction factor must be added to each of the Southwest Research Institute densitometer flaw depth measurements.

9. The methodology used to obtain defect dimension data must be indicated—in particular, the X-ray voltage, film type, and thickness and location of lead radiographic screens.

To the extent the incomplete petition and supporting documentation permits, OPSO has commenced verification and evaluation and hereby invites public comment thereon.

The petition and the enumerated supporting documentation and related correspondence are available in the public docket for inspection. Interested persons are invited to submit their comments in triplicate with respect to the matters discussed in the August 13, 1976, notice and with respect to the petition and supporting documentation filed by Alyeska on September 1, 1976. Comments received before October 4, 1976, will be considered in deciding what action should be taken regarding Alyeska's petition. his period for public comment may be extended, depending upon how soon Alyeska provides the information and data to correct the deficiencies in their petition for inclusion in the public docket.

(18 USC 831-835, 49 CFR 1.53(g)).

Issued in Washington, D.C. on September 9, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-26875 Filed 9-10-76;8:45 am]

Office of the Secretary

[OST File No. 40; Notice 76-9]

INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Availability of Draft Report

The purpose of this notice is to announce the public availability of the draft report of the Interagency Task Force on Motor Vehicle Goals Beyond 1980.

On March 21, 1975, the Chairman of the Energy Resources Council (ERC) requested that the Secretary of Transportation lead a Federal Interagency Task Force to examine long-range energy goals of the motor vehicle fleet, compatible with environmental, safety and economic objectives. The members of the Task Force include representatives from Department of Transportation, Federal Energy Administration, Environmental Protection Agency, Energy Research and Development Administration, National Science Foundation, and other agencies of the Federal Government. The Task Force has now completed its study and submitted its draft report to the ERC.

Not only is the motor vehicle a principal user of petroleum, it is also a critical element in our national economy and lifestyle. Therefore, consideration of the future characteristics of the vehicle fleet, as influenced by possible combinations of market forces and government policies, constitutes a matter of substantial interest and concern to government, industry, and the public—and involves major issues of choice. Accordingly, the ERC believes that the Report should be published in draft form to provide the basis for broad public exposure and discussion of the information and issues it presents. The technical conclusions identified in the Report will, of course, have to be assessed in relation to these issues as the ERC moves toward the specific formulation of government policies. In this process, the draft Report should serve to refine and focus the associated debate.

The Department of Transporation has been requested to act for the ERC in disseminating the Report and in establishing a file for public comments. Single copies of the draft Report are available upon request to Mr. Paul Long, Chief Facilities Management Branch, TAD-443, U.S. Department of Transportation, Washington, D.C. 20590, phone (202) 426-9654. Copies also are available for inspection, and any comments received are available for inspection and copying, from 9:00 a.m. to 5:30 p.m. local time Monday through Friday, except Federal holidays, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 Seventh Street, SW., Washington, D.C., telephone (202) 426-4723. Comments on the Report (three copies, if possible) should identify the file number (OST File No. 40) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. All comments received by December 13, 1976, will be considered. Comments submitted to the Assistant Secretary or his staff will also be included in the file.

To provide for greater public understanding of the issues raised by the Report, public briefings will be held in three cities around the country; to provide greater opportunity for public comment, a public hearing will be held in Washington, D.C. The three briefings—open to the public—will be held as follows:

Hilton Hotel, 31500 Wick Road, Romulus, Michigan, September 14—2 p.m.
Holiday Inn Airport, 3702 North Belt East, Houston, Texas, September 16—10 a.m.
Marina Del Rey, 13534 Bali Way, Los Angeles, California, September 17—2 p.m.

The public hearing will be held Thursday, October 21, 1976, in room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. It will begin at 10:00 a.m. and continue until all who have requested to speak have been heard. It will be chaired by senior officials of agencies comprising the task force. Persons wishing to speak should furnish the following information by September 30, 1976,

1. Name
2. Business address
3. Telephone number during normal working hours
4. Capacity in which presentation will be made (e.g., public official, knowledgeable citizen, organization representative)

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5. Issue(s) to be addressed
6. Amount of time desired
7. Written copy of presentation if one is to be submitted

Envelopes should be marked "MVG Hearing" and may be mailed or hand-delivered to the Assistant Secretary for Systems Development and Technology, Department of Transportation, Room 10414, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on September 9, 1976.

WILLIAM H. CLOSE,
Acting Assistant Secretary for Systems Development and Hearing.

[FR Doc.76-26901 Filed 9-10-76;9:50 am]

CIVIL AERONAUTICS BOARD

[Docket 29198; Order 76-9-38]

ALASKA AIRLINES, INC., ET AL.

Alaska Fares Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of September, 1976.

By Order 76-4-180, adopted April 30, 1976, the Board instituted an investigation (Docket 29198) into passenger fare increases proposed by Alaska Airlines, Inc. (Alaska); Northwest Airlines, Inc. (Northwest); and Western Air Lines, Inc. (Western). By Order 76-8-17, adopted August 3, 1976, the Board entitled the investigation the Alaska Fares Investigation and made Pan American World Airways, Inc. (Pan American) a party. Wien Air Alaska, Inc. (Wien) competes with Alaska in the Anchorage-Fairbanks and Fairbanks-Juneau markets. In order to insure a complete record in all markets under investigation, we will likewise make Wien a party to the proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, It is ordered, That:

1. Wien Air Alaska, Inc. be and hereby is made a party in the Alaska Fares Investigation, Docket 29198; and

2. Copies of this order be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and Wien Air Alaska, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26695 Filed 9-10-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 2:30 p.m. on October 4, 1976, at 230 South Dearborn Street, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting: The Education Sub-Committee will finalize plans on educational conference.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-26662 Filed 9-10-76;8:45 am]

KANSAS/MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 9:30 p.m. on October 6, 1976, at the Neumann House, 6130 McGee, Kansas City, Missouri.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to make further plans for the final report of the Bi-State Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-26663 Filed 9-10-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the seventh regular meeting of the Commission on Federal Paperwork to be held in Room S-497, the U.S. Capitol, on September 24, 1976.

The public portion of the meeting will commence at 9:00 a.m. In the public portion, the Commission will review progress on approved projects, staff proposals for future projects, and proposed Commission positions on specific paperwork problems. At the conclusion of the public portion, the Commission will meet in closed session to consider matters relating solely to its internal personnel and budget practices, as authorized by 5 U.S.C. 552(b)(2), or to examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6).

Anyone wishing to attend the public portion of the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, NW., Washington, D.C. 20582, telephone (202) 653-5400.

FRANK HORTON,
Chairman.

[FR Doc.26679;Filed 9-10-76;8:45 a.m.]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

UNIVERSITY PROGRAMS ADVISORY PANEL

Determination To Establish

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I hereby certify that the establishment of a University Programs Advisory Panel, hereinafter identified, is in the public interest in connection with the performance of duties imposed upon the Energy Research and Development Administration (ERDA) by the Energy Reorganization Act of 1974 and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63 (Revised).

1. *Name of Advisory Committee.* University Programs Advisory Panel.

2. *Purpose.* To advise and recommend to the Director, Office of University Programs, ERDA, on matters pertaining to ERDA's relationships with the academic community, including ERDA operating policies and procedures relative to academic institutions; the assessment and development of energy-related manpower; types and levels of government-supported energy research, training, manpower and extension programs at post-secondary institutions; academic interfaces with National Labs, Energy Research Centers, state and local governments, industry, and other energy-related organizations; academic proposal handling procedures; inter- and multi-disciplinary programs; and other matters pertaining to ERDA's activities with the academic community. The Panel will provide a forum for discussion and airing of the views of the academic community on ERDA activities, and will help promote better understanding on the part of post-secondary education of ERDA programs, goals and policies. Additionally, an independent objective review will provide ERDA with policy recommendations in its relationships with academic institutions.

3. *Effective date of establishment and duration.* The University Programs Advisory Panel is established, effective on or before September 28, 1976, and after filing of the charter with the standing committees of Congress having legislative jurisdiction of the Energy Research and Development Administration. The Advisory Panel's termination date shall be October 1, 1978.

4. *Membership.* The membership of the University Programs Advisory Panel shall be balanced fairly in terms of the points of view represented and the functions to be performed, and will include persons drawn from the various types of academic institutions, including private and public universities, colleges, community colleges, etc. It will be composed predominantly of outstanding leaders in post-secondary education who will be balanced as much as possible in technical background and geographic relationships. There will be no discrimination on the basis of sex, race, color, creed, national origin or religion.

5. *University Programs Advisory Panel Operations.* The University Programs Advisory Panel will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), ERDA policy and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of the Act. The Panel will be provided by ERDA the necessary support to accomplish its purpose.

Effective date: September 28, 1976.

R. G. ROMATOWSKI,
Advisory Committee Management Officer.

[FR Doc.76-26684 Filed 9-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 615-1, OPP-50253]

CHEVRON CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 239-EUP-75. Chevron Chemical Company, Richmond, California 94804. This experimental use permit allows the use of the remaining supply of 560 pounds of the desiccant, defoliant, and herbicide paraquat authorized in a previous experimental use permit; the pesticide will be used on dry beans as a harvest aid. A total of 960 acres is involved; the program is authorized only in the States of Colorado, Kansas, Michigan, Minnesota, Nebraska, New York, North Dakota, and Wisconsin. The experimental use permit is hereby extended for nine weeks and will expire October 31, 1976. A temporary tolerance for residues of the active ingredient in or on dry beans has been established.

No. 11558-EUP-1. Celanese Chemical Company, New York, New York 10036. This experimental use permit allows the use of 231,000 pounds of a fungicide which is a mixture of propionic acid and formaldehyde on forage stored in silos, bunkers, or pits as bales or loose hay, or silage; this fungicide is to be applied at the time of harvest for preservation purposes. A maximum of 30,000 tons of forage is involved; the program is authorized only in the States of Indiana, Michigan, and Ohio. The experimental use permit is effective from August 18, 1976, to August 18, 1977. An exemption from the requirement of tolerances for residues of the active ingredient in or on various forages has been established (40 CFR 180.1023, 180.1032, and 180.1001).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-26604 Filed 9-10-76;8:45 am]

[FRL 614-8; PP6G1765/T80]

E. I. DU PONT DE NEUMOURS & CO.

Notice of Establishment of a Temporary Tolerance, 3 - Cyclohexyl - 6 - (Dimethylamino) - 1 - Methyl - 1,3,5 - Triazine -2,4 (1H,3H)-Dione

E. I. du Pont de Nemours and Co., Wilmington DE 19898, has submitted a pesticide petition (PP 6G1765) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the herbicide 3-cyclohexyl-6-(dimethylamino)-1-methyl-3,4,5-triazine12,4(1H,3H)-dione and its metabolites (calculated as the parent compound) in or on the raw agricultural commodity sugarcane at 0.2 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. E. I. du Pont de Nemours and Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 3, 1977. Residues not in excess of 0.2 ppm remaining in or on sugarcane after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: September 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-26606 Filed 9-10-76;8:45 am]

[FRL 615-2; OPP-50254]

J. J. MAUGET CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 7946-EUP-3. J. J. Mauget Co., Inc., Burbank, California 91504. This experimental use permit allows the use of 16 pounds of the insecticide dimethyl phosphate ester with 3-hydroxy-N,N-dimethyl - cis - crotonamide on trees (non-bearing) to evaluate control of a variety of insects. A total of 46.5 acres and approximately 930 trees are involved; the program is authorized only in the States of Arizona, California, Georgia, Kansas, Maryland, New York, New Jersey, and Ohio. The experimental use permit is effective from August 23, 1976, to August 23, 1977.

No. 4581-EUP-28. Pennwalt Corporation, King of Prussia, Pennsylvania 19406. This experimental use permit allows the use of 5,280 pounds of the insecticide 0,0-diethyl 0-(2-isopropyl-6 - methyl - 4 - pyrimidinyl) phosphorothioate; 2,000 pounds of the insecticide will be used indoors in residential, industrial, and food processing areas, and business sites, while 3,280 pounds will be used outdoors on ornamentals, trees, shrubs, and turf to control a large variety of insects. The program is authorized in the 48 contiguous States. The experimental use permit is effective from August 18, 1976, to August 18, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such

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interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 3, 1976.

JOHN B. RITCH, Jr,
Director,
Registration Division.

[FR Doc.76-26605 Filed 9-10-76;8:45 am]

[FRL 614-7; OPP-240002B]

STATE OF MAINE

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the State of Maine submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on November 20, 1975. Notice of approval of this Request was published in the FEDERAL REGISTER on December 11, 1975 (40 FR 57713). This initial Request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On July 15, 1976, the State of Maine sought to amend their Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the Maine Request, in that Maine's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Maine for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the Maine Department of Agriculture was notified on August 24, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Maine, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203.

Dated: September 7, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-26567 Filed 9-10-76;8:45 am]

[FRL 615-3; OPP-180092]

UNITED STATES ARMY

Crisis Exemption To Use Carbaryl To Control Flea Vectors of Plague in Colorado

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) gives notice that the Rocky Mountain Arsenal of the U.S. Army (hereafter referred to as the "Army") has availed itself of a crisis exemption for the use of ten (10) percent carbaryl dust to control flea vectors of plague identified at the Arsenal, located in Adams County, Colorado. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Army has submitted in writing the following certified information.

On July 22, 1976, personnel of the Center for Disease Control (CDC), U.S. Department of Health, Education, and Welfare, located at Fort Collins, Colorado, identified the plague bacillus *Yersinia pestis* in fleas collected from the burrows of black-tailed prairie dogs in a colony at the Rocky Mountain Arsenal; the Arsenal occupies 17,000 acres.

According to the Army, plague epizootics had previous been identified in both rodents and fleas in 20 counties within the State of Colorado. Based on this increased incidence of plague in Colorado, the Chief, Plague Branch, CDC, Colorado, recommended that flea control measures be instituted immediately in prairie dog towns around human habitation at the Arsenal. The Colorado State Health Department also recommended that such control measures be taken to prevent the transmission of plague to humans. Approximately 1,000 acres of prairie dog towns near human habitation were identified and immediately quarantined until a control program could be conducted to reduce the flea indexes. The areas of human habitation included work areas, recreation areas, and adjacent local civilian communities.

An EPA-registered product containing 10 percent carbaryl dust was ordered in the amount of 3,200 pounds. This was the only dust registered for flea/plague control in burrows and readily available in Colorado. However, the manufacturer could only furnish 2,100 pounds, according to the Army. Therefore, an additional 1,100 pounds of a product containing 10 percent carbaryl dust was purchased to complete the control program; however, this product was not registered for plague control. No other pesticide registered for this use was readily available. The time element was so critical that there was no time to request a specific exemption.

In total, 3,200 pounds of 10 percent carbaryl dust was applied by rotary dusters to 1,000 acres at the Rocky Mountain Arsenal between August 3 and August 11, 1976. Under this exemption, 1,100 pounds of the carbaryl not registered for this use was applied to 343 acres. Two ounces of dust were applied to each burrow. The application of dust was under the technical supervision of two registered military entomologists and seven certified military pest controllers. Military and civilian personnel from the Arsenal operated the dusters.

Personal protective equipment and clothing, gloves, and respirators were utilized during pesticide applications to reduce human exposure. Carbaryl was placed directly into the burrows to minimize impact on non-target organisms and the environment. Empty pesticide containers were disposed of in accordance with EPA policy.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 7, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-26730 Filed 9-10-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES

Policy Statement

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious," include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

HAROLD R. TYLER, Jr.,
Deputy Attorney General and
Chairman of the Equal Employment Coordinating Council.

MICHAEL H. MOSKOW,
Under Secretary of Labor.

ETHEL BENT WALSH,
Acting Chairman, Equal Employment Opportunity Commission.

ROBERT E. HAMPTON,
Chairman,
Civil Service Commission.

ARTHUR E. FLEMMING,
Chairman,
Commission on Civil Rights.

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done, this 26th day of August 1976.

RICHARD ALBRECHT,
General Counsel,
Department of the Treasury.

[FR Doc.76-26675 Filed 9-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 822]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

SEPTEMBER 7, 1976.

By the Chief, Common Carrier Bureau.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and

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tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22751–CD–MP–(2)–76, R. C. S., Inc. (KRM971) C. P. to change control frequency from 454.225 MHz at Loc. #2 to 2160.8 MHz located at 1224 Murray Avenue, San Luis Obispo, California; and change control frequency from 454.225 MHz at Loc. #3 to 2129.2 MHz at Loc. #3: 819 West Church Street, Santa Maria, California.

22752–CD–P–(4)–76, Radio & Electronic Service Company, Inc. dba Mobilfone (KIF649) C. P. to replace transmitter and change antenna system operating on 152.06 152.09 152.15 & 152.18 MHz located at 3101 North "R" Street, Pensacola, Florida.

22753–CD–P–76, Radio & Electronic Service Company, Inc. dba Mobilfone (KIY593) C. P. to replace transmitter and change antenna system operating on 152.21 MHz located at 11 Chestnut Ave., S.E., Fort Walton Beach, Florida.

22754–CD–P–76, Radio & Electronic Service Company, Inc. dba Mobilfone (KLF639) C. P. to replace transmitter and change antenna system operating on 152.24 MHz located at 11 Chestnut Ave., S.E., Fort Walton Beach, Florida.

22755–CD–P–76, Radio & Electronic Service Company, Inc. dba Mobilfone (KLF640) C. P. to replace transmitter and change antenna system operating on 158.70 MHz located at 3101 North "R" Street, Pensacola, Florida.

22756–CD–P–76, Centex Communications, Inc. (NEW) C. P. for a new 1-way station to operate on 35.22 MHz to be located on Trail of the Madrones Road, Austin, Texas.

22757–CD–P–76, Savannah Radio Mobile-Telephone, Inc. (KIY588) C. P. for additional facilities to operate on 152.06 MHz at Loc. #1: 4701 Montgomery Street, Savannah, Georgia.

22758–CD–P–76, Phone Depots of Connecticut, Inc. (KCC485) C. P. for additional facilities to operate on 152.18 MHz to be located at a new site described as Loc. #5: Corner Danbury and New Town Roads, Danbury, Connecticut.

22759–CD–AP/AL–(2)–76, New Dawn Communications, Inc. Consent to Assignment of construction permit and license from New Dawn Communications, Inc., assignor to Summit Mobile Radio Company, Assignee. Stations: KCB892 & KWU411, Falmouth, Maine.

22760–CD–P–(4)–76, Vernon H. Johnson dba Grants Radiotelephone Service (KKT397) C. P. for additional control facilities to operate on 2160.8 MHz at Loc. #2: 600 Airport Road, Milan, New Mexico; repeater facilities to operate on 2110.8, 2125.2, & 2126.8 MHz at Loc. #3: 4 miles NNW of Thoreau, New Mexico; repeater facilities operating on 2176.8 MHz at a new site described as Loc. #4: .33 miles North of Gallup, New Mexico; and repeater facilities operating on 2175.2 MHz at a new site described as Loc. #5: 16 miles NE Grants, Mount Taylor, New Mexico.

22761–CD–P/L–76, Plain Dealing Telephone Company, Inc. (KLB567) Reinstatement of expired facilities operating on 152.81 MHz located at Junction Hwy. #2 and 157 South, Plain Dealing, Louisiana.

22762–CD–TC–(2)–76, Brandenburg Telephone Company Consent to Transfer of Control from J. D. Tobin, Sr., Transferor to Mary H. Tobin, et al, Transferees. Stations: KIY459, Guston, Kentucky and KWH341, Radcliff, Kentucky.

22763–CD–TC–(2)–76, Intra State Telephone Company Consent to Transfer of Control from Intra State Telephone Company, Transferor to Central Telephone & Utilities Corporation, Transferee. Stations: KQZ727 & KSJ807, Galesburg, Illinois.

22764–CD–P/ML–76, Airsignal International Inc. (KMM703) C. P. to relocate control facilities operating on 459.350 MHz at Loc. #2 to be located at 1014 Blue Lake Avenue, South Lake Tahoe, California.

22765–CD–P–(3)–76, General Communications Company (new) C. P. for a new 2-way station to operate on 152.03 MHz at Loc. #1: Route 6, 1 miles SE of Fairmont, West Virginia; 152.09 MHz at Loc. #2: Route 50, 2 miles East of Clarksburg, West Virginia; and 152.21 MHz at Loc. #3: Westover Reservoir Park, Morgantown, West Virginia.

22766–CD–P–76, Edward C. Smith dba Anser Rite Professional Telephone Service (KWH319) C. P. to replace transmitter, change antenna system and relocate facilities operating on 158.70 MHz to be located at Travelodge, Preview Blvd., Lake Buena Vista, Florida.

22767–CD–P–(3)–76, Centex Communications, Inc. (new) C. P. for a new 2-way station to operate on 454.175, 454.075, and 454.225 MHz to be located on Trail of the Madrones Road, Austin, Texas.

22768–CD–P–76, Caprock Communications, Inc. dba Caprock Radio Dispatch (KLB513) C. P. to relocate facilities operating on 454.050 MHz, control, at Loc. #2 to be located at 306 South Halaguendo, New Mexico.

22770–CD–P–76, Tel-Car of Hollywood, Inc. (KUS267) C. P. to relocate facilities operating on 454.025 MHz, base, at Loc. #2 to be located at Congress Building, 111 NE 2nd Avenue, Miami, Florida.

22771–CD–P–76, Radio Relay Corp.-Illinois (KSC845) C. P. to change antenna system and relocate facilities operating on 35.58 MHz to be located at One I.B.M. Plaza, Chicago, Illinois, Loc. #1.

222772–CD–P–(4)–76, Albert M. Steiner, dba Long Island Telephone Company (KEJ885) C. P. for additional facilities to operate on 454.250 MHz to be located at (4) new sites described as Loc. #6: One World Trade Center, North Tower, New York, New York; Loc. #7: 270–10 Grand Central Parkway, Glen Oaks, New York; Loc. #8; 1 Fairchild Avenue, Plainview, New York; and Loc. #9: East side of Adirondack Drive, 300' South of Midvale Avenue, Selden, New York.

22773–CD–P–76, Woodward Mutual Telephone Company (New) C. P. for a new 2-way station to operate on 152.51 MHz to be located at 208 Railroad Street, East, Woodward, Iowa.

RURAL RADIO SERVICE

60450–CR–P/L–76, RCA Alaska Communications, Inc. (new) C. P. for a new interoffice station to operate on 459.85 MHz to be located 13.7 miles NW of Deadhorse, Lynden Camp, Alaska.

60449–CR–P/L–76, Continental Telephone Company of the West (new) C. P. for a new rural subscriber station to operate on 157.77 MHz to be located at Hydro Jet Mine, Shooting Canyon, approximately 21 miles NNW of Bullfrog Basin, Utah.

INFORMATIVE

Ohio Mobile Telephone Inc. (Ohio) a Miscellaneous Common Carrier (MCC) from Columbus, Ohio, licensed by the F.C.C. in the Domestic Public Land Mobile Radio Service has requested permission to retransmit the weather forecasts of the National Weather Service (NWS) to its mobile unit subscribers upon their request. The mobile subscriber, much like his landline counterpart would either dial a "weather" number or request the operator for connection to the "weather" report. Ohio proposes to obtain the NWS weather information by off-the-air pickup from the Port Columbus, Ohio NWS station operating on frequency 162.55 MHz.

We believe that the furnishing of "weather," "time," "operator assistance" and other information to be the type of generally accepted services offered by most common carriers. Therefore, we have no objections to Ohio or any other miscellaneous or wireline common carrier providing these public services.

The provision of this weather service by miscellaneous or wireline common carriers will be subject to the condition that the service will be provided at the specific request of an individual mobile user and not broadcast regularly over the station to all subscribers. Further, no additional charge should be made for the NWS information provided.

POINT TO POINT MICROWAVE RADIO SERVICE

4078–CF–ML–76, American Telephone and Telegraph Company (KAC 30) Julesburg, Mod of License to correct coordinate to read Lat. 40°55'25" N.-Long. 102°13'22" W.

4914–CF–MP–76, United Telephone Company of Ohio Woodland 1 mile SW on Hwy. US42, Mansfield, Ohio Lat. 40°42'53" N.-Long. 82°33'31" W. Modof C.P. decrease antenna height on frequency 4049.0V MHz toward Blooming Grove, Ohio and increase antenna height on 11015.0H MHz toward Mansfield, Ohio.

4976–CF–P–76, Illinois Bell Telephone Company (KXR54) 1.53 miles North of Eola, Illinois Lat. 41°47'57" N.-Long. 88°14'12" W. C.P. to add point of communication on frequency 2122.0V MHz toward Aurora, Illinois on azimuth 256.1 degrees.

4977–CF–P–76, Same (WDE25) 819 Indian Trail Rd., Aurora, Illinois Lat. 41°46'59" N.-Long. 88°19'53" W. C.P. to a new point of communication on frequency 2172.0V MHz toward Eola, Illinois on azimuth 77.16 degrees.

4990–CF–P–76, American Telephone and Telegraph Company (KOU97) 9.0 miles NE of Midwest, Wyoming Lat. 43°29'42" N.-Long. 106°9'7" W. C.P. to change polarization from horizontal to vertical on frequencies 3710.0, 3790.0, 3870.0, 4030.0, and 4110.0 MHz toward Teapot, Wyoming.

4991–CF–P–76, Same (KOU96) 18.0 miles N of Casper, Wyoming Lat. 43°7'15" N.-Long. 106°18'55" W. C.P. to change polarization from horizontal to vertical on frequencies 3750.0, 3830.0, 3910.0, 4070.0, and 4150.0 MHz toward Midwest, Wyoming.

7942–CFW–P–76, American Telephone and Telegraph Company (NEW) 10 South Canal Street, Chicago, Illinois Lat. 41°52' 54" N.-Long. 87°38'24" W. C.P. for a new station on frequency 2167.4V MHz toward Matteson, Illinois on azimuth 190.6 degrees.

7943–CF–P–76, Same (new) 2.0 N of Matteson, Illinois Lat. 41°31'38" N.-Long. 87°-43'42" W. C.P. for a new station on frequency 2117.4H MHz toward Chicago, Illinois on azimuth 10.6 degrees, 2117.4H MHz toward Grant Park, Illinoins on azimuth 165.4 degrees.

7944–CF–P–76, Same (new) 1.3 mile SE of Grant Park, Illinois Lat. 41°13'46" N.-Long. 87°37'31" W. C.P. for a new station on frequency 2167.4V MHz toward Matteson, Illinois on azimuth 345.4 degrees.

7952–CF–P–76, Continental Telephone Company of California (KNB40) 6 miles NE of Garberville, California Lat. 40°07'11" N.-Long. 123°41'29" W C.P. to add frequency 6177.5V MHz toward Cahto Park, California with passive reflector.

4799–CF–P–76, Video Service Company (WQQ98) 2.0 miles South of Morristown, Indiana. (Lat. 39°38'47"N.—Long. 85°40' 55" W.): Construction permit to add 11175V MHz toward Indianapolis, Indiana (MDS station), on azimuth 238.9 degrees.

4951–CF–P–76, Eastern Microwave, Inc. (WAU 205) Manchester, Mountain Road—Atop South Mountain, 3.7 miles WSW of Pinardsville, New Hampshire. (Lat. 42°58'59" N.—Long. 71°35'19"W.): Construction permit to add 11015.0H MHz toward Pembroke, New Hampshire, via power split, on azimuth 25.5 degrees.

4984–CF–P–76, Tower Communications System Corporation (WPF49) 3.2 miles ENE of Stoutsville, Ohio. (Lat. 39°36'56"N.—Long. 82°46'20"W.): Construction permit to add 10735.0V MHz toward Circleville, Ohio on azimuth 247.3 degrees.

4985–CF–P–76, Teleprompter Transmission of Kansas, Inc. (KPH86) Highwood Pk., 28.0 miles ESE of Great Falls, Montana. (Lat. 47°26'29"N.—Long. 110°37'45"W.): Construction permit to add 5960.0V, 6271.4H, and 6360.3V MHz toward Little Rock, Montana. (Note: Applicant requests waiver of Section 21.701(i) of the Commission's Rules and Special Temporary Authority.).

4986–CF–P–76, Teleprompter Transmission of Kansas, Inc. (KPJ23) Little Rock, Montana. 2.6 miles West of Zortman, Montana. (Lat. 47°55'27"N.—Long. 108°35'04"W.): Construction permit to change frequency toward existing point of communication at Hinsdale, Montana (6167.6V MHz) to 6212.0V MHz.

7954–CF–P–76, Eastern Microwave, Inc. (WQR71) Salem-2, Corner of Salem-Grange and Woodsdale, salem, Ohio. (Lat. 40°51' 22"N.—Long. 80°52'06"W.): Construction permit to add 6197.2H MHz toward Warren, Ohio, via power split on azimuth 12.7 degrees.

7955–CF–P–76, Eastern Microwave, Inc. (WQR72) US Rte. 30— 1.4 mile SE of Hookstown, Pennsylvania. (Lat. 40°34'37" N.—Long. 80°27'24"W.): Construction permit to add 1–135.0V MHz toward Beaver Falls, Pennsylvania via power split on azimuth 26.2 degrees.

7956–CF–MP–76, United Video, Inc. (KSV42) 6 miles South of Amboy, Illinois. (Lat. 41° 37'40"N.—Long. 89°20'17"W.): Construction permit (a) to replace transmitters and change frequencies toward existing point of communication at Sterling, Illinois to 5974.8V and 6093.5V MHz on azimuth 299.9 degrees and (b) to add 5974.8V and 6093.5V MHz toward Dixon, Illinois, via power split, on azimuth 329.8 degrees.

7957–CF–P–76, United Video, Inc. (WAH446) East of Minier, Illinois. (Lat. 40°26'16"N.—Long. 89°15'23"W.): Construction permit to (a) add 10895V and 10815V MHz toward Pekin, Illinois, via power split, on azimuth 288.7 degrees and (b) to increase power toward existing path of communication.

4935–CF–MP–76, United States Transmission Systems, Inc. (WAH497) 5.0 miles North of West Chester, Pennsylvania. (Lat. 40° 02'50"N.—Long. 75°35'11"W.): Modification of Construction permit to add 6286.2H MHz toward Tylersport, Pennsylvania on azimuth 23.3 degrees.

4936–CF–MP–76, United States Transmission Systems, Inc. (WAH466) 2.0 miles West of Tylersport, Pennsylvania. (Lat. 40°20'43" N.—Long. 75°25'07"W.): Construction permit to add 5945.2V MHz toward Palmerton and 6004.5H MHz toward West Chester, both in Pennsylvania on azimuth 338.0 degrees toward Palmerton.

4937–CF–P–76, United States Transmission Systems Inc. (new) Allentown, Pennsylvania. (Lat. 40°36'11"N.—Long. 75°28'11" W.): Construction permit for new station—11625.0H MHz toward Palmerton, Pennsylvania on azimuth 322.6 degrees.

4938–CF–P–76, United States Transmission Systems Inc. (new) 1.6 mile SSW of Palmerton, Pennsylvania. (Lat. 40°46'48"N.—Long. 75°38'53"W.): Construction permit for new station—6236.2V MHz toward Tylersport, 6197.2V MHz toward Penobscot, and 10895.0H MHz toward Allentown, all in Pennsylvania on azimuths 158.0, 338.3, and 142.5 degrees, respectively.

4939–CF–P–76, United States Transmission Systems, Inc. (new) Penobscot, 1.2 mile NE of Mountain Top, Pennsylvania. (Lat. 41°11'04"N.—Long. 75°51'42"W.): Construction permit for new station—5945.2H MHz toward Palmerton, and 11505.0H MHz toward Wilkes Barre, both in Pennsylvania, on azimuths 158.1 and 345.8 degrees, respectively.

4940–CF–P–76, United States Transmission Systems, Inc. (new) corner of East Market and South Main Street, Wilkes Barre, Pennsylvania. (Lat. 41°14'42"N.—Long. 75° 52'55"W.): Construction permit for new station—10915.0V MHz toward Penobscot, Pennsylvania on azimuth 165.8 degrees.

4966–CF–MP–76, United States Transmission Systems, Inc. (WBA733) Montgomery Office Building, Fenton Avenue, Silver Spring, Maryland. (Lat. 38°59'53"N.—Long. 77°01' 45"W.): Modification of construction permit to change polarization on existing path of communication toward Rockville, Maryland to 6226.9V MHz on azimuth 317.0 degrees.

7953–CF–P–76, Continental Telephone Company of California (KNB44) Willis Avenue, Laytonville, California. Lat. 39°41'13" N.-Long. 123°29'00" W. C.P. to add frequency 5925.5V MHz toward Cahto Park, California with passive reflector.

CORRECTION

4874–CF–P–76, Commonwealth Telephone Company (new) Tioga, Pennsylvania correct file number to read 4894–CF–P–76. All other particulars remain as reported in Public Notice number 821 dated August 30, 1976.

MAJOR AMENDMENT

4392–CF–P–76, American Satellite Corporation (WBA784) 1.8 miles SW. of Orinda Village, California. (Lat. 37°52'56" N.-Long. 122°13'56" W.): Application amended to add frequencies 11345.0V and 11665.0V MHz, via power split, toward new point of communication at Oakland #2, California, on azimuth 202.6 degrees. (Note: Special Temporary Authority requested by ASC.).

[FR Doc.76-26690 Filed 9-10-76;8:45 am]

FM BROADCAST STATIONS

Applications Ready and Available for Processing

Adopted: September 2, 1976.
Released: September 8, 1976.
By the Chief, Broadcast Bureau.

The following applications specify the facilities of station WIFE–FM, Indianapolis, Indiana, which ceased operation on September 2, 1976. The Commission will accept other applications for consolidation with these applications which propose essentially the same facilities. The Commission will also entertain requests for interim operation.

BPH–10164 (new), Indianapolis, Indiana, Indianapolis Broadcasting, Inc. Req: 107.9 MHz; channel no. 300B. Erp: 41 kW; HAAT: 910 feet.

BPH–10101 (new), Indianapolis, Indiana, Viking Indianapolis, Inc. Req: 107.9 MHz; channel no. 300B. Erp: 41 kW; HAAT: 910 feet.

Pursuant to the provisions of §§ 1.227 (b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications, must be tendered no later than November 3, 1976. Any requests for interim operation must be filed no later than November 3, 1976.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26688 Filed 9-10-76;8:45 am]

STANDARD BROADCAST STATIONS

Applications Ready and Available for Processing

Adopted: September 2, 1976.
Released: September 8, 1976.
By the Chief, Broadcast Bureau.

The following applications specify the facilities of station KISN, Vancouver, Washington, which ceased operation on September 2, 1976. Vancouver, Washington, which ceased operation on September 2, 1976. The Commission will accept other applications for consolidation with these applications which propose essentially the same facilities. The Commission will also entertain requests for interim operation.

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BP-20637 (new), Vancouver, Washington, Rose Broadcasting Company. Req: 910 kHz, 5 kW, DA-2, U.

BP-20638 (new), Vancouver, Washington, Dudley Communications, Ltd. Req: 910 kHz, 5 kW, DA-2, U.

BP-20653 (new), Vancouver, Washington, Viking Vancouver, Inc. Req: 910 kHz, 5 kW, DA-2, U.

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications must be tendered no later than November 3, 1976. Any requests for interim operation must be filed no later than November 3, 1976. The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26689 Filed 9-10-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

INTERNATIONAL ENERGY AGENCY'S LONG-TERM COOPERATION PROGRAM

Request for Expression of Interest and Public Comments

The Federal Energy Administration (FEA) hereby requests expressions of interest and public comments in support of its function under the Long-Term Cooperation Program of the International Energy Agency (IEA) to identify potential commercial energy projects in the United States in which participation by public or private enterprises and parties from other IEA member countries may be appropriate, and to elicit from U.S. enterprises and parties their views on and interest in participating in such energy projects located in other IEA countries.

LONG-TERM COOPERATION PROGRAM

The IEA is an independent agency under the auspices of the Organization for Economic Cooperation and Development, established in 1974 to promote the energy supply security of member countries through common efforts during supply emergencies, and through long-term cooperation in the areas of energy conservation and resource development. Currently, the IEA includes 19 member countries: Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, Greece, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

In furtherance of its objective to encourage energy resource development, the IEA recently adopted a "Long-Term Cooperation Program" to coordinate each member's efforts, and provide a framework for efforts by IEA member countries to foster:

(1) Cooperation among public and/or private enterprises and parties within IEA member countries in energy projects;

(2) Increased investment in such projects; and

(3) The identification of legislative and administrative obstacles to the Program's effectiveness and efforts toward their removal.

COOPERATION ON ENERGY PROJECTS

Chapter 3, Section C of the Program, entitled "Framework for Cooperation on Energy Projects" and appended to this notice, commits the IEA member countries to endeavor to foster cooperation between the public and/or private sectors of two or more participating countries in energy resource development projects. The Framework delineates several measures whereby the member countries might facilitate such cooperation, including a directive to collect and exchange information on opportunities for cooperative energy projects in their respective countries. Each member country will attempt to develop "a first set of concrete cooperative projects, including both lower and—where justified—higher cost projects" by January 1, 1977.

The FEA is responsible for directing the effort to identify this initial set of potential projects, for determining which projects are consistent with the objectives of the Program, and for proposing specific ways in which the United States and other host government(s) could facilitate the selected projects.

COOPERATIVE ENERGY PROJECTS IN THE UNITED STATES

Cooperative projects are intended to foster energy resource development for the purpose of increasing the energy supply available to IEA countries by 1985. Therefore, projects undertaken pursuant to the Program should further this purpose either by the application of existing or commercially-demonstrated technology, or by the manufacture of supporting equipment and materials. The scope of these projects could, for example, include:

Outer continental shelf oil and gas exploration, development and production;

Coal mining (surface or deep);

Natural uranium exploration, mining and milling;

Enhanced oil recovery projects; and

Commercial scale pilot plants for oil shale or tar sand development.

Participation by venturing firms in such projects could take a variety of forms, including:

Conventional investment and financing instruments including loan guarantees;

Technical or scientific contributions through patents, licenses and exchanges of information;

Provision of specialized services;

Guarantees with respect to performance, or contractual arrangements to purchase project output.

As an initial step, FEA requests expressions of interest and general comments concerning energy projects in the United States which could be designated as IEA cooperative projects. The purpose of this request is to allow FEA to make a preliminary determination of the interest of parties in the United States in securing participation by parties from other IEA member countries in U.S.-based energy projects. FEA may submit some or all of the responses received to the IEA. Respondents are requested to identify the nature of the project, and the particular technical, financial, or manpower resources which enterprises from other IEA member countries might contribute. Projects could include new ventures, or a significant expansion or modernization of existing ventures. Respondents should address, in summary fashion, the following factors, in addition to any others which may be pertinent:

Technical configuration of project. Functional or processing steps integral to the projects;

Support requirements. Transportation, logistical or infrastructural services required;

Financial requirements. Anticipated project cost, financial structure, and/or elements of financial risk;

Institutional and legal considerations. Safety and siting concerns, licensing, and environmental regulatory requirements;

Provisions for distribution and marketing of output. Anticipated output, fuel characteristics, and length and nature of market guarantees by purchaser.

COOPERATIVE ENERGY PROJECTS ELSEWHERE IN IEA

FEA will integrate this review with submissions from other IEA member countries who will be identifying potential cooperative energy projects in their own jurisdictions. Therefore, FEA also requests expressions of interest and general comments, similar to those described in the preceding section, regarding projects in other IEA countries in which persons from the United States might participate. Respondents should, at a minimum, identify the prospective IEA country, or countries, where the project would be located, and potential IEA participants, firms or types of firms sought as partners.

ON-GOING PROJECTS

FEA also requests discussion and comments on ongoing or imminent joint energy ventures among IEA member countries which meet the characteristics described above. Discussion of specific regulatory and institutional issues, and any major problems arising from the transnational character of the venture, is invited.

NATURE OF INQUIRY

This notice is a preliminary inquiry into interest in cooperative energy projects with parties in other IEA countries. In the interest of minimizing the effort required to respond to the questions raised, responses should be limited to ten double-spaced typewritten pages. No U.S. Government endorsement of particular projects and no U.S. Government participation in their undertaking, is likely.

This notice does not constitute a Request for Proposals or Request for Quotations. FEA does not intend to award contracts on the basis of this notice, nor will FEA pay for the information solicited herein or the cost of preparing and submitting the information.

RESPONSE PROCEDURE

Interested persons are invited to submit fifteen copies of the requested expressions of interest and comments to Executive Communication, Room 3309, Federal Energy Administration, Box IO, the Federal Building, Washington, D.C. 20461. Submissions should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration and the designation "IEA Long-Term Cooperation Program—(Possible Project) and/or (Comments)." All submissions should be received by 4:30 p.m. e.d.t., October 15, 1976.

In view of the purpose of this notice to collect data for possible submission to the IEA, FEA requests that persons furnishing it with information not include any data which they deem to be confidential, proprietary, or otherwise unsuitable for release.

Issued in Washington, D.C., September 7, 1976.

MICHAEL BUTLER,
General Counsel,
Federal Energy Administration.

APPENDIX—FRAMEWORK FOR COOPERATION ON ENERGY PROJECTS

1. The Participating Countries shall establish an overall framework for cooperation under which specific measures of assistance will be provided. The framework is intended to increase the supply of energy within the group by stimulating and increasing investment in energy production on a project-by-project basis. Both lower and—where justified—higher cost projects will be embraced by this cooperation, which will have as its particular objective the facilitation of concrete projects bringing together complementary factors of production from two or more Participating Countries.

2. In support of this cooperative effort, the Agency Secretariat shall establish a clearinghouse for relevant information on:

(a) Energy policies and programs of the Participating Countries;

(b) Opportunities for, and major characteristics of, possible cooperative energy projects in IEA countries.

The above information will be provided by the Participating Countries and other sources as appropriate. The Agency Secretariat shall collect and disseminate this information to the Participating Countries, and as appropriate, to the private sector.

3. In order to promote cooperative energy projects, the Agency will:

(a) On request, arrange for joint meetings among parties interested in specific projects;

(b) On request, offer its assistance in concluding individual agreements; and

(c) Maintain a list of agreements for cooperative projects.

4. The Participating Countries shall endeavor to develop, under this framework for cooperation, by January 1, 1977, a first set of concrete cooperative projects, including both lower cost and—where justified—higher cost projects, which have been or may be developed by the public and/or private sectors of two or more Participating Countries.

5. In order to encourage and facilitate the formation of cooperative projects for increased production from alternative sources of energy, the Participating Countries adopt the following Guiding Principles:

(a) The Governments of Participating Countries will help to identify, on a case-by-case basis, specific cooperative projects for the production of additional energy supplies in which enterprises and parties, public or private, from two or more Participating Countries are willing to take part. Enterprises and parties taking part in a project would make a financial, scientific, material, manpower and/or technical contribution as agreed among them;

(b)(i) With respect to specific cooperative energy projects involving public and/or private enterprises or parties of other Participating Countries, which the Host Government determines are in accord with its jurisdiction and its national policies, the Governments of the parties taking part in a particular cooperative project shall facilitate investment (including investment in exploration for and exploitation of energy sources) by endeavoring to:

Accord national treatment and most-favored-nation treatment to such enterprises, or parties;

Avoid the introduction of new limitations upon the extent to which such enterprises are accorded national treatment and most-favored-nation treatment with respect to such cooperative energy projects;

Use good offices where requested and where appropriate;

Avoid the introduction of limitations on the exchange of skilled manpower, and materials and equipment, taking into account the needs and the possibilities of the countries concerned, which may be required for successful completion of such projects as well as on associated transactions in financial assets, including the repatriation of profits of such enterprises;

Take account in considering alterations of taxation and production policy as they relate to those projects of the effect of such alterations on the economics of such projects including projects already under way;

Avoid introducing, once such a project is established, new measures which would make mandatory a change in the degree of participation by enterprises from other Participating Countries;

(ii) With respect to those specific cooperative energy projects which the Host Governments determine are likely to lead to a substantial increase in energy production which probably would not otherwise be available and involve a substantial contribution from public and/or private enterprises of other Participating Countries, the Host Government shall consider:

Guaranteeing to enterprises or other parties from other Participating Countries, through legislative and administrative actions if necessary and appropriate, the right to export to their own countries a portion of the product of the project corresponding to their participation in the project or an equitable portion as may be agreed;

Affording to nationals and companies of other Participating Countries which become parties to such a project incentives similar to those granted to its own nationals of companies with respect to that project.

[FR Doc.76-26613 Filed 9-8-76;9:50 am]

INDUSTRIAL ENERGY CONSERVATION

Opportunity for Written Comment on Proposed Criteria for Establishment of Voluntary Reporting Programs

The Federal Energy Administration (FEA) hereby gives notice that it will receive written comments with respect to proposed criteria for the establishment of voluntary reporting programs, pursuant to section 376(g) of Part D Title III of the Energy Policy and Conservation Act (EPCA) (42 USC 6346(g)) for use by corporations required to report their energy efficiency to FEA under section 375(a) of the EPCA (42 U.S.C. 6345 (a)), but exempted from such requirement under section 376(g).

Part D of Title III of the EPCA establishes a program within FEA to promote increased energy efficiency by American industry and to establish voluntary energy efficiency improvement targets for at least the ten most energy-consumptive manufacturing industries in the United States. Corporations identified in accordance with section 373 of the EPCA, (42 U.S.C. 6343), which are in industries for which targets have been set by FEA are required by section 375(a) of the EPCA to report to FEA annually on their progress in improving their energy efficiency, unless they are in industries which have adequate voluntary reporting programs, as defined by section 376(g) of the EPCA.

Pursuant to section 376(g), a corporation may receive an exemption from the mandatory reporting requirements under section 375(a) only if it fully participates in an industry's voluntary reporting program, which has been determined adequate annually by FEA after notice and opportunity for interested persons to comment. According to section 376(g), an industry's voluntary reporting program shall be determined adequate only if each corporation within the industry identified pursuant to section 373 of the EPCA fully participates in the program; all information deemed necessary by FEA for purposes of evaluating the progress made by the industry in achieving its industrial energy efficiency improvement target is provided to FEA; and reports made to a trade association or other person in connection with the voluntary reporting program are retained for a reasonable period of time and are available to FEA. Section 376(g) further provides that if FEA determines that an industry's voluntary reporting program is not adequate solely on the basis that any corporation within the industry is not fully participating in the program, only those corporations which are fully participating in the industry's program shall be exempted from the required reporting under section 375(a) of the EPCA.

FEA intends to consult with the Department of Commerce and the Energy Research and Development Administration concerning the voluntary reporting programs prior to determinations of their adequacy by FEA.

V41178 SEP 13 76 UMI

FEA today proposes that, in order for a voluntary reporting program by a trade association or other person to be a program under which corporations identified pursuant to section 373 may be eligible for an exemption under section 376(g) from the reporting requirement imposed by section 375(a), such program must, at a minimum, meet the following criteria:

A. The trade association or other person must be able to provide semi-annually sufficient information for FEA to evaluate industry progress toward achieving industrial energy efficiency improvement targets. The trade association or other person must be able to provide at least the following information to FEA by 2-digit SIC code not later than March 31, 1977:

(1) Total Btu content, by energy source, of all energy consumed in the 2-digit SIC code within the United States (other than for feedstock purposes) by all its participating member corporations, aggregated by calendar year for calendar years 1976 and 1972.

(2) Description of and rationale for the unit(s) of output or activity to be used in measuring changes in energy efficiency for 1976 and 1972.

(3) Aggregated industry progress in improving energy efficiency for 1976 over 1972, expressed as a percentage and related to output or activity. One recommended method for this aggregation is:

(a) Adjust actual 1976 energy consumption (A.1) to reflect 1972 base year energy efficiencies and operational changes subsequent to 1972. This figure is generated by multiplying 1976 output or activity figures by 1972 base year energy efficiency ratios and subtracting energy consumption due to operational changes.

(b) Calculate percent change in energy efficiency between base year 1972 and calendar year 1976 by subtracting the actual 1976 energy consumption (A.1) from the adjusted energy consumption (A.3.a), dividing by the adjusted energy consumption, and multiplying by 100.

(4) The names of all member corporations participating in its voluntary reporting program.

(5) The location, and individual responsible for the control and possession, of corporation reports made to the trade association or other person in connection with its voluntary reporting program.

B. The trade association or other person must certify in writing to FEA that the corporation reports made to it in connection with its voluntary reporting program will be retained for a period of no less than two years and that such information will be available to FEA upon request and without unreasonable delay during this period.

C. The trade association or other person must agree to provide, upon request by FEA, certification by a qualified and independent organization attesting to the accuracy and completeness of data provided by member corporations and by the trade association or other person and to the full and actual participation in the voluntary reporting program by the appropriate corporations identified pursuant to section 373.

FEA is further proposing that a trade association or other person desiring to establish a voluntary reporting program whereby corporations identified pursuant to section 373 may obtain exemptions from the reports required under section 375(a) must submit a letter to FEA by November 15, 1976, certifying that it is capable of meeting the criteria set out above. The individual signing the letter must be the chief executive officer of the trade association or other person.

FEA further proposes that it will require corporations identified pursuant to section 373 to make a written request to FEA for exemption under section 376(g) from the requirements of section 375(a). Such written request shall be signed by the chief executive officer of the corporation, certify that the corporation will fully participate in an identified voluntary reporting program, and contain an agreement that reports provided by the corporation to the trade association or other person in connection with the voluntary reporting program will be retained and available to FEA.

Interested persons are invited to submit written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Box IZ, Room 3309, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Industrial Energy Conservation—Proposed Exemption Criteria." Fifteen copies should be submitted. All comments received prior to October 6, 1976, 4:30 p.m., e.s.t., and all other relevant information will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 8, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-26661 Filed 9-8-76;12:40 pm]

STRATEGIC PETROLEUM RESERVES

Availability of Draft Site-Specific Environmental Impact Statements (EIS's)

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332 (2)(C), the Federal Energy Administration (FEA) has prepared draft site-specific EIS's for five sites that are being considered for the storage of Strategic Petroleum Reserves. The Reserves are mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231–6246. The Reserves will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of emergency supply interruption.

The five draft site-specific EIS's are for sites that are being considered for the storage of the first 150 million barrels of crude oil, the Early Storage Reserve. The sites are:

1. West Hackberry salt dome, Cameron Parish, Louisiana.

2 Bayou Choctaw salt dome, Iberville Parish, Louisiana.

3. Bryan Mound salt dome, Brazoria County, Texas.

4. Cote Blanche salt mine, St. Mary Parish, Lousiana.

5. Weeks Island salt mine, Iberia Parish, Louisiana.

These sites were selected primarily for their early availability, capacity and distributional flexibility. Each of the five alternative sites could be used to provide crude oil to Eastern, Gulf and Mid-Western United States markets. Each site has reasonable access to major oil supply pipelines and to oil barges or tanker facilities.

Program alternatives are discussed in the previously released draft programmatic EIS (DES 76–2).

Single copies of the site-specific EIS's may be obtained from the FEA, Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the draft statements will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the draft statements to Executive Communications, Box IY, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside oft he envelope and on documents submitted to FEA Executive Communications with designation, "Draft Site—Specific EIS—Strategic Petroleum Reserves—(name of site)." Fifteen copies should be submitted. All comments should be received by FEA by November 1, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 7, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-26624 Filed 9-8-76;10:15 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 214]

BASS FINANCIAL CORP.

Receipt of Application for Permission To Purchase the Assets of Rossville Building and Loan Association, Rossville, Illinois

SEPTEMBER 8, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Bass Financial Corporation, Norridge, Illinois, a multiple savings and loan holding company, for approval of a bulk purchase of the assets of Rossville Building and Loan Association, Rossville, Illinois, an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before October 13, 1976.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-26701 Filed 9-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

ALLOCATION GUARANTEE

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orlans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Joseph A. Klausner, Esq., Law Offices Joseph A. Klausner, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10250(A), entered into among Farrell Lines Incorporated (Farrell); Hamburg-Suedamerikanische Dampschiffahrts-Gesellschaft Eggert & Amsinck, trading as Columbus Line; Associated Container Transportation (Australia) Ltd. (ACT); Australia Shipping Commission, trading as The Australian National Line (ANL); Trader Navigation Co., Ltd. (Atlanttrafik Express Service) (AES); and Refrigerated Express Line (A/Asia) Pty. Ltd. (REL), provides for the establishment of a cooperative working arrangement whereby Farrell, Columbus Line, ACT, ANL and AES guarantee to compensate REL for any shortfall in cargo allocated to REL (under pending Agreement No. 10250), subject to the terms and conditions set forth in Agreement No. 10250(A).

By Order of the Federal Maritime Commission.

Dated: September 8, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26626 Filed 9-10-76;8:45 am]

SOUTH ATLANTIC-NORTH EUROPE RATE AGREEMENT MODIFICATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 20, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9984–8, among the parties of the above-named Rate Agreement, modifies Article 3 thereof by deleting the expiration date of September 30, 1976, applicable to the basic agreement's "interior points" authority and substituting in lieu thereof the date September 30, 1978.

By Order of the Federal Maritime Commission.

Dated: September 7, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26627 Filed 9-10-76;8:45 am]

FAR EAST CONFERENCE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA, AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 10110–6 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Con-

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ference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through December 31, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73–28 and 73–29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively, of the United States.

By Order of the Federal Maritime Commission

Dated: September 8, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc 76 26702, Filed 9-10-76; 8:45 am]

[Docket No. 76–41]

BERTHING OF SEATRAIN VESSELS IN SAN JUAN, PUERTO RICO

Order of Hearing on Petition for Directive Order

The Commission has before it a Petition and Supplemental Petition for Directive Order filed by Seatrain Lines of Puerto Rico, Inc. (Seatrain) and responses to these Petitions submitted by Puerto Rico Ports Authority (Ports Authority) and Puerto Rican Maritime Shipping Authority (PRMSA).

In its Petition for Directive Order Seatrain requests that the Commission direct the Ports Authority to immediately make an adequate berth available to it at Isla Grande and to make similar berths available for subsequent calls by other Seatrain vessels and barges at Isla Grande on a noninterference basis at least until its vessels may once again call at the Pan American Docks.

In support of its Petition Seatrain states that the Pan American Docks previously used by Seatrain are presently unsafe and cannot be used for six months to one year. Seatrain further asserts that efforts to secure from the Ports Authority the facility at Isla Grande have been unsuccessful and that the Ports Authority has offered Seatrain only the inadequate facilities.

Seatrain argues that, as a public terminal operator, the Ports Authority has a duty to provide services to every common carrier which requires its facilities, and that the Ports Authority has the obligation under section 16 of the Shipping Act, 1916 (the Act), to render equal and nondiscriminatory treatment to all who utilize its facilities.

Seatrain's Supplemental Petition for a Directive Order, in addition to the relief sought against the Ports Authority, also requests that PRMSA be directed to make its cranes available to Seatrain on a noninterference basis.

In its Supplemental Petition Seatrain alleges that: (1) PRMSA is the owner of the container cranes at Isla Grande by virtue of an "Agreement for Lease and Purchase of Assets" between PRMSA and Seatrain Lines, Inc., dated October 11, 1974; (2) PRMSA is currently utilizing the berth and other facilities at Isla Grande under a lease with the Ports Authority which has not been approved by the Commission pursuant to section 15 of the Act; (3) under the terms of its current lease, designated Agreement No. T–3306, PRMSA has only preferential use of the berths at Isla Grande and the Ports Authority has the right to make those berths available to other carriers on a noninterference basis with PRMSA's preference; (4) PRMSA has offered the use of the cranes to other carriers which intend to serve Puerto Rico with containership service in the near future and failure to make the cranes available to Seatrain constitutes undue and unreasonable prejudice and disadvantage to Seatrain in violation of section 16 of the Act; (5) since the operation of the crane system requires the assets of both the Ports Authority and PRMSA, they are, therefore, jointly furnishing terminal facilities in connection with common carriers by water subject to the requirements of section 17 of the Act, which requires the observance and enforcement of just and reasonable regulations and practices; and (6) the practice of making the cranes available to PRMSA and selected other vessels at Isla Grande and refusing to make the same services available to Seatrain is an unreasonable practice within the meaning of section 17 of the Act.

In its response to Seatrain's Petition, the Ports Authority argues that Seatrain relies on incomplete and incorrect facts. The Ports Authority points out that Seatrain had been using the Pan American dock because it refused to be assigned space at the Puerto Nuevo facility which was specifically designed for container ship operations. By using its crane without a platform which would distribute the weight of the crane and its container load evenly, the Ports Authority submits that Seatrain operated at Pan American in such a manner as to impair the integrity of the dock. The Ports Authority states that it had put Seatrain on notice of the impending deterioration of the dock and made three offers of facilities adequate for berthing, i.e.: (1) the Frontier Pier directly across from the Isla Grand terminal facilities, (2) the Puerto Nuevo container berths, and (3) the Isla Grande facility known as La Botella.

The Ports Authority contends that its management of the port has not been discriminatory, in violation of sections 16 or 17 of the Act, because it has treated persons similarly situated similarly. Berths are allegedly assigned on an even-handed basis (the most available berth suited to the characteristics of the vessel), and carriers are not required to share crane or other facilities with any other carrier. The Ports Authority submits that it has not acted with undue prejudice or discrimination and that it has continuously offered Seatrain the best facilities for its operation.

In any event, the Ports Authority states that the Isla Grande terminal is not suitable for use by Seatrain because it is no more capable of bearing Seatrain's crane without a platform than the Pan American dock. Moreover, the Ports Authority maintains that, since PRMSA's cranes are located at the Isla Grande facility where PRMSA's vessels are consistently assigned, use of that facility by two operators would cause problems of congestion and cargo security. In this regard, the Ports Authority asserts it would be "foolish" to force one carrier to share facilities with another when the containership facilities at Puerto Nuevo have been developed by the Ports Authority at a cost of over $60 million and are presently underutilized. The Port submits that it must protect its own self-interest and that of its bondholders in managing its facilities.

The Ports Authority further explains that it has no title to PRMSA's cranes and, absent an agreement between PRMSA and Seatrain, it cannot compel PRMSA to share its cranes.

Finally, the Ports Authority requests that if the petition is neither dismissed nor consolidated with Docket No. 76–38, *Arrangements Relating to the Use of Isla Grande Marine Terminal, San Juan, Puerto Rico*, that a full evidentiary hearing be held.

PRMSA replied to Seatrain's Supplemental Petition asserting that the Commission does not have the authority to direct PRMSA to share its cranes with Seatrain. PRMSA argues that, just as the Commission cannot order a carrier to provide service to the public (*i.e.*, inauguration of a new service or maintenance of an old one at a particular port), it cannot direct that a carrier share its assets with a competing carrier. To order such an arrangement would allegedly require the parties to enter into a section 15 agreement, a power which the Commission itself has found it does not have.

But even if the Commission had the power to issue such an order, PRMSA asserts that there must first be a finding of a violation of the Shipping Act, 1916, and that such a finding may only be made after a full evidentiary hearing. PRMSA argues were it to grant such relief under the guise of an "emergency," the Commission would be exercising powers of injunctive relief contrary to the holding in *Trans-Pacific Freight Conference of Japan v. Federal Maritime Board*, 302 F. 2d 875 (D.C. Cir. 1962).

We agree the Federal Maritime Commission has no interlocutory or injunctive powers. While the Commission may issue orders to cease and desist, it may do so only after a hearing and upon a finding of a violation of the Shipping Act, 1916. The relief requested in this proceeding can therefore only be granted if the Commission can make a finding as a matter of law that a violation is occurring. There is no basis on present record to make such a finding because the various pleadings now before us raise a number of disputed factual issues which must be resolved before a determination on the merits of Seatrain's Petitions can be made. Therefore, we are referring the Petition and the Supplemental Petition for a Directive Order, together with the responses thereto, to an Administrative Law Judge for an expedited hearing.

Also before the Commission for disposition at this time is a motion filed by the Ports Authority requesting the Commission to consolidate this proceeding with Docket No. 76–38. Seatrain has replied in opposition to this motion. Seatrain would deny the request for consolidation on the grounds that the two proceedings involve different issues and consolidation would effectively deny Seatrain the relief it is seeking.

Seatrain's position is well taken. Because of the difference in the respective scopes of the proceedings in this docket and Docket No. 76–38, the requested consolidation would be inappropriate and might impede the early resolution of the rather limited issues raised by Seatrain's Petitions herein. Docket No. 76–38 is a Show Cause Proceeding dealing primarily with the question of whether the terminal contracts for the use of Isla Grande supposedly entered into by Seatrain and assumed by PRMSA are subject to section 15 of the Shipping Act, 1916, or are in violation of sections 15, 16 or 17 of the Shipping Act, 1916. To the extent that Docket No. 76–38 encompasses issues involved in this proceeding, the Show Cause Order in Docket No. 76–38 will be amended to eliminate the overlap.

After the Replies by Ports Authority and PRMSA were filed, Seatrain made two filings which were styled as a Reply to Motions to Dismiss and Supplemental Reply to Motions to Dismiss. The Ports Authority then moved to have those filings by Seatrain stricken as replies to replies which are not permitted under the Commission Rules of Practice and Procedure.

We believe Ports Authority's objections in this regard are well taken. The Commission's Rules of Practice and Procedure do not allow for a reply to a reply. Obviously, the pleadings must be cut off at some point. We are, therefore, not considering either the Reply to Motions to Dismiss or the Supplemental Reply to Motions to Dismiss.

The Ports Authority has also filed a Motion for Establishment of Orderly Procedure, requesting, among other things, that a hearing be held to decide disputed issues of fact. The referral of this proceeding to hearing, therefore, largely satisfies Port Authority's Motion. In all other respects, the Motion is denied.

Therefore, *It is ordered*, That Seatrain's Petition and Supplemental Petition for a Directive Order, together with the responses thereto, be referred to an Administrative Law Judge for hearing and Initial Decision. Hearing in this matter shall commence on or before October 29, 1976 unless deferred by the Presiding Administrative Law Judge, to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party.

It is further ordered, That this proceeding be limited to those issues raised by Seatrain's Petition and Supplemental Petition for a Directive Order, Ports Authority's Reply to Petition for Directive Order and PRMSA's Reply to Supplemental Petition for Directive Order necessary to determine whether Ports Authority is violating section 16 First or section 17 of the Shipping Act, 1916 by refusing to assign Seatrain vessels to berths at Isla Grande and whether PRMSA, Ports Authority, or both, are violating section 16 First or section 17 of the Shipping Act, 1916 by refusing Seatrain access to the container cranes at Isla Grande. Accordingly, the parties to this proceeding shall be restricted to adducing evidence reasonably relating to those issues. The Commission therefore directs that the parties address themselves specifically to the following enumerated issues and such additional issues as the Presiding Administrative Law Judge may find are relevant and material to the violations alleged:

1. Whether PRMSA and Ports Authority are so closely connected or related that they should be considered as one person;

2. Whether the facilities offered by Ports Authority to Seatrain are adequate for a container carrier service;

3. Whether the labor unions at Puerto Nuevo have refused to service Seatrain's vessels and what the effect of that refusal is with regard to the Ports Authority's duty to provide adequate facilities;

4. Whether the facilities at Isla Grande have been used by carriers other than PRMSA since PRMSA acquired Seatrain's assets at Isla Grande;

5. Whether PRMSA has offered its container cranes at Isla Grande to other carriers;

6. Whether carriers other than PRMSA have used the container cranes at Isla Grande since PRMSA acquired title to the container cranes;

7. Whether PRMSA has been furnishing terminal facilities at Isla Grande to common carriers by water;

8. Whether the Isla Grande facility is adequate for Seatrain's container service without the use of PRMSA's container cranes;

9. Whether Isla Grande has in fact been operated as a public terminal since PRMSA acquired Seatrain's assets at Isla Grande;

10. Whether two carriers can practically operate at Isla Grande;

11. Whether there is marshalling space available at Puerto Nuevo;

12. Whether PRMSA has any control over Ports Authority which would influence the terminal assignments;

13. Whether the Ports Authority has any control over the container cranes at Isla Grande; and

14. Whether PRMSA and Ports Authority are jointly furnishing container crane services at Isla Grande to common carriers.

It is further ordered, That Ports Authority's contingent Motion for Consolidation of Docket Nos. 76–38 and 76–41 is hereby denied.

It is further ordered, That Ports Authority's Motion for Establishment of Orderly Procedure to the extent not granted by this Order is hereby denied.

It is further ordered, That the Presiding Administrative Law Judge is authorized to direct that any documents, records or papers in a language other than English exchanged by parties to the proceeding pursuant to the discovery provisions of the Commission's Rules of Practice and Procedure (46 C.F.R. Part 502, Subpart L) be accompanied by an English translation thereof duly verified under oath to be an accurate translation.

It is further ordered, That Seatrain be designated as Petitioner and PRMSA and Ports Authority as Respondents for this proceeding.

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene, should immediately notify the Secretary of the Commission and file a Petition for Leave to Intervene in accordance with the Commission's Rules of Practice and Procedure, 46 C.F.R. 502.72, with a copy to all parties to this proceeding.

It is further ordered, That this Order be published in the FEDERAL REGISTER.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76–26703 Filed 9–10–76;8:45 am]

[Docket No. 76–38]

ARRANGEMENTS RELATING TO THE USE OF ISLA GRANDE MARINE TERMINAL, SAN JUAN, PUERTO RICO

Amendment to Order To Show Cause

The Commission has this day ordered a hearing on a Petition and Supplemental Petition for Directive Order in Docket No. 76–41, *Berthing of Seatrain Vessels in San Juan, Puerto Rico*. One of the issues in that proceeding is whether the Puerto Rican Maritime Shipping Authority is violating section 16 of the Shipping Act in refusing Seatrain access to and use of the container cranes at Isla Grande. Since that issue is also an issue in this proceeding, and this proceeding is primarily concerned with the implications of the contractual arrangements related to Isla Grande, we are amending the Order of Investigation and Hearing in this proceeding to delete the overlapping issue.

Therefore, *It is ordered*, That the following ordering paragraph be deleted from the Order of Investigation and Hearing in this proceeding:

It is further ordered, that PRMSA show cause why the Commission should not find it in violation of section 16 First, Shipping Act, 1916, for subjecting other carriers, including Seatrain Gitmo, to an undue or unreasonable prejudice or disadvantage through its failure to operate the container cranes located on the

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Facility for said carriers on a noninterference basis;

By The Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26704 Filed 9-10-76;8:45 am]

[Docket No. 75-38]

PUERTO RICO MARITIME SHIPPING AUTHORITY; GENERAL INCREASE IN RATES

Environmental Negative Declaration

SEPTEMBER 8, 1976.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced docket do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et. seq.* and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of NEPA.

Docket No. 75-38 is an investigation to determine whether the 15 percent general rate increase requested by the Puerto Rico Maritime Authority (PRMSA) published in Tariff FMC No. 1, effective September 21, 1975, is just and reasonable or whether it is in violation of section 18(a) of the Shipping Act, 1916 and/or section 4 of the Intercoastal Shipping Act, 1933.

It was concluded that approval of the general increase will cause: (1) No adverse increase in the use of energy; (2) no adverse increase in air and noise pollution; and (3) no significant adverse impact on recyclables. Also, there will be no significant cumulative adverse environmental impact from other related Federal actions.

This determination was based on the OEA's preparation and consideration of a Threshold Assessment Survey which is available for inspection on request from the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5764.

Any person disagreeing with the Negative Declaration shall have until September 13, 1976 to note exceptions to the Commission by filing exceptions to the Negative Declaration with the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573. No final Commission action shall be taken on or before October 13, 1976. If the Commission fails to otherwise act within twenty (20) days following the time provided for the filing of exceptions to the Negative Declaration, the determination of the Office of Environmental Analysis will be adopted by the Commission as its final determination of environmental issues.

Copies of exceptions, if any, to the Negative Declaration and copies of all future correspondence, pleadings, and exhibits filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26706 Filed 9-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST COMMERCIAL BANKS, INC.

Acquisition of Bank

First Commercial Banks, Inc., Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Chester National Bank, Chester, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 4, 1976.

Board of Governors of the Federal Reserve System, September 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc 76-26683 Filed 9-10-76;8:45 am]

[H.2, 1976 No. 34]

ACTIONS OF THE BOARD

Applications and Reports

Actions of the Board; applications and reports received during the week ending August 21, 1976.

ACTIONS OF THE BOARD

Regulation T interpretation regarding the use of escrow receipts for option transactions effected in special cash accounts.

Regulation U, notice postponing effective date of adoption of revised Federal Reserve Form U-1, "Statement of Purpose of a Stock-Secured Extension of Credit by a Bank", the Board postpones the effective date of such revision to November 1, 1976.

Truth in Lending, interpretation of Regulation Z to state that where a dealer and a creditor share in the interest on a consumer credit contract such participation need not be separately stated in disclosures given to the consumer; the Board requested comment by September 27, 1976 (Docket No. R-0053)

First Tennessee National Corporation, Memphis, Tennessee, order amending requirements for divestiture of ownership of real estate in connection with acquisition of shares of Pence Mortgage Company, Louisville, Kentucky.

Burleson Bancshares, Inc., Burleson, Texas, extension of time to November 25, 1976, within which to consummate the acquisition of Burleson State Bank, Burleson, Texas.[1]

Southeast Banking Corporation, Miami, Florida, extension of time until November 24, 1976, within which to engage in certain credit activities through Southeast Consumer Finance, Inc., Jacksonville, Florida, and in Tampa, Florida.[1]

Southwest Florida Banks, Inc., Fort Myers, Florida, extension of time until November 19, 1976, within which to acquire First National Bank and Trust Company of Naples, Naples, Florida.[1]

Wesbanco, Inc., Wheeling, West Virginia, extension of time until January 7, 1977, within which to become a bank holding company through the acquisition of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia.[1]

Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia, extension of time until January 7, 1977, within which to merge with W. D. Bank Co., Wheeling, West Virginia.[1]

W. D. Bank Co., Wheeling, West Virginia, extension of time until January 7, 1977, within which to become a member of the Federal Reserve System.[1]

Farmers Bank of Edinbury, Incorporated, Edinbury, Virginia, to make an investment in bank premises.[1]

Fort Madison Bank & Trust Co., Fort Madison, Iowa, to make an investment in bank premises.[1]

Bank of Holiday, Holiday, Florida, extension of time until March 7, 1977, within which to establish a branch at U.S. Highway 19 North, Holiday Mall Shopping Center in Holiday.[1]

Merrill Trust Company, Bangor, Maine, extension of time to September 12, 1977, within which to establish a branch on State Street, Bangor, Maine.[1]

Trust Company of New Jersey, Jersey City, New Jersey, extension of time within which to establish a branch office in the Lincoln Plaza Store, Borough of Lincoln Park, New Jersey.[1]

Citibank Overseas Investment Coropration, New York, New York, extension of time within which to acquire additional shares of FNCB Financial, Ltd., Hong Kong.[1]

Industrial Bank of Japan, Limited, Tokyo, Japan, extension of time within which it must divest itself of shares of two companies as directed by the Board's order of October 29, 1974.[1]

CFC Bank, Beaverton, Michigan, proposed merger with Gladwin County Bank, Beaverton, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.

FI National Bank, Ironton, Ohio, proposed merger with The First National Bank of Ironton, Ironton, Ohio; report to the Comptroller of the Currency on competitive factors.

FT National Bank, Troy, Ohio, proposed merger with The First National Bank & Trust Company, Troy, Ohio; report to the Comptroller of the Currency on competitive factors.

CSB State Bank, Adrian, Michigan, proposed merger with The Commercial Savings Bank, Adrian, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.

[1] Application processed on behalf of the Board of Governors under delegated authority.

Garland Commerce Bank, Garland, Texas, proposed merger with Southern Bank and Trust Company, Garland, Texas; report to the Federal Deposit Insurance Corporation on competitive factors.

NOTE: The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Girard Trust Bank, Bala-Cynwyd, Montgomery County, Pennsylvania. Branch to be established in the Montgomeryville Mall, (previously described as the Montgomery Mall) Routes 202 and 309, Montgomery Township, Montgomery County.[2]

Citizens Bank of Pacific, Pacific, Missouri. Branch to be established on the West side of State Highway 100 near its intersection with Highway M in the unincorporated community of Gray Summit, Franklin County.[2]

Walker Bank & Trust Company, Salt Lake City, Utah. Branch to be established in the vicinity of downtown Tooele, Tooele County.[2]

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To Withdraw from Membership in the Federal Reserve System Without a Six-Month Notice as Prescribed by Section 9 of the Federal Reserve Act.

DENIED

Citizens Bank of Cape Vincent, Cape Vincent, New York.

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International Investments and Other Actions Approved Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended

Chase International Investment Corporation: an extension of time re: disposing of additional shares of Mah-in Industries, Incorporated, Seoul, Korea.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Sibley Bancorporation, Sibley, Iowa, for approval to acquire 96.5 percent of the voting shares of The First National Bank of Sibley, Sibley, Iowa.[2]

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

First National Cincinnati Corporation, Cincinnati, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the successor by absorption to The First National Bank of Ironton, Ironton, Ohio.[2]

First National Cincinnati Corporation, Cincinnati, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the successor by absorption to The First National Bank & Trust Company, Troy, Ohio.[2]

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

DENIED

Bankers Trust New York Corporation, New York, New York, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of Mexico, Mexico, New York.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Bancshares of North Carolina, Inc., Raleigh, North Carolina, notification of intent to engage in *de novo* activities (plan administration services for qualified corporate defined benefit and defined contribution plans, plan design assistance, employee participant benefit communication services, and plan allocation) at 3609 Haworth Drive and Branch Banking and Trust Building, Raleigh, North Carolina, through a subsidiary, Qualified Plan Services, Inc. (8/20/76)[3]

WITHDRAWN

Equitable Bancorporation, Baltimore, Maryland, notification of intent to engage in *de novo* activities (leasing real property or acting as agent, broker, or adviser in leasing such property) at the Munsey Building, Calvert and Fayette Streets, Baltimore, Maryland, through a subsidiary, Equitable Bank Realty Corporation (8/19/76)[3]

Mountain Financial Services, Inc., Denver, Colorado, notification of intent to engage in *de novo* activities (servicing, brokering, making and acquiring, for its own account or for the account of others, loans, mortgages, and other extensions of credit) at 3600 Yosemite, Denver, Colorado (8/16/76)[3]

PERMITTED

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in *de novo* activities (making mortgage loans principally secured by second mortgages on residential and commercial real estate and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) in Springfield, Virginia, through its subsidiary, First Realty Mortgage Corporation (8/16/76)[3]

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in *de novo* activities (engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit, originating real property leases as principal or agent, servicing real property leases for affiliated or nonaffiliated individuals, partnerships, corporations, or other entities; buying, selling, and otherwise dealing in real property leases as principal, agent, or broker; and acting as adviser in real property leasing transactions) at 10 Light Street, Baltimore, Maryland and 409 Washington Avenue, Towson, Maryland, through its subsidiaries, Maryland National Realty Investors, Inc. and Maryland National Leasing Corporation (8/15/76).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Old National Bancorporation (formerly Washington Bancshares, Inc.), Spokane, Washington, for approval to acquire shares of Old National Life Insurance Company, Phoenix, Arizona.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

Baybank Newton-Waltham Trust Company, Waltham, Massachusetts. Branch to be established at 100 Central Street, Holliston.

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 500 Mamaroneck Avenue, City of White Plains, Westchester County.

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established at 4101 East Charleston Boulevard, Las Vegas.

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Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act

The Bank of Eden, Eden, North Carolina

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To Form a Bank Holding Company Pursuant to Section 3(a)(1). of the Bank Holding Company Act of 1956

First Freeport Corporation, Freeport, Illinois, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Freeport, Freeport, Illinois.

CCNB Bancshares Corporation, Ozark, Missouri, for approval to acquire 96.75 percent of the voting shares of Christian County National Bank, Ozark, Missouri.

Cardinal Bancorporation, Inc., Greenville, Illinois, for approval to acquire 19,200 shares of the voting shares of First National Bank in Greenville, Greenville, Illinois.

Bosshard Banco, Ltd., Bangor, Wisconsin, for approval to acquire 88.7 percent of the voting shares of The First National Bank of Bangor, Bangor, Wisconsin.

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to acquire 86.67 per cent of the voting shares of Bank of Ionia, Ionia, Missouri.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

Chemical Financial Corporation, Midland, Michigan, for approval to acquire 100 per cent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan.

Independent Bank Corporation, Ionia, Michigan, for approval to acquire 100 per cent of the voting shares of the successor by consolidation to Western State Bank, Howard City, Michigan.

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To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956

First United Bancorporation, Inc. and The First National Bank of Fort Worth, both in Fort Worth, Texas, for approval to retain 113 shares of University Bank, Fort Worth, Texas.

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To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956

Provident National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in *de novo* activities (leasing of personal property and equipment on a full pay out basis and acting as agent, broker, or adviser in leasing such property) at 1290 Avenue of the Americas, New York, New York, through its subsidiary, John P. Maguire and Co., Inc. (8/18/76)[2]

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to continue to engage in the business of an industrial loan and investment company in Sedalia, Missouri, and to continue to engage in the sale of credit related insurance.

Seafirst Corporation, Seattle, Washington, notification of intent to engage in *de novo* activities (insurance agency activities in the sale of group and individual credit life, credit accident and health, and credit disability insurance, vendor's single-interest and dual-interest insurance against loss of or damage to personal property all of which are related to an extension of credit by Seafirst Corporation or a subsidiary) to be located at all branches and offices of Seattle First National Bank in the State of Washington, communities of Port Townsend and vicinity, including Hadlock in Port Angeles and vicinity, including Sequim, Forks, and Callam Bay, through its subsidiary, Spokane Eastern Co. (8/9/76)[2]

• • • • •

REPORTS RECEIVED

None.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, September 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26682 Filed 9-10-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT, CRUDE AND PREPARED

Request for Temporary Relief Denied

PROCEDURAL BACKGROUND

On June 11, 1976, a complaint was filed with the United States International Trade Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of R. E. Schanzer Corp., New Orleans, Louisiana, alleging certain unfair methods of competition and unfair acts in the importation of crude and/or prepared chicory root into the United States, or in its sale, the effect or tendency of one or more of which methods and acts is to destroy or substantially injure an efficiently and economically operated U.S. chicory root processing industry, to prevent the establishment of a U.S. crude chicory root industry, or to restrain or monopolize trade and commerce in the United States pertaining to the processing and sale of crude or prepared chicory root. The complaint requested that the Commisison issue both a temporary and a permanent exclusion order against the offending prepared chicory root or that it issue a

See footnote 3 on p. 38825.

cease and desist order to each person involved in the unfair methods or acts complained of. In addition, the complaint requested that the Commission expedite its investigation and grant immediate relief in the form of a temporary exclusion order no later than August 15, 1976.

After having considered the complaint the Commission, on July 8, 1976, ordered, among other things, that an investigation be instituted pursuant to subsection (b) of section 337 to determine whether, on the basis of the allegations set forth in the complaint, there is a violation of this section by reason of unfair method of competition and unfair acts in the importation of the aforementioned crude or prepared chicory root into the United States, or in its sale. The Commission also named as respondents upon whom the complaint and notice were to be served Alain Leroux, Orchies (Nord), France; Chicoree Leroux, Orchies (Nord), France; Chicorei de Beukelaar, Antwerp, Belgium; and Rolimpex, Warsaw, Poland, who were alleged to have engaged in or to be engaging in the unfair methods of competition and unfair acts complained of. The Commission further gave notice that a hearing on temporary relief would be held on August 11, 1976; that the Commission's presiding officer would issue a recommended determination with respect thereto by August 16, 1976; and that the Commission would issue its determination by August 25, 1976. Notice to such effect was published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29496), and copies thereof were served upon all parties and the appropriate Government departments and agencies.

On August 2, 1976, the presiding officer certified to the Commission two motions filed on July 27, 1976, by intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc., that hearings in this matter be transferred from Washington, D.C., to New Orleans, Louisiana (M 27-2) and that the temporary relief hearing scheduled for August 11, 1976, be continued (M 27-5). In an order issued August 5, 1976, the Commission denied both motions for the reason that the moving parties failed to show good cause why the noticed place of hearings and time of the temporary relief hearing should be changed. Notice to such effect was published in the FEDERAL REGISTER of August 11, 1976 (41 FR 33949).

A public hearing on temporary relief was held before the presiding officer from August 11, 1976, through August 14, 1976.

On August 18, 1976, the Commission issued a notice and order to the effect (1) that it had extended the time, from August 16, 1976, to August 23, 1976, by which the presiding officer was to submit to the Commission his recommended determination concerning whether there is reason to believe, in this temporary relief proceeding, that there is a violation of section 337, and that it was also extending its own administrative deadline for issuing its determination from August 25, 1976, to September 3, 1976; and (2) that it would hold a hearing beginning at 10 a.m., August 30, 1976, for the purpose of hearing oral argument with respect to the presiding officer's recommended determination and oral argument with respect to relief, and receiving information and hearing oral argument with respect to relief, bonding, and the public interest factors. Notice to this effect was published in the FEDERAL REGISTER of August 23, 1976 (41 FR 35574), and copies thereof were served upon the parties and the appropriate Government departments and agencies.

On August 23, 1976, the presiding officer filed with the Commission his Recommended Determination concerning complainant's request for temporary relief. The presiding officer recommended, after the hearing and after review of the record developed at that hearing, that the Commission determine that there is no reason to believe, at this stage of this investigation, that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the terms alleged by R. E. Schanzer Corp. At the same time, the presiding officer certified to the Commission the motion of Rolimpex (M 27-17), filed on August 11, 1976, that the hearing set to begin on August 11, 1976, be adjourned, and recommended that the motion be denied. Copies of this Recommended Determination were served upon all of the parties of record and upon the appropriate Government departments and agencies by the Secretary of the Commission.

On August 30, 1976, the Commission held a public hearing with respect to the presiding officer's Recommended Determination, relief, bonding, and the public interest factors.

FINDING AND ORDER

After considering the record in this matter, including the record developed before the presiding officer and before the Commission at its hearing of August 30, 1976, the Recommended Determination submitted by the presiding officer, and the exceptions and alternative findings of fact and conclusions of law thereto, the Commission (Vice Chairman Minchew abstaining) hereby finds that there is no basis for granting temporary relief pursuant to section 337 of the Tariff Act of 1930, as amended,[1] and orders that the complainant's request for temporary relief under section 337 is hereby denied.

A memorandum opinion and findings of fact and conclusions of law of the Commission with respect to this finding and order will be issued in due course.

The investigation pending before the presiding officer shall proceed as expeditiously as possible.

Ordered by the Commission for issuance on September 3, 1976.

Issued: September 7, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-26609 Filed 9-10-76;8:45 am]

[1] Chairman Leonard and Commissioners Moore and Bedell base their finding upon a determination that there is no reason to believe, at this stage in the proceeding, that there is a violation of section 337 of the Tariff Act of 1930, as amended.

[AA1921-160]

KNITTING MACHINES FOR LADIES' SEAMLESS HOSIERY FROM ITALY

Investigation and Hearing

Having received advice from the Department of the Treasury on August 25, 1976, that knitting machines for ladies' seamless hosiery from Italy are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on September 2, 1976, instituted investigation No. AA1921-160 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, October 12, 1976. All parties will be given an opportunity to be present, to produce evidence and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon, Thursday, October 7, 1976.

By order of the Commission.

Issued: September 7, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-26608 Filed 9-10-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-74)]

NATIONAL TRANSONIC FACILITY, HAMPTON, VA.

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement (EIS) for the National Transconic Facility (NTF), Langley Research Center, Hampton, Virginia.

The Langley Research Center Institutional EIS was prepared in draft, circulated for comments, and published as a final EIS in 1971. The proposed construction and operation of the NTF at Langley Research Center will have environmental effects different from those described in the baseline Institutional Statement prepared in 1971. This draft has therefore been prepared as Amendment 1 to the 1971 EIS, and is being issued at this time.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received by November 1, 1976, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory (Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C., this 2d day of September 1976.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator.

[FR Doc.76-26668 Filed 9-10-76;8:45 am]

[Notice (76-75)]

PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet on October 4 and 5, 1976 at the Goddard Space Flight Center, Greenbelt, Maryland 20771. The meeting will be held in Room 200, Building 26, from 8:30 a.m. until 5:00 p.m. on both days. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on a first come first served basis to within the 40 seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with al aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy and space physics. The Committee presently has 15 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Dr. Sabatino Sofia, Area Code 202/755-8493. The agenda for the meeting is as follows:

OCTOBER 4, 1976

Time:	Topic
8:30 a.m.	*Opening Remarks.* This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9 a.m.	*NASA Issues for PSC Review.* Dr. Hinners will brief the Committee on budget and other current topics of concern to the Office of Space Science.
10 a.m.	*Explorer Program: Presentation and Discussion.* The Committee will be briefed on the current planning and trend of the Explorer Program followed by discusions and recommendations on the best use of the program.
1:30 p.m.	*Shuttle Payloads: Presentation and Discussion.* The Committee wil be briefed on the current status of Shuttle Payload Studies followed by discussions and recommendations on future efforts.
3:45 p.m.	*High Energy Astrophysics Follow-On Program: Presentation and Discussion.* The Committee will be briefed on current NASA planning for the High Energy Program after the High Energy Astronomy Observatory (HEAO) era.
5 p.m.	*Adjourn.*

OCTOBER 5, 1976

8:30 a.m.	*Review of General Relativity at NASA; Discussion of the Weiss Report.* A presentation will be made to the Committee on a current study of the General Relativity Program at NASA. The Committee will comment and make recommendations on the report results.
9:30 a.m.	*Viking Mission: Presentation of Results.* Viking scientists will brief the Committee on the latest results of the Viking missions.
11 a.m.	*Viking Mission: Presentation and Discussion of Possible Follow-on.* The Committee will be briefed and discuss planetary missions to follow the Vikings.
1 p.m.	*Peer Review in the Office of Space Science (OSS).* Dr Rasool will brief the Committee on the current Peer Review practices in OSS. The Committee will evaluate the practices and make recommendations for useful changes.
2 p.m.	*Agenda for FY 1977.* Discussion of topics to be considered by the Committee during the coming Fiscal Year.

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Time:	Topic
2:45 p.m.	*Concluding Discussion and Writing Summary.* The members of the Committee will use this period to conclude discussions and prepare reports to the Associate Administrator for Space Science.
5 p.m.	*Adjourn.*

SEPTEMBER 7, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-26670 Filed 9-10-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting on September 24, 1976 in Room 2010 of the New Executive Office Building located at 17th & H Sts., NW., Washington, D.C. The meeting will begin at 9:30 a.m.

The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes is "• • • to develop recommendations as to the establishment of a policy-making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multi-state, regional and state governmental jurisdictions."

The summarized agenda for the meeting is as follows:

1. Reports by the Chairman and Executive Director.
2. Resolve outstanding issues relating to Committee recommendations regarding materials and commodities.
3. Discussion of proposed Committee recommendations regarding establishment of comprehensive governmental modeling capability and centralized statistical coordination capability within the Executive Office of the President.
4. General discussion of issues and proposals relating to comprehensive legislative policy making (Congress).
5. Discussion of foreign experience study group findings.
6. Presentation of preliminary issues and proposals relating to improved involvement of general public interest groups in the national policy-making process.

In the event the Committee does not complete its consideration of the items on the agenda on September 24, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, NW., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254-6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested persons may have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 1750 K St., NW., 8th Floor, Washington, D.C.

ARNOLD A. SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

SEPTEMBER 8, 1976.

[FR Doc.76-26671 Filed 9-10-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (PLANNING)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Planning) to the National Endowment for the Arts will be held on October 1, 1976 from 8:00 a.m.-5:30 p.m. and on October 2, 1976 from 9:00 a.m.-5:30 p.m. in the fourteenth floor conference room of the Columbia Plaza office building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 1 from 11:10 a.m.-1 p.m. and from 3:40 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. During the open sessions there will be a discussion of: (1) Opera Guidelines (2) Policy (3) Future of the schools of the Music Program.

The remaining sessions of this meeting on October 1 from 8:00 a.m.-11:10 a.m. and from 2 p.m.-3:40 p.m. and on October 2 from 9 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26656 Filed 9-10-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Ethical and Human Value Implications of Science and Technology (EHVIST) Meeting in Collaborative Session with the Advisory Committee on Science, Technology and Human Values (STHV) of the National Endowment for the Humanities.
Date: October 1, 1976.
Time: 9:30 a.m.
Place: Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Open.
Contact person: Rachelle Hollander, Acting Program Manager, Ethical and Human Value Implications of Science and Technology (EHVIST) Program, National Science Foundation, Room W656, Washington, D.C. 20550. Anyone who plans to attend should notify Ms. Hollander by September 28.
Purpose of advisory committee: To provide advice and recommendations concerning support of activities in the field of ethical and human value implications of scientific and technological development in conjunction with cooperative programs of the National Endowment for the Humanities (NEH) and the National Science Foundation.

AGENDA

Reports on EHVIST and STHV Program Activities to date.
Discussion of Current Patterns in College Courses in Science/Technology/Values (S/T/V).
Discussion of International Perspectives on S/T/V Field.
Review of Program Plans and Priorities for FY 77 and Beyond.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 3, 1976.

[FR Doc.76-26669 Filed 9-10-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Michael C. Farrar, Chairman
Dr. Lawrence R. Quarles
Richard S. Salzman

Dated: September 2, 1976.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.76-26505 Filed 9-10-76;8:45 am]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the license for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment (1) revises the listing of documents which constitutes the Commission-approved physical security plan, (2) deletes Section E of Enclosure 1 to the license which identifies actions related to hurricane erosion protection and physical security to be completed to the satisfaction of the Commission by August 31, 1976, and (3) deletes Section H of Enclosure 1 to the license which identifies actions to be completed to the satisfaction of the Commission prior to transfer of spent fuel to the fuel handling building.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 28, August 10, and August 25, 1976, (2) Amendment No. 8 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of Auugst, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76—26506 Filed 9-10-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment will (1) correct the description of the steam generator instrumentation and (2) provide for a revised method for adjusting "ΔT power" and "nuclear power" instrumentation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 8 and June 10, 1976, (2) Amendment No. 15 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of September, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactor Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26507 Filed 9-10-76;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. (TYRONE ENERGY PARK, UNIT 1)

Order Setting Prehearing Conference

AUGUST 31, 1976.

The Parties or their counsel are directed to appear at a prehearing conference to be held at 9:30 a.m. on September 28, 1976 at the County Board Room, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, Wisconsin.

The Board will consider the following matters:

1. Motion to Reconsider by Citizens for Tomorrow (CFT) dated July 30, 1976.
2. Comments Regarding Intervention on Waste Disposal and Reprocessing Issues by Northern Thunder (NT) dated August 9, 1976.
3. NRC Staff's request dated August 18, 1976 for clarification of the Board's ruling with respect to CFT's Contention R (1974 Petition).
4. Supplement to Applicant's Position on the Admission of Intervenors' Contentions as Matters in Controversy dated August 10, 1976.
5. All pending motions.
6. All matters required to be considered by the provisions of 10 CFR 2.752 (a).

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 31st day of August 1976.

IVAN W. SMITH,
Chairman.

[FR Doc.76-26508 Filed 9-10-76;8:45 am]

V41178 SEP 13 76 UMI

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Resumption of Hearing

Please take notice that the public evidentiary hearing that has been underway in this proceeding before this Atomic Safety and Licensing Board (the Board), and which has been in recess since the July 30, 1976 session in Bethesda, Maryland, will resume again at 1:30 P.M. local time, Monday, September 20, 1976, at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Bldg., 4350 East-West Highway, Bethesda, Maryland 20014.

The purpose of this proceeding, to consider the application of Offshore Power Systems (the Applicant) for a manufacturing license to build eight pressurized water floating nuclear power plants, has been more fully set forth in the Atomic Energy Commission's original Notice of Hearing dated December 5, 1973 (published in the FEDERAL REGISTER December 10, 1973, 38 F.R. 34008).

Interested members of the public are invited to attend the hearing.

It is so ordered.

For The Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland this 3rd day of September, 1976.

SHELDON J. WOLFE,
Chairman.

[FR Doc.76-26509 Filed 9-10-76;8:49 am]

[Docket No. P-512-A]

OHIO EDISON CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated August 31, 1976:

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

Erie Nuclear Plant, Units 1 and 2, which is proposed to be located near Lake Erie north of Berlin Heights, Ohio, will consist of two units, each of which would have an output of 1200 megawatts. The plant will be jointly owned by the following investor-owned electric utilities: The Ohio Edison Company, Duquesne Light Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and Pennsylvania Power Company (a subsidiary of The Ohio Edison Company). These companies are members of the CAPCO Pool, a group which has applied to the Commission for licenses for the joint construction and operation of several nuclear electric generating facilities in addition to the instant plant.

"The Department has previously rendered antitrust advice concerning these Applicants when it reported to the Commission or its predecessor [C]ommission with respect to the following applications for construction of nuclear plants: Davis-Besse Nuclear Power Station, Unit 1, NRC Docket No. 50-346A; Beaver Valley Power Station, Unit 2, NRC Docket No. 50-412A; Perry Nuclear Power Plant, Units 1 and 2, NRC Docket Nos. 50-440A and 50-441A; and Davis-Besse Power Station, Units 2 and 3, NRC Docket Nos. 50-500A and 50-501A. Our advice letters with respect to these various projects contain descriptions of the Applicants, their history and structure, and their conduct with respect to smaller systems and to each other. In our advice on the application to construct the Perry Nuclear Plant, Units 1 & 2, we concluded that Applicant Cleveland Electric's activities under the requested license might create or maintain a situation inconsistent with the antitrust laws, and we recommended that a hearing be held on the matter. With respect to the application for the Davis-Besse Nuclear Power Station, Units 2 and 3, we recommended that a hearing be held concerning the conduct and policies of all of the Applicant companies. A consolidated antitrust hearing on the Davis-Besse Nuclear Power Station, Units 1, 2 and 3, and Perry Nuclear Power Plant, Units 1 and 2, to which the Department of Justice has been a party, has recently been concluded before an NRC Atomic Safety and Licensing Board and initial briefs have been submitted. A decision by the Board is expected later this year.

In view of the antitrust issues raised in the earlier advice letters concerning the nuclear facilities proposed to be constructed jointly by CAPCO Pool members, and the evidence introduced during the recent hearing which we believe establishes that activities of the CAPCO Pool members under the requested licenses would create or maintain a situation inconsistent with the antitrust laws, our advice on the instant application must be that issuance of an unconditioned license would similarly have adverse antitrust consequences. Under these circumstances a recommendation for an antitrust hearing is in order. Of course, if the relief sought by the Department in the pending proceedings before the Hearing Board is obtained, a hearing on the instant application may be mooted or greatly curtailed in scope.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 13, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-26733 Filed 9-10-76;8:45 am]

[Docket No. RM-50-5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Location of Prehearing Conference

A Notice of Prehearing Conference published on August 12, 1976 (41 FR 34123) specified 9:30 a.m. on Wednesday, September 15, 1976 as the time and date but left the location for later announcement. The Conference will be held in the Ceremonial Court Room, Sixth Floor, U.S. Court House, Third Street and Constitution Ave. NW., Washington, D.C., 20001.

Dated: September 7, 1976.

For the GESMO Hearing Board.

GEORGE BUNN,
Chairman.

[FR Doc.76-26849 Filed 9-10-76;8:10 am]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Convening Prehearing Conference

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station, Unit No. 2); Docket No. 50-247; OL No. DPR-26; (Determination of Preferred Alternative Closed-Cycle Cooling System).

On July 23, 1975, the Nuclear Regulatory Commission (Commission) published a Notice of Proposed Issuance of Amendment to Facility Operating License; Opportunity for Hearing (Notice) with regard to the application of Consolidated Edison Company of New York, Inc. (Licensee), dated December 1, 1974, for an amendment to the operating license for Indian Point Station, Unit No. 2 (40 Fed. Reg. 30882). By this proposed amendment, the Licensee requests that the Commission approve the Licensee's determination that a natural draft, wet cooling tower system is the preferred alternative closed-cycle cooling system for installation at Indian Point Unit No. 2.

The Licensee filed a request for a hearing in the event that any party to the proceeding requested a hearing on the proposed amendment. The party intervenor Hudson River Fishermen's Association has requested a hearing.

All parties to the proceeding have requested a prehearing conference and have stated that September 22, 1976 is a date convenient.

The parties have been engaged in several conferences among themselves and at the prehearing conference, the parties will be expected to state their positions respecting this proposed amendment.

Persons intended to present statements by way of limited appearance at the evidentiary sessions, which will be scheduled later, may desire to attend the prehearing conference in order to be informed respecting the evidence to be presented by the parties and to formulate their limited appearance statements in accordance with the anticipated record of evidence. All members of the public are welcome to attend.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, particularly Section 2.752 thereof, a prehearing conference shall convene at 10:00 a.m. on Wednesday, September 22, 1976, in a Courtroom to be assigned if space is available (otherwise a later Order will issue specifying the changed location for the prehearing conference) in the Westchester County Courthouse, 111 Grove Street, White Plains, New York 10601. The prehearing conference will consider those matters specified in Section 2.752 of the Rules of Practice as specifically related to the proposed amendment sought by the Licensee.

Issued: September 9, 1976, Bethesda, Maryland.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-26924 Filed 9-10-76;10:42 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the provisions in the Technical Specifications to provide for installation and operation of an interim off gas system at Millstone Unit No. 1, in accordance with the licensee's application for amendment, dated July 20, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 13, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 20, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washinton, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated in Bethesda, Maryland, this 8th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26923 Filed 9-10-76;10:42 am]

[Docket Nos. 50-338 OL; 50-339 OL]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order

A Prehearing Conference will be held at 2 p.m. on September 23, 1976, in Room 1046, 1717 H Street, NW., Washington, D.C., to consider the matters set forth in 10 CFR Section 2.752, pending discovery motions, establishing contentions to be addressed at the evidentiary hearing, fixing a schedule for ending discovery, scheduling the evidentiary hearing, and any other prehearing motions or other matters now unresolved.

It is so ordered.

Dated at Bethesda, Maryland, this 8th day of September 1976.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-26921 Filed 9-10-76;10:42 am]

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-90 Transmittal Memorandum No. 1]

COOPERATING WITH STATE AND LOCAL GOVERNMENTS TO COORDINATE AND IMPROVE INFORMATION SYSTEMS

SEPTEMBER 7, 1976.

1. *Purpose.* This Transmittal Memorandum amends Circular No. A-90 by adding a new paragraph 8 to clarify Federal policy governing the use of computer systems by State and local governments when such systems are financed in whole or in part with Federal funds. It also rescinds the provision of paragraph 7b pertaining to State and local government use of General Services Administration ADP Service Centers that was based on Federal Property Management Regulation A-17 which has since been rescinded.

2. *Background.* It is Federal policy that the prerogatives of Heads of units of State and local government not be unduly restricted by Federal regulations and that any Federal information system requirements be fully coordinated with other Federal agencies and State and local governments in order to avoid conflict in requirements of various Federal agencies; to promote compatibility among Federal, State and local systems; and to achieve maximum efficiency and effectiveness in the implementation and operation of these systems.

A number of State Governors have complained that Federal agencies are, contrary to existing policy, placing unnecessary restrictions on the means by which State governments carry out federally financed program activities and that such restrictions preclude them from administering these activities in an efficient and effective manner. For example, in several instances Federal agency managers have either required or encouraged the installation of computers dedicated solely to their agencies' programs in situations where such dedication was not essential to the program requirements and the computational requirements could have been met more effectively or efficiently through the use of multi-purpose computers operated by the State.

In view of the desire of the Federal Government and State and local agencies to achieve better use of information processing resources, the policies set forth below are intended to specifically describe ways which information system efficiency and effectiveness may be enhanced.

3. *Policy amendments.* Delete paragraph 7b, redesignate paragraph 7c as 7b and add the following new paragraph.

V41178 SEP 76 UMI

8. Computerized information. The following policies apply to all Federal program information systems requirements which are placed on State or local government and which involve the use of computers, including related communications. They do not apply to State or local government uses of computers for administrative or other purposes incidental to the conduct of the program (e.g., State or local government payroll, accounting, etc.) where such uses are at the option of the State or local government unit. These policies are in addition to and not a substitute for the more general requirements for information systems development and coordination contained in other sections of this Circular. Any exception to these policies must be fully justified, documented, and approved on an individual case basis as outlined in paragraph 8e.

a. Information and computer requirements shall be expressed in terms of functional performance requirements including, as appropriate, an expected level of efficiency in performance rather than specific means to meet those requirements. For example, Federal agencies shall not:

(1) Prescribe any specific commercial company's hardware or software. Any Federal specifications shall be written in a manner consistent with the Federal Government's policies to foster competition in the private sector.

(2) Prescribe the use of software developed by the Federal Government. While such software can be made available for optional use by State and local governments, use of alternative software at the discretion of State or local government should not be precluded.

(3) Preclude State and local governments from using commercial computer services to meet federally financed data processing requirements.

(4) Issue or apply any policies, criteria or restrictions which require that computer systems be dedicated to the activities for which funds are made available.

Considerations which may bear on a determination to make an exception to this provision include overall Federal costs or the ability to provide a requisite level of protection for personal, classified or any other sensitive information. However, the fact that a system is to be used to process sensitive information is not, in and of itself, a basis for requiring a dedicated system. Data protection methods developed by State and local governments which meet the Federal agencies security performance criteria without dedication of the computer system shall not be precluded.

Dedicated systems acquired before issuance of this Transmittal Memorandum, or as an exception to this provision shall subsequently be made available for multi-purpose use whenever the circumstances which originally justified a dedicated environment no longer apply and it therefore becomes feasible to permit other uses.

Any excess capacity on computers that are provided to a unit of State or local government by a Federal agency shall be available for use by other units of State or local government on an equitable cost sharing basis.

b. When multi-purpose computer systems operated by State and local governments are used to meet federally financed data processing requirements or such data processing requirements are met through the purchase of commercial computer services, the Federal agencies shall bear their fair share of the reasonable costs of providing such services in accordance with the cost principles contained in FMC 74-4. In determining reasonableness, consideration will be given to the several options under which the services could have been provided.

c. Any Federal information and computer requirements which are placed on State or local governments shall be compatible with Federal Information Processing Standards and Technical Guidelines (FIPSPUBS) published by the National Bureau of Standards.

d. Consistent with other provisions and procedures of this Circular, Federal agencies will cooperate with State and local government officials and other Federal agencies to determine the optimum means for meeting interrelated Federal, State and local information requirements and to assure that individual agency requirements are not imposed in a manner which unduly impedes State and local governments' ability to meet other information requirements. When Federal information requirements are placed on State or local government levels, the views of the chief executives of the units of government affected, or their authorized representatives, shall be sought and included in the official record of the agency documenting the coordination of these requirements. All such records shall be made available for public review upon request.

e. Any exceptions from the provisions of paragraph 8a shall be fully justified and documented by the Federal agency and such exceptions shall be explicitly approved by the head of the agency. Such authority for approving exceptions may not be delegated. All documentation pertaining to the justification and approval of any exceptions shall be available, on request, for public review. In all cases where exceptions are approved they shall be reviewed, rejustified and reapproved on an annual basis to insure that the reasons for the exception are still valid.

f. Federal agencies shall periodically conduct economic studies to determine the lowest overall costs for meeting federally financed data processing requirements. Such studies shall be conducted in coordination with any other Federal agency and the State and local government unit involved to insure that prior decisions are still valid, and if not valid, that other more appropriate alternatives are promptly implemented.

g. When the acquisition of additional computer capacity is required to meet federally financed information processing requirements, all cost and economic evaluations conducted in relation to the provisions of this Circular shall be on a systems life basis. Systems life is defined as the estimated time for which the equipment to be acquired will be required. When ADP equipment is transferred or otherwise provided to a State or local government by the Federal Government its value for the purpose of such economic studies shall be determined to be the same as the prevailing fair market value.

Action by Federal Agencies. a. Federal agencies shall review their current internal policies and administrative regulations and modify them as appropriate to achieve consistency with the provisions of this Transmittal Memorandum. The Federal agencies' administrative regulations shall include the necessary procedures, including appropriate reviews and controls, to assure proper application of these policies.

b. Within 90 days of issuance of this Transmittal Memorandum, Federal agencies shall either

(1) Publish any proposed revisions to the Federal agency's regulations and procedures required as a result of the review described in paragraph 4a in the FEDERAL REGISTER, and provide an opportunity for interested persons to submit written views and comments on such regulations and procedures for consideration by the agency before they are adopted;

(2) Publish a notice in the FEDERAL REGISTER which cites currently published regulations and procedures deemed to be consistent with the provisions of this Transmittal Memorandum; or

(3) Advise OMB if the Federal agency does not have any programs to which the provision of this Transmittal Memorandum are applicable.

c. Within 90 days of issuance of this Transmittal Memorandum, Federal agencies shall identify any ongoing program activities in conflict with the policies in this Transmittal Memorandum, develop plans and timetables for corrective action and provide OMB with a copy of such plans and timetables.

5. Inquiries. Inquiries pertaining to this Transmittal Memorandum may be addressed to the Information Systems Division, Office of Management and Budget, Washington, D.C. 20503, telephone (202) 395-3785 (code 103).

JAMES T. LYNN,
Director.

[FR Doc.76-26614 Filed 9-10-76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period August 23 through September 3, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF DEFENSE

System Name: Personnel Action File (Digest File).
Report date: August 24, 1976.
Agency point of contact: Mr. William Cavaney, Executive Secretary, Defense Privacy Board, Room 7A-057 Forrestal Bldg., 1000 Independence Avenue, SW, Washington, D.C. 20314.

DEPARTMENT OF AGRICULTURE

System name: Beef Research and Information Act.
Report date: August 27, 1976.
Agency point of contact: Mr. William J. Stokes, Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

System names: (1) Payroll Records, (2) General Financial Records, (3) General Information File, (4) Applicant's Records.
Report date: August 27, 1976.
Agency point of contact: Mr. Robert E. Cleary, Executive Secretary, Harry S. Truman Scholarship, 712 Jackson Place, NW, Washington, D.C. 20006.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-26655 Filed 9-10-76;8:45 am]

STANDARDS OF ETHICAL CONDUCT AND SUBCONTRACTOR GRATUITIES

Proposed Policy; Invitation for Public Comment

The Office of Federal Procurement Policy, Office of Management and Budget, is considering the adoption of a policy which would require the use by all Federal executive agencies of contract clauses governing standards of ethical conduct for contractors and prohibiting contractors from soliciting or accepting gratuities from subcontractors.

The problem of gifts and gratuities from contractors to Government employees has received much recent attention. It is the view of this Office that any attempted solution to this problem—to the extent it involves imposing contractual requirements—should be uniformly applicable Government-wide.

The "Gratuities" clause prescribed by the Armed Services Procurement Regulation provides penalties, including exemplary damages, for contractors found to have offered gratuities to obtain a contract or favorable treatment connected with a contract. That clause, however, stems from the specific requirements of 10 U.S.C. 2207, governing Defense appropriations, and the same sanctions are not available to other agencies. Moreover, the approach adopted should not merely provide for penalties, but should require contractors to take positive action with regard to the conduct of their officers and employees.

In addition to the problem of gifts and gratuities from contractors to Federal employees, it is necessary to address the problem of gratuities from subcontractors to contractors, since the value of such gratuities, except under formally advertised fixed price contracts, is likely to be passed on and borne by the Government. The problem becomes particularly significant in view of the large proportion of prime contract dollars which flow to subcontractors.

The U.S. General Accounting Office, in its report PSAD-76-23, November 19, 1975, entitled "Subcontracting by Department of Defense Prime Contractors: Integrity, Pricing, and Surveillance," recommends that the Armed Services Procurement Regulation be amended to require that a clause be included in negotiated contracts specifically prohibiting gratuities from subcontractors to higher tier contractors. The report points out that it is difficult to prove that gratuities are given to influence the award of subcontracts, in violation of 41 U.S.C. 51 (the Anti-Kickback Act), and recommends that the payment of such gratuities be prohibited regardless of whether a direct relationship can be established between the receipt of a gratuity and the award of a subcontract. Aside from the probability that the value of the gratuity is passed on as a cost to the Government, such gratuities undermine the integrity of the procurement process by promoting favoritism in the award of subcontracts.

The "Standards of Ethical Conduct" and "Subcontractor Gratuities" clauses which follow have been developed in an effort to combat the problems discussed, and are proposed for mandatory use by all Federal executive agencies.

Comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503, and must be received by November 10, 1976, to be considered.

Questions may be referred to Mr. Donald Vogler, Deputy Assistant Administrator for Regulations, telephone (202) 395-3487.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

PROPOSED CONTRACT CLAUSES

STANDARDS OF ETHICAL CONDUCT

(This clause is applicable to all contracts in excess of $1,000,000.)

(a) The contractor shall require that none of its officers, employees, or agents shall offer, directly or indirectly, any gift, gratuity, favor, entertainment, loan, fee, commission, or any other thing of monetary value to any officer or employee of any Government agency involved in the award or administration of this contract, unless acceptance of such a thing by a Government employee is specifically permitted under an exception provided in regulations issued by such agency pursuant to Section 201(b) of Executive Order 11222, May 8, 1965 (30 FR 6469, May 11, 1965), governing standards of ethical conduct for Government officers and employees.

(b) The contractor shall establish and enforce a company policy governing the conduct of its officers, employees, and agents in their relationships with Government employees which is consistent with the requirements of this clause, and which provides appropriate sanctions for violation.

(c) The contractor shall include the substance of this clause, including the termination provision below, in subcontracts hereunder at any tier in excess of $1 million, and shall enforce the provisions of this clause with respect to such subcontractors.

(d) Failure to comply with the provisions of this clause may be grounds for termination of the contract for default.

SUBCONTRACTOR GRATUITIES

(This clause is applicable to all negotiated contracts in excess of $10,000.)

(a) The contractor shall require that none of its officers, employees, or agents shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, fee, commission, or any other thing of monetary value from any officer, employee, or agent of a subcontractor or prospective subcontractor hereunder at any tier.

(b) The contractor shall ensure that all of its officers, employees, and agents are made aware of the prohibitions of this clause, and shall include the substance of this clause, including the termination provision below, in any subcontract hereunder in excess of $10,000.

(c) Failure to comply with the provisions of this clause may be grounds for termination of the contract for default.

[FR Doc.76-26674 Filed 9-10-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on Sept. 7, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census, Reinterview Questionnaire, for Household Roster Check, 1976 census of Camden, N.J., DF-356, single-time, households in Camden, N.J. with questionnaire population counts, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, survey of 1971-75 Ph. D. receipients in biomedical and behavioral sciences, single-time, sample of 1971-75 Ph. D. recipients in biomedical and behavioral sciences, Richard Eisinger, 395-6140.

Public Health Service, Longitudinal Study of Functions and Education of Nurse Practitioners, single-time, directors of NP programs students, Richard Eisinger, 395-6140.

Office of Human Development, State White House Conference Report Form, single-time, States participating in the WHCHI, Richard Eisinger, 395-6140.

National Institutes of Health, motivations for parenthood, decision-making, and fertility regulation, NIH-CH-41, other (see SF-83), couples in Los Angeles SMSA, Richard Eisinger, 395-6140.

Public Health Service, long term care facility improvement campaign (phase II), monthly, skilled nursing and intermediate care facilities, Human Resources Division. Richard Eisinger, 395-3532.

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REVISIONS

VETERANS ADMINISTRATION

Request to employer for employment information in connection with claim for disability benefits (industrial information), FL29-459, on occasion, employer, Caywood, D. P., 395-3443.

Report of inspection, individual water supply and sewage-disposal system, 26-6395, on occasion, compliance inspector, Caywood, D. P., 395-3443.

Report of accidental injury in support of claim for compensation or pension, 21-4176, on occasion, veteran, Warren Topelius, 395-5872.

Statement of marital relationship, 21-4170, on occasion, claimants, Warren Topelius, 395-5872.

Request for details of expenses, 21-8049, on occasion, claimants, Caywood, D. P., 395-3443.

Statement of heirs for refund of credits, 29-596, on occasion, claimant, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, claim for reimbursement (child care program), FNS-82, monthly, institutions administered by Food and Nutrition Service, Warren Topelius, 395-5872.

Economic Research Service, survey of consumers' food-related behavior, attitudes, and motives, single-time, person in household with responsibility for food purchase, Maria Gonzalez, 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, letter of inquiry, DP-614, on occasion, applicants seeking employment with CB J'ville & Pitts., KS., Caywood, D. P., 395-3443.

Domestic and International Business Administration, application for agent/distributor service, DIB-424P, on occasion, exporters, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH RESOURCES ADMINISTRATION: 1977-78 National Ambulatory Medical Care Survey, (revised patient record), HRA 34-1 through 5, annually, office-based, patient care physicians, Richard Eisinger, 395-6140.

Addition of uniform hospital discharge data set items to hospital discharge survey, HSM88-1, annually, sample of short-stay hospitals, Richard Eisinger, 395-6140.

Social and Rehabilitation Service, Agency report on staff development personnel and expenditures, number of persons trained and associated costs, grants to educational institutions, NCSS-114-T, annually, state public welfare agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, proposed plan for obtaining information and opinions from states relative to evaluation of Hwy. Saf. Prog. Stds., single-time, state and private sector highway safety organizations, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, request for partial advance of funds, OE-1219, on occasion, institutions of higher education, Marsha Traynham, 395-4529.

Center for Disease Control, trade name request form for NOHS, CDC, NIOSH 09, on occasion, chemical manufacturers, Ellett, C. A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-26847 Filed 9-10-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 8, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Questionnaires to U.S. participants and U.S. hosts of Soviet participants in US-USSR interacademy exchange program, single-time, U.S. participants, 1959-1976 and U.S. hosts, 1970-1976, George Hall, 395-6140.

DEPARTMENT OF COMMERCE

Bureau of Census, November 1976 voting supplement, CPS-1, single-time, 55,000 households in Nov. CPS national sample, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, SEA reporting for handcapped children, P.L. 94-142, OE-9058, semi-annually, SEA's, Kathy Wallman, Lowry, R. L., 395-6140.

DEPARTMENT OF TRANSPORTATION

Departmental and other, survey of transportation handicapped, single-time, national probability survey, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, certificate of repossession or seizure of encumbered aircraft—aircraft bill of sale—application for registration, AC8050-1, AC8050-2, FAA-8050-4, on occasion, civil aircraft owners, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs, declaration for free entry of returned American products and/or certificate of exportation, CF 3311, on occasion, importers, exporters and custom-house brokers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-26848 Filed 9-10-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9421; 812-3991]

AMERICAN INCOME TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND B. C. ZIEGLER AND CO.

Filing of Application for an Order of Exemption

AUGUST 30, 1976.

Notice is hereby given that American Income Trust, Series 1 ("Trust") 215 North Main Street, West Bend, Wisconsin 53095, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, B. C. Ziegler and Company ("Sponsor"), (hereinafter the "Sponsor" and the "Trust" are collectively referred to as "Applicants") filed an application on July 20, 1976, and an amendment thereto on August 20, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting the Trust and subsequent series (hereinafter collectively referred to as "Series") from the provisions of section 14(a) of the Act, and exempting the frequency of capital gains distributions of the Series and the secondary market operations of the Sponsor from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust will be governed by a trust agreement (the "Trust Agreement") under which the Sponsor will act as such, First Wisconsin Trust Company will act as Trustee and Interactive Data Services, Inc., will act as Evaluator. Pursuant to the Agreement, the Sponsor will deposit with the Trustee $3,000,000 principal amount of bonds (the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for 3,000 Units, which will represent the entire ownership of the Trust. These Units are in turn to be offered for sale by the Sponsor and members of the Underwriting Account and through dealers for resale to the public.

Applicants state that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited with the Trustee. The Sponsor has been accumulating the Bonds for the purpose of deposit in the Trust and will follow a similar procedure of accumulating the bonds for each Series.

The assets of the Trust will consist of the Bonds, such bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds, accrued and undistributed interest and

undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions may, at the discretion of the Sponsor, be reinvested in substitute obligations meeting specified criteria or may be distributed to the holders of Units of the Trust ("Unit holders") and not reinvested.

Each Unit of the Trust will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding in any particular Series. Units are redeemable, and in the event that any Units are redeemed, the fractional undivided interest represented by each Unit will be increased accordingly. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100 percent agreement of the Unit holders or, in the event that the value of the Bonds shall fall below an amount specified, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There is no provision in the Trust Agreement for the issuance of any units after the initial issuance and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act).

Following the deposit of Bonds by the Sponsor with the Trustee, and following the declaration of effectiveness of the Trust's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various states, the Sponsor will offer the Units of the Trust to dealers for resale to the public at the public offering price set forth in the Prospectus, plus accrued interest.

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Trust and to offer to purchase such Units at prices based on the most recent evaluation by the Evaluator, which prices will be based upon the offering prices of the underlying Bonds. The Sponsor will not purchase any Units at a price less than a price based on the aggregate offering price of the underlying Bonds. Resales of such Units will be made by the Sponsor at the public offering price set forth in the then currently effective Prospectus.

The organization, operation and marketing of units of each subsequent Series will be substantially the same as with respect to the Trust, except that the principal amount of bonds deposited (and therefore the number of units issued), the trustee, evaluator and the respective fees thereof will or may vary; there may be depositors in addition to the Sponsor; and the offerings may be effected solely by the Sponsor without the participation of other underwriters.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) in order that they may make a public offering of Units of the Trust and subsequent series as described above. In connection with the requested exemption from section 14(a), the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of units of a Series if within 90 days after the registration of a Series under the Securities Act of 1933 becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Series that if the Series shall at any time have a net worth of less than 40 percent of the principal amount of bonds originally deposited, as a result of redemption of units of the Series constituting a part of the unsold units acquired by the Sponsor and other members of the underwriting account, the trustee shall terminate the Series in the manner provided in the governing trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the Trust Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units of any Series purchased from the Sponsor, other members of the Underwriting Account or any dealer participating in the underwriting on demand and without any deduction.

RULE 19b-1

Rule 19b-1(a) under the Act provides, in part, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicants intend to distribute principal and interest to Unit holders of a Series at least semi-annually. Applicants state that distributions of principal constituting capital gains to Unit holders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Series will be distributed to Unit holders on the next distribution date; and (2) if Units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption, each Unit holder will receive his pro rata portion of the proceeds from the bonds sold over the amount required to satisfy such redemption distribution. In such cases, a Unit holder may receive capital gains in his distribution since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

Applicants point out that paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose of this provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and state that their situation is within the intended purpose of such provision.

Applicants believe that the dangers against which Rule 19b-1 is intended to guard do not exist in Applicants' situation since the events which may give rise to capital gains are substantially independent of any action by the Sponsor and the Trustee. In addition, the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to Unit holders as a return of principal. Applicants contend, therefore, that it would clearly be to the detriment of Unit holders if a Series would be required to hold any monies which constitute capital gains, until and end of its taxable year before distributing such gains to Unit holders.

RULE 22c-1

Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase the Units in the secondary market at prices based on the offering side evaluation of the bonds in the Trust, determined on the last business day of each week, effective for all sales made during the following week.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the current bid price is not higher than the offering side evaluation, computed as of the last-business day of the previous week, the Sponsor will order a full evaluation. The Sponsor has agreed that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the offering side evaluation computed as of the last business day of the previous week is not more than one-half point ($5.00 on a unit representing $1,000 principal amount of underlying bonds) greater than the current off-

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ering side evaluation, a full evaluation will be ordered.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that Rule 22c–1 has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset value; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c–1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c–1 will not be offended by the Sponsor's secondary market activities. Applicants assert that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Unit holders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Trust of daily evaluations of the unit redemption value.

Applicants also contend that speculation in Units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Applicants therefore request an exemption from the provisions of Rule 22c–1 for the Trust and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Series.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26586 Filed 9–10–76;8:45 am]

[Rel. No. 9423; 812–3972]

BRAE CO.

Filing of Application for an Order Exempting Applicant From All Provisions of the Act

SEPTEMBER 1, 1976.

Notice is hereby given that Brae Company (A Delaware Limited Partnership) ("Applicant"), 506 Wilmington Trust Building, 100 West 10th Street, Wilmington, Delaware 19801, filed an application on June 21, 1976, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act, and the Rules and Regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On May 27, 1976, Applicant filed its Certificate of Limited Partnership with the Secretary of the State of Delaware. Applicant was organized for the purpose of acquiring, holding and disposing of securities and influencing management in entities in which it acquires a significant or controlling interest.

As a limited partnership, Applicant has two general partners and fourteen limited partners (hereinafter collectively referred to as "partners"). These partners have contributed an aggregate of $4,375,758 to Applicant's capital. The limited partners and certain other parties also have lent an aggregate of $12,190,909 to Applicant in exchange for 7 percent subordinated notes due March 31, 1986 (the "Notes"). In addition, WCI Industries, Inc. ("Industries"), one of Applicant's limited partners and a wholly-owned subsidiary of Warner Communications, Inc. ("WCI"), has agreed, subject to Commission approval of the instant application, to contribute an additional $472,727 to Applicant's capital and to lend an additional $2,127,723 to Applicant in exchange for a Note in such principal amount. Industries' contribution to Applicant's capital, as of May 27, 1976, represented 9.97 percent of such capital; its proposed additional contribution would increase its interest to 18.75 percent. Industries percentage interest in the aggregate principal amount of Applicant's Notes, as of May 27, 1976, was 16.11 percent; if the additional loan is made by Industries, its percentage interest in the Notes would increase to 28.57 percent.

Applicant represents that it has not made, and does not propose to make, a public offering of its securities. In addition to Industries, Applicant's limited partners consist of seven individuals and six closely-held family corporations. The beneficial owners of the closely-held family corporations are 14 individuals. Applicant states that all of its limited partners have substantial net assets in excess of their investments in the Applicant.

Applicant's Partnership Agreement provides that its general partners, Dan W. Lufkin and Edward L. Scarff, have exclusive authority to invest the funds of the Applicant and to exercise, on behalf of the Applicant, all rights with respect to such investments. Although it is contemplated that the general partners will consult with the limited partners prior to making any major new investment, the general partners are under no obligation to do so. The limited partners have no power to bind the Applicant in any manner. Under the Partnership Agreement, each partner is entitled to receive such reports and financial statements of the Applicant as are necessary to give each partner an intimate knowledge of Applicant's business and affairs. In addition to regular reports, any partner may, at any time, review Applicant's books and records. Subject to a limited exception, no partner may assign his interest in the Applicant prior to April 30, 1978. Thereafter, a limited partner may, under certain circumstances, assign all of his interest in Applicant subject to a right of first refusal of the Applicant and the other partners. A general partner may assign his interest only with the approval of the holders of at least 80 percent of the limited partnership interests, subject to a minor exception.

Applicant has not registered as an investment company pursuant to Section 8 of the Act in reliance upon section 3(c)(1) of the Act which exempts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) further provides that, for purposes of determining the number of beneficial owners of an issuer, ownership by a company of 10 percent or more of an issuer's outstanding voting securities shall be deemed beneficial ownership of that issuer by the holders of such company's outstanding securities.

Applicant has filed this application in recognition that a question regarding its status under section 3(c)(1) of the Act may exist if Industries makes the additional proposed capital contribution and loan to Applicant. In such a situation, Industries' investment as a limited partner in the Applicant may be attributed to the stockholders of WCI if such investment is deemed to be the equivalent of a 10 percent or greater interest in Applicant's voting securities.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all provisions of the Act. In support thereof, Applicant states that, but for the additional proposed contribution by Industries in Applicant, Applicant would clearly be exempt from registration under the Act by virtue of section 3(c)(1) of the Act. The general partners of Applicant have exclusive authority to determine all matters relating to the business of Applicant. Limited partners may vote only on the withdrawal of a partner, the termination of the Applicant, the compensation of the general partners, and the amendment of the Partnership Agreement. Under such circumstances, Applicant does not believe that an interest in Applicant's capital is equivalent to a voting interest. Furthermore, Industries' proposed interest in Applicant represents a de minimis percentage of the total assets of WCI (0.63 percent of WCI's assets as of March 31, 1976). Although under certain circumstances Industries may make additional loans or capital contributions to Applicant, Applicant represents that no such investment will be permitted if Industries' aggregate investment in Applicant were thereby to exceed 5 percent of the total assets of WCI.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, or any rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the order the Commission may issue pursuant to this application may be conditioned as follows:

(1) Applicant will not permit the aggregate number of beneficial owners of interests in the capital of Applicant to exceed 100. For purposes of this computation, beneficial ownership by a company shall be deemed beneficial ownership by one person; except that, if such company owns a 10 percent or greater interest in the capital of the Applicant and the value of such an interest in the Applicant represents more than 5 percent of the value of the total assets of that company, the beneficial ownership shall be deemed to be the number of beneficial holders of such company's outstanding securities (other than short-term paper); and

(2) Applicant will not make any public offering of its securities.

Notice is further given that any interested person may, not later than September 24, 1976, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26588 Filed 9–10–76;8:45 am]

[Rel. No. 19666; 70–5803]

CENTRAL AND SOUTH WEST CORP.

Proposed Establishment of Employee Stock Ownership Plan and Issuance and Sale of Common Stock Thereto; Request for Exception From Competitive Bidding

SEPTEMBER 1, 1976.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company has filed an application-declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and Rules 20(a), 50 and 100(a), promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell up to, but not exceeding, 350,000 shares of its authorized and unissued Common Stock, par value $3.50 per share (the "Additional Shares"), to an Employee Stock Ownership Plan ("Plan") which CSW intends to establish, effective January 1, 1975, pursuant to the Tax Reduction Act of 1975 (Pub. L. 94–12, 89 Stat. 26). The Plan would be established for the benefit of employees of CSW and of its direct and indirect subsidiaries, Central Power and Light Company, CSR Services, Inc., Public Service Company of Oklahoma, Transok Pipe Line Company, Southwestern Electric Power Company, West Texas Utilities Company and of such other future such subsidiaries as may be designated by the Board of Directors of CSW.

CSW states that the Tax Reduction Act of 1975 incorporates a definition of "employer securities" which, if not amended, may make implementation of the Plan, as presently contemplated, impractical. Legislation containing the necessary amendatory language is now pending before a Congressional Conference committee. CSW seeks to implement the Plan as soon as possible following the enactment of the necessary legislation, which in CSW's case, would mean no later than October 15, 1976.

CSW states that, as now constituted, the Tax Reduction Act of 1975 permits a corporation to elect an additional 1 percent investment tax credit on qualified property additions made during the period from January 22, 1975 through December 31, 1976, provided an amount equivalent to the additional tax credit is invested in the corporations common stock through an employee stock ownership plan. CSW has filed a preliminary draft of its proposed Plan as an exhibit to its application-declaration. Under this proposed plan, a trust would be established to which an appropriate number of Additional Shares would be issued and sold by CSW. CSW states that its qualifying property additions for 1975 and those budgeted for 1976 would result in a cumulative additional 1 percent investment tax credit of $3,750,000. Based on this figure and assuming a purchase price of $14 a share as determined under the statutorily prescribed formula, the trust would thereby acquire, for the two years, approximately 268,000 Additional Shares. The trust would also be empowered to periodically purchase Additional Shares with funds generated by the dividends paid on shares held by it. CSW states that it anticipates the purchase of about 12,000 Additional Shares by the trust through this medium.

CSW's management and Board of Directors believe that the establishment of the Plan will be beneficial to CSW in that it will provide an additional source of common equity capital at an economical cost to CSW, help to reduce the size of public offerings of common stock of CSW and accordingly lessen to a degree the depressing effect which such offerings have on the market price of such stock.

In anticipation of establishing such a Plan, CSW has amended its charter, effective April 24, 1976, to increase the authorized common stock from 56,500,000 to 58,300,000 shares and to except from pre-emptive rights the issuance of stock (a) exclusively to or for the benefit of employees of the Corporation or of any

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corporation of which the Corporation owns, directly or through one or more intermediate subsidiaries, at least 50 percent of the outstanding voting stock and (b) through or in connection with a dividend reinvestment plan.

CSW also proposes to file quarterly reports, pursuant to Rule 24, for the purpose of reporting the periodic acquisitions of Additional Shares by the Trust.

CSW requests exception from the competitive bidding requirements of Rule 50 pursuant to clause (a)(5) thereof.

The fees, commissions and expenses to be paid or incurred by CSW in connection with the establishment of the Plan are estimated to be $55,000 including Trustee fees of $30,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over any aspect of the proposed transaction.

Notice is further given that any interested person may, not later than September 24, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26589 Filed 9-10-76;8:45 am]

[Rel. No. 9419; 812-4005]

CHASE FUND OF BOSTON ET AL.

Filing of Application for an Order of Exemption From the Provisions

Notice is hereby given that an application, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), was filed on August 5, 1976, and an amendment thereto on August 12, 1976, by the following persons: The Chase Fund of Boston (the "Chase Fund") and Shareholders' Trust of Boston ("Shareholders' Trust") (collectively referred to as the "Funds"), open-end, diversified, management investment companies registered under the Act; Phoenix Investment Counsel of Boston, Inc. ("PIC"), investment adviser to the Funds; Phoenix Equity Planning Corporation ("PEPCO"), principal underwriter for the Funds; and Chase Investment Services of Boston, Inc. ("CIS"), 535 Boylston Street, Boston, Massachusetts 02116, an investment adviser registered under the Investment Advisers Act of 1940 and a subsidiary of PIC and PEPCO (the Funds, PIC, PEPCO, and CIS are collectively referred to herein as "Applicants"). The application requests an order of the Commission exempting Applicants from section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

CIS has been engaged, for a number of years, in the business of advising investors with personal accounts which initially have minimum assets of $25,000 ("mini-accounts"). CIS, for economic reasons, has decided to terminate its mini-account business. This decision is concurred in by CIS's parent corporations—PIC, PEPCO and Phoenix Mutual Life Insurance Company.

In order to provide an alternate investment medium for CIS's approximately 150 mini-account clients prior to CIS's termination of its mini-account business, Applicants wish to offer shares of the Fund to such clients for 90 days at net asset value per share without any sales charge. During this ninety day period CIS mini-account clients will be able to purchase shares of the Funds through PEPCO at a price equal to net asset value per share without any sales charge while the general public will only be able to purchase shares of the Funds at a price equal to net asset value per share plus a sales charge. In the opinion of CIS, the investment objectives of the Funds most nearly approximate the investment objectives of the majority of its mini-account clients.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. The Funds currently offer shares to the public at a price based upon net asset value plus a sales charge.

Applicant's proposed offering to each CIS mini-account client would be limited in the aggregate amount of shares offered of both Funds to the value of each client's mini-account at the time the offerings commence. Furthermore, mini-account clients purchasing shares of either Fund pursuant to the proposed offer would not be permitted for a period of one year following purchase to exchange Fund shares for shares of other open-end funds advised by PIC or PEPCO on the basis of their respective net asset values. All of the terms of the ninety day limited offering of shares of the Funds at net asset value per share without any sales charge will be disclosed in the Funds' prospectuses, as well as in the prospectuses of other open-end funds distributed by PEPCO.

With respect to the proposed offering to CIS's mini-account clients, Applicants will inform such clients that Fund shares are available and that if a client is interested, he should request a prospectus. No selling efforts will be directed by Applicants to such clients.

Applicants assert that the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class or classes of persons, securities, or transactions, from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26590 Filed 9-10-76;8:45 am]

[Release No. 34-12751; File No. SR-CBOE-1976-8, Amdt. 2]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 19, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission an amendment to a previously filed proposed rule change as follows:

STATEMENT BY CBOE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

NONPUBLIC INFORMATION CONCERNING BLOCK TRANSACTIONS

Rule 4.18. No member or person associated with a member, for an account in which such member or person has an interest, or for an account with respect to which such member or person exercises investment discretion, shall cause to be executed an order (other than an order for the account of such member which represents the other side of the execution of a customer's order) to buy or sell an option on CBOE when the person causing such order to be executed has knowledge of a "block" transaction in the underlying security, or to buy or sell an underlying security when the person causing such order to be executed has knowledge of a "block" transaction in an option traded on CBOE covering that security, prior to the time information concerning the "block" transaction has been made publicly available. For purposes of this rule, a "block" transaction means a transaction involving 10,000 shares or more of an underlying security or options covering such number of shares: *Provided*, That such block transaction is required to be made publicly available under the plan administered by the Consolidated Tape Association or the Options Price Reporting Authority, as the case may be. A person shall not be deemed to have knowledge of a transaction prior to the time the person knows the terms of the transaction that have been agreed to by all parties to the transaction.

INTERPRETATIONS AND POLICIES

.01. The prohibitions of Rule 4.18 insofar as they relate to a person's knowledge of a "block" transaction apply to natural persons within the member organization but not to the organization itself. The knowledge of separate natural persons within a member organization is not to be imputed to the organization or to others within the organization, although member organizations have overall supervisory responsibilities to assure that the activities of their employees are in compliance with this Rule. Further, where a person within a member organization has knowledge of a transaction within the scope of this rule, such person may not instruct another person to enter an order if the person having such knowledge would himself be precluded from entering the order.

.02. An individual's knowledge of a block transaction may be proved by circumstantial evidence from which it may reasonable be concluded that the individual must have had such knowledge.

.03. Information as to a block transaction shall be considered to be publicly available for purposes of Rule 4.18 when it has been disseminated via a tape or high speed communications line. Public outcry on the Floor shall not be deemed to make such information publicly available except in unusual circumstances with the advance approval of a Floor Official.

.04. The parenthetical pharse in the first sentence of Rule 4.18 is intended to make clear that the rule is not intended to impede member organizations from taking a proprietary position where appropriate to provide the best execution of a customer's order. Thus in the situation where a member organization receives at or about the same time customer orders relating to both an option and the underlying security, the rule does not operate to restrict the member organization from positioning the other side of one or both of such orders. However, the member organization would not be able to cover the resulting proprietary position by entering an offsetting order until information concerning any block transaction involved has been made publicly available.

.05. A block transaction which has been agreed upon does not lose its identity as such by arranging partial execution of the transaction in portions which themselves are not of block size. In this situation, the requirement that information concerning the transaction be made publicly available will not be satisfied until the entire block transaction has been completed and publicly reported.

STATEMENT BY CBOE OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of proposed, revised Rule 4.18 and the related interpretations is to remove any incentive to a member for delaying public dissemination of information concerning block transactions which are required to be reported over the respective options and stock price reporting networks (OPRA and CTA). The rule thus prohibits a member or person associated with a member from capitalizing in its securities trading on nonpublic knowledge of the agreed upon terms of a block transaction.

The CBOE has a major interest in encouraging rapid dissemination of information into the marketplace. The CBOE places primary reliance for the dissemination of information about transactions in the stock underlying options on the consolidated tape and the high speed line between the NYSE and the CBOE. Likewise, CBOE has established its own high speed line for the dissemination of information about transactions in options. Consequently, the rules of the CBOE should remove any incentives for members to delay the required report of transactions to these information disseminating mechanisms.

If a member is permitted to engage in option trading or in stock trading at a time when it has agreed upon the terms of a block transaction in the corresponding stock or option, it may be tempted to delay executing the block transaction until after it has completed the nonblock trades and thereby delay the reporting of the block transaction. The rule is intended to eliminate that incentive to delay the execution or reporting of a block transaction.

In addition to the reference in the original filing of proposed Rule 4.18 to section 6(b)(5), a further basis for proposed Rule 4.18 is section 11A(C)(iii) stating that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability of information with respect to transactions in securities. Proposed Rule 4.18 is intended to improve the prompt reporting of block transactions by eliminating what might otherwise be an incentive to delay such reporting.

CBOE has continued to receive informal comments from its members who are active in block transactions, as well as from market makers. These comments have been considered by the special committee of the Board that was appointed prior to the original filing of proposed Rule 4.18 to investigate generally the subject matter of this Rule. CBOE believes that commenting members generally find acceptable proposed Rules 4.18 as amended in this filing.

No burden on competition is or will be imposed by proposed Rule 4.18, as amended.

On or before October 18, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 28, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 31, 1976.

[FR Doc.76-26582 Filed 9-10-76;8:45 am]

[Release No. 34-12744; File No. SR-CBOE-76-14]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15

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U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

POSITION LIMITS

Rule 4.11.

• • • Interpretations and Policies:

.01 *Whenever there is declared a stock dividend, stock distribution, stock split or reverse split in respect of any underlying security of a class of options dealt in on the Exchange, and as a result option contracts of the same class are traded covering different numbers of underlying shares, then the limit contained in clause (b) of Rule 4.11 shall not be applicable either (i) to covered short options positions or (ii) to short options positions to the extent long options positions for the same number of underlying shares are maintained in the same account where the exercise prices of the options contracts in such long positions are equal to or less than the exercise prices of the options contracts in such short positions.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rules change is to provide members and public customers with the same exemption to the limitation presently found in clause (b) of Rule 4.11 in those instances where, due to a stock split, stock dividend, stock distribution or reverse split, the number of underlying shares contained in the contract unit of the outstanding options series dealt in on the Exchange are adjusted upward or downward to reflect the revision in the number of outstanding shares of the subject underlying security. This proposed interpretation would enable public investors and members to compute more precisely the limits of Rule 4.11 at a time when a class of options contracts will have different numbers of shares underlying such contracts, e.g., a 5 for 4 stock split for ABC Company would result in adjusting the outstanding ABC options so that the number of underlying shares per contract is increased from 100 to 125. Thereafter, all subsequently introduced series of ABC options will have 100 shares of ABC Company common stock underlying each contract.

The following examples of options positions in a single account assist in illustrating the operation of the proposed interpretation of Rule 4.11 under the above circumstances:

	Long	*Short*
1.	400 ABC Oct 20 Option Contracts (each contract covers 125 shares.)	100 ABC Oct 25 Option Contracts (each contract covers 100 shares.)

In this example, the 400 long ABC contracts cover 50,000 shares of ABC Company. Therefore, the 400 long ABC contracts cover, on a share-for-share basis, the 50,000 shares represented by 500 of the 1000 short ABC contracts. Thus, the net short position in this account is the permissible limit of 500 ABC Oct 25 options contracts.

	Long	*Short*
2.	125 ABC Jan 15 Option Contracts (each contract covers 100 shares.	600 ABC Oct 20 Option Contracts (each contract covers 125 shares.)

Under these facts, the 125 long ABC Jan 15 contracts cover 12,500 shares. This long position would offset, on a share-for-share basis, 100 of the ABC Oct 20 contracts, since each short contract is comprised of 125 shares of ABC for a total of 12,500 shares. Therefore, this account would maintain a net short position of 500 ABC Oct 20 options contracts.

The Exchange, in order to promote just and equitable principles of trade and to protect investors and the public interest, proposes that the protection afforded by by the provisions of Rule 4.11 extend, as they were intended, to circumstances where the same class of options contracts do not have an equal number of shares underlying every contract.

Comments were not solicited nor were comments received.

The Exchange does not believe that the proposed interpretation will impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 13, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.26579 Filed 9-10-76;8:45 am]

[File Nos. 7-4873-7-4876]

COLT INDUSTRIES INC. (PENNSYLVANIA) ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 26, 1976.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Colt Industries Inc. (Pennsylvania), Common Stock—3.00 Par Value, File No. 7-4873.
Emhart Corporation (Virginia), Common Stock—$1.00 Par Value, File No. 7-4874.
MGIC Investment Corporation (Wisconsin), Common Stock—$1.00 Par Value, File No. 7-4875.
Nicor, Inc., Common Stock—$5,000 Par Value, File No. 7-4876.

Upon receipt of a request, on or before September 11, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26587 Filed 9-10-76;8:45 am]

[Release No. 34-12759]

Notice of Institution of Proceedings by the Securities and Exchange Commission, Pursuant to Sections 17A and 19 of the Securities Exchange Act of 1934 and § 240.17Ab2-1 thereunder, To Determine Whether To Grant or Deny the Registration as a Clearing Agency of the Depository Trust Comoany, Bradford Securities Processing Services, Inc., American Stock Exchange Clearing Corporation, Stock Clearing Corporation of Philadelphia, Boston Stock Exchange Clearing Corporation, Stock Clearing Corporation, Midwest Securities Trust Company, the Options Clearing Corporation, Midwest Clearing Corporation, Pacific Securities Depository Trust Company, Pacific Clearing Corporation, National Clearing Corporation and Tad Depository Corporation

The Securities and Exchange Commission hereby announces the institution of proceedings to determine whether to grant or deny the registration of the following clearing agencies, (hereinafter referred to as the "Registrants"), at the expiration of the registrations previously granted to the registrants pursuant to subsection (c) of § 240.17Ab2-1 under the Securities Exchange Act of 1934 (the "Act"):

The Depository Trust Company ("DTC"), File No. 600-1;
Bradford Securities Processing Services, Inc. ("SPS"), File No. 600-2;
American Stock Exchange Clearing Corporation ("ASECC"),[1] File No. 600-3;
Stock Clearing Corporation of Philadelphia ("SCCP"), Filed No. 600-4;
Boston Stock Exchange Clearing Corporation ("BSECC"), File No. 600-5;
Stock Clearing Corporation ("SCC"), File No. 600-6; Midwest Securities Trust Company ("MSTC"), File No. 600-7;
The Options Clearing Corporation ("OCC"), File No. 600-8;
Midwest Clearing Corporation ("MCC"), File No. 600-9;
Pacific Securities Depository Trust Company ("PSDTC"), File No. 600-10;
Pacific Clearing Corporation ("PCC"), File No. 600-11;
National Clearing Corporation ("NCC"), File No. 600-12; and
TAD Depositoy Corporation ("TAD"), File No. 600-13.

In the proceedings, which are being instituted pursuant to subsections 17A(a) and (b) and subparagraph 19(a)(1)(B) of the Act and § 240.17Ab2-1 thereunder, the Commission will consider the issues and grounds described herein. At the conclusion of the proceedings, the Commission, by order, will grant or deny registration as a clearing agency to each Registrant at the expiration of the registration previously granted to the Registrant pursuant to subsection (c) of § 240.17Ab2-1 under the Act.

DESCRIPTION OF THE REGISTRANTS

The Registrants provide a wide range of comparison, netting, depository, settlement and related services to brokers and dealers and others engaged in effecting or facilitating transactions in securities.

ASECC, a wholly-owned subsidiary of the American Stock Exchange, Inc., ("Amex"); SCCP, a wholly-owned subsidiary of the Philadelphia Stock Exchange, Inc. ("Philadelphia"); BSECC, a wholly-owned subsidiary of the Boston Stock Exchange ("BSE"); SCC, a wholly-owned subsidiary of the New York Stock Exchange, Inc. ("NYSE"); MCC, a wholly-owned subsidiary of the Midwest Stock Exchange, Inc. ("MSE"); and PCC, a wholly-owned subsidiary of the Pacific Stock Exchange, Inc. ("PSE") provide clearing and settlement services for securities transactions on the parent exchanges and other securities transactions.

NCC, a wholly-owned subsidiary of the National Association of Securities Dealers, Inc., ("NASD"), provides clearing, settlement and related depository services for over-the-counter transactions. OCC, which is one quarter owned by each of the Chicago Board Options Exchange, Inc., Amex, PSE and Philadelphia is the issuer of, and provides clearing and settlement services for transactions in, exchange listed options.

MSTC, a wholly-owned subsidiary of MSE, and PSDTC, a wholly-owned subsidiary of PSE, offer a full range of depository and depository-related services, including the safekeeping of securities. DTC, which is owned by NYSE (59.3%), Amex (7.8%), NASD (7.8%), Philadelphia (0.2%), and institutional investors, principally banks (24.9%), is the country's largest depository and offers a full range of depository and depository-related services, including the safekeeping of securities. TAD, which is 80% owned jointly by Philadelphia, MSE and BSE and 20% owned by the Bradford Trust Company, offers depository and depository-related services, including the safekeeping of securities, and expedites record ownership transfers of securities left in its custody.

SPS provides draft delivery and collection services which are used principally for the settlement of transactions in municipal securities.

BACKGROUND

On November 26, 1975, the Commission noticed the filing of the Registrants' applications for registration as clearing agencies.[1] On December 1, 1975, the Commission granted each Registrant registration which, pursuant to subsection (c) of § 240.17Ab2-1, was only effective for a period of eighteen months. The approach to registration incorporated in subsection (c) of § 240.17Ab2-1 was intended to permit clearing agencies in operation prior to December 1, 1975, to be registered in compliance with the Act, upon a finding that their operations were safe, while affording the Commission sufficient time to make the other determinations required by subparagraphs (A)-(I) of paragraph 17A(b)(3) of the Act ("Subparagraphs (A)-(I)"), including determinations pertinent to the establishment of a national clearing and settlement system, following full consideration of the issues involved.

The Commission has instituted these proceedings in order to obtain the views of interested persons concerning the Registrants' compliance with the standards which the Commission is required to apply under the Act in making determinations in connection with the registration of clearing agencies.

STANDARDS TO BE APPLIED IN DETERMINING WHETHER TO GRANT OR DENY REGISTRATION

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Inefficient procedures for clearance and settlement impose unnecessary costs in investors and persons facilitating transactions by and acting on behalf of investors.

(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Paragraph 17A(a)(2) of the Act directs the Commission to "• • • use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities • • •." Paragraph 17A(a)(2) of the Act directs the Commission, in carrying out its responsibilities under section 17A, to have:

due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents.

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform clearance and settlement of transactions with respect to securities (other than exempted securities) unless the clearing agency has been registered with the Commission.

In the exercise of its authority under section 17A, on November 3, 1975, the Commission adopted § 240.17Ab2-1 and related Form CA-1 for the registration of clearing agencies. Although paragraph 17A(b)(3) of the Act requires the Com-

[1] In Securities Exchange Act Rel. No. 12489 (May 26, 1976), the Commission announced the institution of proceedings, including hearings, to determine whether to grant or deny the application of the National Securities Clearing Corporation ("NSCC") for registration as a clearing agency, including the proposed merger of SCC, ASECC and NCC, which currently perform the clearance of securities transactions proposed to be cleared by NSCC. Since the registrations of ASECC, SCC and NCC are still in effect and the Commission has not yet made a determination with respect to NSCC's application for registration, the registrations of SCC, ASECC and NCC are being included in these proceedings.

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mission to make a number of determinations with respect to the applicant's operations, capabilities, and rules[1] before granting registration, paragraph (c)(1) of Section 240.17Ab2–1 provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for 18 months without making all the determinations called for by Subparagraphs (A)–(I).

[1] The determinations are set forth in subparagraphs (A)–(I) of paragraph 17A(b)(3) of the Act. Paragraph 17A(b)(3) provides:

"A clearing agency shall not be registered unless the Commission determines that—

"(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

"(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

"(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

"(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

"(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

"(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

"(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

"(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

"(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title."

The Registrants applied for registration under paragraph (c)(1) of § 240.-17Ab2–1, thereby requesting that registration be granted while the registrant was exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A)–(I). The Commission registered the registrants in accordance with paragraph (c)(1) of § 240.-17Ab2–1 upon the Commission's finding: that the applicants were so organized and had the capacity to safeguard securities and funds in their custody or control or for which they were responsible; that the applicants' rules did not impose any schedule of prices, or fix rates or other fees, for services rendered by participants; and that the applicants' rules assured the safeguarding of securities or funds which were in the custody or control of the applicants or for which they were responsible.

At the conclusion of these proceedings, the Commission, by order, will grant or deny registration as a clearing agency to each Registrant at the expiration of the registration previously granted to the Registrant pursuant to subsection (c) of § 240.17Ab2–1 under the Act unless the Commission, for good cause, extends the time for conclusion of the proceedings and publishes its reasons for so doing or the Registrant agrees to an extension of the time for the conclusion of the proceedings.

Issues and Grounds for Denial Under Consideration

In deciding whether to grant or deny registration, the Commission must consider whether the Registrants satisfy the requirements of section 17A of the Act, including the determinations required by Subparagraphs (A)–(I). Of particular concern to the Commission in making its decision are whether a Registrant's organization and rules (i) are consistent with the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities; (ii) continue to provide for the protection of investors and the safeguarding of securities and funds in the Registrant's custody or control and (iii) will enable it to reduce unnecessary costs and establish efficient, effective and safe procedures for clearance and settlement by taking advantage of new communications and data processing techniques.

The Commission would like to receive comments from interested persons on the appropriateness of registering each of the Registrants with particular reference to the compliance of their organization and rules with the objectives of the Act described above, including the determinations called for by Subparagraphs (A)–(I).

All interested persons are invited to submit written data, views and arguments concerning the foregoing application on or before March 14, 1977. Such written data, views and arguments will be considered by the Commission in determining whether registration should be granted or denied in accordance with paragraph (c)(2) of section 240.17Ab2–1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1976.

[FR Doc.76-26578 Filed 9-10-76;8:45 am]

[Rel No. 9422; 812-3987]

FEDERATED EXCHANGE FUND

Filing of Application for Exemptions

AUGUST 31, 1976.

Notice is hereby given that Federated Exchange Fund (A California Limited Partnership) (the "Fund" or "Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on July 15, 1976, and an amendment thereto on August 30, 1976, for an order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(19), 2(a)(3), and 22(e) of the Act to the extent discussed below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Fund is a limited partnership, which executed (1) a Certificate and Agreement of Limited Partnership on February 27, 1976, under the California Uniform Limited Partnership Act (the "California Act"), and (2) a Restated and Amended Certificate and Agreement of Limited Partnership ("Partnership Agreement") under the California Act on August 20, 1976.

The Fund has filed a Notification of Registration on Form N–8A and a Registration Statement on Form N–8B–1, under the Act, as an open-end, diversified management investment company. The Fund has also filed a Registration Statement on Form S–5 to register its units of limited partnership interest ("Shares") for sale under the Securities Act of 1933. The Fund states that it does not intend to offer its shares continuously but reserves the right to do so.

The Fund's stated purpose is to provide an investment medium to persons, having substantial holdings of individual securities acceptable to the Fund and with relatively large unrealized capital appreciation, who wish to exchange such holdings for Shares of the Fund without incurring federal capital gains tax liability by reason of the exchange.

The Fund states that it has submitted to the Internal Revenue Service a request for a ruling under the Internal Revenue Code of 1954, as amended (the "Code"), that for federal income tax purposes no gain or loss will be recognized by any investor on the contribution of securities in exchange for Shares of the Fund, and that the Fund will be treated as a partnership and not as an association taxable as a corporation. If these rulings are issued, they are expected to be based on the fact that the Fund is established as a partnership and lacks the corporate characteristics of limited liability and continuity of life.

In its Registration Statement on Form S–5, which is incorporated by reference in the application, the Fund states that the exchange will not be consummated unless the Fund receives a ruling from the Internal Revenue Service that such exchanges will be tax free.

The application contains the following assertions as to the applicability of the Code, and proposed amendments thereto, to such exchanges. At present, section 721 of the Code provides that no gain or loss shall be recognized to a partnership or to any of its partners in the case of a contribution of property to the partnership in exchange for an interest in the partnership. Under existing law, investors in the Fund will not recognize gain for federal income tax purposes on the contribution of appreciated securities in exchange for Shares of the Fund by reason of the non-recognition provisions of section 721. Legislation (the "Bill") is currently being considered in Congress which would make existing section 721 inapplicable in the case of gain if property is transferred to a partnership which would be treated as an investment company (within the meaning of section 351 of the Code) if the partnership were incorporated. Transition rules are being considered as a portion of this legislation, which would provide that the pre-existing law (section 721 as it presently exists) will apply to an exchange if, among other things, a registration statement was filed with the Commission before a specified date and the transfer of securities to the investment company was made on or before a specified date. The Fund expects to meet all the conditions and transition rules set forth in the Bill for the application of existing section 721 to the transfer of securities in exchange for Shares of the Fund. When the Bill is enacted into Law, the Fund wishes to be in a position to sell its Shares to the public at that time in accordance with its Registration Statement on Form S–5 pursuant to the Securities Act of 1933.

The Fund states that it was organized under the California Act because that Act specifically permits limited partners to exercise voting rights necessary to permit the Fund to comply with the Investment Company Act of 1940. The Fund has filed, with the application, an opinion of counsel that the Fund has been legally formed and organized and is validly existing as a limited partnership under the California Act. In addition, the Fund undertakes that, prior to the expiration of the public notice period specified herein, it will file an additional opinion of counsel, in form and substance satisfactory to the Commission staff, that if, because of the existence or exercise of those voting rights, the limited partners are held to be liable as general partners to creditors of the Fund, then, to the extent the assets and insurance of the Fund are insufficient to reimburse a limited partner, such limited partner would have recourse against the general partners.

As a limited partnership, the Fund will have two classes of partners: general partners and limited partners (hereinafter collectively referred to as "Partners"). The entire interest of the Partners will be divided into Shares. All Shares will have equal rights and equal participation in profits and losses of the Fund and one vote per Share on matters to be voted upon by Partners. All Shares are redeemable. Because of the nature of the Fund, its initial portfolio of securities may have a relatively low tax basis, with the result that any sales of portfolio securities made to meet redemptions may involve the realization of relatively large capital gains by the Fund. Accordingly, the Fund reserves the right to redeem its Shares, in whole or in part either in cash or by the distribution of one or more portfolio securities in kind.

There are nine general partners of the Applicant, of which eight are individuals and one a corporation. The corporate general partner, Exchange Fund Research Corp., is the investment adviser ("Adviser") to Applicant.

The Partnership Agreement provides that the Partnership will be managed by those general partners who are individuals ("Managing General Partners"). Any General Partner which is a corporation, association, partnership, joint venture or trust shall act as a Non-Managing General Partner and shall take no part in the management, conduct or operation of the Fund's business, unless there are no remaining Managing General Partners of the Fund. In such event, the Non-Managing General Partner shall call a special meeting of Partners to elect successor Managing General Partners within 120 days of the date the last Managing General Partner ceased to act in such capacity. The Fund agrees that any exemptive order granted pursuant to this application may be conditioned upon the continued effectiveness of this provision.

Applicant asserts that the Managing General Partners will perform the same functions as directors of incorporated investment companies registered under the Act. The Managing General Partners shall act only by vote of a majority of the Managing General Partners at a meeting or by unanimous written consent without a meeting, unless otherwise required by the Act with respect to any particular action. Each Managing General Partner will have one vote. The Managing General Partners may appoint agents to perform duties for or on behalf of the Fund, and may appoint an Executive Committee, which shall consist of two or more Managing General Partners. A single Managing General Partner or Managing General Partners constituting less than a majority of Managing General Partners shall not have authority to act on behalf of the Partnership or to bind the Partnership except when acting as an Executive Committee or otherwise pursuant to delegated authority of the Managing General Partners as provided in the Partnership Agreement. In this regard, Applicant states in its Registration Statement on Form S–5 that it intends to include in all material contracts a provision limiting the claims of creditors to Fund assets.

Applicant has undertaken to file, prior to the expiration of the public notice period specified herein, an opinion of counsel, in form and substance satisfactory to the staff, that the division of managerial functions set forth in the Partnership Agreement is permitted under California law.

The Fund understands that under its current rulings policy the Internal Revenue Service would not issue the ruling which the Fund expects to receive with respect to the classification of the Fund as a partnership and not an association taxable as a corporation unless the General Partners of the Fund maintain in the aggregate an interest of at least 1 percent in each material item of partnership income, gain, loss, deduction, and credit.

In order to meet this condition, the Partnership Agreement provides that the initial general partners shall, as a group, make capital contributions in an amount not less than 1 percent of the total capital contributions of both the limited partners and the general part-

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ners. To insure continued satisfaction of this 1 percent requirement, the Non-Managing General Partner has undertaken that at all times while serving as Non-Managing General Partner of the Fund, it will own at least a sufficient amount of the Fund's outstanding shares so that the general partners, as a group, shall own at least 1 percent of such Shares. The Non-Managing General Partner has further undertaken that it will not withdraw as Non-Managing General Partner, except on two years' notice, or upon the earlier assumption by another general partner of this 1 percent requirement, provided, however, that in the event that the Fund terminates its investment advisory contract with the Non-Managing General Partner, it will remain as Non-Managing General Partner and continue to own a sufficient amount of the Fund's outstanding Shares to satisfy this 1 percent requirement for one year or until the earlier appointment of a successor Non-Managing General Partner which undertakes to satisfy this 1 percent requirement. The Fund agrees that any exemptive order granted pursuant to this application may be conditioned upon the continued effectiveness of these undertakings.

Applicant represents that prior to the public offering of Shares, its general partners will have, in the aggregate, a tangible net worth of not less than $2,500,000 exclusive of their investment in the Fund, and undertakes that its General Partners at all times will continue to have at least such net worth.

Applicant represents further that it will be named as an insured in a brokers' blanket bond in an amount of not less than $10,000,000, which coverage will include general partners of the Fund and coverage for dishonest or fraudulent trading by employees. The Fund will also be a named insured in an errors and omissions insurance policy, providing coverage up to a maximum amount of $5,000,000, with a $20,000 deductible for any one claim. The Fund states that it will not voluntarily cancel such insurance, and agrees that any exemptive order granted pursuant to this application may be conditioned upon the Fund being covered under such policies.

The Fund states that exchanges will be solicited for a limited period of time ("Solicitation Period"). Prospective investors who wish to become Limited Partners will deposit their securities with an escrow agent, together with appropriate instruments of transfer and a duly executed transmittal letter. At the termination of the Solicitation Period, the Fund will mail a Report to Depositors describing the securities then on deposit and certain additional information. Each depositor will have a period of time after the mailing of the Report to Depositors in which to withdraw his deposited securities ("Withdrawal Period"). The Fund will have the right to reject securities offered for deposit or deposited at any time prior to and for a period several days after the end of the Withdrawal Period. Unless withdrawals by depositors and rejections by the Fund shall have reduced the aggregate value of all securities and cash on deposit below $25,000,000, the securities remaining on deposit will be exchanged for Shares of the Fund and those depositors will become limited partners of the Fund.

Applicant states that, although ownership of Shares will not entitle a limited partner to take part in the control of the Fund's business, each Share shall carry one vote on all matters to be voted upon by Partners. The Partnership Agreement provides that a limited partner may assign any or all of his interest in the Fund by written instrument of assignment in form and substance satisfactory to the Managing General Partners, provided that (i) the assignee agrees to become a substituted limited partner, and (ii) the Managing General Partners consent to such assignment and substitution. The admission of an assignee as a substituted limited partner is also conditioned upon the assignee's written acceptance and adoption of all of the terms and provisions of the Partnership Agreement, and the recording of an appropriate amendment to the Partnership Agreement. The Fund indicates that the Managing General Partners have stated that it is their intention to consent to assignments by way of gifts or personal estate planning (for example, transfers to trusts). Since the Shares are redeemable in whole or in part at their net asset value, Applicant asserts that the giving or withholding of such consent does not affect the ability of a partner to realize on his investment. The Fund agrees to process amendments to the Partnership Agreement daily, to reflect changes in partnership interests, and further agrees that any order granted pursuant to this application will be conditioned upon the continued effectiveness of this provision.

SECTION 2(a)(19)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are "interested persons" of such registered company. Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

Section 2(a)(19)(A) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment company, means (1) any affiliated person of such investment company, and (2) any interested person of any investment adviser for such company. Section 2(a)(19)(B) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment adviser for any investment company, means any affiliated person of such investment adviser. Section 2(a)(3)(D) of the Act provides, in part, that an "affiliated person" of another person means any partner or co-partner of such person.

Applicant states that five of its Managing General Partners serve as non-interested directors of other investment companies advised by investment advisers which are controlled by Federated Investors, Inc., the parent of the Adviser. The Applicant states that, as Managing General Partners, these persons are co-partners in Applicant with the Adviser and therefore might be deemed "interested persons" of the Adviser and of Applicant.

Applicant submits that such a finding would conflict with the intention of section 2(a)(19) which provides that "no person shall be deemed to be an interested person of an investment company solely by reason of * * * his being a member of its board of directors* * *". The Fund asserts that the relationship of the Managing General Partners to the Fund is essentially identical to the relationship of directors to a corporate investment company. To resolve this conflict and assure compliance by Applicant and the other investment companies on whose Boards these persons serve with the provisions of section 10(a) of the Act, the Fund requests that it and its general partners be exempted from the provisions of section 2(a)(19) to the extent that the general partners would otherwise be deemed to be interested persons of any other person solely because they are general partners of the Applicant or co-partners in Applicant of general partners who are otherwise interested persons of Applicant.

SECTION 22(e)

Section 22(e) provides, in part, that no registered investment company shall suspend the date of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of such security. Section 47(b) of the Act provides, in part, that every contract the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of the Act, or any rule, regulation, or order thereunder shall be void.

As stated above, the Applicant's General Partners have undertaken to hold a minimum of 1 percent of its outstanding Shares. Applicant asserts that, nevertheless, the General Partners could tender their Shares for redemption in violation of the undertaking and the Partnership Agreement and could allege upon so doing that the provision was in contravention of section 22(e) and therefore, void under section 47(b). Applicant submits that this restraint upon redemption is similar to a commitment with respect to original subscribers who hold shares with investment intent and that it would not adversely affect, but rather be for the benefit of, the public investors. Therefore Applicant seeks an exemption from section 22(e) allowing it to obtain enforcement of that undertaking in the event of its volation.

SECTION 2(a)(3)

Section 2(a)(3) of the Act defines an "affiliated persons" of another person as "any * * * partner of such other person." Investors in the Fund will be limited partners and thereby may, pursuant to section 2(a)(3)(D), be deemed affiliated persons of the Fund. Applicant submits that its limited partners will be equivalent to shareholders of an investment company organized as a corporation. Applicant further states that the extension of "affiliated person" status to such persons creates the possibility of violation of the provisions of section 17 of the Act upon the redemption of Shares by a distribution of portfolio securities in kind, and renders meaningless those provisions of 2(a)(3) that require a minimum percentage ownership before a shareholder is considered an affiliated person. Applicant therefore requests an exemption from the provisions of section 2(a)(3) so that no person will be considered an "affiliated person" of Applicant solely by virtue of being a limited partner of the Fund.

Section 6(c) of the Act provides, in part, that the Commission may by order upon application, conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Notice is further given that any interested person may, not later than September 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of facto or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26591 Filed 9-10-76;8:45 am]

[Rel. No. 19664; 70-5894]

GULF POWER CO. AND MISSISSIPPI POWER CO.

Proposal by Two Associated Electric Utility Companies Whereby One Company Will Acquire a 50 Percent Interest, as Tenant-in-Common, in an Electric Generating Facility Currently Being Constructed by the Other

AUGUST 31, 1976.

Notice is hereby given that Gulf Power Company ("Gulf"), P.O. Box 1151, Pensacola, Florida 32520, and Mississippi River Company ("Mississippi"), P.O. Box 4079, Gulfport, Mississippi 39501, both of which are wholly owned electric utility subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, 12 and 13 of the Act and Rules 43, 45(b)(6) and 87 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf and Mississippi propose a number of transactions which will result in each company owning, as tenants-in-common, a 50 percent undivided interest in Units 1 and 2 (500,000 kilowatts each) of a steam electric generating plant in Jackson County, Mississippi ("Plant") currently being constructed by Mississippi. The transactions will take place in various steps, the final steps to be consummated at the time Unit 2 is placed in commercial operation, currently scheduled for 1980. Unit 1 is scheduled to be placed in operation in 1977. The companies have set forth the understanding as to the proposed transactions in a letter dated July 28, 1976 ("Letter").

Mississippi has acquired the plant site, and construction of Unit 1 has been substantially completed, as have facilities which will be common to both units ("Common Facilities"). Cooling water for Units 1 and 2 will be supplied from a reservoir and canal facilities being built and to be operated by Jackson County, with Mississippi being obligated to pay to Jackson County for water service (in addition to operating expenses and funds for an operating margin) amounts necessary to amortize the principal and interest on pollution control revenue bonds, the proceeds of which were used for construction of such facilities (HCAR No. 18121, October 12, 1973). Mississippi has spent substantial funds for acquisition of the site and construction of the Plant.

Until such time as Unit 2 becomes commercially operable the following is proposed:

(a) Mississippi will build and finance Unit 1 and will operate it solely for its own account. Mississippi will also retain title to the land on which Unit 1 is situated.

(b) As soon as possible after necesary regulatory approval (the "Initial Closing"), (i) Gulf will pay Mississippi for all book costs, including the allowance for funds used during construction ("AFUDC"), which Mississippi has incurred with respect to Unit 2 to the date of such payment (estimated to be $26,000,000 at September 30, 1976) and (ii) Mississippi will convey to Gulf all Mississippi's right, title and interest in Unit 2.

(c) From and after the date of such payment, Gulf will reimburse Mississippi with respect to all costs, excluding AFUDC, thereafter incurred for acquisition and construction of Unit 2.

(d) At the Initial Closing, Mississippi will convey to Gulf fee simple title to the land on which Unit 2 is to be constructed, and an undivided one-half interest in and to the remainder of the plant site (other than the land on which Unit 1 is located), for which Gulf will pay Mississippi all its book costs, approximating $1,541,000 for the land so conveyed.

(e) At the Initial Closing, Mississippi shall also convey to Gulf a 50% undivided interest in and to the Common Facilities, subject, however, to the reservation by Mississippi of a vendor's lien, to secure payment by Gulf to Mississippi, in installments over the period of construction of Unit 2, of one-half the cost of the Common Facilities. Such vendor's lien will be subordinate to the lien of the Indenture between Gulf and The Chase Manhattan Bank (National Association) dated as of September 1, 1941 ("Gulf's Mortgage").

(f) Because Mississippi will require the use of the Common Facilities for the testing and operation of Unit 1 prior to Gulf's use for the testing and operation of Unit 2, Mississippi will lease the Common Facilities from Gulf from the Initial Closing until required by Gulf for testing of Unit 2. Payments under the lease by Mississippi will be equal to the depreciation charges on Gulf's investment in depreciable common facilities. Mississippi will pay all taxes, insurance and other direct costs associated with the operation of Common Facilities prior to the testing of Unit 2.

(g) Gulf will designate Mississippi as its agent to supervise and administer construction of Unit 2 and all contracts with respect thereto; Gulf will reserve the right to monitor, audit and review all construction and associated activity. Gulf has agreed to the existing contracts between Mississippi and all other parties with respect to acquisition and construction of the Plant. All further contracts and agreements or modification thereof

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must be mutually agreed upon in advance by Mississippi and Gulf.

(h) Gulf will establish a construction agency account and deposit in such account funds to the extent necessary for the payment of all day-to-day construction costs and expenditures made by Mississippi for Gulf's account. Gulf will also pay such costs and expenses as Mississippi will incur in providing administration and supervision with respect to acquisition and construction of Unit 2.

(i) Mississippi will furnish to Gulf monthly progress reports showing approximate percentage of completion of the Plant.

(j) On or about the date Unit 2 is placed in commercial operation (the "Second Closing") Mississippi will convey to Gulf a 50 percent undivided interest in Unit 1 (and the underlying site) for which Gulf will be obligated to pay 50 percent of the then depreciated original cost; and Gulf will convey to Mississippi a 50 percent undivided interest in Unit 2 (and the underlying site) for which Mississippi will be obligated to pay Gulf 50 percent of the original cost. It is the intent of Gulf and Mississippi that upon settlement at the Second Closing each shall have borne 50 percent of the total net cost of the Plant. It is estimated that the total construction expenditures of the Plant will be $294,000,000, allocated as follows:

Unit 1	$136,683,000
Unit 2	157,317,000
Site	3,082,000
Common facilities	39,552,000

The estimated cost of Unit 1 does not give effect to estimated depreciation from the date of commercial operation to the Second Closing, currently estimated at $10,870,000. Each conveyance will be free and clear of liens and encumbrances other than excepted encumbrances as defined in the transferee's first mortgage indenture.

(k) Commencing with the time of second closing Mississippi will operate and maintain the Plant for the account of itself and Gulf. Gulf will pay Mississippi 50 percent of the costs of such operation and maintenance, including labor, supervision, taxes, insurance and overhead. Gulf will advance funds to Mississippi to the extent necessary for payment of all day-to-day operating and maintenance charges, costs and expenditures.

(l) Gulf will establish an operating agency account and deposit in such account funds to the extent required for payment of approved expense items. Gulf will also deposit in such agency account funds for payment of 50 percent of all expenditures made, following initial operation of Unit 2, for authorized capital additions to the Plant with respect to Units 1 and 2.

(m) At such time as cooling water is necessary for testing components of Unit 2 (approximately nine months prior to commercial operation) Gulf shall become obligated to Mississippi in respect of payments required under the water service agreement between Mississippi and the Jackson County Port Authority, dated April 5, 1973, which provides for the payment of principal and interest on $17,250,000 principal amount of pollution control revenue bonds, referred to above. In this regard Gulf shall (i) reimburse Mississippi for 50 percent of all the aggregate of payments made by Mississippi in respect of principal of such bonds plus any amounts paid by Mississippi for construction costs of the cooling water facilities in excess of $17,250,000, an amount equal to 50 percent of any applicable depreciation on Mississippi's books; (ii) thereafter pay Mississippi for 50 percent of all amounts payable by Mississippi under the water service agreement; and (iii) indemnify Mississippi against 50 percent of any amounts paid by Mississippi as guarantor of such pollution control revenue bonds.

(n) Prior to the initial commercial operation of Unit 2, an operating agreement will be executed by Gulf and Mississippi.

Consistent with the intent of Gulf and Mississippi that, upon final settlement, each such company shall have borne 50 percent of the total net cost of the Plant, including Units 1 and 2 and the Common Facilities, it is intended that any investment tax credits earned in respect of the construction of the Plant shall be divided equally between them. Under Rule 45(b)(6) and the Order of the Commission dated April 26, 1963, the investment credit earned by the affiliated group of corporations consisting of The Southern Company and its subsidiaries are in substance to be allocated among such corporations in a manner allowing each such company the full investment credit it contributes to the total investment credit allowed on the consolidated return. It is stated that strict application of this principle could result in Gulf and Mississippi being treated as earning different amounts of investment credit, in respect of the construction of the Plant. As described above, Unit 1 will be owned by Mississippi at the time it is placed in service and Unit 2 will be owned by Gulf at the time it is placed in service. The amount of investment credit earned in respect of the construction of one Unit may considerably exceed that in respect of the construction of the other Unit. This disparity could be caused, for example, because (1) the cost of construction of one Unit exceeded that of the other of (2) the rate of investment credit applicable at the time Unit 2 is placed in service differs from that applicable at the time Unit 1 is placed in service. Gulf and Mississippi state that, in light of the fact that the net cost of construction of the Plant is to be divided equally, the investment credit generated through such construction should also be divided equally. It is therefore proposed that (1) Mississippi will be given credit for the entire investment credit generated through the construction of Unit 1 at the time such credit is claimed by the affiliated group in its consolidated tax return; (2) Gulf and Mississippi will each be given credit for one-half of the investment credit generated by the construction of the Common Facilities at such time as such credit is claimed by the affiliated group on its consolidated tax return; (3) after Unit 2 has been placed in service and the affiliated group has claimed investment credit on its consolidated tax return with respect thereto, Gulf and Mississippi will each be given credit for one-half of such investment credit in respect of Unit 2 and Gulf will retroactively be given credit for one-half of the investment credit claimed (and previously allocated to Mississippi) in respect of Unit 1; (4) the contributions of Gulf and Mississippi to the consolidated Federal income tax liability of the affiliated group will be determined in light of the above allocations of investment credit.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The sale by Mississippi to Gulf is subject to the jurisdiction of the Mississippi Public Service Commission. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 24, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26592 Filed 9-10-76;8:45 am]

[Rel. No. 12761; File No. SR-MSE 76-11]

MIDWEST STOCK EXCHANGE

Order Approving Rule Change Amending Delivery Requirements of Certificates

SEPTEMBER 2, 1976.

On June 22, 1976, the Midwest Stock Exchange ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") amending Rule 17 of Article VI to allow deliveries of more than one certificate of stock of the same issue with identical registration to be accompanied by one assignment: *Provided*, That prior notice of delivery has been received in accordance with MSE policies.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 F.R. 31431, July 28, 1976), and the public was invited to submit comments until August 18, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12633, July 16, 1976. No letters of comment were received.

The Commission has reviewed the MSE submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSE-76-11 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26593 Filed 9-10-76;8:45 am]

[Release No. 12737; File No. SR-NYSE-76-7, File No. SR-NYSE-76-8]

NEW YORK STOCK EXCHANGE, INC.

Order and Statement of Reasons Disapproving Proposed Rule Changes

AUGUST 25, 1976.

These are proceedings pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"),[1] to determine whether to disapprove Rules 309 and 310 as proposed by the New York Stock Exchange, Inc. (the "NYSE") 11 Wall Street, New York, New York 10005. Section 19(b) of the Act provides that, with respect to any proposed exchange rule filed under Section 19(b)(1), the Commission shall publish notice of the proposed rule and give interested persons an opportunity to submit written data, views and arguments. Thereafter, the Commission either approves the proposed rule change or institutes proceedings to determine whether the proposed rule change should be disapproved. On March 11, 1976, the Commission gave notice of the filing of proposed NYSE Rules 309 and 310 and instituted these proceedings.[2]

Proposed NYSE Rule 309 would have prohibited an NYSE member organization from having as a parent a non-United States person unless the NYSE determined that broker-dealers domiciled in the United States (or their subsidiaries) could obtain similar access to securities exchanges under the laws and policies of that person's domicile or principal place of business or both. Proposed NYSE Rule 310 would have prohibited a member organization from functioning as, or controlling, being controlled by, or being under common control with, a person conducting commercial banking operations within the United States.[3]

Interested persons were invited to submit written data, views, and arguments, including views as to whether an opportunity for oral presentation of data, views, and arguments should be accorded, and to submit a rebuttal to any other person's submission.[4] Of the six submissions received, four offered views in opposition to, and two offered views in support of, the proposed rules. No one suggested that an opportunity for oral presentation of data, views, and arguments should be accorded.[5]

On the basis of the original filings made by the NYSE and the submissions made in response to the notice of these proceedings, the Commission has adhered to its initial view that the grounds outlined in the notice of these proceedings principally concern matters of legal interpretation of the Act.[6] The Commission has determined, moreover, that it would not be appropriate, particularly in the absence of any request to the contrary, to extend these proceedings by now providing an opportunity for oral presentations. Accordingly, the Commission has concluded these proceedings.

Section 19(b)(2) provides that the Commission shall approve a proposed rule change of a self-regulatory organization if it finds the rule change to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission is required to disapprove a proposed rule change of a self-regulatory organization if it does not make that finding. After considering the original filings and all submissions, the Commission has not found, for the reasons set forth herein, that the proposed NYSE rules are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE. Consequently, the Commission has disapproved them.[7]

1. BACKGROUND

Proposed NYSE Rules 309 and 310 are the product of an intensive effort by the NYSE over the last several years to adapt its membership policies to a changing environment in the financial sector, both in the United States and abroad. The "foreign membership" and "bank" issues raised by proposed NYSE Rules 309 and 310 respond to that changing environment and are interrelated. The interrelation is due in part to differences among the structures of the financial sector in the United States, on the one hand, and certain foreign countries (for example, continental Europe and Japan), on the other. In continental Europe, banks frequently conduct both commercial and investment banking activities and also perform a variety of agency services for their customers; "Edge Act" subsidiaries of United States commercial banks operating in those countries also

[1] Pub. L. No. 94-29, section 16 (June 4, 1975).

[2] Securities Exchange Act Release No. 12181 (Mar. 11, 1976), 41 FR 11898 (Mar. 22, 1976).

[3] Both proposed rules would have applied to existing member organizations as well as to applicants, except that proposed NYSE Rule 310 contained a grandfather clause for the commercial bank which is currently a member of the NYSE.

[4] Subsequently, the periods for submission of data, views and arguments and rebuttals were extended to May 15 and 28, 1976. Securities Exchange Act Release No. 12412 (May 5, 1976), 41 FR 20037 (May 14, 1976).

[5] One person opposing the proposed rules requested an opportunity to make its own presentation if the Commission was unwilling to conclude that the NYSE lacked authority to adopt the proposed Rules.

[6] The grounds outlined in the notice are also set forth at pp. 42-3 infra. See also Securities Exchange Act Release No. 12181, note 2 supra.

[7] After the filing of proposed NYSE Rules 309 and 310, the Commission instituted a general inquiry on certain rules of national securities exchanges currently in effect relating to membership and association with members. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), 41 FR 10662 (Mar. 12, 1976). In that connection, the Commission suggested withdrawal of proposed NYSE Rules 309 and 310 pending completion or further progress of the inquiry. The NYSE determined not to withdraw its proposals. The issues presented by the proposal rules are similar to ones under consideration in the general inquiry. Nevertheless, in view of the pendency of these specific proposals it now seems appropriate to reach the question of the statutory findings without awaiting the resolution of all the questions raised in the broader general inquiry. The Commission recognizes that its conclusions today answer, by analogy, many of those questions. An immediate resolution is also appropriate in light of allegations, which may be unfounded, that the proposed rules have been treated as already in effect. *See* Securities and Exchange Commission File Nos. SR-NYSE-76-7 and 76-8. As indicated herein, the proposed rules impose burdens on competition which cannot be sustained as appropriate in furtherance of the purposes of the Act and those affected may have inadequate alternative remedies.

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engage in both types of business.[8] In the United States, by contrast, commercial banks have only recently begun competing substantially for various kinds of securities-related businesses which by law, custom and practice have traditionally been the preserve of other types of institutions.

The structural difference between the financial sector in the United States and that of most European countries is in some measure the result of legislation enacted in this country. The Banking Act of 1933 (the "Glass-Steagall Act") has now been in effect over 40 years and generally prohibits national banks and member banks of the Federal Reserve System from "dealing" in corporate securities; it also forbids those engaged in an investment banking business from accepting deposits subject to check or to repayment on demand.[9] It has had the practical effect of dividing certain financial service markets betwen the investment banks and broker-dealers, on the one hand, and the commercial banks on the other.

There has been an anomaly, however, in the interpretation and administration of the Glass-Steagall Act with respect to United States broker-dealers which are affiliated with certain commercial banks. In the case of several foreign entities, commercial banking has been done through a state chartered bank subsidiary (or the foreign parent opens an agency, branch, or representative office licensed under state law), without joining the Federal Reserve System, while another United States affiliate conducts an investment banking business. That result has been permitted to develop over the years in the interpretation and application of the banking laws with respect to foreign entities even though in practice no substantial American commercial bank has been able to achieve the same result.[10] This disparity in treatment, favoring foreign entities over domestic ones, has been the catalyst for several legislative proposals for its correction and at the same time has caused increased controversy as to the appropriate scope of securities activities to be permitted to commercial banks under the national banking laws.[11]

The securities industry's self-regulatory organizations have responded in varying ways to the foreign membership issue. For several years, there has been a dichotomy in the treatment of foreign controlled broker-dealers by national securities exchanges ("exchanges") and the National Association of Securities Dealers, Inc. (the "NASD"). The NYSE and the American Stock Exchange traditionally had membership requirements which, among other things, considered the nature of the controlling person of an applicant (the "parent test").[12] On the other hand, regional exchanges and the NASD allowed membership to United States affiliates of foreign broker-dealers; while the NASD has adopted a variety of rules classifying its members for different purposes, it has not thought it necessary to impose special requirements for members affiliated with foreign entities.[13]

The foreign membership issue, because of its relationship to the bank question, has domestic implications since it is believed to bear directly on questions concerning the appropriate scope of securities activities by domestic commercial banks within the United States. If broker-dealers controlled by foreign commercial banks are permitted to join the NYSE, it is asserted, United States commercial banks will inevitably believe themselves entitled, or perhaps compelled by fiduciary principles, to apply for membership on exchanges, either directly or through affiliates. That, coupled with new activities of commercial banks, could accelerate the evolution currently under way of customs that grew up with the enactment of the Glass-Steagall Act and would increase competition in the financial services sector of the economy.[14]

It is the bank and foreign membership issues that the NYSE sought to address in its proposed Rules 309 and 310. During the process that led to the NYSE's development of the policies reflected in its proposed rules, the enactment of the 1975 Amendments changed dramatically the context in which the NYSE's policies and its proposed rules must be viewed by the Commission.[15] Nevertheless, the NYSE did not alter the focus of its proposals, which are discussed below.

2. Purpose of Rule 309

The NYSE indicated that the purpose of proposed NYSE Rule 309 was to permit foreign-controlled broker-dealers to become members of the NYSE[16] and to provide an incentive, through a policy of "mutual nondiscrimination," for nations currently discriminating against United States broker-dealers (or their subsidiaries) to revise their policies to permit comparable access to their securities exchanges. Essentially, the NYSE has argued that it and other exchanges should be authorized and indeed required, as a matter of national policy, to regulate foreign-controlled firms' access to United States exchange markets by reference to the ability of United States broker-dealers to obtain access, directly or through subsidiaries, to foreign securities exchanges.

The application of the 1975 Amendments to the NYSE's membership policies is discussed below. At this point, however, several things should be said about certain policy considerations raised by the NYSE's proposed national policy:

(1) The NYSE's policy has a basic equitable appeal; it is not, for example, immediately apparent why United States exchanges should be directly accesible to non-United States persons while foreign securities exchanges are withholding access from United States persons. Furthermore, the NYSE's development of a mutual nondiscrimination policy was a very constructive initiative on its part.[17] Not only did the NYSE indicate that it had taken the lead by offering to ameliorate the formulation of its long standing exclusionary policy, thus suggesting the possibility that it would open up its market to foreign broker-dealers, but also it urged at meetings of the Federation International de Bourses de Valeurs, the international organization of stock exchanges, that policies be developed to encourage greater internationalization of capital markets.[18] If every foreign country had policies the effect of which was to increase opportunities for access, progress could be made in promoting the efficiency of all securities markets; and it seems clear that securities markets of all types will, increasingly, have to be responsive to international factors.

(2) The NYSE has cogently argued that, in many important foreign countries, direct access to securities exchanges is effectively prohibited to United States controlled firms and that, in some countries, there have recently been tendencies towards greater protectionism rather than greater liberalization of access to exchanges.[19] The NYSE indicates that, in some cases, exclusionary rules are the consequence of deliberate government policy and, in others, a result of privately inspired, anti-competitive initiatives not checked by appropriate governmental intervention. Finally, the NYSE contends that some of the barriers to access in foreign countries may well constitute violations of international treaties.[20]

Since various types of mutual nondiscrimination policies are commonly used in international negotiations of tariffs and trade policies, the widespread use of exclusionary rules in foreign countries strengthens the appeal of a policy of mutual nondiscrimination as a plausible first step towards internationalization of capital markets and the removal of artificial barriers. At the same time, however, certain other factors should be noted. First of all, the NYSE's approach to mutual nondiscrimination, which has naturally only related to access by United States persons to foreign stock exchanges, has necessarily a narrower focus than may be appropriate in many international contexts. While access to securities exchanges has been a relatively important part of the securities business in the United States, securities exchanges are a far less important part of an overall securities business in many foreign countries and, accordingly, direct access to many foreign exchanges may be a privilege to which few United States firms currently aspire.[21] As a result, the NYSE's policy may not, even if successful, contribute substantially to the achievement of real parity of treatment for United States persons, once different ways of doing business in foreign countries are taken into account. Furthermore, many United States firms, even if not welcomed as members of local stock exchanges, have for many years enjoyed fairly wide access to institutional dealings in many foreign countries.

Secondly, even though the barriers to access by United States persons are quite explicit in some cases,[22] the barriers may in other cases be practical ones founded on considerations other than restricting access. Since many of those considerations may reflect foreign governmental policies, the NYSE's role as a private organization limits its effectiveness in obtaining revisions or refinements so as to avoid unnecessary restrictive consequences that are only collateral to valid regulatory objectives.[23] The NYSE may have only a limited basis on which to analyze the various different policies of foreign countries which have the practical effect of restricting access by United States persons and to separate those adopted for restrictive, anti-competitive purposes from those founded on regulatory considerations which are valid in those countries.

Thirdly, direct analogies to mutual nondiscrimination policies in other areas, such as trade policies, whatever effectiveness those policies may have in those areas, seem, in the final analysis, unsound where applied to the securities markets. Independent professional participants in markets are not denied access by decisions to impose restrictive tariffs or quotas. And there is no evidence to suggest that domestic markets, *qua* markets, are benefited by restricting access to them. In fact, rejecting restrictions on the accessibility of United States securities markets to foreign persons may, in the long term, give United States securities markets a competitive advantage over protected foreign markets that remain isolated from the internationalization of capital markets generally. Rejection of such restrictions may also reduce the risk of retaliation against the status of United States broker-dealers currently doing business abroad.

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[8] International Banking Act of 1976, Report of the House Comm. on Banking, Currency and Housing to Accompany H.R. 13876, H.R. Rep. No. 1193, 94th Cong., 2d Sess. (1976) ("Report on H.R. 13876"); Staff of House Comm. on Banking, Currency, and Housing, Financial Institutions and the Nation's Economy (FINE): Discussion Principles, 94th Cong., 1st Sess. (Comm. Print 1975). See also Edwards, Regulation of Foreign Banking in the United States: International Reciprocity and Federal-State Conflicts, 13 Colum. J. Transnat'l L. 239 (1974); Lichtenstein, Foreign Participation in United States Banking: Regulatory Myths and Realities, 15 B.C. Ind. & Com. L. Rev. 879 (1974); Utley, Foreign Banks' Affiliation with United States Broker-Dealers: The Statutory Language and Assumptions of the Bank Holding Company Act, 7 L. & Policy Int'l Bus. 1 (1975).

[9] 48 Stat. 162.

[10] The Glass-Seagall Act prohibits any person engaged in the investment banking business from receiving deposits. 12 U.S.C. 378.

[11] See e.g., H.R. 13876, 94th Cong., 2d Sess. (1976); S. 958, 94th Cong., 1st Sess. (1975); Report on H.R. 13876; Letter dated July 16, 1976, from Congressman John E. Moss to Congressman Henry S. Reuss; Letter dated July 20, 1976, from Congressman Henry S. Reuss to Congressman John E. Moss. In part because the description of H.R. 13876 in its accompanying report does not conform to the language of the bill, it is not clear what effect the bill would have if enacted. The House passed H.R. 13876, with some slight revisions, on July 29, 1976. 122 Cong. Rec. H7936–66 (daily ed. July 29, 1976).

See also, e.g., Bank Securities Activities, Securities Industry Association (1976). The Securities Industry Association advocates amendment of the Glass-Steagall Act so as to prohibit certain bank brokerage activities.

[12] As indicated in the general inquiry on rules of exchanges relating to membership and association with members, "the Act no longer permits exchanges to use any variation of a 'parent test'." Securities Exchange Act Release No. 12157 (Mar. 2, 1976) at 10, 41 FR 10662 (Mar. 22, 1976) at 10664. See pp. 43–9 infra.

[13] Foreign membership and the issues related to it were the subject of an earlier Commission inquiry. Interested persons were invited to comment on a series of questions concerning foreign membership in and access to United States exchanges; the questions were designed to secure information on the need for and desirability of changes in the rules, policies, practices, and procedures of the Commission and those of the exchanges and the NASD with respect to the appropriate terms and conditions for foreign participation, by whatever means, in the United States securities markets. Forty-seven respondents submitted comments. Securities Exchange Act Release No. 10634 (Feb. 4, 1974), 39 FR 6567 (Feb. 20, 1974); Securities and Exchange Commission File No. 87–512. The Commission published a staff summary of the comments received. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976) at 10666ff.

[14] Because new activities by commercial banks also could raise questions under the federal securities laws, the Commission instituted an inquiry on bank-sponsored investment services. See Securities Act Release No. 5491 (Apr. 30, 1974), 39 FR 18163 (May 23, 1974), in which the Commission raised a number of questions concerning the involvement of United States commercial banks in offering brokerage and other securities-related services; see also Hearings on Securities Activities of Commercial Banks before the Senate Comm. on Banking, Housing, and Urban Affairs, 94th Cong., 1st Sess. 89 (1975). The Commission is currently engaged in a study, mandated by the 1975 Amendments, of the extent to which those banks excluded from the definitions of broker and dealer maintain accounts on behalf of public customers for buying and selling securities and whether those exclusions are consistent with the protection of investors and other purposes of the Act. See note 31 infra, and Section 11A(e) of the Act, 15 U.S.C. 78k–1(e).

[15] At the same time, both the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs and the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking and Currency are examining the scope of bank activities and their regulation. See Staff of House Comm. on Banking, Currency, and Housing, Financial Institutions and the Nation's Economy (FINE): Discussion Principles, 94th Cong., 1st Sess. (Comm. Print 1975); Staff of Subcomm. on Securities, Senate Comm. on Banking, Housing, and Urban Affairs, The Securities Activities of Commercial Banks–Study Outline, 94th Cong., 1st Sess. (Comm. Print 1975).

[16] Section 2 of Article IX of the NYSE Constitution requires a member to be a United States citizen. Section 7(1) of Article IX of the NYSE Constitution prohibits a member firm or organization from having as a parent anyone other than a United States or Canadian citizen; a parent, under NYSE Rule 2, is any controlling person and includes anyone who owns beneficially, directly or indirectly, more than 25 percent of the voting securities of a member organization. NYSE Rule 314.14 states that the interest in capital or profit of a member organization owned by all persons as a group who are not United States or Canadian citizens may not exceed 45 percent. The Commission believes that it was the intention of the NYSE to repeal such provisions had proposed NYSE Rule 309 become effective, even though no filing to that effect had been made. In any event, for the reasons set forth herein for disapproving proposed NYSE Rule 309, such provisions (and similar provisions in the rules of other exchanges) appear inconsistent with the Act and the rules and regulations thereunder applicable to exchanges. Accordingly, the Commission anticipates that all such provisions will be promptly repealed. Furthermore, pending formal action to effect their repeal, they should not be enforced, particularly in view of the burdens on competition thereby imposed which cannot be justified as appropriate in furtherance of the purposes of the Act. *See* note 7 *supra*.

[17] Following publication in 1972 of the Statement of the Securities and Exchange Commission on the Future Structure of the Securities Market ("Future Structure Statement"), 37 FR 5286 (Mar. 14, 1972), posing the foreign membership question for consideration and raising the question of whether a policy of reciprocity would be appropriate, the NYSE formed a committee to study the questions and make recommendations. The NYSE's mutual nondiscrimination policy derives from that committee's work. See Advisory Committee on International Capital Markets, New York Stock Exchange, Inc., Recommendations Regarding Foreign Access to the U.S. Securities Markets (1973); Advisory Committee on International Capital Markets, New York Stock Exchange, Inc., Recommendations on Access and Membership by Foreign-Controlled Broker-Dealers to the U.S. Securities Markets (1974).

[18] The NYSE's submission indicates that Switzerland has adopted already, as a matter of Swiss federal law, a type of reciprocity policy. Position of the New York Stock Exchange on Rule 309 (1976), at 6, 16.

[19] Position of the New York Stock Exchange on Rule 309 (1976), at 2.

[20] *Id.*, at 12. That argument could be applied *mutatis mutandis* to the NYSE proposal if approved by the Commission.

[21] United States firms have recently been rejected in their efforts to engage in a securities business in Ontario, Canada, which has adopted exclusionary rules, despite long standing NYSE policies to give national treatment to Canadian firms, which have traditionally been permitted to become NYSE member organizations. See note 19 supra. Nevertheless, no general data has been submitted with respect to the interest of United States broker-dealers in membership on foreign exchanges.

[22] There are some countries, for example, with flat prohibitions similar to those which the NYSE Constitution currently contains. See note 18 supra.

[23] In turn, foreign-controlled broker-dealers applying for NYSE membership have on occasion suggested that NYSE inquiries with respect to their associated persons are unnecessary and inappropriate. The act, however, clearly contemplates that the NYSE will make some of those inquiries. See Securities Exchange Act Release No. 12483 (May 26, 1976), 41 FR 22959 (June 8, 1976), in which the Commission proposed to adopt Securities Exchange Act Rule 19g2–1.

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Leading economists reject the concept of reciprocity as a desirable national economic policy for the United States with regard to access to United States securities markets.[24] The Department of the Treasury ("Treasury") has followed an "open door" policy with respect to investment by foreigners in this country and investment by United States persons abroad, subject only to measures necessary to protect national security interests. It seeks to gain international acceptance of the principle that foreign investors should be given national treatment, that is, they should be treated equally with domestic investors once they are established in the host country; and it is the Treasury's policy that governments should play a neutral role in the investment process, offering no special incentives or disincentives to inward or outward investment. To the extent that barriers to United States broker-dealer access to foreign markets exist, the Treasury believes that there is a greater chance of obtaining their elimination by maintaining a policy of open access by foreign persons to United States capital markets.[25] Accordingly, the Treasury has indicated that proposed NYSE Rule 309 would be inconsistent with United States policy.[26]

[24] See, e.g., Public Policy for American Capital Markets, prepared by James H. Lorie for Submission to the Secretary and the Deputy Secretary of the Treasury (1974).

[25] That prediction does not seem illogical. For example, an open door policy in the United States may stimulate increased foreign participation in, and reliance on, United States securities markets; if that were to occur, the resulting advantages accruing to the United States States markets might provide a compelling incentive for other nations to reconsider existing barriers to their own markets. Also, with a growing direct commitment in resources to United States securities markets, foreign firms may become sensitive to their own countries' restrictions in the same way as United States firms with important foreign interests have become sensitive to proposals to restrict access to the United States capital markets generally. But see note 26 infra.

[26] Letter dated April 21, 1976, from Gerald L. Parsky, Assistant Secretary of the Treasury, to Roderick M. Hills, Chairman, Securities and Exchange Commission. In answer to the Treasury's argument, the NYSE and other proponents of reciprocity respond that the opening of United States exchange markets to foreign entities will diminish to an important degree the leverage which might be retained, under a policy of mutual nondiscrimination, to exact a quid pro quo from foreign governments with respect to exchanges abroad. They further assert that there is no good evidence in practice to support the hope that good examples alone are persuasive. Indeed, in some cases, the cost of nationalistic restrictions may be hidden or willingly paid to enhance for a short time an appearance of national identity and control. Also, private groups, with a short run and particular interest in a protected status quo, may be in a position to block the removal of restrictions which are antithetical to long term development of effective capital markets. The disapproval of proposed NYSE Rule 309 does not, however, depend, under current circumstances, on any appraisal of the possible success of the "open door" policy in removing foreign restrictions.

In the final analysis, the Federal securities laws require that the Commission exercise independent responsibility for the administration of those laws. The Commission, while cognizant of public policy positions developed elsewhere in the Government, is charged with the duty of formulating and implementing policies and objectives in a manner consistent with the purposes of the Federal securities laws. Exchanges are required by the Act to serve the public interest and to protect investors; their existence as self-regulatory organizations, subject only to limited governmental oversight, has been predicated on their ability to promote the efficiency of transactions in securities and to reduce the need for more direct governmental supervision over the functioning of the financial services sector.[27] In light of the 1975 Amendments, it is plain that the Congress has determined that free access to securities markets is henceforth to be a fundamental principle of the Federal securities laws. As a general rule, barriers to access to any securities market place burdens on competition which can only be justified where there is an indication that there are countervailing policy considerations under the Act.[28]

The Commission's experience over the last decade reflects relatively few regulatory or enforcement problems with foreign-controlled broker-dealers concerning their United States activities in the over-the-counter markets or on certain United States exchanges.[29] Accordingly, on considering the data, views, and arguments presented to date, it does not now appear appropriate to classify United States-controlled broker-dealers separately on the basis of anticipated enforcement problems. In fact, for the moment, the Commission hopes that the great majority of foreign-controlled firms will satisfactorily adapt to the regulatory measures imposed under the federal securities laws.

Nonetheless, there are two potential problem areas in meshing United States securities regulation with a potentially greater role for foreign-controlled firms. First, the Act has always required that the Commission exercise jurisdiction over "associated persons." As that term is now defined in section 3(a)(18) (in the case of broker-dealers) and (21) (in the case of exchange members), it includes all persons who control, are controlled by, or are under common control with a broker-dealer or a member. Until quite recently (particularly in the case of exchange members), controlling persons were generally United States persons engaged in the securities business so that the Commission's jurisdiction, which is clear as a matter of law, was readily enforceable. Recently, however, broker-dealer subsidiaries of enterprises not principally engaged in the securities business, including foreign-controlled broker-dealers, have proliferated; that phenomenon may create new problems, or exacerbate old ones, in view of the practical limitations on the Commission's ability to enforce the federal securities laws with respect to conduct originating abroad.

Secondly, foreign traditions and customs, some of which have the force of law, may continue to impede to some degree the accomplishment of the Act's purposes and requirements. Increased activity by foreign-controlled broker-dealer subsidiaries may be expected to lead to increased need for specific disclosures as to beneficial ownership of and investment discretion with respect to equity securities (see e.g., Section 13(d), 13(f), 14(d) and 16(a)). Furthermore, the Act authorizes the Commission and the exchanges to inspect underlying records of broker-dealers and all their associated persons where appropriate to enforce compliance with applicable provisions of the Act, the rules and regulations thereunder and exchange rules.

Because of so-called secrecy laws or for any other reason, there may be additional problems for foreign institutions to comply with the requirements of the Act. For example, as an initial step, the Commission has proposed an amendment to Securities Exchange Act Rule 17a-3(a)(9), providing for all broker-dealers to obtain from their customers an agreement to disclose beneficial ownership to the Commission.[30]

[27] In its Study of Unsafe and Unsound Practices of Brokers and Dealers, H.R. Doc. No. 231, 92d Cong., 1st Sess. (1971), the Commission pointed to the heavy reliance that the Congress had placed in self-regulatory organizations in the original Act:

> It is quite plain from Section 6 of the Exchange Act and the legislative history of the Maloney Act [Section 15A of the Act] that the self regulatory approach is a technique which Congress has employed to minimize the number of Commission personnel needed to effectuate enforcement of the Federal securities laws. The assumption was that such enforcement would be conducted by the self regulatory organizations with regard to their members and that the Commission was to remain in the background with "reserved control". Thus, the Exchange Act places heavy reliance upon the self regulatory organizations for the day to day regulation of their members. Id., at 22.

The 1975 Amendments substantially strengthen the Commission's oversight jurisdiction in order to facilitate intervention where necessary or appropriate, in view not only of the problems uncovered in the Study of Unsafe and Unsound Practices of Brokers and Dealers but also of the occasional tendency of the self-regulatory process to foster anti-competitive practices. Nevertheless, in drafting the 1975 Amendments, Congress hoped to preserve the basic self-regulatory philosophy to the maximum extent feasible. See, e.g., Securities Act Amendments of 1975, Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S. 249 ("Senate Report"), S. Rep. No. 75, 94th Cong., 1st Sess. 22–36 (1975).

[28] Hence, the position of the Treasury is consistent with the whole thrust of the 1975 Amendments, which the Treasury actively supported when they were being considered by Congress.

[29] See, e.g., Securities Exchange Act Release No. 12055 (Jan. 27, 1976), at 11, 41 FR 8075 (Feb. 24, 1976), at 8076; Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976), at 10666ff. In the case of the activity of foreign-controlled broker-dealers in the over-the-counter market, much of it has been in underwriting where sensitive disclosure questions concerning the identity of foreign holders of securities are not as frequently confronted. See pp. 29–31 infra.

[30] See Securities Exchange Act Release No. 12055 (Jan. 27, 1976), 41 FR 8075 (Feb. 24, 1976).

3. Purpose of Rule 310

The NYSE has indicated that the purpose of proposed Rule 310 is to exclude broker-dealers associated with domestic commercial banks from NYSE membership. The effect of the 1975 Amendments on the NYSE's objective is discussed below, along with the application of the 1975 Amendments to proposed NYSE Rule 310. At this juncture, however, several points should be noted concerning the purposes of the NYSE's proposed rule. As indicated above, there has been some confusion about the application of the prohibitions of the Glass-Steagall Act to subsidiaries of foreign banks (which frequently do both commercial and investment banking), and specifically the Glass-Steagall prohibition on commercial banks' "dealing" in corporate securities. In addition, substantial concern is currently being focused on the recent tendency of United States commercial banks to expand the types of securities-related investment services they sponsor and offer to their customers.

In particular, banks have marketed various types of brokerage services (such as dividend reinvestment plans or automatic investment services), and have offered various kinds of investment advisory services, to banking customers or to prospective banking customers. While banks have customarily offered accommodation brokerage services and, through trust departments, have offered extensive securities services of all kinds to larger customers, the recently more aggressive retail merchandising by banks of their securities services has been a source of considerable anxiety to competitors in that part of the financial services sector. Also, bank activities at the wholesale end of the spectrum, such as arranging privately placed financings, customarily thought of as merchant banking even when done on a purely agency basis, have disturbed other participants in the financial services sector. As noted earlier, those trends have, among other things, raised questions as to the appropriateness of certain limited exclusions of banks from the direct regulatory jurisdiction of the Commission and the consistency of those exclusions with the protection of investors and other purposes of the Act.[31]

The NYSE has stated its belief that, in the absence of a rule such as proposed NYSE Rule 310, certain United States bank affiliates could become members of the NYSE. The NYSE has argued that, as an appropriate exercise of its self-regulatory responsibilities with respect to the NYSE market, it should strive to accomplish the purposes of the Glass-Steagall Act, and to resolve anomalies in its interpretation, through adjustments in the NYSE membership rules. In the NYSE's view, the Glass-Steagall prohibition on commercial banks' "dealing" in corporate securities should be taken to mean that a combination of commercial banking and brokerage activities is prohibited, for all United States commercial banks which were not NYSE members before the enactment of the Glass-Steagall Act. Accordingly, pending legislative resolution of the federal banking laws,[32] the NYSE proposes, under the authority of the federal securities laws, to adopt prohibitions on brokerage conducted with direct access to the NYSE by banks which were not NYSE members before July 16, 1933.

Questions of the interpretation of the Glass-Steagall Act and the NYSE's position have also been addressed by agencies of the United States Government. The Comptroller of the Currency, who is charged in the first instance with the administration of the Glass-Steagall Act, has approved the offering of automatic investment services by national banks; his view is being challenged by the NYSE.[33] The Treasury, acting on behalf on the Administration, has urged that, assuming there is uncertainty as to the validity of the premise that Glass-Steagall prohibits domestic banks (or their affiliates) from joining exchanges, the boundaries of Glass-Steagall should not now be clarified through administrative interpretation.[34]

Whether clarification of Glass-Steagall may one day be forthcoming, whether from the Comptroller of the Currency or the courts, it does appear unlikely that the NYSE's theory, if valid, can be consistent with continued NYSE membership by any commercial bank since Glass-Steagall did not provide for any permanent grandfathering. Accordingly, the current NYSE position, as reflected in proposed Rule 310, may not be tenable.

In the final analysis, the policies reflected in the Glass-Steagall Act will be more fully, and more properly, interpreted and implemented by the Federal Government than they will by the NYSE through adjustments in its membership rules. As noted above, the extent of the current prohibitions of the Glass-Steagall Act is being litigated. If, as the NYSE argues, bank brokerage services such as automatic investment plans are prohibited under Glass-Steagall, then it should also be the case that exchange membership for bank affiliates will be found to be inappropriate under the Federal banking laws. Furthermore, notwithstanding the meaning ultimately attributed to Glass-Steagall by the courts, Congress is currently reviewing economic regulation of the financial services sector provided by the current governmental structure and may arrive at new solutions or confirm court interpretations.[35] In any event, those are matters principally concerning the direct regulation of the banking system, as such, and the related bank regulatory statutes, over which the bank regulatory agencies have principal administrative responsibility.

4. The 1975 Amendments

Before the 1975 Amendments, Section 6 of the Act did not provide particularized standards for exchange rules. So far as federal regulation of exchanges under the Act was concerned, an exchange was in substance required to agree to comply with the Act and the rules and regulations thereunder, to enforce compliance, so far as within its powers by its members and to have rules providing for the disciplining of members for conduct inconsistent with just and equitable principles of trade. It was provided specifically that the Act was not to be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with the Act.[36]

The 1975 Amendments revised the statutory framework established in 1934 by amending Section 6 to set forth a comprehensive set of standards for exchanges (including standards for membership), by providing for the Commission to define the scope of exchange regulation and by explicitly requiring the Commis-

[31] Banks, as defined in section 3(a)(6) of the Act, are excluded from the definitions of the terms "broker" and "dealer" in the Act and thus from the requirements to register with the Commission unless they are "municipal securities dealers." Registered brokers and dealers are required (a) to meet certain standards imposed by the Act or rules and regulations thereunder promulgated by the Commission or the self-regulatory organizations as to integrity, (b) to pass certain basic qualification tests, (c) to comply with record-keeping requirements and (d) to adhere to Commission prescribed financial responsibility rules. Registered brokers and dealers are subject to examination by the Commission, and by the self-regulatory organizations to which they belong, for compliance with standards of the type summarized above. Most standards of that type applicable to banks are, on the other hand, prescribed and administered by various bank regulatory agencies. With respect to defining and prohibiting the use of manipulative or deceptive devices or contrivances in connection with the purchase or sale of securities, the Commission's jurisdiction is plenary, extending over all persons. The Act, however, also adjures the Commission to define specific devices or contrivances which should be prohibited with respect to brokers, dealers, and municipal securities dealers.

[32] See note 15 *supra* with respect to Congressional studies and note 10 *supra* with respect to H.R. 13876. While the effect of the bill as reported is far from clear, see note 10 *supra*, its accompanying report does include a statement as to current Congressional understanding of the scope of the Glass-Steagall Act. See Report on H.R. 13876, at 7.

[33] NYSE v. Smith, 404 F. Supp. 1091 (D.D.C. 1975), appeal pending, Doc. No. 76-1235 (D.C. Cir.)

[34] Note 26 *supra*. The Treasury has contributed, at other times, to the discussion of the several bank issues. See Public Policy Aspects of Bank Securities Activities: An Issues Paper, Department of the Treasury (1975).

[35] See note 15 *supra*.

[36] 48 Stat. 885 (1934).

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sion to balance regulatory and competitive considerations carefully.[37] Section 6(b) of the Act now sets forth requirements for any exchange applying for registration as a national securities exchange.[38] After registration, an exchange is required, under section 19(b), to submit proposed rule changes to the Commission for a determination that they are consistent with the Act and the rules and regulations thereunder applicable to the exchange.[39] In the Commission's view, a rule change proposed by an exchange would not be consistent with the Act and the rules and regulations thereunder if, among other things, the Commission could not make the determinations required under section 6(b) of the Act with respect to the rules of an exchange which included the proposed rule change before registration of the exchange.[40]

In announcing these proceedings, the Commission gave notice of the following grounds for disapproval of proposed NYSE Rules 309 and 310:

(a) they appeared to impose limitations on membership not found in section 6(b)(2) and not authorized by section 6(c) of the Act; [41]

(b) they appeared, contrary to section 6(b)(5), to impede the mechanism of a free and open market, restrict access to the NYSE, discriminate between brokers and dealers and regulate matters not related to the purposes of the Act or the administration of the NYSE; and

(c) they appeared, by restricting access, to impose burdens on competition not justifiable, pursuant to section 6(b)(8), as necessary or appropriate in furtherance of the purposes of the Act.

5. Membership Standards

The provisions of the 1975 Amendments governing exchanges and exchange memberships were part of an overall legislative approach that took several years to develop. Consideration of revisions in the Act had started in 1970; S. 249, which eventually became the 1975 Amendments, was introduced on January 17, 1975, as a consolidation of previous Senate securities bills.[42] Because the Senate and House Committees had anticipated the passage of legislation in late 1974, substantial work on reconciling the different bills had been done, and, accordingly, the Senate bill and the companion bill in the House, H.R. 4111, were very similar in concept. Thus, the 1975 Amendments adopted many concepts in the original House legislation, H.R. 5050, which was reported by the House Committee on Interstatae and Foreign Commerce in the 93d Congress.[43]

At one point, the legislative proposals then in Congress tended toward an even more open membership policy than eventually was adopted. In the 93d Congress, the House never directly addressed the issue of foreign ownership of an exchange member firm or "bank" membership, preferring a broader examination of the "seat" concept. H.R. 5050 as originally introduced on March 3, 1973, contained what was called an "open membership" provision. As set forth in H.R. 5050, proposed section 6(b)(2) would have required.

> [That] • • • the rules of the exchanges provide that any broker or dealer registered under this title may become a member of such exchange in conformity with the requirements of subsection (m) of this section.

Subsection (m) provided, in turn, that membership could be denied only for failure to meet competency and financial responsibility standards.[44] In its testimony on H.R. 5050,[45] the NYSE stated that it could not support the open membership and competitive commission rate provisions.

During early 1975, the NYSE for the first time specifically urged that it be accorded a right to limit membership. It wanted not only to limit the number of memberships (which the 1975 Amendments permit it to do, subject to Commission oversight),[46] but also to control the types of persons permitted to become members. A NYSE memorandum of comments on 7. 249 noted:

> Subparagraphs (A) and (B) of paragraph (2) [of proposed new 6(c)] severely limit the bases on which an exchange may deny or condition membership or bar a person from becoming associated with a member. As written paragraph (2) would require the exchange to admit to membership foreign broker-dealers or broker-dealers having foreign parents. In addition, a whole host of

[37] See pp. 55–63 *infra*.

[38] Section 6(b) of the Act states:

(b) An exchange shall not be registered as a national securities exchange unless the Commission determines that—

(1) Such exchange is so organized and has the capacity to be able to carry out the purposes of this title and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this title, the rules and regulations thereunder, and the rules of the exchange.

(2) Subject to the provisions of subsection (c) of this section, the rules of the exchange provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange and any person may become associated with a member thereof.

(3) The rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer.

(4) The rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

(5) The rules of the exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

(6) The rules of the exchange provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its members and persons associated with its members shall be appropriately disciplined for violation of the provisions of this title, the rules or regulations thereunder, or the rules of the exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

(7) The rules of the exchange are in accordance with the provisions of subsection (d) of this section, and, in general, provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof.

(8) The rules of the exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

[39] Section 19(b) of the Act further provides that no proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with that subsection.

[40] As noted above, in making that determination or a determination with respect to a particular proposed rule change, or in adopting rules for a self-regulatory organization pursuant to Section 19(c), the Commission necessarily balances all the objectives and policies of the Act.

[41] Section 6(c) of the Act provides that exchanges may set integrity and competency standards for their members and limit the number of their members.

[42] S. 470 (commission rates and institutional membership), S. 2519 (national market system), S. 2474 (municipal securities) and S. 2058 (clearing and processing) had been passed in the 93d Congress.

[43] The House Committee on Interstate and Foreign Commerce reported, but because of NYSE concerns, the House Rules Committee did not act on H.R. 5050. Certain of those concerns, as indicated herein, were also not satisfied by the 1975 Amendments.

[44] In addition, Section 6(m) permitted an exchange to limit the number of members allowed on the floor, but not the number of memberships generally available.

[45] Hearings on H.R. 5050 before the Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, 93d Cong., 1st Sess. 867–1354 (1973).

[46] While S. 249, as introduced on January 17, 1975, had the open membership provisions (including the provision permitting an exchange to limit only the number of members permitted on the floor), the 1975 Amendments as finally enacted include a Section 6(c)(4), which permits exchanges to impose limitations on the number of all other requirements would necessarily be eliminated as a matter of federal law. For example, the longstanding NYSE requirement that the "primary purpose" of every member organization must be the transaction of business as a broker or dealer in securities would be abrogated, though there has been no showing, to our knowledge, that this provision is not an entirely appropriate requirement based upon sound regulatory considerations. Indeed, the Commission has not quarreled with this position.

Subsection (c) of the Bill should be amended so as to permit an exchange to deny or condition membership or to bar or to condition a natural person from becoming associated with a member on any basis provided in its rules which is found acceptable by the Commission and is consistent with the requirements of the Act, and the rules thereunder.[47]

Both the House and Senate were made aware of the opposition of the NYSE to the fact that Section 6 would permit any broker-dealer to become a member of an exchange. Nevertheless, the basic membership provisions were not revised.[48] Moreover, the House Report on H.R. 4111 criticized the use of "various machinations and devices" to manipulate the "parent" test so as to limit membership to firms engaged in a general securities business; the House Report on H.R. 4111 stated that those criteria had been used as a means of preventing those in direct competition for money management business from acquiring the advantages of exchange membership.[49] The 1975 Amendments changed that situation by providing in section 6(c) the exclusive grounds upon which an exchange may deny membership.[50] Section 6(b)(2) of the Act bars exchanges from using any variation of a "parent" test.[51] Consequently, the proposed NYSE rules, which would have introduced new parent tests, are not consistent with section 6(b)(2) of the Act.

6. Scope of Self-Regulatory Jurisdiction

While the Congress was taking steps to ensure access to exchanges by providing that all broker-dealers could become exchange members notwithstanding the objections of certain exchanges, it also was concerned with the scope of the regulatory jurisdiction of the exchanges over their members. Section 6(b)(5), as added by the 1975 Amendments, provides that exchange rules are to be designed to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system; they may not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act and the administration of the exchange.

In commenting on section 6(b)(5), the Senate Commitee on Banking, Housing and Urban Affairs noted:

> The bill would eliminate present section 6(c) and the open-ended authority it grants to the exchanges (to adopt any rule not inconsistent with the Act), and it would limit by sections 6(b)(5) • • • the scope of the self-regulatory organizations' authority over their members to matters related to the purposes of the Exchange Act. The growing diversification of securities firms into non-securities activities has raised, and will continue to raise, significant questions about the adequacy of the present regulatory structure. However, the diversification of securities firms should not automatically extend the jurisdiction of the self-regulatory agencies. Until it is specifically demonstrated to the Congress that the non-securities activities of firms which are members of self-regulatory agencies should be limited or regulated in the public interest, such firms should be free to undertake and pursue these activities in the same manner as other business organizations, subject only to those regulatory limitations necessary to assure protection of public investors and the public interest.[52]

Since section 6(b)(2) already effectively removes from exchanges the power to use a "parent" test, section 6(b)(5) underlines that the purpose of the Act in providing for self-regulatory organizations has always been to minimize regulation of the securities markets by providing an opportunity for the industry to regulate itself and, in turn, to promote the efficient functioning of the securities markets by providing the maximum opportunity for private initiatives and innovative experimentation. To accomplish that objective under today's conditions, the self-regulatory organizations must also be circumspect in imposing limitations on their members.[53] Furthermore, they should not attempt to accomplish through the imposition of such limitations any de facto limitations on membership which they would not be permitted to impose directly.

Of course, in some circumstances the Act's primary objectives—protecting investors and the public interest—may result in appropriately differential treatment of different persons; such differences as are justified in furtherance of the purposes of the Act are not prohibited.[54] But, in the case of the NYSE's proposed rules, the possibility of showing that there are reasons in terms of the Act for drawing the suggested distinctions has not been demonstrated.

In response to their new mandates and in recognition of the diversification of securities firms which now provide multiple financial services, self-regulatory organizations will have to become increasingly sensitive to limiting their regulation not simply to their members but rather to specified matters within their jurisdiction.[55] Self-regulatory organizations will, of course, continue to have an important and influential advisory role with respect to other matters, such as foreign policy approaches in areas relating to capital markets. In many situations, the self-regulatory organizations are the most knowledgeable about technical aspects of securities markets both in the United States and abroad, and that expertise should be brought to bear

members, not just those permitted on the floor, subject to Commission oversight.

[47] Hearings on S. 249 before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 94th Cong., 1st Sess., 404 (1975). In addition, the NYSE offered comments with respect to the effect of the membership provisions on the related bank question. Id., at 421, 431–432, 441–442.

[48] The former counsel for the House subcommittee which participated in drafting the 1975 Amendments has stated that one of the major policy decisions of the legislation was to allow any registered broker or dealer meeting applicable capital and competency requirements to join any exchange subject, of course, to compliance with applicable exchange rules relating to inspections. Rowen, Securities Acts Amendments of 1975, 8 The Review of Securities Regulation 889 (June 27, 1975). See pp. 29–31 supra. See also note 10 supra.

[49] Securities Reform Act of 1975, Report of the House Comm. on Interstate and Foreign Commerce to Accompany H.R. 4111 ("House Report on H.R. 4111"), H.R. Rep. No. 123, 94th Cong., 1st Sess. 53 (1975).

[50] Rowen, note 48 supra, at 892. The article points out that, while an entity excluded from the definition of broker under the Act may not become an exchange member (unless it was a member on the effective date of the 1975 Amendments), that limitation does not affect the ability of subsidiaries or affiliates of entities so excluded to obtain membership if such subsidiaries or affiliates register as brokers.

[51] That result had been suggested earlier by the Commission. In the Future Structure Statement, the Commission had indicated that it did not perceive "any reason of law or policy" why exchanges should be permitted to exclude broker-dealer subsidiaries of institutions and had taken a number of steps to eliminate the parent test concurrently with the gradual introduction of other basic, structural changes in the securities markets, such as the elimination of fixed minimum commission rates.

[52] Senate Report, at 28.

[53] Recently, the NYSE appears to have focused specifically upon the impact of regulatory decisions. In its Research Report on Capital Needs of the Securities Industry in 1980 and 1985 (June 2, 1976), the NYSE advised the Commission that it should show an active sensitivity to the reaction of those who invest in the securities industry. That advice seems sound and the Commission's action today applies it also to proposed NYSE Rules 309 and 310. The NYSE has recognized that, "The Exchange itself can also do a great deal to help ease the potential capital shortage within the industry. It can do this by removing those rules which in one way or another limit the entry of outside capital. Such a step must be viewed as a necessary pre-condition for assistance from the SEC and Congress." Id., at 23.

[54] In that regard, self-regulatory organizations are to be principally concerned with the integrity and capabilities of persons active in the securities business in the United States or dealing in securities with United States residents or citizens as well as, in appropriate cases, dealing with non-United States persons.

[55] See pp. 29–31 supra.

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to solve problems involved in the organization and internationalization of the securities business. Similarly, where considerations of economic policy for the domestic financial services sector are broader than the regulation of a particular organization's current members under the securities laws, the organization will necessarily have an important advisory role on policy even though it will not be in a position to adopt a particular policy position independently.[56]

But section 6(b)(5) of the Act reinforces the policy of section 6(b)(2) by specifically prohibiting impediments to a free and open market. That necessarily implies free access to all those who meet appropriate standards of integrity and capabilities. Section 6(b)(5) also prohibits discrimination among brokers and dealers on an unfair basis, such as discrimination which is based on the lawful activities of certain brokers and dealers or their associated persons and for which the purposes of the Act do not authorize differential regulation. Accordingly, the proposed NYSE rules are not consistent with section 6(b)(5) of the Act.

7. COMPETITIVE CONSIDERATIONS

In a number of ways the 1975 Amendments underscore the intention of the Congress to insure that the securities markets, and the self-regulatory organizations which undertake the front-line role in regulating those markets, are fully responsive to competitive considerations. Thus, the two provisions discussed above—section 6(b)(2), essentially mandating open access, and section 6(b)(5), requiring that exchange rules be designed to remove impediments to and perfect the mechanisms of a free and open market—are in large part specific antidotes for potentially anticompetitive conduct, which Congress earlier had found to permeate various aspects of the securities industry.[57] Congress, however, also included in the 1975 Amendments a broad, general prohibition applicable to all self-regulatory organizations (contained, in the case of exchanges, in section 6(b)(8)) against rules which impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Before the 1975 Amendments, the Commission had consistently recognized that its statutory obligation to act in the public interest required careful consideration of appropriate competitive factors and the balancing of those factors against other policy objectives of the Act.[58] The Supreme Court, in construing the Act and other regulatory statutes which turn on a public interest standard, has in fact held that such an analysis is required of the regulatory agency administering the statute.[59] Nevertheless, before the 1975 Amendments there were questions as to the scope of the Commission's ultimate jurisdiction over, in particular, exchange rules and practices.[60] As a consequence, various efforts were made to attack collaterally practices of various self-regulatory organizations.[61]

The Congress recognized the problem that collateral attacks might create for the orderly administration of the federal securities laws. At the same time, in light of the general requirement that a public standard demands consideration of competitive factors, and in the expectation that there would shortly be a definite Supreme Court decision appropriately settling the scope of the Commission's existing jurisdiction, Congress was confident that the courts would avoid actual conflicts by a flexible use of existing precedents.[62] Congress noted, however, that, absent an appropriate reconciliation by the courts, it would undertake the consideration of further legislation.[63] Shortly after the 1975 Amendments became law, two Supreme Court decisions, Gordon v. New York Stock Exchange, Inc.,[64] and United States v. National Association of Securities Dealers, Inc.,[65] confirmed the Congressionally anticipated reconciliation of regulatory and competitive factors through the exercise of the Commission's jurisdiction.

Resolution of policy questions involving delicate balancing of competitive and regulatory concerns under the Act is in the first instance to be undertaken by the Commission. It had been suggested that the Congress require that the Commission cleave to a "least anticompetitive" standard in formulating rules and regulations under the Act,[66] but the Congress determined instead to grant broader discretion to the Commission and to view the need for competition in the context of the Act as a whole and its several objectives so that burdens on competition could be accepted where necessary or appropriate in furtherance of the purposes of the Act.

Similarly, the Commission's consideration of proposed rule changes of self-regulatory organizations under section 19(b) looks to all the policies and objectives embodied in the Act, including the need to foster competition. In accomplishing that task, consequently, the Commission must remain sensitive to considerations relating to competition and seek, where appropriate and consistent with the protection of investors and the other purposes of the Act, to minimize burdens on competition.

So far as proposed NYSE Rules 309 and 310 are concerned, Congress specifically recognized that "rules dealing with admission requirements, by their very nature are restrictions on competition."[67] Section 6(b)(8) was specifically "designed to make clear that a balance must be struck between regulatory objectives and competition, that unless an interference with competition is justified in

[56] The general injunction is always more easily stated than applied. Thus, the NYSE's proposed Rules 389 and 335, which have been advanced with the avowed purpose of limiting the NYSE's regulatory role, have drawn substantial criticism. Securities and Exchange Commission File Nos. SR-NYSE-75-13 and 76-13. The Commission has taken initial steps to further the dialogue on jurisdictional lines by proposing Securities Exchange Act Rule 19g2-1. See Securities Exchange Act Release No. 12483 (May 26, 1976), 41 FR 22959 (June 8, 1976).

[57] See, e.g., Securities Industry Study, Report of the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, S. Rep. No. 13, 93d Cong., 1st Sess. 145, 149–50 (1973).

[58] See, e.g., Securities Exchange Act Release No. 11203 (Jan. 23, 1975), 40 FR 7403 (Feb. 20, 1975), adopting Securities Exchange Act Rule 19b-3; Letter from Commissioner John R. Evans to Senator Harrison A. Williams, Jr., May 8, 1974, reprinted in Hearings on S. 3126 before the Subcom. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 93d Cong., 2d Sess. 171–178 (1974); Securities and Exchange Commission, Policy Statement on the Structure of a Central Market System (Mar. 29, 1973); Securities Exchange Act Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973); Future Structure Statement; Securities and Exchange Commission, Institutional Investor Study Report, H.R. Doc. No. 64, 92d Cong., 1st Sess., pt. 1 at xxii–xxv (1971); Securities and Exchange Commission, Report of Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess., pt. 2 at 956ff (1963); National Association of Securities Dealers, Inc., 19 S.E.C. 424 (1945); In the Matter of the Rules of the New York Stock Exchange, 10 S.E.C. 270 (1941).

[59] See, e.g., Bowman Transportation, Inc. v. Arkansas-Best Freight System, Inc., 419 U.S. 281 (1974); Gulf States Utilities Co. v. Federal Power Commission, 411 U.S. 747 (1973); Ricci v. Chicago Mercantile Exchange, 409 U.S. 289 (1973); Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien (Swedish American Line), 390 U.S. 238 (1968); Denver & Rio Grande Western Railroad Co. v. United States; 387 U.S. 485 (1967); Silver v. New York Stock Exchange, Inc., 373 U.S. 341 (1963); United States v. Drum, 368 U.S. 370 (1962); Federal Maritime Board v. Isbrandtsen Company, Inc., 356 U.S. 481 (1958); McLean Trucking Co. v. United States, 321 U.S. 67 (1944).

[60] See PBW Stock Exchange, Inc. v. Securities and Exchange Commission, 485 F.2d 718 (3d Cir. 1973), cert. denied, 416 U.S. 969 (1974).

[61] See Harwell v. Growth Program, Inc., 451 F.2d 240 (5th Cir. 1971), cert. denied sub nom. National Association of Securities Dealers, Inc. v. Harwell, 409 U.S. 876 (1972); Thill Securities Corporation v. New York Stock Exchange, Inc., 433 F.2d 264 (7th Cir. 1970), cert. denied, 401 U.S. 994 (1971).

[62] Securities Acts Amendments of 1975, Conference Report to Accompany S. 249, Joint Explanatory Statement of the Comm. of Conference, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 100-1 (1975).

[63] *Id.*

[64] 422 U.S. 659 (1975).

[65] 422 U.S. 694 (1975).

[66] See Statement of Donald I. Baker, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, in Hearings on S. 249, 244–252, 257–262 (1975).

[67] Senate Report, at 96.

terms of the achievement of the statutory objective it cannot stand."[68]

In support of the proposed rules, the NYSE has advanced some arguments which, as noted above, have an equitable appeal.[69] Foreign trade policy may require the use, for negotiating purposes, of principles such as mutual nondiscrimination or reciprocity which, if applied in a solely domestic context, could be viewed as anticompetitive. In the case of access to United States securities markets, those policies have not, however, been adopted; in fact, both Congress and the executive branch of the Federal Government have taken a contrary position. And, in any event, although the Commission's obligation to balance the broad policy objectives in the Act may require it to take into consideration such matters as the international implications of removing burdens on competition, the Commission's determinations must, in the last analysis, be made in the context of the purposes of the Act.[70] Similarly, arguments about policy objectives of statutes other than the federal securities laws must, in terms of these proceedings, find support among the purposes of the Act. Rules 309 and 310 impose burdens on competition by creating entry barriers and, at this time and on the basis of the data, views and arguments supplied to the Commission, there is not an adequate basis for concluding that those burdens are either necessary or appropriate. Consequently, the proposed NYSE rules are not consistent with section 6(b)(8) of the Act.[71]

8. CONCLUSION

The process of formulating proposed self-regulatory organization rules, and the Commission's obligation to review proposed rules for consistency with the Act is a dynamic process that must adapt to current trends in the securities markets and be sensitive to the complex interplay in the Act of multiple, and sometimes competing, Congressional objectives embodied in the federal securities laws. The Commission has long recognized that the process is complex and delicate. In 1973, when the Commission was operating under the earlier and simpler verison of the Act as it stood before the enactment of the 1975 Amendments, the Commission analyzed its part in the process as follows:

> In an area of activity as dynamic and complex as this, there may not be any permanent resolution of industry problems; as conditions change, existing problems may be superseded by new problems, and existing "solutions" may be rendered obsolete. The effective utilization of administrative responsibility and pervasive regulatory oversight demands that the agency charged with oversight of an entire industry, such as the Commission, remain alert to these changing patterns and problems. We intend to do just that. But the very purpose and nature of administrative agencies demands that current industry problems be faced and dealt with as expeditiously as possible and that the administrative authority not abdicate its clearly-defined obligation to act.[72]

That analysis was developed in the context of its determination to adopt Rule 19b-2.[73] But the analysis bears today on the approach the Commission will take, indeed must take, to deal in the future with the issues raised by the proposed NYSE rules. The Commission has created the Office of International Policy to respond to regulatory questions involving significant international aspects. And the Commission is studying pursuant to Congressional mandate the policy questions raised under the Act by the statutory exclusions of banks from the Commission's direct regulatory jurisdiction over brokers and dealers.[74] Those activities will position the Commission to be responsive in the future to new aspects of those problems and ensure that they are dealt with, from a regulatory point of view, on the basis of appropriate economic data and careful analysis.[75]

In the Commission's view, based on the foregoing, proposed NYSE Rules 309 and 310 are inconsistent with sections 6(b)(2), (5) and (8) of the Act. Accordingly, the Commission is unable to make the determination required by section 19(b) of the Act that those proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to the NYSE.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that proposed Rules 309 and 310 (SR-NYSE-76-7 and SR-NYSE-76-8) be, and they hereby are, disapproved.

By the Commission (Chairman Hills and Commissioners Loomis, Evans, and Pollack).

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-26561 Filed 9-10-76;8:45 am]

[Release No. 12741; File No. SR-NYSE-76-33]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 27, 1976.

On June 10, 1976, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. 78s(b), as amended by Pub. L. No. 94-29 (June 4, 1975) and Rule 19b-4 (17 CFR 240.19b-4) thereunder, copies of proposed changes to Rules 342 and 345.

The proposed amendment to Rule 342 requires that a qualified person acceptable to the NYSE be in charge of "any sales department or activity." As amended, the supplementary material designated Rule 342.12 specifies that a candidate for acceptability is expected to pass an examination acceptable to the NYSE which demonstrates competency to supervise a specific sales department or activity. It further provides that the examination requirement may be waived at discretion of the NYSE.

Notice of the proposed rule changes and the terms of substance of rules as they would be amended was given by publication of a Commission release (Release No. 12552, June 17, 1976) and in the FEDERAL REGISTER (41 FR 26084, June 24, 1976). Interested persons were invited to submit written comments concerning the proposal by July 15, 1976. The Commission has not received any

[68] *Id.* The thrust of other arguments advanced in these proceedings in favor of proposed Rules 309 and 310 was more difficult to follow. For example, the size of the parents of certain foreign controlled United States broker-dealers was stated to be so greatly disproportionate to even the largest United States underwriters as to raise antitrust questions. But no comparison was offered with respect to the size of domestic parents of NYSE members or the size of possible domestic parents. Also, various subsidy arguments, a notably treacherous field of economic argumentation, were advanced without any support in fact or theory. And the discussion frequently returned to descriptions of underwriting activities, which are conducted over-the-counter.

[69] See text at p. 16 *et seq.*

[70] Nor may other related arguments advanced to support the proposed rules—for example, that they would replace even more restrictive rules—prevail. See Position of the New York Stock Exchange on Rule 309 (1976), at 23; Securities and Exchange Commission File No. SR-NYSE-76-8, at 7.

[71] Once the Commission, in the exercise of its exclusive jurisdiction, has determined that particular rules, or types of rules, of self-regulatory organizations impose unnecessary or inappropriate burdens on competition, subsequent efforts to enforce such rules would not be insulated from collateral attacks in other forums.

[72] Securities Exchange Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973).

[73] That rule was adopted during the last days of the fixed commission rate era for exchange transactions and was intended to ensure, during the final transitional period that, under the circumstances that then prevailed, including the heavy restrictions on access then enforced by exchanges, exchange memberships were used for public purposes. Rule 19b-2, having served its purpose, and the problems it sought to deal with on an interim basis having been solved, has been repealed; it had indeed become an obsolete solution. But the Commission dealt with the problems of that day as expeditiously as possible.

Parts of the logic underpinning Rule 19b-2—the transition from fixed commission rates—were used to embed a variation on it in the 1975 Amendments. The legislative process with respect to the 1975 Amendments was, however, completed before the actual introduction of unfixed commission rates or any experience with their operation and, of course, before the Commission had taken any steps under Section 31(b) of the 1975 Amendments to purge inappropriate rules of self-regulatory organizations. Recognizing that there was uncertainty as to the need for a solution along the lines of Rule 19b-2 on a permanent basis, Congress viewed its statutory provision (Section 11) as setting presumptive standards only and gave the Commission plenary authority to effect a different result by fashioning more restrictive or more flexible standards for the future as circumstances might demand. See Senate Report, at 68.

[74] Note 14 *supra*.

[75] See, e.g., pp. 29–31 *supra*.

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comments concerning the proposed rule changes.

With respect to the proposed amendments to NYSE Rules 342 and 345,[1] the Commission finds that the proposed rule changes in SR–NYSE–76–33 are consistent with the requirments of the Exchange Act and the rules and regulations thereunder applicable to national securities exchanges.

It is therefore ordered, Pursuant to section 19(b)(2) of the Exchange Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to NYSE Rules 342 and 345 be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26584 Filed 9–10–76;8:45 am]

NEW YORK STOCK EXCHANGE, INC.

[Release No. 12750; File No. SR–NYSE–76–39]

Order Approving Proposed Rule Change

AUGUST 31, 1976.

On July 13, 1976, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder copies of a proposed rule change to eliminate the different standards applicable to specialist and non-specialist odd-lot dealers as set forth in Rule 100.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12637 (July 19, 1976)) and by publication in the FEDERAL REGISTER (41 31432 (July 28, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on July 13, 1976, be and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26585 Filed 9–10–76;8:45 am]

[1] The Commission's approval of these amendments is subject, nevertheless, to the overall review of the rules of all self-regulatory organizations being conducted by the Commission pursuant to section 31(b) of the Securities Acts Amendments of 1975.

[Release No. 34–12746; File No. SR–PSE–76–15]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on July 15, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") has filed a number of "Floor Procedure Advices" which are interpretations and policies related to a variety of subjects respecting PES's options trading program. The exact language of the numerous interpretations and policies can be found in PSE's formal filing with the Commission in the above-referenced file number.

The interpretations and policies pertain to the following subject matters:

1. Floor Brokers' responsibilities at the opening;
2. Floor Brokers acting as both Principal and agent on the same transaction;
3. Courtesy and timeliness in regard to entering orders on the book;
4. Prohibitions against use of the Book by Floor Brokers in closing out errors;
5. Floor Brokers' responsibilities in effecting "cross" transactions;
6. Floor Brokers' giving up another person's name as executing member;
7. Prohibition against acting as Floor Broker in classes of options to which member has a primary market maker appointment;
8. Supplementary assignments of market makers;
9. Guarantee letters for options market makers trading on PSE equity floors;
10. Market Makers' attentance during trading sessions;
11. Special procedures for Market Makers' use of Floor Brokers to effect transactions for Market Makers' account;
12. Only GTC and day orders accepted in Book;
13. Disposition of unfilled day orders;
14. Stop-loss orders prohibited from Book;
15. Prohibition of orders which instruct Broker to fill the order in its entirety or not at all;
16. Reconfirmation of open orders in the Book;
17. Disposition of Limit Orders changed to Market Orders;
18. Expressing fractions in writing;
19. Marking orders to reflect "split" transactions;
20. Giving up name at time of requesting market size or execution of order;
21. Imprinting member name on trade tickets;
22. Posting of Options Floor Procedure Advices and Market Maker Assignments;
23. Meetings of Options Floor Members;
24. Visitors and admission to trading floor;
25. Communication access to and from the options trading floor;
26. Dress and conduct standards;
27. Prohibition against hand signals;
28. Transactions based on erroneous prints of underlying security;
29. Imbalance of orders at openings;
30. Availability of members for settlement of uncompared trades;
31. Meaning of "displayed" bid or offer;
32. Spread orders subject to priority rules; and
33. Time of cabinet transactions.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Options Floor Procedure Advices set forth hereinabove is to state policies and clarify procedures under existing options trading rules.

By clarifying policies and procedures under existing options trading rules, the Exchange believes that the above Advices will facilitate the fair and efficient operation of such rules and thereby facilitate a fair and orderly market and protect investors and the public interest.

Comments were neither solicited nor received from members, participants or others.

The above Advices will impose no burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 13, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76–26580 Filed 9–10–76;8:45 am]

[Rel. No. 9420; 812–3957]

SEYMOUR FOODS, INC. AND BEN VOTH

Filing of Application for an Order Exempting Proposed Transaction

AUGUST 27, 1976.

Notice is hereby given that Seymour Foods, Inc., 101 North Kansas Avenue, Topeka, Kansas 66603, a Delaware corporation ("Seymour"), and Ben Voth ("Voth") c/o G F Industries, Inc., 2001 National Bank of Tulsa Building, Tulsa, Oklahoma 74103 (collectively referred to as "Applicants"), filed an application on May 18, 1976, and amendments thereto on August 2 and 20, 1976, for an order of the Commission, pursuant to section 17(b) of the Investment Company Act of 1940 (the "Act"), exempting from the provisions of section 17(a) of the Act the proposed sale by Seymour to Voth, and the proposed purchase by Voth, of Seymour's entire holdings of the common stock, $0.10 par value, of G F Industries, Inc., a Florida corporation ("GFI"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that all of the issued and outstanding shares of capital stock of Seymour are owned by Source Capital, Inc., a Delaware corporation previously known as SMC Investment Corporation ("Source"). Source is a closed-end management investment company registered under the Act with its principal place of business at 1888 Century Park East, Los Angeles, California 90067.

The application states that, prior to the recapitalization described below, Seymour owned 859,635 of the total of 3,842,773 issued and outstanding shares of the common stock, par value $0.25 per share, of GFI 343,927 of the total of 826,940 issued and outstanding shares of the 4 percent convertible preferred stock, par value $2.50 per share, of GFI, and 74,500 of the total of 150,000 issued and outstanding shares of the 6 percent convertible preferred stock, par value $2.50 per share, of GFI. As of March 31, 1976, Seymour's holdings constituted approximately 26.5 percent of the outstanding voting securities of GFI, and a 43.4 percent interest in the equity securities of GFI.

On June 25, 1976, the shareholders of GFI approved a proposed plan of recapitalization whereby each 80 shares of common stock of GFI, par value $0.25 per share, would be converted into one share of new common stock, par value $0.10 per share, and each four shares of GFI 4 percent convertible preferred stock and 6 percent convertible preferred stock would be converted into one share of new common stock, par value $0.10 per share. Applicants state that the merger effecting such recapitalization has been consummated, and that Seymour presently holds 39.5 percent of the outstanding voting securities of GFI (the "Seymour Stock"). It appears that, based on the rates of exchange provided in the recapitalization, the Seymour Stock which is the subject of the proposed transaction between the Applicants consists of 115,352 shares of GFI common stock, par value $0.10 per share.

The Application states that Seymour and Voth have entered into a Stock Purchase Agreement dated April 1, 1976, providing for the sale by Seymour to Voth of the entire amount of the Seymour Stock for an aggregate purchase price of $300,000.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as

> (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person.

Section 2(a)(9) of the Act provides, in part, that

> "Control" means the power to exercise a controlling influence over the management or policies of a company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such company • • •

Therefore, Applicants state, GFI is an "affiliated person" of Source as that term is defined in section 2(a)(3) of the Act, in that Source is the indirect owner of the Seymour Stock and in that GFI may be "controlled" by Source. Applicants further assert that Voth is the president of GFI and the owner of approximately 8.8 percent of the outstanding voting securities of GFI, and is, therefore, an "affiliated person" of GFI, as that term is defined in section 2(a)(3) of the Act, and an affiliated person of an affiliated person of Source.

Section 17(a) of the Act, in part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as a principal, knowingly to purchase from such investment company, or from any company controlled by such investment company, any security or other property. Thus, since it appears that Seymour is a company "controlled" by Source, the proposed sale to Voth by Seymour of the Seymour Stock apparently would be prohibited by section 17(a).

Section 17(b) of the Act provides that the Commission, upon application, shall exempt from the provisions of section 17(a) a proposed transaction if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the Stock Purchase Agreement are reasonable and fair and do not involve overreaching on the part of any person concerned, and that those terms were negotiated at arm's length in circumstances free from any coercion or control.

According to the application, Seymour's ownership of securities issued by GFI originated in a May, 1969, transaction in which Source purchased from GFI for $2,500,000 a promissory note and a warrant to purchase stock of GFI. In August, 1970, an involuntary petition in bankruptcy was filed against GFI; in November, 1970, GFI filed a petition for arrangement under Chapter XI of the Bankruptcy Act. A plan of arrangement for GFI was approved by the court in October, 1972, and the court retained limited jurisdiction over GFI until November, 1974. The shares of common and convertible preferred stock of GFI held by Seymour prior to the aforementioned recapitalization were issued to Source in the bankruptcy proceeding in satisfaction of the claims of Source against GFI, and were contributed by Source to the capital of Seymour.

Applicants state that, during much of those bankruptcy proceedings, Source did not know what, if any, securities it would receive as a result of the reorganization of GFI, and that, during this period, the investment by Source in GFI was valued by Source at either zero or $1,000. By December, 1973, Source had learned what securities would be issued to it as a result of that reorganization, and the Board of Directors of Source valued Source's investment in GFI at $75,000 at that time. In September, 1974, this value was reduced to $50,000. Applicants state that these values were intended by the Board of Directors of Source to be conservative values.

The application states that Seymour presently carries the Seymour Stock on its books at a value of $250,000, and that the Seymour Stock was carried at $50,000 when initially contributed to the capital of Seymour, which was the same value as that used by Source at that time. However, Applicants state that in connection with the preparation of audited financial statements of Seymour for its fiscal year ended December 28, 1975, the Seymour Stock was adjusted to the present $250,000 value on the recommendation of the auditors.

Applicants assert that the proposed $300,000 price of the Seymour Stock is fair and reasonable in view of the liquidation value of GFI. On March 31, 1976, the net book value of GFI was approximately $1,577,000, and the interest there-

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in represented by the Seymour Stock was approximately $623,000. However, Seymour states that it has examined the assets of GFI and that it believes that the fair market value thereof is in fact substantially less than the book value. Applicants state that GFI recently explored the possibility of liquidating its assets, and that the highest offer which it received for its only income producing asset (its Swift Ohio Company Division) was approximately $600,000. If the Swift Ohio Company Division had been sold for that amount as of March 31, 1976, and if all other assets of GFI had been sold at their book value as of that date, the value of the interest in the net assets of GFI represented by the Seymour Stock would, according to the Applicants, have been approximately $299,489. Seymour states its belief, however, that in fact less than book value could be realized from a sale of such other assets, and that the true net liquidation value of the assets of GFI is less than that amount. In addition, Applicants assert that substantial expenses would be incurred in the winding up and liquidation of GFI, and that these expenses would further reduce the amount which Seymour could realize if GFI were liquidated.

Applicants further assert that the proposed $300,000 price for the Seymour Stock is fair and reasonable when viewed as a capitalization of earnings. According to the application, the net earnings of GFI were $77,926 for the twelve months ended June 30, 1975, before provision for the dividend requirements of the preferred stock of GFI.

On the basis of the number of shares of common stock outstanding following the recapitalization, Applicants state that the proposed $300,000 price would represent (for the earnings during the twelve months ending June 30, 1975), a price-earnings ratio of 9.7 to 1. Applicants further state that the net income of GFI for the nine months ending March 31, 1966, was approximately $51,000, and that GFI management estimates that such net income for the year ending June 30, 1976, was approximately $78,000. Applicants state that GFI does not have estimates of its income for future years.

The application states that the common stock of GFI is publicly traded in the over-the-counter market; however, GFI states that, insofar as it is aware, there has been no significant trading in the common stock of GFI since the recapitalization. GFI further states that it does not know when any such trading may commence, but that it anticipates that any market which may develop for such common stock would be thin. Applicants estimate that there are approximately 300,000 shares of common stock of GFI outstanding, held by approximately 3,000 shareholders.

Voth states that on July 26, 1976, he was informed by the National Quotation Bureau, Inc. that the market price being quoted for the common stock of GFI had varied, during the period from July 1, 1976 to July 22, 1976, from two cents to four cents bid and from four cents to six cents asked. Applicants state that these prices apparently are still being quoted on the basis of the shares of common stock outstanding prior to the recapitalization described above.

However, Applicants state their belief that the market price of the common stock of GFI has little usefulness as an indicator of the value of the Seymour Stock because, among other things, the public market for the GFI common stock is sporadic and thin, and a block of stock the size of the Seymour Stock could not be sold in that market.

Seymour states that its determination of the price that it would be willing to accept for the Seymour Stock was based largely upon the net asset or liquidation value of GFI, and that it believes that the proposed $300,000 price which was agreed to in assertedly arm's length negotiations is the best price available to it. Seymour further states that it did not attempt to obtain any "premium" based on whatever control may inhere in the Seymour stock because (i) it was felt there would be an inconsistency between a liquidation value analysis and a control premium, which is predicated upon a continuing enterprise; (ii) it did not believe that a higher price was in fact obtainable; and (iii) it did not believe that it had control of GFI as it did not own stock having a majority of the voting power of GFI, did not have representatives on the Board of Directors of GFI and did not have the power to elect any such representatives as GFI did not have cumulative voting. Also, Seymour states that, because it believes the propriety of receiving a control premium is not settled, it was concerned that it might have been subject to litigation if it had attempted to obtain such a control premium in this situation.

The application further states that Seymour desires to sell the Seymour Stock as it believes that the proposed $300,000 payment to be received from Voth can be invested in a manner more favorable to the stockholders of Seymour and Source than by the continued holding of the Seymour Stock. Voth states that he wishes to purchase the Seymour Stock because he is already an officer and a substantial stockholder of GFI and he wishes to increase his equity ownership in GFI.

Finally, the Applicants assert that the proposed transaction is consistent with the policy of Source, as reflected in its registration statement and reports filed under the Act, and that it is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26594 Filed 9-10-76;8:45 am]

[Rel. No. 9424; 811-2615]

STATE STREET EXCHANGE FUND (A LIMITED PARTNERSHIP)

Application for an Order Exempting Proposed Transactions

SEPTEMBER 1, 1976.

Notice is hereby given that State Street Exchange Fund (A Limited Partnership) ("Applicant"), 225 Franklin Street, Boston, Massachusetts 02110, a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 17, 1976, and an amendment thereto on August 27, 1976, pursuant to sections 17(b) and 6(c) of the Act for an order of exemption from sections 17(a) and 22(d) of the Act to permit certain individual General Partners of Applicant to exchange securities of certain other issuers owned by them for units of partnership interest ("shares") in Applicant in accordance with a public offering of such shares, but without payment of any solicitation fee, and in addition, to permit State Street Research & Management Company (the "Management Company"), Applicant's investment adviser, to purchase such shares for cash, also without payment of any solicitation fee. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a limited partnership on December 18, 1975 and has filed Certificates of Limited Partnership under the Uniform Limited Partnership Acts of Massachusetts and California. Currently Applicant has six General Partners, five of which are individuals and Managing General Partners, and the sixth of which is the Management Company, the Non-Managing General Partner.

The managing General Partners are affiliated persons of Applicant pursuant to section 2(a)(3) of the Act. Two of the Managing General Partners, George F. Bennett and Robert A. Lawrence, are partners of the Management Company.

Applicant has received a ruling from the Internal Revenue Service that it will be classified as a partnership for Federal income tax purposes. As a condition to the issuance and continued effectiveness of such ruling the Internal Revenue Service has required that the General Partners as such acquire and maintain an aggregate interest equal to at least 1 percent in each material item of Applicant's income, gain, loss, deduction and credit and that George F. Bennett and Robert A. Lawrence each acquire an interest in the Fund equal to the $25,000 minimum investment required of public investors in the Fund.

On December 19, 1975, applicant filed a Registration Statement under the Securities Act of 1933 covering a public offering of its shares in exchange for outstanding stock of other securities of various business corporations considered acceptable by Applicant for its portfolio. Applicant states that four of its Managing General Partners have indicated they intend to deposit common stock in exchange for Applicant's shares without payment of any solicitation fee. George F. Bennett intends to deposit 1,500 shares of common stock of Mead Corporation, which had a market value of $28,312 as of the close of business on August 25, 1976. Francis H. Barr intends to deposit 1,000 shares of common stock of Gillette Company, which had a market value of $30,750 as of the close of business on August 25, 1976. Robert A. Lawrence intends to deposit 400 shares of common stock of General Motors Corporation, which had a market value of $26,400 as of the close of business on August 25, 1976. Albert L. Nickerson intends to deposit 3,000 shares of common stock of Mobil Corporation, which had a market value of $169,500 as of the close of business on August 25, 1975. In addition, Mr. Nickerson intends to deposit 645 shares of common stock of Newmont Mining Corporation, 500 shares of Tokyo Marine & Fire Insurance Company ADR, and 550 shares of common stock of Texaco, Inc., with market values of $17,334, $44,750, and $14,575, respectively, as of the close of business on August 25, 1976.

Applicant further states that in order to comply with the requirement referred to above, of the Internal Revenue Service as to the investment by the General Partners in Applicant, the Management Company intends to purchase for cash sufficient shares (representing units of general partnership interest) of Applicant so that at the exchange date the General Partners will in the aggregate own at least 1% of Applicant's outstanding shares at that time. Applicant requests in its application that the Management Company not be liable for any solicitation fee in connection with such purchase.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company any security or other property. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

In support of Applicant's request, Applicant states that except for the exchange fee payable in connection with the solicitation of deposits which Applicant requests in its application be not applicable to the above Managing General Partners, and except also that the shares issued in exchange for such deposited securities will represent units of general partnership interest rather than units of limited partnership interest, the terms and conditions of the exchange as to each of such Managing General Partners will be the same as to every other depositor whose securities are accepted by Applicant. Applicant also states that securities proposed to be accepted in the foregoing transactions conform to the Applicant's objective and policies, that they are readily marketable, and that none of the foregoing Managing General Partners is an "underwriter" with respect to such securities or in a "control" relationship with respect to the issuer thereof (as those terms are used in the Securities Act of 1933 or in the rules and regulations of the Securities and Exchange Commission thereunder). Applicant further states that, subject to Applicant's investment restrictions and overall investment objectives, Applicant does not intend to reject securities of the same issuers as those described above deposited by persons other than said Managing General Partners if such securities have the same or less capital appreciation than the like securities deposited by the Managing General Partners. Finally, Applicant undertakes that it will not accept securities deposited by any of its General Partners unless the aggregate federal tax cost basis of all such securities so accepted plus the amount of cash being invested in the Fund by the General Partners as a group, stated as a percentage of the aggregate market value of all such securities so accepted plus such cash so being invested, is at least equal to the aggregate federal tax cost basis of all securities accepted from depositors other than General Partners plus the aggregate cash being invested in the Fund by depositors other than General Partners, stated as a percentage of the aggregate market value of all securities so accepted from, plus all cash so being invested by, depositors other than General Partners, as a group.

Section 22(d) of the Act, as here pertinent, prohibits a registered investment company from selling any redeemable security issued by it to any person except at a current offering price (which includes any underwriting or solicitation fee) described in the Prospectus. Section 6(c) of the Act provides, however, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any Rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of Applicant's request in its application, Applicant states that both the proposed deposits of securities to be exchanged for Applicant's shares by the aforesaid Managing General Partners and the purchase of Applicant's shares by the Management Company are unsolicited transactions involving the issuance of units of general partnership interest to General Partners as distinguished from transactions solicited through a dealer-manager and soliciting dealers from the general public as part of the public offering of units of limited partnership interest. Applicant states that such transactions accordingly provide no rationale for the charge of a solicitation fee which, under the circumstances outlined, would only be paid to a random broker or dealer who had performed no services to earn such fee. Applicant represents, in addition, that the purchase of its shares by the Management Company and the investment in Applicant by George F. Bennett and Robert A. Lawrence is necessary to meet the requirements of the Internal Revenue Service referred to above, to ensure Applicant's favorable tax status and thereby insure to the benefit of all investors in Applicant.

Notice is further given that any interested person may, not later than September 27, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders

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a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26595 Filed 9-10-76;8:45 am]

[Release No. 12749; File No. SR-SCCP-76-3]

STOCK CLEARING CORP. OF PHILADELPHIA

Order Approving Rule Changes Establishing a Continuous Net Settlement System

On June 16, 1976 the Stock Clearing Corporation of Philadelphia ("SCCP"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed rule changes, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), implementing a Continuous Net Settlement ("CNS") System. The CNS System is offered to SCCP participants as an alternative to trade-for-trade clearance. SCCP anticipates that high volume members with netting transactions will utilize the CNS System whereas lower volume members without offsetting transactions will prefer trade-for-trade clearance. Clearance of securities transactions on a netted basis is expected to be less costly and more efficient.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (41 FR 27796, July 6, 1976), and the public was invited to submit comments until July 27, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12572, June 24, 1976. By letter dated August 27, 1976, SCCP submitted further information regarding its CNS System. This letter has been placed in the public file and has been incorporated in the submission.

The Commission has reviewed the SCCP submission and finds that the rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File No. SR-SCCP-76-3 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26696 Filed 9-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 141]

ASSIGNMENT OF HEARINGS

SEPTEMBER 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135797 (Sub-No. 48), J. B. Hunt Transport, Inc., now assigned October 13, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 128273 (Sub-No. 224), Midwestern Distribution, Inc., now assigned October 14, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 103066 (Sub-No. 31), Stone Trucking Company, now assigned October 18, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 139468 (Sub-No. 11), International Contract Carriers, Inc., now assigned October 19, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 107295 (Sub-No. 783), Pre-Fab Transit Co., now assigned October 21, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 106497 (Sub No. 125), Parkhill Truck Company now assigned October 15, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 141521, TCI, Inc. now assigned October 4, 1976 at Columbus, Ohio is cancelled and transferred to Modified Procedure.

MC 2229 (Sub No. 193), Red Ball Motor Freight, Inc. now assigned October 21, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 128273 (Sub No. 218), Midwestern Distribution, Inc. now being assigned December 2, 1976 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 138274 (Sub-No. 29), Shippers Best Express, Inc., now assigned December 2, 1976, at San Francisco, Calif. is cancelled and application dismissed.

MC 123407 (Sub-No. 303), Sawyer Transport, Inc. application dismissed.

MC 141082, Door-to-Door Limousine, Inc., now assigned October 13, 1976 at Hartford, Connecticut; will be held in Room No. 134 Federal Office Building, 450 Main Street.

MC 1103 (Sub-No. 16), Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman and Joseph Kofman, DBA Kofman's, now assigned November 11, 1976, at Washington, D.C. is canceled and application dismissed.

W-C 25, Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate; W-C 26, A. & O. Barge Line, Inc.—Investigation and Revocation of Certificates and Finance Docket No. 27992, Flowers Transportation, Inc., Greenville, Mississippi, Transferee and Waxler Towing Company, Incorporated, Memphis, Tennessee, Transferor, now assigned October 19, 1976 at Memphis, Tennessee; will be held in Room 1006, Tax Court, Federal Building, 167 North Main Street.

MC 110144 (Sub-No. 17), Jack C. Robinson d/b/a Robinson Freight Lines, now assigned October 4, 1976 at Morristown, Tennessee, has been postponed indefinitely.

MC 133689 Sub 70, Overland Express, Inc., now being assigned November 30, 1976 (2 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26711 Filed 9-10-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before September 28, 1976.

FSA No. 43233—*Hominy Feed from and to Points in Southwestern, WTL and Southern Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-630), for interested rail carriers. Rates on hominy feed, in carloads, as described in the application, from and to points in southwestern, western trunk-line and southern territories.

Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplements 244 and 125 to Southwestern Freight Bureau, Agent, tariffs 182-J and 183-L, I.C.C. Nos. 4967 and 4968, respectively. Rates are published to become effective on October 4, 1976.

FSA No. 43234—*Iron or Steel Articles to Liberty, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-622), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in western trunk-line, southern, southwestern and eastern territories, to Liberty, Texas.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 218 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Ratees are published to become effective on October 9, 1976.

FSA No. 43235—*Iron or Steel Articles to Beaumont, Texas.* Filed by Southwestern freight Bureau, Agent (No. B-623), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from East St, Louis, Illinois and St. Louis, Missouri, to Beaumont, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 218 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on October 9, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26709 Filed 9-10-76;8:45 am]

[Ex Parte No. 329]

RAIL LINES

Review of the Department of Transportation's Preliminary Classification and Designation

Rail Services Planning Office, present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the above-captioned proceeding has been referred pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976.

On August 9, and September 2, 1976, by order of the Commission certain hearings, dates and sites were set; and certain rules of proceeding were stated; now on this date, an additional hearing site has been set and, the rules of procedure and practice have been restated.

It is therefore ordered, That: 1. The hearing site is established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The date below indicates when the hearing commences.

TUESDAY, SEPTEMBER 14, 1976

Wichita, Kansas—Wichita Public Library Auditorium, 223 South Main, Wichita, Kansas.

Contact: Marion E. Arrington, c/o ICC Office, 501 Petroleum Bldg., 221 South Broadway, Wichita, Kansas 67202, Phone: 316/267-6311, ext. 608.

2. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

3. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

(c) Prospective witnesses will be asked to provide: their name, address, telephone number and business association, if any; the general areas of the report to which their testimony will pertain; and the date and time when they wish to appear. This information will be relayed to an attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an attorney, they should so inform the contact coordinator.

(d) The attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local coordinator will notify prospective witnesses of confirmed hearing appearance times. The attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11" paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(j) Hearings will commence on the days specified in Item 1 of this Notice.

(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10:00 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26712 Filed 9-10-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before October 4, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before October 13, 1976, subject to its tariff publication effective date.

P-10-76 (Special Certificates—Waste Products), filed August 23, 1976. Applicant: RDC TRANSPORTATION, INC., Box 21 Western Inn., Joshua, Tex. 76058. Applicant's representative: C. D. Ingram, 8560 Compton Blvd., Paramount, Calif. 90723. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse,* between points in the United States including Alaska, but excluding Hawaii, in furtherance of a recognized pollution control program sponsored by H & H Recycling Company of Richmond, Calif., for the purpose of recycling oil residues in filter clays used in refining crude vegetable oils in order to manufacture feed fat product for cattle feed and coconut oil for the soap industry.

NOTE.—Mr. Charles Dale Ingram, Secretary of Applicant, holds waste products special certificate No. P-5-73.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26710 Filed 9-10-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

Correction

In FR Doc. 76-25575 appearing at page 36853 of the issue for Wednesday, September 1, 1976, in the first column, page 36854, the MC number for Central Transport, Incorporated, now reading "MC 118831 (Sub-No. 1280)", should read "MC 118831 (Sub-No. 128G)".

V41178 SEP 13 76 UMI

of GFI outstanding, held by approximately 3,000 shareholders.

Voth states that on July 26, 1976, he was informed by the National Quotation Bureau, Inc. that the market price being quoted for the common stock of GFI had varied, during the period from July 1, 1976 to July 22, 1976, from two cents to

a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed:

ship under the Uniform Limited Partnership Acts of Massachusetts and California. Currently Applicant has six General Partners, five of which are individuals and Managing General Partners, and the sixth of which is the Management Company, the Non-Managing General Partner.

in the aggregate own at least 1% of Applicant's outstanding shares at that time. Applicant requests in its application that the Management Company not be liable for any solicitation fee in connection with such purchase.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person

Fund by depositors other than General Partners, stated as a percentage of the aggregate market value of all securities so accepted from, plus all cash so being invested by, depositors other than General Partners, as a group.

law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders

a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26595 Filed 9-10-76;8:45 am]

[Release No. 12749; File No. SR-SCCP-76-3]

STOCK CLEARING CORP. OF PHILADELPHIA

Order Approving Rule Changes Establishing a Continuous Net Settlement System

On June 16, 1976 the Stock Clearing Corporation of Philadelphia ("SCCP"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed rule changes, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), implementing a Continuous Net Settlement ("CNS") System. The CNS System is offered to SCCP participants as an alternative to trade-for-trade clearance. SCCP anticipates that high volume members with netting transactions will utilize the CNS System whereas lower volume members without offsetting transactions will prefer trade-for-trade clearance. Clearance of securities transactions on a netted basis is expected to be less costly and more efficient.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (41 FR 27796, July 6, 1976), and the public was invited to submit comments until July 27, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12572, June 24, 1976. By letter dated August 27, 1976, SCCP submitted further information regarding its CNS System. This letter has been placed in the public file and has been incorporated in the submission.

The Commission has reviewed the SCCP submission and finds that the rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File No. SR-SCCP-76-3 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26596 Filed 9-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 141]

ASSIGNMENT OF HEARINGS

SEPTEMBER 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135797 (Sub-No. 48). J. B. Hunt Transport, Inc., now assigned October 13, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 128273 (Sub-No. 224), Midwestern Distribution, Inc., now assigned October 14, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 103066 (Sub-No. 31), Stone Trucking Company, now assigned October 18, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 139468 (Sub-No. 11), International Contract Carriers, Inc., now assigned October 19, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 107295 (Sub-No. 783), Pre-Fab Transit Co., now assigned October 21, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 106497 (Sub No. 125), Parkhill Truck Company now assigned October 15, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 141521, TCI, Inc. now assigned October 4, 1976 at Columbus, Ohio is cancelled and transferred to Modified Procedure.

MC 2229 (Sub No. 193), Red Ball Motor Freight, Inc. now assigned October 21, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 128273 (Sub No. 218), Midwestern Distribution, Inc. now being assigned December 2, 1976 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 138274 (Sub-No. 29), Shippers Best Express, Inc., now assigned December 2, 1976, at San Francisco, Calif. is cancelled and application dismissed.

MC 123407 (Sub-No. 303), Sawyer Transport, Inc. application dismissed.

MC 141082, Door-to-Door Limousine, Inc., now assigned October 13, 1976 at Hartford, Connecticut; will be held in Room No. 134 Federal Office Building, 450 Main Street.

MC 1103 (Sub-No. 16), Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman and Joseph Kofman, DBA Kofman's, now assigned November 11, 1976, at Washington, D.C. is canceled and application dismissed.

W-C 25, Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate; W-C 26, A. & O. Barge Line, Inc.—Investigation and Revocation of Certificates and Finance Docket No. 27992. Flowers Transportation, Inc., Greenville, Mississippi, Transferee and Waxler Towing Company, Incorporated, Memphis, Tennessee, Transferor, now assigned October 19, 1976 at Memphis, Tennessee; will be held in Room 1006, Tax Court, Federal Building, 167 North Main Street.

MC 110144 (Sub-No. 17), Jack C. Robinson d/b/a Robinson Freight Lines, now assigned October 4, 1976 at Morristown, Tennessee, has been postponed indefinitely.

MC 133689 Sub 70, Overland Express, Inc., now being assigned November 30, 1976 (2 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26711 Filed 9-10-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before September 28, 1976.

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Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplements 244 and 125 to Southwestern Freight Bureau, Agent, tariffs 182-J and 183-L, I.C.C. Nos. 4967 and 4968, respectively. Rates are published to become effective on October 4, 1976.

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Grounds for relief—Rate relationship.

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By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26709 Filed 9-10-76;8:45 am]

[Ex Parte No. 329]

RAIL LINES

Review of the Department of Transportation's Preliminary Classification and Designation

Rail Services Planning Office, present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the above-captioned proceeding has been referred pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976.

On August 9, and September 2, 1976, by order of the Commission certain hearings, dates and sites were set; and certain rules of proceeding were stated; now on this date, an additional hearing site has been set and, the rules of procedure and practice have been restated.

It is therefore ordered, That: 1. The hearing site is established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The date below indicates when the hearing commences.

TUESDAY, SEPTEMBER 14, 1976

Wichita, Kansas—Wichita Public Library Auditorium, 223 South Main, Wichita, Kansas.

Contact: Marion E. Arrington, c/o ICC Office, 501 Petroleum Bldg., 221 South Broadway, Wichita, Kansas 67202, Phone: 316/267-6311, ext. 608.

2. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

3. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

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(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11" paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

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(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10:00 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26712 Filed 9-10-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before October 4, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before October 13, 1976, subject to its tariff publication effective date.

P-10-76 (Special Certificates—Waste Products), filed August 23, 1976. Applicant: RDC TRANSPORTATION, INC., Box 21 Western Inn., Joshua, Tex. 76058. Applicant's representative: C. D. Ingram, 8560 Compton Blvd., Paramount, Calif. 90723. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse*, between points in the United States including Alaska, but excluding Hawaii, in furtherance of a recognized pollution control program sponsored by H & H Recycling Company of Richmond, Calif., for the purpose of recycling oil residues in filter clays used in refining crude vegetable oils in order to manufacture feed fat product for cattle feed and coconut oil for the soap industry.

NOTE.—Mr. Charles Dale Ingram, Secretary of Applicant, holds waste products special certificate No. P-5-73.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26710 Filed 9-10-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

Correction

In FR Doc. 76-25575 appearing at page 36853 of the issue for Wednesday, September 1, 1976, in the first column, page 36854, the MC number for Central Transport, Incorporated, now reading "MC 118831 (Sub-No. 1280)", should read "MC 118831 (Sub-No. 128G)".

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V41178 SEP 13 76 UMI

federal register

MONDAY, SEPTEMBER 13, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANTS FOR HEMOPHILIA TREATMENT CENTERS

Interim Regulations

V41 I178 SEP 13 76 UMI

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 51d—GRANTS FOR SERVICE PROJECTS FOR GENETIC AND OTHER DISEASES

Grants for Hemophilia Treatment Centers; Interim Regulations

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby adds a new Part 51d, entitled "Grants for Service Projects for Genetic and Other Diseases," and a new Subpart A thereof, entitled "Grants for Hemophilia Treatment Centers," to Title 42, Code of Federal Regulations. For the reasons set out below, the Secretary has determined that public participation in rulemaking before issuance of these regulations and a delay in their effective date would be impractical and contrary to the public interest and, accordingly, that good cause exists for making them effective September 13, 1976.

Title VI of Pub. L. 94–63, which became effective on July 29, 1975, amended Title XI of the Public Health Service Act by adding a new section 1131 (42 U.S.C. 300c–21). The Secretary has determined that he could not make grants under the new section 1131 without regulations. Issuance of the regulations set forth below is necessary in order to allow grants to be made before the expiration of fiscal year 1976 funds appropriated for that purpose.

The regulations set forth below establish requirements for all grants under section 1131 of the Act. Attention is called to the following features of the regulations:

1. Under sections 1131(a) (1) and (4) of the Act, a project funded under section 1131 is required to provide access to its services to all individuals suffering from hemophilia residing in the geographic area it serves (referred to in the regulations as its "catchment area") and to have, in addition, a program of association with health care providers treating individuals suffering from hemophilia in areas not conveniently served directly by the project but more conveniently served by it than by the next closest project (referred to in the regulations as the "area of association"). The definitions contained in § 51d.102 (c) and (d) and the requirements set forth at § 51d.105 (b)(1) and (c) implement these statutory provisions by providing that a project must provide access to all of its services to hemophiliac residents of its catchment area but must provide only certain services in its area of association as part of its program of association.

2. Section 51d.105(a) (8) of the regulations requires that projects funded under section 1131, be, or within a reasonable time become, approved providers of crippled children's services for hemophiliacs under the State's approved plan under Title V of the Social Security Act. This requirement reflects in part the Secretary's determination that projects which meet or can shortly meet such requirements will be able to make "rapid and effective use" of grant funds in accordance with the statutory language (section 1131(d)(1)), and in part the judgment that such a requirement will help ensure that projects provide health services of high quality. It is hoped that this requirement will encourage States to develop or expand service programs for hemophiliacs under title V, thereby increasing the total services available for hemophiliacs.

3. Section 51d.105(a)(3) implements section 1131(a)(2) of the Act, requiring projects to provide programs of training for professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment. The regulations limit this to short-term training (the equivalent of three months of full-time training). This limitation reflects an administrative judgment that projects' training programs must be somewhat limited due to the limited appropriation and the many other activities the statute requires be undertaken, as well as a determination that meaningful training in these areas can generally be provided in three months.

4. Section 51d.105(a)(9) requires a project to collect payment for its services in accordance with the applicable schedule of fees and payments for such services under the title V State plan approved by the Secretary. This provision has been included to provide consistency with the requirement of § 51d.105(a)(8) discussed in the paragraph numbered 2 above. It should be noted that under the title V regulations (42 CFR Part 51a) diagnostic services are to be provided without charge, except to the extent that payment will be made by a third-party payor which is authorized or under legal obligation to pay such a charge.

5. Section 51d.107(a)(2) of the regulations implements section 1131(d)(2) of the Act, requiring that the Secretary give priority to projects which will operate in areas which the Secretary determines have the greatest number of persons in need of the hemophilia treatment services provided by such projects. Due to the specialized nature of the projects' services, the Secretary has determined that severe and moderate hemophiliacs should be considered to be persons "in need" of project services, as their hemophilia conditions are more likely to require the specialized and sophisticated services to be provided by the projects than the conditions of mild hemophiliacs. Accordingly, the regulation provides that priority will be given to projects which will serve areas with the greatest number of severe and moderate hemophiliacs.

6. Section 51d.109(c)(2) provides that projects funded under section 1131 of the Act may not use grant funds to pay for the provision of blood products, except where such products are not otherwise available within the project's catchment area, or where they are provided as part of the treatment provided directly by and at the project. This limitation is considered to be advisable in light of the extraordinary expense which would be associated with the provision of blood products on a comprehensive basis and the number of other activities which the projects are required to undertake.

Information concerning applications under section 1131 of the Public Health Service Act and these regulations may be obtained by writing the Office for Maternal and Child Health, Bureau of Community Health Services, 5600 Fishers Lane, Room 7–15, Rockville, Maryland 20852.

Interested persons are invited to submit written comments, suggestions, or objections concerning the new Subpart A of Part 51d to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6–17, 5600 Fishers Lane, Rockville, Maryland 20852, on or before November 12, 1976. All comments received in timely response will be considered, and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is expected that any revision of the regulations will be published within 60 days following the close of the comment period. The regulations as set forth below will be applicable and effective September 13, 1976. Revisions thereto, although applicable to grants awarded under the regulations promulgated by this Notice, will be applicable only with respect to activities conducted under those grants on and after the date the revisions become effective.

A new part 51d is added to Title 42, Code of Federal Regulations, and a new Subpart A thereof is adopted effective September 13, 1976.

Date: August 10, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

1. 42 CFR is amended by adding a new Part 51d entitled "Grants for Service Projects for Genetic and Other Diseases."

2. 42 CFR Part 51d is amended by adding a new Subpart A to read as follows:

Subpart A—Grants for Hemophilia Treatment Centers

Sec.
51d.101 Applicability.
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AUTHORITY: Secs. 215, 1131, Public Health Service Act, (42 U.S.C. 216, 300c–21).

Subpart A—Grants for Hemophilia Treatment Centers

§ 51d.101 Applicability.

The regulations of this subpart are applicable to grants to public and nonprofit private entities pursuant to section 1131 of the Public Health Service Act (42 U.S.C. 300c–21) for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers.

§ 51d.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Applicant" means a public or nonprofit private entity which applies for a grant under this subpart.

(c) "Area of association" means the area outside a project's catchment area in which the project provides services in a program of association with providers of health care pursuant to § 51d.105(c) of this subpart.

(d) "Catchment area" means the area in which a project provides all of its services, except those provided pursuant to § 51d.105(c).

(e) "Center" means a project funded under this subpart.

(f) "Comprehensive care program" means a program detailing the appropriate treatment for an individual suffering from hemophilia which:

(1) Includes:

(i) An assessment of the type and severity of the individual's hemophilia condition;

(ii) Statements of the health care needed, including estimates of the individual's need for prophylactic or replacement therapy, prophylactic dental care, physical therapy for prevention of secondary joint problems, and orthopedic treatment;

(iii) A statement of the activity (educational, recreational, and occupational) to be limited or avoided by the individual, or recommended for the individual;

(iv) Recommendations for periodic reevaluation (no less frequently than annually);

(v) Recommendations and/or referral for social and vocational counseling;

(vi) Recommendations and/or referral for genetic counseling; and

(vii) Information on 24-hour, 7-day-a-week emergency service; and

(2) Is developed by a multidisciplinary team which includes:

(i) Each of the following: a hematologist, a pediatrician or internist as appropriate, a nurse, and a social worker; and

(ii) If medically indicated, any one or more of the following: an orthopedist, a physical therapist, a psychiatrist, a psychologist, an oral surgeon or dentist, or an educational and/or vocational counselor.

(g) "Diagnosis" means the determination of the cause of significant bleeding tendencies.

(h) "Hemophilia" means a genetically transmitted bleeding disorder resulting from a deficiency of a plasma clotting factor.

(1) "Mild hemophilia" means a condition under which an individual:

(i) Generally leads a normal life, and

(ii) Has a sufficient amount of the clotting factor for blood to coagulate and bleeding to be controlled (in most cases, a circulating level of clotting factor above 10 percent of normal).

(2) "Moderate hemophilia" means a condition under which an individual:

(i) Rarely hemorrhages spontaneously but may experience significant hemorrhage after minor trauma, and

(ii) Has (in most cases) a circulating level of clotting factor that ranges from 1 to 10 percent of normal.

(3) "Severe hemophilia" means a condition under which an individual

(i) Throughout his life is subject to spontaneous hemorrhage into soft tissue, bone joints, and muscles as well as bleeding after any type of trauma or minor surgery, and

(ii) Has (in most cases) a circulating level of clotting factor of less than 1 percent of normal.

(i) "Nonprofit" as applied to a private entity means that no part of the net earnings of such entity inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(j) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(k) "Social counseling" means counseling provided by persons with appropriate training which includes at least:

(1) Genetic counseling;

(2) Counseling about family relationships and interrelationships;

(3) Counseling about sources of referral for appropriate medical treatment; and

(4) Counseling about sources of financial assistance for medical expenses.

(l) "State" means any of the several States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(m) "Vocational counseling" means counseling provided by persons with appropriate training about appropriate education, training and/or employment.

§ 51d.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this subpart.

§ 51d.104 Application for a grant.

An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe, and shall contain:

(a) A full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart.

(b) A budget and justification of the amount of grant funds requested.

(c) Evidence that the applicant is or within a reasonable time will become an approved provider of crippled children's services for hemophiliacs under Title V of the Social Security Act.

(d) A description of the precise boundaries of the catchment area which the applicant proposes to serve, and a description of the largest area outside that catchment area which the applicant cannot conveniently serve directly but can realistically serve through association with other health care providers who are treating individuals with hemophilia in a program of association meeting the requirements of § 51d.105(c) of this subpart.

(e) The estimated number of severe, moderate, and mild hemophiliacs residing in the applicant's proposed catchment area and the estimated number of those hemophiliacs in the proposed area of association.

(f) The estimated number of and a description of the programs for hemophiliacs within the applicant's catchment area and in the area of association, and the estimated number of hemophiliacs receiving care in each area under the programs.

(g) A statement of the method to be used to identify providers of health care who are treating individuals with hemophilia in the applicant's proposed area of association, and the method to be used to notify such providers of the services which the applicant will make available to them.

(h) An estimate of the average financial burden caused by the disease on a hemophiliac within the applicant's proposed catchment area and within its proposed area of association.

(i) The approximate number of hemophiliacs to be served by the applicant in its proposed area of association.

(j) An assurance satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it effectively to serve.

(k) A description of the diagnostic and specialty treatment services to be offered and, in the case of an applicant already providing services to hemophiliacs, a description of all diagnostic, treatment, and other services for hemophiliacs being provided by the applicant.

(l) A description of the applicant's arrangements for access to an appropriate coagulation laboratory and an appropriate blood bank under § 51d.105(a)(1) and (2).

(m) The plans and curricula for training professional and paraprofessional personnel pursuant to § 51d.105(a)(3) of this subpart.

(n) Copies of position descriptions for key personnel to be utilized in carrying out the project, a statement indicating the need for the specific positions, and a description of the qualifications of principal staff members.

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(o) A description of the counseling program to be provided pursuant to § 51d.105(b)(2) and of the arrangements to be made to provide social and vocational counseling.

(p) Such other pertinent information as the Secretary may require.

(q) Evidence that:

(1) The requirements of Part I of Office of Management and Budget Circular No. A–95 have been satisfied, and

(2) All applicable requirements for review and approval under title XV of the Act have been met.

(r) The signature of the individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this subpart, and any additional conditions of the grant award.

§ 51d.105 Project elements.

(a) *General requirements.* A project funded under this subpart must:

(1) Have a program to diagnose the type, degree, and nature of the bleeding tendency of individuals identified as probably suffering from hemophilia for the purpose of determining appropriate treatment. Such program shall include, at a minimum:

(i) Ready access to a coagulation laboratory which is capable of:

(A) Diagnosing any plasmatic factor deficiency,

(B) Identifying the existence of platelet functional disorders,

(C) Identifying the presence of inhibitors to one or more of the clotting factors, and

(D) Determining the existence of Factor VIII-related antigen, or obtaining access to this test by arrangement with another institution; and

(ii) Performing, at least annually, a test to detect inhibitors to one or more of the clotting factors on each hemophiliac served by the project who is receiving replacement therapy.

(2) Provide a program of comprehensive hemophilia treatment services, as specified in the grant award, of a specialized, multidisciplinary nature generally unavailable in its catchment area or area of association. This program may be carried out directly or on a referral basis, except that each project shall at a minimum—

(i) Have access to a blood bank which:

(A) Has expertise in preparing, evaluating, and storing therapeutic blood factors,

(B) Has available a comprehensive variety of blood products, including freeze-dried clotting factor concentrates, cryoprecipitates of plasma, and fresh or frozen whole plasma, and

(C) Relies, to the extent practicable, on voluntary donor sources for blood.

(ii) Provide to individuals served by the project prescriptions for blood products and directly provide blood products where the required blood product is not available through prescription in the catchment area or, for individuals served under paragraph (c) of this section, in the catchment area or the area of association; and

(iii) Provide training in home care to all hemophiliacs served by the project in need thereof.

(3) Provide a program of:

(i) Short-term training (not to exceed the equivalent of three months of full-time training) in standards of hemophilia diagnosis and treatment to professional and paraprofessional personnel of the project and, as resources permit, to personnel concerned with the treatment of hemophiliacs, who work in the project's catchment area and area of association; and

(ii) Training of professional and paraprofessional project personnel in at least one selected area of hemophilia research.

(4) Develop for, in consultation with the individual's primary physician, and provide to each hemophiliac served by the project (unless medically contraindicated) a written comprehensive care program.

(5) Serve as a clearinghouse for information on the availability of other programs of assistance and insurance for hemophiliacs, and assist hemophiliacs served by the project in making any necessary arrangements with those programs.

(6) Establish an outreach program to encourage all hemophiliacs and health care providers in the project's catchment area and area of association to participate in the program sponsored by the project.

(7) Provide for sufficient full- or part-time staff, qualified by training and experience, to carry out its activities.

(i) The staff shall include, at a minimum, a hematologist, internist, pediatrician, orthopedic surgeon, oral surgeon or dentist, physical therapist, nurse, and a social worker, except that if the hemotologist is also an internist or a pediatrician an additional internist or pediatrician is not required to be on the staff.

(ii) The project must also insure the availability of a nutritionist, psychiatrist, psychologist, and an educational/vocational or rehabilitation counselor.

(8) Be, or within a reasonable time become, an approved provider of crippled children's services for hemophiliacs under the approved State plan under Title V of the Social Security Act of the State or States in which its catchment area and area of association lie.

(9) Make every reasonable effort to collect payment for services provided by the project in accordance with the applicable schedule of fees and payments for such services of the approved State plan referred to in paragraph (a)(8) of this section. Where a project provides services to residents of more than one State, the project shall provide services to residents of the State in which the project facility is located in accordance with the schedule of the State plan of such State, and shall provide services to residents of any other State served in accordance with an agreement with the State agency which administers the approved title V State plan of such other State concerning such fees and payments.

(10) Establish basic medical data, statistical data, cost accounting, management information and reporting systems which shall enable the project to provide such statistics and other information as the Secretary may reasonably require relating to its costs of operation, patterns of utilization, and the availability, accessibility, acceptability, and effectiveness of its services, and to make these reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(b) *Requirements applicable to the project's catchment area only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide within its catchment area:

(1) Access to the services of the project for all individuals suffering from hemophilia who reside in this catchment area and

(2) A program of social and vocational counseling designed to assist hemophiliacs, who reside in the project's catchment area and are served by the center, to lead an independent life. Such counseling may be provided directly or by referral.

(c) *Requirements applicable to the area of association only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide a program of association with providers of health care who are treating individuals suffering from hemophilia residing outside the project's catchment area but within the area which the Secretary has determined (and has specified in the grant award) that the project cannot conveniently serve directly but can realistically serve with such a program. This program shall consist of at least the following:

(1) Implementation of a plan to identify and contact all providers of health services to hemophiliacs in the area of association and notify these providers of the project services available to them; and

(2) Institution of a program to attempt to enter into cooperative arrangements with these providers for the treatment of these hemophiliacs. Such arrangements must provide at a minimum for the following:

(i) Development by the project of individualized, written comprehensive care programs for hemophiliacs being treated by the providers in association with the project, with the participation and agreement of the providers in association,

(ii) Treatment of these hemophiliacs in accordance with the comprehensive care programs,

(iii) Provision for having these hemophiliacs visit the project for an annual re-evaluation of their medical and treatment status, and

(iv) Cooperation of the providers in association in arranging for social and vocational counseling for these hemophiliacs.

§ 51d.106 Fiscal management.

The Health Services Funding regulations, 42 CFR Part 50, Subpart A, apply to all grants under this subpart, except to the extent otherwise provided in § 51d.105(a)(9) of this subpart.

§ 51d.107 Grant evaluation and award.

(a) Within the limits of funds available for such purposes, the Secretary may award grants under this subpart to eligible applicants which submit approvable aplications therefor, in accordance with the following procedures:

(1) In determining whether an application is approvable, the Secretary shall take into account:

(i) Whether it meets the requirements of this subpart;

(ii) The number of persons to be served by the project in relation to the grant funds requested; and

(iii) The extent to which rapid and effective use of grant funds will be made by the project, considering the following:

(A) The degree to which the project will be operated consistent with the hemophilia services part of the State plan for crippled children's services under Title V of the Social Security Act;

(B) The professional and technical competence of the project in hemophilia diagnosis, treatment, rehabilitation, and research;

(C) The potential integration of the project's services with other health service delivery programs;

(D) The soundness of the project's management; and

(E) The extent of community participation.

(2) The Secretary will give priority to projects which will operate in areas which the Secretary determines have the greatest number of severe and moderate hemophiliacs whose need for the services to be provided by such projects is unmet, as determined on the basis of the information supplied pursuant to § 51c.104.

(b) The amount of any award will be determined by the Secretary on the basis of his estimate of the sum necessary for the proper performance of the project. In determining the grantee's share of project costs, if any, costs borne by Federal funds, or costs used to match other Federal grants, may not be included except as may be otherwise provided by law.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 51d.108 Payment.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award either in advance or by way of reimbursement for expenses incurred in the performance of the project, to the extent he determines these payments necessary to promote prompt initiation and advancement of the approved project.

§ 51d.109 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 1131 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this subpart may be used, but need not be limited, to pay the costs of the following:

(1) Diagnosis and treatment services;

(2) Social, rehabilitative, and other counseling;

(3) Training professionals and paraprofessionals in hemophilia diagnosis, treatment, and research;

(4) Data collection and pooling of medical information;

(5) Transportation of patients, as necessary;

(6) Transportation and per diem for training professionals and paraprofessionals in association with the project;

(7) Public information;

(8) Delivering project services to hemophiliacs within the project's catchment area and area of association, within the following limitations: grant funds may be used to pay the portion of the reasonable cost of services provided in accordance with the schedule of fees and payments used pursuant to § 51d.105(a)(9) which, under such schedule, is uncompensated.

(c) Project funds awarded under this subpart shall not be used to pay the cost of:

(1) Inpatient hospital care;

(2) Provision of blood products except:

(i) When such blood products are not otherwise available by prescription within the project's catchment area, or

(ii) When blood products are provided as part of the course of treatment provided at and directly by the project.

(d) Grant funds shall not be used in lieu of other area funding sources to pay to support the program.

§ 51d.110 Civil rights.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 (42 U.S.C. 2000d et seq.)) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80). In addition, no person shall be denied employment in or by such program or activity on the grounds of age, sex, creed, or marital status.

(b) Attention is also called to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 51d.111 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff in connection with the provision of services under the project shall be treated as privileged communication, shall be held confidential, and shall not be divulged to any party including the provider in association without the individual's consent except as may be otherwise required by applicable law (including this subpart) or necessary to provide services to the individual. Such information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51d.112 Publications and copyright.

Except as may be provided under the terms and conditions of the award, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140, shall apply to any book or otherwise copyrightable material developed or resulting from the activity supported by a grant under this part.

§ 51d.113 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this subpart. *Provided, however,* that when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed percentage rates applied to the total, or a selected element thereof, of the reimbursement direct costs incurred.

(b) *Grant closeout.* (1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (b) of this section.

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(ii) Any credits for earned interest pursuant to paragraph (b) of this section.

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

(iv) Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recoverd from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 51d.114 Performance and financial status reports.

A grantee shall submit a performance report meeting the requirements of 45 CFR 74.82(c), and a financial status report in accordance with 45 CFR 74.73.

§ 51d.115 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart
- A General.
- B Cash depositories.
- C Bonding and insurance.
- D Retention and custodial requirements for records.
- F Grant-related income.
- G Matching and cost sharing.
- K Grant payment requirements.
- L Budget revision procedures.
- M Grant closeout, suspension, and termination.
- O Property.
- Q Cost principles.

§ 51d.116 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of the award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved project, the interest of public health, or the conservation of grant funds.

[FR Doc. 76-26496 Filed 9-10-76;8:45 am]

federal register

MONDAY, SEPTEMBER 13, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

GRANTS FOR MIGRANT HEALTH SERVICES

Interim Regulations

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 56—GRANTS FOR MIGRANT HEALTH SERVICES

Interim Regulations

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby deletes the existing Part 56, entitled "Grants for Migrant Health Service," of Title 42, Code of Federal Regulations, and substitutes in lieu thereof a new Part 56, entitled "Grants for Migrant Health Services". For the reasons set out below, the Secretary has determined that public participation in rulemaking prior to issuance of these regulations and a delay in their effective date would be impractical and contrary to the public interest, and, accordingly, that good cause exists for making these regulations effective September 13, 1976.

Title IV of Public Law 94–63, which became effective on July 29, 1975, substantially amended section 319 of the Public Health Service Act. In accordance with the expressed Congressional intent to continue the program formerly funded under the former section 319, the Secretary has provided continuation grants under the amended section 319 to entities which had been receiving grant assistance under the former section 319. However, because of the substantial changes in section 319 made by Public Law 94–63, the Secretary has determined that he could not make grants for new projects thereunder in the absence of amended regulations. Issuance of the regulations set forth below is necessary in order to allow grants for new projects to be made prior to the expiration of fiscal year 1976 funds appropriated for that purpose, and to clarify the responsibility of all grantees under the amended section 319.

The regulations set forth below establish requirements for all grants under section 319, as amended by Public Law 94–63. Subpart A of the new Part 56 sets forth general administrative and management requirements applicable to all grants under section 319. Subpart B establishes specific program requirements applicable to grants for planning and developing migrant health centers funded under section 319(c)(1)(A). Subpart C establishes specific program requirements applicable to grants for operating migrant health centers funded under section 319(d)(1)(A). Subpart D establishes specific program requirements applicable to grants for operating migrant health entities funded under section 319(d)(1)(B). Subpart E establishes specific program requirements applicable to grants for planning and developing migrant health programs funded under section 319(c)(1)(B). Subpart F establishes specific program requirements applicable to grants for operating migrant health programs funded under section 319(d)(1)(C). Subpart G establishes specific program requirements for grants for technical assistance funded under section 319(g). Subpart H, which will be issued at a later date, will contain specific program requirements applicable to all grants under section 319 for acquiring or modernizing existing buildings.

Attention is called to the following features of the new regulations:

1. Section 56.107 of Subpart A of the Regulations implements the mandate of section 319(b)(1) of the Act that highest priority for the provision of assistance under section 319 be given to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time. The Secretary has assigned tiers of priorities for such assistance, and each application will be evaluated according to which tier its catchment area falls into. Top priority (the first three tiers) has been given to areas with migrants who reside therein for more than two months in a year. This reflects the statutory emphasis on the length of time migrants are in an area, as well as a judgment that migrants who are in an area for a protracted period of time are more likely to need health services within that area than migrants whose stay is quite short and who thus might be able to obtain needed health services in a reasonable period of time in the course of moving on to another area. The lowest tiers consist of areas composed entirely of seasonal agricultural workers and their families because of the clear intent of the legislation, as indicated by section 319(b)(2), that areas with some migrants receive grant assistance before those with none.

The statute requires application of the section 319(b)(1) priorities to grants under section 319(c)(1)(A), 319(d)(1)(A) and 319(d)(1)(B), all of which are for grants for projects in high impact areas. However, section 319(b)(1) authorizes the Secretary to establish priorities for both high impact and "other areas (where appropriate)." Because grants under section 319(c)(1)(B) and 319(d)(1)(C) may be made both in certain high impact areas and in other areas, it was decided that application of the section 319(b)(1) priorities would be appropriate for all such grant applications.

2. The priority to be accorded, pursuant to section 319(f)(3), to applicants for grants under section 319(c)(1) and 319(d)(1)(C) which are "community based organizations representative of the population to be served" has been implemented by providing for giving priority to applicants which have a formal organizational mechanism for involving migrant and seasonal agricultural workers and their families in project policymaking. It was felt that such a provision was responsive to the general legislative concern (compare section 319(f)(2)(G)) that persons served by such project have some input into policy decisions concerning the provision of project services.

3. Section 56.303(f) of Subpart C, which implements the requirement for a schedule of fees and discounts for migrant health centers of section 319(f)(2)(F), provides that full discounts are to be given to individuals with annual incomes at or below the "CSA Income Poverty Guidelines" and that no discounts are to be given to individuals with annual incomes greater than twice those set forth in the Guidelines. In between such limits, projects are to establish a schedule of discounts based on ability to pay. The provision for full discount to individuals and families with incomes at or below the poverty guidelines was adopted because it was felt that in general such persons could be presumed to be unable to pay for health care. The provision for no discount to individuals and families with annual incomes above twice the poverty guidelines was adopted because it is administratively practical, reflects current practice in a number of ambulatory health care projects funded under the Public Health Service Act, and is considered to be reasonable in light of the goals of the program. Specifically, the ceiling of 200 percent of poverty guidelines on discounts provides considerable leeway above the poverty guideline for utilizing discounts and is higher than the average income of lower budget families, as determined by the Bureau of Labor Statistics of the Department of Labor.

4. Section 56.304 of Subpart C establishes minimum requirements for governing boards required for migrant health centers by section 319(f)(2)(G) of the Act. The requirement for a minimum of 9 members was established in an effort to provide for representation of several points of view on such boards; the maximum of 25 members reflects a concern that such boards not become unwieldy. The functions set forth in § 56.304(d), to the extent not specifically required by the statute, implement the general statutory requirement that the governing board establish "general policies" for the center and the intention expressed in the legislative history that the boards are to exercise the inherent powers of governing boards. See H.R. Rep. No. 94–192 at 82.

5. Projects funded under section 319(d)(1)(B) of the Act are required, under § 56.403(a) of Subpart D, to meet during the entire project period all the requirements applicable to migrant health centers except those pertaining to establishment of (1) an ongoing quality assurance program, (2) an overall plan and budget meeting the requirements of section 1861(z) of the Social Security Act, (3) a governing board, and (4) procedures for integration of services. It was decided that this set of requirements represented a reasonable minimum for a project to meet in order to provide quality health services and be a viable ambulatory health care organization. Establishment of such a minimum was also considered to be warranted in light of the fact that grants under section 319(d)(1)(B) are to be made to entities which intend to become migrant health centers and only two such grants, at most, may under the statute be made to any such entity.

6. Projects funded under section 319(d)(1)(C) of the Act are required, under § 56.603 of Subpart F, to meet essentially the same set of minimum requirements as projects funded under section 319(d)(1)(B). As discussed in the preceding paragraph, this reflects an administrative judgment that these requirements constitute a reasonable minimum set of requirements for the provision of quality health services and the establishment of viable organizations.

Information concerning applications under section 319 of the Act and these regulations may be obtained by writing the Regional Health Administrators in the Regional Offices of the Department of Health, Education, and Welfare at the addresses set forth at 45 CFR 5.31(b).

Interested persons are invited to submit written comments, suggestions, or objections concerning the new Part 56 to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6–17, 5600 Fishers Lane, Rockville, Maryland 20852, on or before November 12, 1976. All comments received in timely response will be considered, and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is intended that any revision of the regulations will be published within 60 days following the close of the comment period. The regulations as set forth below will be applicable and effective September 13, 1976. Revisions thereto, although applicable to grants awarded under the regulations promulgated by this Notice, will be applicable only with respect to activities conducted under those grants on and after the date the revisions become effective.

The existing Part 56 of Title 42, Code of Federal Regulations is deleted and a new Part 56 of Title 42, Code of Federal Regulations is adopted effective September 13, 1976.

Dated: July 26, 1976.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

Part 52 of CFR Title 42 is revised to read as follows:

Subpart A—General Provisions

Sec.
56.101 Applicability.
56.102 Definitions.
56.103 Eligibility.
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AUTHORITY: Secs. 215, 319, Public Health Service Act (42 U.S.C. 216, 247d).

Subpart A—General Provisions

§ 56.101 Applicability.

The regulations of this subpart are applicable to all grants authorized by Section 319 of the Public Health Service Act (42 U.S.C. 247d).

§ 56.102 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act (42 U.S.C. 201 *et seq.*), as amended.

(b) "Agriculture" means farming in all its branches, including—

(i) Cultivation and tillage of the soil;

(ii) The production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in, or on, the land; and

(iii) Any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subsection (ii).

(c) "Catchment area" means the geographic area served by a project funded under section 319 of the Act.

(d) "Environmental health services" means the detection and allevation of unhealthful conditions of the environment of the persons served by the project, such as problems associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, field sanitation, and housing conditions and the treatment of medical conditions arising therefrom. For the purposes of this part, the detection and alleviation of unhealthful conditions of the environment includes the notification of appropriate Federal, State, or local authorities responsible for correcting such conditions and the making of arrangements therefor with such authorities.

(e) "Health professionals" means professionals (such as physicians, dentists, nurses, podiatrists, optometrists, and physicians' extenders) who are engaged in the delivery of health services and who meet all applicable Federal or State requirements to provide their professional services.

(f) "High impact area" means a catchment area which has not less than 6,000 migratory agricultural workers, seasonal agricultural workers, and members of the families of such workers residing within its boundaries for more than two months in the most recent calendar year for which statistical data acceptable to the Secretary is available.

(g)(1) "Migrant health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such workers, within its catchment area:

(i) Primary health services;

(ii) As determined by the Secretary to be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services;

(iii) Referral to providers of supplemental health services and payment, as determined by the Secretary to be appropriate and feasible, for the provision of such services;

(iv) Environmental health services, as determined by the Secretary to be appropriate for particular centers;

(v) As determined by the Secretary to be appropriate for particular centers, infectious and parasitic disease screening and control services;

(vi) As determined by the Secretary to be appropriate for particular centers, accident prevention programs, including prevention of excessive exposure to pesticides through, but not limited to, notification of appropriate Federal, State or local authorities of hazardous conditions due to pesticide use; and

(vii) Information on the availability and proper use of health services.

(2) For purposes of paragraph (1), the provision of a given service by a center will be determined by the Secretary to be appropriate where

(i) There is a need, as determined by the Secretary, for the provision of such service to individuals described in subparagraph (1) in the catchment area; and

(ii) The provision of such service by the center is feasible, taking into consideration the center's projected revenues, other resources, and grant support under this part.

(h) "Migratory agricultural worker" means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes for the purpose of such employment a temporary place of abode;

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(i) "Nonprofit", as applied to any private agency, institution, or organization, means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(j) "Physician" means a licensed doctor of medicine or doctor of osteopathy.

(k) "Primary care" means preventive, diagnostic, treatment, consultant, referral, and other services rendered by physicians (including, as appropriate, physicians' extenders), routine associated laboratory services and diagnostic radiologic services, and emergency health services.

(l) "Primary health services" means:

(1) Diagnostic, treatment, consultative referral, and other services rendered by physicians and, where feasible, by physicians' extenders, such as physicians' assistants, nurse clinicians, and nurse practitioners;

(2) Diagnostic laboratory services and diagnostic radiologic services ;

(3) Preventive health services, including children's eye and ear examinations, prenatal and post-partum care, perinatal services, well child care (including periodic screening), immunizations, and voluntary family planning services;

(4) Emergency medical services, including provision, through clearly defined arrangements, for access of users of the center to health care for medical and dental emergencies during and after the center's regularly scheduled hours;

(5) Transportation services as needed for adequate patient care, sufficient so that residents of the catchment area served by the center with special difficulties of access to services provided by the center receive such services; and

(6) Preventive dental services provided by a licensed dentist or other qualified personnel, including—

(i) Oral hygiene instruction;

(ii) Oral prophylaxis, as necessary; and

(iii) Topical application of fluorides, and the prescription of fluorides for systemic use when not available in the community water supply.

(m) "Seasonal agricultural worker" means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

(n) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(o) "Supplemental health services" means health services which are not included as primary health services and which are:

(1) Inpatient and outpatient hospital services;

(2) Home health services;

(3) Extended care facility services;

(4) Rehabilitative services (including physical and occupational therapy) and long-term physical medicine;

(5) Mental health services, including services of psychiatrists, psychologists, and other appropriate mental health professionals;

(6) Dental services other than those provided as primary health services;

(7) Vision services, including routine eye and vision examinations and provision of eyeglasses, as appropriate and feasible;

(8) Allied health services;

(9) Pharmaceutical services, including the provision of prescription drugs;

(10) Therapeutic radiologic services;

(11) Ambulatory surgical services;

(12) Public health services (including nutrition education and social services);

(13) Health education services; and

(14) Services including the services of outreach workers, which promote and facilitate optimal use of primary health services and services referred to in the preceding subparagraphs of this paragraph and, if a substantial number of individuals in the population served by the center are of limited English-speaking ability, the services of outreach workers and other personnel fluent in the language or languages spoken by such individuals.

§ 56.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this part.

§ 56.104 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part. The application must describe how and the extent to which the project has met, or plans to meet, each of the requirements in Subpart B (relating to grants for planning and development of migrant health centers), Subpart C (relating to grants for the operation of migrant health centers), Subpart D (relating to grants for the operation of migrant health entities), Subpart E (relating to grants for planning and developing migrant health programs), Subpart F (relating to grants for the operation of migrant health programs), or Subpart G (relating to grants for technical assistance), as applicable. In addition, applications must include:

(1) A statement of specific, measurable objectives and the methods to be used to assess the achievement of the objectives in specified time periods and at least on an annual basis.

(2) The precise boundaries of the catchment area to be served by the applicant. In addition, the application shall include information sufficient to enable the Secretary to determine that the applicant's catchment area meets the following criteria:

(i) The size of such area is such that the services to be provided by the applicant are available and accessible to the residents of the area promptly and as appropriate;

(ii) The boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and areas served by Federal and State health and social service programs; and

(iii) The boundaries of such area eliminate, to the extent possible, barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

(3) (i) The number of migratory agricultural workers and members of their families, and seasonal agricultural workers and members of their families which resided in the project's catchment area in the most recent calendar year for which statistical data acceptable to the Secretary is available; and

(ii) The approximate period or periods of residence of all groups of migratory agricultural workers and their families counted under paragraph (b) (3) (i) above.

(4) The results of an assessment of the need that the population to be served has for the services to be provided by the project (or in the case of applications for planning and development projects, the methods to be used in assessing such need), taking into consideration the following factors:

(i) Available health resources in relation to size of the catchment area and population of migratory and seasonal agricultural workers and their families in such area, including appropriate ratios of primary care physicians in general or family practice, internal medicine, pediatrics, or obstetrics and gynecology, to such population;

(ii) Health indices for such population, such as infant mortality rate;

(iii) Economic factors affecting such population's use of health services, such as percentage of such population with incomes below the poverty level;

(iv) Demographic factors affecting such population's need and demand for health services, such as percentage of such population age 65 and over; and

(v) Special factors of access resulting from the conditions of employment of such workers (including working hours, housing, and sanitation).

(5) Position descriptions for personnel who will be utilized in carrying out the activities of the project and a statement indicating the need for the positions to be supported with grant funds to accomplish the objectives of the project.

(6) Letters and other forms of evidence showing that efforts have been made to secure financial and professional asssitance and support for the project within the proposed catchment area and the continuing involvement of the community in the development and operation of the project.

(7) An assurance that an independent certified public accountant will be engaged to certify that the project's system for the management and control of its finances will be in accord with sound financial management practices, including applicable Federal requirements.

(8) A list of all services proposed to be provided by the project.

(9) A list of services which are to be provided directly by the project through its own staff and resources and a description of any contractual or other arrangements (including copies of documents, where available) entered into, or planned for the provision of services.

(10) The schedule of fees and/or payments and schedule of discounts for services provided by the project.

(11) If the applicant provides services to populations other than migratory and seasonal agricultural workers and their families, identification of such populations.

NOTE.—Funds granted under this part and non-Federal funds required to be expended by the project as a condition of any such grant may not be used to provide services to individuals who are not migratory or seasonal agricultural workers or members of the families of such workers.

(12) Evidence that:

(i) The requirements of Part I of Office of Management and Budget Circular No. A–95 have been satisfied; and

(ii) All applicable requirements for review and/or approval of the application under Title XV of the Act have been met.

(13) An assurance that the project will be conducted in accordance with the applicable requirements of this part.

(c) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

§ 56.105 Accord with health planning.

A grant may be made under this part only if the applicable requirements of Title XV of the Act relating to review and approval by the appropriate health planning agencies have been met.

§ 56.106 Amount of grant.

(a) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount in excess of the total costs found necessary by the Secretary to carry out the project.

(i) In determining the percentage of project costs to be borne by the grantee, factors which the Secretary will take into consideration will include the following:

(A) The ability of the grantee to finance its share of project costs from non-Federal sources;

(B) The need in the area served by the project for the services to be provided; and

(C) The extent to which the project will provide services in an innovative manner which the Secretary desires to stimulate in the interest of developing more effective health service delivery systems on a regional or national basis.

(ii) At any time after approval of an application under this part, the Secretary may retroactively agree to a percentage of project costs to be borne by the grantee lower than that determined pursuant to paragraph (a) (2) (i) of this section where he finds that changed circumstances justify a smaller contribution.

(iii) In determining the grantee's share of project costs, costs borne by Federal grant funds, or costs used to match other Federal grants, may not be included except as otherwise provided by law or regulations.

(b) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is recommended.

(c) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application.

§ 56.107 Priorities for grants.

(a) Grants under sections 319(c) (1) (A), 319(d) (1) (A), 319(d) (1) (B) of the Act and Subparts B, C, and D of this part shall be made in accordance with the following priorities:

(1) Highest priority will be given to approvable applications which propose to serve catchment areas in which 6,000 or more migratory agricultural workers and members of their families reside for more than two months in the calendar year.

(2) Second priority will be given to approvable applications which propose to serve catchment areas in which fewer than 6,000 but more than 1,000 migratory agricultural workers and members of their families reside for more than two months in the applicable calendar year.

(3) Third priority will be given to approvable applications which propose to serve catchment areas in which migratory agricultural workers and members of their families reside but in which fewer than 1,000 such persons reside for more than two months in the applicable calendar year.

(4) Fourth priority will be given to approvable applications which propose to serve catchment areas in which migratory agricultural workers and members of their families reside in the applicable calendar year but in which no such persons reside for more than two months in such year.

(5) Fifth priority will be given to approvable applications which propose to serve catchment areas in which no migratory agricultural workers or members of their families reside for any period in the applicable calendar year but in which 6,000 or more seasonal agricultural workers and the members of their families reside.

(6) Lowest priority will be given to approvable applications which propose to serve catchment areas in which no migratory agricultural workers or members of their families reside for any period in the applicable calendar year and in which fewer than 6,000 seasonal agricultural workers and the members of their families reside.

(b) Grants under sections 319 (c) (1) (B) and 319(d) (1) (C) of the Act and Subparts E and F of this part will be made in accordance with priorities set forth in paragraphs (a) (2) through (a) (6) of this section, in the order set forth.

(c) For the purposes of this section, the applicable calendar year will be the calendar year for which data is provided in accordance with § 56.104(b) (3) of this subpart.

§ 56.108 Use of grant funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 319 of the Act, the applicable regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this part may be used for, but need not be limited to, the following:

(1) The costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans), but only in accordance with Subpart H of this part and as approved in the grant award;

(2) The costs of obtaining technical assistance to develop and improve the management or service capability of the project but only as approved by the Secretary;

(3) To reimburse members of the grantee's governing board established pursuant to § 56.304 of Subpart C, or advisory council established pursuant to § 56.603(q) of Subpart F, if any, for reasonable expenses actually incurred by reason of their participation in the activities of such board or council;

(4) To reimburse such governing board or advisory council members who are individuals eligible to be served by the project for wages lost by reason of participation in the activities of such board or council;

(5) The cost of delivering health services to migratory agricultural workers, seasonal agricultural workers and the members of their families within the project's catchment area, within the following limitations: grant funds may be used to pay the full cost of project serv-

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ices to such individuals and families with annual incomes at or below those set forth in the most recent "CSA Income Poverty Guidelines" (45 CFR 1060.2) issued by the Community Services Administration, and to pay the portion of the cost of services provided in accordance with the schedule of discounts which, under such schedule, is uncompensated; *Provided*, That

(i) Charges will be made to such individuals and families in accordance with § 56.303(f) of Subpart C or § 56.603(e) of Subpart F, as applicable;

(ii) Reasonable effort shall be made to collect such charges under a billing and collections system; and

(iii) The charge to grant funds shall exclude any amounts collected pursuant to subsection (ii) of this subparagraph;

(6) The cost of insurance for medical emergency and out-of-area coverage; and

(7) The cost of providing to the staff and governing board, if any, of the project training related to the management of an ambulatory care facility, and to the staff of a project funded under Subpart C, D, or F of this part, training related to the provision of primary, supplemental and environmental health services provided or to be provided by the project, consistent with the applicable requirements of 45 CFR Part 74.

(c) Prior approval by the Secretary of revisions of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 56.109 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 56.110 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) and in particular Section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition, no person shall, on the grounds of age, sex, creed, or marital status (unless otherwise medically indicated), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity so receiving Federal financial assistance.

(b) Attention is called to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 56.111 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for medical audits by the Secretary or his designee with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 56.112 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 56.113 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid as well as other funds and in-kind contributions by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however*, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to Section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the government of the political subdivisions of the State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout.* (1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project, the sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section;

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 56.114 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart	
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspension, and termination.
O	Property.
Q	Cost principles.

Subpart B—Grants for Planning and Developing Migrant Health Centers

§ 56.201 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(c)(1)(A) of the Act for projects for planning and developing migrant health centers in high impact areas.

§ 56.202 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of subpart A of this part, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.203 Project elements.

A project for planning and developing a migrant health center supported under this subpart must:

(a) Determine (by survey or other appropriate means) the approximate number of (1) migratory agricultural workers and the members of their families, and (2) seasonal agricultural workers and the members of their families, within the proposed catchment area in the calendar year in which the grant is made and the period of time such workers and their families reside in the catchment area during such year.

(b) Prepare an assessment of the need of the population proposed to be served by the migrant health center for the services set forth in § 56.102(g)(1) of Subpart A of this part. Such assessment of need shall, at a minimum, consider the factors listed in § 56.104(b)(3)(i)–(iv).

(c) Design a migrant health center program for such population, based on such assessment, which indicates in detail how the proposed center will fulfill the needs identified in the assessment prepared pursuant to paragraph (b) of this section and meet the requirements of Subpart C of this part.

(d) Develop a plan for the implementation of the program designed pursuant to paragraph (c) of this section. Such implementation plan shall provide for the time-phased recruitment and training of the personnel essential for the operation of a migrant health center and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements contained in subpart C of this part as of the end of the project period.

(e) Implement the plan developed pursuant to paragraph (d) of this section in accordance with such paragraph.

(f) Make efforts to secure within the proposed catchment area of such center, to the extent possible, financial and professional assistance and support for the project.

(g) Initiate and encourage continuing community involvement in the development and operation of the project through, for example, contributions or loans of cash, services, equipment, full- or part-time staff, space, materials, or facilities.

(h) Provide for sufficient staff, qualified by training and experience, to carry out the project and establish standards and qualifications for personnel (including the project director).

(i) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

(j) Provide the means for evaluating the project's progress in achievement of its specific objectives, and submit such progress reports on the project as the Secretary may from time to time request.

§ 56.204 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(c)(1)(A) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

(b) The Secretary shall award no more than two grants under this subpart for the same project.

Subpart C—Grants for Operating Migrant Health Centers

§ 56.301 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(A) of the Act for the costs of operation of migrant health centers in high impact areas.

§ 56.302 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted by an entity which the Secretary determines is a migrant health center, and

(b) Contain information sufficient to enable the Secretary to determine that the center will meet the requirements of this part.

§ 56.303 Project elements.

A migrant health center supported under this subpart must:

(a) Provide the health services of the center so that such services are available and accessible promptly, as appropriate, and in a manner which will assure continuity of service to the migratory and seasonal agricultural workers and their families within the center's catchment area.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirements of § 56.111 of Subpart A of this part.

(c) Have an ongoing quality assurance program which provides for the following:

(1) Organizational arrangements, including a focus of responsibility, to support the quality assurance program and the provision of high quality patient care;

(2) Periodic assessment of the appropriateness of the utilization of services and the quality of services provided or proposed to be provided to individuals served by the center. Such assessments shall:

(i) Be conducted by physicians or by other licensed health professionals under the supervision of physicians;

(ii) Be based on the systematic collection and evaluation of patient records; and

(iii) Identify and document the necessity for change in the provision of services by the center and result in the institution of such change, where indicated.

(d) Develop management and control systems which are in accordance with sound financial management procedures, including the provision for an audit, conducted in accordance with the CPA Audit Guidelines of the DHEW Audit Agency on at least a biennial basis (unless waived for cause by the Secretary), by an independent certified public accountant to determine, at a minimum, the fiscal integrity of grant financial transactions and reports, and compliance with the regulations of this part and the terms and conditions of the grant.

(e) Where the cost of care and services furnished by or through the center is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(f) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay. *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (42 CFR 1060.2) and for no discount to individuals and families with annual incomes

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greater than twice those set forth in such Guidelines.

(g) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (f) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (f) of this section.

(h) Have a governing board which meets the requirements of § 56.304.

(i) Have developed an overall plan and budget for the center that:

(1) Provides for an annual operating budget and a three-year financial management plan which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items;

(2) Provides for a capital expenditure plan for at least a three-year period (including the year to which the operating budget described in paragraph (h)(i)(1) is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objective of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment and the replacement, modernization and expansion of buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

(3) Provides for plan review and updating at least annually; and

(4) Is prepared under the direction of the governing board by a committee consisting of representatives of the governing board, the administrative staff, and the medical staff, if any, of the center.

(j) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which shall enable the center to provide such statistics and other information as the Secretary may reasonably require relating to the center's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services, and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(k) Review its catchment area annually to insure that the criteria set out in § 56.104(b)(2) are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform with such criteria to the extent feasible.

(l) In the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(m) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(n) To the extent possible, coordinate and integrate project activities with the activities of other federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(o) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(p) Provide sufficient staff, qualified by training and experience, to carry out the activities of the center.

(q) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(r) Utilize, to the maximum extent feasible, other Federal, State and local, and private resources available for support of the project, prior to use of project funds under this part.

(s) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities.

(t) Where the center will provide services through contract or other cooperative arrangements with other providers of services, the center must:

(1) Enter into any such contract or arrangement only where the provider of services will provide such services in a timely manner and make such services accessible and acceptable to the population to be served;

(2) Make payment for services so provided only pursuant to agreements with such providers in accordance with a schedule of rates and payment procedures established and maintained by the center. The center must be prepared to substantiate that such rates are reasonable and necessary;

(3) Directly provide at least primary care unless the center has made arrangements for the provision of primary care which includes transfer of all medical and financial information relating to such care to the center; and

(4) Enter into contracts or arrangements for the provision of primary health services only if alternative resources are reasonably available to provide such services in the event of termination of such arrangements.

(u) Operate in a manner such that no eligible person shall be denied service by reason of his inability to pay therefor. *Provided, however,* That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

§ 56.304 Governing board.

The governing board of the center shall meet the following requirements:

(a) *Size.* The board shall consist of at least 9 but not more than 25 members.

(b) *Composition.* (1) A majority of the board members shall be individuals who are or will be served by the center and who, as a group, represent the individuals being or to be served in terms of demographic factors, such as race, ethnicity, and sex.

(2) No more than two-thirds of the remaining members of the board may be individuals who derive more than 10 percent of their annual income from the health care industry.

(3) The remaining members of the board shall be representatives of the community in which the center's catchment area is located and shall be selected for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies within the community.

(4) No member of the board shall be an employee of the center, or spouse or child, parent, brother or sister by blood or marriage of such an employee. The project director may be a nonvoting, ex-officio member of the board.

(c) *Selection of members.* The method of selection of all governing board members shall be prescribed in the by-laws or other internal governing rules of the center. Such by-laws or other rules must specify a process of selection of individuals on the governing board who represent the population served or to be served by the center so that such individuals, as a group, are representative of such population. Such process of selection in the by-laws or other rules is subject to approval by the Secretary.

(d) *Functions and responsibilities.* (1) The governing board for the center shall have authority for the establishment of policy in the conduct of the center.

(2) The governing board shall hold regularly scheduled meetings, at least once each month, for which minutes shall be kept.

(3) The governing board shall have specific responsibility for:

(i) Approval of the selection and dismissal of the project director or chief executive officer of the center;

(ii) Establishing personnel policies and procedures, including selection and dismissal procedures, salary and benefit scales;

(iii) Adopting policy for financial management practices, including a system to assure accountability for center resources, approval of the annual project budget, center priorities, eligibility for services, including criteria for partial payment schedules, and long-range financial planning;

(iv) Evaluating center activities, including services utilization patterns, productivity of the center, patient satisfaction, achievement of project objectives, and development of a process for hearing and resolving patient grievances;

(v) Assuring that the center is operated in compliance with applicable Federal, State, and local laws and regulations; and

(vi) Adopting health care policies including scope and availability of services, location and hours of services, and quality assurance procedures.

§ 56.305 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(A) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of subpart A of this part: *Provided,* That in the case of applicants which propose to serve substantially the same catchment area or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107, the Secretary will award grants to the applicants which, in his judgment, will best promote the purpose of section 319(d)(1)(A) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(1) The extent to which the project would provide for the elements set forth in § 56.303;

(2) The capability of the applicant to provide quality health care services;

(3) The soundness of the financial management plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(4) The administrative and management capability of the applicant;

(5) The capability of the applicant to provide primary health services directly. In evaluating the relative capability of the applicant to provide such services directly, the Secretary shall take into consideration whether the direct provision of such services is inappropriate because:

(i) Provision of such services through contract or other arrangement would be more cost-effective;

(ii) Provision of such services directly would unnecessarily duplicate existing resources; or

(iii) Provision of such services other than directly would enhance the accessibility or acceptability of such services to the population to be served.

(6) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects;

(7) The extent that community resources will be utilized by the project; and

(8) Consistent with the other requirements of this part, the degree to which and the manner in which the applicant provides specific health services which the Secretary has, through publication of a notice in the FEDERAL REGISTER, established as services which should receive emphasis by applicants.

Subpart D—Grants for Operating Migrant Health Entities

§ 56.401 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(B) of the Act for the costs of operation of entities which intend to become migrant health centers and which provide health services to migratory agricultural workers, seasonal agricultural workers, and the members of their families in high impact areas.

§ 56.402 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted by an entity which the Secretary determines intends to become a migrant health center but which will not, at the time of the grant award, meet one or more of the requirements of paragraphs (a) through (l) of § 56.303 of Subpart C of this part; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part. Such information shall include a plan which identifies which requirements of § 56.303 will not be met at the time of grant award and provides a timetable for and a detailed statement of the means to be employed in meeting such requirements.

§ 56.403 Project elements.

A project for the operation of a migrant health entity supported under this subpart must:

(a) Meet all of the requirements of § 56.303 of this part, *Provided,* That the project will not be required to meet the requirements of paragraphs (c), (h), (i), or (n) of such section if the Secretary finds that meeting any such requirement is not feasible or practical at the time of grant award.

(b) Provide those services enumerated in § 56.102(g)(1) of subpart A of this part which are specified in the grant award.

(c) Meet the requirements of § 56.303 of Subpart C of this part by the end of the period of support under section 319(d)(1)(B) of the Act and this subpart, in accordance with the plan submitted under § 56.402(b) of this subpart.

§ 56.404 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purposes, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area not served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(B) of the Act and this part, in accordance with the priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part: *Provided,* That in the case of applicants which propose to serve substantially the same catchment area or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107, the Secretary will award the grant to the applicants which, in his judgment, will best promote the purposes of section 319(d)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(1) The degree to which the project would provide the services enumerated in § 56.102(g)(1) and the feasibility of its providing all of such enumerated services by the end of the period of support under section 319(d)(1)(B) of the Act and this subpart;

(2) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other federally assisted health service or reimbursement programs or projects;

(3) The capability of the project to provide quality health care services;

(4) The administrative and management capability of the applicant; and

(5) The capability of the applicant to provide primary health services directly. In evaluating the relative capability of the applicant to provide such services directly, the Secretary shall take into consideration whether the direct provision of services is inappropriate because:

(i) Provision of such services through contract or other arrangement would be more cost-effective;

(ii) Provision of such services directly would unnecessarily duplicate existing resources; or

(iii) Provision of such services other than directly would enhance the accessibility or acceptability of such services to the population served.

(6) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects;

(7) The extent to which community resources will be utilized by the project; and

(8) Consistent with the other requirements of this part, the degree to which and the manner in which the applicant provides specific health services for which the Secretary has, through publication of a notice in the FEDERAL REGISTER, established as services which should receive emphasis by applicants.

(b) The Secretary shall:

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(1) Make no more than two grants for the same entity under section 319(d)(1)(B) of the Act;

(2) Not make any grant under section 319(d)(1)(B) to an entity which, for the same project, has been awarded more than one grant under section 319(c) of the Act;

(3) Not make a grant under section 319(d)(1)(B) to an entity which has been awarded a grant under section 319(d)(1)(A) of the Act.

Subpart E—Grants for Planning and Developing Migrant Health Programs

§ 56.501 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(c)(1)(B) of the Act for projects to plan and develop migrant health programs to provide health services to migratory agricultural workers, seasonal agricultural workers and the members of their families in areas in which no migrant health center exists and in which not more than 6,000 migratory agricultural workers and their families reside for more than two months.

§ 56.502 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted for a project within a catchment area which

(1) Is not served, in whole or in part, by a migrant health center, and

(2) Has not more than 6,000 migratory agricultural workers and the members of their families residing therein for more than two months per year; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.503 Project elements.

A project for the planning and development of a migrant health program supported under this subpart must:

(a) Determine (by survey or other appropriate means) the approximate number of (1) migratory agricultural workers and the members of their families, and (2) seasonal agricultural workers and the members of their families within the project's catchment area in the calendar year in which the grant is made and the period of time such workers and their families reside in the catchment area during such year.

(b) Prepare an assessment of need of the population proposed to be served by the migrant health program for the services set forth in § 56.603(a) of subpart F of this part. Such assessment of need shall, at a minimum, consider the factors listed in § 56.104(b)(3)(i)–(iv).

(c) Design a migrant health center program for such population, based on such assessment, which indicates in detail how the proposed program will fulfill the needs identified in the assessment prepared pursuant to paragraph (b) of this section and meet the requirements of Subpart F of this part.

(d) Develop a plan for the implementation of the program designed pursuant to paragraph (c) of this section. Such implementation plan shall provide for the time-phased recruitment and training of the personnel essential for the operation of a migrant health program and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements of subpart F of this part as of the end of the project period.

(e) Implement the plan developed pursuant to paragraph (d) of this section in accordance with such paragraph.

(f) Make efforts to secure within the proposed catchment area of such project, to the extent possible, financial and professional assistance and support for the project.

(g) Initiate and encourage continuing community involvement in the development and operation of the project through, for example, contributions or loans of cash, services, equipment, full- or part-time staff, space, materials, or facilities.

(h) Provide for sufficient staff, qualified by training and experience, to carry out the project and establish standards and qualifications for personnel (including the project director).

(i) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

(j) Provide for the means of evaluating the project's progress in achievement of its specific objectives and submission of such progress reports on the project as the Secretary may from time to time request.

§ 56.504 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area not served by another project funded under this part and meet the applicable requirements of section 319(c)(1)(B) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

(b) The Secretary shall award no more than one grant under this subpart for the same project.

Subpart F—Grants for Operating Migrant Health Programs

§ 56.601 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(C) of the Act for projects for operating programs to provide health services to migratory agricultural workers, seasonal agricultural workers and the members of their families in areas in which no migrant health center exists and in which not more than 6,000 migratory agricultural workers and their families reside for more than two months.

§ 56.602 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted for a project with a catchment area which

(1) Is not served, in whole or in part, by a migrant health center, and

(2) Has not more than 6,000 migratory agricultural workers and the members of their families residing therein for more than two months per year; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.603 Project elements.

A project for operating a migrant health program supported under this subpart must:

(a) Provide to migratory and seasonal agricultural workers and the members of their families in its catchment area one or more of the following groups of services so as to be available and accessible promptly and to assure continuity of care, as approved by the Secretary and set forth (including specific services to be provided) in the grant award:

(1) Emergency health care, including diagnostic and treatment services in an ambulatory health care setting or hospital and dental services for the alleviation of acute pain and suffering for medical emergencies, where provision of such services is necessary to avoid jeopardizing the patient's condition until appropriate services from other providers can reasonably be obtained;

(2) Primary care;

(3) Arrangements with existing health care facilities to furnish primary health services (other than primary care);

(4) Other services set forth in § 56.102(g)(1) which are needed to improve the health of such individuals.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirement of § 56.111 of Subpart A of this part.

(c) Develop management and control systems which are in accordance with sound financial management procedures, including the provison for an audit conducted in accordance with CPA Audit Guidelines of the DHEW Audit Agency on at least a biennial basis (unless waived for cause by the Secretary), by an independent certified public accountant to determine, at a minimum, the fiscal integrity of grant financial transactions and reports and compliance with the regulations of this part and the terms and conditions of the grant.

(d) Where the cost of care and services furnished by or through the project is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(e) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay; *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (42 CFR 1060.2) and for no discount to individuals and families with annual incomes greater than twice those set forth in such Guidelines.

(f) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (e) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (e) of this section.

(g) Develop an overall financial management plan and an operating budget for the project which include and identify, in accordance with generally accepted accounting principles, all anticipated current income and expense items and capital income and expense items, if any.

(h) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which will meet the project's management needs and shall enable the project to provide such statistics and other information as the Secretary may reasonably require relating to the project's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services, and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(i) Review its catchment area annually to insure that the criteria set out in § 56.104(b)(2) are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform with such criteria to the extent feasible.

(j) In the case of a project which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(k) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(l) To the extent possible, coordinate and integrate project activities with the activities of other federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(m) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(n) Provide sufficient staff, qualified by training and experience, to carry out the activities of the project.

(o) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(p) Utilize, to the maximum extent feasible, other Federal, State and local, and private resources available for support of the project, prior to use of project funds under this part.

(q) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities, and, to the extent feasible, establishment of an advisory council to advise with respect to the overall management of the project including services to be provided, the manner of their provision, and appointment of personnel. The membership of such advisory council shall be representative of the population to be served in terms of appropriate demographic characteristics, such as race, sex, and ethnicity.

(r) Where the project will provide services through contract or other cooperative arrangements with other providers of services, the project must

(1) Enter into any such contract or arrangement only where the provider of services will provide such services in a timely manner and make such services accessible and acceptable to the population to be served; and

(2) Make payment for services so provided in accordance with a schedule of rates and payment procedures established and maintained by the project. The project must be prepared to substantiate that such rates are reasonable and necessary.

(s) Operate in a manner such that no eligible person shall be denied service by reason of his inability to pay therefor. *Provided, however*, That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

§ 56.604 Grant evaluation and award.

(a) Within the limit of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(C) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

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(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

Subpart G—Grants for Technical Assistance

§ 56.701 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part except as otherwise set forth herein, are applicable to grants awarded pursuant to section 319(g) of the Act for the provision of technical and other non-financial assistance to grantees under sections 319(c)(1)(A), 319(d)(1)(A) and 319(d)(1)(B) of the Act.

§ 56.702 Application.

To be approved by the Secretary under this subpart, an application for a grant must meet the requirements of §§ 56.104(a), 56.104(b)(1), (4), (7), (10), and (11), and 56.104(c) of Subpart A of this part.

§ 56.703 Project elements.

A project for the provision of technical assistance to migrant health centers and entities which intend to become migrant health centers which is supported under this subpart must:

(a) Provide to such centers and entities as are specified in the grant award, such technical and other nonfinancial assistance (such as fiscal and program management assistance or training of the staff of such center or entity in such management) as may be specified in the grant award. Such technical or other nonfinancial assistance shall be designed to assist such centers and entities in

(1) Developing plans for becoming migrant centers; and/or

(2) Meeting the requirements of sections 319(f)(2) of the Act.

(b) Provide such assistance through its own staff or resources.

(c) Where the project will provide training to the staff of a center or entity in management or the provision of health services, provide such training consistent, as applicable, with § 56.108(b)(7).

(d) Maintain such records and make such reports on the expenditure of funds under this subpart and provision of such assistance as the Secretary may require.

§ 56.704 Grant evaluation and award.

Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 319(g) of the Act and applicable regulations of this part, taking into consideration

(a) The cost-effectiveness of the application; and

(b) The number of centers and entities to be served by the applicant.

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MONDAY, SEPTEMBER 13, 1976



PART IV:

DEPARTMENT OF STATE

Agency for International Development

■

PRIVACY ACT OF 1974

Notice of Systems of Records

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DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
PRIVACY ACT OF 1974
Amendment to Notice of Systems of Records

Notice is hereby given that in accordance with the Privacy Act of 1974 (Pub. L. 93-579), Title 5, United States Code, Section 552a(e)(4) and (11) the Agency for International Development proposes to amend as noted below the Notice of Systems of Records published in the Federal Register of October 2, 1975 (40 FR 45679 et seq.) as further amended in the proposal published on November 3, 1975 (40 FR 51174). The proposed amendments consist of editorial changes resulting from address corrections, new System Manager designations, categories of records previously overlooked, corrections in retention period and changes in routine uses as further explained. One classification of records, Medical Clearance and Health Records, was found not to meet the criteria of a system and has been deleted.

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on those portions of the Notice which describe the routine uses of the Systems of Records listed. Comments may be submitted in writing to the Privacy Liaison Officer, Agency for International Development, 320 21st Street, NW., Washington, D.C., 20523. All written comments received from the public within 30 days from publication of this Notice, will be given consideration by the Agency. The amendments will be transmitted to the Office of the Federal Register on an updated tape in accordance with the procedures governing the Annual Compilation of Rules and Notices issued by that Office.

Effective date: This notice of systems of records takes effect on October 13, 1976.

Dated: August 26, 1976.

Daniel Parker,
Administrator.

In reference to Systems of Records A.I.D.-1, Foreign Service Employee Personnel Records, the following category of records is added to "Categories of records in the system": "health and life insurance plans."

This category was inadvertently deleted from original Notices in the Federal Register.

In reference to Systems of Records A.I.D.-1, under "Routine uses of records maintained in the system, including categories of users and the purposes of such uses", delete "to the recognized labor union for the purposes of meeting the requirements of the negotiated agreement" and substitute:

"To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers."

This routine use was promulgated by the Civil Service Commission for CSC Government-3, General Personnel Records, after considering Agency and labor organization comments on its published regulations. The Commission's Government-wide systems of personnel records include certain records which the Commission manages and controls but which are in the physical custody of Federal Agencies.

In reference to Systems of Records A.I.D.-1, "Retention and disposal" is revised to read:

"Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development."

In reference to Systems of Records A.I.D.-1, "System manager(s) and address" is amended to read:

"Chief, Foreign Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

"Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A."

In reference to Systems of Records A.I.D.-2, Civil Service Employee Office Personnel Records, the following category of records is added to "Categories of records in the system": "health and life insurance plans".

In reference to Systems of Records A.I.D.-2, under "Routine uses of records maintained in the system, including categories of users and the purposes of such uses", delete "to the recognized labor union for the purposes of meeting the requirements of the negotiated agreement" and substitute:

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers."

This routine use was promulgated by the Civil Service Commission for CSC Government-3 General Personnel Records, after considering Agency and labor organization comments on its published regulations. The Commission's Government-wide systems of personnel records include certain records which the Commission manages and controls but which are in the physical custody of Federal Agencies.

In reference to Systems of Records A.I.D.-2, "Retention and disposal" is revised to read:

"Retention of these records varies from 1 to 75 years depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development."

In reference to Systems of Records A.I.D.-2, "System manager(s) and address" is amended to read:

"Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

"Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A."

In reference to Systems of Records A.I.D.-3, Employee Automated Records, the following routine use is added to "Routine uses of records maintained in the system, including categories of users and the purposes of such uses":

To the Department of the Treasury and the Department of State for the purpose of providing special reports pertaining to AID employees in the Foreign Service Retirement and Disability System."

This routine was inadvertently deleted from original notices in the Federal Register.

In reference to Systems of Records A.I.D.-4, Position Classification Records, "System manager(s) and address" is revised to read:

"For Civil Service personnel: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

"For Foreign Service personnel: Chief, Position Management & Foreign National Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-5, Medical Clearance and Health Records, this system is revoked and the designation "Systems of Records A.I.D.-5" is designated as "Reserved." The "Alphabetical Listing of Systems of Records" is modified accordingly. The Agency does not maintain a separate system of records on these documents. Health and medical record abstracts are included as categories of records in Systems of Records A.I.D.-1 and A.I.D.-2.

In reference to Systems of Records A.I.D.-6, Recruiting, Examining, and Placement Records, "System manager(s) and address" is amended to read:

"Chief, Recruitment Staff, Office of Personnel and Manpower, Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-8, Personnel Security and suitability Investigatory Records, correspondence listed under "Categories of records in the system" is corrected to read: "Interoffice and intraoffice correspondence, memoranda, and reports." The inclusion of the word "intraoffice" is necessary for the maintenance of such documents as may be contained in Personnel Security and Suitability Records.

In reference to Systems of Records A.I.D.-15, Employees Payroll Records, delete as a routine use "To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia for state income tax purposes and the other States and other tax jurisdictions as may become necessary" and substitute:

"To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia, under agreements entered into by the Secretary of the Treasury, wage and tax information consisting of name, address, social security number, wages (as defined in Section 3401(a) of the Internal Revenue Code, 26 U.S.C. 3401(a), and tax withheld, if any. This data is provided generally with respect to employees of the Agency who are employed in the State and subject to the tax (whether or not tax is withheld); or, who have opted for voluntary withholding for their taxing jurisdiction."

As prescribed under 5 U.S.C. 5517, each Federal Agency is to comply with the withholding provisions of each state's income tax law, regulations, procedural instructions, and reciprocal agreements, which are applicable to employers generally. The revised routine use further clarifies Agency responsibility under the withholding agreements between Treasury and the various states.

In reference to Systems of Records A.I.D.-15, delete as a routine use "To judgment holder for the purposes of garnishment for the payment of alimony" and substitute: "To judgment holder for the purposes of garnishment for payment of alimony or child support."

The addition of the words "or child support" is necessary to include those garnishments which are levied for child support only.

In reference to Systems of Records A.I.D.-15, the following routine use is added to the "Routine uses of records maintained in the system, including categories of users and the purposes of such uses":

"To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the commission to carry out its Government-wide personnel management functions."

This routine use is requested by the Civil Service Commission in CSC Bulletin 297-1 to fulfill program management responsibilities for the evaluation and improvement of personnel management in the Federal Service.

In reference to Systems of Records A.I.D.-16, Attendance and Leave Reporting Records, the following routine use is added to the "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:"

"To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions."

This routine use is requested by the Civil Service Commission in CSC Bulletin 297-1 to fulfill program management responsibilities for the evaluation and improvement of personnel management in the Federal Service.

In reference to Systems of Records A.I.D.-19, Travel and Transportation Records, "System manager(s) and address" for "a. Central Records" is amended to read:

"a. Central Records: Director, Office of Management Operations, Agency for International Development, 320 21st Street, NW., Washington, D.C., 20523."

In reference to Systems of Records A.I.D.-20, Claims Records, "System manager(s) and address" for "allowance claims" is amended to read:

"For Allowance Claims: Chief, Foreign Service Technical and Staff Support Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-22, Congressional Relations, Inquiries, and Travel Records, "Retrievability" is amended to read: "By name of individual member of Congress".

In reference to Systems of Records A.I.D.-25, Privacy Act Implementation Records, "System manager(s) and address" is amended to read:

"Privacy Liaison Officer, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

On October 2, 1975 (40 FR 45684) the Agency published a list of addresses and locations of offices as Appendix A to its Notice of Regulations for Implementation of the Privacy Act of 1974. The following are corrections to those locations:

The location address for the Nigeria Mission is corrected to read: "14 Elsie Femi Pearse Street, Victorial Island, Lagos, Nigeria".

The location address for the Liberia Mission is corrected to read: "Tubman Boulevard, Sinkor, Monrovia, Liberia."

A.I.D. - 1

System name: Foreign Service Employee Personnel Records System.

System location: Washington offices and offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Foreign Service employees and employees of other U.S. Agencies detailed to A.I.D.

Categories of records in the system: This system includes (a) central records consisting of official personnel folders and (b) decentralized records consisting of office copies of official documents and papers. Records are comprised of documents in the following categories: Biographic Data; assignment and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances, position descriptions; staffing and workload information; home, family, and emergency location information, records of language proficiency; records of security clearances; performance evaluations; individual assignment rating sheets; earning statements; compensations, awards, and leave information; copies of power of attorney granted by the individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; foreign office notes and official correspondence; permits and authorizations of foreign governments: health and life insurance plans; and correspondence pertaining to the individual.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628, and 636 (b); Foreign Service Act of 1946 as amended, U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments, international organizations, and U.S. and Foreign Firms for employment or employee exchange.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and review.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, positions titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and

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necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individual's medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Serivce and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Foreign Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 2

System name: Civil Service Employee Office Personnel Records System.

System location: Washington offices and, when a Civil Service employee is assigned overseas, at offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Civil Service employees, consultants, experts; persons under contract to A.I.D.; other U.S. Government Agency personnel employed by A.I.D.; advisers to A.I.D.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission the Agency maintains personnel records which may be comprised of any of the following categories of documents: Biographic data; assignments and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances; position descriptions; contracts when individuals are employed under a contract; staffing and workload information; home, family, and emergency location information; records of language proficiency; performance evaluations; earning statements; compensation awards, and leave information; copies of power of attorney granted by individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; correspondence pertaining to the individual; and health and life insurance plans.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628 and 636 (d); Foreign Service Act of 1946, as amended, Sec. 911; 5 U.S.C. 301, 1301, 1302, Authority to establish and maintain files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments and U.S. and Foreign firms for employment purposes.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and service.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder.

Retrievability: By name of employee, consultant, expert, contractor, and adviser.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depenoing upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 3

System name: Employees Automated Records System.

System location: Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

Categories of individuals covered by the system: a. A.I.D. Employees including: Direct-hire employees assigned positions in the United States; United States citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies detailed or assigned to A.I.D.; and

b. Applicants for employment

Categories of records in the system: This automated system consists of nine files of computerized records maintained on magnetic discs and magnetic tapes. These files are described below. The first seven (a through g) pertain to the category of individuals defined in a. above; the eighth (h) pertains only to the category of individuals defined in b. above; the ninth file (i) is maintained separately from the other eight files.

a. Master Data File - This file contains information about the organizational structure of the Agency, and the location within that structure of all employees. Individual records, in addition to containing data describing the position incumbered by the employee, contain the following types of information on the employee: basic data such as name, Social Security Account Number (SSAN), birth date, veteran preference, tenure group, service computation date, reportable handicap, retirement system, and participation in Federal Employee' Government Life Insurance; pay data such as pay plan, grade or class, step within grade, date appointed to present grade, and work schedule; personal data supplied by the employee such as sex, marital status, state of legal residence, and academic education level; data on retirement from a uniformed service, if applicable; a wide variety of dates including those that indicate suspense actions which are due at the future date, and others used for other purposes by personnel managers such as date assigned overseas and date returned from overseas; for Civil Service and Foreign Service employees their evaluation rating and the date of their last evaluation; qualifications and skills data such as college degrees, special prior experience, training courses completed, proficiency in foreign languages, and skills of use to the Agency.

b. A Chronological Data Record is maintained on each employee and contains up to ten entries reflecting the most recent 'personnel actions' on that individual, such as appointment, conversion, reassignment, transfer, promotion, extension, and separation. Included for each entry is the type of action code and title, effective date, position assigned to, including position title, and employee's pay plan and grade at the time.

c. Separated Employee File - For employees who have been separated, a record is maintained, made up of the employee data in the Master Data Record and the Chronological Data Record as described in a. and b. above. This record is maintained for three years after date of separation.

d. Index File - This file contains a record for each employee, but contains only the SSAN and the Position Sequence Number of the position to which the employee is assigned. It is used to find the employee's Master Data Record when only the SSAN is known.

e. Turnaround File - This file contains only records generated by the computer and is used by the computer to update the Master Data and Chronological Record files on future effective personnel actions. It is also used by the process that prints the Standard Form 50, Report of Personnel Actions.

f. SF-50 File - This file contains data that was used in printing the Standard Form 50 and is retained for 90 days in the event the Standard Form 50 requires correction or cancellation. It contains basic data on the employee and personnel action being effected by the Standard Form 50.

g. Transaction History File - This file contains a record on each file maintenance transaction input into the computer that passed computer program edits and is used in maintaining system files.

h. Applicant Data File - This file contains name, SSAN, veteran preference, and qualification data supplied by the applicant.

i. Minority Group Designator File - This file contains SSAN and a minority code designator used in preparing reports required by the Equal Employment Oppertunity Act of 1972.

Authority for maintenance of the system: Title 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308; Foreign Assistance Act of 1961, as amended, Sec. 621, 621A, 625, 626, 627, 628; Foreign Service Act of 1946, as amended, Sec. 911.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To the Chesapeake and Potomac Telephone Co. (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminals.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of the record of the personnel management system.

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To the recognized labor union for the purposes of meeting the requirements of the negotiated agreement.

To representatives of the Department of Health, Education and Welfare for the purpose of producing microfiche and microfilm outputs.

To the Department of State for the purposes of producing microfiche and microfilm outputs.

To the Department of the Treasury and the Department of State for the purpose of providing special reports pertaining to AID employees in the Foreign Service Retirement and Disability System.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic disc and/or magnetic tape.

Retrievability: The eight files described above are indexed in the following manner and may be retrieved as indicated; however, personal data in all files are readily retrieved through the Index File. (a) Master Data File: by Position Sequence Number. (POSNO) within A.I.D.;

(b) Chronological Data File: by Social Security Account Number (SSAN)

(c) Separated Employee File: by SSAN;

(d) Index File: by SSAN:

(e) Turnaround File: by effective date

(f) SF-50 File. by effective date;

(g) Transaction History File: by date of input to the system or effective date, whichever is later; and

(h) Applicant Data File: by SSAN.

(i) Minority Group Designator File: by SSAN.

Safeguards: A 'password' is assigned to A.I.D. employees who, in the performance of their official duties, must have access to these files. The password is checked by the computer prior to granting access to the files. The computer facility, including the time library, is located in secured premises with combination-lock door, and access is limited to persons of verified identity who require access.

Retention and disposal: The computerized records are deleted from the files when no longer needed by the system. A copy of the content of all files is made the end of June and December and is retained for five years, then destroyed.

System manager(s) and address: Chief, Systems Design Branch, Policy Development Division, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For the Minority Group code designator, the Director, Equal Opportunity Programs, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities in approving personnel actions and verifying information.

A.I.D. - 4

System name: Position Classification Records System.

System location: Office of Personnel and Manpower, Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Employees of A.I.D.

Categories of records in the system: Position descriptions, appeals, correspondence relating to position classification, reviews of classifications and the determinations made theron, and Notifications of Personnel Actions (SF-50's) relating to the position.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended Sec. 621 and the Foreign Service Act of 1946 as amended; 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308, and Executive Orders 10561 and 10987.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies in file folders.

Retrievability: Name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained by A.I.D. as long as five years (in case of appeals against position classification actions), then destroyed by shredding.

System manager(s) and address: For Civil Service personnel: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Foreign Service personnel: Chief, Position Management & Foreign National Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development

320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 5

Reserved.

A.I.D. - 6

System name: Recruiting, Examining and Placement Records.

System location: Records are maintained in various offices in Washington and abroad that have responsibility for recruiting candidates for employment. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Individuals who have applied to the Agency for employment or employees who have requested outplacement assistance.

Categories of records in the system: In addition to central records maintained by A.I.D. but under the control of the Civil Service Commission, the Agency also maintains information relating to the education and training; employment history and earnings; appraisal of past performance; convictions of offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; Social Security number; and home address.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended; the Foreign Service Act of 1946; 5 U.S.C., Sec. 301,1302,3301,3302,3304,3306,3307, 3309, 3313, 3317, 3318, 3319, 3349, 4103, 5532, 5533, 5723; and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prospective employees (Universities, State, and Local Governments, private enterprises, United Nations and other international organizations, foreign governments, and governments of the territories of the U.S.) for purposes of proposing A.I.D. employees who have requested placement assistance for positions outside the Agency.

To law enforcement agencies, U.S. Government agencies, courts the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of after two years by shredding or burning.

System manager(s) and address: Chief, Recruitment Staff, Office of Personnel and Manpower, Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities; previous employers, personal references provided by the individual; and educational institutions.

A.I.D. - 7

System name: Foreign Service Personnel Evaluation Records System.

System location: Evaluation files are kept in the Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Foreign Service Reserve Officers and Staff of A.I.D.

Categories of records in the system: Employee's name , date of birth, entry on duty in Foreign Service, Social Security number, name of evaluation panel, employee backstop code, panel determination and comments, relative ranking of employee, employee data record print, and personal evaluation reports.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 625(d) and (c); Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purpose of meeting the requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy filed in folders.

Retrievability: By name of individual.

Safeguards: Located in metal cabinets with three-way combination lock in a secured area. Access is to those whose official duties require access.

Retention and disposal: Destroyed by burning five years after employee separates.

System manager(s) and address: Chief, Personnel Information Center (PM/PO/PIC), Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

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or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 8

System name: Personnel Security and Suitability Investigations Records.

Security classification: Secret.

System location: a. Central file: Office of Security, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in various offices in Agency Washington Headquarters and in missions abroad. See Appendix A for actual locations.

c. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Present and former employees, including full and part-time, 'When Actually Employed' (WAE), 'Without Compensation' (WOC), intermittent, experts and consultants; current and former applicants for employment; Americans currently or formerly employed under contract; applicants for contract; certain contractors and contractor personnel; individual names not included in the above categories are also cross-indexed in security files when significantly involved in security-related investigations; and individuals currently and formerly employed under Participating Agency Service Agreements (PASA) or Interagency Personnel Act (IPA) or other authority.

Categories of records in the system: Employee identification cards and photographs; reports of investigations conducted by A.I.D. and by other government agencies; interoffice and intraoffice correspondence, memoranda and reports; correspondence and memoranda originated by other elements of A.I.D., Federal agencies and other governmental entities (i.e., state and local), corporate and private entities, and by individuals. Additionally, records are maintained of security violations and consequent recommendations for disciplinary action. The system contains reports of briefings and debriefings of employees.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec. 635(b), 5 U.S.C. Sec. 7531 and 7532; Act of August 26, 1950, 64 Stat. 476; and Executive Order 10450 of April 27, 1953 (as amended by Executive Orders 10491 of October 13, 1953; 10531 of May 27, 1954; 10548 of August 2, 1954; 10550 of August 5, 1954, 11785 of April 6, 1974; and 11652 of March 8, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and photographic film in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in containers with three-way combination locks or areas with intrusion alarms and accessible only to authorized personnel for their information in the performance of their duties.

Retention and disposal: Security violation records and investigative reports are normally retained for 30 years following separation of employee but may be destroyed earlier upon determination that material has no value; identification cards are destroyed upon termination of employment.

System manager(s) and address: Director, Office of Security, 1621 North Kent Street Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (k)(2), (k)(3), and (k) (5) all investigatory material in the record which meets the criteria of all these subsections is exempted from the notice, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e) (l), (e)(4)(G), (H), (I) and (f) in order to accomplish this law enforcement function of the Agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information and sources, and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of Federal Register.

A.I.D. - 9

System name: Criminal Law Enforcement Records.

Security classification: Top Secret

System location: a. Central files are maintained in the Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in the Office of the General Counsel, 320 21st Street, N.W., Washington, D.C. and in the overseas offices of the Auditor General, Office of Inspections and Investigations located in Panama, Karachi, Bangkok, Rabat and Manila. (See Appendix A for acutal location of these offices).

c. Retired files are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: In furtherance of an investigation for suspected violation of criminal laws - present and former employees of the Agency and of the Overseas Private Investment Corporation; present and former employees of contractors used by the Agency and individuals involved or associated with such employees; individuals investigated at the request of another Federal agency.

Categories of records in the system: Reports of investigations concerning violations of Federal civil and criminal statutes and other violations of Title 18, U.S.C., and violations of Agency regulations; personal identification data and details of activities; related correspondence with individuals, with other organizational units of the Agency, and with federal, state, and local government agencies; records of disciplinary or other actions deriving from investigations; and copies of reports of investigations conducted by the Agency on the behalf of other federal agencies. Executive Order 10973 of November 3, 1961, and State Department Delegation of Authority 104 of November 3, 1963.

Authority for maintenance of the system: attorney General's memorandum re: P.L. 725 (28 U.S.C. 535); Foreign assistance Act of 1961, as amended; Title 18 U.S.C.;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Files in Washington are stored in combination locked containers or in intrusion-alarmed areas. Files in field offices abroad are stored in secured areas with access by combination lock doors, in combination locked containers, and/or in areas secured by U.S. Marine guards. Access to records is limited to authorized screened personnel with an official need to know.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after last entry in file. Copies of reports furnished by other agencies are returned to the originating agency when so requested; otherwise such records are retained until cases are closed and then retired to the National Washington Records Center for the periods stated above.

System manager(s) and address: Director, Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2) all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). If the 5 U.S.C. 552a(j) (2) exemption is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552(a) (k) (1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosures of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 10

System name: Employee Relations Records System.

Security classification: Confidential.

System location: a. For active records: Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Any A.I.D. employee or employee of another Federal Agency assigned to A.I.D. under a Participating Agency Service Agreement who has filed a grievance, been the subject of an adverse action, has had a medical problem affecting his employment, or has been subject to a reprimand or to disciplinary action or concerning whom disciplinary action is under consideration.

Categories of records in the system: Correspondence covering grievances, employee medical problems but not including medical record maintained by the Office of the Medical Director, Department of State, adverse actions, and the alcohol and drug abuse program.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, especially Secs. 621 and 625; Foreign Service Act of 1946, as amended; Executive Order 10450 as amended August 5, 1954; 5 U.S.C. 301, 7301, 7531, 7532, 7533; Sec. 914 of P.L. 92-255; and Sec. 201 of P.L. 91-616.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To a duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's appeal involving a grievance.

To a union representative for the purpose of representing an employee in order to protect the employee rights negotiated under the union agreement.

To the Civil Service Commission for the purpose of determining if the Agency's course of action is correct.

To a health or life insurance carrier for the purpose of determining the status of benefits paid or owed by or to an employee pursuant to a health or life insurance compensation agreement.

To hospitals, clinics, and other medical treatment facilities upon their request in order to provide information about health insurance under the Federal Employees Group Health Insurance Program.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee name.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Twenty years after last entry in file or ten years after separation, whichever is earlier. Destroyed by burning.

System manager(s) and address: Chief, Employee Relations Branch, at the location shown in the Systems Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d) (e)(1), (e)(4)(G), (H) and (I) and (f) 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 11

System name: Employee Conduct and Discipline Records.

Security classification: Secret.

System location: Records are maintained at the Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia and at the Office of the General Counsel, 320 21st Street, N.W. Washington, D.C.

Categories of individuals covered by the system: A.I.D. employees and personal services contract personnel.

Categories of records in the system: Investigations of alledged misconduct, statements of outside employment and financial interests, reports of indebtedness, conflict of interest, insubordination, prohibited political activity, sale or barter of personal property abroad, and relevant disciplinary actions. ;7

18 U.S.C. 201 through 209, Executive Order 11222 of May, 1965; F.R. Doc. 68-14888, filed Dec. 12, 1968.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Stored in fire-insulated combination vault or in threeway combination locked containers accessible only to authorized personnel with an official need to know.

Retention and disposal: Indebtedness records are destroyed by burning upon the resolution of the case; financial and employment statements are destroyed by burning five years after termination of employment; other files are retained for two years following the settlement of the case and then retired to the Washington National Records Center.

System manager(s) and address: a. For records at Location (a): Chief, Employee Relations Branch, Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

b. For records at Location (b): Management Assistant, Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C.

Record source categories: The individual concerned, creditors, and A.I.D. employees acting in their official capacities.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice,

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access and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4) (G) (H) and (I) and (f) of U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency regulations published in this issue of the Federal Register.

A.I.D. - 12

System name: Executive Assignment Records.

Security classification: Confidential.

System location: Agency for International Development Office of the Deputy Administrator, 320 21st Street, N.W. Washinton, D.C. 20523

Categories of individuals covered by the system: Applicants for employment and present A.I.D. employees

Categories of records in the system: Biographical data, education, nominating documents, and recommendations.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sections 631 (b) and (c) and 625 (b), (c), (d); 5 U.S.C. 2103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Members of Congress for Congressional clearance; the White House for clearance; Department of Justice, Federal Bureau of Investigations for security clearance; Civil Service Commission for security clearance, and other U.S. Government Departments and Agencies for executive placement opportunities.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of applicant or employee.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Applicant's file kept for one year and then reviewed for status. Employee's file kept until employee retires, transfers, or resigns. Files destroyed by shredding or burning.

System manager(s) and address: Special Assistant for Executive Assignments, Agency for International Development, Office of the Deputy Administrator, 320 21st Street, N.W. Washington, D.C. 20523

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Information provided by the applicant or employee, educational institutions, and documents originated by A.I.D., the White House other U.S. Government Departments and Agencies, Members of Congress, organizations and persons.

A.I.D. - 13

System name: Orientation and Training Records System.

System location: Records are maintained in various offices in Washington and abroad that have responsibilities in processing applications. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees of A.I.D., employees of other U.S. Agencies assigned to A.I.D. and A.I.D. contractor personnel.

Categories of records in the system: In addition to central records in custody of A.I.D., but officially 'maintained' by the Civil Service Commission, the Agency maintains biographical information, training applications, correspondence and supervisory evaluations of employees in training. The Foreign Assistance Act of 1961, as amended (P.L. 87-195), Sec 621; and the Foreign Service Act of 1946 amended Title 5, U.S.C. Sec 301, 1302, 2951, 4118, 4308, and Executive Order 10561, Sept 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of after five years by shredding or burning.

System manager(s) and address: The Chief, Manpower Development Division(PM/MD), Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia. Additional records are maintained by Administrative and Executive officers and office supervisors in A.I.D. Washington offices located abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.

Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 14

System name: Awards and Incentives Records System.

System location: a. Central File: Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. Decentralized files are maintained in various Washington offices and offices abroad having responsibility for initiating and/or implementing incentive award activities or programs. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Foreign Service and Civil Service Employees.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission, the agency maintains forms recording employee suggestions, supervisor's recommendations, award citations, and agency decisions.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Section 621 (a); Foreign Service Act of 1946 as amended, 5 U.S.C. Chapter 45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those persons whose official duties require access.

Retention and disposal: Destroyed one year following completion of program or granting of award; or when obsolete.

System manager(s) and address: a. Central File: Chief Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development at the location stated above.

b. Executive Officer or principal Administrative Officer in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 15

System name: Employees Payroll Records System.

System location: a. For automated files - Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. For employee case file - Employee Services Division, Office of the Controller, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

c. For alimony and child support garnishment file - Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

d. For retired files - Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees including: Direct-hire employees assigned to positions in the United States, U.S. citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies assigned to A.I.D.

Categories of records in the system: This system consists of five files, three of which are computerized records maintained on magnetic discs and magnetic tapes. The other two are manual files maintained in filing cabinets These files are described below.

a. Empoyee Case File - this manual file contains copies of SF-50's, withholding statements, bond allotment slips, health benefits forms, life insurance forms, retirement forms and other papers concerning payroll matters.

b. New American Payroll System Automated Master Employee File this is an automated file. Individual records contain the following types of information; name, Social Security account number, country post, union indicator, timekeeper code, W-2 mail indicator, retirement system, federal government life insurance, health benefits, birth date, a wide variety of dates including those that indicate suspense actions which are due at a future date, and other dates for the use of financial managers such as limited appointment expiration date, effective date of pay change; allowances, deductions, hours worked, leave severance pay, and federal and state income tax.

c. Payroll History File- this file is an automated file. Individual records contain Social Security account number, current pay, year to date pay, tax status, allotments, bonds, time and attendance, retirement, insurance and other pay data.

d. Address File - this is an automated file. Individual records contain address records for bonds, allotment, paychecks; W-2 mailing address, agency, Social Security account number, bond number, checkline code and financial organization.

e. Alimony and Child Support Garnishment File - this is a manual file which contains court judgement and writ and other legal orders concerning alimony and/or child support payments.

Authority for maintenance of the system: Foreign Assistance Act of 1961 (as amended) 621(a), 625, 636(b), (c); Chapter 51 title 5 U.S.C.; Executive Order 10927; P.L. 93-647; Foreign Service Act of 1946, as amended; and Social Security Act (42 U.S.C. 659).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Treasury Department for payroll purposes.

To Treasury Department for issuance of savings bonds.

To Civil Service Commission for retirement, health and life insurance purposes.

To the Social Security Administration for Federal Insurance Compensation Act purposes.

To the Internal Revenue Service for taxable earnings and withholding purposes.

To the Combined Federal Campaign for charitable contribution purposes.

To American Federation of Government Employees for union dues.

To American Foreign Service Association for union dues.

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To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia, under agreements entered into by the Secretary of the Treasury, wage and tax information consisting of name, address, social security number, wages (as defined in Section 3401(a) of the Internal Revenue Code, 26 U.S.C. 3401(a)), and tax withheld, if any. This data is provided generally with respect to employees of the Agency who are employed in the State and subject to the tax (whether or not tax is withheld); or, who have opted for voluntary withholding for their taxing jurisdiction.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies.

To the Internal Revenue Service for audit and inspection and investigation purposes.

To the Department of Health, Education and Welfare for microfilming and producing microfiche.

To the Chesapeake and Potomac Telephone Company (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminal.

To the Department of State for retirement and microfilming purposes.

To judgement holder for the purposes of garnishment for the payment of alimony or child support.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D. financial systems.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the financial management system.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records are stored on magnetic disc and/or magnetic tape. The manual files contain microfilm, microfiche, printed forms, punched cards, and correspondence.

Retrievability: The five files described above are indexed in the following manner; a. Employee Case File - By name of employee.

b. New American Payroll System Automated Master Employee File - by Social Security account number.

c. Payroll History File - by Agency (A.I.D. and O.P.I.C.) and Social Security account number.

d.4. Address File - by Social Security account number.

e. Alimony and Child Support Garnishment File - by name.

Safeguards: For the automated system, a 'password' is assigned to A.I.D. employees who in the performance of their official duties, must have access to these files. For the manual files they are located in metal file cabinets with three-way combination locks or in secured premises with access limited to those whose official duties require access. The computer facility, including the tape library, is located in secured premises with combination-lock door and, access is limited to persons of verified identity who require access.

Retention and disposal: a. The Employee Case Files are maintained for ten years after the date of an employee's separation. The file is transferred to the Washington National Records Center one year after audit.

b. The New American Payroll System Automated Master Employee File is maintained for a two-week period; then it is updated by the new record writing over the old record. This automated record duplicates the information in the employee case file.

c. The Payroll History File is maintained for five years; then it is written over.

d. The Address File is updated periodically as needed and the old version is written over.

e. The Alimony and Child Support Garnishment File is maintained in the office for a period of seven years after an employee is transferred or separated.

System manager(s) and address: For Alimony and Child Support Garnishment File: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For all other files: Assistant Controller, Employee Services Division, Financial Management, Agency for International Development 1975 Florida Avenue, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 16

System name: Attendance and Leave Reporting Records System.

System location: Central records located in Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington D.C. Timekeeper's records are kept by the employing Washington office and offices abroad. See Appendix A for a listing of these locations.

Categories of individuals covered by the system: Employees of A.I.D. and Personal Service Contractors.

Categories of records in the system: Central Records (Employee Payroll File) and Timekeepers Records contain various combinations of the following: time and attendance cards, leave requests forms, correspondence and memorandums on leave, payroll deductions for savings bonds and allotments to various institutions and correspondence on reimbursements.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308 and sections 112 (a) and 113 of the Budget and Accounting Procedures Act of 1950, and Title 6, GAO Policies and Procedures Manual.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual and Social Security number.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after 5 years by burning or shredding.

System manager(s) and address: Assistant Controller, Employees Services Division, at the location shown in System Location Section above.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 17

System name: Employee-Owned or-Leased Property Records System.

System location: Records are located at various overseas offices listed in Appendix A.

Categories of individuals covered by the system: U.S. government employees and contract employees of A.I.D.

Categories of records in the system: Records on leasing living quarters whose rent and utility costs are reimbursed wholly or in part by A.I.D. and personally-owned vehicles and other property at post. Records contain a description of such property, and how property is disposed of at post.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec. 636; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of State for the issuance of licenses and establishing of duty free status of A.I.D. personnel.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisors for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Overseas posts maintain records from 3 months to 4 years after departure of individual concerned.

System manager(s) and address: Director, Office of Management Operations, 320 21st Street N.W., Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D. and American Embassy personnel.

A.I.D. - 18

System name: Employee Use of Property Owned or Leased by the U.S. Government Records System.

System location: Records are located at Agency Washington headquarters and at offices abroad. See Appendix A for actual location of those offices.

Categories of individuals covered by the system: U.S. Government employees, contract employees of A.I.D., and quests at A.I.D.-operated staff or guest houses.

Categories of records in the system: Records pertaining to the occupancy or use of property owned or leased by the U.S. Government, and to facilities and/or services provided such as: government-leased housing; government-owned furniture, appliances and furnishings; U.S. Government property in custody used for official purposes; government-owned vehicles used for official or unofficial purposes; parking permits; government-purchased publications; long-distance telephone calls made from A.I.D. facilities; U.S. Government vehicle repair facilities; commissory, liquor, and post exchange purchases; gasoline purchased from or through post exchange purchases; gasoline purchased from or through an A.I.D. overseas post: government-furnished housing maintenance and repair services; and A.I.D. staff or guest house facilities.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 635; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, and card index file.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records on the issuance of U.S. Government property are destroyed when the property is turned in or otherwise accounted for. Individual trip tickets reflecting official and unofficial use of vehicles are destroyed at the end of 3 months. Maintenance and repair records and related papers pertaining to the maintenance and repair of individual residential units occupied by individuals at overseas posts are destroyed at the end of 4 years. Destruction is by shredding or burning.

System manager(s) and address: Director, Office of Management Operations, Agency for International Development, 320 21st Street, N.W. Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D., and personnel of the Department of State.

A.I.D. - 19

System name: Travel and Transportation Records System.

System location: Central Records located in A.I.D. Washington Headquarters. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests for travel or transportation of things. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: A.I.D. employees and their dependents, individuals whose travel is sponsored or paid for by A.I.D., and visitors to A.I.D. offices abroad.

Categories of records in the system: a. Central Records: travel authorizations; itineraries; government bills of lading; government transportation requests; card file pertaining to passports, travel and shipment of effects; and correspondence.

b. Decentralized Records: copies of documents maintained in the central records; export/import permits; baggage declarations; customs declarations; passports and records of applications for visas; travel advance requests; arrival and departure notices; record of clearances prior to departure from post abroad; packing lists and information on meetings abroad including meeting schedules and biographical sketch of attendees.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, esp. Sec. 621, 636 (a) and (b); Foreign Service Act of 1946 as amended, Sec. 911; and Chapter 57, 5 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To commercial travel, transportation and shipping companies and agents for making travel, transportation and shipping arrangements.

To U.S. Treasury for payment of bills and vouchers.

To U.S. Dispatch Agents to arrange shipment and clearance of effects.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder

Retrievability: Individual's name or other personal identifier.

Safeguards: Biographic information and passports kept in metal cabinets with three way combination lock. Other records kept in areas with access limited to those whose official duties require access.

Retention and disposal: Retained for four years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records: Director, Office of Management Operations, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 20

System name: Claims Records System.

System location: a. Central Records:

Office of Personnel and Manpower, Agency for International Development, 1601 Kent Street, Arlington, Virginia for allowance claims and health benefit claims.

Office of the General Counsel, Agency for International Development, 320 21 st Street, N.W., Washington, D.C. for tort claims

Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington, D.C. for all other claims.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests Requests for claims activity. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees who have filed claims against the Agency and employees against whom the Agency has filed a claim.

Categories of records in the system: a. Central Records: Documentation of claims, voucher disallowances, duplicate payment, and bills for collection.

b. Decentralized Records: Copies of documents maintained in the central records, legal reviews and opinions, and referrals to G.A.O.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec, 621; Foreign Service Act of 1946. as amended; Federal Tort Claims Act and G.A.O. Policy and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To U.S. Treasury for payment.

To U.S. Despatch Agents to verify movement of persons and things and costs thereof.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the State - A.I.D. - U.S.I.A. Joint Survey Board for review of claims arising from evacuation.

To commercial travel, transportation, and shipping companies and agents to verify actual costs of services;

To the Office of the Director of Medical Services, Department of State of determine validity of medical claims and to provide necessary information to the individual's medical adviser.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for seven years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records:

For Allowance Claims: Chief, Foreign Service Technical and Staff Support Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Health Benefit Claims: Chief, Employee Relations Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Tort Claims: Deputy General Counsel, Agency for International Development, 320 21st Street, N.W., Washington, D.C.

For all other claims: Assistant Controller, Central Accounting Division, Office of Financial Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. Decentralized Records: Administrative and Executive Officers in A.I.D. Washington and offices abroad. See Appendix A for actual location of office.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 21

System name: Public Information Records.

Security classification: Secret.

System location: Office of Public Affairs, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

Categories of individuals covered by the system: Employees of A.I.D., Members of Congress, individuals associated with foreign economic assistance, and individuals requesting information under the Freedom of Information Act.

Categories of records in the system: Biographical information on employees who serve as public speakers, press releases, news clippings, photographs, requests for access to A.I.D. records under the Freedom of Information Act, and related correspondence.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec 621, 634(b); PL93-502; 5 U.S.C. 301; and the Freedom of Information Act (5 U.S.C. 552).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Persons or organizations requesting A.I.D. to make available an employee to speak in public on A.I.D. activities are provided a biographical sketch of the speaker in order to select and introduce the speaker.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of Genersl Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies and photographs in file folders.

Retrievability: By name of individual. in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after five years by burning.

System manager(s) and address: Director, Office of Public Affairs, Agency for International Development, 320 21st Street, N.W., Washington D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

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Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Employees, public media information, A.I.D. records, and individuals requesting access to records under the Freedom of Information Act.

A.I.D. - 22

System name: Congressional Relations, Inquiries, and Travel Records.

System location: a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. Records of Congressional Inquiries regarding employees and applicants for employment are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

c. Related files are maintained in certain of the field offices listed at Appendix A.

d. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Members of Congress, members of their personal staffs and of Congressional Committee staffs; employees of A.I.D. or applicants for employment who are or have been the subject of Congressional inquiries and recommendations.

Categories of records in the system: Congressional correspondence and memoranda of Congressional telephone calls covering (1) requests for information and assistance on matters related to foreign assistance; (2) requests for assistance from the Agency in arranging official travel overseas by Members of Congress, their staffs or committee staffs to inspect and observe foreign assistance programs abroad, and (3) inquiries about A.I.D. employees and recommendations concerning employees or applicants for employment. Also includes information about individual members of Congress derived from public media sources, including biographic records, and extracts from the Congressional Record.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, especially Section 634(b); 5 U.S.C. 301; 44 U.S.C., Chapters 31 and 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual member of Congress.

Safeguards: Except for material completely in the public domain, located office or secured premises with access limited to those whose official duties require the information.

Retention and disposal: Except for correspondence involving matters of policy, records are destroyed by burning after no more than 15 years; files related to individual Congressmen are retired at the end of each session of Congress. Records involving policy matters are retained permanently in archival files.

System manager(s) and address: a. For records maintained at Location (a): Assistant Administrator for Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. For records maintained at Location (b): Office of the General Counsel, A.I.D., 320 21st Street, N.W. Washington, D.C. 20523.

c. For records maintained at Location (c): Executive Officer of the appropriate A.I.D. office listed at Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name. For records of Congressional correspondence, include name of Congressman and appropriate session of Congress. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Members of Congress and their staffs; Congressional Committee Staff Members; A.I.D. employees; Congressional Directory, Congressional Quarterly, and Congressional Record; newspapers, magazines, and other public media.

A.I.D. - 23

System name: Employees Equal Employment Opportunity Complaint Investigative Records.

Security classification: Confidential.

System location: Files are maintained in the Office of Equal Opportunity, Agency for International Development, 320 21st Street, N.W. Washington, D.C.

Retired Files, Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Employees of A.I.D. who have filed a discrimination complaint.

Categories of records in the system: Employee's name, hearing transcripts, depositions, witness statements, salary, grade, supervisor's evaluation, biographic data.

Authority for maintenance of the system: Executive Order 11478 of Aug 8, 1969; and Federal Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Civil Service Commission for the purposes of compiling statistics on employees.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after termination of employee or 20 years after last entry in file.

System manager(s) and address: Director, Equal Opportunity Programs at the location shown in System Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552 a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a (k)(5) is exempted from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 24

System name: Emergency Case File.

System location: a. Central records located in A.I.D. Washington Headquarters.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for administrative processing. See Appendix A for office locations.

c. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and employees of other U.S. Government Agencies assigned to A.I.D.

Categories of records in the system: a. Central Records: Correspondence, claims by survivors of employees and emergency visitation travel communications.

b. Decentralized Records: Copies of documents maintained in the central records.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; and Title 5, Sub-chapter VIII.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To survivors of employees for the purpose of settling claims and to families of employees for emergency visitation travel arrangements and arrival notifications.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foriegn governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Safeguarded in metal file cabinets with three-way combination locks.

Retention and disposal: Cases involving claims are retired to the Washington National Record Center after three years and retained for a total of ten years after payment of claim. Other records are maintained for 3 years after completion of use in the office and then retired to the Washington National Records Center for permanent retention.

System manager(s) and address: a. Central Records: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, Washington, D.C.

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 25

System name: Privacy Act Implementation Records System.

System location: Office of Personnel and Manpower, Personnel Services Division, 1601 North Kent Street, Arlington, Virginia

Categories of individuals covered by the system: Persons, individuals, U.S. Federal and local governments, and Members and Committees of Congress.

Categories of records in the system: Correspondence and other documents related to requests for information about the existence of records, requests for access to information, requests for amendments to records, and requests for review of refusals to amend records.

Authority for maintenance of the system: Privacy Act of 1974(P.L.93-579) Sec. 552 (c), (e), (f), and (p); and 5 U.S.C5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in metal containers with three-way combination locks and accessible only to authorized personnel with a need for the information in the performance of their offical duties.

Retention and disposal: Records are retained for one year and then retired to the Washington National Records Center for ten years before destruction.

System manager(s) and address: Privacy Liaison Officer, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

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Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Individuals and Agency employees acting in their offical capacities.

A.I.D. - 26

System name: Litigation Records.

Security classification: Secret.

System location: a. Active files are maintained at the Office of the General Counsel, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

b. Retired records are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Foreign Service employees, Civil Service employees, personal services contractors, former employees, and members of the public.

Categories of records in the system: Correspondence and other documents relating to disputed contracts, and tort claims against the Agency, and other claims and actions against the Agency.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; Tort Claims Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee and calendar year.

Safeguards: Maintained in combination vault insulated against fire and located in secure premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for two years following settlement of case and then retired to Washington National Records Center for five years prior to destruction.

System manager(s) and address: Assistant General Counsel for Management and Administration, Office of the General Counsel, Agency for International Development 320 21st Street, Washington, D.C. 20523.

Systems exempted from certain provisions of the act: This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a. These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, and to avoid endangering these sources. See Agency Regulations published in this issue of the Federal Register.

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federal register

MONDAY, SEPTEMBER 13, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Notice 76-72)

PRIVACY ACT OF 1974

Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of records currently maintained by the agency. System notices for 23 NASA systems of records were originally published at p. 43677, Federal Register, September 22, 1975.

A 24th system notice for NASA 22ERER was proposed on page 48672, Federal Register, Volume 40, October 16, 1975, and adopted on page 54629, Federal Register, Volume 40, November 25, 1975.

A 25th system notice for NASA 10HERD was proposed on page 59261, Federal Register, Volume 40, December 22, 1975, and adopted on page 8235, Federal Register, Volume 41, February 25, 1976.

On page 53440, Federal Register, Volume 40, November 18, 1975, minor changes were made in NASA 10BRPA, 10EEOR, 10GMVP, 10PAYS, 10SECR, 10SMED, and 10XROI.

Finally, on page 8235, Federal Register, Volume 41, February 25, 1976, a proposed change in one routine use and a proposed new routine use for NASA 10SPER were published and public comment invited.

Additional changes not previously published in the Federal Register are itemized below.

Description of Changes

The following describes changes—other than changes in the routine uses—included in the republished system notices for NASA.

Item 1. In two system notices—NASA 10BRPA (Biographical Records for Public Affairs) and NASA 10HABC (History Archives Biographical Collection)—the "Safeguards" provisions have been changed to reflect the fact that these records are available to the public, and that, therefore, no special Privacy safeguards are required.

Item 2. In NASA 10EEOR (Equal Opportunity Records), one of the routine uses has been reworded and divided into two uses, although the scope of the routine use has not been expanded. The new routine uses Nos. (2) and (3), for responses to other Federal agencies, and for responses to Congressional inquiries, respectively, are essentially a breakdown of what was previously worded as one entire routine use. This was done for the purpose of separating what are two distinct routine uses, and for clarifying the Congressional use to make it more specific.

Item 3. In NASA 10EXDR (Executive Development Records), under the "Storage" heading, the year "1976" has been changed to "1977" to reflect when it is now anticipated that records will be stored on punched cards and magnetic tape.

Item 4. In NASA 10GMVP (Government Motor Vehicle Operators Permit Records), changes in subsystem managers have been made for locations 8 and 10.

Item 5. In NASA 10PAYS (Payroll System), under "Authority for Maintenance of the System," 5 U.S.C. 5701 et seq. has been deleted as unnecessary.

Item 6. In NASA 10SECR (Security Records System), under "Safeguards," the notice has been revised to reflect that access to the criminal records segment is limited to select NASA contractor guard personnel as well as to government personnel.

Item 7. In NASA 10SMED (System of Medical Records), standard routine uses Nos. (1), (2), and (3), have been eliminated as inappropriate for this system of records. In addition, a subsystem manager at location 1 has been added.

Item 8. In NASA 10SPER (Special Personnel Records) substantial changes have been made under the "Categories of Individuals" and the "Categories of Records" headings. The changes are intended to clarify the notice by listing in more manageable sequence the broad categories of individuals and records in the system. Because the scope of the system is quite large and quite complex, it was felt that subgroups had to be established under "Category of Records." With one exception, there is no expansion in scope under either category. The one exception is a minor expansion of scope under "Category of Records," Part A, "Counseling Files." This segment now includes any career counseling files which may be established under a new NASA policy directing an expanded career counseling program for employees.

In addition, routine use No. (1) has been reworded, not to expand the use in any way, but rather to clarify it and make it more specific.

Routine use No. (4) relating to Congressional inquiries is not new, but rather has been separated from routine use No. (3), since they are two distinct uses.

Finally, under "Subsystem Managers," a subsystem manager for location 10 has been deleted, since these records are now maintained at location 1.

Item 9. In NASA 22ORER (LeRC Occupational Radiation Exposure Records), the "Location" has been changed to delete location 14. Under "Retention and disposal" the retention policy has been clarified.

Item 10. In NASA 51RSCR (GSFC Radiation Safety Committee Records), under "Authority," a new regulation has been included.

Item 11. NASA 76CSHE (KSC Contractor Special and Heavy Equipment Operator Examination and Licensing Records)—see p. 43686, Federal Register, Vol. 40, September 22, 1975—has been deleted in its entirety, as it has been determined that it is not, in fact, a system of records requiring a public notice under the Privacy Act of 1974.

Item 12. In NASA 10HERD (Human Experimental and Research Data Records), a new location has been added at White Sands Test Facility.

Item 13. Appendix A, "Location Numbers and Mailing Addresses of NASA Installations at Which Records are Located," has been revised as follows:

a. Location 3 has been renamed the "Hugh L. Dryden Flight Research Center," and

b. Location 10, as a result of a reorganization, is now the Resident Procurement Office—JPL.

Item 14. In NASA 10PAYS (Payroll System), routine use No. (11) was proposed to be reworded and routine use No. (12) was proposed as a new use on p. 8235, Federal Register, Vol. 41, February 25, 1976. Interested persons were given until March 12, 1976, to submit comments and no such comments were received. The revision to No. (11) and the new routine use No. (12), therefore, are adopted without change effective August 30, 1976, and are included in the republished notice.

Public Comment Invited

The following are proposed changes which either add or expand a routine use.

Item 1. In NASA 10IDCF (Inspections Division Case Files) three new routine uses (Nos. (4), (5) and (6)) and one expanded routine use (No. (3)) are proposed. Use No. (2) which provides for disclosure in response to Congressional inquiries, is not new, but has been separated from routine use No. (1) for greater clarity.

Item 2. In NASA 10SECR (Security Records System), the following new or expanded routine uses are proposed:

a. Under the "Personnel Security Records" segment, routine use No. (2) has been expanded, and uses Nos. (6), (7) and (8) are proposed;

b. Under the "Criminal Matter Records" segment, uses Nos. (1) and (2) are proposed; and

c. Under the "Traffic Management Records"segment uses Nos. (1) and (2) are proposed.

NASA invites public comment on these changes to the routine uses.

Written comments should be addressed to the NASA Privacy Officer, Mail Code AE, National Aeronautics and Space Administration, Washington, D.C. 20546, on or before October 13, 1976. All written comments received through that date will be considered by NASA before taking final action on the proposed changes. Any comments received will be available for public inspection at the National Aeronautics and Space Administration, room 7137, 400 Maryland Avenue, SW., Washington, D.C. 20546, between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays), until 4 p.m., October 13, 1976.

It is proposed that these changes in routine uses become effective on October 18, 1976, unless otherwise noted in the Federal Register.

Duward L. Crow,
Associate Deputy Administrator.

August 27, 1976.

NASA 10ACMQ.

System name: Aircraft Crewmember Qualifications and Performance Records - NASA.

System location: Locations 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Crewmembers of NASA aircraft.

Categories of records in the system: System contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and by the NASA Aircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, charts, punched cards, computer printouts.

Retrievability: Records are indexed by name or aircraft number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, NASA Aircraft Office, Location 1.

Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief, JPL Contract Management Branch, Location 10; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

System name: Biographical Records for Public Affairs - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, etc., and other selected employees involved in newsworthy activities.

Categories of records in the system: Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or his activity with NASA.

Authority for maintenance of the system: 42 U.S.C 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organization news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Since the records are a matter of public information, no safeguard requirements are necessary.

Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

System manager(s) and address: The Director of Public Information at Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satisfaction.

Record source categories: Information in the biography of an individual in the system of records is provided voluntarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR.

System name: Equal Opportunity Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Complainants and applicants.

Categories of records in the system: (1) Complaints and (2) applications..

Authority for maintenance of the system: 42 U. S. C. 2473; 44 U.S.C. 3101; Executive Order 11478, dated August 8, 1969; Civil Service Commission Regulations, Part 713; Equal Opportunity Act 1972, as amended (P.L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (P.L. 93-259).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to

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track the status of the Equal Opportunity Programs to provide CSC with budget outlays for the Civil Rights Activity Report; to provide the Congress with accomplishments in Equal Opportunity Programs; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Civil Service Commission to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; (3) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non-duty hours.

Retention and disposal: Complaint files are maintained for seven years after each case has been closed and then retired to the appropriate Federal Records Center. Other routine office records are reviewed periodically and retired to the appropriate Federal Records Center or destroyed.

System manager(s) and address: Assistant Administrator for Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Head, Equal Opportunity Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Staff Assistant to the Director at Location 10; Assistant Manager for Administration at Location 11; Associate Director at Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, CSC complaints examiners, complaints coordinators, Assistant Administrator for Equal Opportunity Programs.

NASA 10EXDR

System name: Executive Development Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 700 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be replacement candidates for key positions within NASA or who are considered to be high potential candidates.

Categories of records in the system: Biographical data, education, training, government experience, other experience, military service, individual development plan data.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, and 5 U.S.C. 4103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates who are currently ready to assume the responsibility of a key position/positions throughout the Agency and for the identification of high potential and replacement candidates who are in need of a certain amount of training and/or experience before assuming a key position within the Agency. These candidates would then be groomed toward the identified key positions. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on spread sheets, and will probably be stored on punched cards and magnetic tape by calendar year 1977.

Retrievability: The records are indexed alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in a locked metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: These records will be retained and updated for as long as there is a need by NASA top management to readily identify and groom replacement candidates for NASA's key positions throughout the Agency.

System manager(s) and address: Director, Office of Executive Development, Location 1.

Subsystem Managers: Directors of Locations 2 through 12 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employers, top NASA officials throughout the Agency, other persons acquainted with the work performance of the individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA.

System location: Locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.

Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Issuance 6720.1A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant to attest to legality to operate Government vehicle. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are located in metal file cabinets with access limited to those whose official duties require access. Room is locked during non-duty hours.

Retention and disposal: Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are torn and deposited in wastebasket.

System manager(s) and address: Director, Administrative Services Division, Location 1.

Subsystem Managers: Chief, Services and Support Division, Location 2; Chief, Management Support Division, Location 3; Chief, Management Services and Supply Division, Location 4; Assistant Chief for Transportation, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief, JPL Contract Management Branch, Location 10; Chief of Technical Support, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief, Maintenance and Administration Office, Location 14; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual NASA employees and individual contractor employees.

NASA 10HABC.

System name: History Archives Biographical Collection - NASA.

System location: Locations 1, 5, and 6 as set forth in Appendix A.

Categories of individuals covered by the system: Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

Categories of records in the system: Biographical data; speeches and articles by the individual.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines), or any other interested individuals for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in file folders.

Retrievability: The records are indexed by name.

Safeguards: Because these records are archive material and therefore a matter of public information, there are no special safeguard procedures required.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code YH, Location 1.

Subsystems Managers: Center Historian, Code BE-4, Location 5; Historian, Code PA-HIS, Location 6 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

NASA 10HERD

System name: Human Experimental and Research Data Records - NASA

System location: Locations 2, 3, 5, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 C.F.R. Part 1212.

Retention and disposal: Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

System manager(s) and address: Director, Office of Occupational Medicine, Location 1.

Subsystem Managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Deputy Director, Life Sciences Directorate, Location 5; Manager, White Sands Test Facility, Location 13. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the system or subsystem manager named above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

NASA 10IDCF

System name: Inspections Division Case Files - NASA.

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System location: National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 5, 6, and 9 as set forth in Appendix A.

Categories of individuals covered by the system: Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

Categories of records in the system: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Complaints of discrimination, (8) Waiver of claim for overpayment of pay, (9) Leaks of Source Evaluation Board information, (10) Improper personal conduct, (11) Irregularities in awarding contracts.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 4 C.F.R. 91; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing management with information relevant to the complaint issue to provide a basis for a determination in a complaint of discrimination case; and (3) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to the White House regarding matters inquired of; (2) Disclosure to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (3) Providing data to Federal intelligence elements; (4) Providing data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (5) Providing personal identifying data to Federal, State, local or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (6) Disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; (7) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of individual.

Safeguards: Information is kept in locked metal file cabinets. Access is limited to Inspections Division personnel.

Retention and disposal: Case files are transferred to the appropriate Federal Record Center 5 years after the case is closed and destroyed after 30 years.

System manager(s) and address: Director of Inspections and Security, Location 1.

Subsystem Managers: Western Regional Inspector, Western Regional Inspections Office, Location 2; Southwestern Regional Inspector, Southwestern Regional Inspections Office, Location 5; Southeastern Regional Inspector, Southeastern Regional Inspections Office, Location 6; South Central Regional Inspector, South Central Regional Inspections Office, Location 9. Locations are as set forth in Appendix A.

Notification procedure: None. System is exempt. See below.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Exempt.

Systems exempted from certain provisions of the act: The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212, for the reason that the Inspections Division of the Office of Inspections and Security, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

System name: Payroll System - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former NASA employees.

Categories of records in the system: The data contained in this system of records includes payroll, employee leave, insurance, labor and manpower distribution and overtime information.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions and insurance data with carriers and collection agents; (3) To report to the Civil Service Commission (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to state unemployment compensation requests for wage and separation data on former employees; (9) To report to various Combined Federal Campaign offices total contributions withheld from employee wages; (10) To furnish leave balances and activity to the Civil Service Commission upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Apprndix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with

the policies and procedures outlined in NASA Records Disposition Handbook 1 NHB 1441.1A.

System manager(s) and address: Director, Office of Financial Management, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3 and 11; Chief, Resources and Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF.

System name: Standards of Conduct Counselling Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Categories of individuals covered by the system: Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

Categories of records in the system: Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) U. S. Civil Service Commission: for investigation of possible violations of standards of conduct which the commission directly oversees; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are documentary and maintained in loose leaf binders or file folders.

Retrievability: By name of individual.

Safeguards: Restricted access to a few authorized persons; stored in combination lock safe.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SECR

System name: Security Records System - NASA.

System location: Locations 1 through 12 inclusive and Location 15 as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

Categories of records in the system: Personnel Security Records, Criminal Matter Records, Traffic Management Records.

Authority for maintenance of the system: National Aeronautics and Space Act, P.L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, P.L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; P.L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, Subpart 101-9.5; Federal Personnel Manual, Chapters 732 and 736;- Federal Register, Part 1203a, Chapter V (March 28, 1973); 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, or grantee of information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, or grantee information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, or grantee information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or

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NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Director of Security, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Director, Management Support Division, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Chief, Safety-Security Office, Location 10; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Personnel Security Records: Exempt

Criminal Matter Records: Exempt

Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

Systems exempted from certain provisions of the act: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10SMED

System name: System of Medical Records - NASA

System location: In Health Clinics/Units at locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations or come to clinic for emergency or first aid treatment; astronauts and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting for physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; radiation exposure records; alcohol/drug patient information; consultation records.

Astronauts and their families - more detailed and complex physical examinations.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Public Law 92-255; Public Law 79-658; Public Law 91-66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to CSC, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and x-rays.

Retrievability: By name, date of birth and social security number.

Safeguards: Access limited to concerned medical personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule 11. Records on astronauts are retained permanently.

System manager(s) and address: Director, Office of Occupational Medicine, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individuals, physicians and previous medical records of individuals.

NASA 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in enrollee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

Categories of records in the system: Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, including alcohol and drug abuse, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Merit Promotion Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under negotiated grievance procedures; (12) Separation information including exit interview records, death certificates and other information concerning deaths, retirement records, and other information pertaining to separated employees; (13)Special planning, analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending retirements.

Special Records and Rosters including: (1) Locator files; (2) Ranking lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records.

Agencywide and installation automated personnel information.

Rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not included in, systems of records for which the U. S. Civil Service Commission publishes Privacy Act notices in the FEDERAL REGISTER, including Appeals, Grievances, and Complaints Records; General Personnel Records; and Recruiting, Examining and Placement Records.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: NASA Director of Personnel, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Assistant Manager (Administration), Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

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Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workmen's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. part 1212.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Assistant to the Assistant Administrator for Institutional Management, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 22ORER

System name: LeRC Occupational Radiation Exposure Records - NASA.

System location: NASA/Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201; Title 10 Code of Federal Regulations, Part 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and as long thereafter as required by regulations of the Nuclear Regulatory Commission.

System manager(s) and address: Chief, Office of Environmental Health, address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 51CDTS

System name: GSFC Civil Defense Training Survey Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: GSFC Civil Service personnel who indicate particular skills that could be utilized or special physical or medical needs that might have to be met in a time of national emergency or major natural disaster.

Categories of records in the system: Medical information and skills.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Implementation of existing Readiness Planning Requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for providing a skills and experience inventory of resources which could be made available during a national emergency and to facilitate meeting special physical or medical needs of individuals. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of when the employee leaves the Center.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 51RSCR

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; USNRC License and GHB 1860.1, 'Radiation Safety Handbook'; GHB 1860.2 'Radiation Safety Radio-Frequency.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this sytem of records is used within NASA for review and approval of custodians and users of ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 53BHTR

System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and card files.

Retrievability: Records are indexed by name and/or room number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

System manager(s) and address: Head, Administrative Management Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Tenants and dormitory occupants and Administrative Management records.

NASA 62FHAP

System name: MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama 35812.

Categories of individuals covered by the system: MSFC Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, MSFC, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Manpower Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

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Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR

System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Issuance 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 1712, Exchange Activities Manual, dated December 1973; Exchange Operations Manual, dated February 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes, and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to participants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to workman's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

System name: WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 76OSTR

System name: KSC Operations Safety Training Records - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC Civil Service and KSC contractor employees who have received operational safety training.

Categories of records in the system: Operational safety training records of attendance and certifications including certification of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to provide data for badging and access control to hazardous areas and operations and to determine the size of individual protective equipment.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Federal Electric Corporation and the Bendix Corporation to facilitate performance of the contracts. These disclosures are made by the Training Office of the Boeing Aerospace Center which compiles these safety training records for KSC; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by the Federal Electric Corporation on computer tape with printouts made quarterly. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, the Boeing Training Office, and the KSC Security Office. Records containing raw data on course attendance and trainee statistics are maintained by the Boeing Aerospace Center for KSC.

Retrievability: Indexed by name and organization.

Safeguards: These listings are automated safety training records maintained under administrative control of responsible organization in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations appearing at 14 C.F.R. Part 1212.

Retention and disposal: Outdated records are destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information is obtained from class rosters, operational records, and reports of physical examination completions.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians or users of radioactive materials or ionizing radiation-producing devices. Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Name and nuclear related experience.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, Title 10 Code of Federal Regulations, Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with ionizing radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Cape Canaveral Air Force Station, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 76XRAD

System name: KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC civil servants and KSC contractor personnel who have received exposure approximating or exceeding statutory limits.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number.

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Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 C.F.R., Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Cape Canaveral Air Force Station, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Hugh L. Dryden Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77058

Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899

Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665

Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135

Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812

Location 10
NASA Resident Procurement Office-JPL
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103

Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
Bay St. Louis, MS 39520

Location 12
Wallops Flight Center
National Aeronautics and Space Administration
Wallops Island, VA 23337

Location 13
JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001

Location 14
LeRC Plum Brook Station
National Aeronautics and Space Administration
Sandusky, OH 44870

Location 15
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

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federal register

MONDAY, SEPTEMBER 13, 1976



PART VI:

FEDERAL POWER COMMISSION

PRIVACY ACT OF 1974

Systems of Records

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FEDERAL POWER COMMISSION

PRIVACY ACT 1974

System of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Federal Power Commission hereby publishes its system of records as currently maintained by the Agency. The systems were originally published at 40 FR 39353 (Aug. 27, 1975), and were amended at 40 FR 41984 (Sept. 9, 1975), 40 FR 54118 (Sept. 30, 1975), 40 FR 52806 (Nov. 12, 1975), and 41 FR 9010 (March 2, 1976). Additional changes not previously published in the Federal Register include grammatical and typographical corrections and certain changes of a clarifying nature.

Kenneth F. Plumb.
Secretary.

FPC-1

System name: Appeals, Grievances and Complaints Records - FPC (NOTE: This records system supplements the Appeals, Grievances, and Complaints Records System of the Civil Service Commission).

System location:

Office of the Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Administrative Law Judges
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Individual Investigators and Counselors
Equal Employment Opportunity Office
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
The National Personnel Records Center
111 Winnebago Street
St. Louis, Missorui 63118
All other bureaus and offices
Offices of Individual Arbitrators
Federal Mediation and Conciliation Service
Washington, D. C. 20427

Categories of individuals covered by the system: Applicants for FPC employment, current and former FPC employees, agencies, and annuitants who appeal from a determination made by an official of the FPC or the Civil Service Commission to the Civil Service Commission, a board established to adjudicate appeals, or to the FPC.

Categories of records in the system: This system of records contains information and files on grievances under negotiated grievance system and/or documents relating to a decision or determination made by the FPC or the Civil Service Commission affecting an individual as the result of an adverse action or other appeal under Part 772 of Civil Service Regulations, classification appeals, performance rating appeal, Fair Labor Standards Act complaint, grievance or EEO complaint. This system of records includes counseling records, case disposition reports to the Civil Service Commission, intra-office and interoffice communications, and schedules, tabulations, lists, and organizational charts which contain personal information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable sections of 5 U.S.C. and the Civil Service regulations promulgated there under.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To adjudicate the appeal, complaint, or grievance.
b. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
c. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
d. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to an FPC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.
e. To disclose to a Federal agency or the D. C. Government, in responst to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
f. In the event that this record system indicates a violation of law, executive order, or regulation, to serve as a date source for disciplining the individual or other FPC employee.
g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractor of the Federal Power Commission
h. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of FPC operations.
i. Disclosure ((of information)) may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record. the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routing use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued purusant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: The records are maintained in metal file cabinets with manipulation proof combination lock. Access is limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: After the FPC or other decision in a case, other than an equal employment opportunity complaint, all records pertaining to the closed case are transferred to the Office of Personnel Programs. After the FPC or other decision in an equal employment opportunity complaint, all records pertaining to the closed case are maintained in the Office of the Executive Director. If an FPC decision is not appealed to the Civil Service Commission or appeal board, as appropriate, the records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri, where they are retained for seven years. The FPC Equal Employment Opportunity counselors maintain case records which have not been a basis of an EEO complaint for one year. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

a. Equal employment opportunity complaints records:
Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories:

a. Individual to whom the record pertains.
b. Federal Power Commission and/or Civil Service Commission officials.
c. Affidavits or statements from individual.
d. Testimony of witnesses.
e. Official documents relating to the appeal, grievance, or complaint.
f. Correspondence from specific organizations or persons.

FPC-2

System name: Applications for Interlocking Directorates-Public Files --FPC

System location:

Section of Records and Dockets
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Lansburgh Storage Warehouse
Office of Administrative Operations
Federal Power Commission
410 8th Street, N. W.
Washington, D. C.

Categories of individuals covered by the system: Officers and directors of regulated public utilities who, in accordance with Section 305(b) of the Federal Act 016 U.S.C. 825d(b)0, file for permission to hold the position of officer or director of more than one public utility, of a public utility and certain financial institutions authorized to market public utility securities, or of a public utility and a company supplying such utility with electrical equipment.

Categories of records in the system: This system of records includes the following information for each individual: the name of the applicant; the docket number of his application, the position he is applying for; the date of the application and a copy of the application; the date of the notice and a copy of the notice of the application; the date of the order and a copy of the order granting or denying the application; the date of the hearing if applicable; and a copy of any petitions to intervene.

Authority for maintenance of the system: 16 U.S.C. 825d(b); 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used as a file by the staff of the Commission whose official duties require access in deciding whether or not to grant the application and is used as a record of such proceedings. The records are also available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders on shelves.

Retrievability: These records are filed by docket number and are cross-referenced by the name of the individual on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained for one year after the applicant dies or ten years after notice of termination of his authorization. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained and the staff of the Federal Power Commission.

FPC-3

System name: Applications for Interlocking Directorates-Security Files - FPC

System location:

Division of Audits
Office of Accounting and Finance
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Section of Records and Dockets
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of the Assistant General Counsel for Hydroelectric and Corporate Regulation
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Officers and directors of regulated public utilities who, in accordance with Section 305(b) of the Federal Power Act 016 U.S.C. 825(b)0, file for permission to hold the position of officer or director of more than one public utility, of a public utility and certain financial institutions authorized to market public utility securities, or of a public utility and a company supplying such utility with electrical equipment.

Categories of records in the system: This system of records includes the following information for each individual: a copy of the application for an interlocking directorate, a copy of the FPC's order granting or denying the application, a copy of the FPC staff recommendation, and other supplementary information prepared by the FPC staff, if applicable.

Authority for maintenance of the system: 16 U.S.C. 825d(b); 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. The system is used as a working file by the staff of the Commission whose official duties require access in deciding whether or not to grant the application and is used as a record of such proceedings.

b. In the event that a system or records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued purusant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets in a secured room.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: These records are maintained for one year after the applicant dies or ten years after notice of termination of his authorization. The disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Division of Audits
Office of Accounting and Finance
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

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Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain and staff of the Federal Power Commission.

FPC-4

System name: Biographical Material on Chairmen, Vice Chairmen, Commissioners, Secretaries, and Assistant Secretaries -- FPC

System location:

Office of the Secretary
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: All past and present Chairmen, Vice Chairmen, Commissioners, Secretaries and Assistant Secretaries of the Federal Power Commission

Categories of records in the system: This system of records contains 0where applicable0 the following information on each individual: name, date nominated, date confirmed, date of designation, date of oath of office, term of office, home state, political affiliation, date first in attendance at a Commission meeting, date of expiration of term, date of resignation, and date deceased.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access to determine information on the Chairmen, Vice Chairmen, Commissioners, Secretaries, and Assistant Secretaries of the Federal Power Commission, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders and in 3-ring binders on a metal file cabinet.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are retained indefinitely and are updated periodically.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitor Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Official White House releases; newspapers; minutes of Commission meetings.

FPC-5

System name: Biographical Material on Commissioners and key Members -- FPC

System location:

Office of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Commissioners and key staff members currently employed by the Federal Power Commission.

Categories of records in the system: This system of records contains biographical material on Commissioners and key staff members of the Federal Power Commission including: date and place of birth, marital status, number of children, educational background, past working experience, honors or awards, published materials, and military experience and honors.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by authorized Federal Power Commission personnel whose official duties require access in preparation of news releases to announce appointments of Commissioners and key staff members or promotions of key staff members, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in folders in file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained as long as the Commissioner or employee remains at the FPC and are updated periodically. Their disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-6

System name: Blood Donor Records -- FPC

System location: a. Records on current Federal Power Commission blood donors are located in the organizational unit to which they are assigned in the Federal Power Commission, 825 North Capitor Street, N. E., Washington, D. C. 20426, as follows:

Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information

b. Records on current Federal Power Commission blood donors are also located at the following regional offices:

Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 South Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former Federal Power Commission employees who volunteered to donate blood in connection with the Federal Power Commission/Red Cross Blood Donor Program.

Categories of records in the system: This system of records contains information or documents relating to donors to the Red Cross Blood Donor Program and to the granting of administrative leave for this purpose. The records consist of the individual's name, blood type, home and office addresses and telephone numbers, Social Security number, donor identification number, date of birth, age, sex, date of last donation or rejection, determinations on granting administrative leave, and related correspondence and lists.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information therein may be used:

a. By Federal Power Commission officials for the purpose of locating and scheduling regular and special donors to the Red Cross Blood Program.

b. By Federal Power Commission officials for the purpose of approving or disapproving individuals' requests for administrative leave for donating blood.

c. By Federal Power Commission officials for the purpose of counseling individuals concerning their proposed blood donations.

d. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation, to serve as a data source for disciplining the individual or other Federal Power Commission employee.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

f. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, and forms.

Retrievability: Records are indexed by name of individuals to whom they pertain.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Personnel screening is employeed to prevent unauthorized disclosure.

Retention and disposal: The major organizational unit to which the individual is assigned maintains the records pertaining to him for no longer than 15 days after he leaves. Related summaries and correspondence are retained for five years. The disposition of these records, and copies thereof, is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director, Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N. W.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories:

1. The individual to whom the record pertains.
2. American Red Cross.
3. Federal Power Commission officials.

FPC-7

System name: Claims by Employees for Losses of Personal Property -- FPC

System location:

Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of the Comptroller
Federal Power Commission
825 N. Capitol St., N. E.
Washington, D. C. 20426
Office of Administrative Operations
Federal Power Commission
825 N. Capitol St., N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Employees of the Federal Power Commission who have filed cliams for reimbursement for personal property losses during their employment at the Commission.

Categories of records in the system: This system of records contains documentation of the personal property claim and Commission staff memoranda accepting or rejecting the claim submitted for resolution to the General Counsel

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 31 U.S.C. 240-243; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. The system is used by the staff of the Commission whose official duties require access in determining the validity of the personal property claim and for financial settlement of the claim.

b. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

c. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets in a secured room.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: Official copies which are used as backup for reimbursement are retained for 3 years after the end of the year in which they originated, or after the GAO audit, whichever is earlier. Other copies are retained for 1 year after the end of the year in which they originated. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

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Record source categories: Individuals on whom records are maintained and staff of the Federal Power Commission.

FPC-8

System name: Committee Memberships and Assignments -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

b. Automated copies are located in:
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

c. Copies of these records are located in the following organizational units of the Federal Power Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426:
Office of the Chairman and Commissioners
Office of the Executive Director
Office of Special Assistants to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

d. Copies of these records are located in the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Bldg.
Atlanta, GA 30308
Chicago Regional Office
Federal Power Commission
230 South Dearborn Street
Chicago, IL 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, TX 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, NY 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, CA 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, CA 94111

Categories of individuals covered by the system: Current Federal Power Commission employees who serve on various interagency committees; Federal Power Commission internal committees; international boards and commissions; industry advisory committees; official extracurricular non-committee assignments; and miscellaneous committees not otherwise classified.

Categories of records in the system: This system of records contains some or all (as appropriate) of the following information for each individual: name of individual, bureau or office, bureau or office address, committee name, individual's position or office with the committee (i.e., chairman, member, etc.) membership term, and the individual's total service with the committee.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. These records are used by the Chairman, Commissioners, Executive Director, and Bureau and Office personnel whose official duties require access for purposes including (but not limited to) the following:

1. To facilitate Committee personnel actions such as making appointments, handling resignations, determining membership;

2. To carry out Committee business such as setting up Committee meetings, notifying members, preparing and disseminating reports, handling correspondence and the like;

3. To manage Committee financial matters such as review and pay of travel for Committee members and other authorized Committee expenses; and

4. To prepare Committee management reports on activities, membership expenses and other matters, such as reports to the Congress, OMB, GSA, and Federal Power Commission internal Committee management reports.

b. These records are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Committee membership and related records are maintained in file folders, notebook binders, lists, mag tape/punch cards and cards. They are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are updated periodically and retained as follows:

a. Office of the Comptroller copies: Transfered to a GSA Records Holding area 3 years after the calendar year they originated.

b. Bureau, Office, and Automated copies: Maintained for 1 year after expiration of individual's membership on the committee. The disposition of the records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Sources include individuals to whom the records pertain and officials and employees of the Federal Power Commission.

FPC-9

System name: Computer Usage Production Statistics for the Office of Regulatory Information Systems -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current members of the Commission staff and the staff of the Federal Power Commission contractor who have access to the computer.

Categories of records in the system: This system of records includes the following information on computer use and production statistics for each program user who has access to the computer: user identification, organizational identification, identification of project, computer program and step, time of computer use, computer resources used and cost for resources, abnormal and (completion code) information, input/output counts and device utilization.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. This system is used by the staff of the Commission and the staff of the contractor who operates the machine whose official duties require access for

preparation of periodic production detail runs for historic purposes for resolving technical questions regarding individual computer run execution and costs; preparation of periodic detail and summary runs to monitor the technical and management efficiency of computer resources availability and utilization; for review of trend information as to ascertain needs for individual and Commission-wide training requirements; and for review of workload statistics to determine and design methods, procedures and specific recommendations to increase productivity and resource availability. This system may be referred to the General Accounting Office and the General Srvices Administration in their oversight responsibilities of computer usage.

b. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

c. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on magnetic disks and magnetic tapes in a secured room, and on hard copy printouts in a locked cabinet. Identity cross reference of user account numbers and names are stored within a locked cabinet.

Retrievability: These records are indexed by account code (unique user identification number) and programmer name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening and passwork access control is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: The magnetic disk records are transferred to magnetic tape files at least daily. The magnetic tape files are kept for the life of the computer system. Hard copy printouts are maintained for six months after the end of the fiscal year to which they pertain. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Facilities Operations Branch
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals on whom the records are maintained.

FPC-10

System name: Congressional Correspondence Files -- FPC

System location:

Bureau of Power
Federal Power Commission
825 North Capitol Street N. E.
Washington D. C. 20426

Categories of individuals covered by the system: Those members of the United States House and Senate 9who have corresponded with the Federal Power Commission and who require data from the Bureau of Power.

Categories of records in the system: This system of records contains incoming correspondence from United States Congressmen referred to the Bureau of Power with the Commission's outgoing replies written by Bureau of Power Staff.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference and are utilized to assure a complete record of correspondence by the Commission with congress relating to Bureau of Power matters. They are also availablt to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in a metal file cabinet.

Retrievability: These records are indexed by the names of the corresponding Congressment.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely until the system manager determines that their usefulness to the Commission has ceased. Their disposition is handled pursuant to applicable GSA regulations and/or applicable internal Administrative directives.

System manager(s) and address:

Regulatory Electric Utilities Specialist
Bureau of Power
Federal Power Commission
825 North Capitol Street, N. E.
Washington D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Corresponding Congressment and Commission Staff who write the replies.

FPC-11

System name: Congressional Correspondence Files, Office of the Executive Director -- FPC

System location:

Office of the Executive Director
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Those members of the United States House and Senate who have corresponded with the FPC since January, 1976.

Categories of records in the system: This system of records contains the incoming correspondence from United States Congressment with the Commission's outgoing replies.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the corresponding Congressmen.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained for the length of time the corresponding Congressmen remain in office. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Office of the Executive Director

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Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: Corresponding Congressmen and Commission staff who write the replies.

FPC-12

System name: Correspondence File - Bureau of Natural Gas -- FPC.

System location:

Office of the Chief, Administrative Staff
Bureau of Natural Gas
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Congressmen and other individuals who direct correspondence to the FPC, the subject of which concerns natural gas.

Categories of records in the system: This system of records contains outgoing replies written by the staff of the Bureau of Natural Gas.

Authority for maintenance of the system: 15 U.S.C. 717o; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference, and are utilized to assure a complete record of correspondence by the Commission related to Bureau of Natural Gas matters. These records are also available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in notebook binders in shelving units.

Retrievability: These records are indexed by the names of the corresponding individuals.

Safeguards: No measures are taken to prevent disclosure. The system contians only information available to the public.

Retention and disposal: These records are maintained for 2 years and their disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Administrative Staff
Bureau of Natural Gas
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Staff of the Federal Power Commission

FPC-13

System name: Data Operator Performance Statistics for the Office of Regulatory Information Systems -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Commission input data preparation personnel within the Office of Regulatory Information Systems.

Categories of records in the system: This system of records includes the following information on the Commission data preparation staff (key punching/ data entry operators): data preparation production statistics consisting of job identification, operator identification number, counts of records, strokes and errors punched, verified and corrected and time used by every operator to achieve the work assigned.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. This system is used by the staff of the Commission whose official duties require access for providing statistics about files prepared as input to computer processing. These statistics relate to the job control of information prepared such as counts of batches and records necessary to assure proper flow of information. They relate to performance statistics about every operator which are used to evaluate overall productivity capabilities for establishing deadlines with respect to job completion, and also to evaluate individual operator performance to determine training requirements.

b. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic disks within the CMC-5 data preparation system safeguarded by a data preparation unit supervisor, and on hard copy printouts which are stored in a locked cabinet. Identity of operator name and corresponding operator number are maintained in a locked cabinet.

Retrievability: These records are indexed by operator number unique for every operator.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: The records on magnetic disks are retained until hard copy printouts have been prepared. Hard copy printouts are retained for three (3) months after the end of the fiscal year to which they pertain. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Facilities Operations Branch
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals on whom the records are maintained.

FPC-14

System name: Data Sources Within Regulated Industries -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Persons within FPC regulated utilities whom the Commission needs to contact concerning questions related to FPC public use forms.

Categories of records in the system: This system of records contains the name, address, telephone number, and title of the utility representative whom the Commission is to contact concerning questions related to PFC public use forms.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by authorized FPC personnel whose official duties require access to such information and by other Federal agencies in order to determine the name and location of the person to contact concerning questions relating to public use forms submitted by regulated utilities. The records are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic disks, tapes, and hard copy listings.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are retained indefinitely and are updated periodically.

System manager(s) and address:

Assistant Executive Director
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Representatives of FPC regulated utilities who fill in FPC public use forms.

FPC-15

System name: Employee Conduct Records -- FPC (NOTE: This record system supplements the confidential employment and financial interest statements system of the Civil Service Commission)

System location:

a. Case records consisting of employment and financial interests statements, related records, and the official record pertaining to violations or potential violations of the FPC Standards of Conduct for Employees, Special Employees, or Commissioners:

Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Legal interpretation and advisory service records are located in:

Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Limitations on the nature of the work assignments of current employees or special employees because of their employment or financial interests, as well as any duplicate records pertaining to violations or potential violations of the FPC Standards of Conduct for employees, special employees, or Commissioners are located in the organization unit to which the individual is assigned in the Federal Power ommission, 825 North Capitol Street, N.E., Washington, D. C. 20426, and at the regional offices of the FPC, as follows:

Offices of the Chairman and Commissioners
Office of the Executive Director
Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants to the Commissioners
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street,
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system:

Current and former members of the Federal Power Commission.

Current and former applicants for Federal Power Commission employment.

Current and former employees of the Federal Power Commission.

Current and former special employees of the Federal Power Commission.

Categories of records in the system: These records contain a variety of information required by the reporting and enforcement provisions of the FPC Standards of Conduct. The records include: debt complaints; reports of misconduct; interpretation and advisory services; determinations of prohibited employment, financial interests, or activities and orders for appropriate disposition or termination thereof; limitations on work assignments due to requirements of the Standards of Conduct; other corrective or disclipinary actions based on violations of the Standards of Conduct; data documenting the reasons for actions or decisions affecting the individual; and other related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be used as follows:

a. By the FPC and/or Civil Service Commission in connection with counseling the individual, evaluating and/or reevaluating his employment, financial interests, and other activities, and taking appropriate action to ensure compliance with the FPC Standards of Conduct.

b. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of FPC operations.

c. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to an FPC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

d. To disclose to a Federal agency or the D.C. Government in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other FPC employee.

f. By FPC officials and by contractors, as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

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g. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

h. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders, index cards, and in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Within 15 days after an individual leaves the major organization unit to which he is assigned, the records pertaining to him which have been maintained in that unit are transferred to the Office of Personnel Programs for review and consolidation with the official records. The official records are disposed of two years after separation of the employee or five years upon approval of the CSC pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

1. Legal Interpretation and advisory records:
   General Counsel
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426
2. All other records:
   Director, Office of Personnel Programs
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information contained in this system is obtained from the following categories of sources:

From the individual on whom the record is maintained or derived from information which he supplied.
From FPC Officials.
CSC and FPC General Personnel Records Systems.
CSC and FPC Personnel Investigations Records Systems.
CSC and FPC Recruiting, Examining, and Placement Record Systems.
CSC Confidential Employment and Financial Interest Statements System.

FPC-16

System name: Mailing List for Information Concerning Applications for Interlocking Directorates - FPC

System location:

Section of Records and Dockets
Office of Administrative Operations

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Interested parties in applications for interlocking directorates.

Categories of records in the system: This system of records includes the name and address of each individual who receives information concerning interlocking directorate applications to the FPC.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the information, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on index cards in a metal index card cabinet.

Retrievability: These records are filed by docket number and are cross-referenced by the name of the individual on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-17

System name: Mailing List for Information Concerning Electric Adequacy and Reliability -- FPC.

System location:

Section of Power Supply and Reliability Reporting
Bureau of Power
Federal Power Commission
825 North Capitol N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Individuals from other government agencies and members of the public who have requested information on new developments concerning the adequacy and reliability of electric power systems.

Categories of records in the system: This system of records contains the name and address of each individual who has requested from the Division of Power Supply and Reliability information distributed by the Federal Power Commission concerning the adequacy and reliability of electric power systems.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the information, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on index cards and typed sheets of paper in a secretary's desk. This system shall be superseded by a computerized file.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Head, Section of Power Supply and Reliability Reporting
Bureau of Power
Federal Power Commission

825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-18

System name: Mailing List for Official Publications - FPC

System location:

Unit of Assignment Control
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Officials of privately and publicly owned utilities, of independent producers, of cooperatives, and of licensees and others upon request who receive official documents of the FPC - rulemakings, notices, orders, and opinions, etc.

Categories of records in the system: This system of records contains the name and address of each individual who receives FPC official publications.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the documents, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on Cheshire Cards (IBM type cards), processed from Cheshire addressograph equipment, and are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-19

System name: Mailing List for News Releases -- FPC

System location:

Unit of Assignment Control
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Individuals who receive Federal Power Commission News releases.

Categories of records in the system: This system of records contains the name and address of each individual who receives Federal Power Commission News Releases.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the press releases, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on Cheshire cards (IBM type cards), processed from Cheshire addressograph equipment, and are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Director of Public Information
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-20

System name: Pay and Pay-Related Records (Payroll, Travel, Attendance, Leave) -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Automated copies are located in:
Office of Regulatory Information Systems
Federal Power Commission 825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Copies of these records are located in the following organizational units of the Federal Power Commission; 825 North Capitol Street, N.E., Washington, D. C., 20426:
Office of the Chairman and Commissioners
Office of the Executive Director
Office of Special Assistants to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

d. Copies of these records are also located at the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office

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Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former FPC employees.

Categories of records in the system: This system of records consists of a variety of records relating to pay actions and determinations made about current and former employees of the FPC while employed by the Commission. The system contains some or all (as appropriate) of the following information for each individual: general data including name, name changes, birth date, FPC employee number, Social Security number, marital status and number of dependents, past and present wages and salaries, overtime and premium pay; grade level(s) and position title(s); time and attendance reports; personnel actions including but not limited to date of appointment, reassignments, promotions, demotions, detail, within-grade increases, transfers, separation and retirement; records relating to life insurance and health benefits; withholdings for Federal, state and local income taxes; labor organization dues; savings bond investments; garnishments and Internal Revenue Service tax liens; payments, refunds, deposits in banks and savings institutions, Civil Service retirement, Social Security deductions and charitable contributions made through Federal government sponsored programs; mailing address for tax purposes and for final pay check; computations of all Federal service; leave status and leave data of all types (including annual, compensatory, jury duty, military, retirement, disability, sick, transferred and without pay); cash awards; travel documents; claims for reimbursement and data documenting the reasons for pay actions.

Authority for maintenance of the system: 5 U.S.C. 3101; 3301; 3501; 4501;5101; 5301; 5501; 5701; 5901;6101; 6301; 8301; 8501; 8701; 8901; 15 U.S.C. 717o; 16 U.S.C. 835h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the FPC and/or by a specifically authorized contractor of the FPC whose official duties require access in order:

a. To compute net pay for the pay period for an individual in order to obtain salary checks from the Treasury Department, to forward pay information to the Treasury Department, and to distribute Treasury pay and other compensation checks, and travel reimbursement checks.

b. To transfer funds withheld from an individual's pay for Civil Service retirement, Social Security, Federal, State and local income and payroll taxes, charity drives, labor organization dues, deposits in banks and savings institutions, life insurance, health benefits, garnishments, overpayments, and repayments and other pay transfers based on the request of the individual concerned, or proper legal authority.

c. To schedule vacations and other annual leave; and to evaluate and act upon other types of leave requests.

d. To compute annual statements of earnings and taxes withheld for distribution to the individual and to Federal, State, and local governments.

e. Upon the individual's retirement from Federal service, to transfer information on pay, employment, retirement contributions, and other pay related data to the U.S. Civil Service Commission.

f. To review travel, appointments, transfers, demotions, and other personnel actions in connection with the budget and financial management activities of the Commission and to provide personnel related budget and financial information including Social Security numbers to bureaus and offices of the FPC as required for budget, personnel and management purposes.

g. To transfer information to the Civil Service Commission or General Accounting Office for purposes of making a decision when a FPC employee or former FPC employee is questioning the validity of a specific document or documents.

h. In response to a Federal agency's or a prospective employer's request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency or employer, to transfer information to the extent that the information is relevant and necessary to the requesting agency's or employer's decision on the matter.

i. To provide information to federal agencies and authorized organizations or persons on the characteristics of the FPC work force, and as a data source for management information analytical studies in support of the function for which the records are collected and maintained, financial management functions or manpower studies.

j. To report to unemployment compensation agencies or boards gross wages and separation information for unemployment compensation.

k. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

l. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, cards, lists, forms, magnetic tape or disk, punched cards, microfilm and microfiche in lockable containers and/or secured rooms.

Retrievability: These records are indexed by any combination of name, birth date, social security number, or employee identification number of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Prsonnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of records from the storage area.

Retention and disposal:

a. Official records which are located in the Office of the Comptroller are retained as follows:

1. Records pertaining to withholding exemptions (Federal, State, Local) returns on income taxes (Federal, State, Local) and reports of withheld Federal taxes or related papers. Also, records pertaining to levy and garnishment and reports of insurance deductions and related papers, including copies of vouchers and schedules of payment: 3 years after end of calendar year in which the records originated.

2. Records pertaining to time and attendance reports, including data on leave (upon retirement or separation), applications for leave and supporting papers (immediately prior to separation): After audit by General Accounting Office, or after 3 years from the end of the calendar year in which originated, whichever is earliest, the records are transferred to the National Personnel Records Center, St. Louis, Missouri, or with the Official Personnel folder when it is transferred to another Federal agency.

3. Individual authorization card and record payroll allotments; includes bond authorization, union dues authorizations, payment of salary or wages to credit in savings account of a financial organization: until superseded by new card or upon transfer or separation of employee.

4. Retirement reports and duplicate registers, copies of personnel actions and payroll change slips, individual paycards: 3 years after end of calendar year in which originated, the records are transferred to the National Personnel Records Center, St. Louis, Missouri with personnel records.

5. Passenger transportation records, including copies of vouchers, travel authorization and supporting papers, records pertaining to reimbursements to individuals, travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers relating to official travel: 3 years after end of calendar year in which they originated.

Copies of records located in bureaus, offices, field offices, and sub-activities thereof, and automated copies, as appropriate:

Copies of time and attendance, including leave data: 1 year after period covered.

Payroll lists: 2 months after period covered.

Passenger transportation records pertaining to travel orders and supporting papers: 6 months after end of fiscal year in which they originated.

The disposition of this record system is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain, and officials and employees of the Federal Power Commission.

FPC-21

System name: Personnel Investigations Records (Security and Suitability) -- FPC (NOTE: This records system supplements the Prsonnel Investigations Records System of the Civil Srvice Commission.)

System location:

Personnel Security Office
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current and former applicants for FPC employment. Current and former FPC employees. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a cooperative assignment or similar agreement.

Categories of records in the system: These records contain information developed by the FPC or by investigative agencies other than the CSC, voucher references, record checks, analyses and/or summaries, determinations to suspend, remove, or otherwise discipline employees or to disqualify applicants or employees, records or hearings when conducted, material placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, and security clearance issued.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; Executive Order 10450; and the applicable Sections of Title 5, United States Code, and the Civil Service Regulation promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows:

a. To evaluate or reevaluate the individual for an FPC sensitive position and security clearance; and by the Federal Power Commission or the Civil Service Commission, to evaluate or reevaluate the individual's qualifications or suitability for Federal Power Commission employment.

b. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspection or audits of Federal Power Commission operations.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

e. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to a FPC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

f. To disclose to a Federal agency or the D.C. Government in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for discipling the individual or other FPC employee.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the FPC.

i. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

j. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigat- ing or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders and index cards in metal file cabinets with manipulation proof combination locks, in lockable metal cabinets, or in secured rooms.

Retrievability: Records are indexed by the names of the individuals on whom they are maintained.

Safeguards: All officials and employees are required to have an appropriate security clearance before they are allowed access to personnel security files and records. Access to and use of personnel security or suitability records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: When the individual separates from the FPC, the records are consolidated with the Official Personnel Folder, transferred to the National Personnel Records Center, or the disposition of the records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Personnel Security Officer
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5) and 18 CFR 3b.250, this system is exempt from 5 U.S.C. 552a(d) and the Commission's rules issued pursuant thereto, 18 CFR 3b.221 and 3b.224, to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality, because the screening of personnel to assure that only qualified and trustworthy individuals are placed in governmental positions will, at times, require information to be collected under a pledge of confidentiality.

Record source categories: Information contained in this system is obtained from the following sources:

Applications and other personnel and security forms furnished by the individual

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Investigative material furnished by other Federal agencies
FPC officials
Notices of personnel action furnished by other Federal agencies
From personal investigation or written inquiry from sources such as:
Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureaus
Medical Records
Probation officials
Prison officials
Newspapers, magazines, periodicals, and other publications
CSC Personnel Investigative Records System

FPC-22

System name: Personnel Records (General) -- FPC (NOTE: This records system supplements the General Personnel Records System of the Civil SErvice Commission.)

System location:

a. Official personnel folders and related records on current employees of the Federal Power Commission are located in:
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Personnel action file and minority group designation records on current employees of the Federal Power Commission are located in:
Office of the Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Automated records on current and former Federal Power Commission employees are located in:
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

d. Official personnel folders and related records on former Federal employees are located in:
National Personnel Records Center
111 Winnebago Street
St. Louis, Missouri 63118

e. Operating or work folders, employee record cards, and locator files on current Federal Power Commission employees are located in the organizational unit to which the employee is assigned at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, as follows:
Offices of the Chairman and Commissioners
Office of the Executive Director
Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants to the Commissioners
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information

f. Operating or work folders, employee record cards and locator files on current Federal Power Commission employees are also located at the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former Federal Power Commission employees.

Categories of records in the system: This records system contains a variety of records relating to personnel actions and determinations about an individual while employed in the Federal service. These records include: recommendations not submitted on standard Government forms, such as, awards, salary increases, performance ratings and training; intra-office and interoffice communications; resumes; probationary period reports; issuance of motor vehicle operator permits; issuance of Federal Power Commission identification cards; career counseling; training needed by an individual, including enrollment in individual development plans, counseling, and determinations under the upward mobility, executive development, student trainee, and worker trainee programs; executive inventory records sheets; material related to pre-employment and fitness-for-duty examinations; participation in alcoholism and drug abuse programs; written requests for information on employment from creditors, financial institutions, etc.; beneficiary designations for unpaid compensation; schedules, tabulations, lists, and organizational charts which contain personal information; Congressional correspondence; agency disciplinary files, except adverse actions; and related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable Section of Title 5 of the United States Code and the Civil Srvice Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. By Federal Power Commission officials or the Civil Service Commission in connection with personnel actions, salary increases, determinations of rights and benefits, work assignments and evaluation, determination of qualifications, counseling, performance ratings, awards, training, and disciplinary actions. To the extent relevant and necessary, the information may be furnished upon request to other agencies for the same purposes.

b. To provide necessary and relevant information to a prospective employer of a present or former Federal employee; or to an organization at the request of the individual; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

c. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to a Federal Power Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

d. To disclose to a Federal agency or the D.C. Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other Federal Power Commission employee.

f. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

g. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of Federal Power Commission operations.

h. To provide AFGE Local No. 421 with periodic lists of employee names, position titles, grades, salaries, and duty stations.

i. To test computer programs being developed or modified, and to test the validity of operational computer programs.

j. By an FPC contractor to prepare microform data records.

k. To disclose to the Office of Workers Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and Disability Insurance and Medicare Programs: military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System; or other national, state, county, municipal, or other publicly recognized charitable or social security administration agencies information needed to adjudicate a claim for benefits under ERIOH or the recipient's benefit program(s) or information needed to conduct an analytical study of benefits being paid under such programs.

l. To disclose to the Federal Employee's Group Life Insurance Office information necessary to support an individual's claim for life insurance benefits under the Federal Employees' Group Life Insurance Program.

m. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to support an individual's claim for health insurance benefits under the program.

n. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

o. To provide information to an educational institution for training purposes.

p. To provide information to officials of a foreign government for clearance prior to a duty assignment of an employee in a specific country.

q. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

r. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disks, punched cards, organizational charts, lists, schedules, forms, index cards, and microform.

Retrievability: Records are indexed by any combination of name, birth date, Social Security number, or identification number.

Safeguards: Manual and automated records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Within 15 days after an individual leaves the major organizational unit to which he is assigned, the records pertaining to him which have been maintained in that unit are transferred to the Office of Personnel Programs for review and consolidation with the Official Personnel Folders, or transferred to the Federal Power Commission bureau or office to which the employee is then currently assigned, or other appropriate disposition. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives. Current and superseded automated records are maintained indefinitely. The disposition of the personnel action file and the minority group designation records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

1. Personnel actron file and minority group designation records:
Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
2. All other records in this system:
Director, Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he supplied, is provided by Federal Power Commission officials, or is derived from the CSC General Personnel Records System. Assitional sources are: FPC Pay and Pay-Related Records System, Civil Service Retirement Records System, National Personnel Records Center, Federal Civilian Retirement Systems other than Civil Service Retirement System, Military Retired Pay System Records, Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, and Social Security Old Age, Survivor, and Disability Insurance and Medicare Programs.

FPC-23

System name: Recruiting, Examining, and Placement Records -- FPC (NOTE: This records system supplements the Recruiting, Examining, and Placement Record System of the Civil Service Commission.)

System location:

a. Official records on candidates for Federal Power Commission positions are located in:
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Automated records on candidates are located in:
Office of Regulatory Information Systems
Federa Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Operating folders and related records on candidates selected for an organizational unit are located in the unit to which the individual is to be assigned at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, as follows:
Offices of the Chairman and Commissioners
Office of the Executive Director
Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants to the Commissioners
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information

d. Operating folders and related records on applicants for a regional office are located in the respective following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street

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Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Persons who have applied for Federal Power Commission employment or are/were employed by the Federal Power Commission.

Categories of records in the system:

This records system includes: recruitment or appointment lists which include personal information; ratings of candidates for attorney positions; availability inquiry letters; authorization of payment of travel expenses; referrals for consideration; interview reports; Congressional correspondence; White House correspondence; certifications of performance ability and medical reports concerning candidates under selective placement programs, such as handicapped persons, offenders, and Vietnam era veterans; data documenting the positions for which individuals are considered and the reasons for employment, placement, or promotion actions or decisions made about an individual; medical records; intra-office and interoffice communications; and other related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable Sections of Title 5 of the United States Code and the Civil Service Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. By Federal Power Commission or Civil SErvice Commission officials for purposes of review and consideration for placement in positions for which the applicants, employees, or former employees have applied, and for determinations of rights and benefits of the individuals.

b. To refer current employees for consideration for reassignment, promotion, or detail within the Federal Power Commission.

c. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of Federal Power Commission operations.

d. To provide necessary and relevant information to a prospective employer of a present or former Federal employee; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

e. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary in order to obtain information relevant to an FPC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

f. To disclose to a Federal agency or the D.C. Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other Federal Power Commission employee.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

i. To test computer programs being developed or modified, and for validity testing of operational computer programs.

j. By a Federal Power Commission contractor to prepare microform data records.

k. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

l. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, disks, punched cards, index cards, organizational charts, lists, forms, folders, and microform.

Retrievability: Records are indexed by any combination of name, birth date, Social Security number, and an applicable identification number.

Safeguards: Manual and automated records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

a. Lists; index cards and automated records are maintained until no longer needed.

b. Applications from persons who are ineligible for Federal Power Commission positions or who decline an offer of employment are returned to the applicant. Related correspondence is retained for one year.

c. Working files maintained by an organizational unit which selects the individual are retained indefinitely. If the proposed personnel action is not effected due to declination or other reason, the working file is transferred to the Office of Personnel Programs for consolidation with the official record.

The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director, Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he or she supplied, from medical reports on physical qualifications, from examination results which are made known to applicants, from Federal Power Commission officials, from the CSC Recruiting, Examining, and Placement Records System, or from the CSC or FPC General Personnel Records Systems.

FPC-24

System name: Time Distribution Reports -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Copies of these records are located in the following organizational units of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426:
Office of Special Assistant to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

c. Copies of these records are also located at the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Federal Power Commission
Bureau of Power
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
555 Battery Street
San Francisco, California 94111

d. Automated copies are located in:
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current and former FPC employees.

Categories of records in the system: This system of records includes the following information where applicable on each individual: name, the date, employee number, his office or bureau, and a description of the activity assigned to him with related information. It shows how much time the individual spends on each project or activity assigned to him.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the FPC whose official duties require access in order:

a. To determine equitable charges, fees and assessments authorized by the Federal Power Act and the Commission's Rules and Regulations.

b. To develop budgetary data.

c. To serve as a management tool in distributing workload to individuals of the Commission.

d. To provide information to Federal agencies and authorized organizations or persons on characteristics of the FPC work force, and as a data source for management information analytical studies in support of the function for which the records are collected and maintained, financial management functions, or manpower studies.

e. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

f. In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on forms and print-outs in lockable containers and on magnetic disks and tapes in a secured room.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of records from the storage area.

Retention and disposal: Manual records and hard copies are maintained for one year after the end of the fiscal year in which they originated or until the system manager determines that their usefulness to the Commission has ceased. Automated records are retained until the end of the fiscal year in which they originated. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain, the officials and employees of the Federal Power Commission.

[FR Doc.76-25808 Filed 8-30-76;5:11 pm]

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federal register

MONDAY, SEPTEMBER 13, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART VII:

DEPARTMENT OF COMMERCE

PRIVACY ACT OF 1974

Systems of Records

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DEPARTMENT OF COMMERCE
PRIVACY ACT
Annual Publication of Systems of Records, Notice of Proposed Additional Systems, Changes to Systems

On October 2, 1975 (40 FR 45635-74), the Department of Commerce first published in final form a Notice of Systems of Records in compliance with Section 3 of the Privacy Act of 1974 (P.L. 93-579, 88 Stat. 1897, 5 U.S.C. 552a).

To comply with the provision of that Act which requires each agency to publish its systems of records at least annually (5 U.S.C. 552a(e)(4)), and in accordance with the guidelines developed by the General Services Administration/Office of Federal Register (41 FR 32362-68, August 2, 1976), the following have been provided to the Federal Register:

(1) One magnetic tape, containing a unified text of the Systems of Records and Prefatory Statement which incorporates changes now proposed for public comment, other changes not requiring public comment, and changes noticed in the Federal Register after October 2, 1975; and

(2) Two computer print-outs, containing the same as above. Attached for publication herewith are:

(3) A list of changes now proposed for which public comment is invited (Appendix I); and

(4) A list of the changes noticed in the Federal Register after October 2, 1975 and prior to the date of this notice (Appendix II).

For the items listed in Appendix I, the public is invited to submit written data, views, or arguments to the Assistant Secretary for Administration (Attn.: Information Management Division, Room 5026), U.S. Department of Commerce, Washington, D.C. 20230, any time on or before October 13, 1976. The comments received will be available, as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays).

Dated: August 30, 1976.

Joseph E. Kasputys,
Assistant Secretary for Administration.

APPENDIX I
Proposed Changes to Commerce Department Systems of Records for Which Public Comment Is Invited

Included in the unified text of changes to Commerce Department systems of records submitted to the Federal Register this date are several proposed additional systems of records and a proposed new routine use for an existing system of records. The proposed additional systems and the new routine use are listed below to assist the public in readily identifying those portions of the unified text on which public comments are invited.

1. Add a Departmentwide system of records, COMMERCE/DEPT.—19, Department Mailing Lists. The purpose of the mailing lists contained in the proposed system is to provide the means by which the Department can distribute information and/or publications to interested persons. The system covers only those mailing lists which include home addresses; it does not include mailing lists containing business addresses only.

The proposed system is as follows:

COMMERCE/DEPT.—19

System name: Department Mailing Lists — COMMERCE / DEPT. — 19.

System location:

a.
Bureau of the Census
Federal Building 3
Washington, D.C. 20233.

b.
National Fire Prevention and Control Administration
Washington, D.C. 20230.

c.
Office of Minority Business Enterprise
U.S. Department of Commerce
Washington, D.C. 20230.

d.
Office of General Services
U.S. Patent and Trademark Office
2021 Jefferson Davis Highway
Arlington, Virginia 22202.

Categories of individuals covered by the system:

At location a.: persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member.

At location b.: All regular publication recipients and all individuals who have requested that they be placed on a mailing list or requested information about NFPCA.

At location c.: subscribers to OMBE publications and/or representatives of the media who receive OMBE material at their home addresses.

At location d.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

Categories of records in the system: At location a.: Name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code.

At location b.: Name, title, affiliation and address.
At location c.: Name and home address.
At location d.: Name and home address.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For all locations, see general routine uses Nos. 1 through 6, Nos. 8 through 10, and No. 12 of Prefatory Statement.

For records at location a.: Records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location b. Information is provided Federal, state, local or international agencies in response to a written request indicating a likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, computer tape, mailing labels.

Retrievability: Alphabetically by name, and for records at location a., by zip code.

Safeguards: Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with each unit's Records Control Schedule.

System manager(s) and address:

For records at location a.:
Associate Director for Administration
Bureau of the Census
Federal Building 3
Washington, D.C. 20233.

For records at location b.:
Associate Administrator
National Fire Data Center, NFPCA
U.S. Department of Commerce
P.O. Box 19518
Washington, D.C. 20036.

For records at location c.:
Chief of Information
Office of Public Affairs, OMBE
Washington, D.C. 20230.

For records at location d.:
Director, Office of General Services
U.S. Patent and Trademark Office
Washington, D.C. 20231.

Notification procedure:

For records at location a.: Information may be obtained from:
Associate Director for Administration
Federal Building 3
Bureau of the Census
Washington, D.C. 20233.

For records at location b.: Information may be obtained from:
Administrative Officer, NFPCA
Washington, D.C. 20230.

For records at location c.:
Assistant Director, Field Operations and Administration
Office of Minority Business Enterprise
U.S. Department of Commerce
Washington, D.C. 20230.

For records at location d.: Information may be obtained from:
Assistant Commissioner for Administration
U.S. Patent and Trademark Office
Washington, D.C. 20231.

Record access procedures: Requests from individuals should be addressed to: Same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual.

2. Add a system of records for the National Fire Prevention and Control Administration, COMMERCE/NFPCA—1. The purpose of the proposed system is to enable the National Fire Prevention and Control Administration to maintain a listing of fire experts employed by the Federal government which includes a description of their area of expertise. This information will be provided to members of the fire service community in need of the assistance of such individuals. The proposed system is as follows:

COMMERCE/NFPCA—1

System name: Federal Employees with Fire Related Expertise-COMMERCE/NFPCA-1.

System location:

National Fire Prevention and Control Administration
2400 M Street, NW.
Washington, D.C.

Categories of individuals covered by the system: Federal employees with expertise in fire prevention and control and associated fields.

Categories of records in the system: Name, address, agency, area of expertise.

Authority for maintenance of the system: Section 8(e) and 21(b)(1), and (e) Federal Fire Prevention and Control Act of 1974, P.L. 93-498, 88 Stat. 1535 (15 U.S.C. 2207, 2218).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, information about individuals is provided to federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organizations, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, bound paper director, and magnetic tape.

Retrievability: By individual's name, expertise, agency, and geographic location.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated biennially and retained indefinitely.

System manager(s) and address:

Associate Administrator for Fire Safety and Research
National Fire Prevention and Control Administration
U.S. Department of Commerce
P.O. Box 19518
Washington, D.C. 20036.

Notification procedure: Information may be obtained from:

Administrative Officer
National Fire Prevention and Control Administration
P.O. Box 19518
Washington, D.C. 20036.

Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR 4b. Use above address.

Record source categories: Subject individuals.

3. Add a system of records for the National Oceanic and Atmospheric Administration, COMMERCE/NOAA-17, NOAA Diving Program File. The purpose of the proposed system is to ensure that all diving performed under NOAA's auspices is conducted in a manner most likely to minimize accidental injury or occupational illness. This is done by maintaining information concerning an individual's professional qualifications, level of certification to perform underwater operations, and physical condition. The proposed system is as follows:

COMMERCE/NOAA—17.

System name: NOAA Diving Program File — COMMERCE / NOAA — 17.

System location:

Office of NOAA Diving Coordinator
11400 Rockville Pike
Rockville, Maryland 20852.

Categories of individuals covered by the system: NOAA employees who are NOAA Certified Divers.

Categories of records in the system: Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use Nos. 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by surname.

Safeguards: Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Five years after termination of diver.

System manager(s) and address:

NOAA Diving Coordinator
11400 Rockville Pike
Rockville, Maryland 20852.

Notification procedure: Information may be obtained from:

Assistant Administrator for Administration
National Oceanic and Atmospheric Administration
6010 Executive Boulevard
Rockville Maryland 20852.

Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

4. Add a system of records for the National Oceanic and Atmospheric Administration, COMMERCE/NOAA—18, NOAA Mailing Lists. The purpose of the mailing lists contained in this proposed system is to provide the means by which NOAA can distribute information and/or publications to interested persons. The system covers only those mailing lists which include home addresses; it does not include mailing lists containing business addresses only. The proposed system is as follows:

COMMERCE/NOAA—18.

System name: NOAA Mailing Lists-COMMERCE/NOAA—18.

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System location: Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications
Main Commerce Building
14th Street and Constitution Avenue, NW.
Washington, D.C. 20230

Headquarters:
Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852
Chief, Finance Division
North Bethesda Office Center
11420 Rockville Pike
Rockville, Maryland 20852

National Marine Fisheries Service:
Director, National Marine Fisheries Service
3300 Whitehaven Street, NW.
Washington, D.C. 20235
Director, Northwest Region
National Marine Fisheries Service, NOAA
1700 Westlake Avenue North
Seattle, Washington, 98109
Director, Southeast Region
National Marine Fisheries Service, NOAA
9450 Gandy Boulevard North
Duval Building
St. Petersburg, Florida 33702
Director, Northeast Region
National Marine Fisheries Service, NOAA
14 Elm Street
Federal Building
Gloucester, Massachusetts 01930
Director, Southwest Region
National Marine Fisheries Service, NOAA
300 South Ferry Street
Terminal Island, California 90731
Director, Alaska Region
National Marine Fisheries Service, NOAA
P.O. Box 1668
Juneau, Alaska 99802
Chief, Statistics and Market News Division
National Marine Fisheries Service, NOAA
3300 Whitehaven Street, NW.
Washington, D.C. 20235
Scientific Publications
National Marine Fisheries Service, NOAA
1107 Northeast 45th Street
Seattle, Washington 98105
Director, Northeast Fisheries Service, NOAA
Woods Hole, Massachusetts 02543
Director, Southwest Fisheries Service, NOAA
P.O. Box 271
Lajolla, California 92038
Director, Southeast Utilization Research Center, NOAA
Regents Drive
College Park, Maryland 20740
Director, Southeast Fisheries Center, NOAA
75 Virginia Beach Drive
Miami, Florida 33149
Director, Atlantic Estuarine Fisheries Center, NOAA
P.O. Box 570
Beaufort, North Carolina 28516

National Ocean Survey:
Director, National Ocean Survey
6001 Executive Boulevard
Rockville, Maryland 20852
Chief, Distribution Division, NOAA
Riverdale Building
6501 Lafayette Avenue
Riverdale, Maryland 20840

Environmental Data Service:
Director, Environmental Data Service
3300 Whitehaven Street, NW.
Washington, D.C. 20235
Director, National Climatic Center
Environmental Data Service, NOAA
Federal Building
Ashville, North Carolina 28801
Director, National Geophysical and Solar Terrestrial Center
Research Building 3, NOAA
3100 Marine Street
Boulder, Colorado 80302

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

Categories of individuals covered by the system: Recipients of NOAA publications and/or other publicly available programmatic information.

Categories of records in the system: All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

System manager(s) and address:

Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852.

Notification procedure: Information may be obtained from:

Assistant Administrator for Administration
National Oceanic and Atmospheric Administration
6010 Executive Boulevard
Rockville, Maryland 20852.

Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual.

5. Add a system of records for the National Technical Information Service, COMMERCE/NTIS—2, Employee Daily Time and Productivity Records. The purpose of the proposed system is to assist in determining product prices by ascertaining production cost on a per unit basis. The proposed system is as follows:

COMMERCE/NTIS—2.

System name: Employee Daily Time and Productivity Records—COMMERCE/NTIS—2.

System location:

Accounting Control Division, NTIS
Room 1303
Sills Building
Springfield, Virginia 22161.

Categories of individuals covered by the system: Current and former NTIS employees.

Categories of records in the system: Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 15 U.S.C. 1151-57, 1525-27; 31 U.S.C. 66a; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of Prefatory Statement noticed in the Federal Register on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name and/or employee social security number.

Safeguards: Records are located in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. During non-business hours the file cabinets are locked.

Retention and disposal: Retained until after GAO audit, or not longer than 3 years. Transferred to GSA for disposal.

System manager(s) and address:

Chief, Accounting Control Division, NTIS
Room 1303
Sills Building
Springfield, Virginia 22161.

Notification procedure: Information may be obtained from:

Assistant Director, Administration, NTIS
Room 1006
Sills Building
Springfield, Virginia 22161.

Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; NTIS timekeepers, supervisors and managers.

6. Add a routine use for a Patent and Trademark Office system of records, COMMERCE/PAT-TM—6, Parties Involved in Patent Interference Proceedings, to permit disclosure of settlement agreements to other Government agencies. The entire routine use paragraph would read as follows:

Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements are made available to the Federal Trade Commission, the Department of Justice, and other Government agencies on written request and a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

APPENDIX II

Changes to Systems of Records Noticed in the Federal Register After October 2, 1975 and Prior to the Date of this Notice

These changes are listed to assist the public. All are incorporated in the unified text of Commerce Department systems of records submitted to the Federal Register this date.

1. November 3, 1975 Federal Register, page 51173, corrections to October 2, 1975 materials.

2. November 7, 1975 Federal Register, page 52074, adoption of additional system of records, proposed October 2, 1975, COMMERCE/DEPT.—18, Employee Personnel Files Not Covered by U.S. Civil Service Commission, and adoption of expanded routine uses proposed October 2, 1975.

3. November 26, 1975 Federal Register, page 54850, further corrections to October 2, 1975 materials.

4. June 10, 1976 Federal Register, page 23446, proposal to add a new routine use No. 12 to the Prefatory Statement of General Routine Uses.

5. June 18, 1976 Federal Register, pages 24744-24745, correction to June 10, 1976 materials and proposal to add a system of records, COMMERCE/DIBA—8, Foreign Service Officer Evaluations.

6. August 17, 1976 Federal Register, page 34805, adoption of general routine use No. 12 and adoption of system of records COMMERCE/DIBA—8, both proposed June 10, 1976.

7. August 20, 1976 Federal Register, pages 35205-35206, notice to consolidate two systems of records, COMMERCE/NTIS—1 Customer Account Records, and COMMERCE/NTIS—2 Individuals Interested in NTIS Publications, Shipped Order Addresses, and Subscribers Files, both noticed October 2, 1975, into one system, COMMERCE/NTIS—1, and proposal to add a new routine use to that system. Public comment was invited on the proposed routine use.

DEPARTMENT OF COMMERCE
PRIVACY ACT
NOTICE OF SYSTEMS OF RECORDS*

*The identification of the operating unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census
DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)
DIBA—Domestic and International Business Administration
IATC—Interagency Auditor Training Center
MA—Maritime Administration
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
PAT-TM—Patent and Trademark Office

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission
BEA—Bureau of Economic Analysis
EDA—Economic Development Administration
Office of Federal
Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission
OMBE—Office of Minority Business Enterprise
OTEL—Office of Telecommunications
RAPCS—Regional Action Planning Commissions
USTS—United States Travel Service

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a con-

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tract, or the issuance of a license, grant, or other benefit by the requesting agencye to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. (Deleted; Reserved)

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the per- formance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. (Deleted; Reserved)

12. A record in this system may be transferred, as a routine use, to the Civil Service Commission: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintained by the Department contain, from time-to-time, material subject to the specific exemption authorized by 5 U.S.C 552a(k)(1), relating to national defense and foreign policy materials. The systems of records noticed below, and also listed in 15 CFR 4b.14(a) of the regulations published in the FEDERAL REGISTER, which are subject to this determination of specific exemption under 5 U.S.C. 552a(k)(1) are:

COMMERCE/DIBA-1
COMMERCE/DIBA-2
COMMERCE/DIBA-3
COMMERCE/NOAA-11
COMMERCE/PAT-TM-4
COMMERCE/PAT-TM-6
COMMERCE/PAT-TM-7
COMMERCE/PAT-TM-8
COMMERCE/PAT-TM-9
COMMERCE/DEPT-12
COMMERCE/DEPT-13
COMMERCE/DEPT-14

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reason therefor is to protect the material required by Executive Order to be kept secret in the interest of the national defense and foreign policy.

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MA—18 USMMA Midshipman Personnel Records
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NOAA—14 Individuals Engaged in Weather Modification Activities
NOAA—15 (Deleted)
NOAA—16 Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)
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PAT/TM—11 Patent Examiner Testimony Files
PAT/TM—12 Patent Subscription Service System
PAT/TM—13 Petitioners for License to File for Foreign Patents

COMMERCE/DEPT-1.

System name: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Service, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and Office of Organization and Management Systems (ADP Operations Division), use above address.

b. For employees of MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For employees of NBS, NTIS, and OTEL: National Bureau of Standards, Accounting Division (Payroll Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For employees of NOAA: National Oceanic and Atmospheric Administration, Personal Service Accounting Branch, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 5 U.S.C., Title 31 U.S.C. 66a, Title 44 U.S.C. 3101, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Civil Service Commission for preparation of statistical materials. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable.

Retrievability: By name and/or employee or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: For records at location a.: Director, Departmental Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230;

For records at location c.: Chief Accountant, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234)

For records at location d.: Chief, Personal Service Accounting Branch, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231; and,

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For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS and NTIS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT-2.

System name: Accounts Receivable—COMMERCE/DEPT-2.

System location: a. For Departmental offices, BEA, DIBA, EDA, NFPCA, USTS, OMBE, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Service, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For NBS and OTEL: National Bureau of Standards, Accounting Division, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For NOAA: National Oceanic and Atmospheric Administration, Finance Division, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: Debtors owing money to organizational components identified in a. through f., including employees, former employees, business firms, general public, and institutions.

Categories of records in the system: Name and address; amount owed, and service, overpayment or other accounting therefor; invoice number, if any.

Authority for maintenance of the system: 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Billing debtors, reporting to Civil Service Commission for liquidating debts from retirement and other benefits, and routine uses per Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By name, and invoice number as appropriate.

Safeguards: Physical security, handling by authorized personnel only.

Retention and disposal: Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, OS, U.S. Dept. of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Chief, Accounting Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Chief, Finance Division, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

Notification procedure: For DIBA records at location a., information may be obtained from: Direetor, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For NBS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g., information may be obtained from: Assistant Director, Adminstration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3.

System name: Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3.

System location: Office of General Counsel, Room 5876, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

Categories of records in the system: Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

Authority for maintenance of the system: 5 U.S.C. 301, 18 U.S.C. 306, 28 U.S.C. 533-535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of 2 years after separation of employee.

System manager(s) and address: Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4.

System name: Congressional Files—COMMERCE/DEPT-4.

System location: Office of the Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: Biographical information from sources such as the Congressional Quarterly, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form only.

Retrievability: Indexed by name of Member or State or Congressional District.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained in accordance with the Office's Record Control Schedule.

System manager(s) and address: Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

System name: Donors of Gifts and Bequests—COMMERCE/DEPT-5.

System location: a. For records of Departmental offices, DIBA, EDA, OMBE, and USTS: Office of Financial Management Service, OS, U.S. Department of Commerce, Washington, D.C. 20230.

b. For records of MA: Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Division of Accounts, Maritime Administration, Washington, D.C. 20230 (for cash donations only).

c. For records of DIBA: Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

d. For records of NBS, NTIS, and OTEL: Accounting Division, NBS, AdministrationBuilding, Gaithersburg, Maryland (mailing address: Washington, D.C. 20234).

e. For records of NOAA: Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For records of PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For records of CENSUS: Finance Divison, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Any donor of gifts or bequests of funds, property, or services to Departmental offices or agencies.

Categories of records in the system: Name and address of donor; dollar amount of donations; value and description of non-cash donations; name and title of employee whose expenses are encompassed by the gift; and purposes for which gift or bequest was made.

Authority for maintenance of the system: 5 U.S.C. 608a-608c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Both paper records in file folders.

Retrievability: Filed chronologically by date of transaction or serial number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Assistant Superintendent for Administration, Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Director, Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Chief, Accounting Division, NBS, Administration Building, Gaithersburg, Maryland. (Mailing address: Washington, D.C. 20234).

For records at location e.: Chief, Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20236.

For records at location c., information may be obtained from: Director, Office of Management and Systems, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS records at location d., information may be obtained from: Associate Director for Administration, Room A1101, Administration Building, NBS, Gaithersburg, Md. (Mailing address: Washington, D.C. 20234);

For OTEL records at location d., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location e., information may be obtained from: Associate Administrator for Administration, Room 908, Washington Science Center, NOAA, Rockville, Maryland 20852; and

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

For records at location g., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name and date of transaction, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Donors and subject employees and those authorized by the foregoing to furnish information.

COMMERCE/DEPT-6.

System name: Visitor Logs and Permits for Facilities Under Department Control—COMMERCE/DEPT-6.

System location: a. Maritime Administration: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; Reserve Fleet Division Office, New York City, New York; Suisan Bay Reserve Fleet, Benicia, California; and U.S. Merchant Marine Academy, Kings Point, New York.

b. National Bureau of Standards: Security Office, Administration Building, Rockville, Maryland 20234; and Guard Service Office, Radio Building, NBS, Boulder, Colorado 80302.

Categories of individuals covered by the system: Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

Categories of records in the system: Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name, or date and time.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Security Officer, respective Reserve Fleet address; Reserve Fleet Division Reception Office Chief, Reserve Fleet Division, New York City, New York; and Special Assistant to Superintendent, U.S. Merchant Marine Academy, Commandant's Department, Kings Point, New York.

For records at location b.: Security Officer, Chief, Administrative Service Division, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: For records at location a., information may be obtained from: Secretary, Maritime Administration, Main Commerce Building, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT-7.

System name: Employee Accident Reports—COMMERCE/DEPT-7.

System location: a. For employees of Departmental Offices, NFPCA, and USTS: Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

e. For employees of OMBE: Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

f. For employees of NBS; Safety and Fire Protection Section Administration Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

g. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

h. For employees of NTIS; Property Management Branch, Administrative Service Division, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

i. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

j. For employees of CENSUS and BEA; Administrative Service Division, Bureau of the Census, Building 3, Washington, D.C. 20233.

k. For employees of OTEL; Administrative Service Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20005.

Categories of individuals covered by the system: All Department employees as categorized by organization component in a. through k., above, who have sustained occupational injury/illness or who have been involved in a motor vehicle accident while on official Government business,

Categories of records in the system: Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

Authority for maintenance of the system: 29 U.S.C. 651-78, 28 U.S.C. 2671-2680, Executive Orders 11612 and 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, accident reports involving Government vehicles are disclosed to the General Service Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed after 5 years.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Safety Officer, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Safety Officer, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

For records at location f.: Chief, Safety and Fire Protection Section, Administration Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location g.: Safety Engineer, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location h.: Chief, Property Management Branch, Administrative Service Division, Sills Building, National Technical Information Service, Springfield, Va. 22161.

For records at location i.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location j.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location k.: Safety Officer, Administrative Service Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20233.

Notification procedure: For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, United States Travel Service, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Assistant Director, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230;

For records at location f., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234);

For records at location g., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Md. 20852;

For records at location h., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Springfield, Va. 22161;

For records at location i., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location j., information may be obtained from: Associate Director for Administration, Bureau of the Census Federal Building 3, Washington, D.C. 20233;

For BEA records at location j., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For records at location k., information may be obtained from: Administrative Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20005; and

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

System name: Employee Applications for Motor Vehicle Operator's Card—COMMERCE/DEPT-8.

System location: a. For employees of Departmental offices, NFPCA, OMBE, OTEL, Offices of Federal Cochairmen, and USTS: Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Administrative Service, Maritime Administration, Washington, D.C. 20230; the following MARAD regional offices: 26 Federal Plaza, New York, N.Y. 10007; 701 Loyola Ave., New Orleans, La. 70150; 450 Golden Gate Ave., San Francisco, Calif. 94102; and the U.S. Merchant Marine Academy, Department of Public Works, Kings Point, L.I., N.Y. 11024.

e. For employees of NBS: Safety and Fire Protection Section, Administration Building, Gaithersburg, Md. (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

f. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

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g. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

h. For employees of CENSUS and BEA: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233; and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

i. For employees of NTIS: Property Management Division, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: All Department employees as categorized by organizational components in a. through h. above, who are seeking or holding a Federal vehicle operator permit.

Categories of records in the system: Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

Authority for maintenance of the system: 40 U.S.C. 471; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed of when re-issued at the end of three years or upon employee's termination of employment.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Service and Procurement, U.S. Department of Commerce Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Director, Office of Administrative Service, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Chief, Safety and Fire Protection Section, Administration Building, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location f.: Motor Fleet Manager, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location g.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location i.: Chief, Property Management Division, National Technical Information Service, Sills Building, Springfield Virginia 22161.

Notification procedure: For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL 1325 G Street, NW., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230.

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For BEA records at location h., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For records at location i., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Requester should provide name, organizational unit, and approximate date of employement pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9.

System name: Travel Records (Domestic and Foreign) of Employees and Certain Other Persons—COMMERCE/DEPT-9.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OEP, OMBE, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Paper records in office of Financial Management Service, OS, and machine readable records in ADP Operations Division, OOMS, both in Main Commerce Building, Washington, D.C. 20230.

b. For employees of MARAD in Washington, D.C.: (machine readable) Division of Data Operations, (manual) Division of Accounts, Maritime Administration, Main Commerce Building, Washington, D.C. 20230. Regional employees: U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Service, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

c. For employees of NBS, NTIS, and OTEL: Accounting Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

d. For employees of NOAA: Travel and Transportation Branch, NOAA Finance Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Street, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

Categories of records in the system: Name, address, social security number; destination, intinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

Authority for maintenance of the system: Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to State Department for passports, and see routine use portion of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name, social security number, or travel order number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230; U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Regional Office Service Officer, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Regional Director, Maritime Administration, Great Lakes Regional Office, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location c., Chief, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland 20234.

For records at location d., Chief, Travel and Transportation, Finance Division, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location e., Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information can be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For NBS and NTIS records at location c., information can be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information can be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-10.

System name: Foreign Residence Requirement Waiver Applicants—COMMERCE/DEPT-10.

System location: Office of Personnel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Applicant aliens seeking Departmental support for requests for waivers of the foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

Categories of records in the system: Name, alien registration number, country of current nationality, date and place of birth, education, dates and places of entry and type of visa for each entry into the U.S., location and dates of foreign residence between entries, date of acquisition of exchange-visitor status, dates and places of residence in the United States and in the country of the exchange-visitor's nationality, place of intended residence in the U.S., current residence and telephone number, prospective U.S. employer, report of sponsors of the exchange visit on the request for waiver, and reasons for request of waiver.

Authority for maintenance of the system: 8 U.S.C. 1182(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Requests and supporting documentation with recommendation for waiver are submitted to the State Department. Per State Department regulations, names of applicants are required to be transmitted to the applicants' Exchange Visitor Program Sponsors and the governments of their countries and nationality. Disclosed to other Federal Agencies upon their request in order to coordinate effective implementation of the waiver request program. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

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Retrievability: Indexed alphabetically by name and calendar year of receipt of application.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for nine years and then destroyed.

System manager(s) and address: Director, Office of Personnel, Room 5119, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230. Requester should provide name, date of application, and alien registration number, in accordance with inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicant, those authorized by the applicant to furnish information, U.S. employer, Exchange Visitor Program sponsor, and embassy of country of nationality.

COMMERCE/DEPT-11.

System name: Unfair Labor Practice Charges/Complaints—COMMERCEDEPT-11.

System location: a. For employees of Departmental Offices, BEA, EDA, NFPCA, NTIS, OMBE, and Office of Federal Cochairmen: Office of Personnel, OS, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230.

b. For Employees of DIBA: Domestic and International Business Administration, Office of Personnel, (Employee Relations Division), 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For employees of MARAD: Maritime Administration, Office of Personnel, 14th and Constitution Ave., NW., Washington, D.C. 20230.

d. For employees of NBS: National Bureau of Standards, Personnel Division (Employee Relations and Development Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

e. For employees of NOAA: National Oceanic and Atmospheric Administration, Personnel Division, (Labor Management Relation Section), 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For employees of PAT-TM: Office of Personnel (Employee Relations Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For employees of Census: Personnel Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Commerce employees filing unfair labor practice charges/complaints.

Categories of records in the system: Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

Authority for maintenance of the system: Executive Order 11491, as amended; Rules and Regulations of the Assistant Secretary of Labor for Labor Management Relations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information is also transmitted to investigative officials of the Department of Labor as well as to the Federal Labor Relations Council for settlement of the complaint or appeal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name and Docket or Case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: For records at location a.: Labor Relations Officer, Office of Personnel, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief, Employee Relations Division, Office of Personnel, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c.: Director, Office of Personnel, Maritime Administration, Washington, D.C. 20230.

For records at location d.: Chief, Employee Relations and Development Section, Personnel Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e.: Chief, Labor Management Relations Section, Personnel Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Maryland, 20852;

For records at location f.: Employee Relations Officer, Office of Personnel, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For NTIS records at location a., information may be obtained from: Assistant Director, Administration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.;

For records at location g., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, date of complaint, and organizational unit in which employed at the time of the complaint, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject complainant, those authorized by the complainant to furnish information, colleagues and supervisors of complainant and management officials.

COMMERCE/DEPT-12.

System name: Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT-12.

System location: a. For records of EDA: Investigation and Inspection Staff, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For all other records: Departmental Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Categories of individuals covered by the system: Past and present employees, when under or having been under investigation for suspected violation of criminal laws; employees and principal officers of contractors used by the Department; and principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee's relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability for employment.

Authority for maintenance of the system: Executive Orders 10450 and 11652; Title 18 U.S.C., including sections 201, 209, 287, 508, 602, 641, 643, 653, 654, 1001, 1719, 1913, 2071, and 2073; 5 U.S.C. 301; 15 U.S.C. 1512; 28 U.S.C. 533-535; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: For records at location a: Indices are alphabetical, record folders are filed alphabetically by principal subject; For records at location b: Indices are alphabetical, record folders are filed by number.

Safeguards: Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Investigation and Inspection Staff, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a (j)(2) are exempted from the notice, access, and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) and pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), on condition that the 5 U.S.C. 552a (j)(2) exemption is held to be invalid, all information and material in the record which meets the criteria of these three subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations.

The exemption of this information and material is necessary in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-13.

System name: Investigative Records-Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT-13.

System location: Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability materials.

Authority for maintenance of the system: Executive Orders 10450, 11478, 11652; 5 U.S.C. 301 and 7531-32; 15 U.S.C. 1512; 28 U.S.C. 533-535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Locked cabinets in secure rooms in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfull commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

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COMMERCE/DEPT-14.

System name: Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

System location: a. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For matters involving MARAD: Maritime Administration, Office of General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For matters involving NBS: National Bureau of Standards, Office of Legal Adviser, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For matters involving NOAA: National Oceanic and Atmospheric Administration, Office of General Counsel, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For matters involving PAT-TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals making claims or bringing actions against the Department and individuals the subject of the Department's claims and actions, including tort and property claims and civil contract issues (but excluding Federal Employee Compensation Act claimants). Individuals suspected of violations of criminal and civil statutes in connection with Departmental programs and activities. Individuals the subject of administrative proceedings where the Department is involved. Individuals cited for violation of traffic and grounds regulations.

Categories of records in the system: Names, addresses, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation documentation.

Authority for maintenance of the system: 5 U.S.C 301; 44 U.S.C Section 3101; 42 U.S.C 3211; 31 U.S.C. 240; 28 U.S.C 533-535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of according to unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief Counsel, Economic Development Administration, Department of Commerce, Washington, D.C. 20230.

For records at location b.: General Counsel, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Legal Adviser, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location d.: General Counsel, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: For records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For BEA records at location f., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street NW., Washington, D.C. 20005; and

For records at location g., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number; date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT-15.

System name: Private Legislation Claimants-Central Legislative Files—COMMERCE/DEPT-15.

System location: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.20230.

Categories of individuals covered by the system: Individual claimants against the government seeking remedy through private relief bills in patent, contract, employee compensation, and other similar areas which involve the Department.

Categories of records in the system: Draft and formal relief bills, statements, and information as to the basis and validity of the claim, and correspondence with the claimant and the sponsor of the legislation.

Authority for maintenance of the system: 5 U.S.C. 301, Act of February 4, 1903, 32 Stat. 825.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained according to the Office's Records Control Schedule.

System manager(s) and address: Assistant General Counsel, Legislation, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, date of claim, and name of bill, if any, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant and those authorized by the claimant to furnish information; records of units of the Department primarily involved in the transaction; service or application on which the claim is founded; and the sponsoring Member of Congress.

COMMERCE/DEPT-16.

System name: Property Accountability Files—COMMERCE/DEPT-16.

System location: a. For MARAD: Supply Management Division, Maritime Administration, Washington, D.C. 20230; Department of Administrative Service, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

b. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

c. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207). Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

d. For employees of NBS: Administrative Service Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); Instrument Shops Division, Shops Building, NBS, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Categories of individuals covered by the system: Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

Categories of records in the system: Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481-92; 15 U.S.C. 1518.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders and trays.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal files cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief, Supply Management Division, Maritime Administration, Washington, D.C. 20230; Administrative Service Officer, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y., 10007; Administrative Service Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Property Accountability Officer, Region Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Regional Director, Great Lakes Regional Office, Maritime Administration, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location b.: the head of the respective library.

For records at location c.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location d.: Chief, Administrative Service Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230.

For records at location b.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231;

Requester should provide name and address pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17.

System name: Records of Cash Receipts—COMMERCE/DEPT-17.

System location: a. For Departmental offices, BEA, DIBA, NFPCA, OMBE, USTS, EDA, Offices of Federal Chairman, RAPCs, and ARC: Office of Financial Management Service (Receipts and Distribution Section), OS, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230 and Office of Organization and Management Systems (ADP Operations Division), use same address.

b. For MARAD: Division of Accounts, Maritime Administration, 14th and Constitution Ave., NW., U.S. Department of Commerce, Washington, D.C. 20230.

c. FOR NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

d. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

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Categories of individuals covered by the system: Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

Categories of records in the system: Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

Authority for maintenance of the system: 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Name and/or account or case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Permanently maintained.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washinton, D.C. 20230.

For records at location c.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

For records at location d.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Assistant Director, Administration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e., information may be obtained from: Assistant Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT-18.

System name: Employees Personnel Files Not Covered By U.S. Civil Service Commission—COMMERCE/DEPT-18.

System location: a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, NFPCA, BEA, EDA, OMBE, USTS, OTEL, and NTIS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of DIBA: Office of Personnel, Domestic and International Business Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Division of Career Management, MARAD Office of Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760; and National Academy of Sciences, 2100 Pennsylvania Avenue, N.W., Room JH606, Washington, D.C. 20037;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment, and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name and/or social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to Unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Domestic and International Business Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Chief, Division of Career Management, Office of MARAD Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personnel Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washingtont D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, NW., Washington, D.C. 20230;

For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230.

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; and, sources in the U.S. Civil Service Commission notices.

COMMERCE/DEPT-19

System name: Department Mailing Lists—COMMERCE/DEPT-19.

System location: a. Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

b. National Fire Prevention and Control Administration, Washington, D.C. 20230.

c. Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

d. Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: At location a.: persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member.

At location b.: All regular publication recipients and all individuals who have requested that they be placed on a mailing list or requested information about NFPCA.

At location c.: subscribers to OMBE publications and/or representatives of the media who receive OMBE material at their home addresses.

At location d.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

Categories of records in the system: At location a.: Name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code.

At location b.: Name, title, affiliation and address.

At location c.: Name and home address.

At location d.: Name and home address.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For all locations, see general routine uses 01 through 6, 08 through 10, and 012 of Prefatory Statement.

For records at location a.: Records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location b. Information is provided Federal, state, local or international agencies in response to a written request indicating a likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, computer tape, mailing labels.

Retrievability: Alphabetically by name, and for records at location a., by zip code.

Safeguards: Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with each unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Associate Administrator, National Fire Data Center, NFPCA, U.S. Department of Commerce, P. O. Box 19518, Washington, D.C. 20036.

For records at location c.: Chief of Information, Office of Public Affairs, OMBE, Washington, D.C. 20230.

For records at location d.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Information may be obtained from: Associate Director for Administration, Federal Building 3, Bureau of the Census, Washington, D.C. 20233.

For records at location b.: Information may be obtained from: Administrative Officer, NFPCA, Washington, D. C. 20230.

For records at location c.: Assistant Director, Field operations and Administration, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231.

Record access procedures: Requests from individuals should be addressed to: Same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categori: Subject individual.

COMMERCE/CENSUS-1.

System name: Agriculture Census Records for 1964 (partial), 1969 and 1974—COMMERCE/CENSUS-1.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Farm operators and family members.

Categories of records in the system: Age, race, residence, ethnic groups, off-farm employment, income.

Authority for maintenance of the system: 13 U.S.C. 142.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes

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and are confidential under 13 U.S.C. 8 and 9. Publications of the Bureau do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microform, punch card, paper hard copy.

Retrievability: Retrieved by unique serial identification numbers internal to the Bureau.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved General Services Administration schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552 a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in 15 CFR Part 4b.

COMMERCE/CENSUS-2.

System name: Employee Productivity Measurement Records—COMMERCE/CENSUS-2.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and Bureau of the Census, Personal Census Service Branch, Pittsburg, Kansas 66762. Also at the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 S. Tryon Street, Charlotte, North Carolina 28202; 536 S. Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 W. 6th Avenue, P.O. Box 25207, Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11000 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; 1700 Westlake Avenue, Seattle, Washington, 98109.

Categories of individuals covered by the system: Census employees.

Categories of records in the system: Name, employee number, rate of pay, supervisor, organization unit, location, type of work performed, time work accomplished, work units processed, production standard and percent performance, number and types of errors and error rates, work units accepted and rejected, and similar information on employee and work group productivity.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraph in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy, microform.

Retrievability: Retrieved by name or employee number and/or program or interviewer code.

Safeguards: Tape under ADP security, sensitive material is held in locked file cabinets.

Retention and disposal: Records retained for 5 years.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: Information may be obtained from: same address as stated in the system manager section above. Requester should provide name, employee number and/or program or interviewer code, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, timekeepers, supervisors, managers, and those authorized by the individuals to furnish information.

COMMERCE/CENSUS-3.

System name: Individual and Household Statistical Surveys and Special Studies Records—COMMERCE/CENSUS-3.

Security classification: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Services, Washington National Records Center, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals in families and households designated for statistical sample surveys and special studies.

Categories of records in the system: Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

Authority for maintenance of the system: 12 U.S.C. 17012-1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d(4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a), 1862, 2825, and 3771;and 49 U.S.C. 1605.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch card, magnetic tape, and microform.

Retrievability: Unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-4.

System name: Minority-Owned Business Enterprises Survey Records—COMMERCE/CENSUS-4.

System location: National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409 and General Services Administration, Federal Records Center, Suitland, Maryland 20233 and Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Female and minority persons who are sole proprietors, partners, or shareholders of small business corporations.

Categories of records in the system: Name, social security number, sex, race, whether Spanish surname, receipts of business, geographic area, legal form of business. Name and social security

number are deleted from partners and stockholders once other data are coded. Data include number, geographic dispersion, and economic characteristics of minority business enterprises.

Authority for maintenance of the system: 13 U.S.C. 131 and 132.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and magnetic tape.

Retrievability: Filed by name and social security number.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-5.

System name: Population and Housing Census Records for 1960 and 1970—COMMERCE/CENSUS-5.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: All persons counted during the Censuses of Population and Housing taken in 1960 and 1970.

Categories of records in the system: Records contain population information on age; sex; race or color; marital status and family relationships; citizenship and ethnic origin; education and veteran status, income, occupation and employment; and housing information on occupancy, vacancy, utilization, plumbing, structural and financial characteristics and equipment, fuels and appliances, and similar social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 141.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used solely for statistical purposes and are confidential under 13 U.S.C 8 and 9. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform, paper copy, magnetic tape, punch cards.

Retrievability: Information is retrieved by the use of unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-6.

System name: Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses—COMMERCE/CENSUS-6.

System location: Bureau of the Census, Personal Census Services Branch, Pittsburg, Kansas 66762.

Categories of individuals covered by the system: All persons ever counted during decennial censuses of population (1900-1970).

Categories of records in the system: Name, address, relationship to head of household, date of birth, marital status, occupation and education data, race of household members, and other similar characteristics as reported in each census.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be considered as statistical records pursuant to 5 U.S.C. 552(a), as they were originally collected for statistical purposes, and are now maintained to perform searches at the request of subject individual under procedures published in the 15 CFR Part 60 and in accordance with 13 U.S.C. 8 to provide proof of age, citizenship, proof of relationship, and limited use for genealogical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform.

Retrievability: Indexed by numerical coding of surname on SOUNDEX system and by township, county, and state.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census as statistical records as required by Title 13, U.S. Code and are not used by the Bureau in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR Part 4b.

COMMERCE/CENSUS-7.

System name: Special Censuses of Population Conducted for State and Local Government—COMMERCE/CENSUS-7.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Residents counted in the area requesting a census.

Categories of records in the system: Address, name, age, race, sex, relationship to head of household, and occasionally other related social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy.

Retrievability: Records are retrieved by name and address.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Tapes retained for 90 days after processing, then erased, paper copy is retained for 2 years, then destroyed.

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System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/DIBA-1.

System name: Individuals Identified in Export Administration Compliance Proceedings or Investigations—COMMERCE/DIBA-1.

System location: Office of Export Administration, DIBA, 14th Street and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

Categories of records in the system: Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

Authority for maintenance of the system: Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended. 5 U.S.C. 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form.

Retrievability: Information filed by case or subject file. All names are cross-referenced by name card file.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for a reasonable period of time. Disposition is recorded.

System manager(s) and address: Director, Compliance Division, Office of Export Administration, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual exporters, those authorized by the individual to furnish information, trade sources, investigative agencies, intelligence or investigative personnel of the Office of Export Administration, and informants.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b),(c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 7(c) of the Export Administration Act of 1969, as amended, also protects this information and material from disclosure.

COMMERCE/DIBA-2.

System name: Individuals Involved in Export Transactions—COMMERCE/DIBA-2.

System location: Office of Export Administration, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals involved in export transactions. Information primarily is maintained on foreign companies and business officials, but includes U.S. citizens involved with or working for firms abroad.

Categories of records in the system: Reports and cables from U.S. foreign service posts and reports from investigative agencies.

Authority for maintenance of the system: 50 U.S.C. App. 2401 et seq. (Export Administration Act of 1969 as amended). 5 U.S.C 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Barlocked metal cabinets with combination. Some material is maintained in safes.

Retention and disposal: Disposed of after 5 years.

System manager(s) and address: Director, Compliance Division, Office of Export Administration DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of involvement in export transactions pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: U.S. Foreign Service Posts, CIA, Compliance Division, OEA, Post Office Fraud Section, FBI, and Defense Intelligence Agency.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), law enforcement investigatory material is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f), to the extent the disclosure of such material would reveal the identity of a confidential source of information, in order to maintain the ability to obtain necessary information and to fulfill commitments made to sources that their identities would be kept confident.

Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-3.

System name: Individuals Involved in International Business Trade Complaints—COMMERCE/DIBA-3.

System location: Office of Export Development, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

Categories of records in the system: Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name of American party to the dispute.

Safeguards: Metal cabinets with bar and combination lock.

Retention and disposal: Permanent.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-4.

System name: Directors of U.S. Trade Missions, Chairmen of U.S. Government Technical Sales Seminars, and Technical Representatives of Catalog Exhibits—COMMERCE/DIBA-4.

System location: Office of International Marketing, DIBA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals who are Directors of U.S. Trade Missions, Chairmen of U.S. Government Technical Sales Seminars, and Technical Representatives of Catalog Exhibits sponsored by the Department.

Categories of records in the system: Home address, date and place of birth, photographs, brief career history, social security number, citizenship, names of close relatives, previous residences, and passport numbers.

Authority for maintenance of the system: Delegation of Authority, dated June 25, 1962 from United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By promotion theme of trade mission, location of trade mission and individual's name.

Safeguards: Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: File is retained for three years and then destroyed.

System manager(s) and address: Director, Special Activities Division, Office of International Marketing, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/DIBA-5.

System name: Membership Information: District and Regional Export Councils—COMMERCE/DIBA-5.

System location: Office of Export Development, President's Export Council Staff, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Present, former and potential members of the District Export Councils and Regional Export Councils.

Categories of records in the system: Address, date and place of birth, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by name of committee or may be filed by name of individual.

Safeguards: Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained for active councils. Retired when councils terminate.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, individual's company, and persons nominating the individual for council membership.

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COMMERCE/DIBA-6.

System name: National Defense Executive Reserve Personnel Folders—COMMERCE/DIBA-6.

System location: Office of Industrial Mobilization, Bureau of Domestic Commerce, DIBA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, DC. 20230 and Office of Export Administration, Bureau of East-West Trade, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153 and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and index cards.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or death and then discarded.

System manager(s) and address: Director, Office of Industrial Mobilization, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Bureau of East-West Trade, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DIBA-7.

System name: Overseas Assignments for DIBA's Office of Field Operations—COMMERCE/DIBA-7.

System location: Office of Field Operations, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Trade Specialists employed by DIBA's Office of Field Operations (OFO)(District Offices) who have applied for overseas assignment and OFO trade specialists on overseas assignment.

Categories of records in the system: Form DIB-716 "Overseas Assignments Data (OFO Personnel Only)". This form contains information on date of birth, U.S. Passport Type and No., position title, grade, private business experience, previous U.S. Government overseas assignments, foreign language proficiency, etc.

Authority for maintenance of the system: The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.); The foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record in file folders.

Retrievability: Filed by name or geographic district or region.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Field Operations, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and assignment location pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DIBA-8.

System name: Foreign Service Officer Evaluations—COMMERCE/DIBA-8.

System location: Office of International Marketing, DIBA, U.S. Department of Commerce, 14th & E St. and Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of the Foreign Service of the United States serving abroad or on detail to the Department of Commerce in economic/commercial positions.

Categories of records in the system: (1) End User and Field Observation Reports; (2) memorandums, cables, letters and other documents used in the preparation of End User and Field Observation Reports, and of Foreign Service Officer Evaluation Reports; and (3) other documents relating to officer performance.

Authority for maintenance of the system: Foreign Service Act of 1946, as amended; 22 U.S.C. 801 et seq., 986; and 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed, as a routine use, to the Department of State in connection with the evaluation of the performance of Foreign Service Officers. (See also general routine use paragraphs.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual FSO's name.

Safeguards: Records are located in lockable metal file cabinets in premises with access limited to those whose official duties require access.

Retention and disposal: End User Reports and Field Observation Reports are transmitted to the Department of State by July 15 of each year. Other documents relating to officer performance are retained until the retirement, resignation or death of the individual and then retired or destroyed, as appropriate.

System manager(s) and address: Director, Support Services Division, Office of International Marketing, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide his name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and supervisors of those individuals.

COMMERCE/IATC-1.

System name: Auditor Trainee Registrants—COMMERCE/IATC-1.

System location: Interagency Auditor Training Center, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Categories of individuals covered by the system: Individuals, past and present, who have registered as an enrollee at the Training Center.

Categories of records in the system: Name; date of birth; social security number; phone; address; occupation; position; grade level; and education.

Authority for maintenance of the system: Government Employees Training Act of 1958; Executive Order 11348, April 20, 1976; and Intergovernmental Cooperation Act of 1968 (P.L. 90-557).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and year of attendance.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, IATC, Woodmont Building, Room 607, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Notification procedure: Information may be obtained from: address same as above. Requester should provide name and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: Director, Office of Organization and Management Systems, OS, Department of Commerce, Washington, D.C. 20230.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/MA-1.

System name: Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA-1.

System location: Office of Admissions, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11204.

Categories of individuals covered by the system: Applicants for admission to the Academy.

Categories of records in the system: Contains name; address; name of nominating Congressman and his congressional district; social security number; citizenship; color of hair and eyes; sex; marital status; scholastic background; names of relatives who attended the Academy; high school record; personality record (compiled by high school authorities); seaman's experience; military service data; and biographical sketch. (Form: KP 2-65).

Authority for maintenance of the system: Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b)(1); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: If admitted, the application becomes part of the Midshipman's Personnel Record for permanent retention. The file is transferred to the Federal Records Center after 5 years. If not admitted, it is retained for one year and destroyed.

System manager(s) and address: Director, Office of Admissions, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's high school officials, references, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for civilan employment and military service.

COMMERCE/MA-2.

System name: Cadet Files, State Merchant Marine Academies—COMMERCE/MA-2.

System location: Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and former cadets enrolled in the State Maritime Academies.

Categories of records in the system: Name; date of birth; marital status; number of dependents; military service; number of arrests and convictions; date of change in pay; reenrollment or reinstatement; disenrollment; non-subversive activities; no-strike statement; and date of graduation. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: 46 U.S.C 1383,1387.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Director, Office of Maritime Manpower, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C., 20230. Requester should provide Cadet's name and State School attended, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

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Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject student, State Merchant Marine Academies, and those authorized by the student to furnish information.

COMMERCE/MA-3.

System name: Citizenship Statements and Affidavits—COMMERCE/MA-3.

System location: Division of Reserve Fleet, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230, for bidders on surplus vessels; and Citizenship Officer, Office of the General Counsel, MA, Room 4898, U.S. Department of Commerce, Washington, D.C. 20230, for all other programs.

Categories of individuals covered by the system: Officers and shareholders of non-personal applicants and individual applicants.

Categories of records in the system: Name; date and place of birth; nationality; and nationalization data.

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 11,802, 803, 1114.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by applicant's name; name of individual or vessel name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after 5 years where they are retained indefinitely.

System manager(s) and address: Chief, Divison of Reserve Fleet and Citizenship Office, Office of the General Counsel, addresses are same as above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant, or name of individual, or name of vessel, the program under which filed and the date, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant and individual and those authorized by the foregoing to furnish information.

COMMERCE/MA-4.

System name: General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA—COMMERCE/MA-4.

System location: Office of Marine Insurance, Room 3618, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals (e.g., seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

Categories of records in the system: Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates. (Forms: MA-574, MA-570, MA-269, MA-26 and 27).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 C.F.R. 320; 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To evaluate and award money for filed claims, negotiate settlements, to contest or to initiate lawsuits. Users are the Office of Marine Insurance; adjustors and attorneys acting for the Government; Office of Federal Employees Compensation in the Department of Labor; and the Marine Index Bureau, 17 Battery Place, New York, N.Y. (a contract service centralizing data on seamen claims). Also see the routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by seaman's name and vessel's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

System manager(s) and address: Director, Office of Marine Insurance, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name, vessel name, and date of incident, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual; the individual's attorney; adjustors, investigators; attorneys; Office of Marine Insurance; witness; the Marine Index Bureau; and, those authorized by the individual to furnish information.

COMMERCE/MA-5.

System name: Marine Training School Registrants—COMMERCE/MA-5.

System location: MA regional offices: Eastern-26 Federal Plaza, New York, N.Y. 10007; Central-701 Loyola Ave., New Orleans, La. 70150; Western-450 Golden Gate Ave., San Francisco, California 94102; and, Great Lakes-Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

Categories of individuals covered by the system: Each seafarer enrolling in an agency training course.

Categories of records in the system: Name; address; position title; owner's document number; social security number; certificate number; sponsoring organization; course completed; date of course completion; course grade; date of birth; and telephone number. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 1126(b)(5)(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used by the U.S. Coast Guard for verification of attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by student's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Training Facility Registrar where the training was taken, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, date and facility attended, course description, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The student, the training instructors, and those authorized by the individual to furnish information.

COMMERCE/MA-6.

System name: Medical Records of Seamen Treated in Overseas Military Hospitals—COMMERCE/MA-6.

System location: Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: All seamen who were treated in military hospitals overseas during the Vietnam conflict.

Categories of records in the system: Name; social security number; name of vessel; medical history; treatment provided; and diagnosis.

Authority for maintenance of the system: 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use in paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name of patient.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one month after receipt from the military where they are retained indefinitely.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of seaman and approximate dates of treatment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The seaman, the medical staff of the treating facility, and those authorized by the seaman to furnish information.

COMMERCE/MA-7.

System name: National Defense Executive Reserve—COMMERCE/MA-7.

System location: Division of Emergency Plans, Room 3716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees and members of the National Defense Executive Reserve.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth, military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153; and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or until death and then discarded.

System manager(s) and address: Chief, Division of Emergency Plans, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The individual, those authorized by the individual to furnish information, the investigator performing personal and security investigation and sources contacted by the investigator.

COMMERCE/MA-8.

System name: Non-Attorney Practitioner Applications and "Section 807 Reports"—COMMERCE/MA-8.

System location: Office of the Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Those representing others in agency proceedings.

Categories of records in the system: Name; address; compensation paid; expenses incurred; exact nature of the representation; education; experience; employment history for last five years; date and place of birth; citizenship; past Federal service; involvement in litigation alleging fraud; and Communist, Fascist, etc. affiliations. (Form: MA-327).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C 807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of practitioner and by name of principal.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Secretary, Maritime Administration, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, see above address. Requester should provide name of practitioner, pursuant to the inquiry provision of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's principal, and those authorized by the individual to furnish information.

COMMERCE/MA-9.

System name: Seaman Awards and Nominations, for Service, Valor, etc.—COMMERCE/MA-9.

System location: Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

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Categories of individuals covered by the system: Seamen nominated for and given awards for service, valor, etc.

Categories of records in the system: Name; address; date of birth; mariner's document number; social security number; names of ships and dates of service; and possibly: medical information; and personal recommendations.

Authority for maintenance of the system: Merchant Marine Medals Act; 46 U.S.C. 249.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of seaman or vessel.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are transferred to the Federal Records Center after one year, where they are retained for 75 years with the individual's medical records.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name and name of vessel, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, witnesses to incidents, and those authorized by the individual to furnish information.

COMMERCE/MA-10.

System name: Seamen's Employment Analysis Records—COMMERCE/MA-10.

System location: Division of Data Operations, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and recent merchant seamen.

Categories of records in the system: Social security number; date of birth; records of U.S. Coast Guard issued documents; voyage employment information (e.g., port and date signed on); and maritime schools attended.

Authority for maintenance of the system: 46 U.S.C. 1122(a) and 1126.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Basic biographical data are retained indefinitely; discharge records are destroyed two years from date of discharge.

System manager(s) and address: Director, Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Magnetic tape is produced from information received from the U.S. Coast Guard.

COMMERCE/MA-11.

System name: Seamen's Unclaimed Wages (Vietnam Conflict)—COMMERCE/MA-11.

System location: (Manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Seamen owed wages for service aboard Government vessels operated by general agents.

Categories of records in the system: Name; social security number; employing general agent; and wages due and owing.

Authority for maintenance of the system: 31 U.S.C. 65-67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to routine uses specified in the Prefatory Statement, these records are disclosured to the U.S. Treasury for the purpose of reporting wages owed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on magnetic tape.

Retrievability: Paper records are filed alphabetically by name and by social security number. Magnetic tape is indexed by social security number.

Safeguards: Paper records are secured in lockable metal file cabinets. Magnetic tapes are subject to technical securities. Both forms of records are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Both forms of records are retained until such time the claim is resolved or the wages are disbursed.

System manager(s) and address: Chief, Division of Accounts, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The general agents.

COMMERCE/MA-12.

System name: Shipyard Labor Supply and Demand Programs—COMMERCE/MA-12.

System location: Division of Data Operations, Maritime Administration, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Production workers in selected shipyards.

Categories of records in the system: Name; social security number; skill level; seniority; general employment data; age; and shipyards worked.

Authority for maintenance of the system: 46 U.S.C. 1121(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to maintenance of technical securities, the tapes are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Records are retained for one year and destroyed.

System manager(s) and address: Director, Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, badge number, and shipyard location, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Employing shipyard.

COMMERCE/MA-13.

System name: Trustees for Ship Sales—COMMERCE/MA-13.

System location: Division of Ship Management, Room 6086, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individual trustees and executives of nonpersonal entity trustees.

Categories of records in the system: Name; address; vessel name; settlor of the trust; detailed financial information on individual trustees; and personal information on executives of corporate, etc. trustees. (Forms: MA-579, MA-580).

Authority for maintenance of the system: Shipping Act of 1916; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 802, 808 and 835; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of trustee.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are renewed annually and are retained permanently.

System manager(s) and address: Chief, Division of Ship Management, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of trustee pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject trustee and those authorized by the trustee to furnish information.

Systems exempted from certain provisions of the act: All investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to make determinations or the award of Federal contracts.

COMMERCE/MA-14.

System name: USMMA Graduates—COMMERCE/MA-14.

System location: Office of External Affairs, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All graduates of USMMA, since 1942, and some parents of graduates.

Categories of records in the system: Name; address (home and business); vocation; class year; social security number; employer's name and address; years of maritime service, at sea and ashore; military service; marine licenses; post-graduate education; honors and awards; and union affiliation. Graduate registration for job-placement also contains graduate's preferred salary and job location.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make employment referrals, to compile statistical reports for Congress and its Members on the professional progress of the graduates, and to mail alumni publications, notices and announcements. The users are the Director, Office of External Affairs and his immediate administrative staff, prospective employers, Congress and its Members, the United States Merchant Marine Academy Alumni Association, Inc., the Kings Point Fund, Inc., and the commercial contractor providing automated services. Also see the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and basic information is on magnetic tape.

Retrievability: Filed alphabetically by name, and by social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Records on tape also are subject to physical securities.

Retention and disposal: The records are kept indefinitely.

System manager(s) and address: Director, Office of External Affairs, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: A questionnaire voluntarily returned by graduates every few years; graduates asking to be registered for job-placement; families of graduates; public and private employees of graduates; persons nominating graduates for alumni awards; United States Merchant Marine Academy Alumni Association, Inc.; and published articles naming graduates.

COMMERCE/MA-15.

System name: USMMA Midshipman Account Records—COMMERCE/MA-15.

System location: Budget and Accounts Officer, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current midshipmen.

Categories of records in the system: Name, social security number, mailbox number, and all of the debts and credits of the midshipmen to the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936, 46 U.S.C. 216(b)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer card.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for one year after graduation or separation, and then destroyed.

System manager(s) and address: Budget and Accounts Officer, see above address.

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Notification procedure: Information may be obtained from Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, the suppliers of midshipman equipment, and the Budget and Accounts Office personnel.

COMMERCE/MA-16.

System name: USMMA Midshipman Grade Transcripts—COMMERCE/MA-16.

System location: U.S. Merchant Marine Academy, Kings Point, N. Y. 11024.

Categories of individuals covered by the system: All present and past midshipmen.

Categories of records in the system: Name; social security number; courses taken, grades received, and cumulative average.

Authority for maintenance of the system: The Merchant Marine Act of 1936; and 46 U.S.C. 216(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent to other schools or employers when requested by the midshipman. Users are the midshipman, the Academy registrar, other schools and employers. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Registrar, U.S. Merchant Marine Academy, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, his instructors, and the Registrar's Staff.

COMMERCE/MA-17.

System name: USMMA Midshipman Medical Files—COMMERCE/MA-17.

System location: Medical Department, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All midshipmen.

Categories of records in the system: Complete medical history prior to and during enrollment at the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: If appointed, record is retained for sixty years; and if not appointed, the record is retained for one year and destroyed.

System manager(s) and address: Medical Officer, U.S. Merchant Marine Academy. See above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant or midshipman and date of application or appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant or midshipman, those authorized by the foregoing to furnish information, individual's physician, and Academy medical officers.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for civilian employment and military service.

COMMERCE/MA-18.

System name: USMMA Midshipman Personnel Records—COMMERCE/MA-18.

System location: Office of the Commandant of Midshipman, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current and former midshipmen since inception of the Academy in 1942.

Categories of records in the system: Nomination to U.S. Merchant Marine Academy; College Board Scores; high school transcript; name; address; social security number; parent's names and address and occupation; relatives who attended USMMA; number of brothers and sisters; medical report; height; weight; color of hair; color of eyes; complexion; commendations; record of disciplinary cases; resignation notice; graduation certification; and report of deficiencies.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: Commandant of Midshipmen, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and period of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject midshipman, faculty administrators and midshipman corps officers who provide copies to the midshipman; former employers, teachers and school authorities, and references; Government or private physicians; U.S. Navy Security Officers; and, those authorized by the midshipman to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C, 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitabilty for civilian employment and military service.

COMMERCE/MA-19.

System name: USMMA Non-Appropriated Fund Employees—COMMERCE/MA-19.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All current and former employees of non-appropriated fund activities since 1970.

Categories of records in the system: Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid; insurance coverage; and letters of commendation or reprimand.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Head, Department of Administrative Services, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject employee and those authorized by the employee to furnish information; past employers and references; and the employee's supervisor.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/MA-20.

System name: USMMA Ship's Service Employees—COMMERCE/MA-20.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: Officers and employees of firms or individuals holding service contracts.

Categories of records in the system: Name; address; education; experience; professional background; and business references.

Authority for maintenance of the system: 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by contractor's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained for one year.

System manager(s) and address: Administrative Services Officer and Contracting Officer, Administrative Services Office, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date(s) of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject contractor/employee, those authorized by the foregoing to furnish information and business references.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine whether to award Federal contracts for maintenance and other services.

COMMERCE/MA-21.

System name: Waivers of Liability to Board Reserve Fleet Vessels—COMMERCE/MA-21.

System location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; and Suisun Bay Reserve Fleet, Benicia, California.

Categories of individuals covered by the system: All individuals boarding Reserve Fleet vessels.

Categories of records in the system: Name, affiliation, date, and signature. (Form: MA-118).

Authority for maintenance of the system: 50 U.S.C. 1744-45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained for three years and then destroyed.

System manager(s) and address: The chief of the particular Regional Office: Eastern-26 Federal Plaza, New York, New York 10007; Central-701 Loyola Avenue, New Orleans, Louisiana 70150; Western-450 Golden Gate Avenue, San Francisco, California 94102; and U.S. Merchant Marine Academy, Kings Point, Long Island, New York 11024.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide the

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name of the visitor, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

System name: NBS Guest Workers—COMMERCE/NBS-1.

System location: Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Guest workers pursuing individual scientific or technical projects.

Categories of records in the system: Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of security assurance; conditions; and facilities to be made available.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: The records are disposed 5 years after guest worker terminates.

System manager(s) and address: Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS-2.

System name: Inventors of Energy-Related Processes and Devices—COMMERCE/NBS-2.

System location: Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Inventors submitting ideas for evaluation by NBS.

Categories of records in the system: Name, address, and telephone number of the persons submitting ideas or inventions for evaluation.

Authority for maintenance of the system: 88 Stat. 1894.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used in correspondence with the inventor or person submitting the invention for evaluation and submitter-designated interested third parties, in the evaluation of technical and commercial feasibility, in reports to the Energy Research and Development Administration, and in development of statistical and analytical data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 U.S.C. 552 (b)(4).

Retention and disposal: Currently all records are retained indefinitely.

System manager(s) and address: Chief, Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3.

System name: Research Associates—COMMERCE/NBS-3.

System location: Office of Programs, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Research Associates.

Categories of records in the system: Personal history statement, conflict of interest statement, titles of publications authored or coauthored by research associates.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are transferred from an active to terminated section of the files at conclusion of individual's service as a research associate and are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Industrial Liaison Officer, Office of Programs, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-4.

System name: Participants in Clinical Dental Projects—COMMERCE/NBS-4.

System location: Dental and Medical Materials Section, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: NBS employees and spouses who have volunteered to participate in program.

Categories of records in the system: Name; date and place of birth; business address and phone number; drug sensitivity data; dental work limitations; home address and phone number; age; sex; and race.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and project.

Safeguards: Records are located in steel file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Currently records are retained indefinitely.

System manager(s) and address: Chief, Dental and Medical Materials Sections, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and the title of the project, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, clinical examiner, and those authorized by the individual to furnish information.

COMMERCE/NBS-5.

System name: Participants in Human Factors Studies—COMMERCE/NBS-5.

System location: Human Factors Laboratory, Bowman House, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals who have served as subjects in Human Factors Laboratory experiments and studies.

Categories of records in the system: Name of the participant; name and description of the study; and signature of the participant, parent, or guardian certifying voluntary participation; and acceptance of the terms of the research participant's agreement.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in a steel filing cabinet in a secured building with access limited to Human Factors Laboratory staff.

Retention and disposal: Records maintained during course of study and destroyed three years after completion of the study.

System manager(s) and address: Chief, Human Factors Section, Center for Consumer Product Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and the title of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-6.

System name: Participants in Psychoacoustic Experiments—COMMERCE/NBS-6.

System location: Psychoacoustics Laboratory, Sound Building, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Applicants and participants in psychoacoustic experiments.

Categories of records in the system: Name, age, and sex; hearing history; strip chart recording of hearing sensitivity both before and after participation in the experiment; responses to questions and test related to material learned during the experiment.

Authority for maintenance of the system: 84 Stat. 1590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper questionaires and strip chart recordings in file folders.

Retrievability: Indexed by experiment, date, and then by participant's name.

Safeguards: Maintained in locked metal cabinet, in locked room, accessible only to authorized personnel.

Retention and disposal: Disposed after ten years.

System manager(s) and address: Chief, Sound Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-7.

System name: Employees External Radiation Exposure Records—COMMERCE/NBS-7.

System location: Health Physics Section, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

Categories of records in the system: Name, social security number, date of birth, organizational unit, and amount of radiation received.

Authority for maintenance of the system: 42 U.S.C. 2201 and 68 Stat. 950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical

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Center, employee's family physician, and other appropriate medical authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and film.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Currently, records are retained indefinitely.

System manager(s) and address: Chief, Health Physics Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and U.S. Army.

COMMERCE/NFPCA-1.

System name: Federal Employees with Fire Related Expertise—COMMERCE/NFPCA-1.

System location: National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20037.

Categories of individuals covered by the system: Federal employees with expertise in fire prevention and control and associated fields.

Name, address, agency, area of expertise.

Categories of records in the system:

Authority for maintenance of the system: Section 8(e) and 21(b)(1), and (c) Federal Fire Prevention and Control Act of 1974, P.L. 93-498, 88 Stat. 1535 (15 U.S.C. 2207, 2218).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, information about individuals is provided to federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organizations, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, bound paper directory, and magnetic tape.

Retrievability: By individual's name, expertise, agency, and geographic location.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated biennially and retained indefinitely.

System manager(s) and address: Associate Administrator for Fire Safety and Research, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure: Information may be obtained from: Administrative Officer, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR 4b. Use above address.

Record source categories: Subject individuals.

COMMERCE/NOAA-1.

System name: Applicants for Federal Permits to Take, Buy, or Transport Endangered Species for Specific Purposes—COMMERCE/NOAA-1.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Services at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take, import, export, or transport or sell in interstate or foreign commerce endangered species either for scientific purposes, enhancement of propagation or enhancement of survival, or to minimize undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications, and the activities conducted by the individual(s) authorized by permit.

Authority for maintenance of the system: Endangered Species Act of 1973; 16 U.S.C. 1531-1543 10(a), 10(b), and 11(f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Information from the applications is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, public comments on an application, reviews by NMFS offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-2.

System name: Applicants for Hardship Exemptions under Marine Mammal Protection Act of 1972—COMMERCE/NOAA-2.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaksa 99801.

Categories of individuals covered by the system: Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications of the individual; and the activities conducted by an individual as authorized by exemption, economic, and financial information indicating the degree of anticipated economic hardship.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and regulations (50 CFR 216.31) promulgated under section 112 of the Act, and in accordance with section 101(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under exemption authority and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-3.

System name: Applicants for Marine Mammal Scientific Research and Display Permits—COMMERCE/NOAA-3.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take or import marine mammals for the purposes of scientific research and public display.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; and the activities conducted by an individual as authorized by permit.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and is specifically solicited in accordance with regulations (50 C.F.R. 216.31) promulgated as authorized by section 112 of the Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the applications is published in the Federal Register and available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews by NMFS offices and the U.S. Marine Mammal Commission, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-4.

System name: Applicants for the NOAA Corps—COMMERCE/NOAA-4.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Applicants for appointment in the NOAA Corps.

Categories of records in the system: Name, social security number, letters of reference, physical examiniations, college transcripts, statements of prior military sevice, recruiting officer's appraisal, personal resumes, and similar data necessary to be considered for a commission in the NOAA Corps.

Authority for maintenance of the system: 33 U.S.C. 853i; 853j; 853j-1; 853t; 854; 854a-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also to respond to the applicant, Members of Congress, or others with a valid interest who may inquire as to the status of the application or who may request reconsideration of a rejected application.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured room. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Destroyed after approximately six months if rejected, unless applicant indicates a desire for reconsideration.

System manager(s) and address: Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

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Record source categories: Subject individuals, personal references, the NOAA Corps officer who recruited the individual, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-5.

System name: Applicants for Threatened Species Permits—COMMERCE/NOAA-5 (Note: A system now being established to be in operation by late September 1975).

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to engage in activities involving threatened species which are otherwise prohibited by protective regulations. Protective regulations for threatened species may allow exceptions by permit to prohibited acts.

Categories of records in the system: Name and address; profession or business affiliation; educational and professional background; other qualifications; and the activities conducted by the individual(s) as authorized by permit.

Authority for maintenance of the system: The Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-6.

System name: Commissioned Officers Official Travel Orders Folders—COMMERCE/NOAA-6.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps (active, retired, and deceased) and former officers separated within previous six months.

Categories of records in the system: Name, grade, social security number, estimated travel cost, dates of transfer, assignment locations, and type of duty.

Authority for maintenance of the system: 37 U.S.C.; 33 U.S.C. 857-5, 857a, 855.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also the record is sent to the organization to which officer is assigned such as branches of the U.S. Military Service, branches of foreign military services, World Weather Organization, etc., to authorize travel and travel allowances and to effect assignments and assignment changes for commissioned officers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in a locked space. Access only on the authority of the Director, NOAA Corps, or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Retained as separate file on all active duty officers. Incorporated into the Official Personnel File of retired and deceased officers and retained. Incorporated into the Official Personnel File of separated officers and after six months transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, social security number, date of birth, and dates of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual's Official Personnel Record and from the approved recommendations of the Officer Assignment Board.

COMMERCE/NOAA-7.

System name: Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-7.

System location: Office of the Director, NOAA Corps (NC), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned Officers of the NOAA Corps (active, retired, and deceased) and former commissioned officers separated within previous six months.

Categories of records in the system: Name, social security number; selective service number; promotion history; history of assignments; performance evaluations; date of birth; education; prior employment history; prior uniformed service; pay and allowance data; relatives; references; commendations; discipline; insurance; medical evaluations; and similar personal information.

Authority for maintenance of the system: 33 U.S.C. 853a-1, 854a-a-2, 855, 856, 857, 857-1-5, 857a, 858, 864, 865, 872, 873, 874, 875, 876; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Users are Selective Service System, Veterans Administration, Federal Housing Administration, Social Security Administration, Public Health Service, Department of Defense elements, Taxing authorities (Federal, State and local), unemployment compensation authorities, and the organization to which officer is assigned such as branches of U.S. Military Service, branches of foreign military services, World Weather Organizations, etc. Selected information is disseminated to determine eligibility for retention, promotion, retirement, separation, and other personnel actions; physical fitness; entitlement to pay and various allowances; report taxes withheld; entitlement to social security benefits, veterans benefits, unemployment compensation, waivers for repayment of student loans, death benefits, survivor benefits, and FHA in-service loans; assignments; and selective service status.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured area. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Records retained indefinitely on active, retired, and deceased officers; discharged officer's records are retained for approximately 6 months, then transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, official correspondence and forms generated by routine personnel actions, previous employers, prior military service, Selective Service System, Federal Housing Administration, Social Security Administration, and similar sources.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f))of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine employee's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-8.

System name: Commissioned Officers Retired Payroll—COMMERCE/NOAA-8.

System location: Office of the Director, NOAA Corps, NOAA, Rockville, Md. 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps who are entitled to retired pay, and the survivors of deceased active duty and retired officers who are entitled to a survivor's annuity.

Categories of records in the system: Name; social security number; amount of gross retired pay or survival annuity; amount of federal income tax withheld; amount of VA reduction; amount of survivor benefit cost deducted; miscellaneous deductions; and net retired pay or annuity.

Authority for maintenance of the system: 33 U.S.C. 853a-h; 853j-l-t; 854a-2; 856; 857-2; 857-5; 872; 873. Authorities for Payroll Records: 5 U.S.C. 301; 552; Chap. 55; 31 U.S.C. 550; 628; 31 U.S.C. 52; 15 U.S.C. 1511; 37 U.S.C. 201 (Pay for Commissioned Officers); 5 App. Reorg. Plan No. 4 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual, flat-paper computer print-out.

Retrievability: Filed by month and year.

Safeguards: Records are maintained in a secured area. Access only by authority of the Director, NOAA Corps or the Chief, Program Planning, Liaison and Training Division.

Retention and disposal: Retained 3 years and then destroyed.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, grade, social security number and branch of service pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Information is a print-out from the computerized retired pay system maintained by the Commanding Officer, U.S. Navy Finance Center, 240 East Ninth Street, Cleveland, Ohio 44199, who maintains, under contract, the pay accounts of retired NOAA Corps officers and their annuitants.

COMMERCE/NOAA-10.

System name: Employee Production Records—COMMERCE/NOAA-10.

System location: Microfilming Unit, Technical Services Branch, National Climatic Center, NOAA, Federal Building, Asheville, N.C. 28801.

Categories of individuals covered by the system: Certain NOAA employees at the system location.

Categories of records in the system: Employee output in workload units; number of records filmed each work day by each employee.

Authority for maintenance of the system: 5 U.S.C. 301; 33 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are kept in offices locked during nonworking hours.

Retention and disposal: Records are retained until superseded by current data and then destroyed.

System manager(s) and address: Director, National Climatic Center, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, place of employment (name and location of office, division, branch, and section), dates employed, and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Compiled from organization work sheets and from logs posted by employees.

COMMERCE/NOAA-11.

System name: Fisheries Law Enforcement Case Files—COMMERCE/NOAA-11.

System location: Law Enforcement Division, NMFS, 3300 Whitehaven Street, NW., National Oceanic and Atmospheric Ad-

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ministration, U.S. Department of Commerce, Washington, D.C. 20235.

Categories of individuals covered by the system: Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

Categories of records in the system: 1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above.

Authority for maintenance of the system: Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and, relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement. Also, information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

Safeguards: Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets.

Retention and disposal: All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62-10, et seq.

System manager(s) and address: Chief, Law Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Page Building 2, Suite 426, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-12.

System name: Marine Recreational Fishermen's Catch Statistics—COMMERCE/NOAA-12.

System location: Statistics & Market News Division, NMFS, NOAA, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Categories of individuals covered by the system: Marine recreational fishermen.

Categories of records in the system: Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

Authority for maintenance of the system: Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch cards, mag-tape, and disc files.

Retrievability: Filed alphabetically by name.

Safeguards: Personnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of in-house ADP procedures by a skilled computer programer.

Retention and disposal: Records are permanently maintained.

System manager(s) and address: Chief, Statistics and Market News Division (F23), see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual recreational fishermen.

COMMERCE/NOAA-13.

System name: Guest Workers at National Geophysical and Solar-Terrestrial Data Center—COMMERCE/NOAA-13.

System location: National Geophysical and Solar-Terrestrial Data Center, EDS/NOAA, RB3, Room A123, Boulder, Colorado 80302.

Categories of individuals covered by the system: People that are visiting NGSDC as Guest Workers to use the data files.

Categories of records in the system: Name; address; length of visit; type of work they are doing; and education.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in metal file cabinets which are locked after hours. Access is limited to those whose official duties require access.

Retention and disposal: Records are retained for 3 years.

System manager(s) and address: Administrative Officer, NGSDC, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-14.

System name: Individuals Engaged in Weather Modification Activities—COMMERCE/NOAA-14.

System location: EM5 Office of Weather Modification, NOAA, U.S. Department of Commerce, 6010 Executive Blvd., Rockville, Md. 20852.

Categories of individuals covered by the system: Individuals and associations involved in weather modification operations.

Categories of records in the system: Individual's name and address; type of weather modification activity; location and duration of project; and equipment used.

Authority for maintenance of the system: P.L. 92-205; 15 CFR Part 908.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also information is made available to anyone who so requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folder.

Retrievability: Filed sequentially by chronology.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Office of the Director, Office of Weather Modification, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide--name, address, date(s) of project etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual or association involved and those authorized by the foregoing to furnish information.

COMMERCE/NOAA-16.

System name: Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)—COMMERCE/NOAA-16.

System location: NOAA, EM6 Office of World Weather Programs, 6010 Executive Blvd., Rockville, Maryland 20852.

Categories of individuals covered by the system: Research meteorologists and ocean scientists participating in the Global Atmospheric Research Program Atlantic Tropical Experiment (GATE).

Categories of records in the system: Names of individual scientists; their research institutions and research programs; and their addresses.

Authority for maintenance of the system: Ministerial requirement necessitated by NOAA's appointment, as lead agency for the U.S. participation in "GATE"; Presidential memorandum dated July 5, 1968 to DOC; 5 U.S.C. 301; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Data is also used to summarize and evaluate the U.S. GATE Research Program for the World Meteorological Organization incorporation into the International summary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name of principal scientist.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secure premises with access limited to those whose official duties require access.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address: Director, GATE Project Office, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide--name and address etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-17.

System name: NOAA Diving Program File—COMMERCE/NOAA-17.

System location: Office of NOAA Diving Coordinator, 11400 Rockville Pike, Rockville, Maryland 20852.

Categories of individuals covered by the system: NOAA employees who are NOAA Certified Divers.

Categories of records in the system: Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by surname.

Safeguards: Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Five years after termination of diver.

System manager(s) and address: NOAA Diving Coordinator, 11400 Rockville Pike, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville Maryland 20852. Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

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Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

COMMERCE/NOAA-18.

System name: NOAA Mailing Lists—COMMERCE/NOAA-18.

System location: Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications
Main Commerce Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230
Headquarters:
Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852
Chief, Finance Division
North Bethesda Office Center
11420 Rockville Pike
Rockville, Maryland 20852
National Marine Fisheries Service:
Director, National Marine Fisheries Service
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Director, Northwest Region
National Marine Fisheries Service, NOAA
1700 Westlake Avenue North
Seattle, Washington, 98109
Director, Southeast Region
National Marine Fisheries Service, NOAA
9450 Gandy Boulevard North
Duval Building
St. Petersburg, Florida 33702
Director, Northeast Region
National Marine Fisheries Service, NOAA
14 Elm Street
Federal Building
Gloucester, Massachusetts 01930
Director, Southwest Region
National Marine Fisheries Service, NOAA
300 South Ferry Street
Terminal Island, California 90731
Director, Alaska Region
National Marine Fisheries Service, NOAA
P.O. Box 1668
Juneau, Alaska 99802
Chief, Statistics and Market News Division
National Marine Fisheries Service, NOAA
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Scientific Publications
National Marine Fisheries Service, NOAA
1107 Northeast 45th Street
Seattle, Washington 98105
Director, Northeast Fisheries Service, NOAA
Woods Hole, Massachusetts 02543
Director, Southwest Fisheries Service, NOAA
P.O. Box 271
Lajolla, California 92038
Director, Southeast Utilization Research Center, NOAA
Regents Drive
College Park, Maryland 20740
Director, Southeast Fisheries Center, NOAA
75 Virginia Beach Drive
Miami, Florida 33149
Director, Atlantic Estuarine Fisheries Center, NOAA
P.O. Box 570
Beaufort, North Carolina 28516
National Ocean Survey:
Director, National Ocean Survey
6001 Executive Boulevard
Rockville, Maryland 20852
Chief, Distribution Division, NOAA
Riverdale Building
6501 Lafayette Avenue
Riverdale, Maryland 20840
Environmental Data Service:
Director, Environmental Data Service
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Director, National Climatic Center
Environmental Data Service, NOAA
Federal Building
Ashville, North Carolina 28801
Director, National Geophysical and Solar Terrestrial Center
Research Building 3, NOAA
3100 Marine Street
Boulder, Colorado 80302

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

Categories of individuals covered by the system: Recipients of NOAA publications and/or other publicly available programmatic information.

Categories of records in the system: All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

System manager(s) and address: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual.

COMMERCE/NTIS-1.

System name: Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files—COMMERCE/NTIS-1.

System location: Automated Data Processing Division & Document Distribution and Reproduction Division, Rooms 1312 and 2027, Sills Building, NTIS, Springfield, Va. 22161.

Categories of individuals covered by the system: All individuals who order and/or purchase products and services from NTIS and all individuals who have requested that they be placed on the NTIS promotional mailing list.

Categories of records in the system: Name; address; items ordered; items sent; amount of purchases, date order received; date order mailed; NTIS deposit account or customer code number; total charge to date; whether account collectible or not; categories of publications ordered by each purchaser; when subscription expires; amount on deposit.

Authority for maintenance of the system: 15 U.S.C. 1151-57; 41 U.S.C. 104, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records maintained in the system are disclosed to NTIS sales agents; and to individuals, organizations, Federal agencies, and State and local governments contributing publications to NTIS for their market research and sales accounting purposes, through the mechanism of providing them the names and addresses of individuals (and others) who have purchased their publications. Also see general routine uses 01 through 6, 08 through 10, and 012 of Prefatory Statement noticed in the Federal Register on October 2, 1975, (40 FR 45635), and amended on Nov.7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, film files, magnetic tape and disc files.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated regularly and maintained indefinitely.

System manager(s) and address: Chief, Automated Data Processing Division, NTIS, Room 2030, Sills Building, Springfield, Va. 22161.

Notification procedure: Information may be obtained from: Assistant Director, Administration, NTIS, Sills Building, Springfield, Virginia 22161. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and NTIS transaction files.

COMMERCE/NTIS-2.

System name: Employee Daily Time and Productivity Records—COMMERCE/NTIS-2.

System location: Accounting Control Division, NTIS, Room 1303, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: Current and former NTIS employees.

Categories of records in the system: Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 15 U.S.C. 1151-57, 1525-27; 31 U.S.C. 66a; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of Prefatory Statement noticed in the Federal Register on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name and/or employee social security number.

Safeguards: Records are located in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. During non-business hours the file cabinets are locked.

Retention and disposal: Retained until after GAO audit, or not longer than 3 years. Transferred to GSA for disposal.

System manager(s) and address: Chief, Accounting Control Division, NTIS, Room 1303, Sills Building, Springfield, Virginia 22161.

Notification procedure: Information may be obtained from Assistant Director, Administration, NTIS, Room 1006, Sills Building, Springfield, Virginia 22161. Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; NTIS timekeepers, supervisors and managers.

COMMERCE/PAT-TM-1.

System name: Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT-TM-1.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202, and Office of Computer Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents who are registered to practice before the Patent and Trademark Office in patent cases, and applicants for such registration to practice.

Categories of records in the system: Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Prefatory Statement paragraphs on Routine Uses. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape.

Retrievability: Filed alphabetically by name or registration number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

Record source categories: Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2.

System name: Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT-TM-2.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

Categories of records in the system: Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

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Authority for maintenance of the system: 35 U.S.C. 1, 6, and 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, dissemination of information concerning the complaint, investigations, or disciplinary proceeding, by the Solicitor's staff, to the complainant and, upon inquiry, to State bars and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3.

System name: Employee Production Records—COMMERCE/PAT-TM-3.

System location: Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Employees of the Patent and Trademark Office.

Categories of records in the system: Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 5 U.S.C. 301 and 35 U.S.C. 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, and microfilm.

Retrievability: Filed by organization; cross referenced for access by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Supervisory Information Systems Analyst, Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-4.

System name: Government Employee Invention Rights—COMMERCE/PAT-TM-4.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 32202.

Categories of individuals covered by the system: Government employees who are inventors or nongovernment employees who are joint inventors together with a government employee inventor.

Categories of records in the system: Invention rights questionnaires including information as to the inventor's employment status and his official duties and responsibilities at the time the invention was made, title determinations, appeals to the Commissioner, and petitions for reconsideration.

Authority for maintenance of the system: 35 U.S.C. 1 and 6, and E.O. 10096, dated January 23, 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See paragraphs on routine uses in the Prefatory Statement to these notices. Also, information is transferred to various Government departments and agencies in connection with determinations made as to respective property rights (or the methods of protection thereof) of Government employees and such departments and agencies in and to inventions made by such employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name and case number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Head, Office of Government Employee Inventions, Office of the Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 21230. Requester should provide name (and case number, if known) pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and their employees, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Government Employee Invention Rights records which relate to applications or inventions subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which are published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-5.

System name: Non-Registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT-TM-5.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Persons other than registered attorneys or agents who have offered or rendered,

for payment, various services to inventors, patent applicants and patentees.

Categories of records in the system: Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information given and used for investigatory and law enforcement purposes.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 33; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Providing notice to patent applicants, by Solicitor's staff, regarding whether or not the persons from whom assistance was received are registered to practice before the Office. Used by Solicitor's Staff for investigative purposes. Also, see paragraphs on routine uses in Prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and name of patent applicants, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e), (1), (e)(4)(G), (H), and (I), and (f)), of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/PAT-TM-6.

System name: Parties Involved in Patent Interference Proceedings—COMMERCE/PAT-TM-6.

System location: Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

Categories of records in the system: All records relating to the declaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony, and settlement agreements. The data contained in the records may include information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception and reduction to practice of the contested subject matter, and other matters which may arise during the conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

Authority for maintenance of the system: 35 U.S.C. 1, 6, 23, 24, and 135.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements are made available to the Federal Trade Commission, the Department of Justice, and other Government agencies on written request and a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by Interference Number, cross-indexed to the names of the parties.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Board of Patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnesses and other parties involved in the taking of testimony.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-7.

System name: Patent Application Files—COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

System location: a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; b. Abandoned Files Unit, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202, and Office of Organization and Management Systems, ADP Operations Division, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors

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who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner, e.g., secrecy order files under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

All three subsystems are also subject to the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape and disc for subsystem c.

Retrievability: Subsystems a. and b. filed by serial number; Subsystem c. filed by Patent Number.

Safeguards: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Records on magnetic tape are located in premises secured by combination and key lock.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. section 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (f)). procedures. This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-8.

System name: Patent Application Secrecy Order Files—COMMERCE/PAT-TM-8.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C., 1, 6, and 181 through 183.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to authorized Government agencies under 35 U.S.C., section 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by serial number of applicant, cross-indexed to name of applicant.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, plus storage in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicants or their representatives and authorized representatives of the Energy Research and Development Administration, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. section 181 or to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-9.

System name: Patent Assignment Records—COMMERCE/PAT-TM-9.

System location: Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202 and Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, same address.

Categories of individuals covered by the system: Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

Categories of records in the system: Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 261, and E.O. 9424.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See the routine use paragraphs of the Prefatory Statement. Also, records are searched by all users for the purpose of determining ownership or other property rights with respect to patents and patent applications. Providing certified abstracts of title and copies of instruments. On the separate Government Register, those records categorized as "Public" are available for public inspections; those records

categorized as "Departmental" are used by duly authorized employees of Government agencies only; and those records designated as "secret" are disclosed only to persons having written authority from the head of the agency submitting the record. With the exception of assignment records relating to pending or abandoned patent applications, all non-Government Register records are open to public inspection. Information concerning assignment records relating to pending or abandoned patent applications is maintained in confidence in accordance with 5 U.S.C. 122 but is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, microfilm reels, and index card files.

Retrievability: Filed by name, application serial number, patent number.

Safeguards: Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name, and Application Serial Number or Patent Number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Persons who have submitted written instruments to the Patent and Trademark Office for recording.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), assignment records which are designated "Secret" and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10.

System name: Patent Deposit Accounts System—COMMERCE/PAT-TM-10.

System location: Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Computer Services, same address.

Categories of individuals covered by the system: Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

Categories of records in the system: Name, address, account number, and financial transactions with the Office.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm, magnetic tape.

Retrievability: Filed by name, account number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office, of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-11.

System name: Patent Examiner Testimony Files—COMMERCE/PAT-TM-11.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Employees and former employees who have testified in person or through deposition in court actions in regard to duties performed while employed by the Patent and Trademark Office, or who have been interviewed to determine whether such testimony will be taken.

Categories of records in the system: Name, address, employment status, education, work experience, and other matters which might be raised in the course of a deposition or other testimony.

Authority for maintenance of the system: 35 U.S.C. 1 and 6; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington D.C. 20231

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and date(s) of testimony or interview, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-12.

System name: Patent Subscription Service System—COMMERCE/PAT-TM-12.

System location: U.S. Patent and Trademark Office, Office of Patent and Trademark Services, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Individuals subscribing to copies of patents, trademarks, designs, defensive publications, and related publications issued in certain classes or subclasses.

Categories of records in the system: Name of subscriber, Deposit Account Number, address, classes or subclasses subscribed to,

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total number of subclasses subscribed to; and initial payment per year. Weekly listings of patent, trademark, design, defensive publication, and related publication numbers for each subscription order.

Authority for maintenance of the system: 35 U.S.C. 41; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape and computer print out.

Retrievability: By subscriber's name and account number.

Safeguards: Maintained in areas accessible only to authorized personnel in building protected by security guards nonbusiness hours.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Office of Patent and Trademark Services U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Deposit Account Number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-13.

System name: Petitioners for License to File for Foreign Patents—COMMERCE/PAT-TM-13.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Petitioners for license to file a patent application in any foreign country.

Categories of records in the system: Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant including application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 184.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and serial number or P number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals or their duly appointed representatives. /*

[FR Doc.76-25837 Filed 8-30-76;4:31 pm]

federal register

MONDAY, SEPTEMBER 13, 1976



PART VIII:

DEPARTMENT OF COMMERCE

Economic Development Administration

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Correction and Clarification

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Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 316—LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Clarifications and Corrections

Pursuant to the authority vested in it by section 107 of Title I of the Public Works Employment Act of 1976, (42 U.S.C. 6701 et seq.), the Economic Development Administration hereby amends 13 CFR Part 316 for the purpose of clarifying and correcting existing regulations.

Section 316.2 is amended by adding quotation marks to the phrase *General purpose unit of local government in the list of defined terms*. This correction makes the format of the definitions uniform.

Section 316.2 is also amended by adding a definition for the phrase "renovation, repair, or other improvements."

Section 316.4 is amended by revising subsection (b) to clarify the source and type of certification necessary for projects receiving direct grants under the Local Public Works Capital Development and Investment Program.

Sections 316.4(c) is amended to provide that the Federal share of any project for which a grant is made under this section shall be 100 percent of the cost of the project exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

Section 316.5(a) is likewise amended to provide that a grant under this section shall be in such amount as may be necessary to make the Federal share of the project 100 percent exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

The purpose of these two amendments is to make clear that a project for which an applicant has partial funding available is eligible under this program for 100 percent of the additional funding required. EDA believes that Congress did not intend to exclude such projects from consideration by prohibiting the Federal share from being less than 100 percent of total project costs under Section 103 or 104 where partial financing is already available and committed for a project. Rather, EDA interprets Congressional intent in these sections to be that no applicant be required to provide any matching funds but that where State or local funds are already available, such funds can and should be used in financing the project.

Section 316.10(a)(2)(i)(C) is amended to change the third factor in the project selection formula to the relationship of labor cost to total project cost and delete the cost per person-month of employment factor. This new factor is limited and necessary to help EDA maintain a reasonable balance between new construction and renovation/rehabilitation activities, both of which are provided for in the Act.

Section 316.10(a)(2)(i)(D) is amended to clarify the meaning of project area as used in the fourth factor of the project selection formula. Project area is now defined as the applicant's jurisdiction.

Section 316.10(b) is amended by adding a new paragraph (10). It authorizes the rejection of applications which contain inaccurate information. This provision is necessary to allow the agency to evaluate applications within the 60-day statutory time limit.

Section 316.10(e) is amended by changing its language to more accurately express the types of project costs which are ineligible for funding under the Program.

Section 316.10 is amended by adding a new paragraph (i) to provide that projects which have ratios of labor costs to total project costs in excess of 80 percent and less than 10 percent will be rejected and denied. This provision is necessary to facilitate the undertaking of new construction projects.

Because the material contained herein relates to a grant program administered by the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking opportunity for public participation and delay in effective date are inapplicable.

However, in accordance with the spirit of public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding these amendments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20203, within thirty days from the date of publication. All suggestions will be considered in revising or amending these regulations. Until such time as further changes are made, however, the amended regulations shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether matters set forth in these amendments constitute a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR Part 316 is hereby amended:

§ 316.2 [Amended]

1. Section 316.2 is corrected by adding quotation marks around the phrase, General purpose unit of local government, so that the definition reads as follows:

"General purpose unit of local government" means any city, county, town, parish, Indian tribe, or any other "unit of general local government" as included within the definition of that term by Section 4201(4) of the Intergovernmental Cooperation Act of 1968. (42 U.S.C. 4201 et seq.)

2. Section 316.2 is amended by adding after the definition of "Public Works" the following new definition:

"Renovation, repair or other improvements" means only those activities which either substantially or appreciably increase the value or prolong the life of a public facility and excludes those activities which keep the public facility in ordinary efficient operating condition during its probable useful life.

§ 316.4 [Amended]

3. Section 316.4 is amended by revising paragraph (b) to read as follows:

(b) Applications under this section will be approved only if the applicant submits with its application, if applicable, and required by EDA, a written certification from the other Federal agency/agencies primarily concerned with projects of the type involved in the application that the project meets all applicable Federal statutory and regulatory requirements to the extent necessary to assure the utilization of the project for the services intended.

4. Section 316.4 is amended by revising subsection (c) to read as follows:

(c) The Federal share of any project for which a grant is made under this section shall be 100 per centum of the cost of the project exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

§ 316.5 [Amended]

5. Section 316.5 is amended by revising paragraph (a) to read as follows:

(a) The Assistant Secretary may make supplemental grants for the purpose of increasing the Federal contribution to 100 percent of the project cost (exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant) for any Federally assisted public works project authorized by any Federal law other than the Local Public Works Act if the applicant submits with its application: • • •.

§ 316.10 [Amended]

6. Section 316.10(a)(2)(i)(C) is amended and revised to read as follows:

(C) The relationship of labor cost to total project cost, defined as the ratio of total wages to total project cost. In formulating project proposals, applicants should bear in mind the intent of the Act to reduce unemployment generally, and to give due consideration to the amount of unemployment and underemployment in the construction and construction-related industries. As previously indicated, projects eligible for funding would include, but are not limited to, such local public works projects as municipal offices, courthouses, libraries, schools, police and fire stations, detention facilities, water and sewer lines, streets and roads, civic centers, museums, health, education and social service facilities, convention centers, and

the upgrading of existing facilities through renovation, repair, and other related improvements. To implement the legislative objective of assisting the construction and construction-related industries: (1) projects having labor costs greater than 35 percent of total project costs, but not more than 80 percent, will receive the maximum score for this factor; and (2) projects having labor costs ranging from 10 to 35 percent of total project costs will be ranked according to their respective percentages, with projects having 35 percent receiving the maximum score for this factor. Finally, it should be emphasized that supplemental assistance provided for under the Act will be considered as part of the total project costs; the latter is defined as funds from all sources, whether Federal, State, or local. The relationship of labor cost to total project cost will constitute 30 percent of a project's basic rank.

7. Section 316.10(a)(2)(i)(D) is revised to read as follows:

(D) The level of income prevailing in the project area (which for purposes of this factor is defined as the applicant's jurisdiction). This factor will constitute 15 percent of a project's basic rank.

8. Section 316.10(b) is amended by adding the following new paragraph (10):

(10) It contains information which in the opinion of the Assistant Secretary is accurate.

9. Section 316.10(e) is amended by substituting the words "or A/E costs" for "and other A/E costs," so that the paragraph reads as follows:

"(e) Project costs for administration, plans, specifications, estimates or other A/E costs, which have been incurred prior to the date of application, will not be funded."

10. Section 316.10 is amended by adding the following new paragraph (i):

"(i) Projects with extremely high ratios of labor costs to total project costs (greater than 80 percent) and projects with extremely low ratios of labor costs to total project costs (less than 10 percent) will be rejected and denied."

AUTHORITY: Title I, Pub. L. 94-369; (July 22, 1976); 42 U.S.C. 6701 et seq.; 90 Stat. 999; and Department of Commerce Organization Order 10-4 (September 30, 1975) as amended 40 FR 56702, as amended at 40 FR 58878 and at 41 FR 37829).

Effective date: This amendment becomes effective on September 13, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

Dated: September 9, 1976.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-26940 Filed 9-10-76;11:24 am]

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(Revised as of July 1, 1976)

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5285. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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Title 3—The President

CORRECTION

EDITORIAL NOTE: This proclamation, published at 41 FR 38487, September 10, 1976, is being reprinted to correct a typographical error in the third paragraph, first line.

PROCLAMATION 4458

Veterans Day, 1976

By the President of the United States of America

A Proclamation

America has entered its third century as a Nation whose citizens still are enriched by the priceless blessings of freedom.

None among us has done more to defend and preserve our freedom than the patriotic men and women who answered our country's call to service and sacrifice, and who today bear the proud title of "veteran."

To provide an occasion for the expression in words of tribute and through appropriate ceremonies our esteem for and gratitude to these courageous, unselfish Americans, the Congress determined (5 U.S.C. 6103(a)) that one day shall be set aside each year, as a national holiday, to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that you, my fellow Americans, participate in the observance of Monday, October 25, 1976, as Veterans Day. I deem it most appropriate that in public ceremonies as well as in private thoughts and prayers we gratefully acknowledge the magnificent contribution of our veterans to an America that today remains free and, with the help of God, at peace.

Veterans Day, 1976, can be made especially meaningful for our veterans who are patients in Veterans Administration hospitals by a visit from their relatives, friends and other Americans. Such a visit, however brief, will tell them as no words can that they have not been forgotten.

I ask that Federal, State and local government officials arrange for the display of the flag of the United States on this day, and I ask those government officials to support fully and personally the observance of Veterans Day. Finally, I urge schools, churches, unions, and civic, patriotic and veterans' organizations to participate in appropriate public ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-26772 Filed 9-9-76;11:30 am]

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PROCLAMATION 4459

National Hispanic Heritage Week, 1976

By the President of the United States of America

A Proclamation

The America whose Bicentennial we celebrate this year was created and made great by the efforts of people who came to the shores of the new world in search of a future in which their opportunity would be determined by their own industry and desire to make better lives for themselves and their children. At the same time, they brought to this continent their own cultural heritage and, in so doing, contributed immeasurably to the formulation of the American spirit and character.

America's Hispanic heritage was strong even before we achieved our independence. Men and women of Hispanic origin fought in the Revolutionary War and in subsequent conflicts. They have enriched our culture, arts and scholarship. They have used their talents to help America build a society based on ideals of freedom and equality.

This year is also the sesquicentennial of the Inter-American System, begun 150 years ago with the Congress of Panama. America's Hispanic heritage strengthens the ties of friendship and interdependence that bind the nations of the hemisphere. In celebrating it, we celebrate our mutual commitment to peace and amity.

In recognition of the invaluable contributions to our society of men and women of Hispanic origin, the Congress, by joint resolution approved September 17, 1968 (36 U.S.C. 169f) has requested the President to issue annually a proclamation designating the week including September 15 and 16 as National Hispanic Heritage Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning September 12, 1976, as National Hispanic Heritage Week. I call upon the people of the United States, especially the educational community, to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-27008 Filed 9-10-76;3:15 pm]

EDITORIAL NOTE: For the President's remarks, dated Sept. 10, 1976, on signing Proclamation 4459, see the Weekly Compilation of Presidential Documents (vol. 12, p. 1326).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Confidential Assistant (Secretary) to the Director, Office of Communications and Public Affairs, is excepted under Schedule C.

Effective September 14, 1976, § 213.3388(c)(4) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(c) *Office of Communications and Public Affairs.* * * *

(4) One Confidential Assistant (Secretary) to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26753 Filed 9-13-76;8:45 am]

PART 711—LABOR-MANAGEMENT RELATIONS

Authority Delegation: Vice Chairman or Commissioner

Section 711.103(a) is amended to include reference to §§ 205.11 and 205.12 of the Regulations of the Assistant Secretary of Labor for Labor-Management Relations appearing in Chapter II of Title 29, Code of Federal Regulations, to recognize in the Vice Chairman or the Commissioner, as appropriate, authority to decide questions of whether a grievance is subject to a negotiated grievance procedure, or subject to arbitration under an agreement as provided in section 13(d) of Executive Order 11491, as amended. Section 711.103(a) is further amended to make appropriate reference to actions and decisions of the Assistant Secretary under Chapter II of Title 29, Code of Federal Regulations.

Section 711.103(a) is amended as set forth below:

§ 711.103 Operating responsibilities.

(a) The Vice Chairman or the Commissioner, as appropriate, is responsible for taking the actions and making the decisions of the Assistant Secretary which are referred to in §§ 202.16, 202.20, 203.26, 203.27, 204.91, 204.92, 204.93, 205.11, and 205.12.

* * * * *

(Sec. 6(e), E.O. 11491; 3 CFR, 1969 Comp., p. 191)

Effective date: September 14, 1976.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-26752 Filed 9-13-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Bartlett Pear Regulation 11, Amendment 2]

PART 931—HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Grade, Size and Container Requirements

This amendment of Bartlett Pear Regulation 11 (§ 931.311; 41 F.R. 30094, 36795) is issued pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931). Said regulation became effective on August 1, 1976, and this amendment extends the regulation through June 30, 1977. Unless extended, the regulation would expire on September 16, 1976. The regulation specifies grade, size, and container requirements for fresh shipments of Washington-Oregon Bartlett pears.

Notice was published in the August 5, 1976, issue of the FEDERAL REGISTER (41 FR 32757) that consideration was being given to a proposal by the Northwest Fresh Bartlett Pear Marketing Committee, established under the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided that all written data, views, or arguments in connection with the proposal be submitted not later than August 30, 1976. None were received. However, Amendment 1 to Bartlett Pear Regulation 11 (41 FR 36795) became effective August 27, 1976. This amendment, based on a recommendation submitted by the committee on August 23, 1976, lowered quality requirements applicable to fresh shipments of Bartlett pears produced in the Medford District in Oregon by permitting the handling of such pears which fail to meet the U.S. No. 2 grade requirements on account of hail marks.

Amendment 2 to Bartlett Pear Regulation 11, as hereinafter set forth, will continue to provide that (1) Bartlett pears grade at least U.S. No. 1 and be not smaller than 165 size except such pears of the 150 size or larger must be at least U.S. No. 2 grade, (2) Red Bartlett pears grade at least U.S. No. 1 and be not smaller than 180 size except such pears of the 165 size or larger must be at least U.S. No. 2 grade, (3) pears in specified containers grade at least U.S. No. 2 and be not smaller than 2¼ inches or 2⅛ inches in diameter as specified for the particular container, (4) pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half, and (5) Bartlett pears be packed in specified containers.

This action reflects the Department's appraisal of the crop and the need for regulation based on current and prospective market conditions. Committee reports indicate that fresh shipments of Washington-Oregon Bartlett pears from the 1976 crop will total about 56,684 tons compared to 68,200 tons in 1975 and 49,300 tons in 1974. The regulation, as hereinafter set forth, is necessary to prevent the handling during the aforesaid period of lower quality and smaller size Bartlett pears so as to provide good quality fruit in the interest of producers and consumers consistent with the objectives of the act. Some damage was done by hailstorms in the Medford District and the regulation provides appropriate requirements applicable to pears produced in such district.

After consideration of all relevant material presented, including the proposal set forth in the aforesaid notice, the recommendations submitted on July 9 and August 23, 1976 by the Northwest Fresh Bartlett Pear Marketing Committee, established under said marketing agreement and order, and other available information, it is hereby found that regulation of Oregon-Washington Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Oregon-Washington Bartlett pears are currently in progress

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and the regulation should continue to be applicable to all such shipments in order to effectuate the declared policy of the act; (2) except for less restrictive grade requirements applicable to the handling of pears produced in the Medford District in Oregon, the provisions of the amendment are identical to those specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 931.311 (Bartlett Pear Regulation 11; 41 FR 30094, 36795) is amended to read as follows:

§ 931.311 Bartlett Pear Regulation 11.

(a) During the period of August 1, 1976, through June 30, 1977, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements or are handled in accordance with paragraph (a) (4) or (5) of this paragraph:

(1) *Minimum grade and size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1: *Provided,* That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided,* That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the the pear is such that it will cut at least one good half;

(ii) Bartlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half; and

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2⅛ inches in diameter: *Provided,* That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half.

(2) *Pack or container requirements.* Bartlett pears of any variety shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug" or their carton equivalents;

(ii) "Western lug" or containers having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds net weight;

(v) "Tight-filled" containers; or

(vi) Master containers containing overwrapped consumer packages.

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to, but not in excess of, an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provisions of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55.

(5) Notwithstanding any other provisions of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55:

(i) The shipment consists of pears sold for home use not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds net weight of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods; the term "master container" shall mean those containers containing overwrapped consumer packages of pears; and the term "very serious damage shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1976, to become effective September 16, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-26814 Filed 9-13-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 443.1]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart A—Farm Ownership Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1821.11 of Subpart A of Part 1821, Title 7, Chapter XVIII, Code of Federal Regulations (38 FR 27055) is amended in the last sentence of paragraph (m) (2) to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, the last sentence of § 1821.11(m)(2) reads as follows:

§ 1821.11 Special requirements.

• • • • • •

(m) • • •

• • • • • •

(2) • • • In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Subpart G of Part 1901 of this Chapter to the extent applicable to loans being made under this Subpart.

• • • • • •

(7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26820 Filed 9-13-76;8:45 am]

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1822.88(n) of Subpart D of Part 1822, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 4278) is amended to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, § 1822.88(n) reads as follows:

§ 1822.88 Special conditions.

• • • • • •

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Subpart G of Part 1901 of this Chapter will be applicable.

• • • • • •

(42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This document shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26817 Filed 9-13-76;8:45 am]

[FmHA Instruction 442.12]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart O—Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

AMENDMENT

Section 1823.456 of Subpart O of Part 1823, Title 7, Chapter XVIII, Code of Federal Regulations (38 FR 29037) is amended to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, § 1823.456 reads as follows:

§ 1823.456 Environmental impact statement.

The need for an environmental impact statement will be determined by FmHA in accordance with Subpart G of Part 1901 of this chapter. Applicants will furnish any information required by FmHA to comply with environmental requirements.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26819 Filed 9-13-76;8:45 am]

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1832.27 of Subpart A of Part 1832, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 42321) is amended in the last sentence of paragraph (b) to change the cross-reference from "Part 1824 • • •" to "Subpart G of Part 1901." As amended, the last sentence of § 1832.27(b) reads as follows:

§ 1832.27 Environmental impact requirements.

• • • • • •

(b) • • • In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Subpart G of Part 1901 of this chapter to the extent applicable to loans being made under this Regulation.

• • • • • •

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26818 Filed 9-13-76;8:45 am]

[FmHA Instruction 449.1]

PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

Environmental Impact Requirements

AMENDMENT

Section 1845.19 of Part 1845, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 30623) is amended. The last sentence in paragraphs (b), and (b) (2) of this section are amended to change the cross-reference "Part 1824 • • •" to "Subpart G of Part 1901." As amended, the last sentence in § 1845.19 (b), and (b) (2) reads as follows:

§ 1845.19 Environmental impact requirements.

• • • • • •

(b) • • • That determination will be made and required actions taken in accordance with Subpart G of Part 1901 of this Chapter.

• • • • • •

(2) If the State Director or his designee determines that an environmental impact statement is required, the actions provided for in said Subpart G of Part 1901 of this Chapter will be taken.

• • • • • •

(Sec. 10 Pub. L. 93-357, 88 Stat 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26822 Filed 9-13-76;8:45 am]

PART 1980—GUARANTEED LOAN PROGRAM

Subpart E—Business and Industrial Loan Programs

AMENDMENT

Section 1980.432 of Subpart E of Part 1980, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 57643) is amended. The last sentence of this section is amended to change the cross-reference "Part 1824" to "Subpart G of Part 1901." As amended, the last sentence of § 1980.432 reads as follows:

§ 1980.432 Environmental impact assessments and statements.

• • • In all cases FmHA is responsible for assuring that the requirement of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), and Title 7 CFR Subpart G of Part 1901 of this Chapter are met.

• • • • • •

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment is effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26821 Filed 9-13-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

● *Purpose.* The purpose of this amendment is to release Gloucester, Atlantic, Cape May, and Cumberland Counties in New Jersey from the areas quarantined because of hog cholera. ●

This amendment excludes Gloucester, Atlantic, Cape May and Cumberland Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No

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areas in New Jersey remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (e)(2) relating to the State of New Jersey is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 8, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-26882 Filed 9-13-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release SAB–11]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

PUBLICATION OF STAFF ACCOUNTING BULLETIN NO. 11

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 11. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

Staff Accounting Bulletin No. 11 provides interpretations of Accounting Series Release No. 190 [41 FR 13596]. This release (the adoption of Rule 3–17[1] of Regulation S–X [17 CFR 210.3–17]) requires the disclosure of replacement cost data by certain registrants effective for years ending on or after December 25, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

CHANGES TO STAFF ACCOUNTING BULLETIN NO. 7

In SAB No. 7 [41 FR 13600] (which also interpreted ASR No. 190) the following was stated regarding limited use assets:

5. LIMITED USE ASSETS

Facts:

Many assets may relate only to a one-time project such as a construction contract for a contractor or a research and development project for a company in a high-technology industry. Other assets may be so unique that their replacement cost is not relevant (e.g., art objects, highly successful motion pictures, etc.)

Question:

Is replacement cost data on such assets required?

Interpretive Response:

There is no one answer that will cover all situations; each is dependent upon the circumstances. For example, if a building contractor engages in a number of similar projects and transfers personnel and equipment from one project to the next, replacement cost concepts appear appropriate. However, if equipment is assembled to complete a single project and it appears that management will dispose of the equipment upon completion because it will have no further use for it, then using a historical cost basis may be appropriate. Accordingly, individual projects must be assessed to determine if they give rise to a unique, one-time operating cycle relative to the particular business. Historical cost may be appropriate only when existing projects would not ordinarily be replaced with other similar projects.

To the extent that cost of sales in the historical financial statements includes costs of individual projects of a unique sort which do not require the acquisition of goods and services which are regularly used in the registrant's production process, such as is the case in many research projects, the historical cost of these projects should be used. If, however, such projects require the use of standard inputs acquired during the course of the project, current input cost data should be developed even if the projects are unique or unusual in nature.

The value of specific assets which are highly unique in their economic and operational characteristics (such as the examples given) is frequently unrelated to their replacement costs. In such instances, these assets may be reported at historical cost. Disclosure of the current value of such assets may be useful to investors and is encouraged, but it is not required by this rule. In any instance where historical cost data are given in lieu of replacement cost, there should be full disclosure of the amounts and the reason replacement cost data are not given.

The following changes are made:

The last sentence of the paragraph under "Facts" is replaced with the following:

Other assets, such as art objects, may be so unique that their replacement cost is not relevant.

The parenthetical statement "(such as the examples given)" in the first sentence of the last paragraph of "Interpretive Response" is deleted.

The following sub-heading is added after the heading "5. *Limited Use Assets*":

a. General.

* * * * *

NEW INTERPRETATIONS

TOPIC 6: INTERPRETATIONS OF ACCOUNTING SERIES RELEASES

I. Accounting Series Release No. 190—Amendments to Regulation S–X Requiring Disclosure of Certain Replacement Cost Data (§ 210.3–17)

1. DEFINITIONS AND CONCEPTS

* * * * *

b. *Productive Capacity.*

* * * * *

Question 8:

The interpretive response to Question 5 above (see SAB 9) states that "* * * operating leases are part of a lessor's productive capacity." What is the definition of an operating lease?

Interpretive Response:

An operating lease to a lessor would be a non-financing lease to a lessee under § 210.3–16(q). More specifically, an operating lease is a lease which neither (i) covers 75 percent or more of the economic life of the property nor (ii) has terms which assure the lessor a full recovery of the fair market value of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

* * * * *

c. *Approaches to Replacement Cost.*

Facts:

A registrant is currently considering the types of measurement techniques he may utilize for replacement cost.

Question:

What are the general types of measurement techniques available?

Interpretive Response:

Four types of replacement cost measurement techniques are most generally applicable: indexing, direct pricing, unit pricing, and functional pricing.

Indexing provides a valid measurement of replacement cost provided the index is adjusted for technological change or if the asset type has not had technological change. Indexing should be applied to homogeneous asset groups on a vintaged basis and should not be applied to used asset purchases or assets acquired in business combinations accounted for as purchases.

Direct pricing applies to assets or groups of assets whereby direct labor and material prices are determined from purchase orders, invoices, engineering estimates, price lists, manufacturers' quotes, internally published labor and material prices, and other direct price sources.

Unit pricing is a structured variation of direct pricing whereby a building, inventory lot, or other type of asset is directly priced based upon labor, material, and overhead estimates, then divided into a unit measure (e.g., replacement cost per square foot of building, replacement cost per unit of inventory, etc.).

Functional pricing is generally used to determine the replacement cost for a processing function rather than for a specific asset or asset group. Functional pricing can be applied to a heterogeneous group of assets. Functional pricing often combines the techniques of indexing, direct pricing, and unit pricing. It measures the cost of productive capacity based on the number of units which can be produced within a particular time period. For example, a meat packing plant with a replacement cost of $5,000,000 has the capacity to process 500 head of cattle per day, resulting in the functional replacement cost of $10,000 per head of cattle per day. Functional pricing may involve the usage of information such as:

Engineering studies.
Recently built processing facilities.
Design specifications for processing plants.
Major equipment suppliers.
Manufacturers' quotes.
Internal estimates for installation and or modifications.
Trade association studies.

Functional pricing takes into consideration and adjusts for technological change, but one major consideration is additional adjustments for economies of scale.

While these are the most common approaches, other techniques may be appropriate under various factual circumstances.

* * * * *

e. *Cost Savings.*

Facts:

In replacing its productive capacity, a company anticipates acquiring equipment which would permit substantial operating cost savings as a result of improvements in technology over that of its present equipment.

Question 1:

In presenting replacement cost data, should replacement cost of sales and the replacement cost of year end inventories include explicit provision for economies which the company expects from increased efficiency of new productive capacity?

Interpretive Response:

In general, the staff believes that prospective cost savings from new productive capacity should only be considered in calculating replacement cost data relative to inventory and cost of sales when the savings are reasonably assured and quantifiable within reasonable limits. In such cases, where cost savings are explicitly considered, § 210.3–17(e) requires disclosure of the amount and elements of the cost savings used in the calculation.

An alternative approach to disclosure of such cost savings would be to not reflect such savings directly in the replacement cost of sales number, but to disclose supplementally the nature and magnitude of such savings. When cost savings are not reasonably assured and quantifiable, registrants are encouraged to disclose the general nature and magnitude of savings in such fashion as they believe will be most meaningful to investors.

Question 2:

In calculating replacement cost depreciation, should any consideration be given to operating cost savings from new equipment?

Interpretative Response:

Section 210.3–17(d) does not permit the recognition of the operating economies of new equipment in the calculation of depreciation on a replacement cost basis. It would therefore not be appropriate, for example, to reduce replacement cost depreciation by an amount representing expected labor cost savings which would result from the replacement of productive capacity.

* * * * *

5. LIMITED USE ASSETS

* * * * *

b. *Motion Picture Films.*

Facts:

Each motion picture film is a unique artistic production. The replacement cost of one film bears little or no relationship to the replacement cost of another. In addition, there is no predictable relationship between incurred cost and ultimate revenues.

Question:

Based upon the above, may replacement cost data related to motion picture film be excluded?

Interpretive Response:

Yes. However, the staff encourages registrants to seek means other than replacement cost to convey the current economics of the production of motion picture films. In addition, estimates of the current value of a film inventory may be useful information for investors.

6. REPLACEMENT COST OF PRODUCTIVE CAPACITY

* * * * *

b. *Fully Depreciated Assets.*

* * * * *

Question 3:

Is it acceptable to omit replacement cost disclosures for fully-depreciated assets which are still in use but which have been written off the books, provided that assets so excluded are not significant (e.g., less than 5% of gross property, plant and equipment)?

Interpretive Response:

Yes.

[FR Doc.76-26830 Filed 9-13-76;8:45 am]

[Release Nos. 33–5735, 34–12748]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guides for Statistical Disclosure by Bank Holding Companies

The Commission today authorized the publication of Guides 61 and 3, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)) and of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), respectively. The proposed Guides were published for comment on October 1, 1975 (Securities Act Release No. 5622 and Securities Exchange Act Release No. 11697) (40 FR 48526, October 16, 1975). The Guides are not Commission rules nor do they bear the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.

Since Guides 61 and 3 have been revised to reflect public comments on the earlier proposals, the Commission does not believe that it is necessary to solicit additional comments. However, the experiences of registrants and users of the information provided pursuant to the Guides will be monitored to determine, by June 30, 1978, whether the disclosures sought by the Guides are necessary and appropriate in the public interest and for the protection of investors. Pursuant to this monitoring program, the staff will survey and interview potential users of the information including investors, analysts and academicians in order to assess the benefits derived from disclosures provided pursuant to the Guides. The staff also will survey registrants in order to determine what additional burdens and expenses, if any, are incurred in complying with the Guides. In this connection, the Commission specifically invites public comments on the need for further revisions to the Guides.

[1] The term "rule" has been replaced by the appropriate section number of the Code of Federal Regulations. Accordingly, Rule 3–17 is referred to as § 210.3–17.

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A. GENERAL STATEMENT

These Guides are intended to provide registrants with a convenient reference to the statistical disclosures sought by the staff of the Division of Corporation Finance in registration statements and other disclosure documents filed by bank holding companies.

As the operations of bank holding companies have diversified it has become increasingly difficult for investors to identify the sources of income of such companies. And, since various sources of income can have a wide range of risk characteristics, investors may have difficulty assessing the future earnings potential of a bank holding company without detailed information concerning the company's sources of income and exposure to risks.

In the preparation of the Guides, the staff has been mindful of the investor's need to assess uncertainties, the need for disclosure with respect to changes in risk characteristics, and specifically the need for substantial and specific disclosure of changes in risk characteristics of loan portfolios. See Accounting Series Release No. 166 (December 24, 1974) (40 FR 2678, January 15, 1975). Accordingly, the Guides call for more meaningful disclosure about loan portfolios and related items in filings by bank holding companies. In addition, many of the disclosures suggested by the Guides are intended to provide information to facilitate analysis and comparison of sources of income and exposure to risks. This information also will assist investors to evaluate the potential impact of future economic events upon a registrant's business and earnings and to assess the ability of a bank holding company to move into or out of situations with favorable or unfavorable risk/return characteristics.

As these Guides were being prepared, the Commission's staff consulted extensively with representatives of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency and the Federal Deposit Insurance Corporation, through the Interagency Bank Disclosure Coordinating Group, and received substantial assistance, particularly in understanding the operations and activities of banks.

B. COMMENTS

Comments on the proposed Guides were received from 115 interested parties, and changes have been made to reflect a number of suggestions made by the commentators.

One frequent comment was that the information called for by the Guides should be conformed to that required in reports to the federal bank regulatory agencies. This has been done to the fullest extent possible, consistent with the public interest and the protection of investors. Of course, the information called for by the Guides serves different purposes and necessarily differs in some respects from the information required by the bank regulatory agencies. Nevertheless, the staff will be flexible and generally will accept data in a format which conforms with reports to the bank regulatory agencies if management believes that such information is representative of the business activities of the registrant and the risks associated with such business.

Many commentators stated that the historical information for a registrant's last five fiscal years called for by several sections of the Guides would be extremely difficult to obtain in some cases, especially where detailed breakdowns of certain assets or reserves are requested. As the Division stated in the release accompanying the proposed Guides, and as is reiterated in the Guides published today, historical information need not be provided if it is not presently available and cannot be compiled without unwarranted or undue burden or expense. If possible, reasonably comparable data should be furnished instead.

The Division recognizes that some of the information called for by the Guides, which are prospective in nature, will not be currently available. Accordingly, registrants are urged to begin to develop data for inclusion in future filings. Where, for some special reason, certain requested information will not be available with respect to periods to be covered in future filings subject to the Guides, this should be brought to the staff's attention.

Similarly, with respect to those sections of the Guides which request information on a daily average basis, certain commentators stated that some bank holding companies may not have such information, or the capacity to generate such information, without undue burden or expense. Accordingly, the Guides provide that when the collection of data on a daily average basis would involve undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant.

A note to the General Instructions indicates the factors which the staff will consider in evaluating the reasonableness of assertions by registrants that the compilation of requested information would involve unwarranted or undue burden or expense. These factors include, among other things, the size of the registrant, the estimated costs of compiling the data, the electronic data processing capacity of the registrant, and whether management uses the requested information for its own purposes.

C. THE GUIDES

Guides 61 and 3 set forth the types of statistical information to be included in bank holding company filings under the Securities Act of 1933 and the Securities Exchange Act of 1934. They are intended to apply only to the description of business portion of a bank holding company registration statement, proxy statement or report. Although the Guides describe certain information that should be disclosed, they do not purport to be all inclusive and in no way limit the type of information required. Appropriate disclosure must always depend on the individual facts and circumstances concerning each registrant. Thus, the staff may request that registrants provide supplemental information where necessary or appropriate in the public interest or for the protection of investors.

In general, the Guides as published are similar to those proposed for comment, although certain noteworthy changes have been made. New instructions have been added and other instructions reworded for clarity. The introductory statements in the proposed Guides have been restated as general instructions. In addition, the statements have been reworded slightly to emphasize the flexible approach to be taken by the staff with respect to format (Instruction 2), historical data (Instruction 4), and daily averages (Instruction 5). In this regard, the Guides indicate that if the required information is not reasonably available, the registrant may provide comparable information instead.

In addition a number of changes suggested by the commentators have been made to clarify the Guides, make the information requested more concise and eliminate repetitive requests for information. Thus, for example, certain categories of Section IV, "Deposits, Long Term Debt and Funds Borrowed," of the proposed Guides, have been eliminated in light of the average balance sheets required under Section I.

The Guides contain nine sections, each dealing with a particular area of statistical disclosure for bank holding companies.

Section I, "Distribution Of Assets, Liabilities And Stockholders' Equity," has been revised to require complete balance sheets in terms of average amounts and percentages, rather than assets only. Many commentators expressed the view that complete balance sheet presentations more effectively demonstrate changes in financial position from year to year. In addition, several commentators noted that average liabilities were requested in a subsequent section of the proposed guides and suggested that the information be consolidated in one balance sheet presentation. Section I also has been modified to call for separate disclosure of foreign assets and liabilities only when certain minimum percentage tests have been met.

Section II, "Investment Portfolio," calls for disclosure of the composition of the registrant's investment portfolio in terms of the book values of certain categories of investments, a breakdown of maturities and the weighted average yield for each range of maturity. As suggested by comments on the proposed Guides, an explanation of the method used to compute the yield on such investments is requested, and where yields on tax exempt obligations are computed on a tax equivalent basis, the amount of adjustment and tax rate used in the computations is sought.

Section III, "Loan Portfolio," calls for information concerning types of loans, their maturities and sensitivities to changes in interest rates, and information concerning nonperforming loans.

Paragraph A of Section III, "Types Of Loans," requests that data be presented as of the end of each reported period, rather than on a daily average basis as originally proposed. In addition, clarifying language has been added to indicate that the detailed categories of loans specified in this section apply to loans attributable to domestic operations only and a new category, "Loans Attributable to Foreign Operations," has been added to make clear that information with respect to such loans should be separately stated.

Paragraph B of Section III, "Maturities and Sensitivity to Changes in Interest Rates," represents a consolidation of paragraphs B and C of Section III of the proposed Guides, as suggested by many commentators.

Paragraph C of Section III, "Non-Performing Loans," is a consolidation of paragraphs D and E of Alternative (1) of Section III of the proposed Guides. For purposes of the Guides, non-performing loans are defined as "(a) loans which are contractually past due 60 days or more as to interest or principal payments and (b) loans the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a))." These categories of loans are substantially the same as those called for by Section III D (Alternative (1)) of the proposed Guides. In addition, the Guides state that "If management is aware of any significant loans, group of loans or segments of the loans portfolio not included in (a) or (b) above, where there are serious doubts as to the ability of the borrowers to comply with the present loan payment terms, a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given."

In addition, the Guides provide that real estate loans secured by one to four family residential properties need not be considered for disclosure pursuant to this paragraph. Separate, limited disclosure relating to loans to individuals for household, family and other personal expenditures is requested only if loans in this category exceed 10 percent of the total loan portfolio. The references to collateral in the proposal have been deleted.

Paragraph C also requests information as of the end of each of the last five years, instead of for two fiscal years, as originally proposed. The staff believes that data for a five year period, if used in conjunction with other disclosures called for by these Guides, will show trends indicative of management policies concerning non-performing loans, particularly with respect to renegotiated loans and those loans which, in the opinion of management, raise serious doubts as to the ability of the borrower to comply with the present payment terms of the loans. A new instruction has been added to Section III C indicating that a registrant may use different criteria and may present quantitative information in a different manner than described in this paragraph if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

Section IV, "Summary of Loan Loss Experience," which was Section IX of the proposed Guides, has been modified to require five years of data rather than ten as originally proposed. Paragraph G of Section IV asks registrants to describe those factors which influenced management's judgment in determining the amount of reserves charged to operating expense. A statement that the amount is based upon management's judgment will not suffice. Paragraph H calls for a breakdown of the loan loss reserve by categories of loans. Many commentators asserted that the disclosures requested by the paragraph are inconsistent with their procedures for determining loan loss reserves. On the other hand, on many occasions, registrants have explained to the staff that, in arriving at the amount of loan loss reserve, they evaluated each significant loan in the portfolio and established a reserve relative to each such loan. The staff is aware that the total loan loss reserve is not necessarily the cumulative amount of reserve for these loans, and that a certain unallocated amount of reserve may be set aside to cover potential losses within a group or block of loans. The staff believes that such disclosures would be meaningful to investors. However, an instruction has been added which states that if the registrant uses categories other than those specified in the Guides in analyzing its loan loss reserves, which it believes would be more informative to investors, the data presented may be based on such other categories.

Section V, "Deposits," which was Section IV of the proposed Guides, has been condensed. The disclosures relating to long-term debt and funds borrowed requested by the proposed Guides are now included in Section I, under average balance sheets.

Section VI, "Return On Equity and Assets," which was Section V of the proposed Guides, has been expanded at the suggestion of several commentators to request disclosures of dividend pay-out ratios and equity to asset ratios for each reported period. The instructions make clear that registrants should describe and explain the trends in each of the ratios disclosed, if the ratios have changed significantly.

Section VII, "Interest Rates And Interest Differential," which was Section VI of the proposed Guides, has been revised to clarify the disclosures requested.

Section VIII, "Foreign Operations," which was Section VII of the proposed Guides, has been modified to reflect the fact that there appears to be no single definition of foreign operations which would serve the needs of registrants, the federal bank regulatory agencies, and investors, and which would be applicable to the foreign operations of all banks. Therefore, the Guides request each registrant to present information with respect to its foreign operations on the basis which it believes is representative of its foreign activities and the risks associated with such business. Specifically, a registrant may present information in a manner consistent with the reporting requirements of the federal bank regulatory agencies if it believes that such presentation is representative of its foreign activities and the risks associated with such business. It should be emphasized, however, that the purpose of such disclosures is to enable investors to assess the various sources of earnings of the registrant, the risks pertaining thereto and the risks to which assets are exposed.

As originally proposed, the Guides called for certain disclosures with respect to a registrant's foreign operations if during either of the last two reporting periods revenues or income before taxes attributable to foreign operations exceeded 5 percent of consolidated revenues or income before taxes, or if assets associated with foreign operations exceeded 5 percent of total assets. This percentage has been increased to 10 percent to conform to certain other disclosure guidelines administered by the Commission's staff, and disclosure is requested only if the percentage test has been met during each of the last two years.

The proposed Guides called for a presentation of the amount of foreign assets and liabilities by currency and disclosure of open currency positions at the end of the latest reported period. Comments on the proposals persuaded the staff that such data would be extremely difficult to accumulate and would be of little value to investors in light of frequent fluctuations in the value of foreign currencies. Therefore, the Guides as published suggest that registrants discuss generally their foreign exchange activities and the types of risks associated with such activities.

Section IX, "Commitments and Lines of Credit," which was Section VIII of the proposed Guides, has been substantially revised in light of comments received on the proposals. As revised, this section calls for a general discussion of a registrant's present practices with respect to commitments and lines of credit. Separate disclosure of specific commitment figures is requested only if a registrant has firm commitments of material amounts which present unusual risks.

C. AUTHORIZATION FOR PUBLICATION OF GUIDES

The Commission hereby authorizes publication of Guides 61 and 3, "Statistical Disclosure By Bank Holding Companies," pursuant to the Securities Act of 1933, particularly sections 7 and 10 thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a).

Guide 61 will be applied by the staff to registration statements filed on or after thirty days following publication in the FEDERAL REGISTER. Guide 3 will be applied by the staff to filings covering periods ending on or after December 25, 1976.

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The text of the Guides is set forth below:

GUIDE 61—GUIDES FOR THE PREPARATION AND FILING OF REGISTRATION STATEMENTS UNDER THE SECURITIES ACT OF 1933

STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

General instructions

1. This Guide applies to the description of business portion of bank holding company registration statements filed on Form S–1 (Item 9) [17 CFR 239.11], S–7 (Item 5) [17 CFR 239.26] and S–14 (Item 1) [17 CFR 239.23].

2. Information furnished in accordance with this Guide should generally be presented in tabular form in the order appearing below. However, an alternative presentation, such as inclusion of the information in Management's Analysis of the summary of earnings, may be used if in management's opinion such presentation would be more meaningful to investors.

3. When the term "reported period" is used in the Guide, it refers to each of the periods described below, unless otherwise specified: (a) each of the last five fiscal years of the registrant; (b) any subsequent interim period for which an income statement is furnished; and (c) any additional period necessary to keep the information presented from being misleading.

4. Some of the information called for by the Guide, which is prospective in nature, may not be available on a historical basis. The staff should be advised of such situations and if the requested information is unavailable and cannot be compiled without unwarranted or undue burden or expense, such information need not be provided. If possible, reasonably comparable data should be furnished instead. If, for some special reason, certain requested information will not be available with respect to periods to be covered in future filings subject to the Guide, this should also be brought to the staff's attention.

5. Unless otherwise indicated, averages called for by the Guide are daily averages. Where the collection of data on a daily average basis would involve unwarranted or undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant. The basis used for presenting averages should be stated.

NOTE: In evaluating the reasonableness of assertions by registrants that the compilation of requested information, such as historical data or daily averages, would involve an unwarranted or undue burden or expense, the staff takes into consideration, among other factors, the size of the registrant, the estimated costs of compiling the data, the electronic data processing capacity of the registrant, and whether management uses the requested information for its own purposes.

I. Distribution of Assets, Liabilities and Stockholders' Equity

A. For each reported period, present average balance sheets. Such average balance sheets may be condensed from the detailed ones required on a statement date basis, provided such condensed balance sheets indicate the significant shifts in sources and uses of funds.

B. For each reported period, present the percentage of:

1. Each asset reflected in the balance sheets presented under Paragraph A to total average assets; and

2. Each liability and component of stockholders' equity reflected in the balance sheets presented under Paragraph A to the total of average liabilities and average stockholders' equity.

C. For each reported period, present separately, on the basis of averages, the percentage of total assets and total liabilities attributable to foreign operations.

Instruction.—Separate disclosure of foreign assets and liabilities is required under Paragraph C only if disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide.

II. Investment Portfolio

A. As of the end of each reported period, present the book value of investments in obligations of (1) the U.S. Treasury, (2) U.S. government agencies and corporations, (3) states and political subdivisions (U.S.), and (4) other bonds, notes and debentures.

B. As of the end of the latest reported period, present the amount of each investment category listed above which is due (1) in one year or less, (2) after one year through five years, (3) after five years through ten years, and (4) after ten years. In addition, state the weighted average yield for each range of maturities and explain the method used to calculate such yield.

Instruction.—State whether yields on tax exempt obligations have been computed on a tax equivalent basis. If a tax equivalent basis is used, state for each range the amount of the adjustment and state the tax rate used in the computations.

III. Loan portfolio

A. *Types of loans.* As of the end of each reported period, present separately the amount of loans in each category listed below. Categories 1 through 7 are for loans attributable to domestic operations only.

1. Real estate loans (include only loans secured primarily by real estate):

(a) Construction and land development;

(b) Secured by 1–4 family residential properties;

(c) Other real estate loans.

2. Loans to financial institutions:

(a) Real estate investment trusts and mortgage companies;

(b) Domestic commercial banks;

(c) Banks in foreign countries;

(d) Other depositary institutions;

(e) Other financial institutions.

3. Loans for purchasing or carrying securities.

4. Loans to farmers (except loans secured by real estate; include loans for household and personal expenditures).

5. Commercial and industrial loans.

6. Loans to individuals for household, family, other personal expenditures.

7. All other loans attributable to domestic operations.

8. Loans attributable to foreign operations.

Instructions.—(1) Additional detail of loans by type may be appropriate in some circumstances, such as when a substantial portion of total commercial and industrial loans is concentrated in one or a few industries.

(2) The "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System, Schedule A—Loans" provides definitions of the categories of loans listed above for domestic offices. Although consolidated information is called for by this section, it is suggested that these definitions be used for guidance.

(3) Separate disclosure of category 8 is required only if disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide.

(4) The total of loans reported pursuant to this paragraph should equal total loans in the balance sheet.

B. *Maturities and sensitivity to changes in interest rates.* As of the end of the latest fiscal year and any interim period reported on, present separately the amount of loans in each category listed in Paragraph A (except categories 1(b) and 6) (1) due in one year or less, (2) after one year through five years and (3) after five years. In addition, present separately the total amount of all such loans due after one year which (a) have predetermined interest rates and (b) have floating or adjustable interest rates.

Instructions.—(1) Scheduled repayments should be reported in the maturity category in which the payment is due.

(2) Demand loans, loans having no stated schedule of repayments and no stated maturity, and overdrafts should be reported as due in one year or less.

C. *Nonperforming loans.* As of the end of each reported period, state the following for (a) loans which are contractually past due 60 days or more as to interest or principal payments; and (b) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a)).

1. The aggregate amount of loans in each category described above;

2. The gross amount of interest income which would have been recorded on all such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period or since their origination, whichever is shorter; and

3. The amount of interest on all such loans which was reflected in income during the period.

In addition, if management is aware of any significant loans, groups of loans or segments of the loan portfolio not included in (a) or (b) above, where there are serious doubts as to the ability of the borrowers to comply with the present loan payment terms, a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given.

Instructions.—(1) Loans in categories 1(b) and 6 under Paragraph A need not be considered for disclosure pursuant to Paragraph C. However, if loans in category 6 exceed 10 percent of total loans, the information called for in Paragraph C for those loans considered nonperforming pursuant to clause (a), should be separately provided.

(2) A renewal on current market terms of a loan at maturity will not be considered a renegotiation for purposes of clause (b) of Paragraph C.

(3) A loan remains in the category described in clause (b) until such time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

(4) If a substantial portion of the loans stated pursuant to Paragraph C are concentrated in one or a few industries separate disclosure of the information required by this paragraph should be provided for such loans.

(5) The registrant may use different criteria and may present quantitative information in a different manner than described above if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

IV. Summary of Loan Loss Experience

An analysis of loan loss experience shall be furnished in the following format for each reported period.

A. Amount of loans outstanding at end of period.

B. Average amount of loans outstanding.

C. Amount of loan loss reserve at beginning of period.

D. Amount of losses charged off during period broken down by the eight major categories of loans specified in Section III(A).

E. Amount of recoveries during period of losses previously charged off broken down by the eight major categories of loans specified in Section III(A).

F. Net loans charged off during period.

G. Additions to loan loss reserve charged to operaing expense during period. For the latest fiscal year and any interim period reported on, also describe briefly the factors which influenced management's judgment in determining the amount charged to operating expense. The statement that the amount is based on management's judgment is not sufficient.

H. A breakdown of the loan loss reserve by the eight major categories of loans specified in Section III(A), including as a separate category any unallocated portion of the reserve. State (a) the dollar amount of the loan loss reserve applicable to each category and (b) the percentage of loans in each category to total loans.

I. Amount of loan loss reserve at end of period.

J. Ratio of net charge-offs during period to average loans outstanding for the period.

Instruction.—If the registrant uses other categories in analyzing its loan loss reserve which it believes would be more informative to investors, such categories may be used for purposes of the disclosures prepared pursuant to this Guide.

V. Deposits

A. For each reported period, present separately the average amount of (1) demand deposits in domestic offices, (2) savings and time deposits in domestic offices (excluding time deposits separately reportable under (3) below), (3) time certificates of deposit in domestic offices issued in amounts of $100,000 or more, and (4) deposits in foreign offices.

Instructions.—(1) Passbook type savings deposits should be included in category (2) regardless of size.

(2) If material, the registrant should disclose separately the aggregate amount of deposits by foreign depositors in domestic offices. Identification of the nationality of depositors is not requested.

B. As of the end of the latest fiscal year and any interim period reported on, present separately the amount outstanding of time certificates of deposit issued by domestic offices in amounts of $100,000 or more by time remaining until maturity: 3 months or less; over 3 through 6 months; over 6 through 12 months; and over 12 months.

VI. Return on Equity and Assets

For each reported period, present the following:

1. Return on assets (net income divided by average total assets).

2. Return on equity (net income divided by average equity).

3. Dividend payout ratio (dividends declared per share divided by net income per share).

4. Equity to assets ratio (average equity divided by average total assets).

Instructions.—(1) Describe and explain the trends in each of these ratios if changes are significant. (2) The ratios required under 1, 2, and 3 above may also be calculated using income before securities gains (losses).

VII. Interest Rates and Interest Differential

A. For each reported period, present an analysis of net interest earnings as follows:

1. For each major category of interest-earning assets and each major category of interest-bearing liabilities, the average amount outstanding during the period and the interest earned or paid on such amount.

2. The average yield for each major type of interest-earning asset.

3. The average rate paid for each major type of interest-bearing liability.

4. The average yield on all interest-earning assets and the average effective rate paid on all interest-bearing liabilities.

5. The net yield on interest-earning assets (net interest earnings divided by total interest-earning assets). Net interest earnings is the difference between total interest earned and total interest paid.

B. For the latest two fiscal years and any interim period reported on, present (1) the dollar amount of change in interest income and (2) the dollar amount of change in interest expense. The changes should be segregated for each major category of interest-earning asset and interest-bearing liability into amounts attributable to (a) changes in volume (change in volume times old rate), (b) changes in rates (change in rate times old volume), and (c) changes in rate/volume (change in rate times the change in volume). The rate/volume variances should be allocated on a consistent basis between rate and volume variances and the basis of allocation disclosed in a note to the table.

Instructions.—(1) Explain how nonaccruing loans have been treated for purposes of the analysis in Paragraph A.

(2) Major categories of interest-earning assets should include loans, taxable investment securities, nontaxable investment securities, federal funds sold and securities purchased with agreements to resell, and other (specify if significant). Major categories of interest-bearing liabilities should include: savings deposits, other time deposits, deposits in foreign offices, short-term debt, long-term debt and other (specify if significant).

(3) In the calculation of the changes in the interest income and interest expense, any out-of-period items and adjustments should be excluded and the types and amounts of items excluded disclosed in a note to the table.

(4) If loan fees are included in the interest income computation, the amount of such fees should be disclosed, if material.

(5) The interest on tax exempt securities may be calculated on a tax equivalent basis. The registrant should describe the basis used.

(6) If disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide, the information required by this section should be further segregated between domestic and foreign operations.

VIII.—Foreign Operations

Instructions.—(1) The registrant should present information with respect to its foreign operations on the basis which it believes is representative of its foreign activities and the risks pertaining thereto. Registrant may present information in a manner consistent with the reporting requirements of the federal bank regulatory agencies if registrant believes that such designations are representative of its foreign activities and the risks associated with such business. The registrant should describe which components of its business it designates as foreign and the basis for such designation.

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(2) Disclosure of the information on foreign operations specified below is required only if during each of the last two years (a) the gross revenues or income (loss) before taxes associated with foreign operations exceeded 10 percent of consolidated total revenues or income (loss) before taxes, respectively, or (b) the assets associated with foreign operations exceeded 10 percent of consolidated total average assets. In order to arrive at the foreign component of revenue or income, the registrant may be required to make internal allocations between foreign and domestic activities. The registrant should generally indicate the nature of significant estimates and assumptions used in such allocations. Any significant changes in assumptions or methods of allocations during the reported periods should also be indicated along with the effect of such changes on reported results.

(3) If disclosure of the information specified below would involve violation of the banking confidentiality requirements of any country, registrants may omit such disclosure, provided that a statement is made in the filing that such information has been omitted. The staff may in its discretion ask for support for the registrant's assertion that disclosure would violate any such confidentiality requirements.

(4) The registrant should indicate the basis used for the geographical breakdown provided under Paragraphs B and C below (domicile of the obligor, area of risk, or such other basis as is used). The geographical breakdown may be based on the classifications of the federal bank regulatory agencies. Separate disclosure is not required for any geographic area which represents less than 10 percent of the registrant's total foreign assets as called for by Paragraph B below and total revenue and income before taxes attributable to foreign operations as called for by Paragraph C below.

NOTE: The disclosures called for by Paragraph A(3) concerning deposits are intended to elicit information in terms of aggregate average amounts only, and identification of the nationality of depositors is not requested.

A. For the latest reported period, present separately the aggregate average amount of:

1. Balances in banks which are located in foreign countries;
2. Loans:
(a) Loans to banks;
(b) Loans to other financial institutions;
(c) Loans to governments or official institutions;
(d) Consumer loans;
(e) Loans to businesses;
(f) Real estate loans; and
(g) Other loans.
3. Deposits:
(a) Deposits of banks which are located in foreign countries (including balances of foreign branches of other United States banks);
(b) Deposits of foreign governments, official institutions, central banks, or international institutions; and
(c) Other deposits.
4. Other borrowings from foreign sources.

B. For the latest reported period, present a geographical breakdown of the average amount of foreign assets in such categories as are appropriate in light of the operations of the registrant. If there are material risks arising from a concentration of assets in a particular foreign country, such country shall be identified and the amount of such assets shall be disclosed. A concentration of 5 percent or more of consolidated total average assets normally would indicate, in the absence of mitigating factors, a material risk.

C. For each reported period, state the amount of revenue and income before taxes attributable to foreign operations and the percentage of such amounts to consolidated total revenues and income before taxes, respectively. In addition, present an appropriate geographical breakdown of revenue and income before taxes for such reported periods. If a material portion of consolidated total revenues is attributable to one foreign country, such country shall be identified and the amount of revenue and income before taxes so attributed shall be stated separately. As in Paragraph B above, 5 percent or more of consolidated total revenues normally would be a material portion.

D. Discuss generally the registrant's foreign exchange activities and the types of risks associated with such activities.

IX. *Commitments and Lines of Credit*

Discuss the registrant's present practice with respect to commitments and lines of credit. In particular, indicate the terms on which such commitments and lines of credit are generally extended, such as expiration period and fees charged. Also discuss the usual purposes for which such commitments and lines of credit are made available, such as particular types of loans, letters of credit, etc. Any firm commitments of material amounts which represent unusual risks should be separately disclosed.

GUIDE 3—GUIDES FOR THE PREPARATION AND FILING OF REPORTS AND PROXY AND REGISTRATION STATEMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934

STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

This Guide applies to the description of business portion of bank holding company registration statements filed on Form 10 (Item 1). (17 CFR 249.210), in proxy and information statements relating to mergers, consolidations, acquisitions and similar matters (Item 14 of Schedule 14A and Item 1 of Schedule 14C) (17 CFR 240.14a–101 and 240.14c–101), and in reports filed on Form 10–K (Item 1) (17 CFR 249.310).

(The rest of Guide 3 is identical to Guide 61 set forth above.)

(Secs. 7, 10, 48 Stat. 78, 81; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 205, 48 Stat. 906; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 10, 78 Stat. 565–568, 569, 570–574, 580; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; sec. 105 (b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; 15 U.S.C. 77g, 77j, 77s, 78m, 78o(d), 78w(a).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 31, 1976.

[FR Doc.76–26837 Filed 9–13–76;8:45 am]

[Release No. 33–5738, Release No. IC–9426]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Procedures for Filing and Processing Registration Statements and Post-Effective Amendments Filed by Registered Investment Companies

As previously announced,[1] the Division of Investment Management of the Securities and Exchange Commission is now responsible for, among other things, processing registration statements and post-effective amendments filed by registered investment companies under the Securities Act of 1933 (15 U.S.C. 77a–1 et seq.) ("the Securities Act"). Consistent with the Commission's practice of publishing the views of its staff to assist registrants, their counsel and accountants, and other interested persons, the Commission has authorized the publication of this release to give registrants the opportunity to consider these views in preparing forthcoming filings.[2][3]

Generally, investment company filings are subject to the same requirements as other registration statements under the Securities Act. Set forth below are reminders of some requirements frequently overlooked in investment company filings, a description of certain filing procedures the Division encourages registrants to use and a summary of the procedures the Division intends to follow in reviewing registration statements and post-effective amendments. The objectives of the staff to process filings more efficiently, in a manner consistent with the Commission's traditional high standards, can be accomplished only with the full cooperation of registrants, counsel, underwriters, accountants and others.

REGISTRATION STATEMENTS (NOT INCLUDING POST-EFFECTIVE AMENDMENTS)

I. EXISTING REQUIREMENTS FREQUENTLY OVERLOOKED

Include Sufficient Copies

Registrants should file the number of complete copies of every filing (including exhibits) required by Rule 402 under the Securities Act (17 CFR 230.402).

Letter of Transmittal

In the letter of transmittal, registrants should describe possible problem areas and set forth their desired time schedule.

Check Lists

The check lists for Forms N–8A (17 CFR 274.10), N–8B–1 (17 CFR 274.11), S–4 (17 CFR 239.14) and S–5 (17 CFR 239.15) which are attached to Securities Act Release No. 3955 are intended to assist registrant's counsel in preparing an investment company registration statement and to assist the staff in making an initial determination as to whether the registrant has adequately considered the provisions of the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq., as amended by Pub. L. No. 91–547 [December 14, 1970] and Pub. L. No. 94–29 [June 4, 1975]) ("the Investment Company Act") and the Securities Act and the rules thereunder. Counsel should complete the applicable check lists and file three copies as supplemental material accompanying all investment company registration statements.

Guidelines

In preparing a registration statement, counsel should be aware of the "Guidelines for the Preparation of Form S–4 and S–5 Including The Prospectus for a Management Investment Company," parts of which may be relevant (Investment Company Act Release No. 7220 [June 9, 1972], 37 FR 12790 [June 29, 1972]). Counsel is advised to refer to the "Guidelines for the Preparation of Form N–8B–1," (Investment Company Act Release No. 7221 [June 9, 1972], 37 FR 12790 [June 29, 1972]), which may also be relevant.

II. STAFF REVIEW PROCEDURES

The staff employs three review procedures for registration statements. After initial analysis, the staff, and not the registrant, will determine which type of review a registration statement will receive.

Cursory Review

If a registration statement appears to have been properly prepared and to raise no novel or complex issues, the staff may advise the registrant in writing that it has made only a cursory review of the registration statement and remind it that, in any event, review by the staff may not be relied upon to indicate that the registration statement is true, complete, or accurate. Generally, the staff will give no written or oral comments in the case of a cursory review. Absent unusual circumstances, the staff will then comply with a request for acceleration of the effective date of the registration statement pursuant to Rule 461 under the Securities Act (17 CFR 230.461), and declare the registration statement effective on the date requested.

Customary Review

A registration statement which is not given cursory or deferred review will receive a more complete review of financial, accounting, and legal considerations. A supervisory staff member will decide the extent of the comments to be given the registrant and whether the comments will be given orally or in writing. After resolution of the issues raised by staff comments, the staff will consider a request for acceleration of the effective date of the registration statement.

Deferred Review

If a supervisory staff member determines that a registration statement is so poorly prepared or otherwise presents problems so serious that no further staff time would be justified in view of other staff responsibilities, review will be deferred. The staff will not give detailed comments, but will notify the registrant of the general nature of the problems the registration statement presents. The registrant will then have to consider withdrawing or appropriately amending the registration statement. Should the registrant decide to permit the registration statement to become effective in accordance with Section 8(a) of the Securities Act [15 U.S.C. 77h(a)] without taking corrective steps, the staff would recommend that the Commission take appropriate action.

ANNUAL UPDATING BY POST-EFFECTIVE AMENDMENT[4]

I. FILING A POST-EFFECTIVE AMENDMENT PRIOR TO FISCAL YEAR-END

A registrant should file a post-effective amendment which includes the narrative portion of its prospectus, exclusive of financial statements ("narrative only"), two months prior to the fiscal year-end. The facing sheet of the amendment should indicate the registrant's fiscal year-end and the type of filing, *i.e.*, "narrative only." The registrant should mark the amendment to indicate any differences between the current amendment and the most recent filing which contained a prospectus and which was declared effective, and should describe any significant differences in a letter accompanying the filing. The accompanying letter should also specify any problems under the Investment Company Act of which the registrant is aware, and if such problems have been previously discussed with the staff the letter should mention those staff members participating in the discussion.

The registrant should file the number of complete copies of every post-effective amendment (including exhibits) required by Rule 472 under the Securities Act (17 CFR 230.472).

Upon receipt and examination of a properly filed amendment, the staff will attempt to give comments as expeditiously as possible. Prior to filing the second amendment, counsel should attempt to resolve the comments raised by the staff in its examination of the "narrative only" amendment.

"Narrative only" amendments filed after the close of a registrant's fiscal year will be examined as the staff's work load permits, but the registrant should not generally expect to receive comments until after it files an amendment incorporating financial statements.

When registering additional shares pursuant to section 24(e) of the Investment Company Act [15 U.S.C. 80a–24(e)] in a "narrative only" amendment, registrants should recognize that the amendment will be declared effective at the same time the filming containing financial statements is declared effective; therefore, it is suggested that if additional shares must be registered immediately such registration be completed by filing a separate amendment for that purpose.

III. FILING A POST-EFFECTIVE AMENDMENT INCORPORATING FINANCIAL STATEMENTS

The registrant should file a second post-effective amendment which includes the narrative and financials as soon as the financial statements are available. Registrants should attempt to file the amendment incorporating financials soon after the mailing of the annual report to shareholders.[5]

The second filing should be marked to show all differences between that filing and the "narrative-only" amendment and the facing sheet should set forth the date on which the "narrative only" amendment was filed. The filing also should be accompanied by a letter detailing the staff comments with which the registrant has not complied and noting any changes made other than those in response to staff comments.

Registrants should be aware that, depending on the circumstances, they may receive additional comments on the narrative portion of the second filing, as well as comments on the financial information. To avoid, to the extent possible, the problems associated with last minute comments, registrants are urged to file the second amendment promptly.

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[1] Securities Act Release No. 5720 (June 22, 1976), 41 FR 29374 (July 16, 1976).

[2] This release supersedes Securities Act Releases No. 4955 (March 12, 1969), 34 FR 5547 (March 22, 1969), 5305 (September 21, 1972), 37 FR 20317 (September 29, 1972), and 5439 (November 14, 1973), 38 FR 32613 (November 27, 1973), except for the check lists attached to Release No. 4955.

[3] This release is published under the authority of Section 6(a) of the Securities Act [15 U.S.C. 77 f(a)] and Section 4(b) of the Securities Exchange Act of 1934 [15 U.S.C. 77d(b)].

[4] Staff procedures for processing post-effective amendments filed by registered investment companies were adopted on September 21, 1972, pursuant to Securities Act Release No. 5305. To remind investment companies of the procedure established in Release No. 5305 and to set forth certain mechanical procedures, the Commission issued Securities Act Release No. 5439 on November 14, 1973. As previously noted, these releases are hereby superseded.

[5] Rule 30d–1(a) under the Investment Company Act [17 CFR–270.30d–1(a)], in pertinent part, provides that "(e)ach report shall be mailed within 45 days after the date as of which the report is made except that if the reporting company is a non-diversified company having one or more majority owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made."

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IV. FILING A MODEL POST-EFFECTIVE AMENDMENT

The staff is aware that a registrant which is part of a group of investment companies with the same investment adviser, principal underwriter, and/or manager may want to model its prospectus after that of one registrant in the group. The staff wishes to emphasize that while the filing of a single post-effective amendment modeled after that of another registrant may save time and money, the staff may have additional comments on the amendment of the registrant who has followed the model, even after it has commented on the model. Every registrant considering using a model should weigh the suitability of the procedure in light of its own circumstances.

When a model is to be used, the staff requests that the registrant to be used as a model file its post-effective amendment according to the two-part procedure outlined above. After the staff has commented on the narrative filing of the model registrant, and questions raised by those comments have been resolved, another registrant in the group may file its post-effective amendment patterned after the model, including both the text and financial statements, promptly after the end of its fiscal year. In addition to the information usually required, the facing sheet of that amendment should state the name of the model company and the date of the model filing. The amendment should be marked to indicate any differences between it and the last post-effective amendment the registrant filed which contained a prospectus and which was declared effective. The filing should be accompanied by a letter discussing any comments on the model with which the registrant has not complied and any differences between this amendment and the model.

STAFF COMMENTS AND REGISTRANTS' STATUTORY RESPONSIBILITY

The staff reviews all Securities Act filings with the objective of attaining full and fair disclosure of the character of the securities to be offered under legal, economic and industry considerations existing at the time of filing. Since those considerations are constantly changing, and since the review of any given filing takes place within the limits of available time and manpower, registrants should recognize that certain disclosures may appear in some prospectuses which do not appear in others and that such differences in disclosure do not preclude the staff from commenting on the presence or absence of specific disclosures in any filing it reviews. The staff is not, at any time, estopped from making a comment it has not previously made.

Regardless of the procedure chosen by the registrant in filing post-effective amendments or followed by the Division in its review of registration statements and post-effective amendments, registrants should be aware that the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter, the accountants and others and that as a matter of law this burden cannot be shifted to the Commission or its staff. Attention is directed to "Escott v. BarChris Construction Corporation, et al.," 283 F. Supp. 643 (DC, S.D.N.Y. 1968).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26833 Filed 9-13-76;8:45 am]

[Release No. 34-12766]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Uniform Net Capital Rule

The Securities and Exchange Commission today announced the adoption of certain amendments and interpretations to Rule 15c3-1 [17 CFR 240.15c3-1] ("§ 240.15c3-1"), the uniform net capital rule, pertaining to the treatment of transactions in options market maker accounts for purposes of computing net capital. The amendments, which become effective on November 1, 1976, are designed primarily to enable net capital computations to reflect more directly the risks incurred by brokers and dealers who guarantee, endorse or clear transactions in listed options for specialists who act as market makers in such options. The amendments essentially are those proposed in Securities Exchange Act Release No. 12148 (Feb. 26, 1976) [41 FR 12306 (March 25, 1976)] ("Release No. 12148"), modified in light of suggestions and data received in response to the Commission's solicitation of public comment upon the proposals.

INTRODUCTION

Section 15(c)(3) of the Securities Exchange Act of 1934 directs the Commission, *inter alia*, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[1] amendments to § 240.15c3-1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

For purposes of determining compliance with the minimum net capital requirements of § 240.15c3-1(a), § 240.15c3-1(c)(2) defines "net capital" as net worth adjusted by the additions to and deductions from net worth enumerated in this paragraph of the rule. A broker or dealer who guarantees, endorses or carries the account of a listed options specialist is required by § 240.15c3-1(c)(2)(x) to deduct from his net worth, for each class of listed options in which such specialist is a market maker, 130 percent of the market value of short options positions in the account. However, in the case of a market maker account reflecting both long and short positions in options for the same underlying security, § 240.15c3-1(c)(2)(x) requires the deduction from net worth of the greater of (a) 30 percent of the market value of the long positions, or (b) 130 percent of the market value of the short positions less 70 percent of the market value of the long positions, in either case less any equity in the account.[2] "Equity" is defined in § 240.15c3-1(c)(13) as the sum of the market value[3] of all long positions and the credit balance (if any) in the account, minus the sum of the market value of all short positions and the debit balance (if any) in the account.

In Release No. 12148, the Commission noted that these provisions constitute a self-contained test of liquidity which theoretically provides a direct incentive to a broker or dealer to require the maintenance of an appropriate capital cushion in a specialist's market maker account which he clears, guarantees or endorses.[4] The Commission stated, however, "that the practical ramifications of situations wherein one broker or dealer carries, guarantees and clears on a combined basis the market maker accounts of numerous options specialists tend to dilute the protections afforded by Rule § 240.15c3-1(c)(2)(x) & (c)(13)."[5] The practice of "cross-netting" equity in some market maker accounts against liquidating deficits in other such accounts, the Commission pointed out, produces deductions from net worth in respect of the combined account not fully reflective of the credit and market risks borne by the carrying broker or dealer, and could leave individual options specialists free to incur hazardous liquidating deficits in their market maker accounts.[6] In these circumstances, the Commission found it appropriate to propose amendments to § 240.15c3-1(c)(2)(x) designed to eliminate potential dangers to the public stemming from these considerations.

ADOPTION OF AMENDMENTS TO § 240.15c3-1(c)(2)(x)

The amendments to § 240.15c3-1(c)(2)(x) proposed in Release No. 12148 proceeded from three essential principles. First, proposed § 240.15c3-1(c)(2)(x) would have proscribed cross-netting as a permissible mode of computation thereunder. Second, given the existence of a prohibition against cross-netting, the Commission determined that it would be

[1] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] *See also* Options Clearing Corp. R. 307

[3] Proposed amendments to § 240.15c3-1(c)(13) would clarify that for purposes of the computation of equity, "market value" is adjusted as required by paragraphs (c)(2)(vi) or (c)(2)(x) of § 240.15c3-1, or Appendix A thereto. *See* Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976). *See also* text accompanying note 13 *infra*.

[4] Securities Exchange Act Release No. 12148, at 2 (Feb. 26, 1976), 41 FR 12806 (March 25, 1976) [hereinafter cited as Release No. 12148].

[5] *Id.* (footnotes omitted).

[6] *Id.* at 2-3.

appropriate to provide treatments of bona fide hedged and spread positions more precisely reflecting the market risks inherent in such positions. Finally, proposed § 240.15c3-1(c)(2)(x) would have incorporated the principles of day-to-day control and early warning embodied in § 240.15c3-1(a)(6), which sets forth an optional financial responsibility standard for certain dealers engaging in market maker or specialist transactions. Comments and impact studies received from interested members of the public in response to the Commission's invitation in Release No. 12148[7] generally indicate substantial agreement with these principles, and they have been retained in § 240.15c3-1(c)(2)(x) as adopted. However, results of the impact studies conducted by certain commentators suggest that it is appropriate to modify the individual treatments of specific positions in options proposed in Release No. 12148.

LONG AND SHORT POSITIONS

The proposed amendments to § 240.15c3-1(c)(2)(x) involved no change in the capital charges presently applicable to long or short positions in listed options which, under proposed § 240.15c3-1(c)(2)(x), would not be part of a bona fide hedged or spread position. However, substantial impact data received from interested members of the public indicated that the deductions applicable to pure short positions may be excessive in relation to the market risks inherent in such positions; conversely, the same data supported the conclusion that the 30 percent deduction applicable to pure long positions (where the account also contains pure short positions) may not take into account that the market value of an option is a leverage function of the value of its underlying security. Accordingly, under § 240.15c3-1(c)(2)(x)(A), as adopted herein, a broker or dealer guaranteeing, carrying or endorsing the market maker account of a specialist in listed option contracts (a "clearing member") will be required to deduct from his net worth 50 percent of the market value of each option contract carried long, and 75 percent of the market value of each contract carried short, with the proviso that no contract in a short position shall be deemed to have a market value of less than one hundred dollars.

HEDGED POSITIONS

Pursuant to proposed § 240.15c3-1(c)(2)(x)(C), a bona fide hedged position would consist of a long or short position in an underlying security (including a security currently exchangeable or convertible into the underlying security without the payment of money) offset by a call option position for the same number of shares of the same underlying security. As adopted, this provision clarifies that in the case of securities exchangeable or convertible into the underlying security, a bona fide hedged position exists only if such securities constitute the long position. Section 240.15c3-1(c)(2)(x)(C), as adopted, recognizes hedges involving long or short positions in listed put options as bona fide hedged positions for purposes of § 240.15c3-1(c)(2)(x), provided again that the options position is equivalent in size to the offsetting securities position. Recognition of these put hedges increases to four the number of distinct trading strategies eligible for qualification as bona fide hedged positions under § 240.15c3-1(c)(2)(x) as adopted. These variants are treated seriatim in § 240.15c3-1(c)(2)(x)(A)(2)-(5)[8], which closely resemble their counterparts in Appendix A to § 240.15c3-1.[9] For purposes of applying the deductions required by these provisions, § 240.15c3-1(c)(2)(x)(E)(*1*) requires that bona fide hedges shall be constituted by matching long or short positions in an underlying security against offsetting long or short options positions taken in order of increasing exercise values (decreasing exercise values in the case of puts); in the case of long (or short) options of equal exercise value, the option possessing the longest time to expiration should be matched first. Section 240.15c3-1(c)(2)(x)(E) also effectively requires a clearing member to allocate positions in each market maker account so as to constitute bona fide hedged positions, before attempting to form bona fide spread positions.

SPREAD POSITIONS

Proposed § 240.15c3-1(c)(2)(x)(D) defined a bona fide spread position as a long and short position in call option contracts for equivalent units of the same underlying security, where the long option expires no sooner than the short option. If the long or short position consisted of contracts bearing different expiration dates, long and short contracts would be matched, pursuant to proposed § 240.15c3-1(c)(2)(x)(E), in order of decreasing time to expiration; in cases of long or short options of equal time to expiration, the option possessing the lowest exercise value would be matched first. Once the existence and composition of a bona fide spread position were determined in accordance with these proposed criteria, the spread would receive a haircut of 30 percent of the difference between the market values of its component long and short positions.

These proposed provisions concerning spreads evoked several constructive discussions by interested members of the public. It was suggested that the definitional requirement that the long option component of a spread expire no sooner than the short option would prove superfluous in light of the continuous, rapid turnover characterizing option specialists' market maker accounts, and would impede the maintenance of a fair and orderly market in listed options. It was also pointed out, with respect to the allocation procedure set forth in proposed § 240.15c3-1(c)(2)(x)(E), that reversal of the contemplated priority of time to expiration over exercise value would produce an allocation more consistent with the procedure mandated by margin maintenance rules applicable to clearing firms.[10] These commentators suggested further that the deductions from net worth applicable to bona fide spreads should "parallel" the deductions for pure long and pure short positions, in order to discourage market makers from assuming spread positions solely to secure the substantially more favorable capital treatment thereof contemplated by proposed § 240.15c3-1(c)(2)(x). The Commission has determined that it is appropriate to adopt the provisions of proposed § 240.15c3-1(c)(2)(x) pertaining to spreads with modifications indicated by these considerations. These provisions, as adopted, also incorporate recognition of listed put spreads meeting definitional criteria parallel to those outlining the contours of a bona fide call spread.[11] Thus, § 240.15c3-1(c)(2)(x)(D) defines a bona fide spread as a long position and a short position in the same type (*i.e.*, put or call) of option contracts for the same number of units of the same underlying security. If the long or short position consists of option contracts of differing expiration dates or exercise values, then, pursuant to § 240.15c3-1(c)(2)(x)(E)(*2*), the long options taken in order of increasing exercise values (decreasing exercise values in the case of put options) should be matched against the short options similarly ordered; in the case of long (or short) option possessing the longest time to expiration should be matched first.

Bona fide spread positions resulting from the operation of these provisions wherein the market value of the long position exceeds the market value of the short position are treated in § 240.15c3-1(c)(2)(x)(A)(*6*), which prescribes a deduction from net worth of 50 percent of the greater of (i) such excess long market value, or (ii) $50 per long contract. A proviso to this paragraph of the rule recognizes that a market maker carrying both a spread position with excess long market value and a short position in options of the same type for the same underlying security generally incurs less market risk than that reflected by aggregating the deductions separately applicable to the two positions, because of the necessarily counter effect of their market behavior. Bona fide spreads wherein the market value of the short position equals or exceeds the market value of the long position are treated in § 240.15c3-1(c)(2)(x)(A)(*7*), which prescribes a basic deduction of 75 percent of the greater of (i) the difference between the market values of the short and long positions or (ii) $50 per contract carried in the long position. This provision, like § 15c3-1(c)(2)(x)(A)(*6*) discussed above, recognizes that the market risk created by a spread position with

[7] *Id.* at 11.

[8] Appendix A may be found at 17 CFR § 240.15c3-1a (1976). *See id.* § 240.15c3-1a(c)(3), (4), (9), (10) (respectively, long stock—short call, short stock—short put, long stock—long put, and short stock—long call).

[9] *See* Options Clearing Corp. R. 601(a).

[10] *See also* 17 CFR § 240.15c3-1a(c)(12) (1976) (proprietary haircuts for listed put spreads).

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excess short market value is reduced by the presence in the same market maker account of a pure long position in the same type of options for the same underlying security. Another proviso to § 240.15c3–1(c)(2)(x)(A)(7) stipulates that if the options in the short position expire no later than the options in the long position, the deduction in respect of the spread shall be the greater of (i) 75 percent of $50 per contract carried long or (ii) the amount by which the difference between the proceeds of the short position and the cost of the long position is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position.

DEFINITION OF EQUITY

Proposed § 240.15c3–1(c)(2)(x)(B) set forth a definition of "equity" for purposes of proposed § 240.15c3–1(c)(2)(x). The Commission has determined that it is appropriate to adopt this provision (as § 240.15c3–1(c)(2)(x)(B)(2)) in the form proposed, except for transferring to a separate provision (§ 240.15c3–1(c)(2)(x)(A)(8)) the requirement that positions in a market maker account not directly related to specialist activities shall receive their normal proprietary haircuts. Section 240.15c3–1(c)(2)(x)(B) itself, as adopted, consists of the two sentences concluding proposed § 240.15c3–1(c)(2)(x)(A), which state in essence that the deduction computed for each market maker account pursuant to § 240.15c3–1(c)(2)(x)(A) shall be reduced by the amount of equity in the account or increased to the extent of any liquidating deficit therein.

1000 PERCENT TEST

A new provision, § 240.15c3–1(c)(2)(x)(B)(*1*), provides that no broker or dealer subject to § 240.15c3–1(c)(2)(x)(A) shall permit the aggregate deductions from his net worth required by that paragraph in respect of all market maker accounts guaranteed, endorsed or carried by such broker or dealer to exceed 1000 percent of his net capital, as defined by § 240.15c3–1(c)(2), for any period exceeding five business days. The Commission has determined that this provision, which will ensure that clearing members maintain a capital cushion adequate in light of the special risks attending their activity, is a necessary and appropriate complement to other provisions of § 240.15c3–1(c)(2)(x) requiring the maintenance of an adequate capital cushion at the market maker level. Inasmuch as violation of this provision constitutes a violation of section 240.15c 3–1 involving a net capital deficiency, the notice and reporting requirements of Rule 17a–11(a) [17 CFR 240.17a–11(a)] apply, and operate at the close of the five business day period. In order to provide appropriate early warning of violations of § 240.15c3–1(c)(2)(x)(B)(*1*), this paragraph requires a broker and dealer subject thereto to give immediate telegraphic notice to the Commission and his examining authority if such broker's or dealer's § 240.15c3–1(c)(2)(x)(A) deductions at any time exceed 100 percent of his net capital.

EARLY WARNING AND CONTROL PROCEDURES

Proposed § 240.15c3–1(c)(2)(x)(F) and (G) set forth control and early warning procedures incumbent upon brokers or dealers guaranteeing endorsing or carrying the market maker account of a specialist in listed options, in the deductions required by proposed § 240.15c3–1(c)(2)(x)(A) exceeded the equity in such account, or if the account liquidated to a deficit. These provisions closely resemble their counterparts in § 240.15c3–1(a)(6)(iv).

The Commission has adopted these provisions in their original form.[11] Proposed § 240.15c3–1(c)(2)(vi)(H), which would invest the Commission with authority to approve, in appropriate individual cases, lesser deductions from net worth than those specified in proposed § 240.15c3–1(c)(2)(x), has been adopted without change.

The text of § 240.15c3–1(c)(2)(x), in the form adopted by the Commission, appears later in this release.

DELETION OF SECTION 240.15c3–1(c)(13) AND WITHDRAWAL OF PROPOSED AMENDMENTS THERETO

Section 240.15c3–1(c)(13) defines the term "equity" for purposes of the present § 240.15c3–1(c)(2)(x). In Release No. 12148, the Commission proposed to delete this provision, inasmuch as proposed § 240.15c3–1(c)(2)(x) contained its own definition of equity in paragraph (B) thereof.[12] The amendments to § 240.15c3–1(c)(2)(x) adopted today include, in modified form, proposed § 240.15c3–1(c)(2)(x)(B). Accordingly, the Commission has determined to adopt its proposal to delete § 240.15c3–1(c)(13). This action renders obsolete the amendment to § 240.15c3–1(c)(13) proposed in Securities Exchange Act Release No. 11969;[13] accordingly, the Commission has determined to withdraw that proposal.[14]

ADOPTION OF AMENDMENTS TO SECTION 240.15c3–1(a)(6)

Section 240.15c3–1(a)(6) [15] establishes an optional financial responsibility standard available to certain dealers who combine specialist activities with certain other floor activities. Section 240.15c3–1(a)(6) is predicated on the maintenance of a specified level of equity in the dealer's market maker or specialist account carried with another broker or dealer, including, in the case of positions in options, the same percentage levels required by the present § 240.15c3–1(c)(2)(x).[16]

In Release No. 12148, the Commission proposed amendments to § 240.15c3–1(a)(6) corresponding to the amendments to § 240.15c3–1(c)(2)(x) proposed in that same release, in order to preserve the symmetry between the two provisions. The Commission has determined that it is appropriate to adopt the proposed amendments to § 240.15c3–1(a)(6), with modifications reflecting the alterations to proposed § 240.15c3–1(c)(2)(x) discussed above. As adopted, the amendments to § 240.15c3–1(a)(6) incorporate by reference, rather than repeat substantially verbatim, the relevant provisions of § 240.15c3–1(c)(2)(x) as amended.

The text of § 240.15c3–1(a)(6), as amended today, appears later in this release.

DISPOSITION OF PROPOSED INTERPRETATIONS RELATING TO PROPOSED SECTION 240.15c3–1(c)(2)(x)

In Release No. 12148, the Commission proposed two interpretations designed to clarify certain aspects of proposed § 240.15c3–1(c)(2)(x). With respect to proposed § 240.15c3–1(c)(2)(x)(H), the Commission proposed to clarify by interpretation that the broker or dealer guaranteeing, endorsing or carrying an options specialist's market maker account for which the Commission has approved lesser adjustments to net worth shall deduct from his capital the difference between the equity in such account maintained pursuant to such lesser adjustments and the equity required therein pursuant to proposed § 240.15c3–1(c)(2)(x)(A). This would conform to the treatment of specialist or market maker accounts under § 240.15c3–1(a)(6), if lesser equity requirements therefor were approved pursuant to the provision presently designated as § 240.15c3–1(a)(6)(iii)(E).[17] The Commission has determined that this proposed interpretation is appropriate, and accordingly adopts the interpretation in the form proposed.

The second interpretation proposed in Release No. 12148 stated that pursuant to § 240.15c3–1(c)(1), equity in individual

[11] In the course of their comments upon proposed § 240.15c3–1(c)(2)(x), certain interested members of the public suggested that calls for margin, marks to the market or other required deposits outstanding not more than one business day be applied to market maker accounts for purposes of proposed § 240.15c3–1(c)(2)(x)(F). In the Commission's view, this may not be consistent with the concept of requiring immediate remedial action if at any time there is insufficient equity present in a market maker account. However, should experience with § 240.15c3–1(c)(2)(x) indicate the desirability of an amendment to § 240.15c3–1(c)(2)(x)(F) along these lines, the Commission will reconsider the matter at a later date.

[12] Release No. 12148 at 7.

[13] Securities Exchange Act Release No. 11969, at 10–11 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976); see note 3 supra.

[14] Withdrawal of this proposed amendment is formally announced in Securities Exchange Act Release No. 12767 (Sept. 2, 1976) [41 FR 39048 (Sept. 14, 1976)].

[15] Section 240.15c3–1(a)(6) was adopted in Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976).

[16] See Release No. 12148 at 8. The primary distinction between § 240.15c3–1(a)(6) and § 240.15c3–1(c)(2)(x) lies in the former provision's availability to certain dealers who already are subject to section 240.15c3–1; § 240.15c3–1(c)(2)(x) deals with the market maker accounts of specialists in listed options who are themselves exempted from net capital regulation pursuant to § 240.15c3–1(b)(1).

[17] The amendments to § 240.15c3–1(a)(6) adopted herein involve the redesignation of this provision as § 240.15c3–1(a)(6)(iii)(B).

options specialists' market maker accounts would be includable in the aggregate indebtedness of the broker or dealer guaranteeing, endorsing or carrying such accounts. The Commission has determined that the proposed interpretation of § 240.15c3–1(c)(1) is no longer necessary in light of § 240.15c3–1(c)(2)(x)(B)(*1*), which, through a maximum permissible ratio between a clearing member's net capital and the deductions from its net worth specified by § 240.15c3–1(c)(2)(x)(A) in respect of its market maker account clearing activity, limits the volume of such activity in which such a firm may engage with a given amount of net capital. Additionally, § 240.15c3–1(c)(2)(x)(B)(*1*), unlike the proposed interpretation, is applicable to those clearing members which operate under § 240.15c3–1(f), the alternative net capital requirement. In view of these considerations, the Commission has determined that it is appropriate to withdraw the interpretation of § 240.15c3–1(c)(1) proposed in Release No. 12148.[18]

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and (23)(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends section 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective November 1, 1976. The Commissions finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

TEXT OF AMENDMENTS TO SECTION 240.15c3–1

1. The text of the amendments to § 240.15c3–1, is as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) * * *

MARKET MAKERS, SPECIALIST AND CERTAIN OTHER DEALERS

(6)(i) A dealer who meets the conditions of paragraph (a)(6)(ii) of this section may elect to operate under this paragraph (a)(6) and thereby not apply, except to the extent required by this paragraph (a)(6), the provisions of paragraphs (c)(2)(vi), (f)(3) or Appendix A, 17 CFR 240.15c3–1a, of this section to market maker and specialist transactions and, in lieu thereof, apply thereto the provisions of paragraph (a)(6)(iii) of this section.

(ii) This paragraph (a)(6) shall be available to a dealer who does not effect transactions with other than brokers or dealers, who does not carry customer accounts, who does not effect transactions in unlisted options, and whose market maker or specialist transactions are effected through and carried in a market maker or specialist account cleared by another broker or dealer is provided in paragraph (a)(6)(iv) of this section.

(iii) A dealer who elects to operate pursuant to this paragraph (a)(6) shall at all times maintain a liquidating equity in respect of securities positions in his market maker or specialist account at least equal to:

(A) An amount equal to 25 percent (5 percent in the case of exempted securities) of the market value of the long positions and 30 percent of the market value of the short positions; provided, however, in the case of long or short positions in options and long or short positions in securities other than options which relate to a bona fide hedged position as defined in paragraph (c)(2)(x)(C) this section, such amount shall equal the deductions in respect of such positions specified by paragraph (c)(2)(x)(A)(*1*)–(*8*) of this section.

(B) Such lesser requirement as may be approved by the Commission under specified terms and conditions upon written application of the dealer and the carrying broker or dealer.

(C) For purposes of this paragraph (a)(6)(iii), equity in such specialist or market maker account shall be computed by (*1*) marking all securities positions long or short in the account to their respective current market values, (2) adding (deducting in the case of a debit balance) the credit balance carried in such specialist or market maker account, and (3) adding (deducting in the case of short positions) the market value of positions long in such account.

(iv) The dealer shall obtain from the broker or dealer carrying the market maker or specialist account a written undertaking which shall be designated "Notice Pursuant to § 240.15c3–1(a)(6) of Intention to Carry Specialist or Market Maker Account." Said undertaking shall contain the representations required by paragraph (a)(6) of this section and shall be filed with the Commission's Washington, D.C. Office, the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the Designated Examining Authorities of both firms prior to effecting any transactions in said account. The broker or dealer carrying such account:

(A) Shall mark the account to the market not less than daily and shall issue appropriate calls for additional equity which shall be met by noon of the following business day;

(B) Shall notify by telegraph the Commission and the Designated Examining Authorities pursuant to 17 CFR 240.17a–11, if the market maker or specialist fails to deposit any required equity within the time prescribed in paragraph (a)(6)(iv)(A) above; said telegraphic notice shall be received by the Commission and the Designated Examining Authorities not later than the close of business on the day said call is not met;

(C) Shall not extend further credit in the account if the equity in the account falls below that prescribed in paragraph (a)(6)(iii) above, and

(D) Shall take steps to liquidate promptly existing positions in the account in the event of a failure to meet a call for equity.

* * * * * *

(c) * * *

(2) * * *

BROKERS OR DEALERS CARRYING ACCOUNTS OF OPTIONS SPECIALISTS

(x)(A) With respect to any transaction in options listed on a registered national securities exchange or a facility of a registered national securities association for which a broker or dealer acts as a guarantor, endorser or carrying broker or dealer for options purchased or written by a specialist not otherwise subject to the provisions of this section, such broker or dealer shall adjust its net worth by deducting, for each class of option contracts in which each such specialist is a market maker, an amount equal to 50 percent of the market value of each option contract in a long position and 75 percent of the market value of each contract in a short position; provided, however, that:

(*1*) For the purpose of the above deductions, each option contract in a short position shall be deemed to have a market value of not less than $100.

(2) In the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) involving a long position in a security, other than an option, and a short position in a call option, the deduction shall be 30 percent (or such other percentage required by paragraphs (A)–(K) of paragraph (c)(2)(vi) of this section or 15 percent if such broker or dealer operates pursuant to paragraph (f) of this section) of the market value of the long position reduced by any excess of the market value of the long position over the exercise value of the short option position; provided, that no such reduction shall operate to increase net capital.

(3) In the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) involving a short position in a security, other than an option, and a long position in a call option, the deduction shall be the lesser of 30 percent of the market value of the short position or the amount by which the exercise value of the long option position exceeds the market value of the short position; however, if the exercise value of the long option position does not exceed the market value of the short position, no deduction shall be applied.

(*4*) In the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) involving a short position in a security, other than an option, and a short position in a put option, the deduction shall be 30 percent (or such other percentage required by paragraphs (A)–(K) of paragraph (c)(2)(vi) of this section) of the market value of the short

[18] Withdrawal of this proposed interpretation is formally announced in Securities Exchange Act Release No. 12767 (Sept. 2, 1976) [41 FR 39048 (Sept. 14, 1976)].

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security position reduced by any excess of the exercise value of the short option position over the market value of the short security position; provided, that no such reduction shall operate to increase net capital.

(5) In the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) involving a long position in a security, other than an option, and a long position in a put option, the deduction shall be the lesser of 30 percent (15 percent if such broker or dealer operates pursuant to paragraph (f) of this section) of the market value of such long security position or the amount by which the market value of such long security position exceeds the exercise value of the long option position; however, if the market value of the long security position does not exceed the exercise value of the long option position, no deduction shall be applied.

(6) In the case of a bona fide spread position as defined in this paragraph (c)(2)(x) in which the market value of the long position exceeds the market value of the short position, the deduction shall be 50 percent of the greater of the difference between the market values of such long and short positions or $50 for each option contract included in the long position as part of such spread position; provided, that such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure short position in such specialist's market maker account than the greater of the deduction required by this paragraph (6) in respect of the spread position or the deduction required by paragraphs (A) and (A)(*1*) of this paragraph (c)(2)(x) in respect of the pure short position.

(7) In the case of a bona fide spread position as defined in this paragraph (c)(2)(x) in which the market value of the short position equals or exceeds the market value of the long position, the deduction shall be 75 percent of the greater of the difference between the market values of such short and long positons or $50 for each option contract included in the long position as part of such spread position; provided, that if the option contracts in the short position expire no later than the option contracts in the long position, such deduction shall be the greater of 75 percent of $50 per long contract, or the amount by which the difference between the proceeds of the short position and the cost of the long position is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position; and provided further, that such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure long position in such specialist's market maker account than the greater of the deduction required by this paragraph (7) in respect of the spread position or the deduction required by paragraph (A) of this paragraph (c)(2)(x) in respect of the pure long position.

(8) In the case of positions in securities which are not part of a bona fide hedged or spread position as defined in this paragraph (c)(2)(x) and, in the case of options, which are not listed on the national securities exchange of which such specialist is a member, the deduction shall be that set forth in paragraph (c)(2)(vi) of this section, or, if such securities are options, the deduction shall be that set forth in Appendix A (17 CFR 240.15c3–1a) to this section.

(B) The deduction computed for each specialist's positions pursuant to paragraph (A) of this paragraph (c)(2)(x) shall be reduced by any liquidating equity, as defined in this paragraph (c)(2)(x), that exists in such specialist's market maker account with the broker or dealer, and shall be increased to the extent of any liquidating deficit in such account. Provided, that in no event shall this provision result in increasing the net capital of any such guarantor, endorser, or carrying broker or dealer.

(*1*) No such guarantor, endorser or carrying broker or dealer shall permit the deductions required by paragraph (A) of this paragraph (c)(2)(x) in respect of all transactions in specialists' market maker accounts guaranteed, endorsed or carried by such broker or dealer to exceed 1000 percent of such broker's or dealer's net capital as defined in paragraph (c)(2) of this section for any period exceeding five business days. Provided, that if at any time such deductions exceed 1000 percent of such broker's or dealer's net capital, then the broker or dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and such broker's or dealer's Designated Examining Authority.

(2) For purposes of this paragraph (c)(2)(x), equity in each such specialist's market marker account shall be computed by (*i*) marking all securities positions long or short in the account to their respective current market values, (*ii*) adding (deducting in the case of a debit balance) the credit balance carried in such specialist's market maker account, and (*iii*) adding (deducting in the case of short positions) the market value of positions long in such account.

(C) For purposes of this paragraph (c)(2)(x), a bona fide hedged position shall mean either (*1*) a long position in a security other than an option (an "underlying security"), or in a security which is currently exchangeable for or convertible into the underlying security if the conversion or exchange does not require the payment of money, which is offset by a short call option position or a long put option position for the same number of units of the same underlying security, or (2) a short position in an underlying security which is offset by a long call position or a short put position for the same number of units of the same underlying security.

(D) For purposes of this paragraph (c)(2)(x), a bona fide spread position shall mean long and short positions in the same type (that is, put or call) of option contracts for the same number of units of the same underlying security.

(E) For purposes of applying the deductions required by paragraph (A) of this paragraph (c)(2)(x) in respect of positions in each such specialist's market maker account, long and short positions in each such account shall be allocated in the following sequence:

(*1*) Bona fide hedged positions as defined in paragraph (C) of this paragraph (c)(2)(x) shall be constituted by matching long or short positions in securities, other than options, against offsetting long or short options positions taken in order of increasing exercise values (decreasing exercise values in the case of put options); provided, that in the case of long (or short) options of equal exercise value, the option possessing the greatest time to expiration shall be matched first.

(2) Thereafter, bona fide spread positions as defined in paragraph (D) of this paragraph (c)(2)(x) shall be constituted by matching long options taken in order of increasing exercise values (decreasing exercise values in the case of puts) against offsetting short options taken in order of increasing exercise values (decreasing exercise values in the case of puts); provided, that in the case of long (or short) options of equal exercise value, the option possessing the greatest time to expiration shall be matched first.

(3) Thereafter, long or short positions not allocated pursuant to paragraphs (*1*) or (2) above shall be treated in the manner prescribed by paragraphs (A), (A)(*1*) or (A)(*8*) of this paragraph (c)(2)(x).

(F) If at any time the deductions required in respect of any such specialist's market maker account pursuant to paragraph (A) of this paragraph (c)(2)(x) exceed the equity in the account computed pursuant to paragraph (B)(2) of this paragraph (c)(2)(x), then the broker or dealer guaranteeing, endorsing, or carrying options transactions in such account:

(*1*) Shall not extend further credit in the account, and

(2) Shall issue a call for additional equity which shall be met by noon of the following business day, and

(3) Shall notify by telegraph the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and the Designated Examining Authorities of the specialist and the broker or dealer if the specialist fails to deposit any required equity within the time prescribed in (2) above; said telegraphic notice shall be received by the Commission's Washington, D.C. office, the Commission's regional office, and the Designated Examining Authorities not later than the close of business on the day said call is not met.

(G) If at any time a liquidating deficit exists in any such specialist's market maker account, then the broker or dealer guaranteeing, endorsing or carrying options transactions in such account shall take steps to liquidate promptly existing positions in the account.

(H) Upon written application to the Commission by the specialist and the broker or dealer guaranteeing, endorsing, or carrying options transactions in such specialist's market maker account, the Commission may approve upon specified terms and conditions lesser adjustments to net worth than those specified by paragraph (A) of this paragraph (c)(2)(x).

* * * * *

2. In section 240.15c3–1, paragraph (c)(13) is deleted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26834 Filed 9-13-76;8:45 am]

[Release No. IA–532, File No. S7–632]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Investment Advisers

NEW RULES CONCERNING GENERAL REQUIREMENTS FOR PAPERS AND APPLICATIONS, AND PROCEDURE WITH RESPECT THERETO

On May 13, 1976, the Securities and Exchange Commission published notice (Investment Advisers Act Release No. 516 [41 FR 22101 (June 1, 1976)]) that it had under consideration the adoption of new Rules 0–4, 0–5, and 0–6 [17 CFR 275.0–4, 17 CFR 275.0–5, and 17 CFR 275.0–6, respectively] under the Investment Advisers Act of 1940 [15 U.S.C. 80b–1 et seq.] (the "Advisers Act") for the purpose of facilitating the processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder[1] and the adoption of a related clarifying amendment of the title of Rule 204–1 [17 CFR 275.204–1] under the Advisers Act and invited all interested persons to submit their views on the proposals.

The Commission has considered all of the comments received and has adopted Rules 0–4, 0–5 and 0–6 and amended the title of Rule 204–1 in the form set forth below, effective October 21, 1976. The foregoing actions have been taken by the Commission pursuant to sections 203 [15 U.S.C. 80b–3], 204 [15 U.S.C. 80b–4], and 211 [15 U.S.C. 80b–11] of the Advisers Act and Title V of the Independent Officers Appropriations Act, 1952 [31 U.S.C. 483a].

The rules which have been adopted relate to the filing and processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder.

Rule 0–4 under the Advisers Act contains general requirements of papers and applications filed pursuant to the Advisers Act and any rule or regulation thereunder, including, among other things, the method for filing such papers and formal specifications respecting the form in which applications should be filed and their contents, including a statement as to the authority of the persons signing the application, a statement of the grounds for the application, and the address of the applicant.

Rule 0–5 under the Advisers Act specifies the procedure of the Commission with regard to proceedings initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Advisers Act or any rule or regulation thereunder, unless in the particular circumstance a different procedure is provided. It encompasses a requirement for notice of the initiation of the proceedings in the Federal Register, a period of time during which interested persons might request a hearing, a provision for the issuance of orders, including orders for hearings, and a requirement of a $150 application fee. The $150 fee would not be required where an applicant for an order under the Advisers Act also applies for an order under the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.] (the "Investment Company Act") in the same application, since a $500 application fee would then be required pursuant to Rule 0–5(d) [17 CFR § 270.0–5(d)] under the Investment Company Act.

Rule 0–6 under the Advisers Act provides for incorporation by reference in applications filed under the Advisers Act of all or a part of other documents, including financial statements, filed with the Commission pursuant to any Act administered by the Commission. In view of the relative brevity of other reports currently required to be filed with the Commission under the Advisers Act, incorporation by reference in such documents would appear to be unnecessary at this time.

Under Rule 0–6, any incorporation by reference is subject to the limitations of Rule 24 of the Commission's rules of practice [17 CFR 201.24]. Since the provisions of that rule may be amended from time to time, a Note to the rule has been added which advises applicants to review Rule 24 as in effect at the time an application is filed prior to incorporating by reference any document as an exhibit to such application.

The term "application," as used in Rules 0–4, 0–5, and 0–6, is defined as "any application for an order of the Commission under the Act other than an application for registration as an investment adviser."

The Commission also has amended the title to Rule 204–1 to make it clear that that rule relates only to amendments to applications for registration and not to amendments to other kinds of applications.

COMMISSION ACTION

The text of Rules 0–4, 0–5, and 0–6 under the Advisers Act as adopted by the Commission, effective October 21, 1976, is as follows:

§ 275.0–4 General requirements of papers and applications.

(a) *Filing of papers.* All papers required to be filed with the Commission shall, unless otherwise provided by the rules and regulations in this part, be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, D.C. 20549. Except as otherwise provided by the rules and regulations in this part, such papers shall be deemed to have been filed with the Securities and Exchange Commission on the date when they are actually received by it.

(b) *Formal specifications respecting applications.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in quintuplicate. One copy shall be signed by the applicant, but the other four copies may have facsimile or typed signatures. Such applications shall be on paper approximately 8½ by 11 inches

[1] Clause (F) of section 202(a)(11) [15 U.S.C. 80b–2(a)(11)(F)] of the Advisers Act excludes from the definition of "investment adviser" such persons not within the intent of the definitional paragraph "as the Commission may designate by rules and regulations or order."

Section 206A [15 U.S.C. 80b–6(A)] of the Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Section 210(a) [15 U.S.C. 80b–10(a)] of the Act provides in part as follows:

The information contained in any registration application or report or amendment thereto filed with the Commission pursuant to any provision of this title shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors.

Section 211 [15 U.S.C. 80b–11] of the Act provides in part as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. . . .

* * * * *

(c) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or certified mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

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in size, except that tables, charts, and other documents may be larger if folded to approximately that size. The left margin should be at least 1½ inches wide, and, if the application is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photocopying.

(c) *Authorization respecting applications.* (1) Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and which is executed by a corporation, partnership, or other company and filed with the Commission, shall contain a concise statement of the applicable provisions of the articles of incorporation, bylaws, or similar documents, relating to the right of the person signing and filing such application to take such action on behalf of the applicant, and a statement that all such requirements have been complied with and that the person signing and filing the same is fully authorized to do so. If such authorization is dependent on resolutions of stockholders, directors, or other bodies, such resolutions shall be attached as an exhibit to, or the pertinent provisions thereof shall be quoted in, the application.

(2) If an amendment to any such application shall be filed, such amendment shall contain a similar statement or, in lieu thereof, shall state that the authorization described in the original application is applicable to the individual who signs such amendment and that such authorization still remains in effect.

(3) When any such application or amendment is signed by an agent or attorney, the power of attorney evidencing his authority to sign shall contain similar statements and shall be filed with the Commission.

(d) *Verification of applications and statements of fact.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and every amendment to such application, and every statement of fact formally filed in support of, or in opposition to, any application or declaration shall be verified by the person executing the same. An instrument executed on behalf of a corporation shall be verified in substantially the following form, but suitable changes may be made in such form for other kinds of companies and for individuals:

State of ----------
County of ----------, ss:

The undersigned being duly sworn deposes and says that he has duly executed the attached ---------- dated ----------, 19----, for and on behalf of ----------;

(Name of company)

that he is the ---------- of such

(Title of officer)

company; and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument has been taken. Deponent further says that he is familiar with such instrument, and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

(Signature)

(Type or print name beneath)

Subscribed and sworn to before me a ---------- this ----------

(Title of officer)

day of ----------, 19----.

[OFFICIAL SEAL]

My commission expires ----------

(e) *Statement of grounds for application.* Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the rules and regulations under which application is made.

(f) *Name and address.* Every application shall contain the name and address of each applicant and the name and address of any person to whom any applicant wishes any question regarding the application to be directed.

(g) *Proposed notice.* A proposed notice of the proceeding initiated by the filing of the application shall accompany each application as an exhibit thereto and, if necessary, shall be modified to reflect any amendments to such application.

(h) *Definition of application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0–5 Procedure with respect to applications and other matters.

The procedure hereinbelow set forth will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course following the expiration of the period of time referred to in paragraph (a), unless the Commission thereafter orders a hearing on the matter.

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of any interested person or (2) upon its own motion.

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission, in the manner specified in paragraph (b) of Rule 203–3 [17 CFR 275.203–3(b)] under the Act, a total fee of $150, no part of which shall be refunded. This fee shall not be required where a single application is filed under both the Act and the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.]

(e) *Definition of application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0–6 Incorporation by reference in applications.

(a) A person filing an application may, subject to the limitations of § 201.24 of this chapter, incorporate by reference as an exhibit to such application any document or part thereof, including any financial statement or part thereof, previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such applicant or any other person. If any modification has occurred in the text of any such document since the filing thereof, the applicant shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the application which incorporates such document, the applicant shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the application.

(b) Notwithstanding paragraph (a) of this rule, a certificate of an independent public accountant or accountants previously or concurrently filed may not be incorporated by reference in any application unless the written consent of the accountant or accountants to such incorporation is filed with the application.

(c) In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the application at the particular place where the information is required.

(d) Notwithstanding paragraph (a) of this rule, no application shall incorporate by reference any exhibit or financial statement which (1) has been withdrawn, or (2) was filed under any act administered by the Commission in connection with a registration which has ceased to be effective, or (3) is contained in an application for registration, registration statement, or report subject, at the time of the incorporation by reference, to pending proceedings under section 8(b) [15 U.S.C. 77a–8(b)] or 8(d) [15 U.S.C. 77a–8(d)] of the Securities Act of 1933 [15 U.S.C. 77a–1 et seq.], section 8(e) [15 U.S.C. 80a–8(e)] of the Investment Company Act of 1940, section 15(b)(4)(A) [15 U.S.C. 78a–15(b)(4)(A)] of the Securities Exchange Act of 1934 [15 U.S.C. 78a–1 et seq.], section 203(e)(1) [15 U.S.C. 80b–3(e)(1)] of the Investment Advisers Act of 1940 or to an order entered under any of those sections.

(e) Notwithstanding paragraph (a) of this rule, the Commission may refuse to permit incorporation by reference in any case in which in its judgment such incorporation would render an application incomplete, unclear, or confusing.

(f) *Definition of Application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

NOTE.—Prior to incorporating by reference any document as an exhibit to an application, applicants are advised to review § 201.24 of this chapter as in effect at the time the application is filed to determine whether such incorporation by reference would be permissible under that rule.

Section 275.204–1 under the Investment Advisers Act of 1940 is presently entitled, *Amendments to application.* In order to make it clear that that rule relates only to amendments to applications for registration, the Commission has amended its title, effective October 21, 1976, to read as follows:

§ 275.204–1 Amendments to applications for registration.

• • • • •

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76–26832 Filed 9–13–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76–260]

PART 6—AIR COMMERCE REGULATIONS

List of Designated International Airports, Amended

Section 6.13 of the Customs Regulations (19 CFR 6.13) sets forth a list of international airports designated by the Secretary of the Treasury pursuant to 49 U.S.C. 1509(b) as ports of entry for civil aircraft arriving in the United States. Since this list was prepared, a number of these airports have changed their official names. This amendment to § 6.13 merely furnishes an up-to-date list of the location and name of each designated airport.

Accordingly, § 6.13 of the Customs Regulations (19 CFR 6.13) is amended by substituting the following list of international airports of entry for the present list contained in that section:

§ 6.13 List of international airports.

• • •

Location	*Name*
Akron, Ohio	Akron Municipal Airport
Albany, N.Y.	Albany County Airport
Baudette, Minn.	Baudette International Airport
Bellingham, Wash.	Bellingham International Airport
Brownsville, Tex.	Brownsville International Airport
Burlington, Vt.	Burlington International Airport
Calexico, Calif.	Calexico International Airport
Caribou, Maine	Caribou Municipal Airport
Chicago, Ill.	Midway Airport
Cleveland, Ohio	Cleveland Hopkins International Airport
Cut Bank, Mont.	Cut Bank Airport
Del Rio, Tex.	Del Rio International Airport
Detroit, Mich.	Detroit City Airport
Do.	Detroit Metropolitan Wayne County Airport
Douglas, Ariz.	Bisbee-Douglas International Airport
Duluth, Minn.	Duluth International Airport
Do.	Sky Harbor Airport
Eagle Pass, Tex.	Eagle Pass Municipal Airport
El Paso, Tex.	El Paso International Airport
Fort Lauderdale, Fla.	Fort Lauderdale-Hollywood International Airport
Friday Harbor, Wash.	Friday Harbor Seaplane Base
Grand Forks, N. Dak.	Grand Forks International Airport
Great Falls, Mont.	Great Falls International Airport
Havre, Mont.	Havre City-County Airport
Houlton, Maine	Houlton International Airport
International Falls, Minn.	Falls International Airport
Juneau, Alaska	Juneau Municipal Airport
Do.	Juneau Harbor Seaplane Base
Ketchikan, Alaska	Ketchikan Harbor Seaplane Base
Key West, Fla.	Key West International Airport
Laredo, Tex.	Laredo International Airport
Massena, N.Y.	Richards Field
McAllen, Tex.	Miller International Airport
Miami, Fla.	Chalk Seaplane Base
Do.	Miami International Airport
Minot, N. Dak.	Minot International Airport
Nogales, Ariz.	Nogales International Airport
Ogdensburg, N.Y.	Ogdensburg Harbor
Do.	Ogdensburg International Airport
Oroville, Wash.	Dorothy Scott Airport
Do.	Dorothy Scott Seaplane Base
Pembina, N. Dak.	Pembina Municipal Airport
Portal, N. Dak.	Portal Municipal Airport
Port Huron, Mich.	St. Clair County International Airport
Port Townsend, Wash.	Jefferson County International Airport
Ranier, Minn.	Ranier International Seaplane Base
Rochester, N.Y.	Rochester-Monroe County Airport
Rouses Point, N.Y.	Rouses Point Seaplane Base
San Diego, Calif.	San Diego International Airport (Lindbergh Field)
Sandusky, Ohio	Griffing-Sandusky Airport
Sault Ste. Marie, Mich.	Sault Ste. Marie City-County Airport
Seattle, Wash.	King County International Airport
Do.	Lake Union Air Service (Seaplanes)
Spokane, Wash.	Felts Field
Tampa, Fla.	Tampa International Airport
Tucson, Ariz.	Tucson International Airport
Watertown, N.Y.	Watertown New York International Airport
West Palm Beach, Fla.	Palm Beach International Airport
Williston, N. Dak.	Sloulin Field International Airport
Wrangell, Alaska	Wrangell Seaplane Base
Yuma, Ariz.	Yuma International Airport

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

Because this amendment merely conforms the Customs Regulations with certain administrative changes, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment shall become effective on September 14, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–26840 Filed 9–13–76;8:45 am]

[T.D. 76–261]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Seizure and Disposition of Articles or Matter Prohibited Entry, Amended

Section 12.40(b) of the Customs Regulations (19 CFR 12.40(b)) provides, in part, that upon the seizure of articles or matter prohibited entry by section 305, Tariff Act of 1930, as amended, a notice of the seizure of such articles or matter shall be sent to the consignee or addressee. Paragraph (c) of this section, (19 CFR 12.40(c)) provides that when such articles and matter are of small value and no criminal intent is apparent, a blank assent to forfeiture, Customs Form 4609, shall be sent with the notice of seizure. Upon receipt of the assent to forfeiture duly executed, the articles shall be destroyed if not needed for official use and the case closed.

It has come to the attention of the United States Customs Service that the reference in § 12.40(c) to "a blank assent to forfeiture" as Customs Form 4609 is incorrect. Customs Form 4609 is the Petition for Remission or Mitigation of Forfeitures and Penalties Incurred. The correct reference to the assent to forfeiture is Customs Form 4607, Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise and

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Certificate of Destruction. Therefore, it is necessary to amend § 12.40(c) to reflect the correct Customs Form number.

§ 12.40 [Amended]

Accordingly, the first sentence of § 12.40(c) of the Customs Regulations (19 CFR 12.40(c)) is amended by substituting "Customs Form 4607" for "Customs Form 4609."

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as this amendment merely conforms the Customs Regulations with an existing administrative practice and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment shall become effective September 14, 1976.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-26841 Filed 9-13-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 510—NEW ANIMAL DRUGS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

The Food and Drug Administration approves new animal drug applications 102-673V filed by Tutag Pharmaceuticals, Inc., 2599 W. Midway Blvd., Broomfield, CO 80020 and 102-942V filed by Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709, proposing the safe and effective use of dichlorophene and toluene capsules for treatment of dogs and cats for certain helminth infections. These approvals are effective September 14, 1976.

The Commissioner of Food and Drugs is amending §§ 510.600 and 520.580 (21 CFR 510.600 and 520.580) to reflect these approvals.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Parts 510 and 520 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *
(1) * * *

Firm name and address	*Drug listing No.*
* * * * * * *	
Tutag Pharmaceuticals, Inc., 2599 W. Midway Blvd., Broomfield, CO 80020	000124
* * * * * * *	

(2) * * *

Drug listing No	*Firm name and address*
* * * * * * *	
	Tutag Pharmaceuticals, Inc., 2599 W. Midway Blvd., Broomfield, CO 80020.
* * * * * * *	

2. In Part 520, § 520.580 is amended in paragraph (c)(1) to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

* * * * * * *

(c)(1) *Sponsor.* Nos. 000010, 000081, 000856, 010290, 011519, 011536, 011614, and 000124 in § 510.600(c) of this chapter.

* * * * * * *

Effective date. This amendment shall be effective September 14, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 7, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-26759 Filed 9-13-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2268]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Revision of Part

The purpose of this part is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because the revision merely reflects statutory language or intent or provides guidance to procedures of the Federal Insurance Administrator.

Present Section 1914 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is redesignated as Section 1914.6, and certain new entries are added in alphabetical sequence entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance program. Accordingly, Part 1914 of Chapter X of Title 24 of the Code of Federal Regulations is revised as follows:

1. The heading and text of Part 1914 is revised to read as follows:

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Sec.
1914.1 Purpose of part.
1914.2 Definitions.
1914.3 Flood insurance maps.
1914.4 Effect on community's eligibility resulting from boundary changes, governmental reorganizations, etc.
1914.5 Relationship of rates to zone designations.
1914.6 List of eligible communities.

AUTHORITY: Sec. 7(b), 79 Stat. 670; (42 U.S.C. 3535(d)); Sec. 1360, 82 Stat. 587; (42 U.S.C. 4101).

§ 1914.1 Purpose of part.

(a) 42 U.S.C. Sections 4101 and 4014 require that flood insurance in the maximum limits of coverage under the regular program shall be offered in communities only after the Administrator has: (1) Identified the areas of special flood, mudslide (i.e., mudflow) or flood-related erosion hazards within the community under Part 1915 of this subchapter; and (2) Completed a risk study for the applicant community. A period of 15 years ending July 31, 1983, was allotted for this purpose. The priorities for conducting such risk studies are set forth in §§ 1909.23 and 1910.25 of this subchapter. A purpose of this part is periodically to list those communities in which the sale of insurance under the regular program has been authorized.

(b) 42 U.S.C. section 4056 authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on September 30, 1977, the Administrator may make subsidized coverage available to eligible communities prior to the completion of detailed risk studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

§ 1914.2 Definitions.

The definitions set forth in Part 1909 of this subchapter are applicable to this part.

§ 1914.3 Flood insurance maps.

(a) The following maps may be prepared by the Administrator for use in connection with the sale of flood insurance:

(1) *Flood Insurance Rate Map (FIRM).* This map is prepared after the risk study for the community has been completed and the risk premium rates have been established. It indicates the risk premium rate zones applicable in the community and when those rates are effective. The symbols used to designate those zones are as follows:

Zone symbol:

A-------	Area of special flood hazard without water surface elevations determined.
A1-99---	Area of special flood hazard with water surface elevations determined.
A0------	Area of special flood hazards having shallow water depths and/or unpredictable flow paths between 1 and 3 ft.
VI-30---	Area of special flood hazards, with velocity, that is inundated by tidal floods (coastal high hazard area).
V0------	Area of special flood hazards having shallow water depths and/or unpredictable flow paths between 1 and 3 ft. and with velocity.
B-------	Area of moderate flood hazards.
C-------	Area of minimal hazards.
D-------	Area of undetermined, but possible, flood hazards.
M-------	Area of special mudslide (i.e., mudflow) hazards.
N-------	Area of moderate mudslide (i.e., mudflow) hazards.
P-------	Area of undetermined, but possible, mudslide hazards.
E-------	Area of special flood-related erosion hazards.

Areas identified as subject to more than one hazard (flood, mudslide (i.e., mudflow), flood-related erosion) will be designated by use of the proper symbols in combination.

(2) *Flood Hazard Boundary Map (FHBM).* This map is issued by the Administrator delineating Zones A, M, and E within a community.

(b) Notice of the issuance of new or revised FHBMs or FIRMs is given in Part 1915 of this subchapter. The mandatory purchase of insurance is required within designated Zones A, A1-99, A0, V1-30, V0, M, and E.

(c) The FHBM or FIRM shall be maintained for public inspection at the following locations:

(1) The Information Office of the State agency or agencies designated by statute or the respective Governors to cooperate with the Administrator in implementing the Program whenever a community becomes eligible for Program participation and the sale of insurance pursuant to this section or is identified as flood-prone pursuant to Part 1915;

(2) One or more official locations within the community in which flood insurance is offered, which shall be specified in § 1914.6 at the time eligibility of the community is announced by publication in the FEDERAL REGISTER;

(3) The NFIA servicing company for the State or area (additional copies may be obtained from the appropriate servicing company) (See § 1912.5);

(4) The official record copy of each official map shall be maintained in FIA files in Washington, D.C.

§ 1914.4 Effect on community eligibility resulting from boundary changes, governmental reorganization, etc.

(a) When a community not participating in the Program acquires by means of annexation, incorporation, or otherwise, an area within another community participating in the Program, no new flood insurance shall be made available as of the effective date of annexation until the newly acquiring community participates in the Program. Until the effective date of participation, existing flood insurance policies remain in effect until the policy's date of expiration, but shall not be renewed.

(b) When a community participating in the Program acquires by means of annexation, incorporation, or otherwise another area which was previously located in a community either participating or not participating in the Program, the community shall have six months from the date of acquisition to formally amend its flood plain management regulations in order to include all flood-prone areas within the newly acquired area. The amended regulations shall satisfy the applicable requirements in Section 1910.3 of this subchapter based on the data previously provided by the Administrator. In the event that the newly acquired area was previously located in a community participating in the Program, the provisions of this section shall only apply if the community, upon acquisition, and pending formal adoption of the amendment to its flood plain management regulations, certifies in writing over the signature of a community official that within the newly acquired area the flood plain management requirements previously applicable in the area remain in force. In the event that the newly-acquired area was previously located in a community not participating in the Program, the provisions of the section shall only apply if the community, upon acquisition, and pending formal adoption of the amendments to its flood plain management regulations, certifies in writing over the signature of a community official that it shall enforce within the newly-acquired area the requirements of § 1910.3(h) of this section. During the six month period, existing flood insurance policies shall remain in effect until their date of expiration, may be renewed, and new policies may be issued. Failure to satisfy the applicable requirements in § 1910.3 shall result in the community's suspension from Program participation pursuant to § 1909.24 of this subchapter.

(c) When an area previously a part of a community participating in the Program becomes autonomous or becomes a portion of a newly autonomous community resulting from boundary changes, governmental reorganization, changes in state statutes or constitution, or otherwise, such new community shall be given six months from the date of its independence to adopt flood plain management regulations within the special hazard areas subject to its jurisdiction and to submit its application for participation as a separate community in order to retain eligibility for the sale of flood insurance. The regulations adopted by such new community shall satisfy the applicable requirements in § 1910.3 of this subchapter based on the data previously provided by the Administrator. The provisions of this section shall only apply where the new community upon the date of its independence certifies in writing over the signature of a community official that, pending formal adoption of flood plain management regulations, the flood plain management requirements previously applicable in that area remain in effect. During the six month period, existing flood insurance policies shall remain in effect until their dates of expiration, may be renewed, and new policies may be issued. Failure to satisfy the applicable requirements in § 1910.3 shall result in the community's suspension from Program participation pursuant to § 1909.24 of this subchapter.

(d) Where any community or any area within a community had in effect a FHBM or FIRM, but all or a portion of that community has been acquired by another community, or becomes autonomous, that map shall remain in effect until it is superseded by the Administrator, whether by republication as part of the map of the acquiring community, or otherwise.

(e) When a community described in paragraph (a), (b), (c) or (d) of this section has flood elevations in effect, no new appeal period under Parts 1916, 1917, and 1918 of this subchapter will begin except as new scientific and technical data are available.

§ 1914.5 Relationship of rates to zone designations.

(a) In order to expedite a community's qualification for flood insurance under the emergency program, the Administrator may authorize the sale of such insurance without designating any Zones

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A, M, or E within a community, provided the community has previously adopted flood plain management regulations meeting the requirements of S. 1910.3(a), S. 1910.4(a) or S. 1910.5(a) of this subchapter. When the Administrator has obtained sufficient technical information to delineate Zones A, M, or E, he shall delineate the tentative boundaries on a FIA map.

(b) Upon the effective date of the FIRM, flood insurance will continue to be available throughout the entire community at chargeable rates (i.e., subsidized) for first layer coverage of existing structures, but will be only available at risk premium rates for all new construction and substantial improvements. Upon the effective date of a FIRM, second layer coverage is available only at risk premium rates for all structures.

(c) Detailed insurance information may be obtained from the servicing companies.

§ 1914.6 List of eligible communities.

The sale of flood insurance pursuant to the National Flood Insurance Program (42 U.S.C. Sections 4001–4128) is authorized for the communities set forth under this section. Previous listings under this Part continue in effect until revised.

NOTE.—(For references to FR pages showing lists of eligible communities see the List of CFR Sections Affected.)

2. New entries are added to the table in 1914.6 as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Georgia	Habersham	Cornelia, city of	Aug. 30, 1976, emergency	Apr. 11, 1975	130229
New York	Otsego	Maryland, town of	do	Oct. 18, 1974	361272A
				June 25, 1976	
Wyoming	Big Horn	Lovell, town of	do	Aug. 8, 1975	560073A
Do.	Niobrara	Lusk, town of	do	Sept. 19, 1975	560074
Alabama	Etowah	Hokes Bluff, town of	Sept. 1, 1976, emergency		010254
Georgia	Barrow	Winder, city of	do	May 21, 1976	130231
Illinois	Pike	Pearl, village of	do	Dec. 28, 1973	170556A
				Mar. 26, 1976	
New York	Herkimer	Fairfield, town of	do	Mar. 29, 1974	360302
Pennsylvania	Potter	Roulette, township of	do	Dec. 20, 1974	421986
Washington	Snohomish	Darrington, town of	do	July 11, 1975	530233
West Virginia	Ritchie	Unincorporated areas	do	Apr. 25, 1975	540224
Wisconsin	Douglas	Poplar, village of	do	Dec. 28, 1973	550114A
				May 14, 1976	
Iowa	Wapello	Agency, city of	Sept. 2, 1976, emergency	Sept. 5, 1975	190539
Michigan	Genesee	Atlas, township of	do		260293
Missouri	Holt	Bigelow, village of	do	July 18, 1975	290158
New York	Tioga	Newark Valley, village of	do	June 7, 1974	360836A
				Apr. 30, 1976	
Do.	do	Nichols, village of	do	June 7, 1974	360838A
Oklahoma	Sequoyah	Moffett, town of	do		400196
Texas	Eastland	Rising Star, city of	do	Sept. 26, 1975	480795
Wisconsin	Bayfield	Bayfield, city of	do		550017
Alabama	Conecuh	Evergreen, city of	Sept. 3, 1976, emergency	Aug. 8, 1975	010034
Iowa	Carroll	Arcadia, town of	do	Sept. 26, 1975	190094
Do.	do	Templeton, city of	do	Mar. 19, 1976	190811
Kansas	Harvey	Burrton, city of	do	Mar. 15, 1974	200130A
				Oct. 24, 1975	
Do.	Elk	Longton, city of	do	Sept. 19, 1975	200432
Do.	Osborne	Portis, city of	do	Dec. 27, 1974	200256
Michigan	Ionia	Saranac, village of	do	July 11, 1975	260421
Do.	Wayne	Sumpter, township of	do	June 28, 1974	260243

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: August 26, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26667 Filed 9-13-76;8:45 am]

[Docket No. FI-988]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Needham, Massachusetts

On March 26, 1976, at 41 FR 12683, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Town of Needham. Ninety days have elapsed since that date, and the Administrator has received an appeal from Needham, requesting changes in the proposed flood elevation determinations.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base flood elevations proposed on March 26, 1976, as a result of requests for changes in the determination. These modified elevations are in effect as of August 20, 1976, and amend the Flood Insurance Rate Map, which was in effect prior to this date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 255215B and must be used for all new policies and renewals.

Under the above mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Needham Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Needham map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 24, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26715 Filed 9-13-76;8:45 am]

[Docket No. FI-1061]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Perryville, Cecil County, Maryland

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Perryville, Cecil County, Maryland under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 515 Broad Street, Perryville, Maryland.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Susquehanna River	Penn Central RR	7.5	200
	Route 40	7.5	140
	Baltimore & Ohio RR	7.5	170

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26716 Filed 9-13-76;8:45 am]

[Docket No. FI-1005]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Atlantic Beach, North Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Atlantic Beach, North Carolina under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Atlantic Beach, North Carolina 28512.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Bogue Sound	Morehead Ave	7.0	3,925	(1)
	Bogue Sound Dr	7.0	(2)	(2)
	Bay Bogue Sound Dr. East	7.0	(2)	(2)
	Bay View Blvd	7.0	(2)	(2)
	Davis Blvd. West	7.0	(2)	(2)
	Fort Macon Blvd. West	7.0	(3)	(2)
	Durham Ave	7.0	790	(2)
	Raleigh Ave	7.0	0	(2)
	Kinston Ave	7.0	65	(2)
	Beaufort Ave	7.0	120	(2)
	Wilson Ave	7.0	60	(2)
Atlantic Ocean	Unnamed street south of Atlantic Blvd. West.	10.0	(2)	(2)

[1] Approximate distance in feet from bridge over Bogue Sound along Morehead Ave. covered by water at 7.0 m.s.l.
[2] Entire road.
[3] Approximate distance in feet south of intersection with Fort Macon Blvd. West covered by 100-yr flood.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: August 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26717 Filed 9-13-76;8:45 am]

[Docket No. FI-1062]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Thornbury, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Thornbury, Chester County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Post Office, Westown, Pennsylvania and the Motor Court, Routes 926 and 202, Westown, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Waln Run	Near unnamed tributary (end of detailed study).	276	180	50
	Zone break (A1/A3)	257	100	230
Street Rd	Route 926 (north corporate limits)	276	90	60
	Creek Rd	257	140	190
West Fork of east branch Chester Creek.	Route 926 (north corporate limits)	258	60	360
	Westown Rd	255	550	130
	Penn Central RR	255	550	80
East branch Chester Creek.	Route 926 (north corporate limits)	255	30	700
	Cheyney Woods Rd	254	300	210
	Southeast corporate limits	251	140	390

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Fedcral Insurance Administrator.

[FR Doc.76-26718 Filed 9-13-76;8:45 am]

[Docket No. FI-1049]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Chincoteague, Accomack County, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Chincoteague, Accomack County, Virginia under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Council Room, Town Hall, 224 North Main Street, Chincoteague.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation, feet above mean sea level	Area flooded
Chincoteague Bay	Chincoteague	9	All of town.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: August 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26719 Filed 9-13-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Iowa; Certification of Completion of Developmental Steps

1. *Background.* Subpart D of Part 1902 of Title 29, Code of Federal Regulations (40 FR 54780) sets out procedures and criteria under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will make a determination of whether, on the basis of actual operations under a State plan, to grant final approval to State plans in accordance with the provisions of section 18(e) of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act). The Assistant Secretary must determine whether a State whose plan has been approved under section 18(c) of the Act is applying the criteria of that section in such a manner as to warrant termination of discretionary Federal enforcement authority in that State with respect to any occupational safety or health issue covered under the plan. Such a determination may not be made until at least three years after the date of plan approval under section 18(c) (or date of initial grant award under section 23(g)), and, in the case of a developmental plan, until the State has satisfactorily completed all developmental steps specified in its plan and the Assistant Secretary has had at least one additional year to evaluate the plan on the basis of actual operations. Upon making a determination under 18(e) that the 18(c) requirements are being applied, Federal enforcement of standards and Federal standards (except with regard to ongoing cases) cease to apply in the State with respect to any occupational safety and health issue covered under the determination.

29 CFR 1902.34 provides that the evaluation of a State's fully operational program preparatory to an 18(e) determination shall commence upon publication in the FEDERAL REGISTER of a certification that all developmental steps have been completed. The certification, in addition to listing all completed developmental steps and the date approval was published in the FEDERAL REGISTER, must also specify any substantive changes in the State plan with date of approval; include documentation that the State's merit system has been accepted by the U.S. Civil Service Commission and that actual operation of the merit system has been found acceptable by both the Occupational Safety and Health Administration and the U.S. Civil Service Commission; and include a description of the occupational safety and health issues excluded from the plan at the time of certification.

On July 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan as a developmental plan and adoption of Subpart J of Part 1952 containing the decision and describing the plan. On or before July 20, 1976 (three years from the date of the State's first Section 23(g) grant award) Jerry L. Addy, Commissioner, Iowa Department of Labor, submitted documentation attesting to the completion of all State developmental commitments for review and approval as provided in 29 CFR Part 1953. Following this review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual Iowa developmental steps.

2. *Notice of certification of completion of developmental steps under the Iowa plan.* In accordance with the provisions of 29 CFR 1902.34, notice is given that Iowa is certified as having completed all the developmental steps specified in the State's occupational safety and health plan (see Subpart J of 29 CFR Part 1952). The State has met the following conditions for certification of completion of its developmental period:

a. All developmental steps specified in the plan and amendments thereto have been completed:

(1) The Iowa occupational safety and health enabling legislation (Chapter 88 of the Iowa Code) was conditionally approved by the Assistant Secretary, pending passage and approval of certain amendments (38 FR 19368, July 20, 1973).

(2) The required amendments to the Iowa occupational safety and health enabling legislation, including authorization of first instance sanctions for nonserious violations, became effective on July 1, 1975, and were approved by the Secretary of Labor on September 2, 1975 (40 FR 40157).

(3) Iowa adopted interim State standards identical to OSHA standards, effective July 1, 1972. Notice of this adoption appeared in the FEDERAL REGISTER in the original plan approval notice on July 20, 1973 (38 FR 19368) and on June 11, 1976 (41 FR 23670).

(4) Permanent State standards were adopted on August 16, 1973, approved by the Regional Administrator for Occupational Safety and Health (hereinafter referred to as the Regional Administrator) and published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23670). Notice of updating of State standards to conform with Federal changes occurred on August 30, 1974 (38 FR 31711); April 7, 1975 (40 FR 15468); July 1, 1975 (40 FR 27746); and June 25, 1976 (41 FR 26294).

(5) In conjunction with local Iowa community colleges, the State has developed a program of education and training of employers and employees as of October 1974. This program was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

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(6) As of April 24, 1974, the State had employed a sufficient number of qualified safety and health personnel under the approved Iowa Merit Employment Department system. This developmental step was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(7) Basic training of all Iowa compliance personnel at the Occupational Safety and Health Institute, Rosemont, Illinois, was completed May 9, 1975. Acknowledgment of completion of this developmental step appeared in the FEDERAL REGISTER on June 11, 1976 (41 FR 23670).

(8) A manual Management Information System, operational as of July 1972, was approved on June 11, 1976 (41 FR 23670).

(9) Compliance activities began in July 1973. Completion of this developmental step was acknowledged by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(10) Enforcement activities in the agriculture, mercantile, and services issues were initiated by the Iowa Bureau of Labor by July 1975, and approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(11) The State's on-site consultation program commenced in September 1975, and was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(12) The Iowa occupational safety and health poster, which informs both private and public employees of their rights and obligations under the Iowa plan and which is to be displayed in all workplaces in the State, was approved by the Assistant Secretary on September 2, 1975 (40 FR 40156).

(13) The Rules of Procedure for the Iowa Occupational Safety and Health Review Commission, promulgated in April 1973, were approved by the Assistant Secretary on September 7, 1976 (41 FR 37683).

(14) Regulations regarding compliance activities, recordkeeping, and variances (Chapters 3, 4, and 5, Iowa Regulations) were approved by the Assistant Secretary on September 7, 1976 (41 FR 37683).

b. The Iowa merit system was approved by the United States Civil Service Commission on February 13, 1976, and operations under this system have been found acceptable by the Federal Occupational Safety and Health Administration.

c. This certification covers all occupational safety and health issues except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring).

3. *Location of the plan and its approved supplements for inspection and copying.* A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, OSHA, Room N-3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Technical Data Center, OSHA, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, OSHA, Room 3000 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; and Iowa Bureau of Labor, East Seventh and Court Avenue, Fourth Floor, Des Moines, Iowa 50319.

4. *Effect of Certification.* As a result of this certification the operation of the Iowa occupational safety and health program will be carefully evaluated and monitored for at least one year to determine whether the State program in operation is at least as effective as operations under the Federal program. The purpose of this evaluation period is to determine whether discretionary Federal enforcement authority should be relinquished under section 18(e) of the Act.

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662, and 666), and Federal standards authority under section 6 (29 U.S.C. 655) of the Act will not be relinquished during this evaluation period. However, in recognition of the operational status achieved by Iowa on August 1, 1975 (40 FR 50716, October 11, 1975), the exercise of this authority by the U.S. Department of Labor will continue to be limited to, among other things: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act; enforcement of new Federal standards where necessary to protect employees, such as emergency temporary standards, promulgated under section 6 of the Act, until such time as the State shall have promulgated equivalent standards; enforcement of Federal standards in the maritime and longshoring issues of 29 CFR Parts 1915, 1916, 1917 and 1918, which issues have been specifically excluded from coverage under the Iowa plan; and investigations and inspections for the purpose of the evaluation of the Iowa plan under sections 18 (e) and (f) of the Act. In accordance with this certification, 29 CFR 1952.164 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (m).

§ 1952.164 Completion of developmental steps and certification.

* * * * *

(m) In accordance with 1902.34 of this chapter, the Iowa safety and health plan program was certified on September 14, 1976 as having completed all developmental steps in its plan with regard to those occupational safety and health issues specified in the plan on or before July 20, 1976.

(Sec. 18, Pub. L. 91-596 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 7th day of September 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-26391 Filed 9-13-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Illinois

The following special regulations are issued and are effective on September 14, 1976.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Illinois, is permitted from September 11, 1976, through September 19, 1976, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 19, 1976.

JACK E. HEMPHILL,
Regional Director.

[FR Doc.76-26754 Filed 9-13-76;8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on September 14, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Michigan and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of Woodcock and Wilson's Snipe

(Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized Bikes, All-Terrain Vehicles and Snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1976.

JACK E. HEMPHILL,
Regional Director.

[FR Doc.76-26808 Filed 9-13-76;8:45 am]

V41-179 SEP 14 76 UMI

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IX

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), it is proposed to extend the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX). As extended, the geographical limits of the port of Erie, Pennsylvania, would include all the territory within the corporate limits of the City of Erie and all of Mill Creek Township in Erie County, Pennsylvania.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than October 14, 1976.

Written material and suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C. 20229, during regular business hours.

Dated: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc. 76-26844 Filed 9-13-76;8:45 am]

[19 CFR Part 153]

ANTIDUMPING

Advance Notice of Proposed Rulemaking

The United States Customs Service is considering amending § 153.10 of the Customs Regulations (19 CFR 153.10). That provision relates to making adjustments for differences in circumstances of sales when comparing the purchase price or exporter's sales price with the sales, or other criteria applicable, upon which a determination of fair value is based under section 201(a) of the Antidumping Act of 1921, as amended (19 U.S.C. 160(a)).

In the preamble to the notice of proposed rulemaking published in the FEDERAL REGISTER of July 23, 1975 (40 FR 30825), relating to a proposed revision of Parts 153 and 175 of the Customs Regulations, it was noted that no amendments were being proposed at that time with respect to the provisions set forth in § 153.10 of the proposal (those provisions being contained in § 153.8 of the regulations then in effect), but that those provisions were under study. Subsequently, in T.D. 76-176, which was published in the FEDERAL REGISTER of June 25, 1976 (41 FR 26203), and set forth the revised Part 153, several amendments to § 153.10 were included. These changes, however, were intended to reflect long-existing Department of the Treasury practice.

The present notice is being issued to solicit the views of the interested public as to whether current practices, as set forth in revised § 153.10, should be continued or further revised in any way.

Section 153.10 presently provides as follows:

§ 153.10 Fair value; circumstances of sale.

(a) *General.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales, or other criteria applicable, on which a determination of fair value is to be based, reasonable allowances will be made for bona fide differences in circumstances of sale if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a direct relationship to the sales which are under consideration.

(b) *Examples.* Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances also will generally be made for differences in commissions. Except in those instances where it is clearly established that the differences in circumstances of sale bear a direct relationship to the sales which are under consideration, allowances generally will not be made for differences in advertising and other selling costs of a seller unless such costs are attributable to a later sale of merchandise by a purchaser; provided that reasonable allowances for selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less. In making comparisons using exporter's sales price, reasonable allowance will be made for actual selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market.

(c) *Determination of allowances.* In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the cost of such differences to the seller but, where appropriate, may also consider the effect of such differences upon the market value of the merchandise.

Interested persons are invited to participate in the formulation of the practices to be followed under § 153.10 of the Customs Regulations by submitting such written data, views, or arguments as they may desire. Each suggested amendment should be accompanied by specific language for its implementation. Such views should be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they should be received not later October 14, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

After consideration of the data and comments received in response to this notice, and if it is decided to amend section 153.10 of the Customs Regulations, a notice of proposed rulemaking will be issued.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-26842 Filed 9-13-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 191–201 and 221]

IRRIGATION PROJECTS

Operation and Maintenance

SEPTEMBER 2, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise Part 191, Subchapter R; delete Parts 192–201, Subchapter R; and delete Part 221, Subchapter T, of Chapter I, Title 25 of the Code of Federal Regulations. This revision and deletion are proposed pursuant to the authority contained in Sections 1 and 3 of the Act of April 4, 1910 (36 Stat. 270, 272; 25 U.S.C. 385); the Act of March 1, 1907 (34 Stat. 1024); the Act of August 1, 1914 (38 Stat. 583; U.S.C. 385); the Act of August 31, 1954 (68 Stat. 1026); and section 11 of the Act of May 18, 1916 (39 Stat. 142).

The purpose of this revision and deletion is to update existing regulations and provide the officer in charge with flexibility in the day-to-day operation of the irrigation project. Presently, each of the Parts 191–201 in Subchapter R contains regulations on a specific irrigation project or district. Most of these regulations are the same for every project and district. This revision consolidates the regulations in a new Part 191. The revision also provides that the Area Director announce the operation and maintenance rates and related information by public notice in the FEDERAL REGISTER. Such information will no longer be codified as Part 221, Subchapter T.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revisions and deletion shall file the same with the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, no later than November 15, 1976.

1. It is proposed to revise Part 191 of Subchapter R, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

PART 191—OPERATION AND MAINTENANCE

Sec.
191.1 Administration.
191.2 Irrigation season.
191.3 Domestic and stock water.
191.4 Farm units.
191.5 Delivery points.
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AUTHORITY: Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385. § 191.4(b) also issued under 34 Stat. 1024, 38 Stat. 583, and 68 Stat. 1026. §§ 191.4(a), 191.4(c), 191.16(b), and 191.17(f) also issued under sec. 11, 39 Stat. 142.

§ 191.1 Administration.

(a) The Agency Superintendent, Project Engineer or such official as authorized by the Area Director is the officer in charge of those Indian irrigation projects or units operated or subject to administration by the Bureau of Indian Affairs, whether or not each project or unit is specifically mentioned in this part. The officer in charge is fully authorized to administer, carry out, and enforce these regulations either directly or through employees designated by him. Such enforcement includes the refusal to deliver water.

(b) The officer in charge is authorized to apply to irrigation subsistence units or garden tracts only those regulations in this part which in his judgment would be applicable in view of the size of the units and the circumstances under which they are operated.

(c) The officer in charge is responsible for performing such work and taking any action which in his judgment is necessary for the proper operation, maintenance and administration of the irrigation project or unit. In making such judgments, the officer in charge will be guided by the basic requirement that the operation will be so administered as to provide the maximum possible benefits from the project's or unit's constructed facilities. The operations will insure safe, economical, beneficial and equitable use of the water supply and optimum water conservation.

(d) The Secretary of the Interior reserves the right to exercise at any time all rights, powers, and privileges given him by law and contracts with irrigation districts within Indian Irrigation projects. Close cooperation between the Indian tribal councils, the project water users and the officer in charge is necessary and will be to the advantage of the entire project.

(e) The Area Director is authorized to fix as well as to announce, by proposed and final public notice published in the FEDERAL REGISTER, the annual operation and maintenance assessment rates for the irrigation projects or units within his area of responsibility. In addition to the rates, the notices will include such information as is pertinent to the assessment, payment, and collections of the charges including penalties and duty of water.

(f) The rates will be based on a carefully prepared estimate of the cost of the normal operation and maintenance of the project. Normal operation and maintenance of the project. Normal operation and maintenance is defined for this purpose as the average per acre cost of all activities involved in delivering irrigation water and maintaining the facilities.

(g) *San Carlos Irrigation Project, Arizona.* The administration, rights obligations and responsibilities for the operation and maintenance of this project are set forth in the Repayment Contract dated June 8, 1931 as supplemented or amended, between the San Carlos Irrigation and Drainage District and the United States as authorized by the Act of June 7, 1924 (43 Stat. 475–476) and the Secretarial Order of June 15, 1938, titled "Order Defining Joint, District and Indian Works of the San Carlos Federal Irrigation Project: Turning over Operation and Maintenance of District Works to the San Carlos Irrigation and Drainage District." The regulations appearing in this subchapter apply only to the Indian lands and works in the San Carlos Irrigation Project unless specified otherwise and should not be interpreted or construed as amending or modifying the District Contract or the Secretarial Order.

§ 191.2 Irrigation season.

The irrigation season, when water shall be available for irrigation, will be established by the officer in charge. Sufficient advance notice as to the opening and closing of the season will be given in order that the water users can plan their operations accordingly.

§ 191.3 Domestic and stock water.

Domestic or stock water will not be carried in the project's or unit's irrigation system when in the judgment of the officer in charge such practice will:

(a) Interfere with the operation and maintenance of the system.

(b) Be detrimental to or endanger the canal, lateral system and/or related structures.

§ 191.4 Farm units.

For the purpose of delivery of water and the administration of the project or unit, a farm unit is defined as follows:

(a) For the Blackfeet, Crow, Fort Belknap, and Fort Peck Irrigation Projects, Montana, and the Colville Irrigation Project, Washington:

(1) Forty (40) or more contiguous acres of land in single ownership with the exception that those original Indian allotments containing less than 40 irrigable acres of the same subdivision of the public land survey shall also be considered farm units.

(2) Forty (40) or more contiguous acres of Indian owned land under lease to one party.

(3) Forty (40) contiguous acres in multiple ownership within the same forty (40) acre subdivision of the public land survey.

(b) For the Fort Hall Irrigation Project, Idaho:

(1) Twenty (20) or more contiguous acres of land in single ownership covered by one or more water rights contracts.

(2) Twenty (20) or more contiguous acres of Indian owned land under lease to one party or being farmed by one Indian.

(3) Ten (10) or more contiguous acres of subdivided land in multiple ownership.

(c) For the Flathead Irrigation Project, Montana: A contiguous area of land in single ownership containing not less than one forty (40) acre subdivision of the public land survey, or the original al-

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lotment as established by the Secretary of the Interior and as recorded or amended in the records of the Bureau of Land Management. In the case of leased land, it is defined as a contiguous area under a single lease. For Bureau of Land Management regulations pertaining to Flathead Project, see 43 CFR 2211.8, Flathead Irrigation District, Montana.

(d) For the Wapato Irrigation Project (all units), Washington:

(1) Eighty (80) or more contiguous acres in single ownership at the time of the establishment of the delivery system, or when subsequent changes of ownership result in larger tracts under single ownership and the owner requests that this land be treated as a farm unit, whether covered by one or more water right contracts.

(2) Eighty (80) or more contiguous acres of Indian-owned land under lease to one person or being farmed by one Indian.

(3) Eighty (80) contiguous acres in multiple ownership, provided that such acreage shall be within the same eighty (80) acre subdivision of the U.S. public land survey.

(4) In all cases where an original Indian allotment consisted of less than eighty (80) contiguous acres, such original Indian allotment, or fraction thereof, whether (i) under single or multiple ownership and/or covered by one or more water right contracts, (ii) under lease to the same or different lessees, or (iii) farmed by one or more Indians, shall be treated as a farm unit.

(e) For all other projects or units: An original allotment, homestead, an assignment of unallotted tribal lands, or a contiguous development lease area.

§ 191.5 Delivery points.

(a) Project operators will deliver irrigation water to one point on the boundary of each farm unit within the irrigation project. The officer in charge may establish additional delivery points when in his judgment it is impractical for the landowner to irrigate his farm unit from the one delivery point for such reasons as topography, isolation, or cost. When irrigation water is supplied from wells, the delivery point may be established at the well head.

(b) If a farm unit for which a project delivery point has been established is subsequently subdivided into smaller units by the owner or owners of the farm unit, the following provisions apply:

(1) A plat or map of the subdivision must be recorded in the County records in which County the subdivision is situated, and a copy filed with the officer in charge. The plat or map must show how the irrigation water is to be delivered to the irrigable acres in the subdivision.

(2) No further extensions in the project's system will be provided by project officials to serve the subdivided units.

(3) Any additional construction necessary to deliver irrigation water to these units must be mutually worked out between the original owner of the farm units and the new owners of the subdivided unit at their expense.

(4) The project will not bear any responsibility for the operation or maintenance of such internal systems, or the division of irrigation water after it is delivered to the original established project delivery point.

(c) Where project points of delivery have been established for farm units which are to be combined under lease or ownership into a singular farm unit to be irrigated by means of a sprinkler or more efficient system, the officer in charge may approve the removal or relocation of project delivery facilities. Such reorganization shall be at the expense of the landowners or lessees in conformance with established project standards and a time schedule which will not disrupt water delivery service to others on the system.

(d) Where a reorganization has been approved and established as in § 191.5 (c), any reversion requiring reestablishment of removed or relocated project delivery facilities must be approved by the officer in charge and conform to established project standards and time schedules which will not disrupt water delivery service to other water users on the system. All expenses incurred shall be the responsibility of the landowners or lessees.

(e) Where a point of delivery has been established for a farm unit of Indian-owned land, under lease to the same party or being farmed by an Indian, and a homesite, which will require a separate or special delivery point or system to be served by the project, is reserved from the farm unit, the officer in charge may approve an additional delivery point. All expenses for the installation and maintenance of the special delivery facility shall be assumed by the owner or resident at the homesite location requesting or benefiting from the installation.

§ 191.6 Distribution and apportionment of water.

(a) The officer in charge will establish the method of and procedures for the delivery and distribution of the available irrigation water supply. He will endeavor to apportion the water at all times on a fair and equitable basis between all project water users entitled to the receipt of irrigation water.

(b) Any person who interferes with the flow of water in or from the project's storage, carriage or lateral systems or opens or closes or in any other way changes the position of a headgate or any other water control structure without specific authority from the officer in charge or his designated representative will be subject to prosecution. Cutting a canal or lateral bank for the purpose of diverting water or placing an obstruction in such facilities in order to change the flow of water through a headgate will be considered a violation of this section.

(c) *San Carlos Irrigation Project, Arizona.* (1) The portion of the project's common water supply available for the Indian lands will be distributed subject to beneficial use in equal per acre amounts to each acre under irrigation and cultivation, insofar as possible.

(2) All water users (Indian and non-Indian) will be notified at the beginning of the irrigation season of the amount of stored and pumped water available. An apportionment of this water will be recommended by the officer in charge of the irrigation project subject to the approval of the Area Director. Subsequent apportionments may be made if and when additional water is available.

(3) If it is determined by the officer in charge that there is water in excess of demands and available storage facilities, he will promptly notify all water users that such water is available. This water shall not be charged against the water apportionment of the land on which it is used.

(d) *Uintah Irrigation Project, Utah.* (1) Water will be delivered to all lands under the Lakefork, Uintah and Whiterocks Rivers in accordance with the provisions of the decree of the Federal Court in the cases of the *United States* v. *Dry Gulch Irrigation Company, et al.*, and the *United States* v. *Cedarview Irrigation Company, et al.*, which decrees fix the maximum duty of three (3) acre-feet per acre for the period from March 1 to November 1 of each year. The rate of delivery will be substantially in accordance with the following schedule except that it may be modified by the officer in charge at such times as changed climatic conditions and the water supply indicate that such modification would be beneficial to the project:

Period	Acres per second-feet	Acre feet per acre
Mar. 1-18	None	None
Mar. 19-31	1,000	0.023
Apr. 1-10	800	.025
Apr. 11-20	400	.050
Apr. 21-30	200	.099
May 1-10	180	.110
May 10-11	135	.147
May 21-31	95	.229
June 1-20	70	.566
June 21-31	85	.233
July 1-10	90	.220
July 11-20	95	.208
July 21-31	100	.218
Aug. 1-10	133	.147
Aug. 11-20	155	.128
Aug. 21-31	175	.124
Sept. 1-10	195	.101
Sept. 11-30	220	.180
Oct. 1-10	220	.090
Oct. 11-20	300	.066
Oct. 21-31	600	.036
Total		3.000

(2) The rotation method will be used in distributing the water diverted from the Lakefork, Uintah and Whiterocks Rivers. Rotation schedules will be prepared under direction of the officer in charge and will be put into effect each season as soon as it is determined what acreage is to be irrigated. A written copy of the water schedule will be delivered to each water user showing the time that his turn starts on each tract and the duration of each turn.

(3) In the event a rotation system is adopted for lands receiving water from the Duchesne River, the same procedure will be used as for the lands under the Lakefork, Uintah and Whiterocks Rivers. The officer in charge will advise all water users sufficiently in advance of the time the rotation schedule will go into effect.

(e) Wapato Indian Irrigation Project, Washington. (1) To protect adjoining lands against seepage and erosion by excess use of water on the bench lands of the Wapato-Satus Unit, the maximum delivery of water to the bench lands shall not exceed 4.5 acre-feet per acre per season.

(2) The rate of delivery to lands of the Satus Three Unit shall not exceed one (1) cubic foot per second for each 50 irrigation acres.

(3) The measurement and distribution of water for the lands on the Ahtanum Unit shall take place at the mutually advantageous points on the Ahtanum Main or Lower distribution to the irrigable acres of the farm units shall be entirely by and at the expense of the individual operators of the farms. However, when several such users join together to use one single channel for the conveyance of their water to the points of final diversion, they shall be jointly responsible for the channel of conveyance and the apportionment of the water to their respective farm units.

§ 191.7 Application for and record of deliveries of irrigation water.

(a) Except when rotation schedules have been established and are being followed, water users in requesting the delivery of water will so notify the officer in charge or his designated representative by submitting a signed request at least 48 hours in advance of the time the water is to be delivered. The request shall indicate the time the water is to be delivered, the period of time it will be used, the rate of flow desired, and where the water will be used.

(b) It is the responsibility of the ditchriders during the irrigation season to maintain records showing the beginning and ending time of each water delivery, the amount of such delivery, and the estimated acreage irrigated. Such records are to be filed at the irrigation protect office at the end of the season.

(c) Water users on the Indian portion of the San Carlos Indian Irrigation Project will submit their requests for water to the Superintendent, Pima Agency.

§ 191.8 Surface drainage.

(a) The water users will be responsible for all waste water resulting from their irrigation practices and for its conveyance to project drains or natural drainage channels. Any expenses involved in doing this will be borne by the water user. Waste water may be emptied into project constructed drain ditches only at points designated by and in a manner approved by the officer in charge. In those situations involving two or more landowners and/or water users, it is their responsibility to work out a satisfactory arrangement among themselves for the conveyance of their waste water to project drains or natural drainage channels.

(b) Waste water shall not be permitted to flow upon or collect in road or project rights-of-way. Failure to comply with this requirement could result in the officer in charge refusing the further delivery of water.

§ 191.9 Structures.

(a) All structures, including bridges or other crossings, which are necessary as a part of the project's irrigation and drainage system will be installed and maintained by the project.

(b) During the construction of a new irrigation project or the extension of an existing project, bridges, crossings or other structures may be built by the officer in charge for private use where justified by severance agreements or other practical considerations. Title to these structures may or may not be vested in the United States depending upon the agreement with the landowner. Structures built partially or wholly in lieu of severance damages may be required to be maintained by the landowner even though title remains with the United States.

(c) After a project is completed, additional structures crossing or encroaching on project canal, lateral or drain rights-of-way which are needed for private use may be constructed privately in accordance with plans approved by the officer in charge or by the project. In either case the cost of installing such structures will not be at the project's expense. Such structures will be constructed and maintained under revocable permits on proper forms issued by the officer in charge of the irrigation project to the party or parties desiring such structures.

(d) If it is determined that a crossing constructed for and by the project is no longer needed for operation and maintenance of the system, it should be removed. However, if a private party, corporation, State, or other Federal entity desires to use the crossing, it may be transferred to such entity by the officer in charge under a permit which relieves the United States from any further liability or responsibility for the crossing, including its maintenance. The following provisions pertain:

(1) Permits issued in such situations shall stipulate what is granted, and accepted by the permittee on the condition that the repair and maintenance of the structure shall be the duty of the permittee or his successors without cost to the irrigation project.

(2) The permit shall further provide that if any such structure is not regularly used for a period of one year or is not properly maintained, the officer in charge may notify the person responsible for the structure's maintenance either to remove it or to correct any unsafe conditions within a period of 90 days.

(3) If the structure is not removed or the unsafe condition corrected within the time allowed, it may be removed by the officer in charge, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

§ 191.10 Fencing.

Fences across project rights-of-way will not be constructed without a permit as provided in § 191.9. The granting of such permit shall be dependent upon proper installation so as not to interfere with the flow of water or the passage of project operators and equipment. In case an unauthorized fence is installed, the landowner shall be notified to remove it. If it is not removed within a reasonable period of time or satisfactory arrangements made with the officer in charge, it may be removed by project personnel at the landowner's expense.

§ 191.11 Obstructions.

No obstructions of any kind will be permitted upon project rights-of-way. If such a situation arises, due notice will be given to the operator or landowner to remove the obstruction. If not removed within a reasonable period of time after notice is given, it will be removed by project forces at the expense of the operator or landowner.

§ 191.12 Rights-of-way.

(a) Rights-of-way reserved for the project's irrigation system are limited to the control necessary to prevent interference with construction and proper operation and maintenance of the project's canals, laterals, and other irrigation works.

(b) In the construction of new irrigation projects or extension of existing projects, rights-of-way which have not been reserved across Indian lands will be obtained in accordance with Part 161 of this chapter.

§ 191.13 Crops and statistical reports.

An annual project crops and statistical report shall be prepared by the officer in charge. The landowner or farm unit operator shall cooperate in furnishing such information as requested.

§ 191.14 Carriage agreements and water right applications.

(a) Pine River Indian Irrigation Project, Colorado. If the Area Director determines that there is sufficient capacity in the project's carriage and/or distribution system in excess of that required by the project, he is authorized to enter into carriage agreements with non-project water users to convey non-project water through project facilities for delivery to non-project lands.

(b) Uintah Indian Irrigation Project, Utah. If the Superintendent determines that there is sufficient capacity in the irrigation project's carriage and/or distribution system in excess of that required by the project, he is authorized to enter into carriage agreements with non-project water users to convey non-project water through project facilities for delivery to non-project lands. The Superintendent is also authorized to enter into carriage agreements with private irrigation or ditch companies for the conveyance of project water through non-project facilities for delivery to isolated Indian lands that cannot be served from project facilities.

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(c) Wapato Indian Irrigation Project, Washington. The Project Engineer is authorized to execute water right applications submitted by landowners in the project on behalf of the Secretary of the Interior. Such applications should be submitted on the approved Departmental form.

§ 191.15 Leaching water.

(a) The officer in charge is authorized to furnish irrigation water for leaching purposes without the payment of operation and maintenance charges to any Indian trust land or patent in fee land covered by a repayment contract as an aid to improve land within the project that is impregnated by alkali or in the development of new project land.

(b) Delivery of such water will depend upon the availability of water and the preparation of a definite plan of operation by the land operator satisfactory to the officer in charge. In addition, the operator shall agree to meet such reasonable leaching and cropping activities as shall be prescribed by the officer in charge.

(c) If prompt and beneficial use of the leaching water is not made by or before July 1 of the season for which it is granted, the officer in charge may declare the leaching permit forfeited. The normal water charges will be considered as assessed and any delinquency enforced as though no leaching privilege had been granted.

(d) In the case of patent in fee lands no water will be delivered for leaching purposes until the annual construction costs, when assessed, are paid.

§ 191.16 Excess water.

(a) *General.* On those irrigation projects where a water duty or water quota has been established, each water user will be notified when his quota of water, as covered by the basic assessment and as announced in the public notice, has been delivered. In such cases additional irrigation water, if available, may be delivered providing the water user so requests it and agrees to pay for the excess water in accordance with the excess water provisions as set forth in the public notice.

(b) *Flathead Indian Irrigation Project, Montana.* (1) After an agreement has been reached by the Commissioners of the irrigation district and the officer in charge as to the duty of water on individual tracts where water users claim excess requirements above the duty of water established for the project on account of porous or gravelly soils, the officer in charge is authorized to increase the quantity of water to be delivered to such tracts.

(2) The amount of water delivered in such cases will not exceed four (4) acre feet per assessable acre except in the Moiese Division where the amount shall not exceed six (6) acre feet providing there is sufficient water available in Lower Crow Reservoir without having to draw on the water supply for the Mission Valley Division.

(3) The charge for such water shall be at the same general rate as established for project land not having such a porous or gravelly condition.

§ 191.17 Delivery of water.

(a) Irrigation water will not be delivered until the annual operation and maintenance assessments are paid in accordance with the established annual rate schedule as set forth in the public notice issued by the Area Director. Under the following special circumstances, this rule may be waived and water delivered to:

(1) Trust and restricted lands farmed by the Indian owner when the Superintendent has certified that the operator is financially unable to pay the assessment and he has made arrangements to pay such assessments from the proceeds received from the sale of crops or from any other source of income. In such cases the unpaid charges will stand as a first lien against the land until paid but without penalty on account of delinquency.

(2) Non-Indian lands on which there is an approved deferred payment contract executed under the provisions of the Act of June 22, 1936 (49 Stat. 1803).

(3) Land on which an adjustment or cancellation of unpaid assessments has been recommended and final action is pending.

(b) Water will not be delivered to Indian trust or restricted lands that are under lease approved by the Secretary of the Interior or his authorized representative acting under delegated authority until the Superintendent has advised the officer in charge that the lessee has paid the annual assessed operation and maintenance charges and is complying with the terms of the lease.

(c) No water will be delivered to Indian trust land under a lease that has been negotiated by an Indian owner until the owner has paid the annual assessed operation and maintenance charges or has made satisfactory arrangements for their payment with the Superintendent who has so notified the officer in charge.

(d) Water will not be delivered to any lands within an irrigation district which has executed a repayment contract with the United States until all irrigation charges, as assessed, are paid in accordance with the terms and conditions of the contracts and the public notice as issued by the Area Director.

(e) All irrigation districts may make such rules and regulations as they may find necessary in regard to the delivery of the water to water users within the district who are delinquent in their payments to the district of assessed irrigation charges. Such rules and regulations will be adhered to by the officer in charge when it appears to be in the best interests of the United States and the district to do so.

(f) Water will not be delivered to lands that are subject to construction assessments not paid in accordance with Part 211 of this chapter.

(g) *Flathead Indian Irrigation Project, Montana*—(1) *Secretarial Water Right Holders.*

(i) For all acres recognized by the Secretary of the Interior as entitled to a "Secretarial Water Right", the officer in charge is authorized to carry such water in the project's carriage and distribution system and deliver it, providing the landowner holding such a right requests it and his land is so located that the water can be delivered without undue expense to the project. Before this service is provided, the landowner must also agree to pay fifty (50) percent of the annual operation and maintenance charges as assessed against project lands in the same general area as his. Under such agreement the project will not be obligated to deliver more than that allowed for each acre of land under the Secretary's private water right findings less a proportionate share of the project's normal losses in transporting the water from the point of entry into the project's system to the point of delivery.

(ii) "Secretarial Water Rights" are defined as those rights allocated to Indian allotments by the Assistant Secretary of the Interior by his aproval on November 25, 1921, of the findings of the Commission appointed by him to investigate the "private rights" on the Flathead Indian Reservation. Authority: Sec. 9, Act of May 29, 1908 (35 Stat. 449).

(2) *Pump Lands—Flathead Irrigation Project.* (i) The officer in charge is authorized to deliver irrigation water to lands (pump lands) within a project farm unit that are too high to be served from the project's gravity flow system providing the holder of legal title to the lands so requests it in writing and agrees to have such land designated by the Secretary of the Interior or his authorized representative as a part of the irrigation project. Land so designated shall be subject to the assessment and payment of the pro rata per acre share of the project's construction, operation and maintenance costs the same as all other lands within the irrigation project in the same general area. In addition, such "pump lands" shall be obligated to pay an additional assessment on an annual basis as determined by the officer in charge to defray the cost of pumping the water from the Flathead River for those lands in the Mission Valley Division, and from the Little Bitterroot Lake for lands in the Camas Division.

(ii) At the time he submits the request, the landowner must also agree in writing to include the "pump lands" in an existing irrigation district or a district that may be subsequently formed pursuant to the laws of the State of Montana. This will not apply to Indian trust or restricted lands as such lands cannot be included within an irrigation district.

(iii) A request for the inclusion of "pump lands" into the project will not be considered until the officer in charge determines that there is sufficient project water available to serve these lands without adversely affecting in any way

the water entitlement of the desginated project lands for which the project was designed and constructed.

(iv) All costs incidental to the pumping and distribution of the delivered water from the project farm unit delivery point to the "pump lands" shall be borne by the landowner.

§ 191.18 Default in payments.

The United States reserves the right to refuse to deliver irrigation water to an irrigation district or landowner in the event of default for more than one year in any payment of irrigation assessments due the United States.

§ 191.19 Operation and maintenance assessments.

(a) Operation and maintenance assessments will be levied against the acreage within each allotment, farm unit or tribal unit that is designated as assessable and to which irrigation water can be delivered by the project operators from the constructed works whether water is requested or not, unless specified otherwise in this section.

(1) Colville Indian Irrigation Project, Washington. Operation and maintenance assessments will be levied against all patent in fee and Indian trust lands to which water can be delivered for irrigation and for which an application for water has been made by the water user and approved by the Superintendent.

(2) Wapato Indian Irrigation Project-Topenish-Simcoe Unit, Washington. Operation and maintenance assessments will be levied against all lands which can be irrigated from the constructed works for which application for water is made and approved by the Project Engineer.

(b *Subdivided farm units.* (1) General.—(i) Where farm units, as defined in section 191.4, have been subdivided into smaller units, the Area Director or such official as he may so delegate may, at his discretion, fix a higher operation and maintenance rate for such subdivided acreage than the rate fixed for the acreage in the original farm unit. In such cases the higher rate will also be announced in the annual public notice.

(ii) In the event higher rates are fixed for a subdivided farm unit, the individual owners thereof may obtain for their lands the same rate as fixed for acreages within farm units not so divided by joining in a written contract with the other owners within the subdivided unit. Under such a contract, the various owners will appoint an agent in whom shall be vested full power and authority to enter into a contract with the Area Director, hereafter referred to as the contracting officer, or such official as he may so authorize, covering the water rights for the entire area of the several small acreages: *Provided, however,* Such contract must not represent less acreage than that included in the original farm unit unless a smaller unit has been established by project regulation as eligible for a subdivision contract; and *Provided further,* That whether the contract involves acreages in one or more farm units, it must represent contiguous acreages.

(iii) The contract between the agent of the owners of the small tracts and the contracting officer shall be executed on or before February 1 of the year preceding the next irrigation season. The agent shall at the time of the execution of this contract, on a form approved by the Secretary of the Interior, furnish a certified copy of the contract executed by the several landowners of the subdivided tract appointing the agent to act in their behalf.

(iv) Any owner of a tract within a subdivided unit, with the written consent of the owners of a majority of the acreage, under a contract as set forth in paragraph (b)(1)(iii) of this section, may voluntarily withdraw from the contract by filing a written notice of his intent to withdraw with the contracting officer on or before February 1 of the year such withdrawal is to be effective, together with the consent of the owners of the majority of the acreage endorsed thereon: *Provided* That the remaining acreage is contiguous; such withdrawal does not reduce the remaining acreage under the contract to less than the acreage included in the original farm unit before it was subdivided or less than the minimum acreage established on a project as eligible for a subdivision contract; and all irrigation charges due under said contract have been paid. Upon the receipt of said notice, the contracting officer, if the notice meets the requirements as herein provided, shall note his approval thereon and send a copy thereof to the agent of the landowners. Thereafter the land of the withdrawing owner shall no longer be subject to the contract.

(v) If one or more owners under a contract desire to withdraw, and if, by so doing, it would reduce the total remaining contiguous acreage under the contract to less than the total acreage included in the original farm unit, or the minimum eligible acreage established on the project, the contract can be terminated. However, before such a termination can be approved, a written notice from the owners of the majority of the acreage must be filed with the contracting officer indicating their consent to and requesting his approval of the termination. The notice must be filed on or before February 1 of the year the termination is to become effective and must include the payment of any irrigation charges than due under the existing contract. Upon the receipt of the written notice, the contracting officer shall note his approval thereon provided that the requirements set forth herein are satisfied. A copy of the approved notice will be given to the agent of the landowners concerned.

(2) Fort Hall Indian Irrigation Project. The Superintendent, Fort Hall Agency, is authorized to approve contracts as set forth in this section as well as withdrawals or termination of such contracts. However, no contracts will be entered into if the total contiguous acreage is less than 10 acres.

(3) Wapato Indian Irrigation Project. The Project Engineer is authorized to approve contracts as set forth in paragraph (b) of this section as well as withdrawals or termination of such contracts. However, no contracts will be entered into if the total contiguous acreage is less than 40 acres.

§ 191.20 Water users' ledgers.

(a) Water users' ledgers will be maintained by the officer in charge on all irrigation projects or units where irrigation assessments are levied and collected. Separate entries shall be made in the ledger for each farm tract and bills issued to the owner or owners of record. When payment is received, it will be credited to the proper ledger account.

(b) When Indian trust or restricted land is leased and the officer in charge has been so advised by the Superintendent, irrigation bills will be submitted to the lessee and a copy sent to the Indian owner or owners of record. Upon receipt of payment, it will be credited to the Indian owner or owners of record in the ledger account.

(c) On those projects where irrigation districts have been formed and have executed repayment contracts, irrigation bills will be rendered to the district. When payment is received, it will be credited to the proper ledger accounts of the owners of record of the lands within the district.

§ 191.21 Health and sanitation.

(a) The officer in charge shall, by public notices or other formal means, warn the citizens of a project area against the use for domestic purposes of untreated storage, canal or river water and that they should have any water used for domestic purposes tested for purity by health authorities. In addition, if water is diverted from a stream which is known to be polluted, warning signs should be placed at strategic points along the irrigation system.

(b) Use of Government storage reservoirs, canals or laterals for disposal of sewage and trash shall not be permitted under any circumstances. If such conditions occur and project forces are unable to correct them, the officer in charge shall request the Area Director to arrange for the necessary legal action.

§ 191.22 Complaints.

All complaints must be made in writing to the Project Engineer or the officer in charge of the project.

§ 191.23 Disputes.

In case of a dispute between a water user and the Project Engineer or officer in charge of the project concerning the application of the regulations of this part or a decision rendered by such official, the water user within 30 days may appeal to the Area Director. Further appeals may be made to the Commissioner of Indian Affairs pursuant to Part 2 of this chapter.

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Parts 192–201 [Removed]

2. It is proposed to delete Parts 192–201 of Subchapter R, Chapter I, Title 25 of the Code of Federal Regulations.

Part 221 [Removed]

3. It is proposed to delete Part 221 of Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-26807 Filed 9-13-76;8:45 am]

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Montana's Reclamation Laws and Requirements

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally owned coal resources (41 FR 20252 (1976)). Those regulations established a procedure under which the Secretary of the Interior may decide, through rulemaking, that the Department will approve mining plans in a particular state only if the mining plans would comply with the requirements of state reclamation laws which are as stringent as the reclamation requirements of 30 CFR Part 211. In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a state's reclamation law (41 FR 27993 (1976)). On August 4, 1976, 41 FR 35716 (1976), the Department proposed to adopt the requirements of Wyoming's reclamation laws and regulations.

The Department has now completed its review of the requirements of the reclamation laws of the State of Montana using the procedures explained in the advance notice of proposed rulemaking. The Department has begun, but has not finished reviewing the requirements of other states. This rulemaking proceeding proposes that the requirements of the State of Montana's reclamation laws be applied as a condition upon the approval of any proposed federal exploration or mining plan. The proposed rulemaking lists the provisions of Montana's law which are laws relating to reclamation, and lists the federal regulations that are superseded by the Montana requirements.

Title 30 CFR 211.75(a) says:

§ 211.75 Applicability of State law.

(a) On the effective date of this Part, and from time to time thereafter, the Secretary shall direct a prompt review of State laws and regulations in effect, relating to reclamation of lands disturbed by surface mining of coal in each State in which Federal coal has been leased, permitted, or licensed. If, after such review, the Secretary determines that the requirements of the laws and regulations of any such State afford general protection of environmental quality and values at least as stringent as would occur under exclusive application of this Part, he shall, by rulemaking, direct that the requirements of such State laws and regulations thereafter be applied as conditions upon the approval of any proposed exploration of mining plan, unless:

(i) The Secretary determines that such application of the requirements of such laws and regulations would unreasonably and substantially prevent the mining of Federal coal in such State, and

(ii) The Secretary determines that it is in the overriding national interest that such coal be produced without such application of such requirements. In any such determination of overriding national interest, the Secretary will consult in advance of such determination with the Governor of the State involved.

Table I summarized the comparison that was made. (The Analytical Criteria used in the Table are illustrative of the requirements of federal law; their use is not intended to change the effect of the regulations). Table II sets out, verbatim, the requirements of Montana's law and regulations that will be adopted. The proposed § 211.77(b), and the column of Table I captioned "Federal Citation (30 CFR 211)", list those sections of 30 CFR Part 211 that the Department has concluded are regulations relating to the reclamation of lands disturbed by surface mining of coal. The requirements included in the list are substantive not procedural requirements. Federal officials will use federal procedures to decide whether to approve a plan. Those aspects of procedure which relate to the administration and enforcement of reclamation operations are not a part of this rulemaking, but may be covered as part of agreements made under 30 CFR 211.75(b). The list consists of 30 CFR 211.40(a), minus the paragraphs of that section that are directed toward health and safety concerns or purely procedural requirements, rather than reclamation concerns. The omitted paragraphs are 30 CFR 211.40 (a)(9), (10), (13)(iii), (14)(ii)(A), (15), (16), (17). The Department determined that the provisions of Part 211 not in § 211.40(a) were not regulations relating to the reclamation of lands disturbed by coal mining either because they: (1) Were purely procedural requirements; (2) Were requirements unrelated to reclamation; or (3) Were requirements already included in § 211.40. For example, § 211.10 prescribes what information must be submitted in a mining plan. This assists the Mining Supervisor in determining whether an operator would comply with the substantive reclamation requirements. The section adds no "on-the-ground" requirements, however, and it is primarily a procedural requirement. Similarly, § 211.41(c) Permanent Abandonment, which states what steps must be taken to properly abandon a mining operation, and which requires backfilling, regrading and revegetating, merely repeats requirements that are also found in the performance standards in § 211.40(a). Omitting § 211.41(c), does not lessen the operator's reclamation duties.

The Department has also decided that the procedures in 30 CFR § 211.74, Variances are not regulations relating to reclamation of lands disturbed by surface mining of coal, and they will not be superseded by this rulemaking. Both Montana's rules and regulations and the Department's regulations have procedures that allow an operator to vary from a reclamation requirement if the variation is essential to achieve the desired post-mining use of the reclaimed lands. If the Department adopts the reclamation requirements of Montana's laws and regulations, as proposed by this rulemaking, it will grant variances from the reclamation requirements only after consideration of the requirements of Montana law, but will use the procedures in 30 CFR 211.74 to process the request for a variance. The Department will consult with Montana in deciding whether to grant a variance.

The comparison in Table I shows that the requirements of Montana's laws and regulations are equal to or greater than those in 30 CFR Part 211 in every instance except one; Roads, Pipelines, Powerlines, etc. Montana's regulations, which covered roads and railroad haulageways very well, did not explicitly cover other ancillary facilities. This omission is mitigated by other provisions which require revegetation and protection of water resources, which will, in large part, provide the necessary environmental protection. In addition, the area disturbed by these other facilities will normally involve relatively small areas, and will probably be reclaimed as part of the overall reclamation process. Despite the omission, Montana's regulations afford general protection of environmental quality and values at least as stringent as would occur under the exclusive application of Federal regulations.

The comparison of one analytic criteria, Timing and Objectives of Reclamation, requires special discussion. The Federal requirement for this criteria is: (1) To reclaim as contemporaneously as possible (timing) and (2) To return to a condition capable of supporting all practicable prior uses (objectives). The State standards on timing of reclamation provide more protection than the Federal standard. The State standard also provides protection essentially equal to the Federal requirement on objectives of reclamation. Both the Federal and State standards seek to return the land to its pre-mining capability. The Federal standard assures return to pre-mining productivity through a reference to all prior uses (to a condition capable of supporting all prior uses). The State standard assures a return to pre-mining productivity through a reference to grazing, the predominant land use of Montana (establishment of diverse vegetative cover to withstand grazing pressure at least comparable to pre-mining capability). The Montana standard is not based on actual use prior to mining, but on potential use. The Montana standards require returning the land to its prior productivity to the same extent as required by Federal regulations. While the standard may be somewhat difficult to administer, where for example both the pre- and post-mining uses are agricultural, it does provide the desired degree of protection. Overall, the State and Federal objectives for this criteria are equal.

The Task Force also concluded that the requirements in Mont. Stat. 50–1042 are requirements that relate to the land-use planning decisons rather than reclamation requirements. That section of the statute prohibits mining in certain areas. The requirements are generally covered by non-reclamation aspects of Interior's coal leasing process, such as the Energy Minerals Activity Recommendation System, or by other statutes, such as the Endangered Species Act. The requirements do not relate to the process of returning land to a stable condition and form consistent with their pre-mining use. Consequently they were not included in the analysis and do not affect the Task Force's determination in any manner.

After reviewing this comparison, the Chairman of the Task Force: (1) Made a preliminary recommendation that the requirements of Montana's reclamation laws provided general environmental protection at least as stringent as would occur under 30 CFR Part 211, and (2) Determined that application of these laws and regulations as a condition to federal approval of mining and exploration plans would not unreasonably and substantially pervent the mining of federal coal in Montana.

The Secretary reviewed the Task Force's conclusions and directed that this Notice of Proposed Rulemaking be published. The proposed rulemaking adds a new section, § 211.77 to 30 CFR Part 211. Paragraph (a) of the new section lists the requirements of Montana's reclamation laws and regulations that will be made a condition to federal approval of a mining or exploration plan under 30 CFR Part 211. Paragraph (b) lists the sections of Part 211 that are replaced by the requirements of Montana's laws and regulations. (The numbering of 30 CFR Part 211 includes amendments proposed in 41 FR 35716.) Paragraph (c) says that the Department may, through rulemaking, terminate the application of the requirements in § 211.77(a) if changes in the requirements of either Federal or State law make that application inconsistent with 30 CFR 211.75(a). Before the regulations are finally adopted, the Department, and the State of Montana will have to execute a memorandum of understanding to cover how they will act on changes in Federal or state laws or regulations. This agreement will be published along with the final rulemaking.

Although the proposed rulemaking doesn ot attempt to amend 43 CFR Subpart 3041, the Department would like to clarify that the reclamation requirements of that section will be administered consistently with the changes made in Part 211 as the result of this rulemaking. If necessary, this will include making appropriate changes in the language of Subpart 3041.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR 3041) and Coal Mining Operating Regulations (30 CFR 211) (1976). NEPA does not require, and the Department will not prepare, a separate impact statement for this action.

The Department will conduct a public meeting on this proposed rulemaking during the week of October 21, 1976, in Billings, Montana at 9:00 a.m. at the Library Building, Eastern Montana University. Any person who wishes to testify at the hearing should notify the Chief, Office of Public Affairs, Bureau of Land Management, Billings, Montana, 59107 (Tel. No. 406/245-6711). The meeting will be open to the public, and will be conducted by an Administrative Law Judge. Depending upon the number of people desiring to be heard, the Administrative Law Judge may limit the amount of time available for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 10 minutes. Additionally, such remarks should be reduced to writing and at least two copies filed with the Administrative Law Judge at the meeting. Individuals desiring to present extended remarks or written comments only for the record may do so at the meeting through the filing of at least two copies.

In addition, the Department will accept written comments on the proposed rulemaking until November 19, 1976. As the advance notice of proposed rulemaking stated, the comment period will not be extended. Please send your comments to Deputy Under Secretary Lyons, Chairman, Task Force on the Adoption of Requirements of State Reclamation Laws, Department of the Interior, Washington, D.C. 20240.

Dated: September 7, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

The Department of the Interior proposes to amend Title 30 CFR Part 211, by adding a new § 211.77:

§ 211.77 Applicability of the requirements of Montana's Reclamation Laws and Regulations.

(a) Pursuant to § 211.75(a) of this part, the Secretary has determined that federal approval of a mining or exploration plan in Montana required by 30 CFR Part 211 will be granted only if the plan would comply with the requirements of Montana's reclamation laws and regulations that are listed in paragraphs (a)(1)–(9) of this section:

(1) Mont. Stat. 50–1043.
(2) Mont. Stat. 50–1044(1)–(4).
(3) Mont. Stat. 50–1045.
(4) Mont. Stat. 50–1046.
(5) Mont. Admin. Code 26–2.10(10)–S10310.
(6) Mont. Admin. Code 26–2.10(10)–S–10330.
(7) Mont. Admin. Code 26–2.10(10)–S10340.
(8) Mont. Admin. Code 26–2.10(10)–S10350.
(9) Mont. Admin. Code 26–2.10(18)–S10400 G 1 (a–k).

(b) Paragraph (a) of this section supersedes the requirements of the following sections in Part 211:

(1) 211.40(a)(1)–(8).
(2) 211.40(a)(11)–(13)(ii).
(3) 211.40(a)14(ii)(b).

(c) This section remains in effect until the Secretary determines, through rulemaking, and in accordance with a memorandum of understanding with the State of Montana that:

(1) The requirements of Montana's reclamation laws and regulations fail to provide general protection of environmental quality and values at least as stringent as would occur under the exclusive application of this part; or

(2) The requirements of Montana's reclamation laws and regulations unreasonably prevent the mining of federal coal and it is in the overriding national interest that the coal be produced without application of the requirements listed in paragraph (a) of this section.

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MONTANA

TABLE 1.—*Comparison of requirements of Federal-State reclamation laws and regulations*

Analytical criteria	Federal citation (30 CFR pt. 211)	State citation	Comments	Stringency of protection, overall
A. Timing and objectives of reclamation.	211.40(a)(1)			Equal
1. Contemporaneously as practicable with operations.		50-1046, 50-1043, (10)-S10310 (i, g, i-iv).	State requires as rapidly, completely, and effectively as technology will allow; backfill and grade within 90 d.	
2. To a condition capable of supporting prior uses		50-1044(3), 50-1045(1)(a)	State requires a return to a condition comparable to prior capability.	
B. Restoration of approximate original contour	211.40(a)(2)			De.
1. Replace overburden in the mined area by backfilling, grading, or other means.		50-1044		
2. Eliminate highwalls		50-1044	Less than reduce to 20°	
3. Eliminate spoil piles		50-1044		
4. Restore the approximate original contour		50-1044		
C. Stabilize and protect surface areas affected by coal mining and reclamation.	211.40(a)(3)			Do.
1. Control slides, erosion, subsidence, and attendant air and water pollution.		50-1043 (1) and (3), 50-1044(1), (10)-S10340(4)(h)	State coverage is adequate	
D. Topsoil handling, replacement	211.40(a)(4)			De.
1. Remove topsoil separately		50-1044, (10)-S10340(1)		
2. Stockpile topsoil if not used immediately		26-2.10(10)-S10340 (1), (2)		
3. If topsoil is stockpiled for lengthy period, use vegetative cover to protect from wind and water erosion.		50-1044, (10)-S10340(2)		
4. If topsoil is poor in quantity or quality, use best suitable material available for revegetation.		50-1044		
5. Replace topsoil on backfilled area		50-1044		
E. Revegetation	211.40(a)(5)	50-1045, (10)-S10350(1), (2), (18)-S10400(G5a, h)		De.
1. Establish diverse vegetative cover, native to the area on regraded areas and all other affected lands which is capable of regeneration and plant succession.		(10)-S10350(2, 3, 4, 5, 8, 9), (18)-S10400(G5a, b, i, l), 50-1045(1)		
2. Establish vegetative cover at least equal in density and permanence to the native vegetation.		(10)-S10350(3) (18)-S1040-(G5c, f, i).		
3. Use of approved mixtures of introduced or native species where preferable.				De.
F. Hydrologic management of water impoundments, retention facilities, dams and settling ponds.	211.40(a)(6)			
1. Assure that water facilities are adequate for intended purpose and that water quality and quantity is adequate.		50-1043(3c), (10)-S10330(1a), (10)-S10330(1bi), (bvi), (bvii) and (c), (10)-S10400(G3b), (10)-S10330 (1 b iii), (18)-S10400(G3b, iii).	State generally bans permanent impoundments but provides for standards where allowed.	
2. Assure that water facilities are designed according to sound engineering standards and practices.				
3. Assure that grading of water facilities provides adequate access for proposed water users.		50-1043, (10)-S10330(1)(i)	State requires protection of rights of landowners but does not assure access.	
4. Assure that mine and process wastes are not used in construction of water facilities.		50-1043, (10)-S10330(1)(b), (18)-S10400(G4)(a).	Burial of all hazardous wastes is required.	
5. Minimize disturbances to prevailing quality, quantity, and flow of water in surface and ground systems	See also 211.40(a)(7)	50-1043(c); (10)-S10330(b) (ii-iii), (vii); (10)-S10330(c) (i), (ii); (iv); (18)-S10400(G 1a-c; (18)-S10400 G 1 k, 2 f, (18)-S10400 G 1 k 3; see also 69-4802 (8), (5), (9), 69-4806; 50-1055(4).	Requirement to protect quantity of water is implicit in regulations, and enforced by statutory right to sue for diminution.	
G. Minimize disturbances to prevailing quality, quantity and flow of water in surface and ground systems at minesite and offsite:	211.40(a)(7)			Do.
1. Control acid or toxic drainage		50-1043; (10)-S10330, (1a, 1bi-viii, 1ci-iii).		
2. Minimize contributions of suspended solids to streamflow or runoff		50-1043(c), (10)-S10330 (1ci-iii), (18)-S10400 (1c, (10)-S20310(d).		
3. Unless authorized do not deepen or enlarge stream channels.		(10)-S10330 (1ci), 26-1511 26-1513.	Covered by Natural Streambed and Land Preservation Act of 1975.	
4. Remove or modify siltation structures after disturbed areas are revegetated and stabilized.		(16)-S10330 (1bi-iii)	Reclamation of structures is to be part of plan	
5. Protect the quality, quantity, and flow of both upstream and downstream surface and ground water resources of valley floors with significant vegetation.		(10)-S10330, 50-1055(3), (10)-S20310 (d), (e), (18)-S10400(j), (18)-S10400 G1k3.	Governed by nondegradation and other water quality standards, although no specific reference to valley floors.	
H. Handling of toxic materials	211.40(a)(2), (5), (6), (8).			Do.
1. Cover or plug auger holes drainage		50-1043(2)(h)	State does not require plugging but not generally a problem in Montana.	
2. Minimize air and water pollution by treating or disposing of rubbish and noxious substances.		50-1043, (18) S10400 (G)(1) (a)-(f).		
3. Cover acid-forming or toxic materials		50-1043, (18)-S10400 (G 1a)	State requires burial to prevent ground water contact.	
4. Control acid or toxic drainage to protect water quality.		50-1043, (18)-S10400 (G 1c, 1b).		
I. Roads, pipelines, powerlines, etc	211.40 a (11), (12)			Federal.
1. Roads, etc., shall be designed to applicable standards.		(10)-S20310 (4)	Non-road ancillary facilities have no standards	
2. Roads, etc., shall be removed in an environmentally acceptable manner when no longer necessary.		(10)-S20310 (4i)		
3. Roads shall not be surfaced with acid or toxic substances.		(10)-S20310 (4g), (18)-S10400 (G 1l).		
4. Roads shall not be constructed in a stream nor shall a stream bed be used as a road.		(10)-S20310 (4d), (18)-S10400 (G 1b, g).		
J. Limit access to protect reclaimed areas	211.40(a)14			Equal.
1. Protect revegetated areas from unplanned and uncontrolled grazing by providing fencing, barricades, and other protective measures.		(10)-S10340 (8)(12)		

TABLE II

APPLICABLE PROVISIONS OF MONTANA'S LAWS AND REGULATIONS

MONTANA STATUTES

(1) § 50–1043. Reclamation operations—submission and action on plan.

(1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this act, shall reclaim and revegetate the land affected by his operation. Under the provisions of this act and rules adopted by the board, an operator shall prepare and carry out a method of operation, plan of grading, backfilling, highwall reduction, topsoiling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and plans of backfilling, grading, highwall reduction, topsoiling and reclamation, all measures shall be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, landslides, water pollution, and hazards dangerous to life and property. The reclamation plan shall set forth in detail the manner in which the applicant intends to comply with this section and section 11, 12 and 13 [50–1044, 50–1045 and 50–1046] of this act. The plan shall be submitted to the department and the department shall notify the applicant by registered mail within one hundred twenty (120) days after receipt of the plan and complete application if it is or is not acceptable. The department may extend the one hundred twenty (120) days an additional one hundred twenty (120) days upon notification of the operator in writing. If the plan is not acceptable, the department shall set forth the reasons why the plan is not acceptable and it may propose modifications, delete areas, or reject the entire plan. A landowner, operator, or any person aggrieved by the decision of the department may, by written notice, request a hearing by the board. The board shall notify the person by registered mail within twenty (20) days after the hearing of its decision. Every reclamation plan shall be subject to annual review and modification.

(2) In addition to the method of operation, grading, backfilling, highwall reduction, topsoiling and reclamation requirements of this act and rules adopted under this act, the operator, consistent with the directives of paragraph (1) of this section shall:

(a) Bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid producing, toxic, undesirable, or creating a hazard;

(b) Seal off, as directed by rules, any breakthrough of water creating a hazard;

(c) Impound, drain, or treat all runoff water so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) Use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, surface damage to adjacent lands and water pollution, ensure public safety, and for other purposes.

(3) An operator may not throw, dump, pile or permit the dumping, piling, or throwing or otherwise placing any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under section 6[50–1039], or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which a bond has been posted under section 6[50–1039].

(2) § 50–1044. Area mining required—grading and revegetation—release of bond—alternative plan.

(1) Area strip mining, a method of operation which does not produce a bench or fill bench, is required. All highwalls must be reduced and the steepest slope of the reduced highwall shall be no greater than twenty (20) degrees from the horizontal. Highwall reduction shall be commenced at or beyond the top of the highwall and sloped to the graded spoil bank. Reduction, backfilling, and grading shall eliminate all highwalls and spoil peaks. The area of land affected shall be restored to the approximate original contour of the land. When directed by the department, the operator shall construct in the final grading, such diversion ditches, depressions, or terraces as will accumulate or control the water runoff. Additional restoration work may be required by the department according to the rules adopted by the board.

(2) In addition to the backfilling and grading requirements, the operator's method of operation on steep slopes may be regulated and controlled according to rules adopted by the board. These rules may require any measure whatsoever to accomplish the purpose of this act.

(3) All available topsoil shall be removed in a separate layer, guarded from erosion and pollution, kept in such a condition that it can sustain vegetation of at least the quality and variety it sustained prior to removal, and returned as the top layer after the operation has been backfilled and graded; provided that the operator shall accord substantially the same treatment to any subsurface deposit of material that is capable, as determined by the department, of supporting surface vegetation vertually as well as the present topsoil.

(4) As determined by rules of the board, time limits shall be established requiring backfilling, grading, highwall reduction, topsoiling, planting and revegetation to be kept current. All backfilling, grading, and topsoiling shall be completed before necessary equipment is moved from the operation.

(3) § 50–1045. Planting of vegetation following filling of stripped area.

After the operation has been backfilled, graded, top-soiled, and approved by the department, the operator shall prepare the soil and plant such legumes, grasses, shrubs, and trees upon the area of land affected as are necessary to provide a suitable permanent diverse vegetative cover capable of:

(a) Feeding and withstanding grazing pressure from a quantity and mixture of wildlife and livestock at least comparable to that which the land could have sustained prior to the operation.

(b) Regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

(c) Preventing soil erosion to the extent achieved prior to the operation.

The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to provide a suitable permanent diverse vegetative cover shall be defined by rules of the board.

(4) § 50–1046. Time of commencement of reclamation.

The operator shall commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area in accordance with plans previously approved by the department. Those grading, backfilling, topsoiling, and water management practices that are approved in the plans shall be kept current with the operation as defined by rules of the board and a permit or supplement to a permit may not be issued, if in the discretion of the department, these practices are not current.

MONTANA ADMINISTRATIVE CODE

(1) § 26–2.10(10)–S10310. Mining and Reclamation Plan.

(1) Backfilling and Grading.

(a) Backfilling and grading of the disturbed area shall be completed prior to removal of necessary reclamation equipment from the area of operation. If the operator for good cause shown cannot complete backfilling and grading requirements within the time limits set for current backfilling and grading, the Department may approve a revised timetable. Additional bonding may be required.

(b) An operator shall show where the overburden and parting strata materials are to be placed in the backfill. Materials which are not conducive to revegetation techniques, establishment, and growth shall not be left on the top or within eight (8) feet of the top of regraded spoils or at the surface of any other effected areas. The Department may require that problem materials be placed at a greater depth.

(c) The operator shall bury under adequate fill all materials set forth in Section 20(2)(a) of Chapter 325, Session Laws of Montana, 1973, only after approval of the method and site by the Department. In the event that the operator plans to use fly-ash for fill material, it must be shown by adequate testing and analysis that the fly-ash material will not have any adverse or detrimental effect. Plans for placement of fly-ash or any other foreign material or processes in the backfill must be approved by the Department.

(d) Box cut spoils or portions thereof, shall be hauled to the final cut if:

(i) Excessively large areas of the mine perimeter will be disturbed by proposed methods for highway reduction or regrading of box cut spoils or

(ii) Material shortages in the area of the final highwall or spoil excesses in the area of the box cut are likely to preclude effective recontouring.

(e) All final grading on the area of land affected shall be to the approximate original contour of the land. The final surface of the restored area need not necessarily have the exact elevations of the original ground surface. Where a flat surface or a surface with less slope than the original ground surface is desired, such surface shall be deemed to comply with backfilling and grading to the approximate original contour. With the exception of highwalls, railroad loops and access road cuts and fills through unmined lands, no final graded slopes shall be steeper than five horizontal to one vertical (5:1) unless otherwise approved in writing by the Department.

(f) The Department may require terracing to conserve moisture and control water erosion on all graded slopes during the process of current grading. Terraces shall be installed in such a way so as not to prohibit vehicular access or revegetative procedures. Terraces shall be installed at varying intervals as determined by climatic conditions, spoil and topsoil composition and texture, slope steepness, and slope length. Suggested terrace installation intervals shall be submitted in the reclamation plan. Additional surface manipulation procedures shall be installed as required by the Department.

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(g) Final grading shall be kept current with mining operations. In order to be considered current, grading and backfilling shall meet the following requirements unless exceptions are granted by the Department.

(i) On lands affected by area strip mining, the grading and backfilling shall not be more than two spoil ridges behind the pit being worked; the spoil from the pit being considered the first ridge. The Department may allow delayed grading of box cut spoils if better recontouring will result.

(ii) If the operation involves stripping and augering, the augering shall follow the stripping by not more than sixty (60) days and final grading and backfilling shall follow the augering by not more than fifteen (15) days, but in no instance shall an area be left ungraded more than 1,500 feet behind the augering.

(iii) All backfilling and grading shall be completed within ninety (90) days after the department has determined that the operation is completed or that a prolonged suspension of work in the area will occur. Final pit reclamation shall proceed as close behind the coal loading operation as the frequency and location of ramp roads, the use of overburden stripping equipment in highwall reclamation, and other factors may allow.

(iv) Grading and backfilling of other types of subject excavations shall be kept current as departmental directives dictate for each set of field circumstances.

(h) Reclamation equipment to be used in grading and highwall reduction shall be listed in the application for a permit.

(2) Highwall Reduction.

(a) All highwalls shall be reduced and the steepest slope of the reduced highwall shall be no greater than twenty (20) degrees from the horizontal. Highwall reduction shall be commenced at or beyond the top of the highwall and sloped to the graded spoil bank. In all cases the final pit shall be backfilled so as to cover all exposed coal seams with at least 4 feet of non-toxic fill material.

(b) The company shall show by a narrative and cross-sections the plan of highwall reduction including the limits of buffer zones.

(3) Buffer Zones.

(a) All mining activities, including highwall reduction and related reclamation, shall cease at least one hundred (100) feet from a property line, permanent structure, unmineable, steep or precipitous terrain, or any area determined by the Department to be of unique scenic, historical, cultural, or other unique value. If special values or problems are encountered the Department may modify buffer zone requirements.

(b) The transition from undisturbed ground shall be blended with cut or fill to provide a smooth transition in topography.

(4) Roads and Railroad Loops.

(a) Haulageway roads through permitted areas shall be allowed providing that their presence does not delay or prevent recontouring and revegetation on immediately adjacent spoils.

(b) Ramp roads will be allowed under the following criteria:

(i) No more than two (2) ramp roads per mile of active pit being mined shall be allowed. Fractional portions of ramp roads resulting from active pit lengths of uneven mileage will be counted as an additional ramp road allowable. (Example: 2.1 (active pit mile length) x 2 (ramp roads/mile) equals 4.2 (ramp roads) or 5 ramp roads allowable.) The Department may authorize an additional ramp road.

(ii) Ramp roads, beginning from the spoil edge of the pit being worked, shall be engineered so as to exhibit an overall 7% grade, or steeper, until topping on graded spoils. As each new pit is excavated, the ramp roads shall be regraded, as soon as possible, so as to remain at an overall 7% or steeper grade from the spoil side of the new pit. In all cases, ramp road renovation grading shall allow for topsoiling and revegetative activities to proceed during prime revegetative seasons. Lesser slopes may be allowed if the Department makes a written determination that 7% slopes would cause safety problems or hamper successful reclamation.

(c) The Department may require that access roads constructed after the effective date of the Act be graded, constructed, and maintained in accordance with the following requirements:

(i) No sustained grade shall exceed 8 per cent (8%).

(ii) The maximum pitch grade shall not exceed twelve percent (12%) for three hundred (300) feet.

(iii) There shall not be more than three hundred (300) feet of maximum pitch grade for each one thousand (1000) feet.

(iv) The grade on switchback curves shall be reduced to less than the approach grade and shall not be greater than ten percent (10%).

(v) Cut slopes shall not be more than 2:1 in soils or ½:1 in rock.

(vi) All grades referred to shall be subject to a tolerance of two percent of measurement. Linear measurements shall be subject to a tolerance of ten percent (10%) of measurement.

(vii) Additional requirements may be imposed by the Department if special drainage or steep terrain problems are likely to be encountered.

(d) The location of a proposed road or railroad loop shall be identified on the site by visible markings at the time the reclamation and mining plan is preinspected and prior to the commencement of construction. No such construction shall proceed along dry coulees and intermittent drainageways unless the operator assures that no off-site sedimentation will result.

(e) Drainage ditches shall be constructed on both sides of the through-cut, and the inside shoulder of a cut-fill section, with ditch relief cross-drains being spaced according to grade. Water shall be intercepted before reaching a switchback or large fill, and shall be drained off or released below the fill. Drainage structures shall be constructed in order to cross a stream channel, and shall not affect the flow or sediment load of the stream.

(f) All cut and fill slopes resulting from construction of access road, railroad loop or haulageway road outside of the area to be mined shall be stabilized, and revegetated the first seasonal opportunity.

(g) No roads or railroad loops shall be surfaced with refuse coal, acid producing or toxic material or with any material which will produce a concentration of suspended solids in surface drainage.

(h) All appropriate methods shall be employed by the operator to prevent loss of haulage or access road surface material in the form of dust.

(i) Upon abandonment of any road or railroad loop, the area shall be conditioned and seeded and adequate measures taken to prevent erosion by means of culverts, water bars, or other devices. Such areas shall be abandoned in accordance with all provisions of Chapter 325, Session Laws of Montana, 1973, and MAC 26-2.10(10)-S10330 and MAC 26-2.10(10)-S10340 of the Rules and Regulations adopted pursuant thereto. Upon completion of mining and reclamation activities all roads shall be closed and reclaimed unless the landowner requests in writing and the Department concurs that certain roads or specified portions thereof are to be left open for further use.

(2) § 26-2.10(10)-S10330. Water Quality: Impoundment, Drainage, and Treatment.

(1) All operators shall comply with the following requirements and with all applicable water quality standards established under Montana law and the rules adopted pursuant thereto.

(a) Non-degradation of waters. Waters within the public domain of the state that possess a higher quality than that established on the effective date of established standards shall be maintained at their present high quality consistent with the powers granted to the board. Such high quality waters shall not be lowered in quality unless and until it is affirmatively demonstrated to the board through public hearing, that such a change is justifiable as a result of necessary economic or social development and that the change will not adversely affect the present and future uses of such waters. In implementing this policy as it relates to interstate streams, the Administrator of the Environmental Protection Agency shall be provided with such information as will enable the Administrator to discharge his responsibilities under the Federal Water Pollution Control Act.

(b) Impoundment and Treatment. (i) Treatment facilities in sufficient size and number consisting of but not limited to collection basins, water retarding structures and siltation dams shall be constructed with prior approval of the Department. All such facilities shall be constructed at or above the points of discharge into receiving streams for the purpose of treating acid or toxic water and for the settling of sediment prior to discharge into the receiving stream. As part of an application for permit, an operator shall submit the design specifications, drawings, method of operation and control, and quality of discharge of the treatment facilities. The operator shall indicate on the maps submitted as part of an application for permit the proposed location of all treatment facilities. Proposed reclamation of treatment facilities shall be included in the reclamation plan.

(ii) Additional treatment facilities may be required by the Department after commencement of the operation if conditions arise that could not be anticipated at the time of the permit application.

(iii) All approved and constructed treatment facilities shall be maintained in proper working order by the operator and operated so that they will perform as proposed in the application for permit. All treatment facilities constructed and approved pursuant to the provisions of this rule shall be monitored by the operator to assure continuous satisfactory performance until approved reclamation has been accomplished.

(iv) Permanent water impoundments shall not be allowed unless approved by the Department. If the Department determines at any time that a permanent impoundment area will not fill to expected levels, meet acceptable water quality standards or any other relevant criteria, the impoundment area shall be regraded and surface drainage facilitated.

(v) No water quality treatment of approved lakes or ponds shall be permitted without Department approval.

(vi) Monthly monitoring reports, where applicable, shall be submitted to the Department including the number of operating days, the gallons of drainage treated, a log of the tests made in accordance with Subsection (c) of this Rule, and a description of any operating problems and the corrective action taken.

(vii) The operator shall by the treatment of all runoff prevent the drainage into the waters of the state drainage from any source, the pH of which is less than 6.0 or greater than 9.0, or which contains a concentration of iron in excess of seven (7) milligrams per liter (mg/1). The discharge must register positive net alkalinity (total alkalinity must exceed the total acidity) and the turbidity shall not exceed 100 J.C.U. The Department may modify above requirements if special problems occur.

(viii) The maximum total allowable increase to naturally occurring stream turbidity is ten (10) Jackson Candle Units except that four (4) hours following a major precipitation event, the discharge shall not contain suspended sediments in excess of five hundred (500) Jackson Candle Units above normal and not over one hundred (100) Jackson Candle Units above normal twenty-four (24) hours thereafter. All analyses are to be defined and performed according to the *Standard Methods for the Examination of Water and Wastewater*, unless otherwise specified in writing by the Department. If the above standards in (vii) and (viii) are in conflict with Federal and/or other Montana state agencies the more stringent regulation will apply.

(c) Drainage. (i) All surface water which might damage regraded slopes or drain into the stripping pit shall be intercepted on the uphill side of the highwall or other mine perimeters by diversion ditches and conveyed by stable channels or other means to natural or prepared watercourses outside the operation unless it is determined by the Department that such ditches and channels are unnecessary or would create a more serious pollution problem. Such conveyances shall be of sufficient size and grade to prevent overflow into the mine area. If the ditches are likely to carry surface water only intermittently, they will be retopsoiled and revegetated with grasses, forbs and/or legumes. All constructed diversion ditches shall be included in the permit acreage and shown on the map.

(ii) Water accumulating in the course of the operation shall meet the water quality specifications enumerated herein or shall be pumped or siphoned to a treatment or settling facility prior to discharge into a natural drainway. Under no circumstances shall water be discharged onto highly erodable soil or spoil banks.

(iii) No surface mine drainage shall be discharged through or permitted to infiltrate into existing deep mine workings. Location of all known existing deep mines within the permit area and plans for remedial measures shall be included in the application for a permit.

(iv) All drainage from the active mine area shall exit through impoundment or treatment facilities in accordance with Subsection (b)(1) of this Rule.

(3) § 26-2.10(10)-S10340. Topsoiling.

(1) All available topsoil shall be removed from the area of land affected before further disturbance occurs. Topsoil removal shall precede each step of the mining operation. The operator shall indicate in the reclamation plan the equipment and method used in topsoil salvage and redistribution.

(2) Stockpiles of salvaged topsoil shall be located in an area where they will not be disturbed by ongoing mining operations and will not be lost to wind erosion or surface runoff. All unnecessary compaction and contamination of the stockpiles shall be eliminated and once stockpiled the topsoil shall not be rehandled until replaced on regraded disturbances. The Department may require immediate planting of an annual and/or perennial crop on topsoil stockpiles for the purposes of stabilization. Proposed stockpile locations shall be indicated on the map submitted as part of an application for a permit.

(3) Stockpiled topsoil shall be replaced on all areas to be seeded within a ninety (90) day period prior to revegetative seeding or planting. Extreme care shall be exercised to guard against erosion during application and thereafter. In the case of abandoned roads, the roadbeds shall be ripped, disced, or otherwise conditioned before topsoil is replaced. The Department may prescribe additional alternate conditioning methods for the reclamation of abandoned roadbeds.

(4) If necessary, redistributed topsoil shall be reconditioned by discing, ripping, or other appropriate methods. Gypsum, lime, fertilizer, or other amendments may be added in accordance with MAC 26-2.10 (10)S-10350, and/or as stated in the approved reclamation plan.

(5) Spoil surfaces shall be left roughened in final contour grading to eliminate slippage zones that may develop between deposited topsoil and heavy textured spoil surfaces. The operator shall take all measures necessary to assure the stability of topsoil on graded spoil slopes.

(6) Any application for permit or accompanying reclamation plan which for any reason proposes to use materials other than or along with topsoil for final surfacing of spoil or other disturbances shall document problems of topsoil quantity or quality. The application or plan must also show that the topsoil substitute(s) proposed: (a) Will not contribute to or cause pollution of surface or underground waters; (b) Will support a diverse cover of predominantly native perennial species equivalent to that existent on the site prior to any mining related disturbances.

(4) § 26-2.10(10)-S10350. Planting and Revegetation.

(1) A suitable permanent diverse vegetative cover capable of meeting the criteria set forth in Section 12 of Chapter 325, Session Laws of Montana, 1973, shall be established on all areas of land affected except established on all areas of land affected except traveled portions of railroad loop and roadways or areas of authorized water confinement. Areas shall be planted or seeded during the first appropriate season following completion of grading, topsoil redistribution and remedial soil treatments.

(2) An operator shall establish a permanent diverse vegetative cover of predominantly native species by drill seeding or planting, by seedling transplants, by establishing sod plugs, and/or by other methods. All methods must have prior approval by the Department.

(3) The operator shall utilize locally grown genotypical seed and seedlings when available in sufficient quality and quantity.

(4) An operator shall plant seed of a pure and viable nature. Unless otherwise approved by the Department seed shall be at least 90 percent pure. Seeding rates shall reflect germination percentages.

(5) The operator shall consider soil, climate, and other relevant factors when planting and/or seeding to provide for the best seed germination and plant survival.

(6) All drill seeding shall be done on the contour. When grasses, shrubs and/or forbs are seeded as a mixture they may be drill seeded in separate rows at intervals specified in the standard Soil Conservation Service (SCS) planting guidelines. Such mixed seedings shall be done in this manner wherever necessary to avoid deleterious competition of different vegetal types or to avoid seed distribution problems due to different seed sizes.

(7) Soil amendments shall be used as necessary to supplement the soil and to aid in the establishment of a permanent vegetative cover as specified in the approved reclamation plan or as may be deemed necessary by the Department.

(8) An operator shall use any other means necessary to insure the establishment of a diverse and permanent vegetative cover, including but not limited to irrigation, and fencing or other protective measures.

(9) The Department may require the seeding of annual grasses and/or legumes on such areas as it deems necessary.

(10) Mulch shall be immediately applied to all areas that do not have permanent or temporary cover established when, in the opinion of the Department, the grade or length of any slope presents a likelihood of substantial erosion or substantial deposition of sediment into any waters of the state.

(11) The Department will annually inspect seeded areas at the end of the growing season to determine species diversity, germination, and seedling take. If the Department determines that seedings are unsuccessful in terms of good germination and/or seedling take, immediate investigative action shall be taken by the operator at the request of the Department to determine the cause so that alternatives can be employed to establish the desired permanent vegetative cover at the very next seasonal opportunity. The investigative report shall be submitted along with prescribed course of corrective action prior to the next growing season.

(12) If the area affected is to be primarily utilized by domestic stock, the Department may require incorporation of a grazing system after vegetative establishment to gauge stand tolerance to grazing pressure.

(5) § 26-2.10(18)-S10400. Application for a Mine Site Location Permit Shall Encompass

1. Mining plan:

• • • • • •

G. Mine Site Location Information.

1. • • •

In addition the operator shall agree to:

a. Bury under adequate fill all toxic materials, shale, mineral, or other material determined by the department to be acid producing, toxic, undesirable or creating a hazard. Burial depth should be selected to prevent contact with groundwater or infiltrating waters that will subsequently pollute the groundwater in the area;

b. Seal off, as directed by the department, any breakthrough of water creating a hazard;

c. Impound, drain or treat all runoff water so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

d. Remove and bury all metal, lumber, and other refuse resulting from the operation;

e. Use explosives in connection with the operation only in accordance with department specifications as found in § 26-2.10 (10)-S10320 of the rules and regulations pursuant to Title 50, Chapter 10, R.C.M. 1947, designed to minimize noise, surface damage to adjacent lands and water pollution, ensure public safety, and for other purposes;

f. Not throw, dump, pile or permit the dumping, piling, or throwing or otherwise placing of any stones, rocks, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under 50-1607, or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which a bond has been posted under 50-1607.

g. Identify the location of a proposed road(s) and/or railroad loop(s), spur(s) or

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extension(s) on the site by prominent markings prior to the time the proposed preparatory work is inspected and prior to the commencement of construction. No such construction shall proceed along dry coulees and intermittent drainageways unless the operator takes necessary precautions to insure that no off-site sedimentation will result;

h. Construct drainage ditches on both sides of the through-cut, and the inside shoulder of a cut-fill section, with ditch relief cross-drains being spaced according to grade. Water shall be intercepted before reaching a switchback or large fill, and shall be drained off or released below the fill. Drainage structures shall be constructed in order to cross a stream channel, and shall not affect the flow or sediment load of the stream;

i. Stabilize and revegetate at the first seasonal opportunity all cut and fill slopes resulting from construction of an access road, a railroad loop or haulageway road outside of the area to be mined;

j. Not surface roads, railroad loops, spurs or extensions with refuse coal, acid producing or toxic material or with any material which will produce a concentration of suspended solids in surface drainage;

k. Employ all appropriate methods to prevent loss of haulage or access road surface material in the form of dust;

l. Condition and seed and take adequate measures to prevent erosion by means of culverts, water bars; or other devices upon the abandonment of any road, railroad loop, spur or extension. Such areas shall be abandoned in accordance with all provisions of Chapter 10, Title 50, R.C.M. 1947, and MAC 26–2.10 (10–S10330 and MAC 26–2.10(10)–S10340 of the Rules and Regulations adopted pursuant thereto.

2. The applicant shall submit construction and reclamation plans for all intended preparatory work. Such plans shall be capable of meeting all applicable requirements which would be included in an application for permit under Title 50, Chapter 10, R.C.M. 1947. Such plans shall include:

a. Map showing proposed locations of railroad loops, spurs or extensions, waste and refuse areas, coal handling facilities, office and maintenance buildings, all roads, dragline erection sites and other related disturbances.

b. The estimated depths of all cuts or excavations and fills needed for on-site construction.

c. Overall dimensions for coal handling facilities, office or maintenance buildings and railroad loops insofar as disturbance is concerned.

d. Photographic transects of the proposed mine facility area. Photographic points and direction shall be located on an accompanying map. Estimated depths of proposed cuts and fills shall be identified on each photograph containing areas where cuts and/or fills are anticipated.

e. An operator shall submit to the department a detailed plan, including timetables, showing the method and manner of reclaiming all disturbances related to preparatory work. Such plans shall include a description of the method and manner of reclaiming land affected by construction of railroad loops, office and maintenance areas, coal handling facilities and other disturbances associated with such preparatory work.

f. The applicant shall provide to the department an estimate of water usage expected to result from preparatory work activities, as well as a detailed narrative of planned procurement for such water. This narrative shall document that the water rights of other landowners will not be adversely affected.

g. Further information as the department may require. The department will notify the applicant in writing as to what additional information is required.

3. Water Quality: Impoundment, Drainage and Treatment. All operators shall comply with the following requirements and with all applicable water quality standards established under Montana law and the rules adopted pursuant thereto.

a. Non-degradation of waters. Waters within the public domain of the state that possess a quality higher than established standards shall be maintained at their present higher quality consistent with the powers granted to the board.

b. Impoundment and treatment.

i. Treatment facilities in sufficient size and number consisting of but not limited to collection basins, water retarding structures and siltation dams shall be constructed with prior approval of the department. All such facilities shall be constructed at or above the points of discharge into receiving streams for the purpose of treating acid or toxic water and for the settling of sediment prior to discharge into the receiving stream. As part of an application for permit, an operator shall submit the design specifications, drawings, method of operation and control, and quality of discharge of the treatment facilities. The operator shall indicate on the maps submitted as part of an application for permit the proposed location of all treatment facilities. Proposed reclamation of treatment facilities shall be included in the reclamation plan. Additional treatment facilities may be required by the department after commencement of the operation if conditions so indicate a need.

ii. All approved and constructed treatment facilities shall be maintained in proper working order by the operator and operated so that they will perform as proposed in the application for permit. All treatment facilities constructed and approved pursuant to the provisions of this rule shall be monitored by the operator to assure continuous satisfactory performance until approved reclamation has been accomplished.

iii. Permanent water impoundments shall not be allowed unless approved by the department. If the department determines at any time that the proposed impoundment area will not fill to expected levels, meet acceptable water quality standards or any other relevant criteria, the impoundment area shall be regraded and surface drainage facilitated.

iv. No water quality treatment of approved lakes or ponds shall be permitted without department approval.

v. Monthly monitoring reports, where applicable, shall be submitted to the department including the number of operating days, the gallons of drainage treated, a log of the tests made in accordance with Subsection (c) of this Rule, and a description of any operating problems and the corrective action taken.

vi. The operator shall by the treatment of all water leaving the mine site location prevent the drainage into the waters of the state drainage from any source, the pH of which is less than 6.0 or greater than 9.0, or which contains a concentration of iron in excess of seven (7) milligrams per liter (mg/l). The discharge must register positive net alkalinity (total alkalinity must exceed the total acidity) and the turbidity shall not exceed 100 J.C.U. The department may modify above requirements if special problems occur.

vii. The maximum total allowable increase to naturally occurring stream turbidity is ten (10) Jackson Candle Units except that four (4) hours following a major precipitation event, the discharge shall not contain suspended sediments in excess of five hundred (500) Jackson Candle Units above normal and not over one hundred (100) Jackson Candle Units above normal twenty-four (24) hours thereafter. All analyses are to be defined and performed according to the Standard Methods for the Examination of Water and Wastewater, unless otherwise specified in writing by the department. If the above standards in (vi) and (vii) are in conflict with Federal and/or other Montana State agencies the more stringent regulations will apply.

c. Drainage.

i. All surface water which might damage regraded slopes shall be intercepted on the uphill side of the slope or other mine site perimeters by diversion ditches and conveyed by stable channels or other means to natural or prepared watercourses outside the operation and it is determined by the department that such ditches and channels are unnecessary or would create a more serious pollution problem. Such conveyances shall be of sufficient size and grade to prevent overflow into the operations area. If the ditches are likely to carry surface water only intermittently, they will be retopsoiled and revegetated with recommended grasses, forbs and/or legumes. All constructed diversion ditches shall be included in the permit acreage and shown on the map.

ii. Water accumulating in the course of the operation shall meet the water quality specifications enumerated herein or shall be pumped or siphoned to a treatment or settling facility prior to discharge into a natural drainway. Under no circumstances shall water be discharged onto highly erodable soil banks.

iii. No surface drainage shall be discharged through or permited to infiltrate into existing deep mine workings. Location of all known existing deep mines within the permit area and plans for remedial measures shall be included in the application for a permit.

iv. All drainage from the active construction area shall exit through impoundment or treatment facilities in accordance with Subsection (ii) (1) of this Rule.

4. Topsoiling.

a. All suitable topsoiling materials, as approved by the department, shall be removed from the mine site location area before significant disturbance occurs. Removal shall precede each step of the construction operation. The operator shall indicate in the reclamation plan the equipment and method used in salvage and distribution.

b. Stockpiles of salvaged topsoiling material shall be located in an area where they will not be disturbed by ongoing construction operations and will not be lost to wind erosion or surface runoff. All unnecessary compaction and contamination of the stockpiles shall be eliminated. Once stockpiled it shall not be rehandled until replaced on regraded disturbances. The department may require immediate planting of an annual and/or perennial crop on stockpiles for the purposes of stabilization. Proposed stockpile locations shall be indicated on the map submitted as part of an application for a permit.

c. Stockpiled topsoiling materials shall be replaced on all areas to be seeded within a ninety (90) day period prior to revegetative seeding or planting. Extreme care shall be exercised to guard against erosion during application and thereafter. In the case of abandoned roads, the roadbeds shall be ripped, disced, or otherwise conditioned before topsoil is replaced. The department may prescribe additional alternate conditioning methods for the reclamation of abandoned roadbeds.

d. If necessary, redistributed topsoiling materials shall be reconditioned by discing, ripping, or other appropriate methods. Gypsum, lime, fertilizer, or other amendments may be added in accordance with MAC 26–2.10(10)–S10350, and/or as stated in the approved reclamation plan.

e. Regraded surface shall be left roughened in final contour grading to eliminate slippage zones that may develop between deposited topsoiling materials and heavy textured surfaces. The operator shall take all measures necessary to assure the stability of topsoil on graded slopes.

5. Planting and revegetation.

a. A suitable permanent diverse primarily native vegetative cover capable of meeting the criteria set forth in Section 12 of Chapter 10, R.C.M. 1947, shall be established on all areas of lands affected except traveled portions of railroad loops and roadways, areas of authorized water confinements, or areas where disturbance levels will preclude vegetation establishment. Areas shall be planted or seeded during the first seasonal opportunity following completion of grading topsoil redistribution and remedial soil treatments.

b. An operator shall establish a permanent diverse vegetative cover of predominantly native species by drill seeding or planting, by seedling transplants, by establishing sod plugs, and/or by other methods. All methods must have prior approval by the department.

c. The operator shall utilize certified seed of named varieties that have successfully demonstrated regional long range viability. Locally collected seed and locally grown seedlings shall be utilized when available in sufficient quality and quantity.

d. An operator shall plant seed of a pure and viable nature. Unless otherwise approved by the department, seed shall be at least ninety percent (90%) pure. Seeding rates shall reflect germination percentages.

e. The operator shall consider soil, climate, and other relevant factors when planting and/or seeding to provide for the best seed germination and plant survival.

f. All drill seeding shall be done on the contour. When grasses, shrubs and/or forbs are seeded as a mixture they may be drill seeded in separate rows at intervals specified in the standard Soil Conservation Service (SCS) planting guidelines. Such mixed seedings shall be done in this manner wherever necessary to avoid deleterious competition of different vegetal types or to avoid seed distribution problems due to different seed sizes.

g. Soil amendments shall be used as necessary to supplement the soil and to aid in the establishment of a permanent vegetative cover as specified in the approved reclamation plan or as later deemed necessary by the department.

h. An operator shall use any other means necessary to insure the establishment of a diverse and permanent vegetative cover, including but not limited to irrigation, and fencing or other protective measures.

i. The department may require the seeding of annual grasses and/or legumes on such areas as it deems necessary.

j. Mulch shall be immediately applied to all areas that do not have permanent or temporary cover established when, in the opinion of the department, the grade or length of any slope presents a likelihood of substantial erosion or substantial deposition of sediment into any waters of the state.

k. The department will annually inspect seeded areas at the end of the growing season to determine species diversity, germination and seedling take. If the department determines that seedings are unsuccessful in terms of good germination and/or seedling take, immediate investigative action shall be taken by the operator at the request of the department to determine the cause so that alternatives can be employed to establish the desired permanent vegetative cover at the very next seasonal opportunity. The investigative report shall be submitted along with prescribed course of corrective action prior to the next growing season.

l. If the area affected is to be primarily utilized by domestic stock, the department may require incorporation of a grazing system after vegetative establishment to gauge stand tolerance to grazing pressure.

[FR Doc.76–26439 Filed 9–13–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Rulemaking With Respect to Expenses and Fixing of Rate of Assessment for the 1976–77 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed expenses of $25,930 and rate of assessment of $0.01 per standard western pear box to support the activities of the Northwest Fresh Bartlett Pear Marketing Committee for the 1976–77 fiscal period under marketing Order No. 931. It also proposes to carry over, as a committee reserve, unexpended assessment income from fiscal 1975–76.

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1976, through June 30, 1977, will amount to $25,930.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That assessments in excess of expenses incurred during the fiscal period ended June 30, 1976, be carried over as a reserve in accordance with the applicable provisions of § 931.42.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–26884 Filed 9–13–76;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Proclamation of Marketing Quotas for the 1977–78, 1978–79, and 1979–80 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing, with respect to flue-cured tobacco, to (1) proclaim quotas for the 1977–78, 1978–79, and 1979–80 marketing years, (2) determine and announce the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1977–78 marketing year, and (3) conduct, a referendum of farmers engaged in the 1976 production of flue-cured tobacco to determine whether they favor or oppose quotas for the 1977–78, 1978–79 and 1979–80 marketing years.

The Act (7 U.S.C. 1314c(d)) provides that the proclamation of quotas for the 1977–78, 1978–79 and the 1979–80 marketing years and the determination and announcement of the national quota, national average yield goal and national acreage allotment for the 1977–78 marketing year shall be made on or before December 1, 1976. The referendum shall be conducted within 30 days after the proclamation.

The Act (7 U.S.C. 1301(b)) defines "Reserve supply level" as normal supply plus 5 percent. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carryover. A "Normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "Normal year's exports" is defined as the yearly average quantity produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The reserve supply level for the 1976–77 marketing year was de-

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termined to be 2,983 million pounds, calculated from a normal year's domestic consumption of 685 million pounds and a normal year's exports of 580 million pounds (40 FR 55656). The proposed reserve supply level for the 1977–78 marketing year is 2,874 million pounds, calculated from a normal year's domestic consumption of 672 million pounds and a normal year's exports of 539 million pounds.

The Act (7 U.S.C. 1301(b)) defines "Total supply" as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1976–77 marketing year is 3,150 million pounds, composed of carryover of 1,832 million pounds and estimated production of 1,318 million pounds.

The Act (7 U.S.C. 1314c(a)) defines the "National marketing quota" as the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

The amount of flue-cured tobacco produced in the United States and estimated to have been utilized in the United States during the 1975–76 marketing year was 705 million pounds, and the amount exported was 530 million pounds, farm-sales weight basis. The amount of the national marketing quota for the 1976–77 marketing year is 1,268 million pounds based upon estimated utilization in the United States of 745 million and estimated exports of 550 million pounds, with a downward adjustment of 27 million pounds for the purpose of reducing supplies to the reserve supply level (40 FR 55656). For the 1977–78 marketing year, utilization in the United States is estimated to be about 760 million pounds and exports are estimated to be about 500 million pounds. The total supply for the 1976–77 marketing year is 276 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered.

The Act (7 U.S.C. 1314c(a)) defines the "National average yield goal" as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1965–66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1977–78 marketing year.

The Act (7 U.S.C. 1314c(a)) defines the "National acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1976–77 marketing year was determined to be 684,034.52 acres (40 FR 55656).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national acreage allotment, less the reserve for new farms and old farms corrections and adjustments, by the sum of the 1976 allotments for 1977 old farms prior to adjustments for overmarketings or undermarketings and reductions required for violations. The national acreage factor for the 1976–77 marketing year was .85 (40 FR 55656).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketings, undermarketings, or reductions required for violations, adding the products, and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1976–77 marketing year was .9312 (40 FR 55656).

The Act (7 U.S.C. 1314c(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 350 acres was established for the 1976–77 marketing year (40 FR 55656). A similar reserve is proposed for the 1977–78 marketing year.

The Act (7 U.S.C. 1314c(g)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1977–78 marketing year.

The subject and issues involved in the proposed determination are:

(1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1977–78 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N2 or other grades of tobacco not eligible for price support.

(6) The date or period of the referendum on quotas for the 1977–78, 1978–79 and 1979–80 marketing years for flue-cured tobacco, and whether the referendum should be conducted at polling places rather than by mail ballot (31 FR 12011).

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1977–78 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5754, South Building, 14th and Independence Avenue, S.W., Washington, D.C. All submissions must, in order to be sure of consideration, be received not later than October 29, 1976.

Signed at Washington, D.C., on September 8, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-26838 Filed 9-13-76;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 307, 318 and 320]

MANDATORY MEAT INSPECTION

Proposal for Handling Returned Meat Products at Federally Inspected Establishments. Intent To Take No Further Action

● *Purpose:* The purpose of this document is to notify the public that the Department will cancel the proposed amendments on returned meat products and will, therefore, take no further action on the proposal. ●

On December 9, 1971, there was published in the FEDERAL REGISTER (36 FR 23393–23394), a proposal concerning handling of meat products returned to federally inspected establishments from marketing points outside the establishment, commonly referred to as returned products or goods. The purpose of the proposal was to provide uniform reinspection procedures for such products and provide adequate safeguards for handling, reworking, or destroying meat products that may have been abused.

Since the revised guidelines necessary for uniform reinspection of such returned products will not involve any substantive changes in the existing regulations, they can be established administratively within existing regulations. Therefore, the Department has decided to cancel the proposal.

Done at Washington, D.C., on September 9, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-26978 Filed 9-13-76;8:45 am]

Office of the Secretary

[7 CFR Part 16]

LIMITATION ON IMPORTS OF MEAT

Proposed Regulations With Respect to Meat Processed in Foreign-Trade Zones; Extension of Comments Period

On August 17, 1976, a notice was published in the FEDERAL REGISTER (41 FR 34777) that the United States Department of Agriculture was considering the issuance of a regulation to provide that meat which is processed in a Foreign-Trade Zone from foreign meat which, if it were entered into the customs territory of the United States in the form in which it was brought into the Foreign-Trade Zone, would be classifiable as TSUS item 106.10, shall be treated for the purposes of the Meat Import Law, Pub. L. 88-482 (19 U.S.C. 1202 note), and the trade agreements entered into by the United States with the supplying countries of such meat pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), as being classifiable under TSUS item 106.10 when entered, or withdrawn from warehouse, into the customs territory of the United States. It was stated that comments with respect thereto which were received on or before September 16, 1976, would be considered.

Interested parties have requested additional time for the submission of comments. The time for the submission of comments is hereby extended to September 24, 1976.

Dated this tenth day of September, 1976.

RICHARD E. BELL,
Assistant Secretary.

[FR Doc.76-27038 Filed 9-13-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 29759]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Fuel Surcharge Procedures

Notice is hereby given that the Civil Aeronautics Board intends to change its procedure and methodology for developing the fuel-surcharge amendments applicable to the minimum rates established in Part 288 of the Economic Regulations (14 CFR Part 288) for air transportation services performed by air carriers for the Department of Defense and procured by the Military Airlift Command (MAC).[1] The Board intends to issue fuel-surcharge amendments on an ad hoc basis only when fuel price changes, either upward or downward, require a 0.75 percent, or more, adjustment to the current minimum rates. This is in lieu of the current practice of issuing fuel-surcharge amendments quarterly.[2] In addition we also intend to use the fuel-cost and consumption data, provided in Schedule P–12(a) [3] of the Form 41 reports (14 CFR Part 241) for military charter services performed, in monitoring the change in fuel costs incurred by air carriers performing MAC services. This will eliminate the special monthly station fuel-price and quarterly fuel-consumption and costs reports which are currently submitted to the Bureau of Economics by participating MAC carriers.[3a]

By EDR–263, January 22, 1974 and ER–839, March 8, 1974, the Board established a procedure for adjusting monthly the minimum MAC rates to reflect changes in fuel costs incurred by participating MAC carriers. Fuel prices by stations served were then fluctuating precipitously from month to month. In order to expeditiously evaluate the impact of changing fuel prices on the costs of performing MAC services, the carriers were required to submit special monthly station fuel prices and quarterly fuel-consumption and cost reports to the Bureau of Economics. This placed a burden on the carriers for reporting the required data as well as on the Board's staff for compiling and analyzing the voluminous data reported. However, this was justified by the significant impact fuel price changes had on the earnings for MAC services.

The procedure has been modified over the past two and one-half years to reflect changing conditions. Effective with the adoption of ER–920, July 1, 1975, the Board moved to a quarterly adjustment interval. This revision reflected a general stabilization of commercial fuel prices and a corresponding minimal differential in many of the monthly fuel-surcharge amendments. For example, during the first half of 1975, the absolute impact of changes in the monthly fuel surcharges averaged only $242,000 in annualized revenues (Appendix A).[3b]

The quarterly adjustment procedure reduced the frequency of fuel-surcharge amendments while maintaining the adequacy of the minimum rates in terms of changes in fuel costs.[4] Since the adoption of the quarterly adjustment procedure, the absolute impact of changes in the fuel surcharges has averaged about $1.5 million in annualized revenues (Appendix A).[3b] Excluding the temporary changes in military supplied fuel,[5] the average absolute change has been $856,000 (Appendix B).[3b]

These revisions are intended to maintain the system for monitoring fuel-price changes and implementing appropriate rate adjustments while reducing the burden on the carriers and the Board's staff for processing the required fuel data, and clarifying the minimum degree of fuel-price changes necessary to trigger the issuance of a fuel-surcharge amendment. In the Board's judgment, future fuel-surcharge amendments are warranted for fuel-price changes which will have an annualized rate impact of at least 0.75 percent, approximately $1.1 million in foreign and overseas services. As set out in Appendix C, such a condition would be met, for the long-range international MAC carriers based on operating results for the twelve-months ended March 31, 1976, by a 2.75 percent change in the average fuel price (including both commercial and military supplied fuel). The benchmark of a 0.75 percent adjustment of the current minimum rates closely approximates the minimum impact of fuel surcharges over the past twelve months and will maintain viable minimum rates responsive to fluctuations in fuel costs.

The adequacy of the minimum rates for Logair and Quicktrans services had been maintained in terms of fluctuations in fuel costs through an automatic adjustment clause for military supplied fuel.[6] This reflected the fact that approximately 95 percent of total fuel consumed in these services is purchased from the military. By ER–959, the Board eliminated the automatic military fuel-

[1] The current minimum rates were established by ER–959, adopted July 15, 1976, for Logair and Quicktrans services and ER–962, adopted July 27, 1976, for foreign and overseas services.

[2] ER–920, adopted July 1, 1975. Prior to this, fuel surcharge amendments were issued on a monthly basis.

[3] Established by ER–882, adopted October 15, 1974.

[3a] These informal reports were instituted by letter dated January 4, 1974, from the Director, Bureau of Economics.

[3b] Appendices filed as part of original.

[4] Monthly surveillance of fuel costs continued and the Board effected interim fuel-surcharge adjustments in the event of significant price changes.

[5] We have been informally advised that the temporary increase in the price of military supplied fuel of approximately 5 cents a gallon from July 1 through December 31, 1975, was due to an accounting adjustment by the Defense Supply Agency.

[6] ER–845, adopted May 1, 1974.

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price adjustment provision and indicated that prospective adjustments of the minimum rates for fuel-price changes would be in the same manner as for international services.[1] As set out in Appendix D,[2b] the benchmark of 0.75 percent as the minimum impact fuel-price changes for issuance of a fuel-surcharge amendment equates to a 2.25 percent change in the average fuel price, or an annualized impact of approximately $375,000 for domestic services.

Appendix E,[2c] illustrates several hypothetical cases of fuel-price changes and the technique for determining when a fuel-surcharge amendment will be issued for long-range international MAC services. This methodology will be similarly employed for domestic MAC operations.

As mentioned above, the monthly fuel prices by station and quarterly fuel-cost and consumption reports by station and source of purchase (commercial or military) were instituted at the beginning of 1974 in response to the need for continuing rate adjustments and at a time when the Board received no other periodic reports which identified fuel costs associated with MAC operations. However, since November 1, 1974, carriers have been submitting, as part of the Form 41 reports, Schedule P–12(a) which, among other things, breaks out fuel data—both cost and gallons—for MAC operations.

Appendix F[2b] sets forth a comparison of the average monthly fuel prices for the international MAC carriers based on data from the Schedule P–12(a) and the reports to the Bureau of Economics. Over the past sixteen months, the average monthly fuel prices have closely paralleled each other. Variations of 1.5–2.0 cents per gallon in some months are attributable to extraordinary MAC service requirements, such as the airlift of Angolan refugees from September to December, 1975, or the timing differences between the two reporting procedures.[3] Absent such differences, as evident during the past eight months, the variations in the average fuel prices have become relatively insignificant. In light of the burden placed on the participating MAC carriers to submit monthly and quarterly fuel-cost and consumption reports to the Board and the administrative burden placed on the Board's staff in compiling and analyzing this data, the Board has determined that the fuel data for MAC operations provided by Schedule P–12(a) of the Form 41 reports, coupled with the advance notice of changes in military fuel prices, reasonably meet our requirements for timely evaluation of fuel-price changes for MAC services. Accordingly, the carriers should no longer be required to submit the prescribed reports to the Bureau of Economics.

The Board intends to take the action discussed herein in the absence of any persuasive comments to the contrary. Comments submitted to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before September 20, 1976, will be considered by the Board before taking final action. Copies of such communication will be available for inspection and copying by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Dated at Washington, D.C., September 8, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26880 Filed 9-13-76;8:45 am]

[1] ER–959 at 5.
[2] See Appendix F, note 3.

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1202]

MATCHBOOKS

Extension of Time for Issuance of Safety Standard or Withdrawal of Notice of Proceeding and Advance Notice of Other Commission Action Thereon

The purpose of this notice is to extend from July 31, 1976, until May 1, 1977 the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a final consumer product safety standard for matchbooks or a notice withdrawing the notice of proceeding for the development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the Commission's acceptance of the ASTM offer. On January 31, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

After some modification to the recommended standard, the Commission published for comment in the FEDERAL REGISTER of April 1, 1976 (41 FR 14112) a proposed standard for matchbooks. A more detailed history of the development of this proposed standard appears in the April 1, 1976 proposal.

The Commission has as of this date received approximately 226 written comments on the proposed standard and, additionally, oral presentations concerning the proposal were made by interested parties.

In view of the complexity and variety of the technical and legal issues raised in the whole of the public record on this proposal, the Commission has determined that it is necessary to exend the period in which it must review and analyze the record and either issue a final standard or withdraw the Notice of Proceeding until May 1, 1977. Although not presently contemplated, this period may be further extended for good cause by a notice published in the FEDERAL REGISTER.

Additionally, the Commission announces that in the event it ultimately determines to issue a final standard on matchbooks, it has decided to remove from inclusion those provisions of the proposed standard requiring a child-resistant matchbook cover and identification of the manufacturer by use of a zip code and those restricting the use of coupon advertising. It has further been decided to keep under consideration an extended effective date on the issue of burn time/distance. The basis for these decisions will be provided at that time. All other provisions remain, subject to a full and complete review by the staff and the Commission.

Dated: September 9, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-26888 Filed 9-13-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76-37]

REGULATORY INFORMATION SYSTEM (RIS) DATA BASES

General Policy Statement on Access

SEPTEMBER 3, 1976.

Notice is hereby given pursuant to the Administrative Procedures Act, 5 U.S.C. & 553 Section 309 of the Federal Power Act as amended (49 Stat 858–859; 16 U.S.C. 825 h), and Section 16 of the Natural Gas Act, as amended (52 Stat 830; 15 U.S.C. 7170), that the Federal Power Commission proposes to issue a statement of general policy concerning access by other than FPC personnel to the Regulatory Information System (RIS) data bases, standard reports on microform, and data on magnetic tape.

The purpose of this policy statement is: (a) to establish the identity of those who will be granted computer terminal access to the RIS data bases; (b) to establish general standards as to the use of computer resources, the installation and payment for communications devices, including terminals, and responsibility for training; and (c) to encourage State regulatory commissions and other Federal agencies through the free use of public information available through electronic media, microform, or magnetic tape, so as to encourage use of the system and its data thereby possibly eliminating the collection of similar data by those agencies.

To achieve these goals it is essential to establish guidelines for all computer terminal users and to provide a framework for allowing maximum use of the public information available.

All computer terminal users of the RIS data bases who are authorized access to the RIS data bases will find that even though security locks are built into the system, they will be required to provide a statement that no attempt will be made to invade the privacy of others and to abide by the security guidelines set up by the Office of Regulatory Information Systems (ORIS) and by the FPC rules and regulations issued pursuant to the Freedom of Information Act, as amended 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552A.

Computer terminal access to information will be limited to data which are obtainable from the public use forms and available through the FPC's Office of Public Information.

Access to the data bases via compatible computer terminals will be readily provided to: 1) other Federal agencies; 2) State regulatory commissions; and to 3) industry, consumer, other associations and individuals for a limited time period and specific file(s).

Computer terminals must be compatible with the FPC/RIS system which utilizes both Federal and national standards. Access to the RIS system will not necessarily be interactive but turnaround will, in most cases, be accomplished within a 24 hour period, within both time and volume constraints to be established at a later date, and subject to operational standards extant at the FPC/RIS facility.

Retrieval of data will be limited to the use of strings and functions (pre-structured queries). A request for development of a new structured query will be evaluated by ORIS. The cost for development and usage will be then conveyed to the requestor for his approval before any development work commences. All structured queries will become the property of FPC and added to the users library. The facility to create new data bases will not be available to non-FPC personnel.

The organization to whom computer terminal access is granted will be responsible for: 1) installing and paying for compatible terminal equipment, 2) providing their own training in terminal use, use of the data management system and use of the FPC data structure, 3) installing and paying for all communication devices, and line costs from the user terminal to the telecommunications interface at the FPC, and 4) determining and solving run problems regarding their own system usage. State regulatory commissions and other Federal agencies will not be charged for access to the RIS data bases, standard reports on microform or data on magnetic tape, so as to encourage use of the system and its data thereby possibly eliminating the collection of similar data by those agencies. All other users will be charged a flat usage rate based on total connect time and an established charge for usage of structured queries. The rate will be determined quarterly by ORIS and is subject to fluctuation depending on the costs incurred by FPC in providing this service and billable on a quarterly basis. Cost changes will be announced at least 30 days prior to their being put into effect. The Federal Power Commission (FPC) will provide complete hardware and software, the data management software, the necessary communications equipment at the FPC computer site, and the RIS data bases.

All data, whether available via the data base, standard reports on microform, or magnetic tape, will first be subjected to rigorous edit and auditing. The FPC thus will attempt to ensure that data contained in its data bases, reports and magnetic tapes are accurate; that the latest copies of the data standards, data base charts, and strings and functions (pre-structured queries) will be made available to those granted access.

All interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, not later than November 2, 1976, data, views, and comments or suggestions in writing concerning the proposed rulemaking. Written submittals will be placed on the Commission's public files and be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., 20426 during regular business hours. The Commission will consider all written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposal. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 2 of the Commission's General Rules would be issued pursuant to the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly Section 309 (49 Stat. 858–859; 16 U.S.C. 8825h) and by the Natural Gas Act, as amended, particularly Section 16 (S2 Stat. 830; 15 U.S.C. 7170).

Accordingly, the Commission proposes to amend Part 2, General Policy and Interpretations in Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.91 (d) (3) and new paragraphs (e) through (g) as follows:

§ 2.91 Automated computer regulatory information system.

(d) • • •

(3) This subsection deals with outside access to the Regulatory Information System (RIS) Data Bases and will do the following:

(i) Establish the identity of those who will be granted computer terminal access to the RIS data bases;

(ii) Establish general standards as to the use of computer resources, the installation and payment for communications devices including terminals and responsibility for training, and

(iii) Encourage the use of public information available through electronic media.

To achieve these goals it is essential to establish guidelines for all computer terminal users and to provide a framework for allowing maximum use of the public information available.

(e) All computer terminal users of the RIS data bases who are authorized access to the RIS data bases will find that even though security locks are built into the system, they will be required to provide a statement that no attempt will be made to invade the privacy of others and to abide by the security guidelines set up by the Office of Regulatory Information Systems (ORIS), and by the FPC rules and regulations issued pursuant to the Freedom of Information Act, as amended 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552A.

(f) Computer terminal access to information will be limited to data which are obtainable from the public use forms and available through the FPC's Office of Public Information.

(i) Access to the data bases via compatible computer terminals will be readily provided to: 1) other Federal agencies; 2) state regulatory commissions; and to 3)' industry, consumer, other associations and individuals for a limited time period and specific file(s).

(ii) Computer terminals must be compatible with the FPC/RIS system which utilizes both Federal and national standards. Access to the RIS system will not necessarily be inter-active but turnaround will in most cases be accomplished within a 24 hour period, within both time and volume constraints to be established at a later date, and subject to operational standards extent at the FPC/RIS facility.

(iii) Retrieval of data will be limited to the use of strings and functions (pre-structured queries). A request for development of a new structured query will be evaluated by ORIS. The cost for development and usage will be then conveyed to the requestor for his approval before any development work commences. All structured queries will become the property of FPC and added to the users library. The facility to create new data bases will not be available to non-FPC personnel.

(iv) The organization to whom computer terminal access is granted will be responsible for: 1) Installing and paying for compatible terminal equipment, 2) providing their own training in terminal use, use of the data management system and use of the FPC data structure, 3) installing and paying for all communication devices, and line costs from the user terminal to the telecommunications interface at the FPC, and 4) determining and solving run problems regarding their own system usage. State Regulatory Commissions and other Federal Agencies will not be charged for access to the RIS data bases, standard reports on microform or data on magnetic tape, so as to encourage use of the system and its data thereby possibly

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eliminating the collection of similar data by those agencies. All other users will be charged a flat usage rate based on total connect time and established charge for usage of structured queries. The rate will be determined quarterly by ORIS and is subject to fluctuation depending on the costs incurred by FPC in providing this service and billable on a quarterly basis. Cost changes will be announced at least 30 days prior to their being put into effect. The Federal Power Commission (FPC) will provide complete hardware and software, the data management software, the necessary communications equipment at the FPC computer site, and the RIS data bases.

(g) All data, whether available via the data bases, standard reports on microform, or magnetic tape, will first be subjected to rigorous edit and auditing. The FPC thus will attempt to ensure that data contained in its data bases, reports and magnetic tapes are accurate; that the latest copies of the data standards, data base charts, and strings and functions (pre-structured queries) will be made available to those granted access.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26765 Filed 9-13-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 241]

[Release No. 34-12767; File Nos. S7-609, 616]

UNIFORM NET CAPITAL RULE

Withdrawal of Proposed Amendment and Proposed Interpretation

In Securities Exchange Act Release No. 11969 (Jan. 2, 1976) [41 FR 5299 (Feb. 5, 1976)] ("Release No. 11969"), the Commission announced certain proposals to amend Rule 15c3-1 [17 CFR 240.15c3-1] ("§ 240.15c3-1") under the Securities Exchange Act of 1934, the Commission's uniform net capital rule applicable to substantially all brokers and dealers. One of these proposals would hav eamended § 240.15c3-1(c)(13), the uniform net capital rule's definition of the term "equity," to clarify that for purposes of computing equity, all securities positions in the accounts of a broker or dealer must be subjected to the securities haircuts prescribed elsewhere in § 240.15c3-1. However, in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) [41 FR 39014 (Sept. 14, 1976)], the Commission adopted other proposed amendments to § 240.15c3-1 dealing with the treatment of transactions by market makers in listed options, which, inter alia, deleted § 240.15c3-1(c)(13). Accordingly, the Commission hereby withdraws the proposed amendment to § 240.15c3-1(c)(13) announced in Release No. 11969.

In Securities Exchange Act Release No. 12148 (Feb. 26, 1976) [41 FR 12306 (March 25, 1976)] ("Release No. 12148"), the Commission announced certain proposed amendments to section 240.15c3-1 and proposed interpretations thereof, pertaining to the treatment of transactions by market makers in listed options. One of the proposals, an interpretation of § 240.15c3-1(c)(1), the uniform net capital rule's definition of the term "aggregate indebtedness," would have stipulated that equity in individual options specialists' market maker accounts is includable in the aggregate indebtedness of the broker or dealer guaranteeing, endorsing or carrying such accounts. However, in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) [41 FR 39014 (Sept. 14, 1976)], wherein the Commission adopted, in modified form, the other amendments to § 240.15c3-1 and interpretations thereof proposed in Release No. 12148, the Commission incated that the proposed interpretation of § 240.15c3-1(c)(1) was no longer necessary in light of certain of the amendments to section 240.15c3-1 adopted therein. Accordingly, the Commission hereby withdraws the interpretation to § 240.15c3-1(c)(1) proposed in Release No. 12148.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26835 Filed 9-13-76;8:45 am]

[17 CFR Parts 240, 249]

[Release No. 34-12769; File No. S7-653]

RULES RELATING TO REPORTING BY CERTAIN ISSUERS THAT FILE REPORTS WITH OTHER FEDERAL AGENCIES

Proposed Amendments and Revocations

The Commission today invited public comments on proposed amendments to Rules 13a-13 [17 CFR 240.13a-13], 14a-3 [17 CFR 240.14a-3], 14c-3 [17 CFR 240.-14c-3] and 15d-13 [17 CFR 240.15d-13] and the proposed revocation of Rule 13b-1 [17 CFR 240.13b-1] and annual report Form 12-K [17 CFR 240.13b-1] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)]. If adopted these amendments would require that those registrants who currently file copies of their reports submitted to the Interstate Commerce Commission ("ICC"), Federal Power Commission ("FPC"), Federal Communications Commission ("FCC"), and Civil Aeronautics Board ("CAB") as exhibits to annual report Form 12-K and in lieu of the information specified in quarterly report Form 10-Q [17 CFR 249.308a] instead file reports in full compliance with annual report Form 10-K [17 CFR 249.310] and quarterly report Form 10-Q and the regulations governing such reports.

BACKGROUND

STATUTORY AND OTHER PROVISIONS FOR SUBSTITUTE REPORTS

Section 13(b) of the Act authorizes the Commission to prescribe the form or forms in which the information required pursuant to the continuous disclosure provisions of the Act shall be set forth.[1] In addition, section 13(b) authorizes the Commission to determine the items or details to be shown in the balance sheet and the earnings statement, and the methods to be followed in the preparation of reports, in the determination of depreciation and depletion, in differentiating between recurring and nonrecurring income and also between investment and operating income, and in the preparation of separate and/or consolidated balance sheets or income accounts of any person in a control relationship with the issuer.

Prior to the amendment of the Act pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Railroad Act") [45 U.S.C. 801 (February 5, 1976)], as discussed infra, this broad grant of authority to prescribe accounting methods pursuant to section 13(b) contained two qualifications:

1. * * * in the case of the reports of any person whose methods of accounting are prescribed under the provisions of any law of the United States, or any rule or regulation thereunder, the rules and regulations of the Commission with respect to reports shall not be inconsistent with the requirements imposed by such law or regulation in respect of the same subject matter.

2. [* * * the rules and regulations of the Commission with respect to reports] * * *, in the case of carriers subject to the provisions of Section 20 of the Interstate Commerce Act, as amended, or carriers requred pursuant to any other Act of Congress to make reports of the same general character as those required under such Section 20, shall permit such carriers to file with the Commission and the exchange duplicate copies of the reports and other documents filed with the Interstate Commerce Commission, or with the governmental authority administering such other Act of Congress, in lieu of the reports, information and documents required under this section and section 12 in respect of the same subject matter. These qualifications, in essence, limited the Commission's authority to prescribe methods of accounting to be

[1] Section 13(a) of the Act requires every issuer subject to the registration requirements of Section 12 of the Act to file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, (1) such information and documents as the Commission shall require to keep reasonably current the information and documents filed under Section 12 of the Act, and (2) such annual reports certified if required by the rules and regulations of the Commission by independent public accountants, and such quarterly reports as the Commission may prescribe. Each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, is required to file such supplementary and periodic information, documents and reports as may be required pursuant to Section 13 of the Act in respect of a security registered pursuant to Section 12

used in reports filed with the Commission under the Act when the registrants concerned are also under the jurisdiction of other federal laws or regulations which prescribe their accounting methods.[2] These provisions also mandated that the Commisison allow ICC regulated companies to file copies of reports submitted to the ICC in lieu of the reports otherwise required pursuant to section 13(b).

The current continuous reporting requirements applicable to certain issuers who file reports with the ICC, FPC, FCC and CAB were effectuated as a consequence of the above statutory limitations. Specifically, the present reporting procedures under the Act state that any registrant may use annual report Form 12-K in lieu of complying with the requirements of Form 10-K if such registrant files annual reports with (1) the FPC on FPC Forms 1 or 2 and if the registrant's annual report to stockholders contains financial statements prepared and certified substantially in accordance with SEC requirements; (2) the ICC pursuant to section 20, 220 or 313 of the Interstate Commerce Act (49 U.S.C. 20, 220 and 313); or (3) the FCC pursuant to section 219 of the Communications Act of 1934 (47 U.S.C. 219). Form 12-K calls for certain information concerning the number of equity security holders of the registrant and any increases or decreases in the company's outstanding equity securities; it also requires a copy of the annual report filed with the appropriate federal agency to be attached as an exhibit.

With respect to quarterly reports, Rules 13a-13(c) and 15d-13(c) provide that public utilities, common carriers and pipeline carriers which submit financial reports to ICC, FPC, FCC and CAB may, at their option, file such quarterly or monthly reports as exhibits to Form 10-Q, together with copies of their quarterly reports, if any, for such periods sent to stockholders, in lieu of the information called for by Form 10-Q itself.

INFORMATION REQUIRED IN SUBSTITUTE REPORTS

The information filed by certain registrants in substitution of that required by Forms 10-K and 10-Q does not conform to that required by other issuers in several important respects. For example, the ICC annual reports (i.e., Form R-1 for Class I Railroad and M-1 for Class I Truck Companies) calls for a "Comparative General Balance Sheet" (beginning and close of year); "Income Account" (current and preceding year); and a considerable amount of detailed information respecting (1) subaccount balances that make up various balance sheet and income account items and (2) road and equipment operating statistics. The ICC Forms do not require audited financial statements and non-transportation subsidiaries are not consolidated. The disclosure forms for FPC and FCC annual reports are similarly structured, and a considerable amount of detail respecting sub-account balances and operating statistics is required. Only the FPC annual report form requires a report of an independent accountant. This report states, however, that the financial statements are in accord with FPC's Uniform System of Accounts rather than Generally Accepted Accounting Principles.

Unlike Form 10-K, none of the forms of the other agencies requires a five year summary of operations or a management analysis section.[3] Also, even though the other agencies' forms require more "Account Schedule" information than is called for by the schedules specified by the SEC's Regulation S-X, certain other Commission financial statement footnote information is not included. In this connection particular reference is made to such SEC standard footnote disclosure as (1) summary of significant accounting policies, (2) leases and (3) reconciliation to tax rates that differ from normal corporate tax rates. Also, it should be noted that although the companies in these regulated industries are all capital intensive, it does not appear that the Commission's present reporting requirements for replacement cost footnote information, as applicable to certain large corporations, would be applicable to future annual reports of the other agencies.[4]

The ICC, FPC and FCC annual reports also do not require certain non-financial information required by Form 10-K. For example, none of those reports requires five year background information for officers and directors, including disclosure of certain material events necessary to an informed evaluation of management. In addition, none of those forms contains a general narrative description of the business conducted. Further, ICC and FCC annual reports do not require disclosure of pending legal proceedings and detailed information concerning the remuneration of executive officers and directors with respect to retirement benefits, stock options and other forms of remuneration.

The forms of the other agencies do require, in varying degrees, other information comparable to that required by Form 10-K. However, to the extent this information is included, it is often presented in numerous detailed schedules which do not provide any analysis by the company as required in certain circumstances by Form 10-K. These schedules, which are prepared primarily for the regulatory and statistical needs of other agencies, do not readily provide information to investors in a clear understandable format comparable to that followed by other registrants.

The form and content of the quarterly or monthly reports filed in lieu of Form 10-Q are also significantly different from the requirements of that form.[5] The FCC monthly report is filed in a punch card format. In addition, except for the ICC Form R-1 and CAB Form 41, these reports do not require a balance sheet. Further, none of these interim reports requires a statement of application of funds (except for the CAB report which requires one for the quarter only, and not period to date) nor a management analysis of the income statements.

RAILROAD ACT AMENDMENTS

Section 308(b) of the Railroad Act, as enacted on February 5, 1976, significantly amended and expanded the Commission's authority pursuant to section 13(b). As amended, section 13(b) no longer specifically requires that the Commission allow ICC regulated carriers to file reports submitted to the ICC in lieu of the information specified by other Commission forms. In addition, section 13(b) now provides that Commission rules applicable to registrants whose methods of accounting are prescribed by other laws or regulations may be inconsistent with the disclosure requirements of the other agencies to the extent that the Commission determines that the public interest or the protection of investors so requires.[6]

[2] In the banking industry, the recent statutory trend under the Act also appears to be toward conforming the requirements applicable to banks with those applicable to other registrants. Pub. L. 93-495 (October 28, 1974) amended Section 12(i) of the Act to require that the Board of Governors of the Federal Reserve Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board shall issue rules and regulations under certain Sections of the Act, including Section 13, substantially similar to those of the SEC.

[3] Guide 1 of the Commisson's Guides For Preparation and Filing of Reports and Registration Statements Under the Securities Exchange Act of 1934 provides that a separately captioned section (entitled "Management's Discussion and Analysis of the Summary of Operations") immediately following the summary of operations in Form 10-K should include a statement explaining (1) material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported.

[4] Rule 3-17 of Regulation S-X [17 CFR 210.3-17] requires registrants who have inventories and gross property, plant and equipment which aggregate more than $100 million and comprise more than 10% of total assets to disclose the estimated current replacement cost of inventory and productive capacity at the end of each fiscal year for which a balance sheet is provided and the approximate amount of cost of sales and depreciation based on replacement costs for the two most recent fiscal years.

[5] The provisions of Form 10-Q were substantially expanded pursuant to Securities Exchange Act Release No. 11641, 7 SEC Docket 816 (September 23, 1975), 40 FR 46107 (October 6, 1975), to require condensed financial statements, a narrative analysis of results of operations, a statement regarding the preferability of any accounting change by the registrant's independent public accountant, and a signature by the registrant's chief financial officer.

[6] Section 307 of the Railroad Act also amends paragraph (3) of § 20 of the Interstate Commerce Act to require that the ICC's uniform cost and revenue accounting system for railroads be revised to call for information disclosed under Generally Accepted Accounting Principles or under SEC regulations.

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BASIS FOR COMMISSION ACTION

Pursuant to these amendments to the Act the Commission now proposes to exercise its authority to prescribe the methods of accounting to be followed in reports filed with it by persons who heretofore filed annual reports on Form 12–K and quarterly reports pursuant to Rules 13a–13(c) and 15d–13(c).[7]

In proposing these amendments the Commission has concluded that the significant differences in form and content between Forms 10–K and 10–Q and the documents filed in lieu thereof suggest that the public interest and the protection of investors require that the current reporting scheme applicable to those issuers who file reports with other federal agencies be amended so as to require them to file reports with the Commission in full compliance with Forms 10–K and 10–Q.[8] As the Commission previously has stated, comparability among registrants of the information reported under the Act is of great importance to investors since investment decisions essentially involve a choice between competing investment alternatives.[9]

[7] The Commission has received numerous requests for clarification as to the effective date of the amendments to section 13(b). The Railroad Act is unclear on this point since the amendments to the Act are included in section 308(b) and the effective date provisions in section 308(d) do not specifically refer to section 308(b). In resolving this ambiguity the Commission has construed that the amendments to section 13(b) of the Act will apply only with respect to an issuer's fiscal year which began after April 5, 1976, the effective date of the Railroad Act.

[8] Pursuant to the provisions of Rules 14a–3(b)(3)(1) and 14c–3(a)(3)(1), registrants which file annual reports to the Commission on Form 12–K are required to provide financial statements in their annual reports to stockholders, however, unlike other registrants such financial statements need not be certified when the corresponding statements included in the issuer's annual report filed with the Commission are not required to be certified. The general instructions as to the availability of Form 12–K provide, however, that Form 12–K may be used by any issuer which files annual reports with the FPC is such issuer's annual report to stockholders contains financial statements prepared and certified substantially in accordance with SEC requirements.

[9] Securities Act Release No. 5627, 8 SEC Docket 41 (Oct. 29, 1975, 40 FR 51656 (Nov. 6, 1975).

The staff study for the Special Subcommittee on Investigations inquiring into the collapse of the Penn Central Railroad states:

Uniformity of reports is especially useful for making comparative analyses of individual companies within an industry and of one industry against another. The question comes to mind whether the low income of railroads as compared with other industries is really only a reflection of the differences in accounting and other reporting procedures. The answer to this will not be forthcoming until the railroads are required to keep the facts by which meaningful comparisons can be made.

Inadequacies of Protections for Investors in Penn Central and other ICC Regulated Companies, Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, 92d Cong., 2d Sess., at 26 (1971).

SYNOPSIS OF PROPOSALS

Based on the above, and in view of the recent amendments brought about by the Railroad Act, the Commission proposes to amend Rules 13a–13 and 15d–13 to delete those portions of such rules which now provide that issuers who file quarterly or monthly reports with the ICC, FPC, FCC or CAB may file such reports with the SEC in lieu of Form 10–Q. In addition, the Commission proposes that Rules 13b–1 and annual report Form 12–K be withdrawn. If adopted, the proposed withdrawal of Form 12–K would require those issuers who currently file annual reports with ICC, FPC, and FCC and utilize Form 12–K to file annual reports with the Commission on Form 10–K. The proposed amendments to Rules 14a–3 and 14c–3 would merely delete the references to Form 12–K contained therein.[10]

OPERATION OF PROPOSALS

Registrants now entitled to report on Form 12–K, and to use the special procedures for reports on Form 10–Q pursuant to Rules 13a–13 and 15d–3, may continue to do so pending the adoption of the amendments proposed herein.[11] If these amendments are adopted, the Commission anticipates that sufficient lead time will be allowed prior to their implementation for registrants and others to revise their procedures and requirements.

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants and others of the adoption of the proposals published in this release.

Pursuant to section 23(a)(2) of the Act, the Commission has considered the impact that these proposals would have on competition and is not aware, at this time, of any burden that such rules, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the competitive impact of these proposals, if adopted.

The Commission hereby proposes for comment proposed amendments to Rules 13a–13, 14a–3, 14c–5 and 15d–13 and the withdrawal of Rule 13b–1 and Form 12–K pursuant to sections 12, 13, 14, 15(d) and 23(a) of the Act.

All interested persons are invited to submit their written views and comments on the foregoing proposals in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before October 15, 1976. Such communications should refer to File S7–653 and will be available for public inspection. The text of the proposed amendments is set forth below.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

ATTENTION

The text of the following proposed amendments use ►◄ arrows to indicate additions and [ ] brackets to indicate deletions.

TEXT OF PROPOSED AMENDMENTS

I. Securities Exchange Act Rule 13a–13 (Section 240.13a–13) is proposed to be amended to read as follows:

§ 240.13a–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

(a) Except as provided in paragraph (b) of this section, every issuer which has securities registered pursuant to section 12 of the Act and which is required to file anual reports pursuant to section 13 of the Act on Form 10–K (§ 249.310 of this chapter)[, 12–K (§ 249.312 of this chapter)] or U5S (§ 249.450 of this chapter) shall file a quarterly report on Form 10–Q (§ 249.308a of this chapter), within a period specified in General Instruction A to that form, for each of the first three fiscal quarters of each fiscal year of the issuer, commencing with the first such fiscal quarter which ends after securities of the issuer become so registered.

. . . . . .

[(c) Public utilities, common carriers, and pipelines carriers which submit financial reports to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission or the Interstate Commerce Commission may, at their option, in lieu of furnishing the information called for by Form 10–Q, file as exhibits to reports on this form copies of their reports submitted to such Board or Commission for the preceding fiscal quarter or for each month of such quarter, as the case may be, together with copies of their quarterly reports, if any, for such periods sent to their stockholders.]

[(d)] ►(c)◄ Notwithstanding the foregoing provisions of this section, reports on Form 10–Q [or reports submitted in lieu thereof pursuant to paragraph (c) of this section,] shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section of the Act, but shall be subject to all other provisions of the Act.

II. Securities Exchange Act Rule 14a–3 (§ 240.14a–3) is proposed to be amended to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

. . . . . .

(b) • • •

[10] In proposing these amendments the Commission is mindful of its commitment to reduce, where appropriate, any dual reporting burdens on registrants subject to the jurisdiction of this Commission and a particular regulatory agency. Although the total displacement of SEC reports is not acceptable, the Commission will continue to consider the appropriateness of report formats designed to meet the requirements of the SEC and the concerned regulatory agency.

[11] See note 7, supra.

(9) Management's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the issuer's annual report on Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K, (§ 249.312)] including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a–1 (§ 240.13a–1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K (§ 249.312)] provided that the copy of the annual report on Form 10–K (§ 249.308a) ►(§ 249.310)◄ [or 12–K (§ 249.312)] furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K (§ 249.312)] to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

III. Securities Exchange Act Rule 14c–3 (§ 240.14c–3) is proposed to be amended to read as follows:

§ 240.14c–3 Annual report to be furnished to security holders.

(a) • • •

(9) The information statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person furnished a copy of the information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K (§ 249.312)] including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a–1 (§ 240.13a–1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10–K [(§ 249.308a)] ►(§ 249/310)◄ [or 12–K (§ 249.312)] provided that the copy of the annual report on Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K (§ 249.312)] furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expense in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10–K [(§ 249.308a)] ►(§ 249.310)◄ [or 12–K (§ 249.312)] to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

IV. Rule 15d–13 (§ 240.15d–13) is proposed to be amended to read as follows:

§ 240.15d–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

(a) Except as provided in paragraph (b) of this section, every issuer which has securities registered pursuant to the Securities Act of 1933 and which is required to file anual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 on Form 10–K (§ 249.310 of this chapter) [12–K (§ 249.312 of this chapter)] or U5S (§ 249.450 of this chapter), within a period specified in General Instruction A to that form, for each of the first three fiscal quarters of each fiscal year of the issuer, commencing with the first such fiscal quarter which ends after securities of the issuer become so registered.

. . . . . .

[(c) Public utilities, common carriers, and pipelines carriers which submit financial reports to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission or the Interstate Commerce Commission may, at their option, in lieu of furnishing the information called for by Form 10–Q, file as exhibits to reports on this form copies of their reports submitted to such Board or Commission for the preceding fiscal quarter or for each month of such quarter, as the case may be, together with copies of their quarterly reports, if any, for such periods sent to their stockholders.]

[(d)] ►(c)◄ Notwithstanding the foregoing provisions of this section, reports on Form 10–Q [or reports submitted in lieu thereof pursuant to paragraph (c) of this section,] shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section of the Act, but shall be subject to all other provisions of the Act.

. . . . . .

(Secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377; 1379; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; 15 U.S.C. 78l, 78m, 78o(d), 78w(a))

[FR Doc.76–26831 Filed 9–13–76;8:45 am]

VETERANS ADMINISTRATION

[41 CFR Part 8–4]

MORTUARY SERVICES

Proposed Regulatory Development

It is the policy of the Veterans Administration, in cases where burial is left to the discretion of the Veterans Administration, that burial of entitled beneficiaries will be made in the nearest National Cemetery. Section 8–4.5102 is revised to specifically mandate burial in National Cemeteries for unclaimed remains of veterans who die while under direct Veterans Administration care. A new paragraph (a) is added to § 8–4.5103 to guide Veterans Administration personnel is the disposal of unclaimed remains of persons who are not entitled to Veterans Administration care or burial benefit. Organizational titles and cross references have been updated.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before October 14, 1976, will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

In Subpart 8–4.51, Title 41, Code of Federal Regulations, §§ 8–4.5102, 8–4.5103 and 8–4.5104 are revised to read as follows:

§ 8–4.5102 Funeral authorization.

(a) When a veteran dies while receiving care in a Veterans Administration health care facility or in a non-Veterans Administration institution at Veterans Administration expense, and the decedent's remains are unclaimed, the Chief, Medical Administration Service, will forward to the Chief, Supply Service, a properly executed VA Form 10–2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured. Burial will be made in the nearest National Cemetery.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of $250. This service will consist of:

(1) Preparation of the body, embalming.
(2) Clothing.
(3) Casket.
(4) Outside box.[1]
(5) Securing all necessary permits.
(6) Transportation to place of local burial (or to common carrier).

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(c) In other than local burial, an additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 903(a)(2). This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse to the place of burial, any charges for an outside (shipment) box,[1] and the charges for securing all necessary permits for removal or shipment of the body. These costs are not chargeable against the $250 allowance.

§ 8–4.5103 Administrative necessity.

(a) When persons die under Veterans Administration care who are not legally entitled to such care at Veterans Administration expense, and no relatives or friends will claim the remains, and the municipal, county or State officials refuse to provide for final disposition, arrangements will be made and expenses assumed for burial locally under separate contractual agreement.

(b) When a full and complete funeral and burial service cannot be obtained by the contracting officer within the statutory allowance, he/she will, prior to taking any further action, secure from the head of the station a written determination that the disposition of the remains must be accomplished by the Veterans Administration as an administrative necessity. The head of the station will also authorize in writing the expenditure of such additional funds as may be necessary for this purpose. The amount of these additional funds will be held to the minimum, keeping in mind, however, that the deceased must be given a proper and fitting interment.

(c) The determination and authorization by the head of the station will be made a part of the contract file.

§ 8–4.5104 Unclaimed remains—all other cases.

Requests for information on the disposition of the unclaimed remains of a veteran whose death occurs while not under the direct care or treatment of the Veterans Administration will be referred to the Veterans Services Officer for processing in accordance with Manual M27–1, Part II. This manual is available at any Veterans Administration regional office, hospital or VA office.

Approved: September 8, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76–26850 Filed 9–13–76;8:45 am]

[1] A wooden shipping box will be provided and chargeable against the $250 allowance specified in paragraph (b) of this section when the National Cemetery in which the remains are to be interred does not provide a grave liner. When a shipping box is required for transportation purposes only, it will be chargeable against the transportation allowance specified in paragraph (c) of this section.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the first meeting of the Board for International Food and Agricultural Development on October 19 and 20, 1976. The purpose of the meeting is to recommend to the Administrator of the Agency for International Development policies and programs in the field of food and nutrition, focussing especially on improving the participation, in planning and implementing U.S. foreign assistance programs, of the U.S. colleges or universities commonly known as "land-grant" universities, of colleges and universities commonly known as "sea-grant" universities and of other qualified colleges and universities, as provided in Title XII of the "International Development and Food Assistance Act of 1975." The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day, and will meet in Room 1105, U.S. Department of State, 21st. and Virginia Avenue. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator is designated as the Federal Officer at the meeting. It is suggested that those desiring more specific information contact him at 21st and Virginia Avenue NW., Washington, D.C. 20523 or call area code 202–632–3800.

Dated: September 7, 1976.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.76–26811 Filed 9–13–76;8:45 am]

[Public Notice CM–6/96]

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 5, 1976 at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue, N.W., Washington, D.C., Building 52, Room 300. The meeting will begin at 9:30 a.m.

Study Group 7 deals with time-signal services by means of radio-communications. The purpose of the meeting will be a review of the international work programs and the organization and assignment of tasks for U.S. Study Group 7.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Members of the general public who plan to attend the meeting are requested to so inform Mr. Hugh Fosque, Chairman of U.S. Study Group 7, prior to October 4. Mr. Fosque can be contacted at NASA Headquarters, telephone number (202) 755–2434.

GORDON L. HUFFCUTT,
Chairman, U.S. National Committee.

SEPTEMBER 10, 1976.

[FR Doc.76–26969 Filed 9–13–76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE NINTH NATIONAL BANK REGION

Meeting

A meeting of the Regional Advisory Committee on Banking Policies and Practices for the Ninth National Bank Region will be held September 24, 1976 at the Holiday Inn, Second Street at Second Avenue, Superior, Wisconsin. The meeting will begin at 9:00 a.m. and will be open to the public.

Topics to be discussed include agricultural financing, consumer financing, branching policy, legislative activity and other topics of interest to the Region.

Persons or groups planning to make statements please submit three copies to Mr. Kenneth W. Leaf, Regional Administrator of National Banks, 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402, prior to September 15, 1976.

Dated: September 7, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76–26890 Filed 9–13–76;8:45 am]

Customs Service

COTTON YARN FROM BRAZIL

Preliminary Countervailing Duty Determination

On June 1, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 22114–5). The notice stated that a petition in proper form was received on March 9, 1976, alleging that payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of cotton yarn Brazil constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The cotton yarn is provided for in the Tariff Schedules of the United States under item numbers 300.60 through 302.98.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of cotton yarn which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to manufacturers and exporters of tax credits upon export, income tax reductions, and preferential financing. One other program concerning alleged regional incentives for the cotton yarn exporters is being investigated and could constitute a bounty or grant within the meaning of the law. Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from certain indirect taxes upon exportation of the cotton yarn under consideration and the exemption from import duties and certain indirect taxes upon the importation of raw materials used in the production of cotton yarn to be exported. A final decision in this case is required on or before March 9, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before October 14, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: September 9, 1976.

G. R. DICKERSON,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–26803 Filed 9–13–76;8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

JANNAF COMBUSTION ADVISORY COMMITTEE

Cancellation of Meeting

The below described meeting which appeared on page 37137 in the FEDERAL REGISTER of September 2, 1976, is hereby cancelled.

Name: JANNAF Combustion Advisory Committee, Date: 13-17 September 1976, Place: Ingersol and Spanagel Halls, Naval Post-graduate School, Monterey, California.

R. L. DERR,
Head, Acrothermochemistry Division.

[FR Doc.76-26804 Filed 9-13-76;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, 11 October 1976—Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence assessments regarding the capabilities and use of emerging weapons systems.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller)

SEPTEMBER 8, 1976.

[FR Doc.76-26763 Filed 9-13-76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before Sept. 3, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by (10 days after publication).

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Clay County

Ashland, *Clay County Courthouse*, Courthouse Square.

Mobile County

Mobile, *Pincus Building*, 1 S. Royal St.
Mobile vicinity, *Ft. Gaines*, S of Mobile on Dauphin Island.
Mt. Vernon vicinity, *Ft. Stoddart Site*, E of Mt. Vernon at Mobile River.

CALIFORNIA

Amador County

Sutter Creek, *Sutter Creek Grammar School*, between Broad and Cole Sts.

Fresno County

Fresno, *Santa Fe Passenger Depot*, 2650 Tulare St.

Los Angeles County

Glendale, *San Rafael Rancho*, 2211 Bonita Dr.
Pasadena, *La Miniatura*, 645 Prospect Crescent.

Orange County

Fullerton, *Clark, Dr. George C., House*, California State University campus.

Placer County

Roseville, *Haman House*, 424 Oak St.

Sacramento County

Carmichael vicinity, *Nisenan Village Site*, SE of Carmichael at Oak and California Sts

Solano County

Vallejo, *Vallejo City Hall and County Building Branch*, 734 Marin St.

Tehama County

Red Bluff, *Odd Fellows Building*, 342 Oat St

COLORADO

Denver County

Denver, *Smith's Ditch (City Ditch)*, Washington Park.

IOWA

Jefferson County

Fairfield vicinity, *New Seweden Chapel*, E of Fairfield off U.S. 34.

Scott County

Davenport, *Barrows, Edward S., House*, 224 E 6th St

NEBRASKA

Sarpy County

Bellevue vicinity, *Ft. Crook Historic District*, SW of Bellevue on Offutt Air Force Base.

NEW MEXICO

Luna County

Deming, *Luna County Courthouse and Park*, 700 S. Silver Ave.

Rio Arriba County

Abiquiu vicinity, *Santa Rosa de Lima de Abiquiu*, E of Abiquiu on U.S. 84.

NEW YORK

Jefferson County

Stone Mills, *Stone Mills Union Church*, NY 180.

Livingston County

Livonia, *Livonia Baptist Church*, 9 High St.

Saratoga County

Hadley, *Hadley Parabolic Bridge*, Corinth Rd., spans Hudson River.

Westchester County

North White Plains, *Miller House*, Virginia Rd.

NORTH CAROLINA

Ashe County

Grassy Creek, *Grassy Creek Historic District*, SR 1535 and SR1573.

TENNESSEE

Dickson County

Cumberland Furnace, *St. James Episcopal Church*, off TN 48.

Hawkins County

Surgoinsville vicinity, *New Providence Presbyterian Church, Academy, and Cemetery*, NE of Surgoinsville off U.S. 11.

Maury County

Columbia vicinity, *Pillow-Bethel House*, SW of Columbia off U.S. 43.
Columbia vicinity, *Pleasant Mount Presbyterian Church*, SE of Columbia off TN 50.
Spring Hill, *Cheairs, Martin, House*, US 31.
Spring Hill, *Ritter-Morton House*, McLemore Ave.

Williamson County

Thompsons Station vicinity, *Homestead Manor*, N of Thompsons Station on U.S. 31.

TEXAS

Mills County

Regency vicinity, *Regency Suspension Bridge*, 0.75 mi. S of Regency at Colorado River.

San Augustine County

San Augustine vicinity, *Garrett, William, Plantation House*, 1 mi. W of San Augustine on TX 21.

WEST VIRGINIA

Kanawha County

St. Albans, *Chilton House*, 439 B St.

[FR Doc.76-26031 Filed 9-13-76;8:45 am]

MID-ATLANTIC REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined public meeting and field trip of the Mid-Atlantic Regional Advisory Committee will be held on October 13, 14, 1976 at Assateague Island National Seashore, Berlin, Maryland. The public meetings will be held at the Seashore Headquarters, Berlin, Maryland at 9 a.m. to 3 p.m., on October 13, and at the Chincoteague Wildlife Refuge, Chincoteague, Virginia, 2 p.m. to 4:30 p.m., October 14. The field trip will begin at the Seashore Headquarters at 3 p.m., October 13 and on October 14, 8 a.m., continue to the Wildlife Refuge Headquarters. The public meeting will resume there, 2 p.m. to 4:30 p.m.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Mid-Atlantic Region of the National Park Service.

The members of the Committee are as follows:

Mr. Hyman J. Cohen (Chairman)
Mrs. Dorothy W. Haas (Secretary)
Mrs. Beverly B. Fluty
Dr. M. Graham Netting
Mr. Meade Palmer
Mr. Henry G. Parks, Jr.
Mr. John O. Simonds
Mr. John A. H. Sweeney
Mrs. St. Clair Wright

The matters to be discussed at this meeting include:

1. Delaware Water Gap National Recreation Area—a proposal on regional roads; environmental assessment, alternatives.
2. Assateague Island National Seashore—its natural history; management plan.
3. Discussion of and comments on the Seashore and management as seen on the field trip.

The meetings at the Seashore Headquarters on October 13, and at Chincoteague National Wildlife Refuge Headquarters on October 14, will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

The field trip will begin at 3 p.m., October 13 at the Seashore Headquarters and cover the areas from the Ocean City Point to the State Park; it will resume at 8 a.m., October 14, and cover the Seashore from North Beach south to Tom's Cove, ending at the Wildlife Refuge Headquarters at 2 p.m.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Special Assistant to the Regional Director, Mid-Atlantic Regional Office, at Area Code 215-597-7015. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania, 19106.

Dated: September 2, 1976.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.76-26756 Filed 9-13-76;8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 99-463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Wednesday, October 6, 1976, at 10 a.m. (CDT) at the Manor Hotel, I-44 and 63 Highway, Rolla, Missouri.

The Commission was established by Pub. L. 88-492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are:

Mr. William C. Schock, St. Louis, Missouri
Mr. Kirby Hart, Houston, Missouri
Mr. Robert G. Kelley, Ellsinore, Missouri
Mr. Carlton E. Bay, Salem, Missouri
Mr. Edward Hodge, Eminence, Missouri
Lt. Col. William Moore, USAR Ret., Ellington, Missouri
Mr. James Grassham, Van Buren, Missouri

Matters to be discussed at this meeting include:

1. Status of planning requirements including Master Plan, Statement for Management, and Environmental Impact Statement.
2. Progress report covering current problems and major activities.
3. Agency plans for obtaining public input on river use management.

The meeting will be open to the public. It is expected that 35 persons in addition to the members of the Commission will be able to attend this meeting. Interested persons may file written statements with the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Arthur I. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 448, Van Buren, Missouri 63965, telephone (314) 323-4236. Minutes of the meeting will be available four weeks after the meeting at Ozark National Scenic Riverways headquarters located in Van Buren, Missouri.

Dated: September 1, 1976.

JOHN KAWAMOTO,
Acting Regional Director, Midwest Region.

[FR Doc.76-26757 Filed 9-13-76;8:45 am]

Office of the Assistant Secretary Land and Water Resources

TETON DAM FAILURE GROUP

Meetings

Notice is hereby given that the Teton Dam Failure Review Group will meet from 9 a.m. to 5 p.m. September 15 and 16, 1976 at the Ramada Inn, in Idaho Falls, Idaho. The meetings are open to the public.

The Review Group is a six-member interagency committee appointed by the Secretary of the Interior to investigate the causes of the Teton Dam Failure, to review policies and procedures for dam construction, and to recommend, if appropriate, measures to prevent failure of existing dams, those under construction, and those to be built in the future.

In the September 15 and 16 meetings, the Review Group will hear reports from its several subgroups, discuss findings to date, and plan further investigative activities.

CHRIS FARRAND,
Deputy Assistant Secretary.

SEPTEMBER 9, 1976.

[FR Doc.76-26833 Filed 9-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A371]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Missouri Counties as a result of frost and freezing temperatures April 26 and May 3, 1976, in Barton County; hard freeze March 5 and March 6, 1976; and heavy frosts April 26, May 3, and May 8, 1976, in Dade County; unseasonably cool and wet weather April 20 to May 20, 1976; and torrential rains July 2 and July 3, 1976, in Dunklin County; hard freeze March 5 and March 6, 1976; heavy frosts April 26, May 3, and May 8, 1976; and severe flooding July 2 and July 3, 1976, in Lawrence County.

Barton	Dunklin
Dade	Lawrence

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for emergency loans must be received by this Department no later than October 29, 1976, for physical losses and June 1, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3d day of September 1976.

FRANK B. ELLIOTT,
Administator, Farmers Home Administration.

[FR Doc.76-26815 Filed 9-13-76;8:45 am]

[Notice of Designation Number A373]

VIRGINIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Virginia Counties as a result of a series of freezes April 1 through April 30, 1976.

Carroll	Nelson
Franklin	Patrick
Frederick	Rappahannock

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Develop-

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ment Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Mills E. Godwin, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than October 29, 1976, for physical losses and June 1, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3d day of September 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–26816 Filed 9–13–76;8:45 am]

Office of the Secretary

FEED GRAIN DONATIONS FOR THE ROSEBUD INDIAN LANDS IN SOUTH DAKOTA

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Rosebud Indian Lands in South Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on September 9, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76–26881 Filed 9–13–76;8:45 am]

Rural Electrification Administration

GOLDEN VALLEY ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed financing application from the Rural Electrification Administration for Golden Valley Electric Association, Inc., Box 1249, Fairbanks, Alaska 99701, to finance the construction of two 60 MW combustion turbines at North Pole and associated transmission lines and substations all in the State of Alaska.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before November 12, 1976 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of September 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76–26713 Filed 9–13–76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL STANDARD COBOL (FIPS PUB 21 AND 21–1)

Approved Interpretation

Under the provisions of Pub. L. 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. FIPS PUB 21–1 specifies Federal Standard COBOL. The Standard defines the elements of the COBOL Programming Language and the rules for their use. During the use of the standard, questions arise as to the meaning of certain language specifications. FIPS PUB 29 defines the procedures to be followed in providing solutions to these questions. The procedures allow for the solutions to be used uniformly throughout the Federal Government and by all implementors of compilers acquired by the Federal Government. Accordingly, in the January 15, 1976 issue of the FEDERAL REGISTER (FR Doc. 76–1184, page 2270), the National Bureau of Standards published a notice of proposed interpretation of Federal Standard COBOL as pertains to the evaluation of arithmetic expressions in the COMPUTE statements. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved language interpretation, necessary clarifications to Federal Standard COBOL, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of Federal Standard COBOL and, as such, is considered to be included whenever reference is made to Federal Standard COBOL.

Interested parties may, in accordance with FIPS PUB 29—Interpretation Procedures for Federal Standard COBOL, dated June 30, 1974, submit comments concerning interpretations of Federal Standard COBOL to the Chairman, Federal COBOL Interpretations Committee, c/o Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

Dated: September 3, 1976.

ERNEST AMBLER,
Acting Director.

FEDERAL STANDARD COBOL INTERPRETATION NO. 1—THE COMPUTE STATEMENT

Problem. There is no standard interpretation of the accuracy of the arithmetic operations and the timing and scope of the ROUNDED phrase among implementations of the COMPUTE statement. Both of these problems involve intermediate results. This situation not only adversely impacts the portability of COBOL programs, but also creates a major problem in the development of test programs in this area.

Issue. The variations in the implementation of the COMPUTE statement are due in part to the lack of specifications which address the following issues in the Federal COBOL Standard:

a. The number of decimal digits to be provided for intermediate result fields.

b. The behavior of the decimal point, if specified, in an intermediate result field.

c. The scope of applicability of the ROUNDED phrase in the COMPUTE statement.

d. Whether rounding or truncation will be applied to an intermediate result field.

Interpretation. This interpretation applies to both American National Standard COBOL X3.23–1968 and X3.23–1974 as they have been adopted as Federal Standard COBOL, FIPS PUBS 21 and 21–1, respectively. The interpretation is in four parts. Each part addresses one of the four issues related above.

a. The size of the intermediate result field is implementor-defined.

b. Decimal point alignment is required throughout the evaluation of the arithmetic expression.

c. The ROUNDED phrase in the COMPUTE statement applies only to the assignment of the intermediate result field to the identifier to the left of the equal sign. If the ROUNDED phrase is not specified, truncation, if required, will apply to the assignment of the intermediate result field to the identifier to the left of the equal sign.

d. The implementor will define whether truncation or rounding will occur on the intermediate result when it exceeds the size of the intermediate results field.

Discussion. The following discusses the rationale supporting each of the four points in the interpretation.

a. ANS X3.23–1968 (page 2–71, paragraph 5.1.3(5)) and ANS X3.23–1974 (page II–40, paragraph 5.1.3(5)) specify that "each implementor will indicate the technique used in handling arithmetic expressions". This specification is interpreted to mean the techniques defined by the implementor include determination of the size of the intermediate result field.

b. ANS X3.23–1968 (page 2–78, paragraph 5.4.4(1)) and ANS X3.23–1974 (page II–51, paragraph 5.3.4(1)) specify that "* * * decimal point alignment is supplied throughout the calculation". Decimal point alignment is therefore required throughout the development of the final result in the intermediate result field dependent only on the operands involved in an arithmetic expression.

c. ANS X3.23–1968 (page 2–76, paragraph 5.4.1) and ANS X3.23–1974 (page II–50, paragraph 5.3.1) specify that when rounding is requested (the presence of the ROUNDED phrase), the absolute value of the resultant-identifier is increased. Truncation will take place, as necessary, when the ROUNDED phrase is not specified. The standard does not specify or imply that the presence or absence of the ROUNDED phrase in the COMPUTE statement has any effect on the intermediate result field prior to the assignment of that field to the resultant-identifier.

d. The techniques defined by the implementor to be used in the handling of arithmetic expressions is interpreted to include the application of rounding or truncation to the intermediate result field.

Clarification to the Federal COBOL Standard. None.

Effective Date of the Interpretation. This interpretation is effective on or before October 14, 1976.

[FR Doc.76–26812 Filed 9–13–76;8:45 am]

National Oceanic and Atmospheric Administration

ATLANTIC TUNA FISHERIES

Large Bluefin Tuna Season Closure

On September 13, 1976, the Director, National Marine Fisheries Service, determined that the 1976 annual quota of 1,850 individual Atlantic bluefin tuna weighing in excess of 300 pounds each and taken by other than purse seining, north and east of a line drawn from a point on the southern coast of Massachusetts extending south through Gay Head Light, Massachusetts, into the Atlantic Ocean, as established in 50 CFR 285.12(b)(1), will be reached on September 17, 1976. The quota includes individual tuna taken in a directed fishery and those taken incidentally as prescribed in 50 CFR 285.13(c).

As authorized by 50 CFR 285.11, notice is hereby given that the 1976 season for Atlantic bluefin tuna taken by other than purse seining, which weigh in excess of 300 pounds each, will terminate at 0001 hours, local time, in the regulatory area, September 17, 1976. This closure does not affect the incidental take by traps as authorized by § 285.13(c).

The 1976 season for taking Atlantic bluefin tuna between 14 pounds and 115 pounds by purse seining was closed on June 29, 1976. The closure was effected by publication in the FEDERAL REGISTER, Volume 41, Number 126, dated June 29, 1976.

Issued at Washington, D.C., and dated September 13, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–27048 Filed 9–13–76;9:48 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Correction

In FR Doc. 76–26137 appearing at page 37827, in the issue for Wednesday, September 8, 1976, change the day and date of the meeting from "Tuesday, Wednesday and Thursday, October 5–7, 1976" to read "Friday, October 1, 1976".

Office of the Secretary

SECRETARY'S ADVISORY COUNCIL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

The Secretary's Advisory Council will meet from 2:00 p.m. to 5:00 p.m. on October 6, 1976 at the Department of Commerce, Room 4830, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The recently established Secretary's Advisory Council, which is made up of a cross-section of distinguished leaders of industry, services, labor, consumers, and the academic community, is to advise the Secretary of Commerce on the broad policy objectives and goals of the Department. The Council may identify and make recommendations concerning current and proposed policies and programs in all areas of the Department's responsibilities. The issue to be addressed at this Council meeting is that of "Regulatory Reasonableness."

The agenda for the meeting is:

(1) Introduction by the Secretary of Commerce.

(2) Discussion on the issue of "Regulatory Reasonableness."

(3) Discussion of other topics, as introduced by the Council members.

The meeting will be open to the public and press. The public will be permitted to file written statements with the Council before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Copies of the minutes will be available upon written request 60 days after the meeting.

Inquiries may be addressed to the White House Fellow, Room 5896, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (telephone 202/377–5555).

Dated: September 8, 1976.

MARY LYNN MYERS,
White House Fellow,
Department of Commerce.

[FR Doc.76–26845 Filed 9–13–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

DRAFT REGULATION ON CERTIFICATION OF PERSONAL NOISE DOSIMETER SETS

Availability

Notice is hereby given that pursuant to the directives issued by the Secretary of Health, Education, and Welfare on July 25, 1976, regarding regulatory policies and the promotion of a spirit of openness in the development of regulations, the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, is making available to interested groups and individuals copies of a draft regulation entitled "Certification of Personal Noise Dosimeter Sets" which proposes to amend 42 CFR by adding a new Part 81.

The 45-page draft, dated August 11, 1976, details a voluntary program providing for the testing and certification of personal noise dosimeter sets designed to record an individual's exposure to noise in the working environment. Interested parties desiring a copy of this draft should forward their requests to: Chief, Testing and Certification Branch, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, WV. 26505.

The draft proposal is subject to further revision and its release at this time should not be construed as Secretarial approval of its content.

Dated: September 7, 1976.

JOHN F. FINKLEA,
Director, National Institute for Occupational Safety and Health.

[FR Doc.76–26805 Filed 9–13–76;8:45 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority; Correction

A notice published at 41 FR 31931 (July 30, 1976) changed the name and orga-

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nization of the Office of Education's Bureau of School Systems. The name of the Bureau is now the Bureau of Elementary and Secondary Education. However, the notice was incomplete. The notice should have indicated that the Division of State Assistance was being deleted as well as the Division of Supplementary Centers and Services and the Division of Drug Education—Nutrition and Health Services. Therefore, the last seven lines of paragraph two of the notice published on July 30 is corrected to read as follows: The statements immediately following the headings "Bureau of School Systems, Division of State Assistance," "Division of Supplementary Centers and Services," and "Division of Drug Education—Nutrition and Health Services," and the three headings themselves are deleted in their entirety.

All other parts contained in 41 FR 31931 stand as published.

Dated: September 3, 1976.

BRYAN MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76-26852 Filed 9-13-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities Administration

[Docket No. N-76-631]

GANANDA NEW COMMUNITY PROJECT

Intent To Supplement Environmental Impact Statement

The U.S. Department of Housing and Urban Development, New Communities Administration, Washington, D.C., intends to issue a supplement to the Final Environmental Impact Statement for the Gananda New Community Project. The final EIS was issued on February 8, 1972, and copies are available at the address set forth below.

Gananda is located approximately 12 miles east of downtown Rochester, in the Townships of Macedon and Walworth in southwestern Wayne County, New York.

The Supplement will evaluate the impact of certain actions HUD is contemplating with respect to Gananda. These actions include termination of the Title project; acquisition and resale of certain "core acreage" which has undergone some site and infrastructure development; and of the remaining project land to purchase money mortgagees or other persons.

The new community project as heretofore planned consists of 9,600 acres, (5,800 acres for development and 3,800 acres for "land bank land") and had been planned to include about 13,500 dwelling units, and about 50,000 population over 20 years. The "core acreage" development alternative now being considered consists of a development of 500–1000 acres for a potential of about 1,250 dwelling units over 10–15 years.

Copies of the Supplement will be available in early October 1976. Pursuant to an approval of the Council on Environmental Quality the comment period on the Supplement will be 30 calendar days.

Comments concerning this Notice are invited from all affected and interested parties. Please send comments by October 1, 1976, to:

Earl DeMaris, Acting Deputy Administrator for Project Support and Development, U.S. Department of Housing and Urban Development, New Communities Administration, 451 7th Street, SW, Room 7134, Washington, D.C. 20410.

Issued at Washington, D.C., September 9, 1976.

JAMES F. DAUSCH,
Deputy General Manager and Administrator, New Communities Administration.

[FR Doc.76-26980 Filed 9-13-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-9-13; Docket 27573]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of September, 1976.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo rates (Docket 27573; Agreement C.A.B. 25719, R–1 through R–11; Agreement C.A.B. 25791, R–2; Agreement C.A.B. 25809, R–2 and R–3; Agreement C.A.B. 25813, R–3 and R–4; Agreement C.A.B. 25465, R–4 and R–6; Agreement C.A.B. 25569).

By Order 76–3–103, March 16, 1976, the Board established procedural dates for the submission of carrier justifications, comments, and replies regarding an agreement among the carrier members of the International Air Transport Association (IATA). The agreement, adopted at San Diego on February 2–4, 1976, would establish North/Central Pacific cargo rates through September 30, 1977. The agreement supersedes Agreements C.A.B. 25203, C.A.B. 25207, and C.A.B. 25281, adopted at Nice during May–June, 1975, which were disapproved in major part by Order 75–12–146, December 30, 1975, as well as earlier Agreements C.A.B. 24488 and C.A.B. 24569.[1]

Justification and supporting data has been submitted by Pan American World Airways, Inc. (Pan American) and The Flying Tiger Line Inc. (Tiger). Similar data has been submitted by Northwest Airlines, Inc. (Northwest), a non-IATA carrier which in its response to the IATA carriers' justifications, however, generally opposes the agreement. Comments in support of the agreement have been filed by Japan Air Lines Company, Ltd. (JAL), while comments in opposition have been filed by the Western Electronics Manufacturers Association (WEMA) representing a group of interested shippers,[2] by Airborne Freight Corporation (Airborne), and by the Puget Sound Traffic Association (PSTA).

CARRIER JUSTIFICATIONS

Pan American and Tiger generally assert that the agreement represents a balance between the needs of the carriers for additional revenue due to cost escalation, and the Board's concerns expressed in Order 75–12–146 disapproving the Nice agreement. The carriers point out that general cargo rates (GCR's) would be maintained at *status quo* or reduced while the bulk of the proposed increase would come from specific commodity rates (SCR's) in line with expressed Board policy; and that the potential impact on shippers of electronic commodities would be modified by implementing increases in those rates, which the Board has already approved, in two phases. Tiger additionally alleges that the proposed increase in over-pivot-weight container rates, coupled with the introduction of a new 1,500 kg. GCR weightbreak, is necessary to discourage the misuse of containers in Asian markets, and that container discounts under the agreement would approximate those advocated by the Bureau of Economics in Docket 22859, *Domestic Air Freight Rate Investigation*.[3] The carrier proponents have provided statements of financial results in North Pacific scheduled cargo service for the year ended December 31, 1975, as well as for the forecast year ending March 31, 1977, under both present and proposed rates. Northwest, which generally opposes the agreement, has provided a statement of historical results and a forecast under present rates, but no forecast under proposed rates. The following table summarizes the financial data submitted by the U.S. carriers:

North/Central Pacific cargo operations—return on investment (ROI)

[In percent]

Carrier	Historical year ended Dec. 31, 1975			Forecast year ended Mar. 31, 1977—present rates			Forecast year ended Mar. 31, 1977—proposed rates		
	Belly	Freighter	Total	Belly	Freighter	Total	Belly	Freighter	Total
Pan American	26.18	(16.64)	8.82	12.82	(22.33)	(1.44)	14.83	(17.28)	1.81
Tiger		10.49	10.49		10.06	10.06		14.53	14.53
Northwest			4.52			[4] (2.72)			

Tiger challenges the Board's use of Tiger's historical 64.9 percent load factor as an industry standard in evaluating the agreements dealt with in Order 75–12–146. Specifically, Tiger states that the Board's calculation of a 16.75 composite industry ROI under the Nice package omitted Northwest's investment, thus inflating ROI over two points; that establishing a load-factor standard based on the one-year experience of the industry's most efficient operator is unprecedented, illogical, and adverse to the public interest; that no consideration was given to differences in design density among various aircraft, certain of which would "cube out" at a weight load factor of 72 percent; that there is a severe directional traffic imbalance in the North/Central Pacific market; that requiring the industry to operate at a 64.9 percent load factor would condemn international shippers to a quality of service that would never be tolerated domestically; and that the Board cannot establish a load-factor standard based on the experience of the most efficient operator unless it is prepared to sustain a judgment that other carriers' operations are uneconomical or inefficient.

Northwest opposes the introduction of the new 1,500 kg. GCR weightbreak and the proposed changes in container rates, contending that these revisions will reduce the discount available on container rates and thus undermine any incentive for the shipper to containerize, directly contrary to the Board's comments in Order 75–12–146. Both the container rates at the pivot weight and those over the pivot weight are being increased by 11–16 percent, Northwest asserts, which would penalize high-density shipments and provide no new benefit for low-density shipments. Northwest contends that rates at the pivot weight should go up and over-pivot rates down, not the reverse as IATA proposes. Additionally, Northwest criticizes Tiger's allegations of illegal container practices. Regarding SCR's, Northwest alleges that the 10–12 percent increase, which would be undermined by the exceptions proposed for some commodity classifications, is not great enough to reduce reliance on SCR's and produce profitable operations but that, nevertheless, Northwest is prepared to match any increase/cancellation in bulk SCR's.

JAL submits that the subject agreement reflects a responsiveness on the part of the IATA carriers to the Board's objectives stated in its disapproval of the Nice agreement and that, while the new agreement would not establish rates sufficient to cover carrier needs, it nevertheless represents a significant improvement over present rates. JAL indicates an operating loss on its North/Central Pacific freighter operations of $13.0 million during the year ended September 30, 1975, a loss which is forecast to increase to $15.5 million during the year ending April 30, 1977 under existing rates, and which would decline to $11.2 million under proposed rates.

COMMENTS

Airborne objects to the proposed container rates, and alleges that by increasing the container rates relative to the GCR's and thus reducing the incentive to containerize, the agreement runs counter to the Board's policy statement issued prior to the Nice Conference, which stated that the economics of containerization should be recognized and reflected in the carriers' ratemaking policies.

WEMA alleges that the agreement would impose increases averaging over 45 percent on the electronic shippers' traffic between the United States and Korea, Taiwan, and Hong Kong, and that the proposed elimination of certain electronic commodity container rates would have an additional severe impact on the shippers; that the proposed May 1 rates would produce an arbitrary, irrational, and illegal rate structure which would be far more irrational than the existing structure of electronic commodity rates, and would contain anomalies such as directional imbalances, higher rates for lesser distances, and common-rating of domestic points; and that transpacific flights are basically space rather than weight limited, so that the high density of electronics parts justifies a lower rate and these rates should not be judged on the basis of fully allocated costs.[5] WEMA asserts further that the carriers' historical data and forecasts show there is no need for a rate increase to produce a reasonable rate of return on investment in North/Central Pacific operations since Tiger, which WEMA alleges should be viewed as the ratemaking carrier in this market, had a 10.5 percent ROI during calendar 1975, and projects a return of over 10 percent during the forecast period even under present rates and a return of over 14 percent under proposed rates.[6] WEMA also alleges that Tiger has understated its forecast earnings by inflating promotion and sales expenses and general and administrative expenses which are defined as fixed percentages of revenues and other expenses, respectively; by overstating its DC–8 depreciation expense and the investment allocated to DC–8 equipment;[7] by including cost in-

[1] The agreement also supersedes Agreement C.A.B. 25465, R–6, which proposed a general three-percent fuel-related increase in all North/Central Pacific rates and which will be disapproved herein. The subject agreement would maintain North/Central Pacific minimum charges at *status quo*. General cargo rates at the under —45 kg., 45 kg., and 500 kg. weightbreaks would remain unchanged, while the 100 kg. and 300 kg. weightbreak rates would be reduced five percent, and a new 1,500 kg. weightbreak would be added at a rate 8 cents below the 500 kg. rates. The 200 kg. and 400 kg. general cargo rate weightbreaks would be canceled. Most specific commodity rates would be increased 10 to 12 percent. Rates for electronic commodity Item Nos. 4416, 4417, 4435, 4506, 9902, and 9903 would be increased by the same amounts adopted in Agreement C.A.B. 24488 and approved by the Board by Order 75–1–46, January 13, 1975, but which never became effective. The increases in electronic commodity rates are now proposed to be implemented in two phases, on May 1, 1976 and January 1, 1977, respectively. Minimum charges for containers would remain unchanged, but pivot weights would be reduced approximately 10 percent and over-pivot rates would be increased approximately 16 percent.

[2] Signetics Corporation; Litronix, Inc.; Hewlett-Packard Co.; Inter Corporation; National Semiconductor; Electronic Memories & Magnetics Corporation; Fairchild Camera & Instrument Corp.; Intersil, Inc.; American Microsystems Inc.; Data General Corporation; Rockwell International; RCA; and General Instrument Corporation. WEMA has also submitted a petition for reconsideration of Orders 75–12–146 and 75–12–145, the latter of which denied WEMA's earlier petition for reconsideration of Order 75–1–46. Inasmuch as the agreements covered by those orders were disapproved, or never became effective and have since been superseded, WEMA's petition will be dismissed herein as moot.

[3] Tiger contends that shipper-loaded containers are, practically speaking, nonexistent in the Far East due to narrow congested roads, inadequate facilities on shippers' premises, lack of necessary ground-transport equipment, and local customs regulations; and accordingly, that containers are often loaded at the airport, at carrier expense, even though the shipper receives the benefit of the container rate discount.

[4] This figure reflects correction of a mathematical error in Northwest's submission. Northwest had forecast –1.32 percent.

[5] WEMA contends that Tiger's data conclusively show that transpacific flights are space limited since Tiger could not have achieved eastbound weight load factors averaging over 90 percent if its aircraft were weight limited, and Tiger's allegation of weight limitation of westbound flights is irrelevant due to low load factors in that direction (41.8 percent during 1975). WEMA also cites excerpts from Tiger's 1975 Annual Report which allegedly demonstrate that its aircraft are space limited.

[6] WEMA also refers to Tiger's favorable earnings over the period 1971 through 1975, and cites the "no keyhole" approach employed by the Board in several cases such as the *Suspended Passenger Fare Increase Case*, 25 C.A.B., 511, 516–517 (1957), and Order 76–3–102, March 16, 1976, denying TWA subsidy for its domestic operations.

[7] WEMA asserts that Tiger's justification is inconsistent in that it indicates a 22 percent decrease in DC–8 wheel hours during the forecast year as compared to the historical period while at the same time forecasting a 15 percent increase in DC–8 aircraft days assigned; and that this results in an unjustified increase in the rate of depreciation per DC–8 wheel hour. WEMA contends that Tiger should be held to its historical utilization and depreciation rate, and alleges additionally that since Tiger has recently sold DC–8 aircraft at greater than book value, even the historical depreciation rates are too high and in any event the Board should recognize profits from aircraft sales as part of the ratemaking base.

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creases which may be anticipatory; and by omitting any adjustment for the financial improvement which will allegedly result from the elimination of inflated commissions, rebates, and other illegal activities pursuant to the recent injunction issued by the U.S. District Court for the Northern District of California. Regarding the other carriers' operations and financial statements, WEMA submits that the load-factor adjustment in Order 75–12–146 holding Pan American and Northwest to Tiger's historical 64.9 percent load factor was entirely reasonable since Tiger's results during 1971–1975 show such a factor to be achievable in North/Central Pacific freighter service; and that Pan American's historical and forecast returns on investment in freighter operations, in the range of −16.64 to −17.28 percent as well as its forecast costs per available ton-mile (atm) of 19.1 cents compared to costs per atm for other carriers in the range of 12.6–16.2 cents, present a *prima facie* case that Pan American's operations do not meet the standard of economical and efficient management as prescribed by Section 1002(e) (5) of the Act.[8] Finally, WEMA alleges that the carriers' justifications are deficient in the information they supply. In this connection WEMA has filed a separate Motion for More Definite Statement and Other Relief, requesting the Board to require the carriers to indicate the source of each figure in their justification and complete details as to how it was derived. WEMA specifically requests complete details and justification for revenue increases in the forecast year under both present and proposed rates; for cost increases; for the increased revenues and decreased expenses alleged to result from the termination of rebating and other illegal activities; and for Tiger's investment base. WEMA also requests that Northwest be directed to provide all the data required by Order 76–3–103.

PSTA opposes the proposed continuance of common-rating Seattle with other U.S. West Coast gateways for cargo rates to/from the Far East, and submits that common-rating Seattle with the other gateways, despite its geographically closer position to the Orient, results in rates per mile significantly higher than at Los Angeles or San Francisco;[9] that although the Board stated in Order 75–12–146 acting on the Nice agreement that PSTA had raised significant questions of possible preference and prejudice, and deferred action on PSTA's comments at that time, the carriers have made no effort to eliminate the alleged discrimination; that the Board's decision in Docket 20522, *Agreements Adopted By IATA Relating to North Atlantic Cargo Rates*, requires the elimination of common-rating the west coast cities' respective North/Central Pacific cargo rates; that recent Board decisions on North Atlantic passenger fares and cargo rates require the carriers to remove similar preference and prejudice against Seattle; and that the Bureau of Economics has taken positions against common-rating in Docket 27330, *Domestic Common Fares Investigation*, and Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*.

[8] WEMA also claims that even the low historical and forecast load factors of Pan American are inflated since Pan American's reported atm figures are "phony" and understate the actual carrying capacity of its aircraft.

[9] PSTA's examples show differences in rates per mile ranging from 7.4 to 33.6 percent.

Replies

Pan American has submitted a consolidated answer to the comments of WEMA and PSTA, as well as WEMA's Motion for More Definite Statement and Other Relief. Tiger has submitted a consolidated answer to the comments of WEMA, PSTA, and Northwest.

In response to WEMA, Pan American submits that the electronic shippers' comments merely represent additional pleadings in their protracted efforts to maintain uneconomically low transpacific freight rates for their goods; that WEMA's allegation of a 45.3 percent increase in electronic SCR's is misleading because it omits Japan-U.S. traffic which accounts for 64 percent of total Pacific electronic SCR revenue, and that if all the relevant markets are included, the increase is only 21 percent; that the carriers' justifications clearly show existing electronic SCR's to be below cost; and that the shippers are incorrect in arguing that the present low rates are justified by this traffic's alleged high density, since there has been no showing that electronics items differ significantly from other traffic in this regard, and in any event transpacific flights are weight rather than space limited.[10] Pan American opposes WEMA's suggestions that Pan American's costs should not be considered because they are higher per available ton-mile (atm) than other carriers', contending that WEMA has ignored the fact that Pan American's North/Central Pacific freighters are all B–707 aircraft while other carriers operate primarily the much more efficient B–747F or DC–8–63F equipment.[11] Regarding the alleged directional imbalances and anomalies in the proposed rates, Pan American asserts that while some imbalances may remain under the first phase of the agreement, during the final phase such imbalances will be eliminated entirely; and that in the specific case of Far East-Indianapolis vs. Far East-New York rates, which would be common-rated, there is no justification for lower rates at Indianapolis since all freighter service to that point from the Far East is via New York, and on combination flights connecting over the west coast the international carriers must absorb a substantial prorate.[12]

In response to PSTA's arguments, Pan American alleges that PSTA's rate-per-mile comparisons are misleading because they assume routings not operated by Pan American or the majority of transpacific carriers who are required to operate via Honolulu.

Tiger, in response to WEMA, alleges that the shippers have misrepresented the degree of increase proposed in electronic SCR's considering the fact that U.S. Department of Commerce data show that the value per pound of electronic parts moving over the Pacific has more than doubled since 1973, and is considerably higher than the average value of other commodities; and that the proposed freight rates for these items represent only 0.6 to 2.1 percent of their value. Tiger contends further that under the first phase of the proposed rates, which are being proposed in two phases to ease the impact on shippers, directional imbalances and anomalies would be much less severe than under existing rates;[13] that Tiger's justification clearly shows its aircraft to be weight limited at any density over 8 lbs./cu.ft. and thus any incentive to increase density is illogical; and that while WEMA opposes a "keyhole" approach in evaluating Tiger's return on investment and revenue requirements, WEMA's aversion to "keyholes" does not extend to widening their consideration of carrier earnings to include other carriers whose returns have been disastrously low. Regarding WEMA's comments on Tiger's DC–8 utilization and depreciation, Tiger submits that because of increasing reliance on the B–747F in major Pacific long-haul markets, the DC–8 is used increasingly in a "feeder" role in short-haul markets, requiring more aircraft even though wheel hours and utilization in such

[10] Pan American alleges that the maximum load on its B–707 freighters over the Tokyo-San Francisco segment is 53,000–54,000 lbs., well below the available space, and this is consistent with the testimony presented by both Pan American and Tiger in Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*.

[11] In response to WEMA's argument that Tiger should be the ratemaking carrier on the Pacific and does not require a rate increase, Pan American states that while Tiger has forecast a 10 percent ROI under the proposed rates, there is no basis to suggest that a 10 percent return is adequate, and that the Board in acting on the recent IATA North Atlantic passenger-fare agreement found a 9.1 percent return to be inadequate.

[12] Pan American alleges that WEMA's separate Motion for More Definite Statement and Other Relief borders on the frivolous and demonstrates that WEMA's entire effort is designated to achieve delay. Pan American contends specifically that its justification already includes all the information necessary for the shippers to make the analysis which they state is the basis for their request; and that insofar as the request for information on the impact of "termination of rebating and other illegal activities" is concerned, Pan American does not and has not been engaged in such activities.

[13] Tiger states that while the shippers allege that the Taipei-Indianapolis 1,000 kg. rate is 5 cents higher than the Taipei-New York rate, this reflects a clerical error which is being corrected.

short-haul markets are less favorable;[14] that depreciation is a fixed expense independent of aircraft utilization, and on a proper allocation basis per aircraft day assigned, DC–8 depreciation is forecast to drop from $1,482/day to $1,369/day; and that, moreover, depreciation methods are well established by the Board and are not affected by fluctuations above or below the book value of assets.[15] Finally, Tiger alleges that WEMA, in its comments, has confirmed the misuse of container tariffs by stating that only "in certain cases, such as Taiwan, [docs] the shipper bears the cost of loading the containers," whereas the whole rationale for container discounts is carrier cost-savings through tender by the shipper of containers already loaded and ready for carriage; and that while transpacific cargo carrers have joined ranks to eliminate the illegal practices which WEMA contends are responsible for poor carrier earnings, the fact remains that many of the abuses involved shippers' misclassifying general traffic as electronics in order to take advantage of the unconscionable discounts available to the electronics industry.

In response to Northwest's allegation that the agreement would do little to reduce reliance on specific commodity rates, Tiger points out that SCR's would be increased 10–12 percent while GCR's would remain at *status quo* or lower, thus reducing the disparity between the rates. Tiger also contends that the proposed container rates, which increase the charges for high-density shipments, reflect the realities of the marketplace and the weight-limited characteristics of transpacific freighter flights. In reply to PSTA, Tiger asserts that the San Diego Conference dealing only with North/Central Pacific rates was not the proper forum for consideration of the commonrating issue, since although the rates per mile from Seattle over the North/Central Pacific are higher than from other west coast points, the reverse is true in the case of South Pacific rates; and thus the question should be addressed in the context of a single IATA conference covering both North/Central and South Pacific rates; and that de-common-rating would have serious implications for the competitive positions of transpacific carriers depending on their route authority.

Findings

Upon full consideration of the agreement and the justifications, as well as the comments and answers thereto, the Board has determined to approve the agreement with certain exceptions and conditions as outlined below.[16] In Order 75–12–146 disapproving the Nice agreement, the Board noted that the carriers' earnings positions, even after Board adjustments, clearly indicated that a revenue increase was required. However, the Board disapproved the Nice package on the basis that approval of those rates would have placed the carriers, on a composite basis, in an excess-earnings position.

We also expressed dissatisfaction with certain structural aspects of the agreement.[17] The more recent data submitted by the carriers in their justification for the new San Diego agreement continue to indicate that earnings are still deficient and that revenue improvement is warranted. As noted in the Appendix hereto,[18] Tiger and Pan American's composite ROI during calendar year 1975 was 8.44 percent, which would decline to 7.23 percent during the forecast year ending March 31, 1977 with no rate increase. Under the proposed rates their composite ROI would be 11.54 percent.[19] We have not included Northwest's results in the computation of composite return since that carrier has stated that it does not intend to fully match the IATA agreement even if approved. Moreover Northwest did not submit a forecast of future-year results with the proposed rates. In any event, Northwest's ROI during calendar 1975 for North/Central Pacific cargo operations was only 4.52 percent, and it forecasts a decline to −2.72 percent during the forecast year under present rates. Thus, Northwest, which indicates it will implement only the SCR increases and whose scale of operations is smaller than either Tiger or Pan American, will not achieve earnings which would move the composite ROI over the 12 percent benchmark.

The figures presented in the Appendix reflect several adjustments by the Board to the data presented by the carriers. First, we have substituted the fuel prices reported by Tiger and Pan American for March 1976 for the unsubstantiated prices forecast by the carriers. This results in an adjustment of $1,572,000 ($795,000 in freighters and $777,000 in belly service) for Pan American, and $72,000 for Tiger.[20] Second, Tiger's investment in leased equipment in excess of the industry average has been reduced to reflect the Board's policy that carriers be allowed a six, rather than 12, percent return on such investment.[21]

Finally, we have adjusted Pan American's load factor in all-cargo operations to reflect Tiger's experienced load factor during calendar 1975. Pan American itself forecasts an improvement in freighter load factor from its experienced 52.6 percent during 1975 to 59.3 percent during the forecast year due to the introduction of B–747SP combination aircraft which Pan American alleges have less below-deck cargo-carrying capability than conventional B–747 combination equipment, and which will thus induce a shift of freight traffic from combination aircraft bellies to freighter aircraft. Pan American's past relatively low load factors in all-cargo service resulted primarily from carrying a significant amount of total cargo in bellies rather than in freighters, a situation which it now claims will change. Accordingly, without necessarily establishing Tiger's load factor as a general standard by which the performance of all other carriers must be judged, we have, for purposes of testing the reasonableness of the instant agreement, adjusted Pan American's historical and forecast traffic by shifting sufficient freight revenue tonmiles (rtm's) from combination to all-cargo service to produce a 64.08 percent freighter load factor consistent with Tiger's calendar 1975 experience. Traffic-related expenses have been increased in all-cargo operations, and decreased in belly operations, by the same percentages as rtm's.

Turning to WEMA's comments, the material presented is not sufficient to warrant disapproval of the agreement. In the first instance, the Board is not convinced that the impact of the proposed increases upon electronic shippers will be as severe as WEMA suggests. WEMA criticizes Tiger's estimate of an overall increase of 21 percent because the U.S. electronic shippers allegedly do not ship to or from Japan. If that market is excluded, the overall increase would allegedly be 45.3 percent. Whether the rate increase the shippers will actually experience is 21 or 45.3 percent—or somewhere between the two estimates—is largely irrelevant. The proposed rate increase is warranted if, *inter alia*, the resultant rate levels do not result in unjust discrimination and do not produce excessive earnings. The agreement would bring electronic SCR's into line with rates charged for other, similar goods in contrast to the existing rates which

[14] Moreover, Tiger claims that during 1975 its international DC–8 utilization was unusually good due to the availability of considerable off-route charter mileage as well as demand for extra sections in some markets, conditions not expected to continue in the forecast period.

[15] Regarding the sale of aircraft at greater than book value, Tiger states that such nonoperating income, unless distributed, would be included as retained earnings within the carrier's investment base thereby increasing ROI requirements. Tiger also denies any overstatement of its other expenses, and states that by the fourth quarter 1975, its fuel costs had already reached the level forecast for the year ending March 31, 1977.

[16] We will also approve agreements proposing similar increases for U.S. points within Traffic Conference 3 (Far East/Australasia).

[17] A mathematical error in the Appendix of Order 75–12–146 inadvertently omitted Northwest's investment figure from the computation of composite ROI under the Nice agreement. Including this figure, however, would still result in a composite ROI of 14.61 percent which would not have affected the Board's disposition of the Nice agreement.

[18] See appendix filed with original document.

[19] In Order 75–12–146 the Board considered only the carriers' all-cargo operations, with appropriate adjustments, due to the lack of reliable combination aircraft cost allocations between cargo and passenger service in that case. In its present justification Pan American has allocated combination aircraft costs between passenger and cargo service utilizing a modified space method.

[20] Although the adjustment in Tiger's fuel-cost escalation is minimal, Pan American's is substantial due to the fact that it utilized an unsubstantiated forecast average price of 40.05 cents/gal. compared to the average calendar 1975 price of 36.95 cents/gal., while its experienced price during March 1976 in Pacific operations averaged 37.06 cents/gal.

[21] 14 CFR 399.43.

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give the electronics shipments special consideration not warranted by any demonstrated savings in costs to the carriers. As indicated above, even after Board adjustments, the carriers would not experience excess earnings on a composite basis under the proposed rates. As to the impact on the shippers, the material submitted by Tiger from U.S. Department of Commerce statistics, which show the proposed rates to be only 0.6–2.1 percent of the per pound value of the goods transported, has not been rebutted by WEMA and is ample demonstration that the effect on the shippers would be minimal.

Although the agreement would merely bring the electronic SCR's into line with carrier costs and other specific commodity rates in this market which have already been increased significantly, WEMA argues that rates for electronic parts should not be judged on an average-cost basis. WEMA's arguments rest primarily on the contentions that transpacific flights are generally space rather than weight limited and that electronics shipments are high density in nature and have favorable handling characteristics. WEMA has presented no evidence whatever to support its position.[25]

Regarding WEMA's argument that Tiger has experienced excess earnings over the last several years in the Pacific and therefore no increase in the North/Central Pacific area is warranted, the so-called "no keyhole" approach looks only to the earnings of the most profitable carrier in the market over an extended period of time, and fails to recognize the needs of the industry as a whole. There is no doubt that the carriers' composite-earnings experience in the North/Central Pacific has been substandard, and will decline further in the absence of rate relief. We cannot agree that Pan American does not meet the standard of economical and efficient management under section 1002(e)(5) of the Act because its freighter operating costs are considerably higher per atm than Tiger's, or that it should therefore be excluded from consideration of the carriers' revenue needs in the Pacific. As Pan American points out, its North/Central Pacific freighter operations are conducted exclusively with B–707 equipment which incurs considerably higher unit costs than the newer B–747F and DC–8–63F equipment operated by Tiger. Each carrier cannot be expected to operate the most efficient equipment at every point in time, and there has been no showing that Pan American's acquisition and continued operation of B–707 equipment in this market represents inefficient management. Further, Pan American's introduction of the B–747SP in combination service should result in a much more profitable B–707 freighter operation due to the anticipated shift in traffic from bellies to all-cargo service.[26]

WEMA's criticisms of Tiger's financial forecast do not, in the Board's opinion, raise any significant questions as to the validity of Tiger's forecast. In particular, we find no fault with Tiger's forecast DC–8 depreciation and investment. The carriers' allocation by aircraft days assigned is a completely acceptable method, and WEMA has presented no reason why it should be rejected. In a more general sense, depreciation and investment in flight equipment represent fixed dollar amounts reflecting the cost of acquisition and improvements, and bear no relation to market value.[24] The Board has established standards for regulatory depreciation and investment which Tiger has followed in its subject justification. Regarding WEMA's allegations of anticipatory cost escalations, as noted above, the Board has excluded from the carriers' forecasts all cost increases which appear to be anticipatory (*i.e.*, fuel); the remaining cost increases, which result from contractual obligations or productivity changes, appear to be quite valid and WEMA has presented no legitimate reason to challenge them.[28]

WEMA also opposes the agreement based on the improved earnings to be expected, WEMA alleges, from termination of rebating and other illegal activities in the area due to the recent federal court injunction. Even at the conclusion of the extensive grand jury proceedings, it was unclear to what extent the resultant injunction would actually affect Pan American's and Tiger's profitability in North/Central Pacific cargo operations. It is doubtful that such information could be developed even in the context of another protracted investigation, and to defer approval of the subject agreement on this basis, as WEMA suggests, would only delay the needed rate relief without any assurance that carrier revenues have in fact been significantly understated. In any event, any significant improvement in carrier earnings due to the termination of malpractices will be reflected in the carriers' regular earnings reports which are closely monitored by the Board.

The Board also rejects WEMA's contention that the agreement should be disapproved because the interim electronic SCR rates would be more irrational in application than the existing rates, and that the proposed rates would create unlawful preference and prejudice. As Tiger shows in its answer, the existing rates reflect yield variances among various city-pairs ranging up to 12.91 cents, whereas the "Phase I" rates would cut this variance to 10.48 cents and the final rates would reduce the variance to 4.67 cents. The interim rates still include some directional differentials and admittedly are not perfect, but there is no doubt that they represent a substantial improvement over the existing rate pattern. Also, the carriers' decision to implement the rate increases in two phases represents a concession to ease the impact on the electronics shippers. The shippers particularly object to the common-rating of Indianapolis and New York, citing the Board's decision in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*. That decision, however, was directed to the relationships between New York-Europe rates and transatlantic rates to/from other U.S.-*gateway* points, none of which were common-rated with New York. We note further that for electronic SCR's Indianapolis is common-rated with both New York and Chicago so that if one accepts, *arguendo*, WEMA's contention that Indianapolis shippers are prejudiced *vis-a-vis* New York, then they are also preferred *vis-a-vis* Chicago which is closer to the Far East than Indianapolis. In any event, WEMA has made no showing that any of its members would suffer undue preference or prejudice.

We will also deny WEMA's Motion for More Definite Statement and Other Relief which requests the Board to require the carriers "to indicate the source of each figure in their justifications for rate increases and give complete details as to how they were derived." The carriers' justifications are largely self-explanatory and those exhibits which were somewhat unclear have been clarified by supplemental submissions available to all parties.[28]

Turning to PSTA's request that the agreement be disapproved or conditioned to remove the common-rating of Seattle with Los Angeles and San Francisco, for the same reasons stated in Order 76–5–158, May 28, 1976, we do not believe the instant agreement presents an appropriate time for resolution of this issue. We note that Administrative Law Judge Henry Whitehouse, in his June 22, 1976 initial decision in Docket 27330, *Domestic Common Fares Investigation*, recommended the institution of an investigation of west coast common-faring with respect to both Hawaiian and Far East points. The initial decision in that case, however, has yet to be reviewed by the Board, and need not affect our determination expressed in Order 76–5–158 that the issues raised by PSTA be addressed by the carriers and resolved coincident with the next round of North/Central Pacific fare and rate agreements. In the event the Board sets down an investigation along the lines recommended by the administrative law judge, of course, the investigation would necessarily involve a close review of the same points raised by PSTA and the carriers in their comments and replies herein.

For the reasons stated, the Board has determined that the agreement before us should be approved. It is clear that a rate increase is warranted, and as indicated the proposed rates will not place the carriers, on a composite basis, in an excess-earnings posture.[27] While the structural aspects of the agreement approved herein still fall short of completely satisfying the Board's position enunciated in its policy statement issued prior to the Nice Conference, on balance the agreement does represent significant progress in line with the Board's long-standing objectives. Minimum charges and general commodity rates are being retained at *status quo* or reduced, while specific commodity rates would be increased 10–12 percent. Electronic SCR's, which the Board has previously found are substantially below cost, would be increased in amounts to bring them in line with other SCR's consistent with costs. These structural revisions should lessen the present dependence on SCR's to move so large a proportion of the total traffic, an objective long sought by the Board.

We have some reservations concerning the proposed container rates which appear to offer little incentive for containerization and are mindful of the comments of Northwest, Airborne, and WEMA concerning the need for cost-related container rates which has also been a Board objective of long standing. At the same time, we believe that Tiger's comments regarding the limitations on containerization in the Far East due to deficiencies in the local infrastructures,[29] and the consequent malpractices alleged to result, may have considerable merit, although similar considerations clearly do not apply to U.S.-originating traffic. It appears that substantially different sets of circumstances apply to the container issue on each side of the Pacific, and we believe the carriers should address this question in detail at the next conference dealing with North/Central Pacific rates.

While the agreement will, in general, be approved, the Board is unable to accept new Resolution 501a, "Small Package Service (North and Central Pacific)" in the form proposed. The resolution sets forth a maximum weight for such shipments of 15 kgs., a maximum total value of $250, and a maximum size of 56 inches (total of the three dimensions). It is evident that the maximum value per kg. of such shipments under these limitations would be $16.67/kg., which falls short of the established carrier liability for loss and damage under the Warsaw Convention of $20.00/kg. (9.07/lb.) To alleviate this anomaly we will herein condition our approval of the new resolution to require that the maximum value of such shipments shall not be less than $300, which will insure compliance with the established limits of liability under Warsaw.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25719 as indicated, are adverse to the public interest or in violation of the Act to the extent they would establish rates to/from U.S. points, except American Samoa, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
R–1	001c	Cargo Tie-In Resolution—North and Central Pacific	3/1; 1/2/3.
R–2	014z	Special JT31 and JT123 Cargo Construction Rule	3/1; 1/2/3
R–3	016b	North and Central Pacific Cargo Policy Study Group	3/1.
R–4	022pp	JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation.	3/1.
R–5	022p	JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation.	3/1; 1/2/3.
R–6	501	Minimum Charges for Cargo (North and Central Pacific)	3/1; 1/2/3.
R–8	536a	Charges for Bulk Unitization—North and Central Pacific	2/1.
R–9	556a	JT31/123 General Cargo Rates—North and Central Pacific	3/1; 1/2/3.
R–11	002w	Special Amending Resolution	3/1.

2. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent they would establish rates to/from U.S. points, except American Samoa, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25791: R–2	555	Expedited JT23 and JT123 General Cargo Rates (Amending)	2/3; 1/2/3.
25580: R–2	501	Minimum Charges for Cargo (Amending)	3.
R–3	005dd	General Increase in Cargo Rates (NEW)	3.
25813: R–3	501	Minimum Charges for Cargo (Amending)	2/3; 1/2/3.
R–4	005hh	General Increase in Cargo Rates (NEW)	2/3; 1/2/3.

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25719 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter stated:

[25] The question of weight vs. space limitation is at issue in Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*, and need not be reached here. Regarding density, while WEMA generally alleges that electronic parts are unusually dense, it has presented no data whatsoever to support its contentions, and there is nothing before us which suggests that the density of electronics traffic is greater than the average for all freight in this market (or that it is easier to handle) and that electronics traffic, therefore, should absorb less than average costs. We also reject WEMA's contention that Pan American's reported Form 41 weight load factors are overstated because the carrier has understated the capacity of its equipment on its AP–12 Forms. The computation of available ton-miles and load factor in the Form 41 reflects the space limited payload per aircraft reported on the AP–12 (61,794 pounds on Pan American's standard B–707 freighter, for example), and defining the capacity per aircraft as the maximum weight-lifting capacity (97,800 pounds), as WEMA suggests, would contradict WEMA's own contention that aircraft are space limited. Additionally, Pan American's average-density figures are not out of line with those reported by the other carriers in this market.

[26] Moreover, the Board has adjusted Pan American's earnings to reflect the load factor attained by Flying Tiger, one which can hardly be termed modest. As shown in the Appendix, the result still leaves Pan American with a return on investment fare below the Board's 12 percent guideline.

[24] By the same token, we reject the notion that sale of excess equipment for more than book value should be considered to lower the carrier's return requirements, just as the sale of excess equipment at a loss would not be considered to increase them. Such gains and losses are individual transactions which occurred at a given past point in time, on an irregular basis, and there is no basis for forecasting them into the future. In any event, except for subsidy purposes the Board's long-standing practice has been to ignore such capital gains and losses for evaluating rates and fares, and WEMA has presented no reason to reverse this policy.

[28] We will not, as WEMA suggests, exclude the forecast increases in Promotion and Sales Expense, or General and Administrative Expense. The former are defined as a percentage of revenue and reflect primarily commission payments which vary directly with revenue. The latter are defined as a percentage of other cash costs consistent with Board policy.

[28] On May 20, 1976 WEMA submitted a Motion for Leave to File an Unauthorized Document in reply to the carriers' replies, claiming that it had discovered "important new information bearing on this case." WEMA's motion will be granted herein and its "Reply to the Replies" of the carriers will be accepted. The only new information in WEMA's latest document, however, related to Tiger's first-quarter 1976 international freight traffic which increased 23 percent over 1975. WEMA alleges that Tiger's forecast of only a 12 percent revenue increase under existing rates is understated in light of these first-quarter results and accordingly its revenue need is overstated. The Board disagrees. In the first place, Tiger's forecast is for the year ending March 31, 1977, and thus first-quarter 1976 traffic will not have any direct effect on Tiger's forecast results under either presented or proposed rates. Second, Tiger's first-quarter 1975 traffic was depressed, having declined 4.4 percent from 1974 while total 1975 traffic increased 16.5 percent over 1974. In these circumstances the improvement in this year's first-quarter traffic merely represents a return to normal growth, and there is no reason to believe Tiger's forecast is unreasonable.

[27] We would note that the carriers' forecast costs, even as adjusted, are conservative and do not reflect cost escalations which are likely to occur but which cannot be accurately forecast. On July 7, 1976, WEMA filed another Motion to file an Unauthorized Document, alleging that the Board's recently published *Quarterly Interim Financial Report* shows that Tiger, Pan American, and Northwest experienced ROI's of 13.4, 15.7, and 12.4 percent, respectively, in their overall Pacific operations during the year ended March 31, 1976, and accordingly no rate increase is warranted. WEMA has obviously misread the *Report*. The figures cited are not percentage ROI figures, but rather net income plus interest expense in millions of dollars. The correct ROI figures for Tiger, Pan American, and Northwest are 11.71, 4.21, and 6.66 percent, respectively.

[29] See footnote 3. *supra*.

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Agreement CAB	IATA No.	Title	Application
R-7	501a	Small Package Service (North and Central Pacific) (New)—Provided that the maximum value of such shipments shall not be less than $300.	3/1; 1/2/3.
R-10	500	Specific Commodity Rates Board—Provided that notwithstanding any provisions of Resolution 590 or any other resolution, specific commodity rates established pursuant thereto with respect to any U.S. point as an origin or destination, shall be available to and/or from any other U.S. city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point.	3/1; 1/2/3.

4. It is found that the following resolutions, incorporated in Agreement C.A.B. 25465 as indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA resolution	Application
25465: R-6	JT31 (Mail 297) 003dd	3/1 N/C Pacific.

5. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation to/from Guam:

Agreement CAB	IATA Resolution	Application
25465: R-4	300 (Mail 461) 003dd	3.
25569	JT23 (Mail 372) 003dd JT123 (Mail 767) 003dd	2/3; 1/23

Accordingly, It is ordered, That:

1. Those portions of Agreements C.A.B. 25719, C.A.B. 25791, C.A.B. 25809, and C.A.B. 25813 set forth in finding paragraphs 1 and 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25719 set forth in finding paragraph 3 above be and hereby are approved subject to the conditions stated therein;

3. Those portions of Agreements C.A.B. 25465 and C.A.B. 25569 set forth in finding paragraphs 4 and 5 above be and hereby are disapproved;

4. Tariffs implementing the agreements approved herein in air transportation as defined by the Act shall be marked to expire not later than September 30, 1977;

5. The petition of the Western Electronics Manufacturers Association for reconsideration of Orders 75–12–145 and 75–12–146 be and hereby is dismissed;

6. The Motion for More Definite Statement and Other Relief filed by the Western Electronics Manufacturers Association in Docket 27573 be and hereby is denied; and

7. The motions of Pan American World Airways, Inc. and the Western Electronics Manufacturers Association for Leave to File Unauthorized Documents in Docket 27573 be and hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc 76-26698 Filed 9-13-76;8:45 am]

[Order 76-9-16; Docket 27573; Agreement C.A.B. 26082]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority September 3, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 23, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
26082: R-1	2818	Blankets, 265 cents per kg., minimum weight 300 kgs. 243 cents per kg., minimum weight 500 kgs. From Johannesburg to New York City.
R-2	4427	Electronic tubes,[1] 298 cents per kg., minimum weight 250 kgs. From Bombay to New York City.
R-3	1400	Floral and nursery stock,[1] 231 cents per kg., minimum weight 45 kgs. From Nandi to Los Angeles.

[1] See applicable tariffs for complete commodity description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26082 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26696 Filed 9-13-76;8:45 am]

[Order 76-9-35; Docket 29010]

REEVE ALEUTIAN AIRWAYS, INC.

Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of September, 1976.

In the Matter of the Petition of Reeve Aleutian Airways, Inc. for the setting of a fair and reasonable mail rate pursuant to Section 406 of the Federal Aviation Act of 1958, as amended.

By this order the Board proposes to establish new final service mail rates for the transportation of mail over the intra-Alaskan routes of Reeve Aleutian Airways, Inc. (Reeve) for the period on and after March 27, 1976.

By petition filed March 18, 1976, Reeve requests that the Civil Aeronautics Board fix a fair and reasonable rate of compensation for the transportation of mail by aircraft on its certificated routes consisting of a linehaul rate of $1.00 per ton-mile and a terminal charge of 15 cents per pound. In support thereof, Reeve states that its current rate of 73.03 cents per great-circle ton-mile was established pursuant to Order 75–4–115, April 24, 1975, effective on and after October 1, 1974, by adding a fuel surcharge to its existing mail rate of 68 cents per ton-mile which was established by Order 71–7–111, July 20, 1971, and was based on fiscal year 1969 economic data. Reeve asserts that since 1969, operating costs have increased substantially, and, except for the relief granted by way of the fuel surcharge, there has been no corresponding increase in its service mail rate to compensate for those cost increases. However, the carrier failed to comply with § 302.303(a) of the Board's Procedural Regulations which requires that the petition set forth a detailed economic justification sufficient to establish the reasonableness of the rates proposed. On March 23, 1976, Reeve filed an amendment to its petition by submitting supportive economic justification based on reported operating results for the year ended September 30, 1975.

On March 30, 1976, by letter to the Chief Administrative Law Judge, the United States Postal Service (Postal Service) requested that the date for submission of its answer be extended until July 12, 1976. The delay was requested due to impending traffic density tests scheduled to be conducted by Reeve and the Postal Service during the latter part of April 1976. By notice to all parties, dated April 1, 1976, the due date for the filing of answers to Reeve's petition, as amended, was postponed to July 12, 1976.

On July 2, 1976, the Postal Service filed an answer to Reeve's petition setting forth the results of the density tests, objecting to the rates proposed by Reeve, and proposing a multielement rate consisting of a linehaul rate of 96 cents per great-circle ton-mile and a terminal charge of 12 cents per originating pound to be made effective on and after March 27, 1976, the first day of the Postal Service accounting period next after the filing date of Reeve's petition. In substance, the Postal Service objects to certain of Reeve's methods of cost assignments, cargo densities, service factors, and the inclusion of deferred Federal income taxes and allowance for State income taxes in the investment and tax computations.

Subsequently, on July 9, 1976, Reeve filed a motion for leave to file an otherwise unauthorized document in reply to the Postal Service's answer stating therein that the rates and effective date proposed by the Postal Service are acceptable to Reeve. We shall grant the motion.

The Board, in compliance with its statutory responsibility, has reviewed the rates proposed by Reeve and the Postal Service. While we are not in full accord with all the methodologies employed by the Postal Service in arriving at its proposed rate, it is our opinion that after taking into consideration the carrier's petition and the Postal Service cost determination as summarized in Appendix I,[1] the rates proposed by the Postal Service and agreed to by Reeve appear to fall within the zone of reasonableness for Reeve's intra-Alaskan mail services. As shown in Appendix II,[1] the rates that obtain from our application of recognized Board policies and methodologies[2] do not vary significantly from those proposed by the Postal Service, being only 2.8 percent lower. Moreover, in view of the nearly six months that elapsed from the end of the base period, the year ended September 30, 1975, to the effective date of the rates proposed herein, March 27, 1976, it is not unreasonable to assume that cost escalation alone would eliminate most if not all of this difference. Therefore, the Board believes that the service mail rates mutually agreed to by the parties are not unreasonable.

On the basis of the pleadings and other relevant matters, the Board tentatively finds and concludes that the fair and reasonable rate of compensation to be paid to Reeve Aleutian Airways, Inc. by the Postmaster General, pursuant to Section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over its routes, the facilities used and useful therefor, and the services connected therewith is a multielement rate consisting of a linehaul rate of 96 cents per great-circle ton-mile and a terminal charge of 12 cents per pound originated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 406 thereof, and the Board's Procedural Regulations, 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly Reeve Aleutian Airways, Inc. and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above to be effective on and after March 27, 1976;

2. Further procedures shall be in accordance with the Rules of Practice, 14 CFR, Part 302, and if there is any objection to the rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates herein specified;

4. If notice of objection and answer are timely filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307; and

5. This order shall be served upon Reeve Aleutian Airways, Inc. and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26697 Filed 9-13-76;8:45 am]

[Order 76-9-36; Docket 29481]

EASTERN AIR LINES, INC.

Temporary Suspension Authority at Augusta, Georgia

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of September, 1976.

On July 6, 1976, Eastern Air Lines filed an application, pursuant to section 401 (j) of the Federal Aviation Act of 1958, as amended, and Part 205 of the Board's Economic Regulations, for authority to temporarily suspend service at Augusta, Georgia. The carrier requests that the authority be effective from September 8, 1976 through September 8, 1981.

In support of its application, Eastern states, *inter alia*, that: because of its weakened financial state,[1] including its heavy debt load and interest payments, Eastern must attempt to identify and eliminate unprofitable routes and strengthen or start up service in markets with the greatest profit potential when such actions will not result in any hardship to the public; despite the single-plane and on-line connecting service offered by Eastern at Augusta,[2] the carrier's Augusta experience shows a history of very low load factors,[3] declining traffic levels, and a consistently low percentage of total Augusta passengers utilizing Eastern's services as opposed to the services of the other carriers serving the city;[4] suspension of Eastern's services at Augusta will result in a net financial benefit to the carrier of $855,000 in 1977; and Augusta is well served by Delta Air Lines and Piedmont Aviation, and the traveling public will therefore not be inconvenienced by Eastern's suspension at that point.[5]

[1] See Appendices filed with original document.

[2] A linehaul rate of 96.27 cents per great-circle ton-mile and a terminal charge of 10.16 cents per pound originated.

[1] The carrier indicates that it had a 1975 loss of $53.1 million. We note, however, that Eastern enjoyed retained earnings of approximately $30.1 million in fiscal year 1976, which is in sharp contrast to the negative retained earnings of approximately $23.2 million it showed in calendar year 1975.

[2] Presently Eastern operates three daily round trips between Charlotte and Augusta. The northbound flights provide single-plane service from Augusta to Boston, Washington, and New York; the southbound flights operate from Pittsburgh, Philadelphia, and Boston to Augusta.

[3] The carrier presents data showing that its load factors between Augusta and Charlotte have declined from 29% in 1969 to 24% in 1975.

[4] Approximately 20%.

[5] Eastern states that Delta's superior authority between Atlanta and Augusta permits that carrier to take advantage of the on-line connecting possibilities at Atlanta and places Eastern in a very difficult competitive position at Augusta.

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An answer to Eastern's suspension application was filed by the Augusta parties,[6] wherein they state that they will not actively oppose the request because (1) experience has shown that a reluctant carrier can reduce service to such an extent as to be able to establish the need for suspension, and (2) the city is not prepared to litigate a formal proceeding which may ultimately be decided in favor of the carrier. Augusta further states that if the Board is disposed to approve Eastern's application, it should make clear that Eastern should not assume the market will always be there for Eastern to reenter whenever it chooses. Finally, Augusta urges that if the city is presented with an opportunity for improved air service to be provided by a carrier other than Eastern; the Board grant such relief despite the dormant authority to be retained by Eastern.

Eastern filed a reply to Augusta's answer, urging prompt action on its application.

Upon consideration of the pleadings and all the relevant facts, we have decided to (a) authorize Eastern to suspend its services temporarily at Augusta, and (b) issue an order to show cause which proposes to delete Augusta from Eastern's certificate for Route 6.

We find that the proposed suspension of Eastern's services at Augusta is in the public interest. The carrier has experienced substantial losses which are not justified in terms of the relatively limited public benefits derived from its services. Eastern's three daily round trips enplane only 74 passengers per day, or 25 passengers per departure. This amounts to a load factor of 25 percent on stretch DC–9 and B–727 aircraft. Such low load factors cannot economically support certificated trunkline services. Eastern estimates that continued services at Augusta would result in an operating loss of $323,000 in 1977 while a suspension would bring an economic saving to the carrier of $855,000. Under the circumstances, we believe that the economic cost of Eastern's service to Augusta is excessive when considered in light of the alternative services available at the city. We note in this connection that there are 21 nonstop one-way flights provided daily by Delta and Piedmont between Augusta and Atlanta where multiple connecting opportunities are available to major points throughout the country, in addition to through service to Washington, New York, Savannah, Newport News, Norfolk, and other points. Finally, Augusta has decided not to actively oppose Eastern's suspension or to seek a hearing on the matter. Under all of these circumstances, we find that the suspension of Eastern's services at Augusta should be granted for the temporary period pending finalization of the show-cause order we are issuing herein.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Eastern's certificate for Route 6 so as to delete Augusta, Georgia.[7] In support of our ultimate conclusion, we make the following tentative findings and conclusions. Eastern has never been a significant factor in the carriage of Augusta traffic; for the year ended September 30, 1975, Eastern's traffic amounted to only 17 per cent of the single-carrier Augusta passengers transported by certificated carriers during that period. Furthermore, Delta and Piedmont, with nonstop authority between Augusta and Atlanta, provide 10 and one-half nonstop round trips daily between Augusta and Atlanta, providing convenient connections to and from points throughout the country. By contrast, Eastern, with no usable authority to Atlanta from Augusta, routes its Augusta flights through Charlotte for connections to other points on its system. Although Charlotte is a medium hub and does present some connecting opportunities, it does not offer the wide range or frequency of service available at Atlanta. Thus, Eastern's service through Charlotte has not proved economically feasible. The carrier has experienced load factors of 25 per cent, with resulting losses and the waste of fuel and other resources. Termination of Eastern's services at Augusta will eliminate operating losses in excess of $300,000 in 1977 and result in a net financial benefit to the carrier of nearly $900,000. There is little prospect for improvement in traffic or financial results for Eastern's Augusta service, especially in view of the ample and convenient air transportation alternatives available to Augusta passengers. Delta and Piedmont can accommodate the traffic now carried by Eastern, with resulting revenue increases for both carriers and the prospect of subsidy need improvement for Piedmont. In addition, deletion of Eastern's services at Augusta may encourage improved services by both Delta and Piedmont at the point, with resulting benefits to the public. Finally, the view of the civic parties that Eastern should not be able to reenter the Augusta markets at will and that dormant authority retained by Eastern should not foreclose a new carrier from serving Augusta leads us to believe that Augusta would rather have Eastern deleted entirely than suspended.

Eastern has requested a waiver from the provisions of Part 312 of the Board's Procedural Regulations insofar as they would otherwise require it to file an environmental evaluation regarding the proposed suspension. In view of our tentative findings and conclusions herein, we will not grant the carrier's request for a waiver, and we will require Eastern to file the information set forth in Part 312 within 30 days of the date of adoption of this order.

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Eastern Air Lines, Inc., for Route 6 so as to delete Augusta, Georgia, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 7 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; and answers to such objections may be filed 10 days thereafter; [8]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Eastern Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at Augusta, Georgia, until 60 days after final Board decision on the issue of the possible deletion of Augusta from Eastern's certificate;

6. Eastern Air Lines, Inc., shall file an environmental evaluation pursuant to § 312.12 of the Board's Procedural Regulations within 30 days of this order;

7. A copy of this order shall be served upon Eastern Air Lines, Inc.; Delta Air Lines, Inc.; Piedmont Aviation, Inc.; Mayor, City of Augusta; the Augusta Chamber of Commerce; the Augusta Aviation Department; Manager, Bush Field Airport; State of Georgia Transportation Department; and the Postmaster General; and

8. The suspension authorized herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26877 Filed 9-13-76;8:45 am]

[6] The City and Chamber of Commerce of Augusta, Georgia, and the Augusta Aviation Department.

[7] We also tentatively find that Eastern is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Order 76-9-43; Docket 27813; Agreement C.A.B. 26065]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of September, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional-fares meeting held in New York, August 10–12, 1976, and is proposed for effectiveness October 1, 1976.

The agreement, insofar as it has direct application in air transportation as defined by the Act, would amend North Atlantic, North/Central Pacific, and South Pacific proportional fares used for construction of through international fares to/from U.S. interior points, to reflect recent changes in U.S. domestic fares.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204 (a), and 412 thereof, the Board does not find that the following resolutions, incorporated in Agreement C.A.B. 26065, R–1 through R–3, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26065:			
R–1	015	North Atlantic proportional fares—North American (amending)	1/2
R–2	015a	South Pacific proportional fares—North American (amending)	3/1
R–3	017b	North and central Pacific proportional fares—North American (amending).	3/1

Accordingly, it is ordered that:

Agreement C.A.B. 26065, R–1 through R–3, be and hereby is approved subject to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26876 Filed 9-13-76;8:45 am]

[Order 76-9-5; Docket 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Issued under delegated authority September 1, 1976.

Order 75–1–105, dated January 27, 1975, and effective February 1, 1975, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of sack mail and for standard and daylight container mail. Upon review of the revenue tons enplaned by stations for the year ended December 31, 1975, the Board finds that certain stations require reclassification.

The multielement service mail rate formulas,[1] which were designed to provide a uniform rate of pay for like mail service, are comprised of a linehaul rate and a terminal charge which varies by class of station.[2] These are applicable to both sack and container mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate structure, when the revenue tons enplaned at the stations in question bring such stations within a different class.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.16(e); it is found that:

1. The present classification of stations should be amended, based on the volume of on-line revenue tons enplaned during the year ended December 31, 1975,[3] to bring certain stations within the new classifications shown in the Appendix hereto.[4]

2. Such reclassifications should be made effective September 11, 1976, which date will be the first day of the next 28-day U.S. Postal Service Accounting Period.

3. In view of the foregoing, the lists of stations included in the Appendix attached to Order 75–1–105 for the station classes should be amended to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above,

It is ordered that:

1. Effective September 11, 1976, the stations included in each of the station classes should be as specified in the Appendix attached hereto,[4] *provided* that any station not listed in the Appendix shall be classified as a Class Z station;

2. Effective September 11, 1976, the Appendix attached to Order 75–1–105 shall be superseded by the Appendix attached hereto; [4] and

3. This order be served upon all parties in Docket 23080–2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26879 Filed 9-13-76;8:45 am]

[1] Order 74–1–89, January 16, 1974, as amended, fixed temporary service mail rates for sack mail and for standard and daylight container mail, effective on and after March 28, 1973.

[2] As set forth in Order 74–5–82, May 16, 1974, and incorporated by reference in Order 75–1–105, the standards for station classification are as follows:

Class of stations:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,000.
Z	5,399 or less.

[3] Traffic data for the year ended December 31, 1975, cover the most recent 12-month period for which an official compilation is available.

[4] Appendix filed as part of original document.

[Order 76-9-40; Docket 29674]

TRANS WORLD AIRLINES, INC.

Exemption Pursuant to Section 416(b) of the Federal Aviation Act of 1958; Denial

Adopted by the Civil Aeronautics Board at is office in Washington, D.C. on the 8th day of September, 1976.

By application filed August 18, 1976, Trans World Airlines, Inc. (TWA) requests an emergency exemption from the provisions of section 403 of the Federal Aviation Act (the Act) to the extent necessary to permit it to apply an excess-baggage charge of one percent of the first-class fare per kilogram of excess baggage from various foreign countries to the United States.

In support of its application, TWA contends that, after the Board found the existing excess-baggage charges adopted by the member carriers of the International Air Transport Association (IATA) to be excessive and unlawful, and found that a charge of seven-tenths of one percent of the normal economy fare would more closely reflect industry costs, TWA did in fact file a new excess-baggage charge at the lower level.[1] However, TWA

[1] *Baggage Allowance Tariff Rules in Overseas Foreign Air Transportation*, Order 76–3–81, March 12, 1976, Docket 24869.

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states that several foreign countries[1] have directed it to continue to apply the IATA-agreed charge of one percent of the first-class fare, placing it in the impossible position of choosing to follow either the Board's directives or those of foreign governments;[2] and that these differences between governments should be resolved through intergovernmental consultations rather than through imposition of an impossible alternative on TWA and other carriers. In these circumstances, the present undue burden placed on TWA should, it alleges, be removed through an emergency exemption.

The Board has concluded to deny TWA's request. Order 76-3-81 stated that an excess-baggage charge of seven-tenths of one percent of the normal economy fare would bear a reasonable relationship to costs and indicated that carriers would be permitted to file such a charge without the burden of full economic justification. The filing of a higher charge, however, would need to be accompanied by complete and convincing economic justification. TWA has provided no such justification for its instant filing and the Board is not persuaded that the carrier's other arguments warrant grant of an exemption. After extensive investigation, the Board determined that the IATA charge, related to the first-class fare, is excessive and therefore unlawful, and we are not prepared to sanction its reestablishment in air transportation.

Governments and the IATA carriers are well acquainted with the Board's position on excess-baggage charges and rules and have been for some years. We see no impediment to the carriers' ability to reach a prompt and satisfactory solution to this problem. Finally, we would point out that there has been no showing of considerations which would warrant charging any international passenger more than the costs of the service received, and TWA has demonstrated no actual injury from implementation of the Board's decision.

Under these circumstances we are unable to conclude that enforcement of the provisions of the Act would be an undue burden on the carrier in this instance and would not be in the public interest.

Accordingly, it is ordered that:

The application of Trans World Airlines, Inc. in Docket 29674 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26878 Filed 9-13-76;8:45 am]

[1] Austria, France, Greece, Ireland, Italy, Spain, Switzerland, and the United Kingdom.

[2] A TWA tariff filing to reinstate the IATA excess-baggage charges from the foreign countries involved was rejected by the Board on August 13, 1976.

CONSUMER PRODUCT SAFETY COMMISSION

[CP 76-12]

NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION

Denial of Petition Regarding Artificial Turf Covering

The purpose of this notice is to announce the denial of a second petition from the National Football League Players Association requesting that the Consumer Product Safety Commission commence a proceeding to issue a consumer product safety rule for synthetic turf used as a surface cover for athletic playing fields. The Commission has also denied a request from the Association that it convene a public hearing to receive testimony and other evidence from professional athletes, manufacturers, trainers, and others who are knowledgeable in the alleged safety hazards of the product.

Section 10 of the Consumer Product Safety (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

PETITION

On May 3, 1976, the National Football League Players Association (NFLPA) petitioned the Commission to reexamine the alleged unreasonable risk presented by synthetic turf in light of the 1974 National Football League injury study which accompanied the petition. The 1974 injury study was compiled by the Stanford Research Institute (SRI) in June 1975 for the National Football League (NFL). The petition (CP 76-12) incorporates another letter from the NFLPA to the Commission dated February 26, 1976.

The NFLPA alleged in the petition that a consumer product safety rule is necessary on the basis of the 1974 injury study. The NFLPA also outlined a brief description of the substance of a consumer product safety standard to govern the composition of the product and its installation. The petitioner also suggested that a consumer product safety rule be concerned with the safe useful-life of the product and that there be limitations on the use of synthetic turf in certain climates and at certain temperatures.

PRIOR PETITION AND HEARING REQUEST

On May 28, 1973, the NFLPA requested the Commission to initiate a proceeding under section 7 of the act (15 U.S.C. 2056) to promulgate a consumer product safety standard for artificial turf covering used on athletic playing fields or to declare such product to be a banned hazardous product pursuant to section 8 of the act (15 U.S.C. 2057).

The NFLPA petition additionally requested the Commission to restrain further use of artificial turf pending promulgation of a consumer product safety standard or a banning order.

On October 9, 1973, the Commission denied the NFLPA petition and published a notice of denial in the FEDERAL REGISTER on December 13, 1973 (38 FR 34361). The Commission found after having considered the information and data submitted in support of the NFLPA petition and surveillance data reported by the National Electronic Injury Surveillance System (NEISS) that the evidence was insufficient to support the proposition that persons playing football on fields covered with artificial turf incur a significantly greater risk of sustaining more severe injuries than persons playing football on fields covered with natural turf. In conjunction with the NFLPA petition of May 28, 1973, the Commission also considered a separate document from the Monsanto Company requesting the Commission to deny the NFLPA petition.

The Commission also found as stated in its December 13, 1973 notice, that since football-related activities, equipment, and apparel were ranked seventh in the Commission's listing of hazardous consumer products—based upon the frequency and severity of injuries reported to hospital emergency rooms—any action taken by the Commission to reduce or eliminate unreasonable risks of injury to consumers associated with playing football should not be limited to the playing surface. Further, artificial turf has consumer uses other than as a football playing surface; consequently, the scope of any proceeding the Commission might undertake to reduce or eliminate any unreasonable risk of injury to consumers should include all known and possible consumer uses of artificial turf coverings.

By letters dated October 30 and November 14, 1973, the NFLPA requested the Commission to hold a public hearing to obtain further information regarding alleged hazards associated with artificial turf.

On November 29, 1973, the Commission found that the two letters of October 30 and November 14, 1973, presented insufficient information on which to base a decision to hold a public hearing. The Commission decided, however, to proceed to determine whether an informal meeting between the NFLPA and the Commissioners would be helpful in supplementing the Commission's present understanding of the NFLPA's request for a public hearing.

The Commission thereafter held on January 4, 1974, a publicly announced informal meeting in Washington, D.C., with NFLPA representatives and other interested parties.

On June 25, 1975, the Commission by letter denied the NFLPA requests of October 30 and November 14, 1973, that a public hearing be convened to receive testimony on the safety hazards of synthetic turf. The Commission concluded that no new evidence had been presented which significantly differed from that considered by the Commission in response to the NFLPA petition dated May 28, 1973. The Commission also reserved the right to address possible hazards associated with synthetic turf insofar as such hazards could relate to other aspects of athletic activities.

DECISION

After considering the data submitted in support of the current NFLPA petition (CP 76-12), the Commission finds that the petition offers no new direct injury data or analysis that is significantly different from what was previously considered by the Commission before issuing its decision to deny the petitioner's prior petition and request for a public hearing.

The current NFLPA petition relies solely on the updated (1975) Stanford Research Institute (SRI) injury report on National Football League (NFL) injuries for 1974. The Commission finds that this report contains no significantly different data from that which was provided the Commission in the 1973 SRI injury report and the 1969–1972 SRI injury reports.

The principal addition to the SRI report for NFL injuries during 1974 is the discussion of circumstances defining minor injuries. When major injuries are reviewed without the addition of minor injuries, there is no higher rate of serious injury occurring on synthetic turf than on a natural surface.

In addition, the updated SRI report, like the previous SRI reports, solely concerns injuries to professional football players. The Commission's jurisdiction over synthetic turf is based on the use of such turf by consumers, and yet the Commission has no information on injuries to consumers that was not previously considered by the Commission and its staff.

On the basis of the Commission's review of the SRI report for NFL injuries during 1974 and the absence of new information concerning injuries to consumers, the Commission believes that there is no reason to alter its prior decision to deny the requests to initiate a consumer product safety rule for synthetic turf and to hold a public hearing on this matter.

CONCLUSION

After considering the petition, the information developed by the Commission staff in this matter, and other staff comments, the Commission concludes that the information is insufficient for supporting a finding that there is an unreasonable risk of injury associated with synthetic turf or that a consumer product safety standard is needed. In addition, the Commission determines that there is not a need to hold a public hearing on the question of synthetic turf at this time.

A copy of the petition may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C., 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2509(d)), notice is hereby given of the Commission's denial of the petition.

Dated: September 9, 1976.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.76-26889 Filed 9-13-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 615-7]

TEXAS OXIDANT CONTROL PLAN STAGE I VAPOR RECOVERY

Enforcement Policy

On November 6, 1973, the Administrator promulgated a number of regulations designed to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in several air quality control regions in Texas. One of these regulations required recovery of vapors emitted during the filling of storage vessels in the Houston-Galveston, Dallas-Fort Worth, and San Antonio Intrastate Air Quality Control Regions in Texas (Stage I vapor recovery). 40 CFR 52.2285 (38 FR 30643).

The regulation was challenged by the State of Texas and others, but was held "valid and enforceable" in the Houston-Galveston and San Antonio AQCR's by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas et al.* v. *EPA*, 499 F. 2d 289.

As currently written, the regulation requires final compliance with the provisions of the regulation no later than May 31, 1976. On March 5, 1976, however, EPA suspended the final compliance date, as set forth at 40 CFR 52.2285(e)(4) until August 31, 1976 (41 FR 9547). On the same date EPA gave notice that the Agency is considering limiting the requirements of stage I vapor recovery to certain counties in the Houston-Galveston AQCR and the San Antonio AQCR. It is intended that these changes will be formally proposed in the FEDERAL REGISTER as amendments to the present Stage I vapor recovery requirement, with an opportunity for public comment.

At the time the final compliance schedule was suspended, EPA requested notice by June 1 from the owners or operators of those sources believed to be unable to meet the August 31 final compliance date. Although relatively few sources notified EPA in a timely manner of their respective inability to comply, it is now believed that a large number of relatively small sources will not have achieved final compliance by August 31, and are thus subject to being cut off from further gasoline deliveries by suppliers.

EPA has flexibility and discretion in the manner in which it chooses to enforce the regulation. In an exercise of that discretion, the Agency has determined that compliance schedules may be approved for those sources not in compliance on August 31 *if* the source *immediately* gives notice to EPA of its inability to comply and submits an application for a compliance schedule.

Such application must: (1) Provide the applicant's name, a detailed description of the storage vessels, and the street address of the facility; (2) Establish a timetable for installation of the control equipment, with final compliance as expeditious as practicable but no later than January 1, 1977; (3) Include a copy of purchase orders or contracts which document a commitment to purchase or install vapor recovery equipment no later than January 1, 1977; and (4) Specify the reasons why the facility was unable to comply by August 31, 1976, including the reason why notification was not sent to EPA by June 1, 1976, as required by the March 5, 1976 Notice. Compliance schedules may be requested only for sources in operation on August 31, 1976. Any new source beginning operation after that date must be in compliance on the date operation begins.

Any request for an extended compliance schedule must show compliance in as expeditious a manner as possible. In no case will final compliance be approved later than January 1, 1977.

EPA has determined that it will exercise its enforcement discretion by not seeking penalties from the owner or operator of a storage vessel subject to 40 CFR 52.2285 provided that all of the following conditions are met:

1. The storage vessel was in operation, but not in compliance with 40 CFR 52.2285 on August 31, 1976.

2. The owner or operator of the storage vessel has submitted an application for a compliance schedule, specifying a final compliance date no later than January 1, 1977.

3. The final compliance date in the schedule has not been reached.

4. The application was postmarked no later than September 10, 1976. For applications postmarked after September 10, no penalties will be sought for the period commencing on the date of the application postmark.

5. The application contains all information required in the foregoing paragraph.

6. The application has not been disapproved.

In order to protect owners and operators of delivery vessels who deliver gasoline to storage vessels covered by extended compliance schedules, EPA has determined that it will exercise its enforcement discretion with respect to them. Penalties will not be sought from the owner or operator of a delivery vessel who delivers gasoline to a storage vessel covered by a compliance schedule provided that he submits to EPA, within

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ten (10) days after each such delivery, the following information:

1. The name of the owner or operator of the storage vessel, and the street address of the vessel;

2. The date on which the delivery was made; and

3. The name of the person who supplied information to the supplier that an application for a compliance schedule had been submitted to EPA and had not been denied.

In addition, penalties will not be sought in any case against any owner or operator of a storage vessel or delivery vessel making delivery to a storage vessel located outside of Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, and Matagorda Counties in the Houston-Galveston AQCR and Bexar, Comal, and Guadalupe Counties in the San Antonio AQCR.

Any questions and all applications and information described above should be directed to the Chief, Air Compliance Branch, Enforcement Division, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270.

Dated: September 1, 1976.

ELOY R. LOZANO,
Acting Regional Administrator.

[FR Doc.76-26902 Filed 9-13-76;8:45 am]

FEDERAL MARITIME COMMISSION

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM: RFP–1100, SECOND CYCLE UNIFORM CAPACITY UTILIZATION FACTOR

General Order 29, Sec. 549.5(b)(1), states that "at least 30 days prior to the bidding date for any RFP Cycle * * * the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater." The bidding date for RFP–1100, Second Cycle is October 14, 1976. The RFP–1100, Second Cycle bids will be effective from January 1, 1977, through June 30, 1977.

The UCUFs for RFP–1100, Second Cycle were computed from cargo statistics obtained from the carriers involved in the Military Sealift Procurement System. The data for each MSC route index [1] was based on voyages terminating between July 1, 1975, and June 30, 1976.

Separate utilization factors were computed for containerized and breakbulk cargo and have been rounded to the nearest five (5) percent. Container data was reported in 20-foot equivalent units (1,280 cu. ft.). Breakbulk utilization was requested in stowed measurement tons.

[1] Exclusive of interport routes (e.g., Hawaii to Japan).

Where only one RFP carrier had an active U.S. flag service on a particular trade route, the Commission believes that it is improper to issue a UCUF on that trade route as it would specifically reveal significant operating data to possible competitors. For these routes, the notation "Use actual utilization" will replace a UCUF number. There were also a number of trade routes where no RFP carriers offered active U.S. flag service and where no RFP cargo was carried. These trade routes are indicated as such in the Appendixes.

Future Section 21 Orders for UCUF statistics beginning with the next request for data from July 1, 1976, through December 31, 1976, will ask for statistics for each of five subzones within breakbulk Route Indexes 01–A, 08–A, and 14–A. Bids for these breakbulk subzones, A–1 through A–5, for each of the three breakbulk Route Indexes, 01–A, 08–A, and 14–A, have become effective for the first time beginning July 1, 1976. Once data for two cycles covering twelve months has been received, a separate UCUF will be computed and published for each of the five subzones within the three affected breakbulk Route Indexes. UCUFs have been computed and published for the five subzones in container Route Indexes 01–A, 08–A, and 14–A beginning with the factors issued for RFP–1100, First Cycle.

Also for RFP–1100, First Cycle, initial bids were accepted for container Route Index 07–A, U.S. East Coast to Aquaba/Red Sea/Arabian Gulf Range, container Route Index 13–A, U.S. Gulf Coast to Aquaba/Red Sea/Arabian Gulf Range, and container and breakbulk Route Indexes 33, U.S. East Coast to Azore Islands. These Route Indexes were not bid on in previous cycles. UCUF statistics will be included with the next Section 21 Order response. Once data for twelve months has been received, a UCUF will be computed and published for each of the above mentioned Route Indexes.

During RFP–1000, Second Cycle, service began on breakbulk Route Index 46–A, U.S. Great Lakes to Western Mediterranean, and breakbulk Route Index 46–B, U.S. Great Lakes to Eastern Mediterranean. These Route Indexes have not been included in previous UCUF reports. Since only one carrier served these Route Indexes, the notation "Use actual utilization" is being published for each with the current UCUFs.

Notice is hereby given that pursuant to 46 CFR 549.5(b)(1), the Commission has adopted for RFP–1100, Second Cycle the UCUFs contained in Appendixes A and B of this notice.

By the Commission September 2, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

APPENDIX A.—*Uniform capacity utilization factors RFP–1100, 2d cycle by MSC route index and zone container carriers*

Trade route, index, and zone	Geographical description	UCUF percentage
01 A1	U.S. west coast to mid-Pacific Islands.	(1)
01 A2	U.S. west coast to Korea	85
01 A3	U.S. west coast to Okinawa	85
01 A4	U.S. west coast to Hong Kong and Taiwan.	85
01 A5	U.S. west coast to Philippines	85
01 B	U.S. west coast to Republic of Vietnam.	(2)
01 C	U.S. west coast to Thailand	90
01 D	U.S. west coast to Pacific Straits and Indonesia.	85
01 E	U.S. west coast to Japan	80
04	U.S. east coast to United Kingdom and Eire.	70
05	U.S. east coast to Continental Europe.	70
06 A	U.S. east coast to Western Mediterranean.	70
06 B	U.S. east coast to Eastern Mediterranean.	60
08 A1	U.S. east coast to mid-Pacific Islands.	(1)
08 A2	U.S. east coast to Korea	90
08 A3	U.S. east coast to Okinawa	90
08 A4	U.S. east coast to Hong Kong and Taiwan.	85
08 A5	U.S. east coast to Philippines	90
08 B	U.S. east coast to Republic of Vietnam.	(2)
08 C	U.S. east coast to Thailand	(1)
08 D	U.S. east coast to Pacific Straits and Indonesia.	85
08 E	U.S. east coast to Japan	85
10 A	U.S. gulf coast to United Kingdom and Eire.	75
11 A	U.S. gulf coast to Continental Europe.	75
12 A	U.S. gulf coast to Western Mediterranean.	85
12 B	U.S. gulf coast to Eastern Mediterranean.	(1)
14 A1	U.S. gulf coast to mid-Pacific Islands.	(2)
14 A2	U.S. gulf coast to Korea	90
14 A3	U.S. gulf coast to Okinawa	90
14 A4	U.S. gulf coast to Hong Kong and Taiwan.	90
14 A5	U.S. gulf coast to Philippines	90
14 B	U.S. gulf coast to Republic of Vietnam.	(2)
14 C	U.S. gulf coast to Thailand	90
14 D	U.S. gulf coast to Pacific Straits and Indonesia.	90
14 E	U.S. gulf coast to Japan	90
23	U.S. west coast to Continental Europe.	75
24	U.S. west coast to United Kingdom and Eire.	(1)
25 A	U.S. west coast to Western Mediterranean.	(1)
25 B	U.S. west coast to Eastern Mediterranean.	(2)
28 A	U.S. west coast to Canal Zone	80
37	U.S. east coast to Dominican Republic.	(1)
39 A	U.S. east coast to Balboa, Canal Zone.	80
39 B	U.S. east coast Cristobal, Canal Zone.	(1)
42	U.S. gulf coast to Dominican Republic.	(2)
43 A	U.S. gulf coast to Balboa, Canal Zone.	85

[1] Use actual utilization.
[2] No active RFP service.

APPENDIX B.—*Uniform capacity utilization factors RFP–1100, 2d cycle by MSC route index and zone breakbulk carriers*

Trade route index and zone	Geographical description	UCUF percentage
01 A	U.S. west coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	55
01 B	U.S. west coast to Republic of Vietnam.	(2)
01 C	U.S. west coast to Thailand and Cambodia.	(1)
01 D	U.S. west coast to Pacific Straits and Indonesia.	(1)
01 E	U.S. west coast to Japan	55
04	U.S. east coast to United Kingdom and Eire.	(2)
05	U.S. east coast to Continental Europe.	(1)
06 A	U.S. east coast to Western Mediterranean.	55
06 B	U.S. east coast to Eastern Mediterranean.	55
07 A	U.S. east coast to Aqaba, Red Sea, Arabian Gulf Range.	65
07 B	U.S. east coast to Pakistan, India, Burma Range.	65
08 A	U.S. east coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	75
08 B	U.S. east coast to Republic of Vietnam.	(2)
08 C	U.S. east coast to Thailand and Cambodia.	(1)
08 D	U.S. east coast to Pacific Straits and Indonesia.	(1)
08 E	U.S. east coast to Japan	75
10 A	U.S. gulf coast to United Kingdom and Eire.	70
11 A	U.S. gulf coast to Continental Europe.	70
12 A	U.S. gulf coast to Western Mediterranean.	(1)
12 B	U.S. gulf coast to Eastern Mediterranean.	(1)
13 A	U.S. gulf coast to Aqaba, Red Sea, Arabian Gulf Range.	65
13 B	U.S. gulf coast to Pakistan, India, India, Burma Range.	65
14 A	U.S. gulf coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	95
14 B	U.S. gulf coast to Republic of Vietnam.	(2)
14 C	U.S. gulf coast to Thailand and Cambodia.	85
14 D	U.S. gulf coast to Pacific Straits and Indonesia.	80
14 E	U.S. gulf coast to Japan	90
28 A	U.S. west coast to Balboa, Canal Zone.	(1)
37	U.S. east coast to Dominican Republic.	(1)
39 A	U.S. east coast to Balboa, Canal Zone.	(1)
39 B	U.S. east coast to Cristobal, Canal Zone.	(1)
42	U.S. gulf coast to Dominican Republic.	(1)
43 A	U.S. gulf coast to Balboa, Canal Zone.	(1)
43 B	U.S. gulf coast to Cristobal, Canal Zone.	(1)
46 A	U.S. Great Lakes to Western Mediterranean.	(1)
46 B	U.S. Great Lakes to Eastern Mediterranean.	(1)
47 A	U.S. west coast to Aqaba, Red Sea, Arabian Gulf Range.	(1)
47 B	U.S. west coast to Pakistan, India, Burma Range.	(2)

[1] Use actual utilization.
[2] No active RFP service.

[FR Doc.76-26705 Filed 9-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RM76–18]

PETITION FOR POLICY STATEMENT ON CERTIFICATION OF PIPELINE AGREEMENTS FOR THE TRANSPORTATION OF NATURAL GAS

Order Dismissing Petition

SEPTEMBER 8, 1976.

In the matter of Petition for a statement of policy with respect to certification of pipeline transportation agreements for the transportation of natural gas obtained from intrastate producers or intrastate pipeline companies to be used as boiler fuel for the purpose of abating air pollution episodes in critical air basins.

On June 21, 1976, the California State Air Resources Board (ARB), the People of the State of California, and the Public Utilities Commission of the State of California (California) jointly filed in Docket No. RM76–18 a petition requesting the Commission to grant extraordinary relief in the nature of a policy statement to permit the transportation of up to 400 million cubic feet per day of natural gas to be used as a boiler fuel to avoid or abate air pollution emergency episode conditions of sulfates in the South Coast and San Diego Air Basins during the summer months for the next several years. Specifically, Petitioners request that the Commission issue a general policy statement, which will allow the following:

(1) boiler fuel users in critical air basins in Southern California will be permitted to purchase nonjurisdictional natural gas for transportation via jurisdictional pipelines for storage and use to prevent or abate air pollution emergency conditions;

(2) Purchases will be made from intrastate producers and intrastate pipelines outside of California for daily delivery up to 120 days in the maximum amount of 400,000 Mcf/d during July, August, September, and October of 1976 and thereafter; and

(3) Said purchases of gas qualify in principle for certificates of public convenience and necessity for transportation by jurisdictional pipelines, pursuant to Section 7 of the Natural Gas Act.

Petitioners assert that portions of the population of Southern California will experience air pollution emergency episode conditions consisting of extreme concentrations of sulfate aerosol pollution occurring simultaneously with hazardous concentrations of oxidant air pollution. Due to the meteorological conditions existing in the South Coast and San Diego Air Basins during the summer and early fall, they assert such form of air pollution exists "virtually exclusively in Southern California". Petitioners contend the only "practical method" to prevent such conditions is to reduce the emission of sulfur dioxide into the atmosphere by forbidding the burning of any fuel other than natural gas by power plants and other boiler fuel users in the affected air basins when such conditions are experienced or predicted to occur.

Petitioners maintain that both natural gas producers and non-jurisdictional pipelines are willing to sell to Southern California power plant operators and other boiler fuel users more than 300,000 Mcf per day during the summer of 1976. In order to facilitate such sales, Petitioners request that the Commission approve the necessary interstate pipeline transportation for movement of such gas for boiler fuel use. Petitioners allege Southern California Gas Company (SOCAL) would store the gas for boiler fuel use on critical days and would have the capability of delivering as much as 650,000 Mcf per day on 26 days during this period. Pacific Gas and Electric (PG&E) has alleged in a supplemental filing that it has the capability of storing and delivering natural gas supplies at a rate of 250,000 Mcf per day.

We have thoroughly reviewed this petition and have concluded that it should be dismissed without prejudice at this time. Not only does the petition appear to be a premature filing in light of the status of the administrative hearings dealing with this environmental issue currently being conducted by the California Commission and this Commission, but it raises broad policy considerations with numerous potential social and economic consequences. The basic policy issue is whether supplies of natural gas should be allocated to boiler fuel use, a use for which to abate air pollution. The evaluation of this policy cannot be limited to the scope as framed by petitioners. An adequate analysis and evaluation of this policy involves the consideration of the technological ability to measure the adverse health effects and quantify the extent to which sulfate pollution must be controlled, establish an ambient sulfate standard, enforce the standard to eliminate the alleged adverse health effects. Moreover, it is necessary to project the potential effect on the gas supply and demand relationship in the intrastate and interstate markets, the potential economic costs to consumers if such an allocation were implemented, the potential effect on those consumers who would lose their current gas supply and the availability of alternate fuels. In order to review and assess these questions, coordination with various federal agencies to obtain the relevant data and information is necessary.

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We have therefore concluded that this Commission should conduct an interagency review of this policy question in conjunction with the Federal Energy Administration and the Environmental Protection Agency and have already initiated such review. Our intent is not to delay the resolution of this issue but to ensure that our approach is thorough rather than haphazard. Upon completion of our review we shall take whatever action we find appropriate.

As previously mentioned, there are additional considerations which have influenced our decision to analyze the overall issue prior to focusing on the Southern California problem. In order Nos. 467, *et seq.*, the Commission has already provided a mechanism whereby supplies of natural gas may be reallocated to deal with environmental emergencies under curtailment plans. Order No. 467–A requires pipelines to file tariffs with the Commission which allow sufficient flexibility to respond to " environmental emergencies during periods of curtailment when supplemental deliveries are required to forestall irreparable injury to life or property". It is relevant to our consideration that there has not been an occasion where El Paso Natural Gas Pipeline, the pipeline supplying Southern California, received a request to respond to an environmental emergency, or where California filed such a direct request with the Commission. This alternate procedure for allocating natural gas to abate pollution has not been utilized.

In the emergency provision, we have created an exception to our general policy that the use of natural gas as boiler fuel constitutes an inferior use. To expand that exception to allow the use of intrastate supplies, an integral part of our analysis, would require our review of the current status of curtailment on El Paso' system and its effects. The dimensions of the environmental problems confronting Southern California have been fully developed in the ongoing El Paso curtailment proceeding, Docket No. CP 72–6. Briefs of these issues have been filed with the Administrative Law Judge. The granting of this petition now would appear to ignore the existence of this record evidence and require the duplication of the foregoing evidence.

The petition itself sets out a problem which is local in nature. Simultaneously with this filing, ARC filed a request for relief with the Public Utilities Commission for the State of California which has the jurisdiction to effectuate a statewide reallocation of the State's gas supply. The administrative hearing on the petition is currently in progress. As the primary responsibility for dealing with Sulfate pollution lies with the state, any action by this Commission would appear premature, prior to the exhaustion of the available administrative remedies at the state level.

The Commission orders: The petition filed by the California State Air Resources Board, the People of the State of California, and the Public Utilities Commission of the State of California, in Docket No. RM76–18, on June 21, 1976, is hereby dismissed without prejudice.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26854 Filed 9–13–76;8:45 am]

[Docket No. RP73–77 (PGA76–5)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

SEPTEMBER 3, 1976.

Take notice that on August 9, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eighteenth Revised Sheet No. 3–A, Superseding Seventeenth Revised Sheet No. 3–A, This revised tariff sheet is proposed to become effective as of September 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust its rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect changed rates proposed to become effective September 1, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

The revised tariff sheet provides for the following rates:

Rate schedule:	*Rate*
G–1:	
Demand	$3.15
Commodity	81.73
SG–1:	
Commodity	1.0475
I–1:	
Commodity	92.09

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26778 Filed 9–13–76;8:45 am]

[Docket No. RP76–116, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Hearing Dates, Revising and Cancelling Hearing Dates and of Commission Staff's Presentation

SEPTEMBER 1, 1976.

In the matter of: Alabama-Tennessee Natural Gas Company, Arkansas-Louisiana Gas Company, Cities Service Gas Company, Columbia Gas Transmission Corporation, East Tennessee Natural Gas Company, Eastern Shore Natural Gas Company, El Paso Natural Gas Company, Lawrenceburg Gas Transmission Corporation, Louisiana-Nevada Transit Company, Mid-Louisiana Gas Company, Northwest Pipeline Corporation, Panhandle Eastern Pipe Line Company, Tennessee Natural Gas Lines, Inc., Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, United Gas Pipe Line Company, Texas Eastern Transmission Corporation; Docket Nos. RP76–116, RP76–117, RP76–118, RP76–119, RP76–120, RP76–121, RP76–122, RP76–123, RP76–124, RP76–125, RP76–126, RP76–127, RP76–128, RP76–129, RP76–130, RP76–131, RP76–132, RP76–133, RP76–134.

By Notice of August 10, 1976, and pursuant to the directives prescribed in the Commission's order issued on July 20, 1976, in the above-styled proceedings we fixed certain hearing dates for the purpose of convening formal hearings with respect to particular interstate pipeline companies as provided for in the latter order.

After receipt of the data requested with respect to the proceeding relating to Cities Service Gas Company in Docket No. RP76–118, it was decided that no purpose would be served by convening a formal hearing with respect to that proceeding as provided in the Commission's July 20, 1976, order. The hearing scheduled in that proceeding in our August 10, 1976, Notice is therefore canceled.

The hearing presently scheduled for September 7, 1976, by the aforementioned August 10, 1976, Notice issued in these proceedings in Texas Eastern Transmission Corporation in Docket No. RP76–134 has been changed to September 16, 1976, to accommodate certain parties.

In the August 10, 1976, order we further indicated that formal hearings were not contemplated with respect to certain pipeline companies unless specified by Commission Notice issued on or before September 3, 1976. After receipt of the data submitted pursuant to the July 20, 1976, order we find that it will be necessary to convene a formal hearing with respect to Eastern Shore Natural Gas Company, in Docket No. RP76–121. Formal hearings with respect to this pipeline will be convened in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on September 16, 1976, at 10:00 a.m. (EDT).

At all of the formal hearings convened in the above-styled proceedings, the Commission Staff will present exhibits and reports that will incorporate data taken from Federal Energy Administration (FEA) Form Numbers G–101–Q–0 and G–101–P–1 in addition to data taken from FPC Form No. 69. Any person having any objection to the incorporation of this data into the exhibits and reports proposed to be introduced by the Commission Staff should come forward in these hearings and specifically make

known his objection to the presentation by the Commission Staff of this information in these proceedings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26788 Filed 9–13–76;8:45 am]

[Docket No. RP72–110, PGA 76–10a and PGA 76–11a]

ALGONQUIN GAS TRANSMISSION CO.

Purchased Gas Cost Adjustment

SEPTEMBER 2, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on August 25, 1976, tendered for filing Substitute Eighteenth Revised Sheet No. 10 and Substitute Nineteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provisions set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate changes are being filed to reflect revised rates filed by its supplier, Texas Eastern Transmission Corporation, on August 16 1976.

The proposed effective dates of these tariff sheets are August 2, 1976, and September 1, 1976, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to interven. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26792 Filed 9–13–76;8:45 am]

[Docket No. ER76–21]

AMERICAN ELECTRIC POWER SERVICE CORP.

Electric Rates Settlement

SEPTEMBER 8, 1976.

Proceedings in the captioned docket were initiated on July 24, 1975, when American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a proposed supplement to the November 27, 1961, Interconnection Agreement bethween I&M and Illinois Power Company (Illinois).[1]

[1] AEP's July 24, 1975 submittal was found to be deficient, and AEP was so notified by the Commission Secretary. The deficiency was cured by AEP's filing of additional material on September 2, 1975.

The sole purpose of the proposed supplement was to increase the minimum energy charge for Emergency Service from 17.5 mills per kilowatt-hour to 35 mills per kilowatt-hour.

By order issued October 1, 1975, the Commission accepted the proposed supplement for filing, suspended its use until March 2, 1976, and established hearing procedures to determine the lawfulness of the increased rate proposed therein.

After service of prepared testimony by I&M and Staff, an informal conference was convened (pursuant to a May 4, 1976, notice of the Commission Secretary) on May 14, 1976, at the Commission's offices. Representatives of both I&M and Staff, the only parties to the proceeding, and Illinois, the only customer affected by the subject filing, were present. As a result of such conference, I&M agreed to amend the proposed supplement to the I&M–Illinois Interconnection Agreement to reduce the minimum energy charge for Emergency Service from 35 mills per kilowatt-hour to 30 mills per kilowatt-hour.

On June 22, 1976, I&M filed a letter agreement with Illinois dated June 10, 1976. That agreement amends the subject Interconnection Agreement to establish 30 mills as the minimum energy charge for Emergency Service. Concurrently with the filing of the letter agreement, I&M filed a motion with Presiding Administrative Law Judge Max L. Kane to certify the letter agreement to the Commission. I&M's motion further requested that the Commission accept and approve the letter agreement as a settlement of the instant docket and terminate proceedings herein.

On June 24, 1976, I&M's June 22 motion was granted by Judge Kane, and the subject letter agreement was certified to the Commission.

Public notice of Judge Kane's certification was issued on June 30, 1976, providing that any comments with respect thereto should be filed on or before July 16, 1976. Staff timely filed comments supporting the settlement and urging Commission approval of the June 10, 1976, letter agreement between I&M and Illinois.

The Commission's review of the settlement rate level indicates that it represents a reasonable resolution of the issues presented in this proceeding and is in the public interest. Accordingly, the June 10, 1976, letter agreement between I&M and Illinois which incorporates the settlement rate shall be accepted for filing, approved and made effective as of March 2, 1976. In conjunction with acceptance and approval of the letter agreement, the Commission shall require I&M to: (1) refund all amounts collected since March 2, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum; and (2) file refund compliance reports.

The Commission finds: The June 10, 1976, letter agreement between I&M and Illinois, certified to the Commission by the Presiding Administrative Law Judge on June 24, 1976, should be accepted for filing, approved and made effective as of March 2, 1976.

The Commission orders: (A) The June 10, 1976, letter agreement between I&M and Illinois, certified to the Commission by the Presiding Administrative Law Judge on June 24, 1976, is hereby accepted for filing, approved and made effective as of March 2, 1976.

(B) Within 30 days of issuance of this order, I&M shall refund to Illinois all amounts collected since March 2, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(C) I&M shall file with the Commission a report within 15 days after the refunds described in paragraph (B), supra, have been made. Such report shall show, for the entire refund period, monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show the monthly interest computation, together with a summary of such information for the entire refund period.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, I&M or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against I&M or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26861 Filed 9–13–76;8:45 am]

[Docket Nos. CP76–215; CP76–261]

ARKANSAS LOUISIANA GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Exchange of Natural Gas

SEPTEMBER 1, 1976.

Take notice that on August 25, 1976, Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket Nos. CP76–215 and CP76–261, respectively, a joint amendment to their applications filed in said dockets for certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the exchange of natural gas, by which amendment Applicants propose to exchange natural gas at a point in addition to those set forth in their certificate applications, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In addition to the authorization sought in their initial applications Applicants now seek authorization for Texas Eastern to deliver to Arkla up to 4,000 Mcf of

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gas at a mutually agreeable point on Arkla's 4-inch pipeline in NW ¼ Sec. 8, T. 16 N., R. 16 W., Caddo Parish, Louisiana, in return for gas to be delivered by Arkla to Texas Eastern at Arkla's Waskom Products Extraction Plant in East Texas. It is stated that Texas Eastern would construct and operate facilities at the Caddo Parish exchange point under budget-type certificate authorization granted in Docket No. CP76–123.

The amendment states that implementation of the proposed exchange would enable Texas Eastern to receive gas into its interstate system from properties which could not otherwise be feasibly connected directly to its system. Further, it is stated that Arkla has ample capacity on its system to render the contemplated service.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26789 Filed 9–13–76;8:45 am]

[Docket No. ER76–862]

CAROLINA POWER & LIGHT CO.

Filing of Revised Agreements

SEPTEMBER 2, 1976.

Take notice that Carolina Power & Light Company on August 16, 1976, tendered for filing with the Federal Power Commission changes outlined below in its agreements with certain electric membership corporations and municipalities.

1. *Carteret-Craven EMC*—A change in the location of the point of delivery and the delivery voltage for the Atlantic Point of Delivery.

2. *City of Lumberton*—A revised Exhibit A to incorporate in the Service Agreement delivery of metering pulse information to the City.

3. *City of New Bern*—The filing of a new Service Agreement for the establishment of a new point of delivery at 115 KV to be known as Glenburnie. The initial load to be served at this point of delivery will be transferred from an existing 23 KV point of delivery.

4. *Pee Dee EMC*—The termination and cancellation of Ellerbe 115 KV Point of Delivery. The load previously served at this point of delivery was transferred to South Ellerbe. A revised Exhibit A for South Ellerbe Point of Delivery to change the name from Ellerbe South to South Ellerbe and to correctly define the location of the point of metering and the point of delivery.

5. *Town of Selma*—The establishment of a new point of delivery at 12 KV to be known as Ricks Road. The initial load to be served at this point of delivery will be transferred from an existing 4 KV point of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26793 Filed 9–13–76;8:45 am]

[Docket No. CP76–485]

CITIES SERVICE GAS CO.

Construction and Operation of Pipeline Facilities

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76–485 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $6,000,000 and that no single project would exceed $1,500,000. These costs would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26779 Filed 9–13–76;8:45 am]

[Docket No. CP76–486]

CITIES SERVICE GAS CO.

Application To Abandon Service and Facilities

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76–486 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during the calendar year 1977, direct sale service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sale customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application states further that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisson on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26780 Filed 9–13–76;8:45 am]

[Docket No. CP76–488]

CITIES SERVICE GAS CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76–488 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with dispatch in making miscellaneous rearrangements which would not result in any change in gas sales or transportation services presently rendered by Applicant. Applicant states that the proposed facilities would not exceed a total cost of $300,000, which would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissiaon's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26781 Filed 9–13–76;8:45 am]

[Docket No. CP76–503]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 8, 1976.

Take notice that on August 30, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76–503 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or with the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $6,000,000 and that no single project would exceed a cost of $1,500,000. These costs would be financed with current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26863 Filed 9–13–76;8:45 am]

V41179 SEP 14 76 UMI

[Docket No. CP76-504]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 8, 1976.

Take notice that on August 30, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-504 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder (18 CFR 157.7(c) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any change in gas sales or transportation services presently rendered by Applicant. Applicant states that the proposed facilities would not exceed a total cost of $300,000.

Any person desiring to be heard or to make any protests with reference to said application should on or before October 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26862 Filed 9-13-76;8:45 am]

[Docket No. CP76-484]

COLUMBIA GAS TRANSMISSION CORP.

Application

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-484 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Weirton Steel Division of National Steel Corporation (Weirton) from a point on Applicant's Line O-58 in Seneca Township, Noble County, Ohio, to existing points of delivery to Columbia Gas of West Virginia, Inc., a resale customer of Applicant and supplier of Weirton, in Hancock County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years up to 3,500 Mcf of gas per day purchased by Weirton from David S. Towner, d/b/a David S. Towner Enterprises (Towner). It is stated that Towner has agreed to sell an average daily firm volume of 2,000 Mcf per day from production in Guernsey and Noble Counties, Ohio, and on a best-efforts basis from November 1, 1976, through April 1, 1977, to make 2,700 Mcf of gas per day available to Weirton. The gas would be purchased by Weirton for $1.95 per Mcf at 14.73 psia the first year and $2.03 per Mcf at 14.73 psia the second year. The application indicates that the gas is not available to Applicant because the intrastate market is available and because marginal reserves such as these cannot be developed for the regulated interstate market because of the high cost of development.

Applicant proposes to charge for the transportaiton service 21.99 cents per Mcf at 14.73 psia. Applicant would retain for company-use and unaccounted-for gas 3.6 percent of the gas received for transportation.

The application states that Weirton would use the gas proposed to be transported in the production of steel products at its facilities in Weirton, West Virginia. In an affidavit included in the application Weirton states that the gas would be used in continuous annealing furnaces, galvanizing line annealing furnaces, and refactory heating units, all of which must use gaseous fuel to preclude deleterious effects on the steel being processed and the brick being heated.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commisson's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26782 Filed 9-13-76;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT & POWER CO.

Electric Rates Settlement

Issued: September 8, 1976.

On August 2, 1974, The Connecticut Light and Power Company (CL&P) tendered for filing the so-called R-2 rate increase which would increase revenues from six municipal customers [1] and Bozrah Light and Power Company (Bozrah) by $1,084,000 based upon a calendar 1974 test year. By order issued August 30, 1974, the Commission, inter alia, suspended the proposed rate increase for one day, until September 2, 1974, when it went into effect subject to refund, and set the matter for hearing. After the service of evidence a settlement was reached among the parties. On July 21, 1976, the Presiding Administrative Law Judge certified the Settlement Agreement to the Commission. On July 27, 1976, the Secretary issued notice of the certification with comments due on or before August 16, 1976. Staff alone filed Comments on August 16, 1976, in which it supported the Settlement Agreement with the reduction in rates and refunds, and urged prompt Commission approval thereof.

The Settlement Agreement was entered into by CL&P and the municipals and will be made available to Bozrah. The R-2 rate increase applies for the locked-in period from September 2, 1974, until March 2, 1976. The Settlement

[1] The City of Groton; Borough of Jewett City; Second Taxing District, City of Norwalk; Third Taxing District, City of Norwalk; City of Norwich; Town of Wallingford.

Agreement provides for total refunds of $1,009,992 with interest for the locked-in period to be refunded among the customers on a Kwh basis based upon sales for the locked-in period. The Commission's review of the Settlement Agreement, including the record and the filings, documents, and pleadings submitted, indicates that it represents a just and reasonable resolution of the issues in this proceeding and accordingly the Settlement Agreement should be approved.

The Commission finds: The Settlement Agreement in this proceeding certified by the Presiding Administrative Law Judge on July 21, 1976, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved, as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement in this proceeding certified by the Presiding Administrative Law Judge on July 21, 1976, is hereby accepted, incorporated herein by reference, and approved and permitted to become effective as of September 2, 1974, subject to the following conditions.

(B) Within thirty days of the issuance of this order, in accordance with Article II of the Settlement Agreement, CL&P shall make refunds according to the Settlement Agreement to its customers, with interest at the rate of 7% per annum for amounts collected subject to refund from September 2, 1974, to October 10, 1974, and at the rate of 9% per annum for the amounts collected subject to refund on or after October 10, 1974, to March 2, 1976. Further, the interest rate of 9% per annum shall be the applicable interest rate accruing on and after October 10, 1974, on excess rates and charges collected prior to October 10, 1974.

(C) CL&P is further directed, in accordance with Article II of the Settlement Agreement, to file a report of compliance, within ten days of making the refunds ordered in paragraph (C), showing monthly billing determinants and revenues under prior, present and settlement rates. Such report should also show for each schedule the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period. At the same time, CL&P shall file rate schedules appropriate to reflect the provisions of the Settlement Agreement.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, CL&P, the municipals, Bozrah, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against CL&P or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26864 Filed 9-13-76;8:45 am]

[Docket No. ER76-865]

DUKE POWER CO.

Tendered Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 19, 1976, Duke Power Company tendered a supplement to its electric power contract with the City of Concord. Duke Power states that the supplement provides for an increase in contract demand from 40,000 KW to 50,000 KW made at the request of the customer.

The requested effective date is September 20, 1976. Duke Power states that a copy of the filing has been mailed to the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26794 Filed 9-13-76;8:45 am]

[Docket Nos. E-9521, E-9522]

GEORGIA POWER CO.

Extension of Procedural Dates

SEPTEMBER 2, 1976.

Oglethorpe Electric Membership Corporation has filed a motion to extend the procedural dates fixed by order issued October 29, 1975, as most recently modified by notice issued July 27, 1976, in the above-designated proceeding.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 27, 1976.
Service of Company Rebuttal, October 29, 1976.
Hearing, November 18, 1976.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26795 Filed 9-13-76;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Electric Rates Settlement

Issued: September 8, 1976.

On June 8, 1976, Green Mountain Power Corporation (Green Mountain) filed a settlement agreement which, if approved, would resolve all issues in the above-captioned proceeding. The Commission finds the settlement is reasonable and should be approved.

This proceeding was initiated when on May 15, 1975, Green Mountain tendered for filing an application for an increase in rates to its nine wholesale customers: the Villages of Harwick, Jacksonville, Morrisville, Northfield, Readsboro and Stowe, Vermont, and the New Hampshire Electric Cooperative, the Vermont Electric Cooperative and the Washington Electric Cooperative. Based on the twelve months ending December 31, 1974, the rates proposed by Green Mountain would provide an increase in revenues from such customers of $955,956. By order issued June 13, 1976, the Commission accepted Green Mountain's application for filing and suspended the proposed rates until September 16, 1975, at which time they became effective subject to refund. The Commission ordered that a hearing be held with respect to Green Mountain's application and rejected that portion of Green Mountain's proposed rates which was based on the inclusion of construction work in progress in rate base. The affected wholesale customers of Green Mountain were permitted to intervene.

Settlement conferences ensued which were attended by representatives of Green Mountain, the intervening customers, the staff and the Vermont Public Service Board. Those discussions resulted in a proposed settlement agreement which was filed on June 8, 1976, by Green Mountain with a motion requesting that the Commission approve the settlement without modification.

On June 16, 1976, public notice of the proposed settlement agreement was issued by the Commission, providing for comments by interested parties to be submitted on or before June 30, 1976. On June 17, 1976, the Staff filed comments in support of the proposed settlement. On July 30, 1976, Green Mountain tendered for filing modified copies of the proposed revised tariff sheets, notice of which was issued August 5, 1976, with comments by interested parties due on or before August 16, 1976. No additional comments were received.

Under the terms of the settlement, Green Mountain's proposed increase in rates would be reduced from $955,956 to $783,000 annually. Green Mountain agrees not to file for any increase in its rates to its wholesale customers which might become effective prior to March 1, 1977. Moreover, Green Mountain agrees to make refunds to its customers of all revenues collected since September 16, 1975, in excess of revenues which would

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be collected under the settlement rates, together with interest at 9 percent per annum.

Based upon a review of the record in this proceeding, including the settlement agreement and the cost of service attached thereto, the Commission finds that the proposed settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest and that the settlement should accordingly be approved and adopted.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered.

The Commission orders: (A) The settlement agreement filed by Green Mountain in this docket on June 8, 1976, is incorporated herein by reference and is approved, effective September 16, 1975.

(B) Within 15 days from the date of this order, Green Mountain shall file revised rate schedules in conformity with the terms of the settlement agreement.

(C) Within 30 days after Green Mountain's revised rate schedules are accepted for filing, Green Mountain shall make refunds to its customers based on the approved settlement rates, together with interest at the rate of nine percent per annum.

(D) Within 15 days after refunds are made, Green Mountain shall submit to the Commission a report of refunds showing the monthly billing determinants and revenues by customer under the prior, present, and settlement rates. The report should also show for each customer and for the total tariff group, the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Green Mountain or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26865 Filed 9-13-76;8:45 am]

[Docket No. CI64-26]

GULF OIL CORP.

Order Granting Late Intervention

Issued: Setepmber 2, 1976.

On November 7, 1976, the Commission issued an Order to Show Cause why Gulf was not in violation of its certificate obligations under the Natural Gas Act. Texas Eastern Transmission Company was also made respondent to these proceedings. On January 13 through 15, 1976, and March 2 and 3, 1976, hearings were held in this matter. Briefing by all parties was completed by May 28, . The Presiding Administrative Law Judge issued his initial decision on August 13, 1976.

A late petition to intervene was filed on July 12, 1976, by the customers of Philadelphia Gas Works, (PGW) which itself is a customer of Texas Eastern, and an intervenor in this proceeding. On July 21, 1976, Gulf Oil Corporation (Gulf) filed an answer opposing the Customers' petition which answer alleges that Petitioners have no interest requiring intervention under § 1.8 of the Commission's rules and that if such "interests" exist they are adequately represented by the other parties to this proceeding.

On July 22, 1976, PGW filed an answer opposing the petition which answer avers that the interests of PGW's customers have and are adequately being represented by PGW in the above-docketed proceeding.[1]

Having reviewed the above petition to intervene we believe the customers have a separate and sufficient interest from PGW and the other parties to warrant their intervention in this docket.

The Commission finds: (1) The participation by the customers of Philadelphia Gas Works as intervenor in this proceeding may be in the public interest.

(2) Good cause exists to allow the late-filed petition to intervene upon the specific condition that the late filing shall not be the basis for any delay in the proceeding and that the petitioner to intervene take the record as it now stands.

The Commission orders: (A) The customers of Philadelphia Gas Works are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to the matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The petitioner shall take the record in Docket No. CP75-347 as it now stands.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26795 Filed 9-13-76;8:45 am]

[1] PGW's additional allegation of a violation of professional ethics by counsel for PGW's custmers, the answer thereto by PGW's customers filed on July 30, 1976, and the reply to such answer filed on August 9, 1976, have no bearing on our ruling with respect to the petition to intervene. Appearances and practice before this Commission are governed by Section 1.4 of the Rules of Practice and Procedure. Our action here in granting intervention is without prejudice to whatever future action, if any, we may take concerning PGW's allegation of unethical conduct.

[Docket No. E-7201]

INTERIOR DEPARTMENT AND SOUTHWESTERN POWER ADMINISTRATION

Confirmation and Approval of Rates

SEPTEMBER 2, 1976.

Pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), the Secretary of the Interior (Interior), on behalf of the Southwestern Power Administration (SWPA), filed a request on July 6, 1976, seeking Commission extension of its confirmation and approval of the current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative, Inc. (Cooperative) for a period ending not later than September 30, 1976.

By order issued on March 5, 1971, the Commission confirmed and approved the rate for the sale of the entire output of the Sam Rayburn Dam Project to the Sam Rayburn Electric Cooperative, Inc. for a period ending not later than December 31, 1975. Payment for the project output amounts to $1,030,000 per year under the current rates. By Order on Rehearing, issued April 29, 1971, the Commission denied a petition by the Cooperative for rehearing and stay of the Commission's Order of March 5, 1971. The Commission, by Order issued on March 8, 1976, approved a request by Interior to extend confirmation and approval of the rates through June 30, 1976.

The Sam Rayburn project, constructed and operated by the Corps of Engineers, is located on the Angelina River in eastern Texas. The project was constructed for purposes of flood control, hydroelectric power generation, and other purposes. The Hydroelectric plant contains 52,000 kilowatts of installed capacity equally divided between two units. Average annual generation from the project is about 118.4 million kilowatt-hours, all of which is sold to the Cooperative under the terms of SWPA's contract No. 14-02-0001-1124. The project is isolated from SWPA's interconnected system, but lies within the service area of Gulf States Utilities Company (Gulf States).

SWPA has contracted to sell the entire project output to the Cooperative for an annual payment of $1,030,000. A companion contract between the Cooperative and Gulf States provides for the former to deliver the entire net output of the project to Gulf States for the same price that the Cooperative pays SWPA. Gulf States, in addition, agrees to sell each year amounts of energy to four municipalities, which are members of the Cooperative, equal in the aggregate to the average annual energy generated at the project, and to meet the total power requirements of two other members of the cooperative.

Interior's filing states that a rate and repayment study has been prepared by SWPA, and provided to the Cooperative, which indicates the need for an increase of about $132,000 in the annual payment for the sale of the project output to meet the repayment obligation in accordance with Section 5 of the Flood Control Act of 1944. SWPA held a hearing on the rate and repayment study on January 20, 1976, to present the justification for establishing a new increased rate and to answer questions and receive comments and suggestions. The Cooperative posed questions which were answered by SWPA at the hearing or soon thereafter. The Cooperative then presented additional questions which were answered, and lastly, on May 5, 1976, sent SWPA its final written comments. SWPA is now finishing its evaluation of the statements and proposals by interested parties and revising the repayment study. However, SWPA indicated that it was pressed for time to meet the June 30, 1976, expiration date for Commission approval of its current rates and, accordingly, requested a further extension through September 30, 1976.

A copy of the rate and repayment study was not included with the request for the three-month extension of the Commission's approval of the existing rates. Such a study and other supporting data will be part of the filing of the request for approval of a revised rate.

Public Notice: Public notice of Interior's filing of July 6, 1976, was issued on July 19, 1976, and published in the FEDERAL REGISTER on July 21, 1976. Comments or suggestions relative to the filing were requested to be submitted in writing on or before July 26, 1976. A protest was filed by the Cooperative. The protest, however, does not address the filing at hand which is a request to extend approval of the existing rates. Rather, the protest complains about the nature of the "Public Hearing" held by SWPA in connection with a proposed rate increase (yet to be filed with the Commission). The Cooperative requests the Commission to instruct SWPA that the dictates of Opinion No. 741, issued August 21, 1975, will be followed in the proceeding.

The Commission finds: The extension of its confirmation and approval of SWPA's current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative, Inc. as hereinafter provided, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders: The extension of its confirmation and approval of SWPA's current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative for the period ending not later than September 30, 1976.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26801 Filed 9-13-76;8:45 am]

[Docket No. ER76-878]

INTERSTATE POWER CO.

Filing of Cancellation

SEPTEMBER 3, 1976.

Take notice that on August 18, 1976, the Interstate Power Company (Interstate) tendered for filing a notice of cancellation of Transmission Utilization Agreement between Interstate and the Cooperative Power Association (Cooperative), designated as Rate Schedule F.P.C. No. 88. Interstate states that inasmuch as the terms of its Agreement with Cooperative provide for a four-year notice of cancellation, it requests a waiver of the notice requirements of the Commission's Regulations to permit the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26783 Filed 9-13-76;8:45 am]

[Docket No. CI75-277]

J. G. STONE

Order Denying Abandonment and Instituting Show Cause Proceeding

SEPTEMBER 8, 1976.

J. G. Stone has filed an application under section 7(b) of the Act for authority to abandon the sale of gas to United Gas Pipe Line from the Keeran Field in Victoria County, Texas. Stone has never sold to United, and the application points out that there have been no sales to United in 14 years. United takes no position on Stone's abandonment application, but has signed an agreement releasing Stone from any obligation to sell to United, subject to Commission approval.

In 1941, Sun Oil Company and United contracted for United to purchase gas produced by Sun from this acreage. Following *Phillips Petroleum Company* v. *Wisconsin*, 347 U.S. 672 (1954), Sun applied for a limited term certificate. The Commission granted a permanent certificate over Sun's objection. The Commission's authority to do this was upheld in *Sunray Mid-Continental Oil Company* v. *F.P.C.*, 364 U.S. 137 (1960). In 1961, when the original contract expired, Sun and United agreed to extend the contract for an additional 20 years. About seven months after this agreement, in May 1962, Sun stopped all sales to United. Sun advised United that it would use all of the gas produced to operate the leased premises, a right that was reserved to Sun in the contract.

The Commission was never notified that Sun had terminated all sales from the lease. United, at that time with an ample supply, accepted Sun's statement at face value and did not press the matter. Sun still has a rate schedule on file with the Commission reflecting Sun's obligation to produce and sell from the acreage. (Sun Oil Company, FPC Gas Rate Schedule No. 293.)

In April 1971, Sun assigned its lease to Stone. The Commission was apparently notified of the assignment and in September 1971, the Secretary wrote to Stone advising him of the steps he would have to take to obtain Commission approval to either succeed to the certificate, or abandon the sale. In October 1974, Stone filed an application to abandon the sale. A one-day hearing was held before Presiding Administrative Law Judge Raymond M. Zimmet on September 9, 1975. In his initial decision of November 25, 1975, Judge Zimmet dismisses Stone's application without prejudice to a joint application by Stone and Sun.

The initial decision finds that Sun should be made a party, otherwise a producer will be able to evade the Commission's jurisdiction and obtain abandonment by assigning its lease to another producer. Sun should be asked to explain why it ceased selling to United only seven months after renewing its contract and why it never notified the Commission of its abandonment.

Stone is a small independent producer who buys up leases and reworks the wells to find additional oil and gas. He has found gas on this acreage but has no idea as to the amount of gas or if it can be sold. Stone has shown no interest in seeking special rate relief as suggested by the Commission. If abandonment authority is denied, Stone hints that the well will be plugged and abandoned.

The Administrative Law Judge concludes that the "regulatory hodgepodge" is responsible for the confused state of this case. The Administrative Law Judge points out the shortcomings of all parties and dismisses the application. The basic thrust of the Administrative Law Judge's decision is that Sun must be made a party in order to reach a decision on the merits of this application.

Briefs on exceptions were filed by Staff and by United. United urges that Sun is not a necessary party to this proceeding and that the Administrative Law Judge erred by not ruling on the merits of Stone's application. United contends that any information Sun might provide would relate to the past and the question is, should abandonment be granted now.

Staff urges that the abandonment application be denied on the merits. There is gas available on acreage committed to the interstate market and United needs gas, therefore the application should be denied. Staff rebuts the Administrative Law Judge's statement that the Commission has inadequate means of monitoring deliveries by pointing out that in 1962, when delivery ceased, there was a surplus of gas and it was felt that self-policing within the industry was adequate.

Staff's brief states that to inquire into Sun's failure to seek abandonment authority would be beyond the scope of this

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proceeding, and such an inquiry can only be initiated by the issuance of a show cause order against Sun. Staff also questions whether the Commission, if it denies abandonment has the authority to compel Stone to make the investments necessary to begin selling to United again.

United has filed a brief opposing exceptions. While reiterating its position that the application should be decided on the merits. United objects to Staff's discussion of whether United may be at fault for failure to seek performance by Sun of its contractual obligation. United points out that Staff concedes United was not culpable and that the question is beyond the scope of this proceeding.

The Administrative Law Judge correctly concludes that Stone's abandonment application must be dismissed. Stone freely admits that there may still be gas underlying this property. Despite United's willingness to relinquish its right to this gas, the reserves are dedicated to the interstate market and abandonment cannot be granted. Our denial of abandonment authority here does not preclude a joint application in the future by Stone and Sun, the certificate holder.

Stone is free to apply to the Commission for rate relief to produce from these wells. Although Stone has in the past refused special relief, that path remains open to him

We believe it is necessary to institute a show cause proceeding against Sun and United. We will remand this proceeding to the Administrative Law Judge for a determination as to Sun's possible violation of the Natural Gas Act.

If a violation of the Act is found the initial decision should make the findings of fact necessary to support an action by the Commission under section 20 of the Act. If the facts indicate that section 21 affords the appropriate remedy the Presiding Administrative Law Judge shall make the findings necessary to support an action under that section of the Act.

The Commission finds: (1) The initial decision for denial of abandonment should be affirmed.

(2) This proceeding should be remanded to the Administrative Law Judge for a proceeding to permit Sun to show cause why it should not be held in violation of the Natural Gas Act.

The Commission orders: (A) Sun to show cause in a formal hearing why the Commission should not find and determine that Sun is in violation of its certificate obligations and why it should not be required to comply with such obligations.

(B) United to show cause why it should not be required to pursue all administrative and judicial remedies available to it with respect to Sun's failure to meet its delivery obligations and why it should not be held in violation of the Act.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1) a prehearing conference shall be held at a date to be designated by the Presiding Administrative Law Judge, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26866 Filed 9-13-76;8:45 am]

[Docket No. ER76-67]

KANSAS CITY POWER & LIGHT CO.

Electric Rates Settlement

SEPTEMBER 8, 1976.

On August 11, 1975, Kansas City Power and Light Company (KCP&L) tendered for filing an initial rate schedule covering the sale of long-term interruptible capacity to Omaha Public Power District (OPPD) commencing on June 1, 1976. The tendered Service Schedule provides for the sale of 100 MW of long-term interruptile capacity during the period June 1, 1976, through May 31, 1977, with a capacity charge of $31.50/kw/year and 200 MW of long-term interruptible capacity for the period June 1, 1977, through May 31, 1978, with a capacity charge of $34.80/kw/year.

The Secretary issued a deficiency letter on September 11, 1975, which deficiency was subsequently cured by KCP&L. By order issued March 22, 1976, the Commission accepted the Service Schedule to become effective on June 1, 1976, and instituted a Section 206(a) investigation to determine the justness and reasonableness of the capacity charge, noting that it utilized a 14.50% rate of return on common equity.

Thereafter KCP&L and OPPD executed a Stipulation and Settlement Agreement and Revised Service Schedule with the capacity charge reduced to $29.40/kw/year for the period June 1, 1976, through May 31, 1977, and to $31.92/kw/year for the period June 1, 1977, through May 31, 1978. KCP&L filed the Stipulation and Settlement Agreement and Revised Service Schedule on May 10, 1976, and requested an effective date of June 1, 1976.

Notice of KCP&L's tender of the Stipulation and Settlement Agreement and Revised Service Schedule was issued by the Secretary on May 13, 1976, with comments due on May 28, 1976. Staff filed comments on May 18, 1976, urging that the Commission approve the Stipulation and Settlement Agreement and make the Revised Service Schedule effective June 1, 1976.

The Commission's review of the Stipulation and Settlement Agreement indicates that it represents a just and reasonable resolution of the issues in this proceeding. We shall therefore accept and approve the Stipulation and Settlement Agreement and allow the Revised Service Schedule to become effective on June 1, 1976.

The Commission finds: The stipulation and Settlement Agreement filed by KCP&L on May 10, 1976, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved and good cause exists to make the Revised Service Schedule effective on June 1, 1976.

The Commission orders: (A) The Stipulation and Settlement Agreement and Revised Service Schedule filed by KCP&L in this proceeding on May 10, 1976, is hereby accepted, incorporated herein by reference, and approved and permitted to become effective on June 1, 1976.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, KCP&L, OPPD or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against KCP&L or any other person or party.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26867 Filed 9-13-76;8:45 am]

[Docket No. RI76-145]

MCCULLOCH OIL CORP.

Petition for Declaratory Order and Other Relief

SEPTEMBER 8, 1976.

Take notice that on August 18, 1976, McCulloch Oil Corporation (Petitioner), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. RI76-145 a petition for declaratory order pursuant to Sections 1(b), 4, 5, 7, and 16 of the Natural Gas Act and Section 1.7 (a) and (c), of the Commission's rules of practice and procedure.

Petitioner requests that the Commission assert jurisdiction over the matter of certain royalty payments on gas produced from the No. 1-10 Harrell well located on acreage in Dewey County, Oklahoma sold for resale and transported in interstate commerce, which royalty payments currently are the subject of pending litigation involving the Petitioner and certain lessors.

Petitioner further requests that the Commission make a finding that the royalty payments demanded would adversely affect the public interest insofar as the interstate transportation of gas

produced from the No. 1-10 Harrell well is concerned and accordingly direct that the royalty payments made shall not exceed the applicable just and reasonable rate.

Petitioner states pursuant to Rate Schedule No. 21 in Docket No. CI71-87 it currently receives approximately 29 cents per Mcf for gas produced and delivered from the No. 1-10 Harrell well. In the foregoing litigation, said royalty owners allege that the market price to be paid for their one-eighth (⅛) share of production is $2.00 per Mcf. Thus, under the royalty owners' demands, Petitioner would be required to pay a royalty of 25 cents per Mcf while collecting only 29 cents per Mcf.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before Sept. 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26888 Filed 9-13-76;8:45 am]

[Docket No. CP76-255, etc.]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Consolidating Proceedings, Issuing Temporary Certificates, Granting Interventions, Scheduling Formal Hearing and Establishing Procedures

SEPTEMBER 8, 1976.

In the matter of: Michigan Wisconsin Pipe Line Company, Michigan Consolidated Gas Company, Northern Natural Gas Company, Natural Gas Pipeline Company of America, Natural Gas Pipeline Company of America; *Docket Nos.* CP76-255, CP76-254, CP76-271, CP76-325, CP76-353.

On February 10, 1976, Michigan Wisconsin Pipe Line Company (Mich-Wis) filed in Docket No. CP76-255 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for Northern Indiana Public Service Company (NIPSCO) near Fort Wayne, Indiana, and four sections of 42-inch loop line, and the transportation of gas for 15 years for NIPSCO, Northern Natural Gas Company (NNG), Natural Gas Pipeline Company of America (Natural) for delivery to Michigan Consolidated Gas Company (MCG) for injection into storage. Mich-Wis also requests authorization to redeliver the gas volumes to NIPSCO, NNG and Natural and to exchange gas with MCG.

On February 10, 1976, MCG filed in Docket No. CP76-254 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a 2.4-mile, 24-inch pipeline from the Taggart Storage Field located in Montcalm and Mecosta Counties, Michigan, to Taggart Junction and a 7,500 horsepower compressor station at the existing Taggart compression station and the operation of these facilities and certain existing facilities to provide interstate storage service. On February 19, 1976, NNG filed in Docket No. CP76-271 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Mich-Wis. for delivery to MCG for storage and redelivery.

On April 6, 1976, Natural filed in Docket No. CP76-325 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Mich-Wis for delivery to MCG for storage and redelivery. In addition, Natural requests authorization to allocate the storage volumes to its customers as hereinafter indicated. On April 29, 1976, Natural filed in Docket No. CP76-353 an additional application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for the account of NIPSCO to Mich-Wis of 6,000,000 Mcf of gas at a daily rate of 30,000 Mcf during the period, March 1 through October 31, each year through 1990. Natural also proposes to transport an additional volume of gas to Mich-Wis for the account of NIPSCO for Mich-Wis compressor fuel.

DOCKET NO. CP76-255

Mich-Wis proposes to provide transportation service for NIPSCO, NNG and Natural on a long-term basis for a 15-year period from March 1, 1976, to April 1, 1991. Pursuant to two transportation agreements, the 50-day agreement and the off-peak agreement, both dated January 23, 1976, Mich-Wis would transport for NIPSCO during the period, March 1 through October 31 (Summer Period), of each year up to 5,000,000 Mcf of gas under the 50-day agreement and up to 1,000,000 Mcf of gas per day under the off-peak agreement to MCG for injection into storage, which storage service is the subject of MCG's application in Docket No. CP76-254. Mich-Wis proposes to transport up to 25,000 Mcf of gas per day under the 50-day agreement and up to 5,000 Mcf of gas per day under the off-peak agreement. In addition, NIPSCO would provide a volume equal to 5 percent of the volume transported for Mich-Wis compressor fuel. Natural would deliver the gas volumes to Mich-Wis for the account of NIPSCO at existing delivery points. Redelivery would be made to NIPSCO by Mich-Wis during the period, November 1 through March 31 (Winter Period), at rates of up to 100,000 Mcf of gas per day under the 50-day agreement and up to 15,000 Mcf of gas per day under the off-peak agreement at either Michigan City, Indiana, or at the new proposed delivery point near Ft. Wayne, Indiana. NIPSCO would pay Mich-Wis $212,844 per month and $15,769 under the 50-day agreement and off-peak agreement, respectively. Mich-Wis would transport for NNG pursuant to the 50-day agreement and the off-peak agreement, both dated January 23, 1976, up to 2,800,000 Mcf of and up to 5,000,000 Mcf of gas during the summer period to MCG for injection into storage as set out by the two agreements.

Mich-Wis proposes to transport up to 14,000 Mcf per day under the 50-day agreement and up to 25,000 Mcf of gas per day under the off-peak agreement. NNG would provide a volume equal to 5 percent of the volume transported to Mich-Wis for compressor fuel. NNG would deliver these gas volumes to Mich-Wis at an existing delivery point of NNG near Janesville, Wisconsin. Mich-Wis proposes to redeliver during the winter period to NNG at rates up to 56,000 Mcf of gas per day under the 50-day agreement and up to 75,000 Mcf of gas per day under the off-peak agreement. This would be accomplished by causing Great Lakes Gas Transmission Company pursuant to existing exchange agreements to deliver these volumes to NNG for the account of Mich-Wis at existing interconnection points near Carlton and Grand Rapids, Michigan, and Wakefield, Michigan. NNG would pay to Mich-Wis $119,192 per month under the 50-day agreement and $78,847 per month under the off-peak agreement. Under the off-peak agreement dated January 23, 1976, Mich-Wis would transport for the account of Natural up to 5,800,000 Mcf of gas to MCG for storage. Mich-Wis would transport 29,000 Mcf of gas per day under the agreement. In addition, Natural would provide to Mich-Wis a volume equal to 5 percent of the volume transported for compressor fuel. Natural would deliver these volumes to Mich-Wis near the existing Woodstock, Illinois interconnection. Mich-Wis proposes to redeliver to Natural during the winter period up to 87,000 Mcf of gas per day at the existing interconnection point near Joliet, Illinois. Natural would pay Mich-Wis $91,463 per month for this transportation service. On January 23, 1976, Mich-Wis and MCG entered into exchange agreements to implement the above-mentioned transfer of gas. The volumes to be transported by Mich-Wis would be delivered to MCG at existing delivery points and would be redelivered by MCG at Mich-Wis' Woolfolk Compressor Station near Big Rapids, or by displacement at existing delivery points. The facilities which Mich-Wis proposes to construct and operate, the new delivery point near Ft. Wayne, Indiana, and four sections of 42-inch loop line totaling 28.7 miles would be primarily utilized for the proposed winter redelivery schedules. The estimated cost of

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the facilities by Mich-Wis is $20,175,210 exclusive of filing fee. These facilities Mich-Wis proposes to finance with treasury funds, retained earnings and other internally generated funds, together with borrowings from banks under short-term lines of credit, as required.

DOCKET No. CP76–254

MCG proposes to provide storage service in the Taggart storage field for NIPSCO, NNG and Natural for the 15-year period from March 1, 1976, to April 1, 1991, and has entered into five storage agreements. MCG proposes to store the volumes proposed to be transported by Mich-Wis in Docket No. CP76–255. In addition, MCG proposes to exchange gas with Mich-Wis in order to receive and redeliver the storage volumes of NIPSCO, NNG and Natural.

Under a January 23, 1976, 50-day agreement with NIPSCO, MCG would accept up to 5,000,000 Mcf of gas at a daily rate of up to 25,000 Mcf during the summer period and would redeliver during the winter period up to 100,000 Mcf of gas per day until 85 percent of NIPSCO's stored gas would be returned and 30,000 Mcf of gas per day thereafter. NIPSCO would pay $236,125 per month for the storage service. Under a January 23, 1976, off-peak agreement with NIPSCO, MCG would accept up to 1,000,000 Mcf of gas at a daily rate of up to 5,000 Mcf during the summer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 12,500 Mcf.
December, 15,000 Mcf.
January, 12,500 Mcf.
February, 8,333 Mcf.
March, 2,500 Mcf.

NIPSCO would pay $34,141.66 per month for the storage service.

Under a January 23, 1976, 50-day agreement with NNG, MCG would accept up to 2,800,000 Mcf of gas at a daily rate of up to 14,000 Mcf during the summer period and would redeliver during the winter period up to 56,000 Mcf of gas per day until 85 percent of NNG's stored gas would be returned and 17,000 Mcf of gas per day thereafter. NNG would pay $132,230 per month for the storage service. Under a January 23, 1976, off-peak agreement with NNG, MCG would accept up to 5,000,000 Mcf of gas at a daily rate of up to 25,000 Mcf during the summer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 62,500 Mcf.
December, 75,000 Mcf.
January, 62,500 Mcf.
February, 41,666 Mcf.
March, 12,500 Mcf.

NNG would pay $170,708.33 per month for the storage service.

Under a January 23, 1976, off-peak agreement with Natural, MCG would accept up to 5,800,000 Mcf of gas at a daily rate of up to 29,000 Mcf during the summer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 72,500 Mcf.
December, 87,000 Mcf.
January, 72,500 Mcf.
February, 48,333 Mcf.
March, 14,500 Mcf.

Natural would pay $198,021.66 per month for the storage service.

MCG also proposes to establish an Interstate Storage Division within its corporate structure with separate books to render interstate storage service. The remainder of its operations according to MCG would be exclusively intrastate in nature and would become its Distribution Division. MCG requests a certificate to operate the following existing facilities to provide interstate storage service:

1. A 100.1-mile 30-inch pipeline from Milford, Michigan, to the Taggart Compressor Station in Montcalm County, Michigan.
2. The Taggart Storage Field, including a 24,000 horsepower compressor station located in Montcalm and Mecosta Counties, Michigan.
3. A 16.6-mile, 24-inch pipeline from Taggart Junction to Mich-Wis' Woolfolk Compressor Station located in Mecosta County, Michigan.

MCG further requests that its 24.7-mile 30-inch pipeline from Willow Run to Milford, Michigan, be declared not subject to the jurisdiction of the Commission during the months, November through March, each year since during those months MCG indicates that the pipeline would not be used for rendering interstate storage service. Finally, MCG seeks a certificate authorizing the construction and operation of a 2.4 mile, 24-inch pipeline from the Taggart Storage Field to Taggart Junction and a 7,500 horsepower compressor at the existing Taggart compressor station. The estimated cost of the facilities is $5,735,400, exclusive of filing fee.

MCG proposes to finance its proposed facilities with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

MCG proposes to charge the following average rates for the storage service for each Mcf stored:

50-day service, 56.67¢ Mcf.
Off-peak service, 40.97¢ Mcf.

These rates are said to be determined on a cost-of-service basis utilizing the costs associated with facilities which Mich-Con states it must use to render the proposed interstate storage service.

DOCKET No. CP76–271

NNG requests authorization for a 15-year period terminating April 1, 1991, for the delivery of gas to MCG for storage and redelivery and the delivery of gas to Mich-Wis for transportation and delivery to MCG pursuant to transportation and storage agreements dated January 23, 1976. The volumes, time schedules, rates and delivery points are as discussed above in Docket Nos. CP76–255 and CP76–254. NNG proposes to render this service through existing facilities.

NNG proposes no additional service to its customers. NNG indicates that its estimated peak-day requirements for the 1976–77 heating season are 3,209,000 Mcf per day. NNG's supply, assuming the proposed storage is approved, is estimated to be 3,169 MMcf per day which results in a shortfall of 40,000 Mcf per day.

DOCKET No. CP76–325

Natural requests authorization for a 15-year period terminating April 1, 1991, for the delivery of gas to MCG for storage and redelivery and the delivery of gas to Mich-Wis for transportation and delivery to MCG pursuant to transportation and storage agreements dated January 23, 1976. The proposed volumes, time schedules, rates and delivery points are as discussed above in Docket Nos. CP76–255 and CP76–254. In conjunction with the storage and transportation service, Natural proposes to provide 5,910,005 Mcf of storage service to its customers which would be allocated as follows:

Customers:	*Share of 5,910,005 M ft.*³
Associated Natural Gas Co---	16,644
Illinois Power Co----------	436,370
Iowa Electric Light & Power Co ----------	217,370
Iowa-Illinois Gas & Electric Co ----------	967,763
Iowa Power & Light Co------	74,353
Iowa Southern Utilities Co---	39,068
Monarch Gas Co------------	8,533
North Shore Gas Co---------	502,885
The Peoples Gas Light & Coke Co----------	3,514,264
City of Perryville, Mo-------	13,344
City of Spearville, Kans-----	1,421
United Cities Gas Co--------	17,038
Wisconsin Southern Gas Co., Inc ----------	100,952
Total ----------	5,910,005

Natural's customers would provide Natural with gas from their existing entitlements for use for storage injection and compressor fuel.

Natural would offer the proposed long-term storage service under Rate Schedule MS–3 in its FPC Gas Tariff, Third Revised Volume No. 1. Natural currently has an effective Rate Schedule MS–3 in its tariff but proposes to revise such schedule to reflect its instant application. Natural proposes to charge 67.78 cents per Mcf for each Mcf of the Monthly Withdrawal Quantity. This charge is said to be compensable for the cost of the storage service provided by MCG, the cost of the transportation service provided by Mich-Wis and the allocated portion of the facilities on the north end of Natural's system which would be utilized in providing the storage service.

On April 20, 1976, Natural filed 10 tariff sheets[2] revising its Rate Schedule MS–3 to reflect the storage service that it proposes to offer as a result of the instant application. The tariff sheets were accepted for filing and made effective subject to refund on May 21, 1976, the date on which a temporary certificate was issued. The tariff sheets were made effective subject to refund pending final decision in the subject dockets.

DOCKET No. CP76–353

Natural requests authorization to transport for the account of NIPSCO to Mich-Wis 6,000,000 Mcf of gas at a daily rate of 30,000 Mcf during the period March 1 through October 31, of each year through 1990. Natural also proposes to transport for the account of NIPSCO an additional volume of gas for Mich-Wis' compressor fuel equal to 5 percent of the volume delivered. Deliveries would be made by Natural to Mich-Wis at existing delivery points. This transportation would enable NIPSCO to fulfill its delivery obligations under the transportation agreement dated January 23, 1976, between NIPSCO and Mich-Wis, as hereinbefore described in Docket No. CP76–255. Natural states that it and NIPSCO have agreed in principle on the subject transportation and states that when a formal agreement is executed, it will be filed as a supplement to the subject application.

By telegrams filed March 31, 1976, MCG and Mich-Wis, in Docket No. CP76–254 and Docket No. CP76–255, respectively, requested temporary certificates so that the transportation and injection of gas into storage could commence as soon as possible in order to maximize storage inventories.

NNG and Natural filed their requests in Docket Nos. CP76–271, CP76–325 and CP76–353 on February 19, 1976, April 6, 1976, and April 29, 1976, respectively, for temporary certificates for their proposals.

On May 21, 1976, we granted temporary certificate authorization to Mich-Wis and MCG in Docket Nos. CP76–255 and CP76–254, respectively, for the transportation of natural gas in interstate commerce and for the injection of gas into the Taggart storage field. On May 21, 1976, we also granted temporary certificate authorization to NNG in Docket No. CP76–271 and Natural in Docket Nos. CP76–325 and CP76–353 to transport gas in interstate commerce. We did not grant the temporary authorization for construction since it was not required to commence the storage injection.

Mich-Wis and MCG filed motions on June 3, and 10, 1976, in Docket Nos. CP76–255 and CP76–254, respectively, requesting a grant of temporary authorization to construct the $25,910,610 of facilities proposed in those dockets and to redeliver gas commencing November 1, 1976, to NNG, Natural and NIPSCO pursuant to the temporary authorization.

Based on the allegations presented by Applicants the Commission finds that emergencies exist on the systems of Mich-Wis and MCG which require temporary authorization for the transportation arrangements and the construction and operation of the necessary facilities to enable Mich-Wis and MCG to redeliver the storage volumes to NNG, NIPSCO, and Natural. We believe because of the emergency needs on the systems of all the parties that it may be implied that the proposed facilities will be used and useful in the operations of Mich-Wis and MCG in providing service to NNG, NIPSCO and Natural. Therefore, we shall permit Mich-Wis and MCG, pending the outcome of this proceeding, to reflect in the subsequently filed tariff sheets the cost of service attributable to the subject pipeline facilities.

If, after hearing in this matter, it is found that Mich-Wis and MCG should not be issued permanent authorization for the construction of the proposed facilities, then we shall require Mich-Wis and MCG to remove retroactively the construction costs attributable to these facilities from their rate bases and make refunds accordingly.

Notice of the applications in this proceeding were published in the FEDERAL REGISTER as follows:

Docket No. CP76–255 on March 15, 1976 (41 FR 10957)
Docket No. CP76–254 on March 8, 1976 (41 FR 9923)
Docket No. CP76–271 on March 18, 1976 (41 FR 11359)
Docket No. CP76–325 on April 22, 1976 (41 FR 16870)
Docket No. CP76–353 on May 18, 1976 (41 FR 20448)

Petitions to intervene were submitted as follows:

DOCKET No. CP76–255

Northern Indiana Public Service Company
Illinois Power Company
Wisconsin Gas Company
Natural Gas Pipeline Company of America
Wisconsin Michigan Power Company and Wisconsin Natural Gas Company
Iowa Southern Utilities Company
Wisconsin Fuel and Light Company
North Central Public Service Company
Northern Natural Gas Company
The Kansas City Star Company, Flambeau Paper Division
Minnesota Gas Company (late)

DOCKET No. CP76–254

Northern Indiana Public Service Company
Northern Illinois Gas Company
Michigan Public Service Commission (notice of intervention)
Wisconsin Gas Company
The Kansas City Star Company, Flambeau Paper Division
North Central Public Service Co., Division of Donovan Companies, Inc.
Northern Natural Gas Company
Wisconsin Michigan Power Company, et al.
Natural Gas Pipeline Company of America
Wisconsin Fuel and Light Company (late)
Michigan Wisconsin Pipe Line Company (late)

DOCKET No. CP76–271

Iowa Southern Utilities Company
Iowa Electric Light and Power Company
Iowa Public Service Company
Central Telephone & Utilities Corporation
Lake Superior District Power Company
Iowa-Illinois Gas and Electric Company
Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)
Metropolitan Utilities District of Omaha
Iowa Power and Light Company
North Central Public Service Company, Division of Donovan Companies, Inc.
Michigan Public Service Commission (notice of intervention)
Wisconsin Gas Company
The Kansas City Star Company, Flambeau Paper Division
Michigan Wisconsin Pipe Line Company
Terra Chemicals International, Inc.
The Brick People, Region Six of The Brick Institute of America, et al.
Minnesota Gas Company (late)

DOCKET No. CP76–325

Iowa Power and Light Company
Illinois Power Company
Associated Natural Gas Company
Iowa-Illinois Gas and Electric Company
Iowa Southern Utilities Company
Michigan Wisconsin Pipe Line Company
The Peoples Gas Light and Coke Company, et al.
Flambeau Paper Company
General Motors Corporation

DOCKET No. CP16–325

Iowa Power and Light Company
Illinois Power Company
Associated Natural Gas Company
Iowa-Illinois Gas and Electric Company
Iowa Southern Utilities Company
Michigan Wisconsin Pipe Line Company
The Peoples Gas Light and Coke Company, et al.
Flambeau Paper Company
General Motors Corporation

DOCKET No. CP76–353

Northern Indiana Public Service Company

No further petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

Kansas City Star Company's (Star) petitions in Dock Nos. CP76–255, CP76–254, CP76–271 request that the applications in those dockets be consolidated and set for formal hearing to determine the lawfulness of the provisions regarding compressor fuel. Star uses steam in its plant generated by Park Falls Steam Generating Plant, a customer of NNG. Star objects to the provisons of the transportation and storage agreements which require NNG to provide gas volumes to be used as compressor fuel and states that use of natural gas as compressor fuel is less efficient than use in the Park Falls Steam Generating Plant, to which NNG proposes in Docket No. RP76–52 to eliminate service.

In Docket No. CP76–271 the Brick People, Griffin Pipe Products Company, Sewer Pipe Division of Can-Tex Industries and Dickey Clay Manufacturing Company (The Brick People, et al.) request a hearing stating that while they agree that NNG must have sufficient storage to serve existing high priority peak requirements, the proposed long-term storage may be in excess of NNG's needs. The Brick People, et al., argue that in time of shortage it would be un-

[2] Substitute First Revised Sheet No. 5A, Fifth Revised Sheet No. 41, Fifth Revised Sheet No. 42, Seventh Revised Sheet No. 43, Second Revised Sheet No. 44, Second Revised Sheet No. 45, Original Sheet No. 45A, Third Revised Sheet No. 213, Second Revised Sheet No. 214, Second Revised Sheet No. 215.

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fair to curtail deliveries of gas to lower priority customers in the summer for injection into storage and then sell such gas to new firm load customers in the winter, which customers previously had no legal or equitable claim to such gas. In addition, the Brick People, et al., argue that if volumetric limitations are imposed upon NNG in Docket Nos. RP 76–52 and RP74–102,[2] the proposed expensive storage project will be a wasted investment and a severe financial burden on the rate payers.

In Docket No. CP76–325 Flambeau Paper Division of Star requests formal hearing to determine the proper source of the compressor fuel. General Motors Corporation requests a hearing to determine the volume of storage needed to serve existing customers.

The Commission finds: (1) Emergencies exist on the systems Mich-Wis and MCG such that temporary certificates should be issued in Docket Nos. CP76–255 and CP76–254 authorizing the construction and operation of the proposed facilities to permit the stored volumes of natural gas to be redelivered to NNG, NIPSCO and Natural.

(2) Mich-Wis, a Delaware corporation having its principal place of business in Detroit, Michigan, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of November 30, 1946, in Docket No. G–669 (5 FPC 953).

(3) NNG, a Delaware corporation having its principal place of business in Omaha, Nebraska, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of April 6, 1943, in Docket No. G–280 (3 FPC 967).

(4) Natural, a Delaware corporation having its principal place of business in Chicago, Illinois, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of March 21, 1942, in Docket No. G–235 (3 FPC 669).

(5) MCG, a Michigan corporation having its principal place of business in Detroit, Michigan, is a "natural-gas company" within the meaning of the Natural Gas Act for the purpose of its Interstate Storage Division which is proposed in the application in Docket No. CP76–254. MCG was found to be a "natural-gas company" by the Commission in its September 6, 1974, order in Docket No. CP74–157 (52 FPC) for the purpose of the storage service continuation which was authorized therein.

(6) It is necessary and appropriate that the proceedings in Docket Nos. CP76–254, CP76–255, CP76–271, CP76–325, and CP76–353 be consolidated for the purposes of hearing and decision.

(7) Participation by the late petitioners to intervene will not cause delay in this proceeding; therefore, good cause exists for permitting the filing of the petitions for leave to intervene out of time.

(8) Participation by all petitoners to intervene may be in the public interest.

(9) A prehearing conference should be convened at which may be discussed, in addition to the matters set forth in Section 1.8 of the Rules of Practice and Procedure, any request for clarification of the facts presented by the applications.

The Commission orders: (A) The applications in Docket Nos. CP76–254, CP76–255, CP76–271, CP76–325 and CP76–353 are consolidated for the purposes of hearing and decision.

(B) Temporary certificates are issued to Mich-Wis and MCG authorizing the construction and operation of the facilities proposed in Docket Nos. CP76–255 and CP76–254, respectively. The relevant costs associated with the construction and operation of the proposed facilities shall be permitted to be included in the rate bases of Mich-Wis and MCG and to be reflected by Mich-Wis and MCG in subsequent general rate filings under Section 4 of the Natural Gas Act, subject to refund and removal from their rate bases should the facilities not be permanently certificated. Facilities shall be constructed and placed into actual operation within one-year from the date of this order.

(C) All petitioners to intervene are permitted to intervene subject to the rules and regulations of the Commission; *Provided, however,* That participation by such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved, because of any order of the Commission entered in this proceeding.

(D) All Applicants and all supporting intervenors shall file testimony and exhibits comprising their cases-in-chief on or before September 8, 1976. The cases-in-chief of Applicants shall include, but not be limited to, evidence concerning:

(1) The end-use of the gas which NNG, NIPSCO and Natural will receive as a result of the proposed storage arrangements, which end use shall be classified by the type of customer and the priorities set out in Section 2.78 of the Commission's Rules;

(2) A detailed description (including maps) which describes the operations of the entire MCG system;

(3) A detailed description of all corporate relationships between Mich-Wis and MCG;

(4) A detailed description of the derivation of rates and charges of the storage and transportation arrangements included in the instant applications and how these charges relate to the contribution of compressor fuel by NIPSCO, NNG, and Natural;

(5) Alternate sources of compressor fuel which may be utilized to effect the transportation of the subject gas proposed by Applicants.

(E) Testimony and exhibits comprising rebuttal testimony to the cases-in-chief shall be filed by September 22, 1976.

(F) A prehearing conference is to be convened at the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C., on October 6, 1976, at 10:00 a.m. (EDT).

(G) A formal hearing shall be convened in the proceeding in Docket No. CP76–255, et al., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on November 4, 1976, at 10:00 a.m. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26869 Filed 9–13–76;8:45 am]

[Docket No. RP76–114]

MIDWESTERN GAS TRANSMISSION CO.

Order Granting Intervention

Issued: September 3, 1976.

On June 30, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing revised tariff sheets to its FPC Gas Tariff[1] seeking an increase in annual jurisdictional revenues of $4,758,726 for its Southern System and $3,796,501 for its Northern System. Notice of Midwestern's tender was issued on July 8, 1976, with comments, protests, and petitions to intervene due on or before July 23, 1976. Various untimely petitions to intervene were filed by Central Illinois Public Service Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), and Peoples Natural Gas Division of Northern Natural Gas Company.

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filings.

The Commission finds: The participation of the above-named petitioners in these proceedings may be in the public interest and good cause exists for permitting the late filings.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that

[2] These proceedings are currently in formal hearing at this Commission.

[1] *Third Revised Volume No. 1.* Fifteenth Revised Sheet No. 5, Original Sheet No. 5A, Second Revised Sheet Nos. 80 and 85. *Original Volume No. 2.* First Revised Sheet No. 37.

they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26784 Filed 9–13–76;8:45 am]

[Docket Nos. G–18314, CP66–121 and CP70–25]

MIDWESTERN GAS TRANSMISSION CO.

Notice Cancelled

SEPTEMBER 2, 1976.

On July 21 and August 19, 1976, the Commission issued notices in the above-designated matter. The notice issued August 19, 1976, is hereby cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26797 Filed 9–13–76;8:45 am]

[Docket No. CI75–538]

MOBILE OIL CORP.

Rate Schedule Supplement

SEPTEMBER 8, 1976.

Mobil Oil Corporation (Mobil) on May 25, 1976, filed an application to amend to its application for certificate in Docket No. CI75–538. On February 27, 1976, Mobil and Trunkline Gas Company amended their contract for the sale of gas from Grand Isle Block 95 Field. Said amendment is on file as Supplement No. 1 to Rate Schedule No. 510. See orders issued November 21, 1975, April 7, and June 11, 1976.

Mobile has submitted a further contract amendment dated May 21, 1976, which amends the gas sales contract to extend the term of the contract from 10 to 15 years and the initial rate for sale of gas to be the national rate set by the Commission.

A certificate issued on June 11, 1976, was accepted by Mobil on June 18, 1976. Notice of the amendment was issued on June 28, 1976. No objection or protest has been filed.

The Commission finds: (1) Public convenience and necessity require the amendment of the certificate issued to Mobil.

(2) The rate schedule supplement should be effective on the same date as the rate schedule.

The Commission orders: (A) The certificate of public convenience and necessity issued to Mobil in Docket No. CI75–538 is amended, as set forth in the application to amend filed May 25, 1976.

(B) The amendment to the gas sales contract dated May 21, 1976, is hereby designated as Supplement No. 2 to Mobil's Rate Schedule No. 510. Said supplement is accepted for filing and will be effective on the same date as Rate Schedule No. 510.

(C) In all other respects, the prior orders remain in full force and effect.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26870 Filed 9–13–76;8:45 am]

[Docket No. RP74–100]

NATIONAL FUEL GAS SUPPLY CORP.

Deferring Briefs on Exceptions

SEPTEMBER 2, 1976.

On August 20, 1976, National Fuel Gas Supply Corporation (National) filed a motion to defer the dates for filing Briefs on Exceptions and Briefs Opposing Exceptions to the Initial Decision in the above-designated proceeding. National states that parties to the proceeding have agreed to the aforesaid deferral.

Upon consideration, notice is hereby given that the dates for filing Briefs on Exceptions and replies thereto in this proceeding are deferred.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26798 Filed 9–13–76;8:45 am]

[Docket Nos. RP71–125; RP75–108 (PGA76–8)]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed PGA Rate Adjustment

AUGUST 31, 1976.

On July 16, 1976, Natural Gas Pipeline Company of America (Natural) tendered for filing a 2.3¢ per Mcf PGA rate increase[1] to track increased purchased gas costs of $19,700,000 and a revised surcharge of 4.90¢ per Mcf[2] to amortize the balance in the deferred purchased gas cost account. The proposed effective date of this increase is September 1, 1976. For the reasons set forth below, the Commission will accept the proposed increase for filing, suspend its operation for one day until September 2, 1976. Furthermore, the Commission will permit Natural to refile revised rates to be effective September 1, 1976, reflecting only that portion of the proposed adjustment including costs other than those related to emergency purchases at rates in excess of the Opinion No. 770 rate level and costs related to non-jurisdictional purchases.

Public notice of Natural's filing was issued by the Commission on July 26, 1976, with comments, protests, and petitions to intervene due on or before August 16, 1976.

[1] Substitute Twenty-Ninth Revised Sheet No. 5 and Substitute Fourth Revised Sheet No. 5A to FPC Gas Tariff, Third Revised Volume No. 1.

[2] The present surcharge is 3.57¢ per Mcf.

Our review of Natural's filing indicates that the rates included therein are based in part on 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and a purchase from an alleged non-jurisdictional pipeline.[3] Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until September 2, 1976, when they shall become effective subject to refund.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 6–9–B[4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If upon review of the information filed and any comments related thereto we find the criterion set forth in Opinion No. 699–B has been met the Commission shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

Our review of Natural's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R–406 with the exception of: (1) those claimed increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed by Opinion No. 770 and (2) those costs associated with non-jurisdictional purchases. Accordingly, we shall permit Natural to file revised tariff sheets, to become effective September 1, 1976, reflecting elimination of the costs discussed in (1) and (2) above, as hereinafter ordered and conditioned.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that the revised tariff sheets listed in footnote 1 be accepted for filing and suspended for one day, to become effective September 2, 1976, subject to refund.

[3] Kansas Power and Light Company.

[4] ---- FPC ---- issued September 9, 1975, in Docket No. R–389–B.

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(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Natural be permitted to file, to become effective September 1, 1976, revised tariff sheets reflecting the elimination of (a) purchased gas costs associated with that portion of emergency purchases in excess of the rate level established in Opinion No. 770 and (b) those costs associated with nonjurisdictional purchases.

(3) With the exceptions noted in Finding Paragraph (2) above, the claimed increased costs, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) Natural's revised tariff sheets listed in footnote 1 are hereby accepted for filing and suspended for one day, until September 2, 1976, when they shall become effective, subject to refund.

(B) Within 20 days of the date of issuance of this order, Natural may file revised tariff sheets to become effective September 1, 1976, which reflect those claimed increased purchased gas costs contained in its PGA adjustment other than (a) that portion of the 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and (b) those costs associated with nonjurisdictional purchases.

(C) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

(D) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26859 Filed 9-13-76;8:45 am]

[Docket No. ER76-875]

NEVADA POWER CO.

Rate Schedule Change

SEPTEMBER 2, 1976.

Take notice that on August 24, 1976, the Nevada Power Company (NPC) tendered for filing a change in rate schedule for the California-Pacific Utilities Company (CPUC) at Needles, California. NPC states that the change in CPUC's rates will consist of an increase in the demand component of $2.33 per Kw per month to CPUC at Needles. The increase in the energy component, other than fuel, to Needles is 0.33 mills per Kwh.

NPC has requested that the effective date be as of the date of filing. NPC states that this rate relief is urgent due to their financial emergency. NPC further states that CPUC's fuel adjustment will decrease starting in May 1976, due to the addition of low fuel cost but high capital cost coal burning plants and immediate rate relief is necessary in order to avoid the incongruous situation of reducing rates to CPUC at exactly the time that higher rates are urgently required.

NPC states that copies of this filing have been mailed to CPUC, Public Service Commission of Nevada, Public Utilities Commission of California, and the Federal Power Commission, San Francisco Regional Office.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26773 Filed 9-13-76;8:45 am]

[Docket No. CP76-482]

NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 16, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-482 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for North Central Public Service Corporation (North Central Corp.) and North Central Public Service Company (North Central Co.), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that North Central Corp. and North Central Co. would purchase propane/air from Northern States Power Company (NSP) which would deliver gas to Applicant by displacement. Applicant would reduce deliveries at St. Paul, Minnesota, of gas otherwise deliverable by Applicant to NSP. NSP would produce and use in its St. Paul distribution system an equivalent volume of propane/air to offset the reduced deliveries.

Applicant proposes to transport for North Central Corp. up to 1,000 Mcf of gas per day from November 27 through April 15 at an annual demand charge of $12.453 per Mcf of the maximum daily volume and a transportation charge of 4.981 cents per Mcf transported. Deliveries would be made to North Central Corp. at the Monroe TBS No. 1 in Green County, Wisconsin.

Applicant proposes to transport for North Central Co. up to 10,000 Mcf of gas per day from February 27 through April 15 at an annual demand charge of $2.388 per Mcf of the maximum daily volume and a transportation charge of 1.463 cents per Mcf transported. Deliveries would be made to North Central Co. at the Coon Rapids TBS No. 1, Anoka TBS No. 1, and Blaine TBS No. 1, all in Anoka County, Minnesota, in a 6/3/1 ratio, respectively.

Applicant states that the gas proposed to be transported would be sold to firm and small volume customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commisison's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26785 Filed 9-13-76;8:45 am]

[Docket No. CP70-137]

NORTHWEST PIPELINE CORP.

Petition To Amend

SEPTEMBER 3, 1976.

Take notice that on August 19, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP70-137 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to retain in place and operate the Idaho State Penitentiary tap and metering facilities at a new location, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order issued July 17, 1973, El Paso Natural Gas Company (El Paso), Petitioner's predecessor in interest with respect to the subject facilities, was authorized to modify then-existing meter facilities serving Intermountain Gas Company (Intermountain) at the Idaho State Penitentiary tap in the SW ¼ Sec. 33, T. 2 N., R. 2 E., Ada County, Idaho, to provide increased measurement capacity. It is stated further that prior to the modification of the meter station, El Paso and Intermountain agreed that a new site was required to provide for safe and continuous service to the penitentiary. The petition to amend states that the old meter site was adjacent to an elevated dirt road used periodically by the Idaho National Guard to move tanks during maneuvers and that the tanks created severe dust conditions which could have caused an accident involving the meter station and a tank. Therefore, a Petitioner states, El Paso constructed a new meter station in the vicinity of El Paso's, now Petitioner's, 22-inch O.D. mainline in the NW ¼ Sec. 4, T. 1 N. R. 2 E., Ada County, Idaho, approximately 0.62 mile from the prior location.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26786 Filed 9-13-76;8:45 am]

[Docket No. CP75-287, CP75-110]

NORTHWEST PIPE LINE CORP. AND WASHINGTON NATURAL GAS CO., AS PROJECT OPERATOR

Temporary Certificates of Public Convenience and Necessity and Setting Hearing

Issued: September 1, 1976.

On June 1, 1976, Northwest Pipeline Corporation (Northwest), filed in Docket No. CP75-287, a Petition to Amend the Commission's order issued September 26, 1975, as amended on January 16, 1976, in the aforementioned docket, pursuant to Section 7(c) of the Natural Gas Act, to authorize an increase in the seasonal quantity of natural gas which it is authorized to sell and deliver, pursuant to Northwest's Storage Gas Service Rate Schedule SG-1, and to authorize reallocation of the peak-day, best efforts and seasonal quantities of natural gas. By order issued September 26, 1975, Northwest was authorized to increase its firm winter service under the aforementioned rate schedule from 240,000 Mcf to up to 300,000 Mcf per day and to increase its seasonal quantity from 8,500,000 Mcf to 9,300,000 Mcf per winter season. On January 16, 1976, the Commission amended its previous authorization by allowing Northwest to sell and deliver on a best efforts basis, up to an additional 71,800 Mcf on a daily basis for the period October 16, 1975 through April 16, 1976. The Commission also authorized Washington Natural Gas Company (Washington Natural) to operate Jackson Prairie Storage Project (Jackson Prairie) so as to deliver the volumes of natural gas which Northwest is authorized to sell and deliver, pursuant to Northwest's Rate Schedule SGS-1.

In the Petition to Amend, Northwest requests that the Commission further authorize the following:

(1) An increase in the seasonal quantity which Northwest is authorized to sell and deliver, pursuant to its FPC Gas Rate Schedule SGS-1, from 9,300,000 Mcf to 10,100,000 Mcf;

(2) An extension of the withdrawal season from the period commencing each October 16 of each year, and extending through the next succeeding April 15 to a period commencing October 1 of each year and extending to the next succeeding April 30;

(3) The injection of volumes of natural gas during the withdrawal season; and

(4) A reallocation of the peak day, seasonal and best efforts volumes which Northwest is authorized to provide, pursuant to its Rate Schedule SGS-1.

In conjunction with the foregoing Petition to Amend, Washington Natural filed, in Docket No. CP75-110, a Petition to Amend the Commission's order issued September 25, 1975, as amended on January 16, 1976, on the same bases as above delineated.

Northwest, Washington Natural, and the Washington Water Power Company (Washington Water Power) are parties to the Gas Storage Project Agreement dated June 25, 1970,[1] whereby each party owns a one-third (⅓) undivided interest in the Jackson Prairie located in Lewis County, Washington. The Agreement provides that Washington Natural, the designated operator, shall operate Jackson Prairie so as to support the sale and delivery by Northwest of volumes of natural gas, pursuant to Northwest's Storage Gas Service Rate Schedule SGS-1. The Management Committee, comprised of the three owner parties, reviewed the potential of the project and adopted the recommendation of Washington Natural, as project operator, that consistent with the gradual development of the project, seasonal withdrawal quantities should be increased to not less than 10,100,000 Mcf, and the cushion gas inventory should be increased to not less than 15,200,000 Mcf. The proposed changes would result in an increase of 800,000 Mcf in the working gas inventory and an increase of 1,200,000 Mcf in the cushion gas inventory. Northwest does not propose any increase in the presently authorized daily contract quantity of 300,000 Mcf per day. The proposed increase in the seasonal quantity of 800,000 Mcf will not require the construction of any additional facilities.

As Part of its Petition to Amend, Northwest set forth its proposed revisions to the currently effective allocation of its firm Contract Demand, Best Efforts and Seasonal delivery obligations under its FPC Gas Rate Schedule SGS-1. Our review of the proposed allocation of the daily and seasonal quantities for the 1976-77 heating season and thereafter indicates that Northwest anticipates growth in its customers' high priority seasonal requirements while it projects varying degrees of lower priority curtailments. Northwest's submission indicates that the winter requirements of all priorities will increase by seven percent during the next two years, whereas the biennial increase of all customers' requirements in Priorities No. 1 and No. 2 will be approximately 8.5 percent. It appears that the proposed reallocation will result in a reduction in storage service for most of Northwest's customers, with concurrent increases solely for Southwest Gas Corporation, Washington Natural, and Washington Water Power.

[1] This Agreement is on file with the Commission as Washington Natural's FPC Gas Rate Schedule S-1.

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We, therefore, find that it is appropriate to set for hearing the Petitions to Amend in the two foregoing dockets in order to insure that the public interest is adequately protected.

Due to the difficulty in obtaining natural gas from new gas supply sources with which to replace the declining deliverability of existing domestic supply sources, the proposed services are essential to maintaining reliability on the system. Northwest Pipe Line has been required to curtail firm deliveries for the past two heating seasons because its Canadian supplier has been unable to deliver full contract volumes. Due to the projected curtailment on this system, we find that a temporary certificate should be granted without prejudice to the final disposition with regard to the Petitions to Amend. Such grant is conditioned upon a filing by Washington Natural of a tariff sheet, pursuant to § 154.01 of the Commission's regulations.

After due notice by publication in the FEDERAL REGISTER on June 15, 1976 (41 FR 24218), Cascade Natural Gas Corporation petitioned to intervene. On May 27, 1976 (41 FR 21698), Washington Natural's Petition to Amend was noticed and published in the FEDERAL REGISTER, whereupon Northwest Pipe Line Corporation filed a timely Petition to Intervene.

The Commission finds: (1) It is necessary and appropriate that the proceedings in Docket Nos. CP75–287 and CP75–110 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above consolidated dockets to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) Due to the level of curtailment on the interstate pipeline system, it appears appropriate that temporary certificates should be issued as hereinafter ordered and conditioned.

(4) Good cause exists for the Commission to enter upon a hearing concerning Applicants' Petitions to Amend the certificates of public convenience and necessity and for establishing the procedure for that hearing, all as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held concerning the public interest issues involved in the Petitions to Amend the certificates of public convenience and necessity issued to the Petitioners in these proceedings, on September 25, 1975, as amended on January 16, 1976.

(B) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(C) The temporary certificate issued in paragraph (A) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (c)(1), (c)(3), (c)(4), (e), (f) and (g) of Section 157.20 of such regulations.

(D) Cascade Natural Gas Corporation and Northwest Pipe Line Corporation, who have petitioned to intervene in the proceedings consolidated in ordering paragraph herein, are permitted to intervene in such consolidated proceedings, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26790 Filed 9–13–76;8:45 am]

[Docket No. CP76–483]

PANHANDLE EASTERN PIPE LINE CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 16, 1976, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–483 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for U.S. Industrial Chemical Company, a Division of National Distillers and Chemical Corporation (National), a direct sale customer of Applicant, from points in Oklahoma and Texas to the existing point of interconnection between National and Applicant in Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for National natural gas purchased by National from Phillips Petroleum Company (Phillips). Applicant would transport on a firm basis up to 6,000 Mcf of gas per day from November through April and up to 3,000 Mcf of gas per day from May through October and on a best-efforts basis up to 3,000 Mcf of gas per day from November through April and up to 2,000 Mcf of gas per day from May through October. The transportation agreement between Applicant and National provides for the service to be rendered for one year from November 1, 1976. It is stated that the primary point for the receipt of gas by Applicant would be at the inlet of Applicant's existing measuring station located at Phillips' Cimarron plant in Woodward County, Oklahoma, and that a secondary point of receipt would be at Phillips' Hansford plant in Hansford County, Texas. Applicant would deliver the gas to National at their existing point of interconnection in Douglas County, Illinois.

For the proposed service National would pay Applicant a monthly transportation charge of $30,780 from November through April and $15,390 from May through October and a transportation charge for volumes in excess of the firm volumes of 16.88 cents per Mcf. National would pay Applicant an additional charge of 2.52 cents per Mcf for volumes received by Applicant at the Hansford County point. Applicant would retain 7 percent of the gas received at the Woodward County point and 11 percent of the gas received at the Hansford County point for compressor fuel.

The application indicates that National would purchase gas from Phillips at $1.65 cents per Mcf at 14.65 psia. Applicant states that this price precludes Applicant's purchase of the gas.

Information supplied by National included in the application indicates that National operates a petrochemical complex at Tuscola, Illinois, which is supplied with gas by Applicant. It is stated that approximately three quarters of the gas normally purchased from Applicant is used as feedstock. Further, it is stated, the gas proposed to be transported by Applicant would be used in plant process heaters which require gaseous fuels and must operate with precise temperature controle and flame characteristics.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26766 Filed 9–13–76;8:45 am]

[Docket Nos. ER76–308, ER76–386]

PUBLIC SERVICE CO. OF NEW MEXICO

Electric Rates Settlement

Issued: September 8, 1976.

On April 8, 1976, at a hearing before Presiding Administrative Law Judge Grossman, the Public Service Company of New Mexico (PSNM) placed on the record a proposed Stipulation and Agreement of Settlement in the above-captioned consolidated proceeding, which, approved, would resolve all the issues raised herein. Judge Grossman certified the record, including the Agreement, to the Commission on April 9, 1976. For the reasons hereinafter stated, the Commission shall approve the proposed Stipulation and Agreement.

Docket No. ER76–308 is the subject of a January 26, 1976, filing by PSNM of a Second Supplemental Agreement between PSNM and the Community Public Service Company (CPS) for the furnishing of electric power and energy to CPS during the period December 1, 1975, through June 1, 1976. The filing was designed to increase revenues from jurisdictional sales and service to CPS by $350,800 on an annual basis.

Docket No. ER76–386 is the subject of a January 26, 1976, filing by PSNM of a superseding service agreement between PSNM and the Energy Research and Development Administration (ERDA). The filing was designed to increase revenues from jurisdictional sales and service to ERDA by approximately $150,300 on an annual basis. By order issued February 25, 1976, the Commission accepted for filing and suspended the use of the proposed rates until April 26, 1976, when such rates were permitted to become effective, subject to refund, and consolidated the dockets for final hearing and determination of their justness and reasonableness.

Public notice of PSNM's filing of the Stipulation and Agreement was issued on April 15, 1976, with all comments thereon due on or before April 26, 1976. Comments in complete support of the Agreement were filed by CPS and ERDA. The Staff filed comments in support of the Agreement but noted, however, that the rates proposed therein contain an automatic tax adjustment clause.

The rates contained in the proposed Agreement, although based upon an adjusted cost of service (attached as Appendix C to the Agreement), are the same as those originally proposed and suspended, and therefore will not result in any refunds to the jurisdictional customers. The major feature of the originally proposed rates, and consequently of the rates incorporated in the proposed Agreement, is a rate design based upon time-of-day rates.

The Commission's review of the proposed Agreement indicates that it reflects rates that are cost-justified, and are therefore just and reasonable and in the public interest. The Commission takes note of the automatic tax adjustment clause contained in PSNM's proposed rates, and hereby advises PSNM that any implementation of said clause must be made in accordance with the rate change provisions of Section 205 of the Federal Power Act and the Commission's regulations.

The Commission finds: Good cause exists to accept and approve the proposed Stipulation and Agreement.

The Commission orders: (A) The Stipulation and Agreement offered as part of the certified record in this proceeding and, incorporated herein by reference, is hereby accepted and approved.

(B) Docket Nos. ER76–308 and ER76–386 and PSNM's refund obligation with respect to the rates filed in these consolidated dockets are hereby terminated.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Public Service Company of New Mexico or any other person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F PLUMB,
Secretary.

[FR Doc.76–26871 Filed 9–13–76;8:45 am]

[Docket No. E–9454]

PUBLIC SERVICE CO. OF NEW MEXICO

Price Squeeze Issue

Issued: September 8, 1976.

On May 21, 1975, Public Service Company of New Mexico (PNM) tendered for filing a proposed rate schedule that would increase revenues from its jurisdictional customer, the City of Gallup, New Mexico (Gallup) by about $848,000. On June 30, 1975, Gallup filed a petition to intervene, alleging, inter alia, that PNM's rate filing was non-competitive and discriminatory when considered in relation to its retail rates and when considered in relation to another wholesale customer, Community Public Service Co. (CPS).[1]

By order of July 31, 1975, the Commission instituted an investigation under Section 206 of the Federal Power Act to determine a just and reasonable rate for PNM's service to Gallup. The order excluded consideration of the price squeeze issue pending Supreme Court review of Conway Corporation v. F.P.C., 519 F. 2d 1264 (1975), affirmed, 44 U.S.L.W. 4777 (June 7, 1976). On January 7, 1976, the Presiding Administrative Law Judge certified a proposed settlement of this matter to the Commission. This settlement is opposed by Gallup.

PNM's settlement proposal is based upon the cost of service study prepared by Gallup which Gallup served on all parties on November 4, 1975, for later submittal in evidence at the hearing. It meets the lowest cost of service study prepared by the parties and would permit an increase of $544,000 annually. Staff's cost of service study entered into the record would allow a $615,767 annual increase. PNM's filing showed a negative rate of return for the test year ended December 31, 1974, while the settlement rates indicated by Gallup's filing project a rate of return of 9.045 percent.[2]

Gallup objects to the settlement because it claims additional issues of fact remain to be resolved. Although the settlement would prescribe rates at the level of Gallup's served testimony, Gallup objects that it was unable on November 4, 1975 to serve a case on all issues of fact because PNM failed to supply data requested over one month earlier regarding Western Coal Company, partially owned by PNM.

Gallup has presented an offer of proof, prepared as testimony filed January 5, 1976, on the issue of fuel costs. It would purport to demonstrate that coal purchased by PNM from its 50 percent owned subsidiary, Western Coal Company, is more costly than coal purchased from nearby non-affiliated coal producers and that PNM's indicated return on its investment in 1974 was 57.1 percent. It also suggested that state regulatory agencies base just and reasonable rates for subsidiary prices on actual costs and not upon a comparison of prices. PNM has not rebutted Gallup's contentions concerning its indicated return on its investment in Western.

The Commission staff recommends approval of the settlement since the settlement rates are below Staff's recom-

[1] Gallup also objected that any rate increase filing is precluded by the contract terms and the Sierra-Mobile doctrine. PNM contended a unilateral price change is permissible under the contract. The Commission denied each of their contentions on July 31, 1975, and denied rehearing on September 26, 1975. Both appealed, *Public Service Co. of New Mexico, et al.* v. *F.P.C.*, 10th Cir., Nos. 75–1692, 76–1013.

[2] PNM and the Commission Staff placed their evidence into the record at the prehearing conference. Gallup refused to do so on grounds that it has a right to withhold its case pending the closing of PNM's case

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mendation and rejects Gallup's factual contentions. Staff points to the relatively low cost of Western's coal (26 cents per Mcf) versus the July, 1975, average nationwide cost of coal of 80.8 cents per MMBtu. Staff also says the PNM-Western coal contract appears to be cost based.

Gallup's offer of proof in the nature of prepared testimony raises questions not otherwise answered by the record. Gallup's offer of proof alleges that the coal contract in question does not base the rate for materials and supplies upon costs but upon wholesale price indices for commodity groups and claims there is an indicated return on PNM's investment in Western of 57.1 percent. Because factual issues concerning purchased fuel costs have been raised which are not resolvable by the record evidence, we will remand for the presentation of evidence directed to appropriateness of those costs.

We are unable to accept all of Gallup's factual allegations and still approve the settlement rates as just and reasonable on this record. This situation renders inapplicable the cases cited by PNM which permit the approval of settlements over objection in certain cases.[5] Moreover, in another recent case, *Georgia Power Co.*, Opinion No. 711, to the settlement to be factually unsupported, it afforded that party an opportunity for cross-examination.

Gallup also objects that the settlement does not resolve the claimed discriminatory treatment of Gallup vis-a-vis CPS. Gallup says no basis exists for a lesser charge to CPS where CPS has a 47 percent greater entitlement to capacity than the peak load demand of Gallup during the 1974 test year and a further entitlement of 85 percent above that level within the first six months of 1975.

Staff and PNM respond that this issue should be rejected, noting PNM has filed in Docket No. ER76–308 proposed rate increases which, if approved, would result in a rate to CPS substantially higher than those proposed to Gallup based on 1974 costs.

We are today issuing an order approving the settlement at the proposed rates. This action moots this issue of discrimination raised by Gallup. We accordingly reject its request for hearing on this question.

In certifying this settlement to the Commission, the Presiding Administrative Law Judge recommended that the Commission approve the settlement and authorize the settlement rates to go into effect subject to refund and close the case subject to motion by Gallup to remand on remaining issues. PNM and Staff support this recommendation while Gallup opposes it. We reject this recommendation.

As discussed above, Gallup has raised an issue that must be heard before the Commission acts pursuant to this Section 206 proceeding. We are not permitted by Section 206(a) of the Federal Power Act to authorize increased rates where both the contract between the parties prohibits unilateral filings and where we are unable to conclude the rates are just and reasonable. If the rates were permitted to become effective prior to finding them just and reasonable, it would be tantamount to permitting a unilateral filing. The impact of consideration of the coal fuel costs may demonstrate that the settlement rates are in excess of a just and reasonable rate. We therefore cannot accept the Judge's recommendation to place the settlement rates into effect subject to refund.

On July 6, 1976, Gallup filed a motion requesting that the Commission reopen the record in this proceeding so that the "price squeeze" issue can be considered. The motion is based on the Supreme Court's June 7, 1976 opinion affirming the Court of Appeals decision in *Conway*, supra. The Supreme Court in *Conway* held that the Commission has the jurisdiction to consider allegations that proposed wholesale rates are discriminatory and noncompetitive when considered in relation to the retail rates. This is known as the "price squeeze" issue. In view of the *Conway* Decision, the Commission has determined that it is necessary to permit Gallup to present evidence on the "price squeeze" issue in this reopened proceeding. The Commission has proposed the substantive standards it intends to apply in evaluating allegations of price squeeze in the Notice of Proposed Statement of Policy, Policy Statement Concerning Electric Rate Schedule Filings and Requirement for Filing of Comparative Rate Information in Certain Situations, Docket No. RM76–29, issued July 29, 1976.

Accordingly, the Presiding Judge will be ordered to convene a conference to establish such further procedural dates as necessary. The settlement proposal will be rejected without prejudice to its further submission.

The Commission finds: (1) Good cause exists to reject the settlement proposal and to reopen the record in accord with the provisions of this order.

(2) Good cause exists to grant Gallup's motion to reopen the record on the "price squeeze" issue.

The Commission orders: (A) The Intervenors' Motion to reopen on the "price squeeze" issue is granted.

(B) Pursuant to the authority of the Federal Power Act, the Commission's Rules of Practice and Procedure, and the Regulations Under the Federal Power Act (18 CFR Chapter I), a prehearing conference shall be held at a date to be designated by the Presiding Administrative Law Judge, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26872 Filed 9–13–76;8:45 am]

[Docket No. ER76–874]

PUGET SOUND POWER & LIGHT CO.

Wholesale for Resale Power Contracts

SEPTEMBER 3, 1976.

Take notice that on August 23, 1976, Puget Sound Power & Light Company (Puget) tendered for filing wholesale for resale power contracts with the City of Dupont and the Port of Skagit County which reflect the addition of these contracts as new customers in Puget's presently filed "Firm Wholesale Service for Purpose of Resale" rate schedule, according to Puget. Puget states that service under the agreements commenced on May 19, 1976, for the City of Dupont and January 22, 1976 for the Port of Skagit County and Puget accordingly requests waiver of the notice requirements to have those dates assigned as the effective dates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26767 Filed 9–13–76;8:45 am]

[Docket No. ID–1634]

ROBERT J. HURSTAK

Application

SEPTEMBER 7, 1976.

Take notice that on August 30, 1976, Robert J. Hurstak (Applicant), filed an application with the Federal Power Commission, pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President and Controller, Orange and Rockland Utilities, Inc., Public Utility.

Vice President and Controller, Rockland Electric Co., Public Utility.

Vice President and Controller, Pike County Light & Power Co., Public Utility.

Rockland Electric Company and Pike County Light & Power Company are wholly-owned subsidiaries of Orange and Rockland Utilities, Inc.

Orange and Rockland Utilities, Inc. (formerly Rockland Light and Power Company) has its principal place of business at Spring Valley, New York. The Company is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the state of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines to its wholly-owned subsidiary companies, Pike County Light & Power Company, Milford, Pennsylvania; and Rockland Electric Company, Ramsey, New Jersey. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26860 Filed 9–13–76;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Use of Project Lands

SEPTEMBER 2, 1976.

Public notice is hereby given that an application was filed on February 4, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the South Carolina Public Service Authority (Correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Paul W. Cobb, State Highway Engineer, South Carolina State Highway Department, Post Office Drawer 191, Columbia, South Carolina 29202) for authority to permit the South Carolina State Highway Department to construct a 90-foot-long concrete bridge for South Carolina Route 26 across lands and waters of the Santee-Cooper Project, FPC Project No. 199, at Dean Swamp Impoundment, Lake Marion, about three miles southeast of Jordan, Clarendon County, South Carolina.

The proposed bridge construction would replace an existing causeway across the Wyboo Creek, Lake Marion. The purpose of the bridge is to permit navigation between Dean Swamp Impoundment and Lake Marion. The proposed bridge would also replace a "control structure" which currently maintains the elevation of the water in Dean Swamp Impoundment at 75 feet above mean sea level whenever the elevation of the water in Lake Marion is lower. Applicant states that elevations as low as 62 feet above mean sea level have been recorded for Lake Marion. The bridge will provide about 7.3 feet of clearance above the maximum lake elevation of 76.8 feet above mean sea level as measured at the Santee Dam spillway.

Applicant has requested the shortened procedure pursuant to § 1.32(b) of the Commission's rules of practice and procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protests with reference to said application should, on or before October 18, 1976, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26775 Filed 9–13–76;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Change in Land Rights

SEPTEMBER 2, 1976.

Public notice is hereby given that an application was filed on April 16, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the South Carolina Public Service Authority (Correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Edwin H. Cooper, Jr. and Edmund H. Hardy, 5219 Trenholm Road, Columbia, South Carolina 29206) for a change in land rights involving certain lands of Project No. 199 located in Poplar Creek, an inlet of Lake Marion, in Calhoun and Orangeburg Counties, South Carolina.

The South Carolina Public Service Authority, Licensee for Santee-Cooper Project No. 199, proposes to exchange with Edwin H. Cooper, Jr. and Edmund H. Hardy (Trustees) about 37.6 acres of undeveloped project land along the western side of Poplar Creek, Lake Marion, for about 54.2 acres of land outside of, but contiguous to, the project boundary at the tip of Poplar Creek. The application states that acquisition of the 54.2-acre tract by the Licensee would provide sufficient depth for the Licensee to develop public recreational facilities without utilizing large portions of the shoreline. The 37.6 acres of project land to be conveyed to Edwin H. Cooper, Jr. and Edmund H. Hardy is approximately 1.4 miles long and averages 220 feet wide with an irregular shoreline. This tract is contiguous to 710 acres that the Trustees own and lease to a local farmer and a hunt club. The Trustees state that they have no immediate plans to develop the project lands to be acquired by them. The proposed instrument of conveyance contains a provision that all construction on this land within 100 feet of the normal high water mark shall require the prior approval of the Federal Power Commission. Both tracts of land are across Poplar Creek from and near the Santee State Park, located on Lake Marion.

The Licensee has requested use of the shortened procedure pursuant to § 1.32 (b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 18, 1976, file with the Federal Power Commission, 825 N. Capitol Street N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

[5] PNM cites *Citizens for Allegan County, Inc.* v. *F.P.C.*, 414 F. 2d 1125, 1128 (D.C. Cir. 1969); *Cities of Lexington, Ky.* v. *F.P.C.*, 295 F 2d 109, 121 (4th Cir. 1961); and *Pennsylvania Gas & Water Co.* v. *F.P.C.*, 463 F. 2d 1242 (D.C. Cir. 1972).

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in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26774 Filed 9-13-76;8:45 am]

[Docket No. RP74-41 (PGA76-6A)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 3, 1976.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 16, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No 1, the following sheets:

Substitute Twenty-first Revised Sheet No. 14
Substitute Twenty-first Revised Sheet No. 14A
Substitute Twenty-first Revised Sheet No. 14B
Substitute Twenty-first Revised Sheet No. 14C
Substitute Twenty-first Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued in substitution for Texas Eastern's PGA filing of June 17, 1976, which filing was accepted by Commission order dated July 7, 1976 in Docket No. RP74-41 (PGA No. 76-6) subject to modification for supplier rates. Texas Eastern states that the above sheets are filed pursuant to such Commission order dated July 7, 1976, reflecting a modification in the rates of United Gas Pipe Line Company. The proposed effective date of the above tariff sheets is August 2, 1976.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26769 Filed 9-13-76;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Natural Gas Pipelines Curtailment (Settlement);

SEPTEMBER 3, 1976.

Texas Gas Transmission Corporation (Texas Gas) submitted for filing on September 30, 1975, pursuant to Section 4 of the Natural Gas Act, proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, pertaining to priorities of service during periods of curtailed deliveries.

By order issued March 26, 1976, the Commission suspended the use of the proposed tariff provisions from that date until April 1, 1976, and such further time as they are made effective in the manner prescribed by the Natural Gas Act.[1] That order also set this matter for formal hearing to be preceded by a prehearing conference, and established procedures pursuant to which Texas Gas and intervenors could file evidentiary support for their respective positions with regard to the issues arising from the proposed tariff provisions.

At a prehearing conference held on April 27, 1976, the Presiding Administrative Law Judge set dates of May 10, 1976, and May 24, 1976, respectively, for the filing of supporting and opposing initial and rebuttal testimony in regard to an interim settlement reached among Texas Gas, the intervenors, and the Commission staff. On those dates Texas Gas submitted supporting direct and rebuttal testimony; Mississippi Gas Users, Inc. (Gas Users) filed initial and rebuttal opposing testimony as well as testimony supporting their own settlement proposal. Subsequently, Gas Users withdrew their opposition to the proposed interim settlement, including all testimony, motions, and requests for data (Tr. 482–483).

The proposed Interim Settlement Agreement, which had been previously served upon all parties, was received in evidence as Exhibit No. 20 at the hearing on June 10, 1976 (Tr. 459–461). Prepared testimony supporting the settlement agreement was submitted by Texas Gas Witnesses Monty G. Martin, John R. Gregory, Jr., and Robert O. Koch (Tr. 459–482). No party elected to cross-examine the supporting testimony of these witnesses (Tr. 467, 473, 482). Oral comments and statements of position by numerous parties were transcribed into the record at the June 10, 1976 conference (Tr. 490–496). In addition, written comments were filed at a later date pursuant to a Notice issued by the Commission's Secretary requiring that comments on the proposed interim settlement be filed on or before June 24, 1976.

At the hearing on June 10, 1976 also, a final environmental impact statement (FEIS) prepared by the Commission staff was received in evidence as Exhibit No. 23 (Tr. 484), together with the transcription into the record of supporting testimony by Staff Witness John E. Moriarty (Tr. 485–489), subject to the right of any party not present to file objections or to claim the right to cross-examine Mr. Moriarty within the time limit set by the Presiding Judge (Tr. 484–485). The time limitation expired without receipt of any objections or requests to cross-examine on the FEIS.

The Presiding Judge certified the proposed Interim Settlement Agreement to the Commission on July 9, 1976, together with the related record.

The Interim Settlement Agreement contains an Index of Quantity Entitlements in Appendix A thereto, along with related provisions pertaining to emergency situation relief, penalty charges, demand charge adjustments, and arrangements for the release of natural gas volumes by Texas Gas customers in Appendix C. These provisions as well as the curtailment procedures embodied in Appendix B of the Interim Settlement Agreement are proposed to be effective for the period April 1, 1976 through March 31, 1981. Texas Gas agrees to file a curtailment plan at least six months prior to April 1, 1981, the expiration date of the proposed interim settlement.

The principal provisions of the Interim Settlement Agreement may be summarized as follows:

(1) If seasonal or daily curtailment becomes necessary during the term of the interim agreement, Texas Gas shall curtail deliveries except for storage up to and including March 31, 1981, in accordance with the priorites of service delineated in Section 10.2 of the General Terms and Conditions of Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, contained in Appendix B. These priority of service categories reflect those set forth in the Commission's Statement of Policy in Order No. 467-B issued March 2, 1973, as modified in Priority Category 2 thereof to include firm industrial requirements up to 300 Mcf per day, in accordance with Commission Opinion No. 647-A, United Gas Pipe Line Company, 49 FPC 1211 (1973), reversed on other grounds, *State of Louisiana* v. *F.P.C.*, 503 F. 2d 844 (1974).

(2) In the event that Texas Gas determines that a shortage of natural gas makes it necessary to continue seasonal volumetric limitations upon its customers beyond March 31, 1981, it will file

[1] By order issued May 24, 1976, the Commission denied a petition for rehearing, reconsideration, and modification filed by Mississippi Gas Users, Inc. on April 26, 1976.

the same Index of Quantity Entitlements set forth in Appendix A to the agreement, which will be proposed to be effective from and after March 31, 1981, after suspension, if any.

(3) The end-use data set forth in Appendix D of the agreement shall be used by Texas Gas in implementing curtailments during the term of this agreement, which end-use data for customers with underground storage facilities reflects that net storage injection requirements in any month in which storage injections exceed storage withdrawals have been allocated to all categories of use in accordance with the percentage of requirements served by storage withdrawals in each of such categories in the months when storage withdrawals exceed storage injections.

(4) Pursuant to Section 10.3 of the Terms and Conditions of Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, Texas Gas has the right to adjust curtailments to the extent necessary to respond to emergency situations (including environmental emergencies) during periods of curtailment wherein supplementary deliveries are essential to prevent irreparable injury to life or property, provided that such emergency deliveries shall be balanced out by additional curtailments when such will not produce an emergency situation for the customer. This docket shall remain open for the limited purpose of filing with the Commission protests to the requests for emergency relief, which shall be served upon all parties to this proceeding.

(5) Whenever any purchaser takes volumes of gas in excess of 102 percent of the seasonal volumes specified for it in the Index Quantity Entitlement or specified for it pursuant to curtailment procedures, that purchaser shall pay a penalty of $10 per Mcf for such excess volumes. If any purchaser takes volumes of gas exceeding 102 precent of the daily volumes specified for it during any period of daily curtailment, that purchaser shall pay a penalty of $10 per Mcf for the excess volumes, provided that the excess amount is not les than 250 Mcf for any day. The amount of any penalties so collected shall be credited to an account entitled "Deferred Demand Charge Adjustments and Quantity Entitlement Overfun Penalties."

(6) In order to protect service to its firm customers during periods of curtailment, any purchaser may make arrangements with another purchaser for the release of certain volumes of gas, and may request Texas Gas to deliver the specified volumes of gas thus released to it during such curtailment, the terms and conditions of such delivery to be at the sole discretion of Texas Gas. Texas Gas shall promptly notify both purchasers whether it can accommodate such delivery. The only charge for such service shall be for deliveries across rate zones, whereby Texas Gas would charge the higher of the appropriate rates in the zones involved.

(7) Section 10.5 of the General Terms and Conditions of Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, set forth in Appendix C, provides for adjustments in demand charges for customers being curtailed, but also for the recovery of the total amount of such adjustments through a commodity rate increase.

(8) No party to this agreement[2] shall file any pleadings or motions directly or indirectly with the Commission or with the courts seeking a change in the end-use data used for computing curtailments on the Texas Gas System attached as Appendix D.

(9) Upon final Commission approval of the settlement, Texas Gas will file the tariff sheets attached to the agreement as Appendices A, B, and C, to be effective for the period April 1, 1976 through March 31, 1981.

(10) There is the general reservation that the Interim Settlement Agreement represents a negotiated settlement and that none of the parties to this proceeding shall be deemed to have approved or consented to any particular method or principle underlying the matters set forth in the agreement.

Most of Texas Gas' customers support the proposed five-year interim settlement agreement, and numerous supporting statements have been filed. Although they do not oppose the instant settlement, several parties, in their written or oral comments (Tr. 492–494), seek to reserve the right at a future time to petition the Commission for an opportunity to present evidence in support of the inclusion of a compensation provision in Texas Gas' curtailment plan. In addition, Westvaco Corporation, (Westvaco) reserves the right to object to the underlying end-use data and the method of compiling it herein in any controversy not settled by the interim agreement that may arise in connection with Texas Gas' curtailment of Westvaco's deliveries (Tr. 490–491); The Cincinnati Gas & Electric Company (Cincinnati) and Lawrenceburg Gas Transmission Corporation (Lawrenceburg) are concerned in their joint written comments whether customers taking less than 5,000 Mcf of natural gas per day have the necessary flexibility to withstand curtailment; and C F Industries, Inc. (C F) reserves the right to request a change in Texas Gas' curtailment plan if Congressional legislation requiring a modification of curtailment procedures is passed (Tr. 492–493).

Inasmuch as none of the parties mentioned above objects to this settlement, we do not perceive a basis in their comments for declining to give our approval to the proposed Interim Settlement Agreement. Compensation features in pipeline curtailment plans are now pending before the courts; and the parties herein are free to request our consideration of the lawfulness of a specific compensation scheme in the event that such is mandated upon completion of judicial review. We note that Westvaco's objection to the underlying end-use data is restricted to controversies not settled by the interim agreement herein that may arise, and that CF's reservation in regard to the settlement is contingent upon the passage of future overriding legislation. Finally, the apparent anxiety by Cincinnati and Lawrenceburg for the capability of Texas Gas' small customers to withstand curtailment has not been expressed by any of them, and we do not have sufficient evidence of record upon which to base an exemption for this class of customers. In any event, Texas Gas may be able to provide emergency situation relief under Section 10.3 of the General Terms and Conditions of its FPC Gas Tariff in the event that these small customers' operations lack adequate flexibility to offset the impact of a particular curtailment level.

The Commission finds: The Interim Settlement Agreement certified by the Presiding Administrative Law Judge to the Commission for approval on July 9, 1976, is in the public interest, and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered.

The Commission orders: (A) The Interim Settlement Agreement certified by the Presiding Administrative Law Judge to the Commission for approval on July 9, 1976, and incorporated herein by reference, is approved and made effective for the period April 1, 1976 through March 31, 1981, subject to this order; and Texas Gas shall fully comply with each of the provisions of the Interim Settlement Agreement and of this order.

(B) This order is without prejudice to any findings or orders which have been made, or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Texas Gas, or any other party or person affected by this order in any proceedings now pending, or hereafter instituted by or against Texas Gas, or any other person, or party.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26768 Filed 9-13-76;8:45 am]

[Docket No. ER76-869]

TOLEDO EDISON CO.

Notice of Service Agreement

SEPTEMBER 3, 1976.

Take notice that The Toledo Edison Company, on August 20, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Edgerton, Ohio, and Eighth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreements with the Village of Edgerton provides that the Vil-

[2] The Commission staff is not a party signatory to the Interim Settlement Agreement and is not therefore bound by this provision.

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lage will be served under rate Municipal Resale Service Rate-Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 9) which will expire on September 22, 1976. An effective date of September 23, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Edgerton, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petiton to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26770 Filed 9-13-76;8:45 am]

[Docket No. CP76-490]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 3, 1976.

Take notice that on August 19, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-490 an application pursuant to Section 7(c) of the Natural Gas Act authorizing the acquisition of natural gas compression facilities offshore Louisiana from Union Oil Company of California and Amoco Production Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to acquire four field compressor units, two on the Block 49 E Platform in the South Marsh Island Area Block 48 Field and one each on the Block 209 K Platform in the Ship Shoal Area Block 208 Field and on the Block 269 B Platform in the Ship Shoal Area Block 274 Field. The facilities would be acquired at net book cost, which is said to be $1,574,039 as of April 1, 1976, which includes Amoco's 13.3 percent interest in the facilities in the Block 208 Field.

The application states that the facilities are installed on the producers' platforms and are used to increase gas deliverability and reserve recovery in the subject fields dedicated to Applicant. Applicant states further that the use of the facilities would remain unchanged after the proposed acquisition.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26771 Filed 9-13-76;8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Pipeline Rates Intervention

Issued: September 2, 1976.

On April 9, 1976, United Gas Pipe Line Company (United) filed proposed tariff sheets which would increase its jurisdictional revenues. United requested that the tariff sheets be allowed to become effective on May 9, 1976.

Public notice of United's proposed rate increase was issued on April 16, 1976, with protests and petitions to intervene due on or before April 28, 1976. On August 3, 1976, an untimely petition to intervene was received from Florida Gas Transmission Company (Florida Gas). Having reviewed Florida Gas' petition, the Commission concludes that Florida Gas has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Florida Gas to intervene in this proceeding.

The Commission orders: (A) Florida Gas is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Federal Power Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene and *provided further,* That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26800 Filed 9-13-76;8:45 am]

[Docket No. CP76-502]

UNITED GAS PIPE LINE CO.

Application

SEPTEMBER 8, 1976.

Take notice that on August 27, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-502 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation of natural gas in interstate commerce to and from Chandeleur Pipe Line Company (Chandeleur), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to a shortage of natural gas Applicant anticipates a supply deficiency for the forthcoming winter which would affect its ability to meet the requirements of its high priority customers. In an effort to ameliorate this condition Applicant proposes to deliver up to 50,000 Mcf of gas per day to Chandeleur at the existing interconnection of the measuring and regulating facilities in the Bayou Cassette area near Pascagoula, Jackson County, Mississippi, commencing on the date of Applicant's acceptance of authorization in the instant proceeding and continuing to November 1, 1976, or such later date to which Applicant and Chandeleur may agree but not later than December 1, 1976, and again commencing on April 1, 1977, and ending on November 1, 1977, or on such later date to which Applicant and Chandeleur may agree but not later than December 1, 1977. Applicant would receive from Chandeleur substantially equivalent volumes of gas on a gas-for-

gas basis at the same interconnection commencing November 1, 1976, or on such later date to which Applicant and Chandeleur may agree and continuing to April 1, 1977, and again commencing November 1, 1977, or on such later date as Applicant and Chandeleur may agree and continuing to April 1, 1978.

It is stated that the proposed deliveries would enable Applicant to utilize better its available gas supply in meeting the high priority requirements of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26873 Filed 9-13-76;8:45 am]

[Docket No. E-9145]

UTAH POWER & LIGHT CO.

Electric Rates Settlement

SEPTEMBER 8, 1976.

On March 8, 1976, the Utah Power & Light Company (Utah) tendered for filing a Settlement Agreement in the above-referenced docket which is intended to resolve all isues in this proceeding, with the exception of a rate design question raised by the Lincoln Service Corporation (Lincoln), a jurisdictional customer, and a question as to the reasonableness of a specific R-4 rate (discounted from the presently proposed R-3 rate) for customers taking service at 230 kv and above, raised by Mt. Wheeler Power, Inc. (Mt. Wheeler), who purchases power from Sierra Pacific Power Company, a jurisdictional customer of Utah. For the reasons hereinafter stated, the Commission shall approve the proposed Settlement Agreement.

This proceeding is the subject of a November 29, 1974, filing by Utah of a proposed general rate increase for resale service. According to Utah the filing was designed to provide Utah with increased jurisdictional revenues of $311,000 annually. By order issued April 29, 1975, the Commission accepted for filing and suspended the use of the proposed increased rates until June 3, 1975, when such rates were permitted to be collected, subject to refund, pending the Commission's final determination of their justness and reasonableness.

Public notice of Utah's proposed Settlement Agreement was issued March 18, 1976, with comments thereon due on or before April 7, 1976. Mt. Wheeler, in comments filed March 8, 1976, claimed that the Settlement Agreement misstated the reserved issue affecting Mt. Wheeler. Mt. Wheeler restated its reserved position to be that, "Utah customers taking power at 230 kv should be entitled to lower or discounted rates compared to those applicable to Utah's other jurisdictional wholesale customers who take power at lower voltages" (page 2). Mt. Wheeler would apparently otherfor this "difference" of opinion as to the reserved issue. The Staff, in comments filed April 8, 1976, stated its complete support for the proposed Agreement, as well as its opinion that the proposed Settlement Agreement, "fully and fairly sets forth the positions of the parties to this proceeding, and properly reserves the matters that remain at issue for later hearing" (page 2).

The proposed Agreement provides for an annualized overall increase of $29,866 under the proposed RS-1 rate (as compared to originally requested increase of $39,750) and of $227,812 under the proposed RS-2 rate (which is identical to that originally requested), based upon actual sales for the twelve month period ended December 31, 1974. The Agreement further provided for a total refund liability of $11,749 to the RS-3 customer. The only major provision of the Agreement is that which reserves the aforementioned issues for later hearing, as follows:

> Lincoln Service desired to maintain its position with respect to rate design but did not disagree with the aggregate amount of the rate increase unless its position with respect to rate design be upheld by the Commission. Mt. Wheeler also agreed to the amount of the increase but wished to reserve the issue as to whether or not Applicant should file an RS-4 rate for customers taking service at 230 kv and above in order to avoid the merger of 230 kv service with 138 kv service and thereby attain a separate and specific cost of service basis for its service, which costs would not include those for facilities lower than 230 kv. The parties also agreed to settlement of all other issues of this docket, with the exception of the questions reserved by Lincoln Service and Mt. Wheeler as noted above. (Page 2)

The Commission's review of the proposed Agreement indicates that it reflects rates that are cost-justified, the reserved issues notwithstanding, and are therefore just and reasonable. We further believe that the Agreement adequately sets forth the positions of the parties herein, as well as the issues to be reserved for later hearing and decision. The Commission shall therefore accept the proposed Settlement Agreement and order the appropriate refunds to be made. Further refunds may be ordered, however, pending final decision as to the issues reserved herein.

The Commission finds: Good cause exists to accept and approve the proposed Settlement Agreement.

The Commission orders: (A) The Settlement Agreement offered in this proceeding, and incorporated herein by reference, is hereby accepted and approved.

(B) The final determination as to the issues reserved herein shall apply as of June 3, 1975, the effective date of the originally-filed rates. Additional refunds shall be ordered, if appropriate, at the time of such final determination.

(C) Within 30 days of the issuance of this order, Utah shall file the revised tariff sheets appearing as Attachment A to the Settlement Agreement.

(D) Within 30 days of the filing of the revised tariff sheets in accordance with ordering paragraph (C) herein, Utah shall refund, with interest computed at a rate of 9% per annum, all amounts collected in excess of the proposed settlement rates.

(E) Within 15 days after refunds are made according to ordering paragraph (D) herein, Utah shall file with the Commission a refund report showing monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(F) With respect to those issues reserved for hearing, a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), is hereby authorized and directed to establish all further procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Utah or any other person or party.

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(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26874 Filed 9-13-76;8:45 am]

[Project No. 2463]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Annual License(s)

SEPTEMBER 1, 1976.

On June 5, 1975, Virginia Electric and Power Company, Licensee for the Park Hydroelectric Project No. 2463, filed an application for surrender of its license. The project is located on the Chesapeake and Ohio Canal paralleling the James River, within the City of Richmond, Virginia.

The license for Project No. 2463, as amended, was issued effective May 1, 1939, for a period ending September 1, 1975. Since the original date of expiration, the project has been under annual license, the most recent of which will expire September 1, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Virginia Electric and Power Company.

Take notice that an annual license is issued to the Virginia Electric and Power Company under the Federal Power Act for the period September 2, 1976, to September 1, 1977, or until Federal takeover, or until Licensee's application for surrender of the project license is accepted, whichever comes first, for the continued operation and maintenance of the Park Hydroelectric Project No. 2463, subject to the terms and conditions of its present license. Take further notice that if acceptance of surrender of license does not take place on or before September 1, 1977, a new annual license will be issued each year thereafter, effective September 2 of each year, until such time as Federal takeover takes place or application for surrender is accepted, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26791 Filed 9-13-76;8:45 am]

[Docket No. ER76-872]

VIRGINIA ELECTRIC & POWER CO.

Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 23, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated July 19, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 77-28 between Virginia and Community Electric Cooperative.

Said supplement requests Commission authorization for connection of a new delivery point (Harrells) located on Route 673 approximately one-fourth mile west of the Seaboard Coastline Railroad, near Whaleyville, City of Suffolk, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is expected to occur sometime in October 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26776 Filed 9-13-76;8:45 am]

[Docket No. ER76-873]

VIRGINIA ELECTRIC & POWER CO.

Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 23, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 21, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 82-23 between Virginia and Prince George Electric Cooperative (PGEC) for Prince George delivery point.

Said supplement requests Commission authorization for Virginia to relocate the 13.2 kV delivery point serving PGEC's delivery point from Route 156 to Route 646 in Prince George County, Virginia to serve anticipated future loads.

Virginia requests an effective date as that of the date of connection of facilities which is July 28, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26777 Filed 9-13-76;8:45 am]

[Docket No. ER76-731]

THE WASHINGTON WATER POWER CO.

Filing

SEPTEMBER 2, 1976.

Take notice that The Washington Water Power Company (Washington Water), on May 28, 1976, tendered for filing a letter agreement with Pacific Gas and Electric Company (PG&E) providing for the sale by Washington Water to PG&E of non-firm surplus energy under Washington Water's Rate Schedule FPC No. 88.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26799 Filed 9-13-76;8:45 am]

[Docket Nos. CP71-237, CI71-714]

PANHANDLE EASTERN PIPELINE CO. AND PAN EASTERN EXPLORATION CO.

Notice of Certification of Proposed Settlement Agreement

SEPTEMBER 10, 1976.

Take notice that on August 24, 1976, Presiding Administrative Law Judge Thomas L. Howe certified to the Commission for its consideration a settlement agreement and attendant hearing record in the matter of Panhandle Eastern Pipeline Company in Docket No. CP71-237 and Pan Eastern Exploration Company in Docket No. CI71-714. The settlement agreement submitted by the parties to this proceeding was embodied in Exhibit No. 28-R, a document entitled "Stipulation and Agreement" dated August 20, 1976, which consists of 17 pages of text, plus Appendix A, pages 1 through 10. There were no objections to the settlement agreement, which is a complete settlement of all issues.

By Opinion No. 626 and 626-A, issued September 20, 1972, and November 17, 1972, respectively, in the above-docketed proceedings, the Commission permited and approved the action of Panhandle Eastern Pipeline Company (Panhandle) to abandon all of its gas production properties and related production facilities and to transfer the same by sale to Pan Eastern Exploration Company (Pan Eastern), a newly formed and wholly owned subsidiary of Panhandle. Concurrently, the Commission authorized the sale of gas by Pan Eastern back to Panhandle at the applicable area rate from fields located in Kansas, Oklahoma and Texas, rather than on the basis of Panhandle's individual cost of service. The authorization issued by Opinion No. 626, as affirmed by Opinion No. 626-A,[1] for the increase in rates was expressly conditioned to require that Pan Eastern expend the differential on an extensive exploration and development effort, which at a minimum would necessitate an expenditure of 3.0 cents per Mcf of all recoverable gas reserves and 50.0 cents per barrel of all recoverable oil reserves found resulting from the exploration and development programs funded by the rate increment. The Commission also provided that Pan Eastern must dedicate 400,000,000 Mcf of new gas reserves to Panhandle within 7 years or reimburse Panhandle at the rate of 11.0 cents per Mcf for each Mcf short of 400,000,000.

On January 30, 1975, the United States Court of Appeals for the District of Columbia Circuit affirmed Opinion Nos. 626 and 626-A in *Cities of Fulton, Missouri, et al.* v. *FPC*, No. 73-1293, however, in so doing the court retained jurisdiction to allow the Commission to seek a remand in view of the effect that the establishment of the new national ceiling rate in Opinion No. 699 might have upon the order.

The remand provided for was sought by the Commission and thereafter granted by the Court of Appeals on June 19, 1975. Thereafter, on December 2, 1975, the Commission ordered reopening of these proceedings for the purpose of developing an evidentiary record pertaining to the conditions imposed on Pan Eastern's certificates in light of the issues enumerated in said order. These issues included reference to the full difference between Panhandle's cost of service and applicable area rates, the need for additional exploration and development expenditures by Panhandle in addition to those expended by Pan Eastern, the need for Panhandle to repay some portion of the difference between the cost of service and applicable area rates, and possible adjustments to the amount to be credited to the Pan Eastern fund reflecting intervening national rate increases.

Under the proposed settlement Pan Eastern will continue to receive amounts in excess of its cost of service for flowing gas from the properties transferred to it by Panhandle, and such consumer derived differential between cost and applicable rate will be invested in new exploration and development activities, the gas resulting from which will receive a price which is discounted from the national rate. The consumer derived differential shall be determined by subtracting from the annual revenues received at the national rate for old or flowing gas, the annual cost of service for properties had they been retained by Panhandle.

The gas required under the agreement to be sold by Pan Eastern to Panhandle from the properties acquired subsequent to January 1, 1973, upon which the foregoing exploratory and developmental expenditures were to be made, shall be at a price determined through the application of a formula which discounts the price paid by consumers for new gas they receive. Specifically, this formula provides escalating step percentage reductions in the price received for new gas. These precentage reductions are subject to weighting, hence decrease, based upon company funds invested in new properties. This weighting process is intended to permit Pan Eastern to receive the national rate for gas produced through the use of its funds and to receive a discounted price for gas produced through the use of customer contributed amounts. The percentage reductions in the price received for new gas are intended to return to the customers, in whole or in part, the capital they have provided through the aforementioned differential amount.

In addition to the continuing flow of consumer investment and the investment by Pan Eastern, provision has been made for plowback of funds resulting from the production of new gas to assure continuity of the program. Pan Eastern will invest in further exploration and development, ten percent of the amount it receives as a result of the reinvestment of differential and plowback amounts and twenty-five percent of the amount it receives as a result of the reinvestment of its own funds.

The settlement proposes that the exploration and development program contemplated be continued until 1986. At the conclusion of this period, as well as throughout the term of the program, all gas discovered via the program will be dedicated to the Panhandle system. Subsequent termination of the program will not be permitted to alter the permanent nexus in availability of this supply to Panhandle's customers.

Certain provisions of the settlement are said to be intended to assure that consumer contributed capital will not be used for oil exploration and development. Additional provisions are said to be intended to assure that a portion of the revenues derived from the production of associated oil or other liquid hydrocarbons will be reinvested in the program.

The agreement provides for a continuing series of reports to the Commission for purposes of review of the operation of program to assure compliance with all facets of the obligations imposed by virtue of the agreement. The agreement also provides that the program will be geared solely to the production of gas for Panhandle's customers and that a balance will be maintained between lease acquisition, exploration and development, with particular emphasis on the latter during the next three years and that the funds to be committed therefor will be invested in an expeditious manner.

The agreement contains a precondition that there would be agreement to the proposal only if Pan Eastern will be permitted to change and collect without suspension or refund obligation the amounts provided for in the agreement and Panhandle will be permitted to include without suspension or refund all such amounts in its cost of gas purchased for all purposes including tracking and purchased gas adjustment or any superseding rate adjustment provisions.

Any person desiring to comment on the proposed settlement agreement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26981 Filed 4-10-76;1:53 pm]

[1] Opinion No. 626, 48 FPC 518 (1972), rehearing denied, Opinion No. 626-A, 48 FPC 1102 (1972).

FOREIGN-TRADE ZONES BOARD

[Docket No. 8-76]

LOUISVILLE AND JEFFERSON COUNTY RIVERPORT AUTHORITY, LOUISVILLE, KY.

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Louisville and Jefferson County Riverport Authority (a City/County nonprofit public corporation), 100 East Liberty Street, Louisville, Kentucky, requesting a grant of authority for establishment of a foreign-trade zone in Southwestern Jefferson County, Kentucky, adjoining the Louisville Customs Port of Entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 3, 1976. Under Senate Bill No. 301, State of Kentucky, approved by the Governor March 25, 1968 (K.R.S. 65.530(6)), riverport authorities of Kentucky are authorized to apply for foreign-trade zones with the approval of the Kentucky Port and River Development Commission. Such approval was given on November 11, 1975.

The proposal calls for a foreign-trade zone of 12.3 acres located within a 1,700-acre riverport industrial park complex in Jefferson County, adjacent to the port of Louisville. The industrial park, situated between Lower River Road and the Ohio River approximately one mile north of Greenwood Road, is owned by the Louisville and Jefferson County Riverport Authority which will also be the zone grantee and operator. Initially they will build a 5,000 sq. ft. warehouse structure

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with rail and truck loading docks. The Authority will then lease space within the zone as tenants require, allowing them to erect their own facilities. The foreign-trade zone is designed to serve as an integral part of an economic development plan for a modern intermodal waterport, complementing the other services and advantages being made available in the port-oriented industrial park.

The application includes economic data and information concerning the need for zone services in the area. Some of the potential zone tenants include: firms producing paper and printing materials, industrial machinery equipment and parts companies, transportation equipment firms, chemical products manufacturers, tobacco and bourbon manufacturers, and steel product companies. These firms would use the zone primarily for warehousing, display, repackaging, light manufacturing or processing.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and to report thereon to the Board. The committee consists of: Hugh J. Dolan, Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230; Donald E. Grimwood, Director, Inspection and Control Division, U.S. Customs Service, Region IX, 55 E. Monroe Street, Chicago, Illinois 60603; and Colonel James N. Ellis, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, Kentucky 40201.

In connection with its investigation of the proposal, the examiners committee will hold a public hearing on October 6, 1976 in the Aldermanic Chambers of City Hall, 601 West Jefferson Street, Louisville, Kentucky, beginning at 9:30 a.m. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by September 29, 1976 at the address below of their desire to be heard. In lieu of an oral presentation, written submission may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through November 5, 1976. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Louisville and Jefferson County Riverport Authority, Suite 103, Vermont-American Building, 100 East Liberty Street, Louisville, Kentucky 40202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Washington, D.C. 20230.

Dated: September 8, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-26762 Filed 9-13-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region IV, September 30, 1976, from 10:00 a.m. to 4:00 p.m., Room 5 A-1, 1776 Peachtree Street, NW, Atlanta, Georgia 30309. The meeting will be devoted to the initial step of procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed driver ranges, skid pan, control tower, utilities extension and central energy plant for Federal Law Enforcement Training Center, Brunswick, Georgia. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

Dated: August 31, 1976.

J. E. SMITH,
Acting Regional Administrator.

[FR Doc.76-26846 Filed 9-13-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

The next meeting of the Committee on Appropriations and Audit of the Legal Services Corporation Board of Directors will be held on Thursday, September 16, 1976 in the Corporation offices at 733 15th Street, N.W. (Suite 700), Washington, D.C.

The meeting will convene at 2:00 p.m. for the purpose of discussing investment policies.

The meeting is open to the public.

THOMAS EHRLICH,
President.

SEPTEMBER 10, 1976.

[FR Doc.76-26941 Filed 9-13-76;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

MUSEUM PROGRAM

Guidelines for Fellowship Grants

The following are guidelines for Fellowship Grants made under the Museum Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Museum Program Application Deadlines and Grant Calendar is included. Interested persons should contact John Spencer, Director, Museum Program, National Endowment for the Arts, Mail Stop 502, Washington, D.C. 20506 (202) 634-6164, for further information and application forms.

Signed at Washington, D.C. on September 3, 1976.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Museum Program is one of twelve major Program areas. Information about the Endowment and its other Programs is contained in the Endowment's "Guide to Programs" which is available from the Program Information Office (Mail Stop 550), National Endowment for the Arts, Washington, D.C. 20506.

Museums may be especially interested in the Architecture & Environmental Arts, Dance, Expansion Arts, Music, Public Media, Theatre, Special Projects and Visual Arts Programs.

July 1976

Questions should be directed to Museum Program (Mail Stop 502), National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6164.

INTRODUCTION

The Museum Program of the National Endowment for the Arts was designed by museum professionals to meet the needs of the museum field. It is guided by a Museum Advisory Panel, composed primarily of museum professionals. This Panel reviews all applications. It makes policy recommendations to the Chairman of the Endowment. It also recommends priorities for funding within the Program. Because the Museum Program is under constant review by the Panel, the language of the guidelines and the emphasis on certain categories are changed to keep the Program as closely

aligned as possible to the changing needs of American museums. The Panel and staff rely heavily on advice from the field in order to serve the field better.

From its inception the Museum Program has been guided by three basic policy decisions which have been reaffirmed by subsequent Panels.

The Program should be a responsive program. Its function is to react to requests and not to initiate projects. It is not to be unduly bound by its own guidelines, but it should remain flexible enough to encompass any worthwhile project.

The quality of projects which are of regional or national importance should be the major criterion in evaluating applications. The nature of the project rather than the size or location of the applicant institution must be the deciding factor.

The Program should be open to all museums for projects consistent with the legislation of the National Endowment for the Arts. Art, history, science, children's museums or any combination are equally eligible to apply and to receive funds.

The Museum Program was developed to assist museums in carrying out the major functions of exhibition, preservation, interpretation and acquisition through a variety of categories of support. In addition, the Museum Program has sought to make its program of assistance administratively responsive to museums' schedules. Deadlines have been established to conform to general practices.

The Museum Program is structured to meet the ongoing needs of museums by:

RESPONDING TO INCREASED DEMANDS FOR SERVICES

Aid to Special Exhibitions
Utilization of Museum Collections
Catalogue
Museum Education
Cooperative Programs
Visiting Specialists

TRAINING AND DEVELOPING PROFESSIONAL STAFF

Museum Training
Fellowships for Museum Professionals
Conservation/Training

PRESERVING OUR CULTURAL HERITAGE

Conservation/Assistance for Conservation of Collections
Conservation/Regional Laboratories
Renovation (Climate Control, Security, Storage)

In addition, support is offered for the purchase of works of art by contemporary American artists through the Museum Purchase Plan and for organizations which provide technical assistance, information and other services through Services to the Field.

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. See General Programs, page 11.

Applications cannot be accepted for operating expenses, new construction, establishing new museums, or the acquisition of works by other than living American artists. All such applications will be returned.

The Museum Program Guidelines represent a continuing development of a program designed to be broadly responsive to the needs of museums. The two principal changes from the Fiscal 1977 Guidelines have developed as a result of experience gained from the field.

First, there are two new categories: Cooperative Programs and Museum Education. These replace the former category of "Wider Availability of Museums". The Museum Advisory Panel recommended this action in light of the experience that has been gained over the past several years under "Wider Availability of Museums". Grant activities under "Wider Availability of Museums" have tended to fall into these two important areas of concern. The Panel felt that additional emphasis and more definition was needed to alert the field to the kinds of activities that would be supported.

Second, there is an increased emphasis on efforts to develop stronger working relationships between museums and state or regional arts agencies. To accomplish this purpose, the pilot effort for "Technical Assistance" (which appeared in last year's guidelines under "Visiting Specialists and Technical Assistance") has been transferred to Cooperative Programs. Some examples of projects eligible for funding under this category are: 1) providing personnel on state arts agency staffs to work with planning activities to promote mutual cooperation and 2) a meeting to discuss concerns and needs of museums in a state. In addition, state and regional arts agencies are encouraged to participate in other categories in the Museum Program such as Aid to Special Exhibitions (touring of a museum exhibition throughout the state or region); Catalogue (cataloguing of all museum collections in a state or region); and, Conservation (using a state arts agency to represent a consortium of museums).

Application deadlines

Category	Application deadline	Notification date	Earliest beginning project date
Aid to special exhibitions, museum purchase plan, cooperative programs, museum education	Jan. 3, 1977 Apr. 4, 1977	June 1977 October 1977	July 1977. November 1977
Utilization of museum collections, catalog			
Conservation, renovation (climate control, security, storage), museum training	July 1, 1977	December 1977	January 1978.
Services to the field, fellowships for museum professionals.	Oct. 3, 1977	March 1978	April 1978.
Visiting specialists, general programs	(1)	(1)	(1)

(1) Applications accepted throughout the year and reviewed quarterly.

PLEASE NOTE.—The Museum Advisory Panel has adopted the following policy concerning applications:

Applications within a given category are reviewed as a group without reference to applications in other categories so that an institution will not be "competing against itself" by submitting applications in more than one category.

Multiple applications within one category are not discouraged, with the exception of Museum Purchase Plan. Applicants who intend to make more than one application per category are urged to submit only those that the institution feels are most important. Insofar as limited funds permit, the Panel will support more than one project of high quality from a single institution or group of institutions in a particular category.

The Panel has reaffirmed its desire for the Museum Program to be responsive to any and all appropriate applications consistent with the legislation of the National Endowment for the Arts from all museums without regard to size, location or discipline (science, history, art, children's or combinations are equally eligible).

Applications cannot be accepted after their appropriate deadline date unless an extension has been granted. Requests for an extension must be made prior to the appropriate deadline date and must be based on extenuating circumstances.

Supplementary Information Sheets must be submitted with applications under the following categories: Aid to Special Exhibitions, Museum Purchase Plan and Fellowships for Museum Professionals. Applications under these categories are not considered complete unless the Supplementary Information Sheets are submitted. These forms are on pages 39-44.

In addition, please type the name, title, and telephone number of the authorizing official(s), project director, and payee under the signatures on the last page of the application.

See pages 15 to 18 for detailed instructions on completing application forms.

Other Federal Programs for Museums

National Endowment for the Humanities, Division of Public Programs, Museums and Historical Organizations Program, Washington, D.C. 20506, (202) 382-5714.
National Museum Act, Smithsonian Institution, Washington, D.C. 20560, (202) 381-6581.
National Science Foundation, Washington, D.C. 20550, (202) 632-5722.

CATEGORIES OF FUNDING

Aid to Special Exhibitions Deadline January 3, 1977

This program category provides matching grants to organize temporary exhibitions of aesthetic and cultural significance. Matching grants are available, especially to smaller museums, to borrow exhibitions organized by other museums. Expenses for planning and organizing the exhibition, catalogue, services of an outside specialist, shipping, insurance on domestic loans, and related

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events (excluding costs of opening reception) may be included in the total budget.

For touring exhibitions, the applicant (organizing institution) must indicate on the Supplementary Information Sheets how rental fees will be reduced if an Endowment grant is awarded. If a Museum borrows an exhibition that was funded by an Endowment grant, the applicant may include costs for installation and related events but not the rental fee. If, however, a museum borrows an exhibition that was not initially funded under an Endowment grant, it may include costs for installation, related event and the rental fee.

The Arts and Artifacts Indemnity Act of 1975 (20 U.S.C. 971) authorizes Federal indemnification for exhibitions in the United States (involving borrowed foreign objects), or elsewhere if part of an exchange. For further information, contact the Executive Secretary, Federal Council on the Arts and Humanities (Mail Stop 611), Washington, D.C. 20506, (202) 634–6057.

PLEASE NOTE.—Applications for exhibitions of the permanent collection should be submitted under the Utilization of Museum Collections category.

Applicants requesting support for competitive exhibitions are encouraged to waive entry fees.

DEADLINE AND ANNOUNCEMENT DATE

Applications and Supplementary Information Sheets must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects, which may include initial planning, should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Up to $75,000 for organizing institutions. Up to $20,000 for participating institutions. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method (see page 13).

HOW TO APPLY

1. If a grant is awarded for an exhibition that includes catalogues, the grantee is required to deposit 80 complimentary copies of the catalogue with the United States Information Agency for distribution to their libraries abroad. Applicants are requested to make appropriate adjustment for the 80 copies in the budget.

2. Please be sure to complete and return with your application the Aid to Special Exhibitions Supplementary Information Sheets. (See page 39.)

Museum Purchase Plan
Deadline: January 3, 1977

This program category provides matching grants of $5,000, $10,000, $15,000 or $20,000 to museums for the purchase of works by living American artists. The objectives of the program are to encourage museums to add to their collections of contemporary American art, to create and expand public response to works by living artists through display of their works, to raise new funds for this purpose specifically, and to provide direct financial assistance for artists.

Works in all media may be purchased: paintings, sculptures, photographs, graphics, folk arts, crafts, industrial designs, costume and fashion designs, and film prints by independent filmmakers. Applications are to be limited to one application from each museum per fiscal year. The application may include support of acquisitions of different media.

PLEASE NOTE.—The grant and matching funds must be used for the direct costs of purchasing two or more works by living American artists. Insurance, crating, shipping, installation, salaries and travel costs are not to be included.

Museum may apply for a $5,000, $10,000, $15,000 or $20,000 grant. The funds must be matched on a dollar-for-dollar basis from new money raised during the grant period specifically for this purpose. Matching funds must not come from already budgeted funds and must be from non-Federal sources.

Museums receiving acquisition funds agree that no work of art purchased under the Museum Purchase Plan will be de-accessioned or otherwise disposed of during the lifetime of the artist except by exchange to the artist for another work or works.

DEADLINE AND ANNOUNCEMENT DATE

Applications and Supplementary Information Sheets must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

The grant period will be from July 1, 1977 through June 30, 1978. If more time is needed the grant period may extend through June 30, 1979. Projects should not be scheduled to begin earlier than July 1977. Also, the new funds raised specifically for the purpose of matching this grant may not be received before the beginning of the project. Applicants may wish to identify possible sources of new funds on their applications.

HOW TO APPLY

1. Previous Museum Purchase Plan recipients are eligible provided a final report on an earlier grant has been submitted to the Museum Program. If a final report has not been submitted, a copy must be submitted with the application.

2. Be sure to complete and return with your application the Museum Purchase Plan Supplementary Information Sheet.

Cooperative Programs Deadline:
January 3, 1977

This category is designed to assist and promote cooperative endeavors between museums, groups of museums, museums and state or regional arts agencies or similar organizations. The program is broadly conceived and is limited only by the needs of the applicant(s) and by the appropriateness of the project to the region or group of museums to be served. Applicants are urged in each case to explain clearly the nature of the cooperative venture, to provide assurances from all participants of their cooperation, and to estimate the benefits that will accrue from the cooperative program.

Some possible areas of cooperation might include:

Extended loans from one museum to another. Support can be provided for costs of preparing the objects for travel, for shipping and insurance and for related costs such as staff time and travel.

Sharing collections or staff among a group of institutions. Applications have been received from a group of museums forming a consortium to share all or parts of their collections mutually, others have pooled staff for a more effective sharing of expertise. Support can be provided for expenses attendant to such cooperative programs.

Providing a staff member for a state arts agency or a museum in cooperation with a state arts agency to assist in the development of activities beneficial to museums; supporting the costs of meetings and other planning activities to articulate problems and needs of museums in a state or region; and implementing other program development plans from state or regional arts agencies.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Matching grants of up to $50,000. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 13. In cases where state arts agencies are on a biannual budget cycle, application for nonmatching grants will be considered, if circumstances justify.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is already in existence, has it been evaluated and by what means?

2. Who is intended to be served and how?

3. Will fees be charged for the services and, if so, on what basis?

4. What are the qualifications of persons involved in the project?

5. Is it likely that additional funding will be requested from the Arts Endowment? Will it be on a descending basis?

6. The application should be signed by the authorizing official(s) of the applicant; however, a letter from the participating museums and other groups supporting the application must be attached to the application.

Museum Education Deadline: January 3, 1977

This category is designed to assist museums in their role of providing general educational opportunities that complement the goals of the institution. Applicant museums are urged to apply for support of only those projects which have a strong education emphasis. In general, priority will be given to those projects which rely upon professional staff for their execution.

Some possible projects might include:

Pilot projects to assess the suitability of adapting to museum use educational techniques or theories developed for the classroom.

Experimental programs in the museum that have demonstrated their worth and now deserve to be applied more widely in the museum's educational program.

Projects to adapt successful programs in other museums to the requirements of the applicant museum.

Cooperative projects with the public schools.

Educational programs designed to serve the needs of a particular segment of the museum's actual or potential audience.

Educational programs in existing mobile or satellite museums.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Up to $30,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is already in existence, has it been evaluated and by what means?

2. Who is intended to be served and how?

3. Will fees be charged for the services and, if so, on what basis?

4. What are the qualifications of persons involved in the project?

5. Is it likely that additional funding will be requested from the Arts Endowment? Will it be on a descending basis?

6. What are the goals of the institution and how does this program complement those goals?

7. How will you inform museums in other regions of the results of your program?

Utilization of Museum Collections
Deadline: April 4, 1977

This program category provides matching grants to assist museums in making greater use of their collections for the benefit of the whole community they serve. The program provides funds for the new installation of permanent collections in museum galleries, or for the establishment of study-storage centers. Permanent collections may be construed to mean collections formerly in storage that are now to be put on view, recently received or acquired collections, objects presently on view that are now to be brought together or to be more effectively presented. Installation may be construed to include the materials and appurtenances requisite to effective presentation of the collection. Installation may not include major structural modifications of the building.

PLEASE NOTE.—Application for temporary exhibitions of the permanent collection should be submitted under this category and not under Aid to Special Exhibitions.

If you wish to produce a catalogue or handbook in conjunction with an installation, please submit a separate application under Catalogue.

Applications for extensive conservation treatment of objects to be included in the installation should be submitted under Conservation.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than April 4, 1977. Notices of approval or rejection will not be sent before October 1977.

GRANT PERIOD

A grant period of two years is allowed. The project should not be scheduled to begin earlier than November 1977. Generally, time extensions will not be granted.

GENERAL RANGE OF GRANTS

Up to $75,000. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. A checklist or representative sample of the collection.

2. The evident need for the project in relation to the museum's total need.

3. Has the collection ever been exhibited? What are the qualifications of the individual(s) who will be responsible for the project?

4. Has the museum previously undertaken similar projects? If so, describe them.

5. Include drawings of the proposed installation.

Catalogue Deadline: April 4, 1977

This program category is designed to assist in the cataloguing of permanent collections and in the publication of catalogues or handbooks on permanent collections of aesthetic and cultural significance by matching grants. Grants are available in the following areas:

CATALOGUING

1. Cataloguing of uncatalogued or inadequately catalogued permanent collections. Applicants are urged to consider a format that can later be transferred to one of the existing data systems.

2. Duplication of traditional catalogue information; conversion to machine readable form. Only a few pilot grants will be made for the computerization of museum catalogues. These will be judged for the applicant's ability to provide follow-up documentation on the value of computerization and the problems and costs that are encountered. Applicants should indicate the existing computer program they intend to use.

PUBLICATION

1. Research and preparation of catalogue copy for publication. Services of an outside consultant may be included in the budget, if applicable.

2. Publication of scholarly catalogues or handbooks of the whole or part of the permanent collection.

3. Where appropriate, applicants may wish to combine research and publication in the same application.

PLEASE NOTE.—Requests for costs of exhibition catalogues should be included in the Aid to Special Exhibitions application.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than April 4, 1977. Notices of approval or rejection will not be sent before October 1977.

GRANT PERIOD

A grant period of two years is allowed. The project should not be scheduled to begin earlier than November 1977. Generally time extensions will not be granted.

GENERAL RANGE OF GRANTS

Up to $75,000. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. A checklist or representative sample of the collection to be catalogued.

2. The evident need for the project in relation to the museum's total need.

3. The qualifications of the cataloguer.

4. If you have catalogues of whole or part of the collection, submit a copy with your application. (Note: These will not be returned.)

5. How many catalogues, handbooks will be published? Who will have copyright? How will they be distributed? Please indicate approximate number of pages, black/white and color illustrations in the publication. What is the anticipated unit price and sales price? How

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much revenue is anticipated the first year and thereafter?

6. If a grant is awarded for a catalogue publication project, the grantee is required to deposit 80 complimentary copies of the catalogue with the United States Information Agency for distribution to their libraries abroad.

Applicants are requested to make appropriate adjustments for the 80 copies in the budget.

Conservation Deadline: July 1, 1977

This program category, which provides matching grants for conservation projects, is designed to achieve three objectives:

TRAINING IN CONSERVATION

To encourage and assist in the training of conservators to meet the needs of American museums.

1. support for existing training centers (grants up to $150,000).
2. assistance for new training centers (grants up to $100,000).
3. support for short-term training workshops for museum staff (grants up to $10,000).
4. Support for master-apprentice internship programs (grants up to $10,000).

REGIONAL CONSERVATION LABORATORIES

To encourage and assist in the formation or expansion of regional conservation laboratories by which a number of museums can obtain services they could not afford singly. The formal relation between museums and the laboratory must be documented.

1. assistance for existing regional laboratories to increase capacity (grants up to $30,000).
2. assistance for new regional centers (grants up to $80,000).

Applicants in this category are urged to consult the Report from the Regional Centers Study Committee to the National Conservation Advisory Council. Copies may be obtained from the National Conservation Advisory Council, Smithsonian Institution, Washington, D.C. 20560.

ASSISTANCE TO MUSEUMS FOR CONSERVATION WORK ON COLLECTIONS

To encourage and assist museums in planning for conservation and/or treatment of collections.

1. technical consultation for planning programs for museum conservation work (grants up to $10,000).
2. implementation of conservation treatment (grants up to $10,000). Due to limited funds, support is available only for special conservation needs that cannot be satisfied by a museum's own conservation facilities; that is, support will generally not be offered for in-house conservation projects, including staff support and purchase of equipment.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than July 1, 1977. Notices of approval or rejection will not be sent before December 1977.

GRANT PERIOD

A grant period of one year is allowed for Training in Conservation. A grant period of two years is allowed for Regional Conservation Laboratories and Assistance to Museums for Conservation Work on Collections. Projects should not be scheduled to begin earlier than January 1978. Generally, time extensions will not be granted.

GENERAL RANGE OF GRANTS

Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

For Conservation Training Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.)

1. The anticipated number of students.
2. Describe the placement of the most recent graduating class.
3. Describe the qualifications of the teaching staff.
4. Describe the conservation facilities.
5. If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Regional Conservation Laboratories Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.)

1. Describe the nature of your regional laboratory—cooperative associations, confederation, etc.
2. List the organizations you propose to serve. Have you received their agreement? If so, please attach copies.
3. List your staff and briefly describe their qualifications.
4. Describe your facilities and equipment.
5. Estimate when you will be self-supporting.
6. If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Conservation of Collections Applications: Please provide the following information in the project description (Section IV):

1. Describe your conservation needs.
2. Where will the work be done and who is your conservator/consultant for planning? Please describe his/her qualifications.
3. Identify the work(s) to be treated and describe the nature of the treatment. Please submit a condition report(s).
4. What sum have you budgeted for the last three years for conservation of the permanent collection?

Renovation (Climate Control, Security, Storage) Deadline: July 1, 1977

This category is designed to assist museums in preserving collections of aesthetic and cultural significance. It encourages renovation of facilities for climate control, security and storage in existing structures, placing greater emphasis on storage facilities and security systems. Funds are not available for new construction; nor for the addition to, or improvement of climate control systems in structures completed since 1971; nor for the renovation of gallery spaces except when directly related to climate control security systems or storage facilities. Assistance is available within the following areas:

SURVEY

1. Consultation services to assess renovation needs in areas of security, storage, and climate control and to suggest concrete measures to alleviate those needs. All grants for consultant's services will be awarded on at least a dollar-for-dollar matching basis.
2. Studies and working drawings for architectural and other changes necessary to accommodate the handicapped.

INSTALLATION

Where surveys have already been completed, including a projected plan of renovation and cost estimates, the Endowment will consider funding renovation projects.

All such grants will be awarded on the basis of at least three dollars from nonfederal sources for every dollar of Endowment funds, i.e. the National Endowment for the Arts will be providing no more than 25 percent of the total project costs, and in most cases, much less. Generally, grants will be made through the Treasury Fund Method. Applicants are encouraged to document their ability to use this method, whenever possible. Please see page 13.

DEADLINE AND ANNOUNCEMENT DATE

Applications for this program must be postmarked no later than July 1, 1977. Notices of approal or rejection will not be sent earlier than December 1977.

GRANT PERIOD

A grant period of one year is allowed for Survey projects. A grant period of two years is allowed for Installation projects. Projects should not be scheduled to begin earlier than January 1978. Generally, time extensions will not be granted.

HOW TO APPLY

For Survey Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. Describe your collection.
2. Who will do the installation? Submit copies of the estimates.

For Installation Applications: Provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

1. Describe your collection.
2. Who will do the installation? Submit copies of the survey and bids or contracts.

Museum Training Deadline: July 1, 1977

This program category provides grants for the preparation of well-trained museum professionals and technicians. Grants in support of museum training are awarded to museums and universities on at least a dollar-for-dollar matching basis. Priority will be given to proposals which specifically include training for people from minority groups. Generally, the following types of projects will be considered for assistance:

A limited number of graduate level programs in curatorial training, museum administration or museum education, conducted jointly by museums and universities.

Internships or other professional training provided by a museum. Specific programs designed to advance staff professionally will also be considered. For example, the program can support museum career training for persons who are suitably prepared in an appropriate discipline but who lack museum expertise. The program can also assist in providing in-house training to prepare permanent staff for more responsible positions.

A few undergraduate programs, especially those directed toward minorities or unique disciplines.

Programs of in-house training to prepare apprentices for museum positions such as installers, preparators, framers, packers, and carpenters.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than July 1, 1977. Notices of approval or rejection will not be sent before December 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than January 1978.

GENERAL RANGE OF GRANTS

Up to $60,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.)

1. The number of students.
2. Teacher/student ratio.
3. Qualifications of the teacher(s) involved.
4. Description of intern program or of any other "on the job" training.
5. Placement of most recent graduating class.
6. Syllabus of the courses.
7. If you have previously received an Arts Endowment grant for a training program, be sure to include a copy of the interim or final report with this application, if you have not already sent it to the Endowment.

Services to the Field Deadline: October 3, 1977

This category is designed to support services to the field such as research, publications (other than periodicals), workshops and seminars provided by museums or other organizations such as state or regional arts agencies and national or regional museum associations. To be eligible, projects should be of national or regional impact.

PLEASE NOTE.—Applications for funds to carry out research must demonstrate that this is new research and that the results of the research will be published in order to serve the field.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than the deadline of October 3, 1977. Notices of approval or rejection will not be sent before March 1978.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than April 1978.

GENERAL RANGE OF GRANTS

Up to $30,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is to be a continuing one, how will it be funded in the future?
2. If the program is already in existence, has it been evaluated and by what means?
3. Will fees be charged for the services and, if so, on what basis?
4. If a seminar, course or workshop, what is the syllabus?
5. Who is intended to be served and how?
6. What are the qualifications of person(s) involved in the project?

Fellowships for Museum Professionals Deadline: October 3, 1977

Fellowships for Museum Professionals are to be awarded to professional members of museum staffs so that they may take leaves of absence for periods ranging from one to twelve months in order to conduct independent study or research, travel, write, engage in community projects, or in other ways improve their professional qualifications.

PLEASE NOTE.—Fellowships are not awarded to cover study or research directed toward a graduate degree or expenses while enrolled in formal courses of study, workshops, seminars or conferences. Proposals must be for specific projects and must clearly demonstrate in what way the leave of absence will improve the applicant's professional qualifications. Proposals designed to be of direct benefit to the employing institutions should be made by the institution under the appropriate category and not by the individual.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than the deadline of October 3, 1977. Notices of approval or rejection will not be sent before March 1978.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin earlier than April 1978.

ELIGIBILITY

Professional museum staff members of exceptional talent in areas such as administration, curatorial work, conservation or education.

GENERAL RANGE OF GRANTS

Grants will not exceed $20,000 and in most cases will be considerably less. Grants will be made to individuals on a non-matching basis with amounts varying according to the salaries of the applicants, travel requirements and the materials necessary for completion.

HOW TO APPLY

1. Applicants should use the "Individual Grant Application/NEA–2 (Rev.)."
2. Each application should contain a description of the proposed project, an itemized budget including a salary item, travel (please provide a detailed breakdown of costs), and materials, if necessary.
3. Applicants should indicate a specified period of time for the leave of absence.
4. Complete the Career Summary Section of the application and/or attach a resume.
5. Enclose a statement from the director of the museum to the effect that the museum is willing to grant the applicant a leave of absence for the specified time and stating the applicant's salary and whether or not it will be continued during the leave of absence. Institutions are encouraged to support the individual's salary in whole or in part.
6. Have three people complete the recommendation form (see page 45) and forward them to the Museum Program (Mail Stop 502), National Endowment for the Arts, Washington, D.C. 20506, Attn: Fellowships for Museum Professionals.

TAXABILITY OF FELLOWSHIPS

The Internal Revenue Code regulations provide that certain fellowships to individuals who are not candidates for degrees are deductible, but only up to a certain amount and for a limited period of time.

A pamphlet, Tax Information for American Scholars in the U.S. and Abroad, Publication 520 of the Internal Revenue Service, will be supplied on request. Generally this booklet is available at any Internal Revenue Service office. The booklet might be helpful in preparing an application for a proposed fellowship.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue office.

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Visiting Specialists (Applications Accepted Throughout the Year and Reviewed Quarterly)

This program category provides matching grants for temporary consultation services for a specific project. As the title of the program implies, the visiting specialist should be:

1. A person of considerable expertise.
2. A person not in the employ of the applicant institution.
3. A person who is not to be considered as permanent staff but rather a person who can make a significant contribution to the applicant institution during a brief tenure.

Some possible projects are:

Research on the permanent collection.

Prepratory research for projected exhibitions.

Development of improved methods of museum operations such as administration, registration and installation techniques, including lighting, handling and storage.

Establishment of suitable museum library systems.

Studies to determine the changes necessary to make the building more accessible to the physically handicapped.

Plans for membership drives and other fund raising activities.

Guidance for better education and public service programs.

Development of coordinated graphics program.

DEADLINE AND ANNOUNCEMENT DATE

Applications are accepted throughout the year and reviewed quarterly. Notices of approval or rejection will be sent no later than seven months after receipt of application.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin before notification.

NOTIFICATION

Notices of approval or rejection will be smet no later than seven months after receipt of application. Projects should not be schedueld to begin before notification.

GENERAL RANGE OF GRANTS

Up to $15,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). Attach no more than five additional pages, if necessary.)

1. Describe the project and the urgency of the need for a visiting specialist.
2. How the project related to the other activities of the museum?
3. Identify the specialist and indicate his/her qualifications or attach a resume (three copies). If you are considering a number of people for this project, submit their names and a description of their qualifications. In all cases, document the availability of the specialist.

General Programs (Applications Accepted Throughout the Year and Reviewed Quarterly)

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the categories listed. These grants will be awarded generally on a matching basis. Applications will not be accepted for general operating expenses, new construction, nor the establishment of new museums.

DEADLINE AND ANNOUNCEMENT DATE

Applications are accepted throughout the year and reviewed quarterly. Notices of approval or rejection will be sent no later than seven months after receipt of application.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin before notification.

GENERAL RANGE OF GRANTS

Up to $20.000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. The qualifications of person(s) involved in the project.
2. The unique characteristics of the project.
3. If this is an experimental or research project, the plans for disseminating information about the results of the project.

IMPORTANT INFORMATION FOR APPLICANTS

Eligibility

1. By statute, the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

2. Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin or handicap.

3. All laborers and mechanics employed by contractors or subcontractors on construction projects assisted by National Endowment for the Arts grant funds shall be employed and paid in accordance with applicable Federal minimum wage and labor standards (Parts 3 and 5, Title 29, Code of Federal Regulations).

4. Museums, organizations serving museums, organizations providing museum functions, state arts agencies, regional arts groups, and currently employed museum professionals are eligible to apply. The Endowment generally uses the definition of museums developed by the American Association of Museums: "* * * a nonprofit institution essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public in some regular schedule."

Accreditation by the American Association of Museums is not a prerequisite for eligibility.

5. In general, to be eligible for consideration, organizations should be in operation two years prior to submitting an application.

6. To be eligible for consideration, projects should be of national or regional impact and should be of aesthetic and cultural significance. Size of the institution is not a criterion, but rather, the nature of the project and the capacity of the institution to execute the project successfully.

7. Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Support may be requested by annual application for the same project for up to three years. Organizations, however, should not attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion.

Application Review Procedure

Applications are evaluated by the following criteria:

The significance and qualitative level of the project.

The ability of the museum staff to undertake and successfully execute the project.

The potential regional and national impact of the project.

The evident need for the project in relation to the museum's total program.

A realistic appraisal of anticipated costs and income related to the project.

The Endowment's Museum Program staff initially ascertains that applications conform to Endowment requirements. They are subsequently reviewed and considered by special committees, the Museum Advisory Panel and the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman of the National Endowment for the Arts, the applicant will be notified in writing by the Endowment. Details of the grant award procedure are explained in the letter of notification.

Methods of Funding

PROGRAM FUNDS METHOD

Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Project Grant Application/NEA–3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. In all programs except Museum Purchase Plan, budgeted funds, as well as newly raised funds, may be used for matching.

Example:

If an applicant requests from Arts Endowment	$30,000
Then applicant lists match of at least	30,000
And total project budget reflects at least	60,000

TREASURY FUND METHOD

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for federal income, state, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guideline—organizations such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops.

When a restricted gift is received it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the terms and conditions of the grant.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

Example:

If an applicant requests from Arts Endowment	$25,000
And donors make gifts for Treasury Fund of	25,000
Then applicant lists match of at least	50,000
And total project budget reflects at least	100,000

HOW A TREASURY FUND GRANT IS ARRANGED

Those interested in giving for a specific purpose should note the step by step process described below.

1. If a project is eligible for consideration under the Museum Program guidelines, the applicant submits to the Endowment a formal application, which may include a list of potential donors.

2. The application is reviewed first by the Museum Advisory Panel and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the applicant.

3. If a grant award is approved, the applicant then requests that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e. the name of the applicant and specific project supported), and date by which payment will be made to the grantee organization (see below).

HANDLING PROCEDURES

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grantees will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method the following procedures apply:

1. Gift transmittal letter is received by the Endowment from donor with above specified information.

2. Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

a. In the case of individual gifts of less than $5,000, grantee will forward to the Endowment, a list of donor's names, addresses, and amounts received, certified by an official of the organization and notarized.

b. In the case of individual gifts of $5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e. the check or negotiable securities, with a covering letter.

3. In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence, such as benefit announcement circulars, invitations, posters, etc. (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching.

[FR Doc.76-26809 Filed 9-13-76;8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC76–1, MC76–2, MC76–3, MC76–4]

MAIL CLASSIFICATION SCHEDULE, 1976

Order and Supplemental Notice Concerning Proposals

SEPTEMBER 8, 1976

On June 3, 1976 the Commission issued Order No. 118 (41 FR 22999) establishing proceedings under the four dockets listed above and setting forth a number of dates for the completion of certain procedural stages. That order stated that the proceedings would consider proposals for limited changes in the classification schedule.[1] Besides notifying interested persons that the four new proceedings would be open to proposals of participants in former Docket No. MC73–1, Order No. 118 also said that proceedings would not be restricted to matters raised in response to the January 1973 filing of the Postal Service in that docket. Rather the new proceedings were to be open to specific proposals to adjust a classification of mail filed by any interested person within 30 days of publication of this order.

PRC Order No. 118, June 3, 1976, p. 5; 41 FR 22999. The content of the required filings and the procedural framework to be established in the new proceedings were explained even more fully in Commission Order No. 120 issued June 7, 1976.

Despite the issuance of Orders No. 118 and 120, several participants, including the Postal Service, have suggested that the requirements of notice have not been met. They maintain that Order No. 118 fails to comply with the Commission's rules of practice. 39 CFR 3001.17(c)(3), because it does not contain a "concise description" of each proposal to be considered.

The Commission is satisfied that Order No. 118 complies with the requirements for notifying all interested persons of the proposals in issue in Dockets No. MC76–1 through MC76–4 for the reasons stated in Commission Order No. 121, June 17, 1976. Nonetheless, as stated in Order No. 121, the Commission contemplated the issuance of supplemental notices, as necessary, to insure that interested persons would be fully informed concerning specific proposals submitted in response to the procedural schedule set forth in Order No. 118.[2]

In accordance with Order No. 118 all proposals for change in the classifica-

[1] Proposals for limited change were formerly assigned to Phase II of Docket No. MC73–1. This docket was terminated by Commission Order No. 117, June 3, 1976 (41 FR 22998).

[2] Initially, parties were required only to frame their proposals, as part of their petitions to intervene, in general terms. Subsequently, after such petitions were granted, participants were required to cast their proposals in specific terms as proposed amendments or revisions to the currently effective mail classification schedule.

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tion schedule have been on file in the Commission's docket section and thus in the public record. The Postal Service and other participants who have requested further notice of the proposals for change have not suggested a pro forma form of notice illustrating their requests. The Commission, however, has independently compiled a document which assembles the specific proposals advanced by participants. On August 19, 1976, this document, entitled "Availability of Commission Compilation, in Legislative Format, of Parties Proposed Changes to Mail Classification Schedule," was put on file in the Commission reading room, designated PRCXLR–1, and served on all participants.

This compilation sets out in legislative format the established mail classification schedule along with specific changes proposed by participants through July 28, 1976. For the most part this has been done in precisely the same language submitted by the participants. Where participants failed to submit proposals in statutory language, however, or proposed amending the Postal Service Manual instead of the mail classification schedule, the Commission has attempted to incorporate the proposal in the language of the classification schedule without altering the proposal's substance. Participants have been invited to file and serve notices of corrections (including omissions) of the Commission compilation, if any, by September 20, 1976. See Notice of the Administrative Law Judge, August 19, 1976.

To insure that no proposals will be considered without first being the subject of specific public notice in addition to the general notice contained in Order No. 118, the Commission is making its compilation in legislative format available to the public. Copies of the compilation may be obtained by requests addressed to the Commission's Secretary. The index to the compilation comprehensively identifies all of the specific proposals advanced through July 28, 1976, and it is attached below as an appendix to notify interested persons of the nature of such proposals.

In addition to notifying the public of the specific proposals advanced in these dockets, the Commission will permit the filing of additional petitions to intervene from persons who, having been notified of the specific proposals of the present parties hereto, perceive an interest in these proceedings for the first time. Accordingly, the time for filing petitions to intervene in the four above-mentioned proceedings will be extended so as to enable interested persons—not presently parties to the proceedings—to intervene in order to propose changes in the established mail classification schedule or to oppose, support, qualify, or comment upon the proposals advanced by other participants.

The Commission orders. A. Proceedings in Dockets No. MC76–1, MC76–2, MC76–3, and MC76–4 are reopened for intervention by interested persons.

B. Persons who are not presently parties to these proceedings who wish to propose changes in the established mail classification schedule will be required, on or before September 28, 1976, to file petitions to intervene in these proceedings in accordance with paragraphs D and E hereof.

C. Persons who are not presently parties to those proceedings but who now wish to intervene to oppose, support, qualify, or comment upon the proposals noticed in this order (see Appendix), or who otherwise believe that their interests may be affected by these proceedings will be required, on or before September 28, 1976, to file petitions to intervene in these proceedings in accordance with paragraph E hereof.

D. In order to be considered, petitions to intervent for the purpose of proposing changes in the established mail classification schedule or for the purpose of revising or amending proposed changes previously submitted must be accompanied by a form of notice. The form of notice must include (1) a brief statement of what the proposal is intended to achieve and (2) the language of the proposal itself in legislative format.[2]

E. Petitions for leave to intervene (including petitions to intervene as a limited participator) shall be filed in accordance with the Commission's rules of practice (39 CFR 3001.19a and 3001.20) on or before September 28, 1976.

F. Participants who have intervened and who have filed detailed proposals for change prior to the date of this order and notice are not required to file additional petitions for intervention and are not required to file additional statements of proposals for change.

G. The procedural schedule established by the Administrative Law Judge in the above dockets is not altered by this order and notice.

H. Orders No. 118 and 120, as supplemented by this order and notice, shall remain in full force and effect.

By the Commission.

JAMES R. LINDSAY,
Secretary.

APPENDIX

INDEX OF PROPOSALS [1]

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transient rates 58 (200.42)
American Newspaper Publishers Association (ANPA)
Second-class
regular rates, pre-preparation 42 (200.33), 53 (200.41A)
Agricultural Publishers Association (APA)
Second-class
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National Association of Greeting Card Publishers (NAGCP)
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transient rates 59 (200.42)
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phasing of rates 87 (201.5)

[1] By legislative format we refer to the practice of showing proposed amendments to a statute—or, as here, a classification schedule—by drawing a broken line through suggested deletions and underscoring suggested additions.

[2] (Original footnote omitted. The omitted footnote explained that numbers (without parentheses) following the names of proponents refer to pages in the document entitled "Availability of Commission Compilation in Legislative Format, of Parties' Proposed Changes to Mail Classification Schedule." Numbers in parentheses refer to sections of the mail classification schedule. Where it is proposed that a section of the schedule should be redesignated, the sectional reference is to the proposed new section rather than to the existing one. Page numbers of this Appendix—*i.e.*, 134 to 137—refer to pagination in the original document.)

Department of Defense (DOD)
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(Footnote to the reader: Some general proposals have not yet been converted to legislative format by their proponents and therefore do not appear in this index. E.g., the OOC's proposals concerning special services and for eliminating post and postal card prerequisites of PSM § 131.224(d); PCMA's proposal to establish two-tier variations for first-class mail; Catholic Press Association's proposal for a presort discount for nonprofit second class. Interested readers should check the public files for corrections to see if any proposals have been inadvertently omitted. See p. 3 supra: Notices of corrections and omissions are to be filed September 20, 1976.)

[FR Doc.76-26810 Filed 9-13-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12756; File No. SR-BSE-76-11]

BOSTON STOCK EXCHANGE

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 25, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Boston Stock Exchange is being incorporated as a Delaware membership corporation.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change is as follows:

1. The purpose of the Proposed Rule Change is to accomplish the incorporation of Boston Stock Exchange.

2. The proposed rule change relates (a) to the capacity of Boston Stock Exchange to carry out the purposes of the Act by making the operations of the Exchange more efficient than is possible as an association; (b) to the ability of any registered broker or dealer, or natural person associated with a registered broker or dealer, or natural person associated with a registered broker or dealer to become a member of the Exchange by removing possible personal liability as a barrier to membership.

3. No comments have been solicited; however, the Agreement and Plan of Reorganization will be voted upon by the Members of the Exchange.

4. No burden on competition will be imposed by the Proposed Rule Change. Other major exchanges have incorporated within the past years.

On or before October 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing together with a proposed certificate of incorporation, plan of reorganization, technical amendments to the Exchange's constitution, and copies of all written submissions with respect to the foregoing will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 1, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26826 Filed 9-13-76;8:45 am]

[Release No. 34-12770; File No. SR-BSPS 76-1]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The proposed rule change is the opening of a clearing facility in Miami, Fla.

In addition, clearing facilities in the following locations are currently being implemented; Baltimore, Md.; New Orleans, La.; Nashville, Tenn.; Washington, D.C.; and Cleveland, Oh.

Each of these facilities will serve as regional centers for receiving and delivering securities on behalf of BSPS customers.

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of opening these clearing facilities is twofold. First, to increase the timeliness of clearing security transactions for BSPS customers in each of these locations over existing means. Second, to give access to the qualified banks, brokers and dealers in each of these locations to use BSPS clearing facilities.

The opening of these facilities will provide for a prompt and accurate clearance of security transactions in each of the regional locations. It will allow for any qualified bank or broker/dealer to utilize these facilities for the prompt and accurate clearance of their respective securities transactions.

Verbal comments received from our existing customers and potential customers at these regional locations indicates a need to open these clearing facilities.

BSPS is of the opinion that opening these facilities will not impose any burden on competition but rather increase the competition. Opening these facilities will give banks and broker/dealers in each of these locations access to the BSPS clearing operation at what BSPS believes will be costs lower than clearing services presently available to them.

On or before October 19, 1976 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for

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finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26827 Filed 9-13-76;8:45 am]

[Release No. 34-12768; File No. SR-CBOE-76-18]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 24, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows (brackets indicate deletions; italics indicate new material):

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

APPROVAL OF UNDERLYING SECURITIES

Rule 5.3. The underlying securities of option contracts traded on the Exchange shall be approved for Exchange transactions by the Board following the recommendation of the Securities Committee and the Board shall give due regard to, and the Board shall promulgate guidelines relative to, the following factors:

(a) Underlying securities approved for Exchange transactions shall [be characterized by a large number of outstanding units which are widely held and actively traded in the primary market;] *have, in the absence of exceptional circumstances, the following characteristics:*

(i) *A minimum of 8,000,000 shares which shall be owned by persons other than those required to report their stock holdings under Section 16(a) of the Securities Exchange Act of 1934;*

(ii) *A minimum of 10,000 shareholders;* and

(iii) *Trading volume (on all markets on which the stock is traded) of at least 2,000,000 shares per year in each of the two previous calendar years;*

(iv) *The market price per share of the underlying security shall have been at least $10.00 each business day of the six calendar months preceding the date of selection as measured by the lowest closing price recorded in any market on which the underlying security traded on each of the subject days.*

(b) Underlying securities shall be duly listed and registered on a national securities exchange; [and]

(c) The list of approved underlying securities shall be representative of issuers engaged in a wide variety of business activities [and]

[(d) Underlying securities shall meet the requirements set forth in the agreements of the Exchange with the Clearing Corporation.]

* * * Interpretations and Policies:

.01 At the time it selects an underlying security for options transactions, the Securities Committee shall *ordinarily* determine from information publicly available at the Securities and Exchange Commission that the following conditions with respect to the issuer of the underlying security are met:

1. [3.] The issuer has been subject to and has complied in all respects, including timeliness, with the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least the last three fiscal years.

2. The issuer and its *significant* subsidiaries have not during the past three years defaulted in the payment of any dividend or sinking fund installment on any preferred stock or in the payment of any principal interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases.

3. *The issuer and its consolidated subsidiaries had an aggregate net income, after taxes, but before extraordinary items net of tax effect, of at least $1,000,000 in each fiscal year in three out of the last four fiscal years including the most recent fiscal year.* [1. The issuer and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least $250,000 for each of the last three fiscal years.]

4. *The issuer and its consolidated subsidiaries have had not more than one annual deficit, before extraordinary items during the last four fiscal years, and have had no such deficit in the most recent fiscal year.*

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[2] Does not take into consideration a proposed rules change contained in SR-CBOE-76-16.

WITHDRAWAL OF APPROVAL OF UNDERLYING SECURITIES

Rule 5.4 The approval of an underlying security for exchange transactions shall be withdrawn by the Securities Committee if the underlying security fails to meet the then current requirements necessary to maintain such approval. In the event the Securities Committee withdraws approval of an underlying security, no additional series of option contracts of the class covering that underlying security shall be opened; provided however that where exceptional circumstances have caused the noncompliance of an underlying security with *subsection (E) or (F) of section 1 of Interpretation .01 or section 2 or 3 of Interpretation .01 hereunder* [then current approval maintenance requirements] the Board may, in the interest of maintaining a fair and orderly market or for the protection of investors direct the Securities Committee to open additional series of option contracts of the class covering the subject underlying security.

* * * Interpretation and Policies:

.01 (no change) *

1. *The Securities Committee ordinarily relying upon information publicly available at the Securities and Exchange Commission determines that:*

(A) [1.] The issuer and its consolidated subsidiaries have incurred a net deficit after taxes, but before extraordinary items net of tax effect in more than one of the preceding four fiscal years.*

(B) [2.] The issuer and its consolidated subsidiaries have a net income after taxes, but before extraordinary items net of tax effect, of less than $250,000 in more than one of the preceding four fiscal years.*

(C) [3.] The issuer and its *significant* subsidiaries have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases, and such default has not been cured [by the end of the fiscal year in] *within six months of the date on* which the default occurred.*

(D) [4.] The issuer has failed to make timely reports as required by section 13 and 14 of the Securities Exchange Act of 1934, and such failure has not been corrected within 30 days after the date the report was due to be filed.[3]

(E) There is a failure to have a minimum of 7,200,000 shares of the underlying security held by persons other than those who are subject to the requirement of section 16(a) of the Securities Exchange Act of 1934, as amended.

(F) There is a failure to have a minimum of 9,000 holders of the underlying stock.

[5. The underlying security fails to meet guidelines set forth in the agreements of the Exchange with the Clearing Corporation designed to assure that

underlying securities are widely held and actively traded.] *

2. The volume of trading in the underlying security is less than 1,800,000 shares in the preceding calendar year.

3. The market price per share of an underlying security closes below $10.00 on a majority of the business days of the preceding calendar year as measured by the highest closing price recorded in any market on which the underlying security trades.

.02 In connection with Rule 5.4 and Interpretation .01.3 thereto, the Securities Committee shall direct that no additional series of options contracts of the class covering an underlying security be opened at any time when the market price per share of the subject underlying security is less than $7.50 as measured by the highest closing price recorded in any market on which the underlying security trades.

.03 Whenever the Exchange shall announce that approval of an underlying stock has been withdrawn for any reason, each member organization shall, prior to effecting any transaction in option contracts in respect of such underlying stock for a customer, inform such customer of such fact.

.04 Whenever the Exchange withdraws the approval of an underlying security, it shall not open a class of option contracts covering that underlying security until such security is able to comply with the provisions of Rule 5.3.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

Although the Exchange has a proposed rules change on file with the Commission (SR-CBOE-76-6) which relates to maintenance listing standards for securities underlying options traded on the Exchange, these proposed rules changes, relating to initial listing and additional maintenance standards for securities underlying options supplement the present filing and have the effect of creating a new overall Exchange underlying security qualification program.

Presently, Exchange Rule 5.3 set forth the standards to be utilized by the Exchange's Securities Committee in selecting underlying securities for options transactions. This process is now governed by the standards contained in the agreement between The Options Clearing Corporation and the Exchange, the American, Philadelphia and Pacific Stock Exchanges as well as the provisions of Interpretation .01 of Rule 5.3.

With respect to the requirements contained in The Options Clearing Corporation agreement, it is intended that this proposed filing specifically enumerate standards relating to (1) the number of outstanding units of the underlying security held by persons other than those subject to reporting their holdings pursuant to section 16(a) of the Securities Exchange Act of 1934, as amended, (2) the number of holders, (3) the trading volume of the underlying security, and (4) the minimum per share market price of the underlying security. These proposed rules changes present initial listing standards which are more restrictive than some of those which are presently contained in the foregoing agreement with The Options Clearing Corporation. Such proposed selection guidelines establish a high level of market performance criteria which the Exchange believes should be utilized in choosing securities for Exchange options trading.

The standards set forth in Interpretation .01 to Rule 5.3 were inserted in September, 1975 as a continuation of the Exchange's agreement wtih the Commission, through its Division of Corporation Finance, that The Options Clearing Corporation could avoid making special disclosures about issuers of securities underlying options trading on participant exchanges in its Securities Act of 1933 ("the 1933 Act") registration statement if those underlying securities so selected by the exchanges were issued by companies which generally met the requirements for utilizing Form S-7 for the registration of securities under the 1933 Act. The Exchange now proposes to amend some of the selection criteria of the foregoing Interpretation so as to more accurately reflect those elements of financial stability of an issuer which the Exchange believes should be utilized in its underlying security selection process. These intended revisions would also have the effect of making a number of these financial standards more stringent than those presently proposed for an issuer which intends to make use of Form S-7 (Securities Act of 1933 Release No. 33-5728). Such proposed amendments reflect the position that the Exchange has maintained for some time that the standards for determining the availability of Form S-7 for an issuer's registration of securities are not the most appropriate measurement criteria which could be applied by the Exchange in determining which underlying stocks should be chosen for options trading. Consequently these proposed rules changes relating to initial listing requirements for securities underlying options trading would act to sever the relationship between such standards and the requirements which must be met if an issuer is to use Form S-7.

The combined result of all of the above proposed amendment to the Exchange's initial listing criteria would be to ensure that the Exchange chose only those underlying securities for options trading which have extensive public ownership and trading activity, significant amounts of corporate information disseminated to the public and a substantial degree of financial stability.

As a supplement to the above referenced rules changes previously filed regarding listing maintenance standards for underlying securities, the Exchange hereby proposes to specifically set forth additional requirements which must be met in order to maintain approval for Exchange options trading relating to (1) the number of underlying securities held by persons not subject to the reporting requirements of Section 16(a), (2) the number of holders of the underlying security, (3) the trading volume of the underlying security, and (4) the price per share of the underlying security. These proposed standards will address changes in certain aspects of the market environment for the underlying securities on which options are traded. As such, these maintenance requirements will enable an underlying security to experience a nonmaterial reduction in its public floating supply, its number of shareholders, its trading volume or in its per share market price without becoming subject to the Exchange's procedures for withdrawal of listing approval.

Since these suggested maintenance provisions are designed to allow for some minor slippage from the high initial listing standards proposed herein, the continuity, depth and liquidity of the Exchange market for a particular option class will not be affected by small downward changes in the above described characteristics of an underlying security. In the absence of these modifications, any downward movement from the initial listing guidelines would trigger the Exchange's procedures for withdrawal of listing approval. However, notwithstanding the establishment of a buffer zone between the Exchange's initial approval for trading and the withdrawal of same, these proposed revisions will serve to alert the investing public and Exchange members to the fact that whenever the minimal reductions from the initial listing standards contained herein are exceeded, the Exchange's withdrawal of listing approval procedures shall be initiated in accordance with the terms of the proposed rule.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that it is consistent with this section of the Act to set forth specific, objective criteria to be used to initially select securities for options trading as well as to determine when the Exchange's approval for options trading should be withdrawn from an underlying security.

Comments were neither solicited nor received concerning these proposed rules changes.

The Exchange does not believe any burden on competition will be imposed by these proposed rules. At this time, all exchanges which trade options are subject to initial listing and maintenance standards which are essentially the same. It is anticipated that all exchanges will have an opportunity to adopt either the standards proposed herein or any other standards which are consistent with the provisions of the Act.

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[3] Contained in Form 19b-4A SR-CBOE-76-6 and the amendments thereto.

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On or before October 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 14, 1976.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26823 Filed 9-13-76;8:45 am]

[Release No 34-12757; File No. SR-MSE-76-15]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 30, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change Deletions Bracketed—Additions Italicized.

ARTICLE XXVII

[NET COMMISSION CHARGES]

Transaction Fee

Rule 2. The Board of Governors may from time-to-time impose a [net commission charge] *transaction fee* upon members and member organizations, measured by their respective [net commissions on] *agency* transactions effected on the Floor of the Exchange. The rate of such [charge] *fee* shall be fixed by the Board of Governors before the close of each fiscal year at the time of fixing dues for the ensuing year.

MONTHLY REPORTS

Rule 3. Each member organization and each member who is not a nominee of a member organization shall submit to the Treasurer of the Exchange a monthly report, in such form as the Exchange may prescribe, of [commissions on business done on the] *brokerage and handling fees earned on the Floor of the* Exchange during the preceding month, together with a check covering the [net commission charge] *transaction fee* payable to the Treasurer. Reports are due and payable on or before the 15th day following the month covered by the report unless such day falls on a Sunday or holiday, in which event the report is to be filed and the fees paid on the next business day. When a member or member organization has no information to report, a signed report should be submitted with a notation thereon to that effect. The Treasurer of the Exchange, under circumstances deemed by him so to warrant, is authorized to grant an extension of not exceeding five days for filing and payment. The Treasurer shall report each such extension to the Finance Committee at its next meeting thereafter.

Rules 4, 5, and 6 will remain unchanged.

OTHER CHARGES

Rule 7. (a) In addition to the dues and [net commission charge] *transaction fee,* the Board of Governors may from time to time fix and impose other charges or fees to be paid to the Exchange by members and member organizations for the use of equipment or facilities or for services of privileges granted.

(b) A member organization filing monthly reports pursuant to Rule 3(b) of Article XX or restricted as to its operations, business or expansion pursuant to Rule 3(d) or Rule 12 of Article XX shall pay to the Exchange such charges or fees as the Board of Governors may from time to time fix and impose to cover the reasonable cost of such extraordinary review and examination of the reports and operations of such member organization as the Exchange determines to be necessary or appropriate for the protection of investors, other members and member organizations and the Exchange.

* * * Interpretations and Policies:

.01 For field examinations during any calendar year in addition to the regular annual examination—

$85 per day for professional fees
$35 per day (maximum) for living expenses
Actual cost of travel expenses.

For review of reports filed pursuant to Rule 3(b) of Article XX—

$18 per report for professional fees

The purpose of the proposed rule change is to reflect the elimination of fixed commission rates and the nature of the present fee structure.

The proposed rule change represents an equitable allocation of reasonable dues among the Exchange's members.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believe that no burdens have been placed on competition.

On or before October 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1976.

[FR Doc.76-26825 Filed 9-13-76;8:45 am]

[Release No. 34-12763; File No. SR-NYSE-76-41]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 25, 1976 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Proposed change to Rule 440 of the Exchange would require members and member organizations to submit payment for one percent charge on commissions on a monthly basis when Form 600 reports are required to be filed with the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the change in Rule 440 is to eliminate the references therein to the below-mentioned charge as being billed quarterly by the Exchange to its member organizations and members.

Form 600 is a form which contains information relating to the net commission charge which, under Section 2 of Article X of the Exchange's Constitution and subject to the limitation on amount mentioned therein, is payable in such amount and at such time and collectible in such manner as may from time to time be determined by the Board of Directors of the Exchange. Consistent with the quarterly billing authorized by the Exchange's Board and in effect for several years, Rule 440 prior to the subject revision referred to the net commission charge as being billed quarterly. In most instances under the former practice, however, member organizations and members would be required to file Form 600 monthly, although the amounts shown thereon to be payable would not be due until after the Exchange had included them in a quarterly billing. The Exchange's Board, at the above-mentioned July 1, 1976 meeting, did not change the amount of the net commission charge but required payment of the charge to be made monthly. Under the new practice, the amount of the charge shown to be payable on the Form 600 will be due at the time when the Form 600 is filed with the Exchange, thereby eliminating from business routine the need for separately billing the charge. By simplifying the collection procedure, this change is in the interests of good business practices. Also, the change will accelerate the receipt of the charges by the Exchange, affording to the Exchange the use of the receipts earlier than afforded under the old practice.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc 76-26828 Filed 9-13-76;8:45 am]

[Release No. 34-12764; File No. SR-NYSE-76-42]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1976), notice is hereby given that on August 25, 1976 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Proposed change to Rule 440 of the Exchange would require registered odd-lot dealers to submit payment for odd-lot transaction charges on a monthly basis when Form 600–A reports are required to be filed with the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the change in Rule 440 is to eliminate the references therein to the below-mentioned charge as being billed quarterly by the Exchange to its member organizations and members.

Form 600–A is a form which contains information relating to the odd-lot dealer charge which, under Section 2 of Article X of the Exchange's Constitution and subject to the limitation on amount mentioned therein, is payable in such amount and at such time and collectible in such manner as may from time to time be determined by the Board of Directors of the Exchange. Consistent with the quarterly billing authorized by the Exchange's Board and in effect for several years, Rule 440 prior to the subject revision referred to the odd-lot purchase or sale transaction charge as being billed quarterly. In most instances under the former practice, however, registered odd-lot dealers would be required to file Form 600–A monthly, although the amounts shown thereon to be payable would not be due until after the Exchange had included them in a quarterly billing. The Exchange's Board, at the abovementioned July 1, 1976 meeting, did not change the amount of the odd-lot transaction charge but required payment of the charge to be made monthly. Under the new practice, the amount of the charge shown to be payable on the Form 600–A will be due at the time when the Form 600–A is filed with the Exchange, thereby eliminating from business routine the need for separately billing the charge. By simplifying the collection procedure, this change is in the interests of good business practices. Also, the change will accelerate the receipt of the charges by the Exchange, affording to the Exchange the use of the receipts earlier than afforded under the old practice.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a)(i) through (iii) and (v) through (viii) not applicable.

(a)(iv) The proposed rule modifies the times of payment of certain fees, but does not increase the amount due or in any way affect the equitable allocation of such fees. This is consistent with the requirements of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975, particularly section 6(c)(4) and Rule 19b–3.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed change, nor has the Exchange received any comments from members or others.

BURDEN ON COMPETITION

No burden on competition will be imposed by the proposed change to the supplement to the Rule.

This proposed rule change will take effect immediately in accordance with section 19(b)(3)(A)(ii) as it changes the method of payment of a due, fee or other charge. At any time within sixty days of the date of filing of this proposed rule change, the Commission summarily may abrogate the change and require it to be refiled in accordance with the provision of section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), and re-

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viewed in accordance with the provision of paragraph (2) thereof if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in accordance with the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26829 Filed 9-13-76;8:45 am]

[Release No 34-12771; File No SR PSE 76-31]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 19, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change consists of three Options Floor Procedure Advices, which relate to the circumstances under which an Order Book Official on the options floor of the Pacific Stock Exchange can call for additional market makers to come to a post, standards of dress and conduct required to be observed on the options floor, and the procedure to be used when a member organization utilizes a non-member employee to obtain a quote.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Options Floor Procedure Advices set forth herein is to set policies and clarify procedures under existing options trading rules.

By clarifying policies and procedures under existing options trading rules, the Exchange believes that the above Options Floor Procedure Advices will facilitate the fair and efficient operation of such rules and thereby facilitate a fair and orderly market and protect investors and the public interest.

Comments were neither solicited nor received.

The above Options Floor Procedure Advices will impose no burdens on competition. They merely provide an effective and convenient means of enforcing existing rules applicable to options trading on the Exchange.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26824 Filed 9-13-76;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Filing Address for Copies of Complaints in Suits Filed Under Section 502

Section 502(h) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1132(h), provides, with certain specified exceptions, that a copy of the complaint in any action brought under Title I of the Act by a participant, beneficiary, or fiduciary shall be served upon the Secretary of Labor and the Secretary of the Treasury by certified mail.

Notice is hereby given that copies of complaints which must be served upon the Secretary of Labor pursuant to section 502(h) of the Act should be addressed as follows:

Secretary of Labor, ATTN: Associate Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Washington, D.C. 20210.

This amends and supplants the address appearing at 40 FR 26318 (Monday, June 23, 1975).

Notice is further given that copies of complaints which must be served upon the Secretary of the Treasury pursuant to section 502(h) of the Act should be addressed as follows:

Secretary of the Treasury, ATTN: Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., Washington, D.C. 20224, ATTN: Associate Chief Counsel (Tax Litigation).

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-26724 Filed 9-13-76;8:45 am]

Occupational Safety and Health Administration

ALASKA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated May 3, 1976, from Edmund N. Orbeck, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.261. These standards, which are contained in Article 3 of Subchapter 7 of the State's Wood Products Code, were promulgated by the State on February 26, 1976, after proceedings held in accordance with Alaska's Administrative Procedure Act (AS 44.62).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. State standards differ from Federal standards in that the State has additional standards covering safety organization, medical programs, typing identification, whole log processing and handling equipment, liquid chlorine, chlorine dioxide, and liquid sulfur. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N3603, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be unnecessary.

This decision is effective September 14, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Wash., this 22d day of July 1976.

RICHARD L. BEESTON,
Acting Regional Administrator.

[FR Doc.76-26891 Filed 9-13-76;8:45 am]

UTAH STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah plan provides for the adoption of Federal standards as State standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal Standards. By letter dated July 14, 1976, from Don J. Christiansen, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR 1928.57 Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins as published in FEDERAL REGISTER 41 FR 10190 dated March 9, 1976. These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held. The Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins part was adopted by the Industrial Commission of Utah, Archives File No. 1479 on May 19, 1976, pursuant to Title 35-9-6 Utah Code Annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado, 80202; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and the Technical Data Center, Room N-3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

This decision is effective September 14, 1976.

Signed at Denver, Colorado, this 28th day of July 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-26892 Filed 9-13-76;8:45 am]

VERMONT STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a state plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 1, 1973, notice was published in the FEDERAL REGISTER (Vol. 38, FR 28658) of the approval of the Vermont plan and the adoption of Subpart U to Part 1952 containing the decision.

The Vermont plan provides for the adoption of Federal standards as State standards (by reference or after comments and/or public hearing). Section 1952.270 of Subpart U sets forth the State's schedule for the adoption of Federal standards. By letter dated June 17, 1976 from Louis Lavin, Commissioner, Vermont Department of Labor and Industry to Mr. Edwin J. Riley, Jr., Acting Regional Administrator and incorporated as part of the plan, the State submitted standards comparable to amendments to § 1910.179, dated June 27, 1975, amendments to 1910.184, dated March 30, 1976, amendments to § 1910.1000, dated March 19, 1976, and amended by adding a new subpart D and § 1928.57 in Part 1928, 29 CFR Chapter XVII.

These standards, which are contained in the Vermont Occupational Safety and Health Standards for General Industry and Agriculture were promulgated pursuant to Title 3, VSA, Section 803(a)(1)

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and Title 21, VSA, Chapter 3, Subchapter 5, Sections 224 (a) and (b).

2. *Decision.* The State submission was reviewed in comparison with the Federal standards and were found to be identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1804, J. F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203; State of Vermont Department of Labor and Industry, State Office Building, Montpelier, Vermont 05602; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Vermont State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

This decision is effective September 14, 1976.

Signed at Boston, Massachusetts, this 8th day of July 1976.

EDWIN J. RILEY, Jr.,
Acting Regional Administrator.

[FR Doc.76-26893 Filed 9-13-76;8:45 am]

Office of the Secretary

[TA-W-736]

DENTON MILLS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-736: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing children's knit sleepwear and knit sweaters at the Centreville, Michigan plant of Denton Mills, Incorporated, Chicago, Illinois.

The notice of investigation was published in the Federal Register on April 13, 1976 (41 FR 15486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Denton Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation revealed that although criteria one and two were met, criterion three was not met for sleepwear and criterion four was not met for sweaters or sleepwear.

Sales or production, or both, have decreased absolutely. Total company sales of children's sleepwear, (including the New Albany, Fremont, and Centreville plants) increased 31.1 percent in quantity from 1973 to 1974 and then declined 3.1 percent from 1974 to 1975. In the first quarter of 1976, sleepwear sales increased 60.4 percent in quantity compared to the first quarter of 1975.

Sales of sweaters by Denton Mills (sweaters are manufactured at Centreville only) increased 202.3 percent in quantity from 1973 to 1974 and then declined 31.3 percent from 1974 to 1975. In the first quarter of 1976, sweater sales increased 440.5 percent in quantity compared to the first quarter of 1975.

Production of children's sleepwear at the Centreville plant increased 17.8 percent in quantity from 1973 to 1974 and increased 3.0 percent from 1974 to 1975. In the first quarter of 1976, sleepwear production declined 9.2 percent compared to the first quarter of 1975.

Production of sweaters at the Centerville plant increased 59.4 percent in quantity from 1973 to 1974 and then declined 40.5 percent from 1974 to 1975. In the first quarter of 1976, sweater production increased 22.5 percent compared to the first quarter of 1975.

Significant total or partial separation. The average number of workers at the Centerville plant increased 8.4 percent from 1973 to 1974 and increased 13.6 percent from 1974 to 1975. In the first quarter of 1976, the average number of workers declined 8.3 percent compared to the first quarter of 1975.

In the first quarter of 1976, average weekly hours increased 2.3 percent compared to the first quarter of 1975. Average weekly hours data was not available for years prior to 1975.

Increased imports. Imports of women's, misses', juniors', girls', and children's knit sleepwear declined absolutely and relatively from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973. Imports declined absolutely and relatively from 1973 to 1974 and from 1974 to 1975. Imports of women's, misses', and children's knit sleepwear declined 31.4 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 1.3 percent and 1.3 percent, respectively, in 1974, to 0.9 percent and 0.9 percent, respectively, in 1975.

Imports of women's and children's sweaters declined relatively from 1971 to 1972 and from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974 and from 1974 to 1975. Imports of women's and children's sweaters increased 7.3 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 104.9 percent and 51.2 percent, respectively, in 1974 to 120.0 percent and 56.4 percent, respectively, in 1975. Import data for children's sleepwear alone could not be isolated from the basket category.

Imports of men's and boys' sweaters increased absolutely in each year from 1971 to 1973 and then declined absolutely from 1973 to 1974 and from 1974 to 1975. Imports of men's and boys' sweaters declined 12.4 percent from 1974 to 1975. Domestic production declined 12.7 percent during the same period. The ratios of imports to domestic production and consumption increased from 36.5 percent and 26.9 percent, respectively, in 1974 to 36.6 percent and 27.0 percent, respectively, in 1975.

Contributed importantly. The Department's investigation indicated that customers of Denton Mills, Inc. do not purchase imported sweaters, and do not purchase imported children's sleepwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's knit sleepwear and men's, women's, and children's knit sweaters at the Centreville, Michigan plant of Denton Mills, Incorporated, Chicago, Illinois, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 27th day of August 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-26725 Filed 9-13-76;8:45 am]

[TA-W-1,061]

MEPCO-ELECTRA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 31, 1976 the Department of Labor received a petition dated August 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of the Hicksville, Ohio plant of Mepco-Electra, Morristown, New Jersey, a wholly owned subsidiary of North American Phillips, New York City, New York (TA-W-1,061). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic capacitors produced by Mepco-Electra or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26726 Filed 9-13-76;8:45 am]

[TA-W-1,047]

PRINCESS PAT

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 27, 1976 the Department of Labor received a petition dated August 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of Princess Pat, Bridgeport, Connecticut, a division of Peter Pan, New York, New York (TA-W-1,047). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with materials for ladies' swimwear produced by Princess Pat or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or theatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26727 Filed 9-13-76;8:45 am]

[TA-W-1,041]

STRIDE RITE SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 25, 1976 the Department of Labor received a petition dated August 20, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brockton, Massachusetts plant of Stride Rite Shoe Co., a division of Stride Rite Shoe Corporation (TA-W-1,041). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with baby shoes produced by Stride Rite Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26728 Filed 9-13-76;8:45 am]

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[TA-W-1,050]

STRIDE RITE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 30, 1976 the Department of Labor received a petition dated August 5, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Stride Rite Corporation, Boston, Massachusetts (TA-W-1,050). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with infants', childrens', youths', growing girls' & boys' shoes produced by The Stride Rite Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26729 Filed 9-13-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ALLOY TOOL STEEL PRODUCTS

Modification of Certain Quantitative Limitations

By Proclamation 4445 of June 11, 1976 (41 F.R. 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless steel or alloy tool steel. The Proclamation, *inter alia*, implements an orderly marketing agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan with respect to these steel articles. Under paragraph (5) of the Proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary to administer and implement the agreement with the Government of Japan.

Under paragraph 1(d) of the provisions of the agreement, imports from Japan of each category of steel covered by the agreement during the first half of a restraint period are not to exceed 60 percent of the base limit as defined in the agreement, unless otherwise mutually agreed. The 60 percent limit has recently been reached with respect to alloy tool steel from Japan under item 923.24 of the Appendix to the Tariff Schedules of the United States (TSUS). A substantial portion of the steel entered from Japan under item 923.24 has been certain high carbon chrome steel suitable for bearings, concerning which historical statistical classification questions have arisen. In view of this fact, agreement has been reached with the Government of Japan that the 60 percent limitation contained In paragraph 1(d) of the Notes exchanged on June 11, 1976, will not apply to imports of alloy tool steel from Japan during the restraint period June 14, 1976 to June 13, 1977.

Paragraph (b) of headnote 2, subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified by adding at the end thereof the following: "This paragraph shall not apply with respect to articles provided for in item 923.24, the product of Japan, entered during the restraint period beginning June 14, 1976 and ending at the close of June 13, 1977."

This modification will be effective on September 17, 1976.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.76-27051 Filed 9-13-76;1:47 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 142]

ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 1924 Sub 11, Wallace-Colville Motor Freight, Inc., now being assigned November 29, 1976 (3 Weeks), at Boise, Idaho, in a hearing room to be later designated.

No. 36325, Radioactive materials, Special Train Service, Nationwide now assigned October 5, 1976, at Washington, D.C., is postponed to November 2, 1976, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB 18 (Sub No. 16), Chesapeake and Ohio Railway Company Abandonment Portion Ionia Branch Between Portland and Ionia, in Ionia County, Michigan now assigned October 14, 1976 at Portland, Michigan is cancelled, application dismissed.

MC 142080, Lite Transport, Inc., now being assigned November 10, 1976, at the Office of the Interstate Commerce Commission, Wash., D. C.

MC 134922 Sub 117, B. J. McAdams, Inc., now being assigned October 21, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

I & S M 29129, Joint Routings and Pickup or Delivery Within Commercial Zones, now assigned September 29, 1976, at Washington, D.C., is postponed to November 29, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26897 Filed 9-13-76;8:45 am]

[I.C.C. Order No. 174-A; Rev. S.O. No. 994]

BURLINGTON NORTHERN, INC.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 174 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 174 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 27, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26899 Filed 9-13-76;8:45 am]

[Notice No. 119]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 9, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 89TA), filed August 31, 1976. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Atlanta, Ga., and Cartersville, Ga., serving no intermediate points, but serving the termini of Atlanta, Ga., and Cartersville, Ga., and all points within their respective commercial zones; from Atlanta, Ga., to Cartersville, Ga., over U.S. Highway 41, and return over the same route; (2) between Cartersville, Ga., and Tennga, Ga., serving (a) the termini of Cartersville, Ga., and Tennga, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Cartersville, Ga., and Tennga, Ga., and all places within the commercial zones of each of said intermediate points; from Cartersville, Ga., to Tennga, Ga., over U.S. Highway 411 and return over the same route; (3) between Chatsworth, Ga., and Dalton, Ga., serving (a) the termini of Chatsworth, Ga., and Dalton, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Ga., and Dalton, Ga., and all places within the commercial zones of each of said intermediate points; from Chatsworth, Ga., to Dalton, Ga., over U.S. Highway 76, and return over the same route; (4) between Chatsworth, Ga., and Calhoun, Ga., serving (a) the termini of Chatsworth, Ga., and Calhoun, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Ga., and Calhoun, Ga., and all places within the commercial zones of each of said intermediate points; from Chatsworth, Ga., to Calhoun, Ga., over U.S. Highway 76 to junction Georgia Highway 225, thence over Georgia Highway 225 to Calhoun, Ga., and return over the same route.

(5) Between the junction of Georgia Highway 156 and U.S. Highway 411 and Calhoun, Ga., serving (a) the termini as points of joinder only; and (b) all intermediate points between the junction of Georgia Highway 156, and U.S. Highway 411 and Calhoun, Ga., and all places within the commercial zones of said intermediate points; from the junction of Georgia Highway 156 and U.S. Highway 411 to Calhoun, Ga., over Georgia Highway 146 and return over the same route; (6) between Fairmount, Ga., and Calhoun, Ga., serving (a) the termini of Fairmount, Ga., and Calhoun, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Fairmount, Ga., and Calhoun, Ga., and all places within the commercial zones of each of said intermediate points; from Fairmount, Ga., to Calhoun, Ga., over Georgia Highway 53 and return over the same route; (7) between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Ga., serving (a) the termini and all points within their respective commercial zones; and (b) all intermediate points between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Ga., and all places within the commercial zones of each of said intermediate points; from the junction of Georgia Highway 140 and U.S. Highway 411, to Adairsville, Ga., over Georgia Highway 140, and return over the same route. Note: At each point which applicant proposes to serve as either a terminal or intermediate point, applicant requests authority to provide full and complete regular route service without any restriction as to the applicant's ability (1) to pick up, deliver, or interchange shipments at such points, or (2) to tack or join the authority requested at such points with other authority held by applicant to serve such points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 109397 (Sub-No. 339TA), filed August 30, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Business Rt. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-finished vinyl and covered paneling, particleboard, hardboard, or composition board, fibreboard, gypsumboard, and molding*, from Charleston Co., South Carolina, to points in Florida, Georgia, Illinois, Indiana, Maryland, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Textone, Inc., 3 Hock Ave., North Charleston, S.C. 29406. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113678 (Sub-No. 636TA), filed August 30, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., P.O. Box 16004, Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Denver, Colo., to points in Wyoming, for 180 days. Supporting shipper: Oscar Mayer & Co., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 113828 (Sub-No. 239TA), filed September 2, 1976. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg., West, Suite 1030, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore*, in bulk, from Buckingham and Prince Edward Counties, Va., to Wilmington and Morehead City, N.C., for 180 days. Supporting shipper: Possehl, Inc., 41 W. Putnam Ave., Greenwich, Conn. 06830. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 114965 (Sub-No. 59TA), filed September 1, 1976. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diesel fuel*, in bulk, in tank vehicles, from the facility of Williams Pipeline

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Company, Inc., at or near Jasper, Mo., to the facilities of Yellow Freight Systems, Inc., at or near Baxter Springs, Kans., restricted to the transportation of traffic originating at the facility of Williams Pipeline Company, Inc., in Jasper and destined to the facilities of Yellow Freight Systems, Inc., in Baxter Springs, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yellow Freight System, Inc., P.O. Box 7270, Shawnee Mission, Kans. 66207. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 119547 (Sub-No. 44TA), filed August 31, 1976. Applicant: EDGAR W. LONG, INC., Route 4, 3815 Old Wheeling Road, Zanesville, Ohio 43701. Applicant's representative: Edwin H. van Deusen, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio; Fort Wayne, Ind.; and San Antonio, Tex., to Hinton, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B & R Co., of Hinton, P.O. Box 40, Hinton, W. Va. 25951. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 125745 (Sub-No. 3TA), filed August 31, 1976. Applicant: RAY D. SIMMONS, doing business as SIMMONS TRUCKING CO., Route 2, Box 296A, Carthage, Mo. 64836. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 64804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flint chats, crushed and ground limestone, and sand*, from Webb City, Mo., and its commercial zone, to Newark, Felicity, Cincinnati, and Cleveland, Ohio; Milwaukee, Green Bay, and Madison, Wis., and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Independent Gravel Company, P.O. Box 1423, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 133095 (Sub-No. 108TA), filed September 1, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 67039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverage, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to Grand Junction, Durango, Pueblo and Glenwood Springs, Colo., for 180 days. Supporting shippers: Carl Wills Beverage, 126 S. Oneida, Pueblo, Colo. 81002. Southwestern Beverage Co., 1315 Main Ave., Durango, Colo. 81301. Orrison Distributing Co., P.O. Box 128, Glenwood Springs, Colo. 81061. Owen Produce, Inc., 645 South 7th St., Grand Junction, Colo. 81501. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133095 (Sub-No. 109TA), filed September 1, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Arkansas, Oklahoma and Kans, for 180 days. Supporting shipper: Monsieur Henry Wines Ltd., 4527 Holt, Bellaire, Tex. 77401. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142357 (Sub-No. 1TA), filed August 31, 1976. Applicant: R. L. BERTOLINO REFRIGERATED TRUCKS, INC., 404 South 24th St., Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from Ranchester and Sheridan, Wyo., to Portland, Oreg., Seattle and Spokane, Wash., and points in the Commercial Zones thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Larry A. Schumacher, General Manager, Ranchester Packing Company d/b/a Wyoming Beef Packers, P.O. Box 195, Ranchester, Wyo. 92939. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 142391 (Sub-No. 1TA), filed August 30, 1976. Applicant: A. J. MIES, INC., Route 2, Valley Center, Kans. 67147.

Applicant's representative: Russell E. Grant, 730 Fourth Financial Center, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals*, in covered dump type vehicles, from Salida, Colo., to points in Kansas, for 180 days. Supporting shippers: William R. King, 330 E. 10, Newton, Kans. 67114. Marvin Rink & Sons, 3124 N. Maize Rd. Rt. 9, Wichita, Kans. 67205. Byron W. Bonham, B&B Trace Mineral for Agriculture, R.R. 5, Winfield, Kans. 67156. Ben E. Harris, B&B Trace Mineral for Agriculture, Route 3, Winfield, Kans. McCurry Bros., Mt. Hope Kans. 67108. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142391TA, filed August 30, 1976. Applicant: A. J. MIES, INC., Route 2, Valley Center, Kans. 67147. Applicant's representative: Russell E. Grant, 730 Fourth Financial Center, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic stone and stone products*, in dump type vehicles, from points in Conejos and Costilla Counties, Colo., and Rio Arriba, Santa Fe and Taos Counties, N. Mex., to points in Bentonville, Eldorado, Fort Smith, Jonesboro and Little Rock, Ark.; Cedar Rapids, Council Bluffs, Davenport, Des Moines, Mason City, Sioux City, and Waterloo, Iowa; Dodge City, Garden City, Goodland, Hays, Hutchinson, Liberal, Manhattan, Parsons, Salina, Topeka, and Wichita, Kans.; Deluth, Mankato, Minneapolis, Rochester, St. Cloud, St. Paul, Willmar, and Winona, Minn.; Jefferson City, Joplin, Kansas City, Mason, St. Joseph, Springfield and Waynesville, Mo.; Grand Island, Hastings, McCook, Norfolk, North Platte, and Omaha, Nebr.; Bismark, Fargo, Grand Forks, Minot, and Williston, N. Dak.; Alva, Bartlesville, Lawton, McAlester, Muskogee, Oklahoma City, and Tulsa, Okla.; Aberdeen, Brookings, Huron, Pierre, Rapid City, Sioux Falls, and Watertown, S. Dak.; and Eau Claire, Green Bay, Lacrosse, Madison, Marshfield, Milwaukee, Neenah, and Wausau, Wis., for 180 days. Supporting shipper: Crown Stone & Aggregate Co., Inc., 817 Santa Fe, Kansas City, Mo. 64101. Send protests to: M. E. Taylor, District Supervisor Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142392TA, filed September 1, 1976. Applicant: SUN CARTAGE CO., INC., 2559 Jonesboro Road, SE., Atlanta, Ga. 30315. Applicant's representative: George H. Boggs, 3094 Dodson Drive, East Point, Ga. 30344. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration), between Atlanta, Ga., and Crawfordville, Ga.; from Atlanta over U.S. Highway 278 to Crawfordville, Ga., and return over the same route, serving as intermediate or off-route; all points in Fulton, DeKalb, Gwinnett, Clayton, Cobb, Rockdale, Newton, Walton, Morgan, Greene, and Taliaferro Counties, Ga., over all available highways with the right to interchange at Atlanta, Ga. Applicant intends to interline at Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 34 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

WATER CARRIER OF PROPERTY

No. W-1278 (Sub-No. 3TA). By order entered September 2, 1976, the Motor Carrier Board granted Bulk Food Carriers, Inc., San Francisco, California, 180 days temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of *aluminum slabs, tees, blooms, sows and billets*, from Bellingham, Wash. and Sacramento, Calif., to Baltimore, Md., Wilmington, Del., and Philadelphia, Pa., via the Panama Canal.

J. Raymond Clark, Suite 1150, 600 New Hampshire Ave., NW., Washington, D.C. 20037, applicant's representative.

Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto. Petitions and replies should be sent to the Motor Carrier Board, Interstate Commerce Commission, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26895 Filed 9-13-76;8:45 am]

[Notice No. 118]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 8, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 43TA), filed August 30, 1976. Applicant: GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and dextrose*, in packages and containers, from points in Illinois, Iowa, Kansas, Minnesota and Missouri, to points in and west of Arkansas, Iowa, Louisiana, Missouri and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Feaster Foods Company, 4223 Center St., Omaha, Nebr. 68105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 72524 (Sub-No. 5TA), filed August 31, 1976. Applicant: MARKLE TRUCK LINE, INC., Box 717, Pendelton, Oreg. 97801. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets*, in bulk, in hopper type equipment, from the plantsite of Amalgamated Sugar Co., at or near Nampa, Idaho, to points in Umatilla County, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Athena Cattle Feeders, P.O. Box 304, Athena, Oreg. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 P1 o eneCrortuouhesor,P*8&H-
Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 113362 (Sub-No. 301TA), filed August 30, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweetened condensed whole milk* (except in bulk), from the plantsite and storage facilities utilized by Dairyland Products Co., located at Rice Lake, Wis., to Covington, Tenn., and Freehold, N.J., and (2) *Sweetened condensed whole milk and candy, candy equipment, materials and supplies* used in the manufacture of candy (except in bulk), from the plantsite and storage facilites of Charms Candy Co., located at Civington, Tenn., to Freehold, N.J., Restriction: Parts (1) and (2) are restricted to traffic originating at the above-named origins and destined to the above-named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charms Co., Halls Mill Road, Freehold, N.J. 07728. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 114552 (Sub-No. 120TA), filed August 30, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, and materials and supplies* used in the distribution or installation of roofing and roofing material (except in bulk), from the facilities of Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, for 180 days. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 117119 (Sub-No. 594TA), filed August 17, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, viz: ammoniacal liquor or aqua ammonia; ammonium, persulfate; chemicals, NOI; chrome sulphate solution; copper sulphate (blue vetroil); nickel plating solution;* (2) *cleaning compounds, viz:* (a) *cleaning, scouring or washing compounds, or soap, liquid;* (b) *cleaning, scouring or washing compounds, or soap*, other than liquid or soap power; (3) *paints, viz: compounds, paint, lacquer, varnish, gum, resin, plastic or adhesive increasing, reducing, removing, thickening or thinning;* (4) *pumice stone*, from Westwood, Newton and Salem, Mass., to points in Texas and California. Restriction: (1), (2), (3), and (4), above are restricted against the transportation of commodities in bulk and are further restricted to when moving in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper: Shipley Company, Inc., 2300 Washington St., Newton, Mass. 02162. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 131TA), filed August 30, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats,*

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meat products and meat byproducts, and articles distributed by meat packing houses, from the plantsite of Farmland Foods, Inc., Garden City, Kans., to points in Connecticut, Delaware, the District of Columbia, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 597, Garden City, Kans. 67846. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118159 (Sub-No. 178TA) (Correction), filed July 8, 1976, published in the FEDERAL REGISTER issue of July 21, 1976, and republished as corrected this issue. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and return of empty pallets, other dunnage materials, and returned, refused, or rejected merchandise* in the reverse direction, from Richmond, Va., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Washington, Oregon, Idaho, Utah, Nevada, California, and Arizona, for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23216. Send protests to: Joe Green, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to add Kansas as a destination point in this proceeding.

No. MC 118159 (Sub-No. 182TA), filed August 30, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh or frozen; meat products; and products produced by meat packinghouses*, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Maine, New York, Vermont, New Hampshire, Massachusetts, New Jersey, and the District of Columbia, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 597, Garden City, Kans. 67846. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 119880 (Sub-No. 86TA), filed August 27, 1976. Applicant: DRUM TRANSPORT, INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and grain neutral spirits*, in bulk, in tank vehicles, from Peoria, Ill., to Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 124821 (Sub-No. 20TA), filed August 31, 1976. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Ave., Old Forge, Pa. 18518. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, and materials and supplies* used in the distribution or installation of roofing and roofing materials, from the facilities of Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, for 180 days. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 127187 (Sub-No. 17TA), filed August 31, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Des Moines, Iowa, and the plantsite and warehouse facilities of Monsanto Company, at or near Muscatine, Iowa, to ports of entry located on the International Boundary between Canada and the United States in Montana, North Dakota, and Minnesota, restricted to transportation of shipments destined to points in Alberta, Saswatchewan, and Manitoba, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128375 (Sub-No. 146TA), filed August 31, 1976. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Taylorville, Ill., and its commercial zone, to points in Iowa, Kansas, Nebraska, and Kansas City, Mo., under a continuing contract with Western Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Hearshman, President, Western Paper Co., P.O. Box 12210, Overland Park, Kans. 66204. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 129615 (Sub-No. 21TA), filed August 31, 1976. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, P.O. Box 545, 123 N. First St., Decatur, Ind. 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and van conversions*, in motor carrier service, from Macomb and Sanilac Counties, Mich., on the one hand, and, on the other, points in the United States, Alaska, Hawaii, and Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Travco, Inc., 26750 23 Mile Road, Mt. Clemens, Mich. 40427. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133666 (Sub-No. 16TA), filed August 31, 1976. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave., South, P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of N-Ren Corporation, located at or near Dilworth, Minn., to points in North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N-Ren Corporation, 256 McCullough St., Cincinnati, Ohio 45226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140827 (Sub-No. 5TA), filed August 31, 1976. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, N.E. 13th & Linden St., Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities* otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with bananas, to points in Klamath Falls, Ashland, Medford, Grants Pass, Coos Bay, Roseburg, Eugene, Albany, Corvallis, Salem, Milwaukie, Portland, Bend, Pendleton, La Grande, and Baker, Oreg.; points in Vancouver, Longview, Chehalis, Centralia, Aberdeen, Olympia, Tacoma, Kent, Renton, Bellevue, Everett, Mt. Vernon, Bellingham, Port Angeles, Yakima, Wenatchee, Pasco, Walla Walla, Spokane, and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pacific Fruit & Product Co., 4103 Second Ave., South, Seattle, Wash. 98124. Standard Fruit & Steamship Company, 17880 Skypark Circle, Irvine, Calif. 92714. Fred Meyer, Inc., 2140 N. Webster, Portland, Oreg. 97217. Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141247 (Sub-No. 4TA), filed August 31, 1976. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, Suite 400, 1447 Peachtree St., NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated lumber and plywood*, from Thomson, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District, under a continuing contract with Dixie Wood Preserving Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 141431 (Sub-No. 1TA), filed August 25, 1976. Applicant: CAL-VALLEY TRANSPORTATION, INC., 7916 West Bellevue, P.O. Box 217, Atwater, Calif. 95301. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2250, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* moving in equipment requiring mechanical refrigeration; (1) from Watsonville and/or Atwater, Calif., to points in the United States (except Alaska, Hawaii, Arizona, Wyoming, Delaware, Maine, Montana, New Hampshire, North Dakota, Rhode Island, and Vermont; and (2) from Bear Lake and/or Decatur, Mich., to points in the United States (except those States referred to in (1) above), under a continuing contract with Big Valley Marketing Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big Valley Marketing Corporation, 1666 Broadway, Redwood City, Calif. 94063. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 142382 (Sub-No. 1TA), filed August 30, 1976. Applicant: SCHIERDING TRUCKING CO., 3690 W. Clay, St. Charles, Mo. 63301. Applicant's representative: James E. Schierding (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty return containers*, between the facilities of Pabst Brewing Co., at Peoria, Ill., on the one hand, and, on the other St. Charles, Union, and St. Louis, Mo., under a continuing contract with Ed. Windler & Sons, Inc.; Jim's Distributing Company, and Quality Beverage Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Ed. Windler & Sons, Inc., 1805 Scherer Parkway, St. Charles, Mo. 63301; (2) Jim's Distributing Company, 314 Marquireta Ave., Union, Mo.; and (3) Quality Beverage Distributing Co., 5121 Manchester Ave., St. Louis, Mo. 63110. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142384TA, filed July 21, 1976. Applicant: GERALD L. HAMBRICK, Route 1, Minot, N. Dak. 58701. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plow sweeps*, from Collierville, Tenn., to Minot, N. Dak., restricted to traffic originating at Collierville, Tenn., and destined to Minot, N. Dak., for 180 days. Supporting shipper: Piper Industries, Inc., Farm Products, Division, 719 Piper St., Collierville, Tenn. 38017. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142386TA, filed August 30, 1976. Applicant: HEDLEY BENNETT TRUCKING LIMITED, 1681 Pension Lane, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' grain*, in bulk, in sealed dump vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Buffalo, N.Y., to points in Niagara County, N.Y. Restrictions: (1) The transportation authorized herein is restricted to transportation in foreign commerce. (2) The transportation authorized herein is restricted to transportation performed under a continuing contract or contracts with Miracle Feeds, a Division of Ogilvie Mills Ltd., Ontario, Canada. (3) The transportation authorized herein is restricted to traffic originating at the facilities of Labatt Breweries Ontario Limited, Toronto, Ontario, Canada, and London, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miracle Feeds, a Division of Ogilvie Mills Limited, Sales Manager, Peter Vrewer, 183 Simcoe St., London, Ontario, Canada. Send protests to: James Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 142387TA, filed August 30, 1976. Applicant: C. V. TRANSPORTATION, INC., 40 Court St., Newport, N.H. 03773. Applicant's representative: Michael M. Patten, P.O. Box 126, Newport, N.H. 03773. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in closed metal boxes, from points in Massachusetts, and Vermont, to points in Maine, New Hampshire, New York, and Rhode Island. Applicant intends to tack its existing authority with MC 140097, for 180 days. Supporting shipper: Edward A. Davis, 124 South Main St., Baldwinville, Mass. 01436. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

PASSENGER APPLICATIONS

No. MC 142385TA, filed August 30, 1976. Applicant: VOTRE CHOIX TRANSPORT, INC., 270 Leonidas St., Rimouski, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Gerard Halle, d.b.a. Voyages Gerard Halle, Enr., St.-Donat, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142388TA, filed August 30, 1976. Applicant: TRANSPORT SECURITAIRE ST-PROSPER INC., P.O. Box 142, St-Prosper, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Edgar Caron, d.b.a. Voyages Edgar Caron, Enr., St-Prosper, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

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No. MC 142389TA, filed August 30, 1976. Applicant: LES AUTOBUS RIVE NORD LIMITEE, 257 Chemin du Roi, Deschambeault, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Henri Germain, d.b.a. Voyages Henri Germaine, Enr., Deschambault, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26896 Filed 9-13-76;8:45 am]

GREEN MOUNTAIN RAILROAD CORP.

[I.C.C. Order No. 173; Amdt. No. 1, Rev. S.O. No. 994]

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 173 (Green Mountain Railroad Corporation), and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 173 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 10, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 10, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 7, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26898 Filed 9-13-76;8:45 am]

federal register

TUESDAY, SEPTEMBER 14, 1976



PART II:

COMMODITY FUTURES TRADING COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

V41179 SEP 14 76 UMI

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974

Systems of Records

The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a.

Pursuant to section 552(f) of the Privacy Act, 5 U.S.C. 552 a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals, (40 Fed. Reg. 41056). The rules (17 C.F.R. Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to these records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons. (1)

Section 552(e)(4) of the Privacy Act, 5 U.S.C. 552a(e)(4) requires further that the Commission publish anually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information they need fully to exercise their rights under the Privacy Act.

(1) The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed. In directing inquiries or requests to the Commission under its rules, please take note of the following change of address:

Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581

CONTENT OF SYSTEM NOTICES

Each system notice contains the following information:

1. The name of the system;
2. The categories of individuals on whom records are maintained in the system;
3. The categories of records maintained in the system;
4. Each routine use of the records contained in the system, including thecategories of users and the purposeof each use;
5. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
6. The title and business address of the agency official who is responsible for the system of records;
7. The agency procedures bywhichanindividualcan find out whether the system of records contains a record pertaining to him;
8. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
9. The categories of sources of records in the system. (2)

(2) Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. 552a(K). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (7), (8), and (9) above, be furnished.

THE LOCATION OF SYSTEMS OF RECORDS

The first and sixth items described above call for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, N.W.,
Washington, D.C. 20581.
Telephone: (202) 254-8630.
141 West Jackson Boulevard, Room A-1,
Chicago, Illinois 60604.
Telephone: (312) 353-5990.
356 Board of Trade Building,
4800 Main Street,
Kansas City, Missouri 64112.
Telephone: (816) 374-2994.
61 Broadway, Room 2101,
New York, New York 10006.
Telephone: (212) 264-1028.
Two Embarcadero Center, Suite 975,
San Francisco, California 94111.
Telephone: (415) 556-7503.
510 Grain Exchange Building,
Minneapolis, Minnesota 55415.
Telephone: (612) 725-2025.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City and New York offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, investigation files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computer is physically located in Chicago, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

SCOPE AND CONTENT OF SYSTEMS OF RECORDS

The Privacy Act applies to personal information about individuals; it does not apply to the extent that the individual is acting in an entrepreneurial capacity. Since the Commission's responsibilities pertain to the regulation of business entities or to individuals who are acting in a business capacity, much of the information contained in the Commission's records does not come within the purview of the Privacy Act.

On the other hand, personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" (3) contains essentially businessinformation. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act. (4)

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

(3) A futures commission merchant is someone engaged in soliciting or in accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a) of the Commodity Exchange Act, 7 U.S.C. 2.

(4) See definition of system of records in footnote 1.

GENERAL STATEMENT OF ROUTINE USES

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning the individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes. (5)

The Act and the rules specifically provide that disclosure may be made with the consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

(5) Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b) and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These included the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.
2. The information may be given to the Justice Department, the Securities and Exchange Commission, the U.S. Postal Service, the Internal Revenue Service, the Department of Agriculture, the Civil Service Commission and to other Federal, State or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any Member of Congress who is acting in his capacity as a Member of Congress.
3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq.
4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.
5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.
6. The information may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.
7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.
8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses all of the eight routine uses listed above apply to that system.

Issued in Washington, D.C. on August 30, 1976.

William T. Bagley,
Chairman.

CFTC—1

System name: Complaint Register and Complaint Indices—CFTC

System location: Records in this system are maintained in the Commission's principal office and in each of the regional offices. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Persons alleged to have violated or suspected of having violated the Commodity Exchange Act or the rules and regulations adopted thereunder.

b. Persons lodging complaints with the Commission.

Categories of records in the system: The records in this system include:

a. The complaint register, a summary of complaints received from the public concerning an individual (or business entity) as well as a summary of leads as to possible areas of violation which were developed from other sources. A complaint number is assigned to each case and the record is filed according to that number. The register also, among other matters, names the individual complained about, his employer, the name of the complainant, the type of complaint, the date received, the disposition, the date closed and the investigator assigned.

b. The complaint index, which contains a summary of the same information as the complaint register, but is maintained alphabetically by the name of the person who is the subject of the complaint.

c. The complaint index, which contains a summary of the same information as the complaint register but is maintained alphabetically by the name of the complainant.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability: Information in the register is retrievable by assigned complaint number. This is cross-indexed to the individual's name through the complaint index and complainant index.

Safeguards: Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: The index is maintained indefinitely. The register is maintained on the premises for 5 years, then in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office and the Regional Administrator of each of the regional offices. Addresses of these offices are set forth in the introduction of these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons submitting complaints to the Commission; other miscellaneous sources including customers, other law enforcement and regulatory agencies, commodity exchanges, various trade sources, and items generated internally by the Commission staff.

CFTC—2

System name: Correspondence Files—CFTC

System location: These records are maintained in the Commission's principal offices at 2033 K Street, NW., Washington, D.C. 20581.

Categories of individuals covered by the system: Persons corresponding with the Commission, directly or through attorneys or other representatives. Persons discussed in correspondence to or from the Commission.

Categories of records in the system: This system contains incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

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This system does not include all Commission correspondence, but only those records which are part of a general correspondence file maintained by the office involved. It does not include correspondence indexed by subject matter, by date or by assigned number, unless there is a cross indexing capability by individual name. It does, however, include correspondence files maintained by the Office of Public Information relating to requests by individuals under the Freedom of Information Act and the Privacy Act.

Authority for maintenance of the system: 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability: By name. This may be the name of the person who sent the letter, the person who received the letter, or the person on whose behalf the letter was sent or received. On occasion it may also be another person who was the principal subject of the letter, where circumstances appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

Safeguards: Records are located in secured rooms or on secured premises with access limited/to those whose official duties require access.

Retention and disposal: These records are maintained indefinitely or for varying periods of time depending on the policies and practices of the offices involved.

System manager(s) and address: The system managers include: a. the General Counsel; b. the Director of the Office of Public Information; c. the Director of the Division of Enforcement; d. the Office of the Secretariat. All are located at 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630. The request should specify the system manager under whose jurisdiction the records are maintained, if known.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC—3

System name: Docket Files—CFTC

System location: The records are maintained in the Office of Hearings and Appeals in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Parties and other persons involved in any CFTC proceedings.

Categories of records in the system: The records in this system include all pleadings, motions, applications, stipulations, affidavits, transcripts and documents introduced as evidence, briefs, orders, findings, opinions, and other matters which are part of the record of an administrative proceeding. They also contain related correspondence and indices.

Authority for maintenance of the system: The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. The maintenance of these files is a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These are public records, except to the extent the Commission or the assigned hearing officer determines they may be treated as non-public consistent with the provisions of the Freedom of Information Act and that for good cause they should be treated as non-public. Non-public portions may be used for any purpose specifically authorized by the hearing officer who ordered non-public treatment or by the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: These records are filed by the docket number and cross-indexed by the respondent's name, and his attorney's name.

Safeguards: The information in these files is in most cases a matter of public record. Those items which the Commission or the hearing officer has directed be kept non-public are segregated and precautions are taken to assure that access is restricted only to authorized personnel.

Retention and disposal: These records are maintained in the files of the Commission indefinitely.

System manager(s) and address: Director of the Office of Hearings and Appeals, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Notification procedure: individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Commission staff members; opposing parties and their attorneys; witnesses in the proceeding; and other miscellaneous sources.

CFTC—4

System name: Employee Leave, Time and Attendance—CFTC

System location: These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "location of systems of records.

Categories of individuals covered by the system: All CFTC Employees.

Categories of records in the system: This system includes various records reflecting a breakdown of time and attendance of CFTC employees, and a record of leave status.

Authority for maintenance of the system: 5 U.S.C. 6301-6323; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. In response to legitimate requests, this information may be provided to other Federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of any Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or on index cards.

Retrievability: By the name of the employee or by the employee number, cross-indexed by name.

Safeguards: The records are maintained in locked cabinets.

Retention and disposal: Records for current employees are maintained for 3 years; the final record of former employees is maintained for 10 years, then destroyed.

System manager(s) and address: For employees of the Commission's principal office records are maintained by the Budget Officer. For regional office employees, records are maintained by the administrative officer in each of the regional offices. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 252-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC—5

System name: Employee Personnel Records—CFTC

System location: These records are maintained in the principal office and in each of the regional offices. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: All CFTC employees.

Categories of records in the system: Miscellaneous records relating to personnel matters. Information maintained at the local level includes among other matters: a. the service record, containing the employee's name, birth date, social security number, veterans preference, tenure group, service computation date, insurance information, retirement, current residence and phone number, marital status, and emergency phone number; b. other unofficial files including the employment application and related employment papers, copies of Government ID cards such as motor vehicle operator's license, applications for bond withholding, tax withholding and records of other withholding such as life insurance and health benefits.

The records maintained in the principal office for all employees include: a. forms required and records maintained under the Commission's rules of conduct; b. pre-employment inquiries not included within "exempted employee background investigation materials;" c. various summary materials received in computer printout form from the National Finance Center—U.S. Department of Agriculture based on information provided by the Commission from its personnel records; d. card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Civil Service Commission, and are not included within this system.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. In response to legitimate requests, this information may be provided to other Federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter. b. the information may be provided to the Justice Department, the Civil Service Commission or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on index cards.

Retrievability: By the name of the employee.

Safeguards: The records are maintained in lockable cabinets.

Retention and disposal: The records are maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed.

System manager(s) and address: The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office. The system manager for records maintained in the regional offices is the administrative officer in each regional office. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking acccess to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Individual on whom the record is maintained; personnel office records; and other miscellaneous sources.

CFTC—6

System name: Employee Travel Records—CFTC

System location: These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Any Commission member or employee or any member of an Advisory Committee who travels on official business for the Commission.

Categories of records in the system: Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, amounts advanced, amounts claimed, amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

Authority for maintenance of the system: Budget and Accounting Act of 1921, 31 U.S.C. 1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information may be provided to the Justice Department or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the employee; by employee number.

Safeguards: The records are maintained in lockable cabinets.

Retention and disposal: Records are maintained for 3 years and then destroyed.

System manager(s) and address: For employees in the Commission's principal office the records are maintained by the Budget Officer. For other employees, records are maintained by the administrative officer in each regional office. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC—7

System name: Employee Records Maintained by the National Finance Center/USDA—CFTC.

System location: National Finance Center, U.S. Department of Agriculture, New Orleans, Louisiana 70160.

Categories of individuals covered by the system: All CFTC employees.

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Categories of records in the system: The National Finance Center is used by the Commission to provide data processing capability for various personnel0 payroll and accounting related matters. The records in the system include:

a. General records relating to the employee including information from the notification of personnel action (Form 350 and 350A) prepared and submitted by the CFTC, and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records is transmitted to the U.S. Treasury to effect reimbursement of travel expenses and issuance of paychecks, as well as distribution of pay to other sources according to employee instructions. Appropriate information from these records is also forwarded to taxing authorities and others receiving proceeds from the employee's pay.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by social security number or equivalent employee number and by name of employee.

Safeguards: Protection is afforded by limiting access to the offices where the records are maintained. Certain records are kept in lockable file cabinets.

Retention and disposal: Records are maintained indefinitely on tape; paper records are sent to the Federal Records Center after an appropriate period.

System manager(s) and address: Director, National Finance Center, U.S. Department of Agriculture, Office of Management and Finance, New Orleans, Louisiana 70160.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Records furnished by the CFTC.

CFTC—8

System name: Employment Applications—CFTC

System location: These records are maintained in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Applicant for positions with the CFTC.

Categories of records in the system: Contains the application form (SF-171) and/or the resume of the person applying.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information about these records is used in making inquiries concerning the qualifications of the applicant.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by the name of the applicant; cross-indexed by interest.

Safeguards: These records are maintained in a locked file cabinet.

Retention and disposal: Applications are maintained two years, then destroyed.

System manager(s) and address: Personnel Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC—9

System name: Exempted Employee Background Investigation Material—CFTC

System location: These records are maintained in the Personnel Office of the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Employees and prospective employees of CFTC.

Categories of records in the system: The records in this system contain investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for employment with the CFTC which were obtained under an express promise that the identity of the source would be held in confidence, or which were obtained prior to September 28, 1975, under an implied promise of confidentiality.

Authority for maintenance of the system: 44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the employee.

Safeguards: The records are maintained in lockable cabinets in secured offices or in secured buildings.

Retention and disposal: These records are maintained for 3 years, then destroyed.

System manager(s) and address: Personnel Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rules promulgated thereunder. 17 C.F.R. 146.12. These records are exempt from the notification procedures and record access procedures and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC—10

System name: Exempted Investigatory Records—CFTC

System location: These records are maintaned in the Commission's principal offices and in each of the regional offices. The address and telephone number of each of these offices is set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing Form 4 R (registration as an associated person) or Form 94 (biographical information questionnaire) in connection with an application for registration with the Commission.

Categories of records in the system: The records in this system consist of investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This exemption could include all or any part of the records developed during the investigation or inquiry.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a (k)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (5) is not applicable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records are maintained by assigned case number or by the title of the case. Cases filed by number are cross-indexed by case title.

Safeguards: In addition to normal office and building security, certain of those records are maintained in locked file cabinets. All employers are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal: The records are maintained in this system until it is determined that exemption is no longer necessary. They are then returned to the appropriate non-exempt system.

System manager(s) and address: Director of the Office of Enforcement, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2) and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems.

CFTC—11

System name: Fitness Files—CFTC

System location: These files are maintained in the Commission's regional offices, at the addresses set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Applicants for and registrants as: (1) floor brokers; (2) general partners, sole proprietors, officers, major stockholders, directors, branch office managers, and agents of futures commission merchants; (3) partners, sole proprietors, officers, directors of and persons performing similar functions for commodity trading advisors; (4) partners, sole proprietors, officers, directors, and persons performing similar functions for commodity pool operators.

Categories of records in the system: Contains various information pertaining to the fitness of the above-described persons to engage in business subject to the Commission's jurisdiction. The system includes the biographical information questionnaire (Form 94) received from applicants and registrants as part of the registration process (see the system notices for the various types of registration under the Commodity Exchange Act.) It also includes correspondence between the Commission and the applicant, the commodity exchanges, other government agencies and other persons relating to the individual's fitness. In addition, certain ancillary records, such as card indices, are maintained summarizing the status and result of fitness checks.

Authority for maintenance of the system: Sections 8a(2)(B) and 4n(1) of the Commodity Exchange Act, 7 U.S.C. 12a(2)(B) and 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these uses under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on index cards.

Retrievability: By name of the individual.

Safeguards: Protection of records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained to lockable file cabinets.

Retention and disposal: Primary records are maintained permanently on the premises as long as the individual is registered or is associated with a registrant in one of the capacities specified in the previous description of the category of individuals. These records are updated periodically. Other records are maintained on the premises for five years, then held in the Federal Records Center for five years before being destroyed.

System manager(s) and address: The Regional Administrator of the region where the records are located. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained, his employer, commodity and stock exchanges, other government agencies, and other persons with relevant information concerning an individual's fitness.

CFTC—12

System name: Fitness Investigations—CFTC

System location: These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Applicants for and registrants as (1) partners, sole proprietors, officers, directors, major stockholders, branch office managers and agents of future commission merchants; (2) associated persons of futures commission merchants or their agents; (3) floor brokers; (4) partners, sole proprietors, officers, directors, and persons performing similar functions for commodity trading advisors; (5) partners, sole proprietors, officers, directors, persons performing similar functions for commodity pool operators.

Categories of records in the system: Contains various information pertaining to the fitness of the above described persons to engage in business subject to the Commission's jurisdiction. The file includes the application for registration as an associated person (Form 4-R) or the biographical information questionnaire (Form 94). It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. This system contains records reflecting a somewhat more in-depth investigation than does the regional office inguiry included in the "Fitness Files" and "Registration and Fitness of Associated Persons" systems of records.

Authority for maintenance of the system: Section 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 12a(2)(B).

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the individual.

Safeguards: Records are maintained in locked cabinets. Further protection is afforded by limiting access to the office where the record is maintained to those whose official duties require access.

Retention and disposal: The records are maintained on the premises for 5 years, then held in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained, his employer, Federal, State and local regulatory and law enforcement agencies, commodity and stock exchanges, National Association of Security Dealers, and other miscellaneous sources.

CFTC—13

System name: Interpretation Files —OGC—CFTC

System location: These files are maintained in the Office of the General Counsel, 2033 K Street, NW., Washington, D.C. 20581.

Categories of individuals covered by the system: Persons who have requested the Office of the General Counsel to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the the individual, or through his attorney or other representative.

Categories of records in the system: This file contains the interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

Authority for maintenance of the system: Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Interpretation letters and the related requests for interpretation which discuss matters of general applicability may be made public and may be published by the Commission, or the Commission may otherwise make information public concerning matters raised therein. However, portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same persons.

c. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievabtlity: The records are maintained under the name of the futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person if the request is made by them or on their behalf. If it is made on behalf of another individual, it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

Safeguards: Protection of records is afforded by general office security measures. Access to records in the Office of the General Counsel is limited to those whose official duties require access.

Retention and disposal: These files are maintained indefinitely in the Office of the General Counsel.

System manager(s) and address: General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The requests are submitted by the person seeking the interpretation or his attorney or other representative. The responses are prepared by attorneys in the Office of the General Counsel based on information furnished by the person making the request, as well as the attorney's own experience and information developed from other sources.

CFTC—14

System name: Investigation Files—CFTC

System location: These records are maintained in the Commission's principal office and in the regional offices. Files concerning pending investigations may be located in other Commission offices when the investigation is being conducted by those offices. Addresses of Commission offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

Categories of records in the system: Contains anything obtained during the course of an investigation, including data from Commission reporting forms, account statements and other trading records, exchange records, bank records and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, contracts and agreements. Also contains internal memoranda, reports of investigation, subpoenas, warning letters, stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant to the attorney assigned to the case based on the circumstances of the particular case under investigation. For example, the file may contain personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as detailed examination of the individual's activities during the period in question.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction of these system notices under the caption "general statement of routine uses." In addition, information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Furthermore, information collected during the investigation may be included in a public report to be issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by assigned case number, cross referenced to case name. Except where the name of the individual is included in the case name, information about individuals involved in the investigation is not retrievable by name.

Safeguards: In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal: Regional office records are maintained on the premises for 5 years, then sent to the Federal Records Center for 5 years, before being destroyed. The records in the Office of the General Counsel are generally maintained until the investigation is closed and any action arising therefrom has been completed, including all review at the appellate level. Thereafter, certain basic information may be retained and sent to the Federal Records Center, while the remaining information is either returned to the person from whom it was obtained or destroyed.

System manager(s) and address: The General Counsel and the Director of the Division of Enforcement in the Commission's principal office. The Regional Administrator of the Region where the investigation is being conducted. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: a. Reporting forms and other information filed with the Commission; b. boards of trade; c. futures commission merchants, commodity trading advisors, commodity pool operators, floor brokers; d. Federal, State and local regulatory and law enforcement agencies; e. banks, credit organizations and other institutions, pursuant to subpoena or otherwise; f. corporations, pursuant to subpoena or otherwise; g. individuals having knowledge of the facts, pursuant to subpoena or otherwise; h. attorneys; i. publications; j. courts; and k. other miscellaneous sources.

CFTC—15

System name: Large Trader Report Files—CFTC

System location: Copies of original reports and related correspondence are maintained in the CFTC office where they are filed. See further description below. Anciliary records and information in computer printout form may be located in some or all CFTC offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of system of records."

Categories of individuals covered by the system: Individuals who have held reportable positions, as defined and described in Part 15 of the Commission's rules and regulations, in any commodity future.

Categories of records in the system: 1. Reports filed by the individual holding the reportable position:

a. Statements of Reporting Trader (CFTC Form 40). Contains information described in Part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupation of the reporting trader, the kind of commodity futures account, and information about his business associates.

b. Large trader reporting form (Series 03 Form). Contains information described in Part 18 of the Commission's rules and regulations, including the trader's identifying number, his previous open contracts, his trades and deliveries that day, his open contracts at the end of the day, and his classification as to speculation or hedging.

c. Large trader reporting form (Series 04 Form). Contains information described in Part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in certain commodities who hold a reportable position in those commodities on any futures market. Includes trader's identifying number, stocks owned, unfilled fixed price sale commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants and foreign brokers.

a. Identification of "Special Accounts" (CFTC Form 102). Contains material described in Part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level.

Also includes the account number which the futures commission merchant uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control or manages accounts of other traders.

b. Large trader reporting from (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number and reportable position held in each commodity future. These reports are filed in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago. Printouts may be located in some or all of the Commission's offices and suboffices.

4. Correspondence and memoranda of telephone conversation between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

Authority for maintenance of the system: Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i and 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, computer records in computer memory and in computer printout form.

Retrievability: Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The Series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

Safeguards: Protection of records is afforded by general office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

Retention and disposal: CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 10 years and then destroyed. Form 01, 03 and 04 reports are maintained for 2 years on the premises and then held at the Federal Records Center for 3 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03 and 04 reports. The computer memory on other items of information is maintained indefinitely.

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System manager(s) and address: The Regional Adminstrator of the region where the records are located. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630. The individual should include the code number assigned to him by the Commission for filing such reports, the name of the futures commission merchant through whom he trades, and the time period for which information is sought.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC—16

System name: Litigation Files—CFTC

System location: Files in this system of records are maintained in the Commission's principal office and in the regional offices. For pending litigation, files may also be located in other offices participating in the litigation. Addresses and telephone numbers of CFTC offices are set forth in the introduction to the system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons or firms against whom the Commission has issued a complaint based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

Categories of records in the system: The file contains copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well.

Authority for maintenance of the system: The maintenance of these files is necessary to the orderly and effective conduct of various litigation authorized under the Commodity Exchange Act and other Federal statutes. See e.g., Section 6c of the Commodity Exchange Act, 7 U.S.C. 13a-1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these files is generally a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in folders or binders.

Retrievability: Administrative proceedings are maintained by docket number, cross-indexed by the name of the individual or firm named as respondent, and by the section of the Commodity Exchange Act which has been violated. Other actions are filed alphabetically by the caption of the case.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: These files are maintained indefinitely, although when the action is completed they are usually reduced to only the complaint and the final decision and order.

System manager(s) and address: These records are maintained by the Director of the Division of Enforcement at the Commission's principal office and by the Regional Administrator for the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The information is generally obtained from the parties or their attorneys, or from the Commission's Office of Hearings and Appeals or the relevant court.

CFTC—17

System name: Litigation Files—OGC—CFTC

System location: Files in this system are maintained in the Office of the General Counsel in the Commission's principal office at 2033 K Street, NW., Washington, D.C. 20581.

Categories of individuals covered by the system: Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

a. administrative proceedings before the Commission;
b. injunctive actions brought by the Commission;
c. other Federal courts cases to which the Commission is a party;
d. litigation in which the Commission is participating as amicus curiae;
e. other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

Categories of records in the system: These files consist primarily of papers comprising or included in the record of the case and briefs and correspondence related to that action. There may be included also other documents pertaining to the matter being litigated, including internal memoranda.

Authority for maintenance of the system: The Commodity Exchange Act, 7 U.S.C. 1 et seq. entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in other actions brought by others which have implications in the commodity law areas.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these files is generally a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Cases are classified according to type, i.e., administrative proceedings, injunctive actions brought by the Commission, and other litigation. Within those classifications, actions are filed by caption of the case.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The record is maintained until the action is completed, including final review at the appellate level. Thereafter, a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained indefinitely. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in the office's "precedent files" for use in later legal research or preparation of filings in other matters.

System manager(s) and address: General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The information is generally obtained from the court or regulatory authority before whom the action is pending or from the attorneys for one of the parties named in the action, although it may on occasion come from other sources.

CFTC—18

System name: Logbook on Speculative Limit Violations—CFTC

System location: Records in this system are located in the Commission's regional offices in Chicago and New York. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Individuals who have exceeded speculative limits in a particular fiscal year.

Categories of records in the system: This record consists of a listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violations listed are maintained with the logbook.

Authority for maintenance of the system: Sections 4(i) and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 7 U.S.C. 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Listed by fiscal year, and within each year may be retrieved by the name of the violator.

Safeguards: Protection against unauthorized disclosure is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are maintained on the premises for 5 years, then held in Federal Records Centers for 15 years before being destroyed.

System manager(s) and address: Regional Administrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago, Illinois 60604; Regional Administrator, Commodity Futures Trading Commission, 61 Broadway, Roon 2101, New York, New York 10006.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Series '03 reports filed by traders. Correspondence prepared by the Commission or by the individual or his representative.

CFTC—19

System name: Petitions and Rulings

System location: These records are maintained in the Office of Hearings and Appeals in the Commission's principal office located at 2033 K Street, NW., Washington, D.C. 20581.

Categories of individuals covered by the system: All persons named in an Application for Institution of a Proceeding before the CFTC or its predecessors.

Categories of records in the system: This system contains the application and supporting documentation of the person submitting the application.

Authority for maintenance of the system: The maintenance of these records is ancillary to the Commission's authority to institute administrative proceedings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records in this system are maintained by the number and caption assigned to the application. Generally, the caption will be the name of a firm, organization, or person against whom the applicant complains.

Safeguards: Protection against unauthorized disclosure is afforded by limiting access to the office where the record is maintained.

Retention and disposal: The files are retained indefinitely.

System manager(s) and address: Director of the Office of Hearings and Appeals, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons submitting an Application for Institution of a Proceeding.

CFTC—20

System name: Registration of Commodity Pool Operators—CFTC

System location: The primary files are maintained in the New York office. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Partners, sole proprietors, officers, directors and persons performing similar functions for a commodity pool operator.

Categories of records in the system: Contains various information pertaining to registration as a commodity pool operator. The New York office maintains the application for registration (Form 6-R) and supplements, as well as all correspondence between the individual and the agency relating to registration. A computer system is maintained by the Chicago office. The computer memory consists of name, firm affiliations, title, date of birth, place of birth, social security number, fitness and address of each individual engaged as partner, sole proprietor, officer, and director and persons performing similar functions. Computer printouts prepared quarterly list all individuals so engaged. This printout, as well as nonconfidential portions of the application for registration, are considered public records and available to any person for inspection and copying.

Authority for maintenance of the system: Section 4n(1) of the Commodity Exchange Act, 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: The application, correspondence and other primary records are filed by the name of the commodity pool operator. The computer records are maintained by the name of the individual officer, partner, proprietor, etc. The computer serves as a cross-index by the name of the individual to the relevant commodity trading advisor file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for 3 years from the end of calendar year, then held in Federal Records Center for 7 years before being destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated with a registered commodity pool operator. The printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Adminstrator of the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the commodity pool operator. Correspondence is generally prepared either by the Commission or its staff or by the commodity pool operator or its representative. The computer record is prepared from the application, and from the biographical information questionnaire (Form 94), and other information in the fitness files (see "Fitness Files" system of records).

CFTC—21

System name: Registration of Commodity Trading Advisors—CFTC

System location: Primary files are maintained in the New York office. All CFTC offices have summary information on computer printouts. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Partners, sole proprietors, officers, directors and persons performing similar functions for a commodity trading advisor.

Categories of records in the system: Contains various information pertaining to registration as a commodity trading advisor. The New York office maintains the application for registration (Form 3-R) and supplements, as well as all correspondence between the commodity trading advisor and the Commission relating to registration. A computer system is maintained by the Chicago office. The computer memory consists of name, firm affiliations, title, date of birth, place of birth, social security number, fitness, and address of each individual engaged as partner, sole proprietor, officer, and director and persons performing similar functions. Computer printouts prepared quarterly list all such individuals so engaged. This printout, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4n(1) of the Commodity Exchange Act, 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: The applications, correspondence and other related matters are filed under the name of the commodity trading advisor. The computer records are maintained in the name of the individual partner, officer, director, etc. The computer serves as a cross-index by the name of the individual to the relevant commodity trading advisor file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for 3 years from end of calendar year, then held in Federal Records Center for 7 years before being destroyed. The computer memory is maintained permanently on the premises and updated perioidically as long as the individual remains associated with a registered commodity trading advisor. Computer printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Administrator of the region where the primary records and the computer are located. Addresses and telephone numbers of these offices are set forth in these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records.

CFTC—22

System name: Registration of Floor Brokers—CFTC

System location: The primary records are maintained by that regional office which has territorial jurisdiction over the floor broker's place of business. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have applied to the Commission for registration as floor brokers.

Categories of records in the system: Contains various information pertaining to registration as a floor broker. The system includes the application for registration (Form 2-R), plus supplements and all correspondence between the floor broker and the Commission relating to registration. A computerized system, consisting primarily of information taken from the application is maintained by the Chicago office. The computer memory includes the name, date of birth, place of birth, social security number, fitness, membership affiliations, business address, and residence address of each registered floor broker. Computer printouts, prepared monthly, list the names, business addresses, and membership affiliations of all registered floor brokers. This printout, as well as non-confidential portions of the application for registration are considered public records and available to any person for inspection and copying. In addition certain ancillary records, such as card indexes, are maintained, summarizing information contained in the system regarding each floor broker.

Authority for maintenance of the system: Section 4(1) of the Commodity Exchange Act, 7 U.S.C. 6(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders and on index cards, computer memory, and in computer printout form.

Retrievability: By the name of the floor broker.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose

official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications for registration and related correspondence are maintained on the premises for 3 years. They are then held in the Federal Records Center for 7 years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual is registered. Printouts and indices are maintained on the premises for 5 years and then in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: The Regional Administration of the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the floor broker on whom the record is maintained. The computerized record is prepared from the application, including supplements, and from information contained in other systems of records, including the fitness files (see "Fitness Files" system of records). Correspondence is generally prepared either by the Commission or by the floor broker or his representative.

CFTC—23

System name: Registration of Futures Commission Merchants—CFTC

System location: The primary records are maintained by that regional office which has territorial jurisdiction over the state where the firm's principal office is located, or where the audit is performed. All CFTC offices hae summary information in computer printout form. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Officers, partners, sole proprietors, branch office managers, agents, or 10 per cent stockholders of a futures commission merchant.

Categories of records in the system: Contains various information pertaining to registration as a futures commission merchant. The system includes the application for registration (Form 1-R), plus supplements, and all correspondence between the futures commission merchant and the Commission relating to registration. A computerized record is maintained for each individual engaged as an officer, partner, sole proprietor, branch office manager, agent or 10 per cent stockholder of a futures commission merchant, as listed in the application. The computer memory consists of the name, firm affiliation, title, date and place of birth, social security number, fitness, and business address of each individual. Quarterly printouts are prepared listing all individuals currently engaged in the capacities indicated above. This printout, as well as non-confidential portions of the application for registration, are considered public records, and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4f(1) of the Commodity Exchange Act, 7 U.S.C. 6f(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: Applications, correspondence, and other related matters are filed under the name of the registrant futures commission merchant. Computer records are maintained by the name of the individual officer, partner, shareholder, etc., and serve as a cross-index to the primary registration file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications for registration and related correspondence are maintained on the premises for three years. Records are then held in Federal Records Center for seven years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated as a principal with a registered futures commission merchant. Printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Administrator of the Region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the futures commissioo merchant. The computerized record is prepared from the application, including supplements, and from information contained in other systems of records, including the fitness files (see "Fitness Files" system of records). Correspondence is generally prepared by the Commission or by the futures commission merchant or its representatives.

CFTC—24

System name: Registration and Fitness of Associated Persons—CFTC

System location: The primary files are maintained in the Chicago office. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of CFTC office are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have applied to the Commission for registration as a person associated with a futures commission merchant or with any agent of a futures commission merchant. This includes partners, officers, or employees acting in any capacity which involves the solicitation or acceptance of customers' orders for futures contracts or supervision of individuals so engaged. It also includes anyone occupying a similar status or performing similar functions.

Categories of records in the system: Contains various information pertaining to the applicant's registration as an associated person. The system includes the application for registration (Form 4-R) and supplements, as well as correspondence between the associated person and the Commission. It also includes correspondence relating to the fitness of the individual to be engaged in the business. A computerized record is kept of information concerning each registrant. This includes his name, firm affiliation, date of birth, place of birth, social security number, education, fitness, experience, and home address. Regular computer printouts show the name and firm affiliation of all individuals engaged as associated persons. This printout, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4k(2) of the Commodity Exchange Act, 7 U.S.C. 6k(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these notices under caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: By the name of the associated person. The computer cross-indexes the record to the name of the futures commission merchant with whom the individual is associated.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for three years. They are then held in Federal Records Center for seven years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual is registered. Computer printouts are maintained on the premises for five years, then held in the Federal Records Center for five years, and then destroyed.

System manager(s) and address: Regional Administrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago, Illinois 60604, Telephone: (312) 353-5990.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the associated person. Correspondence may be prepared by the Commission, the associated person, the commodity exchanges, other government agencies, and other persons having knowledge about the individual. The computer record is prepared from the application and supplement, and from information developed during the fitness inquiry.

CFTC—25

System name: Stipluation of Compliance File—CFTC

System location: Records in this system are maintained by the Division of Enforcement in the Commission's principal office and by regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Any person or firm who has signed a stipulation of compliance with the Commission.

Categories of records in the system: This system consists of stipulations of compliance and related indices.

Authority for maintenance of the system: The obtaining of stipulations of compliance is ancillary to the duties and responsibilities of the Commission to enforce the provisions of the Commodity Exchange Act and the rules and regulations adopted thereunder. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None. The stipulations of compliance are a matter of public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or three-ring binders.

Retrievability: The records are filed according to a stipulation of compliance number. They are cross-indexed to the name of the person signing the stipulation or on whose behalf the stipulation is signed.

Safeguards: Protection is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are maintained indefinitely on the premises, unless otherwise ordered by the System Manager.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office, and the Regional Administrator of each of the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual signing the stipulation of compliance.

CFTC-26

System name: Subpoena File—CFTC

System location: Records in this system are maintained in the Commission's New York Regional Office at 61 Broadway, Room 2101, New York, New York 10006, and in the Chicago Regional Office at 141 West Jackson Blvd., Room 1-A, Chicago, Illinois 60604.

Categories of individuals covered by the system: Individuals who have been subpoenaed by the Commission.

Categories of records in the system: This file contains copies of subpoenas issued to individuals and a covering memorandum explaining the purpose of subpoena. It also contains other memoranda, correspondence, and miscellaneous materials relating to the subpoena.

Authority for maintenance of the system: Section 6(b) of the Commodity Exchange Act, 7 U.S.C. 15.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the person to whom the subpoena was issued.

Safeguards: Protection is afforded by general office security measures. Records are located in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained for 5 years, and then destroyed.

System manager(s) and address: Regional Admininstrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago; Illinois 60604. Regional Administrator, Commodity Futures Trading Commission, 61 Broadway, Room 2101, New York, New York 10006.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Subpoenas and related memoranda prepared by the Commission staff. Correspondence between the Commission and the person to whom the subpoena was issued or his attorney or other representative.

CFTC—27

System name: Violation Follow-up Files—CFTC

System location: Records in this system are maintained by the Division of Enforcement in the Commission's principal office and by the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have had criminal, civil or administrative action taken against them, or who have been sent compliance or warning letters regarding violations of the Commodity Exchange Act or the rules and regulations thereunder.

Categories of records in the system: This system of records contains various documentation relating to official actions taken against individuals based on violations of the Commodity Exchange Act and the rules and regulations adopted thereunder. These include:

1. Copies of indictments and records of conviction or other disposition in criminal actions.
2. Decisions and orders in administrative proceedings before the Commission.
3. Warning letters, compliance letters, and stipulations of compliance.
4. Permanent and preliminary injunctive and temporary restraining orders based on complaints filed by the Commission.
5. Exchange findings of violations of exchange rules where the acts also constitute violations of the Commodity Exchange Act and rules and regulations adopted thereunder. As part of the system a cross-index of violations is also maintained, listing all administrative and criminal actions instituted against the individual.

Authority for maintenance of the system: The maintenance of these records is ancillary to the Commission's responsibility to enforce the provisions of the Commodity Exchange Act. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and in looseleaf binders.

Retrievability: By the name of the individual violator.

Safeguards: Protection against unauthorized disclosure is afforded by limiting access to the office maintaining the record, to those whose official duties require access.

Retention and disposal: The records are retained on the premises for 10 years and then destroyed unless otherwise ordered by the System Manager. The index is maintained indefinitely.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office, and the Regional Administrator of each of the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The issuing courts; the parties to the action or their attorneys or their representatives; the exchanges; the official files of the Commission's Office of Hearings and Appeals; the Commission staff, based on results of investigations, audits and any other pertinent action taken.

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federal register

TUESDAY, SEPTEMBER 14, 1976



PART III:

FEDERAL HOME LOAN BANK BOARD

PRIVACY ACT OF 1974

Systems of Records

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FEDERAL HOME LOAN BANK BOARD
(No. 76-612)

PRIVACY ACT OF 1974
Systems of Records

August 18, 1976.

Whereas, the Federal Home Loan Bank Board on August 20, 1975 adopted, and approved for publication in the Federal Register, twenty-nine systems of its records, which were so published on August 27, 1975; and,

Whereas, the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that notice as to existing systems of records be published at least annually; and,

Whereas, it is necessary to amend the previously published systems of records to reflect the changes described below; now, therefore, it is hereby

Resolved, That the following changes be and they hereby are approved in the published system of records of the Board:

FHLBB—1

Systems and Internal Office Personnel Files
The list of "system manager(s) and addresss" is amended by adding the "Personnel Liaison Officer, Industry Data Division".

Retention and disposal: Amended to read as follows: Transfer to inactive file upon termination of employment. Destroy 60 days after transfer.

FHLBB—2

Manpower/Budget System
Retention and disposal: Amended to read as follows: Transfer to inactive at end of each fiscal year. Destroy five years after transfer.

FHLBB—4

Systems and Employee Record Cards (SRC)
This system of records should be deleted.

FHLBB—5

Home Owners' Loan Corporation Home Loan Records (HOLC)
Retention and disposal: Amended to read as follows: Permanent. Offer to National Archives 50 years after repayment of loan.

FHLBB—6

District Bank Officers' Biography Files
Retention and disposal: Amended to read as follows: Permanent. Transfer to Federal Records Center upon retirement or separation of individual. Offer to National Archives five years after transfer.

FHLBB—7

District Bank Officers' Salary Cards
Retention and disposal: Amended to read as follows:Permanent. Offer to National Archives 25 years after termination of employment.

FHLBB—8

Candidates for Employment
Retention and disposal: Amended to read as follows: Transfer application to official pesonnel folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

FHLBB—9

Candidates for Appointed Directorships of Federal Home Loan Banks
Retention and disposal: Amended to read as follows: Destroy three years after appointments are made. For candidates apponted, transfer to the District Bank Board of Directors' Biography file.

FHLBB—10

Depositors/Account Holders in Defaulted Associations
Retention and disposal: Amended to read as follows: Retain in office ten years after payment of last claimed account, then destroy.

FHLBB—11

Biographical File of Federal Home Loan Bank Directors
Retention and disposal: Amended to read as follows: Permanent. Transfer to Federal Records Center upon retirement or separation of individual. Offer to National Archives five years from date of transfer.

FHLBB—13

Office of Examination and Supervision Training Records
Retention and disposal: Amended to read as follows: Destroy 30 days after termination of employment.

FHLBB—15

Discrimination Complaint System
Retention and disposal: Amended to read as follows: Destroy four years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

FHLBB—16

Upward Mobility Program (Career Development)
Retention and disposal: Amended to read as follows: Destroy 30 days after employee completes or terminates the program.

FHLBB—18

Travel Records
Retention and disposal: Amended to read as follows: Transfer to inactive file at end of second fiscal year. Destroy three years after cutoff.

FHLBB—19

Employee Relations File
Retention and disposal: Amended to read as follows: Destroy four years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

FHLBB—20

Employee Locator File
Retention and disposal: Amended to read as follows: Destroy or transfer to another agency upon termination of employment.

FHLBB—21

Statements of Employment and Financial Interests
Retention and disposal: Amended to read as follows: Destroy two years after employee leaves a position in which a statement is required or two years after the employee leaves the agency, whichever is earlier.

FHLBB—22

"Form 587" File—Training Request, Authorization, Notice of Completion of Training
Retention and disposal: Amended to read as follows: Transfer to inactive at end of each fiscal year. Destroy one year after transfer.

FHLBB—23

Training Log Book
This system should be deleted; and

It is further resolved, That the systems of records of the Board, as so amended, be published in the Federal Register.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

FHLBB—1

System name: Internal Office Personnel Files

System location: See "System Manager".

Categories of individuals covered by the system: Federal Home Loan Bank Board Employees, consultants, and employees of the Federal Savings and Loan Insurance Corporation, and Federal Savings and Loan Insurance Corporation receiverships.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations regarding individuals while employed by the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Bank Board, as consultants to the board, or as employees of a Federal Savings and Loan Insurance Corporation receivership. The records may contain information about an individual relating to: Date of birth; social security number; veterans preference; tenure; physical handicap; past and present salaries, grades, and position titles; and may include letters of commendation, reprimands, charges, and decision on charges; notices of reductions-in-force; accident reports; upward-mobility information; locator files; loans with savings and loans; personnel actions, including but not limited to appointment, promotion, reassignment, demotion, work detail, transfer, and separation; probationary period; training; minority group indicator; life insurance, health benefits, and designation of beneficiary; application for employment; letters of reference; performance ratings (MBO/KOI or other as applicable); documentation of personnel actions or decisions made about the individual; awards; records of equipment and materials issued to the individual; leave and time-and-attendance records; travel records; and other information regarding the individual.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, and executive order 10561, dated September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or may be used: (1) By board and receivership officials for review in connection with training, appointments, transfers, promotions, reassignments, adverse actions (including disciplinary actions), determinations of qualifications of an individual, determinations of conflicts of interest, equipment assigned to an individual, entitled benefits, leave authorized and used, travel undertaken, and re-imbursements; (2) By the Civil Service Commission for when a current or former Federal employee questions the validity of a specific document in his record; (3) By the courts to render a decision when an agency has refused to release to a current or former Federal employee a record under the Freedom of Information Act; (4) To provide information to a prospective employer of a current or former Federal employee; (5) To provide data for the automated central personnel data file (CPDF); (6) To provide data to update Federal automated career systems (FACS), the executive inventory file, security investigations, the index on new hires, and materials concerning adverse actions and termination; (7) To provide information to a Federal agency, in response to its request, in connection with hiring or retention of an employee, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (8) In connection with requests for information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if the obtaining of such information is necessary to an agency decision concerning hiring or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit; (9) To refer, where there is indication of a violation or potential violation of law (whether civil, criminal, or regulatory), to the appropriate Federal, State, or local agency charged with responsibility for investigating or prosecuting such violation of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (10) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies, and for utilization in response to general requests for statistical information without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions; and (11) Verification of employment for credit purposes. (12) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of an individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders or on Kardex cards in lockable containers or in secured rooms.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer to inactive files upon termination of employment. Destroy 60 days after transfer.

System manager(s) and address: The business address of each system manager listed below, unless otherwise indicated, is:

Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Personnel Liaison Officer, Management Systems Division
Personnel Liaison Officer, Accounting and Fiscal Operation Branch, Financial Management Division
Personnel Liaison Officer, Industry Data Division
Director, Office of Economic Research
General Counsel, Office of the General Counsel
Director, Federal Savings and Loan Insurance Corporation
Director, Generalized System Research and Design Division
Director, Office of Examinations and Supervision
Director, Office of Housing and Urban Affairs
Director, Administration and Methods Division
Director, Office of Indusry Development
Deputy Director, Office of the Federal Home Loan Banks
Personnel Liaison Officer, Information Systems Division

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
One Union Street, Fourth Floor
Boston, Massachusetts 02108

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
One World Trade Center, Floor 103
New York, New York 10048

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
11 Stanwix Street, Room 300
Pittsburgh, Pennsylvania 15222

Assistant District Director—Administration
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, NW.
Atlanta, Georgia 30303

Assistant District Director
Silver Spring Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
8701 Georgia Avenue, Room 400
Silver Spring, Maryland 20910

Assistant District Director
Charlotte Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
4915 Albemarle Road
Charlotte, North Carolina 28205

Assistant District Director
Fort Lauderdale Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
1525 South Andrews Avenue
Fort Lauderdale, Florida 33316

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Cincinnati Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Nashville Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2209 Crestmoor Road
Nashville, Tennessee 37215

Assistant District Director
Canton Area Office

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Office of Examinations and Supervision
Federal Home Loan Bank Board
229 Wells Avenue, NW.
Canton, Ohio 44703

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
2950 Indiana Tower
One Indiana Square
Indianapolis, Indiana 46204

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
111 East Wacker Drive, Suite 700
Chicago, Illinois 60601

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
714 Second Avenue
Des Moines, Iowa 50309

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
634 Harrison Street
Topeka, Kansas 66603

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
Room 379, Post Office Building
10th and Stout Streets
Denver, Colorado 80202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 Stewart Street, Suite 610
Seattle, Washington 98101

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 California Street
San Francisco, California 94108

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
1350 Tower Building
Little Rock, Arkansas 72201

Office Supervisor
Dallas Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
1100 Commerce Street, Room 3B-29
Dallas, Texas 75202

Office Supervisor
Houston Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
201 Fannin Street, Room 321
Houston, Texas 77002

Administrative Officer
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Receivership Agent
Midwestern Office Receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include the individual's name, social security number or employee identification number, date of birth, office of employment (including location), period of employment and the name of the record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the same information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures."

Record source categories: Information in this system of records may have been obtained from the individual, his immediate supervisor or persons at other supervisory levels, the personnel office, the payroll office, savings and loan associations, U.S. Civil Service Commission, or other sources.

FHLBB—2

System name: Manpower/Budget System

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation.

Categories of records in the system: Individual employee records are kept by office and agency as follows: Name, title, awards, age, EOD date, service computation date, occupation series, social security number, grade, date of last within-grade raise, date of last promotion, within-grade due-date, and eligibility for promotion. Records are kept for each office (and, where appropriate, for the agency) on number of vacancies, authorized position ceilings, and number of employees.

Authority for maintenance of the system: U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide management with data on current employment, vacancies, and history of employees; (2) For preparation of future personnel actions; (3) For computerized budget projections for 3 fiscal years. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in nylon post-data folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer to inactive file at end of each fiscal year. Destroy 5 years after transfer.

System manager(s) and address: Budget Officer, Financial Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number; date of birth, office of employment, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have their records changed (including modification, addition, and deletion), shall notify the system manager. Such notification shall include the same information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel records.

FHLBB—3

System name: Biographies and Photographs

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Federal Home Loan Bank Board Chairman, Board members, office directors and key personnel; Federal Home Loan Bank Presidents; Federal Savings and Loan Insurance Corporation key personnel; Federal Savings and Loan Advisory Council members; Federal Home Loan Mortgage Corporation; and AMMINET executive staff.

Categories of records in the system: Biographical notes and photographs.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release for media use when the described individuals are invited to make addresses, are appointed to new positions, or leave through resignation, retirement, etc. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: One copy of each biography and photograph is retained permanently.

System manager(s) and address: Director, Office of Communications. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Records may be obtained, changed, or updated by submission of material to the system manager.

Contesting record procedures: See "Access Procedures".

Record source categories: Information is submitted by the individuals whose records are maintained.

FHLBB—4

Reserved

FHLBB—5

System name: Home Owners' Loan Corporation Home Loan Records (HOLC)

System location: Federal Records Center, New York, New York.

Categories of individuals covered by the system: Individuals who had home loans with the HOLC.

Categories of records in the system: Name and address of homeowners; location of property; amount originally loaned and subsequent loan actions; advances, payments to principal, interest, taxes and insurance and balances; loan number.

Authority for maintenance of the system: Act of June 13, 1933, Pub. L. 73-43, section 3, 48 Stat. 130.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide to lawyers, title insurance companies, and other interested parties upon request, legal evidence of the satisfaction and release of mortgage interests. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfilm and paper at the Federal Records Center.

Retrievability: Records are filed by name, with loan number attached.

Safeguards: Access to home loan records is limited to individuals whose records are maintained, their descendants, others having a legitimate interest in the loan property, and Board personnel whose official duties require such access and who have a need to know the information in such record for a particular job-related purpose.

Retention and disposal: Permanent. Offer to National Archives 50 years after repayment of loan.

System manager(s) and address: Secretary to the Board, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Notification procedure: Inquiries concerning records shall be made by notifying the system manager. Such notification shall identify the record system and include the individual's name and loan number (where applicable).

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, or deletion) shall notify the system manager. Such notification shall include the same information required under "Notification", plus a statement setting forth the desired access or changes and the reason for such changes.

Contesting record procedures: See "Access Procedures."

Record source categories: Home Owners' Loan Corporation.

FHLBB—6

System name: District Bank Officers' Biography File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All Federal Home Loan Bank Officers.

Categories of records in the system: Resumes and appointment histories, including salary information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide general background information on bank officers for use by the director, Office of the Federal Home Loan Banks, and the Board. Information other than salary data is furnished to the public upon request. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Storage: Records are maintained in filing cabinets in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access to salary data is limited to personnel who have a need to know the information for a job-related purpose.

Retention and disposal: Permanent. Transfer to Federal record center upon retirement or separation of individual. Offer to National Archives 5 years after transfer.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons wishing to have access to the records shall notify the system manager. Salary information is only available to the individual whose record is kept, and a request for such information must include the individual's name, date of birth, social security number, and period of employment. Inquirers wishing to contest records may do so through the system manager.

Contesting record procedures: See "Access Procedures".

Record source categories: Individuals whose records are kept, and the Federal Home Loan Banks.

FHLBB—7

System name: District Bank Officer's Salary Cards

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All officers of Federal Home Loan Banks.

Categories of records in the system: Salary history.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) For determination of salary requirements and review of salary history by director, office of Federal Home Loan Banks; board members; Federal Home Loan Bank presidents; and the Federal Reserve Board (upon request, the Federal Reserve Board is furnished salary information by position only). (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access is granted by the administrative assistant (elections), office of the Federal Home Loan Banks.

Retention and disposal: Permanent. Offer to National Archives 25 years after termination of employment.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Individuals inquiring about their own records must supply name, date of birth, social security number, and period of employment.

Record access procedures: Persons wishing to have access to the records shall notify the system manager, furnishing the information required under "Notification" in the case of individual requests. Individuals wishing to have their records changed (including modification, addition, or deletion) shall so notify the system manager, furnishing the information required under "Notification" and a statement of the desired changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Minutes of meetings of the Federal Home Loan Bank Board or of the Boards of Directors of the Federal Home Loan Banks.

FHLBB—8

System name: Candidates for Employment

System location: See "System Manager".

Categories of individuals covered by the system: Candidates for employment by the Federal Home Loan Bank Board.

Categories of records in the system: Resumes, letters of referral, transcripts, and internal agency memoranda.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) These materials are used by agency officials to evaluate qualifications of candidates for employment. (2) A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders. An index card summarizing each application is also prepared and filed.

Retrievability: Records are filed by name of candidate.

Safeguards: Access is limited to supervisors and personnel management division employees whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer application to official personnel folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

System manager(s) and address:

Deputy Director
Office of the Federal Home Loan Banks
Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Chief, Personnel Operations Branch
Personnel Management Division
Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Assistant District Director—Personnel Development
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, N.W.
Atlanta, Georgia 30303

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
Box 828
Topeka, Kansas 66601

Notification procedure: Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include name, date of birth, social security number, and name of record system.

Record access procedures: Persons desiring access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager, furnishing him the information required under "notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Individuals whose records are kept; individuals recommending an applicant, agency personnel office, Civil Service Commission, college placement officers.

FHLBB—9

System name: Candidates for Appointed Directorships of Federal Home Loan Banks.

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Candidates for appointed directorships of the Federal Home Loan Banks.

Categories of records in the system: Resumes of potential candidates referral letters, and internal agency memoranda.

Authority for maintenance of the system: Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used by the director of the office of Federal Home Loan Banks and by board members to determine qualifications and availability of candidates being considered as appointed directors of Federal Home Loan Banks. Information from this system may be conveyed to the presidents and staffs of the Regional Federal Home Loan Banks, and to the executive office of the President of the United States. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of candidate.

Safeguards: Access is limited to personnel whose official duties require such accerss and who have a need to know the information for a particular job-related purpose. Access is gained only through the administrative assistant (elections), office of the Federal Home Loan Banks.

Retention and disposal: Destroy three years after appointments are made. For candidates appointed, transfer to the district bank board of directors' biography file.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning records shall be made to the system manager. Such notification must include the candidate's name and bank district.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition and deletion) shall notify the system manager, furnishing the information required under "Notification", plus a statement of desired access or change and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Potential candidate; letters of reference for appointed director; memoranda.

FHLBB—10

System name: Depositors/Account Holders in Defaulted Associations

System location: See "System Manager".

Categories of individuals covered by the system: Every individual with an account in a defaulted association.

Categories of records in the system: Information pertaining to the account of an individual, including the type of account, account balance, rate of return and interest earned, insurance payment, and other information relating to savings accounts.

Authority for maintenance of the system: 402, 405 of the National Housing Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this record system may be disclosed: (1) In connection with settlement of insurance claims against defaulted institutions insured by the Federal Savings and Loan Insurance Corporation, to representatives of the Corporation (including a private contractor assisting in insurance settlement activities by providing needed data processing or other services); (2) For credit checks (consistent with the Fair Credit Reporting Act) by individuals, firms, or agencies wishing to verify an individual's financial standing; (3) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and (4) To Federal, State and local authorities, if necessary for assessment, computation, and collection of Federal, State, and local taxes in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in lockable containers and on magnetic tape or other retrieval devices for use in computer systems.

Retrievability: Records are filed by a combination of name and account number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Retain in office 10 years after payment of last claimed account, then destroy.

System manager(s) and address:

Receivership Agent
Midwestern Office Receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Insurance Settlement Office
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard 60153
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Notification procedure: Inquiries concerning records shall be made to the applicable system manager, furnishing name of the individual, name of institution where account was held, account number, and the name of the record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the information required under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Defaulted association records, the individual whose record is maintained, and the Federal Savings and Loan Insurance Corporation, its agents and contractors.

FHLBB—11

System name: Biographical File of Federal Home Loan Bank Directors

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Current Federal Home Loan Bank Directors.

Categories of records in the system: Resumes.

Authority for maintenance of the system: 12 U.S.C. 1427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine that directors are qualified and that appointed directors have no conflicts of interest; (2) Users are members of the Federal Home Loan Bank Board, presidents of the Federal Home Loan Banks, the director of the Office of the Federal Home Loan Banks, and, upon request, the public. (3)Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: Permanent. Transfer to Federal Records Center upon retirement or separation of individual. Offer to National Archives 5 year from date of transfer.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons desiring access to the records shall notify the system manager. Individuals wishing to update their files shall furnish name, date of birth, and social security number.

Contesting record procedures: See "Access Procedures".

Record source categories: Federal Home Loan Bank directors and bank presidents.

FHLBB—12

System name: Payroll/Personnel

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees and all former employees whose employment terminated within the current calendar year.

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Categories of records in the system: Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; and (2) employee residence, office, social security number, and address.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information contained in these records is available for intra-agency use in determining current employment status of employees, history of payroll/personnel actions, bi-weekly gross pay, taxes, deductions, and net pay, total wages paid to date and deductions paid. (2) In the event that a system of records maintained by the board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies and the Civil Service Commission if necessary for or incident to the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits. (4) A record from this system may be disclosed to Federal, State, and local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes, in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in computer banks, on magnetic tape, and in file folders.

Retrievability: Records are filed by name or social security number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Computer records are retained until the end of the calendar year in which employment is terminated; magnetic tapes are retained for 1 additional calendar year. Records in file folders are retained for 6 years.

System manager(s) and address: Director, Information Systems Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, date of birth, social security number, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel and financial records maintained by the agency.

FHLBB—13

System name: Office of Examinations and Supervision Training Records

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current home office and district employees of the Office of Examinations and Supervision.

Categories of records in the system: Listing of training history during board tenure and routine personal data, including educational and general background information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To maintain intra-office information regarding levels of training and education achieved, in order to determine future training needs and to keep accounts of training budget expenditures and staff days spent in training programs. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked filing cabinets.

Retrievability: Records are filed by district and name of individuals.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Destroy 30 days after termination of employment.

System manager(s) and address: Training Coordinator, Office of Examinations and Supervision. See "Location" for address.

Notification procedure: Inquiries concerning the records must be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment, name of record system, and Office of Examinations and Supervision Office location where last employed.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Individual whose record is maintained, Office of Examinations and Supervision Training Personnel, Training Requests, and Office of Examinations and Supervision Employee Summary Files.

FHLBB—14

System name: Asset Management System

System location: See "System Manager".

Categories of individuals covered by the system: Individuals having loans with defaulted associations, employees of such associations, agents who manage property owned by or under the control of the Federal Savings and Loan Insurance Corporation, and persons who rent such property.

Categories of records in the system: Records of loans including applications, title insurance policies, financial statements, credit checks, income tax returns, notes, deeds of trust, insurance policies, appraisals, loan settlement statements, disclosures under Fair Credit Reporting Act and regulation Z of the Board of Governors of the Federal Reserve, collection letters, correspondence and memoranda relating to the loan or property in question; records of rentals of FSLIC-owned or managed property, including tenant lists, rental schedules, security deposit information, amounts in arrears, evictions, rental judgments and other related information.

Authority for maintenance of the system: Section 406 of the National Housing Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used by Federal Savings and Loan Insurance Corporation personnel and its representatives in connection with management of assets of defaulted associations and are made available in conformance with the Fair Credit Reporting Act to management agents for the Federal Savings and Loan Insurance Corporation, credit inquirers, and attorneys. (2) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to Federal, State, and local authorities if necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes in accordance with established procedures, or to the verification of an applicant's need for welfare benefits. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to persons whose duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records relating to loans are maintained for 10 years after repayment of the loan. Records relating to rental property are retained for 5 years. Records pertaining to sales of real estate are retained for 5 years after cash sale or 10 years after sale of properties financed by the Federal Savings and Loan Insurance Corporation.

System manager(s) and address:

Receivership Agent
Midwestern receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Midwestern Office
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning records shall be made to the appropriate system manager. Notification must include name of individual, name of defaulted association, and, where appropriate, account or loan number, property rented and period rented, association where employed, period of employment, and employment capacity.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Defaulted Savings and Loan Associations; individuals whose records are maintained; credit bureaus; Federal Savings and Loan Insurance Corporation reports; Internal Revenue Service and other taxing authorities; title insurance companies; county officials, such as recorders; and individuals' employers, banks, and savings and loan associations.

FHLBB—15

System name: Discrimination Complaint System

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Any current or former agency employee or applicant who files a formal complaint of discrimination based on race, color, religion, sex, or national origin, or age.

Categories of records in the system: Formal complaints, equal employment opportunity counselors' reports, investigative files, official proposals for resolution, hearing examiners' files, Civil Service Commisssion appeal files, civil actions (with attendant documentation).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11246.d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used to provide documentation of complaint procedures for both administrative and legal purposes; they are made available to the Equal Employment Opportunity officer and Equal Employment Opportunity staff, the parties involved in the complaint procedure and the Civil Service Commission. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to other Federal agencies for uses incident to employment of an individual by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel who have a need to know the information in the record for a job-related purpose, and may be gained only through the director of Equal Employment Opportunity or the Equal Employment Opportunity officer.

Retention and disposal: Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

System manager(s) and address: Equal Employment Opportunity Officer. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment and office of employment (including location), and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Equal Employment Opportunity Officer, Personnel Investigations, the complainant.

FHLBB—16

System name: Upward Mobility Program (Career Development)

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Any employee currently participating in the career development program, as well as any employee who participated in the program within a preceding 30-day period.

Categories of records in the system: Copies of report of quarterly counseling between participants and supervisors, and final reports upon completion of the program.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained

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in this system are used to monitor progress of a participant's training and to monitor effectiveness of the upward mobility program. Users are personnel management division, equal employment opportunity task force, and participant's supervisor. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to persons whose duties require such access, and who have a need to know the information in a record for a particular job-related purpose; it may be gained only through the equal employment opportunity officer.

Retention and disposal: Destroy 30 days after employee completes or terminates the program.

System manager(s) and address: Equal Employment Opportunity officer. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, period of employment, position filled while in the program, extent of participation in the program, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The employee whose record is maintained and the employee's supervisor.

FHLBB—17

System name: Payroll

System location: See "System Manager".

Categories of individuals covered by the system: All present employees of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation (FSLIC), and persons whose employment with the board, the corporation, or an FSLIC receivership has been terminated less than three years.

Categories of records in the system: Personnel actions (SF50), State employees' withholding exemption certificates, Federal employees' withholding allowance certificates (W4), bond allotment file (SF1192), Federal Employees' Group Life Insurance (SF 2810 & 2811), savings allotment-financial institutions, address file (FHLBB form 108), union dues allotment, time and attendance reports, and individual retirement records (SF 2806); similar information is required for receivership employees.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information contained in records in this system is provided to payroll clerks, technicians and payroll supervisors for preparation of payroll and necessary related reports and to maintain proper records of salary changes for determining retirement benefits. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issues pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to Federal, State, and local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes, in accordance with established procedures. (4) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board. (5) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the vesting computation and payment of any retirement or disability benefits. (6) A record from this system may also be disclosed to other Federal agencies for all reasons necessary and incident to employment by the Federal government. (7) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in locked file cabinets.

Retrievability: Records are filed by office and by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records are retained at the agency for 3 years after termination of employment and are then transferred to the Federal personnel records center in St. Louis, Missouri. They are destroyed 75 years after the birth of the employee. Receivership file records are retained for 3 years after dissolution of the receivership.

System manager(s) and address:

Director, Accounting and Fiscal Operations
Financial Management Division
Federal Home Loan Bank Board
320 First Street, N.W.
Washington, D.C. 20552

Receivership Agent
Midwestern Office Receiverships
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning the records shall be made to the appropriate system manager. Inquiries must include name, social security number, period and office of employment, date of birth, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion), shall notify the appropriate system manager. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is maintained, the Board's personnel office, and the Financial Management

division; and, with regard to FSLIC receiverships, officials of the receivership.

FHLBB—18

System name: Travel Records

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corporation and all former employees whose employment has been terminated less than 4 years, who travel or have traveled on official government business at government expense.

Categories of records in the system: One copy of all travel vouchers submitted for reimbursement of travel-related expenses incurred on official government business for the board or FSLIC, and other records or memoranda relating to travel advances and repayment.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide data for determining proper payment of each voucher submitted, and prompt repayment of travel advances to ensure that legal advance balances are maintained and that unused travel advances are repaid before termination of employment. The records are maintained as a part of the accounting records of the certifying officer of the Board. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board. (4) A record from this system may be disclosed as a routine use to Federal, State, and local authorities if necessary for assessment, computation, and collection of Federal, State, and local taxes in accordance with recognized procedures. (5) A record from this system may be disclosed as a routine use to other Federal agencies if necessary to determine the propriety of the travel expense. (6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in lockable file cabinets.

Retrievability: Records are filed by office by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose, and application must be made to the Director of Accounting and Fiscal Operations.

Retention and disposal: Transfer to inactive file at end of second fiscal year. Destroy 3 years after transfer.

System manager(s) and address: Director of Accounting and Fiscal Operations, Financial Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or change and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Employees whose records are maintained.

FHLBB—19

System name: Employee Relations File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Individual employees against whom allegations have been made.

Categories of records in the system: (1) Records of supporting materials that document adverse actions, complaints, other actions and appeals.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records maintained in the system are used to review status and history of each action; users are the employee relations specialist and, where appropriate, the Civil Service Commission. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may also be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked filing cabinets in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose; access may be gained only through the employee relations officer.

Retention and disposal: Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

System manager(s) and address: Employee Relations Officer, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment of the person making the inquiry, and name of the record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such modification shall include the information required to be furnished under "notification," the desired access or changes, and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is maintained; the personnel management division liaison, the individual's supervisor, complainants, and any officials involved in settlement of the complaint.

FHLBB—20

System name: Employee Locator File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552

Categories of individuals covered by the system: All present employees of the FHLBB and persons whose employment has been terminated for less than 6 months.

Categories of records in the system: Employee's name, present address, telephone number, and the name, address, and telephone number of another person to notify in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used to verify address of employee on employment forms. (2) To contact designated persons in cases of emergency. (3) To verify addresses of field employees for mailing vacancy announcements. (4) Users are personnel liaison for each Office of the Board, and Personnel Management Division employees. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know information in a record for a particular job-related purpose.

Retention and disposal: Destroy or transfer to another agency upon termination of employment.

System manager(s) and address: Chief, Processing and Records Section, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name and address of inquirer and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is being maintained.

FHLBB—21

System name: Statements of Employment and Financial Interests

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Employees of the Board classified at GS-13 or above, or at a comparable pay level, who are specified under part 511 of chapter V—FHLBB Rules and Regulations and Special Government Employees (12 CFR part 511).

Categories of records in the system: Copies of forms recording employment and financial interests.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Materials contained in records in the system are reviewed by the Office of the General Counsel and/or the Board to determine whether there are any conflicts of interest or other violations of law. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevent records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from the system may be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in lockable cabinets.

Retrievability: Records are filed by office by name of individual.

Safeguards: Access is limited to persons authorized under section 511.73535 of the General Regulations of the Board who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Destroy 2 years after employee leaves a position in which a statement is required or 2 years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director of Personnel. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Information submitted by individual whose record is maintained.

FHLBB—22

System name: "Form 587" File—Training Request, Authorization, Notice of Completion of Training

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Employees requesting and completing training.

Categories of records in the system: Employee's name, social security number, date of birth, title, grade, office and division; course dates, course sponsor and address, course location, actual hours in class, on or off duty hours, course title; principal purpose of training, type of training, cost of training, budget source, budget type; signatures of employee supervisor, office director, director of personnel.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To notify personnel management of completion of training. (2) To keep a record of all training in the employee's official personnel file. (3) To authorize payment for training by special services and financial management division. (4) User is Personnel Management Division. (5) Information from this file is also provided to the Civil Service Commission for use with the central personnel data file. (6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in filing cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know information contained in a record for a particular job-related purpose, as determined by the Personnel Management Division prior to permitting review of such records.

Retention and disposal: Transfer to inactive at end of each fiscal year. Destroy 1 year after transfer.

System manager(s) and address: Chief, Career Development Branch, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The employee whose file is maintained, the employee's supervisor, and the personnel management division.

FHLBB—23

Reserved.

FHLBB—24

System name: Assignment History of Examiners.

System location: See "System Manager".

Categories of individuals covered by the system: Current staff of examiners.

Categories of records in the system: History of assignments of each examiner, including name of association, size, whether the individual was the examiner-in-charge or an assistant examiner, number of days, and number of persons on the assignment.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Work history of examiners is available to assist in the determination of future personnel actions. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders or in a Kardex file.

Retrievability: Records are filed by name of individual.

Safeguards: Unnecessary because records are made available to all personnel assigned to office.

Retention and disposal: Records are retained for 6 months after termination of employment.

System manager(s) and address:

Assistant District Director—Administration
Office of Examinations and Supervision
Federal Home Loan Bank Board
One World Trade Center, Floor 103
New York, New York 10048

Financial Reports Review Clerk
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 Stewart Street, Suite 610
Seattle, Washington 98101

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 California Street
San Francisco, California 94108

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment (including field location), and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Assignment records.

FHLBB—25

System name: Office of the Secretary, Card Files

System location: Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Board members, officers and employees of the board; directors, officers and counsel of Federal Home Loan Banks; agents of the board; members of Federal Savings and Loan Advisory Council.

Categories of records in the system: Index to individuals referred to in board resolutions and minute entries with regard to assignments, appointments, delegations, travel authorizations, resignations, reassignments, salaries as to those persons not under Civil Service schedules, and other board actions.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In addition to intra-agency use, the records in this system may be released upon request to such other Federal, State, and local agencies and authorities which have an interest in establishing the authority, rights, and duties of the above listed individuals. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The records are maintained permanently and periodically microfilmed for permanent safekeeping.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, period and office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Resolutions and minutes of the board and orders of the chairman of the board.

FHLBB—26

System name: Prospective Organizer of Federal Savings and Loan Association File

System location: Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Principal individual on an application to organize a Federal Savings and Loan Association.

Categories of records in the system: Nonconfidential and confidential biographical and financial data forms submitted by the individual, credit checks, and FBI reports.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Intra-agency use as to confidential data. (2) The nonconfidential biographical and financial data forms are publicly available under 5 U.S.C. 552. (3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file. The files are maintained in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access to confidential data is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The card file and applications are retained permanently in the case of successful applicants. Files of applicants who are approved but who fail to obtain charters are retained for 10 years. Unsuccessful applicants' files, except in extraordinary cases, are retained for 5 years.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Office of Housing and Urban Affairs. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, birth date, name and location of prospective association, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes. Access to FBI reports must be requested from that agency.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose report is maintained, credit reporting agencies, and FBI reports.

FHLBB—27

System name: Suspensions File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and directors of federally chartered savings and loan associations and State-chartered insured institutions.

Categories of records in the system: Official actions of the board and documentation considered by the board in suspending individuals from performance of functions at insured institutions pending the outcome of (1) formal removal procedures under section 407 of the National Housing Act, or (2) criminal proceedings against the individual.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 407 of the National Housing Act; section 5(d) of the Home Owner's Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the board action to the individual who is the subject of suspension proceedings, the institution with which he is associated, and the appropriate Regional Federal Home Loan Bank; in some cases notices of suspension following an indictment are publicly released. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access to notices of suspension which are not publicly released is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job- related purpose.

Retention and disposal: The files are retained permanently.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. The notification shall contain sufficient information to establish the identity of the identity of the individual involved, including name, institutional association, and approximate date of board action.

Record access procedures: Persons wishing to have access to the records shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Official actions of the board.

FHLBB—28

System name: Removal and Prohibitions File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and directors of federally chartered savings and loan associations and State-chartered insured institutions.

Categories of records in the system: Resolutions and orders of the board and documentation considered by the board in removing individuals from positions with insured institutions and prohibiting their future activity in the affairs of said institutions.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 407 of the National Housing Act; section 5(D) of the Home Owners' Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the board action to the individual who is the subject of the proceedings, the insured institution with which he was associated, and the regional Federal Home Loan Banks. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The files are retained permanently.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Compliance Division, Office of the General Counsel. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the Secretary to the board. The notification shall contain sufficient information to establish the identity of the individual involved in the proceedings, including institutional association, and approximate date of Board action.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the Secretary to the Board. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Board resolutions and minute entries.

FHLBB—29

System name: Investigatory Records Copy File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Persons under investigation by the Federal Bureau of Investigation.

Categories of records in the system: FBI investigative reports.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 5(d) of the Home Owners' Loan Act of 1933, as amended; and section 407(m) of the National Housing Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Internal use by personnel engaged in supervisory or enforcement capacity; no distribution outside agency except to supervisory agents of the board at the Federal Home Loan Banks. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in locked files.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel engaged in supervisory or enforcement activity whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records are destroyed 5 years after receipt of the reports unless agency personnel engaged in enforcement activity have continuing interest in the investigation.

System manager(s) and address: Director of the Compliance Division, Office of the General Counsel. See "Location" for address.

Notification procedure: Exempt system under 5 U.S.C. 552A (j) or (k).

Record access procedures: Request for access to and correction of records in this system, which are files exempt by the FBI under 5 U.S.C. 552 (j) or (k), should be addressed to the FBI.

Contesting record procedures: See "Access Procedures."

Record source categories: Exempt record system under 5 U.S.C. 552(j) or (k).

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TUESDAY, SEPTEMBER 14, 1976

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1934

PART IV:

NATIONAL LABOR RELATIONS BOARD

■

PRIVACY ACT OF 1974

Systems of Records

VOLUME 41 NUMBER 179
SEPTEMBER 14 1976

UMI

NATIONAL LABOR RELATIONS BOARD

PRIVACY ACT OF 1974

Notices of Systems of Records

Pursuant to the provisions of section (e)(4) of the Privacy Act of 1974, 5 U.S.C. Sec. 552a(e)(4), the National Labor Relations Board publishes the accompanying notices of systems of records maintained by it.

All persons who desire to submit written comment, views, or argument for consideration by the Board in connection with the descriptions of the routine uses of these systems of records should file 10 copies of the same, on or before October 14, 1976, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue N.W., Washington, D.C.

In view of the nature of the notices of systems of records and the relatively minor and pro forma changes made by the notices published herewith in those previously published and presently in effect for this Agency, all persons are advised that in the absence of written comment, or of comment, views or argument not viewed by the Board as warranting modification of the notices of systems of records as herewith published, it is the intention of the Board that these notices as here published shall be effective upon expiration of the comment period without further action by this Agency, and without republication or additional notice of adoption. Only in the event that submitted comment, views or argument cause the Board to modify the notice of systems of records, as here published, will an additional publication be placed in the Federal Register concerning the adoption of these notices and the routine uses of these systems of records as set forth therein.

Dated, Washington D.C., August 18, 1976

By direction of the Board.

Robert Volger,
Acting Executive Secretary.

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NLRB—1

System name: Accounting Records—Financial.

System location: Current records are maintained in:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records relating to reimbursements to employees of that office and other individuals covered within system. See the attached appendix for addresses of these offices. Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Individuals reimbursed for expenses in connection with the official functions of the NLRB; i.e., travel on official business, witness fees and transportation expenses, and miscellaneous expenses.

Categories of records in the system: Contains name; home or office address; organizational unit number; purpose, duration, and cost for travel assignments of Agency employees; purpose, duration, points of travel, and cost for witnesses used by the Agency; purpose, category, and cost of miscellaneous expenses incurred by agency employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed;

1. To Agency officials and employees who have a need for the records or information:
a. In the processing of claims for reimbursements.
b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To the U.S. General Accounting Office for audit purposes or determination of validity of claims.
5. To the U.S. Department of Treasury for issuance of checks.
6. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
7. To another agency, whether Federal, state, or local, or private organization where reimbursable arrangements exist between this Agency and such other agency or private organization.
8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
9. To officials of Labor Organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except travel summary cards which are maintained on microfilm.

Retrievability: Chronologically by year, and within each year alphabetically by name.

Safeguards: Original source documents are maintained in file cabinets within the Finance Section office. Microfilm is maintained in a locked fireproof cabinet within the Services and Systems office. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access in order to perform their official functions.

Retention and disposal: Maintained and disposed of in accordance with U.S. General Accounting Office and U.S. General Service Administration retention regulations.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on them should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or to the responsible official designated under "System Manager" as responsible for the system in the geographic area where the expense was incurred.

3. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the year about which inquiry is being made.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record source categories: Travel vouchers, witness vouchers, and lodging and miscellaneous receipts submitted by the individual; travel orders submitted by Agency officials; subpoenas; claims for reimbursement; and miscellaneous correspondence and information related thereto.

NLRB—2

System name: Applicant Files for Attorney and Field Examiner Positions, General Counsel's Staff

System location:

Office of Executive Assistant to the Associate General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Washington and Field Offices are authorized to maintain the records or copies of the records in connection with processing of applications for employment in the Agency. See the attached appendix for addresses of the Field Offices.

Categories of individuals covered by the system: Applicants for attorney or Field Examiner positions in offices under the General Counsel.

Categories of records in the system: Contains copies of employment applications, educational transcripts, resumes, employment interview reports, and other information relative to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. To process applications and evaluate applicants.
b. As a data source for management information for production of summary statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To a congressional office from the record or an individual in response to an inquiry from the congressional office made at the request of that individual.
5. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address:

Executive Assistant to the Associate General Counsel
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Applicants, educational institutions, interviewers, evaluators, references, previous employers.

NLRB—3

System name: Biographical Data File—Presidential Appointee

System location:

Division of Information, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of records in the system: Contains biographical sketches; news releases; news articles on speeches and other newsmaking activities; photographs, and material incidental thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.
2. To the public upon demonstrated interest.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original sources or related papers in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets within the Division of Information offices. During duty hours, cabinets are under the surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors.

Retention and disposal: Permanently retained.

System manager(s) and address:

Director, Division of Information, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information in this system is submitted by the individual, written by Agency staff and approved by the individual, and obtained from general news sources.

NLRB—4

System name: Claim Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Individuals filing claims under the Federal Tort Claims Act of 1946, the Military Personnel and Civilian Employer Claims Act of 1964 and claims filed under subpart 101-39.8 of the Federal Property Management Regulations.

Categories of records in the system: Contains reports of accidents or other events causing damage or loss; statements of witnesses; claims for damage or loss; investigations of claims, including doctors' reports, if any; records on disposition of claims; and information relative to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. In processing claims against this Agency.
b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

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2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the U.S. Department of Justice for purpose of processing or adjudicating claims against the Agency.
4. To a court of competent jurisdiction for adjudicating claims.
5. To investigators utilized by the Agency to obtain information relevant to a claim against the Agency.
6. To the appropriate agency, whether Federal, state, or local, where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
7. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
8. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal indentifiers.
9. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, and other papers.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Claimants, investigators, and witnesses.

NLRB—5

System name: Employment and Performance Appraisals, Attorneys and Field Examiners, General Counsel's Staff

System location:

Office of Executive Assistant to Associate General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of these records for current and former NLRB employees of that office. See the attached appendix for addresses of the Field Offices.

Categories of individuals covered by the system: Current and former attorneys and Field Examiners in offices under the general supervision of the General Counsel.

Categories of records in the system: Contains copies of employment applications, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information.
2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Whenever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address:

Executive Assistant to the Associate General Counsel
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.
2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above, or to the responsible official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Access and contest: An individual seeking access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: The individual, educational institutions, interviewers, evaluators, references, previous employers, and supervisors.

NLRB—6

System name: Evaluations and Promotion Appraisals of Field Clericals

System location: Records are authorized to be maintained in all Regional, Subregional, and Resident Offices of the Agency at the addresses listed in the attached appendix.

Categories of individuals covered by the system: Current and former field clerical employees.

Categories of records in the system: These records consist of evaluations, memoranda, promotion appraisals, employee responses thereto, and other information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information to evaluate job performance, developmental needs, potential within the Agency, and readiness for promotion.
2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Whenever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.c., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in Field Offices. During duty hours under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with Federal Personnel Manual instructions.

System manager(s) and address: See the attached appendix for the titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" of the office where employed.

Access and contest: An individual seeking access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: Professional employees, office managers, and individual to whom the record pertains.

NLRB—7

System name: Grievances, Appeals, and Complaints Records

System location: Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of Washington and Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees

Categories of records in the system: These records consist of formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted, materials placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; and related correspondence and recommendations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
4. To respond to a subpena and/or refer to an arbitrator or court of competent jurisdiction.
5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
7. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, letters, memoranda, and other similar papers.

Retrievability: Alphabetically by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access until the records are required to be made public in support of an agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: Maintained for an indefinite period of time.

System manager(s) and address:

1. To those employees under supervision of the General Counsel—
Deputy General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570
2. To those employees under supervision of the Board—
Solicitor, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. Inquiries from current NLRB employees on whether this system contains records on such individuals should be directed to their supervisors.
2. Inquiries from individuals other than current NLRB employees as to whether this system contains records on such individuals should be directed to the appropriate System Manager specified above.

Access and contest:

1. A current NLRB employee seeking to gain access to, or to contest, records in this system pertaining to such employee should contact his or her supervisor.
2. An individual other than a current NLRB employee seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the appeal, grievance, or complaint.

NLRB—8

System name: Health Maintenance Program Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees participating in Agency sponsored health maintenance programs, such as blood donor program, diabetes tests, glaucomo tests, and similar programs.

Categories of records in the system: Contains individuals' names and dates of participation in health maintenance programs, and the name of program in which participated. Also, for blood donor program, contains social security number, sex, donor identification number, home address and telephone, date of last donation, medications being taken, blood type, whether accepted or rejected as donor, and information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. In the administration of voluntary health maintenance programs.
b. As a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained (without personal identification of individuals).
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the International Red Cross insofar as the records or information pertain to the blood donor program.
4. To the U.S. Department of Health, Education, and Welfare insofar as the records or information pertain to public health service programs administered by that Department.
5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on logs, forms, and other papers.

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Retrievability: By program name and within each program alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.
2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.
2. In granting access to records in this system, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Record source categories: Information submitted by individual; officials of the servicing Health Units; International Red Cross.

NLRB—9

System name: Occupational Injury and Illness Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees who have reported a work-related injury or illness.

Categories of records in the system: Contains records pertaining to the complete history of the employee's occupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act and information relative thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
   a. In processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.
   b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the U.S. Department of Labor for purposes of adjudicating claims for compensation under the Federal Employees Compensation Act.
4. To the U.S. Department of Health, Education and Welfare in the administration of public health services programs.
5. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.
6. To an investigator utilized by the Agency to obtain information relevant to a claim arising under the Federal Employees Compensation Act.
7. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
9. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
10. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms and related correspondence.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the Security and Safety Office. File safe remains locked except during access. During duty hours file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Forms completed by the employee; witnesses; investigators; employee's supervisor; claims examiners of the U.S. Department of Labor; and doctors' statements, if any.

NLRB—10

System name: Pay Records—Retirement

System location:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current NLRB employees under the Civil Service Retirement System.

Categories of records in the system: Contains name; previous name if any; social security number; sex; birth date; entrance-on-duty date; employment history, including prolonged leave without pay; and monetary contributions to retirement fund made during employment, and information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
   a. To administer the Civil Service Retirement System within the Agency.
   b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies;
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the U.S. Civil Service Commission for administering the Civil Service Retirement System.
4. To the U.S. General Accounting Office for audit purposes.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
6. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
7. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
8. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on employment history cards and source documents.

Retrievability: By organizational unit and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets within the Payroll and Reports Section office. During duty hours file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Maintained only on current employees. Transferred to the U.S. Civil Service Commission upon termination of service with the Agency.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiries to the System Manager designated above.
2. In determining whether this system contains records on the inquirer, the following information is required; the inquirer's name and the organizational unit in which currently employed.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager, specified above.
2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record source categories: Personnel Office, timekeepers, and supervisors.

NLRB—11

System name: Payroll-Data Processing File

System location:

Data Systems Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of records in the system: Contains the name; home address; payroll identification number; organizational unit number; pay grade and step, annual salary, for the current pay period, hours worked, base pay, overtime pay, premium pay, and miscellaneous pay; and for the current pay period and year to date, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
   a. In providing data conversion services for the Agency.
   b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the U.S. Department of Treasury for preparation and issuance of payroll checks.
4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on punched data processing cards.

Retrievability: By employee payroll identification number in conjunction with organizational unit number or by social security number.

Safeguards: Maintained in card file containers within the office of the Operations Unit, Data Processing Section. During duty hours containers are under surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions. Use of machine for information printouts from cards is restricted to designated personnel.

Retention and disposal: Retained and disposed of in accordance with Federal Property Management Regulations of U.S. General Services Administration (FPMR 101-11.4).

System manager(s) and address:

Chief, Data Systems Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the Finance Officer, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the Finance Officer, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Record source categories: Forms submitted by Financial Management Branch, NLRB.

NLRB—12

System name: Payroll—Finance Records

System location: Current records are maintained in:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Contains name, home address, payroll identification number, organizational unit number, pay grade and step, annual salary, for the current pay period, hours worked, base pay overtime pay, premium pay, and miscellaneous pay, and for the current pay period and year to date, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
   a. To compile payroll records.
   b. To maintain Agency salary and expense accounts.
   c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
   d. To transfer information from the records to the individual to whom the record pertains.

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2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To the U.S. Department of the Treasury for payroll purposes.

5. To the U.S. Civil Service Commission concerning pay, benefits, retirement deductions and other information necessary for the Commission to carry out its Government-wide personnel management functions.

6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.

7. To the U.S. Department of Health, Education, and Welfare for the administration of the social security program.

8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

9. To the U.S. General Accounting Office for audit purposes.

10. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except: employee earning ledgers maintained on magnetic strip cards and microfilm; employee net pay data maintained on punched cards.

Retrievability: Employee payroll file maintained chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets, except microfilm is maintained in a locked fireproof metal cabinet. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name; the year about which inquiry is being made; and for records other than the payroll file, the organizational unit or units in which employed during that year.

Record source categories: Documents submitted by the individual, the personnel office, timekeepers, and supervisors; U.S. Civil Service Commission bulletins; taxing authority notices; and withholding authorizations.

NLRB—13

System name: Performance Appraisals—Attorneys on Board Members' Staffs, and in the Office of Solicitor

System location:

Office of Executive Secretary, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Currently employed attorneys on Board Members' staffs or in the Office of the Solicitor

Categories of records in the system: Contains forms completed by supervisors evaluating performance of subordinates, including narrative comments and recommendations on problems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.

2. To individuals who have a need for the information in connections with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On performance appraisal forms.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the Office of the Executive Secretary. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained only while individual is employed on a Board Member's staff or in the Office of the Solicitor.

System manager(s) and address:

Deputy Executive Secretary, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the "System Manager" specified above.

Record source categories: Supervisors.

NLRB—14

System name: Prefiling Communications

System location: Records are authorized to be maintained in all Field Offices of the Agency, at the addresses listed in the attached appendix, and Office of the General Counsel at 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Categories of individuals covered by the system: Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

Categories of records in the system: These records, consisting of file memoranda detailing the substance of oral communications, letters of inquiry, and responses thereto, may contain information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity, or other information relevant to a potential action or proceeding before the National Labor Relations Board.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. These records or information therefrom are disclosed to Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. These records or information therefrom may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

3. Disclosures may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed after varying periods of time; however, not longer than 2 years.

System manager(s) and address:

General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the General Counsel or to the appropriate Regional Director, Officer-in-Charge, or Resident Officer of the Agency office where the individual sought or was referred to for assistance, at the address of that office specified in the attached appendix.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: Individual who seeks assistance.

NLRB—15

System name: Promotion Appraisals Washington—Clericals and Nonlegal Professionals.

System location:

Personnel Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Applicants for postings for nonlegal professional positions, clerical positions in Washington, and for field positions posted and/or evaluated in Washington, who meet the minimum standards for eligibility for the posted position.

Categories of records in the system: Contains appraisals, including narrative comments, on applicants' promotion potential for the posted positions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who need the records or information to evaluate and select applicants for posted positions.

2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to in inquiry from the congressional office made at the request of that individual.

4. To officials of Labor Organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On promotion appraisal forms, letters, or memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinet in Personnel Branch. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with Federal Personnel Manual instructions.

System manager(s) and address:

Chief, Operations Section
Personnel Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the system Manager specified above.

Record source categories: Supervisors.

NLRB—16

System name: Time and Attendance Records, NLRB

System location: Current records are maintained in :

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office maintains a copy of time and attendance records for current employees in that office, and is authorized to retain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Contains name; home address; organizational unit number; payroll identification number; entrance-on-duty date; time worked, including regular hours, overtime, compensatory time, and premium pay status; leave earned and used; absences without leave; and doctors' certificates, when required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the compilation of biweekly payrolls.

b. To maintain leave accounts.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To another Federal Government agency in connection with the transfer of an NLRB employee to that agency.

4. To the U.S. Civil Service Commission for administering the Civil Service Retirement System.

5. To the U.S. General Accounting Office for audit purposes.

6. To another Government agency or private organization in connection with an agreement under the Intergovernmental Personnel Act.

7. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

8. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

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9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

11. To officials of labor organizations recognized under Executive Order 11491, as amended, where relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on Standard Form 1130 and related forms and papers, and on microfilm.

Retrievability: Chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Original source documents or copies thereof are maintained in file cabinets. Microfilm is maintained in locked fireproof metal cabinet. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with General Accounting Office and General Services Administration retention schedules. Original source documents are retained within the Agency for 3 years and then transferred to the appropriate Federal record center for the balance of the retention period. Microfilm records are maintained within the Agency for the full period specified in the appropriate retention schedule.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or official designated under "System Manager" as responsible for this system in the office where the individual was previously employed.

3. In determining whether this system contains records on the inquirer, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Access and Contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

2. In granting access to records in this system, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Record source categories: Individual to whom the record pertains, timekeeper or supervisor, doctors' statements.

APPENDIX

Names and Addresses of NLRB Offices referenced in Notices of Record Systems shown above:

NLRB HEADQUARTERS OFFICES

Offices of the Board
Members of the Board
Solicitor
Director, Division of Information
Executive Secretary, Office of the Executive Secretary
Office of the General Counsel
General Counsel
Associate General Counsel, Division of Operations Management
Associate General Counsel, Division of Advice
Associate General Counsel, Division of Enforcement Litigation
Director, Office of Appeals
Director Division of Administration
Director, Equal Employment Opportunity
Address: 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief Administrative Law Judge, Division of Administrative Law Judges
Address: 1231—25th Street, N.W.
Washington, D.C. 20037

West Coast Presiding Judge (San Francisco office) Division of Administrative Law Judges
Address: Suite 12054, Federal Building
450 Golden Gate Avenue, Box 36006
San Francisco, California 94102

NLRB FIELD OFFICES

Regional Director
National Labor Relations Board
Region 1
12th Floor, Keystone Building
99 High Street
Boston, Massachusetts 02110

Regional Director
National Labor Relations Board
Region 2
3614 Federal Building
26 Federal Plaza
New York, New York 10007

Regional Director
National Labor Relations Board
Region 3
901 Federal Building
111 West Huron Street
Buffalo, New York 14202

Regional Director
National Labor Relations Board
Region 4
4400 William J. Green Jr., Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Regional Director
National Labor Relations Board
Region 5
1019 Federal Building
Charles Center
Baltimore, Maryland 21201

Regional Director
National Labor Relations Board
Region 6
10th Floor, Porter Building
601 Grant Street
Pittsburgh, Pennsylvania 15222

Regional Director
National Labor Relations Board
300 Patrick V. McNamara Federal Building
477 Michigan Avenue
Detroit, Michigan 48226

Regional Director
National Labor Relations Board
Region 8
1695 Anthony J. Celebrezze Federal Building
1240 East Ninth Street
Cleveland, Ohio 44199

Regional Director
National Labor Relations Board
Region 9
3003 Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

Regional Director
National Labor Relations Board
Region 10
701 Peachtree Building
730 Peachtree Street NE.
Atlanta, Georgia 30308

Regional Director
National Labor Relations Board
Region 11
447 Federal Building
251 North Main Street
Winston-Salem, North Carolina 27101

Regional Director
National Labor Relations Board
Region 12
706 Federal Office Building
500 Zack Street
Tampa, Florida

Regional Director
National Labor Relations Board
Region 13
Everett McKinley Dirksen Building
219 South Dearborn Street
Chicago, Illinois 60604

Regional Director
National Labor Relations Board
Region 14
Room 448
210 North 12th Boulevard
St. Louis, Missouri 63101

Regional Director
National Labor Relations Board
Region 15
2700 Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

Regional Director
National Labor Relations Board
Region 16
8A24 Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

Regional Director
National Labor Relations Board
Region 17
616 Two Gateway Center
Fourth at State
Kansas City, Kansas 66101

Regional Director
National Labor Relations Board
Region 18
316 Federal Building
110 South Fourth Street
Minneapolis, Minnesota 55401

Regional Director
National Labor Relations Board
Region 19
2948 Federal Building
915 Second Avenue
Seattle, Washington 98101

Regional Director
National Labor Relations Board
Region 20
13018 Federal Building, Box 36047
450 Golden Gate Avenue
San Francisco, California 94102

Regional Director
National Labor Relations Board
Region 21
600 Eastern Columbia Building
849 South Broadway
Los Angeles, California 90014

Regional Director
National Labor Relations Board
Region 22
1600 Federal Building
970 Broad Street
Newark, New Jersey 07102

Regional Director
National Labor Relations Board
Region 23
920-One Allen Center
500 Dallas Avenue
Houston, Texas 77002

Regional Director
National Labor Relations Board
Region 24
U.S. Courthouse and Federal Building
Avenue Carlos Chardon
Hato Rey, Puerto Rico 00918

Regional Director
National Labor Relations Board
Region 25
232 Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Regional Director
National Labor Relations Board
Region 26
746 Clifford Davis Federal Building
167 North Main Street
Memphis, Tennessee 38103

Regional Director
National Labor Relations Board
Region 27
260 U.S. Custom House
721 19th Street
Denver, Colordo 80202

Regional Director
National Labor Relations Board
Region 28
The La Torre Building
6107 North Seventh Street
Phoenix, Arizona 85014

Regional Director
National Labor Relations Board
Region 29
Fourth Floor
16 Court Street
Brooklyn, New York 11241

Regional Director
National Labor Relations Board
Region 30
230 Commerce Building
744 North Fourth Street
Milwaukee, Wisconsin 53203

Regional Director
National Labor Relations Board
Region 31
12100 Federal Building
11000 Wilshire Boulevard
Los angeles, California 90024

Officer-in-Charge
National Labor Relations Board
Subregion 36
310 Six Ten Broadway Building
610 S.W. Broadway
Portland, Oregon 97205

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Officer-in-Charge
National Labor Relations Board
Subregion 37
Suite 308
1311 Kapiolani Boulevard
Honolulu, Hawaii 96814

Officer-in-Charge
National Labor Relations Board
Subregion 38
10th Floor
Savings Center Tower
411 Hamilton Avenue
Peoria, Illinois 61602

Resident Officer
National Labor Relations Board
Resident Office—Region 3
New Federal Building
Clinton Avenue at North Pearl Street
Albany, New York 12207

Resident Officer
National Labor Relations Board
Resident Office—Region 5
Gelman Building
2120 L Street, N.W.
Washington, D.C. 20570

Resident Officer
National Labor Relations Board
Resident Office—Region 10
2102 City Federal Building
2026 Second Avenue North
Birmingham, Alabama 35203

Resident Officer
National Labor Relations Board
Resident Office—Region 12
Suite 410, 1570 Madruga Avenue
Coral Gables, Florida 33146

Resident Officer
National Labor Relations Board
Resident Office—Region 12
278 Federal Building
400 West Bay Street, Box 35091
Jacksonville, Florida 32202

Resident Officer
National Labor Relations Board
Resident Office—Region 16
616 Petroleum Building
Fifth & Boulder Streets
Tulsa, Oklahoma 74103

Resident Officer
National Labor Relations Board
Resident Office—Region 19
Hill Building, Room 409
632 West Sixth Avenue
Anchorage, Alaska 99501

Resident Officer
National Labor Relations Board
Resident Office—Region 23
Federal Building, Room A509
727 East Durango Boulevard
San Antonio, Texas 78206

Resident Officer
National Labor Relations Board
Resident Office—Region 26
3511 Federal Building
700 West Capitol Avenue
Little Rock, Arkansas 72201

Resident Officer
National Labor Relations Board
Resident Office—Region 26
Room A-702, Federal Building
U.S. Courthouse
Nashville, Tennessee 37203

Resident Officer
National Labor Relations Board
Resident Office—Region 28
307 Pershing Building
4100 Rio Bravo Street
El Paso, Texas 79902

Resident Officer
National Labor Relations Board
Resident Office—Region 28
Patio Plaza Building, Upper Level
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Resident Officer
National Labor Relations Board
Resident Office—Region 31
Room 4-503
300 Las Vegas Boulevard South
Las Vegas, Nevada 98101

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federal register

TUESDAY, SEPTEMBER 14, 1976



PART V:

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Annual Compilation

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DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
Privacy Act of 1974

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Department of Agriculture (USDA) hereby publishes notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. These systems were originally published at 40 FR 38897 (Aug. 27, 1975), and have been amended at 40 FR 43466 (Sep. 19, 1975), 40 FR 49886 (Oct. 24, 1975), 40 FR 53283 (Nov. 17, 1975), 41 FR 3495 (Jan. 23, 1976), 41 FR 3766 (Jan. 26, 1976), 41 FR 4051 (Jan. 28, 1976), 41 FR 5412 (Feb. 6, 1976), 41 FR 8519 (Feb. 27, 1976), 41 FR 15816 (Apr. 14, 1976), 41 FR 16928 (Apr. 22, 1976), 41 FR 29456 (July 16, 1976), 41 FR 31247 (July 27, 1976), and 41 FR 34089 (Aug. 12, 1976). The following is a listing of notices of additional systems of records which have not previously been published in the Federal Register:

USDA/OGC-75. Administrative Proceedings brought by the Department, court cases in which the Government is plaintiff, and court cases in which the Government is a defendant, brought pursuant to the United States Warehouse Act, USDA/OGC.

USDA/AMS-5. Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, USDA/AMS.

USDA/AMS-6. Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, or the United States Grain Standards Act, USDA/AMS.

USDA/AMS-7. Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended, in which the Government is defendant, USDA/AMS.

USDA/AMS-8. Subsidiary Personnel and Pay Records, USDA/AMS.

USDA/ARS-6. Research Medical Records System on Patients and Human Volunteers Participating in Research at the USDA-ARS Human Nutrition Laboratory, USDA/ARS.

USDA/ARS-7. Dosimetry Report on Individuals in USDA Required by Radiological Safety Committee to Wear Radiation Exposure Measuring Film Badges When Appropriate, USDA/ARS.

USDA/ARS-8. Education and Radiation Training and Experiment Report on Persons in USDA Using Radioactive Materials and/or Equipment Which Emits Ionizing Radiation, USDA/ARS.

These systems of records were inadvertently omitted from the original group of notices published at 40 FR 38897 (1975). Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of these notices.

Interested persons may submit written comments on these notices to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 14, 1976. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW.

These additional notices will be adopted without further publication as set forth below October 14, 1976, unless modified by a subsequent notice to incorporate comments received from the public.

Dated: September 2, 1976.

Earl L. Butz,
Secretary.

USDA/AMS—1

System name: Employment History Records for Licensed Nonfederal Employees

System location: Agricultural Marketing Service, USDA, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: Commodity Inspectors, Graders, Weighers, Classers, Collaborators, Licensed Plant Employees, Agents, Appointees, Samplers.

Categories of records in the system: This system consists of such information as applications for license, license files, bonding records, biographical data, periods of employment, performance ratings, commodities qualified to inspect, grader's powers of attorney, recommendations for reemployment, factors which affect or might affect desirability as an inspector, supervisory potential, declaration sheets, preference sheets, current, expired, and voided licenses, license examinations and score sheets, license renewal score sheets, miscellaneous notes and memoranda, e.g., transfers, cancellations, corrective action letters, letters of caution or warning, inspection/grading performance/productivity data, letters of suspension, indictment, complaint, proposals to revoke license, etc. Content and extent of these records vary by commodity, program and season.

Authority for maintenance of the system: 7 U.S.C. 51-65, 71, 74-79, 84-87h, 241-273, 451-469, 471-476, 491, 493-499, 499a-499s, 511-511q, 601 et seq, 1551-1611, 1621-1627, 2321 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to states or other Federal agencies to determine verification of employment or length of service for retirement purposes; referral to Civil Service Commission for required records and reports; to Government Accounting Office for required records and reports to Department of Justice for required records and reports. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, notebooks, and cardex files.

Retrievability: Records are indexed by name of licensee and/or license number.

Safeguards: Government office buildings, locked and unlocked file cabinets and locked offices.

Retention and disposal: Records maintained indefinitely or until separation or retirement or in accordance with prescribed retention schedule. They are destroyed in conformance with prescribed retention schedules. These records schedules have been implemented by Agricultural Marketing Service Instruction 270-1, May 24, 1971, Records Management Program.

System manager(s) and address: Each of the following commodity division directors:

Cotton Division
Dairy Division
Grain Division
Fruit and Vegetable Division
Poultry Division
Livestock Division
Tobacco Division
Transportation and Warehouse Division

Notification procedure: Any individual may request information concerning himself from this system from the Office of the Commodity Division Director having custody of his records at the system location.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Record source categories: Information in this System comes primarily from licensees, supervisors, with additional data provided by references and investigative personnel.

USDA/AMS—2

System name: Milk Market Administrators (MMA)—Personnel and Payroll System, USDA/AMS.

System location: Dairy Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, and Milk Market Administrator's Offices at the following locations:

Arizona
Market Administrator
2617 North 24th Street
Phoenix, AZ 85008
Phone: 602 275-7641

Arkansas
Market Administrator
P.O. Box 4225
Asher Avenue Station
Little Rock, AK 72204
Phone: 501 663-6395

Colorado
Market Administrator
4411 East Kentucky Avenue
Denver, CO 80222
Phone: 303 757-4981

Florida
Market Administrator
P.O. Box 11368
Fort Lauderdale, FL 33306
Phone: 305 565-2583

Georgia
Market Administrator
P.O. Box 49025
Atlanta, GA 30329
Phone: 404 633-8541

Illinois
Market Administrator
72 West Adams Street, Room 800
Chicago, IL 60603
Phone: 312 263-4402

Indiana
Market Administrator
P.O. Box 55527
Indianapolis, IN 46205
Phone: 317 251-1418

Kansas
Market Administrator
P.O. Box 4606
Overland Park, KS 66204
Phone: 913 648-1050

Kentucky
Market Administrator
P.O. Box 18030
Louisville, KY 40218
Phone: 502 451-2040

Louisiana
Market Administrator
P.O. Box 456
Metairie, LA 70004
Phone: 504 835-6403

Massachusetts
Market Administrator
230 Congress Street, Room 403
Boston, MA 02110
Phone: 617 542-5453

Michigan
Market Administrator
2684 West Eleven Mile Road
Berkley, MI 48072
Phone: 313 548-1603

Minnesota
Market Administrator
P.O. Box 62
Duluth, MN 55801
Phone: 218 722-0928
Market Administrator
4550 West 77th Street, Room 360
Minneapolis, MN 55435
Phone: 612 831-5292
Market Administrator
909 Sixth Street, N.W.
Rochester, MN 55901
Phone: 507 288-8481

Missouri
Market Administrator
P.O. Box 1485
Maryland Heights, MO 63043
Phone: 312 567-4730

New York
Market Administrator
205 East 42nd Street
New York, NY 10017
Phone: 212 557-0343

Ohio
Market Administrator
P.O. Box 30128
Cleveland, OH 44130
Phone: 216 826-3220
Market Administrator
P.O. Box 29226
Columbus, OH 43229
Phone: 614 888-6700

Oklahoma
Market Administrator
P.O. Box 45563
Tulsa, OK 74145
Phone: 918 622-3411

Oregon
Market Administrator
P.O. Box 23354
Portland, OR 97223
Phone: 503 639-8806

Tennessee
Market Administrator
P.O. Box 3007
Bristol, TN 37620
Phone: 615 968-1148

Texas
Market Administrator
P.O. Box 34689
Dallas, TX 75234
Phone: 214 351-6454

Virginia
Market Administrator
300 North Lee Street, Suite 320
Alexandria, VA 22314
Phone: 703 549-7000

Washington
Market Administrator
16 West Harrison Street
Seattle, WA 98119
Phone: 206 282-1664

Categories of individuals covered by the system: Employees of Milk Market Administrators

Categories of records in the system: This System consists of personnel (Official Personnel Folders, retention lists, appeals, grievances, disciplinary, conflict of interest, health, training, classification and security files), and payroll data needed to conform to all applicable laws, Government Regulations and procedures, and the needs of AMS in carrying out their personnel management responsibilities.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.50

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Civil Service Commission for required records and reports, (2) Department of Labor for Office of Worker's Compensation Programs and Occupational Safety and Health Administration, (3) Department of Commerce for Distribution of Federal Payrolls, (4) White House for special reports, (5) OMB for special reports, and (6) GAO for special reports. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

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Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and/or disk or tape storage at the applicable addresses listed above. In addition, summary records on MMA employees are maintained on computer tape and disk storage at the National Finance Center, New Orleans and the New York Market Administrator's Office.

Retrievability: Records are indexed by name of employee and/or by ID number.

Safeguards: Government office buildings, locked offices, locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1 dated May 24, 1971, Records Management Program.

System manager(s) and address: Dairy Division Director and each Milk Market Administrator at the addresses listed in the System location.

Notification procedure: Any individual may request information concerning himself from this system from the appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to the Milk Market Administrator, USDA, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's Milk Market Administrator's office, references, and investigative personnel.

USDA/AMS—3

System name: Milk Market Administrators (MMA) Producer Payroll System, USDA/AMS.

System location: Milk Market Administrator's Offices at the following locations:

Arizona
Market Administrator
2617 North 24th Street
Phoenix, AZ 85008
Phone: 602 275-7641
Arkansas
Market Administrator
P.O. Box 4225
Asher Avenue Station
Little Rock, AK 72204
Phone: 501 663-6395
Colorado
Market Administrator
4411 East Kentucky Avenue
Denver, CO 80222
Phone: 303 757-4981
Florida
Market Administrator
P.O. Box 11368
Fort Lauderdale, FL 33306
Phone: 305 565-2583
Georgia
Mafket Administrator
P.O. Box 49025
Atlanta, GA 30329
Phone: 404 633-8541
Illinois
Market Administrator
72 West Adams Street, Room 800
Chicago, IL 60603
Phone: 312 263-4402
Indiana
Market Administrator
P.O. Box 55527
Indianapolis, IN 46205
Phone: 317 251-1418
Kansas
Market Administrator
P.O. Box 4606
Overland Park, KS 66204
Phone: 913 648-1050
Kentucky
Market Administrator
P.O. Box 18030
Louisville, KY 40218
Phone: 502 451-2040
Louisiana
Market Administrator
P.O. Box 456
Metairie, LA 70004
Phone: 504 835-6403
Massachusetts
Market Administrator
230 Congress Street, Room 403
Boston, MA 02110
Phone: 617 542-5453
Michigan
Market Administrator
2684 West Elevan Mile Road
Berkley, MI 48072
Phone: 313 548-1603
Minnesota
Market Administrator
P.O. Box 62
Duluth, MN 55801
Phone: 218 722-0928
Market Administrator
4550 West 77th Street, Room 360
Minneapolis, MN 55435
Phone: 612 831-5292
Market Administrator
909 Sixth Street, N.W.
Rochester, MN 55901
Phone: 507 288-8481
Missouri
Market Administrator
P.O. Box 1485
Maryland Heights, MO 63043
Phone: 212 557-0343
New York
Market Administrator
205 East 42nd Street
New York, NY 10017
Phone: 212 557-0343
Ohio
Market Administrator
P.O. Box 30128
Cleveland, OH 44130
Phone: 216 826-3220
Market Administrator
P.O. Box 29226
Columbus, OH 43229
Phone: 614 888-6700
Oklahoma
Market Administrator
P.O. Box 45563
Tulsa, OK 74145
Phone: 918 622-3411
Oregon
Market Administrator
P.O. Box 23354
Portland, OR 97223
Phone: 503 639-8806
Tennessee
Market Administrator
P.O. Box 3007
Bristol, TN 37620
Phone: 615 968-1148
Texas
Market Administrator
P.O. Box 34689
Dallas, TX 75234
Phone: 214 351-6454
Virginia
Market Administrator
300 North Lee Street, Suite 320
Alexandria, VA 22314
Phone: 703 549-7000
Washington
Market Administrator
16 West Harrison Street
Seattle, WA 98119
Phone: 206 282-1664

Categories of individuals covered by the system: Dairy farmers delivering producer milk to regulated handlers.

Categories of records in the system: This system consists of information pertaining to the quantities and value of milk delivered to regulated handlers by individual dairy farmers.

Authority for maintenance of the system: 7 U.S.C. 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual card files or automated disk or tape files.

Retrievability: Records are indexed by name of producer and/or by ID number.

Safeguards: Government office building, locked offices, locked files cabinets.

Retention and disposal: Records are maintained and destroyed in accordance with retention schedule number 11 NNA-1588 approved by the 84th Congress, first session, on July 13, 1955.

System manager(s) and address: Each Market Administrator at the address listed above.

Notification procedure: Any individual may request information about himself from the appropriate Market Administrator at the address listed above. The request should indicate the individual's name, address and type of information being sought.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from regulated handlers and cooperative associations. Some additional data is provided by health authorities with respect to Grade A quality standards and investigative personnel.

USDA/AMS—4

System name: Perishable Agricultural Commodities Act (PACA)—History Files of Principals

System location: Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250

Categories of individuals covered by the system: Partners of General or limited partnerships, individual proprietors, officers, directors and holders of more than ten percent of outstanding stock of a corporate entity subject to the PACA.

Categories of records in the system: Card files used to identify the partnership, corporate entity in which the principal is or was 'responsibly connected' as defined by the PACA. This system also contains felony and bankruptcy information relating to the principal.

Authority for maintenance of the system: 7 U.S.C. 499a-499s.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked cardex file cabinets.

Retrievability: Alphabetical by name.

Safeguards: Government office building.

Retention and disposal: Records are maintained and destroyed in accordance with retention schedule number NN 165-106 approved by the 89th Congress, first session on April 1, 1965.

System manager(s) and address: Chief, Regulatory Branch at the address listed above.

Notification procedure: Any individual may request information concerning himself from the system manager listed at the address above.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the system manager at the address above.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the system manager at the address above.

Record source categories: Individuals, partners, and authorized officers of corporate entities.

USDA/AMS—5

System name: Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture; Washington, D.C. 20250 and Milk Market Administrator's Offices at locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intra- and interdepartmental recommendations.

Authority for maintenance of the system: 7 USC 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation of potential viola-

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tion of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquire from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

Notification procedure: Any individual may request information concerning himself from this system from Fruit and Vegetable Division Director or from the appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office, as appropriate, referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/AMS—6

System name: Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, Cotton Research and Promotion Act of 1966, Egg Products Inspection Act, or the United States Grain Standards Act, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and who may be investigated for pssible violations of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consist of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 7 USC 71 et seq, 7 USC 601 et seq, 1621 et seq, 2101 seq, and 2301 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, or local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or reguatory in nature, and whether arising by general statute or particular program statute, or by rue, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a prceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials chargedwith the responsibility of defending the Government before a court, magistrate, or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedues and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, and Poultry Division Directors and each Milk Market Administrator at the addresses cited in the System location.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a(k)(2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(g), (h), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scruntinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosection. Disclosure of investigative techniques and Procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/AMS-7

System name: Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, a amended in which the Government is defendant, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Government official pursuant to, or as a consequence of the Department's administratio of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intra- and interdepartmenta recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 USC 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of aw, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rue, regulation or order issued pursuant thereto. (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any

record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction chedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

Notification procedure: Any individual may request information concerning himself from this system from the Fruit and Vegetable Division Director or from appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to the Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division, or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the approriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/AMS-8

System name: Subsidiary Personnel and Pay Record, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Region, District, Area, Main Station, and Field Offices at locations listed in the Agricultural Marketing Service Field Office Listing publication.

Categories of individuals covered by the system: Present and former employees and applicants for employment with the Agricultural Marketing Service.

Categories of records in the system: The system consists of copies of materials maintained in Official Personnel Folders, such as personnel action documents, applications for employment, education and training data, performance and appraisal ratings, as well as time and attendance reports, earnings statements, and service record cards.

Authority for maintenance of the system: 5U.S.C.301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) By agency officials for purposes of review of connection with appointments, promotions, within-grade increases, training, transfes, and determination of qualificatios of an individual. (2) to provide information to a prospective employer of a Federal Government employee or former Federal Government employee or to an organization at the request of the individual. (3) Referral to the Civil Service Commission, Department of Labor, and Office of Management and Budget for required records and reports. (4) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (5) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (6) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (7) Disclosure may be made to a congressiona office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on file cards at the applicable addresses listed above.

Retrievability: Records are indexed by name of the individual

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration disposal schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Personnel Division Director.

Notification procedure: Any individual may request information concerning himself from this system from the Personnel Division Director or from the individual's supervisor at the appropriate office having custody of his records. A request for information should be addressed to Directr, Personnel Division or to the Officer-in-Charge, as appropriate, at the address should under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

Authority for maintenance of the system: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

Record source categories: Information in this System comes from the individual to whom it applies or is derived from information the individual supplied except information provided by agency officials on performance, appraisal, pay, leave, and allowance records.

USDA/ARS—1

System name: Biographical material and nominating statements on ARS employees proposed for major awards, USDA/ARS.

System location: Programs and Reports Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: ARS employees who have been proposed, or actually nominated, by ARS for major national or international awards in science, administration, and public service.

Categories of records in the system: The system consists of biographical information, material on the nature and significance of the individual's achievements, and file copies of nominating statements prepared for the Administrator of ARS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Preparation of nominating statements on ARS employees for major national and international awards, and references to nominations previously prepared, for submission to the U.S. Civil Service Commission, the Executive Office of the President, the National Civil Service League, the Junior Chamber of Commerce, and various educational or public service foundations which administer national or international awards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Stored in offices within Government office building protected by security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Programs and Reports Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250. (202-447-4048)

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from supervisors and colleagues of the employees, scientific publications and other material provided by the individuals themselves, and nominations and articles related to previous awards.

USDA/ARS—2

System name: Biographical material on persons related to science or agriculture, USDA/ARS.

System location: Programs and Reports Branch and Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250, and Regional Information Office, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705.

Categories of individuals covered by the system: Persons whose training, position, or achievements make them prominent in either science or agriculture, or both.

Categories of records in the system: The system consists of clippings, press releases, newsletters, articles, editorials, biographical sketches, speeches, letters of commendation, award citations, and other similar materials.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Background and illustrations for speeches, introductions, articles, press releases, scripts, and slide presentations, which may be presented to the general public, news media, and professional, fraternal, and social organizations and Government agencies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by first letter of person's name.

Safeguards: Stored in offices within Government office building protected by security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Programs and Reports Branch, and Chief, Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250 (telephone 202-447-4048), and Regional Information Officer, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705 (telephone 301-344-2050).

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from newspapers, magazines, standard reference sources, correspondence circulated in the agency, information materials prepared for public release, and material provided by the individuals themselves.

USDA/ARS—3

System name: USDA/ARS Manpower File.

System location: Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

Categories of individuals covered by the system: All employees of the Agricultural Research Service.

Categories of records in the system: The system consists of a skeletal personnel record of each employee for organizational, grade analysis, strength accounting, and statistical purposes.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Numerical, statistical, and other special reports, to Civil Service Commission, Office of Management and Budget, General Services Administration, and General Accounting Office; preparation of ARS telephone directory. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

Retrievability: Records are indexed by the employee's social security numbers.

Safeguards: Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

Retention and disposal: Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

System manager(s) and address: Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

Notification procedure: Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

Record access procedures: Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

USDA/ARS—4

System name: Solicitation of bids or proposals for procurement contracts, USDA/ARS.

System location: Office of the Director, General Services Division, USDA/Agricultural Research Service (ARS), Hyattsville, Maryland 20782, and Regional Administrative Offices, ARS, at the following locations:

Regional Administrative Officer
USDA-ARS-Northeastern Region
Room 329, Bldg. 003, BARC-W
Beltsville, Maryland 20705
(301) 344-3646
Regional Administrative Officer
USDA-ARS-Western Region
2850 Telegraph Avenue
Berkeley, California 94705
(415) 486-3367; FTS 449-3367
Regional Administrative Officer
USDA-ARS-Southern Region

P.O. Box 53326
New Orleans, Louisiana 70153
(504) 589-2584; FTS 682-2584
Regional Administrative Officer
USDA-ARS-North Central Region
2000 W. Pioneer Parkway
Peoria, Illinois 61614
(309) 671-7162; FTS 360-7162

Categories of individuals covered by the system: Individuals who submit bids or proposals to furnish supplies or perform services under contract with USDA/ARS.

Categories of records in the system: The system consists of files of all bids or offers received and awards made in regard to solicitations issued by USDA/ARS, including copies of actual bids or offers and modifications thereto, and reports or statements by bidders or offerors about their financial and professional or technical capabilities of furnishing the supplies or rendering the services described in the solicitation.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is also sometimes used in deciding courses of action in the event of contractor default and in handling protests made by other competing bidders or offerors when the capabilities of the successful bidder or offeror is the basis of the protest. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by solicitation number, by contract number, and by name of contractor.

Safeguards: Records are kept in a locked office when not in custody of procurement officers or their subordinates.

Retention and disposal: Records are maintained until 6 years after contract termination or final contract payment is made.

System manager(s) and address: The Director, General Services Division, USDA/ARS, Hyattsville, Maryland 20782, or the Regional Administrative Officers at the address given herein.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Director, General Services Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of the solicitation giving rise to the records, date bid or offer was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Any individual may contest a record in the system which pertains to him by submitting pertinent written information to the appropriate System Manager.

Record source categories: Information in this system comes from the business firm or individual concerned or the Small Business Administration in the case of small business set-aside procurements, and previous USDA/ARS records of procurement contracts in which the business firm or individual was the principal party to the contract.

USDA/ARS—5

System name: Training file, USDA/ARS.

System location: Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

Categories of individuals covered by the system: All employees of the Agricultural Research Service, and any State or local Government employee or other Federal agency employee who receives supervisory training through ARS.

Categories of records in the system: The system consists of a skeletal record of each ARS employee and each non-ARS employee who receives supervisory training, for training analysis and statistical purposes.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of employees who have received, or who must receive, mandatory training courses such as Supervisory Training and Specific Labor Management Relations Training; numerical, statistical, and other special training reports to Civil Service Commission, Office of Management and Budget, and General Accounting Office. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

Retrievability: Records are indexed by the employee's social security numbers.

Safeguards: Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

Retention and disposal: Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

System manager(s) and address: Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

Notification procedure: Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

Record access procedures: Any individual may obtain information about procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

USDA/ARS—6

System name: Research Medical Records System on Patients and Human Volunteers Participating in Research at the USDA-ARS Human Nutrition Laboratory, USDA/ARS.

System location: U.S. Department of Agriculture, Agricultural Research Service, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

Categories of individuals covered by the system: Individuals participating in human research carried out by the staff of the Human Nutrition Laboratory.

Categories of records in the system: Medical and nutritional histories, medical and nutritional examinations, diagnostic and treatment data, information of social and economic data, laboratory data, statistical summaries, correspondence.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Analysis of research findings and report of research findings. The identification of individuals who participate in the research is not revealed in the report of research findings. (2) To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual. (3) Referral to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for

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the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tapes, punch cards, punch paper tape.

Retrievability: Individuals are identified by identification number and name.

Safeguards: Locked storage area, personnel training and instruction. USDA-ARS policy on release of information, job description responsibility.

Retention and disposal: Scientific records are maintained indefinitely.

System manager(s) and address: Director, USDA, ARS, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual my obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent information to the System Manager.

Record source categories: Individual, health care personnel, other hospitals and physicians, employers, social agencies.

USDA/ARS—7

System name: Dosimetry Report on Individuals in USDA Required by Radiological Safety Committee to Wear Radiation Exposure Measuring Film Badges When Appropriate, USDA/ARS.

System location: Radiological Safety Staff, Agricultural Research Service, USDA, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Categories of individuals covered by the system: All individuals who use radioactive material and/or radiation equipment which emit strong beta particles, neutrons, gamma rays or x-rays.

Categories of records in the system: The system indicates individual's name, date of birth and social security number, issue date, monthly beta, gamma, neutron and X-ray dosages, classification of dosages as penetrating or non-penetrating, and cumulative totals for the calendar quarter and calendar year.

Authority for maintenance of the system: 42 USC 2111 and 42 USC 2201(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system permits the maintenance of a monthly and cumulative record of each film badge wearer's radiation exposure. This information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.
2. Disclosed to a doctor, hospital, or other competent medical authority in event of a medical emergency involving radiation exposure.
3. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.
4. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.
5. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.
6. Disclosed to an organization to which the individual is transferred, upon written request of that organization.
7. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.
8. Referred to an appropriate Agency, whether Federal, State, Local, charged with the responsibility for investigating or prosecu ing a violation of law, rule, regulation, or order issued pursua thereto, of any record within this system when information avail ble indicates a violation or potential violation of law, whether civ criminal or regulatory in nature, and whether arising by gene statute or particular program statute, or by rule, regulation or ord issued pursuant thereto.
9. Referred to a court, magistrate or administrative tribunal, or opposing counsel in a proceeding before any of the above, of a record within the system which constitutes evidence in th proceeding, or which is sought in the course of discovery.
10. Referred to the Department of Justice for the defense of su against the United States or its officers, or for the institution suits for the recovery of claims by the United States Department Agriculture.

Policies and practices for storing, retrieving, accessing, retainin and disposing of records in the system:

Storage: Current system is maintained in file drawers in Radiolo ical Safety Staff office. Past reports maintained in Federal Recor Center. Microfilms of past reports maintained in file cabinet Radiological Safety Staff office.

Retrievability: By assigned individual Code Number, City, a State.

Safeguards: Stored in metal file cabinets within Governme building protected by security guards.

Retention and disposal: U.S. Nuclear Regulatory Commissi requires retention of records until such time the Commissi authorizes their disposition.

System manager(s) and address: Radiological Safety Office USDA, Agricultural Research Service, Radiological Safety Staf Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Notification procedure: Any individual may request informatic concerning himself from this system, or information as to wheth the system contains records pertaining to him, by writing to t System Manager.

Record access procedures: Any individual may obtain a copy the information pertaining to him by submitting a written request the System Manager.

Contesting record procedures: Any individual may contest info mation in the system which pertains to him by submitting pertine written information to the Chairman, Radiological Safety Comm tee, USDA, Agricultural Research Service, Room 307A, Buildi 005, BARC-West, Beltsville, Maryland 20705.

Record source categories: Personal information about each i dividual is provided by the individual. Dosimetry information provided by a commercial film badge supplier under contract wi USDA who routinely receives, processes, and evaluates the fil packets and furnishes the System Manager the appropriate inform tion.

USDA/ARS—8

System name: Education and Radiation Training and Experien Report on Persons in USDA Using Radioactive Materia and/or Equipment Which Emits Ionizing Radiatio USDA/ARS.

System location: Radiological Safety Staff, Agricultural Resear Service, USDA, Room 226, Building 001, BARC-West, Beltsvill Maryland 20705.

Categories of individuals covered by the system: All persons USDA who are responsible for, or independent users of, radioa tive materials and/or equipment which emits ionizing radiation.

Categories of records in the system: The system consists of infc mation on a person's educational background including form courses and on-the-job training in radiation; experience in actu use of radioactive materials and/or equipment which emits ioniz radiation; experience in the use of radiation detection and measu ing instrumentation; and additional information such as pertine publications, speeches, etc., which will assist in the evaluation of person's qualifications to safely use radioactive materials and/ equipment which emits ionizing radiation to protect his health a to minimize danger to life or property.

Authority for maintenance of the system: 42 USC 2111 and USC 2201(b).

Routine uses of records maintained in the system, including categ ries of users and the purposes of such uses: The system is used

the Department's Radiological Safety Committee and Radiological Safety Staff in its determination to approve or deny a person's procurement and use of potentially hazardous radioactive materials and/or equipment which emits ionizing radiation. When applicable, the system supplies information for maintenance of required radiation exposure records on persons who are required to wear personnel monitoring devices while using radioactive materials and/or equipment which emits ionizing radiation. The information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.
2. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health, or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.
3. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.
4. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.
5. Disclosed to an organization to which the individual is transferred, upon written request of that organization.
6. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.
7. Referred to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.
8. Referred to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.
9. Referred to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained in files in Radiological Safety Staff office.

Retrievability: Alphabetically by name.

Safeguards: Stored in the Radiological Safety Staff office within Government building protected by security guards.

Retention and disposal: Records are maintained until the Radiological Safety Staff knows that the individual is no longer using radioactive materials and/or equipment which emits ionizing radiation, has retired, or is deceased. Records are disposed of by shredding.

System manager(s) and address: Radiological Safety Officer, USDA, Agricultural Research Service, Radiological Safety Staff, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of the information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent information to the Chairman, Radiological Safety Committee, USDA, Agricultural Research Service, Room 307A, Building 005, BARC-West, Beltsville, Maryland 20705.

Record source categories: Information for system is supplied directly by the individual applying to the Radiological Safety Committee for authority to procure and use radioactive materials and/or equipment which emits ionizing radiation. The individual signs and dates the form.

USDA/ASCS—1

System name: Acknowledgement of Responsibility for Docket Security, USDA/ASCS

System location: Commodity Credit Corporation Staff-Dockets USDA/ASCS, Room 6975S, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have responsibility for drafting, reviewing, approving or signing Commodity Credit Corporation Dockets.

Categories of records in the system: Executed form CCC-131

Authority for maintenance of the system: 15 U.S.C. 714-714p

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folder in office listed above.

Retrievability: Indexed by individual name.

Safeguards: Stored in locked file. Office is locked when not attended.

Retention and disposal: Maintained in active files as long as individuals handles dockets in his official duty. Maintained for 6 years after it becomes inactive. Destroyed as waste paper.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Directly from the individual involved.

USDA/ASCS—2

System name: Advisory Committee Files, USDA/ASCS

System location: USDA/ASCS, Legislation and Committee Management, Room 228W, Administration Building, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who are nominated and agree to serve as members of the advisory committees.

Categories of records in the system: Biographical data sheets, clearance letter from Office of Secretary, letter requesting the individual to serve, and his letter of acceptance.

Authority for maintenance of the system: 7 U.S.C. Sec. 1911-1913

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical data used in press releases to announce membership of the committee. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: By individual's name.

Safeguards: Kept in file cabinets in Government office building.

Retention and disposal: Retained in active file as long as individual serves on the committee. Maintained in inactive file indefinitely.

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System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Record access procedures: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Contesting record procedures: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Record source categories: From individual.

USDA/ASCS—3

System name: Biographical Background, USDA/ASCW

System location: Deputy Administrator, Management, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250; Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114; Prairie Village Commodity Office, Brymar Office Center, 2400 W. 75th Street, Prairie Village, Kansas 66208.

Each State ASCS office at address listed in local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service.'

Categories of individuals covered by the system: Individuals who hold key positions in ASCS. Guest speakers and recipients of ASCS awards.

Categories of records in the system: Brief resume of individuals personal history.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To use in introduction of individual at speaking engagements. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by individual name.

Safeguards: Records are kept in locked office.

Retention and disposal: Indefinite.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Directly from the individual.

USDA/ASCS—4

System name: CCC Producer Loan Records, USDA/ASCS

System location: County ASCS office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service.'

Categories of individuals covered by the system: Individuals who have applied for commodity, storage structure or drying equipment loans. Includes all commodities for which price support loans are available.

Categories of records in the system: Complete files and records pertaining to the loans such as original loan note, collateral, credit ratings, lien searches, financial statements, applications, and disbursement documents.

Authority for maintenance of the system: 15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual folders.

Retrievability: Indexed by individual name or loan number.

Safeguards: Records are kept in locked fireproof file cabinets in Government office building.

Retention and disposal: Upon liquidation, original loan note is returned to producer. All other records destroyed 6 years after liquidation.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individuals in system, county court records, audit bureaus and ASCS program documents.

USDA/ASCS—5

System name: Commodity Brokers, USDA/ASCS

System location: Prairie Village Commodity Office, Brymar Office Center, 2400 West 75th Street, Prairie Village, Kansas 66208; Chicago Branch Office, Room 106, 226 W. Jackson Blvd., Chicago, Illinois 60604; Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minnesota 55415; Houston Branch Office, 2320 LaBranch Street, Houston, Texas.

Categories of individuals covered by the system: Individuals who merchandize CCC owned commodities.

Categories of records in the system: Name, address, phone number, volume of CCC business, record of adverse situations, letter of credit.

Authority for maintenance of the system: 15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents maintained in file folders. Working list maintained in binders.

Retrievability: By individual name.

Safeguards: Stored in Government office buildings, which are locked after working hours.

Retention and disposal: List updated continuously. Folders maintained 6 years and disposed under normal operations of Federal Records Center.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: From companies, individuals in system, regulatory authorities, and merchandizing records of Prairie Village ASCS Commodity Office and branch offices.

USDA/ASCS—6

System name: Consultants File, USDA/ASCS

System location: USDA/ASCS, Room 3405 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who perform consultant service for ASCS.

Categories of records in the system: Summary of negotiations, executed contract, work schedule, work performed, and purchase order.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued Pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto: (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in files at office listed above.

Retrievability: Indexed by name and contract number.

Safeguards: Filed in standard file cabinets and stored in Government office building with security guard.

Retention and disposal: 6 years after fiscal year contract is negotiated.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, 14th & Independence Ave., S. W., Washington, D.C. 20250.

Notification procedure: Same as System Manager Procedure.

Record access procedures: Same as System Manager Procedure.

Contesting record procedures: Same as System Manager Procedure.

Record source categories: Individual and ASCS employees.

USDA/ASCS—7

System name: Cotton Loan Clerks, USDA/ASCS

System location: County ASCS office in county where approved clerks will execute loan documents. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service'.

Categories of individuals covered by the system: Individuals who request permission to process loan documents.

Categories of records in the system: Agreement between the clerk and CCC, executed, signed and dated by applicant and the CCC contracting officer.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List furnished to lending agencies that participate in CCC Cotton Loan Program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked Government office building.

Retention and disposal: 6 years after agreement is cancelled or suspended.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the Procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individuals making application.

USDA/ASCS—8

System name: County Office Employees Administrative Expense File, USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

Categories of records in the system: The system contains the names of all county ASCS committeemen and employees and information such as: identifying number (Social Security Number), race code, sex code, State code, county code, biweekly amount of payroll check including deduction amounts for FICA, Federal, State, and local withholding, FEHBA, FEGLI (Optional), NASCO dues, and bonds. Also records of the date of birth, CO Grade and step, service computation, date last WGI, health code, cumulative and current retirement deduction, date severence pay ceases.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 15 U.S.C. 714-714p; 16 U.S.C. 590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Internal Revenue Service for total annual income as required by the Internal Revenue Code; (2) State Revenue Board and local tax authorities for tax withholding or required by Internal Revenue Code; (3) Civil

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Service Commission for fringe benefits withholdings 5 U.S.C. 8331, 8701, 8901. (4) Social Security Administration for FICA withholdings; (5) General public in annual directories of county committeemen; (6) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (7) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (8) Summary data produced on microfilm sent to Federal Civilian Personnel Records Center, St. Louis, Missouri, annually as a permanent record of employee's service with ASCS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

Retrievability: Records are indexed by social security number.

Safeguards: Records are kept in a fireproof vault in a secured area of the building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any county office employee, county committeemen, or community committeemen may request information on this system of records or information as to whether the system contains records pertaining to him (her) from the Chief, Kansas City Data System Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an in individual should contain his (her) name, address, social security number, and ASCS county office(s) where employee/committeemen is employed.

Record access procedures: Any county office employee, county committeeman, may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from scannable documents prepared by the ASCS county office where individual is employed.

USDA/ASCS—9

System name: County Personnel Records, USDA/ASCS

System location: County ASCS office by which individual is employed. The address of each county ASCS office can be found in the local telephone directory under the heading " United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service'.

Categories of individuals covered by the system: ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

Categories of records in the system: Official record of county ASCS employee. Contains application, oath of office, personnel action,s, job description, performance data, life and health insurance forms, annual pay status record, retirement record card, and any other documents, letters, or records which serve as proof of individuals employment from 1933 to date.

Authority for maintenance of the system: 5 U.S.C. 8331,8701,8901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Verification of employment and salary furnished to lending agencies and credit bureaus; (2) executed information given to prospective employers, both private and Governmental referrals; (3) State employment bureaus, if applicable, to Bureau of Employee Compensation to support injury claims; (4) State organizations of National Association State and County Office Employees when employee request dues be withheld from salary, (5) local banks when saving bonds are purchased and local taxing authority when local tax is withheld; (6) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; a record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders prescribed by CSC as "Official Personnel folders'.

Retrievability: Indexed by individual name and social security number.

Safeguards: Kept in locked fireproof file in Government office building.

Retention and disposal: Maintained on site for duration of employment. Transferred to Civilian Personnel Record Center, St. Louis, Missouri, after separation.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A reouest for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, .Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual employee, agency initiated documents, reference sources.

USDA/ASCS—10

System name: Defense Executive Reserve File,USDA/ASCS

System location: Personnel Division, USDA/ASCS, Room 4754S, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals in private industry who agree to work for ASCS in case of national emergency.

Categories of records in the system: SF-60 agreement between ASCS and individual including security clearance; copy of transmittal of Civil Defense Identification card.

Authority for maintenance of the system: Executive Order 11179 dated 8/22/64.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Records are kept in locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information obtained from the individual.

USDA/ASCS—11

System name: Emergency Livestock Feed Program, USDA/ASCS

System location: County ASCS office where farm is located for administrative purposes. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service.'

Categories of individuals covered by the system: Individual requesting authorization to purchase livestock feed.

Categories of records in the system: Complete description of emergency on which eligibility and quantity determinations and actual deliveries are based.

Authority for maintenance of the system: 7 U.S.C. 1281-1393.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders.

Retrievability: Indexed by name of individual applicant.

Safeguards: Locked office.

Retention and disposal: Disposed of 6 years after end of program year.

System manager(s) and address: Deputy Administrator, Manaoement, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regardino a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, bv submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individual applicant.

USDA/ASCS—12

System name: Employee Resources Master File, USDA/ASCS

System location: Data Systems Field Office, USDA/ACSCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Federal employees (career, career conditional, temporary, general schedule, and waoe board) who are presently employed in the Data Systems Field Office.

Categories of records in the system: Contains names of all individuals identified in the preceding paragraph and such information as social security number, date of birth, service date (for retirement and annual leave), pay plan, grade, step, occupational series, and annual salary, daily salary rate, hourly salary rate, overtime hourly rate, trainino course number, course sponsor, course title, hour credit, and completion date.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Records are indexed by employee name.

Safeguards: Records are kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any DSFO employee may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the System Manager.

Record access procedures: Any DSFO employee may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him(her), by submitting a written request to the System Manager.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Summary of data maintained in the Official Personnel Folder.

USDA/ASCS—13

System name: EEO Committee and Counselors, USDA/ASCS

System location: Office of the Administrator, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have been selected or considered to serve on EEO Committee or to be an EEO counselor.

Categories of records in the system: Resume of individual's qualifications.

Authority for maintenance of the system: 42 U.S.C. 2000D and 2000E-16

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at office listed above. Indexed by individual name.

Safeguards: Kept in locked Government office building.

Retention and disposal: Destroyed 2 years after individual ceases to serve as a committeeman or counselor.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the of-

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fice where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual.

USDA/ASCS—14

System name: EEO Complaints and Discrimination Investigation, USDA/ASCS

System location: USDA/ASCS, Office of the Administrator, 14th & Independence, Ave., S. W, Washington, D.C. 20250, and in offices of each EEO counselor at address posted on bulletin boards in Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have been investigated for alleged discrimination as the result of a complaint and subsequent audit.

Categories of records in the system: Audit and investigation reports and supporting material. Individual files containing notes on meetings between counselor and employee.

Authority for maintenance of the system: Executive Order 11179 dated 8/22/64.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by individual name.

Safeguards: Filed in locked files in Government office building.

Retention and disposal: Destroyed when case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are locatded. If the specific location of the record is not known, the individual should address his request to records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual, audit and investigation reports.

Systems exempted from certain provisions of the act: Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/ASCS—15

System name: Farm Record File (Automated), USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Farm owners, operators, and other producers.

Categories of records in the system: Contains producer identification number, commodity ID, farm number, State code, county code, disaster identification, CCC draft number, CCC draft amount, refund amount, net amount, allotment acres, yield per acre, silage tonnage, and program year.

Authority for maintenance of the system: 16 U.S.C. 590, 1301-1311, 1501-1510; 7 U.S.C. 1281-1393, 1421-1449, 1292 (note). 1691-1736, 1781-1787, 1801-1839, 4501-4504; 40 U.S.C. 1, 2, 203; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Records are indexed by State, county, and farmer identification number.

Safeguards: Tapes are kept in a fireproof vault in a secured part of Government office building.

Retention and disposal: Maintained throughout the program year on a currently updated basis. Prior program year tapes are retained for history purposes.

System manager(s) and address: Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain full name, address and zip code.

Record access procedures: Any individual may obatain information as to the procedures for gaining access to and contesting ecord in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph. Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from documents submitted by the ASCS county office maintaining farm records on the individual producer. Information in these records is obtained directly from the individuals in the system.

USDA/ASCS—16

System name: Farm Records File (Manual), USDA/ASCS

System location: County ASCS office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service.'

Categories of individuals covered by the system: Farm owners, operators, and other producers.

Categories of records in the system: Contains complete documentation of participation in active programs as well as discontinued programs. Includes but not necessarily limited to farm allotments, bases, and history, compliance data, production and marketing data, appeals, new grower applications, conservation program

documents, program participation and payments, appraisals, leases, and data for farm reconstitutions.

Authority for maintenance of the system: 16 U.S.C. 590, 1301-1311, 150-510; 7 U.S.C. 1281-1393, 1421-1449. 169-736, 1781-1787, 1801-1839, 4501-4504; 40 U.S.C. 1, 2, 203; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreion, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any records within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Farm allotment and quota data for marketing quota crops is made available for public inspection as required by The Agricultural Act of 1938, as amended (7 U.S.C. 1281-1393); 7 CFR Parts 722-726, and 728-730; (4) Tobacco sales bills referred to appropriate loan associations when tobacco is placed under government loan; (5) Name, address, farm number and pounds of quota designated to Flue Cured Tobacco Stabilization Corporation which uses this data to assist in administering the flue cured tobacco warehouse designation program, labs for making chemical analysis of tobacco. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

USDA/ASCS—16 Farm Record File (Manual). Referral to State Forester for technical service on forestry practices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at applicable location above.

Retrievability: Indexed by individual name or farm identification number.

Safeguards: Records are kept in locked office.

Retention and disposal: 5 years after end of program year, except long term agreement conservation records which are 5 years after program year in which a practice is completed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identifV the file.

Record access procedures: Any individual mav obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individual farmer, agency executed documents.

USDA/ASCS—17

System name: Farmer's Name and Address Master File (Automated) USDA/ASCS

System location: Data Systems Field Office, ASCS-USDA, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: All known farmers who reside in area served by the local county ASCS office.

Categories of records in the system: Contains names and addresses and zip codes of all farmers and other information, such as, social security or producer identification number, race code, State and county code on farmers who participate.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 U.S.C. 1427; 7 U.S.C. 1781-1787; 26 U.S.C. 6209; 7 CFR 26 U.S.C. 6109; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (1) Internal Revenue Service to report total annual payments to each producer; (2) approved Cooperative Marketing Associations for price support loan eligibility; (3) State and county taxing authoritites and (4) Commodity Promotion Boards where producer funds are withheld by ASCS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on mag-tape by the prbducer identification number of the individual farmer, in State and county sequence.

Retrievability: Records are indexed by the prbducer identification number of the individual farmer, in State and county sequence.

Safeguards: Records are kept in a fire-proof vault in a secured area of Government office building.

Retention and disposal: Records of current producers are maintained indefinitely. Additions, deletions and corrections are made periodically,.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250. Any individual may request information reagarding this system of records, or information as to whether the system contains records pertinent to him, from the Chief, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain: name, address, producer identification number(s) and the ASCS county office(s) where the farm records are maintained.

Record access procedures: Any individual may obtain information as to the Procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Directly from individual and from documents submitted by the ASCS county office.

USDA/ASCS—18

System name: Farmers' Name and Address Master File (Manual), USDA/ASCS

System location: County ASCS office where the farmer's farm is located for administrative purposes at address listed in the local telephone directory under the heading of "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service'.

Categories of individuals covered by the system: Farmers who participate in farm programs administered by ASCS, or who are known to the local ASCS office. '

Categories of records in the system: Contains names and addresses and ZIP codes of all farmers including such information as social security number and producer identification number, race, State and county code, and farm data.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 U.S.C. 1427; 7 U.S.C. 1781-1787; 26 U.S.C. 6109; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in contacting farmers in carrying on business of ASCS. Appropriate lists are furnished to (1) suppliers of material and services, eligible voters in same county, (2) cotton buyers, and to cotton, rice, and peanut cooperatives. USDA/ASCS—18, Farmers' Name and Address Master File (Manual). Referral to Commodity Promotion Boards when producer funds are withheld by ASCS. Referral to local taxing authorities and professional appraisal companies or consultants working under contract with such taxing authorities for tax appraisal purposes.

USDA/ASCS—31, Tort, Program and Civilian Employee Claims. Referral of list of producer names on claim record debt register to Cotton Loan Clerks for offsetting. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on addressograph plates and imprinter plates, at applicable locations above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in locked Government office.

Retention and disposal: Maintained as a current record until superceded by updated address.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: From individuals, postal department, and county courthouse, if necessary ito locate absentee owner of farm.

USDA/ASCS—19

System name: Indemnity and Incentive Programs—USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service'.

Categories of individuals covered by the system: Individual filing application for Wool, Mohair, Incentive payments, Milk and Bee Indemnity program payments.

Categories of records in the system: Contains complete file on which eligibility for payment determinations are based.

Authority for maintenance of the system: 7 U.S.C. 1781-1787; 15 U.S.C. 714-714p; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto: Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

USDA/ASCS—18, Farmers' Name and Address Master File (Manual). Referral to Commodity Promotion Boards when producer funds are withheld by ASCS. Referral to local taxing authorities and professional appraisal companies or consultants working under contract with such taxing authorities for tax appraisal purposes.

Storage: Records are maintained in file folders.

Retrievability: Indexed by individual producer's name.

Safeguards: Kept in locked file in Government Office Building.

Retention and disposal: Disposed of 6 years after end of program year.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenue, S.W. Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Individual furnishes information when making application for payment.

USDA/ASCS—20

System name: Investigation and Audit Reports—USDA/ASCS

System location: USDA/ASCS, 14th and Independence Ave., S.W., Washington, D.C. 20250. Prairie Village Commodity Office, USDA/ASCS, Brymar Office Center, 2400 W. 75th, Prairie Village, Kansas 66208. State ASCS offices at address listed in local telephone directory under United States Government, ASCS/USDA.

Categories of individuals covered by the system: Individuals who are the subject of a formal investigation relative to alleged program or administrative irregularities.

Categories of records in the system: Contains complete files on individual investigations, including program documents, investigation reports, statements of witnesses, accident reports, and agency reports.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, issued thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above. Records are indexed by name of individual being investigated and investigation case number.

Safeguards: Kept in locked files in Government office building.

Retention and disposal: Destroyed when case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3) (d), (e)(1), (e)(4) (G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/ASCS—21

System name: Maximum Payment Limitations, USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service.'

Categories of individuals covered by the system: Individual subject to Program Payment Limitation.

Categories of records in the system: Financial statement and applicable farm information as well as tax statements, will & trust documents and corporation charters.

Authority for maintenance of the system: 7 U.S.C. 1281-1393.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked file in Government office building.

Retention and disposal: Destroyed 5 years after end of Program year.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., "Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Information furnished by individual producer.

USDA/ASCS—22

System name: Power of Attorney & Designated Agents, USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service'.

Categories of individuals covered by the system: Individuals giving powers of attorney and individuals securing the powers to act as agent.

Categories of records in the system: Documents authorizing an individual to act as a representative of a producer or company.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 15 U.S.C. 714a-714p; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked file in Government office building.

Retention and disposal: Destroyed 6 years after authority is cancelled or suspended.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communications Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Producer or company which authorized the agent to conduct business.

USDA/ASCS—23

System name: Producer Appeals, USDA/ASCS

System location: ASCS, Appeals Staff, Room 3720 So., Building, 14th & Independence Avenue, S.W., Washington, D.C.

Categories of individuals covered by the system: Farm owners, operators or producers who file program appeals on prior determinations made by State ASCS Committees or the Deputy Administrator, Programs.

Categories of records in the system: The system consists of complete files on appeals including farm records, correspondence, investigations and audit reports, statements of witnesses, record and verbatim transcript of hearing.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Kept in office attended by authorized personnel.

Retention and disposal: Maintained 6 years after case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative

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Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th I Independence Avenues, S.W. Washington, D.C. 20250., telephone 202-447-6763, who if necessary will refer it to the appropriate office A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual, witnesses ASCS county personnel.

Systems exempted from certain provisions of the act: Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information, would hamper law enforcement activity.

USDA/ASCS—24

System name: Producer Payment Reporting File 365 and 368—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in Programs administered by ASCS.

Categories of records in the system: Contains names and addresses of all participating farmers including ZIP code, concerned with ASCS farm programs, including such information as: social security number or producer identification number, State and County codes, and program payment data.

Authority for maintenance of the system: IRS Regulations (68-38)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (1) Internal Revenue Service for total annual payment to each producer; IRS regulations (68-38); (2) Farmers for record of payments received by him (her) and reported to IRS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name of individual.

Safeguards: Kept on magnetic tape in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City, Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri, 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain name, address and ASCS county office(s) where farm records are maintained.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by such producers to the county office.

USDA/ASCS—25

System name: Producer Record for Pre-pilot Counties—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway Kansas City, Missouri, 64114

Categories of individuals covered by the system: All known farmers who reside in area served by the local county ASCS office.

Categories of records in the system: Contains names, addresses, race, sex, employee flags, spouse ID, spouse name, and producer's date of birth on all farmers in the following States and Counties: Pinal County, Arizona; Tift County, Georgia; Lafayette County, Louisiana; Sunflower County, Mississippi; Cooper County, Missouri; Seneca County, New York; Lubbock County, Texas; Adams County, Washington.

Authority for maintenance of the system: 7 U.S.C. 1201-1393, 1427, 1781-1787; 26 U.S.C. 6109; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

Retrievability: Indexed by producer's identification number.

Safeguards: Discs are kept in a fireproof vault, in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on disc on a currently updated basis. Inactive records are periodically removed from disc and recorded on magnetic tape.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/0SDA, 8930 Ward Parkway, Kansas City, Missouri 64141, telephone number 816-926-6502. A request for information pertaining to an individual should contain: name, address, social security number, and county where farm is located.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Documents submitted by the ASCS Prepilot county office maintaining farm records on the individual producer who is the primary source of the data.

USDA/ASCS—26

System name: Rice Cross-Compliance System—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Rice Producers

Categories of records in the system: Contains information on eligible and ineligible rice producers, including (1) producer identification number, (2) farm number (3) interest in other farms—estates corporate holdings, partnerships, exceptional corporations, trusts and exceptional trusts, and a joint owner.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 1441; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to rice cooperatives showing names, addresses, and producer's identification for eligible and ineligible rice producers. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by producer identification number within State and county.

Safeguards: Kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained on a currently updated basis indefinitely.

System manager(s) and address: Deputy Administrator, Management, USDA/ASCS, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from the Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, and ASCS county office(s) where farm records are maintained.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which oertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Documents submitted by the ASCS county offices maintaining farm records on the individual rice producer and other data gathered by the county office from other sources.

USDA/ASCS—27

System name: Shorn and Unshorn Wool and Mohair—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in the shorn and unshorn wool and mohair incentive programs administered by ASCS.

Categories of records in the system: Contains names and addresses of all farmers Participating in the ASCS Wool and Mohair incentive program for the current marketing year, and other data such as: Social security number and wool production data.

Authority for maintenance of the system: 7 U.C 1781-1787; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (A) Idaho Sheep Commission to report number of head shorn. (B) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (C) Navaho Indian Agency, Bureau of Indian Affairs sight drafts and payment statements for individual payments for Navaho program participants. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name of individual producer in State and county sequence.

Safeguards: Kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Retained for three prior marketing years and disposed of by re-using the obsolete magnetic tapes.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250

Notification procedure: Any wool producer may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, USDA/ASCS/8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, social security number, and county where farm is located.

Record access procedures: Any wool producer may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceeding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from applications for wool and mohair payments documents submitted by the ASCS county offices maintaining farm records on the individual wool producer who is the primary source of the data.

USDA/ASCS—28

System name: Subsidiary Personnel, Pay, and Travel Records—USDA/ASCS

System location: Any ASCS office where individual is employed at address shown in the local telephone directory under United States Government, USDA/ASCS.

Categories of individuals covered by the system: Individuals employed by ASCS, except county office employees and committeemen.

Categories of records in the system: Agency copies of personnel actions, training records, performance ratings, earning statements, time and attendance reports, travel authorizations and vouchers, payroll deduction records, service record cards, record of accountable documents charged to employee, appeal cases, and conflict of interest statements.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Answer inquiries from prospective employers when employee gives immediate supervisor or co-worker as reference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at address shown above.

Retrievability: Indexed by name of individual employee.

Safeguards: Kept in locked file cabinests at address shown above.

Retention and disposal: Maintained in active status during the employee's tenure at the organizational entity. After transfer or separation maintained in inactive status to be used to answer employment inquiries. Conflict of interest statement retained 2 years after employee is separated.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, .Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Employee, CSC, agency initiated documents.

USDA/ASCS—29

System name: Supervisor's Notes on Employees—USDA/ASCS

System location: At all ASCS Offices

Categories of individuals covered by the system: ASCS Employees.

Categories of records in the system: Documentation of discussions with employees on performance, attendance, behavior, etc., copies of memos from immediate supervisor to employee, employee's rebuttal, if any; documentation supporting nominations for awards.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be furnished to CSC if employee appeals a disciplinary action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Most are maintained in file folders, some in binders or note books.

Retrievability: Indexed by name of employee.

Safeguards: If derogatory, maintained in locked desk as locked file.

Retention and disposal: Retained until no longer needed and then destroyed.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communications Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Supervisor's observation, work measurement reports, employees completed work.

USDA/ASCS—30

System name: Tobacco (Flue-cured, Burley) Farm History Master File, USDA/ASCS

System location: Data Systems Field Office, LSDA/ASCS, 8930 Ward Parkway Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in the flue-cured or burley tobacco programs.

Categories of records in the system: Contains names and addresses of all particiPating tobacco farmers and such information as State, county, farm number, allotments and quotas, oroduction and marketing data, lease and transfer data.

Authority for maintenance of the system: 16 U.S.C. 590; 7 U.S.C. 1281-11393; 7 0.S.C. 1421-1449; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to Congress upon request from members and Congressional Agencies; Cooperative marketing associations for price suPport and marketing data; and Referral to the approPriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatroy in nature, and whether arising by genreral statute or particular program statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, nagistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by State, county, farm number, community number and producer's name.

Safeguards: Kept in fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, and county where tobacco farm is located.

Record access procedures: Any tobacco producer may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by him (her) to the county office.

USDA/ASCS—31

System name: Tort, Program, and Civilian Employee Claims, USDA/ASCS

System location: Any ASCS office having jurisdiction over the claim at the location listed in the local telephone directory under United States Government, USDA/ASCS.

Categories of individuals covered by the system: Individual by whom or against whom claim involving ASCS or CCC has been filed.

Categories of records in the system: Complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, and agency reports.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 5 U.S.C. 8101-8193; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Department of Labor for those arising under the Federal Employees Compensation Act; and (3) insurance companies where necessary for resolution of claim. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual claim folders.

Retrievability: Indexed by name of claimant number.

Safeguards: Kept in locked file cabinets in Government office building.

Retention and disposal: Retained after settlement for 6 years if CCC and 5 years if appropriated funds involved.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him ffom the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, ASCS/USDA, Room 3116 Auditors Building, 14th & Independence Avenues, S. W. Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/ASCS—32

System name: Warehouse Business Agents—USDA/ASCS

System location: Prairie Village Commodity Office, Brymar Office Center, 2400 West 75th St., Prairie Village, Kansas 66208; Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minnesota 55415

Categories of individuals covered by the system: Individuals operating as agents for a warehouse or a group of warehouses.

Categories of records in the system: Warehouseman's authority to do business with agent; copy of agreement between the warehouse and agent, name and address of agent, special instructions for warehouseman's business, and normal business correspondence.

Authority for maintenance of the system: 15 U.S.C. 714-714p

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List published as part of the official Government publication warehouse directory which is made available upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders.

Retrievability: By name of agent.

Safeguards: Kept in file in Government office building.

Retention and disposal: Disposed under normal operation of Federal Records Center 6 years after agent ceases to represent warehouse.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washinoton, D.C. 20250

Notification procedure: Any individual may request information regarding a system of records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain; name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Warehouse officials and the agent.

USDA/APHIS—1

System name: Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/APHIS

System location: Compliance Staff, Meat and Poultry Inspection Program, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals engaged in the slaughter of meat or poultry animals; or the preparation, transportation, storage, or distribution of meat or poultry products; or similar activities are included in this system of records.

Categories of records in the system: The system consists of: investigatory files concerning alleged violations of the Federal Meat and Poultry Inspection Acts and related laws; investigatory files compiled for enforcement of provisions of the Federal Meat and Poultry Inspection Acts concerning detention or seizure of alleged violative product; correspondence, allegations, inquiries, reports of actions taken, complaints and similar records concerning alleged violations of enforcement actions; records compiled to carry out provisions of 21 U.S.C. 671 and 21 U.S.C. 467 concerning the refusal to provide or withdrawal of inspection service from unfit applicants as defined by law; includes application forms, notations of past violations, court records, and other documentation; files, microfilm and computer records concerning systematic reviews conducted at the places of business of individuals covered by the records system.

Authority for maintenance of the system: 21 U.S.C. 451 et seq., 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, cards, microfilm, magnetic tape and computer printouts.

Retrievability: All categories of records concerning enforcement actions are cross referenced through an alphabetical name index system. Files on violations and other enforcement actions are indexed alphabetically by name and by year of violation. Printouts and microfilm records are alphabetically arranged with unique number identifiers assigned as well.

Safeguards: Records are maintained in locked file cabinets with attendants on duty during normal operating hours.

Retention and disposal: Active records are maintained indefinitely. Closed cases are retired to records storage centers after 3 years unless reopened. Microfilm and computer records are maintained indefinitely. Computer printouts are destroyed after 6 months.

System manager(s) and address: Deputy Administrator, Meat and Poultry Inspection Program, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—2

System name: Plant Protection and Quarantine Programs—Regulatory Actions, USDA/APHIS

System location: Plant Protection and Quarantine Programs - USDA/APHIS, Room 633, Federal Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Violators and alleged violators of plant protection and plant quarantine laws and regulations.

Categories of records in the system: The system consists of case files on violators and contains copies of violation report forms, compliance agreements, employee or other witness statements, warning notices, Office of the General Counsel (OGC) recommendations to the U.S. Department of Justice and court disposition documents.

Authority for maintenance of the system: 7 U.S.C. 150gg, 163.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Records are manually retrieved by alphabetized name of the individual violator.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Deputy Administrator, Plant Protection and Quarantine, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—3

System name: Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS

System location: Room 801, Federal Building, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

Categories of individuals covered by the system: Private veterinary practitioners who are accredited by the Federal and State governments to issue health certificates for the interstate and international movement of livestock and participate in cooperative State/Federal animal health programs.

Categories of records in the system: (1) Record includes name of accredited veterinarian, State in which accredited, State license number, college and date of graduation, and score on accreditation examination. (2) Record also includes material pertaining to alleged violations of accreditation standards. If allegations are proven true the record includes the disposition of the case which may be revocation of accreditation.

Authority for maintenance of the system: 21 U.S.C. 105, 111-114a-1, 116, 125, 134b, 134f.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to State Animal Health Officials to certify that a particular individual is indeed accredited. (2) Referral to State Veterinary Examining Boards to certify that a particular individual is indeed accredited. (3) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for the defense of suits against the United States or its officers or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on 3x5 cards.

Retrievability: Records are manually retrieved by alphabetized names.

Safeguards: Records are kept locked in files with APHIS employees in attendance during working hours.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Notification procedure: All inquiries should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Record access procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Contesting record procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Record source categories: Material is transcribed from documents submitted by the individual. Material is verified by State and Area Animal Health Officials which sometimes results in additional source material submitted by such officials.

Systems exempted from certain provisions of the act: The portions of this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative & Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—4

System name: Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS

System location: Program Services, Veterinary Services Program, USDA/APHIS, Federal Center Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Veterinarians; Livestock Market Operators; Livestock Haulers; Livestock Dealers, Buyers and Brokers; Livestock Owners and Producers.

Categories of records in the system: Investigatory and case files of alleged violations of quarantine laws contain the alleged violator's name and address, type of infraction, and documentation of the alleged infraction. The file includes closed cases as well as the current status of those cases remaining unresolved.

Authority for maintenance of the system: 21 U.S.C. 101-105, 111-134.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to

a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Numbered cases are cross-indexed by alphabetized names. Files are manually retrieved.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: After three years closed cases are sent to the Federal Records Center where they are retained indefinitely. Open cases are retained indefinitely in the Program Services Office.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—5

System name: Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS

System location: Animal Care Staff, Veterinary Services, USDA/APHIS, Room 700, Federal Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Dealers, exhibitors, and other individuals required to be licensed or registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Operators of research facilities and other individuals required to be registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Horse trainers, owners, exhibitors, and other individuals subject to the Horse Protection Act of 1970.

Categories of records in the system: Investigatory and case files contain the alleged violators name and address, type of infraction, and documentation of the alleged infraction. The files include closed cases as well as the current status of those cases not resolved.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.; 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards and in file folders in metal file cabinets.

Retrievability: Numbered cases are cross indexed by alphabetized names. Files are manually retrieved.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—6

System name: Veterinary Services Programs—Candidates for Animal Disease Control Positions in Foreign Countries

System location: International Operations Staff, Emergency Programs, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

Categories of individuals covered by the system: Animal health scientists

Categories of records in the system: Resumes of previous job and educational experience.

Authority for maintenance of the system: 21 U.S.C. 114b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advise U.S. scientists in animal health and related field of potential use of their qualifications by international organizations and/or foreign governments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Records are retrieved manually by alphabetized name.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during normal working hours.

Retention and disposal: After 3 years records are sent to the Federal Records Center where they are destroyed after 10 years.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Notification procedure: All inquiries regarding this system of records should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Record access procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Contesting record procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Record source categories: All information in this system of records is obtained directly from the individual concerned.

USDA/OA—1

System name: Employee Records, USDA/OA

System location: The OA Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following regional offices:

Northeast
Room 422 Federal Building
Hyattsville, Maryland 20782;
Southeast
Room 900, 1447 Peachtree St., N.E.

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Atlanta, Georgia 30309;
Midwest
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606;
Southwest
3916 South General Bruce Drive
Temple, Texas 76501;
Great Plains
8930 Ward Parkway
Kansas City, Missouri 64141;
Western
Room 522, 555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: OA permanent and temporary employees, former employees, and applicants for employment.

Categories of records in the system: These records show personnel management and work-related information, including: personal history statements; annual and individual job performance evaluations; data on training and development needs and accomplishments; personnel actions; accident reports; records of accountable property; position descriptions; statements of location preference; records of service, pay, pay rates, addresses and phone numbers; awards and commendations; audit assignments; travel records; employment applications and various correspondence on personnel and administrative matters. Also included are records of employee complaints and grievances, complaints against employees, reports of investigation, and records of adverse actions or other disciplinary actions.

Many of these records are included in the Employee Development folder described in OA directives and many are copies of records included in the Official Personnel Folder maintained by the USDA Office of Personnel.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.81

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided upon request to the Civil Service Commission and General Accounting Office for reviewing personnel management and OA operations. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are cards or sheets of paper and are maintained in file folders, notebooks, and card file boxes.

Retrievability: Information is retrieved by name of employee.

Safeguards: Available to management and supervisory personnel on official need-to-know basis. Most records are kept in locked file cabinets when not in use and are kept, after office hours, in locked offices within official Government office buildings.

Retention and disposal: Records are maintained while the individual is employed by OA or under active consideration for employment and are retired or destroyed in conformance with General Services Administration and USDA records retirement and/or destruction schedules.

System manager(s) and address: Assistant to the Director for Administration, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant to the Director for Administration, who, if necessary, will refer it to the appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Same as access procedures described above.

Record source categories: Information in this system comes primarily from the employee, supervisory personnel, co-workers, references and investigative personnel.

USDA/OA—2

System name: Management Information System, USDA/OA

System location: Office of Automated Data Systems, Washington Computer Center located in the Agriculture South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. Printouts are kept in the Headquarters Office, Office of Audit, USDA, and in the following regional offices:

Northeast
Room 422 Federal Building
Hyattsville, Maryland 20782;
Southeast
Room 900, 1447 Peachtree St., N.E.
Atlanta, Georgia 30309;
Midwest
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606;
Southwest
3916 South General Bruce Drive
Temple, Texas 76501;
Great Plains
8930 Ward Parkway
Kansas City, Missouri 64141;
Western
Room 522, 555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current OA professional employees.

Categories of records in the system: USDA/OA Management Information System: The system provides OA Management with a wide range of information on OA operations including data that can be used to evaluate the job performance of all OA professional employees. The system identifies individual audit assignments of employees and provides information on direct and indirect time spent on each assignment, when the assignment began and ended, travel cost, the number of audit findings, the significance of the findings and the identity of all the professionals who participated in the assignment.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.81

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided upon request to the General Accounting Office for reviewing OA operations. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer discs.

Retrievability: Information in the system can be retrieved by audit report number, employee social security number, geographic location and assignment code numbers.

Safeguards: Normal computer security is maintained over access to computer discs. Print-outs are available within USDA as necessary. Print-outs are kept under lock when not in use.

Retention and disposal: Discs and print-outs are cleared, retired or destroyed when no longer useful in accordance with General Services Administration and USDA retirement and/or destruction schedules.

System manager(s) and address: Assistant to the Director for Administration, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant to the Director for Administration, who, if necessary, will refer it to the appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Same as access procedures described above.

Record source categories: Information in the system comes entirely from OA employees.

USDA/CSRS—1

System name: Biographical Information—Office of Information, USDA/CSRS

System location: Cooperative State Research Service, USDA, Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who are associated with the U. S. Department of Agriculture, State Agricultural Experiment Stations, Cooperating Schools of Forestry, Colleges of 1890 and Tuskegee Institute, and individuals who are associated with the Land-Grant universities.

Categories of records in the system: This system consists of all information that has been collected on individuals as it relates to significant accomplishments, positions held, and honors received.

Authority for maintenance of the system: 7 U.S.C. 361a-i, 450i; 16 U.S.C. 582a582a-7; 7 CFR 2.7 and 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For resource material in preparing news items for the Cooperative State Research Service's weekly newsletter and for responding to requests for biographic information about an individual. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a file cabinet in CSRS Office of Information at the address listed above.

Retrievability: Majority of records are indexed by name of individual. Some are filed by institution.

Safeguards: Official government office building with security guards.

Retention and disposal: Biographic information is retained as long as it is deemed necessary to carry out responsibilities of the agency. Disposal of outdated material in the file is at the discretion of the Director responsible for maintaining the file.

System manager(s) and address: Director, Office of Information, Cooperative State Research Service, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request of information pertaining to an individual should contain: name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Same as procedures for access described above.

Record source categories: Information for this system comes from published articles or correspondence with the individual or from any individual or institutional source that wishes to bring the special achievements of an individual to the attention of CSRS.

USDA/CSRS—2

System name: Biographical Information on McIntire-Stennis Advisory Board and Advisory Committee Members, USDA/CSRS

System location: Cooperative State Research Service, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals serving as members of the McIntire-Stennis Cooperative Forestry Act Advisory Board or Advisory Committee.

Categories of records in the system: This system consists of biographic information on the members on the McIntire-Stennis Advisory Board and members on the McIntire-Stennis Advisory Committee.

Authority for maintenance of the system: 16 U.S.C. 582a-7, 7 CFR 2.7 and 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Press releases or response to requests from public. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a folder in a file cabinet at the above listed address.

Retrievability: Biographical information on each individual is contained in a folder entitled "Biographical Sketches on Advisory Board and Advisory Committee Members." Information is retrieved by name of the individual.

Safeguards: Official government office building with security guards.

Retention and disposal: Records are maintained as long as needed to carry out agency responsibilities. Disposal of out-of-date material is at the discretion of the Deputy Administrator responsible for the file.

System manager(s) and address: Deputy Administrator, Natural Resources and Special Reports, CSRS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as procedures for access described above.

Record source categories: Information on this system comes primarily from the individuals themselves or the institutions they are associated with.

USDA/CSRS—3

System name: Current Research Information System, USDA/CSRS

System location: Cooperative State Research Service, 14th Street and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: Scientist listed on research projects entered into the Current Research Information System (CRIS).

Categories of records in the system: Research projects of USDA agencies and research projects of those State institutions receiving CSRS administered funds in support of research.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.7, 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Documentation and reporting of research activities conducted by USDA agencies and documentation and reporting of research activities conducted by State institutions receiving CSRS administered funds for research. (2) Referral to contractors for preparation in a form that can ce entered into the computer. (3) Referral to the Smithsonian Science Information Exchange, Inc. (4) Referral to research scientists and Administrators of all Government agencies and affiliated institutions in connection with information retrieval requests in special subject areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Storage: Records are maintained on computer tape at the USDA Washington Computer Center.

Retrievability: By name of project leader.

Safeguards: Access to tape storage area limited to Washington Computer Center personnel.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Current Research Information System, CRIS-CSRS, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and agency or institution.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to the system which pertains to him, by submitting a written request to the Director, Current Research Information System.

Contesting record procedures: Same as procedures for access described above.

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Record source categories: Information in this system primarily comes from USDA research agencies and State institutions receiving CSRS administered funds for research.

USDA/ERS—2

System name: Rappahannock Land Information System

System location: National Resource Economics Division
Economic Research Service,
Washington, D.C. 20250

Categories of individuals covered by the system: Owners of land in Rappahannock County, Virginia.

Categories of records in the system: Name and address, whether or not legal resident of county, acreage, location and assessed value of land owned in county.

Authority for maintenance of the system: U.S.C. 1621-1627

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to County Board of Supervisors of Rappahannock County, Virginia and related administrative offices such as Commissioner of Revenue County Treasurer, and County Zoning office, Department of Taxation, State of Virginia, Richmond, Virginia, for use in their regular administrative functions. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched cards in boxes and computer printout in book cases.

Retrievability: Information is retrieved by land parcel number, by geo-code and by name.

Safeguards: Information maintained in guarded Government office building.

Retention and disposal: Basic file is updated periodically and obsolete cards and computer printout are converted to trash when new computer printout is available.

System manager(s) and address: Director, Natural Resource Economics Division, United States Department of Agriculture, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager listed above. A request for information pertaining to an individual should contain name and address.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Record source categories: Information in this system comes from public records maintained by county officials in Rappahannock County, Virginia.

USDA/OEO—1

System name: Discrimination Complaints Under Title VI of the Civil Rights Act of 1964, USDA/OEO

System location: Office of Equal Opportunity, USDA, Compliance and Enforcement Division, Auditor's Building, Rm. 4123, Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who file complaints alleging discrimination are recipients of USDA benefit programs.

Categories of records in the system: The system consists of complete files (i.e., complaint, agency response to complaint, related correspondence, inquiries and investigatory reports) on initial inquiries made by personnel of OEO and the agency complained about. The file, where appropriate, may consist of investigatory reports conducted and compiled by the Office of Investigation.

Authority for maintenance of the system: 42 U.S.C. 2000d et. seq., 7 CFR 15, Secy's Memo 1662, Supp 2 and Secy's Memo 1756.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To initiate corrective action or possible referral to the Department of Justice if voluntary compliance is not achieved. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (3) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of complainant, agency and address.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained for a period of 3 years, after which they are sent to the National Archives and Records Service, Washington, D.C. 20408.

System manager(s) and address: Richard J. Peer, Chief, Compliance and Enforcement Division, Office of Equal Opportunity, USDA, Auditor's Building, Rm. 4123, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records from the System Manager as set forth in the preceding paragraph.

Record access procedures: A request for access to a record from the system shall be in writing with the envelope and letter marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from agency personnel, complainant, witnesses, participants and nonparticipants, investigative personnel and community leaders.

USDA/ES—1

System name: Cooperative Extension Personnel Records System, USDA/ES.

System location: Personnel Staff, Extension Service, Room 6438, South Building, 14th & Independence Ave., SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All employees of State Extension Services who hold an Excepted Federal Appointment without compensation.

Categories of records in the system: Microfiche copies of personnel actions taken by individual states under delegated personnel authority to support entitlement of employees to the benefit areas of retirement, life and health insurance, workman's and unemployment compensation.

Authority for maintenance of the system: 5 U.S.C. 301; 7 U.S.C. 341, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Civil Service Commission and Department of Labor are supplied supporting documentation for benefit claims of employees and Cooperative Extension Service Personnel Offices are supplied specific assistance upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfiche at the address listed.

Retrievability: Records are indexed by name of employee.

Safeguards: In authorized locked cabinet.

Retention and disposal: Records are disposed of in accordance with General Services Administration retirement and/or destruction schedules.

System manager(s) and address: Chief, Cooperative Personnel, Personnel Staff, Extension Service, U. S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, at the address shown under Location and should contain: Name, address and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

USDA/ES—2

System name: State Cooperative Extension Service Employees, USDA/ES

System location: Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Room 6020, South Building, 14th and Independence Ave., SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All professional employees of the State Cooperative Extension Services from 1968 to present.

Categories of records in the system: Magnetic tapes are made from punch cards on information from the personnel records taken and submitted by State Cooperative Extension Services.

Authority for maintenance of the system: 5 U.S.C. 301; 7 U.S.C. 341, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape at the address listed.

Retrievability: Records are entered by social security number or other unique State identifying number.

Safeguards: Authorization must be obtained from the Deputy Administrator of Operations, ES, USDA or Director of Personnel, ES, USDA, before information is released. All printed matter is kept in locked rooms.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, Washington, D.C. and should contain: Name, address, social security number, and the particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service, USDA.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

USDA/FCS—1

System name: Director's Study, USDA/FCS

System location: Farmer Cooperative Service
Assistant Administrator
USDA, 500 12th St., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who have voluntarily responded to a mail survey of cooperative directors are included in this system of records.

Categories of records in the system: This system consists of a file of questionnaires completed by individuals covering personal characteristics and their attitudes and opinions toward directorship responsibilities.

Authority for maintenance of the system: 7 U.S.C. 451-457 1621-1627.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in files at the applicable address listed above.

Retrievability: Records are indexed by name of individual and cooperative membership.

Safeguards: Records are kept in a locked cabinet in official Government office building.

Retention and disposal: Records are summarized, analyzed and disposed of within one year.

System manager(s) and address: Assistant Administrator, FCS
USDA, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, and Cooperative Represented.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system was voluntarily supplied by directors of a nation-wide sample of farmer cooperatives.

USDA/FCS—2

System name: Ohio Livestock Producers Survey, USDA/FCS

System location: Farmer Cooperative Service
Assistant Administrator
USDA, 500 12th St., S.W., Washington, D.C. 20250

Categories of individuals covered by the system:

2 Individualstate Office files. A list of State Offices and any additional States for which an office is responsible follows:
Montgomery, AL
Phoenix, AZ
Little Rock, AR
Woodland, CA—HI, NV
Denver, CO
Newark, DE—MD, NJ
Gainesville, FL
Athens, GA
Boise, ID
Champaign, IL
Indianapolis, IN
Des Moines, IA
Topeka, KS
Lexington, KY
Alexandria, LA
Orono, ME
East Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Bozeman, MT
Lincoln, NE
Albuquerque, NM
Syracuse, NY
Raleigh, NC
Bismarck, ND

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Columbus, OH
Stillwater, OK
Portland, OR—AK
Harrisburg, PA
Santurce, PR—VI
Columbia, SC
Huron, SD
Nashville, TN
Temple, TX
Salt Lake City, UT
Montpelier, VT—CT, MA, NH, RI
Richmond, VA
Wenatchee, WA
Morgantown, WV
Stevens Point, WI
Casper, WY

The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

Categories of individuals covered by the system: Present and former FmHA borrowers/grantees and applicants including members of associations.

Categories of records in the system: The system consists of files containing applicant's/borrower's or grantee's characteristics such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, observed race, number of dependents, martial status, credit report, reference material, and operating plans. In addition, a running record of observations concerning the operations of the person being financed is included at the County Office level. A record of deposits in and withdrawls from a person's supervised bank account is also contained in those files where appropriate or, in some County Offices, maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items of information are extracted from the person's file and placed in a card file for quick reference.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., 42 U.S.C. 2706.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Information contained in borrowers' files may also provide the basis for USDA news releases citing borrowers' progress.

Referral to employers, businesses, landlords, creditors and others to determine repayment ability and eligibility for FmHA programs.

"Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the State, County, and National Office. A limited subset of personal, financial, and characteristics data required for effective management of the programs and borrower repayment status is maintained on disc or magnetic tape at the Finance Office, accessible by each appropriate office.

Retrievability: Records are indexed by name, identification number and type of loan or grant. Data may be retrieved from paper records. A limited subset of data is available through telecommunications capability ranging from telephones to intelligent terminals. The telecommunications capability is available to all FmHA offices.

Safeguards: Records are kept in locked offices at the State, County, and National Office. A limited subset of data is also maintained in a properly managed tape and disc library and an online retrieval system at the Finance Office. Access is restricted to authorized FmHA personnel. A system of operator and terminal passwords and code numbers is used to restrict access to the online system. These codewords and numbers are changed as necessary.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Disposal of records at the State, County, and National Office is accomplished through deposit in office waste containers. Records at the Finance Office are disposed of by overprinting.

Applications which are rejected, withdrawn, or otherwise terminated are kept in the County Office one full fiscal year after the fiscal year in which final action was taken on the application.

The records of borrowers who have paid or otherwise satisfied their obligation are retained in the County Office one full fiscal year. In those instances where real estate has been acquired by the FmHA through foreclosure, conveyance of title, etc., and subsequently sold to a borrower not eligible for FmHA programs, the State Office folder for this borrower will be transferred to the National Office after the account has been paid in full. The folder will be retained at the Federal Records Center for 10 years. Correspondence records at the National Office which concern borrowers and applicants are retained for 3 fiscal years after the last year in which there was correspondence.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention: Freedom of Information Officer), USDA/FmHA, Washington, D.C. 20250, telephone (202) 44702211. A request for information pertaining to an individual should contain: Name, address, FmHA office where loan/grant was applied for/approved and particulars involved (i.e., date of request/approved, which FmHA program, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the applicant/borrower/grantee.

USDA/FmHA—2

System name: Biographical Sketch File, USDA/FmHA

System location: USDA/FmHA
14th & Independence Avenue, S.W.
Washington, D.C. 20250

Categories of individuals covered by the system: All employees and former employees of FmHA at or above the Division Director level and all current and former State Directors.

Categories of records in the system: The system consists of files containing information concerning employee's educational and employment history, awards, marital status, number of children, present employment, place of birth and current residence. The employee knows the file is maintained and has approved the biography.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is furnished to the news media, Congressional committees, organizations to which the employee will be speaking and other interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the National Office.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in a building with full-time security.

Retention and disposal: Indefinite.

System manager(s) and address: Administrator, USDA/FmHA
14th & Independence Avenue, S.W.
Washington, D.C. 20250

Notification procedure: Any individual may request information concerning this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, position(s) held in FmHA and dates of employment.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Same as access.

Record source categories: Information in this system is provided by the employee, or is taken from his record with his concurrence.

USDA/FmHA—3

System name: Credit Report File, USDA/FmHA

System location: Each borrower's/grantee's or applicant's credit report file is located in the County Office through which application for credit was made, the State Office responsible for that county, and the National Office. The addresses of FmHA County Offices are listed in the telephone directories of appropriate municipalities under the heading "United States Government, Department of Agriculture, Farmers Home Administration." A listing of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File."

The National Office is located at 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All FmHA borrowers, grantees and recent applicants are included in this system.

Categories of records in the system: This system consists of credit reports and personal references from credit agencies, lenders, and individuals.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the borrower's/grantee's, or applicant's file folders at all levels.

Retrievability: Records are indexed by name and borrower's number.

Safeguards: Records are kept in locked offices and access is limited to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Credit reports and references relating to applications which are rejected, withdrawn or otherwise terminated are retained one full fiscal year after the fiscal year in which the action was taken.

Credit reports concerning borrowers who have paid or otherwise satisfied their obligations are retained as above.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, Washington, D.C., telephone (202) 447-2211, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, State and county where loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from credit agencies and creditors.

Systems exempted from certain provisions of the act: Information contained in this system which is based on frank statements obtained from sources under express or implied promise that the identity of the source will be held in confidence and is exempt from the provisions of 5 U.S.C. a (d) (1) on the basis of 5 U.S.C. 552 a (k) (5).

USDA/FmHA—4

System name: Designated Attorney and Escrow Agent File, USDA/FmHA

System location: Each designated attorney or escrow agent file is located in the County Office and State Office in the State in which he is designated. In addition, all designated attorneys and escrow agents are listed at the National Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower, or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA designated attorneys and escrow agents including those whose designations have expired within the last year.

Categories of records in the system: The system consists of a list of names of designated attorneys and escrow agents, and may include comments as to whether their performance has been satisfactory.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. Information is also provided to FmHA borrowers prior to loan closing and to other interested parties upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the appropriate location.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are destroyed one year after termination of the designation.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administra-

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tor, USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211, (Attention Freedom of Information Officer). A request for information pertaining to an individual should contain: Name, address, State and county in which the individual was a designated attorney or escrow agent.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information comes primarily from the subject of the file.

USDA/FmHA—5

System name: Graduation File, USDA/FmHA

System location: Each borrower's graduation file is located in the County Office through which the borrower obtained his loan, and in some cases, at the State Office responsible for that County Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA borrowers whose loans are eligible for review to determine whether the borrower should obtain credit from other sources. All borrowers who have been in debt for at least two years on an emergency loan, three years on an operating loan, or five years on a real estate loan are considered eligible for review.

Categories of records in the system: The system consists of files containing names of borrowers eligible for review, type of loan, whether graduation is advisable, and any communications with the borrower concerning whether the loan has been paid off or if the borrower is unable to refinance, as well as comments of the County Committee and the County Supervisor.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels, and access is restricted to authorized FmHA personnel.

Retention and disposal: Records are retained for three years after the list of borrowers eligible for review was received by the County Supervisor.

System manager(s) and address: The County Supervisor and the State Director at the appropriate levels.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, State and county where loan was applied for or approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the borrower.

USDA/FmHA—6

System name: Housing Contractor Complaint File, USDA/FmHA

System location: Complaints concerning housing contractors may be filed in the County and State Offices in any State or county in which the contractor had conducted business.

A list of State Offices and any additional State for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All housing contractors who have performed work for FmHA borrowers and about whom the borrower has seen fit to file a complaint.

Categories of records in the system: The system consists of files containing borrowers' complaints concerning contractors.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. In addition, prospective FmHA borrowers and other interested parties may obtain information. Further, information contained in this file may be obtained for use in civil or administrative proceedings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the contractor or name of the construction company.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for three fiscal years after the fiscal year of the complaint.

System manager(s) and address: The County Supervisor at the County Office level, and the State Director at the State Office level.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, and location where work was performed for FmHA borrowers.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the complainants.

USDA/FmHA—7

System name: Reserved Mineral Interests, USDA/FmHA

System location: This system is maintained at the National Office at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All FmHA borrowers who purchased land with a FmHA loan prior to 1951 where FmHA retained mineral interests.

Categories of records in the system: The system consists of files containing borrower's name, county where property is located, fair market value of mineral interest at the time such interests were offered for sale, date of acceptance or rejection of governmental offer for sale of mineral interest, percentage of mineral interest owned by Federal Government, the date on which the borrower made a deposit for the purchase of the mineral interest, and the date on which such a deposit was refunded. Additionally, the file contains remarks generally pertaining to additional names which have been added to the title.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. The information is also available to interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records will be retained permanently.

System manager(s) and address: The Administrator, Farmers Home Administration, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, State and county loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the borrower.

USDA/FmHA—8

System name: Tort Claims File, USDA/FmHA

System location: Each claimant's file is located in the office of the employee against whom the action was filed, the applicable State Office, and the National Office. A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The National Office is located at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All claimants who have filed civil suits against employees of FmHA, or against the Federal Government including those filed under the Tort Claims Act as a result of circumstances involving the Farmers Home Administration.

Categories of records in the system: The system consists of files containing information as to the circumstances of the loss for which the claimant is seeking relief, opinions of the Office of General Counsel, USDA, and disposition of the case.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by claimant's name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for five years after the last written report or document was placed in the file.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, defendant in the action, and date of the initiation of the action.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this file comes primarily from the claimant.

USDA/FmHA—9

System name: Training Files, USDA/FmHA

System location: Training files may be located at the FmHA Training Center, 1408 Asp Avenue, Norman, Oklahoma 73069, or the FmHA National Office, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All persons who have received or applied for training at the FmHA Training Center and other locations if such training was to be at FmHA expense.

Categories of records in the system: Name of individual, date(s) of training, and course(s) taken or applied for are included in this record.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file at Norman, Oklahoma and in file folders at the National Office.

Retrievability: Records are indexed by the name of the individual receiving/applying for training.

Safeguards: Records are kept in a locked office.

Retention and disposal: Retention is indefinite.

System manager(s) and address: Resident Manager, FmHA Training Center; Administrator, FmHA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. Requests should include name and address.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes from the applicant.

USDA/FmHA—10

System name: Travel Records, USDA/FmHA

Security classification: Each traveler's file is located in the County Office in which he is employed, the State Office responsible for that County Office, or in the National or Finance Office if the traveler is employed at either of those levels.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA employees and former employees whose travel expenses have been paid for by the Farmers Home Administration.

Categories of records in the system: The system consists of files containing employees' itineraries and travel vouchers.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are disposed of two years after the fiscal year in which the travel occurred.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, and dates and places of employment.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the employee.

USDA/FCIC—1

System name: Accounts Receivable, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also maintained in the applicable Sales Center for the state, and the office for the county of the Federal Crop Insurance Corporation, as well as the ASCS County Offices of the United States Department of Agriculture. Addresses of these field offices may be obtained from the Director, National Service Office, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who are indebted to the Federal Crop Insurance Corporation.

Categories of records in the system: System consists of a master list of indebtedness by county and individual.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer printouts, magnetic tape, microfiche, and also in a card index in county ASCS offices.

Retrievability: Records are indexed by state, county, and name of individual.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained until the indebtedness is paid. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. The request for information should contain: (1) Individual's name and address, (2) state(s) and county(ies) where he farms, and (3) the individual policy number, if known.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, National Service Office, at the address in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from the individual debtor.

USDA/FCIC—2

System name: Inspector's Report (FCIC-26), USDA/FCIC

System location:

Regional Underwriting Offices and Regional Offices located below:

Southwest Region: 50th & North Pennsylvania, Suite 1210, 50 Penn Place, Oklahoma City, Oklahoma 73118.

Northwest Region: 2602 First Avenue North, Room 217, Billings, Montana 59101.

Southeast Region: Room M-116, 401 North Patterson Street, U.S. Post Office and Federal Building, Valdosta, Georgia 31601.

North Central Region: Federal Building and U.S. Courthouse, 600 East Monroe Street, Room 106, Springfield, Illinois 62701.

Regional Offices:
Fresno, California
Indianapolis, Indiana
Des Moines, Iowa
Manhattan, Kansas
St. Paul, Minnesota
Jackson, Mississippi
Billings, Montana
Lincoln, Nebraska
Raleigh, North Carolina
Bismarck, North Dakota
Columbia, South Carolina
Nashville, Tennessee
College Station, Texas
Spokane, Washington

Addresses of each Regional Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

Categories of individuals covered by the system: Policyholders whose land productivity and/or farming practices are found to warrant a change in their actuarial classification or individuals who have filed applications for insurance with the total anticipated liability which substantially exceeds the average for the area.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by State, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are normally retained for two years following the crop year in which the reports were prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Actuarial Division, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, or the Regional Underwriting Supervisor at the appropriate address previously furnished. A request for information pertaining to an individual should contain (1) individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual's policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes sometimes from the applicant for insurance, the FCIC employee inspecting the farming operation, and in some cases, acreage and yield data obtained from the Agricultural Stabilization and Conservation Service.

USDA/FCIC—3

System name: Crop Insurance Actuarial Listing, USDA/FCIC

System location: Regional Underwriting Offices, Valdosta, Georgia; Springfield, Illinois; Oklahoma City, Oklahoma; Billings, Montana; Contract Service Centers located in

Fresno, California
Indianapolis, Indiana
Des Moines, Iowa
Manhattan, Kansas
St. Paul, Minnesota
Jackson, Mississippi
Lewistown, Montana
Lincoln, Nebraska
Raleigh, North Carolina
Bismarck, North Dakota
Columbia, South Carolina
Nashville, Tennessee
College Station, Texas
Spokane, Washington

Also individual offices for the county of the Federal Crop Insurance Corporation.

Addresses of each field office may be obtained from the telephone directories under United States Government, Department of Agriculture, Federal Crop Insurance Corporation.

Categories of individuals covered by the system: Individuals who produce specific crop(s) in the county.

Categories of records in the system: The system contains the name and address of the owner or operator of a farm, ASCS farm serial number, allotment or planted acres of the crop, and the actuarial classification for the crop(s).

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Information in the system of records is on file and available to the public for inspection in the office for the county. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by state, county, crop, and name of operator/owner or ASCS farm serial number.

Safeguards: Records are available for public inspection in offices for the county. These offices are locked during nonduty hours.

Retention and disposal: Indefinite.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

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Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. The addresses of the individual office for the county may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, (3) whether owner or operator, and (4) ASCS farm serial number.

Record access procedures: An individual may obtain information as to procedures for gaining access to a record in this system which pertains to him by submitting a written request to the Director, Actuarial Division, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from county ASCS offices, data obtained from producers and from Corporation records of producers' insurance experience.

USDA/FCIC—4

System name: Contact Report File—USDA/FCIC

System location: County Federal Crop Insurance Corporation offices throughout the United States. To obtain addresses of field offices contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Prospective policyholders.

Categories of records in the system: This system of records is comprised solely of the Contact Report (Form FCI-18) prepared by FCIC representatives during the sales presentation.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the office for the county in separate files or in the contract files.

Retrievability: Records are indexed by state, county, and individuals' names.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: These forms are retained for 3 years. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Marketing Division, FCIC, USDA, Washington, D.C. 20250, or the office representative at the appropriate office for the county. Addresses of locations where records are maintained may be obtained from the above office. A request for information pertaining to an individual should contain: (1) An individual's name and address, and (2) state(s) and county(ies) where farm(s) is located.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from prospective insureds and representatives of the Federal Crop Insurance Corporation.

USDA/FCIC—6

System name: Insurance Contract Analysis, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri; Regional Underwriting Offices in Valdosta, Georgia, Springfield, Illinois, Oklahoma City, Oklahoma, Billings, Montana; Contract Service Centers at 14 different locations, and individual offices for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who have, or have had in the past, insurance with the Federal Crop Insurance Corporation.

Categories of records in the system: The system contains the name, crops insured by crop years, the amount of premium paid by the insured, the amount of indemnity paid to the insured, the cause of loss, loss ratio of each crop insured under the policy, the number of years no loss, the wheat bushel balance for premium discount purposes, the total number of years a premium was earned, and the number of years an indemnity was paid.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in bound books and on magnetic tape.

Retrievability: Records are indexed by state, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained for 3 years after a policy is cancelled, except indefinite retention applies where the loss ratio for an individual crop was 1.20 or greater. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, Kansas City, Missouri 64114. A request for information should contain: (1) Individual's name, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system is a summary of data obtained from insured producers.

USDA/FCIC—7

System name: Insurance Contract Files, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114, and/or various offices for the county throughout the United States. To obtain addresses of the field offices, contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Individual farmers who participate in the Federal Crop Insurance program are included in this system of records.

Categories of records in the system: This system consists of a complete file containing all basic insurance documents; i.e., the application for insurance, the annual acreage report, inspection reports, claim forms, miscellaneous correspondence, etc. Selected data obtained from the basic insurance documents is also maintained on magnetic tape.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders and on magnetic tape.

Retrievability: Records are indexed by state, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained for 3 years following cancellation of the policy, except where there is an outstanding debt the file is retained 5 years following the year of the debt. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

A request for information pertaining to an individual should contain: (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes primarily from individual insureds, Federal Crop Insurance Corporation employees and investigative personnel.

USDA/FCIC—8

System name: List of Ineligible Producers, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114; Regional Underwriting Offices; Offices of Contract Service Center Directors; and each office for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who have been determined as not eligible for Federal Crop Insurance on specific crop(s) due to excessive losses, questionable farming practices, or who have had contracts voided due to suspected or apparent fraud.

Categories of records in the system: Record contains only lists of names of producers and prior policy numbers, if any, for a specific state and county.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders by county, and on magnetic tape.

Retrievability: Records are indexed by state, county, and name of individual.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

A request for information pertaining to an individual should contain: (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from reports of inspections made by FCIC personnel of producers' operations and from records of previous insurance experience.

USDA/FCIC—9

System name: Listing of Indemnities Paid, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also sent to the applicable County Courthouse and ASCS County Office of the United States Department of Agriculture. Addresses of these offices may be obtained from the Director, National Service Office, Kansas City, Missouri.

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Categories of individuals covered by the system: Persons who were paid an indemnity by the Federal Crop Insurance Corporation for the crop year.

Categories of records in the system: Record contains name of policyholder who was paid an indemnity, policy number, and total amount of indemnity(ies) paid for the crop year.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to county courthouses for posting on public bulletin boards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on bulletin boards.

Retrievability: Records are indexed by policy number and name of insured.

Safeguards: None.

Retentinn and disposal: County courthouse retention is at the discretion of county judge. Records in ASCS office are maintained for one year.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may determine whether or not there is information pertaining to him on the list by inspecting the posted list in the county courthouse or county ASCS office.

Record access procedures: An individual may gain access to records pertaining to him as specified above.

Contesting record procedures: He may contest the record by contacting the Manager, Federal Crop Insurance Corporation, at the address above.

Record source categories: Information in this system comes from data supplied by insured producers.

USDA/FNS—1

System name: Civil Rights Complaints and Investigations—USDA/FNS

System location: Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 750, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Included in this system are (1) files of persons who have alleged discrimination of the type prohibited by Title VI of the Civil Rights Act of 1964 and subsequent regulations; (2) files, names and case numbers, and case file information regarding State or local agency compliance with Title VI (includes names and case numbers referencing individuals who have been contacted or whose case files have been reviewed to ascertain a State's compliance).

Categories of records in the system: The system consists of records on individual complaints alleging discrimination and includes: (1) Evidentiary information to disprove or substantiate the allegations; (2) Sources of information; (3) Statements from witnesses; and (4) Statistical data supplied by the State or local agency.

Authority for maintenance of the system: 42 U.S.C. 2000 d-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; and (3) Staff evaluations of the availability of FNS food assistance programs without regard to race, color, national origin, religious belief, or political affiliation. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Civil Rights complaints are indexed by State and complainant's name. Office of Investigation reports are indexed by complainant's name and investigation number.

Safeguards: Records are kept in either locked filing cabinets or in locked offices.

Retention and disposal: Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8410), or the appropriate Regional Administrator at the address listed above.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate manager as set forth in the preceding paragraph.

A request for information pertaining to an individual should contain the name and address of the individual, and whether the records were compiled as a result of a complaint or an FNS compliance review.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and the letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—2

System name: Food Stamp Program Inquiries and Complaints—USDA/FNS

System location: FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah,

and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Recipients and other persons dissatisfied with or seeking information about local Food Stamp Program policy and procedures.

Categories of records in the system: The system consists of copies of each complaint or inquiry and the resulting documentation gathered in responding to it.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 270,271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Serves as a record of action taken and as resource information to determine trends and patterns; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are indexed by State, name of individual, and food stamp project area.

Safeguards: Records are kept either in locked file cabinets or locked offices.

Retention and disposal: Cases remain in the agency's files until the end of the fiscal year following the fiscal year in which they are closed; thereafter they are transferred to Federal Records Centers and maintained for three additional years before disposal.

System manager(s) and address: Regional Food Stamp Program Directors at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate system managers as set forth in the preceding paragraph. A request for information should contain name, address, and particulars involved (i.e., the date of action giving rise to the inquiry, complaint, etc.)

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager as set forth in the preceding paragraph. The envelope and the letter should be marked "Privacy Act Request".

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from recipient and non-recipient inquiries and complaints, case file reviews, collateral contacts, and investigative reports.

USDA/FNS—3

System name: Claims Against Food Stamp Recipients—USDA/FNS

System location: Claims Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105, West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who have received food stamps to which they are not entitled due to excess income, excess resources, household size reported incorrectly, etc.

Categories of records in the system: The system consists of Claim Determinations and supporting documents prepared by the State showing amounts due FNS and the basis for the claim. An individual file is maintained on each recipient showing amount of claim and a running balance of amounts paid until claim is paid in full.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Establish accounts receivable for money due FNS; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are filed by name of recipient, County, and State.

Safeguards: Records are kept either in locked file cabinets or in locked offices.

Retention and disposal: Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name,

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address, and particulars involved (i.e., the date of action giving rise to claimt date claim was filed, correspondence, etc.)

Record access procedures: An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from investigations made by Office of Investigation, audits conducted by Office of Audit, food stamp application and participation records, collateral contacts, and State agency personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—4

System name: Food Stamp Recipient Refunds—USDA/FNS

System location: Claims Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105 West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who request refunds from FNS of: (1) The proportionate purchase price paid for food stamps purchased but not used; or (2) The amount they have been inadvertently overcharged for their food stamps.

Categories of records in the system: (1) Form FNS-288, Request for Reimbursement for Unused Food Coupons, required documentation and signatures, as applicable, to the specific reason for the request; and Issuance, required documentation and signatures, as applicable to the refund.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Establish eligibility for reimbursement to recipient or agent; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and file cabinets at the address listed above.

Retrievability: Records are filed by date and month of payment and by name of recipient or his agent.

Safeguards: Records are kept either in locked cabinets or locked offices.

Retention and disposal: Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to claim, date claim was filed, correspondence, etc.)

Record access procedures: An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from State agency records and collateral contacts by claims reviewers.

USDA/FNS—5

System name: Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps—USDA/FNS

System location: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 650, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who have been investigated for fraudulently obtaining food stamps, stealing food stamps or engaged in other unlawful activities involving food stamps are included in this system of records.

Categories of records in the system: The system consists of files on individuals, including investigation reports, police reports, court records, agency reports, and claim determinations as appropriate.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 271-273.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged

with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Referral to Finance and Program Accounting Division, FNS for appropriate fiscal action; and (4) Analysis of patterns, trends, and problem areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the locations previously named.

Retrievability: Records are indexed by name, State, and fiscal year of receipt.

Safeguards: Records are kept in either locked file cabinets or in locked offices. Only persons who have specific responsibility in their use have access to them.

Retention and disposal: Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the addresses listed above. A request for information pertaining to an individual should contain the name and address of the individual and whether it involved a complaint or has reference to a compliance review which may have been conducted.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 CFR 1.23 pursuant to 5 U.S.C. 552 a (k)(2) from the requirements of subsection (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—6

System name: Personnel Security Clearance Status Files—USDA/FNS

System location: Management Services Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals on whom security clearance has been secured and approved.

Categories of records in the system: The system consists of letters signed by individuals acknowledging receipt of United States Department of Agriculture and Food and Nutrition Service Security regulations (upon approval of clearance); and security debriefing secrecy agreements (when applicable).

Authority for maintenance of the system: 5 USC 7311 and 7531; USDA 1 AR 507 and USDA Records Security Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Updating of current security clearance; (2) Identification for Emergency Preparedness Program and Executive Teams; (3) Identification for Provisional Delegations of Authority. The System Manager is prohibited from advising other agencies or establishments outside of e the Department of Agriculture concerning the level of security clearance of an employee. Such information shall be furnished only by the Department Security Officer, USDA 14th and Independence Avenue, S.W., Washington, D.C. 20250 (202-447-7654). "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in alphabetical groupings of file folders at the address listed above.

Retrievability: Records are maintained alphabetically by name of individual within the applicable alphabetical grouping.

Safeguards: Records are kept in a locked file.

Retention and disposal: Disposed of 2 years after transfer or separation of individual.

System manager(s) and address: Diector, Management Services Division (Agency Records Security Officer), Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 97 (202-447-8974) or Deputy Records Security Officer at the same address (202-447-8278).

Notification procedure: An individual may request information regarding this system of records from either system manager as set forth in the preceding paragraph.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to either system manager listed above. The envelope and letter should be marked "Private Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from Office of Personnel, United States Department of Agriculture, and Personnel Division, Food and Nutrition Service.

USDA/FNS—7

System name: Quality Control Subsample of Nonassistance Households Participating in the Food Stamp Program—USDA/FNS

System location: Quality Control and Evaluation Branch, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 678, Washington, D.C. 20250 and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Nonassistance households (those in which not all members are receiving public assistance) which are participating in the Food Stamp Program or those households which have been terminated from the program or denied benefits.

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Categories of records in the system: The system consists of subsamples of records containing personal household circumstances and financial information originally obtained from selected samples of individual households by each State's food stamp quality control staff and validated by FNS quality control personnel.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assessing the operation of State food stamp quality control system as a basis for improvement; (2) Testing the validity of State quality control findings; (3) Projecting national error rates; (4) Identifying trends toward potential system problems and high error areas; (5) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (6) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in the proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Records are indexed by State and household name.

Safeguards: Records are kept in either locked filing cabinets or in locked offices.

Retention and disposal: Records are retained for one fiscal year following the end of the fiscal year in which the reviews are completed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982) or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: An individual may request information regarding this system or records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the address listed above. A request for information pertaining to an individual should contain name, address, dates of participation in the Food Stamp Program, and date of contact by the Federal reviewer, if available.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information .

Record source categories: Information in this system comes primarily from participants in the Food Stamp Program and through collateral contacts by quality control reviewers to verify financial and other circumstances as they relate to the household's application for, or participation in, the Food Stamp Program.

USDA/FAS—1

System name: Applicant Files for Employment with International Organizations, USDA/FAS.

System location: International Organization Affairs, Foreign Agriculture Service. United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: U.S. Citizens who have applied for specific post or indicated an interest in employment with international organizations. Occasionally includes person who has been only suggested as a possible candidate by someone else.

Categories of records in the system: Resumes and/or employment application forms solicited and unsolicited letters of recommendation, reference checks, interview notes, and correspondence with candidates; communications to and from U.S. Missions and International organizations concerning applicant's candidacy; letters of referral to and from Federal Agencies and other recruitment sources and users.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Resume or application referred to international organizations and other Federal Agencies involved in the recruitment of candidates for international organizations. Referral in rare instances made when private foundations or other Federal Agencies request assistance in locating specialized candidates. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in file cabinet in official Government office building with security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Personnel Staffing Specialist, International Organization Affairs, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from candidates themselves, educational institutions, previous employers, Federal Agencies, non-Governmental organizations private foundations, and professional associations.

USDA/FAS—2

System name: Cooperator Employee Data, USDA/FAS.

System location: Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: U.S. citizens stationed overseas who supervise the operation of U.S. Cooperator foreign offices.

Categories of records in the system: The system consists of files on individual employment contracts, overseas assignment letters which include authorized salary allowances, various correspondence on individual personnel actions, position descriptions, employment applications, etc.

Authority for maintenance of the system: 7 U.S.C. 1704 (b) (1), 7 U.S.C. 1761, and 7 CFR 2.68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It is essential that FAS maintain this data since Government funds are used to pay a portion of the salaries. The data is provided to the U.S. Cooperator who is employing the individual. Personal data is also required on U.S. citizens in order to determine allowances, such as housing allowances and post allowances which are paid with funds made available by the U.S. Government. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are indexed by name of individual and Cooperator.

Safeguards: Records are kept in a locked file cabinet in official Government office building with security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from Cooperator officials, agricultural attaches, agency employees and trade officials.

USDA/FAS—3

System name: Visa and Passport Clearance Information Data, USDA/FAS

System location: Foreign Travel Section, Management Services Division, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: The System consists of a card index containing information required by foreign countries to grant visas.

Authority for maintenance of the system: 22 U.S.C. 213; 7 AR 557j.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintenance of this data expedites issuance of passports and visas. The information is transferred from the card to visa forms required by various foreign countries to issue entrance visas. The visa forms are sent to the respective foreign country's embassy located in Washington, D.C.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file boxes in file cabinet at above address.

Retrievability: Records are filed by name of individual applying for Official and Diplomatic passports.

Safeguards: Records are kept in file cabinet in locked office in Government building with security guards.

Retention and disposal: Records are maintained indefinitely as long as valid passport is maintained.

System manager(s) and address: Head, Foreign Travel Section, MSD, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Contesting record procedures: Amended, corrected or new cards can be submitted at any time to System Manager listed above. Old card will be destroyed and new one inserted in its place.

Record source categories: Information in this system is provided by the individual applying for Official and Diplomatic passports.

USDA/FS—1

System name: Appeals and Administrative Reviews, USDA/FS

System location: Records in this system are maintained at the Forest Service Headquarters in Washington, DC, the 9 Regional Offices, 123 Forest Supervisor Offices, 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250. The addresses of the 9 Regional Offices are: Region 1, Forest Service, USDA Federal Building, Missoula, MT, 59801; Region 2, Forest Service, USDA 11177 West 8th Avenue, Lakewood, CO 80225; Region 3, Forest Service, USDA, New Federal Building, Albuquerque, NM, 87102; Region 4, Forest Service, USDA, 324-25th Street, Ogden, UT, 84401; Region 5, Forest Service, USDA, 630 Sansome Street, San Francisco, CA, 94111; Region 6, Forest Service, USDA, 319 S.W. Pine Street, Portland, OR, 97208; Region 8, Forest Service, USDA, 1720 Peachtree Road, N.W., Atlanta, GA, 30309; Region 9, Forest Service, USDA, 633 West Wisconsin Avenue, Milwaukee, WI, 53203; Region 10, Forest Service, USDA, Federal Office Building, Juneau, AK, 99802. The addresses of all other Forest Service offices may be found in 36 CFR 200.2, Subpart A, or in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Any person who has appealed or formally requested review or reconsideration of a decision or action by a Forest Service officer in any contract involving the Forest Service. Does not include personnel matters which are excluded. The appeal, administrative review, or reconsideration request may have been submitted directly to an officer of the Forest Service or through the Board of Forest Appeals.

Categories of records in the system: The record includes information regarding the circumstances of the matter under appeal. This may involve information on the appellant, his use of National Forest lands, effects of the decision being appealed on his activities, and other information supplied by appellant on his behalf. Information is also provided by the Forest Service Officer whose decision is under appeal, review, or reconsideration.

Authority for maintenance of the system: 5 U.S.C. 22 and 301; 7 U.S.C. 1011(f); 15 U.S.C. 714(b)(g) and (h); 16 U.S.C. 551; 40 U.S.C. 486(c); 7 CFR 24; 36 CFR 211.20 thru 211.37

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders

Retrievability: Records are maintained under file designation 1570, identified by the appellant's name, date of appeal, review, or reconsideration request, and/or Forest Service Docket Number (if case docketed by the Board of Forest Appeals).

Safeguards: Normal security for routine file material. Locked office of file room.

Retention and disposal: Upon final decision case is closed. Transferred to closed files at end of fiscal year. Cases reaching National level are retained 25 years, Regional level is 5 years, and other levels maintained 3 years. Transfer to Federal Records Center after 3 years.

System manager(s) and address: Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250 or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the address listed above.

Notification procedure: Address inquiries to the office at which the individual filed his original notice of appeal or request for review or reconsideration. Identifying information should include name, date of appeal or request, Forest Service Docket (if applicable), and date of decision and by whom issued (if applicable).

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from appellant on his behalf, witnesses or experts solicited by appellant, Forest Service Officers, and witnesses and technical experts solicited by Forest Service.

USDA/FS—2

System name: Blaster's Certification Program, USDA/FS

System location: Forest Service Regional Headquarters and/or Forest Supervisor Headquarters where individual is or was employed. The addresses for these offices are listed in 36 CFR 200., Subpart A.

Categories of individuals covered by the system: Forest Service employees who have applied for a Forest Service Blaster's certificate are included in this system of records.

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Categories of records in the system: This system consists of complete files on individual applications for the Forest Service Blaster's certificate including examination results, application form (FS 6100-24), and certificate issued or revoked.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60 and 29 CFR 1926.901

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Standard Forest Service Form 6100-24 and supporting documents.

Retrievability: System is indexed by name and organizational location.

Safeguards: Records are maintained in standard filing system and are available only to authorized Forest Service personnel. Offices are locked during non-working hours.

Retention and disposal: Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center and disposed of in accordance with the Agency's approved retention schedule.

System manager(s) and address: Regional Forester and/or Forest Supervisor in charge of the unit where the individual is or was employed.

Notification procedure: Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing and should include the individual's full name and address; approximate date of application and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from written, oral, and applied examinations.

USDA/FS—3

System name: Casual Firefighter Data, USDA/FS

System location: Fort Collins Computer Center, Fort Collins, CO 80521

Categories of individuals covered by the system: Casual (pick-up) Firefighters - Individuals hired to fight forest fires. Short term employment during emergency.

Categories of records in the system: The system consists of employee's name, social security number, gross earnings, the period earned, and the State in which earned.

Authority for maintenance of the system: 23 U.S.C. 3304; 20 CFR 618.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish earnings data to States for use in determining eligibility for unemployment assistance benefits. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape at computer center.

Retrievability: Records are indexed by social security number and/or name.

Safeguards: Tapes are stored in locked buildings. Records on magnetic tape are accessible by special code.

Retention and disposal: Records are maintained for 52 weeks prior to current date.

System manager(s) and address: Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Room 4017 South Building, 12th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system from the System Manager, or by contacting the nearest Forest Office. The request should contain the individual's name, social security number, dates last employed as firefighter, and current address if reply by mail is desired.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from data supplied by the individual and records maintained by crew boss and timekeeper.

USDA/FS—4

System name: Certification of Engineering Personnel, USDA/FS

System location: At the Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A, where individual is or was employed, and at the Ft. Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521.

Categories of individuals covered by the system: Forest Service employees who are professionals or para-professionals working in activities normally assigned to Engineering Staff units.

Categories of records in the system: Consists of a skills inventory for all employees defined in the preceding paragraph and written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined in the preceding paragraph and who has participated in the Certification Program.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forest Service Skills Inventory form, examination results, and supporting documents. Skills data also on magnetic tape.

Retrievability: Manual system is indexed by name and location. ADP System is indexed by individual Social Security numbers.

Safeguards: Records are maintained in standard filing system and on magnetic tape. They are available only to authorized personnel.

Retention and disposal: Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures. Entries on magnetic tape are eliminated when employee leaves the organization.

System manager(s) and address: Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250 or the appropriate Regional Forester, Forest Supervisor in charge of the unit where the individual is or was employed.

Notification procedure: Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, and social security number; approximate date of last skills inventory record and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from written, oral, and applied examinations and a skills inventory form.

USDA/FS—5

System name: Certified Cost Collectors, USDA/FS

System location: Office of the Regional Forester, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify as Cost Collectors.

Categories of records in the system: Name and date of individual's certification.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

Notification procedure: Any employee may request information regarding the system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain name and date of certification.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of accounting experience and training obtained from information in the employee's personnel file.

USDA/FS—6

System name: Certified Scalers, USDA/FS

System location: At headquarters of nine Regional Offices as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify.

Categories of records in the system: Name, grade, date of certification, and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management in each of the nine Regional Offices referred to above.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of scaling experience and training obtained from information in the employee's personnel file and check scale records filed in the office.

USDA/FS—7

System name: Certified Silviculturists, USDA/FS

System location: At headquarters of nine Regional Offices as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify.

Categories of records in the system: Name, grade, date of certification, and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management in each of the nine Regional Offices referred to above.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of silviculture experience and training obtained from information in employee's personnel file.

USDA/FS—8

System name: Check-Before-Using Pilot List, USDA/FS

System location: Records in this system are presently maintained at the Forest Service headquarters of the nine Regional Offices as listed in 36 CFR 200.2, Subpart A, where information is disseminated to concerned forests or neighboring Regions. The record will soon be coordinated by the Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250, and disseminated to all Regional Air Officers at above mentioned locations.

Categories of individuals covered by the system: Pilots who have performed unsatisfactorily, while working under a contract for services.

Categories of records in the system: The record contains the, pilot.s name, FAA pilot's license number and the Region or area which reported the unsatisfactory performance.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual.

Safeguards: Records are kept in the general files in a locked office.

Retention and disposal: Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

System manager(s) and address: The Director of Aviation Management Forest Service, U.S. Department of Agriculture 12th and Independence Avenue, S.W., Washington, DC, 20250, has the responsibility for preparing the list with appropriate input from Regional Air Officers at Regional Offices as listed in 36 CFR 200.2, Subpart A.

Notification procedure: Any individual may request information as to whether he is on the list by writing the System Manager. He will be furnished information as to who he may contact at the Regional Offices to obtain additional information as to why his name appears on the list. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

Record access procedures: Use same procedures as for requesting Notification.

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Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

USDA/FS—9

System name: Employee Assistance Program CONCERN, USDA/FS

System location: The records in this system are maintained in the Forest Service Headquarters in Washington, D.C. and in nine Regional Offices, ten Experiment Station Offices, and the Forest Products Laboratory. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Any employee with problems affecting their job performance.

Categories of records in the system: Documentation of referral; notes supervisory or employee discussions; therapy progress records.

Authority for maintenance of the system: 5 U.S.C. 7901 and 42 U.S.C. 4551

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is referred to the professional counselor working with the employee. Information is used only as a background for counseling or advising the employee and/or work supervisor. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are indexed by name of employee and/or program number.

Safeguards: Folders are maintained in locked file cabinet or drawers. Only Program Advisor has access to information.

Retention and disposal: Record is maintained through any treatment and/or rehabilitation therapy, and destroyed upon completion of treatment by tearing up or shredding devices, if available.

System manager(s) and address: CONCERN Program Administrator, Forest Service, U.S. Department of Agriculture, 12th and Independence, S.W. Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the CONCERN Program Coordinator for the appropriate Region or Station, the Forest Products Laboratory, or the Washington Office. If the specific location of the record is not known, the individual should address his request to the System Manager, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain the employee's name, address and the unit on which he/she works.

Record access procedures: To gain information on procedures of gaining access, employee may call CONCERN telephone numbers shown in published brochure or posters.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in the system comes from confidential discussions with employee and/or supervisor, discussions with the professional counselor on his report on employee progress.

USDA/FS—10

System name: Employee Development Record, USDA/FS

System location: Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: All Forest Service employees with a permanent appointment.

Categories of records in the system: A Biographical Section relating to the education, experience, physical capacity and career desires of the employee. Summary sheets or forms such as SF-171, Employee Performance Appraisals, etc., and an ADP printout, if available. A Special Qualification Section containing information on specialized qualifications of the employee. Examples of such material are driver-qualification records, blasting or other skill certificates, letters of commendation, employee suggestions, special requests from the employee, and records of special assignments on committees, boards, etc. A Development Section containing the current individual Employee Development Plan and other records of training such as copies of AD-281's, reports of training meetings attended, copies of previous individual development plans and records of details and other training assignments.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Responding to reference checks by potential employers or supervisors, and referral to selection groups considering candidates for special training. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders are kept by the immediate supervisor usually in his desk or immediate office.

Retrievability: By name.

Safeguards: Since this has been a nonrestricted file, it has not been kept in a locked file.

Retention and disposal: Maintained as long as an employee is under permanent appointment. Folder is sent through channels to the appointing office when an employee is transferring to another location in the Forest Service. When an employee is separated, the material in the Employee Development Record is mutilated and destroyed.

System manager(s) and address: Director, Personnel Management Staff; Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250.

Notification procedure: Any individual may request information concerning himself from his present or former immediate supervisor at the official duty station shown on his latest employment action.

Record access procedures: Immediate supervisor, or unit head or Personnel Officer of a District, Forest, Region, Research Project, Research Station, Area, or Washington Office.

Contesting record procedures: Same as for requesting Access.

Record source categories: Information in this folder comes from the employee and his supervisor.

USDA/FS—11

System name: Employee Emergency Information, USDA/FS

System location: Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: All Forest Service employees.

Categories of records in the system: This is an optional system which some offices may choose not to use. The record contains the employee's home address and phone, and the name, address and phone of the person designated by the employee to be contacted in case of emergency. Some offices also include the name and phone of the employee's physician and special health information such as blood type, allergy or disease which may affect the kind of emergency treatment given.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in work supervisor's office.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Records are kept in a locked office.

Retention and disposal: Card record is updated at least semi-annually or more often when there is a change in information. Record is destroyed when employee transfers, retires, or is separated.

System manager(s) and address: Head of the Operating Office at the employee's duty station.

Notification procedure: Individual employee initially prepares and makes revision to the record. Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to her/him from the System Manager at the address listed above.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes exclusively from the employee.

USDA/FS—12

System name: Fire Qualification and Experience Records, USDA/FS

System location: Records are presently kept by the respective Regional Office and Forest Supervisor's Office where the individual is presently employed. The records are currently being entered into an automatic data processing system at the Fort Collins Computer Center, Fort Collins, CO, 80521.

Categories of individuals covered by the system: Forest Service employees with sufficient fire experience to qualify for supervisory positions.

Categories of records in the system: The system contains a record of the actual fire experience, fire related training received, age, physical condition, training needed and an evaluation of fire overhead positions in which he has been deemed qualified to perform. An evaluation of his performance may also be included.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently stored on file cards at each respective Regional Office and Forest Supervisor's Office. An ADP system is being devised and all records will be placed on magnetic tape at Fort Collins Computer Center.

Retrievability: The system is currently indexed by the individual's last name, but it will also be cross-referenced by social security number when it is placed in the ADP system.

Safeguards: The records do not contain any information considered to be of a confidential or personal nature, therefore, they are kept in a general file and in an ADP storage system without access restrictions

Retention and disposal: The records are kept for the entire employment period of the individual, which could be up to 35 years, or until he is unable to perform fire related work due to health or lack of current experience or training.

System manager(s) and address: The Regional Forester, Forest Supervisor, or his designated representative, at appropriate office where the individual is employed.

Notification procedure: An employee can obtain the information from the Supervisor's Office or Regional Office under which he is or had been employed. If the specific location of the record is not known, the individual should direct his request to the Director of Fire Management, in the Regional Office of the respective geographic area where he was employed. A request for information pertaining to an individual should contain name, social security number, place and period of employment, and position held.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The information in this system comes primarily from the individual, from other in-service documents, or from supervisory personnel.

USDA/FS—13

System name: Geometronics Skills Inventory, USDA/FS

System location: This system of records is maintained by the Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Fort Collins Computer Center, 3525 East Mulberry St., Fort Collins, CO 80521, the Geometronics Service Center and Regional offices. The addresses for the Regional Headquarters offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who are professional or para-professional and are assigned to Geometronics activities.

Categories of records in the system: This system contains the series, grade, and skills of each Forest Service employee who is identified by the preceding paragraph.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skill data is stored on the FCC computer on magnetic tape and in Section X of the Geometronics annual reports.

Retrievability: The system is indexed by organizational unit, name, grade, series, or key word for a particular skill.

Safeguards: Records are maintained in standard filing systems and on mag-tape. They are available only to authorized personnel. The buildings are locked when unoccupied.

Retention and disposal: Records are maintained for the duration of the individual's employment and purged from the system.

System manager(s) and address: Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Director of Geometronics Service Center, and the appropriate Regional Forester, at the addresses specified above.

Notification procedure: Any Forest Service employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. Request for information should be in writing. The request should include the individual's name, address, and his organizational unit.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from Section X of the Geometronics Annual Report and Supervisory evaluation of the individual as recorded in the employee's personnel folder.

USDA/FS—14

System name: Grazing Permittees, Individual, National Forest System, USDA/FS

System location: The records in this system are maintained in the headquarters offices of the Forest Supervisors. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Individuals who hold permits to graze livestock on Forest Service administered land are included in this system of records.

Categories of records in the system: The system contains information on names and post office addresses of permittees, numbers and kinds of livestock permitted, kinds of permits (term or temporary), periods of use, grazing allotments (areas) involved.

Authority for maintenance of the system: 5 U.S.C. 301; 36 CFR 231.3

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

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Retrievability: Records are indexed by name of individual grazing permittee.

Safeguards: Records are kept in locked government offices.

Retention and disposal: Records are maintained in open file while permit is active, transferred to closed files for 3-year period following cancellation, and then sent to Federal Records Center for permanent retention.

System manager(s) and address: Director of Ranger Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250; and/or the appropriate Regional Forester or Forest Supervisor.

Notification procedure: Any individual may request information from this system or information as to whether the system contains records pertaining to himself from the appropriate System Manager. If specific locations are known, requests should be made to the Forest Supervisor involved.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in the system comes from individual grazing permittees and Forest Service records concerning grazing allotments and permitted livestock.

USDA/FS—15

System name: Manpower Programs, USDA/FS

System location: The records for this system are located in Forest Service offices out of which enrollees worked. The addresses of these offices are the same as listed for the Appeals and Administrative Review system described above.

Categories of individuals covered by the system: Persons performing work for the Forest Service but not employed by the agency. Includes volunteers on the National Forests, persons sponsored by other organizations under the Comprehensive Employment and Training Act, and persons under employment and/or training programs, such as College Work Study, who are assigned to the Forest Service.

Categories of records in the system: File may contain any of a variety of documents relating to the enrollee, such as: correspondence about the individual, application form, timekeeping records, emergency notification data, driver qualification record, receipt for property issued, compensation for injury forms, performance evaluation, and other materials.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 260

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Forest Service officials for all necessary purposes pertaining to the individual's work for the Forest Service. This may include reporting time worked and other information to the sponsoring organization, providing employment confirmation and recommendations to other organizations, and data to the Office of Worker's Compensation Programs in the event of a compensation for injury claim. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents are maintained in regular file folders.

Retrievability: Stored alphabetically by name of person.

Safeguards: Kept in locked cabinets or locked offices.

Retention and disposal: Files are destroyed 2 years after the person has ceased to perform work for the Forest Service unless they become part of another system (such as Official Personnel Folder or Compensation for Injury Claim) which is governed by other authorities.

System manager(s) and address: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, DC, 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain the name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS—16

System name: Mineral Lessees and Permittees, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have applied for or hold mineral leases or permits issued by the Bureau of Land Management or the Forest Service covering National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, leases, permits, sale contracts, environmental reports, mineral evaluations, operating plans, reclamation plans, and pleadings.

Authority for maintenance of the system: 16 U.S.C. 520, and 30 U.S.C. 181, 351 and 601

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statue, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual lessee, permittee, or purchaser.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, State in which the lease, permit, or sale exists, and identification number, if any.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from the records developed during the processing of applications, evaluations made during course of lease or permit, and from data furnished by the individual.

USDA/FS—17

System name: Mineral Operators, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have filed operating plans or notices of intention to operate under authority of the 1872 mining law or who intends to exercise mineral rights pursuant to mineral reservations on National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, notices of intention to operate, operating plans, reclamation plans, mineral evaluations, environmental reports and pleadings.

Authority for maintenance of the system: 16 U.S.C. 478, 486, 518, 551; 36 CFR 252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State,, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual operator.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request for information pertaining to an individual should contain name, address, and State in which mineral operations are located.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system is provided by the individual, agency staff personnel, and other organizations.

USDA/FS—18

System name: Mining Claimants, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have filed or hold mining claims on public domain National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential, and Congressional correspondence, reports of mineral examination, and pleadings.

Authority for maintenance of the system: 30 U.S.C. 22

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual claimant.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, and State in which mining claims are located.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system is provided by the individual, agency staff personnel, and other organizations.

USDA/FS—19

System name: Person Interested in Forestry and Related Programs, USDA/FS

System location: All Forest Service field locations. Addresses of Forest Service offices are listed in the telephone directories of the respective cities under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Persons in communications, industry, conservation, elected office, and communities who are known (or expressed) to have an interest in obtaining up to date information about Forest Service activities in forestry or natural resource related matters.

Categories of records in the system: Record includes name, address, and kind of Forest Service activities and programs, i.e., wood, forage, water, recreation, wildlife, land use planning,wilderness, etc., in which the individual has demonstrated a special interest.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Keep interested persons informed concerning current forestry or natural resource related activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards, folders, computer

Retrievability: Indexed by name of individual for whom address is written.

Safeguards: File cabinets.

Retention and disposal: Retained as long as there is a current address or evidence of continuing interest in forestry and natural resource related matters.

System manager(s) and address: Chief, Forest Service, U.S. Department of Agriculture, 12th and Independence, S.W., Washington, DC 20250 or responsible line officer at each field unit.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from any Forest Service office, with the one in proximity to requester's home address most likely.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Respondents on public involvement issues, meetings, hearings, conversations, correspondence, telephone, and published directories.

USDA/FS—20

System name: Public Correspondence Concerning Timber Management, USDA/FS

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System location: Records in this system are maintained ay the Director of Timber Management, Forest Service, U.S. Department of Agriculturey 12th & Independence Ave., S.W., Washington, 20250.

Categories of individuals covered by the system: Individuals who correspond with the Washington Office of the Forest Service regarding timber management affairs.

Categories of records in the system: Contains the writer's name, who the original letter was addressed to, subject matter, record of final disposal of letter, including author of response and date of response.

Authority for maintenance of the system: 7 U.S.C. 1010-1031a, 16 U.S.C. 460, 471-594, 616, 694, and 1131-1136; and 33 U.S.C. 701.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a data terminal in a locked room.

Retrievability: Records are indexed by name of individual correspondent.

Safeguards: Records are kept in a data terminal in a locked room.

Retention and disposal: Records are retained in the data base for 1 year. An annual printout is then prepared and stored in a file.

System manager(s) and address: Director of Timber Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Any individual may request information from this system, or information as to whether the system contains records pertaining to himself from the System Manager.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information is obtained from letters addressed directly to the Forest Service, Division of Timber Management or referred to it by others for reply.

USDA/FS—21

System name: Public Involvement Respondents on Forest Service Activities, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, DC, the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Volunteer respondents in public involvement efforts related to natural resource management issues.

Categories of records in the system: May include one or more elements of: Correspondence, news clippings, questionnaires, response forms, summary address lists.

Authority for maintenance of the system: Executive Order No. 11514, March 5, 1970, and 42 U.S.C. 4321

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By issue on published documents; key-sort cards, magnetic tape; punched cards; original correspondence.

Retrievability: By Issue.

Safeguards: File Cabinets.

Retention and disposal: Records are kept until after decisional stage on issue, and then destroyed.

System manager(s) and address: Director of the Office of Information, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250, or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the addresses specified under Location above.

Notification procedure: Any Forest Service field office or the WO, where the respondent gave or mailed comment or any Forest Service office to which such comments might have been sent for review or analysis. Identifying information should be by public involvement issue and approximate year.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Respondents voluntarily give the information to agency in meetings, hearings, and by correspondence.

USDA/FS—22

System name: Sawtooth National Recreation Area Certifications, USDA/FS

System location: Headquarters, Sawtooth National Recreation Area, Ketchum, ID, 83340

Categories of individuals covered by the system: Any person who has requested a certification from the Area Ranger concerning use of private lands within the Sawtooth National Recreation Area.

Categories of records in the system: Includes an application for Certification form and supplemental information provided by the appellant. Information obtained by the Area Ranger and staff may also be included. The data will describe the applicant's privately owned land, his plans for the land, and other information relating to the effect of the applicant's request on NRA resource values and objectives.

Authority for maintenance of the system: 5 U.S.C. 301; 36 CFR 292.14-292.16

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders.

Retrievability: Files are maintained under 5400 designation, identified by the applicant's name, date of application, and sequential application number.

Safeguards: Normal security for routine file material. Locked office or file room.

Retention and disposal: Permanent.

System manager(s) and address: Area Ranger, Sawtooth National Recreation Area, Ketchum, ID, 83340.

Notification procedure: Any individual may request information regarding this system of records or information as to whether this system contains records by writing to the Area Ranger, Sawtooth NRA. Identifying information should include the individual's name, date of certification application, and application number.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from applicant, experts or consultants acting on behalf of applicant, Area Ranger and Staff through field investigation, county records, and experts and consultants solicited by Forest Service.

USDA/FS—23

System name: Skill Needs Inventory Program (R-6), USDA/FS

System location: This system of records is maintained by the Forest Service Headquarters Office of Region 6 at 319 S.W. Pine St., Portland, OR, 97208, the Fort Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521, and the Region 6 Forest Supervisor offices. The addresses for Forest Supervisors Offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: System involves Region 6 Forest Service employees who have permanent full time or when-actually-employed appointments.

Categories of records in the system: The system consists of a skills inventoryr written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined under category of individuals.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored on magnetic tapes and on FS-6100-2 (Employee Career Development Plan) and AD-281 (Request, Authorization and Record of Training) forms.

Retrievability: Data on individual is indexed by Social Security Number. Existing skills and skill needs are indexed by a numeric series code which converges for an alpha readout. Data is retrieved by computer terminals.

Safeguards: When an employee leaves the Forest Service, data concerning him is erased from the tape, or transferred to another Government Agency upon written request by the individual stating his name, Social Security Number, address, and last Agency location. Access to data on the computer is limited to those authorized and having an assigned access code for data only within their unit. The buildings are locked when not occupied.

Retention and disposal: Records are maintained for the duration of the individual's employment and thereafter filed in the Federal Record Center in accordance with approved retention schedules. Entries on magnetic tape are eliminated when the employee leaves the organization.

System manager(s) and address: Region 6 Regional Forester, 319 S.W. Pine St., Portland, OR 97208 or the appropriate Region 6 Forest Supervisor.

Notification procedure: An employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing and should include the name, address, Social Security Number, approximate date of last skill needs inventory record, and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information stored in the system comes from direct input by the employee and his work supervisor and is based on development plans, certification exams, observed training needs, and needs identified through the development of the program of work.

USDA/FS—24

System name: Special Use Permits, Easements, and Licenses, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Any person holding a special use permit, easement, or license authorizing use or occupancy of National Forest land or land administered for National Forest purposes.

Categories of records in the system: The record includes information on the specific use or activity which the individual is authorized to conduct as reflected in inspections of the use or activity, qualifications and competence to perform the use or activity, and financial resources such as liability insurance and performance bonds. Other circumstances reflecting the conduct of the activity or use, negotiations on tenure and performance, etc., may be included.

Authority for maintenance of the system: 16 U.S.C 472 and 551; 36 CFR 251.1 thru 251.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Primarily vertical file folders. Some case files or parts of files may be maintained on microfilm, aperture cards, etc.

Retrievability: Files are maintained under various sub-parts of 2700, identified by the kind of case (special use permit, easement, license, etc.), permittee's name, and date of permit (etc.) issuance. Applications and pending permits are maintained in the same manner except are designated Pending or Application.

Safeguards: Normal security for routine file material. Locked office or file room.

Retention and disposal: Upon termination of use or activity, case is closed. Transferral to closed files at end of fiscal year. Majority of cases are retained permanently although some issued under Ranger District or Forest Supervisor authority are specified for disposal from 5 to 50 years depending upn type of use (etc.).

System manager(s) and address: Director of Recreation, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250, and the appropriate Regional Forester, Forest Supervisor, or District Ranger.

Notification procedure: Any individual may request information regarding the system of records, or information as to whether it contains records about him by writing to the office at which the individual's special use permit, easement, or license was issued. Identifying information should include the kind of case (special use permit, easement, or license), permittee.s name, date of issuance, and location of permitted use or activity.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from individual, consultants contracted by the individual, Forest Service personnel in course of inspection and administration of activity or use, and Forest Service consultants and technical experts.

USDA/FS—25

System name: Temporary Employee Performance and Training Record, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 8 Forest and Range Experiment Stations, the Forest Products Laboratory, the Institute of Tropical Forestry, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters, Forest and Range Experiment Stations, Forest Products Laboratory, Institute of Tropical Forestry, and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Forest Service Employees with temporary appointment.

Categories of records in the system: Performance evaluations; training planned and completed on a crew or group basis as well as individually; may also include an employment history and a copy of the latest hiring action. The system is similar to the Employee Development Record but less formal.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Respond to reference checks from potential employers or supervisors, and referral of performance records to schools or colleges when the individual was recruited through a special student employment program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders in files of the unit where individual worked.

Retrievability: By name.

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Safeguards: Kept in locked files in locked offices.

Retention and disposal: Upon termination of employment, record is transferred to closed files where it is retained for 3 years and then destroyed.

System manager(s) and address: Director, Personnel Management Staff; USDA Forest Service; 1621 N. Kent St., Arlington, Virginia 22209. (Mailing address—USDA Forest Service, Washington, D.C. 20250.)

Notification procedure: Any individual may request information concerning himself from this system from the unit where he worked.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from the temporary employee and his supervisors.

USDA/FS—26

System name: Trespass and Claims, USDA/FS

System location: At the Forest Service headquarters offices of the Chief and the Regional Foresters. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Individuals who file claims against Forest Service pursuant to the Federal Tort Claims Act, the Military Personnel and Civilian Claims Act and the various Forest Service Claims Act; also individuals against whom the Forest Service has filed claims pursuant to the Federal Claims Collection Act; and individuals who claim title to National Forest System lands pursuant to the Adjustment of Land Titles Act, Quit Claim Act, Color of Title Act, Wisconsin Land Title Act or the Real Property—Quiet Title Act.

Categories of records in the system: The system consists of complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, agency reports, and financial data of individuals subject to a claim of the Forest Service.

Authority for maintenance of the system: 7 U.S.C. 2253; 16 U.S.C 502, 556c and 574; 28 U.S.C. 2409a and 2671-2680; 31 U.S.C 240-243 and 951-953; and 43 U.S.C 872, 1068 and 1221.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Office of the General Counsel for advice, settlement; referral to Department of Justice for defense of a land suit brought against the United States or its officers, or the filing of suit for the recovery of claims by USDA. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of individual claimant or trespasser.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are retained until the statutory limitations for the filing of such claim or suit arising therefrom has expired; then they are destroyed.

System manager(s) and address: Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Director of Fiscal and Accounting Management at the address specified above.

Notification procedure: Any individual may request information regarding this system of record or information as to whether the system contains record pertaining to him from the Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C., telephone 202-447-6697, or the appropriate Regional Director of Fiscal and Accounting Management at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director of Fiscal and Accounting Management, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain name, address, and particulars involved (i.e., the date of the action giving use to the claim or trespass, date claim or trespass was filed, correspondence, etc.)

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from claimant's witnesses, agency employees, and investigative personnel.

USDA/FS—27

System name: Youth Conservation Corps (YCC) Enrollee Medical Records, USDA/FS

System location: Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Current and former YCC enrollees.

Categories of records in the system: Medical History Forms, Accident Injury and Medical Treatment Forms, and Parental Permission portion of the application forms.

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (2) Disclosure to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance,the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of enrollee.

Safeguards: Stored in metal filing cabinets in locked office.

Retention and disposal: Manual records are maintained for 3 years. Everything is then destroyed, except accident forms and medical treatment forms. These are retained permanently or until such time as enrollee may submit a claim.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Forest Service orgahizational unit where the YCC camp was located. The addresses for these offices are in 36 CFR 200.2, Subpart A. A request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, medical doctor, and camp official compiling accident or injury information.

USDA/FS—28

System name: Youth Conservation Corps (YCC) Enrollee Payroll Records, USDA/FS

System location: YCC Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, UT. 84147

Categories of individuals covered by the system: Current and former YCC Enrollees.

Categories of records in the system: UC-507, Pay Notification Form information on magnetic tapes

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Payroll purposes for current enrollees. (2) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current and past UC-507 Forms information on magnetic tape and printouts.

Retrievability: Tapes heels are coded by number.

Safeguards: Tapes are stored in a tape file and vault while printouts are stored in locked metal filing cabinets.

Retention and disposal: Current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a single magnetic tape which is retained permanently. Printouts are destroyed after 5 years.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

Notification procedure: Any individual may obtain information about the system of records, or whether it contains records about him by writing to the appropriate System Manager listed above. Inquiries should state name, address, and camp in which enrolled.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The records in this system originated from the individual on whom the record is maintained and from camp staff.

USDA/FS—29

System name: Youth Conservation Corps (YCC) Enrollee Records, USDA/FS

System location: Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Current and former YCC enrollees.

Categories of records in the system: Current enrollees: Application Forms, Medical History Forms; copies of UC-507 Forms; Evaluation of enrollee's performance by camp staff; Accident and Injury Forms. Past enrollees: list of names and addresses. Current alternates: Application Forms.

Authority for maintenance of the system: 16 U.S.C. 1702

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Enrollee participation record for school credit. (2) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of enrollee.

Safeguards: Stored in metal filing cabinets in locked office.

Retention and disposal: Records are maintained until the end of the current program. At termination, a list of the names and addresses of enrollees is retained, while the parental permission portion of the Application Form, Medical History Form and any Accident Forms are retained. All other information in the system of records is destroyed. The list of enrollee names and addresses is retained for 5 years and then destroyed. The application forms of current alternates are destroyed at the termination of the current program.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain: name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS—30

System name: Youth Conservation Corps (YCC) Recruitment System, USDA/FS

System location: Office of the YCC recruiter in each State. Address of the State recruiters may be obtained each year by writing to the System Managers as listed below.

Categories of individuals covered by the system: Youth between the ages of 15 and 18 who file an application to attend a Forest Service, Department of the Interior, or State grant YCC camp with one of the named recruiters.

Categories of records in the system: The system consists of application forms submitted by eligible youth.

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Selection is made from among applications of all eligible applicants. Persons selected are either offered employment in a YCC camp or placed on a substitute list to be used in case of declinations. Applications of those selected are sent to camps operated by the Forest Service, Department of the Interior, States, Counties, Cities, and other sub-grantees for use in the YCC Enrollee File subsystem.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Medium of storage is the applications themselves. HK Applications are filled alphabetically by name of individual applicant.

Safeguards: Records are kept in office files available to responsible officials only.

Retention and disposal: Records on non-selected applicants are disposed of by September 31 of each year.

System manager(s) and address: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250; and Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

Notification procedure: Any individual may request information regarding the system of records, or information as to wherher it contains records about him by writing to the appropriate System Managers listed above.

Record access procedures: Use same procedures as for requesting Notification.

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Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The YCC application form prepared by the applicant and any additions or corrections thereto, also prepared by the applicant, and additional information as may be added to the file by the State recruiter concerning the applicant's selection, nonselection, or declination.

USDA/FS—31

System name: Youth Conservation Corps (YCC) Research Files USDA/FS

System location: Institute for Social Research, University of Michigan, Ann Arbor, MI, 48106

Categories of individuals covered by the system: A random sample of 600 1973 YCC enrollees.

Categories of records in the system: The file contains questionnaire responses, environmental education scores, and verbal skills test data.

Authority for maintenance of the system: 16 U.S.C. 1705

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File is on a magnetic tape.

Retrievability: Data on each person is identified by a case number. It can be retrieved by matching the case number with a mailing list containing case numbers, name and address.

Safeguards: Kept in locked files and only the System Manager and other research staff have access to the mailing list.

Retention and disposal: Files are being retained indefinitely for possible future longitudinal studies of long range benefit.

System manager(s) and address: Donna A. Lingwood, Institute for Social Research, The University of Michigan, Ann Arbor, MI, 48106

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture,Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240. A request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS—32

System name: Professional Registration and Professional Society Affiliation, Engineering—Related Personnel—Eastern Region—USDA/FS

System location: Office of the Regional Forester, Headquarters, Eastern Region, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin, and at National Forest Headquarters at the following Location: Allegheny National Forest, Warren, PA; Chequamegon National Forest, Park Falls, WI; Chippewa National Forest, Cass Lake, MN; Green Mountain National Forest, Rutland, VT; Hiawatha National Forest, Escanaba, MI; Huron-Manistee National Forest, Cadillac, MI; Monongahela National Forest, Elkins, WV; National Forests in Missouri, Rolla, MO; Nicolet National Forest, Rhinelander, WI; Ottawa National Forest, Ironwood, MI; Shawnee National Forest, Harrisburg, IL; Superior National Forest, Duluth, MN; Wayne-Hoosier National Forest, Bedford, IN; White Mountain National Forest, Laconia, NH;

Addresses at each field office are listed in the telephone directories of the respective cities listed above under the heading, "United States Government, Department of Agriculture, Forest Service, National Forest Supervisor."

Categories of individuals covered by the system: Forest Service employees of the Eastern Region who presently are Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, Engineers and/or Technicians presently affiliated with an Engineering-related professional or technical society or organization are included in this system of records.

Categories of records in the system: The system consists of a directory listing Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, including the name of the State(s) and the Year(s) acquired. The directory also lists the "Professional Society Affiliations" of Land Surveyors and Engineering employees, including society name, category of membership and responsibility.

Authority for maintenance of the system: 5 U.S.C. 0301; 7 CFR 02.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Promoting Professional Registration and involvement in Professional and/or Technical societies; and (2) Providing assistance (through the directory listing) to employees currently seeking professional registration; and (3) Providing recognition of employees' efforts in these endeavors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The directory (records) in the form of a spiral-bound booklet is maintained at the applicable address(s) listed above. Also, each individual whose name appears in the directory receives a copy for his personal use.

Retrievability: The directory (records) is indexed by organizational unit within the Region and by name of individual listed therein.

Safeguards: Since a copy of this directory is sent to all the individuals listed in it, no identifiable safeguards exist. Employees are instructed to treat the directory as an Official Forest Service document for in-service use only.

Retention and disposal: The directory (record) is maintained for the duration of an employee's registration or society affiliation. All information is deleted when (l) The employee is no longer employed within the region; (2) Is no longer registered and/or is no longer affiliated with a professional society.

System manager(s) and address: Director, Engineering Staff Group, USDA—Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Notification procedure: Any Eastern Region employee, past or present, may request information regarding this directory system, or information as to whether the system contains records pertaining to him from the Director, Engineering Staff Group, at the address above, Telephone 414-224-3602, or the appropriate Forest Supervisor at the address previously listed. A request for information pertaining to an individual should contain: Name and address, Unit Headquarters and Particulars involved, i.e., Registered Surveyor, Registered Engineer, etc.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from individual employees, the employee's supervisor, and line and staff officers.

USDA/FS—33

System name: Law enforcement Investigation Records, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices and 123 Forest Supervisor Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Subjects: Individuals against whom allegations of wrongdoing have been made. Principals: Individuals not named as subjects, but yet may be responsible for alleged violations. Complainants: Those who allege wrongdoing. Others: Those closely connected with the matter of investigation.

Categories of records in the system: Files containing investigative and other reports, correspondence, informal notes, statements of witnesses, names, addresses, social security records and dates of birth.

Authority for maintenance of the system: 16 U.S.C. 559.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to appropriate agency, whether Federal, State, or local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. (4) Referral to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders.

Retrievability: Files are maintained under 5340 designation, identified by the individual's name.

Safeguards: Staff are instructed to allow access to authorized persons only. The files are kept in locked file cabinets.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Director, Fiscal and Accounting Management Staff, USDA—Forest Service, Washington, D.C., 20250 or the appropriate Regional Forester or Forest Supervisor at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). See 7 CFR 1.23. This exemption will only be used to maintain the efficacy and integrity of lawful investigations, and to prevent access to certain law enforcement files which would alert subjects of investigations that their activities are being scrutinized and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to the appropriate system manager.

USDA/FS—34

System name: Land Adjustments (Purchase, Donation, Exchange) USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices, the ten Experiment Station Offices, Forest Supervisor Offices, and District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, the addresses for Regional Foresters, Station Directors and Forest Supervisors are listed in 36 CFR 202.2, Subpart A; and addresses for District Rangers are in the telephone director of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Individuals who sell, donate, or exchange lands or interests in lands to or with the United States through the Forest Service, USDA.

Categories of records in the system: The system consists of complete files on individual land adjustment cases, including appraisal reports and justification statements for the land adjustment action being taken.

Authority for maintenance of the system: 40 U.S.C. 257, 16 U.S.C. 515-517, 16 U.S.C. 485-486; 16 U.S.C. 569, 16 U.S.C. 555, 40 U.S.C. 258a, 7 U.S.C. 1010, 1011(c), 7 U.S.C. 428a(a), 43 U.S.C. 315g-1, 16 U.S.C. 555a, 16 U.S.C. 1131-1136, 16 U.S.C. 4601-9, 16 U.S.C. 484a, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, National Trails 16 U.S.C. 1241-1249, Wild and Scenic Rivers 16 U.S.C. 1271-1287, National Recreation Areas 16 U.S.C. 460p et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to (1) Department of Justice for (a) filing condemnation in court and (b) for information in suits filed against the Government, (2) Bureau of Land Management for review of cases involving exchange of public domain lands, (3) Bureau of Outdoor Recreation for review in authorizing use of land and water conservation funds, (4) Treasury Department for tax purposes, (5) Federal Power Commission for licensing of Federal Power Commission projects, (6) Environmental Protection Agency for preparation of environmental statements, (7) Corps of Engineers for information on joint land acquisition projects, (8) General Acounting Office for review of specific cases, (9) Congressional Committees and members of congress for (a) National Forest Reservation Commission for approval of Weeks Law purchases or exchanges, and (b) to appropriation committees for budget purposes, (10) State and local governments for (a) compliance with OMB Cirular A-95 and (b), for compliance with the Rare and Endangered Species Act and the Historic and Cultural Preservation Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable field offices and the Washington Office.

Retrievability: Records are indexed by name of individual involved in land adjustment case.

Safeguards: Safeguards: Records are kept in a locked official government office.

Retention and disposal: Records are retained at the applicable office until the cases are closed, at which time one combined record is retained by the applicable Regional Office for a period of twenty-five years, except for deeds and title papers which are retained permanently at the applicable Field Offices.

System manager(s) and address: Director, Lands, Forest Service, USDA, Washington, D.C., 20250 and designees at Region, Station, Forest, Ranger, Research Work Units and Project Headquarters Offices when applicable.

Notification procedure: Any individual may request information regarding this system of record or information as to whether the system contains a record pertaining to him from the Director, Lands, Forest Service, USDA, Washington, D.C., telephone 703-235-8212. He will advise the individual of the locations of any records and the local designated individual responsible for those records at the appropriate Field Offices. A request for information pertaining to an individual should contain:

Name, address, and any available particulars involved in the specific case, i.e., name of owner of properties, location of property and dates of any correspondence, if available, etc.

Record access procedures: Use same procedures as for requesting notifications.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: Information in this system comes primarily from individual landowners, employees of the agency or agencies to which cases are referred and contract real property appraisers or consultants which they hire.

USDA/OGC—1

System name: Cases against the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., 7 U.S.C. 1621 et seq., and 7 U.S.C. 450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged

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with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—2

System name: Cases against the Department under the Horse Protection Act of 1970, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—3

System name: Cases against the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1901-1906.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—4

System name: Cases against the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—5

System name: Cases against the Department under the 28 Hour Law, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 45 U.S.C. 71-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

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USDA/OGC—6

System name: Cases against the Department under the various Animal Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, 46 U.S.C. 466a-466b, and 7 U.S.C. 450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—7

System name: Cases against the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 7 U.S.C. 145, 147a, 148-148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 450, 1651-1656, 2801-2813.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclsosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—8

System name: Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., and 7 U.S.C. 1621 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This sytem has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—9

System name: Cases by the Department under the Horse Protection Act of 1970, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—10

System name: Cases by the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1901-1906.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled

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for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—11

System name: Cases by the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—12

System name: Cases by the Department under the 28 Hour Law, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 45 U.S.C. 71-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—13

System name: Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, and 46 U.S.C. 466a-466b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of

any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—14

System name: Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 7 U.S.C. 145, 147a, 148-148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 1651-1656, 2801-2813.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—15

System name: Community Development Division Litigation, USDA/OGC

System location: Office of the General Counsel, USDA 14th and Independence Ave., S. W., Washington, D.C. 20250, and offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Past and present parties to litigation involving FmHA program participants and parties against whom litigation was proposed but not commenced.

Categories of records in the system: The system consists of records on individual litigation cases, sometimes including FmHA loan dockets, copies of documents filed with State and Federal agencies, court records, legal opinions, correspondence, investigation reports, contracts, and related documents.

Authority for maintenance of the system: 5 U.S.C. 201, 42 U.S.C. 1471-1490; 4401-19; 4453-55 and 7 U.S.C. 1921-29.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in file cabinets.

Retrievability: Records are indexed by name; sometimes cross-indexed.

Safeguards: Files stored in Attorney's office.

Retention and disposal: Files sent to Federal Records Center when cases are closed, some retained indefinitely for research purposes.

System manager(s) and address: Director, Community Development Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the

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system contains records pertaining to him from the System Manager, or the appropriate Regional Attorney or Attorney-in-Charge. A request should indicate the name, address and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager or appropriate Regional Attorney or Attorney-in-Charge.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Records in this system come from Federal and State courts, witnesses, agency employees, attorneys, title companies, Farmers Home Administration loan, grant, and applicant dockets, and the Department of Justice.

Systems exempted from certain provisions of the act: Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—16

System name: Farmers Home Administration (FmHA) General Case Files, USDA/OGC.

System location: Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Primarily applicants for FmHA financial assistance and FmHA borrowers and grantees; in some regional offices also parties to litigation, purchasers of FmHA security property, vendors to FmHA borrowers, contractors and builders of FmHA financed projects, packagers of FmHA loan dockets, real estate salesmen and brokers dealing with FmHA property applicants or having a security interest in property owned or financed or to be financed by FmHA or to whom FmHA notes are assigned, present and former owners and holders of an interest in real property serving as security for FmHA loans, third party converters, and individuals who file claims against FmHA.

Categories of records in the system: Records on individual applicant, borrower or grantee cases, sometimes including FmHA loan dockets, copies of promissory notes and security instruments, title evidence, legal opinions, correspondence, investigation reports, contracts, pleadings, legal documents covering foreclosures and loan or grant making or servicing, title opinions, contracts, closing instructions, notices, and related documents.

Authority for maintenance of the system: 5 U.S.C. 301, 42 U.S.C. 1471-1490, 4401-19; 4453-55 and 7 U.S.C. 1921-92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral of certain records to trustees for reconveyance or foreclosure of deeds of trust, or correction of errors, to appropriate State and County officials for recording or filing of legal documents, to title companies or Bureau of Indian Affairs for title clearance, to appropriate agencies and individuals for institution of nonjudicial foreclosure and other loan servicing and liquidation actions, and to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referal to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are usually indexed by the name of the individual on whom the file is maintained. In some instances records are maintained in numerical order corresponding to the FmHA account number. In some instances they are also cross-indexed by the names of individuals mentioned in the files.

Safeguards: Records are kept in locked offices. Secretive materials such as Office of Investigation reports are kept in locked drawers or file cabinets.

Retention and disposal: Records are usually retained for 12 to 18 months after the case is closed. In some Regional Offices certain records are maintained indefinitely, primarily for research value.

System manager(s) and address: Appropriate Regional Attorney or Attorney-in-Charge.

Notification procedure: Any individual may request information regarding this system of records, or information whether the system contains records pertaining to him from the appropriate System Manager. A request should contain the name and address of the individual involved and as much other identifying information as possible.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate System Manager at the above address.

Contesting record procedures: Same as Records Access Procedures.

Record source categories: Information in this system comes primarily from applicants, borrowers, grantees, FmHA or other USDA employees, attorneys, credit reporting agencies, title companies, and State and Federal government agencies.

Systems exempted from certain provisions of the act: Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—17

System name: Claims by and Against USDA under the Food Assistance Legislation, USDA/OGC.

System location: Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C. and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; Raleigh, North Carolina; San Francisco, California; Santurce, Puerto Rico; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".

Categories of individuals covered by the system: Individuals who seek to participate in the Food Stamp Act of 1964, National School Lunch Act, or Child Nutrition Act of 1966, and individuals reported to be in violation of one or more of these acts.

Categories of records in the system: The system consists of files on all individual cases, including investigation reports, pleadings, transcripts, legal correspondence, statements of witnesses, and related documents.

Authority for maintenance of the system: 7 U.S.C. 2011-2026; 42 U.S.C. 1751-1763; 42 U.S.C. 1771-1786.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (3) Referral to the Department of Justice for defense of suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable locations listed above.

Retrievability: Records are indexed by the name of the individual involved.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained for a length of time left to the discretion of the Director of the Food and Nutrition Division or Regional Attorney or Attorney-in-Charge, after legal action has been concluded.

System manager(s) and address: Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250. Each Regional Attorney or Attorney-in-Charge at the locations specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Food and Nutrition Division, OGC, USDA, Washington, D.C., telephone 202-447-4631, or the appropriate Regional Attorney or Attorney-in-Charge at the locations specified above. A request for information pertaining to an individual should contain his name, address, and the particulars involved (i.e. the date of any action complained of, date a claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information concerning the process for contesting a record in the system that pertains to him by following the procedures referred to directly above.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of the system consisting of investigatory material that has been compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2), from the requirements of 5 U.S.C. 552a(c)(3),(d),(e)(1),(e)(4)(G),(H) and (I), and (f). Individual access to these files could impair investigations and alert the sublects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action. Disclosure of investigative technique and procedures, and of the identity of confidential sources of information, would hamper law enforcement activity.

USDA/OGC—18

System name: Perishable Agricultural Commodities Act, USDA/OGC—disciplinary proceedings to deny issuance of a license to an applicant thereunder or to suspend or revoke a license already issued, or to publish the facts and circumstances of violations of the Act.

System location: Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C., and offices of Regional Attorneys and Attorneys-in-charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Missoula, Montana; Atlanta, Georgia; Ogden, Utah; Chicago, Illinois; Portland, Oregon; Denver, Colorado; Harrisburg, Pennsylvania; San Francisco, California; Santurce, Puerto Rico; Little Rock, Arkansas; Shawnee Mission, Kansas; Milwaukee, Wisconsin; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for or who hold licenses to do business in the perishable agricultural commodities industry in their individual capacities; partners of partnerships which apply for or which hold licenses to do business in the perishable agricultural commodities industry; officers, directors and holders of 10 percent or more of the stock of corporations which apply for or hold licenses to do business in the perishable agricultural commodities industry under the Perishable Agricultural Commodities Act of 1930, as amended, are included in this system of records.

Categories of records in the system: The system consists of reports of investigation, statements of witnesses, agency reports.

Authority for maintenance of the system: 7 U.S.C. 499a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use by the Office of the General Counsel for (1) administrative proceedings pursuant to the Administrative Procedure Act to deny the issuance of a license to an applicant therefor to do business in the perishable agricultural commodities industry; (2) administrative proceedings pursuant to the Administrative Procedure Act to suspend or revoke an already existant license, or alternatively to have the facts and circumstances of violations published for violations thereof by the holder of such license. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are indexed by name of individual license applicant or holder.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-charge at the addresses specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or to escape administrative procedures to deny to them the issuance of a license or to suspend or revoke such license, or to have published the facts and circumstance of the violations. Disclosure of investigative techniques and procedures and the existance and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—19

System name: Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation (CCC) cases, USDA/OGC

System location: Office of the General Counsel, Washington, D.C., and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

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Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for and/or receive marketing quotas or acreage allotments from ASCS, or loans, payments, credits or indemnities from ASCS, FAS, or CCC; or who apply for and/or enter into contracts or agreements with ASCS, FAS, or CCC or participate in programs financed or administered by ASCS, FAS or CCC, or who violate or may have violated ASCS, FAS, or CCC regulations, federal or state laws, or who may otherwise be involved in litigation with ASCS, FAS or CCC.

Categories of records in the system: Contains files on individual cases, including but not limited to the original or copies of loan applications, program forms, security agreements, mortgages, notes, program participation agreements, repayment records, financial status reports, statements of account, collector's contact report, agency recommendations for making, servicing or liquidating loans, collection of civil penalties, readjustment of allotments and quotas, contracts, closing instructions, legal opinions, title evidence, investigation reports, agency recommendation for the institution of civil or criminal action, records of telephone calls, various correspondence and material, intra-departmental memos and interdepartmental letters, pleadings, transcripts of hearings, and other legal documents.

Authority for maintenance of the system: 7 U.S.C. 135b note, 442-449, 612c-3, 624, 1110-1162, 1282-1292, 1301-1393, 1421-1449, 1692, 1701-1710, 1721-1725, 1731-1736e, 1707a, 1781-1787, 1851-1857; 15 U.S.C. 713a, 714-714p; 16 U.S.C. 590g-590q, 1501-1510; 18 U.S.C. 286-287, 371, 1001; 19 U.S.C. 1202 Note, 31 U.S.C. 231-235; 7 C.F.R. 2.31, Part 6, Part 16, Part 17, Part 20, Part 700-896, Chap. XIV, 22 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies or its officers, and for institution of suits for recovery of claims by USDA or CCC; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office, locked file cabinet or locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as record access procedures.

Record source categories: From individuals categorized above, referring agency, employees, farmers, warehousemen, borrowers, loan applicants, title companies, title and lien searches, investigative personnel, attorneys, and from others.

Systems exempted from certain provisions of the act: The portion of this system which consist of investigatory material compiled for law enforcement purposes, has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

USDA/OGC—20

System name: Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC

System location: Office of the General Counsel, Washington, D.C. and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Portland, Oregon; Chicago, Illinois; San Francisco, California; Denver, Colorado; Shawnee Mission, Kansas; Harrisburg, Pennsylvania; Stillwater, Oklahoma; Little Rock, Arkansas;Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for and/or have insurance contracts with the FCIC; who have delinquent premiums or are otherwise indebted to FCIC; who have indemnity claims against FCIC; who are suspected of fraudulent dealings with FCIC; who violate or may have violated FCIC regulations, federal or state laws; or who may otherwise be involved in litigation with FCIC.

Categories of records in the system: Contains files on individual cases, including but not limited to the originals or copies of insurance contracts (application, policy and endorsements), reports of FCIC personnel with respect to the application, claims for indemnities or other matters pertaining to the contract, program forms, acreage reports, production records, statements of account, financial report, collector's contact report, agency recommendation for services, agency recommendation for the institution of criminal and civil action, investigation reports, correspondence, legal poinions, various correspondence and material, intra- and inter- departmental memos and letters, transcripts of hearings, pleadings and other legal documents.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 18 U.S.C. 657-658, 1001, 1006, 1014, 1903; 31 U.S.C. 231; 7 CFR 2.31, 401-413.25

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies, or its officers, and for institution of suits for recovery of claims by USDA; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the

system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office, locked cabinets or locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specified location of the record is not known, the individual should address his request to the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred in the preceding paragraph.

Contesting record procedures: Same as for record access procedures.

Record source categories: From individuals categorized above, referring agency employees, farmers, investigative personnel, attorneys and from others.

Systems exempted from certain provisions of the act: The portion of this system which consist of investigatory material compiled for law enforcement purpose has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

USDA/OGC—21

System name: Administrative proceedings brought by individuals pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act, as amended, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentations, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—22

System name: Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq., 7 U.S.C. 1561 et seq. or 7 U.S.C. 1621 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presenta-

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tion, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—23

System name: Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C.51 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—24

System name: Administrative proceedings brought pursuant to the authority of the Cotton Research and Promotion Act, the Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—25

System name: Administrative proceedings brought pursuant to the Tobacco Inspection Act or the United States Grain Standards Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who file a petition pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 511 et seq. or 7 U.S.C. 71 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e, the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—26

System name: Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 26 U.S.C. 4851-54, 61-65, 71-73, 75-77, 6001, 6804, 7233, 7263, 7493, 7701(a)(1), (11), (12).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—27

System name: Cases brought pursuant to the United States Grain Standards Act or the Federal Seed Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 71 et seq. or 7 U.S.C. 1561 et seq.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—28

System name: Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—29

System name: Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temole, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—30

System name: Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—31

System name: Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 581 et seq. or 7 U.S.C. 591 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—32

System name: Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

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Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradeoartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 471 et seq. or 7 U.S.C. 51 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—34

System name: Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 951 et seq. or 7 U.S.C. 501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—33

System name: Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 91 et seq., 7 U.S.C. 281 et seq., 21 U.S.C. 151 et seq. or 7 U.S.C. 516 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—35

System name: Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—36

System name: Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process or Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 491 et seq. or 26 U.S.C. 4817, 4826 and 7235(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—37

System name: Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

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Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 71 et seq. or 7 U.S.C. 1561 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addss listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—38

System name: Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2301 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—39

System name: Court cases brought pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertainina to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency emoloyees, and investigative personnel.

USDA/OGC—40

System name: Court cases brought pursuant to the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleqed violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—41

System name: Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C., or the appropriate Regional Attorney at the address specified above.

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Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935, or the appropriate Regional Attorney at the address listed above. If the specific location of the record is not know, the individual should address his request to the Director, Marketing Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—42

System name: Court cases brought pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—43

System name: Acquisitions—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico: Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas. Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana. Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico: Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".

Categories of individuals covered by the system: Persons having or believed to have an interest in lands which are expected to be or have been acquired by the United States by condemnation, direct purchase, or donation, for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

Authority for maintenance of the system: 16 U.S.C. 460 1-4 through 460 1-11; 16 U.S.C. 473-482, 535, 551 and 555; 23 U.S.C. 205; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for institution of condemnation proceedings, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and county officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regardinq this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies.

USDA/OGC—44

System name: Claims, other than Tort claims, by or against the Forest Service—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 0471-2, 16 U.S.C. 0551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedure as those for requesting access.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—45

System name: Contract Appeals - Forest Service - USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reoorts, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 0471-2, 16 U.S.C. 551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaibing access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

USDA/OGC—46

System name: Conveyances—Forest Service—USDA/ OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of

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Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden. Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Parties or potential parties (1) to transactions involving the conveyance, reconveyance, exchange, quitclaim or other disposal of lands or interests therein owned or claimed by the United States in behalf of USDA agencies, (2) having boundary disputes with USDA agencies, and (3) claiming title to lands also claimed by the United States for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011(c); 7 U.S.C. 2253; 16 U.S.C. 460 1-8 and 460 q; 16 U.S.C. 485-486, 516, 519, 533, 555a, 565b, 567b; 40 U.S.C. 471, 484(c); 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

System manager(s) and address: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies.

USDA/OGC—47

System name: Easements—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons having or believed to have an interest in lands across which the United States has acquired or expects to acquire an easement by direct purchase or donation, for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings transcripts, and related documents.

Authority for maintenance of the system: 16 U.S.C. 532-538 and 551; 23 U.S.C. 205; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) title companies for title evidence, (2) notaries public for acknowledgment, and (3) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies. -

USDA/OGC—48

System name: Forest Appeals—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals with the United States Department of Agriculture Board of Forest Appeals.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reports, and corresoondence.

Authority for maintenance of the system: 16 U.S.C. 471-2, 16 U.S.C. 551, 36 CFR Subpart B.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting the hearings before the United States Department of Agriculture Board of Forest Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

USDA/OGC—49

System name: General Case Files—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Parties involved or expected to be involved in negotiations, administrative appeals, litigation, or other attempts to resolve legal issues or disputes pertaining to those aspects of the organization, administration, regulations and other activities relating to the forestry and lands of the USDA not provided for under another system of OGC records. This includes but is not limited to land use planning, wilderness, forest oractice, weather modification, and other environmental issues.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are keot in locked offices. Investigation reoorts, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, corresoondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—50

System name: Grazing—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Lit-

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tle Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons grazing, who have grazed, or who are expected to graze livestock on land owned by the United States and administered by USDA agencies.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011; 16 U.S.C. 472 and 551; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—51

System name: Insecticide, Fungicide, Herbicide, and Rodenticide Cases—Soil Conservation Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D. C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each filed office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming that certain existing or proposed United States Department of Agriculture activities involving the application of insecticides, pesticides, fungicides, rodenticides, herbicides, nematocides, defoliants, desiccants or plant regulators may be unlawful, and parties or potential parties to litigation or administrative hearings involving such activities.

Categories of records in the system: Partial or complete records files on individual cases, sometimes including investigation reports, copies of contracts or permits, pleadings, transcripts, correspondence, witness statements, legal opinions, and related documents.

Authority for maintenance of the system: 7 U.S.C. 135-36y; 42 U.S.C. 4321-74; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice to defend suits brought against the Government or its officers and (2) Environmental Protection Agency (EPA) for administrative handling under the above-cited authority. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

Retention and disposal: Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The individuals in the system, agency and EPA employees, witnesses, attorneys, and investigative personnel.

USDA/OGC—52

System name: Land Acquisitions—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals from whom the Forest Service purchases a fee interest in real estate.

Categories of records in the system: The system consists of files on individual sellers of land, including potions and title information.

Authority for maintenance of the system: 16 U.S.C. 515-517, 555, 4601-4609, and 7 U.S.C. 428a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title clearance and acquisition closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the individuals from whom the land is being purchased, abstract and title companies, and agency employees.

USDA/OGC—53

System name: Land Exchanges, General Exchange Act—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

Categories of records in the system: The system consists of files on individual exchanges, including offers, title information, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 485, 486.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title evaluation and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in the system comes primarily from the exchange proponent, title and abstract companies, and agency employees.

USDA/OGC—54

System name: Land Exchanges, other than Exchange Act—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

Categories of records in the system: The system consists of files on individual land exchanges, including title information and agency reoorts.

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Authority for maintenance of the system: 16 U.S.C. 516, 555a and 484a, and many other general and specific acts authorizing land exchanges.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title examination and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are keot in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the land exchange proponent, title and abstract companies, and agency employees.

USDA/OGC—55

System name: Leases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico: Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico: Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons leasing or intending to lease property to or from USDA agencies; persons occupying property subject to or under such leases or proposed leases. and persons having or claiming an interest in land covered by such leases or proposed leases.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts leases or permits, legal opinions, pleadings, transcripts. correspondence, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011(c); 16 U.S.C. 460d-2 and 580g; 43 U.S.C. 931c-d; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought aqainst the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the orocedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—56

System name: Legislation—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons occupying USDA lands who are involved or expected to be involved in disputes concerning the applicability of Federal, State, or local civil or criminal legislation or administrative regulations to their activities or possessory interests.

Categories of records in the system: Partial or complete records on individual cases- sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, cor-

respondence, notices of appeal, decisions of forest officers, witness statements, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

Referral to the appropriate agency, whether Federal. State, local or foreign, charged with the resoonsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitues evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC. USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address soecified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—57

System name: Minerals and Mining Claims—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming mining or mineral rights on lands owned or claimed by the United States in behalf of USDA agencies; persons occupying or claiming an interest in such lands pursuant to such claims or under color thereof; persons having an interest in land in which the United States has reserved, or claims, minerals or mineral rights from the United States.

Categories of records in the system: Partial or complete records on individual cases, sometimes including notices of claim and related documents; copies of leases, contracts or permits; title evidence; investigation reports; pleadings; transcripts; legal opinions; correspondence; etc.

Authority for maintenance of the system: 16 U.S.C. 478, 482, 495 and 520; 30 U.S.C. 22-47, 141-42, 181, 351-59, 601-02, 611-15, 621, 701-08; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions or other litigation pertaining to actual or claimed mineral rights, uses, or reservations; (2) Department of the Interior for performance of its functions under the foregoing-cited authority and related laws and for administrative determinations regarding the validity of mining claims; (3) Evaluation and preparation of proposed mineral contests. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys, Department of the Interior employees and Administrative Law Judges, and investigative personnel.

USDA/OGC—58

System name: Program Cooperators—Soil Conservation Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D. C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Lit-

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tle Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons applying for or receiving financial aid, engineering services, advice or assistance under Soil Conservation Service (SCS) - sponsored or financed programs; parties or potential parties to litigation or administrative hearings involving SCS-sponsored or financed programs; and parties contracting with soil conservation districts and similar organizations formed pursuant to state laws to pursue programs of watershed protection, flood prevention or soil conservation with the assistance of SCS.

Categories of records in the system: Partial or complete records files on individual cases, sometimes including legal opinions, deeds, contracts, permits, title evidence, investigation reports, legal opinions, affidavits, pleadings, correspondence, transcripts and related documents.

Authority for maintenance of the system: 16 U.S.C. 590a-590f, 1001-1011; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the United States Attorney or Department of Justice for the investigation or prosecution of a violation of law, or for the enforcement or implementation of statutes, rules, regulations or orders issued pursuant thereto, or for the defense of suits brought against the Department of Agriculture, the Soil Conservation Service, cooperating local organizations or officers thereof; (2) a court, magistrate or administrative tribunal, or to assisting or opposing counsel in a proceeding before any of the above; (3) title companies for title evidence; and (4) appropriate state and local officials for filing or recording. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

Retention and disposal: Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The individuals in the system, agency employees, State and local officials, attorneys, witnesses, title companies, credit bureaus, and investigative personnel.

USDA/OGC—59

System name: Rights-of-Way—Acquisition—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals from whom the Forest Service purchases easements or rights-of-way for the forest roads and trails system.

Categories of records in the system: The system consists of options, title information and correspondence.

Authority for maintenance of the system: 16 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by attorneys in preparing and evaluating acquisition documents and title to the land on which the right-of-way lies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from abstract and title companies, individual sellers and agency personnel.

USDA/OGC—60

System name: Special Uses—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Applicants for Forest Service special use permits, persons occupying land owned by the United States pursuant to such permits, and persons claiming under those persons.

Categories of records in the system: Partial or complete records on individual cases, sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

Authority for maintenance of the system: 16 U.S.C. 432, 497, 522, 551 and 580d; 43 U.S.C. 931c-d; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—61

System name: Timber Sales—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons contracting to purchase timber from the Forest Service and persons which the Forest Service seeks to debar from such contracting; Unsuccessful bidders at such sales and persons protesting awards or proposed awards of same; Individuals who have breached a provision of a timber contract or who have otherwise engaged in conduct which raises a legal question concerning timber sale administration.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, copies of timber sale agreements, notices of appeal, investigation reports, pleadings, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, transcripts, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 476-77, 491 and 616; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the Department of Justice or United States Attorney to defend suits brought against the Government or its officers. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

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Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, forest officers, agency employees, witnesses, attorneys, and investigative personnel.

USDA/OGC—62

System name: Title Claims and Occupancy and Use Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who file claims against USDA arising out of Forest Service land acquisitions under the Treaty of Paris, the Weeks Law and the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and cases arising out of the occupancy and use of properties administered by the Forest Service in the Caribbean National Forest.

Categories of records in the system: The system consists of complete files on individual claims, including correspondence, claim forms, deeds, land surveys, aerial photographs, disclaimers, abstract of title reports, maps, statements of witnesses, agency reports.

Authority for maintenance of the system: 30 Stat. at Large, page 1754, Revised Stat. 1911, sections 6503-6610, 36 Stat. 961, as amended, 16 U.S.C. 515-517, 521, 46 Stat. 1516, 43 Stat. 1133, as amended, 16 U.S.C. 555, 70 Stat. 1034, 7 U.S.C. 428(a), 78 Stat. 903, as amended, 16 U.S.C. 4601-9, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, 16 U.S.C. 476, 16 U.S.C. 478, 16 U.S.C. 529-531, 16 U.S.C. 477, 16 U.S.C. 491, 16 U.S.C. 481, 38 Stat. 1101, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) internal; (2) Department of Justice and United States Attorneys for defense of suits that may be brought against the United States. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—63

System name: Trespass and Claims Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons who have or are suspected of having committed trespasses, other torts, and breaches of contract on USDA lands involving unauthorized cutting of timber, occupancy and use, grazing, or removal of minerals; the negligent or willful setting of fires, and fire suppression costs; breaches of timber sales agreements and similar actions.

Categories of records in the system: Partial or complete files on individual cases, sometimes including copies of contracts or permits, investigation reports, statements of witnesses, pleadings, transcripts, legal opinions, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—64

System name: United States Magistrates—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Alleged and convicted violators of Forest Service petty offense regulations (36 CFR, Parts 211-95) and other minor offenses.

Categories of records in the system: Partial or complete records on individual cases, sometimes including copies of citations, pleadings, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 472, 528-31, and 551; 18 U.S.C. 711 and 3401; 36 CFR, Parts 211-95; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorneys for consideration of criminal action by the Government and to Magistrates for trial. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily Forest officers, witnesses, attorneys, State and local law enforcement officers, and investigative personnel.

USDA/OGC—65

System name: Water Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming or believed to be claiming water rights, water use privileges, or rights-of-way to transport water (1) on land owned or leased by the United States and administered by USDA agencies, (2) in conflict with or from the same sources as water rights claimed or reserved by the United States for the benefit of USDA agencies, or (3) by reason of a permit from or agreement with USDA agencies.

Categories of records in the system: Partial or complete files on individual cases, sometimes including investigation reports, notices of claims, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence and related documents.

Authority for maintenance of the system: 16 U.S.C. 481, 524, 552a-552d, and 460 1-12; 33 U.S.C. 701b-1; 42 U.S.C. 1962-1962b; 43 U.S.C. 946-49 and 951.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to appropriate State agencies for administrative hearings and to the Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

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Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, State officials, attorneys, and investigative personnel.

USDA/OGC—66

System name: Court cases brought pursuant to the Packers and Stockyards Act, as amended, in which the Government is defendant, USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—67

System name: Packers and Stockyards Act—Administrative Cases—USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address soecified above.

Systems exempted from certain provisions of the act: This system has been exempted oursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are beinq scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—68

System name: Packers and Stockyards Act—Civil and Criminal Cases—USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address soecified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and orocedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—69

System name: Civil Rights, administrative and judicial actions—USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have brought suit or filed administrative complaints against USDA or USDA employees or recipients of USDA assistance alleging discrimination on the basis of race, color, or national origin by USDA, its employees or recipients of assistance from USDA.

Categories of records in the system: The system consists of complete files on individual suits or administrative actions, including investigation reports, administrative determinations, statements of witnesses, and agency reports.

Authority for maintenance of the system: 42 USC 2000(d); 5 U.S.C. 301; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for defense or prosecution of suits brought involving USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) the Civil Rights Commission in response to its request for information; (5) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

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Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceeding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

USDA/OGC—70

System name: Claims By and Against USDA, USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who file or may file (1) claims against USDA pursuant to the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act, (2) claims against the Forest Service pursuant to 16 USC 502, 556c, or 574, and (3) tort suits against the United States or its officers or instrumentalities concerning USDA activities; individuals against whom the Department has a monetary claim arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

Categories of records in the system: The system consists of files on individual claims, including claim forms, police reports, investigation and accident reports, statements of witnesses, agency reports, correspondence, legal opinions, pleadings, transcripts, and related documents, and other information pertaining to matters referred by USDA agencies requesting legal assistance in settlement of claims against individuals arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

Authority for maintenance of the system: 16 U.S.C. 502, 556c, 574; 28 USC 1345, 1346, 2671-2680; 31 USC 240-243; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for concurrence of allowance of tort claims over

25,000, for defense of tort suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA; (2) Department of Labor in cases involving Job Corpsmen or arising under the Federal Employees Compensation Act (5 USC Chapter 81); (3) insurance companies for handling of claims; (4) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (5) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (6) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual. In some instances, they are also cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office. Some sensitive materials are kept in locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name , address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—71

System name: Contract Cases, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons who submit offers or bids to solicitations of agencies of USDA or who contract with agencies of USDA.

Categories of records in the system: The system consists of partial and/or complete files relating to legal issues that arise out of the procurement activities of USDA; it includes copies of contracts, contract claims, investigation reports, contracting officer's decisions, correspondence, and pleadings, transcripts, and related documents in contract appeal cases before the USDA Board of Contract Appeals.

Authority for maintenance of the system: 41 USC 251 et seq; 7 CFR 2.31; 41 CFR Chapters 1 and 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) the General Accounting Office for determination of bid protests, and questions on information, recission, mistake in bid, and remission of liquidated damages; (4) Department of Justice for defense of suits filed against Government or for institution of suit for recovery of claims arising under the contract; (5) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual bidder, offeror, or contractor.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from bidders, offerors, contractors, witnesses, agency employees, and investigation personnel.

USDA/OGC—72

System name: Patents and Inventions of Department Employees, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250.

Categories of individuals covered by the system: Individuals who make inventions pursuant to their employment by USDA.

Categories of records in the system: The system consists of files on descriptions of the individual's invention, and all papers and forms in connection with matters pending before the U. S. Patent and Trademark Office.

Authority for maintenance of the system: 5 USC 301; 35 USC 1-293; 37 CFR 100-100.11; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copies of all papers and forms sent to the U. S. Patent and Trademark Office are simultaneously placed in said files. Referral to the Department of Justice in the event of appeal from action by the Patent and Trademark Office. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual inventor.

Safeguards: Records are maintained in Government building with security guards.

Retention and disposal: Records are maintained for 20 years.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name and address of the inventor, and other particulars (i.e., the date of the papers filed with the U. S. Patent and Trademark Office, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager. This request should contain the information specified in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from agency employee-inventors, agency patent personnel and employees of the U. S. Patent and Trademark Office.

USDA/OGC—73

System name: Personnel Irregularities, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Employees and former employees of USDA, members of local and county committees established pursuant to 16 USC 590h(b), employees of such county committees, and extension service agents performing duty pursuant to 7 USC 341-349.

Categories of records in the system: The system consists of investigation reports and other relevant documents pertaining to violations of criminal statutes.

Authority for maintenance of the system: Titles 5, 18 USC; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Department of Justice for institution of suits to recover claims by USDA arising out of irregularities; (4) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual employee.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a(k) (2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) because it consists of investigatory material compiled for law enforcement purposes. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take mea-

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sures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—74

System name: Personnel Suits, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Employees and former employees of USDA, and applicants for employment with USDA who institute suits against USDA, an officer or employee thereof, or the United States, alleging a wrongful personnel action taken against them.

Categories of records in the system: The system consists of complete files on individual suits, including personnel records, investigation reports, administrative determinations, statements of witnesses, and agency reports.

Authority for maintenance of the system: 5 USC 301, 5596, 7501, 7511-7512; 42 USC 2000e-16; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for defense of personnel suits brought against USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual litigant.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

USDA/OGC—75

System name: Administrative proceedings brought by the Department, court cases in which the Government is plaintiff and court cases in which the Government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGS.

Security classification:

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recmmends that an enforcement action be brought by the Government or individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recomendations and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 241-273.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule,regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addres listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate record centers in accordance with such directives.

System manager(s) and address: Director Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primariy from witnesses, agency empoyees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of this system which involves records pertaining to administrative proceeding brought by the Department or court cases in whch the Government is plaintiff has been exempted puruant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(g), (h) and (i) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OI—1

System name: Employees Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following field offices:

Room 1709, 26 Federal Plaza
New York, New York 10007
Room 433, Federal Center Building
Hyattsville, Maryland 20782
Room 901, 1447 Peachtree Street, N.W.
Atlanta, Georgia 30309
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606
3912 South General Bruce Drive
Temple, Texas 76501
8930 Ward Parkway
Kansas City, Missouri 64141
Room 526, 555 Battery Street
San Francisco, California 94111
Building 651
Ft. Buchanan, Puerto Rico 00936
3824 Barrett Drive, Rm. 306
Raleigh, North Carolina 27609
Executive Building, Rm. 27
2520 N. Orange Ave.
Orlando, Florida 32804
Imperial Towers Off. Bldg.
333 Waller Ave., Rm. 211
Lexington, Kentucky 40272
5305 Executive Place
Jackson, Mississippi 39208
Rm. 580, 85 Marconi Blvd.
Columbus, Ohio 43215
Minneapolis Commodity Office
6400 France Ave., South
Minneapolis, Minn. 55435
139 U.S. Post Office & Courthouse
Little Rock, Arkansas 72201
P.O. Box 966
Albuquerque, N. M. 87103
P.O. Box 973
Stillwater, Okla. 74074
3746 Government St., East Bldg.
Alexandria, La. 71301
Rm. 900, Federal Bldg.
600 South Street
New Orleans, La. 70130
P.O. Box 82208
Lincoln, Neb. 68501
1218 S.W. Wasnington St., Rm. 507
Portland, Ore. 97205
1 Diamond Plaza, Rm. 20A
2490 W. 26th Ave.
Denver, Colo. 80211
P.O. Box 1363
Huron, South Dakota 57350
4747 Eastern Ave., Bldg. 7
Bell, Cal. 90201

Categories of individuals covered by the system: OI temporary and permanent employees, former employees, and applicants for employment.

Categories of records in the system: These records show personnel management and work-related information, including position, title, grade, pay rate, pay, temporary and permanent address, phone number, performance evaluations, promotions, travel information, accident reports and related information, activity reports, participation in savings and contribution programs, availability for employment, for assignment, or for transfer, qualifications, awards, hours worked, issuance of credentials, passports, and other identification, assignment and accountability of property and other things of value, parking space assignments, training and development, and special assignments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To other agencies in the Department and Executive Branch agencies, such as the Civil Service Commission, as necessary for proper personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, notebooks, and card file boxes.

Retrievability: By name of individual employee.

Safeguards: Available on official need-to-know basis. Kept in locked offices after office hours.

Retention and disposal: Records are retained as long as needed and then discarded. Personal information that might be considered derogatory or embarassing is burned when no longer needed.

System manager(s) and address: Administrative Officer, OI, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Record access procedures: To gain access to information in this system, send request to the address given under

Contesting record procedures: To contest information in this system, send request to the address given under

Record source categories: The primary information is from employee himself. Additional information is provided by supervisors, coworkers, references, and investigative personnel.

USDA/OI—2

System name: Intelligence Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following field offices:

Room 1709, 26 Federal Plaza
New York, New York 10007
Room 433, Federal Center Building
Hyattsville, Maryland 20782
Room 901, 1447 Peachtree Street, N.E.
Atlanta, Georgia 30309
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606
3912 South General Bruce Drive
Temple, Texas 76501
8930 Ward Parkway
Kansas City, Missouri 64141
Room 526, 555 Battery Street
San Francisco, California 94111

Certain files may be located at the following offices.

Building 651
Ft. Buchanan, Puerto Rico 00936
3824 Barrett Drive, Rm. 306
Raleigh, North Carolina 27609
Executive Building, Rm. 27
2520 N. Orange Ave.
Orlando, Florida 32804
Imperial Towers Off. Bldg.
333 Waller Ave., Rm. 211
Lexington, Kentucky 40272
5305 Executive Place
Jackson, Mississippi 39208
Rm. 580, 85 Marconi Blvd.
Columbus, Ohio 43215
Minneapolis Commodity Office

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6400 France Ave., South
Minneapolis, Minn. 55435
139 U.S. Post Office & Courthouse
Little Rock, Arkansas 72201
P.O. Box 966
Albuquerque, N.M. 87103
P.O. Box 973
Stillwater, Okla. 74074
3746 Government St., East Bldg.
Alexandria, La. 71301
Rm. 900, Federal Bldg.
600 South Street
New Orleans, La. 70130
P.O. Box 82208
Lincoln, Neb. 68501
1218 S.W. Washington St., Rm. 507
Portland, Ore. 97205
1 Diamond Plaza, Rm. 20A
2490 W. 26th Ave.
Denver, Colo. 80211
P.O. Box 1363
Huron, S.D. 57350
4747 Eastern Ave., Bldg. 7
Bell, Cal. 90201

Categories of individuals covered by the system: Suspects and unpaid informants

Categories of records in the system: Allegations against suspects and types of information previously furnished by or to be expected from informants

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on sheets of paper and index cards

Retrievability: Retrievable by name of individual subject

Safeguards: Available on an official need-to-know basis and kept in locked storage when not in use.

Retention and disposal: Kept indefinitely and continually updated; out-of-date material is burned.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250 Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. (1975).

USDA/OI—3

System name: Investigative Files and Subject/Title Index, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Ave., S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records entitled . . . Intelligence Records, USDA/OI.

Except for inadvertent errors, all entries in regional indexes are duplicated in the Headquarters index. Thus the Headquarters index is the only complete index in OI. The Headquarters files also contain a copy of every OI investigative report, but not the correspondence in all cases. Older investigative files of each OI office may have to be retrieved from Federal Records Centers when needed.

Categories of individuals covered by the system: The individual names in the OI index fall into one or more of the following categories:

Subjects. These are individuals against whom allegations of wrongdoing have been made. In some instances, these individuals have been the subjects of investigations conducted to establish whether allegations were true. In other instances, the allegations were deemed too frivilous or indefinite to warrant inquiry.

Principals. These are individuals who are not named subjects of investigative inquiries, but may be responsible for alleged violations. For example, the president of a firm alleged to have violated laws or regulations would likely be individually listed in the OI index.

Complainants. These are individuals who allege wrongdoing, mismanagement, or unfair treatment relating to USDA employees and/or programs.

Others. These are all other individuals closely connected with a matter of investigative interest or whose names have been checked through the index to determine whether they were of record. Among these names are those of people who are connected with a matter only in that they have shown unusual interest in having allegations investigated or in learning the results of investigation. Also included in the index are the names of persons on the Department of Justice crime list.

Categories of records in the system: The OI Subject/Title Index and Investigative Files consist of:

1 Index cards and/or a microfiche index filed alphabetically by the names of individuals, organizations, and firms with a separate card or line item for each; dates of entries made into the index or dates of materials containing information about the named subjects; and identification of the OI file or files containing information on that subject.

2 Files containing bound sheets of paper or microfiche of such sheets from investigative and other reports, correspondence, and informal notes and notations concerning (a) one investigative matter or (b) a number of incidents of the same sort of alleged violation or irregularity.

If such information was available when an index card or line item was made, the card or microfiche on an individual will include the individual's address, date of birth, and Social Security number.

3 Where investigation is being or will be conducted, but has not been completed, various case management records, investigator's notes, statements of witnesses, and copies of records. These are contained on index slips or cards and sheets of paper located in an OI office or in the possession of the OI investigator. Certain management records are retained after the investigation report is released as a means of following action taken on the basis of the OI investigative report.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility for investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Routine release or release on request to Federal investigative agencies where the information will be used in connection with a background or suitability investigation conducted on an individual being cleared for access to classified information, employment on contracts, or appointment to a position within any Executive Branch agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The OI Subject/Title Index consists of 3 inch by 5 inch cards or microfiche line items stored in steel cabinets.

Retrievability: The cards or line items are arranged alphabetically, and each card or line item identifies one or more OI investigative case file or administrative file arranged numerically by file number, but not individually identifiable.

Safeguards: These records are available within USDA and to others in the Executive Branch only upon proper identification and a need-to-know and are kept in a limited-access area during normal duty hours and in a locked office after duty hours.

Retention and disposal: The cards or line items are kept indefinitely and investigative case files are maintained for 30 years. Certain investigative case files of unusual significance are also kept indefinitely. Administrative files are kept for five years.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. (1975)

USDA/OI—4

System name: Liaison Records, USDA/OI

System location: Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records entitled Intelligence Records, USDA/OI.

Categories of individuals covered by the system: Employees or officials of Federal, State, and local governmental agencies

Categories of records in the system: Such information as name, title, address, phone number, and type of assistance previously given or interest previously shown or expected

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to other investigative agencies (e.g., FBI, Secret Service, IRS) to coordinate investigative efforts or for those agencies to use in their independent investigations and to facilitate referral of OI investigative information to other Executive Agencies that have an official interest. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and sheets of paper

Retrievability: By name of person and Agency

Safeguards: Information usually obtained from public records and available to OI employees and to others on request

Retention and disposal: Information is kept indefinitely and disposed of when updated. Out-of-date information is discarded.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Record access procedures: To gain access to information in this system, send request to address given under

Notification procedure: .

Contesting record procedures: To contest information in this system, send request to the address given under

Notification procedure: .

Record source categories: Public documents and directories and previous contacts with individuals listed.

USDA/OMF—1

System name: Administrative Billings and Collections, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: Individuals (USDA, former USDA or non-USDA employees) who are indebted to the Department for any reason. Some examples of indebtedness are: lost or damaged property, salary overpayments, outstanding travel advances, violations of transfer-of-station agreements, and misuse of Federal facilities.

Authority for maintenance of the system: 5 U.S.C. 307; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Forwarded to another agency when a USDA employee accepts employment with such agency; (2) Referred to the General Accounting Office for review in cases involving possible fraud. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape files and in file folders at the National Finance Center addressed above.

Retrievability: Records are indexed by social security number or equivalent identifying number in case of non-USDA employees.

Safeguards: File folders are kept in locked cabinets. Magnetic tape files are in locked computer room and library which can be accessed by authorized personnel only.

Retention and disposal: Master history magnetic tape files are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should be in writing and should contain: name, address, social security number and particulars involved (i.e., dates of claims, copies of correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

Record source categories: Information in this system comes primarily from USDA employees, former USDA employees, non-USDA employees, agency claimants, and USDA or other investigation personnel.

USDA/OMF—2

System name: Committee Management Records System, USDA/OMF

System location: USDA, Office of Management and Finance, Management Division, Washington, D. C. 20250

Categories of individuals covered by the system: All individuals who are public members of USDA advisory committees are included in this system of records.

Categories of records in the system: The system consists of membership listings by committee name, state, ethnic affiliation, and female members. Keypunch cards are the basis for some of the above listings.

Authority for maintenance of the system: 5 U.S.C. App. 1

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained as a means of responding to Congressional inquiries for names and numbers of citizens serving on committees from a particular State. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in notebooks and on keypunch cards.

Notification procedure:

Retrievability: Records are indexed by names of individuals and by committee name.

Safeguards: Records contain no sensitive information and are kept in regular office files.

Retention and disposal: Records are retained until committee membership is changed. Obsolete listings are sent to the USDA historian.

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System manager(s) and address: Assistant Director, Management, Office of Management and Finance, USDA, Washington, D. C. 20250 (2021447-6111).

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. A request for information pertaining to an individual should contain the individual's name, address, and name of the committee on which he is serving.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to records in this system which pertain to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

USDA/OMF—3

System name: Employee Travel and Transportation System, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: Individuals who have funds advanced to them for official travel use, individuals who have U. S. Government Transportation Requests assigned to them for use in purchasing tickets to be used for official travel and individuals who perform official USDA Travel and are reimbursed with Government Funds are included in this system.

Categories of records in the system: This system consists of complete files on advances to and repayments by individuals, assignment and use of Government Transportation Requests by individuals, and payments for official travel to individuals.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer tapes and disks at the National Finance Center addressed above.

Retrievability: Records are indexed by Social Security Number and by name of individual.

Safeguards: Limited access by authorized personnel with the information needed to gain access into the system.

Retention and disposal: Master history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, P. O. Box 60, 000, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

Record source categories: Information in this system comes primarily from individuals that request advances prior to travel, submit Travel Vouchers for reimbursement after travel is performed or request Government Transportation Requests for use in purchasing passenger tickets. Some of the information is obtained from the payroll and personnel systems maintained by the National Finance Center.

USDA/OMF—4

System name: Imprest Fund Payment System, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: All USDA imprest cashiers and alternates and USDA employees designated as chiefs of field party.

Categories of records in the system: The automated system establishes master files containing the name, social security number, employment address and telephone, and amount of advance for each cashier, alternate cashier and chief of field party. It also includes records of disbursements, reimbursements, accountability reports and verification and audit of funds.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the Treasury Disbursing Office, Kansas City, Kansas, for approval and/or payment and internal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfilm cartridges, magnetic disks, magnetic tape, microfiche, and to a limited degree, in file folders.

Retrievability: Records are indexed primarily by social security number of the individual cashier, alternate cashier, or chief of field party; and secondarily by imprest fund number.

Safeguards: Records are kept in a locked room, to be accessed by authorized personnel only.

Retention and disposal: Records will be retained indefinitely.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, P. O. Box 60, 000, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or ascertain whether the system contains records pertaining to him from the System Manager. The request should be in writing and should contain: name, address, social security number and particulars involved (i.e., date and type of document in question, etc.).

Record access procedures: Any individual may obtain information on procedures for gaining access to a record in the system that pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information on procedures for contesting a record in the system that pertains to him by submitting a written request to the System Manager.

Record source categories: Information in this system is derived from documents submitted by USDA agencies and the Treasury Disbursing Office, Kansas City, Kansas.

USDA/OMF—5

System name: Employees Personnel File, USDA/OMF

System location: Office of Management and Finance, Administrative Office, United States Department of Agriculture, Washington, D. C. 20250

Categories of individuals covered by the system: Employees past and present that have been or are now employed by this office.

Categories of records in the system: System consists of agency copies of personnel actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are kept in alphabetical file order with last name first under Divisional headings.

Safeguards: Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Administrative Officer, Office of Management and Finance, United States Department of Agriculture, Washington, D. C. 20250

Notification procedure: Any employee whose folder is maintained in this system may request information from and/or review his own folder at any time. Requests for review are normally informal and should be addressed to the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

Record source categories: Information contained in this system is primarily constructed from copies of personnel type actions routed to this office earmarked "Agency Copy."

USDA/OMF—6

System name: Uniform Allowance System, USDA/OMF.

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana.

Categories of individuals covered by the system: All USDA employees entitled to and receiving allowances for uniforms required in their work.

Categories of records in the system: This system consists of complete files on advances, accruals and payments, to individuals within the Department, for uniform allowances.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records and maintained on computer tapes and disks at the National Finance Center addressed above.

Retrievability: Records are indexed by Social Security Number and by name of individual.

Safeguards: Limited access by authorized personnel and passwords on the Data Base.

Retention and disposal: Mastory history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, New Orleans, Louisiana.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, National Finance Center, Office of Management and Finance, USDA. P.O. Box 60,000, New Orleans, Louisiana 70160.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 2b.224.

Record source categories: Information in this system comes primarily from individuals that request payments of uniform allowances.

USDA/OO—1

System name: Debarred, Ineligible and Suspended Bidders, USDA/OO

System location: Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who, as principles or responsible employees of companies contracting with USDA or other Federal agencies, have committed or are suspected of having committed illegal or irresponsible acts in connection with the performance of those contracts.

Categories of records in the system: The system consists of files on companies and their principle owners, officers or responsible employees. The files contain correspondence relating to the performance of individuals and their companies under government contracts.

Authority for maintenance of the system: 41 CFR 1-1.602 and 4-1.602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Publication of the Debarred, Ineligible and Suspended List for distribution to USDA and other Federal purchasing offices. 2. Referral to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. 3. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address above.

Retrievability: Records are indexed by date and company or individual name.

Safeguards: Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

Retention and disposal: Records are sent to Federal Records Centers approximately 3 years after the close of a case and are destroyed approximately 2 years thereafter.

System manager(s) and address:
Director, Office of Operations
United States Department of Agriculture
Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Assistant Director, Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250, Telephone—202-447-7527. A request for information pertaining to an individual should contain: Name; address; company name; date of debarment; ineligibility or suspension date or date of last correspondence.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

Record source categories: Information in this system comes primarily from agency employees, other Federal agencies, law enforcement officials or judicial officers.

USDA/P&SA—1

System name: Packers and Stockyards Administration-administrative records, USDA/P&SA.

System location: Packers and Stockyards Administrative office, Rm. 3044 South Building, United States Department of Agriculture, Washington, D.C. and the Area Supervisors in charge of the following Administration field offices located at: 601-B, Bldg. RP-E, 1621 N. Kent Street, Arlington, Virginia 22209; Rm. 640, 1720 Peachtree Street, N.W., Atlanta, Georgia 30309; 208 Livestock Exchange Building, Denver, Colorado, 80216; Rm. 7A15, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102; Suite 24, 537 Turtle Creek, South Drive, Indianapolis, Indiana 46277; 828 Livestock Exchange Building, Kansas City, Missouri 64102; Rm. 2W6,

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Federal Office Building, 15000 Aviation Boulevard, Lawndale, California 90260; Rm. 459, Federal Building, 167 North Main Street, Memphis, Tennessee 38103; 525 Milltown Road, North Brunswick, New Jersey 08902; 435 Livestock Exchange Building, Omaha, Nebraska 68107; 9370 S. W. Greenburg Road, Suite E., Portland, Oregon 97223; 310 Livestock Exchange Building, 800 S. Chambers Street, Sioux City, Iowa 51107; 208 Post Office Building, Box 8, South St. Paul, Minnesota 55075; and Emmerson Building Annex, State Fairgrounds, Springfield, Illinois 62706.

Categories of individuals covered by the system: Present and former employees of the Packers and Stockyards Administration.

Categories of records in the system: The system includes personnel (personnel record cards reflecting the name, date of birth, grade, salary, and employment history of present and former employees; performance evaluation forms; requests for training authorizations; recommendations for promotion; copies of personnel actions; and correspondence relating to individual employees' conduct), payroll and fiscal data required to meet the needs of agency personnel and fiscal responsibilities.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The data contained in the foregoing records is routinely used to answer inquiries from agencies considering the employees identified in the system for employment as well as for credit checks. This information is also used to initiate requests for investigation of Packers and Stockyards Administration employees for purposes of security and conduct. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: With the exception of personnel record cards, all of these records are maintained on paper in file folders at the appropriate addresses cited.

Retrievability: All of the records are indexed and retrievable by name of the individual employees.

Safeguards: The records are maintained in locked files.

Retention and disposal: The personnel record cards are maintained indefinitely. The performance evaluation forms for current employees are maintained indefinitely and for separated employees two years after separation. The Time and Attendance reports are maintained for the current year and three years thereafter for employees currently on the rolls. Final Time and Attendance reports are maintained for ten years after the date of separation of the employees. Travel vouchers, copies of personnel actions, training documents, and recommendations for promotion are maintained for five years from the date of submission. Correspondence with respect to employee conduct is maintained while the employee remains on the rolls and for three years thereafter. The administrative officer of the Packers and Stockyards Administration physically mutilates the records on the scheduled disposal date and they are thrown away with the agency's waste.

System manager(s) and address: Executive Assistant to the Administrator, Packers and Stockyards Administration, Rm. 3042-South Building, United States Department of Agriculture, Washington, D.C. 20250 and Area Supervisors of field offices at locations previously specified.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Executive Assistant to the Administrator, P&SA, USDA, Washington, D.C. 20250 Telephone (202-447-7202) or the appropriate Area Supervisor. Requests for information pertaining to an individual should contain: Name, location at which the individual worked for the agency, and the approximate dates.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate officials previously specified.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this system comes primarily from the individuals concerned, personnel, training, travel and payroll records.

USDA/P&SA—2

System name: Persons engaged in business as livestock market agencies and dealers under the provisions of the Packers and Stockyards Act, USDA/P&SA.

System location: Registrations, Bonds, and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. Also duplicate files for specific geographical areas maintained in the thirteen (13) Area Supervisory Offices of the P&SA.

Categories of individuals covered by the system: Individuals who have applied for registration or are registered as livestock market agencies and dealers under the Packers and Stockyards Act.

Categories of records in the system: The system consists of index cards bearing the names of individuals who are registered under the provisions of the Act. Also cross-reference cards bearing the names of individuals who are owners or officers of registrant firms. From the index cards access may be gained to other systems of records identified as follows: (1) Registration Record Cards, (2) Case Record Cards, (3) Bond Claim Record Cards, (4) Registration Jurisdictional Files and (5) Stockyard Jurisdictional Files.

Authority for maintenance of the system: 7 U.S.C. 181 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To answer inquiries from Federal and State agencies, livestock trade organizations, and others having a definite and proved interest in such records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in card file cabinets and file folders at the applicable address listed above.

Retrievability: All index cards are maintained in an alphabetical order by name of registrant and by name of owners or officers of registrant firms.

Safeguards: Records are kept in locked cabinets under the supervision of competent personnel.

Retention and disposal: All files mentioned are maintained during active life of registration. When rendered inactive records are maintained for a period of two years in accordance with an approved records disposition schedule.

System manager(s) and address: Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, P&SA, USDA, Washington, D.C. 20250, Telephone (202-447-4615 or 16). A request for information pertaining to an individual should contain that individual's full name, and current mailing address.

Record access procedures: Any individual desiring to gain access to a record maintained in the system which pertains to him may do so by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Use same procedures as followed in seeking access.

Record source categories: Information in this system comes primarily from individuals who make application for registration or who are registered under the Packers and Stockyards Act, 1921, as amended. A limited amount of information in the system is obtained from other sources such as corporate surety companies, persons acting as trustee on bonds or bond equivalents and Packers and Stockyards Area Supervisory personnel.

USDA/OP—1

System name: Personnel and Payroll System for USDA employees, USDA/OP.

System location: Office of Personnel, USDA, Washington, D.C.; the National Finance Center, P.O. Box 60,000, New Orleans, Louisiana; and the personnel Offices at the following locations:

ALABAMA Soil Conservation Service State Office, Soil Conservation Bldg., P.O. Box 311, Auburn, AL 36830; Farmers Home Administration State Office, Aronov Bldg., Rm. 717, 474 South Court St., Montgomery, AL 36104; Forest Service National Forest, National Forests in Alabama, 1765 Highland Ave., P.O. Box 40, Montgomery, AL 36101.

ALASKA Forest Service Regional Office, Federal Office Bldg., P.O. Box 1628, Juneau, AK 99801.

ARIZONA Forest Service National Forest, Coconino National Forest, P.O. Box 1268, Flagstaff, AZ 86002; Forest Service, RM Forest and Range Experiment Station, Forestry Sciences Laboratory, Northern Arizona University, Flagstaff, AZ 86001; Agricultural Marketing Service Milk Market Office, 2617 North 24th St., Phoenix, AZ 85008; Farmers Home Administration State Office, Federal Bldg., Rm. 6095, 230 North First Ave., Phoenix, AZ 85025; Soil Conservation Service State Office, 230 North First Avenue, 6029 Federal Bldg., Phoenix, AZ 85025; Forest Service National Forest, Tonto National Forest, 102 So. 28th St., Phoenix, AZ 85034; Forest Service National Forest, Prescott National Forest, P.O. Box 2549, Prescott, AZ 86301; Forest Service National Forest, Apache-Sitgreaves National Forests, Federal Bldg., P.O. Box 640, Springerville, AZ 85938; Forest Service, RM Forest and Range Experiment Station, Forest Hydrology Laboratory, Arizona State University, Tempe, AZ 85281; Forest Service National Forest, Coronado National Forest, P.O. Box 551, Tucson, AZ 85702; Forest Service, RM Forest and Range Experiment Station, Tumamoc Hill, University of Arizona, P.O. Box 4460, Tucson, AZ 85717; Forest Service National Forest, Kaibab National Forest, P.O. Box 817, Williams, AZ 86046.

ARKANSAS Forest Service National Forest, Ouachita National Forest, Reserve and Broadway Street, Federal Bldg., P.O. Box 1270, Hot Springs National Park, AR 71901; Agricultural Marketing Service Milk Market Office, 3518 W. Roosevelt Rd., Little Rock, AR 72204; Farmers Home Administration State Office, 5529 Federal Office Bldg., 700 W. Capitol, Little Rock, AR 72203; Forest Service National Forest, Ozark-St. Francis National Forest, W. Main and Fargo, P.O. Box 1008, Russellville, AR 72801.

CALIFORNIA Forest Service National Forest, Modoc National Forest, P.O. Box 611, Alturas, CA 96101; Agricultural Research Service Western Regional Administrative Office, 2850 Telegraph Ave., Berkeley, CA 94705; Forest Service Pacific Southwest Forest and Range Experiment Station, 1960 Addison St., P.O. Box 245 Berkeley, CA 94704; Forest Service National Forest, Inyo National Forest, 2957 Birch St., Bishop, CA 93514; Soil Conservation Service State Office, 2828 Chiles Rd., P.O. Box 1019, Davis, CA 95616; Forest Service National Forest, Six Rivers National Forest, 710 E. Street, Eureka, CA 95501; Forest Service National Forest, Sierra National Forest, Federal Bldg., Rm. 3304, 1130 O Street, Fresno, CA 93721; Forest Service National Forest, Los Padres National Forest, 42 Aero Camino, Goleta, CA 93017; Forest Service National Forest, Tahoe National Forest, Highway 49 and Coyote St., Nevada City, CA 95959; Forest Service National Forest, Angeles National Forest, 150 South Robles, Pasadena, CA 91101; Forest Service National Forest, Eldorado National Forest, 100 Forni Rd., Placerville, CA 95667; Forest Service National Forest, Sequoia National Forest, 900 W. Grand Ave., Porterville, CA 93257; Forest Service National Forest, Plumas National Forest, 159 Lawrence St., Quincy, CA 95971; Forest Service National Forest, Shasta-Trinity National Forest, 1615 Continental St., Redding, CA 96001; Forest Service National Forest, San Bernardino National Forest, 144 N. Mountain View Ave., San Bernardino, CA 92408; Forest Service National Forest, Cleveland National Forest, 3211 Fifth Ave., San Diego, CA 92103; Food and Nutrition Service Western Regional Office, 550 Kearny St., Rm. 400, San Francisco, CA 94111; Forest Service National Forest, Stanislaus National Forest, 175 S. Fairview Ln., Sonora, CA 95370; Forest Service National Forest, Lassen National Forest, 707 Nevada St., Susanville, CA 96130; Forest Service National Forest, Mendocino National Forest, 420 E. Laurel St., Willows, CA 95988; Farmers Home Administration State Office, 459 Cleveland St., Woodlawn, CA 95695; Forest Service National Forest, Klamath National Forest, 1215 S. Main, Yreka, CA 90697.

COLORADO Forest Service National Forest, Grand Mesa-Uncompahgre Gunnison National Forests, 11th and Main, P.O. Box 138, Delta, CO 81416; Agricultural Marketing Service Milk Market Office, 4411 E. Kentucky Ave., Denver, CO 80222; Farmers Home Administration State Office, 1 Diamond Plaza, Rm. 231, 2490 W. 26th Ave., Denver, CO 80211; Forest Service Regional Office, Federal Center, Bldg. 85, Denver, CO 80225; Soil Conservation Service State Office, 1 Diamond Plaza, Rm. 313, 2490 W. 26th Ave., Denver, CO 80211; Forest Service National Forest, San Juan National Forest, Oliger Bldg., P.O. Box 341, Durango, CO 81301; Forest Service Rocky Mountain Forest and Range Experiment Station, 240 W. Prospect St., Ft. Collins, CO 80521; Forest Service National Forest, Arapaho-Roosevelt National Forests, Rocky Mountain Bank and Trust Bldg., 211 Canyon St., Ft. Collins, CO 80521; Forest Service National Forest, White River National Forest, P.O. Bldg., Box 948, Glenwood Springs, CO 81601; Forest Service National Forest, Rio Rande National Forest, Rt. 2, Monte Vista, CO 81144; Forest Service National Forest, Pike-San Isabel National Forests, P.O. Bldg., Box 753, Pueblo, CO 81002; Forest Service National Forest, Routt National Forest, Hunt Bldg., P.O. Box 1198; Steamboat Springs, CO 80477;

CONNECTICUT Soil Conservation Service State Office, Mansfield Professional Park, Rt. 44A, Storrs, CT 06268;

DELAWARE Farmers Home Administration State Office, 153 Chestnut Hill Rd., Newark, DE 19711;

FLORIDA Agricultural Marketing Service Milk Market Office, Sunrise Center, Professional Bldg., P.O. Box 4886, Ft. Lauderdale, FL 33304; Farmers Home Administration State Office, Federal Bldg., Rm. 212, 401 SE., First Ave., Gainesville, FL 32601; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1208, Gainesville, FL 32601; Forest Service National Forest, National Forests in Florida, 214 S. Bronough St., P.O. Box 1050, Tallahassee, FL 32302;

GEORGIA Agricultural Marketing Service Milk Market Office, 11 Corporate Square, Rm. 200, P.O. Box 49025, Atlanta, GA 30329; Forest Service Regional Office, Suite 800, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Forest Service Southeastern Area, State and Private Forestry, Suite 700, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Agricultural Research Service Richard B. Russell Agricultural Research Center, College Station Rd., P.O. Box 5677, Athens, GA 30604; Farmers Home Administration State Office, 355 E. Hancock, P.O. Box 1848, Athens, GA 30601; Soil Conservation Service State Office, Federal Bldg., 355 E. Hancock Ave., P.O. Box 832, Athen, GA 30601; Forest Service National Forest, Chattahoochee-Oconee National Forest, 601 Braod St., Gainesville, GA 30501;

HAWAII Soil Conservation Service State Office, Alexander Young Bldg Rm. 440, Honolulu, HI 96813;

IDAHO Farmers Home Administration State Office, Federal Bldg., Rm. 402, 304 N. 8th St., Boise, ID 83702; Forest Service National Forest, Boise National Forest, 1075 Park Blvd., Boise, ID 83706; Soil Conservation Service State Office, 304 N. 8th St., P.O. Box 38, Boise, ID 83702; Forest Service National Forest, Challis National Forest, Forest Service Bldg., P.O. Box 247, Challis, ID 83226; Forest Service National Forest, Idaho Panhandle National Forest, 218 N. 23rd., Coeur d'Alene, ID 83814; Forest Service National Forest, Nezperce National Forest, 319 E. Main St., Grangeville, ID 83530; Forest Service National Forest, Payette National Forest, Forest Service Bldg., P.O. Box 1026 McCall, ID 83638; Forest Service National Forest, Clearwater National Forest, P.O. Box 752, Orofino, ID 83544; Forest Service National Forest, Caribou National Forest, 427 N. Sixth Ave., P.O. Box 4189, Pocatello, ID 83201; Forest Service National Forest, Targhee National Forest, 420 N. Bridge St., St. Anthony, ID 83445; Forest Service National Forest Salmon National Forest, Forest Service Bldg., P.O. Box 729, Salmon, ID 83467; Forest Service National Forest, Sawtooth National Forest, 1525 Addison Ave., E., Twin Falls, ID 83301;

ILLINOIS Farmers Home Administration State Office, 2106 W. Springfield Ave., Champaign, IL 61820; Soil Conservation Service State Office, Federal Bldg., 200 W. Church St., P.O. Box 678, Champaign, IL 61820; Agricultural Marketing Service Milk Market Office, 72 W. Adams St., Rm. 814, Chicago, IL 60603; Food and Nutrition Service Midwest Regional Office, 536 S. Clark St., Chicago, IL 60605; Forest Service National Forest, Shawnee National Forest, 317 E. Poplar, Harrisburg, IL 62946; Agricultural Research Service Northcentral Regional Administrative Office, 200 W. Pioneer Pkwy., Peoria, IL 61614;

INDIANA Forest Service National Forest, Wayne-Hoosier National Forest, 1615 J St., Bedford, IN 47421; Agricultural Marketing Service Milk Market Office, 5130 N. Brouse Ave., P.O. Box 55527, Indianapolis, IN 46205; Farmers Home Administration State Office, Suite 1700, Atkinson Square-W 5610 Crawfordsville Rd., Indianapolis, IN 46224;

IOWA Farmers Home Administration State Office, Federal Building, Rm. 873, 210 Walnut St., Des Moines, IA 50309; Soil Conservation Service State Office, Federal Bldg., Rm 823, 210 Walnut St., Des Moines, IA 50309;

KANSAS Agricultural Marketing Service Milk Market Office, 7939 Floyd Ave., P.O. Box 4606, Overland Park, KS 66204; Soil Conservation Service State Office, 760 S. Broadway, P.O. Box 600, Salina, KS 67401; Farmers Home Administration State Office, New England Bldg., Rm 630, 5th and Kansas, Topeka, KS 66603;

KENTUCKY Farmers Home Administration State Office, 333 Waller Ave., Lexington, KY 40504; Soil Conservation Service State Office 333 Waller Ave., Lexington, KY 40504; Agricultural Market-

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ing Service Milk Market Office, 3920 Bardstown Rd., P.O. Box18030, Louisville, KY 40218, Forest Service National Forest; Daniel Boone National Forest, 100 Vaught Rd., Winchester, KY 40391;

LOUISIANA Farmers Home Administration State Office, 3727 Government St., Alexandria, LA 71301; Soil Conservation Service State Office, 3737 Government St., P.O. Box 1630, Alexandria, LA 71301; Agricultural Marketing Service Milk Market Office, 3001 Ridgelake Dr., P.O. Box 456, Metairie, LA 70004; Agricultural Research Service Southern Regional Administrative Office, 701 Loyola Ave., P.O. Box 53326, New Orleans, LA 70153; Forest Service Southern Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113; Forest Service National Forest, Kisatchie National Forest, 2500 Shreveport Hwy., Pineville, LA 71360; Forest Service, SA, State and Private Forestry, Alexandria Field Office, 2500 Shreveport Hwy., Pineville, LA 71360;

MAINE Farmers Home Administration State Office, USDA Office Bldg., Orono, ME 04473; Soil Conservation Service State Office, USDA Bldg., University of Maine, Orono, ME 04473;

MARYLAND Agricultural Research Service Northeastern Regional Administraive Office, Administration Bldg., Beltsville Agricultural Research Center-West, Beltsville, MD 20705; Soil Conservation Service Sate Office, Hartwick Bldg., Rm 522, 4321 Hartwick Rd., College Park, MD 20740; Soil Conservation Service Cartographic Diision, Federal Center Bldg., Hyattsville, MD 20782

MASSACHUSETTS Soil Conservation Service State Office, 27-29 Cottage St., Amerst, MA 01002; Agricultural Marketing Service Milk Market Office, 230 Congress St., Rm 403, Boston, MA 02110;

MICHIGAN Agricultural Marketing Service Milk Market Office, 2684 W. 11 Mile Rd., Berkley, MI 48072; Forest Service National Forest, uron-Manistee National Forest, 421 S. Mitchell St., Cadillac, MI 49601; Farmers Home Administration State Office 1405 S. Harrison Rd., Rm 209, E. Lansing, MI 48823; Soil Conservation Service State Office, 1405 S. Harrison Rd., E Lansing, MI 48823; Forest Service National Forest, Hiawatha National Forest, P.O. Bldg., Escanaba, MI 49829; Forest Service National Forest, Ottawa National Forest, Ironwood, MI 49938;

MINNESOTA Forest Service National Forest, Chippewa National Forest, Cass Lake, MN 56633; Agricultural Marketing Service Milk Market Office, 508 Providence Bldg., P.O. Box 62, Duluth, MN 55801; Forest Service National Forest, Superior National Forest, Duluth, MN 55801; Agricultural Marketing Service Milk Market Office, 7703 Normandale Rd., Rm. 100, Minneapolis, MN 55435; Animal and Plant Health Inspection Service Minneapolis Commodity Office, 6400 France Ave., S. Minneapolis, MN 55435; Agricultural Marketing Service Milk Market Office, 909 6th St., NW., Rochester, MN 55901; Farmers Home Administration State Office, 252 Federal Office Bldg. and U.S. Court House, St. Paul, MN 55101; Forest Service Northcentral Forest Experiment Station, Folwell Ave. St. Paul, MN 55101; Soil Conservation Service State Office, 200 Federal Bldg. and U.S. Courthouse, 316 N. Roberts St., St. Paul, MN 55101;

MISSISSIPPI Farmers Home Administration State Office, Milner Bldg., Rm. 528, Jackson, MS 39201; Soil Conservation Service State Office, Milner Bldg., P.O. Box 610, Jackson, MS 39205; Forest Service National Forest, National Forests in Mississippi, 350 Milner Bldg., Jackson, MS 39205; Forest Service, SA, State and Private Forestry, Project Manager, Y-LT, Adams Bldg., P.O. Box 69, Oxford, MS 38655;

MISSOURI Farmers Home Administration State Office, Parkade Plaza, Terrace Level, Columbia MO 65201; Soil Conservation Service State Office, Parkade Plaza, Terrace Level, P.O. Box 459, Columbia, MO 65201; Agricultural Stabilization and Conservation Service Personnel Field Office, 8930 Ward Pky., Kansas City, MO 64114; Forest Service National Forest, National Forests in Missouri, Rolla, MO 65401; Agricultural Marketing Service Milk Market Office, 2550 Schuetz Rd., P.O. Box 1485, Maryland Heights, St. Louis, MO 63042; Farmers Home Administration Finance Office, 1520 Market St., St. Louis, MO 63103;

MONTANA Forest Service National Forest, Custer National Forest, P.O. Box 2556, Billings, MT 59103; Farmers Home Administration State Office, Federal Bldg., P.O. Box 850, Bozeman, MT 59715; Forest Service National Forest, Gallatin National Forest, Federal Bldg., Bozeman, MT 59715; Soil Conservation Service State Office, Federal Bldg., P.O. Box 970, Bozeman, MT 59715; Forest Service National Forest, Deerlodge National Forest, 107 E. Granite, Butte, MT 59701; Forest Service National Forest, Beaverhead National Forest, State Hwy. 41 and Skihi St., Dillon, MT 59725; Forest Service National Forest, Lewis and Clark National Forest, Federal Bldg., Great Falls, MT 59401; Forest Service National Forest, Helena National Forest, Steamboat Block Bldg., 616-618 Helena Ave., Helena, MT 59601; Forest Service National Forest, Flatheat National Forest, 290 N. Main, Kalispell, MT 59901; Forest Service National Forest, Kootenai National Forest, 418 Mineral Ave., Libby, MT 59923; Forest Service Regional Office, Federal Bldg., Missoula, MT 59801; Forest Service National Forest, Lolo National Forest, 2801 Russell, Missoula, MT 59801; Forest Service, Intermountain Forest and Range Experiment Station, Forestry Sciences and Northern Forest Fire Laboratories, University of Montana, Drawer G, Missoula, MT 59801;

NEBRASKA Forest Service National Forest, Nebraska National Forest, P.O. Box 999, Chadron, NB 69337; Farmers Home Administration State Office, Federal Bldg. and Courthouse, Rm. 430, 129 N. 10th St., Lincoln, NB 68508; Forest Service, RM Forest and Range Experiment Station, University of Nebraska, 205 Miller Hall, E Campus, Lincoln, NB 68503; Soil Conservation Service State Office, 134 S. 12th St., Lincoln, NB 68508;

NEVADA Forest Service National Forest, Humboldt National Forest, 976 Mountain City Hwy., Elko, NV 89801; Soil Conservation Service State Office, U.S. Post Office Bldg., Rm. 234, P.O. Box 4850, Reno, NV 89505; Forest Service National Forest, Toiyabe National Forest, 111 N. Virginia, Rm. 601, Reno, NV 89501;

NEW HAMPSHIRE Soil Conservation Service State Office, Federal Bldg., Durham, NH 03824;

NEW JERSEY Food and Nutrition Service Northeast Regional Office, 707 Alexander Rd., Princeton, NJ 08540; Soil Conservation Service State Office, 1370 Hamilton St., P.O. Box 219, Somerset, NJ 08873;

NEW MEXICO Forest Service National Forest, Lincoln National Forest, Federal Bldg., 11th and New York, Alamogordo, NM 88310; Farmers Home Administration State Office, Federal Bldg., Rm. 3414, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service Regional Office, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service National Forest, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, NM 87112; Forest Service Rocky Mountain Forest and Range Experiment Station, New Federal Bldg., Rm 5423, 517 Gold Ave., SW, Albuquerque, NM 87101; Soil Conservation Service State Office, 517 Gold Ave., SW, P.O. Box 2007, Albuquerque, NM 87103; Forest Service National Forest, Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501; Forest Service National Forest, Gila National Forest, 301 W. College Ave., Silver City, NM 88061; Forest Service National Forest, Carson National Forest, Forest Service Bldg., P.O. Box 558, Taos, NM 87571;

NEW YORK Agricultural Research Service Plum Island Animal Disease Center, P.O. Box 848, Greenport, Long Island, NY 11944; Agricultural Marketing Service Milk Market Office, 205 E. 42nd St., New York, NY 10017; Farmers Home Administration State Office, Midtown Plaza, Rm. 214, 700 E. Water St., Syracuse, NY 13210; Soil Conservation Service State Office; Midtown Plaza, Rm. 400, 700 E. Water St., Syracuse, NY 13210;

NORTH CAROLINA Forest Service Southeastern Experiment Station, P.O. Box 2570, Asheville, NC 28802; Forest Service National Forest, National Forests in North Carolina, 50 S. French Broad Ave., P.O. Box 2750, Asheville, NC 28802; Farmers Home Administration State Office, Federal Bldg., Rm 514, 310 New Bern Ave., Raleigh, NC 27601; Soil Conservation Service State Office, Federal Office Bldg., 310 New Bern Ave., P.O. Box 27307, Raleigh, NC 27611;

NORTH DAKOTA Farmers Home Administration State Office, Federal Bldg., Rm. 208, 3rd and Rosser Ave., Bismarck, ND 58501; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1458, Bismarck, ND 58501; Forest Service, RM Forest and Range Experiment Station, Shelterbelt Laboratory, P.O. Box 25, Bottineau, ND 58318;

OHIO Agricultural Marketing Service Milk Market Office, 7503 Brookpark Rd., P.O. Box 29066, Cleveland, OH 44129; Agricultural Marketing Service Milk Market Office; 4560 Heaton Rd., P.O. Box 29226, Columbus, OH 43229; Farmers Home Administration State Office, Old Post Office Bldg., Rm. 316, 121 E. State St., Columbus, OH 43215; Soil Conservation Service State Office, 311 Old Federal Bldg., 3rd and State Sts., Columbus, OH 43215;

OKLAHOMA Farmers Home Administration State Office, Agricultural Center Office Bldg., Stillwater, OK 74074; Soil Conservation Service State Office, Agriculture Center Bldg., Farm Rd. and Brumley St., Stillwater, OK 74074; Agricultural Marketing Service Milk Market Office, 4325 E. 51st St., P.O. Box 45563 Tulsa, OK 74145;

OREGON Forest Service National Forest, Wallowa-Whitman National Forest, Main and Auburn, Baker, OR 97814; Forest Service National Forest, Deschutes National Forest, 211 E. Revere Ave., Bend, OR 97701; Forest Service National Forest, Siuslaw National Forest, 545 S. 2nd St., Corvallis, OR 97330; Forest Service Pacific Northwest Forest and Range Experiment Station, Forestry Sciences Laboratory, 3200 Jefferson Way, Corvallis, OR 97331; Forest Service National Forest, Willamette National Forest, 210 E. 11th St., Eugene, OR 97401; Forest Service National Forest, Siskiyou National Forest, 1504 NW 6th St., Grants Pass, OR 97526; Forest Service National Forest, Malheur National Forest, 139 NE Dayton St., John Day, OR 97845; Forest Service National Forest, Winema National Forest, P.O. Bldg., Klamath Falls, OR 97601; Forest Service National Forest, Fremont National Forest, 34 D St., N., Lakeview, OR 97630; Forest Service National Forest, Rogue River National Forest, P.O. and Federal Bldg., Medford, OR 97501; Forest Service National Forest, Umatilla National Forest, 2517 SW Hailey Ave., Pendleton, OR 97801; Farmers Home Administration State Office, 1218 SW Washington St., Portland, OR 97205; Forest Service Pacific Northwest Forest and Range Experiment Station, P.O. Box 3141, Portland, OR 97208; Forest Service Regional Office, P.O. Box 3623, Portland, OR 97208; Forest Service National Forest, Mt. Hood National Forest, 2440 SE 195th Ave., Portland, OR 97223; Soil Conservation Service State Office, Washington Bldg., 1218 SW Washington St., Portland, OR 97205; Soil Conservation Service Technical Service Center, 511 NW Broadway, Portland, OR 97209; Agricultural Marketing Service Milk Market Office, Farmers Center Bldg., 6700 SW Varns St., P.O. Box 23354, Portland, OR 97223; Forest Service National Forest, Ochoco National Forest, Federal Bldg., Prineville, OR 97754; Forest Service National Forest, Umpqua National Forest, Federal Office Bldg., Roseburg, OR 97470;

PENNSYLVANIA Farmers Home Administration State Office, Federal Bldg., Rm. 728, 228 Walnut St., P.O. Box 905, Harrisburg, PA 17108; Soil Conservation Service State Office, Federal Bldg. and Court House, P.O. Box 985 (Fed. Square Station), Harrisburg, PA 17108; Agricultural Research Service Eastern Regional Research Center, 600 E. Mermaid Ln., Philadelphia, PA 19118; Forest Service Northeastern Area, State and Private Forestry, 6816 Market St., Upper Darby, PA 19082; Forest Service Northeastern Experiment Station, 6816 Market St., Upper Darby, PA 19082; Soil Conservation Service Technical Service Center, 7700 W. Chester Pike, Upper Darby, PA 19082; Forest Service National Forest, Allegheny National Forest, P.O. Bldg., Warren, PA 16365;

SOUTH CAROLINA Forest Service, Forest Manager, Savannah River Project, AEC, P.O. Box A, Aiken, SC 29802; Farmers Home Administration State Office, Federal Bldg., Rm. 604, 901 Sumter St., Columbia, SC 29201; Forest Service National Forest, Francis Marion-Sumter National Forest, 1801 Assembly St., 2nd Floor, Columbia, SC 29201;

SOUTH DAKOTA Forest Service National Forest, Black Hills National Forest, Forest Service Office Bldg., P.O. Box 792, Custer, SD 57730; Farmers Home Administration State Office, Christen and Hohm Bldg., 239 Wisconsin Ave., SW, Huron, SD 57350; Soil Conservation Service State Office, 239 Wisconsin Ave., SW, P.O. Box 1357, Huron, SD 57350; Forest Service, RM Forest and Range Experiment Station, Forest Research Laboratory, South Dakota School of Mines and Technology, Rapid City, SD 57701;

TENNESSEE Agricultural Marketing Service Milk Market Office, 119 Belmont Dr., P.O. Box 3007, Bristol, TN 37620; Forest Service National Forest, Cherokee National Forest, 2321 Ocoee St., NW, P.O. Box 400, Cleveland, TN 37311; Farmers Home Administration State Office, 538 U.S. Court House Bldg. 801 Broadway, Nashville, TN 37203; Soil Conservation Service State Office, 561 U.S. Court House, Nashville, TN 37203;

TEXAS Agricultural Marketing Service Milk Market Office, 11061 Shady Trail, P.O. Box 34689, Dallas, TX 75234; Food and Nutrition Service West-Central Regional Office, 1100 Commerce St., Rm. 5-D-22, Dallas, TX 75202; Forest Service National Forest, National Forests in Texas, 3rd and Lufkin Ave., P.O. Box 969, Lufkin, TX 75901; Farmers Home Administration State Office, 3920 S. General Bruce Dr., Temple, TX 76501; Soil Conservation Service State Office, 16-20 S. Main St., P.O. Box 648, Temple, TX 76501; Soil Conservation Service Technical Service Center, Ft. Worth Federal Center, P.O. Box 11222, Fort Worth, TX 76110;

UTAH Forest Service National Forest; Dixie National Forest, 500 S. Main St., Cedar City, UT 84720; Forest Service Intermountain Experiment Station, Federal Bldg., 507-25th St., Ogden, UT 84401; Forest Service Regional Office, Federal Office Bldg., 324 - 25th St., Ogden, UT 84401; Forest Service National Forest, Manti-LaSal National Forest, 350 E. Main St., Price, UT 84501; Forest Service National Forest, Unita National Forest, Federal Bldg., P.O. Box 1428, Provo, UT 84601; Forest Service National Forest, Fishlake National Forest, 170 N. Main St., Richfield, UT 84701; Farmers Home Administration State Office, Federal Bldg., Rm. 5311, 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Wasatch National Forest, 4438 Federal Bldg., 125 S. State St., Salt Lake City, UT 84111; Soil Conservation Service State Office, 4012 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Ashley National Forest, 437 E. Main St., Vernal, UT 84078;

VERMONT Soil Conservation Service State Office, 1 Burlington Square, Burlington, VT 05401; Farmers Home Administration State Office, 141 W. Main St., P.O. Box 588, Montpelier, VT 05602; Forest Service National Forest, Green Mountain National Forest, Federal Bldg., Rutland, VT 05701;

VIRGINIA Agricultural Marketing Service Milk Market Office, 300 N. Lee St., Rm. 320, Alexandria, VA 22314; Forest Service National Forest, George Washington National Forest, 210 Federal Bldg., P.O. Box 233, Harrisonburg, VA 22801; Farmers Home Administration State Office, Federal Bldg., Rm. 8213, 400 N. Eighth St., Richmond VA 23240; Soil Conservation Service State Office, 400 N. Eighth St., P.O. Box 10026, Richmond, VA 23240; Forest Service National Forest, Jefferson National Forest, 3517 Brandon Ave., SW, P.O. Box 4009, Roanoke, VA 24015;

WASHINGTON Forest Service National Forest, Colville National Forest, Colville, WA 99114; Forest Service National Forest, Okanogan National Forest, 219 2nd Ave., S., Okanogan, WA 98840; Forest Service National Forest, Olympic National Forest, Federal Bldg., Olympia, WA 98501; Agricultural Marketing Service Milk Market Office, 16 W. Harrison St., Seattle, WA 98119; Forest Service National Forest, Mt. Baker-Snoqualmie National Forests, 1601 Second Ave., Bldg., Seattle, WA 98101; Soil Conservation Service State Office, 360 U.S. Courthouse, W. 920 Riverside Ave., Spokane, WA 99201; Forest Service National Forest, Gifford Pinchot National Forest, 500 W. 12th St., Vancouver, WA 98660; Farmers Home Administration State Office, Federal Office Bldg., Rm. 319, 301 Yakima St., Wenatchee, WA 98801; Forest Service National Forest, Wenatchee National Forest, 301 Yakima St., Wenatchee, WA 98801;

WEST VIRGINIA Forest Service National Forest, Monongahela National Forest USDA Bldg., Sycamore St., Elkins, WV 26241; Farmers Home Administration State Office, Federal Bldg., Rm 320, 75 High St., Morgantown, WV 26505; Soil Conservation Service State Office, 75 High St., P.O. Box 865, Morgantown, WV 26505;

WISCONSIN Forest Service Forest Products Laboratory, N. Walnut St., P.O. Box 5130, Madison, WI 53705; Soil Conservation Service State Office, 4601 Hammersley Rd., P.O. Box 4248, Madison, WI 53711; Forest Service Regional Office, 633 W. Wisconsin Ave., Milwaukee, WI 53203; Forest Service National Forest, Chequamegon National Forest, Federal Bldg., Park Falls, WI 54552; Forest Service National Forest, Nicolet National Forest, Federal Bldg., Rhielander, WI 54501; Farmers Home Administration State Office, First Financial Plaza, Suite 209, 1305 Main St., Stevens Point, WI 54481;

WYOMING Farmers Home Administration State Office, Federal Bldg., Rm. 3213, 100 E. B. St., Casper, WY 82601; Soil Conservation Service State Office, Federal Office Bldg., P.O. Box 2440, Casper, WY 82601; Forest Service National Forest, Shoshone Bighorn National Forests, Blair Bldg. No. 1, Cody, WY 82414; Forest Service National Forest, Bridger-Teton National Forest, Forest Service Bldg., P.O. Box 1888, Jackson, WY 83001; Forest Service National Forest, Medicine Bow National Forest, Box 3355, University Station, Laramie, WY 82070; Forest Service, RM Forest and Range Experiment Station, Forest Range and Watershed Laboratory, University of Wyoming, Laramie, WY 82070;

PUERTO RICO Farmers Home Administration State Office, Segarra Bldg., Fifth Floor, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico 00907; Soil Conservation Service Caribbean Office, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico 00908;

HEADQUARTERS Agricultural Research Service, Personnel Division, Federal Center Bldg., Rm. 557, Hyattsville, MD 20782; Agricultural Marketing Service, Personnel Division, Rm. 1709-S, Washington, D.C. 20250; Agricultural Stabilization and Conservation Service, Personnel Division, Rm. 4752-S, Washington, D.C. 20250; Animal and Plant Health Inspection Service, Personnel Division, Rm. 3911-S, Washington, D.C. 20250; Economic Management Support Center, Division of Personnel, Rm. 1441-S, Washington, D.C. 20250; Extension Service, Personnel Division, Rm. 6439-S,

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Washington, D.C. 20250; Farmers Home Administration, Personnel Division, Rm. 6319-S, Washington, D.C. 20250; Federal Crop Insurance Corporation, Personnel, Management, and Administrative Service Division, Rm. 4622-S, Washington, D.C. 20250; Foreign Agricultural Service, Personnel Division Rm 5649-S, Washington, D.C. 20250; Forest Service, Division of Personnel Management, Rm. 910, Rosslyn Plaza E, Arlington VA 22209; Food and Nutrition Service, Personnel Division, Rm. 712-B,500 12th St., SW, Washington, D.C. 20250; Office of Personnel, Personnel Operations Division, Rm. 347-W, Washington, D.C. 20250; Soil Conservation Service, Personnel Diision, Rm 6212-S, Washington, D.C. 20250; Rural Electrification Administration, Personnel Management Division, Rm 4078-S, Washington, D.C. 20250;

Categories of individuals covered by the system: Current and prior employees of USDA and applicants who were not hired, as well as, its permittes, cooperators, and contractor.

Categories of records in the system: The System consists of personnel (Official Personnel Folders, Applicant Supply Files, performance files, retention lists, appeals, grievances, complaints, disciplinary, conflict of interest, health, suggestion and incentive awards, accident, training, time and attendance, travel voucher, and classifcation files) and payroll data needed to conform to all applicable laws, Government Regulations and procedures, and the needs of the Department and agencies in carrying out their personnel management responibilities.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to: (1) Civil Service Commission for required action, records, and reports; (2) Department of Treasury for issuance of checks and bonds; (3) Department of Labor for Office of Workers Compensation Program and Office of Safety and Health Administration; (4) Department of Commerce for distribution of Federal payrolls; (5) Congress for special reports; (6) White House for special reports; (7) Office of Management and Budget for special reports (8) General Accounting Office for special reports; (9) Department of Justice; (10) General Services Administration for records retirement and/or destruction; (11) State Department for passport and foreign assignments; (12) Department of Transportation, Environmental Protection Agency, and cooperating state and local agencies for accident and safety records; (13) Internal Revenue Service and State and local governments for matters in connection with payment of income taxes; (14) Social Security Administration for social security payment information; (15) United funds for reports and records; (16) Department of Health, Education, and Welfare for scheduling physical examinations; (17) All Government agencies and potential employers concerning employment inquiries; (18) Equal Employment Opportunity Commission for handling complaints; (19) Appropriate agency, whether Federal, State local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; and (20) A court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the systeSystem which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above, except for the National Finance Center where it is maintained on computer tape and disk storage.

Retrievability: Records are indexed by name of employee and/or identification number.

Safeguards: Records are kept in locked file, locked offices, and/or in secured computer tape storage rooms.

Retention and disposal: Records are maintained indefinitely until employees are separated from the Department and are then retired or transferred to a new employing agency or destroyed in conformance with appropriate General Services Administration retirement and/or destruction schedules.

System manager(s) and address: Director, Office of Personnel, USDA, Washington, D.C. 20250.

Notification procedure: Employees may request information from this System from the appropriate personnel office having custody of his records. A request for information should be addressed to the Director, Personnel Division, (name of appropriate agency), USDA, at the address shown under LOCATION and should contain:

Name of requestor, employing agency in USDA or agency to which information was furnished, address of agency, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Contesting record procedures: Same as RECORD ACCESS PROCEDURES.

Record source categories: Information in this System comes from the employee, applicants, permittees, cooperators, contractors, employee's personnel offices, supervisors, references, investigative personnel, colleges and universities, and former employers.

USDA/OP—2

System name: Security Records for USDA employees, USDA/OP.

System location: Security and Employee Relations Division, Office of Personnel, USDA, Room 16-W, Administration Building, 14th Street and Independence Avenue, SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All USDA applicants and/or employees investigated under the authority of Executive Order 10450.

Categories of records in the system: The System consists of investigative files maintained by the Department Security Officer in fulfilling his responsibilities in granting security clearances under the Personnel Security Program of the Department.

Authority for maintenance of the system: 5 U.S.C. 22-1; 22-3; Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the Civil Service Commission and/or the Federal Bureau of Investigation for appropriate investigation; (2) referral to the agency which conducted the investigation upon the retirement or transfer of the employee; (3) referral to the General Services Administration for retirement and/or destruction purposes; (4) certification of Security Clearances to other Government agencies; (5) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (6) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked Lektriever 100's which are contained in a locked room.

Retrievability: Records are indexed by name of the employee or applicant.

Safeguards: As stated above under STORAGE.

Retention and disposal: Records are maintained until employee has retired, or transferred to another Government agency. They are then returned to the agency that conducted the investigation, or retired to the General Services Administration for destruction under the appropriate destruction schedule.

System manager(s) and address: Department Security Officer, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Employees may request information, other than that exempted, from this System from the Department Security Officer, U.S. Department of Agriculture, under the address shown above in LOCATION. All requests should include the

name of the requestor, employing agency or agency to where application was made, address of requestor, location of employing agency, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the office mentioned above.

Contesting record procedures: Same as RECORD ACCESS PROCEDURES

Record source categories: Information in this System comes from the employee, his references, present and former supervisors, educational institutions, the Civil Service Commission, the Federal Bureau of Investigation, the investigative arms of the various agencies of the Department of Defense, the investigative arms of other Executive Departments and Agencies, and various local and state law enforcement agencies.

USDA/SEC—1

System name: Non-Career Applicant File, USDA/SEC.

System location: Office of the Secretary, 14th and Independence Avenue, S.W., Room 202A, Administration Building, Washington, D. C. 20250.

Categories of individuals covered by the system: Individuals who have applied or have been referred to the Department for non-career appointments.

Categories of records in the system: Consists of resumes and correspondence regarding individuals who are generally interested in non-career appointments, who are candidates for specific appointments and those who have been appointed.

Authority for maintenance of the system: 5 USC 3301-3302; 5 CFR Part 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to agency heads in anticipation of or in the case of specific non-career vacancies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders in the Office of the Deputy Under Secretary, United States Department of Agriculture, Washington, D.C. 20250.

Retrievability: Records indexed by name of individual.

Safeguards: Records kept in locked files with a pad locked security bar.

Retention and disposal: Records more than a year old are usually disposed of or if an applicant has accepted employment elsewhere, the files are discarded.

System manager(s) and address: Deputy Under Secretary, Office of the Secretary, United States Department of Agriculture, Room 202-E, Administration Building, Washington, D.C. 20250.

Notification procedure: Any person may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. Such requests should include the name and address of the requester and a statement of his reasons for believing the system may contain records about him.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information on this system comes from the individuals themselves, various federal, state and local governmental agencies, and persons having knowledge of the individual's character and capabilities.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a (k)(5) from the requirements of 5 USC 552a(c)(3), (d), (e) (l), (e)(4)(G), (H) and (I) and (f), but only to the extent that disclosure of records contained in the system would reveal the identity of a source who had furnished information to the Government under an express promise that the identity of the source would be held in confidence (or, prior to September 27, 1975, under an implied promise the identity of the source would be held in confidence). See 7 CFR 1.123. If such promise of confidentiality could not be made, the Department's ability to obtain candid evaluations of persons being considered for appointment to non-career positions would be greatly impaired. This exemption enables the Department to obtain needed information when the source will not provide it unless he has promised that his identity will be kept confidential.

USDA/SCS—1

System name: Program Cooperators - Soil Conservation Service, USDA/SCS

System location: All field offices of the Soil Conservation Service, usually located in county seats of government. Addresses of each field office are listed in the telephone directories of the field office locations under the heading, 'United States Government, Department of Agriculture, Soil Conservation Service.'

Categories of individuals covered by the system: Cooperators with SCS Programs including Soil and Water District Cooperators, Great Plains Conservation Program Cooperators, Water Bank Cooperators, Irrigation District Cooperators, and Welton-Mohawk Project Cooperators.

Categories of records in the system: The System consists of file folders on individual cooperators recording the planning, development and accomplishments of the plan on his land. These files contain personal and economic data.

Authority for maintenance of the system: P.L 46.74th Congress, as amended, (16 U.S.C. 590 a-f, i-l, q, q-l;) and related laws 42 U.S.C. 3271-3274; 7 U.S.C. 2201); and implementing regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in field offices.

Retrievability: Records are indexed by name of cooperator and maintained alphabetically.

Safeguards: Records are maintained in standard files and offices are locked during off hours.

Retention and disposal: Records are maintained until plans are cancelled, at which time basic resource data is retained, as appropriate, and other data is destroyed.

System manager(s) and address: District Conservationists or other designees in charge of field offices.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the respective district conservationist or other designee. If the specific location of the record is not known, the individual should address his request to the Chief, Records and Communications Management Branch, USDA-Soil Conservation Service, Washington, D.C. 20250, who will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., name or nature of program, name of cooperating body; etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

Contesting record procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

Record source categories: Information in this system comes from landowners and occupiers (cooperators) and SCS technicians who develop and manage plans with them.

USDA/SRS—1

System name: Administrative Records System, USDA/SRS

System location: State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR

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Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service'.

Categories of individuals covered by the system: All Federal and State employees who work in SRS offices.

Categories of records in the system: The system consists of employee's name, home address, telephone number, salary rate, accumulated salary for year, accumulated hours worked, and accumulated travel expenses, which includes per diem, mileage, and total miles travelled.

Authority for maintenance of the system: 5 U.S.C. 301 and 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system of records for State Department of Agriculture employees is made available to the Head of the State Department of Agriculture or his designee. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents (CEF-201's and bi-weekly Time and Attendance reports) are retained in the State Statistical Offices specified above.

Machine readable data are maintained on the INFONET network with each office only able to access its own files.

Retrievability: The master employee data base is indexed by employee number assigned by each office.

Safeguards: Source documents are kept in file cabinets in the offices listed above.

Retention and disposal: The two data bases in this system are handled in the following manner:

1. Bi-Weekly Data Base - After initial usage, stored on tape and retained for one year.

2. Master Employee Data Base - Inactive employee records are deleted at the end of each fiscal year.

A copy of this file will be retained for five years.

System manager(s) and address: Statistician in Charge of the State Statistical Office responsible for employee's records, at the address specified above.

Notification procedure: Any employee working in an SRS State Statistical Office since 1975 may request information regarding this system of records, or information stating whether the system contains records pertaining to him from the System Manager at the appropriate State Statistical Office. A written request for information pertaining to an individual's records should contain name, address, and most recent dates of employment with USDA/SRS.

Record access procedures: Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure'.

Record source categories: Information in this system comes from enumerator time and mileage forms (CEF-201), time and attendance forms from all other employees, and employment forms (SF-171 and NASDA-171).

USDA/SRS—2

System name: June Acreage, Livestock and Labor Enumerative Survey, USDA/SRS

System location: Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Magnetic tapes are located in the Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report farm population on the June Acreage, Livestock and Labor Enumerative Survey. Also included are non-farm residents living in selected small land areas for whom home ownership status is reported.

Categories of records in the system: Questionnaires and magnetic tapes containing information on farm population reported by farmers and ranchers who are interviewed in the survey. Questionnaires for non-farm residents containing information on home ownership status which are obtained by canvassing selected small land areas.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Magnetic tapes stored in tape library, Washington Computer Center, USDA, Washington, D.C. 20250.

Retrievability: Questionnaires are stored in boxes which are identified by location of selected small land areas. Magnetic tapes are indexed by Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices (except in Texas) and sent to Federal Record Centers for the balance of the retention period (4 years). Texas questionnaires are kept in the State Statistical Office for 1 year and then destroyed. Magnetic tapes are retained for 6 years in the Washington Computer Center and then destroyed.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

Notification procedure: Any individual may request information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain

Name, address, and date (year) that questionnaire was completed.

Record access procedures: Any individual who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Any individual who was interviewed in the survey may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure'.

Record source categories: Information in this system comes solely from farmers and ranchers who were interviewed in this survey, or from non-farm residents who are located in selected small land areas.

USDA/SRS—3

System name: Personnel Data Base, USDA/SRS

System location: Computer Records—Washington Computer Center, USDA, Washington, D.C. 20250 Inputs—coding sheets and punch cards in file cabinet in Room 5868, South Building, Statistical Reporting Service, USDA, Washington, D.C. 20250. Outputs—listings distributed to and retained by Career Development Officer, each Division Director, Deputy Administrator, Statistical Reporting Service, USDA, Washington, D.C.; and Economic Management Support Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Statistical Reporting Service Federal employees (except enumerators).

Categories of records in the system: The system consists of information pertaining to Statistical Reporting Service employee's name; job series; grade; age; service computation date; date began in Statistical Reporting Service; work experience; training; and awards.

Authority for maintenance of the system: 5 U.S.C. 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents are maintained in offices of officials identified previously. Machine data are maintained in the Washington Computer Center, USDA, Washington, D.C.

Retrievability: Records are indexed by Social Security Number.

Safeguards: Source documents are kept in locking file cabinet in office of Career Development Officer, Statistical Reporting Service, USDA, Washington, D.C.

Retention and disposal: A review is made each quarter. Records which are no longer needed are destroyed.

System manager(s) and address: Career Development Officer, Statistical Reporting Service USDA, Washington, D.C. 20250.

Notification procedure: Any employee may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Career Development Officer, Statistical Reporting Service, USDA, Washington, D.C., telephone 202-447-4971.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Career Development Officer referred to in the paragraph entitled "Notification procedure'.

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Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Career Development Officer referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes primarily from form SF-52, Request for Personnel Action; form AD-281, Request and Authorization for Outside Training; and form AD-287-2, Approval and Certification of Cash Award.

USDA/SRS—4

System name: Quarterly Agricultural Labor Survey, USDA/SRS

System location: Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Except for California, punch cards are located in the Data Services Branch, Survey Division, Statistical Reporting Service, USDA, Washington, D.C. California punch cards are located in the State Statistical Office at the address listed above.

Magnetic tapes are located in the Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report the following information on the Quarterly Agricultural Labor Survey: (1) number of hours worked in the survey week by the operator, (2) number of unpaid family workers working more than 15 hours in the survey week, (3) number of paid family workers working in the survey week, (4) hours worked by unpaid family workers, and (5) wages paid to paid family workers.

Categories of records in the system: Questionnaires, punch cards and magnetic tapes containing information as listed under "Category of Individuals' reported by farmers and ranchers who are interviewed in the survey.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Punch cards are stored in the Data Services Branch, Survey Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes are stored in the tape library, Washington Computer Center, USDA, Washington, D.C.

Retrievability: Questionnaires are stored in boxes which are identified by Reporter Identification number. Punch cards and magnetic tapes are indexed by Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Punch cards are kept in file drawers. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices and sent to Federal Records Centers for the balance of the retention period (4 years). Punch cards are kept 14 months in the Data Services Branch and then destroyed. Magnetic tapes are retained for 5 years in the Washington Computer Center and then destroyed.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statisjician in Charge at the address listed above. If the specific location of the

record is not known, the individual should address his request to the Chairman2 Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address, and date (month and year) that questionnaire was completed.

Record access procedures: Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure'.

Contesting record procedures: Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure'.

Record source categories: Information in this system comes solely from farmers and ranchers who were interviewed in this survey.

USDA/SRS—5

System name: State Farm Census, USDA/SRS

System location: State Statistical Offices at the following locations:

Des Moines, IA
St. Paul, MN
Madison, WI
Springfield, IL

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service'.

Categories of individuals covered by the system: Farmers who report number of persons living in farm household to county assessors or other enumerators.

Categories of records in the system: Reporting forms and magnetic tapes containing data on number of persons living in farm households.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Supplied to State government in the State where data are collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reporting forms and magnetic tapes are maintained in files within their respective offices, except Iowa, which maintains magnetic tape in the Washington Computer Center, USDA, Washington, D.C. 20250.

Retrievability: Records are indexed by a unique identification assigned by each office.

Safeguards: Records are kept in a room locked after working hours.

Retention and disposal: All offices except Iowa retain reporting forms for two years in the office and then send them to either a Federal or State Records Center for 4 years. Iowa retains the reporting forms for two years and then destroys them.

System manager(s) and address: Statistician in Charge
Iowa Crop and Livestock Reporting Service
SRS/USDA
Federal Building, Room 885
210 Walnut Street
Des Moines, Iowa 50309
Statistician in Charge
Illinois Crop and Livestock Reporting Service
SRS/USDA
202 U.S. Post Office & Court House Building
Springfield, Illinois 62705
Statistician in Charge
Minnesota Crop and Livestock Reporting Service
SRS/USDA
Metro Square, Suite 270
7th & Roberts St.
St. Paul, Minnesota 55101
Statistician in Charge
Wisconsin Crop and Livestock Reporting
Service
SRS/USDA
801 West Badger Road
Madison, Wisconsin 53713

Notification procedure: Any farmer in the above-listed States may request information regarding this system of records. He can determine whether the system contains records relating to him from the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, USDA/SRS, Washington, D.C. If necessary, he will report it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address and year of the report.

Record access procedures: Any farmer may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure'.

Contesting record procedures: Any farmer may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes primarily from farmers.

USDA/SRS—6

System name: Telephone, Electric and L.P. Gas Services Survey, USDA/SRS .

System location: Prior to 1975:

Survey questionnaires and edit listings located in the Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes for 1974 located in Washington Computer Center, USDA, Washington, D.C. 20250.

Magnetic tapes for earlier years destroyed. 1975 and later:

Questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the

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heading "United States Government, Department of Agriculture, Statistical Reporting Service". Magnetic tapes located in Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report information on telephone, electricity, and L.P. gas services on an annual mail survey questionnaire.

Categories of records in the system: Questionnaires, edit listings and magnetic tapes containing information on telephone, electricity, and L.P. gas services reported by farmers and ranchers who responded to the survey.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Prior to 1975:

Questionnaires packed in boxes and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Edit listings maintained in file folders and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes for 1974 stored in tape library, Washington Computer Center, USDA, Washington, D.C.

Magnetic tapes for earlier years destroyed.

1975 and later:

Questionnaires packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Edit listings maintained in file folders and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C. Magnetic tapes stored in tape library, Washington Computer Center, USDA, Washington, D.C.

Retrievability: Edit listings and tapes are indexed by Reporter Identification Number. Questionnaires are identified by name, address and Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Edit listings kept in locked cabinets. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices and sent to Federal Record Centers for the balance of the retention period (4 years). Magnetic tapes are retained for 12-18 months. Edit listings are retained for 1 year.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

Notification procedure: Any farmer or rancher who has previously reported may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C., telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address, and date (year) that questionnaire was completed.

Record access procedures: Any farmer or rancher who has previously reported may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure"

Contesting record procedures: Any farmer or rancher who has previously reported may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes solely from farmers and ranchers who completed questionnaires for this survey.

[FR Doc.76-26211 Filed 8-30-76;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

Title 37—Patents, Trademarks, and Copyrights---------- $2.20

Title 40—Protection of Environment (Parts 60–99)------ 5.70

Title 41—Public Contracts and Property Management (Chapter 8)---------- 1.80

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[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
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federal register

BOOK 1 OF 2 BOOKS

WEDNESDAY, SEPTEMBER 15, 1976

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 9153 ..... Pub. Law 94–403
Granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact.
(Sept. 9, 1976; 90 Stat. 1221)

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presidential documents

Title 3—The President

PROCLAMATION 4460

Citizenship Day and Constitution Week, 1976

By the President of the United States of America

A Proclamation

With the signing of the United States Constitution on September 17, 1787, the founding fathers approved for the people of this Nation an effective plan of self-government, which has, with its subsequent amendments—including the Bill of Rights—preserved the principles of the Declaration of Independence. It is the responsibility of the citizens of the United States to uphold, support and defend those ideals.

An understanding and appreciation of the events and hardships which produced that great document is indispensable to a rededication to the preservation of its ideals.

To that end, the Congress, by a joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as Citizenship Day, in commemoration of the formation and signing of the Constitution of the United States on September 17, 1787, and authorized the President to issue annually a proclamation calling upon officials of the Government to display the flag on all Government buildings on that day. By a joint resolution of August 2, 1956 (36 U.S.C. 159), Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for the observance of that week.

The commemoration during the year 1976 assumes special significance, because it also marks the Bicentennial anniversary of the founding on July 4, 1776, of our country as an independent Nation. This is a time for reflection upon our history and upon our future, and a time for commitment to the goals that have made America great.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1976. I urge Federal, State and local officials, as well as leaders of all religious, civic, educational and other organizations, to conduct meaningful ceremonies and observances on that day to commemorate the formation and signing of the Constitution and to extend recognition to those persons who during the year acquired the status of citizenship, either by coming of age or by naturalization.

I also designate the period beginning September 17 and ending September 23, 1976, as Constitution Week, and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places, to the end that our citizens may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-27090 Filed 9-13-76;12:49 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Pecans in the Shell [1]

On June 7, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 22832) regarding the revision of the United States Standards for Grades of Pecans In The Shell (7 CFR 51.1400–51.1415). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. Following publication of the proposal in the FEDERAL REGISTER, June 7, 1976, copies were widely distributed to individuals and industry organizations representing growers, shippers, wholesalers and retailers. Information concerning the proposal was also carried in newspapers and trade publications. Department representatives also discussed the proposal at several producers meetings.

The period for comment ended on July 15 and four comments were received in response to the proposal. One letter from a horticulturist and another from an Extension Specialist commented in favor of the proposal except for increasing the tolerances for serious kernel defects. Both letters were against lowering any U.S. quality standards and both urged development of a premium quality grade, U.S. Fancy. Another comment, from a southwestern pecan growers' organization, requested development of a premium quality grade and did not comment on other changes proposed.

The Grades and Standards Committee of the Pecan Distributors Association, Inc., who originated the request to revise the standards, commented in favor of the proposal with one exception; they requested a one percent increase in the proposed serious damage tolerances for both U.S. No. 1 and U.S. No. 2 grades, in line with their original request. The Department surveyed previous inspection records and proposed tolerances one percent less than required. The proposal, as published, has been accepted by the Grades Committee, however. they have requested a field study during this crop season to evaluate the need for additional serious damage tolerances. The field study of serious damage tolerances will include study of the development of a U.S. Fancy grade.

After consideration of all relevant matters presented by interested persons, including the proposal set forth in the aforesaid notice, the United States Standards for Grades of Pecans In The Shell promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627) are hereby revised to read as follows:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.

51.1400 U.S. No. 1.
51.1401 U.S. No. 2.

SIZE CLASSIFICATION

51.1402 Size classification.

KERNEL COLOR CLASSIFICATION

51.1403 Kernel color classification.

TOLERANCES

51.1404 Tolerances.

APPLICATION OF TOLERANCES

51.1405 Application of tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.1406 Sample for grade or size determination.

DEFINITIONS

51.1407 Fairly uniform in color.
51.1408 Loose extraneous or foreign material.
51.1409 Well developed.
51.1410 Fairly well developed.
51.1411 Poorly developed.
51.1412 Well cured.
51.1413 Damage.
51.1414 Serious damage.
51.1415 Inedible kernel.

OPTIONAL DETERMINATIONS

51.1416 Optional determinations.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; (7 U.S.C. 1622, 1624).

GRADES

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are: (1) Fairly uniform in color; and, (2) Free from damage by any cause.

(c) Kernels are: (1) Free from damage by any cause.

(d) For tolerances see § 51.1404.

§ 51.1401 U.S. No. 2.

The requirements for this grade are the same as for U.S. No. 1 except for:

(a) No requirement for uniformity of color of shells; and,

(b) Increased tolerances for defects see § 51.1404.

SIZE CLASSIFICATION

§ 51.1402 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100 nut sample.

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 pct of the total weight of a 100-nut sample
Extra large	56 to 63	
Large	64 to 77	
Medium	78 to 95	
Small	96 to 120	

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(2) "Light amber" means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(3) "Amber" means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 25 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that more than 25 percent of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark-brown or blackish-brown discoloration).

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(b) U.S. Department of Agriculture kernel color standards, Pec-MC-1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown" and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Divison, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wisconsin 53538.

TOLERANCES

§ 51.1404 Tolerances.

In order to allow the variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. No. 1*—(1) *For shell defects, by count.* (i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) *For kernel defects, by count.* (i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 7 percent for kernels which are seriously damaged: *Provided*, That not more than six-sevenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And provided further*, That included in this 6 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: *Provided*, That these kernels meet the requirements for the grade other than for skin color.

(3) *For loose extraneous or foreign material, by weight.* (i) 0.5 percent (one-half of 1 percent).

(b) *U.S. No. 2*—(1) *For shell defects, by count.* (i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) *For kernel defects, by count.* (i) 30 percent for pecans with kernals which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernals which are seriously damaged: *Provided*, That not more than seven-tenths of this amount, or 7 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And provided further*, That included in this 7 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(3) *For loose extraneous or foreign material, by weight.* (i) 0.5 percent (one-half of 1 percent).

APPLICATION OF TOLERANCES

§ 51.1405 Application of tolerances.

Individual 100-count samples shall have not more than one and one-half times a specified tolerance of 5 percent or more and not more than double a tolerance of less than 5 percent, except that at least one pecan which is seriously damaged by live insects inside the shell is permitted: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.1406 Sample for grade or size determination.

Each sample shall consist of 100 pecans. The individual sample shall be drawn at random from a sufficient number of packages to form a 100-count composite sample. The number of such individual 100-count samples drawn for grade or size determination will vary with the size of the lot. When practicable, at point of packaging the sample may be obtained from the grading belt after sorting has been completed.

DEFINITIONS

§ 51.1407 Fairly uniform in color.

"Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

§ 51.1408 Loose extraneous or foreign material.

"Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

§ 51.1409 Well developed.

"Well developed" means that the kernel has a large amount of meat in proportion to its width and length (see Figure 1).

§ 51.1410 Fairly well developed.

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to the extent that they have reduced the meatiness of the kernel (see Figure 1).

§ 51.1411 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length (see Figure 1).

PECAN CROSS SECTION ILLUSTRATION



1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.



2. FAIRLY WELL DEVELOPED

Lower limit for U.S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

Figure 1.

§ 51.1412 Well cured.

"Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§ 51.1413 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure;

(c) Broken shells when any portion of the shell is missing;

(d) Kernels which are not well cured;

(e) Poorly developed kernels;

(f) Kernels which are dark amber in color;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch (3 mm) in greatest dimension;

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel; and,

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch (6 mm) lengthwise beneath the center ridge, or any equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

§ 51.1414 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch (6 mm) in diameter;

(c) Worm holes when penetrating the shell;

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(f) Decay affecting any portion of the kernel;

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernal shows distinct evidence of insect feeding;

(h) Kernal spots when more than three dark spots on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel;

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel; and,

(k) Undeveloped kernels having practically no food value, or which are blank (complete shell containing no kernel).

§ 51.1415 Inedible kernels.

"Inedible kernels" means that the kernel or pieces of kernels are rancid, moldy, decayed, injured by insects or otherwise unsuitable for human consumption.

OPTIONAL DETERMINATIONS

§ 51.1416 Optional determinations.

The determinations set forth herein are not requirements of these standards. They may be performed upon request in connection with the grade determination or as a separate determination. Samples of pecans for these determinations shall be taken at random from a composite sample drawn throughout the lot.

(a) *Edible kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of edible kernel content. After the sample is weighed and shelled, edible appearing half kernels and pieces of kernels shall be separated from shells, center wall, and other non-kernel material, and inedible kernels (see § 51.1415) and pieces of kernels, and weighed to determine edible kernel content for the lot.

(b) *Poorly developed kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of poorly developed kernel content. The amount of poorly developed kernels and pieces of kernels shall be weighed to determine poorly developed kernel content of the lot (see § 51.1411 and Figure 1).

(c) *Edible kernel content color classification.* The amount of "Light," "Light amber," "Amber," "Dark amber" and darker shades of skin color shall be determined according to § 51.1403, Kernel Color Classification. The total weight of edible kernels and pieces of kernels shall be the basis for determining color classification content for the lot.

(d) *Kernel moisture content.* The sample of pecans for determination of kernel moisture content shall be shelled immediately before analysis and all shells, center wall and other non-kernel material removed. The air-oven or other methods or devices which give equivalent results shall be used for moisture content determination.

These standards shall become effective on October 15, 1976, and will thereupon supersede the United States Standards for Pecans In The Shell which has been in effect since September 15, 1972, (7 CFR 51.1400–51.1415).

Dated: September 9, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-26886 Filed 9-14-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Petroleum Refiner for Purpose of Bidding on Government Procurements

By publication in the FEDERAL REGISTER of October 30, 1975 (40 FR 50518), the Small Business Administration adopted a new definition of a small petroleum refiner for the purpose of SBA assistance. The size standard adopted was 50,000 barrels-per-day capacity and 1,500 employees for the purpose of bidding on Government procurements and obtaining SBA loans and 45,000 barrels-per-day capacity and 1,500 employees for the purpose of sales of Government property, including royalty oil.

Subsequently, objections were received that the 50,000 barrels-per-day capacity standard for procurement purposes (rather than the 75,000 barrels-per-day capacity standard originally proposed in the notice of proposed rulemaking) was based upon an incomplete consideration of the issues involved, specifically, the Agency's finding that the category requiring SBA assistance in order to remain competitively viable for procurement purposes was those concerns having a barrels-per-day capacity not exceeding 50,000.

Under the circumstances, SBA determined to hold a further hearing solely on the issue whether the petroleum refinding capacity standard for the purpose of Government procurement should be increased from the current 50,000 barrels per day to 75,000 barrels per day or any level between.

Interested parties were permitted to file written comments and a public hearing was held in the Central Office of the Small Business Administration at 9:00 a.m. on June 9, 1976. It was well-attended and various points of view were presented. Interested parties were given until June 30, 1976, to file additional comments for the record.

On the basis of all the evidence received, both written comments and testimony at the public hearing, it has been determined that the current standard of 50,000 barrels per day for the purpose of bidding on Government procurements remains the most appropriate standard

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to effectuate the purposes of the Small Business Act. Accordingly, the findings of fact and determinations set forth in the previous promulgation of this Regulation in the FEDERAL REGISTER on October 30, 1975 (40 FR 50518), are hereby confirmed.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-26934 Filed 9-14-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12160]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Extension of Temporary Rules 23a-1(T) and 23a-2(T); Adoption of Amendments to SECO Rules; Correction

In FR Doc. 76-7157 appearing at page 10599 in the FEDERAL REGISTER of March 12, 1976, the following change should be made:

1. On page 10602 in paragraph (d), the last sentence, which begins "Paragraph (e) is designated * * *" should be deleted.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 7, 1976.

[FR Doc.76-26943 Filed 9-14-76;8:45 am]

[Release No. 34-12468A]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Municipal Securities Professionals and Transactions in Municipal Securities; Correction

Amendments to Rule 15b9-1 announced in Securities Exchange Act Release No. 12468 (May 20, 1976),[1] 9 SEC Docket 681 (June 2, 1976), inadvertently excluded a paragraph contained in the rule as adopted. The following changes should be made in FR Doc. 76-16127 appearing at page 22820 in the FEDERAL REGISTER of June 7, 1976:

1. On page 22825 paragraph (e) should be designated as paragraph (f).

2. Add paragraph (e), as follows:

* * * * *

(e) Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from this rule if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000: *Provided, however,* That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 7, 1976.

[FR Doc.76-26944 Filed 9-14-76;8:45 am]

[1] Another correction to the amendment adopted in Release No. 12468 was made in Securities Exchange Act Release No. 12602 (July 7, 1976), 9 SEC Docket 1045 (July 21, 1976).

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965- ....)

Subpart T—Health Maintenance Organizations

CONTRACT APPEAL PROCEDURES UNDER TITLE XVIII OF SOCIAL SECURITY ACT

The following regulations of the Social Security Administration provide an appeals procedure on Health Maintenance Organization (HMO) contract matters (i.e., denial of contract, termination of contract, and nonrenewal of contract). The regulations implement legislation and provide additional appeals procedures in the interest of equity. They will apply to a relatively small number of organizations that are interested in participating in the Medicare program as HMO's and will have little effect on individuals. The regulations are expected to have no significant effect on the financial situation or outlays of the organizations concerned. They will be effective on or before October 15, 1976.

Section 1876(i)(4) of the Social Security Act (42 U.S.C. 1395mm(i)(4)), which was added to title XVIII by section 226 of Pub. L. 92-603 provides that the Secretary may terminate his contract with an HMO at any time, after giving reasonable notice and opportunity for hearing, if the Secretary finds that the HMO has failed substantially to carry out the contract, is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section, or no longer substantially meets the applicable conditions necessary to qualify as an HMO within the meaning of section 1876 of the Social Security Act. On November 3, 1975, there was published in the FEDERAL REGISTER (40 FR 51055) a notice of proposed Rulemaking with proposed amendments to Part 405 of Chapter III of Title 20 of the Code of Federal Regulations regarding procedures to be followed by HMO's in appealing termination notices from the Secretary, or notices that the Secretary will not renew the HMO's contract under Medicare. Additionally, the proposed regulations set forth the appeal procedures for an organization dissatisfied with the Secretary's determination that it is ineligible to enter into a contract as an HMO in the Medicare program.

The proposed regulations, which implement section 1876 of the Act, would comply with the aforesaid requirements. In addition, even though not required by the Act, the Secretary would afford hearing rights in two other situations. One involves the situation in which the Secretary determines that an organization is not eligible to enter into a contract under which it would qualify for participation as an HMO in the Medicare program. The other is a case where the Secretary refuses to renew a contract with an HMO—such contracts are term agreements renewable automatically in the absence of notice by either party of intention not to renew. The appeal rights in such a case would extend to situations only where the Secretary's reason for nonrenewal is a reason which would have sufficed to terminate the contract. Thus, the HMO's right to a hearing would not be diminished where the Secretary felt it was more advisable not to renew, rather than to terminate for cause.

In termination or nonrenewal cases, the HMO would be given notice of such action at least 90 calendar days before the effective date of the Secretary's determination and would have until such effective date to file a request for a hearing. In the case of a termination, the filing of such request would postpone the effective date of the determination until the hearing officer renders a decision. In a nonrenewal case, the Secretary would have the power to extend the contract where he is satisfied that such extension is consistent with the purposes of section 1876 of the Act.

The HMO's right to a hearing would flow directly from the initial determination of the Secretary to terminate or to not renew. The step of reconsideration usually utilized in such a process would be eliminated in order to expedite action. In this regard the proposed regulations follow similar regulations in Subpart O, Regulations No. 5, dealing with the termination of a provider's participation in this program.

The hearing would be conducted by a hearing officer appointed by the Secretary. Because of the absence of specific authorization in the Act, no provision is made for judicial review.

Like policies and procedures would apply to a determination of the Secretary that an organization is not eligible to participate in the program as an HMO, except that the organization would be required to go through reconsideration before it has a right to a hearing. Since the organization is not participating in the Medicare program, the need for expedited action is not as great as in the case of termination or nonrenewal of a contract. Reconsideration would afford the Secretary an opportunity to review his decision and, to the extent that he reverses the initial determination, the

organization would be spared the expense and time of a hearing. Again, this is the process followed in Subpart O, Regulations No. 5, where the Secretary finds that an institution or facility is ineligible to participate as a provider of services under the Medicare program. Here, too, since there is no statutory provision for judicial review of a determination that an organization does not qualify as an HMO, the regulations would make no provision for judicial review.

Interested persons were given the opportunity to submit in writing on or before December 3, 1975, any data, views, or arguments on the notice of proposed rulemaking and proposed amendments. The comments and suggestions subsequently received, responses thereto, and changes made in the amendments as proposed are discussed below.

Comments were received from three organizations interested in the procedures to be followed under the proposed regulations. These organizations were the American Hospital Association, the Blue Cross Association, and the Federation of American Hospitals. All comments received have been carefully considered and many comments which suggested clarification of terms and greater specificity of language have, whenever appropriate, been reflected in the regulations as set forth herein. Some comments could not be adopted, because they were contrary to requirements of the statute.

The major changes made as a result of the comments or for other reasons are as follows:

1. The period for requesting a reconsideration or hearing has been changed to 60 days from the date of receipt of the notice of an initial or revised determination. This is in harmony with recent legislation (Pub. L. 94-202) concerning hearings and policies concerning most other appeal procedures under Social Security.

2. For ascertaining the date of receipt of a notice, it will be presumed that receipt was five days following the date of the notice unless there is a reasonable showing to the contrary.

3. Prehearing conferences and discovery procedures are provided for if the hearing officer considers them appropriate.

4. The suggestion was made that members of the HMO's should be allowed to attend hearings regardless of the hearing officer's judgment. The regulations now clearly state that hearings shall be open to the parties and to the public.

The major comments not accepted are in substance as follows:

1. One organization recommended that an HMO should have a reconsideration before a hearing on a decision to terminate or to not renew its contract. This suggestion was not accepted since the objective of an expedited final decision would not be served.

2. One comment pointed out that § 405.2066 does not provide any objective standards against which to measure the "efficient and effective administration" of section 1876 of the Social Security Act. No change was made in § 405.2066, because objective standards in the form of specific criteria would introduce undesirable inflexibility at the outset of the HMO's participation in the health insurance program. At a later date when HMO's have experience in operating with the program, more detailed standards may be developed.

3. One organization felt that an HMO should have the right to appeal any decision not to renew its contract, rather than just those decisions based on the reasons enumerated in § 405.2066. Further appeal rights were not provided since the objective is simply to provide appeal rights when the nonrenewal is equivalent to a termination for cause. The HMO does not have the right to appeal the administrative actions described in § 405.2069. Nor does an HMO have the right to appeal the Secretary's decision regarding its request to withdraw from the health insurance program.

4. A question was raised whether the expression "authorized official of the organization" (see, e.g., § 405.2071), refers to an official authorized by the Secretary or an official authorized by the organization itself. The term refers to an official who has been authorized by the organization to act, and is consistent with the terminology used elsewhere in Regulations No. 5.

5. The suggestion was made that the effective date of all determinations not to renew a contract should be postponed until after a decision is rendered by a hearing officer. As noted above, a hearing is not available for all types of nonrenewal. However, § 405.2078(b) provides that, in nonrenewal cases subject to hearing, the contract may be extended unless such an extension would be contrary to the purposes of section 1876 of the Social Security Act. It is expected that extension of the contract ordinarily would be made until a decision is rendered by a hearing officer, unless there are unusual circumstances.

6. The suggestion was made that a hearing board with some non-federal personnel should be established to hear appeals under these regulations. This change would not be appropriate at this time, because there is no indication that the number of appeals under these regulations would justify the appointment of such a board and its necessary support staff. Should the volume of such appeals grow substantially, further consideration may be given to alternative arrangements for hearing them.

7. The suggestion was made that the notice of hearing should be given at least 30 days prior to the hearing date itself and a suggestion was made that the requesting party should specify the hearing time. These changes would be unnecessarily inflexible. The regulation provides that the time and place of the hearing shall be reasonably convenient to the requesting party.

8. The suggestion was made that the HMO, or organization, should have the right to request a reopening of a determination of the Secretary or of a hearing officer. The HMO, or organization, may request reopening of a determination. However, the Secretary or hearing officer, as appropriate, will determine whether circumstances and evidence justify reopening the determination.

9. A suggestion was made that a time limit be placed on the rendition of the hearing officer's decision, but that is considered impractical since there may be post-hearing actions (e.g., the filing of briefs, which would make an inflexible time frame inpractical.

The amendments as announced under the notice of proposed rulemaking (40 FR 51055) are, therefore, adopted with the changes noted and various editorial changes made in the interest of clarity, and are set forth below.

Additional regulations dealing with HMO's and section 1876 of the Social Security Act have been or are being prepared and have been or will be published separately in the FEDERAL REGISTER.

(Sec. 1102, 1871, 1876, Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331, 86 Stat. 1396 (42 U.S.C. 1302, 1395hh, 1395mm).)

Effective date: These amendments shall be effective on or before October 15, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance; No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

Dated: June 7, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 8, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the code of Federal Regulations, as amended, is further amended as set forth below:

1. The table of sections for Subpart T is amended by adding the following numbers and headings:

Sec.	
405.2065	Health maintenance organizations contract appeals; determinations and appeals procedures.
405.2066	Initial determinations.
405.2067	Notice of initial determination.
405.2068	Effect of initial determination.
405.2069	Administrative actions which are not initial determinations.
405.2070	Reconsideration; right to reconsideration; time and place of filing request for reconsideration.
405.2071	Proper party for filing request for reconsideration.
405.2072	Extension of time to request reconsideration.
405.2073	Withdrawal of request for reconsideration.
405.2074	Reconsidered determination.
405.2075	Submission of evidence.
405.2076	Notice and effect of reconsidered determination.
405.2077	Hearing; right to hearing; time and manner of filing request for hearing.
405.2078	Postponement of effective date of initial determination.
405.2079	Parties to the hearing.
405.2080	Hearing officer.

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Sec.
405.2081 Disqualification of hearing officer.
405.2082 Location of hearing.
405.2083 Notice of hearing.
405.2084 Conduct of hearing.
405.2085 Record of hearing.
405.2086 Authority of hearing officer.
Sec.
405.2087 Hearing decision and notice.
405.2088 Effect of hearing decision.
405.2089 Appointment of representative.
405.2090 Authority of representative.
405.2091 Reopening of initial or reconsidered determination and decision of a hearing officer.
405.2092 Notice of reopening and revision.

2. Subpart T is amended by adding §§ 405.2065–405.2092 reading as follows:

§ 405.2063 Health maintenance organizations contract appeals; determinations and appeals procedures.

(a) The provisions contained in this section and §§ 405.2066–405.2092 shall govern the procedures for making and reviewing determinations with respect to whether:

(1) An organization is eligible to enter into a contract with the Secretary under which such organization would qualify for participation as a health maintenance organization (hereinafter referred to as an "HMO") within the meaning of section 1876 of the Social Security Act, and

(2) The Secretary's agreement with the HMO should be terminated for cause, pursuant to section 1876 of such Act, and

(3) The Secretary's agreement with the HMO should not be renewed.

(b) Any organization dissatisfied with an initial determination that it is ineligible to enter into a contract with the Secretary as an HMO under section 1876 of the Social Security Act may request a reconsideration of that determination (see § 405.2070) and, if dissatisfied with the reconsidered determination, may request a hearing. An organization which has a contract with the Secretary to participate as an HMO is entitled to a hearing if it is dissatisfied with the Secretary's initial determination to terminate the contract as specified in § 405.2066. In addition, any such organization is, under certain circumstances, also entitled to a hearing if it is dissatisfied with the Secretary's initial determination not to renew the contract (see § 405.2066(c)).

(c) To be a participating HMO, eligible for payment, an HMO must be in compliance with title VI of the Civil Rights Act of 1964 and must enter into a contract with the Secretary under § 405.2028. The provisions of this Subpart T do not govern in any respect the adjudication of issues related to the compliance of an HMO with title VI of the Civil Rights Act of 1964, or the implementing regulation (45 CFR Part 80) promulgated by the Secretary of Health, Education, and Welfare.

§ 405.2066 Initial determinations.

The Secretary shall make an initial determination with respect to:

(a) Whether an organization which has applied to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2028) is eligible to enter into such a contract;

(b) The termination of a contract with an HMO because the HMO:

(1) Has failed substantially to carry out the terms of the contract entered into pursuant to § 405.2028, or

(2) Is carrying out the contract in a manner which is inconsistent with the efficient and effective administration of section 1876 of the Social Security Act, or

(3) No longer meets the applicable conditions necessary to qualify as an HMO under section 1876 of such Act (§ 405.2028);

(c) The nonrenewal of a contract with an HMO, but only if such nonrenewal is for a reason stated in paragraph (b)(1), (2), or (3) of this section.

§ 405.2067 Notice of initial determination.

(a) Written notice of an initial determination specified in § 405.2066(a) shall be mailed to the organization filing the request for such determination and specifically advise the organization:

(1) As to whether it is eligible for participation as an HMO in the health insurance program; and

(2) If not so eligible, the reasons why the organization is ineligible to participate in the program.

(b) Written notice of an initial determination specified in § 405.2066(b) shall be mailed to the HMO at least 90 calendar days before the effective date of such determination.

(c) Written notice of an initial determination specified in § 405.2066(c) shall be mailed to the HMO at least 90 calendar days before the end of the contract period.

§ 405.2068 Effect of initial determination.

The initial determination shall be final and binding upon the parties to the determination unless it is reconsidered in accordance with § 405.2074 (in the case of a determination described in § 405.2067(a)) or revised in accordance with § 405.2091, or a request for hearing is filed (in the case of a determination described in § 405.2066 (b) or (c)).

§ 405.2069 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this subpart include, but shall not be limited to, the following:

(a) The refusal of the Secretary to renew a contract with an HMO where the reasons for such refusal are not among the causes specified in paragraph (b)(1), (2), or (3) of § 405.2066 (e.g., a refusal to renew because the HMO no longer complies with title VI of the Civil Rights Act of 1964).

(b) The finding by the Secretary that an HMO is not eligible to enter into a risk-sharing contract as specified in section 1876(i)(2)(A) of the Social Security Act.

§ 405.2070 Reconsideration; right to reconsideration; time and place of filing request for reconsideration.

Any organization which is dissatisfied with an initial determination (§ 405.2066(a)) that it is ineligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2028) may request the Secretary to reconsider such determination. The Secretary shall reconsider an initial determination if a written request for reconsideration is filed by the organization within 60 calendar days after the date of receipt of the notice of initial determination (§ 405.2067), or later if the time for filing is extended (§ 405.2072). For purposes of this section, the date of receipt of the notice of initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary. The request for reconsideration is to be filed with the Bureau of Health Insurance or with any other office of the Department of Health, Education, and Welfare.

§ 405.2071 Proper party for filing request for reconsideration.

Only an authorized official of the organization which was a party to an initial determination may file the request for reconsideration of such determination (§ 405.2070).

§ 405.2072 Extension of time to request reconsideration.

If a party to an initial determination desires to file a request for reconsideration after the time for filing has passed (§ 405.2070), such party may file a petition with the Secretary for an extension of the time. The petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the Secretary may extend the time for filing a request for reconsideration.

§ 405.2073 Withdrawal of request for reconsideration.

A request for reconsideration may be withdrawn at any time prior to the mailing of notice of the reconsidered determination (see § 405.2076) if a written request for withdrawal is filed with the Secretary by the organization which filed the request for reconsideration and if the Secretary approves the request for withdrawal.

§ 405.2074 Reconsidered determination.

When a request for reconsideration has been filed (§ 405.2070), the Secretary shall reconsider the initial determination in question and the findings on which the initial determination is based. The Secretary shall make a reconsidered determination, affirming or reversing the initial determination (§ 405.2066).

§ 405.2075 Submission of evidence.

The Secretary shall accept in evidence any documents or written statements which are relevant and material to the matters at issue and which are submitted within a reasonable time after the filing of a request for reconsideration. The reconsidered determination shall be based on the evidence considered in making the initial determination and whatever other written evidence may be submitted prior to the time of the reconsidered determination, even taking into account facts relating to the status of the organization subsequent to the initial determination.

§ 405.2076 Notice and effect of reconsidered determination.

(a) *Notice of reconsidered determination.* Written notice of the reconsidered determination (§ 405.2074):

(1) Shall be mailed to the organization concerned;

(2) Shall contain findings with respect to whether the organization is eligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2028);

(3) Shall contain a statement of the reasons for the determination; and

(4) Shall inform the organization of its right to a hearing (§ 405.2077) if it is dissatisfied with the reconsidered determination.

(b) *Effect of reconsidered determination.* The reconsidered determination shall be final and binding upon the parties to the determination unless it is revised in accordance with § 405.2091, or a hearing is requested in accordance with § 405.2077.

§ 405.2077 Hearing; right to hearing; time and manner of filing request for hearing.

(a) *Right to hearing.* An organization which has been determined in a reconsidered determination to be not eligible to enter into a contract with the Secretary under section 1876 of the Social Security Act (§ 405.2028), shall be entitled to a hearing with respect to such determination. Likewise, an HMO whose contract with the Secretary has been terminated or has not been renewed as a result of an initial determination of the Secretary as provided in § 405.2066(b) or (c) shall be entitled to a hearing with respect to that initial determination.

(b) *Time and manner of filing request for hearing specified in paragraph (a) of this section.* The request for a hearing specified in paragraph (a) of this section shall be in writing and filed by an authorized official of the organization or HMO, as the case may be, which was the party to the reconsidered determination (in the case of a determination under § 405.2066(a)) or the initial determination (in the case of a determination under § 405.2066(b) or (c)). The request must be filed within 60 calendar days after the date of receipt of the notice of reconsidered or initial determination, as the case may be, unless such time is extended as provided in § 405.2072 or in paragraph (d) of this section. For purposes of this section, the date of receipt shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary. The request for a hearing is to be filed with the Bureau of Health Insurance or with any other office of the Department of Health, Education, and Welfare.

(c) *Time and manner of filing request for hearing with respect to certain revised determinations.* A request for a hearing with respect to a revised determination provided for in § 405.2091, must be filed within 60 calendar days after the date of receipt of written notice of a revised determination, by the organization which is the party to such determination.

(d) *Exception to time of filing request for hearing.* For good cause shown, the 60-day period referred to in paragraphs (b) and (c) of this section may be extended.

§ 405.2078 Postponement of effective date of initial determination.

Where a request for a hearing with respect to a determination provided for in § 405.2066(b) or (c) is timely filed:

(a) the effective date of the initial determination to terminate a contract with the HMO shall be postponed until a decision is rendered by the hearing officer;

(b) the contract with the HMO may be extended at the end of a contract period, in the case of an initial determination not to renew the contract, but only if prior to the end of the contract period the Secretary finds that an extension of the contract will be consistent with the purposes of section 1876 of the Social Security Act. (Where such a finding is made the contract may be extended only for such period as the Secretary and HMO shall mutually agree.)

§ 405.2079 Parties to the hearing.

The party(ies) to the hearing on an appeal filed pursuant to § 405.2077 shall be:

(a) The organization which was a party to the reconsidered determination (see § 405.2070) or the HMO which was a party to the initial determination (in the case of such a determination specified in § 405.2066(b) or (c));

(b) At the discretion of the hearing officer, any interested party(ies) who makes a showing that his (their) rights may be prejudiced by the decision to be rendered at the hearing; and

(c) The Bureau of Health Insurance representing the Secretary.

§ 405.2080 Hearing officer.

Any hearing provided for in § 405.2077 shall be conducted by a hearing officer designated by the Secretary.

§ 405.2081 Disqualification of hearing officer.

A hearing officer shall not conduct a hearing in any case in which he is prejudiced or partial with respect to any party, or if he has an interest in the matter before him. Notice of any objection with respect to the hearing officer who will conduct the hearing shall be made by the objecting party at his earliest opportunity. The hearing officer shall consider such objection and shall, at his discretion, withdraw. If the hearing officer withdraws, the Secretary shall designate another hearing officer to conduct the hearing. If the hearing officer does not withdraw, the objecting party may present his objections to the Secretary at any time prior to the issuance of a decision. The Secretary shall review the request and take appropriate action.

§ 405.2082 Location of hearing.

(a) *Time and place.* The hearing officer shall fix a time and place for the hearing reasonably convenient to the requesting party and not inconsistent with the public interest.

(b) *Adjournment or postponement.* The hearing officer may, for a good and sufficient reason, fix a new time or place for the hearing; he may change the time and place for the hearing or adjourn the hearing on his own motion upon reasonable notification to the parties.

§ 405.2083 Notice of hearing.

The notice of hearing shall include notice of the time and place of the hearing; information as to the specific issues to be determined; and the matters on which findings shall be made and conclusions shall be reached. The notice shall also contain sufficient information about the hearing procedure (including the party's right to representation) for effective preparation for the hearing.

§ 405.2084 Conduct of hearing.

(a) *General.* Hearings shall be open to the parties and to the public. The hearing officer shall inquire fully into the matters at issue and shall accept in evidence the testimony of witnesses and any documents which are relevant and material to such matters. The parties shall be provided an opportunity to enter any objection to the inclusion of any document. The order in which evidence and allegations shall be presented and the procedure at the hearing, except as this subpart otherwise expressly provides, shall be at the discretion of the hearing officer and of such nature as to afford the parties a proper hearing.

(b) *Evidence.* Evidence may be accepted at the hearing even though inadmissible under rules of evidence applicable to court procedures. The hearing officer shall rule on the admissibility of evidence.

(c) *Witnesses.* The hearing officer may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

(d) *Discovery.* Prehearing discovery shall be permitted upon timely request of a party. To be timely, a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer. The hearing officer's order on all discovery matters shall be final.

(e) *Prehearing.* If, in the discretion of the hearing officer, the purpose of defining the issues more clearly would be

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served, the hearing officer may schedule a prehearing conference.

§ 405.2085 Record of hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the parties upon request. The record shall not be closed until a decision (see § 405.2087) has been issued.

§ 405.2086 Authority of hearing officer.

The hearing officer in exercising his authority must comply with all the provisions of title XVIII of the Social Security Act and regulations issued thereunder as well as with general instructions issued by the Social Security Administration in implementing such Act and regulations.

§ 405.2087 Hearing decision and notice.

The hearing officer shall render a decision in writing based on the evidence in the record. In such decision he shall cite applicable law, regulations, and Social Security Administration general instructions as well as findings on all the matters at issue in the hearing. A copy of the decision shall be provided all parties to the hearing.

§ 405.2088 Effect of hearing decision.

The hearing decision provided for in § 405.2087 shall be final and binding upon all parties to the hearing unless it is reopened and revised in accordance with § 405.2091.

§ 405.2089 Appointment of representative.

A party may appoint as its representative at the proceedings conducted in accordance with § 405.2084 any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Secretary or otherwise prohibited by law.

§ 405.2090 Authority of representative.

A representative appointed by a party may accept or give on behalf of the party he represents any request or notice relative to any proceeding affecting such party. A representative shall be entitled to present evidence and allegations as to facts and law in any such proceeding and to obtain information with respect to a request for hearing made in accordance with § 405.2077 to the same extent as the party he represents. Notice to a party of any action, determination, or decision which is sent to the representative of the party shall have the same force and effect, as if it had been sent to the party represented.

§ 405.2091 Reopening of initial or reconsidered determination and decision of a hearing officer.

(a) *Initial or reconsidered determination.* An initial or reconsidered determination which is unfavorable to one or more parties to such determination and is otherwise final (see § 405.2068 and § 405.2076) may be reopened and revised by the Secretary upon his own motion within one year of the date of the notice of determination.

(b) *Decision of a hearing officer.* A decision of a hearing officer which is unfavorable to one or more of the parties to the hearing identified in § 405.2079(a) or (b) and is otherwise final (see § 405.2088) may be reopened and revised by the hearing officer upon his own motion within one year of the date of the notice of the decision or by another hearing officer designated by the Secretary if the hearing officer who issued the decision is unavailable.

§ 405.2092 Notice of reopening and revision.

(a) *Notice.* When any determination or decision is reopened as provided in § 405.2091, notice of such reopening shall be mailed to the parties to such determination or decision at their last known addresses. A notice of revision, following a reopening of a determination or a decision, shall be mailed to the parties and shall state the basis or reasons for the revised determination or revised decision.

(b) *Effect of revised determination.* The revision of a determination shall be binding upon the parties thereto unless a party files a written request for a hearing with respect to a revised determination.

[FR Doc.76-27019 Filed 9-14-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7433]

PART 403—DISPOSITION OF SEIZED PERSONAL PROPERTY

Preamble: The regulations in 26 CFR Part 172 in effect on March 14, 1974 are reinstated, recodified and amended in this document. The allocation of responsibility for administration of the part between the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms and certain procedures taken to accomplish that allocation make this action necessary.

The Bureau of Alcohol, Tobacco and Firearms was established by Treasury Department Order 221, dated June 6, 1972, effective July 1, 1972, which was published in the FEDERAL REGISTER for Saturday, June 6, 1972 at 37 FR 11696. The purpose of that order was to transfer the functions, powers and duties of the Internal Revenue Service arising under laws relating to alcohol, tobacco, firearms, and explosives (including the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service) to the Bureau of Alcohol, Tobacco and Firearms. (As subsequently explained, most of the functions, powers and duties of the Internal Revenue Service relating to wagering were later also transferred to the Bureau.)

On March 15, 1974, Treasury Decision ATF-9 was published in the FEDERAL REGISTER at 39 FR 9953. That Treasury Decision recodified the regulations from 26 CFR Part 172 and prescribed the recodified regulations as 27 CFR Part 72. However, the Treasury Decision recognized that the Internal Revenue Service would continue to rely on 26 CFR Part and provided:

> The regulations in this part shall supersede regulations in 26 CFR Part 172 insofar as such regulations relate to activities administered by the Bureau of Alcohol, Tobacco, and Firearms. Such regulations shall remain in effect to the extent that they deal with activities administered by the Internal Revenue Service.

Thus, it was intended that the Treasury Decision leave 26 CFR Part 172 in force for the administration of those provisions of the Internal Revenue Code of 1954 (Title 26 of the United States Code) implemented by 26 CFR Part 172 which were not transferred to the Bureau of Alcohol, Tobacco and Firearms.

In recodifying or transferring the regulations related to the activities of the Bureau, the recodified 27 CFR Part 72 generally followed 26 CFR Part 172 but certain changes were made. The changes reflect the new status of the Bureau and a change in Treasury policy, along with changes for such purposes as simplifying terminology and correcting clerical errors.

Under Treasury Department Order 221-3, dated and effective December 24, 1974, which was published in the FEDERAL REGISTER at 40 FR 1084 for January 6, 1975, the responsibility for the administration and enforcement of the wagering tax laws contained in Chapter 35 of the Internal Revenue Code of 1954 and certain other provisions of the Internal Revenue Code of 1954 as they relate to activities administered and enforced with respect to Chapter 35 were transferred from the Internal Revenue Service to the Bureau of Alcohol, Tobacco and Firearms. That Order was subsequently revised by Treasury Department Order 221-3 (Rev. 1), dated and effective February 21, 1976, published in the FEDERAL REGISTER at 41 FR 10079 for March 9, 1976. However, the revised Order did not amend the original order in any way pertinent to this Treasury decision. The responsibility transferred by these Treasury Department orders included forfeiture matters relating to wagering violations.

In the 1974 publication of the Code of Federal Regulations Title 26—Internal Revenue Service, Department of the Treasury, revised as of April 1, 1974, 26 CFR Part 172 was inadvertently omitted. Further, Bureau of Alcohol, Tobacco and Firearms regulations (Reg. No. 1) published at 40 FR 16835 on April 15, 1975, effective April 15, 1975, redesignated the regulations formerly codified as 26 CFR Parts 170 through 299 (Subchapter E Alcohol, Tobacco and Other Excise Taxes, of Chapter 1) as 27 CFR Parts 170 through 299 (Subchapter M—Alcohol, Tobacco and Other Excise Taxes). The purpose of that redesignation was to assure orderly development of the Code of Federal Regulations (1 CFR 8.2). However, that published document effected the transfer of 26 CFR Part 172 to Title 27 of the Code of Federal Regulations and redesignated that Part as 27 CFR Part 172. This action placed the jurisdiction for the administration of the part in the Bureau.

To the extent that 26 CFR Part 172 related to personal property and carriers seized as subject to forfeiture as being used, or intended to be used, to violate Chapters 35 (wagering), 51 distilled spirits), 52 (tobacco) and 53 (firearms) of the internal revenue laws (26 U.S.C., and Chapters 35, 51, 52 and 53), administrative responsibility for the part was placed in the Bureau at the time those functions were transferred to that organization. However, the Internal Revenue Service retained, and still has, responsibility for the administration of forfeiture of personal property seized as subject to forfeiture as being used, or intended to be used, to violate the internal revenue laws other than Chapters 35 (wagering), 51 (distilled spirits), 52 (tobacco) and 53 (firearms) (26 U.S.C., Chapters 35, 51, 52 and 53). Regulations implementing that responsibility are necessary.

To correct the omission of 26 CFR Part 172 from the Code of Federal Regulations, as revised April 1, 1974, and the recodification of the part as 27 CFR Part 172, the provisions of 26 CFR Part 172 as they appear immediately prior to March 15, 1974 are hereby reinstated and recodified as 26 CFR Part 403. To reflect accurately the responsibility of the Internal Revenue Service in the administration of 26 CFR Part 403, as reinstated and recodified, it is necessary to amend the part. Also, other technical amendments are necessary. These are discussed below.

CHANGES

The changes described below refer to changes made to old 26 CFR Part 172 which has been recodified in this document as 26 CFR Part 403. Thus, a change described with respect to a section of 26 CFR Part 172 will be reflected in the corresponding section of 26 CFR Part 403. For example, if a change to § 172.1 is discussed below, it will be found in the document at § 403.1. However, in the case of § 403.2 there is no corresponding section of 26 CFR Part 172. Therefore, the change in § 172.2 is reflected in § 403.3, and definitions in §§ 172.5 through 172.20, if not eliminated, are all included in § 403.5 with the exception of the term "commercial crimes" defined in § 403.38.

Necessity for inquiry. Amendments to § 172.38 reflect a change in Treasury policy as contained in the notice of change in policy as to remission and mitigation decisions on vehicle forfeitures issued in the FEDERAL REGISTER for December 15, 1971 (36 FR 23800) relating to the necessity for inquiry. In addition, § 172.38(b) has been amended by substituting the word "administrative" for the word "summary" and deleting the words "or condemnation".

Changes relating to responsibility of certain officials. The regulations have been amended to change the responsibilities of certain officials. Thus, the term "Commissioner or his delegate" has been substituted for the phrase "duly authorized officers of the Internal Revenue Service" in § 172.25; for the term "seizing officer" wherever it appeared in § 172.26; for the term "Supervisor in Charge" wherever it appeared in §§ 172.26(a)(3), 172.27, 172.44(b), 172.55, 172.57(c)(2) and 172.65; for the phrase "officers of the Internal Revenue Service concerned" in § 172.38; for the term "Director, Alcohol, Tobacco and Firearms Division" wherever it appeared in §§ 172.43(a); for the term "Assistant Regional Commissioner" wherever it appeared in §§ 172.43; and for the term "Regional Commissioner" wherever it appeared in § 172.44(b). The term "District Director for the internal revenue district in which the property was seized" has been substituted for the term "Supervisor in Charge" in §§ 172.30, 172.62 and 172.26(a)(6) (now § 403.26(a)(4)), and for the term "Director, Alcohol, Tobacco and Firearms Division" in §§ 172.36 and 172.37. The term "District Director" has been substituted for the term "Supervisor in Charge" in § 172.40. The "Director, General Legal Services Division, Office of Chief Counsel, Internal Revenue Service or his delegate" has been substituted for the term "Regional Counsel" in § 172.26(b).

Changes relating to the present responsibility of the Internal Revenue Service for administration. Section 172.1 has been changed to accurately reflect the role of the Internal Revenue Service in the administration of the amended part, § 403.2 has been added to describe the role of the Bureau of Alcohol, Tobacco, and Firearms in the administration of 27 CFR Part 72 and § 172.2 has been renumbered § 403.3. The definition of "Carrier" has been eliminated because such term is applied only with respect to 49 U.S.C. Chapter 11 seizures which are no longer covered by the part and the term "Carrier" has been stricken wherever it appeared in former §§ 172.26, 172.27, 172.36, 172.38, 172.39, 172.43, 172.44, 172.45, 172.55, 172.57, 172.60, 172.61 and 172.62. The term "Director, Alcohol, Tobacco and Firearms Division" has been replaced by the term "Internal Revenue Service." In § 172.25 references to laws other than internal revenue laws not covered by the part have been deleted and the term "internal revenue laws" is modified to make it clear that the part does not extend to property seized with respect to 26 U.S.C. Chapters 35 (wagering), 51 (distilled spirits), 52 (tobacco) and 53 (firearms) violations. In § 172.57(c)(2), reference to cigars, cigarettes and cigarette papers and tubes has been deleted and § 172.57(c)(3), which pertains only to such materials, has been deleted. The language in § 172.59 has been deleted because it related to tobacco, and the section has been reserved.

Other changes. In § 172.5 flush material preceding the definitions has been broadened to specifically provide that plural words include singular, and vice versa, that the masculine gender includes the feminine and that the terms "includes" and "including" do not exclude things not enumerated which are in the same general class. Definitions which formerly appeared in §§ 172.6 through 172.20 of carrier; contraband firearms; Director, Alcohol, Tobacco and Firearms Division; supervisor in charge; Assistant Regional Commissioner; IRC; Region; person; reappraisal; Regional Commissioner; and U.S.C. have been eliminated, and § 403.5 provides revised definitions of "appraised value," and "equity." The definition of "commercial crimes" has been deleted from the definition section and added to § 403.38(d) relating to remission and mitigation. It was also changed to simplify terminology and to eliminate the reference to gambling or wagering offenses in order to conform to the Treasury Department's definition of commercial crimes which recognizes that such offenses include "offenses against the revenue laws."

In subparagraphs (1) and (2) of § 172.26(a) the words "and this part" have been added following the words "internal revenue laws" in order to limit the application of the part to internal revenue laws other than those contained in Chapters 35, 51, 52, and 53. Section 172.26(a)(1) has been changed by the addition of the words "except as otherwise provided in this section" to indicate that property which is valued at less than $2,500.00 may be the subject of judicial condemnation proceedings if a bond has been filed with respect to it. Subparagraph (a)(2) has also been amended, in accordance with 26 U.S.C. 7325, to provide that the list of property required thereby be prepared in duplicate. Other minor wording changes have been made to subparagraphs (2) and (3) of paragraph (a). Also in § 172.26(b) the numeral "(1)" has been eliminated, the word "libel" has been replaced by the word "forfeiture" and minor word changes have been made.

Several minor wording changes have been made to §§ 172.27 and 172.28. Further, the word "delivered" has been changed to the word "filed" whenever it occurs. The last sentence has been eliminated because it is repetitious of a sentence in § 172.26(a)(4). In § 172.29, minor wording changes have been made and the reference to United States Savings Bonds has been eliminated as unnecessary.

The heading of § 172.30 has been changed to "Special disposition of perishable goods." The first sentence of such section has been eliminated and the third sentence has been amended by the inclusion therein of a reference to the appraisal procedures set forth in § 172.26(a)(2). Several minor wording changes have also been made.

In Subpart D, which relates to remission and mitigation, minor wording changes have been made to all sections other than §§ 172.36 and 172.40, and § 172.35 has been amended by the addition of a reference to the applicable customs laws. Section 172.37 has been amended by deleting the term "Department" and substituting therefore the term "Department of the Treasury." In § 172.36, the term "under this part" has been added after the word "forfeiture" in

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order to limit the application of the part. Section 172.38(b) has been amended by the deletion of the last clause relating to the circumstances of the petitioner which has been incorporated into the new words "and could not have known" which now appear before the phrase "of the seizure." In § 172.38(c), the required statement of the petitioner that he did not intend to defraud the revenue has been changed to a statement that he did not intend that the property be involved or used in violation of the internal revenue laws, which is more in keeping with the wording of section 7302 of the Internal Revenue Code. Section 172.38(d) has been reworded and the definition of "commercial crimes" which was formerly found in the definition section has been included therein. Sections 172.39, 172.41, and 172.42, have been rewritten but no major changes have been made and in § 172.40 the term "internal revenue district" has been substituted for the phrase "the State or other territorial jurisdiction" to better reflect the organizational structure of the Internal Revenue Service.

Paragraph (b) of § 172.43 and paragraphs (a) and (b) of § 172.44 have been amended by the elimination of the numeral (1). Also, § 172.44(b) was amended to make clear that the costs referred to are those incident to the seizure, forfeiture, and sale of the property.

In § 172.50, relating to the rate of compensation of appraisers, the word "day" which formerly appeared immediately after "$3.00 per" has been replaced by the phrase "hour or portion thereof" and the words "and this part" have been added after "internal revenue laws."

In section 172.55, the words "based upon which method in his sound judgment is most advantageous to the best interests of the United States" and the words "advertised for sale, and" have been eliminated. Minor wording changes have also been made to this section as well as § 172.56. In § 172.57(c)(1), the words "and all" and the words "received at public auction and is sealed, competitive bid sales" have been deleted and in § 172.57(c)(2) a minor wording change has been made and a reference to § 172.-55 included. In § 172.57(d), the words "offered at public auction or in sealed, competitive bid sales" and "considered to be and treated as" have been eliminated as unnecessary. Section 172.58 has been retitled "Acceptable forms of payment" and the section itself has been changed to recognize this fact. In § 172.-60, the words "and authentic" and "on a form to be provided for that purpose" have been deleted. Minor wording changes have been made to §§ 172.61 and 172.62.

It is determined that these amendments are minor and make no substantive change in 26 CFR Part 172 as the part relates to activities of the Internal Revenue Service. Therefore, because the public would not have particular reason to comment, it is found, pursuant to 5 U.S.C. 553(b) that notice and public procedure thereon are unnecessary. Accordingly, 26 CFR Part 172 is reinstated, amended and recodified as 26 CFR Part 403 to read as follows:

REINSTATEMENT, RECODIFICATION, AND AMENDMENT OF REGULATIONS

1. The regulations in this part shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

2. The regulations in this part shall become effective on September 15, 1976.

Subpart A—Scope of Regulations

Sec.
403.1 Personal property seized by the Internal Revenue Service.
403.2 Personal property seized by the Bureau of Alcohol, Tobacco and Firearms.
403.3 Forms prescribed.

Subpart B—Definitions

403.5 Meaning of terms.

Subpart C—Seizures and Forefeitures

403.25 Personal property subject to seizure.
403.26 Forfeiture of seized personal property.
403.27 Type and conditions of cost bond.
403.28 Corporate surety bonds.
403.29 Deposit of collateral.
403.30 Special disposition of perishable goods.

Subpart D—Remission or Mitigation of Forfeitures

403.35 Laws applicable.
403.36 Interest claimed.
403.37 Form of the petition.
403.38 Contents of the petition.
403.39 Time of filing petition.
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403.41 Discontinuance of administrative proceedings.
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403.43 Final action.
403.44 Acquisition for official use and sale for account of petitioner in the case of an allowed petition.
403.45 Re-appraisal of property involved in an allowed petition.

Subpart E—Appraiser's Fees

403.50 Rate of compensation.

Subpart F—Administrative Sale of Personal Property

403.55 Alternative methods of sale.
403.56 All bids on unit basis.
403.57 Conditions of sale.
403.58 Acceptable forms of payment.
403.59 [Reserved]
403.60 Purchaser entitled to bill of sale.
403.61 Sale on open, competitive bids.
403.62 Sale on sealed, competitive bids.

Subpart G—Disposal of Forfeited Coin-Operated Gaming Devices

403.65 Authority for destruction.

AUTHORITY: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805, unless otherwise noted.

Subpart A—Scope of Regulations

§ 403.1 Personal property seized by the Internal Revenue Service.

Regulations in this part relate to personal property seized by officers of the Internal Revenue Service as subject to forefeiture as being involved, used, or intended to be used, as the case may be in any violation of the internal revenue laws other than Chapters 35 (wagering), 51 (distilled spirits), 52 (tobacco) and 53 (firearms), of the Internal Revenue Code of 1954 (I.R.C.).

§ 403.2 Personal property seized by the Bureau of Alcohol, Tobacco and Firearms.

Regulations in 27 CFR Part 72 relate to personal property seized by officers of the Bureau of Alcohol, Tobacco and Firearms as subject to forfeiture as being involved, used, or intended to be used, as the case may be, in any violation of Chapters 35 (wagering), 51 (distilled spirits), 52 (tobacco) and 53 (firearms), of the I.R.C., as well as certain other federal laws. (Treasury Dept. Order No. 221 (June 6, 1972), 37 FR 11696; Treasury Dept. Order No. 221–3 (December 24, 1974), 40 FR 1084.)

§ 403.3 Forms prescribed.

The Commissioner of Internal Revenue or his delegate is authorized to prescribe all forms required by or necessary for the administration of this part. Information required by this part shall be furnished in accordance with the instructions issued with respect thereto.

Subpart B—Definitions

§ 403.5 Meaning of terms.

As used in this part, and unless the context otherwise requires, the following terms shall have the meanings set forth in this section. In this part words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

(a) *Appraised value.* The value placed upon seized property by the appraisers pursuant to § 403.26(a)(2) for the purpose of determining whether the property may be forfeited administratively.

(b) *Equity.* For purposes of Subpart D of this part, the petitioner's interest in the subject personal property at the time of final administrative action on the petition, but not including: (1) Any unearned finance charges accruing from the later of the date of seizure or the date of default; (2) any amount rebatable on account of paid insurance premiums; (3) attorney's fees for collection; (4) any amount identified as dealer's reserve; or (5) any amount in the nature of liquidated damages that may have been agreed upon by the buyer and the petitioner.

Subpart C—Seizures and Forfeitures

§ 403.25 Personal property subject to seizure.

Personal property may be seized by the Commissioner of Internal Revenue or his delegate for forfeiture to the United States when involved, used, or intended to be used, in violation of the internal revenue laws, other than Chapters 35 (wagering), 51 (distilled spirits), 52 (tobacco) and 53 (firearms) of the I.R.C. (Sec. 7321, 68A Stat. 869; 26 U.S.C. 7321.)

§ 403.26 Forfeiture of seized personal property.

(a) *Administrative forfeiture.* (1) Personal property seized as subject to forfeiture under the internal revenue laws and this part which has an appraised value of $2,500.00 or less shall be forfeited to the United States in administrative forfeiture proceedings except as otherwise provided in this section.

(2) If the Commissioner or his delegate seizes personal property which is forfeitable under the internal revenue laws and this part and which in his opinion is valued at $2,500.00 or less, he shall cause a list containing a particular description of the seized property to be prepared in duplicate and an appraisal thereof to be made by three sworn appraisers, selected by the Commissioner or his delegate, who shall be respectable and disinterested citizens of the United States residing within the internal revenue district wherein the seizure was made. Such list and appraisement shall be properly attested by the Commissioner or his delegate and such appraisers.

(3) If such forfeitable personal property is found by the appraisers to be of the value of $2,500.00 or less, the Commissioner or his delegate shall publish a notice once a week for three consecutive weeks, in some newspaper of the judicial district where property was seized, describing the articles and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within 30 days from the date of the first publication of such notice.

(4) Any person claiming the personal property so seized, within the time specified in the notice, may file with the District Director of the internal revenue district in which the property was seized a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of $250.00, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Before the expiration of 10 days after the date on which the claim is filed, the District Director shall transmit such claim, together with the duplicate list or description of the property seized, to the United States Attorney for the district in which such property was seized. Both the claim and the cost bond should be executed in quadruplicate.

(See 7325, 68A Stat. 870, amended; (26 U.S.C. 7325))

(b) *Judicial condemnation.* Personal property seized as subject to forfeiture under the internal revenue laws and this part which has an appraised value of more than $2,500.00 and such seized property which has an appraised value of $2,500.00 or less with respect to which a bond has been filed pursuant to paragraph (a)(4) of this section, shall be forfeited to the United States in judicial condemnation proceedings, as authorized by the Director, General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, or his delegate.

(Sec. 7323, 7325, 7401, 68A Stat. 869, 870, 873, as amended; (26 U.S.C. 7323, 7325, 7401))

§ 403.27 Type and conditions of cost bond.

The cost bond filed by a claimant pursuant to § 403.26(a)(4) shall be a corporate surety bond. However, upon a showing to the satisfaction of the Commissioner or his delegate that such claimant is unable to furnish a corporate surety bond, such claimant may file a cost bond with individual sureties acceptable to the Commissioner or his delegate or, in lieu of such cost bond with corporate or individual sureties, he may deposit collateral pursuant to § 403.29.

§ 403.28 Corporate surety bonds.

A corporate surety bond may be filed only if the surety company issuing such bond holds a certificate of authority from the Secretary of the Treasury certifying that such company is an acceptable surety on Federal bonds, subject to the limitations prescribed by Treasury Department Circular 570 as amended.

(Sec. 6, 61 Stat. 648, as amended, sec. 7101, 68A Stat. 847, as amended; (6 U.S.C. 6, 26 U.S.C. 7101))

§ 403.29 Deposit of collateral.

Cash, postal money orders, certified or cashiers' or treasurers' checks, and bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate surety bonds in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225).

(Sec. 15, 61 Stat. 650, sec. 7101, 68A Stat. 847, as amended; (6 U.S.C. 15, 26 U.S.C. 7101))

§ 403.30 Special disposition of perishable goods.

The proceedings to enforce forfeiture of perishable goods shall, as is the case with proceedings to enforce forfeiture of nonperishable goods, be in the nature of proceedings in rem in the United States District Court for the district wherein such seizure is made. When any seized property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the Commissioner or his delegate shall advise the owner, when known, of the seizure thereof. The owner of the seized property may apply to the District Director of the internal revenue district in which the property was seized to examine the property at any time prior to referral of the property to the U.S. Marshal for disposition. If, in the opinion of the Commissioner or his delegate it is necessary that such property be sold to prevent waste or expense, the Commissioner or his delegate shall cause the property to be appraised in accordance with the procedures set forth in § 403.26(a)(2). The owner shall have such property returned to him upon giving a corporate surety bond pursuant to § 403.28 in an amount equal to the appraised value of the property, to abide the final order, decree, or judgment of the court having cognizance of the case. The bond shall be conditioned to pay the amount of the appraised value to the Commissioner or his delegate, the U.S. Marshal, or otherwise, as may be ordered and directed by the court. The bond shall be filed by the Commissioner or his delegate with the U.S. Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property, the Commissioner or his delegate shall request the U.S. Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(Sec. 7322, 7323, 7324, 68A Stat. 869, 870, as amended; (26 U.S.C. 7322, 7323, 7324))

Subpart D—Remission or Mitigation of Forfeitures

§ 403.35 Laws applicable.

Remission or mitigation of forfeitures shall be governed by the customs laws applicable to remission or mitigation of penalties as contained in 19 U.S.C. 1613 and 19 U.S.C. 1618.

(Sec. 613, 46 Stat. 756, as amended, sec. 618, 46 Stat. 757, as amended, sec. 7327, 68A Stat. 871; (19 U.S.C. 1613, 1618, 26 U.S.C. 7327))

§ 403.36 Interest claimed.

Any person claiming an interest in property seized by an officer of the Internal Revenue Service as subject to administrative forfeiture under this part may file a petition addressed to the District Director of the internal revenue district in which the property was seized for remission or mitigation of the forfeiture of such property.

§ 403.37 Form of the petition.

There is no standardized form provided or required by the Department of the Treasury for use in filing a petition for remission or mitigation of forfeiture. However, the petition should be typewritten on legal size paper; and must be executed under oath, prepared in triplicate, and addressed to the District Director of the internal revenue district in which the property was seized. All copies of original documents submitted as exhibits in support of allegations of the petition should be certified as true and accurate copies of originals. Each copy of the petition must contain a complete set of exhibits.

§ 403.38 Contents of the petition.

(a) *Description of the property.* The petition should contain such a description of the property and such facts of the seizure as will enable the Commissioner or his delegate to identify the property.

(b) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property pursuant to an administrative forfeiture, it should contain, or be supported by, satisfactory proof that the petitioner did not know and could not have known of the seizure prior to the declaration of forfeiture. (See also § 403.39)

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(c) *Interest of petitioner.* The petition should clearly and concisely indicate the nature and amount of his interest in the property on the date the petition is filed, and the facts relied upon to show that the petitioner was not willfully negligent and did not intend that the property be involved or used in violation of the internal revenue laws. Such petition may allege such other circumstances which in the opinion of the petitioner would justify the remission or mitigation of the forfeiture.

(d) *Petitioner innocent party.* If the petitioner did not commit the act which caused the seizure of his property, the petition should state how the property came into the possession of the person whose act did cause the seizure, and it should also state that the petitioner had no knowledge or reason to believe that the property would be involved or used in violation of the internal revenue laws. If the petitioner knows, at the time he files the petition, that the person in whose possession the seized property was at the time of the seizure had a record or reputation for committing commercial crimes, the petitioner should state in the petition whether the petitioner knew of such record or reputation before the petitioner acquired his interest in the property or before such other person came into possession of the property, whichever occurred later. For purposes of this paragraph, the term "commercial crimes" includes, but is not limited to any of the following federal or state crimes:

(1) Offenses against the revenue laws; burglary; counterfeiting, forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as commercial crimes.

(e) *Documents supporting claim.* The petition should be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators or credit reporting agencies, affidavits, and any other documents that would support the claims made in the petition.

(f) *Costs.* The petition should contain an undertaking to pay any costs assessed as a condition of allowance of the petition. Such costs include but are not limited to all expenses incurred in seizing and storing the property; the costs borne or to be borne by the United States; the taxes, if any, payable by the petitioner or imposed in respect of the property to which the petition relates; the penalty, if any, asserted by the Internal Revenue Service; and, if the property has been sold, or is in the course of being sold, the expenses incurred relating to such sale.

§ 403.39 Time of filing petition.

A complete petition for remission or mitigation must be filed before the expiration of three months after the sale or other disposition of the property with respect to which the petition is filed. For purposes of this part, the term "sale or other disposition" includes acquisition of the property for official use.

(Sec. 613, 46 Stat. 756, sec. 306, 49 Stat. 880; (19 U.S.C. 1613, 40 U.S.C. 304(k))

§ 403.40 Place of filing.

The petition should be filed in triplicate with the District Director for the internal revenue district in which the property was seized.

§ 403.41 Discontinuance of administrative proceedings.

If the petition is filed prior to sale or other disposition of the property, proceedings to effect such sale or other disposition will be discontinued until the petition is either allowed or denied.

§ 403.42 Return of defective petition.

If the petition is defective in some correctable respect, the original of the petition will be returned by letter to the petitioner who will be allowed to submit a corrected petition, in triplicate, within a reasonable time.

§ 403.43 Final action.

(a) *Petitions for remission or mitigation of forfeiture.* (1) The Commissioner or his delegate shall either allow or deny any petition filed pursuant to these regulations. Such allowance or denial will constitute final action. If he allows the petition, the Commissioner or his delegate shall state the conditions, if any, of the allowance.

(2) If he allows the petition, the Commissioner or his delegate may order the property returned to the petitioner, sold for the account of the petitioner, or, pursuant to agreement with the petitioner, acquired for official use.

(3) The Commissioner or his delegate shall notify the petitioner of the allowance or denial of the petition and, in the case of allowance, the conditions, if any, under which the Commissioner or his delegate allowed the petition.

(b) *Offers in compromise of liability to forfeiture.* The Commissioner or his delegate shall accept or reject any offer in compromise of the liability to forfeiture of personal property seized pursuant to § 403.25 and such acceptance or rejection shall be a final action with respect to the offer.

§ 403.44 Acquisition for official use and sale for account of petitioner in the case of an allowed petition.

(a) *Acquisition for official use.* The seized property may be purchased by the United States pursuant to agreement and retained for official use. Where the petitioner is the owner, the purchase price is the appraised value of the property less all costs. Where the petitioner is a creditor, the purchase price is the smaller of: (1) The petitioner's equity, or (2) the appraised value of the property less the amount of all costs.

(b) *Sale for account of petitioner.* If the petitioner elects not to comply with the conditions, if any, set for the return of the property, the Commissioner or his delegate is authorized to sell the property. If the petitioner is the owner of the property, there is deducted from the proceeds of the sale all costs incident to the seizure, forfeiture, and sale. The Commissioner or his delegate shall pay to the petitioner, out of the proper appropriation, an amount equal to the balance, if any. Where the petitioner is a creditor, there is deducted from the proceeds of the sale all costs incident to the seizure, forfeiture, and sale, and the Commissioner or his delegate shall pay to the petitioner, out of the proper appropriation, an amount equal to the smaller of: (1) The balance, if any, or (2) the equity of the petitioner.

§ 403.45 Re-appraisal of property involved in an allowed petition.

In determining the nature and extent of the relief to be afforded a petitioner pursuant to § 403.44 the value of the property with respect to which the petition has been allowed is the value of such property as determined by the appraisal thereof made pursuant to § 403.26(a)(2) but if the petitioner desires reappraisal of the property, after notification as to the conditions of allowances of the petition, and makes written request therefor, undertaking in such request to pay, or to be liable for, the total costs of such re-appraisal, the property shall be re-appraised in the manner in which the original appraisal was made, and the conditions of allowance of the petition shall be modified to the extent required by such re-appraisal.

Subpart E—Appraiser's fees

§ 403.50 Rate of compensation.

Each appraiser selected under § 403.26(a)(2) shall receive compensation of $3.00 per hour or portion thereof for the performance of his duties in appraising property seized as subject to forfeiture under the internal revenue laws and this part.

(Sec. 7325, 68A Stat. 870, as amended; (26 U.S.C. 7325))

Subpart F—Administrative Sale of Personal Property

§ 403.55 Alternative methods of sale.

When personal property forfeited administratively is to be sold, the Commissioner or his delegate shall cause a notice of sale to be placed in a newspaper of general circulation published in the judicial district wherein the seizure was made. The sale shall occur not less than 10 days from the date of the publication of the notice. At the discretion of the Commissioner or his delegate the forfeited personal property may be sold at public auction to the highest bidder on open, competitive bids, or sold to the highest bidder on sealed, competitive bids.

(Sec. 7325, 68A Stat. 870, as amended. (26 U.S.C. 7325))

§ 403.56 All bids on unit basis.

All competitve bids shall be on a unit basis. Thus, for example, if a number of forfeited automobiles are advertised for sale at the same date, hour and place, whether or not in the same notice of sale, a separate individual bid is required as to each automobile. The Commissioner or his delegate will not accept one blanket bid to cover the entire group of automobiles offered for sale.

§ 403.57 Conditions of sale.

(a) *No recourse.* All personal property to be sold shall be offered for sale "as is" and without recourse against the United States.

(b) *No guarantee.* No guarantee or warranty, expressed or implied, shall be given or understood in respect of any forfeited property offered for sale.

(c) *No sale.* (1) The United States reserves the right to reject any bids.

(2) In a case in which all bids are rejected the Commissioner or his delegate shall re-advertise the property for sale in the manner prescribed in § 403.55.

(d) *One bid.* When only one bid is received for a single unit property such bid shall be the highest bid received for such property.

§ 403.58 Acceptable forms of payment.

The only acceptable forms of payment shall be cash, cashier's check, certified check, or postal money order, in the amount of the accepted bid.

§ 403.59 [Reserved]

§ 403.60 Purchaser entitled to bill of sale.

Each purchaser of administratively forfeited property is entitled to receive a suitable bill of sale.

§ 403.61 Sale on open, competitive bids.

If forfeited property is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour, and place of such sale.

§ 403.62 Sale on sealed, competitive bids.

If the property is to be sold to the highest bidder on sealed, competitive bids, the notice of sale shall so specify, and shall state the date, hour, and place of sale, and the date, hour, and place prior to the sale when and where prospective bidders may view the property and obtain necessary information. All sealed bids must be filed with the district director of the internal revenue district in which the property was seized before the sale. No bids will be accepted after the sale starts. At the appointed date, hour, and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

Subpart G—Disposal of Forfeited Coin-Operated Gaming Devices

§ 403.65 Authority for destruction.

The Commissioner or his delegate is authorized to order the destruction of any coin-operated gaming device as defined in I.R.C. section 4462 upon which a tax is imposed by I.R.C. section 4461, after the expiration of three months from the date of consummation of administrative forfeiture under any provision of the I.R.C.

(Sec. 7326, 72 Stat. 1429, as amended (26 U.S.C. 7326).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 8, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-27024 Filed 9-14-76;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

[DSAR 5400.21; RCS DD(A&AR) 1379]

PART 1286—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Exempted Records Systems

On August 2, 1976 there was published in the FEDERAL REGISTER (41 FR 32231) a notice of proposed amendment to Appendix C, Exempted Record Systems (41 FR 18844, May 7, 1976) of its final rules (41 FR 18836, May 7, 1976) by adding paragraph D to Appendix C containing an additional exempted system. Interested parties were given the opportunity to submit on or before September 1, 1976, comments regarding the proposed amendment.

No unfavorable comments have been received, and the proposed amendment is hereby adopted without change and is set forth below.

Effective date: September 2, 1976.

By order of the director.

WILLIAM A. SMITH,
Chief, Administrative Management Division, Office of Administration.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 9, 1976.

APPENDIX C—EXEMPTED RECORDS SYSTEMS

* * * * * *

D. ID: S155.53 DCAS–NS. (SPECIFIC EXEMPTIONS)

Sysname: Industrial Personnel Security Clearance File.

Exemption: This system of records is exempt from the following provisions of title 5, United States Code, section 552a; subsection (d).

Authority: 5 U.S.C. 552a(k)(5).

Reasons: Investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975 under an implied promise that the identity of the source would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

[FR Doc.76-27017 Filed 9-14-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 616-5]

PART 55—ENERGY RELATED AUTHORITY

Iowa; Compliance Date Extensions

● *Purpose.* The purpose of this promulgation is to issue compliance date extensions (CDEs) to Iowa Electric Light and Power Company, Sutherland Station, Units 1, 2, and 3, Marshalltown, Iowa (hereinafter referred to as "the sources"), for Iowa Department of Environmental Quality (IDEQ) Regulation 4.3(2)b which limits emissions of particulate matter. ●

PROVISIONS

On May 13, 1976 (41 FR 19654), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.820 to subpart O by issuing the CDEs as stated under "Purpose" above.

Due to an oversight, the May 13, 1976, proposal (41 FR 19654, second paragraph under "Background") included the date "January 1, 1979," rather than January 1, 1985, as extended by Pub. L. 94-163 (EPCA).

The May 13, 1976, proposal (41 FR 19656, paragraph iii(a) under "Findings under section 119") constituted a finding that the sources were not eligible for CDEs for sulfur oxides. This paragraph was misplaced and could have led to the implication that a CDE for sulfur oxides was a condition for granting a CDE for particulates. No CDE for sulfur oxides is necessary since the sources can comply with the SO_2 emission limitation immediately.

The May 13, 1976, proposal (41 FR 19657, paragraph (ii) under "Public Participation") referred to visible emissions control requirements. This was in error in that the source has not been found in violation of visible emissions limitations.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the sources for compliance with IDEQ Regulation 4.3(2)b, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to Iowa Electric Light and Power Company, Sutherland Generating Station, Units 1, 2, and 3, located at Marshalltown, Iowa (hereinafter re-

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ferred to as "the sources"), for Iowa Department of Environmental Quality Regulation 4.3(2)b which limits emissions of particulate matter based upon these preliminary findings:

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 002, 003, and 004, respectively, and will convert after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with Iowa Department of Environmental Quality Regulation 4.3(2)b;

(iii) The sources can comply with all conditions upon which a compliance date extension may be granted for Iowa Department of Environmental Quality Regulation 4.3(2)b in that:

(a) EPA has determined, after consultation with the State of Iowa Department of Environmental Quality, that the sources are burning, and will continue to burn, coal which will emit no more than six (6) pounds of sulfur oxides per million BTU per hour heat input, assuring compliance with IDEQ Regulation 4.3(3)a which limits the emissions of sulfur oxides.

(b) The Administrator finds that the compliance plans, pursuant to the section 113 Order issued to the source on March 31, 1975, and resubmitted under Part 55 by the source on November 25, 1975, provide for compliance with Iowa Department of Environmental Quality Regulation 4.3(2)b on the basis of coal usage by December 31, 1976, that the compliance plans provide for compliance as soon as practicable, and that the compliance plans are therefore approvable under section 119(c);

(iv) The sources can comply with all conditions upon which a compliance date extension may be granted for Iowa Department of Environmental Quality Regulation 4.3(2)b in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the ACQR in which the sources are situated; and

(b) The sources can burn coal and comply with Iowa Department of Environmental Quality Regulation 4.3(2)b to satisfy the regional limitation requirement by December 31, 1976, by the terms of compliance plans submitted by the sources, such compliance is as soon as practicable and the compliance plans are therefore approvable.

(Secs. 110, 301, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g).)

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new § 55.820 to Subpart Q as follows:

Subpart Q—Iowa

§ 55.820 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to Iowa Electric Light and Power Company, Sutherland Station, Units 1, 2, and 3 (hereinafter referred to as "the sources"), located on East Main Street in Marshalltown, Iowa, upon the following conditions:

(1) *Regional Limitation.* Units 1, 2, and 3 shall comply with Iowa Department of Environmental Quality (IDEQ) Regulation 4.3(2)b by December 31, 1976.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section shall be in accordance with IDEQ Regulations, Chapter 7—*Measurement of Emissions.*

(3) The sources shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved]

[FR Doc.76-27041 Filed 9-14-76;8:45 am]

[FRL 616-6]

PART 55—ENERGY RELATED AUTHORITY

Iowa; Compliance Date Extension

● *Purpose.* The purpose of this promulgation is to issue a compliance date extension (CDE) to Iowa Public Service Company, George Neal Station, Unit 1, Salix, Iowa (hereinafter referred to as "the source") for Iowa Department of Environmental Quality (IDEQ) Regulation 4.3(2)b which limits emissions of particulate matter, and IDEQ Regulation 4.3(2)d which limits visible emissions. ●

PROVISIONS

On May 13, 1976 (41 FR 19651), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.821 to subpart Q by issuing the CDE as stated under "Purpose" above.

The May 13, 1976, proposal (41 FR 19653, paragraph (iii)(a) under "Findings under Section 119") constituted a finding that the source was not eligible for a CDE for sulfur oxides. This paragraph was misplaced and could have led to the implication that a CDE for sulfur oxides was a condition for granting a CDE for particulates. No CDE for sulfur oxides is necessary since the source can comply with the SO_2 emission limitation immediately.

Due to an oversight, the May 13, 1976, proposal (41 FR 19654, second paragraph under "Public Participation") referred to a "proposed PSC" (Primary Standard Condition). This was an error, since no PSC is being proposed.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the source for compliance with IDEQ Regulations 4.3(2)b and 4.3(2)d, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to Iowa Public Service Company, George Neal Station, Unit 1, Salix, Iowa (hereinafter referred to as "the source"), for Iowa Department of Environmental Quality (IDEQ) Regulation 4.3(2)b, which limits emissions of particular matter, and IDEQ Regulation 4.3(2)d which limits visible emissions, based upon these preliminary findings:

(i) The source is subject to a section 2(a) FEA prohibition order, No. 007, and will convert after September 15, 1973, to coal as its primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the source cannot burn coal available to it in compliance with Iowa Department of Environmental Quality Regulations 4.3(2)b and 4.3(2)d;

(iii) The source can comply with all conditions upon which a compliance date extension may be granted for IDEQ 4.3(2)b and 4.3(2)d in that:

(a) EPA has determined, after consultation with the State of Iowa Department of Environmental Quality, that the source is burning, and will continue to burn, coal which will emit no more than six (6) pounds of sulfur oxides per million BTU per hour heat input, assuring compliance with IDEQ Regulation 4.3(3)a, which limits the emissions of sulfur oxides.

(b) The Administrator finds that the compliance plans pursuant to the section 113 Order issued to the source on August 5, 1975, and resubmitted under Part 55 by the source on November 29, 1975, provide for compliance with IDEQ 4.3(2)b and 4.3(2)d on the basis of coal usage by October 1, 1978, that the compliance plans provide for compliance as soon as practicable, and that the compliance plans are therefore approvable under section 119(c).

(iv) The source can comply with all conditions upon which a compliance date extension may be granted for IDEQ 4.3(2)b and 4.3(2)d in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the source is situated; and

(b) The source can burn coal and comply with IDEQ 4.3(2)b and 4.3(2)d to satisfy the regional limitation requirement by October 1, 1978, by the terms of a compliance plan submitted by the source, such compliance is as soon as practicable and the compliance plan is therefore approvable. Gas conditioning studies underway at the source may enable the source to achieve compliance by August 1, 1976. If this becomes apparent, this CDE will be revised at that time to reflect the changed compliance status of the source.

(Sec. 110, 119, 301, the Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g).)

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new § 55.821 to Subpart Q as follows:

Subpart Q—Iowa

§ 55.821 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to Iowa Public Service Company, George Neal Station, Unit #1, located in Salix, Iowa [hereinafter referred to as "the source"], upon the following conditions:

(1) Regional limitation. Unit 1 shall comply with IDEQ Regulations 4.3(2)b and 4.3(2)d by October 1, 1978.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section shall be in accordance with IDEQ Regulations, Chapter 7—Measurement of Emissions.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved.]

[FR Doc.76-27042 Filed 9-14-76;8:45 am]

[FRL 616-7]

PART 55—ENERGY RELATED AUTHORITY

Kansas; Compliance Date Extension

● *Purpose.* The purpose of this promulgation is to issue a compliance date extension (CDE) to The Kansas Power and Light Company, Tecumseh Station, Units 9 and 10, Tecumseh, Kansas (hereinafter referred to as "the source"), for Kansas Air Pollution Control Regulation 28-19-31A which limits emissions of particulate matter. ●

PROVISIONS

On May 13, 1976 (41 FR 19661), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.871 to Subpart R by issuing the CDE as stated under "Purpose" above.

In the May 13, 1976, proposal (41 FR 19663, paragraph (iii) under "Findings under section 119"), the statement that the source will continue to be able to comply with sulfur oxides emission limitations was inadvertently omitted.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the source for compliance with Kansas Air Pollution Control Regulation 28-19-31A, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to The Kansas Power and Light Company, Tecumseh Station, Units 9 & 10, Tecumseh, Kansas [hereinafter referred to as "the sources"], for Kansas Air Pollution Emission Control Regulation 28-19-31A, which limits emissions of particulate matter based upon these preliminary findings:

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 020 and 021, respectively, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with Kansas Air Pollution Emission Control Regulation 28-19-31A;

(iii) The sources are presently in compliance with Kansas Regulation 28-19-31C, which limits emission of sulfur oxides;

(iv) The sources can comply with all conditions upon which a compliance date extension may be granted for Kansas Air Pollution Emission Control Regulation 28-19-31A, in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the sources are situated; and

(b) The sources can burn coal and comply with Kansas Air Pollution Emission Control Regulation 28-19-31A to satisfy the regional limitation requirement by December 31, 1977, by the terms of compliance plans submitted by the sources, such compliance is as soon as practicable and the compliance plans are therefore approvable.

(Sec. 110, 119, 301, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g).)

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new § 55.871 to Subpart R as follows:

Subpart R—Kansas

§ 55.871 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to The Kansas Power and Light Company, Tecumseh Station, Units 9 and 10, Tecumseh, Kansas (the source), upon the following conditions:

(1) *Regional limitation.* Units 9 and 10 shall comply with Kansas Air Pollution Emission Control Regulation 28-19-31A by December 31, 1977.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section, shall be in accordance with EPA Test Method 5.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved.]

[FR Doc.76-27043 Filed 9-14-76;8:45 am]

[FRL 616-8]

PART 55—ENERGY RELATED AUTHORITY

Kansas; Compliance Date Extensions

● *Purpose.* The purpose of this promulgation is to issue compliance date extensions (CDEs) to The Kansas Power and Light Company, Lawrence Energy Center, Units 3 and 5, and Unit 4, Lake View Road, Lawrence, Kansas (hereinafter referred to as "the sources"), for Kansas Air Pollution Control Regulation 28-19-31A, which limits emissions of particulate matter. ●

PROVISIONS

On May 13, 1976 (41 FR 19658), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.870 to subpart R by issuing the CDEs as stated under "Purpose" above.

Due to an oversight, the May 13, 1976, proposal (41 FR 19658, second paragraph under "Background") included the date "January 1, 1979," rather than January 1, 1985, as extended by Pub. L. 94-163 (EPCA).

The May 13, 1976, proposal (41 FR 19660, paragraphs (iii)(a) and (iii)(b) under "Findings under Section 119") contained a discussion of PSC and CDE for sulfur oxides control, which was unnecessary and confusing. No CDE for sulfur oxides is necessary since the sources can comply with the SO_2 emission limitation immediately.

In the May 13, 1976, proposal (41 FR 19660, paragraph A under "Compliance with Conditions upon which CDEs are Granted"), the date for adding a precipitator to Unit 3 is December 1, 1977. The correct date is December 31, 1977.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been

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received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the source for compliance with Kansas Air Pollution Control Regulation 28-19-31A and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to The Kansas Power and Light Company, Lawrence Energy Center, Units 3, 4, and 5, Lake View Road, Lawrence, Kansas (hereinafter referred to as "the sources"), for Kansas Air Pollution Emission Control Regulation 28-19-31A, which limits emissions of particulate matter based upon these preliminary findings:

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 017, 018, and 019, respectively, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with Kansas Air Pollution Emission Control Regulation 28-19-31A;

(iii) The sources can comply with all conditions in Kansas Air Pollution Emission Control Regulation 28-19-31C which limits emissions of sulfur oxides in that:

(a) EPA has determined, after consultation with the State of Kansas Department of Health and Environment, that the sources can burn coal of the sulfur content specified in the existing coal contract with assurance (throughout the period that the compliance date extension will be in effect) that the burning of said coal by such sources will not result in emissions which cause or contribute to concentrations of sulfur oxides in excess of the national primary standard for sulfur oxides; and finds that such coal was available to the sources for burning on January 1, 1975.

(b) The Administrator finds that the compliance plans submitted by the source on September 24, 1975, provide for compliance with Kansas Air Pollution Emission Control Regulation 28-19-31C on the basis of coal usage as of January 1, 1975, and that the compliance plans are therefore approvable under section 119(c).

(iv) The sources can comply with all conditions upon which a compliance date extension may be granted for Kansas Air Pollution Emission Control Regulation 28-19-31A in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the sources are situated; and

(b) The sources can burn coal and comply with Kansas Air Pollution Emission Control Regulation 28-19-31A to satisfy the regional limitation requirement by December 31, 1977, for Units 3 and 5, and November 30, 1977, for Unit 4, by the terms of compliance plans submitted by the sources, such compliance is as soon as practicable and the compliance plans are therefore approvable.

(Sec. 110, 119, 301, the Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c_10, 1857g).)

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations, is amended by adding a new § 55.870 to Subpart R as follows:

Subpart R—Kansas

§ 55.870 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to The Kansas Power and Light Company, Lawrence Energy Center, Units 3 and 5, Lake View Road, Lawrence, Kansas (the source) upon the following conditions:

(1) *Regional limitation.* The source shall comply with Kansas Air Pollution Emission Control Regulation 28-19-31A by December 31, 1977.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section, shall be in accordance with EPA Test Method 5.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) The Administrator issues a Compliance Date Extension to The Kansas Power and Light Company, Lawrence Energy Center, Unit 4, Lake View Road, Lawrence, Kansas (the source), upon the following conditions:

(1) *Regional limitation.* The source shall comply with Kansas Air Pollution Emission Control Regulation 28-19-31A by November 30, 1977.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section, shall be in accordance with EPA Test Method 5.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(c) [Reserved.]

[FR Doc.76-27044 Filed 9-14-76;8:45 am]

[FRL 616-3]

PART 55—ENERGY RELATED AUTHORITY

Missouri; Compliance Date Extension

● *Purpose.* The purpose of this promulgation is to issue a compliance date extension to City Utilities of Springfield, James River Station, Units 3 and 4, South Fremont Road, Springfield, Missouri (hereinafter referred to as "the source"), for Missouri Air Pollution Control (MAPC) Regulation III for the Springfield-Greene County Area, which limits emissions of particulate matter. ●

PROVISIONS

On May 13, 1976 (41 FR 19667, the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.1321 to subpart AA by issuing the CDE as stated under "Purpose" above.

Due to an oversight, the May 13, 1976, proposal (41 FR 19669, paragraph "B" under "Compliance with Conditions upon which CDEs are Granted") contained a statement relating PSC to SIP Limitations. The reason no PSC applies is that the Regional Limitation applies.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the source for compliance with MAPC Regulation III for the Springfield-Greene County Area, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to City Utilities of Springfield, James River Station, Units 3 and 4, South Fremont Road, Springfield, Missouri (hereinafter referred to as "the sources"), for Missouri Air Pollution Control (MAPC) Regulation III for the Springfield-Greene County Area, which limits emissions of particulate matter based upon these preliminary findings:

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 024 and 025, respectively, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with MAPC Regulation III for the Springfield-Greene County Area;

(iii) The sources can comply with all conditions upon which a compliance date extension may be granted for Regulation III in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the sources are situated; and

(b) The sources can burn coal and comply with Regulation III by September 30, 1976, for Unit 4, and December 31, 1977, for Unit 3, by the terms of compliance plans, such compliance is as soon as practicable and the compliance plans are therefore approvable.

(iv) There is no sulfur oxide emission limitation in the SIP for the Springfield-Greene County Area.

(Sec. 110, 119, 301, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g))

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40, of the Code of Federal Regulations, is amended by adding a new § 55.1321 to Subpart AA as follows:

Subpart AA—Missouri

§ 55.1321 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to City Utilities of Springfield, James River Station, Units 3 and 4, South Fremont Road, Springfield, Missouri (the source), upon the following conditions:

(1) The source shall comply with MAPC Regulation III for the Springfield-Greene County Area by September 30, 1976, for Unit 4, and December 31, 1977, for Unit 3.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section, shall be in accordance with ASME PTC 27.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved]

[FR Doc.76-27039 Filed 9-14-76;8:45 am]

[FRL 616-4]

PART 55—ENERGY RELATED AUTHORITY

Missouri; Compliance Date Extension

● *Purpose.* The purpose of this promulgation is to issue a compliance date extension (CDE) to Kansas City Power & Light Company, Hawthorne Station, Unit 3, 8700 Hawthorne Road, Kansas City, Missouri (hereinafter referred to as "the source"), for Missouri Air Pollution Control (MAPC) Regulation III, which limits emissions of particulate matter, and MAPC Regulation V, which limits visible emissions.●

PROVISIONS

On May 13, 1976 (41 FR 19664), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new § 55.1320 to Subpart AA by issuing the CDE as stated under "purpose" above.

PUBLIC COMMENT

A thirty-day public comment period accompanied the May 13, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately on September 15, 1976, as its purpose is to grant an extension of time to the source for compliance with MAPC Regulations III and V, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to Kansas City Power & Light Company, Hawthorne Road, Kansas City, Missouri (hereinafter referred to as "the source"), for Missouri Air Pollution Control (MAPC) Regulation V, which limits visible emissions of air contaminants, and for MAPC Regulation III, which limits emissions of particulate matter based upon these preliminary findings:

(1) The sources are subject to section 2(a) FEA prohibition order No. 014, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the source can burn coal available to it in compliance with Missouri Air Pollution Control Regulation XV, Restriction of Emission of Sulfur Compounds, and that the source cannot burn coal available to it in compliance with Missouri Air Pollution Control Regulations III and V;

(iii) The sources can comply with all conditions upon which a compliance date extension may be granted for MAPC Regulations III and V, in that:

(a) The regional limitations for particulate matter and visible emissions are applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the source is situated; and

(b) The sources can burn coal and comply with MAPC III and V requirements by January 1, 1977, by the terms of compliance plans submitted by the source, such compliance is as soon as practicable and the compliance plans are therefore approvable.

(Sec. 110, 119, 301, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g))

Dated: September 3, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40, of the Code of Federal Regulations, is amended by adding a new Subpart AA as follows:

Subpart AA—Missouri

§ 55.1320 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to Kansas City Power & Light Company, Hawthorne Station, Unit 3, 8700 Hawthorne Road, Kansas City, Missouri, upon the following conditions:

(1) *Regional limitation.* The source shall comply with MAPC Regulations III and V by January 1, 1977.

(2) Test procedures to determine compliance with paragraph (a)(1) of this section, shall be in accordance with EPA Test Methods 5 and 9.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved]

[FR Doc.76-27040 Filed 9-14-76;8:45 am]

[FRL 602-1]

SUBCHAPTER H—OCEAN DUMPING

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS

Transportation for Dumping and Dumping of Material Into Ocean Waters, Final Designation of Site

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, (33 U.S.C. 1401 et seq.), hereinafter, "the Act", gives the Administrator of the Environmental Protection Agency (EPA) the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 220.4(d)) state that ocean dumping sites will be designated by publication in this Part 227.

On Friday, April 30, 1976, EPA published (41 FR 18094) a proposed designation of an ocean dumping site in the southwestern part of the Gulf of Mexico for use in the high temperature incineration of highly toxic chemical wastes.

Public comment period for the proposed site designation expired on June 14, 1976. The only comment received was from the National Marine Fisheries Service indicating no objection to the establishment of this site provided it is used only for high temperature incineration.

A Draft Environmental Impact Statement (EIS) entitled "Designation of a Site in the Gulf of Mexico for Incineration of Chemical Wastes" was prepared in accordance with EPA policy which provides for the voluntary preparation of EISs for certain specific regulatory actions. The Draft EIS was made available to the Council on Environmental Quality on April 16, 1976, and a notice of availability was published in the FEDERAL REGISTER on April 23, 1976. The public comment period expired on June 7, 1976. A Final EIS has been prepared based on an evaluation of comments received on the Draft EIS and on additional information pertinent to this action. The Final EIS was published on July 14, 1976.

The designation of the site will be limited to a period of five years. The decision to make this limitation is based on the information presented in the EIS and on the comments received from the reviewers; in particular, the need for further information on the long-term effects on the environment as reflected in Section VI of the EIS and the comments from the National Wildlife Federation, the Louisiana Air Control Commission, the Department of Commerce, the Department of the Interior, and the Department of Health, Education, and Welfare. The five-year period was selected to allow sufficient time to obtain additional data on this new technology, to coordinate with the international community under the Ocean Dumping Convention,

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and to further evaluate the potential long-term impacts of incineration at the site.

In addition, a restriction will be placed on the site to allow only one ship to burn wastes at a time, except under extreme emergencies.

The proposed site designation is hereby adopted with the addition of the five-year limitation on its use and the single-ship restriction and is set forth below, effective on September 15, 1976.

(33 U.S.C. 1412, 1418.)

Dated: September 7, 1976.

JOHN QUARLES,
Acting Administrator.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding a new listing in Part 227 entitled "Approved Ocean Dumping Sites," and adding to that listing an ocean incineration site as follows:

APPROVED OCEAN DUMPING SITES

REGION VI

Location: Latitude and Longitude—27d 06'12" N, 93d 24'15" W; 26d 32'24" N, 93d 15'30" W; 26d 19'00" N, 93d 56'00" W; 26d 52'40" N, 94d 04'40" W.
Size: (square miles) 1892.
Depth: (feet) 4500.
Primary Use: At sea incineration primarily for organochlorine wastes. Incineration of other wastes will require research studies or equivalent technical documentation to determine acceptability for ocean incineration.
Period of Use: Five years from this date of publication.
Restriction: Only one ship will be permitted to burn wastes at a time, except under extreme emergencies.

[FR Doc.76-26906 Filed 9-14-76;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 615-5]

PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Second Extension of Comment Period and Availability From an Inspection Standpoint Only—Supplements A and B to Development Document

On May 18, 1976 the Agency published a notice of interim final rulemaking (41 FR 20496) establishing effluent limitations and guidelines for the carbon black manufacturing point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was June 17, 1976.

At that time the Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Accordingly, the date for submission of comments was extended to August 25, 1976.

Supplements A and B to the Development Document mentioned above, which present additional design calculations and field survey data, were not available during the extended comment period. These supplements were placed on file in the EPA Public Information Reference Unit, Rm. 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C. 20460, on August 9, 1976 and are now available for public inspection at that location. To allow the public a reasonable period in which to evaluate this material and to submit additional comments, the comment period must be extended. The EPA Information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Accordingly, the date for submission of comments is hereby extended to October 25, 1976.

Dated: September 8, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-26905 Filed 9-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 77-1]

EXTRAORDINARY CONTRACTUAL ACTIONS

To Protect Foreign Policy Interests of the United States

This Notice contains the following amendments to the AID Procurement Regulations (41 CFR Part 7):

1. Inclusion of a cross-reference to the new Subpart 7-50 (Extraordinary Contractual Actions to Protect Foreign Policy Interests of the United States) in Subpart 7-17 (Extraordinary Contractual Actions to Facilitate the National Defense); and

2. Establishment of a new Subpart 7-50. AID is not among the Agencies authorized to undertake extraordinary contractual actions to facilitate the national defense pursuant to Pub. L. 85-804, as implemented under 41 CFR Part 1-17. However, AID does have the authority to undertake extrordinary contractual actions to protect the United States' foreign policy interests pursuant to sections 3 and 4 of Executive Order 11223. This AIDPR Notice will formalize and codify AID's procedures for processing such extraordinary contractual actions.

PART 7-17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart 7-17.1—General

1. Section 7-17.101 is revised as follows:

§ 7-17.101 Authority.

AID is not among the agencies named in the Act or authorized by the President to take actions under it; however, see Part 7-50—Extraordinary Contractual Action to Protect Foreign Policy Interests of the United States.

PART 7-50—EXTRAORDINARY CONTRACTUAL ACTIONS TO PROTECT FOREIGN POLICY INTERESTS OF THE UNITED STATES

2. A new Part 7-50 is added as follows:

Subpart 7-50.1—General

Sec.
7-50.101 Authority.
7-50.102 General policy.
7-50.103 Definitions.
7-50.104 Types of actions.

Subpart 7-50.2—Requests for Contractual Adjustment

7-50.200 Scope of subpart.
7-50.201 Authority.
7-50.202 [Reserved].
7-50.203 [Reserved].
7-50.204 Standards for deciding cases.
7-50.204-1 General.
7-50.204-2 Amendments without consideration.
7-50.204-3 Mistakes.
7-50.204-4 Informal commitments.
7-50.205 Limitations upon exercise of authority.
7-50.206 Contractual requirements.
7-50.207 Submission of requests by contractors.
7-50.207-1 Filing requests.
7-50.207-2 Form of requests by contractors.
7-50.207-3 [Reserved]
7-50.207-4 Facts and evidence.
7-50.208 Processing cases.
7-50.208-1 Investigation.
7-50.208-2 Intra-agency coordination.
7-50.208-3 Submission of cases to the approving authority.
7-50.208-4 Processing by approving authority.
7-50.208-5 Records.
7-50.208-6 Inter-agency coordination.

AUTHORITY: Sec. 633, 75 Stat. 454 (22 U.S.C. 2393) as amended; E.O. 11223, May 12, 1965 (30 FR 6635) as amended; sec. 621, 72 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 10973, Nov. 3, 1961 (26 FR 10469); 3 CFR 1959-63 Comp.

Subpart 7-50.1—General

§ 7-50.101 Authority.

Pursuant to section 633 of the Foreign Assistance Act of 1961, 75 Stat. 454 (22 U.S.C. 2393) as amended, Executive Order 11223, dated May 12, 1965 (30 FR 6635) an amended, and State Department Delegation of Authority No. 104, dated November 3, 1961 (26 FR 10608) as amended, the Administrator of the Agency for International Development has been granted authority to provide extraordinary contractual relief. The authority is set forth in Sections 3 and 4 of the Executive Order as follows:

SEC. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments or modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this Order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State determines in each case that such action is necessary to protect the foreign policy interests of the United States.

§ 7-50.102 General policy.

Extra-contractual claims arising from Foreign Assistance contracts will be processed in accordance with this part, which is similar to that utilized to process claims for extraordinary relief under the FPR Part 1-17, as modified to meet the circumstances involved under the Foreign Assistance Act, and the different authority involved. See Subpart 7-50.2.

§ 7-50.103 Definitions.

(a) The term "approving authority" as used in this part means an officer or official having been delegated authority to approve actions under the Executive Order. This authority is distinguished from authority to take appropriate contractual action pursuant to such approval.

(b) The term "the Executive Order" shall mean Executive Order 11223 (30 FR 6635) as amended.

(c) The term "the Delegation of Authority" shall mean State Department Delegation of Authority No. 104 (26 FR 10608).

(d) The term "Administrator" means the Administrator or Deputy Administrator of the Agency for International Development.

(e) The term "the Act" shall mean the Foreign Assistance Act of 1961, as amended.

§ 7-50.104 Types of actions.

Three types of actions may be taken by or pursuant to the direction of an approving authority under the Executive Order. These are contractual adjustments such as amendments without consideration, corection of mistakes and formalization of informal commitments (see Subpart 7-50.2).

Subpart 7-50.2—Requests for Contractual Adjustment

§ 7-50.200 Scope of subpart.

This Subpart sets forth the standards and the procedures for disposition of requests for extraordinary contractual actions under the Executive Order.

§ 7-50.201 Authority.

The authority delegated to the Secretary of State under the Executive Order has been redelegated by him to the Administrator, Agency for International Development, under State Department Delegation 104, with power to redelegate.

§ 7-50.202 [Reserved]

§ 7-50.203 [Reserved]

§ 7-50.204 Standards for deciding cases.

§ 7-50.204-1 General.

The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Executive Order. Whether, in a particular case, appropriate action such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment, will protect the foreign policy interests of the United States is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which action may be appropriate, examples of certain cases or types of cases where action may be proper are set forth in §§ 7-50.204-2 through 7-50.204-4. Even if all of the factors contained in any of the examples are present, other factors or considerations in a particular case may warrant denial of the request. These examples are not intended to exclude other cases where the approving authority determines that the circumstances warrant action.

§ 7-50.204-2 Amendments without consideration.

(a) Where an actual or threatened loss under a Foreign Assistance contract, however caused, will impair the productive ability of a contractor whose continued performance on any Foreign Assistance contract or whose continued operation as a source of supply is found to be essential to protect the foreign policy interests of the United States, the contract may be adjusted but only to the extent necessary to avoid such impairment to the contractor's productive ability.

(b) Where a contractor suffers a loss (not merely a diminution of anticipated profits) on a Foreign Assistance contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some adjustment in the contract.

§ 7-50.204-3 Mistakes.

A contract may be amended or modified to correct or mitigate the effect of a mistake, including the following examples:

(a) A mistake or ambiguity which consists of the failure to express or to express clearly in the written contract the agreements as both parties understood them;

(b) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(c) A mutual mistake as to a material fact.

Amending contracts to correct mistakes with the least possible delay normally will protect the foreign policy interests of the United States by expediting the procurement program and by giving contractors proper assurance that such mistakes will be corrected expeditiously and fairly.

§ 7-50.204-4 Informal commitments.

Informal commitments may be formalized under certain circumstances to permit payment to persons who have taken action without a formal contract; for example, where any person, pursuant to written or oral instructions from an officer or official of the Agency and relying in good faith upon the apparent authority of the officer or official to issue such instructions, has arranged to furnish or has furnished property or services to the Agency and/or to a Foreign Assistance contractor or subcontractor without formal contractual coverage for such property or services. Formalization of commitments under such circumstances normally will protect the foreign policy interests of the United States by assuring persons that they will be treated fairly and paid expeditiously.

§ 7-50.205 Limitations upon exercise of authority.

(a) The Executive Order is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) The making of any contract in violation of existing law relating to limitation on profit or fees;

(3) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding; or

(4) The waiver of any bid, payment, performance or other bond required by law.

(b) No amendments, or modifications shall be entered into under the authority of the Executive Order:

(1) Unless, with respect to cases falling within section 4 of the Executive Order, a finding is made that the action is necessary to protect the foreign policy interests of the United States;

(2) Unless other legal authority in the Agency is deemed to be lacking or inadequate;

(3) Except within the limits of the amounts appropriated and the statutory contract authorization.

(c) No contract shall be amended or modified unless the request therefor has been filed before all obligations (includ-

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ing final payment) under the contract have been discharged.

(d) No informal commitment shall be formalized unless:

(1) A request for payment has been filed within six months after arranging to furnish or furnishing property or services in reliance upon the commitment; and

(2) It is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

§ 7–50.206 Contractual requirements.

Every contract amended or modified pursuant to this Part shall contain:

(a) A citation of the Act and Executive Order;

(b) A brief statement of the circumstances justifying the action;

(c) A recital of the finding, with respect to cases falling within section 4 of the Executive Order, that the action is necessary to protect the foreign policy interests of the United States.

§ 7–50.207 Submission of requests by contractors.

§ 7–50.207–1 Filing requests.

Any person (hereinafter called the "contractor") seeking an adjustment under standards set forth in § 7–50.204 may file a request in duplicate with the cognizant contracting officer or his duly authorized representative. If such filing is impracticable, requests will be deemed to be properly filed if filed with the Director, Office of Contract Management of the Agency for forwarding to the cognizant contracting officer.

§ 7–50.207–2 Form of requests by contractors.

The contractor's request shall normally consist of a letter to the contracting officer stating:

(a) The precise adjustment requested;

(b) The essential facts summarized in chronological narrative form;

(c) The contractor's conclusions based on such facts and showing, in terms of the standards set forth in § 7–50.204, why the contractor considers himself entitled to the adjustment requested;

(d) Whether all obligations have been discharged under the contracts involved;

(e) Whether final payment has been made under the contracts involved;

(f) Whether any proceeds from the request will be subject to any assignment or other transfer, and to whom; and

(g) Whether the contractor has sought the same, or a similar or related, adjustment from the General Accounting Office or any part of the Government, or anticipates doing so.

§ 7–50.207–3 [Reserved]

§ 7–50.207–4 Facts and evidence.

(a) *General.* The contracting officer or the approving authority may, where considered appropriate, request the contractor to furnish the facts and evidence as described in this paragraph (a), and in addition, where applicable, as described in paragraphs (b), (c), (d), or (e) of this section. In complying with such requests, the contractor may also submit other statements and evidence which he may consider helpful to the case.

(1) If written contracts are involved, a brief description of the contracts, indicating the dates of execution and amendments thereto, the items being procured, the price or prices and delivery schedule and revisions thereof, and such other special contractual provisions as may be relevant to the request.

(2) A history of performance indicating when work under the contracts or commitments was begun, the progress made to the present, an exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof.

(3) A statement of payments received, payments due, and payments yet to be received or to become due, including advance and progress payments, and amounts withheld by the Government, and information as to other obligations of the Government, if any, which are yet to be performed under the contract.

(4) A statement giving a detailed analysis of the monetary elements of the request including precisely how the actual or estimated dollar amount of the request was arrived at, the effect of approval or denial on the contractor's profits before Federal income taxes, and whether the costs for which reimbursement is requested have been included as a part of his gross costs in the statutory renegotiation proceedings, together with the contractor's renegotiation status for the relevant years.

(5) If a written contract is involved, a statement of the contractor's understanding of why the subject matter of the request cannot now, and could not at the time it arose, be disposed of under the terms of the contract itself.

(6) The best evidence available to the contractor in support of any facts alleged by the contractor, including contemporaneous memoranda, correspondence, affidavits, and any other material tending to establish matters of fact.

(7) Relevant financial statements, cost analyses, or other such data, preferably certified by a certified public accountant, including such additional financial data as is necessary to explain fully and to support the monetary elements of the request for adjustment.

(8) A list of persons (either within the Agency, in the employ of the contractor, or otherwise connected with the contract) who have some factual knowledge of the subject matter, including where possible the name, office or title, address and telephone number of each such person.

(9) A statement and evidence of steps to mitigate loss and reduce claims to a minimum.

(10) Such other statements or evidence as may be requested by the contracting officer.

(b) *Amendments without consideration under § 7–50.204–2(a).* In addition to the facts and evidence listed in paragraph (a) of this section, where a request involves possible amendment without consideration, the contractor may be asked to furnish such of the following as is deemed appropriate to the request:

(1) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(2) A statement and evidence of the contractors' present estimate of total costs under the contracts involved if enabled to complete, broken down between costs accrued to date of request, and runout costs, and as between costs for which the contractor has made payment and those for which he is indebted at the time of the request;

(3) A statement and evidence of the contractor's estimate of the final price of the contracts involved giving effect to all escalation, changes, extras and the like, known or contemplated by the contractor;

(4) A statement of any claims known or contemplated by the contractor against the Government involving the contracts in question, other than those stated in response to paragraph (b)(3) of this section.

(5) An estimate of the contractor's total profit or loss under contracts involved if enabled to complete at the estimated final contract price (see paragraph (b)(3) of this section) broken down between profit or loss to date, and runout profit or loss;

(6) An estimate of the total profits from other Government business, and all other sources, during the period from the date of the first contract involved to the estimated date of completion of all the contracts involved;

(7) A statement of the amount of any tax refunds and an estimate of those anticipated during or for the period from the date of the first contract involved through the estimated completion date of all the contracts involved;

(8) A statement in detail as to efforts the contractor has made to obtain funds from commercial sources to enable him to complete performance of the contracts involved;

(9) A statement of the minimum amount necessary as an amendment without consideration to enable the contractor to complete performance of the contracts involved, and the detailed basis for that amount;

(10) An estimate of the time required to complete each contract, if the request is granted;

(11) A statement of the factors which have caused the loss under the contracts involved;

(12) A statement as to the course of events anticipated if the request is denied;

(13) Balance sheets, preferably certified by a certified public accountant, as of the end of the contractor's fiscal year preceding the date of the first contract, as of the end of each subsequent fiscal year, as of the date of the request, and projected as of the date of completion of all the contracts involved assuming the contractor is enabled to complete the contracts at the final prices estimated pursuant to paragraph (b)(3) of this section, together with income statements for annal periods subsequent to the date of the first balance sheet (balance sheets and income statements should be both consolidated, and by affiliates, and should show all transactions between the contractor and his affiliates, stockholders, and partners, including loans to the contractor guaranteed by any stockholder or partner); and

(14) A list of all salaries, bonuses and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

(c) *Amendments without consideration under § 7–50.204–2(b).* In addition to the facts and evidence listed in paragraph (a) of this section, where a request involves possible amendment without consideration because of Government action, the contractor may be asked to furnish such of the following as is deemed appropriate to the request:

(1) A clear statement of the precise Government action which the contractor considers caused a loss under the contract with evidence to support each essential fact;

(2) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(3) The estimated total loss suffered under the contract, with detailed supporting analysis; and

(4) The estimated loss resulting from the Government action, with detailed supporting analysis.

(d) *Correction of mistakes.* In addition to the facts and evidence listed in paragraph (a) of this section, where a request involves possible correction of a mistake, the contractor may be asked to furnish such of the following as is deemed appropriate to the request:

(1) A statement and evidence of the precise mistake or error that was made, the ambiguity that exists, or the misunderstanding that arose, showing of what it consisted and how it occurred, and the intention of the parties;

(2) A statement explaining when the mistake was discovered, when notice of mistake was given to the contracting officer, and whether given before completion of work under, or the effective date of termination of the contract;

(3) An estimate of loss of profit under the contract with detailed supporting analysis; and

(4) An estimate of the increase in cost to the Government resulting from the adjustment requested with detailed supporting analysis.

(e) *Formalization of informal commitments.* In addition to the facts and evidence listed in paragraph (a) of this section, where a request involves possible formalization of an informal commitment, the contractor may be asked to furnish such of the following as is deemed appropriate to the request:

(1) Copies of any written instructions or assurances, or a statement under oath as to any oral instructions or assurances made to the contractor, with identification of the Government officer or official making such statement;

(2) A statement as to when the property or services were furnished or arranged to be furnished, and to whom;

(3) Evidence that the contractor relied upon the instructions or assurances, with a full description of the circumstances which led him so to rely, and that the contractor intended, at the time of performing the work, to be compensated directly for it by the Government and did not anticipate recovery of the costs in some other way;

(4) A cost breakdown supporting the amount claimed as a fair compensation for the work performed; and

(5) A statement and evidence of why it was impracticable to provide for the work performed in an appropriate contractual instrument.

§ 7–50.208 Processing cases.

§ 7–50.208–1 Investigation.

The Director, Office of Contract Management, shall be responsible for assuring that the cognizant contracting officer in all cases shall make a thorough investigation of all facts and issues relevant to each case. Facts and evidence shall be obtained from contractor and Government personnel, and shall include signed statements of material facts within the knowledge of the individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts. The investigation shall establish both the facts essential to meeting the standards for deciding the particular case and the essential facts as to who has authority to approve the request.

§ 7–50.208–2 Intra-agency coordination.

Prior to the submission of a case to the approving authority recommending extraordinary contractual relief, the claim will be fully developed by the Office of Contract Management and concurrences or comments obtained from the Office of General Counsel and the Auditor General for the proposed relief to be granted. Such concurrences or comments shall be incorporated in or accompany the action memorandum submitted for consideration to the approving authority in accordance with § 7–50.208–3.

§ 7–50.208–3 Submission of cases to the approving authority.

Cases to be submitted for consideration shall be forwarded by means of an action memorandum signed by the Director, Office of Contract Management. The action memorandum shall state:

(a) The nature of the case;

(b) The basis for authority to act under § 7–50.201;

(c) The findings of fact essential to the case (see § 7–50.207–4) arranged chronologically with cross references to supporting enclosures;

(d) The conclusions drawn from applying the standards for deciding cases, as set forth in § 7–50.204, to the findings of fact;

(e) The disposition recommended, and, if contractual action is recommended with respect to cases falling within section 4 of the Executive Order, the opinion of the signer that such action is necessary to protect the foreign policy interest of the United States; and

(f) The action memorandum shall enclose copies of the contracting officer's findings and recommendations, the evidentiary materials, all other reports and comments of cognizant Government or other officials, and a copy of the contractor's request with a cover sheet providing the following summary information related to the request:

(1) Date of request;

(2) Date request received by AID;

(3) Contract number;

(4) Contractor's name and address;

(5) Name, address, and phone number of contractor's representative;

(6) Name, office symbol, and phone of cognizant contracting officer;

(7) Amount of request.

§ 7–50.208–4 Processing by approving authority.

In each case, the approving authority whether approving or denying the request, shall sign a decision which shall be dated and shall contain the following:

(a) The name and address of the contractor, the contract identification, and the nature of the request;

(b) The decision reached and the actual cost or estimated potential cost, if any, of the settlement;

(c) A concise description of the property or services involved;

(d) A statement of the circumstances justifying the decision; and

(e) If some adjustment action is approved with respect to cases falling within section 4 of the Executive Order, a statement in substantially the following form:

I find that the action authorized herein is necessary to protect the foreign policy interests of the United States.

§ 7–50.208–5 Records.

The following shall be retained in Agency files as a record of each action processed in accordance with this part:

(a) The decision required in § 7–50.208–4;

(b) The action memorandum and all enclosures as required in § 7–50.208–3; and

(c) A copy of the contractual document implementing any approved contractual action.

§ 7–50.208–6 Inter-agency coordination.

(a) *General.* Where a case involves matters of interest to more than one department or agency, the Agency should maintain liaison with other departments and agencies of the Government and take such joint action as may be proper under the circumstances, including holding joint meetings.

(b) *Cases involving funds of other departments or agencies.* Requests for adjustment within any category, involving the funds of another department or agency, shall not be approved by AID until advice is requested and received

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from the department or agency whose funds are involved.

(41 CFR 7-1.104-4.)

Effective date: This AIDPR Notice is effective October 1, 1976.

Dated: August 23, 1976.

JOHN E. MURPHY,
Deputy Administrator.

[FR Doc.76-26935 Filed 9-14-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER E—FOREST MANAGEMENT (5000)

[Circular No. 2403]

PART 5400—SALES OF FOREST PRODUCTS; GENERAL

Report Requirements for Other Than Advertised Sales

• Purpose. The purpose of this rulemaking is to clarify the reporting requirements of negotiated sale contracts from public lands under the jurisdiction of the Bureau of Land Management. Negotiated timber sales from public lands are governed by the Material Sales Act of 1947 (61 Stat. 681) as amended. •

Due to a misunderstanding of the provisions of the Material Sales Act of 1947, the Bureau of Land Management has been reporting all negotiated timber sales, including individual fuelwood sales of one cord. We now realize that negotiated sales of less than 250 thousand board feet should have been exempted from the reporting requirement. The amendment to Part 5400 contained in this rulemaking will correct this by removing the requirement for reporting small sales, and will also change the reporting date to conform to the new Federal fiscal year as specified in the Act of April 21, 1976 (Pub. L. 94-273).

Since this rulemaking makes technical changes to existing regulations, it is determined that the regular rulemaking procedure is unnecessary and this amendment shall become effective on October 15, 1976.

43 CFR Chapter II, Part 5400, is amended by revising § 5402.1 as follows:

§ 5402.1 Report requirements.

A report will be made to Congress on April 1, and October 1 of each year of negotiated timber sale contracts 250 M board feet and over made under paragraph (c) (1) and (2) of § 5402.0-6 during the period since the date of the last report. This report shall include name of purchaser; the appraisal value of the material involved; the amount of each contract; and description of the circumstances leading to the determination that the contract should be entered into by negotiation instead of competitive bidding after formal advertising.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 9, 1976.

[FR Doc.76-26992 Filed 9-14-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

Amendments With Regard to Indian Students Eligible for BIA Grants-In-Aid and Financial Assistance From the Commissioner of Education

Correction

In FR Doc. 76-24658 appearing at page 36319 in the issue for Friday, August 27, 1976, on page 36321, in the 7th line of the first full paragraph in the first column, the two section numbers now reading "114.10" should have read "144.10".

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 67-57]

PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Enlargement of Time for Filing Petition for Reconsideration

Upon request filed by Sea-Land Service Inc. and good cause appearing, time within which petitions may be filed for reconsideration of the Commission's final rules in this proceeding published September 8, 1976 (41 FR 37785) is enlarged to and including October 18, 1976.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-27023 Filed 9-14-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 15, 1976.

§ 32.5 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 23 through December 12, 1976, inclusive and from December 18 through December 26, 1976, inclusive; dark geese (Canada and white-fronted) from October 23 through December 26, 1976; light geese (snow and blue) from October 23, 1976, through January 16, 1977, inclusive; only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1977.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

SEPTEMBER 7, 1976.

[FR Doc.76-26908 Filed 9-14-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 505]

[Army Reg. 340-21]

PRIVACY ACT OF 1974

Exemption Rules for Systems of Records

In FR Doc. 75-32158 published in the FEDERAL REGISTER of November 28, 1975 (40 FR 55551) the Secretary of the Army published the adopted rules for the Department of the Army systems of records. In FR Doc. 76-24043 published in the FEDERAL REGISTER of August 17, 1976 (FR 34764) the Secretary of the Army published a proposed amendment of the adopted rules. The Secretary of the Army now proposes to add an exemption rule applicable to a new record system. Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed amendments to The Adjutant General, Department of the Army, ATTN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20314 on or before October 15 ,1976. All relevant material received will be considered. All written comments will be available for public inspection during normal business hours at the above address.

R. S. SEEBERG,
Lieutenant Colonel, U.S. Army, Acting Director, Administration Management.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 8, 1976.

PART 505—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

The following exemption rule is added and should be inserted before exemption rule ID-A1012.01bDAPE, SYSNAME-USMAPS Admissions File (41 FR 84766).

§ 505.9 Exemption rules for Army systems of records.

* * * * *

EXEMPTED RECORD SYSTEMS

(Specific Exemptions)

ID-A0917.10aDAPE

SYSNAME—Child Protection Case Management Files.

Exemption—All portions of this system which fall within 5 U.S.C. 552a(k)(2) are exempt from the following provisions of Title 5 U.S.C. section 552a: (d).

Authority—5 U.S.C. 552a(k)(2).

Reasons—Exemption is needed in order to encourage persons with knowledge about abusive or neglectful acts toward minor children to report such information and to protect such sources from embarrassment or recriminations as well as to protect their right to privacy. Disclosure could interfere with ongoing investigations and the orderly administration of justice in that it could result in the concealment, alteration, or destruction of information; could hamper the identification of offenders or alleged offenders and the disposition of charges; and could jeopardize the safety and well-being of parents and their children.

* * * * *

[FR Doc.76-27018 Filed 9-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

TRITICALE

Establishment of New Standards

The United States Grain Standards Act, as amended (82 Stat. 761, 7 U.S.C. 71 et seq.), provides for official U.S. standards to designate the quality of grain for use by producers, merchandisers, and consumers in the domestic and export marketing of grain. The Act provides for an official grading service upon request and payment by the applicant of a fee to cover the cost of the service.

Pursuant to section 4 of the United States Grain Standards Act, as amended (7 U.S.C. 76), notice is hereby given according to administrative procedure provisions of section 553 of Title 5, United States Code, that the U.S. Department of Agriculture has under consideration the establishment of United States Standards for Triticale (to be included in § 26.651 under Title 7 of the Code of Federal Regulations).

Statement of considerations. Triticale is a grain which is a cross between wheat and rye. The ability to cross wheat with rye has been known and studied by scientists for the last 100 years. The common name triticale is derived from the generic names for wheat and rye; namely, *Triticum* and *Secale*.

Many research programs have been conducted in the last 20 years to study the breeding, production, and utilization of triticale. Increases in test weight and the percentage of viable seed have resulted in higher yields per acre. Other agronomic improvements include early maturity and greater straw strength.

Research reports indicate that the uses of triticale are similar to those of wheat and rye. Some varieties perform well as forage. The grain can be utilized in the production of malt for beer making or as animal feed. The flour or meal can be used for breakfast foods, baked goods, and pasta products. Triticale possesses a wide range of nutritionally essential factors which plant breeders can more fully develop to improve its usefulness as a food. It has the potential to become a valuable crop because it is better adapted than wheat or rye to areas with sandy soil, low growing temperatures, or high elevations.

Commercial production of triticale in the United States began about 1970. Triticale was then grown on an estimated 30,000 acres. The growth in the production of triticale has been erratic. It is now estimated that triticale is grown on 200,000 acres. During this time, a number of producers and others interested in the development of triticale as a commercial crop have requested the Department to consider establishing official standards.

As a result, the Department has developed proposed triticale standards for review by interested persons. Because of a lack of data for use in developing the proposed standards, the grading factors and limits applied to triticale closely resemble those used for wheat and rye. Data is difficult to obtain because triticale is grown in only a few scattered areas in the United States and is not stored, blended, shipped, and otherwise handled like other grain in commercial channels at the present time. Therefore, the samples evaluated by the Department for the purpose of developing proposed standards have been obtained from freshly harvested grain or from country elevator shipments. Research on improvement of grain quality is continuing. Additional improvement in test weight, kernel plumpness, and other agronomic characteristics will be made. If the proposed standards, based on the available data, are adopted, continuing studies will be conducted by the Department to accumulate data to support or revise, as necessary, the standards established for triticale.

The Department therefore proposes to establish and promulgate official grade standards for triticale to read as follows:

Subpart—United States Standards for Triticale

TERMS DEFINED

Sec.
26.651 Definition of triticale.
26.652 Definition of other terms.

PRINCIPLES GOVERNING THE APPLICATION OF THE STANDARDS

26.653 Basis of determination.
26.654 Temporary modifications in equipment and procedures.
26.655 Percentages.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

26.656 Grades and grade requirements for triticale.
26.657 Grade designations.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

26.658 Special grades and special grade requirements.
26.659 Special grade designations.

AUTHORITY: Sec. 4, United States Grain Standards, as amended (7 U.S.C. 76).

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Subpart—United States Standards for Triticale [1]

Terms Defined

§ 26.651 Definition of triticale.

Grain which, before the removal of dockage, consists of 50 percent or more of triticale and may contain not more than 10 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of dockage, contains 50 percent or more of whole kernels of triticale.

§ 26.652 Definitions of other terms.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Damaged kernels (total).* Kernels, pieces of triticale kernels, and other grains that are badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged in the sample after the removal of dockage and shrunken and broken kernels.

(b) *Defects (total).* Damaged kernels, foreign material, and shrunken and broken kernels. The sum of these three factors may not exceed the limit for the factor "Defects (total)" for each individual grade.

(c) *Distinctly low quality.* Triticale which is obviously of inferior quality because it contains foreign substances or because it is in an unusual state or condition, and which cannot be properly graded by use of the other grading factors provided in the standards. Distinctly low quality shall include any objects too large to enter the sampling device; i.e., large stones, wreakage, etc.

(d) *Dockage.* All matter other than triticale which can be removed readily from a test portion of the original sample by use of an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] Also, underdeveloped, shriveled, and small pieces of triticale kernels removed in properly separating the material other than triticale and which cannot be recovered by properly rescreening or recleaning. (See also §§ 26.655 and 26.657.) For the purpose of this paragraph, "approved device" shall include the Carter Dockage Tester and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(e) *Foreign material (total).* All matter other than triticale which remains in the sample after the removal of dockage and shrunken and broken kernels.

(f) *Heat-damaged kernels.* Kernels, pieces of triticale kernels, and other grains that are materially discolored and damaged by heat which remain in the sample after the removal of dockage and shrunken and broken kernels.

(g) *Moisture.* Water content in triticale as determined by an approved device in accordance with procedures prescribed in the Equipment Manual.[2] For the purpose of this paragraph, "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(h) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, oats, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower, sweet corn, wheat, and wild oats.

(i) *Shrunken and broken kernels.* All matter which can be removed from a test portion of the dockage-free sample by use of an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph, "approved device" shall be the 0.064 x 3/8 oblong-hole sieve.[3]

(j) *Sieve, 0.064 x 3/8 oblong-hole.* A metal sieve 0.032 inch thick with oblong performations 0.064 inch by 0.375 (3/8) inch.

(k) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(l) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic inch capacity) as determined on a dockage-free test portion of the original sample using an approved device in accordance with instructions in the Grain Inspection Manal.[2] For the purpose of this paragraph, "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3] Test weight per bushel shall be expressed to the nearest tenth of a pound.

Principles Governing the Application of the Standards

§ 26.653 Basis of determination.

(a) *Distinctly low quality.* The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling when a condition exists that may not appear in the representative sample and/or the sample as a whole.

(b) *Certain Sample grade factors.* Each determination of rodent pellets, bird droppings, other animal filth, castor beans, crotalaria seeds, dockage, garlic, live weevils or other insects injurious to stored grain, moisture, odor, temperature, an unknown foreign substance, and a commonly recognized harmful or toxic substance shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain when free from dockage; except that the determination of heat-damaged kernels, damaged kernels (total), material other than wheat or rye, and foreign material (total) shall be upon the basis of the grain when free from dockage and shrunken and broken kernels.

§ 26.654 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the triticale standards are applicable to triticale produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of triticale may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies, and interested parties in the grain trade will be notified promptly in writing of the modification. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 26.655 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure; e.g., state 0.54 as 0.5.

(3) When the figure to be rounded is even and it is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and it is followed by the figure 5, round the figure to the next higher number; e.g., state 0.45 as 0.4; state 0.55 as 0.6.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the identity of triticale and the percentage of dockage and ergot. The percentage when determining the identity of triticale shall be stated to the nearest whole percent. The percentage of dockage when equal to one-half percent or more shall be stated in terms of half percent, whole percent, or whole and half percent, as the case may be, with other fractions disregarded as shown in the following examples: Dockage ranging from 0.5 to 0.9 percent shall be expressed as 0.5 percent, from 1.0 to 1.4 percent as 1.0 percent, from 1.5 to 1.9 percent as 1.5 percent, etc. The percentage of ergot shall be stated to the nearest hundredth percent.

Grades, Grade Requirements, and Grade Designations

§ 26.656 Grades and grade requirements for triticale.

(See also § 26.658.)

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies may be obtained from the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

(a) Equipment Manual, GR Instruction 916-6, effective September 25, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

(b) Grain Inspection Manual, GR Instruction 918-6, effective August 28, 1972, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

Maximum limits of --

Grade	Minimum test weight per bushel	Damaged kernels		Foreign material		Shrunken & broken kernels	Defects (Total) 3/
		Heat-damaged	Total 1/	Material other than wheat or rye	Total 2/		
	Pounds	Percent	Percent	Percent	Percent	Percent	Percent
U.S. No. 1	48.0	0.2	2.0	1.0	2.0	5.0	5.0
U.S. No. 2	45.0	0.2	4.0	2.0	4.0	8.0	8.0
U.S. No. 3	43.0	0.5	8.0	3.0	7.0	12.0	12.0
U.S. No. 4	41.0	3.0	15.0	4.0	10.0	20.0	20.0
U.S. Sample grade	U.S. Sample grade shall be triticale which:						

(a) Does not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4; or
(b) Contains a quantity of smut so great that one or more of the grade requirements cannot be determined accurately; or
(c) Contains 8 or more stones, 2 or more crotalaria seeds (Crotalaria spp.), 3 or more castor beans (Ricinus communis), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), or 2 or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth per 1,000 grams of triticale; or
(d) Has a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or
(e) Is heating or otherwise of distinctly low quality.

1/ Includes heat-damaged kernels.
2/ Includes material other than wheat or rye.
3/ Defects (total) includes damaged kernels (total), foreign material (total) and shrunken and broken kernels. The sum of these three factors may not exceed the limit for "defects (total)" for each numerical grade.

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§ 26.657 Grade designations.

The grade designations for triticale shall include in the following order: (a) The letters "U.S."; (b) the number of the grade or the words "Sample grade"; (c) the word "triticale"; (d) each applicable special grade (see also § 26.659); and (e) when applicable, the word "dockage" together with the percentage thereof.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 26.658 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 26.656. Such special grades are established and determined as follows:

(a) *Ergoty triticale.* Triticale which contains more than 0.10 percent of ergot.

(b) *Light garlicky triticale.* Triticale which contains in a 1,000-gram portion two or more, but not more than six, green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets.

(c) *Garlicky triticale.* Triticale which contains in a 1,000-gram portion more than six green garlic bulblets or an equivalent quantity of dry or partly dry bulblets.

(d) *Light smutty triticale.* Triticale which has an unmistakable odor of smut, or which contains in a 250-gram portion smut balls, portions of smut balls, or spores of smut in excess of a quantity equal to 14 smut balls, but not in excess of a quantity equal to 30 smut balls of average size.

(e) *Smutty triticale.* Triticale which contains in a 250-gram portion smut balls, portions of smut balls, or spores of smut in excess of a quantity equal to 30 smut balls of average size.

(f) *Weevily triticale.* Triticale which is infested with live weevils or other insects injurious to stored grain. As applied to triticale, the meaning of the term "infested" is set forth in the Grain Inspection Manual.[2]

§ 26.659 Special grade designations.

Special grade designations shall be made in addition to all other information prescribed in § 26.657. The grade designation for ergoty, light garlicky, garlicky, light smutty, smutty, and weevily triticale shall include in the order listed, following the word "triticale," the word(s) "Ergoty," "Light garlicky," "Garlicky," "Light smutty," "Smutty," and "Weevily," as warranted.

Comments and effective date. The United States Grain Standards Act, as amended, requires that public notice shall be given when new standards are established and that no standards shall become effective less than 1 year after promulgation thereof, unless, in the judgment of the Secretary, the public health, interest, or safety require that they become effective sooner. It is desirable that new standards become effective before the beginning of harvest to minimize possible disruption of normal marketing procedures. A limited poll of members of the industry and Federal agencies indicate no objection to an effective date of May 1, 1977. Some industry members have asked that standards be made effective as soon as practicable. Furthermore, it does not appear that a waiting period beyond this date would make additional relevant information available to the Department on this matter.

If the proposed standards as set forth herein are adopted, it is intended that they would be made effective on or about May 1, 1977.

Public hearings on the proposed standards will not be held, but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 1, 1976.

Any persons who desire to submit their views orally in an informal manner should so advise the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250 (telephone (202) 447-9164) so that arrangements may be made for such submission by said date. A summary of such views will be made and furnished for verification to the person making the submission and, if approved, may be filed by him in the Office of the Hearing Clerk. All comments so filed will be available for public inspection during official hours of business (7 CFR 1.27(b)). Consideration will be given to all comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture in arriving at a decision on the proposed Standards for Triticale.

Done at Washington, D.C., on September 9, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-26885 Filed 9-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 432]

[Docket No. 76N-0337]

PACKAGING OF ANTIBIOTIC DRUGS FOR PARENTERAL USE

Clarification of Requirements

The Food and Drug Administration is proposing to clarify the packaging requirements for drugs intended for parenteral use. Interested persons may submit comments, which are due by November 15, 1976.

The present description of containers used for antibiotic drugs intended for parenteral use provides only for containers of colorless, transparent glass with closures through which hypodermic needles may be introduced. However, the need for, or desirability of, other kinds of containers has become apparent; in fact, some parenteral antibiotic drug products have been approved for marketing in ampules, prefilled syringes, and amber-colored glass vials. This proposal provides for such single-dose and amber-colored containers, and it removes the restriction that excludes container materials other than glass.

The Commissioner of Food and Drugs has reviewed the potential environmental impact of the proposed amendments and has concluded that the proposed action will not significantly affect the quality of the human environment, and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed amendment, and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration (address given below).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512 (n), 59 Stat. 463, as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360(n))) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Part 432 by revising § 432.1(b) to read as follows:

§ 432.1 Packaging requirements.

* * * * *

(b) If it is intended for parenteral use and the container is glass, it shall be transparent and colorless or of light amber color. The containers are closed either by fusion or by application of suitable closures, in such manner as to prevent contamination or loss of content. Multiple-dose containers are closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each container shall be filled with a quantity or a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the labeled quantity or volume, whether administered in single or multiple doses.

* * * * *

Interested persons may, on or before November 15, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26927 Filed 9-14-76;8:45 am]

[21 CFR Parts 510, 526, 540, 556, 558]

[Docket Nos. 76N-0173, 0228, 0229, 0230]

FURAZOLIDONE, NIHYDRAZONE, FURALTADONE, NITROFURAZONE

Withdrawal of Proposals and Notice of Proposed Rule Making; Correction

In FR Doc. 76-23620 appearing at page 34884 in FEDERAL REGISTER of Tuesday, August 17, 1976, the following corrections are made:

1. On page 34884 in the right column in § 540.274c(a)(1), the first line is changed to read "§ 440.74a(a)(1) (ii), (iii), and (iv) of this."

2. On page 34885 in the right column in § 558.15(g), above the table, "(2) * * *" is changed to read "(1) * * *."

3. On page 34885 in § 558.15(g)(1) in the 20th line of the table under the "Indications for use" column, the last word is changed to read "acervulina."

4. On page 34886 in the table in § 558.15(g)(1) under the "Indications for use" column, the 3d word in the 1st line is changed to read "aid in" and the last word in the 61st line is changed to read "white."

5. On page 34886 in the table in § 558.15(g)(1) under the "Drug premix" column, the last word in the 20th line is changed to read "strepto-" and the word in the 22d line is changed to read "Erythromycin."

6. On page 34887 in § 558.15(g), "(2) * * *" is inserted at the top of the page on the left above the table.

7. On page 34887 in the first line in the table in § 558.15(g)(2) under the "Drug sponsor" column, the word "Do" is changed to read "Diamond Shamrock Chemical Co." and in the first line under the "Species" column, the word "do" is changed to read "Swine."

8. On page 34887 in the table in § 558.15(g)(2) under the "Indications for Use" column, the eighth line is changed to read "stress. As an aid in the pre-."

9. On page 34887, the fifth entry in the table in § 558.15(g)(2) is changed to read "Do____Neomycin base____do____35 to 140g/ton____Do." (All the text now in the "Indications for Use" column of the fifth entry applies to the fourth entry.)

10. On page 34887 in the table, § 558.15(g)(2), under the "Indications for Use" column, the last word in the 17th line is changed to read "organisms."

11. On page 34887 in the eighth line from the bottom of the table in § 558.15(g)(2) under the "Indications for Use" column, a semicolon is inserted after the word "quality."

12. On page 34888 in the table in § 558.15(g)(2) under the "Use levels" column, the first line is changed to read "35 to 140 g/ton."

13. On page 34888 in the table in § 558.15(g)(2) under the "Drug sponsor" column, the 1st word in the 12th line is changed to read "Pfizer Inc."

14. On page 34889 in the table in § 558.15(g)(2) under the "Use levels" column, the 16th line from the bottom is changed to read "0.0125 to 0.25 pct."

15. On page 34889 in the table in § 558.15(g)(2) under the "Use levels" column, the last line is changed to read "0.0004 pct."

16. On page 34890 in the last line in the table in § 558.15(g)(2) under the "Use levels" column, "Sec. 121.310 of this chapter" is changed to read "Sec. 558.-120."

Dated: September 10, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-27057 Filed 9-14-76;8:45 am]

[21 CFR Parts 510, 526, 540, 556, 558]

[Docket Nos. 76N-0173, 0228, 0229, 0230]

FURAZOLIDONE, NIHYDRAZONE, FURALTADONE, NITROFURAZONE

Withdrawal of Proposals and Notice of Proposed Rule Making; Extension of Time for Comments

The Food and Drug Administration (FDA) is extending to October 16, 1976 the time for filing comments on the proposed revocation of regulations on which animal drugs containing furazolidone, furaltadone, nihydrazone, and nitrofurazone rely as a condition of their approval. The proposed revocation was published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34884) and gave interested persons until September 16, 1976 to submit comments.

Elsewhere in this issue of the FEDERAL REGISTER, the Director of the FDA Bureau of Veterinary Medicine is issuing a notice extending the time for requesting a hearing on his notice of opportunity for hearing regarding the proposed withdrawal of approval of animal drugs which contain furaltadone, nihydrazone, and nitrofurazone for an additional 30 days. On the basis of the grounds set forth in the notice granting a time extension for requesting a hearing, the time for filing comment on the proposed revocation is also extented for an additional 30 days.

(Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262).)

The time for filing comments on the proposed revocation is extended to October 16, 1976.

Dated: September 10, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-27055 Filed 9-14-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket 27417]

DOMESTIC LOAD-FACTORS STANDARDS

Use of Data

SEPTEMBER 9, 1976.

On August 19, 1975, the Board issued a notice of proposed rulemaking in which it instituted a proceeding to reexamine the Board's domestic load-factor standards (PSDR 43, dated August 19, 1975) (40 FR 37048, Aug. 25, 1975). In this notice, we found that the 1974 service-segment data for the 48-State operations of the trunk carriers are relevant and material to the issues in this proceeding.[1] We recognize that many persons may wish to use more recent service-segment data in their analysis of domestic load factors and that under the Board's regulations, 14 CFR 241.19-6(a)(1), 1975 data would ordinarily not be disclosed until January 1977. Accordingly, we find, pursuant to 14 CFR 241.-19-6(b)(1) of the Board's regulations, that the 1975 service-segment data for the 48-State operations of the trunk and local-service carriers are relevant and material to the issues in this proceeding, and we will release the data on September 29, 1976.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27160 Filed 9-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 613-8]

NEW JERSEY

Approval and Promulgation of Implementation Plans; Revision

The purpose of this FEDERAL REGISTER notice is to indicate disapproval by the Environmental Protection Agency (EPA) of a proposed revision to the New Jersey State Implementation Plan. This proposed revision, submitted by the State of New Jersey and received by EPA on April 27, 1976, would have permitted the temporary use of fuel oil with a 2.5 percent sulfur content at a facility owned by Owens Illinois, Inc. in Bridgeton City, Cumberland County, New Jersey. The current regulation, which will remain applicable to this facility, limits fuel oil sulfur content to 1.0 percent.

On May 21, 1976 EPA published a FEDERAL REGISTER notice (41 FR 20895) announcing receipt of this proposed revision. In this notice EPA requested public comment on the New Jersey proposal. It also was indicated that the State's analysis of the air quality impact of its proposal failed to consider the potential of aerodynamic downwash at the Owens Illinois facility.

In a subsequent FEDERAL REGISTER notice (41 FR 28491) published on July 12, 1976 EPA extended the public comment period on the State's proposal for an additional 60 days. This was done at the request of Owens Illinois, Inc. The extension was granted to provide Owens Illinois with time to perform necessary additional technical analysis for downwash effects at its facility.

EPA's decision to disapprove the New Jersey proposal is based on the following material submitted during the extended

[1] PSDR-43 at page 8.

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period for public comment. No other comments were received.

1. A technical analysis, "Air Pollution Prediction Modeling Study of the Owens Illinois Bridgeton Plan Including Consideration of Plume Downwash Due to Stack Effects and Building Ecects," dated July 20, 1976 and submitted by Owens Illinois on July 21, 1976.

2. A July 20, 1976 letter from the New Jeresy Department of Environmental Protection confirming staff observations of particulate downwash at the Owens Illinois facility.

3. A response from Owens Illinois dated August 2, 1976 to various technical questions raised by EPA concerning the company's July 20, 1976 analysis.

4. An August 5, 1976 letter from the New Jersey Department of Environmental Protection transmitting the results of a survey of residents living in the vicinity of the Bridgeton facility.

The technical analysis submitted by Owens Illinois indicates the occurrence of aerodynamic downwash; however, the analysis concludes, through the use of diffusion modeling, that the national primary 24-hour primary ambient air quality standard for sulfur dioxide would just be met with the use of 2.5 percent sulfur content fuel oil. EPA's review of this analysis determined that conservative assumptions, which would have provided for a margin of safety in the resulting conclusion, were not applied in many instances. If such conservative assumptions were used, a maximum permissible sulfur-in-fuel value substantially lower than 2.5 percent would have resulted from the analysis.

In support of EPA's conclusions are documented observations of particulate aerodynamic downwash at the Owens Illinois facility by New Jersey Department of Environmental Protection staff. In addition, nearly half of the local residents surveyed by New Jersey have some complaint about air pollution. Many of these complainants attributed their problem to Owens Illnois.

EPA's review of all material associated with New Jersey's proposed revision indicates a failure to provide an adequate demonstration that national ambient air quality standards would be protected. To the contrary, there is evidence, as described above, that approval of this proposal would result in contravention of national ambient standards. The proposed revision does not meet the requirements of section 110(a)(2) of the Clean Air Act and EPA regulations in 40 CFR Part 51. Therefore, the proposal by the State of New Jersey to revise its implementation to permit the use of 2.5 percent sulfur content fuel oil at the Owens Illinois, Inc. facility in Bridgeton City is hereby disapproved.

Dated: September 8, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.76-26907 Filed 9-14-76;8:45 am]

[40 CFR Part 458]

[FRL 615-6]

CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Second Extension of Comment Period and Availability From an Inspection Standpoint Only—Supplements A and B to Development Document

On May 18, 1976 the Agency published a notice of proposed rulemaking (41 FR 20502) establishing effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable for existing sources, standards of performance for new sources and pretreatment standards for new sources for the carbon black manufacturing point source category. The due date for comments provided in the notice was June 17, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Accordingly, the date for submission of comments was extended to August 25, 1976.

Supplements A and B to the Development Document mentioned above, which present additional design calculations and field survey data, were not available during the extended comment period. These supplements were placed on file in the EPA Public Information Reference Unit, Rm. 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C. 20460, on August 9, 1976 and are now available for public inspection at that location. To allow the public a reasonable period in which to evaluate this material and to submit additional comments, the comment period must be extended. The EPA Information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Accordingly, the date for submission of comments is hereby extended to October 25, 1976.

Dated: September 8, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.76-26904 Filed 9-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20905]

FM BROADCAST STATIONS IN ANCHORAGE, ALASKA

Proposed Table of Assignments

Adopted: September 2, 1976.
Released: September 9, 1976.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Anchorage, Alaska), Docket No. 20905, RM-2696.

1. The Commission here considers a "Petition for Rule Making,"[1] filed on behalf of the Alaska Educational Broadcasting Commission (hereinafter "AEBC") which seeks the assignment of Channel 276A to Anchorage, Alaska, to be used there as a reserved channel for noncommercial educational purposes.[2] No oppositions to the petition have been received.

2. AEBC avers that if the channel is assigned, Aurora Community Broadcasting Corporation, a non-profit corporation, will thereafter apply for broadcast authority to operate Anchorage's first noncommercial educational FM station on the channel. AEBC says the proposed programming would include live coverage of concerts, classical music, dramatic productions, news and public affairs programming, and instructional programming from the area's educational institutions. The petitioner asserts that the requested assignment would comply with the Commission's rules and regulations and would have no adverse impact on present or future FM allocations in Alaska.

3. Anchorage (pop. 48,081[3]), the largest city in the State of Alaska, is located in the south-central part of the state. The petitioner notes that Anchorage is the home of the University of Alaska, and is also the center of commerce for the entire state. The principal industries in the area are petroleum production, transportation, construction, manufacturing, and mining. Anchorage presently receives commercial aural service from four FM facilities and five AM stations. The Commission is presently considering an application which proposes the operation of a fifth FM station in Anchorage.[4]

4. The assignment of Channel 276A to Anchorage will create some areas of preclusion on Channels 275, 276A and 277, however, the only affected community having a population greater than 1,000 is Palmer, Alaska, which has three alternate channels available for assignment.

5. We believe AEBC has sufficiently demonstrated a basis upon which a rule making proceeding should be initiated and we will do so.

6. Proposed Amendment to the FM Table of Assignments: Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with regard to Anchorage, Alaska, as follows:

[1] Public Notice of the filing of the petition was issued on May 24, 1976 (Rept. No. 982).

[2] Due to other demands upon the available radio spectrum in Alaska, only FM Channels 261 through 300 are available for assignment. These channels may be assigned for either commercial or noncommercial educational use.

[3] 1970 U.S. Census.

[4] The applicant, Christian Voice of Alaska, seeks to obtain broadcast authority for the operation of a station on Channel 263 at Anchorage (BPH-9549).

City	Channel No.	
	Present	Proposed
Anchorage, Alaska.....	263, 267, 271, 280A, 288A	263, 267, 271, *276A, 280A, 288A

NOTE.—Use of the asterisk symbol denotes reservation of the channel, normally used as a commercial assignment, for noncommercial educational purposes. No noncommercial educational channels (channels 201-220) are available for use in Alaska, thus, it may be appropriate to reserve a channel for that purpose.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

8. Interested parties may file comments on or before October 18, 1976, and reply comments on or before November 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-26989 Filed 9-14-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

HEAVY CRUDE OIL GRAVITY PRICE DIFFERENTIALS

Further Notice of Proposed Rulemaking and Public Hearing

I. INTRODUCTION

The Federal Energy Administration hereby gives further notice of a proposed rulemaking and public hearing to amend the lower tier crude oil ceiling price rules to adjust gravity price differentials with respect to heavy California and Alaska crude oil. As the result of extensive prior rulemaking on this subject and the recent enactment of section 122 of the Energy Conservation and Production Act (Pub. L. 94-385, "ECPA"), FEA has concluded that such an adjustment to gravity price differentials for California and Alaska crude oil is warranted because these differentials no longer reflect current market valuations. The purpose of this further notice of rulemaking is solely to determine the mechanism by which the adjustment should be made and the precise amount of the adjustment. This amendment will be made effective with respect to sales of crude oil beginning October 1, 1976.

FEA has already considered the issue of gravity price differentials in several previous rulemaking proceedings. A notice of proposed rulemaking was first issued on July 1, 1975 (40 FR 28637, July 8, 1975), but subsequently withdrawn on November 17, 1975 (40 FR 54263, November 21, 1975). In response to numerous comments following this withdrawal and in view of the enactment of the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163, "EPCA") last December, FEA decided to reconsider this issue and requested further comments during the first stage rulemaking regarding domestic crude oil prices under the EPCA (41 FR 1564, January 6, 1976). Additional comments were requested in the second stage EPCA crude oil price rulemaking, and at that time FEA stated that a final determination regarding gravity differential adjustments would be made in conjunction with the resolution of the third stage EPCA rulemaking (41 FR 4939, February 3, 1976).

However, before the third stage rulemaking was completed, the ECPA was enacted into law on August 14, 1976. Among other things, the ECPA amends the crude oil pricing policy of the EPCA to permit greater flexibility in raising crude oil prices in order to provide production incentives than was originally allowed by the EPCA. In particular, section 122 of the ECPA directs the President to take this increased flexibility into consideration by providing additional price incentives for bona fide tertiary enhanced recovery techniques, and by providing

for the adjustment of differentials in ceiling prices for crude oil that are the result of gravity differentials which are arbitrary, discriminatory, applied on a regional or local basis without reasonable justification, or fail substantially to reflect current relative market valuations of such differentials. (Pub. L. 94-385, Sec. 122.)

Although, as a result of its prior rulemaking proceeding, FEA has concluded that the gravity price differentials for lower-tier California and Alaska crude oil fail substantially to reflect current market valuations of such differentials, it has yet to determine the appropriate manner in which an adjustment based on this rationale under section 122 of the ECPA should be implemented. Therefore, before a final determination as to the appropriate form such an adjustment should take is made, FEA has decided to offer all interested parties an opportunity to submit written comments and to testify at a public hearing on its specific proposals in this regard.

As soon as practicable after completion of the proceedings herein proposed, and after careful consideration of comments received, FEA will amend the price regulation to adjust gravity price differentials, consistent with the requirements of section 122 of the ECPA. It is anticipated in this regard that public hearings can be held and a final amendment adopted before the end of October, 1976, with the amendment to be made effective with respect to all sales of crude oil beginning October 1, 1976.

II. BACKGROUND

A. GENERAL

Crude oil normally is and has been sold at prices that reflect, among other factors affecting quality, differences in "gravity," which is a measure of density or weight per unit volume. The American Petroleum Institute ("API") system for measuring the density of crude oil is in degrees, with oil at a gravity of ten degrees (10° API) equivalent to the density of water, and with higher degree measurements indicating lesser densities. While the gravity of the bulk of domestically-produced crude oil falls within the 26° to 36° API range, crude

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oil produced in California is generally heavier, most falling below 20° API.

Historically, since lighter density crude oil (with a higher API degree measurement) could more easily be separated into products such as gasoline, diesel fuel, and jet fuel, for which demand was higher, and since heavier crude oils generally yielded a high proportion of residual fuel, for which demand was considerably less, refiners have paid a premium for lighter crude oils. A plentiful supply of natural gas (an alternative source for residual fuel) was readily available in California throughout the 1960's, which reduced demand for heavy crude oil even more. Furthermore, although technology in the refining industry during that time period made possible the conversion of heavy crude oil into lighter products, the higher cost of the equipment necessary for this process tended to restrain prices of heavy crude oil.

On May 15, 1973, gravity price differentials for crude oil averaged between 2 and 2.5 cents per degree per barrel nationally, while gravity price differentials in California averaged 6.2 cents per degree per barrel. Pursuant to 10 CFR 212.73, which establishes for each grade of crude oil in each field a ceiling price applicable to "old" crude oil which is equal to the highest posted price on May 15, 1973 plus a specified amount (currently $1.48 per barrel), such "old" crude oil ceiling prices continue to reflect the gravity price differentials that were in effect on May 15, 1973.

"New", "released," and "stripper well" crude oil was not subject to a ceiling price until February 1, 1976, when an "upper tier" ceiling price was imposed. The upper tier ceiling price for each grade of crude oil in each field is equal to the highest posted price on September 30, 1975, less a specified amount (currently $1.05 per barrel). The market-determined gravity price differential for such crude oil averaged 4.6 cents per barrel in California on September 30, 1976.

Most crude oil produced in California is heavy and is classified as old crude oil. It is therefore subject to an average 6.2 cents per degree gravity price differential, and the current average price for old crude oil in California is $4.28 per barrel, significantly lower than the average nation-wide price of $5.15 per barrel.

Comments in response to prior rulemaking proceedings on this issue have presented two principal bases for adjustments to the May 15, 1973 gravity differentials for crude oil produced in California. The first is that the May 15, 1973 posted prices for California crude oil were anomolous and did not reflect later market pricing determinations. This view maintains that the major oil companies set postings at a relatively fair price only for the upper gravity brackets of the posting schedule, where none of the oil actually produced would fall, but that for each degree of gravity below that top level, an exaggerated penalty was imposed. It maintains, for example, that the gravity price differentials would have narrowed since that date, as evidenced in prices for unregulated "upper tier" heavy California crude oil until February 1, 1976.

The narrowing of differentials on formerly uncontrolled crude oil is said to reflect the market response to changes in the circumstances that may have led initially to higher price differentials in California. For example, residual fuel oil now tends to be a relatively more valuable product due to the growing scarcity of natural gas.

Also, it has been stated that the large capital expenditures needed to develop the advanced technology refining capacity to convert heavy crude oil into the lighter products may well be fully amortized by now, and that new refining techniques have been developed whereby heavy crude oil may even be more desirable than light crude oil in production of new higher demand products such as unleaded gasoline.

The second basis upon which adjustments to the May 15, 1973 gravity price differentials have been urged is that the prices for heavy California crude oil are so low that they have resulted, or surely will result, in curtailed production. Producers claim that failure to raise California prices by adjusting gravity differentials will result in a production decline rate so rapid as to threaten premature abandonment of hundreds of millions of barrels of reserves.

B. PREVIOUS FEA ACTIONS

As noted above, FEA has conducted a series of proceedings in which these issues have been previously analyzed.

On July 1, 1975, in response to a petition for adoption of an amendment to the Mandatory Petroleum Price Regulations submitted by the California Independent Producers Association, FEA gave notice of a proposed rulemaking and public hearing to consider whether to permit an adjustment in gravity price differentials (40 FR 28637, July 8, 1975).

FEA requested comments as to the effect of the suggested adjustment, from that gravity price differential which existed on May 15, 1973 to a lesser amount (possibly 2 or 3 cents per degree) and proposed an amendment that would have permitted determinations of the ceiling price pursuant to 10 CFR 212.73 for old crude oil produced in California to be based upon the posted price in a given field less a reduction of an amount per degree of API gravity to be decided following a public hearing. Specifically, FEA sought to determine: (1) Whether such an amendment would be in keeping with FEA's commitment to stimulate domestic production by increasing the incentive for and economic feasibility of recovering a greater percentage of the proven reserves that exist in the California heavy crude oil areas; (2) Whether the benefits consumers would realize from any resultant increased production of domestic crude oil would more than offset the adverse impact of the price increase that would result from a permitted adjustment in the gravity price differential; and (3) Whether any increased production resulting from such an adjustment would help to reduce our dependence on higher-priced foreign imports.

However, FEA concluded at that time that adjustments were not appropriate because:

(1) Current differentials for "upper tier" uncontrolled crude oil produced in California might not reflect long-term market changes but rather temporary conditions in residual fuel oil markets, given the large portion of residual fuel oil obtained from low-gravity California crude oil; and

(2) There was no evidence to support the conclusion that a special upward price adjustment for California would result in more increased production than would result if the same price adjustment were applied to other areas of the country.

Accordingly, on November 17, 1975, FEA issued a "Withdrawal of Notice of Proposed Rulemaking" (40 FR 54263, November 21, 1975).

Nevertheless, because of numerous requests by California producers and royalty owners to reconsider the decision not to permit an adjustment to the May 15, 1973 gravity price differentials for crude oil produced in California, FEA again solicited comments on the issue in January 1976 (41 FR 1564, January 6, 1976) as part of the first stage of implementation of the EPCA. (The overall purpose of the proceeding was to adopt ceiling prices for all categories of domestic crude oil, in order to achieve compliance with the EPCA requirement that the composite price not exceed $7.66 per barrel in February, 1976.)

In considering data in support of the contention that the adjustment was warranted, FEA noted that to the extent to which any adjustments were permitted (and prices of old crude oil were permitted to increase), FEA would in this proceeding be required to make a statutory finding, to comply with section 8(b)(2) of the newly amended Emergency Petroleum Allocation Act of 1973 ("EPAA") that such an adjustment.

(a) Will give positive incentives for: (1) Enhanced recovery techniques, or (ii) Deep horizon development for such properties; or

(b) Is necessary to take into account declining production from such propetries; and

(c) Is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

Based upon the information and data submitted prior to February 1, FEA was unable to make the findings required by the EPCA to support an adjustment to price differentials for all heavy old crude oil produced in California. Also, FEA noted that to the extent that an increase in price were to be allowed for any volumes of California crude oil, a corresponding reduction had to be made in the price of some other volume of domestic production in order to maintani the EPCA-mandated composite price of $7.66 per barrel in February 1976.

Accordingly, at the conclusion of that first stage rulemaking proceeding (41 FR 4939, February 3, 1976), FEA deferred

the final determination of the California gravity differential issue to the adoption of final amendments pursuant to the third stage implementation of crude oil pricing policy under the EPCA. FEA did, however also solicit comments in the second stage rulemaking regarding crude oil prices under the EPCA to afford as much opportunity as possible to develop the required data for purposes of making the EPAA section 8(b)(2) finding (41 FR 15566, April 13, 1976).

In the meantime, FEA suggested that, with respect to any fields in which production was in peril of being shut in without some price relief, producers should seek relief through the FEA Office of Exceptions and Appeals. That office has, in a number of cases, granted exception relief permitting increased prices for crude oil when it can be demonstrated that those higher prices are necessary to provide economic incentive to maintain or increase production of domestic crude oil. In those cases, the FEA has consistently held that its regulations ought not to create a situation in which crude oil production is being curtailed or in which premature abandonment of high cost producing wells is threatened.

On February 12, 1976, the City of Long Beach filed an Application for Exception in which it expressed the same concern indicated in the February 1975 petition by the California Independent Producers Association for an amendment to 10 CFR 212.73. Long Beach urged that unless FEA permitted the Wilmington Field producers of crude oil to charge increased prices, a significant decline in production from the field would occur. FEA held a number of meetings on the subject with representatives of Long Beach and the State Lands Commission, culminating in a request by the City to hold the case in abeyance while it gathered further data to support its request. The data is to be submitted November 1, 1976; and the FEA Office of Exceptions and Appeals anticipates that a decision in this case can then be issued by December 1, 1976.

In the second and third stage EPCA proceedings the FEA proposed a number of actions to provide better incentives for all producers of domestic crude oil, including producers of heavy California crude oil and Alaska crude oil. In the second stage, FEA adopted regulations beginning in March 1976, which gradually increased the price of all "old" crude oil at a rate of approximately 3 cents per barrel per month. Provisions were also adopted to reduce the amount of crude oil which must be produced by a property before any incremental production can be sold at upper tier prices, to reflect the property's natural rate of production decline.

The proposal in the third stage proceeding included a detailed and comprehensive analysis of the potential for tertiary recovery in the three states, one of which is California, having the greatest potential reserves recoverable by such high cost methods. As part of the analysis, comments were requested on the nature and scope of the price incentives necessary to encourage the application of these techniques in California, as well as in other areas. FEA has also recently adopted revisions to the definition of "property" which may change the proportion of "lower tier" crude oil which is subject to the greater May 15, 1973 gravity differential (41 FR 36172, August 26, 1976).

C. NEW CONSIDERATIONS

On July 19, 1976, Federal Energy Administrator Frank G. Zarb testified before the Senate Committee on Interior and Insular Affairs on a number of issues, including prices for heavy California crude oil. He emphasized that under the composite price restrictions of the EPCA, FEA could increase the price for any one type of crude oil only by reducing the price of some other type of crude oil. He stated that FEA had to that date been unable to make the findings necessary to justify a price increase for California production which would result from an adjustment in gravity differentials.

The Administrator therefore recommended that Congress adopt certain amendments to the Energy Policy and Conservation Act in order to provide the flexibility needed to overcome the constraints of the EPCA composite price formula. Mr. Zarb stated that, "Should these amendments be enacted, FEA would in fact use some of the pricing flexibility so generated to provide an increase in the price of California heavy crude oil production by reducing the current gravity differential."

On August 14, 1976, the President signed into law the Energy Conservation and Production Act (Pub. L. 94-385), which, as noted above, amends the crude oil pricing limitations of the EPCA to permit FEA greater flexibility in adopting crude oil price amendments as a production incentive.

When, in November of 1975, FEA withdrew its notice of proposed rulemaking, it stated:

> Although it is true that the gravity price differential for heavy crude oil is currently less for "new" and "released" crude oil produced in California than it was for crude oil produced in May, 1973, the FEA does not believe that this necessarily reflects *long-term* market changes. (40 FR 54263, November 21, 1975; emphasis added.)

Congress has, however, directed that FEA re-examine the gravity price differential issue not with regard only to *long-term market changes*, but with regard to current market conditions. The ECPA required the adjustment of gravity differentials "* * * which are arbitrary, discriminatory, applied on a regional or local basis without reasonable justification, or fail substantially to reflect *current* relative market valuations of such differentials." (Pub. L. 94-385, Sec. 122, emphasis added).

As expressed in the ECPA, it is the sense of Congress that gravity differentials ought to reflect changing circumstances and increasing demand, as embodied in current relative market valuations.

On May 15, 1973, the average gravity differential for the State of California was 6.2 cents per degree. On September 30, 1975, that average differential for upper tier crude oil had dropped to 4.6 cents per degree. Market forces had apparently dictated a substantially smaller differential as relative demand for heavy crude oil had increased.

Since differentials in ceiling prices for old crude oil produced in California set by reference to May 15, 1973 prices are different than the differentials which had developed by September 30, 1975 for new California crude oil and for other domestically produced crude oil, they appear to "fail substantially to reflect current relative market valuations." Therefore, FEA has concluded that gravity price differentials in California warrant adjustment on this basis. FEA has also concluded that since Alaska crude oil prices were established with reference to California prices any gravity price differential adjustment to California prices should apply equally to Alaska prices.

Finally, although, during the first stage rulemaking to implement the EPCA crude oil pricing policy, FEA concluded that it was unable to make the EPAA section 8(b)(2) finding necessary to permit any increase in the price of old oil, section 122 of the ECPA now requires that such an adjustment be made if such an adjustment is necessary to reflect current relative market valuations. Thus, section 122 by its own terms meets the requirements of section 8(b)(2) of the EPAA.

The Conference Report to the ECPA explicitly recognizes that FEA is no longer required to make independent findings to satisfy 8(b)(2) with respect to this issue by stating that:

> One of the factors which led this Committee to agree upon the amendment which removes the three percent limitation on price adjustments as a production incentive was the understanding that this flexibility be used by the Administrator to adjust prices for heavy California crude oil to more equitable levels. The increase actual old crude oil prices resulting from such adjustments would properly be regarded as a production incentive price adjustment and would, as such, meet the requirements of section 8(b)(2) of the EPAA with respect to the findings necessary to increase prices for old crude oil production. (S. Rep. No. 94-1119, 94th Cong., 2d Sess. at 73 (1976).)

III. PROPOSED AMENDMENTS

FEA in this Notice is proposing for comment alternative methods of adjusting May 15, 1973 gravity differentials. The alternative approaches would have somewhat differing results, depending on the nature of the May 15, 1973 postings in the field concerned.

Although the average gravity differential in effect in California on May 15, 1973 was 6.2 cents per degree, individual postings reflected actual per degree differentials from as low as 3 cents to as high as 12 cents, with differences both among fields, and within fields among differing ranges of gravity. For example, postings for a particular field might have

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reflected per degree gravity differentials of 4 or 5 cents in the 28° to 40° range, and differentials of 8 to 12 cents in the 11° to 27° range. Postings in another field, on the other hand, may have reflected relatively more uniform differentials, with per degree differentials for the 10° to 40° range of gravities of between 4 and 7 cents.

Also, postings for particular fields typically did not reflect the same range of gravities. Thus, for example, although some fields had prices posted for gravities of from 10° through 40°, other fields had posted prices for a range of gravities as limited as from 9° through 15°. It should also be noted that posted prices for the same gravity crude oil differed from field to field for reasons such as location and quality factors unrelated to gravity. For example, May 15, 1973 posted prices for 24° crude oil ranged from $2.87 to $3.36 per barrel among various fields in California.

(1) COMPUTATION OF PER DEGREE DIFFERENTIAL

(a) *First alternative.* The first method of adjusting the differentials would permit the ceiling price for "lower tier" California crude oil to be increased by a specified amount (e.g., two cents per barrel) for each degree API that it falls below a reference gravity (e.g., 40° API). Thus, for example, using an "add-on" adjustment of two cents per degree and a reference gravity of 40°, the ceiling price of 24° "lower tier" California crude oil under such an amendment would be increased by 32 cents per barrel, and would then be computed as follows: the May 15, 1973 posted price, plus the amount specified in § 212.73 (currently $1.48 per barrel), plus 32 cents per barrel (40°−24°=16; 16°×$.02=$.32).

Use of such a method, would, in effect, apply a uniform per degree reduction to the actual per degree differentials that were in effect on May 15, 1973. Thus, for example, a 2 cent per degree "add-on" would operate to reduce actual May 15, 1973 per degree differentials of 8 to 12 cents to levels of 6 to 10 cents. Use of this method would tend to preserve price differences between low gravity crude oils in differential fields where those differences resulted from the application on May 15, 1973 of higher per degree gravity differentials in one field than in another.

It should also be noted that to the extent that any appropriate per degree "add-on" amount determined in this proceeding exceeded the actual May 15, 1973 per degree differential, the amendment would have the anomolous effect of providing for a per degree price "bonus" rather than "penalty" for lower gravity. Finally, it should be noted that use of a method which "adds-on" to the actual price of the gravity of crude oil concerned would avoid the need for determining a price for whatever "reference" gravity is selected for purposes of making the adjustment, in the event that there had been no price posted on May 15, 1973 for the reference gravity in the field concerned. Use of the "add-on" method would, however, permit prices to be adjusted upward to a reference gravity even in fields where there were no postings for the upper range of the gravities to which the adjustment is made. The method would therefore assume that had such postings been made, the per degree differentials for the unposted range of gravities would have been as much or more than any per degree "add-on" which may be adopted.

(b) *Second alternative.* The second method proposed would permit the per degree gravity price adjustments actually specified in May 15, 1973 postings to be replaced by a lesser specified per degree amount (e.g., 4.2 cents per degree), for purposes of the "lower tier" ceiling price rule. The adjustment by this method would be made in each instance from a reference gravity crude oil price. Thus, for example, using a "substitute differential" of 4.2 cents per degree and a reference gravity of 40°, the ceiling price for 24° "lower tier" California crude oil (for which the May 15, 1973 posted price was $3.14 per barrel, and which was produced in a field where the May 15, 1973 posted price for 40° crude oil was $4.04 per barrel) could be increased under such an amendment by 23 cents per barrel. Such a ceiling price would be computed as follows: the May 15, 1973 posted price for 40° gravity crude oil in the field concerned ($4.04 per barrel), plus the amount specified in § 212.73 (currently $1.48 per barrel), less 67 cents per barrel (40°−24°=16°; 16°×$.042=$.67), or $4.85 per barrel. The ceiling price under present regulations is the May 15, 1973 posted price for 24° gravity crude oil ($3.14 per barrel), plus the amount specified in § 212.73 (currently $1.48 per barrel), or $4.62 per barrel. Hence, under this version of a "substitute differential" amendment, the ceiling price for this particular grade of crude oil could increase 23 cents per barrel, from $4.62 to $4.85 per barrel.

Use of such a method would, in effect, simply permit all the various gravity differentials which were in effect on May 15, 1973, to be replaced by a single, uniform per degree differential. Use of this method would tend to provide relatively greater price benefits to low gravity crude oil produced in those fields where May 15, 1973 per degree differentials were higher than in other fields, and would therefore tend to equalize prices for low gravity crude oil in fields where May 15, 1973 prices for high gravity crude oil were similar.

Use of this method would not, in any event, provide for any gravity differential "bonus," since the method uniformly requires that the ceiling price for low gravity crude oil be determined by subtracting a specified amount from the price of the reference high gravity crude oil. Finally, as discussed below, use of this method presents an additional complicating factor in those instances in which there was no May 15, 1973 posted price for the reference gravity crude oil in the field concerned.

It should be noted that both methods of adjustment would continue to reflect May 15, 1973 posted price differences which existed among fields in California arising from location or quality factors other than gravity. Such price differences were in existence not only prior to the May 15, 1973 date referenced in the lower tier ceiling price regulation, but continued to be reflected in the September 30, 1975 posted prices referenced in the upper tier ceiling price regulation. Historically, location and quality have been important factors in market valuations of heavy crude oil. FEA does not, therefore, propose to adopt regulations that would prescribe uniform prices for crude oil of specified gravity, without regard to the May 15, 1973 postings which reflected price differentials attributable to factors other than gravity.

(2) CHOICE OF REFERENCE GRAVITY

In general, 40° is the highest gravity for which crude oil prices were posted on May 15, 1973, and crude oil having a gravity in excess of 40° was sold at the same price as 40° gravity crude oil. Use of 40° as the reference gravity to which or from which adjusted gravity differentials are applied would have the effect of providing the maximum price adjustment pursuant to this amendment. Studies submitted in earlier proceedings on this issue, however, indicated that the average 6.2 cents per degree differential figure was derived from a reference of 34° gravity crude oil prices, and that prices for 34° gravity crude oil in California were in relative "parity" with prices for 34° gravity crude oil in other parts of the country. To the extent that these studies are correct, there would be no apparent justification for adjustments in California crude oil prices beyond 34°. Comments are therefore requested on what the reference gravity should be and on the rationale for selection of that gravity.

If the "substitute differential" method of adjusting gravity differentials is adopted, a further complication exists with respect to those fields for which there was no May 15, 1973 posted price for the reference gravity crude oil. In such cases, a May 15, 1973 posted price for the reference gravity crude oil could be imputed by applying the average per degree gravity differential which existed with respect to those gravities for which prices were posted, to arrive at what the posted price for the reference gravity would have been. Alternatively, the reference gravity could be limited in each case to the highest gravity for which there was a price posted on May 15, 1973 for the field concerned. Thus, for example, if the postings in the field did not specify prices for crude oil of any gravity higher than 26°, the use of a "substitute differential" would be permitted only with respect to the number of degrees gravity between 26° and the crude oil concerned.

Comments on these alternatives, or on other methods for imputing a May 15, 1973 posted price for a reference gravity crude oil are requested.

(3) AMOUNT OF THE ADJUSTED DIFFERENTIAL

The average gravity differential in California on May 15, 1973 (reflected in current old oil prices) was 6.2 cents per degree, whereas the national average gravity differential then was between 2 and 2.5 cents per degree. However, the California average differential for "upper tier" crude oil on September 30, 1975 was 4.6 cents per degree. The appropriate amount of the per degree adjusted gravity differential for lower tier oil therefore appears to be in the range of 2 to 4.6 cents per degree. A 4.6 cent differential would approximate "current relative market valuations," but would not bring California lower tier heavy crude oil prices into price parity with heavy crude oil produced in the rest of the nation. However, this may be justified on the basis that California crude oil tends to be relatively high in sulfur content, and thus of relatively lower value than lower sulfur crude oil produced in other areas of the country. FEA's tentative conclusion in this regard is that an "add-on" of 2 cents per degree would be an appropriate adjustment to May 15, 1973 gravity differentials, because it would both approximate September 30, 1975 differentials and would appropriately reflect sulfur differences between California crude oil and crude oil produced elsewhere in the United States.

Comments are therefore requested on the amount of the revised per degree gravity differential that should be provided for and on what the rationale for the selection of that amount should be.

(4) AREA OF APPLICABILITY

Although this Notice is directed principally toward gravity differentials as they existed in California on May 15, 1973, FEA understands that prices for crude oil produced in Alaska were generally determined by reference to California postings. Accordingly the amendments proposed herein are also proposed to be applicable with respect to lower tier crude oil produced in Alaska.

Comments are requested as to whether application of the proposed amendments in Alaska is appropriate and as to whether circumstances warranting similar treatment exist elsewhere in the United States.

(5) GENERAL COMMENTS

Comments are requested generally as to the adequacy of the proposed amendments for purposes of achieving appropriate adjustments in gravity price differentials in accordance with the entent of section 122 of the ECPA, and as to whether other or additional amendments may be necessary or appropriate to carry out that intent.

IV. WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box JA, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Heavy Crude Oil Gravity Price Differentials." Fifteen copies should be submitted. All comments received Tuesday, October 5, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

V. PUBLIC HEARINGS

Public hearings in this proceeding will be held in Washington, D.C. and in the State of California, in San Francisco.

1. NATIONAL HEARING

The Washington, D.C. hearing (the "National hearing") will be held beginning at 9:30 a.m., e.s.t., on October 6, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the proposals issued today, or who is a representative of a group or class of persons that has an interest in today's proposals may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Monday, September 27, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. CALIFORNIA HEARING

The San Francisco, California hearing will be held at 9:30 a.m., local time, October 13, 1976 at the location specified below. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below and in accordance with the "Request Procedures" set forth below.

Submit requests to testify to:
Federal Energy Administration, Region IX, Director, Congressional and Intergovernmental Relations, 111 Pine Street, San Francisco, California 94111.
Hearing location:
Environmental Protection Agency, Conference Room C, 100 California Street, San Francisco, California.

3. REQUEST PROCEDURES

The following request procedures are applicable to both the National and California Hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope with the designation "Heavy Crude Oil Gravity Price Differentials."

The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, October 5, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Wednesday, September 29, 1976, and must submit 100 copies of his statement to Regulations Management, Room 2214, 2000 M Street, N.W., Washington, D.C. 20036, before 4:00 p.m., e.s.t., on Tuesday, October 5, 1976 for the National Hearing, and to the location of the hearing on the day the statement is scheduled to be presented, for the California Hearing.

4. HEARING PROCEDURES

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to ask a question at the National or California hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through

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Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of the July 1975 notice of proposed rulemaking regarding heavy California crude oil differentials (40 FR 28637, July 8, 1975) was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of that proposal on the quality of the environment. The Administrator had no comments on that proposal (40 FR 28638).

Therefore, since this further notice of proposed rulemaking to provide for the adjustment of gravity price differentials is within the scope of the earlier proposal, the EPA Administrator's position with respect to that proposal of July 1975 applies to this further notice. (Nevertheless, FEA sent to the Administrator of EPA notice of FEA's intended action, and EPA responded that it had no comments with respect to this further proposal.)

Furthermore, the July 1975 proposal was reviewed in accordance with Executive Order 11821, issued November 27, 1974, and was determined to be of a nature not requiring an evaluation of its inflationary impact (40 FR 28638, July 8, 1975). This further notice of proposed rulemaking to provide for the adjustment of gravity price differentials is within the scope of the July 1975 proposal, and is also not of a nature which requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below, effective October 1, 1976

Issued in Washington, D.C., September 10, 1976

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

PROPOSAL I

Section 212.73 is proposed to be amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 212.73 Lower tier ceiling price rule.

* * * * *

(b) *Lower tier ceiling price determination other than in Alaska and California.* The ceiling price for a particular grade of domestic crude oil in a particular field other than in Alaska or California is the sum of: (1) The highest posted price at 6 a.m., local time, May 15, 1973, for that grade of crude oil at that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality at the nearest field for which prices were posted; plus (2) $1.35 per barrel.

(c) *Lower tier ceiling price determination in Alaska and California.* In Alaska and California, the ceiling price for a particular grade of domestic crude oil in a particular field is the sum of: (1) The highest posted price at 6 a.m., local time, May 15, 1973, for that grade of crude oil at that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality at the nearest field for which prices were posted; plus (2) $.135 per barrel; plus (3) __ cents for each degree API gravity that the domestic crude oil being offered for sale is below __ degrees API gravity.

PROPOSAL II

Section 212.73 is proposed to be amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 212.73 Lower tier ceiling price rule.

* * * * *

(b) *Lower tier ceiling price determination other than in Alaska and California.* The ceiling price for a particular grade of domestic crude oil in a particular field other than in Alaska or California is the sum of: (1) The highest posted price at 6 a.m., local time, May 15, 1973, for that grade of crude oil at that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality at the nearest field for which prices were posted; plus (2) $1.35.

(c) *Lower tier ceiling price determination in Alaska and California.* In Alaska and California, the ceiling price for a particular grade of domestic crude oil in a particular field is the sum of: (1) The highest posted price for crude oil of the highest degree API gravity for which a price was posted in that field at 6 a.m., local time, May 15, 1973, or, if there was no posted price in that field, the highest posted price for crude oil of the highest degree API gravity for which a price was posted at 6 a.m., local time, May 15, 1973 in the nearest field which produced crude oil which was similar in kind and quality; plus (2) A maximum of $1.35 per barrel, minus (3) A reduction of __ cents per degree API gravity for each degree API gravity that the crude oil being offered for sale is below the API gravity of the highest API gravity crude oil for which a price was posted.

[FR Doc.76-27036 Filed 9-10-76;4:52 pm]

[10 CFR Part 212]

PASSTHROUGH OF INCREASED NON-PRODUCT COSTS BY REFINERS BEFORE FEBRUARY 1, 1976

Extension of Time for FEA Publication of Data and Extension of Time for Public Hearing

On August 3, 1976 the Federal Energy Administration issued a Notice of Proposed Class Exception and Public Hearing regarding passthrough of increased non-product costs by refiners before February 1, 1976 (41 FR 33282, August 9, 1976).

That notice stated that FEA would aggregate and publish cost data pertinent to the proceeding (requested from participants by FEA in the August 3 notice) on about September 6, 1976; that requests to participate must be received by FEA by Monday, September 13, 1976; that questions to be asked of participants must be received by Thursday, September 16, 1976; and that the public hearing would be held on Tuesday, September 21, 1976 and continued on September 22, 1976, if necessary.

Because of delays in submission of the data by participants and in FEA's analysis, the original time schedule cannot be met. FEA anticipates publishing the data shortly and hereby gives notice of a revised time schedule for the public hearing.

The public hearing regarding the proposed class exception will be held at 9:30 a.m., e.d.s.t., on Wednesday, October 13, 1976, and will be continued, if necessary, on Thursday, October 14, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons.

Data, views or arguments with respect to the proposed class exception should be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box IC, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Passthrough of Increased Non-Product Costs by Refiners Before February 1, 1976." Fifteen copies should be submitted. All comments received by Thursday, October 7, 1976, before 4:30 p.m., e.d.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed exception.

Written requests for an opportunity to make oral presentation should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., on Thursday, September 30, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, October 12, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., Monday, October 4, 1976 and must submit 100 copies of his statement to FEA, Regulations Management, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., on Friday, October 8, 1976.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., Friday, October 8, 1976.

Issued in Washington, D.C., September 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-27035 Filed 9-10-76;4:52 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 455]

SALE OF USED MOTOR VEHICLES

Final Notice of Proposed Trade Regulation Rulemaking Proceeding

On January 6, 1976, the Commission published in the FEDERAL REGISTER (41 FR 1089) an initial notice proposing a trade regulation rule relating to the Sale of Used Motor Vehicles pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice (hereinafter rules of practice), 16 CFR 1.7, et seq., and 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure). The Presiding Officer, by notice in the FEDERAL REGISTER, March 10, 1976, (41 FR 10233), extended the time for proposing disputed issues of fact from March 8, 1976 to June 7, 1976. On May 21, 1976, the Commission published an additional notice in the FEDERAL REGISTER (41 FR 20896), which expanded the areas of comment in the proceeding, posing three additional questions on which it elicited public response. The Commission also extended the time for proposing disputed issues of fact from June 7, 1976 to June 23, 1976. On June 24, 1976, the Presiding Officer by notice in the FEDERAL REGISTER (41 FR 26032) further extended the time for proposing disputed issues of fact from June 23, 1976 to July 23, 1976. A Commission staff report in support of the proposed rule was placed in the public record of this proceeding and is available for examination by interested persons at the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C.

Pursuant to the authority above and more specifically to the authority of § 1.12 of the rules of practice the undersigned duly appointed Presiding Officer gives Final Notice of proposed rulemaking. The contents of the initial notice, which includes the proposed rule, are incorporated by reference.

NOTICE TO INTERESTED PERSONS

A. WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views and arguments on any issue of fact, law, and policy having some bearing upon the proposed rule. The scope of these written comments is not restricted to the designated issues set forth below in Section D. Parties may comment on any aspect of the proposed rule. Such comments should be submitted to James P. Greenan, Presiding Officer, Federal Trade Commission, Washington, D.C. no later than October 22, 1976. To assure prompt consideration comments should be identified as "Used Motor Vehicle Comments" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted in response to the initial notice have been placed in the public record and need not be resubmitted.

B. PUBLIC HEARINGS: DATES AND LOCATIONS

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the date and time specified at each location:

1. Public hearing will begin on December 6, 1976, at 9:30 a.m. in Boston, Massachusetts:

Room 307, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Massachusetts.

Persons desiring to present their views orally in Boston should so inform the Commission's representative listed below not later than November 15, 1976:

Arthur Levine, 617-223-6221, 1301 Analex Building, 150 Causeway, Boston, Massachusetts 02114.

2. Public hearing will begin on January 10, 1977, at 9:30 a.m. in Cleveland, Ohio.

31st Floor, Celebrezze Federal Office Building, 1240 East 9th Street, Cleveland, Ohio.

Persons desiring to present their views orally in Cleveland should so inform the Commission's representative listed below not later than December 20, 1976:

Sharon Devine, Esq., 216-293-4207, Federal Trade Commission, 1339 Celebrezze Federal Office Building, 1240 East 9th Street, Cleveland, Ohio 44199.

3. Public hearing will begin on February 7, 1977, at 9:30 a.m. in Dallas, Texas:

Federal Trade Commission, Suite 2665, 2001 Bryan Street, Dallas, Texas.

Persons desiring to present their views orally in Dallas should so inform the Commission's representative listed below not later than January 17, 1977:

Andrew Armstrong, 214-749-3056, Federal Trade Commission, Suite 2665, 2001 Bryan Street, Dallas, Texas 75201.

4. Public hearing will begin on March 7, 1977 at 9:30 a.m. in Los Angeles, California:

Room 13112, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California.

Persons desiring to present their views orally in Los Angeles should so inform the Commission's representative listed below not later than February 14, 1977:

Jesus Martinez, 213-799-7575, Federal Trade Commission, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

5. Public hearing will begin on March 28, 1977, at 9:30 a.m. in San Francisco, California:

Room 12138 Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Persons desiring to present their views orally in San Francisco should so inform the Commission's representative listed below not later than March 7, 1977:

George K. Choi, 415-556-1270, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

6. Public hearing will begin on April 25, 1977, at 9:30 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

Persons desiring to present their views orally in Washington, D.C. should so inform the Commission's representative listed below not later than April 4, 1977:

Matthew Daynard, Esq., 202-523-3400, Room 282, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580.

C. INSTRUCTIONS FOR WITNESSES

Persons wishing to deliver statements at the public hearings are required to file the full text of the oral presentation with the designated Commission representative at the location where the statements are to be delivered no later than the date indicated in Section B of this Notice. Members of interested groups are encouraged to make their views known through oral presentations by group representatives. If at all possible, witnesses should furnish five copies of their statements.

Any witness not intending to deliver a full text of his or her oral presentation in advance is required to file a written comprehensive outline of the statement to be presented with the designated Commission representative at the location of the appropriate public hearing no later than the date indicated in Section B of this Notice.

The full text of the oral presentation or the outline of such presentation must include a statement of each important fact, observation, conclusion and opinion that the party anticipates presenting and must indicate the basis for each conclusion and opinion, insofar as possible. In the event that the written outline submitted is not sufficiently detailed or factual, the Presiding Officer retains the authority to require the full text of the oral presentation in lieu of the written outline.

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Advance submittal of the full text of the oral presentations or outlines of such presentations and exhibits is required to apprise other interested parties of the contents of expected statements so that they may determine the need for examination, including cross-examination, or rebuttal submissions. Thus it is extremely important that advance submissions of prepared statements or written comprehensive outlines be sufficiently detailed to give fair notice of the scope of the witnesses' oral presentation and the basis for assertions and conclusions. Such submittals will be made available for viewing by the Commission representatives designated in Section B, above, at the location where the witness intends to appear and will also be placed on the public record in Washington, D.C.

Expert witnesses must attach to their oral statements or outlines of such statements a curriculum vitae, biographical sketch or summary of their professional background and a bibliography of their publications. If other witnesses have available curriculum vitae or similar background information it should be provided.

The Presiding Officer retains the authority to require that the full text of any oral presentation or comprehensive outline of the statement be submitted in writing in advance of presentation and to deny the right to present an oral statemnet to any person who fails to file a full text of the presentation or outline in accordance with the requirements of this Section C.

The use of exhibits in connection with oral presentations is encouraged, especially when such exhibits serve to clarify technical or complex presentations. A prospective witness who plans to introduce documents or other written evidence as exhibits to his or her statement must furnish such documents or written evidence, properly identified with the witness' name and sequential number, e.g., Jones Exhibit 1. Exhibits should be filed as soon as possible during the general comment period in order that they may be studied by interested persons. In any event, such exhibits must be submitted no later than the same date and at the same locations set out above for the filing of expected oral presentations unless for good cause shown, it can be demonstrated why the exhibits could not be timely submitted. The Presiding Officer reserves the right to exclude exhibits presented in the course of oral presentation if, in his judgment, such exhibits could have been submitted by the deadline.

Witnesses may discuss any question of fact, law, and policy, relevant to the proposed rule and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. A witness' oral presentation will not be limited to designated issues of fact set forth below in Section D. However, all prospective witnesses are advised that to the extent their oral statements may bear upon any of the designated issues, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer on behalf of such parties, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. These are informal rulemaking hearings and as a general rule courtroom rules of evidence and procedure do not apply. Witnesses will not be under oath unless the Presiding Officer expressly so provides.

Reasonable limitations upon the length of time allotted to any person may be imposed and these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected oral presentation, the number of parties represented by each witness and the cumulative nature of expected oral presentations. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less, unless an exception has been made, and to develop their statements as greater length through their written submissions.

D. DESIGNATED ISSUES

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d)(1) of the rules of practice as issues to be considered in accordance with § 1.13(d) (5) and (6) of the rules of practice. Oral statements with respect to these issues may entitle designated representatives or other interested parties to conduct or have conducted such examination including cross-examination, as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by an interested party, add to or modify any issue listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice.

The Presiding Officer has designated the following disputed issues of fact as material and necessary to resolve:

General Issues

1. Taking into consideration the subject matter of the proposed Rule, what are the sales techniques generally employed by used motor vehicle dealers in connection with the offering for sale and/or sale of used motor vehicles?

2. Do used motor vehicle dealers have access to or knowledge of information concerning the mechanical condition of used motor vehicles which they offer for sale? Do they have access to or knowledge of information concerning the prior history of used motor vehicles which they offer for sale?

3. Are used motor vehicles purchased by consumers without full knowledge of the mechanical condition of such vehicles or without full knowledge of the history of such vehicles? Are such vehicles purchased by consumers without full knowledge of the seller's responsibility for making repairs after sale?

4. When purchasing used motor vehicles, do consumers, because of lack of mechanical knowledge, the appearance of vehicles offered for sale or their infrequent purchasing experience, place reliance on the representations of the used motor vehicle dealer?

5. Have dealers, in connection with the sale of used motor vehicles, misrepresented or failed to disclose to purchasers prior to sale material facts concerning the mechanical condition or the history of such vehicles, or the seller's responsibility for making repairs after sale?

6. As a consequence of any misrepresentation of or failure to disclose material facts relating to mechanical defects or the prior history of used motor vehicles, or the seller's responsibility to make repairs to such vehicles, have purchasers expended substantial sums of money for repairs to the vehicles after sale?

7. What will be the economic effects on consumers and on used motor vehicle dealers if disclosures of information based on the subject matter of this proposal are adopted by the Commission?

8. Will disclosures of information based on the subject matter of the Commission's proposal be of significant assistance to consumers in generally assessing the nature or extent of prior use and care as well as the potential mechanical performance and reliability of used motor vehicles which are offered for sale?

9. Will disclosures of information based on the subject matter of the Commission's proposal enable prospective purchasers of used motor vehicles to determine the extent of the seller's responsibility for making repairs to such vehicles after sale?

Issues Related to § 455.1

10. Do the interests of consumers or of those engaged in the distribution or sale of used motor vehicles warrant a change in the definition of "Used Motor Vehicle Dealer" in § 455.1(b) of the proposed rule? If so, what should be the nature of such a change?

11. Do the interests of consumers or of those engaged in the distribution or sale of used motor vehicles warrant a change in the definition of "Motor Vehicle" in § 455.1(c) of the proposed rule? If so, what should be the nature of such a change?

Issues Related to § 455.2

12. Does failure to disclose that a used motor vehicle was previously used, owned or leased by a commercial or governmental entity and the nature of the principal prior use of such vehicle, as required by § 455.2(d), mislead consumers as to facts material to them in making a decision on whether to purchase the particular used motor vehicle?

13. Are consumers misled as to the prior use and care or the mechanical performance and reliability of used motor vehicles which are offered for sale after reconditioning, when the fact that reconditioning has occurred is not disclosed? (§ 455.2(c))

E. NOTIFICATION OF INTEREST AND REQUESTS FOR CROSS-EXAMINATION RIGHTS

Interested persons who desire to avail themselves of the procedures described in Section D with respect to designated issues, e.g., examination, cross-examination, must notify the Presiding Officer not later than October 5, 1976, in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to each such issue. If you have no interest or position as to a particular issue, merely indicate "No Interest". Such interested persons must specifically request to participate in examination and cross-examination of witnesses. Requests to examine, including cross-examine, or to present rebuttal submissions shall be accompanied by a specific justification therefor. Notifications should be labeled "Used Motor Vehicle Notifications" so that they may be considered promptly. In the event new issues are added, interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue in the same manner. The Presiding Officer retains the authority to refuse parties the opportunity to avail themselves of the procedure described in Section D if they fail to comply with the notification requirements of this Section E.

Before the hearings begin, the Presiding Officer will identify groups of persons with the same of similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative, may be allowed to conduct or have conducted any examination, including cross-examination or rebuttal submission, to which he is entitled on issues designated in Section D.

F. SUMMARY OF DATES

1. All written comments: October 22, 1976.
2. Notification of Interest: October 5, 1976.
3. Witnesses' prepared statements (or comprehensive outlines) and exhibits for: (a) Boston hearing—November 15, 1976; (b) Cleveland hearing—December 20, 1976; (c) Dallas hearing—January 17, 1977; (d) Los Angeles hearing—February 14, 1977; (e) San Francisco hearing—March 7, 1977; (f) Washington, D.C. hearing—April 4, 1977.
4. Hearing dates: (a) Boston, Massachusetts—December 6, 1976; (b) Cleveland, Ohio—January 10, 1977; (c) Dallas, Texas—February 7, 1977; (d) Los Angeles, California—March 7, 1977; (e) San Francisco, California—March 28, 1977; (f) Washington, D.C.—April 26, 1977.

Issued: September 9, 1976.

JAMES P. GREENAN,
Presiding Officer.

[FR Doc.76-27014 Filed 9-14-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 2]

OFFICE OF THE GENERAL COUNSEL

Delegations of Authority

It is proposed to make minor changes to § 2.6(c), Title 38, Code of Federal Regulations.

The revisions reflect the organizational change that placed District Counsels (formerly Chief Attorneys) under the General Counsel. The revisions also correct references to gender.

The revisions implement Pub. L. 93-455 (88 Stat. 1381) which increases the settlement authority of the General Counsel, Deputy General Counsel, and those authorized to act for them under 31 U.S.C. 241 from $6,500 to $15,000. The authority to carry out the provisions of section 4116(e) of title 38, United States Code, is delegated to the General Counsel, Deputy General Counsel and the Assistant General Counsel (Professional Staff Group I). The revisions also provide for specific authority to the General Counsel, Deputy General Counsel, and those authorized to act for them to conduct investigations, examine witnesses, etc. and to countersign VA Form 4505.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before October 15, 1976, will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make this regulation effective the date of final approval.

In § 2.6, paragraph (e) is revised to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

Employees occupying or acting in the positions designated below are delegated authority as indicated:

* * * * * *

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672, authority is delegated to the General Counsel, Deputy General Counsel and Assistant General Counsel, or those authorized to act for them, to:

(i) Consider, ascertain, adjust, determine, compromise, and settle any claim accruing on and after January 18, 1967, and asserted under the Federal Tort Claims Act, as amended by Pub. L. 89-506 (80 Stat. 306): *Provided*, That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or designee.

(ii) Execute an appropriate voucher and other necessary instruments in connection with final disposition of claims within their settlement authority, and to execute an appropriate voucher in connection with claims compromised by the Attorney General pursuant to 28 U.S.C. 2677, and to determine whether such claims meet the criteria, "potentially subject to the offset provisions of 38 U.S.C. 351," for the purpose of the last clause under the heading, Veterans Administration "Compensation and Pensions," in the Independent Offices Appropriation Act.

(iii) Authority delegated to the General Counsel may be redelegated by the General Counsel to selected District Counsels or those authorized to act for them.

(2) Under the provisions of 38 U.S.C. 236, the General Counsel, Deputy General Counsel, Assistant General Counsel and District Counsel, or those authorized to act for them, are authorized to consider, ascertain, adjust, determine, and settle tort claims cognizable thereunder and to execute an appropriate voucher and other necessary instruments in connection with the final disposition of such claims.

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651, et seq. (as implemented by Part 43, Title 28, Code of Federal Regulations), authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and District Counsel, or those authorized to act for them, to collect in full, compromise, settle, or waive any claim and execute the release thereof; however, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel, and District Counsel or those authorized to act for them, to:

(i) Make appropriate determinations with respect to the litigative probabilities of a claim (§ 1.932 of this chapter), the legal merits of a claim (§ 1.942(e) of this chapter), and any other legal considerations of a claim.

(ii) Collect in full a claim involving damage to or loss of Government property under the jurisdiction of the Veterans Administratioin resulting from negligence or other legal wrong of a person (other than an employee of the Government while acting within the scope

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of his or her employment) and to compromise, suspend or terminate any such claim not exceeding $20,000.

(iii) Collect a claim in full from a third party or legal entity who is liable for the cost of hospital, medical, surgical, or dental care and treatment of a person, and to compromise, suspend, or terminate any such claim not exceeding $20,000.

(iv) The delegations of authority set forth in paragraph (e)(4)(ii) and (iii) of this section do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Such cases will be considered by the General Counsel, who will make the determination in all instances as to whether the case warrants referral to the Department of Justice. The delegations of authority are applicable to those claims where the Department of Justice determines that action based upon the alleged fraud, false claim, or misrepresentation is not warranted.

(5) Pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel, and District Counsel or those authorized to act for them, are authorized to settle and pay a claim for not more than $15,000 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his or her service occurring subsequent to August 31, 1964.

(6) Authority is delegated to the General Counsel or designee to make the final decision on complaints of discrimination on grounds of race, color, religion, sex, or national origin brought by an aggrieved employee or qualified applicant for employment in the Veterans Administration.

(7) Under the provisions of 38 U.S.C. 4116(e), authority is delegated to the General Counsel, Deputy General Counsel, and the Assistant General Counsel (Professional Staff Group I) to hold harmless or provide liability insurance for any person to whom the immunity provisions of section 4116 apply, for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment in the exercise of his or her duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, United States Code, for such damage or injury.

(8) The General Counsel, Deputy General Counsel, and those authorized to act for them, are authorized to conduct investigations, examine witnesses, take affidavits, administer oaths and affirmation, and certify copies of public or private documents on all matters within the jurisdiction of the General Counsel. Pursuant to the provisions of § 2.2(c), the General Counsel, Deputy General Counsel, and those authorized to act for them, are authorized to countersign VA Form 4505.

(9) All authority delegated in this paragraph to District Counsels will be exercised by them under the supervision of and in accordance with instructions issued by the General Counsel.

Approved: September 9, 1976.

By direction of the Administrator

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-27010 Filed 9-14-76;8:45 am]

[38 CFR Parts 13, 14]

LEGAL SERVICES

Proposed Regulatory Development

It is proposed to revise Part 14 to consolidate regulations dealing with responsibilities of the District Counsels (formerly Chief Attorneys) with the regulations dealing with General Counsel operations. They limit the involvement of the District Counsel in fiduciary and guardianship matters to pure legal activities and to implement changes to § 2.6(e), Title 38, Code of Federal Regulations, which increased the delegated authority of District Counsels.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before October 15, 1976, will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these regulations effective the date of final approval.

Approved: September 9, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

§§ 13.400, 13.401 and 13.402 [Revoked]

1. In Part 13, §§ 13.400, 13.401 and 13.402 are revoked.

2. In Part 14, §§ 14.500 through 14.504 are revised and §§ 14.505, 14.506 and 14.507 are added so that the added and revised material reads as follows:

§ 14.500 Functions and responsibilities of General Counsel.

The General Counsel is responsible to the Aministrator for the following:

(a) All litigation arising in, or out of, the activities of the Veterans Administration or involving any employee thereof in his or her official capacity.

(b) All interpretative legal advice involving construction or application of laws, including statutes, regulations, and decisional as well as common law.

(c) All legal services, advice and assistance required to implement any law administered by the Veterans Administration.

(d) All delegations of authority and professional guidance required to meet these responsibilities.

(e) Maintenance of a system of field offices capable of providing legal advice and assistance to all Veterans Administration field installations and acting for the General Counsel as provided by Veterans Administration Regulations and instructions, or as directed by the General Counsel in special cases. This includes cooperation with U.S. Attorneys in all civil and criminal cases pertaining to the Veterans Administration and reporting to the U.S. Attorneys, as authorized, or to the General Counsel, or both, criminal matters coming to the attention of the District Counsel.

(f) Other matters assigned.

§ 14.501 Functions and responsibilities of District Counsels.

(a) Functions and responsibilities of the District Counsels are those set forth in this part and all other matters assigned by the General Counsel.

(b) In any matter within the jurisdiction of the General Counsel, delegated or otherwise assigned, the District Counsel and designated staff attorneys are authorized to conduct investigations, examine witnesses, take affidavits, administer oaths and affirmations and certify copies of public or private documents.

(c) The District Counsel is authorized to, and shall, under the guidance of the General Counsel, provide legal services, advice and assistance to Veterans Administration installations within the district assigned. In any area of regulatory, assigned or delegated responsibility, the District Counsel may delegate to staff members or other Veterans Administration attorneys authority to perform, to the extent specified, any legal function under the professional direction of the District Counsel. Conversely, the District Counsel may modify, suspend or rescind any authority delegated hereunder.

(d) The District Counsel is authorized to cooperate with affiliated organizations, legislative committees, and with local and State bar associations to the end that any State law deficiencies relating to Veterans Administration operations may be removed. No commitment as to proposed legislation will be made without the approval of the General Counsel.

(e) In any case wherein the District Counsel is authorized to take legal action and payment of costs and necessary

expenses incident thereto are involved, the department requesting such action will pay such cost and expenses. Where it is impractical for the District Counsel to perform the legal service because of cost, distance, etc., the customary fee for the service rendered by a local attorney employed by the District Counsel will be borne by the department requesting such action.

§ 14.502 Requests for legal opinions from Central Office.

Requests for formal legal advice, including interpretation of law or regulations, shall be made only by the Administrator, the Deputy Administrator, Associate Deputy Administrator, Assistant Deputy Administrator, and the department head or top staff official having jurisdiction over the particular subject matter, or by a subordinate acting for any such official.

§ 14.503 Requests for legal advice and assistance in other than domestic relations matters.

(a) Requests from administrative officials in the field for legal advice or assistance will be addressed to the appropriate District Counsel and will be in writing if requested by the District Counsel. Questions regarding insurance activities at St. Paul and Philadelphia should be referred to the District Counsel at the respective station. Except as to matters referred to in § 14.504(b), the District Counsel's authority to render legal advice and assistance shall extend to the release (unless otherwise instructed by the General Counsel), without prior approval of the General Counsel, of opinions on all legal questions which are either:

(1) Wholly controlled by the interpretation or application of the laws of the State or States in the district office area, or

(2) Covered by Veterans Administration precedents and opinions of the General Counsel which the District Counsel knows to be currently authoritative on the issues involved.

In cases covered by § 14.504(b) and all others not included in paragraph (a) (1) or (2) or paragraph (b) of this section, the District Counsel will prepare a tentative opinion (including identification of the benefit sought) and forward it to the General Counsel for review. When it is returned, the District Counsel will conform the opinion (if necessary) to the views of the General Counsel, and release it to the requesting official. The District Counsel may release any modified opinion as the opinion of the General Counsel.

(b) The District Counsel may submit to the General Counsel any legal question, opinion, or question pertinent to legal functions, upon which the views or advice of the General Counsel are desired. This request should set forth the special circumstances, contain a statement of the legal implications involved (including any Veterans Administration benefits claimed), set forth the facts out of which they arise, and cite any statutes or court decisions readily available, regulations, related opinions of the General Counsel and other matters deemed pertinent, with appropriate discussion. If any department will be affected, a copy of the reply will be forwarded to that department head.

§ 14.504 Domestic relations questions, authority and exceptions.

(a) District Counsels have the same authority with respect to domestic relations questions as they do with respect to matters covered by § 14.503 except as specifically excluded by the provisions of paragraph (a) of that section.

(b) In the following instances the District Counsel, regardless of whether State law is wholly controlling or a Veterans Administration precedent is available, will prepare a tentative opinion, researched as completely as possible with reasonably availability facilities, and forward two copies thereof directly to the General Counsel for review and disposition (as provided in § 14.503 respecting other than domestic relations matters):

(1) Where it is not clear under applicable State law (i) whether the marriage of a veteran's child or the remarriage of a veteran's widow was void without decree of annulment, or (ii) whether an annulment decree was rendered by a court with basic authority to render annulment decrees;

(2) When fraud or collusion by either party appears to have influenced the granting of an annulment decree;

(3) Cases in which there are contesting claims;

(4) Unusual situations, such as those involving proxy marriages, the law of two or more jurisdictions or of a foreign country;

(5) Cases involving difference of opinion between District Counsels or between a District Counsel and the official who submitted the question involved.

§ 14.505 Submissions.

All submissions will set forth the question of law on which the opinion is desired, together with a complete and accurate summary of relevant facts. Files, correspondence, and other original papers will not be submitted, unless pertinent portions thereof cannot practicably be summarized, or copies made and attached as exhibits.

§ 14.506 Precedents.

(a) All General Counsel's opinions which formulate new Veterans Administration policy, dependent upon interpretation of Federal statutes, regulations, or other law, will be submitted to the Administrator before they are released or administrative action is taken thereon. If accepted by the Administrator, such opinions will be promulgated as Administrator's Decisions or will form the basis for regulatory action.

(b) Administrator's Decisions, which are conclusive as to all persons (except in justiciable matters), are available to the public in printed volumes purchasable from the Government Printing Office. These volumes may be inspected at any Veterans Administration office. Recent Administrator's Decisions which have not been published in bound volumes are available in manuscript form in such offices, or may be requested from the Office of the General Counsel.

§ 14.507 Opinions.

Formal opinions of the General Counsel in individual claims (compensation, pension, insurance, loans, vocational rehabilitation, readjustment allowance, indemnity, etc.) are filed in the individual claims or insurance folder. (See § 1.525 of this chapter.)

Printed opinions of the General Counsel of a general nature (administration, claims, fiscal, personnel, contracts, loan guaranty, or insurance, etc.) will be digested and indexed. Copies will be filed in the Office of the General Counsel and in District Counsels' offices. Such opinions are not available for general distribution outside the Veterans Administration, but copies of printed opinions on subjects of general interest (as, for example, loan guaranty, vocational rehabilitation and education, etc.) may be supplied persons, organizations or agencies interested in the subject covered by the opinion, or affected by it, when, in the opinion of the General Counsel or of the service concerned, the public interest justifies or requires such action.

3. Sections 14.514 through 14.518 are revised to read as follows:

§ 14.514 Suits by or against United States or Veterans Administration officials.

(a) *Suits against United States or Veterans Administration officials.* When a suit involving any activities of the Veterans Administration is filed against the United States or the Administrator or a suit is filed against any employee of the Veterans Administration in which is involved any official action of the employee, not covered by the provisions of §§ 14.600 through 14.617, a copy of the petition will be forwarded to the General Counsel who will take necessary action to obtain the pertinent facts, cooperate with or receive the cooperation of the Department of Justice and, where indicated, advise the District Counsel of any further action required.

(b) *Counsel and representation of employees.* The Department of Justice may afford counsel and representation to Government employees who are sued individually as a result of the performance of their official duties. A civil action commenced in a State court against an employee, as the result of an action under color of his or her office, may be removed to the applicable Federal District Court. If a suit is filed against an employee as the result of the performance of his or her official duties, where the provisions of either 28 U.S.C. 2679 or 38 U.S.C. 4116 are not applicable (see § 14.610), and the employee desires to be represented by the U.S. Attorney, the District Counsel will obtain a written request to this effect from the employee and will also obtain an affidavit of the station Director describing the incident in sufficient detail to enable a determination to be made as

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to whether the employee was in the scope of his or her employment at the time. These statements, together with a copy of the petition and two copies of a summary of pertinent facts, will be sent to the General Counsel, who will transmit copies thereof to the Department of Justice for appropriate action.

(c) *Suits by the United States.* In any instance wherein direct submission to a U.S. Attorney for institution of civil action has been authorized by the Department of Justice, the District Counsel will furnish the U.S. Attorney a complete report of the facts and applicable law, documentary evidence, names and addresses of witnesses and, in cases wherein Veterans Administration action has been taken, a copy of any pertinent decision rendered. The District Counsel will forward two copies of such report and of any proposed pleading to the General Counsel, and will render any practicable assistance requested by the U.S. Attorney.

§ 14.515 Suits involving loan guaranty matters.

(a) In actions for debt, possession or actions similar in substance (including title actions) in which § 36.4282 or § 36.4319 of this chapter has been complied with, the District Counsel is authorized to enter the appearance of and represent the Administrator of Veterans Affairs as the attorney of record and to file claims for debt in probate proceedings without prior reference to the General Counsel. Any such action will normally be taken within the time prescribed by law as though there had been valid service of process. In all other types of cases, the District Counsel will not enter an appearance or file any pleading on behalf of the Administrator except in imperative emergency until authorization is received from the General Counsel after submission of all relevant facts. In doubtful cases, the District Counsel will request instructions from the General Counsel, submitting copy of so much of the pleadings or other papers, together with a sufficient recital of the facts as will make clear the background, the issues, and the relief sought. The submission also will include names and addresses of adverse parties and attorneys so that immediate action may be taken if injunctive relief seems proper. Where necessary in any case to preserve rights which might be lost by default if there had been proper service of process, appropriate action will be taken by a special appearance, or, in jurisdictions where a special appearance does not serve the purpose or under State statute or decisions will constitute a general appearance for a later date, by an appearance through amicus curiae, to obtain an extension of time, preferably 30 days or more, in which to appear and plead without prejudice. If not feasible to obtain an extension, the District Counsel will explain to adverse counsel by letter, and personally, if desirable, the necessity of deferring all action and will see that the proper judge receives a signed copy of the letter before default day. The letter will point out that there is no valid service of process on the Administrator of Veterans Affairs but will not base the delay on that alone.

(b) The General Counsel or each District Counsel representing the General Counsel is the attorney of the Administrator of Veterans Affairs for all purposes of 38 U.S.C. 1820 and, as such, is authorized to represent the Administrator in any court action or other legal matter arising under said statutory provisions. Said authorization is subject to any applicable statutes and Executive orders concerning claims of the United States. A District Counsel may enter appearance in such cases, subject to the provisions of §§ 36.4282 and 36.4319 of this chapter and paragraph (a) of this section. Each District Counsel is authorized to contract for the employment of attorneys on a fee basis for conducting any action arising under guaranty or insurance of loans or direct loans by the Veterans Administration; or for examination and other proper services with respect to title to and liens on real and personal property, material incident to such activities of the Veterans Administration, when, such employment is deemed by the District Counsel to be appropriate. The authority delegated to the District Counsel may be redelegated with the approval of the General Counsel.

(c) The General Counsel and each District Counsel, in carrying out their duties as authorized in paragraph (a) or (b) of this section, are authorized (1) to contract for and execute, for and on behalf of the Administrator, any bond (and appropriate contract or application therefor) which is required in or preliminary to or in connection with any judicial proceeding in which the District Counsel is attorney for the Administrator, and to incur obligations for premiums for such bonds and (2) to do all other acts and incur all costs and expenses which are necessary or appropriate to further or protect the interests of the Administrator in or in connection with prosecuting or defending any cause in any court or tribunal within the United States, which cause arises out of or incident to the guaranty or insurance of loans, or the making of direct loans by the Veterans Administration, pursuant to 38 U.S.C. ch. 37.

(d) Except in an emergency, no District Counsel will initiate action for appellate review without prior approval by the General Counsel. These limitations do not preclude the filing of a motion for a new trial, appeal to intermediate court with hearing de novo, the giving of notice of appeal, reserving of bills of exception, or any other preliminary action in the trial court which may be necessary or appropriate to protect or facilitate the exercise of the right of appellate review, nor do they preclude the taking of appropriate steps on behalf of the Administrator as appellee (respondent) without prior reference to the General Counsel. Upon the conclusion of the trial of a case, the District Counsel will report the result thereof to the General Counsel with recommendation as to seeking appellate review if the result reported is adverse to the position of the Veterans Administration in the litigation. The reporting District Counsel who recommends appellate review will include as a part of the communication, or in exhibit attached, (1) a summary of the evidence; (2) a summary of the law points to be reviewed; (3) citations of statutes and cases; (4) statements of special reasons for recommending appellate review; (5) time limitations for the action recommended; (6) requirements, if any, respecting printing of the record and briefs; (7) the estimated total expenses to be incurred by reason of the appeal, reporting separately the estimated costs for printing the brief and record so that authority for printing may be granted in accordance with prescribed procedure, MP–1, part II, chapter 9;[1] and (8) the recommendation or a statement as to nonrecommendation by the Loan Guaranty Officer.

§ 14.516 Escheat and post fund cases.

In any case in which the Veterans Administration is entitled to possession of assets or property under the escheat provisions of 38 U.S.C. 3202(e), the gifts provisions of 38 U.S.C. ch. 83 or the General Post Fund provisions of 38 U.S.C. ch. 85, the District Counsel will endeavor to obtain possession of such assets or property in any manner appropriate under local procedure and practice, other than litigation. This procedure would include exploratory inquiry of the person having custody or possession of the assets or property for the purpose of determining whether the person would be willing to turn over the property to the Veterans Administration without litigation. If unsuccessful in this effort, a complete report will be submitted by the District Counsel to the General Counsel so that appropriate action may be taken to obtain the assistance of the Department of Justice in the matter.

§ 14.517 Cases affecting the Veterans Administration generally.

District Counsels will establish and maintain such close liaison with the State and Federal courts as to insure that notice will be afforded the Veterans Administration on all cases affecting the Veterans Administration. Such information will be forwarded to the General Counsel promptly in every case.

§ 14.518 Litigation involving beneficiaries in custody of Veterans Administration employees acting in official capacity.

(a) *Service of process generally.* An employee, at a field station, served with a writ of habeas corpus involving a beneficiary of the Veterans Administration in the employee's custody will immediately notify the District Counsel of

[1] Available in any Veterans Administration station.

the district in addition to taking such steps as in his or her judgment are necessary for self protection.

(b) *Habeas corpus writs.* (1) If a Director of a Veterans Administration hospital concerned advises that, according to current medical opinion, hospitalization is necessary for the veteran's safety or the safety of others, the District Counsel will vigorously oppose the writ at the trial court level. If the writ is granted, no further action will be taken unless so instructed by the General Counsel.

(2) If the medical opinion is that hospitalization is not required for the veteran's safety or the safety of others but continued treatment is clearly indicated in the veteran's interest, the District Counsel will assure that the court issuing the writ is so informed and will abide by the court's decision.

(3) If the medical opinion is that there is no danger of self injury to the veteran or others and the need for continued treatment is not clearly demonstrated, the District Counsel will advise the Director of the hospital concerned that the veteran should be released and will notify the veteran's attorney of the planned discharge. These cases will be handled informally to the extent practicable.

(4) Involuntary confinement of mentally ill patients in Veterans Administration installations is predicated upon the law of the State in which the installation is location. In the event the writ is filed in Federal Court, the District Counsel will cooperate with the U.S. Attorney to the end that the case is removed to the appropriate State court.

4. Sections 14.560 through 14.583 are revoked and §§ 14.560 through 14.563 are added to read as follows:

§ 14.560 Procedure where violation of penal statutes is involved.

(a) The submission to the appropriate U.S. Attorney of a violation or suspended violation of the penal provisions of the statutes of the United States will be made by the District Counsel at the regional office, hospital or center, within whose jurisdiction the alleged offense appears to have been committed. Where the file or record which contains evidence of a penal offense is located in or forwarded to Central Office, the matter will be referred to the General Counsel for development and reference to the proper District Counsel or direct to the Department of Justice. Where the file or record is maintained in any other field station, it will be referred to the District Counsel of the regional office, center or hospital in whose district the station is located for development and determination as to whether prosecution is indicated and reference to the proper U.S. Attorney if in order.

(b) In all instances where, in developing a necessary administrtaive investigation, there is evidence of a violation of the penal provisions of the Federal statutes, the case will be submitted to the appropriate U.S. Attorney. In Central Office, Investigation and Security Service reports showing any criminal acts will be reported by the General Counsel to the Department of Justice. If such offense seems probable, but an administrative investigation is not necessary, the matter will be reported, without investigation, to the U.S. Attorney or the Department of Justice, as the case may be. The Department of Justice is charged with the duty and responsibility of interpreting and enforcing criminal statutes, and the final determination as to whether the evidence is sufficient to warrant prosecution in any case is a matter for that Department. The function of any administrative official is to marshal all evidence within his or her possession and, when the evidence is sufficient to make a prima facie case of a violation of the statute, to transmit the same to the U.S. Attorney for such action as the Department of Justice, acting through the U.S. Attorney, may deem necessary. If the U.S. Attorney decides to prosecute, the District Counsel will cooperate with the U.S. Attorney as may be requested. Cases deemed essential to protect Veterans Administration interests or policy will be reported to the General Counsel if prosecution is delayed or declined.

(c) A report will be made to the Federal Bureau of Investigation concerning criminal matters arising under prior laws authorizing readjustment benefits and War Orphans' Educational Assistance (see sec. 3, Pub. L. 85–857; 72 Stat. 1262) and current grants of readjustment and educational assistance as authorized in title 38, United States Code. In cases arising under the foregoing acts any evidence or information coming to the attention of a District Counsel requiring determination as to whether there may be a violation of a Federal criminal statute will be brought promptly to the attention of the local office or agent of the Federal Bureau of Investigation without attempting to develop any criminal aspects, as will such facts or evidence subsequently discovered in administrative investigation or other action. Copy of the final investigation report in administrative investigation shall be forwarded to the U.S. Attorney, if, in the opinion of the District Counsel, prosecutive action is necessary for administrative purposes. The District Counsel will bring to the attention of the General Counsel any case wherein the District Counsel is of the opinion that criminal action should be initiated, notwithstanding an adverse report or lack of a report by the Federal Bureau of Investigation.

§ 14.561 Administrative action prior to submission.

Before a submission is made to the U.S. Attorney in cases involving personnel or claims, the General Counsel, if the file is in Central Office, or the District Counsel at the regional office, hospital or center, if the file is in the regional office or other field station, will first ascertain that necessary administrative or adjudicatory (forfeiture (see Pub. L. 86–222; 73 Stat. 452), etc.), action has been taken; except that in urgent cases such as breaches of the peace, disorderly conduct, trespass, robbery, or where the evidence may be lost by delay, or prosecution barred by the statute of limitations, submission to the U.S. Attorney will be made immediately.

§ 14.562 Collections or adjustments.

When it is determined that a submission is to be made to the U.S. Attorney, no demand for payment or adjustment will be made without the advice of the U.S. Attorney. However, if, before or after submission, the potential defendant or other person tenders payment of the liability to the United States, payment will be accepted if the U.S. Attorney has no objection. If the U.S. Attorney determines that prosecution is not indicated, or when prosecution has ended, the file will be returned to the appropriate office with a report as to the action taken.

§ 14.563 Crimes or offenses on Veterans Administration property.

Upon receipt by the District Counsel of a report from the Director of any Veterans Administration facility located in the district regional office area, other than the District of Columbia, indicating a violation of any penal statutes occurring on such Veterans Administration property, the District Counsel will extend full cooperation and advice to the Director. In so doing, the District Counsel will be guided by the provisions of 18 U.S.C. 13 and 3041, and 38 U.S.C. 218. Serious crimes (felonies or misdemeanors) committed on a hospital or domiciliary reservation will be reported directly to the U.S. Attorney or local agent of the Federal Bureau of Investigation by the Director of the facility. The District Counsel will give every assistance to the Director in such cases.

5. In § 14.600, paragraphs (a) and (b) (1) are revised to read as follows:

§ 14.600 Federal Tort Claims Act.

(a) The Federal Tort Claims Act (28 U.S.C. 1291, 1346, 1402, 1504, 2110, 2401, 2402, 2411, 2412, and 2671 through 2680) prescribes a uniform procedure for handling of claims against the United States, for money only, on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of a Government employee while acting within the scope of his or her office or employment, under circumstances where the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

(b) The act provides that: (1) No court action (except those involving a third party complaint, cross-claim, or counterclaim) shall be instituted unless the claimant shall have first presented his or her claim to, and it has been finally denied by, the appropriate Federal agency. The failure, however, of the agency to make final disposition of the claim within 6 months after it is filed may, at the option of the claimant, be

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deemed a final denial of the claim (28 U.S.C. 2675(a));

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6. Section 14.601 is revised to read as follows:

§ 14.601 Dismissal action.

Where a tort suit against the United States (other than by third party complaint, cross-claim, or counterclaim) is filed without being preceded by an administrative claim (see § 14.600(b)(1)), the District Counsel shall promptly, upon receipt of notice of the action thereon, notify the U.S. Attorney and the General Counsel, who will, in turn, notify the Department of Justice, that the provisions of 28 U.S.C. 2675(a) have not been complied with, and that the suit appears to be subject to a motion to dismiss for lack of jurisdiction. The General Counsel should be kept advised as to subsequent developments, and should be furnished a copy of any order of dismissal which may be entered by the court.

7. Section 14.602 is revised to read as follows:

§ 14.602 Scope and authority to consider claims.

(a) The Administrator and those delegated such authority in § 2.6(e) of this chapter are authorized to consider, ascertain, adjust, determine, compromise and settle claims for money damages against the United States in accordance with regulations prescribed by the Attorney General (28 CFR 14.1 et seq.). Any award, compromise, or settlement exceeding $25,000 shall be effected only with the prior written approval of the Attorney General or designee. In addition, a claim may be compromised or settled only after consultation with the Department of Justice when:

(1) A new precedent or point of law is involved;

(2) A question of policy is or may be involved;

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Veterans Administration is unable to adjust the third party claim;

(4) For any reason, the compromise of a particular claim, as a practical matter, will, or may, control the disposition of a related claim in which the amount to be paid may exceed $25,000; or

(5) The United States, an employee, agent, or cost-plus contractor, is involved in litigation based on a claim arising out of the same incident or transaction.

(b)(1) All claims coming within paragraph (a) of this section will be referred to the General Counsel for disposition.

(2) Where full development of a claim indicates that liability exists and the potential settlement value exceeds $25,000, the District Counsel who received the claim will submit the case to the General Counsel for consideration.

(3) Where multiple claims (including claims of a subrogor and a subrogee) arise from the same incident, and the total of such claims exceeds the settlement amount delegated to the District Counsel, all such claims will be forwarded to the General Counsel for consideration.

(c) Authority delegated to the General Counsel by § 2.6(e) of this chapter to act on claims is redelegated to the District Counsels as follows:

(1) The District Counsels at Boston, New York, Philadelphia, Atlanta, Washington, D.C., Montgomery, St. Petersburg, Detroit, Cleveland, Waco, Denver, St. Louis, San Francisco, Los Angeles, and Seattle are delegated authority to determine and settle claims filed under the Federal Tort Claims Act, as amended, as follows:

(i) Dispose of those tort claims in which, in the view of the respective District Counsels, liability exists and the claim may be compromised or settled at or below $15,000;

(ii) With prior approval of an appropriate official in the office of the General Counsel, dispose of those claims in which it appears liability exists, and such claim may be compromised or settled for an amount between $15,000 and $25,000.

(2) All other District Counsels are authorized to settle or compromise tort claims in which, in the view of the respective District Counsels, liability exists and the claim may be settled or compromised for amounts up to and including $5,000. Claims which these District Counsels determine to be within the delegated authority of the District Counsels at the locations set out in paragraph (c)(1) of this section will be fully developed and forwarded to the District Counsel having jurisdiction.

(3) The territorial jurisdiction and supervision for handling tort claims by the District Counsels enumerated in paragraph (c)(1) of this section is set out in instructions to all District Counsels.

(d) Where it is determined that liability on the part of the Government does not exist, the District Counsel who initially received the claim will deny liability regardless of the amount claimed or the potential value of liability existed. If Liability is questionable, the District Counsel will refer the claim for final determination to that office having appropriate settlement authority.

(e) For the purpose of these tort claim regulations (§§ 14.600–14.617), any reference to the District Counsel includes all other personnel in the District Counsel's office to whom authority to handle Federal tort claims has been delegated by § 2.6(e)(1) and (2) of this chapter.

8. In § 14.603, paragraph (a) is revised to read as follows:

§ 14.603 Proper claimants.

(a)(1) A claim for damage to or loss of property may be presented by the owner of the property, his or her duly authorized agent or legal representative.

(2) A claim for personal injury may be presented by the injured person, his or her duly authorized agent, or legal representative.

(3) A claim based on death may be presented by the executor/executrix or administrator/administrix of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(4) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly. However when an insurer presents a claim asserting the rights of a subrogee, he or she shall also present appropriate evidence to support his or her right.

(5) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his or her authority to present a claim on behalf of the claimant as agent, executor/exccutrix, administrator/administratrix, parent, guardian, or other representative.

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9. Sections 14.604 and 14.605 are revised to read as follows:

§ 14.604 Filing a claim.

(a) Each person who inquires as to the procedure for filing a claim against the United States, predicated on a negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his or her employment, will be furnished a copy of SF 95, Claim for Damage, Injury, or Death. The claimant will be advised to submit the executed claim directly to the District Counsel having jurisdiction of the area wherein the occurrence complained of took place. He or she will also be advised to submit the information prescribed by § 14.607 to the extent applicable. If a claim is presented to the Veterans Administration which involves the actions of employees or officers of other agencies, it will be forwarded to the Veterans Administration General Counsel, who will transmit forthwith to the appropriate agency.

(b) A claim shall be deemed to have been presented when the Veterans Administration receives from a claimant, his or her duly authorized agent or legal representative, an executed SF 95, or other written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death: *Provided, however,* That before compromising or settling any claim, an executed SF 95 shall be obtained from the claimant.

(c) A claim presented in compliance with paragraphs (a) and (b) of this section may be amended by the claimant at any time prior to final Veterans Administration action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his or her duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the Veterans Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of the amendment (see § 14.600(b)(1)).

§ 14.605 Investigation and development.

(a) *Development of untoward incidents prior to receipt of a claim.* (1) A report of any collision involving a Government-owned vehicle which results in property damage or personal injury or death will be made by the operator of the Government vehicle immediately following the accident, on SF 91, Operator's Report of Motor Vehicle Accident, and shall be submitted to the Director of the station involved. A copy of said report, accompanied by an executed copy of VA Form 2162, Report of Accident, Injury, Occupational Illness, or Fire, and of VA Form 2162b, Report of Accident, Injury, Occupational Illness, or Fire (Continued), will be promptly submitted by the Director to the appropriate District Counsel, who will authorize such additional investigation as the circumstances of the case may warrant. Forms required by other agencies will continue to be used in addition to VA Form 2162.

(2)(i) Any incident resulting in damage to, or loss of, property, other than personal effects of a patient in a Veterans Administration facility, or in personal injury or death, due apparently or allegedly to the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his or her office or employment, or damage to or loss of Government-owned property caused by other than a Veterans Administration employee acting within the scope of his or her office or employment, will be immediately reported on SF 92–A, Report of Accident Other Than Motor Vehicle. The Director of the station where such occurrence took place will promptly transmit a copy of the report to the appropriate District Counsel who will authorize such additional investigation as the circumstances of the case may warrant.

(ii) Where the incident involves the loss of personal effects of a patient in a Veterans Administration facility, the Director wil assist the patient in completing an SF 95, Claim for Damage, Injury, or Death, and will advise the patient that it will be forwarded immediately to the appropriate District Counsel for consideration. The Director will forward along with the claim a brief summary of the facts, as well as his or her recommendation, to the District Counsel. The District Counsel will expedite the processing of claims of this nature.

(3) An employee will be designated at each station to investigate motor vehicle collisions and other incidents involving damage to, or loss of privately owned property or personal injury or death, apparently or allegedly resulting from the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his or her employment, other than investigation of alleged malpractice, or damage to or loss of Government-owned property caused by other than Veterans Administration employees. In Central Office, the designation will be made by the Manager, Administrative Services, and at all other stations, by the Director.

(4) The District Counsel for the area in which a field station is located will be responsible for processing claims involving motor vehicle collisions and other occurrences resulting in property damage, personal injury, or death, within such area. The District Counsel, Veterans Administration Regional Office, Washington, D.C. will also have jurisdiction, except as otherwise provided in paragraph (a)(3) of this section over incidents occurring in Veterans Administration Central Office.

(b) *Postclaim requirements.* (1) Where a claim is presented, the District Council will immediately acknowledge receipt of the claim and commence an investigation. In the course of the investigation, statements will be obtained from the personnel involved as well as from others who have personal knowledge covering the relevant facts. Copies of all pertinent Veterans Administration medical and other records will be obtained and the copies will be assembled so that they are identical in arrangement to the originals. Pertinent medical, employment, and other records maintained by private hospitals, private industry, and other places will likewise be obtained as well as photographs or other graphic material.

(2) After completing the investigation of a claim, the District Counsel having jurisdiction of the case will review all the evidence available and prepare a concise, complete report, including a summary of the evidence, findings of essential facts, citations of applicable local law, regulations and decisions, and a conclusion as to the liability of the United States. If liability is indicated, this report will also include a determination as to the amount of the reasonable compromise or settlement range of the case. Sufficient copies of the report and supporting material will be prepared to enable the District Counsel to submit two copies to the office authorized to dispose of the claim if it is beyond the investigating officer's jurisdiction, and two copies to the General Counsel if the claim subsequently reaches the litigation stage. An extra complete copy of the report and supportive material will be retained by the District Counsel and will be forwarded to the U.S. Attorney, together with the original report of investigation, if litigation is initiated. The report itself, and the supporting materials, will be indexed, tabbed and securely fastened so that it is one unit, if feasible.

(3) In medical malpractice cases, the District Counsel may refer the medical records and statements to the District Medical Director for review and for professional opinion or guidance. In the consideration of claims involving a medical questions, the responsible District Counsel involved will be guided by the views of the District Medical Director and the General Counsel will be guided by the views of the Chief Medical Director as to the standard of medical care and treatment, the nature and extent of the injuries, the degree of temporary or permanent disability, the prognosis, the necessity for future treatment or physical rehabilitation, and any other pertinent medical aspects of a claim.

10. In § 14.606, paragraph (a) is revised to read as follows:

§ 14.606 Requests for medical information.

(a) Where there is indication that a tort claim will be filed, medical records or other information shall not be released without approval of the District Counsel.

• • • • •

11. In § 14.607, paragraphs (a) and (b) are revised to read as follows:

§ 14.607 Evidence to be submitted.

In conducting the investigation into the facts and circumstances giving rise to the claim, the District Counsel will consider the following guidelines to the extent applicable:

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his or her monthly or yearly salary or earnings (if any), and the duration of his or her last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his or her death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him or her for support at the time of death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Claimant may be requested to furnish a copy of a medical opinion supporting his or her contention of malpractice.

(9) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by the attending physician or dentist setting forth the nature and extent of treatment, any degree

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of emporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the agency or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he or she furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the agency any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his or her employer showing actual time lost from employment, whether he or she is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Claimant may be requested to furnish a copy of a medical opinion supporting his or her contention of malpractice.

(7) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

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12. Section 14.608 is revised to read as follows:

§ 14.608 Disposition of claims.

(a) *Disallowance and appeal.* Where a determination is made that there is no liability on the part of the United States, the District Counsel (if there is jurisdiction under § 2.6(e) of this chapter and § 14.602(b)) or the General Counsel will notify the claimant (or claimant's attorney or legal representative) by certified or registered mail. Notification of final denial may include a statement of reasons for the denial. Denial of a tort claim by any District Counsel will include appropriate notice of the review and appellate rights of claimants. The right to have the claim reconsidered within the Veterans Administration will extend only to the next higher level of authority. The claimant shall be advised in the denial letter of the specific office to which an appeal will be referred for review and that the appeal must be perfected within 6 months. The denial letter shall also include a statement that, if the claimant is dissatisfied with the agency action, suit in an appropriate United States District Court may be instituted not later than 6 months after the date of mailing of the notice of final denial.

(b) *Statute of limitations.* Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, or claimant's duly authorized agent, or legal representative, may file a written request with the agency for reconsideration of a final denial of a claim issued under paragraph (a) of this section. Upon the timely filing of a request for reconsideration, the agency shall have 6 months from the date of filing in which to make a final disposition of the claim, and the claimant's option under 28 U.S.C. 2675(a), shall not accrue until 6 months after the filing of a request for reconsideration. Final agency action on a request for reconsideration shall be effected by the District Counsel if the claim is one within the jurisdiction authorized by § 2.6(e) of this chapter and § 14.602(e); otherwise, by the General Counsel. If the previous denial decision is upheld, the notice shall be by certified mail and will include advice as to the right to bring suit within 6 months.

(c) *Allowance or compromise.* (1) In the case of a claim where a determination is made by the District Counsel (if the claim is one for which authority has been delegated under § 2.6(e) of this chapter and § 14.602(c)), or by the General Counsel, that there is or could be liability on the part of the Government, an attempt will be made to obtain an agreement with the claimant, or claimant's attorney, as to a fair and reasonable settlement or compromise.

(2) If the claim is one being handled by the District Counsel and a settlement agreement is reached in a sum of $2,500 or less, the District Counsel will approve the voucher (SF 1145, Voucher for Payment under Federal Tort Claims Act) and send the signed original and three yellow copies to the General Counsel for processing. If the settlement agreement is above $2,500 but within the delegated authority of the District Counsel, the District Counsel will approve the voucher (SF 1145) and send the original and three yellow copies to the General Accounting Office for payment. In the event the settlement sum negotiated is within the range of $15,000 to $25,000, the voucher submitted to the General Accounting Office by the District Counsel will be accompanied by a letter (from the General Counsel's Office approving the settlement. Vouchers for settlement in excess of $25,000 will not be signed by any District Counsel, but will be forwarded to the General Counsel for signature and transmittal to the General Accounting Office. All original vouchers will be signed by the claimant or claimant's legal representative and his or her spouse, if appropriate. Where required by State law, approval of a court of competent jurisdiction will be obtained. Certified copies of appropriate court documents and duplicate originals of "hold harmless" and "covenant not to sue" agreements will accompany the transmittal of the voucher.

(3) If the claimant is a veteran, or the spouse or child of a veteran in a wrongful death claim, a copy of the letter to the General Accounting Office will be sent to the Adjudication Division of the regional office having jurisdiction over the veteran's claims folder.

(4) When a District Counsel is unable to effect settlement of a tort claim considered to be appropriate for compromise within authorized limits, the District Counsel will confer with the next level of supervising authority before issuing a letter of denial.

(d) *Attorney fees.* In any claim administratively settled or compromised, no specific portion of the award shall be designated as an attorney fee. However, 28 U.S.C. 2678 prohibits an attorney from charging, demanding, receiving, or collecting for services rendered, fees in excess of 20 per centum of any award, compromise, or settlement made pursuant to 28 U.S.C. 2672. Violation of this prohibition will subject the attorney to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. When a claimant is represented by an attorney, the voucher for payment shall designate as "payee" both the claimant and claimant's attorney and the check shall be delivered to the attorney whose address shall appear on the voucher.

(e) *Setoff for cost of unauthorized medical treatment.* In any tort claim administratively settled or compromised where the claimant owes the Veterans Administration for unauthorized medical treatment, there will be included in the tort claim award the amount of the claimant's indebtedness to the Government. The amount of the indebtedness is for credit to the appropriation account from which the services were provided. The voucher prepared for settlement of the claim will specifyt he amount to be deposited to the credit of the designated account and that the balance of the award be paid to the claimant.

13. Sections 14.609 and 14.610 are revised to read as follows:

§ 14.609 Tort suits following denial of an administrative tort claim.

Where civil action against the United States follows denial of an administrative claim, the General Counsel, upon receipt of notice of the action, will furnish to the Department of Justice a copy of the investigation report and other related materials obtained in connection with the consideration of the administrative claim previously submitted to the agency. The General Counsel will instruct the District Counsel to forward to the appropriate U.S. Attorney the investigation report and other related materials, including medical records and any other information, which may be appropriate to the litigation. The District Counsel will keep the General Counsel advised of subsequent developments, and will render assistance as requested by the U.S. Attorney and the General Counsel with respect to the defense of the suit.

§ 14.610 Suits against Veterans Administration employees arising out of the operation of motor vehicles or based upon medical care and treatment furnished in or for the Department of Medicine and Surgery.

(a)(1) Section 2679 of title 28, United States Code, provides that no suit will lie against a Federal employee, or the employee's estate, for damage to property, personal injury, or death resulting from his or her operation of a motor vehicle while acting within the scope of his or her office or employment with the Federal Government. An action against the United States under 28 U.S.C. 2671–2680 is the exclusive remedy under these circumstances.

(2) Section 4116 of title 38, United States Code, provides that (i) where there is remedy against the United States under 28 U.S.C. 2671–2680, or (ii) where proceedings for compensation or other benefits from the United States are provided by law, and the availability of such benefits precludes a remedy under 28 U.S.C. 2671–2680 (as is the case, for example, in the Federal Employees' Compensation Act, 5 U.S.C. 8101, et seq.), such recourse is the exclusive remedy for property damage, personal injury, or death allegedly occurring as a result of malpractice or negligence committed by a physician, dentist, nurse, physician's assistant, dentist's assistant, pharmacist or paramedical (for example, medical and dental technicians, nursing assistants, and therapists), or other supporting personnel, while furnishing medical care and treatment in the exercise of duties in or for the Department of Medicine and Surgery. Accordingly, a malpractice or negligence suit for property damage, personal injury, or death will not lie against such personnel under the circumstances set forth in this subparagraph.

(b) The Department of Justice will defend any civil action or proceeding brought in any court against persons referred to in paragraph (a) (1) or (2) of this section under the circumstances set forth therein. Accordingly, when a suit is filed against any employmee of the Veterans Administration (1) as a result of the employee's operation of a motor vehicle incident to employment with the Government, or (2) as a result of furnishing medical or dental care and treatment in or for the Department of Medicine and Surgery, the employee shall immediately forward a copy of all papers served on him or her to the District Counsel having jurisdiction over the area in which the employee works. The employee will also promptly forward to the appropriate District Counsel a signed statement indicating whether he or she desires the Department of Justice to provide representation, and to otherwise protect his or her interests as provided for by law. Even though there may not have been service, if an employee learns that a suit arising from either of the above-described circumstances has been filed against him or her, the employee shall immediately so advise the appropriate District Counsel, provide the District Counsel with a brief description of the facts involved, and state whether he or she desires Federal intervention.

(c) Upon receipt of notice that suit has been filed against an employee of the Veterans Administration who is entitled to protection under 28 U.S.C. 2679 or 38 U.S.C. 4116, the District Counsel having jurisdiction over the place where the employee works will conduct a preliminary investigation, which will include a statement by the employee's supervisor as to whether the defendant-employee was acting in the scope of his or her employment at the time of the incident, and a request from the defendant-employee for representation. Upon receipt of such information, the District Counsel will make a preliminary determination as to whether such suit comes within the provisions of either 28 U.S.C. 2679 or 38 U.S.C. 4116. The District Counsel will refer the matter to the appropriate U.S. Attorney with a recommendation as to whether the employee is eligible for protection under 28 U.S.C. 2679 or 38 U.S.C. 4116. The U.S. Attorney will decide whether the Veterans Administration employee is eligible for the protection. The District Counsel will submit to the General Counsel a preliminary report in duplicate containing the information furnished the U.S. Attorney. In all such cases, the District Counsel will conduct a complete investigation of the facts and law. Two copies of the investigation report will be sent to the General Counsel and one copy will be sent to the appropriate U.S. Attorney. The General Counsel, through the District Counsel, will keep the employee advised of the action being taken concerning the suit. In the event that the U.S. Attorney or the Department of Justice determines that the employee is not eligible for immunization pursuant to one of the aforementioned provisions, the General Counsel's office, through the District Counsel, will advise the employee and will call to his or her attention the discretionary conditional indemnification provisions of section 4116(e) of title 38, United States Code.

(d) Where a civil action is commenced in a State court against a Veterans Administration employee, and the matter is within the purview of either 28 U.S.C. 2679, or 38 U.S.C. 4116, the Department of Justice will be asked to remove such suit to the appropriate Federal District Court before trial, where it will be deemed an action against the United States. The defendant employee will be dismissed from the suit. After such removal, the United States has available all defenses to which it would have been entitled if the action had originally been commenced against the United States in the proper Federal District Court. Should a Federal District Court determine that the Veterans Administration employee whose acts or omissions gave rise to the suit was not acting within the scope of his or her office or employment, and therefore not eligible for immunization as provided for in the aforementioned sections, the case will be remanded to the State court from which it was removed; the employee will be reinstated as the defendant, and the United States will be dismissed from the suit. Where the employee has been reinstated as the defendant under such circumstances, in order to protect any rights which he or she may have under 38 U.S.C. 4116(e), he or she shall immediately notify the General Counsel, through the local District Counsel. Through the District Counsel, the General Counsel will call the employee's attention to the discretionary conditional indemnification provisions of section 4116(e).

(e) Under the authority of 38 U.S.C. 4116(e), the Administrator of Veterans Affairs may pay for monetary damages sustained by or assessed against an individual (or his or her estate) described in paragraph (a)(2) of this section, as the result of any suit instituted against such individual which is not cognizable under the provisions of 28 U.S.C. 2671–2680 because the individual was assigned to a foreign country, the said individual was detailed to a State or political division thereof, or the cause of action was specifically excluded under the provisions of 28 U.S.C. 2680(h): *Provided*, That the amount of damages sustained is reasonable when compared with similar cases, litigated or settled, and the United States was given a reasonable opportunity to defend such individual and to participate in settlement negotiations.

14. In § 14.615, paragraphs (b) and (c) are revised to read as follows:

§ 14.615 General.

• • • • •

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his or her duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses they should join in one claim. Claims for personal injury may be filed by the injured person or his or her agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor/executrix, administrator/administratrix, guardian or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his or her designee within 2 years after the claim accrues.

15. In § 14.616, paragraph (b) is revised to read as follows:

§ 14.616 Form and place of filing claim.

• • • • •

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Director, Veterans

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Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

• • • • •

16. In § 14.617, paragraph (a) is revised to read as follows:

§ 14.617 Disposition of claims.

(a) *Disposition of claims arising in Philippines.* All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief resume of applicable law, will be forwarded directly by the Director to the General Counsel, together with a recommendation as to disposition.

• • • • •

17. In § 14.618, paragraphs (a), (b) and (c) are revised to read as follows:

§ 14.618 Collection action.

(a) In a case where the District Counsel determines that damage to or loss of Government property under the jurisdiction of the Veterans Administration resulted from the negligence or other legal wrong of a person, other than an employee of the United States while acting within the scope of his or her employment, the District Counsel will request payment in full of the amount of damage from the person liable therefor or such person's insurer.

(b) The District Counsel may collect, compromise, suspend or terminate collection action on any such claim as is authorized under § 2.6(e)(4)(ii) of this chapter, in conformity with standards in § 1.900 series of this chapter. Any such claim that has not been collected in full and which has not been compromised, suspended or terminated and does not exceed $20,000, will be referred by the District Counsel to the appropriate U.S. Attorney along with the information required by §§ 1.951 through 1.953 of this chapter. Any claim in excess of $20,000 for which payment in full has not been made, will be transmitted along with the report required by § 14.605(a)(2)(i), a report on credit data (§ 1.952 of this chapter), and any other pertinent information, to the General Counsel for appropriate action.

(c) The General Counsel or those designated in § 2.6(e)(4) of this chapter will take action to collect in full on such claims and to compromise, suspend or terminate any such claims not exceeding $20,000 in conformity with § 1.900 series of this chapter. Any such claims not compromised, or on which collection actions is not suspended or terminated and does not exceed $20,000, will be referred to the appropriate U.S. Attorney. Any such claims in excess of $20,000, which have not been collected in full, will be referred by the General Counsel to the Department of Justice for appropriate action.

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18. A new centerhead and § 14.619 are added to read as follows:

CLAIMS FOR COST OF MEDICAL CARE AND SERVICES

§ 14.619 Collection action.

(a) In a case where the District Counsel determines that medical care and services were furnished as a result of the negligence of a third party, other than an employee of the United States while acting in the scope of his or her employment, the District Counsel will request payment in full of the amount of damages from the person liable therefor or such person's insurer.

(b) The District Counsel may collect, compromise, suspend or terminate collection activity on any such claim as is authorized under § 2.6(e)(3) of this chapter. However, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice, which will be obtained through the General Counsel. Any such claim that has not been collected in full and which has not been compromised, suspended or terminated will be referred by the District Counsel to the appropriate U.S. Attorney along with appropriate information necessary to protect the interest of the Government. A copy of the referral to the U.S. Attorney will be sent to the General Counsel's office.

(c) The General Counsel and those designated in § 2.6(e)(4) of this chapter will take action to collect in full from a third party or legal entity who is liable for the cost of hospital, medical, surgical or dental care and treatment of a person and to compromise, suspend, or terminate any such claim not exceeding $20,000. Claims in excess of $20,000 may be compromised, settled or waived with the approval of the Department of Justice, which will be obtained through the General Counsel. Any such claim not compromised, or on which collection action is not suspended or terminated will be referred to the appropriate U.S. Attorney with sufficient data to enable the U.S. Attorney to protect the interest of the Government. A copy of all materials referred to the Department of Justice will be furnished the General Counsel.

19. In § 14.620, paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 14.620 Power of attorney and delegation of authority.

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(b) *Execution of power of attorney and delegation of authority.* The Director of a regional office will from time to time designate appropriate employees to be named in appropriate instruments commonly referred to as Power of Attorney, VA Form 2–23. The Loan Guaranty Officer, if any, will be one designee. At all times one additional employee shall be authorized to act by such power of attorney. Three copies of VA Form 2–23 will be filled in by the District Counsel for each designee and forwarded to the General Counsel who will secure execution and acknowledgment of two copies by the Administrator. One copy will be retained in Central Office file; the two executed copies will be returned direct to the District Counsel.

(c) *Revocation of power of attorney.* Any such power of attorney will be revoked promptly when, in the discretion of the Director, cause therefor arises; and in any event upon the designee's separation from the position of a loan guaranty official or from the service, and all executed copies of VA Form 2–23 designating such person will be marked "Canceled" and forwarded to the Office of the General Counsel. The District Counsel upon notification will prepare VA Form 2–24 accordingly and secure execution and acknowledgment thereof in like manner. It will be recorded in each county, if any, in which the power of attorney was recorded. All such copies of VA Form 2–24, whether executed heretofore or hereafter, shall be returned as promptly as feasible to the Office of the General Counsel by the District Counsel, with statement that a copy thereof was recorded in each county in which the revoked power of attorney was recorded. If the power of attorney has not been recorded, the District Counsel will so state when returning "Canceled" copies to the Office of the General Counsel. In such cases only one copy of the revocation will be executed and acknowledged by the Administrator, and it will be retained in the Office of the General Counsel.

(d) *Recordation.* VA Form 2–23 or VA Form 2–24 may be filed for record when in the judgment of the District Counsel it is appropriate to do so. If not so filed, any interested person may have the original recorded by the District Counsel upon payment of the recording fee therefor, or by including the amount thereof in the purchase price of the property, as may be agreed.

(e) *Recordation fee.* The Loan Guaranty Division is responsible for payment of the recordation fee when recordation is requested by Loan Guaranty Officer and approved by the District Counsel. Payment contemporaneously with filing for record may be accomplished by advance of cash.

20. In § 14.626, paragraph (a)(2) is revised to read as follows:

§ 14.626 Requirements for recognition of organizations.

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(a) In requesting recognition, the following information will be supplied:

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(2) Statement outlining the purpose of the organization and need thereof and the manner in which the veteran or his or her dependent would be benefited by such recognition.

• • • • •

21. In § 14.627, the introductory portion preceding paragraph (a) and paragraphs (a) and (c) are revised to read as follows:

§ 14.627 Accredited representatives.

Recognized organizations shall file with the Veterans Administration on the prescribed form furnished by the Veterans Administration (VA Form 2–21, Application for Accreditation as Service Organization Representative) the name of any person whom they desire recognized as accredited representative thereof. In recommending a person for recognition as a representative, the organization, through its appropriate officer, shall certify to the following: That the designee is a citizen of the United States, of good character and reputation, is qualified by ability and experience to present claims, is a member of such organization in good standing, or a full-time, paid employee thereof; and that the major portion of his or her time will be devoted to the preparation or presentation of claims for that organization or other organizations to which the designee may be accredited or that the designee is a national officer of the organization requesting accreditation; whether accredited to any other recognized organizations, and, if so, the name or names thereof; that the designee is not now employed in any civil or military department or agency of the United States and was or was not so employed within 2 years next preceding the date of recommendation for accreditation; if a veteran, the nature of discharge or separation from the active service. An accredited representative, who is a full-time paid employee of a recognized organization may, upon proper application, be accredited as a representative of another recognized organization or organizations without being a member or employee thereof but such accreditation shall be automatically canceled upon termination of employment. Recommendations for accreditation of representatives of National service organizations will be accepted only if approved by the national certifying officer of such organization; those of State organizations only if approved by the Director or higher officer of the organization.

(a) The recommendation for accreditation (VA Form 2–21) executed by a National organization or by a recognized State organization will be filed with the Office of the General Counsel. A recommendation received in Central Office may be sent to the appropriate regional office, if necessary, to secure sufficient facts to justify a determination whether the designee is qualified. The report of the District Counsel including the recommendation, if any, of the Director, together with VA Form 2–21 will be transmitted to the General Counsel, who will approve or disapprove the recommendation. If the designee is approved, FL 2–88, Notice of Approval as Accredited Representative, or FL 2–89, Notice to Accredited Representative of Supplemental Accreditation, will be issued by the General Counsel.

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(c) Recognition of an accredited representative will be canceled at the request of the organization. A Director may suspend recognition in any case for cause, sending a report to Central Office, attention of the General Counsel, for final determination.

• • • • •

22. Section 14.628 is revised to read as follows:

§ 14.628 Powers of attorney.

(a) Before an organization may be recognized in an individual claim, there must be filed a power of attorney (VA Form 23–22, Appointment of Service Organization as Claimant's Representative) duly executed by the claimant specifically conferring upon the organization the authority to represent the claimant in the presentation of his or her claim and to receive information in connection therewith, which power of attorney shall be presented to the Veterans Administration office concerned to be filed in the veteran's folder. The claimant may also authorize release to a local organization of information necessary to develop his or her claim and as to action thereon. The power of attorney must be signed by the claimant, or by the guardian, if any, or, in case of an incompetent without guardian, by spouse, parent, or other near relative (if interests are not adverse), or Director of hospital in which veteran is maintained. An organization which has filed a power of attorney in the case of a veteran shall, in the event of death of the veteran, and if the organization so desires, be recognized for a reasonable period thereafter to enable the new claimant or claimants to execute a new power of attorney or to state that none is desired.

(b) Upon receipt of the power of attorney, the organization named therein shall be recognized as the sole agency for the presentation of the claim covered thereby, and no other organization, agent, or attorney shall be recognized in the presentation of that claim or any phase thereof. The power of attorney given by the claimant may be revoked by him or her at any time and a subsequent power of attorney substituted, designating another organization, agent, or attorney; a subsequently executed power of attorney shall constitute a revocation of any existing power of attorney. Likewise, a power of attorney may be revoked by the organization named therein.

(c) Where, a veteran is temporarily incapacitated through illness or injury and unable to execute a power of attorney, the veteran's spouse or other next friend (if her or his interests are not adverse to that of the veteran) may execute a power of attorney, VA Form 23–22, appointing a service organization to act in the prosecution of the veteran's claim before the Veterans Administration. Such power of attorney shall remain effective during the period of the veteran's temporary incapacity. Upon regaining capacity the veteran should either execute a new power of attorney or notify the Veterans Administration in writing of the revocation of the power of attorney executed by the spouse or other next friend during the veteran's temporary incapacity. In the event that a guardian is appointed by a court of competent jurisdiction the foregoing power of attorney shall terminate and it will be necessary for the guardian to execute a new power of attorney, VA Form 23–22, reappointing the service organization to act for the veteran. This paragraph applies only to cases in which there has been no rating or other determination of mental incapacity on the part of the veteran.

(d) A parent and natural guardian of a minor child of a veteran or other person having custody of said minor, provided there is no legally appointed guardian, may execute a power of attorney, VA Form 23–22, appointing a service organization to act for said minor in the prosecution of his or her claim before the Veterans Administration. Such power of attorney shall remain in effect until the minor attains his or her 18th birthday or such later date as the minor may be eligible for benefits from the Veterans Administration or until he or she attains his or her majority under the law of the State of domicile, whichever is the earlier. In the event that a guardian is appointed by a court of competent jurisdiction the foregoing power of attorney shall terminate and it will be necessary for the guardian to execute a new power of attorney, VA Form 23–22, reappointing the service organization to act for the minor.

23. In § 14.629, paragraphs (a) and (b)(1) and (4) are revised to read as follows:

§ 14.629 Recognition of attorneys and agents.

(a) Claim agents will be granted recognition and certified by the Office of the General Counsel upon satisfactory evidence of qualification, including good reputation and knowledge of applicable law and procedure. Upon presentation to the General Counsel of a letter requesting recognition by the Administrator as an agent, any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared an intention to become such a citizen, and who is not engaged in the practice of law may be recognized as an agent to represent claimants before the Veterans Administration, if the recognition is not precluded by any statutory or regulatory provision and such person has never been convicted, whether on trial or plea, of a serious penal offense, or of any violation of any penal provisions respecting fees. Applicants for recognition as agents may be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans Administration and regulations promulgated thereunder.

(b)(1) The submission of a written declaration by a person stating that he or she is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia and that he or she is authorized to represent a particular claimant will, in the absence of contrary evidence, entitle such person to represent the claimant before this agency. The submission of the requisite declaration entitles the attorney to have access to the information in Veterans

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Administration files which would be available to the claimant as authorized by §§ 1.503 and 1.504 of this chapter. The additional submission of written authorization to inspect Veterans Administration records, signed by the claimant, will further entitle the attorney to have access to information and Veterans Administration files, as authorized by § 1.525 of this chapter. No particular form for the written authorization is required, nor are witnesses necessary.

* * * * *

(4) Any question as to the current qualification of a person under this paragraph shall be referred to the appropriate District Counsel for initial determination. Said determination may be appealed to the General Counsel by any interested party.

24. Section 14.630 is revised to read as follows:

§ 14.630 Agent affiliated with organizations.

The policy of the Veterans Administration precludes the recognition as an agent, of any person who is an officer or employee, appointive or elective, of any veteran, welfare, or State, county, or municipal organization engaged in assisting claimants in presenting claims before the Veterans Administration without fee or emolument, except that any person holding such office whose duties do not include actual assistance in the presentation of claims before the Veterans Administration may be recognized but will be precluded while holding such office from receiving a fee for services rendered as an agent in the presentation and prosecution of claims for benefits administered by the Veterans Administration. Furthermore, it is contrary to the policy to permit an agent to transact claims business from or at an office from or at which a veteran or welfare organization, or an agency of a State or other political subdivision, carries on its work incident to assisting claimants in presenting claims before the Veterans Administration or to use the stationery of such organization or agency in transacting claims business.

25. Section 14.635 is redesignated 14.632 and revised to read as follows:

§ 14.632 Suspension and revocation of recognition.

Whenever information is received that an attorney or agent recognized by the Veterans Administration is or has engaged in unlawful, unprofessional, or dishonest practice, or is incompetent, or has violated or refused to comply with the laws, regulations, and rules governing his or her recognition before the Veterans Administration, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or advertisement, the General Counsel shall give the accused attorney or agent due notice with a statement of the charge or charges against the attorney or agent, which statement shall be sufficiently specific to permit the accused intelligently to make answer thereto, and shall cite said attorney or agent to show cause within 30 days, which time limit may be extended, why his or her recognition should not be suspended or revoked. Where deemed proper, the recognition of an attorney or agent may be temporarily suspended without notice, pending action as provided in this section.

26. Section 14.636 is redesignated 14.633 and reads as follows:

§ 14.633 Time allowed in answering charges preferred.

If said attorney or agent shall fail to file an answer or other pleading within the time specified, such charge or charges will be taken as confessed and judgment may be rendered as upon default.

27. Section 14.637 is redesignated 14.634 and revised to read as follows:

§ 14.634 Answer to charges.

If an answer, under oath, is filed denying the charges, or so explaining them as to raise an issue thereon, a time and place shall then be set for the taking of testimony. The testimony shall be taken at as convenient a place as possible for both the Government and the defendant, and notice shall be served on the defendant informing said defendant of the time and place at which testimony will be taken for the Government, in order that the defendant may be present and cross-examine the witnesses. Testimony shall be reduced to writing and be signed by the witnesses, unless otherwise stipulated, and may be taken before a District Counsel, attorney examiner, or other officer or agent of the Veterans Administration designated by the General Counsel for that purpose. The testimony, together with any brief desired to be presented by the person charged, will be considered by a board designated for such purpose, which shall recommend to the General Counsel the action to be taken. If the charge or charges be sustained and the General Counsel concurs in the recommendation, the General Counsel will suspend or revoke the recognition of such attorney or agent, or take such other action thereon as the facts warrant.

28. Sections 14.638 and 14.639 are revised to read as follows:

§ 14.638 Acts subjecting recognized attorneys or agents to suspension or revocation.

The recognition of any attorney or agent will be subject to suspension or revocation if such attorney or agent knowingly commits or is guilty of any of the following acts, to wit: (a) Presents or prosecutes a fraudulent claim against the United States or the Veterans Administration; (b) demands or accepts any unlawful compensation for preparing, presenting, or prosecuting any claim before the Veterans Administration or for advice or consultation concerning such a claim; (c) with intent to defraud has in any manner deceived, misled, or threatened any claimant or prospective claimant by word, circular, letter, or advertisement; (d) who, in the presentation or prosecution of, or in connection with, any matter or business pending before said Veterans Administration, has as an associate, or employs as an agent, subagent, or correspondent, any person who has been guilty of any of the abovementioned acts, or who has been denied recognition, or whose recognition has been suspended or revoked by the Veterans Administration, or who acts as the associate, agent, subagent, or correspondent of any such person; or who is otherwise and in any manner whatever guilty of dishonest or unprofessional conduct.

§ 14.639 Rules of recognition.

No person other than an accredited representative of a recognized organization shall be recognized in the preparation, presentation, or prosecution of any claim under statutes administered by the Veterans Administration, unless he or she has been recognized as an attorney or agent pursuant to these regulations, except (a) that any person (who is a citizen of the United States, or a resident of the United States or of one of its possessions) may be recognized for the purpose of a particular claim upon filing with the office where such claims folder is located a proper power of attorney and a statement signed by such person and the claimant that no fee or compensation of whatsoever nature shall be charged or paid for the services rendered, and, except (b) in claims for insurance benefits under a contract in which the Government admits liability on the contract, there is no issue or contest as to the designated beneficiary, and it is reasonably apparent that the attorney or agent will not charge a fee. In the first class of cases the attorney should be advised by letter regarding the requirements of being recognized in a particular claim or generally. In the latter class of cases, a paragraph substantially as follows should be incorporated in the letter acknowledging receipt of the claim:

> The evidence submitted by you in connection with the claim for insurance benefits in the instant case has been received, and an adjudication of the claim for benefits will be made as expeditiously as possible. It is understood, of course, that you are not entitled to any fee for services performed by you in connection with the preparation and presentation of this claim, inasmuch as you have not been regularly recognized to present claims before the Veterans Administration by the Administrator of Veterans Affairs.

29. Section 14.642 is revised to read as follows:

§ 14.642 Diligence or neglect on part of attorney or agent.

An agent or attorney shall be required to exercise due diligence in all claims in which he or she is recognized. Neglect to prosecute a claim for 6 months or failure to furnish evidence called for by the Veterans Administration within 90 days shall be held, in default of cause shown, presumptive evidence of the abandonment of all attorneyship rights in the claim.

30. Section 14.646 is revised to read as follows:

§ 14.646 Change of guardianship during pendency of claim.

A change of guardianship in any case during pendency of a claim shall not affect the question of attorneyship and fee, but no attorney fee shall be allowed to a guardian who prosecutes the claim of his or her ward, or to a firm of attorneys of which the guardian is a member.

31. Sections 14.649, 14.650 and 14.651 are revised to read as follows:

§ 14.649 Advertising and solicitation of claims.

Every agent shall submit to the General Counsel, in duplicate, copies of all proposed forms and letterheads intended for use in connection with business before the Veterans Administration, and the General Counsel will notify such agent as to approval or disapproval. The use by an attorney or agent of the characters "U.S." or the words "United States" as a part of his or her or the title of his or her business shall not be pemritted. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not of itself improper, but solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional and will render an attorney or agent liable to suspension, disbarment or revocation.

§ 14.650 Expenses incurred by attorney or agent in the prosecution of claims.

When an agent, attorney, or other person incurs any expense in the prosecution of a claim, a sworn itemized account of such expense must be filed with the Veterans Administration to be retained in the claims folder as part of the permanent record and the approval thereof secured, before demanding or receiving reimbursement from the claimant, by the adjudicating officer, or designee. Notice of the action taken in all cases shall be transmitted to the attorney concerned by the service handling the claim.

§ 14.651 Solicitation of fees.

Attorneys or agents shall not, directly or indirectly, solicit, contract for, charge, or receive, or attempt to solicit, contract for, charge, or receive any fee or compensation whatsoever for advice or consultation conerning the laws administered by the Veterans Administration and the regulations, rules based thereon, or for service to claimants thereunder, except such fee or compensation as is herein provided, whether a claim has been or is thereafter filed, or no claim is filed for the person in whose behalf such advice or consultation is given or held or service rendered. Any agent or attorney who shall so do shall thereby subject his or her recognition by the Veterans Administration to suspension or revocation and be subject to the applicable penal provisions of the law.

32. Section 14.657 is revised to read as follows:

§ 14.657 Approval of fees by Veterans Administration.

The fee provided in § 14.655 shall be due and payable only upon the approval of the claim by the Veterans Administration and then only in the event the attorney or agent has rendered material service in the prosecution of the claim. The filing of the claim may be considered as rendering material service if the attorney or agent is not in neglect but renders all the service necessary to complete the same, that is, where the attorney or agent has done all that he or she was called upon to do, or could do, even if it be the filing of the application alone, he or she is entitled to be paid the attorney's fee if one be provided in such case.

33. Section 14.663 is redesignated 14.660 and reads as follows:

§ 14.660 Banks or trust companies acting as guardians for veterans.

Banks or trust companies, corporate entities, acting as guardians for claimants, may be represented before adjudicating agencies as authorized representatives of claimants by an officer or employee thereof, including a regularly employed attorney, if such employee or attorney represents the corporation in its fiduciary capacity, but no fee may be allowed for such services under § 14.646.

34. Section 14.664 is revised to read as follows:

§ 14.661 Scope of authority and effective date.

Pub. L. 88-558 (78 Stat. 767), approved August 31, 1964, as amended, authorizes the Administrator of the Administrator's designee to settle and pay a claim for not more than $15,000 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of personal property incident to such person's service. Authority is delegated by § 2.6(e)(5) of this chapter to the General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group I), and the Deputy Assistant General Counsel, of said staff group and the District Counsel and those acting for them to settle and pay such claims on behalf of the Administrator, and such settlement shall be final and conclusive.

35. In § 14.665, paragraphs (a) (introduction), (a)(3) and (c) are revised to read as follows:

§ 14.665 Claims.

(a) The claim must be presented in writing on VA Form 2-4760, Employee's Claim for Reimbursement for Personal Property Damaged or Lost Incident to Employment. It will be submitted to the personnel office where the claim originates within 2 years after it accrues except that if the claim accrues in time of war or in time of armed conflict in which any Armed Force of the United States is engaged or if such war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist. The claim must be executed and certified by the officer or the employee suffering the loss or damage, or in the event of his or her death, by the surviving spouse, children, father or mother or both, or brothers or sisters or both. Claims of survivors shall be settled and paid in the order named. All claims must contain the following:

* * * * *

(3) A statement as to any claim or potential claim he or she may have for indemnification of the loss or damage against other than the United States and whether he or she will assign such to the United States and cooperate in its prosecution. Where such claim or potential claim is against a carrier or insurer, evidence that a timely claim has been properly made. Where a recovery from the carrier or his or her insurer has been obtained or offered, such information shall be included.

* * * * *

(c) The employee designated pursuant to § 14.605 will ascertain if such claim is complete in all respects and conduct such investigation as is necessary to establish all facts required to properly evaluate the claim both as to merit and the reasonable amount payable for the loss or damage. Where it is indicated that the claimant may have a potential claim against other than the United States, the employee designated will secure a suitable assignment of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim. If the potential claim is against a carrier or insurer, the employee designated will ascertain that the claimant has filed a timely proper claim and procure evidence thereof. The employee designated will also include information concerning any offer of settlement the carrier may have made. The completed investigation, original claim and supporting evidence will be forwarded to the appropriate District Counsel.

36. Section 14.666 is revised to read as follows:

§ 14.666 District Counsel responsibility.

(a) The district Counsel having jurisdiction will conduct such additional investigation as is deemed necessary to establish all facts required. If the claimant has a potential claim for indemnification against other than the United States, the District Counsel will ascertain that a suitable assignment, legally enforceable, of all right and title to such claim, to the extent the United States

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makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim is of record. If such potential claim is against a carrier or insurer District Counsel will ascertain that claimant has filed a timely proper claim against the carrier or insurer and review same for legal sufficiency.

(b) The District Counsel having jurisdiction over a claim will not authorize payment thereon unless the requirement of §§ 14.664 through 14.667 are met. In determining the equitable value of a claim, the depreciation schedule issued by the General Counsel will be used as a guide.

37. In § 14.667, paragraph (a) (2) and (4) is revised to read as follows:

§ 14.667 Claims payable.

(a) No claim shall be paid unless timely filed in proper form as provided in § 14.665 and the preponderance of the evidence establishes that the loss or damage:

* * * * *

(2) Was incident to the employee's service and his or her possession of the property was reasonable, useful, or proper under the circumstances,

* * * * *

(4) Was not caused wholly or partly by the negligent act of claimant, the claimant's agent, or employee, and that the claimant has no right to indemnification for the loss or damage from other than the United States, except to the extent that the claimant assigns such right to the United States and agrees to furnish evidence required to enable the United States to enforce such right. In the event there is a right to recovery for the loss or damage from a carrier or insurer the claimant will be required to file a timely claim for such recovery before consideration of the claim against the United States.

* * * * *

38. In § 14.668, paragraph (b) (2) is revised to read as follows:

§ 14.668 Disposition of claims.

* * * * *

(b) *Allowed claims.* * * *

(2) *Reimbursement by check.* The official authorizing settlement will forward allowed claims, other than those requiring reimbursement in kind, to the Finance activity at the Veterans Administration installation where the claim arose. That activity will audit the claim, which if found proper for payment, will be scheduled on SF 1166, Voucher and Schedule of Payments, and forwarded to the appropriate Regional Disbursing Office for payment.

39. A centerhead and §§ 14.700 through 14.709 are added to read as follows:

COMMITMENTS—FIDUCIARIES

§ 14.700 Court cost and expenses; commitment, restoration, fiduciary appointments.

It is the responsibility of the District Counsel to assure the protection of the veteran, his or her beneficiaries, and their estates in State court proceedings involving commitment and restoration, and the appointment of fiduciaries. To this end, certain expenses such as court costs, publication fees, recording fees, transportation expenses and fees for medical testimony may be authorized by the District Counsel. Payment of these costs will be borne by the department concerned. However, every effort will be made by the District Counsel to avoid having these costs imposed on the Veterans Administration. The travel and per diem cost of the District Counsel personnel will be borne by the District Counsel.

§ 14.701 Commitment and restoration proceedings.

(a) *State institutions.* District Counsels are authorized to cooperate with State courts, including the production of required records, in the commitment of veterans to State hospitals or in their restoration to full civil rights.

(b) *Veterans Administration institutions*—(1) *Assistance to courts in commitment proceedings.* The District Counsel will render assistance to the courts in cases involving the commitment of mentally ill veterans to the Veterans Administration. To this end, the District Counsel may:

(i) Produce Veterans Administration records.

(ii) Appear in court and present material facts.

(iii) When authorized to institute commitment proceedings under paragraph (b) (2) of this section, prepare and present all necessary legal papers, and arrange and authorize transportation costs of veterans and attendants at Veterans Administration expense (§§ 14.703 and 14.704).

(2) *Commitment proceedings.* If a mentally ill veteran will accept hospitalization voluntarily, no action will be initiated by any Veterans Administration employee to commit such veteran. If the veteran will not accept hospitalization, or after being voluntarily hospitalized by the Veterans Administration demands his or her release, and hospitalization is necessary for the veteran's safety or the safety of others, the District Counsel (if a relative of the veteran or other interested person has not done so) may institute proceedings to commit the veteran to the Veterans Administration subject to the following conditions:

(i) That the written consent of the veteran's nearest relative has been obtained. If the nearest relative cannot be readily contacted or refuses to consent, coupled with inability or refusal to offer adequate alternative care, the District Counsel may initiate the action if the petition is signed by another relative, a civil official or representative of a cooperating agency or other person authorized by State law.

(ii) If timely action cannot be taken under paragraph (b) (2) (i) of this section, the Hospital or Clinic Director, or designee, may sign the petition if permissible under State law, and the District Counsel will then take any action necessary to bring the matter before the appropriate court.

(3) *Illegal commitment.* When a hospitalized veteran, previously committed to the Veterans Administration, demands release and continued hospitalization is necessary for the veteran's safety or the safety of others, and the District Counsel determines the commitment to be illegal, immediate action will be taken to obtain a legal commitment.

(4) *Restoration proceedings.* When a veteran has been a committed patient in a Veterans Administration hospital and is subsequently rated competent by the Veterans Administration, the District Counsel upon request, may institute proceedings necessary to restore the veteran to full civil rights.

§ 14.702 Medical testimony in commitment or restoration proceedings.

(a) *Commitment.* When permissible under State law, Veterans Administration physicians, upon request of the District Counsel, will sign interrogatories or certificates of mental illness or insanity and, unless unavailable, as provided in paragraph (c) of this section, will testify in proceedings which the District Counsel is authorized to institute under § 14.701 to commit eligible veterans to the Veterans Administration.

(b) *Restoration.* (1) When permissible under State law, Veterans Administration physicians, upon the request of the District Counsel, will testify in proceedings brought for the purpose of restoring a committed veteran to full civil rights when the veteran is a committed patient in a Veterans Administration hospital.

(2) The Director of a Veterans Administration hospital or the District Counsel upon discharge of the veteran, may furnish a certificate of sanity or such similar certificate to the proper civil authorities.

(c) *Employment of private physicians.* When testimony of Veterans Administration physicians is prohibited or is unavailable because of a duty assignment, comparative expense or other valid reason, the Director of the Veterans Administration hospital, upon recommendation of the District Counsel, may employ any qualified physician for preliminary examination of the veteran and for testimony in any commitment or restoration proceeding which the District Counsel is authorized to institute under § 14.701, and authorize the payment of a fee not to exceed the prescribed fee, or in the absence thereof, the customary fee charged for the service rendered.

§ 14.703 Costs in commitment or restoration proceedings.

(a) When authorized to institute a proceeding under § 14.701, the District Counsel may authorize in advance or thereafter the payment or reimbursement of costs and other expenses for which the veteran is legally liable, including publication of notice necessary to accomplish the commitment.

(b) The District Counsel also may authorize the payment of necessary costs and expenses for which the veteran is

legally liable incident to his or her restoration to full civil rights in any case in which the District Counsel is authorized to institute restoration proceedings under § 14.701 (b) (4).

§ 14.704 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located, a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the District Counsel. If the veteran is being maintained in a non-Veterans Administration hospital, the Director of the facility authorizing and paying for the care may authorize such travel upon request of the District Counsel.

§ 14.705 Authority to file petitions for appointment of fiduciaries in State courts.

(a) *Adult beneficiary.* The District Counsel is authorized to file or cause to be filed on behalf of a petitioner in a case coming within § 14.706(a) a petition for the appointment of a fiduciary and all necessary legal papers for an adult beneficiary only if it has been determined that alternative methods of payment would not be to the best interests of the beneficiary and when the District Counsel has obtained the written consent of:

(1) The beneficiary's spouse.

(2) The beneficiary's adult child, parent, adult brother or sister if the beneficiary is unmarried, or consent of the spouse is immaterial because of estrangement or mental incapacity, or refusal to consent coupled with failure to offer adequate alternative means for providing for the beneficiary's needs.

(3) A civil official or representative of a cooperating agency when none of the relatives listed in paragraph (a) (1) and (2) of this section can be located after reasonable inquiry or those located are not mentally competent to consent or refuse without offering adequate alternative means for providing for the needs of the beneficiary.

(b) *Minor beneficiaries.* The District Counsel is authorized to file or cause to be filed on behalf of a petitioner in a case coming within § 14.706(a) a petition for the appointment of a fiduciary for a minor, if permissible under the law of the jurisdiction concerned and if it has been determined that protection of the minor's rights under laws administered by the Veterans Administration requires the appointment, provided: the written consent of the minor's natural or adoptive parent or parents or the person or persons occupying the relationship of "in loco parentis" as defined, by the law of the jurisdiction, in which they reside has been obtained. The District Counsel will not institute a court proceeding for the appointment of a fiduciary over the objections of such parent or parents if they are sui juris unless the parent or parents have abandoned the minor or have otherwise refused to meet their parental obligations toward the minor or they have previously been appointed or recognized as the minor's fiduciary and failed to properly execute the duties of their trust. If the minor has no parent or the parent or parents are not sui juris, the District Counsel may file the petition without the consent of any relative.

(c) *Court-appointed fiduciaries.* In court-appointed fiduciary cases, the District Counsel may appear in the court of appointment or in any court having original, concurrent, or appellate jurisdiction, and make proper presentation relating to the foregoing matters. The District Counsel's authority includes but is not limited to:

(1) Petitioning the court to cite a fiduciary to account;

(2) Filing exceptions to accountings;

(3) Requiring fiduciaries to file bonds or make any necessary adjustments;

(4) Requiring investments;

(5) Filing petitions to vacate or modify court orders;

(6) Appearing or intervening in any State court as attorney for the Administrator of Veterans Affairs in litigation instituted by the Administrator or otherwise affecting money paid to such fiduciary by the Veterans Administration;

(7) Incurring necessary court costs and other expenses, including witness fees, appeal bonds, advertising in any newspaper or other publication, preparing briefs or transcripts, purchase of records of trial or other records;

(8) Instituting any other action necessary to secure proper administration of the estate of a Veterans Administration beneficiary, such as filing petitions for the removal of a fiduciary and appointment of a successor;

(9) Taking appropriate action to recover funds improperly disbursed.

(d) *Appeal.* Unless a trial is de novo, no appeal shall be taken to an appellate court and no costs incurred in connection therewith without the prior approval of the General Counsel and the Chief Benefits Director or their designees.

§ 14.706 Legal services in behalf of beneficiaries.

(a) The District Counsel may furnish legal services in behalf of minor and incompetent beneficiaries of the Veterans Administration in fiduciary appointment and estate administration matters involving Veterans Administration benefits or property derived therefrom when the beneficiary's estate or income is not sufficient to justify the employment of an attorney.

(b) The District Counsel may also furnish legal services in hardship situations when restoration from legal disability is a condition precedent to direct payment of Veterans Administration benefits.

(c) Where the fiduciary does not in due course institute the necessary action to terminate the trust relationship and the beneficiary requests representation by the District Counsel or in any such case where there is in question the proper administration of the estate, the District Counsel may file the necessary action and supply legal services. Costs, unless assessed against the fiduciary, should be charged to the estate of the beneficiary.

§ 14.707 Authorization of transportation of a veteran beneficiary for appointment of a fiduciary.

When the appointment of a fiduciary is required for an incompetent veteran hospitalized by the Veterans Administration and, under the law of the State wherein the hospital is located, the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director, upon request of the District Counsel, may authorize travel of the veteran and an attendant or attendants, if necessary. If the veteran is being maintained in a non-Veterans Administration hospital, the Director of the facility authorizing and paying for the care may authorize such travel upon request of the District Counsel.

§ 14.708 Costs and other expenses incident to appointment of fiduciary.

(a) The District Counsel may authorize the payment of costs and other necessary expenses incident to the appointment of an initial or successor fiduciary for a Veterans Administration beneficiary when:

(1) Authorized to render legal services under § 14.706.

(2) Appointment was caused by the Veterans Administration and it develops that no benefits are payable and there is no estate from which costs may be paid.

(3) Costs must be advanced when there is no immediate estate from which same may be paid. These costs are to be recovered from benefits payable unless the case falls within paragraph (a) (1) of this section.

(b) Costs and necessary expenses include:

(1) All those chargeable by statute or rule of court and certified by the clerk of court.

(2) Certified copies of court records required by the Veterans Administration.

(3) Fees for guardian ad litem when chargeable as court costs and required by State law.

§ 14.709 Surety bonds; court-appointed fiduciary.

(a) It is the policy of the Veterans Administration to require, where possible under State laws and rules of the court, corporate surety bonds in all court-appointed fiduciary cases where the fiduciary is an individual and the estate is sufficient to justify the expense of procuring a corporate surety bond. Corporate bonds may be required of corporate fiduciaries in accordance with State laws. In cases wherein fiduciaries neglect or

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refuse to furnish corporate bonds, as requested by the District Counsel, the District Counsel should take appropriate court action and notify the Veterans Services Officer.

(b) When it is not practical or feasible to require a fiduciary to furnish a corporate surety bond, the District Counsel is authorized to accept bonds with such number of personal sureties as is permissible under State law, but in no event lses than one. To be acceptable for Veterans Administration purposes, each personal surety must be worth at least the penal sum named in the bond over and above all debts, liabilities and exemptions and qualify in accordance with the requirements of State law. The District Counsel will request suitable evidence of financial responsibility whenever there is any question as to the ability of a personal surety to meet any probable liability. When suitable evidence is not furnished as requested, or financial responsibility is found to be insufficient to meet the penal sum of the bond, the District Counsel should take appropriate court action and notify the Veterans Services Officer.

(c) It is the policy of the Veterans Administration to require surety bonds in an amount commensurate with value of the personal estate derived from Veterans Administration benefits plus the anticipated net income from Veterans Administration benefits received during the ensuing accounting period. In cases where the fiduciaries neglect or refuse to furnish surety bonds in the amount requested by the District Counsel, the District Counsel should take appropriate court action and notify the Veterans Services Officer. When permissible under State law, the District Counsel may accept, without objection, a lesser degree of protection approved by the court when it is determined that such action will adequately protect the beneficiary's estate.

[FR Doc.76-27011 Filed 9-14-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 99, Amdt. No. 6]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES, ET AL.

Delegation of Authority Concerning Contracting and Related Functions

Pursuant to authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), as amended, I hereby further amend Delegation of Authority No. 99, dated April 27, 1973 (38 FR 12834), as amended, as follows:

Paragraph "1A(i)e" is revised to read:

"e. Amendments, modifications, ratifications or other extraordinary contractual actions pursuant to Sections 3 or 4 of Executive Order 11223: *Provided*, That redelegation of such authority shall not extend to actions which (i) increase the amount payable to the contractor by more than $250,000, or (ii) relieve the contractor of the liability to make refund or restitution of more than $250,000."

This amendment is effective immediately.

Dated: August 23, 1976.

JOHN E. MURPHY,
Deputy Administrator.

[FR Doc.76-26936 Filed 9-14-76;8:45 am]

[Redelegation of Authority No. 99.1, Amdt. No. 2]

DIRECTOR, OFFICE OF CONTRACT MANAGEMENT

Redelegation of Authority Concerning Contracting and Related Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 99, dated April 27, 1973, from the Administrator of the Agency for International Development (38 FR 12834), as amended, I hereby further amend Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836) as amended, as follows:

Paragraph "e" is revised to read:

"e. Amendments, modifications, ratifications or other extraordinary contractual actions pursuant to Section 3 of Executive Order 11223: *Provided*, That redelegation of such authority shall not extend to actions which (i) increase the amount payable to the contractor by more than $50,000, or (ii) relieve the contractor of the liability to make refund or restitution of more than $50,000."

This amendment is effective immediately.

Dated: September 1, 1976.

CHARLES A. MANN,
Assistant Administrator, Bureau for Program and Management Services.

[FR Doc.76-26937 Filed 9-14-76;8:45 am]

[Redelegation of Authority No. 99.2]

DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAM SUPPORT BUREAU FOR PROGRAM AND MANAGEMENT SERVICES

Redelegation of Contracting Authority

Pursuant to the authority delegated to me by Delegation of Authority 99, dated April 27, 1973, from the Administrator, Agency for International Development (38 FR 12834) as amended, I hereby redelegate to the Deputy Assistant Administrator for Program Support, Bureau for Program and Management Services, the following authority:

(1) To sign or approve the following:

(a) U.S. Government contracts financed in whole or part by AID;

(b) Country contracts for technical assistance activities financed in whole or in part by an AID grant;

(c) Grants (other than grants to foreign governments or agencies of foreign governments) for technical assistance activities, and cooperative agreements for technical assistance activities;

(d) Project implementation orders-technical services (PIO/T) for activities for which said Assistant Administrator has program responsibility;

(e) Amendments, modifications, ratifications or other extraordinary contractual actions pursuant to Section 3 of Executive Order 11223: *Provided*, That redelegation of such authority shall not extend to actions which (i) increase the amount payable to the contractor by more than $250,000, or (ii) relieve the contractor of the liability to make refund or restitution of more than $250,000.

(2) With respect to those contracts, grants, and cooperative agreements referred to in paragraph 1.A.(1) above, to make findings and determinations with respect to advance payments, including those financed by Federal Reserve letters of credit, and to approve contract, grant, and cooperative agreement provisions relating to such advance payments.

(3) So much of the function contained in section 608(a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto, of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitations as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

(4) To sign agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by AID. This delegation does not include authority to execute general agreements.

The authority delegated herein may not be further redelegated.

This redelegation is effective immediately.

Dated: September 1, 1976.

CHARLES A. MANN,
Assistant Administrator, Bureau for Program and Management Services.

[FR Doc.76-26938 Filed 9-14-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 157]

SPECIAL AGENTS AND INTERNAL SECURITY INSPECTORS ET AL.

Delegation of Authority Regarding Seizure and Forfeiture of Personal Property

(1) Pursuant to the authority granted to the Commisisoner of Internal Revenue by 26 CFR 403.65.

(a) Special Agents and Internal Security Inspectors are authorized:

1. To seize personal property for forfeiture to the United States when involved, used, or intended to be used, in violation of the internal revenue laws other than Chapters 35, 51, 52, and 53 of the Internal Revenue Code of 1954;

2. To estimate the value of seized personal property and if valued at $2,500 or less to cause a list to be prepared and appraisal to be obtained and to attest such list and appraisement, and to publish notice, as provided in 26 CFR 403.26; and

3. To cause notice of sale to be placed in accordance with 26 CFR 403.55 and to re-advertise the property when necessary in accordance with 26 CFR 403.57.

(b) District Directors and Regional Inspectors are authorized:

1. To make the determinations concerning type and conditions of cost bonds as provided in 26 CFR 403.27;

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2. To exercise the authority of the Commissioner concerning disposition of perishable goods provided in 26 CFR 403.30;

3. To execute the declaration of forfeiture showing that personal property has been forfeited to the United States;

4. To acquire for official use seized property by exercising the authority of the Commissioner provided in 26 CFR 403.44;

5. To determine that seized property shall be sold at public auction as provided in 26 CFR 403.55;

6. To order the destruction of any coin-operated gaming device under the provisions of 26 CFR 403.65.

(c) The Director, Intelligence Division, and the Director, Internal Security Division, are authorized:

1. To allow or deny petitions for remission or mitigation of forfeiture, accept or reject any offer in compromise of the liability to forfeiture of personal property, and to make the necessary determinations and notifications, as provided in 26 CFR 403.43, and to authorize the District Directors or Regional Inspectors to notify the petitioner or offeror of the action taken on the petition or offer.

(2) The authority delegated herein may not be redelegated.

Date of issue and effective date: SEPTEMBER 15, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76 27025 Filed 9-14-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Privacy Board

PRIVACY ACT OF 1974

Health Care Records and Guidelines for the Release of Information to the News Media

On April 13, 1976, a general notice, promulgated by the Defense Privacy Board, FR Doc. 76-10588, was published in the FEDERAL REGISTER (41 FR 15127) setting forth Department of Defense proposed guidelines under the Privacy Act in responding to news media or other requests for information, as affected by the Freedom of Information Act, about individuals treated or hospitalized in Department of Defense medical facilities or in a nonfederal facility which the Department of Defense reimburses for the costs of the care rendered. The notice invited interested parties to submit their views and comments to the Defense Privacy Board by May 14, 1976. All comments with respect to the proposed guidelines were given due consideration. As a result of comments received, the following changes in the revised final policy guidelines are made in addition to language changes for clarification:

1. The last sentence of paragraph 3. is deleted as it contradicts that portion of paragraph 4. which provides for release of certain information under the Freedom of Information Act, without consent of the patient concerned.

2. The phrase "whether the individual is conscious, semi-conscious, or unconscious" is moved from paragraph 5a(1)(a) to a new paragraph 4b(4). This was done because the last sentence of paragraph 5, taken in conjunction with the phrase in paragraph 5a(1)(a), might be construed to totally preclude the disclosure of a condition of unconsciousness.

3. A new paragraph is added to the end of the guidelines to point out that the restrictions imposed should not be construed as limiting the release of personal medical information to other government agencies for the purpose of determining eligibility for benefits or special assistance.

Accordingly, the Department of Defense policy on health care records and established guidelines for the release of information in responding to news media or other requests for information pertaining thereto, as revised, is set forth below.

Effective date: This policy guideline shall become effective October 18, 1976.

Adopted by the Defense Privacy Board at its office in Washington, D.C., on the 9th day of September 1976.

SEPTEMBER 9, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

1. *Purpose.* The following Department of Defense guidelines shall govern the application of the Privacy Act (5 U.S.C. 552a) in responding to news media or other requests for information under the control of the Department of Defense about individuals who are treated or hospitalized in Department of Defense medical facilities or in nonfederal facilities which the Department of Defense reimburses for the costs of the care rendered.

2. *Scope.* The provisions of the guideline apply to all Department of Defense components. This guideline is of concern to all Commanders, hospital administrators, Public Affairs Officers, Information Officers, Legal Counsel, and records administrators.

3. *Background.* It is the policy of the Department of Defense, consistent with the Freedom of Information Act, to make available to the public the maximum amount of information concerning its operations and activities. Section 552(b)(6) of that Act, however, clearly states that information in personnel and medical and similar files is exempt from the provisions of the Act if disclosure to a member of the public would result in a clearly unwarranted invasion of personal privacy. These guidelines attempt to strike a balance between the rights of a member of the public under the Freedom of Information Act to information in U.S. Government agency records and the protection afforded an individual against unwarranted invasions of personal privacy through release of information from medical records. These guidelines apply to information from records concerning persons treated or hospitalized in a Department of Defense medical facility or in a nonfederal facility which the Department of Defense reimburses for the costs of care rendered.

4. *Policy guidelines.* In structuring medical reports for release to news media or members of the public after notification of the next-of-kin, if appropriate, the following information may be provided under the Freedom of Information Act without the patient's consent:

a. *Biographical data*—(1) Name of patient and rank.

(2) Date of admission or disposition.

(3) Age.

(4) Sex.

(5) Component, base, station, or organization.

b. *To be release if requested*—(1) Marital status (i.e., married or unmarried).

(2) Occupation/job title.

(3) The present medical assessment of the individual's condition in the following terms if the medical doctor has volunteered the information and it is known: individual's condition is presently stable (good) (fair) (serious) (critical).

(4) Whether the patient is conscious, smiconscious, or unconscious.

5. *Informed consent.* More detailed medical and other information may be released in response to inquiries from third parties provided (a) the individual gives his informed consent and (b) release of such information would not jeopardize the patient's condition.

There is a presumption that individuals normally will consent to the release of the information described in 5.a.(1) below. To test this presumption, a patient who is conscious and competent must be given an opportunity to object to the release of any aspect of the description of condition set forth below. If he objects, the presumption is rebutted, and the objectionable information under 5.a.(1) below shall not be released. If the patient is not conscious or not mentally competent, such information may not be released until there has been enough improvement in condition to afford the patient the same opportunity to object to its release. In the case of incompetent patients a guardian, if one has been appointed, may waive the patient's opportunity to object to the proposed release.

a. *Description of condition*—(1) The condition may be described as a disease or injury. In either case, generally the following information may be given:

(a) Description of the type of injury or disease, e.g., burn, fracture, gunshot wound, pneumonia, pain in the chest.

(b) The general factual circumstances surrounding an injury, avoiding any statement that might invite speculation, conclusion, or hinder an investigation. For example: patient suffered a fracture in an automobile accident (but not, patient was the victim of a hit and run driver) or, patient suffered a fall (but not, patient tripped over equipment that was improperly stored).

(c) The general site of the injury (e.g., burns of the left leg), avoiding any specific location or description that might prove embarrassing to the individual or reflect bad taste.

(d) General extent of the injury (e.g., the injuries are described by the staff as being of moderate severity).

(2) Under no circumstances should a prognosis be given.

(3) If there is any sensitive information relating to the admission of the patient (e.g., sexual assault, criminal actions, drug or alcohol abuse, psychiatric/social conditions, venereal disease), no information other than that listed above in 4.a. and b. may be given. A statement to the following effect may be made: "Further details with regard to (individual's) admission to the hospital are not releasable at this time."

The above limitations on release of information to third parties are to be construed as limiting the disclosure of personal medical information to other government agencies for their use in determining a patient's eligibility for benefits or special assistance.

[FR Doc.76-27016 Filed 9-14-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 9, 1976, Research Technology Branch, Division of Research, National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below to be imported for research purposes only:

Drug:	Schedule
Tetrahydrocannabinolos	I
Marihuana	I
Lysergic Acide Diethylamide	I
Etonitozene	I
Psilocybin	I
Psilocyn	I
5-methoxy-3, 4-methylenedioxy amphetamine	I
3,4,5-trimethoxy amphetamine	I
3,4-methylenedioxy amphetamine	I
4-bromo-2,5 dimethoxyamphetamine	I
Bufotenine	I
Dimethyltryptamine	I
2,5 dimethoxyamphetamine	I
4-methyl-2,5-dimethoxyamphetamine	I
4-methoxyamphetamine	I

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 29, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied

Dated: September 3, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-26967 Filed 9-14-76;8:45 am]

[Docket No. 75-26]

KENNETH I. HUNT

Termination of Registration by Operation of Law

On August 12, 1975, the Acting Administrator, Drug Enforcement Administration, (DEA), issued to Kenneth I. Hunt, M.D. an Order to Show Cause as to why his registration (AH5157462) should not be revoked for the reason that he had been convicted on May 12, 1975, in the Superior Court of the State of Washington, of a felony in violation of the Controlled Substances Act of the State of Washington.

On September 12, 1975, Dr. Hunt, through his counsel requested a hearing on the Order to Show Cause and on February 24 and 25, 1976, a hearing was held in Seattle, Washington, before Administrative Law Judge Francis L. Young.

On August 4, 1976, Judge Young certified to the Administrator pursuant to 21 CFR 1316.65, the record of proceedings in this matter together with his recommended findings of fact, conclusions of law, and recommended decision. The Administrator pursuant to 21 CFR 1316.66 hereby publishes his final order in this proceeding based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found inter alia, that on May 12, 1975, Respondent pleaded guilty to five counts of violating the State of Washington Controlled Substances laws. Judge Young found that the Respondent committed these violations by obtaining a controlled substance, Demerol, through fraudulent prescriptions for his own personal abuse. The Administrative Law Judge found that following his plea of guilty, the Respondent received a deferred imposition of sentence for a period of four years beginning on June 19, 1975.

The Administrative Law Judge also found that the Respondent was currently serving as a resident in Internal Medicine in the Sacred Heart Hospital in Yankton, South Dakota and that this residency is scheduled to continue until July 1, 1978. Furthermore, Judge Young found that as a resident on the staff of Sacred Heart Hospital the Respondent must comply with terms of a drug control agreement which denies the Respondent access to all controlled drugs and substances and prohibits him from receiving, dispensing, administering or in any other way handling the same during the term of his deferred sentence. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded as a matter of law that the Respondent had been convicted of a felony related to controlled substances in violation of the laws of the State of Washington. Judge Young also concluded as a matter of law that Respondent's DEA registration AH5157462 had terminated by operation of law when he ceased to practice medicine at his place of registration in the State of Washington and commenced his residency at the Sacred Heart Hospital in Yankton, South Dakota. The Administrative Law Judge therefore concluded as a matter of law that Respondent has no current DEA registration in force. The Administrator adopts these conclusions of law.

The Administrative Law Judge recommended that the Administrator:

1. Determine that the Respondent's registration under the Controlled Substances Act of 1970 has terminated by operation of law.

2. Direct Respondent to surrender his certificate of registration.

3. Direct the appropriate office within the Drug Enforcement Administration to disregard Respondent's May 12, 1975, conviction in the Superior Court of the State of Washington, and the facts and circumstances out of which it arose, whenever Respondent should apply again for registration, provided that, at such time, Respondent has committed no new infractions with respect to controlled substances.

Recommendation numbers 1 and 2 above, are adopted by the Administrator

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since under 21 CFR 1301.62, the Respondent's registration has clearly terminated by operation of law. The Administrator finds it unnecessary to adopt or reject recommendation number 3, above. In the event Respondent applies for a new registration at some later time there will then be ample opportunity to consider his prior conduct, his record since his conviction, and the prognosis for his future conduct. The judgment of his parole officer may then be significant in the process of reaching a decision.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823), and redelegated to the Administrator of the Drug Enforcement Administration by $0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby declares that Respondent's Drug Enforcement Administration registration number AH5157462 has terminated by operation of law and that Respondent is hereby directed to surrender his certificate of registration to the Drug Enforcement Administration.

Dated: September 7, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-26968 Filed 9-14-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Segregation of Lands

SEPTEMBER 3, 1976.

Notice is hereby given that pursuant to the act of May 24, 1928 (49 U.S.C. 211–214), George L. Faerber has applied for an airport lease for the following land:

SEWARD MERIDIAN, ALASKA

T. 12 N., R. 32 W.
Section 4, W½NE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public laws.

Interested persons desiring to express their views should promtly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-26993 Filed 9-14-76;8:45 am]

[M 33777(SD)]

SOUTH DAKOTA

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 2, 1976.

The Veterans Administration has filed an application, M 33777(SD), for the withdrawal of the lands described below which are located near the Fort Meade Veterans Administration Hospital in South Dakota. There is an existing historical cemetery and access road on this land. The land is part of a larger block of public land previously withdrawn from all forms of appropriation under the public land laws, including mining but not the mineral leasing laws nor from disposal of materials under the Act of July 31, 1947, 43 U.S.C. 601 (1970). There will be no additional segregation.

The applicant desires the land to include in the National Cemetery System for administration under the National Cemeteries Act of 1973, 38 U.S.C. 1000 (1970 Supplement V).

On or before October 15, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, PO Box 30157, Billings, Montana 59107.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 5 N., R. 5 E.,
Sec. 11, Metes and bounds tracts in Lot 3 described as follows:

CEMETERY TRACT

Commencing at the corner of Secs. 11, 12, 13 and 14, T. 5 N., R. 5 E., B.H.M., S.D., thence N. 89°48' W., on the line between Secs. 11 and 14, 1066.33 ft. distance, thence N. 0°12' E., normal to the line between Secs. 11 and 14, 39.79 ft. distance to the point of beginning and corner No. 1:

From corner No. 1, by metes and bounds.
N. 86°25'45" W., 147.54 ft., to corner No. 2; thence N. 01°34'22" W., 268.80 ft., to corner No. 3; thence N. 83°35'54" E., 175.73 ft., to corner No. 4; thence S. 45°37'23" E., 110.91 ft., to corner No. 5; thence S. 01°18'44" E., 145.08 ft., to corner No. 6; thence S. 53°57'37" W., 126.91 ft., to corner No. 1, the place of beginning.

The tract has an area of 1.51 acres.

ACCESS ROAD TRACT

Commencing at the corner of Secs. 11, 12, 13, and 14, T. 5 N., R. 5 E., B.H.M., S.D., thence N. 89°48' W., on the line between Secs. 11 and 14, 1066.33 ft. distance, thence N. 0°12' E., normal to the line between Secs. 11 and 14, 39.79 ft. distance to corner No. 1 of the Fort Meade Cemetery Tract, thence N. 86°-25'45" W., on line 1–2 of the Fort Meade Cemetery Tract, 147.54 ft. distance to corner No. 2, thence N. 01°34'22" W., on line 2–3 of the Fort Meade Cemetery Tract, 109.54 ft. distance to the point of beginning and corner No. 1:

From corner No. 1, by metes and bounds.
S. 84°20' W., 87.53 ft., to corner No. 2 and point of curve, thence along a 9°12'36" curve to the right having a radius of 621.82 ft., 63.31 ft. to corner No. 3 and point of tangency, thence N. 89°50' W., 52.34 ft., to corner No. 4, thence N. 24°28'21" W., 72.62 ft., to corner No. 5, thence S. 89°50' E., 82.62 ft., to corner No. 6 and point of curve, thence along a 10°18'00" curve to the left having a radius of 555.82 ft., 56.59 ft. to corner No. 7 and point of tangency, thence N. 84°20' E., 92.26 ft., to corner No. 8, on line 2–3 of the Fort Meade Cemetery Tract, thence S. 01°34'-22" E., on line 32 of the Fort Meade Cemetery Tract, 66.16 ft., to corner No. 1, the place of beginning.

The tract has an area of 0.33 acres.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26925 Filed 9-14-76;8:45 am]

Geological Survey

WENDEL-AMEDEE, CALIFORNIA

Known Geothermal Resources Area

The land description of the Wendel-Amedee KGRA is corrected to read as follows:

CALIFORNIA (5)

MT. DIABLO MERIDIAN

T. 28 N., R. 15 E.,
Sec. 1
T. 29 N., R. 15 E.,
Secs. 13, 14, 22 through 27, 35, 36
T. 28 N., R. 16 E.,
Secs. 4 through 9, 17, 18
T. 29 N., R. 16 E.,
Secs. 18 through 20, and 29 through 33

And unsurveyed land lying between Tps. 28 and 29 N., Rs. 15 and 16 E.; directly north of unsurveyed section 1, T. 28 N., R. 15 E.; and directly north of sections 4, 5, and 6, T. 28 N., R. 16 E.; totalling approximately 640 acres.

The area described aggregates 17,932 acres, more or less.

Dated: September 1, 1976.

REID T. STONE,
Acting Conservation Manager, Western Region.

[FR Doc.76-26909 Filed 9-14-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-549]

B & D COAL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B & D Coal, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Martin County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that the coal seam height in its No. 1 Underground Mine ranges between 48–58 inches.

2. Petitioner states that there are hills in the mine, at which point its buggies, which are 38 inches high, contact the roof.

3. Miners in Petitioner's subject mine, according to Petitioner, feel that they cannot run the following electric face equipment with canopies installed thereupon: buggies, a loader, a cutter, a coal drill, and a bolter.

4. Petitioner states that its employees must extend their heads from the sides of the foregoing equipment during operation thereof.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26910 Filed 9-14-76;8:45 am]

[Docket No. M 76-504]

B & G GREENBRIAR COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B & G Greenbriar Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 3, Leslie County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coal bed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the application of the foregoing mandatory safety standard for the reason that the application of such standard will result in a diminution of safety to the miners in the affected mine.

2. The average height of the seam of coal in the affected mine ranges between 36 to 44 inches. The seam heights vary over short distances in the mine, and frequent rolls occur.

3. The face equipment currently in use at the mine includes an 11 RU Joy cutting machine, an Elkhorn AR–4 scoop, and a Paul's Mark 4 roof bolter. This equipment was designed to operate without canopies in coal of the height encountered in the mine.

4. Petitioner has observed the operation of equipment similar to that now used in the affected mine in mines with similar seam heights. In such similar mines using an 11 RU Joy cutting machine, the canopy was mounted at the lowest possible position to permit the operator to sit in the canopy. The canopy had to be removed because it would not clear the roof and roof supports in many areas of the mine, particularly in areas where the coal seams rolled. In the use of such a cutting machine, sufficient safety hazards were created, according to Petitioner, by the use of the canopy to warrant its removal. Petitioner states that some of the hazards created were as follows:

(a) Due to the close confinement of the canopy, the operator's head had to extend beyond the protection of the canopy in order to observe in front of or behind the cutting machine, resulting in the danger of being crushed between the canopy and the rib;

(b) The canopy of the cutting machine did not afford enough room, and the operators had to sit outside the canopy to cut coal or to tram same; and

(c) Ingress to and egress from the cab is so limited that the operator might be held captive, preventing escape when such action is clearly warranted. The operator could also be held captive for an indefinite period in case of machine malfunction or power failure.

5. Petitioner states that the Paul's Mark 4 roof bolters observed in such mines with canopies had to be removed after a short period of use. During the period of operation, sufficient safety hazards were created by the use of the canopies to warrant this removal. Petitioner states that some of the hazards created were as follows:

(a) Due to close confinement in the canopy it was not possible for the operators to remain under the protection of the canopy while tramming the roof bolter;

(b) The operators were exposed to the risk of being pinned between the canopy, which extends beyond the extremities of the roof bolter, and the rib while tramming; and

(c) The operator's vision was severely impaired when roof bolting under the protection of the canopy, which could result in injury to the roof bolter helper.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and

V41180 SEP 15 76 UMI

Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26911 Filed 9-14-76;8:45 am]

[Docket No. M 76-551]

BIG TEN CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Big Ten Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, located in Dickenson County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that installation of canopies on its electric face equipment in its Mine No. 2 would result in unsafe working conditions therein.

2. Petitioner states that the height of the coal seam varies within the mine, but that at the portal it is approximately 45 inches.

3. Because of the uneven inside surface, Petitioner fears that canopies could tear loose roof supports or that the canopies themselves might be torn loose and thereby become a danger to men working on or near the machines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26912 Filed 9-14-76;8:45 am]

[Docket No. M 76-546]

BLUE DIAMOND MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Blue Diamond Mining Inc, has filed a petition to modify the application of 30 CFR 75.1710 to its Leatherwood and Owens Branch Mines, Perry County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constrncted canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that the placing of canopies over cabs upon the equipment in the two subject mines greatly increases the danger to the health and safety of the workmen in said mines, and proposes as an alternative measure that in these particular mines, due to the condition of same and the height of coal therein, that they be permitted to remove the said canopies and cabs from said equipment.

2. In support of its allegations, Petitioner states as follows:

(a) The height of the coal in Petitioner's subject mines averages 30 to 60 inches. The seam height in the mines varies over short distances and frequently rolls;

(b) Petitioner has in the past installed canopies on equipment at its Leatherwood and Owens Branch Mines and has been directed by the Kentucky Department of Mines and Minerals to remove the same on the grounds that their installation increased the danger to workmen;

(c) Petitioner is advised that at least one other installation of such canopies in a coal mine, and the poor visibility created thereby, resulted in a fatal accident;

(d) Due to the close confinement of a canopy, it is not possible for the operator to remain under the protection of the canopy while moving the roof-bolter, but instead the operator is forced to remain outside or walk next to the said equipment, increasing the danger of being pinned against the rib;

(e) The operator is exposed to the risk of being pinned between the canopy, which extends beyond the extremities of the roof-bolter and the rib, while tramming or moving the roof-bolter;

(f) The operator's vision is severely impaired when operating on the roof-bolter, and on many occasions he is unable to visibly observe the roof-bolter helper, resulting in a danger to the said roof-bolter helper's safety;

(g) On shuttle cars, the operator's vision is severely impaired in that he cannot see over the top of the shuttle car, and operation of the shuttle car in this manner is hazardous to fellow workers, as well as to the operator;

(h) Due to the close confinement of the canpoy on the shuttle car, the operator's head must extend beyond the protection of the canopy in order to observe in front of or behind the shuttle car, resulting in a danger of being crushed between the canopy and the rib of the mine; and

(i) Ingress to and egress from the cab of the shuttle car is so limited that the operator may be held captive for indefinite periods of time in case of machinery malfunction or power failure.

3. Modification of the canopies has been considered by Petitioner, but at the present time Petitioner is unaware of any means of modification to the canopies which could be made and utilized with the same degree of safety as the complete removal of the canopies would, it states, insure.

4. Petitioner states that no history of injury resulting from the use of face equipment without protective canopies exists in the subject mines. Operators are under fully supported roof at all times, pursuant to an approved roof-bolting plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on self-propelled electric face equipment and the operators of the continuous miner. Other personnel and supervisors move around and adjacent to the equipment under the protection of the roof support.

5. Petitioner states that its employees have observed and reported safety hazards resulting from the use of canopies and have requested Petitioner to remove same.

6. Petitioner states that with respect to low-ceiling mines, the use of currently available canopies with mobile electric face equipment severely diminishes rather than increases the overall safety of the miners, and the use of these canopies in said mines will cause injuries to the operators or other personnel. Petitioner's alternative proposal would in these particular mines, it states, effectively make the areas safe for the miners and eliminate the possibility of loss of life. Petitioner further states that irreparable harm could result if the requirements of § 75.1710–1 are enforced prior to disposition of this petition for modification.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26913 Filed 9-14-76;8:45 am]

[Docket No. M 76-543]

DARBY B COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Darby B Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 7 Underground Mine, Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that this petition is submitted in reference to canopies on haulage equipment at its #7 Underground Mine, including two S&S battery tractors, and one Paul's roof bolting machine.

2. Petitioner states that the foregoing equipment was built in the 1960's, and that it was not designed for the installation of canopies.

3. Petitioner states that installation of canopies on the foregoing equipment is creating a hazard to its equipment operators.

4. Petitioner states that its subject mine is in the Hazard No. 4 Rider coal seam, ranging from 38 to 44 inches in height. In this seam it is constantly running into ascending and descending grades, resulting in dips in the coalbed. By installing canopies on the battery tractor, it is limiting the visibility of the operators of the equipment, creating a hazard to them as well as to other employees in the mine.

5. Petitioner feels that in view of the operator's limited visibility and cramped operating position, the installation of canopies could be contributing factors to accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26914 Filed 9-14-76;8:45 am]

[Docket No. M 76-553]

MILL COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mill Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, Nicholas County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

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1. Petitioner states that it is indicated in Section 317 of the aforesaid Act, that Congress recognized that there were coal seams wherein the height of the coal bed would not permit the use of canopies or cabs on electric face equipment.

2. Petitioner states that there is an urgent need for the present modification in its Mine No. 2, so as to allow time for meaningful technology for the development of cabs and canopies which will allow the operators of electric face equipment in coal seams with heights of less than 48 inches to enjoy protection from roof falls and from rib and face rolls without severely diminishing the overall safety of the miners.

3. Petitioner states that technology does not presently exist to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. The use of presently available canopies results in a diminution of safety to the miners in Petitioner's Mine No. 2.

4. Petitioner endorses the use of canopies in seam heights above 48 inches and is convinced that they have saved lives. According to Petitioner, however, with the use of available canopies on continuous miners in seam heights below 48 inches, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

5. Petitioner seeks modification in the application of the foregoing standard to permit the use of existing mobile electric face equipment in seam heights under 48 inches without the installation of canopies or cabs until such time as technology is available that will allow installation of canopies or cabs on mobile electric face equipment that will not severely diminish the overall safety of the miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26915 Filed 9-14-76;8:45 am]

[Docket No. M 76-537]

STERLING SMOKELESS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Sterling Smokeless Coal Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine Nos. 10 and 12, Raleigh County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's Nos. 10 and 12 Mines employ approximately 89 union employees and 18 supervisory employees. The mines are both operating in the Poca 4 seam which is approximately 28 inches high, but the mining height in the seam may vary. The subject mines currently produce approximately 700 tons of coal per day on two coal producing shifts with four operating sections.

2. Petitioner states that after its thorough investigation, it has been determined that compliance with the foregoing standard for electric face equipment at its Nos. 10 and 12 Mines will result in a diminution of safety to the miners in such mines because the personnel who operate such equipment in such mines must constantly be on the lookout for other personnel working on that equipment or section. Because of the restricted height in the areas in which such equipment operates, if cabs or canopies are provided for such equipment, the visibility of the equipment operators is substantially restricted, so that safety hazards to other personnel in the section result. In addition to reduced visibility, such equipment operators of electric face equipment, equipped with cabs or canopies in a mining height of less than 30 inches, have difficulty reaching the controls of such equipment. Petitioner's operators are already in a difficult position and are, Petitioner states, working on their hands and knees operating the machines. If cabs and canopies are put on its machines, Petitioner states, the operators will not be able to run the equipment.

3. Petitioner states that statements of its machine operators show that the operators at the subject mines are of the opinion that the operation of electric face equipment with cabs or canopies installed is more hazardous to the personnel in the mines than operation of such equipment without cabs or canpoies.

4. Petitioner requests that in lieu of application of the foregoing mandatory safety standard, that it be permitted to continue to operate electric face equipment in the subject mines without cabs or canopies.

5. Petitioner seeks the foregoing modification with respect to the following electric face equipment:

(a) No. 10 Mine: Three Wilcox Mark 20 miners; three Wilcox Model PJ roof bolters; and four Kersey Model No. 944 DL tractors; and

(b) No. 12 Mine: One Helamic Model No. 101 bridge carrier; two Wilcox Model PJ roof bolters; and one Kersey Model No. 944DL tractor.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26916 Filed 9-14-76;8:45 am]

[Docket No. M 76-545]

WM. R. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Wm. R. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1, Russell County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that installation of canopies on its electric face equipment in its Mine No. 1 would result in unsafe working conditions therein.

2. Petitioner states that the average height of the coal seam in the present mine is 42 inches.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director.
Office of Hearings and Appeals.

SEPTEMBER 6, 1976.

[FR Doc.76-26917 Filed 9-14-76;8:45 am]

National Park Service

CAPE LOOKOUT NATIONAL SEASHORE

Order Establishing

Whereas, the Act of March 10, 1966 (80 Stat. 33; 16 U.S.C. 459g), authorized the inclusion of Cape Lookout National Seashore in the National Park System to preserve for public use and enjoyment an area of the State of North Carolina possessing outstanding natural and recreational values comprising the lands and adjoining marshlands and waters on the outer banks of the Carteret County, North Carolina, between Ocracoke Inlet and Beaufort Inlet; and

Whereas, section 406(1) of the Act of October 26, 1974 (88 Stat. 1445) amended section 1 of the Act of March 10, 1966, by deleting " 'Proposed Boundaries-Proposed Cape Lookout National Seashore,' dated April 1964, and numbered NS–CL–7101–B" and substituting in lieu thereof " 'Boundary Map, Cape Lookout National Seashore,' dated March 1974, and numbered 623–20,009," which changed the boundaries of the proposed seashore to include previously excluded lands on Core Banks, Carteret County; and

Whereas, it was determined that on July 4, 1976, with title to most of the Core Banks land vested in the United States and with the transfer of lands from the State of North Carolina to the United States, sufficient land to constitute an efficiently administrable unit for purposes of the Act of October 26, 1974, had been acquired and that Cape Lookout National Seashore should be established; and

Whereas, copies of the description of the boundaries of the seashore were provided to the Speaker of the House and the President of the Senate not less than 30 days prior to the date of publication hereof;

Now, therefore, under the authority contained in section 406(3) of the Act of October 26, 1974, Cape Lookout National Seashore is hereby declared established. The boundaries of the Seashore shall be as depicted on the map entitled "Boundary Map, Cape Lookout National Seashore," dated March 1974, and numbered 623–20,009 which is filed on this date with the Office of the Federal Register and is expressly incorporated herein by reference. Copies of the map are available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C. and in the Office of the Regional Director, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia.

Dated: September 10, 1976.

JOHN E. COOK,
Acting Director,
National Park Service.

[FR Doc.76-27047 Filed 9-14-76;8:45 am]

Office of the Secretary

[Order No. 2991]

UJELANG ATOLL, MARSHALL ISLANDS DISTRICT, TRUST TERRITORY OF THE PACIFIC ISLANDS

Transfer

SEPTEMBER 9, 1976.

Whereas, on the 2nd day of December, 1947, the Security Council of the United Nations was informed by the United States of America that in accordance with the provisions of the Trusteeship Agreement, Enewetak Atoll in the Marshall Islands was closed for security reasons in order that "necessary experiments relating to nuclear fission" could be conducted; and

Whereas, the People of Enewetak, before the close of 1947, were, with their consent, relocated by the United States of America to Ujelang Atoll in the Marshall Islands, so that Enewetak Atoll could be used for the aforesaid purpose; and

Whereas, on the 21st day of December, 1947, John P. W. Vest, Captain, United States Navy and the Governor of the Marshall Islands, reportedly issued and subsequently delivered to the People of Enewetak on the 22nd day of December, 1947, a document recognizing a conveyance by the People of Enewetak of their proprietary rights to the lands of Enewetak Atoll to the United States of America, which document also reportedly contained a conveyance to the People of Enewetak by the United States of America of its proprietary rights in and to the lands to Ujelang Atoll; and

Whereas, neither the People of Enewetak, the United States of America, nor the Government of the Trust Territory of the Pacific Islands, recognize the above described conveyances to be effective; and

Whereas, by "Vesting Order" dated the 27th day of September, 1951, title to all of the lands of Ujelang Atoll, were vested in the Area Property Custodian of the Trust Territory of the Pacific Islands; and

Whereas, by a document entitled "Agreement In Principle Regarding the Use of Enewetak Atoll", and dated the 19th day of November, 1956, the Government of the Trust Territory of the Pacific Islands, with the full knowledge and consent of its Area Property Custodian, acquired full use rights in and to Enewetak Atoll in exchange for the granting to the People of Enewetak Atoll of full use rights in and to Ujelang Atoll, and for other valuable consideration; and

Whereas, the Trust Territory subsequently assigned said use rights in and to Enewetak Atoll to the United States of America by a "Use and Occupancy Agreement" effective as of the 2nd day of March, 1944; and

Whereas, it is thought by all concerned that it would be in the best interests of the United States of America, the Government of the Trust Territory of the Pacific Islands, and the People of Enewetak for the ownership of the lands of Ujelang Atoll to be permanently transferred to the People of Enewetak for their future use and benefit as additional consideration; and

Whereas, Order No. 2969 issued by the Secretary of the Interior on the 26th day of December, 1974, reserves title to Ujelang Atoll to the Government of the Trust Territory of the Pacific Islands with the intention that the Atoll will eventually be transferred to the People of Enewetak; and

Whereas, the Alien Property Custodian of the Trust Territory of the Pacific Islands, as successor to the Area Property Custodian, has transferred title to the lands of Ujelang Atoll to the Government

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of the Trust Territory of the Pacific Islands;

Now, therefore, pursuant to the authority vested in me by Executive Order 11021, the following Order respecting the Government of the Trust Territory of the Pacific Islands is issued:

Section 1. Purpose.—The purpose of this Order is to allow the Government of the Trust Territory of the Pacific Islands to transfer title to the lands of Ujelang Atoll to all persons who hold traditional rights to the lands of Enewetak Atoll, and for other purposes.

Section 2. Authority to convey.—The High Commissioner of the Trust Territory of the Pacific Islands is hereby authorized and directed to issue a conveyance of all right, title and interest in or to the lands of Ujelang Atoll, Marshall Islands District, Trust Territory of the Pacific Islands, to all persons who hold traditional rights to the lands of Enewetak Atoll: *Provided, however,* That such conveyance shall not be issued until such time as the aforesaid "Use and Occupancy Agreement" and "Agreement in Principle Regarding the Use of Enewetak Atoll", as amended, have been formally terminated between the respective parties, and the United States and Trust Territory of the Pacific Islands have received from the People of Enewetak whatever rights may be needed to effect the cleanup and rehabilitation of Enewetak and to protect their ongoing programs for schools, dispensaries, administration, the marine biology laboratory, the Loran operation, and radiological monitoring, *And provided further,* That such conveyance shall not transfer any right, title, or interest in or to the lands required for existing public health or educational facilities located on Ujelang Island, Ujelang Atoll.

The High Commissioner of the Trust Territory is hereby additionally authorized and directed to issue on behalf of the United States of America and the Government of the Trust Territory of the Pacific Islands, a disclaimer of any right, title or interest in or to the land of Enewetak Atoll being held by or vested in either the United States of America or the Government of the Trust Territory of the Pacific Islands, by virtue of the aforesaid Deed dated the 21st day of December, 1947, as reportedly executed by John P. W. Vest, Captain, United States Navy and Governor for the Marshall Islands.

Section 3. Superceded authority.—This Order supersedes all provisions of prior Secretarial Orders and of the Code of the Trust Territory of the Pacific Islands inconsistent herewith.

Section 4. Effective date.—This Order shall take effect upon the date of its approval by the Secretary of the Interior.

KENT FRIZZELL,
Acting Secretary of the Interior.

SEPTEMBER 9, 1976.

[FR Doc.76-26926 Filed 9-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27608, at 1 p.m., on Thursday, October 7, 1976.

The purpose of this meeting is to discuss necessary adjustments in the selling schedules to reflect producer redesignations and to consider the reallocation of selling time after the completion of marketings in Area B (South Carolina-Border North Carolina). Also, matters as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: September 10, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-27034 Filed 9-14-76;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 115]

BARLEY, ALL COUNTIES, ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Applications for the 1977 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for barley crop insurance in all counties in Arizona and California, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on November 15, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 1, 1976.

WARREN E. DIRKS,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.76-27031 Filed 9-14-76;8:45 am]

[Notice No. 113]

SUGAR BEETS, IMPERIAL COUNTY, CALIFORNIA

Closing Date Extension for Filing of Applications for the 1977 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugar beet crop insurance in Imperial County, California, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on September 15, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 1, 1976.

WARREN E. DIRKS,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.76-27032 Filed 9-14-76;8:45 am]

[Notice No. 114]

WHEAT, ALL COUNTIES, ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Applications for the 1977 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance in all counties in Arizona and California, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on November 15, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 1, 1976.

WARREN E. DIRKS,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.76-27033 Filed 9-14-76;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Thursday, October 28, 1976 in Room 3109 of the USDA South Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C.—Telephone 202-447-3854.

A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: September 10, 1976.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.76-26965 Filed 9-14-76;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 1:30 p.m., October 27, 1976, in Room 3109 South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning clement of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: September 10, 1976.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.76-26966 Filed 9-14-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, October 5, 1976, at 9:00 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to: (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Performance measurement of peripheral equipment as part of computer systems.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56960).

Dated: September 13, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-27092 Filed 9-14-76;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, October 5, 1976, at 1:00 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially estab-

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lished on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the re-establishment of this Subcommittee pursuant to the charter of the Commitee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Completion of outline of the work program on software and discussion on how assignments will be made.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56960).

Dated: September 13, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-27091 Filed 9-14-76;8:45 am]

National Oceanic and Atmospheric Administration

FEDERAL PREPAREDNESS AGENCY

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

APPLICANT

Federal Preparedness Agency, General Services Administration, 2000 L Street NW., Washington, D.C. 20036. Telephone: 202 634-6503.

PERIOD OF EXEMPTION

The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

COMMERCIAL ACTIVITIES EXEMPTED

(1) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States; (2) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(3) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

PARTS OR PRODUCTS EXEMPTED

A. SPERM OIL THAT HAS BEEN SHIPPED

(1) 2,162,260 pounds of sperm oil have been delivered under contract GS-00-DS-(S) 41001 from the GSA-FSS Somerville Depot, Somerville, New Jersey, to:

Scandinavian Oil Co., Inc., 2061 Broadway, New York, New York 10023; Mr. Alexander S. Bistritzky, President, Telephone: 212-873-2500.

The initial delivery was March 8, 1974 and the final delivery was December 5, 1974.

(2) 3,946,908 pounds of sperm oil have been delivered under Contract GS-00-DS-(S) 41002 from the GSA-FSS New Bedford Depot, New Bedford, Massachusetts, to:

Werner G. Smith, Inc., 1730 Train Avenue, Cleveland, Ohio 44113; Mr. Waldemar Meckes, Jr., President, Telephone: 216-861-3676.

The initial delivery was February 8, 1974, and the final delivery was November 22, 1974.

(3) 2,536,000 pounds of sperm oil have been delivered under Contract GS-00-DS-(S) 41002 from the GSA-FSS Binghamton Depot, Binghamton, New York, to:

Werner G. Smith, Inc.

The initial delivery was May 9, 1974, and the final delivery was December 27, 1974.

B. SPERM OIL TO BE SHIPPED

(1) An additional quantity of 3,760,725 pounds of sperm oil located at the GSA-FSS Somerville Depot, Somerville, New Jersey, under Contract GS-00-DS-(S) 41001 to Scandinavian Oil Co., Inc.

(2) An additional quantity of 7,500,000 pounds of sperm oil located at the GSA-FSS Binghamton Depot, Binghamton, New York, and the GSA-FSS Casad Depot, New Haven, Indiana, under Contract GS-00-DS-(S) 41002 to Werner G. Smith, Inc.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before October 15, 1976.

Dated: September 13, 1976.

ROBERT J. AYERS,
Acting Associate Director for Resource Management.

[FR Doc.76-27130 Filed 9-14-76;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 660,574: Oscillating Liquid Nozzle; filed 23 February 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 570,674: Towable VLF Sonar Projector; filed 23 April 1975; PC $4.00/MF $2.25.

Patent application 578,952: An Electronic Urn Decision Device; filed 19 May 1975; PC $3.50/MF $2.25.

Patent application 642,938: Expandable Element Check Valve; filed 22 December 1975; PC $3.50/MF $2.25.

Patent application 659,458: Remote Elevated Platform; filed 19 February 1976; PC $3.50/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters. NASA Code GP-2, Washington, D.C. 20546.

Patent application 562,499: Automatic Transponder; filed 27 March 1976; PC $3.50 MF $2.25.

Patent application 578,700: Camera Arrangement; filed 19 May, 1975; PC $3.50 MF $2.25.

Patent application 613,734: Percutaneous Connector Device; filed 16 September 1975; PC $3.50/MF $2.25.

Patent application 645,502: Bonding of Sapphire to Sapphire by Eutectic Mixture of Aluminum Oxide and Zirconium Oxide; filed 30 December 1975; PC $3.50/MF $2.25.

Patent application 651,002: Transonic and Supersonic Aircraft Wherein the Problems of Roll Control at High Angles of Attack are Minimized; filed 21 January 1976; PC $3.50/MF $2.25.

Patent application 658,450: Mechanical Sequencer; filed 17 February 1976; PC $4.00/MF $2.25.

Patent application 663,008: Hydrostatic Bearing Support; filed 2 March 1976; PC $3.50/MF $2.25.

Patent application 665,032: Optical Instrument Employing Reticle having Preselected Visual Response Pattern Formed Thereon; filed 8 March 1976; PC $3.50/MF $2.25

Patent application 665,034: Flexible Formulated Plastic Separators for Alkaline Batteries; filed 8 March 1976; PC $3.50/MF $2.25.

Patent application 665,364: A Method for Fabricating Graphite/Epoxy Laminate from Ultrathin Laminae; filed 10 March 1976; PC $3.50/MF $2.25.

Patent application 665,734: Semiconductor Projectile Impact Detector; filed 11 March 1976; PC $3.50/MF $2.25.

Patent application 667,010: System for Measuring Three Fluctuating Velocity Components in a Turbulently Flowing Fluid; filed 15 March 1976; PC $4.00/MF $2.25.

Patent application 667,928: Tachometer; filed 18 March 1976; PC $3.50/MF $2.25.

Patent application 667,929: Thermocouples of Molybdenum and Iridium Alloys for More Stable Vacuum-High Temperature Performance; filed 18 March 1976; PC $3.50/MF $2.25.

Patent application 667,930: Wideband Heterodyne Receiver for a Laser Communication System; filed 18 March 1976; PC $3.50/MF $2.25.

Patent application 669,928: Solar Hydrogen Generator; filed 24 March 1976; PC $3.50/MF $2.25.

Patent application 672,210: Fuel Combustor; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,220: Closed Loop Spray Cooling Apparatus; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,222: Counter Pumping Debris Excluder and Seperator; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,223: Tread Drum for Animals; filed 31 March 1976; PC $3.50/MF $2.25.

Patent 3,930,735: Traffic Survey System; patented 6 January 1976; not available NTIS.

Patent 3,936,927: Auger Attachment Method for Insulation; patented 10 February 1976; not available NTIS.

Patent 3,937,212: Miniature Muscle Displacement Transducer; patented 10 February 1976; not available NTIS.

Patent 3,937,215: Therapeutic Hand Exerciser; patented 10 February 1976; not available NTIS.

Patent 3,938,035: Electrical Conductivity Cell and Method for Fabricating the Same; patented 10 February 1976; not available NTIS.

Patent 3,938,892: Electronic Optical Transfer Function Analyzer; patented 17 February 1976; not available NTIS.

Patent 3,941,355: Mixing Insert for Foam Dispensing Apparatus; patented 2 March 1976; not available NTIS.

Patent 3,942,398: Zero Torque Gear Head Wrench; patented 9 March 1976; not available NTIS.

Patent 3,943,368: Method and Apparatus for Compensating Reflection Losses in a Path Length Modulated Absorption-Absorption Trace Gas Detector; patented 9 March 1976; not available NTIS.

Patent 3,943,442: Method and Apparatus for Measurement of Trap Density and Energy Distribution in Dielectric Films; patented 9 March 1976; not available NTIS.

Patent 3,943,763: Magnetic Heading Reference; patent 16 March 1976; not available NTIS.

[FR Doc.76-26996 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include at PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S DEPARTMENT OF THE AIR FORCE, AF/JACP, WASHINGTON, D.C. 20314.

Patent application 656,915: Electrical Connector Holding Tool; filed 10 February 1976; PC $3.50/MF $2.25.

Patent application 656,917: Preparation of Thermally Stable Ammonium Perchlorate; filed 10 February 1976; PC $3.50/MF $2.25.

Patent application 660,521: Fabrication of Ion Implanted P-N Junction Devices; filed 23 February 1976; PC $3.50/MF $2.25.

Patent application 660,573: Pulse Peak Sample and Hold Circuit; filed 23 February 1976; PC $3.50/MF $2.25.

Patent application 661,462: Prismatic Anamorphic System for Optical Correlators; filed 26 February 1976; PC $3.50/MF $2.25.

Patent application 661,581: Oxygen Generation Method and System; filed 26 February 1976, PC $3.50/MF $2.25.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent application 533,048: Improved Water Softening Process; filed 25 February 1975; PC $3.50/MF $2.25.

Patent application 548,058: Improved Method for Storage of Solid Waste; filed 7 February 1975; PC $3.50/MF $2.25.

Patent application 550,099: Method and Apparatus for Measuring Incombustible Content of Coal Mine Dust Using Gamma Ray Backscatter; filed 14 February 1975; PC $3.50/MF $2.25.

Patent 3,893,939: Activated Phosphors Having Matrices of Yttrium-Transition Metal Compound; filed 4 January 1973; patented 8 July 1975; not available NTIS.

Patent 3,895,935: Process for Electroslag Refining of Uranium and Uranium Alloys; filed 16 December 1974; patented 22 July 1975; not available NTIS.

Patent 3,895,939: Weldable, Age Hardenable, Austenitic Stainless Steel; filed 31 October 1973; patented 22 July 1975; not available NTIS.

Patent 3,896,501: Mechanical Drive for Blood Pump; filed 2 November 1973; patented 29 July 1975; not available NTIS.

Patent 3,898,101: Thermal Battery; filed 30 May 1974; patented 5 August 1975; not available NTIS.

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Patent 3,898,309: Method of Forming High Density Oxide Pellets by Hot Pressing at 50–100° C above the Cubic to Monoclinic Phase Transformation Temperature; filed 11 May 1973; patented 5 August 1975; not available NTIS.

Patent 3,898,456: Electron Multiplier-Ion Detector System; filed 25 July 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,586: Coaxial Short Pulsed Laser: filed 8 January 1974; patented 5 August 1975; not available NTIS.

Patent 3,902,038: Displaced Electrode Process for Welding; filed 22 July 1974; patented 26 August 1975; not available NTIS.

Patent 3,908,278: Calibration Block; filed 21 March 1974; patented 30 September 1975; not available NTIS.

Patent 904,815: Electrically Insulating Feed-Through for Cryogenic Applications; filed 17 September 1974; patented 9 September 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20014.

Patent 3,946,734: Apparatus for Controlling the Release of a Drug; filed 19 February 1975; patented 30 March 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent application 669,360: Reduction of Laterite Ores; filed 22 March 1976; PC $3.50/MF $2.55.

Patent application 670,213: Radon Daughter Dosimeter; filed 25 March 1976; PC $3.50 MF $2.25.

Patent 3,946,279: Active Impedance Multiplier; filed 10 December 1974; patented 23 March 1976; not available NTIS.

Patent 3,947,341: Scale Inhibition: filed 29 August 1974; patented 30 March 1976; not available NTIS.

Patent 3,948,734: Direct Contact Multi-Stage Flash Desalination; filed 23 July 1974; patented 6 April 1976; not available NTIS.

Patent 3,950,163; Quaternary Fluxes for Electroslag Remelting Ferrous Alloys and Superalloys; filed 8 January 1975; patented 13 April 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 584,679: Apparatus for Computing an Arithmetically Accumulated Sequence of Numbers; filed 6 June 1975; PC $3.50 MF $2.25.

Patent application 598,495: Shallow Water Moored Buoy; filed 23 July 1975; PC $3.50 MF $2.25.

Patent application 605,572: Submersible Barge Control System; filed 18 August 1975; PC $4.00/MF $2.25.

Patent application 616,237: Precision Laser Beam Deflection Detector; filed 24 September 1975; PC $3.50/MF $2.25.

Patent application 616,521: Inflatable Survival Gear; filed 25 September 1975; PC $3.50/MF $2.25.

Patent application 617,912: Submersible Load Cell for Measuring Gas Buoyancy; filed 29 September 1975; PC $3.50/MF $2.25.

Patent application 623,858: Ship's Bottom Inspection Apparatus; filed 20 October 1975; PC $3.50/MF $2.25.

Patent application 626,403: Stereoscopic Viewer Attachment; filed 28 October 1975; PC $3.50/MF $2.25.

Patent application 628,433: Modular Discrete Cosine Transform System; filed 3 November 1975; PC $4.00/MF $2.25.

Patent application 643,454: An Acoustic Hologram Reconstructor Using Surface Acoustic Wave Devices; filed 22 December 1975; PC $4.00/MF $2.25.

Patent application 645,965: Tension Release; filed 2 January 1976; PC $3.50/MF $2.25.

Patent application 646,227: Type Recovery Tool; filed 2 January 1976; PC $3.50/MF $2.25.

Patent application 646,810: Towed Hydrophone Preamplifier and Receiver; filed 5 January 1976; PC $3.50/MF $2.25.

Patent application 648,304: High Sensitivity Flowmeter; filed 12 January 1976; PC $3.50/MF $2.25.

Patent application 651,660: Solid State Memory; filed 22 January 1976; PC $3.50/MF $2.25.

Patent application 652,252: Planar to Channel Waveguide Coupler; filed 26 January 1976; PC $3.50 MF $2.25.

Patent application 652,433: Variable Ballast System for a Submersible Platform; filed 26 January 1976; PC $3.50/MF $2.25.

Patent application 652,453: Holographic Lens Binocular System; filed 26 January 1976; PC $3.50 MF $2.25.

Patent application 654,124: Electrically Controllable Wide Angle of View Optical Notch Filter; filed 2 February 1976; PC $4.00/MF $2.25.

Patent application 655,182: Drilling machine; filed 4 February 1976; PC $3.50/MF $2.25.

Patent application 658,640: High Peak Power Pulsed Light Source; filed 17 February 1976; PC $3.50 MF $2.25.

Patent application 659,295: Stemless Bantam Valve; filed 19 February 1976, PC $3.50/MF $2.25.

Patent application 661,208: Automodulated Relativistic Electron Beam Microwave Source; filed 25 February 1976; PC $3.50/MF $2.25.

Patent application 661,472: Fungus Resistant Protective Coatings; filed 26 February 1976; PC $3.50 MF $2.25.

Patent application 661,689: High-Frequency CCD Adder and Multiplier; filed 26 February 1976; PC $3.50/MF $2.25.

Patent application 662,646: Marker Buoy Recovery Aid; filed 1 March 1976; PC $3.50/MF $2.25.

Patent 3,930,804: Deep Sea Gas Generator Container; filed 4 November 1974; patented 6 January 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Ala. 35660.

Patent 3,954,942: Granular Ammonium Phosphate Sulfate and Monoammonium Phosphate Using Common Pipe-Cross-Type Reactor; filed 24 April 1975; patented 4 May 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent application 665,033: Anode for Ion Thruster; filed 8 March 1976; PC $3.50/MF $2.25.

Patent application 672,219: Circumferential Shaft Seal; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,223: Tread Drum for Animals; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,815: Manufacture of Glass-to-Metal Seals Wherein the Cleanliness of the Process Is Enhanced and the Leak Resistance of the Resulting Seal Is Maximized; filed 1 April 1976; PC $3.50/MF $2.25.

Patent 3,945,801: Indicator Providing Continuous Indication of the Presence of a Specific Pollutant in Air; patented 23 March 1976; not available NTIS.

Patent 3,949,206: Filtering Device; Patented 6 April 1976; not available NTIS.

Patent 3,949,404: Highly Efficient Antenna System Using a Corrugated Horn and Scanning Hyperbolic Reflector; patented 6 April 1976; not available NTIS.

Patent 3,950,729: Shared Memory for a Fault-Tolerant Computer; patented 13 April 1976; not available NTIS.

[FR Doc.76–26997 Filed 9–14–76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, WASHINGTON, D. C. 20314.

Patent application 661, 463: Real Time Peak Detector. Filed 26 February 1976. PC $3.50/MF $2.25

Patent application 661, 464: Infrared Plume Enhancement. Filed 26 February 1976, PC $3.50/MF $2.25

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent application 541, 177: Active-R Filter; filed 15 January 1975.

Patent application 548, 941: Elution Electrophoresis; filed 11 February 1975; PC $3.50/MF $2.25.

Patent 3,782,455: Heat Exchanger Tube Mounts; filed 1 May 1972; patented 1 January 1974; not available NTIS.

Patent 3,894,476: Self-Adjusting Load Balancing Pneumatic Hoist; filed 5 April 1974; patented 15 July 1975; not available NTIS.

Patent 3,894,554: Liquid Level Controller; filed 10 May 1972; patented 15 July 1975; not available NTIS.

Patent 3,895,674: Inlet Flow Distributor for a Heat Exchanger; filed 24 February 1972; patented 22 July 1975; not available NTIS.

Patent 3,895,810; Mechanically Actuated Temporary Pump Shaft Maintenance Seal; filed 15 March 1948; patented 22 July 1975; not available NTIS.

Patent 3,896,392: All-Magnetic Extraction for Cyclotron Beam Reacceleration; filed 21 February 1974; patented 22 July 1975; not available NTIS.

Patent 3,898,172: Irreversible Humidity Indicator; filed 3 May 1973; patented 5 August 1975; not available NTIS.

Patent 3,902,695: Valve for Cryogenic Service; filed 13 December 1973; patented 2 September 1975; not available NTIS.

Patent 3,904,815: Electrically Insulating Feed-Through for Cryogenic Applications; filed 17 September 1974; patented 9 September 1975; not available NTIS.

Patent 3,905,243: Liquid-Level Sensing Device; filed 11 September 1973; patented 16 September 1975; not available NTIS.

Patent 3,906,858: Miniature Igniter; filed 30 July 1974; patented 23 September 1975; not available NTIS.

Patent 3,909,713: Device for Measuring Biaxial Strain; filed 26 April 1974; patented 30 September 1975; not available NTIS.

Patent 3,986,873: Heat Exchanger with a Removable Tube Section; filed 1 May 1972; patented 29 July 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent 3,956,130: Filtering Apparatus; filed 27 June 1974; patented 11 May 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent 3,951,549: Transmitter-Receiver System; filed 20 August 1974; patented 20 April 1976; not available NTIS.

Patent 3,954,419: Fabrication of Nonsparking Titanium Dioboride Mining Tools; filed 19 June 1975; patented 4 May 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 605,490: Improved Hydroacoustic Transducer; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 664,786: A Gimballed Active Optical System; filed 8 March 1976; PC $3.50/MF $2.25.

Patent 3,886,550: Dual Oscillator; filed 26 August 1969; patented 27 May 1975; not available NTIS.

Patent 3,895,385: Delay Type Probe Antenna Noise Cancellation System; filed 29 June 1956; patented 15 July 1975; not available NTIS.

Patent 3,929,308: Local Derailment Sensor and Brake Actuator System; filed 7 August 1974; patented 30 December 1975; not available NTIS.

Patent 3,930,629: Overheated Journal Bearing Derailment Prevention System; filed 7 August 1974; patented 6 January 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent 3,945,879: Apparatus for Positioning Modular Components on a Vertical or Overhead Surface; patented 23 March 1976; not available NTIS.

Patent 3,947,933: Method of Constructing Dished Ion Thruster Grids to Provide Hole Array Spacing Compensation; patented 6 April 1976; not available NTIS.

Patent 3,948,102: Trielectrode Capacitive Pressure Transducer; patented 6 April 1976; not available NTIS.

Patent 3,948,470: System for Imposing Directional Stability on a Rocket-Propelled Vehicle; patented 6 April 1976; not available NTIS.

Patent 3,949,400: Position Determination Systems; patented 6 April 1976; not available NTIS.

[FR Doc.76–26998 Filed 9–14–76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,897,659: Ultrasonic-Acoustic Grinding Wheel Setting Station for Automatic Numerically-Controlled Machines; filed 30 August 1974; patented 5 August 1975; not available NTIS.

Patent 3,902,000: Termination for Superconducting Power Transmission Systems; filed 12 November 1974; patented 26 August 1975; not available NTIS.

Patent 3,906,858: Miniature Igniter; filed 30 July 1974; patented 23 September 1975; not available NTIS.

Patent 3,986,873: Heat Exchanger with a Removable Tube Section; filed 1 May 1972; patented 29 July 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, NATIONAL INSTITUTES OF HEALTH, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 671,713: Apparatus for Producing High-Purity Water; filed 29 March 1976; PC $4.00/MF $2.25.

Patent 3,948,897: Synthesis of 1-(Tetrahydro-2-Furanyl) 5-Fluorouracil (Ftorafur) via Direct Fluorination; filed 9 October 1973; patented 6 April 1976; not available NTIS.

Patent 3,952,578: Scanning Ultrasonic Spectrograph for Fluid Analysis: 27 April 1976; not available NTIS.

Patent 3,954,033: Method and Apparatus for Cutting Cylinders of Gelatinous Materials Into Discs of Precise Thickness; filed 27 June 1974; patentcd 4 May 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent application 672,901: Mine Ventilating Control Device; filed 2 April 1976; PC $3.50/MF $2.25.

Patent application 673,558: Electro-Optical Speed Transducer; filed 5 April 1976; PC $4.00/MF $2.25.

Patent 3,949,594: Two-Stage Disposable Particle Sampling Head; filed 25 September 1974; patented 13 April 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent application 663,003: Test System for Evaluation of Armors Using Duplicate Fragments; filed 1 March 1976; PC $3.50/MF $2.25.

Patent application 667,315: Deep Towing Cable and Handling System; filed 16 March 1976; PC $4.00/MF $2.25.

Patent 3,909,108: Optical Switch and Modulator; filed 28 May 1974; patented 30 September 1975; not available NTIS.

Patent 3,916,313: PSK–FSK Spread Spectrum Modulation/Demodulation; filed 25 November 1974; patented 28 October 1975; not available NTIS.

Patent 3,916,510: Method for Fabricating High Efficiency Semi-Planar Electro-optic Modulators; filed 1 July 1974; patented 4 November 1975; not available NTIS.

Patent 3,920,907: Periodic Signal Detector, filed 3 July 1974; patented 18 November 1975; not available NTIS.

Patent 3,920,982: Continuous Fiber Optical Transmit and Receive Terminal; filed 8 February 1974; patented 18 November 1975; not available NTIS.

Patent 3,922,522: Optical Receiver Assembly; filed 20 November 1969; patented 25 November 1975; not available NTIS.

Patent 3,923,374: High Speed Electro-optic Waveguide Modulation; filed 22 July 1974, patented 2 December 1975; not available NTIS.

Patent 3,923,376: Electro-optic Waveguide Beam Deflector; filed 2 August 1974; patented 2 December 1975; not available NTIS

Patent 3,924,182: Signal Analyzer; filed 30 January 1967; patented 2 December 1975; not available NTIS.

Patent 3,924,458: Pressure Sensitive Control Device; filed 1 April 1974; patented 9 December 1975; not available NTIS.

Patent 3,925,710: General Purpose Electronic Interface Equipment Package; filed 1 July 1974; patented 9 December 1975; not available NTIS.

Patent 3,927,562: Environmental Profiler filed 4 November 1974; patented 23 December 1975; not available NTIS.

Patent 3,927,849: Fluidic Analog Ring Position Device; filed 17 November 1969; patented 23 December 1975; not available NTIS.

Patent 3,928,851: Object Locator System, filed 31 August 1960; patented 23 December 1975; not available NTIS.

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Patent 3,929,074: Means for the Elimination of a Cartridge Rim; filed 5 April 1974; patented 30 December 1975; not available NTIS.

Patent 3,931,592: Surface Acoustic Wave Tuned Laser; filed 14 June 1974; patented 6 January 1976; not available NTIS.

Patent 3,932,240: Burning Rate Modifying Binder for Propellant and Method; filed 4 January 1973; patented 13 January 1976; not available NTIS.

Patent 3,934,511: Linear Shaped Charge warhead; filed 15 August 1968; patented 27 January 1976; not available NTIS.

Patent 3,936,760: D.C. Restorer Circuit; filed 14 January 1975; patented 3 February 1976; not available NTIS.

Patent 3,936,837: Corrugated Horn Fed Offset Paraboloidal Reflector; filed 25 February 1975; patented 3 February 1976; not available NTIS.

Patent 3,938,385: Distributed Temperature Sensor; filed 24 May 1974; patented 17 February 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,949,400: Position Determination Systems; patented 6 April 1976; not available NTIS.

[FR Doc.76-26999 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

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DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. ENERGY AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,986,873: Heat Exchanger with a Removable Tube Section; filed 1 May 1972; patented 29 July 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 663,887: 2-Keto-4-Trifluoromethyl-1,6,6,7,8-Pentamethyl - 6, 7 - Dihydro-1H, 2H, 8H - Pyrido(3,2-f)-Indole, A Stable, Efficient Laser Dye; filed 4 March 1976; PC $3.50/MF $2.25.

Patent application 673,223: Method and Apparatus for Semiconductor Profiling Using an Optical Probe; filed 2 April 1976; PC $3.50 MF $2.25.

Patent 3,916,704: Vibratory Locomotion Means; filed 23 April 1973; patented 4 November 1975; not available NTIS.

Patent 3,923,376: Electro-optic Waveguide Beam Deflector; filed 2 August 1974; patented 2 December 1975; not available NTIS.

Patent 3,929,074: Means for the Elimination of a Cartridge Rim; filed 5 April 1974; patented 30 December 1975; not available NTIS.

Patent 3,931,592: Surface Acoustic Wave Tuned Laser; filed 14 June 1974; patented 6 January 1976; not available NTIS.

Patent 3,933,118: Chemiluminescent Signal Device, filed 26 March 1974; patented 20 January 1976; not available NTIS.

Patent 3,934,511: Linear Shaped Charge Warhead; filed 15 August 1968; patented 27 January 1976; not available NTIS.

Patent 3,934,539: Chemiluminescent Foldable Signal Device; filed 26 March 1974; patented 27 January 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,949,400: Position Determination Systems; patented 6 April 1976; not available NTIS.

[FR Doc.76-27000 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 576,058: Thermionic Cathode Transverse- Discharge Gaa Laser Tube; filed 9 May 1975; PC $3.50/ MF $2.25.

Patent application 612,070: Method and Apparatus for Determining Changes in Spacing Between Two Positions of Interest; filed 10 September 1975; PC $3.50/MF $2.25.

Patent 3,940,847: Method of Fabricating Ion Implanted ZnSe P-N Junction Devices; filed 26 July 1974; Patented 2 March 1976; not available NTIS.

Patent 3,944,967: Updated Diver Navigation Device; filed 23 December 1974; patented 16 March 1976; not available NTIS.

Patent 3,946,331: Nernst Lamp for Laser Pumping; filed 30 April 1974; patented 23 March 1976; not available NTIS.

Patent 3,946,349: High-Power, Low-Loss High-Frequency Electrical Coil; filed 3 August 1973; patented 23 March 1976; not available NTIS.

Patent 3,946,685: Hover Control Valve for Submarine Hovering System; filed 11 July 1974; patented 30 March 1976; not available NTIS.

Patent 3,951,086: Floating Support Structure; filed 31 May 1973; patented 20 April 1976; not available NTIS.

Patent 3,951,137: Rebreathing System; filed 20 November 1974; patented 20 April 1976, not available NTIS.

Patent 3,952,216: Multiple-Frequency Transducer; filed 4 April 1975; patented 20 April 1976; not available NTIS.

Patent 3,952,245: Calibrated Quadraxial System for Measuring Shielding Transfer Impedance; filed 6 February 1975; patented 20 April 1976; not available NTIS.

Patent 3,952,267: Metal Spray Forming of Waveguide for Phase Shifter Case; filed 3 January 1975; patented 20 April 1976; not available NTIS.

Patent 3,952,306: Serrodyne Generator; filed 4 February 1970; patented 20 April 1976; not available NTIS.

Patent 3,952,307: Deactivating Radar Chaff; filed 18 June 1963; patented 20 April 1976; not available NTIS.

Patent 3,953,126: Optical Convolution Velocimeter; filed 8 November 1974; patented 27 April 1976; not available NTIS.

Patent 3,953,871: Precision Light Exposure Timing and Shutter Mechanism for a Wide Range of Exposure Durations; filed 20 December 1974; patented 27 April 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 671,751: Method of Concentrating Liquids; filed 30 March 1976; PC $3.50/MF $2.25.

Patent application 675,105: Ready-to-Eat Potao Products; filed 9 April 1976; PC $3.50/MF $2.25.

Patent application 680,643: Method of Removing Corn from the Cob; filed 27 April 1976; PC $3.50/MF $2.25.

Patent application 682,069: Method of Removing Wax Moth Larvae from Infested Enclosures; filed 30 April 1976; PC $3.50/ MF $2.25.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

Patent 3,948,080: Apparatus for Testing the Traction Properties of Pneumatic Tires; filed 3 September 1974; patented 6 April 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,986,873: Heat Exchanger with a Removable Tube Section; filed 1 May 1972; patented 29 July 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 655,262: System for Combining Analog and Image Signals into a Standard Video Format; filed 4 February 1976; PC $3.50/MF $2.25.

Patent application 661,114: Flow-Through Centrifuge; filed 25 February 1976; PC $3.50/MF $2.25.

Patent 3,505,309: Process for Lactulose; filed 25 September 1967; patented 7 April 1970; not available NTIS.

Patent 3,949,554: Heat Engine; filed 10 October 1974; patented 13 April 1976; not available NTIS.

Patent 3,952,097: Nuclease-Resistant Hydrophilic Complex of Polyriboinosinic-Polyribocytidylic Acid; filed 27 September 1974; patented 20 April 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,909,139: Method and Means for Inspection Bore Surfaces in Elongate Articles; filed 17 December 1973, patented 30 September 1975; not available NTIS.

Patent 3,911,439: Apparatus for Automatically Determining the Bearing Center of Radar Beams; filed 22 February 1971; patented 7 October 1975; not available NTIS.

Patent 3,913,099: Automatic, Digitally Controlled Radar Target Matched Filter; filed 24 June 1970, patented 14 October 1975; not available NTIS.

Patent 3,921,391: Combustor Wing Vortex Generators; filed 13 April 1972; patented 25 November 1975; not available NTIS.

Patent 3,922,762: Automatic Power Adapter for Manual Quick-Release Connectors; filed 4 October 1974; patented 2 December 1975; not available NTIS.

Patent 3,922,904: Method and Apparatus for Detecting Dissolved Gases in Liquids; filed 2 October 1962; patented 2 December 1975; not available NTIS.

Patent 3,936,831: Single Pulse TOA Measurement System; filed 15 December 1971; patented 3 February 1976; not available NTIS.

Patent 3,936,832: System to Process Antenna Beams to Obtain the Angular Location of Target with High Resolution and Accuracy; filed 13 September 1974; patented 3 February 1976; not available NTIS.

Patent 3,938,319: Method of and Apparatus for Preventing Compressor Stall in a Gas Turbine Engine; filed 13 August 1974; patented 17 February 1976; not available NTIS.

Patent 3,938,456: Automatic Steering System for a Torpedo; filed 4 October 1950; patented 17 February 1976; not available NTIS.

Patent 3,938,964: Beryllium Reinforced Composite Solid and Hollow Shafting; filed 18 March 1974; patented 17 February 1976; not available NTIS.

Patent 3,939,347: Two Dimensional Display of Detector Response; filed 5 November 1974; patented 17 February 1976; not available NTIS.

Patent 3,939,408: Conductivity Cell and Measuring System; filed 5 August 1974; patented 17 February 1976; not available NTIS.

Patent 3,939,461: Correlation System Using Matched Signals; filed 19 November 1962; patented 17 February 1976; not available NTIS.

Patent 3,939,466: Spatially Distributed Transducer for Towed Line Array Applications; filed 24 January 1975; patented 17 February 1976; not available NTIS.

Patent 3,940,286: Deep Sea Pressure Compensated Expendable Energy Source; filed 13 June 1975; patented 24 February 1976; not available NTIS.

Patent 3,940,674: Submarine or Vehicle Steering System; filed 14 April 1972; patented 24 February 1976; not available NTIS.

Patent 3,940,693: Phase Sensitive Detector; filed 24 October 1974; patented 24 Feb 1976; not available NTIS.

Patent 3,940,814: Portable Salvage Lift; filed 13 September 1974; patented 2 March 1976; not available NTIS.

Patent 3,940,982: Subbottom Rock Mapping Probe; filed 16 September 1974; patented 2 March 1976; not available NTIS.

Patent 3,943,455: Analog Feedback Amplifier Employing a Four-Quadrant Integrated Circuit Multiplier as the Active Control Element; filed 3 June 1974; patented 9 March 1976; not available NTIS.

Patent 3,944,964: Air Dropped Linear Acoustic Detector; filed 19 December 1973; patented 16 March 1976; not available NTIS.

Patent 3,945,555: Production of Beryllium Reinforced Composite Solid and Hollow Shafting; filed 17 March 1975; patented 23 March 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 673,221: Two Dimensional Wedge/Translating Shroud Nozzle; filed 31 March 1976; PC $3.50.

Patent application 674,340: Splash Groove Fuel Injector; filed 7 April 1976; PC $3.50/ MF $2.25.

Patent application 676,432: Atomic Hydrogen Storage Method and Apparatus; filed 13 April 1976; PC $3.50/MF $2.25.

Patent 3,949,400: Position Determination Systems; patented 6 April 1976; not available NTIS.

Patent 3,952,083: Silica Reusable Surface Insulation; Patented 20 April 1976; not available NTIS.

Patent 3,952,971: Airfoil Shape for Flight at Subsonic Speeds; patented 27 April 1976; not available NTIS.

Patent 3,952, 976: Deployable Flexible Tunnel; patented 27 April 1976; not available NTIS.

[FR Doc.76-27001 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 637,250: Process for Recovering Usable Olive-Processing Liquor from Olive-Processing Waste; filed 3 December 1975; PC $3.50/MF $2.25.

Patent application 676,948: Process for Simultaneously Flameproofing and Shrinkproofing Wool; filed 14 April 1976; PC $3.50/MF $2.25.

Patent 3,941,767: Method of Preparing Powdered Elastomer Compositions; filed 5 May 1975; patented 2 March 1976; not available NTIS.

Patent 3,947,354: Removal of Heavy Metal Ions From Wastewater; filed 18 April 1975, patented 30 March 1976; not available NTIS.

Patent 3,949,145: Degradable Starch-Based Agricultural Mulch Film; filed 27 February 1975; patented 6 April 1976, not available NTIS.

Patent 3,955,008: Preparation of Icings; filed 14 August 1975; patented 4 May 1976; not available NTIS.

Patent 3,959,246: Preparation of Soluble Edible Protein from Leafy Green Crops; filed 8 July 1974; patented 25 May 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 680,705: Uterine Caliper and Depth Gauge; filed 27 April 1976; PC $3.50/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 462,341: Improved Solar Cell Grid Patterns; filed 19 April 1974. PC $3.50/MF $2.25.

Patent application 672,209: A Cervix-to-Rectum Measuring Device in a Radiation Applicator for Use in the Treatment of Cervical Cancer; filed 31 March 1976; PC $3.50/MF $2.25.

Patent application 672,695: Thermal Shock and Erosion Resistant Tantalum Carbide Ceramic Materials; filed 1 April 1976; PC $3.50/MF $2.25.

Patent application 674,195: Optical Scanner; filed 6 April 1976; PC $3.50/MF $2.25.

Patent application 676,433: Corneal Seal Device; filed 13 April 1976; PC $3.50/MF $2.25.

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Patent application 676,957: Notch Filter; filed 14 April 1976; PC $3.50/MF $2.25.

Patent application 676,958: Locking Mechanism for Orthopedic Braces; filed 14 April 1976; PC $3.50.

Patent application 676,958: Locking Mechanism for Orthopedic Braces; filed 14 April 1976; PC $3.50.

Patent application 677,352: Remote Sensing of Vegetation and Soil Using Microwave Ellipsometry; filed 15 April 1976; PC $3.50/MF $2.25.

Patent application 680,957: Opto-Mechanical Subsystem with Temperature Compensation Through Isothermal Design; filed 28 April 1976; PC $3.50/MF $2.25.

Patent application 680,958: Magnifying Image Intensifier; filed 28 April 1976; PC $3.50/MF $2.25.

Patent application 681,000: Flexible Pile Thermal Barrier Seal; filed 28 April 1976; PC $3.50/MF $2.25.

Patent application 681,001: Optical Alignment Device; filed 28 April 1976; PC $3.50.

Patent application 682,416: Vortex Generator Controlling the Dispersion of Effluents in a Flowing Liquid; filed 3 May 1976; PC $3.50/MF $2.25.

Patent application 682,435: Method of Treating the Surface of a Glass Member; filed 3 May 1976; PC $3.50/MF $2.25.

Patent application 684,807: Plasma Cleaning Device; filed 10 May 1976; PC $3.50/MF $2.25.

Patent application 684,810: Charge Injection Method and Apparatus of Producing Large Area Electrets; filed 10 May 1976; PC $3.50/MF $2.25.

Patent application 686,449: Thermal Barrier Coating System; filed 14 May 1976; PC $3.50/MF $2.25.

Patent application 687,822: Multi-Cell Battery Protection System; filed 19 May 1976; PC $3.50/MF $2.25.

Patent 3,951,129: Solar Energy Absorber; patented 20 April 1976; not available NTIS.

Patent 3,952,590: Apparatus for Reducing Aerodynamic Noise in a Wind Tunnel; patented 27 April 1976; not available NTIS.

Patent 3,953,038: Fluid Seal for Rotating Shafts; patented 27 April 1976; not available NTIS.

Patent 3,953,343: Bearing Material; patented 27 April 1976; not available NTIS.

Patent 3,953,674: Telemetary Synchronizer; patented 4 April 1976; not available NTIS.

Patent 3,953,734: Nulling Device for Detection of Trace Gases by Ndir Absorption; patented 27 April 1976; not available NTIS.

Patent 3,953,792: Particulate and Aerosol Detector; patented 27 April 1976; not available NTIS.

Patent 3,955,034: Three-Component Ceramic Coating for Silica Insulation; patented 4 May 1976; not available NTIS.

Patent 3,957,030: Solar Energy Power System; patented 18 May 1976; not available NTIS.

Patent 3,958,238: Binary Concatenated Coding System; patented 18 May 1976; not available NTIS.

[FR Doc.76-27002 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 675,104: Protectant for Wood; filed 9 April 1976, PC $3.50/MF $2.25.

Patent 3,954,991: Mosquito Larvicide; filed 27 February 1975; patented 4 May 1976; not available NTIS.

Patent 3,959,489: Polybutyl-2-Cinnamylphenols as Insect Anti-Procreants; filed 24 March 1975; patented 25 May 1976; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent 3,946,385: Interferometric Navigation and Guidance System; filed 20 January 1975; patented 23 March 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 667,060: Sulfur Recovery from H_2S and SO_2-Containing Gases; filed 15 March 1976; PC $3.50/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 662,181: Air Removal Device; filed 27 February 1976; PC $3.50/MF $2.25.

Patent application 677,353: Improved Tissue Macerating Instrument; filed 15 April 1976; PC $3.50/MF $2.25.

Patent application 678,813: Cubic Interleaver; filed 21 April 1976; PC $4.00/MF $2.25.

Patent application 684,045: Reduction of Nitric Oxide Emissions from a Combustor; filed 7 May 1976; PC $3.50/MF $2.25.

Patent 3,957,104: Method of Making an Apertured Casting; patented 18 May 1976; not available NTIS.

[FR Doc 76-27003 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AAMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,904,156: External Load Stabilization Apparatus; filed 11 July 1974; patented 9 September 1975; not available NTIS.

Patent 3,930,032: Baking Powder of Improved Stability and Method of Producing Same; filed 4 February 1975; patented 30 December 1975; not available NTIS.

Patent 3,943,592: Tongue Cleaning Device; filed 22 November 1974; patented 16 March 1976; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 635,192: Automatic Line Release System; filed 25 November 1975; PC $3.50/MF $2.25.

Patent application 667,749: Bulkhead Adapter Assembly; filed 17 March 1976; PC $3.50/MF $2.25.

Patent application 667,750: Trapatt Planar-Mesa Diode; filed 17 March 1976; PC $3.50/MF $2.25.

Patent application 667,927: Nutating Antenna Drive Mechanism; filed 10 March 1976; PC $3.50/MF $2.25.

Patent application 669,948: Stowable Airfoil Structure; filed 24 March 1976; PC $3.50/MF $2.25.

Patent application 675,677: Ethynyl-Substituted Aromatic Ortho Diamines and Method of Synthesis; filed 9 April 1976; PC $3.50/MF $2.25.

Patent application 677,589: Method of Hermetically Sealing Semiconductor Devices; filed 16 April 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 648,835: Chemical Attractant for the Smaller European Bark Beetle; filed 14 January 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20014.

Patent application 695,171: An apparatus for Capping and Uncapping Containers; filed 11 June 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent application 688,657: Deductive Method for Measuring Ion Concentration Electrically; filed 21 May 1976; PC $3.50/MF $2.25.

Patent application 688,659: Method for Rapid Sedimentation of Fine Particles from Suspensions; filed 21 May 1976; PC $3.50/MF $2.25.

Patent 3,958,983: Decomposition of Chalcopyrite; filed 19 June 1975; patented 25 May 1976; not available NTIS.

Patent 3,962,408: Dehydration of Magnesium Chloride; filed 14 July 1975; patented 8 June 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 571,658: Coated Magnetically Biased Reed Switch; filed 25 April 1975; PC $3.50/MF $2.25.

Patent application 572,473: Dual Threshold Magnetic Proximity Switch; filed 25 April 1975; PC $3.50/MF $2.25.

Patent application 669,418: Cure Catalyst Systems for Polyurethanes; filed 22 March 1976; PC $3.50/MF $2.50.

Patent application 671,236: Pyranoquinoline Laser Dyes; filed 29 March 1976; PC $3.50/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 657,907: Flame Retardant Elastomeric Compositions; filed 13 February 1976; PC $4.00/MF $2.25.

Patent application 657,998: Flame Retardant Elastomeric Compositions; filed 13 February 1976; PC $4.00/MF $2.25.

Patent application 680,938: Gregorian All-Reflective Optical System; filed 28 April 1976; PC $3.50/MF $2.25.

Patent application 685,027: A Process of Forming Catalytic Surfaces for Oxidation Reactions; filed 10 May 1976; PC $3.50/MF $2.25.

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Patent 3,956,050: Vacuum Pressure Molding Technique; patented 11 May 1976; not available NTIS.

Patent 3,956,223: Non-Flammable Elastomeric Fiber from a Fluorinated Elastomer and Containing an Halogenated Flame Retardant; patented 11 May 1976; not available NTIS.

Patent 3,956,833: Vehicle Simulator Binocular Multiplanar Visual Display System; patented 18 May 1976; not available NTIS.

Patent 3,956,919: High Temperature Strain Gage Calibration Fixture; patented 18 May 1976; not available NTIS.

Patent 3,956,932: Wind Sensor; patented 18 May 1976; not available NTIS.

Patent 3,957,037: Readout Electrode Assembly for Measuring Biological Impedance; patented 18 May 1976; not available NTIS.

Patent 3,957,044: Self-Contained Breathing Apparatus; patented 18 May 1976; not available NTIS.

Patent 3,957,675: Ultraviolet Light Reflective Coating; Patented 18 May 1976; not available NTIS.

Patent 3,958,188: Fiber Distributed Feedback Laser; patented 18 May 1976; not available NTIS.

[FR Doc.76-27004 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability of Licensing

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DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,913,406: Digital Pulse Rebalance Accelerometer; filed 2 August 1973; patented 21 October 1975; not available NTIS.

Patent 3,924,534: Lightweight Cartridge Case of Improved Aluminum Alloy Material Which Eliminates Catastrophic Failures; filed 8 November 1974; patented 9 December 1975; not available NTIS.

Patent 3,930,032: Baking Powder of Improved Stability and Method of Producing Same; filed 4 February 1975; patented 30 December 1975; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 663,639: Pop-Up Cover for Slipstream Generator; filed 4 March 1976; PC $3.50/MF $2.25.

Patent application 665,216: Bolted Paired Vanes for Turbine; filed 9 March 1976; PC $3.50/MF $2.25.

Patent application 667,041: Augmented Tracking System; filed 15 March 1976; PC $3.50/MF $2.25.

Patent application 674,020: Method for Improving Metal Combustion in Solid Rocket Propellants; filed 5 April 1976; PC $3.50/MF $2.25.

Patent application 674,021: Film Slewing Device for Drum Type Contact Printer; filed 5 April 1976; PC $3.50/MF $2.25.

Patent application 674,022: Variable Area Combustor; filed 5 April 1976; PC $3.50/MF $2.25.

Patent application 675,434: Meter Box Assembly; filed 9 April 1976; PC $3.50/MF $2.25.

Patent application 675,676: Method of Obtaining a D(Log E) Curve; filed 9 April 1976; PC $3.50/MF $2.25.

Patent application 675,678: Self-Contained Power Subsystem; filed 9 April 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent 3,967,990: Combination of Band-Type and Line-Type Emission Phosphors with Explosive; filed 3 March 1975; patented 6 July 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA., 22217.

Patent application 580,436: A Faired Multi-Strength Member Towcable and Associated Sequential Load Distribution System; filed 23 May, 1976; PC $3.50/MF $2.25.

Patent application 598,474: Programmable Underwater Acoustic Beacon; filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 612,148: An Obstacle Detection and Evaluation System; filed 10 September 1975; PC $3.50/MF $2.25.

Patent application 619,555: A Tacan Flying Target Control System; filed 3 October 1975; PC $3.50/MF $2.25.

Patent application 633,523: Stereoscopic Viewer Power Supply; filed 19 November 1975; PC $3.50/MF $2.25.

Patent application 648,615: Submersible Power Package; filed 12 January 1976; PC $3.50/MF $2.25.

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Patent application 667,816: Stab-Initiated Explosive Device Containing a Single Explosive Charge; filed 16 March 1976; PC $3.50/MF $2.25.

Patent application 670,013: Split-Path Receiver for Fiber Optics Application; filed 24 March 1976; PC $3.50/MF $2.25.

Patent application 670,197: Anticompromise Device; filed 25 March 1976; PC $3.50/MF $2.25.

Patent application 670,499: Fan Lift-Cruise V/STOL Aircraft; filed 25 March 1976; PC $3.50/MF $2.25.

Patent application 671,234: IR Imaging with Surface Wave Readout; filed 29 March 1976; PC $3.50/MF $2.25.

Patent application 671,235: Weapon Retention Device; filed 29 March 1976; PC $3.50/MF $2.25.

Patent application 671,525: Time Domain Filter for Recursive Type Signals; filed 29 March 1976; PC $3.50/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546.

Patent application 657,998: Flame Retardant Elastomeric Compositions; filed 13 February 1976; PC $4.00/MF $2.25.

Patent application 680,938: Gregorian All-Reflective Optical System; filed 28 April 1976; PC $3.50/MF $2.25.

Patent application 690,815: A Sampling Video Compression System; filed 27 May 1976; PC $3.50/MF $2.25.

Patent 3,956,032: Process for Fabricating SiC, Semiconductor Devices; patented 11 May 1976; not available NTIS.

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Patent 3,956,050: Vacuum Pressure Molding Technique; patented 11 May 1976; not available NTIS.
Patent 3,956,233: Non-Flammable Elastomeric Fiber from a Fluorinated Elastomer and Containing an Halogenated Flame Retardant; patented 11 May 1976; not available NTIS.
Patent 3,956,833: Vehicle Simulator Binocular Multiplanar Visual Display System; patented 18 May 1976; not available NTIS.
Patent 3,958,553: Solar Energy Trap; patented 25 May 1976; not available NTIS.

[FR Doc.76-27005 Filed 9-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

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Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

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DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AFJACP, Washington, DC 20314.

Patent application 605,578: A System to Simulate Motion and Plasma Induced Signal Variations from Reentry Vehicles; filed 18 August 1975; PC $3.50/MF $2.25.
Patent application 656,918: Photo Electronic Direction of Motion Indicator; 10 February 1976; PC $3.50/MF $2.25.
Patent application 667,820: Probe Contact and Junction Detector; filed 16 March 1976; PC $4.00/MF $2.25.
Patent application 669,543: Method and Means for Equalizing the Sensitivity of a Multi-Element Sensor Array; filed 23 March 1976; PC $3.50/MF $2.25.
Patent application 669,584: Phase Compensated Zone Plate Photodetector; filed 23 March 1976; PC $3.50/MF $2.25.
Patent application 671,537: Hot Working of Titanium and Titanium Alloys; filed 29 March 1976; PC $3.50/MF $2.25.
Patent application 675,435: Digital Correlator Using Compilation; filed 9 April 1976; PC $3.50/MF $2.25.
Patent application 675,676: Programming Valve for Modulated Pressure Control Systems; filed 9 April 1976; PC $3.50/ MF $2.25.
Patent application 677,591: Hydraulic Grip for Tubular Mechanical Properties Specimen; filed 16 April 1976; PC $3.50/ MF $2.25.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,962,339: Process for the Production of Bicyclo Decenone Derivatives; filed 6 April 1973; patented 8 June 1976; not available NTIS.
Patent 3,966,981: Process for Removing Residual Solvents; filed 26 November 1974; patented 29 June 1976; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

Patent 3,947,695: Signal Conditioner Front-End; filed 21 October 1974; patented 30 March 1976; not available NTIS.
Patent 3,963,202: Grade-Crossing Motorist Warning System; filed 3 March 1975; patented 15 June 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 690,361: Intermediates for Total Steroid Synthesis from the Condensation Product of Dimethyl 3-Ketoglutarate and Glyoxal Useful as Precursors for the Total Synthesis of Steroids; filed 26 May 1976; PC $3.50/MF $2.25.
Patent 3,959,653: Fast Charge Digitizer and Digital Data Acquisition System for Measuring Time Varying Radiation Fields; filed 14 April 1975; patented 25 May 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, BRANCH OF PATENTS, 18TH AND C STREETS, N.W., WASHINGTON, D.C. 20240.

Patent application 688,515: Dosimeter for Oxides of Nitrogen; filed 20 May 1976; PC $3.50/MF $2.25.
Patent application 689,757: A Submicron Particle Detector; filed 25 May 1976; PC $3.50/MF $2.25.
Patent 3,955,116: Process for Separating Liquids from Suspensions; filed 16 October 1974; patented 11 May 1976; not available NTIS.
Patent 3,958,637: Technique for Lining Shaft; filed 22 May 1975; patented 25 May 1976; not available NTIS.
Patent 3,958,644: Pressure Sensitive Explosion Barrier; filed 2 July 1975; patented 25 May 1976; not available NTIS.
Patent 3,958,650: Drilling System Using Weight of Mud; filed 28 May 1975; patented 25 May 1976; not available NTIS.
Patent 3,960,217: Passive Explosion Barrier; filed 14 October 1975; patented 1 June 1976; not available NTIS.
Patent 3,961,106: Method for Applying Wax or Plastic Coatings to Granular Materials; filed 3 March 1975; patented 1 June 1976; not available NTIS.
Patent 3,961,524: Method and Apparatus for Determining Rock Stress in situ; filed 6 May 1975; patented 8 June 1976; not available NTIS.
Patent 3,961,942: Hydrometallurgical Process for Copper Recovery from Sulfide Ores; filed 19 March 1975; patented 8 June 1976; not available NTIS.
Patent 3,962,050: Recovery of Zinc from Zinc Chloride by Fused Salt Electrolysis; filed 21 May 1975; patented 8 June 1976; not available NTIS.
Patent 3,966,590: Magnetic Ore Separator; filed 20 September 1974; patented 29 June 1976; not available NTIS.
Patent 3,967,455: Controlled Yielding Rock Bolt; filed 3 February 1975; patented 6 July 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 553,698: An Alpha Meter Attachment for Underwater Optical Systems; filed 27 February 1975; PC $3.50/MF $2.25.
Patent application 554,875: Modular System for Performing the Discrete Fourier Transform via the Chirp-Z Transform; filed 3 March 1975; PC $4.00/MF $2.25.
Patent application 583,083: Pressurized Ship Structure for Slamming Loads; filed 2 June 1975; PC $3.50/MF $2.25.
Patent application 596,329: Tethered Vehicle Location System; filed 16 July 1975; PC $3.50/MF $2.25.
Patent application 618,725: Pipe End Machining Apparatus; filed 1 October 75; PC $3.50/MF $2.25.
Patent application 647,686: Propeller-Driven Hydrophone Array Tensioning Device; filed 9 January 1976; PC $3.50/MF $2.25.
Patent application 648,220: Remote Unmanned Work System (RUWS) Mating Latch; filed 12 January 1976; PC $3.50/MF $2.25.
Patent application 648,353: Ring Type Recovery Tool; filed 12 January 1976; PC $3.50/ MF $2.25.
Patent application 650,104: Multiple-Channel Data Switch; filed 19 January 1976; PC $3.50/MF $2.25.
Patent application 669,051: A Common Aperture Laser Transmitter/Receiver; filed 22 March 1976; PC $3.50/MF $2.25.
Patent application 671,902: Large, Nonplanar Poly(Methyl Methacrylate) Pre-holographic Element; filed 29 March 1976, PC $3.50/MF $2.25.
Patent application 673,230: Parallel to Serial Digital Converter; filed 2 April 1976; PC $3.50/MF $2.25.
Patent application 673,830: Data Acquisition and Transfer System; filed 5 April 1976; PC $3.50/MF $2.25.
Patent application 674,025: Programmable Data Terminal Set; filed 5 April 1976, PC $5.50/MF $2.25.
Patent application 679,127: Silent Self-Controlled Orificial Restrictor; filed 21 April 1976; PC $3.50/MF $2.25.
Patent application 3,921,121: Selectable Up or Down Doppler Simulator; filed 12 June 1964; patented 18 November 1975; not available NTIS.
Patent application 3,931,586: Scanning Oscillator Stabilization; filed 21 March 1975; patented 6 January 76; not available NTIS.
Patent 3,936,763: Null Input Omega Tracking Filter System; filed 15 November 1974; patented 3 February 1976; not available NTIS.
Patent application 3,936,763: Null Input Omega Tracking Filter System; filed 15 November 1974; patented 3 February 1976; not available NTIS.
Patent application 3,938,157: Rotatable Radar Antenna Feed and Receiver Horn; filed 14 August 1969; patented 10 February 1976; not available NTIS.
Patent application 3,938,438: Pressure-Armed Explosive Apparatus; filed 12 April 1971; patented 17 February 1976, not available NTIS.
Patent application 3,938,441: Terrain Clearing Device and Method; filed 2 August 1971; patented 17 February 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Ala. 35660.
Patent 3,967,948: Purification of Phosphoric Acid with Urea and Nitric Acid; filed 29 September 1975; patented 6 July 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,956,050: Vacuum Pressure Molding Technique; patented 11 May 1976; not available NTIS.
Patent 3,956,233: Non-Flammable Elastomeric Fiber from a Fluorinated Elastomer and Containing an Halogenated Flame Retardant; patented 11 May 1976; not available NTIS.
Patent 3,956,833: Vehicle Simulator Binocular Multiplanar Visual Display System; patented 18 May 1976; not available NTIS.
Patent 3,958,553: Solar Energy Trap; patented 25 May 1976; not available NTIS.

[FR Doc.76-27006 Filed 9-14-76;8:45 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

As noted in the FEDERAL REGISTER dated August 19, 1976, on page 35087, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on September 21, 1976, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20320.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two-year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Introduction by the Assistant Secretary for Tourism and the Deputy Assistant Secretary for Tourism.
2. Code of conduct for tourism.
3. Impact of floating currencies on balance of payments.
4. Fly U.S. Flag program.
5. Expo 81 update.
6. Charter revision.
7. Advertising strategies update.
8. Adjournment.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Melinda Carr, Acting Director of Media Services, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. 20230, (telephone 202/377-4987) will respond to public requests for information about the meeting.

CREIGHTON HOLDEN,
Assistant Secretary for Tourism, Department of Commerce.

[FR Doc.76-26964 Filed 9-14-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-363; (FDAA-3014-EM)]

WISCONSIN

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976, and to make emergency assistance available to these additional counties effective the date of this amended Notice:

The Counties of:

Brown	Kewaunee
Dane	Lafayette
Door	Monroe
Green	Rock
Iowa	Sauk
Jefferson	Walworth
Juneau	Waukesha

Dated: September 7, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-26971 Filed 9-14-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-630]

SKY VALLEY

Notice of Hearing

In the matter of: Sky Valley, R. Thomas Thayer, President and Sky Valley, Inc., 76-243-IS, OILSR No. 0-1226-24-21 and (A).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b); Notice is hereby given that: 1. Sky Valley, R. Thomas Thayer, President and Sky Valley, Inc., authorized agent and officers, hereinafter referred to as "Respondent, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) received a notice of proceedings and opportunity for hearing issued August 16, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Sky Valley located in Garrett County, Maryland, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received September 1, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on October 31, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk; HUD Building, Room 10150, Washington, D.C., 20410 on or before October 11, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 7, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-26970 Filed 9-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

This notice announces the forthcoming meetings of a public advisory committee of the Food and Drug Administration and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)):

V41I180 SEP 15 76 UMI

Committee name	Date, time, and place	Type of meeting and contact person
National Advisory Food and Drug Committee.	Sept. 27 and 28, Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Sept. 27, 9 a.m. to 10 a.m., open committee discussion Sept. 27, 10 a.m. to 4 p.m. and Sept. 28, 9 a.m. to 1 p.m.; William V. Whitehorn, M.D., (HFG-1), 5600 Fishers Lane, Rockville, Md. 20852, 301 443 1547.

General function of the committee. Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of the Food and Drug Administration as required by law.

Agenda—Open public hearing. Any interested person may present data, information or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion on the status reports of the Subcommittee on Antibiotics in Animal Feeds and the Subcommittee on Review of Kennedy/Javits Bills; state of the agency updates; discussion of the blending issue; and concerns of the members.

The Committee will also conduct a final review of grant applications for Federal assistance. Although it is anticipated that this entire portion of the meeting will be held in open session, it may be necessary to close the part of this meeting during which the qualifications of an applicant are discussed if such disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(b)(6)).

Agenda items are subject to change as priorities dictate.

Dated: September 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc. 76-27068 Filed 9-14-76;8:45 am]

[Docket Nos. 76N-0231, 0232, 0233]

FURALTADONE (NF-260), NITROFURAZONE (NF-7), NIHYDRAZONE (NF-64); OPPORTUNITY FOR HEARING ON PROPOSAL TO WITHDRAW APPROVAL OF CERTAIN NEW ANIMAL DRUG APPLICATIONS

Extension of Time for Requesting a Hearing

The Food and Drug Administration (FDA) is extending to October 16, 1976 the time for requesting a hearing on notices of opportunity for hearing on proposal to withdraw approval of new animal drug applications providing for use of furaltadone (NF-260), nitrofurazone (NF-7), and nihydrazone (NF-64).

The notices, which were published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34891, 34899, and 34908), gave interested persons to September 16, 1976 for requesting a hearing.

The Director of the FDA Bureau of Veterinary Medicine has received a request for an extension of an additional 30 days to respond to the subject notices. Because of the amount of scientific material in the notices, which must be reviewed and evaluated, the request for an additional 30 days is granted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the time for filing requests for a hearing on the subject notices is extended to October 16, 1976.

Dated: September 10, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-27056 Filed 9-14-76;8:45 am]

Health Services Administration

HOME HEALTH SERVICES

Delegation of Authority

Notice is hereby given that the following delegations have been made under Section 602 of Pub. L. 94-63, providing for Home Health Services:

1. Delegation from the Assistant Secretary for Health to the Regional Health Administrators, with authority to redelegate, of authority under section 602 of Pub. L. 94-63 for grants within their respective regions other than grants that are national or multi-regional in scope.

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all authorities under section 602 of Pub. L. 94-63 except those specifically delegated to the Regional Health Administrators.

This delegation supersedes the December 29, 1975 (41 FR 2842) delegation of authority by the Assistant Secretary for Health to the Administrator, Health Services Administration and cancels all redelegations pursuant thereto.

The above delegations were effective on September 9, 1976.

Dated: September 1, 1976.

R. MOURE,
Executive Officer,
Public Health Service.

[FR Doc.76 26991 Filed 9-14-76;8:45 am]

National Institutes of Health

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting on September 23-24, 1976, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 8, of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, which was published in the Federal Register August 2, 1976, 41 FR 32281.

This Committee was to have convened at 9:00 a.m. on September 23-24, 1976, but has been changed to 9:00 a.m. September 23, 1976, Building 31, Conference Room 8. The September 24 session is cancelled.

The meeting will be open to the public from 9:00 a.m. to adjournment.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

SEPTEMBER 13, 1976.

[FR Doc.76-27221 Filed 9-14-76;10:38 am]

EPA'S SAMPLING OF PCB'S IN MOTHER'S MILK

Meeting

A meeting will be held September 23 beginning at 9:00 a.m. in Wilson Hall, third floor, Building 1, on the campus of the National Institutes of Health in Bethesda, Maryland, at which time Federal health and environmental officials will meet with leading pediatricians, obstetricians and other specialists to review and evaluate the Environmental Protection Agency's recently reported sampling of PCB's in the fat of mother's milk. This meeting is sponsored by the DHEW Committee to Coordinate Toxicology and Related Programs in cooperation with the Environmental Protection Agency.

The meeting is open to the public; attendance will be limited to space available.

Dated: September 13, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-27220 Filed 9-14-76;10:38 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the final meeting of the Railroad Operating Rules Advisory Committee to be held September 20, 21 and 22, 1976, at 9:00 a.m. each day at the Ramada Inn, Pueblo, Colorado. The agenda for this meeting is as follows: (a) Completion of final recommendations of the Committee and other administrative matters prior to termination; (b) Review of Committee activities and text of final report to the Federal Railroad Administrator; and (c) Tour of facilities of the Transportation Test Center.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to present oral statements should notify, not later than the day before the meeting Mr. Gene O. Cox, Executive Secretary, Office of Federal Assistance, Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590, telephone 202-426-4950. Any member of the public may present a written statement to the Committee at any time.

The Federal Railroad Administration acknowledges that, due to administrative oversight, the publication of this notice does not comply with the 15-day notice requirement of Office of Management and Budget Circular A-63. However, oral notice of this meeting was provided to interested persons present at the last Committee meeting on August 18, 1976. The Committee must meet at the time in order to assure completion of administrative matters and review of the text of a final report to the Federal Railroad Administration prior to the termination of the Committee charter.

Issued in Washington, D.C., on September 14, 1976.

R. LAWRENCE MCCAFFREY, JR.,
Chief Counsel.

[FR Doc.27215 Filed 9-14-76;10:26 am]

CIVIL AERONAUTICS BOARD

AIRLINE COMPLIANCE PROBLEMS ON THE NORTH ATLANTIC

Meeting

Notice is hereby given that a presentation will be made by Michael J. Dargan, former Chief Executive of Irish Airlines, on Monday, September 27, 1976, at 2:30 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., regarding a study he made at the request of the Executive Committee of IATA of the compliance problems and their causes of the international airlines on the North Atlantic.

Dated at Washington, D.C., September 10, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27012 Filed 9-14-76;8:45 am]

[Docket Nos. 22859, 26836; Order 76-9-50]

CONTINENTAL AIR LINES, INC.

Domestic Air Freight Rate Investigation; Priority Reserved Air Freight Rates Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of September 1976.

By tariff revisions[1] issued August 16 and marked to become effective September 15, 1976, Continental Air Lines, Inc. (Continental) proposes to increase regular and priority general and specific commodity rates between Honolulu/Hilo, on the one hand, and the continental U.S., on the other, with certain exceptions.[2] Bulk rates on shipments 1,000 pounds and over are to be increased by 7 percent and container rates by 10 percent, rounded to the nearest dollar. Bulk minimum charges are to be increased by $2.00 per shipment to a level of $14.00. The bulk general commodity rates at the 100-, 250-, and 500-pound weightbreaks would not be increased and priority rates would continue to reflect the current 30 percent premium above regular rates.

No complaints have been filed.

In support of its proposal, Continental asserts, *inter alia*, that its proposed Mainland-Hawaii rate increase matches the recent Northwest Airlines increase which became effective August 15, 1976; that the proposed increase would bring its return on investment for Hawaiian freight operations from a −2.07 percent to a more favorable 1.09 percent while the operating loss would be reduced from $1,062,000 to $382,000; and that net income improvements can only be generated, at the present time, by rate increases.

The proposed rates all come within the scope of either the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, or the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the rates or to permit them to become effective pending the decisions in those investigations.

Upon consideration of all relevant factors, the Board finds that Continental's proposed Type D container rates exceed industry-average costs in 8 markets and may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended. As to the remainder of the filing, Continental's proposed bulk and container rates do not exceed industry-average costs[3] and match or are comparable to those recently filed by Northwest Airlines. See Order 76-8-71, August 13, 1976. Therefore, they will be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That: 1. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto[4] are suspended and their use deferred to and including December 13, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27013 Filed 9-14-76;8:45 am]

[Docket No. 29719; Order 76-9-47]

PAKISTAN INTERNATIONAL AIRLINES CORP.

Order of Suspension and Investigation

In the matter of advance-purchase fares proposed by Pakistan International Airlines Corporation.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1976.

On August 9, 1976, Pakistan International Airlines Corporation (PIA) filed with the Board, pursuant to a Pakistan Government order, a tariff proposing one-way, seven-day advance-purchase discount fares from Pakistan to the United States, effective September 8, 1976. The fares, which would be limited in availability to citizens of Pakistan, are discounted by 48 percent from the applicable one-way normal economy fare.

On August 13, 1976, Pan American World Airways, Inc. (Pan American) filed a complaint against the filing, requesting that the Board suspend and investigate the proposed fares. Pan American argues that the fare level is uneconomically low and that, because the restrictions on use of the fares are minimal, they will result in substantial revenue loss due to diversion of traffic from higher-priced services. The advance-purchase requirement of only seven days, it argues, is not sufficient to prevent extensive use by those who would otherwise choose higher-fare service, since most passengers purchase their tickets seven days in advance in any event. Pan American further contends that the fares are unjustly discriminatory because their use is restricted to citizens of Pakistan.

Upon full consideration of the tariff, Pan American's complaint, and all other relevant matters, the Board has concluded that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the fares should be suspended pending investigation.

PIA's proposed fares are discriminatory and the United States Court of Appeals has stated that "the rule of equality is the very core and essence of the fare structure in the transportation industry." Thus, "equality of treatment is paramount" and the factors alleged to justify departure from the rule of equality "are to be weighed in light of that pervasive requirement."[1] In the case before us,

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

[2] Specific commodity rates between Los Angeles/Seattle and Honolulu/Hilo for Item 2190, fruits, vegetables, spices or beverages, and for Item 0821, papaya, are not increased.

[3] Industry-average costs, as adopted by the Administrative Law Judge in DAFRI, revised for cost increases through the 2nd Quarter of 1976.

[4] Filed as part of the original document.

[1] *Trancontinental Bus System, Inc.*, vs. *C.A.B.*, 383 F. 2d 466 (C.A. 5, 1967).

V41I180 SEP 15 76 UMI

there would appear to be no justification for restricting use of the fares to citizens of Pakistan, which clearly raises a prima facie question of unjust discrimination.

In addition to the discrimination question, the fares, discounted by almost 50 percent from the normal fare and subject to virtually no restrictive conditions, would likely cause substantial revenue dilution. The consequent decline in carrier profitability created by such diversion of traffic from higher-fare services, could necessitate increases in all fares and place an unacceptable burden on the normal fare passenger.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801, and 1002(j) thereof:

It is ordered, that: 1. An investigation be instituted to determine whether the provisions in Rule 41 on 18th Revised Page 38 to International Passenger Fares Tariff No. 3, C.A.B. No. 15, issued by John M. Sampson, Agent, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in ordering paragraph one above are suspended and their use deferred from September 1976 to and including September 1977, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The suspension herein shall not stay the cancellation of 16th Revised Page 38 to International Passenger Fares Tariff No. 3, C.A.B. No. 15, issued by John M. Sampson, Agent;

4. This order shall be submitted to the President[3] and shall become effective on September 1976;

5. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

6. Copies of this order be filed in the aforesaid tariff and be served upon Pakistan International Airlines Corporation; and

7. Except to the extent granted, the complaint of Pan American World Airways, Inc. in Docket 29659 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27161 Filed 9-14-76;8:45 am]

[2] U.S. carrier reports indicate that with the Boeing-747 aircraft operated by PIA the fares are below fully allocated cost.

[3] This order was submitted to the President on August 31, 1976.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 615-8; PP5G1626/T82]

SODIUM AZIDE

Extension of a Temporary Tolerance

On September 25, 1975, the Environmental Protection Agency (EPA) announced (40 FR 44186) that in response to a pesticide petition (PP 5G1626) submitted by PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222, a temporary tolerance was established for residues of the fungicide sodium azide (expressed as the azide ion (N_3)) in or on the raw agricultural commodities green beans (pole and snap), tomatoes, and potatoes at 0.1 part per million (ppm). This temporary tolerance expires September 19, 1976.

PPG Industries has requested a six-month extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit which is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported and all other relevant material having been evaluated, it has been determined that an extension of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance be extended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. PPG Industries, Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 1, 1977. Residues in or on green beans (pole and snap), tomatoes, and potatoes not in excess of 0.1 ppm remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: September 9, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-26903 Filed 9-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1000]

RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration of Actions

SEPTEMBER 13, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20120		In the matter of: Revision of operating rules for class D stations in the Citizens Radio Service.	
		Filed by Ernest W. Jennes and Terry Coleman for Association of Maximum Service Telecasters, Inc.	Sept. 3, 1976
		Filed by Everett H. Erlick, Robert J. Kaufman, James A. McKenna, Jr., and Thomas N. Frohock for American Broadcasting Companies, Inc.	Do.
20[illegible]	[illegible]	In the matter of: Revision of pt. 15 to extend the receiver certification program, to revise the technical specifications for receivers, and to make other changes.	
		Filed by William I. Thomas, chairman and John Sobolski, staff vice president for citizens radio section, communications division of The Electronic Industries Association.	Do.
20[illegible]	[illegible] 91, and 93	In the matter of: Amendment of pts. 89, 91, and 93 of the Commission's rules and regulations to eliminate the required annual measurement of transmitter power, frequency, and modulation, and to specify transmitter power in terms of output power.	
		Filed by Leo I. George for Chicago Communication Service, Inc.	Sept. 7, 1976

NOTE: Oppositions to petitions for reconsideration must be filed on or before September 30, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26988 Filed 9-14-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COMMONWEALTH NATURAL GAS CORP.

Synthetic Natural Gas Feedstocks; Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held on the June 30, 1976 petition of Commonwealth Natural Gas Corporation (Commonwealth), a synthetic natural gas (SNG) manufacturer, for the assignment of supplier and base period use of butane for SNG feedstock use after September 30, 1976, pursuant to 10 CFR 211.29, and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 1,127,470 barrels of butane for the heating period November 1, 1976, through March 31, 1977.

Commonwealth's Chesapeake, Virginia, SNG facility design output is 29.56 million cubic feet (29.56 MMcf) per day for the 154 days of the 1976–1977 heating year; the design feedstock input to the plant is 7,311 barrels of butane per day.

The petition requests the assignment of 1,127,470 barrels of butane. Of this quantity, Commonwealth will have 209,376 barrels, including an unrecoverable base of 2,857 barrels, in its SNG feedstock storage as of September 30, 1976. The remaining 918,093 barrels of feedstock needed will be acquired through contract and spot purchases or non-Canadian foreign butane and domestic surplus butane as permitted by the FEA.

Commonwealth is currently producing SNG from an allocation of butane assigned to Commonwealth by FEA's Decision and Order dated November 28, 1975. The June 30, 1976 petition, if granted, would allow Commonwealth to continue operation of its Chesapeake, Virginia, SNG facility after September 30, 1976, in a manner consistent with the November 28, 1975 Order.

A file containing all information and data filed in conjunction with Commonwealth's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Written comments regarding Commonwealth's petition will be accepted and considered if filed by October 8, 1976. Any person submitting written comments with respect to Commonwealth's petition should comply with the requirements of 10 CFR 205.33 of the FEA procedural regulations. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Allocation of Feedstocks for Commonwealth Natural Gas Corporation's SNG Plant." Five copies should be submitted to FEA and one copy to Commonwealth Natural Gas Corporation, 200 South Third Street, Richmond, Virginia, 23218, Attention Mr. Frank T. Sutton, III.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on Commonwealth's petition will be held beginning at 9:30 a.m., e.s.t., on October 12, 1976, in the Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., October 4, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through October 7, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., October 7, 1976, and must submit 50 copies of his or her statement to Allocation Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on October 8, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., October 8, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comments on all written and oral presentations received by October 12, 1976, will be permitted through October 26, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to Commonwealth and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on October 13, 1976, at the Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Dated: September 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-26919 Filed 9-10-76;10:21 am]

V41180 SEP 15 76 UMI

ENERGY FINANCE ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Energy Finance Advisory Committee will meet Tuesday, October 5, 1976, 10 a.m., Conference Room B, Old Labor Building, Constitution Avenue, between 12th & 14th Sts, NW., Washington, D.C.

The Committee was established to provide independent advice to the Federal Energy Administration concerning the following areas: The projected capital needs of the domestic energy industries; the characteristics, conditions, and projected changes in the money and capital markets; the financial disincentives to domestic energy development; and the effectiveness of Federal financial incentive programs to enhance domestic energy supply.

The agenda for the meeting is as follows:

1. Update on Energy Legislation.
2. Update on FEA Resource Development Programs.
3. Update on Synthetic Fuel Development.
4. Committee Administrative/Operational Discussion.
5. Subcommittee Reports.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, at (202) 961-7022 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C. on September 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-26919 Filed 9-10-76;10:21 am]

GASOLINE MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee will meet Tuesday, October 5, 1976, 9 a.m., in the Silver Glade Room, Cosmopolitan on Broadway, 1780 Broadway, Denver, Colorado 80202.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale and retail selling of gasoline.

The agenda for the meeting is as follows:

1. Simplification of gasoline regulations
2. EPA Schedule for lead reduction in gasoline
3. Dealer day in court legislation (H.R. 13000)
4. New business

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, at (202) 961-7022 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C. on September 10, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-27037 Filed 9-10-76;4:52 pm]

INTERNATIONAL ENERGY PROGRAM

Voluntary Agreement and Plan of Action for Implementation; Amendment

The Federal Energy Administration has received the approval of the Attorney General, after consultation with the Federal Trade Commission, of certain amendments to the Voluntary Agreement and Plan of Action to Implement the International Energy Program. The text of the amendments is set forth below (Annex A) with the letter of the Attorney General, approving the amendments (Annex B). The amendments are explained at 41 FR 34112 (August 12, 1976); they became effective September 7, 1976, upon the approval of the Attorney General. The Voluntary Agreement, prior to amendment, is published at 1 Federal Energy Guidelines ¶ 13,498.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

ANNEX A

1. The first sentence of subsection 5(b)(1) is amended to read:

(b)(1) Each participant to this Agreement may as a member of a group, or subgroup thereof, established as provided in subsection 5(a) advise and consult with the IEA or the U.S. Government or with other persons or entities, at meetings held in accordance with subsection 5(c), or, as necessary, during an IEA allocation systems test, with respect to the allocation and information provisions of the IEP, including the development and recommendation to the IEA of emergency measures and programs and plans subsidiary thereto, to be implemented pursuant to section 6.

2. The last sentence of subsection 5(b)(1) is amended to read:

Any written confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained by the participant furnishing such data and provided upon request to the Administrator, the Attorney General and the Federal Trade Commission.

ANNEX B

LETTER OF THE ATTORNEY GENERAL

TO THE ADMINISTRATOR

DATED SEPTEMBER 7, 1976

By letter of August 9, 1976, you submitted for my approval two proposed amendments to the Voluntary Agreement and Plan of Action to Implement the International Energy Program, which was established pursuant to Section 252 of the Energy Policy and Conservation Act (EPCA). These proposals have been the subject of interagency staff discussions among the Federal Energy Administration, the Departments of Justice and State, and the Federal Trade Commission, and have been published in the FEDERAL REGISTER for public comment (41 FR 34112, August 12, 1976).

The first change would amend the first sentence of subsection 5(b)(1) to read:

(b)(1) Each participant to this Agreement may as a member of a group, or subgroup thereof, established as provided in subsection 5(a) advise and consult with the IEA or the U.S. Government or with other persons or entities, at meetings held in accordance with subsection 5(c), or, as necessary, during an IEA allocation systems test, with respect to the allocation and information provisions of the IEP, including the development and recommendation to the IEA of emergency measures and programs and plans subsidiary thereto, to be implemented pursuant to section 6. [Amendment underlined]

In making preparation for an IEA allocation systems test, it was found that the existing language of subsection 5(b)(1) did not make adequate provision for all the discussions which would be required during a test of the emergency-sharing system. Advice and consultation would be permitted among members of the group conducting the test at meetings, but perhaps not in furtherance of the test among individual members of the Industry Supply Advisory Group (ISAG) outside of meeting sessions. In addition, it is unclear whether discussions by telephone or telex between ISAG and companies in the Reporting Company Group, necessary to carry out the test, are permitted under section 5(b)(1).

Accordingly, it was proposed that the Voluntary Agreement be amended to ensure that during an IEA allocation systems test the individual members of the ISAG group may advise and consult with each other and with the IEA, the U.S. Government, or companies in the Reporting Company Group whether or not such consultation takes place in a meeting. Of course, as your letter notes, such consultation by participants in the Voluntary Agreement outside the meeting format would be subject to present recordkeeping regulations governing "communications." See 10 CFR 209.34(b).

The second change would amend the last sentence of subsection 5(b)(1) to read:

Any *written* confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained by the participant furnishing such data and provided *upon request* to the Administrator, the Attorney General and the Federal Trade Commission. [Amendment underlined]

The existing language of section 5(b)(1) could be construed to apply to oral as well as written exchangea of confidential or proprietary information. Such a construction would mean that each U.S. company representative participating in the test would have to determine whether any conversation of his contained such information, reduce it to writing and forward it to the U.S. Government. That requirement might frustrate the test. Accordingly, it was proposed that the language be amended to make clear that it applies only to written information. This would not exempt oral provision or exchange of confidential data from all Government scrutiny; as your letter notes, any provision or exchange of such data under the Voluntary Agreement requires our approval, which would be conditioned as we deem appropriate under the circumstances.

The amendment would also change the Agreement so that written confidential or proprietary information would not automatically be provided to the Government, but would only be submitted on request. As you indicate, copies of each questionnaire submitted to IEA by a U.S. Reporting Company for use in the test would still be required to be provided to the Government as well. Under the amended agreement, however, such questionnaires, when used by ISAG during the test, need not be submitted to the Government a second time by the U.S. company's ISAG member. In addition, under the amendment, U.S. company ISAG members need not submit to the Government, except upon request, any of the voluminous number of ISAG work documents or IEA computer printouts that ISAG may use during the test.

Section 252(d)(1) of the EPCA empowers the Attorney General to review, amend, modify, disapprove or revoke at any time a voluntary agreement or plan of action created under the Act. This right may be exercised on his own motion or upon the request of the Federal Trade Commission or any interested person. The subsection also requires prior consultation with the Federal Trade Commission, the Secretary of State and the Federal Energy Administrator, which as I have indicated has already taken place at the staff level. Accordingly, for the reasons stated, I hereby amend the Voluntary Agreement and Plan of Action to Implement the International Energy Program so that the first and last sentences of subsection 5(b)(1) read as set forth above.

[FR Doc.76-26920 Filed 9-10-76;10:21 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates fo Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01088---	Schulte & Bruns, Ringstrasse 2: *Auguste Schulte.*
01185---	Aksjeselskapet Kosmos: *Jarmona, Jacara.*
01210---	A/S Brovigtank: *Bertha Brovig.*
01466---	Common Brothers (Management) Ltd.: *Joseph R. Smallwood.*
01584---	Eagle Terminal Tankers, Inc.: *Eagle Transporter, Eagle Courier.*
01641---	The Bank Line Ltd.: *Pinebank.*
01755---	Hugo Stinnes Zweigniederlassung Hamburg: *Monsun.*
01861---	BP Tanker Co. Ltd.: *British Admiral.*
01871---	F. Scinicariello: *Bruna.*
01931---	Brigantine Transport Corp: *Jesper Maersk.*
02163---	J. Lauritzen A/S: *Selma Dan.*
02241---	Cape Continent Shipping Co. (Proprietary) Ltd.: *Woermann Sambesi.*
02284---	Gypsum Transportation Ltd.: *Gypsum Prince.*
02416---	Boland and Cornelius, Inc.: *Diamond Alkali.*
02522---	Sugar Line Ltd.: *Sugar Exporter.*
02531---	Simbolo Atlantico Navegacion S.A.: *Aggeliki.*
02760---	Florida Panama S.A.: *Olympic Lake.*
02764---	Transcontinental Trading Co. S.A.: *Olympic Dale.*
02877---	Nippon Yusen K.K.: *Toyama Maru.*
02940---	J. S. Gissel & Co.: *Star Sun.*
02959---	Kokuyo Kaiun Kabushiki Kaisha: *Tonegawa Maru.*
02961---	Kobe Kisen Kabushiki Kaisha: *Tatekawa Maru.*
03094---	Malaysia Marine Corp., Liberia: *Singapore Triumph.*
03292---	Maritimecor S.A.: *Navelina.*
03301---	Prudential Lines Inc.: *Santa Ines.*
03329---	Hudson Waterways Corp.: *Transerie, Transsuperior.*
03387---	Deutsche Shell Tanker G.m.b.H.: *Capsa.*
03536---	Herlofson Shipping Co. A/S: *Black Osprey.*
03623---	Crowley Derrick Barges, Inc.: *DB 300.*
03693---	Tex-Tow Inc.: *George Jr., David.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Hague Maru.*
03733---	Great Lakes Dredge & Dock Co.: *GL No. 16.*
03736---	Bethlehem Steel Corp.: *Portmar, Pennmar, Marymar.*
03968---	Zim-Israel Navigation Co., Ltd.: *Beer Sheva.*
04040---	Halfdan Ditlev Simonsen & Co.: *Vitoria.*
04168---	Dillingham Line Inc.: *Maukana.*
04170---	Dillingham Corp.: *Gaylord.*
04276---	Rivtow Straits Ltd.: *Johnstone Straits.*
04288---	Horn-Linie: *Hornbelt.*
04347---	Maroceano Compania Naviera S.A.: *Lykaion.*
04358---	Holland Bulk Transport, B.V.: *Shouwen, Goeree.*
04502---	Kotoshiro Gyogyo K.K.: *Kotoshiro Maru No. 2.*
04614---	Messabec Limitee: *Quebec.*
04770---	Texaco Panama Inc.: *Texaco Arkansas, Texaco Bristol.*
04765---	A/S Oddero M/Flere: *Maple.*
04808---	TRI-W Towing Co. Inc.: *TRI-W.*
04820---	Ocean Oil International Inc.: *Golar Siri.*
05046---	Magnolia Marine Transport Co.: *MM6, MM5, MM4.*
05053---	Wakefield Seafoods, Inc.: *Akutan.*
05114---	N.V. Stoomvaartmaatschappij De Maas: *Waardrecht.*
05148---	Samyang Navigation Co., Ltd.: *King Star, New Star.*
05153---	William Holm Jacobsen: *Christian Holm.*
05278---	Twin City Barge & Towing Co.: *Colonel George Lambert.*
05317---	Vira Compania Naviera S.A.: *Okeanis.*
05500---	Petroleos Mexicanos: *Pemex XXX.*
05734---	Federico E. Ford S.A.: *Don Basilio.*
05919---	Harvard Shipping, Inc.: *Banana Planter.*
05920---	Yale Shipping Inc.: *Banana Reefer.*
06434---	Dampskibsaktieselskabet Den Norske-Afrika-Og Australielinie, A/S Tankfart VI: *Tamano.*
06596---	Issei Kisen K.K.: *Takao Maru.*
06648---	Dietrich Sander Bereederungs G.m.b.h.: *Stroller Grund.*
06662---	Reederei Claus-Peter Offen K.G.: *Holstenbank.*
06765---	Samelet M/S Pan: *Pan.*
06765---	Universal Enterprise Inc.: *Oriental Destiny.*
07005---	CIA Paisano De Navegacion S.A.: *Usa.*
07155---	NV Volendam: *Volendam.*
07253---	Oxford Shipping, Inc.: *Lord Frontenac.*
07254---	Temple Shipping, Inc.: *Lord Niagara.*
07623---	Hawaiian Tug and Barge Co., Ltd.: *HTB-5, HTB-7, HTB-16.*
08041---	Compania Alecos S.A.: *Alecos.*
08127---	Cornell Shippers, Inc.: *Fruco.*
08240---	Penn Shipping Inc.: *Lord de France.*
08317---	South East Asia Shipping Co., Ltd.: *Mahajagvijay.*
08425---	Navieros Armadora S.A.: *Ivory Neptune.*
08873---	Krania Maritime Corp.: *Calypso.*
08904---	Susy de Navegacion S.A. Panama: *Jasmine.*
09546---	Roberts Shipping Co. Ltd.: *Ana Patricia.*
09601---	Foster Shipping Co.: *Sirapil, Lumber Trader, Twin Ship, Friendship, Otto.*
09612---	Oceanic Shipping Corp.: *St. Unzen.*
09740---	Kommandittselskapet Kristina, Joachim Grieg & Co. Holdings A/S: *Kristina.*
09746---	Dranlama, Ltd.: *Caribbean Flower.*
10260---	Hollywood Marine Inc.: *S-1513, Hollywood 1502, Hollywood 2006.*
10434---	Chelsea Navigation Co., Inc.: *Paola.*
10459---	Maritima Santo Domingo CXA: *Don Cesar, Don Tabo.*
10492---	Rederij M.S. "Shipmari IV): *Shimair IV.*
10663---	G.D.M. Barge Co. Inc:. *GDM-20, GDM-10, GDM-30, GDM-60.*
10865---	Pacific Fishing Co., Ltd.: *Bong San No. 1.*
10982---	Samelet M/T Skaugum: *Skaugum.*
11005---	Reederei E. Jacob KG: *Josef Stewing.*
11011---	Power Corp. of Canada Ltd.: *Eskimo.*
11051---	Octamaris Maritime Corp.: *Eurometal.*
11242---	Primula Shipping Co., Ltd. Cyprus: *Falcon.*
11345---	Norfolk Shipping Ltd.: *Aster.*
11365---	E. J. Patterson, Inc.: *Bill Lueck.*
11444---	Samelet Permina III: *Permina III.*

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-27022 Filed 9-14-76;8:45 am]

V41180 SEP 15 76 UMI

JAPAN LINE, LTD. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. 9975–5, among Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd. (all Japanese flag carriers), is a petition to add an additional containership for operation under Agreement No. 9975, as amended, the Japan-East Coast U.S.A. Containership Service Agreement. Presently, the agreement authorizes the parties to operate a total of seven containerships thereunder.

Dated: September 10, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-27021 Filed 9-14-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1594–R]

WATERWAY EXPRESS, INC.

Order of Revocation

By letter dated August 3, 1976, Waterway Express, Inc., 11 Broadway, Suite 1516, New York, NY 10004 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1594–R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before September 2, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Waterway Express, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1594–R issued to Waterway Express, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1594–R be and is hereby revoked effective September 2, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Waterway Express, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76 27020 Filed 9–14–76;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 150, etc.]

AMOCO PRODUCTION CO., ET AL.

Rate Change Filings

SEPTEMBER 1, 1976.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 16, 1976	Amoco Production Co. 500 Jefferson Bldg., P.O. Box 3092, Houston Tex., 77001.	150	Texas Eastern Transmission Corp.	Other southwest.
Do	Mobil Oil Corp. 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	178	Tennessee Gas Pipeline Co	Texas Gulf Coast.
		87	do	Do.
Aug. 20, 1976	Mobile Oil Corp.	18	United Gas Pipe Line Co.	Other southwest.
Aug. 23, 1976	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	191	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	39	do	Texas Gulf Coast
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	159	do	Do.
Do	do	246	do	Do.
Do	do	247	do	Do.
Do	do			

[FR Doc.76-26802 Filed 9-14-76;8:45 am]

[Docket No. CP76-481]

NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 16, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76–481 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale and delivery of natural gas in interstate commerce to existing customers with realigned volumes within their authorized contract demand for the 1976–77 heating season and thereafter, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has received requests from seven of its utility customers, including its Peoples Natural Gas Division, for realignment of their present contract demand and peaking service volumes, including cancellation and adjustment of firm service for certain commercial and industrial customers to meet most effectively their requirements for the 1976–77 heating season. Applicant states further that the adjustment and realignment of contract demand and peaking service volumes would not increase or decrease the presently authorized total contract demand or peaking

service volumes of the seven utilities. The adjustments and realignments are more fully described in the appendix below.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission of its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB.

NORTHERN NATURAL GAS COMPANY
Realignment of The Presently Authorized Firm Entitlement
For The 1976-77 Heating Season
Mcf @ 14.73 Psia

Utility Group / Rate Zone / Community	Presently Effective: Contract Demand	Presently Effective: Seasonal Service	Presently Effective: Winter Period Service	Presently Effective: Peaking Service	Adjustments: Contract Demand	Adjustments: Seasonal Service	Adjustments: Winter Period Service	Adjustments: Peaking Service	1976-77 Heating Season: Contract Demand	1976-77 Heating Season: Seasonal Service	1976-77 Heating Season: Winter Period Service	1976-77 Heating Season: Peaking Service	1976-77 Heating Season: Total
Austin Utilities													
Group E-F													
Rate Zone 3													
Austin, Minnesota	14,200	385			200				14,400	385			14,785
Austin Municipal Power Plant, N.E.	200				(200)				-				-
Total Utility	14,400	385			-				14,400	385			14,785
Inter-City Gas Limited													
Sub-Group E-F													
Rate Zone E													
Barnum, Minnesota	208				2				210				210
Carlton, Minnesota	240				111				351				351
Cloquet, Minnesota	(3,698)	30			3,797				99	30			129
Conwed Corporation	4,400								4,400				4,400
North West Paper	3,000								3,000				3,000
Scanlon	-								-				-
Crosby, Minnesota	1,115				(49)				1,066				1,066
Ironton	-								-				-
Deerwood, Minnesota	222				50				272				272
Kettle River, Minnesota	93				6				99				99
Moose Lake, Minnesota	801				124				925				925
Proctor, Minnesota	1,242				(351)				891				891
Total Sub-Group E-F	7,623	30			3,690				11,313	30			11,343
Sub-Group E-F													
Rate Zone C													
Aurora, Minnesota	479				14				493				493
Biwabik, Minnesota	401				207				608				608
Buhl, Minnesota	15				389				404				404
Coleraine, Minnesota	259				49				308				308
Bovey	-				-				-				-
Eveleth, Minnesota	904		400		155				1,059		400		1,459
Gilbert, Minnesota	561				79				640				640
Grand Rapids, Minnesota	-				3,132				3,132				3,132
Blandin Paper Company	-				-				-				-
Keewatin, Minnesota	198				(37)				161				161
Marble, Minnesota	112				(1)				111				111
Calumet	-				-				-				-
Mountain Iron, Minnesota	276				(42)				234				234
Nashwauk, Minnesota	385				(13)				372				372
Silver Bay, Minnesota	220		418		216				436		418		854
Reserve Mining Co.	9,863				(7,838)				2,025				2,025
Other Communities	1,195	429							1,195	429			1,624
Total Sub-Group E-F	14,868	429	818		(3,690)				11,178	429	818		12,425
Total Utility	22,491	459	818		-				22,491	459	818		23,768

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NORTHERN NATURAL GAS COMPANY
Realignment of The Presently Authorized Firm Entitlement
For The 1976-77 Heating Season
Mcf @ 14.73 Psia

Utility Group / Rate Zone / Community	Presently Effective: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Adjustments: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	1976-77 Heating Season: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Total
Northern Nat Company													
Group A													
Rate Zone 2													
Bellevue, Nebraska	63,[illegible]	2,3[illegible]	[illegible]		(500)				3,000	63,173	2,383	1,884	3,000	70,440
Other Communities	21,234	785	653							21,234	785	653		22,672
Total Sub-Group A	84,407	3,168	2,537		(500)				3,000	84,407	3,168	2,537	3,000	93,112
Group B													
Rate Zone 2													
Hartington, South Dakota	2,100	119	105						1,000	2,100	119	105	1,000	3,324
Other Communities	4,372	162	120							4,372	162	120		4,654
Total Sub-Group B	6,472	281	225						1,000	6,472	281	225	1,000	7,978
Sub-Group E													
Rate Zone 3													
Laverne, Minnesota	1,332	129	[illegible]						250	1,332	129	67	250	1,778
Laverne Coop Creamery	[illegible]	[illegible]	[illegible]							88				88
Pipestone, Minnesota	1,310	38	[illegible]						250	1,310	38	66	250	1,664
Sioux Falls, South Dakota	31,245	1,165	858		(500)				3,500	30,745	1,165	858	3,500	36,268
Western Mall Properties	300									300				300
Other Communities	4,744	187	160							4,744	187	160		5,091
Total Sub-Group E	39,019	1,519	1,151		(500)				4,000	38,519	1,519	1,151	4,000	45,189
Total Group E	45,491	1,800	1,376		(500)				5,000	44,991	1,800	1,376	5,000	53,167
Sub-Group E-F													
Rate Zone 3	329,245	11,276	-	[illegible]	2,100				(8,000)	331,345	11,276		27,708	370,329
Minneapolis, Minnesota	340									340				340
Champion Packages Co.	400									400				400
Electric Machinery Co. 4th St.	250									250				250
Electric Machinery Co. 8th St.	300									300				300
General Mills, Inc. Lab	340									340				340
General Motors Co	380									380				380
Hiawatha Metalcraft, Inc.	550									550				550
Porter, Inc.	420									420				420
Prospect Foundry, Inc.	370									370				370
Tennant Company	310									310				310
Veterans Administration Hospital	1,100				(1,100)					-				-
Other Communities	28,824	6,263	[illegible]	[illegible]						28,824	6,263	3,364	288	38,269
Total Sub-Group E-F	412,530	18,049	3,364	30,[illegible]	1,000				(8,000)	413,530	18,049	3,364	27,996	462,968
Total Utility	584,060	25,817	9,101	30,295	-				-	584,060	25,817	9,101	30,295	649,273

NORTHERN NATURAL GAS COMPANY
Realignment of The Presently Authorized Firm Entitlement
For The 1976-77 Heating Season
Mcf @ 14.73 Psia

Utility Group / Rate Zone / Community	Presently Effective: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Adjustments: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	1976-77 Heating Season: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Total
Peoples Natural Gas Division													
Sub-Group A													
Rate Zone 2													
Bellevue, Nebraska	4,171	747				(700)				4,171	47			4,218
Council Bluffs, Iowa	25,900		2,465				(1,500)			25,900		965		26,865
Heeland International, Inc.	850									850				850
Ralston, Nebraska	1,643	25				(800)				1,643	25			1,668
La Vista	1,225	857								1,225	57			1,282
Other Communities	36,965	1,691	1,318							38,965	1,691	1,318		42,004
Total Sub-Group A	72,784	3,320	3,783			(1,500)	(1,500)			72,784	1,820	2,283		76,867
Sub-Group B													
Rate Zone 2													
Wayne, Nebraska	2,230	68	53			1,000				2,230	1,068	53		3,351
Other Communities	4,710	104	93							4,710	104	93		4,907
Total Sub-Group B	6,940	172	146			1,000				6,940	1,172	146		8,258
Sub-Group E													
Rate Zone 3													
Fatherville, Iowa	4,447		513				500			4,447		1,013		5,460
Jackson, Minnesota	1,743	71	181			500				1,743	571	181		2,495
Spencer, Iowa	5,472	95	422				1,000			5,472	95	1,422		6,989
Other Communities	9,916	212	585							9,916	212	585		10,713
Total Sub-Group E	21,578	378	1,701			500	1,500			21,578	878	3,201		25,657
Total Group E	28,518	550	1,847			1,500	1,500			28,518	2,050	3,347		33,915
Sub-Group C													
Rate Zone 2													
Denison, Iowa	2,486	27	242		(50)					2,436	27	242		2,685
Farmland Foods, Inc.	225				50					275				275
Iowa Beef Packers, Inc.	100									100				100
World Wide Meats, Inc.	60									60				60
Other Communities	36,644	67	1,001							36,086	67	1,001		38,044
Total Sub-Group C	39,857	94	1,243		-					39,857	94	1,243		41,184
Sub-Group C													
Rate Zone 3													
Ackley, Iowa	814	5	105		100					914	5	105		1,024
Crundy Center, Iowa	1,185	1	153		200					1,385	1	153		1,539
New Hampton, Iowa	1,566	1	242		400					1,966	1	242		2,209
Kitchens of Sarah Lee, Inc.	300									300				300
Rockford, Iowa	566	5	74							566	5	74		645
Rockford Brick & Tile Co.	700				(700)					-				-
Other Communities	17,686	84	1,420							17,686	84	1,420		19,190
Total Sub-Group C	22,817	106	1,994		-					22,817	106	1,994		24,917
Total Group C	62,674	200	3,237		-					62,674	200	3,237		66,111

NORTHERN NATURAL GAS COMPANY
Realignment of The Presently Authorized Firm Entitlement
For The 1976-77 Heating Season
Mcf @ 14.73 Psia

Utility Group / Rate Zone / Community	Presently Effective: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Adjustments: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	1976-77 Heating Season: Contract Demand	Seasonal Service	Winter Period Service	Peaking Service	Total
Peoples Natural Gas Division (Cont'd.)													
Group D													
Rate Zone 3													
Darling & Company	75				(75)				-				-
Elkader, Iowa	784		72						784		72		856
Central Dairy Cooperative	200				(200)				-				-
Luana, Iowa	65	174	6						65	174	6		245
Miss. Valley Milk Prod, Assn.	209				209				400				400
Strawberry Point, Iowa	481	55	44		75				556	55	44		655
Other Communities	53,596	2,776	4,326						53,596	2,776	4,326		60,698
Total Group D	55,401	3,005	4,448		-				55,401	3,005	4,448		62,854
Sub-Group E-F													
Rate Zone 3													
Lakeville, Minnesota	859	209	83		125				984	209	83		1,276
New Market, Minnesota	44		134						44		134		178
Assoc. Milk Prod., Inc. of Texas	125				(125)				-				-
Preston, Minnesota	578	23	66		80				658	23	66		747
Meadowland Dairy Assn.	165				(80)				85				85
Other Communities	67,914	2,905	5,205						67,914	2,905	5,205		76,024
Total Sub-Group E-F	69,685	3,137	5,488		-				69,685	3,137	5,488		78,310
Total Utility	466,117	10,575	19,217		-				466,117	10,575	19,217		493,909
Superior Water, Light And Power Co.													
Group E-F													
Rate Zone 3													
Superior, Wisconsin	9,215	589		1,048	300				9,515	589		1,048	11,152
Superior Fiber Prod., Inc.	1,500				(300)				1,200				1,200
Total Utility	10,715	589		1,048	-				10,715	589		1,048	12,352
Two Harbors, Minnesota - City of													
Group E-F													
Rate Zone C													
Two Harbors, Minnesota	1,775	136			350				2,125	136			2,261
American Brake Shoe Co.	350				(350)				-				-
Total	2,125	136			-				2,125	136			2,261
Wisconsin Gas Company													
Sub-Group E-F													
Rate Zone B													
Black River Falls, Wisconsin	-				300				300				300
Jackson County Iron Co.	2,400				(300)				2,100				2,100
Other Communities	24,165	1,631							24,165	1,631			25,796
Total Sub-Group E-F	26,565	1,631			-				26,565	1,631			28,196
Total Utility	36,165	2,090		2,166	-				36,165	2,090		2,166	40,421

[FR Doc.76-26787 Filed 9-14-76;8:45 am]

[Docket No. E-8353]

SUPERIOR WATER, LIGHT & POWER CO.

Order Approving Settlement Agreement

SEPTEMBER 8, 1976.

On August 2, 1974, Superior Water, Light & Power Company (Superior) submitted for filing a proposed increase in rates to its only jurisdictional customer, Dahlberg Light & Power Company (Dahlberg). By order issued August 30, 1974, the Commission accepted the proposed rates for filing, suspended the rates for one day until September 2, 1974, and set the matter for hearing. As a result of conferences among the parties, an agreement for settlement of the issues in this docket was filed on December 24, 1975. The Commission herein approves the settlement agreement, directs Superior to file revised tariff sheets, and orders refunds.

Superior's August 2, 1974, filing provided for a $148,482 (27 percent) rate increase to Dahlberg, based upon the twelve months ending July 31, 1974. Notice of Superior's filing was issued on August 12, 1974, with petitions to intervene or protests due on or before August 23, 1974. No petitions or protests had been received as of August 23, 1974. On August 30, 1974, the Commission accepted for filing and suspended the proposed rate increase. On January 6, 1975, the Public Service Commission of Wisconsin filed an untimely petition to intervene. By order issued January 24, 1975, the Commission granted late intervention to the Public Service Commission. Dahlberg did not petition to intervene.

A settlement agreement resulting from conferences among the parties was filed on December 24, 1975. The agreement and the record in this docket were certified to the Commission by the Presiding Administrative Law Judge on December 29, 1975. Notice of the certification was issued on April 9, 1976, with comments due on or before May 21, 1976. No comments opposing the settlement have been filed.

The Commission's review of the proposed settlement agreement indicates that it is a just and reasonable resolution of the issues involved in this proceeding. The Commission will, therefore, accept and approve the settlement agreement without modification. Rates reflecting the terms of the settlement agreement will be permitted to become effective on September 2, 1974, the date the Commission permitted the rates filed on August 2, 1974, to become effective subject to refund.

The Commission finds. The proposed settlement agreement filed on December 24, 1975, in this proceeding is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. Accordingly, the proposed settlement agreement should be approved as hereinafter ordered and conditioned.

The Commission orders. (A) The proposed settlement agreement filed on December 24, 1975, as a settlement of the issues in this proceeding is incorporated herein by reference, approved and adopted to become effective on September 2, 1974, in accordance with its terms.

(B) Superior shall file within thirty (30) days of the issuance of the final Commission order in Docket No. E-8494 a revised rate schedule which reflects the terms of the proposed settlement agreement accepted herein.

(C) Within thirty (30) days after the rate schedule to be filed in compliance with Paragraph (B) above is accepted for filing, Superior shall refund all amounts collected in excess of the rates set forth in that rate scheduled together with interest calculated at 9 percent per annum.

(D) Superior shall file a report within fifteen (15) days after refunds have

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been made in compliance with Paragraph (C) above. Such report shall show monthly billing determinants and revenues under rates in effect prior to September 2, 1974, the rates which became effective on September 2, 1974, subject to refund, and the settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund and the monthly interest computation, together with summaries of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Superior or any person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

[Docket No. E-8953]

SUPERIOR WATER, LIGHT & POWER COMPANY

MOTION OF SUPERIOR WATER, LIGHT & POWER COMPANY FOR CERTIFICATION AND APPROVAL OF SETTLEMENT AGREEMENT

Now comes Superior Water, Light & Power Company (SWL&P) and moves that the Presiding Administrative Law Judge certify to the Commission for its review and approval the attached Settlement Agreement, executed by SWL&P and the Commission Staff in an effort to resolve all issues in Docket No. E-8953. SWL&P also requests that the full record in the proceeding be certified to the Commission for its use in reviewing the Settlement Agreement. In support of this Motion, SWL&P states as follows:

1. That the parties have discussed on several occasions the possibility of obtaining a unanimous settlement agreement.

2. That a hearing was held on September 29, 1975 at which time a record of 123 pages and 34 exhibits was compiled. All parties to the proceeding waived their rights of cross-examination (Tr. 120).

3. That the attached executed Settlement Agreement is supported by the Commission Staff and SWL&P as being just and reasonable and in the public interest.

Wherefore, SWL&P respectfully requests that the Presiding Law Judge certify to the Commission the attached Settlement Agreement, along with the complete record, and recommend to the Commission that it be approved.

Respectfully submitted,

BY ROBERT S. WATERS,
Attorney for Superior Water, Light & Power Company.

[Docket No. E-8953]

SUPERIOR WATER, LIGHT & POWER COMPANY

SETTLEMENT AGREEMENT

With respect to the proceedings in Federal Power Commission Docket No. E-8953, Superior Water, Light & Power Company (SWL&P) and the Staff of the Federal Power Commission have agreed as follows:

1. In the event that the Federal Power Commission, upon final order in *Minnesota Power & Light Company*, FPC Docket No. E-8494, reduces the proposed rate increase of Minnesota Power & Light Company (MP&L) in that docket for services to SWL&P, SWL&P agrees to reduce the purchased power component of its proposed rate increase to Dahlberg Light & Power Company (Dahlberg) in Docket No. E-8953 accordingly.

2. In the event that the Federal Power Commission, upon final order in FPC Docket No. E-8494, reduces the ratchet on demand contained in Minnesota Power & Light Company's proposed Rate Schedule 90, Resale Service—Municipalities and Private Utilities, SWL&P agrees to reduce the ratchet on demand contained in its proposed Rate Schedule W-3, Resale Service, Municipalities and Private Utilities, by an equal percentage.

3. In the event that the Federal Power Commission upon final order in Docket No. E-8494, upholds the position of the Wisconsin Public Service Commission and the methodology employed by it, that working capital should be excluded from MP&L's rate base, SWL&P agrees to likewise remove working capital from its rate base in the instant proceeding in determining the appropriate level of revenues to be received from Dahlberg.

4. SWL&P agrees to delete the following language from the Service Conditions contained in proposed Rate Schedule W-3:

"Service supplied under this schedule shall not be resold or otherwise disposed of except to ultimate customers, unless Company's consent thereto shall be given in writing."

5. SWL&P agrees to modify the fuel adjustment clause contained in proposed Rate Schedule W-3 so that the fuel cost for purchased power component of that clause contains actual identifiable fossil fuel costs.

6. SWL&P agrees to delete the following provision from its Electric Service Agreement with Dahlberg dated October 14, 1970 (designated FPC Schedule No. 12)

"Customer agrees to purchase from the Company all of his requirements exclusive of that generated by his hydro-electric facilities and in consideration thereof the Company agrees to permit Customer to operate his hydro-electric facilities to obtain the maximum economy of operation and Customer agrees not to use his diesel facilities except during period of scheduled or emergency line outage requiring the operation of such diesel facilities to maintain continous service to all or part of Customer's system. Customer agrees to notify Company of all outages requiring the operation of the diesel and the termination time. Such notification shall be in writing and shall be given within 24 hours following termination of the outage."

7. It is recognized that the rates that may ultimately become effective as a result of this Settlement Agreement cannot be accurately determined at this time since several of the foregoing agreements are contingent upon final Federal Power Commission order in *Minnesota Power & Light Company*, Docket No. E-8494. However, any rates which may ultimately result from this agreement shall be deemed to have been made effective as of September 2, 1974, the date on which the rates now in effect, subject to refund, were permitted by the Commission to be made effective. SWL&P agrees to compute and refund to Dahlberg any difference between the settlement rates and the rates actually collected during the period from and after September 2, 1974.

8. This Agreement is expressly contingent upon its approval by the Federal Power Commission without modification, unless such modification(s) as the Federal Power Commission may require are agreed to by the parties. All parties to this Agreement will cooperate in seeking its acceptance and approval by the Federal Power Commission. If this Agreement is not accepted and approved by the Federal Power Commission without modification, then: (i) It shall not be binding on any party; (ii) all parties shall in that event be deemed to have reserved all their respective rights and remedies in this proceeding; (iii) this Settlement Agreement shall not be part of the record in such proceeding, and all discussions and negotiations thereon shall be privileged; and (iv) the parties shall not be obliged to negotiate further, other than to discuss in good faith whether the modification(s) required by the Federal Power Commission are acceptable to them.

9. Nothing in this Settlement Agreement shall constitute an admission by any party of the correctness or applicability by of any claim, defense, rule or interpretation of law, allegation of fact, principle or method of ratemaking or cost of service determination. This Agreement is made upon the explicit understanding that it constitutes negotiated settlement with respect to SWL&P's wholesale rates for service to Dahlberg. It is also agreed that parties shall not be considered as necessarily agreeing with or conceding the applicability of any principle, or any method of ratemaking or cost-of-service determination, or design of rate schedule, or terms or conditions of service, or the application of any rule or interpretation of law, that may underlie, or be thought to underlie, this settlement. It is further agreed that in any future negotiation or proceeding or proceedings whatsoever (other than any proceeding involving the honoring, enforcement or construction of t s Settlement Agreement or of the revision to Rate Schedule W-3 to be filed with the Commission pursuant to this Settlement Agreement) the parties shall not be bound or prejudiced by this Settlement Agreement.

10. SWL&P reserves the right unilaterally to seek changes or substitutions in accordance with law in the rate and provisions of the revised Rate Schedule W-3 to be filed pursuant to this Settlement Agreement, as well as other terms and conditions of service, and such shall be subject to changes or substitutions, either in whole or in part, made from time to time by a legally effective filing of SWL&P with, or by order of, the regulatory authority having jurisdiction.

IN WITNESS WHEREOF, the parties have caused these presents to be signed and executed by their representatives thereunto duly authorized, this 23rd day of December, 1975.

ROBERT S. WATERS,
Superior Water, Light & Power Company.

DOUGLAS ABBOTT,
Staff of the Federal Power Commission.

VERIFICATION

District of Columbia) ss: Robert S. Waters being first duly sworn, deposes and says that he is attorney for Superior Water, Light & Power Company; that he has been duly authorized to execute, verify and file with the Federal Power Commission the foregoing document; that he has read the contents of same and that the statements contained therein are true and correct to his best information, knowledge and belief.

ROBERT S. WATERS.

Subscribed and sworn to before me this 24th day of December, 1975.

LYNN E. WISEMILLER,
Notary Public

My Commission Expires March 14, 1960.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of § 1.17 of the rules of practice and procedure.

Dated at Washington, D.C. this 24th day of December, 1975.

ROBERT S. WATERS,
Of Counsel for: Superior Water, Light & Power Company.

[FR Doc.76-26858 Filed 9-14-76;8:45 am]

[Docket No. CP75-96 etc.]

EL PASO ALASKA COMPANY, ET AL.

Issuance of Supplement to Environmental Impact Statement

Take notice that on September 15, 1976, the staff of the Federal Power Commission issued a Supplement to its Final Environmental Impact Statement (FEIS) on the Alaska Natural Gas Transportation Systems pursuant to the requirements of the National Environmental Policy Act of 1969 and § 2.82(b) of the Commission's Regulations (18 CFR 2.82(b)).

The staff's FEIS for the proceeding in Docket No. CP75-96 et al. involved the selection of a natural gas transportation network for the shipment of Alaskan Prudhoe Bay gas to the lower 48 states, and was transmitted to interested parties in April 1976; however, as a result of applications by Alcan Pipeline Company and Northwest Pipeline Corporation, in Docket No. CP76-433 and CP76-435, respectively, seeking authorization to construct a natural gas transportation system in Alaska along the existing Alyeska pipeline right-of-way to Delta Junction, Alaska, and from there along the Alaska Highway to the Alaska-Yukon border and to construct various facilities in the states of Washington and Oregon, the Commission, by order dated July 23, 1976, found it necessary for the staff to supplement its previous FEIS.

Part I of the staff's supplement to its FEIS for the subject proceeding is concerned mainly with traditional environmental considerations. Part II, which is the economic analysis portion of the staff's supplemental statement, will be issued and transmitted on or before September 23, 1976.

This Supplement to the FEIS has been sent to the persons who previously received copies of the original FEIS and to those who are parties to this proceeding. The FEIS is on file with the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its regional offices. Copies of the supplement are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Pursuant to the Commission's order of July 23, 1976, in this proceeding, any Federal agency or member of the general public that wishes to submit comments on this environmental supplement must do so on or before October 8, 1976. Any comments received will be reviewed by the FPC staff and considered by them when the staff testifies in the subject proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27244 Filed 9-14-76;11:00 am]

FEDERAL RESERVE SYSTEM

[Reg. Y]

BANK HOLDING COMPANIES

Dismissal of a Hearing

On March 21, 1975, the Board of Governors of the Federal Reserve System entered an Order (40 FR 14376), directing that a public hearing be held on the application of Northwest Bancorporation, Minneapolis, Minnesota ("Banco"), to acquire T. G. Evensen and Associates, Inc., Minneapolis, Minnesota ("Evensen"), a company that provides financial and investment advice to State and local governments. The Board had previously approved the acquisition of Evensen by Banco on August 16, 1973, but upon judicial review was directed by the United States Court of Appeals for the Eighth Circuit to conduct a hearing on the applicatfon. Banco, which had consummated the acquisition during the court proceeding, was permitted to retain control of Evensen pending the outcome of the hearing before the Board.

Now, however, Banco has agreed to divest Evensen and has requested permission from the Board to withdraw its application. On the basis of the information presented, the Board has concluded that Banco should be permitted to withdraw its application to acquire Evensen. Accordingly, the Board has returned the application and hereby dismisses the hearing on the application.

By order of the Board of Governors, effective September 8, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26983 Filed 9-14-76;8:45 am]

BANK HOLDING COMPANIES

Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfathe- privileges") with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a company covered in 1970 may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard for the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board is required to make such determination with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

Notice of the Board's review of nonbank activities and the grandfather privileges of the companies listed below affording opportunity for interested persons to submit comments and views or request a hearing, has been given.

Beydale Incorporated, Chicago, Illinois (40 FR 20860).
Ford City Corporation (formerly S-W Corporation), Chicago, Illinois (40 FR 20860).
G-W Corporation, Chicago, Illinois (40 FR 20860).
Western Capital Corporation,[1] Chicago, Illinois (40 FR 20860).

The time for filing comments and views and requests has expired and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the basis of the evidence before it, the Board finds that none of the companies named hereinabove is entitled to grandfather privileges within the meaning of the proviso in section 4(a)(1) of the Act.

Board of Governors of the Federal Reserve System, effective September 7, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26984 Filed 9-14-76;8:45 am]

ERIE BANKSHARES, INC.

Formation of Bank Holding Company

Erie Bankshares, Inc., Erie, Kansas, has applied for the Board's approval un-

[1] Western Capital Corporation's only nonbanking subsidiary is Western Safe Deposit Company, a subsidiary of Western National Bank of Cicero which conducts a safe deposit business. Western Safe Deposit Company's activities are exempt under section 4(c)(1)(B) ("any company engaged or to be engaged solely in * * * conducting a safe deposit business.") and section 4(c)(5) ("shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes") of the Act.

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der section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98.5 percent of the voting shares of Home State Bank, Erie, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Erie Bankshares, Inc., Erie, Kansas has also applied, pursuant to section 4 (c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activity of conducting an insurance agency business solely offering credit life, credit accident accident and health and other insurance directly related to extensions of credit by Home State Bank, Erie, Kansas. Such activity will be conducted from the premises of that bank. Notice of the application was published on August 5, 1976 in The Erie Record, a newspaper circulated in Erie, Kansas.

Applicant states that the aforementioned activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 8, 1976.

Board of Governors of the Federal Reserve System, September 8, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26985 Filed 9-14-76;8:45 am]

FAM FINANCIAL INC.

Order Approving Formation of Bank Holding Company

FAM Financial Incorporated, Macksville, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 per cent or more of the voting shares of The Farmers and Merchants State Bank ("Bank"), Macksville, Kansas.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of approximately $4.5 million,[1] is the 432nd largest banking organization in Kansas and holds .05 per cent of total deposits in commercial banks in the State. Bank is the fourth largest of six banks in the relevant banking market, which is approximated by Stafford County, and holds approximately 12 per cent of market deposits.

Since the subject proposal essentially represents a reorganization of Bank's ownership from individuals to a corporation owned by the same individuals with no immediate change in Bank's operations, consummation of the transaction would not eliminate any existing or potential competition, increase the concentration of banking resources, or have any adverse effects on other banks in any relevant area. Therefore, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources and future prospects of Applicant are dependent upon those of Bank, which are regarded as generally satisfactory. Although Applicant will incur debt in connection with the acquisition of Bank, it appears that the projected earnings of Bank should be sufficient to enable Applicant to service its debt without impairing the financial condition of Bank. Accordingly, considerations relating to the banking factors are regarded as being consistent with approval.

Although consummation of the transaction would effect no immediate changes in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26986 Filed 9-14-76;8:45 am]

[1] All banking data are as of December 31, 1975.

SEATTLE TRUST AND SAVINGS BANK, SEATTLE, WASHINGTON

Order Approving Acquisition of Assets of Bank

Seattle Trust and Savings Bank, Seattle, Washington ("Seattle Bank"), a member State bank of the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System ("Board") for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) ("Act") to acquire the assets of and assume the liability to pay deposits made in the First National Bank of Redmond, Redmond, Washington, ("Redmond Bank"). As an incident to the proposal, the present office of Redmond Bank would become a branch of Seattle Bank.

As required by the Act, notice of the proposed transaction, in form approved by the Board, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency and the Federal Deposit Insurance Corporation. The Federal Reserve Bank of San Francisco, acting under authority delegated by the Board (12 CFR Part 265) has considered the application and all comments and reports received in light of the factors set forth in the Act.

Seattle Bank, with deposits of $154.6 million in the relevant banking market,[1][2] is the sixth largest of 29 banks in that market, controlling approximately 4.5 per cent of the total deposits. Redmond Bank with deposits of $10.7 million, is the sixteenth largest bank in the relevant banking market, and controls approximately .3 per cent of market deposits. Because of the small relative size of Redmond Bank, the acquisition would cause no significant increase in banking concentration in the Seattle metropolitan market. Although the closest office of Seattle Bank is three miles from Redmond Bank, there are other intervening commercial banking offices and the existing competition between Seattle Bank and Redmond Bank is not regarded as significant. De novo branching into Redmond is currently prohibited by State law because of the presence of the head office of Redmond Bank within the community. Consummation of this proposal will eliminate Redmond Bank as a head office of a commercial banking organization and thus open the Redmond community to de novo branching, which appears likely. Accordingly, this Reserve Bank concludes that consummation of the proposal will have no significant adverse effects on competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and the future prospects of Seattle Bank are regarded as generally satisfactory. In connection with this application, Seattle Bank has committed to increase its capital by $2 million, at least $1 million of which will be equity capital. Consummation of this proposal will ensure an adequate succession of management for Redmond Bank. It appears that considerations relating to the banking factors lend some weight toward approval of the application.

Seattle Bank has indicated that it will provide trust services to the customers of Redmond Bank, reduce service charges on their checking accounts, and provide lower interest rates for many loan categories. In addition, consummation of the proposal will increase Redmond Bank's loan limit, thus providing a new source for large loans in the community. It appears that considerations relating to the convenience and needs of the community lend some weight toward approval of the application. It is this Reserve Bank's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of San Francisco approves the application: *Provided*, The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of San Francisco, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 18, 1976.

H. B. JAMISON,
Vice President.

[FR Doc.76-26982 Filed 9-14-76;8:45 am]

[2] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell and Lilly. Absent and not voting: Chairman Burns and Governors Jackson and Partee.

[1] All banking data are as of June 30, 1974.

[2] The relevant banking market is approximately by King County and the southwestern portion of Snohomish County.

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 987 voting shares of The First National Bank of Stafford, Stafford, Texas, pursuant to a pro rata rights offering by that bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 30, 1976.

Board of Governors of the Federal Reserve System, September 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26987 Filed 9-14-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 7, 1976 (ICC) and September 8, 1976 (NRC). See 44 U.S.C. 3512 (c) and (d)). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests comments (in triplicate) must be received on or before October 4, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

ICC requests an extension no change clearance of Form EM-5, Data Sheet For Sampled Carload, filed by railroads in place of submitting copies of railroad waybills as required pursuant to order of the Interstate Commerce Commission (49 CFR Part 1244). The information collected on Form EM-5 will become a part of the ICC Continuous Waybill Sample and also part of the Department of Transportation Comprehensive Freight Flow Data Program. ICC estimates reporting burden for carriers to average 1/12 hour per response with the number of responses expected from each of the 28 line haul railroads affected ranging from 18 to 11,000 depending on the number of multiple car shipments terminated by each railroad.

NUCLEAR REGULATORY COMMISSION

NRC requests an extension no change clearance for 10 CFR 150.16(b), 150.17 (b), (c), and 150.19 (b), (c), which require certain licensees of Agreement States to report to the NRC thefts or attempted thefts of special nuclear material, source material, or tritium; to file with the NRC an annual statement of source material inventory; and also to file with the NRC a semi-annual statement of tritium inventory. Respondents are certain firms possessing special nuclear material, source material, or tritium under licenses issued by Agreement States. Since the number of reports of thefts is expected to be insignificant no respondent burden is estimated for this requirement. The estimated total respondent burden under 10 CFR 150.17(b) and 150.19(b) for submission of statements of source material and tritium inventories is 132 hours.

NRC requests clearance of a new Form 244, Registration Certificate—Use of Depleted Uranium Under General License, and 10 CFR 40.25. Within 30 days after the first receipt of depleted uranium under the proposed general license of 10 CFR 40.25(a) the general licensee is required to file Form NRC-244 with the Commission pursuant to 10 CFR 40.25(c)(1). The registrant is required by 10 CFR 40.25(c)(2) to report any changes in the information furnished by him on Form NRC-244. A registrant who transfers the source material to another person is required by 10 CFR 40.25(d) to report in writing to the NRC the name and address of the transferee. Respondents are persons who receive, possess, and use depleted uranium pursuant to the general license in 10 CFR 40.25(a). NRC estimates respondent burden to average 10 minutes per response and that 60 persons will file registration certificates each year pursuant to 10 CFR 40.25(c)(1); 5 persons will file reports pursuant to 10 CFR 40.25(c)(2); and 5 persons will file reports pursuant to 10 CFR 40.25(d)(4). NRC estimates total respondent burden will be approximately 12 hours annually. The respondent burden per response will be significantly less than the present burden to apply for a specific license to possess and use depleted uranium in industrial products.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-26990 Filed 9-14-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

NOTE: In FR Doc. 76-25538 appearing at page 38088 of the issue for Wednesday, September 8, 1976, the preamble was inadvertently omitted. It should have preceded the published material as set forth below:

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, section e(4), the General Services Administration (GSA) hereby publishes an annual notice of the systems of records currently being maintained.

This notice of the current GSA systems of records incorporates the initial publication of the description of the systems of records in 40 FR 39137 through 39195 with subsequent revisions published in 40 FR 43860 and 43861, 40 FR 44529, 40 FR 46421 and 46422, 40 FR 50435, 40 FR 60114 and 60115, 41 FR 5868, 41 FR 8548,

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41 FR 18557 and 18558, 41 FR 19261 and 19262, 41 FR 22164, 41 FR 22407 and 22408, 41 FR 24745, 41 FR 24938, 41 FR 32793, and 41 FR 35767 through 35769.

In addition, this notice includes the following substantive changes to the GSA systems of records which have not previously been published:

The system of records, Employee related files GSA/OCR–1 (40 FR 39156), is deleted.

The system of records, Records relating to career and executive development GSA/OAD–11 (40 FR 39141), is revised to redesignate a portion of the career development program as the Upward Mobility Development Program.

The system of records, Discrimination complaint file GSA/OCR–2 (40 FR 39156), is renumbered as GSA/OAD–35 and reference throughout the notice to Director(s) of Civil Rights is changed to Equal Employment Opportunity Officer(s) to reflect an organizational change.

Dated at Washington, D.C., on August 26, 1976.

G. C. GARDNER,
Director of Administration.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (JAZZ)

Meeting

Pursuant to sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Music Advisory Panel (Jazz) to the National Endowment for the Arts will be held on October 4–7, 1976 from 9:30 a.m.–6:00 p.m. in the 14th floor conference room of the Columbia Plaza office building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 6 from 2:00 p.m.–4:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will be a discussion of Guidelines.

The remaining sessions of this meeting on October 4, 5, and 7 from 9:30 a.m.–6:00 p.m. and on October 6 from 9:30 a.m.–2:00 p.m. and 4:00 p.m.–6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–26994 Filed 9–14–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[SR–Amex–76–16]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On June 28, 1976, the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change to implement a revised procedure for the proportional reduction of open orders on the occasion of a stock dividend or stock distribution and the application of such procedure to the reduction of the price limits of all open orders on the specialists book, including open orders to sell and open stop orders to buy, without any adjustment in the size of such orders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12591 (July 2, 1976)) and by publication in the FEDERAL REGISTER (41 FR 29499 (July 16, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Purusant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on June 28, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26945 Filed 9–14–76;8:45 am]

[70–5899]

COLUMBIA GAS SYSTEM, INC.

Authorization of Stock Issuance for Employee Stock Ownership Plan

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and its subsidiaries, hereinafter collectively referred to as the System ("System"), have filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated, thereunder, as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to participate in an employee stock ownership plan pursuant to section 301 of the Tax Reduction Act of 1975 ("TRESOP"). Under TRA of 1975 an additional one percent tax credit is made available to an electing corporation if an amount equal thereto is transferred to an employee stock ownership plan in the form of common stock or cash which then must be used to purchase common stock of the corporation. Columbia intends to elect the additional one percent investment tax credit on its consolidated tax return. Columbia proposes either to contribute authorized but unissued stock equal in value to the amount of the tax credit or to contribute cash in such amount to TRESOP for the benefit of eligible System employees. Any cash contribution would be returned to Columbia in exchange for authorized but unissued shares of Columbia common stock.

The one percent investment tax credit is based on qualified property additions by the System. It is estimated that the additional one percent investment tax credit will amount to approximately $2,500,000 in total for the years 1975 and 1976. The number of shares which will be issued will be determined based upon the additional investment tax credit figure and the average of the closing prices of Columbia's common stock on the New York Stock Exchange Composite Tape for the 20 consecutive trading days immediately preceding the date of issue. At an assumed average trading price of $25 per share, it is presently estimated that approximately 100,000 shares of stock would be issued for 1975 and 1976. Columbia requests authorization to issue up to 125,000 new shares to provide sufficient shares in case of differences in estimates for the investment tax credits and fluctuations in the market price of Columbia common stock. It is estimated that no employee will receive more than 70 shares of stock.

These new shares will not be registered under the Securities Act of 1933, but will be "restricted securities" within the meaning of Rule 144 promulgated pursuant to such Act, which requires that "restricted securities" be held for a period of two years prior to sale.

The TRA of 1975 provides that the investment tax credit amounts be allocated to eligible employees proportionately based on compensation. Under Columbia's plan, employees with at least one year of service and who are at least 21 years of age will be eligible. Compensation will be limited to $100,000 annually for the purposes of such allocation. The TRA of 1975 also requires that the ownership of stock purchased with the amounts contributed vest immediately but that such stock may not be distributed until seven years after the allocation date except in the case of termination of employment for any reason. A Trust ("TRESOT") will be established to receive the stock or, if cash is contributed, to exchange the cash for shares of Columbia common stock and hold the stock for the benefit of qualified employees for the requisite seven years or until a participant's employment terminates. Dividends on the shares held on the TRESOT will be paid to the beneficial owners. The Trustee of the TRESOT will not be permitted to vote the shares it holds, unless it shall have received voting instructions from participating employees.

Due to the terms and nature of the transaction, the public invitation for bids, as required by Rule 50, is considered inappropriate and an exemption is hereby requested by Columbia.

No State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses incurred or to be incurred in connection with this transaction are estimated at $22,000, including system service company charges, at cost, of $15,000.

Notice is further given, that any interested person may, not later than September 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26946 Filed 9–14–76;8:45 am]

[812–3904]

CONNECTICUT GENERAL LIFE INSURANCE CO. ET AL.

Application for Approval of an Offer of Exchange

Notice is hereby given that Connecticut General Life Insurance Company ("CG Life"), a Connecticut stock life insurance company, CG Variable Annuity Account I ("VAA–I") and CG Variable Annuity Account II ("VAA–II"), separate accounts of CG Life registered under the Investment Company Act of 1940 ("Act") as unit investment trusts, and CG Equity Sales Company ("Equity Sales"), Hartford, Connecticut 06152, the principal underwriter of VAA–I and VAA–II (collectively referred to as "Applicants"), have filed an application on February 2, 1976, and an amendment thereto on March 30, 1976, pursuant to section 11 of the Act for an order approving a certain offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

CG Life has established, pursuant to Connecticut law, two separate accounts, VAA–I and VAA–II, for the purpose of holding assets attributable to individual and group variable annuity contracts issued by CG Life. Contracts participating in VAA–I are offered in connection with (1) pension and profit-sharing plans or annuity plans qualified under either section 401 or 403(a) of the Internal Revenue Code of 1954, as amended ("Code"), (2) annuity purchase plans adopted pursuant to section 403(b) of the Code and (3) individual retirement account plans adopted pursuant to section 408 of the Code. Contracts participating in VAA–II are offered in connection with annuity plans not entitled to such special tax treatment under the Code.

Assets of VAA–I and VAA–II are invested exclusively in shares of Companion Fund, Inc. ("Companion Fund") or Companion Income Fund, Inc. ("Companion Income Fund"), both registered under the Act as open-end management investment companies, the investment adviser of which is CG Investment Management Company. Equity Sales and CG Investment Management Company are wholly-owned subsidiaries of Connecticut General Insurance Corporation, the parent corporation of CG Life.

By means of post-effective amendments to the registration statements under the Securities Act of 1933 for the individual contracts participating in VAA–I and VAA–II which were declared effective August 14, 1975, CG Life commenced offering a new type of individual variable annuity contract ("new contract") which permits an owner to have the assets supporting the reserve liabilities attributable to his contract invested in shares of Companion Fund, Companion Income Fund or both during the period prior to the commencement of annuity payments. Assets attributable to other individual variable annuity contracts ("existing contracts") and to all group variable annuity contracts are invested exclusively in shares of Companion Fund.

In connection with the offering of the new contract, there has been established in each of the two separate accounts (VAA–I and VAA–II) a Growth Division consisting of the Companion Fund shares allocated thereto and an Income Division consisting of the shares of Companion Income Fund allocated thereto. An owner of a new contract is entitled to select whether payments are to be allocated to the Growth Division, the Income Division or both. Subject to certain conditions, the owner may change the allocation from time to time and may direct that all or part of the value of his new contract attributable to one separate account division be transferred to the other division. Upon the commencement of annuity payments, the value of the new contract attributable to the Growth Division will be applied to provide a variable annuity and the value attributable to the Income Division will be applied to provide a fixed-dollar annuity, unless the owner has elected otherwise.

Applicants propose to permit owners of existing contracts which are in the accumulation period to exchange their contracts for new contracts participating in the same separate account and to have the values accumulated under existing contracts transferred to the new contracts without any deduction in connection therewith. State premium taxes, if any, incurred by CG Life as a result of a transfer will be deducted from the amount transferred or the applicable accumulation account. An owner of an existing periodic payment contract who exchanges for a new periodic payment contract will, for purposes of determining the applicable sales and administrative charge to be deducted from purchase payments, be assumed to have held the new contract for the period of time he held the existing contract and accordingly, will pay the charge at the same rate that he would have paid had he not exchanged. An owner of a single payment deferred contract who wishes to exchange will be permitted to add additional funds to his new contract at the time of the exchange. Although there will be no charge imposed with respect to any amounts transferred from the existing contract, a sales and administration charge will be imposed upon any additional funds added. However, the charge will be computed as if the additional funds had been added at the time the existing contract was originally purchased. The proposed exchange offer will expire on April 30, 1977, or such later date established by CG Life.

Section 11(a) of the Act makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

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Although Applicants consider that the exchange offer would not appear to involve any exchange of a security of a registered unit trust for the security of any other investment company, Applicants are requesting an order pursuant to Section 11 approving the exchange offer to avoid any question that might be raised.

According to Applicants the principal reason for the exchange offer is to make available to owners of existing contracts any advantages that would result from transferring existing contract values to new contracts without charge and from not paying the higher sales and administration charges that would be incurred if an existing contract was retained and a new contract purchased.

Applicants state that the terms of the new contracts differ from those of the existing contracts and that an exchange would not necessarily be in the best interest of all existing contract owners. The determination whether to accept the exchange offer will be made by each contract owner based upon information provided by Applicants, as discussed below.

Applicants state that the new contracts offer to the contract owner the following advantages over the existing contracts: (a) The opportunity to allocate some or all of his existing contract value and any future payment to the Income Division at a lower load than would be applicable if he retained his existing contract and purchased a new contract, (b) the right to transfer amounts between the Growth and Income Divisions, and (c) the opportunity to provide his beneficiary greater flexibility with respect to amounts due him should he die prior to the commencement of annuity payments.

Applicants state that the new contracts also have several disadvantages for existing contract owners: (a) Under the new contract the mortality and expense risk charge is 1.10 percent per year, while under the existing contract it is .75 percent per year, (b) under the new contract the minimum monthly payment is $50 for contracts participating in VAA-II, while under the existing contracts it is $10, (c) under the new contract the annual administration charge may be larger than the charge under the existing contract because of increased minimum purchase payment requirements and/or the allocation of purchase payments to, or the maintenance of contract values in, both accumulation accounts, and (d) under the new contract a different annuity table is used and the method of determining adjusted age, which is used in determining the applicable variable annuity purchase rate for annuities involving payments for life, differs. Although this latter change will, in most situations, result in an annuity purchase rate that will provide a lower first annuity payment under a new contract, whether the changes will, with respect to a particular annuitant, increase, decrease or have no effect on the first annuity payment will depend on the calendar year of his birth and the year in which his annuity payments commence.

Applicants assert that a decision as to the advisability of accepting the exchange offer must be made by each owner based on a weighing of all the pertinent factors in light of the owner's personal circumstances and objectives. Accordingly, CG Life has undertaken not to recommend blanket acceptance of the exchange offer by all owners, but to seek to assist owners in making a determination whether to exchange by furnishing each of them with a prospectus describing the new contract and the differences between it and the existing contract plus such additional information (which information is included as an exhibit to the application) as may be necessary to assist contract owners in determining whether to make an exchange. Applicants submit that since an assessment of the desirability of accepting the exchange offer can only be made by individual contract owners, and in view of the protection afforded by the proposed disclosure to contract owners to whom the exchange offer will be made and the absence of any effect of the exchange offer on the interests of owners who do not exchange, the proposed offer of exchange is fair and should be approved by the Commission.

Notice is further given that any interested person may, not later than October 4, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application will be issued as of course following October 4, 1976, unless the Commission orders a hearing on request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26947 Filed 9-14-76;8:45 am]

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

SEPTEMBER 7, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from September 8, 1976 through September 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26948 Filed 9-14-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

SEPTEMBER 7, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from September 8, 1976 through September 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26949 Filed 9-14-76;8:45 am]

[70-5895]

GEORGIA POWER CO.

Proposal To Issue Pollution Control Bonds Secured by Collateral Trust Bonds; Exception From Competitive Bidding

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, NW., Atlanta, Georgia 30302, a wholly-owned electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 9, and 12 of the Act and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia states that in order to comply with prescribed air and water quality control standards of the State of Georgia it has been and will be necessary to construct certain pollution control facilities. The filing relates to Georgia's proposal for its disposition and acquisition of an interest in, and the financing of, pollution control facilities for use in connection with its Branch, Hatch, Wansley and Yates steam plants located, respectively, in Putnam, Appling, Heard and Coweta Counties, Georgia. Such interest will be 100 percent for the Branch and Yates steam plants and up to 70 percent for the Wansley and Hatch steam plants. It is intended that the Development Authority of each of such counties ("Authorities") will issue its respective pollution control revenue bonds ("Revenue Bonds") for the purpose of paying the costs of the construction and equipping of the pollution control facilities at said plants ("Projects").

Georgia proposes to enter into Installment Sale Agreements ("Agreements") with the Authorities which will provide for the construction and equipping of the Projects by the Authorities and the issuance of the Authorities of Revenue Bonds in an aggregate principal amount presently estimated not to exceed $120,000,000. Such aggregate amount of Revenue Bonds is to be broken down as follows: Putnam County—up to $25,000,000; Appling County—up to $30,000,000; Heard County—up to $50,000,000; Coweta—$15,000,000. The proceeds of the sales of the Revenue Bonds will be deposited by the Authorities with a Trustee under indentures to be entered into between the Authorities and such Trustee pursuant to which the Revenue Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Projects. The Agreements also will provide for the sale of the Projects to Georgia, the payment by Georgia of the purchase price of each of the Projects in semi-annual installments over a term of years, and the assignment to the Trustee of the Authorities' interest in, and of the moneys receivable by the Authorities under, the Agreements. The Agreements will provide that the purchase prices of the Projects payable by Georgia will be such amounts, including interest thereon, as shall be sufficient (together with other moneys held by the Trustee under the indentures for that purpose) to pay the principal of and interest on the Revenue Bonds as the same become due and payable. The Agreements will also obligate Georgia to pay the fee and charges of the Trustee. The Agreements will provide that Georgia may at any time, so long as it is not in default thereunder, prepay the purchase price for the Projects, including interest thereon, in whole or in part, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds in the manner and to the extent provided in the indentures. The Indentures will provide that the Revenue Bonds will be redeemable (a) at any time on or after 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of 3 percent of the Principal amount and declining by ½ of 1 percent thereafter and (b) in whole, at the option of Georgia, in certain other situations. The Revenue Bonds will mature in 30 years and such bonds will be entitled to the benefit of mandatory redemption sinking funds calculated to retire not less than 25 percent of the aggregrate principal amount of the issues prior to maturity.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under its Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as supplemented and amended ("Mortgage"), which rating Georgia has been advised may be thus attained, Georgia proposes to obtain the authentication of certain series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, as proposed to be supplemented by a further supplemental indenture to be dated as of the first day of the month in which the Collateral Bonds are to be authenticated and delivered. To secure its obligations under the Agreements, Georgia proposes to deliver to the Trustee to be held as collateral the Collateral Bonds in principal amount equal to the principal amount of the Revenue Bonds to be issued by the Authorities. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such bonds and will be nontransferable by the Trustee. The supplemental indenture will provide, however, that the obligation of Georgia to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Agreements sufficient to meet payments when due in respect of the Revenue Bonds. The supplemental indenture will provide that upon acceleration by the Trustee of the principal amount of all outstanding Revenue Bonds under the Indentures, the Trustee may demand the mandatory redemption of the Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The supplemental indentures will also provide that, upon the option redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for 10 years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of 3 percent declining by ½ percent every year. Because interest accrues in respect of the Collateral Bonds until satisfied by payments under the Agreements, "annual interest charges" in respect of the Collateral Bonds will be included in computing the "interest earnings requirement" restricting the amount of first mortgage bonds which may be issued and sold to the public in relation to Georgia's net earnings. The Collateral Bonds will be issued on the basis of unfunded net property additions.

The indentures will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the Trustee will be obligated to deliver to Georgia or for the account of Georgia the Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

In order to comply with the appropriate statute of the State of Georgia, it will be necessary for Georgia to convey the Authorities such portion of the Projects as are now owned by Georgia ("Existing Facilities") subject to the Mortgage. Under the Agreements, Georgia will receive, out of the proceeds of the Revenue Bonds, an amount equal to Georgia's original cost for the Existing Facilities. The Existing Facilities will thereupon become a part of the Projects which are to be provided by the Authorities and which Georgia proposes to purchase as provided in the Agreements.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the Authorities. Georgia will not be party to the underwriting arrangements for the Revenue Bonds. Bond counsel are to issue an opinion that interest on the Revenue Bonds will be exempt from Federal income taxation. Georgia has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds, to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

A portion of the revenue bonds to be issued by each Authority may be issued as a separate but contemporaneous issue of revenue bonds (the "Small Issue Bonds") whose tax exempt status depends upon section 103(c)(6) of the Internal Revenue Code of 1954, as amended (relating to small issues involving the acquisition, construction, reconstruction or improvement of land or property of a character subject to the allowance for depreciation), rather than upon section 103(c)(4)(F) (relating to providing air or water pollution control facilities) of such Code.

The maximum principal amount of the Small Issue Bonds of any Authority is $1,000,000 and, if any Small Issue Bonds of an Authority are issued, the maximum principal amount will be issued. To the extent the Authorities issue Small Issue Bonds, the amount of Revenue Bonds issued by the Authorities will be reduced so that the aggregate of the Revenue Bonds and Small Issue Bonds to be issued will not exceed the amounts set forth above. Separate Installment Sale Agreements and indentures will be provided in respect of the Small Issue Bonds which will be substantially similar to the Agreements and Indentures relating to the Revenue Bonds (aside from provisions relating to the kinds of facilities which may be financed thereby). The obligations of Georgia under the separate Installment Sales Agreements relating to

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such series of Small Issue Bonds would be secured by a separate series of Georgia's first mortgage bonds issued under the Mortgage upon terms substantially similar to the Collateral Bonds relating to the Revenue Bonds. The Small Issue Bonds would be marketed contemporaneously with the Revenue Bonds.

The application-declaration states that the fees incident to the proposed disposition of the Existing Facilities, the issuance of the Collateral Bonds and the acquisition of the Projects (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the Authorities payable out of the proceeds of such sale) are to be filed by amendment. It is stated that the issuance of the Collateral Bonds is subject to the jurisdiction of the Georgia Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction in respect thereof. It is stated that no other aspect of the proposed transactions is subject to the jurisdiction of any State commission or Federal commission, other than this Commission. Georgia states further that the competitive bidding requirements of Rule 50 in respect of the issuance of the Collateral Bonds are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Georgia's obligations to the Authorities and no public offering of the Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than October 1, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26950 Filed 9-14-76;8:45 am]

[811-2531]

GREENWICH LIQUIDITY RESERVE, INC.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Greenwich Liquidity Reserve, Inc. ("Fund"), 124 Greenwich Avenue, Greenwich, Connecticut 06830, registered under the Act as an open-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

The Commission files contain the following information concerning the Fund. The Fund was incorporated under the laws of Connecticut on August 5, 1974 and registered under the Act on October 8, 1974. On March 29, 1975 the Fund's shareholders unanimously voted to liquidate the Fund.

According to the Fund's president, upon liquidation each shareholder received the entire sum of money which he had paid in for shares plus interest allocated in accordance with the Fund's registration statement, and no shareholder suffered a financial loss of any kind. The Fund presently has no shareholders or assets and has been dissolved pursuant to the laws of Connecticut.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of the interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated upon the Act, an order disposing of the application may be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26951 Filed 9-14-76;8:45 am]

[70-5781]

MIDDLE SOUTH FACILITIES, INC. AND MIDDLE SOUTH ENERGY, INC.

Post-Effective Amendment Regarding Proposed Issuance and Sale of Common Stock by Subsidiary Company to Holding Company

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Energy, Inc. ("MESI"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary company of Middle South, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated January 20, 1976 (HCAR No. 19354), MSEI was authorized to issue and sell to Middle South (the holder of all of the outstanding shares of MSEI's common stock no par value per share), and Middle South was authorized to acquire, 53,000 additional shares of MSEI's common stock, for an aggregate purchase price of $53,000,000 in cash. Middle South and MSEI stated that it was preferable for the additional common stock to be sold at times coinciding with MSEI's cash needs, which are primarily determined by the nature and pace of the construction work on its Grand Gulf Nuclear Electric Station near Vicksburg, Mississippi. Accordingly, the applicants-declarants were granted authority to consummate the proposed transactions at various times through December 31, 1976.

In the post-effective amendment, it is stated that sales of the additional common stock aggregating 44,000 shares have occurred to August 27, 1976, leaving 9,000 remaining shares of common stock authorized to be sold through and including December 31, 1976. To enable MSEI to continue construction of the Grand Gulf Nuclear Electric Station project and for other cash needs, authorization is now requested for the company to issue and sell, and for Middle South to acquire, in addition to the 9,000 remaining shares of common stock authorized to be sold through and including December 31, 1976, an additional 15,000 shares of its presently authorized but unissued common stock, no part value, to be sold as necessary during the same period at a price of $1,000 per share for an aggregate cash purchase price of $15,000,000.

It is further stated that to the extent funds are required from external sources to acquire the additional 15,000 shares of common stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 1, 1976, with a group of banks headed by Manufacturers Hanover Trust Company of New York, as authorized by the Commission's order dated June 14, 1976 (HCAR No. 19570).

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26952 Filed 9-14-76;8:45 am]

[SR-PSE-76-25]

PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

On July 21, 1976, the Pacific Stock Exchange Incorporated (the "PSE"), 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would amend the PSE's off-board trading restrictions to provide that the exemption thereto contained in subparagraph (xii) of section 4 of PSE Rule XIII apply only to transactions in dually listed securities. The PCE has stated that the language limiting that exemption to dually listed securities was "inadvertently omitted at the time PSE revised the Rule to comply with Rule 19c-1 of the Commission."[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12655 (July 26, 1976)) and by publication in the FEDERAL REGISTER (41 FR 32482 (August 3, 1976)). Interested persons were invited to submit written data, views and arguments concerning the submission by September 2, 1976. The Commission has not received any comments concerning the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of Section 6 of the Act, the rules and regulations thereunder, and Rule 19c-1 under the Act.[2]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26953 Filed 9-14-76;8:45 am]

[1] PSE Rule XIII, as amended by the PSE to conform with Rule 19c-1 under the Act, was approved by the Commission in Securities Exchange Act Release No. 12245 (March 23, 1976), 41 FR 13424 (March 30, 1976).

[2] The Commission notes that although the amendment by the proposed rule change of PSE Rule XIII renders more comprehensive that provision's restrictions on the ability of PSE members to effect transactions in securities otherwise than on the PSE, the proposed rule change was submitted to the Commission to correct a drafting error in an earlier amendment to PSE Rule XIII and is not inconsistent with Rule 19c-1 under the Act. Nonetheless, the Commission notes that beginning January 3, 1977, any provision of PSE Rule XIII, as amended by the proposed rule change approved today by the Commission, which would limit the ability of a PSE member acting as agent to effect transactions over-the-counter with a third market maker or non-member block positioner in any equity security which is listed on the PSE or to which unlisted trading privileges on the PSE have been extended will be inconsistent with Rule 19c-1 under the Act and will be unenforceable to that extent.

[811-1748]

SECURE LIFE INVESTMENT TRUST

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Secure Life Investment Trust ("SLIT"), P.O. Box 4484, Tucson, Arizona 85717, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information in the Commission's files indicates that SLIT was organized as an Arizona corporation on February 9, 1963, and that it filed a Notification of Registration under the Act on Form N-8A on October 21, 1968, in connection with a proposed offering of its securities. However, no registration statement in respect of such securities has been filed pursuant to the Securities Act of 1933.

Mr. Edwin A. Kerschke, SLIT's president, has made the following representations to the Commission staff: (1) That, as of June 30, 1976, SLIT had net assets of $169,040; (2) that all the outstanding capital stock of SLIT, consisting of 12,582 shares of common stock, is owned by six members of the Kerschke family; (3) that no securities of SLIT have been sold to the public; and (4) that SLIT's board of directors has determined that there will be no public offering of its securities.

Section 8(f) of the Act provides, in part, that when the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon SLIT at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the

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hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76 26954 Filed 9 14-76,8:45 am]

[812-3996]

SOURCE CAPITAL, INC. AND WELDED TUBE CO. OF AMERICA

Filing of Application for an Order Exempting Proposed Transaction

Notice is hereby given that Source Capital, Inc. ("Source"), 1868 Century Park East, Los Angeles, California 90067, a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), and Welded Tube Co. of America ("Welded Tube"), 2400 S. Weccacoe Avenue, Philadelphia, Pennsylvania 19148, (collectively referred to as "Applicants"), have filed an application on July 23, 1976, for an order pursuant to Section 17(b) of the Act exempting from the provisions of section 17(a) of the Act a proposed purchase from Source by Welded Tube of (i) $1,422,952 principal amount of Welded Tube's 7 percent Senior Subordinated Notes due April 21, 1984 (the "Notes"); (ii) warrants exercisable until April 21, 1984, evidencing the right to purchase 53,600 shares of Welded Tube's common stock, $1.00 par value, at an exercise price of $10.28 per share (the "Warrants"); and (iii) 107,125 shares of Welded Tube's common stock, $1.00 par value (the "Common Stock"), for an aggregate proposed purchased price of $2,279,952 plus any accrued interest on the Notes. The Notes, the Warrants, and the Common Stock are hereinafter collectively referred to as the "Securities." All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Welded Tube is a Pennsylvania corporation which is primarily engaged in the manufacture and sale of welded steel tubing, and its common stock (as well as two classes of its publicly-held debentures) is listed on the American Stock Exchange.

Source states that its investment objective is to seek capital appreciation with sufficient current income to meet the dividend requirements of its outstanding preferred stock. At June 30, 1976, Source had total net assets of $175,064,288, of which approximately $50,000,000 consisted of investments in restricted securities, including the Securities which are the subject of the proposed transaction described herein.

The application states that the Notes and the Warrants were purchased by Source from Welded Tube in a private placement on April 23, 1969, at an aggregate purchase price of $2,143,000, which was equal to the original principal amount of the Notes, and that such principal amount of the Notes purchased by Source has been reduced to $1,422,952 by mandatory prepayments of principal of $180,012 in each of the years from 1973 through 1976. The Notes provide for such prepayments to continue through 1983 with the remaining balance of $162,868 payable in 1984.

The application further states that the Notes and the Warrants are not publicly traded, although, at the request of Source, Welded Tube is obligated at its expense to effect registration of the Notes and the Warrants (and underlying shares) under the Securities Act of 1933 and to effect qualification under the Trust Indenture Act of 1939. Applicants state that the Notes and Warrants may be deemed to be restricted securities while held by Source.

Applicants state that the Common Stock was purchased by Source in a private placement on April 23, 1969, at a purchase price of $8.00 per share, and that a total of 53.563 shares of the Common Stock were acquired by Source from the Estate of Philip Bailis, Deceased, and 53,562 shares of the Common Stock were acquired by Source from Louis Bailis, who was then, and is now, the President and Chairman of the Board of Directors of Welded Tube. Applicants further state that the Common Stock may be deemed restricted securities while held by Source, and, in the absence of registration under the Securities Act of 1933, may be sold only pursuant to applicable exemptions therefrom. Applicants state that Source does have certain registration rights with respect to the Common Stock; however, these rights are solely dependent on continued ownership of the Notes, the Warrants, or the shares issuable upon exercise of the Warrants, unless Source pays the costs of registration.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as

> • • • (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person • • • (D) any officer, director, partner, copartner, or employee of such other persons • • •.

Applicants state that the 107,125 shares of Common Stock of Welded Tube owned by Source constitute 10.2 percent of the 1,045,943 shares of Common Stock outstanding, and that, by reason of Source's ownership of more than 5 percent of the total outstanding voting securities of Welded Tube, Welded Tube is an "affiliated person" of Source as that term is defined in section 2(a)(3) of the Act. Applicants further assert that there is no affiliation between Welded Tube and Source other than the described Common Stock ownership.

Section 17(a) of the Act, in part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as a principal, knowingly to sell to or purchase from such investment company any security or other property.

Section 17(b) of the Act provides that the Commission, upon application, shall exempt from the provisions of section 17(a) a proposed transaction if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants assert that the proposed transaction is reasonable and fair and does not involve overreaching on the part of any person concerned. In support of this assertion. Applicants state that the proposed purchase price for the Common Stock ($8.00 per share for an aggregate of $857,000) is equal to that paid by Source in 1969, and is within the range at which such shares traded on the American Stock Exchange during 1976 (from a high sales price of $8.50 per share to a low of $5.50 per share) and is equal to the closing price of $8.00 per share (on a trading volume of 400 shares) on June 4, 1976, the date on which the offer to purchase was made. The Applicants state that the market prices for the shares of common stock of Welded Tube traded on the American Stock Exchange have ranged from a low of $2.00 to a high of $6.12 in 1973, from $3.12 to $7.00 in 1974, and from $5.62 to 9.00 in 1975.

The Applicants further state that the book value per share of the Common Stock was approximately $16.41 on January 31, 1976, the close of the last fiscal year of Welded Tube, and that earnings per share for the fiscal years ended January 31 of each of the past eight years were as follows:

1976	$1.94
1975	4.94
1974	.71
1973	.21
1972	(.14)
1971	(.16)
1970	.19
1969	.58

Thus, Applicants state, the proposed purchase price of the Common Stock is approximately one-half of the book value per share, and for the three-year period ended January 31, 1976, is slightly over three times the average annual earnings per share. The application states that Welded Tube has not paid a cash dividend since 1962.

The application states that the proposed purchase price for the Notes and the Warrants ($1,422,952 plus any accrued interest on the Notes) is equal to the current principal amount of the Notes, and that the Notes are, therefore, being purchased at a discount. Applicants state that the proposed purchase price for the Notes and Warrants is the same as the price Welded Tube has agreed to pay for the purchase of similar securities from an insurance company which also acquired such securities in the 1969 private placement. According to the application, the insurance company presently owns no shares of Welded Tube's common stock, having tendered its common stock to Welded Tube in 1975 as part of an Exchange Offer in which Welded Tube offered its 10 percent Subordinated Debentures due 1995 at $10.00 principal amount for each share of common stock tendered. Applicants state that approximately 419,000 shares of its common stock were purchased by Welded Tube pursuant to that Exchange Offer. Applicants state that the closing of the proposed transaction with the insurance company is conditional on the closing of the proposed transaction which is the subject of this application

Source states that during the past several years, it has been reducing the percentage of its assets which are invested in restricted securities, and that it has determined to dispose of the Securities based upon its evaluation thereof as portfolio securities in comparison with alternative investment opportunities in freely traded securities. Source maintains that it desires to sell this position in order to utilize the funds available therefrom for investments in freely traded securities.

Source states its belief that the proposed transaction is beneficial to it because it will receive a purchase price approximating its estimate of the value of the Securities without the risks inherent in alternative means of liquidating this investment. It further believes that the proposed transaction eliminates the market risks which would otherwise be incurred during the registration process and during the period of time required to sell the Securities. In addition, Source states that it would not incur any underwriting or brokerage commissions or expenses in connection with the proposed transaction.

Welded Tube asserts that the terms of the proposed transaction are the result of "arm's length" negotiations between it and Source, and that, in the judgment of itself and its investment banker, such terms are reasonable and fair and do not involve overreaching on the part of either party.

Welded Tube states in the application that it believes that the purchase of the Securities in its best interests and in the best interests of its shareholders. It states that a number of factors, including the book value and market price of its common stock, the burden and potential dilution presented by the continued existence of the Warrants, the costs of federal securities registration and trust indenture qualification, the release of Welded Tube from affirmative and negative covenants in favor of Source under the Notes, and the difficulties both to the maintenance of an orderly market in its common stock and its future flexibility, all served to make the repurchase of the Securities under the terms agreed upon, beneficial to Welded Tube.

The application states that Welded Tube considers it significant that the purchase price for the Common Stock (as well as the exercise price of the Warrants) is substantially less than the book value of its common stock, and that therefore the effect of the purchase of the Common Stock would be to increase the book value per share of Welded Tube common stock. Welded Tube further states, however, that it has recently called for redemption $2,193,000 outstanding principal amount of its 7 percent Senior Subordinated Convertible Debentures which are convertible at $7.00 per share, and that, in the event these holders choose to convert prior to redemption, such conversions would reduce book value per share. Therefore, Welded Tube states that it is unable at the present time to predict the net effect of the proposed purchase of the Common Stock and the possible conversions of Debentures on book value per share.

Welded Tube states that it will also avoid the substantial expense of registration of the Securities under the Securities Act of 1933 (and qualification under the Trust Indenture Act of 1939) which may be required by Source as an alternative means of liquidating its investment, and that the proposed transaction would also avoid the disorderly impact on the market which could result from an offering or offerings of such a substantial block of securities.

Moreover, Welded Tube asserts that for the life of the Warrants, Source would have the opportunity to profit from a rise in the market for Welded Tube common stock with a resulting dilution of the interests of other Welded Tube shareholders. It also asserts that the terms under which Welded Tube could obtain additional capital during the period for which the Warrants are exercisable could be adversely affected and Source could be expected to exercise the Warrants at a time when Welded Tube would, in all likelihood, be able to obtain any needed additional capital by a new offering of securities on terms more favorable than those provided for by the Warrants.

Welded Tube maintains that the purchase of the Warrants will enable it to avoid the substantial and continual expense and burden it would be obligated to incur in keeping a registration statement current with respect to the Warrants and the shares of its common stock issuable thereunder. Welded Tube states that it is aware that the continuation of an effective registration statement covering the Warrants until 1984 would be costly and would involve burdensome expenditures of time by its officers and employees. In addition, Welded Tube states that any liquidation by Source of the Securities under a registration statement over a sustained period of time could interfere with Welded Tube's ability to raise capital through the sale of its securities.

The application states that, while the interest rate on the Notes is fixed at an attractive level to Welded Tube, the mandatory prepayment provisions reduce the average maturity of the Notes to about three years and result in an effective debt service of a large amount in comparison to the remaining balance.

According to the application, Wertheim & Co., Inc. ("Wertheim"), a member firm of the New York Stock Exchange, acted as the agent for Welded Tube in negotiating the terms of the proposed transaction, and these negotiations principally were conducted by James A. Harmon, a Vice President and Chairman of the Investment Banking Committee of Wertheim. Welded Tube states that it has been advised by Mr. Harmon that he does not control Wertheim. In addition, the application states that Mr. Harmon has served as a Director of Welded Tube since 1967, and that he has been an officer of Wertheim since 1974. Upon consummation of the proposed transaction, Wertheim will be entitled to receive from Welded Tube a broker's commission of 1% of the purchase price, and Mr. Harmon's compensation will not exceed that amount.

Applicants assert that neither Wertheim nor Mr. Harmon is an "affiliated person" of Source under section 2(a)(3) of the Act and that neither Wertheim nor Mr. Harmon have acted as a broker for Source, or as a principal in connection with the purchase or sale of any securities by Source during the last two years.

Applicants contend that the proposed transaction is the result of "arm's length" negotiations between Source and Welded Tube and that, for the reasons discussed in the application and summarized above, the transaction is beneficial to both parties concerned. Applicants also state that the proposed transaction is consistent with the investment policies of Source and the general purposes of the Act as expressed in Section 1 thereof.

Notice is further given that any interested person may, not later than September 27, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing,

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or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26955 Filed 9-14-76;8:45 am]

[812-4021]

USLIFE FUNDS, INC. AND ROBERT H. CRAFT

Filing of Application for Exemption

Notice is hereby given that Uslife Funds, Inc. ("Company"), One Exchange Place, Jersey City, New Jersey 07302, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Robert H. Craft ("Craft"), 1230 Avenue of the Americas, New York, New York 10020, a director of the Company, (hereinafter together referred to as "Applicants"), have filed an application on August 25, 1976, and an amendment thereto on September 7, 1976, for an order of the Commission pursuant to section 6(c) of the Act declaring that Craft shall not be deemed an "interested person" of the Company, its principal underwriters or its investment adviser within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of the Massachusetts Mutual Life Insurance Company ("Mass Mutual"), and a director of Mass Mutual Corporate Investors, Inc. ("Corporate Investors"), and of Mass Mutual Income Investors, Inc. ("Income Investors"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Craft, a director of the Company, is also a director and member of the Executive and Investment Policy Committees of Mass Mutual, a broker-dealer registered under the Securities Exchange Act of 1934. Mass Mutual, an insurance company, is also the investment adviser to, and sponsor of, Corporate Investors and Income Investors, both of which are closed-end management investment companies registered under the Act. The Applicants state that Mass Mutual has registered as a broker-dealer solely because it sells variable annuities, and that it does not otherwise act as a broker-dealer in any capacity.

USLIFE Mutual Funds Management Corp. ("Funds Management"), a wholly-owned subsidiary of USLIFE Corporation, is the Company's current investment adviser and one of its principal underwriters. The application states that National Life Investment Management Company, Inc., a wholly-owned subsidiary of National Life Insurance Company (which is a mutual life insurance company), and USLIFE Corporation have reached an agreement whereby National Life Investment Management Company, Inc. would acquire (the "Acquisition") on or about September 30, 1976, all the outstanding stock of Funds Management. Upon the Acquisition, National Life Investment Management Company, Inc. will become the sole stockholder and new parent of Funds Management, and Funds Management's name will be changed to National Life Investment Advisors, Inc.

Funds Management and USLIFE Equity Sales Corp., a wholly-owned subsidiary of USLIFE Corporation, both currently act as principal underwriters for shares of the Company. Applicants state that the board of directors of the Company has approved proposed new underwriting agreements with National Life Investment Advisors, Inc., and with Equity Services, Inc., a wholly-owned subsidiary of National Life Investment Management Company, Inc. The proposed new underwriting agreements will each become effective upon the Acquisition. The new underwriting agreement with National Life Investment Advisors, Inc., will replace the existing agreement with Funds Management which would terminate automatically upon the Acquisition. The new underwriting agreement with Equity Services, Inc. will replace the existing underwriting agreement with USLIFE Equity Sales Corp. which will terminate by mutual consent upon the Acquisition.

Section 2(a)(19)(A)(iii) of the Act includes, within the definition of "interested person" of an investment company, "any interested person of any investment adviser of or principal underwriters for such company."

Both section 2(a)(19)(A)(v) of the Act, with respect to an "interested person" of an investment company, and section 2(a)(19)(B)(v) of the Act, with respect to an "interested person" of a principal underwriter or investment adviser to an investment company, define an "interested person" to include "any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer."

Applicants state that although Craft is not a registered broker-dealer, he is a director, and therefore an affiliated person, of Mass Mutual and consequently would be, upon the Acquisition, an "interested person" of the Company, National Life Investment Advisors, Inc., and Equity Services, Inc. within the meaning of section 2(a)(19) of the Act.

The application states that, upon the acquisition and subject to election by the Company's shareholders, the Company's board of directors will be increased to nine members and will be composed, among others, of (1) Craft, and (2) two other persons affiliated with National Life Investment Management Company, Inc. and National Life Insurance Company, and therefore "interested persons" of the Company, its adviser, and its principal underwriters.

Section 2(a)(4) of the Act includes, within the definition of "assignment", any transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Section 15(f)(1) of the Act provides, in part, that an investment adviser of a registered investment company or an affiliated person of such investment adviser may receive any amount or benefit in connection with the sale of an interest in such investment adviser which results in the assignment of an investment advisory contract with such company, if certain specified conditions are met. One of those conditions, set forth in section 15(f)(1)(A), is that, for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company are not "interested persons" of either the investment adviser or the predecessor investment adviser of such company.

Thus, the Company may not meet the conditions specified in Section 15(f)(1)(A) if Craft is deemed to be an "interested person" of National Life Investment Advisors, Inc. or Funds Management.

On May 10, 1973, an order of the Commission (Investment Company Act Release No. 7812) was issued pursuant to section 6(c) of the Act declaring that Craft shall not be deemed an "interested person" of a predecessor of the Company by reason of his status as a director of Mass Mutual. The Company states its belief that it is in the Company's best interests that Craft continue to serve as a disinterested director of the Company and thereby assure that it has as many disinterested directors as possible to act for all purposes under the Act.

In view of the foregoing, applicants request an order declaring that Craft, effective upon the acquisition, shall not be deemed to be an "interested person" of the Company, its principal underwriters, or its investment adviser (including any predecessor adviser).

Applicants assert that Craft has no relationship with the Company or with Funds Management and will have no relationship after the Acquisition with the Company, National Life Investment Advisors, Inc. or Equity Services, Inc., other than through his position as director and as a shareholder of the Company. According to the application, Craft is not an officer of Mass Mutual or of any affiliated company of Mass Mutual, nor is he or will he be, upon the Acquisition, an officer of National Life Insurance Company, National Life Investment Management Company, Inc., National Life Investment Advisors, Inc., Equity Services, Inc. USLIFE Equity Sales, Inc., or USLIFE Corporation.

The application states that the company represents and warrants to the Commission that the Company has not and, so long as Craft is a director of the Company, will not, knowingly purchase any securities from or through, or sell any securities to, for or through, Mass Mutual.

Applicants state their belief that Craft has been, and is in fact, an independent director of the Company and that his relationship with the Company is in no

way altered by his being a director of Mass Mutual. Applicants state that they have no doubt that Craft will be able to discharge his duties as director of the Company free from any conflicts of interest and that he will exercise the impartial judgment on behalf of the Company and their shareholders which is expected of an independent director.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 28, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMON:,
Secretary.

[FR Doc.76-26956 Filed 9-14-76;8:45 am]

[Release No. 34-12762]

CERTAIN FOREIGN SECURITIES

List of Foreign Issuers Which Have Submitted Information Concerning Exemptions

Foreign issuers with more than $1,000,000 in assets and a class of equity securities held by 500 or more shareholders, of which 300 or more shareholders reside in the United States, are subject to the registration, reporting, proxy and insider trading provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) (the "Act").[1]

Rule 12g3-2(b) (17 CFR 240. 12g3-2(b)) provides an exemption from registration under section 12(g) of the Act for a foreign issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted Rule 12g3-2 and other rules relating to foreign securities (see Securities Exchange Act Release No. 8066, April 28, 1967), the Commission indicated that from time to time it would issue lists containing those foreign issuers which have obtained exemptions from the registration provisions of Section 12(g) of the Act by providing the information specified in Rule 12g3-2(b). The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of current information concerning the foreign issuers included on the attached list is available in the public files of the Commission. The attached list includes those foreign issuers which, as of July 31, 1976, are current in furnishing information under Rule 12g3-2(b). There is a total of 152 foreign issuers on the list.

The Commission also wishes to call to the attention of brokers, dealers, and investors that fact that current information concerning certain foreign issuers may not be available in the United States. The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers. The Commission will continue to review activity in the markets for foreign securities to see whether the present rules are achieving their purpose and whether further rules or rule revisions are necessary in the public interest or for the protection of investors.

Any questions regarding Rule 12g3-2 or the list included herein should be directed to the Office of International Corporate Finance, Division of Corporation Finance.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[1] Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States or subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

Foreign issuers which are current in submitting material pursuant to the provisions of rule 12g3-2(b) as of July 31, 1976

Registrant	File No.	Country
Abitibi Paper Co., Ltd.	82-80	Toronto, Ontario, Canada.
Agnico-Eagle Mines Ltd.	82-179	Do.
Aktiebolaget Svenska Kullagerfabriekn.	82-139	Gothenberg, Sweden.
Algoma Steel Corp. Ltd.	82-99	Sault Ste. Marie, Ontario, Canada.
Anglo American Corp. of South Africa Ltd.	82-97	Johannesburg, South Africa.
Anglo American Gold Investment Co. Ltd.	82-146	Do.
Anglo-Ecuadorian Oilfields Ltd.	82-252	Swindon, England.
Anglo United Development Corp. Ltd	82-190	Toronto, Ontario, Canada.
B.A.T. Industries Ltd.	82-33	London, England.
Bank of Montreal	82-126	Montreal, Quebec, Canada.
Bank of Nova Scotia	82-132	Toronto, Ontario, Canada.
Bankeno Mines Ltd.	82-162	Do.
Basic Resources International S.A.	82-203	Luxembourg, Luxembourg.
Beecham Group Ltd.	82-22	Middlesex, England.
Bell Canada	82-2	Montreal, Quebec, Canada.
Bethlehem Copper Corp.	82-218	Vancouver, British Columbia, Canada.
Bison Petroleum & Minerals Ltd.	82-161	Toronto, Ontario, Canada.
Blyvooruitzicht Gold Mining Co., Ltd.	82-69	Johannesburg, South Africa.
Bovis Corp. Ltd.	82-62	Toronto, Ontario, Canada.
The Bowater Corp.	82-3	London, England.
Bralorne Resources Ltd.	82-143	Vancouver, British Columbia, Canada.
Brascan, Ltd.	82-1	Toronto, Ontario, Canada.
Bridger Petroleum Corp. Ltd.	82-247	Calgary, Alberta, Canada.
Brinco Ltd.	82-102	Montreal, Quebec, Canada.
Broken Hill Proprietary Co. Ltd.	82-81	Melbourne, Australia.
Burmah Oil Co. Ltd.	82-5	Glasgow, Scotland.
Canillo Mines Ltd.	82-193	Toronto, Ontario, Canada.
Canadian Imperial Bank of Commerce.	82-103	Do.
Canadian Marconi Co.	82-86	Montreal, Quebec, Canada.
Celanese Canada Ltd.	82-171	Do.
Charter Consolidated Ltd.	82-233	London, England.
Chromasco Ltd.	82-106	Montreal, Quebec, Canada.
Cochenour Willans Gold Mines Ltd.	82-63	Toronto, Ontario, Canada.
Cominco Ltd.	82-107	Montreal, Quebec, Canada.
Conlagas Mines, Ltd.	82-168	Toronto, Ontario, Canada.
Consolidated-Bathurst Ltd.	82-172	Montreal, Quebec, Canada.
Consolidated Gold Field Ltd.	82-251	London, England.
Cygnus Corp., Ltd.	82-110	Calgary, Alberta, Canada.
Daggafontein Mines Ltd.	82-43	Johannesburg, South Africa.
DeBeers Consolidated Mines, Ltd.	82-91	Do.
Doelkraal Gold Mining Co. Ltd.	82-246	Do.
Den Norske Amerikalinje A/S.	82-111	Oslo, Norway.
Denison Mines Ltd.	82-155	Toronto, Ontario, Canada.
Dickenson Mines Ltd.	82-8	Do.
Dominion Bridge Co. Ltd.	82-93	Montreal, Quebec, Canada.
Dominion Foundries & Steel Co.	82-114	Hamilton, Ontario, Canada.
Dominion Textile Co. Ltd.	82-113	Montreal, Quebec, Canada.
Domtar Ltd.	82-18	Do.
Doornfontein Gold Mining Co. Ltd.	82-213	Johannesburg, South Africa.
Dresdner Bank A.G.	82-229	Frankfurt A.M., Federal Republic of Germany.
Dupont of Canada Ltd.	82-19	Montreal, Quebec, Canada.

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Registrant	File No.	Country
Durban Roodeport Deep Ltd.	82-156	Johannesburg, South Africa.
East Daggafontein Mines Ltd.	82-42	Do.
East Driefontein Gold Mining Co., Inc.	82-121	Do.
East Malartic Mines Ltd.	82-212	Toronto, Ontario, Canada.
L. M. Ericsson Telephone Co.	82-115	Stockholm, Sweden.
Falconbridge Nickel Mines Ltd.	82-30	Toronto, Ontario, Canada.
Fiat SPA	82-116	Turin, Italy.
Fisons Ltd	82-202	London, England.
Ford Motor Co. of Canada Ltd.	82-20	Oakville, Ontario, Canada.
Free State Geduld Mines Ltd.	82-10	Johannesburg, South Africa.
Fuji Photo Film Co., Ltd.	82-78	Tokyo, Japan.
Goldbil Investments Ltd.	82-231	Johannesburg, South Africa.
Grayo Holdings Ltd	82-10	London, England.
Gold Fields of South Africa, Ltd.	82-201	Johannesburg, South Africa.
Gold Fields Property Co. Ltd.	82-211	Do.
Goldex Mines Ltd	82-181	Toronto, Ontario, Canada.
Granisle Copper Ltd	82-26	Vancouver, British Columbia, Canada.
Great Canadian Oil Sands Ltd.	82-228	Toronto, Ontario, Canada.
Great West Life Assurance Co.	82-77	Winnipeg, Manitoba, Canada.
Groundstar Resources Ltd.	82-219	Toronto, Ontario, Canada.
Guilfoil Ltd. (Canada)	82-141	Do.
Harmony Gold Mining Co. Ltd.	82-238	Johannesburg, South Africa.
IAC Ltd	82-12	Toronto, Ontario, Canada.
Imasco Ltd	82-118	Montreal, Quebec, Canada.
Indusmin Ltd	82-201	Toronto, Ontario, Canada.
The Investors Group	82-13	Winnipeg, Manitoba, Canada.
Japan Air Lines Ltd	82-122	Tokyo, Japan.
Kloof Gold Mining Co. Ltd.	82-205	Johannesburg, South Africa.
La Luz Mines Ltd.	82-237	Toronto, Ontario, Canada.
Lake Shore Mines Ltd.	82-15	Do.
Leslie Gold Mines Ltd.	82-223	Johannesburg, South Africa.
Libanon Gold Mining Co. Ltd.	82-215	Do.
Little Long Lac Mines Ltd.	82-198	Toronto, Ontario, Canada.
Lourho Ltd	82-191	London, England.
Magnum Fund Ltd.	82-125	Amsterdam, The Netherlands.
Mentor Exploration & Development Co., Ltd.	82-178	Toronto, Canada.
M.I.M. Holdings Ltd.	82-173	Brisbane, Australia.
Minerals and Resources Corp. Ltd.	82-206	Pembroke, Bermuda.
Moore Corp. Ltd.	82-128	Toronto, Ontario, Canada.
Na-Churi-International Ltd.	82-209	Do.
Nissan Motor Co., Ltd.	82-207	Tokyo, Japan.
Noranda Mines Ltd.	82-158	Toronto, Ontario, Canada.
Oceanic Iron Ore of Canada Ltd.	82-159	Do.
Overseas Inns SA	82-166	Luxembourg, Luxembourg.
Patino N V	82-135	The Hague, The Netherlands.
Peso Silver Mines Ltd.	82-32	Vancouver, British Columbia, Canada.
Pioneer Electronic Corp.	82-243	Tokyo, Japan.
Portcomm Communications Corp. Ltd.	82-250	Toronto, Ontario, Canada.
Potgietersrust Platinums Ltd.	82-240	Johannesburg, South Africa.
Power Corp. of Canada Ltd.	82-137	Montreal, Quebec, Canada.
President Brand Gold Mining Co. Ltd.	82-39	Johannesburg, South Africa.
President Steyn Gold Mining Co. Ltd.	82-44	Do.
Quebec Sturgeon River Mines Ltd.	82-186	Toronto, Ontario, Canada.
Rank Organisation Ltd.	82-17	London, England.
Reed Shaw Osler Ltd.	82-234	Toronto, Ontario, Canada.
Rothmans International Ltd.	82-84	Basildon, Essex, England.
Royal Trust Co.	82-146	Montreal, Quebec, Canada.
Sabina Industries Ltd.	82-214	Toronto, Ontario, Canada.
St. Helena Gold Mines Ltd.	82-232	Johannesburg, South Africa.
Shell Canada Ltd.	82-91	Toronto, Ontario, Canada.
Sherritt Gordon Mines, Ltd.	82-29	Do.
Siemens Aktiengesellschaft.	82-73	Munich, Federal Republic of Germany.
Simpsons Ltd.	82-53	Toronto, Ontario, Canada.
South African Land & Exploration Co., Ltd.	82-59	Johannesburg, South Africa.
Southvaal Holdings Ltd.	82-197	Do.
Spartan Capital Corp. Ltd.	82-160	Montreal, Quebec, Canada.
Spooner Mines and Oils Ltd.	82-112	Toronto, Ontario, Canada.
Stampede International Resources Ltd.	82-242	Vancouver, British Columbia, Canada.
Steel Co. of Canada Ltd.	82-111	Toronto, Ontario, Canada.
Sudbury Contact Mines Ltd.	82-180	Do.
TDK Electronics Co., Ltd.	82-255	Tokyo, Japan.
Taro-Vit Chemical Industries Ltd.	82-210	Haifa, Israel.
Thomson Industries Ltd.	82-171	Calgary, Alberta, Canada.
The Tokyo Electric Power Co. Inc.	82-72	Tokyo, Japan.
Toronto Dominion Bank.	82-112	Toronto, Ontario, Canada.
Toyota Motor Co., Ltd.	82-208	Tokyo, Japan.
U.C. Investments Ltd.	82-235	Johannesburg, South Africa.
Ultra Electronic Holdings Ltd.	82-50	London, England.
Union Gas Ltd.	82-19	Chatham, Ontario, Canada.
Union Platinum Mining Co. Ltd.	82-241	Johannesburg, South Africa.
Unisel Gold Mines Ltd	82-236	Do.
United Keno Hill Mines Ltd.	82-61	Toronto, Ontario, Canada.
United Siscoe Mines Ltd.	82-191	Montreal, Quebec, Canada.
Upper Canada Resources Ltd.	82-131	Do.
Vaal Reefs Exploration and Mining Co. Ltd.	82-56	Johannesburg, South Africa.
Velero Industries N.V.	82-14	Curacao, Netherlands Antilles.
Venterspost Gold Mining Co. Ltd.	82-216	Johannesburg, South Africa.
Vlakfontein Gold Mining Co. Ltd.	82-217	Do.
Voyager Petroleums Ltd.	82-189	Calgary, Alberta, Canada.
Waterval (Rustenburg) Platinum Mining Co. Ltd.	82-218	Johannesburg, South Africa.
Welkom Gold Mining Co. Ltd.	82-57	Do.
West Driefontein Gold Mining Co. Ltd.	82-60	Do.
Western Deep Levels Ltd.	82-58	Do.
Western Holdings Ltd.	82-51	Do.
Western Mines Ltd.	82-233	Vancouver, British Columbia, Canada.
Willroy Mines Ltd.	82-182	Toronto, Ontario, Canada.
Winkelhaak Mines Ltd.	82-221	Johannesburg, South Africa.
F. W. Woolworth and Co. Ltd.	82-200	London, England.
Wright Hargreaves Mines Ltd.	82-60	Toronto, Ontario, Canada.
Zambia Copper Investments Ltd.	82-227	Pembroke, Bermuda.

[FR Doc.76-26836 Filed 9-14-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting Change

The Small Business Administration Concord District Advisory Council has changed the date of its public meeting from 10:00 a.m., Thursday, September 9, 1976, to 10:00 a.m. until 12 noon, Thursday, September 30, 1976, at the Minary Center at Squam Lake in Holderness, New Hampshire, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Bert F. Teague, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 834-4724.

Dated: September 2, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-26932 Filed 9-14-76;8:45 am]

[License No. 05 07-0078]

CONTINENTAL ILLINOIS VENTURE CORP.

Approval of the Transfer of Control of a Small Business Investment Company

On August 13, 1976, a notice was published in the FEDERAL REGISTER (41 FR 34374) stating that Continental Illinois Venture Corporation, 231 South LaSalle Street, Chicago, Illinois 60604 had filed an application with the Small Business Administration (SBA), pursuant to § 107.701 of the rules and regulations governing small business investment companies (13 CFR 107.701 (1976)) for the transfer of control of this company.

Interested parties were given to the close of business August 28, 1976, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA approved the application for transfer of control effective August 30, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 3, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-26929 Filed 9-14-76;8:45 am]

[License No. 02/02-5286]

EQUITABLE LIFE COMMUNITY ENTERPRISES CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that The Equitable Life Community Enterprises Corporation (licensee), 1285 Avenue of the Americas, New York, New York 10019, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provision of 13 CFR 107.1004 (1976).

Licensee proposes to invest $150,000 in a combination of 8 percent capital notes ($100,000) due July 1, 1985, and convertible preferred stock ($50,000) in Freedom National Bank (Freedom) of New York City. This investment will constitute less than one percent of the capital of Freedom.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Frank Savage, a director of the licensee, is also a director of Freedom. Mr. Savage does not own any stock in Freedom.

Notice is hereby given that any person may, on or before September 30, 1976, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

(Catalog of Federal Domestic Assistance Program No. 59011 Small Business Investment Companies)

Dated: September 7, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-26930 Filed 9-14-76;8:45 am]

[License No. 06 06-0161]

PERMIAN BASIN CAPITAL CORP.

Approval of the Transfer of Control of a Small Business Investment Company

On August 10, 1976, a notice was published in the FEDERAL REGISTER (41 FR 33591) stating that Permian Basin Capital Corporation, 303 West Wall Avenue, Midland, Texas 79701, had filed an application with the Small Business Administartion (SBA), pursuant to § 107.701 of the rules and regulations governing small business investment companies (13 CFR 107.701 (1976)), for the transfer of control of this company to the First National Bank of Midland.

Interested parties were given to the close of business August 26, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other data, SBA approved this application for transfer of control effective August 31, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.111, Small Business Investment Companies)

Dated: September 2, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-26931 Filed 9-14-76;8:45 am]

VIRGIN ISLANDS BRANCH OF THE HATO REY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Virgin Islands Branch of the Hato Rey District Advisory Council will hold a public meeting at 10:00 a.m., Tuesday, October 19, 1976, at the Florence Williams Library, Christiansted, St. Croix, Virgin Islands, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Antonio Yordan, U.S. Small Business Administration, U.S. Courthouse & Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918. (809) 763-6363.

Dated: September 7, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-26933 Filed 9-14-76;8:45 am]

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in Room A-53 of the Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, October 18-19, 1976, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, DC (202-389-2317) prior to October 12, 1976.

The meeting will be closed from 9 a.m. to 5 p.m. on October 18-19 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 U.S.C. 552(b)(6)). Closure of the portion of the meeting is permitted by section 10(d) of the Pub. L. 92-463.

Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Medical Research Service, Veterans Administration, Washington, D.C. (Phone 202-389-2317).

Dated: September 9, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-27009 Filed 9-14-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 143]

ASSIGNMENT OF HEARINGS

SEPTEMBER 10, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 8959, Kraftours Corporation, d.b.a. Kraftours and Allan S. Kraft, d.b.a. Universal Travel Service-Investigation of Operations and Revocation of Certificates and License and MC 120781 (Sub-No. 5), Kraftours Corporation Extension-Special Operations now assigned September 27, 1976 at Kansas City, Missouri is postponed until December 6, 1976 (1 week) at Kansas City, Missouri and will be held at the Federal Office Building, 911 Walnut Street.

MC 135871 (Sub-No. 22), H.G.M. Transport Co. now assigned October 4, 1976 at New York, New York, and will be held in Room No. D-2206, 26 Federal Plaza (26) Federal Building.

MC 139614 (Sub-No. 1), Erin Tours, Inc. now assigned October 6, 1976 at New York, New York and will be held in Room No. D-2206, (26) Federal Plaza, Federal Building.

MC 46421 (Sub-No. 12), Escro Storage & Cartage, Inc. now assigned October 18, 1976 at New York, New York and will be held in Room 238, Courtroom A, Court of Claims, 26 Federal Plaza.

MC 138875 (Sub-No. 29), Shoemaker Trucking Company now assigned October 13, 1976 at Boise, Idaho and will be held in Room 395, Federal Building, 550 West Fort Street.

MC 129032 (Sub-No. 18), Tom Inman Trucking, Inc. now assigned October 21, 1976 at Chicago, Illinois and will be held in Room 3230, 230 South Dearborne Street.

MC 128273 (Sub-No. 214), Midwestern Distribution, Inc. now assigned October 19, 1976 at Chicago, Illinois and will be held in Room 3230, 230 South Dearborn Street.

MC 140874, Schreiber Express, Inc. now assigned October 27, 1976 at Tallahassee, Florida and will be held at the Florida Public Service Commission, 2nd Floor, 700 South Adams Street.

MC 110563 (Sub-No. 172), Coldway Food Express, Inc. now assigned October 18, 1976 at New York, New York and will be held in Room E-2222, 26 Federal Plaza, Federal Building.

MC 110563 (Sub-No. 174), Coldway Food Express, Inc. now assigned October 22, 1976 at New York, New York and will be held in Room E-2222, 26 Federal Plaza, Federal Building.

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MC 140231 (Sub-No. 2), Lumber Distributors, Inc. now assigned October 20, 1976 at New York, New York and will be held in Room E-2222, 26 Federal Plaza, Federal Building.
MC-C-6997, Owens Bros., Inc. v. Midwest Emery Freight System, Inc. now assigned October 19, 1976 at New York, New York and will be held in Room E-2222, 26 Federal Plaza, Federal Building.
MC-C-8974, Mrs. Charles Hodgens, Individual, d.b.a. Tour of the Month Club and Greyhound World Tours, Inc. v. S&C Corporation, d.b.a. Piedmont Tours now assigned October 20, 1976 at Columbia, South Carolina and will be held in Court No. 3, City Municipal Courthouse, 811 Washington Street.
FD 27804, Chicago and Northwestern Transportation Company Petition For Investigation and Declaratory Order, FD 27861 Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Trackage Rights, Cook County, Illinois and FD 27862 Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Application for an Order Under Section 3(5) of the Interstate Commerce Act, which were set for Pre-Hearing Conference on September 9, 1976, at Washington, D.C. have been postponed to October 13, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27029 Filed 9-14-76;8:45 am]

[Notice No. 28]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 15, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 5, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76131. By order of September 9, 1976 the Motor Carrier Board approved the transfer to Russell Earl Pearce, doing business as Pete's Sunoco, Baltimore, Maryland 21224, of the operating rights set forth in Certificates No. MC-78040, MC-78040 (Sub-No. 4), and MC-78040 (Sub-No. 6), issued July 2, 1969, September 23, 1968, and February 2, 1972, respectively, to engage in operations in interstate or foreign commerce in the transportation of paper boxes, furniture frames, new furniture, and new upholstered furniture, uncrated, from, to and between specified points in New York, New Jersey, Maryland, Pennsylvania, West Virginia, Virginia, Connecticut, Rhode Island, Massachusetts, and Delaware and Washington, D.C. Robert Jay Yerman, 500 Tower Building, Baltimore, Md. 21202, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27027 Filed 9-14-76;8:45 am]

[Notice No. 120]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 10, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 223 TA), filed August 31, 1976. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of Pakwell at Wilsonville, Oreg., as an off-route point in connection with carriers authorized regular-route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pakwell Facilities, Wilsonville, Oreg. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Box 07, 550 West Fort St., Boise, Idaho 83724.

No. MC 39763 (Sub-No. 3 TA) filed September 1, 1976. Applicant: G. E. GROGER TRUCK LINE, INC., 70 N. Main St., Walton, Ky. 41094. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between junction of Kentucky Highway 17 with U.S. Highway 42 and the site of the Cincinnati Gas and Electric Company East Bend Power Station near Rabbit Hash, Ky., serving no intermediate points; from the junction of Kentucky Highway 17 with U.S. Highway 42 over U.S. Highway 42 to its junction with Kentucky Highway 18, thence over Kentucky Highway 18 to its junction with Kentucky Highway 338 near Rabbit Hash, thence south approximately 3 miles over Kentucky Highway 338 to the site of the Cincinnati Gas and Electric Company East Bend Power Station, and return over the same route; and (2) between Walton, Ky., and the site of the Cincinnati Gas and Electric Company East Bend Power Station near Rabbit Hash, Ky., serving no intermediate points; from Walton over Kentucky Highway 1292 to its junction with Kentucky Highway 338, thence west via Kentucky Highway 338 to the site of the Cincinnati Gas and Electric Company East Bend Power Station, and return over the same route. Applicant intends to tack its existing authority with MC 39763, and to interline with other carriers at Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald Funke, Manager, Materials Management Dept., Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45201. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 50307 (Sub-No. 79TA), filed August 31, 1976. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 W. 35th St., New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacturing of wearing apparel, between Deer Park, Md., on the one hand, and, on the other, points in New Jersey, Pennsylvania and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Garrett Manufacturing Corp., Drawer A E, Deer Park, Md. Send protests to: Marie B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 51146 (Sub-No. 475TA), filed September 1, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the warehouse site of National Can Corporation, at Sharonville, Ohio, to Evansville, Ind., and LaCrosse, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Can Corporation, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 63417 (Sub-No. 92TA), filed September 1, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 2888, 1814 Hollins Road, Roanoke, Va. 24001. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incandescent bulbs and bases*, from Cleveland and Conneaut, Ohio, and Lexington, Ky., to Kernstown, Va., for 180 days. Supporting shipper: General Electric—Lamp Business Division, Comp. No. 4504 Nela Park, Cleveland, Ohio 44112. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 101075 (Sub-No. 121TA), filed September 1, 1976. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Ave., Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., located near Barnesville and Benson, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin and Montana, for 180 days. Supporting shipper: Farmlnad Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak 58102.

No. MC 107012 (Sub-No. 230TA), filed September 1, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Gerald A. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, tricycles, and parts and accessories thereof, and materials and supplies* used in the manufacture of bicycles and tricycles, between Celina, Ohio; Azuza, Calif; Torrence, Calif.; City of Industry, Calif.; and Richmond, Ind.; on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Huffman Manufacturing Co., P.O. Box 1204, Dayton, Ohio 45401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 109324 (Sub-No. 35TA), filed September 2, 1976. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Jay C. Miner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), between Memphis, Tenn., and Little Rock, Ark., and points within their respective commercial zones, serving no intermediate points, from Memphis, over Interstate Highway 40 to junction Interstate Highway 30, thence over Interstate Highway 30 to Little Rock, and return over the same route. Restriction: The operations authorized herein are restricted against the transportation of shipments between Memphis, Tenn., and points in its commercial zone, on the one hand, and, on the other, Joplin, Kansas City, Springfield and St. Louis, Mo., and points within their respective commercial zones. Applicant intends to tack its existing authority with MC 109324, for 180 days. Supporting shippers: There are approximately 145 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 677TA), filed September 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media*, from Andrews, Dumas, Dimmitt and Pecos, Tex., to Lubbock, Tex., on traffic having an immediately subsequent movement by air, for 180 days. Supporting shipper: Continental Telephone Company, Big Springs Highway, P.O. Box 457, Andrews, Tex. 79714. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (SubNo. 678TA), filed September 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic and computer parts and related materials*, in packages or articles not to exceed 100 pounds in the aggregate from one consignor to one consignee on any one day; and (2) *Business papers, records audit and accounting media*, between Los Alamos, N. Mex., and the Albuquerque International Airport, Albuquerque, N. Mex., on traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Digital Equipment Corporation, 1907 Central, No. 214 Miles Bldg., Los Alamos, N. Mex. 87544. Send protests to: Maria B. Kejas, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116457 (Sub-No. 16TA), filed September 1, 1976. Applicant: GENERAL TRANSPORTATION, INCORPORATED, 1804 S. 27th Ave., P.O. Box 6484, Phoenix, Ariz. 85009. Applicant's representative: D. Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, paneling, and pressed board of ground wood*, from Maricopa and Pima Counties, Ariz., to points in New Mexico and El Paso County, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Plywood Corporation, 5045 W. Coulter, Glendale, Ariz., and 3232 E. 36th, Tucson, Ariz., Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 123255 (Sub-No. 81TA), filed August 30, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Terre Haute, Ind., to Milwaukee, Wis., for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 126612 (Sub-No. 5TA), filed August 31, 1976. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULAGE COMPANY, 86 Kent Ave., Brooklyn, N.Y. 11211. Applicant's representative: Murray S. Bornstein, 253 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk flour*, in tank vehicles, from the Brook-

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lyn Eastern District Terminal, Brooklyn, N.Y., to Post Road, West Haven, Conn., under a continuing contract with Lender's Bagel Bakery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lender's Bagel Bakery, Inc., Post Road, West Haven, Conn. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134648 (Sub-No. 3TA) (Correction), filed July 8, 1976, published in the FEDERAL REGISTER issue of July 26, 1976, and republished as corrected this issue. Applicant: MORGAN COUNTY TRUCKING, INC., 1010 East Nutter St., Martinsville, Ind. 46151. Applicant's representative: Warren C. Moberly, 320 N. Meridian St., 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Columbus, Ohio; Detroit, Mich.; Peoria and Belleville, Ill.; Milwaukee, Wis.; Louisville and Newport, Ky.; St. Paul, Minn.; and Pabst, Ga., to Martinsville, Greencastle, Plainfield and Bloomington, Ind., with empty bottles and kegs returned to points of origin; and (2) *Structural brick and floor tile products*, from Brazil, Ind., to points in Illinois, Iowa, Kentucky, Missouri, and Ohio, under a continuing contract with A–1 Beverage Co., Inc.; Arketex Ceramic Corp.; Morgan County Beverage, Inc.; Putman Beverages, Inc., and Rhoades Beverage Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: A–1 Beverage Co., Inc., 633 North Morton, Bloomington, Ind. 47401. Arketex Ceramic Corp., North Meridian St., P.O. Box 347, Brazil, Ind. Morgan County Beverage, Inc., 189 West Walnut St., Martinsville, Ind. 46151. Putnam Beverages, Inc., 500 N. Jackson St., Greencastle, Inc. 46135. Rhoades Beverages Co., Inc., 706 West Main St., Plainfield, Ind. 46168. Send protests to: Patrick G. Collins, Transportation Specialist, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204. The purpose of this republication is to reflect Milwaukee, Wis., as an origin point in part (1).

No. MC 138279 (Sub-No. 1TA) (Correction), filed August 23, 1976, published in the FEDERAL REGISTER issue of September 3, 1976, and republished as corrected this issue. Applicant: CONALCO CONTRACT CARRIER, INC., Conalco Drive, Jackson, Tenn. 38301. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile, clay and earthenware, glazed and unglazed* with and without backing; *tile facing and flooring; quarries, flooring, paving and promenade tile; china bathroom fixtures; adhesives, and accessories* used in the installation of all of the above described commodities; *and equipment, materials, and supplies* used in the manufacture and distribution of all of the above described commodities (except commodities in bulk), between the manufacturing and warehouse facilities of American Olean Tile Company, located at or near Olean, N.Y.; Lansdale, Pa.; Quakertown, Pa.; Jackson, Tenn.; Lewisport, Ky.; Cloverport, Ky.; and Roseville, Calif., and their commercial zones, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with American Olean Tile Company; and (2) *Aluminum and aluminum articles, products composed thereof and* products manufactured and/or distributed by Consolidated Aluminum Corporation, *and materials, equipment, and supplies* used in the manufacture of the above commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between the manufacturing and warehouse facilities of Consolidated Aluminum Corporation, located at or near Madison, Ill.; Shelbina, Mo.; Murphysboro, Ill.; Benton, Ky.; Carrollton, Ky.; Newbern, Tenn.; New Johnsonville, Tenn.; Columbia, Tenn.; Jackson, Tenn.; Iuka, Miss.; Florence, Ala.; Lake Charles, La.; St. Louis, Mo.; and Monroe County, Ohio, and their commercial zones on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Consolidated Aluminum Corporation, for 180 days. Supporting shippers: American Olean Tile Company, 1000 Cannon Ave., Lansdale, Pa. 19446. Consolidated Aluminum Corporation, 11960 Westline Industrial Drive, St. Louis, Mo. 63178. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main St., Suite 2206, Memphis, Tenn. 38103. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 142403TA, filed August 31, 1976. Applicant: P–W TRUCKING CO., 201 King St., P.O. Box 626, Calhoun, Ga. 30701. Applicant's representative: J. Pat Pendley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Floyd, Bartow, Chattooga, Gordon, Whitefield, Murray, Walker, Catoosa, and Gilmer Counties, Ga., with the right to interline traffic to points in Interstate Commerce at Calhoun, Cartersville, Dalton, and Rome, Ga., with the rights to transport traffic to and from these points between Calhoun, Ga., and Atlanta, Ga., for interline purposes only, for 180 days. Supporting shippers: There are approximately 39 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–27028 Filed 9–14–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

Correction

In FR Doc. 76–25818 appearing at page 37434 of the issue for Friday, September 3, 1976, the Docket numbers were inadvertently left out. These numbers are as follows:

For The Victor Transit Corporation, the Docket Number is "P–7–76 (Special Certificate—Waste Products), filed August 17, 1976".

For R. L. Hogge, Inc., the number is "P–8–76 (Special Certificate—Waste Products) filed August 19, 1976".

For Haney Truck Line, the number is "P–9–76 (Special Certificate—Waste Products) filed August 23, 1976".

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before October 5, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

No. P–11–76 (Special Certificate—Waste Products), filed August 23, 1976. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: William C. Nolte (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of waste products for recycling or reuse, between points in the United States (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Anchor Hocking Corporation of Lancaster, Ohio, for the purpose of recycling glass cullet; (2) Metro containers of Lyndhurst, N.J., for the purpose of recycling glass cullet; (3) Dow Industrial Service of Baltimore, Md., for the purpose of disposing of spent acid and cleaning compounds; (4) American Recovery Co., Ind. of Baltimore, Md., for the purpose of recycling and recovering fuel oil from waste oil, and nickel from waste nickel catalyst, and disposing of spent pickle liquor from stainless steel manufacturing, chrome waste, and waste acids; (5) Westvaco of Covington, Va., for the purpose of recycling spent (waste) carbon; and (6) Envirotrol, Inc. of Sewickley, Pa., for the purpose of reactivating spent granular activated carbon for reuse.

NOTE.—Applicant presently holds waste products special certificate No. P–13–72.

P–12–76 (Special Certificate—Waste Products), filed August 17, 1976. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 7175 S.W. 78th Avenue, Portland, Oreg. Applicant's representative: Donald E. Hershiser, 1039 Georgia-Pacific Bldg., 900 S.W. Fifth Ave., Portland, Oreg. 97204. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *waste paper*, from Portland, Oreg., to Santa Clara and Antioch, Calif., and Seattle, Wash., in furtherance of a recognized pollution control program sponsored by Consolidated Fibers of Portland, Oreg., for the purpose of recycling for reuse; (2) *paper rolls*, from Lewiston, Idaho, to Los Angeles and San Leandro, Calif., in furtherance of a recognized pollution control program sponsored by Standard Paper Box Company of Los Angeles, Calif., for the purpose of manufacturing paperboard for reuse; (3) *waste paper*, from Los Angeles, Merced, Visalia, Sacramento, and Berkeley, Calif., Reno, Nev., Logan, Utah, and Boise, Idaho, to Vancouver, Wash., in furtherance of a recognized pollution control program sponsored by Western Fiber Resources of Vancouver, Wash., for the purpose of recycling paper for reuse; and (4) *fiberboard, unfinished fiberboard boxes, and stamped lithographed tin plate can ends*, (a) between Portland, Oreg., and Los Angeles, Calif., (b) from Portland, Oreg., to Salt Lake City, Utah, (c) from Renton, Wash., to Blackfoot, Burley, Caldwell, Rexburg, and Nampa, Idaho, Salt Lake City, Utah, Green River, Wyo., Denver, Colo., and Freewater, Salem, Portland, and Albany, Oreg., (d) from Santa Clara, Calif., to Rexburg, Idaho, Portland, Oreg., Renton and Seattle, Wash., Phoenix, Tucson, Tempe, and Chandler, Ariz., and Denver, Colo., (e) from Irvine, Calif., to Portland, Oreg., (f) from Los Angeles and Irvine, Calif., to Seattle and Renton, Wash., (g) from Portland, Oreg., to points in Washington, and (h) from Oakland, Calif., to points in Oregon and Washington, in furtherance of a recognized pollution control program sponsored by Container Corp. of America of Santa Clara, Calif., for the purpose of forwarding recycled waste materials.

P–13–76 (Special Certificate—Waste Products), filed August 16, 1976. Applicant: W. A. WOODS INDUSTRIES, INC., 10120 West Frontage Road, South Gate, Calif. 90280. Applicant's representative: R. H. Benson (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *ferrous and nonferrous scrap, glass, aluminum, steel, newspaper products, blast furnace slag and steel making slag*, between points in California, Nevada, and Arizona, in furtherance of recognized pollution control programs sponsored by (1) Beverage Industry Recycling Program of Phoenix, Ariz., for the purpose of recycling Arizona city and state waste; (2) Valley Steel and Supply Co., Inc. of Tempe, Ariz., for the purpose of collecting and distributing ferrous and non-ferrous scrap for the Arizona city and state government; and (3) Heckett Slag Products of Fontana, Calif., for the purpose of recycling slags generated by Kaiser Steel Corporation at Fontana, Calif., into useful construction products and roofing granules.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–27026 Filed 9–14–76;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 15, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

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HEALTH SERVICE AREAS

Redesignation

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

HEALTH SERVICE AREAS

Redesignation

Section 1511 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641, January 4, 1975), requires that health service areas be established throughout the United States by the Secretary of Health, Education, and Welfare. With respect to each such area there is to be designated, in accordance with Section 1515 of the Public Health Service Act, a health systems agency whose primary responsibility will be the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

The designation of health service areas was essentially completed with publication of the FEDERAL REGISTER notice on September 2, 1975, listing the boundaries of the 202 areas designated by the Secretary.

Section 1511(b)(4) of the Act provides that the Secretary review the appropriateness of those health service areas on a continuing basis and at the request of any Governor or health systems agency, and if the Secretary determines that a boundary of a health service area no longer meets the requirements of section 1511 that the Secretary revise the boundary accordingly.

The Health Service Area Redesignation Guidelines attached at Appendix A below have been prepared to provide guidance to Governors and health systems agencies as to the general procedures to be followed in the initiation by them of the area redesignation process and to provide a brief summary of the procedures to be utilized by the Department.

Dated: September 2, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

APPENDIX A—HEALTH SERVICE AREA REDESIGNATION GUIDELINES

A. INTRODUCTION

Designation of health service areas was the first major step in implementing the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641). That step was essentially completed with publication of a FEDERAL REGISTER notice on September 2, 1975, listing the boundaries of the 202 areas designed by the Secretary.

Pub. L. 93-641 also provided for the review and redesignation of health service areas under certain statutorily specified conditions. Specifically Section 1511(b)(4) of the Public Health Service Act provides that:

"The Secretary shall review on a continuing basis and at the request of any Governor or designated health systems agency the appropriateness of the boundaries of the health service areas established under section 1511(b)(3) and, if he determines that a boundary for a health service area no longer meets the requirements of subsection (a), he may revise the boundaries in accordance with the procedures prescribed by paragraph (3)(B)(ii) for the establishment of boundaries of health service areas which include areas not included in boundaries submitted by the Governors. If the Secretary acts on his own initiative to revise the boundaries of any health service area, he shall consult with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate health systems agency or agencies designated under part B and the appropriate Statewide Health Coordinating Council established under part C. A request for boundary revision shall be made only after consultation with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate designated health systems agencies, and the appropriate established Statewide Health Coordinating Council and shall include the comments concerning the revision made by the entities consulted in requesting the revision."

The purpose of this document is to provide guidance to Governors and health systems agencies (HSAs) as to general procedures to be followed in the initiation by them of the area redesignation process and to provide a brief summary of the procedures to be utilized by the Department.

B. REQUEST FOR REDESIGNATION

The Secretary may initiate a revision of the boundaries of the health service areas established under section 1511(b)(3) if he determines that a boundary no longer meets the statutory requirements. As a part of the Secretary's responsibility under section 1511(b)(4) of the Public Health Service Act the Secretary will review the appropriateness of the boundaries of the health service areas by December 31, 1977. Thereafter the Secretary will review the appropriateness of the boundaries of the health service areas at least every two years. If the Secretary acts on his own initiative to revise the boundaries of any health service area, he will consult with the Governor of the appropriate State or States (if the area is interstate), the entities referred to in section 1511(b)(2), and the appropriate health systems agency or agencies designated under section 1515 and the appropriate Statewide Health Coordinating Council (SHCC) or Councils. The entities referred to in section 1511(b)(2) include: The chief executive officer or agency of the political subdivisions within the State, the State agency which administers or supervises the administration of the State's health planning functions under a State plan approved under section 314(a), each entity within the State which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and each regional medical program established in the State under the Title IX. If the Governor proposes to formally submit a redesignation request, he should submit a letter of intent to the appropriate HEW Regional Director and Regional Health Administrator in advance of the formal request. This action will provide the Regional Office with an opportunity to discuss the request or provide technical assistance to the Governor.

If there is a Statewide Health Coordinating Council, the Governor must advise the SHCC in advance of his formal submission of a redesignation request to HEW and invite the SHCC to submit its views and comments. Within this period, any effected HSAs, whether conditionally or fully designated, must be given this same notice and invitation. The views and comments of the SHCC and affected HSAs must be a part of the formal redesignation proposal submitted by the Governor.

If the request for redesignation involves an interstate HSA the Governor initiating the request must notify the other Governors, HSAs and SHCCs in the areas affected by the proposed change in advance of the formal submission of a redesignation request to HEW, and invite them to submit their views and comments. These views and comments must be a part of the formal redesignation proposal submitted by the originating Governor.

The HSA may request a redesignation as long as the requirements with respect to redesignation of health service areas as set forth in section 1511(b)(4) of the Act are met. If the HSA proposes a redesignation, the HSA must consult with those entities referrred to in section 1511(b)(2), which include: The chief executive officer or agency of the political subdivisions within the State, the State agency which administers or supervises the administration of the State's health planning functions under a State plan approved under section 314(a), each entity within the State which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and each regional medical program established in the State under the Title IX. If the HSA proposes to formally submit a redesignation request, a letter of intent should be sent to the appropriate HEW Regional Director and Regional Health Administrator in advance of the formal request. This action will provide the Regional Office with an opportunity to discuss the request or provide technical assistance to the HSA. The HSA shall advise the Governor, the SHCC and any other affected HSAs before a formal submission of a redesignation request is made to HEW. The Governor, the SHCC and other affected HSAs shall be invited to submit their views and comments to the HSA within a timely period. These views and comments must be a part of the formal redesignation proposal submitted by the health systems agency who initiated the request.

If the request for redesignation involves an interstate HSA, the health systems agency initiating the request must notify the Governors, health systems agencies and Statewide Health Coordinating Councils in the areas affected by the proposed change in advance of the formal submission of a redesignation request to HEW, and invite them to submit their views and comments. These views and comments must be a part of the formal redesignation proposal submitted by the health systems agency.

Governors and HSAs are urged to consult with affected units of local government, agencies, groups, and other organizations in the areas affected by the proposed change. Other consultation may include:

a. Public hearings. b. Written or oral statements. c. Meetings with agency representatives, legislative bodies or chief elected officials for the specific purpose of obtaining their views.

It is particularly desirable that consultation be sought, and the views, reactions, and comments of groups, interested individuals, and organizations be obtained in the preliminary development of proposed redesignations and certainly prior to their final submission to HEW.

When there is a request for redesignation of health service area boundaries, the consultation requirements above must take into account section 5(c) of Pub. L. 93-641. Section 5(c) requires that

"A reference in any law or regulation—(1) to the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall in the case of a State for which a State health planning and development agency has been designated under section 1521 of such Act be considered a reference to the State agency designated under such section 1521; (2) to an agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act shall if all or part of the area covered by such plan or plans is within a health service area established under section 1511 of the Public Health Service Act be considered a reference to the health systems agency designated under section 1515 of such Act for such health service area; and (3) to a regional medical program assisted under title IX of the Public Health Service Act shall if the program is located in a State for which a State health planning and development agency has been designated under section 1521 of the Public Health Service Act be considered a reference to such State agency."

C. REQUIRED REDESIGNATION INFORMATION

The request for redesignation should contain a statement of the reasons why the area(s) as they are presently designated are "no longer appropriate" i.e., they no longer meet the requirements set forth in section 1511(a). Therefore, appropriate information or data for each health service area affected by the request for redesignation should be submitted. Documentation will be required relating to the need to revise boundaries of existing areas and the resultant impact on those already in existence. Issues which need to be addressed to make the required statutory determination are:

1. What are the developments in the existing area that prompt the redesignation request?

2. Description of the major reason(s) and justification for the requested change.

3. Impact of the proposed change on the health service area, specifically addressing the issue of how this will be an improvement over the existing area.

4. Health systems agency(s) experience within its present geographic area, including documentation indicating that the existing area has adversely affected performance.

5. Information and data which support the contention that the existing area no longer meets the requirements of section 1511(a).

6. What is the significance of the change on all affected health service areas and the appropriateness of the proposed new area for effective planning and development of health resources?

7. Annual population figures for the area(s) based on latest available estimate from the Department of Commerce must be supplied, plus documentation as to the effects the requested redesignation will have on the funding of the affected health system agency(s).

8. How the redesignated boundaries of the health service area relate to those of (a) PSRO areas and (b) sub-State planning and development districts designated in accordance with OMB Circular A-95.

These eight issues should be directly related to the six substantive requirements of section 1511(a) which are elaborated upon in Part D of these Guidelines.

A critical point with respect to area redesignation that must be emphasized is that a finding must be made that the area originally designated no longer meets the statutory requirements of section 1511(a). It is not sufficient that (1) the area proposed under the redesignation request does meet those requirements, although it must of course, or (2) that the proposed area(s) is more appropriate than the present one(s).

D. REDESIGNATION STATUTORY REQUIREMENTS

There are six substantive requirements enumerated in section 1511 of the Public Health Service Act that health service areas must meet.

1. With respect to population, section 1511(a)(3) of the Act requires.

"The area, upon its establishment, shall have a population of not less than five hundred thousand or more than three million; except that—

"(A) The population of an area may be more than three million if the area includes a standard metropolitan statistical area (as determined by the Office of Management and Budget) with a population of more than three million, and

"(B) The population of an area may—

"(i) Be less than five hundred thousand if the area comprises an entire State which has a population of less than five hundred thousand, or

"(ii) Be less than—

"(I) Five hundred thousand (but no less than two hundred thousand) in unusual circumstances (as determined by the Secretary)

"(II) Two hundred thousand in highly unusual circumstances (as determined by the Secretary),

"If the Governor of each State in which the area is located determines, with the approval of the Secretary, that the area meets the other requirements of this subsection."

This specific minimum-maximum population requirement was adopted from the House bill (H.R. 16204) by the Conferees. With respect to it, the House Committee Report (No. 93-1382, p. 52) stated that "The 500,000 people minimum reflects the experience that effective health planning can be conducted only with an adequate base of population and health resources to sustain a planning process."

While waivers of the minimum 500,000 population requirement may be allowed, the Committee noted in its Report that it did not intend that "waivers in either 'unusual' or 'highly unusual' circumstances be used frequently."

As regards waivers, it should be noted that a request to establish a single, Statewide health service area in a State with a population of less than 500,000 does not require a waiver, nor does the designation of a proposed area encompassing an SMSA with a population in excess of 3 million require one.

With respect to the latter, a designated health service area which includes an SMSA over 3 million may include territory in addition to the SMSA itself. On the other hand, while several SMSAs may be included in the same health service area, indeed frequently should be, the combined populations in the area may not exceed 3 million (unless one of the SMSAs has a population over 3 million).

The latest available annual population estimate from the Department of Commerce, which is available for all States and counties nationally, must be used in computing population for purposes of area redesignation.

2. As regards SMSAs, section 1511(a) of the Act requires that—

"Each standard metropolitan statistical area shall be entirely within the boundaries of one health service area, except that if the Governor of each State in which a standard metropolitan statistical area is located determines, with the approval of the Secretary, that in order to meet the other requirements of this subsection a health service area should contain only part of the standard metropolitan statistical area then such statistical area shall not be required to be entirely within the boundaries of such health service area."

The House Committee Report (p. 53) states that "While health service areas should generally be larger than standard metropolitan statistical areas, the Committee has recognized SMSAs as useful delineations of our major metropolitan areas and feels very strongly that health service areas should not divide the SMSAs. Since SMSAs often cross State boundaries because metropolitan areas often do, the Committee intends that when a major metropolitan area straddles a State boundary its service area will also cross the State boundary. While provision is made for waiving this requirement with the approval of the Secretary, it is anticipated that the waiver will be granted rarely * * *" As regards this requirement, unless the Governor of each of the two or more States in which an SMSA is located requests that it be waived, the Secretary will not entertain the waiver request to split the SMSA.

3. Insofar as the geography of the area is concerned, section 1511(a)(I) requires that—

"The area shall be a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources to provide all necessary health services for residents of the area."

A number of factors or considerations are relevant to this general requirement. They include but are not necessarily limited to the following:

a. Time, distance, and cost factors in relation to health care services and facilities within a region that in effect constitute significant economic and/or geographic barriers to obtaining care.

b. Functional economic areas (as defined by the Bureau of Economic Analysis, U.S. Department of Commerce).

c. State boundaries (except in the case of inter-State SMSAs) and those of local political subdivisions. Many funding and other decisions of State and local general-purpose governments are highly relevant to health planning, resource development, and regulatory activities. Moreover, such governments frequently provide services and operate facilities as well as pay for care.

d. Health services utilization and referral patterns.

e. Special population characteristics that have a distinct area dimension (e.g., Indians residing on reservations or other land areas held in trust).

f. Involvement of major prepayment plans (e.g., Blue Cross) and Health Maintenance Organizations (HMOs).

The area, moreover, should have health facilities, manpower, and other resources adequate to provide its residents with a comprehensive range of primary and secondary health care services. It is not required, nor necessarily desirable, that all highly specialized tertiary care services (e.g., burn care, cardiac surgery, kidney transplantation) be available within the area itself though.

4. As regards nonmetropolitan areas, section 1511(a) of the Act requires—

"The boundaries of a health service area shall be established so that, in the planning

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and development of health services to be offered within the health service area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. The boundaries of health service areas shall be established so as to recognize the differences in health planning and health services development needs between nonmetropolitan and metropolitan areas."

This requirement reflects Congressional concern that nonmetropolitan areas be assured fair and equitable treatment in both the designation and redesignation of areas. It has the effect of moderating the requirements relative to population of and the range of health services and facilities in nonmetropolitan areas. The floor debate in the House in this connection is particularly relevant. For example, it was noted by Representative Alexander that health service areas in nonmetropolitan regions with "a limited range of tertiary services could properly be established with one of their health resource development objectives being increasing the range of tertiary services offered * * *." and Representative Roy observed that "While the Committee is serious about the use of 500,000 as the minimum population for health service areas, it is well within reason that the exception provided for in (the Act) * * * be applied when necessary to overcome travel time, geographic and/or economic barriers to receipt of health services in nonmetropolitan areas."

For purposes of this requirement, "nonmetropolitan areas" are defined as those areas lying outside SMSAs, and "metropolitan areas" as those within SMSAs. (By this definition about 30 percent of the U.S. population resided in nonmetropolitan areas, with 70 percent living in metropolitan areas, in 1970.)

5. With respect to specialty centers, section 1511(a) states that—

"To the extent practicable, the area shall include at least one center for the provision of highly specialized health services."

The House Committee Report (p. 52) noted that this requirement "reflects the desire that the health service areas provide a self-contained, comprehensive and complete range of health services such that an individual residing in the area would rarely if ever have to leave it in order to obtain needed medical care."

The presence of a medical school, university health science center, and/or affiliated teaching or other hospital(s) offering specialized services for patients with cancer, heart disease, kidney disease, and stroke, and the like, generally would be considered to satisfy this requirement. As noted above, however, it is not required that each area necessarily have available all of the highly specialized and most sophisticated services (e.g., major burn and trauma center). Moreover, it is recognized that some areas will not include a medical school and/or major teaching hospital. The following are among the considerations or factors to be taken into account in those instances:

a. The number and range of residency programs offered by the hospitals in the area.

b. The distances separating major medical centers and/or other highly specialized facilities. If these are great, requiring considerable travel time and cost, this would be a mitigating factor.

c. The existence of long-standing, well-established referral patterns or formalized linkages with one or more major medical centers outside the area.

6. Insofar as the *boundaries of other areas* are concerned, section 1511(a)(4) states that—

"To the maximum extent feasible, the boundaries of the area shall be appropriately coordinated with the boundaries of areas designated under section 1152 of the Social Security Act for Professional Standards Review Organizations, existing regional planning areas, and State planning and administrative areas." (Underscoring supplied.)

Since it is recognized that the boundaries of areas defined for different purposes cannot all be identical, the criteria for both designation and redesignation of health service areas do not require that the boundaries be identical with those for PSRO areas, regional planning areas, or State planning administrative areas.

In order to insure close coordination between the health service areas and local health systems agencies being established by this legislation and other State, regional, and local health and health-related planning and administrative areas and agencies, it is important that the former—

a. Be congruent insofar as possible with one or several State planning and development districts as defined for purposes of OMB Circular A-95.

b. In the case of the PSROs, to the extent practicable, (a) either a single health service area encompass one or more PSRO areas in their entirety, or (b) several health service areas collectively encompass a single PSRO area.

c. Generally not divide locally established, functioning, and recognized COG areas (i.e., the jurisdictional areas of councils of government, regional planning agencies or development districts).

d. Follow the boundaries of local political subdivisions of general-purpose governments (e.g., counties, incorporated cities, parishes in Louisiana, townships in New England).

E. WAIVERS

The Act does provide that (1) the minimum 500,000 population requirement and/or (2) the requirement that an SMSA not be divided or split, may be waived for specific health service areas with the approval of the Secretary.

All waiver requests will be reviewed and assessed as to whether or not they meet the other requirements specified, particularly that which requires that the area "be a geographic region appropriate for the effective planning and development of health services . . ."

Therefore, requested waivers for areas with populations of less than 500,000, but more than 200,000 will be reviewed in terms of the following more specific factors:

1. Geography, including the size of the area, its natural isolation, and any major geographical barriers.

2. Population, including the extent to which it deviates from the 500,000 minimum, rate of growth in recent years, and/or low density.

3. Whether it essentially is a functional economic area (as defined by the U.S. Department of Commerce).

4. How well the area is linked to (or separated from) other areas by transportation and communication networks.

5. Whether there is a comprehensive range of primary and secondary health services within the area to meet the needs of its residents.

6. Extent to which the area is consistent with other official districts and State and county boundaries.

7. Evidence that the area has previously demonstrated a health planning capacity and community base of financial support.

8. Whether the comments of local governments, providers, the general population and others contain evidence that the area indeed is one appropriate for the effective planning and development of health services.

Requested waivers for areas with populations of less than 200,000 will be reviewed in terms of the factors enumerated above and must, in addition, meet one or more of the following criteria:

1. Have an area of 10,000 square miles or more with an average population density of less than 10 persons per square mile.

2. Be congruent with a functional economic area. (One of the functional characteristics of those areas is that they combine labor market and labor supply, the place of work and the place of residence of the labor force. Each of the areas approaches self-sufficiency with regard to residentiary industries which include general and convenience retail and wholesale trade activities.)

3. By virtue of its geography and natural or physical barriers, be significantly isolated from other areas.

Waiver requests proposing an area that would split or divide an SMSA will be reviewed against the following more specific factors as well as the other requirements set forth in the Act:

1. In the case of inter-State SMSAs, the degree to which their population are overwhelmingly in one State with only a small fraction in the other State (or States).

2. In the case of inter-State SMSAs, whether the health service area proposed is a single, Statewide area for a State that otherwise might have to request a waiver to the minimum population requirement.

3. Whether the comments of local governments, providers, the general population and others contain evidence that the area indeed is one appropriate for the effective planning and development of health services.

F. FEDERAL REVIEW

HEW's Regional Offices will have the principal responsibility for reviewing proposed requests for redesignation of health service areas and gathering any additional material necessary to make a recommendation concerning the request. Formal authority to approve (or disapprove) health service area redesignations, however will reside with the Administrator, HRA under authority delegated to him by the Assistant Secretary of Health, HEW.

Regional Health Administrators will review and submit their recommendation through the Regional Director to the Administrator, HRA.

The regional office recommendations will be reviewed by an ad hoc area redesignation review panel consisting of Federal regional office and headquarters program officials. The panel will review and submit recommendations to Administrator, HRA.

After receipt of the regional office and ad hoc redesignation review panel recommendation, the Administrator, HRA will act on the redesignation request. Official establishment of a redesignated health service area will be by publication of its boundaries in the FEDERAL REGISTER.

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federal register

WEDNESDAY, SEPTEMBER 15, 1976

PART III:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FISHERY CONSERVATION AND MANAGEMENT

Interim Regulations

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Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

REGIONAL FISHERY MANAGEMENT COUNCILS

Interim Regulations

This chapter is new and is issued by the Secretary of Commerce to carry out certain statutory mandates contained in the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (hereinafter the "Act").

In broad summary, the Act:

1. Provides authority for exclusive United States management authority over all fish, except highly migratory species, within a newly constituted Fishery Conservation Zone contiguous to the territorial sea.

2. Provides exclusive United States Management authority beyond the Fisheries Conservation Zone for certain anadromous and Continental Shelf fishery resources.

3. Establishes eight Regional Fishery Management Councils, instruments of State-Federal interaction in the conduct of such fisheries management.

4. Sets forth seven National Standards for Conservation and Management with which the management of fishery resources must be consistent.

5. Provides for mechanisms to allocate catch of fish between U.S. and foreign fleets with preference to U.S. fishermen.

6. Provides for the preparation and implementation of fishery management plans.

More specifically, the Act directs the Secretary of Commerce to prescribe rules and regulations for several sections of Title III, which deal with the national fishery management program and the responsibilities and functions of the eight Regional Fishery Management Councils in the development of fishery management plans.

The Act's effective date of March 1, 1977 for establishment of the Fisheries Conservation Zone has necessitated early and rapid assistance to the Councils. Parts 601 and 602 of this Chapter are therefore issued as interim final regulations in accordance with 5 U.S.C. 553 (d)(3) to furnish the information required by the Act as quickly as possible and to provide a framework within which the Councils can begin operation immediately.

Interested parties, Regional Councils and governmental agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All such submissions received on or before December 2, 1976, will be considered prior to the publication of final regulations.

Secs. 301(b), 302(f)(6), and 304(f) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1851, 1852, 1854).)

Issued in Washington, D.C., on September 13, 1976.

DAVID H. WALLACE,
Associate Administrator, National Oceanic and Atmospheric Administration.

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

Subpart A—General

Sec.
601.1 Purpose.
601.2 Definitions.

Subpart B—Geographical Boundaries

601.11 General.
601.12 Method of determination. [Reserved]
601.13 Description. [Reserved]

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601.21 General.
601.22 Organization.
601.23 Administrative practices and procedures.
601.24 Operational practices and procedures.
601.25 Council statement of organization, practices and procedures.

AUTHORITY: 16 U.S.C. 1852; 16 U.S.C. 1854.

Subpart A—General

§ 601.1 Purpose.

The regulations in this Part implement certain portions of the Fishery Conservation and Management Act of 1967 (16 U.S.C. 1801-1892), which among other things, establishes eight Regional Fishery Management Councils. The principal responsibility of these councils is to provide the nucleus of a national fisherics conservation and management program through the systematic development of fishery management plans. These Regional Fishery Management Councils are independent bodies. They shall act under the Uniform Standards established by these regulations and the Act. This part describes matters pertaining to the establishment, organization, practices and procedures of the eight Councils.

§ 601.2 Definitions.

The terms used in these regulations shall have the meanings that are prescribed in section 3 of the Act. In addition, the following definitions apply:

(a) *Fishery management plan.* A document that contains a systematic description of a given fishery, including present conditions and past history, and that sets forth the objectives and strategies for the management of the fishery, including recommended allocations to users, and specifies the practical conservation and management measures needed to achieve those objectives. It is a discrete and essential element of the national fishery management program, and when implemented, is controlling as to the utilization of a given fishery.

(b) *Council.* Regional Fisheries Management Council.

(c) *Administrator.* The Administrator of the National Oceanic and Atmospheric Administration.

(d) *Associate Administrator.* The Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration.

(e) *Director.* The Director of the National Marine Fisheries Service.

(f) *Regional Director.* The Regional representative of the Director. There are five regional offices of the National Marine Fisheries Service whose Regional Directors serve on the various Councils as specified in the Act.

(g) *Regional Fishery Management Council Operations Manual.* A compilation of technical and explanatory information the purpose of which is to provide assistance to the Regional Councils in the fulfillment of their various functions.

(h) *Administrative and Technical Support Services.* The administrative, technical, legal and scientific services needed by the Councils, authorized by the Secretary and provided by the government to assist the Councils in the fulfillment of their various functions required by the Act.

(i) *Federal Budget Cycle.* The 33-month process of formulating and executing the Federal budget.

(j) *Highly Migratory Species.* [Reserved]

(k) *Confidential.* Confidential means containing information, the unauthorized disclosure of which could be prejudicial or harmful. Depending on the context within which it is used, the word (1) identifies information having an official security classification of Confidential relating to the protection of national security, or (2) describes information/data that is identifiable with an individual, business, or some other entity and that is accepted by the Secretary or the Councils under a stipulation that limits disclosure.

Access to security classified material is governed by security regulations and procedures pursuant to Executive Order 11652, effective June 1, 1972. Access to information granted confidential treatment as a condition of obtaining it is governed by Part 603 of these regulations.

(l) *Advisory Group.* The Scientific and Statistical Committee or advisory panels established pursuant to the Act.

Subpart B—Geographical Boundaries

§ 601.11 General.

(a) *Fishery Conservation Zone.* The Act creates a zone contiguous to the territorial sea, which is called the fishery conservation zone. The outer boundary of the zone is 200 nautical miles from the baseline from which the territorial sea is measured and the inner boundary is a line coterminous with the seaward boundary of each of the coastal States. (See 43 U.S.C. 1301(b) and 1312 for definition of "seaward boundary".)

(b) *Scope.* (1) The boundaries described in § 601.13 delineate the geographical area of fishery management

authority of adjacent Councils within this fishery conservation zone.

(2) Within the geographical area of authority, each Council shall have responsibility for the following categories of fishery resources:

(i) All fish within this zone, except "highly migratory species";

(ii) All anadromous species throughout their migratory range, except within a foreign nation's territorial sea or fishery conservation zone recognized by the United States; and

(iii) Continental Shelf fishery resources.

(c) *Jurisdiction*—(1) *State.* Generally the Act does not diminish the jurisdiction of any State over fishery resources within its own boundaries, nor does it extend State fishery jurisdiction beyond a State's seaward boundary.

(2) *Intercouncil.* In any case in which the range of stock or a fishery extends beyond the geographical area of authority of any one Council, as defined in § 601.13, the Secretary is authorized to designate the Council that shall prepare the fishery management plan for such a fishery. When such a plan includes waters adjacent to the States represented on more than one Council, the Council thus designated should consult with the other affected Councils. The Secretary may require that a plan be prepared jointly by the Councils concerned. In this case, any plan or amendment must, before being submitted to the Secretary, be approved by a majority of the voting members, present and voting, of each participating Council.

§ 601.12 Method of determination. [Reserved]

§ 601.13 Description. [Reserved]

Subpart C—Uniform Standards for Organization, Practices and Procedures

§ 601.21 General.

(a) *Purpose.* Section 302(f)(6) of the Act requires each Council to determine its own organization, practices and procedures for carrying out its functions in accordance with such Uniform Standards as are prescribed by the Secretary. The regulations contained in this subpart provide the Uniform Standards in accordance with which the Councils will operate.

(b) *Applicability of other laws*—(1) *National Environmental Policy Act of 1969 (42 U.S.C. 4321).* (i) The National Environmental Policy Act (NEPA) sets forth the strategy of the Congress to achieve coordination of Federal activities and environmental considerations. NEPA's basic purpose is to insure that, in addition to technical and economic considerations, Federal officials weigh and give appropriate consideration to unquantified environmental values in policy formulation, decisionmaking and administrative actions. Section 102(2)(C) of NEPA requires preparation of a detailed environmental impact statement in the case of major Federal actions that significantly affect the quality of the human environment.

(ii) Preparation and submission of a fishery management plan to the Secretary is a major Federal action. To determine whether preparation and submission of a management plan, or an amendment of a plan, would significantly affect the quality of the human environment, an environmental assessment must be made in the case of each plan. This assessment will allow an informed and adequately documented decision to be reached as to whether an EIS must be prepared, or if a negative declaration on the need for a statement should be filed. The preparation of environmental assessments for each management plan will occur concurrently with the preparation of the plan. In the case of Council-prepared plans, the Councils have the responsibility for preparation of an environmental assessment and for preparing recommendations on whether to proceed with an EIS or to file a negative declaration. The Council shall make available a draft Environmental Impact Statement, if applicable, at the hearing referred to in § 601.24(c). In the event that amendments are made to the plan, or the regulations promulgated by the Secretary vary from the plan, the Council shall amend the Environmental Impact Statement as necessary. In addition to the guidelines of CEQ (40 CFR Part 1500), guidelines and procedures of the Department of Commerce (DAO 216-6) and NOAA (DM 02-10) provide further instructions for responding to the requirements of NEPA.

(2) Provisions of three interrelated laws affect Council practices and procedures, particularly concerning opportunity for public input, public access to Council meetings and to agendas, records and reports of such meetings. These laws are:

(i) *The Federal Advisory Committee Act (Pub. L. 92-463).* The intent of Congress with regard to application of this Act to the Regional Councils is stated in the Report of the Conference Committee (Conf. Rept. No. 94-948, March 24, 1976). Its application is designed to ensure open meetings and public access to information generated by the Council.

(ii) *The Freedom of Information Act (5 U.S.C. 552(b)).* This Act provides for public access to records of the executive branch of the Federal government, and to records generated at the request of the Federal government. Nine groups of exceptions are provided that allow the withholding of information. Application of this Act is covered more specifically in Part 603. [Reserved]

(iii) *The Privacy Act (5 U.S.C. 552(a)).* This Act provides to individuals certain rights of access to records kept about them, and at the same time requires that the confidentiality and use of the information be strictly regulated, placing restrictions on the collection, retention, and use of personal information. Discussion of specific application of this Act can be found in Part 603. [Reserved]

(3) *Coastal Zone Management Act of 1972 (16 U.S.C. 1451).* The principal objective of this Act is to encourage and assist States in developing coastal zone management programs, to coordinate State activities and safeguard the regional and national interests in the coastal zone. While the coastal zone does not extend beyond the territorial sea, activities taking place beyond the territorial sea may impact on the coastal zone and thus come within the influence of coastal zone planning. In the preparation of fishery management plans, Councils should be particularly cognizant of the provisions of the CZMA (Sec. 307(c)) that require that any Federal activity directly affecting the coastal zone of a State be consistent with that State's coastal zone management program. Thus Councils will need to coordinate their planning actions with the appropriate State agencies involved in costal zone planning.

§ 601.22 Organization.

(a) *General.* This part addresses such questions as organization of the Council members, administrative staff and advisory panels.

(b) *Council members.* The Councils consist of voting and nonvoting members or their designees, as specified in the Act.

(1) *Terms.* Members appointed following initial constitution of the Councils serve for a term of three years. An individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. The anniversary date for measuring terms of membership is August 11.

(2) *Designees.* The Act authorizes the principal State officials, the NMFS Regional Directors, and the nonvoting members to designate individuals to attend Council meetings in their absence. Only one designee per Council may be so specified by each of the above officials.

(3) *Designation of regional directors.* The Regional Directors of the National Marine Fisheries Service shall, in accordance with the Act, serve as voting members on the Councils as follows:

Council	*Regional Director*
New England	Northeast region.
Mid-Atlantic	Do.
South Atlantic	Southeast region.
Caribbean	Do.
Gulf of Mexico	Do.
Pacific	Northwest region.
North Pacific	Alaska region.
Western Pacific	Southwest region.

(4) *Appointments.* Inasmuch as each year approximately one-third of a Council's appointed membership will lapse, new members shall be appointed by the Secretary or his delegate from lists of nominees submitted by the Governors of each applicable constituent State by June 1 of each year. The Governors are responsible for determining that their nominees meet the qualification requirements of the Act and for providing appropriate documentation for the Secretary or his delegate to make a reasoned choice. The number of individuals who must be nominated by a Governor shall be equal to at least three times the number of vacancies available, and each such

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nominee shall be considered as available for any such vacancy. These procedures also shall apply when a vacancy occurs prior to the normal expiration of a term of membership of a voting member appointed by the Secretary or his delegate.

(5) *Organization.* The Chairman shall be elected from among the voting members by a majority vote of the voting members present and voting. The term of office for the Chairman shall be one year. No member shall be elected Chairman whose appointment, as a voting Council member will expire in less than one year from the date of election as Chairman. The Council may establish such other officers as it deems necessary and set their terms of office. The Council may appoint such standing and ad hoc committees from among the voting and nonvoting members as it deems necessary for the conduct of Council business. Such committees must conform to the procedures for assuring open meetings specified for the Council itself.

(c) *Administrative staff.* Each Council shall appoint an Executive Director and such other full and part time administrative employees as the Secretary determines are necessary to the performance of its functions, and which are consistent with budgetary limitations. The Executive Director and staff are responsible to the Chairman of the Council.

(1) *Executive Director*—(i) *Duties.* Each Council, through its Chairman, shall assign such duties to the Executive Director as it deems appropriate, consistent with these Uniform Standards.

(ii) *Compensation.* The administrative responsibilities, coupled with the complexity of the workload of the Council, will influence the pay level appropriate to a given Executive Director position, provided that compensation shall not exceed the yearly rate for the highest step of a GS–15 in the General Schedule.

(2) *Other administrative staff*—(i) *Minimum.* As a minimum, each Council shall have an administrative staff consisting of an executive director, an administrative officer, and a secretary.

(ii) *Additional staff.* Additional administrative staff will vary by Council because of differences in workload and availability of resources. The number and types of additional positions will also vary over time as the work of the Council is defined during its initial phase of operation. Budgeted positions will be apportioned by the Secretary on the basis of justifications submitted by the Councils.

(d) *Scientific and statistical committee.* Each Council shall establish and maintain, and appoint the members of, a Scientific and Statistical Committee to assist it in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to such Council's development or amendment of any fishery management plan. The Secretary is authorized to pay the actual expenses of such Committee members while engaged in Council business.

(1) *Function.* The Scientific and Statistical Committee provides expert scientific and technical advice to the Regional Council on the development of fishery management policy, on the preparation of Fishery Management Plans, and on the effectiveness of such plans once in operation. The Committee aids the Council in identifying scientific resources available for the development of plans, in establishing the goals and objectives of plans, in establishing criteria for judging plan effectiveness and in the review of such plans.

(2) *Organization.* The members of the Committee and a Chairman are appointed by the Council. Membership shall be multidisciplinary, including both biological and social scientists from the Federal, State, and private scientific community who are knowledgeable about the fisheries to be managed. The size of the Committee is discretionary within the resources budgeted to the particular Council. The Committee shall meet in the area encompassed by the Council's constituent States, with the approval of the Chairman of the Council. No staff is assigned to this Committee but staff support may be requested from the Chairman of the Council or the Executive Director. This committee shall have a charter separate from that of its parent Council.

(e) *Fishery advisory panels.* Each Council shall also establish such other advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. The Secretary is authorized to pay the actual expenses of the members of such panels except those who are Federal employees, while engaged in the performance of Council business.

(1) *Function.* Fishery Advisory Panels are authorized principally to obtain the pragmatic advice and counsel of the people most affected by the Council's management activities on matters of fishery management policy, on the preparation of Fishery Management Plans, on their review prior to submission to the Secretary, and on their effectiveness once in operation. These Panels aid the Council in establishing both the goals and objectives of plans as well as the criteria for judging plan effectiveness, and serve as a communication link with those who must operate under the management regime.

(2) *Organization.* The members and a Chairman are appointed by the Council. The membership of each such Panel shall be composed of a balanced representation of the interests of those who are either actually engaged in the harvest, processing or consumption of, or are knowledgeable and interested in the conservation and management of, the applicable fishery or fishery management unit. The size of each such Panel and the number of Panels are discretionary within the resources budgeted to the particular Council, but they must be of sufficient size and number to permit a balanced representation of interests. The Panels shall meet in the area encompassed by the Council's constituent States as deemed necessary by the Council Chairman. No staff is assigned to these Panels, but staff support may be requested from the Chairman of the Council or the Executive Director. Each advisory panel shall have its own charter separate from those of other panels, from the Scientific and Statistical Committee, and from its parent Council.

§ 601.23 Administrative practices and procedures.

(a) *General.* The Act directs the Secretary to provide the Councils with such administrative support services as are necessary for their effective functioning. The Administrator of the General Services Administration is directed by the Act to furnish each Council with such offices, equipment, supplies and services as he is authorized to furnish to any agency or instrumentality of the United States. Finally, all Federal agencies are authorized to detail personnel on a reimbursable basis to the Councils after consulting with the Secretary. Uniform Standards in this Section are provided in order to expedite the delivery of this support with a minimum burden on the substantive work of the Councils.

(b) *NOAA field units.* NOAA field units are assigned to provide services and support to each Council as follows:

Council	*Servicing field unit*
New England	Northeast region, NMFS.
Mid-Atlantic	Do.
South Atlantic	Southeast region, NMFS.
Caribbean	Do.
Gulf of Mexico	Do.
Pacific	Northwest region, NMFS.
North Pacific	Alaska region, NMFS.
Western Pacific	Southwest region, NMFS.

These NOAA field units are authorized to provide for budgetary, accounting, personnel, and procurement support to their respective Councils, and may act as liaison between the Councils and other Federal agencies.

(c) *Budgeting, funding, and accounting*—(1) *Federal funds.* The funding for the administrative and technical support of Council operations are included in the budget of the Department of Commerce and, through that agency, in the budgets of NOAA and NMFS. The funding requirements for the Councils are subject to regular budgetary review procedures. During the period of Council formation, the administration of Council budgets will be performed by the designated NOAA field units, and all Council administrative services will be performed by the NOAA field units. As each Council acquires its administrative staff and indicates its readiness to assume budget and fiscal responsibilities, such matters will be administered by means of annual grants to the Councils.

Prior to the assumption of budget and fiscal responsibility by the Council, the Executive Director of the Council will transmit Council needs for supplies, equipment, space, services, travel authorizations, etc., to the NOAA field unit designated to assist that Council. The Executive Director may consult the NMFS regional staff member designated

by the NMFS Regional Director for additional guidance on procedure and appropriate NOAA administrative requirements. Fiscal Year 1977 contract funds for all Councils will be retained at the headquarters level of NMFS in Washington, D.C., for use by the Councils as the need arises. The operating needs of the Councils will be met out of the funds already budgeted for each Council.

Beginning in December, 1976, each Council will assume responsibility for preparing its own grant request in accordance with the provisions of OMB Circular A–110, July 1, 1976.

(2) *Funds from other sources.* [Reserved.]

(3) *Financial procedures and standards* [Reserved.]

(d) *Standards of employment practices*—The following sets forth the responsibilities of the Councils with regard to personnel matters and establishes personnel related standards to be used by the Secretary in analyzing Council budgets.

(1) *Staffing.* Each Council may appoint and assign duties to an Executive Director and such other full and part time administrative employees as the Secretary determines are necessary to the performance of its functions. Each position must be justified during the budget process described in OMB Circular A–110 and § 601.23(c)(3) of these regulations. Descriptions of the work to be performed shall be submitted in accordance with the section below dealing with salary and wage administration.

(2) *Experts and consultants.* Each Council may contract with experts and consultants as needed and within their respective budgets to provide technical assistance.

(3) *Details of Government employees.* Each Council may request the head of any Federal agency to detail to such Council on a reimbursable basis any personnel of such agency to assist the Council in the performance of its functions under the Act. The length of such details shall be mutually determined by the Council, the Federal employee and his or her agency. Federal employees so detailed retain all benefits, rights and status as they are entitled to in their regular employment. The Councils may negotiate arrangements with State or local governments to utilize employees of those governments.

(4) *Nondiscrimination.* All activities of the Council must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

(5) *Personnel actions.* Subject to these instructions, and within budgetary constraints, the Councils may establish positions, recruits, hire, compensate and dismiss personnel. Involuntary separation should be for cause alone, with reasonable notice given to the employee.

(6) *Salary and Wage Administration.* In setting rates of pay for Council staff, the principle of equal pay for equal work should be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

The duties of any new position shall be contained in a brief description to be submitted to the NOAA personnel office servicing the NMFS Regional Office assigned to a Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council then may fill the position at any salary level within that range, except that, unless the recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the current rate for the top step of grade 15 of the Federal General Schedule at any time. After a position has been filled, an employee may be promoted annually and recognized for superior performance in accordance with Council policies.

(7) *Leave.* Employees of the Council should be granted paid leave for holidays, vacations or exigencies, sickness, and civil duties (jury, military reserve obligations) as determined by the Council. Paid annual leave should not exceed 20 days per year, and sick leave should not exceed 13 days per year.

(8) *Employee benefits.* The Council should provide its employees the opportunity to participate in group medical insurance, life insurance and retirement plans and pay a reasonable proportion of the cost of such plans.

(9) *Standards of conduct.* The Councils are responsible for maintaining high standards of ethical conduct among themselves and their staffs. Such standards should include the following principles:

(i) No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

(ii) No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

(iii) No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.

(iv) No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her council duties.

(v) No Council member or employee of the council shall use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment that has not been made available to the general public.

(vi) No Council member or employee of the Council shall engage in criminal infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

(vii) No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

(10) *Personnel files.* A file for each council member containing appointment papers, security reports, biographical data and other official papers will be centrally maintained in NOAA under security and safeguard conditions required of files subject to the Privacy Act. This file will be available to the member, and to other persons only when a need to know has been established. The Councils should maintain personnel files on their employees under similar safeguards.

(11) *Security investigations.* When it is anticipated that security classified information will be kept or handled in council offices, certain employees shall be designated to be permitted access to the information in accordance with Federal standards and shall receive appropriate security clearance from the Office of Investigation and Security of the Department of Commerce.

(e) *Personnel*—(1) *Council staff.* The Councils may, consistent with the standards of employment practice standards contained in § 601.23(d), establish positions and recruit, hire, compensate, and dismiss personnel. The personnel procedures of each Council will be subject to audit periodically.

(2) *Ad Hoc staff support.* All Federal agencies are authorized to detail personnel to the Council on a reimbursable basis. Any Council requests to the heads of such agencies must contain the purpose of the detail, the length of time of the detail, the compensation to be paid, and the stipulation that the Director, NMFS, be consulted prior to granting the request. Copies of this correspondence shall be transmitted to the Director, NMFS, through the appropriate NOAA Field Office to facilitate such consultation. Legal Counsel on a continuing basis shall be obtained from the regional office of the NOAA Office of General Counsel. Other experts and consultants may be utilized as the Council deems appropriate, consistent with budgetary limitations.

(3) *Council access to security classified material.* The security investigation that is routinely conducted at the time a nominee to the Council is appointed or designated is the basis for authorizing access on a need-to-know basis to material classified CONFIDENTIAL. Nor-

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mally this should be sufficient for Council purposes. Clearance for higher classifications may be granted, following regular Federal procedures, by the Secretary of Commerce. Need-to-know is determined by the authority having custody of the material. Persons who are not members of the Council, including Council staff, must possess the appropriate security clearance before they may be present when classified materials are discussed or examined. Such clearances will be requested through the appropriate NOAA field unit.

(f) *Compensation and expenses.*—(1) *Compensation.* The voting members of each council who are not employed by the Federal Government or any State or local government shall receive compensation at the daily rate for a GS–18 in the Federal General Schedule when engaged in the actual performance of duties as assigned by the Chairman of the Council, including travel time.

(2) *Expenses.* Council voting members, the nonvoting Executive Director of the Marine Fisheries Commission for the geographical area concerned, if any, the additional nonvoting member of the Pacific Council, and the members of the statutory advisory panels shall be reimbursed for actual expenses associated with travel on official Council business. The Secretary may also pay the transportation and expenses, on an actual expense per diem basis, of invited experts and consultants, and Council staff. All such expenses must be authorized by the Chairman of the Council or the Executive Director and be supported by detailed vouchers attested to by the person incurring the expenses. Individual receipts, except for hotel receipts, are not required. Foreign travel must have the prior consent of the Administrator.

(3) *Actual expense defined.* Actual expenses include transportation by air coach, rail coach, bus or privately-owned vehicle (automobile or private plane—reimbursed on a per mile basis); room and meals within a reasonable limit to be established by the Secretary; and incidental expenses such as taxi fares, parking and telephone calls on official business.

(g) *Reporting.* The Act requires the Councils to report to the Secretary annually before February 1 on Council activities during the immediately preceding calendar year. The first annual report is due February 1, 1977, covering activities from establishment to December 31, 1976. They must also prepare any other relevant reports as the Secretary may request. They are further authorized to prepare any reports they deem appropriate for the Secretary.

(1) *Annual report.* The annual report will be used by the Secretary to fulfill his obligation to report to the Congress and the President no later than March 1 of each year on his and the Councils' activities in the preceding year. The annual Council report shall be submitted directly to the Administrator, NOAA, Washington, D.C. 20230, in eight copies. The minimum contents of such a report are as follows:

(i) A list of Council members with affiliations, indicating voting and nonvoting members and Council officers serving during the year, office titles and dates of such service.

(ii) A list of Council administrative staff with titles.

(iii) A list of members of the Scientific and Statistical Committee with affiliations, and lists of members of each advisory panel with affiliations.

(iv) A list of Council meetings and hearings held and of Scientific and Statistical Committee and advisory panel meetings held, with dates, locations and the subjects of discussion, indicating whether they were open, closed or partially closed to the public, and citing the appropriate authorization for any closed portions of the meetings.

(v) A list of all items sent to or received from the Secretary during the calendar year, including proposed fishery management plans and amendments, and comments, on foreign fishing applications or on Secretarilly developed plans. Indication of the date such items were transmitted to or received from the Secretary and the date of any action taken.

(vi) An appropriate summary of the discussion at any closed sessions held during the year.

(vii) An estimate of the man years of staff support by source (Federal, State, private).

(viii) An estimate of the cost to operate the Council, indicating sources of funding and the respective amounts.

(2) *Financial and other reports.* Requirements for periodic financial and other reports for purposes of overall NOAA budgetary control and reporting will be included in grants issued to the Councils.

§ 601.24 Operational practices and procedures.

(a) *General.* In fulfilling the Councils' responsibilities and functions, the Council members will meet in plenary session, in working groups, or individually to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes Uniform Standards for the conduct of those activities to meet the requirements of the Act and to facilitate the exercise of Council responsibilities.

(b) *Meetings.*—(1) *General.* The Councils will meet at the call of the Chairman or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman of the Council. The Councils shall develop a mechanism for coordinating requests for advice from their advisory bodies through the Executive Director.

(2) *Notice.* Notice of meetings, including time, location, subjects to be discussed, etc., must appear in the FEDERAL REGISTER at least 20 days prior to the meeting. Notices shall be submitted by the Council, no later than 25 days prior to the meeting, to the Director, National Marine Fisheries Service, NOAA, who shall submit such notice to the FEDERAL REGISTER.

(i) All meetings or portions thereof must be open to the public with only those exceptions set forth in the Federal Advisory Committee Act, which require a determination by the Secretary or his designee that the reasons for excluding the public are valid. Such a determination must be requested through the Assistant Secretary for Administration, Department of Commerce, 45 days prior to the meeting or portion thereof.

(ii) Detailed minutes shall be kept and made available to the public upon request, except where the meeting or portion thereof was closed, in which case only the open portions must be made available.

(3) *Conduct.* Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council and the public. Decisions by consensus are permitted except where the issue is Council approval or amendment of a Fishery Management Plan (including any proposed regulations), or comments for the Secretary on foreign fishing applications or Secretarially prepared management plans. In these cases a vote is required.

(i) A majority of the voting members of any Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council may hold hearings.

(ii) When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted (see section 302(e)(1) of the Act).

(iii) Each Council shall conduct all meetings and hearings within its geographic area of concern. In the particular case of the North Pacific Council, this means within the State of Alaska.

(iv) Voting members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

(4) *Frequency and duration.* The Councils shall meet in plenary session at least once a quarter. Council advisory bodies shall meet as frequently as necessary, with the approval of the Council Chairman.

(5) *Location.* Council meetings shall be held in the geographic area of concern. The meeting place should be of a capacity large enough to accommodate the anticipated public attendance and be easily accessible to those interested in attending. Working groups of the Council and advisory groups shall meet in the particular area of interest with the Council's constituent States.

(c) *Hearings.*—(1) *General.* The Act directs the Councils to hold public hearings in order to provide the opportunity for all interested persons to be heard in the development of Fishery Management Plans, amendments thereto, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned.

(2) *Conduct.* When it is determined that a hearing is appropriate, the Chairman of the Council will designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that all points of view be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

(3) *Notice.* Hearings must follow the same procedures for announcement as for Council and advisory group meetings. Advance notice also should be given in the local media where the hearing is to take place. Publicity should be sufficient to assure that all interested parties are aware of the opportunity to make their views known.

(4) *Record.* An accurate record of the participants and their views, obtained by use of either a court reporter or detailed minutes, must be reported back to the Council and maintained as a part of the Council's official records.

(d) *Council operational structure*—(1) *General.* In addition to the Council staff and the advisory groups that are provided for in the Act, an operational structure will be needed to develop basic inputs to the Fishery Management Plans and to assemble drafts for formal review by the Councils and their advisors. The operation structure selected by a Council should: (i) Address directly the responsibilities and functions listed in section 302(h) of the Act; and (ii) Strike a reasonable balance among the following criteria.

(2) *Criteria for formation*—(i) *Focused responsibility.* The structure selected should assign clearly defined responsibilities in a clearly defined chain of command consistent with the formal structure provided in the Act.

(ii) *Administrative simplicity.* The structure selected should permit thorough and uncomplicated supervision by those with formal responsibility, including the Executive Director of the Council.

(iii) *Flexibility.* Within defined responsibilities, the structure should be able to bring to bear the necessary expertise on planning problems and to respond to shifts in Council priorities.

(iv) *Independence and relevance of science.* The scientific input to the development of plans should be institutionally insulated from managerial biases and pressure from interested parties, while remaining relevant to the problems of management.

(v) *Quality of scientific and technical information.* The structure should assure that the best scientific and technical information available will be applied in plan development.

(vi) *Minimum cost.* Cost, both in dollars and in diversionary impact on ongoing programs should be minimized within the constraints of the other criteria.

§ 601.25 Council statement of organization, practices and procedures.

(a) *General.* The Act requires that the details of how a Council will operate shall be published by the Council and made available to the public. The required Statement of Organization, Practices and Procedures, as a minimum, shall address the items listed in the format below.

(1) Each Council is expected to publish such a statement by March 1, 1977. Publication will be in the FEDERAL REGISTER, and must include an address where interested members of the public may write to request copies. Changes to the statement must likewise be published and made available.

(b) *Format.* (1) Name of council.
(2) Location of offices.
(3) Legal authority.
(4) Purpose.
(5) Council composition.
(6) Officers and terms of office.
(7) Staff.
(i) Composition.
(ii) Functions.
(iii) Employment practices.
(8) Standing committees of council members.
(i) Name.
(ii) Composition.
(iii) Function.
(9) Meetings and hearings.
(i) Frequency.
(ii) Duration.
(ii) Location.
(iii) Agendas or orders of business.
(iv) Minutes.
(v) General rules of procedures.
(vi) Authority of the chair.
(10) Advisory panels.
(i) Name.
(ii) Composition.
(iii) Function.
(11) Organization of management plan development teams.
(i) Organization.
(ii) Practices and procedures.
(iii) Balance among criteria.
(A) Focused responsibility.
(B) Administrative simplicity.
(C) Flexibility.
(D) Independence and relevance of science.
(E) Quality of scientific and technical information.
(F) Minimum cost.
(12) Financial management system.
(i) Standards for and code of employment conduct in contract awards and administration.
(ii) Procurement procedures.
(iii) Property management.
(iv) Accounting and budgetary control procedures.

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Sec.
602.1 Purpose and scope.
602.2 National standards for fishery conservation and management.
602.3 Contents of fishery management plans.
602.4 Standard format for fishery management plans. [Reserved]
602.5 Procedures for development, review and amendment of fishery management plans.

AUTHORITY: 16 U.S.C. 1851.

§ 602.1 Purpose and scope.

(a) A major purpose of the Fishery Conservation and Management Act is to provide for the preparation and implementation, in accordance with National Standards, of fishery management plans that will achieve and maintain, on a continuing basis, the optimum yield from each fishery covered by the exclusive fishery management authority established by the Act.

(b) Title III of the Act establishes seven National Standards for fishery conservation and management. Any fishery management plan prepared either by the Regional Councils or the Secretary and any regulation promulgated to implement a plan shall be consistent with these National Standards. The Secretary is required to establish guidelines based on the National Standards, to assist in the development of fishery management plans.

(c) This part accordingly constitutes the Secretarial Guidelines for fishery management plan development based upon the National Standards. It comprises explanatory comments with regard to these National Standards, guidance regarding the content of fishery management plans and for various other procedures involved in the development, submission, review and amendment of plans process.

§ 602.2 National standards for fishery conservation and management.

(a) *General.* Each fishery management plan, and any amendment to such plan, prepared by any Council and submitted to the Secretary will be reviewed by the Secretary for approval, disapproval, or partial disapproval. The review will involve a determination of whether the proposed plan is consistent with: The National Standards; The other provisions of the Act; and Any other applicable law (Section 304(b)).

(1) *Purpose.* This section provides explanatory comments with respect to the National Standards so as to assist the Regional Councils in meeting the aforementioned National Standards consistency requirement.

(2) *Definitions*—(i) *Biomass.* The total biomass of an ocean area is the total weight of all forms of marine animal and plant life.

(ii) *Habitat.* Habitat is that combination of physical, chemical, and biological conditions and factors necessary for the completion of the life history and for all life functions of any marine animal or plant that is to be managed under the Act. These conditions and factors include all those that primarily or secondarily support such life functions as reproduction, feeding, metabolism, respiration, resting, and movement or migration.

(iii) *Recruitment.* Recruitment is the addition of a new fish to an exploitable phase of a stock of fish in a given period through growth of smaller individuals to a catchable size.

(iv) *Fishery management unit.* A species or group of species that is capable of being managed as a unit on a rational and timely basis.

(b) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a contin-

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uing basis, the optimum yield from each fishery.

(1) *Overfishing.* Overfishing occurs when the harvest level of a given stock reduces population abundance to the point where the stock cannot produce maximum yield on a sustained basis for the existing habitat and environmental conditions. A determination regarding overfishing is based on a scientific assessment of stock abundances, recruitment, and mortality rates over a prolonged period of time.

(2) *Maximum sustainable yield (MSY).* The MSY from a fishery is the largest average annual catch or yield in terms of weight of fish caught by both commercial and recreational fishermen that can be taken continuously from a stock under existing environmental conditions. Factors (economic, social, and ecological) that modify MSY in defining optimum yield should not be used to institute management measures which permit overfishing on a continued basis.

(3) *Optimum yield concept.* (i) The concept of optimum yield is broader than the consideration of only the fish stocks. It takes into account the economic well-being of the commercial fishermen, the interests of recreational fishermen, the fish habitat quality and the welfare of the Nation. The optimum yield of any given fishery might deviate from MSY in order to respond to the unique problems of that fishery resource. Optimum yield:

(A) Recognizes resource uses and values other than harvesting;

(B) Allows for the importance of quality to the recreational fishing experience;

(C) Considers socioeconomic factors as important criteria in setting harvest rates;

(D) Permits management on the basis of MSY if the need for fisheries products is overriding; and

(E) Considers the present extent and condition of the fish habitat as well as long term changes.

(ii) The optimum yield from fishery resources will seldom, if ever, be a static quantity since both the conditions of the resources and the desires of the users will change. Optimum yield cannot, therefore, be defined absolutely for all stocks of fish or groups of fishermen; it will require precise and continual monitoring of each fishery.

(4) *Optimum yield and management objectives.* The determination of optimum yield for a particular fishery will depend heavily upon the objectives that have been determined and adopted by the Councils during the fishery management planning process. Relative weighting of the elements of the optimum yield determination will be dictated by the National as well as regional objectives for the fishery. Rarely will a fishery be managed to meet a single objective. Objectives sought may conflict to a degree with one another. Consequently, priority decisions must be made in developing objectives.

(5) *Optimum yield and foreign fishing.* Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the optimum yield of any fishery subject to the fishery management authority of the United States which will not be harvested by vessels of the United States. In determining whether U.S. fishermen will not harvest an optimum yield, the Councils are to give consideration to the capacity of U.S. fishermen to harvest such yield. Both the optimum yield and the total "surplus" to be made available for foreign fishing are to be included in fishery management plans and amendments to such plans.

(c) *Standard 2.* Conservation and management measures shall be based upon the best scientific information available.

(1) *Scope of scientific information and technical analysis*—(i) *Information.* The term "scientific information" is meant to include information of a biological, ecological, economic, and sociological nature. Success of a fishery management plan depends on the quantity and quality of its scientific and technical information, the proper analysis of this information, and the degree to which it is applied.

(ii) *Analysis.* A method useful in determining optimum yield for each fishery is bioeconomic analysis, which examines the spectrum of relationships existing with and between living resources and their environment and the socioeconomic implication of their use patterns. Bioeconomic studies can provide a tool for fisheries management to:

(A) Formulate year to year harvesting strategies keeping in mind the longer range impact on the biological resource; and

(B) clarify the relationships between this resource and the harvesting, processing, marketing and consumption of fishery products.

(2) *Standardization of information.* Councils shall prescribe, where possible, standardized methods of obtaining and presenting data of all kinds for Council use. Suppliers of technical data to the Councils should give consideration to the comparability and compatibility of their respective data sets. The Councils, by means of the fishery management plans, should provide guidance concerning characteristics of data items such as: Definitions, collection formats, units of measure, abbreviations, degree of accuracy required, and collection point and processing codes used for identifying geographical areas.

(3) *Availability of information.* (i) The type and extent of scientific information available will vary extensively from fishery to fishery. For well-known fisheries, available information is sufficient to provide a strong foundation for a fishery management plan. In other instances, available information may be of sufficient quantity and quality to allow for the development of a plan and regulations with the understanding that modifications will be made as better data become available.

(ii) The lack of complete scientific information concerning a fishery management unit shall not prevent the preparation and implementation of a fishery management plan. All plans must identify information gaps and make provision for the acquisition of additional needed information.

(d) *Standard 3.* To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(1) *Fishery management units.* A management unit may involve a species, group of species, or other populations capable of being managed as a unit on a rational and timely basis. It is expected that management units will incorporate the entire range of a stock of fish. Also, management units should, to the extent practicable, comprise several stocks that are ecologically interrelated or are affected as a group by fishing practices. Fishery management units are broadly defined to take account of the multitude of fishing practices which can include effort directed toward: (i) A single stock of fish found in a certain area; (ii) Different stocks of fish sought by the same vessels; (iii) All the stocks in a certain area, and so on.

(2) *Jurisdiction.* Unity of management, or at least cooperation between various jurisdictional authorities (e.g., State, Council, Federal Government), is vital to prevent jurisdictional disputes from adversely affecting conservation practices. Where fishery management units cross Council or Federal-State boundaries, coordination should be sought among the several fishery managers and Councils in the development of plans and regulations. The occurrence of a stock in a given Council area does not necessarily mean that a plan will be written specifically for that area. Where a stock's range overlaps Council areas, one plan may be written to cover the entire range. Where stocks are discontinuous, plans by more than one Council will be necessary. Where a stock's range extends into a neighboring country's contiguous zone recognized by the United States, the Secretary, working with the Secretary of State, will assume responsibility for development of a joint management regime with the neighboring country. In such cases, the Regional Council concerned will be consulted by the Secretary of Commerce in the preparation of a plan which could be used as a basis for negotiating an appropriate international joint management regime.

(3) *Interrelationship of species/habitat.* (i) The broad, long-term management objective of the several fishery management plans developed by each Council should be to optimize the benefits from the total marine biomass within the Council area of authority. The long-term approach to total biomass management necessitates changing from concentration on a few species to management of interrelated groups of species.

(ii) Management of stocks throughout their range will also require biological research on the impact of pollution, and on the effects of wetland and estuarine degradation on fish. Management plans

should consider these and other habitat factors.

(e) *Standard 4.* Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (1) Fair and equitable to all such fishermen; (2) Reasonably calculated to promote conservation; and (3) Carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(1) *General.* (i) Allocation is an important component of resource management. Allocations among present users and between present and future users should be calculated to promote conservation and to take into consideration both public and private interests. When allocation of fishing privileges becomes necessary among U.S. fishermen, for example among recreational or commercial fishermen or among different gear types, it must be done fairly. The requirement for fairness and equity should ensure that attention is given to the preservation of the quality of the recreational fishing experience with respect to any species of substantial interest to recreational fishermen. In determining fair and equitable allocations, considerable importance should be given to the economic and sociological consequences of alternative allocation schemes. Any fishery management plan must provide for uniform and equal treatment of United States citizens and corporations operating or engaging in the fisheries concerned without regard to their particular residence or State of incorporation.

(ii) Traditional or historic fishing patterns will also be considered when allocation of fishing privileges is necessary. Application of these conservation and management measures is not expected to disrupt existing socioeconomic patterns of harvesting, processing or marketing. Right of entry of new participants into a fishery should be protected, wherever feasible.

(f) *Standard 5.* Conservation and management- measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(1) *Purpose.* This standard is intended to promote the efficiency of the harvesting, processing, and marketing of fishery products. Its purpose is also to encourage the development of management plans that permit the U.S. fishing industry to provide a greater share of the fish consumed in the United States.

(2) *Scope.* Economic efficiency should be regarded as a subset of a larger framework for fishery management choices involving other decisions about the distribution of costs and benefits, provision of employment opportunities, changes in the rate and composition of regional economic development, environmental effects, etc. To follow efficiency principles exclusively may not provide the greatest overall benefits to the nation or necessarily reduce costs to the consumer. Accordingly, both the advantages and disadvantages of "efficiency" will have to be carefully weighted in the context of the objectives for the particular fishery involved. From the standpoint of a national concern for the efficiency of energy use, management plans may consider levels or costs of energy expenditure for various management alternatives. Economic analyses made during the process of plan development will provide a basis for management choices concerning economic efficiency. Where limited access systems are recommended, an economic analysis of such factors as the effects on the price of fish, or the price of vessels, or alternative employment problems, etc., will be necessary for an informed decision regarding the implementation of such systems.

(3) *Economic allocation.* When conservation and management measures are recommended for purposes of economic allocation, due consideration shall be made of the biological, ecological and social consequences of such measures.

(g) *Standard 6.* Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(1) *General.* (i) Management and conservation measures shall allow for unpredicted variations in fishery resources. Sufficient flexibility must be built into the fishery management process to allow for timely response to unforeseen changes, either man-caused (e.g., change in catch size) or natural (e.g., spawning failure).

(ii) There can be great uncertainty with regard to the location, size, and even the existence of fish stocks. Historic peaks and valleys in annual catches, changes in environmental conditions, and species replacement in various areas provide indicators of the types of variations to be expected. Changes in fish habitat conditions may alter population levels. Variations are also to be expected in harvesting effort, fishing strategy, and gear efficiency within a fishery.

(iii) To the extent that information is available, every effort should be made to develop fishery management plans and regulations that take into account these variations and provide a suitable buffer in favor of conservation. In evaluating the need for flexible plans and regulations, consideration should be given to the completeness of fishery data available, future availability of improved data, and the ability of the fishery to adjust to new regulations. Constant acquisition and analysis of fishery data and resource data will help reduce uncertainty. There must be administrative flexibility to adjust management plans and regulations to changes in yield potential and to improve management techniques. Possible effects on stock abundance should be recognized when delays in implementing regulations cannot be avoided.

(h) *Standard 7.* Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(1) *General.* A continuing goal of management is to eliminate, to the extent feasible, unnecessary costs of doing business. It is particularly important in a cooperative management regime that all entities involved take such steps as are necessary to ensure full utilization of available capabilities. Cost effectiveness should be sought through the process of optimizing existing capabilities, rather than at the expense of program objectives or program effectiveness. The costs of the proposed management regime, including enforcement, should be carefully evaluated in relation to the anticipated benefits.

§ 602.3 Contents of fishery management plans.

(a) *Required provisions.* Each fishery management plan, whether prepared by the Council or by the Secretary, must identify the broad management objectives to be attained in the fishery. Management objectives should be formulated as precisely as possible. Each plan must also include the following five provisions:

(1) The necessary and appropriate conservation and management measures governing fishing. These measures are to be consistent with the National Standards, with the guidelines based on the Standards, and with other applicable law. They represent the action program needed to attain the management objectives of the plan.

(2) A complete description of the fishery including: the nature and extent of fishing; the number of vessels involved; fishing gear used; species and stocks involved and their distribution, movements, and ecological relationships; the likely costs of management; actual and potential revenues from the fishery and recreational interests; and the extent and nature of foreign fishing and Indian fishing rights.

(3) An assessment and specification of the fishery's present condition, probable future condition, maximum sustainable yield, and optimum yield. The biological status of the fishery should be described in terms of whether it is underutilized, intensively exploited, overexploited, etc. The present and potential economic and social problems should be discussed. A summary of all best information available should be included and utilized in making specifications of condition and yields. With regard to the present and future conditions of each fishery, the plan should include:

(i) A description of the fishery habitat;

(ii) A determination of the condition of the habitat and factors threatening its productivity;

(iii) An estimate of any restoration or improvement measures necessary to ensure a habitat suitable to sustain the fishery resource;

(iv) A description of any existing programs directed to the protection of habitat from destructive factors; and

(v) A reference to any existing applicable Coastal Zone Management plans

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and the relationship of such plans to the fishery management plan.

(4) *An assessment of the annual U.S. harvest of optimum yield of the fishery.* An evaluation and specification of the capacity of U.S. commercial and recreational fishermen to harvest the optimum yield of the given fishery, and the portion of this optimum yield that will not be so harvested and can be made available to foreign fleets. Included should be a description of present user groups and anticipated future domestic production.

(5) *Statistics.* A specification of the pertinent statistics and data that must be submitted by fishermen, processors and others to the Secretary as provided in the Act with respect to the fishery, including information as to gear, catch by species, fishing areas, and fishing effort. The data requirements section of a plan shall also specify all socio-economic data necessary for optimum yield management. The fishery data reporting requirements apply to both the domestic and foreign sectors of a fishery and to both the recreational and commercial segments of domestic fisheries. Requirements for data shall take into account the effort necessary to collect such data, and the effort shall be minimized through careful selection of data elements, the periodicity of collection and the accuracy required so as not to unduly burden those who must supply such data. Whenever possible, the units of data measurement should be specified in order to facilitate data reduction and analysis. Regulations with regard to the confidentiality of these statistics are set forth in Part 603. [Reserved]

(b) *Discretionary provisions.* In addition to the above elements that a management plan is required to contain, the plan may, with respect to any fishery, include the following items:

(1) *Permits and fees for domestic fishermen.* A requirement for a permit to be obtained from, and fees to be paid to, the Secretary for any U.S. fishing vessel fishing within the Fishery Conservation Zone or for anadromous species or Continental Shelf fishery resources beyond the zone. The amount of the fees charged domestic fishermen is to be established by the Secretary if the management plan authorizes charging fees, but in no event shall exceed the administrative costs incurred by the Secretary in issuing permits.

(2) *Time and area restrictions.* A designation of periods when, and zones where, fishing will be permitted, and specifications as to types and quantity of vessels or gear to be permitted in such zones or during such periods. These restrictions must be related to the objectives of the plan.

(3) *Catch limitations.* Establishment of catch limitations, based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors, that are related to the fulfillment of plan objectives.

(4) *Gear and vessel restrictions.* Establishment of prohibitions, limits, conditions, and requirements for the use of specified types and quantities of fishing gear, vessels and equipment, and requirements for utilization of devices facilitating enforcement. These restrictions must be related to the objectives of the plan.

(5) *State laws.* Incorporation, to the extent practicable, of relevant fishery conservation and management measures of the coastal States nearest to the fishery. In some cases, existing State measures may be adopted for certain fisheries with little modification for the Fishery Conservation Zone so long as they are consistent with the National Standards and other provisions of this Act and any other law.

(6) *Limited access.* Establishment of a limited access system in order to achieve optimum yield.

(i) Considerations. The Council must take into account:

(A) Present participation in the fishery;

(B) Historical fishing practices and dependence on the fishery;

(C) The economics of the fishery, such as the value of existing investments and the value of fishing privileges;

(D) The capability of vessels used in the fishery to engage in other fisheries or other pursuits;

(E) The cultural and social framework relevant to the fishery; and

(G) Any other relevant considerations such as any State limited access systems, history of the compliance with fishing regulations, and the optimum yield of the fishery.

(ii) Purposes. Limited access is a management technique that is directed at economic as well as biological objectives. This technique is used to reduce the congestion and economic waste that often occurs from the "open access" condition of common property fisheries. Limited access should be used carefully, and only when other tools fail to achieve management objectives.

(7) *Other necessary measures.* Prescription of any other measures, requirements, or conditions and restrictions as are determined by the Council to be necessary and appropriate for the conservation and management of the fishery.

§ 602.4 Standard format for fishery management plans. [Reserved]

§ 602.5 Procedures for development, review, and amendment of fishery management plans.

(a) *Plans prepared by the councils.* In preparing a fishery management plan a Council shall:

(1) *Identify fisheries to be managed.* The Council shall assess the fisheries within its geographical area of jurisdiction and identify all fisheries (fishery management units) requiring plan development. It will be the Council's responsibility, in collaboration with the Secretary, to delineate fishery management units and to set priorities for plan development for these units.

(2) *Develop management options.* The Council shall assemble and analyze all relevant information (e.g., biological, economic, sociological, ecological, user, and constituency) with regard to a particular fishery management unit and develop specific technical management options. The Secretary and the Secretary of State shall furnish the Councils with information concerning foreign fishery and international fishery agreements. Scientific and technical information will be available to the Councils from a variety of sources including the National Marine Fisheries Service's Regional Offices and Research Centers, the States, private institutions, other Councils, and any interested persons.

(3) *Select preferred management options; complete final plan.* (i) Consideration of the management options shall be made by the Council, its advisory panels and its Scientific and Statistical Committee. The Council shall select the preferred management options that are to be the basis of the final plan, and shall prepare a final plan for submission to the Secretary.

(ii) The Council's decision to approve a plan prior to submission to the Secretary must be made by a vote of the majority of the voting members, present and voting. When a plan has been prepared jointly by more than one Council at the direction of the Secretary, it must be approved by a majority of the voting members, present and voting, of each Council concerned prior to submission to the Secretary.

(4) *Consult with other councils.* A Council shall consult with appropriate Councils when the Secretary has designated a single Council to prepare a plan that includes waters within the geographic area of authority of other Councils or when the Secretary has designated more than one Council to prepare a plan jointly. (See § 601.11(c)(2)).

(5) *Receive and consider public comment.* The Council shall solicit, through hearings and any other appropriate means, the advice and recommendations from all interested persons during the development of fishery management plans and amendments to such plans. Such persons include the States, the fishing industry (recreational and commercial), consumer and environmental organizations and others.

(6) *Comply with requirements of the National Environmental Policy Act as set forth in § 602.2).*

(7) *Coordinate fishery management plan development with coastal zone planning of constituent States under the Coastal Zone Management Act.* (See § 601.21(b)(3).)

(8) *Prepare fishery management plans consistent with the National Standards (see § 602.2), the guidelines contained herein, other provisions of the Act, and any other applicable law.*

(b) *Submission to the Secretary of Commerce.*—Once a plan has been prepared and approved by a Council, it shall be submitted, along with any dissenting opinions, and with appropriate copies, directly to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by the most expeditious means available that are commensurate with safeguards against loss enroute.

(c) *Council action on plans prepared by the Secretary.*—(1) *General.* The Secretary of Commerce may prepare a fishery management with respect to any fishery, or any amendment to any such plan, if:

(i) A Council fails to develop and submit to the Secretary, after a reasonable period of time, a plan for such fishery, or any necessary amendment to such a plan, if the fishery requires conservation and management or;

(ii) If the Secretary disapproves or partially disapproves any such plan or amendment submitted by a Council and the Council fails to make the necessary changes within 45 days after the date on which the Council receives notification by the Secretary.

(2) *Comments of council.* Whenever the Secretary prepares a fishery management plan or amendment, the Secretary shall promptly transmit such plan or amendment to the appropriate Council for consideration and comment. Within 45 days after the date of receipt of such plan or amendment, the Council may recommend to the Secretary changes in such plan or amendments consistent with the National Standards. A Council may conduct public hearings to allow interested persons to comment on such a plan, and may incorporate such public comment in the Council recommendations to the Secretary for changes in the plan or amendment.

(3) *Failure of council to comment.* If the Council does not propose changes within 45 days after it receives the submission from the Secretary, the Secretary may proceed to adopt and implement the plan or amendment.

(d) *Amendments to fishery management plans.*—(1) *Council review.* The Act directs each Council to review on a continuing basis, and revises as needed, the assessments and specifications made regarding the optimum yield from, and the total allowable level of foreign fishing, in each fishery within its geographical area of authority.

(2) *Scope of review.* This review of each plan should also include reexamination of the management objectives and the effectiveness of conservation and management measures and implementing regulations. Each Council must at least assess the accuracy of the estimates of maximum sustainable yield, and optimum yield, and total allowable level of foreign fishing once a year for each plan that is implemented, regardless of whether the plan is prepared by a Council or by the Secretary.

(3) *Amending the plan.* Based on this review, or for other reasons, a Council may propose changes in a plan by means of an amendment to the plan. The procedures for Council approval of an amendment (e.g., majority vote) and transmittal to the Secretary are the same as those that apply to a management plan. The same procedures also apply when an amendment is disapproved or partially disapproved by the Secretary and returned to the Council for modification.

(e) *Proposed regulations.* A Council may recommend to the Secretary any proposed regulations which it deems necessary and appropriate to carry out any fishery management plan, or any amendment to any fishery management plan. Proposed regulations shall be submitted as a separate document, together with such plan or amendment, to the Secretary. The Secretary has the final responsibility to determine whether to adopt any proposed regulations recommended by a Council.

PART 603—CONFIDENTIALITY OF STATISTICS [RESERVED]

[FR Doc.76-27049 Filed 9-14-76;8:45 am]

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CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

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Title 31—Money and Finance: Treasury	5.65
Title 32—National Defense (Parts 1400–1599)	3.65
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[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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federal register

BOOK 2 OF 2 BOOKS

WEDNESDAY, SEPTEMBER 15, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

PART IV:

FEDERAL POWER COMMISSION

CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND B ELECTRIC UTILITIES AND LICENSEES

New FPC Form No. 162A and 162M

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FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-34]

CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND B ELECTRIC UTILITIES AND LICENSEES

New Form No. 162A and 162M

AUGUST 31, 1976.

Notice is hereby given pursuant to 5 U.S.C. 553 and sections 3(13), 4(a), 4(b), 4(c), 301(a) 302(a), 304, 309, 311, and 312 of the Federal Power Act, as amended, (41 Stat. 1064–1065; 49 Stat. 839, 840, 854, 855, 856, 858, 859, 860; 16 U.S.C. 796(13), 797(a), 797(b), 797(c) 825(a), 825a(a), 825c(b), 825c(c), 825h, 825j, 825k), the Commission proposes to add §§ 141.63 and 141.64 to Part 141 of the Aproved Forms under the Federal Power Act to provide that new FPC Form Nos. 162A and 162M be required for reporting. Proposed new Form No. 162A would be entitled, "Annual Corporate and Financial Report for Class A and Class B Electric Utilities and Licensees." Proposed new Form No. 162M would be entitled, "Monthly Corporate and Financial Report for Class A Electric Utilities."

During the period of critical energy needs, such as the nation is currently experiencing, the public interest requires that the Commission have available to it current and continuing information on the operations of industrial companies generating electric energy. The interests of those industrial companies regulated by the Commission also require efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R–438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form Nos. 162A and 162M are designed to incorporate into a readily retrievable data processing system the information currently submitted on FPC Form Nos. 1,[1] and 5,[2] currently used.

It is proposed herein that the present Annual Report Form No. 1 would be subdivided into two separate and distinct reporting portions. The corporate information and financial data portion would be embodied in the new report Form No. 162 under a new reporting system, which is discussed further in this rulemaking. The operating data portion would be incorporated under a separate report system which will be the subject of a separate rulemaking.

The general changes which are being proposed to the Commission's reporting requirements for the new Form Nos. 162A and 162M are as follows:

1. For the most part, the requirements for all beginning of year figures (or end of previous year figures), all comparison figures (increases/decreases and year/month figures), and all month/year figures have been eliminated.

2. Duplicative data elements (data elements appearing on more than one schedule) have been eliminated to the extent feasble.

3. The filing requirement for certain information that experience little change from year to year (often referred to as fixed data) is proposed to be reported completely in the initial submission, with only changed values being reported in subsequent submissions.

4. Minimum dollar filing requirements have been proposed for certain data elements in an effort to reduce the reporting and processing burdens.

5. Certain generalized instructions have been clarified and made more specific in order to achieve better standardization, consistency, and to reduce overall filing requirements.

In addition to the changes described above, the Commission's filing requirements contained in the two new Form Nos. 162A and 162M have been rearranged for the purpose of achieving more efficiency in the collection process. Respondents would be asked to utilize newly established account numbers as a supplement to the accounts contained in the Uniform System of Accounts for reporting purposes. Respondents would not be required to maintain these new accounts in their books of accounts or recordkeeping system.

Specific details of the proposed reporting scheme and related procedures are included as separate attachments to this rulemaking as follows:

Attachment A contains general instructions for the preparation and submission of public use schedules. Specifically, the attachment covers the administrative background, standard definitions, general procedures for schedule preparation, rules for data preparation, data maintenance activities, and data keying and verification instructions, all known as Level I instructions.

Attachment B contains general subject instructions for corporate and financial schedules. Specifically, the attachment covers general information surrounding corporate and financial schedules, standard definitions and codes, and general instructions, all known as Level II instructions.

Attachment C contains detailed instructions for each specific schedule to be submitted by the respondent, all known as Level III instructions.

Attachment D is a comparison and cross reference list. This list cross references current reporting requirements with that proposed, at the same time describing additions, deletions, and other peculiarities related to the changeover.

Attachments E are data standards.

Attachment F contains a sample of schedules to be submitted by the respondent.

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operating of the new system within such time period, the related schedules within the current Form Nos. 1 and 5 for these respondents would then be eliminated.

All data and information submitted pursuant to the new forms would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge according to the Commission's rules of practice and procedures (18 CFR Part 1).

It had been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the forms used to create the tape, would be required only from respondents on submittal of the annual Form 162A who have over $10 million operation revenues, although all respondents are urged to submit on magnetic tape. The manner of the preparation of the tapes are left to the discretion of these respondents. For all other respondents and the submittal of Form 162M, an original and four copies of each completed form would be required to be filed with the Commission.

For the present, the Commission will continue to require those companies which qualify as both an electric utility and a natural gas company, for reporting purposes, to continue to comply with the requirements of the proposed schedules for Form Nos. 162A, Annual Corporate and Financial Report for Electric Utilities and Licensees; 162M, Monthly Corporate and Financial Report for Electric Utilities and Licensees; 154A, Annual Corporate and Financial Report for Natural Gas Companies; and 154M, Monthly Corporate and Financial Natural Gas Companies. The Commission will consider alternative procedures, as appropriate, when the Regulatory Information System becomes operational.

[1] 18 CFR 141.1 (1975).

[2] 18CFR 141.25 (1975).

The Commission, through the Office of Public Information is considering the possibilities of making available copies of the input schedules as received, copies of verified hard copy printouts of the input schedules, and hard copy printouts of certain financial statements in a format similar to previous pages of the public use forms.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to be received no later than October 29, 1976, data, views, comments or suggestions in writing concerning all or part of the proposed forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed forms. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

In order to expedite and assist the Commission in its review and analysis of the comments it receives, all such submittals are to be presented according to response codes. Each segment of a respondent's comments is to be headed by one of the following response code numbers:

Response code:	
	A. Compliance burden:
01	1. Costs of implementing proposed program.
02	2. Time frame expected.
03	3. Cost—manhours aspect.
	B. Comments with respect to the following considerations:
04	1. Hardware.
05	2. Software.
06	3. Schedule design or layouts.
07	4. Media.
08	5. Preparation difficulties.
09	6. Certification.
10	7. Others.
	C. Specific schedule comments:
11	1. Field size
12	2. Field title.
13	3. Addition of a field.
14	4. Deletion of a field.
15	5. Addition of data elements.
16	6. Data standards.
17	7. Deletion of data elements.
18	8. Clarity of presentation.
19	9. Instruction narrative.
20	10. Combine schedules with other(s).
21	11. Add or delete schedule.
22	D. Duplicate reporting plan.
23	E. Acceptability for Federal and State use.
24	F. Acceptability for general public use.
	G. General reaction:
25	1. Support the principles and purposes of the proposal.
26	2. No objections to the principles and purposes of the proposals but offering suggestions regarding implementation.
27	3. Oppose and disagree with the principles and purposes.
28	H. Other.
29	I. CPA Certification.

The proposed amendments to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued pursuant to the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 3(13), 4(a), 4(b), 4(c), 301(a), 302(a), 304, 309, 311 and 312 (41 Stat. 1064–1065; 49 Stat. 839, 840, 854, 855, 856, 858, 859, 860; 16 U.S.C. 796(13), 797(a), 797(b), 797(c), 825(a), 825a(a), 825c(b), 825c(c), 825h, 825j, 825(k).

Effective for the reporting year 1976, the Commission proposes to amend Part 141, Statements and Reports (Schedules), in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulation by adding two new §§ 141.63 and 141.64 prescribing new FPC Forms, Form No. 162A, Annual corporate and financial report for Class A and Class B electric utilities and licensees and Form No. 162M, Monthly corporate and financial report for Class A electric utilities, in the forms set out in Attachment F hereto. New §§ 141.63 and 141.64 will read as follows:

§ 141.63 Form No. 162A, Annual corporate and financial report for Class A and Class B electric utilities and licensees.

(a) The form of the report for Class A and Class B electric utilities, licensees and others, designated herein has FPC Form No. 162A, is prescribed for the reporting year 1976 and thereafter.

(b) (1) Each Class A electric utility, licensee (other than Federal project filing under § 141.66), and other, i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority, or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $2,500,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1976, or subsequently during the calendar year 1976 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and four conformed copies, all properly subscribed and verified. One copy of said report should be retained by the correspondent in its file.

(2) This report is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e. a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(c) (1) Each Class B electric utility, licensee (other than Federal projects filing under § 141.66), and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than $1,000,000 but less than $2,500,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1976, or subsequently during the calendar year 1976 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and four conformed copies, all properly subscribed and verified. One copy of said report should be retained by the correspondent in its files.

(2) This report form is not prescribed for municipalities as defined in

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Section 3 of the Federal Power Act; i.e. a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(d) The report contains the following schedules:

General Corporate Informations
Control Over Respondent
Corporations Controlled by Respondent
Corporate Officers/Directors
Other Corporate Employees
Security Holders and Voting Powers—Total
Security Holders and Voting Powers
Other Stockholder Information
Notes to Security Holders and Voting Power
Annual Notes to Financial Data
Descriptions of Construction Overhead Procedures
Important Changes During the Year—Transmission or Distribution System
Important Changes During the Year—Supplier Rate Proceedings
Important Changes During the Year—New Generating Plants/Units
Important Changes During the Year—Utility Plant Not Operated
Company Employee Data
Securities Issued During Year
Securities Assumed, Refunded or Retired During Year
List of Accounts
Investment in Subsidiary Companies Equity Accounting
Production Fuel Stocks
Production Fuel Cost Data
Capital Stock
Long-Term Debt
Notes Payable
Taxes Accrued, Prepaid, and Charged During Year
Computation of Federal Income Tax Accruals for the Year
Consolidated Federal Income Tax Return Information
Accumulated Deferred Income Taxes
Accelerated Amortization of Facilities
Tax Deferrals Related to Other Property
Investment Tax Credits
Particulars for Estimating Depreciation, Depletion, and Amortization of Utility Plant
Plant in Service or All Utility Plants
Completed Construction Not Classified
Plant Purchased and Sold
Experimental Plant Unclassified
Utility Plant Leased to Others
Plant and Production Properties Held for Future Use
Construction Work in Progress
Accumulated Provisions for Depreciation of Utility Plant—Parts I and II
Common Plant and Expense Data—Parts I and II
Construction Overhead
Operating Revenues
Extraordinary Items
Detailed Account Data—Part I through IV
Professional and Other Consultative Services
Lease Rental Charges—General Data
Lease Rentals Charged
Regulatory Commission Expense
Particulars Concerning Certain Income Accounts
Research and Development Activities
Franchise Requirements
Reconciliation of Reported Net Income with Taxable Income
Environmental Facilities and Expenses
Notes to Environmental Facilities and Expenses
Financial Statements:
  Balance Sheet—Part I-VII
  Statement of Income for the Year—Part I-XII
  Statement of Retained Earnings for the Year
  Statement of Changes in Financial Position—Part I-III
Operating Statistical Data
Sales of Electricity by Rate Schedules
Sales of Electricity by Communities
Railways and Interdepartmental Sales
Sales of Water and Water Power
Fish and Wildlife and Recreational Plant

§ 141.64 Form No. 162M—Corporate and financial report for Class A electric utilities.

(a) The form of the monthly statement for electric utilities, designated herein as Form No. 154M is prescribed for the month beginning January 1977, and thereafter.

(b) This monthly statement is designed to obtain monthly information concerning operating revenues, revenue deductions, and income from all Class A electric utilities (utilities having annual electric operating revenues of $2,500,000 or more) both privately or publicly owned. Such report shall be filed in an original and four conformed copies, with 40 days after the end of the reported month beginning with the reporting month of January 1977, and monthly thereafter. The report shall be signed by the Chief Accounting Officer of the responding company, but is not required to be under oath.

(c) The report consists of:

Monthly Statement of Electric Operating Revenues and Income—Part I
Monthly Statement of Electric Operating Revenues and Income—Part II
Monthly Notes to Financial Data

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT C—CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B ELECTRIC UTILITIES AND LICENSEES

R&S — FEDERAL POWER COMMISSION — REGULATORY INFORMATION SYSTEM — 11

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R&S — FEDERAL POWER COMMISSION — REGULATORY INFORMATION SYSTEM

LEVEL I
GENERAL INSTRUCTIONS
FOR THE
PREPARATION AND SUBMISSION
OF PUBLIC USE SCHEDULES

(FE Form 131 (5-76))

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III - Detailed (applicable to individual schedules).

3. Separation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

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5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

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II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

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G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II - General Subject Instructions.

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III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

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FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. _____ (Insert here the name of the attester)

being first duly sworn according to law, certifies that he is _____ (Insert here the official legal title of attester)

of _____ (Insert here the exact legal title or name of respondent); that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents thereto; that to the best of his knowledge, information and belief, all estimates and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19__ to and including _____, 19__.

_____ (Signature of attester)

Subscribed and sworn to before me this _____ day of _____, 19__.

_____ NOTARY PUBLIC

(SEAL)

FIGURE III-1. NOTIFICATION OF ATTESTATION

B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

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E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

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IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic date fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

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combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (▲) that does not occupy a character position within the data field. For example: NN▲NNN

The factional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11▲667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

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illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12▲333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429▲48 and the number $45,237 would be entered as 45237▲00 .

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

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The respondent must use the approved values and is also cautioned not to alter the units of measure (i.e., MMcf or KW) defined in the Detailed Instructions.

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V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

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To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrance of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the date for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

B. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

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The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

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VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

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DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

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- At the end of each line on the schedule, key a line terminator symbol (@).

  Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- Do not key data fields which are preprinted, including data field separators.
- Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted ▲. (The only valid indication of a decimal point is the preprinted ▲. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 16 of page 2 of a hypothetical Schedule 99.

Data Field Type:
a n n n n n n n n n n

Data Field Length:
35 10 10 8.2 3.3 10 10 10 10 10 10

Data Field Contents:
MIDWESTERN INTERNATIONAL 350 * 673.21 24.2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record -
0099000216AMIDWESTERNbINTERNATIONAL|350|*|67321|24200|750000||550000|622490|

B Record -
0099000216B3575829400|@

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:
| 4F 12-7-8

Data Line Terminator:
@ 7C 4-8

I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

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LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

CORPORATE AND FINANCIAL SCHEDULES

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APPENDIX 1. List of Corporate and Financial Schedules

Schedule Number	Schedule Name
0101	General Corporate Information
0102	Control Over Respondent
0104	Corporations Controlled by Respondent
0105	Corporate Officers/Directors
0106	Other Corporate Employees
0107	Security Holders and Voting Powers - Total
0108	Security Holders and Voting Powers
0110	Other Stockholder Information
0111	Notes to Security Holders and Voting Powers
0112	Annual Notes to Financial Data
0113	Descriptions of Construction Overhead Procedures
0114	Important Changes During the Year - Transmission or Distribution System
0115	Important Changes During the Year - Respondent Rate Proceedings
0116	Important Changes During the Year - Supplier Rate Proceedings
0117	Important Changes During the Year - New Sources of Gas
0118	Important Changes During the Year - New Generating Plants/Units
0120	Important Changes During the Year - Utility Plant Not Operated
0121	Company Employee Data
0122	Securities Issued During Year
0123	Securities Assumed, Refunded or Retired During Year
0124	List of Accounts - Part I (Electric Class A and Class B)
0124	List of Accounts - Part II (Natural Gas Class A and Class B)
0124	List of Accounts - Part III (Electric Class C and Class D)
0124	List of Accounts - Part IV (Natural Gas Class C and Class D)
0125	Investment in Subsidiary Companies - Equity Accounting
0126	Gas Stored Underground - Part II
0127	Gas Stored Underground - Part I
0128	Production Fuel Stocks
0129	Production Fuel Cost Data
0130	Gas Prepayments and Undelivered Gas Obligations
0132	Capital Stock
0133	Long-Term Debt
0134	Notes Payable
0135	Taxes Accrued, Prepaid and Charged During the Year
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property

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Schedule Number	Schedule Name
0141	Investment Tax Credits
0142	Advances for Gas Prior to Initial Deliveries or Commission Certification
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or all Utility Plants
0145	Completed Construction Not Classified
0146	Plant Purchased or Sold
0147	Experimental Plant Unclassified
0148	Utility Plant Leased to Others
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II (Electric and Gas)
0153	Accumulated Provision for Depletion and Amortization of Utility Plant (Account 111.00)
0154	Common Plant and Expense Data - Part II
0155	Common Plant and Expense Data - Part I
0156	Construction Overhead
0157	Natural Gas Reserves and Land Acreage
0158	Net Realizable Value of Estimated Hydrocarbon Reserves
0159	Operating Revenues
0160	Extraordinary Items
0161	Detailed Account Data - Part I
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III
0164	Detailed Account Data - Part IV
0165	Monthly Statement of Electric Operating Revenue and Income - Part I
0166	Monthly Statement of Electric Operating Revenue and Income - Part II
0167	Revenue From Transportation of Gas of Others - Natural Gas
0168	Gas Purchases
0169	Professional and Other Consultative Services
0170	Lease Rental Charges - General Data
0171	Lease Rentals Charged
0172	Exploration and Development Expenses
0173	Regulatory Commission Expense
0174	Particulars Concerning Certain Income Accounts
0175	Exchange Gas Accounting - Part I
0176	Exchange Gas Accounting - Part II
0177	Research and Development Activities
0178	Natural Gas Production and Gathering Statistics
0179	Franchise Requirements
0180	Gas Used in Utility Operations - Credit
0181	Gas Account - Natural Gas

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Schedule Number	Schedule Name
0182	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part I
0183	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part II
0184	Natural Gas Pipeline Company Monthly Statement - Operation and Maintenance Expenses
0185	Natural Gas Pipeline Company Monthly Statement - Supplement Gas Supplies and Selected Data
0186	Natural Gas Pipeline Company Monthly Statement - Gas Revenues and Purchases
0187	Reconciliation of Reported Net Income With Taxable Income
0188	Accumulated Provision for Depreciation, Depletion, and Amortization of Utility Plant
0189	Changes in Estimated Natural Gas and Other Hydrocarbon Reserves
0190	Balance Sheet Accounts - Part I
0191	Balance Sheet Accounts - Part II
0192	Balance Sheet Accounts - Part III
0194	Income Statement Accounts
0195	Retained Earnings and Operating Revenues Accounts
0196	Operation and Maintenance Expenses Accounts
0197	Utility Plant - Municipal
0198	Long-Term Debt - Municipal
0199	Information Concerning Licenses and Location of Records
0200	Licensed Project Plant
0201	Licensed Project Plant - Classified by Developments
0202	Additions, Retirements, Adjustments - Licensed Project Plant
0205	Accumulated Provision for Depreciation of Licensed Project Plant
0206	Accumulated Provision for Depreciation of Licensed Project Plant According to Functional Classification
0207	Accumulated Provision for Amortization of Licensed Project Plant - Balances and Changes During the Year
0208	Accumulated Provisions for Amortization of Licensed Project Plant According to Functional Classification
0209	Depreciation Expense for Licensed Projects
0210	Amortization Expense for Licensed Project
0211	Amortization Reserve - Federal
0212	Operation of Licensed Projects and the Sale or Use of Energy Produced
0213	Environmental Protection Facilities and Expenses
0214	Notes to Environmental Protection Facilities and Expenses
0215	Monthly Notes to Financial Data
0216-0222	Financial Statement - Balance Sheet
0223-0234	Financial Statement - Statement of Income for the Year
0235	Financial Statement - Statement of Retained Earnings for the Year
0236-0238	Financial Statement - Statement of Changes in Financial Position
0239	Operating Statistical Data

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Schedule Number	Schedule Name
0639	Monthly Net Generation by Licensed Project
0640	Licensed Projects Annual Energy Deductions
0695	Sales of Electricity by Rate Schedules
0696	Sales of Electricity by Communities
0697	Railroads and Interdepartmental Sales
0698	Sales of Water and Water Power
0704	Fish and Wildlife and Recreation Plants
0837	Taxes, Tax Equivalents, Contributions and Services During Year - Part I
0838	Taxes, Tax Equivalents, Contributions and Services During Year - Part II
0839	Expenditures for Certain Civic, Political and Other Related Activities

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I. GENERAL INFORMATION

These instructions apply to those schedules:

- Containing basic information on the respondent's corporate profile
- Providing detailed financial data about the Corporation's business activities.

The group of corporate and financial schedules represent a comprehensive selection of data covering the respondent's entire financial accounting operation.

The classification of respondents are:

a. Class A: Natural gas companies, public utilities, and licensees having operating revenues of $2,500,000 or more.

b. Class B: Natural gas companies, public utilities, and licensees having operating revenues of $1,000,000 or more but less than $2,500,000.

c. Class C: Natural gas companies, public utilities, and licensees having operating revenues of $150,000 or more but less than $1,000,000.

d. Class D: Natural gas companies, public utilities, and licensees having operating revenues of $25,000 or more but less than $150,000.

The schedules are organized into two subgroups based upon respondent reporting requirements: (1) annual or (2) monthly submissions. The grouping of schedules into their respective submission subgroups together with a reference to the old FPC form relationships is shown below:

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Annual Submissions				
1	Class A & Class B (Electric Utilities and Licensees)	0101-0187,0213-0239,0695-0698,0704(less 0103, 0109,0115,0117, 0119,0126,0127, 0130,0131,0142, 0153,0157,0158, 0165-0166,0172, 0175,0176,0178, 0180-0186)	1	Annually (on or before March 31st)
2	Class A & Class B (Natural Gas Companies)	0101-0181,0187, 0189,0216-0238, (less 0103,0109, 0118,0119,0131, 0165,0166)	2	Annually (on or before March 31st)
3	Class C & Class D (Electric Utilities and Licensees)	0101,0102,0104, 0105,0108,0111, 0112,0124,0132, 0133,0141,0144, 0159,0161-0163, 0188	1F	Annually (on or before March 31st)
4	Federal Projects and Municipal (Electric)	0190-0198,0837-0839(less 0193)	1M	Annually (3 months following close of fiscal year for municipalities and Federal Projects report on fiscal year usually corresponding with FY of Government)
5	Class C & Class D	0101,0102,0104, 0105,0107,0108, 0111,0112,0124, 0132,0133,0141, 0144,0159,0161-0163,0168,0181, 0188	2A	Annually (on or before March 31st)
6	Licensed Projects (covers all major)	0199-0202,0205-0212,0639-0640, 0700-0703,0706	9	Annually (on or before April 30th)
			80	Each Odd numbered year on or before April 30th

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Monthly Submission				
1	Class A & Class B (Electric Utilities)	0165,0166,0215	5	Monthly (40 days after end of reporting month)
2	Class A & Class B (Natural Gas Companies whose combined gas sales for resale and gas transported or stored for a fee exceeding 50 million MCF)	0182-0186,0215	11	Monthly (40 days after end of reporting month)

Each schedule is identified by a schedule number and title (see Appendix 1, List of Corporate and Financial Schedules).

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submission for Class A, Class B, Class C and Class D natural gas pipeline and electric utilities and licensees will be prepared in conformity with the "Uniform Systems of Accounts for Natural Gas Companies" or "Uniform Systems of Accounts for Public Utilities and Licensees" prescribed by Part 101, 104, 201 and 204 of Title 18 CFR. All section of accounts, accounting requirements and terminology are to be interpreted in accordance with the said classifications.

For Municipal Electric Utilities and Federal Projects, the required submissions should be filled out in accordance with the individual schedule instructions which provide titles of data requirements to fit special respondent cases. Account numbers are related to each of the data titles to assist internal processing of data.

B. ACCOUNT NUMBERING SYSTEM

The new reporting system requires five digit numbers. In reporting the account numbers for the Uniform Systems of Accounts, the respondent must add zeros, either one or two as appropriate, after the number to complete the five digit system. For example, Account 101, Plant in Service, must be reported as Number 101.00; Account 419.1., Allowance for Funds Used During Construction, must be reported as 419.10.

C. SUPPLEMENTAL ACCOUNT NUMBERS

A system of Supplemental Account Numbers have been developed to accommodate the processing of the following types of information:

- Required data items that do not have assigned Uniform Systems of Account numbers (e.g., total assets, net income, etc.)
- Respondents with several reporting departments (e.g., electric, gas, steam, common, other)

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- Required additional breakdown of data from existing account numbers (e.g., depreciation expense, deferred taxes, etc.)

These categories of information add to and/or expand the data identified by the Uniform Systems of Accounts. The Supplemental Account Numbers are a necessary control to insure uniform reporting of certain data elements and will assist in the efficient processing of the various categories of information.

From the above considerations, many Supplemental Account Numbers are expressed using previously undefined numbers from the Uniform Systems of Accounts:

- A three digit code (e.g., 010.00 - Sources of Funds - Operation - Net Income) or
- A three digit code with decimal (e.g., 046.10 - Total Salaries and Wages)

Further, some existing accounts in the Uniform Systems of Accounts were expanded by addition of a decimal, as:

- Accumulated Deferred Income Taxes - Accelerated Amortization (281) expanded to
- Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities (281.20)

Finally, to indicate reporting by different departments internal to the respondent's operations, a second decimal place was added to any existing Uniform System of Account number or any new Supplemental Account number as shown in the following examples:

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Example 1:

Uniform System of Account Number	Description
101	Plant in Service
expanded to -	
Supplemental Account	**Description**
Electric Respondents	
101.01	Plant in Service - Electric
101.02	Plant in Service - Gas
101.03	Plant in Service - Common
101.04	Plant in Service - Steam
101.05	Plant in Service - Other
Gas Respondents	
101.01	Plant in Service - Gas
101.02	Plant in Service - Electric
101.03	Plant in Service - Common
101.05	Plant in Service - Other

Example 2:

Supplemental Account	Description
281.20	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities
expanded to -	
Electric Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
Gas Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric

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The instructions for each schedule list the specific account numbers or indicate where the respondent is required to report departmental information on the basis of supplemental account numbers.

D. SELECTED DEFINITIONS

The following definitions pertain to the indicated subgroups of Corporate and Financial schedules:

1. Annual Submission (Natural Gas Pipeline Respondents)

a. Gas Volumes: All gas volumes will be reported in MMCF rounded to three decimal places. Pressure base of gas volumes reported will be 14.73 PSIA at 60° Fahrenheit, pursuant to Exhibit H of Circular No. A-46, of the Bureau of the Budget issued February 1966.

b. Natural Gas means either natural gas unmixed or any mixture of natural and manufactured gas.

c. BTU per Cubic Foot: The total heating value expressed in BTU, produced by the combustion, at a constant pressure, of the amount of the gas which would occupy a volume of one cubic foot at a temperature of 60° Fahrenheit if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury at 32° Fahrenheit and under standard gravitational force (980.665 cm. per second^2) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air when the water formed by combustion is condensed to the liquid state. (Sometimes called gross heating value or total heating value).

2. Annual Submission (Electric Operating Respondents)

a. Electric Plant: A unit or group of units of the same or different generating type as long as they can be considered at the same physical site.

b. Electric System: The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

c. Electric Utility: All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, state projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

3. Annual Submission (Licensees)

a. The term "project" means all the property covered by a single license number.

b. The term "Federal Project" means those electric projects operating under the supervision of the Alaska Power Administration, Bonneville Power Authority, Bureau of Indian Affairs, Colorado River Storage Project, Southeastern Power Administration, Southwestern Power Administration, Tennessee Valley Authority, U.S. Bureau of Reclamation, and U.S. Corps of Engineers.

4. Monthly Submission (Natural Gas Pipeline Respondents)

a. Imports are gas receipts into the United States of America from a foreign country.

b. Exports are gas deliveries out of the United States of America to a foreign country.

c. Firm Gas Sales to industrial customers are those made under schedules or contracts which anticipate no interruption.

d. Off-Peak Gas Sales to industrial customers are those made under schedules or contracts on a firm basis for periods specified for other than times of seller's peak requirements.

e. Interruptible Gas Sales to industrial customers are those made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

III. GENERAL INSTRUCTIONS

A. ALL SCHEDULES

1. Information on Utility Departments

For companies having more than one utility department, report information on the basis of total company operations except where otherwise requested on the particular schedule.

2. Changes in Previous Year Reported Figures

Beginning of the year balances are not required on most of the financial schedules. Where amounts reported in the previous year (balance end of year) do not agree with beginning of year amounts for any reason, the respondent shall furnish an explanation of the reason in a footnote.

B. ANNUAL SUBMISSION SCHEDULES

1. Additional Submission

In addition to filing the Annual Submission of Schedules, each respondent shall also file with the Commission, immediately upon publication, five copies of its latest annual report to stockholders and of any annual financial or statistical report regularly prepared and distributed to bond-holders, security analysts, or industry associations. If reports to stockholders are not prepared, so state on Schedule 0112, "Annual Notes to Financial Data".

2. Letter by Certified Public Accountant

Class A and Class B respondents shall file with the original and each copy of the "Annual Submission of Schedules" a letter or report (required by Sections 41.10 - 41.12 of the Commission's Regulations under the Federal Power Act or Sections 158.10 - 158.12 of the Commission's Regulations under the Natural Gas Act) signed by independent certified accountants or independent licensed public accountant, certified or licensed

by a regulatory authority of a State or other political subdivision of the United States until December 31, 1975 and beginning January 1, 1976, and each year thereafter, only independent certified public accountants and independent licensed public accountants (licensed on or before December 31, 1970) will be authorized to attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's applicable Uniform Systems of Accounts (statement certification includes applicable notes relating thereto) and published Commission accounting releases:

Schedule Number	Description
0124	List of Accounts (Part I or Part II)
0133	Long Term Debt
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or All Utility Plants
0145	Completed Construction Not Classified
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II
0154	Common Plant and Expense Data - Part II

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Schedule Number	Description
0155	Common Plant and Expense Data - Part I
0159	Operating Revenue
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III (Only Information Pertaining to Retained Earnings Accounts)
0164	Detailed Account Data - Part IV (Only Information Pertaining to Plant Materials and Operating Supplies and Prepayments (Gas Respondents)
0187	Reconciliation of Reported Net Income with Taxable Income
0216-0222	Financial Statement - Balance Sheet
0223-0234	Financial Statement - Statement of Income for the Year
0235	Financial Statement - Statement of Retained Earnings for the Year
0236-0238	Financial Statement - Statement of Changes in Financial Position

The letter or report shall be in the following form unless unusual circumstances or conditions, explained in the letter or report, demand that it be varied:

In connection with our regular examination of the financial statements of for the year ended , on which we have reported separately under date of , we have also reviewed schedules of the annual submission for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published Commission accounting releases. Our review for this purpose include such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)* conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published accounting releases.

* Parenthetical phrase inserted only when exceptions are to be reported.

The letter or report shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the descrepancies that exist.

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ATTACHMENT C—CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B ELECTRIC UTILITIES AND LICENSEES

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	1 of 1

I. DESCRIPTION

This schedule shall be used to identify on a per packet submission basis, the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each packet of schedules submitted to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission packet, i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCG (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission packet.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The form t for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) ND: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (INETOR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	1 of 2

I. DESCRIPTION

This schedule is used to collect general corporate information for a basic profile on the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions, however, if data fields 10 and 11 are not being submitted, do not complete them as key data fields.

C. Report in data fields 1-9 general information on location of books, incorporation data and public accountants. Report in both data fields 10 and 11 information on the type of service provided (10) and the state(s) where the service is provided (11).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Officer with Custody of Corporate Books (A22): (IDNAME)
2	Location of Main Books (A22): Report the state and city of office where general corporate books are kept. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field, followed by the city name (IDCITY).
3	Location of Other Books (A22): Report the state and city of office where any other corporate books of accounts are kept, if different from that at which the general corporate books are kept. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field, followed by the city name (IDCITY).
4	Incorporation State (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	Incorporation Date (N6): Date respondent was incorporated, in the format MMDDYY. (TMDATE)
6	Special Law Reference (A20): If incorporated under a special law, give reference to such law. If not incorporated, give type of organization. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	2 of 2

Data Field Number	Instructions
7	Public Accountant (A22): Name of respondent's independent certified public accountant or independent licensed public accountants (licensed on or before December 31, 1970). (IDNAME)
8	Address of Public Accountant (A22): Report state and city. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
9	Date Public Accountant Initially Engaged (N6): State the date the public accountant was initially engaged, in the format MMDDYY. The latest year should only be shown if a change in accountants was made during the year. (TMDATE)
10 (Key)	Type of Service (A3): Enter separately each type of utility service furnished, from the following alphabetic abbreviations: (TYUTIL) GAS = Gas ELC = Electric WTR = Water OTH = Other
11 (Key)	State of Service (A2): Enter the abbreviation for each state where respondent supplies the service listed in data field 10 above, from the Register of Data Standards, IDSTAT.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on any corporations, business trusts or similar organizations or combinations of such organizations which held control over the respondent any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents. Class C and Class D respondents complete data fields 1 thru 4 only.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

D. Report in data fields 1-3 information on companies who directly control the respondent. Report in data field 4 if control over respondent was held under a trust arrangement. For natural gas respondents, if other companies are controlled by the organization listed in data field 1, list in data field 5 the name of each such company and complete data fields 6 and 7. For electric respondents, if control over respondents was in a holding company, list in data field 5 the name of each company in the chain of ownership from respondent to parent organization and complete data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Controlling Corporation or Organization (A35): (IDNAME)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	2 of 2

Data Field Number	Instructions
2	Description of Manner of Control (A40): (IDDESC)
3	Extent of Control (N3) PCT: Enter the extent of control in per cent, rounded to the nearest per cent.
4	Description of Trust Arrangements (A40): If control was held by a trustee(s), state name of trustee(s), name of beneficiary or beneficiaries for whom trust was maintained, and purpose of trust. (IDDESC)
5 (Key)	Other Controlled Company (A35): If other companies are controlled by the organization which holds control over the respondent, list the names of such companies in this data field. (IDNAME)
6	Kind of Business (A27): State the kind of business engaged in by the company listed in data field 5 above. This data field is not applicable to electric respondent. (IDDESC)
7	Extent of Control (N3): State the tier placement of the company listed in data field 5, above, to the controlling corporation or organization reported in field 1, above, by the following example of codes: (NRCADL) 001 - first tier-subsidiary 002 - second tier-subsidiary of tier 1 003 - third tier-subsidiary of tier 2

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on all corporations, business trusts, joint ventures and similar organizations controlled directly or indirectly by the respondent at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule, refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Company Controlled (A35): (IDNAME)
2	Kind of Business (A30): (IDDESC)
3	Per Cent Voting Stock Owned (N3) PCT: Enter the per cent of voting stock owned, rounded to nearest per cent.
4	Particulars for Corporation Controlled (A144): If control ceased at any time during the year, furnish particulars regarding companies involved, manner of disposition and any other important aspects.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	2 of 2

Data Field Number	Instructions
4 (cont'd)	If control was by other means than a direct holding of voting rights, state the manner in which control was held, naming any intermediaries involved. If control was held jointly with one or more other interests, state the fact and name the other interests; however, state if corporation is inactive. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	1 of 3

I. DESCRIPTION

This schedule is used to collect data on each general officer and director of the respondent who held office at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A and Class B (Natural Gas and Electric)	All
(2) Class C and Class D (Natural Gas and Electric)	1-7,9,10

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Report the particulars applicable to all officers and/or directors of the respondent for the reporting year. Other employees of the respondent whose annual salary is $25,000 per year or more ($35,000, if respondent's annual operating revenues are $50,000,000 or more) must also be reported on Schedule D106, Other Corporate Employees.

D. If an individual is both an officer and director of the respondent, report separately the information called for in this schedule, once for the position of officer and once for the position of director.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Officer's/Director's Last Name (A15): (IDNAME)
2 (Key)	Officer's/Director's First Name and Middle Initial (A15): Enter the full first name and initial(s), separated by a space. (IDNAME)
3	Officer's/Director's Business Address (A22): For officers, enter the financial business address if different from the respondent's address. For directors, enter the principal business address if different from company address. Enter the two character abbreviation, from the Register of Data Standards, IDSTAT, fullowed by city name (IDCITY).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	2 of 3

Data Field Number	Instructions
4	Officer/Director Category (N1): Enter the one digit numeric code as follows: (TYOFDR) 1 = Officer 2 = Director 3 = Both 9 = Other
5	Officer/Director Title (A3D): Enter the officer's and/or director's title at the end of the reporting year. If any officer/director retired during the year, write the word "retired" in this data field. If any officer/director otherwise left the respondent during the year, leave this data field blank. Abbreviate as necessary. Examples: V.P. - Vice President, Treas. - Treasurer, Sec. - Secretary, etc. (IDDESC)
6	Officer/Director Salary - Fee (N6) DOL: Report any salaries or regular fees paid during the year.
7	Director/Member of Executive Committee (N1): Indicate "1" for chairman of the executive committee; "2" for member of that committee; or "3" for neither. (TYEXCO)
8	Officer/Director Retirement Benefits (N6) DOL: Enter the annual benefits estimated to be payable to each of the three highest paid officers, and any director who is not an officer named herein, in the event of retirement at normal retirement date, pursuant to any pension or retirement plan.
9	Officer/Director Date Position or Term Began (N6): Enter the date, in the format MMDDYY, each officer first began the position listed in data field 5 above. Enter the date each director was first elected to the position of director. (TMDATE)
10	Officer/Director Date Retired or Otherwise Separated (N6): Enter the date, in the format MMDDYY, that any officer or director retired or otherwise left the respondent during the year. (TMDATE)
11	Director Meetings Attended (N2) NO: Enter the number of meetings each director attended during the past year.
12	Officer/Director Special Remuneration Value (N8) DOL: If any officer and/or director reported in this schedule received remuneration from respondent, directly or indirectly, other than from salary and/or fees reported in data field 6 above, enter the value of the remuneration (in dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	3 of 3

Data Field Number	Instructions
13	Officer/Director Special Remuneration Type (A44): Enter the particulars concerning any special remuneration received by any officer and/or director reported in data field 12 above. Give the essentials of any plan for remuneration and/or the basis for determining the ultimate benefits received by each officer and/or director. (IDDESC)
14	Officer/Director Insurance Type (A126): State briefly any arrangement paid for by the respondent on behalf of any officer or director, such as life insurance and indemnity or liability insurance, etc., and the value of such arrangement. If the insurance benefits listed in this data field apply to all officers/directors, report the required information only once under the officer or director whose title is President or Chairman of the Board. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0106	OTHER CORPORATE EMPLOYEES	1 of 1

I. DESCRIPTION

This schedule is used to collect selected information on corporate employees other than officers and directors of the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. List employees other than officers and directors who received salaries according to the following limits:

(1) $25,000 or greater if operating revenues are under $50,000,000.

(2) $35,000 or greater if operating revenues are over $50,000,000.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Employee Last Name (A15): (IDNAME)
2	Employee First Name and Middle Initial (A11): (IDNAME)
3	Employee Title (A30): (IDDESC)
4	Employee Salary (N6) DOL: State the salary paid the employee for the reporting year (in dollars).

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UMI 300 N. ZEEB RD. ANN ARBOR, MI 48106

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0107	SECURITY HOLDERS AND VOTING POWERS - TOTAL	1 of 1

I. DESCRIPTION

This schedule is used to collect summary information on the total number of votes and total holders of voting securities of the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents and Class C and Class D Natural Gas respondents.

B. Class A and Class B respondents shall complete all data fields on this schedule in their first submission. Class C and Class D respondents shall complete data fields 1-3 and 7. On subsequsnt submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data should be reported as of the latest record date as specified in data field 7.

D. Separate issues of preference stock should be totaled and reported in data fields 2 and 5.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Votes - Common Stock (N9) NO.
2	Total Votes - Preferred Stock (N9) NO.
3	Total Votes - Other Voting Securities (N9) NO.
4	Total Number of Holders - Common Stock (N9) NO.
5	Total Number of Holders - Preferred Stock (N9) NO.
6	Total Number of Holders - Other Voting Securities (N9) NO.
7	Latest Record Date (N6): Enter the latest record date, in the format MMDDYY. (IMDATE)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0108	SECURITY HOLDERS AND VOTING POWERS	1 of 1

I. DESCRIPTION

This schedule is used to collect detailed information on holders of the respondent's outstanding securities and voting power thereof, to include:

(a) the ten security holders with the highest voting powers and,

(b) the security holdings and voting powers of any officer or director of the respondent not included in (a) above.

II. GENERAL INFORMATION

A. This schedule shall be completed by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. In data fields 4-7, state the number of votes which each security holder would have had the right to cast on the latest record date, if a meeting were then in order. The latest record date should be reported on Schedule 0107, data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Number	Instructions
1 (Key)	Name of Security Holder (A35): (IDNAME)
2	Location of Security Holder (A22): Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
3	Officer/Director Indicator (N1): If the security holder named in data field 1 above, is an officer or director within the respondent's organization, enter "1"; if not, enter "0". (INYONO)
4	Total Number of Votes (N8) NO.
5	Votes - Common Stock (N8) NO.
6	Votes - Preferred Stock (N8) NO.
7	Votes - Other Voting Securities (N8) NO.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0110	OTHER STOCKHOLDER INFORMATION	1 of 1

I. DESCRIPTION

This schedule is used to collect details on the latest stockholders' annual meeting and any stock book closings during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Latest Stock Book Closing (N6): Enter the date of the latest closing of the stock book prior to end of year in the format MMDDYY. (TMDATE)
2	Purpose of Closing (A30): Explain the purpose of the closing of the stock book. (IDDESC)
3	Total Votes Cast (N8) NO: Enter total number of votes cast for directors at the latest stockholders meeting.
4	Total Proxy Votes (N8) NO: Enter total number of proxy votes cast for directors at the latest stockholders meeting.
5	Date of Latest General Stockholder Meeting (N6): Enter the date, in the format MMDDYY. (TMDATE)
6	Location of Latest General Stockholder Meeting (A22): Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	1 of 2

I. DESCRIPTION

This schedule is used to collect additional information related to (a) stock options, warrants or rights outstanding at end of the year, and (b) the voting rights and privileges carried by any security other than the repondents common and preferred stock.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually as necessary to support schedule Nos. 0107 and 0108.

C. This schedule supports information included on two schedules:

Schedule 0107 - "Security Holders and Voting Powers - Total"

Schedule 0108 - "Security Holders and Voting Powers."

D. Furnish particulars concerning any options, warrants, or rights outstanding at the end of the year for others to purchase securities of the respondent or any securities or other assets owned by the respondent. Particulars should include names of the parties granted the options, warrants or rights, the prices to be paid, expiration dates, and other material information relating to the exercise of the securities or assets. Specify the name of any officer, director, associated company, or any of the ten largest security holders who hold stock options warranty or rights at the end of the year.

E. Give complete description of any other security carrying voting rights and explain the circumstances whereby the security became vested with voting rights. If any class or issue of security (other than common or preferred stock) has any special privileges in the election of directors, trustees or managers, or in the determination of corporate action by any method, explain the extent and circumstances.

F. This schedule is not applicable to convertible securities or to any securities substantially all of which are outstanding in the hands of the general public where the options, warrants, or rights were issued on a prorata basis.

G. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Give a single word or short phrase identification such as: "options", "warrants," "rights," etc. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	2 of 2

Data Field Number	Instructions
2 (Key)	Type of Note Sequence Number (N1): Use successive numbers to designate more than one occurrence of specific type of security or item listed in data field 1 above. If only one occurrence for a particular item, report "1". (NRCADL)
3 (Key)	Entry Continuation Number (N1): Use successive numbers to designate continuation entries or textual information for a particular item listed in data field 1. If only one textual entry is needed to report the required disclosure, enter "1". (NRCADL)
4	Text of Note (A249): (IDDESC)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data, including the financial statements, presented to the Commission in the annual filing, to include the following aspects:

A. Disclosures of all important accounting policies.

B. Disclosure of accounting changes made during the year which had significant effect on the reported net income.

C. Disclosure of all contingent assets or liabilities or significant commitments existing at the end of the year which have not been reflected in the financial data.

D. Disclosure of any other important changes occurring during the year which have not been provided elsewhere in the filing.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents will use the following guidelines to report disclosure information, using titles underlined below as the Type of Note in data field 1:

1. Accounting Policies: In disclosing its accounting policies, the respondent should identify and describe the accounting principles it has utilized, the methods of applying those principles and the impact of such policies on the financial data submitted. Examples of accounting policies that may be considered significant together with suggested minimum disclosure requirements include:

   (a) Plant and Depreciation

   (b) Federal Income Tax Expense

      (1) Details on the accounting treatment for Federal income taxes (flow through, full normalization, partial normalization).

      (2) Details on the ratemaking treatment for Federal income taxes (flow through, full normalization, partial normalization).

      (3) Details on accounting for the allocation of income taxes between utility and non-utility segments of company operations.

      (4) Details on the accounting for IRS settlements as claim for refunds.

      (5) Details on the accounting for recognition of operating loss carrybacks and carryforwards.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	2 of 4

      (6) If the provisions of the tax laws are being utilized with respect to plant property (ADR class life and liberalized depreciation, repair allowance, etc.) for Federal income tax purposes and the resultant benefits are being flowed through the income statement, disclose the effect of such on the income statement.

   (c) Investment Tax Credits

      (1) Details on the method of accounting adopted for investment tax credits utilized in the current year.

      (2) Details on whether the respondent has consented or is required by a regulatory commission to pass the benefits of investment tax credits along to consumers.

      (3) For each year beginning with 1971, details on the ratemaking treatment of these credits to include option for (1) rate base treatment, (2) ratable flow through, (3) flow through in accordance with Section 46 (f) of the Internal Revenue Code, or (4) other method.

   (d) Equity Accounting

   (e) Unbilled Revenues

   (f) Deferred Fuel Cost

      Details on the accounting and ratemaking treatment for deferred fuel cost, to include whether specific approvals have been received from regulatory commissions to defer and recover these costs for ratemaking purposes.

   (g) Deferrals of Expense or Other Items

   (h) Reacquisition of Long Term Debt

      (1) Details on the amount of gains and/or losses for the year from reacquisition of long term debt.

      (2) Details on the accounting for such gains or losses (included in income/amortized).

      (3) Details on the accounting treatment of unamortized debt discount and expense if different from the requirements of the Uniform System of Accounts.

   (i) Pension Plan

      (1) Details on the method of funding.

      (2) Details on the pension cost for the current year charged to expense and capital accounts.

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DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	3 of 4

      (3) Details on the amount of unfunded vested benefits.

      (4) Details on the effect of the Security Act of 1974 on annual pension cost.

      (5) Details on any changes in method of funding for the year.

   (j) Research and Development

   (k) Other

2. Accounting Changes: Information on important accounting changes should include the nature of and justification for the change, and should include the dollar effect of the change on the reported financial data. The respondent should utilize the following definition of an accounting change taken from Opinion No. 20 of the Accounting Principles Board for purposes of this requirement.

   The term accounting change means a change in (a) an accounting principle, (b) an accounting estimate, or (c) the reporting entity.

   In considering the importance of an accounting change, the respondent should consider the impact (or estimated impact), on not only the financial data for the current reporting period, but should also consider the financial impact of the changes on subsequent years results of operations.

3. Contingencies or Commitments: Information on all contingent assets or liabilities or significant commitments shall include all pertinent facts surrounding such matters. Examples of matters that should be reported in this section include:

   (a) Particulars of all important legal proceedings pending at the end of the year and the results of proceedings culminated during the year; including the related accounting for any settlements.

   (b) Commitments related to the respondent's construction program.

   (c) Long term commitments on the purchase of fuel supply.

   (d) Short term bank borrowing arrangements including open lines of credit, compensating balance arrangements, commitment fees, and average annual effective interest rates.

   (e) Details on obligations incurred or assumed by respondent as guarantor for performance by another of any agreement or obligation. Such information shall include the amount of the obligation and the name of the commission authorizing assumption, if any, and date of authorization.

4. Other Important Changes: Information on other important changes during the year shall disclose all significant changes occuring during the year not provided for elsewhere in the Schedules in this filing.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	4 of 4

   Examples of changes include changes in articles of incorporation or amendments to the corporate charter; acquisition of ownership in other companies; recognition, merger or consolidation with other companies, particulars if control over respondent was held by a receiver or trustee.

   For securities assumed during the year, the name of the company from which the liability was assumed and other particulars of the transaction should be included in data field 4. For Class A and B respondents, if any unamortized discount, premium, expenses and/or gains or losses were taken over into the respondent's books, details of these amounts should be included in schedule 0123, "Securities Assumed, Refunded or Retired during the Year," data fields 5-9. Additional disclosure on the respondent's accounting policy with respect to gains and losses on security transactions should be included under item (h), above, of this schedule.

D. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Examples: (IDDESC) Policies - Income Tax Expense Policies - Equity Accounting Changes - Unbilled Revenues Contingencies/Commitments - Construction Program
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0113	DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURES	1 of 2

I. DESCRIPTION

This schedule is used to collect important textual comments concerning construction overhead procedures.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. For purposes of reporting for this schedule, construction overheads have been assigned the following code numbers:

Overhead Code	Type of Overhead
01	Engineering and Supervision
02	Administrative and General Expenses
03	Transportation
04	Injuries and Damages
05	Insurance
06	Pensions and Other Employee Benefits
07	Taxes (property, sales, payroll, etc.)
08	Outside Professional Services
09	Allowance for Funds Used During Construction
99	Other

These code numbers shall be reported in data field 1.

D. For each construction overhead except "allowance for funds used during construction" (09), provide in a textual format in data field 4, the respondents general policy, to include: the nature and extent of work, etc., the overhead charges are intended to cover, the general procedure for determining the amount capitalized, the method of distribution to construction jobs, whether different rates are applied to different types of construction, basis of differentiation in rates for different types of construction, and whether the overhead is directly or indirectly assigned.

E. For "allowance for funds used during construction," state in data field 4 the general policy with respect to capitalization to include: the general classes of property included in the allowance base, the method used to compute the allowance, the allowance computation period, the specific factors to support the allowance rate for the year, and the allowance rate(s) for the year.

F. Construction overheads with similar procedures should not be grouped, but must for the initial filing be reported separately.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0113	DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURES	2 of 2

G. If the respondent has separate or different procedures for any of the grouped overheads listed above (i.e. Engineering and Supervision), report each procedure as a separate entry, listing the same overhead code in date field 1 and using successive numbers (1, 2, 3, etc.) in data field 2. If the respondent needs additional space to complete the text information (data field 4) for any particular overhead, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

II.. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Overhead (N2): Enter the code, from Item C of the General Instructions for this schedule. (TYOVHD)
2	Overhead Note Number (N1): Use successive numbers to designate more than one occurrence of the overhead type listed in data field 1 above. If only one occurrence for a particular type overhead, enter 1. (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular overhead. (NRCADL)
4	Text (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0114	IMPORTANT CHANGES DURING THE YEAR - TRANSMISSION OR DISTRIBUTION SYSTEM	1 of 1

I. DESCRIPTION

This schedule is used to collect details on important extensions or reductions of the transmission or distribution system during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each logical entry has two parts. In data fields 1-3, provide general information on each important change. In data fields 4-9, show each class of service affected, the estimated annual changes in revenue and the number of customers.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Change (A40): Provide a brief description of any important territory added or relinquished during the year, i.e., Distribution - Town of Springfield. (IDDESC)
2 (Key)	Commission Code (N3): Enter the three digit numeric code, from the Register of Data Standards, IDCDMM.
3	Date of Commission Authorization (N6): Enter the date, in the format MMDDYY. (TMDATE)
4	Date of Change (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Class of Service (A3): Enter the abbreviation as follows: (TYERSV) RES = Residential COM = Commercial IND = Industrial SRE = Sales for Resale OTH = Other
6	Estimated Additional Annual Revenues (N9) DOL.
7	Estimated Annual Revenue Reduction (N9) DOL.
8	Number of Customers Added (N8) NO.
9	Number of Customers Lost (N8) NO.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0116	IMPORTANT CHANGES DURING THE YEAR - SUPPLIER RATE PROCEEDING	1 of 1

I. DESCRIPTION

This schedule is used to collect information on all supplier rate proceedings settled during the year to which the respondent was a party, related to either gas purchases or power purchases.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall complete this schedule where any significant amounts of refunds were made or received during the year resulting from settlement of proceedings affecting gas purchases or purchased power costs.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule by data field number:

Data Field Number	Instructions
1 (Key)	Name of Supplier (A35): (IDNAME)
2 (Key)	Commission Code (N3): Enter the code of the federal, state, or local regulatory commission which has jurisdiction over the rate proceeding, from the Register of Data Standards, IDCOMM.
4	Particulars for Accounting (A144): State the particulars of the accounting used by the respondent to record the refunds received or payments made resulting from supplier rate proceedings. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0118	IMPORTANT CHANGES DURING THE YEAR - NEW GENERATING PLANTS/UNITS	1 of 1

I. DESCRIPTION

This schedule is used to collect details concerning electric generating plants and/or units placed in service during the year.

I. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Indicator Plant or Unit (N1): Enter "1" if plant or "2" if unit. (INETOR)
2 (Key)	Plant Code (N5): Enter the plant code, from the Register of Data Standards, IDPLNT.
3 (Key)	Generating Unit ID (N2): Enter the unique generating unit identification code assigned sequentially (by the respondent) to the units within each plant. (IDEQPT)
4	State Abbreviation (A2): Enter the two character abbreviation, from the Register of Data Standards, IDSTAT.
5	County Code (N3): Enter the three digit code, from the Register of Data Standards, IDCNTY.
6	In-Service Date (N6): Enter the date, in the format MMDDYY. (INDATE)
7	Generating Capacity (N10) KW.
8	Original Cost of Plant/Unit (N9) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0120	IMPORTANT CHANGES DURING THE YEAR - UTILITY PLANT NOT OPERATED	1 of 1

I. DESCRIPTION

This schedule is used to collect information with respect to utility plants, including plant in service accounts, which did not operate during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Number	Instructions
1 (Key)	Description of Plant (A30): State the type, name, and number or other appropriate specifics for plant not operated during year. (IDDESC)
2	Book Cost of Plant (N9) DOL.
3	Particulars (A65): For plant listed in data field 1 above, state whether any portion of the book cost has been retired from plant in service, and/or what other disposition of the property and its book cost is contemplated. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0121	COMPANY EMPLOYEE DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect data on the total number of company employees as of the last payroll period of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents shall report the employee data for all full-time employees for the payroll period ending December 31 or that nearest December 31 in the calendar year. Include temporary employees but do not include part-time employees.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Electric Employees (N5) NO: Enter the number of full-time employees engaged in this utility function, if function is subject to Commission jurisdiction.
2 (Key)	Total Gas Employees (N5) NO: Enter the number of full-time employees engaged in this utility function, if function is subject to Commission jurisdiction.
3	Total Other Employees (N5) NO: Enter the number of full-time employees engaged in functions other than Electric and Gas.
4	Total Company Employees (N5) NO.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0122	SECURITIES ISSUED DURING THE YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect selected data on securities issued during the year.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall only report on this schedule details on securities issued during the year, including short term debt. Information on securities assumed, refunded or retired during the year shall be reported on Schedule 0123.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Security (A55): The identification of each class and series of security should include, as appropriate, the interest or dividend rate, the maturity date and series of issuance. Examples: First Refunding Mortgage Bonds 8 1/8% due 2/1/05; Common Stock - No Par Value. (IDDESC)
2	Principal Amount (N9) DOL.
3	Number of Shares (N9) NO.
4	Total Price to Public (N9) DOL.
5	Amount of Underwriter Commission (N9) DOL: Enter the total amount of the Underwriter Commission.
6	Amount of Other Expenses (N9) DOL: Enter the total of other expenses related to the security issuance.
7	Net Proceeds to Company (N9) DOL.
8	Amount of Premium or Discount (N9) DOL: Discount amounts should be entered with a negative sign.
9	Commission Authorization (N3): Enter the code of the federal, state, or local regulatory commission which has juriadiction over the issue of the securities from the Register of Date Standards. IDCOMM.
10	Commission Docket Number (A9): Enter the regulatory commission docket number. (IDDCKT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0122	SECURITIES ISSUED DURING THE YEAR	2 of 2

Data Field Number	Instructions
11	Name of Principal Underwriter (A35): Enter name of principal underwriter firm. (IDNAME)
12	Name of Securities Exchange(s) (A35): Enter the name of exchange(s) upon which security is (are) registered. (Abbreviate where possible) Example: N.Y., Amer., P.B.W. Midwest, Pacific. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0123	SECURITIES ASSUMED, REFUNDED OR RETIRED DURING THE YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect data on securities assumed, refunded or retired during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. For securities assumed, the name of the company from which the liability was assumed and other particulars of the transactions should be included on Schedule 0112 entitled "Notes To Financial Data" and a ception "Other". If any unamortized discount, premium, expenses, and/or gains or losses were taken over into the respondent's books, details of these amounts should be included in this schedule in data fields 5-9. Additional disclosure on the respondent's accounting policy with respect to gains and losses on security transactions should also be included on Schedule 0112.

D. Data fields 10-13 provide for the specific accounting entries involved in the security transactions reported herein. The details of the accounting entries specifying accounts debited should be listed in data fields 10-11 and accounts credited listed in data fields 12-13.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Security (A55): The identification of each class and series of security should include, as appropriate, the interest or dividend rate, the maturity date and series of issuance. Examples: First Refunding Mortgage Bonds - 7% Series Due 1991; Debentures - 9% Due 1994. (IDDESC)
2	Type of Transaction (N1): Enter the code, from the following list. (TYFNTN) 1 - Assumed 2 - Refunded 3 - Retired
3	Principal Amount (N9) DOL.
4	Number of Shares (N9) NO.
5	Amount of Unamortized Premium or Discount (N9) DOL: Discount amounts are to be entered with a negative sign.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0123	SECURITIES ASSUMED, REFUNDED OR RETIRED DURING THE YEAR	2 of 2

Data Field Number	Instructions
6	Amount of Unamortized Expenses (N9) DOL.
7	Amount of Gain from Reacquired Security (N9) DOL.
8	Amount of Loss from Reacquired Security (N9) DOL.
9	Net Cost of Security (N9) DOL.
10 (Key)	Account Number Debited (N3.2): (ACCTML)
11	Amount Debited (N8) DOL.
12	Account Number Credited (N3.2): (ACCTML)
13	Amount Credited (N8) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	1 of 10

I. DESCRIPTION

This schedule is used to collect the end of year balance or the amount for the year for certain accounts of the Uniform System of Accounts and certain other financial data that has been categorized as Supplemental Accounts. (For a discussion of the relationship between the two systems of accounts see General Instructions for Corporate and Financial Schedules.) This schedule replaces several former schedules which reported similar information concerning:

- Electric Operation and Maintenance Expenses
- Distribution of Salaries and Wages
- Operating Revenues
- Summary of Utility Plant - Statement B
- Other supporting schedules, including account balances from numerous schedules.

The account numbers to be used from the two systems of accounts are listed in General Information, II-D.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. For those accounts which had activity during the year or had previously been reported with balances but for the present reporting period there is no balance, respondent shall report the account number and a "zero" balance.

D. The data to be reported is structured upon the account groupings from the Uniform System of Accounts augmented by a system of supplemental accounts to integrate related data. Included on this schedule are five account groupings, each identified by title and source:

Account Group	Description	Source
1	Distribution of Salaries and Wages	Supplemental Accounts
2	Depreciation and Amortization of Electric Plant	Supplemental Accounts
3	Electric Operating Revenue Accounts	Uniform System of Accounts/ Supplemental Accounts
4	Electric Operation and Maintenance Expense Accounts	Uniform System of Accounts/ Supplemental Accounts
5	Departmental Accounts	Supplemental Accounts

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	2 of 10

All respondents will report groups 1 through 4. Those respondents with more than one utility department in their internal organization will also report group 5.

Respondents should start each account group on a new schedule collection sheet. Within each group, account numbers should be listed according to numerical sequence.

Respondents shall report by account numbers of the appropriate System of Accounts those items below applicable to their situation.

1. Distribution of Salaries and Wages

Report distribution of total salaries and wages for the year by functions (Production, Transmission, Distribution, Customer Accounts, Sales, Administrative and General, Plant Constructions, Plant Removal, Other Accounts). Amounts originally charged to clearing accounts should be spread to each appropriate function and included in the total of each function.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	030.10	Electric production - operation	
	030.20	Electric production - maintenance	
	035.10	Electric transmission - operation	
	035.20	Electric transmission - maintenance	
	036.10	Electric distribution - operation	
	036.20	Electric distribution - maintenance	
	037.10	Electric customer accounts - operation	
	037.20	Customer service and informational - operation	
	038.10	Electric sales - operation	
	039.10	Electric administration - operation	
	039.20	Electric administration - maintenance	
	041.00	Other utility departments - operation and maintenance	
	043.10	Electric plant construction	
	043.20	Other departments - plant construction	
	044.10	Electric plant removal	
	044.20	Other departments - plant removal	
	045.10	All other accounts	
	046.00	Total Salaries and Wages	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	3 of 10

2. Depreciation and Amortization of Electric Plant

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	403.10	Depreciation expense - steam production plant	
	403.20	Depreciation expense - nuclear production plant	
	403.30	Depreciation expense - hydraulic production plant - conversion	
	403.40	Depreciation expense - pumped storage	
	403.50	Depreciation expense - other production plant	
	403.60	Depreciation expense - transmission plant	
	403.70	Depreciation expense - distribution plant	
	403.80	Depreciation expense - general plant	
	403.90	Depreciation expense - common plant, electric	
	404.10	Amortization expense - limited term - intangible plant	
	404.20	Amortization expense - limited term - steam production plant	
	404.30	Amortization expense - limited term - nuclear production plant	
	404.40	Amortization expense - limited term - hydraulic production plant	
	404.50	Amortization expense - limited term - other production plant	
	404.60	Amortization expense - limited term - transmission plant	
	404.70	Amortization expense - limited term - distribution production plant	
	404.80	Amortization expense - limited term - general production plant	
	404.90	Amortization expense - limited term - common production plant	
	405.10	Amortization expense - other - intangible plant	
	405.20	Amortization expense - other steam production plant	
	405.30	Amortization expense - other - nuclear production plant	
	405.40	Amortization expense - other - hydraulic production plant	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	4 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	405.50	Amortization expense - other - other production plant	
	405.60	Amortization expense - other - transmission production plant	
	405.70	Amortization expense - other - distribution production plant	
	405.80	Amortization expense - other - general production plant	
	405.90	Amortization expense - other - common production plant	

3. Electric Operating Revenue Accounts

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SALES OF ELECTRICITY	
440.00		Residential sales	
442.00		Commercial and industrial sales	
	442.10	Commercial and industrial sales - commercial	0159
	442.20	Commercial and industrial sales - industrial	0159
444.00		Public street and highway lighting	0159
445.00		Other sales to public authorities	0159
446.00		Sales to railroads and railways	0159
447.00		Sales for resale	0159
448.00		Interdepartmental sales	0159
	449.90	Total Sales of Electricity	0159
		OTHER OPERATING REVENUES	
450.00		Forfeited discounts	
451.00		Miscellaneous service revenues	0164
453.00		Sales of water and water power	0164
454.00		Rent from electric property	0164
455.00		Interdepartmental rents	0164
456.00		Other electric revenues	0164
400.00	457.90	Total Other Operating Revenues Operating Revenues (Total)	

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	5 of 10

4. Electric Operation and Maintenance Expense Accounts

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		POWER PRODUCTION EXPENSES	
		STEAM POWER GENERATION	
		Operation	
500.00		Operation supervision and engineering	
501.00		Fuel	
502.00		Steam expenses	
503.00		Steam from other sources	
504.00		Steam transferred - credit	
505.00		Electric expenses	
506.00		Miscellaneous steam power expenses	
507.00		Rents	
	509.90	Total Steam Power Generation - Operation	
		Maintenance	
510.00		Maintenance supervision and engineering	
511.00		Maintenance of structures	
512.00		Maintenance of boiler plant	
513.00		Maintenance of electric plant	
514.00		Maintenance of miscellaneous steam plant	
	515.90	Total Steam Power Generation - Maintenance	
	516.90	Total Steam Power Generation - Operation and Maintenance	
		NUCLEAR POWER GENERATION	
		Operation	
517.00		Operation supervision and engineering	
518.00		Nuclear fuel expense	
519.00		Coolants and water	
520.00		Steam expenses	
521.00		Steam from other sources	
522.00		Steam transferred - credit	
523.00		Electric expenses	
524.00		Miscellaneous nuclear power expenses	
525.00		Rents	
	527.90	Total Nuclear Power Generation - Operation	

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	6 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		Maintenance	
528.00		Maintenance supervision and engineering	
529.00		Maintenance of structures	
530.00		Maintenance of reactor plant equipment	
531.00		Maintenance of electric plant	
532.00		Maintenance of miscellaneous nuclear plant	
	533.90	Total Nuclear Power Generation - Maintenance	
	534.90	Total Nuclear Power Generation - Operation and Maintenance	
		HYDRAULIC POWER GENERATION	
		Operation	
535.00		Operation supervision and engineering	
536.00		Water for power	
537.00		Hydraulic expenses	
	537.10	Hydraulic expenses - fish and wildlife	
	537.20	Hydraulic expenses - recreation	
538.00		Electric expenses	
539.00		Miscellaneous hydraulic power generation expense	
540.00		Rents	
	540.90	Total Hydro Power Generation - Operation	
		Maintenance	
541.00		Maintenance supervision and engineering	
542.00		Maintenance of structures	
543.00		Maintenance of reservoirs, dams and waterways	
544.00		Maintenance of electric plant	
545.00		Maintenance of miscellaneous hydraulic plant	
	545.10	Maintenance of miscellaneous hydraulic plant - fish and wildlife	
	545.20	Maintenance of miscellaneous hydraulic plant - recreation	
	545.80	Total Hydro Power Generation - Maintenance	
	545.90	Total Hydro Power Generation - Operation and Maintenance	

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	7 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Detail on Related Schedules
		OTHER POWER SUPPLY EXPENSES	
555.00		Purchased power	
556.00		System control and load dispatching	
557.00		Other expenses	
	558.90	Total Other Power Supply Expenses	
	559.90	Total Power Production Expenses - Operation and Maintenance	
		TRANSMISSION EXPENSES	
		Operation	
560.00		Operation supervision and engineering	
561.00		Load dispatching	
562.00		Station expenses	
563.00		Overhead line expenses	
564.00		Underground line expenses	
565.00		Transmission of electricity by others	
566.00		Miscellaneous transmission expenses	
567.00		Rents	
	567.90	Total Transmission Expenses - Operation	
		Maintenance	
568.00		Maintenance supervision and engineering	
569.00		Maintenance of structures	
570.00		Maintenance of station equipment	
571.00		Maintenance of overhead lines	
572.00		Maintenance of underground lines	
573.00		Maintenance of miscellaneous transmission plant	
	573.90	Total Transmission Expenses - Maintenance	
	574.90	Total Transmission Expenses - Operation and Maintenance	
		DISTRIBUTION EXPENSES	
		Operation	
580.00		Operation supervision and engineering	
581.00		Load dispatching	
582.00		Station expenses	
583.00		Overhead line expenses	
584.00		Underground line expenses	
585.00		Street lighting and signal system expenses	
586.00		Meter expenses	
587.00		Customer installation expenses	
588.00		Miscellaneous distribution expenses	
589.00		Rents	
	589.90	Total Distribution Expenses - Operation	

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	8 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		Maintenance	
590.00		Maintenance supervision and engineering	
591.00		Maintenance of structures	
592.00		Maintenance of station equipment	
593.00		Maintenance of overhead lines	
594.00		Maintenance of underground lines	
595.00		Maintenance of line transformers	
596.00		Maintenance of street lighting and signal systems	
597.00		Maintenance of meters	
598.00		Maintenance of miscellaneous distribution plant	
	599.80	Total Distribution Expenses - Maintenance	
	599.90	Total Distribution Expenses - Operation and Maintenance	
		CUSTOMER ACCOUNTS EXPENSES	
		Operation	
901.00		Supervision	
902.00		Meter reading expenses	
903.00		Customer records and collection expenses	
904.00		Uncollectible accounts	
905.00		Miscellaneous customer accounts expenses	
	905.90	Total Customer Accounts Expenses - Operation	
		CUSTOMER SERVICE AND INFORMATIONAL EXPENSES	
		Operation	
907.00		Supervision	
908.00		Customer Assistance expenses	
909.00		Informational and instructional expenses	
910.00		Miscellaneous customer service and informational expenses	
	910.90	Total Customer Service and Informational Expenses - Operation	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	9 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SALES EXPENSES	
		Operation	
911.00		Supervision	
912.00		Demonstrating and selling expenses	
913.00		Advertising expenses	
916.00		Miscellaneous sales expenses	
	919.90	Total Sales Expenses - Operation	
		ADMINISTRATIVE AND GENERAL EXPENSES	
		Operation	
920.00		Administrative and general salaries	
921.00		Office supplies and expenses	
922.00		Administrative expense transferred - credit	
923.00		Outside services employed	
924.00		Property insurance	
925.00		Injuries and damages	
926.00		Employee pensions and benefits	
927.00		Franchise requirements	
928.00		Regulatory Commission expenses	0173
929.00		Duplicate charges - credit	0163
930.10		General advertising expenses	
930.20		Miscellaneous general expenses	
931.00		Rents	
	931.90	Total Administrative and General Expenses - Operation	
		Maintenance	
932.00		Maintenance of general plant	
	939.90	Total Administrative and General Expenses - Operation and Maintenance	
	949.90	Total Operation and Maintenance Expenses	

5. Departmental Accounts: Respondents with more than one utility department in their internal organization are required to report the following plant accounts on the basis of operating utility departments. Supplemental Account numbers will consist of a second decimal place after the appropriate Uniform System of Account numbers as follows: electric department - XXX.X1; gas department - XXX.X2; common XXX.X3; (as prescribed by plant instruction 13 of the Uniform System of Accounts); steam department - XXX.X4; other departments - XXX.X5. When the basic number from the Uniform System of Accounts is a whole integer (e.g., 101), the Supplemental Account number will add a zero in the first decimal place (e.g., 101-0) and then the department code (e.g., 101-01). This has been adopted to insure uniformity with those few accounts from the Uniform System of Accounts with a decimal place (e.g., 409.1).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART I (ELECTRIC CLASS A AND CLASS B)	10 of 10

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
101.00	XXX.X1 to	Plant in service	
102.00	XXX.X5 for	Plant purchased or sold	
103.00	each Uniform	Experimental plant unclassified	
104.00	System of	Plant leased to others	
105.00	Account Basic	Plant held for further use	
106.00	Number	Completed construction not classified	
107.00		Construction work in progress	
108.00		Accumulated provision for depreciation of utility plant	
111.00		Accumulated provision for amortization and depletion of plant	
114.00		Plant acquisition adjustment	
116.00		Other acquisition adjustment	
	120.90	Net Utility Plant	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule payout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-D. (ACCTNL)
2	Amount (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0125	INVESTMENT IN SUBSIDIARY COMPANIES - EQUITY ACCOUNTING	1 of 1

I. DESCRIPTION

This schedule is used to collect information regarding investments included in Account 123.10, Investment in Subsidiary Companies, which are accounted for on the equity method of accounting.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule only includes investments in stock of subsidiary companies. Information on advances, notes, etc., related to subsidiary companies shall be included in Schedule 0161.

D. The totals in data field 2 shall equal the amount recorded in Account 418.10, Equity in Subsidiary Companies for the Year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Company Name (A35): (IDNAME)
2	Amount of Equity in Subsidiary Earnings for the Year (N10) DOL: Enter the equity results of the subsidiary's earnings or losses during the year.
3	Amount of Dividends Paid by Subsidiary for the Year (N10) DOL: Enter the total amount of dividends paid by subsidiary during the year.
4	Amount of Equity in Undistributed Subsidiary Earnings Since Acquisition (N10) DOL: Enter the amount of equity in undistributed subsidiary earnings or losses from the date of acquisition through the end of the year.
5	Balance of Investment (Equity Method) at End of the Year (N10) DOL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0128	PRODUCTION FUEL STOCKS	1 of 2

I. DESCRIPTION

This schedule is used to collect details for production fuel stock inventory included in Account 151.00, fuel stock.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The respondent shall report separately each type of production fuel and oil stock maintained during the year. Refer to the Register of Data Standards, TYFUEL, for a detailed listing of fuel stocks.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Fuel Type Code (N2): Enter the code for the fuel type, from the Register of Data Standards, TYFUEL.
2	Unit of Measure (A7): Enter the code for the unit of measure in which fuel stock quantities are being reported, from the Register of Data Standards, TYUNMS.
3	Quantity Fuel Stocks - Beginning of Year (N9) NO.
4	Cost Fuel Stocks - Beginning of Year (N9) DOL.
5	Quantity Fuel Stocks Received During Year (N9) NO.
6	Cost of Fuel Received During Year (N9) DOL.
7	Quantity of Fuel Sold or Transferred (N9) NO.
8	Cost of Fuel Sold or Transferred (N9) DOL.
9	Quantity of Fuel Used by Electric Department (N9) NO.
10	Cost of Fuel Used by Electric Department (N9) DOL.
11	Quantity of Fuel Used by Gas Department (N9) NO.
12	Cost of Fuel Used by Gas Department (N9) DOL.
13	Quantity of Fuel Used by Steam Department (N9) NO.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0128	PRODUCTION FUEL STOCKS	2 of 2

Data Field Number	Instructions
14	Cost of Fuel Used by Steam Department (N9) DOL.
15	Quantity of Fuel Used by Other Departments (N9) NO: For purposes of this schedule, the quantity and cost of fuel for the year associated with construction projects or inventory adjustments should be included in data fields 15 and 16. Specific details on inventory adjustments of significant quantities and amounts should be reported as a note to the financial data, included on Schedule 0111.
16	Cost of Fuel Used by Other Departments (N9) DOL.
17	Quantity of Fuel at End of Year (N9) NO.
18	Cost of Fuel at End of Year (N9) DOL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0129	FUEL PRODUCTION COST DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect fuel production quantity and cost data obtained from company owned sources or from affiliated companies.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Production cost for each kind of fuel shall be listed separately in data fields 5 through 9.

D. For purposes of complying with the requirements of this schedule, established subsidiaries of the respondent should be considered affiliated companies.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Fuel (N2): Enter the code, from the Register of Data Standards, TYFUEL.
2 (Key)	Source Code - Internal, Affiliated, (A3): If the fuel was obtained from the respondent's own sources, enter "INT"; if obtained from affiliated companies, enter "AFF". (TYFLSC)
3	Name of Affiliated Company (A35): If the source is from affiliated company, enter name of the company. (IDNAME)
4	Quantity Produced (N9) NO: Enter the quantity in tons, barrels, or MMCF. Enter the unit of measure in data field 10.
5	Depreciation Expense (N9) DOL.
6	Operation and Maintenance Expenses (N9) DOL.
7	Tax Expense (N9) DOL.
8	Other Expense (N9) DOL.
9	Total Expense (N9) DOL.
10	Unit of Measure (A7): Enter the code, from the Register of Data Standards, TYUNMS.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on capital stock included in Account 201.00, Common Stock Issued, Account 204.00, Preferred Stock Issued, and Account 217.00, Required Capital Stock.

II. GENERAL INFORMATION

This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1-4, 6, & 7

B. Respondents shall complete all specified data fields on this schedule annually.

C. Report the particulars called for concerning common and preferred stock at end of year. Report separately each series of and class of preferred stock.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Class and Series of Stock (A40): The designation of each class of preferred stock shall show the dividend rate and whether the dividends are cumulative or noncumulative. Example: Preferred Series A 6% Cumulative. Shares authorized for each class of preferred stock should be shown once under the first series of each class as listed in data field 2. (IDDESC)
3	Number of Shares Authorized by Charter (N8) NO: Show the number of shares authorized by the articles of incorporation (as amended) at end of year.
4	Par or Stated Value Per Share (N5) DOL.
5	Call Price End of Year (N5) DOL.
6	Shares of Capital Stock Outstanding (N8) NO: State the total number of shares outstanding per balance sheet without reduction for amounts held by respondent.
7	Amount of Capital Stock Outstanding (N9) DOL. State the total amount outstanding per balance sheet without reduction for amounts held by respondent.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	2 of 2

Data Field Number	Instructions
8	Number of Shares Held by Respondent as Reacquired Stock (N6) NO: Enter the total number of shares held by the respondent as reacquired stock as of the balance sheet date.
9	Cost of Reacquired Capital Stock (N7) DOL: Enter the cost of reacquired capital stock included in Account 217.00.
10	Number of Shares Held by Respondent in Sinking and Other Funds (N6) NO.
11	Cost of Stock Held in Sinking and Other Funds (N7) DOL.
12	Other Stock Particulars (A72): Give particulars of any nominally issued capital stock. If stock is pledged, state name of pledgee and purpose of pledge. State the amount of stock authorized by a regulatory commission but not issued at end of year. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on long-term debt included in Accounts 221.00, Bonds and 222.00, Reacquired Bonds.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1, 2, & 5-9

B. Repondents shall complete all appropriate data fields on this schedule annually.

C. For any long-term debt retired during the year, complete information called for in data fields 1, 2, 6, and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Class and Series Description of Obligation (A50): Enter class and series of long-term debt. For example: First Refunding Mortgage - Series B. (IDDESC)
3	Name of Issuing Company (A35): Enter the name of the company issuing the bonds for any bonds assumed by the respondent. (IDNAME)
4	Associated Company Indicator (N1): If company named in data field 3 above is an associated company, enter "1"; if not, enter "0". (INYONO)
5	Nominal Date of Issue (N6): Enter the date, in the format MMDDYY. (TMDATE)
6	Date of Debt Maturity (N6): Enter the date, in the format MMDDYY. (TMDATE)
7	Amount Outstanding (N9) DOL.
8	Amount of Interest for Year (N7) DOL: List the amount of interest expense for the year related to long-term debt listed in data field 2 above. Include any interest expense incurred

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	2 of 2

Data Field Number	Instructions
8 (cont'd)	during the year on any obligation retired or reacquired before end of year. Explain in a footnote, any difference between total of data field 8 and the total of Account 427.00, Interest on Long-Term Debt, and Account 430.00 Interest on Debt to Associated Companies.
9	Interest Rate of Debt (N2.3) PCT.
10	Reacquired Bonds Held by Respondent (N9) DOL: Enter the cost of reacquired bonds included in Account 222.00.
11	Sinking and Other Funds Held by Respondent (N9) DOL.
12	End of Year Redemption Price Per $100 (N3.2) DOL: Enter the redemption price (per $100) as of the end of the year. If noncallable, leave data field blank.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0134	NOTES PAYABLE	1 of 1

I. DESCRIPTION

This schedule is used to collect particulars concerning short-term indebtedness outstanding at the end of the year included in Account 231.00, Notes Payable.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Specific terms of indebtedness outstanding at end of the year under $25,000 may be grouped for purposes of this schedule. For grouped items, enter the word "other" in data field 1 with the number of items grouped, i.e., Other (12) and report data for the grouped items in data fields 5-8.

D. Additional information on open lines of credit should be reported on Schedule 0112, Notes to Financial Data.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Payee (A35): (IDNAME)
2	Date of Note (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Date of Maturity (N6): Enter the date, in the format MMDDYY. (TMDATE)
4	Interest Rate (N2.3) PCT.
5 (Key)	Balance End of Year (N9) DOL.
6	Purpose for Which Notes Were Issued (A45): (IDDESC)
7	Particulars of Collateral Pledged for Notes, if Any (A45): If collateral is pledged for a note, enter the type and value of the collateral. (IDDESC)
8	Particulars of Compensating Balances (A6D): For each item of indebtedness which is subject to a compensating balance arrangement (formal or informal) or if a commitment fee is involved, enter in this data field the type of arrangement and the amount involved. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0135	TAXES ACCRUED, PREPAID AND CHARGED DURING YEAR	1 of 2

I. DESCRIPTION

This schedule is used to collect the particulars of the combined prepaid and accrued tax accounts and the details of taxes charged to operations and other accounts during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Do not include gasoline and other sales taxes which have been charged to the accounts to which the material on which the tax was levied was charged.

D. Do not include in this schedule entries with respect to deferred income taxes or taxes collected through payroll deductions (i.e., employees share of FICA taxes) or other taxes collected by the respondent for the benefit of a taxing authority.

E. Include as taxes for purposes of this schedule: (1) accruals credited to taxes accrued; (2) amounts credited to prepaid taxes for proportions of prepaid taxes chargeable to current year; and (3) taxes paid and charged direct to operations or accounts other than accrued and prepaid tax accounts.

F. Taxes paid during the year and charged direct to final accounts, that is, not charged to prepaid or accrued taxes, should be reported by entering the description in data fields 1-3, and the related amounts in Taxes Charged, data field 4, and Taxes Paid, data field 5.

G. If any tax covers more than one year, the information required for data fields 1-11 should be shown separately for each year.

H. The distribution of taxes to the appropriate accounts of the Uniform System of Accounts should be listed in data fields 10 and 11.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Taxing Authority (A8): State the taxing authority, i.e., Federal, State or Local. (IDNAME)
2 (Key)	Kind of Tax (A20): State each kind of tax imposed, i.e., Income, Real Estate, etc. (IDDESC)
3 (Key)	Tax Year (N4): State each open tax year associated with data fields 1 and 2, in the format 19YY. (TMYEAR)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0135	TAXES ACCRUED, PREPAID AND CHARGED DURING YEAR	2 of 2

Data Field Number	Instructions
4	Taxes Charged During Year (N9) DOL: Enter the amount of tax charged to operations or other accounts during the year related to the tax listed in data fields 1-3 above.
5	Taxes Paid During Year (N9) DOL: Enter the amount of taxes paid during the year related to the tax liated in date fields 1-3 above.
6	Adjustments to Taxes During Year (N9) DOL: Enter the total amount of all adjustment to taxes for the year. Include as tax adjustments in this data field settlements with Internal Revenue Service or adjustments of previous tax accruals. Designate debit adjustments by overstriking the preprinted minus sign.
7	Taxes Accrued Balance, End of Year (N9) DOL: Enter the accrued balance at end of year related to the tax listed in data fields 1-3 above.
8	Prepaid Tax Balance, End of Year (N9) DOL: Enter the prepaid end of year balance related to the tax listed in data fields 1-3 above.
9	Explanation of Tax Particulars (A72): This data field provides space for explanation of tax adjustments and tax apportionment. Provide an explanation of adjustments to taxes listed in data field 6 above. For any tax which it was necessary to apportion to more than one utility department or account, provide an explanation of the basis of apportioning such tax. (IDDESC)
10 (Key)	Account Number (N3.2): Enter each account(s) used to record the tax listed in data fields 1-3 above. (ACCTML)
11	Amount (N9) DOL: Enter the amount related to the entry listed in data field 10 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0136	COMPUTATION OF FEDERAL INCOME TAX ACCRUALS	1 of 1

I. DESCRIPTION

This schedule is used to collect information supporting the respondent's computation of Federal income tax accruals charged to Accounts 409.10, Income Taxes, Utility Operating Income, 409.20, Income Taxes, Other Income and Deductions, and 409.30, Income Taxes, Extraordinary Items, for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule has two parts. In data fields 1-6, report information concerning the respondent's computation of Federal income tax accruals. In data fields 7 and 8, report detailed information supporting the total of other tax items reported in data field 4.

D. This schedule supplements the information reported on Schedule 0135, Taxes Accrued, Prepaid and Charged During Year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Normal Tax Computed Amount Less Surtax Exemption (N9) DOL.
2	Capital Gains Computed Amount (N9) DOL.
3	Provision for Adjustments of Previous Year's Accruals (N9) DOL: Enter the net of adjustments of prior year tax provisions made through the current year tax provision.
4	Total Other Tax Items (N9) DOL: Enter the computation amount related to any factor not specifically listed in data fields 1-3 above and 5 below.
5	Investment Tax Credits (N9) DOL.
6	Total Current Year Federal Income Tax Accrual (N9) DOL: The amount reported should be a total for the amounts reported for accruals charged to Accounts 409.10, 409.20, and 409.30 for the year.
7 (Key)	Description of Other Tax Item (A30): Describe each specific other tax item included in data field 4 above. (IDDESC)
8	Amount of Other Tax Item (N8) DOL: Enter the amount related to the other tax item listed in data field 7 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0137	CONSOLIDATED FEDERAL INCOME TAX RETURN INFORMATION	1 of 1

I. DESCRIPTION

This schedule is used to collect additional Federal income tax information if the respondent is a member of a group which files a consolidated tax return.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents that do not file consolidated returns need not complete this schedule.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Estimated Consolidated Tax Liability (N9) DOL: Enter the total estimated consolidated tax liability for the group.
2	Basis for Allocation of Consolidated Tax Among Group Members (A216): State basis of allocation of consolidated tax, including investment tax credits, among member companies. If allocated on basis of Internal Revenue Service (IRS) or Securities and Exchange Commission (SEC) regulations, furnish reference numbers. Abbreviate as necessary. (IDDESC)
3 (Key)	Member Company Name (A35): List name of each member company that is included in the consolidated return. (IDNAME)
4	Allocation of Estimated Consolidated Tax Liability (N9) DOL: State the amount (both positive and negative) of estimated Federal tax liability allocated to member company listed in data field 3 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	1 of 3

I. DESCRIPTION

This schedule is used to collect detailed information on respondents utilizing deferred tax accounting.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following Uniform System of Accounts and Supplemental Accounts are to be reported on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
190.00		Accumulated deferred income taxes
281.00		Accumulated deferred income taxes - accelerated amortization property - total
	281.10	Accumulated deferred income taxes - accelerated amortization property - certified defense facilities
	281.20	Accumulated deferred income taxes - accelerated amortization property - certified pollution control facilities
	281.30	Accumulated deferred income taxes - accelerated amortization property - other
282.00		Accumulated deferred income taxes - other property
283.00		Accumulated deferred income taxes - other

D. For utilities with more than one department, furnish in addition to the above accounts, information on deferred taxes for the electric, gas and other departments according to the Supplemental Accounts specified in the Register of Data Standards, ACCTML. For example:

Electric Respondents

190.01	Accumulated deferred income taxes - electric
190.02	Accumulated deferred income taxes - gas
190.05	Accumulated deferred income taxes - other

Natural Gas Respondents

283.01	Accumulated deferred income taxes - other - gas
283.02	Accumulated deferred income taxes - other - electric
283.05	Accumulated deferred income taxes - other - other

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	2 of 3

E. Where respondent has deferred taxes related to other income and deductions, include the particulars under the Supplemental Account numbers for "Other".

F. Include in data fields 3-14, details on contra entries to Expense Accounts 410.10, Provision for Deferred Income Taxes, Utility Operating Income, 410.20, Provision for Deferred Income Taxes, Other Income and Deductions, 411.10, Provision for Deferred Income Taxes - Credit, Utility Operating Income, and 411.20, Provision for Deferred Income Taxes, Credit Other Income and Deductions, associated with the Deferred Tax item as specified in data field 2. Space has been provided in data fields 3-14 to list two separate contra entries for debits, credits and adjustments for each deferred tax item. If only one contra entry is involved, list the account number and amount in the appropriate data field 3-4, 7-8 and/or 11-12.

G. Data fields 16-18 which call for a summary of the deferred taxes by a Federal, State and local classification, should be completed only where data field 1 equals Prime Accounts 190.00, Accumulated Deferred Income Taxes, 281.00, Accumulated Deferred Income Taxes - Accelerated Amortization Property, 282.00, Accumulated Deferred Income Taxes - Other Property, and 283.00, Accumulated Deferred Income Taxes - Other.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): List separately each of the account numbers and supplemental account numbers having a balance at end of year. Refer to General Information, II-C and the Register of Data Standards, ACCTML.
2 (Key)	Description of Deferred Tax Item (A70): Provide a separate description for each significant deferred tax item included in Accounts 190.00 and 283.00 and related supplemental accounts (if more than one department) and Supplemental Account 282.05, such as: Unbilled Revenues Purchased Gas Adjustment Research and Development Interest Expense Associated with Construction Deferrals of minor items may be grouped under an "Other" description. Information on the contra accounts affected and the amounts involved for items included in this data field should be listed in data fields 3 through 15 below. (1DDESC)
3	Debits - Account Number (N3.2): Enter the appropriate account number from the Register of Data Standards, ACCTML.
4	Debits - Amount (N9) DOL.
5	Debits - Account Number (N3.2): (ACCTML)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0138	ACCUMULATED DEFERRED INCOME TAXES	3 of 3

Data Field Number	Instructions
6	Debits - Amount (N9) DOL.
7	Credits - Account Number (N3.2): (ACCTML)
8	Credits - Amount (N9) DOL.
9	Credits - Account Number (N3.2): (ACCTML)
10	Credits - Amount (N9) DOL.
11	Adjustments - Account Number (N3.2): (ACCTML)
12	Adjustments - Amount (N9) DOL.
13	Adjustments - Account Number (N3.2): (ACCTML)
14	Adjustments - Amount (N9) DOL.
15	Balance End of Year (N9) DOL.
16	Classification of Tax - Federal Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to Federal income tax.
17	Classification of Tax - State Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to State income tax.
18	Classification of Tax - Local Income (N9) DOL: Enter the portion of the deferred tax balance end of year (data field 15 above) which is applicable to local income tax.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0139	ACCELERATED AMORTIZATION OF FACILITIES	1 of 2

I. DESCRIPTION

This schedule is used to collect details on the accounting for income tax deferrals included in Account 281.00, Deferred Income Taxes - Accelerated Amortization Property, that relate to certified defense facilities and to certified pollution control facilities.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all date fields on this schedule annually.

C. The respondent shall list separately in date fields 1-11, details for any property for which accelerated amortization under Sections 168 or 169 of the Internal Revenue Code has been authorized and where normalization accounting for the tax benefits has been practiced.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Facility Certificate Number (A10): (NRCADL)
2	Facility Description (A40): (IDDESC)
3	Facility Amortizable Cost (N9) DOL.
4	Facility Total Cost (N9) DOL.
5	Date Amortization Commenced (N6): Enter the date amortization for tax purposes commenced, in the format MMDDYY. (THDATE)
6	Normal Depreciation Rate (N2.2) PCT: Enter the normal depreciation rate for the current year (straight line book rate) used in tax deferral.
7	Tax Rate - Original Deferral (N2.2) PCT: Enter the tax rate used to originally defer amounts in Account 281.00. If the tax rate used to originally defer amounts varied from year to year, list the composite of the tax rates.
8	Tax Rate Amortized Flow Backs (N2.2) PCT: Enter the tax rate used during current year to amortize previous deferrals.
9	Total Deferred Taxes for Facility (N9) DOL: Enter total amount of tax deferrals related to the certificate.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0139	ACCELERATED AMORTIZATION OF FACILITIES	2 of 2

Data Field Number	Instructions
10	Amount of Flow Back Accelerated Amortization (N9) DOL: Enter total amount of flow backs to date (credits to Account 411.00) related to the certificate.
11	Balance of Deferred Taxes Amortization (N9) DOL: Enter the balance of deferred taxes as of the end of year related to the certificate listed in data field 1 above.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0140	TAX DEFERRALS RELATED TO OTHER PROPERTY	1 of 1

I. DESCRIPTION

This schedule is used to collect information on deferred tax accounting related to property included in Account 282.00, Accumulated Deferred Income Taxes - Other Property.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by Class A and Class B Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and the changed values, additions and deletions.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data fields number:

Data Field Number	Instructions
1 (Key)	Year (N4): Beginning with the year 1954, list each year for which deferred income taxes were recognized and included in Account 282.00.
2	Total Amount Deferred (N9) DOL: Enter the gross amount of tax deferrals for the particular year reported in data field 1 above.
3	Flow Backs (N9) DOL: Enter the total amount of flow backs (amortization of previous deferrals) to date related to the year shown in data field 1 above. Calculations to segregate and associate the gross flow backs for the year to the particular years where deferral arose may be based on reasonable methods of approximation which are consistently applied.
4	Tax Deferrals - Balance (N9) DOL: Enter the balance of deferred tax as of the end of the year relating to the particular year shown in data field 1 above.
5	Explanation of Deferred Tax Items (A72): For each year listed in data field 1, enter the general nature of the items deferred and, where appropriate, the basis of the deferral: (IODESC) Liberalized depreciation (straight line tax rate to liberalized tax rate or straight line tax rate to book straight tax rate) ADR class life Repair allowance Cost of removal

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	1 of 2

I. DESCRIPTION

This schedule is used to collect information related to investment tax credits for the years 1962 to date.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields and data fields 2 and 4) and changed values, additions, and deletions.

C. This schedule shall be prepared by the respondent regardless of the method of accounting adopted for the investment tax credits. The schedule collects details by years for all investment tax credits generated and utilized by the respondent beginning with 1962 through the current year. The required information for each year should be presented as adjusted at year end to reflect corrections of estimated amounts, carryback or carryforward of unused credits.

D. In the initial submission of this schedule, respondents will indicate Code "1" in data field 3 for each year's data. For subsequent submissions, respondents will use "1" (original) or "2" (corrected) as appropriate.

E. For electric respondents with more than one department, report tax credit for the electric department and the total of tax credits for all other departments. For natural gas respondents with more than one department, report tax credits for the gas department and the total of tax credits of all other departments.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Year (N4): Beginning with 1962 enter the year. (TMYEAR)
2	Rate (N2) PCT: Indicate 03 percent, 04 percent, 07 percent, 10 percent, 11 percent credits or other appropriate percent credits.
3	Indicator Original/Corrected (N1): Enter "1" at time of original submission. On subsequent submissions, enter "1" (original) or "2" (corrected) as appropriate. (INETOR)
4	Department (A3): Enter one of the following abbreviations to indicate department or operation: (TYUTIL) ELC = electric GAS = gas OTH = other

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	2 of 2

Data Field Number	Instructions
5	Credit Generated (N10) DOL: Enter the amount of investment tax credits generated from properties used in utility operations.
6	Credit Utilized (N10) DOL: Enter the amount of generated credits utilized in computing the Federal income tax liability for the year.
7	Unused Credit Available (N10) DOL: Enter the amount of unused tax credits available at end of each year.
8	Weighted Average Life of Property (N3.2) PCT: Enter the weighted average useful life of all eligible properties subject to the credit.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0142	ADVANCES FOR GAS PRIOR TO INITIAL DELIVERIES OR COMMISSION CERTIFICATION	1 of 2

I. DESCRIPTION

This schedule is used to collect details concerning advances for gas outstanding during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Report information concerning all advances for gas the cost of which is included in Accounts 124.00, Other Investments; 166.00, Advances for Gas Exploration, Development and Production; and 167.00, Other Advances for Gas, of the Uniform System of Accounts. Do not include take or pay gas arrangements properly included in Account 165.00, Prepayments.

D. Do not report in data fields 6 or 8, the effects of transfers between Account 124.00 and Accounts 166.00 or 167.00 for balance sheet reporting purposes.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Numbers	Instructions
1 (Key)	Account Number (N3.2): First list advances included in Account 124.00 (as of the balance sheet date) then advances included in Accounts 166.00 and 167.00. (ACCTML)
2 (Key)	Name of Payee (A35): Enter name of payee. If advances are made to a payee in connection with different projects with different arrangements for repayments, use separate lines for reporting; otherwise all advances may be grouped by payee, subject to the requirement that repayments and other credits (data fields 8, 10 and 11) are to be shown by specific account charged. (IDNAME)
3	Associated Company Indicator (N1): If company named in data field 2 above is an associated company, enter "1"; if not, enter "0". (INYONO)
4	Date of Advance (N6): Enter the date, in the format MMDDYY. (TMDATE)
5	Date of Repayment (N6): Enter an estimated date for complete repayment of the advance, in the format MMDDYY. (TMDATE) Do not use the term "indefinite" for advances included in Accounts 124.00 and 166.00.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0142	ADVANCES FOR GAS PRIOR TO INITIAL DELIVERIES OR COMMISSION CERTIFICATION	2 of 2

Data Field Number	Instructions
6	Advances During Year (N8) DOL: Enter the amount of new advances made during the year or any additional amounts on previously made advances.
7	Purpose of Advance (A45): Enter purpose of advance - for example, exploration, development, production, working interest, general loan, etc. (IDDESC)
8	Repayments or Other Credits (N8) DOL: Enter the total amount of repayments received or other credits made during the year. The total amount and amounts shown in data field (8) must be reported by specific accounts in data fields 10 and 11 below.
9	Balance End of Year (N8) DOL.
10 (Key)	Account Charged (N3.2): (ACCTML)
11	Amount (N8) DOL.

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UMI 300 N. Zeeb Rd. Ann Arbor, MI 48106 800-521-0600

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PARTICULARS FOR ESTIMATING DEPRECIATION, DEPLETION AND AMORTIZATION OF UTILITY PLANT SCHEDULE 0143		1 of 2

I. DESCRIPTION

This schedule is used to collect the factors and other particulars used in estimating depreciation, depletion, and amortization of utility plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Each logical entry has two parts. Report in data fields 1-6, information with respect to estimating depreciation accruals. Report in data fields 1, 7 and 8, information on depletion and amortization.

D. Information must be reported on this schedule by each of the 300 series of plant accounts which is subject to depreciation, depletion, and/or amortization. Also report the subtotal of functional classifications by use of the following Supplemental Accounts in data field 1:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
	301.90	Total intangible plant
	319.90	Total steam production
	322.90	Total nuclear production
	339.90	Total hydraulic production - conventional pumped storage
	347.90	Total other production plant
	359.90	Total transmission plant
	379.90	Total distribution plant
	399.90	Total general plant
Natural Gas Respondents		
	303.90	Total intangible plant
	320.90	Total manufactured gas production plant
	339.90	Total natural gas production and gathering plant
	347.90	Total products extraction plant
	359.90	Total underground storage plant
	363.90	Total local storage plant
	372.90	Total transmission plant
	389.90	Total distribution plant
	399.90	Total general plant

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DETAILED INSTRUCTIONS: [illegible] SCHEDULE 0143		2 of 2

Refer to General Instructions [illegible], Schedule Pages, Part II for the [illegible] a detailed listing of the 300 series of plant accounts [illegible] Uniform System of Accounts.

E. Respondents utilizing different [illegible] for plant included in one plant account should report in data field 1, the appropriate primary account number and complete data fields 2-8 for each type [illegible]. Do not report in data field 1 any account numbers used for your internal purposes only.

III. DETAILED [illegible]

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.0): Enter the account number, from the Register of Data Specifications (FPC-[illegible]).
2	Depreciation - Estimated Average Service Life (N3) YR: For each plant account subject to depreciation listed in data field 1 above, state the estimated average service life of the related property, rounded to nearest whole number.
3	Depreciation - Net Salvage (N2.2) PCT: For each plant account subject to depreciation, state the per cent, positive or negative, of net salvage. Net salvage is defined as gross salvage less cost of removal. If net salvage is not used as a factor in determining rates, report 0's.
4	Depreciation - Applied Rate (N2.2) PCT: State the depreciation rate applied to the plant account.
5	Depreciation - Mortality Curve Type (AA): If plant mortality studies are prepared to assist in estimating average service lives, show the type mortality curve selected as most appropriate for the account. (IOWA50)
6	Depreciation - Average Remaining Life (N3) YR: State the weighted average remaining life of surviving plant.
7	Depletion/Amortization - Type Plant (A20): For plant subject to depletion or amortization, list the types of plant involved. For example: (FRANCHISE) Franchises/consents (if data field 1 is Account 302.00) Producing Lands (if data field 1 is Account 725.10)
8	Depletion/Amortization - Number of Years (N3) YR: For property subject to amortization, state the number of years (period of amortization) associated with data fields 7 above. For property subject to depletion, state on an estimated basis, the number of years for each property to be completely depleted.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	1 of 7

I. DESCRIPTION

This schedule is used to collect detailed information on the additions, retirements, adjustments, transfers and end of year balance for property included in Account 101.00, Electric/Gas Plant in Service, classified according to the 300 series of plant accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class - Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas plant only; electric respondents furnish data for the electric plant only.

D. Report in data field 1 the appropriate account number from the 300 series of plant accounts. The 300 series includes the following Uniform System of Account numbers (301.00-399.00) and Supplemental Account numbers:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
		INTANGIBLE PLANT
301.00		Organization
302.00		Franchises and consents
303.00		Miscellaneous intangible plant
	303.90	Total Intangible Plant
		PRODUCTION PLANT
		STEAM PRODUCTION
310.00		Land and land rights
311.00		Structures and improvements
312.00		Boiler plant equipment
313.00		Engines and engine driven generators
314.00		Turbogenerator units
315.00		Accessory electric equipment
316.00		Miscellaneous power plant equipment
	319.90	Total Steam Production
320.00		Land and land rights
321.00		Structures and improvements
322.00		Reactor plant equipment
323.00		Turbogenerator units
324.00		Accessory electric equipment
325.00		Miscellaneous power plant equipment
	325.90	Total Nuclear Production

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144	CLASS A AND CLASS B - PART I	2 of 7

Uniform System of Accounts	Supplemental Accounts	Description
		HYDRAULIC PRODUCTION
330.00		Land and land rights
	330.10	Land and land rights - fish and wildlife
	330.20	Land and land right - recreation
331.00		Structures and improvements
	331.10	Structures and improvements - fish and wildlife
	331.20	Structures and improvements - recreation
332.00		Reservoirs, dams and waterways
	332.10	Reservoirs, dams and waterways - fish and wildlife
	332.20	Reservoirs, dams and waterways - recreation
333.00		Waterwheels, turbines and generators
334.00		Accessory electric equipment
335.00		Miscellaneous power plant equipment
	335.10	Miscellaneous power plant equipment - fish and wildlife
	335.20	Miscellaneous power plant equipment - recreation
336.00		Roads, railroads and bridges
	339.90	Total Hydraulic Production
		OTHER PRODUCTION
340.00		Land and land rights
341.00		Structures and improvements
342.00		Fuel holders, producers and accessories
343.00		Prime movers
344.00		Generators
345.00		Accessory electric equipment
346.00		Miscellaneous power plant equipment
	347.90	Total Other Production
	349.90	Total Production Plant
		TRANSMISSION PLANT
350.00		Land and land rights
352.00		Structures and improvements
353.00		Station equipment
354.00		Towers and fixtures
355.00		Poles and fixtures
356.00		Overhead conductors and devices
357.00		Underground conduit
358.00		Underground conductors and devices
359.00		Roads and trails
	359.90	Total Transmission Plant
		DISTRIBUTION PLANT
360.00		Land and land rights
361.00		Structures and improvements

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		3 of 7

Uniform System of Accounts	Supplemental Accounts	Description
362.00		Station equipment
363.00		Storage battery equipment
364.00		Poles, towers and fixtures
365.00		Overhead conductors and devices
366.00		Underground conduit
367.00		Underground conductors and devices
368.00		Line transformers
369.00		Services
370.00		Meters
371.00		Installations on customers' premises
372.00		Leased property on customers' premises
373.00		Street lighting and signal systems
	379.90	Total Distribution Plant
		GENERAL PLANT
389.00		Land and land rights
390.00		Structures and improvements
391.00		Office furniture and equipment
392.00		Transportation equipment
393.00		Stores equipment
394.00		Tools, shop and garage equipment
395.00		Laboratory equipment
396.00		Power operated equipment
397.00		Communication equipment
398.00		Miscellaneous equipment
399.00		Other tangible property
	399.90	Total General Plant
Natural Gas Respondents		
		INTANGIBLE PLANT
301.00		Organization
302.00		Franchise and consents
303.00		Miscellaneous intangible plant
	303.90	Total Intangible Plant
		PRODUCTION PLANT MANUFACTURED GAS PRODUCTION PLANT
304.00		Land and land rights
305.00		Structures and improvements
306.00		Boiler plant equipment
307.00		Other power equipment
308.00		Coke ovens
309.00		Producer gas equipment
310.00		Water gas generating equipment
311.00		Liquefied petroleum gas equipment

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		4 of 7

Uniform System of Accounts	Supplemental Accounts	Description
312.00		Oil gas generating equipment
313.00		Generating equipment - other processes
314.00		Coal, coke, and ash handling equipment
315.00		Catalytic cracking equipment
316.00		Other reforming equipment
317.00		Purification equipment
318.00		Residual refining equipment
319.00		Gas mixing equipment
320.00		Other equipment
	320.90	Total Manufactured Gas Production Plant
		NATURAL GAS PRODUCTION PLANT NATURAL GAS PRODUCTION AND GATHERING PLANT
325.10		Producing lands
325.20		Producing leaseholds
325.30		Gas rights
325.40		Rights-of-way
325.50		Other land and land rights
326.00		Gas well structures
327.00		Field compressor station structures
328.00		Field measuring and regulating station structures
329.00		Other structures
330.00		Producing gas wells - well construction
331.00		Producing gas wells - well equipment
332.00		Field lines
333.00		Field compressor station equipment
334.00		Field measuring and regulating station equipment
335.00		Drilling and cleaning equipment
336.00		Purification equipment
337.00		Other equipment
338.00		Unsuccessful exploration and development costs
	339.90	Total Natural Gas Production and Gathering Plant
		PRODUCTS EXTRACTION PLANT
340.00		Land and land rights
341.00		Structures and improvements
342.00		Extraction and refining equipment
343.00		Pipe lines
344.00		Extracted products storage equipment
345.00		Compressor equipment
346.00		Gas measuring and regulating equipment
347.00		Other equipment
	348.90	Total Products Extraction Plant
	349.90	Total Production Plant

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		5 of 7

Uniform System of Accounts	Supplemental Accounts	Description
		NATURAL GAS STORAGE PLANT UNDERGROUND STORAGE PLANT
350.10		Land
350.20		Rights-of-way
351.00		Structures and improvements
352.00		Wells
352.10		Storage leaseholds and rights
352.20		Reservoirs
352.30		Nonrecoverable natural gas
353.00		Lines
354.00		Compressor station equipment
355.00		Measuring and regulating equipment
356.00		Purification equipment
357.00		Other equipment
	359.90	Total Underground Storage Plant
		OTHER STORAGE PLANT
360.00		Land and land rights
361.00		Structures and improvements
362.00		Gas holders
363.00		Purification equipment
363.10		Liquefication equipment
363.20		Vaporizing equipment
363.30		Compressor equipment
363.40		Measuring and regulating equipment
363.50		Other equipment
	363.90	Total Other Storage Plant
	364.90	Total Natural Gas Storage Plant
		TRANSMISSION PLANT
365.10		Land and land rights
365.20		Rights-of-way
366.00		Structures and improvements
367.00		Mains
368.00		Compressor station equipment
369.00		Measuring and regulating station equipment
370.00		Communication equipment
371.00		Other equipment
	372.90	Total Transmission Plant
		DISTRIBUTION PLANT
374.00		Land and land rights
375.00		Structures and improvements
376.00		Mains

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART I		6 of 7

Uniform System of Accounts	Supplemental Accounts	Description
377.00		Compressor station equipment
378.00		Measuring and regulating station equipment - general
379.00		Measuring and regulating station equipment - city gate check stations
380.00		Services
381.00		Meters
382.00		Meter installations
383.00		House regulator
384.00		House regulator installations
385.00		Industrial measuring and regulating station equipment
386.00		Other property on customers' premises
387.00		Other equipment
	388.90	Total Distribution Plant
		GENERAL PLANT
389.00		Land and land rights
390.00		Structures and improvements
391.00		Office furniture and equipment
392.00		Transportation equipment
393.00		Stores equipment
394.00		Tools, shop and garage equipment
395.00		Laboratory equipment
396.00		Power operated equipment
397.00		Communication equipment
398.00		Miscellaneous equipment
399.00		Other tangible property
	399.90	Total General Plant

E. Credit balances in data fields 2, 4 , 5 and 6 should be indicated by a minus sign (-). Debit balances for plant retired (data field 3) should also be indicated by a minus sign.

F. The respondents shall report the original cost of fish, wildlife and recreation facilities in Supplemental Accounts for Hydraulic Plant.

G. Plant balances related to property included in Account 106.00, completed construction not classified, should be reported on Schedule 0145.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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DETAILED INSTRUCTIONS: PLANT IN SERVICE OR ALL UTILITY PLANT SCHEDULE 0144 CLASS A AND CLASS B - PART 1		7 of 7

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the appropriate 300 series plant account, from the Register of Data Standards, ACCTML.
2 (Key)	Additions to Plant in Service (N9) DOL: Additions for current year.
3	Retirements to Plant in Service (N9) DOL: Enter retirements for current year. If the respondent has a significant amount of plant retirements which have not been classified to primary accounts at the end of the year, a tentative distribution of such retirements to the 300 series of accounts on an estimated basis, with appropriate contra entry to Account 108.00, Accumulated Provision for Depreciation of Utility Plant, or Account 111.00, Accumulated Provision for Amortization of Utility Plant shall be made and the related dollar amount included in this data field. Include also in this data field reversals of tentative distributions of prior year of unclassified retirements.
4	Adjustments to Plant in Service (N9) DOL: Enter the amount of adjustments to the plant in service account listed in data field 1 above.
5	Transfers of Plant in Service (N9) DOL: Enter reclassifications or transfers to plant in service within utility plant accounts or transfer of in service plant from one detail plant in service account to another account, i.e., nonutility property.
6	Plant Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0145	COMPLETED CONSTRUCTION NOT CLASSIFIED	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information on Account 106.00, Completed Construction Not Classified.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. For the purpose of reporting to the Commission, the balance included in Account 106.00, Completed Construction Not Classified, should be tentatively classified in as accurately as practicable according to the detailed 300 series of plant in service accounts. The purpose of this reporting requirement is to avoid any significant omission in the reported amounts of plant in service.

E. Report in data field 1 the appropriate account number from the 300 series of plant accounts. The 300 series includes the Uniform System of Account numbers (301.00-399.00) and the following Supplemental Account numbers:

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
	303.90	Total intangible plant
	319.90	Total steam production
	325.90	Total nuclear plant
	339.90	Total hydraulic production
	347.90	Total other production
	349.90	Total production plant
	359.90	Total transmission plant
	379.90	Total distribution plant
	399.90	Total general plant
Natural Gas Respondents		
	303.90	Total intangible plant
	320.90	Total manufactured gas production plant
	339.90	Total natural gas production and gathering plant
	347.90	Total products extraction plant
	349.90	Total production plant
	359.90	Total underground storage plant
	363.90	Total local storage plant
	372.90	Total transmission plant
	389.90	Total distribution plant
	399.90	Total general plant

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0145	COMPLETED CONSTRUCTION NOT CLASSIFIED	2 of 2

Refer to General Information, II-D, Schedule 0144, Plant In Service, for a detail listing of the 300 series of plant accounts from the Uniform System of Accounts.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the appropriate 300 series of plant accounts, from the Register of Data Standards, ACCTML.
2 (Key)	Balance Beginning of Year (N10) DOL.
3	Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 01-6	PLANT PURCHASED OR SOLD	1 of 1

I. DESCRIPTION

This schedule is used to collect selected information concerning purchases and sales of plant operating units or systems made during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents having more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. The respondent shall only report information on this schedule concerning purchases or sales of operating units or systems.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Purchaser or Seller (A35): (IDRESP)
2	Date of Transaction (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Account Number Indicator (N1): If Account 102.00 was initially used to record the transaction, enter "1" in this data field; if not, enter "0". (INVONO)
4	Date of Commission Approval of Transaction (N6): Enter the date, in the format MMDDYY, if the purchase or sale transaction was approved by this Commission. (TMDATE)
5	Date of Commission Approval of Journal Entries (N6): Enter the date, in the format MMDDYY, if proposed journal entries have been filed with the Commission as required by the Uniform System of Accounts. (TMDATE)
6	Description of Property (A45): Furnish a description of the property purchased or sold. (IDDESC)
7	Purchase or Sale Price (N10) DOL.
8	Original Cost of the Facility (N10) DOL.
9	Accumulated Reserve of the Facility (N10) DOL: Enter the accumulated depreciation, depletion and amortization related to the facility.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0147	EXPERIMENTAL PLANT UNCLASSIFIED	1 of 1

I. DESCRIPTION

This schedule is used to collect details on utility plant included in Account 103.00, Experimental Plant Unclassified.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas respondents with more than one utility department furnish data for gas departments only; electric respondents furnish data for the electric departments only.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Numbers	Instructions
1 (Key)	Description of Experimental Plant/Process (A45): Provide a description for any plant and/or process included in Account 103.00 at any time during the year. (IDDESC)
2	Date Experimental Plant Included in Account (N6). (TMDATE)
3	Date of Experimental Plant Expenditure Final Classification (N6): State the transfer date (estimated) if not already transferred to plant in service or nonutility property, in the format MMDDYY. (TMDATE)
4	Original Cost of Experimental Plant (N9) DOL.

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DETAILED INSTRUCTIONS:
SCHEDULE 0148 — UTILITY LAND LEASED TO OTHERS — 1 of 2

I. DESCRIPTION

This schedule is used to collect information concerning utility plant included in Account 104.00, Plant Leased to Others.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report information in data fields 1-13 for each lease agreement.

E. Revenues and expenses of leased property (data fields 6-13) are those included in Accounts 412.and, 413.1 , 408.10 and 409.10 for the year.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Description of Leased Property (A-5): State description and location of leased property . (IDDESC)
2	Name of Lessee (A35): (IDNAME)
3	Associated Company Indicator (N1): Enter "1" if lessee is an associated company; if not, enter "0". (INYONO)
4	Date of Commission Authorization (N6): Enter the date of Commission authorization of plant leased to others, in the format MMDDYY. (TMDATE)
5	Leased Property Original Cost (N9) DOL: Enter the original cost of leased property at the end of the year.
6	Leased Property Revenues (N7) DOL.
7	Leased Property Expense - Operation (N7) DOL.
8	Leased Property Expense - Maintenance (N7) DOL.
9	Leased Property Expense - Rent (N7) DOL.
10	Leased Property Expense - Depreciation and Amortization (N7) DOL.

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DETAILED INSTRUCTIONS:
SCHEDULE

Data Field Number

11	Leased Property Expense - Taxes (N7)
12	Leased Property Expense - Other (N7)
13	Lessee Remarks
14	[illegible] (A35): If the property is [illegible] and all or part of the land is sold, state the [illegible] and the estimated amount of [illegible]

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DETAILED INSTRUCTIONS: PLANT AND PRODUCTION PROPERTIES HELD FOR FUTURE USE
SCHEDULE 0149 — 1 of 2

I. DESCRIPTION

This schedule is used to collect information on plant and production properties included in Account 105.00, Plant Held for Future Use, and Account 105.10, Production Properties Held for Future Use.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Natural gas respondents shall complete all specified data fields on this schedule annually. Electric respondents shall complete all specified data fields annually for Account 105.00 only.

C. Natural gas respondents having more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report separately each plant or property held for future use at end of the year having an original cost of $100,000 or more. Other items of property held for future use may be grouped, by entering the word "other" in data field 2 and listing the number of items so grouped. Plant properties consisting of land and land rights, leaseholds, and gas rights should be grouped and listed first in data field 2, under the title "Natural Gas Lands, Leaseholds, and Gas Rights". Additional information on these investments shall be included in Schedule 0157.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description of Property (A50): Report only name of plant or property, county, and state. (IDDESC) Example: Land - 10 Acres, Hudson County, N.J.
3 (Key)	Date Originally Included in This Account (N6): Enter the date that property value was included in Account 105.00 or 105.10, in the format MMDDYY. (TMDATE)
4	Date Expected to be Used in Utility Service (N6): Enter the date that property is expected to be used in utility service. Unless property relates to land or land rights, respondent shall report a specific date in this data field, in the format MMDDYY. (TMDATE)
5	Date of Discontinued Use (N6): For property having an original cost of $100,000 or more previously used in utility

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DETAILED INSTRUCTIONS: PLANT AND PRODUCTION PROPERTIES HELD FOR FUTURE USE
SCHEDULE 0149 — 2 of 2

Data Field Number	Instructions
5 (cont'd)	operations, now held for future use, enter the date that utility use of such property was discontinued, in the format MMDDYY. (TMDATE)
6 (Key)	Date Original Cost Transferred (N6): Refer to instructions for data field 5 above. Enter the date that original cost was transferred to Account 105.00 or 105.10, in the format MMDDYY. (TMDATE)
7	Balance End of Year (N9) DOL: Report the total end of year balance for each property item or group.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0150	CONSTRUCTION WORK IN PROGRESS	1 of 1

I. DESCRIPTION

This schedule is used to collect information on construction projects included in Account 107.00, Construction Work in Progress at the end of the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report construction work in progress according to plant functions listed in data field 1.

E. Specific projects with total estimated expenditures under $100,000 shall be grouped by plant function.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Function (N2): Enter the plant function code from the following list: (IDPLFN) 01 = Production plant 02 = Storage plant 03 = Transmission plant 04 = Distribution plant 05 = General plant 06 = Research and development 07 = Nuclear fuel 08 = Gathering plant 99 = Other items
2	Description of Project (A120): Provide a complete description of the project under construction. (IDDESC)
3	Expenditure Balance - End of Year (N9) DOL.
4	Estimated Additional Cost of Project (N9) DOL: Enter the latest estimate of the additional cost to complete the project.

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DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	1 of 3

I. DESCRIPTION

This schedule is used to collect information related to the entries to Account 108.00, Accumulated Provision for Depreciation of Utility (Electric and Natural Gas) Plant for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Information on depreciation reserve shall be reported separately for plant in service, plant leased to others and plant held for future use. Use the following Supplemental Accounts in data field 1, as a means of grouping information:

Uniform System of Accounts	Supplemental Accounts	Description
	108.11	Accumulated provision for depreciation - plant in service
	108.21	Accumulated provision for depreciation - plant leased to others
	108.31	Accumulated provision for depreciation - plant held for future use
	108.01	Accumulated provision for depreciation of utility plant (electric and gas) - total

For Respondents having more than one classification of plant subject to depreciation (i.e., plant in service leased to others), must report depreciation information by totals, under Supplemental Account 108.01.

These Supplemental Accounts are related to the following utility plant accounts:

Uniform System of Accounts	Supplemental Accounts	Description
101.00		Plant in service
104.00		Plant leased to others
105.00		Plant held for future use
106.00		Completed construction not classified

E. Depreciation on property included in Account 106.00, Completed Construction Not Classified, should be reported under Supplemental Account 108.11.

F. The provisions of Account 108.00, of the Uniform System of Accounts contemplate that retirements of depreciable plant be recorded when such plant is removed from service. If the respondent has a significant amount of plant retired at year end

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DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	2 of 3

which has not been recorded and/or classified to the various reserve functional classifications, preliminary closing entries to your books and records should be made to tentatively functionalize the book cost of the plant retired. These entries should be reflected in data fields 7-10.

G. Report additional information on the functionalization of the depreciation reserve on Schedule 0152.

III. DETAILED INSTRUCTIONS

The following data field-by-date field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Use the Supplemental Account numbers referred to in General Information, II-D.
2 (Key)	Depreciation Provision Charged to Depreciation Expense (N9) DOL: Enter depreciation accruals charged to Account 403.00 for the year.
3	Depreciation Provision Charged to Expenses of Plant Leased to Others (N8) DOL: Enter depreciation accruals charged to Account 413.00 for the year.
4	Depreciation Provision Charged to Transportation and Other Clearing Accounts (N8) DOL: Enter depreciation expenses charged to transportation or other clearing account.
5	Depreciation Provision Charged to Other Accounts (N8) DOL: Enter the total amount of depreciation accruals charged to other accounts for the year.
6	Total Depreciation Provisions for the Year (N8) DOL: Enter the total for data fields 2-5 above.
7	Book Cost of Plant Retired (N8) DOL.
8	Cost of Removal of Plant Retired (N8) DOL.
9	Salvage Value of Plant Received (N8) DOL: Enter salvage value of plant retired during the year.
10	Net Charges For Plant Retired (N10) DOL: Enter the net of data fields 7-9 above.
11	Other Items - Net (N10) DOL: Enter the net effect of other entries to the depreciation reserve for the year. Indicate net debit amounts by overstriking the minus sign in this data field.

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DETAILED INSTRUCTIONS: SCHEDULE 0151	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART I	3 of 3

Data Field Number	Instructions
12	Balance End of Year (N10) DOL: Enter the provision balance at end of year.
13	Description of Other Item (A40): Enter a description for any item entered in data field 11 above. (IODESC)
14	Amount of Other Debit Items (N9) DOL: Enter the amount related to debit entries specified in data field 13 above.
15	Amount of Other Credit Items (N9) DOL: Enter the amount related to credit entries specified in data field 13 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0152	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART II (ELECTRIC AND GAS)	1 of 2

I. DESCRIPTION

This schedule is used to collect information applicable to the end of year functional balances of Account 108.00, Accumulated Provision for Depreciation of Utility (Electric and Natural Gas) Plant.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural gas respondents with more than one utility department furnish data for gas department only; electric respondents furnish data for electric department only.

D. Information on depreciation reserve balances shall be reported separately for plant in service, plant leased to others and plant held for future use. Use the following Supplemental Accounts as a means of grouping information for reporting purposes:

Uniform System of Accounts	Supplemental Accounts	Description
	108.11	Accumulated provision for depreciation - plant in service
	108.21	Accumulated provision for depreciation - plant leased to others
	108.31	Accumulated provision for depreciation - plant held for future use
	108.01	Accumulated provision for depreciation of utility plant (electric and gas) - total

For respondents having more than one classification of plant subject to depreciation (.. plant in service leased to others), must report depreciation information by totals under Supplemental Account 108.01.

E. This schedule supplements information provided on Schedule 0151. The sum of entries fo fields 2-9 for each particular account should agree with that reported in data field 12 of Schedule 0151.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Use the Supplemental Account numbers referred to in General Information, II-D. (ACCTML)
2	Balance at End of Year - Production of Manufactured Gas (for Gas respondents) / Steam Production Plant (for Electric respondents) (N10) DOL.

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DETAILED INSTRUCTIONS: SCHEDULE 0152	ACCUMULATED PROVISION FOR DEPRECIATION OF UTILITY PLANT - PART II (ELECTRIC AND GAS)	2 of 2

Data Field Number	Instructions
3	Balance at End of Year - Production and Gathering of Natural Gas (for Gas respondents) / Nuclear Production Plant (for Electric respondents) (N10) DOL.
4	Balance at End of Year - Products Extraction of Natural Gas (for Gas respondents) / Hydraulic Production Conventional Plant (for Electric respondents) (N10) DOL.
5	Balance at End of Year - Underground Gas Storage (for Gas Respondents) / Hydraulic Production Pumped Storage (for Electric respondents) (N10) DOL.
6	Balance at End of Year - Other Storage Plant (for Gas respondents) / Other Production Plant (for Electric respondents) (N10) DOL.
7	Balance at End of Year - Transmission Plant (N10) DOL.
8	Balance at End of Year - Distribution Plant (N10) DOL.
9	Balance at End of Year - General Plant (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0154	COMMON PLANT AND EXPENSE DATA - PART II	1 of 1

I. DESCRIPTION

This schedule is used to collect information on the allocation of common utility plant costs and expenses to operating departments of the utility.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. This schedule supports information included in Schedule 0155.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Approval (N6) MMDDYY: Enter the date of approval by the Commission for use of the common utility plant accounting. (TMDATE)
2	Bases of Allocation of Plant Costs (A246): Report the bases used to allocate plant costs to the various departments at year end. State the percentage of allocation applicable to each department. If plant costs were allocated on different bases, state the specifics for each type of plant so allocated. (IDDESC)
3	Bases of Allocation of Accumulated Reserves for Depreciation and Amortization (A246): Report the bases used to allocate the accumulated reserves for depreciation, depletion, and amortization of the various departments at year end. (IDDESC)
4	Bases of Allocation of Expenses (A246): Report the bases used to allocated operating, maintenance, depreciation, and other expenses to the various departments for the reporting year. If expenses were allocated on different bases, state the specifics for each type of expense so allocated. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0155	COMMON PLANT AND EXPENSE DATA - PART I	1 of 2

I. DESCRIPTION

This schedule is used to collect data pertaining to common utility plant costs and related expenses in accordance with plant instruction 13, Common Utility Plant, of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Information on common utility plant and expenses called for on this schedule should be reported in totals prior to allocation to the appropriate departments. Report on Schedule 0154 information on the bases of allocation to departments for the year.

D. The following listing of Supplemental Accounts is provided as examples of account numbers to be reported in data field 1. For type common utility plant not specified in the listing, add XXX.03 to the appropriate three digit plant in service account breakdown. Summarize other type expenses not shown on the attached listing and report under Account 409.03. The end of the year balances for accumulated depreciation and amortization should be reported in Accounts 108.03 and 111.03.

Uniform System of Accounts	Supplemental Accounts	Description
		INTANGIBLE PLANT
	301.03	Organization
	302.03	Franchises and consents
	303.03	Miscellaneous intangible plant
		GENERAL PLANT
	389.03	Land and land rights
	390.03	Structures and improvements
	391.03	Office furniture and equipment
	392.03	Transportation equipment
	393.03	Stores equipment
	394.03	Tools, ship and garage equipment
	395.03	Laboratory equipment
	396.03	Power operated equipment
	397.03	Communication equipment
	398.03	Miscellaneous equipment
	399.03	Other tangible property
		EXPENSE ACCOUNTS
	401.03	Operation expenses
	402.03	Maintenance expenses

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DETAILED INSTRUCTIONS: SCHEDULE 0155	COMMON PLANT AND EXPENSE DATA - PART I	2 of 2

Uniform System of Accounts	Supplemental Accounts	Description
		EXPENSE ACCOUNTS (cont'd)
	403.03	Depreciation expense
	404.03	Amortization expenses
	408.03	Taxes
	409.03	Other
		UTILITY PLANT
	108.03	Accumulated provision for depreciation of utility plant
	111.03	Accumulated provision for amortization of utility plant

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the Supplemental Account number which relates to common utility plant or expense. Refer to General Information, II-D. (ACCTNL)
2	Supplemental Account Name (A40): State the Supplemental Account Name for account number listed in data field 1. (ACCTNL)
3	Balance/Amount (N9) DOL: Enter the appropriate EOY balance or amount for common utility plant costs or expenses applicable to the Supplemental Account reported in data field 1 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0156	CONSTRUCTION OVERHEAD	1 of 1

I. DESCRIPTION

This schedule is used to collect information concerning overhead cost charged to construction during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Gas respondents furnish data for gas department only; electric respondents furnish data for electric department only.

D. For purposes of reporting on this schedule, the respondent should consider as a construction overhead the following categories of cost whether such costs have been charged directly to construction or have been apportioned to a construction work order:

Overhead Code	Type of Overhead
01	Engineering and Supervision
02	Administrative and General Expenses
03	Transportation
04	Injuries and Damages
05	Insurance
06	Pensions and Other Employee Benefits
07	Taxes (Property, sales, payroll, etc.)
08	Outside Professional Services
09	Allowance for Funds Used During Construction
10	Other

These code numbers shall be reported in data field 1.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Overhead (N2): Enter the overhead code from instruction II-D. (TYOVHD)
2	Overhead Amount Charged for the Year (N9) DOL.
3	Total Cost of Construction (N9) DOL: Enter the total cost of construction to which overheads were charged during the year (exclusive of construction overhead charges).
4	Per Cent Overhead to Construction Cost (N3.2) PCT: Enter the percent of fields 2 and 3, rounded to two decimal places.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	1 of 2

I. DESCRIPTION

This schedule is used to collect information pertaining to sales of electricity or natural gas and the number of utility customers for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Natural gas respondents shall complete data fields 1-3 annually. Electric respondents shall complete data fields 1, 4 and 5 annually. Jurisdictional respondents for both natural gas and electric shall complete all data fields annually.

C. Report the requested information for the year for each of the following prescribed accounts:

1. Class A, Class B, Class C and Class D Electric respondents:

Uniform System of Accounts	Supplemental Accounts	Description
440.00		Residential sales
442.00		Commercial and industrial sales
	442.10	Small or commercial customers
	442.20	Large or industrial customers
444.00		Public street and highway lighting
445.00		Other sales to Public Authorities
447.00		Sales for resale
448.00		Interdepartmental sales
449.00		Other sales
	449.90	Total Sales of Electricity

2. Class A, Class B, Class C and Class D Natural Gas respondents:

Uniform System of Accounts	Supplemental Accounts	Description
480.00		Residential sales
481.00		Commercial and industrial sales
	481.10	Small or commercial customers
	481.20	Large or industrial customers
482.00		Other sales to Public Authorities
483.00		Sales for resale
484.00		Interdepartmental sales
	485.90	Total Sales of Gas

D. Number of customers shall be reported on the basis of number of meters, plus number of flat rate accounts, except that where separate meter readings are added for billing purposes, one customer should be counted for each group of meters so added. The average number of customers means the average of the 12 figures at the close of each month.

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DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	2 of 2

E. Natural gas means either natural gas unmixed or any mixture of natural and manufactured gas.

F. The classification of commercial and industrial sales according to small customer or commercial and large customer or industrial, may be according to the basis of classification regularly used by the respondent, provided such basis of classification is not greater generally than 1000 Mcf at 60° Fahrenheit per day of demand for each month or 200,000 MCF per year for natural gas companies.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2	Average Number of Monthly Natural Gas Customers (N7) NO.
3	Annual MMCF of Natural Gas Sold (N9.3) MMCF: Enter the annual MMCF, rounded to three decimal places.
4	Average Number of Monthly Electric Customers (N7) NO.
5	Annual MWH of Electricity Sold (N10) MWH.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0160	EXTRAORDINARY ITEMS	1 of 1

I. DESCRIPTION

This schedule is used to collect data on items included in Accounts 434.00, Extraordinary Income, 435.00, Extraordinary Deductions and 409.30, Income Taxes - Extraordinary Items.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. If additional disclosure is deemed necessary to report details for extraordinary item accounting, the respondent shall report such additional information on Schedule 0112, Notes to Financial Data.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Item Description (A120): Provide a detailed description of the extraordinary item. (IODESC)
3	Date of Commission Approval (N6): Enter the date of Commission approval for extraordinary treatment of any item which amounts to less than five per cent of income, in the format MMDDYY. (TMDATE) (See General Instruction 7 of the Uniform System of Accounts.)
4	Gross Amount (N8) DOL.
5	Related Income Taxes (N8) DOL: Enter the income tax effects included in Account 409.30, relating to the extraordinary item listed in data field 2 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	1 of 8

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries of certain of the balance sheet accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included in this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
123.00		Investment in associated companies
123.10		Investment in subsidiary companies
124.00		Other investments
136.00		Temporary cash investments
145.00		Notes receivable from associated companies
146.00		Accounts receivable from associated companies
181.00		Unamortized debt expense
182.00		Deferred losses from disposition of utility plant
189.00		Unamortized loss on reacquired debt
215.00		Appropriated retained earnings
223.00		Advances from associated companies
224.00		Other long-term debt
225.00		Unamortized premium on long-term debt
226.00		Unamortized discount on long-term debt
233.00		Notes payable to associated companies
234.00		Accounts payable to associated companies
256.00		Deferred gains from disposition of utility plant
257.00		Unamortized gain on reacquired debt

Class A and Class B respondents report the details for all accounts listed on this schedule. Class C and Class D respondents report the details for Account 215.00 only.

C. Respondents shall report the information for each account listed above as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Total debits and credits for each account listed on this schedule should be provided for as the last entry for each account in data fields 3 and 4. Report the word "Total" in data field 2. Then report in data field 3 the total debits to the account, and in data field 4 the total credits to the account.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	2 of 8

Accounts 123.00, 123.10, & 124.00

Report particulars for investments in associated and subsidiary companies and in other investments.

Investments in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 together with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

In reporting Account 123.10, include information pertaining to all investments other than common stock accounted for on the equity basis of accounting. Common stock investments under equity accounting should be included on Schedule 0125.

In reporting Account 124.00, do not include information pertaining to advances which are reported on Schedule 0142.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2)
2 (Key)	Description (A50): List separately each investment included in these accounts at any time during the year by the following groupings: Stock Bonds Advances Notes Other Provide a brief description of each investment to include name of issuer and where appropriate, the date acquired, the date issued and interest rate, i.e., Stock - ABC Corporation - 8/25/75 Note - XYZ Co. - 5/10/75 - 8% Stock - BCD Inc. - 3/1/75 Advances - Jones Corp. Bonds - Industrial Development - 8% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions made during the year of the investment listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition made during the year of the investment listed in data field 2 above.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	3 of 8

Data Field Number	Instructions
6	Particulars (N60): For advances which are open accounts, state "Open Account". For any investments which are pledged, state the name of the pledgee and the purpose of the pledge. For any investment which received the approval of a regulatory commission, give the name of the commission, date of authorization and the case or docket number. (IDDESC)
7	Principal Amount/Number of Shares (N9) NO.: For investments in bonds, enter the principal amount as of the end of the year. For investments in stock, enter the number of shares outstanding at the end of the year.
8	Revenues for Year (N8) DOL: Enter interest and dividends earned from investments during the year, including any revenues from securities disposed of during the year.
9	Date of Maturity (N6): Enter the date of maturity for each note or bond, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Account 136.00.

Report information on temporary cash investments. Investments of less than $50,000 may be grouped. For grouped items enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List separately each investment involved in this account by the following groupings: Notes Treasury Bills Commercial Paper Certificates of Deposit Other Provide a brief description of each investment to include name of issuer and where appropriate the date acquired and interest rate, i.e., Notes - General Motors Acceptance Corp. - 10/15/75 - 8%

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	4 of 8

Data Field Number	Instructions
2 (cont'd)	State "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions of the investment listed in data field 2 above, made during the year.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition of the investment listed in data field 2 above, made during the year.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.
8	Interest/Revenues for Year (N8) DOL: Enter the interest earned from the investment during the year.
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Accounts 145.00, 146.00, 233.00, & 234.00

Report information on transactions with associated companies.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For notes receivable or notes payable, state name of associated company, the date of note and interest rate. For accounts receivable or accounts payable, state name of associated company. State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total amount of debits for year for each note or account listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the total amount of credits for year for each note or account listed in data field 2 above.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For each note, state the purpose for which the note was issued or received. If any note was received in satisfaction of any open account, state the number of years the account was open. For any note or account pledged or discounted, state the name of the third party. (continued)

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	5 of 8

Data Field Number	Instructions
6 (cont'd)	If the respondent is holding collateral in connection with a note or open account, state the type and value of the collateral. (IDDESC)
8	Interest for Year (N8) DOL: Enter interest recorded during the year on accounts and notes listed in data field 2 above.
9	Date of Maturity (N6): For each note enter the date of maturity, in the format MMDDYY. (TMDATE)

Accounts 181.00, 225.00, & 226.00

Report information on unamortized expense, premium and discount on long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the type of debt followed by the class and series of debt, i.e., First Mortgage Bonds - Series H - 6 1/8% Convertible Debentures - 6 1/4% Pollution Control Bonds - 7% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the planned disposition for any undisposed amounts applicable to issues which were redeemed in prior years. (IDDESC) Explain the nature of any debits and credits other than amortization debited to Account 428.00, Amortization of Debt Discount and Expense, or credited to Account 429.00, Amortization of Premium on Debt - Credit.
9	Date of Maturity (N6): Enter the date of maturity of the related debt issue, in the format MMDDYY. (TMDATE)
12	Period of Amortization (A5): Enter the period amortization was debited to Account 428.00, in the format YY-YY. (IDDESC)

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	6 of 8

Accounts 187.00, & 256.00

Report information related to deferrals of losses or gains to disposition of utility plant. Losses or gains on property with an original cost of less than $50,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the property creating the deferred loss or gain and the date the loss or gain was originally recognized. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For Account 187.00, enter the total amount of losses incurred from the disposition of utility plant during the year. For Account 256.00, enter the total amount of amortizations (to Account 411.60) of previously recorded gains during the year.
4	Credits - Amount (N9) DOL: For Account 187.00, enter the amount of amortizations during the year (to Account 411.70) of previously recorded losses. For Account 256.00, enter the total amount of gains resulting from the disposition of utility plant during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Give the date of Commission approval of journal entries. Where approval has not been received, give explanation. (IDDESC)
10	Amount of Loss (N9) DOL: For Account 187.00, enter the amount of original loss on the disposition of the property.
11	Amount of Gain (N9) DOL: For Account 256.00, enter the amount of original gain on the disposition of the property.

Accounts 189.00 & 257.00

Report information on reacquired debt. Gains or losses of less than $25,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

If certain series of debt were reacquired at different times during the year, the information should be summarized and the totals reported in data fields 2-11.

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DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	7 of 8

Gains and losses on particular class and series of debt reacquired during a year should not be netted, but the resulting gain or loss amounts should be classified and reported as either Account 189.00 or 257.00

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the type, class of debt and the year(s) the debt was reacquired, i.e., Sinking Fund Debentures - 5% - 1974 Sinking Fund Debentures - 5% - 1975 Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): If gain or loss resulted from a refunding transaction, state the maturity date of the new issue. (IDDESC) Explain any debits and credits other than amortization debited to Account 428.10, Amortization of Loss on Reacquired Debt or credited to Account 429.10, Amortization of Gain on Reacquired Debt - Credit.
7	Principal Amount (N9) DOL: Enter the principal amount of debt listed in data field 2 above, reacquired during the year.
9	Date of Maturity (N6): Enter the maturity date of long-term debt, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the amount of loss realized for the year for each class and series of debt listed in data field 2 above.
11	Amount of Gain (N9) DOL: Enter the amount of gain realized from the year for each class and series of debt listed in data field 2 above.

Account 215.00

Report information on appropriations of retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)

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Data Field Number	Instructions
2 (Key)	Description (A50): Describe the purpose of each appropriation of retained earnings. Enter "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the nature of any debit entries to this account during the year. (IDDESC)

Accounts 223.00 & 224.00

Report information on advances from associated companies and other long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For each advance made by an associated company included in Account 223.00, enter the name of the associated company. For other long-term debt included in Account 223.00, describe the nature of the debt. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For advances, enter the principal amount repaid and any other debit entries during the year to the associated company listed in data field 2 above. For other debt, enter the principal amount and any other debit entries repaid during the year.
4	Credits - Amount (N9) DOL: For advances, enter the principal amount advanced and any other credit entries during the year by the associated company entered in data field 2 above. For other debt, enter the principal amount and any other credit entries issued during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For associated company advances, state whether the advance is a note (demand or otherwise) or open account. If advance was authorized by a commission, state the name of the commission and date approved. For Account 223.00, enter the date the note was issued and the interest rate. (IDDESC)
8	Interest/Revenue for Year (N8) DOL: Enter the amount of interest for the year associated with the advances and other debt entered in data field 2 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	1 of 12

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries to certain balance sheet and retained earning accounts of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
114.00		Utility plant acquisition adjustments
115.00		Accumulated provision for amortization of utility plant acquisition adjustments
116.00		Other utility plant adjustments
120.10		Nuclear fuel in process of refinement, conversion, enrichment and fabrication
	120.11	Nuclear fuel in process - fabrication
	120.12	Nuclear fuel in process - nuclear materials
	120.13	Nuclear fuel in process - allowance for funds used during construction
	120.14	Nuclear fuel in process - other overhead
120.20		Nuclear fuel materials and assemblies - stock account
120.30		Nuclear fuel assemblies in reactor
120.40		Spent nuclear fuel
120.50		Accumulated provision for amortization of nuclear fuel assemblies
121.00		Nonutility property
122.00		Accumulated provision for depreciation and amortization of nonutility property
	144.10	Accumulated provision for uncollectable accounts - utility customers
	144.20	Accumulated provision for uncollectable accounts - merchandise, jobbing, and contract work
	144.30	Accumulated provision for uncollectable accounts - officers and employees
	144.40	Accumulated provision for uncollectable accounts - other
157.00		Nuclear materials held for sale
	157.10	Nuclear materials held for sale - uranium
	157.20	Nuclear materials held for sale - plutonium
	157.30	Nuclear materials held for sale - other
182.00		Extraordinary property losses
183.00		Preliminary survey and investigation charges
183.10		Preliminary natural gas survey and investigation charges

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	2 of 12

Uniform System of Accounts	Supplemental Accounts	Description
183.20		Other preliminary survey and investigation charges
186.00		Miscellaneous deferred debits
209.00		Reduction in par or stated value of capital stock
210.00		Gain on resale or cancellation of reacquired capital stock
211.00		Miscellaneous paid-in capital
213.00		Discount on capital stock
214.00		Capital stock expense
216.10		Unappropriated undistributed subsidiary earnings
253.00		Other deferred credits
	255.10	Accumulated deferred investment tax credits - electric or gas department
	255.20	Accumulated deferred investment tax credits - other departments
261.00		Property insurance reserve
262.00		Injuries and damages reserve
263.00		Pensions and benefits reserve
264.00		Amortization reserve - Federal
265.00		Miscellaneous operating reserves
437.00		Dividends declared - preferred stock
438.00		Dividends declared - common stock
439.00		Adjustments to retained earnings

Class A and Class B Electric respondents report the detail for all accounts above except Accounts 183.10 and 183.20.

Class A and Class B Natural Gas respondents report the detail for all accounts above except Accounts 120.10 through 120.50, 157.00 through 157.30, 183.00 and 264.00.

Class C and Class D Natural Gas and Electric respondents report only the detail for Accounts 216.00, 255.10, 255.20, 437.00, 438.00 and 439.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Data fields 5 or 6 provide space for entry of one account number. If more than one account has been debited or credited for the item listed in data field 2, list the major account in data field 5 or 6 and the remaining accounts in data field 8, Particulars.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	3 of 12

Accounts 114.00, 115.00 & 116.00

Report particulars for utility plant acquisition or other adjustments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Explain the nature of each plant acquisition adjustment in Account 114.00 and plant adjustment in Account 116.00. For companies who utilize Account 115.00, provide the same description for each acquisition adjustment as provided under Account 114.00. Include the name of the company from which the property was acquired. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For acquisition adjustments occuring during the year, state date of transaction and date journal entries clearing Account 102.00, Plant Purchased or Sold, were accepted for filing by the Commission. Give the date Commission authorized the amortization of acquisition adjustments. Explain the plan of disposition of any acquisition adjustments not currently being amortized. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the period of amortization by years, in the format YY-YY, i.e., 74-79. (IDDESC)

Accounts 120.10 through 120.14, 120.20 through 120.50, & 157.00 through 157.30

Report the costs incurred for nuclear fuel materials on hand, in reactor, and in cooling owned by the respondent.

If the nuclear fuel stock is obtained under leasing arrangements, details of the leasing arrangements should be included on Schedules 0170 and 0171.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the amount of additions during year.

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	4 of 12

Data Field Number	Instructions
4	Credits - Amount (N9) DOL: Enter the amount transferred, amortized during year or the amount of other reductions to the cost of nuclear fuel made during the year.
8	Particulars (A60): Explain the nature of all credit entries to Accounts 120.10 through 120.14, except tranafers to Account 120.20. For Accounts 120.20, 120.30 and 120.40, state the estimated net salvage value of nuclear materials related to nuclear fuel included in each account. Explain the reason for any adjustments (data field 7) to the cost previously recorded in these accounts. (IDDESC)
9	Balance End of Year (N10) DOL.

Account 121.00

Report particulars for nonutility property.

Information on specific property having a cost under $100,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of item grouped, i.e., Other (12). Report data for the grouped items in data field 3, 4, and 9. Properties previously devoted to public service are separate and distinct from those allowed to be grouped under this instruction.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description and state the location (city, state) of nonutility property. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the cost of any property described in data field 2 above, which was purchased or otherwise transferred to Account 121.00 during the year.
4	Credits - Amount (N9) DOL: Enter the cost of property described in data field 2 above, which was sold or otherwise transferred from Account 121.00 during the year.
8	Particulars (A60): List details of sales, purchases or tranefers of nonutility property. For all property previously devoted to public service list data of transfer to Account 121.00. (IDDESC)
9	Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	5 of 12

Data Field Number	Instructions
11	Name of Company/Department (A35): If property is leased to another company, enter the name of lessee in this data field. (IDNAME)

Account 122.00

Report particulars for depreciation and amortization of nonutility property.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total debits to Account 122.00 for the year. Total debits include the book cost of plant retired, the cost of removal and any other debit adjustments to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits to Account 122.00 for the year. Total credits include depreciation and amortization accruals for the year, salvage and any other credit adjustments by the reserve.
9	Balance End of Year (N10) DOL: Enter the end of year balance for accumulated depreciation and amortization of nonutility property.

Accounts 144.10 through 144.40

Report particulars for uncollectable accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the total debits for the year to each supplemental account listed in data field 1 above. Total debits include all accounts written off and other debit adjustment to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits for the year to each supplemental account listed in data field 1 above. Total credits include the annual provision for uncollectable accounts for the year, collections of accounts previously written off and any other credit adjustments to the reserve.
9	Balance End of Year (N10) DOL.

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Account 182.00

Report particulars for extraordinary property losses.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each property loss included in this account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of any additional extraordinary property losses incurred during the year from property described in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of extraordinary property losses charged off during the current year relative to property described in data field 2 above.
6	Contra Account Debited (N3.2): Enter the contra account debited with losses charged off during the year (data field 4 above). (ACCTML)
8	Particulars (A60): Enter date of abandonment or loss and date of Commission authorizing for use of Account 182.00. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter period of amortization by year, in the format YY-YY, i.e., 74-04. (IDDESC)

Accounts 183.00 or 183.10 and 183.20

Report particulars for expenditures for preliminary survey.

Preliminary survey items with total expenditures to date under $50,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data field 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature and purpose of each project for which preliminary survey and investigation work has been done for the purpose of determining the feasibility of projects under contemplation. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 186.00

Report particulars for miscellaneous deferred debits.

Deferred debit items of less than $25,000 should be grouped. For grouped items enter the word "Other" in date field 2 with the number of items grouped, i.e., Other (12), Report data for the grouped items in date fields 3, 4 and 9.

Total debits and credits should be provided for in date fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the miscellaneous deferred debit item. Miscellaneous work in progress and regulatory commission expenses should be stated separately under the following titles: (IDDESC) Miscellaneous Work in Progress Deferred Regulatory Commission Expenses
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred debit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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Accounts 209.00, 210.00, 211.00, 213.00 and 214.00

Report particulars for other paid-in capital accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 210.00, 213.00 and 214.00, state the class and series of stock to which each debit and credit are related. For Accounts 209.00 and 211.00, state the general nature of transactions which gave rise to the reported amounts. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 216.10

Report particulars for unappropriated undistributed subsidiary earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of dividend received from subsidiaries and any other debit entries to this account during the year.
4	Credits - Amount (N9) DOL: Enter the amount of equity in subsidiary earnings and any other credit entries to this account during the year. Subsidiary losses should be included in data field 3 below, with the notation "Subsidiary Loss" included in data field 8 below.
5	Contra Account Credited (N3.2): (ACCTML)
8	Particulars (A60): Explain the nature of any debit or credit amounts included in data fields 4 or 3, other than subsidiary earnings or dividends. (IDDESC)
9	Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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Account 253.00

Report particulars for other deferred credits.

Report under this account any advance billings or receipts for gas sales or service classified in Account 253.00, but not related to take-or-pay arrangements. Take-or-pay arrangements should be included on Schedule 0131.

Other deferred credits of less than $25,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the other deferred credit item. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred credit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

Account 255.00

Report particulars for investment tax credits.

Information on investment tax credits should be stated separately for each of the applicable credit percentages. Do not group credit percentages.

Electric respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their electric department and as the last entry for Account 255.20, the total of accumulated deferred investment tax credits for all other departments combined. Natural Gas respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their gas department and as the last entry for Account 255.20, the total of accumulated deferred credits for all other departments combined.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	10 of 12

Respondents with only one utility department should report in data field 1, Account 255.00.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): In the first two spaces of data field 2, enter one of the following values: "03", "04", "07", "10" or "11" to indicate the appropriate investment tax credit rate. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of investment tax credits amortized to current year income related to each credit listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of investment tax credits deferred for the current year related to each credit listed in data field 2 above.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
7	Adjustments - Amount (N9) DOL: Enter any adjustment of investment tax credit amounts previously recorded for this account.
8	Particulars (A60): Explain the reason for any adjustments (data field 7 above) to the account balance. Also include in this data field the amount of credits deferred for the year associated with leased property in the following manner: Leased property - $1,000,000. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the average period over which the investment tax credits will be amortized to income, in the format YY-YY, i.e., 75-95. (IDDESC)

Accounts 261.00, 262.00, 263.00, 264.00, 265.00

Report particulars for operating reserve accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For accounts 216.00, 262.00, 263.00 and 264.00, state the nature of each entry included in data fields 3 and 4. For Account 265.00, identify each reserve therein separately and state the nature of the entry. If

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Data Field Number	Instructions
2 (cont'd)	the entries in data fields 3-6 affect more than one department, indication of each department affected should be made by placing letter E (electric), G (gas) or O (other) at the end of this data field. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For Account 261.00, Property Insurance Reserve and 262.00, Injuries and Damages Reserve, explain the nature of the risks covered by the reserves. (IDDESC)
9	Balance End of Year (N10) DOL.

Accounts 437.00 & 438.00

Report particulars for dividends declared.

Data Field Numbers	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Account 437.00, state the class and series of stock and the type of dividend (cash, stock, other forms). For Account 438.00, state the type of dividend and the dividend rate per share. Provide a detailed description if dividends are in forms other than cash or stock. (IDDESC)
9	Amount for Year (N10) DOL: Enter the total amount of dividends for each class and series listed in data field 2 above.

Account 439.00

Report particulars for adjustments to retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe briefly each debit or credit adjustment to retained earnings. The income tax effect of each adjustment to retained earnings should be included in data field 3 or 4 below, as appropriate. (IDDESC)

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DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	12 of 12

Data Field Number	Instructions
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	1 of 9

I. DESCRIPTION

This schedule is used to collect detailed information supporting end of year balances or amounts for certain of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
154.00		Plant materials and operating supplies
	165.10	Prepaid insurance
	165.20	Prepaid rent
	165.30	Prepaid taxes
	165.40	Prepaid interest
	165.50	Gas prepayments
	165.60	Other prepayments
174.00		Miscellaneous current and accrued assets
202.00		Common stock subscribed
203.00		Common stock liability for conversion
205.00		Preferred stock subscribed
206.00		Preferred stock liability for conversion
207.00		Premium on capital stock
208.00		Donations received from stockholders
212.00		Installments received on capital stock
242.00		Miscellaneous current and accrued liability
	252.10	Customer advances for construction - electric department
	252.20	Customer advances for construction - gas department
	252.30	Customer advances for construction - other
419.00		Interest and dividend income
421.00		Miscellaneous nonoperating income
	421.10	Gain on disposition of property
	421.20	Loss on disposition of property
425.00		Miscellaneous amortization
	426.10	Miscellaneous income deductions - donations
	426.20	Miscellaneous income deductions - insurance
	426.30	Miscellaneous income deductions - penalties
	426.41	Expenditures for certain civic, political and related activities - radio, television, and motion picture advertising
	426.42	Expenditures for certain civic, political and related activities - newspaper, magazine and pamphlet advertising
	426.43	Expenditures for certain civic, political and related activities - inserts in customers' bills or reports to stockholders

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	2 of 9

Uniform System of Accounts	Supplemental Accounts	Description
	426.44	Expenditures for certain civic, political and related activities - newspaper and magazine editorial services
	426.45	Expenditures for certain civic, political and related activities - other advertising
	426.46	Expenditures for certain civic, political and related activities - expenses other than advertising
426.50		Miscellaneous income deductions - other deductions
430.00		Income on debt to associated companies
431.00		Other interest expenses
436.00		Appropriations of retained earnings
813.00		Other gas supply expenses
858.00		Transmission and compression of gas by others
930.30		Industry association dues
930.40		Nuclear power, experimental and general research expenses
930.50		Stockholder expenses
930.60		Other expenses

Class A and Class B Electric respondents report detail for all accounts listed above except Account 165.10 through 165.60, 491.00, 813.00 and 858.00.

Class A and Class B Natural Gas respondents report detail for all accounts listed above.

Class C and Class D Electric and Natural Gas respondents report detail for Accounts 426.41 through 426.46 and 436.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for every account shall be reported annually.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

Account 154.00

Report information for plant materials and operating supplies.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Furnish a breakdown of plant materials and operating supplies included in Account 154.00, according to the general character of the items. Examples: (IDDESC) Electric: Poles and pole materials; Steel tower and fittings; Conductor-wire-cable-insulators; Substation materials; Underground materials; Other operations: Maintenance materials, Auto parts & supplies, Stationery & supplies, Production M&S and spare Gas: Steel pipe line; Well casing; Valves and fittings; Meters, regulators and parts; Miscellaneous machine parts, tools & electrical supplies; Compressor station engine parts; Building materials, poles, paint, etc.; Miscellaneous equipment & supplies
3	Balance End of Year (N10) DOL.
4	Particulars (A60): State the amount of any important inventory adjustment made during the year to the classes of material listed in data field 2 above. For any class of material listed in data field 2 above, that pertains to other than the primary department, state in this data field the department affected. (IDDESC)

Accounts 165.10 - 165.60

Natural Gas respondents report information on prepayments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): Furnish a description for any prepayment reported in Supplemental Account 165.60, Other Prepayments. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 174.00 & 242.00

Report information on miscellaneous current and accrued assets and liabilities or liabilities of less than $25,000 may be grouped. For grouped items, enter the word

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"Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Describe current and accrued assets or liabilities. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 202.00, 203.00, 205.00, 206.00, 207.00, 208.00 and 212.00

Report information on other capital stock accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): For Accounts 202.00 and 205.00, enter the subscription price on each class of stock at year end. For Accounts 203.00 and 206.00, describe the agreement under which a conversion liability existed at end of year. For Account 208.00, provide an explanation of the origin and purpose of each donation. For Account 212.00, state each class and series of capital stock with an outstanding installment at year end. For Account 207.00, state the class and series of stock giving rise to the premium. Provide a brief explanation of any premiums arising from transactions with associated companies. If additional information is required for adequate disclosure, use data field 4, Particulars. (IDDESC)
3	Balance End of Year (N10) DOL: Enter the balance end of year associated with the item listed in data field 2 above.
4	Particulars (A60): Enter the number of shares at year end, if applicable. (IDDESC)

Accounts 252.10 - 252.30

For respondents with more than one utility department, report information on customer advances by departments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
3	Balance End of Year (N10) DOL: Enter the balance of customer advances at the end of year for each account listed in data field 1 above.

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Account 419.00

Report information on interest and dividend income.

Interest and dividend items in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Income from investments included in Accounts 123.00, 124.00 and 136.00, should be grouped and listed in this data field as: Income from Investments - Accounts 123.00 and 124.00 Income from Investments - Account 136.00 Provide a description of any other income or expense items included in Account 419.00. (IDDESC)
3	Amount for Year (N10) DOL.

Account 421.00

Report information on miscellaneous nonoperating income.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each miscellaneous nonoperating income and/or expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 421.10, 421.20

Report information related to disposition of property.

Individual gain or losses relating to property with an original cost of less than $50,000 may be grouped with the number of items in data field 2.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)

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Data Field Number	Instructions
2 (Key)	Description (A50): Provide a brief description of the location of property (city and state) and original cost of property disposed of during the year. (IDDESC)
3	Amount for Year (N10) DOL: Enter amount of gain or loss associated with the disposition of property reported in data field 2 above.
4	Particulars (A60): Enter the name of the party acquiring the property, when acquired by another utility or an associated company. Enter the classification of the property prior to its disposition (in-service, future use nonutility, etc.) Also enter the date of Commission approval of journal entries when approval is required, i.e., Commission approval 5.10.75. Where approval is required but has not been received, provide an explanation. (IDDESC)

Account 425.00

Report information on miscellaneous amortization.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature of items being amortized. (IDDESC)
3	Amount for Year (N10) DOL: Enter the total amount amortization charges for the year for each item listed in data field 2 above.
4	Particulars (A60): Enter the period of amortization for any item listed in data field 2 above. (IDDESC)

Accounts 426.10, 426.20, 426.30, & 426.50

Report information on miscellaneous income deduction accounts.

Amounts of less than $1,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Report the nature of the income deduction and the payee. (IDDESC)

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Data Field Number	Instructions
3	Amount for Year (N10) DOL.

Accounts 426.41 - 426.46

Report all expenditures incurred by the respondent during the year for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation or ordinances (either with respect to the possible adoption of new referenda, legislation or ordinances or repeal or modification of existing referenda, legislation or ordinances); approval, modification, or revocation of franchises; or for the purpose of influencing the decisions of public officials which are accounted for as Other Income Deductions, Expenditures for Certain Civic, Political and Related Activities; Account 426.40.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTNL)
2 (Key)	Description (A50): Indicate the nature and purpose of the activity. (IDDESC)
3	Amount for Year (N10) DOL.

Account 430.00

Report information related to interest on associated company debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): List the name of the associated company, the type of debt involved and interest rate: (IDDESC) Jones Company - Advance - 6% Ace Company - Note - 8%
3	Amount for Year (N10) DOL.

Account 431.00

Report information on other interest expense.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): Describe the nature of the selected debt or other interest expense item. Include also the interest rate, if not provided elsewhere in this filing. Examples: (IDDESC) Customer Deposits - 7% Notes Payable - Banks - 8-9% Notes Payable - Commercial Paper - 7% Notes Payable - Other Other
3	Amount for Year (N10) DOL.

Account 436.00

Report information on appropriations of retained earnings made during the year.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): State purpose of any appropriation of retained earnings made during the year. (IDDESC)
3	Amount for Year (N10) DOL.

Account 813.00

Natural Gas repondents only report information on other gas supply expenses.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): Provide a description of the nature of the other gas supply expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Account 858.00

Natural Gas respondents only report information on expenses paid for transmission and compression of gas by others.

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Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A50): State name of company and a description of the service performed. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 930.30 - 930.60

Report information on miscellaneous general expenses.

For Accounts 930.30 - 930.50, complete data fields 1 and 3 only.

Account 930.50, Stockholder Expenses, includes publishing and distributing information to stockholders.

For Account 930.60, list separately in data field 2 each item of miscellaneous other expense of $500 or more. Amounts of less than $500 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTNL)
2 (Key)	Description (A50): Describe each item of miscellaneous other expenses. (IDDESC)
3	Amount for Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	1 of 4

I. DESCRIPTION

This schedule is used to collect detailed information supporting amounts for the year for certain revenue accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. The following accounts are included on this schedule.

Uniform System of Accounts	Supplemental Accounts	Description
451.00		Miscellaneous service revenues
454.00		Rent from electric property
455.00		Interdepartmental rents (electric)
456.00		Other electric revenues
	484.00	Interdepartmental sales - natural gas
	490.00	Sales of products extracted from natural gas
	491.00	Revenues from natural gas processed by others
	492.00	Incidental gasoline and oil sales
	493.00	Rent from gas property
	494.00	Interdepartmental rents (gas)
	495.00	Other gas revenues

Class A and Class B Electric respondents report the detail for Accounts 451.00 and 454.00 through 456.00.

Class A and Class B Natural Gas respondents report the detail for Accounts 484.00 and 490.00 through 495.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for every account shall be reported annually.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

Accounts 451.00 & 456.00

Report particulars for miscellaneous revenue accounts.

Revenues of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	2 of 4

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe each category of miscellaneous service or other revenue. Provide a separate caption for revenues from operation of fish and wildlife and recreation facilities (regardless of whether such facilities are operated by company or by contract concessionaries). Also list separately revenues realized through Research and Development ventures. (IDDESC)
3	Amount for Year (N9) DOL: State amount of revenue for year.
4	Name of Company (A35): State name of company or other organization from which revenue is derived. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 is an associated company, enter "1"; if not, enter "0". (INYONO)

Accounts 454.00, 455.00, 493.00, & 494.00

Report information related to rent from property and interdepartmental rents.

Amounts under $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 454.00 and 493.00, provide description of the related property. For Accounts 493.00 and 494.00, if the amount reported in data field 3 is derived from a manufactured gas property, indicate this by entering the words "Manufactured Gas" in this date field. (IDDESC)
3	Amount for Year (N9) DOL.
4	Name of Department/Company (A35): Enter name of lessee of department from which revenue is received. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 above is an associated company, enter "1"; if not, enter "0". (INYONO)
6	Particulars (A60): If rents are included which were arrived at under an arrangement for apportioning expenses of a joint facility, whereby the amount included in this account represents profit or return on property, depreciation, and taxes,

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DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	3 of 4

Data Field Number	Instructions
6 (cont'd)	give particulars and the basis of apportionment of such charges to the account shown in data field 1. (IDDESC)

Account 484.00

Natural Gas respondents only report information on interdepartmental sales.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the other utility department and basis of the charges. (IDDESC)
3	Amount for Year (N9) DOL.

Account 490.00

Natural Gas respondents only report particulars concerning sales of gasoline, butane, propane, and other products extracted from natural gas, including sales of any such products which may have been purchased from others for resale.

If the purchasers are numerous it is permissible to group the sales by kind of product. In that case, state in data field 2 the number of producers grouped. Show separately, however, sales to associated companies or to companies which were associated at the time the applicable sales contracts were made.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State name of purchaser. (IDDESC)
3	Amount for Year (N9) DOL.
5	Associated Company Indicator (N1): If the company named in data field 2 above is an associated company, enter "1"; if not, enter "0". (INYONO)
6	Particulars (A60): State name of product and the number of gallons sold. (IDDESC)

Account 491.00

Natural Gas respondents report particulars concerning transactions with others for removing products from natural gas of the respondent. The information called for in this schedule should also be provided in instances where gas of the repondent is processed by others and no revenue is received.

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DETAILED INSTRUCTIONS: SCHEDULE 0164	DETAILED ACCOUNT DATA - PART IV	4 of 4

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide description transaction. (IDDESC)
3	Amount for Year (N9) DOL.
4	Name of Department/Company (A35): State name of processor. (IDNAME)
6	Particulars (A60): Provide details in instances where no revenues have been received in the transaction. (IDDESC)

Accounts 492.00 & 495.00

Report particulars concerning revenues received from incidental gas and oil sales and from other gas revenues.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe each source of revenue. List separately revenue realized through research and development ventures. (IDDESC)
3	Amount for Year (N9) DOL: State amount of revenue for year.
4	Name of Company (A35): State name of company or other organization from which revenue is derived. (IDNAME)
5	Associated Company Indicator (N1): If the company named in data field 4 above is an associated company, enter "1"; if not, enter "0". (INYONO)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	1 of 4

I. DESCRIPTION

These schedules are used to collect details on selected monthly electric operating data for plant, revenues and expenses.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on these schedules monthly.

C. Report the information on these schedules by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		ELECTRIC PLANT/DIVIDENDS
	120.70	Electric utility plant - total
	120.80	Accumulated provision for depreciation and amortization of electric utility plant
	107.10	Construction work in progress - electric gross additions
	238.10	Dividends declared - preferred stock
	238.20	Dividends declared - common stock
	238.90	Total (Accounts 120.7-238.90 for edit purposes only)
		ELECTRIC EXPENSES AND INCOME
401.00		Operating expense - total
	401.10	Operation expense - salaries and wages
	401.20	Operation expense - fuel
	401.30	Operation expense - other
402.00		Maintenance expense - total
	402.10	Maintenance expense - salaries and wages
	402.20	Maintenance expense - other
403.00		Depreciation expense
	407.90	Amortization expense
408.10		Taxes other than income taxes, utility operating income
409.10		Income taxes, utility operating income - total
	409.18	Income taxes, utility operating income - Federal
	409.19	Income taxes, utility operating income - other
410.10		Provision for deferred income taxes, utility operating income
411.10		Provision for deferred income taxes - credit, utility operating income
411.40		Investment tax credit adjustments, utility operations
411.60		Gains from disposition of utility plant
411.70		Losses from disposition of utility plant

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	2 of 4

Uniform System of Accounts	Supplemental Accounts	Description
413.00		Expenses of electric plant leased to others
	413.90	Total Electric Operating Expenses
414.00		Other utility operating income
	414.90	Net Utility Operating Income
	417.90	Nonutility Operating Income
418.10		Equity in earnings of subsidiary companies
419.00		Interest and dividend income
419.10		Allowance for funds used during construction
421.00		Miscellaneous nonoperating income
421.10		Gain on disposition of property
421.20		Loss on disposition of property
425.00		Miscellaneous amortization
	426.70	Miscellaneous income deductions
408.20		Taxes other than income taxes, other income and deductions
409.20		Income taxes, other income and deductions
410.20		Provision for deferred income taxes, other income and deductions
411.20		Provision for deferred income taxes - credit, other income and deductions
411.50		Investment tax credit adjustments, nonutility operations
420.00		Investment tax credits
	426.90	Net Other Income and Deductions
427.00		Interest on long-term debt
428.00		Amortization of debt discount and expense
428.10		Amortization of loss on reacquired debt
429.00		Amortization of premium on debt (credit)
	429.10	Amortization of gain on reaquired debt - (credit
430.00		Interest on debt to associated companies
431.00		Other interest expense
	431.90	Total Interest Charges
	432.90	Income Before Extraordinary Items
434.00		Extraordinary income
435.00		Extraordinary deductions
409.30		Income taxes, extraordinary items
433.00		Balance transferred to net income
440.00		Residential sales
	442.10	Commercial and industrial sales - commercial
	442.20	Commercial and industrial sales - industrial
444.00		Public street and highway lighting
445.00		Other sales to public authorities
446.00		Sales to railroads and railways
447.00		Sales for resale
448.00		Interdepartmental sales
	449.90	Total Sales of Electricity
450.00		Forfeited discounts
451.00		Miscellaneous service revenues

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	3 of 4

Uniform System of Accounts	Supplemental Accounts	Description
453.00		Sales of water and water power
454.00		Rent from electric property
455.00		Interdepartmental rents
456.00		Other electric revenues
	457.90	Total Other Operating Revenues
400.00		Total Electric Operating Revenues
412.00		Revenues from gas plant leases to others

D. Where a company has changed its accounting policy and begins to recognize unbilled revenues, the initial amount recorded and reported should be included in Account 434.00, Extraordinary Items, with the tax effect in Account 409.30, Income Taxes, Extraordinary Items, when the amounts are significant. Thereafter, the amounts relating to unbilled revenues should be reported in the class of sales giving rise to unbilled revenues (Accounts 440.00 to 448.00). If the amounts are not significant, report the amounts in the appropriate operating revenues accounts (Accounts 440.00 to 448.00). Do not report unbilled revenues as a separate line item.

E. Report residential space heating amounts in Account 440.00.

F. Smaller commercial sales should be included in Account 442.10. Large or industrial sales should be included in Account 442.00.

G. Payments for lease obligations included in the 500.00 and 900.00 series of accounts should be included in Account 401.30.

H. Salaries and wages charged to electric operation expense (Account 401.10) and maintenance expense (Account 402.10) should include only amounts charged to electric operation and maintenance expense accounts, including O & M clearing accounts. Total company salaries and wages should not be reported. Electric operations and maintenance salaries and wages may be estimated if actual amounts are not available.

I. Include steam purchase expense relating to utility operations in Account 401.30.

J. Fuel expense reported in Account 401.20 should include only amounts actually charged to operations during the reporting period which were recorded in primary Accounts 501.00, 518.00 and 547.00 for the production of energy during the month.

K. Report in Accounts 238.10 and 238.20 only the amounts for dividends actually declared during the month, exclusive of dividends paid.

L. Account Definitions:

107.10 Construction Work in Progress, Gross Additions - The total expenditures (both direct and indirect) charged for the month to Account 107.00, Construction Work in Progress. Do not include credits for transfer of completed construction or abandoned projects.

120.70 Electric Utility Plant - Sum of Account 101.00-107.00, 114.00, 116.00 and 120.10-120.40.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	4 of 4

120.80 Accumulated Provision for Depreciation and Amortization - Sum of Accounts 108.00, 111.00, 115.00 and 120.50.

401.20 Operation Expense - Fuel - Sum of amounts recorded in Accounts 501.00, 518.00 and 547.00.

401.00 Operation Expense - Equals the sum of Accounts 401.10, 401.20 and 401.30.

407.90 Amortization Expense - Sum of Accounts 404.00, 405.00, 406.00 and 407.00

426.70 Miscellaneous Income Deductions - Sum of Accounts 426.10 through 426.50.

457.90 Total Other Operating Revenues - Sum of Accounts 450.00 through 456.00.

M. Notes to financial data should be reported on Schedule 0215.

N. Accounts 401.00 through 411.90 pertain only to electric department operations. If a respondent has more than one utility department, include the net of revenues and expenses applicable to the other departments in Account 414.00.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month/Year (N4): Enter the month and year, in the format MMYY. (TM*AYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field, see General Information, II-C above. (ACCTML)
3	Amount (N9) DOL.
4	Sales (N9.3) MWH: Report sales of electric included in Accounts 440.00 through 448.00.
5	Customers (N7) NO: Report number of customers related to sales of electric included in Accounts 440.00 through 448.00.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	1 of 3

I. DESCRIPTION

This schedule is used to collect details on all charges made during the year included in any account (including plant accounts) for outside consultative and other professional services, such as services concerning rate, management, construction, engineering, research, financial, valuation, legal, accounting, purchasing, advertising, labor relations, and public relations, rendered the respondent under written or oral arrangement.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each logical entry has two parts. In data fields 1-10, report information on services performed. In data fields 11-13, show each account charged for that service with the associated amount.

D. For aggregate payments (other than for employee services or medical and personnel related services) amounting to $5,000 (for Class B and $10,000 for Class A companies), complete data fields 1-6 and 10, with data fields 11-13 as needed. These payments should include legislative services payments except those which are to be reported in Account 426.40, Expenditures for Certain Civic, Political and Related Activities. For aggregate payments to any one individual, group or partnership, by Class A companies in the amount $600 or greater but less than $10,000, and aggregate payment by Class B companies in the amount $600 or greater but less than $5,000, complete data fields 1, 2, 4 and 10.

E. For any services which are under a long-term contract, complete data fields 7 and 8, and, if applicable, data field 9.

F. The respondent shall report professional and consultative services charged to any account of the Uniform System of Accounts. Do not report in data field 11 any control accounts (i.e., 401.00, Operation Expense) nor any respondent developed subaccount numbers. Data field 12 should be used to distinguish the department utilizing the service if the respondent has more than one utility department.

G. The respondent may be a member of a consolidated group which furnishes centralized professional services through a group service organization or it may receive professional services from other group memeber companies. In such instances, the respondent shall furnish complete details on the intercompany arrangements. For each type of service listed in data field 5, the respondent shall state briefly the basis for the charge (data field 6), the account(s) charged (data field 11) and the amount charged to each account (data field 13).

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DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	2 of 3

H. Outside services should be reported in data field 2 using the following codes:

Code	Type of Service
01	Financial
02	Auditing
03	Accounting
04	Purchasing
05	Rates
06	Management
07	Construction
08	Engineering
09	Research
10	Environmental
11	Valuation
12	Legal
13	Advertising
14	Labor Relations
15	Public Relations
16	Legislation
17	Fuel Supply
99	Other

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Consultant (A35): (IDNAME)
2	Type of Service (N2): Enter the code for the type of consultant service, from General Information II-H. (TYCNSV)
3	Description of Service (A40): Provide other description of service including case number or project name. (IDDESC)
4	Associated Company Indicator (N1): If consultant is an associated company, enter "1"; if not, enter "0". (INYONO)
5	Address of Consultant (A22): Report the address (state and city) of the consultant. Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
6	Basis of Charges (A50): Examples are: Payroll plus overhead plus expenses, hourly rate plus expenses, fixed fee plus expenses. (IDDESC)
7	Contract Start Date (N6): Enter the date, in the format MMDDYY. (TNDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0169	PROFESSIONAL AND OTHER CONSULTATIVE SERVICES	3 of 3

Data Field Number	Instructions
8	Contract Termination Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
9	Date of Commission Authorization (N6): Enter the date, in the format MMDDYY. (TMDATE)
10	Consultant's Total Charge for Year (N8) DOL.
11 (Key)	Account Charged (N3.2): (ACCTML)
12 (Key)	Department Using Consultant (A3): This data field should be completed by respondents with more than one utility department. If the account charged is common to two or more departments or all departments, enter COM. Enter one of the department abbreviations from the following list: (TYUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common
13	Amount Charged (N8) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0170	LEASE RENTAL CHARGES - GENERAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information on properties leased by the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. Report information called for where lease annual charges are $250,000 or more. Leases of construction equipment used in connection with work in progress or continuous, master or open-end leases for general plant, EDP or office equipment or other property short-lived and replaced under terms of the lease or for pole rentals, are not required to be reported on this schedule, unless lessee has the option to purchase the property.

D. Lease identifications (beginning with Ø1) are assigned by the respondent when the lease is first reported. The same value must be used for reporting in subsequent years. This value, which is reported in data field 1 of this schedule, must be identical to that reported in data field 1 of Schedule 0171.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Lease ID (N2): Assign a unique, sequential number to identify the lease for which data is to be given in data fields 2-14 below. (NRCADL)
2 (Key)	Description of Property (A70): Include the type, size, quantity and estimated useful life of property leased. (IDESC)
3	Name of Lessor (A35): (IDNAME)
4	Option to Purchase Indicator (N1): If lessee has an option to purchase, enter "1"; if not, enter "Ø". (INYONO)
5	Particulars - Option to Purchase (A65): If lessee has an option to purchase, state the dates, the basis of determining the purchase price and other particulars. (IDDESC)
6	Lease Start Date (N6): Enter the date, in the format MMDDYY. (TMDATE)

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DETAILED INSTRUCTIONS: SCHEDULE 0170	LEASE RENTAL CHARGES - GENERAL DATA	2 of 2

Data Field Number	Instructions
7	Lease End Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
8	Lease Cancellable Indicator (N1): If lease is cancellable by either party, enter "1"; if not, enter "Ø". (INYONO)
9	Conditions Under Which Lease is Cancellable (A60): State the conditions under which the lease agreement may be cancelled by either party. (IDDESC)
10	Sale/Leaseback Indicator (N1): If lease is related to a sale and leaseback arrangement, enter "1"; if not, enter "Ø". (INYONO)
11	Accounting Treatment (A60): Describe accounting treatment of lease payments (levelized charges to expense or other treatment). (IDDESC)
12	Lease Rental Tax Treatment (A60): State whether the lease is treated as an item of capital or expense for Federal income tax purposes. (IDDESC)
13	Responsibilities of Respondent (A60): State responsibilities of respondent for payment of operation, maintenance, taxes, insurance or other expense associated with the property. (IDDESC)
14	Apportionment of Charges (A60): State the nature and basis for apportioning any charges between the lessor and lessee. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED	1 of 3

I. DESCRIPTION

This schedule is used to collect details on the accounting for payments made to third parties in connection with lease agreements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents. Natural Gas respondents furnish data for gas departments only. Electric respondents furnish data for the electric departments only.

B. Respondents shall complete all specified data fields on this schedule annually.

C. For purposes of this schedule a "lease" is defined as a contract or other agreement by which one party (lessor) conveys an intangible right to land or other tangible property and equipment to another (lessor) for a specified period of one year or more for rent.

D. For leases with annual charges of $25,000 or more, but less than $250,000, complete data fields 1, 2, 3, 4, 16, 17 and 18.

E. For leases having annual charges of $250,000 or more, complete all data fields.

F. The annual charges referred to in General Information D and E include the basic lease payment and other payments to or in behalf of the lessor such as taxes, depreciation, assumed interest or dividends on the lessor's securities, cost of property replacements and other expenditures with respect to leased property except the expenses of operating and maintaining such leased property.

G. Oil and gas leases and leases of construction equipment used in connection with construction work in progress are not required to be reported herein. For continuous master or open-end leases for general plant items, EDP or office equipment, automobile fleets that are short-lived and replaced under terms of the lease, the respondent shall report only the data called for in data fields 1, 2, 3, 4, 5, 16, 17 and 18 unless the leasee has the option to purchase the property.

H. Each logical entry has two parts. In data fields 1-15, report data concerning each individual lease. In data fields 16-18, show the distribution of the current year lease rental charges to the various accounts.

I. Lease identification (beginning with Ø1) are assigned by the respondent when the lease is first reported. The same value must be used for reporting in subsequent years. This value is reported in data field 1 of this schedule and must be identical to that reported in data field 1 of Schedule 0170.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED ANNUAL DATA	2 of 3

Data Field Number	Instructions
1 (Key)	Lease ID (N2): Assign a unique, sequential number to identify the lease for which data is to be given in data fields 2-18 below. (NRCADL)
2 (Key)	Description of Property (A70): The entry in this data field should duplicate the entry in data field 1 of Schedule 0170. (IDDESC)
3 (Key)	Plant Function (N2): Enter one of the following codes: (IDPLFN) Code Type 01 = Production Plant 02 = Storage Plant 03 = Transmission Plant 04 = Distribution Plant 05 = General Plant 06 = Research and Development 07 = Nuclear Fuel 08 = Gathering Plant 99 = Other Items
4	Name of Lessor (A35): (IDNAME)
5	Associated Company Indicator (N1): If lessor is an associated company, enter "1"; if not, enter "Ø". (INYONO)
6	Current Lease Beginning Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
7	Current Lease Ending Date (N6): Enter the date, in the format MMDDYY. (TMDATE)
8	Primary/Renewal Indicator (N1): If lease is in its primary term, enter "1"; if it is in a renewal term, enter "2". (INETOR)
9	Original Cost/Fair Market Beginning Value of Property (N9) DOL: Report, as of the date of the current lease term, the original cost of the property leased, estimated if not known, or the fair market value of the property if greater than original cost
10	Type Expense Paid by Lessee (A45): Enter a brief description of type expenses paid by lessee (See General Information, 11-F) (IDDESC)
11	Amount of Accumulated Rent - Lessor (N8) DOL: Enter the accumulated amount of rents paid to the lessor during the current term of the lease.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0171	LEASE RENTALS CHARGED	3 of 3

Data Field Number	Instructions
12	Amount of Accumulated Rent - Other (N8) DOL: Enter the accumulated amount of expenses paid to third parties on behalf of the lessor, such as taxes, interest, insurance, etc.
13	Amount of Current Year's Rent - Lessor (N8) DOL: Enter the rental charges for the current year paid to the lessor.
14	Amount of Current Year's Rent - Other (N8) DOL: Enter the amount of expenses for the current year paid by the respondent related to the lease.
15	Remaining Annual Charges Under Lease (N9) DOL: Enter the total annual charges over the remaining life of the lease. Estimate if actual amounts are not known.
16 (Key)	Account Charged (N3.2): Enter the account(s) charged with the expenses for the year. (ACCTML)
17	Amount Charged (N8) DOL: Enter the amount charged related to the account listed in data field 16 above.
18	Department (A3): This data field should be completed by respondents with more than one utility department. Enter one of the department abbreviations from the following list: (TYUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0173	REGULATORY COMMISSION EXPENSE	1 of 2

I. DESCRIPTION

This schedule is used to collect particulars of regulatory commission expenses incurred during the current year or incurred in previous years, if being amortized, relating to formal cases before a regulatory body, or cases in which such a body was a party.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Each entry has two parts. In data fields 1-10, report details of the regulatory commission expense items and information on deferrals of such expenses. In data fields 11-13, report information on all expenses charged off during the year, including expenses incurred in the current year (and charged off directly) and amortization of previous deferrals.

D. Individual cases, whose total expenses (data field 6) are $5,000 or less, may be grouped. For these items enter "999" in data field 1, enter "999999999" in data field 2, enter "Grouped Items" in data field 3, and complete data fields 4-6 and 11-13.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Commission Code (N3): Enter the three digit code, from the Register of Data Standards, IDCOMM.
2 (Key)	Docket or Case Number (A9): (IDDCKT)
3	Description of Case (A55): Enter a brief description of case, i.e., rate filing; security issue; certificate application; and grouped items. (IDDESC)
4	Expense Assessed by Regulatory Commission (N7) DOL.
5	Expenses of Utility (N7) DOL: Enter the expenses incurred by the respondent other than by assessment of a regulatory body.
6	Total Expense (N7) DOL: Enter the total expenses to date - sum of data fields 4 and 5.
7	Period of Amortization (A5): Enter the period of amortization for any expenses incurred which are being amortized, in the format YY-YY, i.e., 75-80. (IUDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0173	REGULATORY COMMISSION EXPENSE	2 of 2

Data Field Number	Instructions
8	Amount Deferred in Account 186.00 - Beginning of Year (N7) DOL.
9	Amount Deferred in Account 186.00 - End of Year (N7) DOL.
10	Amount Deferred to Account 186.00 During Year (N7) DOL.
11	Account Charged (N3.2): (ACCTML)
12	Department Charged (A3): This data field should be completed by respondents with more than one utility department. Enter one of the department abbreviations from the following list: (TYUTIL) ELC = Electric GAS = Natural Gas OTH = Other COM = Common
13	Expense Charged to Account (N7) DOL: Enter the expenses charged to the account specified in data field 11, above.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0174	PARTICULARS CONCERNING CERTAIN OTHER INCOME ACCOUNTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries to certain other income and expense accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following accounts are to be reported on this schedule:

Uniform System of Accounts	Description
415.00	Revenues from merchandising, jobbing and contract work
416.00	Cost and expenses of merchandising, jobbing and contract work
417.00	Revenues from nonutility operations
417.10	Expenses of nonutility operations
418.00	Nonoperating rental income

D. Minor nonutility and nonoperating revenues under $25,000 may be grouped. For grouped items, enter the word "Other" in data field 2, i.e., Other (12). Report data for the grouped items in data fields 3-7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 415.00 and 416.00, list the type activity, i.e., merchandising, appliances, jobbing and contract work, and provide a general description of the activity. For Accounts 417.00 and 417.10, describe each major nonutility operation. For respondents with more than one department, state the department associated with the activity. For Account 418.00, give a brief description of each major item miscellaneous property included in Account 121.00, Nonutility Property, which is not used in operations for which income is included in Account 417.00, but which is leased or rented to others. (IDDESC)
3	Revenues (N9) DOL.
4	Expenses - Operation (N9) DOL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0174	PARTICULARS CONCERNING CERTAIN OTHER INCOME ACCOUNTS	2 of 2

Data Field Number	Instructions
5	Expenses - Maintenance (N9) DOL.
6	Expenses - Depreciation, Depletion and Amortization (N9) DOL.
7	Expenses - Other (N9) DOL.
8	Particulars (A60): For each item of property listed in data field 2 above, for Account 418.00, state the name of lessee, the effective date and expiration date of lease. (IDDESC)

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	1 of 3

I. DESCRIPTION

This schedule is used to collect detailed information related to the accounting for technological research and development (R&D) projects initiated, continued or concluded during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following accounts from the Supplemental System of Accounts shall be reported on this schedule:

Research and Development Performed Internally - Electric

Supplemental Accounts	Description
630.00	Hydroelectric generation - recreation, fish and wildlife
631.00	Hydroelectric generation - other
632.00	Fossil-fuel steam generation
633.00	Internal combustion or gas turbine generation
634.00	Nuclear generation
635.00	Unconventional generation
636.00	Sitting and heat rejection generation
637.00	System planning, engineering and operation
638.00	Overhead transmission
639.00	Underground transmission
640.00	Distribution
641.00	Environment (other than equipment)
642.00	Other

Research and Development Performed Externally - Electric

Supplemental Accounts	Description
643.00	Research support to the Electric Research Council
644.00	Research support to the Electric Power Research Institute
645.00	Research support to Edison Electric Institute
646.00	Research support to nuclear power groups
647.00	Research support to others
648.00	Total electric research and development costs

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	2 of 3

Research and Development Performed Internally - Gas

Supplemental Accounts	Description
630.10	Pipeline design
630.20	Pipeline efficiency
631.10	Compressor station design
631.20	Compressor station efficiency
632.00	System planning, engineering and operation
633.00	Transmission control and dispatching
634.00	LNG storage and transportation
635.00	Underground storage
636.00	Other storage
637.00	New appliances and new uses
638.00	Gas exploration, drilling, production and recovery
639.00	Coal gasification
640.00	Synthetic gas
641.00	Environmental research
642.00	Other

Research and Development Performed Externally - Gas

Supplemental Accounts	Description
644.00	Research support to American Gas Association
645.00	Research support to others
648.00	Total gas research and development costs

D. For any research and development work carried on by the respondent in which there is a sharing of costs with others, list in data fields 1-6 only, the respondent's cost for the year.

E. Each logical entry has two parts. In data fields 1-4, report information on each research and development activity. In data fields 5-6, show each account number charged with expenses for the year with the associated amount. Example:

Account Number - 506.00 Amount - 350000

F. For Account 642.00 (Other), report separately only research and development projects over $5,000.

G. Unamortized Research and Development Costs - End of Year (data field 4) should show the balance in Account 188.00, Research and Development Expenditures, for each particular category at the end of the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0177	RESEARCH AND DEVELOPMENT ACTIVITIES	3 of 3

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Classification of Research and Development Activity (N3.2): Enter the Supplemental Account number listed under General Information II-C, which identifies the activity being described. (ACCTML)
2	Costs - Current Year (N8) DOL: Enter the cost incurred during the year, related to the project listed in data field 3 below.
3 (Key)	Description of Research and Development Activity (A130): Provide a concise description explaining the nature of a project classified as research and development. For research and development projects sponsored jointly with others, list the names of the other participating companies in this data field. (IDDESC)
4	Unamortized Research and Development Costs - End of Year (N8) DOL: Enter the accumulated unamortized balance at the end of year for research and development activities described in data field 3 above.
5 (Key)	Costs Charged Off, Account Number (N3.2): Enter the account number used to record project costs charged off during the current year. (ACCTML)
6	Cost Charged Off, Amount (N8) DOL: Enter the amount of charges related to the account listed in data field 5 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0179	FRANCHISE REQUIREMENTS (ACCOUNT 927.00)	1 of 2

I. DESCRIPTION

This schedule is used to collect data on expenses of franchise requirements included in Account 927.00, Franchise Requirements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Natural Gas respondents with more than one utility department, furnish data for gas department only; electric respondents furnish data for the electric department only.

D. Report below, payments made to municipal or other governmental authorities, and the cost of electricity or gas, materials, supplies, and other items furnished such authorities during the year without reimbursement in compliance with franchise, ordinance, or similar requirements. Electric respondents must separately disclose any payments in the amount of $25,000 or more. Natural Gas respondents must separately disclose any payments in the amount of $10,000 or more. Payments less than the amounts specified may be grouped by listing the word "other" in data field 1 and completing data fields 3-6 and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Municipal Authority (A35): (IDNAME)
2	Date of Franchise (N6): Enter the date, in the format MMDDYY. (TMDATE)
3	Cash Outlays (N7) DOL.
4	Gas Supplied Without Charge (N9.3) MMCF: Enter the gas supplied, in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.
5	Energy Supplied Without Charge (N5.3) MWH: Electric
6	Dollar Amount of Energy Supplied Without Charge (N7) DOL: Enter the dollar amount of energy (gas or electric) supplied without charge related to data fields 4 or 5 above.
7	Other Items Furnished Without Charge (N7) DOL: Enter the dollar amount of other items furnished in connection with the franchise.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0179	FRANCHISE REQUIREMENTS (ACCOUNT 927.00)	2 of 2

Data Field Number	Instructions
8	Amount Furnished to Municipal (N8) DOL: Enter the total of franchise requirements from data fields 3, 6, and 7 above.
9	Particulars of Items Furnished Without Charges (A50): State particulars for items listed in data field 7 above. (IDQESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0187	RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME	1 of 2

I. DESCRIPTION

This schedule is used to collect data on the reconciliation of reported book net income for the year with taxable income used in computing Federal income tax accruals.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The first account to be reported shall be Account 433.00, Balance Transferred from Income.

D. Additionally, the following Supplemental Accounts are to be reported on this schedule.

Uniform System of Accounts	Supplemental Accounts	Description
	003.10	Taxable income not reported on books
	003.20	Deductions recorded on books not deducted for return
	003.30	Income recorded on books not included in return
	003.40	Deductions on return not charged against book income
	003.50	Federal Tax Net Income

Every reconciling item must be reported according to one of the four categories listed above (Accounts 003.10 through 003.40).

E. The reconciliation provided on this schedule should, as far as practicable, contain the respondent's best estimates for items that will be furnished on Schedule M-1 of the tax return for the year.

F. This schedule must be submitted even though the tax return has not yet been filed for the year. In instances where items or amounts reported on this schedule differ materially from that filed with the tax return, the respondent shall furnish revised information to the Commission. The schedule should be submitted even though there is no taxable income for the year.

G. For Account 003.50, data field 2 may be omitted.

H. Information on the computation of Federal income tax accruals should be reported on Schedule 0136.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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DETAILED INSTRUCTIONS: SCHEDULE 0187	RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME	2 of 2

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTNL)
2 (Key)	Description (A60): State the nature of each reconciling item. (IDDESC)
3	Amount for Year (N9) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0213	ENVIRONMENTAL PROTECTION FACILITIES AND EXPENSES	1 of 4

I. DESCRIPTION

This schedule is used to collect detailed information on the balance of and additions to, retirements of and adjustments to, environmental facilities and expenses associated with such facilities and environmental programs.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all applicable data fields on this schedule annually.

C. For purposes of this schedule, environmental protection facilities shall be defined as any building, structure, equipment, facility or improvement designed and constructed solely for control, reduction, prevention or abatement of discharges or releases into the environment of gaseous, liquid or solid substances, heat, noise or for the control, reduction, prevention or abatement of any other adverse impact of an activity on the environment.

D. There shall be reported herein the difference in cost of facilities installed for environmental considerations over the cost of alternative facilities which would otherwise be used without environmental considerations. The basis for determining costs without environmental considerations will be the best engineering design achievable without environmental restrictions. It is not intended that special design studies be made for purposes of this response. The best engineering judgment shall suffice where direct comparisons are not available.

These differences in costs would include the costs or estimated costs of environmental protection facilities in service, constructed or modified in connection with the production, transmission and distribution of electrical energy and shall be reported herein for all such environmental facilities placed in service on or after January 1, 1969, so long as it is readily determinable that such facilities were constructed or modified for environmental rather than operational purposes. Similar expenditures for environmental plant included in construction work in progress shall also be reported herein. The cost of facilities may be estimated when the original cost is not available or facilities are jointly owned with another utility, provided the respondent explains the basis of such estimations.

Examples of these costs could include a portion of the costs of tall smokestacks, underground lines and landscaped substations.

E. The cost of facilities included herein shall include an estimated portion of the cost of plant that is or will be used to provide power to operate associated environmental protection facilities. These costs may be estimated on a percentage of plant basis.

F. Explanations of estimating methods and basis used shall be reported in Schedule 0214, Environmental Protection Facilities and Expenses - Notes.

G. All plant costs shall be reported under the Supplemental Account classifications provided below and include, but are not limited to, the items listed hereunder:

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DETAILED INSTRUCTIONS: SCHEDULE 0213	ENVIRONMENTAL PROTECTION FACILITIES AND EXPENSES	2 of 4

Supplemental Accounts	Description
601.00	Air pollution control facilities: 1. Scrubbers, precipitators, tall smokestacks, etc. 2. Changes necessary to accommodate use of environmentally clean fuels such as low sulfur fuels including storage and handling equipment. 3. Monitoring equipment. 4. Other.
602.00	Water pollution control facilities: 1. Cooling towers, ponds, piping, pumps, etc. 2. Waste water treatment equipment. 3. Sanitary waste disposal equipment. 4. Oil interceptors. 5. Sediment control facilities. 6. Monitoring equipment. 7. Other.
603.00	Solid waste disposal costs: 1. Ash handling and disposal equipment. 2. Land. 3. Settling ponds. 4. Other.
604.00	Noise abatement equipment: 1. Structures. 2. Mufflers. 3. Sound proofing equipment. 4. Monitoring equipment. 5. Other.
605.00	Esthetic costs: 1. Architectural costs. 2. Towers. 3. Undergrounding lines. 4. Landscaping. 5. Other.
606.00	Additional plant capacity - environmental: Additional plant capacity necessary due to restricted output from existing facilities, or addition of pollution control facilities.
607.00	Miscellaneous environmental costs: 1. Preparation of environmental reports. 2. Fish and wildlife plants included in Accounts 330.00, 331.00, 332.00 and 335.00. 3. Parks and related facilities. 4. Other.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0213	ENVIRONMENTAL PROTECTION FACILITIES AND EXPENSES	3 of 4

Supplemental Accounts	Description
608.00	Construction work in progress - environmental facilities.
609.90	Total environmental facilities.

For Account 608.00, Construction Work in Progress - Environmental Facilities, report only data field 6 and 7.

H. The expenses shall be reported in data field 6 for each of the following classifications identified by Supplemental Account numbers:

Supplemental Accounts	Description
610.00	Depreciation - environmental.
611.00	Labor, maintenance, materials and supplies related to environmental facilities and programs.
612.10	Fuel related costs - operation of facilities.
612.30	Fuel related costs - flyash and sulfur sludge removal.
612.50	Fuel related costs - difference in cost of environmentally clean fuels: The difference in costs of environmentally clean fuels as opposed to the alternative fuels that would otherwise be used and are available for use.
613.00	Replacement power costs: The cost of replacement power, purchased or generated, to compensate for the deficiency in output from existing plants due to the addition of pollution control equipment, use of alternate environmentally preferable fuels or environmental regulations of governmental bodies. Replacement power purchased shall be priced at the average system price of purchased power if the actual cost of such replacement power is not know. Internally generated replacement power shall be priced at the system average cost of power generated if the actual cost of specific replacement generation is not known.
614.00	Taxes and fees - environmental: Ad valorem and other taxes assessed directly on or directly relatable to environmental facilities. This item shall also include licensing and similar fees on such facilities.
615.00	Administrative and general - environmental.
616.00	Other environmental expenses.
617.90	Total environmental expenses.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0213	ENVIRONMENTAL PROTECTION FACILITIES AND EXPENSES	4 of 4

I. In those instances when costs are composed of both actual supportable costs and estimates of costs, specify in data field 7 the actual costs that are included in data field 6.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): This is a preprinted data field. Refer to the account numbers in General Information, II-F and II-H. (ACCTML)
2	Balance Beginning of Year (N10) DOL.
3 (Key)	Additions to Environmental Plant (N9) DOL: Enter the additions for the current year.
4	Retirements of Environmental Plant (N9) DOL: Enter the retirements during the current year.
5	Adjustments to Environmental Plant (N9) DOL: Enter the adjustments to amounts listed in data field 2 above.
6	Balance End of Year / Amount for the Year (N10) DOL.
7	Actual Cost (N10) DOL: Enter the actual costs of environmental facilities and actual expenses included in data field 6 above, when both actual and estimated costs are reported therein.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0214	NOTES TO ENVIRONMENTAL PROTECTION FACILITIES AND EXPENSES	1 of 1

I. DESCRIPTION

This schedule is used to collect additional information related to environmental protection facilities and expenses.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule supports information included on Schedule 0213, Environmental Facilities and Expenses.

D. Furnish particulars for facilities concerning any basis of estimation of cost of facilities and also cost estimations based on a portion of plant basis. For expenses, indicate any basis or method used where allocations are necessary.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Identify either "facilities" or "expenses". (IDDESC)
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0215	MONTHLY NOTES TO FINANCIAL DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data presented to the Commission in the monthly filing, to include the following aspects:

A. Disclosure of accounting changes made during the month which had significant effect on the reported net income.

B. Disclosure of any important factor occurring during the month that may materially effect the comparability of the financial data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule monthly.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): (IDDESC)
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	1 of 11

I. DESCRIPTION

These twenty-five schedules are used to collect the end of year balance or the amount for the year for certain accounts of the Uniform Systems of Accounts and certain other financial data that has been categorized as Supplemental Accounts for the presentation of the four primary Financial Statements. (For a discussion of the relationship between the two systems of accounts see General Instructions for Corporate and Financial Schedules.) This schedule replaces several former schedules which reported similar information concerning:

- Comparative Balance Sheet - Statement A
- Statement of Income for the Year - Statement C
- Statement of Retained Earnings for the Year - Statement D
- Statement of Changes in Financial Position - Statement E

The account numbers to be used from the two systems of accounts are listed in General Information, II-D.

II. GENERAL INFORMATION

A. These schedules shall be submitted by Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on these schedules annually for those items below applicable to their circumstances.

C. For those accounts which had activity during the year or had previously been reported with balances but for the present reporting period there is no balance, respondent shall report the account as a "zero" balance.

D. The data to be reported is structured upon the account groupings from the Uniform System of Accounts augmented by a system of supplemental accounts to intergrate related data. The schedules for the following statements have been preprinted with account numbers and descriptions to facilitate respondent reporting:

Schedule Number	Title	Source
0216 through 0222	Balance Sheet	Uniform System of Accounts/ Supplemental Accounts
0223 through 0234	Statement of Income for the Year	Uniform System of Accounts/ Supplemental Accounts
0235	Statement of Retained Earnings for the Year	Uniform System of Accounts/ Supplemental Accounts
0236 through 0238	Statement of Changes in Financial Position	Supplemental Accounts

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DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	2 of 11

1. Balance Sheet: Respondent shall report the applicable amount identified by the appropriate 100 and 200 series accounts of the Uniform System of Accounts and Supplemental Accounts. Respondents with more than one department report in this statement the totals of utility plant by all departments, and on Schedule 0124, group 5, report separate details for utility plant by each department.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		ASSETS AND OTHER DEBITS - UTILITY PLANT	
101.00		Plant in service	0124, 0144
102.00		Plant purchased or sold	0124, 0146
103.00		Experimental plant unclassified	0124, 0147
104.00		Plant leased to others	0124, 0148
105.00		Plant held for future use	0124, 0149
106.00		Completed construction not classified	0124, 0145
107.00		Construction work in progress	0124, 0150
108.00		Accumulated provision for depreciation of utility plant	0124, 0152
111.00		Accumulated provision for amortization of utility plant	0124, 0152
114.00		Plant acquisition adjustments	0124, 0162
115.00		Accumulated provision for amortization of plant acquisition adjustments	0162
116.00		Other plant adjustments	0124, 0162
117.00		Gas stored underground - noncurrent	0127
120.10		Nuclear Fuel in process of refinement, conversion, enrichment and fabrication	0162
120.20		Nuclear fuel materials and assemblies - stock account	0162
120.30		Nuclear fuel assemblies in reactor	0162
120.40		Spent nuclear fuel	0162
120.50		Accumulated provision for amortization of nuclear fuel assemblies	0162
	120.90	Net Utility Plant	
		OTHER PROPERTY AND INVESTMENTS	
121.00		Nonutility property	0162
122.00		Accumulated provision for depreciation and amortization of nonutility property	0162
123.00		Investment in associated companies	0161

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	3 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
123.10		Investment in subsidiary companies	0125,0161
124.00		Other investments	0125,0161
125.00		Sinking funds	
126.00		Depreciation fund	
127.00		Amortization fund - Federal	
128.00		Other special funds	
	129.90	Total Other Property and Investments	
		CURRENT AND ACCRUED ASSETS	
131.00		Cash	
132.00		Interest special deposits	
133.00		Dividend special deposits	
134.00		Other special deposits	
135.00		Working funds	
136.00		Temporary cash investments	0161
141.00		Notes receivable	
142.00		Customer accounts receivable	
143.00		Other accounts receivable	
144.00		Accumulated provision for uncollectible accounts - credit	0162
145.00		Notes receivable from associated companies	0161
146.00		Accounts receivable from associated companies	0161
151.00		Fuel stock	0128,0129
152.00		Fuel stock expenses undistributed	
153.00		Residuals	
154.00		Plant materials and operating supplies	0163
155.00		Merchandise	
156.00		Other materials and supplies	
157.00		Nuclear materials held for sale	0162
163.00		Stores expense undistributed	
164.10		Gas stored underground - current	0127
164.20		Liquefied natural gas stored	0127
165.00		Prepayments	
171.00		Interest and dividends receivable	
172.00		Rents receivable	
173.00		Accrued utility revenues	
174.00		Miscellaneous current and accrued assets	0163
	179.90	Total Current and Accrued Assets	
		DEFERRED DEBITS	
181.00		Unamortized debt expense	0161
182.00		Extraordinary property losses	0162
183.00		Preliminary survey and investigation charges	0162

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	4 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
184.00		Clearing accounts	
185.00		Temporary facilities	
186.00		Miscellaneous deferred debits	0162
187.00		Deferred losses from disposition of utility plant	0161
188.00		Research and development expenditures	0177
189.00		Unamortized loss on reacquired debt	0161
190.00		Accumulated deferred income taxes	0138
	198.90	Total Deferred Debits	
	199.90	Total Assets and Other Debits	
		LIABILITIES AND OTHER CREDITS PROPRIETARY CAPITAL	
201.00		Common stock issued	0132
202.00		Common stock subscribed	0163
203.00		Common stock liability for conversion	0163
204.00		Preferred stock issued	0132
205.00		Preferred stock subscribed	0163
206.00		Preferred stock liability for conversion	0163
207.00		Premium on capital stock	0163
208.00		Donations received from stockholders	0163
209.00		Reduction in par or stated value of capital stock	0162
210.00		Gain or resale or cancellation of reacquired capital stock	0162
211.00		Miscellaneous paid-in capital	0162
212.00		Installments received on capital stock	0163
213.00		Discount on capital stock	0162
214.00		Capital stock expense	0162
215.00		Appropriated retained earnings	0161
216.00		Unappropriated retained earnings	
216.10		Unappropriated undistributed subsidiary earnings	0162
217.00		Reacquired capital stock	0132
	219.90	Total Proprietary Capital	
		LONG TERM DEBT	
221.00		Bonds	0133
222.00		Reacquired bonds	0133
223.00		Advances from associated companies	0161
224.00		Other long-term debt	0161
225.00		Unamortized premium on long-term debt	0161
226.00		Unamortized discount on long-term debt - debit	0161
	229.90	Total Long-term Debt	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	5 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		CURRENT AND ACCRUED LIABILITIES	
231.00		Notes payable	0134
232.00		Accounts payable	
233.00		Notes payable to associated companies	0161
234.00		Accounts payable to associated companies	0161
235.00		Customer deposits	0135
236.00		Taxes accrued	
237.00		Interest accrued	
238.00		Dividends declared	
239.00		Matured long-term debt	
240.00		Matured interest	
241.00		Tax collections payable	
242.00		Miscellaneous current and accrued liabilities	0163
	249.90	Total Current and Accrued Liabilities	
		DEFERRED CREDITS	
252.00		Customer advances for construction	0163
253.00		Other deferred credits	0162
255.00		Accumulated deferred investment tax credits	0162
256.00		Deferred gains from disposition of utility plant	0161
257.00		Unamortized gain on reacquired debt	0161
281.00		Accumulated deferred income taxes - Accelerated amortization property	0138,0139
282.00		Accumulated deferred income taxes - Other property	0138,0140
283.00		Accumulated deferred income taxes - Other	0138
	284.90	Total Deferred Credits	
		OPERATING RESERVES	
261.00		Property insurance reserve	0162
262.00		Injuries and damages reserve	0162
263.00		Pensions and benefits reserve	0162
264.00		Amortization reserve - Federal	0162
265.00		Miscellaneous operating reserves	0162
	269.90	Total Operating Reserves	
	299.90	Total Capital Liabilities and Other Credits	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	6 of 11

2.a. Statement of Income for the Year: Respondents shall report the applicable amounts identified by the 400 series of accounts of Uniform System of Accounts and Supplemental Accounts. Respondents with more than one department shall report on schedule 0223-0224, the total operating expenses of all departments, and on schedules 0227-0234 (section 2.b, below) report separate details of operating expenses for each department.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		UTILITY OPERATING INCOME	
400.00		Operating revenues	
412.00		Revenues from plant leased to others	
401.00		Operation expense	
402.00		Maintenance expense	
403.00		Depreciation expense	
404.00		Amortization of limited-term plant	
405.00		Amortization of other plant	
406.00		Amortization of plant acquisition adjustments	
407.00		Amortization of property losses	
408.10		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	
410.10		Provisions for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit, utility operating income	
411.40		Investment tax credit adjustments, utility operations	
411.50		Investment tax credit adjustments; non-utility operations	
411.60		Gains from disposition of utility plant	0161
411.70		Losses from disposition of utility plant	0161
413.00		Expenses of electric plant leased to others	0148
	413.90	Total Utility Operating Expense	
	414.90	Net Utility Operating Income	
		OTHER INCOME AND DEDUCTIONS - OTHER INCOME	
415.00		Revenues from merchandising, jobbing, and contract work	0174
416.00		Costs and expenses of merchandising, jobbing and contract work	0174
417.00		Revenues from nonutility operations	0174
417.10		Expenses of nonutility operations	0174
418.00		Nonoperating rental income	0174
418.10		Equity in earnings of subsidiary companies	0123
419.00		Interest and dividend income	0163
419.10		Allowance for funds used during construction	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART 1 (ELECTRIC CLASS A AND CLASS B)	7 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
421.00		Miscellaneous nonoperating income	0163
421.10		Gain on disposition of property	0163
	421.90	Total Other Income	
		OTHER INCOME DEDUCTIONS	
421.20		Loss on disposition of property	0163
425.00		Miscellaneous amortization	0163
426.10		Donations	0163
426.20		Life insurance	0163
426.30		Penalties	0163
426.40		Expenditures for certain civic, political, and related activities	0163
426.50		Other deductions	0163
	426.70	Total Other Income Deductions	
		TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.20		Taxes other than income taxes, other income and deductions	
409.20		Income taxes, other income and deductions	
410.20		Provision for deferred income taxes, other income and deductions	
411.20		Provisions for deferred income taxes - Credit, other income and deductions	
411.50		Investment tax credit adjustments, non-utility operations	
420.00		Investment tax credits	
	426.80	Total Taxes on Other Income and Deductions	
	426.90	Net Other Income and Deductions	
		INTEREST CHARGES	
427.00		Interest on long-term debt	
428.00		Amortization of debt discount and expense	
428.10		Amortization of loss on reacquired debt	
429.00		Amortization of premium on debt - Credit	
429.10		Amortization of gain on reacquired debt - Credit	
430.00		Interest on debt to associated companies	0163
431.00		Other interest expense	0163
	431.90	Total Interest Charges	
	432.90	Income Before Extraordinary Items	
		EXTRAORDINARY ITEMS	
434.00		Extraordinary income	0160
435.00		Extraordinary deductions	0160
	435.80	Net Extraordinary Items	
409.30		Income taxes, extraordinary items	0136
	435.90	Extraordinary Items After Taxes	
433.00		Balance transferred from income	

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DETAILED INSTRUCTIONS: SCHEDULE 3216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	8 of 11

2.b. Statement of Income for the Year - Departmental: Respondents with more than one utility department in their internal organization are required to report the following income accounts on the basis of operating utility departments. Supplemental Account numbers will consist of a second decimal place after the appropriate Uniform System of Account numbers as follows: electric department - XXX.X1; gas department - XXX.X2; steam department - XXX.X4; other departments - XXX.X5. When the basic number from the Uniform System of Accounts is a whole integer (e.g., 400), the Supplemental Account number will add a zero in the first decimal place (e.g., 400-0) and then the department code (e.g., 400-01). This has been adopted to insure uniformity with those few accounts from the Uniform System of Accounts with a decimal place (e.g., 409.1).

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
400.00		Operating revenues	
401.00		Operating expenses	
402.00		Maintenance expense	
403.00		Depreciation expense	
404.00		Amortization of limited-term plant	
405.00		Amortization of other plant	
406.00		Amortization of plant acquisition adjustments	
407.00		Amortization of property losses	
408.10		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	
410.10		Provision for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit, utility operating income	
411.40		Investment tax credit adjustment, utility operation	
411.60		Gains from disposition of utility plant	
411.70		Losses from disposition of utility plant	
	411.80	Total Utility Operating Expenses	
	411.90	Net Utility Operating Income	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	9 of 11

3. Statement of Retained Earnings for the Year: Respondents shall report the applicable amounts identified by the appropriate accounts of the Uniform System of Accounts and Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	216.30	Unappropriate retained earnings - Balance Beginning of Year	
	439.10	Adjustments to retained earnings - credit	0162
	439.20	Adjustments to retained earnings - debit	0162
433.00		Balance transferred from net income	
436.00		Appropriations of retained earnings	0163
437.00		Dividends declared - preferred stock	0162
438.00		Dividends declared - common stock	0162
	216.20	Transfers from Account 216.1, Unappropriated Undistributed Subsidiary Earnings	0162
216.00		Unappropriated retained earnings - end of year	
215.00		Appropriated retained earnings	0161
	216.90	Total Retained Earnings	

4. Statement of Changes in Financial Position: Respondents shall report the applicable amounts identified by the appropriate Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		SOURCE OF FUNDS	
		FUNDS FROM OPERATIONS	
	010.00	Net Income	
		Principal non-cash charges (credits) to income	
	010.10	Depreciation and depletion	
	010.20	Amortization of utility plant	
	010.30	Provision for deferred or future income taxes (net)	
	010.40	Investment tax credit adjustments	
	010.50	Allowance for funds used during construction	
	010.60	Increase in undistributed subsidiary earnings	
	010.70	Amortization - Other	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 3216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	10 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	010.80	Other (net)	
	010.90	Total Funds from Operations	
		FUNDS FROM OUTSIDE SOURCES	
	011.00	Long-term debt	
	011.10	Preferred stock	
	011.20	Common stock	
	011.30	Pollution control bonds	
	011.40	Net increase in short-term debt	
	011.50	Other (net)	
	011.60	Total Funds from Outside Sources	
		OTHER SOURCES	
	011.70	Sale of non-current assets - Investments	
	011.80	Sale of non-current assets - Fixed assets	
	011.90	Sale of non-current assets - Other	
	012.00	Contributions from associated and subsidiary companies	
	012.10	Decrease in working capital	
	012.20	Decrease in deferred debits	
	012.30	Other (net)	
	012.40	Total Sources of Funds	
		APPLICATION OF FUNDS	
		CONSTRUCTION AND PLANT EXPENDITURES (including land)	
	012.50	Gross additions to utility plant	
	012.60	Gross additions to nonutility plant	
	012.70	Other plant expenditures	
	012.80	Total Application to Construction and Plant	
	012.90	Dividends on preferred stock	
	013.00	Dividends on common stock	
		FUNDS FOR RETIREMENT OF SECURITIES AND DEBT	
	013.10	Long-term debt	
	013.20	Preferred stock	
	013.30	Redemption of capital stock	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0216-0238	FINANCIAL STATEMENTS - PART I (ELECTRIC CLASS A AND CLASS B)	11 of 11

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
	013.40	Net decrease in short-term debt	
	013.50	Other debt-net	
	013.60	Total Funds for Retirement of Securities and Debt	
		OTHER APPLICATIONS	
	013.70	Purchase of non-current assets - investment	
	013.80	Purchase of non-current assets - fixed assets	
	013.90	Purchase of non-current assets - other	
	014.00	Investments in and advances to associated and subsidiary companies	
	014.10	Increase in working capital	
	014.20	Increase in deferred debits	
	014.30	Other (net)	
	014.40	Total Applications of Funds	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): This is a preprinted data field. Refer to General Information II-D (ACCTML)
2	Account Title (A55): This is a preprinted data field. Refer to General Information II-D (ACCTML)
3	Amount (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0239	OPERATING STATISTICAL DATA	1 of 5

I. DESCRIPTION

This schedule is used to collect information on the physical quantities of electric plant, the electric energy account ans sale of firm electric power for resale.

II. GENERAL INSTRUCTIONS

A. This schedule will be submitted by all Class A and Class B respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Data is to be reported on a total by company entering data applicable on a company wide basis. Essentially the data reported on this schedule will be used for statistical publication purposes. The data is grouped by the following categories:

Data Field	Description	Detailed on Related Schedules 1/
1 thru 7	Sale for Resale	0709
	Physical Quantities:	
8 thru 10	Generation	0604-0605, 0607, 0612-0615, 0637-0642
11 thru 14	Transmission	0663, 0667-0668
15 thru 18	Distribution	0664, 0667-0668
19 thru 31	Electric Energy Account	

1/ These schedules are included in FPC Form No. 156, 157 and 158 as explained in Level II, General Subject Instructions for Electric Utility/Industria/Licensee Schedules.

III. DETAILED INSTRUCTIONS

The following data field-by-field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Number	Instructions
1 (Key)	Type of Sales (N2): Enter one of the following codes to identify the type of sales: 01 - Total requirements firm power customers 02 - Partial requirements firm power customers
2 (Key)	Classification of Sales (N2): Enter one of the following codes defining the classification of the sales 01 - Associated utilities 02 - Non-associated utilities 03 - Municipals and other public authorities 04 - Cooperatives

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0239	OPERATING STATISTICAL DATA	2 of 5

Data Field Number	Instructions
3	Number of Customers (N2): Enter the total number of customers for each of the classifications listed in data field 2, above.
4	Megawatt-Hours Sales (N10) MWH: Enter the total amount of energy billed for each of the classifications listed in data field 2, above.
5	KWH (cents) - High (N2.3) CTS: Enter the higheat revenue per kilowatt-hour for each entry in data field 2, above.
6	KWH (cents) - Low (N2.3) CTS: Enter the loweat revenue per kilowatt-hour for each entry in data field 2, above.
7	KWH (cents) - Weighted Average (N2.3) CTS: Enter the weighted-average revenue per kilowatt-hour for each entry in data field 2, above.
8 (Key)	Generation Type (N2): Enter one of the following codes defining the generating facilities classified by type and capacity for plant in service at end of year: 01 - Steam Generating Stations 0 to 10,000 KW 02 - Steam Generating Stations 10,001 to 25,000 KW 03 - Steam Generating Stations 25,001 to 60,000 KW 04 - Steam Generating Stations 60,001 to 100,000 KW 05 - Steam Generating Stations 100,001 to 200,000 KW 06 - Steam Generating Stations 200,001 to 300,000 KW 07 - Steam Generating Stations 300,001 to 400,000 KW 08 - Steam Generating Stations 400,001 to 500,000 KW 09 - Steam Generating Stations 500,001 to 750,000 KW 10 - Steam Generating Stations 750,001 to 1,000,000KW 11 - Steam Generating Stations over 1,000,000 KW 12 - Nuclear Plants 13 - Hydraulic Plants 0 to 5,000 KW 14 - Hydraulic Plants 5,001 to 10,000 KW 15 - Hydraulic Plants 10,001 to 25,000 KW 16 - Hydraulic Plants 25,001 to 40,000 KW 17 - Hydraulic Plants 40,001 to 60,000 KW 18 - Hydraulic Plants 60,001 to 100,000 KW 19 - Hydraulic Plants over 100,000 KW

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0239	OPERATING STATISTICAL DATA	3 of 5

Data Field Number	Instructions
8 (Key) Cont'd.	20 - Internal Combustion Engines 0 to 1,000 KW 21 - Internal Combustion Engines 1,001 to 2,000 KW 22 - Internal Combustion Engines 2,001 to 5,000 KW 23 - Internal Combustion Engines over 5,000 KW 24 - Gas Turbine Plants 0 to 10,000 KW 25 - Gas Turbine Plants 10,000 to 50,000 KW 26 - Gas Turbine Plants over 50,000 KW 27 - Combined Cycle Plants
9	Capacity (N10) kW: Enter the total capacity for each entry in data field 8, above.
10	Number of Plants (N2): Enter the total number of plants included in each classification entered in data field 8, above.
11 (Key)	Transmission Systems (N2): Enter one of the following codes defining the appropriate classification of transmission systems: Overhead Lines - Structure Miles 01 - Less than 22,000 Volts 02 - 22,000 to 30,000 Volts 03 - 31,000 to 40,000 Volts 04 - 41,000 to 50,000 Volts 05 - 51,000 to 70,000 Volts 06 - 71,000 to 131,000 Volts 07 - 132,000 to 143,000 Volts 08 - 144,000 to 188,000 Volts 09 - 189,000 to 253,000 Volts 10 - 254,000 to 400,000 Volts 11 - 401,000 to 600,000 Volts 12 - 601,000 to 850,000 Volts Overhead Lines - Circuit Miles 13 - 132,000 to 143,000 Volts 14 - 144,000 to 188,000 Volts 15 - 189,000 to 253,000 Volts 16 - 254,000 to 400,000 Volts 17 - 401,000 to 600,000 Volts 18 - 601,000 to 850,000 Volts Underground and Submarine Lines - Circuit Miles 19 - Total underground and submarine lines

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0239	OPERATING STATISTICAL DATA	4 of 5

Data Field Number	Instruction
12	Structure Miles (N5): Enter the total structure miles for each of the classifications of 01 thru 12 entered in data field 11, above.
13	Circuit Miles (N5): Enter the total circuit miles for each of the classifications of 13 thru 19 entered in data field 11, above.
14 (Key)	Transmission Substations - Transformers Capacity (N10) KVA: Enter the total capacity of transmission substations in service at end of year.
15 (Key)	Distribution Substations - Transformers Capacity (N10) KVA: Enter the total capacity of distribution substations in service at end of year.
16	Distribution - Number of Line Transformers (N9): Enter the total number of distribution line transformers at end of year.
17	Distribution - Capacity of Line Transformers (N10) KVA: Enter the total capacity of line transformers at end of year.
18	Distribution - Number of Meters (N9): Enter the total number of distribution watt-hour meters. Watt hour demand distribution meters should be included, but external demand meters should not be included.
19 (Key)	Generating Type (N2): Enter one of the following codes defining the classification of generation type source of energy: 01 - Steam 02 - Nuclear 03 - Hydro-conventional 04 - Hydro-pumped storage 05 - Other

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0239	OPERATING STATISTICAL DATA	5 of 5

Data Field Number	Instructions
20	Generation Megawatt-Hours (N8.2) MWH: Enter the total megawatt-hours generated for each classification entered in data field 19, above.
21	Energy Used for Pumping (N8.2) MWH: Enter the total megawatt-hours of energy used for pumping.
22	Purchased Energy (N8.2) MWH: Enter the total megawatt-hours of energy purchased.
23	Interchanges - In (N8.2) MWH: Enter the gross megawatt-hours of energy interchanges received during the year.
24	Interchanges - Out (N8.2) MWH: Enter the gross megawatt-hours of energy interchanges delivered during the year.
25	Wheeling - Received (N8.2) MWH: Enter the total energy received for transmission for/by others (wheeling) during hte year.
26	Wheeling - Delivered (N8.2) MWH: Enter the total energy delivered for transmission for/by others (wheeling) during the year.
27	Sales to Ultimate Consumers (N8.2) MWH: Enter the total energy disposition by sales to ultimate consumers (including interdepartmental sales) for the year.
28	Sales for Resale (N8.2) MWH: Enter the total energy disposition by sales for resale during the year.
29	Energy Furnished Without Charge (N8.2) MWH: Enter the total energy furnished without charge during the year.
30	Energy Used by Company (N8.2) MWH: Enter the total energy used by the company (excluding station use) during the year.
31	Energy Losses (N8.2) MWH: Enter the total energy losses for the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0695	SALES OF ELECTRICITY BY RATE SCHEDULES	1 of 1

I. DESCRIPTION

This schedule is used to collect data on KWH sold, revenue, average number of customers, average KWH per customer, and average revenue per KWH.

II. GENERAL INFORMATION

A. This schedule will be submitted by all Class A and Class B Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The average number of customers should be the number of bills rendered during the year divided by the number of billing periods during the year (12, if all billings are made monthly).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Account Number (N3.2): Account number for rate schedule. from the Register of Data Standards, ACCTML.
3	Rate Schedule ID (A11): Enter rate schedule number for reported sales. (IDRATE)
4	Title (A15): Enter title of rate schedule. (IDRATE)
5	Amount KWH (N12) KWH: Enter the total KWH sold under rate schedule reported.
6	Revenue (N10) CDOL: Report total revenue (in 100 dollars) from sales under rate schedule reported.
7	Number of Customers (N8) NO: Average number of customers, calculated as specified in Part II. C. of these instructions.
8	KWH Per Customer (N6) KWH: Average KWH per customer under this rate schedule.
9	Revenue Per KWH (N5.2) DOL: Revenue per KWH sold (in dollars and cents) under this rate schedule.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0696	SALES OF ELECTRICITY BY COMMUNITIES	1 of 2

I. DESCRIPTION

This schedule is used to collect the data concerning sales of electricity in each community of 10,000 population or more.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B electric utilities.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule shall be submitted for each community of 10,000 population or more, or according to operating districts or divisions constituting distinct economic areas if the respondent's records do not readily permit reporting by communities.

D. Except for state boundaries, community areas need not hold rigidly to political boundaries and may embrace a metropolitan area and immediate environs.

E. The information called for in this schedule, however may be reported by individual communities of such size as required by the state regulatory commission concerned.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Community Code (N9): Enter the code, from the Register of Data Standards, IDCITY
3	Community Name (A20): Enter the community name. (IDCITY)
4 (Key)	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.
5	Territory (A16): If reporting is not by community, the territory embraced within the reported area should be indicated here. (IDDESC)
6 (Key)	Sales Type (A3): Enter the abbreviation for the type of sales from the following list: (TYERSV) RES - Residential sales CID - Commercial and industrial sales PSL - Public street - highway lighting PUB - Other sales to public authorities.
7	Account Number (N3.2): Enter the account number for the type

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0696	SALES OF ELECTRICITY BY COMMUNITIES	2 of 2

Data Field Number	Instructions
7 (cont'd)	of sale, from the Register of Data Standards, ACCTML.
8	Operating Revenue (N8) MDOL: Enter the total amount of operating revenue (in 1000 dollars) for each type of sale.
9	MWH Sold (N10) MWH: Enter the total amount of MWH sold for each type of sale.
10	Average Number of Customers (N7) NO: Enter the average number of customers per month.

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(5-76)

UMI 300 N. Zeeb Rd. Ann Arbor, MI 48106 18 Bedford Row, London WC1R 4EJ, England

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0697	RAILROADS AND INTERDEPARTMENTAL SALES	1 of 1

I. DESCRIPTION

This schedule is used to collect particulars concerning revenue included in Account 446, Sales to Railroads and Railways and Account 448, Interdepartmental Sales.

II. GENERAL INFORMATION

A. This schedule will be submitted by all Class A and Class B electric utilities.

B. Respondents shall complete all data fields on this schedule annually.

C. If contract covers several points of delivery and small amounts of electricity are delivered at each point, such sales may be grouped. For grouped items, enter the word "other" in data field 2, together with the number of item grouped, i.e., other (5) and report data on grouped items in data fields 6, 7, and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Name of Railroad - Department (A26): Enter the name of railroad or other department. (IDDESC)
3	Associated Company Indicator (N1): Designate associated company by entering "1"; if not associated, enter "0". (INYONO)
4	Basis of Charge (A25): Report the basis of charge for sales to other departments. (IDDESC)
5	Point of Delivery (A25): Enter the point of delivery name where actual delivery has taken place. (IDDESC)
6	Amount KWH Sold (N10) KWH: Report the total amount of KWH sold to each department.
7	Revenue (N8) DOL: Enter the revenue amount from each sale. Round it off to whole dollar value.
8	Revenue Per KWH (N2.2) CTS/KWH: Revenue per KWH, rounded to two decimal places.

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(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0698	SALES OF WATER AND WATER POWER	1 of 1

I. DESCRIPTION

This schedule is used to collect information on revenues derived during the report period from sales included in Account 453, Sales of Water and Water Power.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B electric utilities.

B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	System Code (N6): Enter the code, from the Register of Data Standards, IDSYST.
2 (Key)	Name of Purchaser (A35): Enter the name of purchaser, abbreviate if necessary. (IDNAME)
3	Purpose of Water Use (A25): Enter the purpose for which water was used. (IDDESC)
4	Licensed Project Number (A5): Enter the licensed project number if water is supplied from license project, from the Register of Data Standards, IDLPRJ.
5	Name of Supplying Plant (A35): Name of the power plant development supplying water or water power. (IDNAME)
6	Amount (N9) DOL: Enter the amount of revenue for the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0704	FISH AND WILDLIFE AND RECREATION PLANTS	1 of 1

I. DESCRIPTION

This schedule is used to collect the data concerning original cost of the fish and wildlife and recreational facilties included in the prescribed electric plant in-service accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B electric utilities.

B. Respondents shall complete all data fields on this schedule annually.

C. Credit adjustments of plant accounts should be reported by printing a minus sign following actual value. (Refer to General Instructions for further details)

D. All dollar values must be rounded off to the nearest whole dollar.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3,2): Enter the proper account number, from the Register of Data Standards, ACCTML.
2	Account Name (A40): Enter the corresponding account name to data field 1 above. (ACCTML)
3	Additions (N10) DOL: Enter any additions to the balance of last year for the particular account.
4	Retirements (N10) DOL: Enter the total retirement amount.
5	Adjustments (N10) DOL: Enter the total amount of adjustment taken place during the subject year.
6	Transfers (N10) DOL: Reclassifications or transfers within utility plant accounts should be included here.
7	Balance End of Year (N10) DOL: Enter the total balance end of the year after completing data fields 3-6 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

1. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

RESPONDENT ENTRIES IN DATA FIELD ON SCHEDULE 0000

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

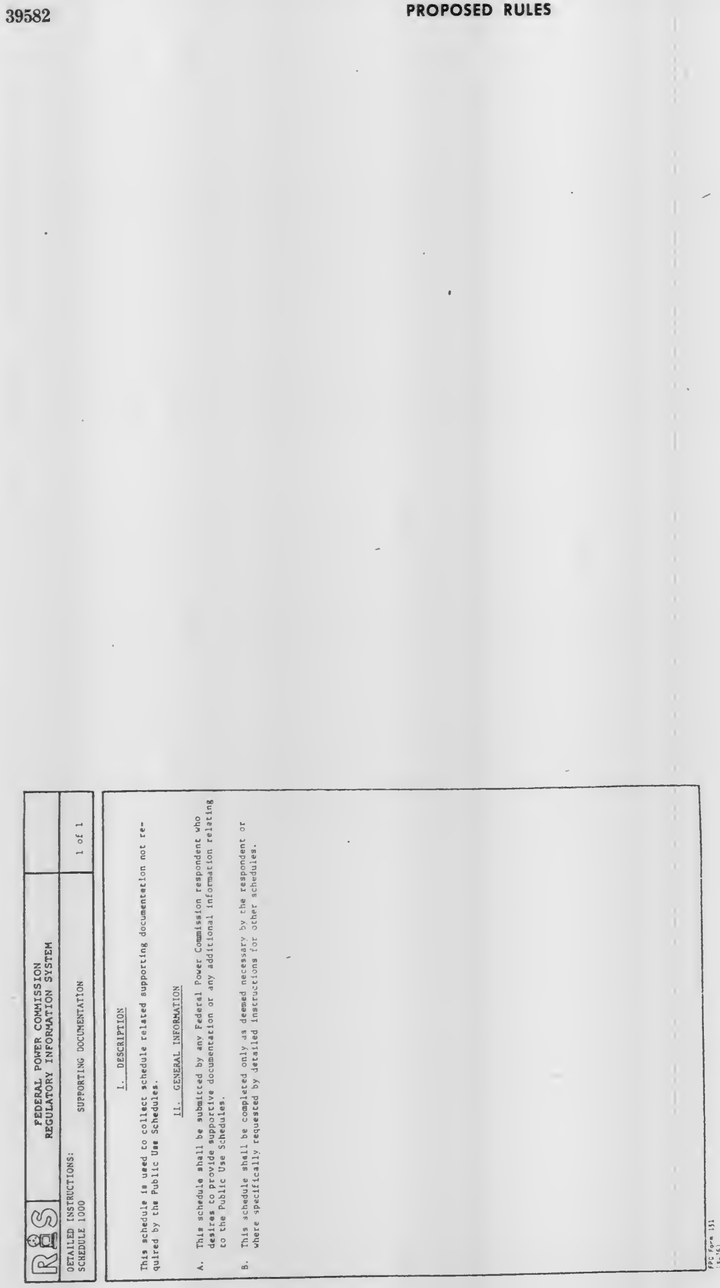
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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by licensee projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS: SUPPORTING DOCUMENTATION — 1 of 1
SCHEDULE 1000

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

FPC Form 531
(5-76)

ATTACHMENT D—CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B ELECTRIC UTILITIES AND LICENSEES

Comparison and Cross-Reference of Proposed ORIS Schedules
with FPC's Annual Report Form No. 1 and Monthly Report No. 5

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0101	General Corporate Information	101-101A	-	Respondents will complete all data fields on this schedule in their first submission, and on subsequent submissions, respondents shall submit only appropriate changes, additions, or deletions.
0102	Control Over Respondent	102	-	Data to be filed on a one-time basis, see proposed 0101 above.
0103	Corporations Controlled by Respondents	103	-	Data to be filed on a one-time basis, see proposed 0101 above.
0105	Corporate Officers/ Directors	104-105	-	Data to be filed on a one-time basis, see proposed 0101 above.
0106	Other Corporate Employees	104	-	Separated from above schedule 0105 (proposed) to allow the reporting of this data on an annual basis, whereas schedule 0105 (proposed) is a one-time submission only. Instruction 7 in page 104 (old) has been deleted - thereby removing the exemption for filing when not required to report to SEC.
0107	Security Holders and Voting Powers - Total	106-107	-	Data to be filed on a one-time basis, see above proposed 0101. Present reporting requirements of pages 106-107 of Form No. 1 has been spread to this and the next three proposed schedules, in order to accommodate the data processing system.
0108	Security Holders and Voting Powers	106-107	-	Data to be filed on a one-time basis, see proposed 0101 above. Covers data presently required by instruction 1 of page 106 (Form No. 1). No reporting requirement changes, only format.
0109	Other Stockholder Information	106-107	-	Covers data presently required by instructions 5, 6, and 7 of page 106. No reporting requirement changes.
0111	Notes to Security Holders and Voting Powers	106-107	-	Covers data presently required by instructions 2, 3, and 4 of page 106 (Form No. 1). No reporting requirment changes.
0112	Annual Notes to Financial Data	101, 108, 112, 114-116A, 117A, 119, 221, 228	-	This schedule is proposed so as to collect important information deemed necessary for adequate disclosure to support the data presently reported on the pages listed in column 3 and on the new proposed schedules containing financial data. The format and location of the notes to various schedules is revised. Instruction b of page 112 (old) has been deleted - thereby removing the option to attach the notes appearing in the annual report to stockholders. Accounting changes are to be reported utilizing the principles of APB Opinion 20.
0113	Important changes during the year-Description of Construction Overhead Procedure	428	-	Data to be filed on a one-time basis, see proposed 0101 above. Construction overheads have been assigned code numbers for identification purposes only and refer to this schedule alone.
0114	Important changes during the year-Transmission or Distribution System Changes	108	-	Represents data presently required by instruction 5 of page 108 (Form No. 1). No new reporting requirements.
0116	Important changes during the year-Supplier Rate Proceeding(s)	114	-	Represents data presently required by instruction 3 of page 114. No additional reporting requirements only an indication of what is required to be included in the concise explanations.

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0118	Important changes during the year-New Generating Plants/Units	108	- -	Represents data presently required by instruction 11 of page 108, of Form No. 1. Field number 8 data is presently required in the statistical division of the Form No. 1, pages 433-440 (old) - "Original cost of plant." No additional or new reporting requirements.
0120	Important changes during the year-Utility Plant Not Operated	417, 419, 419c, 441	-	Represents data presently required by instruction 8, page 417, instruction 8, page 419, instruction 8, page 419c, instruction 6, page 441 of Form No. 1.
0121	Company Employee Data	420	-	New proposal will require data for all full-time employees (not including part-time employees) for payroll period ending December 31 of the calendar year in place of the October 31 pay period.
0122	Securities Issued During Year	101, 225	-	Breakdown of expenses by amount of underwriter commission and other expenses. Data from present page 101 in instruction 5(d), to be reported on the schedule. Will include issuance of short-term debt.
0123	Securities Assumed, Refunded or Retired During Year	220	-	Represents the data on assumed, refunded, or retired securities. Data on the issuance of securities is proposed for 0122, above.
0124	List of Accounts - Pg. 1			
	1. Distribution of Salaries and Wages	353-356	-	Supplemental account numbers have been assigned to enable the coding of these amounts. The listing has been revised to show operation and maintenance expenses by functional accounts rather than functions by Operations and Maintenance. Proposal to delete separate clearing account reporting. Amounts charged to clearing accounts would be included in appropriate functional accounts.
	2. Depreciation and Amortization	429	403, 404, 405	Details of basis and factors to be reported in proposed 0124. Supplemental account numbers have been assigned for the reporting to be on.
	3. Electric Operating Revenues	409	440-459	Report amount for year only. Details are to be reported in proposed 0159 and 0164. Supplemental account numbers have been assigned for coding purposes. Deleted reporting of increases (decreases) from preceding year column (c).
	4. Electric Operation and Maintenance Expense	417-420	500-598, 900-949	Report amount for year only; deleted reporting of "increase or decrease" from preceding year, column (c). Supplemental account numbers have been assigned for coding purposes.
	5. Departmental Accounts	113, 114, 115	101-108, 111, 114, 116	Supplemental account numbers have been assigned to indicate the various departments, i.e., electric, gas, common, steam, other. Total or amount for year are to be reported. Deleted reporting of increase (or decrease) from preceding year.

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Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0125	Investment in Subsidiary Companies-Equity Accounting	203	123.1, 418.1	Report only investments in stock of subsidiary companies. Information on advances, notes etc., reletng to subsidiary companies shall be included in proposed schedule 0161. Deleted reporting of amount of investment beginning of year and date acquired, gain or loss from investment on this schedule. Field 4 (proposed) acount of equity in undistributed subsidiary earnings since acquisition for each company listed, represents the data required by instruction 5 of page 203 (old).
0128	Production Fuel Stocks	209	151	Established code for types of fuels to be consistent with other fuel cost data filed with the Commission. Data requirements spread to two schedules for coding purposes.
0129	Fuel Production Cost Data	209	151	Data represents requirements of instruction 4 of schedule page 209 (old) with some clarification as to the data required to be reported. Various units of measure.
0132	Capital Stock	213	201, 204, 217	No new reporting requirements, only format.
0133	Long-Term Debt	219	221, 222	Only data for Accounts 221 and 222 is to be reported on proposed 0133. Accounts 223 and 224 are to be reported on proposed schedule 0161.
0134	Notes Payable	221	231	Established a limit for reporting requirement - detailed reporting on items over $25,000. Items under $25,000 should be grouped for purposes of this proposed schedule. Some data required under instructions 3 and 4 of page 221 (old) is to be reported on proposed 0117.
0135	Taxes Accrued, Prepaid and Charged During Year	232-232A	165, 236, 408-409, 439	Deleted balance beginning of year for taxes accrued and prepaid taxes. Distribution of taxes to be reported by account numbers within departments instead of just by departments.
0136	Computation of Federal Income Tax Accruals	232-232A, 223	409.1, 409.2, 409.3	Previously reported at the bottom of page 223 (old). Data element structure has been added to this proposed schedule to provide consistency in reporting the data. The remainder of schedule page 223 (old) is to be reported on proposed schedule 0137 and 0187.
0137	Consolidated Federal Income Tax Return Information	223	-	Reprisents data required by instruction 2 of schedule page 223 (old). Deleted requirement for indicating intercompany amounts to be eliminated in such consolidated return. Field 1 of proposed schedule is a total of Field 4, tax assigned to each group member.
0138	Accumulated Deferred Income Taxes	216C, 216D, 227-227E	190, 281, 282, 283	Deleted balance beginning of year. Supplemental account numbers have been assigned for reporting the various categories of accelerated amortization property and to report data by departments. No new reporting requirements.
0139	Accelerated Amortization of Facilities	227-227A	281	Represents data which is required by instruction 2 of page 227-227A (old). Fields 9 and 10 (Total Deferred Taxes for Facilities and Amount of Flow Back Accelerated Amortization) are additional but are readily available from the accounts and are needed for an overall description of the accelerated amortization by certificate.

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Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0140	Tax Deferral Related to Other Property	227B-227C	282	Represents data which is required by instruction 2 of page 227B-227C (old). Data to be filed on a one-time basis, see 0101. Flow Back Data is required in different format.
0141	Investment Tax Credits	228	-	Data to be filed on a one-time basis, with only changes submitted thereafter, see proposed 0101 above. Information on the accounting for investment tax credits will be reported on proposed schedule 0112.
0143	Particulars for Estimating Depreciation, Depletion, Amortization of Utility Plant	429, 430-430A	300 Series	Data to be filed on a one-time basis, with only changes submitted thereafter, see proposed 0101, above.
0144	Plant in Service Or All Utility Plants (Part 1)	401-403,	106, 300 Series	Deleted balance beginning of year. Supplemental accounts numbers have been assigned to functional plant cetals for reporting purposes. Account 106 balances should not be reported on this schedule, but should be reported on proposed 0145.
0145	Completed Construction not Classified	401-403, 406	106, 300 Series	The reporting of the amount recorded in account 106 by the appropriate 300 Series of plant accounts has been removed from the aggregate reporting with accounts of account 101 on previous reporting. Supplemental account numbers have been assigned for reporting purposes. Detailed information on completed construction by projects (page 405) deleted from reporting requirements.
0146	Plant Purchased or Sold	108, 421, 423	102	Field 4, "date of Commission approval of transaction" represents requirement of Inst. 3, page 108 (old). In reporting the details of the transaction a breakdown of the purchase or sale price, original cost of the facility, and accumulated provision for depreciation, depletion and amortization, is to be reported in a different format.
0147	Experimental Plant Unclassified	401, 403	103	New schedule designed. Previously only the dollar amounts for additions, retirements, adjustments and balances were reported for account 103. This data is needed to supplement the financial data.
0149	Utility Plant Leased to Others	116, 301, 304	105, 412, 413	Combined the data requirements of old pages 116, 301 and 304 into one schedule with revision in format for reporting taxes by each leased property.
0149	Plant and Production Properties Held for Future Use	403	105	No additional reporting requirements.
0150	Construction Work in Progress	426	107	Established a limit for reporting separately only projects over $100,000. Projects are to be grouped by plant function (production, transmission, etc.)
0151	Accumulated Provision for Depreciation of Utility Plant - Part I	405	108	Supplemental account numbers have been assigned for reporting purposes. Additional information on the functionalization of the depreciation reserve to be reported on proposed 0152, below.
0152	Accumulated Provision for Depreciation of Utility Plant - Part II	405	108	Supplemental account numbers have been assigned for reporting purposes. This schedule complements to the data reported on proposed 0151.
0153	Common Plant and Expense Data - Part I	351	Plant Instruction No. 13	Data to be reported on a one-time basis, see proposed 0101, above. Old schedules number 351 has been spread to two proposed schedules. This schedule supports the basis of allocation for the amounts included on proposed 0153, below.

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Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0153	Common Plant and Expense Data - Part I	351	Plant Instruction No. 13	Supplemental accounts are to be used in reporting the required information. The basis for the allocations to departments are to be reported on proposed 0154, above. Reporting of tax exposes for common plant has been added to this schedule.
0156	Construction Overhead	427	-	Cores numbers have been assigned to the various types of overhead for reporting purposes. These codes are identical to those assigned on proposed schedule 0112. This schedule is supported by the explanatory information reported on proposed 0113.
0159	Operating Revenues	409	440, 442, 444, 447, 448, 449	This schedule requires reporting only the quantity of gas and number of customers. Supplemental account numbers assigned for reporting purposes.
0160	Extraordinary Items	305	434, 435, 409.3	Description requirement changed from a brief to a detailed ((field No. 2 of proposal).
0161	Detailed Account Data - Part I	202, 203	123, 123.1, 124	Schedule pages for new proposal are rearranged from the previously reporting for efficiency in collecting simular type data in like format. Beginning of year date deleted. For account: 123, 123.1, 124 - Established limit of $10,000 for requiring particulars for investments. Report information pertaining to investments other than common stock accounted for on the equity basis of accounting as that data is included on schedule 0125 (proposed).
		202	136	136 - Established limit of $50,000 for reporting grouped items.
		206, 221	145, 146, 233, 234	145, 146, 233, 234 - No new reporting requirements, only format.
		211,	181, 225, 226	181, 225, 226 - Deleted requirements of instructions 3 and 4 of page 211 (old).
		214A, 224A	187, 256	187, 256 - No new reporting requirements, only format.
		214B	189, 257	189, 257 - Established limit of $25,000 for reporting grouped gains and losses.
		117A	215	215 - Deleted requirement for reporting accounting entries.
		219	223, 224	223, 224 - No new reporting requirements, only format.
0162	Detailed Account Data - Part II	112, 407	114, 115, 116	Schedule pages are rearranged for efficiency in collecting simular type data in like formats. Beginning of year date deleted. Supplemental account numbers assigned for reporting purposes. For account: 114, 115, 116 - The date for account 116 is required by instruction 3 of page 112 (old). No new reporting requirements, only format changes.
		200	120.1-120.3, 157	120.1-120.3, 157 - Data required by instruction 2 of page 200 (old). 13 to be included on proposed schedule 0170 and 0171.
		201	121, 122	121, 122 - Established limit of $100,000 for reporting grouped items in account 121. Deleted detailed reportings of accruals and net charges for plant retired.
		204	144	144 - Report totals only by supplemental account numbers. Deleted detail reporting of debits and credits.
		210	182	182 - No additional requirements.
		212	183	183 - Established limit of $50,000 for reporting grouped items.
		214	186	186 - Established limit of $25,000 for reporting grouped items.

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Proposed OMB Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0162	Detailed Account Data - Part II (Cont'd)	217, 218	200, 210, 211, 213, 214	200, 210, 211, 213, 214 - No new reporting requirements, only format changes.
		117A	216.1	216.1 - No new reporting requirements, only format changes.
		225	253	253 - Established limit of $25,000 for reporting grouped items.
		229	255	255 - Data required by primary utility department and other utility department. Supplemental account numbers have been assigned for division.
		226	261, 262, 263, 264, 265	261, 262, 263, 264, 265 - No new reporting requirements, only format changes.
		117	437, 438	437, 438 - No new reporting requirements, only format changes.
		117	439	439 - No new reporting requirements, represents requirements of instructions 2, 4 & 6, page 117 (old).
0187	Detailed Account Data - Part III	207	154	Schedule pages are rearranged for efficiency in collecting simular type data in like formats. Beginning of year date deleted. Supplemental account numbers assigned for reporting purposes. For account: 154 - Suggested breakdown of materials and supplies provided.
		210	174	174 - Established limit of $25,000 for reporting groupd items.
		224	242	242 - Established limit of $25,000 for reporting grouped items.
		224	252	252 - No new reporting requirements, supplemental account numbers for departments.
		216	202, 203, 205, 206, 207, 212	202, 203, 205, 206, 207, 212 - No new reporting requirements.
		217	208	208 - No new reporting requirements.
		303	419	419 - Represents data required by instruction 3 of page 303 (old). Established limit of $10,000 for grouped items.
		303	421	421 - Represents data required by instruction 6 of page 303 (old). Established limit of $10,000 for grouped items.
		300	421.1, 421.2	421.1, 421.2 - No new reporting requirements, only format changes.
		304	423	423 - Deleted reporting of contra account charged. Represents requirements of instruction No. 2 of page 304 (old).
		304	426.1, 426.2, 426.3, 426.5	426.1, 426.2, 426.3, 426.3 - Represents data required by instruction 3 of page 304 (old).
		305	426.4	426.4 - Supplemental accounts assigned to various classifications of advertising.
		304	430	430 - No new reporting requirements, only format changes.
		304	431	431 - Established limit of $10,000 for reporting grouped items.
		117	436	436 - No new reporting requirements.
		427	930	930 - Increase limit for grouping items from $100 to $500. Supplemental accounts assigned for the various elements of expenses. Field 2 requires a description of Miscellaneous Other Expenses in place of requiring the reporting of the purposes and recipient.

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Proposed CRIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0184	Detailed Account Data - Part IV	415, 416	454, 455, 431, 456	Schedule pages have been rearranged for efficiency in collecting similar type data in like formats. Established a limit of $10,000 for grouped items, for accounts 451, 454-456.
0185	Monthly Statement of Electric Operating Revenue and Income - Part I	All of Form No. 5	-	Supplemental account numbers have been assigned for reporting purposes. Additional detail reporting will be required as this proposal is designed to have reporting by U. S. of A. account numbers, where as, previously the reporting, in some instances, were grouped. Deleted previous year reporting requirement. Notes to this proposed schedule shall be reported on proposed schedule No. 0215 on a monthly basis.
0189	Monthly Statement of Electric Operating Revenue and Income - Part II	All of Form No. 5	-	
0197	Professional and Other Consultative Services	324	-	Established code numbers for the various types of services for reporting purposes.
0170	Lease Rental Charges General Data	421A-421D	-	The requirements for information about lease rentals has been divided between this schedule and proposed 0171. The General Data requirements are to be reported on a one-time basis, see proposed 0101 above instead of on a 3 year basis as required by instruction 7 of 421 B (old). Code numbers have been assigned to the various types of property and the respondent will have to assign a number to each lease, (Field 1 of proposal) with the reporting keyed to these code numbers. Some clarifications of what is required in the description of the property.
0171	Lease Rentals Charged - Annual Data	421A-421D	-	This proposed schedule contains the requirements of the Annual Data on the leases described and cross-referenced in proposed 0170 above. The same code numbers assigned and used in proposed 0170 should also be used in this proposal.
0173	Regulatory Commission Expenses	351	-	Individual cases whose total expenses are $5,000 or less may be grouped. Format of data items rearranged.
0176	Particulars Concerning Certain Other Income Accounts	303	415, 416, 417, 418	Established a limit of $25,000 for reporting grouped items. Represents data requirements of instructions 1 through 4 of page 303 (old). Account 419 from schedule page 303 (old) is now to be reported on proposed schedule No. 0153.
0177	Research and Development Activities	469, 469A	185	Supplemental account numbers have assigned for reporting purposes. Established a limit of $5,000 for reporting "other" R & D projects. The requirement for grouping items under $5,000 has been deleted. The requirement for description has been revised from "brief" to full and also requires the listing of the names of the other participating companies in R & D jointly sponsored.
0179	Franchise Requirements (Account 927.00)	326	927	Additional requirement - Date of Franchise (Field 2 of proposal).
0131	Reconciliation of Reported Net Income with Taxable Income	223	433	Supplemental account numbers have been assigned to the various categories of the proposed schedule for reporting and coding purposes only. No new reporting requirements. The remainder of data required by schedule page 223 (old) is to be reported on proposed schedules 0136 and 0137.
0213	Environmental Protection Facilities and Expenses	301-302	-	Supplemental account numbers have been assigned for reporting purposes. Balance beginning of year reporting has been deleted. Notes to the reporting on this proposal should be reported on proposed schedule No. 0216, below.
0214	Notes to Environmental Protection Facilities and Expenses	301-302	-	This schedule supplements proposed 0213, above. Data to be filed on a one-time basis, see proposed 0101, above.

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Proposed CRIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. References	Highlights of Proposed Changes from Previous Reporting Requirements
0215	Monthly Notes to Financial Data	-	-	New proposal for the monthly reporting to disclose accounting changes or any other important factor occuring during the month that may materially affect the monthly financial data or significantly effect the reported net income.
	Financial Statements:	-	-	These schedules for the financial statements have the Uniform System of Accounts and supplemental account numbers, with descriptions, preprinted thereby requiring only the amounts to be entered, similar to present reporting requirements.
0218 - 0222	Balance Sheet	110, 111, 200, 204, 207	100-299	The Balance beginning of Year, Increase (or Decrease) has been eliminated. Notes are to be reported at 0112. There are a few accounts which are presently grouped on page 110, 111, but will be individually listed in the new proposed schedule. some accounts are presently reported on supporting statements, therefore, no new reporting requirements are proposed, with the exception of detailed data for accounts 132-134 and 125-128. Supplemental account numbers have been established for reporting purposes.
0223 - 0224	Statement of Income for the Year	114-117A	400-432, 434, 435	Deleted reporting of Increase (or Decrease) from previous year. Notes to Statement have been moved to 0112, 115, 116. Departmental accounts are to be reported on schedules 0227-0234. Supplemental account numbers have been established for reporting purposes.
0225	Statement of Retained Earnings for the Year	118-117A	215,216, 436-439	Notes to retained earnings to be listed at 0112. Deleted reporting of contra primary account affected from this schedule. Other details of this schedule page are proposed for reporting in supporting schedules 0161-0163.
0226 - 0228	Statement of Changes in Financial Position	119-119	-	Supplemental account numbers have been assigned to the various elements of this schedule for reporting and coding purposes only. No additional reporting requirements.
0235	Operating Statistical Data	429-431, 435-436, 436-439, 440-442, 445-447	547, 300 series	This is a recap type schedule, requiring only totals in most instances. The details of the data for data fields 1 thru 18 will be reported on various schedules in FPC Forms 1Sb, 157 and 158 as explained more fully in the Level II, General Subject Instructions for Electric Utility, Industrial/Licensee Schedules, accompanying the electric operating data forms listed above. Data fields 19 thru 31 represent the information requirements of schedule page 431c (old). Energy data will be reported in megawatts as compared to the kilowatts requirements in most instances. The Gas turbine plant classification as been expanded to include a breakdown for better statistical reporting. Also, a new classification for reporting the capacity and number of plants which are combined cycle plants has been added.
0241	Sales of Electricity by Rate Schedule	414	400 Accounts	Field 1 on the proposal will indicate the "System" for identification purposes. Instruction 5 from schedule page 414 (old) has been deleted from this particular schedule.
0242	Sales of Electricity by Communities	410-411	440,442, 444,445	Field 1 on the proposal will indicate the "System" for identification purposes. Codes have been used to identify Community and State. Capacity reporting has been revised to MwH (Megawatt hours).
0243	Sales to Railroads, Railways and Interdepartmental Sales	415	448, 449	Report by "System" code. Report number of grouped items.

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Proposed CRIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. References	Highlights of Proposed Changes from Previous Reporting Requirements
0698	Sales of Water and Water Power	416	453	Report by "System" code. Report the licensed project number.
0704	Fish, Wildlife and Recreation Plant	403A	Subaccounts of 330, 331, 332 and 333	Deleted reporting of Balance beginning of year. No new reporting requirements.

{ For Form No. 162A - The number of copies to be filed has been changed from "original and six" to "original and four." }

{ For Form No. 162M - The number of copies to be filed has been changed from "original and one" to "original and four." }

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ATTACHMENT E—CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B ELECTRIC UTILITIES AND LICENSEES

FEDERAL POWER COMMISSION/REGULATORY INFORMATION SYSTEM REGISTER OF DATA STANDARDS

DATA ITEMS

FORM NO. 162

DATA ITEM LIST MNEMONIC: ACCTML

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, MULTIPLE

DATA ITEM LIST DESCRIPTION: IDENTIFIES A MULTIPLE DATA ITEM FOR WHICH MORE THAN ONE DATA ITEM LIST MAY APPLY (SEE MULTIPLE LIST REFERENCES BELOW).

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:
SEE THE FOLLOWING DATA ITEM LISTS AS APPLICABLE:

FINANCIAL ACCOUNTS, ELECTRIC A & B	ACELAB
FINANCIAL ACCOUNTS, ELECTRIC C & D	ACELCD
FINANCIAL ACCOUNTS, GAS A & B	ACGSAB
FINANCIAL ACCOUNTS, GAS C & D	ACGSCD
FINANCIAL ACCOUNTS, MUNICIPAL	ACMUNI
FINANCIAL ACCOUNTS, LICENSEE	ACLPRJ

DATA ITEM LIST MNEMONIC: ACELAB

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, ELECTRIC A & B

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE FINANCIAL ACCOUNTS COMPRISING THE UNIFORM SYSTEM OF ACCOUNTS AND RIS SUPPLEMENTARY ACCOUNTS (# ANNUAL ONLY, ## ANNUAL OR MONTHLY) FOR CLASS A & B ELECTRIC UTILITIES

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME FOR FEDERAL INCOME TAXES-TAXABLE INCOME NOT REPORTED ON BOOKS	003.1 #
RECONCILIATION OF REPORTED NET INCOME WITH TAXABLE INCOME FOR FEDERAL INCOME TAXES-DEDUCTIONS RECORDED ON BOOKS NOT DEDUCTED FOR RETURN	003.2 #

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDCITY

DATA ITEM LIST TITLE: ID, US CITIES AND COMMUNITIES

DATA ITEM LIST DESCRIPTION: IDENTIFIES NAMED POPULATED PLACES AND RELATED ENTITIES OF THE STATES OF THE US. THIS IS A CHAIN DATA ITEM COMPOSED OF THE STATE, COUNTY AND PLACE IDENTIFICATION. THE CODE FORMAT IS SSCCCPPPP.

DATA ITEM LIST SOURCE: GSA WW GEOGRAPHICAL LOCATION CODES

DATA ITEM LIST: (RESPONDENT TO EMPLOY GSA CODES WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDCOMM

DATA ITEM LIST TITLE: ID, PUBLIC REGULATORY COMMISSIONS

DATA ITEM LIST DESCRIPTION: IDENTIFIES FEDERAL, STATE AND SELECTED FOREIGN PUBLIC REGULATORY COMMISSION, BOARDS OR AGENCIES TO WHICH RESPONDENTS TO THE FPC ARE ALSO REQUIRED OR REQUESTED TO REPORT.

DATA ITEM LIST SOURCE: NARUC AND FPC STAFF

DATA ITEM LIST:

	CODE	ABBREVIATION
CIVIL AERONAUTICS BOARD	1	CAB
DEPARTMENT OF TRANSPORTATION	2	DOT
FEDERAL HIGHWAY ADMINISTRATION	3	FHA
FEDERAL RAILROAD ADMINISTRATION	4	FRA
NATIONAL TRANSPORTATION SAFETY BOARD	5	NTSB
FEDERAL COMMUNICATIONS COMMISSION	6	FCC

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

UMI

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2, SEP 15, 1973 AND FPC

DATA ITEM LIST:

	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999

(REST ARE FIPS)

DATA ITEM LIST MNEMONIC: IDGPFL

DATA ITEM LIST TITLE: ID, GAS PLANTS/FIELDS

DATA ITEM LIST DESCRIPTION: IDENTIFIES GAS PLANTS AND FIELDS FOR WHICH PRODUCTION IS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDLPRJ

DATA ITEM LIST TITLE: ID, LICENSED PROJECTS/DEVELOPMENTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES FPC LICENSED PROJECTS AND ASSOCIATED DEVELOPMENTS. THE PROJECT IDENTIFICATION IS GIVEN FIRST, FOLLOWED BY THE DEVELOPMENT. THE CODE FORMAT IS PPPPD WHERE P=NUMERIC PROJECT CODE AND D=ALPHABETIC DEVELOPMENT SUFFIX.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	CODE
KERR	0005
KERR FLATHEAD LAKE	0005A
GREEN ISLAND PROJECT	0013
GREEN ISLAND PROJECT GREEN ISLAND	0013A
TWIN FALLS HYDRO PRO	0018

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDPLNT

DATA ITEM LIST TITLE: ID, ELECTRIC POWER PLANTS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER GENERATING PLANTS REPORTING TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED)

UMI

DATA ITEM LIST MNEMONIC: IOSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST:	CODE	ABBREVIATION
ALABAMA	01	AL
ALASKA	02	AK
AMERICAN SAMOA	03	AS
ARIZONA	04	AZ
ARKANSAS	05	AR
CALIFORNIA	06	CA
CANAL ZONE	07	CZ
COLORADO	08	CO

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IOSYST

DATA ITEM LIST TITLE: ID, ELECTRIC POWER SYSTEMS

DATA ITEM LIST DESCRIPTION: IDENTIFIES ELECTRIC POWER SYSTEMS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: TYFUEL

DATA ITEM LIST TITLE: TYFE OF FUEL

DATA ITEM LIST DESCRIPTION: INDICATES THE SUBSTANCE OR MATERIAL USED AS A SOURCE OF HEAT OR POWER.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
UNSPECIFIED	00	UNSP
WORD, REFUSE OR WASTES	01	WD
FOSSIL FUEL, UNSPECIFIED	09	FFUN
COAL, UNSPECIFIED	10	CU
COAL, BITUMINOUS	11	CBIT
COAL, SUB-BITUMINOUS	12	CSUB
COAL, ANTHRACITE	13	CANT
COAL, LIGNITE	14	CLIG
PETROLEUM COKE	15	CPC
COAL, SOLVENT REFINED	16	CSR

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: TYOVHD

DATA ITEM LIST TITLE: TYPE OF OVERHEAD COST

DATA ITEM LIST DESCRIPTION: INDICATES SOME COMMON TYPES OF OVERHEAD COST AND EXPENSE INCURRED BY UTILITIES.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
ENGINEERING AND SUPERVISION	01	A
ADMINISTRATIVE AND GENERAL EXPENSES	02	B
TRANSPORTATION	03	C
INJURIES AND DAMAGES	04	D
INSURANCE	05	E
PENSIONS AND OTHER EMPLOYEE BENEFITS	06	F
TAXES	07	G
OUTSIDE PROFESSIONAL SERVICES	08	H
ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION	09	I
OTHER	99	J

UMI

DATA ITEM LIST MNEMONIC: TYPWTN

DATA ITEM LIST TITLE: TYPE OF ELECTRIC POWER TRANSACTION

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF ELECTRIC POWER TRANSACTION OR TRANSFER WITH RESPECT TO THE TYPE OF SYSTEM OR CONTRACT PROVISIONS.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
BORDERLINE CUSTOMERS	1	BDLN
INDUSTRIAL COMPANIES	2	INDS
CLASS I, II, AND LARGE CLASS IV	3	UTLG
CLASS III, V, AND SMALL CLASS IV	4	UTSM
CLASS IV SYSTEMS REQUIRED TO SUBMIT SAME SCHEDULES AS CLASS I AND V SYSTEMS	5	URLG
CLASS IV SYSTEMS REQUIRED TO SUBMIT SAME SCHEDULES AS CLASS III AND V SYSTEMS	6	URSM
.WHEELING	7	WHLG

DATA ITEM LIST MNEMONIC: TYUNMS

DATA ITEM LIST TITLE: TYPE OF UNIT OF MEASURE

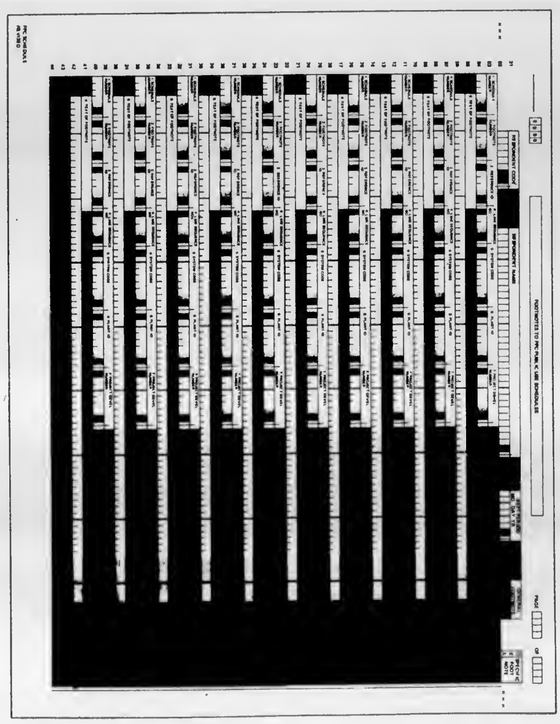
DATA ITEM LIST DESCRIPTION: INDICATES THE PHYSICAL OR TIME UNITS BY WHICH A VALUE IS MEASURED.

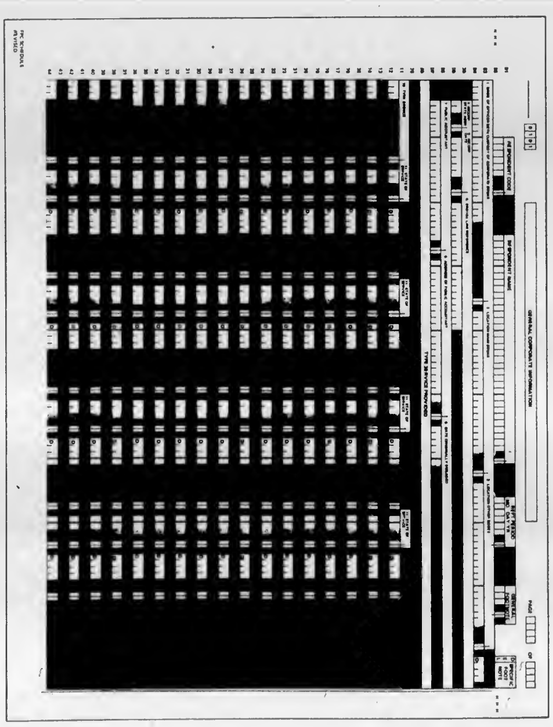
DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:	CODE	ABBREVIATION
LITER	1	L
ACRE FEET	2	ACFT
ACRE	3	ACRE
AMPERE	4	AMP
BARREL	5	BBL
BARRELS PER HOUR	6	BBL/HR
BILLIONS BTU	7	BBTU
BRAKE HORSEPOWER	8	BHP
BARRELS PER DAY	9	BPD
BRITISH THERMAL UNIT (REST TO BE SUPPLIED WHEN FORM IS DUE.)		BTU

SAMPLE

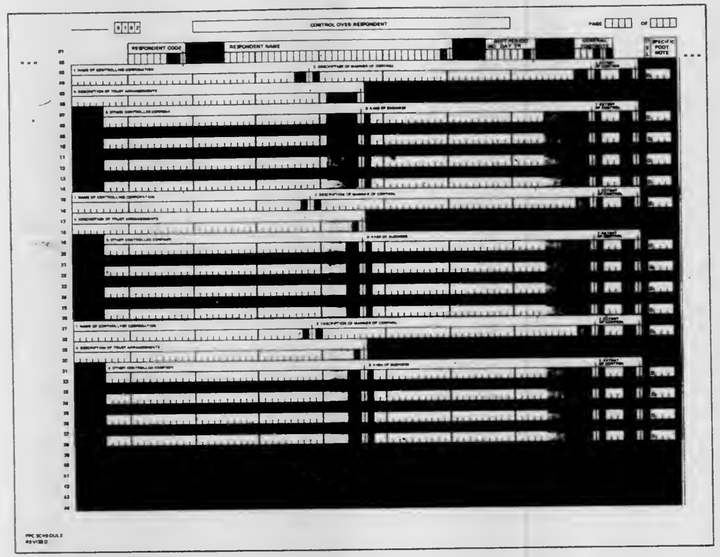
ATTACHMENT F—CORPORATE AND FINANCIAL REPORTS FOR CLASS A AND CLASS B ELECTRIC UTILITIES AND LICENSEES

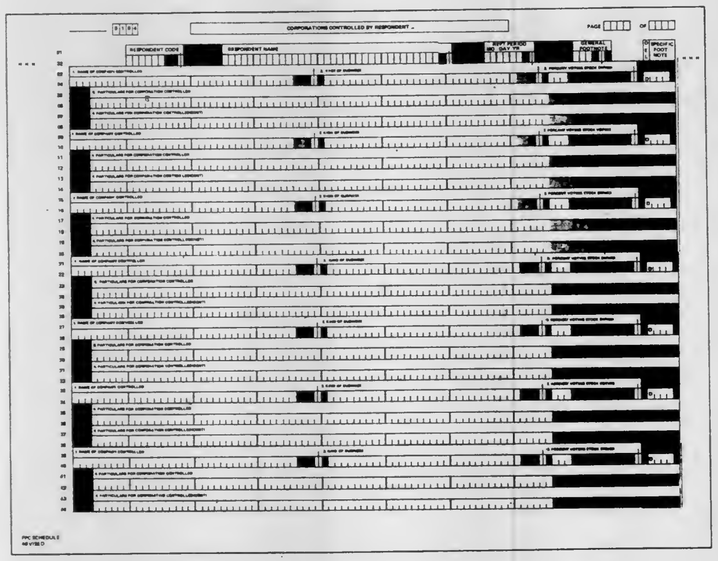




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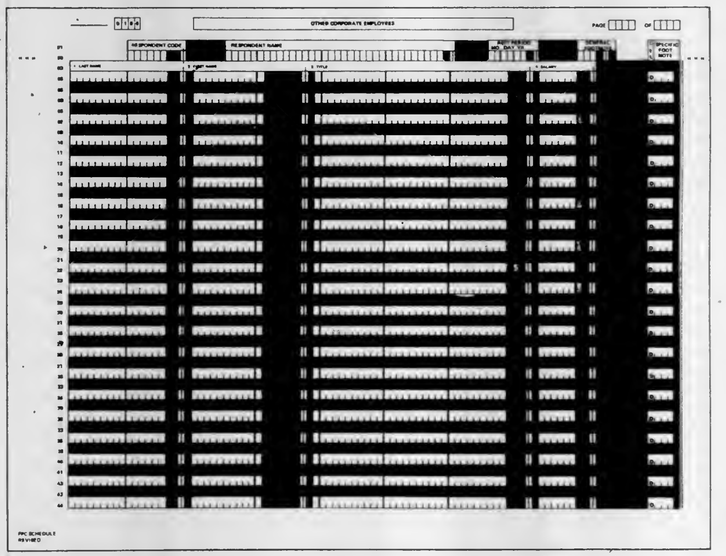
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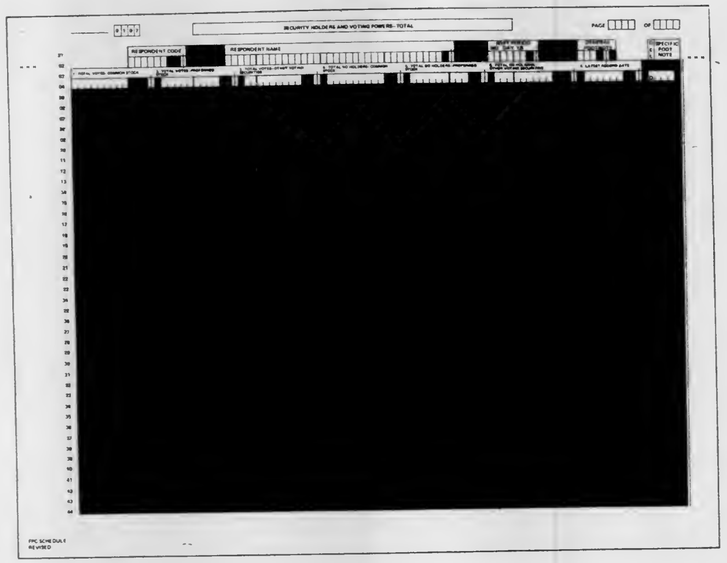


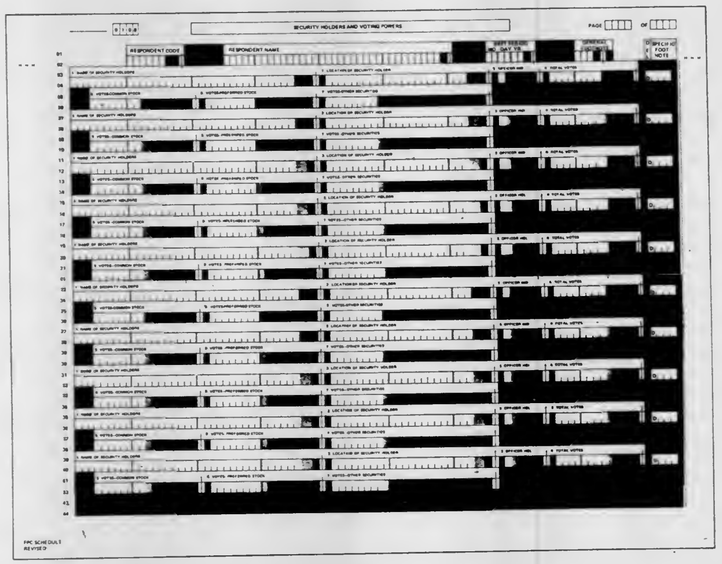
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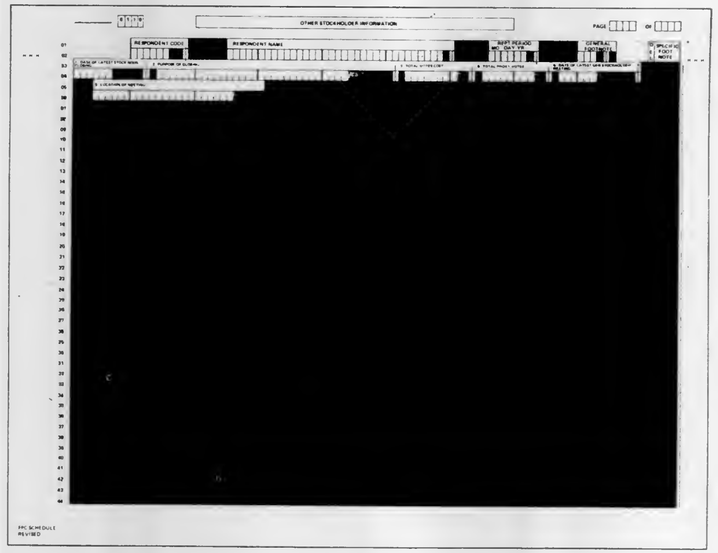


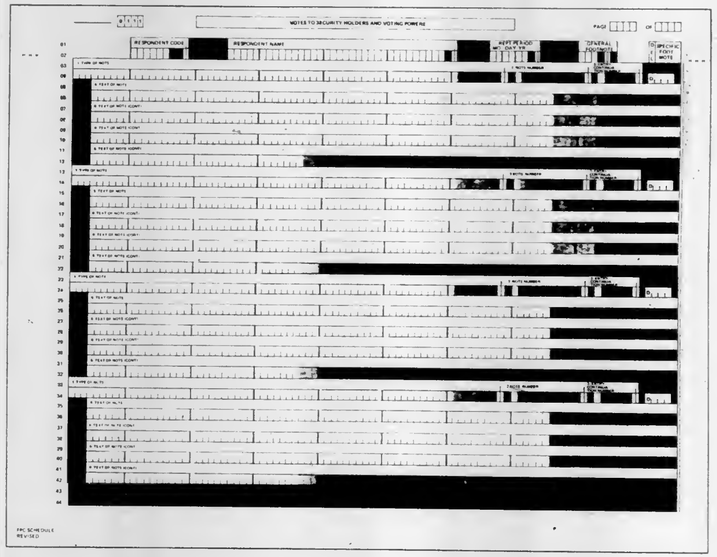


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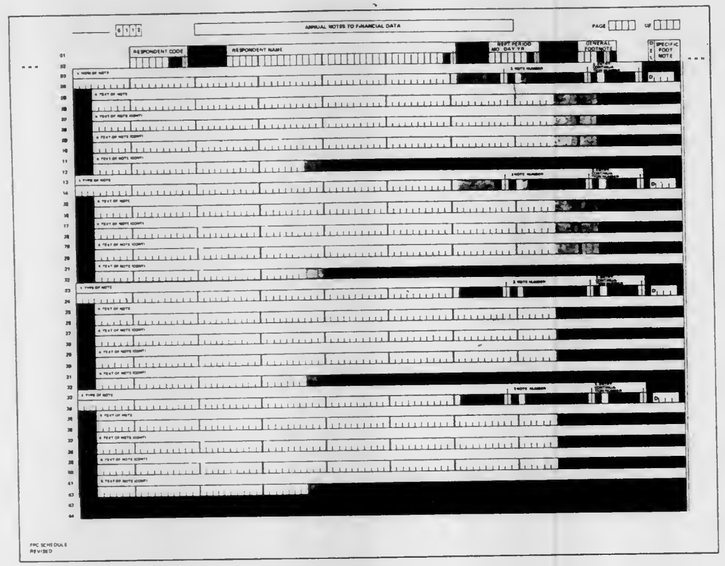


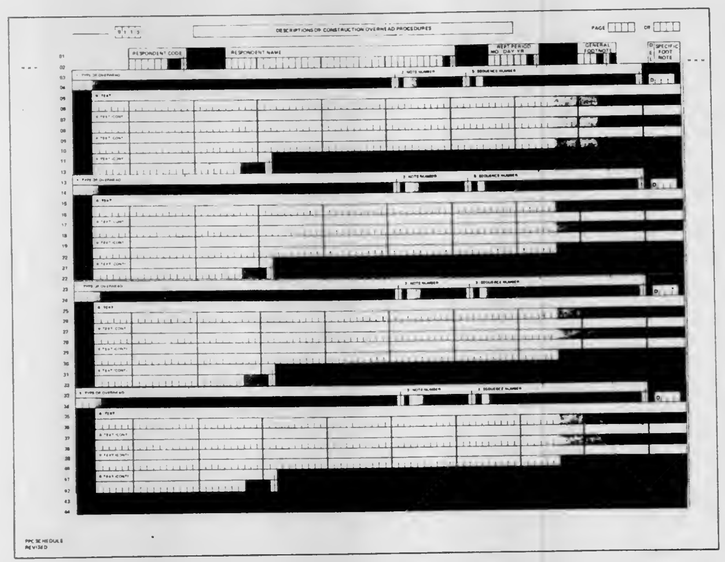


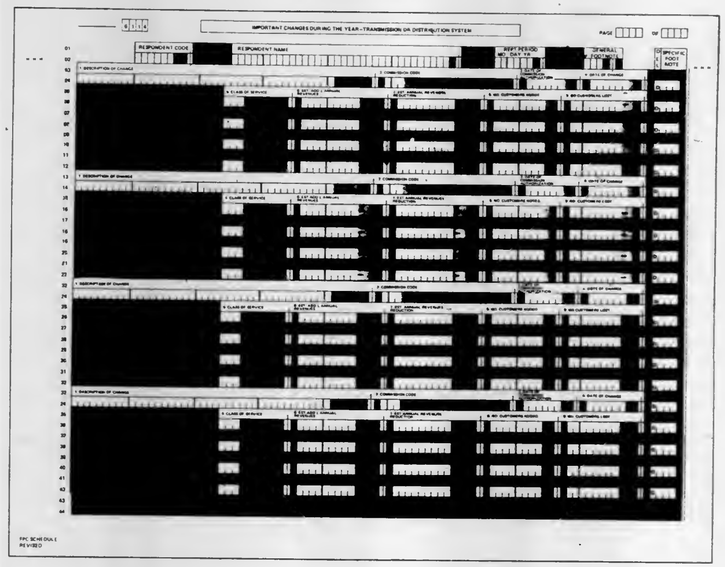


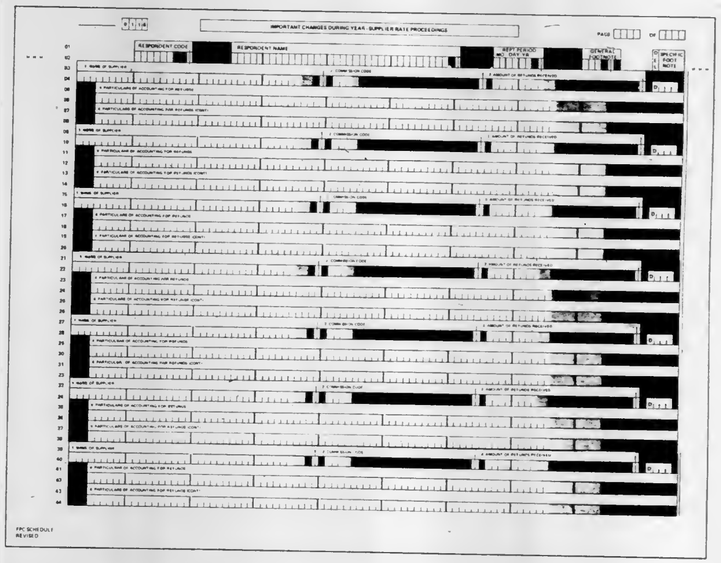
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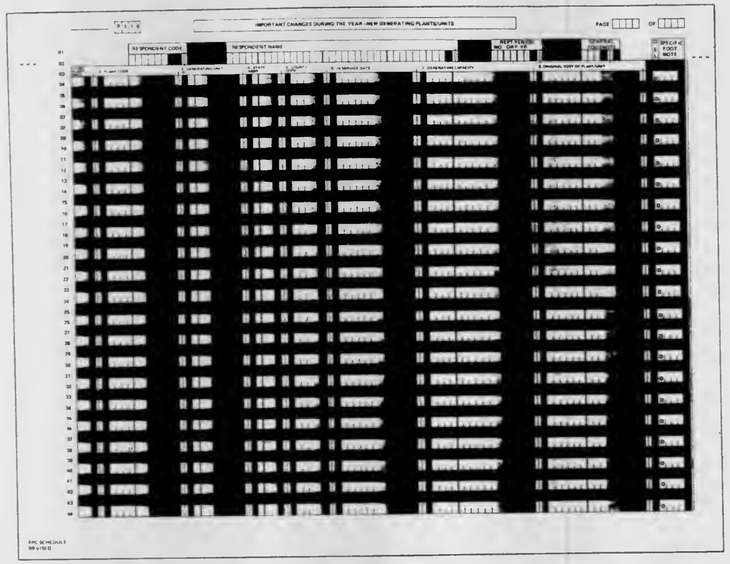


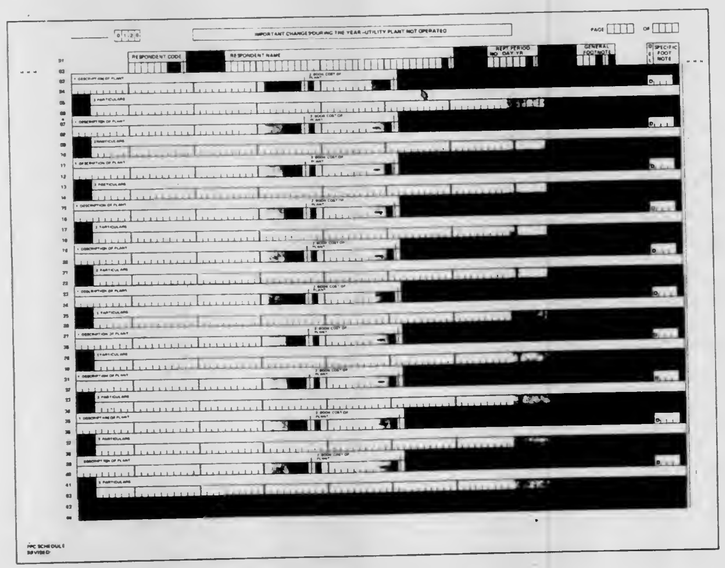


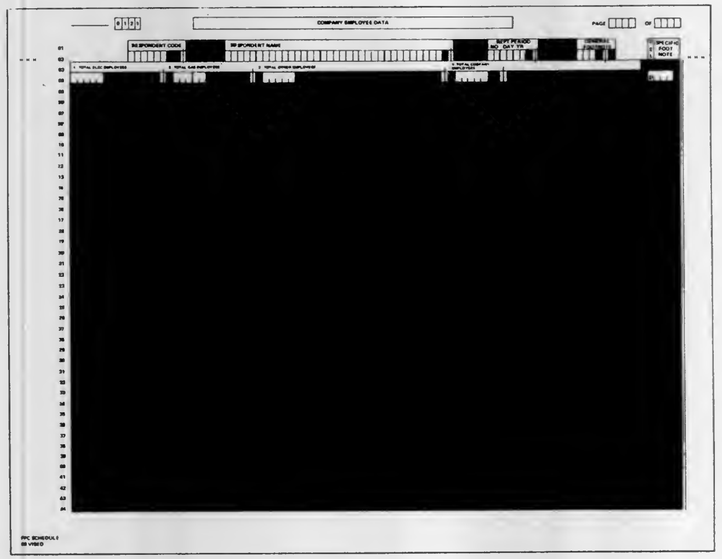


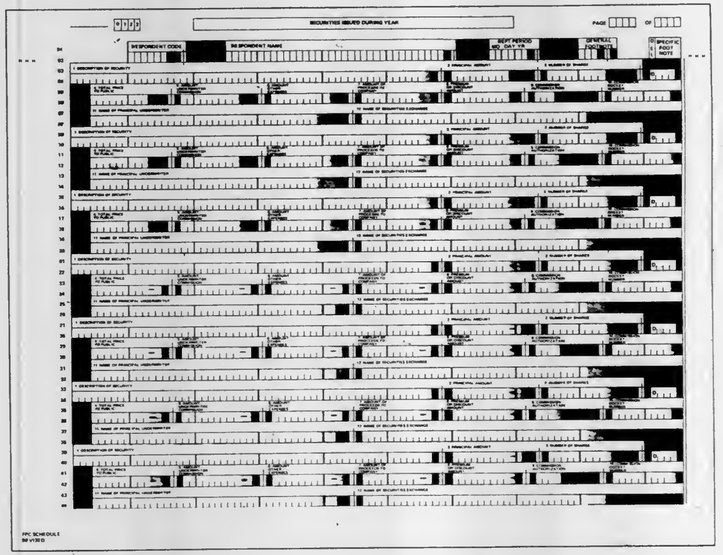


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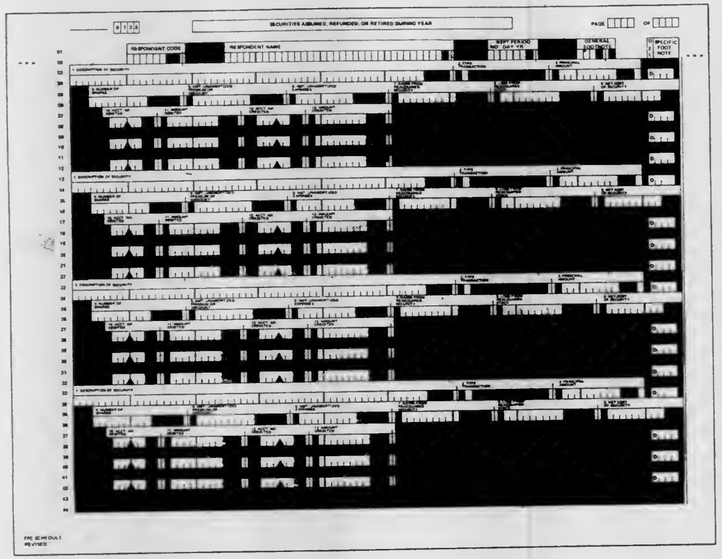


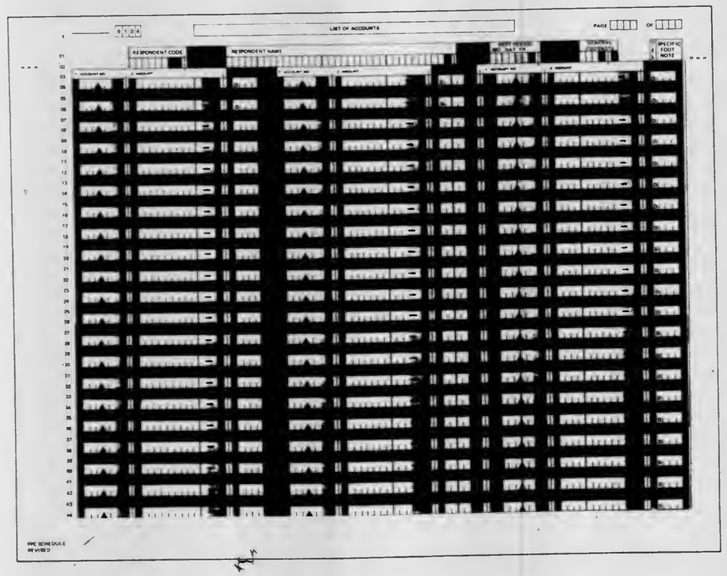


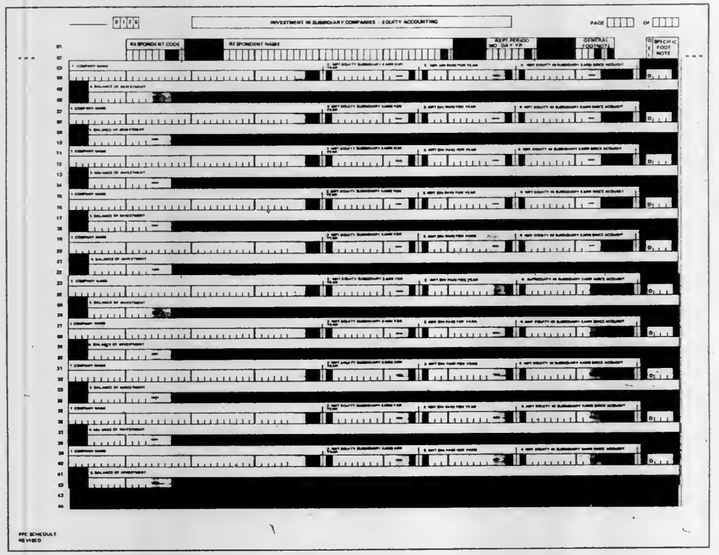


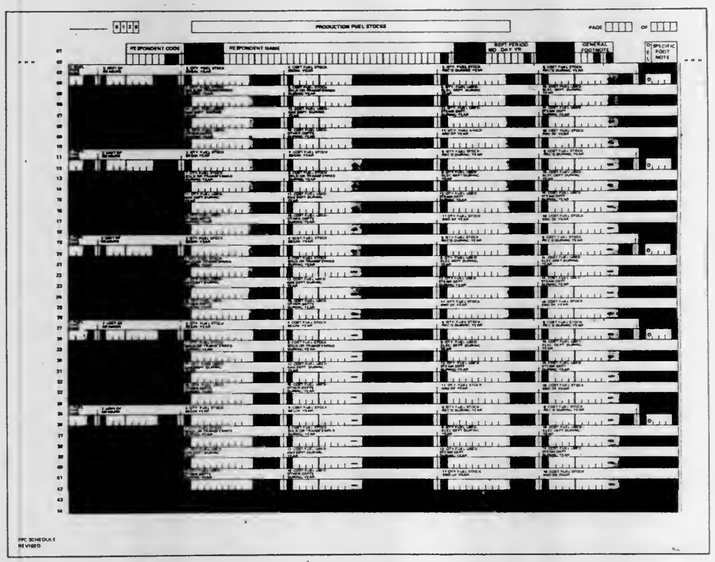


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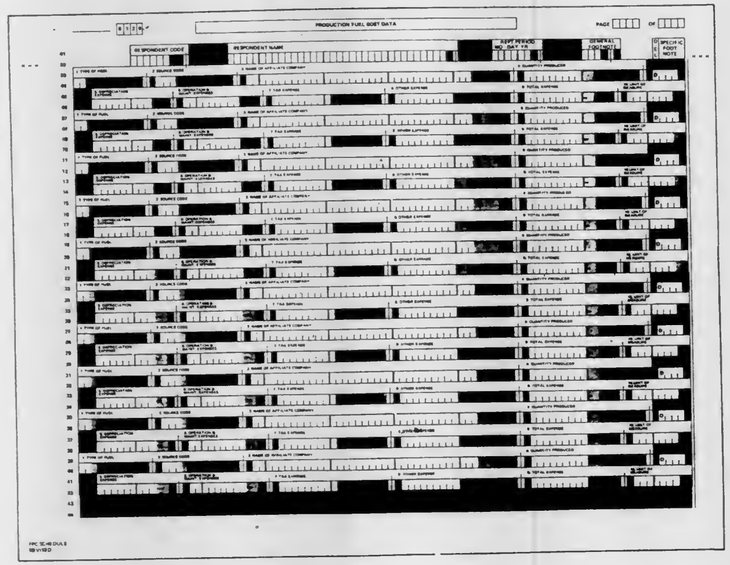


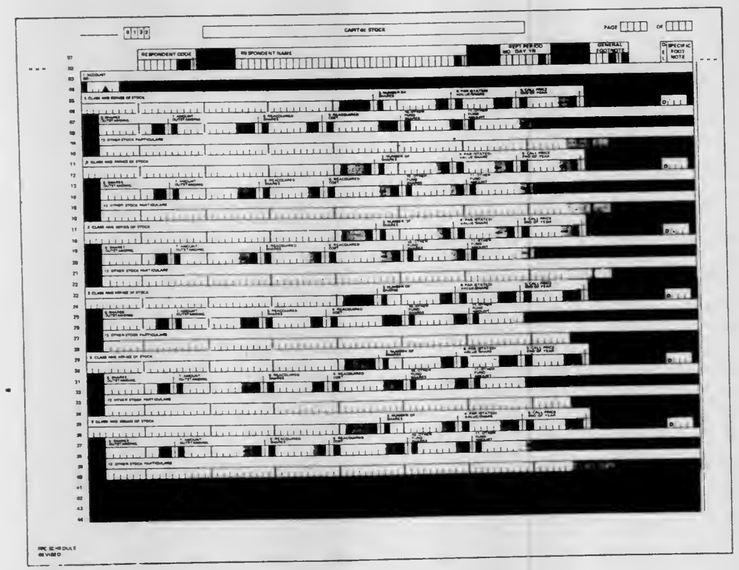


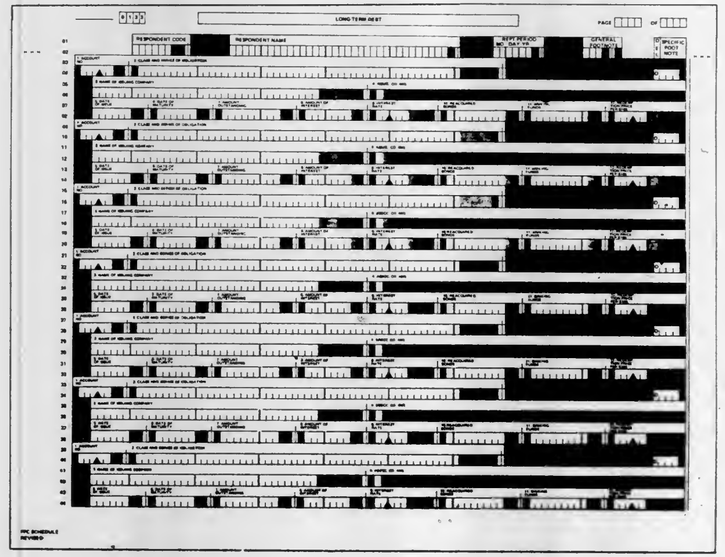


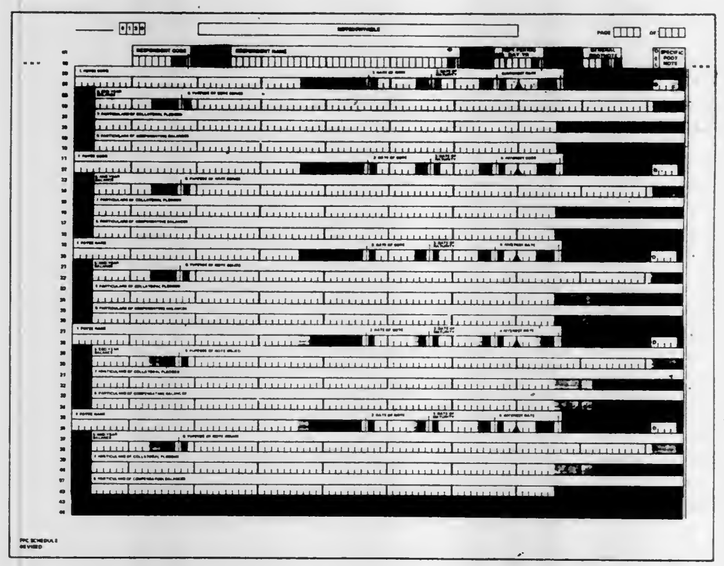


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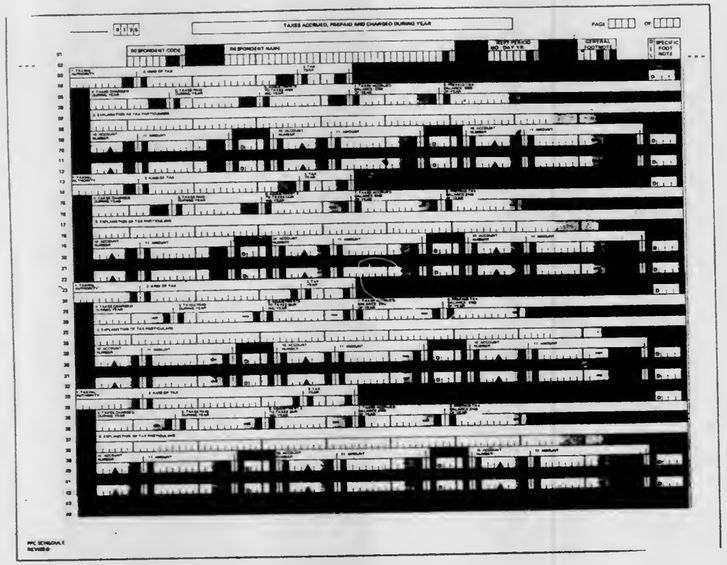


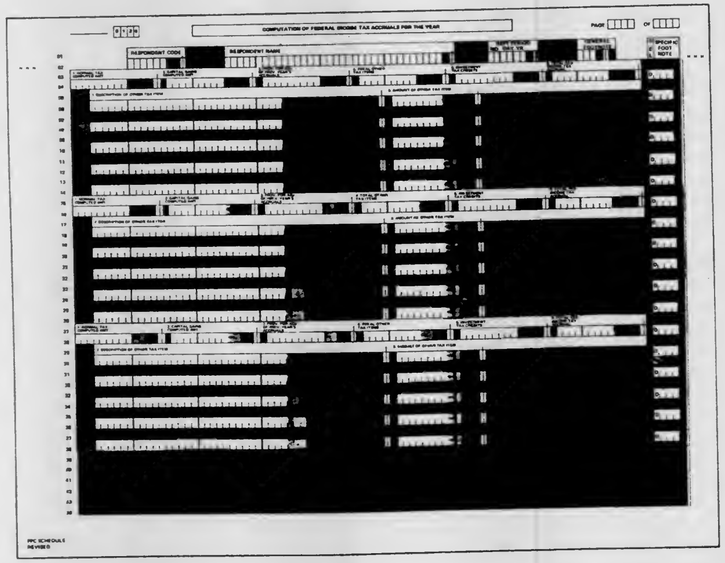






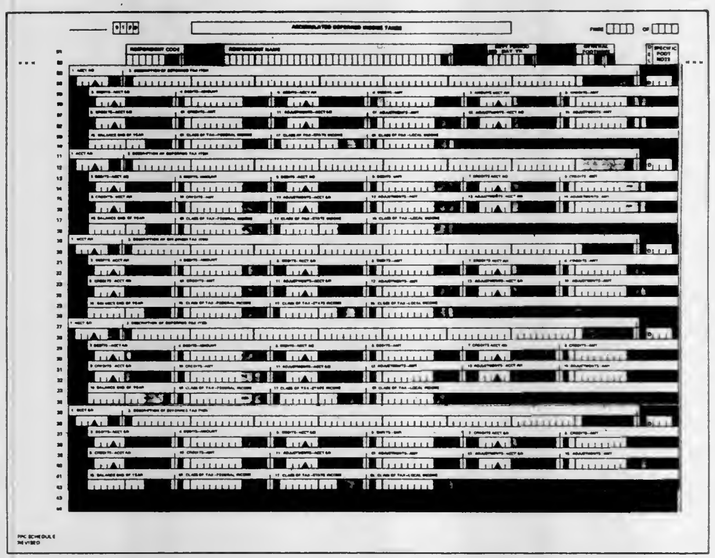
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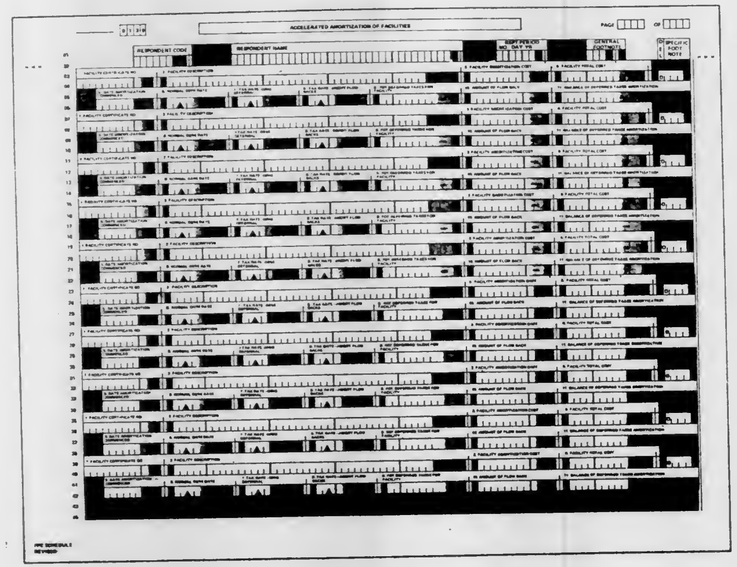


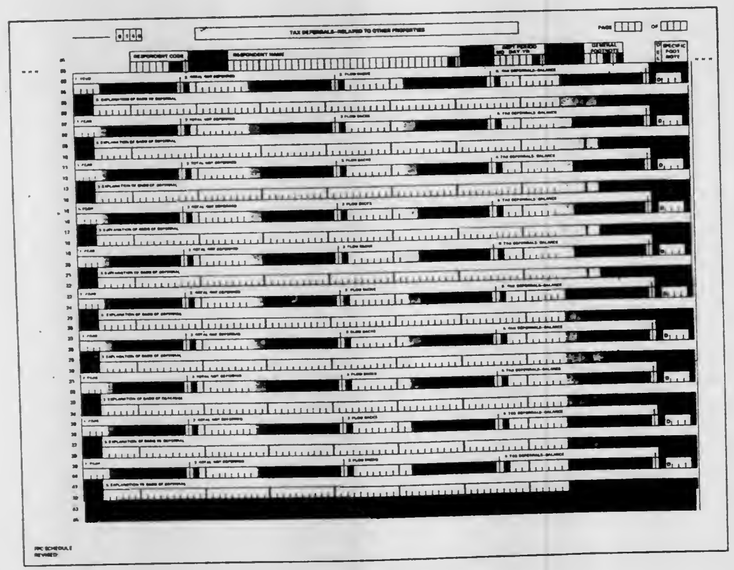


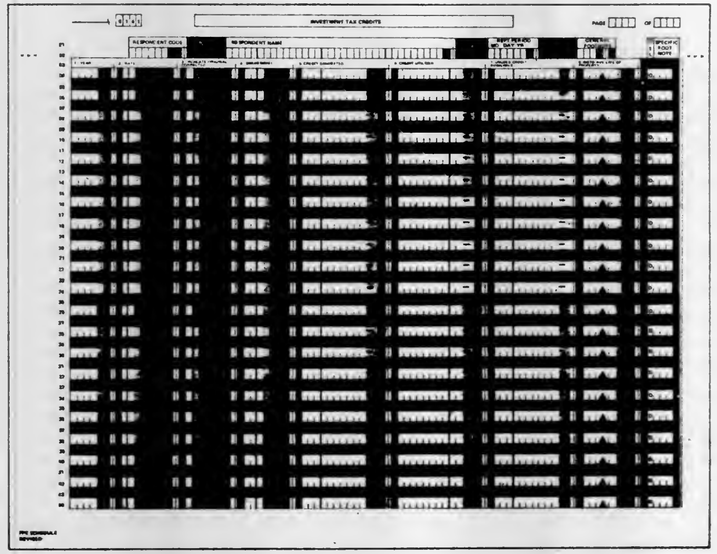
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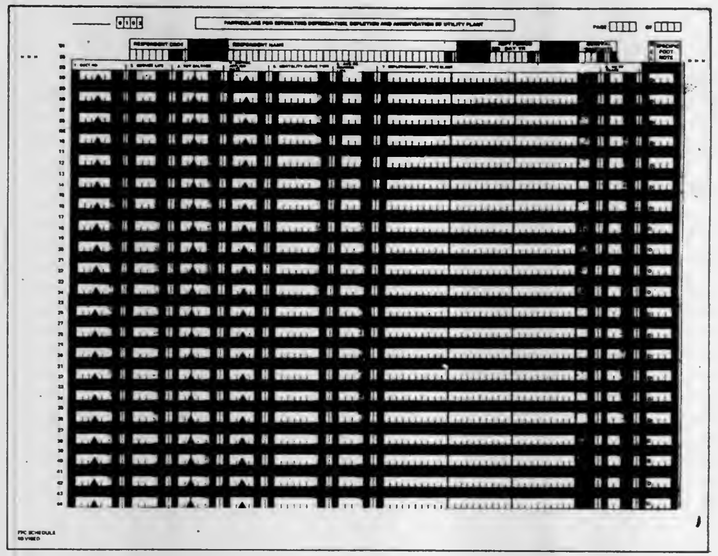


V41-180 SEP 15 76 UMI





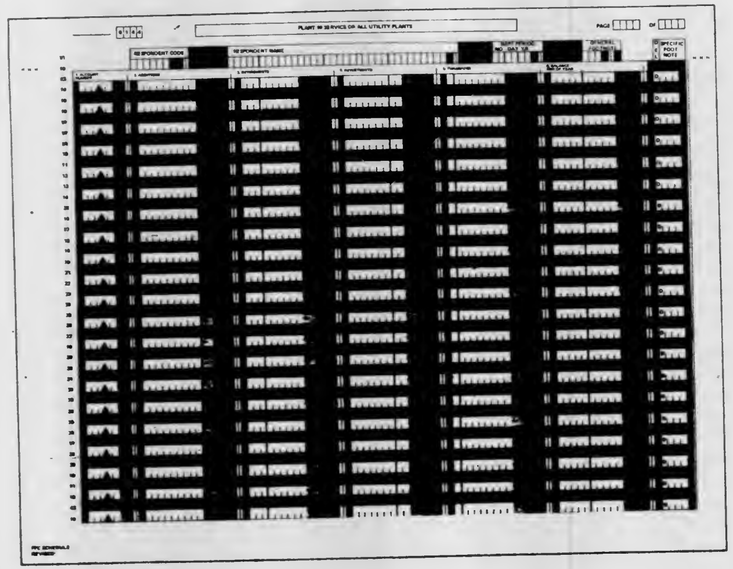


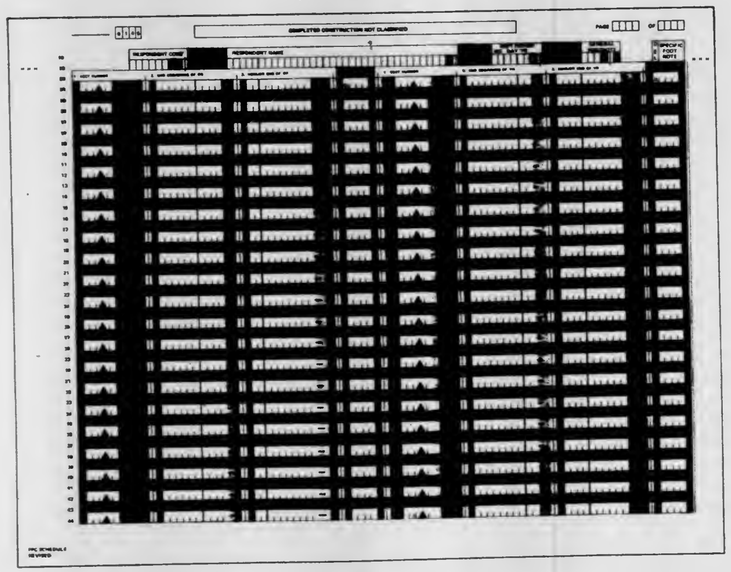


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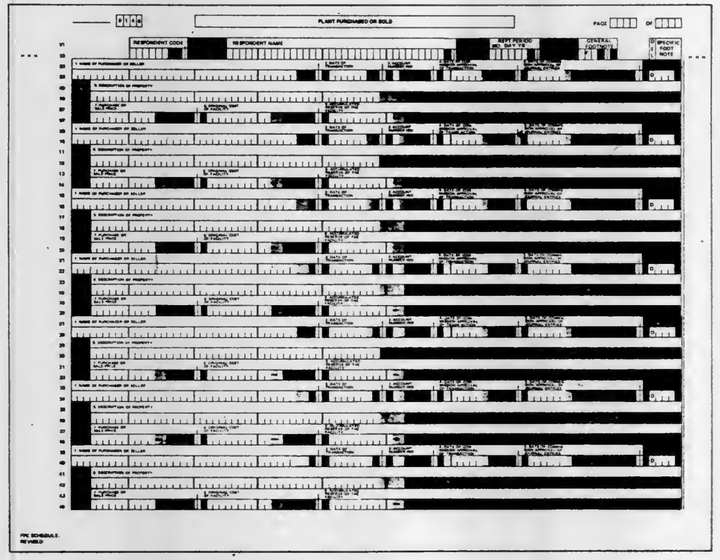
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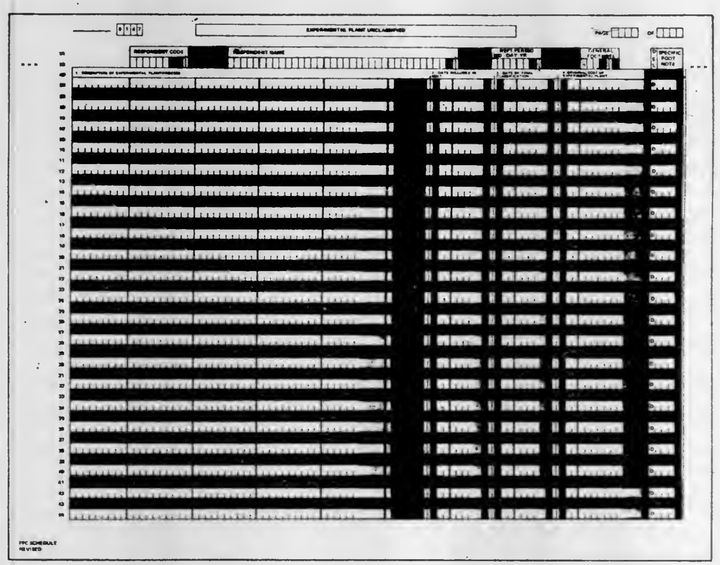
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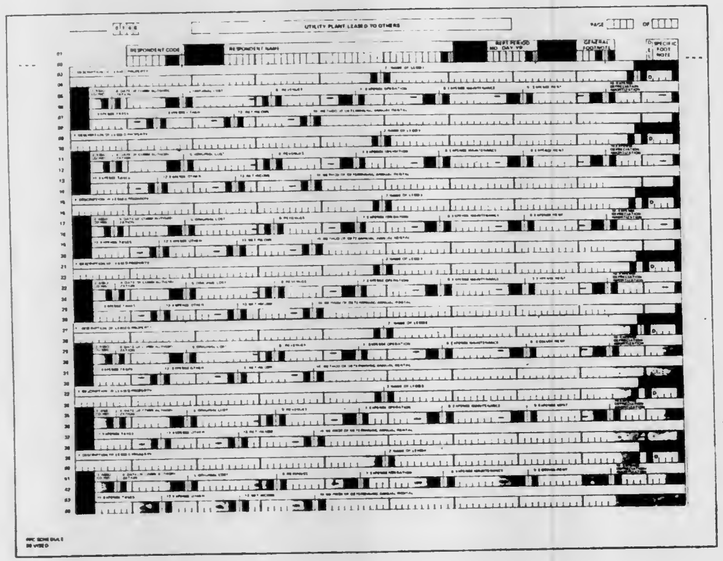


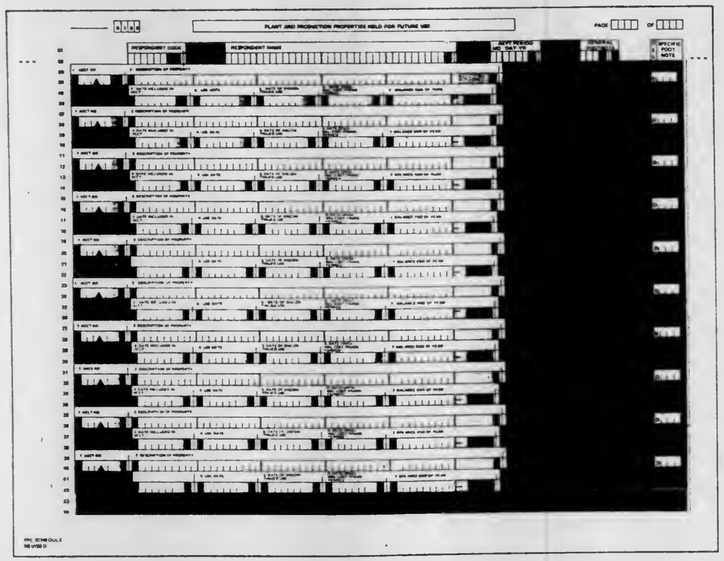
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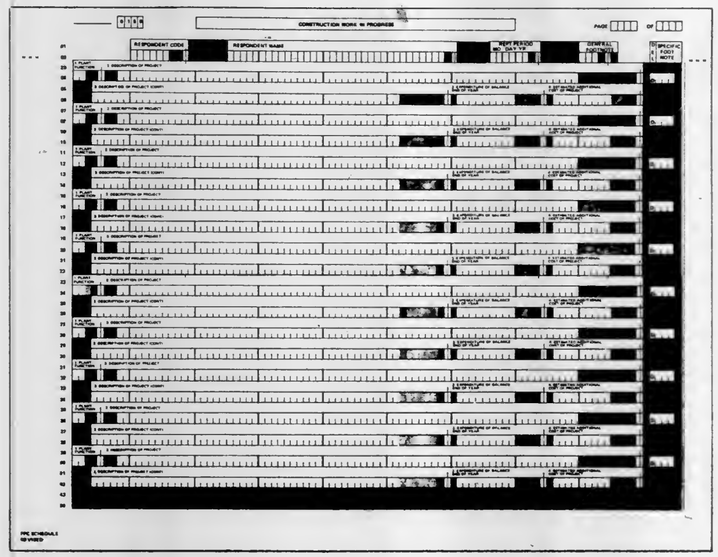


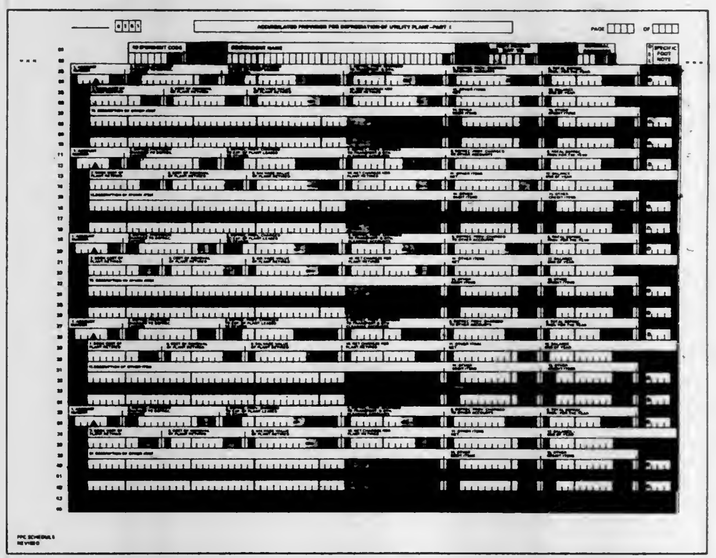


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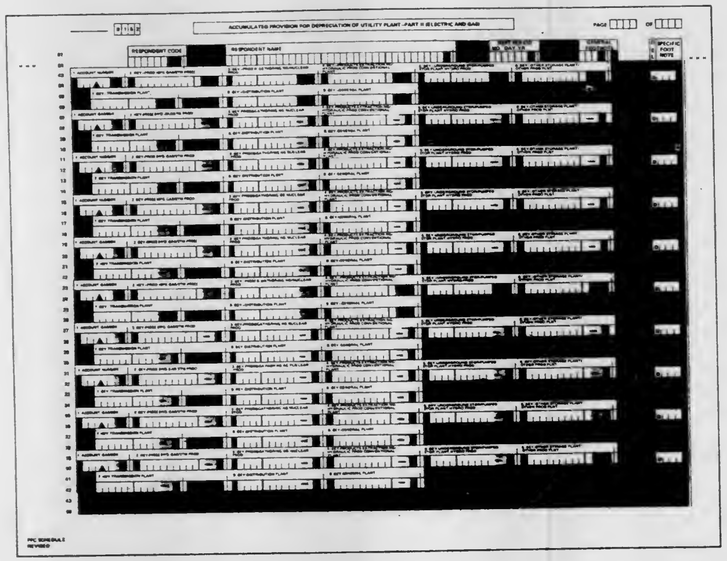


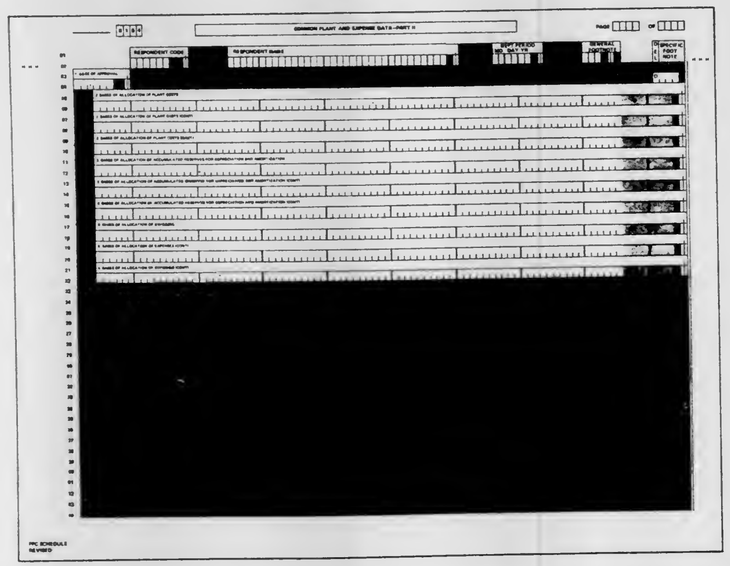


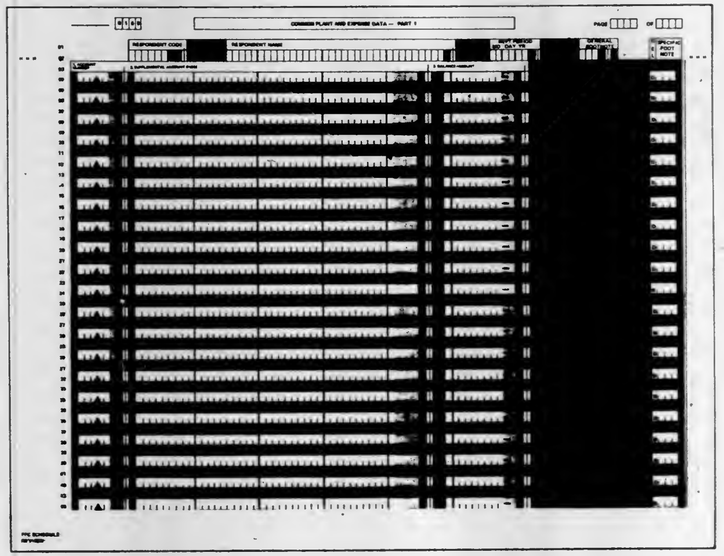


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SAMPLE



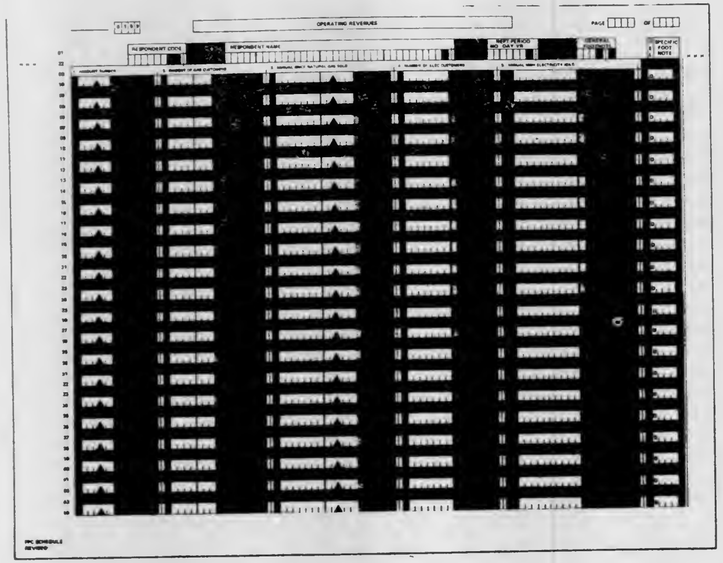




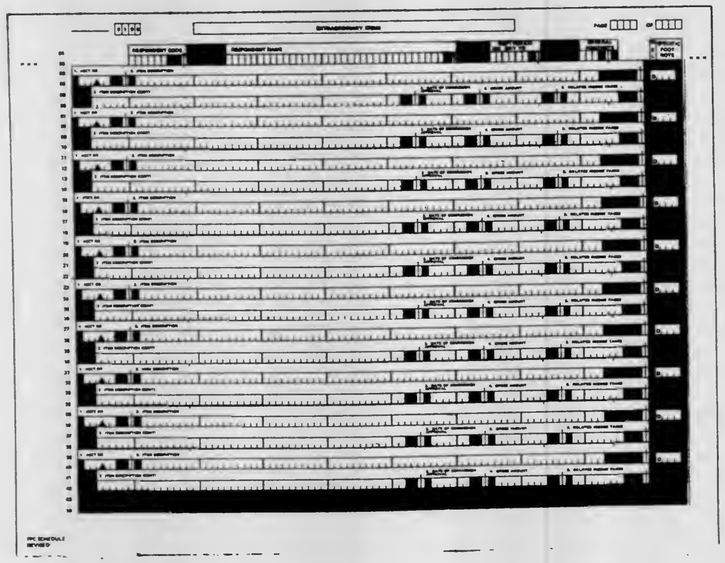
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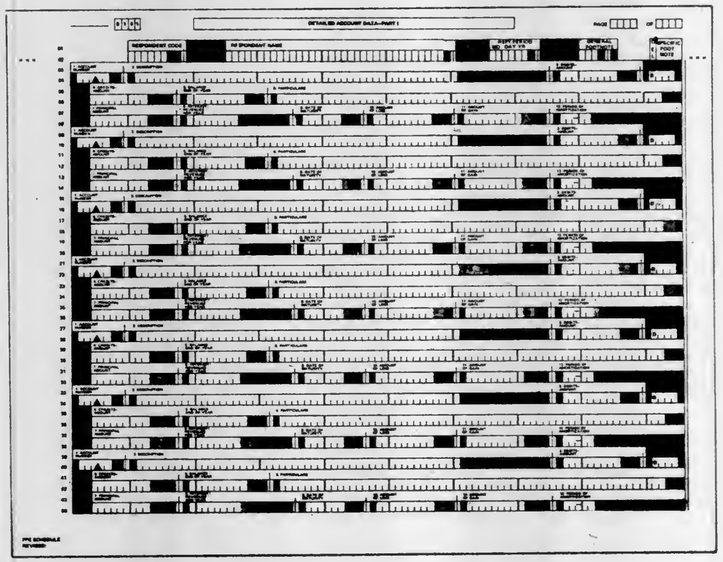
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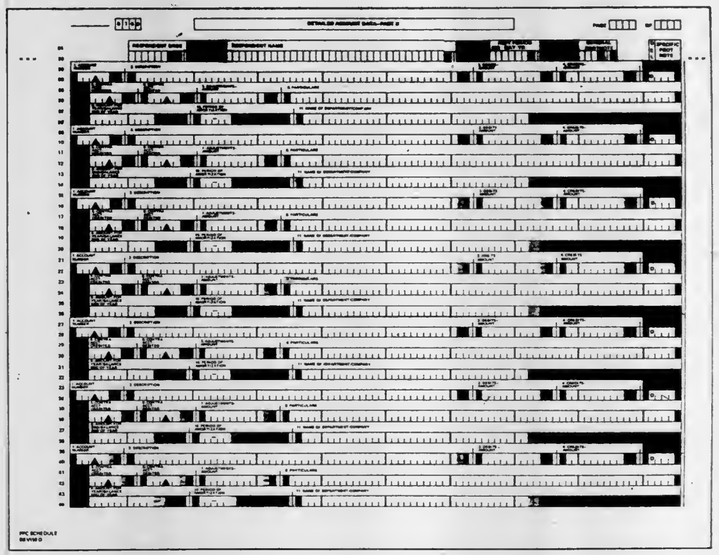
SAMPLE



SAMPLE

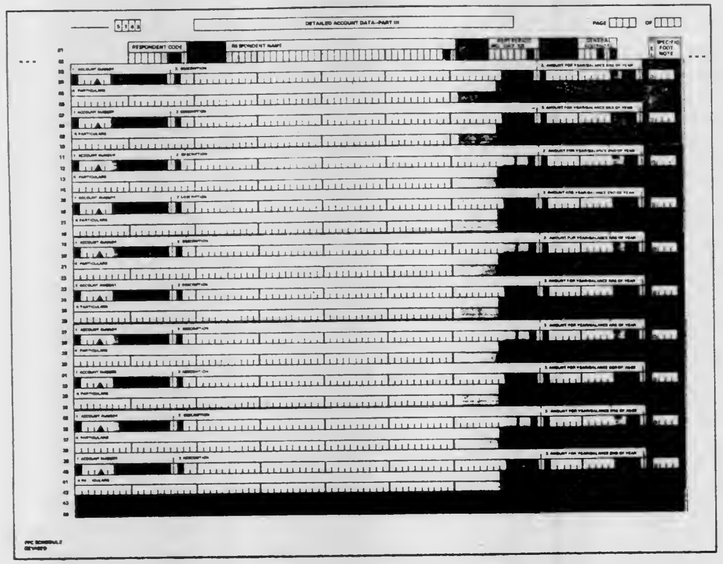


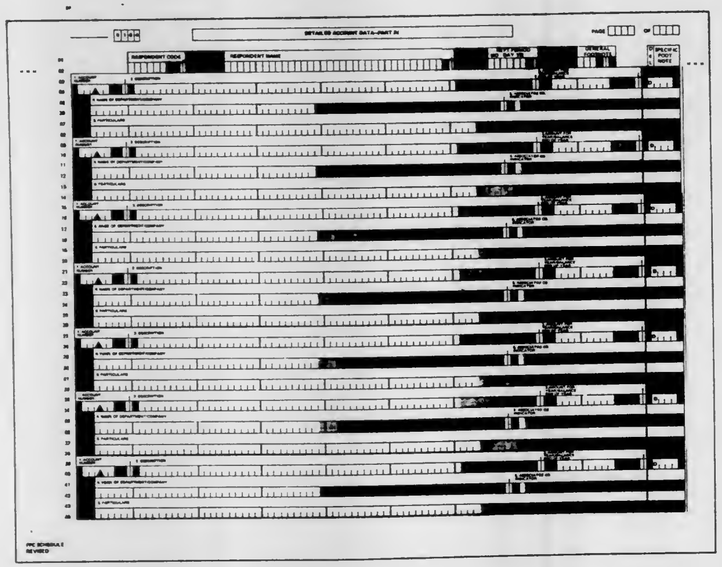
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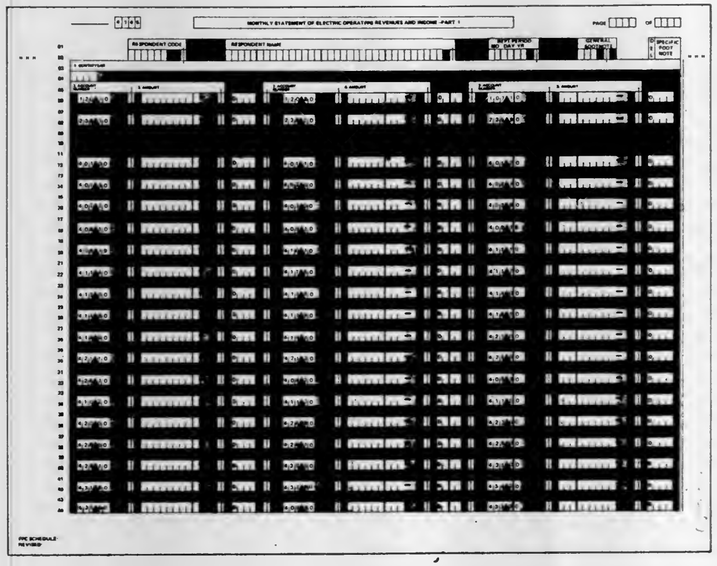
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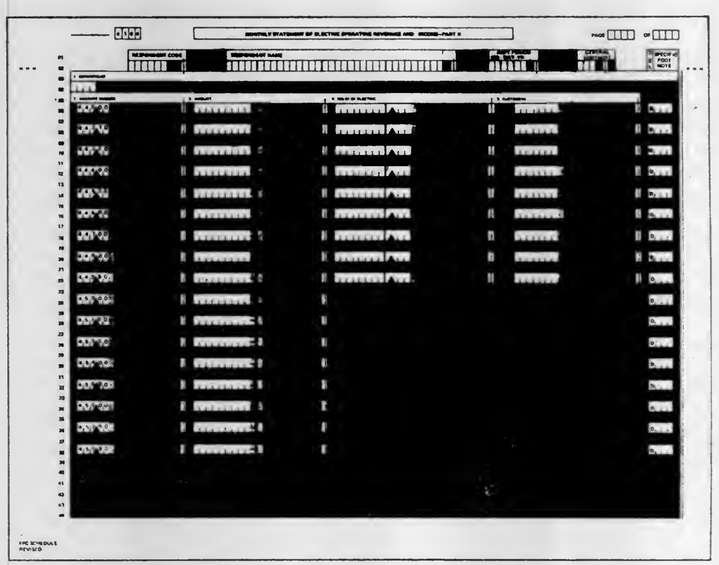
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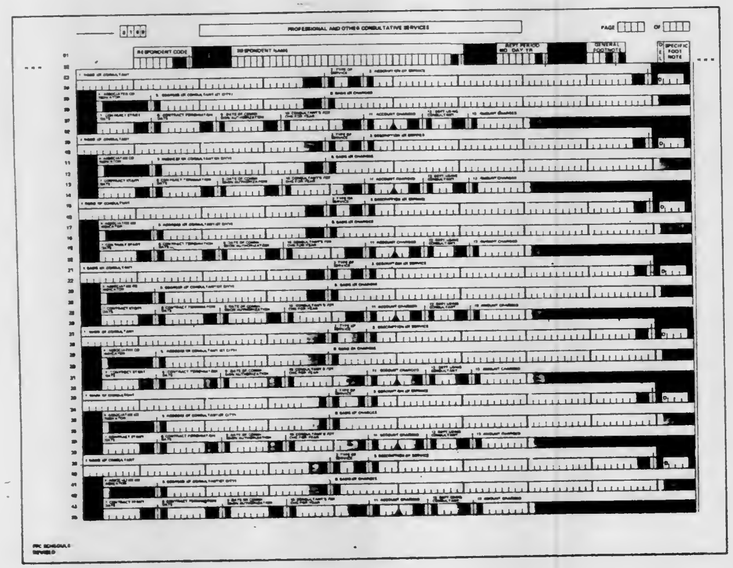


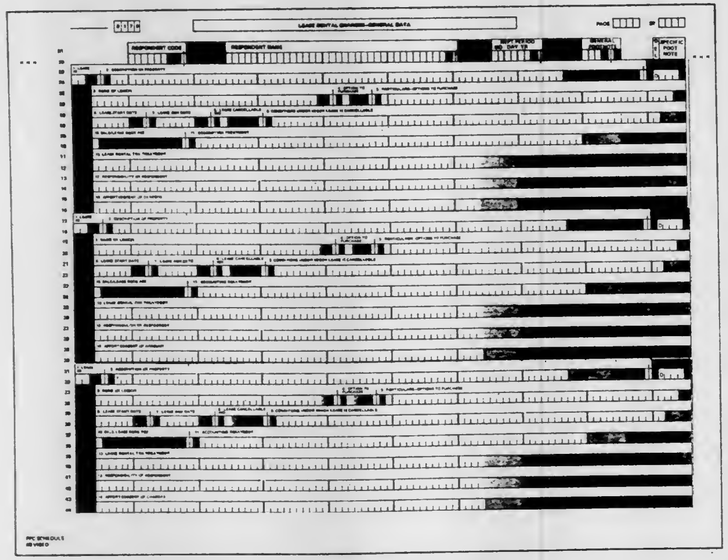
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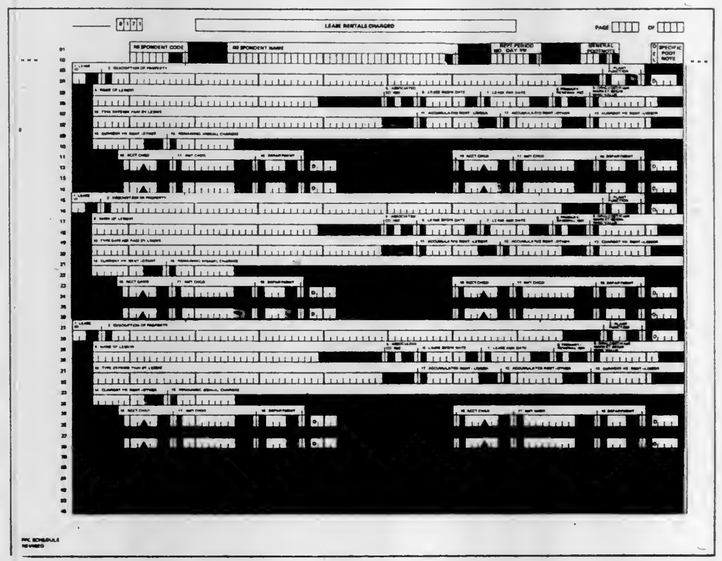


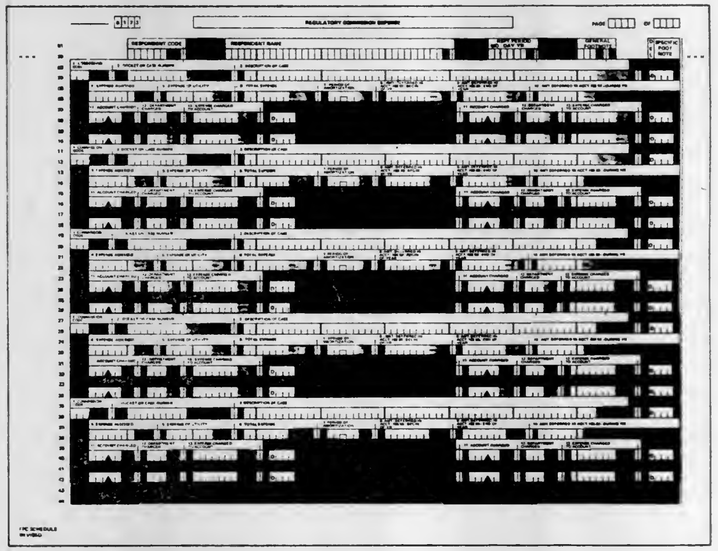


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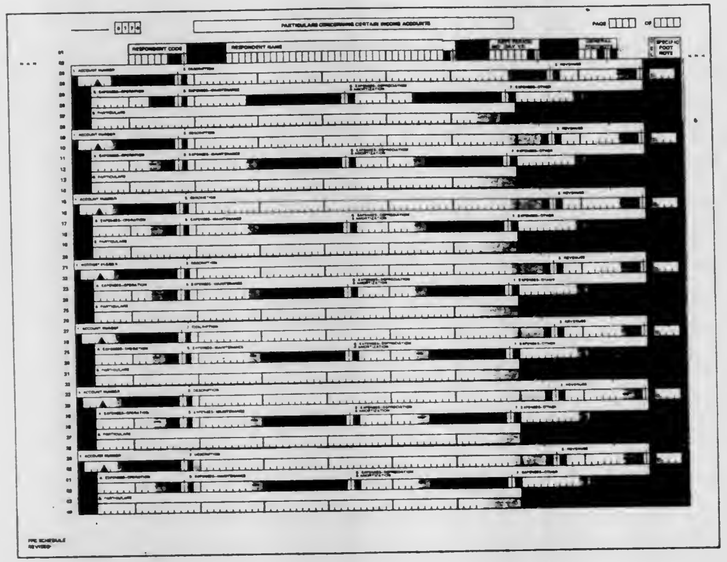


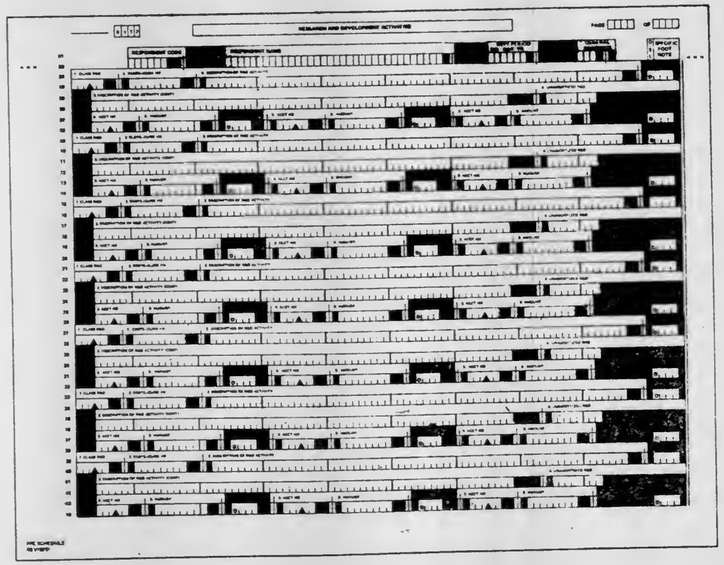




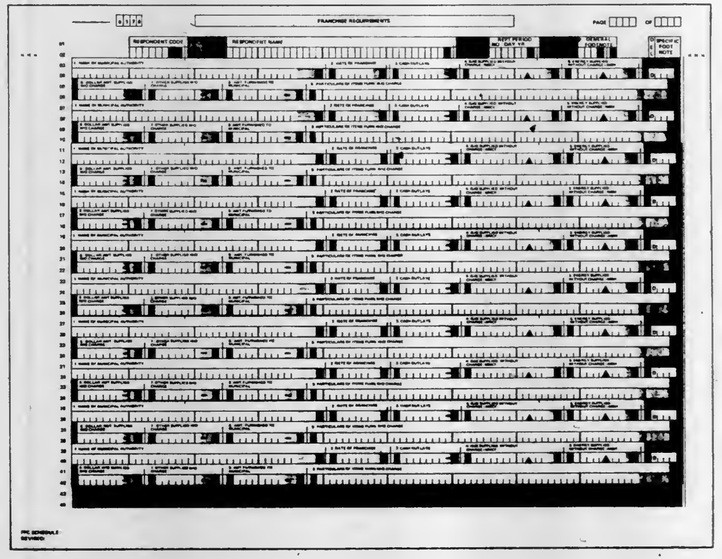
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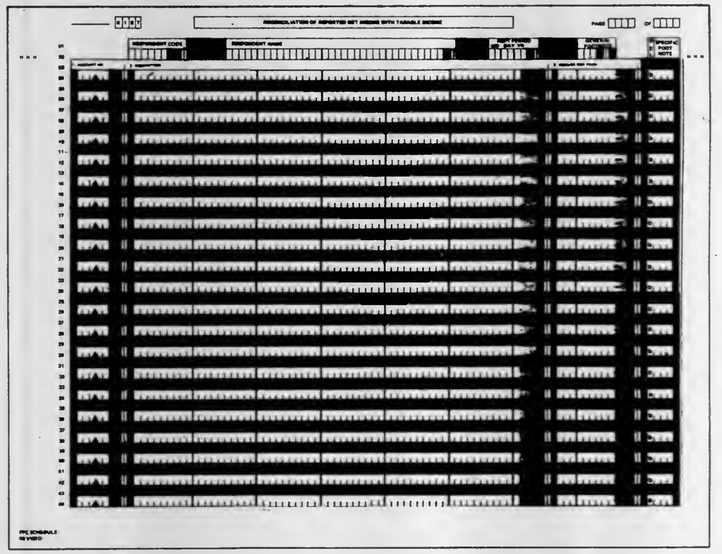




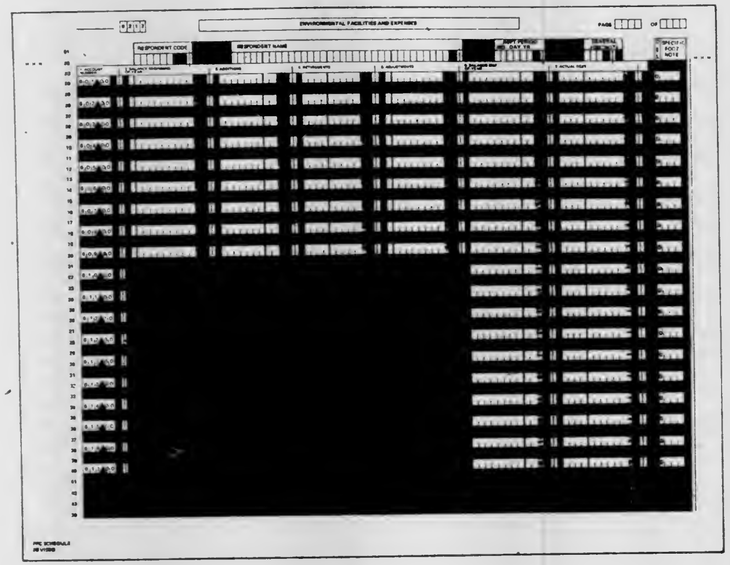
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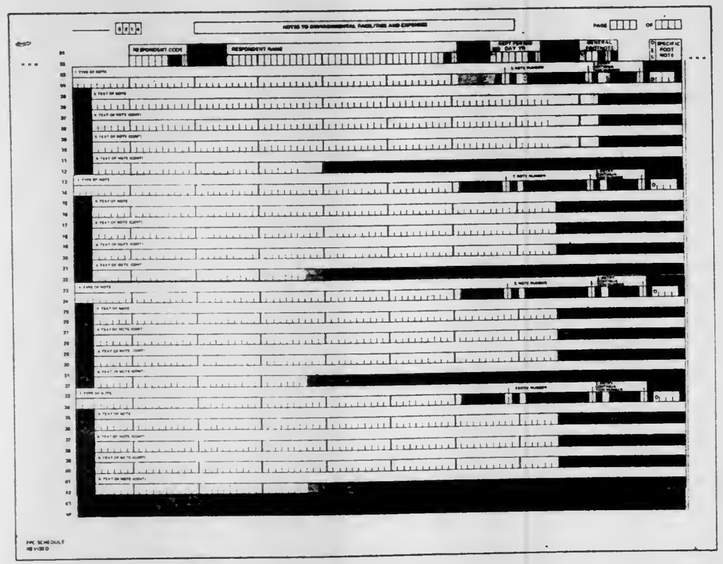


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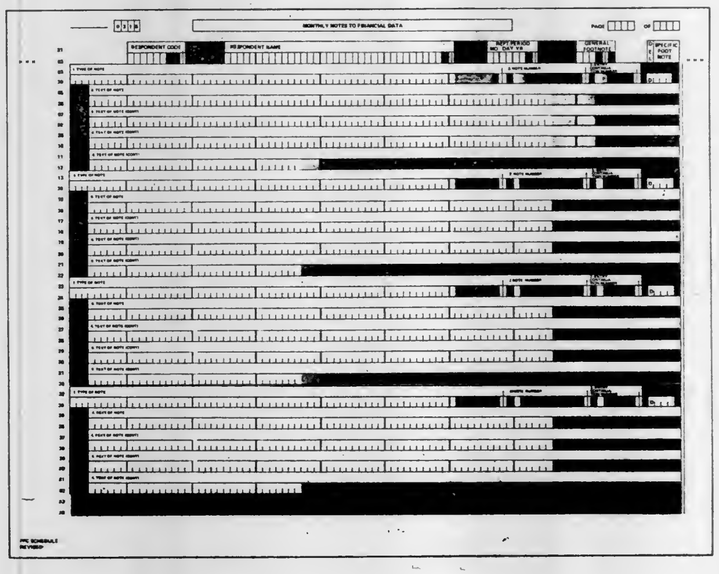


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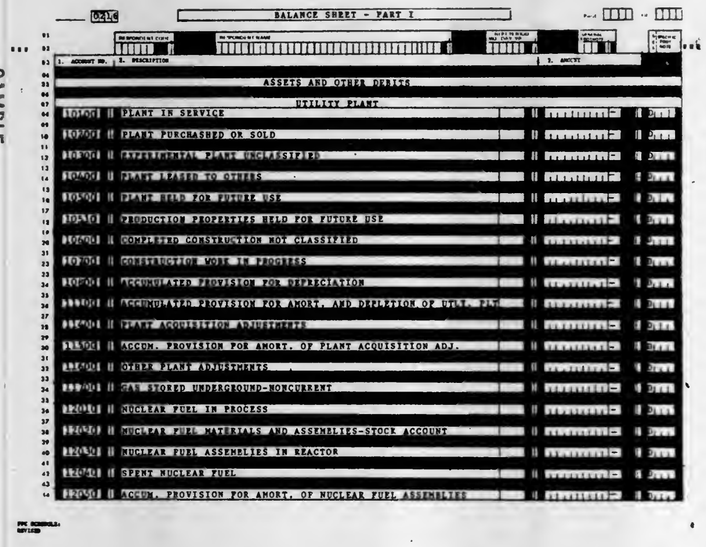




SAMPLE



SAMPLE



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SAMPLE

0217 BALANCE SHEET - PART II

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	OTHER PROPERTY AND INVESTMENTS	
121 00	NET UTILITY PLANT	
122 00	NONUTILITY PROPERTY	
123 00	ACCUM. PROVISION FOR DEPR. AND AMORT. OF NONUTLY. PROP.	
124 00	INVESTMENT IN ASSOCIATED COMPANIES	
125 00	INVESTMENT IN SUBSIDIARY COMPANIES	
126 00	OTHER INVESTMENTS	
127 00	SINKING FUNDS	
128 00	DEPRECIATION FUND	
129 00	AMORTIZATION FUND-FEDERAL	
130 00	OTHER SPECIAL FUNDS	
131 00	TOTAL OTHER PROPERTY AND INVESTMENTS	
	CURRENT AND ACCRUED ASSETS	
132 00	CASH	
133 00	INTEREST SPECIAL DEPOSITS	
134 00	DIVIDEND SPECIAL DEPOSITS	
135 00	OTHER SPECIAL DEPOSITS	
136 00	WORKING FUNDS	
137 00	TEMPORARY CASH INVESTMENTS	
141 00	NOTES RECEIVABLE	
142 00	CUSTOMER ACCOUNTS RECEIVABLE	
143 00	OTHER ACCOUNTS RECEIVABLE	
144 00	ACCUM. PROVISION FOR UNCOLLECTABLE ACCOUNTS-CREDIT	

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0218 BALANCE SHEET - PART III

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
145 00	NOTES RECEIVABLE FROM ASSOCIATED COMPANIES	
146 00	ACCOUNTS RECEIVABLE FROM ASSOCIATED COMPANIES	
151 00	FUEL STOCK	
152 00	FUEL STOCK EXPENSE UNDISTRIBUTED	
153 00	RESIDUALS	
154 00	PLANT MATERIALS AND OPERATING SUPPLIES	
155 00	MERCHANDISE	
156 00	OTHER MATERIALS AND SUPPLIES	
157 00	NUCLEAR MATERIALS HELD FOR SALE	
158 00	STORES EXPENSE UNDISTRIBUTED	
164 10	GAS STORED UNDERGROUND-CURRENT	
164 20	LIQUEFIED NATURAL GAS STORED	
165 00	PREPAYMENTS	
166 00	ADVANCES FOR GAS EXPLORATION, DEVELOPMENT AND PROD.	
167 00	OTHER ADVANCES FOR GAS	
171 00	INTEREST AND DIVIDENDS RECEIVABLE	
172 00	RENTS RECEIVABLE	
173 00	ACCRUED UTILITY REVENUES	
174 00	MISCELLANEOUS CURRENT AND ACCRUED ASSETS	
175 00	TOTAL CURRENT AND ACCRUED ASSETS	
181 00	UNAMORTIZED DEBT EXPENSE	

FPC SCHEDULE REVISED

SAMPLE

0219 BALANCE SHEET - PART IV

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
182 00	EXTRAORDINARY PROPERTY LOSSES	
183 00	PRELIMINARY SURVEY AND INVESTIGATION CHARGES	
183 10	OTHER PRELIMINARY SURVEY AND INVESTIGATION CHARGES	
184 00	CLEARING ACCOUNTS	
185 00	TEMPORARY FACILITIES	
186 00	MISCELLANEOUS DEFERRED DEBITS	
187 00	DEFERRED LOSSES FROM DISPOSITION OF UTILITY PLANT	
188 00	RESEARCH AND DEVELOPMENT EXPENDITURES	
189 00	UNAMORTIZED LOSS ON REACQUIRED DEBT	
190 00	ACCUMULATED DEFERRED INCOME TAXES	
191 00	UNRECOVERED PURCHASE GAS COSTS	
191 00	TOTAL DEFERRED DEBITS	
191 00	TOTAL ASSETS AND OTHER DEBITS	

SAMPLE

0220 BALANCE SHEET - PART V

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	LIABILITIES AND OTHER CREDITS	
	PROPRIETARY CAPITAL	
201 00	COMMON STOCK ISSUED	
202 00	COMMON STOCK SUBSCRIBED	
203 00	COMMON STOCK LIABILITY FOR CONVERSION	
204 00	PREFERRED STOCK ISSUED	
205 00	PREFERRED STOCK SUBSCRIBED	
206 00	PREFERRED STOCK LIABILITY FOR CONVERSION	
207 00	PREMIUM ON CAPITAL STOCK	
208 00	DONATIONS RECEIVED FROM STOCKHOLDERS	
209 00	REDUCTION IN PAR OR STATED VALUE OF CAPITAL STOCK	
210 00	GAIN OR RESALE OR CANCELLATION OF REACQUIRED CAP. STOCK	
211 00	MISCELLANEOUS PAID-IN CAPITAL	
212 00	INSTALLMENTS RECEIVED ON CAPITAL STOCK	
213 00	DISCOUNT ON CAPITAL STOCK	
214 00	CAPITAL STOCK EXPENSE	
215 00	APPROPRIATED RETAINED EARNINGS	
216 00	UNAPPROPRIATED RETAINED EARNINGS	
216 10	UNAPPROPRIATED UNDISTRIBUTED SUBSIDIARY EARNINGS	
217 00	REACQUIRED CAPITAL STOCK	
218 00	TOTAL PROPRIETARY CAPITAL	

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0221 BALANCE SHEET - PART VI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	LONG-TERM DEBT	
221 [01]	BONDS	[01]
222 [02]	REACQUIRED BONDS	[02]
223 [03]	ADVANCES FROM ASSOCIATED COMPANIES	[03]
224 [04]	OTHER LONG-TERM DEBT	[04]
225 [05]	UNAMORTIZED PREMIUM ON LONG-TERM DEBT	[05]
226 [06]	UNAMORTIZED DISCOUNT ON LONG-TERM DEBT-DEBT	[06]
227 [07]	TOTAL LONG TERM DEBT	[07]
228 [08]	NOTES PAYABLE	[08]
229 [09]	ACCOUNTS PAYABLE	[09]
230 [10]	NOTES PAYABLE TO ASSOCIATED COMPANIES	[10]
231 [11]	ACCOUNTS PAYABLE TO ASSOCIATED COMPANIES	[11]
232 [12]	CUSTOMER DEPOSITS	[12]
233 [13]	TAXES ACCRUED	[13]
234 [14]	INTEREST ACCRUED	[14]
235 [15]	DIVIDENDS DECLARED	[15]
236 [16]	MATURED LONG-TERM DEBT	[16]
237 [17]	MATURED INTEREST	[17]
238 [18]	TAX COLLECTIONS PAYABLE	[18]
239 [19]	MISCELLANEOUS CURRENT AND ACCRUED LIABILITIES	[19]
240 [20]	TOTAL CURRENT AND ACCRUED LIABILITIES	[20]

FPC SCHEDULE REVISED

0222 BALANCE SHEET - PART VII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	DEFERRED CREDITS	
251 [01]	CUSTOMER ADVANCES FOR CONSTRUCTION	[01]
252 [02]	OTHER DEFERRED CREDITS	[02]
253 [03]	ACCUMULATED DEFERRED INVESTMENT TAX CREDITS	[03]
254 [04]	DEFERRED GAINS FROM DISPOSITION OF UTILITY PLANT	[04]
255 [05]	UNAMORTIZED GAIN ON REACQUIRED DEBT	[05]
256 [06]	ACCUM. DEFERRED INCOME TAXES-ACCELERATED AMORT. PROP.	[06]
257 [07]	ACCUM. DEFERRED INCOME TAXES-OTHER PROPERTY	[07]
258 [08]	ACCUM. DEFERRED INCOME TAXES-OTHER	[08]
259 [09]	TOTAL DEFERRED CREDITS	[09]
	OPERATING RESERVES	
260 [10]	PROPERTY INSURANCE RESERVE	[10]
261 [11]	INJURIES AND DAMAGES RESERVE	[11]
262 [12]	PENSIONS AND BENEFITS RESERVE	[12]
263 [13]	AMORTIZATION RESERVE-FEDERAL	[13]
264 [14]	MISCELLANEOUS OPERATING RESERVES	[14]
265 [15]	TOTAL OPERATING RESERVES	[15]
266 [16]	TOTAL LIABILITIES AND OTHER CREDITS	[16]

FPC SCHEDULE REVISED

SAMPLE

0223 STATEMENT OF INCOME FOR THE YEAR - PART I

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	TOTAL UTILITY OPERATING INCOME	
	OPERATING REVENUES:	
400 [01]	OPERATING REVENUES	[01]
412 [02]	REVENUES FROM PLANT LEASED TO OTHERS	[02]
	OPERATING EXPENSES:	
401 [03]	OPERATING EXPENSE	[03]
402 [04]	MAINTENANCE EXPENSE	[04]
403 [05]	DEPRECIATION EXPENSE	[05]
404 [06]	AMORTIZATION OF LIMITED-TERM PLANT	[06]
405 [07]	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	[07]
406 [08]	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	[08]
407 [09]	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	[09]
408 [10]	AMORTIZATION OF OTHER PLANT	[10]
409 [11]	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	[11]
410 [12]	AMORTIZATION OF PROPERTY LOSSES	[12]
411 [13]	AMORTIZATION OF CONVERSION EXPENSES	[13]
412 [14]	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	[14]
413 [15]	INCOME TAXES-UTILITY OPERATING INCOME	[15]
414 [16]	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	[16]
415 [17]	PROV FOR DEF INC TAXES-CREDIT UTILITY OPERATING INCOME	[17]
416 [18]	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	[18]
417 [19]	GAINS FROM DISPOSITION OF UTILITY PLANT	[19]

FPC SCHEDULE REVISED

0224 STATEMENT OF INCOME FOR THE YEAR - PART II

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
417 [01]	LOSSES FROM DISPOSITION OF UTILITY PLANT	[01]
418 [02]	EARNINGS OF PLANT LEASED TO OTHERS	[02]
419 [03]	TOTAL UTILITY OPERATING EXPENSES	[03]
420 [04]	NET UTILITY OPERATING INCOME	[04]
	OTHER INCOME AND DEDUCTIONS	
	OTHER INCOME:	
415 [05]	REV FROM MERCHANDISING JOBBING AND CONTRACT WORK	[05]
416 [06]	COSTS AND EXPENSES OF MERCH JOBBING AND CONTRACT WK	[06]
417 [07]	REVENUES FROM NONUTILITY OPERATIONS	[07]
417 [08]	EXPENSES OF NONUTILITY OPERATIONS	[08]
418 [09]	NONOPERATING RENTAL INCOME	[09]
418 [10]	EQUITY IN EARNINGS OF SUBSIDIARY COMPANIES	[10]
419 [11]	INTEREST AND DIVIDEND INCOME	[11]
419 [12]	ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION	[12]
421 [13]	MISCELLANEOUS NONOPERATING INCOME	[13]
421 [14]	GAINS ON DISPOSITION OF PROPERTY	[14]
421 [15]	TOTAL OTHER INCOME	[15]
	OTHER INCOME DEDUCTIONS	
421 [16]	LOSSES ON DISPOSITION OF PROPERTY	[16]
425 [17]	MISCELLANEOUS AMORTIZATION	[17]
426 [18]	DONATIONS	[18]
426 [19]	LIFE INSURANCE	[19]
426 [20]	PENALTIES	[20]

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SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART III

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
426.4C	EXPEND FOR CERTAIN CIVIC POL AND RELATED ACTIVITIES	
426.5C	OTHER DEDUCTIONS	
426.7C	TOTAL OTHER INCOME DEDUCTIONS	
	TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.2C	TAXES OTHER THAN INCOME TAXES-OTHER INC AND DEDUCTIONS	
409.2C	INCOME TAXES-OTHER INCOME AND DEDUCTIONS	
410.2C	PROV FOR DEFERRED INC TAXES-CREDIT-OTHER INC AND DED	
411.2C	PROV FOR DEFERRED INC TAXES-CREDIT-OTHER INC AND DED	
411.5C	INVESTMENT TAX CREDIT ADJUSTMENTS-NONUTILITY OPERATIONS	
420.0C	INVESTMENT TAX CREDITS	
421.2C	TOTAL TAXES ON OTHER INCOME AND DEDUCTIONS	
421.5C	NET OTHER INCOME AND DEDUCTIONS	
427.0C	INTEREST ON LONG-TERM DEBT	
428.0C	AMORTIZATION OF DEBT DISCOUNT AND EXPENSES	
428.1C	AMORTIZATION OF LOSSES ON REACQUIRED DEBT	
429.0C	AMORTIZATION OF PREMIUM ON DEBT-CREDIT	
429.1C	AMORTIZATION OF GAIN ON REACQUIRED DEBT-CREDIT	
430.0C	INTEREST ON DEBT TO ASSOCIATED COMPANIES	
431.0C	OTHER INTEREST EXPENSE	
431.2C	TOTAL INTEREST CHARGES	
434.0C	INCOME BEFORE EXTRAORDINARY ITEMS	

FPC SCHEDULE

STATEMENT OF INCOME FOR THE YEAR - PART IV

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	EXTRAORDINARY ITEMS	
435.0C	EXTRAORDINARY INCOME	
435.1C	EXTRAORDINARY DEDUCTIONS	
435.2C	NET EXTRAORDINARY ITEMS	
435.3C	INCOME TAXES-EXTRAORDINARY ITEMS	
435.4C	EXTRAORDINARY ITEMS AFTER INCOME TAXES	
435.5C	BALANCE TRANSFERRED FROM NET INCOME	

FPC SCHEDULE

STATEMENT OF INCOME FOR THE YEAR - PART V

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME-ELECTRIC/GAS DEPARTMENT	
	OPERATING REVENUES:	
400.0	OPERATING REVENUES	
	OPERATING EXPENSES:	
401.0	OPERATING EXPENSES	
402.0	MAINTENANCE EXPENSE	
403.0	DEPRECIATION EXPENSE	
404.0	AMORTIZATION OF LIMITED-TERM PLANT	
404.1	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
404.2	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
404.3	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
405.0	AMORTIZATION OF OTHER PLANT	
406.0	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
407.1	AMORTIZATION OF PROPERTY LOSSES	
407.2	AMORTIZATION OF CONVERSION EXPENSES	
408.1	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
409.1	INCOME TAXES-UTILITY OPERATING INCOME	
410.1	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
411.1	PROV FOR DEF INC TAXES-CREDIT-UTILITY OPERATING INCOME	
411.4	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
411.6	GAINS FROM DISPOSITION OF UTILITY PLANT	
411.7	LOSSES FROM DISPOSITION OF UTILITY PLANT	

FPC SCHEDULE

STATEMENT OF INCOME FOR THE YEAR - PART VI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
30[illegible]	TOTAL UTILITY OPERATING EXPENSES	
30[illegible]	NET UTILITY OPERATING INCOME	

FPC SCHEDULE

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STATEMENT OF INCOME FOR THE YEAR - PART VII

UTILITY OPERATING INCOME-ELECTRIC/GAS DEPARTMENT

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	OPERATING REVENUES:	
40002	OPERATING REVENUES	
	OPERATING EXPENSES:	
40102	OPERATING EXPENSES	
40202	MAINTENANCE EXPENSE	
40302	DEPRECIATION EXPENSE	
40402	AMORTIZATION OF LIMITED-TERM PLANT	
40412	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
40422	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
40432	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
40502	AMORTIZATION OF OTHER PLANT	
40602	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
40702	AMORTIZATION OF PROPERTY LOSSES	
40722	AMORTIZATION OF CONVERSION EXPENSES	
40812	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
40912	INCOME TAXES-UTILITY OPERATING INCOME	
41012	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
41112	PROV FOR DEF INC TAXES-CREDIT-UTILITY OPERATING INCOME	
41202	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
41302	GAINS FROM DISPOSITION OF UTILITY PLANT	
41402	LOSSES FROM DISPOSITION OF UTILITY PLANT	

STATEMENT OF INCOME FOR THE YEAR - PART VIII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	TOTAL UTILITY OPERATING EXPENSES	
	NET UTILITY OPERATING INCOME	

SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART IX

UTILITY OPERATING INCOME-STEAM DEPARTMENT

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	OPERATING REVENUES:	
40004	OPERATING REVENUES	
	OPERATING EXPENSES:	
40104	OPERATING EXPENSE	
40204	MAINTENANCE EXPENSE	
40304	DEPRECIATION EXPENSE	
40402	AMORTIZATION OF LIMITED-TERM PLANT	
40412	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
40422	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
40432	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
40502	AMORTIZATION OF OTHER PLANT	
40602	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
40702	AMORTIZATION OF PROPERTY LOSSES	
40722	AMORTIZATION OF CONVERSION EXPENSES	
40812	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
40912	INCOME TAXES-UTILITY OPERATING INCOME	
41012	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
41112	PROV FOR DEF INC TAXES-CREDIT-UTILITY OPERATING INCOME	
41202	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
41302	GAINS FROM DISPOSITION OF UTILITY PLANT	
41402	LOSSES FROM DISPOSITION OF UTILITY PLANT	

STATEMENT OF INCOME FOR THE YEAR - PART X

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	TOTAL UTILITY OPERATING EXPENSES	
	NET UTILITY OPERATING INCOME	

SAMPLE

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SAMPLE

STATEMENT OF INCOME FOR THE YEAR - PART XI

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UTILITY OPERATING INCOME (Give Dept.)	
	OPERATING REVENUES:	
A0000	OPERATING REVENUES	
	OPERATING EXPENSES:	
A0010	OPERATING EXPENSE	
A0020	MAINTENANCE EXPENSE	
A0030	DEPRECIATION EXPENSE	
A0040	AMORTIZATION LIMITED-TERM PLANT	
A0045	AMORT AND DEPLETION OF NATURAL GAS LAND AND LAND RIGHTS	
A0046	AMORT OF UNDERGROUND STORAGE LAND AND LAND RIGHTS	
A0047	AMORTIZATION OF OTHER LIMITED-TERM GAS PLANT	
A0050	AMORTIZATION OF OTHER PLANT	
A0055	AMORTIZATION OF PLANT ACQUISITION ADJUSTMENTS	
A0060	AMORTIZATION OF PROPERTY LOSSES	
A0065	AMORTIZATION OF CONVERSION EXPENSES	
A0070	TAXES OTHER THAN INCOME TAXES-UTILITY OPERATING INCOME	
A0080	INCOME TAXES-UTILITY OPERATING INCOME	
A0085	PROV FOR DEFERRED INC TAXES-UTILITY OPERATING INCOME	
A0090	PROV FOR DEF INC TAXES-CREDIT UTILITY OPERATG INCOME	
A0095	INVESTMENT TAX CREDIT ADJ-UTILITY OPERATIONS	
A0100	GAINS FROM DISPOSITION OF UTILITY PLANT	
A0105	LOSSES FROM DISPOSITION OF UTILITY PLANT	

STATEMENT OF INCOME FOR THE YEAR - PART XII

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
A0110	TOTAL UTILITY OPERATING EXPENSES	
A0120	NET UTILITY OPERATING INCOME	

FPC SCHEDULE REVISED

SAMPLE

STATEMENT OF RETAINED EARNINGS FOR THE YEAR

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	UNAPPROPRIATED RETAINED EARNINGS (ACCOUNT 216)	
A1000	UNAPPROPRIATED RETAINED EARNINGS	
A1010	ADJUSTMENTS TO RETAINED EARNINGS-CREDITS	
A1020	ADJUSTMENTS TO RETAINED EARNINGS-DEBITS	
A1030	BALANCE TRANSFERRED FROM NET INCOME	
A1040	APPROPRIATIONS OF RETAINED EARNINGS	
A1050	DIVIDENDS DECLARED PREFERRED STOCK	
A1060	DIVIDENDS DECLARED COMMON STOCK	
A1070	TRANSFERRED FROM ACCOUNT 216.10 UNAPP. UNDIS. SUB. EARNINGS	
A1080	UNAPPROPRIATED RETAINED EARNINGS-END OF YEAR	
	APPROPRIATED RETAINED EARNINGS (ACCOUNT 215)	
A1090	APPROPRIATED RETAINED EARNINGS	
A1100	TOTAL RETAINED EARNINGS ACCOUNT 215 AND 216	

SAMPLE

STATEMENT OF CHANGES IN FINANCIAL POSITION - PART I

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
	SOURCES OF FUNDS	
	FUNDS FROM OPERATIONS	
D1000	NET INCOME	
	PRINCIPAL NON CASH CHARGES TO INCOME	
D1010	DEPRECIATION AND DEPLETION	
D1020	AMORTIZATION OF UTILITY PLANT	
D1030	PROVISION FOR DEFERRED OR FUTURE INCOME TAXES NET	
D1040	INVESTMENT TAX CREDIT ADJUSTMENTS	
D1050	ALLOWANCE FOR FUNDS USED CONSTRUCTION	
D1060	EQUITABLE IN UNDISTRIBUTED SUBSIDIARY EARNINGS	
D1070	AMORTIZATION OTHER	
D1080	OTHER NET	
D1090	TOTAL FROM OPERATIONS	
	FUNDS FROM OUTSIDE SOURCES	
D1100	LONG TERM DEBT	
D1110	PREFERRED STOCK	
D1120	COMMON STOCK	
D1130	POLLUTION CONTROL BONDS	
D1140	NET INCREASE IN SHORT TERM DEBT	
D1150	OTHER NET	
D1160	TOTAL FUNDS FROM OUTSIDE SOURCES	
	OTHER SOURCES	
D1170	SALE OF NON CURRENT ASSETS INVESTMENTS	
D1180	SALE OF NON CURRENT ASSETS FIXED ASSETS	

FPC SCHEDULE REVISED

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STATEMENT OF CHANGES IN FINANCIAL POSITION - PART II

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
013-01	SALE OF NON-CURRENT ASSETS-OTHER	
013-01	CONTRIBUTIONS FROM ASSOCIATED AND SUBSIDIARY COMPANIES	
013-01	DECREASE IN WORKING CAPITAL	
013-01	DECREASE IN DEFERRED DEBITS	
013-01	OTHER NET	
013-01	TOTAL SOURCES OF FUNDS	
	APPLICATION OF FUNDS	
	CONSTRUCTION AND PLANT EXPENDITURES	
013-01	GROSS ADDITIONS TO UTILITY PLANT	
013-01	GROSS ADDITIONS TO NONUTILITY PLANT	
013-01	OTHER PLANT EXPENDITURES	
013-01	TOTAL APPLICATION TO CONSTRUCTION AND PLANT	
013-01	DIVIDENDS ON PREFERRED STOCK	
013-01	DIVIDENDS ON COMMON STOCK	
	FUNDS FOR RETIREMENT OF SECURITIES AND DEBT	
013-01	LONG TERM DEBT	
013-01	PREFERRED STOCK	
013-01	REDEMPTION OF CAPITAL STOCK	
013-01	NET DECREASE IN SHORT TERM DEBT	
013-01	OTHER DEBT NET	
013-01	TOTAL FUNDS FOR RETIREMENT OF SECURITIES AND DEBT	
	OTHER APPLICATIONS	
013-01	PURCHASE OF NON CURRENT ASSETS INVESTMENTS	
013-01	PURCHASE OF NON CURRENT ASSETS FIXED ASSETS	

FPC SCHEDULE REVISED

STATEMENT OF CHANGES IN FINANCIAL POSITION - PART III

1. ACCOUNT NO.	2. DESCRIPTION	3. AMOUNT
013-01	PURCHASE OF NON-CURRENT ASSETS-OTHER	
013-01	GENERAL TYPE OF ANY ADVANCES TO ASSOC. AND SUB. COMPANIES	
013-01	INCREASE IN WORKING CAPITAL	
013-01	INCREASE IN DEFERRED DEBITS	
013-01	OTHER-NET	
013-01	TOTAL APPLICATION OF FUNDS	

FPC SCHEDULE REVISED

STATISTICAL OPERATING DATA

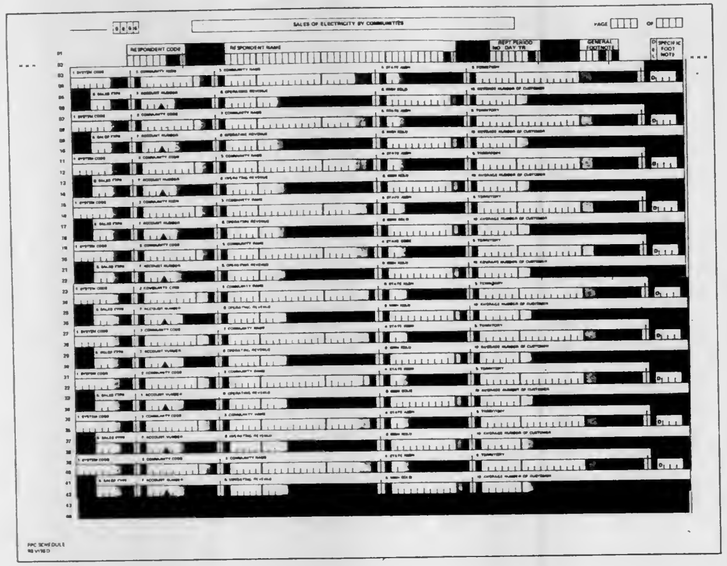
FPC SCHEDULE REVISED

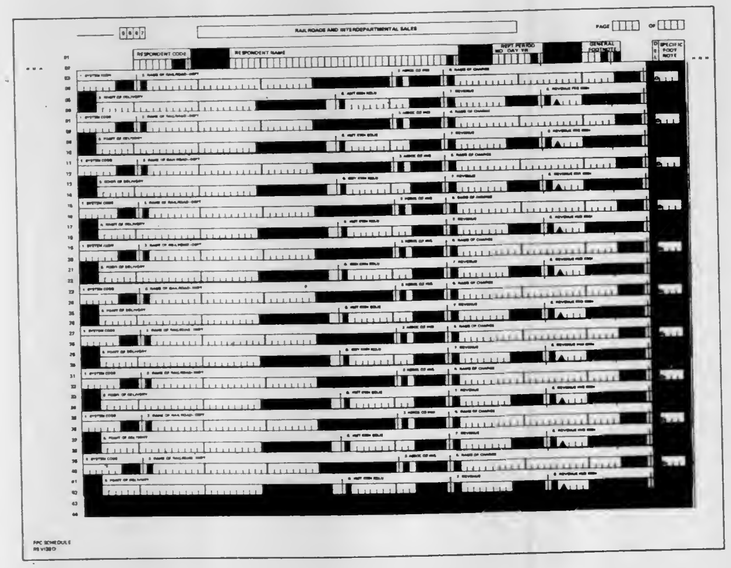
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FPC SCHEDULE REVISED

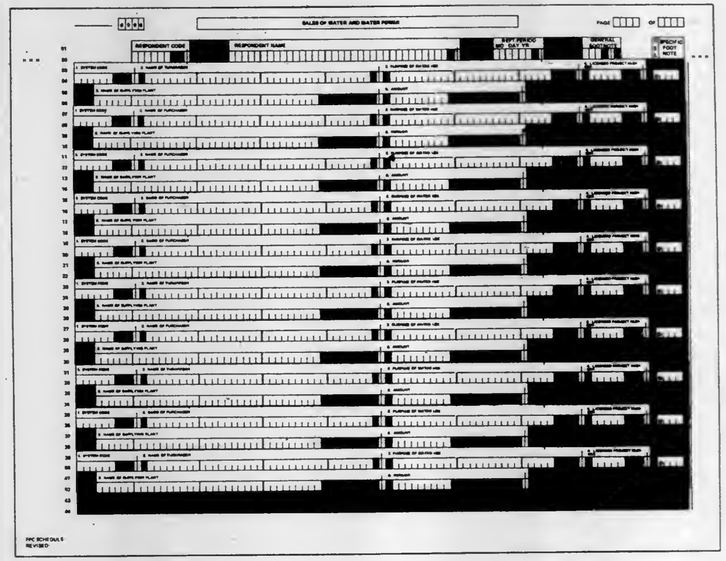
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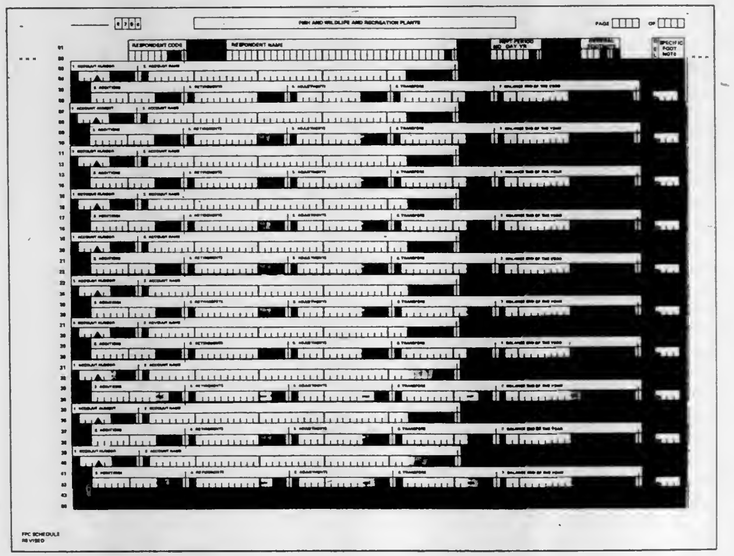
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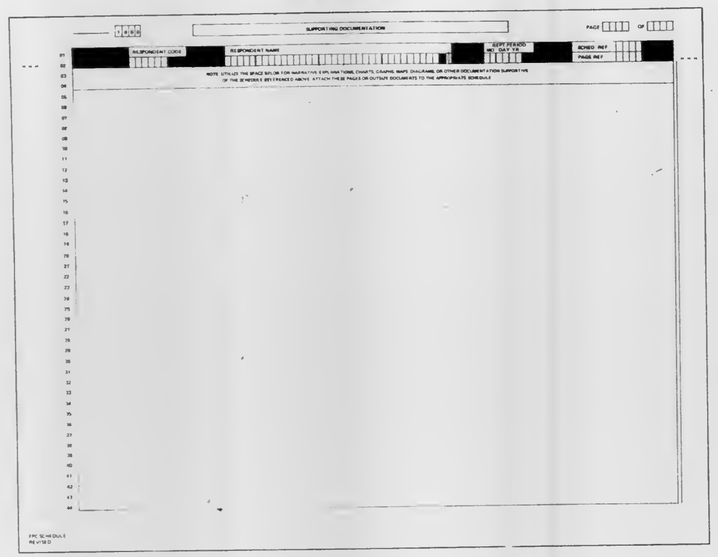


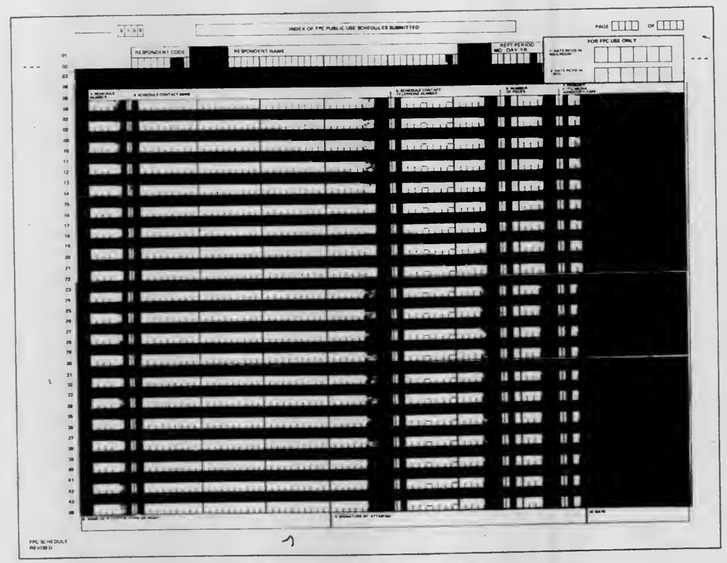
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[FR Doc.76-26855 Filed 9-14-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 15, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Cumulative Report as of September 1, 1976

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OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS, SEPTEMBER 1976

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress. The report continues the listing of fiscal 1976 actions in accordance with section 204(12) of the Fiscal Year Transition Act (Pub. L. 94-274). That Act provides for the transition quarter to be treated as part of fiscal 1976 for purposes of section 1014(e).

This month's report gives the status as of September 1, 1976, of the 49 rescissions and 117 deferrals contained in the first nineteen special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, January 6 and 23, February 6, March 18, April 13 and 26, May 13, July 1, 6, and 28, and August 24, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Five rescissions totaling $126.6 million in FY 1976 and transition quarter budget authority are presently pending before the Congress. In addition, one rescission of $45 million in FY 1977 budget authority, transmitted on July 29, 1976, is pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of September 1, 1976. Attachment A shows the history and status of each rescission proposed during fiscal year 1976 and the transition quarter.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of September 1, 1976, $4,165.3 million in 1976 budget authority was being deferred from obligation and another $114.3 million in 1976 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1976 and the transition quarter.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V)
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II)
Monday, September 15, 1975 (Vol. 40, No. 179, Part V)
Monday, September 29, 1975 (Vol. 40, No. 189, Part V)
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII)
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III)
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI)
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II)
Friday, January 9, 1976 (Vol. 41, No. 6, Part V)
Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V)
Wednesday, February 11, 1976 (Vol. 41, No. 29, Part VII)
Tuesday, March 23, 1976 (Vol. 41, No. 57, Part V)
Friday, April 16, 1976 (Vol. 41, No. 75, Part VI)
Thursday, April 29, 1976 (Vol. 41, No. 87, Part IV)
Monday, May 17, 1976 (Vol. 41, No. 96, Part VI)
Wednesday, July 7, 1976 (Vol. 41, No. 131, Part III)
Thursday, July 8, 1976 (Vol. 41, No. 132, Part IV)
Monday, August 2, 1976 (Vol. 41, No. 149, Part VI)
Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Monday, August 30, 1976 (Vol. 41, No. 169, Part V)

JAMES T. LYNN,
Director.

Table A

STATUS OF 1976 AND TRANSITION QUARTER RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President	3,455.3
Accepted by the Congress:	
Helium fund (R76-6) 1/	47.5
Access highways to public recreation areas on certain lakes (R76-2) 2/	15.0
Public lands development roads and trails (R76-40) 3/	4.9
National Park Service, road construction (R76-41) 3/	58.5
State Department-Mutual educational and cultural exchange (R76-42) 3/	8.0
Consumer Product Safety Commission (R76-27A) 3/	2.7
Selective Service System (R76-44) 3/	1.8
Total accepted by the Congress	138.3
Rejected by the Congress	3,190.4
Pending before the Congress 4/	126.6
Special Message #16 (transmitted July 1, 1976)	(0.2)
Special Message #18 (transmitted July 28, 1976)	(126.4)

1/ Included in the first 1976 rescission bill (P.L. 94-111).
2/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded $25 million under this head and appropriated $10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101).
3/ Included in the second 1976 rescission bill (P.L. 94-249).
4/ Excludes $45,000,000 transmitted to the Congress on July 29, 1976, in the first special message of FY 1977.

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Table B

STATUS OF 1976 AND TRANSITION QUARTER DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President	8,093.3
Routine Executive releases (-$4,652.8M) and adjustments (+$1,218.3M) 1/ through September 1, 1976	3,434.5
Overturned by the Congress 2/	
Agriculture:	
Agricultural Research Service	
Construction (D76-68) (overturned December 4, 1975)	-7.6
Animal and Plant Health Inspection Service	
Construction-Fleming Key animal import center (D76-69) (overturned December 10, 1975)	-6.3
Agricultural Stabilization and Conservation Service	
Agriculture conservation program (D76-70) (overturned December 19, 1975)	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned December 19, 1975)	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned December 19, 1975)	-22.5
Watershed and flood prevention (D76-95) (overturned April 12, 1976)	-18.0
Resource conservation and development (D76-74) (overturned December 19, 1975)	-5.0
Food and Nutrition Service	
Special supplemental food program (D76-106) (overturned April 12, 1976)	-61.0
Forest Service	
Youth Conservation Corps (D76-101) (overturned March 9, 1976)	-23.7
Corps of Engineers-Civil:	
Revolving Fund (D76-96) (overturned April 14, 1976)	-.7
Health, Education, and Welfare:	
Health Services Administration	
Indian health facilities (D76-39, D76-97) (overturned March 9, 1976)	-14.9
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned December 4, 1975)	-1.0
Bureau of Mines	
Mines and minerals (D76-110) (overturned August 24, 1976)	-.7
Bureau of Indian Affairs	
Construction (D76-103) (overturned March 9, 1976)	-10.9

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	Amount (in millions of dollars)
Justice:	
Law Enforcement Assistance Administration	
Juvenile justice and delinquency prevention (D76-98) (overturned March 4, 1976)	-15.0
EPA: (all overturned December 19, 1975)	
Research and development	
Air research (D76-79)	-2.0
Water research (D76-80)	-4.6
Abatement and Control	
Air control agency grants (D76-81)	-3.8
Water quality control agency grants (D76-82)	-10.0
Clean lakes grants (D76-83)	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned November 3, 1975)	-16.5
Total, deferrals overturned by the Congress 2/	-379.1
Currently before the Congress	4,279.7 3/

1/ Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts.

2/ Does not include $10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

3/ Includes $114.3 million of outlays in two Treasury deferrals--D76-25F and D76-67A.

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ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1976 AND THE TRANSITION QUARTER
(Amounts in thousands of dollars)

As of September 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Executive Office of the President							
Office of Drug Abuse Policy:							
Salaries and expenses	R76-45	250	07-01-76				
Department of Agriculture							
Agriculture Research Service:							
Construction	R76-15	[225]	12-01-75			225	02-24-76
Agriculture Stabilization and Conservation Service:							
Water Bank Act Program	R76-16	[12,500]	12-01-75			12,500 1/	02-24-76
Forestry Incentives Program	R76-17	[18,750]	12-01-75				
	R76-17A	[18,750]	01-23-76			18,750 2/	02-24-76
Farmers Home Administration:							
Rural Water and Waste Disposal Grants	R76-18	[150,000]	12-01-75			150,000 3/	02-24-76
Rural Development Grants	R76-19	[12,344]	12-01-75				
	R76-19A	[12,344]	01-23-76			12,344 4/	02-24-76
Rural Housing for Domestic farm labor	R76-20	[9,375]	12-01-75			9,375 5/	02-24-76
Mutual and self-help housing	R76-21	[12,287]	12-01-75			12,287 6/	02-24-76
Self-help housing land development fund	R76-22	[1,498]	12-01-75			1,498	02-24-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Rural housing insurance fund	R76-23	[10,000]	12-01-75			10,000	02-24-76
	R76-29	[500,000]	01-23-76			500,000	03-18-76
Rural community fire protection grants	R76-24	[4,375]	12-01-75			4,375 7/	02-24-76
Agriculture Marketing Service:							
Payments to States and possessions	R76-25	[2,000]	12-01-75			2,000 8/	02-24-76
Food and Nutrition Service:							
Child nutrition programs	R76-46	9,350	07-28-76				
Special milk program	R76-30	[40,000]	01-23-76			40,000	03-18-76
Forest Service:							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Commerce							
Economic Development Administration:							
Economic development assistance programs	R76-31	[4,000]	01-23-76			4,000	03-18-76
Department of Defense-Civil							
Corps of Engineers-Civil:							
Construction, general	R76-32	[3,600]	01-23-76			3,600	03-18-76
Department of Health, Education, and Welfare							
Health Services Administration:							
Health Services	R76-33	[127,804]	01-23-76			127,804 9/	03-18-76
Indian health service	R76-34	[5,294]	01-23-76			5,294	03-18-76

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Center for Disease Control: Preventive health services	R76-35	[7,690]	01-23-76			7,690	03-18-76
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, drug abuse and mental health	R76-36	[56,500]	01-23-76			56,500	03-18-76
Health Resources Administration: Health resources	R76-37	[69,000]	01-23-76			69,000 10/	03-18-76
Office of Education: Elementary and secondary education	R76-9	[220,404]	11-18-75				
	R76-9A	[210,404]	01-23-76			210,404 11/	02-20-76
	R76-47	3,000	07-28-76				
Indian education	R76-38	[15,000]	01-23-76			15,000	03-18-76
School assistance in federally affected areas	R76-10	[220,968]	11-18-75				
	R76-10A	[243,773]	01-23-76			243,773 12/	02-20-76
	R76-48	24,000	07-28-76				
Education for the Handicapped	R76-11	[36,375]	11-18-75			36,375 13/	02-20-76
	R76-49	90,000	07-28-76				
Occupational, vocational, and adult education	R76-12	[14,241]	11-18-75			14,241 14/	02-20-76
Higher education	R76-13	[768,140]	11-18-75			768,140	02-20-76
Library resources	R76-14	[28,975]	11-18-75			28,975 15/	02-20-76
Assistant Secretary for Human Development: Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Grants for the developmentally disabled	R76-39	[2,000]	01-23-76			2,000	03-18-76
Department of Housing and Urban Development: Housing Production and Mortgage Credit: State Housing Finance and Development Agencies	R76-26	[600,000] 16/	12-01-75			600,000	02-24-76
Community Planning and Development: Rehabilitation loan fund	R76-28	[60,670]	01-06-76				
	R76-28A	[62,670]	02-06-76			62,670 17/	03-12-76
Department of the Interior: Bureau of Land Management: Public lands development roads and trails	R76-40	[8,800] 18/	01-23-76	4,900 19/	03-25-76	3,900	03-24-76
National Park Service: Road construction	R76-41	[58,500] 20/	01-23-76	58,500 19/	03-25-76		
Bureau of Mines: Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 21/		
Department of State: Mutual educational and cultural exchange activities	R76-42	[8,000]	01-23-76	8,000 19/	03-25-76		
Department of Transportation: Federal Highway Administration: National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	22/	22/	90,000 22/	04-16-76
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 23/	11-24-75 23/	23/	11-24-75
Department of the Treasury: Office of the Secretary: Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
Research and Demonstration	R76-7	[2,500] 24/	07-25-75				
Community and Economic Development	R76-8	[7,500] 24/	07-25-75				
Community services program	R76-43	[2,500] 25/	01-23-76			2,500	03-18-76
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	[5,225]	12-01-75			(6,431) 26/	02-24-76
	R76-27A	[6,431]	01-23-76	2,656 18/27/	03-25-76	3,775 28/	03-25-76
Selective Service System:							
Salaries and expenses	R76-44	[1,775]	01-23-76	1,775 19/	03-25-76		
TOTAL		126,600 31/		138,331 29/		3,170,383 30/	

1/ $2.5 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
2/ $3,750,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
3/ $25 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
4/ $2,969,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
5/ $1,875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
6/ $2,250,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
7/ $875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
8/ $400,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
9/ $24,645,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
10/ $2,000,000 of this amount became available on July 1, 1976.
11/ $161,634,000 of this amount became available without being withheld.
12/ $194,265,000 of this amount was proposed for rescission without being withheld.
13/ $35 million of this amount became available for obligation on July 1, 1976.
14/ $4 million of this amount became available for obligation on July 1, 1976.
15/ $10 million of this amount became available for obligation on July 1, 1976.
16/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.
17/ $2 million of this amount is an unobligated balance available in the transition quarter.
18/ See deferral D76-12.
19/ P.L. 94-249.
20/ See deferral D76-18.
21/ P.L. 94-111.
22/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55. The funds deferred were released on April 16, 1976, because of Congressional inaction on the related

rescission request.
23/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
24/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975. They were reappropriated in P.L. 94-206 which became law on January 28, 1976, and are available for obligation.
25/ Appropriated in P.L. 94-157.
26/ Release as required.
27/ Includes $400,000 of transition quarter funds.
28/ Includes $806,000 of funds appropriated for the transition quarter that became available July 1, 1976.
29/ Total includes R76-2 at $15 million ($25 million rescinded minus $10 million appropriated).
30/ The amounts proposed for rescission in R76-7 and R76-8 ($10 million) and $10 million from R76-2 must be added to the amount made available to derive the total for rescissions rejected by the Congress ($3190.4 million).
31/ Excludes $45,000,000 of funds proposed for rescission on July 29, 1976. This rescission proposal (R77-1) for the Legal Services Corporation consists of funds appropriated for FY 77 and is not included in the totals for the FY 76 and transition quarter reports.

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STATUS OF DEFERRALS

Attachment B

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
United States Emergency Refugee and Migration Fund	D76-114		15,000	07-28-76 08-06-76	-5,300				9,700
TOTAL			15,000		-5,300				9,700

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Agricultural Research Service Construction	D76-68		7,570	12-01-75 12-05-75		2/	-7,570 3/		0
Animal and Plant Inspection Service Construction	D76-69		6,314	12-01-75 12-15-75		4/	-6,314 5/		0
Foreign Agricultural Service Salaries and Expenses (Special Foreign Currency)	D76-1	[2,232]		07-01-75 05-26-76 07-06-76	-122 9/			-2,110 6/	
	D76-1A		2,110	07-06-76					2,110
Agricultural Stabilization and Conservation Service Commodity Credit Corporation Administrative Expenses	D76-71		2,787	12-01-75 12-18-75	-2,787				0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 7/	0
	D76-70		90,000	12-01-75 12-24-75		-90,000 8/			0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	B-3 Amount Deferred as of 09-01-76
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536 6/	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 7/	0
	D76-104		8,072	03-18-76 02-24-76	-8,072				0
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 7/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 7/	0
	D76-72		50,000	12-01-75 12-24-75		-50,000 10/			0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050 6/	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 7/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	B-4 Amount Deferred as of 09-01-76
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	12-01-75 12-24-75		-22,500 11/			0
	D76-95		18,000	01-23-76 04-13-76		-18,000 12/			0
Resource conservation and development	D76-74		4,960	12-01-75 12-24-75		-4,960 13/			0
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400 6/	
	D76-35A		800	10-03-75 10-21-75				-800 7/	0
Food and Nutrition Service									
Special supplemental food program	D76-105		61,000	03-18-76 04-13-76		-61,000 14/			0
Forest Service									
Youth Conservation Corps	D76-101		23,680	02-06-76 03-10-76			-23,680 15/		0
Forest Roads and Trails	D76-36	[280,000]		07-25-75 01-22-76 07-06-76	-1,343			-278,657 6/	
	D76-36A		302,682	07-06-76				-35,000 16/	267,682
Expenses, Brush Disposal	D76-37	[27,113]		07-25-75 01-22-76 06-02-76 07-06-76	-2,040 -2,752 9/			-22,321 6/	
	D76-37A		22,321	07-06-76					22,321

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Licensee Programs	D76-38	[95]		07-25-75 02-06-76				-95 6/	
	D76-38A		153	02-06-76 06-02-76	-26 9/				127
TOTAL		419,885	777,279		-17,142	-246,460	-37,564	-603,758	292,240

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral.
6/ Subsequently incorporated in a supplementary report.
7/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral.
9/ This amount became available for obligation on July 1, 1976.
10/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
11/ Impoundment resolution H. Res. 915 passed the House on December 19, 1975, rejecting this deferral.
12/ Impoundment resolution H. Res. 1032 passed the House on April 12, 1976, rejecting this deferral.
13/ Impoundment resolution H. Res. 916 passed the House on December 19, 1975, rejecting this deferral.
14/ Impoundment resolution H. Res. 1129 passed the House on April 12, 1976, rejecting this deferral.
15/ Impoundment resolution S. Res. 385 passed the Senate on March 9, 1976, rejecting this deferral.
16/ New contract authority authorized in the Federal Aid Highway Act of 1976 for the Forest roads and trails program is not effective until it is appropriated. The adjustment reduces the deferral in order to correctly reflect the amount of (effective) budget authority deferred.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
General Administration Special foreign currency	D76-106		1,220	03-18-76 03-30-76	-1,220				0
National Oceanic and Atmospheric Administration Fisheries Loan Fund	D76-2	[7,252]		07-01-75 11-14-75 02-25-76 07-06-76				-769 1/ -1,489 2/ -4,994 3/	
	D76-2A		5,114	07-06-76					5,114
Promote and Develop Fishery Products	D76-3	[1,355]		07-01-75 12-30-75 02-25-76 07-06-76	-377			-173 1/ +516 4/ -1,321 3/	
	D76-3A		2,197	07-06-76					2,197
Fishermen's Guaranty Fund	D76-75	[152]		12-01-75 02-25-76 07-06-76	-102			-50 3/	
	D76-75A		153	07-06-76					153
Office of the Assistant Secretary for Science and Technology Scientific and Technical research and services	D76-76		1,187	12-01-75					1,187
Maritime Administration Ship construction	D76-107	[231,000]		03-18-76 07-06-76				-231,000 3/	
	D76-107A		247,000	07-06-76					247,000
TOTAL		239,759	256,871		-1,699			-239,280	255,651

1/ Reflects a revised unobligated balance brought forward from FY 1975.
2/ Reflects a reduction in estimated loan repayments.
3/ Subsequently incorporated in a supplementary report.
4/ Reflects higher estimates of gross receipts from customers duties on imported fishery products.

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STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75 09-09-75	-1,793,590				0
	D76-108		2,245,945	03-18-76 06-14-76	-873,897 1/				1,372,048
Military Construction, All Services	D76-5	[233,630]		07-01-75 06-27-75 07-29-75 08-25-75 09-04-75 10-06-75 10-15-75 10-24-75 11-03-75 11-03-75 12-04-75 12-09-75 01-06-76	-1,582 -1,752 -15,046 -5,515 -34,524 -16,415 -5 -32,798 -31,256			245 3,399 -98,381 2/	0
	D76-86	[596,074]		01-06-76 02-03-76 02-13-76 02-17-76 03-24-76 03-31-76 04-05-76 04-13-76 04-22-76 05-14-76 06-04-76 06-04-76 06-11-76 06-25-76 06-25-76 07-06-76	-4,766 -18,609 -11,248 -53,965 -35,653 -145,215 -48,718 -21,410 -6,743 -2,921 -12,891 1/ -58,668 -1,517 -1,517 1/			-173,750 3/	
	D76-86A		173,750	07-06-76 07-20-76 08-24-76	-3,825			+3,470	171,878
TOTAL		829,704	4,213,285		-3,234,046			-265,017	1,543,926

1/ This amount became available for obligation on July 1, 1976.
2/ Subsequently incorporated in D76-86.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76 04-15-76			-700 1/		0
Canal Zone Government Capital Outlays	D76-87		155	01-06-76 07-09-76	-155				0
Wildlife Conservation Military Reservations	D76-6	[432]		07-01-75 09-19-75 09-24-75 04-12-76 06-03-76 06-04-76 07-06-76	-13 4/			-13 2/3/ -31 2/ -1 3/ -159 3/ -215 5/	
	D76-6A		215	07-06-76					215
TOTAL		432	1,070		-168		-700	-419	215

1/ Impoundment resolution S. Res. 408 passed the Senate on April 14, 1976, rejecting this deferral.
2/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
3/ Reflects a decrease in anticipated receipts for the year.
4/ This amount became available for obligation on July 1, 1976.
5/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Health Services Administration									
Health Services	D76-57	[1,082]		10-20-75 01-06-76				-1,082 1/	0
	D76-57A		1,623	01-06-76 01-28-76				-1,623 2/	0
Indian Health Facilities	D76-39		1,000	07-25-75 03-10-76			-1,000 3/		0
	D76-97		13,908	01-23-76 03-10-76			-13,908 3/		0
National Institutes of Health									
National Cancer Institute	D76-58	[7,000]		10-20-75 01-06-76				-7,000 1/	0
	D76-58A		7,000	01-06-76 01-28-76				-7,000 2/	0
National Heart and Lung Institute	D76-59	[2,700]		10-20-75 01-06-76				-2,700 1/	0
	D76-59A		12,700	01-06-76 01-28-76				-12,700 2/	0
National Institutes of Dental Research	D76-60	[518]		10-20-75 01-06-76				-518 1/	0
	D76-60A		518	01-06-76 01-28-76				-518 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76 01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	[682]		10-20-75 01-06-76				-682 1/	0
	D76-61A		682	01-06-76 01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75 01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76 01-28-76				-5,812 2/	0
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75 01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76 01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76 01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75 01-06-76				-572 1/	0
	D76-64A		884	01-06-76 01-28-76				-884 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75 01-06-76				-2,753 1/	0
	D76-40C		4,910	01-06-76 01-28-76				-4,910 2/	0
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
	D76-115		4,000	07-28-76					4,000
Office of the Assistant Secretary for Health									
Assistant Secretary for Health	D76-65	[753]		11-18-75 01-06-76				-753 1/	0
	D76-65A		773	01-06-76 01-28-76				-773 2/	0
Scientific Activities Overseas (Special Foreign Currency)	D76-8	[3,652]		07-01-75 04-26-76				-3,652 1/	
	D76-8A		14,319	04-26-76 05-18-76	-2,012 6/				12,307
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75 10-10-75	-8,000				0
	D76-52		2,968	09-10-75 02-20-76	-2,968				0
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 4/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Higher Education	D76-9	[49,040]		07-01-75 07-06-76				-49,040 1/	
	D76-9A		272,616	07-06-76					272,616
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 4/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 4/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000 1/	0
	D76-45A	[2,000]		10-03-75 01-06-76				-2,000 1/	0
	D76-45B		3,000	01-06-76 01-28-76				-3,000 2/	0
Social Security Administration									
Limitation on Construction	D76-54	[14,910]		09-24-75 03-18-76				-14,910 1/	0
	D76-54A		15,098	03-18-76 05-21-76	-2,430 6/				12,668
Special Institutions									
Howard University	D76-10	[8,174]		07-01-75 11-18-75				-8,174 1/	0
	D76-10A	[12,225]		11-18-75 06-29-76 07-06-76	-3,279 6/			-12,225 1/	
	D76-10B		13,526	07-06-76 08-26-76				+1,541 7/	11,788

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75 07-15-75 11-06-75	-3,665 -390			-4,252 1/	0
	D76-11B	[4,252]		12-01-75 11-24-75 04-22-76 06-01-76 07-06-76	-558 -445 -500 6/			-401 5/ -2,348 1/	
	D76-11C		2,348	07-06-76					2,348
TOTAL		136,314	545,018		-48,411		-14,908	-302,286	315,727

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
3/ Impoundment resolution, S. Res. 366, passed the Senate on March 9, 1976, rejecting this deferral.
4/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.
5/ Reflects a revised unobligated balance brought forward from FY 1975.
6/ This amount became available for obligation on July 1, 1976.
7/ Reflects a revised unobligated balance brought forward into the transition quarter from FY 1976.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12	[25,847]		07-01-75 01-20-76 02-06-76	-947			-8,800 1/ -16,100 2/	
	D76-12A	[16,100]		02-06-76 04-13-76				-16,100 2/	
	D76-12B		20,000	04-13-76 06-18-76	-1,100 7/				18,900
Oregon and California grant lands	D76-102	[3,016]		02-06-76 07-06-76				-3,016 2/	
	D76-102A		3,272	07-06-76					3,272
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75 12-08-75			-1,030 3/		0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75 01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75 01-22-76 06-02-76	-1,212 -5,118 4/				0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					
				01-22-76	-7,270				
				06-02-76	-3,826				
				06-02-76	-10,374 4/				0
National Park Service Road Construction	D76-18	[238,092]		07-01-75					
				12-15-75	-1,000				
				01-20-76	-34,034				
				06-02-76	-5,700 7/			-58,500 5/	
				07-06-76				-138,858 2/	
	D76-18A		138,858	07-06-76					138,858
Geological Survey Payment from Proceeds, Sale of Water	D76-19	[29]		07-01-75					
				07-06-76				-29 2/	
	D76-19A		30	07-06-76					30
Bureau of Mines Mines and Minerals	D76-110		688	05-13-76					
				08-25-76		-688 8/			0
Drainage of Anthracite Mines	D76-46	[3,375]		07-25-75					
				07-06-76				-3,375 2/	
	D76-46A		3,725	07-06-76					3,725
Bureau of Indian Affairs Construction	D76-103		10,881	02-06-76					
				03-10-76			-10,881 6/		0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Road Construction	D76-20	[68,470]		07-01-75					
				02-06-76				-68,470 2/	0
	D76-20A	[69,339]		02-06-76					
				06-02-76	-28,000 7/				
				06-09-76	-10,000				
				07-06-76				-31,339 2/	
	D76-20B		31,339	07-06-76					31,339
TOTAL		425,298	268,773		-109,731	-688	-11,911	-345,617	226,124

1/ See rescission R76-40.
2/ Subsequently incorporated in a supplementary report.
3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.
4/ This amount became available for obligation on July 1, 1976 for the period July 1, 1976 through September 30, 1977.
5/ See rescission R76-41.
6/ Impoundment resolution, S. Res. 386, passed the Senate on March 9, 1976 rejecting this deferral.
7/ This amount became available for obligation on July 1, 1976.
8/ Impoundment resolution, H. Res. 1428, passed the House on August 24, 1976, rejecting this deferral.

UMI

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Law Enforcement Assistance Administration Salaries and expenses	D76-98		15,000	01-23-76 03-11-76		-15,000 1/			0
TOTAL			15,000			-15,000			0

1/ Impoundment resolution, H. Res. 1058, passed the House of March 4, 1976, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Employment and Training Administration Grants to States for Unemployment Insurance and Employment Services	D76-109	[15,000]		03-18-76 07-06-76				-15,000 1/	
			18,750	07-06-76 07-28-76	-18,750				0
Advances to the unemployment trust fund and other funds	D76-99	[1,800,000]		01-23-76 06-14-76 07-06-76	-900,000 2/			-900,000 1/	
	D76-99A		900,000	07-06-76					900,000
Departmental Management Special foreign currency program	D76-112		136	07-06-76					136
Working Capital Fund	D76-77		977	12-01-75 12-08-75	-977				0
Pension Benefit Guaranty Corporation Pension Guaranty Fund	D76-78		[1,431]*	12-01-75 06-02-76				[-1,431]*3/	0
TOTAL		1,815,000	919,863		-919,727			-915,000 [-1,431]	900,136

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

1/ Subsequently incorporated in a supplementary report.
2/ This amount became available for obligation on July 1, 1976.
3/ This deferral represented a retention in the revolving fund balance of an amount proposed by the Corporation for administrative expenses in 1976. No adjustment to the Corporation's proposals has been made for the transition quarter.

UMI

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D.C.	D76-66		2,572	11-18-75 05-27-76	-1,861 1/				711
Refugee and Migration Affairs Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		12-01-75 01-23-76				-28,493 2/	0
	D76-85A		28,493	01-23-76 03-31-76	-28,493				0
TOTAL		28,493	33,340		-30,354			-28,493	2,986

1/ This amount became available for obligation on July 1, 1976.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Coast Guard Acquisition, Construction and Improvements	D76-21	[707]		07-01-75 01-06-76				-707 1/	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration Construction, National Capitol Airports	D76-92	[8,679]		01-06-76 07-06-76				-8,679 2/	
	D76-92A		9,400	07-06-76					9,400
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75 11-24-75 01-06-76				-6,000 3/ -1,686 4/	0
	D76-93	[2,179]		01-06-76 07-06-76				-2,179 2/	
	D76-93A		2,299	07-06-76					2,299
Facilities and Equipment (Airport and Airway Trust Fund)	D76-33	[75,824]		07-01-75 07-06-76				-75,824 2/	
	D76-23A	[82,340]		07-06-76 08-24-76				-82,340 2/	
	D76-23B		276,101	08-24-76					276,101

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75 04-16-76	-90,000 5/				0
TOTAL		177,415	378,861		-90,000			-177,415	288,861

1/ Subsequently incorporated in D76-91.
2/ Subsequently incorporated in a supplementary report.
3/ P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."
4/ Subsequently incorporated in D76-93.
5/ The funds were released because of Congressional inaction on the related rescission request, R76-1.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24	[93,420]		07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,145				
				11-01-75	-41				
				12-01-75	-164				
				01-01-76	-84				
				03-01-76	-5				
				04-01-76	-21				
				05-01-76	-7,433				
				06-01-76	-13				
				07-01-76				+67 1/	
				07-06-76	-1,317			-81,000 3/	
	D76-24A	[81,000]		07-06-76					
				08-24-76				-81,000 3/	
	D76-24B		82,407	08-24-76					
				09-01-76	-457				81,950
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 2/		07-01-75					
				09-10-75				-38,391 2/3/	
	D76-25A	[57,587] 2/		09-10-75					
				10-20-75				-57,587 2/3/	
	D76-25B	[75,856] 2/		10-20-75					
				11-18-75				-75,856 2/3/	
	D76-25C	[75,856] 2/		11-18-75					
				01-23-76				-75,856 2/3/	
	D76-25D	[95,017] 2/		01-23-76					
				04-26-76				-95,017 2/3/	
	D76-25E	[113,732] 2/		04-26-76					
				07-06-76				-113,732 2/3/	
	D76-25F		113,732	07-06-76					113,732 2/

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
	D76-67	[11,833] 2/		11-18-75					
				12-01-75	-9,409 2/				
				01-01-76	-693 2/				
				02-01-76	-203 2/				
				04-01-76	-432 2/				
				07-01-76	-91 2/				
				07-06-76				-1,005 2/3/	
	D76-67A		1,096 2/	07-06-76					
				09-01-76	-496 2/				600 2/
Loans to the District of Columbia for Capital Outlay	D76-53	[39,370]		09-10-75					
				07-06-76				-39,370 3/	
	D76-53A		39,370	07-06-76					39,370
TOTAL		213,790BA 468,272O	121,777BA 114,828O		-12,944BA -11,324O			-201,303BA -457,444O	121,320BA 114,332O

1/ Reflects a payment to the fund.
2/ Outlays only.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Energy Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Operating Expenses	D76-116		16,000	07-28-76					
				07-22-76	-16,000 1/				0
TOTAL			16,000		-16,000				

1/ These funds were withheld temporarily pending program determinations. Prior to the actual transmittal of the special message, the funds were released for obligation.

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STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Research and Development	D76-79		2,000	12-01-75 12-22-75			-2,000 1/		0
	D76-80		4,600	12-01-75 12-22-75			-4,600 2/		0
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
	D76-81		3,750	12-01-75 12-22-75			-3,750 3/		0
	D76-82		10,000	12-01-75 12-22-75			-10,000 4/		0
	D76-83		15,000	12-01-75 12-22-75			-15,000 5/		0
TOTAL			39,350		-4,000		-35,350		0

1/ Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
2/ Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
3/ Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
5/ Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Rare Silver Dollar Program	D76-48	[1,790]		07-25-75 02-06-76				-1,790 1/	
	D76-48A		1,850	02-06-76 06-06-76	-100 2/				1,750
TOTAL		1,790	1,850		-100			-1,790	1,750

1/ Subsequently incorporated in a supplementary report.
2/ This amount became available for obligation on July 1, 1976.

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STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Research and Program Management	D76-84		2,900	12-01-75 05-26-76	-2,900				0
TOTAL			2,900		-2,900				0

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 09-01-76
Community Services Administration Economic Opportunity Program Emergency Energy Conservation Services	D76-49		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Federal Energy Administration Strategic Petroleum Reserve Office Strategic Petroleum Reserve	D76-117		299,000	07-28-76	-131,500 2/				167,500
Foreign Claims Settlement Commission Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75 04-27-76	-1,000				0
	D76-111		500	05-13-76 06-16-76	-500 3/				0
Interstate Commerce Commission Payment for directed rail services	D76-94		13,700	01-06-76					13,700
National Science Foundation Salaries and expenses	D76-100	[10,000]		01-23-76 07-06-76				-10,000 4/	
	D76-100A		10,000	07-06-76					10,000

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 09-01-76
National Commission on the Observance of International Women's Year, 1975									
Salaries and expenses	D76-113		4,427	07-06-76					4,427
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75					
				10-01-75	-600				
				12-09-75	-900				0
TOTAL		10,000	372,208		-149,000		-16,500	-10,000	206,708
TOTAL, ALL DEFERRALS		4,297,880BA 468,272O	7,978,445BA 114,828O		-4,641,522BA -11,324O	-297,498BA	-81,583BA	-3,090,378BA -457,444O	4,165,344BA 114,332O

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.
2/ This deferral was reduced to $167,500,000 on July 1, 1976.
3/ This amount became available for obligation on July 1, 1976.
4/ Subsequently incorporated in a supplementary report.

[FR Doc.76-27123 Filed 9-13-76;3:14 pm]

federal register

WEDNESDAY, SEPTEMBER 15, 1976

PART VI:

COMMUNITY SERVICES ADMINISTRATION
ENVIRONMENTAL PROTECTION AGENCY
FARM CREDIT ADMINISTRATION
FEDERAL RESERVE SYSTEM
FEDERAL TRADE COMMISSION
MARINE MAMMAL COMMISSION

PRIVACY ACT OF 1974

Systems of Records

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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V41180 PES 151 769

COMMUNITY SERVICES ADMINISTRATION
PRIVACY ACT OF 1974
Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 45328, 45329, 45330, 45331, and 41 FR 19098 and 19099 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Samuel R. Martinez,
Director.

PREFATORY STATEMENT OF GENERAL ROUTINE USES FOR THE COMMUNITY SERVICES

Administration Systems of Records

The following routine uses apply to and are incorporated by reference into, each system of records set forth below:

(1) In the event that records in this system of records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Furthermore, presentation of evidence and disclosure to counsel for litigants before any court, magistrate, or administrative tribunal, or in the normal process of discovery attendant to such litigation or procedures shall constitute a routine use of records in this system of records.

(2) Records from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Records from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) A record from this system of records may be disclosed, as a routine use, to a member of Congress seeking information concerning the individual, but only when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

Geographical Guidance for Accessing Systems of Records

Many CSA systems of records are maintained wholly or partially in the CSA Regional Offices. To facilitate access to such records, a listing of the CSA Regional Offices, the states served thereby, their addresses and telephone numbers are provided:

Region I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. John F. Kennedy Federal Building, Room E400, Boston, Massachusetts 02203 (617) 223-4025.

Region II

New Jersey, New York, Puerto Rico, Virgin Islands. 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264-1900.

Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Gateway Building, 3535 Market Street, Room 2260, Philadelphia, Pennsylvania 19104 (215) 597-1000.

Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. 730 Peachtree Street, Room 1100, N.E., Atlanta, Georgia 30308 (404) 526-3172.

Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606 (312) 353-5987.

Region VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas. 1200 Main Street, Room M130, Dallas, Texas 75202 (214) 749-1301.

Region VII

Iowa, Kansas, Missouri, Nebraska. 911 Walnut Street, Room 1300, Kansas City, Missouri 64106 (816) 374-3364.

Region VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Federal Building, 1961 Stout Street, Room 12424, Denver, Colorado 80202 (303) 837-4767.

Region IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories. 100 McAllister Street, Room 1407, San Francisco, California 94102 (415) 556-3706.

Region X

Alaska, Idaho, Oregon, Washington. Arcade Plaza Building, Mail stop 105A, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-4910.

INDEX OF COMMUNITY SERVICES ADMINISTRATION

Systems of Records Under The Privacy Act of 1974

CSA 1 Employee Applicants for Upward Mobility Program.
CSA 2 Employee Attendance, Leave & Payroll Records.
CSA 3 Employee Employment History.
CSA 4 Employee Suggestion System.
CSA 5 Employee of CSA and Other Government Agencies & Invited Travelers' Travel Records.
CSA 6 Freedom of Information Act Requests for Records.
CSA 7 Inspection Reports on Grantees, Contractors and CSA Employees.
CSA 8 Employee and Personnel System.
CSA 9 Contractor Employee, Equal Employment Opportunity System.
CSA 10 Federal Employee Compensation Act System.
CSA 11 Federal Motor Vehicle Accident Reporting System.
CSA 12 Employee Equal Employment Opportunity System.
CSA 13 Grantee Employee Equal Employment Opportunity System.
CSA 14 Grantee Officer and Employee Biographical and Professional Information Supplied to CSA.

CSA—1

System name: Employee Applicants for Upward Mobility Program—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: CSA employees making application for crossover positions.

Categories of records in the system: Applications include, name, address, social security number, job title, grade, service time, sex, organizational element, present supervisor, work experience, education, training, awards, association memberships, co-worker evaluation and job evaluation.

Authority for maintenance of the system: FPM Chapter 410, EEO Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms in file folders.

Retrievability: Filed by name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained for one year or until employee resigns, transfers or retires, then destroyed.

System manager(s) and address: Training Officer, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors and coworkers.

CSA—2

System name: Employee Attendance, Leave & Payroll Records—CSA

System location: See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets, N.W., Washington, D.C.)

Categories of individuals covered by the system: Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

Categories of records in the system: Individual employee pay data and leave records which include a pay folder containing copies of Allotment Forms, Health Benefit Forms, SF-50 Personnel Action forms, Payroll Listing and Tax Deductions. The system also produces Master Earnings History Files and numerous reports such as Bond Listings, Tax Withholdings, W-2 Listings with addresses, etc. The records contain name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action." The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 6, GAO Policy and Procedures Manual, pursuant to 5 U.S.C. and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paychecks to employee and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Reporting of: tax withholdings to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to the employee union; withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; employee retirement data to the Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and computer-produced paper copy, and magnetic tape.

Retrievability: By name of employee and/or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Chief, Financial Policies, Procedures & Payroll Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisor, timekeepers, official personnel records and IRS.

CSA—3

System name: Employee Employment History—CSA

System location: See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets N.W., Washington, D.C.)

Categories of individuals covered by the system: Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

Categories of records in the system: Data relating to the employment of each CSA employee including name, social security number, position title, organizational element, veterans preference, entrance on duty date, pay plan and occupational code, last promotion date, tour of duty, total federal service date, salary grade and step, retirement system, within-grade due date, actual salary, position type, physical handicap, educational level, appointment status, college major, birth date, and related data necessary to maintain the accuracy of the file.

Authority for maintenance of the system: Title 5, U.S.C. Sections 1302, 2951, 4118, 4308, and 4506.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

To provide information to a prospective employer of a Government employee.

To provide statistical and background information to Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained on magnetic tape.

Retrievability: By social security number/name.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance when open, is restricted to authorized personnel only. All personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site, then disposed of, or transferred to Federal Records Storage Centers, as appropriate, in accordance with General Record Schedules of GSA.

System manager(s) and address: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in

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Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors and official personnel records.

CSA—4

System name: Employee Suggestion System—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: Current and past employees of CSA.

Categories of records in the system: Name, position title, grade, social security number, organization element, appraisal of suggestion and supervisory evaluator's name.

Authority for maintenance of the system: FPM Chapter 451-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms and description of suggestion in file folders.

Retrievability: File is retrieved by individual's name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained two years after close of case and then destroyed.

System manager(s) and address: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individual and evaluators of suggestion.

CSA—5

System name: Employees of CSA and Other Government Agencies & Invited Travelers' Travel Records—CSA

System location: Paper records, see System Manager Title and address below. Supporting records are maintained in other offices at Headquarters and each of the Regional Offices listed under Geographical Guidance above. Magnetic tape records are at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Employees of CSA, members of CSA Advisory Committees, other government agency employees and private persons traveling under invitation on official program matters.

Categories of records in the system: Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed and amounts reimbursed; travel orders, travel vouchers and receipts.

Authority for maintenance of the system: Chapter 57, Subchapter I of U.S.C. 5, Budget & Accounting Act of 1921, Accounting & Auditing Act of 1950, and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to GAO for audit support of Accountable Offices and internally to support disbursement of Federal funds.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and computer-produced paper copy, and magnetic tape.

Retrievability: Filed by name, social security number or travel order number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All processing personnel, including computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained according to GSA Federal Travel Regulations and on site until after GAO audit, then disposed of, or transferred to Federal Records Storage in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Chief, Finance & Grants Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Room 320, Washington, D.C. 20506.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors, and finance or accounting office standards references.

CSA—6

System name: Freedom of Information Act Requests for Records—CSA

System location: See System Manager's Title and location below. Supporting records are maintained in other offices at Headquarters and the Regional Offices.

Categories of individuals covered by the system: Individuals who have requested records from CSA under the provisions of the Freedom of Information Act, as amended.

Categories of records in the system: Name, address, and telephone number of requester; description or identification of records requested, furnished and/or denied; dates of request and response; amount of fees paid, reduced or waived, if any; payment delinquencies, if any; appeals of denials, final determinations; and names and titles of denying officials and determining officials.

Authority for maintenance of the system: Freedom of Information Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Annual Report to the Congress under section (d) of the Freedom of Information Act, as amended, and available for public inspection at all times. Also see routine use paragraphs of the Prefatory Statement above.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence in file folders, manual chronological log, suspense control card file and accounts receivable record.

Retrievability: Filed by requester name and/or chronological dates of action steps.

Safeguards: Records are retained in locked furniture in secured rooms with access limited to those whose official duties require access, and under supervisory controls as defined in the CSA Rules and Regulations published in the Federal Register.

Retention and disposal: Retained on site, then disposed of, or transferred to Federal Records Storage Center, as appropriate, in accordance with General Record Schedules of GSA.

System manager(s) and address: FOIA Records Officer, Office of Administration, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20560.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Requesters for information under FOIA and CSA officials and employees engaged in processing or making determinations on FOIA requests.

CSA—7

System name: Inspection Reports on Grantees, Contractors, and CSA Employees—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: Inspection reports of investigations in complaints alleging misfeasance, malfeasance and nonfeasance by employees of CSA, grantees, contractors and consultants.

Categories of records in the system: Name, address, date and place of birth, citizenship, physical characteristics, employment history, financial records, education, arrest records, Federal employee's relatives, names of spouses, relatives, references, personal associates, activities and conflict of interest.

Authority for maintenance of the system: Title 18 U.S.C. including sections 201, 287, 508, 641, 1001, and 1913 and sections 602, 603, and 626 of the Community Services Act of 1974 (42 U.S.C. 2942, 2943, and 2971f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by Grantees, Regional Officer, and/or individual respondents against whom complaints have been filed.

Safeguards: Padlock, bar type filing cabinets and used only by authorized screened personnel.

Retention and disposal: Retired to Federal Records Center 3 years after close of case.

System manager(s) and address: Chief, Inspection Division, Office of General Counsel, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

Notification procedure: Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position and title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to facilitate the enforcement of the Community Services Act of 1974 and other relevant statutes, and to avoid revealing and endangering sources of information.

CSA—8

System name: Employee and Personnel System—CSA

System location: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notices by the Civil Service Commission in the Federal Register (40 FR 40782), August 27, 1975.

CSA—9

System name: Contractor Employee, Equal Employment Opportunity System—CSA

System location: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notice on Equal Employment Opportunity under E.O. 11246, as amended—published by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

CSA—10

System name: Federal Employee Compensation Act System—CSA

System location: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information related to this system of records is contained in the published notices by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

CSA—11

System name: Federal Motor Vehicle Accident Reporting System—CSA

System location: Chief, Office Services, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Property Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notices by the General Services Administration in the Federal Register (40 FR 39137), August 27, 1975.

CSA—12

System name: Employee Equal Employment Opportunity System—CSA

System location: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

Categories of individuals covered by the system: Current and past employees and applicants for employment with CSA and its predecessor agency, the Office of Economic Opportunity, who have filed a complaint of discrimination against CSA.

Categories of records in the system: Name, address, date and place of birth, race, religion, sex, age, education, employment history, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

Authority for maintenance of the system: 5 U.S.C. 7151; 42 U.S.C. 2000e et seq.; Executive Order 11478; 5 Code of Federal Regulations 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files may be disclosed to the Civil Service Commission and the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Complaint records stored in file folders in locked file cabinets.

Retrievability: File is retrieved by complainant's name or complainant docket number.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained five years after close of case, then destroyed.

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System manager(s) and address: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and the Equal Employment Officer at each CSA Regional Office (see Geographical Guidance for Accessing Systems of Records, 40 FR 45328, October 1, 1975).

Notification procedure: Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

CSA—13

System name: Grantee Employee Equal Employment Opportunity System—CSA

System location: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

Categories of individuals covered by the system: Current and past employees and applicants for employment with CSA or OEO grantees who have filed a complaint of discrimination.

Categories of records in the system: Name, address, date and place of birth, race, religion, sex, age, education, employment history, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

Authority for maintenance of the system: 42 U.S.C. 2000d; 42 U.S.C. 2971c; Executive Order 11764.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files may be disclosed to the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Complaint records stored in file folders in locked file cabinets.

Retrievability: File is retrieved by complainant's name or complainant docket number.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained five years after close of case, then destroyed.

System manager(s) and address: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and the Equal Employment Officer at each CSA Regional Office (see Geographical Guidance for Accessing Systems of Records, 40 FR 45328, October 1, 1975).

Notification procedure: Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

CSA—14

System name: Grantee Officer and Employee Biographical and Professional Information Supplied to CSA—CSA

System location: At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance for Accessing Systems of Records," in the October 1, 1975 Federal Register at 40 FR 45328; for all Headquarters grants, including title VII, Economic Development, the Chief, Financial Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

Categories of individuals covered by the system: Current and past officers, board members and employees of grantee organizations funded by the Community Services Administration.

Categories of records in the system: Names and addresses of policy advisory members of grantee boards, councils and committees, and biographical information for individuals selected or promoted to fill certain top grantee positions, including place and date of birth, citizenship, professional and educational experience, and organizational affiliations.

Authority for maintenance of the system: 42 U.S.C. 2791, 2795, and 2796.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See prefatory CSA routine use paragraphs appearing at 40 FR 45328.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: File is retrieved by organization name of the employing grantee organization and then searched by individual name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Retained on-site, then disposed of or transferred to Federal Records Storage Centers as appropriate, in accordance with General Record Schedules of CSA.

System manager(s) and address: At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance for Accessing Systems of Records." 40 FR 45328; CSA Headquarters, Chief, Finance and Grants Management—see system location.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in the October 1, 1975 issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in the October 1, 1975 issue of the Federal Register.

Record source categories: Subject individuals and officers of the grantee organization.

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ENVIRONMENTAL PROTECTION AGENCY
(FRL 610-8)

PRIVACY ACT OF 1974
Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the U.S. Environmental Protection Agency hereby publishes the systems of records as currently maintained by the Agency. The systems were originally published at Federal Register Vol. 40, No. 224, pages 53582-53584, Wednesday, November 19, 1975. Changes not previously published in the Federal Register are itemized below.

At EPA-2, following the paragraph beginning with "The records system may include files covering employee relations . . ." and at EPA-4, following the entire text, insert the following:

"Systems exempted from certain provisions of the Act: Pursuant to 5 U.S.C. 522a(k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements."

Dated: August 30, 1976.

Alvin L. Alm,
Assistant Administrator for Planning and Management.

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to and are incorporated by reference into each system of records set forth below:

1. In the event that a record within this system of records maintained by the Environmental Protection Agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the Member of Congress informs the System Manager that the individual to whom the record pertains has authorized the Member of Congress to have access to the record.

EPA—1

System name: Payroll System (Departmental Integrated Payroll System; Payroll Accounting Master File; and Detail History File)— EPA

System location: U.S. Geological Survey Computer Facility, Reston, Virginia, 20244, HSMA Computer Facility, DHEW, Parklawn Bldg., Rockville, Maryland, 20203; Financial Management Division, EPA 401 M Street, S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees.

Categories of records in the system: Salary and related payroll cost data and reports.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3301; Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a) and sections of 112(a) and 113 of Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To conduct all necessary and appropriate intra-agency payroll activities. To furnish information U. S. Treasury requires to issue paychecks and distribute pay according to employees' directions. To report tax withholding to IRS and appropriate State and local taxing authorities; FICA deductions to SSA; dues deductions to labor unions; withholdings for health and life insurance to insurance carriers and U.S. C.S.C.; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual. Also see routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer records maintained on tape, others on paper.

Retrievability: Name and employee number.

Safeguards: Paper records in locked metal file cabinets and automated filing banks within locked room.

Retention and disposal: Retained and disposed of according to (proposed) EPA Records Control Schedules, Appendix B, Records Management Manual.

System manager(s) and address: Chief, Payroll Accounts Office, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Individuals, supervisors, timekeepers, official personnel records, IRS.

EPA—2

System name: General Personnel Records--EPA

System location: (a) Personnel Management Division, EPA 401 M St., S.W., Washington, D. C. 20460.

(b) EPA, Rm. 2211, John F. Kennedy Federal Bldg., Boston, MA 02203
(c) EPA, Rm. 1032, 26 Federal Plaza, New York, NY 10007
(d) EPA, Curtis Bldg., 6th and Walnut Sts., Phila., PA, 19106
(e) EPA, Suite 300, 1421 Peachtree St., N.E., Atlanta, GA, 30309
(f) EPA, 230 S. Dearborn, Chicago, IL, 60604
(g) EPA, 1600 Patterson St., Suite 1100, Dallas, TX, 75202
(h) EPA, 1735 Baltimore Ave., Kansas City, MO 64108
(i) EPA, Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO, 80203
(j) EPA, 100 California St., San Francisco, CA, 94111
(k) EPA, 1200 Sixth St., Seattle, WA, 98101
(l) EPA Laboratory, P.O. Box 15027, Las Vegas, NV, 89114
(m) EPA Laboratory, 5555 Ridge Ave., Cincinnati, OH, 45268
(n) EPA, Research Triangle Park, NC 27711
(o) EPA, Office of Mobile Source Air Pollution Control, 2565 Plymouth Rd., Ann Arbor, MI, 48105

Categories of individuals covered by the system: Employees of EPA and applicants for EPA employment.

Categories of records in the system: Nonpermanent personnel records not required to be maintained by the CSC.

Authority for maintenance of the system: 5 U.S.C. 301, implemented by 5 CFR Parts 293 and 297.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in the records are used to carry out authorized personnel programs. Routine uses include: Review of employment histories of employees and applicants. Identification of high potential employees designated under the Agency executive development program. Review of developmental needs of high potential employees and current managers GS-15 and above. Review of status of employees participating in special counseling or developmental programs. Identification of candidates for job vacancies.

The records system may include files covering employee relations, individual development plans for high potential employees, individual development plans for current managers GS-15 and above, ACCENT program, Academic Career Advancement pro-

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gram, counseling programs, exit interviews, and voluntary applications. All of the above files are not maintained at each Headquarters/field location. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and generally, in locked cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of is limited to those persons whose official duties require such access.

Retention and disposal: Records of employees are kept manually and are generally maintained until the individual terminates his employment with EPA. Records of applicants are kept manually and are destroyed or returned after one year.

System manager(s) and address: For records at location (a)—Director, Personnel Management Division, (address as given in Systems location above). For records located at (b) to (o)—Personnel Officers (address as given in Systems location above).

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Information in this system comes from the individual to whom it applies or is derived from information provided by Agency officials.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 522a(k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements.

EPA—3

System name: Health Unit and Stress Lab Medical Records—EPA

System location: EPA Health Unit, Room 3228, WSM, and EPA Stress Lab, Room 2915, WSM, 401 M Street, S. W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees, contract employees, and EPA visitors requiring or requesting medical attention and full-time EPA employees participating in Stress Lab.

Categories of records in the system: Medical histories and treatment records.

Authority for maintenance of the system: OMB Circular No. A-78, EPA Contract for Health Care.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To document single incidences of walk-in patients, symptoms and treatment, and to maintain a continuing history file on each patient. To document the treatment of those patients requiring the recurring administration of allergy shots and other shots, such as travel immunizations. To document physicals, complete with histories and lab reports, of those 500 employees so examined annually. (Physicals limited to those in grades 14 and above and those over age 40 in grades 11, 12, and 13.) To document requested screenings of patients for various illnesses and conditions through the use of diagnostic tools and tests. For referral of patients to private doctors for treatment, as indicated. To evaluate cardiac status of exercise program participants and the individual desirability of such a program. To detail for patient and personnel specifics and exercise treatment program.

Users of the system are restricted to contracted health personnel, patients, and, upon patient approval, to the patient's private doctor. Also see routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records, primarily handwritten or typed cards, forms, files, and EKG graphs, are stored in locked file cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of system is limited to Health Unit and Stress Lab personnel, patients, and, upon patient approval, the patient's doctor. All materials are under lock and key. (Records relating to psychiatric matters may not be made available to a patient, if the physician deems it imprudent, but may be released upon patient approval to the patient's designated physician.)

Retention and disposal: Records maintained until employee leaves Agency, when employee may take permanent possession of same. Should employee not take possession, sealed records are sent to Personnel Office for inclusion in official personnel folder, which is sent to Federal Records Center in St. Louis for retention or to new Federal employer, as appropriate.

System manager(s) and address: Assistant Director for Operations, Personnel Management Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to Systems Manager.

Record source categories: Patients, patient's doctors, on approval of patient, accident/incidence of illness witnesses, family members of patients, and past Federal employer medical records.

EPA—4

System name: Inspection Branch Reports—EPA

System location: Security and Inspection Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees, or persons or firms under contract to EPA or receiving grants from EPA, suspected of having committed illegal or unethical acts.

Categories of records in the system: Contains investigative case file of any person or firm suspected of having committed illegal or unethical acts.

Authority for maintenance of the system: Title 28, U.S. Code, Section 535(b), and EPA Order 3120.1, dated September 8, 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records reviewed and cases investigated within EPA for illegal or unethical acts. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In individual case files.

Retrievability: Indexed by name or type of violation.

Safeguards: Records are maintained in a vault room secured by a Class 6 manipulation proof three-way combination lock on the vault door, an ultrasonic space alarm, and contact points on the door.

Retention and disposal: Held 10 years after investigation is completed and then destroyed by fire.

System manager(s) and address: Chief, Inspection Branch, Security and Inspection Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Requests should be addressed to system manager.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Individual on whom the record is maintained, fellow workers, acquaintances, concerned citizens, phone calls, letters, law enforcement agencies.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 522a(k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements.

EPA—5

System name: Personnel Security File System—EPA

System location: Security and Inspection Division, EPA, 401 M St., S.W., Washington, D.C. 20460.

Categories of individuals covered by the system: EPA employees and consultants in sensitive and nonsensitive positions and applicants for sensitive positions within EPA.

Categories of records in the system: Full field investigations, national agency checks and inquiries from prior employers, credit checks, and local police checks on the individual and any other checks necessary to further develop questionable suitability/ security information. May contain copies of the SF-85, SF-86, and the SF-171, furnished by the individual, depending on the sensitivity of the position the individual occupies or will occupy.

Authority for maintenance of the system: E.O. 10450, E.O. 11652, and Atomic Energy Act of 1954, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information used with E.O. 11652, E.O. 10450, Civil Service Regulations, and the Federal Personnel Manual to issue a security clearance and/or to make suitability determinations on hiring or retention of EPA employees. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By name.

Safeguards: When not in use, within a vault room which has a three-way combination locked door with a contact alarm and an ultrasonic alarm system. Within the vault room, the files are also stored within either a key-locked or three-way combination power file or security cabinet. Access to this vault room is limited to EPA Security and Inspection Division personnel.

Retention and disposal: Procedures require a one-year retention after the employee terminates employment with EPA. Upon termination, the Civil Service Commission investigative reports are destroyed by shredding as is the remainder of the file unless the personnel security file contains derogatory information. If the file contains derogatory information, it is forwarded to the Federal Record Center for retention for 20 years.

System manager(s) and address: Director, Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Direct written requests to the system manager. The request should include requester's full name, date and place of birth, and social security number and signature to preclude erroneous identification. A comparison of the signature of the requester and those in the record will be made to determine identity prior to any release.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Sources vary, but normally could include information furnished by the subject, background data furnished through investigations by authorized Federal investigatory agencies; local police department checks; former employers' inquiries; credit inquiries; and educational institutions inquiries.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (k)(2), and (k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements.

EPA—6

System name: Security Computer Program System—EPA

System location: Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: Security clearance status of EPA employees or consultants and terminated employees who have been processed through the Security and Inspection Division.

Categories of records in the system: Security computer programs are a subsystem of the Personnel Computer System. Security data is entered into the system as follows: social security number, type of investigation requested, position sensitivity, type security clearance requested, place of birth, type of clearance granted, date of clearance, agency conducting investigation, ERDA clearance, date of ERDA clearance and ERDA file number. Only security clearance information applicable to the individual in his EPA position is listed. Other data listed on the Personnel Computer System is retrievable under the security computer programs, such as name, date of birth, organization, geographical location, etc., and is retrievable through matching of the social security number.

Authority for maintenance of the system: E.O. 10450 and E.O. 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use is limited to exchanges between EPA offices requiring clearance data prior to release of classified information. Records of this system of records may be disclosed as 'routine use' to security representatives of Federal, State, or local agencies or to Government contractors performing classified work where security clearance information is required under a statute, or by regulation, rule or order issued pursuant thereto, to permit EPA employees access to classified national security information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc-pack on line with the computer contractor with a backup file stored off line.

Retrievability: By Security and Inspection Division personnel via a low-speed remote terminal utilizing IRS Wilbur computer language and is printed out on a remote printer. Access to security computer program is gained by using account names, initials, and key words known only to personnel working directly with the system.

Safeguards: Printouts obtained from the system are stored, when not in use, within a vault room which has a three-way combination locked door and an ultrasonic alarm system. Access to the printout information is limited to EPA Security and Inspection Division Personnel.

Retention and disposal: Clearance information is maintained in an active file until the employee terminates. Subsequent to the employee's termination, the clearance information is removed from the active file, placed in a terminated file, and maintained for archival purposes.

System manager(s) and address: Director, Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries should be addressed to system manager as above.

Record access procedures: Direct written requests to system manager. Request should include subject's full name, date and place of birth, and social security number to preclude erroneous identification. A comparison of the signature of the requester and those of record will be made to determine identity prior to any release.

Contesting record procedures: Requests should be addressed to the system manager as above.

Record source categories: Sources for this information are obtained from the Personnel Security File and the Personnel Computer System maintained on subject.

EPA—7

System name: Travel Voucher Folders, Advance Cards, and Payee Files— EPA

System location: Financial Management Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: Employees of EPA, consultants, and private citizens who travel or perform services for EPA.

Categories of records in the system: Travel vouchers with reimbursable details for specific trips. Travel advance cards with details of advances received and trip expenses applied. Payee files with itemized invoices.

Authority for maintenance of the system: Travel Expense Amendments Act of 1975 (P.L. 94-22); Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses; Subgroups of files are used to determine amounts due an individual for authorized and official travel for EPA, and conduct other payee-related activities. Transmittal to U.S. Treasury for payment. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual

Retrievability: Name

Safeguards: Voucher files are kept in locked room. Advance cards in lockable metal file cabinets. Payee files in locked cabinets.

Retention and disposal: Retained and disposed of according to (proposed) EPA Records Control Schedules, Appendix B, Records Management Manual.

System manager(s) and address: Accountant-In-Charge, Financial Management Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

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Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Individual, supervisors, and finance (or accounting) office standard references.

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FARM CREDIT ADMINISTRATION
PRIVACY ACT OF 1974
SYSTEMS OF RECORDS

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 41731, 41732, 41733, 41734, 41735, 41736, 41737, 41738 (September 8, 1975), 40 FR 60111 (December 31, 1975), and 41 FR 24625 (June 17, 1976) continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

W. M. Harding,
Governor, Farm Credit Administration.

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FCA—1

System name: General Personnel Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Current FCA employees.

Categories of records in the system: Official Personnel Folder and employee service record card which contains a summary of all personnel actions and pay change actions during employment of the individual in FCA.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish information (name, permanent or temporary status, how long employed, position, grade, salary) to other Government agencies, commercial or credit organizations, or verification of employment to prospective employers or personnel directors of Farm Credit Banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Employee service record cards are maintained in a Kardex binder. Official Personnel Folders are maintained in file folders.

Retrievability: Cards and Folders are arranged alphabetically by name.

Safeguards: Cards and Folders are kept in lockable cabinets.

Retention and disposal: Employee service record cards are retained for the life of the record. Official Personnel Folders are sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FCA—2

System name: Former Employee Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Categories of individuals covered by the system: Former FCA employees.

Categories of records in the system: Employee service record cards containing a summary of all personnel actions and pay change actions during FCA employment period and disposition of Official Personnel Folder. Photocopies of retirement records. Cards showing name, date of birth, social security number, and disposition of Official Personnel Folder of separated employees.

Authority for maintenance of the system: 12U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish certain information (name, permanent or temporary status, how long employeed, position, grade, salary) to other Government agencies, commercial or credit organizations, verification of employment to former employees, prospective employers, or personnel directors of Farm Credit banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or

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retention of an employee, the issuance of a security clearance, the reporting of, an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards are maintained in a Kardex binder and in a cabinet. Photocopies of retirement records are stored in a lockable shelf cabinet.

Retrievability: Cards and photocopies are arranged alphabetically by name.

Safeguards: Records are kept in an area locked after business hours and are maintained only by FCA files employees.

Retention and disposal: Life of the record.

System manager(s) and address: Director, Personnel Div ision, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FCA—3

System name: Upward Mobility Skills Survey—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees at GS-9 level and below or equivalent.

Categories of records in the system: Records consist of personal history, interests and traits, education and work experience.

Authority for maintenance of the system: 12 U.S.C. 1981 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used for career counseling, merit promotion, manpower utilization, and upward mobility.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsiblity of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Alphabetical listing by name.

Safeguards: Records are kept in locked file except when used by Upward Mobility Coordinator and/or Upward Mobility Selection Panel.

Retention and disposal: Records are retained until employee leaves FCA and then destroyed.

System manager(s) and address: Upward Mobility Coordinator, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records is completed on a voluntary basis by the individual to whom it applies.

FCA—4

System name: Group Accident Insurance Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S. W., Washington, D. C. 20578

Categories of records in the system: Records consist of listings of persons who elect to participate in program and the amount of coverage selected.

Authority for maintenance of the system: 12 U. S. C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by agency officials to ascertain coverage, to notify carrier of participants, and to provide information to the individual.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are located in lockable file cabinets.

Retention and disposal: Records are retained until program is discontinued.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S. W., Washington, D. C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S. W., Washington, D. C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: The individual to whom the record pertains.

FCA—5

System name: Employee reports of financial interests and employment—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: "Confidential Statement of Employment and Financial Interests" required of certain employees. Contains statement of financial interests of the employee and of members of his immediate household as well as any other employment of the FCA employee.

Authority for maintenance of the system: E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Uses by authorized FCA personnel for ascertaining conflicts or apparent conflicts of interest and recommending or taking appropriate action.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are maintained alphabetically by name.

Safeguards: Records are kept in a closed safe with combination lock except when being used by authorized personnel who are instructed as to their confidentiality and permitted use.

Retention and disposal: Maintained by FCA until the employee leaves the agency and then destroyed.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S. W., Washington, D. C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S. W., Washington, D. C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Employee filing the report.

FCA—6

System name: Farm Credit Bank Personnel Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Current employees of the Farm Credit banks who occupy senior officer positions; and former employees of such banks who occupied senior officer positions and have terminated employment within last five years.

Categories of records in the system: This system consists of copies of various records relating to personnel actions and determinations made concerning individuals occupying senior officer positions in the Farm Credit banks. The Personnel Folder contains information about the individual including date of birth, past and present salaries, position titles, personnel action forms which document actions, including but not limited to, appointment, reassignment, promotion, pay changes, separation, correspondence and justifications for salary increases, biographical data and awards. The service record card contains a chronology of the personnel actions taken, and also includes identifying data including name, date of birth, address and previous employment history.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) by agency officials for purposes of review in connection with appointments, promotions, pay changes and other determinations requiring FCA concurrence;

(b) to provide information to Farm Credit bank directors of personnel on length of service;

(c) to provide information for agency use in preparation of statistical reports;

(d) as a data source for management information in responding to inquiries or developing statistical data for other Federal agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Records are maintained in file folders, Kardex binders, and index file drawers.

Retrievability: Records are indexed by combination of name and date of birth.

Safeguards: Records are located in lockable metal file cabinets.

Retention and disposal: After termination, the personnel folder is retained for one year beyond separation date and then destroyed. The service record card is retained for the life of the record.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D. C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by directors of personnel of the Farm Credit banks.

FCA—7

System name: Employee attendance, leave, and payroll records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: Records consist of manual files containing payroll-related information for FCA employees which consists of various forms containing on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee including rate and amount of pay, hours worked, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, other financial deductions, mailing addresses, and home addresses.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Information in this record system may be disclosed as a routine use to Federal, State and local taxing authorities concerning compensation to employees or contractors for personal services; to the Civil Service Commission, Department of the Treasury, Department of Labor and other Federal agencies concerning pay, benefits, and retirement of employees; to Federal employees health benefits carriers concerning health insurance of employees; to financial organizations concerning employee savings account allotments and net pay to checking accounts; to State human resource offices administering unemployment compensation programs; to educational and training organizations concerning employee qualifications and identity for specific courses; and to heirs, executors and legal representatives of beneficiaries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders; on pay cards, retirement cards, and leave cards.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained only by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial and payroll-related records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individual on whom the record is maintained. FCA employees who approve records.

FCA—8

System name: Employee travel and vendor voucher files—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees and other individuals who provide products and services to FCA.

Categories of records in the system: Records consist of travel vouchers, vendor vouchers, and supporting documentation.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide records of reimbursement to employees for expense incurred while in official travel status and to provide reimbursement to other individuals for products and/or services received.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinanet information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a con-

tract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Travel vouchers are filed in individual folders for each employee; vendor vouchers are filed in folders.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals executing records. FCA employees auditing and approving vouchers.

FCA—9

System name: Financial Management Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees and individuals conducting business with FCA.

Categories of records in the system: Records supporting the FCA financial management system, including employee travel advance records, records of budget formulation and execution, for FCA administrative expenses, and other financial records.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records serve as the source for collecting and recapping financial data to provide control of collection and disbursement of revenues and reports necessary for management and other Government agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and binders stored in file cabinets.

Retrievability: Records are filed alphabetically by name where appropriate.

Safeguards: Files are kept in file cabinets in areas which are locked after business hours.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals doing business with FCA.

FCA—10

System name: Property accountability records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: The form executed by each employee to whom accountable property is issued for official use, containing the employee's name, serial number, and description of the property charged to him.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property accountability records are used by FCA to maintain control of accountable property.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms filed in storage cabinet.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate,

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Storage: Records are maintained in file folders, Kardex binders, and index file drawers.

Retrievability: Records are indexed by combination of name and date of birth.

Safeguards: Records are located in lockable metal file cabinets.

Retention and disposal: After termination, the personnel folder is retained for one year beyond separation date and then destroyed. The service record card is retained for the life of the record.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D. C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by directors of personnel of the Farm Credit banks.

FCA—7

System name: Employee attendance, leave, and payroll records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: Records consist of manual files containing payroll-related information for FCA employees which consists of various forms containing on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee including rate and amount of pay, hours worked, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, other financial deductions, mailing addresses, and home addresses.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Information in this record system may be disclosed as a routine use to Federal, State and local taxing authorities concerning compensation to employees or contractors for personal services; to the Civil Service Commission, Department of the Treasury, Department of Labor and other Federal agencies concerning pay, benefits, and retirement of employees; to Federal employees health benefits carriers concerning health insurance of employees; to financial organizations concerning employee savings account allotments and net pay to checking accounts; to State human resource offices administering unemployment compensation programs; to educational and training organizations concerning employee qualifications and identity for specific courses; and to heirs, executors and legal representatives of beneficiaries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders; on pay cards, retirement cards, and leave cards.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained only by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial and payroll-related records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individual on whom the record is maintained. FCA employees who approve records.

FCA—8

System name: Employee travel and vendor voucher files—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees and other individuals who provide products and services to FCA.

Categories of records in the system: Records consist of travel vouchers, vendor vouchers, and supporting documentation.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide records of reimbursement to employees for expense incurred while in official travel status and to provide reimbursement to other individuals for products and/or services received.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinanet information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a con-

tract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Travel vouchers are filed in individual folders for each employee; vendor vouchers are filed in folders.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals executing records. FCA employees auditing and approving vouchers.

FCA—9

System name: Financial Management Records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees and individuals conducting business with FCA.

Categories of records in the system: Records supporting the FCA financial management system, including employee travel advance records, records of budget formulation and execution, for FCA administrative expenses, and other financial records.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records serve as the source for collecting and recapping financial data to provide control of collection and disbursement of revenues and reports necessary for management and other Government agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and binders stored in file cabinets.

Retrievability: Records are filed alphabetically by name where appropriate.

Safeguards: Files are kept in file cabinets in areas which are locked after business hours.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals doing business with FCA.

FCA—10

System name: Property accountability records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: The form executed by each employee to whom accountable property is issued for official use, containing the employee's name, serial number, and description of the property charged to him.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property accountability records are used by FCA to maintain control of accountable property.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms filed in storage cabinet.

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Retrievability: Records maintained in alphabetical order by employee name.

Safeguards: Records are maintained in an area which is locked after business hours.

Retention and disposal: Forms are maintained until the property is returned.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals to whom property is issued.

FCA—11

System name: Procurement records—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Individuals who provide or may provide supplies or services to FCA by contract or purchase order.

Categories of records in the system: Bids, offers, lease agreements, purchase orders, and requisitions as related to purchase transactions.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Procurement records and files are used by FCA as the bases for maintaining control of purchase transactions and to provide a minimum of opportunity for fraud as well as the maximum feasible opportunity for audit as related to the purchase of supplies and services obtained.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are maintained in numerical order by purchase order number in file folders bearing the name of the vendor.

Safeguards: Records are maintained in an area which is locked after business hours.

Retention and disposal: Each record is retained for five years for reference purposes and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals who make bids or offers to FCA or enter into lease or other agreements with FCA. FCA employees who prepare requisitions and purchase orders.

FCA—12

System name: Biographical files—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, N. W. Washington, D.C. 20578

Categories of individuals covered by the system: FCA employees, members of the Federal Farm Credit Board, Farm Credit district directors.

Categories of records in the system: Biographical sketches and photographs.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distribution to Farm Credit institutions or the public in connection with Farm Credit elections, public appearances, conferences, and on request by the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are destroyed on separation or retirement.

System manager(s) and address: Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individual on whom the record is maintained.

FCA—13

System name: Public Information Requests File—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Members of the public.

Categories of records in the system: Incoming letters and copies of outgoing correspondence.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Response to requests and reference by FCA employees in answering successive requests.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Letters are stored in file folders.

Retrievability: Letters are filed alphabetically by requester name.

Safeguards: Letters are maintained in cabinets in an area which is locked after business hours.

Retention and disposal: Letters are retained one year and then destroyed.

System manager(s) and address: Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals making public information requests and FCA employees.

FCA—14

System name: Freedom of Information Requests—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Individuals whose requests for records fall within the scope of the Freedom of Information Act.

Categories of records in the system: Letter requests, copies of responses, and request log.

Authority for maintenance of the system: 5 U.S.C. 552

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used for reference and reports are prepared for the Freedom of Information Act Committee, the Department of Justice, and the Office of Management and Budget.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper in notebook binders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are maintained in a lockable cabinet.

Retention and disposal: Life of the record.

System manager(s) and address: Director, Information Division, Farm Credit Administration 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Requester and FCA employees.

FCA—15

System name: Congressional Correspondence File—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: U.S. Senators and Representatives.

Categories of records in the system: Copies of letters written by FCA employees to U. S. Senators and Representatives.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by FCA employees for reference to other files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Letters are stored in file folders.

Retrievability: File folders are arranged alphabetically by name.

Safeguards: Files are kept in cabinets in an area which is locked after business hours and are maintained only by FCA files personnel.

Retention and disposal: In accordance with GSA requirements.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

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Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees.

FCA—16

System name: Federal Land Bank Loans—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrowers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

Categories of records in the system: Loan documents including name, address, loan application, type and purpose of loan, financial information submitted by the individual, analysis of financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommendation, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information. Congressional and complaint letters and FCA response copies.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain informationrlevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged by district, association, and name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are retained for five years and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a (k)(2) to the extent that there is included in the system investigatory material compiled for law enforcement purposes.

FCA—17

System name: Production Credit Association Loans—FCA

System location: Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Categories of individuals covered by the system: Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrwers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

Categories of records in the system: Loan documents including name, address, loan application, type and purpose of loan, financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommendation, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information. Congressional and complaint letters and FCA response copies.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged by district, association and name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are retained for five years and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Request for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 C.F.R. 603.330.

Record source categories: The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a (k)(2), to the extent there is included in the system investigatory material compiled for law enforcement purposes.

[FR Doc.76-25923 Filed 8-31-76;2:30 pm]

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FEDERAL RESERVE SYSTEM
PRIVACY ACT OF 1974
Systems Of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register, 40 FR 43862 (1975) and 41 FR 30574 (1976), continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. Sec. 552a(e)(4) as added by Section 3 of the Privacy Act of 1974.

Board of Governors of the Federal Reserve System, August 26, 1976.

Theodore E. Allison,
Secretary of the Board.

BGFRS—1

System name: FRB—Recruiting and Placement Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Persons who have applied for employment with or are employed by the Federal Reserve Board.

Categories of records in the system: These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law; results of tests, appraisal of potential, honors, awards of fellowships; military service; veteran status, school transcripts, work samples and examples; birth date; social security number; shipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer current Board employees for consideration for reassignment and promotion within the Board.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions.

d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

Retrievability: Records are indexed by name, combination of birth date, social security account number, and identification number that is applicable.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

a. Files of eligibles Retained for a minimum of one year after date of determination that no suitable position exists currently.
b. Index cards Destroyed when no longer needed.
c. Cancelled and ineligible applications Same as "a" above.
d. Inquiries and replies regarding availability for appointment. Same as "a" above.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; and statements supplied by references.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—2

System name: FRB Personnel Background Investigation Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas; and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board.

Categories of records in the system: These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educational institutions attended; and other information developed from the above.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed to and used as follows:

a. To assist in determining the suitability for access to classified information.

b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personnel identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access and have appropriate security clearance.

Retention and disposal: The indexing cards are retained indefinitely, the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address:

Assistant Director for Contingency Planning
Office of Staff Director for Management
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record source categories: Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.
2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.
3. By personal investigation or written inquiry from sources such as:
   - Employers
   - Schools
   - References
   - Neighbors
   - Associates
   - Police Departments
   - Courts
   - Credit Bureau
   - Medical Records
   - Probation Officials
   - Prison Officials
4. Newspapers, magazines, periodicals, and other publications.
5. Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:

1. The individual to whom the record pertains.
2. Personal physicians.
3. Medical institutions.
4. Official records of other Federal agencies.
5. Federal Reserve Board Official Personnel Records.
6. Federal Reserve System Personnel Management Records Systems.

BGFRS—3

System name: FRB—Medical Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: 1. Applicants who have been medically examined for Board employment.

2. Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.

3. Current and former Federal Reserve Board employees.

Categories of records in the system: 1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.

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3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Information in these records is used to:

a. determine veteran disability status
b. support applications for Disability Retirement
c. support "insurable interest" survivor annuity elections
d. determine suitability for employment or continued employment
e. assist in medical counseling

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen Compensation Programs
b. Retired Military Pay Centers
c. Veterans Administration
d. Social Security Administration
e. Specific private contractors engaged in providing benefits under Federal contracts.
f. Civil Service Commission.

3. Information in these records is used:

a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

b. to request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.

c. to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. as a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in folders.

Retrievability: Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation
b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation
c. Applicant's medical records, 6 years after separation
d. Disability retirement medical files, 6 years after separation

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:

1. The individual to whom the record pertains.
2. Personal physicians.
3. Medical institutions.
4. Official records of other Federal agencies.
5. Federal Reserve Board Official Personnel Records.
6. Federal Reserve System Personnel Management Records Systems.

Systems exempted from certain provisions of the act: None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS—4

System name: FRB—General Personnel Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

Categories of records in the system: This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group designator; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions, and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

Retrievability: Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal: The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address: For current and former Federal Reserve Board employees:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Number should be addressed to the System Manager, address above.

Record access procedures: Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. FRB General Personnel Records
2. CSC Personnel Management Records System
3. Personnel records of other Government agencies
4. Personnel Records of Federal Reserve Banks

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—5

System name: FRB—EEO Discrimination Complaint File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Applicants for Board employment, current and former Board employees, and annuitants who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system: This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a Court subpoena and or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the

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records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories:

a. Individual to whom the record pertains
b. Board employees
c. Affidavits or statements from employee
d. Testimonies of witnesses
e. Official document relating to the appeal, grievance, or complaints
f. Correspondence from specific organization or persons

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—6

System name: FRB—Adverse Information and Action, Disciplinary, Outside Business Activity and Financial Responsibility Records.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Board employees, (including special employees) and annuitants who are involved in an Adverse Action; Board officials providing annual financial responsibility statements; employees who suffer a withholding of a Progress Step Increase; employees who file an Outside Business Activity application; and those employees who have creditors contacting the Board relative to credit problems.

Categories of records in the system: This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Also, copies of Financial Responsibility Statements and Outside Business Interest applications filed by the employee; and letters from creditors.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
c. To respond to a court subpoena and/or to refer to a District court in connection with a civil suit.
d. To adjudicate an appeal, complaint, or grievance.
e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.
f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.
h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
i. To identify or determine conflict of interest situations or potential conflict of interest.
j. To advise an employee of potential problems.
k. To administer various aspects of established personnel management programs.

Storage: These records are maintained in file folders, binders, index cards, magnetic tape and disk.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

a. Individual to whom the record pertains
b. Board officials
c. Affidavits or statements from employees
d. Testimonies of witnesses
e. Official documents relating to an action, appeal, grievance, or complaints.
f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act: None.

BGFRS—7

System name: FRB—Payroll

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present employees and members of the Board.

Categories of records in the system: Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in the preparation of Board payroll, as input to several management reports and, from time to time, input to other contributing programs and as input to Board studies, analyses, and reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On tape, disk, punched cards, index cards, folders and document files.

Retrievability: Filed by name, social security number, employee number.

Safeguards: Access is restricted to authorized personnel only. Records in cabinets, safe, and limited access to computer records by "limited access" employees.

Retention and disposal: Various: minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record access procedures: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record source categories: Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports, Federal and state garnishment forms.

Systems exempted from certain provisions of the act: None.

BGFRS—8

System name: FRB—Leave Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system: Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched card, tape, disk, index card, folder, and print out.

Retrievability: Filed by date, but may be filed by name or identifying number.

Safeguards: Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

Retention and disposal: Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

System manager(s) and address:

Division of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

Record access procedures: Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

Systems exempted from certain provisions of the act: None.

BGFRS—9

System name: FRB—Consultant File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals providing consulting services to the Board in accordance with a formal agreement.

Categories of records in the system: Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual indentification; verification and confirmation; and referral when used as a basis for prospective employment by other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder, punched card, tape, disk and index card.

Retrievability: File by name, and cross index by voucher number and date, or identifying number.

Safeguards: Stored in secured area.

Retention and disposal: Indefinite.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories: Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—10

System name: FRB—General File on Board Members

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System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present members of the Board of Governors.

Categories of records in the system: Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Governors.

Authority for maintenance of the system: Section 10 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for background information to determine qualifications for appointment, reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—11

System name: FRB—Official General Files

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Correspondents with the Board and System Personnel.

Categories of records in the system: Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes in preparing responses to inquiries from public and used in recording official duties of System Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, address above.

Record access procedures: System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—12

System name: FRB—Biographical File of Federal Reserve Personnel

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Federal Reserve System officers, and their staff.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Sections 4, 11 and 22 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotion, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision when the Board has refused to release to current or former System employee a record under the Freedom of Information Act.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punched cards and disk.

Retrievability: Records are indexed by combination of name or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Numbers should be addressed to the System Manager, address above.

Record access procedures: Current and former System employees who wish to gain access to and contest their records, should direct such a request in writing, including their name, date of birth, and Social Security Number to the System Manager, address above.

Record source categories: Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

Systems exempted from certain provisions of the act: None.

BGFRS—13

System name: FRB—General File of Examiners and Assistant Examiners at Federal Reserve Banks.

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present examiners and assistant examiners at Federal Reserve Banks.

Categories of records in the system: Brief biographies of past and present examiners and assistant examiners, oaths of office, and miscellaneous correspondence.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "notification" above.

Record source categories: Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—14

System name: FRB—General File of Federal Reserve Bank and Branch Directors.

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Bank and Branch Directors.

Categories of records in the system: Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

Authority for maintenance of the system: Sections 3, 4 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—15

System name: FRB—General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

Categories of records in the system: Biographies of past and present examiners, oath of office and miscellaneous correspondence relating to such persons.

Authority for maintenance of the system: Sections 20 and 21 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

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Retention and disposal: Indefinite.

System manager(s) and address:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—16

System name: FRB—Regulation G Reports

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals other than banks, brokers and dealers who extend credit in specified amounts secured by margin securities.

Categories of records in the system: Reports filed by persons registered pursuant to Regulation G.

Authority for maintenance of the system: Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR 207).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Aid the Federal Reserve System in securing compliance with Regulation G, assist registrants regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and files.

Retrievability: Indexed by name.

Safeguards: Retained in locked metal file cabinets. Access to Board staff on restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:
Director, Office of Saver and Consumer Affairs
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same System Manager address above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—17

System name: FRB—Regulation F Ownership Reports

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Bank officers, directors and principal stockholders of state member banks registered with the Board pursuant to Regulation F and the Securities Exchange Act of 1934.

Categories of records in the system: Records of transactions by officers, directors, and principal shareholders of the bank in the banks stock.

Authority for maintenance of the system: Section 12(i) of the Securities Exchange Act of 1934 and Section 206.6 of the Board's Regulation F (12 CFR 206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff for reconciliation of transactions in bank stock, made available for public inspection pursuant to the provisions of the Securities Exchange Act of 1934 and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and paper records.

Retrievability: Indexed by name.

Safeguards: Retained in metal file cabinets.

Retention and disposal: Indefinite.

System manager(s) and address:
Director, Division of Banking Supervision and Regulation
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:
Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same as "Notification" above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: None.

[FR Doc.76-25611 Filed 8-30-76;8:45 am]

FEDERAL TRADE COMMISSION
PRIVACY ACT OF 1974
Notices of Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 39041 and 46076, and 41 FR 30069, 30085, 31618, and 33949 continue in effect, except that the routine use with respect to local Call for Comment in system notice FTC-17, Consumer Mailing List, Los Angeles Regional Office, published at 41 FR 30069, will not be effective until the Commission considers comment on this use received during the comment period ending August 20, 1976. This notice is published in compliance with the requirements of 5 U.S.C. sec. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Charles A. Tobin,
Secretary.

FTC—1

System name: Biographies of Commissioners and Key Staff Members—FTC

Office of Public Information—Room 496
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Commissioners and key Federal Trade Commission Staff members.

Categories of records in the system: Contains name, biographical data (such as education, employment, etc.), and in some cases a photograph and-or news release on the individual's appointment.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Resource material for writing news releases and FTC publications, and for filling requests for information from members of the media; used by OPI staff members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Written documents and glossy photographs in manila folders in lockable file cabinet.

Retrievability: Indexed by name.

Safeguards: Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained until individual is no longer a staff member or Commissioner, and requests for the data are no longer received. Disposed of in wastebasket.

System manager(s) and address:
Office Manager
Office of Public Information
Room 496, Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual whose biography and/or picture is contained in the system.

FTC—2

System name: Call for Comment Mailing List—FTC

System location:
Division of Consumer Education
Federal Trade Commission
633 Indiana Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Representatives of businesses and firms, trade and commercial asscciations, professional organizations, cooperatives and unions, mass-media, educational organizations and institutions, consumer organizations, organizations not classified elsewhere and governments which receive Call for Comment.

Categories of records in the system: Contains names and organization mailing addresses.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To mail Call for Comment material. Used by Division of Consumer Education personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Lists maintained in 8 inch by 10 1/2 inch file folders

Retrievability: Indexed by category

Safeguards: Records are maintained in Division of Consumer Education and access is limited to agency personnel whose responsibilities require access.

Retention and disposal: Records are to be maintained and updated until such time as the Call for Comment program is dispensed with.

System manager(s) and address:
Assistant Director for Consumer Education
Federal Trade Commission
633 Indiana Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Lists are compiled from public documents or from requests by organizations that their membership receive Call for Comment material.

FTC—3

System name: Case/Project Tracking System—FTC

System location:
Computer Sciences Corporation
Infonet Computer Center
Chicago, Illinois

Categories of indlviduals covered by the system: All FTC Professional and Semi-professional Employees and some clerical employees

Categories of records in the system: Contains name, FTC ID number, organization, salary, occupation category, all cases and projects assigned history of work activity.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Management and budgeting tool within Commission. Responses to congressional inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk and tape

Retrievability: By case, program, organization, individual (ID no. or name)

Safeguards: Password. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Perpetual retention

System manager(s) and address:
Executive Director
Federal Trade Commission
6th and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

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Record source categories: Individual weekly activity reports.

FTC—4

System name: Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC

System location:

Federal Trade Commission
Room 555
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act

Categories of records in the system: Information relating to traffic accidents and other accidents in which the FTC may be liable for property damage or loss.

Authority for maintenance of the system: Federal Tort Claims Act, 28 U.S.C. Sec. 2671 et seq. Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. Sec. 241 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine whether the FTC should honor claims for loss or damage to property in incidents involving FTC employees. Referral to Department of Justice, GSA, or other federal agency when the matter comes within the jurisdiction of such agency. Used by Tort Claims Officer, other FTC personnel reviewing claim, and personnel of other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in manila file folders in file cabinet.

Retrievability: The system is filed alphabetically by name of the FTC employee involved in each accident.

Safeguards: The files are stored in an unlocked file cabinet in the Office of the Tort Claims Officer. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: The records are stored for 10 years and then deposited in a wastebasket.

System manager(s) and address:

Executive Director
Federal Trade Commission
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from claimant, FTC employee involved in incident, official police report (if any), witnesses, and insurance company representing claimant (if any).

FTC—5

System name: Commission Minutes—FTC

System location:

Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Room 174
Washington, D.C. 20580

Categories of individuals covered by the system: Individual respondents and proposed respondents in Commission proceedings and investigations, individuals requesting advisory opinions, and those subject to Commission disciplinary proceedings and Commission orders.

Categories of records in the system: Information on individuals generally concerns relations or transactions with or knowledge about respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use by the Commissioners and their staff, staff of the Secretary's Office, and the staff of the General Counsel's Office, as history and record of Commission actions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Bound volumes

Retrievability: Indexed by respondents' names

Safeguards: Kept in locked safe. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Permanent retention

System manager(s) and address:

Secretary
Room 174
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Commission records

FTC—6

System name: Complaint Cards, Dallas Regional Office—FTC

System location:

Federal Trade Commission
500 S. Ervay Street
Room 452-B
Dallas, Texas 75201

Categories of individuals covered by the system: Individuals who have filed complaints or requested information

Categories of records in the system: Contains name and location of company complained about, violation, date complaint was received, correspondence number, preliminary investigation file number and 7-digit file number, and information about individual proprietor when proprietorship is involved.

Authority for maintenance of the system: Federal Trade Commission Act; FTC Administrative Manual, 1-201.1; Federal Records Act, Sec. 506(a); GSA Regulation (Sec. 101-11.209-3)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This card is used by Dallas Regional Office personnel to identify companies complained about, number of complaints received on a company and to identify problems in a particular industry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on cards

Retrievability: Indexed by name of proposed respondent, either company or individual

Safeguards: Records are maintained in a card file box at receptionist's desk. Access restricted to those agency personnel whose responsibilities require access.

System manager(s) and address:

Regional Director
Federal Trade Commission
500 S. Ervay Street
Room 452-B
Dallas, Texas 75201

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual filing complaint.

FTC-7

System name: Congressional Correspondence, Office of General Counsel—FTC

System location: Congressional Liaison

Room 585
Office of General Counsel
Federal Trade Commission
Washington, D.C. 20580

Categories of individuals covered by the system: Members of Congress, congressional committees, and constituents.

Categories of records in the system: Letters and constituent referrals from members of Congress and responses relating to the FTC or matters within the FTC's authority.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local government agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in lockable room.

Retrievability: Indexed by name of congressman.

Safeguards: Stored in metal cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Transferred to Federal Records Center at end of each Congress.

System manager(s) and address: Congressional Liaison

Office of General Counsel
Federal Trade Commission
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual name, return address, and signature, addressed as follows: privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Congressmen and constituents.

System name: Congressional Inquiry Files, Dallas Regional Office—FTC

System location:

Dallas Regional Office
500 S. Ervay Street
Room 452-B
Dallas, Texas 75201

Categories of individuals covered by the system: Constitutents who have written their congressional representative for aid in resolving consumer problems and members of Congress

Categories of records in the system: Contains consumer letter, letter from member of Congress transmitting the complaint, FTC's acknowledgement of the complaint, and the FTC's reply to the congressional representative

Authority for maintenance of the system: FTC Administrative Manual, 1-201.1; Federal Records Act, Section 506(a); GSA Regulations (Sec.101-11.209-3). Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained generally on letterhead forms

Retrievability: Indexed by name of member of Congress

Safeguards: Records are maintained in a file cabinet locked by key. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Records are retained indefinitely

System manager(s) and address:

Regional Director
Federal Trade Commission
Dallas Regional Office
500 S. Ervay Street
Room 452-B
Dallas, Texas 75201

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained, members of Congress.

FTC—9

System name: Consultant Files, Division of National Advertising; Bureau of Consumer Protection—FTC

System location:

Division of National Advertising
Federal Trade Commission
Star Building
1101 Pennsylvania Avenue, N.W.
Washington, D.C.

Categories of individuals covered by the system: Consultants consisting of experts in various fields including medical and scientific.

Categories of records in the system: Contains name, curriculum vitae, resume of employment, lists of publications in field, copies of application forms submitted to FTC.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of medical doctors, scientists and other experts who are available on a consultant basis to advise professional staff members of Division of National Advertising, FTC. Used by staff members of the Division.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Letter size files in regulation cabinet

Retrievability: Indexed by name

Safeguards: Secured as are other files by locking of office door at night. Building guard stationed at building entrance. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Maintained indefinitely for future reference

System manager(s) and address:

Assistant Director
Division of National Advertising
Federal Trade Commission
Room 6124

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Star Building
1101 Pennsylvania Avenue, N.W.
Washington, D.C.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

FTC—10

System name: Consumer and Industry Correspondence Files, Division of Special Statutes; Bureau of Consumer Protection—FTC

System location:
Division of Special Statutes
633 Indiana Avenue, N.W.
Washington, D.C.

Categories of individuals covered by the system: Consumer and Industry Correspondents

Categories of records in the system: Correspondence

Authority for maintenance of the system: Federal Trade Commission Act, Truth in Lending Act, Fair Credit Reporting Act, Hobby Protection Act, Textile, Wool & Fibers Act, Fair Packaging and Labeling Act, Equal Credit Opportunity Act, Fair Credit Billing Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders

Retrievability: Indexed by name—usually corporate name

Safeguards: Maintained in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained indefinitely

System manager(s) and address:
Assistant Director for Special Statutes
Bureau of Consumer Protection
633 Indiana Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual

FTC—11

System name: Consumer Complaint Files, Atlanta Regional Office—FTC

System location:
Atlanta Regional Office
730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

Categories of individuals covered by the system: Members of the general public.

Categories of records in the system: Consists of letters from individuals filing complaints as to unsatisfactory commercial transactions and practices of various firms, businesses and individuals. System also includes a complaint log identifying individual complainants and a card file naming individual complainants.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in letter size file folders and 3 inch by 5 inch index cards

Retrievability: Filed alphabetically by name

Safeguards: Filed in metal file cabinet. Office locked when unattended. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained for a minimum of one year and destroyed by delivering to and placing the material in local government operated incinerator

System manager(s) and address:
Regional Director
Atlanta Regional Office
730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: From individual members of the public and occasionally from other federal agencies.

FTC—12

System name: Consumer Complaint Files, Cleveland Regional Office—FTC

System location:
Cleveland Regional Office
1339 A. J. Celebrezze Federal Office Building
1240 East 9th Street
Cleveland, Ohio 44199

Categories of individuals covered by the system: Individual consumers who filed a complaint.

Categories of records in the system: Contains name of complainant, nature of complaint, identifies respondent and product.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 9 inch by 12 inch file folders

Retrievability: Filed by name of complainant and name of respondent

Safeguards: Filed in steel file drawers. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained for one year, disposed by incinerator

System manager(s) and address:
Regional Director
Cleveland Regional Office
1339 A. J. Celebrezze Federal Office Building
Cleveland, Ohio 44199

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals who file complaints.

FTC—13

System name: Consumer Complaint Files, Division of Marketing Practices; Bureau of Consumer Protection—FTC

System location:
Division of Marketing Practices
Bureau of Consumer Protection
Federal Trade Commission
Washington, D.C. 20580

Categories of individuals covered by the system: Individuals filing complaints or requesting information

Categories of records in the system: Name; address; transaction history with persons, partnerships or corporations

Authority for maintenance of the system: Section 5 of the Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Varied size documents

Retrievability: Name, company involved, or alleged practice

Safeguards: Filing cabinets in secure buildings. Access restricted to those agency personnel whose responsibilities require access

Retention and disposal: Records maintained until enforcement action is final and then removed to General Service Administration for permanent storage

System manager(s) and address:
Assistant Director for Marketing Practices
Bureau of Consumer Protection
Federal Trade Commission
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Consumer; federal, state or local enforcement agencies; private organizations (e.g., Better Business Bureaus, consumer hot lines) that receive consumer complaint letters

FTC—14

System name: Consumer Complaint Files, Los Angeles Regional Office— FTC

System location:
Federal Trade Commission
11000 Wilshire Boulevard, Room 13209
Los Angeles, California 90024

Categories of individuals covered by the system: Consumer complaint letters and forms relating to companies, practices, individuals in the Los Angeles Office area.

Categories of records in the system: Contains information about the practices, activities, policies of organizations or individuals submitted by various complainants.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Indexed in log book by name of complainant.

Safeguards: Stored in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained for one year, then disposed of in wastepaper basket.

System manager(s) and address:
Assistant Regional Director
Federal Trade Commission
11000 Wilshire Boulevard, Room 13209
Los Angeles, California 90024.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Consumers and business complainants.

FTC—15

System name: Consumer Complaint Files, New Orleans Regional Office— FTC

System location:
New Orleans Regional Office
Federal Trade Commission
333 St. Charles Street
1000 Masonic Temple Building
New Orleans, Louisiana 70130

Categories of individuals covered by the system: Complainant.

Categories of records in the system: Contains name and address of complainant, nature of complaint, name of party complained about

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspon-

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dence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on sheets submitted by complaint

Retrievability: Indexed by name of party complained about

Safeguards: Maintained in file cabinet containing a lock. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Records maintained until referred to another agency. Records kept for 1 year if not referred and then destroyed.

System manager(s) and address: Director, New Orleans Regional Office.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Complaining party.

FTC—16

System name: Consumer Complaint Letters, Seattle Regional Office—FTC

System location: Seattle Regional Office, Federal Trade Commission, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174

Categories of individuals covered by the system: Those persons who direct a consumer complaint or request for assistance or information to the Seattle Regional Office, FTC, or those forwarding a complaint from a consumer such as a member of the media or another federal, state or local agency.

Categories of records in the system: The nature of the consumer's complaint, the name and location of the party complained of, and the supporting documents where provided.

Authority for maintenance of the system: Federal Trade Commission Act; FTC Operating Manual provides for processing of consumer complaints.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained alphabetically in file cabinet

Retrievability: Alphabetical by name

Safeguards: Files are maintained in folders in a file cabinet; responsibility of file clerk. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Held two years and then destroyed

System manager(s) and address: Regional Director, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Those consumers who have submitted a complaint or a request for assistance or information.

FTC—17

System name: Consumer Mailing List, Los Angeles Regional Office—FTC

System location:

Federal Trade Commission
11000 Wilshire Boulevard, Room 13209
Los Angeles, California 90024

Categories of individuals covered by the system: Mailing addresses of consumer organizations, legal firms, private individuals and others who have requested Los Angeles Regional Office publications, FTC publications, and who receive local call for comment.

Categories of records in the system: Name and mailing address of recipients of Los Angeles Regional Office publications.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to mail Los Angeles Regional Office publications, FTC publications, and local call for comment to listed names. Used by Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Lexitron Tape

Retrievability: By name

Safeguards: Lexitron Tape file. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: By tape erasure when consumer no longer desires publications, or local call for comment.

System manager(s) and address:

Assistant Director
Los Angeles Regional Office
Federal Trade Commission
11000 Wilshire Boulevard, Room 13209
Los Angeles, California 90024

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the record is maintained.

FTC—18

System name: Consumer Redress Lists, Compliance Division; Bureau of Consumer Protection—FTC

System location:

Compliance Division
Bureau of Consumer Protection
Federal Trade Commission
1726 M Street, Suite 1100
Washington, D.C. 20036

Categories of individuals covered by the system: Consumers entitled to redress pursuant to Commission or court order.

Categories of records in the system: Name, address, and other information pertinent to identifying consumers qualifying for consumer redress in specific proceedings.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify consumers qualifying for consumer redress pursuant to Commission or court order. Used by Compliance Division personnel, other FTC personnel, and personnel of other federal agencies participating in proceedings involving consumer redress.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila file folders

Retrievability: Indexed by name

Safeguards: Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Records maintained until consumer redress is completed, then disposal

System manager(s) and address:

Assistant Director for Compliance
Division of Compliance
Bureau of Consumer Protection
Federal Trade Commission
1726 M Street, Suite 1100
Washington, D.C. 20036

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the firm or proceeding.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Affected consumers and other members of the public; persons, partnerships, or corporations subject to consumer redress orders.

FTC—19

System name: Correspondence With Compliance Division, Bureau of Consumer Protection, Concerning Parties Subject to Commission Orders—FTC

System location:

Compliance Division
Bureau of Consumer Protection
Federal Trade Commission
1726 M Street, N.W., Suite 1100
Washington, D.C. 20036

Categories of individuals covered by the system: Persons corresponding with Compliance Division concerning parties subject to Commission orders

Categories of records in the system: Correspondence

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any further law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila file folders

Retrievability: Indexed by name of correspondent within file of each compliance matter.

Safeguards: Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Records maintained until civil penalty action or other proceedings terminated, then shipped to Legal and Public Records Division of FTC

System manager(s) and address:

Assistant Director of Compliance
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be obtained, a request must specify the name of the firm or proceeding.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals corresponding with Compliance Division.

FTC—20

System name: Correspondence With Members of Congress and Agency Officials—FTC

System location:

Division of Legal and Public Records
Office of the Secretary
Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Congressmen and officials of executive and independent regulatory agencies.

Categories of records in the system: Correspondence concerning FTC matters and inquiries directed to the FTC; internal memoranda expressing recommendations.

Authority for maintenance of the system: Federal Trade Commission Act; Executive Order No. 10450 dated 8-5-54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard letter size file cabinets, in Record Center Storage Containers, on microfilm or microfiche.

Retrievability: Indexed by subject matter, and in some instances by individual's name.

Safeguards: Unlocked file cabinets and normal building security, record center storage and security. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Destroyed after five years, historical records transferred to National Archives.

System manager(s) and address:

Secretary, Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC—21

System name: Counseling Records—FTC

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System location:
Division of Personnel
Federal Trade Commission
Washington, D.C. 20580

Categories of individuals covered by the system: Current employees of the Federal Trade Commission

Categories of records in the system:
a. Upward Mobility: Individual Development Plan and counseling notes.
b. Professional Training: Individual Development Plan and counseling notes.
c. Executive Development: Individual Development Plan and counseling notes.
d. Employee Relations: Counseling notes, unofficial memoranda about or given to employee concerning problem(s) which arise.
e. Debt Letters: Letters from creditors about debts owed by current employees and copies of employee responses.

Authority for maintenance of the system: 5 U.S.C. Chapter 41; Executive Order 11348; EEO Act 1972; Executive Order 11478; Title 5 U.S.C. 735.207; Executive Order 9830; 5 U.S.C. Sec. 230.101; Federal Personnel Manual Chapter 250.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Upward Mobility, Professional Training and Executive Development—Used by program director or others whose official duties require such information to provide a record of employee goals and objectives and classes needed to obtain those objectives and to maintain a record of courses taken.

Employee Relations and Debt—Used by Employee Relation Specialist or others whose official duties require such information. Information provides a record of counseling provided and resolution of problem(s). If problem results in a disciplinary action, information in file may become part of an official record.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are stored in lockable metal filing cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Destroyed upon completion of the program (Upward Mobility, Professional and Executive Development Programs) or upon employee's separation from the agency (Employee Relations and Debt Counseling).

System manager(s) and address:
Director of Personnel
Federal Trade Commission
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain, supervisor, program manager, counselor.

FTC—22

System name: Disciplinary Action Investigatory Files—FTC

System location:
Division of Legal and Public Records
Office of the Secretary
Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: FTC personnel, counsel for parties under investigatory or adjudicatory proceedings, and others participating in FTC matters, subject to investigation for possible improper or unethical conduct.

Categories of records in the system: Name, address, current employment status, subject matter of investigation.

Authority for maintenance of the system: Federal Trade Commission Act (15 U.S.C. 41) dated 9-26-14; Executive Order No. 10450 dated 8-5-54.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Determination of whether disciplinary action, including suspension or disbarment from practice before Commission, is warranted; could include transfer of information to Civil Service Commission, to a court, or to a Bar Association. Used by agency personnel assigned to investigate and handle matter and by personnel of other agencies, court, or Bar Association to whom matter is referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard letter size file cabinets, in Record Center Storage Containers, on microfilm or microfiché.

Retrievability: Indexed by individual name, company name, industry investigation title, file or docket number.

Safeguards: Unlocked file cabinets with normal building security, record center storage and security. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Closed investigatory matters retained five years and then history portion transferred to National Archives; remainder destroyed by shredding or burning. Docketed records retained five years and then transferred to National Archives.

System manager(s) and address: Secretary, Federal Trade Commission (same address as in System Location)

Notification procedure: Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

FTC—23

System name: Financial Management System—FTC

System location:
Division of Budget and Finance
Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: FTC personnel who travel or otherwise might be involved in reimbursement of expenses situations.

Categories of records in the system: Contains name and employee number of person involved in travel or otherwise reimbursed for expenses conducted in performance of official duties of FTC. Information relating to travel expenses.

Authority for maintenance of the system: Standard Government Travel Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification and retrieval for use in financial reports of FTC. Recording information relating to expenses incurred by FTC personnel in performance of official duties.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Used by personnel of Division of Budget and Finance.

Storage: Computer hardcopy listing; computerized taped vendor file.

Retrievability: Indexed by name and employee number.

Safeguards: Records are maintained in division files and computer file; access limited to Budget and Finance personnel.

Retention and disposal: Retained per GSA retention schedules, generally 3 years; then destroyed.

System manager(s) and address: Chief, Division of Budget and Finance (same address as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained; personnel system.

FTC—24

System name: Financial Statements of Commissioners-elect—FTC

System location:
Office of General Counsel, Rm. 568
Federal Trade Commission
Washington, D.C. 20580

Categories of individuals covered by the system: FTC Commissioners-elect.

Categories of records in the system: Financial statements of Commissioners-elect—list of personal property, stocks, bonds, indebtedness, etc.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reviewed for adequacy of disclosure and potential conflict of interest purposes when a new Commissioner-elect requests assistance with his financial statements. Used by General Counsel and staff.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a legal size accordion folder.

Retrievability: Indexed by name.

Safeguards: Maintained in a wooden locked cabinet in GC's Secretary's Office. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Held since 1970. Retention indefinite.

System manager(s) and address:
General Counsel
Federal Trade Commission
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC—25

System name: General Correspondence Records—FTC

System location:
Federal Trade Commission
Room 701
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Consumers, individuals, public officials, company and corporation officers, attorneys, members of consumer groups, student groups and committees.

Categories of records in the system: Letters of complaint, inquiry, comment, petition, and/or communications concerning FTC actions and activities.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal-size standard file cabinets; conserva files, regular size, and 3 inch by 5 inch drawers.

Retrievability: Indexed by correspondent's name, subject, and name of proposed respondent.

Safeguards: Unlocked file cabinets. Office security: blue seal locked doors. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Copies of correspondence and indices by correspondent and subject retained 1 year. Index of proposed respondent retained 2 years.

System manager(s) and address: Chief, Correspondence Section, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

FTC—26

System name: General Personnel Records (Official Personnel Folder and records related thereto): Duplicate Personnel files and Automated Records—FTC.

System location:
Automated Records
Division of Personnel
Federal Trade Commission
Washington, D.C.
Duplicate Records
Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580
Atlanta Regional Office
730 Peachtree Street, N.E.
Atlanta, Georgia 30308
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02144
Chicago Regional Office
55 East Monroe Street
Chicago, Illinois 60603
Cleveland Regional Office
1339 Federal Office Building
1240 East 9th Street
Cleveland, Ohio 44199
Dallas Regional Office
500 South Ervay Street
Dallas, Texas 75201
Kansas City Regional Office
2806 Federal Office Building
911 Walnut Street

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Kansas City, Missouri 64106
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New Orleans Regional Office
1000 Masonic Temple Building
333 St. Charles Street
New Orleans, Louisiana 70130
New York Regional Office
2243-EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor Federal Building
915 Second Avenue
Seattle, Washington 98174
Washington, D.C., Regional Office
2120 L Street, N.W.
Washington, D.C. 20037

Categories of individuals covered by the system: Current Federal Trade Commission employees.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Title 5 U.S.C. Sections 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Civil Service Commission for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual's record.

c. By the district courts to render a decision when an agency has refused to release to current or former Federal employees a record under the Freedom of Information Act.

d. To provide information to a prospective employer of a Government employee or former Federal employee.

e. To provide data for the automated Center Personnel Data File (CPDF).

f. To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and Security investigations index on new hires, adverse actions, and terminations.

g. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

j. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

k. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and punched cards.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Duplicate records—Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Automated files—Restricted password to access data.

Retention and disposal: Duplicate files—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service. Automated files—Files of individuals are erased after they leave the FTC; only statistical turnover information is retained.

System manager(s) and address: Duplicate file—Regional Director, Regional Office (see name and address of regional office listed in location above). Automated records—Director of Personnel, Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FTC—27

System name: Health Unit Records—FTC

System location:

FTC Headquarters and Washington Regional Employees:
Health Unit
Room 101
6th and Pennsylvania Ave., N.W.
Washington, D.C.
Regional Offices Employees:
Health Unit, Regional Office

Categories of individuals covered by the system: Current agency employees

Categories of records in the system: Information relating to an employee's participation in an occupational health services program.

Authority for maintenance of the system: Public Law 79-658(5 U.S.C. 7901) as further defined in OMB Circular A-72

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Medical counseling and health services provided to current employees.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manila folder.

Retrievability: Records are indexed by name.

Safeguards: Records are stored in lockable metal filing cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Destroyed upon an employee's separation from the agency.

System manager(s) and address: Nurse or Physician in charge of Health Unit (address as in System Location)

Notification procedure: By mailing or delivering a written request bearing the individual name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The individual to whom record pertains; private physician

FTC-28

System name: Investigational, Legal, and Public Records—FTC

System location: Division of Legal and Public Records

Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580
(Record Center, Suitland, Maryland)

Categories of individuals covered by the system: Respondents, proposed respondents, and others in Commission investigations and law enforcement proceedings; parties requesting formal advisory opinions.

Categories of records in the system: Name and some or all of the following: address; company affiliation; age; date of birth; place of birth; employment; financial, credit, and personal history background, in the records contained in this system. This system is composed of the following files: formal investigation files; docketed and consent matters; assurances of voluntary compliance; and advisory opinions, but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

Retrievability: Indexed by respondent or correspondent name; company name; industry investigation title; FTC internal 7-digit or 4-digit investigation number or complaint assigned number.

Safeguards: Metal legal and letter size file cabinets; official records center containers; access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained at FTC offices for 5 years, after which transferred to National Archives. Investigatory files, except history portion, destroyed by shredding or burning after 5 years.

System manager(s) and address: Secretary

Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: Public records contained in this system are available upon request, as indicated below. Otherwise, records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a (k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable; access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual respondent or proposed respondent, company records, complainants, informants, witnesses or other third parties.

FTC—29

System name: Litigation Information Management System for Investigations, Rulemaking, Adjudicatory Proceedings—FTC

System location:

Suite 452
13th & Pennsylvania Avenue, N.W.
Washington, D.C.

Categories of individuals covered by the system: Individual respondents, witnesses, informants, and interested parties in certain selected, complex investigations, or rulemaking or adjudicatory proceedings; individuals submitting comments or named in records obtained in the course of such investigations or proceedings.

Categories of records in the system: Information on individuals generally concerns relations or transactions with or knowledge about respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This computer system is only utilized in certain select, complex matters where data storage, retrieval, and manipulation requires such use. It is used for general law enforcement purposes (including investigation, litigation, and rulemaking) by Commission employees; used by management in allocating resources and in assessing progress of programs; used to provide information to Congress; used by consultants and contractors to create data bases and to perform calculations and interpret data for FTC attorneys; used to refer matters to federal, state, or local enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in original, microform and computer data bases.

Retrievability: Retrieved by name, title, date, company concerned, or any fact entered on data entry form (document control form).

Safeguards: Access to records only to those working on the particular matter and only within their particular function. Security and confidentiality controls prevent unauthorized access to original records and computerized records.

Retention and disposal: Retained for life of program plus any additional retention period specified by Commission. Disposal is by shredding, burning, or other physical destruction.

System manager(s) and address:

Manager, Litigation Support Division
Room 452
13th & Pennsylvania Avenue, N.W.
Washington, D.C.

Notification procedure: Records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some personal information relating to individuals may be included and may be disclosable; and access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Public and confidential information received from industry, government, and individuals.

FTC—30

System name: Page Count Sheet Tabulation, Dallas Regional Office—FTC

System location:

Federal Trade Commission
Dallas Regional Office

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500 S. Ervay Street, Room 452-B
Dallas, Texas 75201

Categories of individuals covered by the system: The members of the Word Processing Center who operate the Wang automatic typewriters and take the dictation from the Professional Staff.

Categories of records in the system: Initials of person performing work, the date in which it was received into the Word Processing Center; the time at which the work left the WPC; the name, title, number of the casework received; the type of work (ex. Interview Report, Complaint, etc.), the number of pages and the initials of the Professional member who is responsible for the work being processed.

Authority for maintenance of the system: Federal Trade Commission Act; FTC Administrative Manual 1-201.1; Federal Records Act Sec. 506(a); GSA Regulations (Secs. 101-11.209-3).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A monthly tabulation of the page count, itemized for each steno/typist/secretary is kept and used to more evenly distribute the workload as well as being used in the evaluation of that individual. Used by Dallas Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal secretarial desk which can be locked.

Retrievability: By monthly indexing.

Safeguards: Stored in metal secretarial desk which can be locked. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: They are retained for a period of one year and then are disposed of by burning.

System manager(s) and address:

Director
Dallas Regional Office
500 S. Ervay Street, Room 452-B
Dallas, Texas 75201

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records kept by the Supervisor of the Word Processing Center from work turned in by each individual of the Word Processing Center.

FTC—31

System name: Payroll Processing System—Federal Trade Commission

System location:

Division of Budget and Finance
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: All FTC personnel.

Categories of records in the system: All payroll information on individual FTC employees including basic employment information, pay and deduction information, and leave and tax information.

Authority for maintenance of the system: Public Law 89-554, Sec. 1; 5 U.S.C. Sec. 1301; Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Salary and wage processing in accordance with applicable laws and regulations. Used by Division of Budget and Finance personnel and by other agency personnel whose responsibilities include salary and wage processing and evaluation.

Referral of unemployment compensation information to state and local unemployment compensation boards.

Referral to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in comprehensive computer listing and on computer tape by the Treasury Department in Philadelphia.

Retrievability: By name, social security number.

Safeguards: Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Maintained according to GSA/Archives schedules of retention and disposal.

System manager(s) and address:

Chief, Division of Budget and Finance
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Pay forms completed by individual on whom the records are maintained; personnel system.

FTC—32

System name: Payroll—Retirement Cards—FTC

System location:

Division of Budget and Finance
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: All Federal Trade Commission personnel who quality for Federal retirement benefits.

Categories of records in the system: Payroll information relating to retirement benefits.

Authority for maintenance of the system: 5 U.S.C. Secs. 5301, 5501, 6101, 6301, 8301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Calculation of retirement benefits. Referred to succeeding employer of U.S. Government Agency or otherwise to Civil Service Commission upon withdrawal or retirement from Federal Service.

Referral to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 8 inch by 10 1/2 inch card

Retrievability: Indexed by name

Safeguards: Locked 3-drawer file cabinet. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Held for length of service of employee while at FTC; information forwarded to next employing agency or Civil Service Commission.

System manager(s) and address:

Chief, Division of Budget and Finance
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Payroll system; personnel system

FTC-33

System name: Preliminary Investigation Files—FTC

System location: Indiana Building
633 Indiana Avenue, N.W.
Washington, D.C.
Star Building
1101 Pennsylvania Avenue, N.W.
Washington, D.C.
Gelman Building
2120 L Street, N.W.
Washington, D.C.
Pennsylvania Building
425 13th Street, N.W.
Washington, D.C.
M Street Building
1726 M Street, N.W.
Washington, D.C.
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C.
Atlanta Regional Office
730 Peachtree Street, N.W.
Atlanta, Georgia 30308
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02114
Chicago Regional Office
55 East Monroe Street
Chicago, Illinois 60603
Cleveland Regional Office
Anthony J. Celebrezze Federal Office Building
1240 East 9th Street
Cleveland, Ohio 44199
Dallas Regional Office
500 East Ervay Street
Dallas, Texas 75201
Denver Regional Office
128 U.S. Customs
721 19th Street
Denver, Colorado 80202
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New York Regional Office
2243-EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor Federal Building
915 Second Avenue
Seattle, Washington 98174
Washington, D.C., Regional Office
2120 L Street, N.W.
Washington, D.C. 20037

Categories of individuals covered by the system: Respondents and correspondents in preliminary investigations.

Categories of records in the system: Information on individuals generally concerns relations or transactions with or knowledge about respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question. This system is composed of files of preliminary investigations (investigations which have not yet become formal and assigned a 7-digit number), but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine whether a formal investigation or other action is appropriate. Referral to federal, state, or local enforcement authorities for investigation and possible criminal prosecution, civil action, or regulatory order. Used by Commission staff assigned to, reviewing, or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Indexed by name of respondent or correspondent.

Safeguards: Access to use of these records is limited to those whose official duties require such access.

Retention and disposal: Records are transferred to Division of Legal and Public Records when preliminary investigation ends.

System manager(s) and address: investigation.

Notification procedure: Records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552(K)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable; access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding. The request should also specify the Bureau (and Division, if possible) or Regional Office conducting the investigation.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual respondent or proposed respondent, company records, compliance, informants, witnesses or other third parties

FTC—34

System name: Public Contact Report System, Atlanta Regional Office— FTC

System location:

Atlanta Regional Office
730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

Categories of individuals covered by the system: Individual members of the public who file complaints or request information either by telephone or in person concerning matters believed to be of interest or within the jurisdiction of the FTC.

Categories of records in the system: Consists of comoleted form listing the name of the individual, name of the comoany about which the individual inquires or complains and the matter complained of. System also includes an index of the individual with whom contact was made.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Filed for future reference as to possible witnesses if company complained of should come under investigation by the FTC. Also may be used for reference to another office of the FTC or other federal agencies for law enforcement purposes when deemed approoriate. Used by Atlanta Regional Office personnel and by oersonnel of other FTC units or other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Public contact forms maintained in letter size file folders; index cards consists of 3 inch by 5 inch cards maintained in card file.

Retrievability: Contact form filed alphabetically by name of company; index card filed alphabetically by name of individual.

Safeguards: Contact forms in standard file cabinet and index cards in standard card file. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained for a minimum of one year and disposed of by delivery to and placing in a local government incinerator.

System manager(s) and address:

Regional Director

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730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from the individual.

FTC—35

System name: Public Information Mailing List—FTC

System location:

Office of Public Information—Room 496
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Individuals, businesses, and organizations which have indicated an interest in receiving FTC materials.

Categories of records in the system: Contains some or all of the following: name, title, company or organization, mailing address, occupation, and capacity/interest codes.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Mailing FTC materials by Public Information Office personnel.

2. Creation of formatted statistical reports designed for use by OPI Director and Assistant Director as a management tool in assessing OPI mission performance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer disk storage

Retrievability: System indexed by computer-assigned identification number.

Safeguards: 1. Password access to computer storage facility.

2. Access to code system available to OPI and computer support personnel only.

Retention and disposal: Records are retained until a purge action occurs or a request to delete is received. A purge action occurs when an affirmative response to a purge inquiry is not received, and each list entry receives a purge inquiry annually.

System manager(s) and address:

Director, Office of Public Information
Room 496, Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who wishes to receive FTC material, and FTC material, and FTC staff referring mailing list requests.

FTC—36

System name: Public Information Mailing Lists, Boston Regional Office—FTC

System location:

Boston Regional Office
Suite 1301
150 Causeway Street
Boston, Mass. 02114

Categories of individuals covered by the system: News media personnel, heads of consumer organizations, Attorneys General and key staff, heads of business organizations, selected key individuals such as legislators, government leaders, professors, etc. concerned with consumerism.

Categories of records in the system: Contains name, title, organization and address.

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by staff for purposes of mailing or distributing press releases and other information materials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on a typed listing which is periodically updated.

Retrievability: Indexed by name and organization.

Safeguards: Lists are maintained in a steel file in the PIO's Office. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Lists are maintained until outdated.

System manager(s) and address:

Public Information Officer
Boston Regional Office
150 Causeway St.—Suite 1301
Boston, Mass. 02114

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Boston Regional Office staff, the media, consumer organizations, materials and information supplied by the public, directories, and government officials.

FTC—37

System name: Public Information Mailing Lists, Dallas Regional Office—FTC

System location:

Federal Trade Commission
Dallas Regional Office
500 S. Ervay; Room 452-B
Dallas, Tx. 75201

Categories of individuals covered by the system: Members of news media

Categories of records in the system: Name, title and address

Authority for maintenance of the system: Federal Trade Commission Act; FTC Administrative Manual 1-201.1, Federal Records Act Sec. 506(a); GSA Regulations (Sec. 101-11.209-3)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of members of news media who are to receive courtesy copies of News Releases, etc. This material is used by members of the Word Processing Center and the Public Information Officer for mailing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On a Wang Cassette Taoe

Retrievability: By Tape Number and Identity on Tape Front

Safeguards: Names and Addresses are stored on Wang Cassette Tape; They are kept stored in a cassette album in the Word Processing Center. Access restricted to those agency oersonnel whose responsibilities require access.

Retention and disposal: Tape is kept until new Public Information Officer is named each Fiscal Year and then the list is updated and changed

System manager(s) and address:

Director

Dallas Regional Office
500 S. Ervay; Room 452-B
Dallas, Tx. 75201

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Members of news media.

FTC—38

System name: Public Information Mailing List, New Orleans Regional Office—FTC

System location:

New Orleans Regional Office, FTC
333 St. Charles St., 1000 Masonic Temple Bldg.
New Orleans, Louisiana 70130

Categories of individuals covered by the system: Persons and consumer organizations who normally receive information supplied to this office by the Division of Consumer Education

Categories of records in the system: Contains name and address of individuals and groups receiving consumer education information

Authority for maintenance of the system: Federal Trade Commission Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as indicated for mailing of consumer education material. Used by New Orleans Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on MT/ST tape

Retrievability: Indexed by use

Safeguards: Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Maintained until individual or group requests removal from the list, or until materials are returned by post office because of change in address

System manager(s) and address: FTC New Orleans Regional Office Director, 333 St. Charles Street, 1000 Masonic Temple Building, New Orleans, Louisiana 70130

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Individual or group on whom the record is maintained

FTC-39

System name: Staff Advisory Opinion Records—FTC

System location: Office of Assistant General Counsel

Legal Services, Room No. 576
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Applicants for advisory opinions under Sec. 1.1 of the Commission's Rules of Practice and Procedure.

Categories of records in the system: Name and address of requester; business information; proposed courses of business action.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide staff advice responsive to public request; to maintain record of advice given for use of the staff for preparation of future staff or Commission opinions and to coordinate and assure consistency of position; possible referral to other parts of the FTC or to appropriate federal or state agencies for advice or where law enforcement action may be warranted; used by staff of Office of General Counsel and other FTC personnel or agencies to whom a matter is referred.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders; file cabinets.

Retrievability: Generally indexed by name of requesting party.

Safeguards: Maintained in lockable file cabinets and office. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Maintained from 6-1-62; no present disposal program.

System manager(s) and address: Assistant General Counsel for Legal Services

Room No. 576
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual proprietorship, corporation, or other business organization, or counsel representing any of them, seeking or receiving a staff advisory opinion.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual proprietorship, corporation, or other business organization, or counsel representing any of them, seeking or receiving a staff advisory opinion.

FTC—40

System name: Statement of Employment and Financial Interests—FTC

System location:

Office of the Executive Director
Federal Trade Commission
6th & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Personnel required by FTC regulations to file statements of employment and financial interests

Categories of records in the system: Contains name, organization, statement of employment and financial interests

Authority for maintenance of the system: Executive Order No. 11222 and

5 CFR Part 735

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review of statement of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists, and if so, to insure that appropriate action is taken to remove conflict. Used by senior Commission employees and members of the General Counsel's Office.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on an 8 inch by l0 l/2 inch paper

Retrievability: Indexed by name

Safeguards: Records are maintained in a combination steel vault. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Records are maintained indefinitely

System manager(s) and address:

Executive Director
Room 426
Federal Trade Commission

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Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W. Washington, D.C. 20580

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC—41

System name: Unofficial Personnel Records—FTC

System location:

Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580
Indiana Building
633 Indiana Avenue, N.W.
Washington, D.C.
Star Building
1101 Pennsylvania Avenue, N.W.
Washington, D.C.
Gelman Building
2120 L Street, N.W.
Washington, D.C.
Pennsylvania Building
425 13th Street, N.W.
Washington, D.C.
M Street Building
1726 M Street, N.W.
Suite 1100
Washington, D.C.

Regional Offices:

Atlanta Regional Office
730 Peachtree Street, N.E.
Atlanta, Georgia 30308
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02144
Chicago Regional Office
55 East Monroe Street
Chicago, Illinois 60603
Cleveland Regional Office
1339 Federal Office Building
1240 East 9th Street
Cleveland, Ohio 44199
Dallas Regional Office
500 South Ervay Street
Dallas, Texas 75201
Kansas City Regional Office
2806 Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New Orleans Regional Office
1000 Masonic Temple Building
333 St. Charles Street
New Orleans, Louisiana 70130
New York Regional Office
2243-EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor Federal Building
915 Second Avenue
Seattle, Washington 89174
Washington , D.C., Regional Office
2120 L Street, N.W.
Washington, D.C. 20037

Categories of individuals covered by the system: Current and former employees of the Federal Trade Commission.

Categories of records in the system: This system of records contains information or documents about the employment and work history of individual employees. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: written notes or memoranda on employee performance (i.e., Attorney Evaluation Employment Forms), leave, work assignments, disciplinary problems.

Authority for maintenance of the system: Title 5 U.S.C. Sections 4301-4308; Sections 6101-6106; Sections 6301-6326; Sections 7301-7352; Sections 7501-7533.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To be used by the employee's supervisor in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, making work assignments.

Referral to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Bureau or Office which compiled and maintained the information.

System manager(s) and address: Employee supervisor, Federal Trade Commission.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom record pertains; supervisors of employee.

FTC—42

System name: Basis Computerized System, Bureau of Competition—FTC

System location:

Computer Services Corporation
Infunct Center
650 N. Sepulveda Boulevard
Los Angeles, California 90245

Categories of individuals covered by the system: Professional staff of the Bureau of Competition.

Categories of records in the system: Name of professional staff member, sequence number (assigned to attorney), case assignment, deadline, expenditure of time, supervising attorney, assistant director responsible for overall case.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel of Bureau of Competition for management purposes, including management of caseload and as budgeting tool.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer magnetic discs indexed by data basis.

Retrievability: By name of professional, sequence number, or other data element.

Safeguards: By password only. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Assistant Director for Evaluation
Bureau of Competition
Federal Trade Commission *

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from reports from Assistant Directors, Bureau of Competition, and from professional assigned to case.

FTC—43

System name: Internal Assignment Tracking System, Office of General Counsel—FTC.

System location:

Office of General Counsel
Room 566
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580.

Categories of individuals covered by the system: Professional staff of the Office of General Counsel.

Categories of records in the system: Control number, subject and status of assignment, supervising attorney, date received, current deadline, original deadline, date completed, and, if Freedom of Information Act appeal, whether access granted.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel of General Counsel's Office for management purposes, including controlling attorney workload, tracking the status of assignments, and evaluating attorney performance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in computer.

Retrievability: By name of attorney, control number, or other data element.

Safeguards: By password only. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Administrative Officer,
Office of General Counsel

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follow: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Assignments under responsibility of Office of General Counsel and instructions from staff.

FTC-44

System name: Assurances of Voluntary Compliance (AVC)—FTC

System location: Division of Legal and Public Records

Office of the Secretary
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Corporation, company, partnership, or private enterprise official(s) with matter pending before the Commission or under investigation by the Commission.

Categories of records in the system: Name, address and title of official representing the outside entity, identity of subject matter of possible violation of the law, file number, and AVC number.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Commission staff and members of the public. Used for law enforcement and management purposes by Commission staff. Available for public inspection, with no limitation or restriction on use by the public of the information contained in the assurance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in binders in Public Reference Room.

Retrievability: Indexed by firm name and by individuals (corporate officers).

Safeguards: Maintained in lockable office. Available to the public.

Retention and disposal: No present disposal program.

System manager(s) and address: Secretary

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC-45

System name: Automated Serials Routing System (ASRS)—FTC

System location: Library, Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Readers of FTC Library periodicals wishing to be on the routing system.

Categories of records in the system: Name and location of reader, employee number, and name and number of periodical.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To manage serials routing among readers. Used by staff of FTC Library and other FTC employees with a need to use this system.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On computer disk/tape.

Retrievability: By periodical number and employee number.

Safeguards: Access limited to authorized users by means of password.

Retention and disposal: Record maintained as long as reader wishes to be on the routing system.

System manager(s) and address: Librarian

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

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Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC-46

System name: Clearance to participate applications and the Commission's responses thereto—FTC

System location: Division of Legal and Public Records

Office of the Secretary
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Former members or employees of the Commission requesting authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission while such former member or employee served with the Commission.

Categories of records in the system: Name, address, current employment status, nature of any connection with the proceeding or investigation during service with the Commission.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Commission staff and members of the public. Used by the staff for the purpose of making recommendations and determinations with respect to applications for clearance. No limitation on use by the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in binders in Public Reference Room. Available to the public.

Retrievability: Indexed by name of applicant, by name of investigation or proceeding, and by date.

Safeguards: Maintained in lockable office.

Retention and disposal: Maintained from 1-1-69; no present disposal program.

System manager(s) and address: Secretary

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC-47

System name: Consumer Complaint/Inquiry Files, Chicago Regional Office—FTC

System location: Chicago Regional Office

Suite 1437
55 East Monroe Street
Chicago, Illinois 60603

Categories of individuals covered by the system: Consumers, individuals, public officials, company and corporation officers, attorneys, members of conswmer groups, student groups and committees.

Categories of records in the system: Letters of complaint, inquiry, comment, and/or communications concerning FTC actions and activities.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed in correspondence log by identifying nwmber, individual name, and company name.

Safeguards: Unlocked file cabinets - access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained for one year and disposed of thereafter.

System manager(s) and address: Regional Director

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

FTC-48

System name: Contacts by Persons Outside the Commission Relating to Investigations or Cases—FTC

System location: Division of Legal and Public Records

Office of the Secretary
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Persons outside the Commission making an oral communication to a Commission employee concerning an investigation or case pending within the Commission, with whom contact would not normally be made in the routine handling of the investigation or case. This includes, but is not limited to, a member of Congress or his staff, an official of another government agency or of the executive branch, or other person in public or private life not directly involved in the matter.

Categories of records in the system: Name and title of outside person who made contact, identity of pending Commission investigation or case, file or docket number, name and position of Commission employee contacted, date and time of contact, brief description of subject(s) discussed.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Commission staff and members of the public to determine who has contacted Commission employees about an investigation or case, who has been contacted, and a description of the subject(s) discussed.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in files in Public Reference Room.

Retrievability: Indexed alphabetically by name of outside contact.

Safeguards: Maintained in lockable office. Available to the public.

Retention and disposal: Maintained from 3-26-74; no present disposal program.

System manager(s) and address: Secretary

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC-49

System name: Freedom of Information Act Requests and Appeal from Other Than Governmental Agencies and the Commission's Responses Thereto—FTC

System location: Division of Legal and Public Records

Office of the Secretary
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Persons filing requests for access to information under the Freedom of Information Act.

Categories of records in the system: Name, address, sometimes purpose of request, and intended use of information, and agreement to pay fees, if any.

Authority for maintenance of the system: Federal Trade Commission Act; Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff of the Secretary's Office, General Counsel's Office, enforcement Bureaus with respect to active or pending investigations or proceedings, and of the Commissioners, to make recommendations and determinations in response to Freedom of Information Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Freedom of Information Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in binders in Public Reference Room. Available to the public.

Retrievability: Generally indexed by name of requesting party and by subject matter of request.

Safeguards: Maintained in lockable office.

Retention and disposal: Maintained from 3-8-73.

System manager(s) and address: Secretary

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FTC-50

System name: Holders of Registered Identification Numbers—FTC

System location: Division of Special Statutes

Federal Trade Commission
633 Indiana Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Persons marketing wool products, textile fiber products, or fur or fur products, in commerce, who have filed an application with the Secretary of the Commission for issuance of a requested identification number pursuant to the Commission's Rules of Practice, 16 C.F.R. 1.32.

Categories of records in the system: Name of applicant, address, nature of business, nature of product.

Authority for maintenance of the system: Federal Trade Commission Act, Wool Products Labeling Act of 1939, Fur Products Labeling Act, Textile Fiber Products Identification Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Applications are used by the Commission to issue registered identification numbers to qualified applicants; such numbers are for use as required identification in lieu of the name of the person to whom the number has been issued in satisfying the identification requirement for labeling under the respective Acts identified above. Used by staff of the Division of Special Statutes and available to the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in files. Available to the public.

Retrievability: Indexed alphabetically by name of applicant and indexed in numerical sequence.

Safeguards: Maintained in file cabinets.

Retention and disposal: Maintained from 1-1-51; no present disposal program.

System manager(s) and address: Assistant Director of Special Statutes

Bureau of Consumer Protection
Federal Trade Commission
633 Indiana Avenue, N.W.
Washington, D.C. 20580

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

FTC-51

System name: Privacy Act Requests and Appeal—FTC

System location: Division of Legal and Public Records

Office of the Secretary
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Categories of individuals covered by the system: Persons filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act of 1974.

Categories of records in the system: Name, address; sometimes purpose of request; intended use of information; agreement to pay fees, if any, and nature of correction of information requested.

Authority for maintenance of the system: Federal Trade Commission Act; Privacy Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff of the Secretary's Office, General Counsel's Office, and Commissioners, to make recommendations and determinations in response to Privacy Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Privacy Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Initial requests stored in lockable files in Secretary's Office. Appeals stored in lockable files in General Counsel's Office.

Retrievability: Indexed by request index number, date of request, and name of requester or appellant.

Safeguards: Maintained in lockable offices. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Maintained from 9-27-75.

System manager(s) and address: Secretary

V41180 SEP 15 76 UMI

Federal Trade Commission
(address same as System Location)

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

ROUTINE USES OF SYSTEMS OF RECORDS

The Commission proposes to adopt additional routine uses of systems of records maintained by the Commission and subject to the Privacy Act. These proposed routine uses would apply to the systems of records designated with each proposed routine use. The reason for adopting each of these routine uses is explained with each proposed routine use.

In accordance with Sections 552a(e)(4)(D) and (e) (11) of the Privacy Act, interested persons may submit written data, views, or arguments pertaining to these proposed additional uses. Comments on these routine uses received by the Commission within 30 days of publication will be considered by the Commission before taking final action on these notices of routine uses. Comments should be addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580.

1. (a) Proposed addition: Add the following to the routine use section of every notice of system of records maintained by the Commission.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(b) Systems affected: Every system of records maintained by the Commission, published thus far at 40 F.R. 39041-56, 40 F.R. 46076-77, and above.

(c) Reason: To assure that Commission implementation of the Privacy Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request. This would eliminate any need to obtain the written consent of the individual in any case where the congressional inquiry indicates that the request is being made on behalf of the individual whose record is to be disclosed.

2. (a) Proposed addition: Add the following to the routine use section of every correspondence system maintained by the Commission:

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

(b) Systems affected:

FTC-6 Complaint Cards, Dallas Regional Office (40 F.R. 39041).
FTC-7 Congressional Correspondence, Office of General Counsel (40 F.R. 39041).
FTC-8 Congressional Inquiry Files, Dallas Regional Office (40 F.R. 39041).
FTC-10 Consumer and Industry Correspondence Files, Division of Special Statutes; Bureau of Consumer Protection (40 F.R. 39041).
FTC-11 Consumer Complaint Files, Atlanta Regional Office (40 F.R. 39041).
FTC-12 Consumer Complaint Files, Cleveland Regional Office (40 F.R. 39041).
FTC-13 Consumer Complaint Files, Division of Marketing Practices; Bureau of Consumer Protection (40 F.R. 39041).
FTC-14 Consumer Complaint Files, Los Angeles Regional Office (40 F.R. 39041).
FTC-15 Consumer Complaint Files, New Orleans Regional Office (40 F.R. 39041).
FTC-16 Consumer Complaint Letters, Seattle Regional Office (40 F.R. 39041).
FTC-19 Correspondence With Compliance Division, Bureau of Consumer Protection, Concerning Parties Subject to Commission Orders (40 F.R. 39041).
FTC-20 Correspondence With Members of Congress and Agency Officials (40 F.R. 39041).
FTC-25 General Correspondence Records (40 F.R. 39041).
FTC-47 Consumer Complaint/Inquiry Files, Chicago Regional Office (published above).

(c) Reason: To facilitate resolution of a consumer's complaint by means of referral to the person, partnership, or corporation complained about, in appropriate instances.

3. (a) Proposed addition: Add the following to the routine use section of every investigational records system maintained by the Commission:

Referral to experts, when considered appropriate by Commission staff.

(b) Systems affected:

FTC-28 Investigational, Legal, and Public Records (40 F.R. 39041).
FTC-33 Preliminary Investigation Files (40 F.R. 39041).

(c) Reason: To allow experts consulted by Commission staff to assist in evaluating data and other information in records incorporated into these systems.

4. (a) Proposed addition: Add the following to the routine use section of the payroll processing system:

Referral of unemployment compensation information to state and local unemployment compensation boards.

(b) System affected:

FTC-31 Payroll Processing System (40 F.R. 39041).

(c) Reason: Referral of information concerning salary wages paid to Commission employees to unemployment compensation boards, upon request, is essential in the payment of unemployment claims made by the individuals involved.

5. (a) Proposed addition: Add the following to the routine use section of every personnel system of the Federal Trade Commission which is not a Government-wide personnel system maintained by the Civil Service Commission:

Referral to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

(b) Systems affected:

FTC-21 Counselling Records (40 F.R. 39041).
FTC-27 Health Unit Records (40 F.R. 39041).
FTC-31 Payroll Processing System (40 F.R. 39041).
FTC-32 Payroll-Retirement Cards (40 F.R. 39041).
FTC-41 Unofficial Personnel Records (40 F.R. 39041).

(c) Reason: To provide information contained in FTC personnel records systems to the Civil Service Commission necessary for it to fulfill its personnel management evaluation and improvement program responsibilities.

[FR Doc.76-25544 Filed 8-30-76;8:45 am]

MARINE MAMMAL COMMISSION
PRIVACY ACT OF 1974
Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 49283, as amended by a notice published at 41 FR 21412, continue in effect. This notice is published in accordance with Section 3 of the Privacy Act of 1974, 5 U.S.C. Section 552a(e)(4).

Dated: August 16, 1976.

John R. Twiss, Jr.
Executive Director.

MMC—1

System name: Applications for Permits to Take or Import Marine Mammals or to Import Marine Mammal Products for Purposes of Scientific Research or Public Display—MMC.

System location: Commission Offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Donald B. Siniff Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Sanata Cruz, California 95064; and

Committee of Scientific Advisors Members' Offices, presently:

Dr. Richard H. Backus
Woods Hole Oceanographic Institution
Woods Hole, Massachusetts 02543
Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. L. Lee Eberhardt
2528 W. Klamath Ave.
Kennewick, Washington 99336
Dr. Francis H. Fay
University of Alaska
Fairbanks, Alaska 99701
Mr. Ancel M. Johnson
U.S. Fish & Wildlife Service
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Clayton E. Ray
National Museum of Natural History
Smithsonian Institution
Washington, D.C. 20560
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132
Dr. Tim D. Smith
Department of Zoology
University of Hawaii at Manoa
Honolulu, Hawaii 96822

Categories of individuals covered by the system: Individuals who have submitted applications, as required by the Marine Mammal Protection Act of 1972 and regulations of the Departments of Interior and Commerce, for permits to take or import marine mammals or to import marine mammal products.

Categories of records in the system: Name, mailing address, telephone number, date of birth, height, weight, color of hair, color of eyes, sex, business or institutional affiliation, education and/or experience of the applicant which qualifies him/her to conduct the proposed activities.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Information contained in permit applications is used by the Commission, its Committee of Scientific Advisors, the Executive Director and his staff for the purpose of reviewing such applications and making recommendations thereon, regarding proper disposition of the application, to the Secretaries of Commerce and Interior in order to carry out the duties assigned to the Commission by the Marine Mammal Protection Act of 1972. Subsequent to final disposition of the application, records are maintained for use in connection with the review of future applications submitted by the same individuals. The records contained in the system also are available for inspection by members of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Maintained in 8 1/2 by 11 inch folders in vertical file.

Retrievability: Manual—indexed by name of applicant.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records will be retained in the Commission offices during the life of the Commission. Copies forwarded to the offices of individual Commissioners and Committee members are disposed of after disposition of the permit application, or at such other times as are deemed appropriate by the Commissioners and Committee members.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Part 502.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject applicants.

MMC—2

System name: Personnel files on current, past and prospective employees and members of the Marine Mammal Commission and its Committee of Scientific Advisors—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Categories of individuals covered by the system: Present and past employees, individuals who have submitted solicited or unsolicited applications for employment, members of the Commission and Committee of Scientific Advisors, and individuals who have been invited to submit personal information for consideration as a potential member of the Committee.

Categories of records in the system: Name, address, telephone number, educational background, employment history, special employment qualifications, honors and awards, research and other activities relating to position, publications, letters of recommendation, and memoranda regarding conversations between Commission staff members and previous employers concerning quality of job performance.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Information contained in the system is used, in conjunction with data supplied on Standard Civil Service Commission forms, for the purpose of assessing the qualification of subject individuals for appointment to the various positions described above. The Chairman of the Commission, the Executive Director, and the Administrative Officer are authorized users of the System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Maintained in 8 1/2 by 11 inch folders in a locked vertical file.

Retrievability: Manual—indexed by name.

Safeguards: The system is maintained in a locked, metal safe, the access combination to which is known only by the Executive Director, his Administrative Officer, and one member of his support staff. Other members of the staff have been instructed that they are under no circumstances to make any use of the system except in accordance with procedures promulgated by the agency pursuant to Subsection 552a(f)(3) of the Privacy Act.

Retention and disposal: Records in the system will be retained during the life of the Commission.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals; former and/or present employers of subject individuals; and others familiar with the individual and whom the individual has suggested as a reference.

MMC—3

System name: Research proposals and contracts—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Donald B. Siniff Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Sanata Cruz, California 95064; and

Committee of Scientific Advisors Members' Offices, presently:

Dr. Richard H. Backus
Woods Hole Oceanographic Institution
Woods Hole, Massachusetts 02543
Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. L. Lee Eberhardt
2528 W. Klamath Ave.
Kennewick, Washington 99336
Dr. Francis H. Fay
University of Alaska
Fairbanks, Alaska 99701
Mr. Ancel M. Johnson
U.S. Fish & Wildlife Service
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Clayton E. Ray
National Museum of Natural History
Smithsonian Institution
Washington, D.C. 20560
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132
Dr. Tim D. Smith
Department of Zoology
University of Hawaii at Manoa
Honolulu, Hawaii 96822

Categories of individuals covered by the system: Individuals who have submitted proposals to conduct scientific research, including those to whom research contracts have been awarded.

Categories of records in the system: Name, address, telephone number, educational background, employment history, honors and awards, part research activities, publications, records of payments made to individuals pursuant to research contracts that have been awarded.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 USC 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Research proposals, containing personal qualifications information, are utilized by the Scientific Program Director and other members of the Commission staff, outside consultants, and Members of the Commission and the Committee for the purpose of determining the merit of such proposals. Records of contract payments are utilized by the Scientific Program Director, the Executive Director and his staff, and members of the Commission and Committee for purposes of budgeting, contract review, and evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 8 1/2 by 11 inch folders in a vertical file.

Retrievability: Manual—indexed by name.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records in the system will be retained during the life of the Commission

Method of disposal: None

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals, Research Program Director, and othe Commission personnel administering contract payments.

MMC—4

System name: General Financial Records—MMC

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for Commission under contract.)

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a ned for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintnance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commisson, 1625 I Street, NW., Washington, D.C. 20006, Room 307.

Notification procedure: See Commission access regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: See Commission regulations in 50 CFR Part 501.6 through 501.8.

Record source categories: The subject individual; the Commission.

MMC—5

System name: Payroll records;—MMC

System location: General Services Administration, Region 3 Office; copies held by the Commission (GSA holds for Commission under contract.)

Categories of individuals covered by the system: Past and present Commission employees.96

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions, tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, D.C. 20006.

Notification procedure: See Commission access regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: See Commission regulations in 50 CFR Parts 501.6 through 501.8.

Record source categories: The subject individual; the Commission.

APPENDIX MMC

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

A record from this system of records may be disclosed to the United States CivilService Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

Disclosure may be made, as a routine use, to a Congressional office from the record of an individual contained in any of the Commission's systems in response to an inquiry from the Congressional office made at the request of that individual.

[FR Doc.76-25543 Filed 8-30-76;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

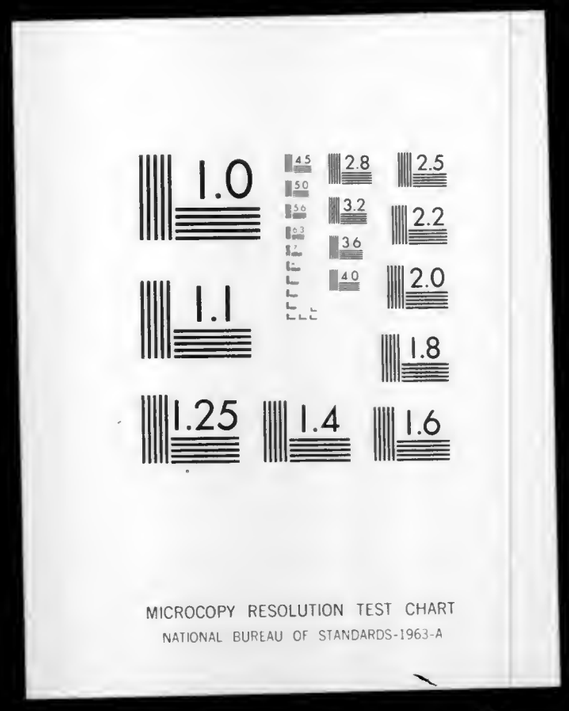
Title 28—Judicial Administration	$3.10
Title 31—Money and Finance: Treasury	5.65
Title 32—National Defense (Parts 1400–1599)	3.65
Title 32—National Defense (Parts 1600–end)	1.95
Title 32A—National Defense (Appendix)	2.90

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.